

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SW corner of Main St. and Stocksdales Ave.		
33 feet W of the c/l of Reisterstown Road	*	DEPUTY ZONING
4 th Election District		
2 nd Councilmanic District	*	COMMISSIONER
(516 Reisterstown Road)		
	*	FOR BALTIMORE COUNTY
S & J Management, Inc.		
<i>Legal Owner</i>	*	CASE NO. 2010-0119-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal property owner, S & J Management, Inc. Petitioner requests Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and pursuant to Section 502.3 of the B.C.Z.R. to extend the period for utilization of the Special Exception granted in Case No. 08-163-SPHXA to five years from the date of the final Order. The subject property and requested relief are more fully described on the site plan drawing which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief was Arnold Jablon, Esquire on behalf of Petitioners S & J Management, Inc. and WaWa Markets. Also appearing in support of the requested relief was Bruce Rice with WaWa Markets and David Martin with Martin & Phillips Design Associates, Inc., the Landscape Architect who prepared the site plan. Mr. Martin has been recognized and accepted as an expert witness on land use, development and zoning in Baltimore County before the Zoning Commissioner and was accepted as an expert in the instant matter. Appearing as interested citizens were Mary Molinaro and George Harman with the Reisterstown-Owings Mills-Glyndon Coordinating

SEARCHED INDEXED FOR FILED
 12 17 09
 [Signature]

Council (hereinafter referred to as "ROG"), an umbrella organization that represents the interests in these communities in a number of civic, economic, and land use matters throughout the area. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing approximately 81,457 square feet or 1.87 acres, more or less, and zoned B.R.-A.S. (0.96 acre), B.R. (0.31 acre), and D.R.3.5 (0.60) acre). The property is located on the west side of Reisterstown Road, where that road becomes known as Main Street, and is bordered by Stocksdale Avenue to the north and Owings Avenue to the west in the Reisterstown area of Baltimore County. The property is comprised of six parcels, and is improved with several dwellings and a trailer. Visually, the property appears to be a mishmash of commercial and residential uses, including rental apartments and a used car lot, though with no apparent consistency.

The instant property was the subject of requests for various relief in Case No. 08-163-SPHA, which included the request for (1) a special exception to permit a fuel service station in combination with a convenience store and carry out restaurant; (2) a special hearing to (a) confirm payment for fuel service may be made in the BR zone while the fuel service is located in the B.R.-A.S. Zone; (b) permit business parking in a residential zone for customers and employees; and (c) to confirm that a private road is permitted to bisect a RTA buffer to connect adjoining developments; and (3) in the alternative to the special hearing relief, a variance to permit a private road to bisect the RTA buffer. The relief was granted with certain conditions in an Order dated March 14, 2008.

Subsequently, a Protestant, Robert Begleiter, who appeared at the hearing and within the 30 day appeal period required by law, filed an appeal to the County Board of Appeals. On or

about July 21, 2008, Petitioner S & J Management, Inc. entered into and executed an "Agreement and Declaration of Covenants" (hereinafter referred to as the "Agreement") with ROG and Mr. Begleiter, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 2. By this Agreement, amongst its terms and conditions, Petitioner is obligated to abide by certain conditions delineated therein and Mr. Begleiter agreed to withdraw and dismiss his appeal. ROG also agreed not to oppose Petitioner's approval as granted in Case No. 08-163 SPHXA and, further, would not oppose the development of the subject site for the uses described therein.

On August 14, 2008, the County Board of Appeals entered its Order of Dismissal, which was also marked and accepted into evidence as Petitioner's Exhibit 3. The Order by this Deputy Zoning Commissioner issued in Case No. 08-163-SPHXA thereupon became final and binding on that date. As to the instant special hearing request, Section 502.3 of the B.C.Z.R. provides in pertinent part as follows:

A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have specified therein shall thereafter be void...After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

12.17.09

The decision and order granting the special exception in Case No. 08-163-SPHXA did not specify a longer time period for utilization. Therefore, by default, the period of utilization is two years. Petitioner by this petition is requesting an extension to five years.

The original Order granting the relief was dated March 14, 2008. If no appeal had been taken, this order would have become final and the utilization date would expire on March 14, 2010. As a result of the dismissal of the appeal, the order became final, and the date for utilization was extended to August 14, 2010.

Mr. Jablon, on behalf of Petitioner and of WaWa, the lessee of the instant property, which intends on building the fuel service station in combination with the convenience store and carry out restaurant, proffered and Mr. Martin confirmed, that if Mr. Martin were to testify he would explain that Petitioner and WaWa have made every effort to secure the necessary building permits to initiate construction. Their efforts at securing permits began August 11, 2008, prior to the decision of the Board of Appeals, and continue today. Mr. Martin presented a spreadsheet setting forth the dates of various submittals to the County, which was marked and accepted into evidence as Petitioner's Exhibit 3. Mr. Martin testified that the process leading to the securing of building permits is time consuming and intensive. This requires not only County approval but also State Highway Administration ("SHA") approval. From the engineering of design work, to fire flow tests for water pressure, to grading and storm water management plans, erosion and sediment control construction plans, to SHA storm drain plans, every effort has been made to facilitate utilization of the special exception. Mr. Martin on behalf of Petitioner and WaWa has made every good faith effort to secure the requisite County agencies approvals. While he believes that there is a good chance building permits can be issued before August of 2010, certainly no construction can begin prior to the issuance of permits. And certainly nothing can

12-17-09

be guaranteed. Mr. Jablon expresses doubt that construction, even if permits were issued prior to August of 2010, could begin prior to the expiration date. This exposes Petitioner to the possibility the special exception it was granted would become null and void even though it has made good faith efforts to comply.

In addition, Mr. Rice confirmed that the economic downturn has negatively impacted all development activity planned by WaWa. While WaWa has committed to develop the instant site, WaWa is proceeding cautiously and prudently, as any business would in the current economic uncertainty. Mr. Jablon cautions and Mr. Rice is concerned there is not enough time left to utilize the special exception by August of 2010. Petitioner is therefore requesting that the time period for utilization be increased from two years to five, as permitted by Section 502.3.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. There were no negative comments.

Ms. Molinaro and Mr. Harman were not opposed to the request, but asked that any relief granting the extension include two conditions. Number one is the request of this Commissioner to include the aforementioned Agreement as a condition of approval. They want County Code Enforcement to have the ability to enforce its terms and conditions, if necessary. Mr. Jablon, on the behalf of Petitioner, does not object. Number two is a commitment to have the existing buildings on the subject property removed as quickly as possible. Mr. Jablon explained, and Mr. Rice confirmed, that there is every intention of removing them. However, the lease is contingent on obtaining all necessary building permits. If for whatever reason, building permits cannot be obtained, the lease would be null and void. Petitioner currently has at least one of the buildings on site -- a single-family dwelling -- rented and is receiving income. Once all necessary building permits are issued, and within a reasonable time therefrom, the buildings will be removed.

12.17.09

Considering all the testimony and the evidence presented, I find that the request to extend the time period for utilization of the special exception granted in Case No. 08-163-SPHXA is reasonable, which is the standard required by Section 502.3 of the B.C.Z.R. Based on the evidence and testimony, I determine that the period of utilization of the special exception in Case No. 08-163-SPHXA should be for a period of five years, to be extended from August 14, 2010 to August 14, 2013.

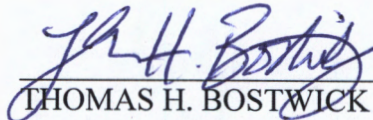
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 17th day of December, 2009, that Petitioner's request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and pursuant to Section 502.3 of the B.C.Z.R. to extend the period for utilization of the Special Exception granted in Case No. 08-163-SPHXA to August 14, 2013, five years from the date of the final Order on August 14, 2008, be and is hereby **GRANTED**, subject to the following conditions:

1. Petitioner may apply for its permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Agreement and Declaration of Covenants, dated July 21, 2008 by and between S & J Management, Inc. and Reisterstown-Owings Mills-Glyndon Coordinating Council (ROG) and Robert Begleiter, accepted into evidence as Petitioner's Exhibit 2, be and is hereby incorporated herein by reference as a condition to the approval granted herein.
3. Petitioner shall remove all existing buildings within a reasonable time after all necessary building permits have been secured.

12-17-09

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

12-17-09



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 17, 2009

ARNOLD JABLON, ESQUIRE
VENABLE LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2010-0119-SPH
Property: 516 Reisterstown Road

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: S & J Management, Inc., 520 Reisterstown Road, Reisterstown MD 21136
David Martin, Martin & Phillips Design Associates, Inc., 222 Bosley Avenue, Towson MD 21204
Bruce Rice, PO Box 448, Riderwood MD 21139
Mary Molinaro, 215 Chartley Drive, Reisterstown MD 21136
George Harman, 5429 Weywood Drive, Reisterstown MD 21136



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 516 Reisterstown Road

which is presently zoned DR 3.5, BR, BR-AS

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

Pursuant to section 502.3, BCZR, extend the period for utilization of the special exception granted in Case No. 08-163-SPHXA to five years from the date of the final order.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Arnold Jablon

Company

210 West Pennsylvania Ave 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

S & J Management, Inc.

Name - Type or Print

Signature

By: Stuart Pollack, President

Name - Type or Print

Signature

520 Main St

Address

Telephone No.

Reisterstown, Maryland 21136

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 West Pennsylvania Ave 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2010-0119-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 10/5/09

DROP OFF

12-17-09

pm

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 520 Main St, Reisterstown, Maryland 21136, property we own.

S & J Management, Inc. (owner)

By: [Signature]

(Name and title) STUART H. POLLACK

10/17/09 (Date)

520 Main St., Reisterstown, Maryland 211376
address

2010-0119-SP4

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

SEPTEMBER 29, 2009

ZONING DESCRIPTION
HEARING AREA #1 & #2

516 REISTERSTOWN ROAD



BEGINNING FOR THE DESCRIPTION OF A 1.27 ACRE TRACT IDENTIFIED AS PART OF PARCELS 252, 253, 254, 255, AND 982 TAX MAP 48, AT A POINT AT THE CENTERLINE INTERSECTIONS OF REISTERSTOWN ROAD AND STOCKSDALE AVENUE THENCE S15° 34' 16" E 60.42' FEET MORE OR LESS TO A POINT OF BEGINNING #1 AT THE NORTHERN MOST CORNER OF THE SUBJECT PROPERTY THENCE THE FOLLOWING COURSES:

- 1) S44° 32'02"E, 183.33', THENCE
- 2) S47° 49'07"W, 293.22' THENCE
- 3) N39° 44'21"W, 81.05', THENCE
- 4) N47° 24'53"W, 46.49', THENCE
- 5) N44° 56'43"E, 44.41', THENCE
- 6) N46° 08'02"E 64.67', THENCE
- 7) N50° 00'55"E, 9.63', THENCE
- 8) N45° 37'33"W, 193.4'
- 9) N85° 58'18"E, 222.9', THENCE
- 10) BACK TO THE POINT OF BEGINNING

CONTAINING 55,321.2 SQUARE FEET OR 1.27 ACRES OF LAND MORE OR LESS.

THE ABOVE BEARINGS ARE BASED ON THE MARYLAND STATE COORDINATE SYSTEM (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

SEPTEMBER 29, 2009

ZONING DESCRIPTION
HEARING AREA # 1

516 REISTERSTOWN ROAD

BEGINNING FOR THE DESCRIPTION OF A 0.96 ACRE TRACT IDENTIFIED AS PART OF PARCELS 252, 253, 254, 255, AND 982 TAX MAP 48, AT A POINT AT THE CENTERLINE INTERSECTIONS OF REISTERSTOWN ROAD AND STOCKSDALE AVENUE THENCE S15° 34' 16" E 60.42' FEET MORE OR LESS TO A POINT OF BEGINNING # 1 AT THE NORTHERN MOST CORNER OF THE SUBJECT PROPERTY THENCE THE FOLLOWING COURSES:

- 1) S44° 32'02"E, 183.33', THENCE
- 2) S47° 49'07"W, 163.5' THENCE
- 3) N45° 37'33"W, 321.45', THENCE
- 4) N85° 58'18"E, 222.9', THENCE
- 5) BACK TO THE POINT OF BEGINNING

CONTAINING 41,817.6 SQUARE FEET OR 0.96 ACRES OF LAND MORE OR LESS.

THE ABOVE BEARINGS ARE BASED ON THE MARYLAND STATE COORDINATE SYSTEM (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175



2010-0119-SPH

**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: 2010-0119-SPH
Petitioner: ST J MANAGEMENT, INC
Address or Location: 520 MAIN ST

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON
Address: 210 W PENNSYLVANIA AVE
TOWSON, MD 21204
Telephone Number: 410 494 6298

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

No. 1773

Date: 01/15/09

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	401	000		050					25.00

Total: 25.00

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: # 2010-0119-SPH
516 Reisterstown Road
S/west corner of Main Street
& Stocksdale Avenue, 33 ft
west of centerline of Reisters-
town Rd
4th Election District
2nd Councilmanic District
Legal Owner(s):
S & J Management, Inc.,
Stuart Pollack, President
Special Hearing: to extend
the period for utilization of
the special exception grant-
ed in case no. 08-163-
SPHXA to five years from
the date of the final order.
Hearing: Wednesday, De-
cember 2, 2009 at 9:00
a.m. in Room 104, Jeffer-
son Building, 105 West
Chesapeake Avenue,
Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

JT/11/822 Nov 17 221581

CERTIFICATE OF PUBLICATION

11/19/2009

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 11/17/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Proposed 2010-0119-SPH

Petitioner/Developer: __

S & J Management, Stuart Pollack, President

Date of Hearing/closing: December 2, 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
516 Reisterstown Road (Main Street)

The sign(s) were posted on November 16 2009
(Month, Day, Year)

Sincerely,

Robert Black Nov17 2009

(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 # 2010-0119-SPH

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

PLACE: Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: WEDNESDAY, DECEMBER 2, 2009 AT 9:00A.M.

REQUEST: SPECIAL HEARING TO EXTEND THE PERIOD FOR
UTILIZATION OF THE SPECIAL EXCEPTION GRANTED IN CASE NO. 08-163-
-SPHXA TO FIVE YEARS FROM THE DATE OF THE FINAL ORDER.

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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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: 2010-0119-SPH

516 Reisterstown Road

S/west corner of Main Street & Stocksdales Avenue, 33 ft west of centerline of Reisterstown Rd

4th Election District – 2nd Councilmanic District

Legal Owners: S & J Management, Inc., Stuart Pollack, President

Special Hearing to extend the period for utilization of the special exception granted in case no. 08-163-SPHXA to five years from the date of the final order.

Hearing: Wednesday, December 2, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
Stuart Pollack, S & J Management, Inc., 520 Main St., Reisterstown 21136

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 17, 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, November 17, 2009 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

410-494-6298

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: 2010-0119-SPH

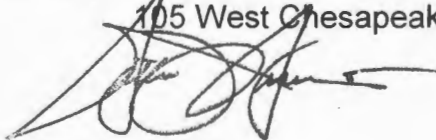
516 Reisterstown Road

S/west corner of Main Street & Stocksdales Avenue, 33 ft west of centerline of Reisterstown Rd
4th Election District – 2nd Councilmanic District

Legal Owners: S & J Management, Inc., Stuart Pollack, President

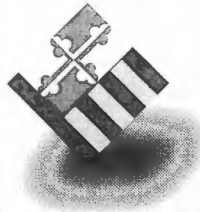
Special Hearing to extend the period for utilization of the special exception granted in case no. 08-163-SPHXA to five years from the date of the final order.

Hearing: Wednesday, December 2, 2009 at 9:00 a.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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 24, 2009

Arnold Jablon
210 W. Pennsylvania Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2010-0119-SPH, 516 Reisterstown Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 05, 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

People's Counsel
S & J Management, Inc.; 520 Main St.; Reisterstown, MD 21136

TB 12/2
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 2, 2009

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-119- Special Hearing**

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

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

Prepared By:

Curtis M. Suran

Division Chief:
CM/LL

Lynn Farham

RECEIVED

NOV 03 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 26, 2009
Item Nos. 10-112, 114, 117, 118,
119, 120 and 121

DATE: October 13, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10262009 -NO COMMENTS.doc



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

State Highway
Administration

Beverley K. Swain-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 12, 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. 2010-0119-SPH
MD 140
516 REISTERTOWN RD
S&J MANAGEMENT, INC.
SPECIAL HEARING

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10/08/09. A field inspection and internal review reveals that an entrance onto MD 140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 516 REISTERTOWN RD Case Number 2010-0119-SPH.

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

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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.sha.maryland.gov

TB 12/2
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 04 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 4, 2009

SUBJECT: Zoning Item # 10-119-SPH
Address 516 Reisterstown Road
(S&J Management, Inc. Property)

Zoning Advisory Committee Meeting of October 12, 2009

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

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).

Additional Comments:

A special variance from the Forest Conservation Law will be required to remove the four specimen trees from the site.

Reviewer: Glenn Shaffer

Date: October 16, 2009

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE *
516 Reisterstown Road; SW corner Main * ZONING COMMISSIONER
St & Stocksdales Ave, 33' W Reisterstown Rd *
4th Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): S & J Management, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 10-119-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

OCT 22 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, 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

CASE NAME _____
CASE NUMBER 2010-119-SPH
DATE 12/2/09

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE 12/2/09

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 2010-0119-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	7-21-08 agreement b/t S+J and ROG	
No. 2	Order of Dismissal 5-14-09 "Final Order"	
No. 3	Dave Martin's spreadsheet about the efforts to get permits	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT AND DECLARATION OF COVENANTS, made this 21 day of July, 2008, by S & J Management, Inc. a Maryland corporation, hereinafter called "Grantor", and accepted by Reisterstown-Owings Mills-Glyndon Coordinating Council, Inc. ("ROG"), a Maryland not-for-profit corporation, and Robert Begleiter, hereinafter referred to as "Grantees".

WITNESSETH:

WHEREAS, Grantor is the owner of certain property consisting of approximately 2.4 acres, +/-, located in Baltimore County, Maryland, as more particularly described in Paragraph 1 hereof, hereinafter sometimes referred to as the "subject property," and,

WHEREAS, Grantee ROG is an association composed of citizens who have an interest in the use and development of the subject property; and

WHEREAS, Grantee Begleiter is an owner of a business on Reisterstown Road; and

WHEREAS, the subject properties owned by the Grantor were granted by the Deputy Zoning Commissioner certain zoning relief in Case # 08-163SPHXA for a special exception, variance and special hearing for a fuel service station in combination with a convenience store and carry out restaurant; and

WHEREAS, Grantee Begleiter noted an appeal to the Baltimore County Board of Appeals of the decision in Case # 08-163SPHXA that is pending before the Board; and

WHEREAS, Grantee Begleiter agrees to withdraw and dismiss his appeal in Case # 08-163SPHXA and Grantee ROG agrees not to oppose the Grantor's approval for the fuel service station in combination with a convenience store and carry out restaurant on the subject property provided that Grantor enters into this Agreement and the Grantees do not oppose the development of the subject properties for the aforescribed uses; and

WHEREAS, Grantees have determined that, subject to the specific covenants and restrictions contained herein, the proposed fuel service station in combination with a convenience store and carry out restaurant will meet the majority of the community's concerns, subject to and in accordance with the covenants and restrictions contained herein; and

WHEREAS, Grantor by this Agreement is willing to enter into and execute this Agreement subject to the

dismissal of the appeal and the entry of a final order in Case # 08-163SPHXA granting the said fuel service station in combination with convenience store and carry out restaurant; submit the subject property to development as limited and restricted by the Deputy Zoning Commissioners' Order in Case # 08-163SPHXA and to grant to the Grantees the right to enforce these covenants, including the right to sue for and obtain an injunction, prohibitive or mandatory, without a showing of special damages to prevent the breach of said covenants.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the mutual receipt of which is hereby acknowledged, the Grantor hereby declares that the real property described in and referred to in Paragraph 1 hereof is and shall be held, transferred, sold, conveyed and occupied subject to the conditions, covenants and restrictions hereinafter set forth.

1. The real properties which are and shall be conveyed, transferred, occupied and sold subject to the conditions, covenants and restrictions set forth herein is located in Baltimore County, State of Maryland, and are more particularly described as follows, to wit:

- | | |
|--|--|
| (1) Located at SS Stocksdales Cor Owings Ave
Map 48, Grid 23, Parcel 251
Tax Account #: 04-0419009310 | (5) Located at 520 Mail St, 150 FT S Stocksdales Rd
Map 48, Grid 23, Parcel 255
Tax Account #: 04-0413086441 |
| (2) Located at Pt Lt 5 15 Stocksdales Ave, Owings Heights
Map 48, Grid 23, Parcel 252
Tax Account #: 04-0420045203 | (6) Located at 200 N. Church Ave
Owings Ave
Map 48, Grid 23, Parcel 982
Tax Account #: 04-0415032051 |
| (3) Located at Pt Lt 5, Owings Heights
Map 48, Grid 23, Parcel 253
Tax Account #: 04-0411016110 | |
| (4) Located at WS 518 Reisterstown Rd, 50 SW Stocksdales Rd
Map 48, Grid 23, Parcel 254
Tax Account #: 04-0402066327 | |

All of that piece or parcels of land situate, lying, and being in Baltimore County, Maryland, and being part of the same lands conveyed to S & J Management, Inc. by deeds: (1) Liber 20281, Folio 101, dated 22 June 2004; (2) Liber 20281, Folio 106, dated 22 June 2004; (3) Liber 7869, Folio 118, dated 24 May 1988; (4) Liber 20190, Folio 71, dated 7 June 2004; (5) Liber 20042, Folio 532, dated 12 May 2004; and (6) Liber 6872, Folio 220, dated 19 February 1985; all recorded among the Land Records of Baltimore County.

Grantor agrees and covenants that it will be bound by the following conditions and covenants.

- i. Grantor and Grantees agree to support the approval granted in Case # 08-163SPHXA;
- ii. Grantee Begleiter agrees to dismiss with prejudice his appeal in Case # 08-163SPHXA to the Baltimore County Board of Appeals;
- iii. Grantees agree not to oppose the development of the subject properties for the approved uses;
- iv. Grantor and Grantees agree and understand that the site plan approved in Case # 08-163SPHXA is subject to change and modification as may be directed by the County or State, and is not intended to imply or represent a final development plan for subject property;
- v. Grantor agrees that the subject property shall be bound by the following conditions and covenants:
 1. After completion of the proposed building; Grantor will retain at its sole expense an acoustical consultant to confirm compliance with State noise control standards, including but not limited to HVAC and trash compactor units, and Grantor agrees to provide Grantee ROG with notice of said test; to permit a representative of ROG to attend, and to provide copies of the test results;
 2. Grantor shall be responsible at its cost and expense to insure that there is compliance with all State noise control standards and take immediate steps to remediate any violations of said standards, to mitigate noise levels that exceed State standards and reduce noise levels necessary to achieve State noise control regulations;
 3. Outdoor lighting shall be designed to blend in with the residential neighborhood and be limited to full cut off/dark sky friendly fixtures that would limit disabling glare onto adjacent properties;
 4. Light standards to the rear of the property adjacent to Owings Ave shall be reduced from the maximum height allowed by the County to 14', at 250 watts, and be dark sky compliant.
 5. Lighting at the canopies shall be cut off/dark sky friendly fixtures.
 6. Grantor further agrees to adhere to the other site development conditions set by the Deputy Zoning Commissioner in Case No. 08-163SPHXA.

3. These covenants, conditions and restrictions shall become effective upon the dismissal of the appeal taken by Grantee Begleiter and with the issuance of an order by the Baltimore County Board of Appeals that the Deputy Zoning Commissioner's order in Case # 08-163SPHXA is final. If the Appeal is not dismissed and if the order in Case # 08-163SPHXA does not become final, this Agreement shall automatically terminate and be of no further force or effect.

4. Subject to the foregoing, and except as hereinafter provided in this Agreement, these covenants, conditions and restrictions are to run with the land and shall be binding upon the Grantor, its successors and assigns and all parties claiming by, through or under them shall be taken to hold, agree and covenant with the Grantor, its successors and assigns, to conform to and observe said restrictions as to the use of the subject property and the

successors and assigns, shall have the right to enforce said covenants, conditions and restrictions, including the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of said covenants, conditions and restrictions, without any showing of special damages.

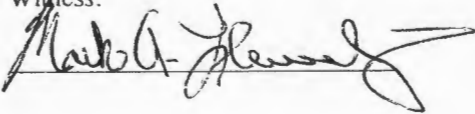
5. If the Grantor, its successors and assigns, is found by a Court of Law to have breached any of its obligations under this Agreement, the Grantor, its successors and assigns, shall reimburse the Grantees, their successors or assigns, for any reasonable costs or expenses incurred by the Grantees, their successors or assigns, in enforcing the terms of this Agreement, limited to court costs and reasonable attorney's fees.

6. These covenants, conditions and restrictions are to run with the land until such time as the subject property is no longer zoned Commercial, after which time they shall be automatically terminated. These covenants may not be amended in whole or in part except by agreement of the Grantor and Grantees.

7. Grantor agrees to bear the cost of recording this Agreement among the Land Records of Baltimore County, which shall occur after receipt of a final order issued by the Baltimore County Board of Appeals dismissing the appeal and declaring the Deputy Zoning Commissioner's order in Case # 08-163SPHXA final..

IN WITNESS WHEREOF, the parties hereto have signed, sealed and delivered these presents as their own free act and deed as of the day and year first hereinabove written.

Witness:

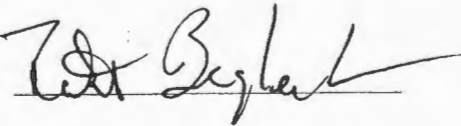


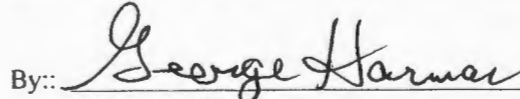
S & Management, Inc.

By: 
Stuart Pollack, President

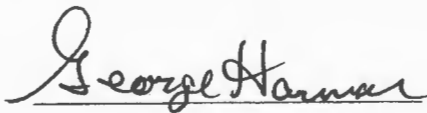
7/21/08

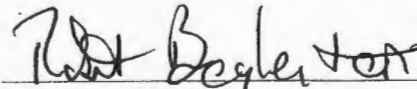
Reisterstown-Owings Mills-Glyndon Coordinating Council, Inc.



By: 
George Harman, President

7/21/08




Robert Begleiter

7/21/08

State of Maryland
Baltimore County

Carroll

I HEREBY CERTIFY that on this 21st day of July, 2008, before me, a Notary Public of the State aforesaid, personally appeared, Stuart Pollack, President of S & J Management Inc., a Maryland Corporation, the entity whose name is subscribed to the within instrument and acknowledged that he on behalf of S & J Management, Inc, executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Samuel Rice
Notary Public

My Commission Expires:

State of Maryland
Baltimore County

I HEREBY CERTIFY that on this 21st day of July, 2008, before me, a Notary Public of the State aforesaid, personally appeared, George Harman, president, an officer in the Reisterstown-Owings Mills-Glyndon Coordinating Council, Inc., a Maryland not-for-profit corporation, the entity whose name is subscribed to the within instrument and acknowledged that he on behalf of said Corporation, executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

h. J. Gremples
Notary Public



My Commission Expires: 03-01-2009

State of Maryland
Baltimore County

I HEREBY CERTIFY that on this 21st day of July, 2008, before me, a Notary Public of the State aforesaid, personally appeared Robert Begleiter whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

h. J. Gremples
Notary Public



My Commission Expires: 03-01-2009

This is to certify that the within instrument has been prepared under the supervision of the undersigned Maryland attorney.

Arnold Jablon
Arnold Jablon

IN THE MATTER OF
THE APPLICATION OF
S & J MANAGEMENT, INC. -PETITIONER
FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE SW/COR
OF MAIN STREET AND STOCKSDALE
AVENUE, E OF OWINGS AVENUE
(516 REISTERSTOWN ROAD)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 08-163-SPHXA
*

* * * * *

ORDER OF DISMISSAL

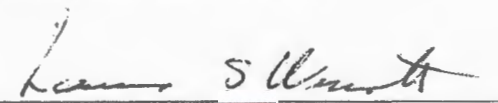
This matter comes before the Board as an appeal filed by Robert Begleiter, Appellant, from a decision of the Deputy Zoning Commissioner dated March 14, 2008, in which Petitioner's requested zoning relief was granted.

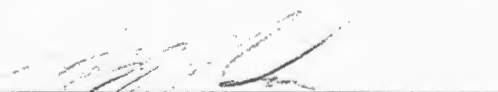
WHEREAS, the Board is in receipt of a letter dated July 31, 2008, and attached "Agreement and Declaration of Covenants" entered into between Petitioner, S & J Management, Inc.; the Reisterstown-Owings Mills-Glyndon Coordinating Council, Inc.; and Appellant, Robert Begleiter, filed August 1, 2008, by Arnold Jablon, Esquire, Counsel for Petitioner, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant withdraws his appeal filed in Case No. 08-163-SPHXA pursuant to the terms and conditions of the above-referenced "Agreement and Declaration of Covenants,"

IT IS, THEREFORE, ORDERED this 14th day of August, 2008 by the County Board of Appeals of Baltimore County that the appeal of Robert Begleiter filed in Case No. 08-163-SPHXA be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott


Wendell H. Grier


Robert W. W. **PETITIONER'S**

EXHIBIT NO. 2

previous order

**IN RE: PETITIONS FOR SPECIAL EXCEPTION
SPECIAL HEARING & VARIANCE**

SW corner of Main Street and Stocksdale
Avenue, E of Owings Avenue
4th Election District
3rd Councilmanic District
(516 Reisterstown Road)

S & J Management, Inc.
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 08-163-SPHXA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing and Variance filed by the legal owners of the subject property, S & J Management, Inc.

The Petition for Special Exception is to permit a fuel service station on an individual site and a convenience store and carry out restaurant as uses in combination with the proposed fuel service station pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petition for Special Hearing is (1) to confirm that the payment for fuel service in combination with a convenience store and carry out restaurant may be made in both zones where the convenience store and carry out restaurant is located in the B.R. zone and the fuel service is located in the B.R.-A.S. zone; (2) to permit business parking in a residential zone for customer and employee parking pursuant to Section 409.8.B of the B.C.Z.R.; and (3) to confirm that a private road is permitted to bisect the 50 foot Residential Transition Area (RTA) buffer to connect to adjoining developments pursuant to Section 1B01.1.B.1.e(3) of the B.C.Z.R.

The Variance request is in the alternative to the third request for special hearing relief, and requests relief to permit a private road to bisect the 50 foot RTA buffer pursuant to Section

1B01.1.B.1.c of the B.C.Z.R., or pursuant to Section 307.1 of the B.C.Z.R., whichever is determined to apply. The subject property and requests for relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioners' Exhibit 3.

This matter was originally scheduled for a public hearing on December 10, 2007 at 9:00 AM in Room 407 of the County Courts Building located at 401 Bosley Avenue, Towson, MD 21204. Following testimony and evidence taken on that date, the hearing was continued until January 16, 2008 at 9:00 AM, again in Room 407 of the County Courts Building.

Appearing at the requisite public hearings in support of the special exception, special hearing, and variance petitions was Arnold Jablon, Esquire on behalf of Petitioners S & J Management, Inc. and Wawa Markets. Also appearing in support of the petitions were Greg Harvey and Bruce Rice with Wawa Markets, David L. Martin with Martin & Phillips Design Associates, Inc., the consultant who prepared the site plan, and Ken Schmid with Traffic Concepts, Inc. Appearing as interested citizens in support of Petitioners' requests for relief were Barbara V. Reynolds of 306 Lauren Hill Court, Dave Stone, Jr. of 21 Stocksdales Avenue, and Ellen and Michael Tebo of 500 Owings Avenue in Reisterstown, MD. The case garnered significant interest from the Reisterstown community and a number of Protestants attended the hearings as well. These individuals are listed on the "Citizen's Sign-In Sheet" that was circulated on both hearing dates, and which is contained within the case file. In addition, George Harmon of 5429 Weywood Drive appeared on behalf of the Reisterstown, Owings Mills, Glyndon Coordinating Council and Mary Molinaro of 215 Chartley Drive appeared on behalf of the Chartley Homeowners Association, Inc. Although the individual Protestants appeared and participated in the hearings to varying degrees, Mr. Harmon and Ms. Molinaro appeared on both hearing dates and acted as the informal "spokespersons" on behalf of the community, and

presented the majority of the Protestants' contentions and arguments, as well as cross-examination of Petitioners' witnesses.

Testimony and evidence offered at the hearings revealed that the subject property is an irregular-shaped parcel containing approximately 81,457 square feet or 1.87 acres, more or less, and zoned B.R.-A.S. (0.96 acre), B.R. (0.31 acre), and D.R.3.5 (0.60) acre). The property is located on the west side of Reisterstown Road, where that road becomes known as Main Street, and is bordered by Stocksdales Avenue to the north and Owings Avenue to the west in the Reisterstown area of Baltimore County. The property is comprised of six parcels, and is improved with several dwellings and a trailer. Visually, the property appears to be a mishmash of commercial and residential uses, including rental apartments and a used car lot, though with no apparent consistency.

Petitioner Wawa Markets desires to "clean up" the property, both in terms of its visual appearance and its odd array of uses, and proposes a special exception use to erect a fuel service station on the site consisting of 16 fuel pumps, with a related convenience store and carry out restaurant. In addition, because Wawa is less in favor of the appearance and functionality of a "kiosk," it is requesting a waiver of the need for a kiosk. This is because the location of the proposed fuel services will be in the B.R.-A.S. zone. However, the location of where payment for these services will be made, other than directly at the pumps in the B.R.-A.S. zone, will be in convenience store and carry out restaurant building, which will be located in the B.R. zone. As such, Petitioners are requesting special hearing approval to allow payment for fuel to take place in both the B.R.-A.S. zone (at the pump) and the B.R. zone (in the convenience store/carry out restaurant building).

In addition, although the fuel service pumps and the convenience store/carry out restaurant building and parking are proposed to be located in the B.R.-A.S. and B.R. zones, respectively, due to the fact that a portion of the parking for customers and employees will be located in the D.R.3.5 zoned area of the property, Petitioners are seeking special hearing approval of business parking in the residential zone. Finally, as is mandated by the RTA conditions, Section 1B01.1.B.1.e of the B.C.Z.R. requires a fifty-foot buffer and seventy-five-foot setback for parking lots or structures. As shown on the redlined site plan, Petitioners propose to comply with the RTA buffer and setback requirements; however, in order to allow for efficient ingress and egress on the site and from one side of the site to the other, Petitioners propose an internal private road on the site that will wrap around the rear of the proposed convenience store/carry out restaurant building. Most of this private road will be located in the B.R. zoned area of the property, but a portion of the road will be located in the D.R.3.5 zoned area and will be within the 50 foot RTA buffer. Hence, Petitioners request special hearing approval of the private road to bisect the RTA buffer or, in the alternative, variance from the amount of RTA required pursuant to Section 1B01.1.B.1.c or Section 307.1 of the B.C.Z.R. to permit the private road.

In support of the various requests for relief, Petitioners called as a witness David L. Martin, Petitioners' site plan and architectural consultant. A copy of Mr. Martin's resume was marked and accepted into evidence as Petitioners' Exhibit 1. As indicated in his resume, Mr. Martin is a graduate of Penn State University with a Bachelor of Science degree in Landscape Architecture. His professional experience includes 36 years of practice in areas such as land planning, landscape architecture, land use, and zoning. He has testified as an expert in the areas of land use and zoning before the Zoning Commissioner, the Board of Appeals, and the Planning

Board. He was offered and accepted as an expert in the areas of land use, landscape architecture, and interpretation of the Baltimore County Zoning Regulations.

Mr. Martin initially described the properties and the area surrounding the subject property. Located on the opposite side of Reisterstown Road is the Chartley Shopping Center, as well as a Citgo fuel service station; to the south is a Hess fuel service station and Whitcraft Transmissions; to the north on the opposite side of Stocksdale Avenue is a Jiffy Lube service station; and to the west, located on the opposite side of Owings Avenue, are residential dwellings. Properties similar to the subject property in the County generally have areas of significant commercial use along business and commercially zoned main roads such as Reisterstown Road, but often back up to residentially zoned and used areas, as is the case here. Photographs of the subject property and this commercial corridor of Reisterstown Road, and the residential area to the rear of the subject property, were marked and accepted into evidence as Petitioners' Exhibits 4A through 4P. As indicated earlier, Mr. Martin pointed out that the majority of the property (1.27 acres) is zoned B.R.-A.S. or B.R. Virtually all the frontage on Reisterstown Road in this area is zoned for business and commercial uses, as shown on the aerial photograph with an overlay of the zoning map, which was marked and accepted into evidence as Petitioners' Exhibit 5.

Mr. Martin then described the proposed landscaping to accompany the development of the site. The proposed schematic landscape plan was marked and accepted into evidence as Petitioners' Exhibit 2B. This plan shows landscaping around the entire property. In particular, the plan depicts a 10 foot landscape area along Reisterstown Road, a 10 foot landscape area along Stocksdale Avenue, and a six foot landscape area abutting the Hess fuel service station, all containing shrubs and seasonal plantings. Along the rear of the property adjacent to the

residential dwellings on Owings Avenue, there is a 50 foot RTA buffer. Within the buffer are planned shrubs, as well as evergreen and deciduous trees. A six foot high board-on-board wooden fence is also proposed along the entire rear property line. Obviously, the intent of the fencing and landscaping is to provide as much screening as possible between the commercial area and the residential areas. Petitioners also plan additional trees on the parking islands. To further illustrate Petitioners' intentions with regard to the property, Mr. Martin submitted a second aerial photograph of the subject property and surrounding areas. This photograph was overlaid with the redlined site plan as well as Petitioners' schematic landscape plan, and was marked and accepted into evidence as Petitioners' Exhibit 6. It provides a visual perspective of the proposed structural and landscaping improvements to the property, in relation to the existing structures in the immediate vicinity.

As shown on the site plan, Petitioners propose four fuel service islands to be situated on the east side of the property that fronts Reisterstown Road. Each island will contain two fuel service pumps, with access to the pumps from each side. The convenience store and restaurant will consist of a single 1½-story building with a pitched roof. The building will face Reisterstown Road and be approximately 5,589 square feet in size, of which 3,189 square feet will be for the convenience store and 2,400 square feet for the carry out restaurant. Proposed exterior elevations, which were marked and accepted into evidence as Petitioners' Exhibit 7, show the visual appearance of the Wawa Market. The building will have a thin brick veneer exterior with a metal Dutch seam roof. The roof will be slate grey in color, and the brick veneer will have a two-tone maroon (lower) and white (upper) color scheme. There will also be an enclosed dumpster area to the rear of the property. The exterior elevations also depict the

proposed canopy above the fuel service islands, which will match the roof line and color of the building roof.

Mr. Martin then specifically discussed the requests for relief and began with the special exception to use the property as a fuel service station, as well as a convenience store and carry out restaurant. Section 405.2.B of the B.C.Z.R. allows fuel service stations on individual sites by special exception, subject to Section 405.3 concerning the presence of abandoned fuel service stations, and the site development and appearance standards in Section 405.4 of the B.C.Z.R. Sections 405.4.E.1 and 405.4.E.10 of the B.C.Z.R. allow a convenience store with a sales area larger than 1,500 square feet and a carry out restaurant, respectively, as uses in combination with fuel service stations by special exception. According to Mr. Martin, the proposed development meets the site development standards of Section 405.4.A of the B.C.Z.R., including site dimensions, setbacks, and access, internal circulation and vehicle reservoir capacity. It also meets the appearance standards of Section 405.4.C of the B.C.Z.R., and Mr. Martin pointed to the exterior elevations which show the visual appearance of the proposed fuel service islands and pumps, the canopy, and the convenience store and carry out restaurant.

Other than the convenience store and carry out restaurant, the fuel service station does not anticipate any additional ancillary uses, under Section 405.4.D of the B.C.Z.R., except for an ATM machine inside the convenience store, water and air, and some auto supplies located in the convenience store sales area. As to lighting, under Section 405.4.C.1.d, if a fuel service station is located within 50 feet of residentially zoned property, lighting standards on site may not exceed a height of 18 feet and shall be directed away from any residentially zoned properties. Marked and accepted into evidence as Petitioners' Exhibit 8A is Petitioners' proposed lighting plan. The plan shows the location of lighting standards and the degree of illumination on the site

and the surrounding areas. In particular, it shows virtually no lighting into the residential areas on Owings Avenue, in compliance with the lighting standards as to coverage and intensity. Also marked and accepted into evidence as Petitioners' Exhibit 8B is a schematic of the various lighting types to be employed on the site.

In support of the requested use, Mr. Martin addressed the special exception criteria contained in Section 502.1 of the B.C.Z.R. and opined that there would be no detrimental impact to the listed criteria. In pertinent part, the proposed use would not be detrimental to the health, safety, or general welfare of the locality, and as to traffic, the expected use would draw from motorists traveling on Reisterstown Road, irrespective of the presence of the fuel service station, hence there would be no impact. As compared with other stations nearby, most of which were built purely as automotive service stations typically with shortages of parking, stacking spaces, and vehicle circulation, the instant proposal will meet the current requirements for this type of use. In addition, it will not be a destination location, so there will be very little impact in terms of additional traffic; as to a potential hazard from fire, panic or other danger, this new development will comply with all fire codes and will have access at three locations. Moreover, the proposed development will comply with all zoning regulations as to site area so there will be no overcrowding of land or undue concentration of population. As shown on Petitioners' lighting plan, the lighting will be sufficient to illuminate the site, without encroaching into the residential areas so there will be no interference with adequate light and air. Finally, the redlined site plan and landscaping plan shows that the use of the split zoned property will be consistent with the spirit and intent of the zoning regulations.

In sum, Mr. Martin indicated that there is a diversity of uses and appearances in the area of the subject property where Reisterstown Road transitions to Main Street, and the proposed

development of the property pulls together a number of architectural elements from the area and complements the existing structures. In addition, the proposed development will be an upgrade from the existing commercial structures, such as the Jiffy Lube, Hess and Citgo fuel service stations, and Whitcraft Transmissions, and will also upgrade the existing structures on the subject property. Moreover, Mr. Martin opined that, under *Schultz v. Pritts*, 291 Md. 1 (1981), the proposed use of the property at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the particular zoning district.

The next request for relief concerns the special hearing or, in the alternative, the variances to allow the proposed private road to bisect the 50 foot RTA buffer located to the rear of the property. The goal of Petitioners is to obtain permission for the internal private road; however, Petitioners have proposed three methods of achieving this goal. The first is by way of special hearing. Petitioners seek an interpretation by the undersigned that the zoning regulations allow the proposed private road pursuant to the exceptions to the RTA contained in Section 1B01.1.B.1.e(3) of the B.C.Z.R. Specifically, Mr. Martin quoted from this section, which states as follows:

e. Conditions in residential transition areas.

- (3) The fifty-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, storm water management ponds or accessory structures, *but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.* (emphasis added).

In reviewing this subsection, Mr. Martin opined that the zoning regulations allow for the RTA buffer to be bisected by a road as a matter of right. This private drive aisle is necessary in order to give limited access to the site from one side of the proposed development to the other.

The second and third methods of achieving the private drive aisle are by way of variances from the zoning regulations. In particular, Section 1B01.1.B.1.c(2) of the B.C.Z.R. allows for variances of the RTA requirements and states as follows:

c. Variance of RTA.

- (2) The RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

Section 32, Title 4, Subtitle 4 of the Baltimore County Code (B.C.C.) entitled "General Design Standards and Requirements" are intended to provide criteria for the preparation and review of proposed development. Section 32-4-402 entitled "Compatibility" sets forth in subsection (d) the compatibility objectives that development of property shall be designed to achieve. In analogizing the instant matter to the Development regulations contained in Title 4, Mr. Martin discussed the proposed development of the subject property in relation to the compatibility objectives and offered his opinion that Petitioners' plans are in compliance with the applicable objectives. Hence, a variance of the RTA buffer requirement is warranted in this case and the proposed private road should be permitted to bisect the 50 foot RTA buffer.

In addition, Section 307.1 of the B.C.Z.R. provides the Zoning Commissioner with the authority to generally grant variances from height and area regulations, from off-street parking regulations, and from sign regulations in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where

strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. It also states that relief shall be granted if in strict harmony with the spirit and intent of the regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.

In the instant matter, Petitioners are seeking variance relief from the RTA in order to allow the internal private road to bisect a portion of the RTA buffer. In support of the variance request under Section 307.1 of the B.C.Z.R., Mr. Martin pointed to several unique characteristics of the property. First, the property is split zoned, with three zones (B.R., B.R.-A.S., and D.R.3.5) on less than two acres of property. Second, the property is bounded by three streets (Reisterstown Road, Stocksdales Avenue, and Owings Avenue), with mixed uses on and around those streets of commercial and residential uses. Third, the geometry of the site reflects an irregular shape. Fourth, the residential nature of Owings Avenue and, in particular, the use of Owings Avenue as part of the subject property. Although the use of the subject property will be commercial and although it is a public street, Owings Avenue is obviously an underdeveloped residential street, with no painted lines, nor curb and gutter. Hence, Petitioners believe it is necessary -- and beneficial -- to come up with a plan for the use of this area of the property that abuts the residential area.

In terms of practical difficulty and unreasonable hardship, Mr. Martin indicated that literal enforcement of the zoning regulations, and thereby not allowing the internal private road, would essentially force a connection to the public street (Owings Avenue) in order to gain the access necessary for the site, while also technically complying with the regulations. In addition, granting the variance would not harm the public interest. In fact, Mr. Martin indicated that allowing the internal private drive aisle would benefit the abutting residential neighborhood by

enabling traffic to be contained completely on site. On the other hand, forcing Petitioners to gain access directly from Owings Avenue would be a real detriment to the local neighborhood.

Petitioners' final request for relief is the special hearing request pursuant to Section 409.8.B of the B.C.Z.R. to permit business parking in a residential zone for customer and employee parking. This subsection requires that a use permit be issued following a special hearing and a finding that the request meets the objectives of Section 409.8.B.2 of the B.C.Z.R. In addition, the request for parking must meet the special exception criteria delineated in Section 502.1 of the B.C.Z.R. On these factors, and based on the prior testimony above, Mr. Martin indicated that the proposed development will meet or exceed the objectives of Section 409.8.B and will meet the criteria of Section 502.1.

Petitioners' final expert witness was Ken Schmid with Traffic Concepts, Inc. Mr. Schmid is a civil engineer focusing on traffic engineering and was retained by Petitioner to review and investigate the potential traffic impacts of the proposed development on the surrounding community. A copy of his resume was marked and accepted into evidence as Petitioners' Exhibit 9. As his resume indicates, Mr. Schmid has testified numerous times as an expert in the areas of transportation planning and engineering and land use in Baltimore County and was offered and accepted as an expert in this case. In sum, Mr. Schmid opined that the proposed Wawa Market will not be detrimental to the health, safety, and general welfare of the locality and in particular, will have minimal impacts on traffic.

In support of this conclusion, Mr. Schmid discussed a number of factors. Initially, Mr. Schmid indicated the new Wawa Market would be a traffic "interceptor" for "passerby" type use, as it would be located along a high volume, arterial type of road system. It would not be a traffic "generator." In addition, Mr. Schmid indicated he made field visits during the peak morning and

evening times, lunchtime, and afternoons. He also looked at nearby traffic lights, accident data, traffic counts, and transportation services data. He noted the nearest intersection is Chartley Drive and Reisterstown Road and its most recent rating from Baltimore County was that it is operating at an "A" rating as of December 2006. The intersection of Stocksdales Avenue and Main Street is operating at an "A" in the morning and a "B" in the afternoon and at peak times. Mr. Schmid acknowledged there will be additional traffic into and out of the subject property, however, it will be drawing primarily the existing traffic that would already be traveling on the road regardless of the presence of the Wawa market. Moreover, there will be no greater impact at this location than another location in the zoning district. As such, Mr. Schmid believes that based on existing conditions coupled with the proposed development, the roads and intersections are adequate and would be minimally impacted, and that any traffic issues are manageable.

Petitioners' final witness was Dave Stone. Mr. Stone resides at 21 Stocksdales near the subject property. Mr. Stone is in favor of the proposed Wawa Market as he believes it will be a significant upgrade to the existing structures and will be an asset to the area. He also does not believe the Wawa will diminish property values. In addition a letter of support was submitted by another adjacent neighbor, Ellen and Michael Tebo of 500 Owings Avenue, directly behind the subject property. This letter dated December 4, 2007 was marked and accepted into evidence as Petitioners' Exhibit 10. Mr. and Mrs. Tebo believe the Wawa will bring a stable business to the area, and will result in a newer, cleaner site that will fit in with the revitalization of Reisterstown. Their main concerns are that a fence be erected along the entire rear of the property and that it be properly screened, that no deliveries or trash pick up occur from Owings Avenue, and no late evening or early morning trash pick up. Finally, a letter of support was sent by the Reisterstown · Owings Mills · Glyndon Chamber of Commerce. This letter dated December 6, 2007 was

marked and accepted into evidence as Petitioners' Exhibit 11. In its support of the project, the letter states that the proposed site is currently underutilized and does not present a proper image to the "gateway" to Reisterstown's Main Street, that redevelopment of the site may encourage further business expansion in the area and may encourage other existing businesses to rehabilitate their properties, and that competition is good for both residential and business communities.

Following Petitioners' presentation, Protestants presented their opposition to the proposed development of the subject property. The first witness to testify was Robert Begleiter. Mr. Begleiter owns the One Stop Convenience & Deli located at 11700 Reisterstown Road approximately two miles south of the subject property. His store is a convenience store, deli and liquor store; he does not sell gasoline. He believes the proposed Wawa Market and fuel service station will not only affect his business and others, but will also create business from outside the local area. In short, he believes the Wawa will pull traffic from a number of different areas such as Interstate 795 and will thereby increase traffic on Reisterstown Road.

Other opposition witnesses included nearby neighbors Susan Schultz, Isabelle Drenning, and Victor Olson, as well as Mary Molinaro on behalf of the Chartley Homeowners Association, Inc. In addition, letters of opposition were also submitted which included the following: letter dated December 3, 2007 from Ms. Molinaro as President of the Chartley Homeowners Association, Inc. marked and accepted into evidence as Protestants' Exhibit 1, letter dated December 4, 2007 and two photographs from Christina and Victor Olson of 510 Owings Avenue and marked and accepted into evidence as Protestants' Exhibit 2, letter dated December 6, 2007 from Kathleen Gambrill of 1021 Cockey's Mill Road marked and accepted into evidence as Protestants' Exhibit 3, letter dated December 4, 2007 from Isabelle Drenning of 39 Stocksdales

Avenue marked and accepted into evidence as Protestants' Exhibit 4, letter dated January 9, 2008 from Barbara Karpel of 240 Chartley Drive marked and accepted into evidence as Protestants' Exhibit 5, letter dated January 9, 2008 from Elaine Latham of 308 Glyndon Drive marked and accepted into evidence as Protestants' Exhibit 6, letter dated January 11, 2008 from Robert and Jane Hienz of 239 Chartley Drive marked and accepted into evidence as Protestants' Exhibit 7, and letter received January 16, 2008 from Eileen Ruffner of 403 Highmeadow Road marked and accepted into evidence as Protestants' Exhibit 8. The testimony of these witnesses and the letters expressed similar concerns over the proposed development of the subject site, including increased traffic and congestion, the adverse effects on the adjacent residential neighborhood, the number of gas stations already in existence nearby, and issues with noise and constant lighting associated with the site since the Wawa is planned to be open 24 hours.

George Harmon on behalf of the Reisterstown, Owings Mills, Glyndon Coordinating Council (ROG) presented the balance of Protestants' case opposing the proposed development. ROG represents communities in the 21117 and 21136 zip codes and geographic areas from the Carroll County line to Owings Mills and the Greenspring Valley. In addition to his civic work, Mr. Harmon has a background and expertise in hazmat spill response and safety issues, as well as noise control, including having previously managed a number of environmental programs for State agencies.

Mr. Harmon addressed a number of issues of concern regarding the potential Wawa Market and fuel service station. This included parking in residential areas by a commercial business bringing issues of excessive noise and high wattage lighting. Mr. Harmon also believes the traffic impact has been understated, especially at Stocksdales Avenue and Reisterstown Road, and disagrees that there would be similar impacts elsewhere due to the uniqueness of this

intersection, where traffic is channeled from a four lane road (with a center turn lane) into two lanes. Another issue is what Mr. Harmon considers abandonment of gas stations in the vicinity of the subject property. He indicated that in determining whether the instant fuel service station is appropriate, it is necessary to consider under Section 405.3 of the B.C.Z.R. the presence of abandoned fuel service stations within a one-half mile to one mile radius. Marked and accepted into evidence as Protestants' Exhibit 9 is a map of Reisterstown Road near the subject property. This map was also labeled by Mr. Harmon with existing fuel service stations on Reisterstown Road within approximately two to three miles of the subject property. He also marked the map with the locations of what he believes are "abandoned" stations. Mr. Harmon asserts that because there exists abandoned stations within a one-half mile radius of the proposed Wawa market and fuel service station location, there is no need for the Wawa.

In sum, the Protestants believe locating the Wawa Market and fuel service station at the subject site, right at the entrance to the Reisterstown Historic District, is not an appropriate location. They also believe another fuel service station is unnecessary in the vicinity due to the already existing stations nearby. Finally, they believe likely traffic congestion balances against granting the relief requested, in that significant numbers of vehicles will be diverted to the subject location, which will contribute to increased traffic flow problems.

The Zoning Advisory Committee (ZAC) comments were received from the relevant County and State agencies and are made part of the record of this case. The comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 6, 2007 indicate that the development proposal must comply with the Forest Conservation Regulations, and that any required afforestation may be addressed by offsite planting, offsite retention, or payment of a fee in lieu of planting. Comments received from the

Bureau of Development Plans Review dated October 15, 2007 indicate that the ultimate right-of-way width for Stocksdales and Owings Avenues is 50 feet. The right-of-way widening must be shown on the plan along with a cut-back at the intersection. Setbacks should be shown based on the widenings, and the variance request revised accordingly. The comment from the State Highway Administration (SHA) dated October 22, 2007 indicates that their review of Petitioners' plan and a field inspection reveal that a permit is required for improvements along the subject property fronting Reisterstown Road (MD 140), and recommend that Petitioners be required to obtain a SHA Access Permit as a condition of approval of the plan. The Office of Planning's November 19, 2007 Inter-Office Correspondence offered no comments to the plan, and the October 11, 2007 letter from the County Fire Marshal's Office also offered no comments.

In regard to the request for special exception, the first issue that must be addressed is the issue of "abandoned" fuel service stations. Protestants claim that once the owners of the nearby service garages ceased to use the property as a fuel service station, they deserted that use and, so long as the property is not used as a fuel service station, it is deemed an "abandoned fuel service station" -- that is, once abandoned, always abandoned. Petitioners, on the other hand, argue that, to be considered an "abandoned fuel service station," the property must *presently* be used for *no purpose* and, therefore, because the owners of the subject property have effectively converted the fuel service station use into an existing service garage use, it is not an "abandoned fuel service station." (emphasis added).

On this issue, I agree with Petitioners and find that the fuel service station use was *converted* into service garage use -- not abandoned -- and, therefore, the nearby stations, including the Exxon station referenced in Protestants' Exhibit 9, is not an "abandoned fuel

service station” for purposes of Section 405.3 of the B.C.Z.R. As explained by the Board of Appeals in *In the Matter of the Application of Seven Kids, LLC*, “[B.C.Z.R.] Section 405.3 does not set forth a valid definition of abandoned gas stations.” Board Opinion at 10. However, the Board in that case declared “the three long-abandoned stations [in the vicinity of the proposed location] including the one abandoned at the proposed site, would [not] qualify as abandoned stations within the meaning of Section 405.3.” *Id.* at 10-11. Clearly, timing is a major factor in determining whether or not a fuel service station use has been “abandoned.”

Additionally, the County Council’s reference in Section 405.3 of the B.C.Z.R. to Section 405.7 and its use of present tense language indicates intent that the “presence” of an “abandoned fuel service station” requires an existing structure, formerly used as a fuel service station, which, at the current time, is not used for any purpose. Section 405.7, which identifies and discusses “abandonment” of fuel service stations for the purpose of determining when a special exception for a fuel service station should be terminated and when the station should be removed, implies that, to be considered “abandoned,” the property upon which a fuel service station formerly operated must be vacant and not used for any purpose. Furthermore, in determining when a special exception is considered terminated, Section 405.7.C specifically distinguishes between “abandonment” and “conversion” of fuel service stations. Section 405.8 also indicates that the law favors conversion of fuel service stations into alternative uses, as opposed to abandonment of fuel service stations altogether. For the above stated reasons, I find that in this case, the existing service garages referenced by Protestants cannot be considered an “abandoned fuel service station” for purposes of Section 405.3 of the B.C.Z.R.

Having resolved the “abandonment” issue, at this juncture, before any special exception may be granted, it must be determined whether the use for which the special exception is

requested will have a negative impact on the criteria set forth in Section 502.1 of the B.C.Z.R. Moreover, as set forth in *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981) and quoted in *Lucas v. People's Counsel for Baltimore County*, 147 Md.App. 209, 238 (2002):

[T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

This standard requires identification of the adverse effects inherent to the proposed special exception use -- that is, effects that the use would have, regardless of where in the zone the use were employed -- and sufficient evidence to prove that the adverse effects resulting from the proposed use at the proposed location will not exceed the identified inherent effects.

Among other concerns, the most contentious issue in the instant matter appears to relate to the impact of the proposed Wawa on traffic and the decisive factor of whether the Wawa will "tend to create congestion in roads, streets or alleys therein," pursuant to Section 502.1.B of the B.C.Z.R. Petitioners and Protestants each presented evidence and arguments relating to how the proposed Wawa would affect traffic. Protestants testified that the Wawa would pull in additional traffic from other areas, most notably Interstate 795, and would cause additional congestion from the traffic entering and exiting the location, as well as the fact that the subject location on Reisterstown Road channels from five lanes (including a center turn lane) to two lanes.

However, Petitioners' traffic expert, Mr. Schmid, indicated that the Wawa would be a traffic "interceptor" rather than a traffic "generator." In short, the new store would not be a destination location where patrons would make special trips to the Wawa; rather, the Wawa will draw from existing traffic already traveling on Reisterstown Road. According to Mr. Schmid, the traffic generated by the Wawa will be minimal. In addition, Mr. Schmid pointed out that

each of the nearby intersections is operating at an "A" (Chartley Drive) and "A/B" (Stocksdale Avenue) rating. Based on the testimony and evidence I find that the proposed Wawa Market and fuel service station will not "tend to create congestion in roads, streets or alleys," above and beyond such effects that may be inherent in the use. I also find that Petitioners have met their burden with regard to the additional factors set forth in Section 502.1 of the B.C.Z.R. Hence, I am persuaded to grant Petitioners' special exception request.

In regard to the requests for special hearing, I am persuaded to grant the relief and allow payment for fuel service in combination with the convenience store and carry out restaurant to be made in both zoning areas, where the convenience store and carry out restaurant is located in the B.R. zone and the fuel service is located in the B.R.-A.S. zone. Rather than having an unattractive kiosk in the B.R.-A.S. zone just so payment for fuel can be made, it is more appropriate and in keeping with Petitioners' business practices to allow payment to be made in the convenience store area located in the B.R. zone. As to business parking in a residential zone for customer and employee parking pursuant to Section 409.8.B of the B.C.Z.R., as shown on the site plan, Petitioners propose 51 parking spaces for the site. Most of these spaces will be located in the B.R.-A.S. or B.R. zones; however, it appears eight spaces and parts of eight other spaces will encroach in the D.R. zoned portion of the property. These spaces will not be located within the 50 foot RTA buffer or 75 foot setback. Based on the irregular shape of the property and its split zoning, as well as the testimony of Mr. Martin, Petitioner's architectural consultant, as to compliance with the Section 502.1 factors, and Petitioners' landscape plan and lighting plan being in compliance with the design standards set forth in Section 409.8 of the B.C.Z.R., I am persuaded to grant this relief.

The last request for relief concerns the request to permit a private road to bisect the 50 foot RTA buffer area at the rear of the property abutting Owings Avenue. Petitioners request this relief by way of either special hearing pursuant to Section 1B01.1.B.1.e(3) of the B.C.Z.R., variance from the RTA specifically pursuant to Section 1B01.1.B.1.c of the B.C.Z.R., or variance generally pursuant to Section 307.1 of the B.C.Z.R. As to the special hearing, Section 1B01.1.B.1.e(3) of the B.C.Z.R. states that the 50 foot RTA buffer may be bisected by roads, paths and trails that are designed to connect to adjoining developments; however, in the instant matter, I find this section is not applicable. Here, we are not considering adjoining developments, hence this section is not implicated. As to the request for variance from the RTA pursuant to Section 1B01.1.B.1.c of the B.C.Z.R., this section allows the "hearing officer" to determine the amount of RTA in certain circumstances, provided also a compatibility finding is made under Section 32-4-402 of the B.C.C; however, again, in my view, this section is not applicable to the instant matter. The undersigned is not sitting as "hearing officer" considering a development plan; rather I am sitting as Deputy Zoning Commissioner considering only the instant zoning case. In addition, there have been no recommendations from specific County agencies as required by Section 1B01.1.B.1.c(1) of the B.C.Z.R. Hence, relief cannot be granted under this section. This leaves the "general" provision regarding variances set forth in Section 307.1 of the B.C.Z.R. In this instance, I am persuaded to grant the requested relief.

In the instant matter, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request. The property has an irregular shape and is split zoned, with three zones (B.R., B.R.-A.S., and D.R.3.5) on less than two acres of property. The property is also bounded by three streets (Reisterstown Road, Stocksdales Avenue, and Owings Avenue), with mixed uses on and around those streets of commercial and

residential uses. Moreover, the residential nature of Owings Avenue presents a difficult situation. Owings Avenue abuts the property line of the subject property. Although the use of the subject property will be commercial and although it is a public street, Owings Avenue is clearly an underdeveloped residential street, with no painted lines, nor curb and gutter. Hence, the desire to keep the residential character of the street in the midst of a commercial use of the subject property presents a significant challenge to Petitioners. These factors make the property unique in a zoning sense. In addition, the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. I agree with Petitioners that literal enforcement of the zoning regulations, and thereby not allowing the private road to bisect the RTA, would essentially force a connection to Owings Avenue in order to gain the access necessary for the site, while also technically complying with the regulations. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. I agree with Petitioners that allowing the internal private drive aisle will benefit the abutting residential neighborhood by enabling traffic to be contained completely on site.

Pursuant to the advertisement, posting of the property, and public hearings on these Petitions held, and after considering the testimony and evidence offered by the parties, I find that Petitioners' requests for special exception and special hearing should be granted and the request for variance should be granted.

THEREFORE, IT IS ORDERED, this 14th day of March, 2008, by the Deputy Zoning Commissioner, that Petitioners' request for Special Exception to permit a fuel service station on

an individual site and a convenience store and carry out restaurant as uses in combination with the proposed fuel service station pursuant to Sections 405.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.) be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioners' request for Special Hearing (1) to confirm that the payment for fuel service in combination with a convenience store and carry out restaurant may be made in both zones where the convenience store and carry out restaurant is located in the B.R. zone and the fuel service is located in the B.R.-A.S. zone, and (2) to permit business parking in a residential zone for customer and employee parking pursuant to Section 409.8.B of the B.C.Z.R. be and are hereby GRANTED; and (3) the request to confirm that a private road is permitted to bisect the 50 foot RTA buffer to connect to adjoining developments, pursuant to Section 1B01.1B.1.e(3) of the B.C.Z.R., or, in alternative, to approve a variance to Section 1B01.1.B.1.c of the B.C.Z.R. be and are hereby DISMISSED as MOOT; and

IT IS FURTHER ORDERED, that Petitioners' request for Variance to permit a private road to bisect the 50 foot RTA buffer pursuant to Section 307.1 of the B.C.Z.R. be and is hereby GRANTED, subject to the following which are conditions precedent to the relief granted herein:

1. Petitioners may apply for their 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The ultimate right-of-way width of Stocksdales and Owings Avenues is 50 feet. The right-of-way widening, if and/or as required by Development Plans Review, must be shown on the plan along with a cutback at the intersection.
4. Lighting of the site shall be in accordance with the Lighting Plan contained in Petitioner's Exhibit 8A and 8B and shall comport with Code and Zoning Regulation requirements. In

addition, there shall be minimal lighting at the rear property line with no direct glare from under canopies.

5. There will be no outdoor speakers other than for emergency purposes.
6. The new building will not exceed the required HVAC noise levels. Wawa shall agree to allow noise sources to be tested, though not at Wawa's expense.
7. There shall be no authorized road or pedestrian access to or from the site at Owings Avenue. There shall also be appropriate screening in the form of fencing and landscaping at the property line along Owings Avenue to reflect the transition between the commercial and residential areas. Moreover, the fence line shall continue around the corner where the subject property adjoins the Whitcraft property for a distance of 20 feet in order to further deflect pedestrian access to and from Owings Avenue.
8. The building shall have a red brick veneer on all sides from ground to cornice.
9. The canopy shall have the same look and appearance as the convenience store and carry out restaurant building, with a standing seam metal roof which will accommodate the historic appearance of the area.
10. Petitioner's Landscape and Lighting Plans shall be subject to approval by the County's Landscape Architect.
11. There shall be no car wash or vacuum facilities on the property.
12. Signage must be placed on the building to indicate: "All delivery vehicles must be turned off. No idling permitted."

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

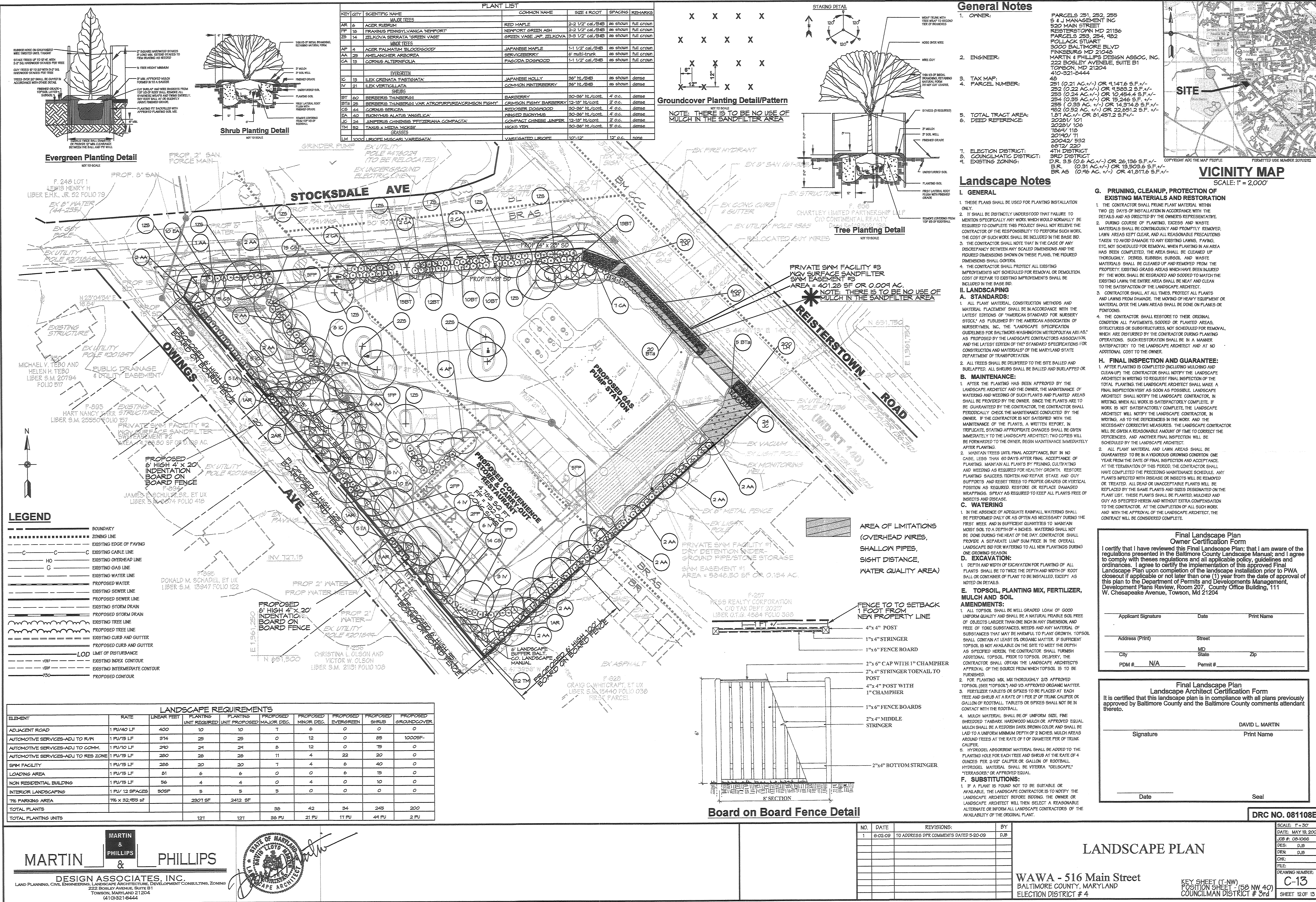
516 Main Street WAWA
Project Chronology

	A	B
1	SUBMISSION OR DECISION DATE	PHASE II DEVELOPMENT PROCESS TASKS
2	August 11, 2008	Development Review Committee mtg.
3	August 22, 2008	DRC granted a Limited Exemption
4	September 3, 2008	WAWA authorized Phase II engineering work to proceed
5	September 4, 2008	M&P commenced Phase II engineering design work
6	January 27, 2009	M&P requested Balt. City to conduct a fire flow test for water pressure
7	April 7, 2009	M&P filed for grading permit in accordance with the DRC exemption
8	April 7, 2009	M&P filed for SWM permit in accordance with the DRC exemption
9	April 10, 2009	WAWA paid PHASE II Development review fees to Balt. Co.
10	May 12, 2009	M&P made 1st submission for PWA to Balt. Co.
11	October 29, 2009	PWA approved and executed by Balt. Co. law office
12	June 22, 2009	M&P submits Public Improvement dwgs. For 1st review
13	July 16, 2009	Off-site sewer easement acquisition is denied by the H. Lewis estate
14	July 24, 2009	Balt. Co. grants permission to utilize ex. 10' D&U easement for sewer
15	June 24, 2009	1st submission of SWM construction plans
16	October 9, 2009	SWM comments addressed and plans re-submitted to County
17	July 29, 2009	1st submission of erosion & sediment control construction plans
18	August 28, 2009	2nd submission of erosion & sediment control construction plans
19	September 29, 2009	Erosion & sediment control pans approved
20	September 25, 2009	SHA storm drain plan submitted to State Highway for review
21		
22		

PETITIONER' S

EXHIBIT NO.

3



General Notes

- OWNER: PARCELS 251, 252, 255 S & J MANAGEMENT INC 500 MAIN STREET REISTERSTOWN MD 21136
- ENGINEER: PARCELS 253, 254, 482 FOLLOK STUART 3000 BALTIMORE BLVD FINKSBURG MD 21049 MARTIN & PHILLIPS DESIGN ASSOC, INC. 222 BOSLEY AVENUE, SUITE B1 TOWSON, MD 21204 410-321-8444
- TAX MAP: 251 (0.21 AC +/-) OR 9,147.6 S.F. +/- 252 (0.22 AC +/-) OR 9,583.2 S.F. +/- 253 (0.24 AC +/-) OR 10,454.4 S.F. +/- 254 (0.24 AC +/-) OR 10,454.4 S.F. +/- 255 (0.33 AC +/-) OR 14,374.8 S.F. +/- 482 (0.32 AC +/-) OR 22,651.2 S.F. +/- 1,871 AC +/- OR 81,451.2 S.F. +/-
- PARCEL NUMBER: 202291/10 202291/106 7664/118 20190/71 20042/532 6872/220 474 DISTRICT 3RD DISTRICT
- TOTAL TRACT AREA: D.R. 9.5 (0.6 AC +/-) OR 26,136 S.F. +/-
- DEED REFERENCE: B.R. (0.31 AC +/-) OR 13,503.6 S.F. +/- BR AS (0.96 AC +/-) OR 41,811.6 S.F. +/-
- ELECTION DISTRICT: 3RD DISTRICT
- COUNCILMAN DISTRICT: 3RD DISTRICT
- EXISTING ZONING: D.R. 9.5 (0.6 AC +/-) OR 26,136 S.F. +/- B.R. (0.31 AC +/-) OR 13,503.6 S.F. +/- BR AS (0.96 AC +/-) OR 41,811.6 S.F. +/-

Landscape Notes

- GENERAL: 1. THESE PLANS SHALL BE USED FOR PLANTING INSTALLATION ONLY. 2. IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THIS PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO PERFORM SUCH WORK. THE COST OF SUCH WORK SHALL BE INCLUDED IN THE BASE BID. 3. THE CONTRACTOR SHALL NOTE THAT IN THE CASE OF ANY DISCREPANCY BETWEEN ANY SCALED DIMENSIONS AND THE FIGURED DIMENSIONS SHOWN ON THESE PLANS, THE FIGURED DIMENSIONS SHALL GOVERN. 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS NOT SCHEDULED FOR REMOVAL OR DEMOLITION. COST OF REPAIR TO EXISTING IMPROVEMENTS SHALL BE INCLUDED IN THE BASE BID.
- LANDSCAPING: 1. ALL PLANT MATERIAL, CONSTRUCTION METHODS AND MATERIAL PLACEMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF "AMERICAN STANDARD FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSEYMEN, INC. THE "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS" AS PROPOSED BY THE LANDSCAPE CONTRACTORS ASSOCIATION, AND THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS OF THE MARYLAND STATE DEPARTMENT OF TRANSPORTATION. 2. ALL TREES SHALL BE DELIVERED TO THE SITE BALLED AND BURLAPPED. ALL SHRUBS SHALL BE BALLED AND BURLAPPED OR BURLAPPED. 3. MAINTENANCE: 1. AFTER THE PLANTING HAS BEEN APPROVED BY THE LANDSCAPE ARCHITECT AND THE OWNER, THE MAINTENANCE OF WATERING AND WEEDING OF SUCH PLANTS AND PLANTED AREAS SHALL BE PROVIDED BY THE OWNER. SINCE THE PLANTS ARE TO BE GUARANTEED BY THE CONTRACTOR, THE CONTRACTOR SHALL PERIODICALLY CHECK THE MAINTENANCE CONDUCTED BY THE OWNER. IF THE CONTRACTOR IS NOT SATISFIED WITH THE MAINTENANCE OF THE PLANTS, A WRITTEN REPORT, IN TRIPlicate, STATING APPROPRIATE CHANGES SHALL BE GIVEN IMMEDIATELY TO THE LANDSCAPE ARCHITECT. TWO COPIES WILL BE FORWARDED TO THE OWNER. BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING. 2. MAINTAIN TREES UNTIL FINAL ACCEPTANCE, BUT IN NO CASE, LESS THAN 60 DAYS AFTER FINAL ACCEPTANCE OF PLANTING. MAINTAIN ALL PLANTS BY PRUNING, CULTIVATING AND WEEDING AS REQUIRED FOR HEALTHY GROWTH. RESTORE PLANTING SAUCERS, TIGHTEN AND REPAIR STAKE AND GUY SUPPORTS AND RESET TREES TO PROPER GRADES OR VERTICAL POSITION AS REQUIRED. RESTORE OR REPLACE DAMAGED WRAPPINGS. SPEEY AS REQUIRED TO KEEP ALL PLANTS FREE OF INSECTS AND DISEASE. 4. WATERING: 1. IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK, AND IN SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4 INCHES. WATERING SHALL NOT BE DONE DURING THE HEAT OF THE DAY. CONTRACTOR SHALL PROVIDE A SEPARATE LUMP SUM PRICE IN THE OVERALL LANDSCAPE BID FOR WATERING TO ALL NEW PLANTINGS DURING ONE GROWING SEASON. 5. EXCAVATION: 1. DEPTH AND WIDTH OF EXCAVATION FOR PLANTING OF ALL PLANTS SHALL BE TWICE THE DEPTH AND WIDTH OF ROOT BALL OR CONTAINER TO BE INSTALLED, EXCEPT AS NOTED ON DETAILS. 6. TOPSOIL, PLANTING MIX, FERTILIZER, MULCH AND SOIL AMENDMENTS: 1. ALL TOPSOIL SHALL BE WELL GRADED LOAM OF GOOD UNIFORM QUALITY AND SHALL BE A NATURAL FRIABLE SOIL FREE OF OBJECTS LARGER THAN ONE INCH IN ANY DIMENSION AND FREE OF TOXIC SUBSTANCES, WEEDS AND ANY MATERIAL OF SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL CONTAIN AT LEAST 5% ORGANIC MATTER. IF SUFFICIENT TOPSOIL IS NOT AVAILABLE ON THE SITE TO MEET THE DEPTH AS SPECIFIED HEREIN, THE CONTRACTOR SHALL FURNISH ADDITIONAL TOPSOIL PRIOR TO TOPSOIL DELIVERY. THE CONTRACTOR SHALL OBTAIN THE LANDSCAPE ARCHITECT'S APPROVAL OF THE SOURCE FROM WHICH TOPSOIL IS TO BE FURNISHED. 2. FOR PLANTING MIX, MIX THOROUGHLY 2/3 APPROVED TOPSOIL (SEE TOPSOIL) AND 1/3 APPROVED ORGANIC MATTER. 3. FERTILIZER TABLETS OR SPIKES TO BE PLACED AT EACH TREE AND SHRUB AT A RATE OF 1 PER 2" OF TRUNK CALIPER OR GALLON OF ROOTBALL. TABLETS OR SPIKES SHALL NOT BE IN CONTACT WITH THE ROOTBALL. 4. MULCH MATERIAL SHALL BE OF UNIFORM SIZE, FINE SHREDDED TANBARK HARDWOOD MULCH OR APPROVED EQUAL. MULCH SHALL BE A REDDISH DARK BROWN COLOR AND SHALL BE LAD TO A UNIFORM MINIMUM DEPTH OF 2 INCHES. MULCH AREAS AROUND TREES AT THE RATE OF 1" OF DIAMETER PER OF TRUNK CALIPER. 5. HYDROGEL ABSORBENT MATERIAL SHALL BE ADDED TO THE PLANTING HOLE FOR EACH TREE AND SHRUB AT THE RATE OF 4 OUNCES PER 2 1/2" CALIPER OR GALLON OF ROOTBALL. HYDROGEL MATERIAL SHALL BE VITEKRA "GELSCALE", "TERRASORB" OR APPROVED EQUAL. 6. SUBSTITUTIONS: 1. IF A PLANT IS FOUND NOT TO BE SUITABLE OR AVAILABLE, THE LANDSCAPE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE BIDDING. THE OWNER OR LANDSCAPE ARCHITECT WILL THEN SELECT A REASONABLE ALTERNATE OR INFORM ALL LANDSCAPE CONTRACTORS OF THE AVAILABILITY OF THE ORIGINAL PLANT.

Final Landscape Plan Owner Certification Form

I certify that I have reviewed this Final Landscape Plan; that I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to PWA closeout if applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Developments Management, Development Plans Review, Room 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204

Applicant Signature	Date	Print Name
Address (Print)	Street	
City	MD	Zip
PDM #	N/A	Permit #

Final Landscape Plan Landscape Architect Certification Form

It is certified that this landscape plan is in compliance with all plans previously approved by Baltimore County and the Baltimore County comments attendant thereto.

Signature	Print Name
DAVID L. MARTIN	
Date	Seal

DRC NO. 081108E

SCALE: 1" = 30'
DATE: MAY 19, 2009
JOB #: 08-1066
DES: DJB
PRN: DJB
CHK:
FILE:
DRAWING NUMBER: C-13
SHEET 12 OF 13

MARTIN & PHILLIPS & PHILLIPS DESIGN ASSOCIATES, INC. LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING 222 BOSLEY AVENUE, SUITE B1 TOWSON, MARYLAND 21204 410-321-8444

STATE OF MARYLAND LANDSCAPE ARCHITECT DAVID L. MARTIN

NO.	DATE	REVISIONS:	BY
1	6-02-09	TO ADDRESS DPR COMMENTS DATED 5-20-09	DJB

WAWA - 516 Main Street
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT # 4

KEY SHEET (1-NW)
POSITION SHEET - (58 NW 40)
COUNCILMAN DISTRICT # 3rd

