

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

E/S of York Road at a distance of 200' from
the c/line of Gerald Avenue

(2127 York Road)

8th Election District

4th Councilmanic District

Timonium Land Corporation, *Legal Owner*

Express Fuel, Inc., *Lessee*

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0058-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, on behalf of the legal property owner, Timonium Land Corporation, Legal Owner, and Express Fuel, Inc., the Lessee ("Petitioners").

The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

- (1) The request to amend the approved site plan (Case No. 01-300-XA),
- (2) The request to convert the 200 square foot carry-out restaurant back to a convenience store use for a 7-Eleven store,
- (3) The request to relocate the existing carwash stacking lanes through the existing landscape area (Case No. 97-547-XA) to the car wash entrance,
- (4) The request to provide an expansion of 12 feet, 7 inches to the 7-Eleven convenience store,
- (5) The request to provide 5 additional parking spaces for overflow use when the stacking lanes are not fully utilized and amendment to the existing parking for 6 cars; and
- (6) For such other and further relief as may be required by the Administrative Law Judge.

ORDER RECEIVED FOR FILING

Date

10-19-11

By



In addition, Variance relief was filed pursuant to Sections 405.4.A.3.D(1), 405.4.A.3.D(2), 405.4.A.3.D(4), 409.6.A.2, 419.3.B.1 and 419.3.B.4 of the B.C.Z.R. to permit the following:

- (1) A total of 21 spaces in lieu of the required 28 parking spaces, a variance of 7 parking spaces in lieu of the 6 parking space variance granted in Case No. 01-300-XA, and
- (2) For such other and further relief as may be required by the Administrative Law Judge.

The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing and Variance requests were Mark A. Krug, authorized representative of Express Fuel, Inc. and Timonium Land Corporation, and Paul Lee with Century Engineering. Also attending were Scott Davison, Laverna Olkowski and Kevin Dayhoof, all on behalf of the Petitioners. Lawrence E. Schmidt, Esquire represented the Applicant. There were no Protestants or other interested persons present.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Testimony and evidence indicated that the property which is the subject of this special hearing and variance request consists of 0.638 acres, more or less, and is zoned BM-AS. The property is improved with a 1,500 sq. ft. convenience store with a carry-out restaurant (Subway Subs). In addition, there exists a full service car wash on the east side of the building. The property at this time is a "Petro" Gas station. The property owners have been approached by 7-Eleven with the intention of converting the existing property into a 7-Eleven Convenience Store and gas station. The car wash will remain; however, the Subway Sub shop will be eliminated and removed from the site. That area formerly used by Subway will become part of the overall 7-Eleven convenience store operation.

A small one story addition is proposed to be constructed on the north side of the building, adding an additional 12' 7" of interior space to the convenience store. In addition, all existing signage will be changed to identify this property as a 7-Eleven Convenience Store. In order to proceed with the upgrades and improvements to the site, the zoning relief requested is necessary.

The uncontradicted testimony and evidence offered at the hearing demonstrated that the Special Hearing relief requested should be approved as there will be no adverse impact to the surrounding properties and the improvements to the site will be a benefit to the community.

In addition, based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the granting of the variance is within the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED this 19th day of October, 2011, by this Administrative Law Judge, that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

- (1) The request to amend the approved site plan (Case No. 01-300-XA),
- (2) The request to convert the 200 square foot carry-out restaurant back to a convenience store use for a 7-Eleven store,
- (3) The request to relocate the existing carwash stacking lanes through the existing landscape area (Case No. 97-547-XA) to the car wash entrance,
- (4) The request to provide an expansion of 12 feet, 7 inches to the 7-Eleven convenience store, and

- (5) The request to provide 5 additional parking spaces for overflow use when the stacking lanes are not fully utilized and amendment to the existing parking for 6 cars,

be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioners' request for Variance relief filed pursuant to Sections 405.4.A.3.D(1), 405.4.A.3.D(2), 405.4.A.3.D(4), 409.6.A.2, 419.3.B.1 and 419.3.B.4 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

- (1) A total of 21 spaces in lieu of the required 28 parking spaces, a variance of 7 parking spaces in lieu of the 6 parking space variance granted in Case No. 01-300-XA,

be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

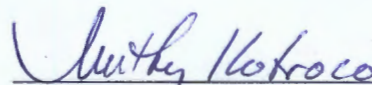
- Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

ORDER RECEIVED FOR FILING

Date 10-19-11

By TMK/dlw



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 19, 2011

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S of York Road at a distance of 200' from the c/line of Gerald Avenue
(2127 York Road)
8th Election District - 4th Councilmanic District
Timonium Land Corporation, *Legal Owner*; Express Fuel, Inc., *Lessee - Petitioners*
CASE NO. 2012-0058-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 2127 York Road

which is presently zoned BM-AS

Deed Reference 1175/001

10 Digit Tax Account # 160000074

Property Owner(s) Printed Name(s) Mark A. Krug, Authorized Representative of Timonium Land Corporation

CASE NUMBER 2012-0058-S04 Filing Date 8/30/11 Estimated Posting Date / / Reviewer JF

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PLEASE SEE ATTACHED

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

PLEASE SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Mark A. Krug, Authorized Representative of Express Fuel, Inc.

Name- Type or Print

Signature

2127 York Road, Timonium, MD 21093

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address

City

State

(410) 821-0070 / lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Mark A. Krug, Authorized Representative of Timonium Land Corporation

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

14236 Saw Mill Court, Phoenix, MD 21131

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address

City

State

(410) 821-0070 / lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

REV. 2/20/11 ORDER RECEIVED FOR FILING

Date 10-19-11

By [Signature]

ATTACHMENT TO PETITION FOR SPECIAL HEARING

2127 York Road

1. The request to amend the approved site plan (Case No. 01-300-XA); and
2. The request to convert the 200 square foot carry-out restaurant back to a convenience store use for a 7-11 store;
3. The request to relocate the existing carwash stacking lanes through the existing landscape area (Case No. 97-547-XA) to the car wash entrance;
4. The request to provide an expansion of 12'7" to the 7-11 convenience store;
5. The request to provide 5 additional parking spaces for ^{normal} ~~emergency~~ use when the stacking lanes are not fully utilized and amendment to the existing parking for 6 cars; and
6. For such other and further relief as may be required by the Administrative Law Judge.

ATTACHMENT TO PETITION FOR VARIANCE

2127 York Road

1. 405.4.A.3.D(1), 405.4.A.3.D(2), 405.4.A.3.D(4), 409.6.A.2, 419.3.B.1 and 419.3.B.4 of the BCZR to permit a total of 21 spaces in lieu of the required 28 parking spaces, a variance of 7 parking spaces in lieu of the 6 parking space variance granted in Case No. 01-300-XA; and
2. For such other and further relief as may be required by the Administrative Law Judge.

DESCRIPTION**2127 YORK ROAD****ELECT. DIST. 8 COUNCILMANIC DIST. 4**

Beginning for the same at a point on the east side of York Road (Maryland Route 45), said point of York Road having a variable right-of-way width and being located northerly 200' more or less from the centerline of Gerald Avenue, thence leaving said point of beginning and running with and binding on said east right of way line ;

1. North 18° 47' 06" West 168.84', to a point on said east right-of-way, thence leaving said point and running for the 5 following courses and distances:
2. North 71° 12' 54" East 143.98', thence
3. South 04° 21' 22" East 17.51', thence
4. South 84° 55' 50" East 49.50', thence
5. South 06° 57' 14" West 179.75' thence
6. South 86° 55' 44" West 110.98' to intersect the East side of York Road (Maryland Route 45) and said point of beginning.

Containing 27,791 square feet or 0.638 acres of land, more or less.



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

No. **73692**

Date: **8-30-11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Dep
				Source/	Rev/						
001	506	0000		6150						770.00	CH

Total: **770.00**

Rec From: **SMITH, GILOEA & SCHMIOT, LLC**

For: **Petition for SPHA**
2127 York Rd.
2012-0058-SPHA

PAID RECEIPT
 BUSINESS ACTIVITY TIME DAY
 8/30/2011 8/30/2011 10:21:22 2
 REC 0505 WALKIN 0001 000
 RECEIPT # 580715 8/30/2011 OFM
 Dept 5 500 FUNDING UNIT DEATION
 BL 073692
 Recpt tot \$770.00
 \$770.00 CF 1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0058-SPH

2127 York Road

E/side of York Road at a distance of 200 feet (+/-) from the centerline of Gerald Avenue

8th Election District - 4th Councilmanic District

Legal Owner(s): Mark A. Krug, Timonium Land Corporation
Contract Purchaser/Lessee: Express Fuel, Inc.

Special Hearing: to amend the approved site plan in Case 01-300-XA; to convert the 200 sq. ft. carry-out restaurant back to a convenience store use for a 7-11 store; to relocate the existing carwash stacking lanes through the existing landscape area to the car wash entrance; to provide an expansion of 12' 7" to the 7-11 convenience store; to provide 5 additional parking spaces for overflow use when the stacking lanes are not fully utilized and amendment to the existing parking for 6 cars and for such other and further relief as may be required by the Administrative Law Judge.

Variance: to permit a total of 21 spaces in lieu of the required 28 parking spaces, a variance of 7 parking spaces in lieu of the 6 parking space variance granted in Case 01-300-XA and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Wednesday, October 5, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

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

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

JT/9/655 Sept. 20

286404

CERTIFICATE OF PUBLICATION

9/22/2011

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 9/20/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0058-SPH

RE: Case No.: _____

Petitioner/Developer: _____

**Express Fuel, Inc.
Mark A. King, Timonium Land Corp**

October 5, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2127 York Road

September 20, 2011

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

Sincerely,

September 21, 2011


(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 # 2012-0058:SPH

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

PLACE: Room 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: WEDNESDAY, OCTOBER 5, 2011 AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO AMEND THE APPROVED SITE PLAN
IN CASE 01-300-XA TO CONVERT THE 200 SQ. FT.
CARRY-OUT RESTAURANT BACK TO A CONVENIENCE STORE USE FOR A
7-11 STORE; TO RELOCATE THE EXISTING CAR WASH STAKING LINES
THROUGH THE EXISTING LANDSCAPE AREA TO THE CAR WASH ENTRANCE; TO
PROVIDE AN EXPANSION OF 12' 1" TO THE 7-11 CONVENIENCE STORE; TO
PROVIDE 5 ADDITIONAL PARKING SPACES FOR OVERFLOW USE WHEN THE
PARKING LINES ARE NOT FULLY UTILIZED AND ADJUDICATE TO THE EXISTING
PARKING FOR 6 CARS, AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY
BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE. VARIANCE TO PERMIT A
TOTAL OF 21 SPACES IN LIEU OF THE REQUIRED 28 PARKING SPACES. A VARIAN-
CE OF 7 PARKING SPACES IN LIEU OF THE 6 PARKING SPACES
VARIANCE GRANTED IN CASE 01-300-XA AND FOR SUCH OTHER AND
FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 20, 2011 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0058-SPH

2127 York Road

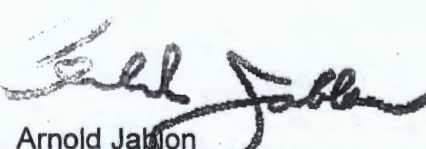
E/side of York Road at a distance of 200 feet (+/-) from the centerline of Gerald Avenue
8th Election District – 4th Councilmanic District

Legal Owners: Mark A. Krug, Timonium Land Corporation

Contract Purchaser/Lessee: Express Fuel, Inc.

Special Hearing to amend the approved site plan in Case 01-300-XA; to convert the 200 sq. ft. carry-out restaurant back to a convenience store use for a 7-11 store; to relocate the existing carwash stacking lanes through the existing landscape area to the car wash entrance; to provide an expansion of 12' 7" to the 7-11 convenience store; to provide 5 additional parking spaces for overflow use when the stacking lanes are not fully utilized and amendment to the existing parking for 6 cars and for such other and further relief as may be required by the Administrative Law Judge. Variance to permit a total of 21 spaces in lieu of the required 28 parking spaces, a variance of 7 parking spaces in lieu of the 6 parking space variance granted in Case 01-300-XA and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Wednesday, October 5, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold J. Jordon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
September 8, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0058-SPH

2127 York Road

E/side of York Road at a distance of 200 feet (+/-) from the centerline of Gerald Avenue

8th Election District – 4th Councilmanic District

Legal Owners: Mark A. Krug, Timonium Land Corporation

Contract Purchaser/Lessee: Express Fuel, Inc.

Special Hearing to amend the approved site plan in Case 01-300-XA; to convert the 200 sq. ft. carry-out restaurant back to a convenience store use for a 7-11 store; to relocate the existing carwash stacking lanes through the existing landscape area to the car wash entrance; to provide an expansion of 12' 7" to the 7-11 convenience store; to provide 5 additional parking spaces for overflow use when the stacking lanes are not fully utilized and amendment to the existing parking for 6 cars and for such other and further relief as may be required by the Administrative Law Judge. Variance to permit a total of 21 spaces in lieu of the required 28 parking spaces, a variance of 7 parking spaces in lieu of the 6 parking space variance granted in Case 01-300-XA and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Wednesday, October 5, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Mark Krug, 2127 York Road, Timonium 21093
Mark Krug, 14236 Saw Mill Ct., Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 20, 2011.**
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0058-SPHA

Petitioner: TIMONIVUM LAND CORPORATION

Address or Location: 2127 YORK RD, TIMONIVUM, MD
21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAWRENCE E SCHMIDT

Address: 600 WASHINGTON AVE, STE 200
TOWSON, MD
21204

Telephone Number: 410-821-0070

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 26, 2011

Mr. Mark Krug
14236 Saw Mill Court
Phoenix, MD 21131

RE: Case Number 2012-0058 SPH, 2127 York Road

Dear Mr. Krug,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 30, 2011. 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Mark Krug, 2127 York Road, Timonium, MD 21093
Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: September 8, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2011
Item Nos. 2012-052, 053, 054, 055, 056, 057, 058
And 059

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09192011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

Date: 8/31/11

Ms. Kristen Matthews,
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0058-SPHA
Special Hearing Variance
Mark A. Krug
2127 York Road.

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 8/31/11. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2012-0058-SPHA.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz

10/5 11am
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-058-SPHA
Address 2127 York Road
(Timonium Land Corporation Property)

Zoning Advisory Committee Meeting of September 6, 2011.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

SEP 15 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
2127 York Road; E/S York Road, 200'	*	ADMINISTRATIVE LAW
c/line Gerald Avenue		
8 th Election & 4 th Councilmanic Districts	*	JUDGE FOR
Legal Owner(s): Timonium Land Corporation		
Contract Purchaser(s): Express Fuel, Inc	*	BALTIMORE COUNTY
Petitioner(s)	*	2012-058-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

SEP -6 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

10/18 10AM
104

Debra Wiley - ZAC Comments - Distribution Meeting of September 6 2011

From: Debra Wiley
To: Murray, Curtis; Lykens, David; Kennedy, Dennis; Muddiman, Don; Livingsto...
Date: 9/4/2011 2:30 PM
Subject: ZAC Comments - Distribution Meeting of September 6 2011

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2012-0052-A - 2857 Louisiana Avenue
(Administrative Variance - Closing Date: 9/19/11)

2012-0053-SPHX - 2430--2444 Broad Avenue

2012-0054-A - 4401 Norfen Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0055-A - 3501 Glenwood Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0056-A -203 Saint Marys Road

2012-0057-SPHX - 4401 North Point Road

2012-0058-SPHA - 2127 York Road

2012-0059-A - 7105 Eastern Avenue

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

Debra Wiley - Fwd: Timonium Land Corporation 2012-058-SPHA

From: Stephen Weber
To: Peter Zimmerman
Date: 9/26/2011 10:28 PM
Subject: Fwd: Timonium Land Corporation 2012-058-SPHA
CC: Dennis Kennedy
Attachments: 20110909115747.pdf

Dear Mr. Zimmerman:

We have reviewed the subject request and do not have any traffic concerns with this case. This will result in the removal of the Subway carry-out restaurant and convert it back to a convenience store with a small 479 sq. ft. addition. They are still proposing about the same parking variance as the site had previously, although it should be noted that the 5 proposed "overflow only" parking spaces are already existing marked parking spaces for the current site as well. Therefore, these 5 spaces have already been on the site, although perhaps not shown on the previous site plan. Because of the proposed building addition to the north, this does make these 5 spaces unusable IF there are more than 4 vehicles in queue for the car wash. The condition of having more than 4 vehicles in queue for the car wash would admittedly be relatively infrequent and therefore the 5 spaces should generally be considered accessible. Due to the lack of any nearby on-street parking, the site is generally going to be forced to have to contain its parking demands on its own property.

Should you have any questions regarding this information, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> People's Counsel 9/9/11 12:01 PM >>>
Mr. Weber,

Attached you will find the Petitions for Special Hearing and Special Exception with regard to the above-mentioned case. Please review the case and let my office know if you have any traffic concerns with this case.

Thank you in advance.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

TK 10/5
11Am
Rm. 205

From: Peter Zimmerman
To: Stahl, Lawrence
CC: Ischmidt@sgs-law.com
Date: 9/27/2011 11:07 AM
Subject: Fwd: Timonium Land Corporation 2012-058-SPHA
Attachments: Fwd: Timonium Land Corporation 2012-058-SPHA

Dear Judge Stahl,

For your information, enclosed is a comment on this case from Stephen E. Weber, Chief, Division of Traffic Engineering. We hope it will be of assistance to the Office of Administrative Hearing in the course of this case.

Sincerely yours,

Peter Max Zimmerman

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
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[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 08 Account Number - 1600000071

Owner Information

Owner Name: TIMONIUM LAND CORP **Use:** COMMERCIAL
Mailing Address: 14236 SAW MILL CT **Principal Residence:** NO
PHOENIX MD 21131 **Deed Reference:** 1) /11175/ 00001
2)

Location & Structure Information

Premises Address **Legal Description**
2127 YORK RD ES YORK RD
TIMONIUM MD 21093-3110 2127 YORK RD
200 N GERARD AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0060	0006	0165		0000				2	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2000	2921	27,791 SF	06

Stories **Basement** **Type** **Exterior**
CONVENIENCE STORE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	956,400	956,400		
Improvements:	522,800	506,200		
Total:	1,479,200	1,462,600	1,462,600	1,462,600
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
STAR ENTERPRISE	08/21/1995	\$552,500
Type: ARMS LENGTH IMPROVED	Deed1: /11175/ 00001	Deed2:
Seller: EDELSON MILTON B	Date: 01/22/1993	Price: \$200,000
Type: ARMS LENGTH IMPROVED	Deed1: /09568/ 00091	Deed2:
Seller: JOSEPH DANIEL C	Date: 03/13/1973	Price: \$50,000
Type: ARMS LENGTH IMPROVED	Deed1: /05342/ 00591	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:



CASE NAME 2012-0058-
CASE NUMBER pete SPH
DATE 10/5

[illegible]

Case No.: 2012 - 0058 - SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>Site Plan</i>	
No. 2 ^A _{2B} _{2C} _{2D}	<i>Prior orders for this property</i>	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE.
 E/S York Road, 200 ft. +/- N of * ZONING COMMISSIONER
 c/1 Gerard Avenue
 2127 York Road * OF BALTIMORE COUNTY
 8th Election District *
 4th Councilmanic District * Case No. 97-547-XA
 Legal Owner: Timonium Land Corp.
 Lessee: Express Fuel, Inc. *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance, both for the property located at 2127 York Road in Timonium. The Petitions were filed by Timonium Land Corporation, property owner, and Express Fuel, Inc., Lessee. Special Exception relief was requested for approval of a convenience store and roll over carwash in combination with the previously approved fuel service station, pursuant to Sections 405.4.E.1 and 405.4.E.2 of the Baltimore County Zoning Regulations (BCZR). Variance relief is requested from Sections 405.4.A.2.b. and 419.4.B.3 of the BCZR to approve a landscape transition area of 0 ft. in lieu of the required 10 ft. in the front yard and 0 ft. in lieu of the required 6 ft. in the rear and side yards; from Section 405.4.A.2 to approve a fuel pump setback of 23 ft. in lieu of the required 25 ft. from a street right of way; and from Section 405.4.A.2 to approve a canopy setback of 11 ft. in lieu of the required 15 ft. from a street right of way. All of the subject property and the requested relief is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case were James S. Davison and Mark A. Krug, principles in those corporations which are identified as Petitioners. Also present was Ken Colbert, a professional engineer who prepared the site plan. The Petitioners were represented by Deborah

ORDER RECEIVED FOR FILING
 Date 7/29/97
 By [Signature]

Pet 2A

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S York Road, 200 ft. N of *
c/l Gerard Avenue * ZONING COMMISSIONER
2127 York Road *
8th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Legal Owner: Timonium Land Corp. * Case No. 99-188-SPH
Lessee: Express Fuel, Inc., Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 2127 York Road in Timonium. The Petition was filed by the Timonium Land Corporation, property owner and Express Fuel, Inc., Lessee. Special Hearing relief is requested to approve an amendment to a previously approved special exception and variance in case No. 97-547-XA, to permit the inclusion of a carryout restaurant in combination with a fuel service station, convenience store and roll-over carwash, pursuant to Section 405 of the Baltimore County Zoning Regulations. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was J. Scott Davis, principal of both Timonium Land Corporation and Express Fuel, Inc., Petitioners. Also present was Ken Colbert, the engineer who prepared the site plan. The Petitioner was represented by Deborah C. Dopkin, Esquire. There were no Protestants or other interested persons present.

The subject site at issue is an irregularly shaped parcel, located with frontage on York Road near the Timonium State Fairgrounds in Timonium. The property is approximately .638 acres in area, zoned B.M.-A.S. The property is improved with an existing fuel service station which operates under the trade name, Petro.

ORDER RECEIVED FOR FILING

Date

By

let 2 B

IN RE: PETITION FOR SPECIAL HEARING
E/S York Road, 200' N of Gerard Avenue
(2127 York Road)
8th Election District
4th Council District

Timonium Land Corp., Owners;
Express Fuel, Inc., Contract Lessee

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 00-558-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Timonium Land Corporation, by Mark Krug, Vice President, and the Contract Lessee, Express Fuel, Inc., through their attorney, Deborah C. Dopkin, Esquire. The Petitioners request a special hearing for a finding that a fully automated, exterior-only, conveyor-type car wash is in keeping with the spirit and intent of the definition of a roll-over car wash, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.). In the alternative, the Petitioners request approval that such a car wash is permitted at the subject location, as was previously approved in Case No. 99-188-SPH. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3.

Appearing at the requisite public hearing in support of the request were Mark A. Krug, Vice President of Timonium Land Corporation, owner of the subject property, and J. Scott Davison, a representative of Express Fuel, Inc., Contract Lessee. The Petitioners were represented by Deborah C. Dopkin, Esquire. Also appearing in support of the request were Laura Davison (Mr. Davison's wife), William P. Davis, a car wash expert, C. Richard Moore, a traffic engineering expert, and Kenneth Colbert, Professional Engineer who prepared the site plan for this property. Appearing in opposition to the request was Mark Beckwith, the owner/proprietor of a nearby service station/car wash at 2114 York Road. Mr. Beckwith was represented by Howard L.

Pet 2 c

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE -
E/S York Road, 200' N of the c/l
Gerard Avenue
(2127 York Road)
8th Election District
4th Council District

Timonium Land Corp., Owners;
Express Fuel, Inc., Lessees

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 01-299-SPH & 01-300-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for a single public hearing to consider combined Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Timonium Land Corporation, and the Contract Lessees, Express Fuel, Inc., through their attorney, Deborah C. Dopkin, Esquire. In Case No. 01-299-SPH, the Petitioners request a special hearing seeking affirmation of the zoning relief granted in prior Cases Nos. 97-547-XA and 99-188-SPH. In addition, the Petitioners request the incorporation of a previously approved "more-in-keeping plan", dated November 24, 1998, for an increased length of car wash, and a previously approved "more-in-keeping plan", dated February 20, 2000, for a second floor office/storage space addition and employee parking spaces, pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Lastly, the Petitioners request approval of the modified northern driveway entrance, pursuant to the plan approved for Krispy Kreme Donuts under State Highway Administration (SHA) Access Permit #B-B-7099-99.

In the alternative, the Petitioners request special exception and variance relief in companion Case No. 01-300-XA. Specifically, the Petitioners request a special exception for a convenience store, a full service car wash, and a carry-out restaurant as a use in combination with a previously approved fuel service station, in accordance with Sections 405.4.E.1, 405.4.E.3, 405.4.E.10 and Section 419 of the B.C.Z.R. In addition, the Petitioners request variance relief from Section 419.3.A.2 to permit nine (9) stacking spaces in lieu of the required 19; from Sections 419.3.B and 409.4.B of the B.C.Z.R. to permit employee parking spaces to be blocked by car wash

ORDER RECEIVED FOR FILING

Date

By

Pet 2 D



Timonium Land Corp.

2127 York Rd.

Pet 3A



Pl 3B



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 10/3/2011

Ref 3C

Lawrence Schmidt

From: Stephen Weber [sweber@baltimorecountymd.gov]
Sent: Monday, September 26, 2011 10:28 PM
To: Peter Zimmerman
Cc: Dennis Kennedy
Subject: Fwd: Timonium Land Corporation 2012-058-SPHA
Attachments: 20110909115747.pdf

Dear Mr. Zimmerman:

We have reviewed the subject request and do not have any traffic concerns with this case. This will result in the removal of the Subway carry-out restaurant and convert it back to a convenience store with a small 479 sq. ft. addition. They are still proposing about the same parking variance as the site had previously, although it should be noted that the 5 proposed "overflow only" parking spaces are already existing marked parking spaces for the current site as well. Therefore, these 5 spaces have already been on the site, although perhaps not shown on the previous site plan. Because of the proposed building addition to the north, this does make these 5 spaces unusable IF there are more than 4 vehicles in queue for the car wash. The condition of having more than 4 vehicles in queue for the car wash would admittedly be relatively infrequent and therefore the 5 spaces should generally be considered accessible. Due to the lack of any nearby on-street parking, the site is generally going to be forced to have to contain its parking demands on its own property.

Should you have any questions regarding this information, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

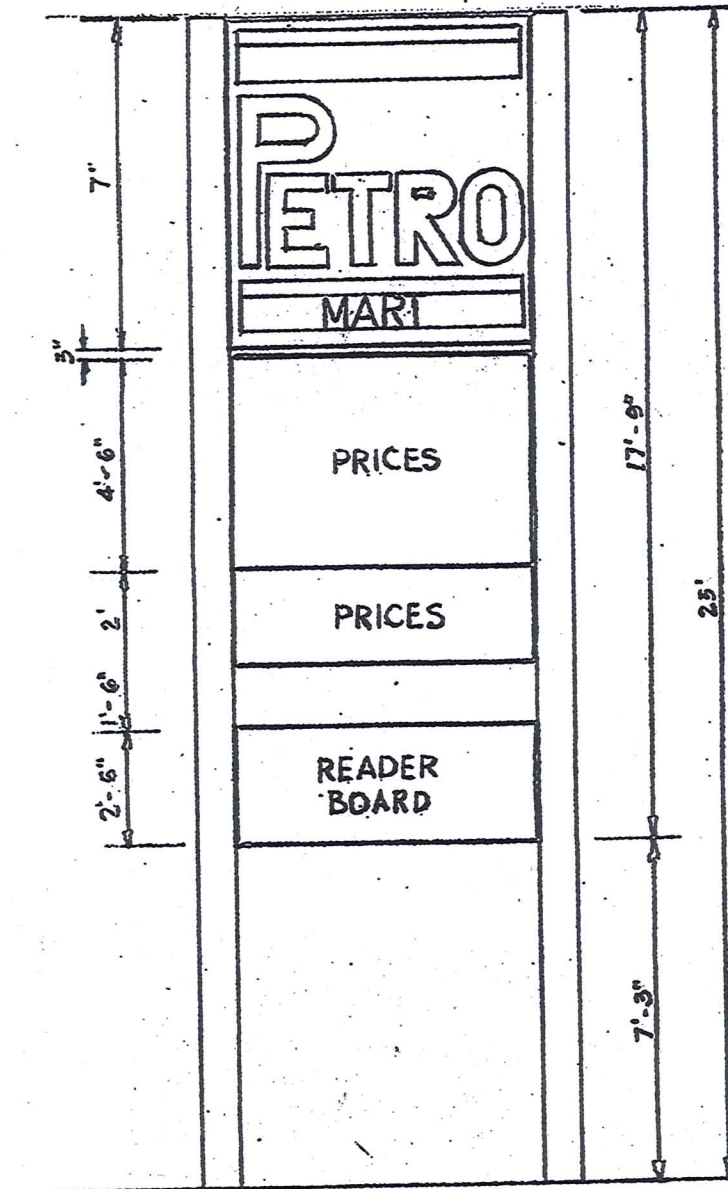
>>> People's Counsel 9/9/11 12:01 PM >>>
Mr. Weber,

Attached you will find the Petitions for Special Hearing and Special Exception with regard to the above-mentioned case. Please review the case and let my office know if you have any traffic concerns with this case.

Thank you in advance.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

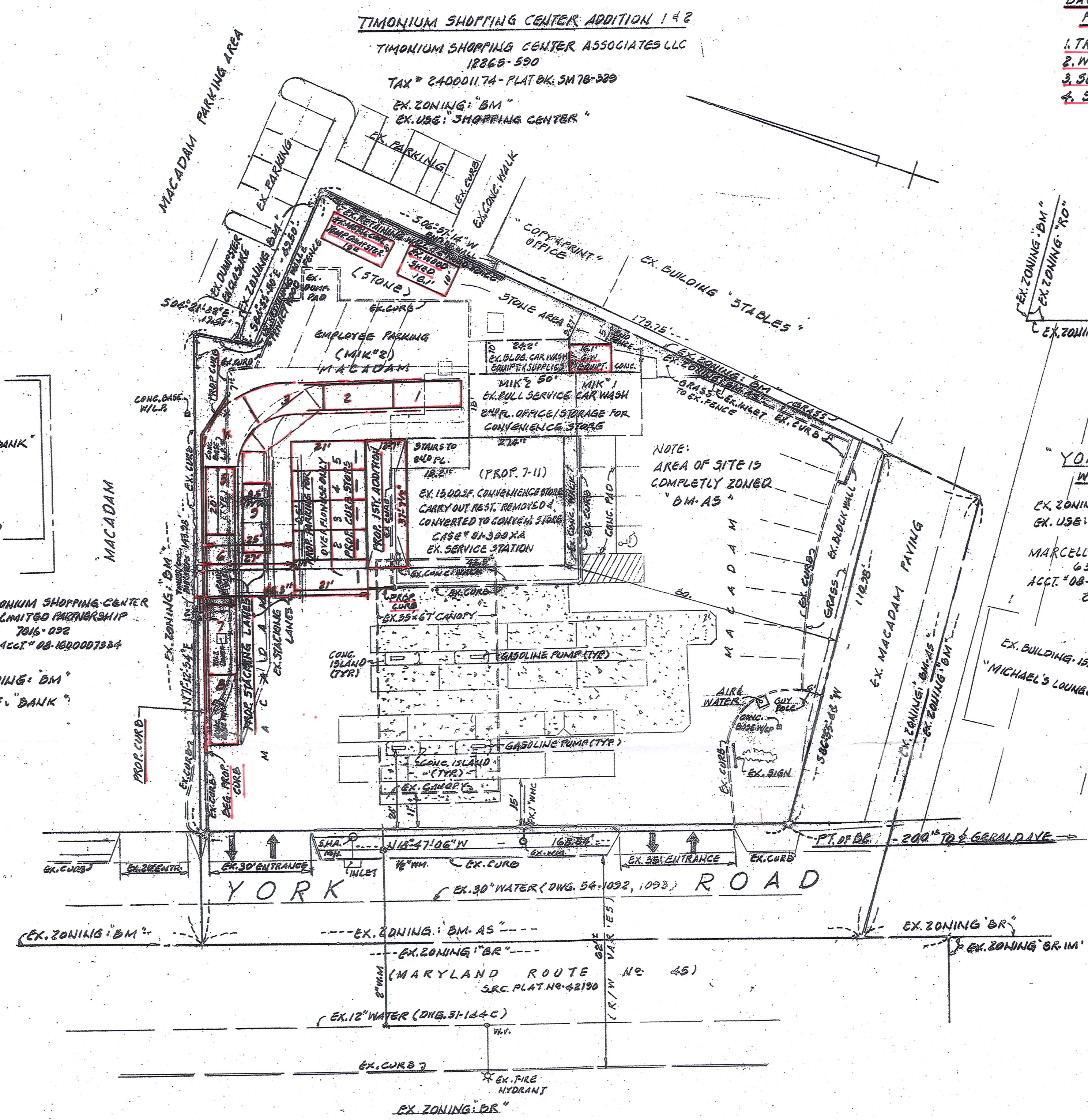
Pet 4



EXISTING FREE-STANDING
DOUBLE-SIDED SIGN
SCALE: 1/4" = 1'

TIMONIUM SHOPPING CENTER
LIMITED PARTNERSHIP
7016-092
ACCT. 08-080007834

EX. ZONING: "BM"
EX. USE: "BANK"



CASE NO. 00-558-SPH
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of August, 2000 that the Petition for Special Hearing seeking a finding that a fully automated, exterior-only, conveyor-type car wash is in keeping with the spirit and intent of the definition of a roll-over car wash, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and
IT IS FURTHER ORDERED that the alternative request within the Petition for Special Hearing seeking approval that such a car wash is permitted at the subject location, as was previously approved in Case No. 99-188-SPH, be and is hereby DENIED.
The Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

- REMOVED COMMERCIAL PHOTO**
B 230335 ISSUED APRIL 4, 1995:
REMOVAL OF UNDERGROUND STORAGE TANKS.
B 241025 ISSUED JULY 12, 1995:
INSTALLATION OF UNDERGROUND STORAGE TANKS.
B 248142 ISSUED JANUARY 12, 1996:
CONSTRUCTION OF FREE-STANDING SIGN.
B 380751 ISSUED DECEMBER 1, 1998:
CONSTRUCTION OF CARWASH & INTERIOR RENOVATION.
B 425508 ISSUED AUGUST 29, 2000:
CONSTRUCTION OF RETAINING WALL.
B 410151 ISSUED APRIL 14, 2000 TO ENCLOSE
DRIVEWAY TO 2ND FLOOR.

CASE NO. 99-188-SPH
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of December 1999 that, pursuant to the Petition for Special Hearing, approval to amend a previously approved special exception and variance in Case No. 97-547-XA, to permit the inclusion of a car wash restaurant in combination with a fuel service station, convenience store and roll-over carwash, pursuant to Section 405 of the Baltimore County Zoning Regulations, be and is hereby GRANTED, subject to the following restriction:
1. The 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
"More in Keeping" Plan approved 11/24/99 pursuant to Section 405.6.A.1 of the B.C.Z.R. to increase length of car wash and rated production capacity (BMC 51)

"More in Keeping" Plan approved 2/24/00 pursuant to Section 405.6.A.1 of the B.C.Z.R. to add second floor, office/storage and employee parking spaces (BMC 52)

ZONING HISTORY
CASE No. 97-547-XA
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of July 1997 that a Petition for Special Exception for approval of a convenience store and roll over carwash in combination with the previously approved fuel service station, pursuant to Sections 405.A.1 and 405.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and
(14-9) IT IS FURTHER ORDERED that a variance from Sections 405.A.2.b and 419.4.B.3 of the B.C.Z.R. to approve a landscape transition area of 0 ft. in lieu of the required 10 ft. in the front yard, and 0 ft. in lieu of the required 6 ft. in the rear and side yards, be and hereby GRANTED; and
(14-9) IT IS FURTHER ORDERED that a variance from Section 405.A.2 to approve a fuel pump setback of 23 ft. in lieu of the required 25 ft. from a street right of way and from Section 405.A.2 to approve a canopy setback of 11 ft. in lieu of the required 15 ft. from a street right of way, be and is hereby GRANTED, subject to the following restriction:
1. The Petitioners are 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with ZAC comments from the Office of Planning dated July 14, 1997. The Petitioners shall submit a landscape plan for approval by the Baltimore County Landscape Planner and the Office of Planning. The approved landscape plan shall become a permanent part of the record and file in this matter.

BALTIMORE COUNTY BASIC SERVICE MAPS
FIRM FLOOD MAP - BALTIMORE COUNTY, MD.
1. TRANSPORTATION - 2011 - NOT DEFICANT
2. WATER - 2011 - NOT DEFICANT
3. SEWER - 2011 - NOT DEFICANT
4. STORM DRAINS - NOT DEFICANT
(PIMAMAP.BALTO.CO. 240010 PANEL 0235)

"YORKSHIRE"
WPC 7 PARTI - 21
EX. ZONING: "BM"
EX. USE: "RESTAURANT"
MARCELLA & MICHAEL S. DELLIS
6386-251
ACCT. 08-0816076076
2

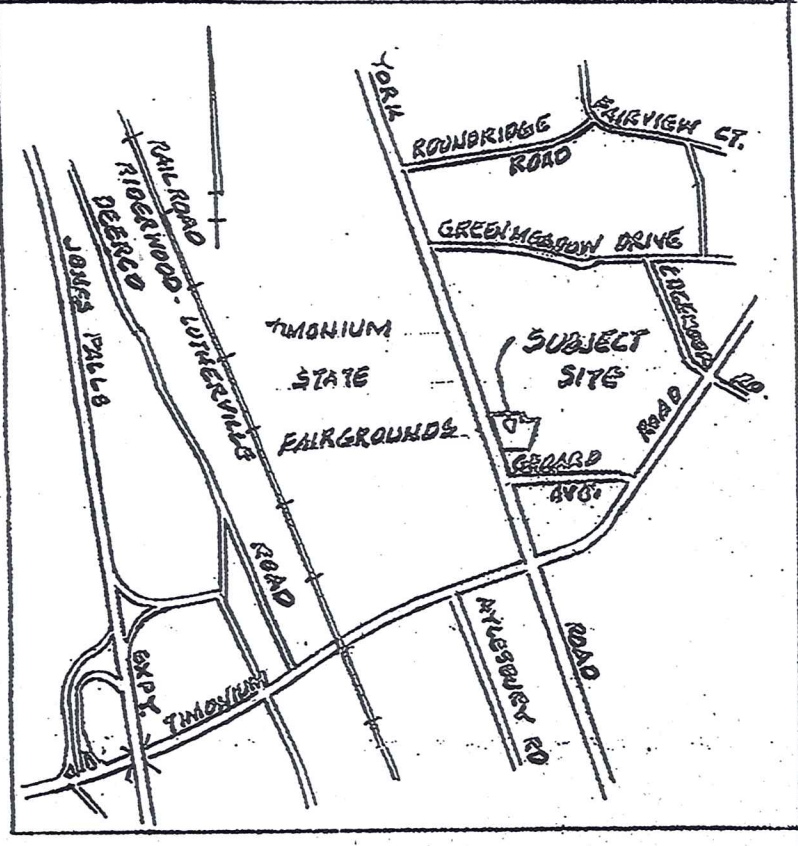
- SPECIAL EXCEPTION**
SPECIAL EXCEPTION TO PERMIT A CONVENIENCE STORE, A FULL SERVICE CAR WASH, AND A CARRY-OUT RESTAURANT IN COMBINATION WITH A PREVIOUSLY APPROVED FUEL SERVICE STATION IN ACCORDANCE WITH SECTIONS 405.A.E.1, 405.A.E.3, 405.A.E.10, AND 419.
VARIANCES
VARIANCE TO SECTION 419.3.A.2 TO PERMIT 9 STACKING SPACES IN LIEU OF THE REQUIRED 19 STACKING SPACES.
VARIANCE TO SECTIONS 419.3.B AND 409.4.B TO PERMIT EMPLOYEE PARKING SPACES TO BE BLOCKED BY CAR WASH STACKING SPACES.
VARIANCE IN PART TO SECTIONS 405.A.A.3.D(1), 405.A.A.3.D(2), 405.A.A.3.D(4), 409.4.A.2, 419.3.B.1, AND 419.3.B.4 TO PERMIT A TOTAL OF 16 PARKING SPACES IN LIEU OF THE REQUIRED TOTAL OF 22 PARKING SPACES.
VARIANCE TO APPROVE A MODIFIED PLAN IN ACCORDANCE WITH SECTION 409.12.B.

CASE NO. 01-300-XA

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of April, 2001 that the Petition for Special Exception in Case No. 01-300-XA seeking approval to allow a convenience store, a full service car wash, and a carry-out restaurant as uses in combination with a previously approved fuel service station, pursuant to Sections 405.A.E.1, 405.A.E.3, 405.A.E.10 and Section 419 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 419.3.A.2 to permit nine (9) stacking spaces in lieu of the required 19; from Sections 419.3.B and 409.4.B of the B.C.Z.R. to permit employee parking spaces to be blocked by car wash stacking spaces; and, in part, from Sections 405.A.A.3.D(1), 405.A.A.3.D(2), 405.A.A.3.D(4), 409.4.A.2, 419.3.B.1 and 419.3.B.4 of the B.C.Z.R. to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and, to approve a modified plan, pursuant to Section 409.12.B, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
IT IS FURTHER ORDERED that the Petition for Special Hearing in Case No. 01-299-SPH seeking affirmation of the zoning relief granted in prior Cases Nos. 97-547-XA and 99-188-SPH; to incorporate an approved "more-in-keeping plan", dated November 24, 1998, for an increased length of car wash; and an approved "more-in-keeping plan", dated February 20, 2000, for a second floor office/storage space addition and employee parking spaces, pursuant to Section 405.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.); and, approval of the modification of the northern driveway entrance, pursuant to the plan approved for Kristy Kruse Downs under State Highway Administration (SHA) Access Permit #B-D-7099-99, in accordance with the site plan submitted in that case and marked as Petitioner's Exhibit 1, be and is hereby DENIED.

OWNER:
TIMONIUM LAND CORPORATION
14236 SAW MILL COURT
PHOENIX, MARYLAND 21131
ACCT. 1600000071
TAX MAP: 60 GRID: 6 PARCELS: 65

PETITIONER:
EXPRESS FUEL, INC.
13814 JERRETTVILLE PIKE
PHOENIX, MARYLAND 21131



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- AREA OF PROPERTY = 27,791 S.F. (0.638 Ac.±) GROSS AREA (0.754 Ac.±)
- EXISTING ZONING OF PROPERTY = "BM-AS" (BCZR MAP 060C1, NW14A)
- EXISTING USE OF PROPERTY = 1,300 S.F. CONVENIENCE STORE, FULL SERVICE CAR WASH AND 200 S.F. CARRY OUT RESTAURANT USE IN COMBINATION WITH AN APPROVED FUEL SERVICE STATION (CASE #01-300XA)
- PROPOSED ZONING OF PROPERTY = "BM-AS" W/SPECIAL HEARING & VARIANCE TO AMEND APPROVED SITE PLAN FOR EXPANSION & CHANGE OF USE FOR A 7-11 CONVENIENCE STORE (CASE #01-300XA)
- PETITIONER REQUESTING A SPECIAL HEARING TO AMEND THE APPROVED SITE PLAN (CASE#01-300XA) TO CONVERT 200 S.F. CARRY-OUT RESTAURANT BACK TO CONVENIENCE STORE USE FOR A 7-11 STORE, TO RELOCATE THE EXISTING CAR WASH STACKING LANES THROUGH THE EXISTING LANDSCAPE AREA (CASE #97-547XA) TO THE CAR WASH ENTRANCE, TO PROVIDE AN EXPANSION OF 12'-7" TO THE 7-11 CONVENIENCE STORE, TO PROVIDE 5 ADDITIONAL PARKING SPACES FOR OVERFLOW USE WHEN THE STACKING LANES ARE NOT FULLY UTILIZED AND AMENDMENT TO THE EXISTING PARKING FOR 6 CARS OR FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE.
- PETITIONER REQUESTING A VARIANCE TO PERMIT A TOTAL OF 21 PARKING SPACES - IN LIEU OF THE REQUIRED 28 P.S., A VARIANCE OF 7 P.S. IN LIEU OF THE 6 P.S. VARIANCE GRANTED (CASE #01-300XA)
- REQUIRED OFFSTREET PARKING= (EXIST. BLDG 2,666 S.F. + 479 S.F. ADDIT. = 3,145 S.F.)
1 SPACE/EMPLOYEE ON THE LARGEST SHIFT
5 SPACES/1,000 S.F. EXIST. CONVENIENCE STORE (1,500 S.F.) = 2 P.S.
5 SPACES/1,000 S.F. - ADDITION TO CONVENIENCE (479 S.F.) = 7.6 P.S.
3.3 SPACES/1,000 S.F. - 2ND FLOOR OFFICE/STORAGE (1,068 S.F.) = 3.52 P.S.
5 SPACES/1,000 S.F. - EX. STORAGE SHED CONVENIENCE STORE (181 S.F.) = 2.4 P.S.
TOTAL PARKING SPACES REQUIRED = 0.81 P.S.
TOTAL PARKING SPACES PROVIDED EX. 16 + 5 PROPOSED = 27.23 (28 P.S.)
EXISTING VARIANCE (CASE #01-300XA) 22 P.S. REQUIRED 16 P.S. PROVIDED, 6 P.S. GRANTED. = 21 P.S. (-7 P.S.)
- 9 STACKING SPACES IN LIEU OF THE REQUIRED 19 GRANTED (CASE #01-300 XA)
- REQUIRED SITE AREA:
FUEL SERVICE STATION = 15,000 S.F.
CONVENIENCE STORE = 4 X 1,979 S.F. = 7,916 S.F.
OFFICE/STORAGE = 4 X 1,068 S.F. = 4,284 S.F.
TOTAL AREA PROVIDED = 27,791 S.F.
TOTAL AREA REQUIRED = 27,180 S.F.
- DRC NO. 12045C APPROVED 12-8-98
DRC NO. 03317G TABLED 4-11-98
DRC NO. 10138F APPROVED 11-13-98
NO DRC REQUIRED FOR THIS AMENDMENT - COLLEEN KELLY, PDM
- WATER & COMPRESSED AIR TO BE PROVIDED FOR GASOLINE PATRONS.
- PUBLIC RESTROOMS TO BE PROVIDED FOR GASOLINE PATRONS.
- SERVICE STATION PLANS APPROVED MAY 25, 1989.
- NO ADDITIONAL SIGNS ARE PROPOSED AS A PART OF THIS PLAN. ANY FUTURE SIGNS SHALL COMPLY WITH SECTION 450 OF THE BCZR.
- MANUFACTURER'S RATED HOURLY RATE OF PRODUCTION 55 VEHICLES/HOUR.
- PUBLIC RESTROOM TO BE PROVIDED IN CONVENIENCE STORE.
- HOURS OF OPERATION WILL BE 24 HOURS.
- NO VACUUM UNITS ARE PROPOSED.
- PERMITTED F.A.R.: 4. PROPOSED F.A.R.: 0.15

ITEM # 2012-005B SPHA

**PLAT TO ACCOMPANY PETITION
FOR
SPECIAL HEARING AND VARIANCE
PETRO STATION
2127 YORK ROAD**

**ELECT. DIST. BC4
SCALE: 1" = 20'**

**BALTIMORE CO, MD
JULY 27, 2011**

**PETITIONER'S
EXHIBIT NO. 1**

**1001 CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401**

