



KEVIN KAMENETZ
County Executive

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

September 6, 2012

David H. Karceski, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

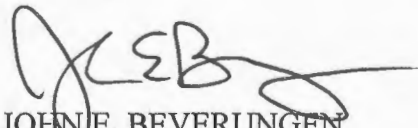
RE: Petitions for Special Exception and Variance
Case No.: 2013-0013-XA
Property: 3716 Washington Blvd.

Dear Mr. Karceski:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

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

(3716 Washington Blvd.)

Merritt-031, LLC
Petitioner

BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2013-0013-XA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 3716 Washington Boulevard. The Petitions were filed by David H. Karceski, Esq., on behalf of Merritt-031, LLC, the legal owner of the subject property. The Special Exception Petition seeks relief to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 square feet and carry-out restaurant as uses in combination, pursuant to §§ 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations ("B.C.Z.R."). Petitioner is also requesting Variance relief from § 405.4.A.2.b of the B.C.Z.R., to allow a landscape transition area minimum of 5' in lieu of the required 6' for side and rear yards abutting non-residentially zoned land, and from § 405.4.A.3.c(2) of the B.C.Z.R., to allow 6 stacking spaces in lieu of the required 12 stacking spaces. The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing was Joseph Cronyn, Gena McNichol, Valek Zarski, Mickey Cornelius, Terri Levine, Dan Pallace, and Iwona Rostek-Zarska with Baltimore Land Design Group, Inc., the consulting firm that prepared the site plan. David H. Karceski, Esquire, with Venable, LLP, attended and represented the Petitioner. The file reveals that the Petition was

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Date 9-6-12

By DW

properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or interested persons in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Planning (DOP) on August 20, 2012, which state:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special exception to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 square feet and carry-out restaurant as uses in combination. Also requested are variances to allow a landscape transition area a minimum of 5 feet in lieu of the required 6 feet for side and rear yards abutting non-residentially zoned land and to allow 6 stacking spaces in lieu of the required 12 stacking spaces. A pre-existing access easement to the adjacent vehicular lot limits access locations as shown.

The Department of Planning does not oppose the petitioner's requests provided:

1. A sidewalk is installed along the access driveway frontage and along the Washington Boulevard frontage of the subject site (as shown on the plan refinement received August 3, 2012).
2. The dumpster enclosure is masonry to match the exterior building materials of the principal building.

As noted by counsel, Petitioner's engineer met with officials from the DOP to discuss the comment, and the site plan (Petitioner's Exhibit 1) was amended to reflect the positioning of the sidewalk and the dumpster enclosure. As such, the DOP's comments have been satisfied.

A ZAC comment was also received from the Bureau of Development Plans Review (DPR) dated August 8, 2012, which states:

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

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Date 9-6-12

By OW

Request for 5-foot vs. 6-foot setback abutting non-residential land per Condition F of the Landscape Manual.

Comment: A six foot setback is specified to provide adequate area for planting to survive. However, looking at the submitted plan, besides Condition F another pertinent regulation within the Landscape Manual is specified within Condition J: Slopes, Embankments, and Retaining Walls. The proposal shows two retaining walls adjacent to non-residential properties in the areas in which relief has been requested.

The rear retaining wall appears to rise to approximately nine feet in height and sits within approximately two feet of the interior curb line. Condition J.4 states that a 5-foot wide landscape strip at the base of retaining walls less than five feet in height is required. Condition J.5 states that a 10-foot wide landscape strip is required at the base of walls higher than five feet.

The side yard retaining wall also appears to sit approximately two feet from the interior curb line.

Neither retaining wall conforms to the requirements stated within Condition J and no relief has been requested. Therefore the plan should be revised to reflect conformance with these conditions.

Because the parking lot adjacent to the rear retaining wall appears to sit approximately nine feet from the property line, there is sufficient room to allow the variance for the requirement imposed by Condition F. However, it is suggested that the retaining wall be moved closer to the property line and the drive aisle be reduced from 27.6 to 24-feet, thereby bringing the retaining wall into compliance with Condition J.

It appears that by shifting the proposed amenities to within six feet of the existing interior driveway and reducing the width of the 30-foot drive aisle will provide adequate space for the side retaining wall to comply with both Conditions F and J. Therefore the side yard variance would not be necessary.

Counsel indicated that Petitioner's engineer discussed these comments with Jean Tansey, the County's landscape architect. Submitted as Petitioner's Exhibit 5A is a letter signed by the Department of Permits, Approvals, and Inspections (PAI) Director Arnold Jablon approving certain modifications of standards with respect to the Landscape Manual requirements mentioned

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Date 9-6-12

By HW

in DPR's ZAC comment. In addition, the Petitioner presented a final Landscape Plan approved by Ms. Tansey. See Exhibit 5B. As such, the ZAC comments from DPR have been addressed.

In addition a ZAC comment was received from the State Highway Administration (SHA) dated August 3, 2012, which indicated that the applicant must contact SHA to obtain an entrance permit (sidewalk to be constructed along US 1 at access to US 1). Petitioner's traffic engineer, Mickey Cornelius, indicated that the site's access point onto Washington Boulevard meets all State requirements, and he fully expects the SHA will grant the requisite approvals.

Testimony and evidence offered at the hearing revealed that the subject property is 1.557 acres and is zoned BR-IM, BL, and BR and is located along the busy Washington Boulevard (Route 1) commercial corridor. The Petitioner proposes to construct a Wawa fuel service station and convenience store, and as reflected by the building elevations, the structure would be attractive and utilizes quality building materials. Exhibit 7.

SPECIAL EXCEPTION

As noted above, Petitioner seeks special exception relief from §§ 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations B.C.Z.R., to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 square feet and carry-out restaurant as uses in combination. Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

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Date 9-6-12

By pw

Here, there was no evidence presented that the adverse effects from the operation of the fuel service station and convenience store would be any greater at this location than in any other locations in the zone where the use is permitted by special exception. Indeed, Ms. Zarska testified the project satisfied each of the requirements set forth in B.C.Z.R. § 502.1, and would in no way negatively impact the community's health, safety and welfare. She also noted that this 1.6 +/- acre site sits within a much larger (100+ acres) business and industrial park, and that the service station use would be compatible with the surrounding uses, including a Home Depot store to the immediate north of the site. Mr. Cornelius also noted that all signalized traffic intersections within the vicinity were at an "A" level of service.

Counsel for Petitioner noted that the B.C.Z.R. contains an additional requirement, beyond the standards set forth in § 502.1, for the grant of a special exception for a fuel service station. Specifically, and unless rebutted by market data, the B.C.Z.R. provides that there is no need for a proposed fuel service station if the Zoning Commissioner finds that there is one abandoned station within a one-half-mile radius of the site, or two such stations within one mile. Here, counsel noted that two stations within a one-mile radius had just recently stopped selling gas, but that the stations were in no way "abandoned" as that term is defined in B.C.Z.R. §405.7. Petitioner also presented testimony from Joseph Cronyn, who was accepted as an expert in real estate projects and marketing aspects of such ventures. Exhibit 8. Mr. Cronyn confirmed that neither of the fuel service stations referenced by counsel was "abandoned", (and one station owner was looking for a new lessee to operate the business) and that even if they were, he opined that there was a "need" for the proposed Wawa fuel service station and convenience store.

VARIANCE

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

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Date 9-6-12

By low

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test.

The site has a very irregular shape (counsel referred to it as a "funnel") and also a sloping topography at the rear of the lot. In addition, the property is burdened by a private access easement serving the adjoining Beltway Motel which causes certain site constraints and generates the need for variance relief concerning the number of vehicle stacking spaces.

If the B.C.Z.R. were strictly enforced, the Petitioner would suffer a practical difficulty and/or hardship. Indeed, Petitioner would need to reconfigure the site and incur additional engineering and design expenses. Finally, I find that the variance can be granted in harmony with 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. This is amply demonstrated by the lack of opposition from neighbors or area community associations.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 6th day of September, 2012, that Petitioner's request for Special Exception relief under §§ 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 square feet and carry-out restaurant as uses in combination, be and is hereby GRANTED; and

ORDER RECEIVED FOR FILING

Date 9-6-12

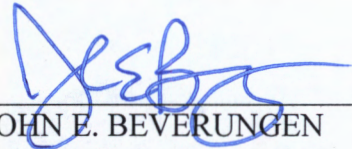
By [Signature]

IT IS FURTHER ORDERED that Petitioner's request for Variance relief from §405.4.A.2.b of the B.C.Z.R., to allow a landscape transition area minimum of 5' in lieu of the required 6' for side and rear yards abutting non-residentially zoned land, and from § 405.4.A.3.c(2) of the B.C.Z.R., to allow 6 stacking spaces in lieu of the required 12 stacking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 special exception relief granted herein must be utilized within a period of five (5) years from the date hereof, pursuant to B.C.Z.R. § 502.3.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 9-6-12

By DW



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 3716 Washington Boulevard

which is presently zoned BR-IM, BR, BL

Deed References: 25812/215

10 Digit Tax Account # 2 3 0 0 0 1 1 9 5 8

Property Owner(s) Printed Name(s) Merritt-031, LLC

(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

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

SEE ATTACHED SHEET

3. ☒ a Variance from Section(s)

SEE ATTACHED SHEET

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karczeski

Name- Type or Print

Signature

210 W. Pennsylvania Ave.

Towson

MD

Mailing Address

City

State

21204

410-494-6200

dhkarczeski@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Merritt-031, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2066 Lord Baltimore Dr

Baltimore

MD

Mailing Address

City

State

21244

410-298-2600

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karczeski

Name - Type or Print

Signature

210 W. Pennsylvania Ave.

Towson

MD

Mailing Address

City

State

21204

410-494-6200

Zip Code

Telephone #

Email Address

CASE NUMBER 2013 0013-XA

Filing Date 7/19/12

Do Not Schedule Dates:

Reviewer JS

PETITION FOR SPECIAL EXCEPTION

3716 Washington Boulevard

ATTACHED SHEET

Special Exception to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 square feet and carry-out restaurant as uses in combination, pursuant to BCZR Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10

PETITION FOR VARIANCE

3716 Washington Boulevard

ATTACHED SHEET

Variance from Section 405.4.A.2.b of the BCZR to allow a landscape transition area minimum of 5 feet in lieu of the required 6 feet for side and rear yards abutting non residentially zoned land

Variance from Section 405.4.A.3.c.(2) of the BCZR to allow 6 stacking spaces in lieu of the required 12 stacking spaces

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING HEARINGS
3716 WASHINGTON BOULEVARD
BALTIMORE COUNTY, MARYLAND
13TH ELECTION DISTRICT; 1ST COUNCILMANIC DISTRICT**

July 19, 2012

Beginning at the point located on the west side of Washington Boulevard having a variable width right-of-way, said point being located southwesterly 1,132 feet, more or less, from the intersection of centerlines of Washington Boulevard with Commerce Drive, thence running the following courses and distances:

1. Along the curve to the right having a radius of 1,980.00 feet, 161.65 feet; thence,
2. North 38° 48' 14" West, 90.68 feet; thence,
3. North 51° 11' 46" East, 336.92 feet; thence,
4. South 00° 32' 25" East, 32.82 feet; thence,
5. South 00° 27' 08" West, 179.97 feet; thence,
6. South 42° 13' 00" East, 122.80 feet; thence,
7. Along the curve to the right having a radius of 1,367.40 feet, 53.30 feet; thence,
8. North 52° 05' 55" West, 25.00 feet; thence,
9. South 46° 29' 08" West, 84.61 feet; thence,
10. South 78° 10' 30" West, 69.28 feet; to the point of beginning.

Containing 67,807 square feet or 1.557 acres, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



2013-0013-XA

PAID RECEIPT

NEWS DATE TIME PAGE
7/30/2012 7:19:01 10:33:05 5

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

RECEIVED 11/15/2012

5.5.5 ZONE IDENTIFICATION

Q# 087191

\$770.00 £ 165.00 £

Baltimore County, Maryland

**CASHIER'S
VALIDATION**

Total: \$ 835.00

For: 2013-0013-XA

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

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: 2013-003-XA

Petitioner: MENZITT-031, LLC

Address or Location: 3716 WASHINGTON BLVD

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LUKASEVICH

Address: 210 W. PENNSYLVANIA AVE., STE. 500
TOUSON, MD 21204

Telephone Number: 410 494 6200

CORRECTED 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: #2013-0013-XA

3716 Washington Boulevard
NW/s of Washington Blvd., 1,132 ft. SW of centerline of
Commerce Drive.
13th Election District - 1st Councilmanic District

Legal Owner(s): Merritt-031, LLC

Special Exception to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 sf. and carry-out restaurant as uses in combination. **Variance:** to allow a landscape transition area minimum of 5ft. in lieu of the require 6 ft. for side and rear yards abutting non residentially zoned land; and to allow 6 stacking spaces in lieu of the required 12 stacking spaces.

Hearing: Wednesday, September 5, 2012 at 10:00 a.m. in Room 104, 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.
08/202 August 16 868485



501 N. Calvert Street, Baltimore, MD 21278

August 16, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 16, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

2013-0013-XA

RE: Case No.:

Petitioner/Developer: _____

Merritt-031, LLC

September 5, 2012

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:

3716 Washington Blvd

August 16, 2012

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

Sincerely,

August 16, 2012

(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)





KEVIN KAMENETZ
County Executive

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

August 2, 2012

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Legal Owners: Merritt-031, LLC

Special Exception to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 sf. and carry-out restaurant as uses in combination.

Variance to allow a landscape transition area minimum of 5 ft. in lieu of the required 6 ft. for side and rear yards abutting non residentially zoned land; and to allow 6 stacking spaces in lieu of the required 12 stacking spaces.

Hearing: Wednesday, September 5, 2012 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

C: David Karceski, 2010 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Gena S. McNichol, 2066 Lord Baltimore Drive, Baltimore 21224

- Notes:
- (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 16, 2012.**
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS 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



KEVIN KAMENETZ
County Executive

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

August 2, 2012

NOTICE OF ZONING HEARING

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Variance to allow a landscape transition area minimum of 5 ft. in lieu of the required 6 ft. for side and rear yards abutting non residentially zoned land; and to allow 6 stacking spaces in lieu of the required 12 stacking spaces.

Hearing: Wednesday, September 5, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

C: David Karceski, 2010 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Gena S. McNichol, 2066 Lord Baltimore Drive, Baltimore 21224

- Notes:
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 - (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391**

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
3716 Washington Boulevard; W/S Washington* OF ADMINISTRATIVE
Boulevard, 1,132' from c/line of Washington *
Boulevard & Commerce Drive * HEARINGS FOR
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Merritt-031, LLC * BALTIMORE COUNTY
Petitioner(s) *
2013-013-XA

* * * * *

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.

RECEIVED

AUG 03 2012

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2012, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2013-0013-XA

JB 9/5
10AM

Exhibit Sheet

Petitioner/Developer

Protestant

10-11-12
DW 9-6-12

No. 1	Redlined Site Plan	
No. 2	Color Photos of Site 2A - large 2B -	
No. 3	Rostek-CV	
No. 4	Color Photos 4A, 4B, 4C	
No. 5	5A - Modification Letter 5B - Landscape Plan	
No. 6	Cornelius Resume/CV	
No. 7	Color Bldg. Elevations	
No. 8	Kronin CV/Resume	
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may not be accurate or reliable. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all obligation and liability for damages, including but not limited to, attorneys' fees and experts' fees, and court costs incurred as a result of, this data.

Printed 8/6/2012

PETITIONER'S EXHIBIT **2A**

ty,
not

tis

Iwona Rostek - Zarska, P.E.

24 English Saddle Court
Parkton, Maryland, 21120
410-343-1208 (Home)
443-517-3463 (Cell)

Professional Registration

Licensed Professional Engineer in the State of Maryland (1995)
PE 21245

Education

Masters of Science in Civil Engineering, Polytechnic of Bialystok / Technical University,
Bialystok, Poland, June 1981, *with honors*

Essex Community College, Baltimore, MD (1982 - 1984) *placed on the Dean's Highest List for Fall, 1983*

- Computer Programming
- Engineering Courses and Learning English language

Seminars/Workshops: HEC-2, HEC-RAS, TR-55, TR20, SWM

Summary of Qualifications

- Licensed professional civil engineer with over 28 years of experience in site development engineering, planning and management for various commercial, industrial, institutional and residential projects.
- Background in design, budget management, project scheduling, project coordination with the design team, design and construction supervision, obtaining regulatory land-use approvals and permits, bidding procedures, and employees training.
- Experience in developing innovative and the most cost effective design solutions.
- Strengths in design and analysis of storm water management systems, water and wastewater systems, close and open channel drainage systems, site grading, erosion and sediment control, site planning, roads, flood plains.
- Knowledge and experience with preparation of drawings using CADD

Work Experience:

February 1999 - present

Project Manager and Principal, Baltimore Land Design Group,
Inc., Baltimore, Maryland.

Responsible for overall engineering and administrative tasks.



**Vacant Wawa site.
View from Washington Blvd. toward Wawa site and adjacent property, Home Depot.**



View toward Wawa site and adjacent property, motel and restaurant.



View toward Wawa site and adjacent property, existing building and Washington Blvd.



View toward Wawa site and Washington Blvd.



View toward Wawa site and adjacent property, retail/restaurant/bank building



Human & Rohde Inc.
Landscape architects/land planners

JOHN C. ROHDE, RLA
SALLY MALENA, RLA
LYNETTE PINHEY, RLA

512 VIRGINIA AVENUE
TOWSON, MD 21286
TEL: (410) 825-3885
FAX: (410) 825-3887

August 23, 2012

Mr. Arnold Jablon, Director
Department of Permits, Approval & Inspections
111 West Chesapeake Avenue, Room 119
Towson, Maryland 21204

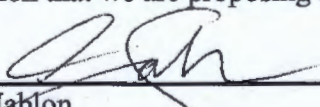
Re: Request for modification to the Landscape Manual
For 3716 Washington Boulevard, Beltway Business Community, Wawa

Dear Mr. Jablon:

We are requesting modifications to Conditions J and K of the Landscape Manual for the above referenced project. The proposed development is a convenience store and service station. Condition K of the Landscape Manual calls for a 6 feet minimum width on all sides and rear yards abutting commercially zoned land and vegetated at a rate of one planting unit per 10 feet. Condition J requires one planting unit per 15 feet of retaining walls over 5 feet in height.

In lieu of the 6 feet minimum width we are requesting a modification to allow 5 feet width along the back yard of the site and 5 ½ feet on a small portion of the east side yard. We are also requesting a waiver to Condition J.

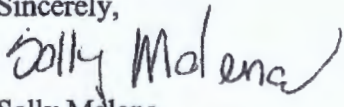
The site is constrained by an existing utility easement, and an existing access drive to an adjacent motel that is to remain. The drive aisles have been designed to accommodate the turning radius for the trucks that deliver supplies to the convenience store. Landscaping has been provided on all sides of the site. Because of the limited space above and below the retaining walls some of the planting units that are required for the side yards have been placed on the sides of the site that are more visible to the public right of way. There is existing landscaping just off the property line on both adjoining uses that effectively screen this site. We believe the design solution that we are proposing addresses the intent of the landscape manual.


Mr. Jablon

8/23/12

ok just

Sincerely,


Sally Malena
Human & Rohde, Inc.



Merging Innovation and Excellence

MICKEY A. CORNELIUS, P.E., PTOE

Senior Vice President

Mickey Cornelius, proudly one of the first certified Professional Traffic Operations Engineers (PTOE) in the nation, is Senior Vice President of the firm, responsible for managing various aspects of the firm's traffic engineering and transportation planning studies. He is experienced in many aspects of traffic engineering and transportation planning, including traffic analysis, traffic forecasting and associated modeling, geometric design, traffic signals and signal systems evaluation/design, parking and circulation, traffic calming, and transportation systems management.

As a registered Professional Engineer, Mr. Cornelius has over 23 years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise in his field. Mr. Cornelius has conducted over 2,000 traffic engineering studies and has served as a transportation planner for the development of Master Plans for both private firms and public agencies. His educational and professional background has qualified him as an expert in the field of traffic engineering and transportation planning before numerous County and Municipal Planning and Zoning Boards in Maryland, as well as in Pennsylvania, New Jersey and New York.

Job History

1987 - Present

Traffic Engineering Consultant, The Traffic Group, Inc.

1984 - 1987

Traffic Engineering Consultant

1982 - 1984

Civil Engineer, Highway Construction

Educational Background

- *B.S. in Civil Engineering* with emphasis in Transportation
Pennsylvania State University
- *Traffic Engineering Courses*
Northwestern University Traffic Institute
Polytechnic Institute of New York

Affiliations

- Certified Professional Traffic Operations Engineer (PTOE)
- Registered Professional Engineer (P.E.)—DE, MD, NJ, PA, VA
- Institute of Transportation Engineers (I.T.E.)
- National Society of Professional Engineers (N.S.P.E.)
- Maryland Association of Engineers (M.A.E.)
- County Engineers Association of Maryland (CEAM)

Examples of places where Mr. Cornelius has testified as an expert witness

MARYLAND

City of Annapolis - City Council

Anne Arundel County - Board of Appeals;
Zoning Hearing Examiner

City of Baltimore - City Council; Planning Commission

Baltimore County - County Review Group, Zoning Commissioner,
Board of Appeals; Circuit Court; District Court

Town of Bel Air - Planning Board; Town Commissioners;
Zoning Hearing Examiner
Carroll County - Board of Appeals; County Commissioners;
Planning Board
City of Bowie - Planning Advisory Board; Mayor and City Council
Cecil County - Technical Advisory Committee
Charles County - Board of Appeals
Dorchester County - Board of Appeals
Frederick County - Planning Board; County Commissioners;
Board of Appeals
Harford County - Zoning Hearing Examiner
Howard County - Planning Board; Zoning Board; Board of
Appeals; Hearing Examiner
Town of Indian Head - Planning Commission
Montgomery County - Planning Board; Zoning Hearing Examiner;
Board of Appeals
Town of North East - Planning Commission
Prince George's County - Planning Board; County Council; Hearing
Examiner
Washington County - Board of Appeals
City of Westminster - Mayor and Common Council
Wicomico County - Board of Zoning Appeals

NEW JERSEY

State Court of Administrative Law

Cumberland County - Manchester Township
Zoning Hearing Board

City of Millville - Planning Commission

PENNSYLVANIA

York County - Manchester Township Zoning Hearing Board
Shrewsbury Borough - Planning Commission

NEW YORK

Town of East Hampton - Planning Commission

The Traffic Group, Inc. ♦ 9900 Franklin Square Drive ♦ Suite H ♦ Baltimore, Maryland 21236
410-931-6600 ♦ Fax: 410-931-6601 ♦ www.trafficgroup.com

Qualifications of Consultant JOSEPH M. CRONYN

Cronyn has more than three decades of professional experience in real estate research, sales and marketing, development, public policy, financing and appraisal. His experience includes market and financial feasibility analyses of major real estate projects; land acquisition and marketing for commercial and residential development; planning for mixed use development, including historic preservation concerns; tax-motivated and conventional financing for single family and multifamily residential projects; TIF (Tax Increment Financing) bond analysis; and advising public, nonprofit and private clients concerning economic and community development strategies.

PROFESSIONAL EXPERIENCE

Lipman Frizzell & Mitchell, LLC, Columbia, MD (2003 - present), *Principal*
(1997 - 2003), *Senior Associate*
Legg Mason Realty Group, Inc., Baltimore, MD (1989-1997), *Vice President*
Financial Associates of Maryland, Baltimore, MD (1987-1989), *Vice President*
Baltimore Federal Financial, F.S.A., Baltimore, MD (1982-1987), *Sr. Vice President*
Neighborhood Reinvestment Corp., Washington, DC (1978-1982), *Asst. Director*
Baltimore Federal Savings & Loan, Baltimore, MD (1976-1978), *Mortgage Underwriter*

EDUCATION

Master of Business Administration, Loyola University Maryland, Executive Program, 1986
Bachelor's Degree, English & Philosophy, Boston College, 1969

AFFILIATIONS

Neighborhood Housing Services of Baltimore, Chairman of the Board emeritus
Citizens Planning and Housing Association, Member
National Trust for Historic Preservation, Member
Maryland Economic Development Association (MEDA), Member
Lambda Alpha International Land Economics Society, Baltimore Chapter, Director
Maryland Affordable Housing Coalition, Member

PROFESSIONAL LICENSES

State of Maryland Real Estate Agent's License

QUALIFIED AS EXPERT WITNESS

Before Maryland public administrative bodies, zoning hearing examiners and/or boards of appeals: Anne Arundel County, Baltimore County, Carroll County, Charles County, Frederick County, Harford County, Howard County, Montgomery County, Prince George's County

Joseph M. Cronyn
Representative Client List

Real Estate/Corporate:

A & R Development Corporation
BP North America
Bozzuto Companies
Constellation Properties
Costco Wholesale
Delaware Valley Development Company
Duke Energy
Faison Associates
General Growth Properties
Home Properties of New York
Homes for America
James Keelty & Company
Jones Lang LaSalle
Konterra
Mid-City Urban
Montgomery Housing Partnership
Orchard Development
Osprey Property Group
Partners Management Company
Pennrose Properties
Peter G. Angelos
Pleasants Development
Rappaport Companies
Ryland Homes
Safeway
Saybrook Community Capital
Southern Management Corporation
Shelter Development
Struever Bros. Eccles & Rouse
Wal-Mart

Financial Institutions:

AGM Financial Services
Berkshire Mortgage Finance
Legg Mason Wood Walker
M & T Realty Capital Corporation
Stone & Youngberg, LLC

Institutional/Non-Profit:

Abell Foundation
Archdiocese of Baltimore
Associated Catholic Charities

Bon Secours Hospital
Coppin State College
Downtown Partnership of Baltimore
Empower Baltimore Management Corp.
Enterprise Homes
Frederick Community College
Greater Baltimore Medical Center
Grow Smart Rhode Island
Johns Hopkins Hospital
Montgomery General Hospital
Morgan State University
National Trust for Historic Preservation
Preservation Maryland
Shore Health Systems
University of Maryland Baltimore
University of Maryland Medical System
Upper Chesapeake Health System

Governmental:

Allegany County
Anne Arundel County
Baltimore City
Baltimore County
Baltimore Development Corporation
Carroll County
Cecil County
Charles County
City of Bowie
City of Hagerstown
City of Hampton, VA
City of Laurel
Delaware State Housing Authority
District of Columbia
Harford County
U.S. Dept. of Housing & Urban Development
Howard County
Louisiana Housing Finance Agency
Maryland Dept. of General Services
Maryland Dept. of Health & Mental Hygiene
Maryland Dept. of Housing & Comm. Dev.
Maryland Dept. of Transportation
Maryland Historical Trust
Maryland Transit Administration
Montgomery County
Town of Easton

M E M O R A N D U M

DATE: October 11, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0013-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on October 9, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME 3716 Wash. Blvd.
CASE NUMBER 2013-0013-XA
DATE 9-5-12

~~CITIZEN'S~~ SIGN-IN SHEET

[illegible]

C H E C K L I S T**Comment
Received****Department****Support/Oppose/
Conditions/
Comments/
No Comment**8-8DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comments*Not
CBCA*DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

8-20PLANNING
(if not received, date e-mail sent _____)S w/ Cond.8-3

STATE HIGHWAY ADMINISTRATION

Obtain entrance
permit ...

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 8-16-12

SIGN POSTING

Date: 8-16-12by Black
20 days ✓

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 13 Account Number - 2300011958

Owner Information**Owner Name:**

MERRITT-031 LLC

Use:

COMMERCIAL

Principal Residence:

NO

Mailing Address:2066 LORD BALTIMORE DR
BALTIMORE MD 21244-2501**Deed Reference:**1) /25812/ 00215
2)**Location & Structure Information****Premises Address**3716 WASHINGTON BLVD
BALTIMORE MD 21227-0000**Legal Description**1.557 AC
3716 WASHINGTON BLVD
BELTWAY BUSINESS CMNTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0109	0001	0249		0000			3B	2	
									Plat Ref: 0073/ 0145

Special Tax Areas

Town	Ad Valorem	Tax Class
		NONE

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1.5500 AC	07

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	1,946,200	1,167,700		
Improvements:	0	0		
Total:	1,946,200	1,167,700	1,167,700	1,167,700
Preferential Land:	0			0

Transfer Information

Seller:	GREAT STAR HALETHORPE LLC	Date:	06/20/2007	Price:	\$1,900,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/25812/ 00215	Deed2:	
Seller:	MERRITT-031 LLC	Date:	10/06/2005	Price:	\$1,273,267
Type:	ARMS LENGTH IMPROVED	Deed1:	/22677/ 00199	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

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

Tax Exempt:**Special Tax Recapture:****Exempt Class:**

NONE

Homestead Application Information**Homestead Application Status:**

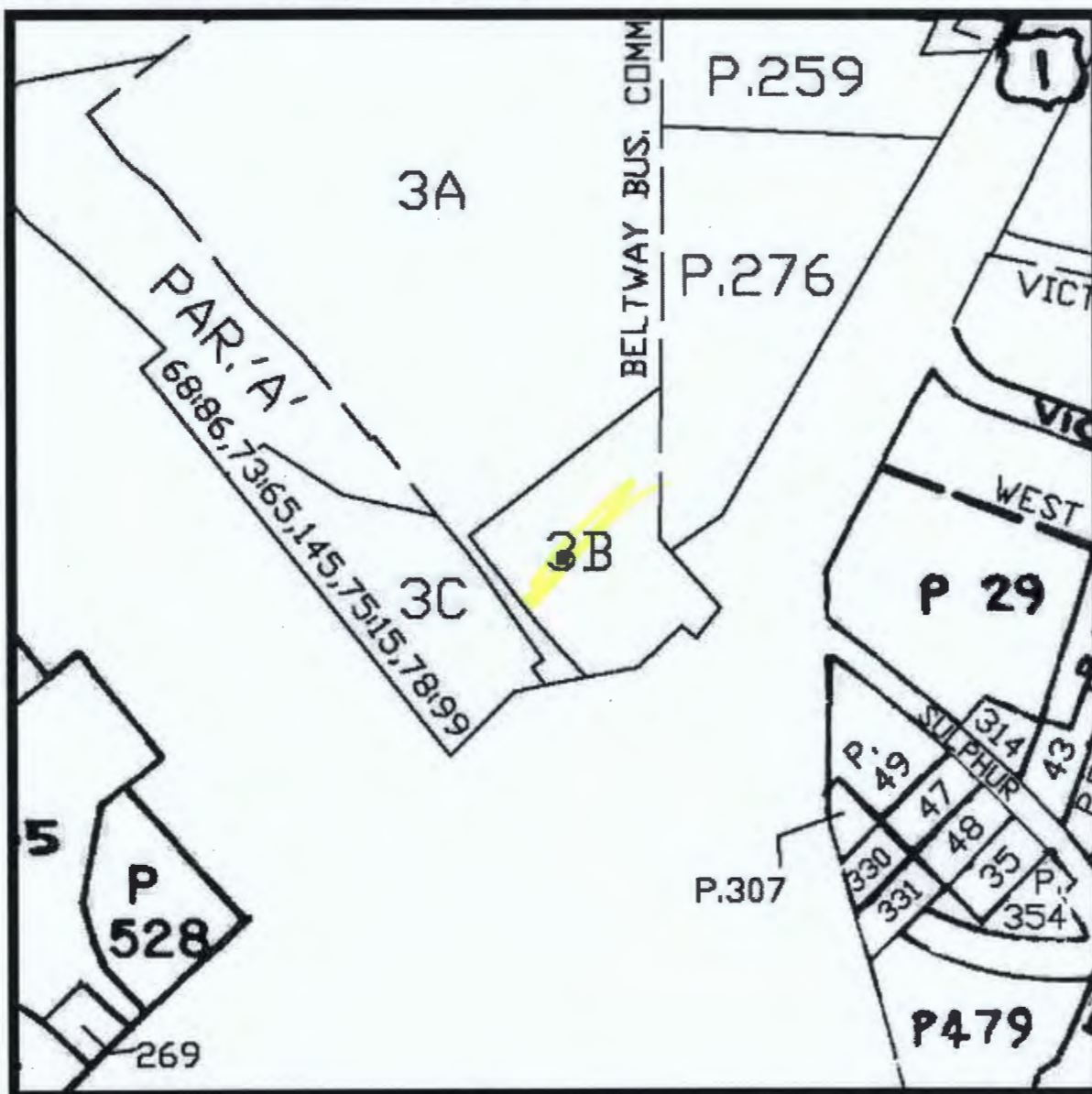
No Application



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

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

District - 13 **Account Number - 2300011958**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



KEVIN KAMENETZ
County Executive

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

August 29, 2012

Merritt-031, LLC
2066 Lord Baltimore Drive
Baltimore MD 21244

RE: Case Number: 2013-0013 XA, Address: 3716 Washington Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 19, 2012. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
David H. Karceski, 210 W Pennsylvania Avenue, Towson MD 21204

9/5
10am

Debra Wiley - ZAC Comments - Distribution Mtg. of 7/30

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/14/2012 12:01 PM
Subject: ZAC Comments - Distribution Mtg. of 7/30

Good Morning,

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.

2013-0006-SPHA - 8227 Liberty Road
Hearing: 9/17 @ 10 AM

2013-0013-XA - 3716 Washington Blvd.
Hearing: 9/5 @ 10 AM

2013-0014-A - 341 Worton Road
No hearing in data base as of 8/14

2013-0015-A - 1414 Walnut Ave.
No hearing in data base as of 8/14

2013-0016-A - 901 Monaghan Ct.
Administrative Variance - Closing Date: 8/20

2013-0017-SPH - 119 Main St.
No hearing in data base as of 8/14

Thanks.

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

9/5 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: August 15, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3716 Washington Boulevard

INFORMATION:

Item Number: 13-013

Petitioner: Merritt-031, LLC

Zoning: BR-IM, BR, BL

Requested Action: Special Exception and Variance

RECEIVED

AUG 20 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

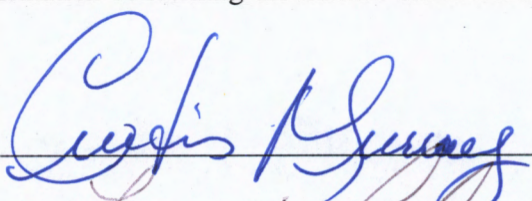
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special exception to allow a fuel service station use on an individual site and a convenience store having a sales area larger than 1,500 square feet and carry-out restaurant as uses in combination. Also requested are variances to allow a landscape transition area a minimum of 5 feet in lieu of the required 6 feet for side and rear yards abutting non-residentially zoned land and to allow 6 stacking spaces in lieu of the required 12 stacking spaces. A pre-existing access easement to the adjacent vehicular lot limits access locations as shown.

The Department of Planning does not oppose the petitioner's requests provided:

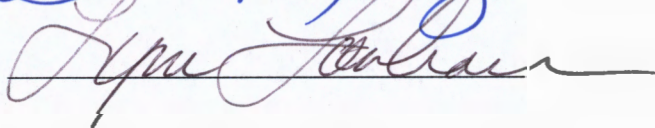
1. A sidewalk is installed along the access driveway frontage and along the Washington Boulevard frontage of the subject site (as shown on the plan refinement received August 3, 2012).
2. The dumpster enclosure is masonry to match the exterior building materials of the principal building.

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

Prepared by:



Division Chief:
AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: August 15, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3716 Washington Boulevard

INFORMATION:

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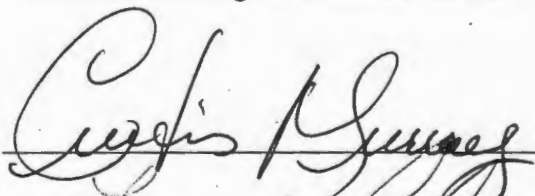
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The Department of Planning does not oppose the petitioner's requests provided:

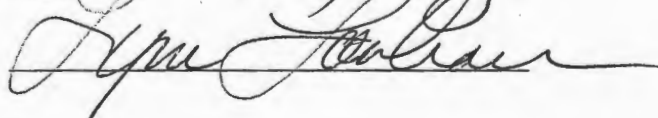
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2. The dumpster enclosure is masonry to match the exterior building materials of the principal building.

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

Prepared by:



Division Chief:
AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2012
Item No. 2013-0013

DATE: August 08, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Request for 5-foot vs 6-foot setback abutting non-residential land per Condition F of the Landscape Manual.

Comment: A six foot setback is specified to provide adequate area for planting to survive. However, looking at the submitted plan, besides Condition F another pertinent regulation within the Landscape Manual is specified within Condition J: Slopes, Embankments, and Retaining Walls. The proposal shows two retaining walls adjacent to non-residential properties in the areas in which relief has been requested.

The rear retaining wall appears to rise to approximately nine feet in height and sits within approximately two feet of the interior curb line. Condition J.4 states that a 5-foot wide landscape strip at the base of retaining walls less than five feet in height is required. Condition J.5 states that a 10-foot wide landscape strip is required at the base of walls higher than five feet.

The side yard retaining wall also appears to sit approximately two feet from the interior curb line.

Neither retaining wall conforms to the requirements stated within Condition J and no relief has been requested. Therefore the plan should be revised to reflect conformance with these conditions.

Because the parking lot adjacent to the rear retaining wall appears to sit approximately nine feet from the property line, there is sufficient room to allow the variance for the requirement imposed by Condition F. However, it is suggested that the retaining wall be moved closer to the property line and the drive aisle be reduced from 27.6 to 24-feet, thereby bringing the retaining wall into compliance with Condition J.

It appears that by shifting the proposed amenities to within six feet of the existing interior driveway and reducing the width of the 30-foot drive aisle will provide adequate space for the side retaining wall to comply with both Conditions F and J. Therefore the side yard variance would not be necessary.

DAK:CEN

cc: File

ZAC-ITEM NO 13-0013-08132012.doc

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 8-3-12

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

RE: Baltimore County

Item No.

2013-0013-XA
Special Exception Variance
Merritt-031, LLC
3716 Washington Boulevard
US 1

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 7-30-12. A field inspection and internal review reveals that an entrance onto US consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2013-0013-XA the applicant must contact the State Highway Administration to obtain an entrance permit.

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 E-mail him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

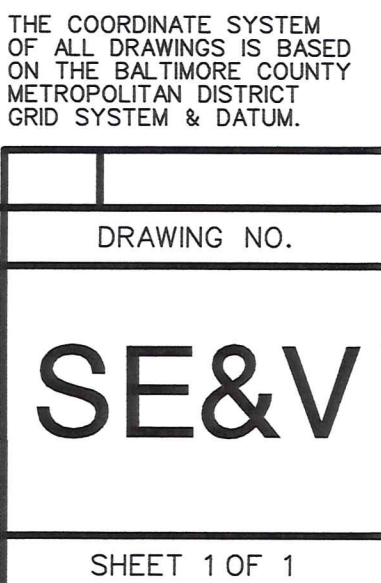
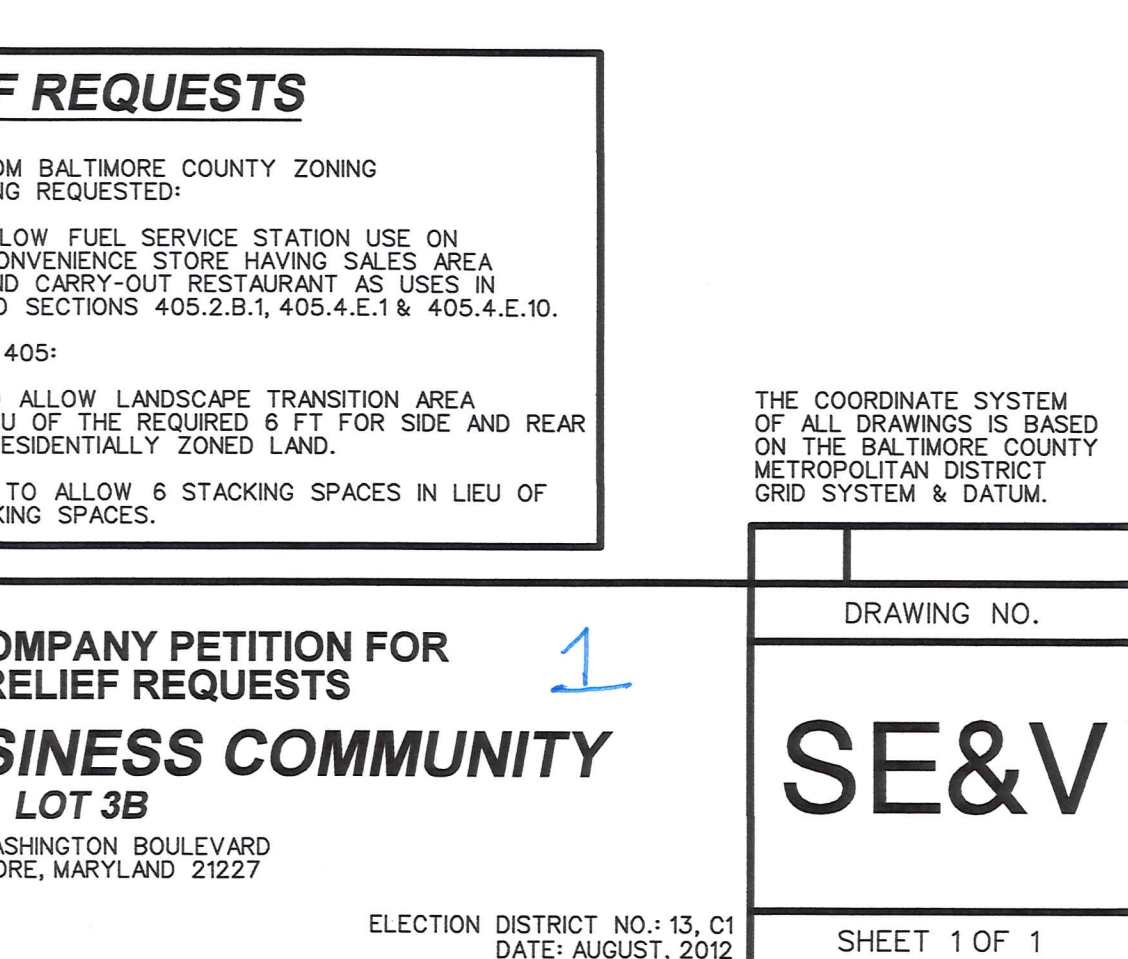
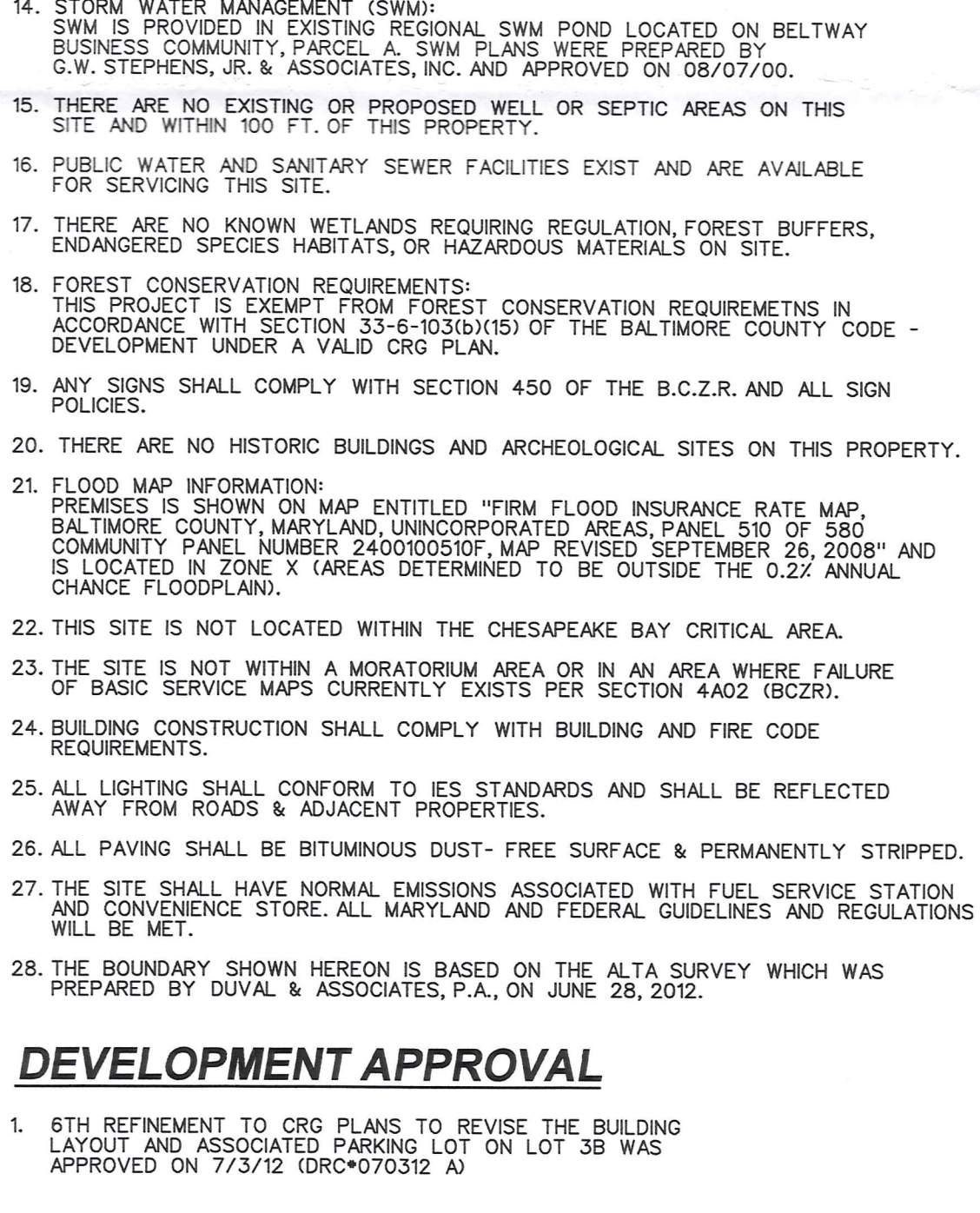
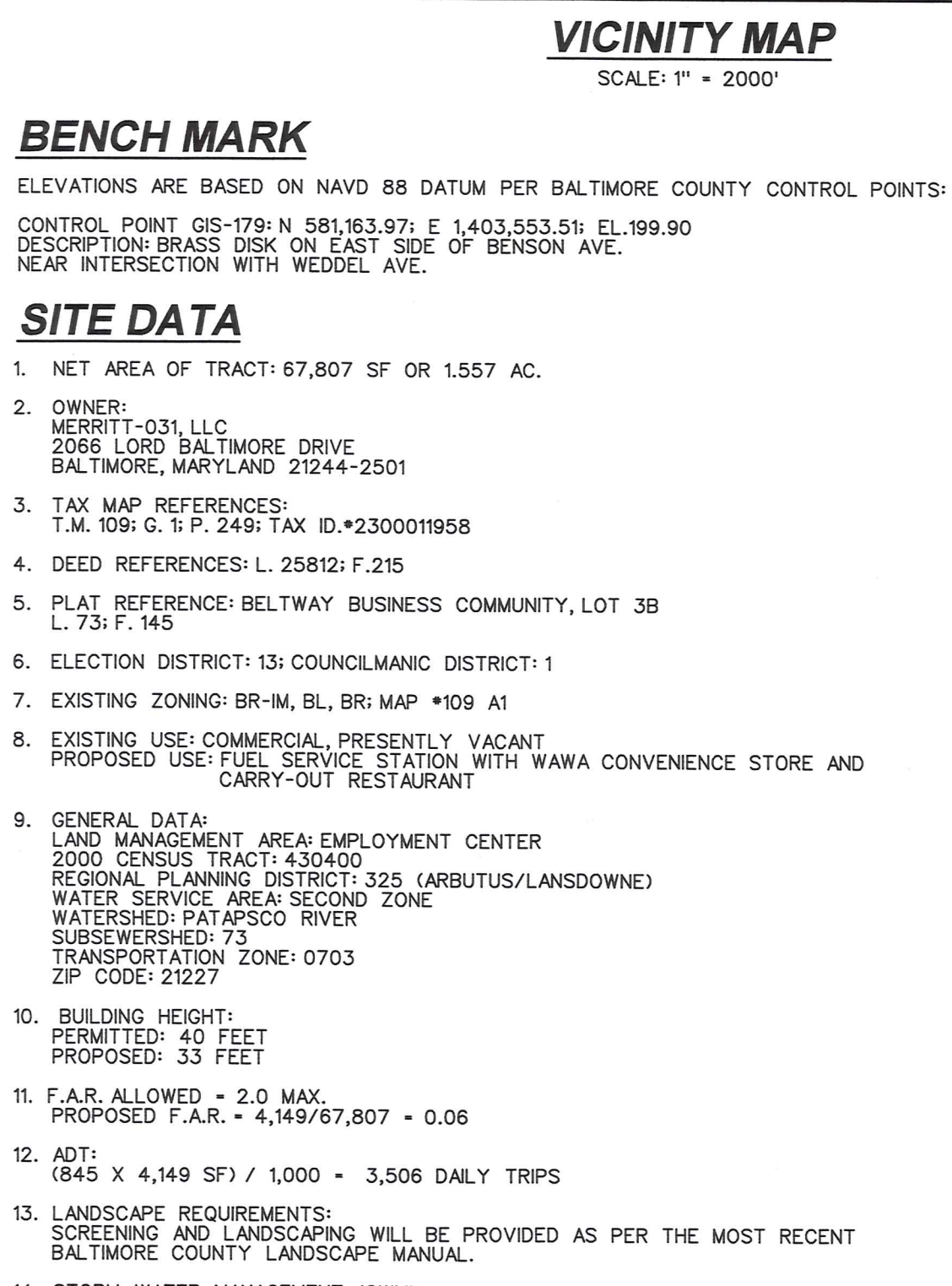
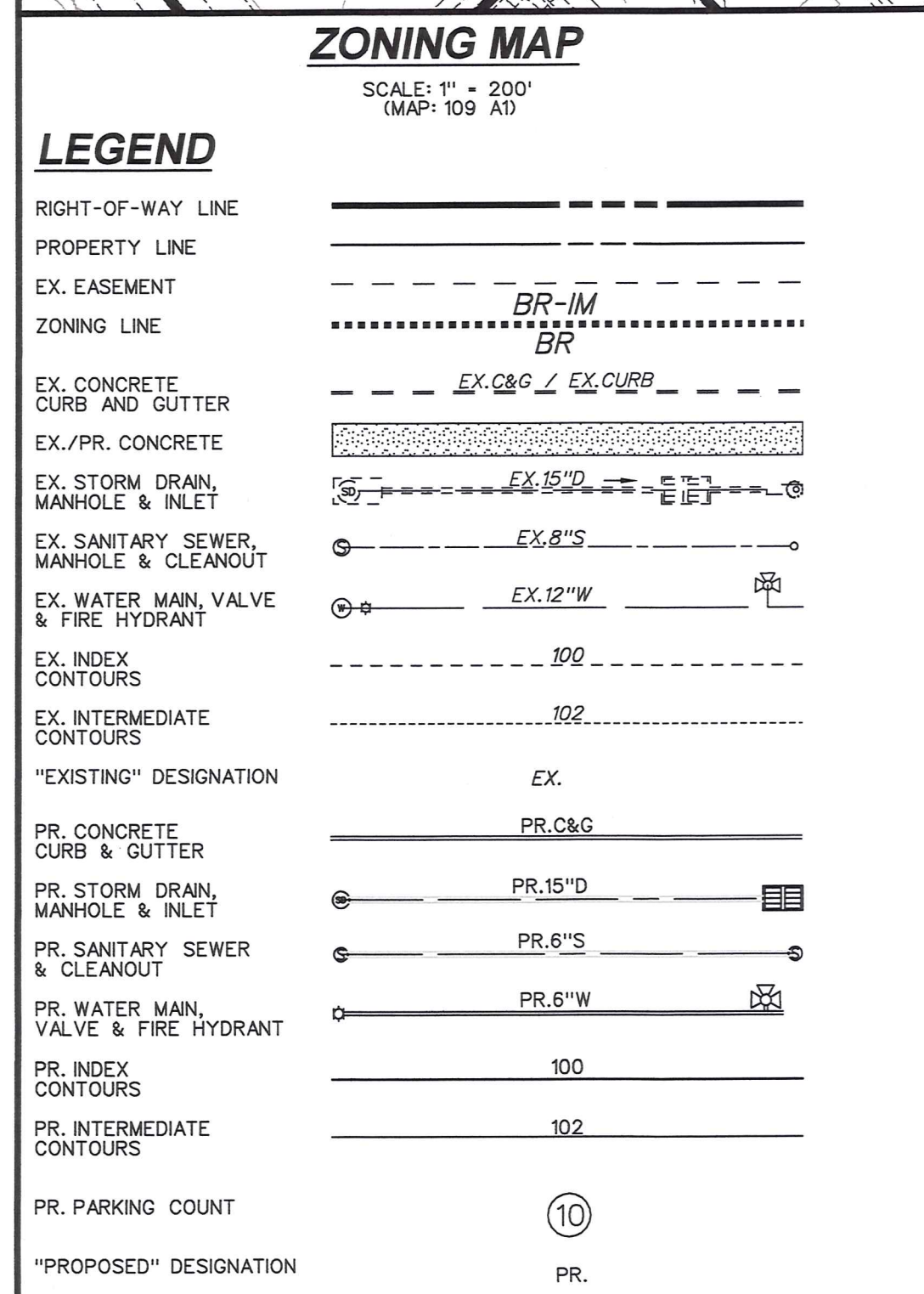
cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

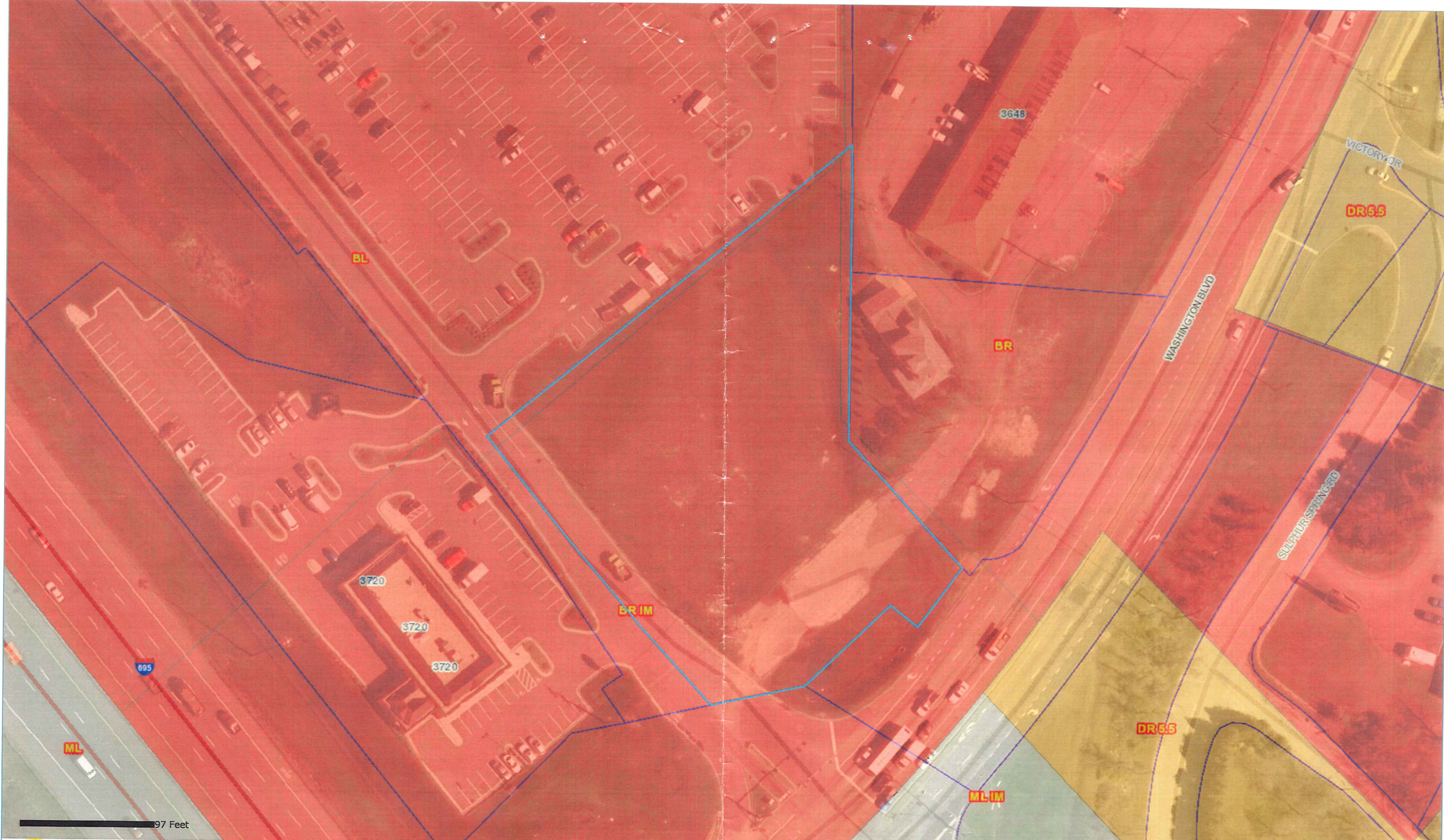
* Sidewalk to be constructed along US 1 at access to US 1

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.roads.maryland.gov





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 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, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

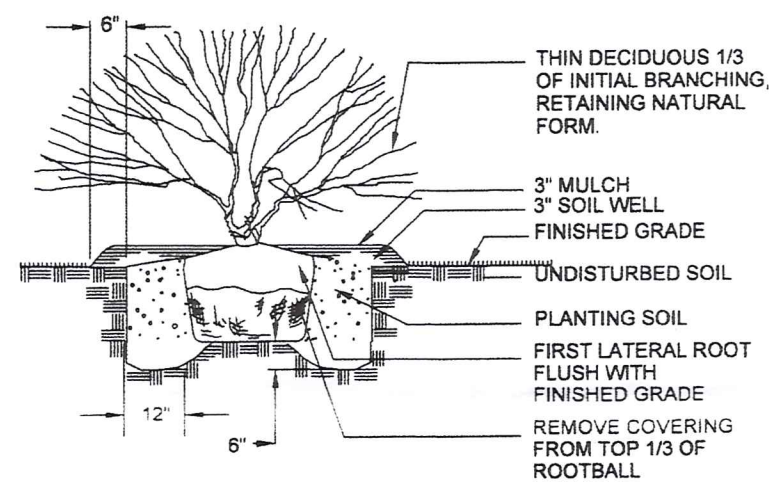
PETITIONER'S EXHIBIT 28

1. All topsoil shall be a minimum 4" in all sod areas and 8" in tree, shrub and ground cover beds, including parking lot island beds. It shall be approved by a Viewus Construction representative, prior to installation.
2. Planting behind perpendicular parking is to be located a minimum of 5' behind the curb line.
3. All landscape and grass areas shall be hardscaped and left clear of all stones, rock, construction debris and any unsuitable materials.
4. All landscape and grass areas are to be irrigated by automatic sprinkler system. (See Irrigation Specification.)
5. Landscape contractor will locate all underground utilities prior to any excavation and planting installation.
6. All areas to be landscaped or covered with stone must be treated with a pre-emergence herbicide (surflan, dactol or approved equal) in accordance with applicable federal, state regulations and the manufacturer's instructions.
7. All landscape beds are to be delineated with 5 1/2" x 12" aluminum edging, spaced at 10' intervals. Aluminum edging is to be Cleanline 3/16" x 5 1/2" x 16' by Permaloc. (800-356-5568/www.permaloc.com) Follow manufacturers installation directions included in the end of this section.
8. Landscape contractor to supply and install a pervious weed barrier (Dewitt, DuPont or approved equal) in accordance with manufacturer's instructions within all landscapes.
9. All landscape beds are to be mulched with 3" of clean, dark brown, aged mulch, such as Redwood or Alder. All weed barriers must be covered with a minimum of 2" of aged mulch. All plant locations, mulch must be applied to a depth of 2" around each plant. All plant locations, mulch must be applied to a depth of 2" around each plant. All plant locations, mulch must be applied to a depth of 2" around each plant. All plant locations, mulch must be applied to a depth of 2" around each plant.
10. All proposed landscaping to be nursery grown, typical of their species or variety. When they are to have normal vigorous root systems, free from defects and infections and in accordance with ANSI Z60.1.
11. All proposed plantings should be installed per standards of the "American Association of Nurserymen" and state nurserymen's associations with regard to planting, pit size, backfill material, staking and guying.
12. All planting containers and baskets shall be removed during planting. All plants shall be set plumb and positioned so that the top of the root collar matches, or is no more than two (2) inches above, finished grade. Replace amended baskets in 6 inch layers and compact backfill to eliminate voids. The contractor shall provide and install a minimum of 2" of clean, dark brown, aged mulch, such as Redwood or Alder, around each plant. All plant locations, mulch must be applied to a depth of 2" around each plant. All plant locations, mulch must be applied to a depth of 2" around each plant. All plant locations, mulch must be applied to a depth of 2" around each plant.
13. All planting areas shall be filled and setting mitigated as required. Aluminum edging shall be installed around all planting areas to delineate between multiple landscape materials.
14. After initial watering and prior to mulching, contractor shall apply herbicides and pre-emergence herbicides as required to eliminate any weed seeds or plants present on root ball.
15. All planting beds and pits except for landscape islands adjacent to the building and designated area at the fuel vent stacks, shall be mulched with double ground bark at a minimum depth of 3". Landscape islands adjacent to designated area at fuel stacks shall be mulched with 1"-1.3" River Stone".
16. Landscapes adjacent to building, court, parking, and other areas shall be mulched with 1"-1.3" River Stone".
17. Seeded Preparation

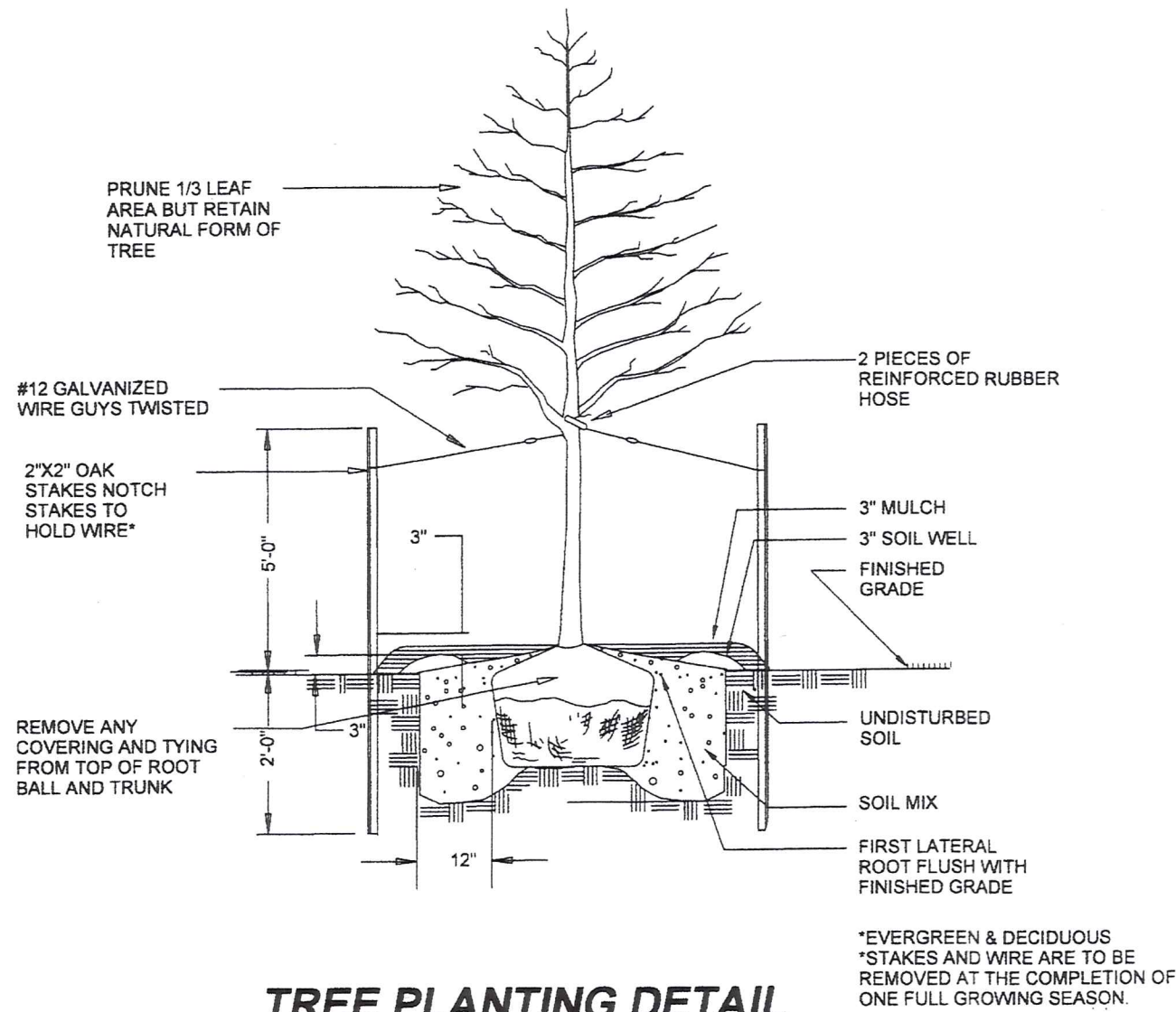
Percentage of total weight	Application Rate	Seed Type	Minimum Germination Allowed
60 %	5-7 lbs/1000 s.f.	"REBEL" Tall Fescue	90 - 97
35%		"YORKTOWN" Perennial Rye	90 - 98
5%		"STRECKER" Redtop	90 - 92

E. In areas designated as sod, fescue sod is to be installed on minimum 4" topsoil. Areas to be sodded are to be prepared as noted above for seeded areas.

16 Plant material shall be guaranteed for one year from the date of substantial completeness. The contractor shall replace plants, dead, unhealthy, dying or damaged through loss of branches and/or foliage. Lawns that are not in good condition at the end of the guarantee period shall be repaired until a good lawn results. *It is understood that the owner shall assume responsibility for watering all plant material and lawn area beginning with the date of substantial completeness.*



SHRUB PLANTING DETAIL
SCALE: N.T.S.



TREE PLANTING DETAIL
SCALE: N.T.S.

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-825-3855

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers

230 SCHILING CIRCLE SUITE 364 • HUNT VALLEY, MARYLAND 21083
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

THIS PLAN IS SEALED AND CERTIFIED
TO BE IN ACCORDANCE WITH THE
APPROVED REFINED CRG PLAN.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED
 BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER
 THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION
 DATE: JUNE 9, 2014.

MERRITT - 031, LLC
2066 LORD BALTIMORE DRIVE
BALTIMORE, MARYLAND 21244
PHONE (410) 298-2600
FAX (410) 298-9644

MERRITT
PROPERTIES, LLC
2066 LORD BALTIMORE DRIVE
BALTIMORE, MARYLAND 21244

[illegible]BALTIMORE COUNTY, MARYLAND
2015-11-20 2015-11-20

3716 WASHINGTON BOULEVARD
BALTIMORE, MARYLAND 21227

DRAWING NO.

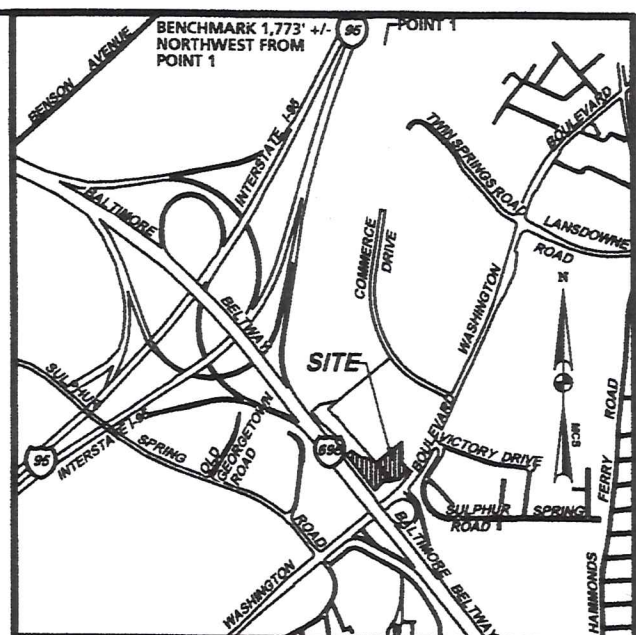
1000

1000

PETITIONER'S EXHIBIT

10

12 JUL 1989



VICINITY MAP
SCALE: 1" = 2000'

ELEVATIONS ARE BASED ON NAVD 88 DATUM PER BALTIMORE COUNTY CONTROL POINTS:
CONTROL POINT GIS-179: N 581,163.97; E 1,403,553.51; EL.199.90
DESCRIPTION: BRASS DISK ON EAST SIDE OF BENSON AVE.
NEAR INTERSECTION WITH WEDDEL AVE.

KEY	QUANTITY	BOTANICAL NAME COMMON NAME	SIZE	COND.	REMARKS
	14	ZELKOVA SERRATA 'GREEN VASE' 'GREEN VASE' ZELKOVA	2-2 1/2" CAL.	B & B	AS SHOWN
	7	ACER GINNALLA 'FLAME' FLAME AMUR MAPLE	2-2 1/2" CAL.	B & B	AS SHOWN
	10	THUJA X 'GREEN GIANT' GREEN GIANT ARBORVITAE	6 - 7 HT	#3 CONT.	AS SHOWN
BT	72	BERBERIS THUNBERGII ATROPURPUREA 'NANA' DWARF CRIMSON PYGMY BARBERY	18"-24" SPD	#3 CONT.	SPACE 3' O C.
IC	65	ILEX CORNUTA 'BURFORDII' NANA' DWARF BURFORD HOLLY	18"-24" SPD	#5 CONT.	SPACE 4' O C.
JS	159	JUNIPERUS SOJAMATA 'PARSONI' PARSONS JUNIPER	15"-18" SPD	#3 CONT.	SPACE 3' O C.
VD	36	VIBURNUM DENTATUM ARROWWOOD VIBURNUM	3' - 4 HT	#3 CONT.	SPACE 3' O C.
HC	355	HYPERICUM CALYCINUM ST. JOHN'S WORT	#1	CONT.	SPACE 18" O C

1. PRIOR TO CONSTRUCTION THE CONTRACTOR IS TO EMPLOY A MARYLAND LICENSED TREE EXPERT (MLT) TO DETERMINE IF IT IS NECESSARY TO ROOT PRUNE EXISTING LEYLAND CYPRESS & OAKS THAT ARE OFF SITE BUT ADJACENT TO THE PROPOSED RETAINING WALLS TO INSURE THE TREES ARE NOT DAMAGED DURING CONSTRUCTION. IF THE MLT DETERMINES THE TREES SHOULD BE ROOT PRUNED THE WORK SHALL BE DONE AT HIS INSTRUCTIONS AND ACCORDING TO STANDARD PRACTICES.

- 1 CONTRACTOR IS TO NOTIFY MISSISSAUGA CITY A MINIMUM OF 72 HOURS PRIOR TO DIGGING. TELEPHONE: 1-800-257-7177
- 2 THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED 48 HOURS BEFORE PLANTING BEGINS. THE LOCATION OF ALL PLANT MATERIAL IS TO BE APPROVED IN THE FIELD BY THE LANDSCAPE ARCHITECT
- 3 THIS PLAN IS FOR PLANTING ONLY
- 4 NO TREE OR SHRUB PLANTING PITS ARE TO BE LEFT OPEN OR UNATTENDED
- 5 SHRUBS ARE TO BE GROUPED INTO MULCHED BEDS. BEDS ARE TO BE EGGED AND THE GRASS IS TO BE KILLED OR REMOVED PRIOR TO MULCHING

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 15 LF	160 LF	10.7
B	ADJACENT PUBLIC ROADWAY	1 PU / 15 LF	250 LF	16.6
C	ADJACENT TO COMMERCIAL	1 PU / 10 LF	316 LF	31.6
D	ADJACENT TO COMMERCIAL	1 PU / 10 LF	336 LF	33.6
TOTAL REQUIRED / TOTAL PROPOSED				
			93 / 91 PU'S	

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.

Sally Mader SALLY MADER
Signature

8/23/12
Date

Seal

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS DEVELOPMENT MANAGEMENT
Development Plans Review

OWNER'S SIGNATURE AND 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 not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, County Office Building, Room 211, Towson, MD 21204.

LEILA McNEIL *SM* *8/20/12*
Owner's signature Date

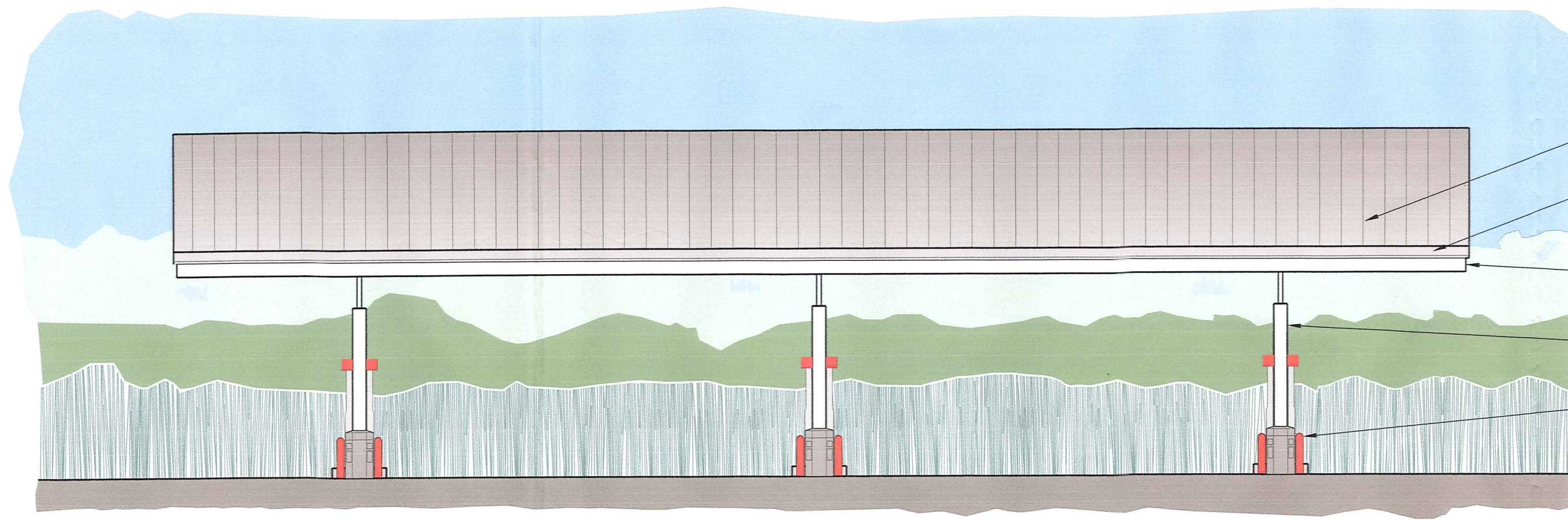
LEILA McNEIL 410 298 2600
Owner's printed name Telephone #

MERRITT 031, C-1
2068 LODGE BALTIMORE DR, BALTIMORE, MD 21244
(Print) Mailing address-city-state-zip

PAD# XIII-70 BUILDING PERMIT # _____

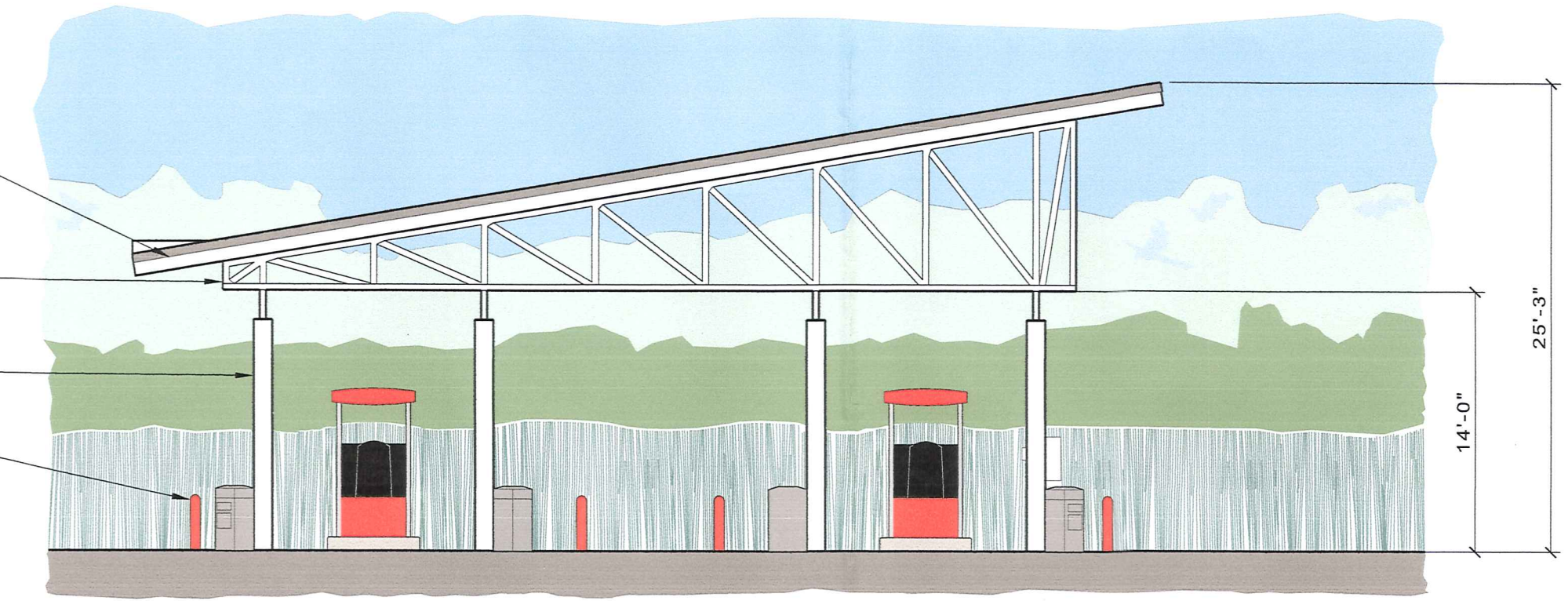
THE COORDINATE SYSTEM
OF ALL DRAWINGS IS BASED
ON THE BALTIMORE COUNTY
METROPOLITAN DISTRICT
GRID SYSTEM & DATUM.

5B



FRONT ELEVATION - STEEL CANOPY

- DUTCH SEAM METAL ROOF.
COLOR: SLATE GREY
- METAL FASCIA
COLOR: GREY
- PAINTED STEEL FRAMING
COLOR: WHITE
- PAINTED STEEL COLUMN
COLOR: WHITE
- PAINTED STEEL BOLLARD
COLOR: RED



SIDE ELEVATION - STEEL CANOPY
MATERIALS AND FINISHES SIMILAR OPPOSITE SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

Proposed Wawa
Washington Blvd. and Commerce Drive
Baltimore County, Maryland

March 1, 2012

Scale: 1/8" = 1'-0"

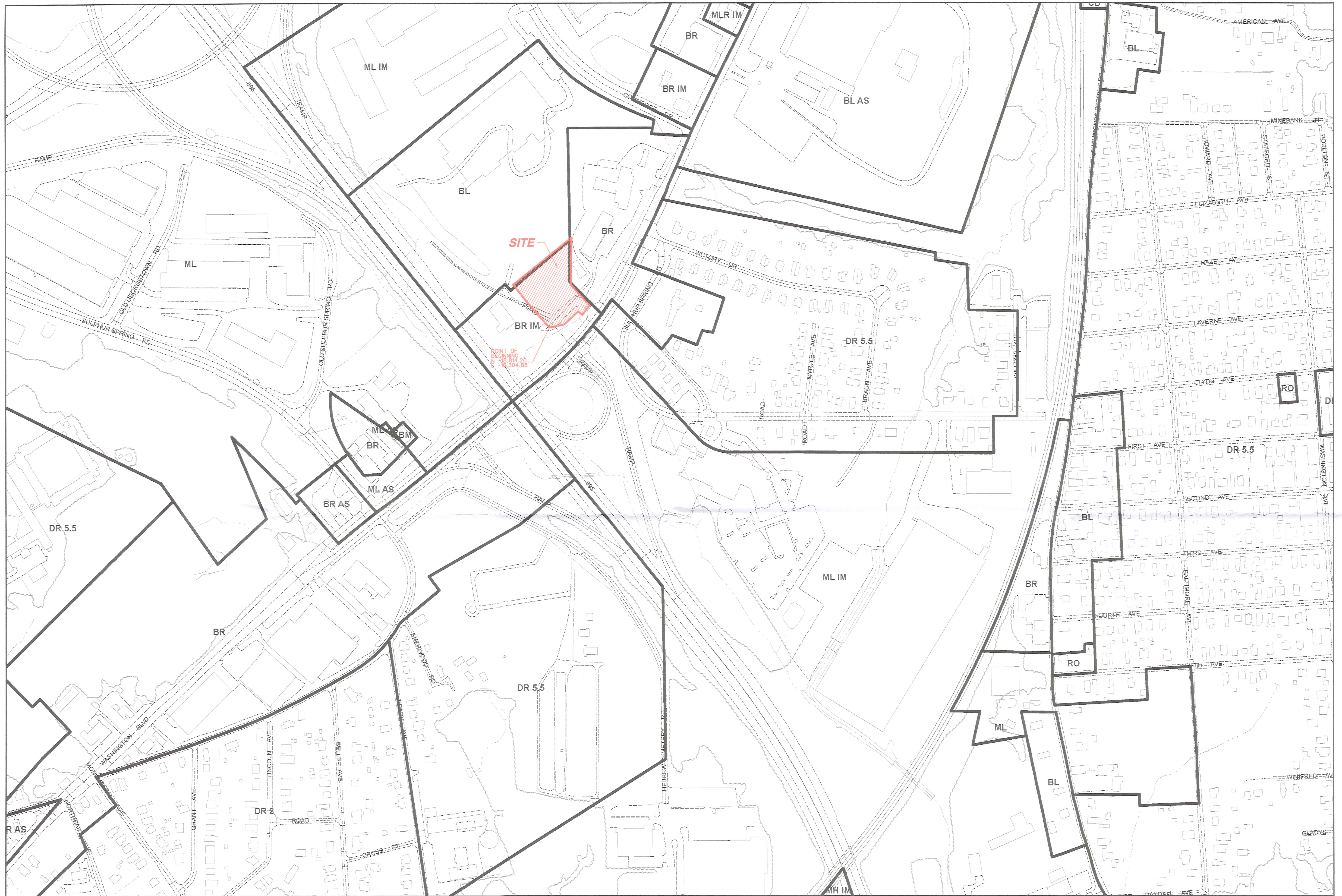
Store Code: __ _ / W40 Virginia

lma | ARCHITECTS LLC

921 Penllyn - Blue Bell Pike . Blue Bell, PA 19422

* FOR ILLUSTRATIVE PURPOSES ONLY

PETITIONER'S EXHIBIT 7



Plan Sheet: 109A1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

101B3	101C3	102A3	102B3	
108B1	108C1	109A1	109B1	109C1
108B2	108C2	109A2	109B2	109C2

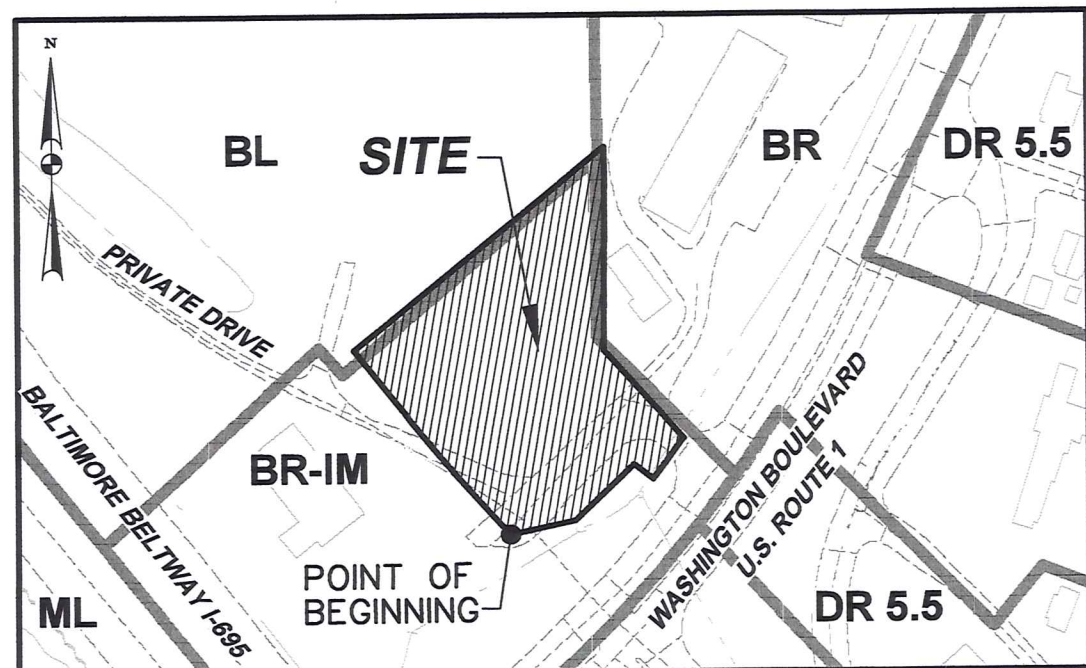
Scale

1" = 200'

0 100 200 400 Feet

2013-0013-XA

Data Sources:
Planometric Data - Baltimore County
CIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

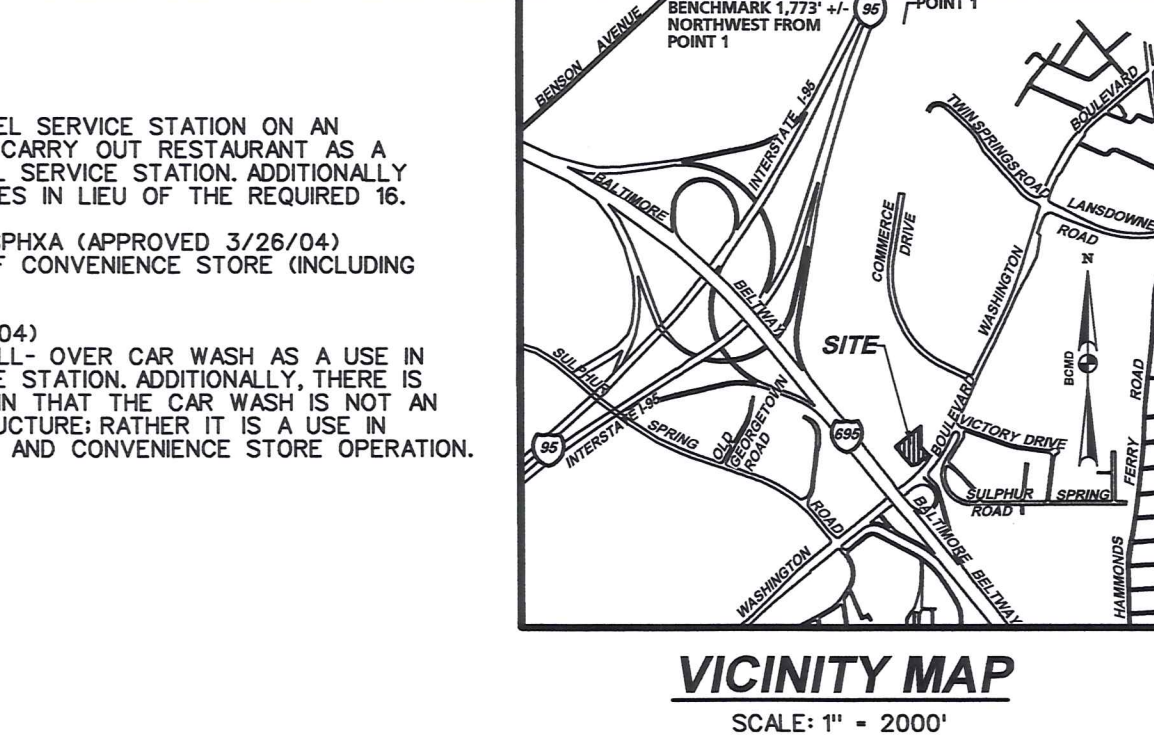
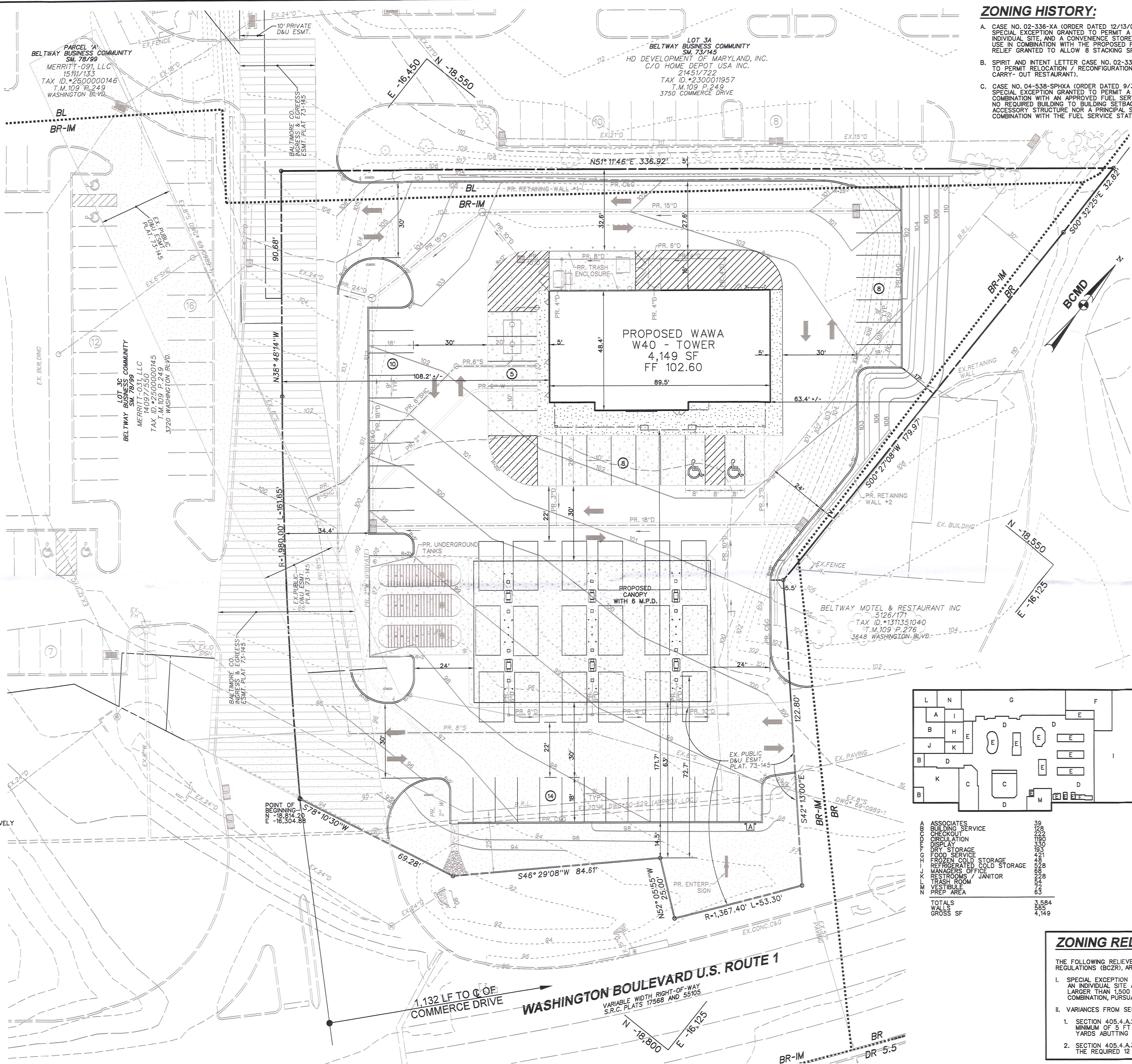


ZONING MAP
SCALE: 1" = 200'
(MAP: 109 A)

LEGEND	
RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
EX. EASEMENT	---
ZONING LINE	---
EX. CONCRETE CURB AND GUTTER	---
EX./PR. CONCRETE	---
EX. STORM DRAIN, MANHOLE & INLET	---
EX. SANITARY SEWER, MANHOLE & CLEANOUT	---
EX. WATER MAIN, VALVE & FIRE HYDRANT	---
EX. INDEX COUNTOURS	---
EX. INTERMEDIATE COUNTOURS	---
"EXISTING" DESIGNATION	EX.
PR. CONCRETE CURB & GUTTER	---
PR. STORM DRAIN, MANHOLE & INLET	---
PR. SANITARY SEWER & CLEANOUT	---
PR. WATER MAIN, VALVE & FIRE HYDRANT	---
PR. INDEX COUNTOURS	---
PR. INTERMEDIATE COUNTOURS	---
PR. PARKING CUNT	---
"PROPOSED" DESIGNATION	PR.

SPECIAL ZONING REQUIREMENTS FOR FUEL SERVICE STATION (PER SECTION 405 OF BCZR)

- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THIS SITE
- REQUIRED SITE AREA:
 - FUEL SERVICE STATION (12 FUELING POSITIONS x 1,500 SF) = 18,000 SF
 - CONVENIENCE STORE (4 x 3,728 SF) = 14,912 SF
 - CARRY-OUT RESTAURANT (6 x 421 SF) = 2,526 SF
 - ATM MACHINE (2 x 1,000 SF) = 2,000 SF
 - TOTAL AREA REQUIRED = 37,438 SF
 - TOTAL AREA PROVIDED = 67,807 SF
- BUILDING AREA:
 - CONVENIENCE STORE (3,728 SF) + CARRY-OUT REST. (421 SF) + 4,149 SF
- SETBACK REQUIREMENTS:
 - A. BUILDING: REQUIRED: 35 FT MIN. FROM ANY STREET R/W PROVIDED: 171.9 FT
 - B. CANOPY: REQUIRED: 15 FT MIN. FROM ANY STREET R/W PROVIDED: 63 FT
 - C. FUEL PUMPS: REQUIRED: 25 FT MIN. FROM ANY STREET R/W PROVIDED: 72.7 FT
 - D. LANDSCAPE TRANSITION AREA: REQUIRED: 10 FT MIN. FROM PUBLIC R/W; 6 FT MIN. FROM SIDE & REAR PROPERTY LINES ABUTTING NON-RESIDENTIALLY ZONED LAND PROVIDED: 14.5 FT MIN. FROM PUBLIC R/W; 5.5 FT & 5 FT MIN. FROM SIDE & REAR PROPERTY LINES RESPECTIVELY VARIANCES ARE BEING REQUESTED
- STACKING FOR FUEL PUMPS:
 - NUMBER OF STACKING SPACES COMPLY WITH SECTION 405.4.A.3.c.(2) OF BCZR.
 - NUMBER OF STACKING SPACES REQUIRED: 1 FOR EACH MPD = 1 x 12 = 12 SPACES
 - NUMBER OF STACKING SPACES PROVIDED: 6 SPACES
 - VARIANCE IS BEING REQUESTED
- REST ROOM FACILITY, WATER, AND COMPRESSED AIR WILL BE PROVIDED FOR CUSTOMERS.
- PARKING CALCULATIONS:
 - A. PARKING SPACES (PS) REQUIRED:
 - CONVENIENCE STORE & CARRY-OUT REST. (4,149 SF @ 5/1,000) = 21 PS
 - 1 PS PER EMPLOYEE ON LARGEST SHIFT = 1 x 8 EMPLOYEES = 8 PS
 - 1 PS PER AIR UNIT = 1 x 1 UNIT = 1 PS
 - 1 PS PER ATM = 1 x 2 ATMs = 2 PS
 - TOTAL PARKING SPACES REQUIRED = 32 PS
 - B. TOTAL PARKING SPACES PROVIDED (INCL. 2 HDOP SPACES): = 45 PS



BENCH MARK
ELEVATIONS ARE BASED ON NAVD 88 DATUM PER BALTIMORE COUNTY CONTROL POINTS:
CONTROL POINT GIS-179: N 581,63.97; E 1,403,553.51 EL. 199.90
DESCRIPTION: BRASS DISK ON EAST SIDE OF BENSON AVE.
NEAR INTERSECTION WITH WEDDEL AVE.

SITE DATA

- NET AREA OF TRACT: 67,807 SF OR 1.557 AC.
- OWNER: MERRITT-031, LLC 2066 LORD BALTIMORE DRIVE BALTIMORE, MARYLAND 21244-2501
- TAX MAP REFERENCES: T.M. 109: G. 1 P. 249; TAX ID: #230001958
- DEED REFERENCES: L. 25812; F. 215
- PLAT REFERENCE: BELTWAY BUSINESS COMMUNITY, LOT 3B L. 73: F. 145
- ELECTION DISTRICT: 13; COUNCILMANIC DISTRICT: 1
- EXISTING ZONING: BR-IM, BL, BR; MAP #109 A1
- EXISTING USE: COMMERCIAL, PRESENTLY VACANT PROPOSED USE: FUEL SERVICE STATION WITH WAWA CONVENIENCE STORE AND CARRY-OUT RESTAURANT
- GENERAL DATA:
 - LAND MANAGEMENT AREA: EMPLOYMENT CENTER
 - 2000 CENSUS TRACT: 430400
 - REGIONAL PLANNING DISTRICT: 325 (ARBUTUS/LANSOWNE)
 - WATER SERVICE AREA: SECOND ZONE
 - WATERSHED: PATAPSCO RIVER
 - SUBWERSHED: 73
 - TRANSPORTATION ZONE: 0703
 - ZIP CODE: 21227
- BUILDING HEIGHT: PERMITTED: 40 FEET PROPOSED: 33 FEET
- F.A.R. ALLOWED = 2.0 MAX. PROPOSED F.A.R. = 4,149/67,807 = 0.06
- ADT: 1645 X 4,149 SF / 1,000 = 3,506 DAILY TRIPS
- LANDSCAPE REQUIREMENTS: SCREENING AND LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL.
- STORM WATER MANAGEMENT (SWM): SWM IS PROVIDED IN EXISTING REGIONAL SWM POND LOCATED ON BELTWAY BUSINESS COMMUNITY, PARCEL A. SWM PLANS WERE PREPARED BY G.W. STEPHENS, JR. & ASSOCIATES, INC. AND APPROVED ON 08/07/00.
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS ON THIS SITE AND WITHIN 100 FT. OF THIS PROPERTY.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST AND ARE AVAILABLE FOR SERVICING THIS SITE.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, FOREST BUFFERS, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON SITE.
- FOREST CONSERVATION REQUIREMENTS: THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION REQUIREMENTS IN ACCORDANCE WITH SECTION 33-B-1030(i)(15) OF THE BALTIMORE COUNTY CODE - DEVELOPMENT UNDER A VALID CRG PLAN.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES.
- THERE ARE NO HISTORIC BUILDINGS AND ARCHEOLOGICAL SITES ON THIS PROPERTY.
- FLOOD MAP INFORMATION: PREMISES IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 510 OF 580, COMMUNITY PANEL NUMBER 2400000505 OF MAP REVISED SEPTEMBER 28, 2008" AND IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE IS NOT WITHIN A MORATORIUM AREA OR IN AN AREA WHERE FAILURE OF BASIC SERVICE MAPS CURRENTLY EXISTS PER SECTION 4A02 (BCZR).
- BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
- ALL LIGHTING SHALL CONFORM TO IES STANDARDS AND SHALL BE REFLECTED AWAY FROM ROADS & ADJACENT PROPERTIES.
- ALL PAVING SHALL BE BITUMINOUS DUST- FREE SURFACE & PERMANENTLY STRIPPED.
- THE SITE SHALL HAVE NORMAL EMISSIONS ASSOCIATED WITH FUEL SERVICE STATION AND CONVENIENCE STORE. ALL MARYLAND AND FEDERAL GUIDELINES AND REGULATIONS WILL BE MET.
- THE BOUNDARY SHOWN HEREON IS BASED ON THE ALTA SURVEY WHICH WAS PREPARED BY DUVALL & ASSOCIATES, P.A. ON JUNE 28, 2012.

DEVELOPMENT APPROVAL

- 6TH REFINEMENT TO CRG PLANS TO REVISE THE BUILDING LAYOUT AND ASSOCIATED PARKING LOT ON LOT 3B WAS APPROVED ON 7/3/12 (DRC-070312 A)

ZONING RELIEF REQUESTS

- THE FOLLOWING RELIEVES FROM BALTIMORE COUNTY ZONING REGULATIONS (BCZR), ARE BEING REQUESTED:
- SPECIAL EXCEPTION TO ALLOW FUEL SERVICE STATION USE ON AN INDIVIDUAL SITE AND CONVENIENCE STORE HAVING SALES AREA LARGER THAN 1,500 SF AND CARRY-OUT RESTAURANT AS USES IN COMBINATION, PURSUANT TO SECTIONS 405.2.B.1, 405.4.E.1 & 405.4.E.10.
 - VARIANCES FROM SECTION 405:
 - SECTION 405.4.A.2.b. TO ALLOW LANDSCAPE TRANSITION AREA MINIMUM OF 5 FT IN LIEU OF THE REQUIRED 6 FT FOR SIDE AND REAR YARDS ABUTTING NON-RESIDENTIALLY ZONED LAND.
 - SECTION 405.4.A.3.c.(2) TO ALLOW 6 STACKING SPACES IN LIEU OF THE REQUIRED 12 STACKING SPACES.

2013-0013-XA

THE COORDINATE SYSTEM OF ALL DRAWINGS IS BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID SYSTEM & DATUM.

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

PROFESSIONAL CERTIFICATION
NOTE: THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2014.

OWNER
MERRITT - 031, LLC
2066 LORD BALTIMORE DRIVE
BALTIMORE, MARYLAND 21244
PHONE (410) 298-2600
FAX (410) 298-9644

DEVELOPER
MERRITT
PROPERTIES, LLC
2066 LORD BALTIMORE DRIVE
BALTIMORE, MARYLAND 21244
(410) 298-2600

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PLAT TO ACCOMPANY PETITION FOR ZONING RELIEF REQUESTS
BELTWAY BUSINESS COMMUNITY LOT 3B
3716 WASHINGTON BOULEVARD
BALTIMORE, MARYLAND 21227
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'
ELECTION DISTRICT NO.: 13, C1
DATE: JULY, 2012
DRAWING NO.
SE&V
SHEET 1 OF 1