IN RE: PETITION FOR SPECIAL EXCEPTION N/S Pulaski Highway, 152 ft. +/- E centerline of Holly Drive 15th Election District 6th Councilmanic District **(9026 Pulaski Highway)** MRH Properties, Inc., By: Mark Hoos, President Petitioners	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-208-X

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, MRH Properties, Inc., by Mark Hoos, President. The special exception request is for property located at 9026 Pulaski Highway in the eastern area of Baltimore County, which property is zoned BR-IM. The Petitioner is requesting a special exception pursuant to Sections 236.4 and 502 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a used motor vehicle outdoor sales area.

The property was posted with Notice of Hearing on November 22, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 23, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;

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Date 12/9/04
By

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]
J.

Amended Zoning Description

At the outset of the case, the Petitioner noted a minor change to the Zoning Description to change the address of the subject property to 9026 Pulaski Highway.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None

Interested Persons

Appearing at the hearing in support of the request were Douglas Kennedy, Professional Engineer, and Mark Hoos on behalf of Petitioner, as well as Frank Fowler representing the lessee. Lawrence F. Haislip, Esquire represented the Petitioners. No protestants or interested citizens attended the hearing. Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of a net area of 1.117 acres, more or less, zoned BR-IM. The subject property is currently not occupied but was formerly improved with a used boat sales area and a service garage with an office. The Petitioner is interested in leasing the property to Mr. Fowler who would like to operate a used motor vehicle, outdoor sales area on the subject property using the same office and service garage. Submitted into evidence as Petitioner's Exhibit No. 1 was a site

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Date 12/9/04

plan of the property. There are no changes planned for the property other than locating used vehicles where used boats once were stored for sale.

Mr. Kennedy presented photographs of the uses and zoning surrounding the subject property. He noted that the property to the west is zoned BR-IM and contains a bowling alley. To the north are the tracks for the B&O Railroad. To the east is a fish and tackle shop. The next property to the east is zoned ML-AS and is vacant. Directly across Pulaski Highway is a liquor store, which is adjacent to the nearest residential uses off Holly Drive. See Petitioner photographs Exhibit 2A generally and 2A-13 for the nearest residential development. Mr. Kennedy opined that considering the uses in the nearby properties, granting a special exception for the used car sales area will not adversely impact the community and that the proposal meets each of the criteria given in Section 502.1 of the B.C.Z.R.

In further discussion, the Petitioner noted that use of the building for a service garage is as of right in a BR zone so that he intends to do minor detailing, cleaning and repair of vehicles brought to the site for eventual sale to the public. However, he will not do body work or major repairs at the site. He does not intend to install any fuel storage tanks on the property. Mr. Fowler indicated that while he does intend to have vehicles delivered to the site by carrier, there is sufficient room on this 1+ acre site for the car carriers to turn around on the site without having to back out onto Pulaski Highway, even with vehicles displayed for sale or parked for service. Hours of operation will be 8 AM to 8 PM Monday through Friday and 8 AM to 5 PM on Saturday.

The Petitioner objected to submitting a landscape or lighting plan to the County for review considering the location of the site and existing commercial uses surrounding it. He did, however, agree that there will be no outdoor intercom, speakers or paging system on the site.

Findings of Fact and Conclusions of Law

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permit the use proposed in a BR-IM zone by special exception by way of the BM zoning regulations. It is equally clear that the

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Date 12/9/04
By

proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this Petition and after reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

THEREFORE, IT IS ORDERED this 9 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for Special Exception Request filed pursuant to Sections 236.4 and 502 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a used motor vehicle outdoor sales area, be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his permit upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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Date 12/9/04
By Ray

2. The Petitioner shall be prohibited from performing body work on vehicles displayed for sale on the subject property or storing inoperable vehicle on the site.

3. The Petitioner shall be prohibited from installing any gas tanks or fuel storage tanks on the subject property.

4. The hours of operation of the used motor vehicle, outdoor sales, establishment shall be 8:00 a.m. to 8:00 p.m., Monday through Friday and 8 am through 5 p.m. Saturday.

5. The Petitioner shall be prohibited from utilizing or installing outside intercom, loud speaker or bells for telephone calls.

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

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 12/9/04
By Raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

December 9, 2004

Lawrence Haislip, Esquire
Miles & Stockbridge, P.C.
One W. Pennsylvania Avenue, Suite 900
Towson, Maryland 21204

Re: Petition for Special Exception
Case No. 05-208-X
Property: 9026 Pulaski Highway

Dear Mr. Haislip:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. Mark R. Hoos, Sr., MRH Properties, Inc., 229 Corsica Rd., Baltimore, MD 21221
Douglas L. Kennedy, P.E., KCW Engr. Tech., Inc., 3106 Lord Baltimore Dr., Ste. 110, Baltimore, MD 21244
Frank Fowler, 1600 Chesaco Ave., Baltimore, MD 21237

Printed on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9026 Pulaski Highway

which is presently zoned BR-1M

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

~~An automotive service station and~~ Used motor vehicle outdoor sales area, pursuant to Sections 236.4 and 502 of the Baltimore County Zoning Regulations ~~[illegible]~~

~~[illegible] service station [illegible] sales area.~~

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address | Telephone No.

City | State | Zip Code

Legal Owner(s):

MRH PROPERTIES, INC.
Name - Type or Print

Mark R. Hoos
Signature

Mark Hoos, President
Name - Type or Print

Signature

2229 Corsica Road · 410-679-5997
Address | Telephone No.

Baltimore | MD | 21221
City | State | Zip Code

Attorney For Petitioner:

Lawrence F. Haislip, Esquire
Name - Type or Print

Signature

Miles & Stockbridge P.C.
Company

One West Pennsylvania Avenue
Suite 900 | 410-823-8234
Address | Telephone No.

Towson | MD | 21204
City | State | Zip Code

Representative to be Contacted:

Lawrence F. Haislip, Esquire
Name

Miles & Stockbridge P.C.
One West Pennsylvania Avenue | 410-823-8234
Address Suite 900 | Telephone No.

Towson | MD | 21204
City | State | Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM **Date** 10/25/04

ORDER RECEIVED FOR FILING
Date 10/19/04
By

Case No. 05-208-X

REV 09/15/98

KCW
ENGINEERING TECHNOLOGIES

KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, MD 21244

(410) 281-0030
Fax (410) 298-0604
www.KCW-ET.com

William K. Woody
President and CEO

Douglas L. Kennedy
Senior Vice President

J. Peter McDonnell
Vice President

Ronald J. Lind
Associate Vice President

Edwin S. Howe, III
Associate Vice President

Joseph P. Wood
Associate

Reginald C. Roberts
Associate

AMENDED

ZONING DESCRIPTION

PROPERTY OF MRH PROPERTIES, Inc.
#9026 PULASKI HIGHWAY
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the Northernmost Right-of-Way line of Pulaski Highway (U.S. Rte. 40), 150 feet wide, said point being distant 152 feet, more or less, East from the centerline of Holly Drive, thence the following four courses and distances:

1. South 47 degrees 22 minutes 13 seconds West 150.00 feet; thence
2. North 48 degrees 54 minutes 10 seconds West 332.63 feet; thence
3. North 47 degrees 23 minutes 10 seconds East 150.00 feet: thence
4. South 48 degrees 54 minutes 10 seconds East 332.60 feet to the Point of Beginning.

Containing 48,656 square feet or 1.117 acres of land more or less.

As recorded in Deed Liber 12295, folio 081, Parcels 1 and 3.

Also known as #9026 Pulaski Highway and located in the 15th Election District of Baltimore County, MD.

ORDER RECEIVED FOR FILING
Date 12/9/04
By Rej

STATE OF MARYLAND
DOUGLAS LEE KENNEDY
No. 10743
REGISTERED PROFESSIONAL ENGINEER

Douglas L. Kennedy
10-25-2004

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42174

DATE 10/25/04 ACCOUNT R001 6126 6150

AMOUNT $ 280.00

RECEIVED FROM: MILLS - STOCKBRIDGE

FOR: 05-208-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTIVITY	TIME	MOD
10/26/2004	10/25/2004	11:03:08	1

REG USER WILKIN JRIC JRC
RECEIPT # 210794 10/25/2004 OPEN
Dept 5 520 ZONING VERIFICATION
CR NO. 042174
Recpt Tot $280.00
$280.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #05-208 X
9026 Pulaski Highway
N/side of Pulaski Highway, 152 feet from centerline of Holly Drive
15th Election District
6th Councilmanic District
Legal Owner(s):
MRH Properties, Inc.,
Mark Hoos, President
Special Exception: to permit a used vehicle outdoor sales area.
Hearing: Tuesday, December 7, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM WISEMAN
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/11/756 Nov 23 30697

CERTIFICATE OF PUBLICATION

11/24/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/23/, 2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S Wilkinson

LEGAL ADVERTISING

Certificate Of Posting

RE: Case NO.: 05-208-X

Petitioner/Developer: MLIT PROPERTIES INC.

Date of Hearing/Closing: 12/7/04

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

Attention:

Ladies and Gentlemen:

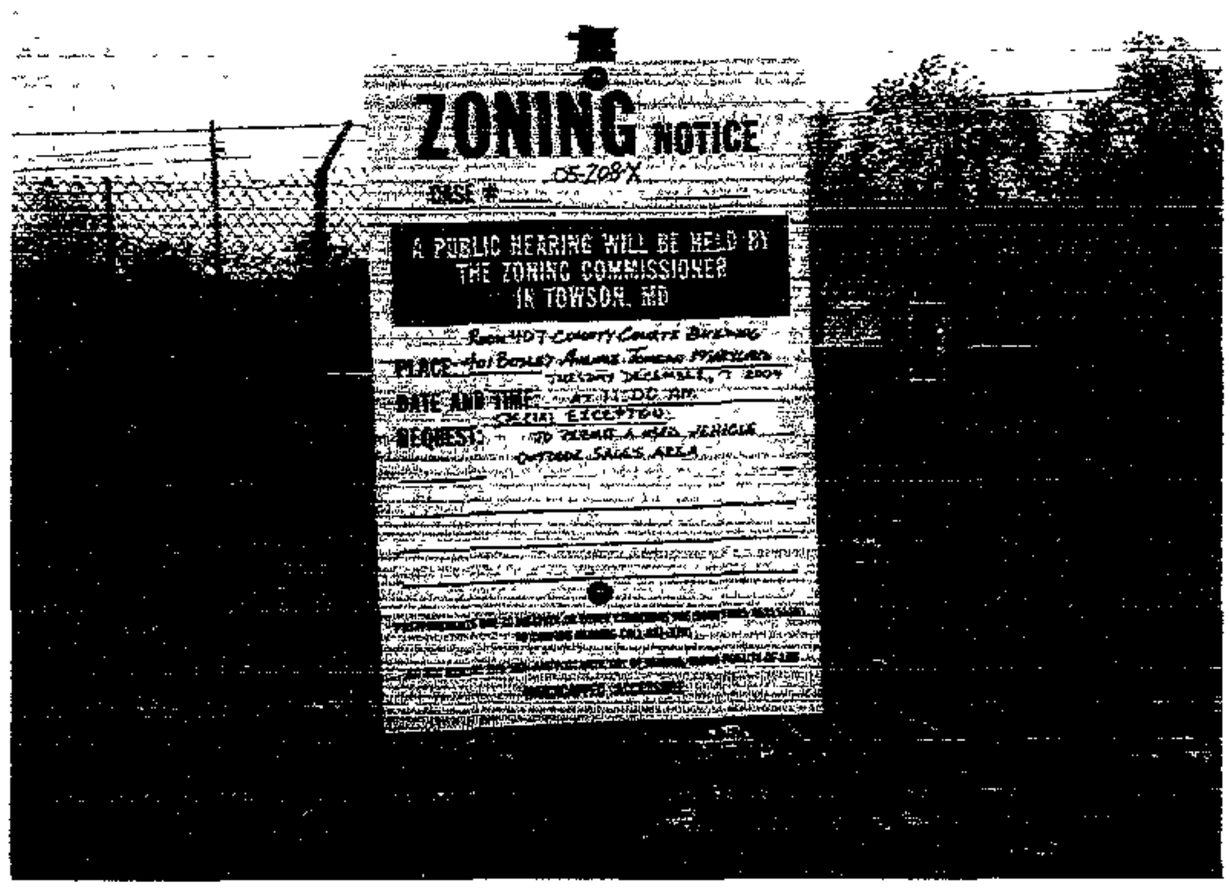
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 9026 PULASKI HIGHWAY

This sign(s) were posted on November 22, 2004.
(Month, Day, Year)

Sincerely,

Martin Ogle 11/22/04
(Signature of Sign Poster and Date)
Martin Ogle
(Printed Name)
5016 Castlestone Drive
(Address)
Balto,MD 21237
(City,State,Zip Code)
(410)-933-9470
(Phone Number)

im000120 (1152x864x256 jpeg)



11/22/04

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T Smith, Jr, County Executive
Timothy M Kotroco, Director

November 8, 2004

NOTICE OF ZONING HEARING

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

CASE NUMBER: 05-208-X
9026 Pulaski Highway
N/side of Pulaski Highway, 152 feet from centerline of Holly Drive
15th Election District – 6th Councilmanic District
Legal Owners: MRH Properties, Inc., Mark Hoos, President

Special Exception to permit a used vehicle outdoor sales area.

Hearing: Tuesday, December 7, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Lawrence Haislip, One West Pennsylvania Ave., Ste. 900,Towson 21204
Mark Hoos, MRH Properties, 2229 Corsica Rd., Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 22, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 23, 2004 Issue - Jeffersonian

Please forward billing to:
Mark Hoos
2229 Corsica Road
Baltimore, MD 21221

410-679-5997

NOTICE OF ZONING HEARING

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

CASE NUMBER: 05-208-X
9026 Pulaski Highway
N/side of Pulaski Highway, 152 feet from centerline of Holly Drive
15th Election District – 6th Councilmanic District
Legal Owners: MRH Properties, Inc., Mark Hoos, President

Special Exception to permit a used vehicle outdoor sales area.

Hearing: Tuesday, December 7, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 05-208-X

Petitioner: MRH Properties, Inc.

Address or Location: 9026 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mark Hoos

Address: 2229 Corsica Road

Baltimore, MD 21221

Telephone Number: 410-679-5997

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Development Processing
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

James T. Smith, Jr., County Executive
Timothy M Kotroco, Director

November 29, 2004

Lawrence F. Haislip, Esquire
Miles & Stockbridge, P.C.
One W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Haislip:

RE: Case Number: 05-208-X, 9026 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
MRH Properties, Inc. Mark Hoos 2229 Corsica Road Baltimore 21221

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Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

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

November 8, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 8, 2004

Item No.: 207-220

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

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel
Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 11·10·04

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

RE: Baltimore County
Item No. 208 LTM

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

S. F. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: December 6, 2004

RECEIVED
DEC 7 2004
ZONING COMMISSIONER

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 8, 2004.

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-208
05-209
05-211
05-213
05-216
05-219
05-220

Reviewers: Sue Farinetti, Dave Lykens

gm 12/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 3, 2004

RECEIVED
DEC 8 2004
ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-208**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A Cunningham

Division Chief: Lyn Lanham

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 12, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 15, 2004
Item Nos. 208, 209, 210, 211, 213,
216, 219, and 220

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL EXCEPTION 9026 Pulaski Highway; N/side Pulaski Highway, 152' c/line of Holly Drive 15th Election & 6th Councilmanic Districts Legal Owner(s): MRK Properties, Inc, Mark Hoos, President Petitioner(s)	* * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-208-X

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed Lawrence F. Haislip, Esquire, Miles & Stockbridge, P.C., One West Pennsylvania Avenue, Suite 900, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

Per CLK

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

Zoning Approval Form

To be completed by applicant and presented for approval to the local zoning authorities

Submit with Application

THE CAR & TRUCK SOURCE INC

Company name (including trade names)

9026 PULASKI HIGHWAY

Business Office Street Address

BALTIMORE | BALTIMORE | MD. | 21220

City | County | State | Zip Code

SAME AS ABOVE

Name and type of storage location

Street Address | City or County | State | Zip Code

Name and type of any additional storage locations

NONE.

Street Address | City or County | State | Zip Code

Type of Business (check appropriate blocks)

Licenses

- ☐ Wholesale
- ☐ Title Service
- ☐ New Vehicle
- ☑ Used Vehicle
- ☐ Trailer
- ☐ Motorcycle
- ☐ ADR # of Acres
- ☐ Scrap Processor # of Acres

Transporters

- ☐ Inspection Station
- ☐ Vehicle Painting\Remodeling\Repair
- ☐ Auctioneer
- ☐ New Vehicles for Manufacturer
- ☐ Other

This section to be completed by zoning official to verify applicant has met all local zoning requirements to conduct the type of business specified above.

I certify, that the business of USED MOTOR VEHICLE Outdoor Sales Area.
does ✓ does not ____ meet all zoning requirements, including the issuance of a use and occupancy permit, if required.

JRP Kotroco

Signed

DIRECTOR OF PDM

Official Capacity

410-887-3391

Telephone #

DEC. 22, 2004

Date

MVA

Motor Vehicle Administration
6601 Ritchie Highway, N.E
Glen Burnie, Maryland 21062

For more information, please call: **1-800-638-8347** (touch tone calls only), **1-800-950-1MVA (1682)** (to speak with a customer service representative), From Out-of-State: **1-301-729-4550**, TTY for the hearing impaired: **1-800-492-4575**. Visit our website at **www.marylandmva.com**

CS-053 (7-01)

Subject to 5 restrictions on ☑

Zoned BR-IM

CASE # 05-208-X

Appeal period ends Jan. 8, 2005

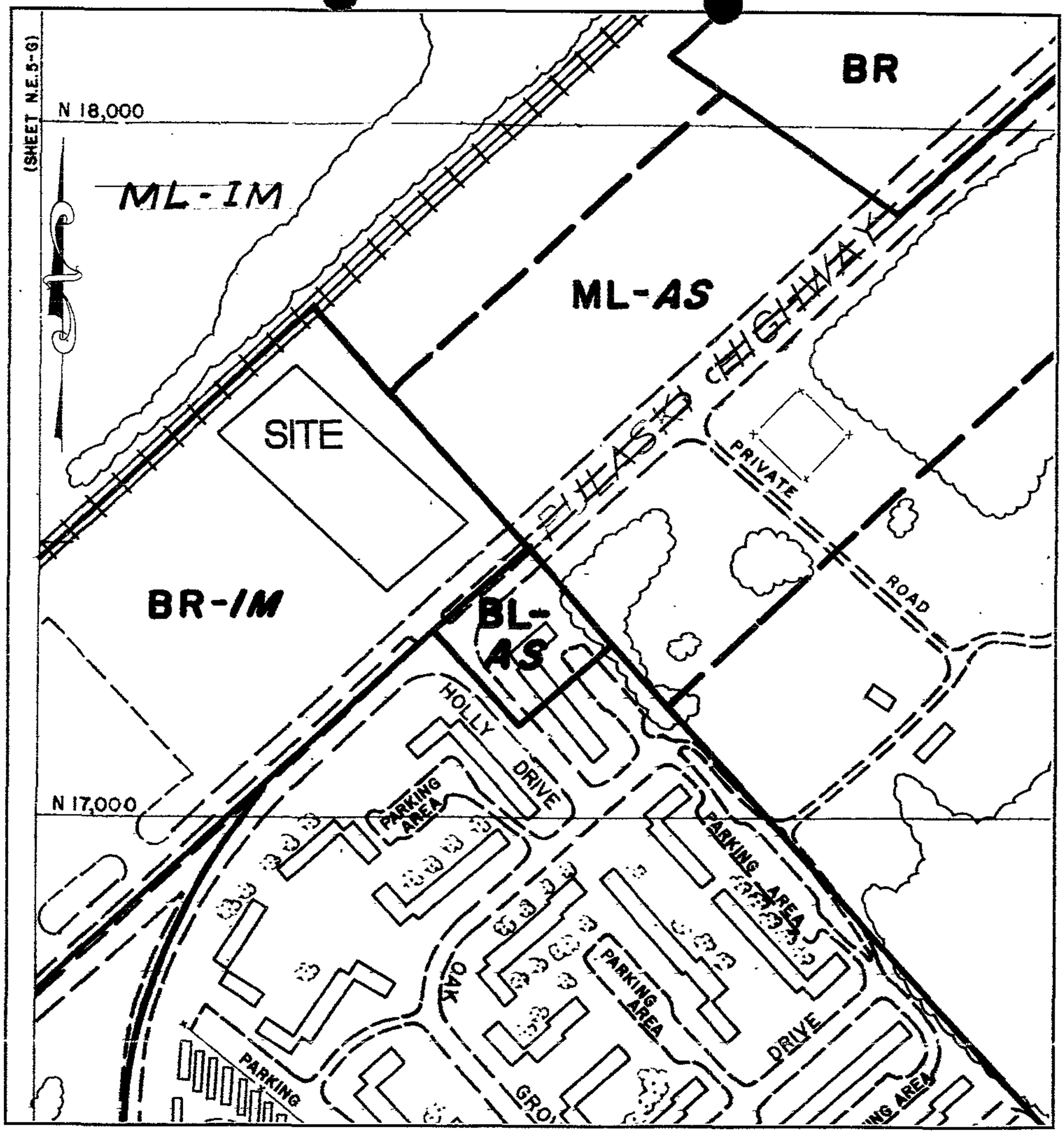
ATT: JOHN

PLEASE PRINT CLEARLY

CASE NAME 9026 PULASKI
CASE NUMBER 05-268X
DATE 12-07-04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
LAWRENCE HAISLIP	MILES & STOCKBRIDGE PC.		lhaislip@milesstockbridge.com
	1 WEST PENNA AVE		
	SUITE 900	410	823 8234.
	TOWSON MD	21204	
DOUGLAS L. KENNEDY, P.E.	KCW ENGR. TECH., INC.		
	3106 LORD BALTO. DRIVE, SUITE 110,	BALTO, MD. 21244	DKENNEDY@KCW-ET.com
Mark R. Hoos Sr.	2229 Corsica Road		
	Baltimore, MD 21221		
FRANK FOWLER	1600 CHESAPEAKE AVE		
	BALTO MD 21237		



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

ZONING MAP N.E. 5-H

KCW ENGINEERING TECHNOLOGIES

KCW Engineering Technologies, Inc.
3106 Lord Baltimore Drive, Suite 110
Baltimore, Maryland 21244
Tele (410) 281-0033
Fax (410) 281-1065
www.KCW-ET.com

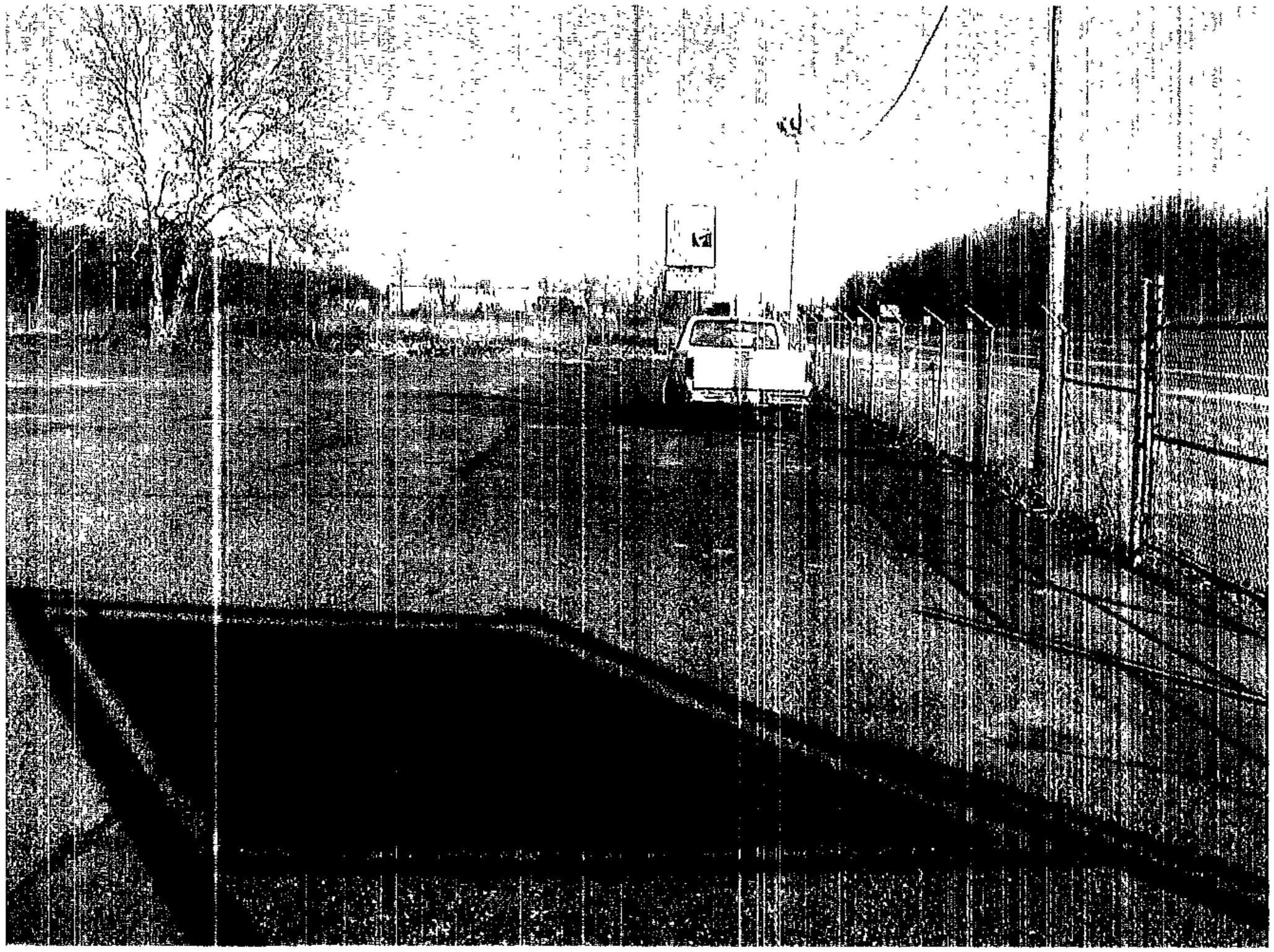
#208

MRH PROPERTIES, INC.

9026 PULASKI HIGHWAY

BALTIMORE CO., MARYLAND ELECTION DISTRICT – 15

SCALE: 1"= 200' COUNCILMANIC DISTRICT – 6

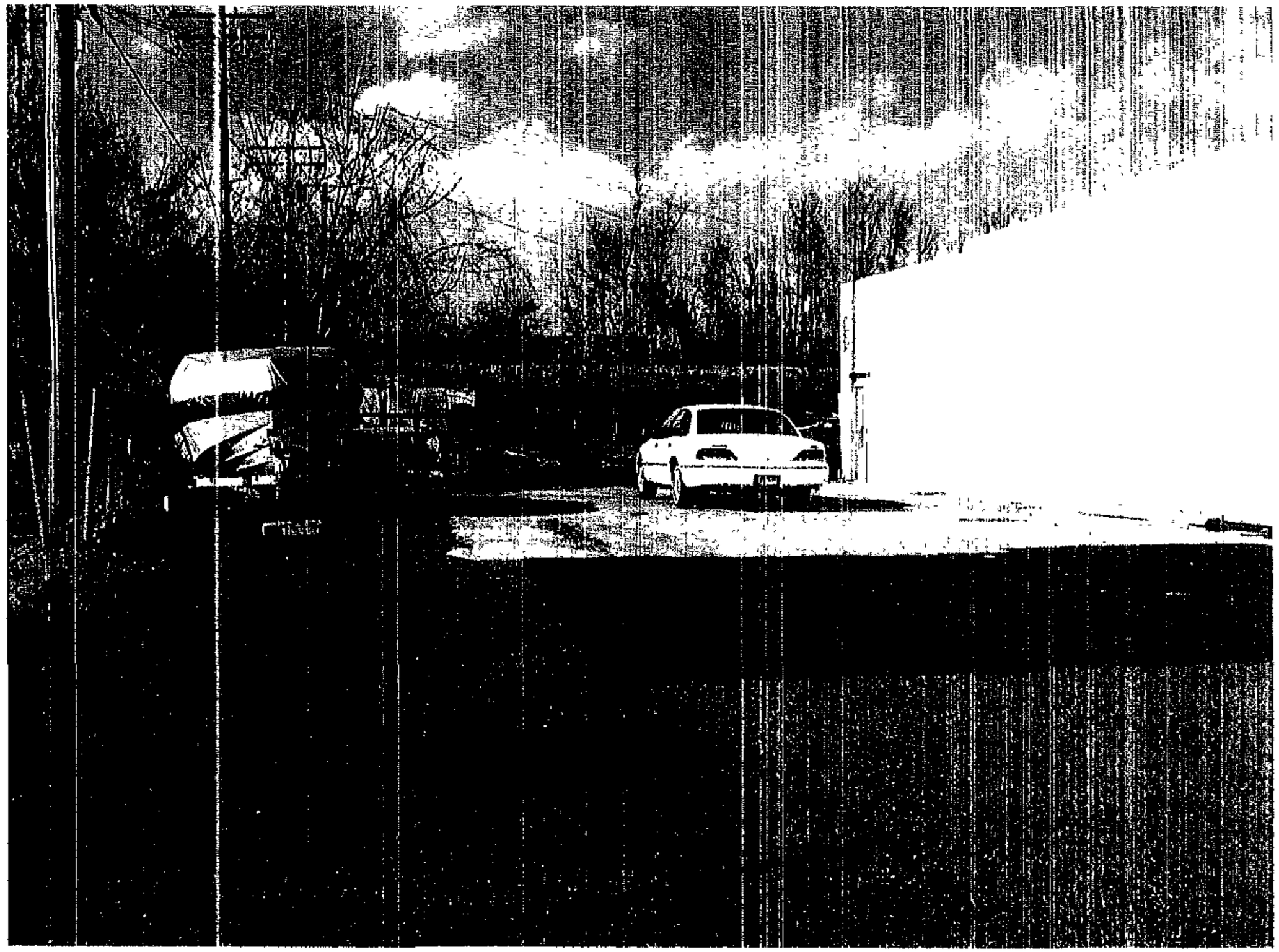


9026 PULASKI HWY. CASE # 05-208-X 12-3-2004 D.L.E.

9026 PULASKI HWY. CASE # 05-208-X 12-3-2004 D.L.K.

2A

9026 PULASKI HWY. CASE #05-208-X 12-3-2004 D.L.K.



9026 PULASKI HWY. CASE #05-208-X 12-3-2004 D.L.K.

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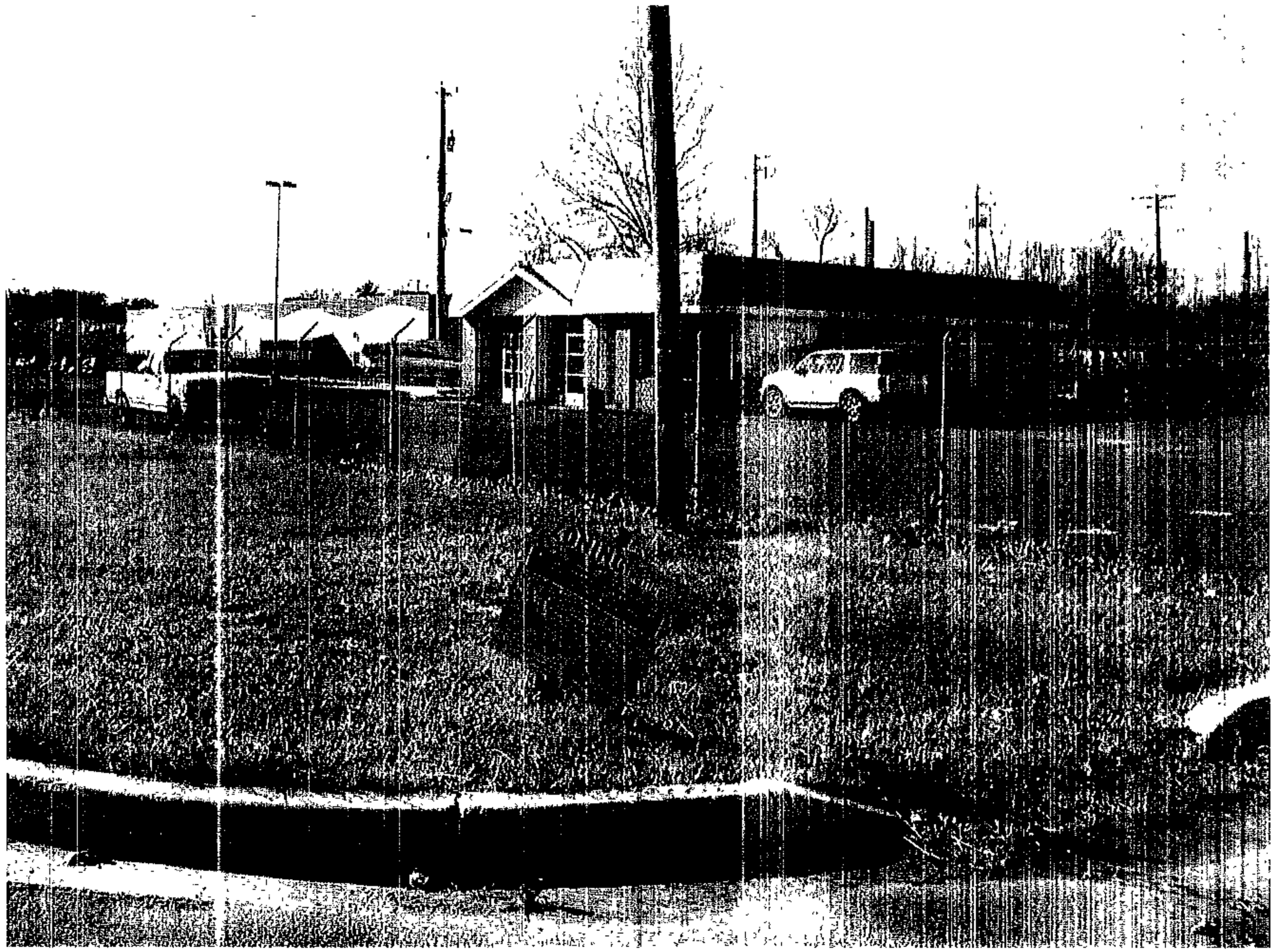

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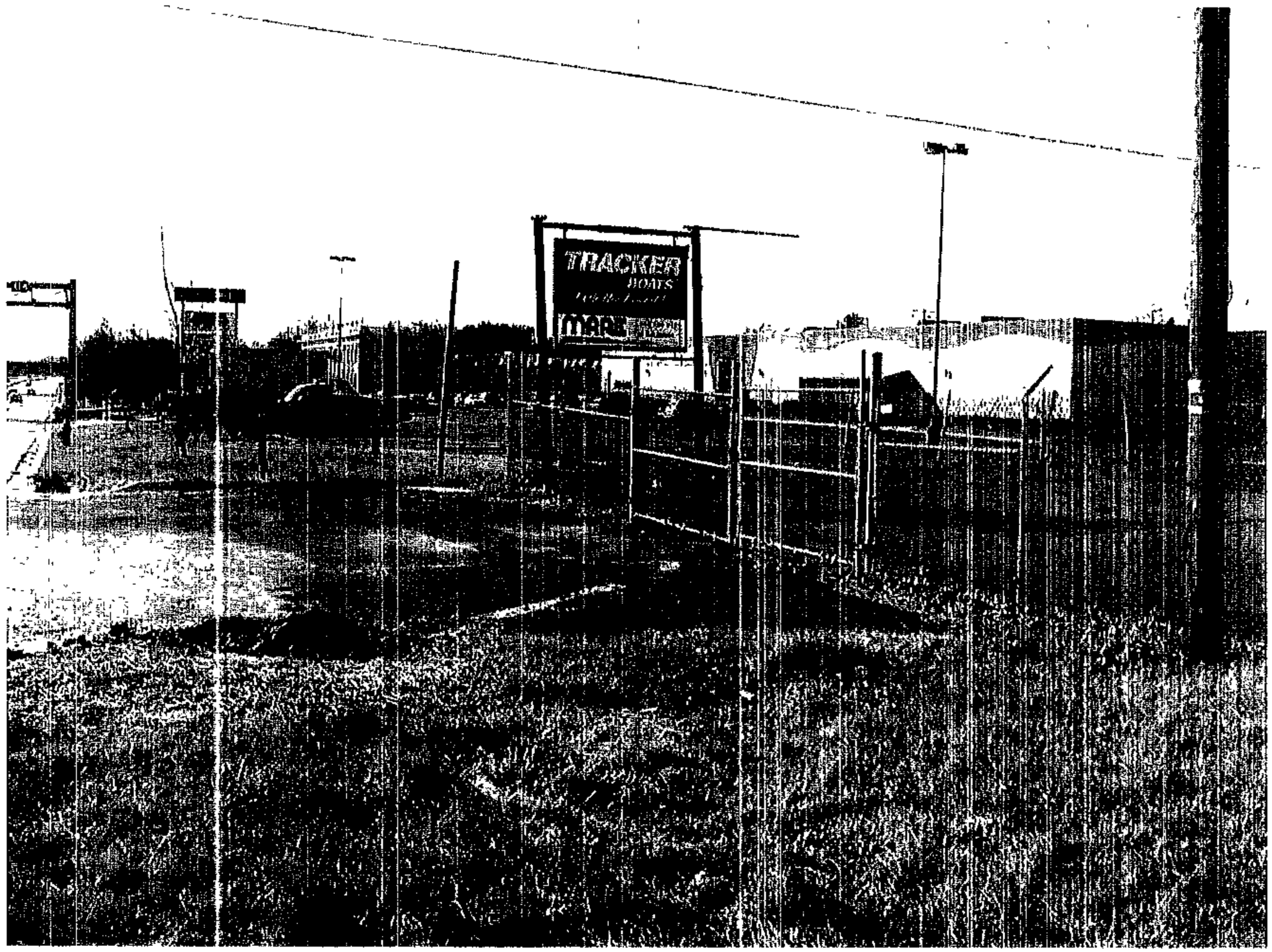

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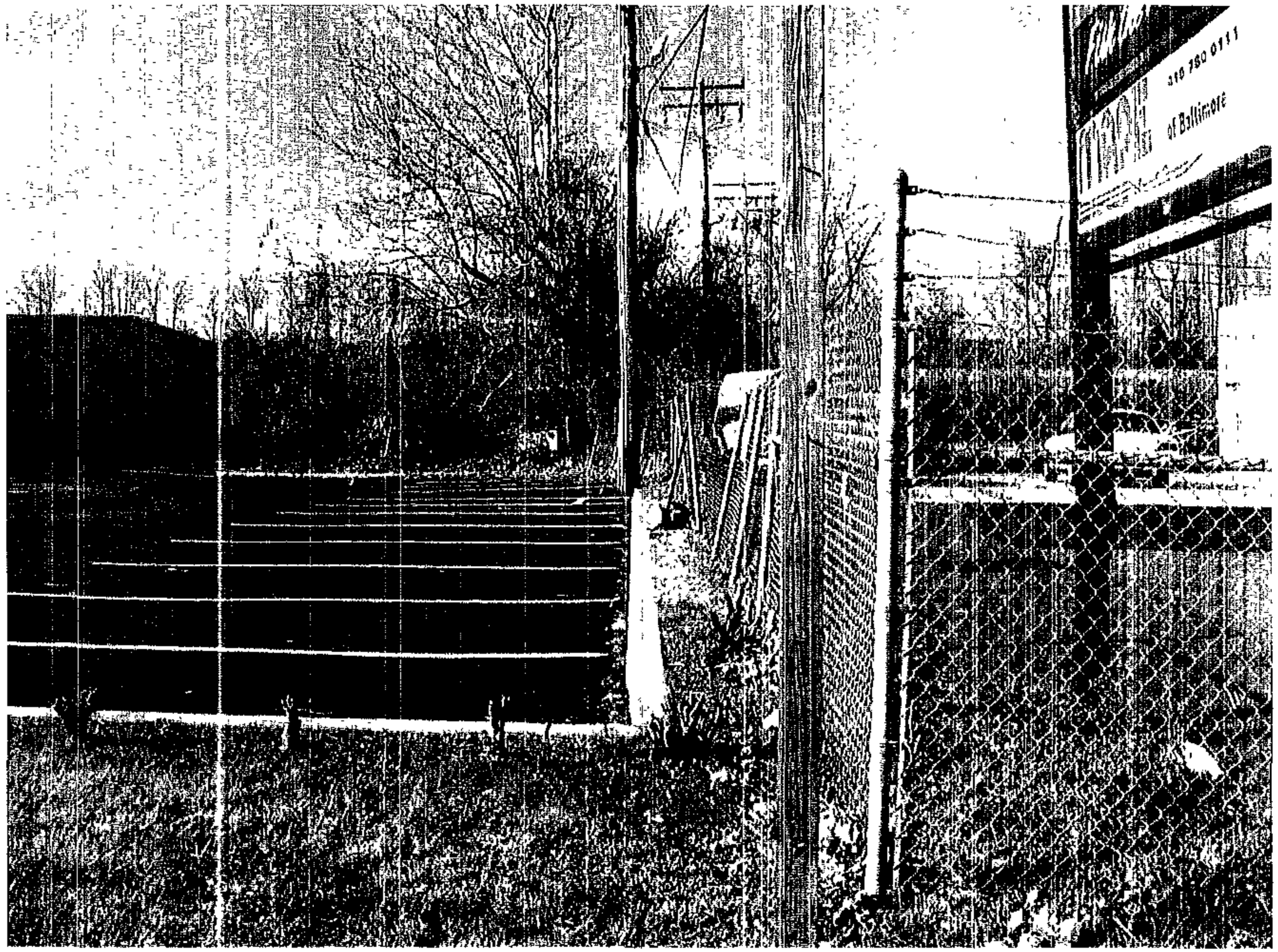

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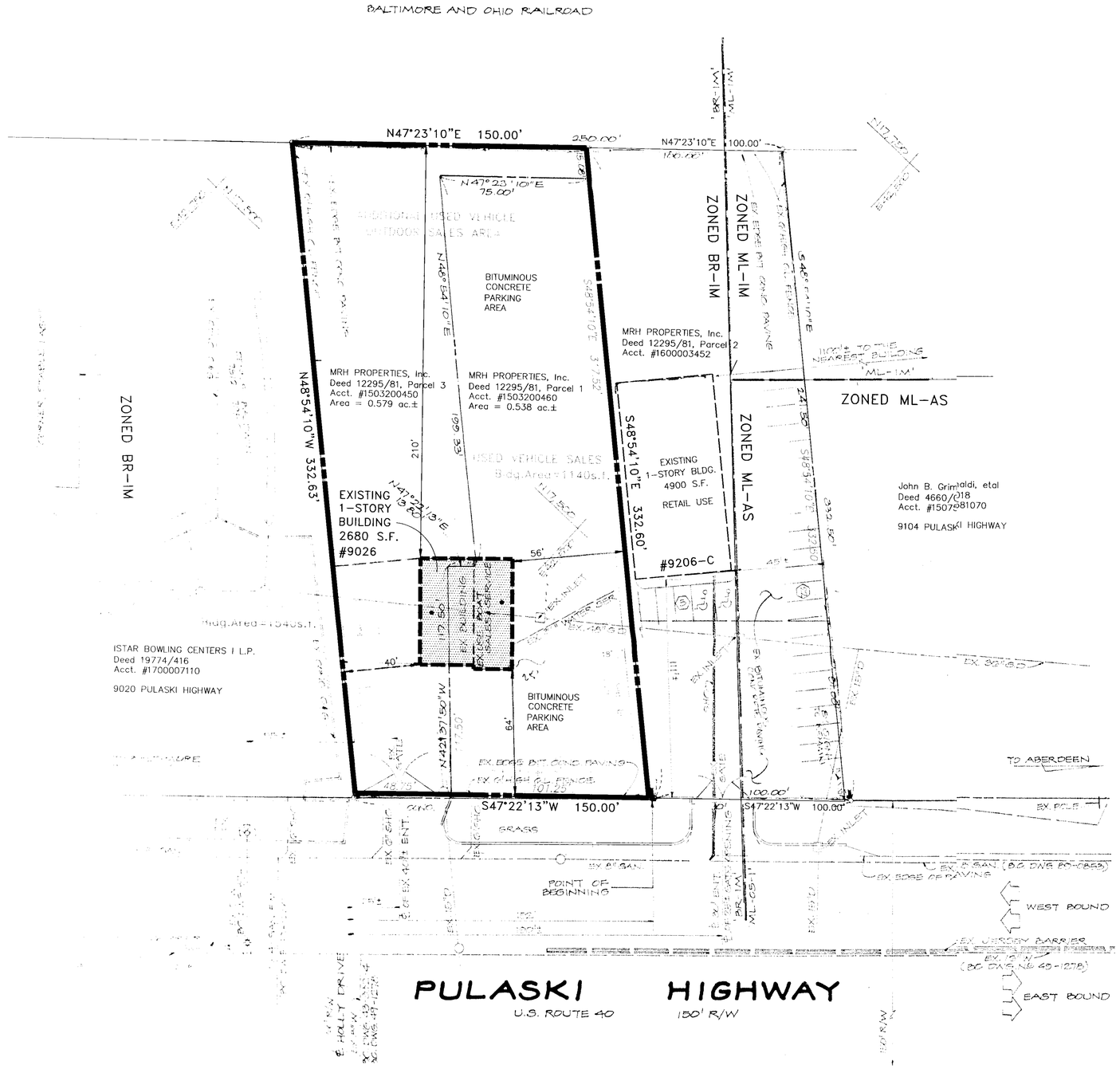

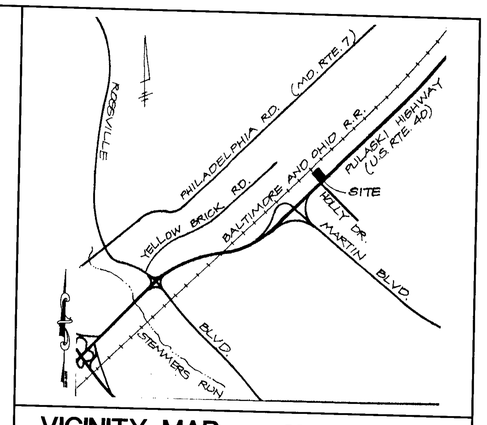

VICINITY MAP SCALE: 1" = 2000'

GENERAL NOTES

1. OWNER: MRH PROPERTIES, Inc.
   2229 CORSICA ROAD
   BALTIMORE, MD 21221
2. LOCATION: 9026 PULASKI HIGHWAY
   BALTIMORE, MARYLAND 21237

   PARCEL 1: Account No. 1503200450
   Deed 12295/081, Parcel 1
   Tax Map 90, Grid 3, Parcel 471
   Area = 0.538 ac.±

   PARCEL 2: Account No. 1503200460
   Deed 12295/081, Parcel 3
   Tax Map 90, Grid 3, Parcel 470
   Area = 0.579 ac.±

   TOTAL AREA = 1.117 ac.±
3. ELECTION DISTRICT: 15
   COUNCILMATIC DISTRICT: 6
   CENSUS DISTRICT: 4512
   REGIONAL PLANNING DISTRICT: 327
   WATERHED: BACK RIVER
   SUBSEWERSHED:
4. ZONING: 'BR-IM' (ZONING MAP NE-5H)
5. EXISTING LAND USE: VACANT PAVED LOT and VACANT FORMER AUTO SERVICE STATION and FORMER BOAT SALES FACILITY

   PROPOSED LAND USE: SERVICE GARAGE and USED MOTOR VEHICLE OUTDOR SALES AREA
6. BUILDING SETBACKS: (EXISTING BUILDING within 'BR-IM' ZONE)

	MIN. REQR.	EXISTING
FRONT YARD:	50'	64'
SIDE YARD:	30'	40'/56'
REAR YARD:	30'	210'

7. FLOOR AREA RATIO: 2680 s.f. / 1.117 ac. = 0.05
8. PARKING REQUIRED:
   SERVICE GARAGE – 1540 s.f. x 3.3 PS/1000 sf = 6 PS
   USED CAR SALES – 1140 s.f. x 5.0 PS/1000 sf = 6 PS
   TOTAL REQUIRED PARKING = 12 PS
   PARKING PROVIDED: 12 P.S. (Including 1 H.C.) plus USED VEHICLE DISPLAY SPACES
   TYPICAL PARKING SPACE SHALL BE 9'x18', PAVED and STRIPED.
9. NUMBER OF EMPLOYEES: 5
   HOURS OF OPERATION: 8:00 AM – 8:00 PM MONDAY thru SATURDAY
10. UTILITIES: EXISTING PUBLIC WATER (B.C. Dwg. 43-332-4 & 49-1278)
    EXISTING PUBLIC SANITARY (B.C. Dwg. 89-0853)
11. THERE ARE NO KNOWN EXISTING STREAMS, BODIES OF WATER, SPRINGS, WETLANDS, 100-YEAR FLOOD PLAINS, HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, WELLS, SEPTIC SYSTEMS, OR HAZARDOUS MATERIAL SITES LOCATED ON THIS PROPERTY.
12. SIGNS: ALL SIGNS SHALL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS SECTION 413 AND ALL ZONING POLICIES.
13. AVERAGE DAILY TRIPS (A.D.T.): 51/100 S.F. = 133 ADT
14. LIGHTING: ALL EXISTING OR PROPOSED LIGHTING SHALL BE DIRECTED AWAY FROM PUBLIC RIGHTS-OF WAY AND ADJACENT PROPERTIES.
15. THERE ARE NO KNOWN PREVIOUS DEVELOPMENT PLANS, CRG'S, OR DRC LIMITED EXEMPTIONS.
16. PREVIOUS COMMERCIAL PERMITS: NONE KNOWN.
17. PREVIOUS ZONING HEARINGS: NONE KNOWN.
18. THIS SITE IS NOT LOCATED WITHIN THE "CHESAPEAKE BAY CRITICAL AREA".

Case # 05-208-X

ZONING SPECIAL EXCEPTION

A SPECIAL EXCEPTION IS REQUESTED PURSUANT TO BCZR Sections 502 and 236.4 TO PERMIT THE OPERATION OF USED MOTOR VEHICLE OUTDOOR SALES AREA WITHIN THE SUBJECT PROPERTY LYING WITHIN THE BR-IM ZONE.

12-06-2004

REVISIONS

DATE	DESCRIPTION
12-06-04	REVISED PER OFFICE OF ZONING COMMENTS
10-25-04	SUBMIT PETITION: ZONING SPECIAL EXCEPTION

KCW J.O.	94228
SCALE:	1"= 30'
DATE:	OCT. 20, 2004
DESIGNED:	DLK
DRAWN:	YN
CHECKED:	DLK
DRAWING NO.:	Z-1

PLAN TO ACCOMPANY PETITION for ZONING SPECIAL EXCEPTION

PROPERTY OF MRH PROPERTIES, Inc.

9026 PULASKI HIGHWAY

15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

Petit 1

REVISED 12-6-04