IN RE: PETITION FOR SPECIAL HEARING

NW/Corner of Harford Road and
East Joppa Road

11th Election District
5th Councilmanic District
(9610 Harford Road)

* FOR BALTIMORE COUNTY
PMIG MD 074, LLC
Legal Owner

* CASE NO. 2011-0237-SPH

.

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Special Hearing filed by Shahriar Etemadi, President, PMIG MD 074, LLC, on behalf of Hossein Ejtemai, legal owner, through Greg Friedman, Esquire. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the reduction in site area for a fuel service station previously approved in Case No. 99-504-SPHXA, and to amend the Plan and Order accordingly. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evdience as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing request were Shahriar Etemadi, President of Mid-Atlantic Planning & Engineering Services, LLC, on behalf of the property owner, and Farhang Mojgani, with Civiland, LLC, the engineering/surveying/land planning firms that prepared Petitioner's Exhibit 1. There were no Protestants or other interested persons at the hearing.

There were no negative comments from reviewing County and State agencies which comprise the Zoning Advisory Committee (ZAC). However, the comment from the State Highway Administration (SHA) dated March 1, 2011 indicated that the site plan to accompany petition for special exception was being circulated to their Landscape Operations Division within ORDER RECEIVED FOR FILING

Date	4-13-11	
Ву	V	

the SHA for review and comment and receipt of their findings and recommendations would be received on or before March 21, 2011. As of March 31, 2011, this comment has not been received.

Testimony and evidence offered revealed that the subject property is located at the northwest corner of Harford and East Joppa Roads in the Carney area of Baltimore County. The property contains a gross area of 0.88 acres (38,232 square feet), more or less, and zoned B.L. The property is improved as a gasoline station. The layout and design of the property is depicted on Petitioner's Exhibit 1, the site plan submitted into evidence. At this time, the property comprises 0.877 acres more or less. The Lessee and operator of the gasoline station is interested in purchasing the property from the owner. However, the Lessee only wishes to purchase 0.657 acre of this land with the remaining 0.221 acre section of the property remaining as open space. This 0.221 acre parcel is shown on the site plan submitted and will contain landscaping as well as a grassy open area. This area of land is not needed for the operation of the service station and no improvements or changes are needed or proposed at this time.

Mr. Mojgani, the engineer who appeared at the hearing stated that the owner is in the process of filing a minor subdivision with Baltimore County. The purpose of the minor subdivision is to subdivide the open area from the gasoline service station. However, it was noted at the hearing that the owners were waiting for this approval before filing for the minor subdivision.

Based upon the testimony and evidenced offered, I am persuaded to grant the requested Special Hearing relief.

ORDER	RECEIVED FOR FILING
Date	4-13-11
Ву	

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

The relief granted is subject to the following condition:

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

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

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date_____

3



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

April 13, 2011

SHAHRIAR ETEMADI, PRESIDENT MID-ATLANTIC PLANNING & ENGINEERING SERVICES, LLC 6449 RED KEEL COLUMBIA MD 21044

> Re: Petition for Special Hearing Case No. 2011-0237-SPH Property: 9610 Harford Road

Dear Mr. Etemadi:

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

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

Sincerely,

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK/pz

Enclosure

c: Farhang Mojgani, Civiland LLC, PO Box 650206, Sterling VA 20165



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property I	ocated at 1610 HIPICIAN RD
	which is presently zoned BR BL-AS
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which i made a part hereof, hereby petition for a Special Hearing und County, to determine whether or not the Zoning Commissioner's Site Arch For A Fine Service State Case 1999-0504-5PITXA and order Accordingly	is described in the description and plat attached hereto and der Section 500.7 of the Zoning Regulations of Baltimore should approve The Roduction in the foundation for Reviews Approved under Zoning
Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursuances.	, posting, etc. and further agree to and are to be bounded by the
	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:	Legal Owner(s):
Name - Type or Print	Name - Type or Print MD074 LLC
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature _ 0 (703) 975-15;
Attorney For Petitioner:	Address Telephone No
Name - Type or Print Signature Signature	Address 12680 Darby Brooket Citywood Said & State 22/29 Code Representative to be Contacted:
how Office of tree 3 Friedn	en Shahriar ETEMADI
Company 10 9 N Adams 5 + (34) - 138-990 Address Rock v, //e M 20850-223 City State Zip Code	Address Telephone No City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING HR
Case No. 2011 0237 SPH	UNAVAILABLE FOR HEARING
REV 9/15/98	ved By VL Date 2/11/11
OPDED DECE	
ONDER RECEI	VED FOR FILING

Zoning Description for 9610 Harford Road

Beginning at a point on the west side of Harford Road; a variable width right-of-way, at the distance of 830 feet south of the center line of Jomat Avenue, now or formerly a fifty foot right-of-way. Thence continuing with said Harford Road South 28 degrees 15 minutes 57 seconds West; 136.70 feet. Thence on an intersecting line with Joppa Road; a variable width right-of-way, South 80 degrees 14 minutes 42 seconds West; 35.48 feet to a point on the northern right of way line of Joppa Road. Thence with the northern right-of-way line of said Joppa Road, North 57 degrees 37 minutes 17 seconds West; 183.05 feet to the beginning of a curve to the left, said curve having a radius of 918.04 feet. Thence on the chord of said curve to the left, North 59 degrees 27 minutes 26 seconds West; 58.82 feet to a point on said right-of-way and in the line of the Carney Center Subdivision; Plat Book 74, Folio 82. Thence leaving said right-of-way and with said Carney Center line the following two calls, North 28 degrees 47 minutes 50 seconds East; 128.13 feet to a point. Thence, South 64 degrees 55 minutes 40 seconds East; 268.53 feet to the point of Beginning and containing 38,232 square feet of area less the following subdivision area of proposed Lot B.

Proposed Lot B Area Zoning Description (For future subdivision)

Beginning at a point located North 64 degrees 55 minutes 40 seconds West, 191.01 feet from the point of beginning of the above described 38,232 square foot parcel. Thence with a new division line of the above described parcel, South 32 degrees 22 minutes 43 seconds West; 135.86 feet to a point on the northern right of way of Joppa Road. Thence with said Joppa Road, North 57 degrees 37 minutes 17 seconds West; 10.10 feet to the beginning of a curve to the left, said curve having a radius of 918.04 feet. Thence on the chord of said curve to the left, North 59 degrees 27 minutes 26 seconds West; 58.82 feet to a point on said right-of-way and in the line of the Carney Center Subdivision; Plat Book 74, Folio 82. Thence leaving said right-of-way and with said Carney Center line the following two calls, North 28 degrees 47 minutes 50 seconds East; 128.13 feet to a point. Thence, South 64 degrees 55 minutes 40 seconds East; 77.52 feet to the point of Beginning and containing 9,622 square feet of area and being a portion of the above described 38,232 square foot parcel.

0231



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NOTICE OF ZONING

The Administrative Judges The Administrative 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: # 2011-0237-SPH 9610 Harford Road N/west corner of Harford Road and East Joppa Road 11th Election District 5th Councilmanic District Legal Owner(s):

Legal Owner(s):
PMIG MD 074, LLC
Special Hearing: to permit
the reduction in site area
for a fuel service station
previously approved under
zoning case 1999-0504SPHXA and to amend the SPHXA and to amend the plan and order accordingly. Hearing: Friday, April 1, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON
Director of Permits,
Approvals and Inspections
for Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

03/165 March 17 269847

CERTIFICATE OF PUBLICATION

3.21,2011
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 3.17,20 11.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
S. Wilking -
LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 3/19/2011

Case Number: 2011-0237-SPH

Petitioner / Developer: GREG FREIDMAN, HOSSEIN EJTEMAI,

SHAHRIAR ETERMADI

Date of Hearing (Closing): APRIL 1, 2011

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9610 HARFORD ROAD

The sign(s) were posted on: MARCH 16, 2011



Lindu O Keife
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 17, 2011 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple Permits, Approvals & Inspections 111 West Chesapeake Avenue Towson, MD 21204 410-887-4587

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0237-SPH

9610 Harford Road N/west corner of Harford Road and East Joppa Road 11th Election District – 5th Councilmanic District Legal Owners: PMIG MD 074, LLC

Special Hearing to permit the reduction in site area for a fuel service station previously approved under zoning case 1999-0504-SPHXA and to amend the plan and order accordingly.

Hearing: Friday, April 1, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jable 1

Director of Fermits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

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

March 11, 2011

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0237-SPH

9610 Harford Road N/west corner of Harford Road and East Joppa Road 11th Election District – 5th Councilmanic District

Legal Owners: PMIG MD 074, LLC

Special Hearing to permit the reduction in site area for a fuel service station previously approved under zoning case 1999-0504-SPHXA and to amend the plan and order accordingly.

Hearing: Friday, April 1, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Greg Freidman, 109 N. Adams Street, Rockville 20850-2234 Hossein Ejtemai, 12680 Darby Brooke Court, Woodbridge VA 22192 Shahriar Etemadi, 6449 Red Keel, Columbia 21044

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY MARCH 17, 2011.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 1, 2011 Issue - Jeffersonian

Please forward billing to:

Shahriar Etemadi 6449 Red Keel Columbia, MD 21044 410-718-8660

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0237-SPH

9610 Harford Road N/west corner of Harford Road and East Joppa Road 11th Election District – 5th Councilmanic District Legal Owners: PMIG MD 074, LLC

Special Hearing to permit the reduction in site area for a fuel service station previously approved under zoning case 1999-0504-SPHXA and to amend the plan and order accordingly.

Hearing: Wednesday, March 16, 2011 at 11:00 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 ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

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

February 18, 2011

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0237-SPH

9610 Harford Road

N/west corner of Harford Road and East Joppa Road 11th Election District – 5th Councilmanic District

Legal Owners: PMIG MD 074, LLC

Special Hearing to permit the reduction in site area for a fuel service station previously approved under zoning case 1999-0504-SPHXA and to amend the plan and order accordingly.

Hearing: Wednesday, March 16, 2011 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Ja Director

AJ:kl

C: Greg Freidman, 109 N. Adams Street, Rockville 20850-2234 Hossein Ejtemai, 12680 Darby Brooke Court, Woodbridge VA 22192 Shahriar Etemadi, 6449 Red Keel, Columbia 21044

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 1, 2011.

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

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: # 2011-0237-SPH
9610 Harford Road
N/west corner of Harford
Road and East Joppa Road
11th Election District 5th Councilmanic District Legal Owners: PMIG MD Legal Owners: PMIG MD 074, LLC Special Hearing: to permit the reduction in site area for a fuel service station previously approved under zoning case 1999-0504-SPHXA and to amend the label and order accordingly. PHAA and to amend the plan and order accordingly. Hearing: Wednesday, March 16, 2011 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR

AND INSPECTIONS 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.

3391. ЛТ 3/619 March 1 268276

CERTIFICATE OF PUBLICATION

3/3/ 201/
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 3 1 , 20 1 .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
,

LEGAL ADVERTISING

S. Wilkingoz

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:
Hem Number or Case Number: 2011 0237 5PH Petitioner: Hosain Esternai For PMIG MD 074 LLC Address or Location: 9610 Harford Road
PLEASE FORWARD ADVERTISING BILL TO: Name: Shahriar Etemadi Address: 6449 RED KEEL Colubia, MD 21044
Telephone Number: (410) 718 – 8660



KEVIN KAMENETZ
County Executive

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

March 23, 2011

PMIG MD 074 LLC Hoessein Ejtemai 12680 Darby Brook Court Woodbridge, VA 22192

RE: Case Number: 2011-0237SPH, 9610 Harford Road

Dear Mr. Ejtemai,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 11, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel Shahriar Etemadi, 6449 Red Keel, Columbia, MD 21044 Greg Friedman, 109 N Adams St., Ste. 301, Rockville, MD 20850



ZAC

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

Maryland Department of Transportation

Date: March 1, 2011

3/16

Mr. John L. Lewis, Reviewer. Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Item No. 2011-0237-SPH MD 147 (Harford Road)

at Joppa Road 9610 Harford Road Landscape Plantings Mile Post 1.96 Special Exception -

Dear Mr. Lewis:

We have reviewed the site plan to accompany petition for special exception on the subject of the above captioned, which was received on February 28, 2011. Presently, this information is being circulated to our landscape Operations Division within the State Highway Administration for review and comment. We will advise you of the findings and recommendations on or before March 21, 2011.

In the interim should you need to know the status of our review, feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Steven D. Foster, Chief
Access Management Division

SDF/mb

Cc:

Ms. Colleen M. Kelly, Development Manager, Baltimore County

Mr. Farang Mojgani, Engineer, Civiland, LLC Mr. Joseph Merrey, PDM, Baltimore County

Mr. David Peake, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. Kenneth Oldham, Chief- Landscape Operation Div., SHA

Ms. Wendy Wolcott, Chief-EDST, SHA

PMIG MD 047, LLC, Owner

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 28, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 28, 2011

Item Nos. 2011- 218, 236, 237, 238, 239, 240, 242, 243, 244 and 245

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02282011 -NO COMMENTS.doc



KEVIN KAMENETZ County Executive

JOHN J. HOHMAN, Chief Fire Department

February 22,2011

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

ATTENTION: Zoning Review

Distribution Meeting of: February 22, 2011

Item No .:

Administrative Variance: 2011-0236A, 2011-0239A - 0240A, 2011-0244A

Special Hearing: 2011-0237-SPH, 2011-0238-SPHA, 2011-0242-SPH

Variance: 2011-0238SPHA, 2011-0243A, 2011-0245A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 Office: 410-887-4880 dmuddiman@baltimorecountymd.gov

cc: File



RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
9610 Harford Road; NW corner of
Harford Road. & East Joppa Road.
11th Election & 5th Councilmanic Districts
Legal Owner(s): Hassein Eitemai
Petitioner(s)

- BEFORE THE
- ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * 2011-0237-SPH

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 18th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to Hassein Eitemai, 12680 Darby Brooke Court, Woodbridge, VA., 22192, and Grey Friedman, Law Office of Greg S. Friedman, 109 N. Adams Street, Rockville, MD 20850-2234, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY MARYLAND

PERMITS APPROVALS AND INSPECTIONS

INTER-OFFICE CORRESPONDENCE

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OCTOBER 4, 2011

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	Mr. Gill	Recreation & Parks				
	Mr. Bailey	SHA (3)			e	
		Land Acquisition	. (0)			
		PO, Development Rev		ah a sa		
		PAI, Street Names & F cts Officer of the Fire Ma			t - 1102F	
TO.	Special Projec	ots Officer of the Fire Mi	arsilars O	ilice - i lie bep	1 11021	-
From:	Linda Blackn	non, Permits Approvals	and Inspe	ections 410-88	7-3335	
Subject:	PROJECT NA	AME: 9610 HARFORD	ROAD			
	PAI NO: 9-83		٠.			
	DRC NO. 081					
:	PROJECT NO DISTRICT: 90					
		COLBERT MATZ ROSE	NEELT. II	NC.		
	PHONE NO:					
A - (!)	n .		. D			٠.
Action:	Reviev	w of Limited Exemption	Develop	ment Plan		
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initials here.	· · ·					
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Pleas	e initial here if	your agency requests P	Al, Land A	Acquisition, to a	acquire.	
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		19	12/11-	- JOHN	LEWIS, Zon	nne Frw



SUBJECT:

DEVELOPMENT PLAN COMMENTS (Limited Exemption)

FROM:

PAI - ZONING REVIEW

Date: 10/12/11

PROJECT NAME: 9610 Harford Rd.

PROJECT #: 11-029

Plan Date: Rcv'd 10/04/11

PAI # 9-830

Review # 1

THE DEVELOPERS ENGINEER MUST SEND ALL REVISIONS IN THROUGH DEVELOPMENT MANAGEMENT RM# 123, ATTENTION: LINDA BLACKMON

- 1. The Zoning Commissioner granted the hearing requests in case # 2011-0237-SPH in accordance with petitioners exhibit # 1 from the zoning hearing file. The Ltd. Exemption Plan, as submitted, does not agree in a variety of areas such as provided parking, notes, layout/stacking etc. Bring the plan into full agreement with the above stated exhibit.
- a) Otherwise provide 2 revised red-lined petition plans, a copy of the hearing order and a letter to PAI, Zoning Review, requesting a determination by the Director of PAI that the red lined changes, as explained in detail in your cover letter, can be approved as being within the spirit and intent of the approved exhibit #1 Plan and Order from the zoning hearing; and that a new hearing would not be required. At present, there is a \$100.00 review fee to Baltimore County required for the letter.
- 2. When the plan is brought into agreement using either of the above methods, update/revise the Ltd. Ex. Plans and certify at the seal that the plans are in agreement with the approved zoning order and Petitioners Exhibit # 1. Resubmit as directed above.

Once these issues are resolved, further plan review can commence for plan approval.

John Lewis Planner, Zoning Review



6449 Red Keel Columbia, MD 21044

Tel: 410-772-8331

Fax: 410-772-8504

Email: mapes.llc@verizon.net

March 6, 2011

Ms. Kristine Lewis
Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Dear Ms. Lewis:

As you have suggested, I am sending this letter formally requesting re-scheduling of the case # 2011-0237-SPH for public hearings. The reason is that I received the notices late in the mail to post the public hearing signs at the site fifteen days prior to the hearing date.

I would appreciate your consideration of this request and reschedule the hearings as soon as the agenda allows. Please email me the new notice at mapes.llc@verizon.ne or call me at (410) 718-8660

Sincerely:

Shahriar Etemadi

President

PLEASE PRINT CLEARLY

CASE	VAME	PMG	Fuel	Station
CASE	VUMB	ER 20	11-00	237-SPH
DATE				-

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL		
Shahriar ETEMAL	17 Cotombin, 140 21044		MAPES. LLE Collerigen net		
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Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Ste Plan of Property	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8	~	
No. 9		
No. 10		
No. 11		
No. 12		



WRITTEN STATEMENT OF JUSTIFICATION

SPECIAL EXCEPTION APPLICATION NUMBER:

9TH ELECTION DISTRICT, BALTIORE COUNTY, MARYLAND

PETITIONER: PMIG MD 074 LLC

PRESENT ZONING: B.L.

PROPERTY: TAX MAP 71, GRID 15, PARCEL 628

EXISTING ACREAGE: 0.8777 Acre

PROPOSED ACREAGE: 0.6577 Acre or 9625.87 SF

EXISTING FLOOR AREA RATIO (FAR):

PROPOSED FAR: 0.09

EXISTING OPEN SPACE: 0.362 acres (41 percent of total area)

PROPOSED OPEN SPAE: 0.141 acres (21.4 percent)

LONG-RANGE LAND USE MAP DESIGNATION: Commercial

PROPOSAL: Reduce the existing special exception land area from 38,232 square feet to 28610 square feet without any changes to the existing land uses allowed

pursuant to Special Exception NO. 19780130

DESCRIPTION OF THE APPLICATION

Pursuant to Section 502 of the Baltimore County Zoning Ordinance, the petitioner, PMIG MD 074 LLC, is proposing to amend conditions of the existing Special Exception No. 19780130. The proposed amendment reduces the existing special exception land area from 38,232 square feet to 28610 square feet without any changes to the existing land uses.

The existing land area will be subdivided into two parcels, identified by proposed Parcel 628A comprising of 28610 square feet and Parcel 628B comprising of 9622 square feet.

Application property includes proposed Parcel 628A. The petitioner has submitted a revised Development Plan (see enclosed **Exhibit A**).

LOCATION AND CHARACTER

The application property is located at 9610 Harford Road, which is at the northwest quadrant of the intersection of Joppa Road and Harford Road. The abutting property to the north is zoned BL and to the west is zoned BL, and both properties are developed retail.

ZONING ORDINANCE PROVISIONS

Section 405.2. Locations in which fuel service stations are permitted.

Pursuant to Section 405.2.B.2 of the Zoning Ordinance, fuel service stations on individual sites located in the B.L. Zoning District are permitted by special exception, as provided and subject to Sections 405.3 and 405.4 of the Zoning Ordinance.

<u>Compliance</u> - The existing fuel service station is located within the B.L. Zoning District, which is allowed pursuant to Special Exception No. 1999-504-SPHXA (Exhibit B depicts all past Special Exceptions and Hearings for this property)

Section 405.3. Condition for disapproving special exception.

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

<u>Compliance</u> - There is no abandoned fuel service station within a one-half-mile radius, or two such stations within a one-mile radius of the existing fuel service station, which establishes that there is a need for the existing fuel service station,

Section 405.4. Standards.

A. Site development.

1. Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.

<u>Compliance</u> - The existing fuel service station consists of four (4) refueling islands, with a maximum of eight fuel pumps or eight spaces on which cars may be situated simultaneously while being fueled. Therefore, based on the minimum area requirements of 1,500 times 8, the existing fuel service station would require 12,000 square feet of land area, but not less than 15,000 square feet. The land area of the existing fuel service station after the proposed subdivision shall be 28610 square feet, which exceeds the minimum land area requirement.

2. Setbacks.

a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.

<u>Compliance</u> – As shown on the revised site development plan (see enclosed **Exhibit A**), the main structure of the existing fuel service station, fuel pumps, and canopy meet the minimum required setback from Joppa Road and Harford Road,

b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting non residentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no less than 15 feet from that property line.

<u>Compliance</u> – The existing site is not located within 50 feet of any residentially zoned land. Therefore, a 10-foot wide landscape transition area is provided along Joppa Road and Harford Road, and a 6-foot wide landscape transition area is provided in the side and rear yards abutting the non-residentially zoned land as shown on the revised site development plan (see enclosed Exhibit A).

c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.

<u>Compliance</u> – As shown on the revised site development plan, the landscape transition area is vegetated and screened in accordance with the Landscape Manual requirements for automotive uses (see enclosed Exhibit A).

d. Other setbacks shall be as required by these regulations.

<u>Compliance</u> – All other applicable setbacks are in accordance with the provisions of the Zoning Ordinance.

e. Uses in combination with fuel service stations. The minimum area of the site as determined by Section 405.4.A.1 shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated in the table next page:

Type of Use	Integral Planned Development		Individual Site
(SE = Sp	ecial Exception and P = Permitted by Right)		
1.	Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.	SE	SE
2.	Roll-over car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	P	SE
3.	Full service car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	SE	SE
4.	Service garages providing services other than those listed in Section 405.4.D, subject to the provisions of Section 405.4.C.1.a through 1.e.	SE	SE
5.	Automobile rental, with a maximum stock of 12 cars. Additional site area of 4,000 square feet must be provided.	SE	SE
6.	Trailer rental, for trailers not exceeding 3/4 ton chassis weight, with a maximum stock of 20 trailers. Additional site area of 5,000 square feet must be provided.	SE	SE
7.	Light-truck rental, including rental of trucks equipped with campers, for trucks not exceeding 1 1/2 tons' capacity, with a maximum stock of eight trucks. Additional site area of 4,000 square feet must be provided.	SE	SE
8.	Parking of not more than six school buses. Additional site area of 2,600 square feet must be provided.	SE	SE
9.	Self-service car washes. No additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	SE	Not Permitted
10.	Restaurant, including fast food, fast food drive-through only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.	SE	SE

Compliance - . No uses in combination with fuel service station are proposed.

3. Access, internal circulation and vehicle reservoir capacity.

a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Office of Planning.

<u>Compliance</u> – The number and location of the existing access driveways were established at the time of approval of the existing special exception No. 19780130. The proposed subdivision does not change the number and location of the existing access driveways.

b. All internal paved areas of the fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.

<u>Compliance</u> – The existing internal paved areas used for parking, driveway, aisles and stacking purposes are in compliance with Section 409 and are laid out in a manner that preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance (see enclosed **Exhibit A**).

- c. In addition to the fuel service space, at least one stacking space shall be provided:
 - (1) For each pump island side, at pump islands that contain multiproduct dispensers (MPD) and where a bypass lane serves each MPD;
 - (2) For each MPD in cases where there is no bypass lane or where a convenience store is located on the same lot; or
 - (3) For each pump, if the pump dispenses a single fuel type.

<u>Compliance</u> – According to the stacking space requirements, one stacking spaces have been provided as shown on the revised site development plan (see enclosed **Exhibit A**).

- d. Parking spaces on the site of any fuel service station shall be provided as follows:
 - (1) One space per employee on the largest shift.
 - (2) Three spaces per 1,000 square feet of gross floor area for a convenience store up to 1,500 square feet. (Convenience stores larger than 1,500 square feet shall be subject to the parking requirements for retail uses in accordance with Section 409, including the first 1,500 square feet).
 - (3) Three spaces per service bay, not counting service spaces in the bays.
 - (4) One space per self-service air or vacuum cleaner unit.
 - (5) One space per automatic teller machine.

<u>Compliance</u> – According to the off-street parking requirements, four (4) off-street parking spaces have been provided as shown on the revised site development plan (see enclosed **Exhibit A**).

B. All fuel service stations shall provide a rest room facility, water and compressed air for customers.

<u>Compliance</u> – A rest room facility has not been provided, since the existing fuel station does not contain a retail store. However, water and compressed air are provided.

C. Appearance.

- 1. General design.
 - a. Any structure on the site that is converted to an ancillary use or to a use in combination with a fuel service station must be upgraded to create a unifying architectural theme with other structures on the site.
 - b. The rear and sides of buildings on lots abutting residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan or an accompanying elevation drawing and is subject to review by the Director of Planning.
 - c. Except for the temporary outdoor sale of items permitted under Section 230.1.A.9, the outside display of merchandise is permitted only under the canopy, or if there is no canopy, on or between the pump island or in an area immediately adjacent to the cashier's kiosk. Such goods may not block access drives, stacking spaces or interfere with the site's circulation pattern.
 - d. If the fuel service station is located within 50 feet of a residentially zoned property, lighting standards on site may not exceed a height of 18 feet and shall be directed away from any residentially zoned properties.
 - e. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site of fuel service stations for which a special exception is required, the Zoning Commissioner may specify additional requirements, including:
 - (1) Changes in building or site plan design;
 - (2) Restrictions on hours of operations; or
 - (3) Other requirements deemed necessary for compliance with this section.
- 2. Signs. Signs are permitted, subject to Section 450.
- 3. Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.

<u>Compliance</u> – Except the canopy, the only building that exits on the property is a cashier kiosk which is not located within 50 feet of any residentially zoned property; therefore, compliance with site lighting is not applicable. No building is proposed for an accessory use. Outside display of any merchandise will be under the canopy. Existing signs are in accordance with Section 450, and the applicant shall comply with all other requirements that may be specified by the Zoning Commission.

- D. Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased each ancillary use by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:
 - 1. Minor vehicle repair or diagnostic services to vehicles, except those which are unlicensed or which have a State Motor Vehicle Administration transporter or a dealer license. Additional site area of 1,300 feet per service bay shall be provided.
 - a. Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.
 - b. All service and repairs shall take place within completely enclosed buildings.
 - c. The combined area for sales, display and customer waiting room may not exceed 500 square feet.
 - d. Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405A.
 - 2. Convenience store with a sales area of up to 1,500 square feet inclusive of accessory storage. An additional site area of four times the square footage of the convenience store's sales area shall be provided.
 - 3. Automatic teller machine, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.
 - 4. Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area is required.
 - 5. Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by Section 230.1.A.9.
 - 6. The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area is required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.
 - 7. The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.

Compliance – Except for a self-service vacuum station, and items sold from the vending machines or cashier's kiosk, and retail sale of automotive service items no other ancillary uses are proposed.

500.14. Within Chesapeake Bay Critical Area.

No decision may be rendered by the Zoning Commissioner on any petition for special exception, variance or special hearing unless the Zoning Commissioner has received from the Director of the Department of Environmental Protection and Resource Management, or his designated representative, written recommendations describing how the proposed request would:

- A. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- B. Conserve fish, wildlife and plant habitat; and
- C. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

Compliance - The property is not located within the Chesapeake Bay Critical Area.

502.1. Conditions determining granting of special exception.

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;
- 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;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

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.

Compliance – The existing and proposed use is in compliance with the provisions of Section 501.1 of the ordinance.

502.2. Protection of surrounding properties; agreement governing special exception.

In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the Zoning Commissioner, or Board of Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County Commissioners of Baltimore County, Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state." stipulating the conditions, restrictions or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer.

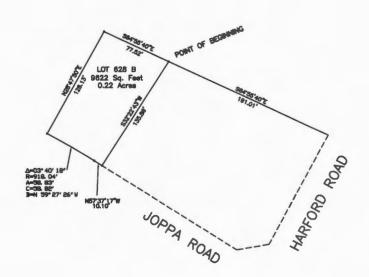
Compliance – The applicant shall comply with the provisions of Section 502.2 of the ordinance.

PET EXHIBIT



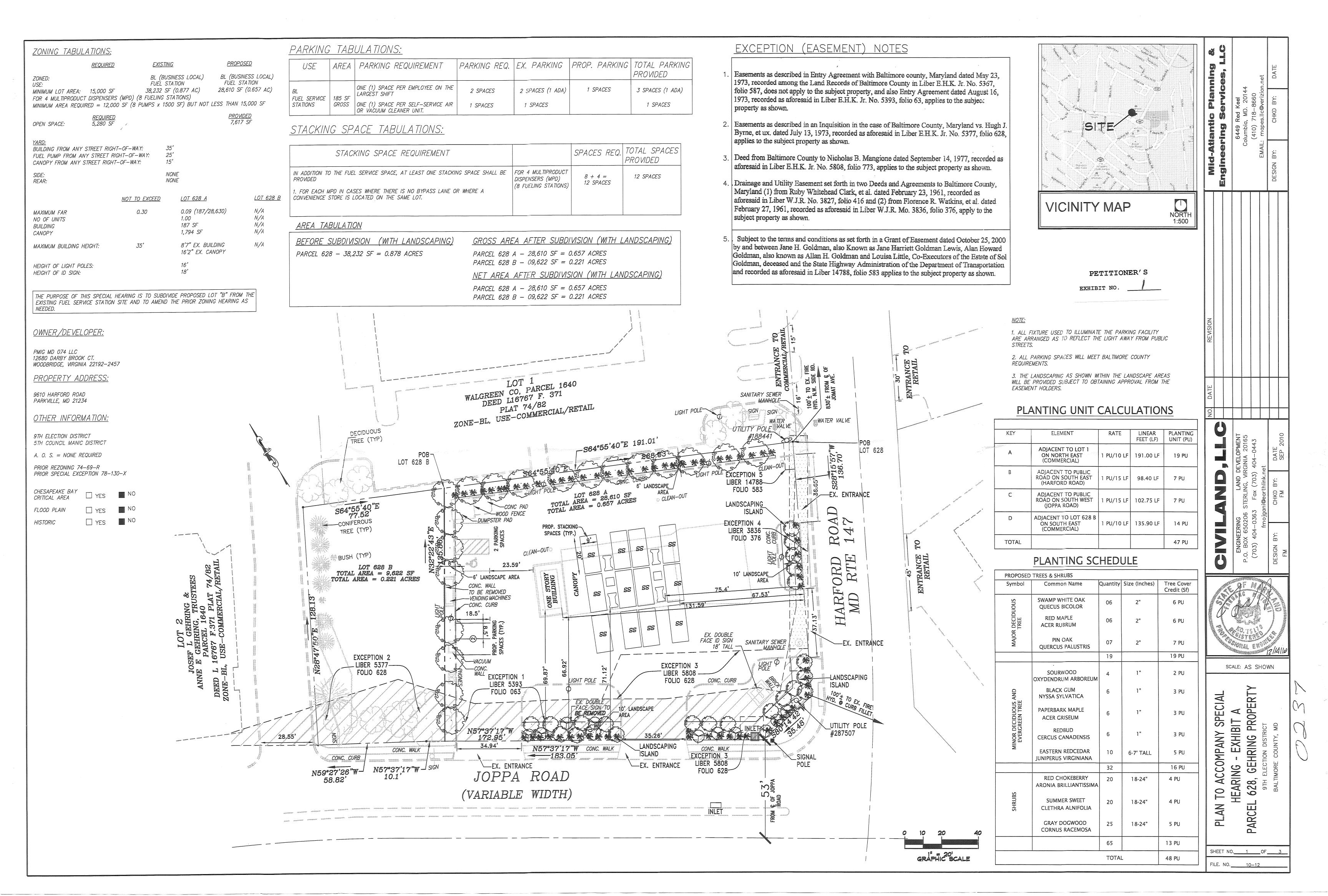
ZONING DESCRIPTION 9610 HARFORD ROAD

PET. EXHIBIT



ZONING DESCRIPTION PROPOSED LOT B (FOR FUTURE SUBDIVISION)





BEFORE THE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY Case No. 99-504-SPHXA

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, on behalf of the Office of People's Counsel for Baltimore County, from the August 23, 1999 Order of the Deputy Zoning Commissioner in which the subject Petitions were granted.

* * * * * * * *

WHEREAS, the Board is receipt of a letter of withdrawal of the Petitions for Special Exception, Special Hearing, and Variance filed April 7, 2000 by Stanley S. Fine, Esquire, Counsel for Eller Media Company, Petitioner (a copy of which is attached hereto and made a part hereof);

WHEREAS, said Counsel for Petitioner requests that the Petitions for Special Exception. Special Hearing and Variance filed in the above-referenced matter be withdrawn, without prejudice, as of April 7, 2000,

IT IS THEREFORE, this 12th day of April , 2000, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 99-504-SPHXA are WITHDRAWN AND DISMISSED, without prejudice, and that the Deputy Zoning Commissioner's Order of August]] 23, 1999, including any and all relief granted therein, is rendered null and void.

> COUNTYBOARD OF APPEALS OF BAZZIMORE COUNTY, and Comme

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE

N/S Joppa Road, 270' W of Harford Road 9th Election District 6th Councilmanic District

DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

(2920 East Joppa Road) * CASE NO. 99-504-SPHXA Estate of Sol Goldman

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing, special exception and variance filed by the legal owner of the subject property, the Estate of Sol Goldman and the Lessee of the site, Eller Media Co., by and through Charles Marino, its President. The Petition was prepared and filed by Stanley Fine, attorney at law. The special hearing request is to amend a previously approved site plan in Case No. 90-314-SPHX. In addition, a special exception request is being made to approve one single face illuminated 12 ft. x 25 ft. (300 sq. ft. outdoor advertising sign) per Section 450.4.11 of the Baltimore County Zoning Regulations (B.C.Z.R.). Finally, a variance is requested from Section 450.7.C.1.c to allow a sign to be located 62 ft. from a residential zone line in lieu of the minimum required 200

Appearing at the hearing on behalf of these requests were: Stanley Fine, attorney at law; Nathan Sterner, appearing on behalf of Eller Media Co. and William Monk, Zoning Consultant. There were no protestants in attendance.

Testimony and evidence indicated that the property which is the subject of this request is consists of 0.88 acres, more or less, and is zoned BL-AS. The subject property is located at the northwest corner of the intersection of East Joppa Road and Harford Road in the Carney area of Baltimore County. The subject property is currently improved with a Crown Gasoline Service

Station. The Petitioner, Eller Media Co., is desirous of constructing one 12 ft. x 25 ft. single face outdoor advertising sign on the southwestern corner of the subject property. The location of the sign is more particularly depicted on Petitioner's Exhibit No. 6, the site plan of the property.

Mr. Monk testified extensively regarding the requested relief. He noted that this is the second request by Eller Media Co. (formerly Penn Advertising Co.) under the new regulations which govern the erection of billboard signs in Baltimore County. Mr. Monk stated that the Petitioner has been very selective in choosing sites upon which to crect these outdoor advertising signs. Mr. Monk testified that the sign in question complies with all of the many requirements of Section 450 of the B.C.Z.R. with the exception of the requirement that the sign be located at least 200 feet from a residential zone line. Mr. Monk testified that there exists a D.R.16 zone line in the middle of Joppa Road across from this site at a distance of approximately 62 ft. However, Mr. Monk also pointed out that there are no houses facing the subject property, given the tremendous amount of commercial activity that takes place at this intersection. The testimony further revealed that there are several houses across Joppa Road which sit atop a hill and are heavily screened by existing vegetation. Furthermore, Mr. Monk indicated that in the event a view of the sign could be had from those houses, the viewer would only see the edge of the sign, given that the sign is situated perpendicular to Joppa Road, thereby severely restricting the view of the sign from that D.R.16 zoned property.

Mr. Monk further testified that the sign itself would be single faced and contain advertising only on the east face of the sign itself. The western face of the sign will be screened by existing trees that are situated on the property. Mr. Monk further indicated in his testimony that pursuant to Section 450 of the B.C.Z.R., the advertising sign itself must be situated within 50 ft. of the right-of-way of Joppa Road. The Petitioner has complied with this requirement. That same

subsection of the regulation also requires the sign to be situated 200 ft. from a residential zone. Given that the residential zone line is situated in the center of Joppa Road it is impossible for the Petitioner to situate this sign within 50 ft. from the right-of-way line of Joppa Road and 200 ft. from the residential zone line. Therein lies the uniqueness of this property in that the Petitioner cannot comply with both of those requirements. He must request a variance from either the 50 ft. setback or the 200 ft. setback. The Petitioner chose to seek a variance from the 200 ft. setback from a residential zone line given that there are no residences visible in this area. This area is heavily commercial and therefore the sign itself will pose absolutely no adverse effects on any residences in this vicinity.

Furthermore, in order to proceed with the construction of an outdoor advertising sign on this property, the special hearing request to amend the previously approved site plan in Case No. 90-314-SPHX is necessary. The property owner gained approval to construct a convenience store in the area where the advertising sign is proposed to be located. The plans were approved pursuant to that case. However, Crown chose not to construct a convenience store at this location. This advertising sign will be a lesser intensified use than a convenience store which was previously approved for this area of the property. Therefore, it is appropriate to grant the special hearing to amend the previously approved site plan.

As to the special exception request, I agree with Mr. Monk's testimony that this is an appropriate location for an outdoor advertising sign. As the testimony revealed, Joppa Road at this location is a heavily traveled commercial corridor. The entire surrounding area is utilized by commercial businesses. The closest residences to this property are the residences on the south side of Joppa Road and are not visible from the site. Therefore, there will be no impact on any residential dwellings in this vicinity. In order to grant the special exception request for this

outdoor advertising sign, Section 502.1 of the B.C.Z.R. must be considered. That section, as well as the law of special exceptions in Baltimore County, was recently discussed by the Court of Appeals of Maryland in Mossberg v. Montgomery County, 107 Md. App. 1 (1995). Therein, the Court noted that special exception uses are considered presumptively permissible as part of the overall zoning scheme. Moreover, it is not whether the special exception use will cause adverse impact; such impact is assumed by virtue of the fact that the use is classified as a special exception use in the first instance, but whether such adverse impact at a particular location is greater than the effect ordinarily associated with the use. That is, this Deputy Zoning Commissioner must determine whether the adverse impact caused by the sign at this location is worse than the impact associated with such a sign located elsewhere in the zone.

In applying the test for the standard set forth in Section 450 and 502.1 of the B.C.Z.R., I find that the proposed special exception should be granted. While there was no or position from any citizens of Baltimore County at the hearing, the Planning Office, by a comment dated July 14, 1999, trongly opposed the construction of a sign at this location. That Planning Office ment was discussed in detail by Mr. Monk in his testimony and all points contained therein refuted by Mr. Monk. However, as is required by the Mossberg ruling, the Planning Office fails to demonstrate that an advertising sign at this location would somehow have a greater adverse impact than another location zoned BL-AS elsewhere in Baltimore County. From the testimony and evidence offered at the hearing, I find that it would not. Therefore, the special exception

I understand the Planning Office's position that outdoor advertising signs are generally considered disruptive to an orderly zoning scheme and aesthetically detrimental to a given vicinity. Nonetheless, these advertising signs are legal uses and have been permitted by the

County Council in certain zoning districts. In my opinion, given the heavy commercialized uses in this area, an outdoor advertising sign is an appropriate use for this portion of this property.

Finally, in order to approve the location of this sign, a variance from Section 450.7.C.1.c is necessary. As stated previously, that section requires the subject sign to be located within 50 ft. from Joppa Road, but 200 ft. from a residential zone line. The Petitioner is unable to comply with both requirements of this section. Given that a D.R.16 zone line exists in the center of Joppa Road, this sign cannot be both 200 ft. from that zone line and also 50 ft. from the right-ofway of Joppa Road itself. Therefore, a variance from one of these provisions must be requested. As stated previously, the Petitioner has chosen to request a variance from the residential zoning line, given that there are no houses visible from this location. If someone standing at the location of the nearest dwelling did have an unobstructed view of the sign, they would only see the side of the sign, given that the sign is situated perpendicular to Joppa Road. Therefore, the sign itself will have no adverse impact upon adjacent residential properties.

In evaluating variance requests consideration must be given to the factors enunciated in Cromwell v. Ward, 102 Md. App. 691 (1995). That case requires a finding that the property is junique in order for a variance to be considered. The uniqueness of this property is easily found. A variance must be entertained, given that it is impossible for this particular piece of property to meet both requirements of Section 450.7.C.i.c. In addition, I am persuaded that the Petitioner would suffer practical difficulty if the variance relief requested were denied. For all these reasons, I am persuaded to grant the special exception, special hearing and variance relief necessary in order for the Petitioner to locate this outdoor advertising sign on the property as shown on Petitioner's Exhibit No. 6.

In addition to the aforementioned requirements, the Petitioner is also obligated to remove an existing outdoor advertising sign before a new one can be constructed. Testimony indicated that the Petitioner has chosen to remove an existing outdoor advertising sign located on the north side of Hollins Ferry Road, 675 ft. west of Bero Road. That sign was in fact removed from the property by virtue of a building permit issued January 21, 1998 bearing Permit No. B-328816. In addition, the removal of that sign was not previously utilized as justification for any other proposed new sign in Baltimore County. Therefore, I find that the Petitioner has in fact complied with all the standards and requirements contained within Section 450 of the Baltimore County Zoning Regulations.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 33 day of August, 1999 that the Petition for Special Exception to construct one single face illuminated 12 ft. x 25 ft. (300 sq. ft.) outdoor advertising sign in accordance with Section 450.4.11 of the Baltimore County Zoning Regulations, be and is hereby GRANTED; and IT IS FURTHER ORDERED, that the Petitioner's Request for Special Hearing to approve an amendment to the site plan which was approved in Case No. 90-314- SPHX, be and is hereby

IT IS FURTHER ORDERED, that the Petition for Variance to allow this outdoor advertising sign to be located 62 ft. from a residential zone line in lieu of the minimum required 200 ft., be and is hereby granted, subject to the following restriction:

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

> > hunthy Kotroco TIMOTHY M. KOTROCO DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY

TMK:raj

to the Zoning Commissioner of Baltimore County

for the property located at 2920 E. Joppa Road

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

Legal Owner(s):

an amendment to the site plan as approved in Case #90-314-SPHX

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

Address V Telephone No.

640 Fifth Ave., 3rd Fl. 212-265-228 New York, NY 1001 resentative to be Contected:

The dinberg Proutt Funk & Greenberg, LLi (410)727-6600 OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING SEE SP. EX

Case No. 99-504-50HX-7

UNAVAILABLE FOR HEARING Reviewed By JOH Date 6-15-99

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2920 E. Joppa Road

Legal Owner(s):

Estate of Sol Goldman

Representative to be Contacted:

William Monk, Inc.

1 45 A comple Tane Goldman

640 Fifth Ave., 3rd Fl. 212-265-2280

222 Bosley Ave., Ste. B-6 (410)494-8931

OFFICE USE ONLY

which is presently zoned BL-AS This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 450.7.C.l.c - To permit a sign to be located 40 ± from a residential zone line in lieu of the minimum required 200'

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The residentially zoned area (D.R.16) is on the opposite side (south) of Joppa Road. No dwelling units are within 230 of the proposed billboard. An extensive wooded area separates the dwellings from Joppa Road and the board does not face the dwellings.

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

i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee: Milita Attle A North 3001 Remington Avenue (410)235-8820 Baltimore MD 21211 Chy State Zip Code Attorney For Petitioner:

Rosenberg Proutt Funk & Greenberg LLP Company 25 S. Charles St. 2115 First Maryland Bldg. (410)727-6600

ESTIMATED LENGTH OF HEARING See SO. EX Case No. 99-504-5PHXA

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2920 E. Joppa Road 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 herein described property for

1 single face illuminated 12'x25' (300 sq. ft.) outdoor advertising sign per Section 450,4.11 BCZR.

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

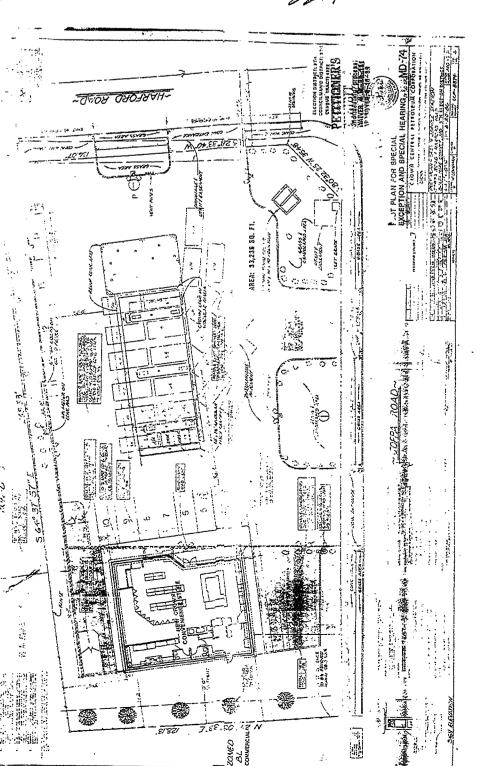
Contract Purchaser/Ledsee: 3001 Remington Avenue (410)235-8820 Baltimore Attorney For Petitioner: 2115 First Maryland Bldg. (410)727-6600 222 Bosley Ave. Ste. B-6 (410)494-8931

Case No. 99-504-5PHX9

I/We do solernity 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 Potition. Legai Owner(s): Senance As A Co-Exercise AS A Co-Section of Name - Type or Print X 640 Fifth Ave., 3rd Fl. 212-265-228

> OFFICE USE ONLY ESTIMATED LENGTH OF HEARING 2. 2 1/201 UNAVAILABLE FOR HEARING _

Reviewed By Solf Date 6-15-94



1990-314-SPHA 0 Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted. THEREFORE, IT IS, ORDERED by the Deputy Zoning Commissioner for plan in Cass No. 78-130-X and Restriction No. 2 thereof, and the Petition for Special Exception to permit a food store use in combination with an existing gasoline service station, in accordance with Petitioner's Exhibit be and are hereby GRAMAZD, subject, however, to the following restrict tions which are conditions precedent to the relief granted: The Petitioners may apply for their building permit and be granted same upon receipt of this Order; nowever, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to it original condition. 2) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner and the Deputy Director, of Planning. The landscaping required may exceed that set forth in the Baltimore County Landscape Manual. Further, Petitioners shall provide screening from the 14 additional parking spaces nearest. Harford Road to the corner of the property at the rear In light of Petitioners' failure to comply with the landscaping requirements set forth in Case No. 78-130-X, prior to the issuance of any occupancy parmits, Petitioners shall comply with the landscaping plan as approved in conformance with Restriction No. 2 set forth cove, unless parts of the plan cannot be completed due to weather conditions which shall be determined by the Deputy Director of Planning in his Petitioners shall comply with the requirements of the Office of Planning as set forth in their dated Jenuary 25, 1990, and the requirements of the Department of Environmental Protection and Resource

Management, Bureau of Water Quality, as set forth in their comments dated December 7, 1989, both of which have been attached hereto and made a part hereof. 5) The trash dumpster shall be relocated from the proposed location to an area closer to the parking spaces numbered 1, 2 and 3 on Profitioner's Exhibit 1, end screened as approved by the property Director of

6) . When applying for a building permit, the site plan and landscaping pun filed must reference this case and set forth and address the restrictions of

(7) Prior to the approval of the revised site plan by the Zoning Office, the Director of Planning or Deputy Director of Planning shall sign said plan indicating their comments have been addressed to their satisfac-

AMN:bjs

Gir MW starmin ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

SCALE: AS SHOWN

EXHIBIT PROPER ZONING/SPECIAL ARING -HISTORY OF Z EXCEPTION/HEAPARCEL 628, GF 9

SHEET NO. 2 OF _

1986-501-A 0

the district or whether a lesser relaxation than that applied for would give substantial relief;

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimon; that if the variances were granted, such

uses as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulties or unreasonable hardships would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to these particular parcels. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of June, 1986, that the Petitions for Zoning Variance to permit a free-standing business sign totaling 181.3 square feet in lieu of the permitted 100 square feet in each of the referenced cases be and are hereby GRIMTED, from and after the date of this Order, subject to the following restictions which are conditions precedent to the relief granted herein:

1. All signs must comply with Section 405.4.A.2.a,

2. The Petitioner may apply for its sign permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that

such time as the applicable appellate process from this Order has expired. If, for whatever reason,

this Order is reversed, the Petitioner would be required to return, and be responsible for return-

ing, said properties to their original condition.

-7-

proceeding at this time is at its own risk until

cc: Andrew LaPayowker, Esquire

People's Counsel

SPECIAL EXCEPTION AND/OR VARIANCE TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY: The midersigned, 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County: Not applicable

PETITION FOR ZONING BE-CLASSIFICATION

SEE MEMORANDUM IN SUPPORT ATTACHED HERETO

Property is to be posted and advertised as prescribed by The Baltimore County Code. I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. JOSEF OF VIENNA, INC. (Type or Print Name) Attorney for Petitioner: Newton A. William, Stephen J. Nolan and Towson, Maryland 21204 Towson. Maryland 21204 City and State 204 W. Penn. Ave., Towson, MD 21204

IN THE MATTER OF THE PETITION POR RECLASSIFICATION FROM R-O TO B.L. ZONE N/S Joppa Rd., 315' W from JOSEF OF VIENNA, INC.,

BABC-Form

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

:::::::

Based upon the testimony of Mr. Frederick Klaus and Mr. James G. Hoswell, as well as the Joint Exhibits I through 5, and the stipulation of the parties, it is this 31st day of October, 1985, by the County Board

ORDER

ORDERED, that the subject petition for B.L. zoning be and is hereby granted in part in accordance with the 200 scale map exhibit, Joint Exhibit No. 2, which reflects that the front portion of the property adjacent to the service station to the east be reclassified from R-O to

It is further ORDERED that the balance of the property remain in its R-O classification, without prejudice to the right of the Petitioner to seek a change or changes on the 1988 Comprehensive Zoning Maps or thereafter by such other means available by law.

MICHAEL B. DALLAS Registered Surveyor 7008 HARFORD ROAD BALTIMORE, MD. 21234

COUNTY BOARD OF APPEALS BALTIMORE COUNTY No.,78-130-X comes performable Board of Appeals from a decision by the Deputy grands their for a special exception for a service station use on attacking and Joppa Roads. Both parties were represented by

People's Coursel was present, and the case was heard on June 29, 1978 The property in question is presently zoned B.L.-CNS, contains .909 acres The contract purchaser is the BP Oil, Inc. who desire to erect a grant Go type service station on the property; hence, the need for the special ex-

Direc expert witnesses testified for the SP Oil company. Bosically, their

aduced the following data. That this will be a standard "Gas and Go" type operation similar to many others the company has in service. There will be controlled lighting, extensive landscaping and no lubrication or oil change services will be provided. It was especially noted that the subject property contains 39,594 square feet plus, and only 15,000 square feet are required by Baltimore County for this type operation. All the requirements of Section 502.1 pertaining to special exception uses were discussed. That there exists a need in this area for this type service.

No new service stations have been erected in this area since 1969, and several thousand new residential units have been built in this area and more are approved and

Nicholas B. Mangione - #78-130-X

underway. There are no abandoned service stations within one mile of this location. 3. That this operation will generate no additional traffic

but utilize the existing traffic. Expert test many and exhibits substantiate that acceptable traffic levels now exist at this intersection.

The Protestants then presented their case to the Board. They produced evidence that no widening of the road is planned in the near future. They expressed concern over the proposed hours of operation. They also expressed concern over possible drainage problems, but did admit that new culverts have been installed under Harford Road where any storm water from this project would flow. They also expressed concern that any interruption to the traffic flow in this area could create additional congestion. general, the neighbors and the neighborhood civic association objected to the development

of this property at this time for any use. After reviewing all of the above testimony, several aspects of this hearing seemed to be evident. The property is already zoned B.L. and many, many commercial uses for this site would require only a building permit. In the Board's judgment, many of these permitted uses would be far more offensive uses than the requested use. The issuance

of a special exception for the requested use also allows reasonable restrictions to be placed upon the property. The Board is satisfied that the petition as requested complies with all of the provisions of Section 502.1. With these concepts in mind, the Board will affirm the Deputy Zoning Commissioner's decision and grant the special exception, subject to restrictions.

For the reasons set forth in the aforegoing Opinion, it is this 13th day of July, 1978, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

	No uprezation ocoli changerimov bet comiucite con
	performed on the premises
	The subject property shall be developed (this frict)
	conformity with the site development of a signification
Programme and the second	to this Board as Restrioner's Exhibit To the Tradaily
	as solid plan motes in detail shrubbery and driescopings
3.	This special exception and these restrictions cover and
	bind the entire subject property as designified and to let
	opting logal description of the subject property pre
	pared by George William Stavens, Jr. and Associates
	Inc. Engineers, a copy of which is affacted hereto and
	considered to be a part of this Order.
4.	No more than two points of access to Jopps Toad will be
**	permitted; any access to future development of the
	westermost parcel of this property must be provided
	from within the service starion site or through formal
	application to this Board for a modification of this
	restriction
5.	Approval of a site plan by the State Highway Administra-
	tion, the Department of Public Works, the Department of
	Traffic Engineering and the Office of Planning and Zoning.
Any a	ppeal from this decision must be in accordance with Rules 821 thru
B-12 of the Maryland	Rules of Procedure.

COUNTY BOARD OF APPEALS

PETITION FOR ZONING RE-CLASS TOATION AND/OR SECTION AND OR TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Florence R. Watkins & and contract purchaser to the property situate in Baltimore Took we Micholas B. Mangione legal owner of the property situate in Baltimore and contract purchaser County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an ______ D_R_ 16 & DR.5.5 zone to an B.L. zone; for the following reasons: Error in original zoning and a change in the neighborhood since the DR-16 classification was imposed on the 100 ft. \times 205 ft. \pm , parcel. See attached description Property is to be posted and advertised as prescribed by Zohing Regulations. ENEX we, agree to pay expenses of above re-classification and concernation advertising, posting etc., upon hing of this petition, and further agree to and are to be bound by the zoning regulations and secturitions of Baltimore County adopted pursuant to the Zoning Law for Baltimore -lorence R Watkern Florence R. Watkins Topolas B. Mangione Address 2921 Chenoak Avenue 7112 Darlington Drive Baltimore Co., Maryland 21234 Address 407 Mercantile-Towson Bldg.. Towson, Maryland 21204 825-7600 197 3, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property he posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 20th day of September , 197 3 , at 11:0Ωo'clock Zoning Commissioner of Baltimore County. Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of substantial changes in the character of the neighborhood and the health, safety, and general welfare of the community not being adversethe above Reclassification should be had, and its first the copper IS ORDERED by the Zoning Commissioner of Baltimore County, this_____ November, 197 3., that the herein described property or area should be and the state is hereby reclassified; from x D.R.5.5 Zones to a B.L. Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of substantial changes in the character of the neighborhood and the health, safety, and general welfare of the community not being adverse-DERED by the Zoning Commissioner of Baltimore County, this____ it Novamber 197 3, that the herein described property or area should be and D.R.16 and D.R.16 and B.L. State Highway Administration, the Deattment of Public Works, and the Ofare of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this_____ of______ 197 __ that the above re-classification be and the same is hereby

DENIED and that the above described property or area be and the same is hereby continued as and to remain 2.____zone; and/or the Special Exception for____

be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

and it appearing that by reason of _____

SCALE: AS SHOWN

EXHIBIT PROPERT ZONING/SPECIAL EARING -GEHRING EXCEPTION/HEAPARCEL 628, GE HISTORY OF

DESCRIPTION OF PARCEL 628 TAX MAP 71 - GRID 15 9610 HARFORD ROAD BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the northerly right-of-way of Joppa Road, variable width, said point being at the end of the easterly or South 28 degrees 13 minutes 03 seconds West 128.21 foot plat line as shown on a plat entitled "Carney Centre" and recorded among the land records of Baltimore County, Maryland in Plat Book SM 74 at Folio 82; thence leaving said right-of-way and running reversely and binding on said easterly plat line, as now surveyed, with bearings of this description being based on the Maryland Coordinate System

- 1) North 28 degrees 47 minutes 50 seconds East 128.13 feet to the end of the southerly or North 65 degrees 28 minutes 57 seconds West 270.64 foot plat line as shown on said plat (74/82); thence running reversely and binding on said southerly plat line
- 2) South 64 degrees 55 minutes 40 seconds East 268.53 feet to the westerly right-of-way of Harford Road, route 147, variable width, said point being located North 61 degrees 44 minutes 07 seconds West 34.92 feet west of baseline station 3+15.97 as shown on State Roads Commission Plats 55026 and 55027; thence running with and binding on said westerly
- 3) South 28 degrees 15 minutes 57 seconds West 136.70 feet to the fillet of said Harford Road and Joppa Road; thence
- 4) South 80 degrees 14 minutes 42 seconds West 35.48 feet to the northerly right-of-way of said Joppa Road, said point being located North 32 degrees 22 minutes 43 seconds East 51.00 feet north of baseline station 119+49; thence running with and binding on said northerly right-of-way
- 5) North 57 degrees 37 minutes 17 seconds West 183.05 feet to a tangential curve; thence
- 6) With the arc of a curve to the left having a radius of 918.04 feet, an arc length of 58.83 feet and a chord bearing North 59 degrees 27 minutes 26 seconds West 58.82 feet to the point of beginning. Containing 38,237 square feet or 0.8778 of an acre of land more or less.

BEING the same property as described in a deed dated April 05, 2002 that was granted and conveyed by Anne E. Gehring to Josef L. Gehring and recorded among the land records of Baltimore . County, Maryland in Liber 16286 at Folio 743.

COMMITMENT FOR TITLE INSURANCE STEWART TITLE GUARANTY COMPANY CASE NO. 95000A.68 - EFFECTIVE DATE: 05-26-06

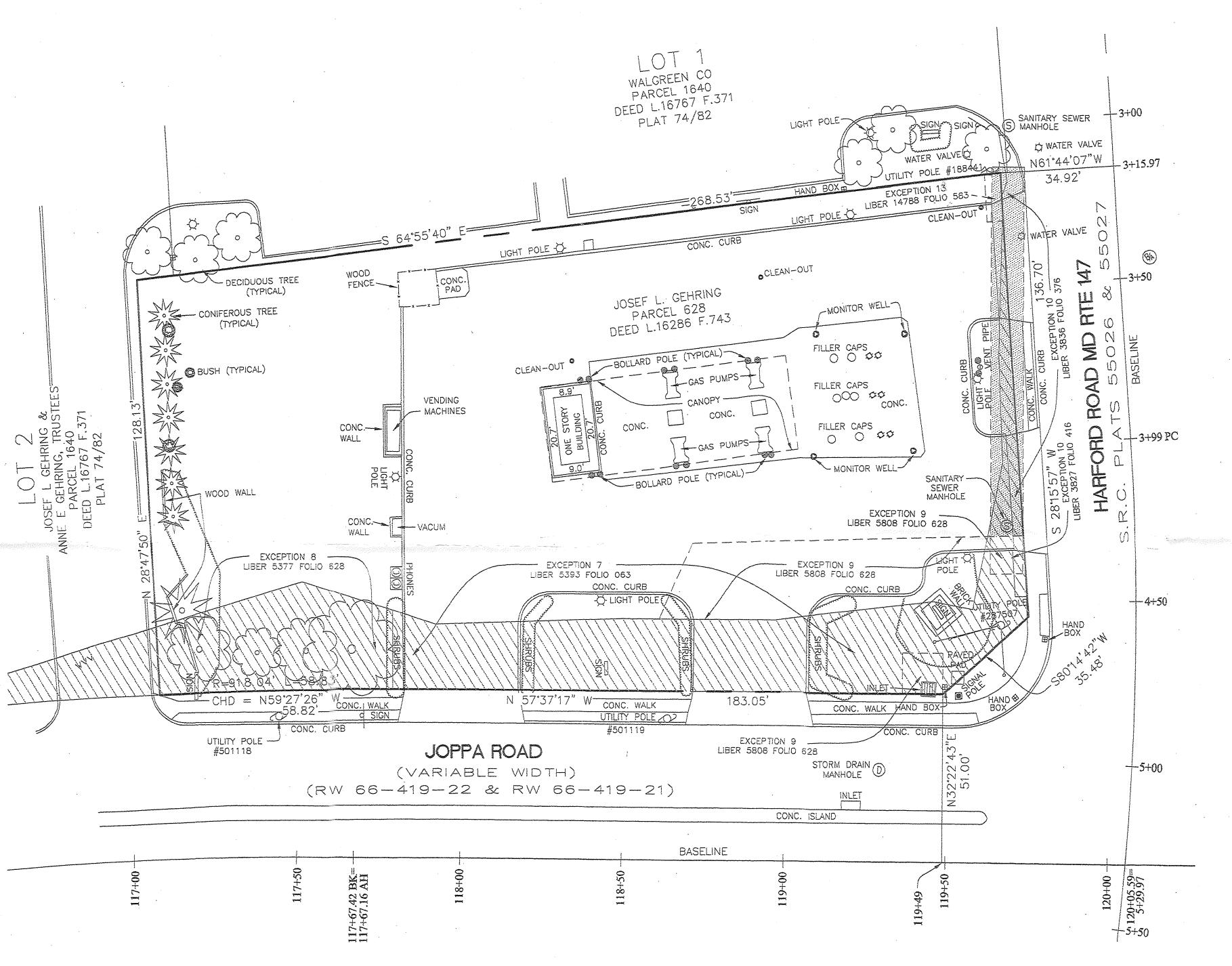
- 7. Easements as described in Entry Agreement with Baltimore county, Maryland dated May 23, 1973, recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5367, folio 587, does not apply to the subject property, and also Entry Agreement dated August 16, 1973, recorded as aforesaid in Liber E.H.K. Jr. No. 5393, folio 63, applies to the subject property as shown.
- 8. Easements as described in an Inquisition in the case of Baltimore County, Maryland vs. Hugh J. Byrne, et ux. dated July 13, 1973, recorded as aforesaid in Liber E.H.K. Jr. No. 5377, folio 628, applies to the subject property as shown.
- 9. Deed from Baltimore County to Nicholas B. Mangione dated September 14, 1977, recorded as aforesaid in Liber E.H.K. Jr. No. 5808, folio 773, applies to the subject property as shown.
- 10. Drainage and Utility Easement set forth in two Deeds and Agreements to Baltimore County, Maryland (1) from Ruby Whitehead Clark, et al. dated February 23, 1961, recorded as aforesaid in Liber W.J.R. No. 3827, folio 416 and (2) from Florence R. Watkins, et al. dated February 27, 1961, recorded as aforesaid in Liber W.J.R. Mo. 3836, folio 376, apply to the subject property as shown.

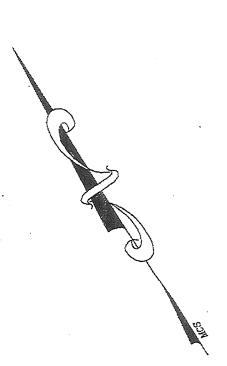
11. Pole Agreements dated and recorded as follows:

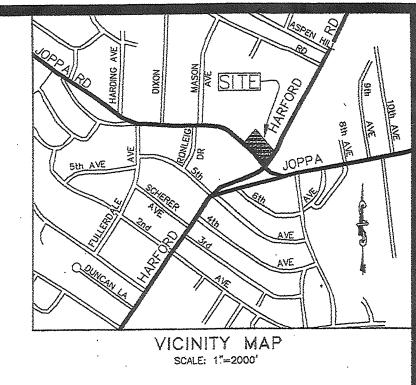
- (i) February 16, 1957, recorded in Liber G.L.B. No. 3116, folio 152
- (ii) January 02, 1957, recorded in Liber G.L.B. No. 3116, folio 158
- (iii) September 26, 1957, recorded in Liber G.L.B. No. 3244, folio 479 (iv) March 03, 1958, recorded in Liber G.L.B. No. 3348, folio 133
- (v) August 29, 1958, recorded in Liber G.L.B. No. 3413, folio 378
- (vi) April 10, 1919, recorded in Liber W.P.C. No. 507, folio 568
- (vii) April 09, 1919, recorded in Liber W.P.C. No. 507, folio 566 All apply to the subject property. Blanket agreements cannot be plotted.
- 13. Subject to the terms and conditions as set forth in a Grant of Easement dated October 25, 2000 by and between Jane H. Goldman, also Known as Jane Harriett Goldman Lewis, Alan Howard Goldman, also known as Allan H. Goldman and Louisa Little, Co-Executors of the Estate of Sol Goldman, deceased and the State Highway Administration of the Department of Transportation

and recorded as aforesaid in Liber 14788, folio 583 applies to the subject property as shown.

14. Subject to the setback lines, easements, notes, reservations, open spaces, conditions, slope easements and/or other matters as shown by a property line survey on 9610 Harford Road dated March 18, 2002 by Colonial Land Surveying, Inc., affecting said lot as shown on the plat entitled "Plat of Carney Centre", which plat is recorded in Plat Book S.M. 74, folio 82. The property line survey on 9610 Harford Road dated March 18, 2002 by Colonial Land Surveying, Inc. may apply to the subject property. No copy of the document was provided. The plat entitled "Plat of Carney Centre", which plat is recorded in Plat Book S.M. 74, folio 82, does not apply to the subject property.







SURVEYORS CERTIFICATION

To: Manufacturers and Traders Trust Company, its successors and assigns, PMIG MD 074, LLC, Law Offices of Morton J. Frome, P.A. and Stewart Title Guaranty Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA and NSPS in 2005 and includes items 2, 3, 4, 7(a), 8, 9, 10, 11a, 13, 14, 15, 16, 17 and 18 from Table A thereof, Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the state of Maryland, the relative positional accuracy of this survey does not exceed that which is specified therein.



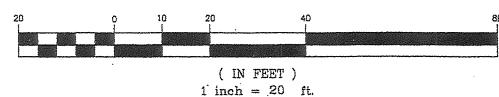
Joseph Jay Wooldridge Registered Professional Land surveyor Maryland Registration No. 11027

> PET EXHIBIT. EXISTING CONDITIONS 0237

ALTA/ACSM LAND TITLE SURVEY GEHRING PROPERTY

9610 HARFORD ROAD LIBER 16286 FOLIO 743

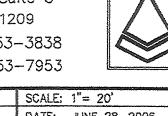
TAX MAP 71 GRID 15 PARCEL 628 9th ELECTION DISTRICT BALTIMORE COUNTY, MD. GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners 2835 Smith Avenue, Suite G Baltimore, Maryland 21209

Telephone: (410) 653-3838 Facsimile: (410) 653-7953



				SCALE: 1 = 20
				DATE: JUNE 28, 2006
				JOB NO.: 2005187
				DESIGNED:
				DRAWN: JJW
				CHECKED:
				FILE: 2005187
				DRAWING'
				NUMBER:
				2005187 ALTA 06_28_06.dwg
NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1