

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

NW/Side of Pulaski Highway, 562 feet
SW of the c/line of Allender Road
11th Election District
5th Councilmanic District
(11424 Pulaski Highway)

Ronald W. Parker
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* CASE NO. 2011-0287-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by the legal property owner, Ronald Parker. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

1. To amend the site plan filed in Case Nos. 5378, 72-36-x, 83-124-SPH and 2010-0006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition.
2. To add proposed one story (578 sq. ft.) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition.

In addition, the Petitioner is requesting variance relief from Sections 238.2 and 405.4.A.2.d to permit a proposed canopy with a property line setback of 16 feet in lieu of the required 30 feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing and Variance requests was Ronald W. Parker, property owner, and Robert Infussi with Expedite, LLC, who is assisting the Petitioner with the permitting process. Also in attendance was William Bafitis with

ORDER RECEIVED FOR FILING

Date 5-12-11

By [Signature]

Bafitis & Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other persons present.

Testimony and evidence offered revealed that the subject property consists of 2.295 acres more or less and is split zoned BR-AS and ML. The subject property is the site of a tractor trailer, gasoline and diesel service station as well as a trailer repair facility. The property is located on the northwest side of Pulaski Highway near its intersection with Allender Road. This particular property has been a truck stop for many years. It serves a fueling station for tractor trailers as well as a service facility to work on those types of tractors and trailers. There is also an area along Pulaski Highway where passenger vehicles can stop for gas. The owner of the property is interested in making some improvements to the site by constructing a 3,900 square foot trailer repair addition with a smaller one story 578 square foot addition both of which are shown on the site plan which was submitted into evidence as Petitioner's Exhibit 2. In order to proceed with the modifications to the site, the special hearing relief is necessary to amend the previously approved site plan for this property as well as variance relief to allow the proposed canopy to have a setback to the property line of 16 feet in lieu of the required 30 feet.

As to the variance relief, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING

Date 5-12-11 2

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Fire Marshal's Office dated March 31, 2011, which indicates that the proposal must comply with all applicable parts of the Baltimore County Fire Prevention Code, Council Bill 48-10 prior to occupancy or the beginning of operation.

Based upon the testimony and evidenced offered, and the support of this project, I am persuaded to grant the requested Special Hearing and Variance relief.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's requests for Special Hearing and Variance should be granted.

THEREFORE, IT IS ORDERED this 12th day of May, 2011 by the Administrative Law Judge, that the request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

1. To amend the site plan filed in Case Nos. 5378, 72-36-x, 83-124-SPH and 2010-0006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition, and
2. To add proposed one story (578 sq. ft.) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition,

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance request relief from Sections 238.2 and 405.4.A.2.d to permit a proposed canopy with a property line setback of 16 feet in lieu of the requirec 30 feet, be and is hereby GRANTED.

The relief granted is subject to the following conditions:

ORDER RECEIVED FOR FILING

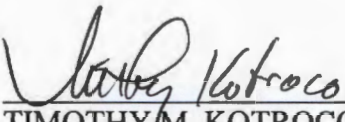
Date 5-12-11

3

By [Signature]

1. Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The proposal must comply with all applicable parts of the Baltimore County Fire Prevention Code, Council Bill 48-10 prior to occupancy or the beginning of operation.

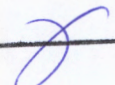
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 5-12-11

By 



KEVIN KAMENETZ
County Executive

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

May 12, 2011

RONALD W. PARKER
11450 PULASKI HIGHWAY
BALTIMORE MD 21162

Re: Petition for Special Hearing and Variance
Case No. 2011-0287-SPHA
Property: 11424 Pulaski Highway

Dear Mr. Parker:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

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

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Robert Infussi, 1536 Dunkeld Way, Bel Air MD 21010
William Bafitis, Bafitis & Associates Inc., 1249 Engleberth Road, Baltimore MD 21221



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11424 Pulaski Hwy
which is presently zoned BR-AS & ML

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

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

- 1) To amend the site plan filed in cases #5378, #72-36-X, #83-124-SPH and #2010-006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition.
- 2) To add proposed one story (578 sq ft) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Date 5-12-11 Telephone No. _____
City BY _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Ronald W. Parker
Signature Ronald W. Parker
Name - Type or Print _____
Signature _____
Address 11450 Pulaski Hwy Telephone No. 410-335-3800
City Baltimore State MD Zip Code 21162

Representative to be Contacted:

Name Robert Infussi Expedite LLC
Address 1536 Dunkeld Way Telephone No. 410-812-2232
City Bel Air State MD Zip Code 21015

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0287-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 3/25/11



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11424 Pulaski Hwy
which is presently zoned BR-AS & ML

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

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

(This box to be completed by planner)

- 1) To amend the site plan filed in cases #5378, #72-36-X, #83-124-SPH and #2010-006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition.
- 2) To add proposed one story (578 sq ft) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____
Date 5-12-11
BY [Signature]

Legal Owner(s):

Name - Type or Print Ronald W. Parker
Signature [Signature]
Name - Type or Print _____
Signature _____
Address 11450 Pulaski Hwy Telephone No. 410 335-3800
City Bel Air State MD Zip Code 21015

Representative to be Contacted:

Name Robert Infussi / Expedite, LLC
Address 1536 Dunkeld Way Telephone No. 410 812 2236
City Bel Air State MD Zip Code 21015

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0287-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 3/25/11



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 11424 Pulaski Highway
which is presently zoned BR-AS & ML

Deed Reference: 6290-1185 Tax Account # 1105077104

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) 238.2 and 405.4.A.2.d -

to permit a proposed canopy with a property line setback of 16 feet
in lieu of the required 30

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Date

Company

Address

By

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

Case No. 2011-0287-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date



Bafitis & Associates, Inc.

**ZONING DESCRIPTION
FOR
11424 PULASKI HIGHWAY
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**
5th Councilmanic District

Beginning for the same at a point on north side of Pulaski Highway 150 feet wide and 562 feet $\pm$ southwesterly to the centerline intersection of Allender Road 50 feet wide.

1. Thence running along Pulaski Highway South $45^{\circ}-26'-13''$ 250.00 feet to a point;
2. Thence leaving said highway the three following courses and distances;
North $44^{\circ}-33'-47''$ West 400.00 feet to a point;
3. Thence North $45^{\circ}-26'-13''$ East 250.00' to a point;
4. Thence South $44^{\circ}-33'-47''$ East 400.00 to the point of beginning.

Containing 100,000 s.f. or 2.295 acres more or less.

Deed reference liber 6290 folio 185.



William N. Bafitis, P.E.
William N. Bafitis, P.E., Md. License No. 11641

6/10/09
Date

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-0287-SPHA
Petitioner: Ronald PARKER
Address or Location: 11424 Pulaski Hwy

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert INFussi (expedito LLC)
Address: 1536 Dunkeld way
Bel Air, md 21015
Telephone Number: 410-812-2236

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2011-0287-SPHA

11424 Pulaski Highway

N/west side of Pulaski Highway, 562 feet/s/west of centerline of Allender Road

11th Election District — 5th Councilmanic District

Legal Owner(s): Ronald Parker

Special Hearing to amend the site plan filed in cases #5378, 72-36-X, 83-124-SPH, and 2010-0006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition; to add proposed one story (578 sq. ft.) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition. **Variance:** to permit a proposed canopy with a property line setback of 16 feet in lieu of the required 30 feet.

Hearing: Tuesday, May 3, 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 Administrative Hearings Office at (410) 887-3868.

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

JT 04/675 April 19

272897

5-3
CERTIFICATE OF PUBLICATION

4/21, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/19, 2011.

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

S. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

April 6, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0287-SPHA

11424 Pulaski Highway

N/west side of Pulaski Highway, 562 feet s/west of centerline of Allender Road

11th Election District – 5th Councilmanic District

Legal Owners: Ronald Parker

Special Hearing to amend the site plan filed in cases #5378, 72-36-X, 83-124-SPH, and 2010-0006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition; to add proposed one story (578 sq. ft.) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition. Variance to permit a proposed canopy with a property line setback of 16 feet in lieu of the required 30 feet.

Hearing: Tuesday, May 3, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Ronald Parker, 11450 Pulaski Highway, Baltimore 21162
Robert Infussi, 1536 Dunkeld Way, Bel Air 21015

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 19, 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, April 20, 2011 Issue - Jeffersonian

Please forward billing to:
Robert Infussi
Expedite, LLC
1536 Dunkeld Way
Bel Air, MD 21015

410-812-2236

NOTICE OF ZONING HEARING

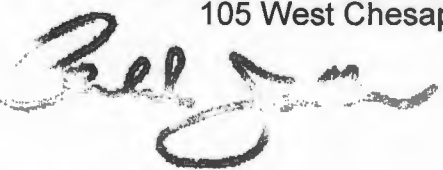
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0287-SPHA

11424 Pulaski Highway
N/west side of Pulaski Highway, 562 feet s/west of centerline of Allender Road
11th Election District – 5th Councilmanic District
Legal Owners: Ronald Parker

Special Hearing to amend the site plan filed in cases #5378, 72-36-X, 83-124-SPH, and 2010-0006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition; to add proposed one story (578 sq. ft.) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition. Variance to permit a proposed canopy with a property line setback of 16 feet in lieu of the required 30 feet.

Hearing: Tuesday, May 3, 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 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

Date April 19, 2011

Mr. Ronald Parker
11450 Pulaski Highway
Baltimore, MD 21162

RE: Case Number 2011-0287 SPHA, 11424 Pulaski Highway

Dear Mr. Parker,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 25, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Robert Infussi, 1536 Dunkeld Way, Bel Air 21015

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 11, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2011
Item Nos. 2011- 283, 284, 285, 286,
287, 288, 289, 290, 291, 292 and
293

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-04112011 -NO COMMENTS.doc



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

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

Maryland Department of Transportation

Date: 4-6-11

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

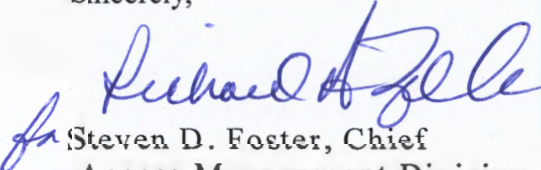
RE: Baltimore County
Item No. 2011-0287 SPHA
Variance Special Hearing
Ronald W. Parker
11450 Pulaski Highway
US40

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4-4-11. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance Special Hearing, Case Number 2011-0287 SPHA

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

Sincerely,


for Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAY 05 2011



OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: May 5, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-287-SPHA
Address 11450 Pulaski Highway
(Parker Property)

Zoning Advisory Committee Meeting of April 4, 2011.

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

1. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). – *Regina Esslinger; Environmental Impact Review*
2. As a reminder, appropriate permits must be obtained and the State – MDE will be involved, since this involves adding and removing fuel pumps/tanks. – *Dan Esser; Groundwater Management*



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Administrative Variance: 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

Special Hearing: 2011-0283-SPHX, 2011-0293-SPH

Variance: 2011-0285A, 2011-0287-SPHA, 2011-0289-SPHA, 2011-0290A, 2011-0292A

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



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Special Hearing: 2011-0287-SPHA, 2011-0289-SPHA

Special Exception: 2011-0283-SPHX

Comments:

The above case numbers shall comply with all applicable parts of the **Baltimore County Fire Prevention Code, Council Bill 48-10** prior to occupancy or the beginning of operation

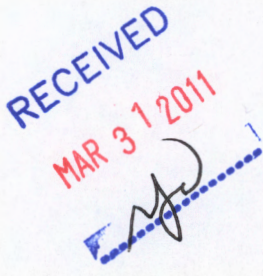
Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE * ZONING COMMISSIONER
11450 Pulaski Hwy.; NW side Pulaski Hwy. *
562 SW of center line of Allender Road *
11th Election & 5th Councilmanic District * FOR
Legal Owner(s): Ronald W. Parker *
Petitioner(s) * BALTIMORE COUNTY
* 2011-0287-SPHA

* * * * *

ENTRY OF APPEARANCE

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



Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Ronald W. Parker, 11450 Pulaski Highway, Baltimore, Maryland 21162, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE 5/3/11

[illegible]

Case No.:

2011-0287-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

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

Exhibit I

PETITIONER'S

EXHIBIT NO. 1



03.24.2011



03.24.2011



03.24.2011



FSCU 950795 2
4561

03.24.2011



03.24.2011



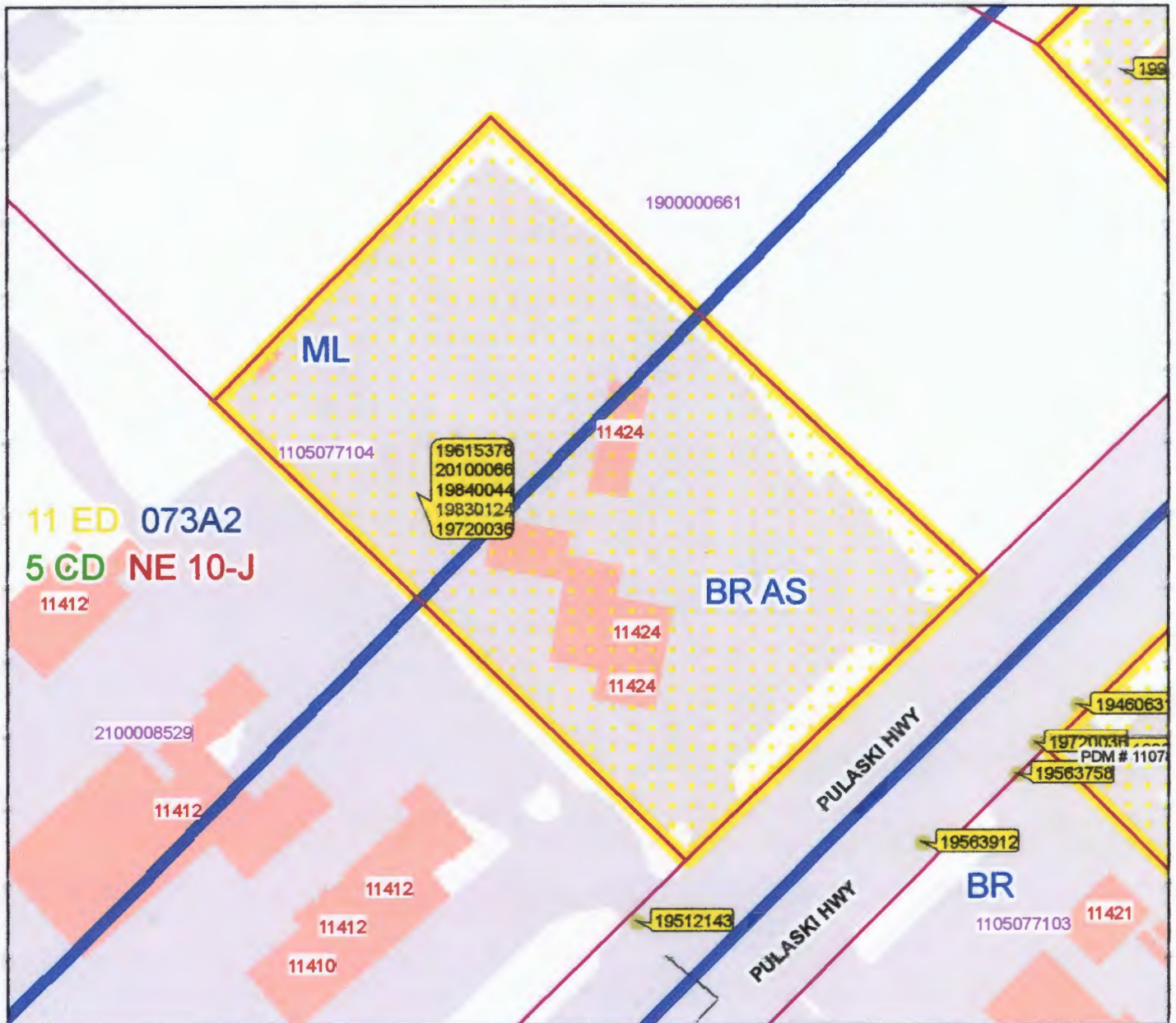
03.24.2011



03.24.2011



11424 Pulaski Highway



Publication Date: March 22, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200
Feet

1 inch = 100 feet

CASE NOS. 5378, 72-36-X & 83-124-SPH ORDER

ZONING SPIRIT LETTER OF INTENT

CASE NO.: 2010-0066-SPHA ORDER

RECEIVED FOR FILING
DATE August 19, 2009
BY Mary Campbell (Clerk)
ADMINISTRATIVE ASSISTANT

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of August, 2009, that the amendments to the site plans filed in Case Nos. 5378-X and 72-36-X to allow construction of an addition to the existing building for offices and repair facilities for tractor and trailers, in accordance with Petitioner's Exhibit 3 and the floor plan marked Petitioner's Exhibit 1b, are approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

Pursuant to the advertisement, posting of property, at a public hearing on the Petition and it appearing that by reason of the following finding of facts that to amend the site plan filed in Case Nos. 5378, 72-36-X and 83-124-SPH to change the configuration of the proposed addition would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of August, 2009, that the Special Hearing to approve the amendment to the site plan filed in Case Nos. 5378, 72-36-X and 83-124-SPH to change the configuration of the proposed addition, in accordance with the site plan prepared by Edward V. Coonan & Co., revised April 1983, and marked Petitioner's Exhibit 1, is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the comments submitted by the Department of Health, dated May 17, 1983.
2. The site plan shall indicate the office space in the proposed addition, the M.L./B.R. zoning line, and prior Case No. 83-124-SPH.
3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

John M. Lewis
Deputy Zoning Commissioner of Baltimore County


BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive
Mr. Bafitis
Bafitis and Associates, Inc.
1249 Engleberth Rd.
Baltimore, MD 21221

1/06/10

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

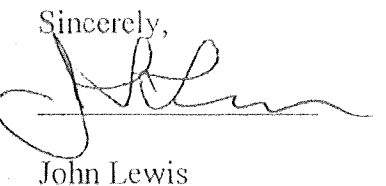
Re: Zoning Spirit and Intent review
Case # 2010-0066-SPHA
11424 Pulaski Highway
11th ED
Dear Mr. Bafitis:

This is a response to your letter dated 11/18/09 to Mr. Timothy Kotroco, Director of Permits Development Management, who has authorized this reply.

Pursuant to your provided information you have requested a zoning approval that states that the revised site plans showing the addition of 735 square feet to the building for retail, office and repair, are accepted as being within the Spirit and Intent of the approved order in Case # 2010-0066-SPHA. As we had discussed, you have had the ZAC issues raised in the Order Restrictions resolved with the Office of Planning and DEPRM. Their approvals are on the plans I have received. Based on the Zoning Office staff review, the plans can be approved as you have requested. I have signed the plans and they are being placed in our records while the original, and a copy are being returned to you with this letter. Please document this response on all future plans submitted for zoning approvals.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact me at 410-887-3391.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Sincerely,

John Lewis
Planner II
Zoning Review

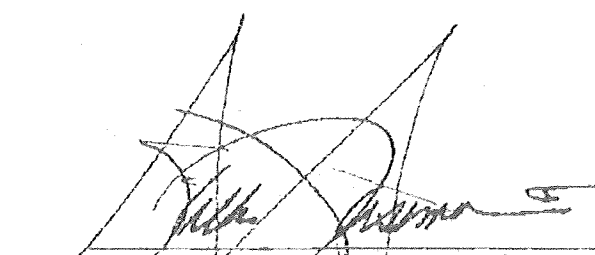
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of October 2009 that the Petition for Special Hearing's approval of an amendment to upgrade the previously approved plans and Orders permitting a truck stop as set forth in Zoning Cases 5378-X, 72-36-X and 83-124-SPH, and to allow changes in the site's configuration for a new building addition and a proposed freestanding canopy, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance from Section 238.1 & 2, 303.2 and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow fuel pumps and a canopy with a 10 foot front setback in lieu of the required front average setback of 62.5 feet, and to permit a setback between buildings as close as 43 feet in lieu of the required 60 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

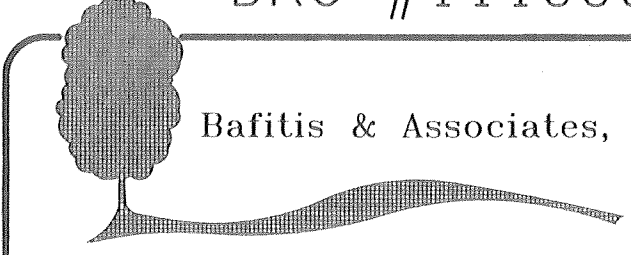
1. The Petitioner shall comply with the recommendations made by the Office of Planning, within its Zoning Advisory Committee (ZAC) comment, dated September 30, 2009, a copy of which is attached hereto and made a part hereof.
2. The Petitioner shall comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in its ZAC comment, dated September 29, 2009, by complying with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the thirty (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 Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

WJW:dlw

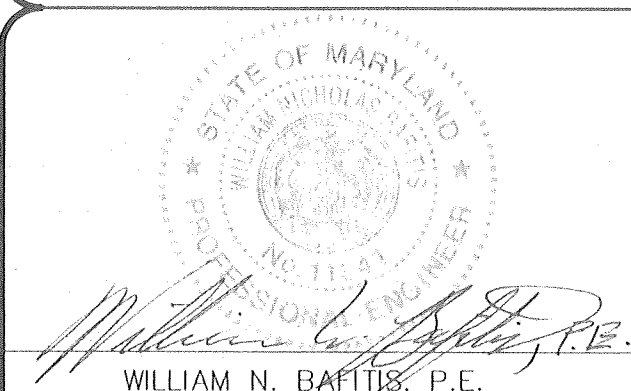

WILLIAM J. WHELAN, III
Zoning Commissioner
for Baltimore County

DRC #111009B

 Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336

PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
AND ZONING VARIANCES
FOR
#11424 PULASKI HIGHWAY
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

 WILLIAM N. BAFITIS, P.E.
Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 11641 Expiration Date: 09/09/2011

2

SHEET 2 OF 2

NO.	REVISIONS	DATE

Item #0287