



KEVIN KAMENETZ
County Executive

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

June 12, 2012

Michael B. Mitchell, Jr.
1101 Saint Paul Street
Suite 402
Baltimore, Maryland 21202

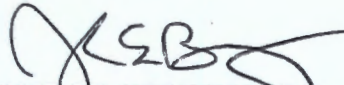
RE: Petition for Variance
Case No.: 2012-0258-XA
Property: 8710 Liberty Road

Dear Mr. Mitchell:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

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

N side of Liberty Road, 193' E of the c/line of *
Brenbrook Drive
2nd Election District *
4th Councilmanic District *
(8710 Liberty Road) *

New Plan Maryland Holdings, LLC, *
Legal Owner
Carroll Branded Fuels, Contract Purchaser/ *
Lessee
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2012-0258-XA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 8710 Liberty Road. The Petition was filed by New Plan Maryland Holdings, LLC, the legal owner of the subject property, and Carroll Branded Fuels, contract purchaser/lessee (the "Petitioners"). The Special Exception Petition seeks relief from Section 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Petitioners are also requesting Variance relief from Section 405.4.A.3.C(2) to allow zero stacking spaces in lieu of the required six (6) [one for each multi-product dispenser (MPD)]. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 2.

Appearing at the hearing were Marvin A. Comer II with Carroll Branded Fuels, the contract purchaser/lessee, Lee Giroux, Briana Darnell with Highs Dairy Stores, and Thomas J. Hoff, the land use consultant/architect. Michael B. Mitchell, Jr., Esquire attended and

ORDER RECEIVED FOR FILING

Date 6-12-12

By DW

represented Petitioners. There were no Protestants or interested persons in attendance, and the file does not contain any letters of protest or opposition.

Testimony and evidence offered at the hearing revealed that the site is 25.88 acres, zoned Business Major (BM) and is in the Commercial Community Core (CCC) District. Carroll Fuel is in the process of constructing a fuel service station and High's convenience store, as shown on the photos admitted as Exhibit 1. The operation will be conducted on a portion of land occupied by the new Walmart Supercenter, pursuant to a long-term lease.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Planning dated May 15, 2012, stating the following:

The Department of Planning has reviewed the petitioners' request and accompanying site plan. The site is located in a Master Plan designated Commercial Revitalization Area. The site is surrounded by commercial uses including an existing fuel service station, a service garage and a Super Walmart (currently under construction). The Department of Planning recognizes the current volume of traffic generated by existing uses on this portion of Liberty Road. Allowing zero stacking spaces on this site could have negative impacts by impeding traffic on Liberty Road.

As such, the Department of Planning does not support the requested special exception and variances to operate a fuel service station and convenience store on the subject property, as the proposed use is likely to cause interference with traffic traveling on Liberty Road.

The Department of Planning submitted a revised ZAC comment, dated June 7, 2012, wherein they indicated they no longer oppose the zoning relief.

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

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

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

ORDER RECEIVED FOR FILING

Date 6-12-12

By 192

The Petitioners have met this test.

The subject property is unique in that it is an existing site where a vacant gas station was razed and Petitioners' are constrained by existing site conditions and dimensions. The Petitioners would suffer a practical difficulty if the B.C.Z.R. were strictly enforced, given they would have to reconfigure the entire layout of the gas pumps and may – in trying to provide the stacking spaces – sacrifice the wide and generous drive aisles provided on the plan which will aid navigation throughout the site. Perhaps more importantly, Mr. Hoff testified that, in fact, there is room for a stacking space behind the positions at the gas pumps, and would even be room for a second car to "stack" without protruding onto Liberty Road. Again, in the unlikely event such stacking was necessary, the drive aisles – but not the public's safety – would be the only thing compromised.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

As for the special exception relief, Mr. Hoff opined that the proposal satisfied B.C.Z.R. § 502.1, and I concur. The site has been vacant for over six months, and the new High's store will be a positive addition to the community, and there was no testimony or evidence presented to suggest that the store would negatively impact the neighborhood. Given that special exception uses are presumptively proper, and no evidence here rebutted that presumption, I believe the special exception relief should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioners'

Special Exception and Variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 6-12-12

By law

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 12th day of June, 2012 that Petitioners' request for Special Exception relief under Section 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage, be and is hereby GRANTED; and

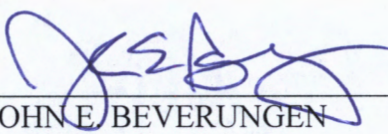
IT IS FURTHER ORDERED that Petitioner's request for Variance relief from Section 405.4.A.3.C(2) to allow zero stacking spaces in lieu of the required six (6), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

JEB/dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 6-12-12

By [Signature]

MEMORANDUM

DATE: July 20, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0258-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 12, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ☒ Case File
Office of Administrative Hearings



PETITION FOR ZONING HEARING(S)

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

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

Address 8710 LIBERTY ROAD

which is presently zoned BM CCC

Deed References: 25591/17

10 Digit Tax Account # 2200023162

Property Owner(s) Printed Name(s) NEW PLAN MARYLAND HOLDINGS

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

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

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

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for SECTION 405.4.E.1. TO PERMIT A CONVENIENCE STORE WITH A SALES AREA LARGER THAN 1,500 SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE.

3. ☒ a Variance from Section(s) 405.4.A.3.C (2)
VARIANCE to allow ZERO STACKING SPACES in lieu of the required 6.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

ORDER RECEIVED FOR FILING
6-12-12
RW

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and I/We 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.

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

Contract Purchaser/Lessee:

Carroll Branded Fuels

Name- Type or Print

Marvin A. Comer II

Signature

2700 Loch Raven Rd Baltimore MD

Mailing Address

City

State

21221 / 443-506-8591

Zip Code

Telephone #

Email Address

art.comer@carrollfuel.net

Attorney for Petitioner:

Michael B. Mitchell, Jr.

Name- Type or Print

Mike Mitchell

Signature

1101 St. Paul St, 402 Baltimore MD

Mailing Address

City

State

21202 / 4102584038 Mitchell Law

Zip Code

Telephone #

Email Address

usa.com

Legal Owners (Petitioners):

New Plan Maryland Holdings, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Alan Dorn

Signature #1

Signature #2

One Fayette St, Suite 300, Conshohocken, PA

Mailing Address

City

State

19428 / 610-825-7100

Zip Code

Telephone #

Email Address

alandorn@brixmor.com

Representative to be contacted:

LEE GIROUX

Name- Type or Print

Lee Giroux

Signature

733 Camberley Cr. Towson MD

Mailing Address

City

State

21204 / 443-504-8875 PERMITS@NTHLLC.COM

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0258-XA

Filing Date 4/11/12

Do Not Schedule Dates:

Reviewer G.H



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3. X a **Variance** from Section(s) 405.4.A.3.C.(2)
VARIANCE TO ALLOW ZERO STACKING SPACES IN LIEU OF THE REQUIRED 6.

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TO BE PRESENTED AT HEARING

ORDER RECEIVED FOR FILING
Date 6-12-12
10W

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

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Contract Purchaser/Lessee:

Carroll Blended Fuels

Name- Type or Print

Marvin A. Comer II

Signature

2700 Loch Raven Rd Baltimore MD

Mailing Address

City

State

21221 443-506-8591

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Michael B. Mitchell, Jr.

Name- Type or Print

Mike Mitchell

Signature

1101 St. Paul St, 402 Baltimore MD

Mailing Address

City

State

21202 41025-8403 mitchell@usa.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

New Plan Maryland Holdings, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Alan Dorn

Signature #1

Signature #2

One Fayette St, Suite 300, Conshohocken, PA

Mailing Address

City

State

19428 610-825-7100

Zip Code

Telephone #

Email Address

Representative to be contacted:

LEE GIROUX

Name - Type or Print

Lee Giroux

Signature

733 Amberley Cir. #3 Towson MD

Mailing Address

City

State

21204 443-506-8875 permit@ntllc.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0258-XA Filing Date 4/19/12

Do Not Schedule Dates: _____

Reviewer G.H.



PETITION FOR ZONING HEARING(S)

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

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

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TO BE PRESENTED AT HEARING

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 6-12-12
 [Signature]

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Contract Purchaser/Lessee:

Carroll Branded Fuels

Name- Type or Print

Marvin A. Comer II

Signature

2700 Loch Raven Rd Baltimore MD

Mailing Address

City

State

21221 443-506-8591 art-comer@

Zip Code

Telephone #

Email Address

art-comer@carrollfuel.net

Attorney for Petitioner:

Michael B. Mitchell, Jr.

Name- Type or Print

Mike Mitchell

Signature

1101 St. Paul St. 402 Baltimore MD

Mailing Address

City

State

21204 4102584058 MitchellLaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

New Plan Maryland Holdings, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Alan Dorn

Signature #1

Signature #2

One Fayette St, Suite 300, Conshohocken, PA

Mailing Address

City

State

19428 610-825-7100

Zip Code

Telephone #

Email Address

alondorn@brixmor.com

Representative to be contacted:

LEE GIROUX

Name - Type or Print

Lee Giroux

Signature

433 Chamberley Cr. A-3 Towson, Md.

Mailing Address

City

State

21204 443-584-8875 PERMITTING@YAHOO.COM

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0258-XA Filing Date 4/19/12

Do Not Schedule Dates: _____

Reviewer G. H

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

April 16, 2012

Description of 8710 Liberty Road to Accompany Petition for Special Exception, 2nd Election District, Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the north side of Liberty Road (80' R/W), 193 feet more or less east of the centerline of Brenbrook Drive.

Thence leaving the north side of Liberty Road,

- 1) North 08 degrees 50 minutes 40 seconds East 201.46 feet, thence, binding on the Use Division Line,
- 2) South 57 degrees 37 minutes 58 seconds East 157.91 feet, thence,
- 3) South 13 degrees 56 minutes 00 seconds West 178.04 feet, to the north side of Liberty Road, thence binding on the north side of Liberty Road,
- 4) North 64 degrees 22 minutes 25 seconds West 134.73 feet, to the place of beginning.

Containing 0.60 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



2012 - 0258-XA

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

April 16, 2012

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- 4) North 64 degrees 22 minutes 25 seconds West 134.73 feet, to the place of beginning.

Containing 0.60 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



2012-0258-XA

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

No. 82198

Date: 4/19/12

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						835.00

Total: 835.00

Rec From: Thomas Huff

For: 8710 Liberty Rd / 2012-0258-XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2012-0258-XA

Petitioner: New HAN MA Holdings, LLC. / ALAN DORN

Address or Location: 8710 Liberty RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lee Giroux

Address: 733 Chamberley Cr. A-3
Towson Md. 21204

Telephone Number: 443-564-8875

NOTICE OF ZONING HEARING

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

Case: # 2012-0258-XA

8710 Liberty Road

N/s Liberty Road, 193 ft. +/- east of the centerline of Brenbrook Drive

2nd Election District-4th Councilmanic District

Legal Owner(s): New Plan Maryland Holdings, LLC

Contract Purchaser: Carroll Branded Fuels

Special Exception to permit a convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. **Variance:** to allow zero stacking spaces in lieu of the required 6.

Hearing: Monday, June 4, 2012 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 05/702 May 15

303239

CERTIFICATE OF PUBLICATION

5/17, 2012

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 5/15, 2012.

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

S. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE NO: 2012-0258-XA

PETITIONER/DEVELOPER _____

LEE GIRONX

DATE OF HEARING/CLOSING: _____

6/4/12

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 8710 LIBERTY ROAD

THIS SIGN(S) WERE POSTED ON May 15, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/15/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

CASE # 2012-0258-XA

A PUBLIC MEETING WILL BE HELD BY
THE TONING COMMISSIONER
IN TOWSON, MD

Post-Test "What are your reactions to the results?"

PLATE: Catechized African Teachers: J. 210
 ADDRESS: Box 100, L. 210
 DATE AND TIME: 27. 11. 1964

FIGURE 1 Effects of exposure to 4000 Hz electromagnetic fields on the growth of *Salmonella enterica* serovar Enteritidis. The growth of *Salmonella enterica* serovar Enteritidis was measured in the presence of 4000 Hz electromagnetic fields. The results are shown in Figure 1. The growth of *Salmonella enterica* serovar Enteritidis was significantly inhibited in the presence of 4000 Hz electromagnetic fields.

For more information on this and other products, call 1-800-368-7262 or visit our website at www.3m.com.

Matthew S. 5/15/12

ZONING NOTICE

Case # 2012-0258-XA

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

On: 2nd Tuesday, January, 2013
Place: 10000 Old Annapolis Road, Suite 200
Towson, MD 21204
Date and Time: 10:00 AM

PROJECT: *Small Addition to Home*
The project is a small addition to the existing home, which will include a new second floor, a new porch, and a new driveway. The project is located at 10000 Old Annapolis Road, Suite 200, Towson, MD 21204.

For more information, please contact the Planning Department at 410-516-1000, ext. 2000. A public hearing will be held on the 2nd Tuesday of January, 2013, at 10:00 AM, at the location listed above. Your presence is requested.

Wendy S. 5/15/12

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
8710 Liberty Road; N/S of Liberty Road,	*	OF ADMINISTRATIVE
193' E of c/line Brenbrook Drive		
2 nd Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): New Plan Maryland Holdings		
Contract Purchaser(s): Carroll Branded Fuels	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2012-258-XA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAY 04 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Lee Giroux, 733 Camberly Circle, Towson, Maryland 21204 and Michael Mitchell Jr, 1101 St/ Paul Suite 402, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

May 7, 2012

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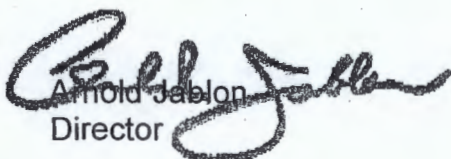
2nd Election District – 4th Councilmanic District

Legal Owners: New Plan Maryland Holdings, LLC

Contract Purchaser: Carroll Branded Fuels

Special Exception to permit a convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Variance to allow zero stacking spaces in lieu of the required 6.

Hearing: Monday, June 4, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue


Arnold Jablon
Director

AJ:kl

C: Michael Mitchell, Jr., 1101 St. Paul St., Ste. 402, Baltimore 21202
Marvin Comer, III, 2700 Loch Raven Rd., Baltimore 21221
Alan Dorn, One Fayette Street, Ste. 300, Conshohocton PA 19428
Lee Giroux, 733 Camberly Circle, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 16, 2012.**
- (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, May 15, 2012 Issue - Jeffersonian

Please forward billing to:

Lee Giroux
733 Camberley Circle, A-3
Towson, MD 21204

443-564-8875

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: 2012-0258-XA

8710 Liberty Road

N/s Liberty Road, 193 ft. +/- east of the centerline of Brenbrook Drive

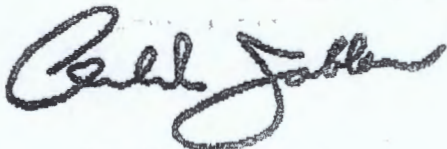
2nd Election District – 4th Councilmanic District

Legal Owners: New Plan Maryland Holdings, LLC

Contract Purchaser: Carroll Branded Fuels

Special Exception to permit a convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Variance to allow zero stacking spaces in lieu of the required 6.

Hearing: Monday, June 4, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue



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.

JS 6-4-12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8710 Liberty Road

INFORMATION:

Item Number: 12-258 (*revised comments*)

Petitioner: New Plan Maryland Holdings, LLC

Zoning: BM CCC

Requested Action: Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The site is located in a Master Plan designated Commercial Revitalization Area. The site is surrounded by commercial uses including an existing fuel service station, a service garage and a Super Walmart (currently under construction) The Department of Planning recognizes the current volume of traffic generated by existing uses on this portion of Liberty Road. Allowing zero stacking spaces on this site could have negative impacts by impeding traffic on Liberty Road.

The Department of Planning received additional information from the petitioner concerning the above referenced relief resulting in a re-evaluation and change of recommendation to the Administrative Law Judge (ALJ). The variance is being requested to respond to an existing condition and prevent the need to demolish the existing building and move the building back (north) on the property. Moving the building back (north) on the property would result in the creation of additional impervious surface.

Furthermore, an additional point of ingress and egress to the property via and proposed new driveway located at the northeast corner of the property is being proposed. This new drive way will allow vehicular circulation to the adjacent shopping center also owned by the petitioner of the subject petition.

As such, the Department of Planning retracts the original recommendation made in comments to the ALJ dated 5/15/2012, and does not oppose the subject variance and special exception to operate a fuel service station and convenience store on the subject property provided the

CASE NAME 8710 Liberty Rd.
CASE NUMBER 2012-0258 -KA
DATE 6-4-12

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-7</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>5-18</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
	FIRE DEPARTMENT	
<u>5-15</u>	PLANNING (if not received, date e-mail sent _____)	<u>Does Not Support</u>
<u>5-2</u>	STATE HIGHWAY ADMINISTRATION	<u>Needs entrance permit</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>5-15-12</u>	
SIGN POSTING	Date: <u>5-15-12</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Debra Wiley - ZAC Comments - Distribution Mtg. of April 30th

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/7/2012 11:30 AM
Subject: ZAC Comments - Distribution Mtg. of April 30th

Good Morning,

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

2012-0258-XA - 8710 Liberty Road

No hearing date assigned in data base as of 5/2

2012-0262-SPHA - 200 E. Burke Avenue

No hearing date assigned in data base as of 5/2

2012-0263-SPHA - 601 Tampa Road

No hearing date assigned in data base as of 5/2

2012-0264-SPH - 10815 Pulaski Highway

No hearing date assigned in data base as of 5/2

2012-0265-SPH - 10240 Liberty Road

No hearing date assigned in data base as of 5/2

2012-0267-XA - 7303 Old Battle Grove Road

No hearing date assigned in data base as of 5/2

2012-0268-A - 7815 Denton Avenue

Administrative Variance - Closing Date: 5/21/12

2012-0269-A - 6808 North Point Road

No hearing date assigned in data base as of 5/2

Thanks.

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



KEVIN KAMENETZ
County Executive

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

May 31, 2012

New Plan Maryland Holdings LLC
Alan Dorn
One Fayette Street, Suite 300
Conshohocton, PA 19428

RE: Case Number: 2012-0259-XA, Address: 8710 Liberty Road

Dear Mr. Dorn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 19, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Lee Giroux, 733 Camberly Circle, Towson, MD 21204
Carroll Branded Fuels, Marvin A. Comer II, 2700 Loch Raven Road, Baltimore, MD 21221
Michael B. Mitchell, Jr. Esq., 1101 St. Paul Steet, Suite 402, Baltimore, MD 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 15, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8710 Liberty Road

INFORMATION:

Item Number: 12-258

Petitioner: New Plan Maryland Holdings, LLC

Zoning: BM CCC

Requested Action: Special Exception and Variance

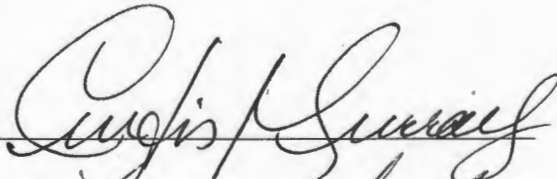
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The site is located in a Master Plan designated Commercial Revitalization Area. The site is surrounded by commercial uses including an existing fuel service station, a service garage and a Super Walmart (currently under construction) The Department of Planning recognizes the current volume of traffic generated by existing uses on this portion of Liberty Road. Allowing zero stacking spaces on this site could have negative impacts by impeding traffic on Liberty Road

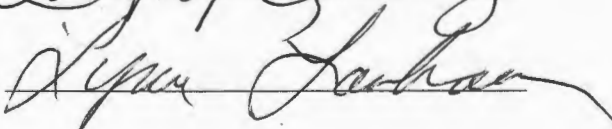
As such, the Department of Planning does not support the requested special exception and variances to operate a fuel service station and convenience store on the subject property, as the proposed use is likely to cause interference with traffic traveling on Liberty Road.

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

Prepared by:



Division Chief:
AVA/LL: CM



6/4 10 AM
104

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 15, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8710 Liberty Road

INFORMATION:

Item Number: 12-258

Petitioner: New Plan Maryland Holdings, LLC

Zoning: BM CCC

Requested Action: Special Exception and Variance

RECEIVED

MAY 18 2012

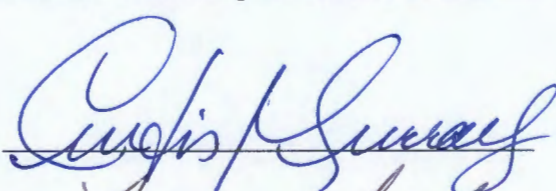
OFFICE OF ADMINISTRATIVE HEARINGS

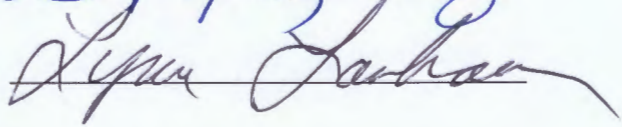
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As such, the Department of Planning **does not** support the requested special exception and variances to operate a fuel service station and convenience store on the subject property, as the proposed use is likely to cause interference with traffic traveling on Liberty Road.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

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



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

Date: 5-2-12

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

RE: Baltimore County
Item No. 2012-0258XA
Special Exception Variance
New Plan Maryland Holdings LLC
8710 Liberty Road
MD26

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4-30-12. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2012-0258, the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 7, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2012
Item Nos. 2012-0258, 0262, 0263, 0264, 0265, 0267
And 0269

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05142012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 18, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0258-XA
Address 8710 Liberty Road
(New Plan Maryland Holdings, LLC Property)

Zoning Advisory Committee Meeting of April 30, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAY 18 2012

OFFICE OF ADMINISTRATIVE HEARINGS

JB 6/4
10am

Case No.: 2012-0258-XA

Exhibit Sheet

6/8/12
P3

Petitioner/Developer

Protestant

No. 1	XXXXXXXXXXXXXXXXXXXX COLOR PHOTOS - 4 pages	
No. 2	SITE PLAN - (2 sheets)	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

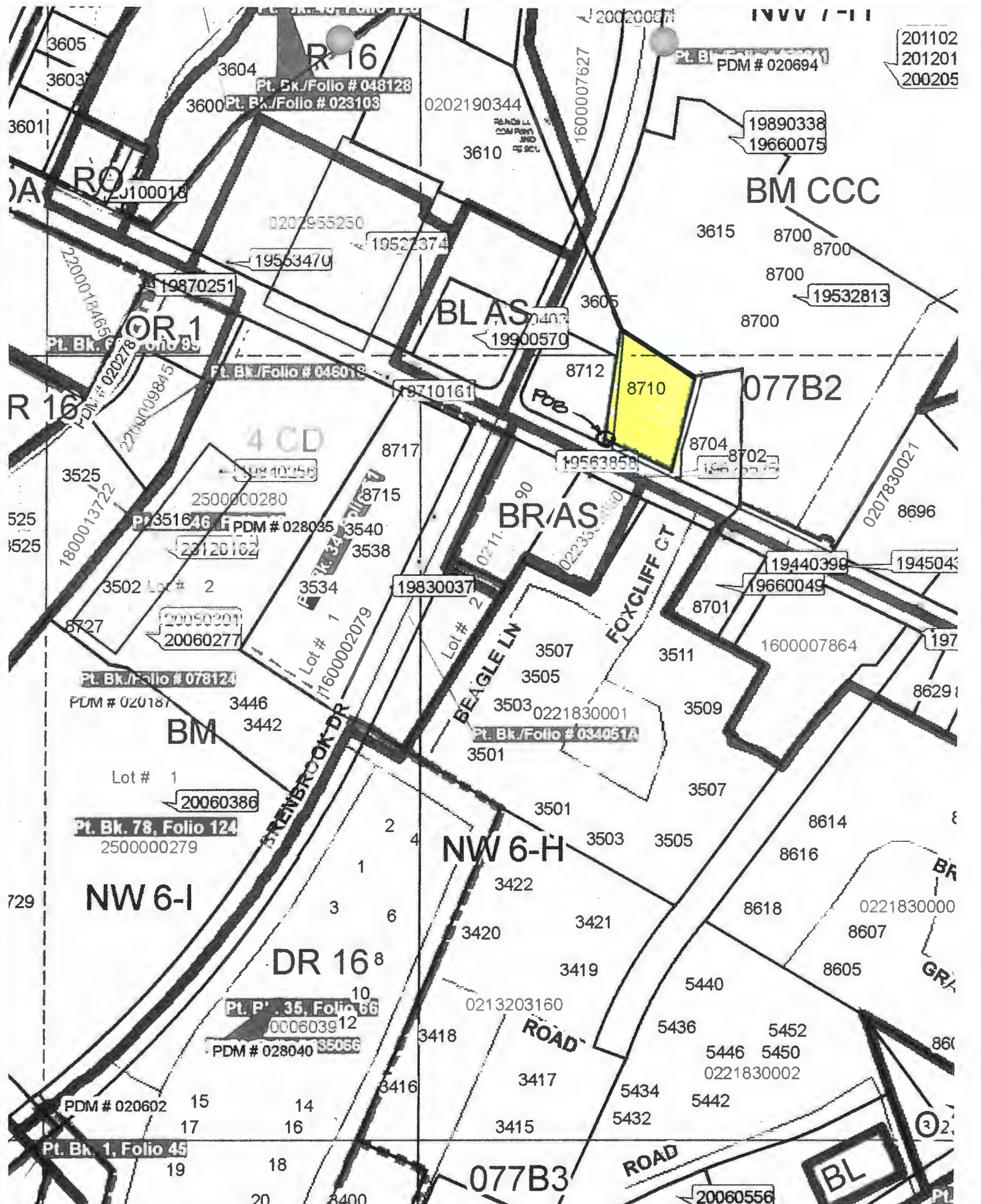




5/31/12



4/3/12



TO ACCOMPANY PETITION
8710 LIBERTY RD.

SCALE: 1" = 200' ±
DATE: 4-12-12

2012-0258XA

