

M E M O R A N D U M

DATE: September 24, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0325-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on September 20, 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

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

NW/side of Pulaski Highway, 562' W c/line
Intersection of Allender Road
(11424 Pulaski Highway)
11th Election District
5th Council District

Ronald W. Parker
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* CASE NO. 2012-0325-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the property, Ronald W. Parker. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan filed in Case Nos. 5378, 72-36-X, 83-124-SPHA, 2010-0006-SPHA and 2011-0287-SPHA, by reducing the proposed tractor and trailer repair building to 40' x 65', and to remove the proposed breezeway from the proposed one-story 578 square foot addition to the proposed tractor and trailer repair building. The Petitioner is also seeking variance relief from Sections 255.1, 102.2 and 238.2 of the B.C.Z.R. to allow a building to building setback of 15' in lieu of the required 60'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Robert Infussi with Expedite, LLC, who is assisting the Petitioner through the permitting process, and William Bafitis with Bafitis & Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 8-21-12

By DW

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning on July 24, 2012, which indicates as follows:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a special hearing to amend the site plan from previous special hearing cases, most recently SPH # 2011-0287, to reduce the proposed tractor and trailer repair building to 40' by 65'. The petitioner is also seeking a special hearing to remove the proposed breezeway from the proposed 1-story addition to the proposed tractor and tractor repair building. Lastly, the Petitioner seeks a variance to allow a building-to-building setback of 15' in lieu of the required 60'.

The Department of Planning does not oppose the petitioner's special hearing requests for a reduction of the repair building and the removal of the previously approved breezeway. Furthermore, the Department of Planning does not oppose the petitioner's request for a variance as the building-to-building setback only affects the tractor repair building and canopy structure.

Testimony and evidence revealed that the subject property is 2.295 acres (100,000 square feet) and is split-zoned BR-AS and ML. As noted above, the property has a lengthy zoning history, and at present the owner seeks to reduce the size and scope of certain features and structures approved in earlier cases. The reduction in building size (from approximately 3,900 square feet to 2,600 square feet) and removal of the proposed breezeway from the plan will in no way negatively impact the surrounding community. As such, the Petition for Special Hearing will be granted.

Based on the evidence presented, I also 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). I find (as did the prior Zoning Commissioners) special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Petitioner is constrained by certain existing site conditions, and the building to building setback, as noted by the Department of Planning, is in a sense an "internal" variance

ORDER RECEIVED FOR FILING

Date 8-21-12

2

By [Signature]

that will not affect neighboring owners.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship, given that Petitioner would be unable to construct the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the support of the Department of Planning and the lack of community opposition.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the petitions shall be granted.

THEREFORE, IT IS ORDERED, this 21st day of August, 2012, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan filed in Case Nos. 5378, 72-36-X, 83-124-SPHA, 2010-0006-SPHA and 2011-0287-SPHA, by reducing the proposed tractor and trailer repair building to 40' x 65', and to remove the proposed breezeway from the proposed one-story 578 square foot addition to the proposed tractor and trailer repair building, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance relief from Sections 255.1, 102.2 and 238.2 of the B.C.Z.R. to allow a building to building setback of 15' in lieu of the required 60', be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

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

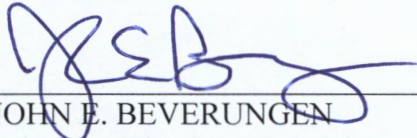
ORDER RECEIVED FOR FILING

Date 8-21-12

3

By DW

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 8-2-12

By DW



KEVIN KAMENETZ
County Executive

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

August 21, 2012

Robert Infussi
Expedite, LLC
1536 Dunkeld Way
Bel Air, Maryland 21015

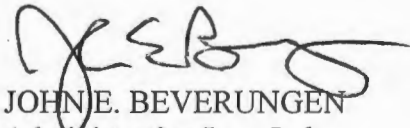
RE: Petitions for Special Hearing and Variance
Case No. 2012-0325-SPHA
Property: 11424 Pulaski Highway

Dear Mr. Infussi:

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 Baltimore 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



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 11424 PyCaski Highway which is presently zoned BRAS & ML
 Deed References: 62907185 10 Digit Tax Account # 1105077104
 Property Owner(s) Printed Name(s) Ronald W. Parker

(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

See Attached

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

3. ☒ a **Variance** from Section(s)

See Attached

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)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0325 SPHA

Filing Date 6/29/12

Do Not Schedule Dates: _____

Reviewer JCM



EXPEDITE, LLC
Consulting

ROBERT M. INFUSSI, SR. President

June 11, 2012

To Whom It May Concern:

The below is a Baltimore County Zoning Petition for a Special Hearing and a Variance for the property located at 11424 Pulaski Highway, White Marsh, Md 21162.

Zoning Special Hearing Request;

- 1.) To amend the site plan filed in case Nos. 5378, 72-36-X, 83-124- SPHA, 2010-0006-SPHA and 2011-0287-SPHA by reducing the proposed tractor and trailer repair building to 40' x 65'.**
- 2.) Remove proposed breezeway from proposed 1-story 578 sq. ft. addition to the proposed tractor and trailer repair building.**

Zoning Variance Request;

- 1) To allow a building to building setback of 15' ~~41'~~ in lieu of the required 60' per section ~~303.2~~ and 102.2 (BCZR) AND 238.2 (BCZR) .**
255.1

Robert Infussi
Expedite, LLC
Consulting

1536 Dunkeld Way □ Bel Air, Maryland 21015 □ 410 – 812 – 2236 □ Fax: 410 – 836 – 7271
E-Mail: expedite.llcrinfussi@verizon.net



Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
11424 PULASKI HIGHWAY
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

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: 2012-0325-SPHA

Petitioner: RONALD PARKER

Address or Location: 11424 PALASKI Hwy., WHITE MARSH, Md. 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Infussi (Expedite, LLC)

Address: 1536 Dunkeld way
Bel Air, Md 21015

Telephone Number: 410 - 812-2236

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

No. **83500**

Date: **6-20-12**

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 770.00

Total: **\$ 770.00**

Rec
From:

PARKER

For:

2012-0325-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/20/2012 6/20/2012 09:22:04 II

010001 WALKIN SHL SAH
RECEIPT # 532875 6/20/2012 UFLN

Dept 5 528 ZONING VERIFICATION
R NO. 083500

Receipt Tot \$770.00
\$770.00 CK \$1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

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: #2012-0325-SPHA

11424 Pulaski Highway

NW/s of Pulaski Hwy (150ft. wide) 562 ft. w +/- from

centerline of intersection of Allender Rd

11th Election District - 5th Councilmanic District

Legal Owner(s): Ronald Parker

Special Hearing: to amend the site plan the site filed in Case 5378, 72-36-X, 83-124-SPHA, 2010-0006-SPHA and 2011-0287-SPHA by reducing the proposed tractor and trailer repair building to 40' x 65'; to remove proposed breezeway from proposed 1-story 578 sq. ft. addition to the proposed tractor and trailer repair building. **Variance** to allow a building setback of 15' in lieu of the required 60' per section 255.1 and 102.2 and 238.2.

Hearing: Monday, August 20, 2012 at 1:30 p.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) 887-3397.

IT 07/774 July 31



501 N. Calvert Street, Baltimore, MD 21278

August 2, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on July 31, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

RE: Case No 2012-0325-SPH

Petitioner/Developer BOB
INTUSS EXPEDITE LLC

Date Of Hearing/Closing: 8/20/12

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 11424 PULASKI HIGHWAY

This sign(s) were posted on July 28, 2012 July 28, 2012
Month, Day, Year

Sincerely,

Martin Ogle 7/28/12
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2012-0325-SPHA

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

ROOM 205 JEFFERSON BUILDING 105 WEST
PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, AUGUST 20, 2012
AT 1:30 P.M.

REQUEST: SPECIAL HEARING TO AMEND THE SITE PLAN
FILED IN CASE 5578, 72-36 X .83-124-SPHA, ROW 0006-
SPHA AND 201-0187-SPHA BY REDUCING THE PROPOSED TRACTOR
AND TRAILER REPAIR BUILDING TO 40' X 65'; TO REMOVE
PROPOSED BREEZEWAY FROM PROPOSED 1-STORY 578 SQ FT
ADDITION TO THE PROPOSED TRACTOR AND TRAILER REPAIR
BUILDING
VARIANCE TO ALLOW A BUILDING SETBACK OF 15' IN
LIEU OF THE REQUIRED 60' PER SECTION 455.1 AND 102.2 AND 430A

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

mylen 7/28/12



KEVIN KAMENETZ
County Executive

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

July 12, 2012

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: 2012-0325-SPHA

11424 Pulaski Highway

NW/s of Pulaski Hwy (150 ft. wide) 562 ft. w +/- from centerline of intersection of Allender Rd
11th Election District – 5th Councilmanic District

Legal Owners: Ronald Parker

Special Hearing to amend the site plan filed in Case 5378, 72-36-X, 83-124-SPHA, 2010-0006-SPHA and 2011-0287-SPHA by reducing the proposed tractor and trailer repair building to 40' x 65'; to remove proposed breezeway from proposed 1-story 578 sq. ft. addition to the proposed tractor and trailer repair building. Variance to allow a building setback of 15' in lieu of the required 60' per section 255.1 and 102.2 and 238.2.

Hearing: Monday, August 20, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Robert Infussi, Expedite, LLC, 1536 Dunkeld Way, Bel Air 21015
Ronald Parker, 11450 Pulaski Highway, White Marsh 21162

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 31, 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, July 31, 2012 Issue - Jeffersonian

Please forward billing to:
Robert Infussi
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: 2012-0325-SPHA

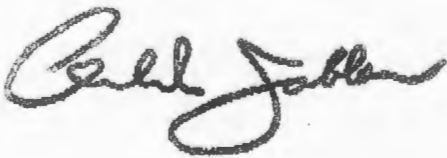
11424 Pulaski Highway

NW/s of Pulaski Hwy (150 ft. wide) 562 ft. w +/- from centerline of intersection of Allender Rd
11th Election District – 5th Councilmanic District

Legal Owners: Ronald Parker

Special Hearing to amend the site plan filed in Case 5378, 72-36-X, 83-124-SPHA, 2010-0006-SPHA and 2011-0287-SPHA by reducing the proposed tractor and trailer repair building to 40' x 65'; to remove proposed breezeway from proposed 1-story 578 sq. ft. addition to the proposed tractor and trailer repair building. Variance to allow a building setback of 15' in lieu of the required 60' per section 255.1 and 102.2 and 238.2.

Hearing: Monday, August 20, 2012 at 1:30 p.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

August 15, 2012

Ronald W. Parker
11450 Pulaski Highway
White Marsh MD 21162

RE: Case Number: 2012-00325 SPHA, Address: 11424 Pulaski Highway, 21162

Dear: Mr. Parker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 20, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Robert Infussi, Sr., Expedite LLC, 1536 Dunkeld Way, Bel Air MD 21015

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



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

Date: 6-27-12

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

RE: Baltimore County

Item No. 2012-0325-SPHA
Special Hearing Variance
Ronald W. Parker
11424 Palaski Highway
US40

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 6-25-12. 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. Case Number 2012-0325-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,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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: June 29, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For July 09, 2012
Item Nos. 2012-0276, 0285, 0317, 0324, 0325 and 0326.

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-07092012-NO COMMENTS.doc

8/20 10 AM
1:30 PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 17, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 11424 Pulaski Highway

INFORMATION:

Item Number: 12-325

Petitioner: Ronald W. Parkeg

Zoning: BR-AS and ML

Requested Action: Variance and Special Hearing

RECEIVED

JUL 24 2012

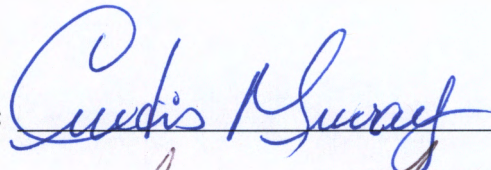
OFFICE OF ADMINISTRATIVE HEARINGS

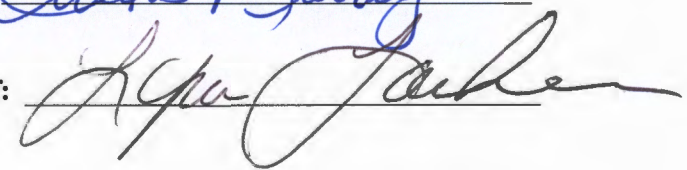
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a special hearing to amend the site plan from previous special hearing cases, most recently SPH # 2011-0287, to reduce the proposed tractor and trailer repair building to 40' by 65'. The petitioner is also seeking a special hearing to remove the proposed breezeway from the proposed 1-story addition to the proposed tractor and tractor repair building. Lastly, the Petitioner seeks a variance to allow a building-to-building setback of 15' in lieu of the required 60'.

The Department of Planning does not oppose the petitioner's special hearing requests for a reduction of the repair building and the removal of the previously approved breezeway. Furthermore, the Department of Planning does not oppose the petitioner's request for a variance as the building-to-building setback only affects the tractor repair building and canopy structure.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
11424 Pulaski Highway; NW/S Pulaski Highway*
562' W c/line intersection of Allender Road * HEARINGS FOR
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Ronald Parker * BALTIMORE COUNTY
Petitioner(s) *
* 2012-325-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

RECEIVED

JUN 27 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2012, a copy of the foregoing Entry of Appearance was mailed to Robert Infussi, Expedite, LLC, 1536 Dunkeld Way, Bel Air, MD 21015, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/20
1:30

Debra Wiley - ZAC Comments - Distribution Mtg. of June 25, 2012

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 6/25/2012 10:15 AM
Subject: ZAC Comments - Distribution Mtg. of June 25, 2012

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.

2012-0285-A - 8700-8830 Belair Road
No hearing date in data base as of 6/25

2012-0317-SPH - 8510 Philadelphia Road
No hearing date in data base as of 6/25

2012-0323-A - 3916 Chestnut Road - CRITICAL AREA
No hearing date in data base as of 6/25

2012-0324-SPH - 12400 Owings Mills Blvd.
No hearing date in data base as of 6/25

2012-0325-SPHA - 11424 Pulaski Highway
No hearing date in data base as of 6/25

2012-0326-A - 13 S. Beaumont Ave.
(Administrative Variance - Closing Date: 7/16/12)

2012-0276-SPHA - 3914 Glenhurst Road - CRITICAL AREA & FLOOD PLAIN
Hearing Date: 6/25/12, 10:00 AM

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

8/20 1:30

CASE NO. 2012- 0325-SumCHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment6-29

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

NC

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

7-24

PLANNING

(if not received, date e-mail sent _____)

Does not oppose6-27

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

7-31

SIGN POSTING

Date:

7-28

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

CASE NAME Ronald Parker
CASE NUMBER 2012-325-SPHA
DATE 8-20-12

[illegible]

Case No.: 2012-325-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

9-24-12 DW
DW 8-21-12

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

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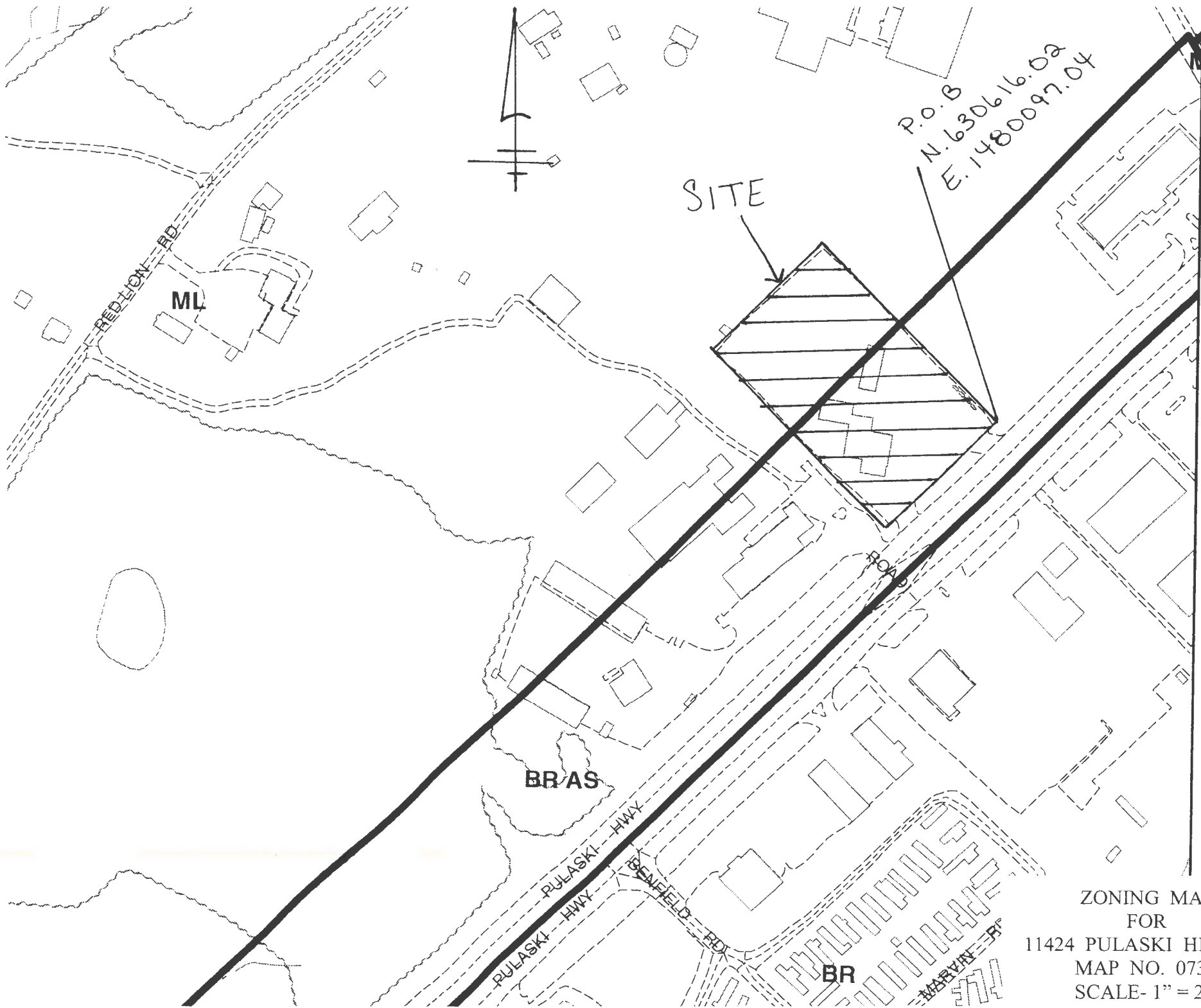


My Neighborhood Map

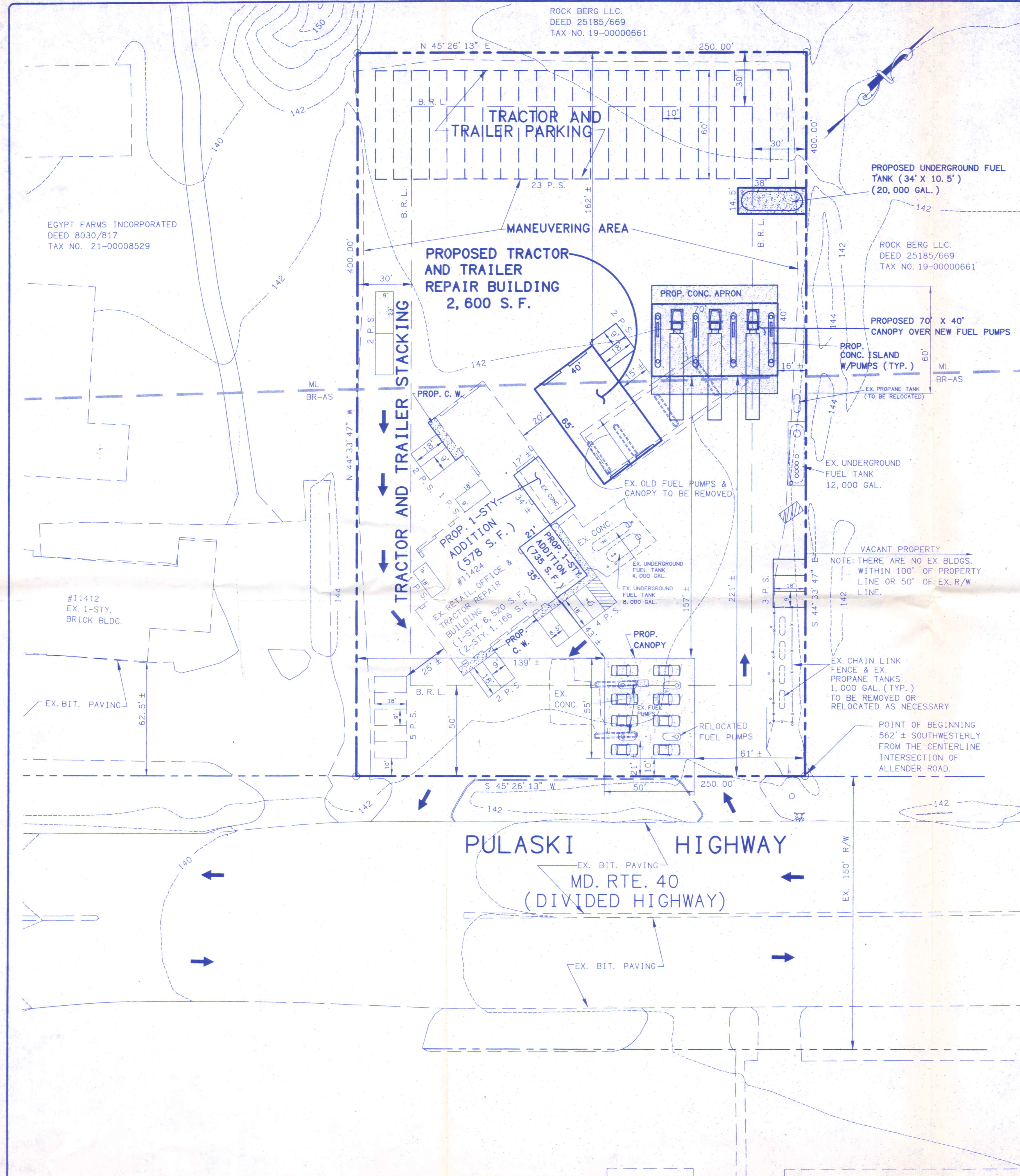
Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



ZONING MAP
FOR
11424 PULASKI HIGHWAY
MAP NO. 073A2
SCALE- 1" = 200'



NOTES

- 1. Topography shown hereon was taken from Baltimore County GIS Topography.
- 2. The Firm Insurance Rate Map, Panel 295 of 575 indicates this is situated within flood Zone X.
- 3. Property lines shown hereon were established by public information.
- 4. This site is not situated within the Chesapeake Bay Critical Areas. (Map 73)
- 5. There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- 6. There are no forest or developed woodlands on this site.
- 7. There are no Tidal & Non-Tidal Wetlands shown on this site.
- 8. There is no significant plant or animal habitat on this site.
- 9. There are no slopes greater than 15% on this site.
- 10. There are no known wells on this site.
- 11. There are underground fuel storage tanks on this site.
- 12. There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- 13. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- 14. Public Water and sewer serve this site.
- 15. This site has not been the subject of the CRG, DRC, or Waiver Processes.
- 16. Caution underground utilities may exist in Pulaski Highway & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- 17. Proposed building height 25'±.

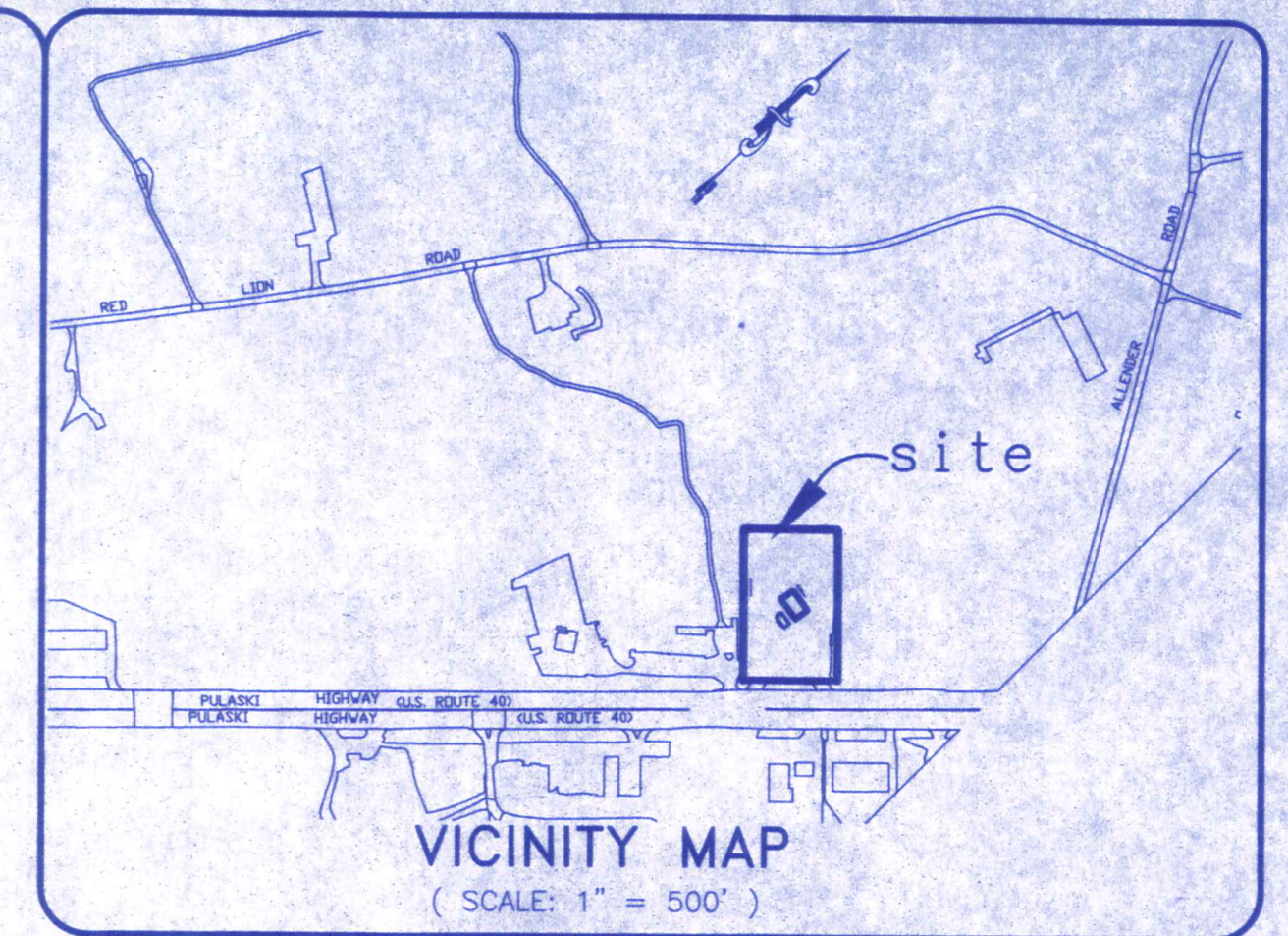
ZONING HISTORY
SEE SHEET 2 OF 2

ZONING SPECIAL HEARING REQUEST

- 1) TO AMEND THE SITE PLAN FILED IN CASE NOS. 5378, 72-36-X, 83-124-SPHA, 2010-0006-SPHA AND 2011-0287-SPHA BY REDUCING THE PROPOSED TRACTOR AND TRAILER REPAIR BUILDING TO 40' X 65'.
- 2) REMOVE PROPOSED BREEZEWAY FROM PROPOSED 1-STORY 578 S.F. ADDITION TO THE PROPOSED TRACTOR AND TRAILER REPAIR BUILDING.

ZONING VARIANCE REQUEST

- 1) TO ALLOW A BUILDING TO BUILDING SETBACK OF 15'± IN LIEU OF THE REQUIRED 60' PER SECTION 303.2 AND 102.2 (BCZR).



SITE DATA

- 1) OWNER: RONALD WARREN PARKER
#11450 PULASKI HIGHWAY
WHITE MARSH, MARYLAND 21162
- 2) DEED REF: 6290/185
- 3) TAX ACC. NO.: 11-05077104
- 4) TAX MAP: 73 PARCEL: 102 LOT: NONE
- 5) PLAT REF: NONE
- 6) ELECTION DISTRICT: 11TH
- 7) COUNCILMANIC DISTRICT: 5TH
- 8) REGIONAL PLANNING DISTRICT: 317B
- 9) CENSUS TRACT: 4113.02
- 10) ZONING: BR-AS & ML
- 11) ZONING MAP: 073A3
- 12) USE: EXISTING: RETAIL, TRUCK REPAIR, OFFICE
PROPOSED: 1-STY. TRACTOR AND TRAILER REPAIR AND THREE (4) CONC. ISLANDS W/FUEL PUMPS
- 13) SITE AREA: 100,000 S.F. OR 2.295 AC.
- 14) PARKING:
REQUIRED:
EX. OFFICE 3.3/1,000 S.F. X 1,626 S.F. = 6 P.S.
EX. RETAIL 5.0/1,000 S.F. X 1,569 S.F. = 8 P.S.
EX. TRACTOR REPAIR 1 PER 2 EMPLOYEES
6 EMPLOYEES = 3 P.S.
PROP. RETAIL 5/1000 S.F. X 735 S.F. = 4 P.S.
TOTAL CAR PARKING SPACES 21 P.S.
PROPOSED: 22 P.S.
TRACTOR AND TRAILER PARKING SPACES
PROPOSED (NO B.C.Z.R. STANDARDS APPLY)
EX. TRACTOR REPAIR 3 P.S. PER BAY X 4 BAYS = 12 P.S.
PROP. TRACTOR AND TRAILER REPAIR 3 P.S. PER BAY X 2 BAYS = 6 P.S.
TOTAL 18 P.S.
PROPOSED: 23 P.S.

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			
		SCALE: 1" = 30'			
1 SHEET 1 OF 2		JOB ORDER NO: 20901			
		DATE: 05/30/12			
		CHECKED: W.N.B.			
		DRAWN: N.W.B.			
NO.		REVISIONS		DATE	

PETITIONER'S
EXHIBIT NO. 1

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

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

1. The petitioner herein seeks to amend the site plans filed in Case Nos. 5378-X and 72-36-X to allow the construction of an addition to the existing building for offices and repair facilities for tractors and trailers, in accordance with the site plan prepared by Edward V. Coonan and Co., dated August 4, 1982, and marked Petitioner's Exhibit 3. The subject property is located on the northwest side of Pulaski Highway and contains 2.29 acres of land, more or less.

2. A review of Petitioner's Exhibit 3 indicates the entire property is zoned B.R. (Business, Roadside) with a C.S-1 (Commercial, Strip) District super-imposed thereon; however, the 1980 Comprehensive Zoning Map (NE 10-1) discloses that the rear 180 feet, more or less, of the tract is zoned M.L. (Manufacturing, Light). This M.L. parcel contains a portion of the area devoted to diesel fuel pumps, 13 macadam paved parking spaces, an area designated as filter field, and screening across the rear property line.

3. On October 18, 1961, a special exception for a gasoline service station was granted for the subject property (Case No. 5378-X). Subsequent thereto, on August 30, 1971, a special exception for a truck terminal was granted for the subject site and an additional parcel located on the east side of Pulaski Highway (Case No. 72-36-X).

4. County Council Bill No. 18-76 deleted the definition of a truck terminal from the Baltimore County Zoning Regulations and created definitions for the following:

- Trucking facility
- Trucking facility, Class I (Truck terminal)
- Trucking facility, Class II
- Truck stop

Truck stop is defined as:

"A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually, incidental service or repair of trucks or a group of facilities consisting of such a use and attendant eating, sleeping, on-truck parking facilities. As used in this definition, the term 'trucks' does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration."

5. John Turbeski, Buckeye Leasing Company, currently operates the trucking business from the subject site and has offices located opposite the site on the east side of Pulaski Highway. Mr. Turbeski proposes to construct an addition in order to expand and consolidate this operation.

6. No one appeared at the hearing in opposition to the petition.

7. The amendments would be in strict harmony with the spirit and intent of the zoning regulations and will not adversely affect the health, safety, and general welfare of the community.

CASE NO.: 2010-0066-SPHA ORDER

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:

- 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.
- 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).
- 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.

WILLIAM J. WIREMAN, III
Zoning Commissioner
for Baltimore County

WJW:dww

ZONING SPIRIT LETTER OF INTENT



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

CASE NO.: 2011-0287-SPHA ORDER

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:

- 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
- 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 required 30 feet, be and is hereby GRANTED.

The relief granted is subject to the following conditions:

- 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.
- 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

DRC #111009B

Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

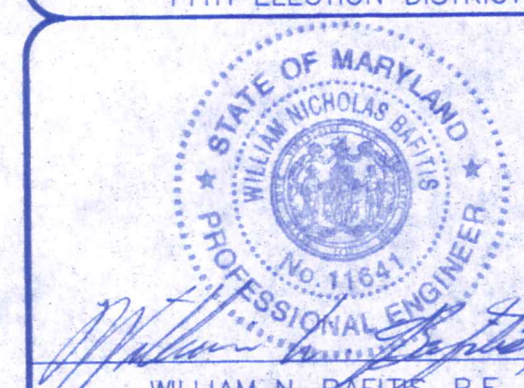
(410) 391-2336

PLAN TO ACCOMPANY ZONING HISTORY FOR

#11424 PULASKI HIGHWAY

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



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: 09/09/2013

2

SHEET 2 OF 2

SCALE:
NONE
JOB ORDER NO:
20901
DATE:
05/30/12
CHECKED:
W.N.B.
DRAWN:
N.W.B.

NO.	REVISIONS	DATE

ORDER RECEIVED FOR FILING

DATE August 19, 2012

BY Mary Compagno (Clk)

Administrative Assistant

Deputy Zoning Commissioner of Baltimore County