

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(9727 Pulaski Hwy.) *
15th Election District *
6th Council District *
Mo's White Marsh LLC, *Legal Owner* *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0056-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by John E. Raine, III, Esquire, on behalf of Mo's White Marsh LLC, the legal owner. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit 75 parking spaces in lieu of the minimum required 133 spaces; and (2) to approve an amendment to the site plan previously approved in Case No. 07-479-SPHA. The Variance petition seeks relief from B.C.Z.R., §409.6 to allow 75 parking spaces to be provided in lieu of the required 133 spaces. 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 4.

Appearing at the public hearing in support of the requests was Candus Mullins and Geoffrey C. Schultz, a professional land surveyor from Polaris Land Consultants. John E. Raine, III, Esquire appeared and represented the Petitioner. The file reveals that the Petition was advertised and the site was posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain letters of protest or opposition.

ORDER RECEIVED FOR FILING

Date

11/7/13

By

Sen

The only substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), which indicated that it did not oppose the petition, provided the Petitioner satisfies the B.C.Z.R. requirements for such relief.

The subject property is 0.981 +/- acres in size and is zoned ML-IM & ML-AS. The property is improved with a two story building that accommodates a carry out store, restaurant, and (on the second floor) an apartment. In Case No. 07-479-SPHA, former Zoning Commissioner Wiseman recounted the zoning history of this property dating back to 1975; as such, I will not repeat that here. For present purposes, it suffices to say that the Petitioner proposes to construct a 760 square foot (20' x 38') deck on the premises for outdoor dining when weather permits. This improvement generates the need for additional parking spaces, and the Petitioner has sought zoning relief given that it cannot comply with the requirements of B.C.Z.R. §409.

As did Commissioner Wiseman in the earlier case noted above, I believe that a modified parking plan is the more appropriate avenue for relief in this case. Mr. Schultz, who was accepted as an expert, opined that the Petitioner satisfied the requirements set forth in B.C.Z.R. §§ 409.12 & 502.1, and that the relief would not have a detrimental impact upon adjacent properties. He noted the site is surrounded by commercial and industrial uses, and indicated that the restaurant's employees are permitted (and instructed) to park at the contractor's storage yard next door which, pursuant to the agreement attached as Exhibit 5, provides twelve (12) parking spaces for this purpose. Ms. Mullins, from Mo's Restaurant, testified that parking has never been a problem, and she indicated the outdoor deck would in reality not increase the demand for parking, since it will be a seasonal amenity serving essentially the same customer base. She also indicated that neither patrons nor employees park in the adjacent automobile dealership, which was a concern raised in the DOP's ZAC comment.

ORDER RECEIVED FOR FILING

Date 11/7/13

By Sen

Since the petition for special hearing will be granted, I will dismiss without prejudice the petition for variance, which seeks the same relief.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing request should be granted.

THEREFORE, IT IS ORDERED this 7th day of November, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit 75 parking spaces in lieu of the minimum required 133 spaces; and (2) to approve an amendment to the site plan previously approved in Case No. 07-479-SPHA, as shown on Petitioner's Exhibit 4, be and is hereby GRANTED.

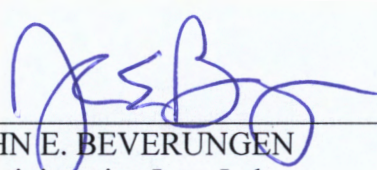
IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §409.6 to allow 75 parking spaces to be provided in lieu of the required 133 spaces, be and is hereby DISMISSED WITHOUT PREJUDICE.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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/sln



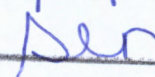
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

11/7/13

By





KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 7, 2013

John E. Raine, III, Esquire
606 Baltimore Avenue
Suite 401
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 9727 Pulaski Highway
Case No.: 2014-0056-SPHA

Dear Mr. Raine:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Geoffrey C. Schultz, Polaris Land Consultants, 10 Gerard Avenue, Suite 101,
Timonium, Maryland 21093
Candus Mullins, Mo's Seafood, 9727 Pulaski Highway, Baltimore, Maryland 21220



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 9727 PULASKI HIGHWAY which is presently zoned ML-1M/ML-AS
Deed References: 33773 / 169 10 Digit Tax Account # 1516600490
Property Owner(s) Printed Name(s) MO'S WHITE MARSH, LLC

(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 HEARING REQUEST

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 HEARING REQUEST

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

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:

N/A

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

JOHN E. RAINE III, ESQUIRE

Name- Type or Print

Signature

606 BALTIMORE AVE. SUITE 401 TOWSON, MD

Mailing Address

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners): MO'S WHITE MARSH, LLC

MO MANOCHEH, MEMBER,

Name #1 - Type or Print

Name #2 - Type or Print

X

Signature #1

Signature #2

7117 CHARLES SPRING WAY TOWSON MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

POLARIS LAND CONSULTANTS - GEOFFREY SCHULTZ

Name - Type or Print

X

Signature

10 GERARD AVE. SUITE 101 TIMONIUM MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0056-SPHA Filing Date 9/3, 2013

Do Not Schedule Dates:

Reviewer JNP

9727 PULASKI HIGHWAY ZONING REQUESTS

SPECIAL HEARING to approve, (1) a ~~revision to the~~ modified parking plan ~~previously approved in Zoning Case No. 07-479-SPHA~~ in-lieu-of the minimum requirements of the Baltimore County Zoning Regulations (BCZR) (to permit 75 parking spaces in-lieu-of the minimum required 133) and to approve, (2) an amendment to the site plan previously approved in Zoning Case No. 07-479-SPHA.

OR IN THE ALTERNATIVE

VARIANCE to Section 409.6(BCZR) to allow 75 parking spaces to be provided in-lieu-of required 133.

2014-0056-SPHA



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarislc.com

Zoning Description
9727 Pulaski Highway
6th Councilmanic District
15th Election District
Baltimore County, MD

Beginning at a point on the Southeast side of Pulaski Highway, said point being 1654 feet Northeast of the center of Middle River Road, thence running along Pulaski Highway N 49° 00' E 116.25 feet, thence running N 65° 43' E 73.01 feet, S 39° 33' E 196.54 feet, S 49° 00' W 181.20 feet and N 41° W 217.50 feet to the place of beginning.

Containing 39,268 square feet or 0.901 acres of land

Being known as 9727 Pulaski Highway as recorded in Deed Liber 33773 Folio 169.



2014-0056-SPHA

**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/neighbors 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: 2014-0056-SPHA
Petitioner: MOS WHITE MARSH, LLC
Address or Location: 9727 PULASKI HWY

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mo Manocheh
Address: 7117 CHARLES SPRING WAY
TOWSON, MD 21204
Telephone Number: 443-977-1409

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

No. **102584**

Date: **9/3/2013**

PAID RECEIPT

BUSINESS ACTUAL TIME INM
9/04/2013 9/03/2013 14:30:47 8
REG WSM WALKIN SHIL SAN
>RECEIPT N 580237 9/03/2013 0FLH
Dept 5 528 ZONING VERIFICATION
CR NO. 102584

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1000.00

Total: **1000.00**

Rec From: **MOS Polaski Highway Corp.**

For: **Special Wearing/Variant- 9727 Polaski Highway
2014-0056-SPHA (MO WHITE MARSH, LLC)**

Rept Tot \$1,000.00
\$1,000.00 CK \$0.00 CA
Baltimore County, Maryland

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry
Commercial and Residential
2944 Edgewood Avenue
Baltimore, MD 21234
Phone - 410-530-6293
E-mail - wdgjr@comcast.net

To: Zoning Office, Attn. Ms Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies Date Description

1	Oct. 16, 2013	Certificate Of Posting
2	Oct. 16, 2013	Site Photos

Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☒ For review & content

Project: Case No.: 2014-0056-SPHA

Remarks:

9727 Pulaski Highway

Signed

William D. Gulick, Jr.

Project Manager

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: Oct. 16, 2013

Attention: Ms. Kristen Lewis

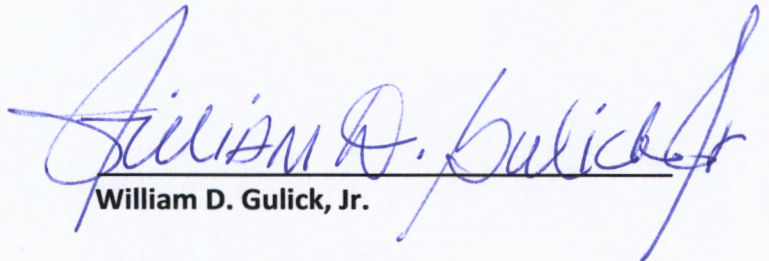
Re: Case Number: 2014-0056-SPHA

Petitioner/Developer: Mo's White Marsh, LLC

Date of Hearing/Closing: Nov. 5, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9727 Pulaski Highway

The sign(s) were posted on: Oct. 16, 2013

A handwritten signature in blue ink, reading "William D. Gulick, Jr.", is written over a horizontal line.

William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

CASE # 2014-0056-SPHA

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

JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

TUESDAY
DATE AND TIME: NOV. 5, 2013 AT 1:30 PM

REQUEST: SPECIAL HEARING/VARIANCE

Board of Zoning Appeals to approve modified parking plan in lieu of the minimum requirement of the Baltimore County Zoning Regulations to permit 70 parking spaces in lieu of the minimum required 125 and to approve an amendment to the site plan previously approved at Zoning Code 07-476-0014A. Notwithstanding to allow 70 parking spaces to be provided in lieu of the required 125.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

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

SIGNAGE

EDGE OF ROAD
PULASKI HIGHWAY



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

October 17, 2013

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 October 15, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: # 2014-0056-SPHA

9727 Pulaski Highway

SE/s Pulaski Highway, 1654 ft. NE of Middle River Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Mo's White Marsh, LLC

Special Hearing: to approve modified parking plan in lieu of the minimum requirement of the Baltimore County Zoning Regulations to permit 75 parking spaces in lieu of the minimum required 133 and to approve an amendment to the site plan previously approved in Zoning Case 07-479-SPHA **Variance:** to allow 75 parking spaces to be provided in lieu of the required 133.

Hearing: Tuesday, November 5, 2013 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) 887-3391.

JT 10/739 Oct. 15

952858



KEVIN KAMENETZ
County Executive

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

September 25, 2013

NOTICE OF ZONING HEARING

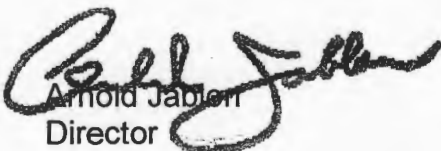
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CASE NUMBER: 2014-0056-SPHA

9727 Pulaski Highway
SE/s Pulaski Highway, 1654 ft. NE of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: Mo's White Marsh, LLC

Special Hearing to approve modified parking plan in lieu of the minimum requirement of the Baltimore County Zoning Regulations to permit 75 parking spaces in lieu of the minimum required 133 and to approve an amendment to the site plan previously approved in Zoning Case 07-479-SPHA. Variance to allow 75 parking spaces to be provided in lieu of the required 133.

Hearing: Tuesday, November 5, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: John Raine, III, 606 Baltimore Ave., Ste. 401, Towson 21204
Mo Manoché, 7117 Charles Spring Way, Towson 21204
Polaris Land Consultants, Geoffrey Schultz, 10 Gerard Ave., Ste. 101, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., OCTOBER 16, 2013.**
- (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, October 15, 2013 Issue - Jeffersonian

Please forward billing to:

Mo Manocheh
7117 Charles Spring Way
Towson, MD 21204

443-977-1409

NOTICE OF ZONING HEARING

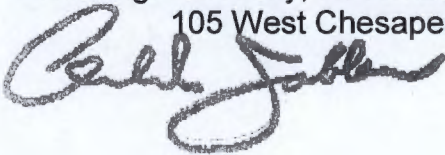
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CASE NUMBER: 2014-0056-SPHA

9727 Pulaski Highway
SE/s Pulaski Highway, 1654 ft. NE of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: Mo's White Marsh, LLC

Special Hearing to approve modified parking plan in lieu of the minimum requirement of the Baltimore County Zoning Regulations to permit 75 parking spaces in lieu of the minimum required 133 and to approve an amendment to the site plan previously approved in Zoning Case 07-479-SPHA. Variance to allow 75 parking spaces to be provided in lieu of the required 133.

Hearing: Tuesday, November 5, 2013 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.

M E M O R A N D U M

DATE: December 12, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0056-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on December 9, 2013. 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

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
9727 Pulaski Highway; SE/S of Pulaski
Highway, 1654' NE of Middle River Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Mo's White Marsh LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-056-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

SEP 11 2013

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 2013, a copy of the foregoing Entry of Appearance was mailed to Polaris Land Consultants, Geoffrey Schultz, 10 Gerald Avenue, Suite 101, Timonium, MD 21093 and John Raine, Esquire, 606 Baltimore Avenue, Suite 401, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9/13/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>9/30/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>9/12/13</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10/15/13</u>	
SIGN POSTING	Date: <u>10/16/13</u> by <u>Shulick</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

October 30, 2013

Mo's White Marsh LLC
Mo Manochch, member
7117 Charles Spring Way
Towson MD 21204

RE: Case Number: 2014-0056 SPHA, Address: 9727 Pulaski Highway

Dear Mr. Manochch:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 3, 2013. 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
John E Raine III, Esquire, 606 Baltimore Avenue, Suite 401, Towson MD 21204
Polaris Land Consultants, Geoffrey Schultz, 10 Gerard Avenue, Suite 101, Timonium MD 21093

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 9-12-13

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

RE: Baltimore County

Item No. 2014-0056-SPHA
Special Hearing Variance
Mo's White Marsh LLC.
Mo Marocheh, Member
9727 Pulaski Highway
US 40

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 9-9-12. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2014-0056-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.

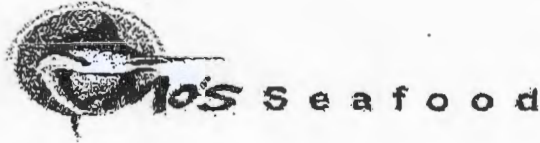
Sincerely,

Steven D. Foster, Chief/
Development Manager
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
Zoning Department
Baltimore County, Maryland

October 25, 2013

Dear Zoning Department,

The following letter is to certify that Superior Shrimp located adjacent to Mo's Seafood Restaurant of 9727 Pulaski Highway; has agreed to allow Mo's Seafood Restaurant to use 12 number of spaces to accommodate the existing parking deficit. These additional parking spaces are to be utilized by Mo's Seafood employees and customers as needed. It is our understanding that this agreement should assist the County in granting approval for the proposed outdoor dining area.
Thank you for your consideration in this matter.

Sincerely,

Mo's Seafood
9727 Pulaski Highway
Baltimore, Maryland 21220

ORDER RECEIVED FOR FILING

Date 11/7/13

By Den

10/1/13
JD WCH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



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

DATE: September 30, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9727 Pulaski Highway

INFORMATION:

Item Number: 14-056
Petitioner: Mo's White Marsh, LLC
Zoning: ML-IM, ML-AS
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special hearing to approve a modified parking plan and to amend a previously approved site plan or in the alternative to approve a parking variance of 75 spaces in-lieu of 133 requested. The petitioner proposes the addition of 760 square feet to the dining area of the restaurant. As a result of the addition more parking is required.

From information received by the Department of Planning, there is supposed to be a parking agreement in place with the adjacent car dealership. The Department of Planning is concerned about such agreement as many car dealerships use the majority of their allotted spaces for the display and storage of vehicles and the constant movement of the vehicles belonging to patrons of the petitioners establishment may cause unnecessary damage to the cars being stored or displayed.

Nonetheless, the petitioner must demonstrate to the Administrative Law Judge adequate justification for the modified parking plan or for the granting of a parking reduction. If such justification is provided, the Department of Planning does not oppose.

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

Prepared By: _____

Division Chief:
AVA/LL:cjm

A handwritten signature in black ink, appearing to read "Andrea Van Arsdale", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: September 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For September 16, 2013
Item No. 2014-0047, 0048, 0049, 0050, 0051, 0052, 0054, 0055, 0056,
0057, 0058 and 0059

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

DAK:CEN
Cc: file

Real Property Data Search (w3)

[Search Help](#)

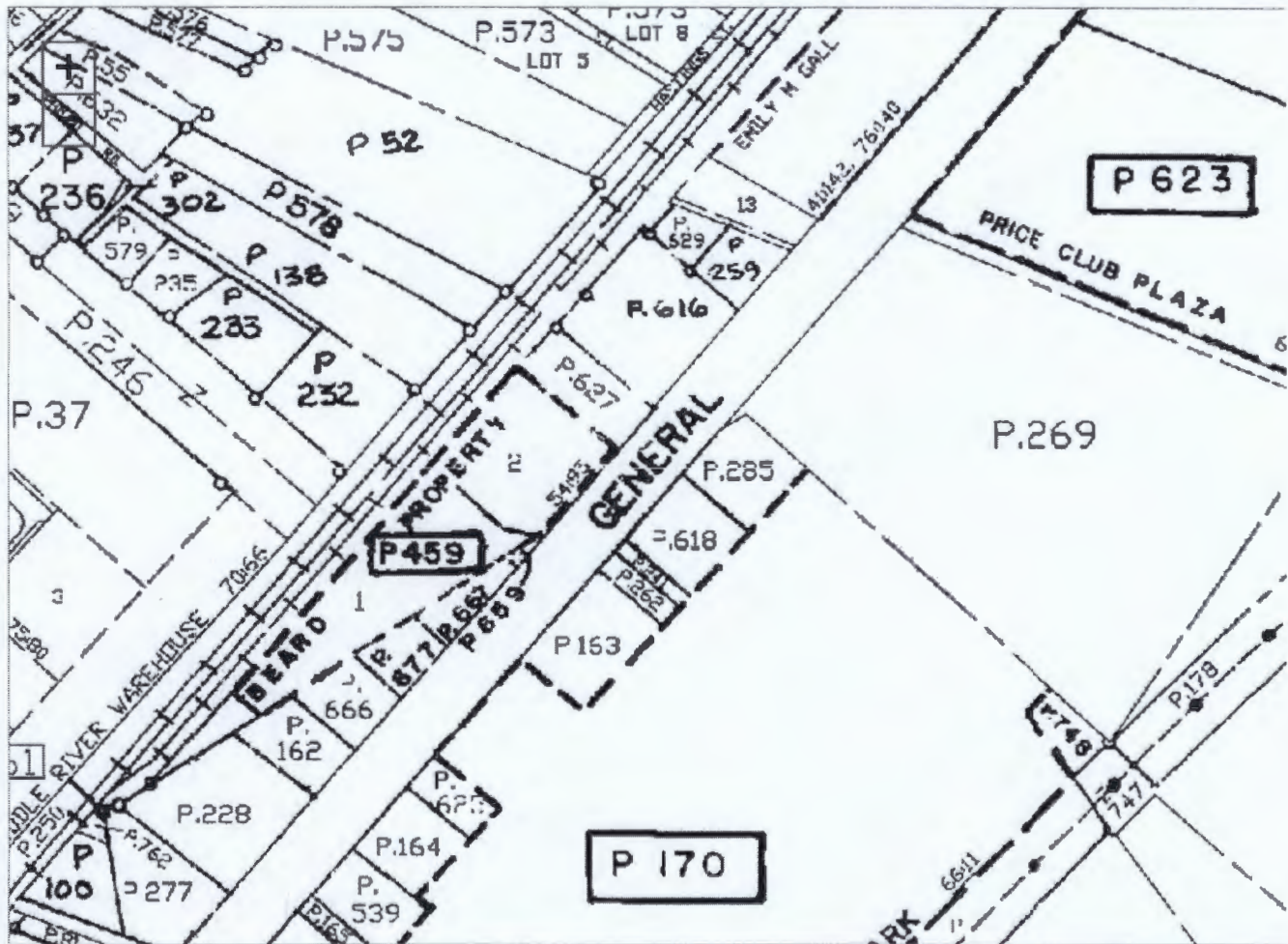
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 15 Account Number - 1516600490	
Owner Information		
Owner Name:	MOS WHITEMARSH LLC	Use: COMMERCIAL
Mailing Address:	7117 CHARLES SPRING WAY TOWSON MD 21204-	Principal Residence: NO Deed Reference: 1) /33773/ 00169 2)
Location & Structure Information		
Premises Address:	9727 PULASKI HWY 0-0000	Legal Description: .91 AC 9727 PULASKI HWY 1639 NE MIDDLE RIVER RD
Map: 0082	Grid: 0016	Parcel: 0285
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Town:	Plat No: NONE	
Ad Valorem:	Tax Class:	
Primary Structure Built 1940	Above Grade Enclosed Area 9044	Finished Basement Area
Property Land Area 39,639 SF	County Use 23	
Stories	Basement	Type RESTAURANT
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of 01/01/2012
Land:	421,700	421,700
Improvements	698,300	490,100
Total:	1,120,000	911,800
Preferential Land:	0	0
Transfer Information		
Seller: SAPPERSTEIN GILBERT	Date: 06/12/2013	Price: \$870,000
Type: ARMS LENGTH IMPROVED	Deed1: /33773/ 00169	Deed2:
Seller: SAPPERSTEIN GILBERT	Date: 09/22/2008	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /27339/ 00237	Deed2:
Seller: GOLPIRA ATAOLLAH	Date: 11/19/1996	Price: \$250,000
Type: ARMS LENGTH IMPROVED	Deed1: /11903/ 00275	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013 07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **1516600490**

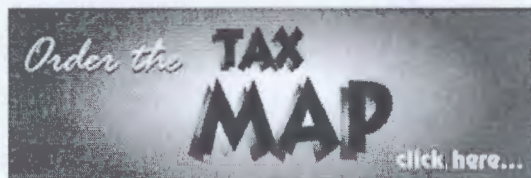


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

✕ Loading... Please

Loading... Please Wait.

CASE NAME _____
CASE NUMBER 2014-0056 SPHA
DATE 11-5-2013

[illegible]

Case No.: 2014-0056 SPHA

Exhibit Sheet

Petitioner/Developer

192
12-12-13

Protestants

slu
11-7-13

No. 1	Aerial photo - site	
No. 2	Photo Ex w/ 5 photos	
No. 3	Order in # 07-479 SPHA	
No. 4	Site plan	
No. 5	Letter re: parking @ Superior Structures	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



[Find Tile Map](#)

Created By
Baltimore County
My Neighborhood

AERIAL PHOTO

9727 PULASKI HWY

PET #1

may be
land does not

from or in connection with the use of or reliance upon this data.

PHOTO EXHIBIT

9727 PULASKI

PHOTO 1

Front of building showing roadway sign, Pulaski Highway, and driveway entrance.

PHOTO 2

Left side of building, proposed is to be located approximately where black SUV is situated. Entrance to retail seafood market is at far left side of photo.

PHOTO 3

Existing parking lot on left side of building looking toward rear of property.

PHOTO 4

Rear parking lot with adjacent commercial uses shown.

PHOTO 5

Right side of building looking toward the rear of property.

PET EX-Z



PHOTO 1



PHOTO 2

PHOTO 3

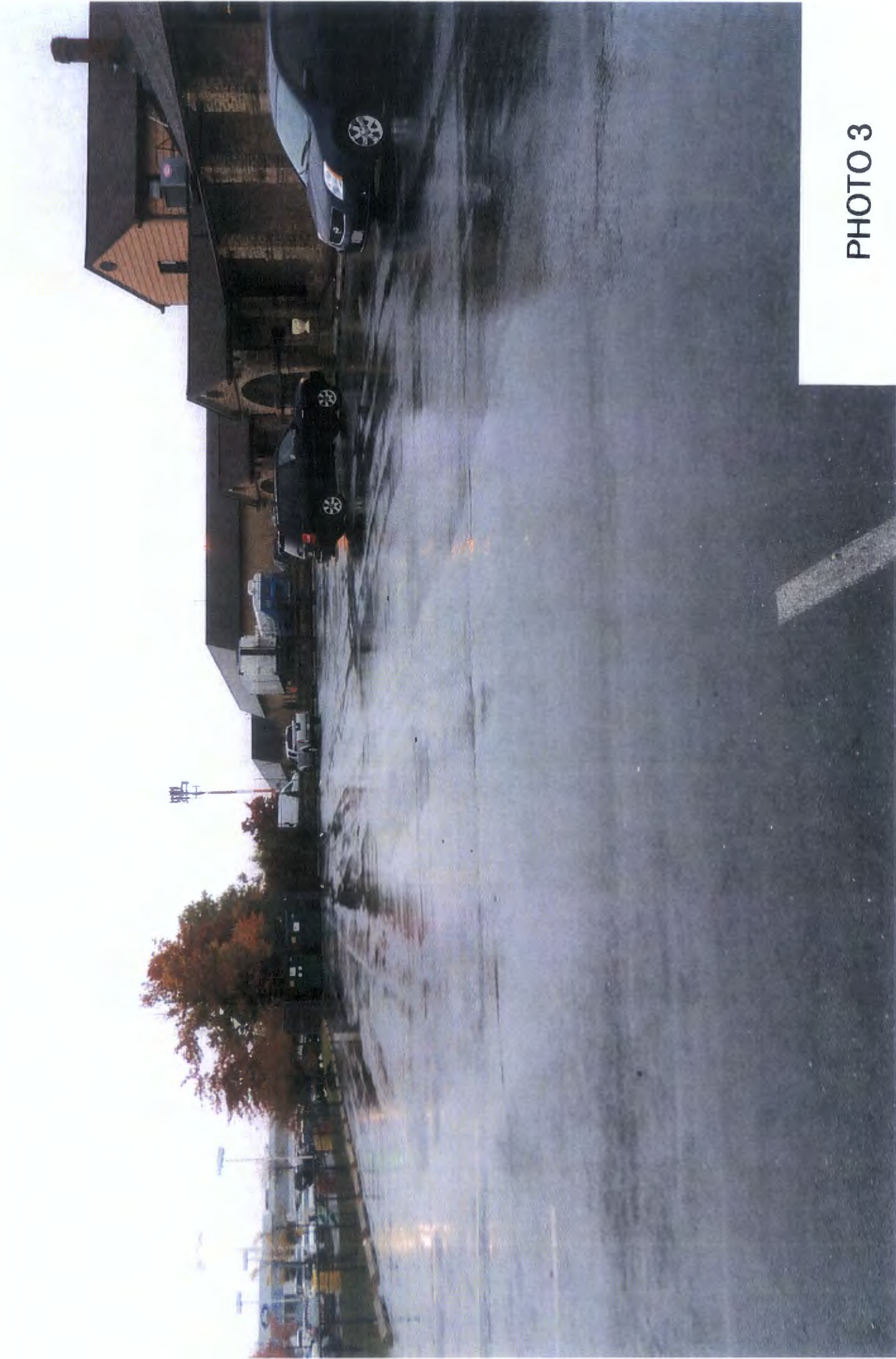




PHOTO 4



PHOTO 5

PREVIOUS

ZONING HEARING

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

SE/S Pulaski Highway, 1,640' NE/S from *
C/line of Middle River Road
(9727 Pulaski Highway) *

15th Election District *
6th Council District *

Gilbert Sapperstein & Russell Schaffer, *
Legal Owners *
Blue Lagoon, Inc., *Lessee* *
Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-479-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Gilbert Sapperstein and Russell Schaeffer, and the contract lessee, Blue Lagoon, Inc. The Special Hearing relief was filed in the alternative (from a parking variance) requesting approval of a modified parking plan and modified parking requirements for the existing parking spaces and areas in accordance with the detail shown on the site plan in lieu of the minimum requirements of the Baltimore County Zoning Regulations (B.C.Z.R.); for an amendment to the site plan approved in Case No. 96-385-SPHA, and for such further relief and approvals as the nature of this case may require. The Variance relief filed in the event that the Special Hearing relief is not approved, requests [1] the approval of a total of 71 parking spaces in lieu of the 95 spaces required pursuant to B.C.Z.R. Section 409.6A and [2] to approve such additional variance relief as the nature of this case may require, within the spirit and intent of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted and marked into evidence as Petitioners' Exhibit 1.

ORDER RECEIVED FOR FILING
Date 8-1-07
By [Signature]

PET. EX. 3



Baltimore County
Zoning Department
Baltimore County, Maryland

October 25, 2013

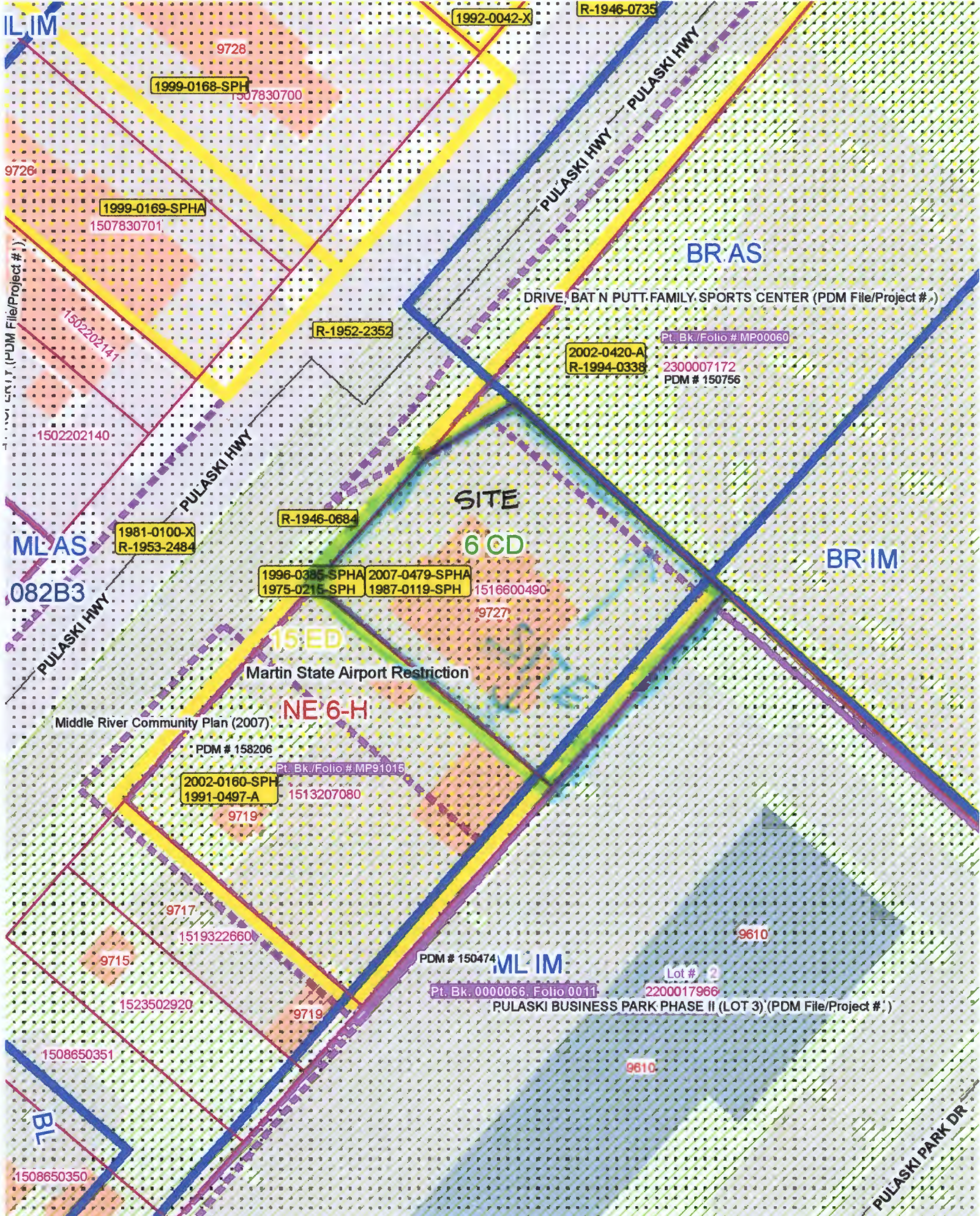
Dear Zoning Department,

The following letter is to certify that Superior Shrimp located adjacent to Mo's Seafood Restaurant of 9727 Pulaski Highway; has agreed to allow Mo's Seafood Restaurant to use 12 number of spaces to accommodate the existing parking deficit. These additional parking spaces are to be utilized by Mo's Seafood employees and customers as needed. It is our understanding that this agreement should assist the County in granting approval for the proposed outdoor dining area. Thank you for your consideration in this matter.

Sincerely,

Mo's Seafood
9727 Pulaski Highway
Baltimore, Maryland 21220

#5



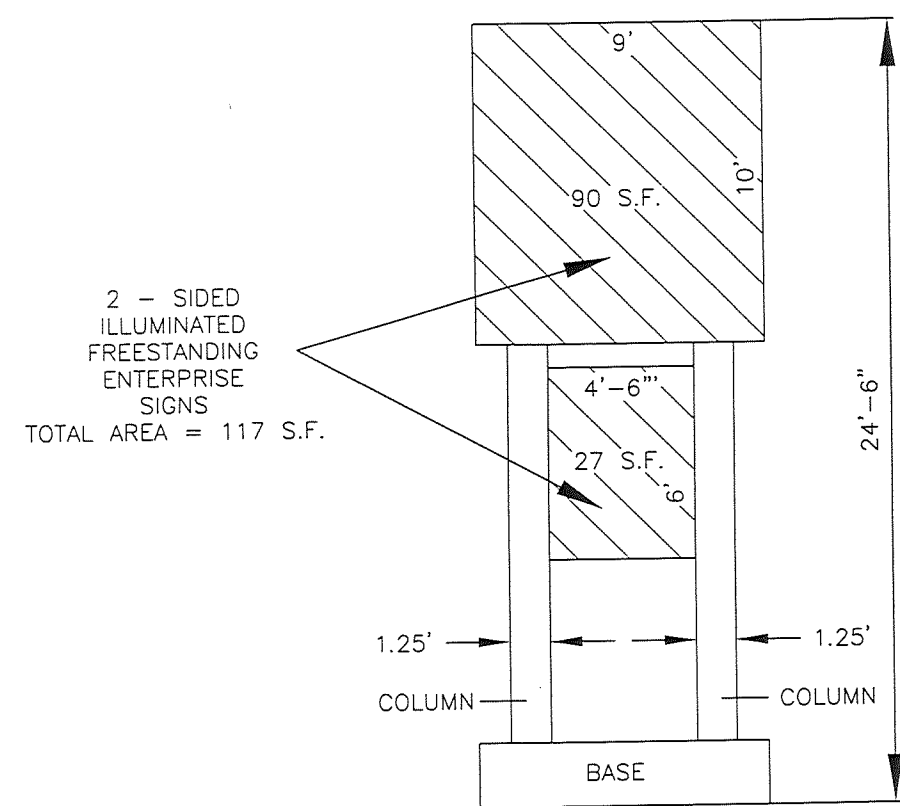
9727 PULASKI HWY

GENERAL NOTES

1. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
2. THIS SITE DOES NOT LIE IN A 100 YEAR FLOOD PLAIN.
3. THIS SITE DOES NOT LIE IN AN AREA OF BASIC SERVICE MAP DEFICIENCY.
4. THIS SITE IS NOT HISTORIC.
5. THERE ARE 4 PREVIOUS ZONING HEARINGS FOR THIS SITE. (SEE CHART)
6. THIS SITE DOES NOT LIE IN THE CBCA.
7. ALL SIGNS SHALL COMPLY WITH SECTION 450 (BCZR).
8. THERE ARE NO STREAMS, WETLANDS, BODIES OF WATER, OR SPRINGS ON OR WITHIN 100 FEET OF THE PROPERTY.
9. ZONING MAP NO. & GIS TILE: 082B3
10. ELECTION DISTRICT: 15
11. COUNCILMANIC DISTRICT: 6
12. TRANSPORTATION ANALYSIS ZONE: 842
13. REGIONAL PLANNING DISTRICT- WINDLASS
14. REGIONAL PLANNING DISTRICT CODE: 322
15. LAND MANAGEMENT AREA: MIDDLE RIVER REDEVELOPMENT AREA
16. CENSUS BLOCK: 240054517012020
17. CENSUS GROUP BLOCK: 240054517012
18. CENSUS TRACT: 451701
19. WATERSHED NAME: BIRD RIVER
20. URDL LAND TYPE: 0
21. ZIP CODE: 21220
22. ZIP COMMUNITY NAME: MIDDLE RIVER

PREVIOUS ZONING HEARINGS

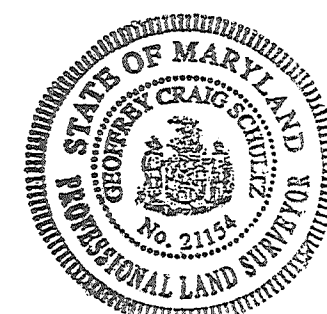
1. CASE NO. 75-215-SPH
DATE OF ORDER: MAY 14, 1975
ORDER: REQUEST GRANTED TO APPROVE THE NONCONFORMING USE OF THE SUBJECT PROPERTY AS A TURKEY SHOOT (SHOOTING RANGE).
2. CASE NO. 87-119-SPH
DATE OF ORDER: SEPTEMBER 14, 1986
ORDER: REQUEST GRANTED TO APPROVE A NONCONFORMING TAVERN AND PARKING LOT LOCATED IN A ML-CS-1 ZONE
3. CASE NO. 96-385-SPHA
DATE OF ORDER: MAY 13, 1996
ORDER: PETITION FOR SPECIAL HEARING GRANTED FROM SECTION 409.6(BCZR) TO PERMIT A REDUCTION IN THE NUMBER OF PARKING SPACES FROM THE REQUIRED 88 TO THE 23 SPACES PROVIDED, AND FROM SECTION 104.3 OF THE BCZR TO PERMIT AN INCREASE IN THE TOTAL FLOOR AREA FOR A NONCONFORMING USE OF 149% IN LIEU OF THE MAXIMUM PERMITTED 25% FOR PROPOSED ADDITIONS. FURTHER ORDERED THAT THE PREVIOUSLY APPROVED NONCONFORMING USE AS A TAVERN, RESTAURANT, AND APARTMENT IN PRIOR CASE NO. 87-119-SPH IS HEREBY EXTENDED AND REVALIDATED.
4. CASE NO. 07-479-SPHA
DATE OF ORDER: AUGUST 1, 2007
ORDER: PETITION FOR PARKING VARIANCE RELIEF DISMISSED AS BEING MOOT AND THE PETITION FOR SPECIAL HEARING TO APPROVE A MODIFIED PARKING PLAN AND MODIFIED PARKING REQUIREMENTS FOR THE EXISTING PARKING SPACE IN LIEU OF THE MINIMUM REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS (71 IN LIEU OF THE REQUIRED 95), AND APPROVAL GRANTED OF AN AMENDMENT TO THE SITE PLAN PREVIOUSLY APPROVED IN CASE NO. 96-385-SPHA.



SIGN DETAIL
1' = 6"

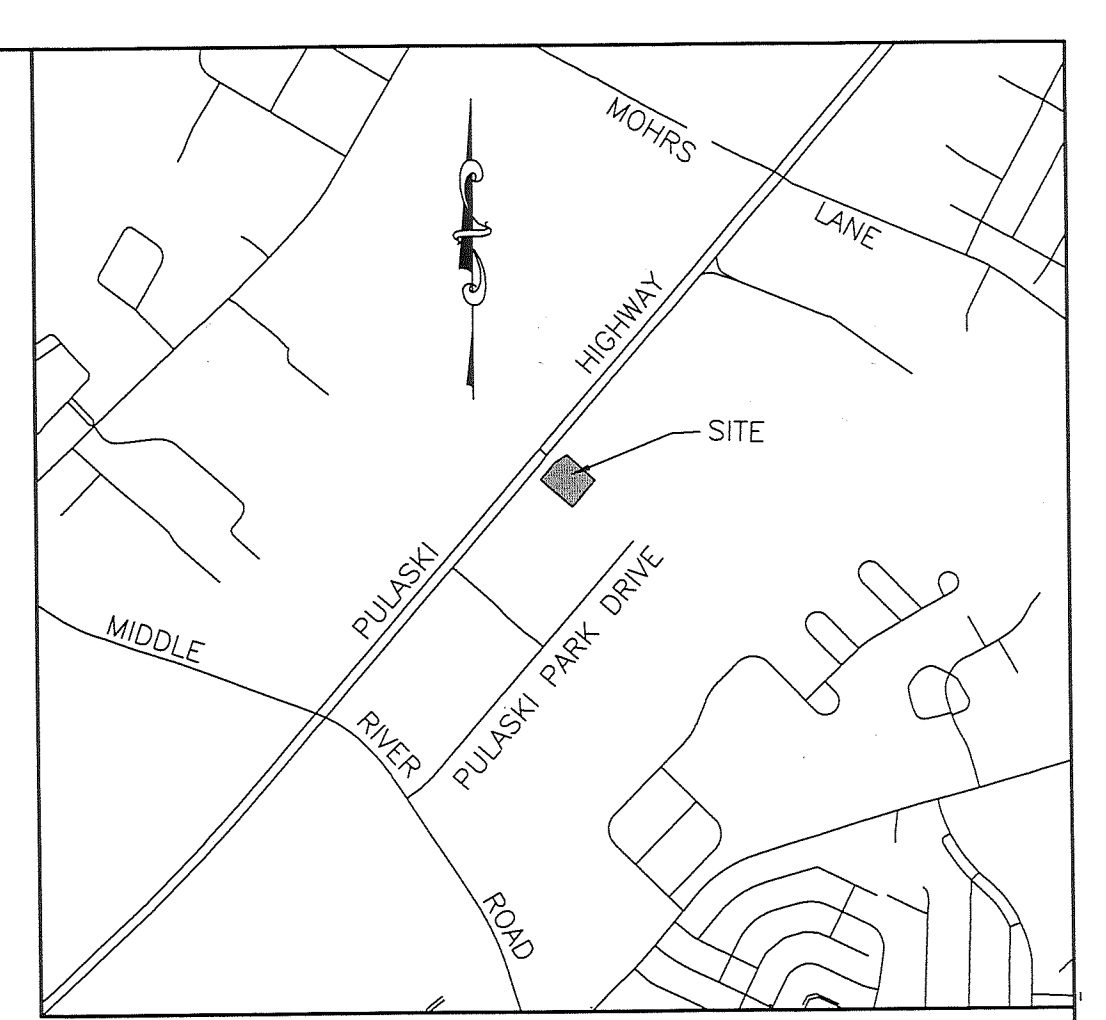
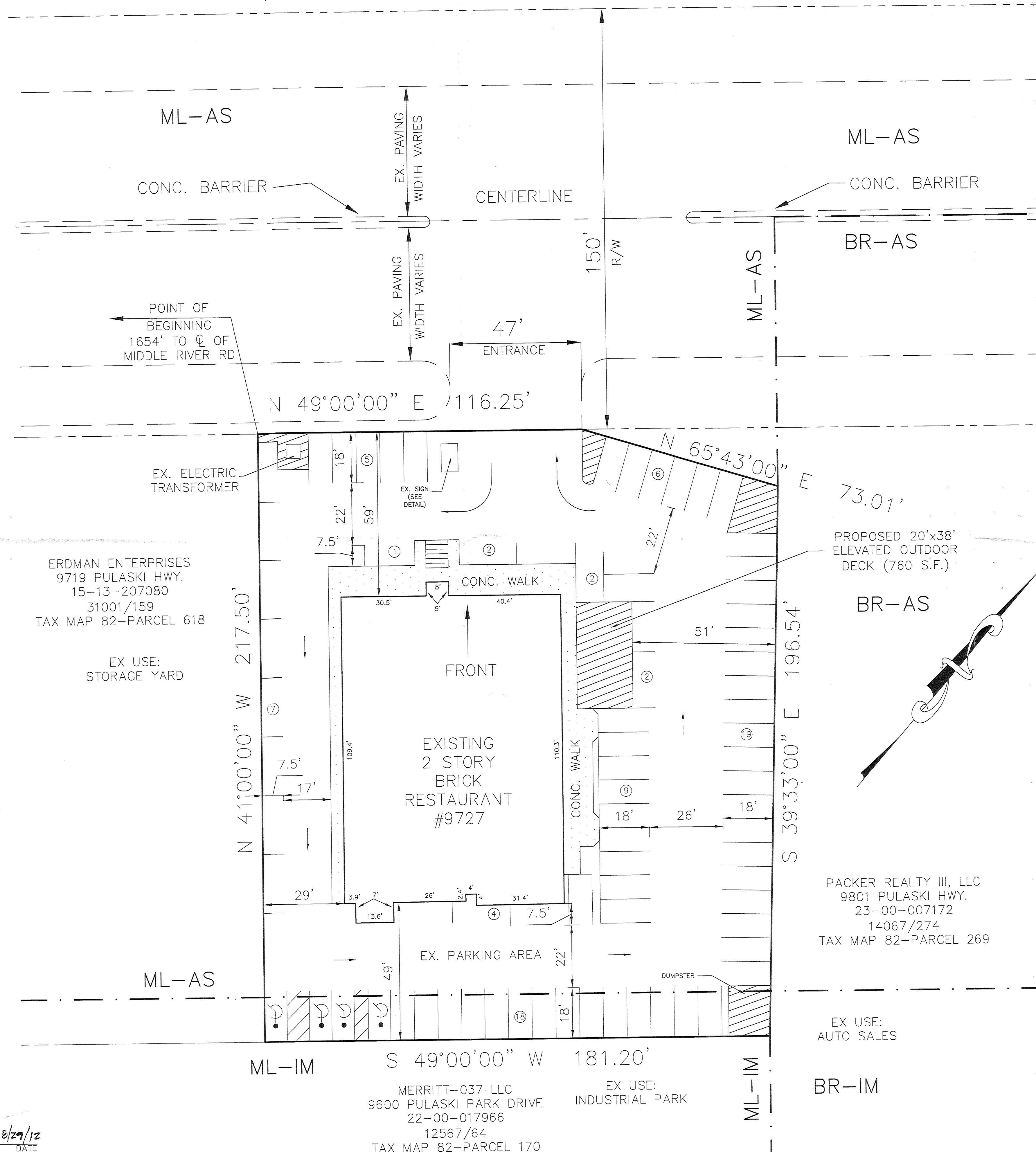
Polaris
LAND CONSULTANTS

10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
WWW.POLARISLC.COM



GEOFFREY C. SCHULZ
MARYLAND No. 21154
LICENSE EXPIRATION: 1/2015
DATE: 8/29/12

PULASKI HIGHWAY (MD STATE ROUTE NO. 40)



VICINITY MAP

SCALE: 1" = 1,000'

LEGEND

SITE TABULATION

1. EXISTING ZONING OF SITE ML-AS & ML-IM
2. GROSS AREA OF SITE:
ML-AS 39,857 S.F. = 0.914 AC
ML-IM 2,899 S.F. = 0.067 AC
TOTAL 42,756 S.F. = 0.981 AC
3. NET AREA OF SITE
ML-AS 36,369 S.F. = 0.834 AC
ML-IM 2,899 S.F. = 0.067 AC
TOTAL 39,268 S.F. = 0.901 AC
4. MOST RECENT USE OF BUILDING: RESTAURANT
5. PROPOSED USE OF BUILDING: RESTAURANT
6. EXISTING FLOOR AREAS
1ST FLOOR 8,751 S.F.
2ND FLOOR 570 S.F.
TOTAL 9,321 S.F.
7. PROPOSED ADDITIONAL FLOOR AREA (DECK) 760 S.F.
8. TOTAL FLOOR AREA W/ DECK 10,081 S.F.
9. MAX FLOOR AREA RATIO PERMITTED: 2.0
10. FLOOR AREA RATIO PROPOSED: 10,081/42,756 = 0.24
11. PROPOSED FLOOR AREA USES
1ST FLOOR
RESTAURANT 7,511 S.F.
RETAIL 2,000 S.F.
2ND FLOOR
APARTMENT 570 S.F.
TOTAL 10,081 S.F.
12. PARKING REQUIRED:
RESTAURANT (7,511 S.F. / 1,000 X 16) = 121 SPACES
RETAIL (2,000 S.F. / 1,000 X 5) = 10 SPACES
APARTMENT 1 UNIT = 2 SPACES
133 SPACES
13. PARKING PROVIDED: 75 SPACES

OWNER

MOS WHITE MARSH LLC
7117 CHARLESSPRING WAY
TOWSON, MD 21204
TAX MAP 82 - GRID 16 - PARCEL 285
ACCOUNT NO. 15-16-600490
DEED REFERENCE: 33773/169

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING AND ZONING
VARIANCE REQUEST

9727 PULASKI HIGHWAY

15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'

DATE: AUGUST 16, 2013

SHEET 1 OF 1

DRAWN BY: CRC CHECKED BY: GCS JOB No.: 13-033

2014-0056-SPHA-4