

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION
(10825 Beaver Dam Road) *
8th Election District *
3rd Council District *
10825 Beaver Dam Road, LLC, *
Legal Owner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0163-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed by Dino C. LaFiandra, Esquire, with Whiteford, Taylor & Preston, on behalf of 10825 Beaver Dam Road, LLC, legal owner. The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an amendment to the previously approved site plan in Case No. 89-306-SPHX. In addition, a Petition for Special Exception was filed pursuant to B.C.Z.R. §405.2.B.1 to use the herein property for additional fuel service in an existing fuel service station, and pursuant to §405.4.E.1 for a convenience store larger than 1,500 square feet inclusive of accessory storage.

Appearing at the public hearing in support of the requests was Briana Darnell and Wayne Newton, a professional engineer whose firm prepared the site plan. Timothy Kotroco, Esquire, with Whiteford, Taylor & Preston, represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Substantive comments were received from the Department of Planning

ORDER RECEIVED FOR FILING

Date 4/17/14
By den

(DOP) dated March 10, 2014, and the Bureau of Development Plans Review (DPR) dated February 10, 2014. The DPR requested that a landscape plan be submitted for approval by the County and the DOP opined the proposed use was appropriate and would not be injurious to the community.

Testimony and evidence offered at the hearing revealed that the subject property (comprised of two parcels) totals 113,283 square feet and is zoned ML-IM. The site is improved with a fuel service station and High's convenience store, which was approved by special exception in 1989. (Case No. 89-306-SPHX). The Petitioner proposes to expand the fuel service operation and convenience store, and was instructed by the County to file the above Petitions.

Special Hearing

The Petition for Special Hearing seeks to amend the site plan approved in Case No. 89-306-SPHX. This is in the nature of a "housekeeping" matter, and the primary issue in the case concerns the petition for special exception, discussed below.

Special Exception Standards

Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, People's Counsel v. Loyola College, 406 Md. 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. The reality is that the special exception use has been conducted at this site for over twenty years, and there is nothing to indicate that the welfare of the community has been compromised. The BCZR contains a specific provision relating to fuel service stations lawfully in operation prior to 1993, BCZR § 405.6. That regulation contemplates that both special hearing and special exception relief is necessary in a case like this, where the operation is expanding and will include an ancillary "use in combination," (i.e., the convenience store).

ORDER RECEIVED FOR FILING

Date 4/17/14

By slw

Here, no testimony or evidence was presented showing that an abandoned fuel service station exists within a one-half or one mile radius of this station. In addition, both the DOP and Petitioner's engineer opined the proposal satisfied all B.C.Z.R. requirements. Mr. Newton also testified (via proffer) that the use would serve the industrial area surrounding the station, which is shown on the site plan as "Metropolitan Industrial Park." Ex. 1. As such, I believe the Petitioner has satisfied the requirements for relief, and the Petition for Special Exception will be granted.

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 and Special Exception requests should be granted.

THEREFORE, IT IS ORDERED this 17th day of April 2014, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment (as shown on the two-sheet site plan marked as Exhibit #1) to the previously approved site plan in Case No. 89-306-SPHX, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to B.C.Z.R. §405.2.B.1 to use the herein property for additional fuel service in an existing fuel service station, and pursuant to §405.4.E.1 for an ancillary "use in combination" (i.e., convenience store larger than 1,500 square feet inclusive of accessory storage), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Special Exception relief granted herein shall supersede and replace the Petition for Special Exception granted in Case No. 89-306-SPHX.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and/or licenses and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that

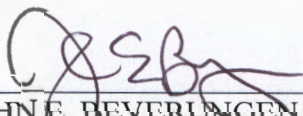
ORDER RECEIVED FOR FILING
Date 4/17/14
By slr

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.

2. Petitioner must submit for approval by Baltimore County's landscape architect the landscape plan which was submitted as sheet #2 of the site plan.
3. All proposed improvements and construction must comply with the Hunt Valley/Timonium Design Guidelines, as determined in the discretion of the DOP.

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/sln

ORDER RECEIVED FOR FILING

Date 4/17/14

By slh

KEVIN KAMENETZ
County Executive



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

April 17, 2014

Timothy M. Kotroco, Esq.
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Property: 10825 Beaver Dam Road
Case No.: 2014-0163-SPHX

Dear Mr. Kotroco:

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 typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
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 10825 Beaver Dam Road (2 Parcels) which is presently zoned ML-IM
Deed References: 27589/00032 10 Digit Tax Account # 0 8 1 4 0 6 5 1 2 5
Property Owner(s) Printed Name(s) 10825 Beaver Dam Rd LLC 1 6 0 0 0 0 9 3 7 3

(SELECT THE HEARING(S) BY MARKING X 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
An amendment to the previously approved site plan in zoning case 89-306-SPHX

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for Pursuant to BCZR Section 405.2.B.1 for additional fuel service in an existing fuel service station. Pursuant to BCZR 405.4.E.1 for a convenience store larger than 1500 square feet inclusive of accessory storage.

3. a **Variance** from Section(s)

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:

Name - Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner.

Dino C. LaFiandra, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204

/410-832-2000/

dlafiandra@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0163-SPHX

Filing Date 1 / 29 / 14

Legal Owners (Petitioners):

10825 Beaver Dam Road LLC /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Briana Darnell, V.P., Real Estate

2700 Loch Raven Rd., Baltimore, MD

Mailing Address

City

State

21208

/410-261-5342

/

Zip Code

Telephone #

Email Address

Representative to be contacted:

Dino C. LaFiandra, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204

/ 410-832-2000 /

dlafiandra@wtplaw.com

Zip Code

Telephone #

Email Address

Do Not Schedule Dates: _____

Reviewer BD

January 28, 2014

EXHIBIT A

**DESCRIPTION OF 2.661 ACRES OF LAND MORE OR LESS
10825 BEAVER DAM ROAD
10825 BEAVER DAM ROAD LLC
TAX MAP 42 PARCELS 19 AND 450
BALTIMORE COUNTY, MARYLAND**

Tax Account Numbers 08-0814065125 & 08-1600009373

BEGINNING for the same at a point on the northeastern side of the right of way of Beaver Dam Road (70' right of way), said point being furtherly located from the intersection formed by the centerline of said Beaver Dam Road and the intersection of McCormick Road (70' right of way), South $81^{\circ}22'50''$ East, 48.5 feet more or less, thence leaving the aforesaid point of beginning and running with the property now or formerly in the name of Dan Mar Enterprises as recorded among the Land Records of Baltimore County, in Liber 770 folio 181,

1. North $23^{\circ}19'33''$ East, 59.18 feet to a point, thence running with the aforesaid property and the property now or formerly in the name of Michael E. Boulay as recorded among the aforesaid Land Records in Liber 8736 folio 376,
2. North $43^{\circ}50'33''$ East, 297.12 feet to a point, thence running with the property now or formerly in the name of Atlantic Concrete Products Inc. and recorded among the aforesaid Land Records,
3. South $45^{\circ}58'35''$ East, 270.86 feet to a point, thence running with the aforesaid property and the property now or formerly in the name of Atlantic Precast Concrete Corp. as recorded among the aforesaid Land Records in Liber 8045 folio 841,
4. South $30^{\circ}09'33''$ West, 374.82 feet to a point of intersect with the aforesaid right of way line of Beaver Dam Road, thence running with the aforesaid right of way the follow two course and distances,
5. North $45^{\circ}48'32''$ West, 212.74 feet to a point of curvature to the right having a radius of 765.00 feet for an arc distance of 126.70 feet having a chord bearing and distance of North $41^{\circ}03'52''$ west, 126.55 feet to a point and place of beginning, thence crossing said Beaver Dam Road South $23^{\circ}19'33''$ West, 79.99 feet to a point, thence running with the southwestern right of way line of Beaver Dam Road with a curve to the left having a radius of 835.00 feet for an arc distance of 97.85 feet having a chord bearing and distance of,
6. South $42^{\circ}27'06''$ East, 97.80 feet to a point, thence still with the aforesaid right of way,



7. South 45°48'32"East, 97.33 feet to a point, thence leaving the aforesaid right of way and running with the property nor or formerly in the name of Hanley Associates as shown on a Plat recorded among the aforesaid Land Records in Plat Book 49 page 107,
8. North 53°50'27" West, 184.75 feet to a point, thence with the aforesaid property,
9. North 23°19'33"East, 33.25 feet to a point and place of beginning.

CONTAINING in all the above described 115,951 square feet or 2.661 acres of land more or less.

BEING or intended to be all of the land that was convey to 10825 Beaver Dam Road, LLC by deed dated January 22, 2009 and recorded among the aforesaid Land Records in Liber 27589 folio 32.

THIS description was prepared by the licensee or was in responsible charge over its preparation and the survey work reflected in it. The licensee commission expires September 20, 2014.



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: 2014-0103-SPHX

Petitioner: 10825 BEAVER DAM ROAD WC

Address or Location: 10825 BEAVER DAM ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DINO C. LAFIENZA

Address: 1 W. PENNSYLVANIA AVE, STE 300
TOWSON, MD 21204

Telephone Number: 410-832-2004

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

No. **108151**

Date: **1/29/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 1/29/2014 1/29/2014 11:25:10

REC WSDS WALKIN RDOS LRB
 RECEIPT # 722265 1/29/2014 OFLA
 5 528 ZONING VERIFICATION
 10. 108151

Receipt Tot. \$1,000.00
 \$1,000.00 CH \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
0001	806	0060		6150				\$1000.00

Total: **\$1000.00**

Rec From:

For: **Zoning hearing case # 2014-0163-SPHX**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: CASE NO: 2014-0163-SPHX

PETITIONER/DEVELOPER _____

WHITEFORD, TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING: _____

4/15/14

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 _____

10825 BEAVER DAM ROAD

THIS SIGN(S) WERE POSTED ON _____

March 23, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 3/23/14
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411



ZONING NOTICE

CASE # 2014-0163-SPHX

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

PLACE: ROOM 206 JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: TUESDAY APRIL 15, 2014
AT 2:30 P.M.

REQUEST:
SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE
PREVIOUSLY APPROVED SITE PLAN IN ZONING CASE 21-206-SPHX.
SPECIAL EXEMPTION TO USE PROPERTY FOR ANNUAL TRAIL
SERVICE IN AN EXISTING FUEL SERVICE STATION; FOR A
CONVENIENCE STORE LARGER THAN 1500 SQ. FT. INCLUDING
OF ACCESSORY STORAGE.

NOTIFICATION IS GIVEN TO HEARINGS AND OTHER COMMISSIONS ARE WASHINGTON DC 20001
TO CONFIRM HEARING CALL 410-301-2000

DO NOT REMOTE FROM HEARING AND FORT UTE HEARING RATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

mgm/gle 3/23/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

March 13, 2014

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 March 11, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0163-SPHX

10825 Beaver Dam Road (2 Parcels)

NE/s Beaver Dam Road, 48.5 ft. S/of McCormick Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): 10825 Beaver Dam Road, LLC

Briana Darnell, V.P.

Special Hearing: to approve an amendment to the previously approved site plan in zoning case 89-306-SPHX. **Special Exception:** to use property for additional fuel service in an existing fuel service station; for a convenience store larger than 1500 sq. ft. inclusive of accessory storage.

Hearing: Monday, March 31, 2014 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 3/5/14 March 11

971653



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

March 27, 2014

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 March 25, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0163-SPHX

10825 Beaver Dam Road (2 Parcels)

NE/s Beaver Dam Road, 48.5 ft. S/of McCormick Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): 10825 Beaver Dam Road, LLC

Briana Darnell, V.P.

Special Hearing: to approve an amendment to the previously approved site plan in zoning case 89-306-SPHX. **Special Exception:** to use property for additional fuel service in an existing fuel service station; for a convenience store larger than 1500 sq. ft. inclusive of accessory storage.

Hearing: Tuesday, April 15, 2014 at 2:30 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 3/868 March 25

973737



KEVIN KAMENETZ
County Executive

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

February 25, 2014

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: 2014-0163-SPHX

10825 Beaver Dam Road (2 Parcels)

NE/s Beaver Dam Road, 48.5 ft. S/of McCormick Road

8th Election District – 3rd Councilmanic District

Legal Owners: 10825 Beaver Dam Road, LLC, Briana Darnell, V.P.

Special Hearing to approve an amendment to the previously approved site plan in zoning case 89-306-SPHX. Special Exception to use property for additional fuel service in an existing fuel service station; for a convenience store larger than 1500 sq. ft. inclusive of accessory storage.

Hearing: Monday, March 31, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Dino LaFiandra, 1 W. Pennsylvania Ave., Ste. 300, Towson 21204
Briana Darnell, 2700 Loch Raven Blvd., Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 11, 201.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 11, 2014 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra
Whiteford, Taylor, Preston
1 W. Pennsylvania Ave., Ste. 300
Towson, MD 21204

410-832-2000

NOTICE OF ZONING HEARING

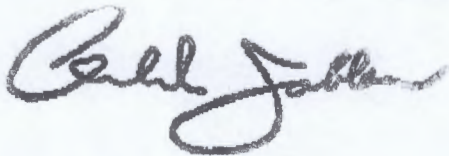
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0163-SPHX

10825 Beaver Dam Road (2 Parcels)
NE/s Beaver Dam Road, 48.5 ft. S/of McCormick Road
8th Election District – 3rd Councilmanic District
Legal Owners: 10825 Beaver Dam Road, LLC, Briana Darnell, V.P.

Special Hearing to approve an amendment to the previously approved site plan in zoning case 89-306-SPHX. Special Exception to use property for additional fuel service in an existing fuel service station; for a convenience store larger than 1500 sq. ft. inclusive of accessory storage.

Hearing: Monday, March 31, 2014 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: May 20, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0163-SPHX – Appeal Period Expired

The appeal period for the above-referenced case expired on May 19, 2014. 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	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
10825 Beaver Dam Road; NE/S of Beaver	*	OF ADMINISTRATIVE
Dam Rd, 48.5' S of McCormick Road		
8 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 10825 Beaver Dam Road LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-163-SPHX

* * * * *

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

FEB 04 2014

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 February, 2014, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 1 Pennsylvania Avenue, Suite 300, Towson, Maryland 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>2-10</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>2-19</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>3-11</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>2-5</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING

(Case No. _____)

88-306-SPHX, 75-138-X
72-278-X + 70-112-RX

NEWSPAPER ADVERTISEMENT

Date:

3-11-14The Sun

SIGN POSTING

Date:

3/23/14

by

OgleAmusing 3/27 for 3/31 date
Contacted LaFondra's ok. Sp. to Tammy (12:42 PM)

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION - NE/S
Beaver Dam Road, 790' NW of
the c/l of Cockeysville Road
(10825 Beaver Dam Road)
8th Election District
3rd Councilmanic District

Southern States Coop., Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-306-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the conversion of an existing automotive service station to a gas and go operation and amendments to the previously approved site plans in Case Nos. 72-278-XA and 75-138-XA; and a special exception for a food store and modification of an existing heating fuel sales establishment, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James Lillard, Central Office Manager, James McCarron, District Manager, and James Pembroke, Local Manager, appeared, testified, and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petitions were William Kirwin, Land Planner and J. W. Guckert, Traffic Engineer. There were no Protestants.

Testimony indicated that the subject property, zoned M.L.-I.M., consists of 3.1 acres more or less and is located on Beaver Dam Road in the vicinity of McCormick Road. Pursuant to the hearing held in Case No. 72-278-XA the property was granted a special exception for a service station and heating fuel sales establishment. Testimony indicated that due to the lack of use of the service bays, Petitioners propose converting approximately 2800 sq.ft. of the service bay area to display furnaces, burners and other items for sale. Additionally, Petitioners would display

ORDER RECORDED & INDEXED

Date

By

Item #9163

and continue to sell auto accessories and parts in that area. Testimony indicated that approximately 1,750 sq.ft. of the existing building will be converted to a convenience food store to permit customers to pay for their purchase and pick up convenient items. Testimony presented indicated that the conversion of the service bays to the proposed use would have no adverse affect on the traffic in the area as the gas and go customers will be drawn from those already travelling on the roads in the vicinity. Further, Petitioners testified the granting of the relief requested will comply with the requirements set forth in Sections 502.1 and 405.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in

ORDER OF THE BOARD OF ZONING

Date

By

9/15/84
R. J. G. Sullivan

roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the relief requested should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petitions for Special Hearing and Special Exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of February, 1989 that the Petition for Special Hearing to approve the conversion of an existing automotive service station to a gas and go operation, and amendments to the previously approved site plans in Case Nos. 72-278-XA and 75-138-XA; and the Petition for Special Exception for a food store and modification of an existing heating fuel sales establishment, all in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall landscape the subject property in accordance with the Baltimore County Landscaping Manual. Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner.

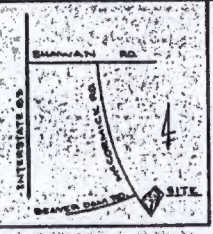
DATE 2/15/89

By [Signature]

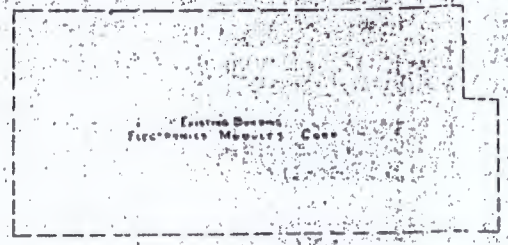
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

0-7-6

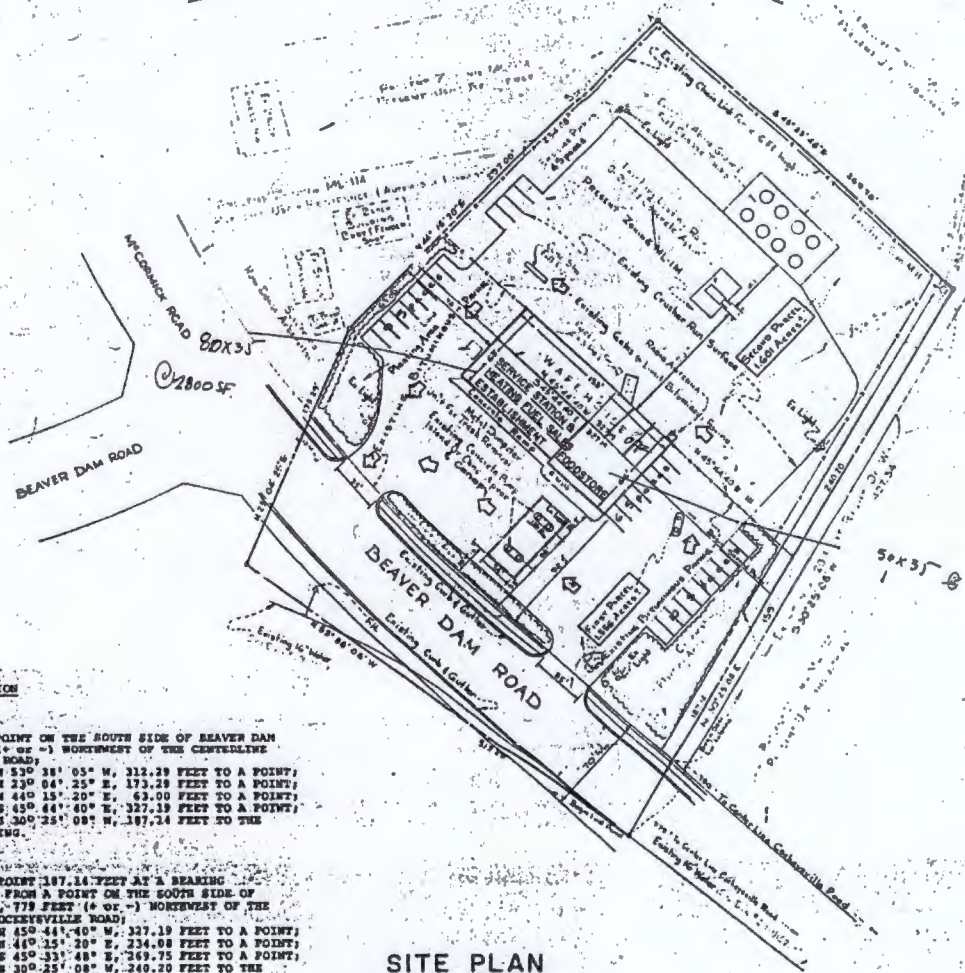
Encl. 9/25/81
My Little F. Schubert



VICINITY MAP



Printer Zones ML-1M
Printer Use - Industrial



SITE PLAN
(1"=50')

BOUNDARY DESCRIPTION

FIRST PARCEL

BEGINNING AT A POINT ON THE SOUTH SIDE OF BEAVER DAM ROAD, 379 FEET (+ or -) WESTWEST OF THE CENTERLINE OF COCKEYSVILLE ROAD;
THENCE RUNNING N 53° 38' 05" W, 312.29 FEET TO A POINT;
THENCE RUNNING N 23° 04' 25" E, 173.29 FEET TO A POINT;
THENCE RUNNING S 45° 15' 20" E, 63.00 FEET TO A POINT;
THENCE RUNNING S 45° 44' 40" E, 327.19 FEET TO A POINT;
THENCE RUNNING N 30° 25' 08" W, 187.14 FEET TO THE POINT OF BEGINNING.

SECOND PARCEL

BEGINNING AT A POINT 187.14 FEET AT A BEARING N 30° 25' 08" E FROM A POINT ON THE SOUTH SIDE OF BEAVER DAM ROAD, 779 FEET (+ or -) WESTWEST OF THE CENTERLINE OF COCKEYSVILLE ROAD;
THENCE RUNNING N 45° 44' 40" W, 327.19 FEET TO A POINT;
THENCE RUNNING S 45° 15' 20" E, 234.08 FEET TO A POINT;
THENCE RUNNING S 45° 33' 48" E, 269.75 FEET TO A POINT;
THENCE RUNNING S 30° 25' 08" W, 240.20 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

1. ELECTION DISTRICT: 8
2. PREVIOUS COMMERCIAL PERMIT: 1974
3. ZONING HEARINGS:
 - 1) CASE 75-138-X, ANTENNA FOR STORE, SPECIAL EXCEPTION FOR WIRELESS RECEIVING AND TRANSMITTING STRUCTURE. 2/20/79, GRANTED.
 - 2) CASE 72-278-XA, SPECIAL EXCEPTION AND VARIANCE.
4. PARKING REQUIRED:

RETAIL: 4895 SQ. FT. / 1000 X 5 = 24 SPACES
WAREHOUSE: 1 EMPLOYEE = 1 SPACES
25 SPACES
5. PARKING PROVIDED: 29 SPACES
6. SITE AREA: 1.556+1.601= 3.157 AC.

PETITIONER'S EXHIBIT 1

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION

PROPOSED CHANGE FOR SOUTHERN STATES, INC.
BEAVER DAM ROAD BALTIMORE CO., MD



REVISIONS	BEAMON & ASSOCIATES, P.C.	SHEET NO.
10/6/88	CONSULTING ENGINEERS	1
11/3/88	PHONE (410) 360-0340	
12/6/88	2903 DUNSTON ROAD	
	ROCKVILLE, MD 20850	
FILE	703 1441	5/26/88



KEVIN KAMENETZ
County Executive

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

March 26, 2014

10825 Beaver Dam Road LLC
Briana Darnell V.P. Real Estate
2700 Loch Raven Road
Baltimore MD 21208

RE: Case Number: 2014-0163 SPHX, Address: 10825 Beaver Dam Road (2 parcels)

Dear Mr. Darnell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 29, 2014. 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Dino C. LaFiandra, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

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



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

Date: 2-5-14

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No 2014-063-SPHX
Special Hearing, Special Exception
10825 Beaver Dam Road LLC
Briana Darnell, V.P.
10825 Beaver Dam Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-063-SPHX

Should you have any questions regarding this matter, please 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).

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

From: John Beverungen
To: Kristen Lewis
CC: Debra Wiley; Timothy Kotroco
Date: 3/18/2014 11:49 AM
Subject: Fwd: Request to postpone and reset case number 2014-0163-SPHX
Attachments: CopitrakScan.pdf

Kristen,

This is OK with me.

John.

>>> "Kotroco, Timothy" <TKotroco@wtplaw.com> 3/18/2014 11:41 AM >>>

Dear Judge Beverungen:

I am following up from our phone conversation wherein I advised you that I will be postponing the above referenced case due to a problem with the posting of the property. I have attached the "Notice of Zoning Hearing" which contains all of the pertinent information relative to this case. This case was originally scheduled to be heard on the 31st of March at 1:30 pm. Please remove this matter from your docket and enjoy the afternoon off.

You had indicated that this case could be reset for the afternoon of Tuesday, April 15th at 2:30 pm. You have available both room 205 as well as room 104 for that afternoon. You asked that I send this email to you confirming this date and time and indicated that you would forward this request over to Kristen Matthews so that she may include it on her calendar.

Thank you for your assistance in resetting this matter. I will re-post the property and am happy to arrange for the advertising as well so that Ms. Matthews would not have to be bothered with that chore.

I will follow up with Ms. Matthews once you notify her of the new date.

Tim K.

Timothy M. Kotroco
Partner

Whiteford Taylor & Preston LLP
Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204
t: 410-832-2004 | f: 410 339-4050
tkotroco@wtplaw.com | [Bio](#)
| [vCard](#)
| [www.wtplaw.com](#)

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Circular 230 Disclosure:

To ensure compliance with requirements imposed by Treasury and the IRS, we inform you that any federal tax advice contained in this communication (including attachments) is not intended or written to be used and cannot be used for the purpose of (i) avoiding tax penalties that may be imposed under the Internal Revenue Code, or (ii) promoting, marketing, or recommending to another person any transaction or matter addressed herein.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 10, 2014
Item No. 2014-0163

DATE: February 10, 2014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

A landscape plan must be approved and security for landscape posted before a building permit will be issued.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0163-02102014.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 10, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2341 York Road

RECEIVED

INFORMATION:

Item Number: 14-163

Petitioner: 10825 Beaver Dam Road

Zoning: ML - IM

Requested Action: Special Hearing and Special Exception

MAR 11 2014

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

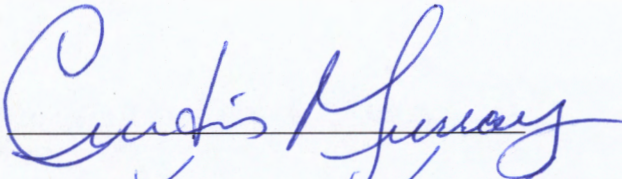
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject property is currently used as a gas station and convenience store. The petitioner seeks to rebuild/renovate the structure and site respectively and add additional fuel pumps on the rear of the property.

The Department of Planning requests architectural elevations be submitted for review and approval prior to the issuance of any building permits. The proposed building shall conform to the Hunt Valley/Timonium Design Guidelines.

The Department of Planning opines that the proposed use is appropriate for the area and does not appear to be detrimental to the health, safety or general welfare of the surrounding community.

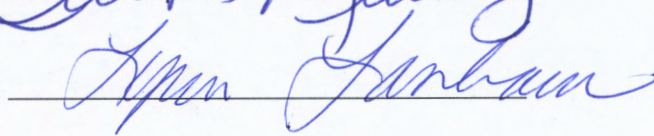
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared By:



Division Chief:

AVA/LL:cjm



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



3/31/14
1:30

FEB 20 2014

OFFICE OF ADMINISTRATIVE HEARINGS

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: February 19, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0163-SPHX
Address 10825 Beaver Dam Road
(10825 Beaver Dam Road, LLC Property)

Zoning Advisory Committee Meeting of February 3, 2014.

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

Reviewer: *Jeff Livingston – Development Coordination*

Real Property Data Search (w4)

[Search Help](#)

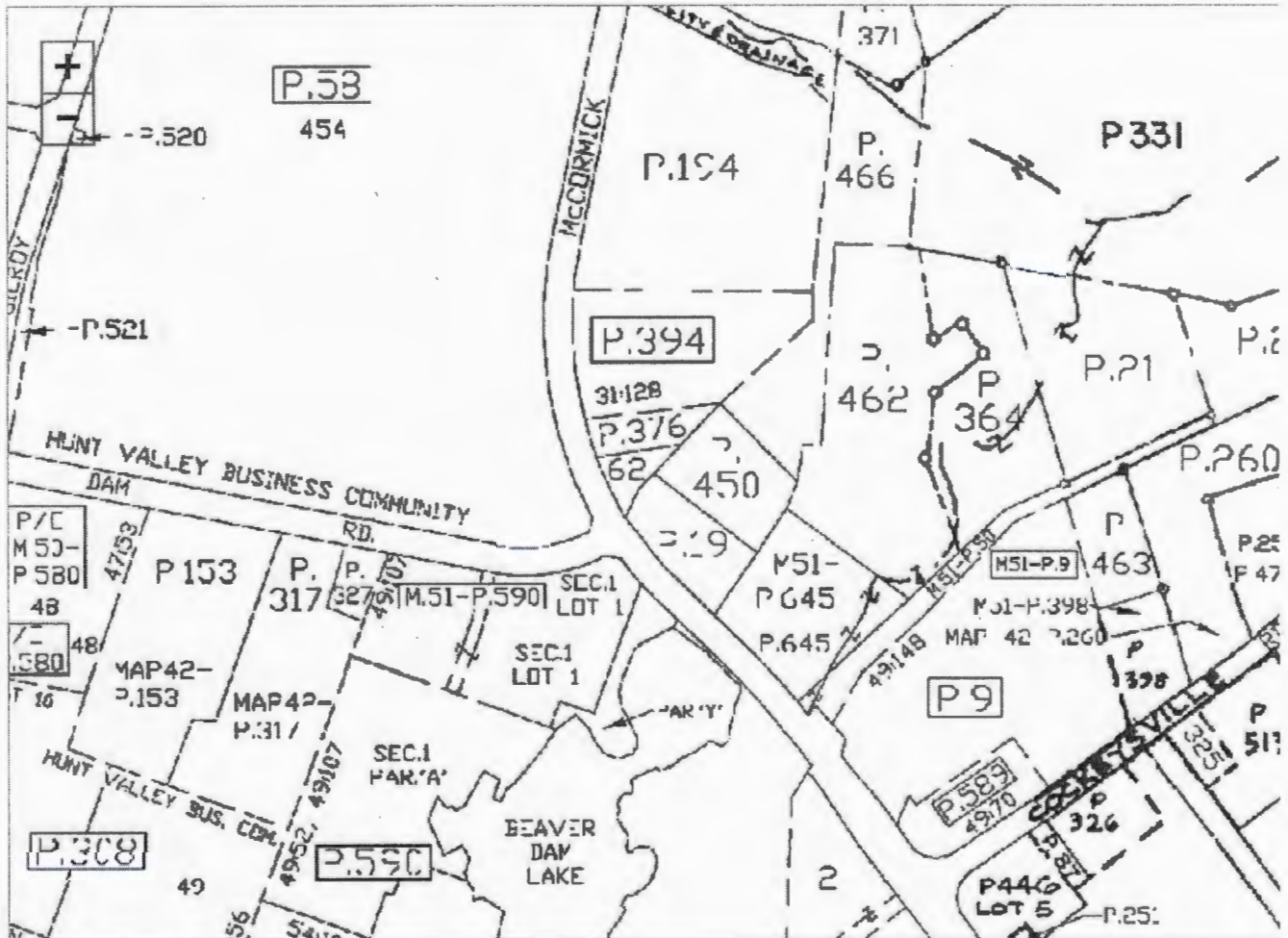
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 08 Account Number - 1600009373	
Owner Information		
Owner Name:	10825 BEAVER DAM ROAD LLC	Use: INDUSTRIAL
Mailing Address:	2700 LOCH RAVEN RD BALTIMORE MD 21218-4729	Principal Residence: NO Deed Reference: 1) /27589/ 00032 2)
Location & Structure Information		
Premises Address:	BEAVER DAM RD 0-0000	Legal Description: 1.331 AC NES BEAVER DAM RD RER 200FT MCCORMICK RD
Map: 0042	Grid: 0021	Parcel: 0450
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Town:	Plat No: NONE	
Ad Valorem:	Plat Ref:	
Special Tax Areas:	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area 1.3300 AC
		County Use 07
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2014
Land:	239,400	239,400
Improvements	6,800	6,500
Total:	246,200	245,900
Preferential Land:	0	0
Transfer Information		
Seller: SOUTHERN STATES COOPERATIVE INC	Date: 01/27/2009	Price: \$1,800,000
Type: ARMS LENGTH MULTIPLE	Deed1: /27589/ 00032	Deed2:
Seller: GREMPER DONALD E	Date: 02/21/1973	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05338/ 00038	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

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

District: **08** Account Number: **1600009373**



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 Wait. Loading... Please Wait.

Search Help

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Owner Information

<u>Use:</u>	INDUSTRIAL
<u>Principal Residence:</u>	NO
<u>Deed Reference:</u>	1) /27589/ 00032 2)

Location & Structure Information

Legal Description: 1.298 AC NES
10825 BEAVER DAM RD
300 SE AT MCCORMICK RD

Assessment Year:
2014

NONE

Town:
Ad Valorem:
Tax Class:

<u>Property Land Area</u>	<u>County Use</u>
1.2900 AC	07

Garage	Last Major Renovation
--------	-----------------------

Value Information

Phase-in Assessments	
As of	As of
07/01/2013	07/01/2014

Transfer Information

<u>Date:</u> 01/27/2009	<u>Price:</u> \$1,800,000
<u>Deed1:</u> /27589/ 00032	<u>Deed2:</u>
<u>Date:</u> 05/07/1970	<u>Price:</u> \$37,143
<u>Deed1:</u> /05090/ 00310	<u>Deed2:</u>
<u>Date:</u>	<u>Price:</u>
<u>Deed1:</u>	<u>Deed2:</u>

Exemption Information

07/01/2013	07/01/2014
0.00	
0.00	
0.00 0.00	0.00 0.00

Special Tax Recapture:
NONE

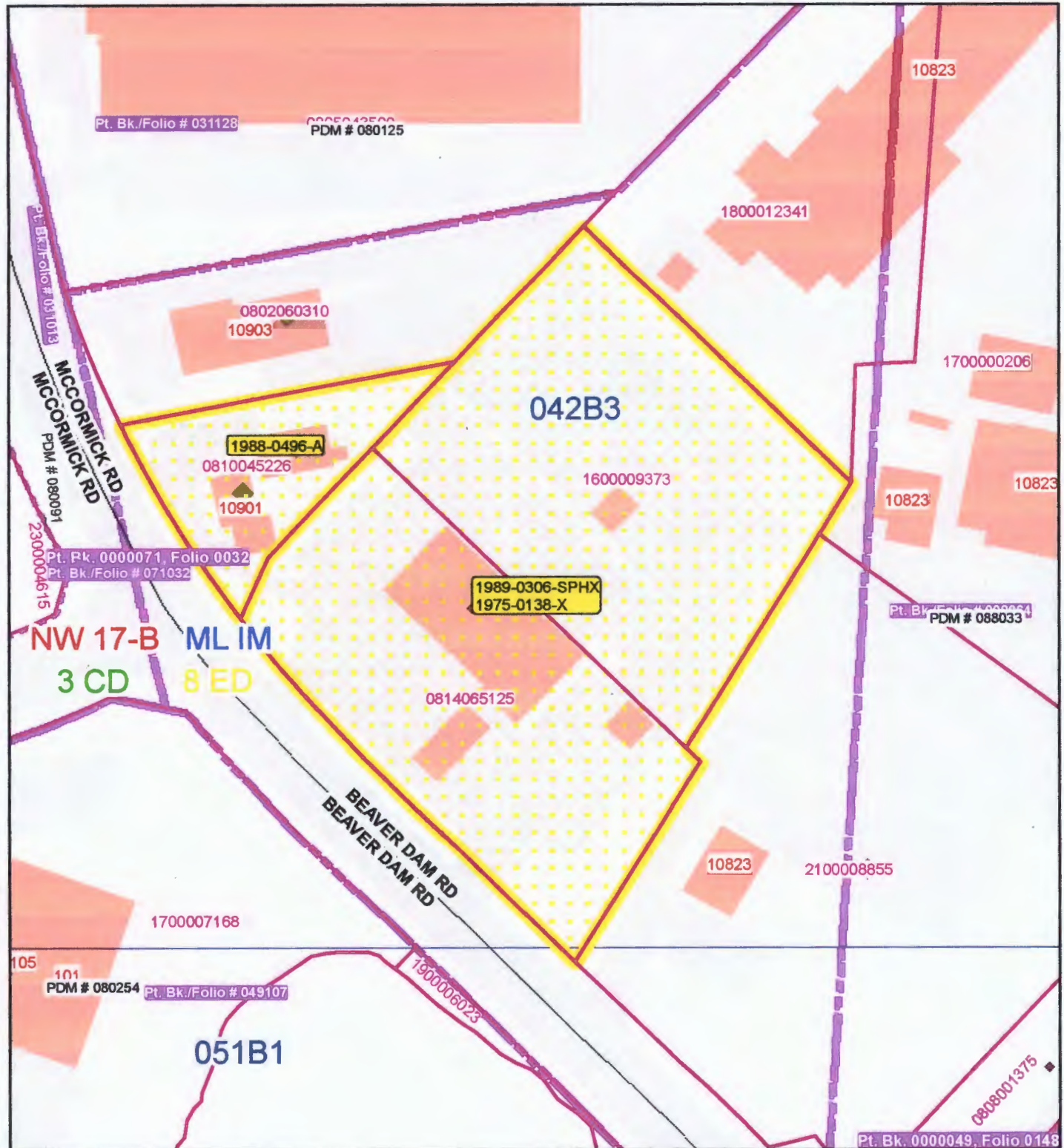
Homestead Application Information

Homestead Application Status: No Application

DATE April 15, 2014

[illegible]

10825 Beaver Dam Road



Publication Date: 1/29/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0163

Case No.: 2014-163-SPH X

Exhibit Sheet

Petitioner/Developer

DW
5-20-14

SLW
4/17/14
Respondent

No. 1	Plan (2 sheet)	
No. 2	Photo - site	
No. 3	Photo - site	
No. 4	Elevation + Floor plan	
No. 5	illustrative Elevation	
No. 6	Order in No. 89-306	
No. 7	Zoning Plan for Southern States	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

HIGH'S

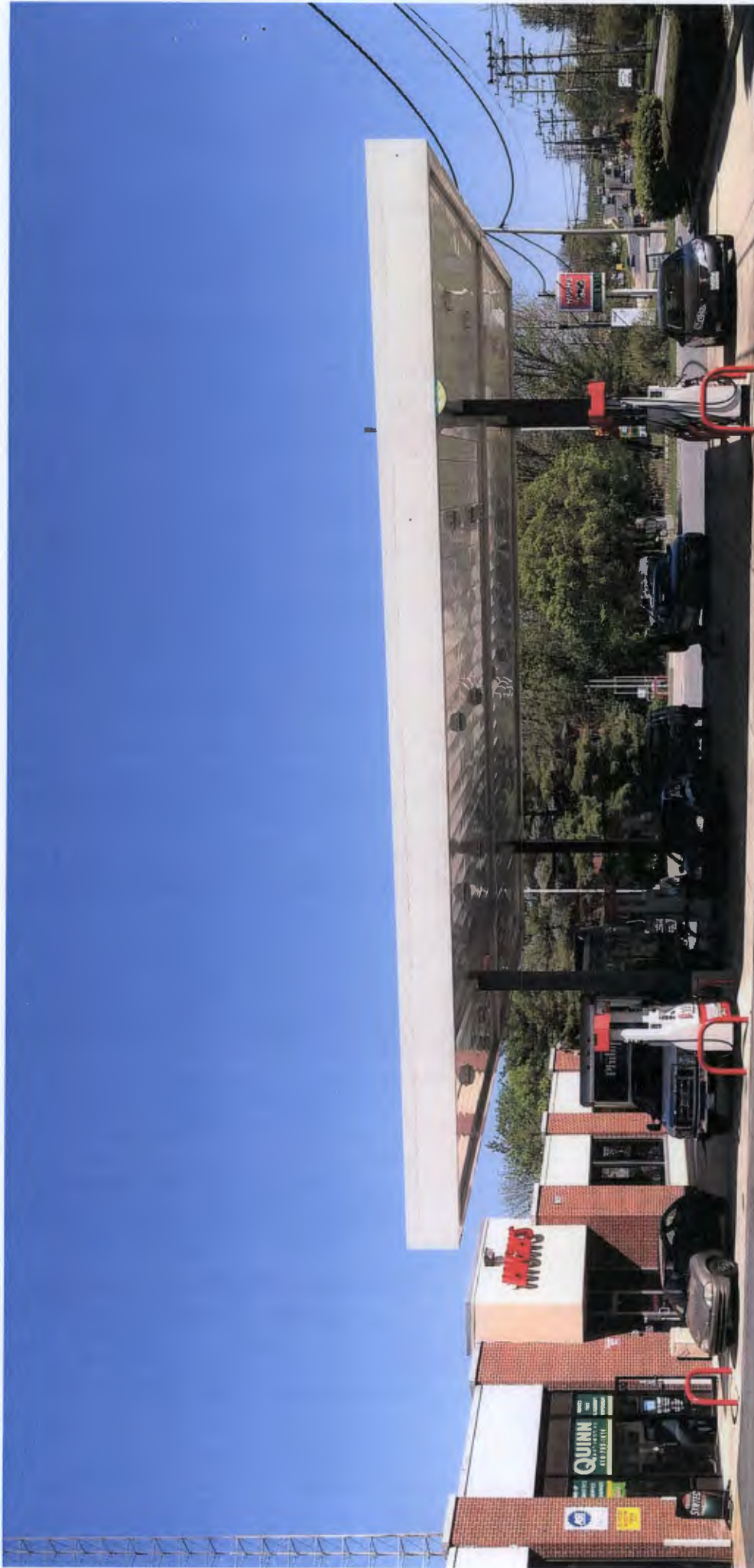
HIGH'S

HIGH'S

QUIN

EXHIBIT

ALL-STATE LEGAL



ALL-STATE LEGAL®
EXHIBIT 3



EXHIBIT

5

ALL-STATE LEGAL

IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION - NE/S
Beaver Dam Road, 790' NW of
the c/l of Cockeysville Road
(10825 Beaver Dam Road)
8th Election District
3rd Councilmanic District

Southern States Coop., Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-306-SPHX

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the conversion of an existing automotive service station to a gas and go operation and amendments to the previously approved site plans in Case Nos. 72-278-XA and 75-138-XA; and a special exception for a food store and modification of an existing heating fuel sales establishment, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James Lillard, Central Office Manager, James McCarron, District Manager, and James Pembroke, Local Manager, appeared, testified, and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petitions were William Kirwin, Land Planner and J. W. Guckert, Traffic Engineer. There were no Protestants.

Testimony indicated that the subject property, zoned M.L.-I.M., consists of 3.1 acres more or less and is located on Beaver Dam Road in the vicinity of McCormick Road. Pursuant to the hearing held in Case No. 72-278-XA the property was granted a special exception for a service station and heating fuel sales establishment. Testimony indicated that due to the lack of use of the service bays, Petitioners propose converting approximately 2800 sq.ft. of the service bay area to display furnaces, burners and other items for sale. Additionally, Petitioners would display

Date 2/15/84
By Betty J. Lillard



and continue to sell auto accessories and parts in that area. Testimony indicated that approximately 1,750 sq.ft. of the existing building will be converted to a convenience food store to permit customers to pay for their purchase and pick up convenient items. Testimony presented indicated that the conversion of the service bays to the proposed use would have no adverse affect on the traffic in the area as the gas and go customers will be drawn from those already travelling on the roads in the vicinity. Further, Petitioners testified the granting of the relief requested will comply with the requirements set forth in Sections 502.1 and 405.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

By *Robert J. Schultze*
The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in

roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the relief requested should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petitions for Special Hearing and Special Exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of February, 1989 that the Petition for Special Hearing to approve the conversion of an existing automotive service station to a gas and go operation, and amendments to the previously approved site plans in Case Nos. 72-278-XA and 75-138-XA; and the Petition for Special Exception for a food store and modification of an existing heating fuel sales establishment, all in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall landscape the subject property in accordance with the Baltimore County Landscaping Manual. Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner.

Attest:
ANN M. BASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

By W. S. G. Chapman



ГЛАВНОЕ УПРАВЛЕНИЕ
ВНЕШНЕГО СОВЕРШЕНИЯ



FIRST PARCEL

BEGINNING AT A POINT ON THE SOUTH SIDE OF BEAVER DAM ROAD, 779 FEET (+ or -) NORTHWEST OF THE CENTERLINE OF COCKEYSVILLE ROAD;

THENCE RUNNING N 53° 38' 05" W, 312.29 FEET TO A POINT;
 THENCE RUNNING N 23° 04' 25" E, 173.29 FEET TO A POINT;
 THENCE RUNNING N 44° 15' 20" E, 63.00 FEET TO A POINT;
 THENCE RUNNING E 45° 44' 40" E, 327.19 FEET TO A POINT;
 THENCE RUNNING S 30° 25' 08" W, 187.14 FEET TO THE
 POINT OF BEGINNING.

SECOND PANEL

BEGINNING AT A POINT 107.14 FEET AT A BEARING
N 30° 25' 08" E FROM A POINT ON THE SOUTH SIDE OF
BEAVER DAM ROAD, 775 FEET (+ or -) NORTHWEST OF THE
CENTERLINE OF COCKEYSVILLE ROAD;
THENCE RUNNING N 45° 44' 40" W, 327.19 FEET TO A POINT;
THENCE RUNNING N 44° 15' 20" E, 234.08 FEET TO A POINT;
THENCE RUNNING S 45° 33' 48" E, 269.75 FEET TO A POINT;
THENCE RUNNING S 30° 25' 08" W, 240.20 FEET TO THE
POINT OF BEGINNING.

GENERAL NOTES:

1. ELECTION DISTRICT: 8
2. PREVIOUS COMMERCIAL PERMIT: 1974
3. ZONING HEARINGS:
 - 1) CASE 73-130-X, ANTENNA FOR STORE, SPECIM. EXCEPTION FOR WIRELESS RECEIVING AND TRANSMITTING STRUCTURE. 2/20/75, GRANTED.
 - 2) CASE 72-378-XA, SPECIAL EXCEPTION AND VARIANCE.
4. PARKING REQUIRED:

RETAIL: 4805 SQ. FT. / 1000 X 5 = 24 SPACES
WAREHOUSE: 1 EMPLOYEE
= 1 SPACES
25 SPACES
5. PARKING PROVIDED: 39 SPACES
6. SITE AREA: 1556 + 1601 = 3,157 AC.

SITE PLAN

1959



REVISED PLANS
DEC 12 1992



PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING AND
SPECIAL EXCEPTION

**PROPOSED CHANGE FOR
SOUTHERN STATES, INC.**

BEAVER DAM ROAD BALTIMORE CO., MD

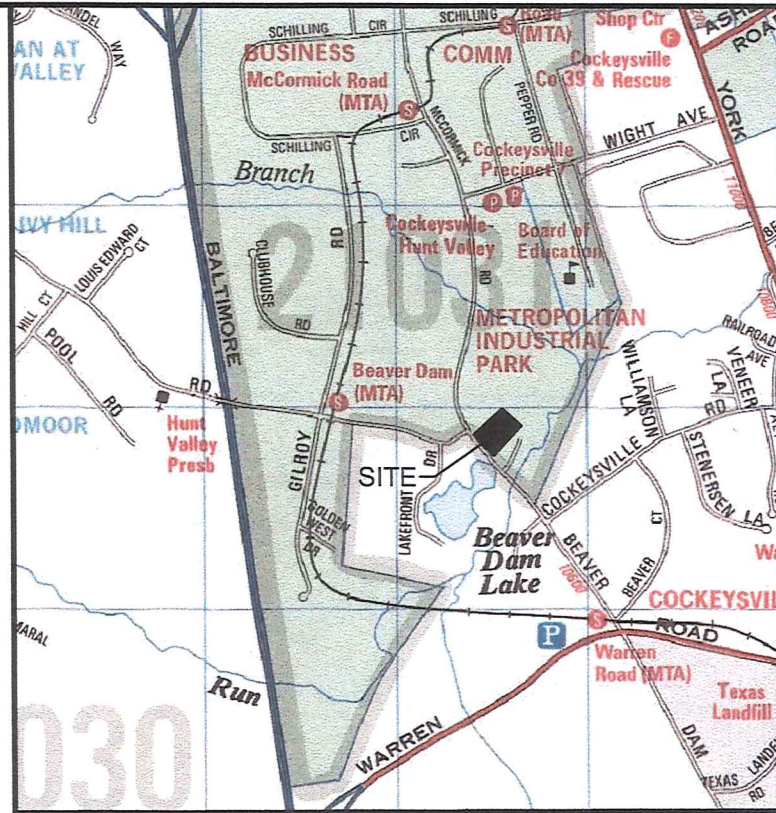
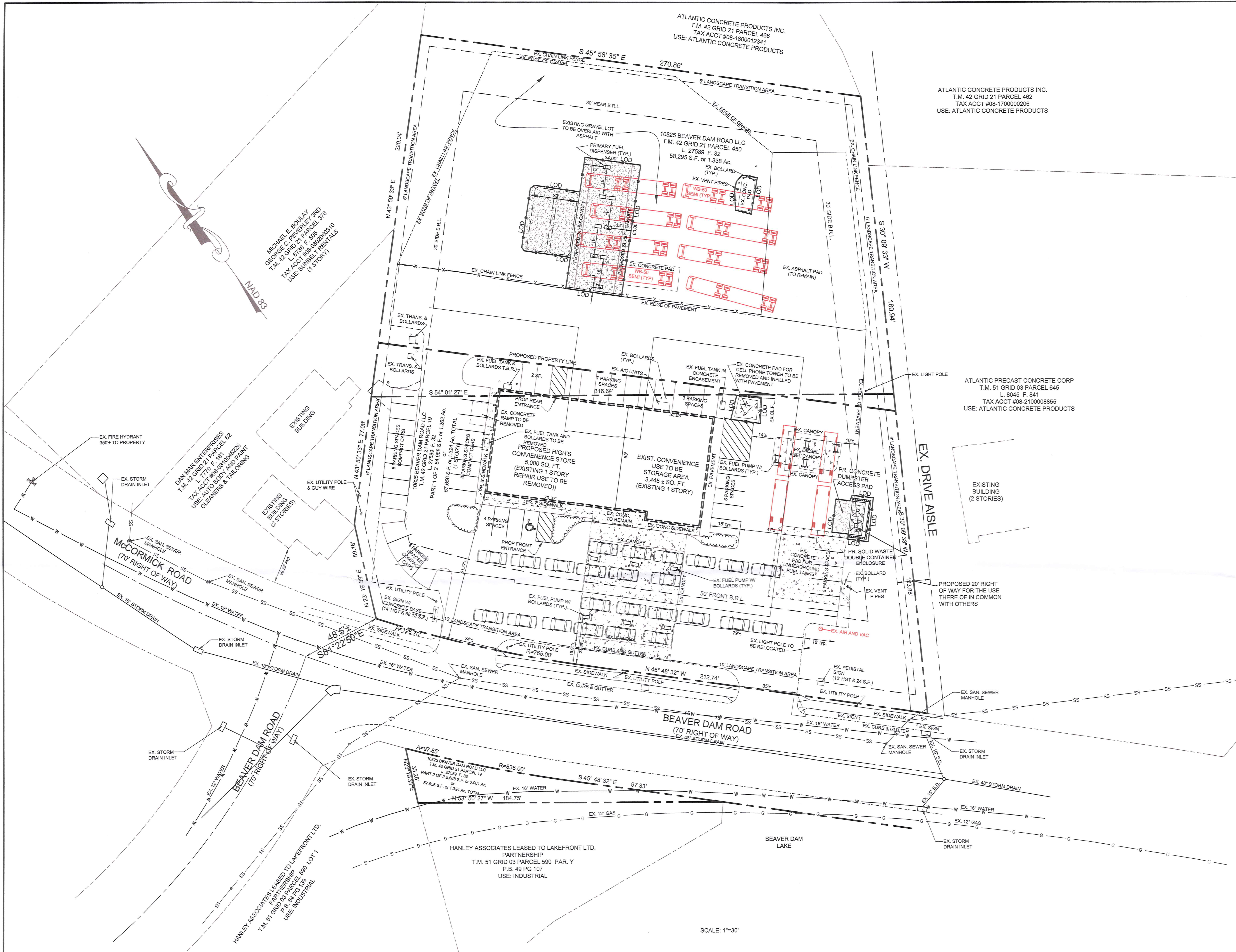
REVISIONS: SEASON 5: ADAPTED BY

0/6/89

11/3/88

12/6/68	2001 CANTREY ROAD	ROCKFORD, ILL. 61101
FILE	JOB	6-1A

		1441	9/26/88
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VICINITY MAP
SCALE: 1"=2000
PER ADC MAP USE PERMIT #21003176

SETBACK REQUIREMENTS
FRONT YARD.....30' 35' / PER SECTION 405.A.1.
SIDE YARD.....30'
REAR YARD.....30'
CANOPY TO RIGHT OF WAY.....15'
FUEL PUMP TO RIGHT OF WAY.....25'
BUILDING TO RIGHT OF WAY.....30' 35' / PER SECTION 405.A.1.
AVERAGE SETBACK ADJOINING LOTS = 66.15' / PER SECTION 303.2

DISTURBED AREA = 4,951 Sq. Ft.
AREA TO BE VEGETATIVELY STABILIZED = 68 Sq. Ft.
AREA TO BE STRUCTURALLY STABILIZED = 4,883 Sq. Ft.

PARKING CALCULATION
HIGH'S CONVENIENCE STORE
FLOOR SPACE 5,000 SQ. FT. / 1,000 = 5.00 x 5 = 25.0 SPACES
EMPLOYEES.....2.0 SPACES
AIR/VACUUM.....2.0 SPACE
ATM.....1.0 SPACE

GENERAL STORAGE SPACE 3,445 SQ. FT.....0.0 SPACES

TOTAL SPACES REQUIRED.....30.0 SPACES
TOTAL SPACES PROVIDED.....47.0 SPACES

- NOTES:**
- 1.) THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 100' OF THE SUBJECT PROPERTY 10825 BEAVER DAM ROAD
 - 2.) REST ROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH BC ZR 405.4.8
 - 3.) LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH LANDSCAPE MANUAL FOR AUTOMOBILE USES SEE LANDSCAPE PLAN FOR DETAILS

REQUIRED SITE AREA
18 FUEL SERVICE SPACES x 1,500 Sq. Ft.....27,000 Sq. Ft.
5,000 Sq. Ft. CONVENIENCE STORE x 420,000 Sq. Ft.
1 AUTOMATIC TELLER MACHINE x 1,000 Sq. Ft.....1,000 Sq. Ft.
TOTAL REQUIRED SITE AREA48,000 Sq. Ft.

SITE AREA TABLE	
PARCEL 19 (NORTH EAST SIDE OF BEAVER DAM ROAD).....	54,988 Sq. Ft.
(SOUTH WEST SIDE OF BEAVER DAM ROAD).....	2,668 Sq. Ft.
PARCEL 19 TOTAL	57,656 Sq. Ft.
PARCEL 450	58,295 Sq. Ft.
TOTAL SITE AREA	115,951 Sq. Ft. or 2.662 Ac.±

THE PURPOSE OF THIS PROJECT IS TO RENOVATE THE EXISTING CONVENIENCE STORE USE AND ADD THE LARGE SCALE TRUCK DIESEL FACILITIES TO THE REAR LOT AS FOLLOWS:
EXISTING MULTI PRODUCT DISPENSERS (M.P.D.'S).....6
EXISTING TRUCK DIESEL FUELING DISPENSERS.....4 (INCLUDES 2 PRIMARY AND 2 SLAVE DISPENSERS)
PROPOSED DIESEL DISPENSERS.....8 (INCLUDES 4 PRIMARY AND 4 SLAVE DISPENSERS)

TOTAL No. OF DISPENSERS.....18
NUMBER OF EMPLOYEES IN LARGEST SHIFT.....2
NUMBER OF SERVICE BAYS.....0
NUMBER OF SELF SERVICE AIR OR VACUUM CLEANER UNITS.....2
NUMBER OF ATM MACHINES.....1

SCALE: 1" = 30'

REVISION	DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS



2120 RENARD COURT
ANNAPOLIS, MARYLAND 21401
(410) 266-3212
WWW.MESSICKANDASSOCIATES.COM

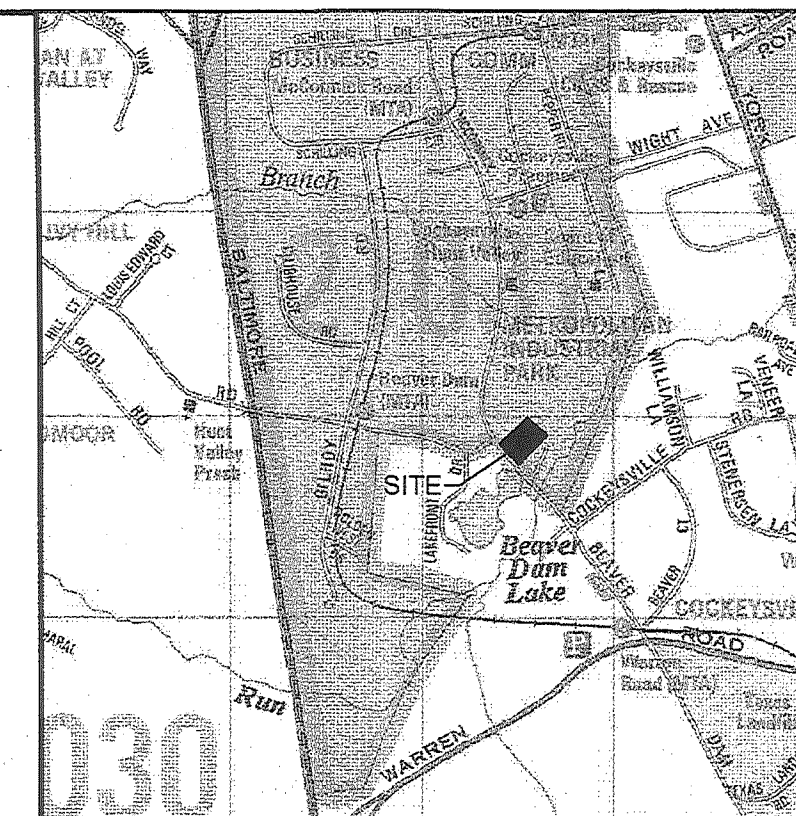
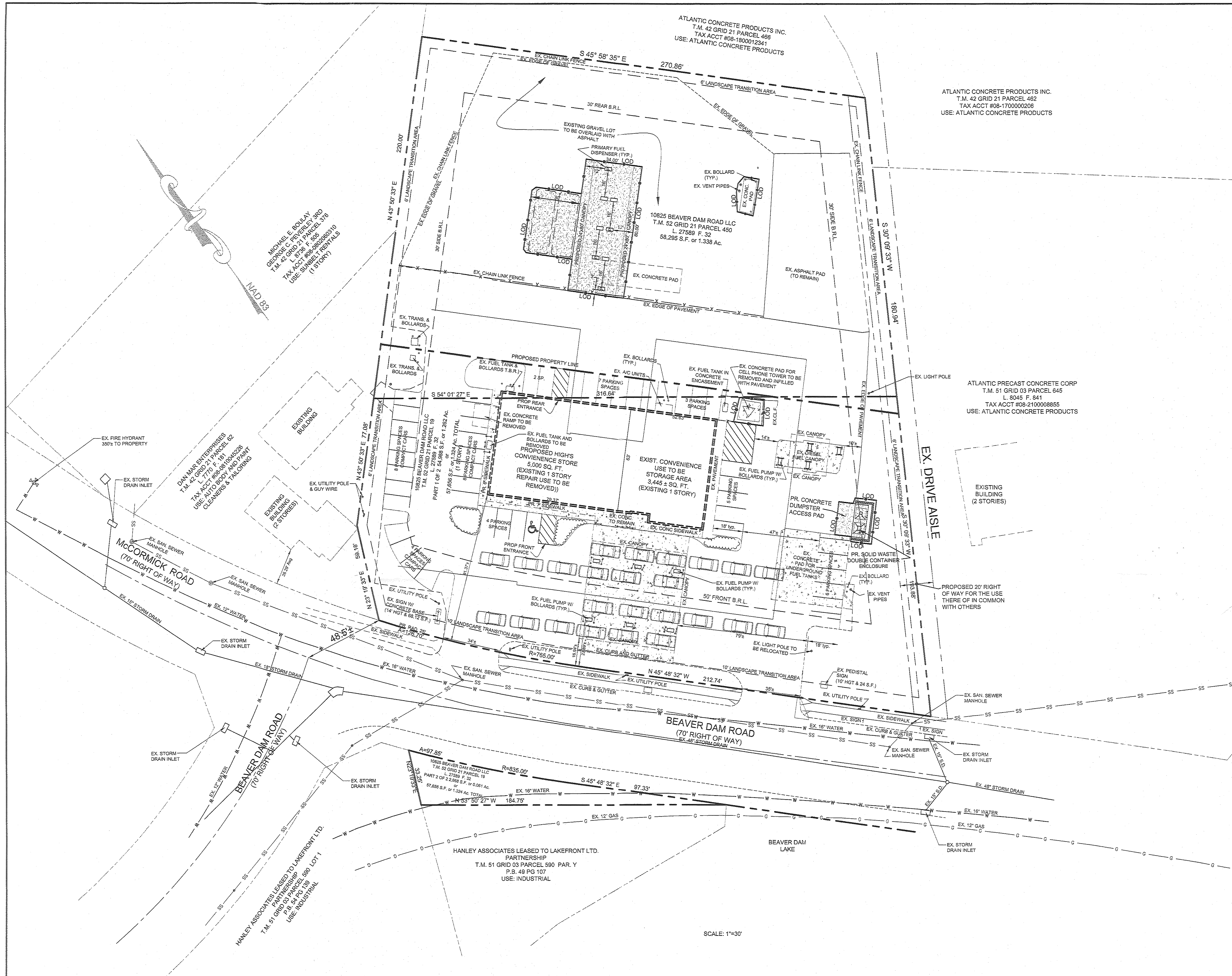
* MESSICK GROUP INC. 1/4 MESSICK AND ASSOCIATES

OWNER:

10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD. 21218

**HIGH'S @ 10825 BEAVER
DAM ROAD**
EXISTING SITE RENOVATION

TAX MAP: 42 GRID: 21 PARCEL: 19 & 450
8TH TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: JANUARY, 2014 SHEET 1 OF 1



VICINITY MAP
SCALE: 1" = 2000
PER ADC MAP USE PERMIT #21003176

SETBACK REQUIREMENTS

FRONT YARD	50'
SIDE YARD	30'
REAR YARD	30'
CANOPY TO RIGHT OF WAY	15'
FUEL PUMP TO RIGHT OF WAY	25'
BUILDING TO RIGHT OF WAY	50'

DISTURBED AREA = 4,951 Sq. Ft.
AREA TO BE VEGETATIVELY STABILIZED = 68 Sq. Ft.
AREA TO BE STRUCTURALLY STABILIZED = 4,883 Sq. Ft.

PARKING CALCULATION

HIGH'S CONVENIENCE STORE

FLOOR SPACE	5,000 SQ. FT. / 1,000 = 5.00 x 5 = 25.0 SPACES
EMPLOYEES	2.0 SPACES
AIR/VACUUM	2.0 SPACE
ATM	1.0 SPACE

GENERAL STORAGE SPACE 3,445 SQ. FT.0.0 SPACES

TOTAL SPACES REQUIRED	30.0 SPACES
TOTAL SPACES PROVIDED	47.0 SPACES

NOTES:

- 1) THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 100' OF THE SUBJECT PROPERTY 10825 BEAVER DAM ROAD
- 2) REST ROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH BC 2R 405.4.8
- 3) LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH LANDSCAPE MANUAL FOR AUTOMOBILE USES SEE LANDSCAPE PLAN FOR DETAILS

REQUIRED SITE AREA

18 FUEL SERVICE SPACES x 1,500 Sq. Ft.	27,000 Sq. Ft.
5,000 Sq. Ft. CONVENIENCE STORE x 4	20,000 Sq. Ft.
1 AUTOMATIC TELLER MACHINE x 1,000 Sq. Ft.	1,000 Sq. Ft.
TOTAL REQUIRED SITE AREA	48,000 Sq. Ft.

SITE AREA TABLE

PARCEL 19 (NORTH EAST SIDE OF BEAVER DAM ROAD)	54,988 Sq. Ft.
(SOUTH WEST SIDE OF BEAVER DAM ROAD)	2,668 Sq. Ft.
PARCEL 19 TOTAL	57,656 Sq. Ft.
PARCEL 450	58,295 Sq. Ft.
TOTAL SITE AREA	113,283 Sq. Ft.

THE PURPOSE OF THIS PROJECT IS TO RENOVATE THE EXISTING CONVENIENCE STORE USE AND ADD THE LARGE SCALE TRUCK DIESEL FACILITIES TO THE REAR LOT AS FOLLOWS:

EXISTING MULTI PRODUCT DISPENSERS (M.P.D.'S)	6
EXISTING TRUCK DIESEL FUELING DISPENSERS	4 (INCLUDES 2 PRIMARY AND 2 SLAVE DISPENSERS)
PROPOSED DIESEL DISPENSERS	8 (INCLUDES 4 PRIMARY AND 4 SLAVE DISPENSERS)
TOTAL No. OF DISPENSERS	18
NUMBER OF EMPLOYEES IN LARGEST SHIFT	2
NUMBER OF SERVICE BAYS	0
NUMBER OF SELF SERVICE AIR OR VACUUM CLEANER UNITS	2
NUMBER OF ATM MACHINES	1

#2014-0163-SPHX
PETITIONER'S
EXHIBIT NO. 1

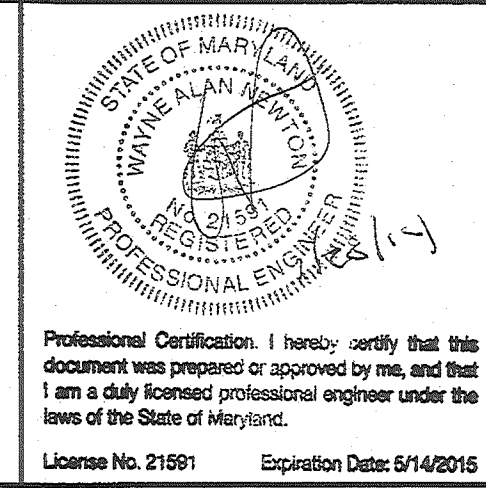
SCALE: 1" = 30'

REVISION	DESCRIPTION	BY	DATE

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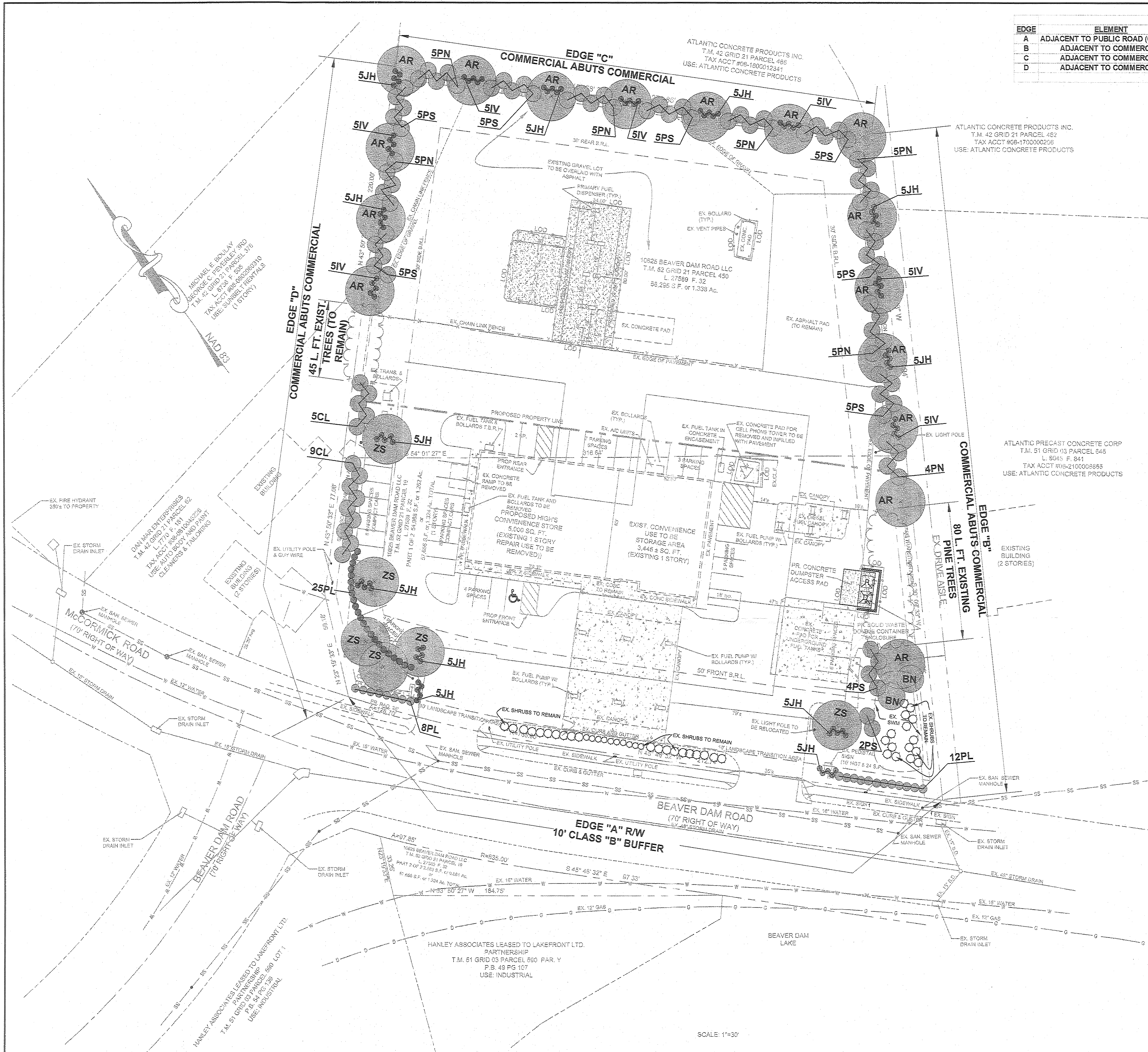
* MESSICK GROUP INC. 7/4 MESSICK AND ASSOCIATES



OWNER:
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD. 21218

HIGH'S @ 10825 BEAVER DAM ROAD
EXISTING SITE RENOVATION

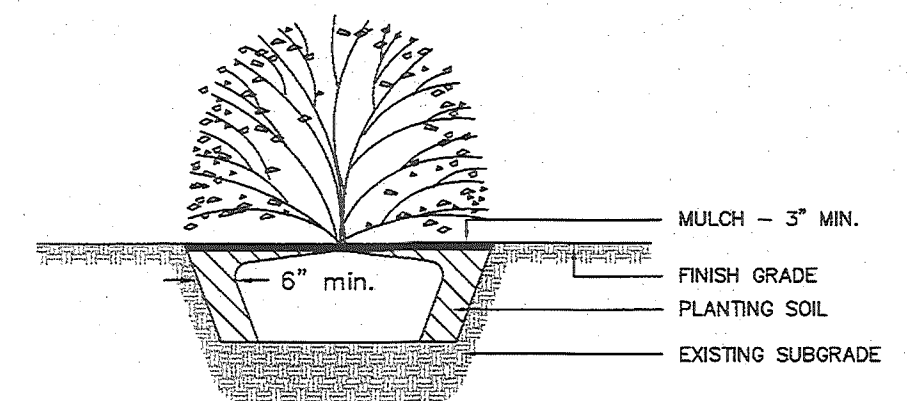
TAX MAP: 42 GRID: 21 PARCEL: 19 & 450
8TH TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: JANUARY, 2014 SHEET 1 OF 1



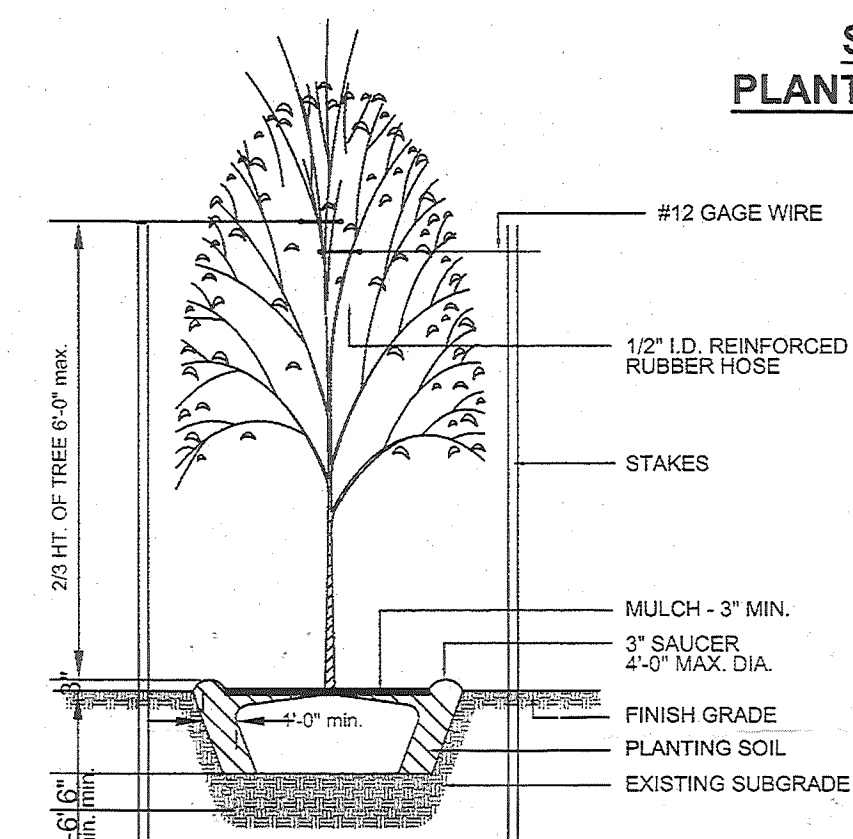
SCALE: 1" = 30'

EDGE	ELEMENT	RATE	LINEAR FEET (LF)	PLANTING UNITS SHOWN	NOTES
A	ADJACENT TO PUBLIC ROAD (CLASS B)	1 PU / 15 LF	270.44 LF*	18 PU	excludes 69' access isle/ includes 6 ex. PU's
B	ADJACENT TO COMMERCIAL	1 PU / 10 LF	294.28 LF*	29 PU	*excludes 80 LF of Ex. Trees
C	ADJACENT TO COMMERCIAL	1 PU / 10 LF	270.86 LF*	27 PU	
D	ADJACENT TO COMMERCIAL	1 PU / 10 LF	311.26 LF*	31 PU	*excludes 45 LF of Ex. Trees

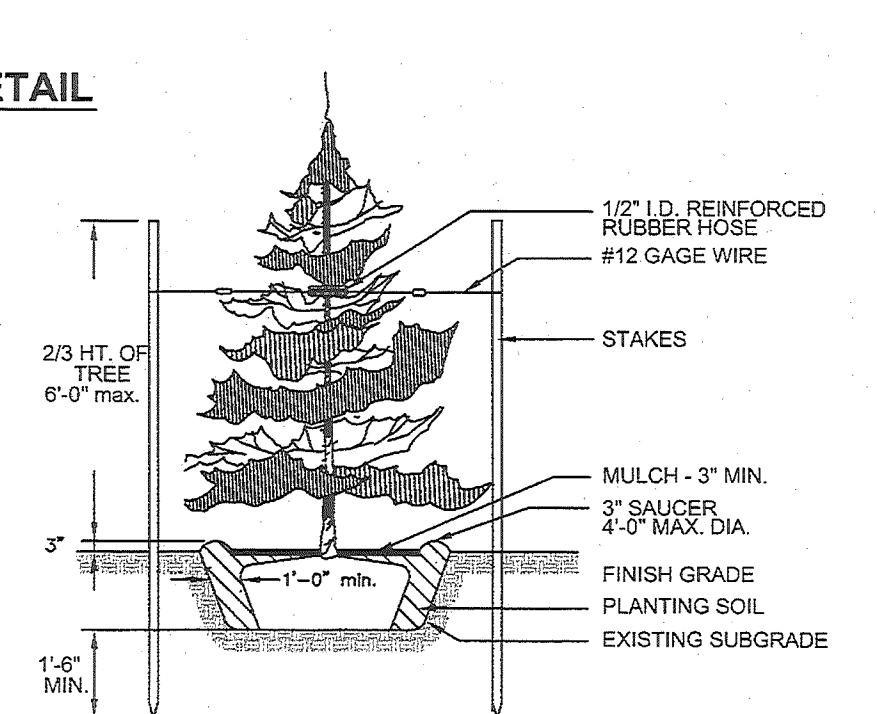
PLANT SCHEDULE							
QTY.	KEY	SIZE	BOTANICAL NAME	COMMON NAME	SPACING	ROOT	
15	AR	2 1/2" cal.	Acer rubrum	Red Maple	20-25' o.c.	B&B	
2	BN	2 1/2" cal.	Betula nigra	River Birch	20-25' o.c.	B&B	
14	CL	6" Ht.	Cupress x Leylandii	Leyland Cypress	8-10' o.c.	B&B	
34	PN	6" Ht.	Pinus nigra	Austrian Pine	10-12' o.c.	B&B	
41	PS	6" Ht.	Pinus strobus	White Pine	10-12' o.c.	Cont.	
7	ZS	2 1/2" cal.	Zelkova serrata	Japanese Zelkova	20-25' o.c.	B&B	
				Shrubs			
35	IV	2 1/2" Ht.	Ilex virginiana	Winterberry		4-5' o.c.	Cont.
70	JH	2 1/2" Ht.	Juniperus horizontalis	Horizontal Juniper		4-5' o.c.	Cont.
45	PL	2 1/2" Ht.	Prunus laurocerasus 'schipkaensis'	Skip Laurel		4-5' o.c.	Cont.
				Total Cost (for bonding only)			



SHRUB
PLANTING DETAIL
N.T.S.



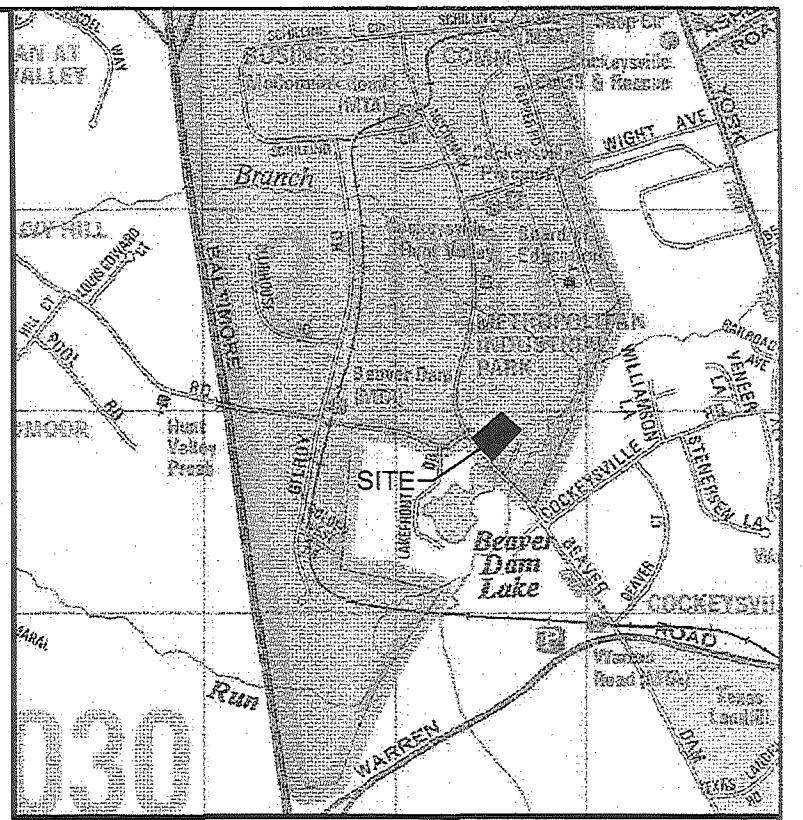
TREE PLANTING DETAIL
- LESS THAN 4" CAL.
N.T.S.



EVERGREEN TREE
PLANTING DETAIL
N.T.S.

PLANTING NOTES:

1. ALL PLANTS SHALL BE NURSERY GROWN.
2. ALL PLANTS SHALL CONFORM TO THE STANDARDS OF BALTIMORE COUNTY.
THEY SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY AND SHALL HAVE A NORMAL HABIT OF GROWTH. THEY SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL-BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE AND INSECT PESTS, EGGS, OR LARVAE. THEY SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS.
3. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.
4. BALLED AND BURLAPPED PLANTS SHALL BE DUG WITH FIRM NATURAL BALLS OF EARTH, OF DIAMETER AND DEPTH TO INCLUDE MOST OF THE FIBROUS ROOTS. CONTAINER GROWN STOCK SHALL HAVE BEEN GROWN IN A CONTAINER LONG ENOUGH FOR THE ROOT PLANTS SYSTEM TO BE HAVE DEVELOPED SUFFICIENTLY TO HOLD ITS SOIL TOGETHER FIRM AND WHOLE. NO PLANTS SHALL BE LOOSE IN THE CONTAINER.
5. ROOT BALLS OF ALL PLANTS SHALL BE ADEQUATELY PROTECTED AT ALL TIMES FROM SUN AND DRYING WINDS OR FROST.
6. OWNER OR HIS REPRESENTATIVE SHALL BE NOTIFIED PRIOR TO BEGINNING PLANTING OPERATIONS.
7. ALL TREES SHALL BE WRAPPED IMMEDIATELY AFTER THEY ARE PLANTED. APPROVED TREE WRAP SHALL BE INSTALLED ACCORDING TO ACCEPTED INDUSTRY PRACTICE.
8. EACH TREE AND SHRUB SHALL BE PRUNED IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS TO PRESERVE THE NATURAL CHARACTER OF THE PLANT. ALL DEAD WOOD OR SUCKERS AND ALL BROKEN OR BADLY BRUISED BRANCHES SHALL BE REMOVED. CUTS OVER 1" IN DIAMETER SHALL BE PAINTED WITH AN APPROVED TREE PAINT.
9. MULCH: IMMEDIATELY AFTER PLANTING OPERATIONS ARE COMPLETED ALL TREES AND SHRUB PLANTING PITS SHALL BE COVERED WITH A 3" LAYER OF SHREDDED HARDWOOD BARK MULCH OR OTHER MATERIAL APPROVED BY THE OWNER OR HIS REPRESENTATIVE. THE LIMIT OF THIS MULCH FOR TREES SHALL BE THE AREA OF THE PIT AND FOR SHRUBS IN BEDS, THE ENTIRE AREA OF THE SHRUB BED.
10. TREES IN LEAF WHEN PLANTED SHALL BE TREATED WITH ANTI-DESICANT SUCH AS WILT-PROOF.
11. CONDITIONS DETRIMENTAL TO PLANTS: THE CONTRACTOR SHALL NOTIFY THE PROJECT IN WRITING ALL SOIL OR DRAINAGE CONDITIONS WHICH THE CONTRACTOR CONSIDERS DETRIMENTAL TO THE OF THE PLANTS. HE SHALL STATE THE CONDITIONS AND SUBMIT A PROPOSAL FOR CORRECTING THE CONDITIONS, INCLUDING ANY CHANGE IN COST FOR REVIEW AND ACCEPTANCE BY THE PROJECT REPRESENTATIVE.
12. MINOR ADJUSTMENTS TO TREE LOCATION MAY BE NECESSARY DUE TO FIELD CONDITIONS AND THE FINAL GRADING. THE CONTRACTOR SHALL NOTIFY THE OWNER IF MAJOR ADJUSTMENTS ARE REQUIRED.

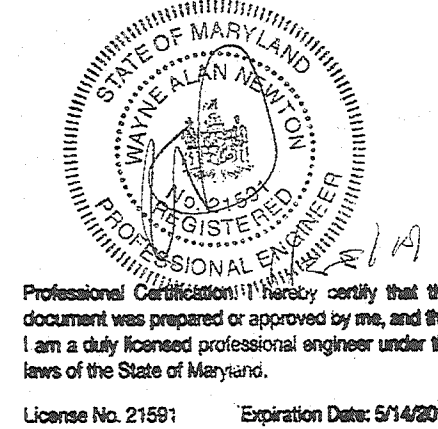


VICINITY MAP
SCALE: 1"=2000
PER ADC MAP USE PERMIT #21003176

REVISION	DESCRIPTION	BY DATE

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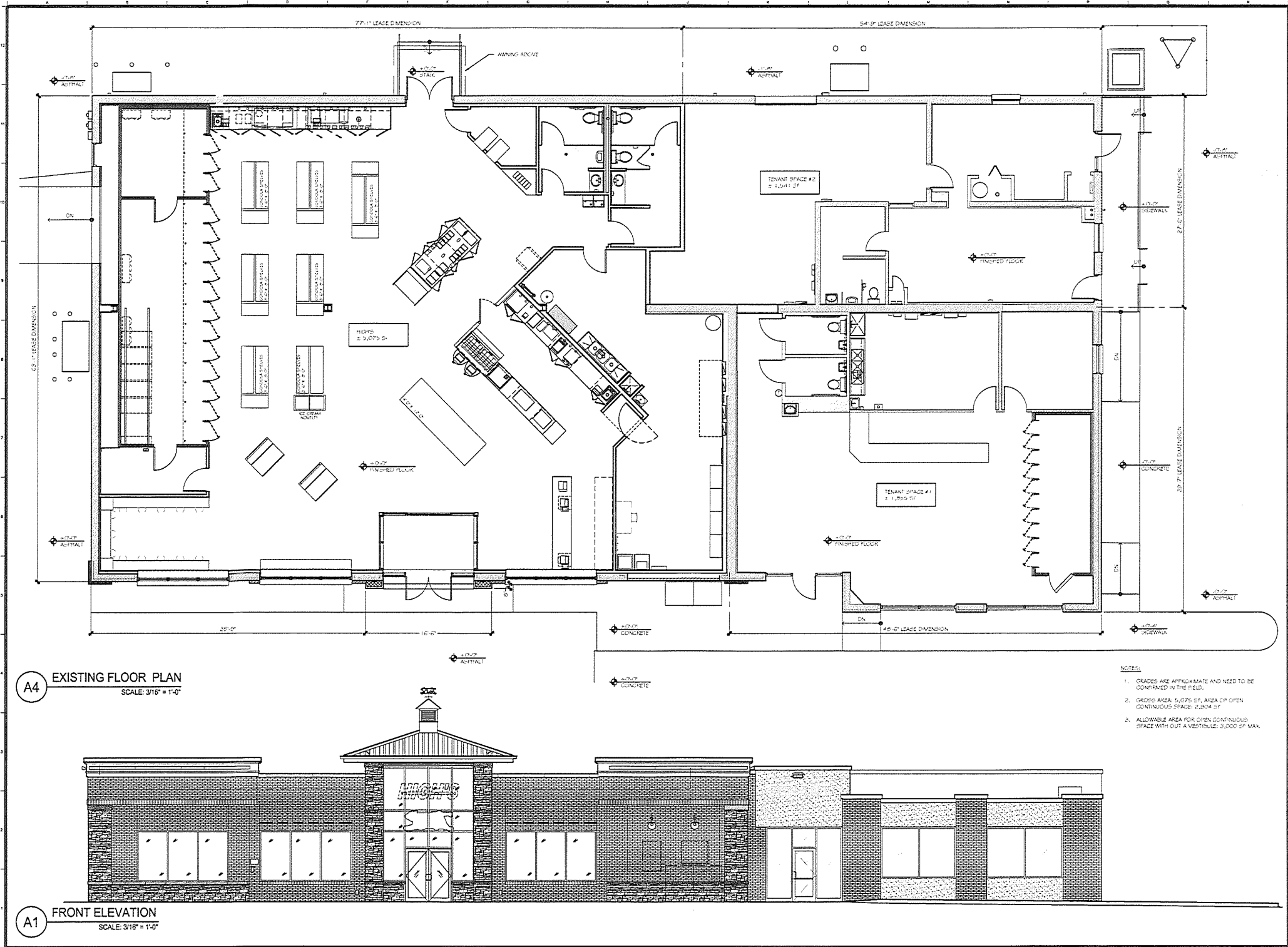


OWNER:

10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD. 21218

HIGH'S @ 10825 BEAVER DAM ROAD LANDSCAPE PLANTING PLAN

TAX MAP: 42 GRID: 21 PARCEL: 19 & 450
8TH TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: JANUARY, 2014 SHEET 1 OF 1



L2M
811 Commercial Park Drive, Suite 113
Cockeysville, Maryland 21031
Cell Phone: 410.841.1362
Fax: 410.841.1363

L2M
ARCHITECTS

L2M
ARCHITECTS



HIGHS OF BALTIMORE, LLC
2700 Loch Raven Road
Baltimore, Maryland 21218



STORE #51 COCKEYSVILLE, MARYLAND