

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(8434 Pulaski Highway) *
15th Election District *
7th Councilmanic District *
Makhanjit Singh & Rajinder Kaur, *
Legal Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0198-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Timothy M. Kotroco, Esquire from Whiteford, Taylor & Preston, on behalf of Makhanjit Singh & Rajinder Kaur ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit automobile sales accessory to Service Garage use. A Petition for Special Exception was filed pursuant to B.C.Z.R. § 253.2.B.3 to permit a Service Garage in the ML-IM zone. Finally, a Petition for Variance was filed pursuant to § 255.1 of the B.C.Z.R. to permit a side yard setback of 1 ft. in lieu of the required 30 ft. and a rear yard setback of 25 ft. in lieu of the required 30 ft.

The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were received from Department of Planning (DOP) dated May 2, 2014 and the Bureau of Development Plans Review (DPR) dated April 10, 2014. The comments and concerns identified in these agency responses will be addressed by the imposition of conditions in the Order which follows.

ORDER RECEIVED FOR FILING

Date 5-30-14

By RSW

The subject property is approximately 0.77 acre in size and is zoned BR & ML-IM. The property is unimproved, and is bounded by Pulaski Highway. Petitioners purchased the property, and proposes to operate an automotive repair facility, with vehicle sales as an accessory use. To do so requires zoning relief.

SPECIAL HEARING

The Special Hearing petition seeks permission to sell vehicles from the site. This is a common request in such scenarios, since repair shops often obtain salvage vehicles or vehicles whose owners have not paid the repair fees. In such cases, the owner prefers to have the ability to sell such vehicles, without needing to hire a broker. This is a reasonable request, and the number of vehicles permitted to be sold from the site will be restricted in the Order below.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. In this case, Mr. Richardson (a licensed professional engineer accepted as an expert) opined Petitioners satisfied B.C.Z.R. § 502.1, and he also testified (via proffer) that the use would serve primarily the industrial uses in the surrounding industrial area, as required by B.C.Z.R. § 253.2.B.3. There was no testimony to the contrary, and thus the favorable presumption under Maryland law would apply in this case.

ORDER RECEIVED FOR FILING

Date 5-30-14

By BW

VARIANCES

Based upon the testimony and evidence presented, I will also grant the request for variance relief. To obtain variance relief requires a showing that:

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

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

The Petitioners have met this test. If the B.C.Z.R. were strictly interpreted, the Petitioners would indeed suffer a practical difficulty, since they would be unable to open the proposed facility or make productive use of this remnant parcel of land. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the petitions for special hearing, special exception and variance shall be granted.

THEREFORE, IT IS ORDERED this 30th day of May, 2014, by this Administrative Law Judge, that the request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit automobile sales accessory to Service Garage use, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to B.C.Z.R. § 253.2.B.3, to permit a Service Garage in the ML-IM zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to § 255.1 of the B.C.Z.R. to permit a side yard setback of 1 ft. in lieu of the required 30 ft. and a rear yard setback of 25 ft. in lieu of the required 30 ft. , be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 5-30-14

3

By SW

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Special Exception granted herein must be utilized within three (3) years from the date hereof unless extended by subsequent Order.
3. Petitioners shall be permitted to sell from the subject property a maximum of fifteen (15) vehicles per month.
4. Prior to the issuance of permits, Petitioners must comply with the requirements of the landscape manual, as determined by the County's Landscape Architect Jeanette Tansey, R.L.A.
5. Prior to the issuance of permits, Petitioners must clear the site of all junk, trash and debris.
6. Prior to the issuance of permits, Petitioners must repave the entrance to the site.

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 5-30-14

By [Signature]

KEVIN KAMENETZ
County Executive



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

May 30, 2014

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

RE: Petitions for Special Hearing, Special Exception and Variance
Property: 8434 Pulaski Highway
Case No.: 2014-0198-SPHXA

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

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

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

Address 8434 Pulaski Highway which is presently zoned BR & ML - IM

Deed References: Liber 32989, Folio 63 10 Digit Tax Account # 2 1 0 0 0 1 3 2 7 0

Property Owner(s) Printed Name(s) Makhanjit Singh and Rajinder Kaur

(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

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
(PLEASE SEE ATTACHMENT)

3. X 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:

N/A

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Timothy M. Kotroco, 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 / tkotroco@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Makhanjit Singh

/

Rajinder Kaur

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

501 S. Monroe Street

Baltimore

MD

Mailing Address

City

State

21223

/ 443-858-1293

/

Zip Code

Telephone #

Email Address

Representative to be contacted:

Timothy M. Kotroco, 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 / tkotroco@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0198SPHYA Filing Date 3/26/14

Do Not Schedule Dates:

Reviewer JCM

**AMENDED PETITION FOR ZONING HEARING
MAKHANJIT SINGH AND RAJINDER KAUR – 8434 PULASKI HIGHWAY**

Special Exception Relief Requested:

1. Special Exception to permit a Service Garage in the ML-IM pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations.

Variance Relief Requested:

1. Variance from Section 255.1 of the Baltimore County Zoning Regulations to permit a side yard setback of 1 foot in lieu of the required 30 feet and a rear yard setback of 25 feet in lieu of the required 30 feet.

Special Hearing Relief Requested:

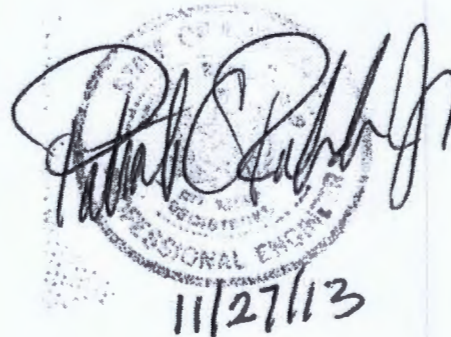
1. Special Hearing to permit automobile sales accessory to Service Garage use.

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 443-901-1208

**ZONING PROPERTY DESCRIPTION FOR
#8434 PULASKI HIGHWAY
(U.S. ROUTE #40)
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the **north** side of **Pulaski Highway** which is **150** feet wide at the distance of **1190** feet **south west** of the centerline of the nearest improved intersecting street **Golden Ring Road** which is **60** feet wide. More particularly described as: Binding on the north side of Pulaski Highway (1) by a curve to the left with a radius of 25389.79 feet and an arc length of 150.08 feet and a chord bearing of South 49 degrees 05 minutes 15 seconds West 150.08 feet, thence leaving the north side of Pulaski Highway for the following courses and distances, (2) North 22 degrees 17 minutes 57 seconds East 139.42 feet, (3) North 17 degrees 31 minutes 06 seconds West 198.51 feet, (4) North 17 degrees 11 minutes 19 seconds West 16.89 feet, (5) North 32 degrees 06 minutes 04 seconds West 53.62 feet, (6) North 12 degrees 51 minutes 32 seconds West 103.47 feet, (7) North 00 degrees 34 minutes 26 seconds West 48.67 feet, (8) North 73 degrees 12 minutes 13 seconds East 43.37 feet, (9) South 17 degrees 00 minutes 46 seconds East 463.95 feet to the point of beginning. Containing **28,200** Sq.Ft. or **0.65** Ac.+/- . Located in the **15th** . Election District, **7th** Councilmanic District.



11/27/13

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: 2014-0198SPHXA
Petitioner: MAKHANJIT SINGH
Address or Location: 8438 Pulaski Hwy

PLEASE FORWARD ADVERTISING BILL TO:

Name: TIMOTHY KOTZOKO
Address: WHITEFORD, TAYLOR & PRESTON
1 W. PENNSYLVANIA AVE., STE. 300
TOWSON, MD 21204
Telephone Number: 410-832-2000

No.

109097

Date:

3/24/14

3000

DATE: 11/11/73

25.7911 7.73.7911 15.79.40

WEDNESDAY

[illegible]

3. ECG ZONE VERIFICATION

15. 1997

Report Tot \$1,000.00

\$1,000.00 \$1.00

Baltimore County, Maryland

Rev	Sub
Source/	Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	---------	----------	---------	--------

001	806	0000		6.50				\$1,000.00

Total:

\$1,000.00

Rec

From

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASE NO: 2014-0198-SPHXA

PETITIONER/DEVELOPER
WHITEFORD, TAYLOR &
PRESTON LLP

DATE OF HEARING/CLOSING:

5/28/14

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

ATTENTION:

LADIES AND GENTLEMEN:

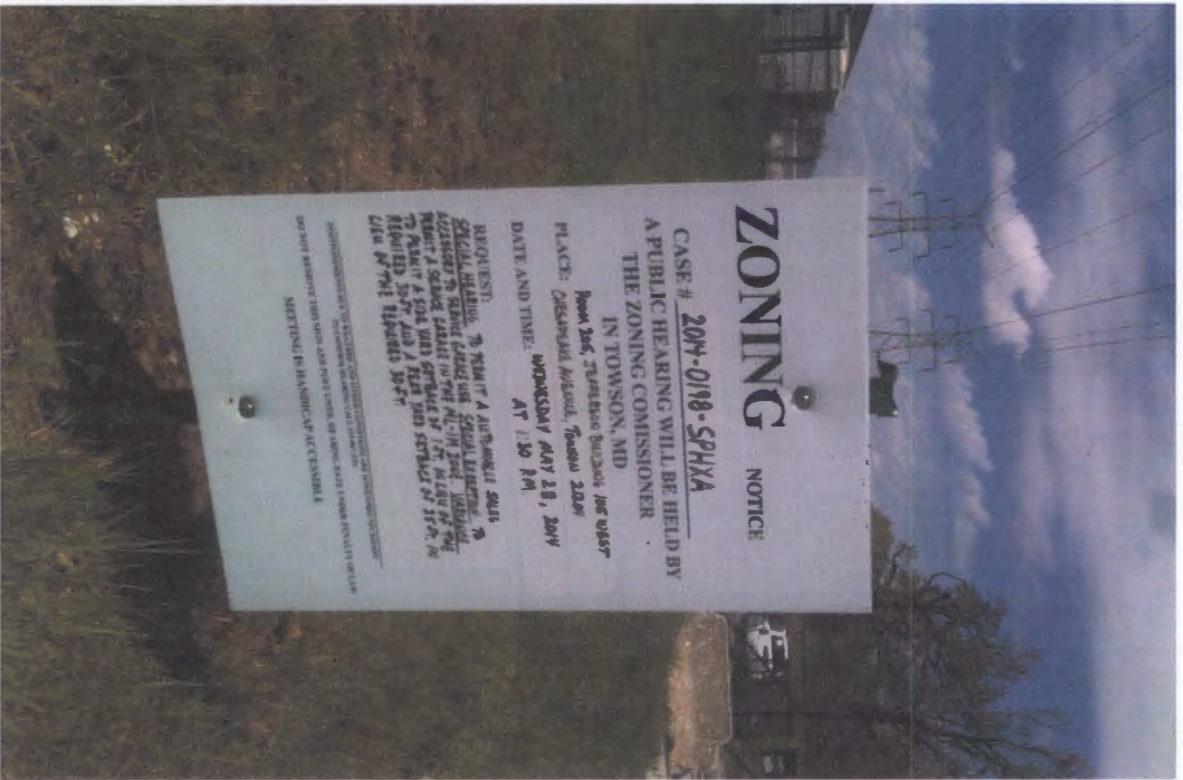
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

8434 PULASKI HIGHWAY

THIS SIGN(S) WERE POSTED ON May 1, 2014
(MONTH, DAY, YEAR)

SINCERELY,
Martin Ogle 5/1/14
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 # 2014-0118-SPHX
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER

IN TOWSON, MD
Place: Room 306, Towson High School, Towson 21204

DATE AND TIME: WEDNESDAY MAY 28, 2014
AT 1:30 PM

REQUEST:
RECONSTRUCT TO PERMIT A 40'x60'x12' SUBS.
SPECIAL USE, TO BE USED FOR RETAIL.
ADDITIONAL TO BE USED FOR RETAIL.
RECONSTRUCT TO PERMIT A 40'x60'x12' SUBS.
TO PERMIT A 40'x60'x12' SUBS.
RECONSTRUCT TO PERMIT A 40'x60'x12' SUBS.
TO PERMIT A 40'x60'x12' SUBS.

DO NOT REMOVE THIS SIGN AND POST FROM THE PROPERTY. IF THE SIGN IS REMOVED OR DAMAGED, THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR REPLACING IT.
MEETING IS HANDICAP ACCESSIBLE

Michael J. [Signature]
5/1/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 8, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on May 8, 2014.

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

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: # 2014-0198-SPHXA

8434 Pulaski Highway

NW/s Pulaski Highway, 2000 ft. +/- SW Golden Ring Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Makhanjit Singh & Rajinder Kaur

Special Hearing: to permit an automobile sales accessory to Service Garage use. **Special Exception:** to permit a Service Garage in the ML-IM zone. **Variance:** to permit a side yard setback of 1 ft. in lieu of the required 30 ft. and a rear yard setback of 25 ft. in lieu of the required 30 ft.

Hearing: Wednesday, May 28, 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.

5/14/5 May 8

978600



KEVIN KAMENETZ
County Executive

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

April 17, 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: 2014-0198-SPHXA

8434 Pulaski Highway
NW/s Pulaski Highway, 2000 ft. +/- SW Golden Ring Road
15th Election District – 7th Councilmanic District
Legal Owners: Makhanjit Singh & Rajinder Kaur

Special Hearing to permit a automobile sales accessory to Service Garage use. Special Exception to permit a Service Garage in the ML-IM zone. Variance to permit a side yard setback of 1 ft. in lieu of the required 30 ft. and a rear yard setback of 25 ft. in lieu of the required 30 ft.

Hearing: Wednesday, May 28, 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: Timothy Kotroco, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Makhanhit Singh, Rajinder Kaur, 501 S. Monroe St., Baltimore 2122

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 8, 2014.**
- (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
Thursday, May 8, 2014 Issue - Jeffersonian

Please forward billing to:

Timothy Kotroco
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2000

NOTICE OF ZONING HEARING

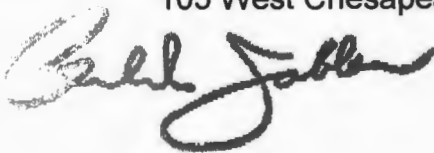
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CASE NUMBER: 2014-0198-SPHXA

8434 Pulaski Highway
NW/s Pulaski Highway, 2000 ft. +/- SW Golden Ring Road
15th Election District – 7th Councilmanic District
Legal Owners: Makhanjit Singh & Rajinder Kaur

Special Hearing to permit a automobile sales accessory to Service Garage use. Special Exception to permit a Service Garage in the ML-IM zone. Variance to permit a side yard setback of 1 ft. in lieu of the required 30 ft. and a rear yard setback of 25 ft. in lieu of the required 30 ft.

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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.

MEMORANDUM

DATE: July 1, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0198-SPHXA - Appeal Period Expired

The appeal period for the above-referenced case expired on June 30, 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
SPECIAL EXCEPTION AND VARIANCE	*	
8434 Pulaski Highway; NW/S of Pulaski	*	OF ADMINSTRATIVE
Highway, 2000' SW of Golden Ring Road	*	
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Makhanjit Singh	*	
& Rajinder Kaur	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2014-198-SPHXA

* * * * *

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

APR 18 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2014, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, 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

CASE NO. 2014-

0198-SPHYA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
4/10/14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
	DEPS (if not received, date e-mail sent _____)	
	FIRE DEPARTMENT	
5/2/14	PLANNING (if not received, date e-mail sent _____)	C
4/9/14	STATE HIGHWAY ADMINISTRATION	C
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 5/8/14	
SIGN POSTING	Date: 5/1/14 by Ogle	
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*

May 21, 2014

Makhanjit Singh
Rajinder Kaur
501 S. Monroe Street
Baltimore MD 21223

RE: Case Number: 2014-0199 SPHXA, Address: 8434 Pulaski Highway

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 26, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Timothy M. Kotroco, 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:

4/9/14

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

RE: Baltimore County
Item No. 2014-0198-SPHKA
Special Exception Variance
Special Hearing
Makhanjit Singh
Rajinder Kaur
8434 Dulaski 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 4/7/14. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2014-0198-SPHKA the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 2, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 8434 Pulaski Highway

MAY 05 2014

INFORMATION:

Item Number: 14-198

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Makhanjit Singh and Rajinder Kaur

Zoning: BR & ML-IM

Requested Action: Special Hearing, Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The requests are for a special exception to permit a Service Garage in a ML-IM zone, a side yard setback variance and a special hearing to permit automobile sales accessory to the Service Garage use.

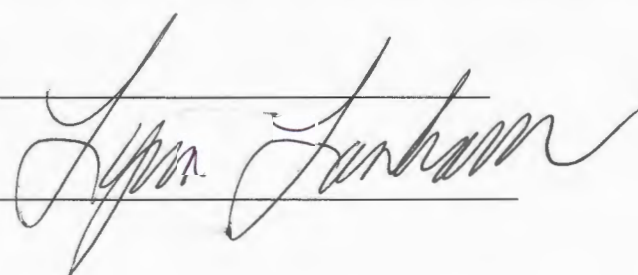
The Service Garage use is permitted as a special exception use in an IM zone, and the auto sales auxiliary use is permitted but not within 100 feet of a residential zone (which this property is not). The side yard variance is not a concern since there is a significant buffer between the proposed building and the adjacent property.

The property adheres to the special exception requirements and does not adversely impact the health, safety and well being of any individuals or neighboring properties. The site, however, does have some limitations. It is a very narrow and deep lot that was once part of the adjacent lot to the west (8432 Pulaski Highway). The surface is a mix of concrete (formerly an auxiliary entrance for 8432 Pulaski), grass and overgrown weeds. There are currently all different types of vehicles on the site (old police cars, construction equipment, etc) which make it seem more like a junkyard then a usable lot. In order for this department to give its support, the site would have to be cleaned up, landscaped and cleared of all debris. The entrance to the site also needs repaving.

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

Prepared By: _____

Division Chief:
AVA/LL



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 April 14, 2014
Item No. 2014-0198

DATE: April 10, 2014

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

This site is subject to Landscape Manual requirements which must be addressed before a building permit will be issued.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0198-04142014.doc

Real Property Data Search (w3)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 2100013270		
Owner Information		
Owner Name:	SINGH MAKHANJIT KAUR RAJINDER 501 S MONROE ST BALTIMORE MD 21223-	Use: COMMERCIAL Principal Residence: NO Deed Reference: 1) /32989/ 00063 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	8434 PULASKI HWY 0-0000	Legal Description: .648 AC NWS PULASKI HWY 1520 NE OLD PHILAD RD
Map: 0089	Grid: 0018	Parcel: 1147
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
Ad Valorem:	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation	Property Land Area 0.6500 AC	County Use 06
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
Land:	48,700	48,700
Improvements	0	0
Total:	48,700	48,700
Preferential Land:	0	0
Transfer Information		
Seller: PULASKI ACRES INC	Date: 01/03/2013	Price: \$90,000
Type: ARMS LENGTH VACANT	Deed1: /32989/ 00063	Deed2:
Seller: C J LANGENFELDER AND SON INC	Date: 10/26/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /20883/ 00507	Deed2:
Seller: EQUITABLE BANK SCHEELER CHARLES	Date: 12/23/1999	Price: \$75,000
Type: NON-ARMS LENGTH OTHER	Deed1: /14224/ 00098	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:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **2100013270**

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://lmsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

→

CASE NAME _____
CASE NUMBER _____
DATE 5/28/14

[illegible]

Case No.: 2014-198-SPHXA

Exhibit Sheet

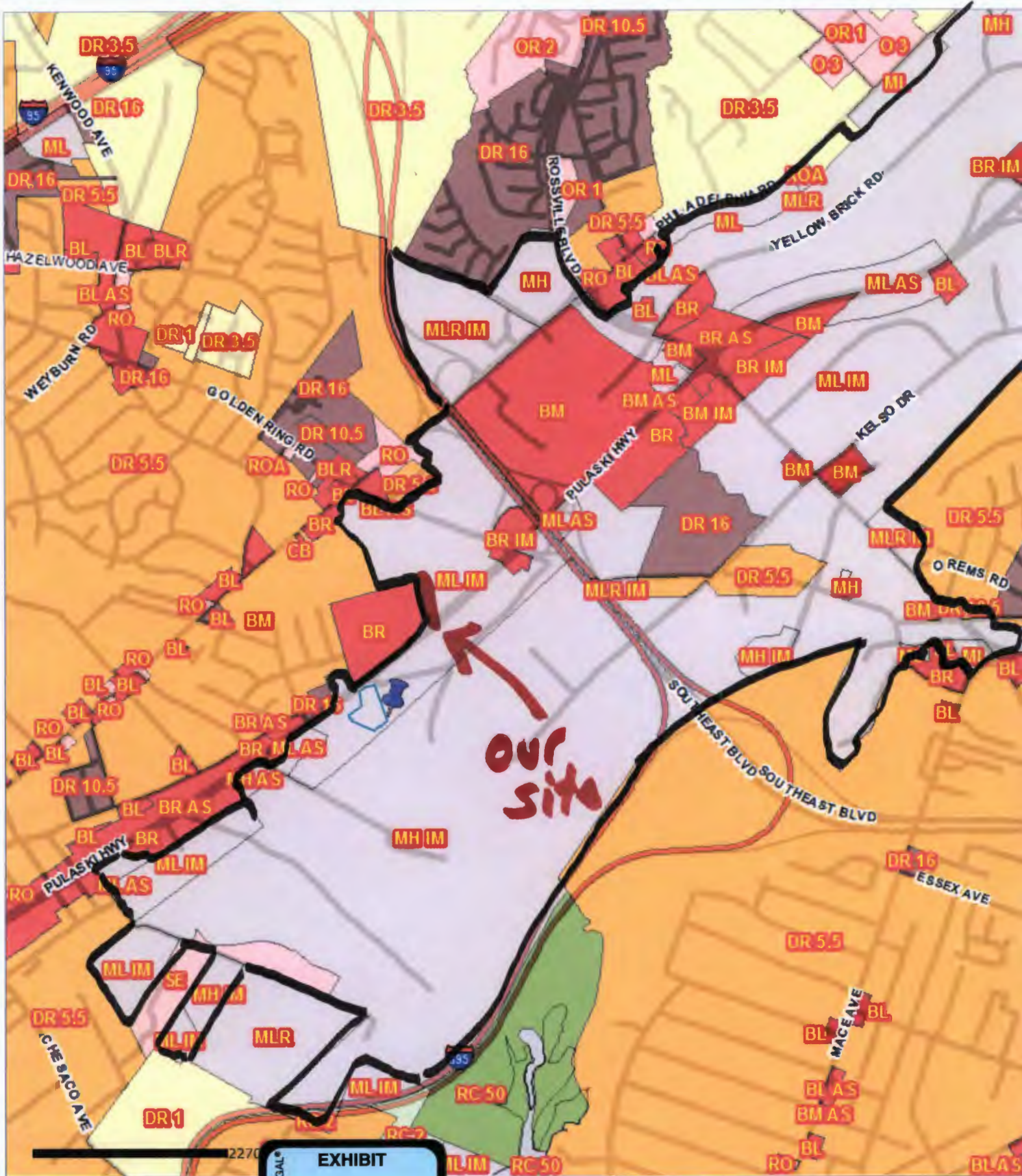
Petitioner/Developer

Respondent

5-30-14
DW

No. 1	Plan	
No. 2	Aerial photo	
No. 3	Zoning map	
No. 4	Google Earth photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





our site



My Neighborhood

ALL-STATE LEGAL®

EXHIBIT

3

By
County
My Neighborhood

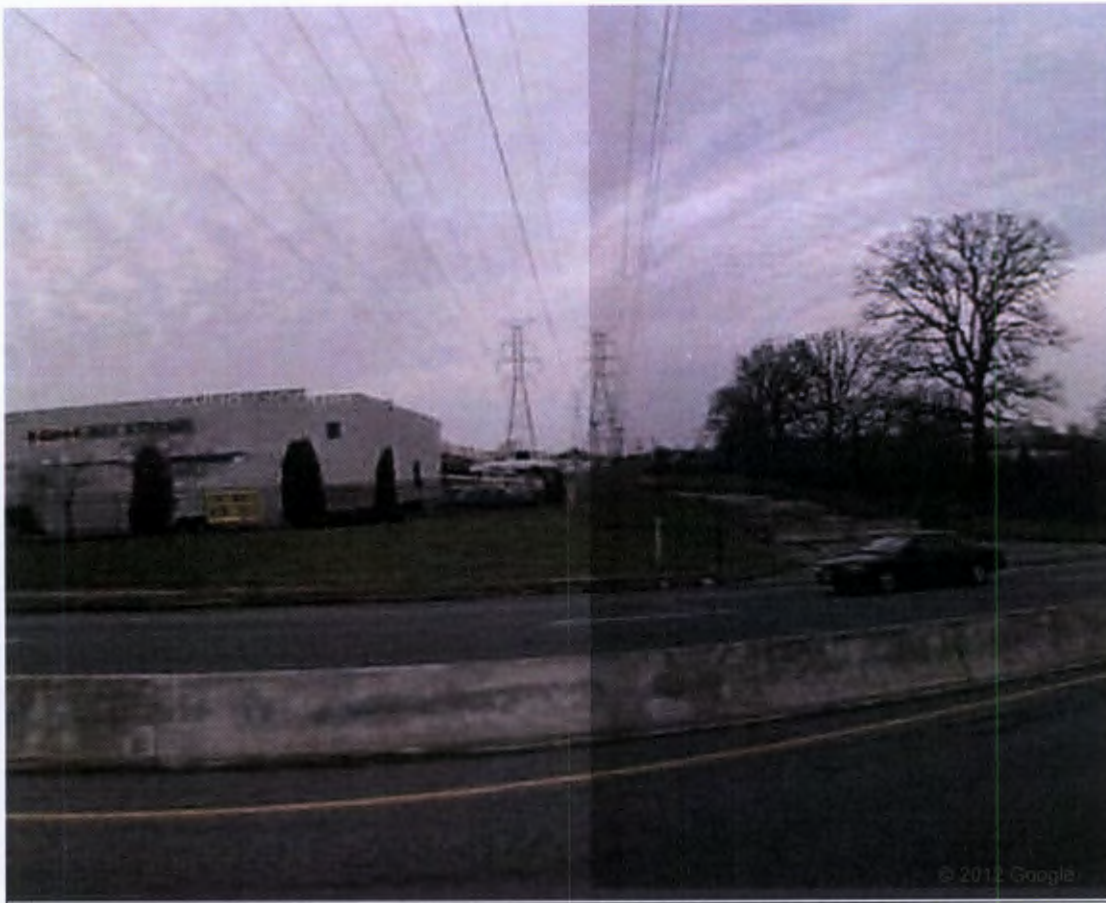


This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties,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



Address **8469 U.S. 40**

Address is approximate





Address **8548 U.S. 40**

Address is approximate



134 pulaski highway, baltimore md - Google Maps

8434 pulaski highway, baltimore md - Google Maps

8434 pulaski highway, baltimore md - Google Maps

Google

Address 8434 Pulaski Hwy
Rosedale, MD

Google

Address 8
R

Google

Address 8434 Pulaski Hwy
Rosedale, MD



8434 Pulaski Hwy



Publication Date: 4/3/2014



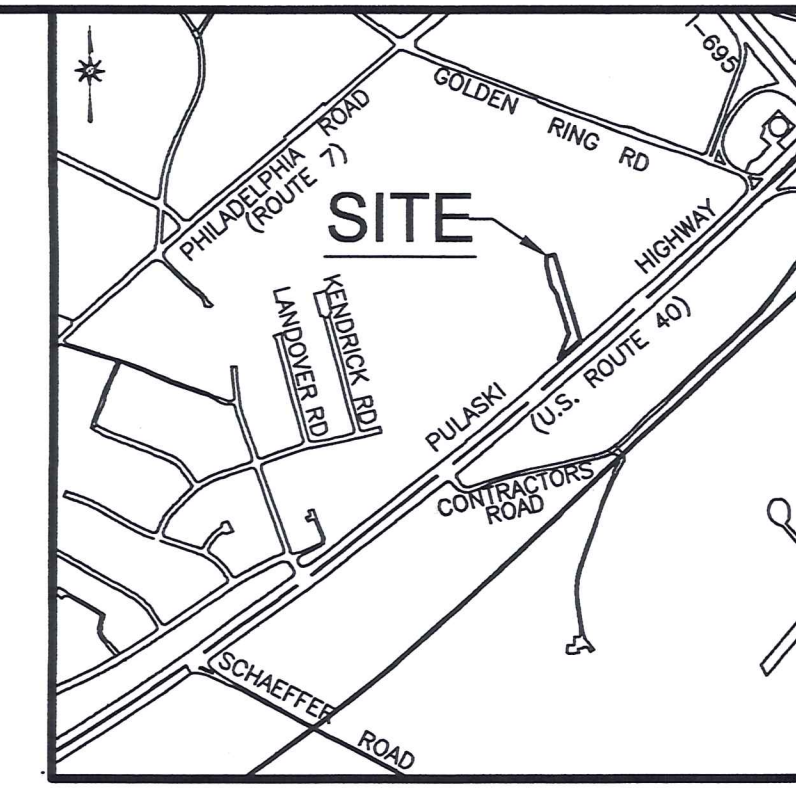
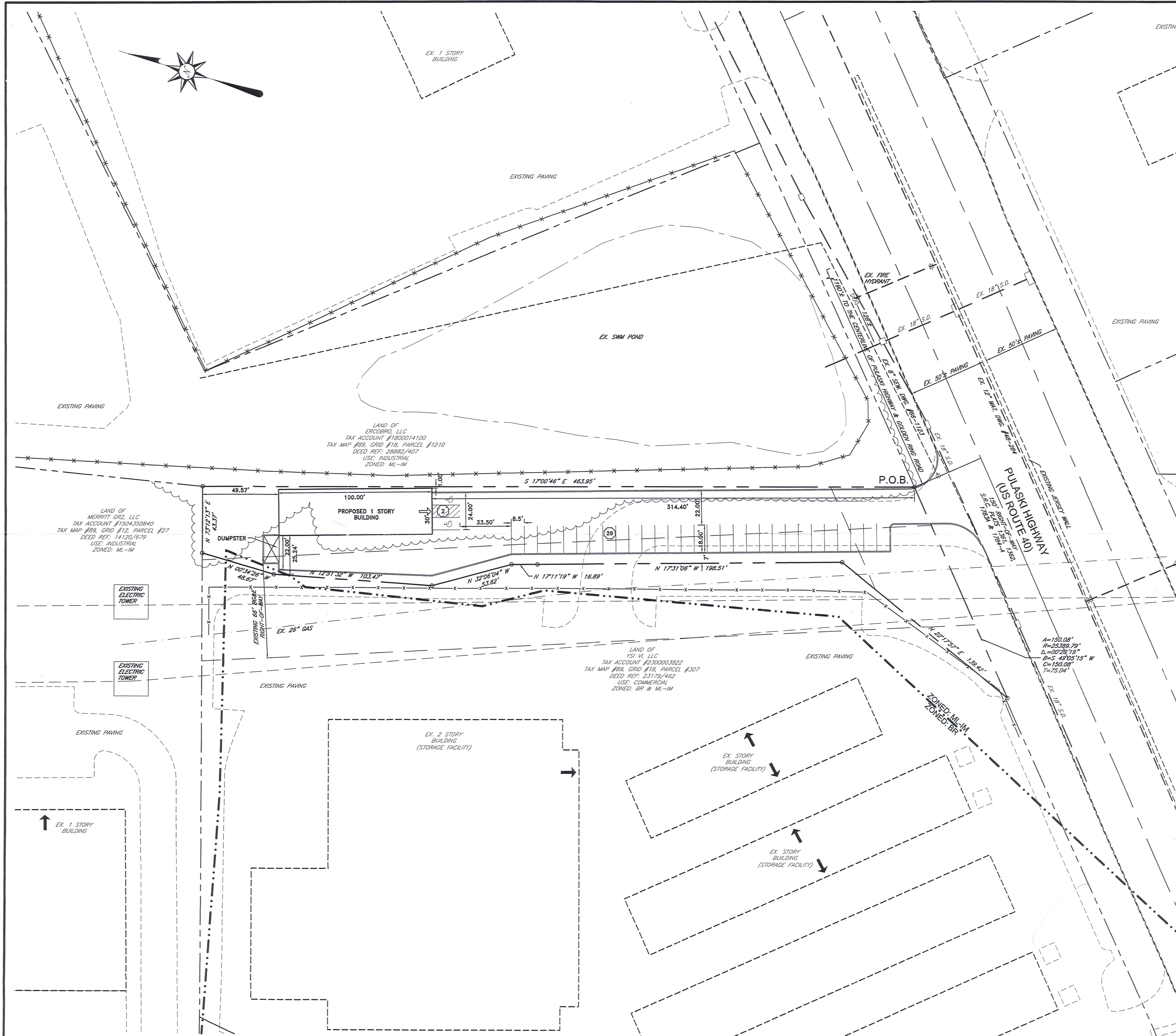
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

G:\Jobs\Jobs2014\13119-8434 Pulaski Highway\Drawings\13119pl.dwg, Layout, 3/20/2014, 8:43:35 AM



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: MAKHANJIT SINGH & RAJINDER KAUR
501 SOUTH MONROE STREET
BALTIMORE, MD 21223
- SITE AREA:
GROSS: 33,401 SF or 0.77 Ac.±
NET: 29,200 SF or 0.65 Ac.±
- DEED REF: 32889/63
- TAX ACCOUNT: #2100013270
- COUNCILMANIC DISTRICT: 7th
- TAX MAP #89, GRID #18, PARCEL #1147
- ZONING: BR & ML-IM
(PER 1"=200' ZONING MAP 089C2)
- NO KNOWN PRIOR ZONING HISTORY ON FILE.
- NO KNOWN PRIOR PERMITS ON FILE.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- USES:
EXISTING: VACANT
PROPOSED: PROPOSED SERVICE GARAGE WITH ACCESSORY CAR SALES
- SITE TO BE SERVICED BY PUBLIC WATER AND SEWER.
- SITE LIES WITHIN ZONE "X" OF FLOOD INSURANCE RATE MAP (FIRM)
PANEL #2400100430 F PANEL 430 OF 580 DATED SEPTEMBER 26, 2008.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- BUILDING AREA:
EXISTING: 0 SF
PROPOSED: 3,000 SF
TOTAL: 3,000 SF
- FLOOR AREA RATIO (F.A.R.)
MAX PERMITTED = 2.0
PROVIDED: 3,000/33,401 = 0.09
- PARKING FOR SERVICE GARAGE
REQUIREMENT 3.3/1000 10 SPACES
SPACES REQUIRED 31 SPACES
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- BUILDING HEIGHT 25'
- BASIC SERVICE MAPS
TYPE DEFICIENT (Y/N) NOTE
SEWER N
WATER N
TRANSPORTATION N
TYPE REQUIRED PROVIDED
FRONT 50' 314'±
SIDE 30' 1±
REAR 30' 50'±
- SETBACKS FOR ML-IM
TYPE REQUIRED PROVIDED
FRONT 50' 314'±
SIDE 30' 1±
REAR 30' 50'±

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2015



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

PROPOSED SERVICE GARAGE
8434 PULASKI HIGHWAY
BALTIMORE, MARYLAND 21237

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	PETITIONER'S	EXHIBIT NO.	DRAWN BY:	DESIGNED BY:	SCALE:
			CND	PCR	1" = 30'
			DATE:	JOB NO.:	SHEET NO.:
			03-20-14	13119	1 OF 1



Address U.S. 40
Address is approximate



Address U.S. 40
Address is approximate



Address U.S. 40
Address is approximate



PETITIONER'S

EXHIBIT NO.

4