IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(3300 Washington Blvd.)

13th Election District
1st Councilmanic District
EMZA, Inc./Legal Owner
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0245-XA

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 3300 Washington Blvd. The Petitions were filed on behalf of EMZA, Inc., the legal owner of the subject property. The Petition for special exception seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) for a convenience store and gas station, pursuant to B.C.Z.R. § 405.2.B.1. The Petition for Variance seeks relief under B.C.Z.R. as follows: (1) for two car stacking spaces in lieu of the required three car stacking spaces pursuant to § 405.4.A.3.c; (2) for 27 off-street parking spaces in lieu of the required 31 spaces pursuant to § 409.6.2; (3) for a 14 ft. drive aisle (two way) in lieu of the required 20 ft. pursuant to § 409.4.A; and (4) setback of five feet (5 ft.) for existing fuel pump canopy in lieu of the required 15 ft. pursuant to §405.A.2.a. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing in support of the Petitions were Zulfiqar Baig, Ehsan Anjunn, and Amrish G. Patel, P.E. with AST Consultants, Inc., who prepared the site plan for this project. Frank X. Borgerding, Jr., Esq. represented the Petitioner. There were no Protestants or interested citizens in attendance and the file does not contain any letters of protest or opposition. The Petition was properly advertised and posted as required by the BCZRVED FOR FILING

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The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive ZAC comments were received from the Department of Planning (DOP) and Bureau of Development Plans Review (DPR). The DPR indicated that a landscape plan must be approved prior to issuance of any permits, and the DOP initially recommended denial of all requests. After reviewing a revised site plan (dated August 7, 2014), the DOP indicated it did not oppose the requests, provided certain conditions were imposed.

The subject property is 0.463 acres (20,111 sq. ft.) and is zoned BL-AS. The site is situated at the intersection of U.S. 1 and Caton Avenue, adjacent to the Baltimore City line. The area is heavily travelled and entirely commercial. Petitioner notes that a gas station has existed on this site since at least 1950, a point echoed in the DOP's ZAC comment concerning a "non-conforming fuel service station with ancillary convenience store." Even so, there has been no formal finding that the operation is a lawful non-conforming use, and in any event, the Petitioner proposes to expand by approximately 150% the size of the existing structure. The B.C.Z.R. restricts to 25% the enlargement of non-conforming uses and structures, B.C.Z.R. § 104, and thus the Petitioner seeks special exception and variance relief.

The only improvements proposed concern the convenience store, which Mr. Patel (Petitioner's engineer) explained is in poor condition. That structure is presently 1,690 sq. ft., and the Petitioner proposes to construct a 2,350 sq. ft. enlargement of the store, which would then be just over 4,000 sq. ft. All other improvements and facilities on the site would remain as currently configured. The B.C.Z.R. permits by special exception a convenience store with a sales area larger than 1,500 sq. ft., provided the additional site area is at least four times the square footage of the convenience store. B.C.Z.R. § 405.4.E.1. Since the site area is 20,111 sq. ft., and the

ORDER RECEI	VED FOR FILING	
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Date		
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proposed store would be 4,000 sq. ft., the Petitioner would appear to satisfy this additional restriction.

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. No such evidence was presented in this case, and of course a fuel service station has been in operation at this location for over 50 years. As such, the petition for special exception will be granted.

VARIANCE

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

(1) The property is unique; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioner has met this test. The site is of irregular dimensions and has frontage on two public highways. As such, the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would suffer a practical difficulty, in that it would be unable to construct the proposed improvements and modernize the operation. 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.

Date SIZALA

3

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 29th day of August, 2014, that the Petition for Special Exception for a fuel service station/convenience store, pursuant to B.C.Z.R. § 405.2.B.1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance relief from B.C.Z.R. as follows: (1) for two car stacking spaces in lieu of the required three car stacking spaces pursuant to § 405.4.A.3.c; (2) for 27 off-street parking spaces in lieu of the required 31 spaces pursuant to § 409.6.2; (3) for a 14 ft. drive aisle in lieu of the required 20 ft. pursuant to § 409.4.A; and (4) for a setback of five feet (5 ft.) for an existing fuel pump canopy in lieu of the required 15 ft. pursuant to § 405.A.2.a, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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 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 comply with the ZAC comments of DOP dated August 14, 2014, a copy of which is attached hereto and incorporated herein.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB/sln/dlw

Date 8 2014

4

KEVIN KAMENETZ
County Executive



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

August 29, 2014

Francis X. Borgerding, Jr. 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RF.

Petitions for Special Exception and Variance

Case No.: 2014-0245-XA

Property: 3300 Washington Blvd.

Dear Mr. Borgerding:

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.

JOHNE. 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 3300 Washington Blvd., Baltimore, MD 21227which is presently zoned BL-AS

Deed References: 33233 / 00 243 10 Digit Tax Account # 1 6 0 0 0 0 0 3 5 0

Property Owner(s) Printed Name(s) EM 2A, Inc.

(SELECT THE HEARING(S) BY MARKING \underline{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 descriptio and plan attached hereto and made a part hereof, hereby petition for:					
 a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whethe 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 SEE ATTACHED	for				
3. X a Variance from Section(s)					
SEE ATTACHED					

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

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Legal Owners (Petitioners): Contract Purchaser/Lessee: EMZA, Inc. Name #2 - Type or Print Name #1 - Type or Print Name- Type or Print Signature # 2 Signature Signature #1 3300 Washington Boulevard, Baltimore, MD Mailing Address City State Mailing Address 21227 Zip Code Telephone # Email Address Zip Code **Email Address** RECEIVED FOR FILING Attorney for Petitioner: Representative to be contacted: Francis X. Borgerding, Jr. Name - Type or Print Signature Signature 409 Washington Avenue, Suite 600, Towson, MD Mailing Address State Mailing Address 21204 410-296-6820 Zip Code Zip Code Telephone # **Email Address** Telephone # **Email Address** CASE NUMBER 2014-0245 Filing Date 5/19/14 Do Not Schedule Dates: Reviewer

REQUESTED VARIANCES

Variance from Section 405.4.A.5.c for one car in lieu of the required two car stacking spaces

Variance from Section 409.6.2 for 27 spaces in lieu of the required 31 spaces

Variance from Section 409 X.A for 14 feet in lieu of the required 20 feet

Variance from Section 405.4.A.2.a for five feet in lieu of the required 15 feet

REQUESTED SPECIAL EXCEPTION

Special Exception from Section 405.2.B.1 for a convenience store and gas station

ZONING DESCRIPTION OF THE PROPERTY:

ZONING PROPERTY DESCRIPTION FOR 3300 WASHINGTON BLVD, HALETHORPE, MD 21227.

PART A

BEGINNING for the same at a crosscut in the side walk at the intersection of the Northwesterly side Washington Boulevard with the West side of Caton Avenue, eighty feet wide, said point also being the point of beginning of that parcel of land described in a Lease from Harry P. Loeffler, et ux to Lord Baltimore Filling Stations, incorporated by Lease dated November 27, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1493 folio 527.

PART B

Running thence binding on the first through the fifth course of said Lease, the five following courses, as surveyed, viz: first binding(1st POC -Point Of Call) on the northwesterly of Washington Boulevard, S. 49° 37' 30" W. 95.0', (2nd POC) N. 40° 22' 54" W. 150.0' (3rd POC) N. 49° 37' 30" E. 133.9' (4th POC) S. 75° 21' 57" E. 50.75'(5th POC) S. 8° 13' 30" E. 128.0', back to the point of beginning as recorded in Deed Ref: 33233/00243, Liber9, Folio 21B, containing ± 20,172 Sq. Ft. located in the 13 Election District and 01 Council District..

Being all Lot nos. 1, 2, 3 and part of Lot No. 4 of a Plat entitled "No. 2 of Bloomfield (subdivision)" recorded among the Plat records of Baltimore County in Plat Book WPC 9 folio 21B. containing 0.463 of acre of land more or less.

The improvements thereon being known as No. 3300 Washington Boulevard.

Owner:

EMZA Inc; 1 Knaves Court, Baltimore MD 21236

.MD Property Tax Account No: 1600000350

Civil Engineer: AST Consultants Inc. 7894 James Ave, Ellicott City MD 21043 Phone: 410-456-2402

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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. <u>For those petitions which require a public hearing</u>, 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.

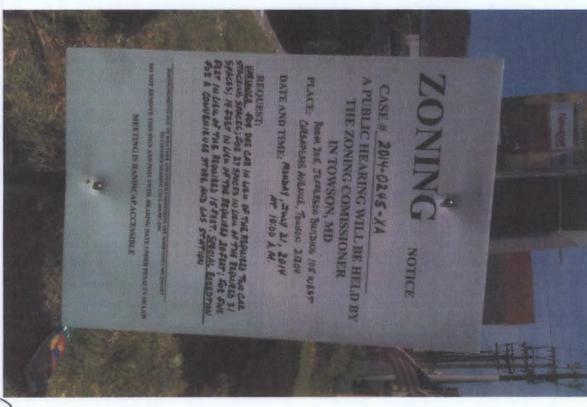
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Case Number: 2014-0245-5PHA	
Address or Location: 3300 vashington Blud Balton of 2/2	2
PLEASE FORWARD ADVERTISING BILL TO:	ĺ
Name: FMZA IInii	
Address: 3300 wishington BIN Battoner 2122	7
Telephone Number: 4 (410) 246 - 6820	

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CERTIFICATE OF POSTING

6	CASE NO: 2014-00	245-XA	
	PETITIONER/DEVE	ELOPER	
	EMZA IN	<u>C</u>	
	DATE OF HEARING	/CLOSING:	
	7/21/14		
PERMITS AND I	UNTY DEPARTMENT O DEVELOPMENT MANAG E BUILDING,ROOM 11: SAPEAKE AVENUE	GEMENT	
ATTENTION:			
LADIES AND GE	NTLEMEN:		
		THE PENALTIES OF PERJURY THAT THE W WERE POSTED CONSPICUOUSLY ON T	THE
	3300	WASHINGTON BLUD.	
,			
THIS SIGN(S) WI	ERE POSTED ON	June 29, 2014	
	(MONTH,DAY,YEAR)	<i>A</i>	
	SINCERELY,	Goodle 6/29/14	
	SIGNATURE OF SIGN	POSTER AND DATE:	
	MARTIN OGLE (SIGN POSTER)		
	60 CHELMSFORD CO BALTIMORE, MD 21		
	(ADDRESS)		
	PHONE NUMBER:44	13-629-3411	



Ser state





Baltimore, Maryland 21278-0001

July 17, 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 July 1, 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

usen Wilkins

RECEIVED

JUL 2 1 2014

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF ZONING HEARING

The Administrative Lew 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 at follows:

Case: #2014-0245-XA
3300 Washington Blvd.

Cornor of NW/s Washington Blvd and W/s Ceton Avenue
13th Election District - 1st Councilmanic District
Logal Owner(s): EMZA, inc.

Variance for one car in lieu of the required two cer stocking
spaces; for 27 spaces in licu of the required 31 spaces; for 14 feet in fieu of the required 20 feet; for five feet in licu of the required and season of the required and season.

Hearing: Monday, July 21, 2014 at 10300 a.m. In Room
205, Jerferson Building, 105 West Cheespenky Avenue,
Towson 21204.

ARNOLD JABLON, DIRRCTOR OF PERRITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handlespeed Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-8868.

(2) For Information consensing the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/657 July 1



501 N. Calvert St., P.O. Box 1377
 Baltimore, Maryland 21278-0001

LEGAL ADVERTISING DEPARTMENT

Fax: 410-332-6446

E-Mail: <u>legals@patuxent.com</u>
E-Mail: <u>accislegals@fribune.com</u>

Susan Wilkinson: 410-332-6132
Ellen Harris: 410-332-6157
Pamela Masiey: 410-332-6284
Joanne Wernick: 410-332-6295
Kathy Conahan: 410-332-6406
Sue Thomas: 410-332-6657
Jessica Dorsey: 410-332-6356

7-1

DATE: 7-21-14	•
# OF PAGES (INCLUDING COVER):	
TO: Kristin	

:-



KEVIN KAMENETZ
County Executive

June 23, 2014

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

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: 2014-0245-XA

3300 Washington Blvd.

Corner of NW/s Washington Blvd and W/s Caton Avenue

13th Election District – 1st Councilmanic District

Legal Owners: EMZA, Inc.

<u>Variance</u> for one car in lieu of the required two car stacking spaces; for 27 spaces in lieu of the required 31 spaces; for 14 feet in lieu of the required 20 feet; for five feet in lieu of the required 15 feet. <u>Special Exception</u> for a convenience store and gas station.

Hearing: Monday, July 21, 2014 at 10:00 a.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: EMZA, Inc., 3300 Washington Blvd., Baltimore 21227 Francis Borgerding Jr., 409 Washington Avenue, Ste. 600, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 1, 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

Tuesday, July 1, 2014 Issue - Jeffersonian

Please forward billing to:

EMZA, LLC 3300 Washington Blvd. Baltimore. MD 21227 410-296-6820

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: 2014-0245-XA

3300 Washington Blvd.

Corner of NW/s Washington Blvd and W/s Caton Avenue

13th Election District - 1st Councilmanic District

Legal Owners: EMZA, Inc.

<u>Variance</u> for one car in lieu of the required two car stacking spaces; for 27 spaces in lieu of the required 31 spaces; for 14 feet in lieu of the required 20 feet; for five feet in lieu of the required 15 feet. Special Exception for a convenience store and gas station.

Hearing: Monday, July 21, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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:

September 30, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0245-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on September 29, 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 AND VARIANCE 3300 Washington Boulevard; Corner NW/S Washington Blvd & W/S Caton Avenue 13th Election & 1st Councilmanic Districts Legal Owner(s): EMZA, Inc

Petitioner(s)

- BEFORE THE OFFICE
- * OF ADMINSTRATIVE
- * HEARINGS FOR
- * BALTIMORE COUNTY
- * 2014-245-SPHA XA

ENTRY OF APPEARANCE

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

RECEIVED

JUN 04 2014

2000000000000000

CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204

Peter Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

105 West Chesapeake Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of June, 2014, a copy of the foregoing Entry of Appearance was mailed to Francis Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Support/Oppose/

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
10/3/14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	<u> </u>
6/24/14	DEPS (if not received, date e-mail sent)	NIC
19/14 14/14/14	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent) STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	NOOPS
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
ZONING VIOLATION PRIOR ZONING	ON (Case No	
NEWSPAPER ADVI	1/20/11/	by OGIQ
PEOPLE'S COUNSEI	L APPEARANCE Yes No D	
omments, if any:		



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 16, 2014

EMZA Inc. 3300 Washington Boulevard Baltimore MD 21227

RE: Case Number: 2014-0245 XA, Address: 3300 Washington Boulevard

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 May 19, 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,

U. Cal Rishal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson MD 21204

Maryland Department of Transportation

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 6/12/14

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

RE: Baltimore County

Item No. 2014-0245-XA
Variance Special Exeption
EMZA, Inc.
3300 Washington Boulevard

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 6/4/14. A field inspection and internal review reveals that an entrance onto 26 / consistent with current State Highway Administration guidelines is required. As a condition of approval for Vivience, Case Number 2014 0245 At the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Sincerely.

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz

Mr. Michael Pasquariello, Utility Engineer, SHA \cc:

Mr. David Peake, District Engineer, SHA

Debra Wiley - Re: Special Exception Case #13-245 (3300 Washington Boulevard)

From:

John Beverungen

To:

Donnell Zeigler

Date:

7/29/2014 2:57 PM

Subject:

Re: Special Exception Case #13-245 (3300 Washington Boulevard)

CC:

David Green; Debra Wiley; Sherry Nuffer

Donnell, thanks for the update, and that sounds fine. I will wait to hear from you after Borgerding.

John.

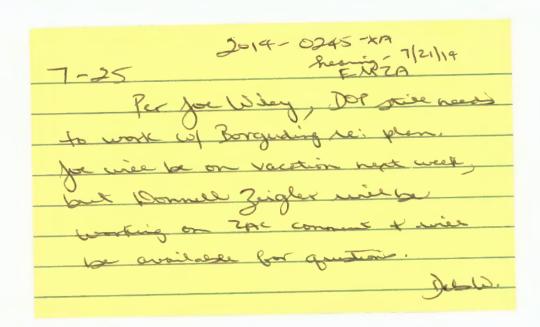
>>> Donnell Zeigler 7/29/2014 2:09 PM >>> Hello John,

Stranged -

I am working on behalf of Joe Wiley who is out on vacation to get you Planning's comments for this case. As you know, Planning received a new copy of the development plan right before the hearing. I have reviewed the new development but I still have the same negative comments that Joe had in his original comments. I wanted to set up a meeting to talk to the property owner's lawyer, Frank Borgerding to see if it was possible to resolve Planning's oustanding issues but Frank is out on vacation until Friday.

So I wanted to talk to you to see how flexible you were to holding this case open maybe another to week to see if I can work out the issues with the lawyer.

Donnell



Debra Wiley - Copy of Ad

From:

paizoningfax Fax

To:

Nuffer, Sherry; Wiley, Debra

Date:

7/21/2014 9:24 AM

Subject:

Copy of Ad

Attachments:

Fax Received From: 4103323000

Hello Ladies,

Apparently the lovely folks at the Jeffersonian, decided to mail the ads out to me on last Friday, instead of e-mailing them or faxing them to me. However, I was able to get them to send the copy of the ad for today's hearing. Thanks,

Kristen

Debra Wiley - ZAC Comments - Case No. 2014-0245-XA

From:

Debra Wiley

To:

beverly.kaufman@verizon.net

Date:

7/21/2014 8:26 AM

Subject:

ZAC Comments - Case No. 2014-0245-XA

Attachments: 20140721075851531.pdf

Ms. Kaufman,

Please find attached ZAC comments per Mr. Borgerding's telephone request for a 10 AM hearing today.

Thank you.

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

>>> <officeofhearings@baltimorecountymd.gov> 7/21/2014 7:58 AM >>> This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 07.21.2014 07:58:51 (-0400)

Queries to: officeofhearings@baltimorecountymd.gov

. - 4

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Message Id: Subject: Created By:

ZAC Comments - Case No. 2014-0245-XA dwiley@baltimorecountymd.gov

Scheduled Date:

7/21/2014 8:26 AM Debra Wiley

Creation Date: From:

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## **Options**

Auto Delete:
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## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

**DATE:** August 14, 2014

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

3300 Washington Boulevard

**INFORMATION:** 

Requested Action:

Item Number:

14-245

Petitioner:

EMZA, Inc.

Zoning:

**BL-AS** 

AUG 1 4 2014

OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED

Special Exception, Variance

## **SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a special exception for a "convenience store and gas station" (presumably Fuel Service Station with ancillary convenience store greater than 1,500 square feet) in a BL-AS zone pursuant to BCZR Section 405.2.B.1. A site visit by Planning staff reviewed the site and confirms the use of the site as a fuel station Staff has reviewed the petition within the context of BCZR Section 405.6.A and offers the following comments:

The Department does not oppose the petitions for variances and special exceptions supported by the site plan received by this department dated August 7, 2014 provided that the following conditions are met:

- 1. Sidewalks are provided along Caton Avenue and Washington Boulevard
- 2. Submit a landscape and lighting plan for the entire site
- 3. Submit building elevations with details on the building materials
- 4. Relocate the vacuum pump so that it does not interfere with internal circulation and is outside of any landscape buffer
- 5. No temporary signs shall be located within the landscape buffer
- 6. Provide legal reference on the plan for the right to the use of the common pavement on southern boundary of property.
- 7. Existing entrances should be closed off as represented on the August 7, 2014 revised plan subject however to the approval of the State Highway Adminstration.

For further information concerning the matters stated here in, please contact Joe Wiley at 410-

887-3480.

Prepared by: AVA/LL

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

**DATE:** July 14, 2014

OFFICE OF ADMINISTRATIVE HEARINGS

OFFICE OF ALMIN

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

3300 Washington Boulevard

INFORMATION:

**Item Number:** 

14-245

**Petitioner:** 

EMZA, Inc.

Zoning:

**BL-AS** 

**Requested Action:** 

Special Exception, Variance

## **SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a special exception for a "convenience store and gas station" (presumably Fuel Service Station with ancillary convenience store greater than 1500 square feet) in a BL-AS zone pursuant to BCZR Section 405.2.B.1. Also petitioned for is variance relief to permit, quote, "one car in lieu of required two car stacking spaces", "27 spaces in lieu of the required 31 spaces", "14 feet in lieu of the required 20 feet" (presumably drive aisle width) and "5 feet in lieu of the required 15 feet" (presumably the setback for an existing fuel pump canopy).

The Department recommends DENIAL of the petition in its entirety.

A site visit by planning staff shows the site to be currently intensively used as a non-conforming fuel service station with ancillary convenience store. At the time of the visit, photographic evidence shows the site to be substantially lacking in parking and stacking spaces and on-site maneuverability. Further, multiple points of ingress and egress, if they were to remain would preclude any design layout that could successfully address the problem or provide for landscaping that would mitigate the present appearance of the site improvements and environs. The site plan submitted in support of the petition does not reflect on-site deficiencies nor do certain critical dimensions shown on the plan appear to be existent on-site. For the reasons cited above, the Department of Planning recommends a DENIAL of the petitioned variances and special exception.

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

**Division Chief:** 

AVA/LL

## **BALTIMORE COUNTY, MARYLAND**

## **Inter-Office Correspondence**

RECEIVED

JUN 2 4 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:

June 24, 2014

SUBJECT:

**DEPS** Comment for Zoning Item

# 2014-0245-SPHA

Address

3300 Washington Boulevard

(EMZA, Inc. Property)

Zoning Advisory Committee Meeting of June 2, 2014.

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

Reviewer:

Jeff Livingston – Development Coordination

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

**DATE:** June 3, 2014

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 9, 2014

Item No. 2014-0245 *A

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

We have no comments on the requested variances. A Landscape plan will be required and there may be some modifications needed at that time.

DAK:CEN

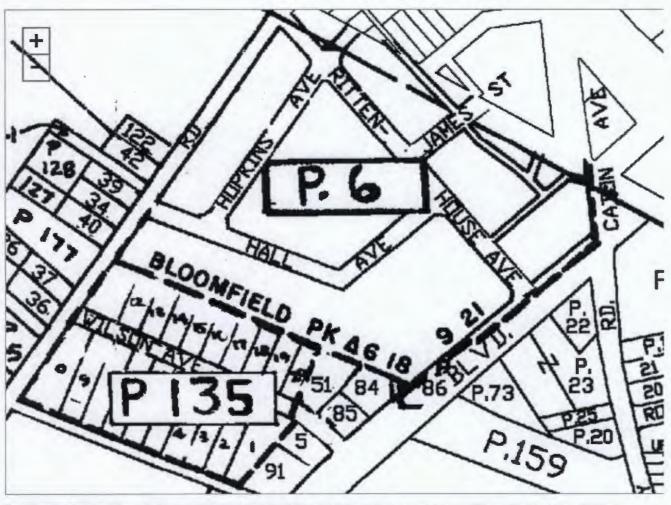
cc: file ZAC-ITEM NO 14-0245-06092014.doc

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## **Baltimore County**

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

District: 13 Account Number: 1600000350



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/)

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Homestead Application Status: No Application

## PLEASE PRINT CLEARLY

CASE NAME	
CASE NUMBER	2014-245
DATE 7-21-	2014

## PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
AMERICH PATEL .	7894 James Avenue	ELL COTT CITY, MO 21043	astronsu Hant @ gmail. loa
ZULFIGAR BAIG	912 Crain Hwy X Glan Ba	mi MD 21061	2551@ live.com.
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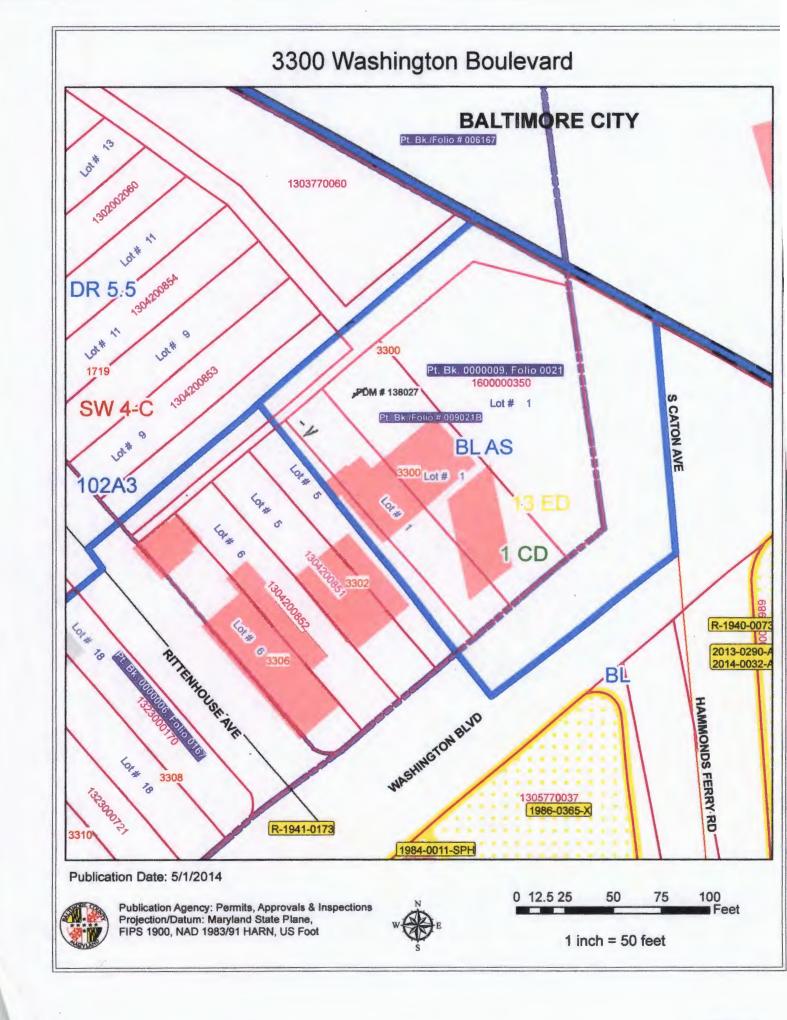
Case No.: 2014-0245-XA

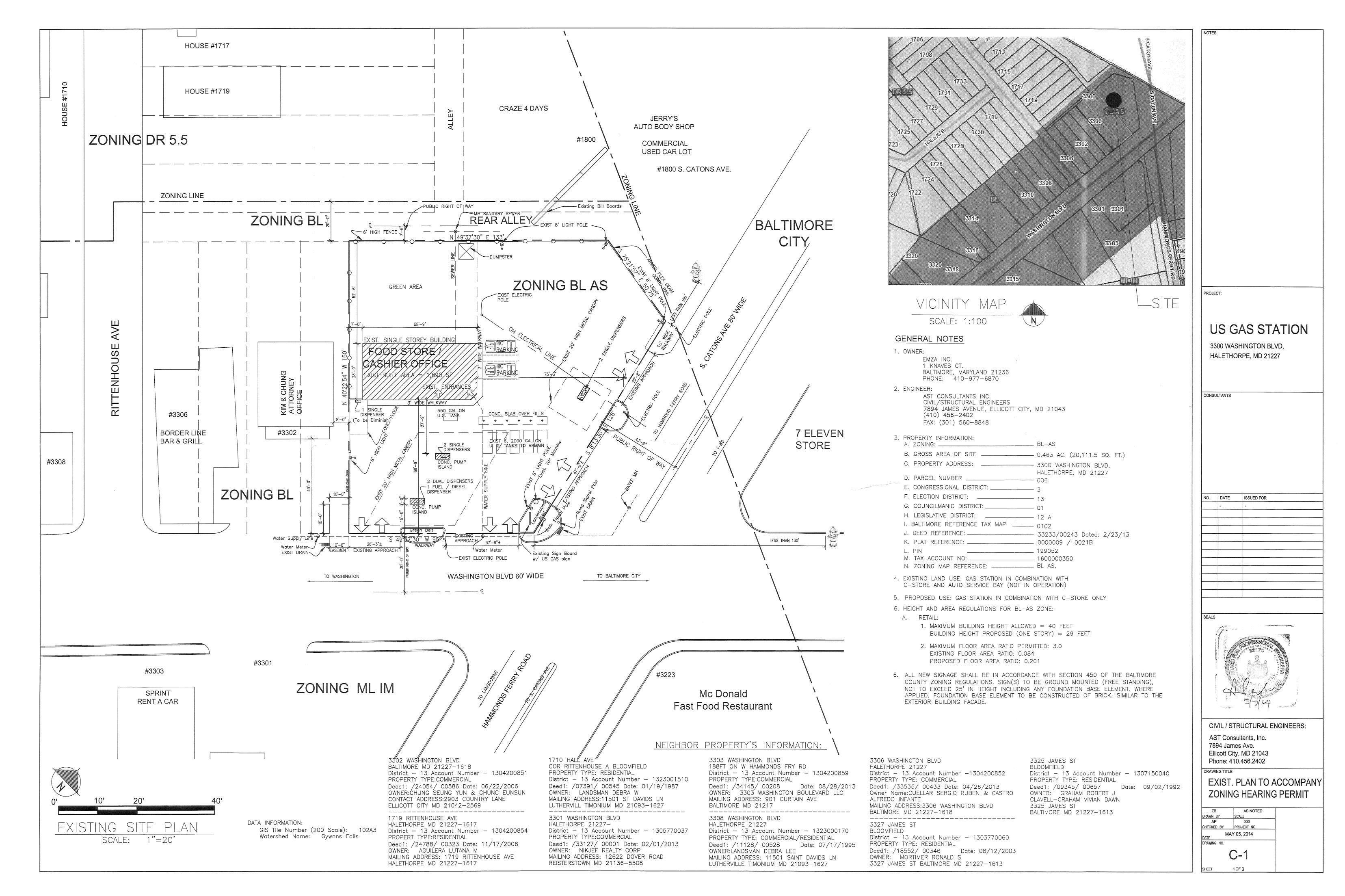
Exhibit Sheet

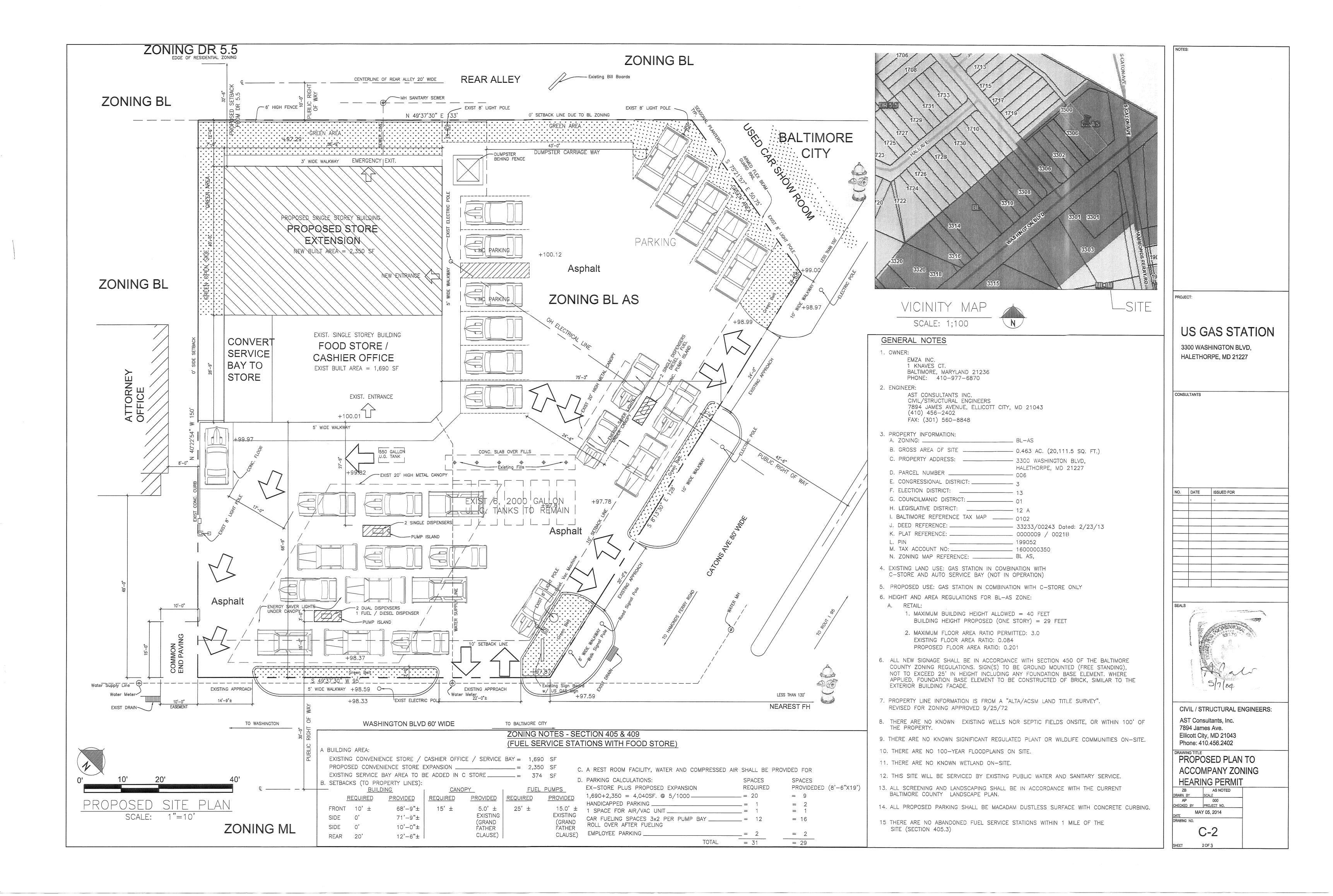
Petitioner/Developer

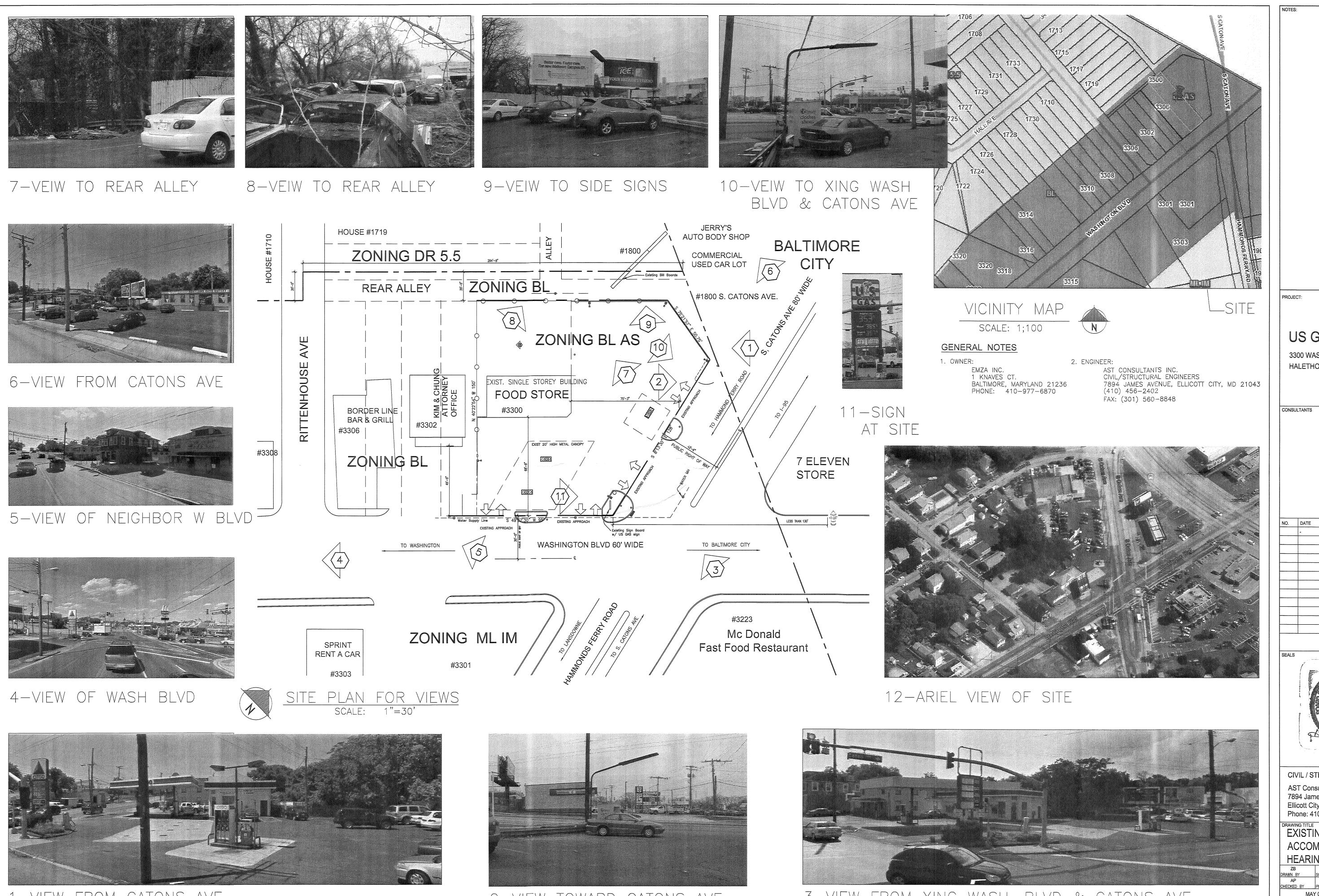
Protestant

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1-VIEW FROM CATONS AVE

2-VIEW TOWARD CATONS AVE

3-VIEW FROM XING WASH. BLVD & CATONS AVE

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3300 WASHINGTON BLVD, HALETHORPE, MD 21227

NO. DATE ISSUED FOR



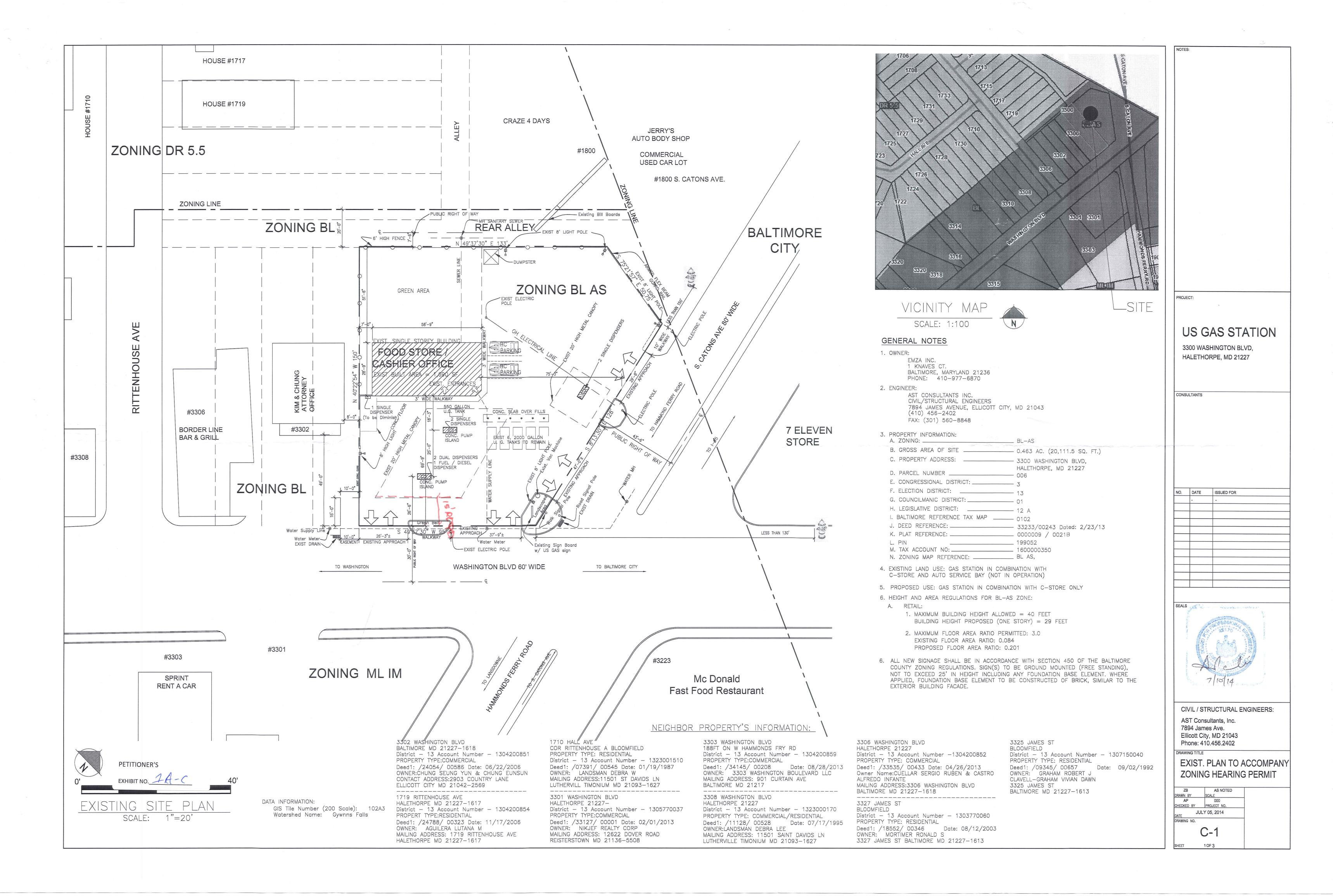
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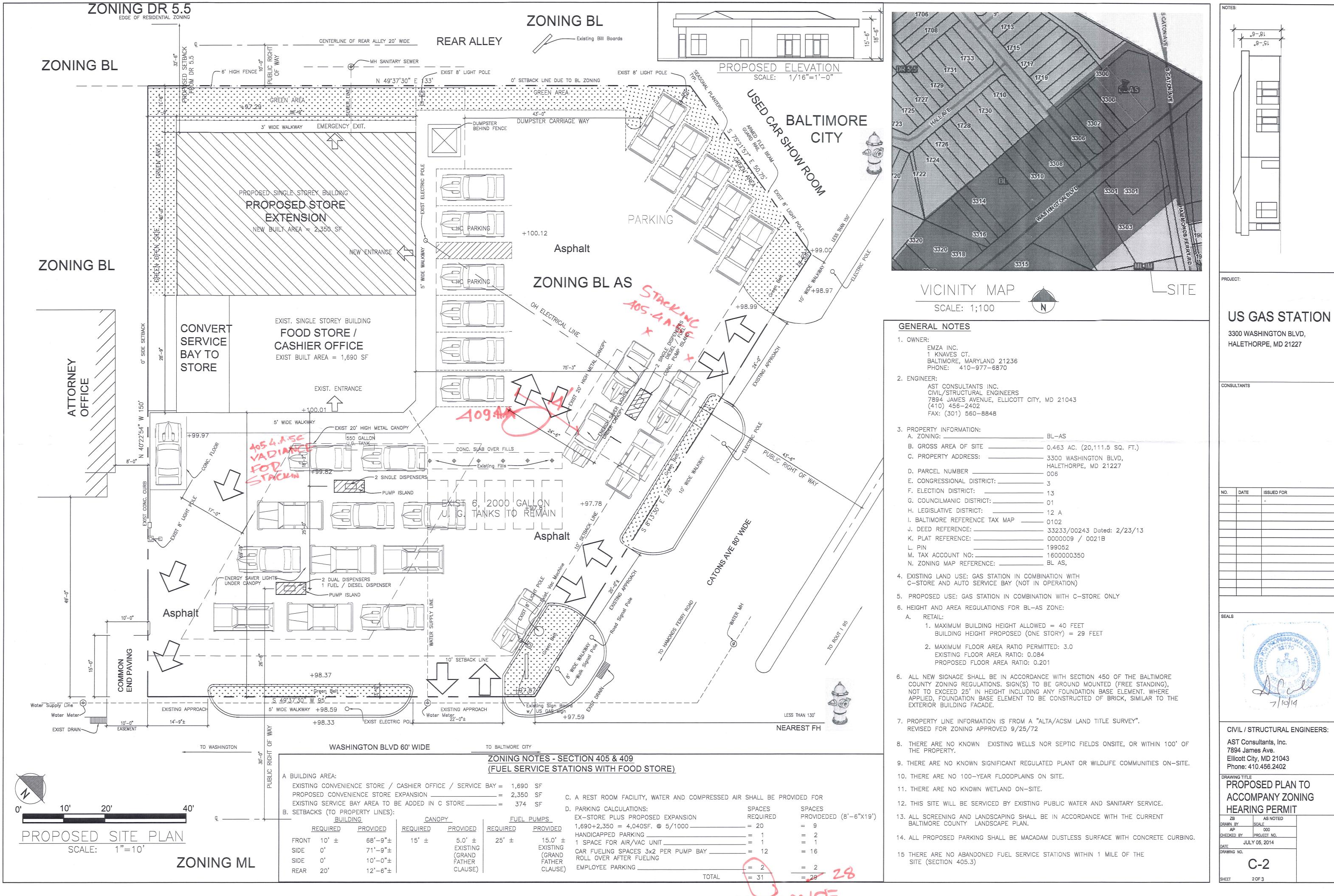
AST Consultants, Inc. 7894 James Ave. Ellicott City, MD 21043 Phone: 410.456.2402

EXISTING SITE VIEWS TO **ACCOMPANY ZONING** 

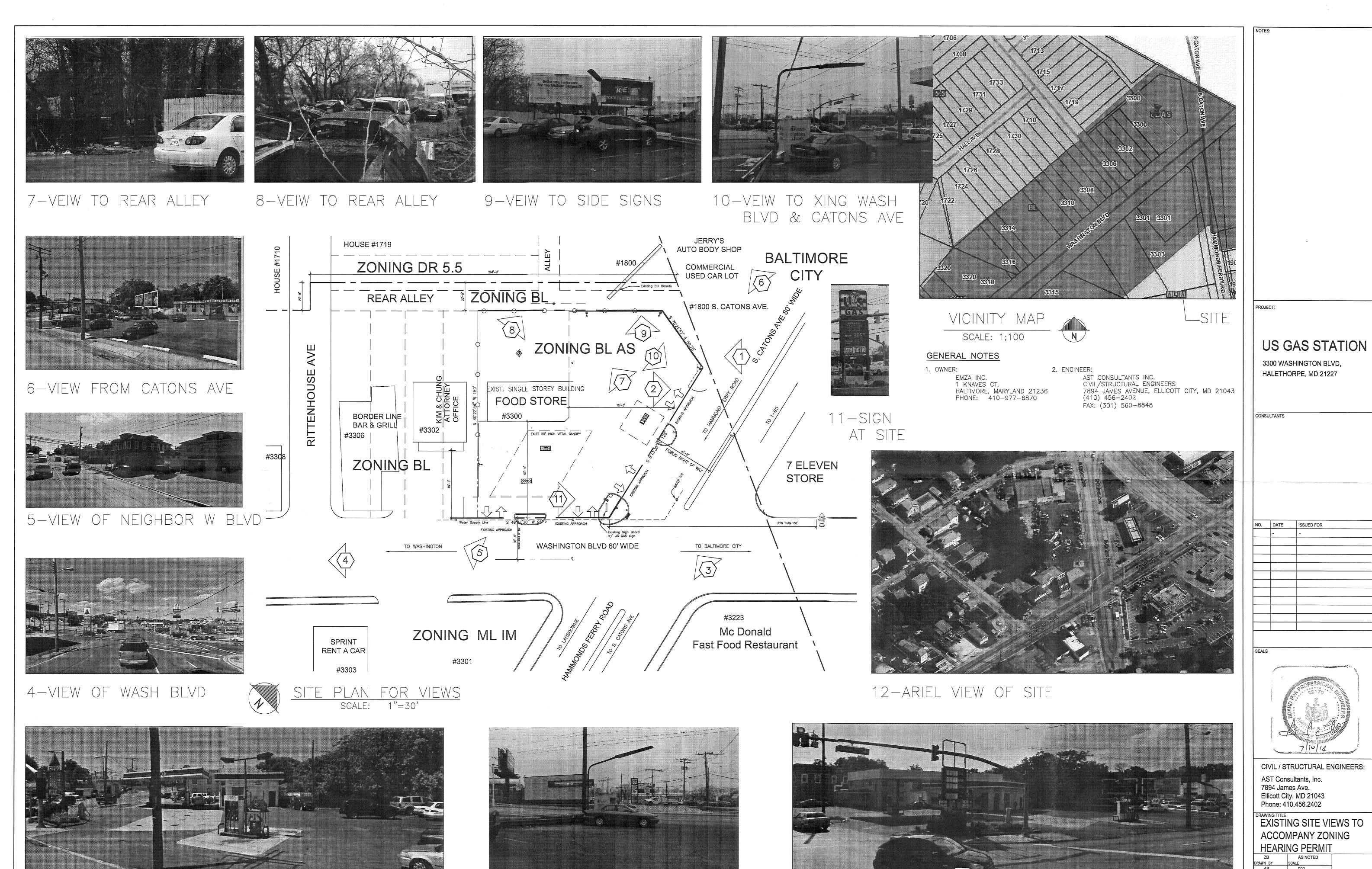
**HEARING PERMIT** 

MAY 05, 2014





CIVIL / STRUCTURAL ENGINEERS:



2-VIEW TOWARD CATONS AVE

1-VIEW FROM CATONS AVE

3-VIEW FROM XING WASH. BLVD & CATONS AVE

JULY 05, 2014

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