

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION
(7400 Pulaski Highway) *
15th Election District
7th Council District *
Harnek Singh & Charanjit Kaur
Legal Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0253-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 on behalf of Harnek Singh & Charanjit Kaur, legal owners. The Petition for Special Hearing was filed pursuant to §409.12 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a modified parking plan. A Petition for Special Exception was filed to use the property for a used automobile lot.

Appearing at the public hearing in support of the requests was Harnek Singh. Frank V. Boozer, Jr., Esquire represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A nearby resident attended the hearing and testified, and Deputy People's Counsel also participated in the case.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The Department of Planning (DOP), in its comment dated July 7, 2014, indicated it did not support the requests, while the Bureau of Development Plans Review (DPR) noted a landscape plan is required.

This is an unusual case and one with a zoning history as well. The Petitioners sought special exception relief in 2008 to operate a used car lot, and that petition was ultimately denied.

As such, Ms. Demilio contends that *res judicata* should apply to bar the current Petition which

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Date 9-3-14

By DW

also seeks special exception relief to operate a used car sales lot, albeit one with fewer cars offered for sale. Thus, whether or not that doctrine applies is an important issue in the case.

But there is another aspect of the case that warrants additional scrutiny. The Petition identifies the "property" as 7400 Pulaski Highway, and references only one 10 digit tax account number. The hearing notice, sign posting and newspaper advertisement also reference only 7400 Pulaski. Adding to the confusion is that the property description which accompanied the Petition also describes only one parcel, with "0.144 acres of land." This cannot be the legal description of the tavern parcel at 7400 Pulaski, which according to SDAT records contains 0.35 acres. The parcel of land on which the used car lot would operate has a separate entry and account number in the State tax records. In the 2008 case, the used car parcel was referenced as 7404 Pulaski in both the case caption and opinion, and the parcel was described as "approximately 0.15 acre(s) in size," which would match the zoning description filed with the petition in this case.

As such, it could be this Office does not have authority to enter an Order with respect to either parcel. With respect to the 7400 Pulaski property, it does not appear as if an accurate zoning description was provided, and the parcel at 7404 Pulaski was not identified in the Petition, hearing notice, posting and/or advertisement. On the other hand, it is arguable the Petitioner substantially complied with the Regulations, and a nearby resident did attend the hearing, in which Deputy People's Counsel participated. Thus, in the broadest sense "notice" was provided to the public, and I will consider the case to be proper for resolution.

Special Hearing

It appears to be undisputed that the tavern at 7400 Pulaski Highway is a lawful nonconforming use. Petitioner's counsel noted a tavern was first established at the site in the 1930's, and the tax records reflect the building on site was constructed in 1935. Mr. Kellman

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Date 9-3-14
By EW

conceded the parking at the tavern was "woefully deficient," and that Petitioners were not proposing a "shared parking" arrangement, as permitted in certain circumstances by the B.C.Z.R. According to the B.C.Z.R., 77 spaces are required, while only 33 are provided.

In these circumstances, I am not inclined to grant the special hearing request for a modified parking plan for the tavern. The Petitioners have not proven they would experience an "undue hardship" if the request is denied, nor have they satisfied the elements set forth in B.C.Z.R. §409.8.B.1. In addition, I do not believe the special hearing relief is even required in the first instance, as alluded to at the hearing.

As Mr. Kellman testified: "the parking is what it is." While not poetic, this testimony is an accurate statement of the nonconforming nature of the property. A lawful nonconforming use is a constitutionally protected property right that can only be forfeited through abandonment, amortization provisions or repeated County Code violations per B.C.Z.R. §104.8. As such, the Petitioners can continue the tavern/nightclub use as they have been, and the "woefully deficient" parking is one aspect of the nonconforming nature of the property. As such, the Petition for Special Hearing will be dismissed.

Res Judicata

The BCZR contains a provision that permits a second petition for special exception after the denial of such a petition, after the lapse of 18 months. B.C.Z.R. § 502.12. But, as Ms. Demilio argued, this rule does not trump the doctrine of *res judicata*. Indeed, the court stated as much in Whittle v. Baltimore County, 211 Md. 36 (1956), where it held that after the lapse of the time specified in an ordinance, a zoning board may consider a new application for relief that was previously denied, but "only if there has been a substantial change in conditions." *Id.* at 45. So

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Date 9-3-14

By [Signature]

the question is whether there has been such a substantial change in conditions here, to preclude the application of the doctrine.

I do not believe there has been such a change, and find that the Petition for Special Exception is barred by *res judicata*. There was no evidence presented indicating that the neighborhood has changed in character since the 2008 case. The same (or very similar, as explained below) parcels of land are at issue, and the subject property was at that time, and is now, in a busy commercial area, wedged between two heavily travelled highways. The same Petitioner (owner) testified in both hearings, and the use (used car lot) is the same in both cases. Petitioners argue they are in this case proposing to offer fewer cars for sale, and also note that the lot line separating the parcels at 7400 and 7404 Pulaski Highway was adjusted since the 2008 case. Mr. Kellman explained that the tavern building straddled the previous lot line, a condition which was remedied by the lot line adjustment. Even so, the lots are otherwise the same as they were in 2008.

The other unique legal issue in the case concerns the nature of, and basis for, the previous orders denying the special exception. The Board of Appeals did not consider whether the used car lot would satisfy the special exception requirements. Instead, it (and the circuit court) based the denial upon the fact that "failure to utilize the lot (i.e., 7404 Pulaski) ...for overflow parking for the restaurant/nightclub, would be detrimental to the [community]" citing B.C.Z.R. § 502.1. With all due respect, I believe the Board addressed the wrong question; it should have considered whether the used car operation, for which a special exception was sought, would satisfy B.C.Z.R. § 502.1. In this case, I believe it would, especially considering that special exception uses are presumed to be compatible with other uses in the zone. Montgomery County v. Butler, 417 Md. 271 (2010). But as Ms. Demilio noted, *res judicata* applies even if the decision below was

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By lsw

erroneous. Powell v. Breslin, 430 Md. 52 (2013) (“mere fact that prior ruling is wrong does not deprive it of *res judicata* effect”).

In effect, the Board and circuit court rulings are tantamount to a finding that the parcels at 7400 and 7404 merged, even though that terminology was not used. Lots merge when one is used in the service of another, and the result is that a “single parcel emerges for zoning purposes.” Friends of Ridge v. BG&E, 352 Md. 645, 658 (1999). The earlier rulings in this case in essence treated this as one parcel, and while I believe those rulings were erroneous, they still have *res judicata* effect.

THEREFORE, IT IS ORDERED this 3rd day of September 2014, by this Administrative Law Judge, that the Petition for Special Hearing to approve a modified parking plan be and is hereby DISMISSED; and

IT IS FURTHER ORDERED that the Petition for Special Exception to use the herein described property for use as a used automobile lot, be and is hereby DENIED.

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 9-3-14

By GW

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION

NW Corner of 66th Street and Pulaski

Highway - (US Route 40)

(7400 & 7404 Pulaski Highway)

15th Election District

7th Council District

Harnek Singh, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 08-363-SPHX

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the legal owners of the subject property, Harnek Singh, and his wife, Charanjit Kaur, through their attorney, Vernon V. Boozer, Jr., Esquire. As filed, the Petitioners request a special hearing to approve a modified parking plan in accordance with the Baltimore County Zoning Regulations (B.C.Z.R.) Section 409.12B. Petitioners request a special exception to permit a used motor vehicle outdoor sales area on property located in the B.R.-A.S. zone. The subject property and requested relief are more particularly described on the site plan submitted by Petitioners, which was accepted into evidence and marked as Petitioners' Exhibit 1. Before testimony was taken, counsel for Petitioners made a preliminary Motion to Withdraw the Petition for special hearing. Having no opposition and finding good cause the Motion was granted, therefore this Memorandum and Order will not address the modified parking plan at 7400 Pulaski Highway.

Appearing at the requisite public hearing were Harnek Singh and Charanjit Kaur, property owners and proprietors of the proposed business; their son, Gurpreet Singh; Joseph L. Larson of Spellman, Larson & Associates, Inc., the consultant who prepared the site plan; and Frank V. Boozer, Jr., Esquire of Covahey, Boozer, Devan & Dore, P.A., attorney for the Petitioners. There were no Protestants or other interested persons present.

12/10/09

IN THE MATTER OF
THE APPLICATION OF
HARNEK SINGH AND CHARANJIT KAUR
LEGAL OWNERS; PETITIONERS
FOR SPECIAL HEARING AND
SPECIAL EXCEPTION
ON PROPERTY THE LOCATED ON
THE NW CORNER OF 66TH STREET
AND PULASKI HIGHWAY
(7400 & 7404 PULASKI HIGHWAY)

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 08-363-SPHX
*

* * * * *

OPINION

This matter is before the Board on an appeal filed by People's Counsel for Baltimore County, from a decision of the Zoning Commissioner ('ZC') of Baltimore County, dated October 14, 2008, in which he dismissed as moot the Petitioner's request for a Petition for Special Hearing pursuant to Section 409.12B of the Baltimore County Zoning Regulations ('BCZR'); and granted (with restrictions) Petitioner's requested Petition for Special Exception, pursuant to Section 236.4 of the Baltimore County Zoning Regulations ('BCZR'), to allow use of the subject property for the sale of used motor vehicles. A hearing was held before the Board on September 3, 2009. Petitioners, Harnek Singh and Charanjit Kaur were represented by Frank V. Boozér, Jr., Esquire. Appellant/Protestant, People's Counsel for Baltimore County, was represented by Carole S. Demilio, Esquire. Closing Briefs were simultaneously filed by the parties on October 13, 2009 and a public deliberation was held on December 1, 2009.

Facts

The property in question, known as 7404 Pulaski Highway – Parcel 523, along with an adjoining parcel of property, known as 7400 Pulaski Highway, was purchased by the Petitioner's on November 18, 2003. 7404 Pulaski Highway is a squared shaped parcel approximately 0.15 acre(s) in size, located at the intersection of Pulaski Highway and Philadelphia Road at 66th

Street. The property is zoned BR-AS. In addition, the Petitioner operates a nightclub, restaurant/tavern and package goods store on the second lot, 7400 Pulaski Highway.

The Petitioner seeks to utilize the small lot in question as a used motor vehicle outdoor sales area. At the time of the application the property was being used as storage space for an automobile repair shop located on the other side of Philadelphia Road. The property is improved with a gravel parking area on the west side which gradually slopes upward and turns into grass as the property moves towards the east and 66th street.

Petitioner contends that he intends to install a small sales kiosk on the lot and resurface the sales area. The hours of operation would be Tuesday through Sunday from 10:00 a.m. until 8:00 p.m. o'clock. Mr. Singh indicated that he would be the sole salesman on the property while his wife would run the nightclub, restaurant/tavern and package goods store.

ISSUE

Whether or not the Petitioner's met the requirements of Section 502.1 of the 'BCZR', and therefore are entitled to a Special Exception to operate a used car lot on the property in question.

POSITIONS OF THE PARTIES

Petitioner's Position -- In support of it's position, Petitioners presented Harnek Singh, owner of the property. Mr. Singh testified that he owns the nightclub, restaurant/tavern and package goods store at 7400 Pulaski Highway. He stated that he wishes to operate the used car lot on the lot east of the restaurant and that this would be his full time job. He stated that the lot would be open Tuesday through Sunday from 10:00 a.m. to 8:00 p.m. o'clock and that he would be the only person there. On cross examination, Mr. Singh stated that there were seven (7) spaces for customer parking at the restaurant. He stated that he could park eleven (11) cars at the front of the restaurant on Pulaski Highway and eleven (11) parking spaces were also located at the rear of the building. He stated that his restaurant operates from 12:00 noon to 2:00 a.m.

o'clock and sells package goods and beer until 2:00 a.m. o'clock. He also stated that he operates a nightclub on weekends and the capacity of the restaurant/nightclub was One Hundred Fifty (150) people. He purchased both lots in 2003.

The Petitioner's then presented Mr. Joseph Larson, a principal of Spellman, Larson & Associates, Inc. Mr. Larson was proposed and accepted as an expert in engineering, surveying and Baltimore County regulations. He testified with respect to the site plan, which he had prepared for the lot in question. He indicated where the kiosk would be located and the location of the automobiles to be displayed on the lot.

Mr. Larson was questioned as to whether or not he had any concerns with respect to Petitioner's compliance with Section 502.1 of 'BCZR' and he replied that he had no concerns.

Mr. Larson was questioned by People's Counsel with respect to the parking for the restaurant on the lot in question. Mr. Larson was shown a letter dated May 15, 2008 to Mr. Curtis Murray of the Office of Planning of Baltimore County, in which it was stated that a portion of the lot at 7404 Pulaski Highway, which has been "partially used for parking for several years for the restaurant will not change and will continue as is. The used car sales area has been reduced to not impact the parking area." Mr. Larson indicated that it was a mistake and that there was no parking on the lot at 7400 Pulaski Highway. He admitted that he had never written a letter to Mr. Murray correcting that issue. Mr. Larson also admitted that the restaurant does not satisfy the County regulation with respect to parking requirements. He stated that it is a non-conforming use and that they did not try to satisfy the parking requirements.

Finally, Mr. Larson admitted that the kiosk was located in the middle of the lot and that the display and show area was in the front yard. He stated that it was not in compliance with Section 238.4 of the 'BCZR'. It was his contention that he did not need to ask for a Variance if he was granted the Special Exception.

Protestant's Position. Protestant's presented Mr. Stephen Weber, Director of Traffic Engineering for Baltimore County. Mr. Weber testified that he was responsible for all traffic issues with respect to Baltimore County and he was concerned with the utilization of 7400 Pulaski Highway as a used car lot. Mr. Weber testified that he had visited the site and that the nightclub, restaurant/tavern and package goods store did not have the required parking spaces in accordance with the Baltimore County Zoning regulations. He stated that there was no sign in place on the lot in question, (7400 Pulaski Highway) that stated that the nightclub, restaurant/tavern and package goods store customers could not park on the lot. He stated that with the severe lack of parking at the restaurant, there was no place for customers to park, other than on the lot in question. Without the utilization of the lot for customer parking, customers of the nightclub/restaurant would be parking in the adjacent neighborhoods and would be coming back into the neighborhoods at 1:00 a.m. to 2:00 a.m. o'clock disturbing the residents of those neighborhoods. Mr. Weber also presented a letter from Mr. Larson to Mr. John Alexander of the Office of Planning of Baltimore County, dated August 29, 2008, in which Mr. Larson stated:

"Lastly, it should be mentioned that the site that is proposed for the used car dealership has been partially used for parking for the restaurant and that parking will remain with the remainder of that vacant lot to be used for the proposed used car dealership."

Mr. Weber was also concerned with people crossing Pulaski Highway at the early hours of the morning after they had been drinking, since this could possibly lead to further accidents in that area.

People's Counsel then presented Carl Engle, who lives at 1700 Summit Avenue, across Pulaski Highway from the restaurant at 7404 Pulaski Highway. He has lived in the area since 1974. Mr. Engle stated that he was familiar with the restaurant operated by the Singhs and has visited the restaurant to purchase package goods, as well as to eat at the restaurant with his wife

- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone.

In addition, the case of Shultz v. Pritts, 291 Md. 1 (1981), states:

[T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Id* at 22-23"

This Board credits the testimony of Mr. Engel, presented by People Counsel, as well as the testimony of Mr. Weber and the two (2) letters from Mr. Larson, that the lot in question has been used for overflow parking for the nightclub, restaurant/tavern and package goods store at 7400 Pulaski Highway. Mr. Weber testified that he had evaluated the parking for the nightclub and that there was no viable space available, other than the subject site for overflow parking for the restaurant/nightclub. Mr. Engel, the neighbor who lives across Pulaski Highway from the site, testified with respect to people who he felt were patrons of the nightclub, coming into his neighborhood and parking and returning at early hours in the morning being boisterous and loud.

In the opinion of the Board, the failure to utilize the lot in question for overflow parking for the restaurant/nightclub, would be detrimental to the health, safety, or general welfare of the locality involved under Section A of 502.1 of the 'BCZR'. In addition, it could create a potential hazard or other danger in accordance with Section 502.1C of the 'BCZR', with respect to the possibility of accidents with patrons crossing Pulaski Highway to park in the neighborhoods.

The Board also finds that the Special Exception use would result in an adverse effect upon the adjoining and surrounding properties; unique and different from the adverse affect that would otherwise result in the development of such a Special Exception use located elsewhere within the zone.

The Board also finds that Petitioner did not comply with the setbacks required in Section 238.4 of the BCZR that states:

"§ 238.4 Storage and display of materials and vehicles.

Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 15 feet in front of the required front building line."

It was acknowledged by the Petitioner that the site plan did not comply with Section 238.4 of the 'BCZR'. Petitioner's plan shows parking for 'car display' towards Pulaski Highway and well beyond the fifteen (15) feet from the sales kiosk. It was the position of Mr. Larson, the Petitioner's expert, that this would be part of the Special Exception relief; however, that is not correct. A plan for Special Exception can not be approved if it does not comply with the area standards for the zone. 'BCZR' Section 102.1 provides:

"No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations. ..."

In order for the display to be utilized as set forth in the site plan, a Variance must be requested and this has not been done. Therefore, the Board will deny the Special Exception.

ORDER

THEREFORE, IT IS THIS 14th day of December, 2009 by the
Board of Appeals of Baltimore County;

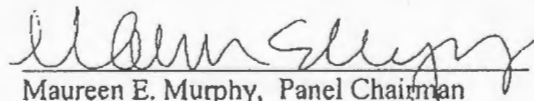
ORDERED that the Zoning Commissioner's Order dated October 14, 2008 granting Petitioner's requested Petition for Special Exception, pursuant to Section 236.4 the Baltimore

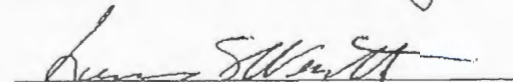
County Zoning Regulations ('BCZR'), to allow use of the subject property for the sale of used motor vehicles is hereby **REVERSED**; and it is further

ORDERED that the requested Petition for Special Exception, pursuant to Section 236.4 the Baltimore County Zoning Regulations ('BCZR'), to allow use of the subject property for the sale of used motor vehicles is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chairman


Lawrence S. Wescott


Andrew M. Belt

described as having two (2) distinct and separate forms that best can be described as merger by right and merger by estoppel. The first form of the merger doctrine (merger by right) is recognized by a majority of jurisdictions. [A] landowner who clearly desires to combine or merge several parcels or lots of land into one large parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots of land in the service of a single structure or project. *Friends of Ridge v. BG&E*, 352 Md. 645 (1999). The facts as brought forth in the hearing indicate that a small portion of 7404 Pulaski Highway had been used as excess or overflow parking for the restaurant located on the adjacent property. This use was not instituted by the owners' desire, but instead was undertaken by consumers to find convenient parking. Furthermore, it is clear by interpretation that the overflow parking cannot be defined as a "single structure or project." For the two (2) above enumerated reasons, the two (2) parcels should not be considered as merged for zoning purposes by the owners.

The second form of merger, or merger by estoppel, is a much different and converse to the first. The Court of Appeals has stated that in those instances when it has been applied the doctrine of merger generally "prohibits the use of individual substandard parcels if the contiguous parcels have been combined or used accessory in the support of one another." See *Remes v. Montgomery County*, 387 Md. 52 (2005). Mr. Boozer argues that the Petitioners property (7400 & 7404 Pulaski Highway), while classified as nonconforming parcels by today's standards, they have not been merged.

From this evidence I conclude that the owners (prior and present) never intended to merge these lots from a zoning standpoint. No structures were erected, two (2) separate deeds exist as well as two (2) tax assessments - one for each lot. There was no overt action by prior or current owners that demonstrate an intent to merge the arguably undersized lots. It is therefore concluded that current law would not prohibit Petitioners from seeking their stated relief where

that certain adverse effects, at least in type, potentially associated with (inherent to, if you will) these uses are likely to occur wherever in the particular zone they may be located. In that sense, the local legislature puts on its "Sorting Hat" and separates permitted uses, special exceptions, and all other uses. That is why the uses are designated special exception uses, not permitted uses. *Loyola Supra*, No. 137. September Term (2007). Indeed, the County Council has deemed the type of requested use permissible provided that it meet the requirements of E.C.Z.R. Section 502.1.

After due consideration of the proffered testimony presented by Mr. Boozer and the Petitioners, I find that the relief requested complies with the special exception requirements set forth in Section 502.1. The proposed use is an appropriate use of the subject site and will not be detrimental to adjacent properties. The Petitioners, however, shall submit a landscape, signage and lighting plan to the County's Landscape Architect, Mr. Avery Harden, for review and approval prior to the issuance of any use permits.

Pursuant to the advertisement, posting of the property and public hearing on the amended Petition held and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of October 2008, that the Petition for Special Hearing to approve a modified parking plan, pursuant to Section 409.12B of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DISMISSED AS MOOT.

IT IS FURTHER ORDERED that the Petition for Special Exception seeking approval of the use of the subject property for the sale of used motor vehicles, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be and is hereby granted, subject to the following restrictions:



KEVIN KAMENETZ
County Executive

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

September 3, 2014

Frank V. Boozer, Jr., Esq.
Covahey, Boozer, Devan & Dore, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
 Property: 7400 Pulaski Highway
 Case No. 2014-0253-SPHX

Dear Mr. Boozer:

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,

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

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 7400 PULASKI Highway which is presently zoned BR-A3
 Deed References: 19175-00582 10 Digit Tax Account # 151 8002210
 Property Owner(s) Printed Name(s) HARNEK SINGH

(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. 7 a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A MODIFIED PARKING PLAN IN ACCORDANCE WITH SECTION 409.128 OF THE BCZR.

2. **X** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
USE AS A USED AUTOMOBILE LOT.

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)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

FRANK V. BOOZER, JR., ESQ.

Name- Type or Print

Signature

614 BOSLEY AVENUE TOWSON MD
 Mailing Address City State

21204 / 410-828-9441 / FBOOZER@CABLAW.COM
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

HARNEK SINGH

Name #1 - Type or Print

CHARANJIT KAUR

Name #2 - Type or Print

Signature #1

Signature #2

9005 GARDENIA ROAD BALTIMORE MD
 Mailing Address City State

21236-1764 / 774-3500 /
 Zip Code Telephone # Email Address

Representative to be contacted:

MITCH KELLMAN

Name - Type or Print

Signature

200 E PENNSYLVANIA TOWSON MD
 Mailing Address City State

21286 / 410-296-3333 / MKELLMAN@DMW.COM
 Zip Code Telephone # Email Address

CASE NUMBER 2014-0253-SPHX Filing Date 5/24/14 Do Not Schedule Dates: Reviewer GA

DMW
DAFT MCCUNE WALKER INC

Description

To Accompany a Special Exception,
Special Hearing, and for Zoning Variance

Beginning for the same at a point located at the end of the following two courses and distances, beginning from the point formed by the intersection of Philadelphia Road and 66th Street, thence Southeasterly 33 feet, more or less, along the centerline of said 66th Street, thence leaving said centerline and running in a Westerly direction 20.00 feet to the point of beginning, thence leaving said point of beginning and running with the western side of said 66th Street (1) South 31 degrees 18 minutes 36 seconds East 90.00 feet; thence (2) South 58 degrees 41 minutes 22 seconds West 75.97 feet; thence (3) North 31 degrees 18 minutes 38 seconds West 74.75 feet; thence (4) North 47 degrees 20 minutes 17 seconds East 77.49 feet to the point of beginning; containing 6,258 square feet or 0.144 acres of land, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED
FOR ANY TYPE OF CONVEYANCE.

September 17, 2012

Project No. 12040 (L12040)



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: 2014-0253-SAX
Petitioner: Harnack Singh
Address or Location: 7400 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

Name: Frank V. Boozer, Jr., Esq
Address: 814 Bosley Ave
Towson, MD 21204
Telephone Number: 410-828-9441

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

No. **112209**

Date: **5/22/14**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	800	000		(05)					1000.00

Total: **1000.00**

Rec From: **Frank V. P. Jr.**

For: **Special Exception**
Special Hearing

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2014-0253-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Harnek Singh & Charanjit Kaur

August 19, 2014

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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 located at: _____

7400 Pulaski Highway

July 23, 2014

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

July 23, 2014

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive
July 14, 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: 2014-0253-SPHX

7400 Pulaski Highway
NW corner of intersection of Pulaski Highway and 66th Street
15th Election District – 7th Councilmanic District
Legal Owners: Harnek Singh & Charanjit Kaur

Special Hearing for a modified parking plan in accordance with section 409.12B of the BCZR.
Special Exception for use of property as a used automobile lot.

Hearing: Tuesday, August 19, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Frank Boozer, 614 Bosley Avenue, Towson 21204
Harnek Singh, Charanjit Kaur, 9005 Gardenia Road, Baltimore 21236
Mitch Kellman, 200 E. Pennsylvania Avenue, Baltimore 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 23, 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 22, 2014 Issue - Jeffersonian

Please forward billing to:
Frank Boozer, Jr.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

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: 2014-0253-SPHX

7400 Pulaski Highway

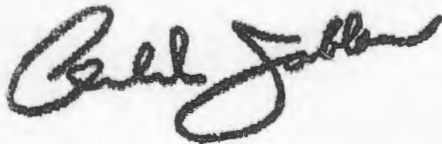
NW corner of intersection of Pulaski Highway and 66th Street

15th Election District – 7th Councilmanic District

Legal Owners: Harnek Singh & Charanjit Kaur

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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

June 10, 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: 2014-0253-SPHX

7400 Pulaski Highway

NW corner of intersection of Pulaski Highway and 66th Street

15th Election District – 7th Councilmanic District

Legal Owners: Harnek Singh & Charanjit Kaur

Special Hearing for a modified parking plan in accordance with section 409.12B of the BCZR.
Special Exception for use of property as a used automobile lot.

Hearing: Monday, July 14, 2014 at 10:00 a.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: Frank Boozer, 614 Bosley Avenue, Towson 21204
Harnek Singh, Charanjit Kaur, 9005 Gardenia Road, Baltimore 21236
Mitch Kellman, 200 E. Pennsylvania Avenue, Baltimore 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 24, 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, June 24, 2014 Issue - Jeffersonian

Please forward billing to:
Frank Boozer, Jr.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

NOTICE OF ZONING HEARING

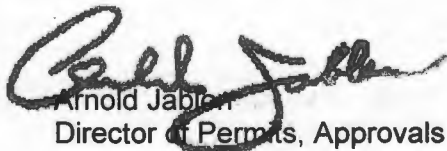
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0253-SPHX

7400 Pulaski Highway
NW corner of intersection of Pulaski Highway and 66th Street
15th Election District – 7th Councilmanic District
Legal Owners: Harnek Singh & Charanjit Kaur

Special Hearing for a modified parking plan in accordance with section 409.12B of the BCZR.
Special Exception for use of property as a used automobile lot.

Hearing: Monday, July 14, 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.

M E M O R A N D U M

DATE: October 7, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0253-SPHX - Appeal Period Expired

The appeal period for the above-referenced case expired on October 3, 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		
7400 Pulaski Highway; NW	*	OF ADMINISTRATIVE
corner of 66 th Street & Pulaski Highway	*	HEARINGS FOR
15 th Election & 7 th Councilmanic Districts	*	
Legal Owners: Harnek Singh & Charanjit Kaur	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2014-253-SPHX

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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/ documentation filed in the case.

RECEIVED

JUN 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 June, 2014, a copy of the foregoing Entry of Appearance was mailed to Mitch Kellman, 200 East Pennsylvania Avenue, Towson, MD 21286 and Frank V. Boozer, Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014- 0253-SPHX

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

6/3/14

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

C

6/24/14

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

N/C

FIRE DEPARTMENT

7/7/14

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

C

6/12/14

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 08-363-SPHX)

NEWSPAPER ADVERTISEMENT

Date: 6/24/14

SIGN POSTING

Date: 6/23/14

by SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

DEED

This Deed made this 28 day of August, 2003, by and between **HENRY BRABHAM and MYONG C BRABHAM** of the first part and **HARNEK SINGH and CHARANJIT KAUR**, husband and wife, parties of the second part.

Witnesseth that in consideration of the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) and other good and valuable considerations the receipt and sufficiency of which are hereby acknowledged, the said parties of the first part do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, and to the survivor of them and the personal representatives, heirs and assigns of the survivor, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid and described as follows, that is to say:

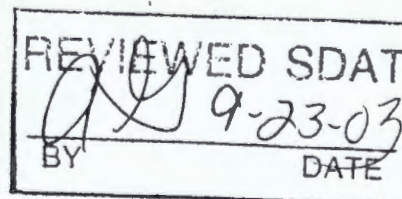
BEGINNING for the same at the end of the third or north 45 degrees, 25 minutes, 13 seconds east 203.28 feet line of Parcel No. 1 of land acquired by the State Roads Commission of Maryland by virtue of the award of the jurors which decree of the Court passed in the Circuit Court for Baltimore County in proceeding therein and entitled "Homer L Taber et al, State Roads Commission vs. The Diamond Grit Company et al Condemnation Docket 1, folio 113 as shown on the plat filed in said proceedings and running thence and binding on the 4th, 5th and 6th lines of the description of said lot of ground and the northwest line of the Pulaski Highway the three following courses and distances, namely South 31 degrees, 45 minutes, 56 seconds east 46.21 feet more or less, North 58 degrees, 35 minutes, 38 seconds east 69.69 feet more or less and north 58 degrees, 57 minutes, 13 seconds east 151.98 feet more or less, thence north 47 degrees, 35 minutes, 47 seconds west 99.58 feet more or less, thence north 47 degrees, 35 minutes, 47 seconds west 99.58 feet more or less to the center of the Philadelphia Road and thence binding on the center of the Philadelphia Road south 45 degrees, 25 minutes, 13 seconds west 199.90 feet more or less to the place of beginning. Subject to an easement imposed upon the southeasternmost portion of said lot of ground by the aforesaid award and decree as shown on said plat.

The improvements thereon being known as 7400 Pulaski Highway.

Being the same lot of ground which by Deed dated January 30, 1995 and recorded among the Land Records of Baltimore County in Liber 10980 Folio 161 was granted and conveyed by Andrew Novak, Sr and Lannia A Novak unto Henry Brabham, one of the herein grantors.

BEGINNING for the second at a point in the northerly right of way line of US 40 said point being situate 75 feet left of Station 11+ 20.75 of the base line of right of way of US 40 (Pulaski Highway) as said base line of way is delineated on the State Roads Commission of Maryland's plat numbered 54598 (rev 5/19/98) recorded or intended to be recorded among the Land Records of Baltimore County; running thence on a line (1.) N 47 Degrees 51'34"- W 69.58 feet to a point on the existing right of way line of Philadelphia Rd and being 30 feet therefrom; running thence and binding on said right of way line of Philadelphia Rd; (2) N-47degrees 20'17"-E 118.39 feet to intersect the southwesterly right of way line of 66th St at a point being situate 20 feet left of Station 1+65 of the base line of right of way of 66th St, thence running and binding on the said right of way line (3) S 31 degrees 18' 36"- E 90.00 feet to intersect existing right of way line of US 40 (Pulaski Highway) and thence running and binding on the same (4) S-58degrees 41'22"-W 96.25 feet to the place of beginning.

Being the same lot of ground which by Deed dated October 28, 1998 and recorded among



0019175 583

the Land Records of Baltimore County in Liber 13476 Folio 576 was grantee and conveyed by the state Highway Administration unto Henry Brabham and Myong C Brabham, the herein grantors.

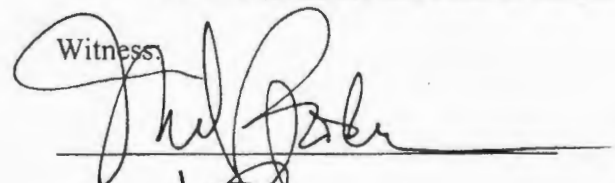
Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or aeneas appertaining.

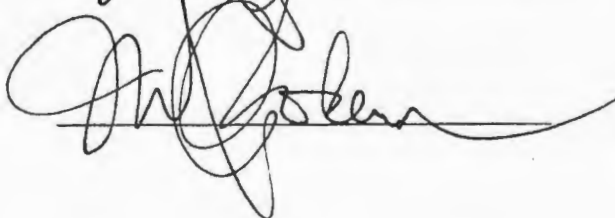
To have and to hold the said lot of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part as tenants by the entireties, their assigns, and to the survivor of them and the personal representatives, heirs and assigns of the survivor, in fee simple.

And the said party of the first part hereby covenants that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of the said Grantor the day and year first above written.

Witness:


HENRY BRABHAM (SEAL)


MYONG C BRABHAM (SEAL)

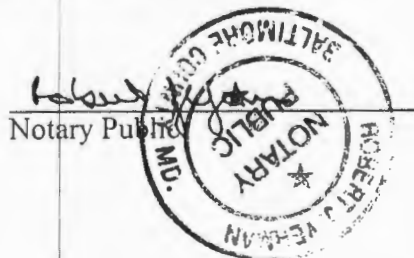
State of Maryland, County/City of Baltimore to wit:

I hereby certify that on this 28 day of August, 2003, before me, the subscriber, a Notary Public in and for the County/City and State aforesaid personally appeared HENRY BRABHAM and MYONG C BRABHAM known to me or satisfactorily proven to me to be the person whose names are subscribed to the within instrument and they acknowledged that the foregoing Deed is their act and in my presence signed and sealed the same.

In witness whereof I hereunto set my hand and official seal.

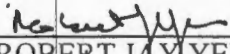
My Commission Expires: 9/1/04

deedtesinghpulaski.wpd



0019175 584

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


ROBERT JAY YERMAN, Esquire

0019175 585

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
 (Type or Print in Black Ink Only—All Copies Must Be Legible)

1 Type(s) of Instruments		☒ Deed ☒ Mortgage ☐ Other ☐ Other																																																																																																																																																																																																																																																													
2 Conveyance Type Check Box		☒ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale [9]																																																																																																																																																																																																																																																													
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BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 19175, p. 0585, MSA_CE62-10030, Date available 09/30/2005. Printed 08/20/2014.

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Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)



KEVIN KAMENETZ
County Executive

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

August 14, 2014

Harnek Singh & Charanjit Kaur
9005 Gardenia Road
Baltimore MD 21236-1764

RE: Case Number: 2014-0253 SPHX, Address: 7400 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 May 22, 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
Frank V. Boozer, Jr., Esquire, 614 Bosley Avenue, Towson MD 21204
Mitch Kellman, 200 E Pennsylvania Avenue, Towson MD 21286

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 & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0253-SPHX
Special Hearing -
Special Exception
Harnet Singh Chaurangit Kaur
7400 Pulaski Highway
US 40

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 6/4/14. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing - Special Exception. Case Number 2014-0253-SPHX

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
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

Debra Wiley - Case No. 2014-0253-SPHX (7400 Pulaski Highway)

From: Debra Wiley
To: Demilio, Carole; fboozerc@cablaw.com
Date: 9/3/2014 11:47 AM
Subject: Case No. 2014-0253-SPHX (7400 Pulaski Highway)
Attachments: 20140903112550150.pdf

Good Morning,

Please find attached Judge Beverungen's Opinion and Order in reference to the above matter.

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> 9/3/2014 11:25 AM >>>
This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 09.03.2014 11:25:49 (-0400)
Queries to: officeofhearings@baltimorecountymd.gov

Message Id: 54073803.830 : 38 : 53259
Subject: Case No. 2014-0253-SPHX (7400 Pulaski Highway)
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 9/3/2014 11:47 AM
From: Debra Wiley

Recipients:

Recipient	Action	Date & Time	Comment
 cablaw.com	Transferred	9/3/2014 11:47 AM	
To: fboozen@cablaw.com (fboozen@cablaw.com)			
 FSS_PO.FSS_DOM	Delivered	9/3/2014 11:47 AM	
To: Carole Demilio (cdemilio@baltimorecountymd.gov)			
	Read	9/3/2014 11:47 AM	

Post Offices

Post Office	Delivered	Route
cablaw.com		cablaw.com
FSS_PO.FSS_DOM	9/3/2014 11:47 AM	baltimorecountymd.gov

Files

File	Size	Date & Time
20140903112550150.pdf	282387	9/3/2014 11:45 AM
MESSAGE	1284	9/3/2014 11:47 AM
TEXT.htm	1001	9/3/2014 11:47 AM

Options

Auto Delete: No
Concealed Subject: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply requested by None
Security: Standard
To Be Delivered: Immediate

Record Id

Record Id: 5406FFC3.NCH_DOM.NCH_PO.100.1887076.1.1D211.1
Common Record Id: 5406FFC3.NCH_DOM.NCH_PO.200.2000028.1.52273.1

Debra Wiley - 2014-253-SPHX

From: John Beverungen
To: Debra Wiley
Date: 9/3/2014 11:06 AM
Subject: 2014-253-SPHX
Attachments: 2014-0253-SPHX.docx

Deb, I am attaching this order, and have made some changes to the draft. Can you please make changes and send the order out....needs to go to carole demilio and frank boozer, jr, email is fine.
thanks.

Kristen Lewis - Zoning Case 2014-0253-SPHX / 7400 Pulaski Highway

From: Mitch Kellman <MKellman@dmw.com>
To: "klewis@baltimorecountymd.gov" <klewis@baltimorecountymd.gov>
Date: 7/1/2014 10:58 AM
Subject: Zoning Case 2014-0253-SPHX / 7400 Pulaski Highway
CC: "fboozercablaw.com" <fboozercablaw.com>

Dear Ms. Lewis,

Please accept this email as a request and follow up to our earlier phone conversation to postpone Zoning Case 2014-0253-SPHX due to a scheduling conflict. If you can do so, please re-schedule the case any time after August 16, 2014. Thanks so much for your help and if you need further explanation please email me back or call at 410-296-3333.

Sincerely,

Mitch Kellman

Mitchell J. Kellman
Director of Zoning Services

DMW
200 East Pennsylvania Ave
Towson, MD 21286
410 296 3333 Office
410 296 4705 Fax

MDOT - MBE/DBE Certified

DAFT-McCUNE-WALKER, INC.
Baltimore MD . Frederick MD . Berlin MD

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

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 June 9, 2014
Item No. 2014-0253

DATE: June 3, 2014

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

A landscape plan is required prior to approval of a use permit.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 14-0253-06092014.doc

7-14
P.P

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



JUN 24 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 # 2014-0253-SPHX
Address 7400 Pulaski Highway
(Singh/Kaur 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

INTER-OFFICE CORRESPONDENCE

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

DATE: July 7, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7400 Pulaski Highway

RECEIVED

INFORMATION:

JUL 11 2014

Item Number: 14-253

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Charanjit Kaur

Zoning: BR-AS

Requested Action: Special Hearing, Special Exception

SUMMARY OF RECOMMENDATIONS:

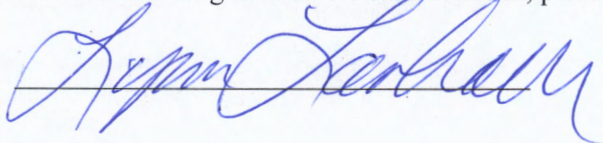
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The requests are for a special hearing for a modified parking plan and a special exception for use as a used automobile lot.

This department does not support the requests for the following reasons. First, the lot in question has been used as overflow parking for the nightclub that Mr. Singh operates. The nightclub itself does not have sufficient parking and the space that the petitioner wishes to use for a used car dealership is necessary and vital for this reason. Secondly, there are circumstances involving the surrounding community that must be addressed. Patrons of the nightclub use neighborhood roads for parking, which creates traffic, unsafe pedestrian conditions, and an unpleasant environment for the residents of the surrounding community. Lastly, there was a previous hearing in 2008 regarding this matter (the same petitioner, Mr. Harnek Singh filed that petition as well). The special exception for which the petitioner was applying also related to a used car dealership. The special exception was approved at that time (October 14, 2008). However, on December 14th, 2009 the Board of Appeals of Baltimore County reversed that order and denied the special exception. It appears that site conditions and use of the property are much the same as in prior requests. Therefore, we do not support the petitioners requests.

This department does not support the special exception. Removing this much needed overflow parking would be detrimental to the health, safety and general welfare of the surrounding community.

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

Division Chief:
AVA/LL



Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1518002210			
Owner Information					
Owner Name:	SINGH HARNEK KAUR CHARANJIT		Use:	COMMERCIAL	
Mailing Address:	9005 GARDENIA RD BALTIMORE MD 21238-1764		Principal Residence:	NO	
			Deed Reference:	/19175/ 00582	
Location & Structure Information					
Premises Address:		7400 PULASKI HWY BALTIMORE MD 21237-2530		Legal Description:	0.35 AC NES 7400 PULASKI HIGHWAY SE COR PHILA RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0096	0003	0363		0000	
Assessment Year:				Plat No: Plat Ref:	
2015					
Special Tax Areas:			Town: NONE		
			Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1935	3836		15,246 SF	23	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		TAVERN			
Value Information					
Base Value		Value		Phase-in Assessments	
		As of 01/01/2012		As of 07/01/2014 As of 07/01/2015	
Land:	331,100	331,100			
Improvements	145,700	145,700			
Total:	476,800	476,800		476,800	
Preferential Land:	0				
Transfer Information					
Seller: BRABHAM HENRY		Date: 11/18/2003		Price: \$260,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /19175/ 00582		Deed2:	
Seller: NOVAK ANDREW F		Date: 03/21/1995		Price: \$190,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10980/ 00161		Deed2:	
Seller: FIERER CHRISTOPHER		Date: 07/27/1988		Price: \$190,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07926/ 00809		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
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: **1518002210**

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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CASE NAME 7400 Puelack Hwy.
CASE NUMBER 2014-0253-
DATE 8-19-14 SPHX

[illegible]

Case No.: 2014-0253-SPHX

Exhibit Sheet

Petitioner/Developer

192
9-3-14

8-10-14
People's Counsel
~~Protestants~~

No. 1	Revised plan	Letter dated 8-16-2014
No. 2	Kellman CV	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO. 2



MITCHELL J. KELLMAN
DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning
Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 24 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 12 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel which formulates design recommendations to the Planning staff and Administrative Law Judges.

Partial List of Projects

Delight Quarry, Baltimore County, MD
Hunt Valley Business Community, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
GBMC, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Hopewell Point, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Notre Dame Preparatory School, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Office of Planning and Zoning, Permits and Development Management – Zoning Office, Development Control, 1988-2000
Baltimore County Design Review Panel, 2012, 2013, 2014
Greater Towson Committee, Planning and Development Sub-Committee, 2012, 2013, 2014
Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014
Greater Towson Committee Board of Directors - Secretary, 2014
Leadership Baltimore County, 2013

August 16, 2014

County Board of Appeals of Baltimore County

RE: In the Matter of Reapplication for Special Exception to Zoning Regulations pursuant to property at 7400 Pulaski Highway, Baltimore, Maryland.
Case No 08-363-SPHX

We the residents of Summit Ave and Heinle Ave want to express our concerns on the issue of increased parking in the roadway caused by scarce parking availability, caused in turn by the conversion of part of the parking area of the 7400 Club, 7400 Pulaski Hwy., into a used car lot.

The past has shown that during busy times at the bar, overcrowding has prompted patrons to seek additional parking up the hill into our residential area causing disturbances including; littering, loud arguments and bad language, as late as 2am in the morning.

In order to attempt to preserve our newly acquired peace and quiet in our area, I plan to attend the hearing. Please contact me with your concerns and I will carry them to the Administrative Law Judge.

PEOPLE'S COUNSEL
EXHIBIT NO. 1

Carl Engel, Ann Marie Stuchell
1700 Summit ave
Rosedale. MD 21237
443 846 7923

Carol Roberts, Chris
1706 Summit Ave
Rosedale MD 21237
443 739 3272

Antoinetta Sterner
1601 Summit Ave
Rosedale, MD 21237
410 866 2895

Samantha Finn
1705 Summit Ave
Rosedale, MD 21237
443 923 1822

Judy Sturgel
1603 Summit Ave
Rosedale, MD 21237

David and Amber Ellinger
7304 Heinle Ave
Rosedale, MD 21237

Ralph and Lynn Adelung
7402 South Rd.
Rosedale, MD 21237

Tram Bui
1606 Summit Ave
Rosedale, MD 21237
410 866 6509

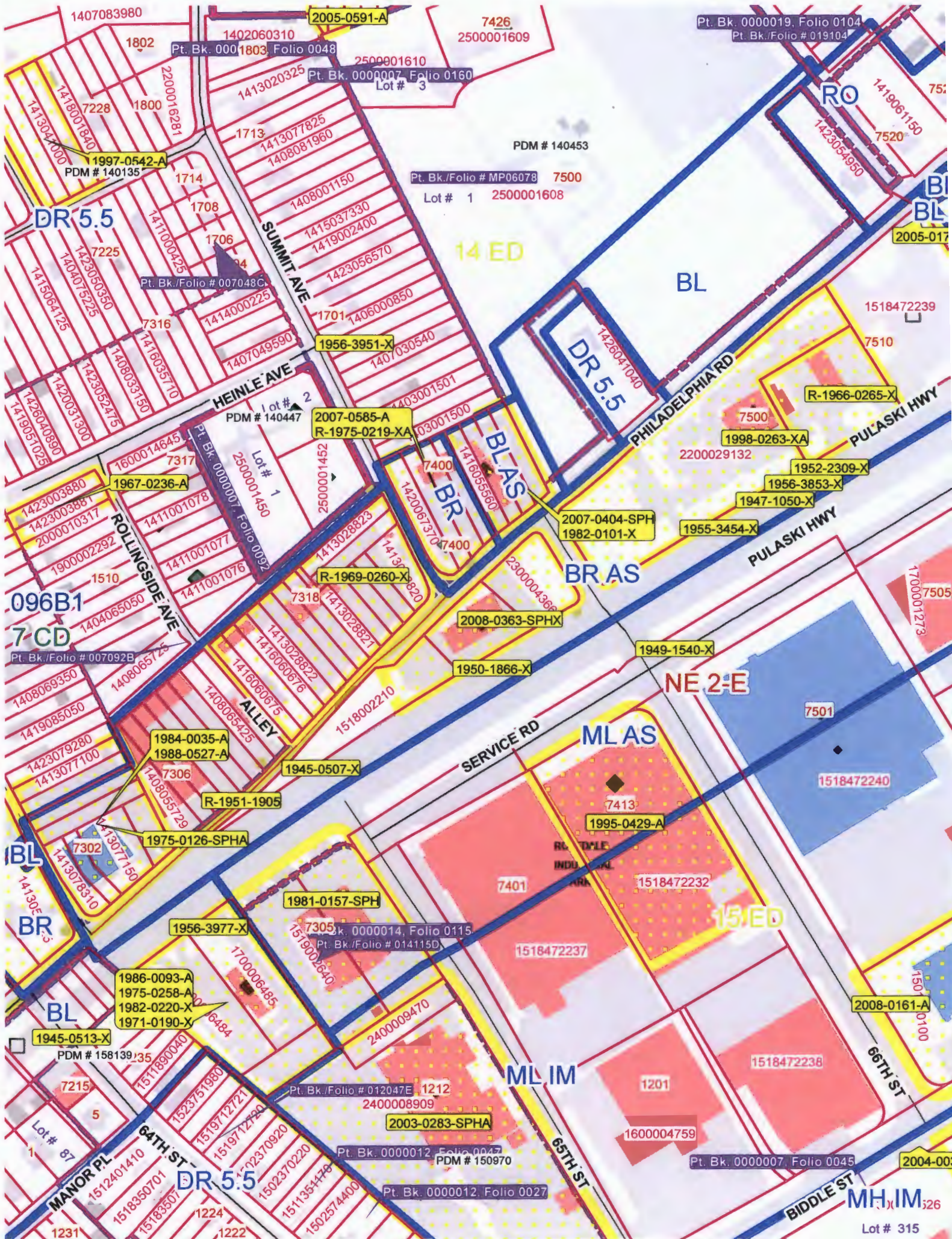
2014-0253-SPHX

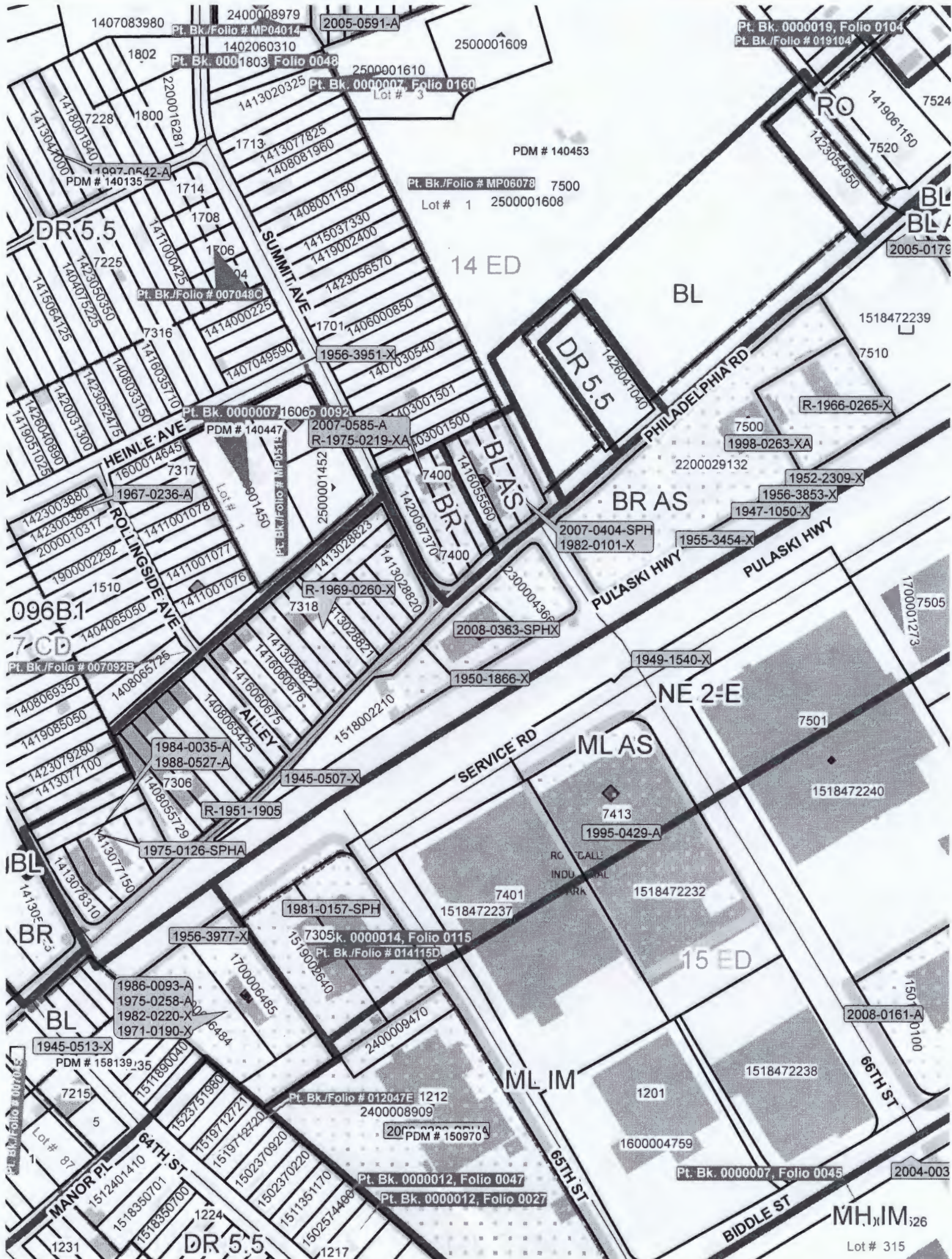


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet







My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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

1. OWNER/DEVELOPER:	HARNEK SINGH & CHARANJIT KAUR 3005 GARDENIA ROAD BALTIMORE, MARYLAND 21236 (443) 744-3500
2. PROP. SITE AREA OF SPECIAL EXCEPTION:	0.144 AC.±
3. ZONING:	BR AS
4. COUNCILMANIC DISTRICT:	7TH
5. ELECTION DISTRICT:	15TH
6. ZONING MAP:	096B1
7. DEED REFERENCE:	19175/1582
8. TAX MAP:	96
9. PARCEL:	523 & 363
10. TAX ACCOUNT:	2300004366 & 151802210
11. THERE ARE NO KNOWN COMMERCIAL BUILDING PERMITS (FOR NEW BUILDING CONSTRUCTION) WITHIN THE SHOWN SPECIAL EXCEPTION AREA.	
12. ALL SIGNS MUST COMPLY WITH SECTION 450.BCZR UNLESS A ZONING VARIANCE IS OBTAINED.	
13. FLOOR AREA RATIO: N/A	
14. AMENITY OPEN SPACE: N/A	
15. BUILDING HEIGHT: N/A	
16. SPECIAL EXCEPTION AREA IS NOT WITHIN ANY BASIC SERVICES MAPS MORATORIUM AREAS.	
17. THERE ARE NO HISTORIC STRUCTURES WITH THE SITE OF SPECIAL EXCEPTION AREA, NOR IS THE SITE SITUATED IN A HISTORIC DISTRICT	



114 9:34:00 AM D:\EQURUM\JOUES

OWNER/DEVELOPER: HARNKE SINGH & CHARANJIT KAUR
3005 GARDENIA ROAD
BALTIMORE, MARYLAND 21236
(443) 744-3500

2. PROP. SITE AREA OF SPECIAL EXCEPTION: 0.144 AC.±

3. ZONING: BR AS

4. COUNCILMANIC DISTRICT: 7TH

5. ELECTION DISTRICT: 15TH

6. ZONING MAP: O96B1

7. DEED REFERENCE: 191751582

8. TAX MAP: 96

9. PARCEL: 523 & 363

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13. FLOOR AREA RATIO: N/A

14. AMENITY OPEN SPACE: N/A

15. BUILDING HEIGHT: N/A

16. SPECIAL EXCEPTION AREA IS NOT WITHIN ANY BASIC SERVICES MAPS MORATORIUM AREAS.

17. THERE ARE NO HISTORIC STRUCTURES WITH THE SITE OF SPECIAL EXCEPTION AREA, NOR IS
THE SITE SITUATED IN A HISTORIC DISTRICT

ZONING CASE NO.08-363-SPHX

1. 30-day appeal period
2. Petitioners must submit a landscape, signage, and lighting plan to the County's Landscape Architect, Avery Handen for review and approval.
3. Used motor vehicle sales shall be limited to Mon. through Sat., 10:00 AM to 8:00 PM. There shall be no Sunday hours nor shall there be storage of damaged and disabled vehicles in the sales area.
4. The Special Exception relief granted is personal to Harneek Singh and Charanjit Kaur and is contingent upon the two (2) subject properties remaining in common ownership. In the event this relationship ceases, then the Special Exception relief granted shall be void and have no further force and effect unless the new owner/operator petitions for special hearing relief to amend this restriction.
5. When applying for permits the site/landscape plan must reference the case and restrictions.

July 27, 2010 Circuit Court affirmed the denial of the Special Exception.

On November 29, 2012 a lot line adjustment was granted by PAI - DRC Number 120412-LLA3

On November 29, 2012 a lot line adjustment was granted by PAI - DRC Number 120412-LLA3



PARKING TABULATIONS

DATA SOURCES:

EXISTING TOPOGRAPHY SHOWN HEREON TAKEN FROM BALTIMORE COUNTY
ONLINE GIS PORTAL, DATED 2013.

EXISTING BUILDING/PARKING LOCATIONS SHOWN HEREON TAKEN FROM
BALTIMORE COUNTY ONLINE GIS PORTAL, DATED 2013.

PROPERTY LINES SHOWN HEREON BASED ON DEED LIBER 19175, FOLIO 582 AND IS NOT THE RESULT OF A FIELD RUN BOUNDARY SURVEY.

UTILITIES BASED UPON COUNTY DRAWINGS USED AUTOMOBILE DISPLAY
BASED UPON SPELLMAN LARSON HEARING PLAN DATED 11-26-07.

DAFT McCUNE WALKER INC

200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

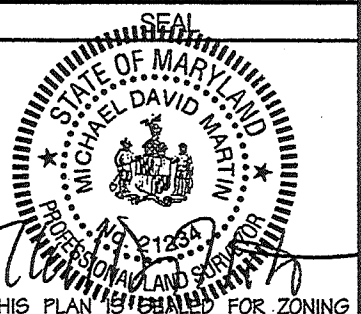
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

PLAN TO ACCOMPANY
SPECIAL EXCEPTION, SPECIAL HEARING,
AND/OR ZONING VARIANCE

Singh-Kaur Property

7400 PULASKI HIGHWAY
0.544 AC (23,679 SF)

BALTIMORE COUNTY, MARYLAND



PURPOSES ONLY AND DOES NOT
REPRESENT FIELD SURVEY WORK.

DATE	BY	REVISIONS

ISSUE DATES REVIEW: _____ BID: _____ PERMIT: _____ CONSTRUCTION: _____ SCALE: <u>1"=20'</u> PROJECT NO.: <u>12040.0</u>	BASE: <u>CRH</u> DRAWN: <u>CRH</u> DESIGNED: _____ CHECKED BY: <u>MJR</u> DATE CHECKED: <u>Skip</u> DRAWING: <u>1 of 1</u>
---	--

11/07 14:00:00 07 Call on 1

1701-0761

2014-02-53-SP4x