



KEVIN KAMENETZ
County Executive

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

April 10, 2015

John B. Gontrum, Esq.
Whiteford, Taylor & Preston LLP
1 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petition for Variance
Property: 9523 Pulaski Highway
Case No. 2015-0167-A

Dear Mr. Gontrum:

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 a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

**IN RE: PETITION FOR VARIANCE
(9523 Pulaski Highway)**

15th Election District
6th Council District
9523 Pulaski Highway, LLC
Legal Owner
Primax Properties, LLC
Contract Purchaser
Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0167-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of 9523 Pulaski Highway, LLC, legal owner and Primax Properties, LLC, contract purchaser ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§409.6.A.2, 303.2 and 238.2. as follows: (1) to permit 33 parking spaces in lieu of the required 35 parking spaces; (2) to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet; and (3) to allow a side yard setback of 6 feet in lieu of the required 30 feet. A site plan was marked and admitted as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request was Chris Neill and Rick Richardson, a licensed professional engineer whose firm prepared the plan. John B. Gontrum, Esq. appeared and represented the Petitioners. No Protestants or interested citizens were in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR).

The subject property is approximately 65,320 square feet and is zoned BR-AS, BR and ML-AS. The property is unimproved, and has a lengthy zoning history which reveals that both

ORDER RECEIVED FOR FILING

Date 4/10/15

By Sen

variance and special exception relief have been granted previously, though the improvements (i.e., office building and car wash) proposed in those earlier cases were never constructed. At present, the contract purchaser proposes to construct an Advance Auto Parts store at the site, but requires zoning relief to do so.

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).

Petitioners have met this test. The site is irregularly shaped and is therefore unique. In addition the property was found to be unique in three prior zoning cases from 1965, 1977 & 1996. Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to construct the new store at the site. 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.

As noted earlier, the Bureau of Development Plans Review (DPR) submitted a ZAC comment. That agency indicated that the width of the entrance/exit from the site onto Middle River Road must be enlarged to 24', and the Order which follows will contain such a condition. In addition, DPR noted a landscape plan is required prior to issuance of permits.

THEREFORE, IT IS ORDERED, this 10th day of April, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R") §§409.6.A.2, 303.2 and 238.2. as follows: (1) to permit 33 parking spaces in lieu of the required 35 parking spaces; (2) to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet; and (3) to allow a side yard setback of 6

ORDER RECEIVED FOR FILING

Date 4/10/15
By Sen

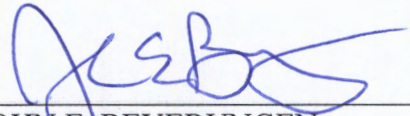
feet in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioners must revise the site plan prior to issuance of permits to show a 24 ft. wide entrance/exit onto Middle River Road.
3. Petitioners must submit for approval a landscape plan prior to issuance of permits.

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 4/10/15

By sen



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 9523 Pulaski Highway which is presently zoned B.R. B.R.-A.S.

Deed References: 35099/00019 10 Digit Tax Account # 2 1 0 0 0 1 3 2 8 2

Property Owner(s) Printed Name(s) 9523 Pulaski Hwy, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

See Attached

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

To be presented at hearing

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

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

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

Contract Purchaser/Lessee:

Primax Properties, LLC

Name- Type or Print

Signature

1100 E. Morehead St., Charlotte, NC

Mailing Address City State

28204 / (704) 954-7216 / CNeill@primax

Zip Code Telephone # Email Address

Attorney for Petitioner:

John B. Gontrum

Name- Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.
1 W. Pennsylvania AV, #300, Towson, MD

Mailing Address City State

21204 / (410) 832-2055 / jgontrum@wtplaw.

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

9523 Pulaski Hwy, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2906 Pulaski Highway, Edgewood, MD

Mailing Address City State

21040

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

ORDER RECEIVED FOR FILING

Date

By

City

State

CASE NUMBER 2015-0167-A Filing Date 2,4,15

Do Not Schedule Dates:

Reviewer

VARIANCE REQUESTS:

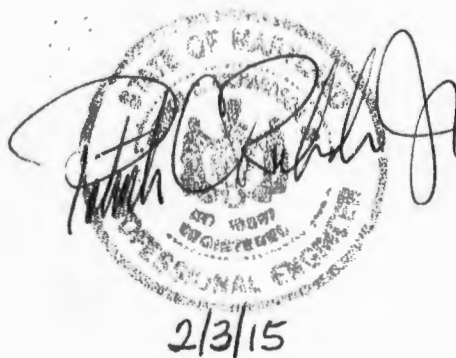
- 1) from Section 409.6.A.2 – to permit 33 parking spaces in lieu of the required 35 parking spaces
- 2) from Section 303.2 – to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet
- 3) from Section 238.2 – to allow a side yard setback of 6 feet in lieu of the required 30 feet

Item #0167

**ZONING DESCRIPTION FOR
9523 PULASKI HIGHWAY
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side of Pulaski Highway (150' right of way) 283' west from the centerline of the intersection of Middle River ~~Neek~~ Road (60' right of way) thence binding on the south side of Pulaski Highway the following course and distance; (1) South 40 degrees 56 minutes 40 seconds West 100.00 feet, (2) by a curve to the right with a radius of 11,534 feet and a length of 340.55 feet, thence leaving the right of way of Pulaski Highway for the following courses and distances; (3) South 19 degrees 55 minutes 30 seconds East 28.10 feet, (4) South 59 degrees 21 minutes 30 seconds East 400.83 feet, (5) South 59 degrees 32 minutes 56 seconds East 7.99 feet, (6) South 58 degrees 55 minutes 34 seconds East 344.20 feet to a point on the west side right-of-way of Middle River Road, thence with the said right-of-way the following course and distance (7) North 43 degrees 08 minutes 18 seconds West 40.26 feet, thence leaving Middle River Road the following courses and distances; (8) South 44 degrees 21 minutes 01 seconds West 56.39 feet, (9) South 58 degrees 52 minutes 27 seconds West 215.00, (10) North 48 degrees 22 minutes 55 seconds West 145.70 feet to the point of beginning.

Containing a net area of 49,915 square feet, or 1.15 acres of land, more or less.



2/3/15

Item # 0167

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

No. **119792**

Date **2/12/15**

PAID RECEIPT

BUSINESS DATE TIME 2/03/2015 2:14 PM 10:16:44

NO. 119792

RECEIPT # 910505 2/04/2015

5.528 DATING MODIFICATION

NO. 119792

Receipt Tot 1500.00

1500.00 1.00 PA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
000	306	0000		000					5500

Total: **5500**

Rec From: **9723 P, LLC**

For: **Zoning hearing - case # 2015-0167-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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: 2015-0167-A

Petitioner: PRIMA PROPERTIES, LLC

Address or Location: 9523 PULASKI Highway

PLEASE FORWARD ADVERTISING BILL TO:

Name: PRIMA PROPERTIES, LLC c/o Chris Neill

Address: 1160 E. Morehead ST.

CHARLOTTE, NORTH CAROLINA 28204

Telephone Number: 704-954-7216

CERTIFICATE OF POSTING

CASE NO: 2015-0167-A

PETITIONER/DEVELOPER
WHITEFORD, TAYLOR & PRESTON LLP.
JOHN GONTUWA

DATE OF HEARING/CLOSING:

APRIL 9, 2015

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

ATTENTION:

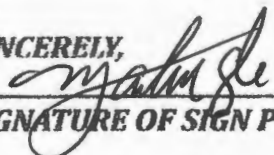
LADIES AND GENTLEMEN:

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

9523 Pulaski Highway

THIS SIGN(S) WERE POSTED ON March 21, 2015
(MONTH, DAY, YEAR)

SINCERELY,

 3/21/15
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411



ZONING NOTICE

CASE # **2015-0167-A**

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

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

DATE AND TIME: **THURSDAY, APRIL 9, 2015**
AT 11:00 A.M.

REQUEST:

VARIANCE TO PERMIT 33 PARKING SPACES IN LIEU OF
THE REQUIRED 35 PARKING SPACES; TO ALLOW A FRONT YARD
SETBACK OF 10 FEET IN LIEU OF THE REQUIRED FRONT YARD
SETBACK OF 69 FEET; TO ALLOW A SIDE YARD SETBACK OF
6 FEET IN LIEU OF THE REQUIRED 30 FEET.

POSTPONEMENTS DUE TO WEATHER AND OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CORRESPONDING CHAIRMAN'S OFFICE

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

mya 3/21/15



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3126236

Sold To:

Primax Properties LLC - CU00429215
1100 E Morehead St
Charlotte, NC 28204

Bill To:

Primax Properties LLC - CU00429215
1100 E Morehead St
Charlotte, NC 28204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 19, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

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: # 2015-0167-A

9523 Pulaski Highway
S/s Pulaski Highway, 283 ft. w/of centerline of Middle River Road

15th Election District - 6th Councilmanic District

Legal Owner(s) 9523 Pulaski Highway, LLC

Contract Purchaser/Lessee: Primax Properties, LLC

Variance: to permit 33 parking spaces in lieu of the required 35 parking spaces; to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet; to allow a side yard setback of 6 feet in lieu of the required 30 feet.

Hearing: Thursday, April 9, 2015 at 11:00 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 accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

3/23/2015 March 19

3126236



KEVIN KAMENETZ
County Executive

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

February 25, 2015

CORRECTED 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: 2015-0167-A

9523 Pulaski Highway
S/s Pulaski Highway, 283 ft. w/of centerline of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: 9523 Pulaski Highway, LLC
Contract Purchaser/Lessee: Primax Properties, LLC

Variance to permit 33 parking spaces in lieu of the required 35 parking spaces; to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet; to allow a side yard setback of 6 feet in lieu of the required 30 feet.

Hearing: Thursday, April 9, 2015 at 11:00 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: John Gontrum, 1 W. Pennsylvania Ave., Ste. 300, Towson 21204
Primax Properties, 1100 E. Morehead Street, Charlotte 28204
9523 Pulaski Highway, 2906 Pulaski Highway, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 20, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 19, 2015 Issue - Jeffersonian

Please forward billing to:

Chris Neill
Primax Properties, LLC
1100 E. Morehead Street
Charlotte, NC 28204

704-954-7216

CORRECTED 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: 2015-0167-A

9523 Pulaski Highway

S/s Pulaski Highway, 283 ft. w/of centerline of Middle River Road

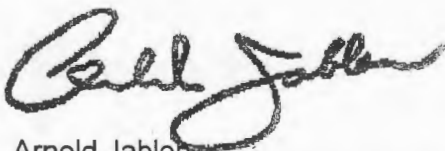
15th Election District – 6th Councilmanic District

Legal Owners: 9523 Pulaski Highway, LLC

Contract Purchaser/Lessee: Primax Properties, LLC

Variance to permit 33 parking spaces in lieu of the required 35 parking spaces; to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet; to allow a side yard setback of 6 feet in lieu of the required 30 feet.

Hearing: Thursday, April 9, 2015 at 11:00 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.



KEVIN KAMENETZ
County Executive
February 19, 2015

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

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: 2015-0167-A

9523 Pulaski Highway
S/s Pulaski Highway, 283 ft. w/of centerline of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: 9523 Pulaski Highway, LLC
Contract Purchaser/Lessee: Primax Properties, LLC

Variance to permit 33 parking spaces in lieu of the required 35 parking spaces; to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet; to allow a side yard setback of 6 feet in lieu of the required 30 feet.

Hearing: Friday, April 3, 2015 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Ave., Ste. 300, Towson 21204
Primax Properties, 1100 E. Morehead Street, Charlotte 28204
9523 Pulaski Highway, 2906 Pulaski Highway, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 14, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 12, 2015 Issue - Jeffersonian

Please forward billing to:

Chris Neill
Primax Properties, LLC
1100 E. Morehead Street
Charlotte, NC 28204

704-954-7216

NOTICE OF ZONING HEARING

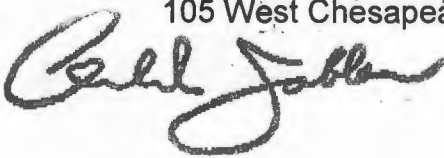
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0167-A

9523 Pulaski Highway
S/s Pulaski Highway, 283 ft. w/of centerline of Middle River Road
15th Election District – 6th Councilmanic District
Legal Owners: 9523 Pulaski Highway, LLC
Contract Purchaser/Lessee: Primax Properties, LLC

Variance to permit 33 parking spaces in lieu of the required 35 parking spaces; to allow a front yard setback of 10 feet in lieu of the required front yard average of 69 feet; to allow a side yard setback of 6 feet in lieu of the required 30 feet.

Hearing: Friday, April 3, 2015 at 11:00 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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
9523 Pulaski Highway; S/S Pulaski Highway,		
283' W of c/line Middle River Road	*	OF ADMINSTRATIVE
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): 9523 Pulaski Highway, LLC	*	HEARINGS FOR
Contract Purchaser(s): Primax Properties, LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2015-167-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
FEB 09 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 2015, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: May 12, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0167-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 11, 2015. 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

CASE NAME 9523 Puloski
CASE NUMBER 2015-167-A
DATE 4/9/2015

[illegible]

CASE NO. 2015-

0167-A

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

3/11/15

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

C

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

FIRE DEPARTMENT

3/23/15

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

no obj.

2/9/15

STATE HIGHWAY ADMINISTRATION

C - need to obtain permit

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/19/15

SIGN POSTING

Date:

3/21/15

by Agle

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Case No.:

2015-167-A

Sen

4-10-15

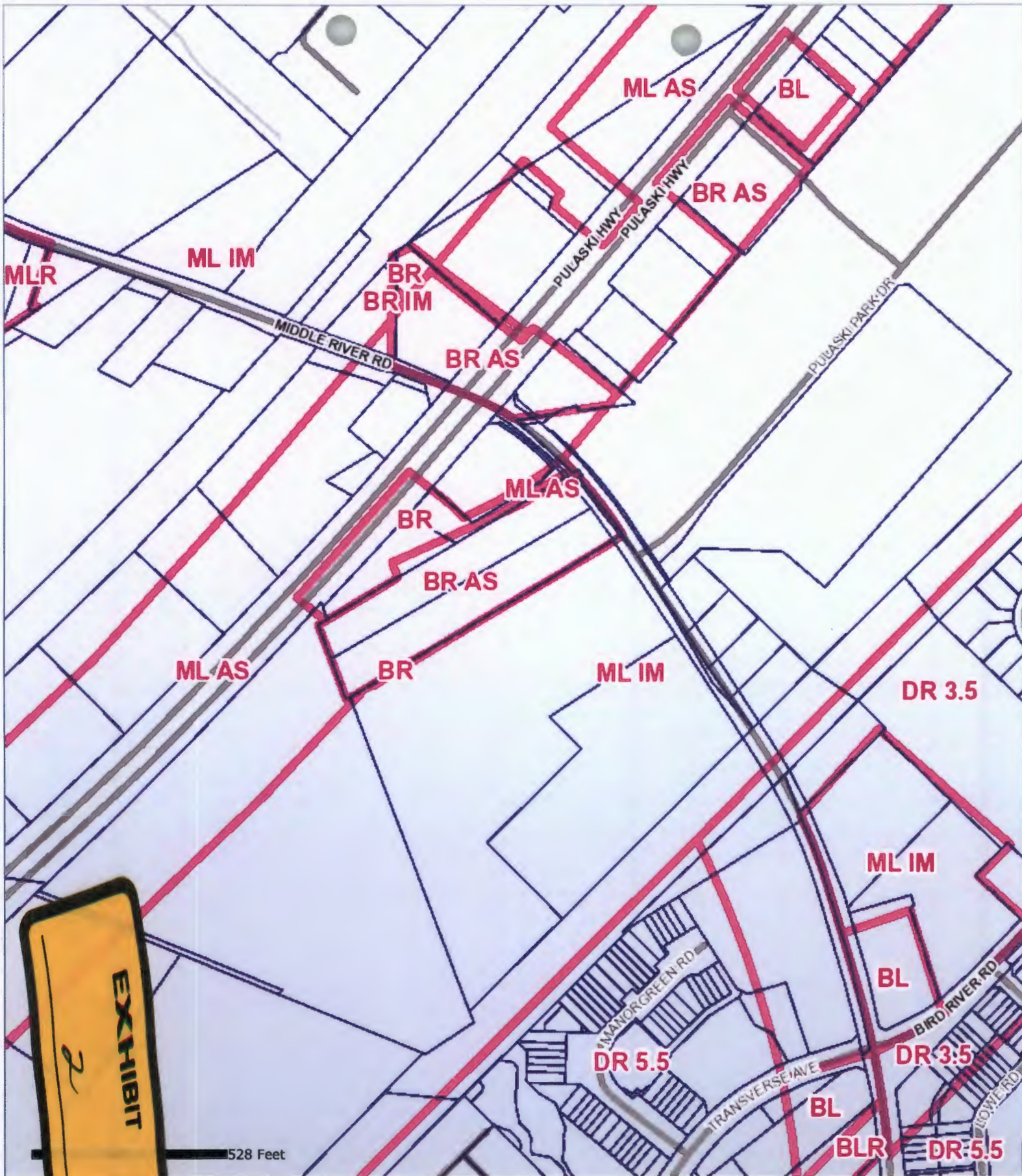
Exhibit Sheet

Petitioner/Developer

EW 5-12-15

Protestant

No. 1	Site plan	
No. 2	Zoning map	
No. 3	Aerial photo	
No. 4	Order - # 96-259-XA	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



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.

Printed 4/9/2015



305 Feet



Permit Review 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.

Printed 1/19/2015

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - S/S Pulaski
Highway, 285' W of the c/l of * DEPUTY ZONING COMMISSIONER
Middle River Road *
(9523 Pulaski Highway) * OF BALTIMORE COUNTY
15th Election District *
6th Councilmanic District * Case No. 96-259-XA

George D. Leas, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 9523 Pulaski Highway, located in the vicinity of Middle River Road in Middle River. The Petitions were filed by the owners of the property, George D. and Arleen M. Leas, and the Contract Purchaser/Lessee, John S. Gonzalez, Jr., and his wife, Pamela M. Gonzalez, through their attorney, Michael Marino, Esquire. The Petitioners request a special exception to permit a car wash use on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Sections 238.2 and 303.2 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a front yard setback of 52 feet in lieu of the required 82 feet to accommodate the proposed building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions were John Gonzalez, Jr., Contract Purchaser, Alan Scoll, Registered Landscape Architect with D. S. Thaler and Associates, Inc., who prepared the site plan for this project, and Michael Marino, Esquire, attorney for the Petitioners. There were no Protestants present.

ORDER RECEIVED FOR FILING

Date

By

WILSON

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.47 acres, more or less, split zoned B.R., M.L.-C.S.1 and M.L.-I.M., and is presently unimproved. The Petitioners are desirous of developing the site with a self-service car wash in accordance with Petitioner's Exhibit 1. Due to the unusual shape of the lot, strict compliance with the zoning regulations would be burdensome and result in an unreasonable hardship for the Petitioners. A brief discussion ensued regarding the height of the identification sign for the proposed use. According to the site plan submitted into evidence as Petitioner's Exhibit 1, the Petitioners propose an identification sign 18 feet in height. On behalf of his clients, Mr. Marino agreed that the subject sign will be no greater than 14 feet in height. Further testimony demonstrated that the use proposed meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and is in strict harmony with the spirit and intent of the zoning regulations, pursuant to Section 307.1 thereof.

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

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

CORDER RECEIVED FOR FILING

Date

2/26/96

By

LPB

cial exception use, irrespective of its location within the zone.
Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996 that the Petition for Special Exception to permit a car wash use on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 238.2 and 303.2 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a front yard setback of 52 feet in lieu of the required 82 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

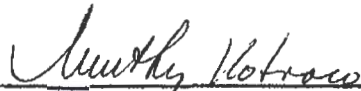
ORDER RECEIVED FOR FILING

Date

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The height of the proposed identification sign shall be no greater than 14 feet. Accordingly, a revised site plan depicting the modified sign height shall be submitted prior to the issuance of any building permits.

3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 26, 1996

Michael E. Marino, Esquire
Levy & Marino
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Pulaski Highway, 285' W of the c/l of Middle River Road
(9523 Pulaski Highway)
15th Election District - 6th Councilmanic District
George D. Leas, et ux - Petitioners
Case No. 96-259-XA

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. George D. Leas
2149 Bridgegate Court, Westlake Village, Ca. 91361

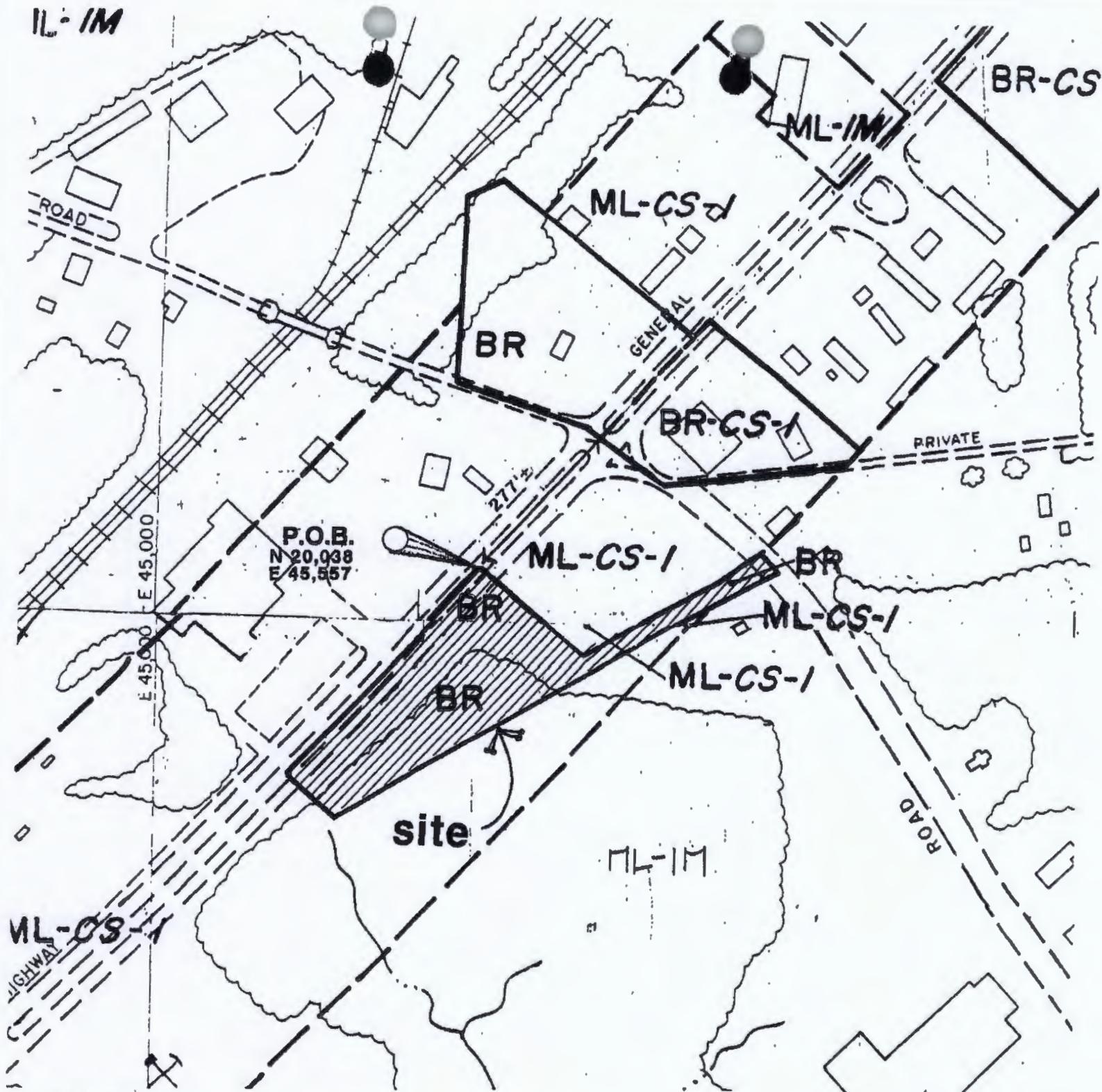
Mr. & Mrs. John S. Gonzalez, Jr.
205 Rolling Knoll Drive, Bel Air, Md. 21014

People's Counsel

File



IL-IM



200 Scale
1992 Baltimore County Zoning Map (NE-5 & 6 H)
To Accompany Zoning Petition

Pulaski Carwash

D.S. THALER & ASSOC., INC.

CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647

96-259-XA

#259





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9523 Pulaski Highway, Balto. MD 21220

96-259-XA

which is presently zoned BR @ 1.37 Acres/
ML-CS-1 @ .08 Acres/ML-IM @ .02 Acres

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for carwash per Section 236.4 of the Baltimore County Zoning regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition

Contract Purchaser/Lessee

John S. Gonzalez, Jr.

(Type or Print Name) Pamela M. Gonzalez

Signature

205 Rolling Knoll Drive

Address

Bel Air, Maryland 21014

City

State

Zipcode

Attorney for Petitioner.

Michael E. Marino

(Type or Print Name)

Signature

Levy & Marino, P.A.

609 Bosley Avenue (410) 821-6633

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

Legal Owner(s)

George David Leas

(Type or Print Name)

Signature

Arleen M. Leas

(Type or Print Name)

Signature

2149 Bridgegate Court

Address

Phone No

Westlake, California 91361

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Michael E. Marino, Esquire
Levy & Marino, P.A.

Name

609 Bosley Avenue

Towson, Maryland 21204 (410) 821-6633

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr.

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

1/3/16



ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

#259

to the Zoning Commissioner of Baltimore County

9523 Pulaski Highway, Baltimore,
Maryland 21220

for the property located at

96-259-XA

which is presently zoned BR @ 1.37 Acres

ML-CS-1 @ .08 Acres/MLJM @ .02 Acres

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Sec 238.2 to allow a 10' side yard setback in lieu of the required 30'
Sec. 303.2 to allow a 52' front yard setback in lieu of the required 82'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The property is odd shaped and borders on steep slopes and is unique. Without the requested variances, the subject property is not capable of being developed and thereby creating practical difficulty or hardship. The granting of this variance will not result in injury to public health, safety, or welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:

John S. Gonzalez, Jr. and Pamela M.

(Type or Print Name) Gonzalez

John S. Gonzalez Jr. Pamela M. Gonzalez
Signature

205 Rolling Knoll Drive

Address

Bel Air, Maryland 21014

City

State

Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire

(Type or Print Name)

Legal Owner(s):

George David Leas

(Type or Print Name)

George David Leas
Signature

Arlene M. Leas

(Type or Print Name)

Arlene M. Leas
Signature

2149 Bridgegate Court

Address

Phone No

Westlake Village, California 91361

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Michael E. Marino, Esquire

Name

609 Bosley Avenue

(410) 821-6633

Towson, MD 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY: *mt*

DATE 1/3/16



ENCLOSURE

ORDER RECEIVED FOR FILING

Date

By

September 18, 1995

PULASKI CAR WASH

96-259-XA

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning at a point located on the southern right-of-way line (150' right-of-way) of Pulaski Highway, approximately 285 feet, more or less, West of the intersection of Pulaski Highway (U.S. Route 40) and the center of Middle River Road, thence running the following courses and distances:

1. South 48°22'55" East, 145.70 feet, more or less, to a point; thence,
2. North 58°52'27" East, 215.00 feet, more or less, to a point; thence,
3. North 44°21'01" East, 55.42 feet, more or less, to a point; thence,
4. 40.00 feet curving to the right, having a radius of 1,170.00 feet, more or less, to a point; thence,
5. South 58°52'27" West, 344.20 feet, more or less, to a point; thence,
6. North 59°32'56" West, 7.98 feet, more or less, to a point; thence,
7. South 59°22'04" West, 400.83 feet, more or less, to a point; thence,
8. North 19°54'56" West, 28.25 feet, more or less, to a point; thence,
9. 340.55' curving to the left, having a radius of 11,534.16 feet, more or less, thence,
10. North 40°56'40" East, 100.00 feet, more or less, to the point of beginning.

Containing approximately 1.15 acres of land, more or less.

SAM/gf1/D#3Descrip.PulaskiCW/9.15



259

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15

Date of Posting 1/29/96

Posted for: Special Exception

Petitioner: George David Leas and Arleen M. Leas- John S. Gonzalez, Jr. &
Pamela M. Gonzalez

Location of property: 9523 Pulaski Highway

Location of Signs: Pulaski Highway near "Car Wash" business sign
standing fence

Remarks: _____

Posted by Joe Dehaach / Jeff Kerkow

Signature

Date of return: _____

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-259-XA
(Item 259)

9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285 W.
of CA Middle River Road
15th Election District
6th Councilmanic

Legal Owner(s):
George David Leas and Ar-
leen M. Leas

Contract Purchaser:
John S. Gonzalez, Jr. and
Pamela M. Gonzalez

Special Exception: for a car
wash. Variance: to allow a
10-foot side yard setback in
lieu of the required 30 feet;
and to allow a 52 foot front
yard setback in lieu of the re-
quired 82 feet.

Hearing: Friday, February 18,
1996 at 9:00 a.m. in Rm. 106,
County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3363.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

1/205 Jan 26 C27853

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/25, 19 96

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/25, 19 96.

THE JEFFERSONIAN,

A. Henrich

LEGAL AD. - TOWSON

Printed in MD

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 013670

96-259-XA

DATE 1-3-96

ACCOUNT 01-615

Item 259

By. MTR

AMOUNT \$ 620.00

Owner: Leas

RECEIVED FROM: Levy E Marino - 9523 Pulaski Highway

020 - Comm. Val - \$ 250.00

050 - Sp. Exc. Tax - \$ 300.00

000 - 2 Signs - \$ 70.00

FOR: \$ 620.00

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 259 Petitioner: Gonzalez, John S.

Location: 9523 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael E. Marino

ADDRESS: 609 Bosley Avenue

Towson, MD 21204

PHONE NUMBER: 821-6633

TO: PUTUXENT PUBLISHING COMPANY
January 25, 1996 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, MD 21204
821-6633

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-259-XA (Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W of c/l Middle River Road
15th Election District - 6th Councilmanic
Legal Owner: George David Leas and Arleen M. Leas
Contract Purchaser: John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception for a carwash.

Variance to allow a 10-foot side yard setback in lieu of the required 30 feet; and to allow a 52 foot front yard setback in lieu of the required 82 feet.

HEARING: FRIDAY, FEBRUARY 16, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 19, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-259-XA (Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W of c/l Middle River Road
15th Election District - 6th Councilmanic
Legal Owner: George David Leas and Arleen M. Leas
Contract Purchaser: John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception for a carwash.

Variance to allow a 10-foot side yard setback in lieu of the required 30 feet; and to allow a 52 foot front yard setback in lieu of the required 82 feet.

HEARING: FRIDAY, FEBRUARY 16, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: George and Arleen Leas
John and Pamela Gonzalez
Michael E. Marino, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 9, 1996

Michael E. Marino
Levy & Marino, P.A.
609 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 259
Case No.: 96-259-XA
Petitioner: G. D. Leas, et ux

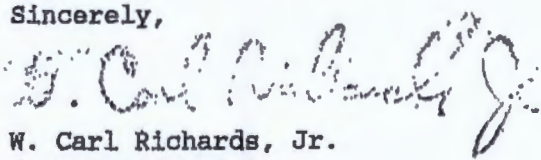
Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 3, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: January 22, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 9523 Pulaski Highway

INFORMATION:

Item Number: 259

Petitioner: Leas Property

Property Size: _____

Zoning: BR, ML-IM, and ML

Requested Action: Special Exception & Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

A review of the plan accompanying the subject request reveals that the property at the elevation which the applicant proposes a 24' high sign is sufficiently high enough, and, as such, the height of the proposed sign can and should be reduced. Staff has communicated this concern to the applicant's attorney.

This office supports the applicant's request provided that the issue regarding the sign is addressed

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kears

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Jan. 26, 1996
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for January 22, 1996
Items 253, 254, 257, 258, and 259
and Case 96-169 SPH

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 01/17/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 16, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 253, 254, 255, 256, 257,
258, 259, 260, 261, 263 AND 264.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILM

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
9523 Pulaski Highway (Pulaski Highway * ZONING COMMISSIONER
Car Wash), S/S Pulaski Highway, 285' W *
of c/l Middle River Road, 15th * OF BALTIMORE COUNTY
Election District - 6th Councilmanic *
 * CASE NO. 96-259-XA
Legal Owners: George and Arleen Leas *
Contract Purchasers: J. & P. Gonzalez *
Petitioners *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

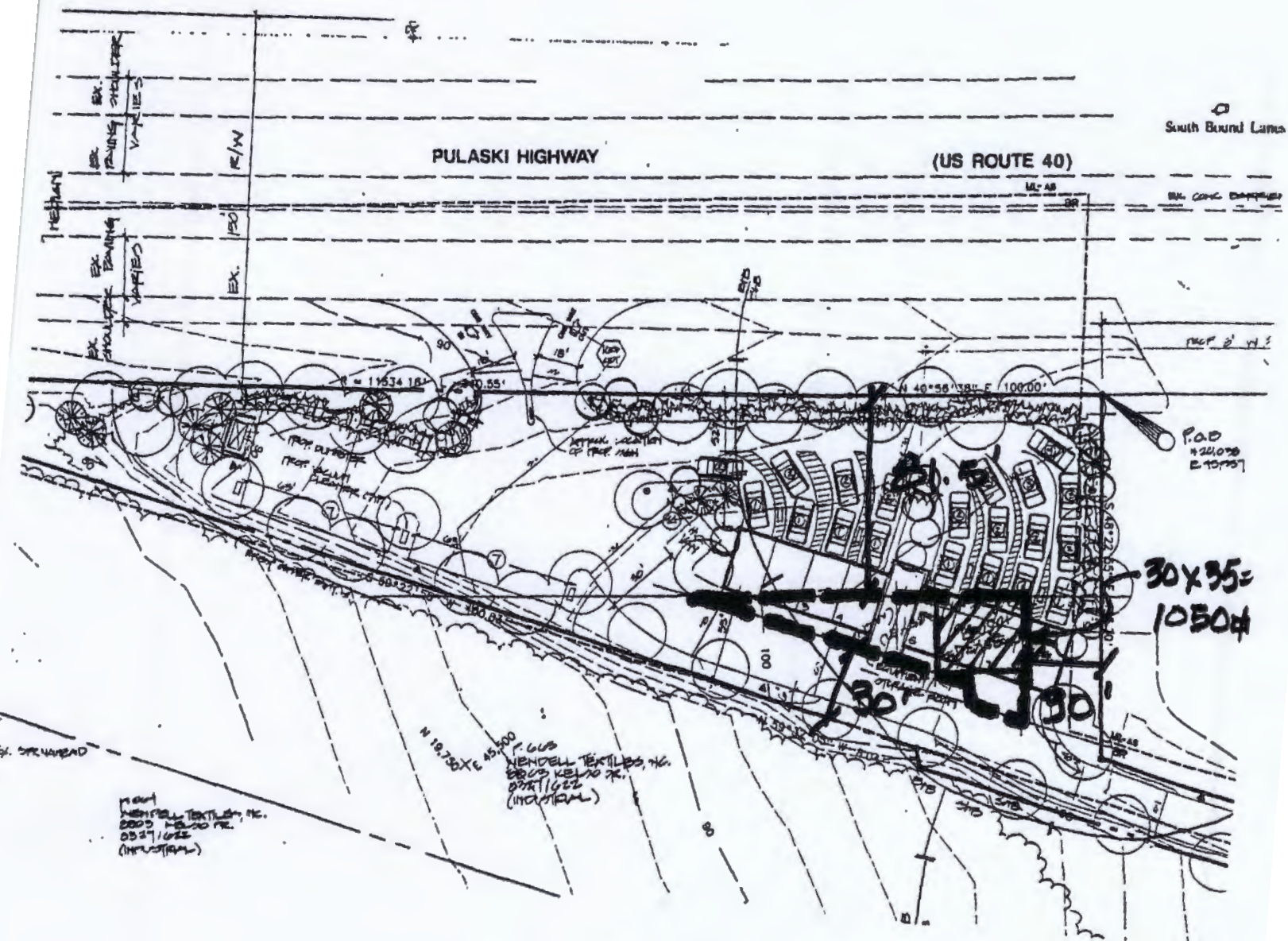
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Pet Ex #2



PULASKI CARWASH

AS-OF-RIGHT BUILDING ENVELOPE

D.S. THALER & ASSOC., INC.

2.16.96

1" = 60'

MICROFILMED



KEVIN KAMENETZ
County Executive

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

April 1, 2015

9523 Pulaski Highway LLC
2906 Pulaski Highway
Edgewood MD 21040

RE: Case Number: 2015-0167 A, Address: 9523 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 February 4, 2015. 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: jaw

Enclosures

c: People's Counsel
John B Gontrum, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204
Primax Properties LLC, 1100 E Morehead Street, Charlotte NC 28204

Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/2/15

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

RE: Baltimore County
Item No. 2015-0167-A
Variance
9523 Pulaski Highway LLC
9523 Pulaski Highway
US40

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 2/2/15. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2015-0167-A, 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

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

4-9-15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 23, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9523 Pulaski Highway

RECEIVED

INFORMATION:

MAR 25 2015

Item Number: 15-167

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: 9523 Pulaski Highway, LLC

Zoning: BR, ML-AS, BR-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Variance Petition and accompanying site plan to permit 33 parking spaces, a front yard setback of 10 feet and a side yard of 69 feet in lieu of the required 35 parking spaces, front averaged 69 feet and 30 feet respectively. The Department of Planning has no objection to the grant of the petitioned variance relief.

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

Division Chief:
AVA/LTM

Kathy Schlabach

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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 February 16, 2015
Item No. 2015-0167

DATE: March 4, 2015

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

Parking spaces are supposed to be set back 10' from road right-of-way, including any backing area, and should meet all Landscape Manual requirements. A Landscape Plan shall be submitted and must be approved prior to permits being released.

The minimum entrance width at Middle River Road is 24 feet, not 22.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0167-02162015.doc

3/30/15
lock

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 23, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9523 Pulaski Highway

INFORMATION:

Item Number: 15-167

Petitioner: 9523 Pulaski Highway, LLC

Zoning: BR, ML-AS, BR-AS

Requested Action: Variance

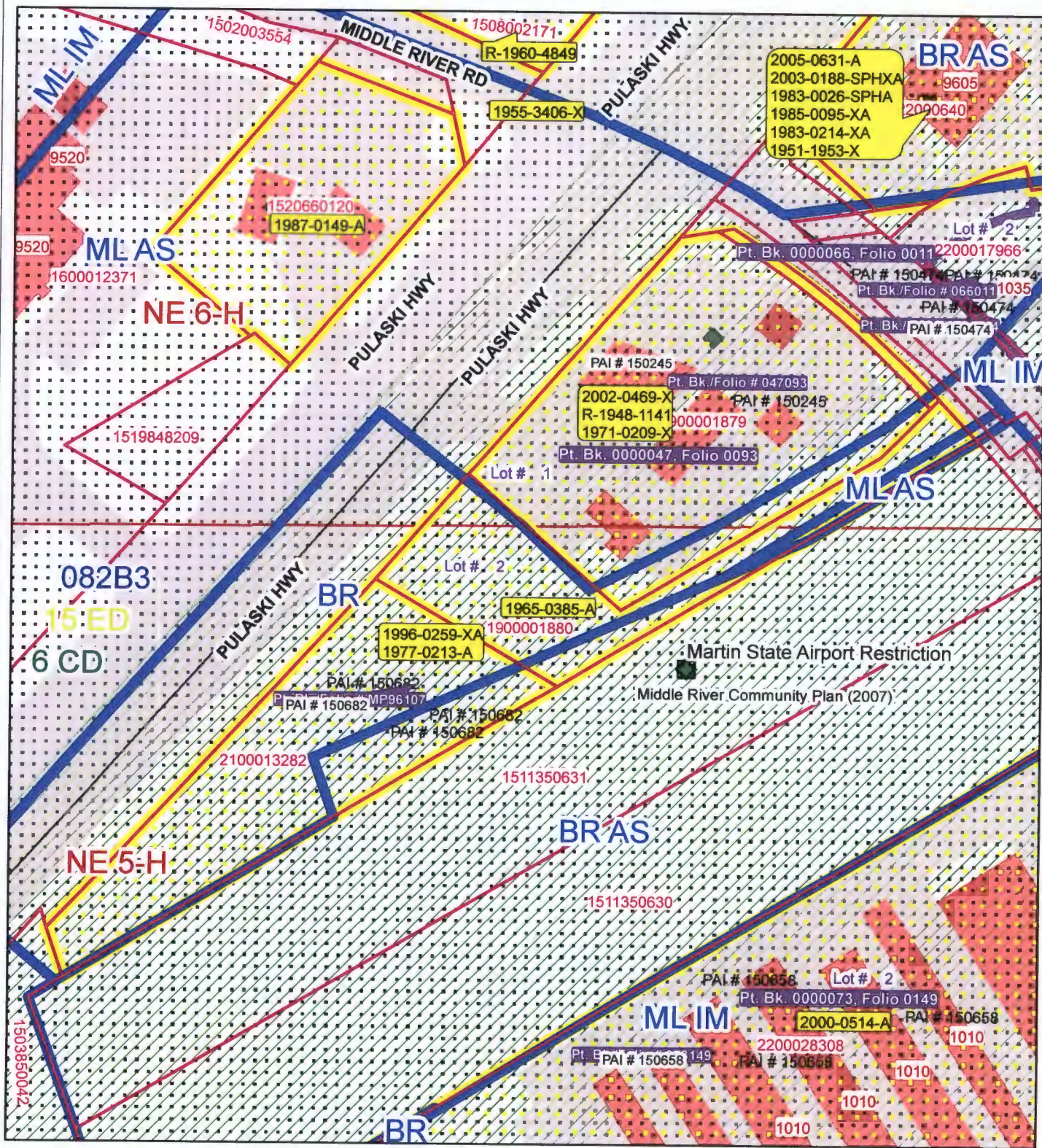
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Variance Petition and accompanying site plan to permit 33 parking spaces, a front yard setback of 10 feet and a side yard of 69 feet in lieu of the required 35 parking spaces, front averaged 69 feet and 30 feet respectively. The Department of Planning has no objection to the grant of the petitioned variance relief.

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

Division Chief: Kathy Schlabach
AVA/LTM

Pulaski Highway



Publication Date: 1/30/2015



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



A horizontal scale bar with markings at 0, 25, 50, 100, 150, and 200 feet. The bar is black with white rectangular segments at each interval.

1 inch = 100 feet

Item # 0167

GENERAL NOTES:

- OWNER:
9523 PULASKI HWY LLC
2306 PULASKI HIGHWAY
EDGEWOOD, MD 21040
- CONTRACT PURCHASER:
PRIMAX CONSTRUCTION INC.
293 OLMSTEAD BOULEVARD, SUITE 11
PINEHURST, NC 28374
- SITE AREA:
GROSS 65,320 SF OR 1.48 AC.±
NET 49,915 SF OR 1.15 AC.±
- BUILDING AREA:
EXISTING: 0 SF
PROPOSED: 6,912 SF
- UTILITIES:
PUBLIC WATER.
PUBLIC SEWER.
- THE SITE DOES NOT LIE WITHIN A FLOODPLAIN AS SHOWN ON F.I.R.M.
#24001004306, PANEL # 430 OF 580 DATED MAY 5, 2015.
- PARKING CALCULATIONS:
REQUIRED: 6,912 SF @ 5.0 SPACES PER 1,000 SF = 35 SPACES
PROVIDED: 33 SPACES
SPACES (2 HANDICAPPED, 31 REGULAR)
- SETBACKS FOR BR:

	REQUIRED	PROVIDED
FRONT	69'±	10.00'±
SIDE	30'	6.00'±
REAR	30'	33'±

*AVG. 50+88/2=69
- DEED REF: 35099/019
- TAX ACCOUNT: #19000001880 & 2100013282
- COUNCILMANIC DISTRICT: 6TH
- REGIONAL PLANNING DISTRICT: 327
- CENSUS TRACT: 451300
- WATERSHED: BACK RIVER
- ZONING: BR-AS, BR AND ML-AS
(PER 200 SCALE GIS TILE # 08283)
- TAX MAP #82, GRID #22, PARCEL #602 (LOT 2) & 810
- PREVIOUS ZONING CASES:
CASE# 65-385-A
VARIANCE TO PERMIT A SIGN SIZE OF 197 SF IN LIEU OF THE MAXIMUM 150 SF
AND A VARIANCE TO PERMIT A SIGN HEIGHT OF 30' IN LIEU OF THE MAX 25'-
APPROVED 6/28/1965.
CASE#77-293-A
VARIANCE TO PERMIT A SIDE YARD OF 5' IN LIEU OF THE REQUIRED 30' SETBACK.
APPROVED 2/25/1977
CASE# 98-259-XA
SPECIAL EXCEPTION TO PERMIT A CAR WASH USE ON THE PROPERTY AND A
VARIANCE TO PERMIT A SIDE YARD SETBACK OF 10' IN LIEU OF THE REQUIRED
30' SETBACK AND A FRONT YARD SETBACK OF 52' IN LIEU OF THE REQUIRED 82'
SETBACK - APPROVED 2/26/1996
- THERE ARE NO PREVIOUS PERMITS ON FILE.
- FLOOR AREA FOR BR:
MAXIMUM PERMITTED: 2.0
PROPOSED: 6,912 SF + 65,320 = 0.11
- FREE STANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR AND IS
LIMITED TO ONE SIGN PER ROAD FRONTAGE.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- THERE NO PREVIOUS DRC OR CRG'S ON FILE.
- BASIC SERVICE MAPS (2014)

TYPE	DEFICIENT (Y/N)	NOTE
WATER	N	-
SEWER	N	-
TRANSPORTATION	N	-

PLAN

1"=30'

Richardson Engineering, LLC

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

PLAT TO ACCOMPANY ZONING PETITION
FOR

ADVANCE AUTO PARTS
#2015-0167-A

9523 PULASKI HIGHWAY

15TH ELEC. DIST

COUNTY, MARYLAND

REVISIONS

DRAWN BY:

DNM

CHECKED BY:

PCR

SCALE:

1" = 30'

DATE:

02-03-15

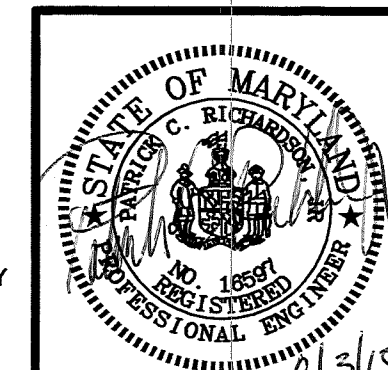
JOB NO.:

14104

SHEET NO.:

1 OF 1

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



LOCATION MAP

1"=1000

SITE

SOUTHBOUND PULASKI HIGHWAY

NORTHBOUND PULASKI HIGHWAY

MIDDLE RIVER ROAD