

## **M E M O R A N D U M**

DATE: January 31, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0126-XA- Appeal Period Expired

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The appeal period for the above-referenced case expired on January 30, 2017. 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

**IN RE: PETITIONS FOR SPECIAL  
EXCEPTION AND VARIANCE  
(6207 N. Charles Street)  
9<sup>th</sup> Election District  
5<sup>th</sup> Council District  
6207 North Charles Street, LLC  
Petitioner**

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2017-0126-XA**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 6207 N. Charles Street. The Petitions were filed by Dino C. La Fiandra, Esquire on behalf of 6207 North Charles Street, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition per Baltimore County Zoning Regulations (B.C.Z.R.) §405.4.E.1 seeks to use the herein property for a convenience store with a sales area larger than 1,500 sq. ft., inclusive of accessory storage as a use in combination with an existing fuel service station. The Petition for Variance seeks approval of a site area of 12,488 sq. ft. in lieu of 22,264 sq. ft. otherwise required. A site plan was marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the petitions was Jesse Newman, John Phelps, Michael Jennings, Marvin Comer and professional engineer Wayne Newton. Dino C. La Fiandra, Esquire, represented the Petitioner. No protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), Bureau of Development Plans Review (DPR) and the State Highway Administration (SHA). None of the reviewing agencies opposed the request.

FILED RECEIVED FOR FILING  
Date 12/30/16  
By SEN

The subject property is approximately 12,488 square feet and is zoned BL-AS. A gasoline station has operated at the site for 50-60 years. The property is also improved with a one story commercial building (1,596 sq. ft.) constructed in 1956. That building was previously used for a service garage, although that operation has apparently been idle for approximately three years. Petitioner proposes to use the building for a High's convenience store, although zoning relief is required to do so.

### SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

In this case, Mr. Newton opined (via proffer) Petitioner satisfied all requirements set forth in B.C.Z.R. §502.1, and that the convenience store use is less intense than the existing service garage operation. Mr. Newton indicated noise and odors are inherently associated with an automotive service garage. I concur and do not believe the operation of a High's store at this location would have a detrimental impact upon the community.

### VARIANCE

A variance request involves a two-step process, summarized as follows:

1. It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

DEPT. OF PUBLIC WORKS RECEIVED FOR FILING

Date

12/30/16

By

SEN



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

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The existing operation and site conditions predate the zoning regulations and thus the property is unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to operate the proposed convenience store. Finally, I find that the variances 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. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30<sup>th</sup> day of December, **2016**, that the Petition for Special Exception pursuant to B.C.Z.R. §405.4.E.1 to use the herein property for a convenience store with a sales area larger than 1,500 sq. ft., inclusive of accessory storage as a use in combination with an existing fuel service station, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) for a site area of 12,488 sq. ft. in lieu of 22,264 sq. ft. otherwise required, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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. Prior to issuance of permits Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.

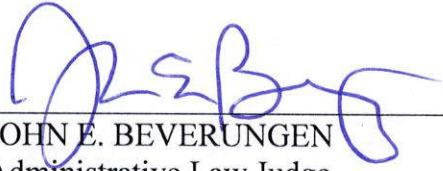
ORDER RECEIVED FOR FILING

Date 12/30/16  
By Sen



3. Petitioner must comply with the ZAC comment submitted by the DOP, a copy of which is attached hereto and incorporated herein.

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

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 12/30/16  
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 6207 N. Charles Street which is presently zoned BL-AS

Deed References: 37368/119 10 Digit Tax Account # 1 8 0 0 0 1 3 0 2 4

Property Owner(s) Printed Name(s) 6207 North Charles Street, 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 Convenience store with a sales area larger than 1500 square feet inclusive of accessory storage as a use in combination with an existing fuel service station pursuant to BCZR § 405.4.E.1
3. ☒ a **Variance** from Section(s)  
BCZR § 405.4.A.1 for a site area of 12488 in lieu of 22264 square feet otherwise required.

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

To be presented at hearing.

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

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

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

## Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

## Attorney for Petitioner:

Dino C. La Fiandra, Esquire

Name- Type or Print

Signature

Pessin Katz Law, P.A.

901 Dulane Valley Rd., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-938-8705

dlafiandra@pklaw.com

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

John H. Phelps, Member

6207 North Charles Street, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2700 Loch Raven Blvd., Baltimore MD

Mailing Address

City

State

21218

410-235-1070

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Dino C. La Fiandra, Esquire

Name - Type or Print

Signature

Pessin Katz Law, P.A.

901 Dulane Valley Rd., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-938-8705

Zip Code

Telephone #

dlafiandra@pklaw.com

Email Address

CASE NUMBER 2017-0126-XA Filing Date 11/01/16

Do Not Schedule Dates: \_\_\_\_\_

Reviewer AT



ZONING PROPERTY DESCRIPTION FOR 6207 NORTH CHARLES STREET

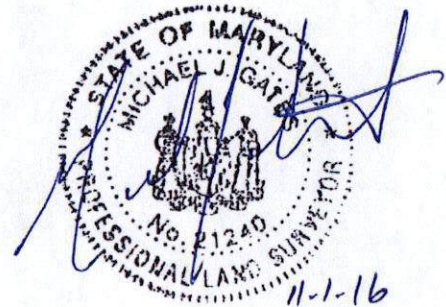
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the east side of North Charles Street, which is 66' wide at the distance of 186' north of the centerline of the nearest improved intersecting street, Stevenson Lane, which is 60' wide.

Thence the following courses and distances,

1. N05° 48' 03"W, 163.00'
2. N84° 11' 57"E, 90.28'
3. S05° 43' 33"E, 32.70'
4. N86° 58' 51"E, 0.61'
5. S03° 01' 09"E, 52.82'
6. N86° 58' 51"E, 1.96'
7. S03° 07' 26"E, 69.73'
8. S79° 05' 56"W, 87.33' back to the point of beginning as recorded in Deed Liber 37368, Folio 119, containing 14,198 square feet or 0.326 acres of land. Located in the Ninth Election District and Fifth Council District.

This description was prepared by the licensee or was in responsible charge over its preparation and the survey work reflected in it. The license commission expires January 18th, 2017.



2017-0126-XA





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 4628829

**Sold To:**

PK Law - CU00552277  
901 Dulaney Valley Rd  
Ste 500  
Towson, MD 21204-2600

**Bill To:**

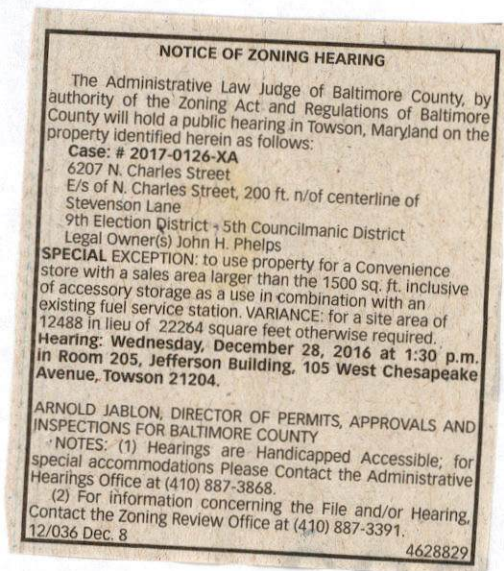
PK Law - CU00552277  
901 Dulaney Valley Rd  
Ste 500  
Towson, MD 21204-2600

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

Dec 08, 2016

The Baltimore Sun Media Group

By S. Wilkinson  
Legal Advertising



# CERTIFICATE OF POSTING

2017-0126-XA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

John H Phelps

December 28, 2016

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:

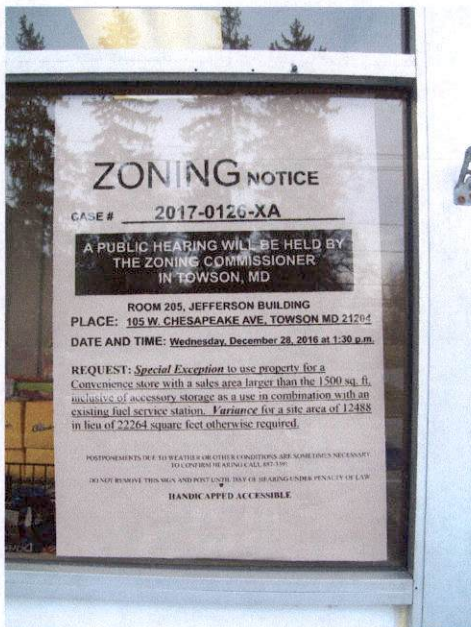
Ladies and Gentlemen:

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: \_\_\_\_\_

6207 N. Charles Street

December 8, 2016

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



Sincerely,

December 8, 2016

(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)

TO: PATUXENT PUBLISHING COMPANY  
Thursday, December 8, 2016 Issue - Jeffersonian

Please forward billing to:

PK Law, P.A.

410-938-8800

Attn.: Dino LaFiandra

901 Dulaney Valley Road, Ste. 500

Towson, MD 21204

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## 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: 2017-0126-XA**

6207 N. Charles Street

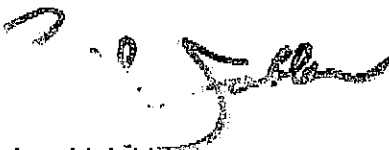
E/s of N. Charles Street, 200 ft. n/of centerline of Stevenson lane

9<sup>th</sup> Election District -5<sup>th</sup> Councilmanic District

Legal Owners: John H. Phelps

**Special Exception** to use property for a Convenience store with a sales area larger than the 1500 sq. ft. inclusive of accessory storage as a use in combination with an existing fuel service station. **Variance** for a site area of 12488 in lieu of 22264 square feet otherwise required.

Hearing: Wednesday, December 28, 2016 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





KEVIN KAMENETZ  
County Executive

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

November 22, 2016

## 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: 2017-0126-XA**

6207 N. Charles Street

E/s of N. Charles Street, 200 ft. n/of centerline of Stevenson lane

9<sup>th</sup> Election District -5<sup>th</sup> Councilmanic District

Legal Owners: John H. Phelps

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Hearing: Wednesday, December 28, 2016 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

  
Arnold Jablon  
Director

AJ:kl

C: Dino LaFiandra, 901 Dulaney Valley Rd., Ste. 500, Towson 21204  
John Phelps, 2700 Loch Raven Blvd., Baltimore 21218

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 8, 2016.**
- (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.**

|                                                                   |   |                   |
|-------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR SPECIAL EXCEPTION                                | * | BEFORE THE OFFICE |
| AND VARIANCE                                                      |   |                   |
| 6207 N. Charles Street; E/S Charles Street,                       | * | OF ADMINISTRATIVE |
| 200' N of c/line of Stevenson Lane                                |   |                   |
| 9 <sup>th</sup> Election & 5 <sup>th</sup> Councilmanic Districts | * | HEARINGS FOR      |
| Legal Owner(s): 6207 North Charles Street, LLC                    |   |                   |
| By John Phelps, Member                                            | * | BALTIMORE COUNTY  |
| Petitioner(s)                                                     |   |                   |
|                                                                   | * | 2017-126-XA       |

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

**RECEIVED**

**NOV 14 2016**

*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 14<sup>th</sup> day of November, 2016, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, Pessin Katz Law, 901 Dulaney Valley Road, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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.

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For Newspaper Advertising:

Case Number: 2017-0126-XA  
Property Address: 6207 N. CHARLES STREET.  
Property Description: \_\_\_\_\_  
Legal Owners (Petitioners): 6207 N. Charles St, LLC  
Contract Purchaser/Lessee: —

PLEASE FORWARD ADVERTISING BILL TO:

Name: DINO LaFiandre  
Company/Firm (if applicable): PK Law  
Address: 901 Dulaney Valley Rd, Suite 500  
Towson, MD 21204  
Telephone Number: 410-9388800



**CASHIER'S  
VALIDATION**



KEVIN KAMENETZ  
County Executive

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

December 21, 2016

John H Phelps  
6207 North Charles Street LLC  
2700 Loch Raven Boulevard  
Baltimore MD 21218

RE: Case Number: 2017-0126 XA, Address: 6207 N Charles Street

Dear Mr. Phelps:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 1, 2016. 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  
Dino C. La Fiandra, Esquire, 901 Dulaney Valley Road, Suite 500, Towson MD 21204

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary  
Gregory C. Johnson, P.E., Administrator

Date: 11/16/16

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 11/14/16. A field inspection and internal review reveals that an entrance onto MD139 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2017-0126-XA

Special Exception Variance  
6207 North Charles Street, John H. Phelps, Member  
6207 North Charles Street  
MD139

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 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink that reads "Richard A. Zeller".

Wendy Wolcott, PLA  
Metropolitan District Engineer  
Baltimore & Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA



12-28

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

RECEIVED

NOV 14 2016



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: November 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0126-XA  
Address 6207 N. Charles Street  
(6207 N. Charles Street Property)

Zoning Advisory Committee Meeting of **November 14, 2016**

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

Reviewer: Steve Ford Date: 11-14-2016

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 12/14/2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-126

RECEIVED  
DEC 19 2016  
OFFICE OF ADMINISTRATIVE HEARINGS

**INFORMATION:**

**Property Address:** 6207 Charles Street  
**Petitioner:** John H. Phelps  
**Zoning:** BL-AS  
**Requested Action:** Special Exception, Variance

The Department of Planning has reviewed the petition for a special exception to use the property for a convenience store with a sales area larger than 1500 feet inclusive of accessory storage as a use in combination with an existing fuel service station and also the petition for variance to permit a site area of 12,488 square feet in lieu of the required 22,264 square feet.

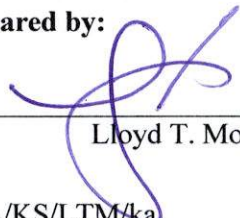
A site visit was conducted on December 5, 2016. The site is within the boundaries of the Towson Community Plan adopted in 1992 and is designated an "outer" neighborhood. Charles Street is a scenic route.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- In the event that changes to the building exterior and or site signage are proposed, building elevations and sign details shall be submitted to the Sector Planner listed below for approval prior to issuance of any exterior building permit or sign permit.
- The Department understands that no car wash use currently exists on site and recommends that plan be corrected to reflect that.

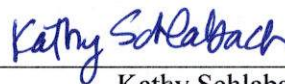
For further information concerning the matters stated herein, please contact Laurie Hay, Sector Planner, at 410-887-3480.

**Prepared by:**



Lloyd T. Moxley

**Division Chief:**



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay  
Dino C. La Fiandra, Esquire  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 14, 2016  
Item No. 2017-0126

**DATE:** November 23, 2016

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

If granted Lighting and Landscape Plans are required per requirements of the Landscape Manual.

\* \* \* \* \*

DAK:CEN  
Cc:file  
ZAC-ITEM NO 17-0126-11142016.doc



**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: November 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0126-XA  
Address 6207 N. Charles Street  
(6207 N. Charles Street Property)

**Zoning Advisory Committee Meeting of November 14, 2016**

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

Reviewer: Steve Ford Date: 11-14-2016

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 12/14/2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-126

RECEIVED

DEC 19 2016

OFFICE OF ADMINISTRATIVE HEARINGS

**INFORMATION:**

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**Petitioner:** John H. Phelps  
**Zoning:** BL-AS  
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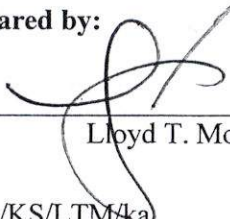
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- The Department understands that no car wash use currently exists on site and recommends that plan be corrected to reflect that.

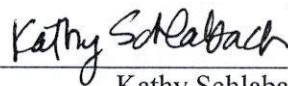
For further information concerning the matters stated herein, please contact Laurie Hay, Sector Planner, at 410-887-3480.

**Prepared by:**



Lloyd T. Moxley

**Division Chief:**



Kathy Schlach

AVA/KS/LTM/ka

c: Laurie Hay  
Dino C. La Fiandra, Esquire  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/30/16

By sln

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 12/14/2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-126

**INFORMATION:**

**Property Address:** 6207 Charles Street  
**Petitioner:** John H. Phelps  
**Zoning:** BL-AS  
**Requested Action:** Special Exception, Variance

The Department of Planning has reviewed the petition for a special exception to use the property for a convenience store with a sales area larger than 1500 feet inclusive of accessory storage as a use in combination with an existing fuel service station and also the petition for variance to permit a site area of 12,488 square feet in lieu of the required 22,264 square feet.

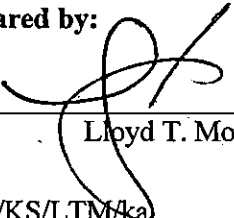
A site visit was conducted on December 5, 2016. The site is within the boundaries of the Towson Community Plan adopted in 1992 and is designated an "outer" neighborhood. Charles Street is a scenic route.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

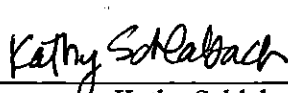
- In the event that changes to the building exterior and or site signage are proposed, building elevations and sign details shall be submitted to the Sector Planner listed below for approval prior to issuance of any exterior building permit or sign permit.
- The Department understands that no car wash use currently exists on site and recommends that plan be corrected to reflect that.

For further information concerning the matters stated herein, please contact Laurie Hay, Sector Planner, at 410-887-3480.

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay  
Dino C. La Fiandra, Esquire  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



Real Property Data Search Guide to searching the database

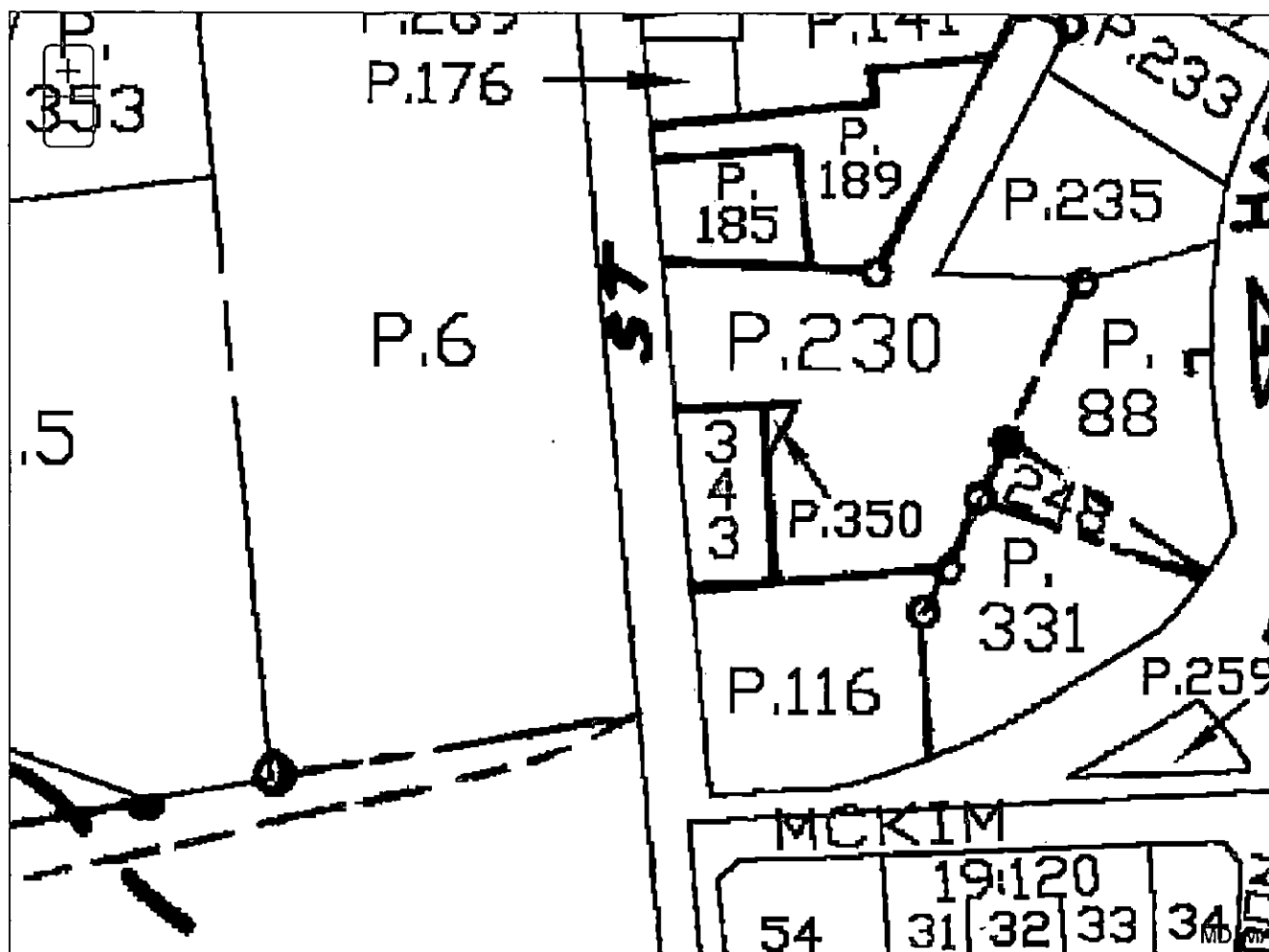
Search Result for BALTIMORE COUNTY

| View Map                                            |                                  | View GroundRent Redemption                       |                               | View GroundRent Registration                                  |                                                  |
|-----------------------------------------------------|----------------------------------|--------------------------------------------------|-------------------------------|---------------------------------------------------------------|--------------------------------------------------|
| <b>Account Identifier:</b>                          |                                  | <b>District - 09 Account Number - 1800013024</b> |                               |                                                               |                                                  |
| <b>Owner Information</b>                            |                                  |                                                  |                               |                                                               |                                                  |
| <b>Owner Name:</b>                                  |                                  | 6207 NORTH CHARLES STREET LLC                    |                               | <b>Use:</b>                                                   | COMMERCIAL                                       |
| <b>Mailing Address:</b>                             |                                  | 2700 LOCH RAVEN RD<br>BALTIMORE MD 21218-        |                               | <b>Principal Residence:</b>                                   | NO                                               |
|                                                     |                                  |                                                  |                               | <b>Deed Reference:</b>                                        | /37368/ 00119                                    |
| <b>Location &amp; Structure Information</b>         |                                  |                                                  |                               |                                                               |                                                  |
| <b>Premises Address:</b>                            |                                  | 6207 CHARLES ST<br>0-0000                        |                               | <b>Legal Description:</b>                                     | .2867 AC<br>6207 CHARLES ST ES<br>200 N MCKIM AV |
| <b>Map:</b>                                         | <b>Grid:</b>                     | <b>Parcel:</b>                                   | <b>Sub District:</b>          | <b>Subdivision:</b>                                           | <b>Section:</b>                                  |
| 0079                                                | 0006                             | 0343                                             |                               | 0000                                                          |                                                  |
|                                                     |                                  |                                                  |                               | <b>Block:</b>                                                 | <b>Lot:</b>                                      |
|                                                     |                                  |                                                  |                               |                                                               |                                                  |
|                                                     |                                  |                                                  |                               | <b>Assessment Year:</b>                                       | <b>Plat No:</b>                                  |
|                                                     |                                  |                                                  |                               | 2017                                                          |                                                  |
|                                                     |                                  |                                                  |                               |                                                               | <b>Plat Ref:</b>                                 |
|                                                     |                                  |                                                  |                               |                                                               |                                                  |
| <b>Special Tax Areas:</b>                           |                                  |                                                  | <b>Town:</b>                  |                                                               |                                                  |
|                                                     |                                  |                                                  | NONE                          |                                                               |                                                  |
|                                                     |                                  |                                                  | <b>Ad Valorem:</b>            |                                                               |                                                  |
|                                                     |                                  |                                                  | <b>Tax Class:</b>             |                                                               |                                                  |
| <b>Primary Structure Built</b>                      | <b>Above Grade Enclosed Area</b> | <b>Finished Basement Area</b>                    | <b>Property Land Area</b>     | <b>County Use</b>                                             |                                                  |
| 1958                                                | 1596                             |                                                  | 12,488 SF                     | 20                                                            |                                                  |
| <b>Stories</b>                                      | <b>Basement</b>                  | <b>Type</b>                                      | <b>Exterior</b>               | <b>Full/Half Bath</b>                                         | <b>Garage</b>                                    |
|                                                     |                                  | SERVICE STATION                                  |                               |                                                               |                                                  |
| <b>Value Information</b>                            |                                  |                                                  |                               |                                                               |                                                  |
|                                                     |                                  | <b>Base Value</b>                                | <b>Value As of 01/01/2014</b> | <b>Phase-in Assessments As of 07/01/2016 As of 07/01/2017</b> |                                                  |
| <b>Land:</b>                                        |                                  | 437,000                                          | 437,000                       |                                                               |                                                  |
| <b>Improvements</b>                                 |                                  | 238,100                                          | 238,100                       |                                                               |                                                  |
| <b>Total:</b>                                       |                                  | 675,100                                          | 675,100                       | 675,100                                                       |                                                  |
| <b>Preferential Land:</b>                           |                                  | 0                                                |                               |                                                               |                                                  |
| <b>Transfer Information</b>                         |                                  |                                                  |                               |                                                               |                                                  |
| <b>Seller: HANSEN PAUL W</b>                        |                                  | <b>Date: 04/07/2016</b>                          |                               | <b>Price: \$675,000</b>                                       |                                                  |
| <b>Type: ARMS LENGTH IMPROVED</b>                   |                                  | <b>Deed1: /37368/ 00119</b>                      |                               | <b>Deed2:</b>                                                 |                                                  |
| <b>Seller: HANSEN PAUL WILLIAM</b>                  |                                  | <b>Date: 03/03/2006</b>                          |                               | <b>Price: \$0</b>                                             |                                                  |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |                                  | <b>Deed1: /23476/ 00390</b>                      |                               | <b>Deed2:</b>                                                 |                                                  |
| <b>Seller: CITIES SERVICE C OMPANY</b>              |                                  | <b>Date: 11/02/1979</b>                          |                               | <b>Price: \$0</b>                                             |                                                  |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |                                  | <b>Deed1: /06097/ 00522</b>                      |                               | <b>Deed2:</b>                                                 |                                                  |
| <b>Exemption Information</b>                        |                                  |                                                  |                               |                                                               |                                                  |
| <b>Partial Exempt Assessments:</b>                  | <b>Class</b>                     | <b>07/01/2016</b>                                |                               | <b>07/01/2017</b>                                             |                                                  |
| <b>County:</b>                                      | 000                              | 0.00                                             |                               |                                                               |                                                  |
| <b>State:</b>                                       | 000                              | 0.00                                             |                               |                                                               |                                                  |
| <b>Municipal:</b>                                   | 000                              | 0.00                                             |                               | 0.00                                                          |                                                  |
| <b>Tax Exempt:</b>                                  |                                  | <b>Special Tax Recapture:</b>                    |                               |                                                               |                                                  |
| <b>Exempt Class:</b>                                |                                  | NONE                                             |                               |                                                               |                                                  |
| <b>Homestead Application Information</b>            |                                  |                                                  |                               |                                                               |                                                  |
| <b>Homestead Application Status: No Application</b> |                                  |                                                  |                               |                                                               |                                                  |

## Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 09 Account Number: 1800013024



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) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

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://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Case No.: 2017-0126-XA

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                           |  |
|--------|---------------------------|--|
| No. 1  | site plan                 |  |
| No. 2  | 2A > photos of site<br>2B |  |
| No. 3  |                           |  |
| No. 4  |                           |  |
| No. 5  |                           |  |
| No. 6  |                           |  |
| No. 7  |                           |  |
| No. 8  |                           |  |
| No. 9  |                           |  |
| No. 10 |                           |  |
| No. 11 |                           |  |
| No. 12 |                           |  |







Exhibit 2A





6207

OPEN

NORTH CHARLES  
FINE WINE & SPIRITS



Exh. b, t 213



CASE NAME 6207 N. Charles St.  
CASE NUMBER 2017-0126-~~1~~A  
DATE 12/28/17

[illegible]

CASE NO. 2017-

0126-XA

C H E C K L I S TComment  
ReceivedDepartmentSupport/Oppose/  
Conditions/  
Comments/  
No Comment

11/23

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

Comment

11/14

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

N/C

FIRE DEPARTMENT

NO Obj  
w/comment

12/14

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

Comment

11/16

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT Date: 12/8/16

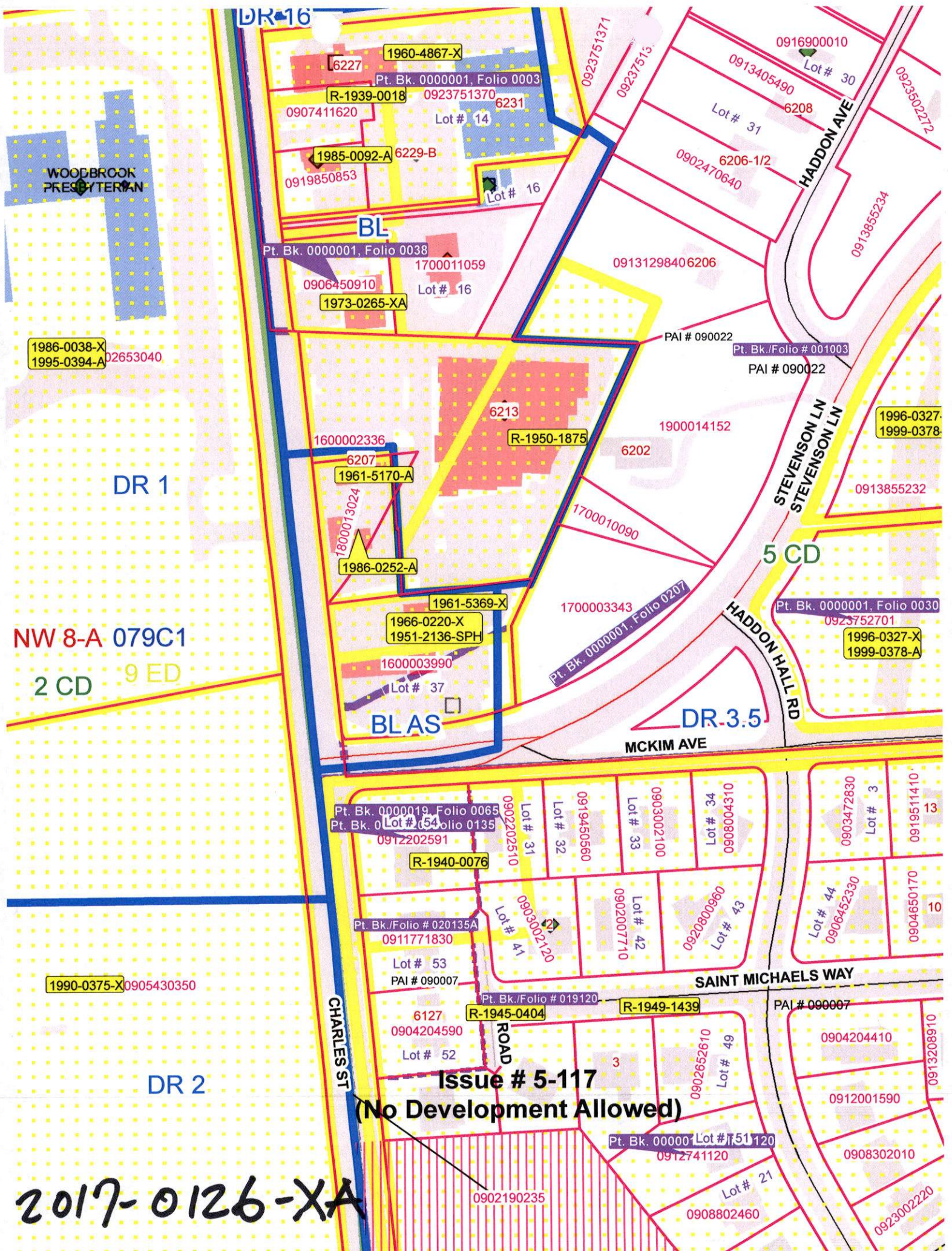
SIGN POSTING Date: 12/8/16

by SSG Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: \_\_\_\_\_



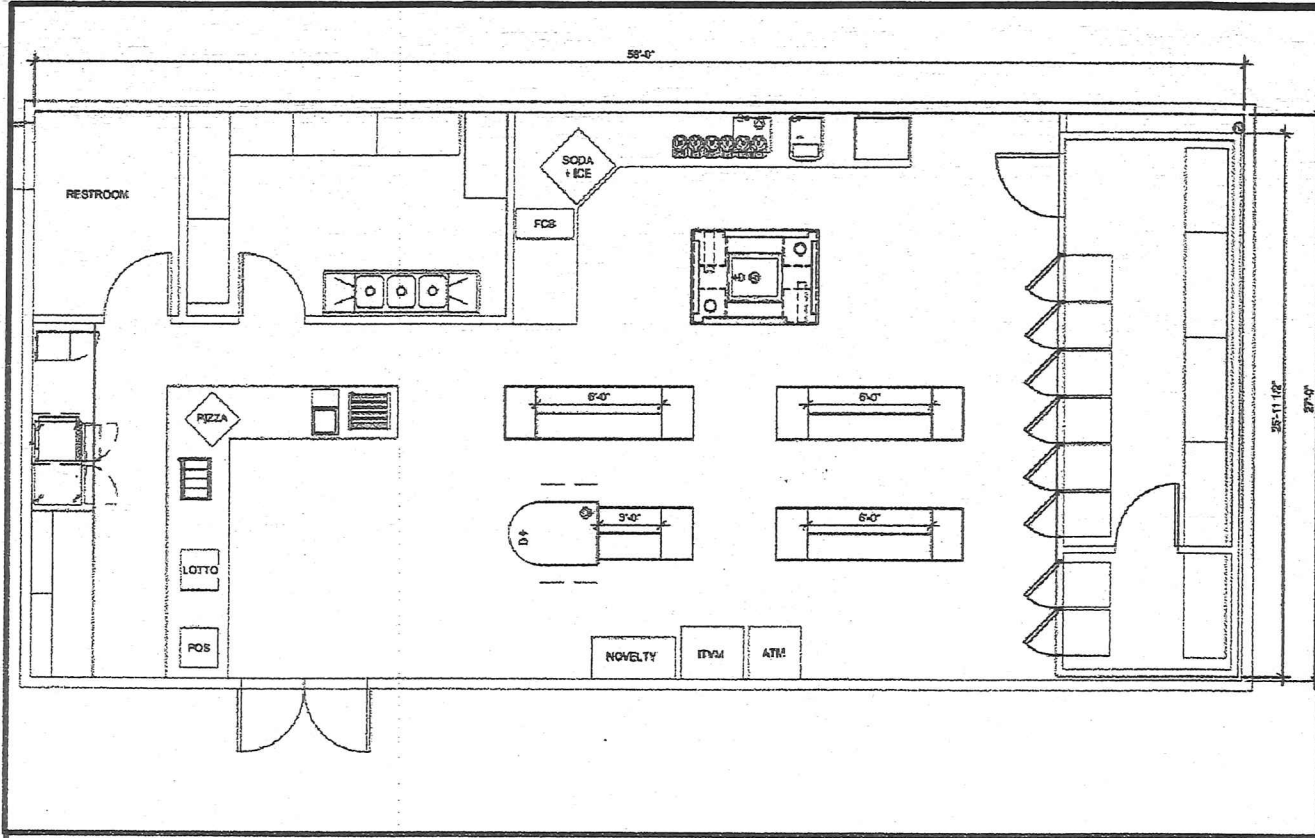


2017-0126-XA



AX-2519-9102





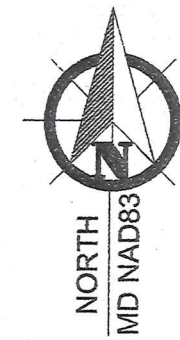
PROPOSED INTERIOR LAYOUT  
NOT TO SCALE

NORTH CHARLES STREET  
(66' R/W)

N 623,250  
E 1,417,500

SCALE: = 1" = 20'

N 623,500  
E 1,418,000



EXISTING BUILDING  
EDDIES OF ROLAND  
PARK

6213 NORTH CHARLES STREET, LLC  
6213 NORTH CHARLES STREET  
T.M. 79 P.230  
TAX ACCT. #09-160002336

WOODBROOK CORNER, LLC  
6201 CHARLES STREET  
T.M. 79 P.0116  
TAX ACCT. #09-160003900

EXISTING BUILDING  
EXXON

EXISTING BUILDING  
EXXON

SITE DATA TABLE AND GENERAL NOTES

OWNER: 6207 NORTH CHARLES STREET, LLC  
6207 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21212  
DEED: 37368; 119

TAX ACCOUNT #09-1800013024

ZONE AND ACREAGE IN ZONE: BL-AS ZONE (ENTIRE SITE)  
12,488 SQ. FT. (0.28 AC.)

EXISTING USES: FUEL SERVICE STATION, CAR WASH, SERVICE GARAGE  
PROPOSED USES: FUEL SERVICE STATION, CONVENIENCE STORE, 1566 SQ. FT.

ZONING CASE HISTORY: #2136 -12/19/1951 SPECIAL HEARING FOR A NON-CONFORMING LIGHT INDUSTRIAL USE - DENIED  
88-252-A VARIANCE TO PERMIT A SERVICE STATION WITH TRUCK RENTAL ANCILLARY  
USE ON LOT - DENIED

AGE OF BUILDING.....60 YEARS (PRIMARY STRUCTURE BUILT IN 1956)

GROSS FAR.....0.13 FAR (1566 +/- 12,488 SQ. FT.)

BUILDING HEIGHT.....15 FT ±

AREA OF PROPOSED C-STORE, INCLUSIVE OF ACCESSORY STORAGE 1566 S. FT.

PARKING SPACES REQUIRED: 3 SPACES / 1000 S.F. GROSS FLOOR AREA FOR  
CONVENIENCE STORE.....5 SPACES  
1 SPACE / EMPLOYEE ON LARGEST SHIFT.....2 SPACES  
1 SPACE FOR AIR DISPENSER.....1 SPACE  
1 SPACE FOR ATM.....1 SPACE  
TOTAL SPACES.....9 SPACES

PARKING SPACES PROVIDED: 2 SPACES  
ATM SPACES (ATM).....1 SPACE  
CUSTOMER SERVICES (CS).....5 SPACES  
AIR DISPENSER SPACE (AS).....1 SPACE  
TOTAL SPACES.....9 SPACES

STACKING SPACES REQUIRED: 6 GAS DISPENSERS (GS) x 2.....12 SPACES  
TOTAL STACKING REQUIRED.....12 SPACES

STACKING SPACES PROVIDED: 6 GAS DISPENSERS (GS) x 2.....12 SPACES  
TOTAL STACKING PROVIDED.....12 SPACES

SITE AREA REQUIRED: 1500 x 6 FUEL SERVICES SPACES.....9,000 SQ. FT. (15,000 MIN)  
+1566 S.F. CONVENIENCE x 4.....6,264 S.F.  
+1000 S.F. FOR ATM.....1,000 SQ. FT.  
MINIMUM SITE AREA REQUIRED.....22,264 SQ. FT.  
SITE AREA PROVIDED.....12,488 SQ. FT. \*

SETBACKS:.....35 FT. FROM RAW TO MAIN BUILDING REQUIRED  
28 FT. FROM RAW TO MAIN BUILDING PROVIDED \*\*  
25 FT. FROM RAW TO PUMP REQUIRED  
21 FT. FROM RAW TO PUMP PROVIDED \*\*  
16 FT. FROM RAW TO CANOPY REQUIRED  
10 FT. FROM RAW TO CANOPY PROVIDED \*\*

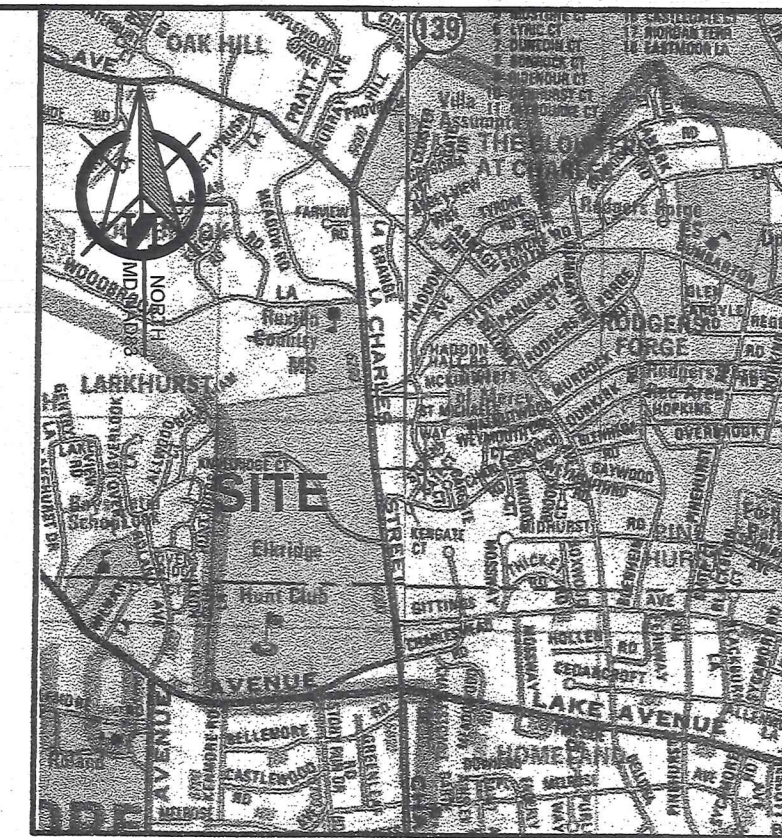
\* = VARIANCE REQUIRED

\*\* THE PUMPS AND CANOPY PREDATE BILL 172-1993 AND THEREFORE ARE DEEMED AS BEING IN  
COMPLIANCE WITH BCZR 405.4.A.2.d

SIDE AND REAR BUILDING WILL BE FINISHED WITH MATERIALS IN TEXTURE AND COLOR  
THAT RESEMBLE THE FRONT.

RESTROOMS, AIR COMPRESSORS, AND WATER WILL BE PROVIDED IN ACCORDANCE WITH  
BCZR 405.4.A.2.d

RELIEF SOUGHT: SPECIAL EXCEPTION FOR C-STORE GREATER THAN 1500 SQ.FT. AS  
A USE IN COMBINATION WITH AN EXISTING FUEL SERVICE STATION AND A VARIANCE  
FOR A LOT AREA OF 12,488 SQ.FT. IN LIEU OF 22,464 SQ.FT. OTHERWISE REQUIRED.

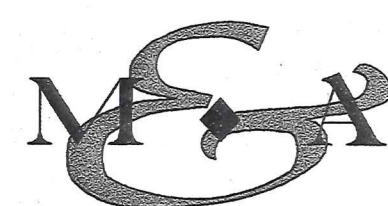


VICINITY MAP  
SCALE: 1" = 2000'  
ADC PERMITTED USE NUMBER 21003176

2017-0126-XA

| REVISION NO. | REVISION DESCRIPTION | REVISION BY | REVISION DATE | APPROVED BY | APPROVAL DATE |
|--------------|----------------------|-------------|---------------|-------------|---------------|
|              |                      |             |               |             |               |
|              |                      |             |               |             |               |
|              |                      |             |               |             |               |
|              |                      |             |               |             |               |

MESSICK & ASSOCIATES



CONSULTING ENGINEERS  
SURVEYORS & PLANNERS  
2120 RENARD COURT  
ANNAPOLIS, MARYLAND 21401

(410) 266-3212 \*  
FAX (410) 266-3502  
email: info@messickandassociates.com

\* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES



Professional Certification: I hereby certify that this  
document was prepared or approved by me, and that  
I am a duly licensed professional engineer under the  
laws of the State of Maryland.  
License No. 21591      Expiration Date: 9/14/2017

OWNER  
6207 NORTH CHARLES STREET, LLC  
6700 LOCH HAVEN ROAD  
BALTIMORE, MD 21218  
DEVELOPER  
CARROLL INDEPENDENT FUELS  
6700 LOCH HAVEN ROAD  
BALTIMORE, MD 21218

SITE PLAN TO ACCOMPANY RENOVATION  
BUILDING PERMIT

CARROLL MOTOR FUELS  
@ 6207 NORTH CHARLES STREET

TAX MAP: 79 GRID:6 PARCEL: 343 ZONED: BL AS  
BALTIMORE COUNTY, MARYLAND  
SCALE: AS SHOWN      DATE: OCTOBER, 2016      SHEET: 1 OF 1

Pat. Ex. 1