

MEMORANDUM

DATE: November 14, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0161-X - Appeal Period Expired

The appeal period for the above-referenced case expired on November 13, 2018. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(9740 Reisterstown Road)
3rd Election District
2nd Council District
Two Farms, Inc.
Legal Owner
Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2017-0161-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 9740 Reisterstown Road. The petitions were filed on behalf of Two Farms, Inc., legal owner of the subject property. The petition for special exception seeks to permit a fuel service station and a rollover car wash, as a use in combination. Prior to the hearing the petition for variance (pertaining to the height of a freestanding enterprise sign) was withdrawn. A three-sheet site plan was marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the petitions was professional engineer Steve Warfield and Jeff Bainbridge. David H. Karceski, Esq. and Jennifer Frankovich, Esq. represented the Petitioner. No protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations (BCZR). Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the request.

The subject property is approximately 5.375 acres in size and zoned BM-IM. A spice manufacturing company previously operated at the site, but it has closed and the structures used by that business are being razed. Royal Farms proposes to operate a fuel service station, rollover

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Date 10/12/18
By sen

car wash, convenience store and carryout restaurant. Such uses are permitted by special exception in the BM-IM zone.

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 *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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. Mr. Warfield, a professional engineer accepted as an expert, opined Petitioner satisfied all requirements in BCZR Section 502.1 and the Maryland case law interpreting that provision. He also noted that in his opinion this site was an ideal location for the Royal Farms. In the absence of any evidence to the contrary the petition for special exception will be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 12th day of **October 2018**, that the Petition for Special Exception to permit a fuel service station and a rollover car wash, as a use in combination, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to allow a freestanding enterprise sign with a height of 27 ft. in lieu of the permitted height of 25 ft., be and is hereby DISMISSED WITHOUT PREJUDICE.

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

ORDER RECEIVED FOR FILING

Date 10/12/18

By Sen

any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. Petitioner shall have three (3) years from the date hereof in which to utilize the special exception.
3. The dumpster on site must be enclosed in compliance with Condition H of the Baltimore County Landscape Manual.
4. No temporary signs, banners or flag advertisements shall be permitted on the subject property.

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 10/12/18

By sln



DONALD I. MOHLER III
County Executive

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

October 12, 2018

David H. Karceski, Esq.
Jennifer Frankovich, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
Property: 9740 Reisterstown Road
Case No. 2017-0161-XA

Dear Counsel:

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", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

TO: THE DAILY RECORD
Friday, September 21, 2018 Issue

Please forward billing to:

Two Farms, Inc.
Royal Farms Store #231, Attn: Accounts Payable
3611 Roland Avenue
Baltimore, MD 21211

410-889-0200

NOTICE OF ZONING HEARING

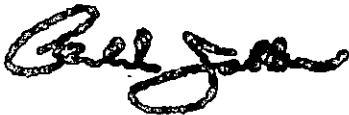
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0161-X

9740 Reisterstown Road
SW/s Reisterstown Road, n/w of Montrose Avenue
3rd Election District – 2nd Councilmanic District
Legal Owners: Two Farms, Inc.

Special Exception to use property for a fuel station on an individual site and rollover car wash, a use in combination. Variance to allow a freestanding enterprise sign with a height of 27 ft. in lieu of the permitted height of 25 ft.

Hearing: Thursday, October 11, 2018 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.



DONALD I. MOHLER III
County Executive

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

September 12, 2018

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: 2017-0161-XA

9740 Reisterstown Road
SW/s Reisterstown Road, n/w of Montrose Avenue
3rd Election District – 2nd Councilmanic District
Legal Owners: Two Farms, Inc.

Special Exception to use property for a fuel station on an individual site and rollover car wash, a use in combination. Variance to allow a freestanding enterprise sign with a height of 27 ft. in lieu of the permitted height of 25 ft.

Hearing: Thursday, October 11, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Towson 21204
John Kemp, 3611 Roland Avenue, Baltimore 21022

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 21, 2018.**
- (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.

David H. Karceski

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

August 30, 2018

VIA HAND-DELIVERY

Kristen Lewis
Zoning Review Office
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204



REVISED ZONING APPLICATION

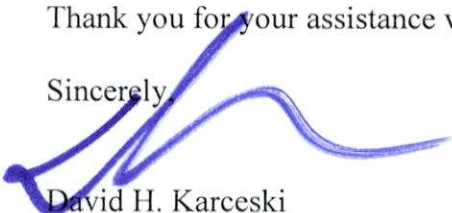
Case No. 2017-161-XA
Address: 9740 Reisterstown Rd.
3rd Election District, 2nd Councilmanic District

Dear Ms. Lewis:

I am enclosing with this letter twelve (12) copies of the revised site plan, three (3) copies of the revised Petition for Special Exception and three (3) copies of the new zoning description for the above-referenced property. A check in the amount of \$150.00 made payable to Baltimore County, Maryland is also enclosed. Please reschedule this case for the earliest available hearing date.

Thank you for your assistance with this matter.

Sincerely,


David H. Karceski

DHK:cak
Enclosures

PD \$250.00

PLEASE PRESS HARD!!!!

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

NO 153044

Date: 4/24/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		1.150					250.00

Total: 250.00

Rec From: Veneble

For: Dueses plan
2017-0161-f

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
4/25/2017 4/24/2017 09:19:20 3
REG W503 WALKIN CAN
>>RECEIPT # 723522 4/24/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 153044
Recpt Tot \$250.00
\$250.00 CK \$.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 19, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable, LLP

210 E. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2017-0161-X

9740 Reisterstown Road

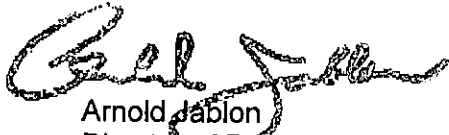
SW/s Reisterstown Road, 1440 ft. +/- NW of centerline of Montrose Avenue

3rd Election District – 2nd Councilmanic District

Legal Owners: Two Farms, Inc., John Kemp, Pres.

Special Exception to use property for a fuel service station on an individual site and a convenience store having a sales area larger than 1500 sq. ft., a carry-out restaurant, and a rollover car wash, as uses in combination.

Hearing: Friday, February 10, 2017 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.

1/30/17
to KL
are there any
protestants?

RECEIVED

JAN 27 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

January 27, 2017

David H. Karceski

T (410) 494-6285
F 410.821.0147
dhkarceski@venable.com

VIA HAND-DELIVERY

Mr. Arnold Jablon, Director
Baltimore County Department of Permits,
Approvals and Inspections
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

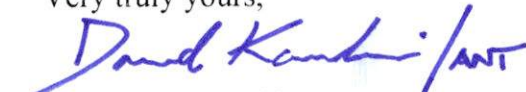
Re: 9740 Reisterstown Road
Petitioner: Two Farms, Inc.
Case No.: 2017-161-X

Dear Mr. Jablon:

This firm represents Two Farms, Inc., petitioner and owner of the above-referenced property. In Case No. 2017-161-X, a public hearing for a special exception has been scheduled for Friday, February 10, 2017. I am writing to request a postponement of this hearing date to allow time for the project engineer to revise the site plan filed with the Zoning Office. These revisions may require additional zoning relief, which would necessitate the filing of a revised petition as well. If granted, this firm would work directly with Ms. Kristen Lewis in the Zoning Office to reschedule this matter.

Thank you for your time and consideration of this request.

Very truly yours,


David H. Karceski

DHK:ant

cc: Mr. John E. Beverungen, Administrative Law Judge
Mr. Jeff Bainbridge

CERTIFICATE OF POSTING

P.P.
2017-0161-X

RE: Case No.: _____

Petitioner/Developer: _____

Two Farms, Inc., John Kemp, Pres.

February 10, 2017

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:

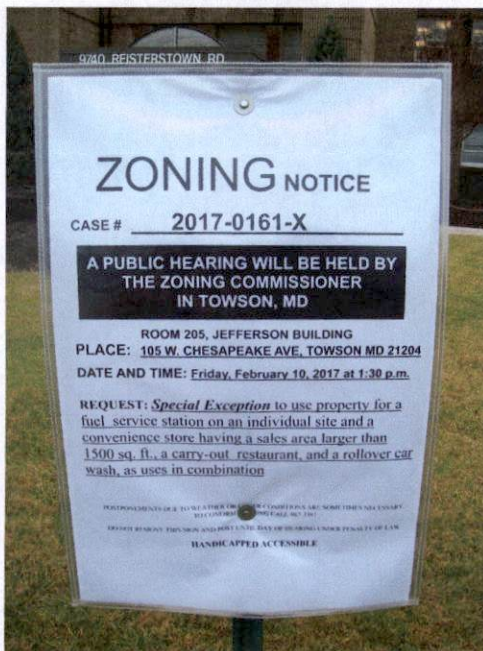
Ladies and Gentlemen:

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: _____

9740 Reisterstown Road

January 20, 2017

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



Sincerely,



(Signature of Sign Poster) January 20, 2017
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

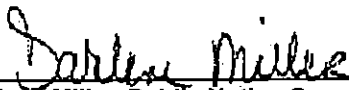
PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/19/2017

Order #: 11253100
Case #: 2017-0161-X
Description:

Case Number: 2015-0165-SPH - Notice of Zoning Hearing.



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0161-X

9740 Reisterstown Road

SW/4 Reisterstown Road, 1440 ft. +/- NW of centerline of Montrose Avenue

3rd Election District- 2nd Councilmanic District

Legal Owners: Two Farms, Inc., John Kemp, Pres.

Special Exception to use property for a fuel service station on an individual site and a convenience store having a sales area larger than 1500 sq. ft., a carry-out restaurant, and a rollover car wash, as uses in combination.

Hearing: Friday, February 10, 2017 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.

jal9



KEVIN KAMENETZ
County Executive

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

January 17, 2017

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: 2017-0161-X

9740 Reisterstown Road

SW/s Reisterstown Road, 1440 ft. +/- NW of centerline of Montrose Avenue

3rd Election District – 2nd Councilmanic District

Legal Owners: Two Farms, Inc., John Kemp, Pres.

Special Exception to use property for a fuel service station on an individual site and a convenience store having a sales area larger than 1500 sq. ft., a carry-out restaurant, and a rollover car wash, as uses in combination.

Hearing: Friday, February 10, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, Venable, 210 W. Pennsylvania Avenue, Towson 21204
John Kemp, 3611 Roland Avenue, Baltimore 21022

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 21, 2017.**
- (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.

REVISED X

ADDED VARIANCE



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 9740 Reisterstown Road

which is presently zoned BM-IM

Deed References: 37699/181

10 Digit Tax Account # 0 3 0 2 0 7 0 4 8 0

Property Owner(s) Printed Name(s) Two Farms, Inc.

0 3 0 2 0 0 4 3 7 0

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

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

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

2. **X** a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for **DR**
A fuel station on an individual site and ~~a convenience store having a sales area larger than 1,500 square feet, a carry out restaurant, and a two tunnel rollover~~

3. **X** a Variance from Section(s) car wash, as use **X** in combination, pursuant to Sections 405.2.B.1, 405.4.E.1, 405.4.E.2, and 405.E.10 of the Baltimore County Zoning Regulations.

*** SEE ATTACHED SHEET**

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski Esq.

Name- Type or Print

Signature

210 W. Pennsylvania Avenue, Towson, MD

Mailing Address

City

State

21204

(410) 494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

John Kemp, President, Two Farms, Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3611 Roland Avenue

Baltimore

MD

Mailing Address

City

State

21022

(410) 889-0200

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karceski, Esq.

Name - Type or Print

Signature

210 W. Pennsylvania Avenue, Towson, MD

Mailing Address

City

State

21204

(410) 494-6285

Zip Code

Telephone #

Email Address

CASE NUMBER

2017-161-XA 8/30/18

Filing Date

Do Not Schedule Dates:

Reviewer

RJD

**TWO FARMS, INC.
9740 REISTERSTOWN ROAD**

ATTACHMENT TO PETITION FOR VARIANCE

- 1) Variance to allow a freestanding enterprise sign with a height of 27 feet in lieu of the permitted height of 25 feet, pursuant to B.C.Z.R. Section 450.4 Attachment 1:3(b).

MATISWARFIELD

Consulting Engineers

ZONING PROPERTY DESCRIPTION FOR 9740 REISTERSTOWN ROAD to Accompany Petition For Special Exception Request

Beginning at a point on the south side of Reisterstown Road which is 33' wide at a distance of 1461' west of the centerline of the nearest improved intersecting street (Montrose Avenue) which is 50' wide. Thence the following courses and distances:

- 1) South 48 degrees 52 minutes 49 seconds East 353.58 feet;
- 2) South 40 degrees 30 minutes 11 seconds West 205.73 feet;
- 3) North 49 degrees 29 minutes 49 seconds West 19.88 feet;
- 4) South 41 degrees 01 minutes 17 seconds West 82.49 feet;
- 5) North 48 degrees 58 minutes 43 seconds West 427.96 feet;
- 6) North 41 degrees 59 minutes 11 seconds East 4.45 feet;
- 7) North 62 degrees 27 minutes 51 seconds East 75.17 feet;
- 10) North 00 degrees 37 minutes 51 seconds East 21.50 feet;
- 11) North 34 degrees 12 minutes 51 seconds East 11.58 feet;
- 12) North 56 degrees 12 minutes 51 seconds East 10.00 feet;
- 13) North 72 degrees 17 minutes 51 seconds East 46.67 feet;
- 14) North 62 degrees 15 minutes 01 seconds East 147.15 feet to the point of BEGINNING

CONTAINING 2.66 acres of land, more less.

Tax ID No. 03-02070480 & 03-02004370

Located in 3rd Election District and 2nd Council District

DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS



[Signature]
8/29/18

2017-0161XA

**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.

For Newspaper Advertising:

Case Number: 2017-0161-X
Property Address: 9740 Reisterstown Road, Owings Mills, MD 21117
Property Description: Current location of Fuchs Spice Plant on the south side of Reisterstown Road, adjacent to Walmart entrance
Legal Owners (Petitioners): Two Farms, Inc.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich
Company/Firm (if applicable): Venable LLP
Address: 210 W. Pennsylvania Ave., Ste. 500
Towson, MD 21204
Telephone Number: (410) 494-6200

**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 fifteen (15) 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.

For Newspaper Advertising:

Case Number: _____

Property Address: 9740 Reisterstown Rd, Owings Mills, MD 21117

Property Description: Current location of the Fuchs Spice Plant on the south
side of Reisterstown Road adjacent to the Walmart Entrance

Legal Owners (Petitioners): Two Farms, Inc.

Contract Purchaser/Lessee: na

PLEASE FORWARD ADVERTISING BILL TO:

Name: Royal Farms Store #231, Attn: Accounts Payable

Company/Firm (if applicable): Two Farms, Inc.

Address: 3611 Roland Ave
Baltimore, MD 21211

Telephone Number: 410-889-0200

Revised 5/20/2014

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

No. **142829**
 Date: **12/15/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRU
 12/15/2016 12/15/2016 10:13:07 5

REC'D WEOS WALKIN LRB
 RECEIPT # 081298 12/15/2016 OFLH
 5 523 ZONING VERIFICATION
 NO. 142829

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
004	206	0000		6150				500.00

Recpt Tot \$500.00
 1500.00 CR \$0.00 CA
 Baltimore County, Maryland

Total: **500.00**

Rec From:
 For: **Towing Loading - cos # 207-0161 X**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
MCD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2018
Item No. 2017-0161-XA (REVISED)

DATE: October 11, 2018

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

If Special Exemption and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

The Engineer has demonstrated that the drainage area upstream of the site is less than 30.0 acres; therefore, there is no need for a floodplain study to be completed.

* * * * *

VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/12/18

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

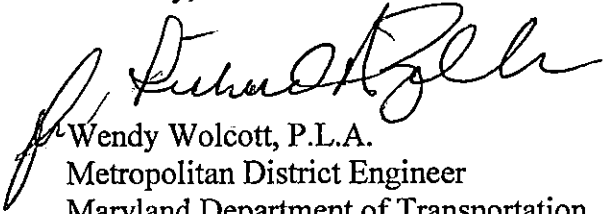
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 9/12/18. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Exception, Variance Case Number 2017-0161-XA

*Two Forms, John Kemp
9740 Reisterstown Road
MD140*

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
 9740 Reisterstown Road; SW/S Reisterstown *
 Road, 1440' NW of Montrose Avenue * OF ADMINISTRATIVE
 3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
 Legal Owner(s): Two Farms, Inc *
 Petitioner(s) * BALTIMORE COUNTY
 * 2017-161-X

* * * * *

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
 DEC 22 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 22nd day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

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

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: May 4, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0161-X
Address 9740 Reisterstown Road
(Two Farms, John Kemp Property)

Zoning Advisory Committee Meeting of **May 8, 2017**.

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

Reviewer: Steve Ford Date: 5-4-2017

PP
2-10

BALTIMORE COUNTY, MARYLAND INTRA-OFFICE MEMORANDUM

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

DATE: 1/25/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-161



INFORMATION:

Property Address: 9740 Reisterstown Road
Petitioner: John Kemp, President, Two Farms, Inc.
Zoning: BM-IM
Requested Action: special exception

The Department of Planning has reviewed the petition for special exception to use the property for a fuel service station on an individual site and a convenience store having a sales area greater than 1,500 square feet, a carryout restaurant and a rollover car wash as uses in combination.

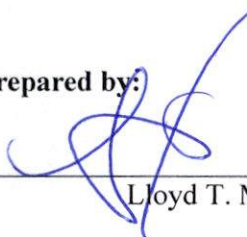
A site visit was conducted on December 27, 2016.

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

- No temporary freestanding signs shall be installed in the landscaped areas adjacent to Reisterstown Road.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
David H. Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 5/1/17

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

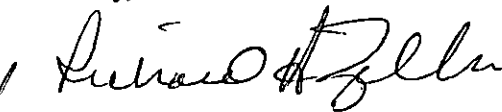
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 5/1/17. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. As a condition of approval for *Special Exception*, Case Number 2017-0161-X

*Two Farm
John K. M. A.
9740 Reisterstown Road
MD140.*

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,



Wendy Wolcott, PLA
Metropolitan District Engineer
Baltimore & Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

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: September 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2017-0161-XA *revised*
Address 9740 Reisterstown Road
(Two Farms, John Kemp, President,
Property)

Zoning Advisory Committee Meeting of **September 17, 2018.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

DATE: May 12, 2017

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2017
Item No. 2017-0161, 0279, 0287, 0288 and 0290

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comment.

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC05082017.doc

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: 5/18/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-161 (revised)

INFORMATION:

Property Address: 9740 Reisterstown Road
Petitioner: John Kemp, President, Two Farms, Inc.
Zoning: BM-IM
Requested Action: special exception

The Department of Planning has reviewed the petition for special exception and revised plan dated April 17, 2017 to use the property for a fuel service station on an individual site and a convenience store having a sales area greater than 1,500 square feet, a carryout restaurant and a rollover car wash as uses in combination.

Site visits were conducted on December 27, 2016 and May 8, 2017. The revised plan now proposes a larger square foot, two tunnel car wash.

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

- Upon consultation with the Office of Zoning Review, there is some question as to whether the two abreast stacking arrangement for the car wash meets the intent of BCZR§ 419.3.A wherein it states, "*All stacking spaces for car washes shall be single-file at the entrance of the tunnel.*" Additionally, the location of the dumpster enclosure would seem to inhibit the maneuvering of vehicles into the two abreast ranks. The petitioner should demonstrate to the satisfaction of the Administrative Law Judge that the regulation is met and the stacking, as shown, is physically possible.
- The dumpster enclosure is subject to Condition H of the Baltimore County Landscape Manual and should be consistent with the principal structure in terms of colors and materials.
- No temporary freestanding signs shall be installed in the landscaped areas adjacent to Reisterstown Road.

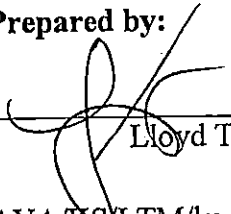
Subject: ZAC #17-161 (revised)

Date: May 18, 2017

Page 2

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

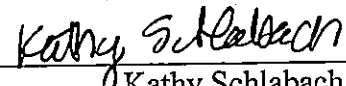
Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka

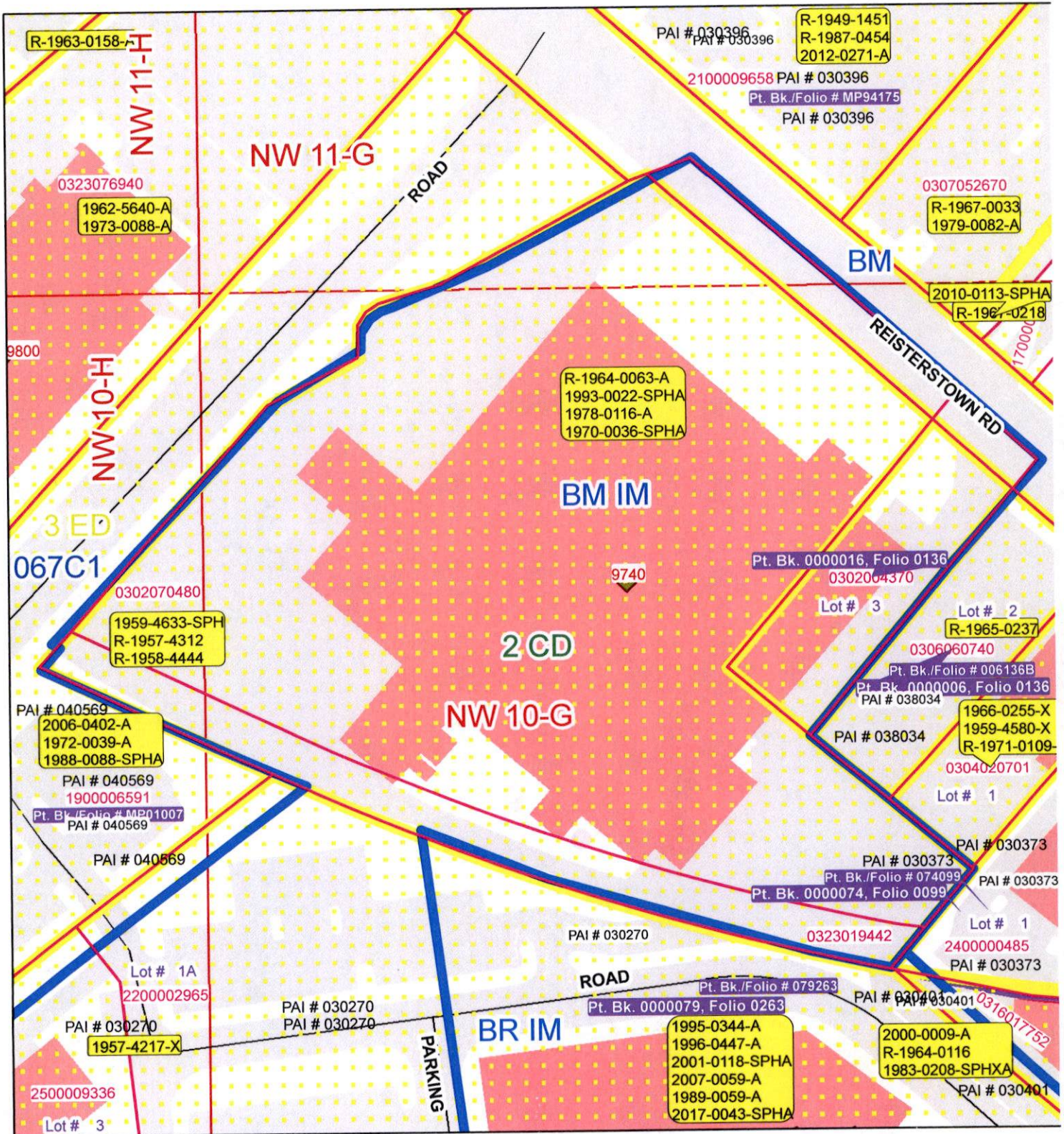
Division Chief:



Kathy Schlabach

c: Bill Skibinski
David H. Karceski, Esquire
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Office of the Administrative Hearings
People's Counsel for Baltimore County

9,40 Reisterstown Road



Publication Date: 12/13/2016



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item # 0161

DATE _____

9740 Renterstam Ryl.

2019-161-XA

10/11/18

PETITIONER'S SIGN-IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

David Karucki	210 West Pennsylvania Avenue	dkarucki@venable.com
Jennifer Frankovich	Suite 500, Towson, MD 21204	jfrankovich@venable.com
Steve Warfield	954 Ridgebrook Rd, Suite 120, Sparks MD 21152	Steve@matthewwarfield.com
Ken Schmid	7525 Connelly Dr, Hanover MD	KESCHMID@TRUFFLE-CONCEALMENT.COM
Jeff Boishval	3411 Rock Ave Dallas, MD 21211	jboishval@rockdale.com

C H E C K L I S T

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

9/25 10/11/18

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

Comment

9/18

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

NO Comment

FIRE DEPARTMENT

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 9/21/18

by SSG BLACK

SIGN POSTING (2nd) Date: 10/6/18

by SSG BLACK

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 03 Account Number - 0302004370			
Owner Information					
Owner Name:		TWO FARMS INC		Use:	INDUSTRIAL
Mailing Address:		3611 ROLAND AVE BALTIMORE MD 21211-		Principal Residence:	NO
				Deed Reference:	/37699/ 00181
Location & Structure Information					
Premises Address:		REISTERSTOWN RD OWINGS MILLS 21117-3120		Legal Description:	.381 AC 604 W FROM N.C.R.R. MCLEAN PLAT
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No:
0067	0005	0258		0000	3 2019 Plat Ref: 0016/0136
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			0.3800 AC	07	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2018	07/01/2019
Land:		102,800	102,800		
Improvements		0	0		
Total:		102,800	102,800	102,800	
Preferential Land:		0			
Transfer Information					
Seller: FUCHS SPICES USA INC		Date: 06/28/2016		Price: \$6,650,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /37699/ 00181		Deed2:	
Seller: SCM CORPORATION		Date: 07/31/1990		Price: \$1	
Type: ARMS LENGTH IMPROVED		Deed1: /08553/ 00643		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application

Date:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *VCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2018
Item No. 2017-0161-XA

DATE: September 25, 2018

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

If Special Exemption and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

There is an existing storm drain system with open channel flow on the Southwest corner of this property. According to the drainage area drawing to this system the drainage area is greater than 30 acres. There should be a Baltimore County regulated flood plain associated with this 30 acres.

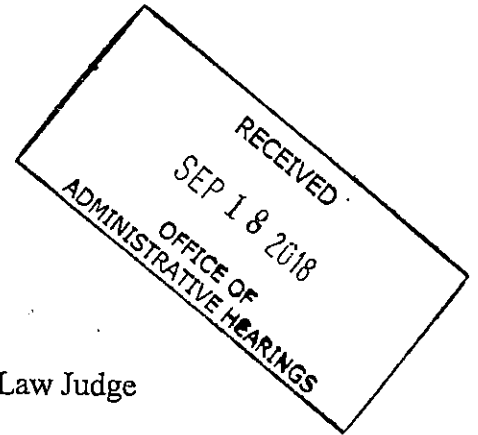
A flood study is required to establish the flood plain delineation and the site must adhere to the Baltimore County DPR Policy Manual, the Building Code and the Design Manual including Plate DF-1.

* * * * *

VKD: cen
cc: file

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: September 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2017-0161-XA *revised*
Address 9740 Reisterstown Road
(Two Farms, John Kemp, President,
Property)

Zoning Advisory Committee Meeting of **September 17, 2018.**

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/12/18

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

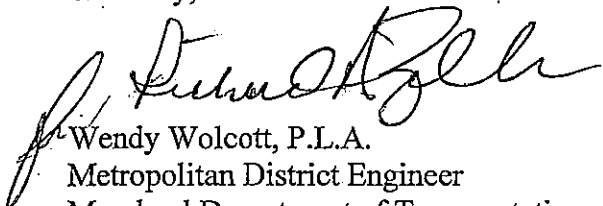
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 9/12/18. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Exception Variance Case Number 2017-0161-XA

*Two Forms, John Kemp
9740 Reisterstown Road
MD140*

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,


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

Date: 5/1/17

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

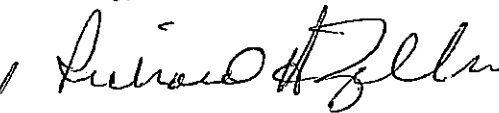
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 5/1/17. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. As a condition of approval for *Special Exception*, Case Number 2017-0161-X

*Two Farm
John Kamp A.
9740 Reisterstown Road
MD140.*

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,



Wendy Wolcott, PLA
Metropolitan District Engineer
Baltimore & Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov
My telephone number/toll-free number is 866.998.0367

BALTIMORE COUNTY, MARYLAND INTRA-OFFICE MEMORANDUM

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

DATE: 5/18/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-161 (revised)

INFORMATION:

Property Address: 9740 Reisterstown Road

Petitioner: John Kemp, President, Two Farms, Inc.

Zoning: BM-IM

Requested Action: special exception

The Department of Planning has reviewed the petition for special exception and revised plan dated April 17, 2017 to use the property for a fuel service station on an individual site and a convenience store having a sales area greater than 1,500 square feet, a carryout restaurant and a rollover car wash as uses in combination.

Site visits were conducted on December 27, 2016 and May 8, 2017. The revised plan now proposes a larger square foot, two tunnel car wash.

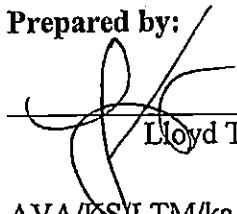
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Upon consultation with the Office of Zoning Review, there is some question as to whether the two abreast stacking arrangement for the car wash meets the intent of BCZR§ 419.3.A wherein it states, "*All stacking spaces for car washes shall be single-file at the entrance of the tunnel.*" Additionally, the location of the dumpster enclosure would seem to inhibit the maneuvering of vehicles into the two abreast ranks. The petitioner should demonstrate to the satisfaction of the Administrative Law Judge that the regulation is met and the stacking, as shown, is physically possible.
- The dumpster enclosure is subject to Condition H of the Baltimore County Landscape Manual and should be consistent with the principal structure in terms of colors and materials.
- No temporary freestanding signs shall be installed in the landscaped areas adjacent to Reisterstown Road.

Subject: ZAC #17-161 (revised)
Date: May 18, 2017
Page 2

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

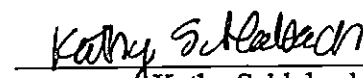
Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka

Division Chief:



Kathy Schlabach

c: Bill Skibinski

David H. Karceski, Esquire

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

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
MCD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2018
Item No. 2017-0161-XA (REVISED)

DATE: October 11, 2018

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

If Special Exemption and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

The Engineer has demonstrated that the drainage area upstream of the site is less than 30.0 acres; therefore, there is no need for a floodplain study to be completed.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
MS
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2018
Item No. 2017-0161-XA

DATE: September 25, 2018

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

If Special Exemption and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

There is an existing storm drain system with open channel flow on the Southwest corner of this property. According to the drainage area drawing to this system the drainage area is greater than 30 acres. There should be a Baltimore County regulated flood plain associated with this 30 acres.

A flood study is required to establish the flood plain delineation and the site must adhere to the Baltimore County DPR Policy Manual, the Building Code and the Design Manual including Plate DF-1.

*

*

*

*

*

VKD: cen
cc: file

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: September 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2017-0161-XA *revised*
Address 9740 Reisterstown Road
(Two Farms, John Kemp, President,
Property)

Zoning Advisory Committee Meeting of **September 17, 2018**.

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

Reviewer: Steve Ford

CERTIFICATE OF POSTING

2017-0161-XA

RE: Case No.: _____

Petitioner/Developer: _____

Two Farms, Inc.

October 11, 2018

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: _____

9740 Reisterstown Road

SIGN 2

September 21, 2018

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



Sincerely,



September 21, 2018

(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)

Debra Wiley

10-11
1:30

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, October 07, 2018 8:59 PM
To: Barbara A. Lukasevich; DKarceski@Venable.com; Administrative Hearings
Subject: Recertification's For 2017--0161-XA AND 2019-0061-A
Attachments: Re-Cert 1 2017-0161-XA.doc; Re-Cert 2 2017-0161-XA.doc; Re-Cert 1 2019-0061-A Sign 1.doc; Re-Cert 2 2019-0061-A Sign 1.doc

Recertification's for 9740 Reisterstown Road AND 8130 Norris Lane



CERTIFICATE OF POSTING

2017-0161-XA

RE: Case No.: _____

Petitioner/Developer: _____

Two Farms, Inc.

October 11, 2018

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:

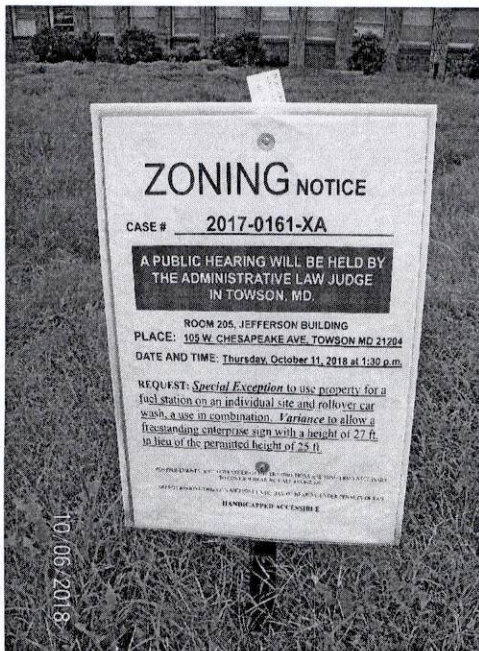
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

9740 Reisterstown Road

SIGN 1 Recertification

September 21, 2018

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



Sincerely,

 _____
(Signature of Sign Poster) October 6, 2018
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2017-0161-XA

RE: Case No.: _____

Petitioner/Developer: _____

Two Farms, Inc.

October 11, 2018

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:

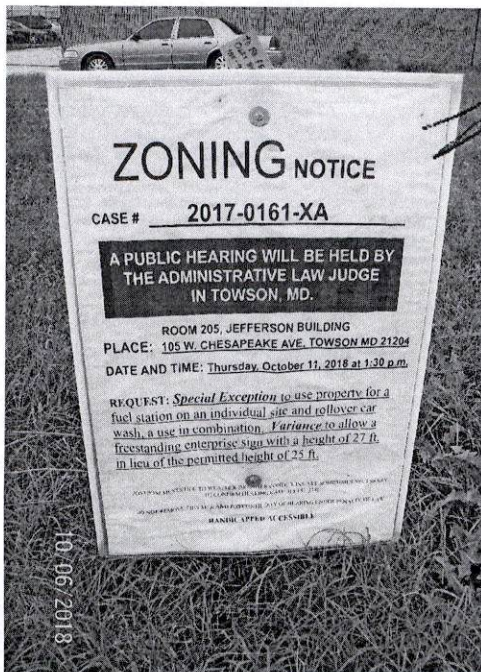
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

9740 Reisterstown Road

SIGN 2 Recertification

September 21, 2018

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



Sincerely,

A handwritten signature in black ink, appearing to read "Robert Black".

October 6, 2018

(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)

CERTIFICATE OF POSTING

2017-0161-XA

RE: Case No.: _____

Petitioner/Developer: _____

Two Farms, Inc.

October 11, 2018

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:

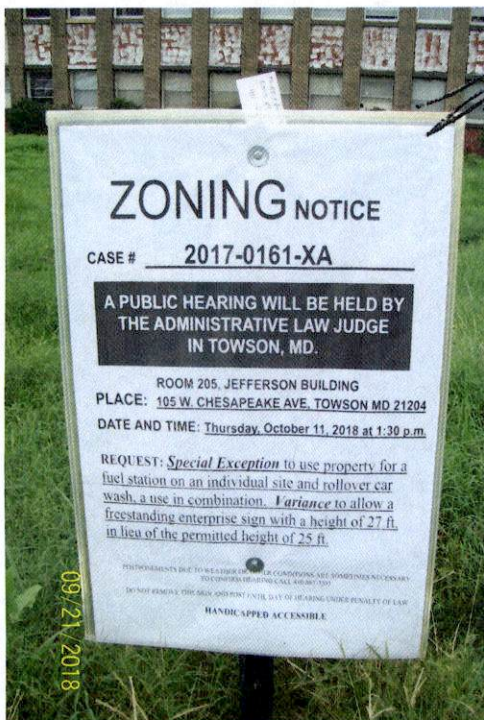
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

9740 Reisterstown Road

SIGN 1

September 21, 2018

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



Sincerely,

 September 21, 2018

(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)

RE: AMENDED PETITION FOR SPECIAL
EXCEPTION AND VARIANCE * BEFORE THE OFFICE
9740 Reisterstown Road; SW/S Reisterstown *
Road, 1440' NW of Montrose Avenue * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): Two Farms, Inc * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2017-161-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

SEP 11 2018

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 11th day of September, 2018 a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2017-0161-XA

Exhibit Sheet - Continued

Petitioner/Developer	Respondent
No. 13 1	Site plan (3 sheet)
No. 14 2	Warfield CV
No. 15 3	Dumpster Exhibit
No. 16 4	Aerial photo
No. 17 5	Map w/ site photos
No. 18 6	Truck movement exhibit
No. 19 7	Abandoned Station Exhibit
No. 20	
No. 21	
No. 22	
No. 23	
No. 24	

Stephen A. Warfield, P.E.

10540 York Road, Suite M
Hunt Valley, Maryland 21030
(410) 683-7004

Professional Registration

Registered Professional Engineer - Civil Engineering 1995 - Maryland P.E. # 21162

Education

B.S. Civil Engineering - 1990 - University of Maryland, College Park
Master of Environmental Engineering - 1994- Johns Hopkins University

Professional Experience

- 12/94-Present Matis Warfield, Inc.; 10540 York Road, Suite M; Hunt Valley, Maryland 21030:
Currently employed as a principal at Matis Warfield, Inc. Responsible for civil engineering services for the development community. Responsibilities include; planning, design, development, and permitting for site development projects. Responsibilities include; feasibility studies, concept plans, development plans, zoning plans, expert witness testimony, floodplain studies, open channels, stormwater management facilities, storm drain systems, erosion and sediment control plans, highways, pumping stations, utilities, specification development, cost estimating, grading, alternatives analysis, critical area analysis, project management, marketing, administration, client relations, etc.
- 5/91-12/94 Gannett Fleming, Inc.; Suite 200; East Quadrangle; The Village of Cross Keys; Baltimore, Maryland 21210: Supervisors: Fred Wagner-Project Manager, and Dave Ross-Office Manager
Employed as a project engineer by Gannett Fleming, Inc., Baltimore Maryland. Responsible for design and specification development for water treatment plant process design, wastewater treatment plant process and site design, pumping station design, open channel design, stormwater management design, erosion and sediment control design, drainage studies, alternatives analysis, and highway designs.
- 6/90-5/91 George William Stephens, & Associates, Inc.; 658 Kenilworth Drive; Towson, Maryland 21204: Supervisor: Tapobrata Chakrabarti, Partner
Employed as a design engineer by George William Stephens Jr. & Associates, Inc., Towson, Maryland. Performed floodplain studies, designed stormwater management facilities, and designed open channel flow systems for residential, commercial, and industrial development projects. Responsibilities also included development of computer programs to aid stormwater management design.

Professional Affiliations

Baltimore County Engineers Association
Home Builders Association of Maryland
Maryland Society of Professional Engineers

MATISWARFIELD

Consulting Engineers

ZONING PROPERTY DESCRIPTION FOR 9740 REISTERSTOWN ROAD to Accompany Petition For Special Exception Request

Beginning at a point on the south side of Reisterstown Road which is 33' wide at a distance of 1461' west of the centerline of the nearest improved intersecting street (Montrose Avenue) which is 50' wide. Thence the following courses and distances:

- 
- 1) South 48 degrees 52 minutes 49 seconds East 353.58 feet;
 - 2) South 40 degrees 30 minutes 11 seconds West 205.73 feet;
 - 3) North 49 degrees 29 minutes 49 seconds West 19.88 feet;
 - 4) South 41 degrees 01 minutes 17 seconds West 82.49 feet;
 - 5) North 48 degrees 58 minutes 43 seconds West 427.96 feet;
 - 6) North 41 degrees 59 minutes 11 seconds East 4.45 feet;
 - 7) North 62 degrees 27 minutes 51 seconds East 75.17 feet;
 - 10) North 00 degrees 37 minutes 51 seconds East 21.50 feet;
 - 11) North 34 degrees 12 minutes 51 seconds East 11.58 feet;
 - 12) North 56 degrees 12 minutes 51 seconds East 10.00 feet;
 - 13) North 72 degrees 17 minutes 51 seconds East 46.67 feet;
 - 14) North 62 degrees 15 minutes 01 seconds East 147.15 feet to the point of BEGINNING

CONTAINING 2.66 acres of land, more less.

Tax ID No. 03-02070480 & 03-02004370

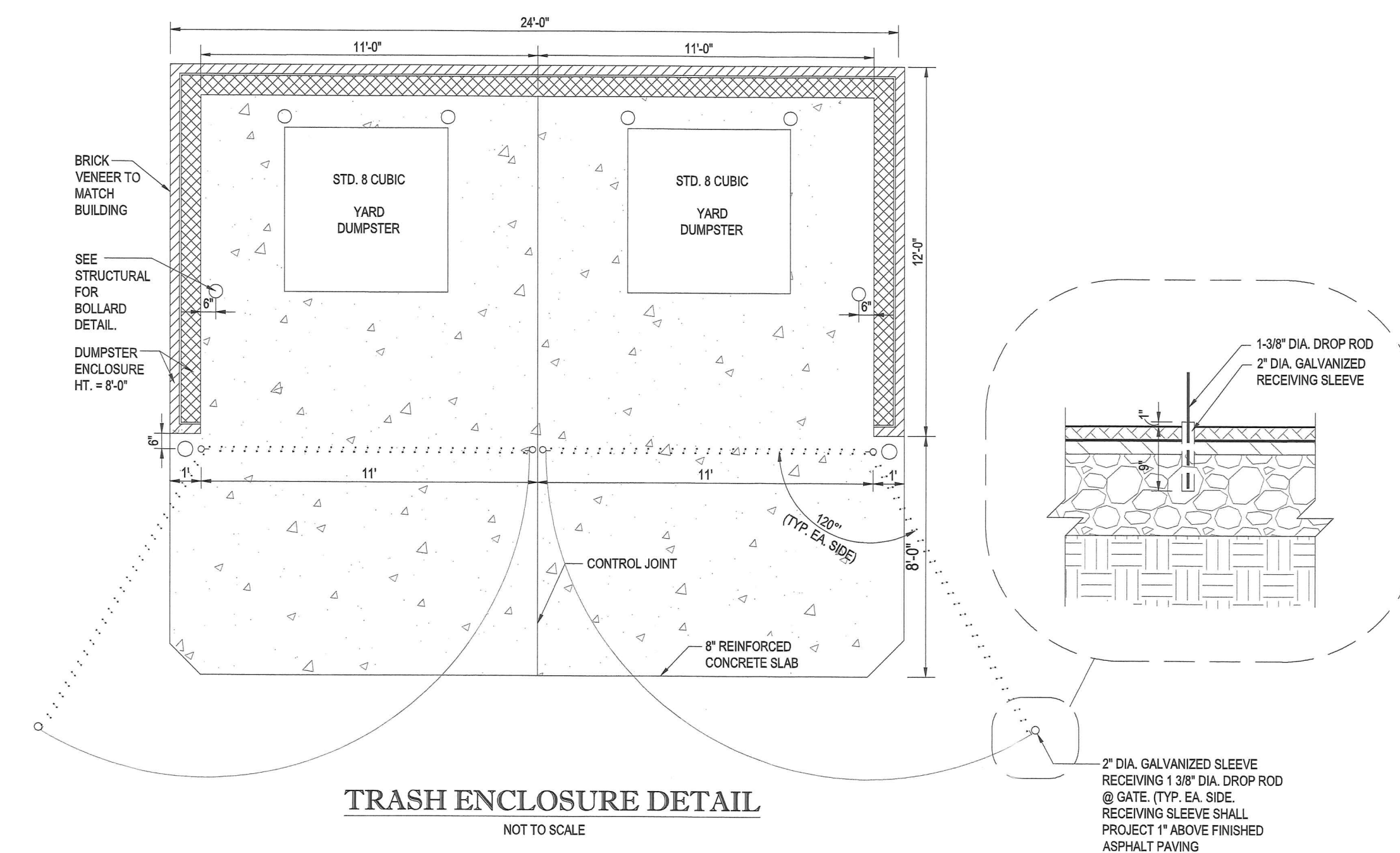
Located in 3rd Election District and 2nd Council District

DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS



[Handwritten Signature]
8/29/18

2017-0161XA



PETITIONER'S
EXHIBIT NO. 3

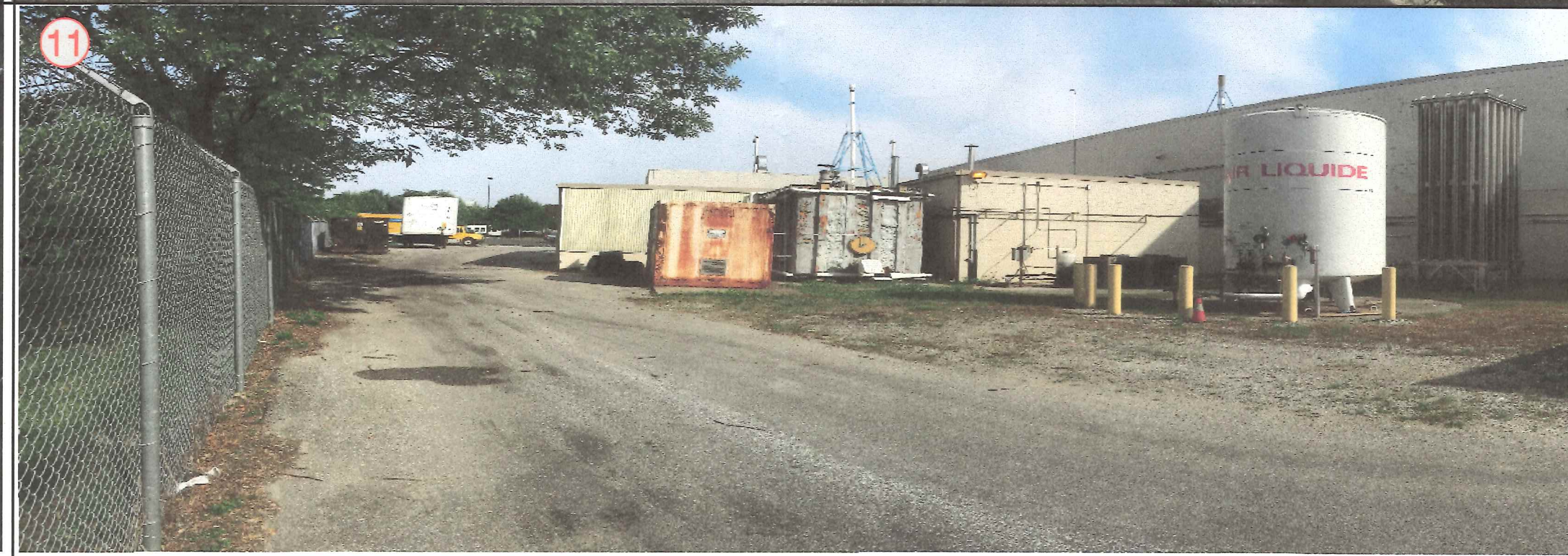
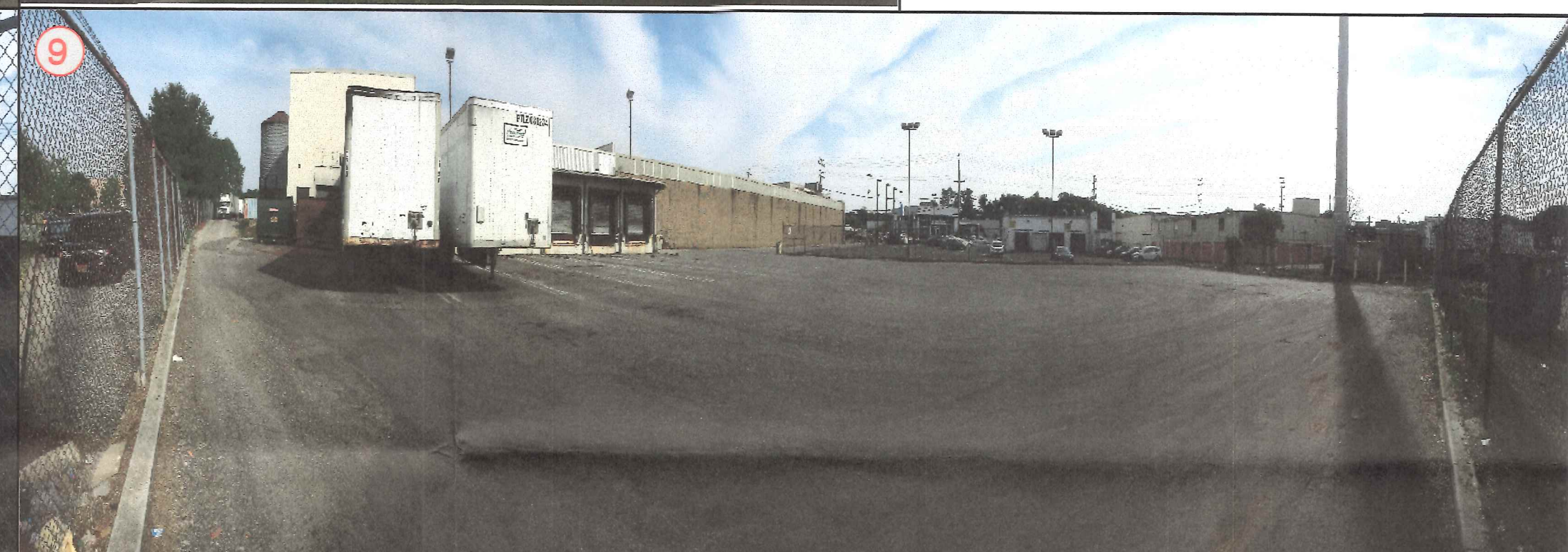
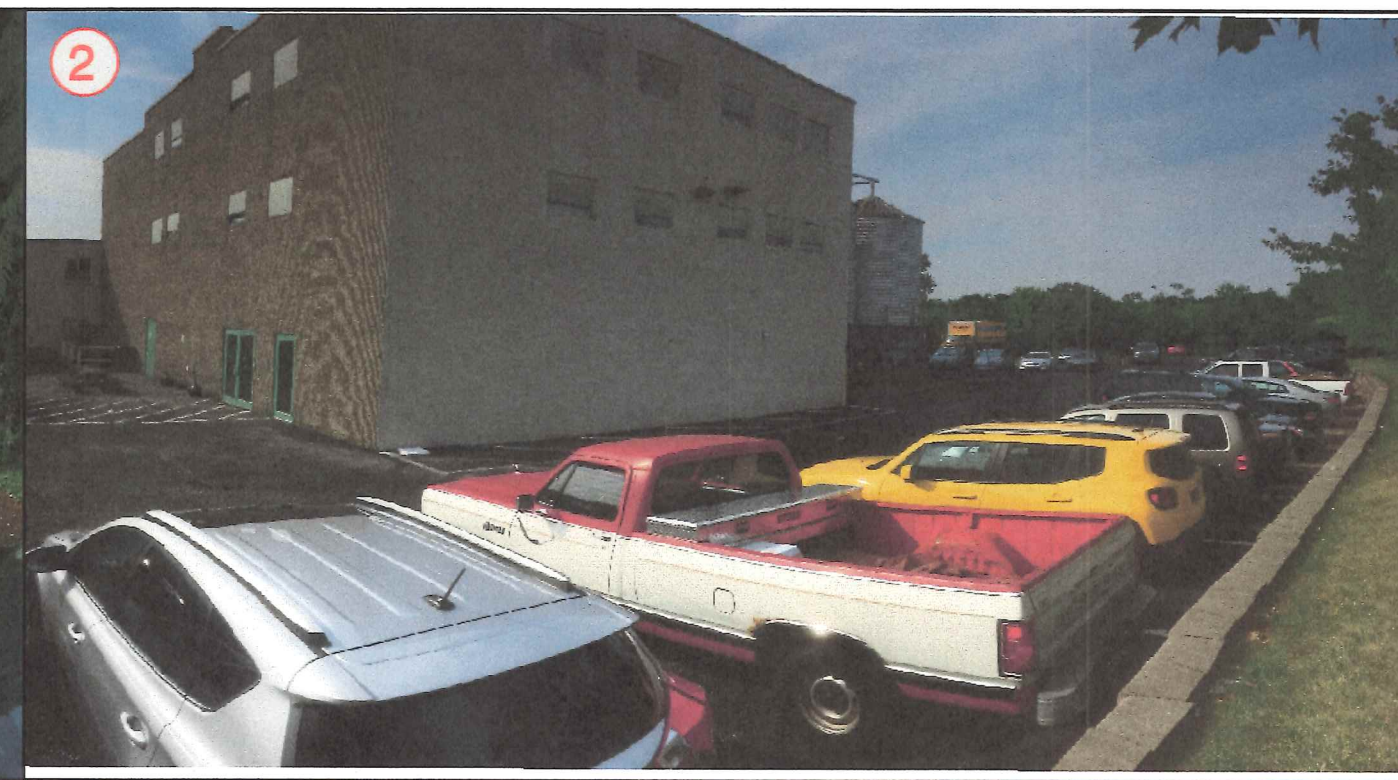
Dumpster Exhibit
ROYAL FARMS STORE #231
9740 Reisterstown Road
Owings Mills, MD 21117

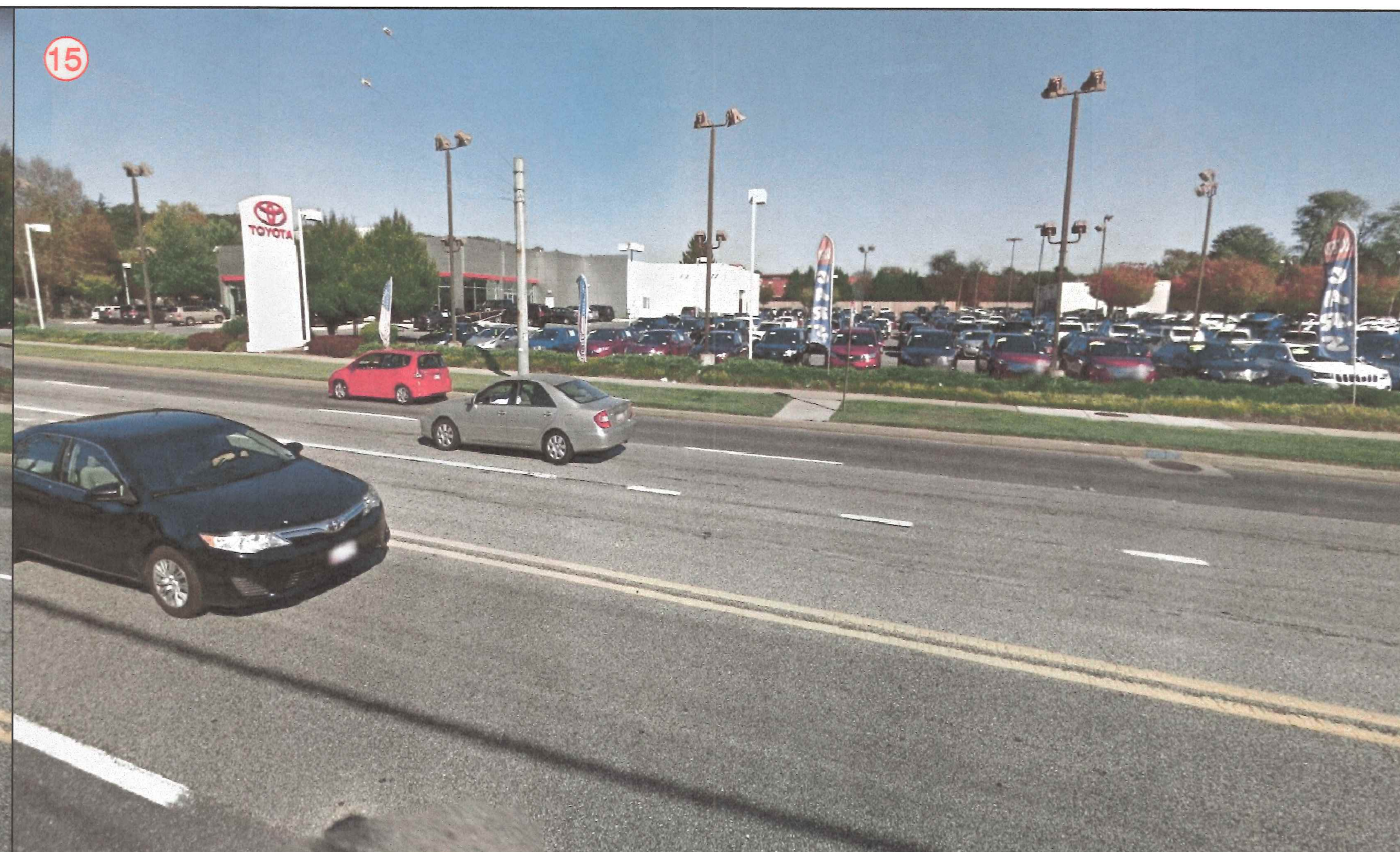


Scale: 1" = 50'

Aerial Photo Exhibit
ROYAL FARMS STORE #231
9740 Reisterstown Road
Owings Mills, MD 21117

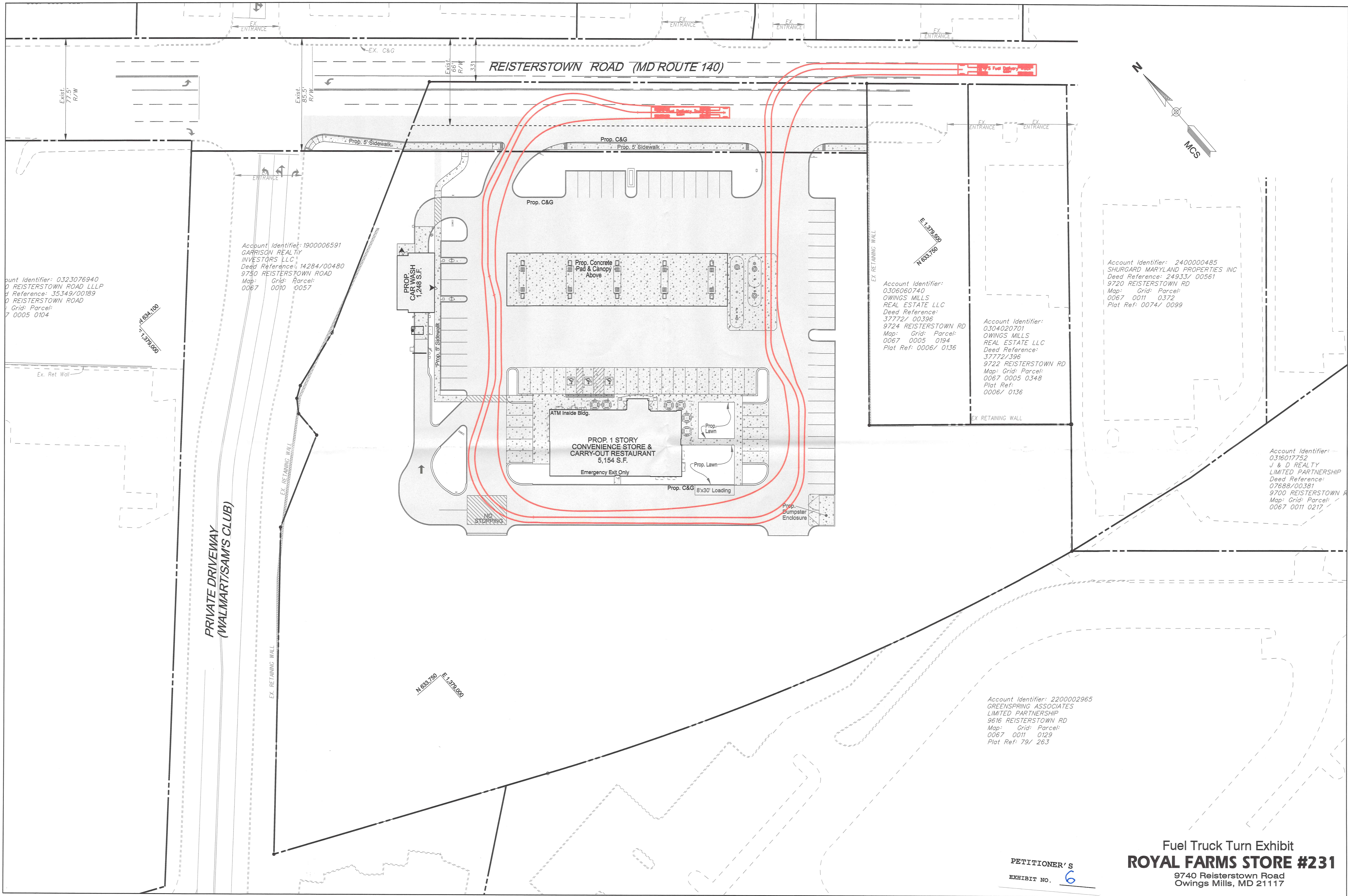
PETITIONER'S
EXHIBIT NO. 4





PETITIONER'S
EXHIBIT NO. 58

Site Photo Exhibit
ROYAL FARMS STORE #231
9740 Reisterstown Road
Owings Mills, MD 21117



Account Identifier: 0323076940
OWINGS MILLS REAL ESTATE LLC
Deed Reference: 35349/00189
9700 REISTERSTOWN ROAD
Map: Grid: Parcel:
0067 0005 0104

Account Identifier: 1900006591
GARRISON REALTY INVESTORS LLC
Deed Reference: 14284/00480
9750 REISTERSTOWN ROAD
Map: Grid: Parcel:
0067 0010 0057

Account Identifier: 0306060740
OWINGS MILLS REAL ESTATE LLC
Deed Reference: 37772/ 00396
9724 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0005 0194
Plat Ref: 0006/ 0136

Account Identifier: 0304020701
OWINGS MILLS REAL ESTATE LLC
Deed Reference: 37772/396
9722 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0005 0348
Plat Ref: 0006/ 0136

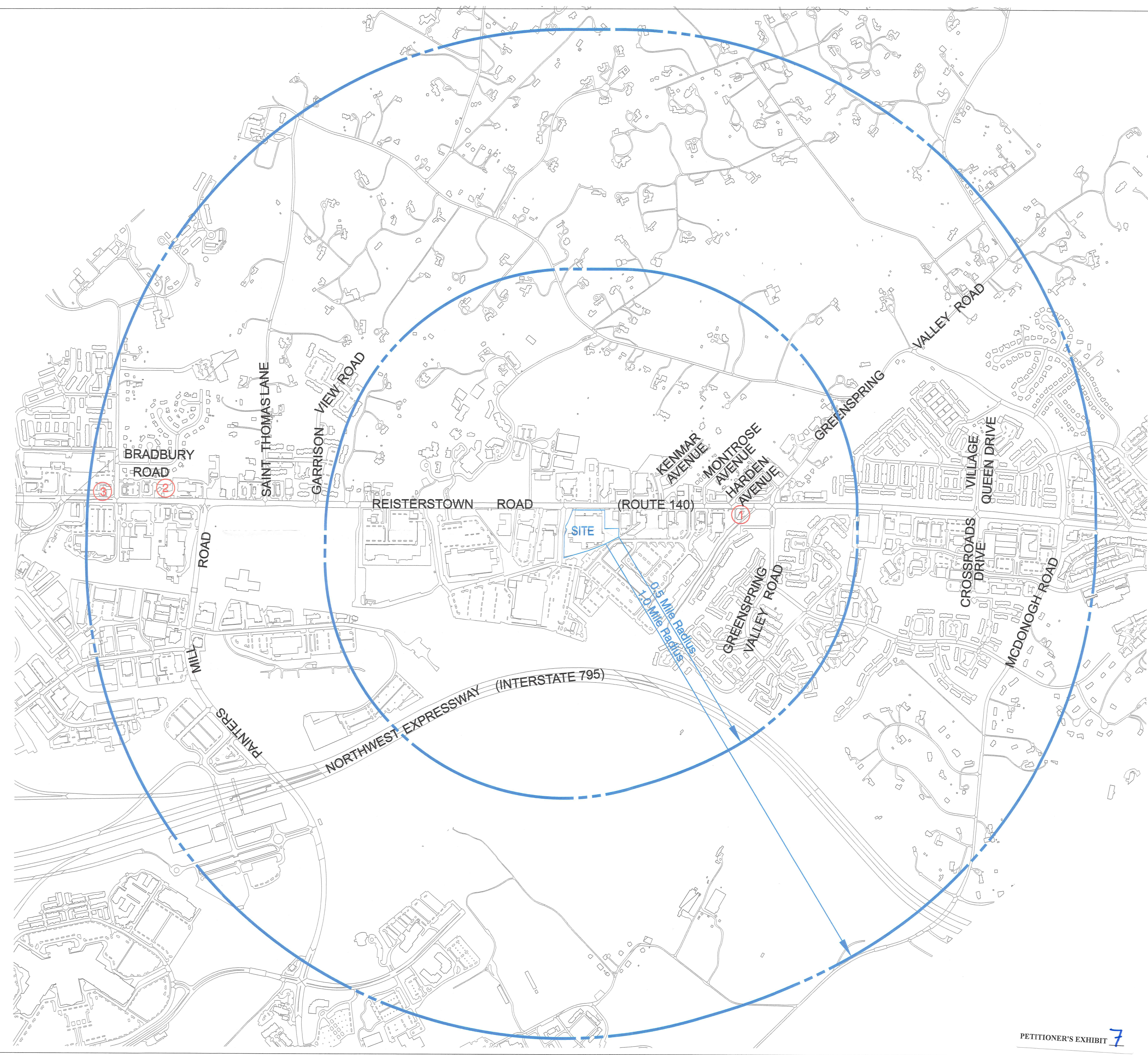
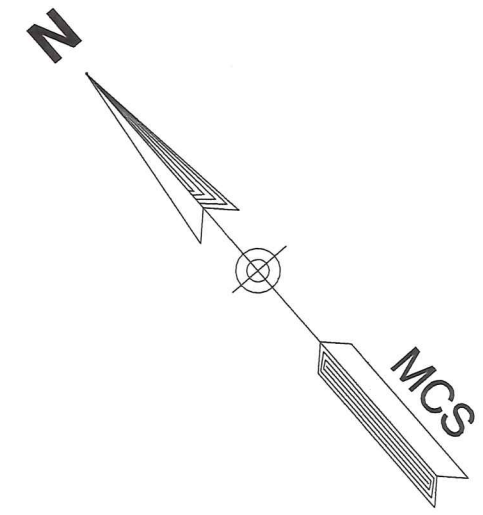
Account Identifier: 2400000485
SHURGARD MARYLAND PROPERTIES INC
Deed Reference: 24933/ 00561
9720 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0011 0372
Plat Ref: 0074/ 0099

Account Identifier: 0316017752
J & D REALTY LIMITED PARTNERSHIP
Deed Reference: 07688/00381
9700 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0011 0217

Account Identifier: 2200002965
GREENSPRING ASSOCIATES LIMITED PARTNERSHIP
Deed Reference: 9616 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0011 0129
Plat Ref: 79/ 263

PETITIONER'S
EXHIBIT NO. 6

Fuel Truck Turn Exhibit
ROYAL FARMS STORE #231
9740 Reisterstown Road
Owings Mills, MD 21117

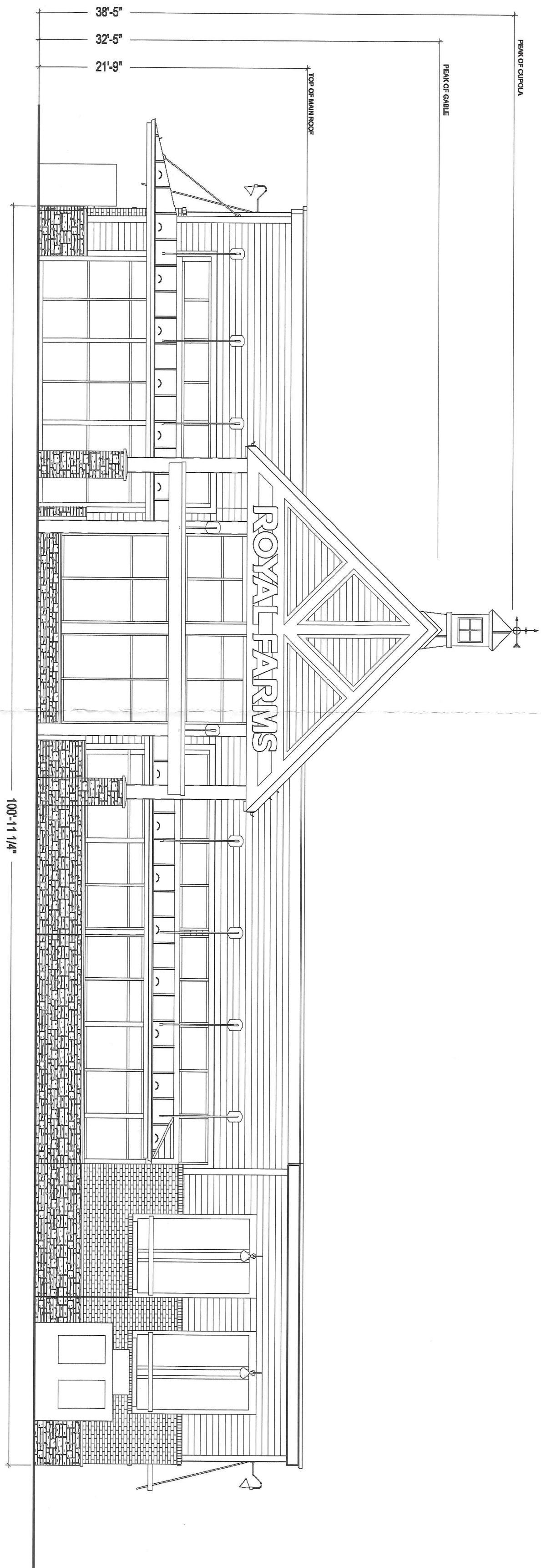


- Existing Fuel Service Stations
- 1 BP GAS STATION
 - 2 BP GAS STATION
 - 3 SHELL GAS STATION

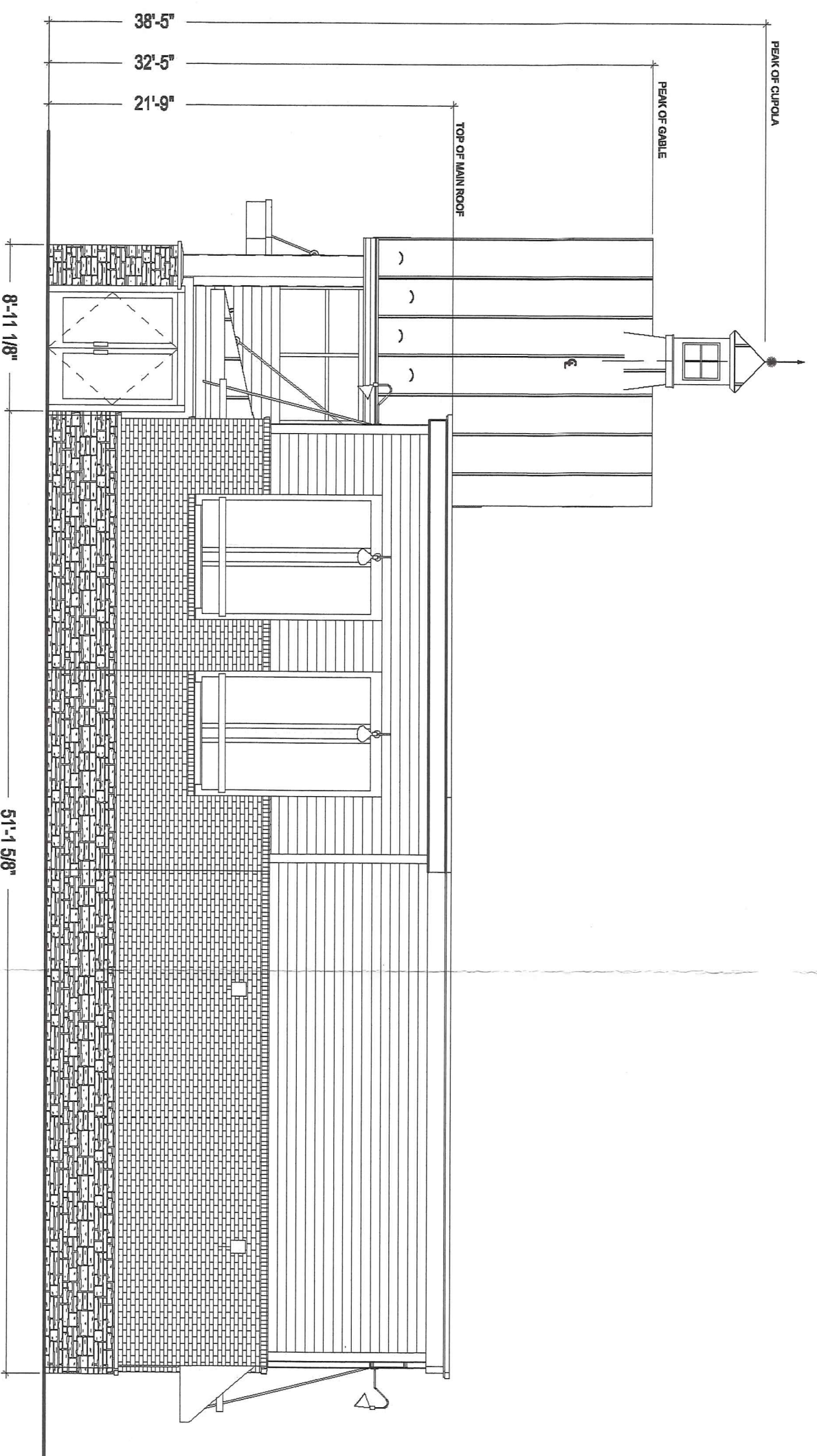
Scale: 1" = 500'

PETITIONER'S EXHIBIT 7

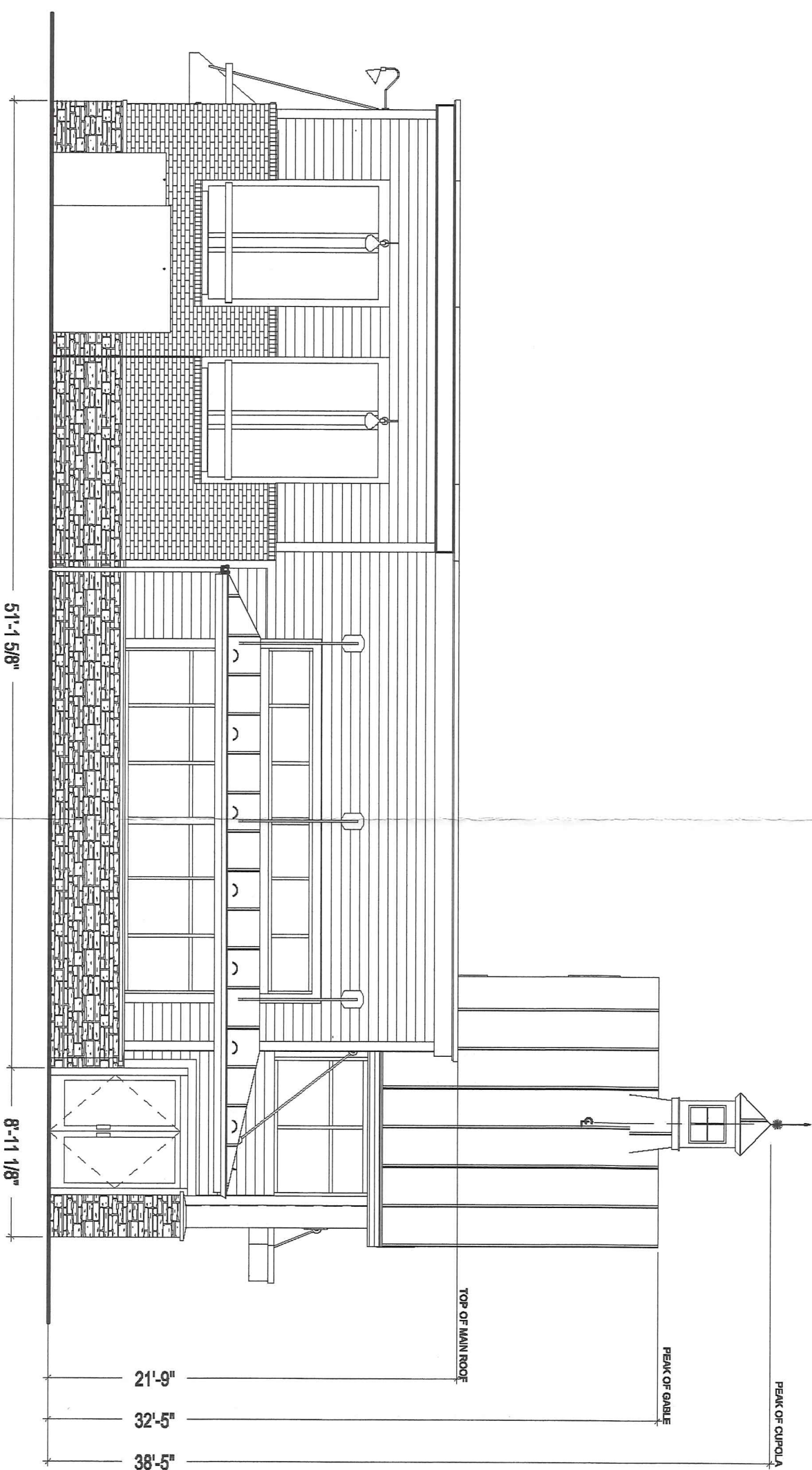
Existing Fuel Stations Exhibit
ROYAL FARMS STORE #231
11119 McCormick Rd.
Hunt Valley, MD 21031



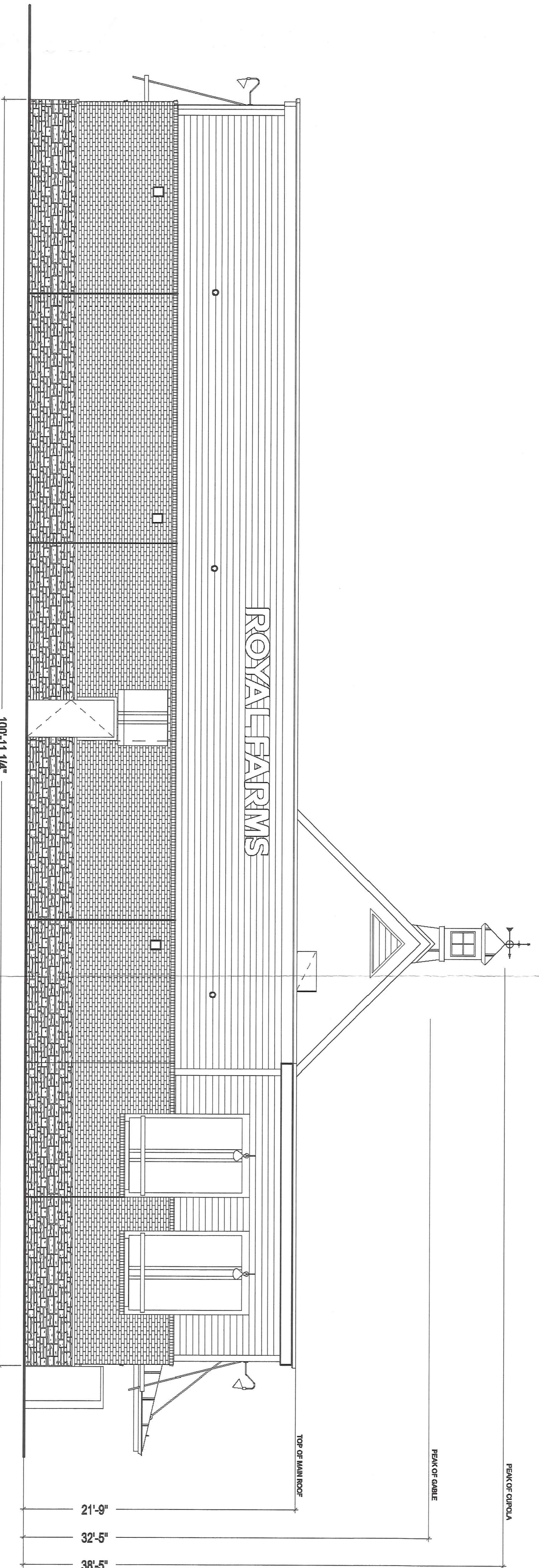
ROYAL FARMS FRONT ELEVATION



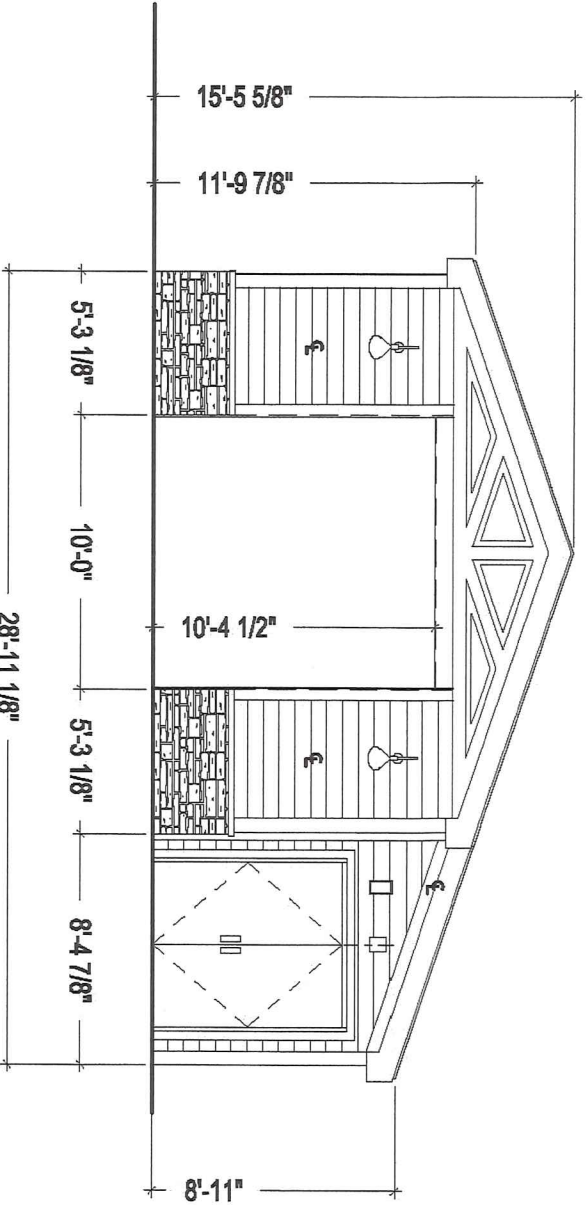
ROYAL FARMS RIGHT SIDE ELEVATION



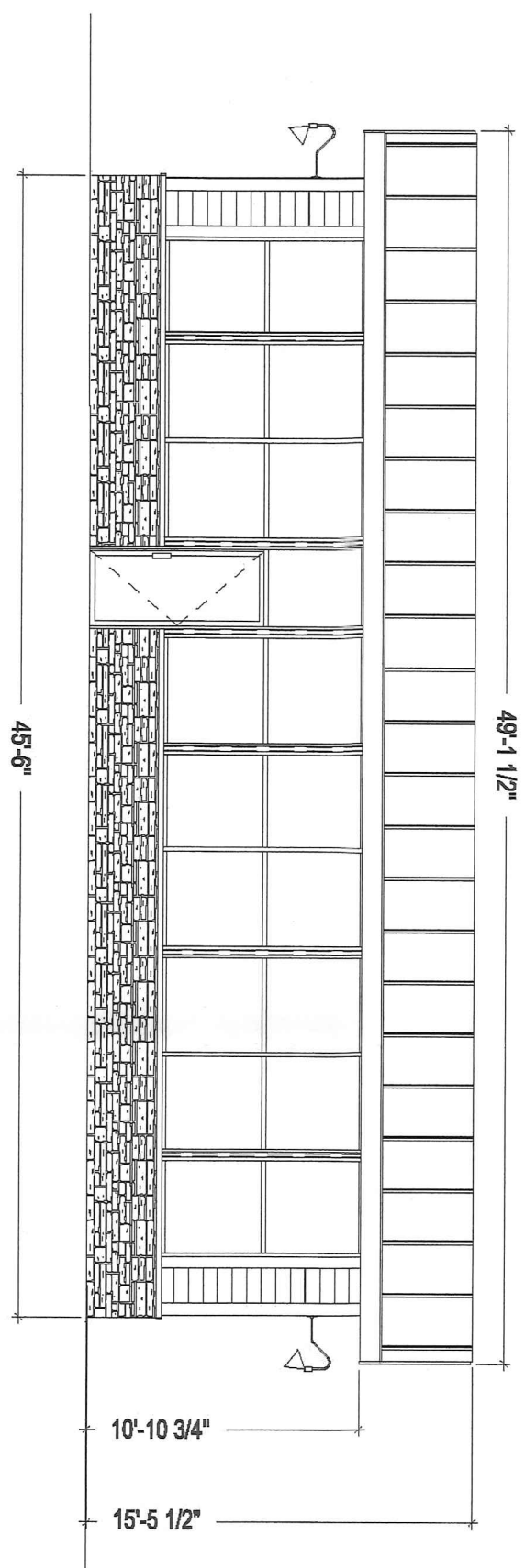
ROYAL FARMS LEFT SIDE ELEVATION



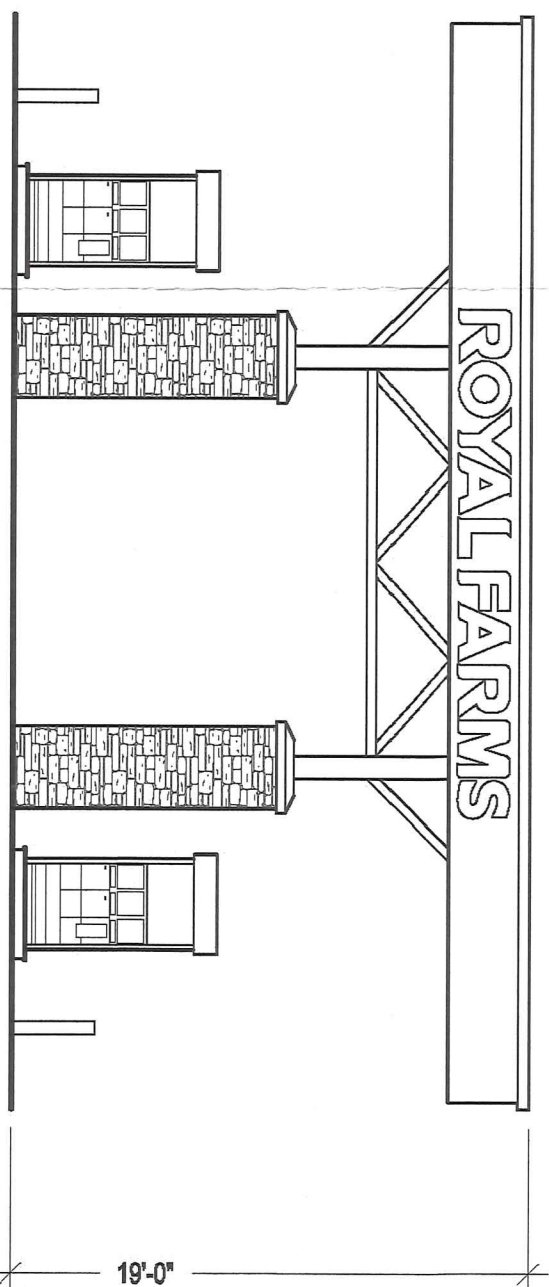
ROYAL FARMS REAR ELEVATION



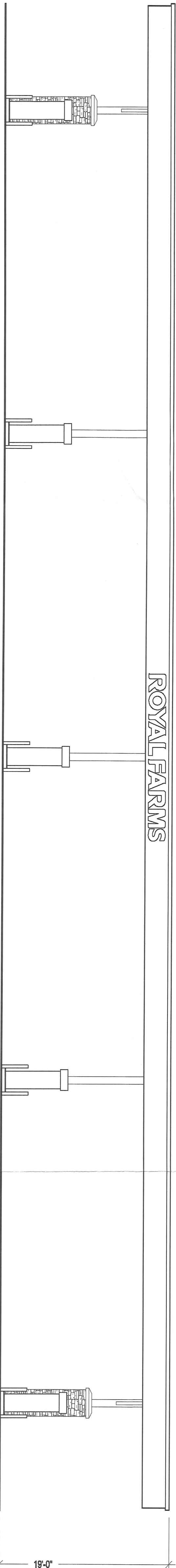
ROYAL FARMS CAR WASH FRONT ELEVATION



ROYAL FARMS CAR WASH SIDE ELEVATION



ROYAL FARMS FUEL CANOPY SIDE ELEVATION



ROYAL FARMS FUEL CANOPY FRONT ELEVATION

NO.	DESCRIPTION	BY	DATE

Revised Plan to Accompany Petition for a
Special Exception
ROYAL FARMS STORE #231
9740 Reisterstown Road
Owings Mills, MD 21117
Scale: As Shown

PAI #3-0513

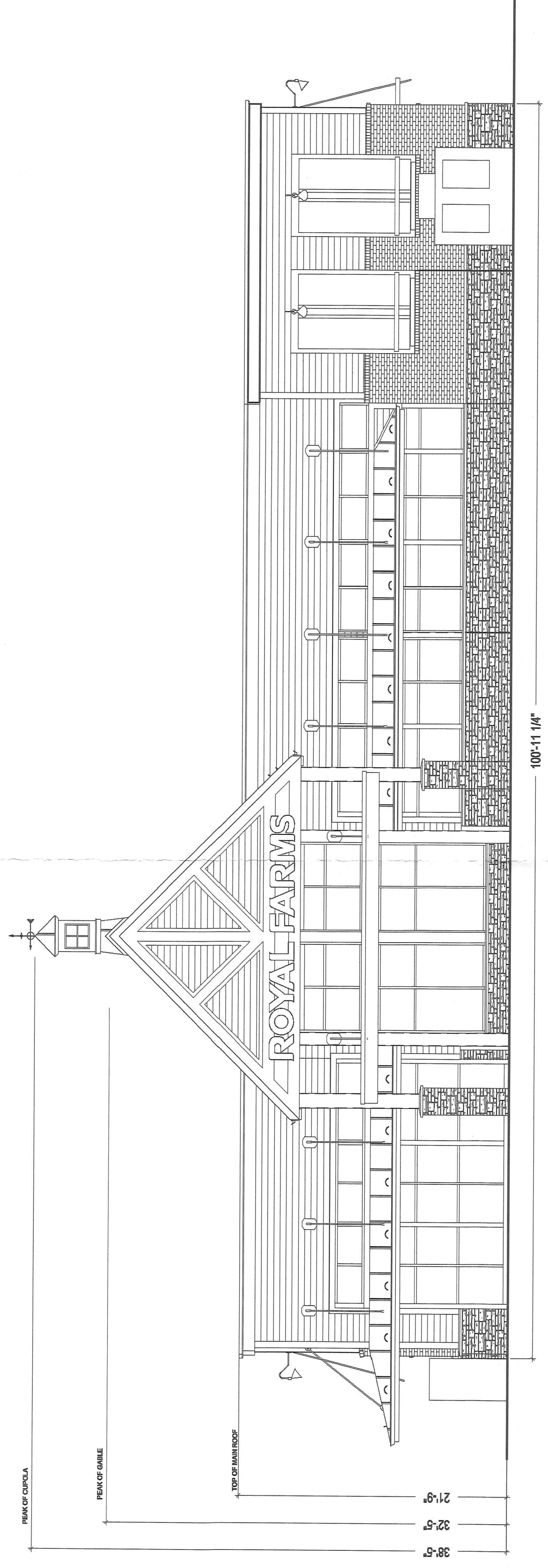
PHASE NO.
ZON-03
SHEET NO.
3 OF 3

MATIS WARFIELD
Consulting Engineers
954 Ridgebrook Road, Suite 120
Sparks, Maryland 21152
PHONE 410.683.7004 FAX 410.683.1798
www.matiswarfield.com

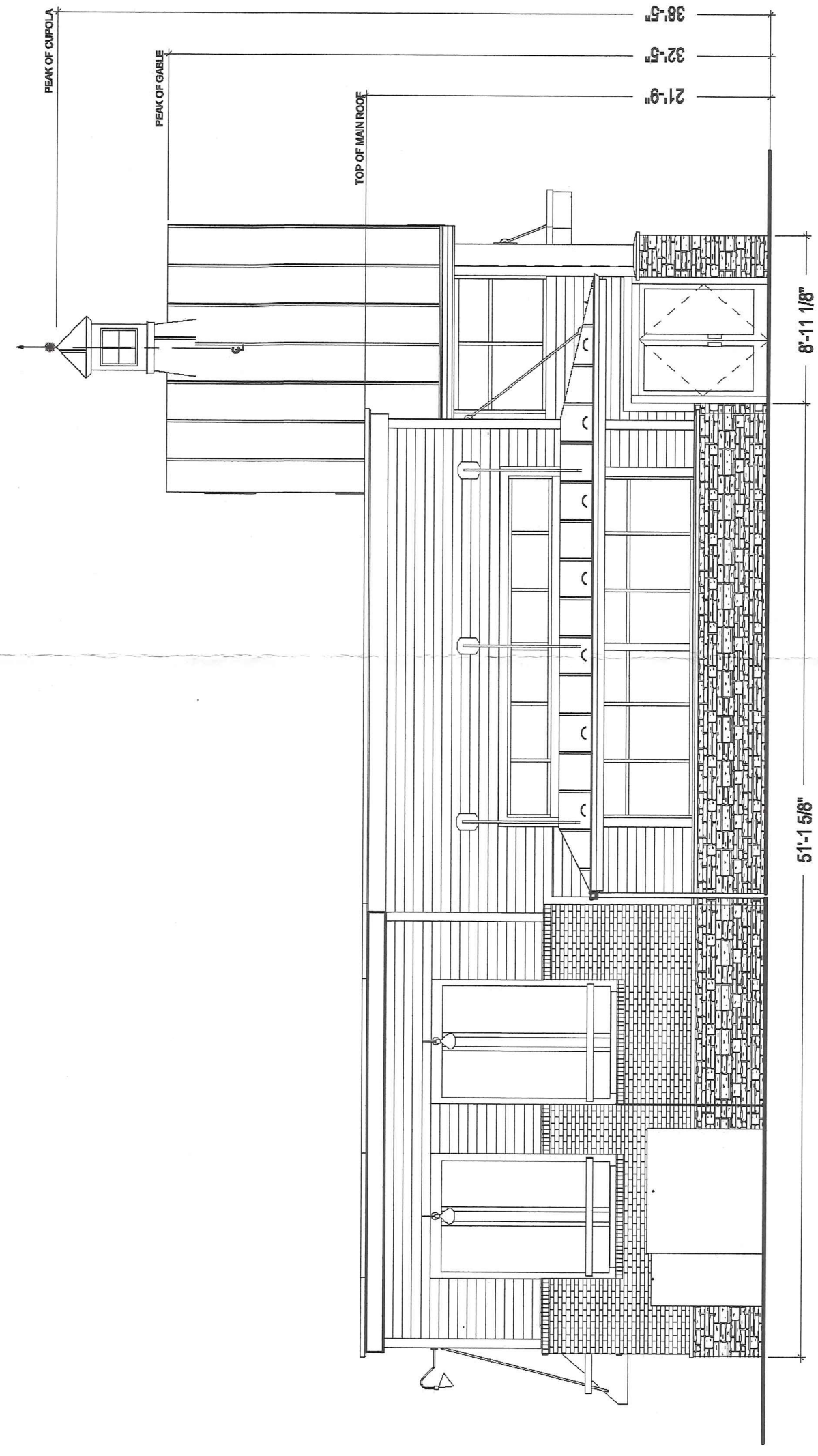
Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am duly licensed as a Professional Engineer under the title of the District of Columbia, No. 21716, 2

Owner/Developer:
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 889-0200

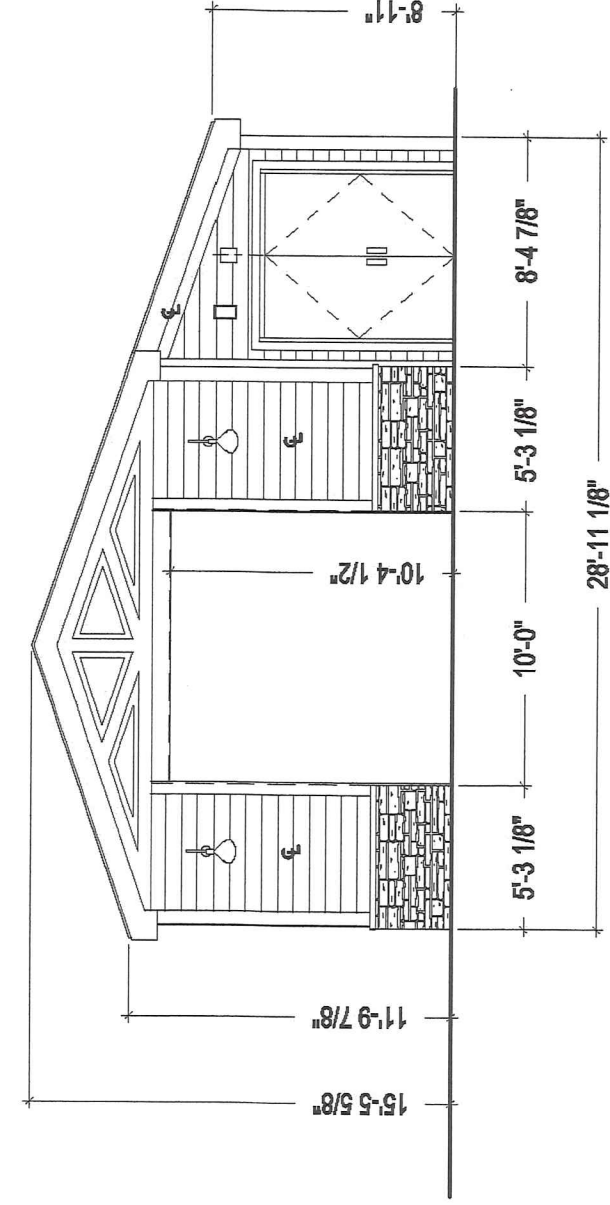
RATCLIFFE
ARCHITECTS
10404 Stevenson Road • Stevenson, Maryland 21153
410-484-7010 • Fax 410-484-3819 • info@ratcliffearchitects.com



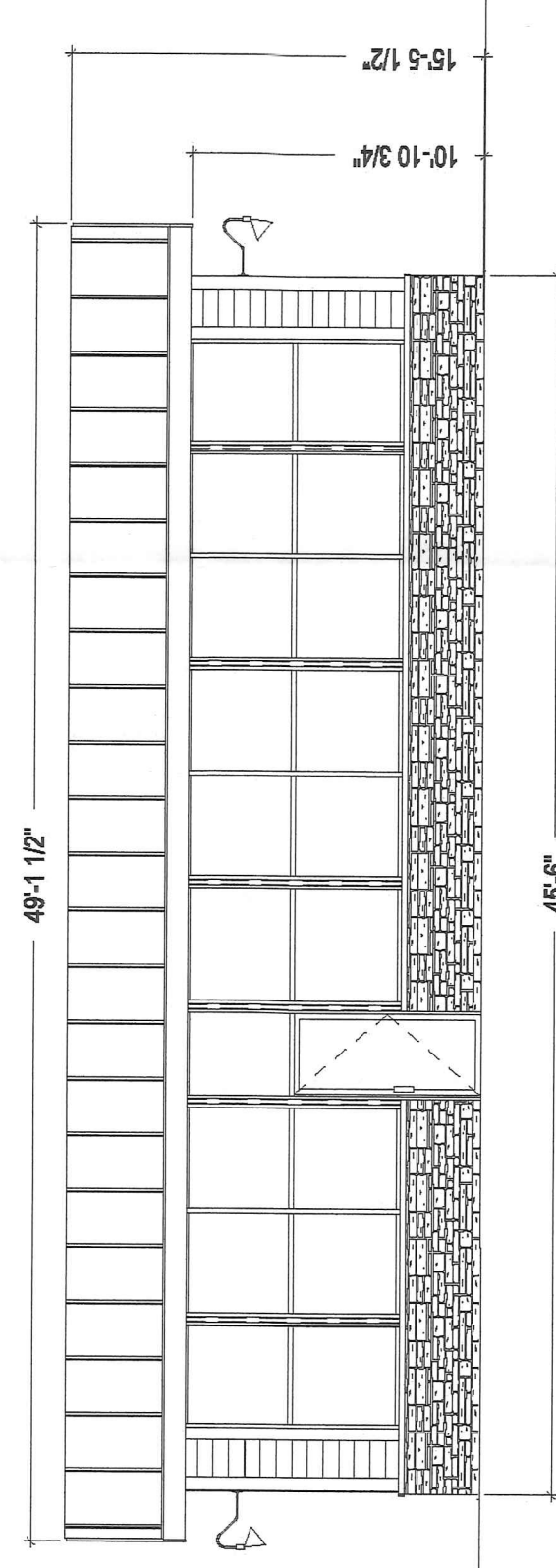
ROYAL FARMS FRONT ELEVATION



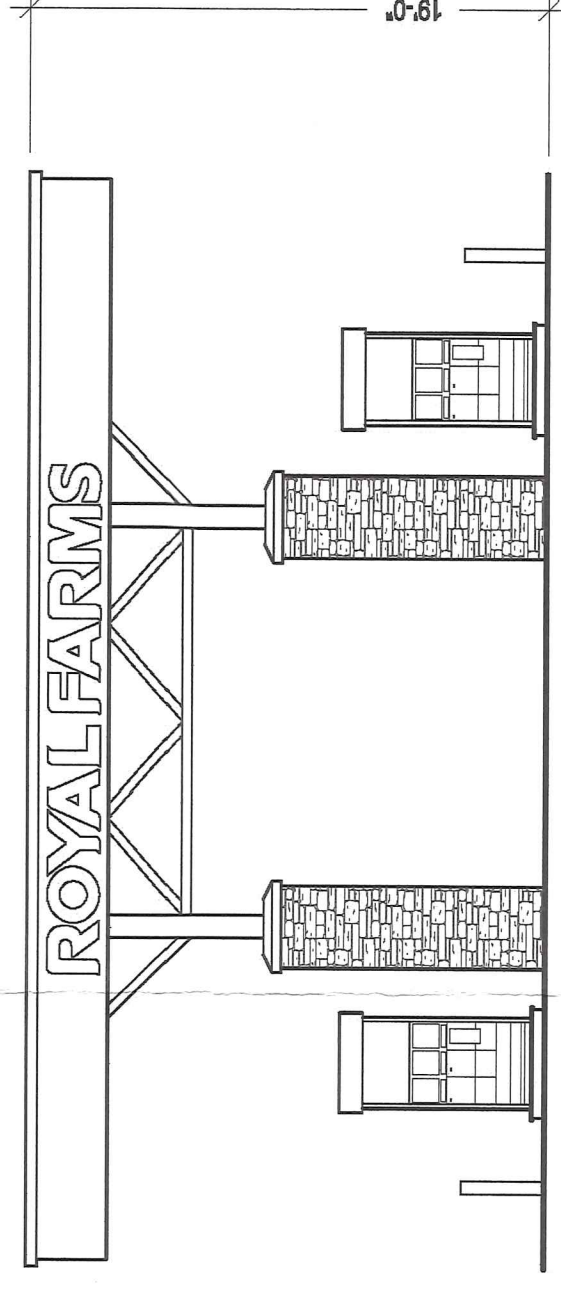
ROYAL FARMS LEFT SIDE ELEVATION



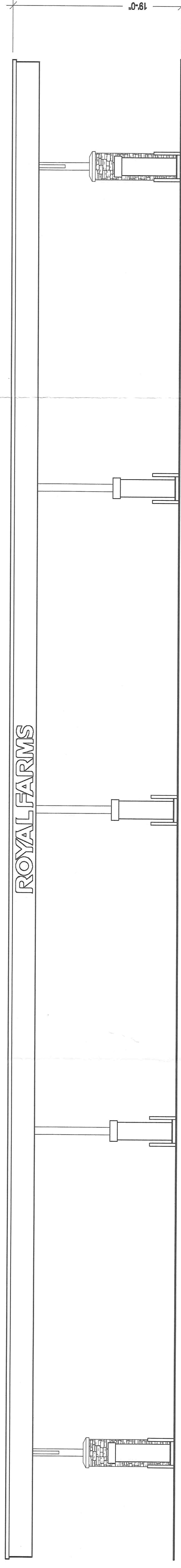
ROYAL FARMS CAR WASH FRONT ELEVATION



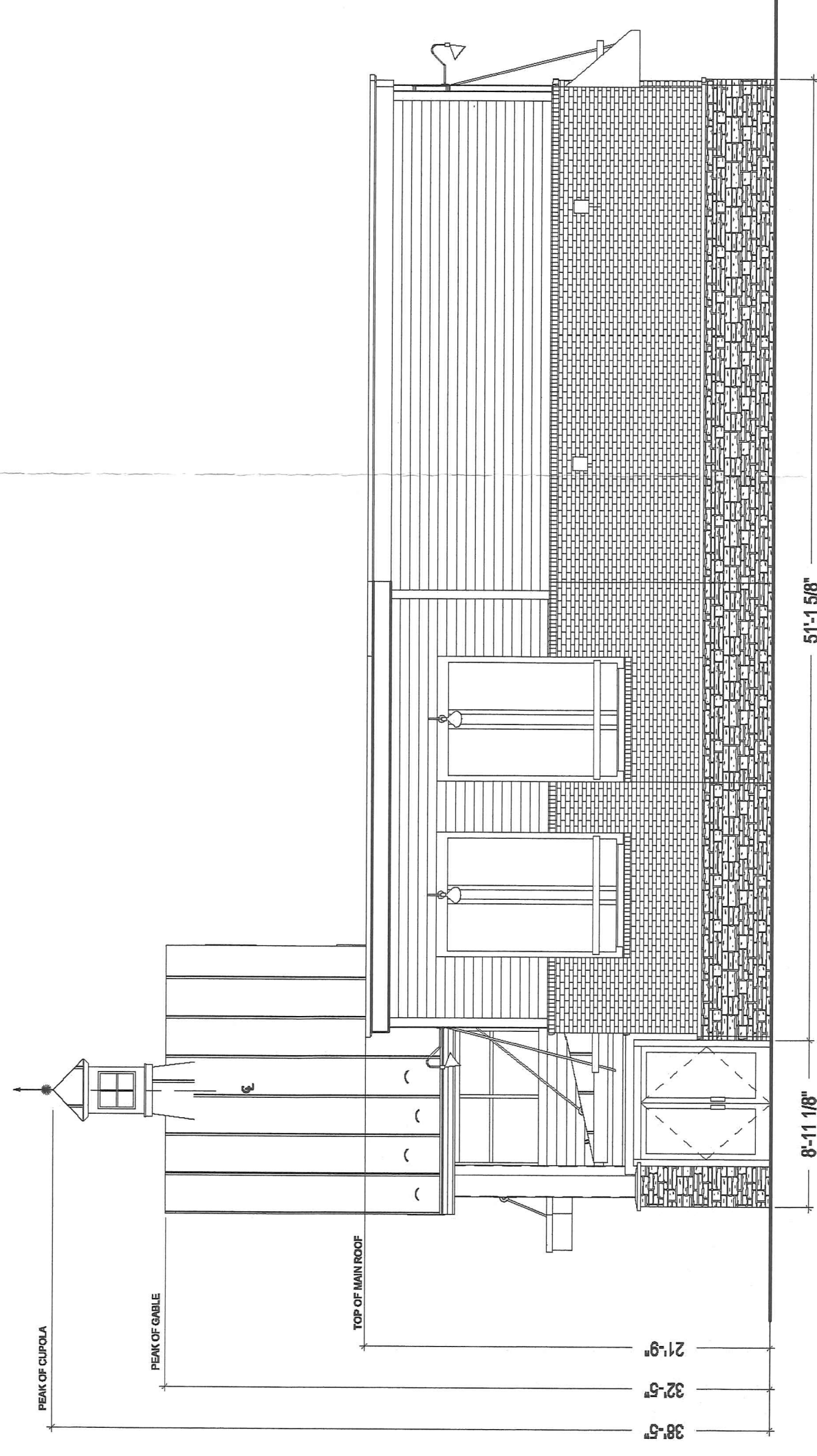
ROYAL FARMS CAR WASH SIDE ELEVATION



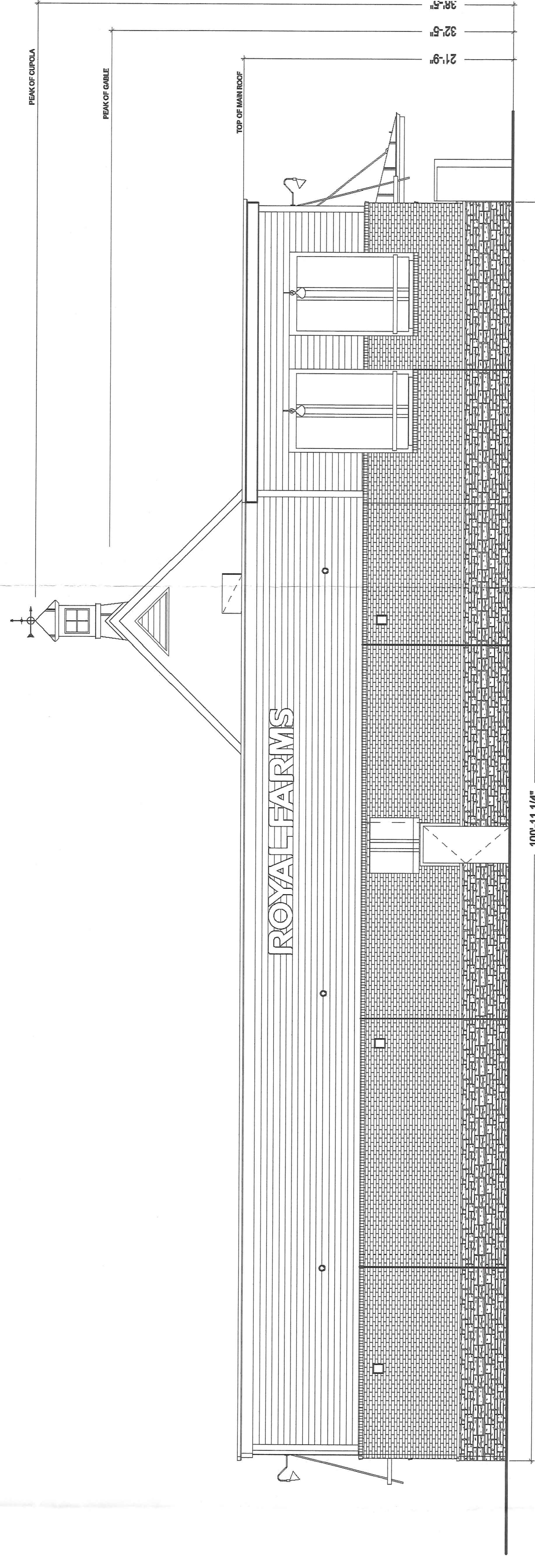
ROYAL FARMS FUEL CANOPY SIDE ELEVATION



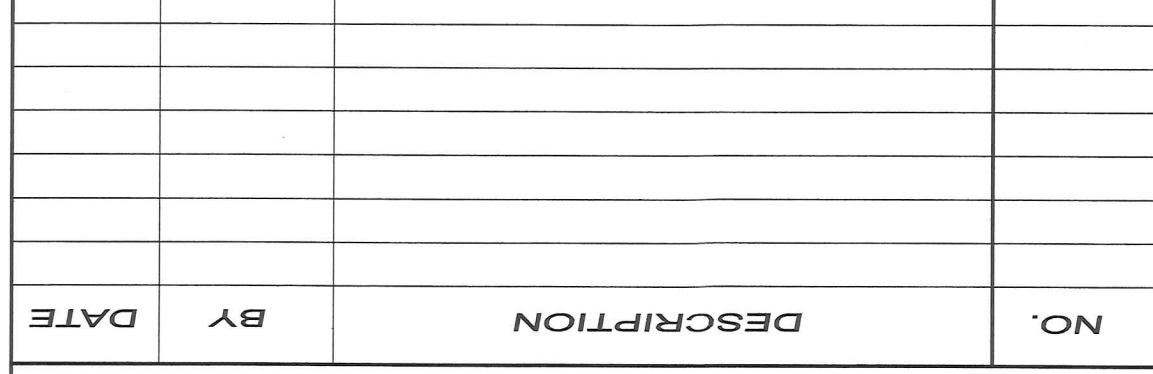
ROYAL FARMS FUEL CANOPY FRONT ELEVATION



ROYAL FARMS RIGHT SIDE ELEVATION



ROYAL FARMS REAR ELEVATION



RATCLIFFE ARCHITECTS
10404 Stevenson Road
Stevenson, Maryland 21153
410-484-7010 • Fax 410-484-3819 • info@ratcliffearchitects.com

Owner/Developer: Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 889-0200



S WARFIELD
Consulting Engineers
954 Ridgebrook Road, Suite 120
Sparks, Maryland 21152
PHONE 410.683.7004 FAX 410.683.1792
www.mattswarfield.com

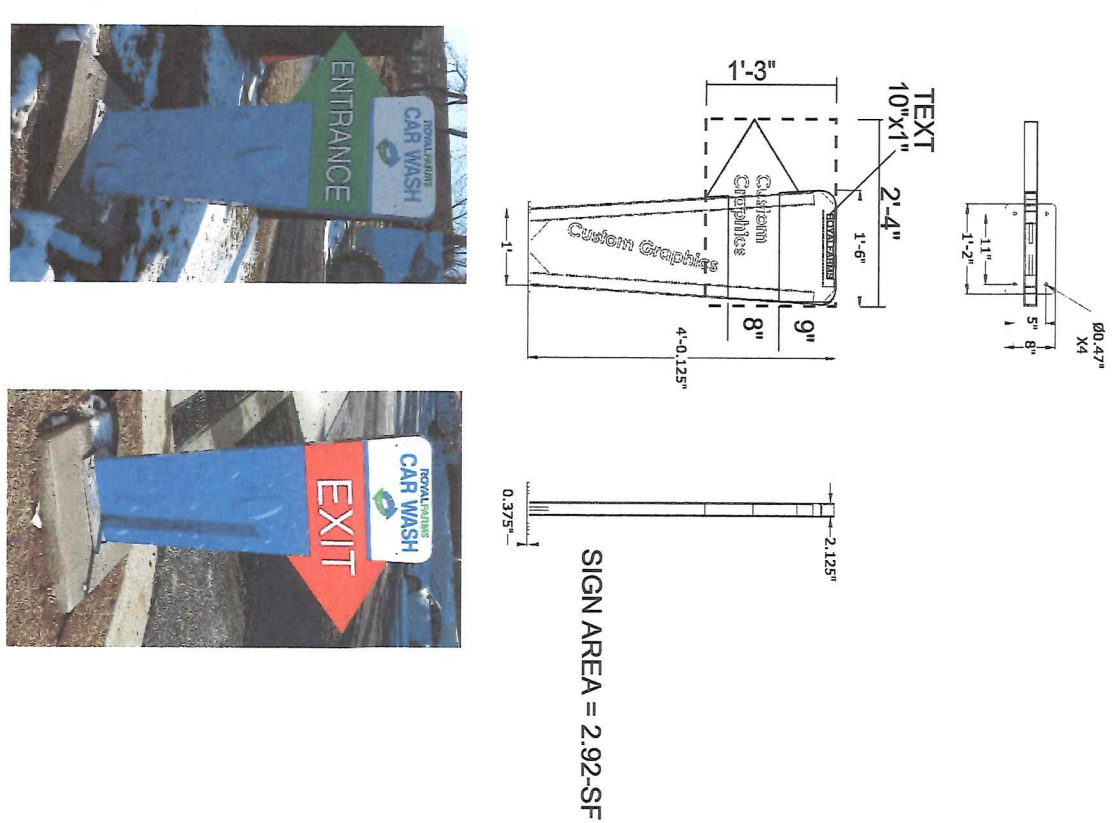
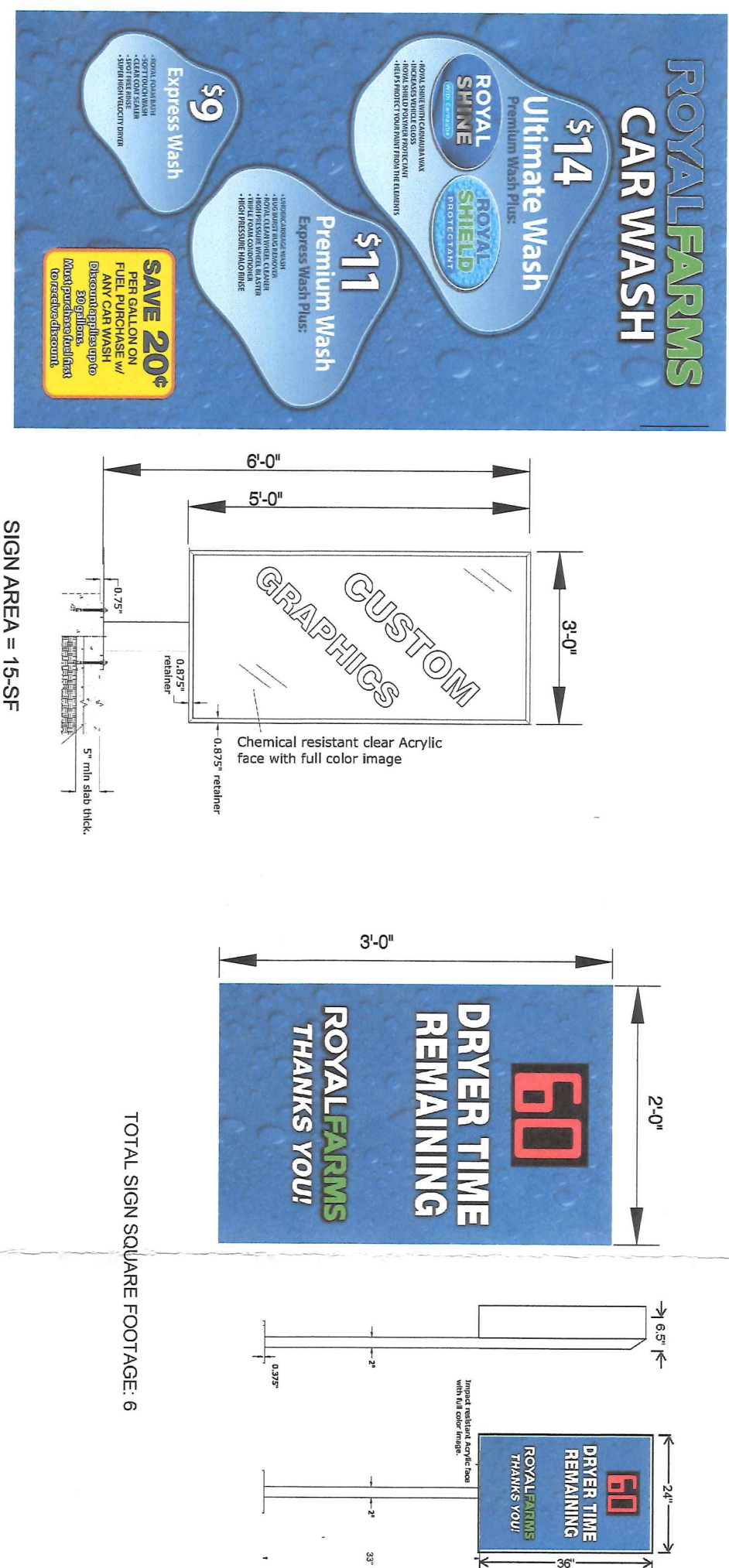
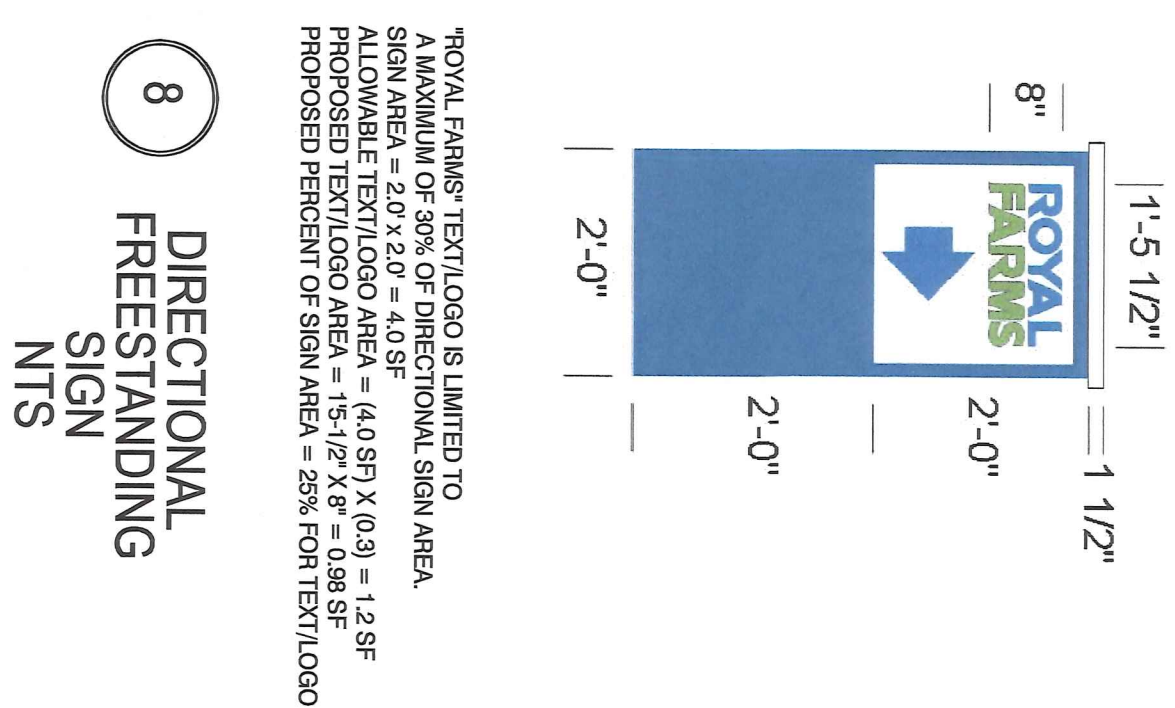
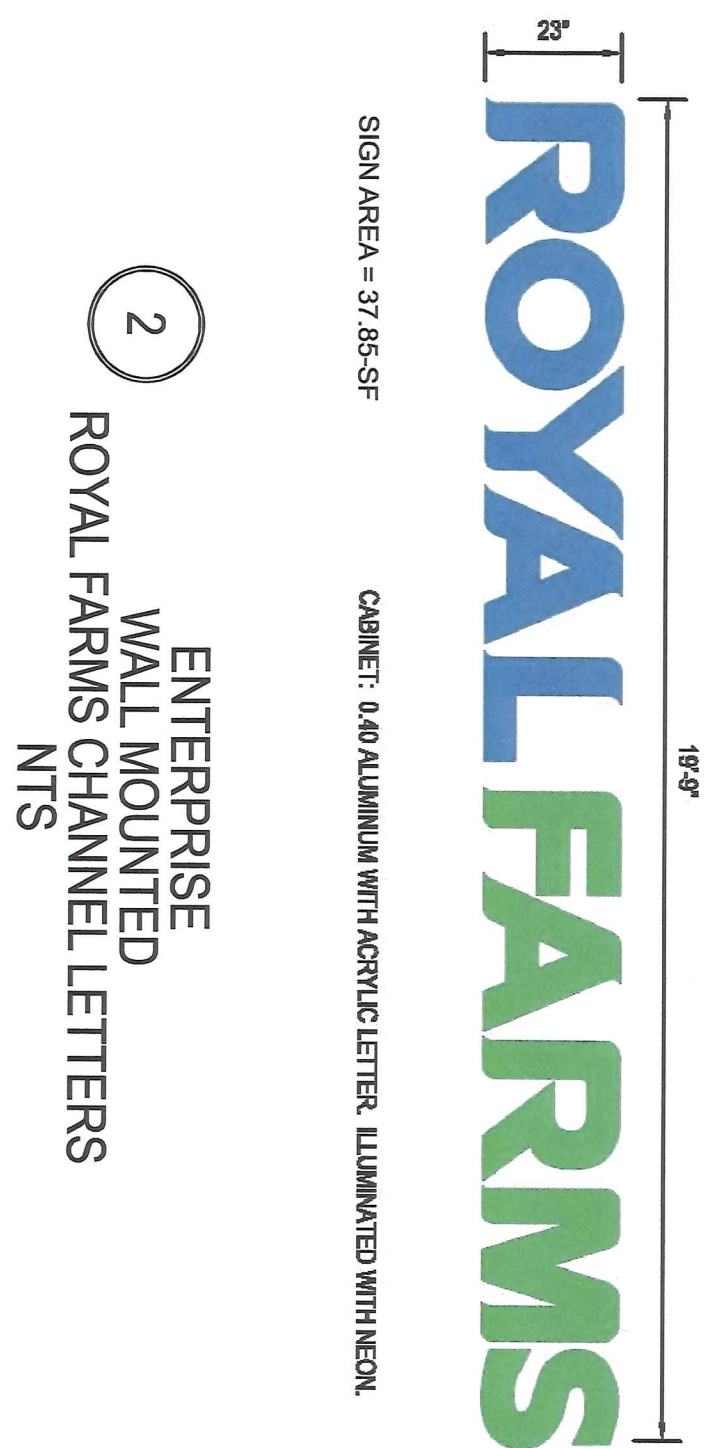
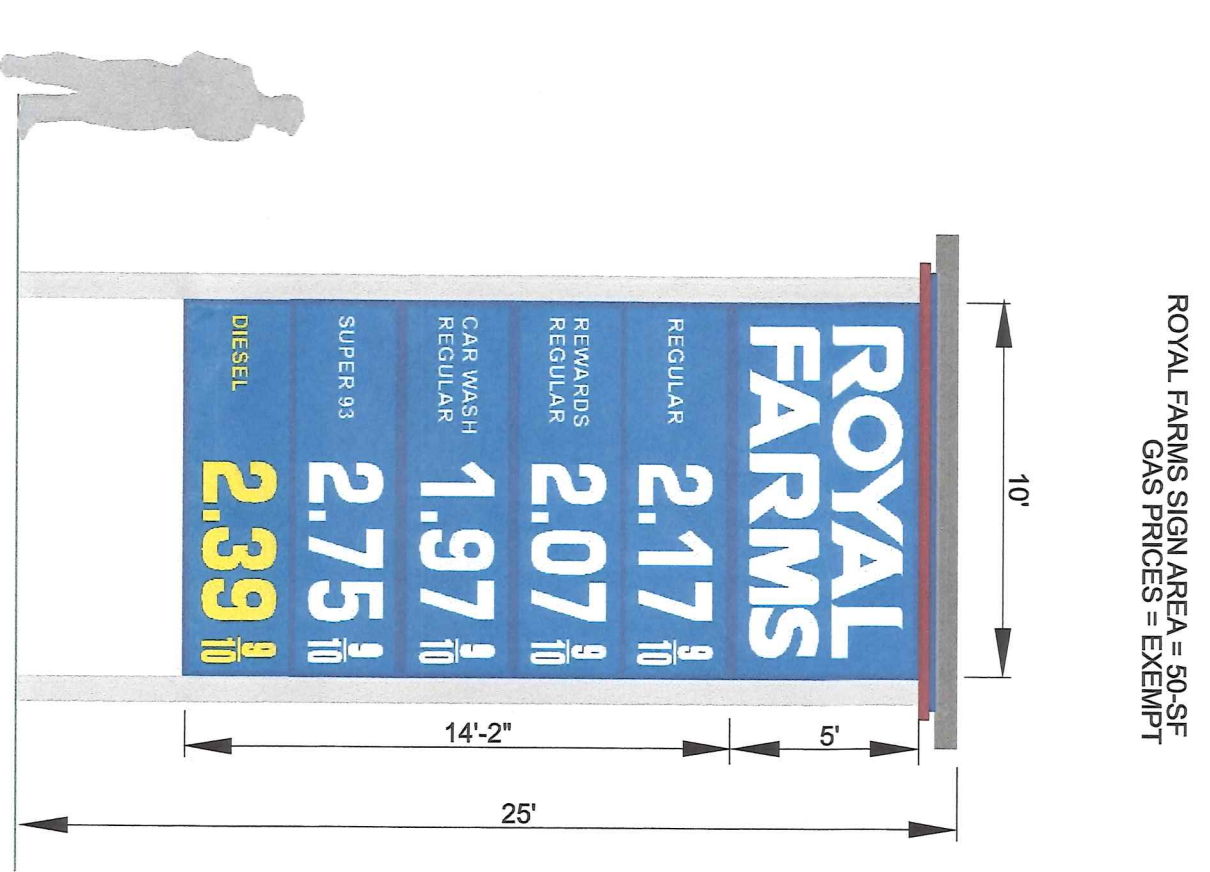
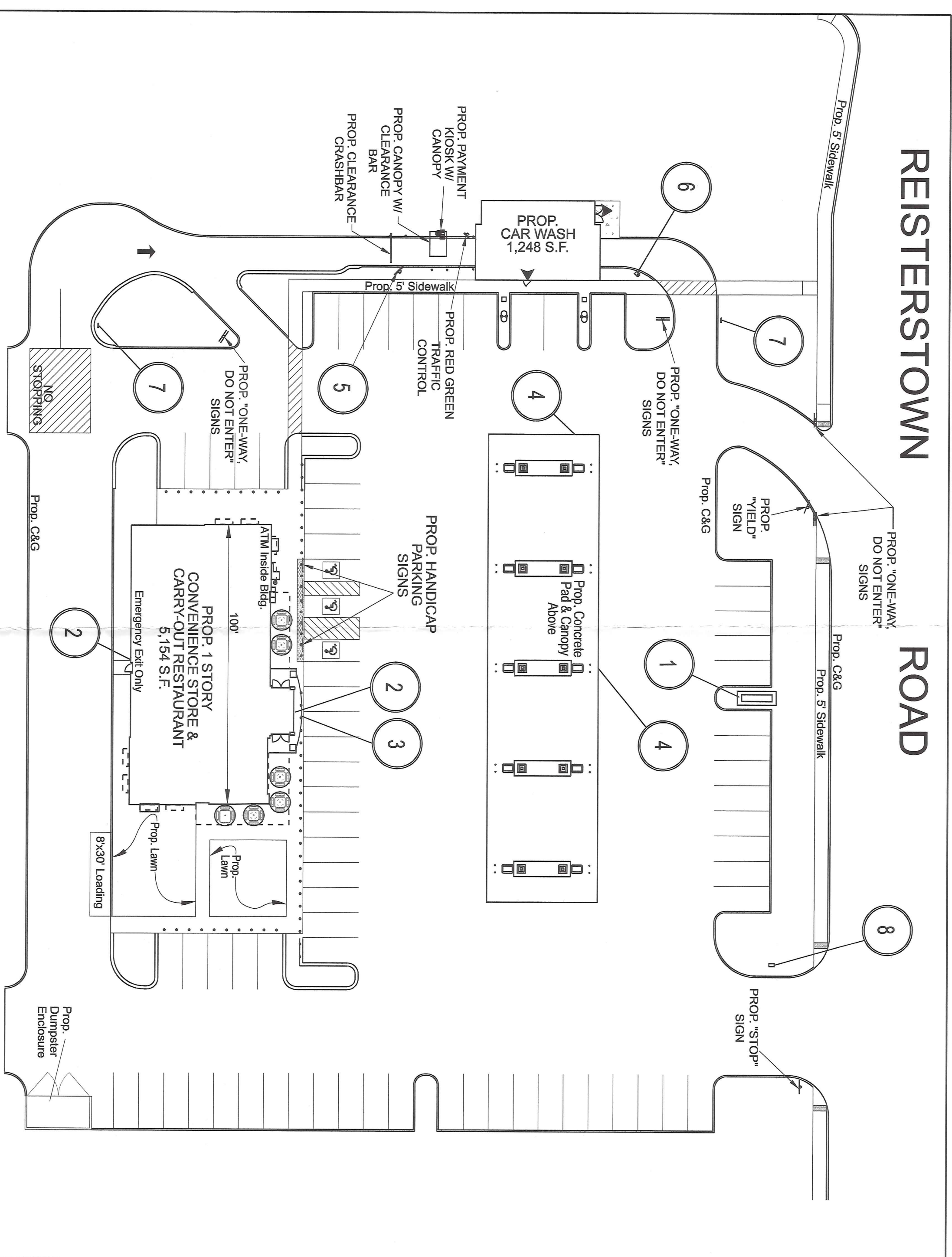
25

PAI #3-0513

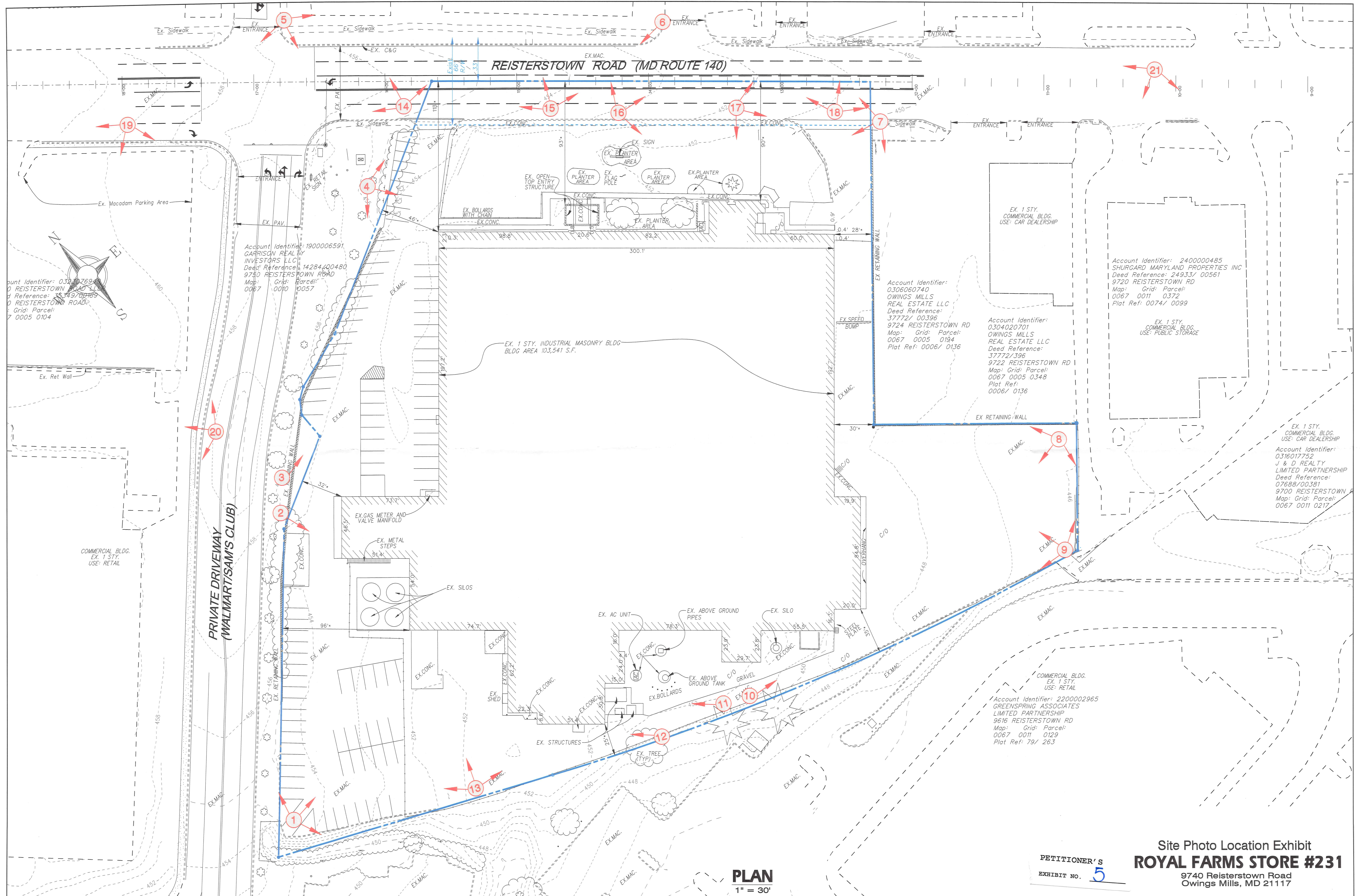
Revised Plan to Accompany Petition for a Special Exception

ROYAL FARMS STORE #231

Election District 3
Councilmanic District 2
Scale: As Shown

[illegible]

NO.	DESCRIPTION	BY	DATE



Account Identifier: 0320076940
0 REISTERSTOWN ROAD LLC
Deed Reference: 1549/0089
0 REISTERSTOWN ROAD
Map: Grid: Parcel:
0005 0104

Account Identifier: 1900006591
GARRISON REALTY
INVESTORS LLC
Deed Reference: 14284/00480
9750 REISTERSTOWN ROAD
Map: Grid: Parcel:
0067 0010 0057

EX. 1 STY. INDUSTRIAL MASONRY BLDG
BLDG AREA 103,541 S.F.

Account Identifier:
0306060740
OWINGS MILLS
REAL ESTATE LLC
Deed Reference:
37772/ 00396
9724 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0005 0194
Plat Ref: 0006/ 0136

Account Identifier:
0304020701
OWINGS MILLS
REAL ESTATE LLC
Deed Reference:
37772/396
9722 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0005 0348
Plat Ref: 0006/ 0136

Account Identifier: 2400000485
SHURGARD MARYLAND PROPERTIES INC
Deed Reference: 24933/ 00561
9720 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0011 0372
Plat Ref: 0074/ 0099

EX. 1 STY.
COMMERCIAL BLDG.
USE: CAR DEALERSHIP
Account Identifier:
0316017752
J & D REALTY
LIMITED PARTNERSHIP
Deed Reference:
07688/00381
9700 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0011 0217

Account Identifier: 2200002965
GREENSPRING ASSOCIATES
LIMITED PARTNERSHIP
9616 REISTERSTOWN RD
Map: Grid: Parcel:
0067 0011 0129
Plat Ref: 79/ 263

Site Photo Location Exhibit
ROYAL FARMS STORE #231
9740 Reisterstown Road
Owings Mills, MD 21117

PETITIONER'S
EXHIBIT NO. **5**

PLAN
1" = 30'