IN RE: PETITION FOR VARIANCE (1601 Joppa Road) 9th Election District 5th Council District Harbor Realty, LLC *Legal Owner* Petitioner	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2017-0203-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Harbor Realty, LLC, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from § 405.4.A.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") for an auto service station site area of 22,320 sq. ft. in lieu of the 24,392 sq. ft. A site plan was marked as Petitioner's Exhibit 1.

Wayne Newton, Marvin A. Comor, II and Jesse Newman appeared in support of the petition. Dino La Fiandra, Esq., represented the Petitioner. There were no protestants or interested citizens in attendance. 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) and the Bureau of Development Plans Review (DPR). Neither agency opposed the requests.

The property is approximately 23,427 sq. ft. and is zoned BL-AS. A fuel service station and service garage has for many years been operated at the site. Due to a change in the industry and consumer preference, automotive repair facilities are less frequently found in connection with gas stations. Instead, fuel service stations now often have a convenience store on site, and that is what Petitioner proposes in this case.

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

(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 property has an irregular shape, and Petitioner must contend with long-existing site conditions. As such, the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to operate the proposed convenience store. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this **24th** day of **April, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to § 405.4.A.1 of the B.C.Z.R. for an auto service station site area of 22,320 sq. ft. in lieu of the 24,392 sq. ft., be and is hereby GRANTED.

The relief granted herein shall be subject to 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. Petitioner must provide landscaping at the site as determined in the sole discretion of the Baltimore County Landscape Architect.

ORDER RECEIVED FOR FILING

Date 4-24-17

By DW

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:dlw

ORDER RECEIVED FOR FILING

Date 4-24-17

By DW

KEVIN KAMENETZ
County Executive

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

April 24, 2017

Dino La Fiandra, Esq.
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

RE: Petition for Variance
Property: 1601 Joppa Road
Case No. 2017-0203-A

Dear Mr. La Fiandra:

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,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1601 Joppa Road **which is presently zoned** BL-AS

Deed References: 24518/197 10 Digit Tax Account # 0 9 0 1 5 0 0 1 5 1

Property Owner(s) Printed Name(s) Harbor Realty, LLC

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

3. X **a Variance** from Section(s)
405.4.A.1 for a site area of 22320 square feet in lieu of 24392 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

Legal Owners (Petitioners):

Harbor Realty, LLC
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 By: John Phelps, Member
Signature # 2

2700 Loch Raven Blvd., Baltimore Maryland
Mailing Address City State

21286 410-261-5400
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino La Fiandra, Esquire Pessin Katz Law, P.A.
Name- Type or Print

Signature

901 Dulaney Valley Rd., Ste. 500 Towson, Maryland
Mailing Address City State

21204 410-938-8800 dlafiandra@pklaw
Zip Code Telephone # Email Address

Representative to be contacted:

Dino La Fiandra, Esquire, Pessin Katz Law, P.A.
Name – Type or Print

Signature

901 Dulaney Valley Rd., Ste. 500, Towson Maryland
Mailing Address City State

21204 410-938-8800 dlafiandra@pklaw.com
Zip Code Telephone # Email Address

CASE NUMBER 2017-0203-A **Filing Date** 2/2/17 **Do Not Schedule Dates:** 4/7-4/18 2017 **Reviewer** SD

REV. 10/4/11

ORDER RECEIVED FOR FILING

Date 4-24-17

By DW

ZONING PROPERTY DESCRIPTION FOR 1601 JOPPA ROAD

BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of East Joppa Road, which is 66' wide at the distance of 131' east of the centerline of the nearest improved intersecting street, Pleasant Plains Road, which is 66' wide.

Thence the following courses and distances,

1. S23° 21' 55"E, 110.32'
2. S36° 17' 07"E, 11.28'
3. S11° 53' 10"W, 19.74'
4. S82° 27' 09"W, 161.74
5. N72° 30' 43"W, 52.22'
6. N24° 01' 52"E, 114.33'
7. Curve to right, Radius 27.50', arc length 27.46', chord N52° 38' 14"E, 26.33'
8. N81° 14' 35"E, 97.43' back to the point of beginning as recorded in Deed Liber 24518, Folio 197, containing 22,320 square feet or 0.51 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, 2019.

STATE OF MARYLAND
MICHAEL J. GATES
No. 21240
PROFESSIONAL LAND SURVEYOR

Item #0203

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

№ 148650

Date: 2/2/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$1000 —

Total: $1000 —

Rec From: Harbor Realty LLC

For: zoning hearing — CASE # 2017-0203 A

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/02/2017	2/02/2017	10:23:59	3

REG WS03 WALKIN CAM
>>RECEIPT # 714804 2/02/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CK NO. 148650
Recpt Tot $1,000.00
$1,000.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

THE BALTIMORE SUN MEDIA GROUP

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 4860386

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:

Mar 30, 2017

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2017-0203-A
1601 Joppa Road
S/s E Joppa Road, 131 ft. E/of centerline of Pleasant Plains Road
9th Election District - 5th Councilmanic District
Legal Owner(s) Harbor Realty, LLC
Variance: for an auto service station site area of 22320 sq. ft. in lieu OF 24392 sq. ft. otherwise required.
Hearing: Friday, April 21, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

3/210 March 30 4860386

CERTIFICATE OF POSTING

RE: Case No.: 2017-0203-A

Petitioner/Developer: Harbor Realty, LLC.

Date of Hearing/Closing: April 21, 2017

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

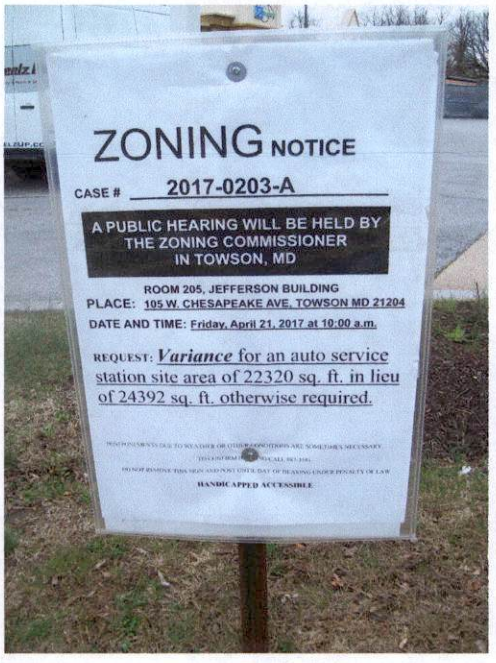
Attn: Kristen Lewis:

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:

1601 Joppa Road

The sign(s) were posted on March 30, 2017
(Month, Day, Year)



Sincerely,

March 30, 2017

(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, March 30, 2017 Issue - Jeffersonian

Please forward billing to:
Dino LaFiandra 410-938-8800
PK Law
901 Dulaney Valley Road, 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: 2017-0203-A
1601 Joppa Road
S/s E Joppa Road, 131 ft. E/of centerline of Pleasant Plains Road
9th Election District – 5th Councilmanic District
Legal Owners: Harbor Realty, LLC

Variance for an auto service station site are of 22320 sq. ft. in lieu OF 24392 sq. ft. otherwise required.

Hearing: Friday, April 21, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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

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

KEVIN KAMENETZ
County Executive

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

March 21, 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: 2017-0203-A
1601 Joppa Road
S/s E Joppa Road, 131 ft. E/of centerline of Pleasant Plains Road
9th Election District – 5th Councilmanic District
Legal Owners: Harbor Realty, LLC

Variance for an auto service station site are of 22320 sq. ft. in lieu OF 24392 sq. ft. otherwise required.

Hearing: Friday, April 21, 2017 at 10:00 a.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
Harbor Realty, LLC, 2700 Loch Raven Blvd., Baltimore 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 31, 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.

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: 2017-0203-A

Property Address: 1601 Joppa Rd Towson MD 21286

Property Description: south side of E. Joppa Rd, +/-131' east of centerline Pleasant Plains Rd

Legal Owners (Petitioners): Harbor Realty LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. Lafiandra

Company/Firm (if applicable): PK Law.

Address: 901 Dulaney Valley Rd
Suite 500
Towson MD 21204

Telephone Number: 410 938 8800

Revised 7/9/2015

KEVIN KAMENETZ
County Executive

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

April 12, 2017

Harbor Realty LLC
John Phelps
2700 Loch Raven Boulevard
Baltimore MD 21286

RE: Case Number: 2017-0203 A, Address: 1601 Joppa Road

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 February 2, 2017. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Dino La Fiandra, Esquire, 901 Dulaney Valley Road, Suite 500, Towson MD 21204

MARYLAND DEPARTMENT OF TRANSPORTATION
State Highway Administration

Larry Hogan, **Governor**
Boyd K. Rutherford, **Lt. Governor**
Pete K. Rahn, **Secretary**
Gregory C. Johnson, P.E., **Administrator**

Date: 3/20/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2017-0203-A
Variance
Harbor Realty, LLC, John Phelps, Member
1601 Joppa Road.

Should you have any questions regarding this matter, please contact Mr. 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,

Richard Zeller

for Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/5/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-203

INFORMATION:
Property Address: 1601 E Joppa Road
Petitioner: Harbor Realty, LLC
Zoning: BL-AS
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow a fuel service station in combination with a convenience store to have a site area of 22,320 square feet in lieu of the required 24, 392 square feet.

A site visit was conducted on March 23, 2017. The site is located within the Loch Raven Commercial Revitalization Area and the Loch Raven-Baynesville Design Review Panel (DRP) Area. The proposal does not require review by the DRP.

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

- Details for any new signage shall be provided to the Department to the attention of the contact person listed below prior to issuance of a use and occupancy permit.
- Enhance the landscaping of the site by providing shrubbery and planters along the Joppa Road frontage and in the area on the east where paving is to be removed.
- Revise the submitted site plan to remove relief sought for a special exception and correct the "in lieu" area calculation.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka
c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino La Fiandra, Esquire, Pessin Katz Law, P.A.
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED
MAY 01 2017

s:\planning\dev rev\zac\zacs 2017\17-203.docx

4-21

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/5/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-203

RECEIVED
APR 06 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 1601 E Joppa Road
Petitioner: Harbor Realty, LLC
Zoning: BL-AS
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow a fuel service station in combination with a convenience store to have a site area of 22,320 square feet in lieu of the required 24, 392 square feet.

A site visit was conducted on March 23, 2017. The site is located within the Loch Raven Commercial Revitalization Area and the Loch Raven-Baynesville Design Review Panel (DRP) Area. The proposal does not require review by the DRP.

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

- Details for any new signage shall be provided to the Department to the attention of the contact person listed below prior to issuance of a use and occupancy permit.
- Enhance the landscaping of the site by providing shrubbery and planters along the Joppa Road frontage and in the area on the east where paving is to be removed.
- Revise the submitted site plan to remove relief sought for a special exception and correct the "in lieu" area calculation.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka
c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino La Fiandra, Esquire, Pessin Katz Law, P.A.
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2017\17-203.docx

4-21

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: March 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0203-A
Address 1601 Joppa Road
(Harbor Realty, LLC Property)

Zoning Advisory Committee Meeting of **March 20, 2017**.

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

Reviewer: Steve Ford Date: 3-17-17

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 17-0203-A 1601 Joppa Road.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 21, 2017

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

DAK

SUBJECT: Zoning Advisory Committee Meeting
For March 20, 2017
Item No. 2017-0203

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

If special exemption is granted, Lighting and Landscape Plans are required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0203-03202017.doc

RE: PETITION FOR VARIANCE 1601 E. Joppa Road; S/S of E. Joppa Road, 131' E of c/line of Pleasant Plains Road 9th Election & 5th Councilmanic Districts Legal Owner(s): Harbor Realty, LLC Petitioner(s)	*	BEFORE THE OFFICE
	*	OF ADMINSTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	2017-203-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 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

M E M O R A N D U M

DATE: May 25, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0203-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 24, 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

PASSED December 19, 2016
ENROLLED January 3, 2017
ENACTED February 18, 2017

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 20

Bill No. 87-16

Councilmembers Marks, Quirk, Almond & Jones

By the County Council, November 21, 2016

A BILL
ENTITLED

AN ACT concerning

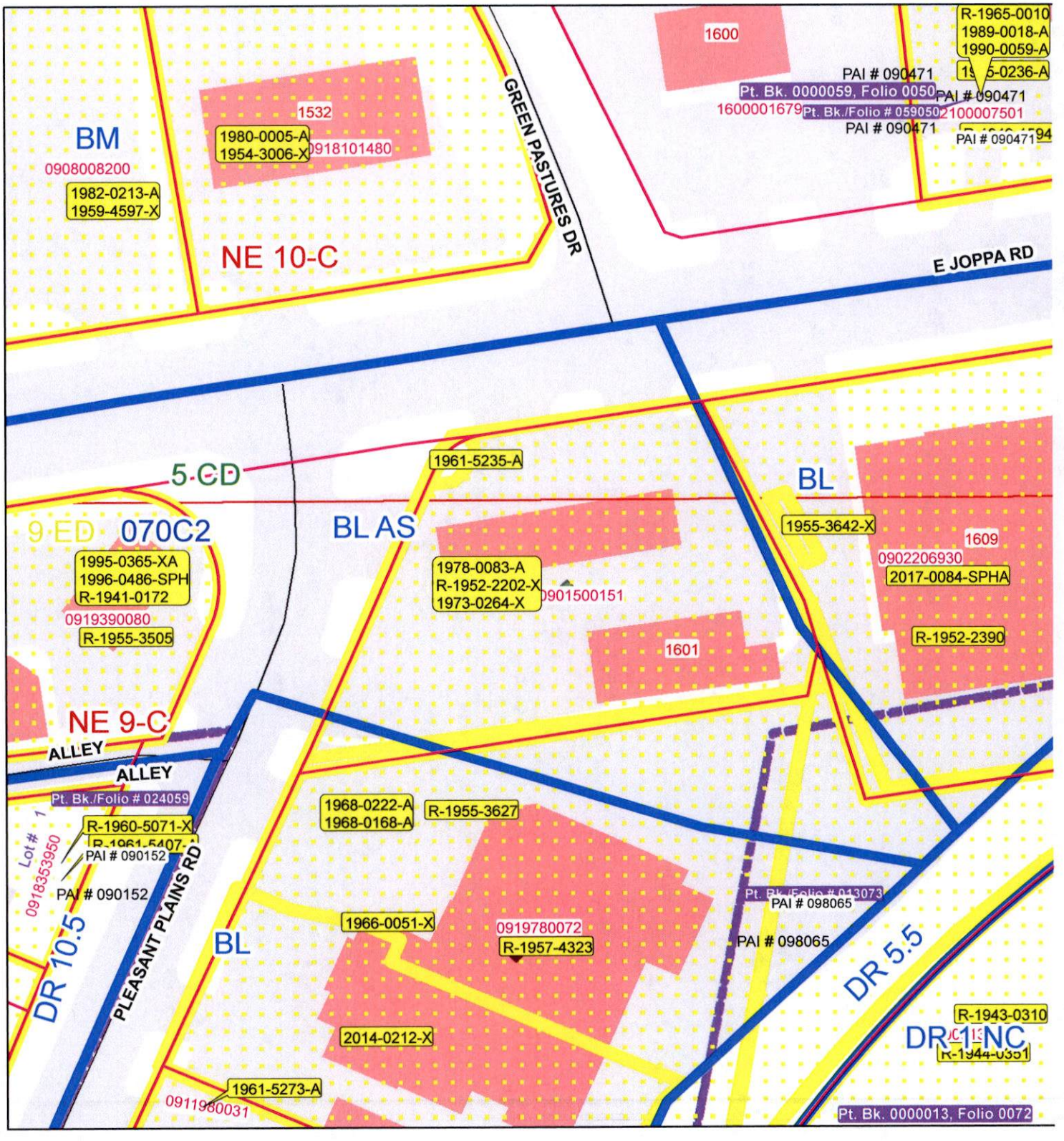
Convenience Stores

FOR the purpose of amending the definition of a convenience store by increasing the permitted gross floor area of a convenience store; permitting a fuel service station within a certain distance of certain residentially-zoned property under certain conditions; permitting a fuel service station in a planned shopping center if at least a certain portion is under construction; permitting a combination of a convenience store and a carry-out restaurant as an ancillary use in conjunction with a fuel service station; amending the minimum site area requirement for a convenience store and carry-out restaurant in combination with a fuel service station; and generally relating to fuel service stations and convenience stores.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

13221890-v1

1601 East Joppa Road



Publication Date: 1/30/2017

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

N W E S

0 15 30 60 90 120 Feet

1 inch = 60 feet

Item #0203

PLEASE PRINT CLEARLY

CASE NAME 2017-0203-A
CASE NUMBER 1601 Joppa Rd
DATE 4/21/17

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DINOLA Fiandra	6901 Dulaney Valley Rd #300	Towson 21204	dlafiandra@pklaw.com
WAYNE Newton	7 Old Solomons Isl. Rd #202	Annapolis 21401	wayne@Maslick and associates
Marvin A. Comer II	2700 Loch Raven Rd	Balto. 21218	art.comer@carrollfirm.net
Jesse Newman	2700 Loch Raven Rd	Baltimore 21218	jesse.newman@carrollfi

4/21
10 Am

Case No.: 2017-0203-A - 1601 Joppa Rd.

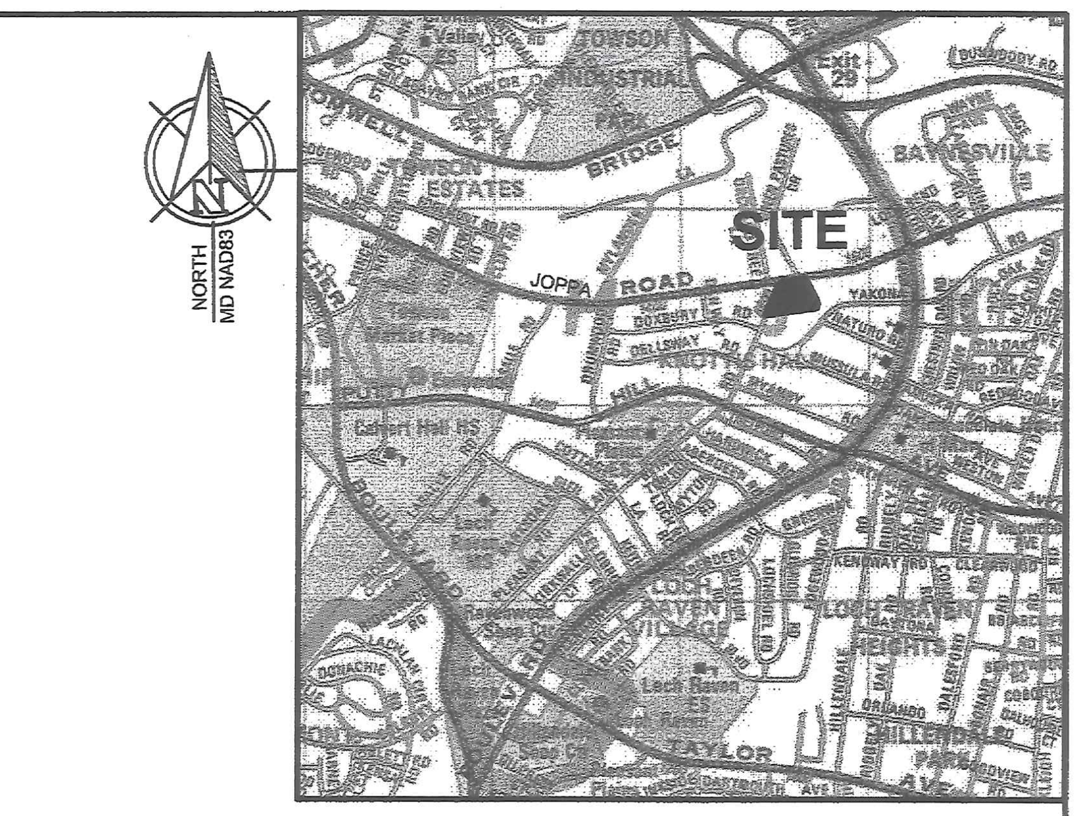
Exhibit Sheet

DW
5-25-17

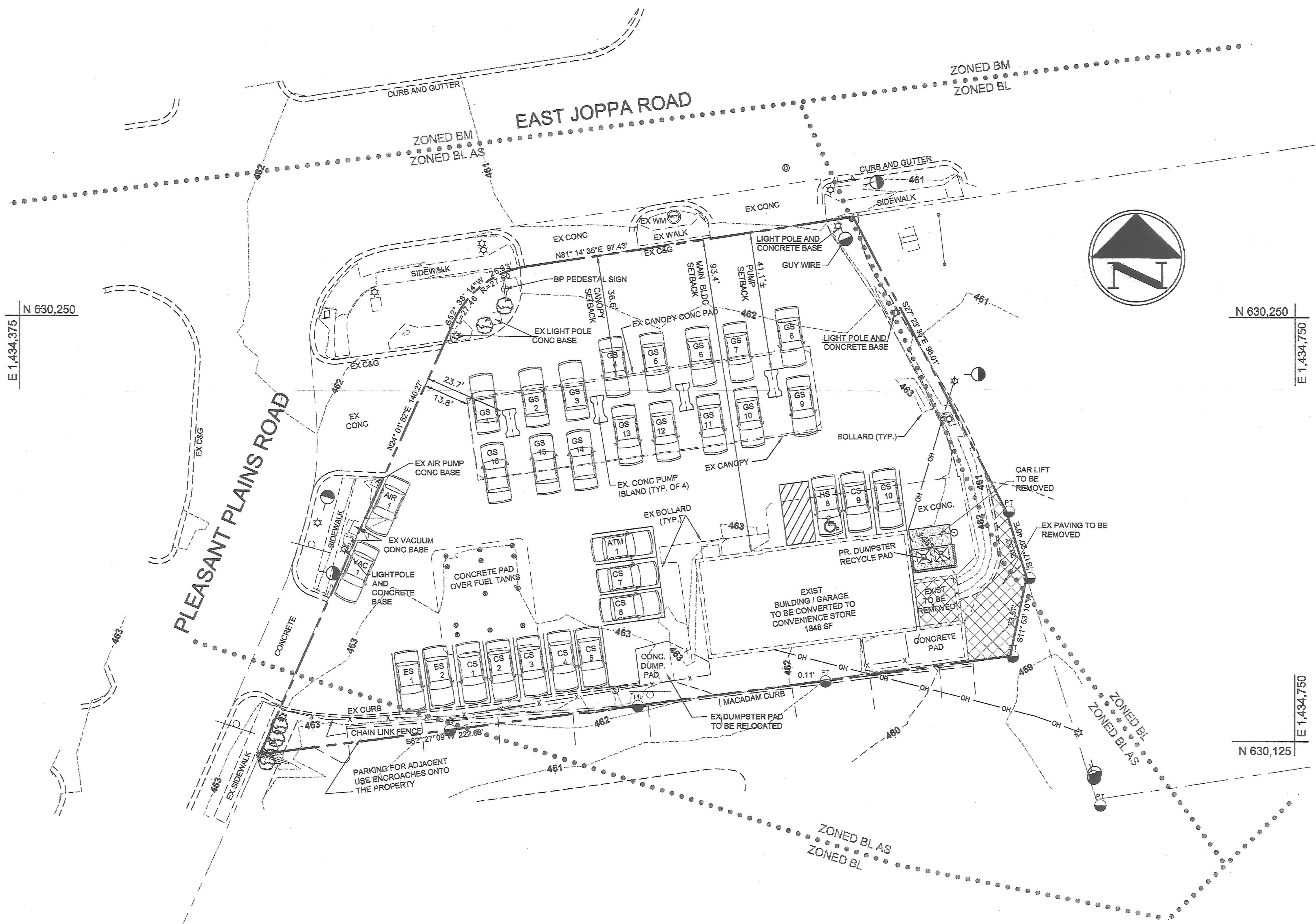
Petitioner/Developer

Protestants A-24-17
DW

No. 1	Redline Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



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



SCALE: = 1" = 20'

#2017-0203-XA

SITE DATA TABLE AND GENERAL NOTES

EXISTING USE: FUEL SERVICE AND SERVICE GARAGE
PROPOSED USE: FUEL SERVICE STATION AND CONVENIENCE STORE

OWNER : HARBOR REALTY, LLC
2700 LOCH RAVEN ROD
BALTIMORE, MARYLAND 21286
DEED: 24518; 197
TAX ACCOUNT #09-0901500151
ZONE AND ACREAGE IN ZONE: BL-AS ZONE...... 22,320 SQ. FT. (0.51 AC.) map 070C2
TOTAL SITE ...... 23,427 SQ. FT. (0.65 AC.)

ZONING CASE HISTORY:

CASE NO. R-1952-2202-X: RECLASSIFICATION FROM "A" RESIDENTIAL ZONE TO "E" COMMERCIAL ZONE AND A SPECIAL PERMIT FOR A GASOLINE FUELING STATION. GRANTED BY THE ZONING COMMISSIONER ON NOVEMBER 4, 1952.

CASE NO.73-264-X: SPECIAL EXCEPTION FOR A CAR WASH AS A USE IN COMBINATION WITH A SERVICE STATION. GRANTED BY THE ZONING COMMISSIONER ON JUNE 15,1973. AFFIRMED BY THE BOARD OF APPEALS ON FEBRUARY 22, 1974. THIS CASE INCLUDES AN APPROVED ZONING SITE PLAN.

CASE NO. 78-83-A: VARIANCE FOR SIDE YARD SETBACK OF 15 FEET IN LIEU OF 30 FEET OTHERWISE REQUIRED. GRANTED BY THE ZONING COMMISSIONER ON NOVEMBER 4, 1977. THIS CASE INCLUDES AN APPROVED ZONING SITE PLAN.

AGE OF BUILDING...........47 YEARS (PRIMARY STRUCTURE BUILT IN 1969)

GROSS FAR........................0.08 FAR (1848 ÷23,427 SQ. FT.)

BUILDING HEIGHT............. 15 FT ±

AREA OF PROPOSED C-STORE: 1848 SQ. FT

PARKING SPACES REQUIRED: 3 SPACES / 1000 S.F. GROSS FLOOR AREA FOR
CONVENIENCE STORE..6 SPACES
1 SPACE / EMPLOYEE ON LARGEST SHIFT...............2 SPACES
1 SPACE FOR AIR DISPENSER.................................1 SPACE
1 SPACE FOR VACUUM...1 SPACE
1 SPACE FOR ATM..1 SPACE
TOTAL SPACES...12 SPACES

PARKING SPACES PROVIDED: EMPLOYEE SPACES (ES)..2 SPACES
ATM SPACES (ATM)..1 SPACE
CUSTOMER SERVICES (CS)..9 SPACES
VACUUM SPACE. (VAC)...1 SPACE
AIR DISPENSER SPACE (AIR)......................................1 SPACE
TOTAL SPACES..14 SPACES

STACKING SPACES REQUIRED: 8 GAS DISPENSERS (GS) x 2..................................16 SPACES
TOTAL STACKING REQUIRED...............................16 SPACES

STACKING SPACES PROVIDED: 8 GAS DISPENSERS (GS) x 2..................................16 SPACES
TOTAL STACKING PROVIDED...............................16 SPACES

SITE AREA REQUIRED: 1500 x8 FUEL SERVICES SPACES..12,000 SQ. FT. (15,000 MIN)
+1848 SQ.FT. CONVENIENCE x 4..7,392 SQ.FT.
+1000 SQ.FT...1,000 SQ. FT.
+1000 S.F. FOR ATM..1,000 SQ. FT.
MINIMUM SITE AREA REQUIRED..24,392 SQ. FT.
SITE AREA PROVIDED (WITHIN BL-AS ZONE)..........................22,320 SQ. FT.*

SETBACKS:..................35 FT. FROM R/W TO MAIN BUILDING REQUIRED
93.FT. FROM R/W TO MAIN BUILDING PROVIDED
25 FT. FROM R/W TO PUMP REQUIRED
23 FT. FROM R/W TO PUMP PROVIDED **
15 FT. FROM R/W TO CANOPY REQUIRED
13 FT. FROM R/W 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 22,320 SQ.FT. IN LIEU OF 22,320 SQ.FT. OTHERWISE REQUIRED.

9th Election District
5th Councilmanic District

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

MESSICK & ASSOCIATES
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 *
FAX (410) 266-3502
email: info@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

WAYNE ALAN NEWTON
No. 21591
2/1/17

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: 5/14/2017

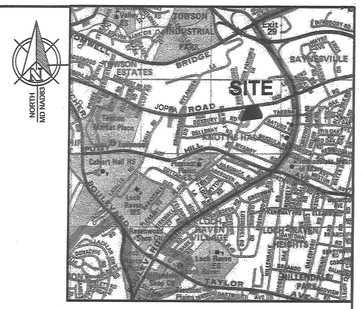
OWNER
HARBOR REALTY, LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218
DEVELOPER
CARROLL INDEPENDENT FUELS
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

SPECIAL EXCEPTION SITE PLAN

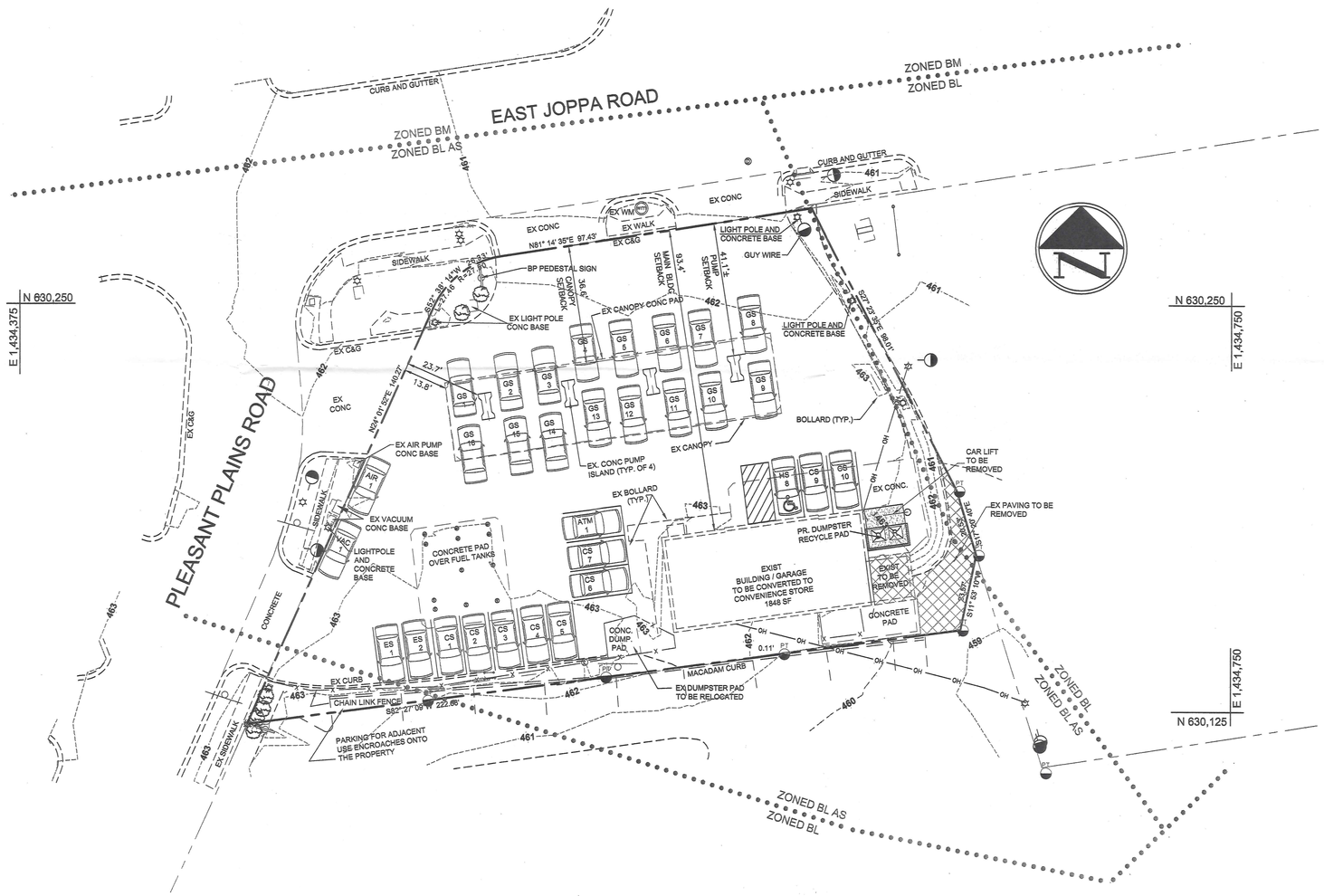
CARROLL MOTOR FUELS
@ 1601 JOPPA ROAD

TAX MAP: 70 GRID: 17 PARCEL: 1 ZONED: BL AS
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JANUARY, 2017 SHEET: 1 OF 1

February 2017 FILE: G:\BAL CO\16-0991 CMF Joppa Road\JOPPA BASE.dwg



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



SCALE: = 1" = 20'

SITE DATA TABLE AND GENERAL NOTES

EXISTING USE: FUEL SERVICE AND SERVICE GARAGE
PROPOSED USE: FUEL SERVICE STATION AND CONVENIENCE STORE

OWNER : HARBOR REALTY, LLC
2700 LOCH RAVEN ROD
BALTIMORE, MARYLAND 21286
DEED: 24518; 197
TAX ACCOUNT #09-0901500151
ZONE AND ACREAGE IN ZONE: BL-AS ZONE..... 22,320 SQ. FT. (0.51 AC.)
TOTAL SITE ..... 23,427 SQ. FT. (0.65 AC.)

ZONING CASE HISTORY:

CASE NO. R-1952-2202-X: RECLASSIFICATION FROM "A" RESIDENTIAL ZONE TO "E" COMMERCIAL ZONE AND A SPECIAL PERMIT FOR A GASOLINE FUELING STATION. GRANTED BY THE ZONING COMMISSIONER ON NOVEMBER 4, 1952.

CASE NO.73-284-X: SPECIAL EXCEPTION FOR A CAR WASH AS A USE IN COMBINATION WITH A SERVICE STATION. GRANTED BY THE ZONING COMMISSIONER ON JUNE 15,1973. AFFIRMED BY THE BOARD OF APPEALS ON FEBRUARY 22, 1974. THIS CASE INCLUDES AN APPROVED ZONING SITE PLAN.

CASE NO. 78-83-A: VARIANCE FOR SIDE YARD SETBACK OF 15 FEET IN LIEU OF 30 FEET OTHERWISE REQUIRED. GRANTED BY THE ZONING COMMISSIONER ON NOVEMBER 4, 1977. THIS CASE INCLUDES AN APPROVED ZONING SITE PLAN.

AGE OF BUILDING.....47 YEARS (PRIMARY STRUCTURE BUILT IN 1989)

GROSS FAR.....0.08 FAR (1848 ÷ 23,427 SQ. FT.)

BUILDING HEIGHT..... 15 FT ±

AREA OF PROPOSED C-STORE: 1848 SQ. FT

PARKING SPACES REQUIRED: 3 SPACES / 1000 S.F. GROSS FLOOR AREA FOR CONVENIENCE STORE.....6 SPACES
1 SPACE / EMPLOYEE ON LARGEST SHIFT.....2 SPACES
1 SPACE FOR AIR DISPENSER.....1 SPACE
1 SPACE FOR VACUUM.....1 SPACE
1 SPACE FOR ATM.....1 SPACE
TOTAL SPACES.....12 SPACES

PARKING SPACES PROVIDED: EMPLOYEE SPACES (ES).....2 SPACES
ATM SPACES (ATM).....1 SPACE
CUSTOMER SERVICES (CS).....9 SPACES
VACUUM SPACE. (VAC).....1 SPACE
AIR DISPENSER SPACE (AIR).....1 SPACE
TOTAL SPACES.....14 SPACES

STACKING SPACES REQUIRED: 8 GAS DISPENSERS (GS) x 2.....16 SPACES
TOTAL STACKING REQUIRED.....16 SPACES

STACKING SPACES PROVIDED: 8 GAS DISPENSERS (GS) x 2.....16 SPACES
TOTAL STACKING PROVIDED.....16 SPACES

SITE AREA REQUIRED: 1500 x8 FUEL SERVICES SPACES.....12,000 SQ. FT. (15,000 MIN)
+1848 SQ.FT. CONVENIENCE x 4.....7,392 SQ.FT.
+1000 SQ.FT.....1,000 SQ. FT.
+1000 S.F. FOR ATM.....1,000 SQ. FT.
MINIMUM SITE AREA REQUIRED.....24,392 SQ. FT.
SITE AREA PROVIDED (WITHIN BL-AS ZONE).....22,320 SQ. FT. *

SETBACKS:.....35 FT. FROM R/W TO MAIN BUILDING REQUIRED
93.FT. FROM R/W TO MAIN BUILDING PROVIDED
25 FT. FROM R/W TO PUMP REQUIRED
23 FT. FROM R/W TO PUMP PROVIDED **
15 FT. FROM R/W TO CANOPY REQUIRED
13 FT. FROM R/W 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 22,320 SQ.FT. IN LIEU OF ~~23,320~~ 24,392 SQ.FT. OTHERWISE REQUIRED.

PETITIONER'S EXHIBIT NO. 1

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

MESSICK & ASSOCIATES
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 *
FAX (410) 266-3502
email: info@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

STATE OF MARYLAND — WAYNE KAY MESSICK — No. 21591 — REGISTERED PROFESSIONAL ENGINEER — 2/1/17

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: 5/14/2017

OWNER
HARBOR REALTY, LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218
DEVELOPER
CARROLL INDEPENDENT FUELS
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

Variance
~~SPECIAL EXCEPTION~~ SITE PLAN

CARROLL MOTOR FUELS @ 1601 JOPPA ROAD

TAX MAP: 70 GRID: 17 PARCEL: 1 ZONED: BL AS
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JANUARY, 2017 SHEET: 1 OF 1

February 2017 FILE: G:\BAL CO\16-0991 CMF Joppa Road\JOPPA BASE.dwg