

IN RE: **PETITION FOR SPECIAL HEARING** * BEFORE THE
(14232 Jarrettsville Pike) *
10th Election District * OFFICE OF
3rd Council District *
Dogwood Management LLC * ADMINISTRATIVE HEARINGS
Legal Owner *
Casey Brooks * FOR BALTIMORE COUNTY
Contract Purchaser *
Petitioners * **Case No. 2017-0266-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Dogwood Management LLC, legal owner and Casey Brooks, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to approve a modified parking plan: (a) to permit 29 parking spaces in lieu of the 53 required spaces; (b) to permit landscaping for parking consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A, as is more particularly shown on the Plan to accompany this petition; and (c) to permit loading areas in areas also designated for parking; and (2) to permit landscaping consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A and to confirm that the proposed building addition is appropriate to the existing building and neighborhood.

Tony Petronelli, Adam Meissner and architect Tim Sanders appeared in support of the petition. Lawrence E. Schmidt, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development

ORDER RECEIVED FOR FILING

Date 6/8/17

By Sen

Plans Review (DPR).

The subject property is 38,235 square feet (0.88 acres) in size and zoned BL-CR, which is a rural, commercial district. The site is improved with an attractive commercial building with a stone façade. The building is 2,924 sq. ft. in size and is located in Jacksonville. A Royal Farm store was operated for many years at the site, and most recently the building was occupied by an equestrian tack shop. Petitioners propose to operate a restaurant, which would include construction of a 350 sq. ft. addition for storage, etc. The addition would be constructed at the rear of the building and would therefore not be visible from Jarrettsville Pike. Given the number of parking spaces required for a restaurant is greater than for a convenience store or retail enterprise, Petitioners require zoning relief.

The contract purchaser currently operates a restaurant in the Parkville area, but would like to relocate the business to the subject property. While it will operate as a normal restaurant in many respects (*e.g.*, 12 tables will be provided with seating for 30-40 patrons) a substantial portion of the business consists of off-site catering for parties, weddings, etc. As such, Petitioners believe the number of spaces proposed will be more than adequate for a restaurant which seats 40 customers, and the DOP concurred in its ZAC comment.

A second aspect of special hearing relief concerns the proposed loading area for the facility. Petitioners explained they will not have a marked and dedicated loading zone for the restaurant, as required by B.C.Z.R. § 409. Petitioners noted that deliveries would be made at times when the restaurant is closed or at other off-peak times. Tim Sanders, the architect who prepared the site plan, noted the restaurant will have an exterior access door leading to the refrigerated food storage area, and thus I believe deliveries can be safely and efficiently completed in the manner proposed.

ORDER RECEIVED FOR FILING

Date 6/8/17

By Sen

The final issue concerns landscaping and lighting for the site. Petitioners indicated they have removed from the plan the two (2) parallel parking spaces abutting the landscape island in the front of the property, as requested by the DOP. This will preserve an attractive green space with existing vegetation that adjoins Jarrettsville Pike. Excepting the small storage addition to be constructed, all that is taking place here is a change in use/occupancy. As such I do not believe Petitioners should be required to provide a landscape plan for the site, although the plan approved in 1992 should be revisited to ensure the site satisfies current standards. In addition, a new parking area will be created at the rear of the site, and landscaping and/or lighting will likely be required in connection therewith.

THEREFORE, IT IS ORDERED this 8th day of **June, 2017** by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) to approve a modified parking plan with 27 parking spaces in lieu of the 53 required spaces; (2) to determine that the proposed addition (350 sq. ft.) is appropriate and compatible with the neighborhood pursuant to B.C.C. §32-4-402; and (3) to permit loading areas in areas also designated for parking, be and is hereby GRANTED.

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must provide landscaping and lighting (primarily in the area where the new parking spaces will be located) as determined in the sole discretion of the Baltimore County landscape architect.
3. A minimum of 7% of the parking lot shall be pervious surface as required by B.C.Z.R. §259.3.

ORDER RECEIVED FOR FILING

Date 6/8/17

By ben

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date _____

By _____



KEVIN KAMENETZ
County Executive

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

June 8, 2017

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing
Case No. 2017-0266-SPH
Property: 14232 Jarrettsville Pike

Dear Mr. Schmidt:

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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
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 14232 Jarrettsville Pike

which is presently zoned BL CR

Deed References: 19863/00666

10 Digit Tax Account # 1016090080

Property Owner(s) Printed Name(s) Dogwood Management, 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

Please see attached.

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

3. ☐ a **Variance** from Section(s)

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

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:

Casey Brooks

Name- Type or Print

Signature

13825 Manor Road Baldwin MD

Mailing Address City State

21013

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Dogwood Management LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

14232 Jarrettsville Pike Phoenix MD

Mailing Address City State

21131

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 2017-0266-SPH Filing Date 3/31/2017

Do Not Schedule Dates: 6/8/17

Reviewer JNP

By Sen

REV. 10/4/11

ATTACHMENT TO PETITION FOR SPECIAL HEARING
14232 Jarrettsville Pike

Special Hearing Relief:

1. To approve a modified parking plan pursuant to BCZR § 409.12.B, modifying the following BCZR § 409 provisions:
 - a. § 409.6.A.2 of the BCZR to permit 29 parking spaces in lieu of the 53 required spaces;
 - b. § 409.8.A.1 of the BCZR to permit landscaping for parking consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A, as is more particularly shown on the Plan to accompany this Petition;
 - c. § 409.11 to permit loading areas in areas also designated for parking.
2. Pursuant to § 259.3.C.3.a and § 259.3.C.8 of the BCZR, to permit landscaping consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A and to confirm that the proposed building addition is appropriate to the existing building and neighborhood; and,
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

March 30, 2017

Prepared By:
Mr. Timothy H. Sanders R.A.
Sanders Designs Architects
9727 Greenside Drive
Cockeysville, Maryland 21030

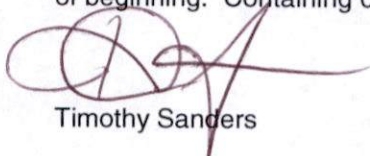
TAX ID NUMBER: 10-16-090080

PROPERTY ADDRESS:

14232 Jarrettsville Pike
Phoenix, Maryland 21131

LEGAL DESCRIPTION:

BEGINNING FOR THE SAME at a point in the first line of a parcel of land which by Deed dated March 26, 1930 and recorded in the Land Records of Baltimore County in Liber L.McL.M. No. 846, folio 243, was conveyed by W. Gill Smith, Trustee, to Ernest W. Schoelkopf and wife, said point being distant South 26 degrees 8 minutes West 476.4 feet measured along said line from the beginning thereof. Said place of beginning also being at the end of the second line of a parcel of land which by a Deed dated December 20, 1946 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1525, folio 566, was conveyed by Ernest W. Schoelkopf and wife to Harry C. Clagett and wife running thence with and binding on a part of the first line of the first herein mentioned parcel of land in a mortgage from Ernest w. Schoelkopf and wife to the Second National Bank Dated June 17 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1661, folio 555, thence binding reversely on the last line of said parcel of land South 61 degrees 28 minutes East 309.20 feet to the center of Jarrettsville Road thence binding in the center of said road North 24 degrees East 138 feet to a point in line with the third line of the aforesaid parcel of land which was conveyed by Schoelkopf to Clagett thence leaving said road and running to and binding reversely on said third line North 66 degrees West 304.02 feet to the place of beginning. Containing 0.88 of an acre of land, more or less.



Timothy Sanders



2017-0266-SPH

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

No 151412

Date: 3/31/2017

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					500.00

Total: 500.00

Rec From: Smith, Gildea & Schmidt, LLC
For: Special Hearing - 14232 Jarrattsville Pike
2017-0266-SPH (Dogwood Mgt. LLC)

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME INM
3/31/2017 3/31/2017 10:22:14 3
REG W503 WALKIN CAM
>>RECEIPT # 720946 3/31/2017 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 151412
Recpt Tot \$500.00
\$500.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



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 4953800

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON,MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON,MD 21204

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

May 16, 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: # 2017-0266-SPH
14232 Jarrettsville Pike
NW/s Jarrettsville Pike, 710 Ft. S/of Paper Mill Road
10th Election District - 3rd Councilmanic District
Legal Owner(s) Dogwood Management, LLC
Contract Purchaser/Lessee: Casey Brooks

Special Hearing to approve a modified parking plan; to permit 29 parking spaces in lieu of the 53 required spaces; to permit landscaping for parking consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A, as is more particularly shown on the plan to accompany this petition; to permit loading areas in areas also designated for parking. To permit landscaping consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A and to confirm that the proposed building addition is appropriate to the existing building and neighborhood; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, June 5, 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 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.

JT 5/690 May 16 4953800

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/16/2017

Case Number: 2017-0266-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ.~CASEY BROOKS

Date of Hearing (Closing): JUNE 5, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
14232 JARRETTSVILLE PIKE

The sign(s) were posted on: MAY 16, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 16, 2017 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

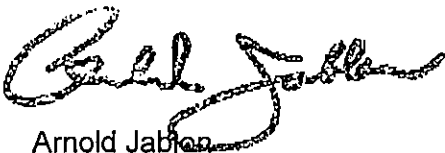
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0266-SPH

14232 Jarrettsville Pike
NW/s Jarrettsville Pike, 710 ft. S/of Paper Mill Road
10th Election District – 3rd Councilmanic District
Legal Owner: Dogwood Management, LLC
Contract Purchaser/Lessee: Casey Brooks

Special Hearing to approve a modified parking plan; to permit 29 parking spaces in lieu of the 53 required spaces; to permit landscaping for parking consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A, as is more particularly shown on the plan to accompany this petition; to permit loading areas in areas also designated for parking. To permit landscaping consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A and to confirm that the proposed building addition is appropriate to the existing building and neighborhood; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, June 5, 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.



KEVIN KAMENETZ
County Executive

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

April 25, 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: 2017-0266-SPH

14232 Jarrettsville Pike
NW/s Jarrettsville Pike, 710 ft. S/of Paper Mill Road
10th Election District – 3rd Councilmanic District
Legal Owner: Dogwood Management, LLC
Contract Purchaser/Lessee: Casey Brooks

Special Hearing to approve a modified parking plan; to permit 29 parking spaces in lieu of the 53 required spaces; to permit landscaping for parking consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A, as is more particularly shown on the plan to accompany this petition; to permit loading areas in areas also designated for parking. To permit landscaping consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254-A and to confirm that the proposed building addition is appropriate to the existing building and neighborhood; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, June 5, 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: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Casey Brooks, 13825 Manor Road, Baldwin 21013
Dogwood Management LLC, 14232 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 16, 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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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: 2017-0266-SPH

Property Address: 14232 Jarrettsville Pike

Property Description: NW Side of Jarrettsville Pike,
710 feet South of Paper Mill Road

Legal Owners (Petitioners): Dogwood Management, LLC

Contract Purchaser/Lessee: Casey Brooks

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

May 25, 2017

Dogwood Management LLC
14232 Jarrettsville Pike
Phoenix MD 21131

RE: Case Number: 2017-0266 SPH, Address: 14232 Jarrettsville Pike

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 31, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Casey Brooks, 13825 Manor Road, Baldwin MD 21013
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Date: 4/5/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & 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 4/5/17. A field inspection and internal review reveals that an entrance onto MD146 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Hearing, Case Number *2017-0266-SHA*

Special Hearing
Dogwood Management LLC
14232 Parrettsville Pike
MD146.

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) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2017
Item No. 2017-0266

DATE: April 10, 2017

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

We do not support a Landscape Variance. If modified parking plan and zoning relief are granted, Landscape and Lighting Plans are required as per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0266-04102017.doc

JB 6-5-17
1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/4/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-266



INFORMATION:

Property Address: 14232 Jarrettsville Pike
Petitioner: Dogwood Management, LLC
Zoning: BL-CR
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan, permit landscaping consistent with prior approved zoning case no. 92-254-A, permit loading areas in designated parking areas and to confirm the proposed building addition is appropriate.

The site is located within the Jacksonville Community Plan adopted into the Master Plan on July 3, 2000. The Plan provides guidance on streetscape, design, parking and landscaping among other issues relating to nonresidential development. In addition, the BCZR CR district has certain requirements for planting and pervious surfaces.

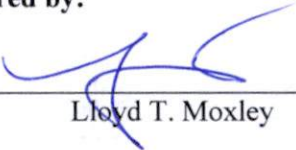
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- A landscape plan including measures to meet the pervious surfaces requirements of BCZR 259.3.b. is required at time of permit.
- Eliminate the two parallel spaces proposed to be located in the existing landscaped island situated adjacent to Jarrettsville Pike. It is the recommendation of the Department that preserving the landscaping better responds to the aforesaid Jacksonville Community Plan and CR district goals. The Department supports a total parking count of 27 in lieu of the proposed 29.

Date: 5/4/2017
Subject: ZAC #17-266
Page 2

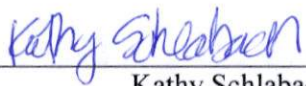
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
14232 Jarrettsville Pike; NW/S Jarrettsville *
Pike, 710' S of Paper Mill Road * OF ADMINISTRATIVE
10th Election & 3rd Councilmanic Districts *
Legal Owner(s): Dogwood Management, LLC * HEARINGS FOR
Contract Purchaser(s): Casey Brooks *
Petitioner(s) * BALTIMORE COUNTY
* 2017-266-SPH

* * * * *

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

RECEIVED

APR 05 2017

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 5th day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: July 11, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0266-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on July 10, 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

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 10 Account Number - 1016090080							
Owner Information									
Owner Name:		14232 JARRETTSVILLE PIKE LLC			Use: Principal Residence:		COMMERCIAL NO		
Mailing Address:		14232 JARRETTSVILLE PIKE PHOENIX MD 21131-1405			Deed Reference:		/38846/ 00195		
Location & Structure Information									
Premises Address:		14232 JARRETTSVILLE PIK PHOENIX 21131-1405			Legal Description:		.756 AC WS 14232 JARRETTSVILLE PIKE 370FT S SWEET AIR RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0035	0024	0210		0000				2016	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
		2924				32,931 SF		23	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		CONVENIENCE STORE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2016		07/01/2016		07/01/2017	
Land:		463,600		463,600					
Improvements		330,400		337,900					
Total:		794,000		801,500		796,500		799,000	
Preferential Land:		0						0	
Transfer Information									
Seller: DOGWOOD MANAGEMENT LLC				Date: 04/14/2017		Price: \$750,000			
Type: ARMS LENGTH IMPROVED				Deed1: /38846/ 00195		Deed2:			
Seller: CLOVERLAND FARMS DAIRY				Date: 04/09/2004		Price: \$712,500			
Type: ARMS LENGTH IMPROVED				Deed1: /19863/ 00666		Deed2:			
Seller: BLACK HORSE FEED INC				Date: 02/19/1993		Price: \$310,000			
Type: ARMS LENGTH IMPROVED				Deed1: /09609/ 00173		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
TOWSON, MARYLAND 21204

5/24/17
OEA 1111/1111

Permit # B 936131
Control # C
XRef #
Receipt # A 756648
Fee 490 + 50717
Total Paid 365
Paid By aple
Inspector

Property Address 14232 Jarrettsville Rce
Suite/Space/Floor Phoenix, md
Subdivision
Tax Account # 1016090080
Will this building have sprinklers? ☐ Yes ☐ No
Is this property located in a floodplain? ☐ Yes ☐ No

Historic District/Building
☐ Yes ☐ No
District/Precinct 1

OWNER'S INFORMATION
First & Last Name (Individual) Casey Brooks
Corporation Name Casey's Deli
Address 14232 Jarrettsville Pkce
City, State, Zip Phoenix MD 21131
Seller

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
Name Sanders Designs Phone Number 410-560-2624
Company (if applicable) Sanders Designs
Address 9727 Greenside Drive
City, State, Zip Cockeysville MD 21030-5080
Applicant Signature Casey's Deli E-Mail
Business/Tenant Name Casey's Deli
Contractor 1130 MHIC # MHBR #
Engineer
PLANS: CONST 2 PLOT FLAT DATA 3 EL 1 FL DRC #

TYPE OF IMPROVEMENT

1. ☐ New Bldg Construction
2. ☐ Addition
3. ☐ Alteration
4. ☐ Repair
5. ☐ Wrecking
6. ☐ Moving
7. ☒ Other CO

TYPE OF USE

RESIDENTIAL

01. ☐ One Family
02. ☐ Two Family
03. ☐ Three and Four Family
04. ☐ Five or More Family
(enter no. units)
05. ☐ Swimming Pool
06. ☐ Garage
07. ☐ Other

DESCRIBE PROPOSED WORK: Change of occupancy from business to cafe/deli. Interior alterations include dem of walls, install HVAC, duct work, ADA and restrooms, kitchen equipment, walk-in-cooler, dry wall mesh steel

NON-RESIDENTIAL

08. ☐ Amusement, Recreation, Place of Assembly
09. ☐ Church, Other Religious Building
10. ☐ Deleted
11. ☐ Industrial, Storage Building
12. ☐ Parking Garage
13. ☐ Service Station, Repair Garage
14. ☐ Hospital, Institutional, Nursing Home
15. ☐ Office, Bank, Professional
16. ☐ Public Utility
17. ☐ School, College, Other Educational
18. ☐ Deleted
19. ☐ Store ☐ Mercantile ☐ Restaurant (specify type)
20. ☐ Swimming Pool (specify type)
21. ☐ Tank, Tower
22. ☐ Transient Hotel, Motel (no. units)
23. ☐ Other

Foundation Type Basement
1. ☐ Slab 1. ☐ Full
2. ☐ Block 2. ☐ Partial
3. ☐ Concrete 3. ☐ None

Type of Construction
1. ☐ Masonry
2. ☐ Wood Frame
3. ☐ Structure Steel
4. ☐ Reinforced Concrete

Type of Heating Fuel
1. ☐ Gas 3. ☐ Electricity
2. ☐ Oil 4. ☐ Coal
Central Air: 1. ☐ 2. ☐

Type of Sewage Disposal

1. ☐ Public Sewer ☐ Exists ☐ Proposed
2. ☐ Private System ☐ Exists ☐ Proposed
Septic ☐ Exists ☐ Proposed
Privy ☐ Exists ☐ Proposed

Type of Water Supply

1. ☐ Public System ☐ Exists ☐ Proposed
2. ☐ Private System ☐ Exists ☐ Proposed

Estimated Cost of Materials and Labor \$ 250,000

Proposed Use cafe/deli
Existing Use deli

Ownership: 1. ☐ Privately Owned 2. ☐ Publicly Owned 3. ☐ Sale 4. ☐ Rental

Residential Category: 1. ☐ Detached 2. ☐ Semi-Detached 3. ☐ Group 4. ☐ Townhouse 5. ☐ Mid-Rise 6. ☐ High-Rise

Efficiency # 1 Bedroom # 2 Bedroom # 3 Bedroom # 4 Total Bedrooms 4 Total Apts/Condos 4

One Family Bedroom # 1 Bathroom # 2 Kitchen # 1 Powder Room # 1 Garbage Disposal: 1. ☐ Yes 2. ☐ No 5-31-17

Class 2 Liber 2 Folio 2 Map 2 Parcel 2

Building Size 2930 sq ft
Floor 1
Width 17.56 AC
Depth
Height
Stories
Lot #s

Lot Size and Setbacks
Size 17.56 AC
Front Street
Side Street
Front Setback
Side Setback
Side Street Setback
Rear Setback

Corner Lot: 1. ☐ Yes 2. ☐ No Zoning BC-CR

APPROVAL SIGNATURES
BLD INSP 5-31-17
BLD PLAN 5-31-17
FIRE 5-31-17
SEDI CTL 5-31-17
ZONING 5-31-17
PUB SERV 5-31-17
ENVRMNT 5-31-17
PLANNING 5-31-17
PERMITS 5-31-17

CASE NAME Brooks
CASE NUMBER 2017-266-SPH
DATE 6/15/17

[illegible]



Case No.:

2017-0266-SPH

Exhibit Sheet

6-8-17
sln

Petitioner/Developer

19W
7-11-17

Protestant

No. 1	Plan (redline)	
No. 2	site photos	
No. 3	order and file materials Case # 92-254-A	
No. 4	Letter of Support Jacksonville Citgo	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2A



PETITIONER'S

EXHIBIT NO. 2B



PETITIONER'S

EXHIBIT NO.

2C



PETITIONER'S

EXHIBIT NO.

27



PETITIONER' S

EXHIBIT NO. 2E



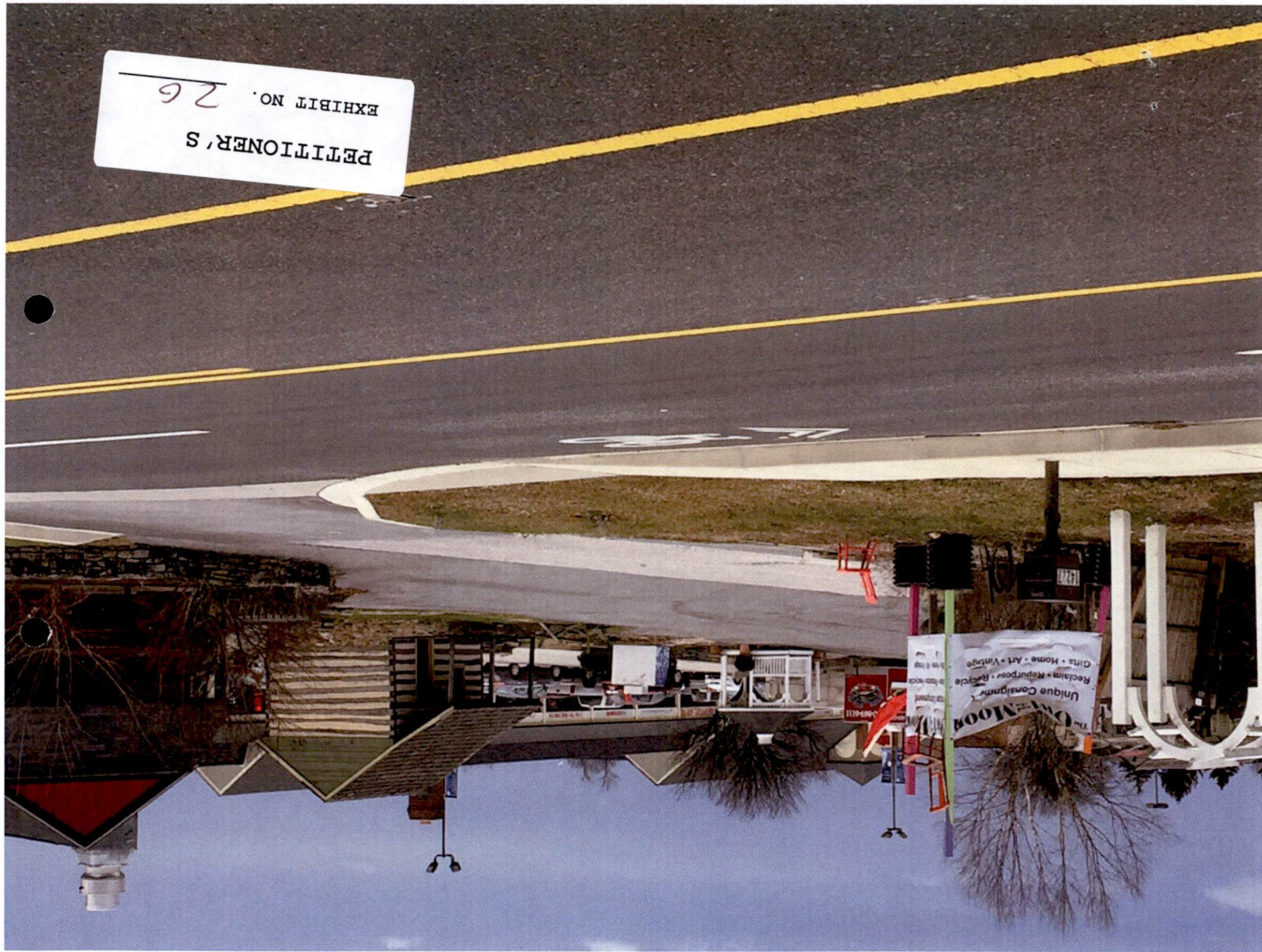
PETITIONER'S

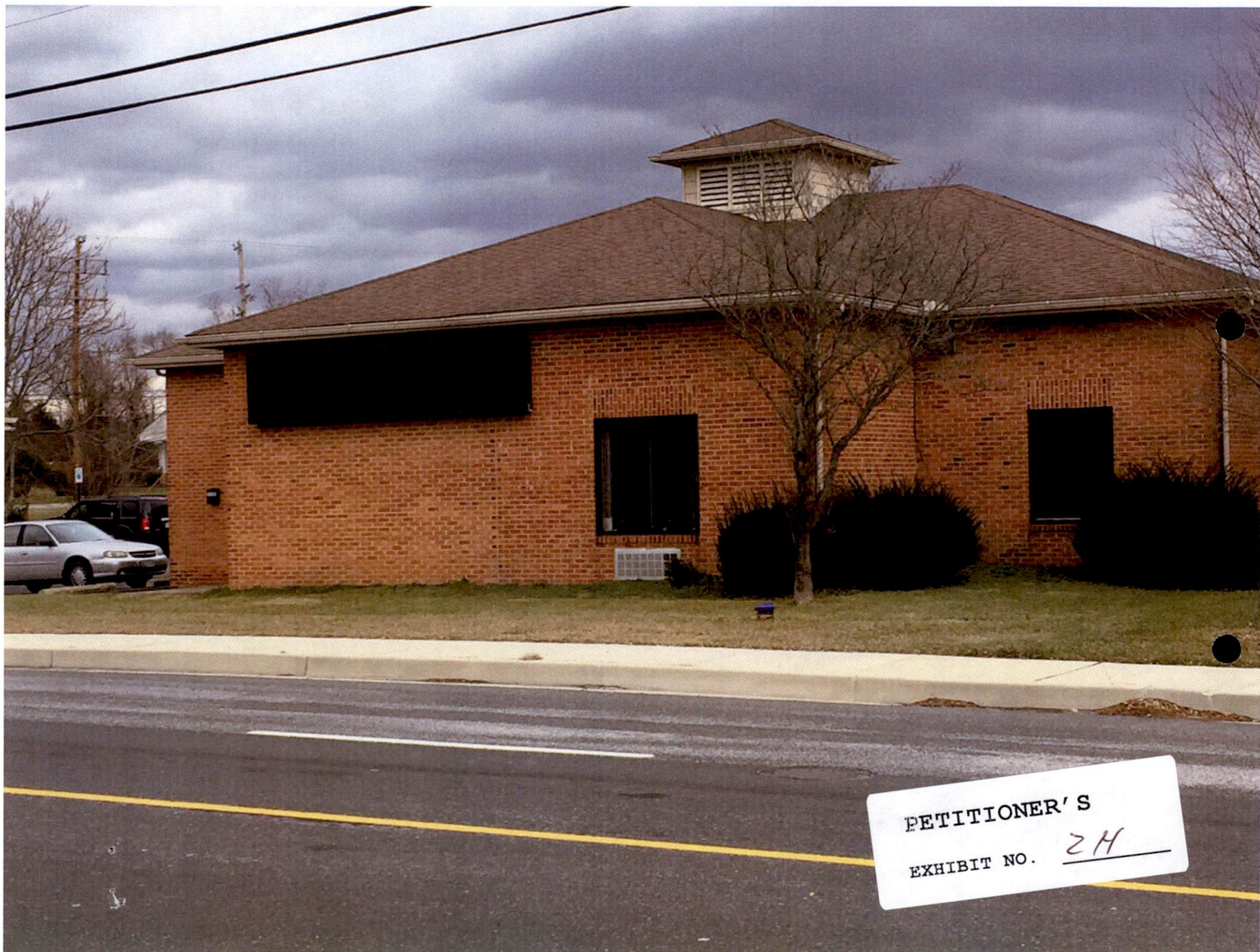
EXHIBIT NO. 2F

PETITIONER'S

EXHIBIT NO.

26





PETITIONER'S

EXHIBIT NO. 24



PETITIONER'S

EXHIBIT NO.

25



PETITIONER'S
EXHIBIT NO. 25



PETITIONER' S

EXHIBIT NO.

2K



PETITIONER'S

EXHIBIT NO. 26



PETITIONER'S
EXHIBIT NO. 2M



PETITIONER'S
EXHIBIT NO. 2N

PETITIONER'S
EXHIBIT NO. 2 "0"



EXHIBIT NO. 2
PETITIONER'S





PETITIONER'S

EXHIBIT NO.

20

Jacksonville Citgo

May 30, 2017

TO WHOM IT MAY CONCERN:

This serves as a neighborhood business owner support letter in favor of the new business located at 14232 Jarrettsville Pike, Phoenix, MD 21131, owned by Casey L. Brooks.

We also give our permission for him to use our lot as well, if needed for over flow parking.

Sincerely,

Jamie Buchanan
Lenny Buchanan
Lenny & Jamie Buchanan

410-666-2441

Citgo – Jacksonville Automotive

14226 Jarrettsville Pike

Phoenix, MD 21131

Red No 1

CASEY'S DELI
ALTERATIONS AND ADDITIONS
14232 JARRETTSVILLE PIKE
PHOENIX, MARYLAND 21131

I CERTIFY THAT THESE
DOCUMENTS WERE PREPARED
OR APPROVED BY ME AND THAT
I AM A DULY LICENSED
ARCHITECT
UNDER THE LAWS OF THE STATE
OF MARYLAND.
LICENSE NO.: 8586
EXP. DATE: 21 MAY 2017
THESE DRAWINGS ARE NOT
PERMITTED TO BE COPIED OR
REPRODUCED, EITHER WHOLLY
OR PARTIALLY, UNLESS
WRITTEN PERMISSION IS FIRST
OBTAINED FROM SANDERS
DESIGNS, P.A.

SANDERS | DESIGNS
ARCHITECTS PLANNERS
WWW.SANDERSDESIGNS.COM
MAILBOX@SANDERSDESIGNS.COM
9727 GREENSIDE DRIVE, SUITE 202, COCKEYSVILLE, MARYLAND 21030 T: (410) 560-2624

No.	Date	Revision

Project No.: 16.152
Date: 31 MARCH 2017
Scale: AS NOTED
Edition:
PETITION FOR
SPECIAL HEARING
Drawing Name:

SITE PLAN
Drawing Number:
A001



SCALE: 1" = 500'-0"

VICINITY MAP A5

GENERAL:

- OWNER:
CASEY BROOKS
14232 JARRETTSVILLE PIKE
PHOENIX, MARYLAND 21131
- SITE AREA:
GROSS: 38,235 SQ. FT. OR 0.88 ACRES ±
NET: 32,931 SQ. FT. OR 0.76 ACRES ±
- BUILDING AREA:
EXISTING: 2,924 SQ. FT.
PROPOSED ADDITION: 350 SQ. FT.
TOTAL PROPOSED: 3,274 SQ. FT.
BL-CR
- ZONING:
- SETBACKS:
FRONT: 15' MIN., AVERAGE OF ADJACENT BUILDINGS
SIDES: 15'
BACK: 15'
- HEIGHT OF STRUCTURE:
PERMITTED: 30'
EXISTING: 22'
- DEED REF: 19863 / 00666
- TAX ACCOUNT: 1016090080
- COUNCILMANIC DISTRICT: 3
- ELECTION DISTRICT: 10
- UTILITIES:
PRIVATE WELL
PRIVATE SEPTIC
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN
- WATER SHED: LOCH RAVEN RESERVOIR
- TAX MAP: 0035
- PARCEL: 0210
- PARKING CALCULATIONS:
RESTAURANT
REQUIRED: 3,274 SQ. FT. @ 16 PER 1,000 = 53
PROVIDED: 29 SPACES
SPACES: 2 HANDICAP, 27 REGULAR
SPACE SIZE: 18'X9'
HANDICAP SPACE SIZE: 18'X9' W/ 5' ACCESS AISLE
PARKING LOT WILL BE DURABLE, DUSTLESS, STRIPPED AND LIGHTED.
- FLOOR AREA FOR BL-CR
ALLOWED: 0.20
EXISTING: 0.08
PROPOSED: 0.09
- THE SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS.
- NEW FREE STANDING SIGN AND WALL MOUNTED SIGN MUST COMPLY WITH SECTIONS 450 AND 259.3 OF THE BCZC AND IS LIMITED TO ONE SIGN PER ROAD FRONTAGE.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE, NOR IS THE SITE ITSELF HISTORIC.
- PREVIOUS ZONING CASES:
#92-254-A
A. VARIANCE FROM SECTION 259.3C2a TO PERMIT A FRONT SETBACK OF 61 FEET IN LIEU OF THE REQUIRED AVERAGE OF THE SETBACK OF THE ADJACENT BUILDINGS AND TO PERMIT A SIDE YARD OF 6 FEET IN LIEU OF THE REQUIRED 15'
B. VARIANCE FROM SECTION 259.3C3a TO PERMIT LANDSCAPING OF FRONT, SIDE, AND REAR SETBACKS IN AREAS PROVIDED ON PLAN IN LIEU OF THE ENTIRE REQUIRED FOR, SIDE, AND REAR SETBACK AREAS.
C. VARIANCE FROM SECTION 259.3C7b TO PERMIT A FREE STANDING SIGN WITH A SURFACE AREA OF 36 SQUARE FEET PER SIDE IN LIEU OF THE ALLOWED 25 SQUARE FEET.
D. VARIANCE TO AMEND SECTION 259.3C7c TO PERMIT SIGN TO BE GROUND LIT.
- PREVIOUS COMMERCIAL PERMITS:
PERMIT NUMBER: B140950 DATE: 1/28/93
RAZE EXISTING RESTAURANT / TAVERN TO BE TORN DOWN AND HAULD TO APPROVED SANITARY LANDFILL. SEPTIC TO BE BACKFILLED. WELL MUST BE BACKFILLED PRIOR TO RAZING OF STRUCTURE.
PERMIT NUMBER: B140952 DATE: 4/2/93
CONSTRUCT A 1 STORY CONVENIENCE STORE AND GRADE LOT.
PERMIT NUMBER: B560035 DATE: 3/23/04
INTERIOR ALTERATIONS TO CONSIST OF DEMOLITION OF INTERIOR FIXTURES / FINISHES. NEW DRYWALL ON EXTERIOR PARTITIONS, NEW CEILING GRID / TILE. ELIMINATE ONE EXTERIOR DOOR AND FINISHES.
- THERE IS NO AMENITY OPEN SPACE REQUIREMENT FOR THIS PROPERTY.
- THE EXISTING RELOCATED SIGN IS 36 SQUARE FEET, DOUBLE SIDED, 13' IN HEIGHT, AND IS ILLUMINATED FROM THE GROUND.



B1

KEY NOTES A1

SITE PLAN TO ACCOMPANY A PETITION FOR SPECIAL HEARING FOR MODIFIED PARKING PLAN AT 14232 JARRETTSVILLE PIKE

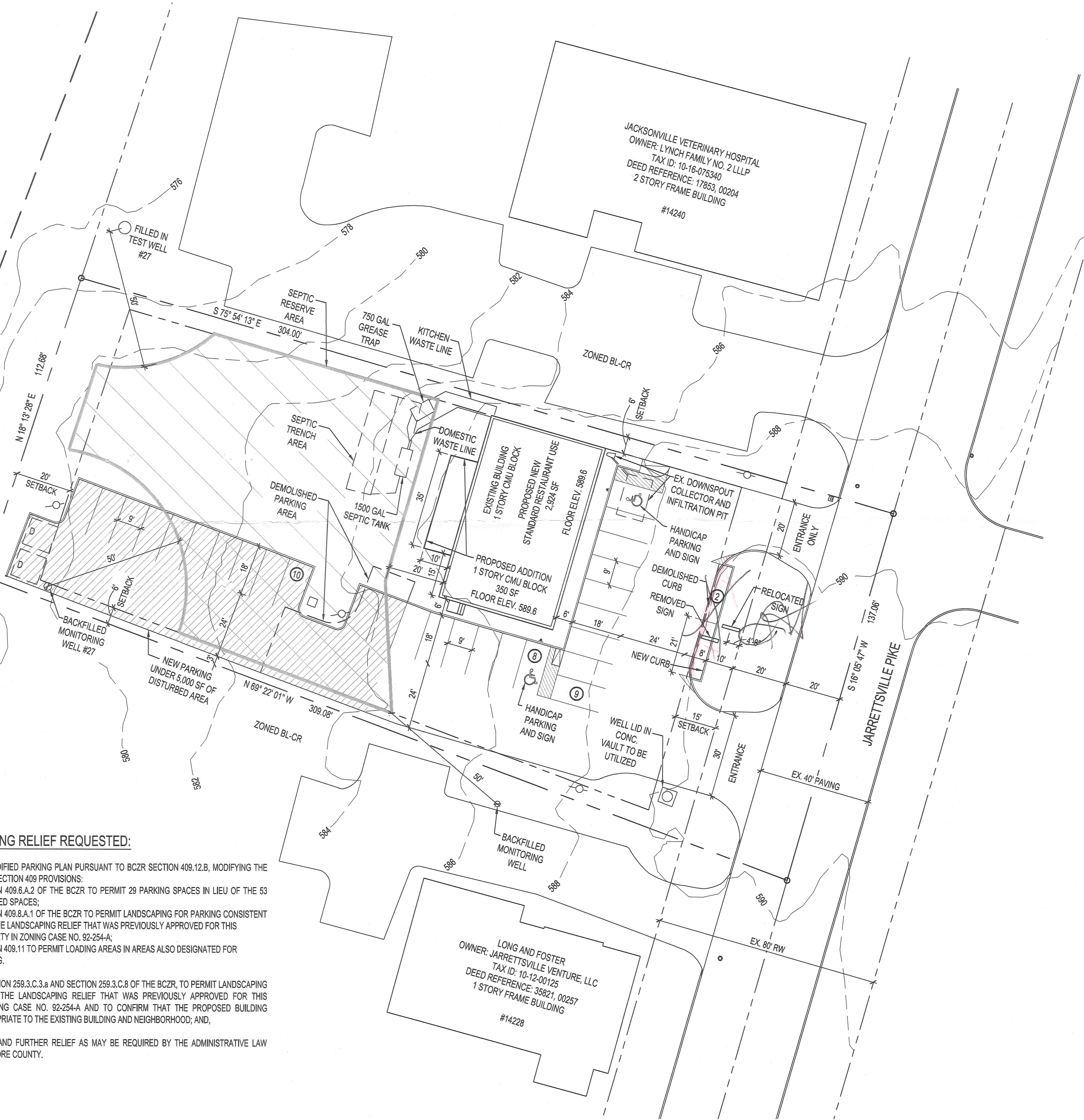
SCALE: 1" = 20'-0"

SPECIAL HEARING RELIEF REQUESTED:

- TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR SECTION 409.12.B, MODIFYING THE FOLLOWING BCZR SECTION 409 PROVISIONS:
A. SECTION 409.6.A.2 OF THE BCZR TO PERMIT 29 PARKING SPACES IN LIEU OF THE 53 REQUIRED SPACES;
B. SECTION 409.8.A.1 OF THE BCZR TO PERMIT LANDSCAPING FOR PARKING CONSISTENT WITH THE LANDSCAPING RELIEF THAT WAS PREVIOUSLY APPROVED FOR THIS PROPERTY IN ZONING CASE NO. 92-254-A;
C. SECTION 409.11 TO PERMIT LOADING AREAS IN AREAS ALSO DESIGNATED FOR PARKING.
- PURSUANT TO SECTION 259.3.C.3.a AND SECTION 259.3.C.8 OF THE BCZR, TO PERMIT LANDSCAPING CONSISTENT WITH THE LANDSCAPING RELIEF THAT WAS PREVIOUSLY APPROVED FOR THIS PROPERTY IN ZONING CASE NO. 92-254-A AND TO CONFIRM THAT THE PROPOSED BUILDING ADDITION IS APPROPRIATE TO THE EXISTING BUILDING AND NEIGHBORHOOD; AND,
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

LOT 5
PLAT OF ASCOT ESTATE
OWNER: AARON A. MOIR
TAX ID: 18-20-114080
DEED REFERENCE: 37918, 00276
461.47

RC-5
BL-CR



OWNER: LONG AND FOSTER
JARRETTSVILLE VENTURE, LLC
TAX ID: 10-12-00125
DEED REFERENCE: 35821, 00257
1 STORY FRAME BUILDING
#14228

JACKSONVILLE VETERINARY HOSPITAL
OWNER: LYNCH FAMILY NO. 2 LLLP
TAX ID: 10-16-075340
DEED REFERENCE: 17853, 00204
2 STORY FRAME BUILDING
#14240

ZONED BL-CR

JARRETTSVILLE PIKE

EX. 40' PAVING

EX. 60' RW

WELL LID IN CONC. VAULT TO BE UTILIZED

HANDICAP PARKING AND SIGN

HANDICAP PARKING AND SIGN

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