

MEMORANDUM

DATE: September 21, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0309-XA – Appeal Period Expired

The appeal period for the above-referenced case expired on September 20, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(8817 Wise Avenue)
15th Election District
7th Council District
Two Farms, Inc.
Legal Owner
Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2017-0309-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 8817 Wise Avenue. The Petitions were filed on behalf of Two Farms, Inc., legal owner of the subject property. The Special Exception petition seeks to permit a fuel service station and a rollover car wash, as a use in combination. The Petition for Variance seeks to allow a freestanding enterprise sign with a height of 27 ft. in lieu of the permitted height of 25 ft. A six-sheet redlined site plan was marked as Petitioner's Exhibit 1A-1F.

Appearing at the hearing in support of the petitions was Mark Keeley, Jennifer Leonard and Jeff Bainbridge. David H. Karceski, Esq. and Neill Thupari, Esq., represented the Petitioner. No protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency objected to the requests.

The subject property is approximately 2.41 acres in size and zoned BR-AS. The site is improved with three commercial buildings which previously housed a bank and automobile repair and service facilities. Petitioner proposes to raze these structures and completely redevelop the

ORDER RECEIVED FOR FILING

Date 8/21/17
By Sen

site with a Royal Farms fuel service station, convenience store and car wash. To do so zoning relief is required.

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.

Jennifer Leonard, a landscape architect accepted as an expert, testified via proffer the proposed use would not have a detrimental impact upon the community. She explained the surrounding area is predominantly commercial/industrial, and that the proposed use would enhance the appearance and functionality of the site. She also opined Petitioner satisfied each of the special exception factors set forth in B.C.Z.R. §502.1.

Mark Keeley, a traffic engineer accepted as an expert, testified the signalized intersection at Wise Avenue and Northpoint is rated at an "A" level of service and would continue to be so rated even assuming this project was completed. He also opined the proposed development would not cause "congestion in roads, streets or alleys," as referenced in B.C.Z.R. §502.1.B. As such I believe the petition for special exception should be granted.

VARIANCE

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

ORDER RECEIVED FOR FILING

Date

8/21/17

By

sen

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).

Ms. Leonard testified the property has an irregular shape, like an "elongated boomerang." As such the property is unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to install on the site a sign of sufficient height (i.e., 27 ft. in height in lieu of 25 ft.) to inform motorists of the prices for various grades of gasoline. 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. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 21st day of **August, 2017**, 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 pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) 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 GRANTED.

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site, which shall indicate the dumpster enclosure will be constructed of

ORDER RECEIVED FOR FILING

Date 8/21/17

By Sen

suitable materials and designed to complement the appearance of proposed site improvements.

3. The special exception to operate a used car sales facility on the subject property, granted in Case No. 2012-0057-SPHX, shall be deemed abandoned.

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 8/21/17
By ser



Revised
10/26

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 SEE ATTACHMENT NO. 1 which is presently zoned BR-AS
Deed References: SEE ATTACHMENT NO. 1 10 Digit Tax Account # SEE ATTACHMENT NO. 1
Property Owner(s) Printed Name(s) Two Farms, Inc.

(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
SEE ATTACHMENT NO. 2

3. X a **Variance** from Section(s)
SEE ATTACHMENT NO. 3

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

David H. Karceski, Esq.,
A. Neill Thupari, Esq.
Name- Type or Print David Karceski / ANI
Signature [Signature]
Venable LLP
210 W. Pennsylvania Avenue, Towson, MD
Mailing Address _____ City _____ State _____
21204 / (410) 494-6285 / dhkarceski@venable.com
Zip Code _____ Telephone # _____ Email Address anthupari@venable.com

Legal Owners (Petitioners):

SEE ATTACHMENT NO. 4 /
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

David H. Karceski, Esq.
A. Neill Thupari, Esq.
Name - Type or Print David Karceski / ANI
Signature [Signature]
210 W. Pennsylvania Avenue, Towson, MD
Mailing Address _____ City _____ State _____
21204 / (410) 494-6285 / dhkarceski@venable.com
Zip Code _____ Telephone # _____ Email Address anthupari@venable.com

CASE NUMBER 2017-0309-XA Filing Date 5/18/17 Do Not Schedule Dates: _____ Reviewer JS

REV. 10/4/11

2017-309-XA

TWO FARMS, INC.

ATTACHMENT NO. 1

TO PETITION FOR SPECIAL EXCEPTION AND VARIANCE

**8817 WISE AVENUE
DEED REFERENCE: 37934/466
TAX ACCOUNT #: 1511470250**

**8819 WISE AVENUE
DEED REFERENCE: 37934/466
TAX ACCOUNT #: 1526000560**

**NORTH POINT BLVD. (NO STREET ADDRESS)
DEED REFERENCE: 37934/466
TAX ACCOUNT #: 1520300240**

**WISE AVENUE (NO STREET ADDRESS)
DEED REFERENCE: 37934/466
TAX ACCOUNT #: 1505730000**

**NORTH POINT BLVD. (NO STREET ADDRESS)
DEED REFERENCE: 37934/466
TAX ACCOUNT #: 1520300241**

**NORTH POINT BLVD. (NO STREET ADDRESS)
DEED REFERENCE: 37934/466
TAX ACCOUNT #: 2200004253**

**NORTH POINT BLVD. (NO STREET ADDRESS)
DEED REFERENCE: 37934/466
TAX ACCOUNT #: 1520300242**

**TWO FARMS, INC.
4401 NORTH POINT BOULEVARD**

ATTACHMENT NO. 2

TO PETITION FOR SPECIAL EXCEPTION

Special Exception for a fuel service station and a rollover car wash, as a use in combination, pursuant to Sections 405.2.B.1 and 405.4.E.2 of the B.C.Z.R.

**TWO FARMS, INC.
4401 NORTH POINT BOULEVARD**

ATTACHMENT NO. 3

TO PETITION FOR VARIANCE

- 1) ~~Variance to allow a total of 4 wall mounted enterprise signs for a single tenant building in lieu of the maximum permitted 3 signs, with no more than 2 on a single façade, pursuant to B.C.Z.R. Section 450.4 Attachment 1:3(a).~~ ANT
- 2) 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).

TWO FARMS, INC.
4401 NORTH POINT BOULEVARD

ATTACHMENT NO. 4

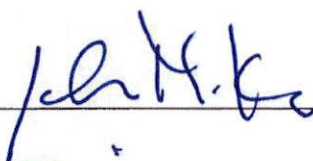
TO PETITION FOR SPECIAL EXCEPTION AND VARIANCE

8817 WISE AVENUE
8819 WISE AVENUE
NORTH POINT BLVD. (NO STREET ADDRESS)
WISE AVENUE (NO STREET ADDRESS)
NORTH POINT BLVD. (NO STREET ADDRESS)
NORTH POINT BLVD. (NO STREET ADDRESS)
NORTH POINT BLVD. (NO STREET ADDRESS)

TAX ACCOUNT #1511470250, #1526000560, #1520300240, #1505730000,
#1520300241, #2200004253, #1520300242
DEED REF. 37934/466

Legal Owners (Petitioners):

Two Farms, Inc.
3611 Roland Avenue
Baltimore, MD 21211
Phone: (410) 889-0200

By: 
Title: President

2017-309-XA

ZONING PROPERTY DESCRIPTION

LAND OF TWO FARMS, INC. - LIBER 37934 FOLIO 466
BALTIMORE COUNTY, MD

ZONING PROPERTY DESCRIPTION FOR: 4401 North Point Boulevard.

Beginning at a point on the southwesterly right-of-way line of Wise Avenue (60 feet wide), said point lying at the end of a line drawn North 80° 31' 49" East, 156.92 feet from the point of intersection between the centerline of Wise Avenue and North Point Boulevard, said point also lying at the end of the South 68°47'24" East, 97.34 feet line of Parcel Five of the land described in the deed for the subject property recorded in Liber 37934 at Folio 466, thence running with the truncation of right-of-way between Wise Avenue and North Point Boulevard

(1) South 36° 51' 04" East, 183.13 feet to a point on the westerly right-of-way line of North Point Boulevard (120 feet wide); thence running with said line

(2) South 07° 20' 19" East, 243.99 feet to a point on the northerly line of an unnamed 40-foot wide road; thence leaving North Point Boulevard and running with the northerly line of said road, also being the southerly line of the subject property

(3) South 80° 22' 51" West, 177.71 feet to a point on the westerly line of the subject property; thence running with the lines between the subject property and North Point Industrial Center (Plat Book 63 Plat 003) for the following seven courses

(4) North 10° 48' 05" West, 172.31 feet to a point; thence

(5) South 67° 31' 34" West, 50.57 feet to a point; thence

(6) North 38° 26' 57" West, 187.00 feet to a point; thence

(7) North 51° 32' 55" East, 50.00 feet to a point; thence

(8) South 89° 27' 12" West, 24.47 feet to a point; thence

(9) North 38° 26' 56" West, 15.55 feet to a point; thence

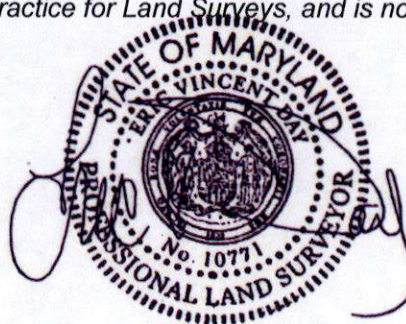
(10) South 51° 32' 44" West, 14.49 feet to a point; thence leaving North Point Industrial Center and running with the outline of Parcel Four of the subject deed for the following two courses

(11) North 69° 30' 30" West, 50.00 feet to a point; thence

(12) North 51° 32' 44" East, 192.41 feet to a point on the aforementioned southwesterly line of Wise Avenue; thence running with said line

(13) South 69° 30' 30" East, 140.93 feet to the point of beginning, containing an area of 105,042 square feet or 2.4114 acres of land. The above described land located in the 15th Election District and the 7th Council District of Baltimore County, Maryland.

Note: The above description is prepared under Section 09.13.06.11 Compliance with Federal, State and Local Requirements of the Maryland Minimum Standards of Practice for Land Surveys, and is not a Meets and Bounds Description as defined in Section 09.13.06.08 thereof.





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 5084743

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

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

Jul 27, 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: # 2017-0309-XA

8817 Wise Avenue
SW corner of Northpoint Boulevard and Wise Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) Two Farms, Inc.

Special Exception for a fuel service station and a rollover car wash, as 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: Wednesday, August 16, 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.

7/099 July 27 5084743

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

2017-0309-XA

RE: Case No.: _____

Petitioner/Developer: _____

Two Farm, Inc.

August 16, 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: _____

8817 Wise Avenue

July 27, 2017

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



Sincerely,

July 27, 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)



KEVIN KAMENETZ
County Executive

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

June 29, 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: 2017-0309-XA

8817 Wise Avenue
SW corner of Northpoint Boulevard and Wise Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Two Farms, Inc.

Special Exception for a fuel service station and a rollover car wash, as 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: Wednesday, August 16, 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, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Two Farms, Inc., 3611 Roland Avenue, Baltimore 21211

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 27, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 27, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6358

Venable, LLP

210 W. 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: 2017-0309-XA

8817 Wise Avenue

SW corner of Northpoint Boulevard and Wise Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Two Farms, Inc.

Special Exception for a fuel service station and a rollover car wash, as 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: Wednesday, August 16, 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.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
8817, 8819 Wise Avenue; SW corer of * OF ADMINISTRATIVE
Northpoint Blvd and Wise Avenue * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Two Farms, Inc. *
Petitioner(s) *
2017-309-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.

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 6th day of June, 2017, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire & A. Neill Thupari, Esquire, 210 West Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

RECEIVED

JUN 06 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2017-309-XA
Property Address: 4401 NorthPoint Boulevard
Property Description: _____
Legal Owners (Petitioners): Two Farms, Inc.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukaszewich
Company/Firm (if applicable): Venable LLP
Address: 210 W. Pennsylvania Ave.
Suite 500
Towson, MD 21204
Telephone Number: (410) 494-6358

Revised 7/9/2015

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

NO 153069

Date: 5/18/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1,200.00

Total: \$1,200.00

Rec From: TWO FARMS INC

For: 2017-0309-XA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
5/18/2017 5/18/2017 11:26:15 3
REG WSO3 WALKIN CAM
>>RECEIPT # 726332 5/18/2017 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 153069
Recpt Tot \$1,200.00
\$1,200.00 CK \$4.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

August 10, 2017

Two Farms Inc.
4401 North Point Boulevard
Baltimore MD 21219

RE: Case Number: 2017-0309 XA, Address: 8817 and 8819 Wise avenue

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 May 18, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David H Karceski, Esquire, A. Neill Thurpari, Esquire, 210 W Pennsylvania Avenue, Suite 500
Towson MD 21204

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

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/28/17

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 6/28/17. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2017-0309.

*Special Exception Variance
Two Farms, Inc., (Royal Farms Store #179)
8817 Wise Avenue*

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,

Richard Zeller

for Wendy Wolcott, PLA
Metropolitan District Engineer-District 4
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

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

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/7/17

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 6/7/17. A field inspection and internal review reveals that an entrance onto MD 151 consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Exception Case Number 2017-0309

Special Exception Royal Farms Store #179
Two Farms Inc.
8817 Wise Avenue ? MD 151
SHA No. 17APBA010XX - See letter dated 4/25/17

The applicant must contact the State Highway Administration to obtain an entrance permit. to Paul Cook
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). DEC 04/25/17

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer-District 4
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

8-16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

RECEIVED
JUL 10 2017
OFFICE OF
ADMINISTRATIVE HEARINGS
DATE: 7/6/2017

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-309

RECEIVED

INFORMATION:

Property Address: 8817 Wise Avenue
Petitioner: Two Farms, Inc.
Zoning: BR-AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property for fuel service station and a rollover car wash and also the petition for variance to allow a freestanding enterprise sign with a height of 27 feet in lieu of the permitted height of 25 feet.

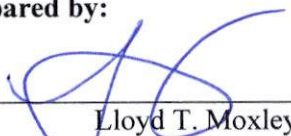
A site visit was conducted on June 12, 2017. The property was the subject of a CZMP 2016 Zoning Issue# 7-017 which changed the properties' zoning to the current BR-AS.

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

- Provide a pedestrian connection that includes a marked crosswalk from Wise Avenue to the building entrance.
- The required landscape plan submitted in support of the building permit shall include details on the dumpster enclosure. The Department has the expectation that the enclosure will utilize building materials that are consistent with those used on the principal structure.
- In the event that the State were to remove the enterprise zone signage, replace with enhanced landscaping at that location.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 29 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: June 29, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0309
Address 8817 Wise Avenue
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of **July 3, 2017**.

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

Reviewer: Steve Ford

Date: 6-29-2017

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 06 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: June 6, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0309
Address 8817 Wise Avenue
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of **June 12, 2017.**

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

Reviewer: Steve Ford

Date: 6-6-2017

RECEIVED

JUL 19 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 03, 2017
Item No. 2017-0309

DATE: July 18, 2017

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

Landscape – If special exception and /or variances are granted, Landscape and Lighting Plans are required, per the requirements of the Landscape Manual.

Show and label an easement for the existing sewer line located N.W. of this property. (Wise Avenue).

* * * * *

VKD:CEN
cc:file
ZAC-ITEM NO 17-0309-07032017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-309

INFORMATION:

Property Address: 8817 Wise Avenue
Petitioner: Two Farms, Inc.
Zoning: BR-AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property for fuel service station and a rollover car wash and also the petition for variance to allow a freestanding enterprise sign with a height of 27 feet in lieu of the permitted height of 25 feet.

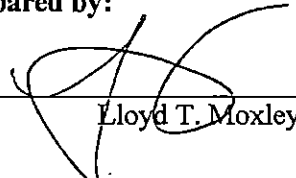
A site visit was conducted on June 12, 2017. The property was the subject of a CZMP 2016 Zoning Issue# 7-017 which changed the properties' zoning to the current BR-AS.

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

- Provide a pedestrian connection that includes a marked crosswalk from Wise Avenue to the building entrance.
- The required landscape plan submitted in support of the building permit shall include details on the dumpster enclosure. The Department has the expectation that the enclosure will utilize building materials that are consistent with those used on the principal structure.
- In the event that the State were to remove the enterprise zone signage, replace with enhanced landscaping at that location.

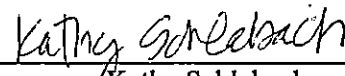
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak

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

David H. Karceski, Esquire

Office of the Administrative Hearings

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: June 6, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0309
Address 8817 Wise Avenue
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of **June 12, 2017.**

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

Reviewer: Steve Ford Date: 6-6-2017

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: June 29, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0309
Address 8817 Wise Avenue
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of **July 3, 2017**.

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

Reviewer: Steve Ford

Date: 6-29-2017

Case No.: 2017-0309-XA

Exhibit Sheet

Petitioner/Developer

LGW
9-21-17

Protestant

Sen
8-21-17

No. 1	1A-1F Site plan - redline (6 sheets)	
No. 2	Leonard CV	
No. 3	Car Wash Prototype Elevation	
No. 4	4A-4K Photos	
No. 5	Aerial photo of site + vicinity	
No. 6	Keeley CV	
No. 7	Illustrative site plan	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



01/04/2017

PETITIONER'S EXHIBIT 4A-K



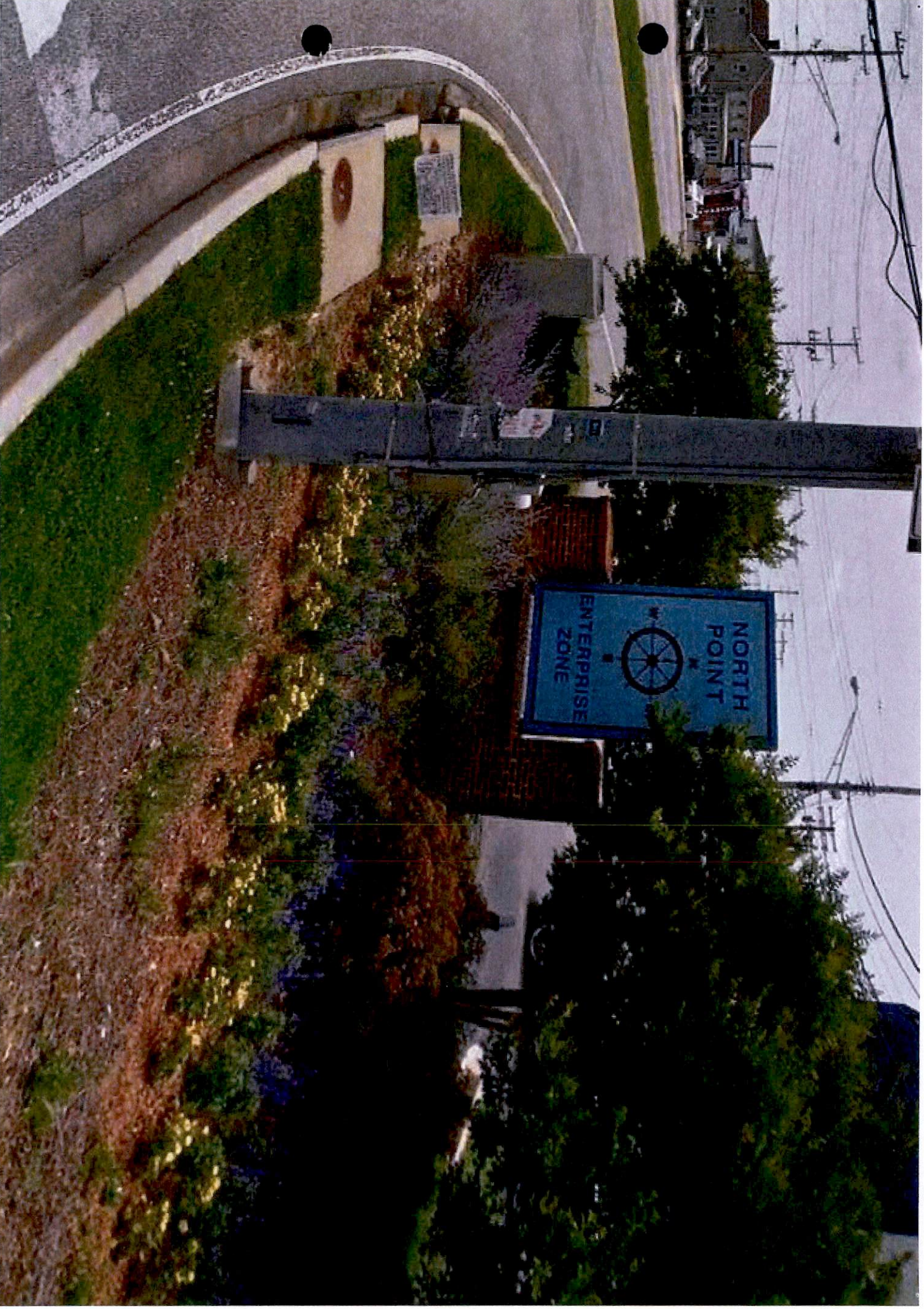
01/04/2017



01/04/2017



01/04/2017





01/04/2017



01/04/2017





01/04/2017





01/04/2017

J. MARK KEELEY, PTP
6533 Green Mount Drive • Elkridge, MD 21075
410-615-0067 (cell) 410-670-2911 (Office)

PROFESSIONAL SKILLS

Thorough knowledge of transportation planning principals and practices, including the relationship between transportation, environmental, economic, and social factors that influence urban and rural land use patterns. Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

EDUCATION

TOWSON UNIVERSITY
8000 York Road
Towson, MD 21252
M.A. Degree - Geography and Planning, 1993

SALISBURY UNIVERSITY
1101 Camden Avenue
Salisbury, MD 21801
B.A. Degree - Political Science, 1987

MT. ST. JOSEPH HIGH SCHOOL
4403 Frederick Avenue
Baltimore, MD 21229
Graduated May 1983

PROFESSIONAL EXPERIENCE

TRAFFIC CONCEPTS, INC
7525 Connelley Drive, Suite B Hanover, Maryland 21076

Project Manager/Transportation Planner, July 2005-Present

- Project Manager for Traffic Impact Studies and Planning/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic engineering services.
- Develop business relationships to advance business products and services.
- Provide expert testimony at public hearings.
- Develop complex master planning studies, traffic impact analyses and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

J. MARK KEELEY, PTP

Page 2 of 4

**QUEEN ANNE'S COUNTY DEPARTMENT OF PUBLIC WORKS /
DEPARTMENT OF PLANNING & ZONING**

312 Safety Dr Centreville MD 21617/160 Coursevall Dr. Centreville, MD 21617

Transportation/Land Use Planner IV, September 2002 – July 2005

- Managed the County Adequate Public Facilities Ordinance program.
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis, corridor studies, and school impact studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING

220 South Main Street Bel Air, Maryland 21014

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended various traffic mitigation measures.
- Initiated and directed complex planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

J. MARK KEELEY, PTP

Page 3 of 4

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING *220 South Main Street Bel Air, Maryland 21014*

Transportation Planner I & II, September 1993 – July 1999

- Planner assigned to the Edgewood Community Planning Council.
- Conducted transit-planning studies and transit rider-ship surveys for Harford Transit.
- Coordinated with the Harford Transit to develop rural transit routes.
- Organized a Bicycle and Pedestrian Task Force to select bike routes and to promote non-motorized transportation.
- Managed the Commuter Assistance Grant and submitted quarterly reports to the MTA.
- Developed a Regional Employees Commuter Option (ECO) Program for both the public sector and private sector businesses as mandated by the MDE.
- Prepared and reviewed Traffic Impact Studies for the County.
- Managed the Regional Travel Demand Model.
- Performed intersection analysis and recommended traffic mitigation measures.

PROFESSIONAL ASSOCIATIONS

Certifications

- PTP (Professional Transportation Planner Certification), ITE
2008 – Present Certificate Number 122

Inactive Certifications

- AICP (American Institute of Certified Planners)
2006 – 2010 Certificate Number 020927

Active Member 2006 - Present

- American Planning Association, Member since 1993

MASTER PLAN WRITINGS

- Co-authored the 2000 Transportation Plan, An Element of the Harford County Master Plan.

AWARDS & OUTREACH SERVICE

- Harford County Department of Planning and Zoning Employee of the Month Award, December 2001

J. MARK KEELEY, PTP

Page 4 of 4

EXPERT WITNESS EXPERIENCE:

Baltimore County, MD	City of Easton , MD
Carroll County, MD	City of Elkton, MD
Harford County, MD	City of Salisbury, MD
Howard County, MD	Town of Bel Air, MD
Queen Anne's County, MD	Town of Centreville, MD
Montgomery County, MD	City of Frederick, MD
	Town of Denton, MD



Jennifer C. Leonard RLA, LEED AP

Senior Project Manager/ Environmental Lead

Ms. Leonard is a Senior Project Manager and Senior Landscape Architect with 18 years of experience delivering budget driven challenging redevelopment projects. Ms. Leonard is experienced in all design phases of project development and coordination. Adept at performing pre-site selection and environmental phase one, site analysis and design, environmental planning, municipal approval processes, feasibility studies and providing design of industrial, power generation, retail, institutional, residential, and commercial, projects. Her background includes project management and preparation of all levels of site development pre site selection- construction documentation; for development, engineering, landscape, grading, and forest conservation, as well as forest buffer analysis for various site development projects in Maryland, Virginia, New York, New Jersey, and Pennsylvania.

REGISTRATIONS:

Registered Landscape Architect:
MD 3415

Registered Landscape Architect:
NY 002119

ASTM Trained Phase I
Environmental site assessment
reviewer 2011

LEED Accredited Professional,
USGBC 2006

Wetland Delineation Certification

MD Accredited Professional

Forest Stand Delineation

EDUCATION:

BS Landscape Architecture, West
Virginia University, 1998

Harford Leadership Academy

Johns Hopkins University,
Odyssey Program for
Environmental Science

YEARS OF EXPERIENCE:

Dewberry: 3 year 5 months

Prior: 15

AFFILIATIONS:

Marcellus Shale Coalition (MSC)

Maryland Society of Landscape
Architects (MSLA)

American Society of Landscape
Architects (ASLA)

US Green Building Council
(USGBC)

MD National Capital Building
Industry Association (MNCBIA)

Urban Land Institute (ULI)

Women in Defense (WID)

International Council of Shopping
Centers (ICSC)

RELEVANT EXPERIENCE

North Point and Wise Ave., Royal Farms Store 179, Baltimore County, MD.

Project Manager. Providing land planning and civil engineering, site/civil engineering services in order to facilitate compliance with the local regulations for gas stations. Services included base mapping, site planning, landscaping, forest stand delineation, site grading, storm water management design erosion and sediment control design, earthwork estimates.

3333 E. Fayette St. Royal Farms 61, Baltimore City, MD. Project Manager.

Provided land planning and civil engineering testimony to the Planning and Zoning Boards, site/civil engineering services in order to facilitate compliance with the local regulations for gas stations. Services included base mapping, site planning, landscaping, forest stand delineation, site grading, storm water management design erosion and sediment control design, earthwork estimates.

2000 Forest Park Ave. Royal Farms 340, Baltimore City, MD. Project

Manager. Will Provide land planning and civil engineering testimony to the Planning and Zoning Board, site/civil engineering services in order to facilitate compliance with the local regulations for gas stations. Services included base mapping, site planning, landscaping, forest stand delineation, site grading, storm water management design erosion and sediment control design, earthwork estimates.

Parcel D at National Harbor, Royal Farms 278, Prince George's County.

Project Manager. Provided land planning and civil engineering testimony to the Planning Board, site/civil engineering services in order to facilitate compliance with the local regulations for gas stations. Services included base mapping, site

Jennifer C. Leonard

RLA, LEED AP
Senior Project Manager/
Environmental Lead

planning, landscaping, forest stand delineation, site grading, storm water management design erosion and sediment control design, earthwork estimates.

3300 Forestville Road Royal Farms 287, Prince George's County, MD.

Project Manager. Provided land planning and civil engineering testimony to the Planning Board, site/civil engineering services in order to facilitate compliance with the local regulations for gas stations. Services included base mapping, site planning, landscaping, forest stand delineation, site grading, storm water management design erosion and sediment control design, earthwork estimates.

Moore's Road Royal Farms Store 238, Prince George's County, MD. Project

Manager. Provided land planning and civil engineering testimony to the Planning Board, site/civil engineering services in order to facilitate compliance with the local regulations for gas stations. Services included base mapping, site planning, landscaping, forest stand delineation, site grading, storm water management design erosion and sediment control design, earthwork estimates.

Mattawoman Energy, LLC, Prince George's and Charles Counties, MD.

Project Manager. Development Management, Surveying, Planning, Environmental, Permitting, and Engineering of a 20 inch 8 mile gas line and gate station, 24 inch 10 mile reclaimed water line and pump station, and a 2.5 mile 230 KV transmission line with 3 bus switch yard, located in Prince George's and Charles County, Maryland. Provided expert witness testimony to the State of Maryland Power Plant Review Panel (PPRP) Testimony for Proposed Mattawoman Energy 990 KW power Plant in Prince Georges County. Testified on Environmental, forest conservation, planning and civil engineering concerns. Provided Testimony for the Mandatory Referral to the Planning Board of Prince Georges Overseeing site/ civil/ environmental/ permitting/ feasibility, preliminary and final engineering for all three laterals listed above to support power plant operations. Responsible for agency coordination for permit processing at state and local levels, engineering design plan, profiles, details, specifications, reports and computations and overall project advancements including management of all sub consultants, coordination and oversight of wetland consultant, acquisitions agents, geotechnical engineer, traffic consultant and clients engineering and construction managers. Dewberry is also expected to coordinate construction inspections and as-built efforts.

Transmission Line Clearance Compliance Program, Baltimore Gas & Electric Company, Anne Arundel and Baltimore Counties, MD. Project

Landscape Architect. Provided site/civil engineering services in order to facilitate compliance with the federal regulations for overhead utilities. Services included base mapping, site grading, erosion and sediment control design, earthwork estimates, and permitting. Julie has gained experience working within Anne Arundel and Baltimore Counties, ensuring that she is comfortable with any jurisdiction.

Jennifer C. Leonard

RLA, LEED AP
Senior Project Manager/
Environmental Lead

State of Maryland State Center TOD/PUD, Baltimore City, MD. Project Planner/RLA. Prepared and obtained approval for the Site Plan Review Committee documents, and prepared the Planned Unit Development (PUD) drawing sheets for the State of Maryland's comprehensive master planning effort to create one of the largest Transit Oriented Development projects the state. Assisted in obtaining approval for this 37-acre PUD, which has potential for up to 2,000 residential units and more than two million SF of proposed development. Provided Landplanning and landscape architect expert testimony for this project to the Baltimore City Planning and Zoning Boards.

Grosvenor PUD, Montgomery County, Bethesda, MD. Project Planning Manager/RLA. MNCPPC Planning Commission Testimony for proposed residential Planned Unit Develop. Testimony provided was on environmental, planning and civil engineering issues.

Perryman Industrial Park, Harford County, MD. Project Manager. Harford County Development Advisory Committee (DAC) for. Testimony was provided on planning, zoning, environmental and civil engineering issues.

Granite Cliffs Residential Community, Perryville, MD. Project Manager. Cecil County Technical Advisory Committee (TAC) hearing Testimony was provided on planning, zoning, environmental and civil engineering issues.

Ecotone Rezoning, Harford County, MD. Expert Witness. Harford County Board of Appeals Expert witness for Ecotone Property in the case to rezone from rural residential to rural commercial. Bel Air, MD. Testimony was provided on planning, and zoning issues.

Looney's Pub, Bel Air, MD. Expert Witness. Harford County Board of Appeals Expert witness for Looney's Pub in the case to convert and existing parking lot into an outdoor bar and dining area. Bel Air, MD. Testimony was provided on planning, zoning and civil engineering issues.

Boulevard at Box Hill Retail Center, Harford County, MD. Project Planner/RLA. Harford County Development Advisory Committee (DAC) for. Testimony was provided on planning, zoning, environmental and civil engineering issues

25th Street Station, Baltimore City, MD. Project Manager. Mixed Used Development/ PUD- Baltimore City Council and UDARP (Urban Development and Architecture Review Panel)

McHenry Row Mixed Use Development/ PUD Baltimore City, MD. Project Planner/RLA. Baltimore City Council and UDARP (Urban Development and Architecture Review Panel)

Harvard Homes Housing developments, Baltimore County, MD (multiple locations). Project Planner/RLA. Hearing Officers Hearing (HOH) testimony. From 2001 – 2010 the following project were included: Nolanbrook, Greenfields, Rolling Road I and II. Services included base mapping, site planning, landscaping, forest stand delineation, site grading, storm water management design erosion and sediment control design, earthwork estimates.

CASE NAME 8817 Wise Ave.
CASE NUMBER 2017-309-XA
DATE 8/16/17

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7/18/17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
<u>6/28/17</u>	DEPS (if not received, date e-mail sent _____)	<u>no Comment</u>
_____	FIRE DEPARTMENT	_____
<u>7/10/17</u>	PLANNING (if not received, date e-mail sent _____)	<u>no obj w/ conditions</u>
<u>6/28/17</u>	STATE HIGHWAY ADMINISTRATION	<u>Comment</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2012-0057-SPHX</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>7/27/17</u>	
SIGN POSTING	Date: <u>7/27/17</u> by <u>SSG Black</u>	
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				
Account Identifier:		District - 15 Account Number - 1511470250							
Owner Information									
Owner Name:		TWO FARMS INC			Use:		COMMERCIAL		
Mailing Address:		3611 ROLAND AVE BALTIMORE MD 21211-			Principal Residence:		NO		
					Deed Reference:		/37934/ 00466		
Location & Structure Information									
Premises Address:		8817 WISE AVE 0-0000			Legal Description:		LT SS WISE AVE 390 W NORTH POINT BLVD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0104	0021	0379		0000				2018	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						10,000 SF		06	
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		
				01/01/2015	07/01/2017		07/01/2018		
Land:			67,500	67,500					
Improvements			5,600	5,600					
Total:			73,100	73,100	73,100				
Preferential Land:			0						
Transfer Information									
Seller: 307 WISE AVE LLC				Date: 08/29/2016		Price: \$3,150,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /37934/ 00466		Deed2:			
Seller: EQUITABLE TRUST CO				Date: 12/02/2014		Price: \$425,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /35611/ 00169		Deed2:			
Seller: THOMPSON PROPERTIES LLC				Date: 01/20/2011		Price: \$800,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /30402/ 00133		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
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									

TK 10/5/11

**IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

W side of North Point Blvd. at intersection
with S side of Wise Avenue
15th Election District
7th Councilmanic District
(4401 North Point Boulevard)

307 Wise Ave. LLC
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0057-SPHX**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Special Exception filed by 307 Wise Ave. LLC, the legal property owner. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and to also allow the existing commercial structure and garages with the existing building setbacks. In addition, Petitioner requests Special Exception relief to permit used motor vehicle outdoor sales. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were H. Sawhney, Paul Sawhney, and Gurpreet Sawhney for 307 Wise Ave. LLC and Joseph Larson of Bogart Technical Consultants, LLC, the firm who prepared the site plan. Neil Lanzi, Esquire appeared as counsel and represented the Petitioner. There were no Protestants or other interested persons present at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 3, 2011. The Office of Planning met with the applicant on September 29, 2011, to discuss preliminary

review comments. The Petitioner has submitted a rubricated Zoning Plat dated September 30, 2011. The plan shows a reorganization of the parking spaces with removal of 4 parking spaces in front of the building that were in the public right-of-way. The revised plan shows a total of 58 spaces required and proposed. The sidewalk has been extended to connect from the building entrance to the public sidewalk. The Office of Planning recommends approval of the rubricated plan subject to the following: Remove the paving and travel way associated with the 4 parking spaces shown to be removed and submit a Final Landscape Plan to Avery Harden for review and approval.

Testimony and evidence offered at the hearing revealed that the subject property is located at the intersection of Wise Avenue and North Point Boulevard, in the Dundalk area of Baltimore County. The property was the former site of the Thompson Lincoln Mercury Dealership, but the site has been vacant for the past many years. The owners have already invested \$1 million in repair and renovation costs and plan to spend another \$1 million towards the improvement of the site. The owners intend to open a used car business on site and in order to do so, the Special Hearing and Special Exception requests are necessary.

Testimony offered at the hearing demonstrated that the Petitioner has satisfied the 502.1 requirements as imposed by the B.C.Z.R. The site will function well as a used car facility and a community benefit will be derived in that an old vacant property will be given a new life.

In addition, the parking and design of the parking lot associated with this property will function well as a used car lot. Accordingly, the request to approve a modified parking plan should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Special Hearing requests should be granted.

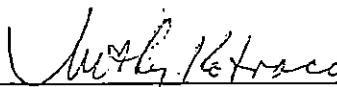
THEREFORE, IT IS ORDERED this 18th day of October, 2011, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and to also allow the existing commercial structure and garages with the existing building setbacks, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Special Exception request to permit used motor vehicle outdoor sales, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

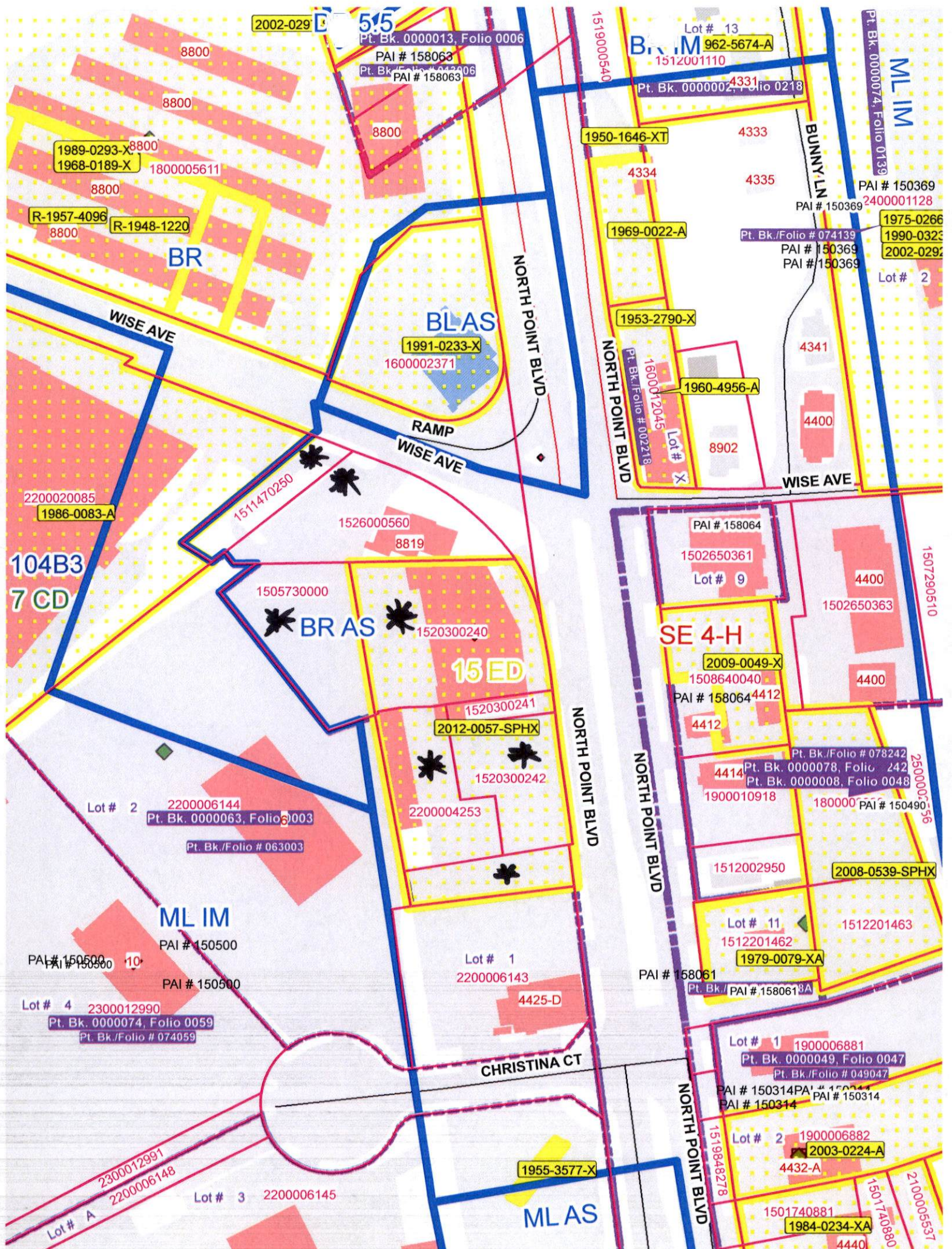
1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Remove the paving and travel way associated with the 4 parking spaces shown to be removed and submit a Final Landscape Plan to Avery Harden, Baltimore County Landscape Architect, for review and approval.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/dlw





2002-029

5.5

Pt. Bk. 0000013, Folio 0006
PAI # 158063
Pt. Bk. 0000013, Folio 0006
PAI # 158063

Lot # 13
B.M. 962-5674-A
1512001110

Pt. Bk. 0000002, Folio 0218

1950-1646-XT

1969-0022-A

1953-2790-X

1960-4956-A

Pt. Bk. Folio # 002218
Lot # X

BUNNY LN

PAI # 150369
PAI # 150369
2400001128

1975-0266
1990-0323
2002-0292

Lot # 2

BR

WISE AVE

BLAS

1991-0233-X
1600002371

RAMP

WISE AVE

NORTH POINT BLVD

NORTH POINT BLVD

WISE AVE

104B3
7 CD

2200020085
1986-0083-A

1511470250

1526000560
8819

1505730000

BR AS

1520300240

15 ED

1520300241
2012-0057-SPHX

1520300242

2200004253

Lot # 2

2200006144
Pt. Bk. 0000063, Folio 0003

Pt. Bk./Folio # 063003

ML IM

PAI # 150500

PAI # 150500
PAI # 150500

PAI # 150500

Lot # 4 2300012990
Pt. Bk. 0000074, Folio 0059
Pt. Bk./Folio # 074059

Lot # 1

2200006143

4425-D

CHRISTINA CT

1955-3577-X

ML AS

SE 4-H

2009-0049-X

1508640040

PAI # 158064

4412

Pt. Bk./Folio # 078242
Pt. Bk. 0000078, Folio 242
Pt. Bk. 0000008, Folio 0048

4414

1900010918

180000 PAI # 150490

1512002950

2008-0539-SPHX

Lot # 11

1512201462

1979-0079-XA

PAI # 158061

Pt. Bk./PAI # 158061

Lot # 1

1900006881
Pt. Bk. 0000049, Folio 0047

Pt. Bk./Folio # 049047

PAI # 150314 PAI # 150314
PAI # 150314

Lot # 2

1900006882
2003-0224-A

4432-A

1501740881

1984-0234-XA

4440

1501740880
2100005537