

MEMORANDUM

DATE: November 16, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0059-SPHA^X – Appeal Period Expired
SPHXP

The appeal period for the above-referenced case expired on November 15, 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 HEARING, *
SPECIAL EXCEPTION & VARIANCE
(Perry Hall & White Marsh Boulevard) *
11th Election District
5th Council District *
Perry Hall Boulevard Commercial, LLC,
Legal Owner *
Two Farms, Inc.,
Contract Purchaser/Lessee *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0059-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Perry Hall Boulevard Commercial, LLC, legal owner, and Two Farms, Inc., contract purchaser/lessee ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve access to a commercial use through a residential zone (D.R.1). In addition, a Petition for Variance seeks: (1) To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building, in lieu of the maximum permitted 3 signs with no more than 2 on a single façade; (2) To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access; and (3) To allow a landscape transition area a minimum of 0 ft. in width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft. Finally, a Petition for Special Exception seeks approval for a fuel station on an individual site.

ORDER RECEIVED FOR FILING

Date 10-16-17

By low

Appearing at the public hearing in support of the requests was Joe Moran, Kenneth W. Schmid, Tom Ruszin and Joshua T. Sharon, with Morris & Ritchie Associates, Inc. David H. Karceski, Esq. and A. Neill Thupari, Esq. with Venable, LLP represented the Petitioners. Mike Pierce attending the hearing and expressed concern with the signage for the project. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR), the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS) and the State Highway Administration (SHA).

The subject property is approximately 2.23 acres in size and is zoned BM-CCC. The unimproved property is located at the intersection of White Marsh Boulevard and Perry Hall Boulevard. Petitioners propose to construct a Royal Farms store at the site.

Variances

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioners have met this test. The property has an irregular shape and is bordered by two public roads to which the site does not have access. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed improvements and provide appropriate signage to alert motorists to the location of the store. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to

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Date 10-16-17

By [Signature]

the public health, safety, and general welfare. The variances primarily concern signage at the site, but I do not believe the signs proposed will be excessive or will create visual clutter.

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.

Both Mr. Schmid and Mr. Sharon opined Petitioners satisfied each of the requirements set forth at B.C.Z.R. § 502.1, and no testimony or evidence was offered to rebut these opinions. As such, and in recognition of the presumption supplied by Maryland law, the petition for special exception will be granted.

Special Hearing

The petition for special hearing seeks approval to access the proposed Royal Farm store through a portion of land with residential (D.R.1) zoning. As shown on the site plan, only a small portion of the access drive would intrude upon the residential zone; all commercial structures, signage and related infrastructure is located in the BM-CCC zone. The access drive would be situated near (but not within) nontidal wetlands and the White Marsh Run. There are no dwellings situated in the immediate vicinity of the proposed access drive, and I do not believe granting the request would have a detrimental impact upon the community. The DEPS ZAC comment will be incorporated into the order below to ensure the environmental resources at the site are protected.

ORDER RECEIVED FOR FILING

Date 10-16-17

3

By [Signature]

As noted at the outset Mr. Pierce expressed concern with the proliferation of illegal signage at several Royal Farm stores throughout the County. He presented a series of photos (Protestant's No. 1) which identify the stores in question, all of which have unauthorized signs (the majority of which were advertisements for cigarettes and tobacco products). I share Mr. Pierce's concern. This type of signage creates visual clutter and mars the appearance of the community, which is what the sign ordinance seeks to prevent. B.C.Z.R. § 450.1. A condition will be added in the order below to prohibit such unsightly and unauthorized signs.

The final issue concerns "the right of ingress and egress" over the BGE property which bisects this site, a point raised in the DOP ZAC comment. The owner's representative confirmed that while BGE is the fee-simple owner, it has the right (by deed and license) to access its property over and across the BGE property.

THEREFORE, IT IS ORDERED this 16th day of **October, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve access to a commercial use through a residential zone (D.R.1), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception for a fuel station on an individual site, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building, in lieu of the maximum permitted 3 signs with no more than 2 on a single façade; (2) To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access; and (3) To allow a landscape transition area a minimum of 0 ft. in

ORDER RECEIVED FOR FILING

Date 10-16-17

4

By SW

width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to 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 comply with the ZAC comment of DEPS, a copy of which is attached hereto and made a part hereof.
3. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site, which plans should specifically demonstrate how the proposed dumpster would satisfy the requirements of Condition "H" in the Landscape Manual.
4. Only "commercial special event" temporary signs (as described in B.C.Z.R. § 450.4, Class 17 on Table of Sign Regulations) shall be permitted at the site. Such signs shall be subject to the limitations set forth at B.C.Z.R. § 450.7.E.2.
5. Only signs for which a permit has been issued by Baltimore County may be placed or situated on the subject premises.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 10-16-17

By dlw



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 N/W Corner of intersection of Perry Hall Blvd. and White Marsh Blvd. which is presently zoned BM-CCC

Deed References: 29697/00001 10 Digit Tax Account # 1700002380

Property Owner(s) Printed Name(s) Perry Hall Boulevard Commercial, 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHMENT NO. 1

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:

SEE ATTACHMENT NO. 4

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner

David H. Karceski, Esq.

Name- Type or Print

Signature

210 W. Pennsylvania Ave., Ste. 500, Towson, MD

Mailing Address City State

21204 (410) 494-6200 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHMENT NO. 5

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

305 W. Chesapeake Ave #208 Towson, MD

Mailing Address City State

21204, 410-294-0023, jmoran@moran-prape-ties.com

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esq.

Name - Type or Print

Signature

210 W. Pennsylvania Ave., Ste. 500, Towson, MD

Mailing Address City State

21204 (410) 494-6200 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0059-SPAXA Filing Date 8/22/17

Do Not Schedule Dates: Reviewer

PERRY HALL BOULEVARD COMMERCIAL, LLC

**N/W CORNER OF INTERSECTION OF PERRY HALL BLVD. AND
WHITE MARSH BLVD.**

ATTACHMENT NO. 1

**TO PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND
VARIANCE**

1. Special Hearing under Section 500.7 of the B.C.Z.R. to determine whether or not the Zoning Commissioner should approve access to a commercial use through a residential zone (D.R. 1).
- ~~2. Special Hearing to approve a waiver pursuant to B.C.Z.R. Section 500.6, Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-107(a)(2), 32-4-404, 32-4-414, 33-8-101 of the B.C.C. to permit the redevelopment of the portion of the site in a riverine floodplain and to allow grading, paving, installation of a retaining wall with safety fence, guardrail, concrete curb and gutter, and other site work improvements within the floodplain.~~

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. Next, it is important to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing data sets.

3. Once the information is gathered, the next step is to analyze it. This involves identifying patterns, trends, and relationships that can help in understanding the problem.

4. After analysis, the next step is to develop a solution or plan. This involves brainstorming ideas, evaluating options, and selecting the most appropriate approach.

5. Finally, the solution is implemented and the results are evaluated. This involves monitoring the progress, making adjustments as needed, and assessing the overall effectiveness of the solution.

PERRY HALL BOULEVARD COMMERCIAL, LLC
N/W CORNER OF INTERSECTION OF PERRY HALL BLVD. AND
WHITE MARSH BLVD.

ATTACHMENT NO. 2

TO PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND
VARIANCE

Special Exception for a fuel service station on an individual site pursuant to
B.C.Z.R. Section 405.2.B.1.

PERRY HALL BOULEVARD COMMERCIAL, LLC

**N/W CORNER OF INTERSECTION OF PERRY HALL BLVD. AND
WHITE MARSH BLVD.**

ATTACHMENT NO. 3

**TO PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND
VARIANCE**

1. Variance from B.C.Z.R. Section 450.4 Attachment 1.5(a) to allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building in lieu of the maximum permitted 3 signs, with no more than 2 on a single façade.
2. Variance from B.C.Z.R. Section 450.4 Attachment 1.5(b) to allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access.
3. Variance from B.C.Z.R. Section 405.4.A.2.b to allow a landscape transition area a minimum of 0 feet in width in a side yard abutting non-residentially zoned land in lieu of the required 6 feet.

PERRY HALL BOULEVARD COMMERCIAL, LLC

**N/W CORNER OF INTERSECTION OF PERRY HALL BLVD. AND
WHITE MARSH BLVD.**

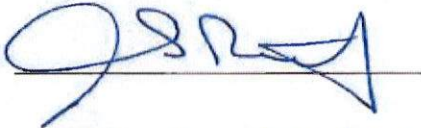
ATTACHMENT NO. 4

**TO PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND
VARIANCE**

Contract Purchase/Lessee (Petitioners):

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

By:



Title:

D. J. R.

PERRY HALL BOULEVARD COMMERCIAL, LLC

N/W CORNER OF INTERSECTION OF PERRY HALL BLVD. AND
WHITE MARSH BLVD.

ATTACHMENT NO. 5

**TO PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND
VARIANCE**

Legal Owners:

Perry Hall Boulevard Commercial, LLC
305 W. Chesapeake Avenue, Site 208
Towson, MD 21204
Phone: 410-294-0023

By: Joseph M Moran
Joseph Moran
Title: MEMBER

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



August 22, 2017

SPECIAL EXCEPTION AREA DESCRIPTION NORTHEAST CORNER PERRY HALL BOULEVARD AND WHITEMARSH BOULEVARD

Beginning at a point located at the intersection of Perry Hall Boulevard and White Marsh Boulevard, at the distance of 276.13 and bearing of N 39°16'03" E to a point. Thence the following courses and distances:

- 2) North 00°23'13" East 204.36'.
- 3) North 04°02'20" East 269.38'.
- 4) South 28°57'21" East 619.65'.
- 5) South 41°40'42" East 67.46'.
- 6) North 86°57'48" West 166.49'.
- 7) North 77°15'38" West 131.53'.
- 8) North 40°51'43" West 108.00' back to the point of beginning as recorded in deeds Liber R.D.A. Jr. 29697, Folio 1, containing 97,311 square feet or 2.24 acres+/-

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation. All of the surveying work reflected in said description complies with the requirements set forth in Chapter 06.12 of the Minimum Standards of Practice for Professional Land Surveyors.

Stephen J. Hall
Professional Land Surveyor #21642



2018-0059-SPAXA

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA ♦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

ZONING NOTICE

CASE # **2018-0059-SPHXA** (Continued)

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: Thursday, October 12, 2017 at 1:30 p.m.

REQUEST: facades) for a single tenant building in lieu of the maximum permitted 3 signs with no more than 2 on a single facade.
2. To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicle access.
3. To allow a landscape transition area a minimum of 0 ft. in width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3301

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

2018-0059-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

**Perry Hall Boulevard Commercial, LLC
Two Farms, Inc.**

October 12, 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:

Perry Hall Boulevard & White Marsh Boulevard

September 22, 2017

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

Sincerely,

September 22, 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)



0107 BLACK 101-100 40

ZONING NOTICE

CASE # 2018-0059-SPHXA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: Thursday, October 12, 2017 at 1:30 p.m.

REQUEST: Special Hearing 1. To determine whether or not the Administrative Law Judge should approve access to a commercial use through a residential zone (DR 1). 2. To approve a waiver; to permit the redevelopment of the portion of the site in a riverine floodplain and to allow grading, paving, installation of a retaining wall with safety fence, guardrail, concrete curb and gutter, and other site work improvements within the floodplain. Special Exception for a fuel station on an individual site. Variance 1. To allow a maximum of 4 enterprise signs (1 wall mounted and 1 canopy on front and rear

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

2 moved
1514 Black
9-7940

ZONING NOTICE

CASE # 2018-0059-SPHXA (Continued)

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: Thursday, October 12, 2017 at 1:30 p.m.

REQUEST: facades) for a single tenant building in lieu of the
maximum permitted 3 signs with no more than 2 on a single façade.
2. To allow a freestanding enterprise sign on a lot which has a lot
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to which the premises does not have and is not allowed pedestrian or
vehicle access. 3. T allow a landscape transition area a minimum of
0 ft. in width in a side yard abutting non-residentially zoned land in
lieu of the required 6 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

2018-0059-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____
Perry Hall Boulevard Commercial, LLC
Two Farms, Inc.

October 12, 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:

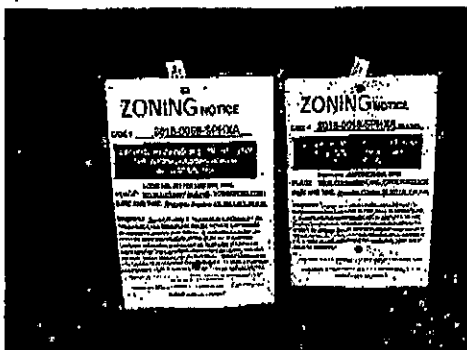
Ladies and Gentlemen:

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: _____

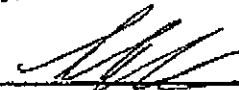
Perry Hall Boulevard & White Marsh Boulevard

September 22, 2017

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



Sincerely,


(Signature of Sign Poster) September 22, 2017
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

04-10-17
1-14-17
SGT BLACK

ZONING NOTICE

CASE # **2018-0059-SPHXA**

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: Thursday, October 12, 2017 at 1:30 p.m.

REQUEST: Special Hearing 1. To determine whether or not the Administrative Law Judge should approve access to a commercial use through a residential zone (DR 1). 2. To approve a waiver to permit the redevelopment of the portion of the site in a riverine floodplain and to allow grading, paving, installation of a retaining wall with safety fence, guardrail, concrete curb and gutter, and other site work improvements within the floodplain. Special Exception for a fuel station on an individual site. Variance 1. To allow a maximum of 4 enterprise signs (1 wall mounted and 1 canopy on front and rear

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL: 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



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 5191447

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:

Sep 21, 2017

NOTICE OF ZONING HEARING

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

Case: # 2018-0059-SPHXA

Perry Hall Boulevard & White Marsh Boulevard
NE corner of Perry Hall and White Marsh Boulevards
11th Election District - 5th Councilmanic District
Legal Owner(s) Perry Hall Boulevard Commercial, LLC
Lessee: Two Farms, Inc.

Special Hearing: 1. To determine whether or not the Administrative Law Judge should approve access to a commercial use through a residential zone (DR1). 2. To approve a waiver; to permit the redevelopment of the portion of the site in a riverine floodplain and to allow grading, paving, installation of a retaining wall with safety fence, guardrail, concrete curb and gutter, and other site work improvements within the floodplain.

Special Exception: for a fuel station on an individual site.
Variance: 1. To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building in lieu of the maximum permitted 3 signs with no more than 2 on a single facade. 2. To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access. 3. To allow a landscape transition area a minimum of 0 ft. in width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft.

Hearing: Thursday, October 12, 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.

9/063 September 21

5191447

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising



September 11, 2017
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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Perry Hall Boulevard & White Marsh Boulevard
NE corner of Perry Hall and White Marsh Boulevards
11th Election District – 5th Councilmanic District
Legal Owners: Perry Hall Boulevard Commercial, LLC
Lessee: Two Farms, Inc.

Special Hearing 1. To determine whether or not the Administrative Law Judge should approve access to a commercial use through a residential zone (DR 1). 2. To approve a waiver; to permit the redevelopment of the portion of the site in a riverine floodplain and to allow grading, paving, installation of a retaining wall with safety fence, guardrail, concrete curb and gutter, and other site work improvements within the floodplain. **Special Exception** for a fuel station on an individual site. **Variance** 1. To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building in lieu of the maximum permitted 3 signs with no more than 2 on a single façade. 2. To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access. 3. To allow a landscape transition area a minimum of 0 ft. in width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft.

Hearing: Thursday, October 12, 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
Joseph Moran, 305 W. Chesapeake Avenue, 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 FRIDAY, SEPTEMBER 22, 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, September 21, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

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: 2018-0059-SPHXA

Perry Hall Boulevard & White Marsh Boulevard

NE corner of Perry Hall and White Marsh Boulevards

11th Election District – 5th Councilmanic District

Legal Owners: Perry Hall Boulevard Commercial, LLC

Lessee: Two Farms, Inc.

Special Hearing 1. To determine whether or not the Administrative Law Judge should approve access to a commercial use through a residential zone (DR 1). 2. To approve a waiver; to permit the redevelopment of the portion of the site in a riverine floodplain and to allow grading, paving, installation of a retaining wall with safety fence, guardrail, concrete curb and gutter, and other site work improvements within the floodplain. **Special Exception** for a fuel station on an individual site. **Variance** 1. To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building in lieu of the maximum permitted 3 signs with no more than 2 on a single façade. 2. To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access. 3. To allow a landscape transition area a minimum of 0 ft. in width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft.

Hearing: Thursday, October 12, 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 HEARING * BEFORE THE OFFICE
AND VARIANCE *
Perry Hall Blvd & White Marsh Blvd; NE * OF ADMINISTRATIVE
corner of Perry Hall & White Marsh Blvds * HEARINGS FOR
11th Election & 5th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Perry Hall Blvd *
Commercial LLC *
Contract Purchaser(s): Two Farms, Inc *
Petitioner(s) * 2018-059-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
SEP 07 2017

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 7th day of September, 2017, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2018-0059-SPHXA

Property Address: _____

Property Description: _____

Legal Owners (Petitioners): Perry Hall Boulevard Commercial, LLC

Contract Purchaser/Lessee: Two Farms, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukersmith

Company/Firm (if applicable): Venable LLP

Address: 210 W. Pennsylvania Ave.

Sle 500

Towson, MD 21204

Telephone Number: (410) 494-6200

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

№ 157177

Date: 8/22/17

PAID RECEIPT

BUSINESS ACTUAL TIME
8/25/2017 8/24/2017 11:09:44
REG 0803 WALKIN CAH
>>RECEIPT # 740257 8/24/2017
Dept 5 528 ZONING VERIFICATION
CR NO. 157177
Recpt Tot \$1,200.00
\$1,200.00 CK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
0001	8006	0000		6150				\$1200 ⁰⁰

Total: \$1200⁰⁰

Rec From: *Payee + Venerable*

For: *ZONING hearing - case # 2018-0059-SPHXA*

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

October 5, 2017

Perry Hall Boulevard Commercial LLC
Joseph Moran
305 W Chesapeake Avenue
Towson MD 21204

Two Farms Inc.
3611 Roland Avenue
Baltimore MD 21211

RE: Case Number: 2018-0059 SPHA, Address: NW Corner of intersection of Perry Hall Boulevard and White Marsh Boulevard

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 August 24, 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, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw
Enclosures

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



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

September 22, 2017

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

Dear Ms. Lewis:

Thank you for the opportunity to review the site plan to accompany the petition for special exception, hearing, and variance, for the proposed Royal Farms Store #232 located at the northeast corner of Perry Hall Boulevard and MD 43 (White Marsh Boulevard) in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

Royal Farms Store #232
Site Plan Review for Special Exception, Hearing, and Variance
Case No: 2018-0059-SPHXA
Perry Hall Boulevard (East Side) at MD 43 (White Marsh Boulevard)
Mile Post 2.96; Baltimore County

The developer for the Royal Farms Store is proposing to access Perry Hall Boulevard through an existing BGE transmission line parcel across from Southfield Drive. The MDOT SHA Plat #50151 indicates that a Right-of-Way Line of Through Highway exists along this transmission line parcel except for ingress and egress for BGE. Such access is necessary for BGE to maintain its transmission lines and related facilities. The developer has requested MDOT SHA to provide Royal Farms access to Perry Hall Boulevard through the BGE transmission line parcel. If the approvals necessary to grant this request are obtained, the developer will need to coordinate with both MDOT SHA and Baltimore County through their access management permitting processes as well as BGE. To initiate this process the developer for Royal Farms Stores must submit six (6) copies of a traffic impact study and a CD of the study for MDOT SHA review to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Richard Zeller.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only) 1-866-998-0367 (x2332) or by email at rzeller@sha.state.md.us.

Sincerely,

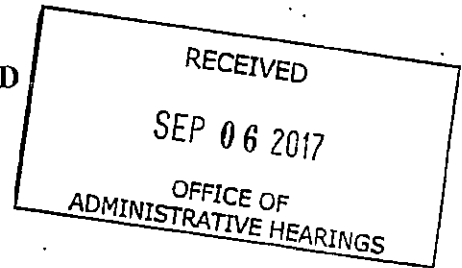
for
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
MDOT - State Highway Administration
District 4 - Baltimore and Harford Counties

Ms. Kristen Lewis
Page Two

cc: Morris & Ritchie Associates, Inc.
Perry Hall Boulevard Commercial, LLC
Two Farms, Inc.
Mr. Jan M. Cook, Development Plans Review, Baltimore County
Mr. Vishnu Desai, Development Plans Review, Baltimore County
Mr. Donald Distance, Transportation Engineer, District Four Traffic, MDOT SHA
Mr. Rich Zeller, Transportation Engineer, District Four Access Management, MDOT SHA

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0059-SPHXA
Address Perry Hall & White Marsh Blvd.
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of **September 11, 2017.**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains. Pursuant to this code, an alternatives analysis is required for stormwater management, utility, or access road impacts proposed to the forest buffer. A variance is required for proposed forest buffer impacts for structures, including parking areas. All requirements must be met in order for approval of an alternatives analysis or variance. There are no guarantees of any approvals. State of Maryland and Army Corps of Engineers review of wetland, wetland buffer, and floodplain impacts is also required. Alternative layouts must be presented.

X Development of this property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 6. Forest Conservation.

Reviewer: Paul Dennis

Date: September 5, 2017

ORDER RECEIVED FOR FILING

Date 10-16-17

By [Signature]
C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 18-0059-SPHXA
Royal Farms Store 232.doc

10-12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0059-SPHXA
Address Perry Hall & White Marsh Blvd.
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of **September 11, 2017.**

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains. Pursuant to this code, an alternatives analysis is required for stormwater management, utility, or access road impacts proposed to the forest buffer. A variance is required for proposed forest buffer impacts for structures, including parking areas. All requirements must be met in order for approval of an alternatives analysis or variance. There are no guarantees of any approvals. State of Maryland and Army Corps of Engineers review of wetland, wetland buffer, and floodplain impacts is also required. Alternative layouts must be presented.
- X Development of this property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 6. Forest Conservation.

Reviewer: Paul Dennis

Date: September 5, 2017

10-12

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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: 18-059



INFORMATION:

Property Address: Perry Hall & White Marsh Boulevard
Petitioner: Perry Hall Boulevard Commercial, LLC
Zoning: BM-CCC
Requested Action: Special Hearing, Special Exception and Variance

The Department of Planning has reviewed the petition for a special hearing, special exception and variance as described on the attachment submitted in support of the petitions.

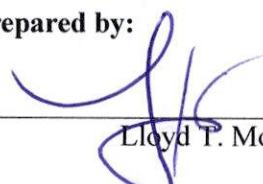
A site visit was conducted on September 13, 2017. A portion of the site was the subject of 2016 CZMP issue # 5-105.

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

- The petitioners must demonstrate to the satisfaction of the Administrative Law Judge that they have the right of ingress and egress over and across the BG&E owned property.
- Submit a landscape and lighting plan to the Baltimore County Landscape Architect for approval. Said plan must demonstrate how the proposed dumpster meets Condition "H" of the Baltimore County Landscape Manual.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Ngone Seye Diop

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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
VCD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For September 11, 2017
Item No. 2018-0059-SPHA

DATE: September 22, 2017

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

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

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevations, so that the first floor elevation can be set

* * * * *

VKD: CEN
cc: file

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

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

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director 
Department of Public Works

DATE: September 28, 2017

SUBJECT: Case No: 2018-0059-SPHXA
Tax Account 17-00-002380
NE Perry Hall & White Marsh Boulevards, White Marsh, Maryland 21236

This is a Special Hearing to approve a waiver to permit the redevelopment of the portion of the site in a riverine flood plain and to allow grading, paving, installation of a retaining wall with safety fence, guard rail, concrete curb, and gutter, and other site work improvements within the flood plain.

A riverine flood plain is shown on the property. The Federal Emergency Management Agency, FEMA, Flood Insurance Rate Map, FIRM, panel 2400100290F dated September 26, 2008, shows a Zone A "special flood hazard area" at this site.

Baltimore County Code Sections 32-4-414, 32-8 and the 2015 Baltimore County Building Code Part 125 all state "no building in a riverine flood plain". The retaining wall would also violate setback requirements of the Baltimore County Department of Public Works Design Manual Plate DF-1.

The Department of Public Works would support the requested waiver subject to the following conditions:

- 1.) The developer should provide an approved FEMA Conditional Letter of Map Revision, C-LOMR, requesting FEMA to change the FIRM to agree with the delineation shown by the developer's engineer.
- 2.) Provide a Study including a statement that the proposed development will not have any impact on any offsite properties.
- 3.) Show grading removing a volume equivalent to the new fill volume to compensate for lost flood plain storage volume

SAW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Kevin G. Wagner, Maryland Department of the Environment
Peter M. Zimmerman, People's Council

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0059-SPHXA
Address Perry Hall & White Marsh Blvd.
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of **September 11, 2017.**

 X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

 X Development of the property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains. Pursuant to this code, an alternatives analysis is required for stormwater management, utility, or access road impacts proposed to the forest buffer. A variance is required for proposed forest buffer impacts for structures, including parking areas. All requirements must be met in order for approval of an alternatives analysis or variance. There are no guarantees of any approvals. State of Maryland and Army Corps of Engineers review of wetland, wetland buffer, and floodplain impacts is also required. Alternative layouts must be presented.

 X Development of this property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 6. Forest Conservation.

Reviewer: Paul Dennis Date: September 5, 2017

CASE NAME Perry Hall Boulevard Comm
CASE NUMBER 2018-0059-SPHXA resid.
DATE October 12, 2017 UC

[illegible]

(continued)

Figure 1. The effect of the number of trials on the mean accuracy of the responses. The error bars represent the standard error of the mean.

[illegible][illegible]

DATE _____

2018-0059

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartmentComment9/22DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)9/5DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

9/29PLANNING
(if not received, date e-mail sent _____)NO Obj
w/conditions9/22

STATE HIGHWAY ADMINISTRATION

Comment

TRAFFIC ENGINEERING

9/28 Dept. of Public WorksNO Obj
w/conditions

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/21/17

SIGN POSTING

Date:

9/22/17by SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 11 Account Number - 1700002380							
Owner Information									
Owner Name:		PERRY HALL BOULEVARD COMMERCIAL LLC				Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:		STE 208 305 W CHESAPEAKE AVE TOWSON MD 21204-4447				Deed Reference:		/29697/ 00001	
Location & Structure Information									
Premises Address:		PERRY HALL BLVD 0-0000				Legal Description:		10.32 AC WS PERRY HALL BLVD 1600FT S SILVER SPRNG RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0072	0020	0443		0000	1			2018	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						10.3200 AC		04	
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation		
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of 01/01/2015		As of 07/01/2017		As of 07/01/2018	
Land:			94,300	94,300					
Improvements			0	0					
Total:			94,300	94,300		94,300			
Preferential Land:			0						
Transfer Information									
Seller: WHITE MARSH JOINT VENTURE				Date: 07/22/2010		Price: \$107,355			
Type: ARMS LENGTH IMPROVED				Deed1: /29697/ 00001		Deed2:			
Seller: WHITE MARSH JOIN T VENTURE				Date: 06/19/1992		Price: \$279,000			
Type: ARMS LENGTH IMPROVED				Deed1: /05527/ 00167		Deed2:			
Seller: RYLAND GROUP INC				Date: 06/19/1992		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /00000/ 00000		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									

10/12
1:30 PM

Case No.: 2018-0059-SPHXA - Penny Hall + White Marsh Blvd.

Exhibit Sheet

Petitioner/Developer

Protestant

BW 11-16-17

BW 10-16-17

No. 1	site plan 1A-1C	Photos of illegal signs
No. 2	Shwon CV	
No. 3	2CPM	
No. 4	Illustrative Plan	
No. 5	Aerial photo	
No. 6	Schematic Landscape plan	
No. 7	Letter from J. Hermann	
No. 8	Photos w/ Key sheet	
No. 9	Schmid CV	
No. 10		
No. 11		
No. 12		

9620 Belair Rd

Sign as submitted by the petitioner in Zoning Case 2012-0014:

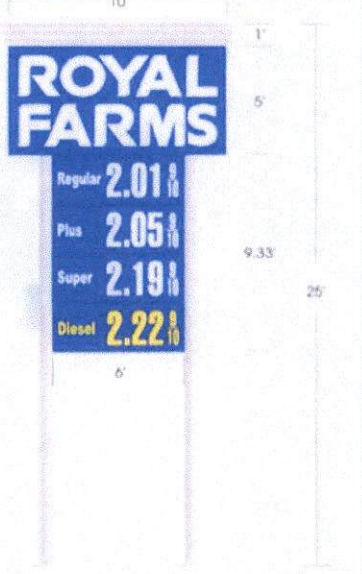


Photo of current signs

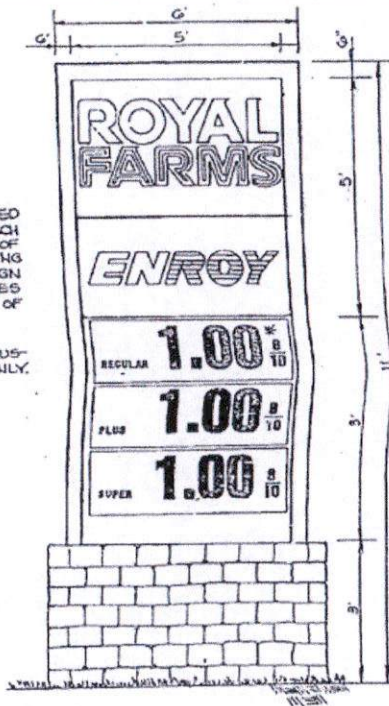


1525 E Joppa Rd

Sign as approved in Zoning Case 1996-0486:

SIGN IS DOUBLE-FACED AND ILLUMINATED. EACH SIDE HAS AN AREA OF 50 SQ. FT. EXCLUDING PRICING AREAS. THERE IS 1 SIGN WITH A TOTAL OF 2 FACES TOTALING 72 SQ. FT. OF SIGN AREA.

*PRICES ARE FOR ILLUSTRATIVE PURPOSES ONLY.



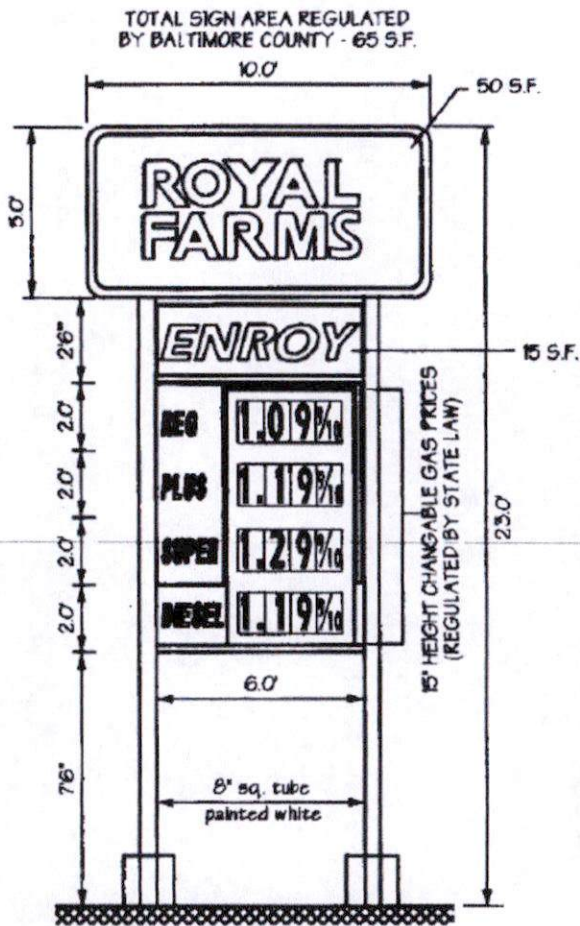
PROPOSED
SIGN DETAIL
NO SCALE

Photos of current sign:



12545 Eastern Ave, Chase

Sign as approved in Zoning Case 2000-0221:



FRONT VIEW

STORE SIGN DETAIL

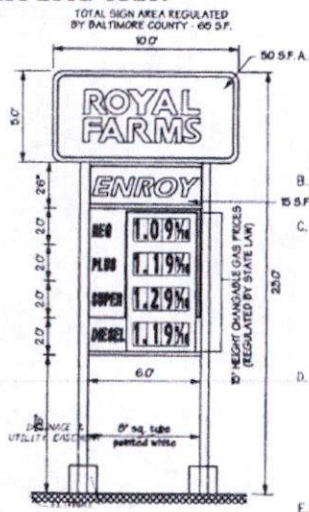
SCALE: 1" = 5'

Photos of current sign (GoogleEarth, July 2016):

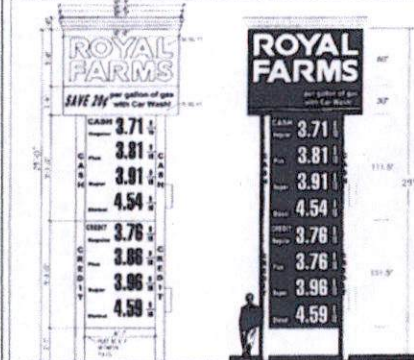


3320 Eastern Ave

Sign as approved in Zoning Case 2002-0326:



Sign as submitted in Zoning Case 2009-0128 (which was withdrawn):



FREESTANDING PYLON SIGN

NOTES: 1. THIS SIGN IS A EXEMPT FROM THE STATE REGULATIONS. 2. AREA OF SIGN PROPOSED - 10.0' x 23.0' 3. SIGN IS ILLUMINATED

Photos of current sign:



11905 Market Way (@ Route ...)

Sign as approved in Zoning Case 2010-0333:

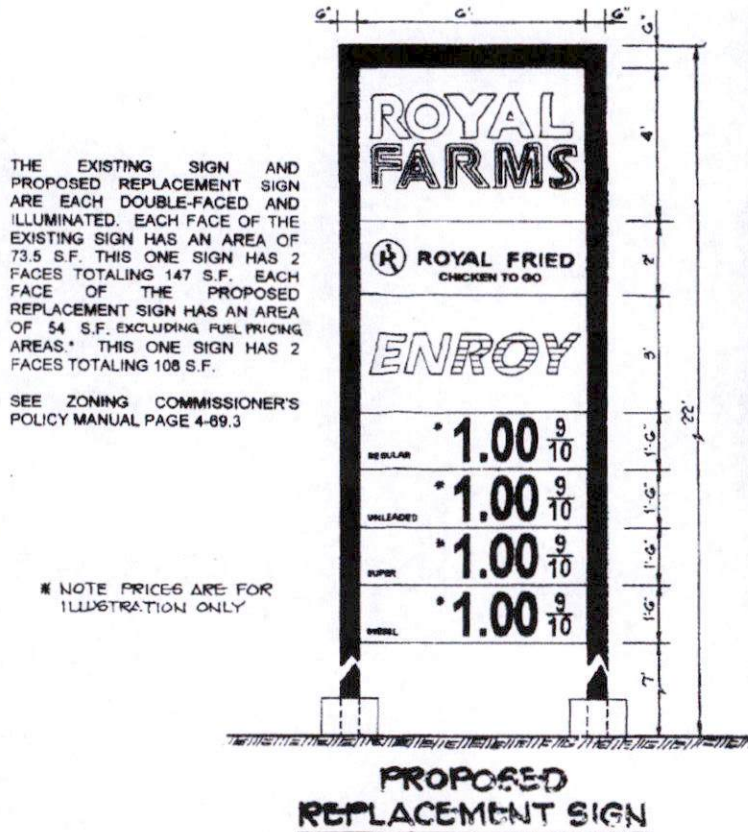


Photo of current sign:



8803 Philadelphia Rd (SR7)

Sign as approved in Zoning Case 2003-0009:



Photos of current sign (May 18, 2107):



9600 Pulaski Hwy

Sign as approved in Zoning Case 1994-0342:

* SIGN IS DOUBLE-FACED AND ILLUMINATED. EACH SIDE HAS AN AREA OF 48 S.F. EXCLUDING PRICING AREAS. THERE ARE 2 S.G.S WITH A TOTAL OF 4 FACES TOTALING 192 S.F. OF SIGN AREA.

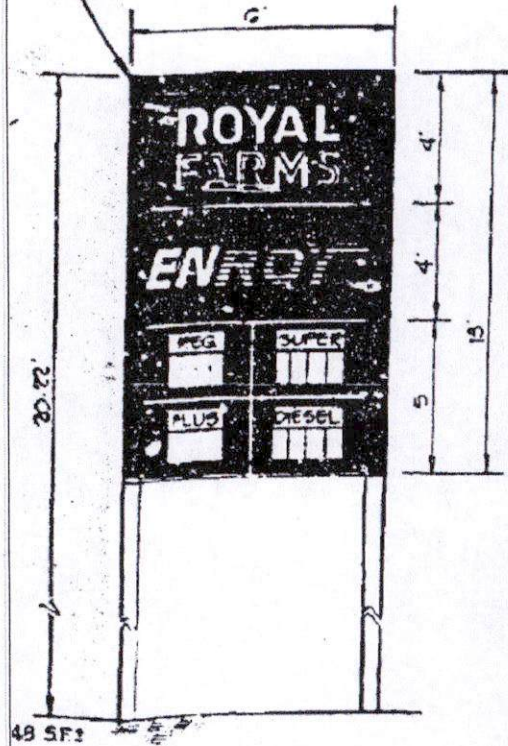
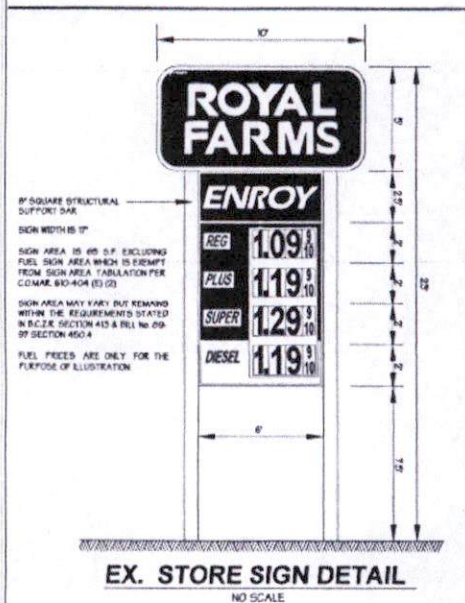


Photo of current signs:



10740 Pulaski Hwy (US40)

Sign as approved in Zoning Case
1999-0318-X and 2009-0009:

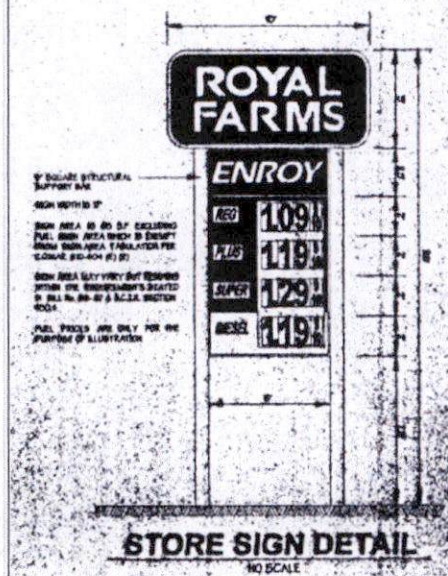


Photos of current sign (May 15, 2107):



3505 Washington Blvd, Halethrope

Sign as approved in Zoning Case 2000-0509:



Current sign (GoogleEarth, Oct 2015):



JOSHUA T. SHARON
P.E., L.S.I.T., LEED AP BD+C.

Project Assignment:

Associate

Years of Experience:

MRA: 11

Education:

B.S., Civil Engineering,
University of Maryland, 2005

Active Registrations:

Professional Engineer - Maryland,

Land Surveyor in Training-
Maryland,

LEED Accredited Professional,

Professional Affiliations:

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

Recognitions:

2009 Consultant of the Year by the
Baltimore County Soil
Conservation District



**MORRIS &
RITCHIE ASSOCIATES, INC.**

Qualifications:

Mr. Sharon is an Associate with Morris & Ritchie Associates, Inc.'s Towson office. Mr. Sharon has a comprehensive background in the civil engineering field. He has worked with Morris & Ritchie Associates on a variety of projects located in Baltimore City, Baltimore County, Anne Arundel County, Harford County, Garrett County and Frederick County.

Mr. Sharon has extensive experience in the design and development of an assortment of site development projects including single-family residential communities, multi-tenant neighborhoods, commercial properties, retail centers, hospitality buildings and telecommunication sites. He has extensive knowledge of the procedures for processing permits and developments through Baltimore County and other jurisdictions.

As an Associate in MRA's Towson office, Mr. Sharon is responsible for engineering design of development projects, day-to-day management of client services and preparation of construction documents.

Mr. Sharon has extensive design experience that includes site layout and design, grading, earthwork analysis, storm drain and utility design, hydrology and hydraulic analysis and design, erosion and sediment control design, culvert analysis and design, roadway design and stormwater management design for both commercial lots and residential subdivision projects.

Mr. Sharon is experienced in developing alternatives analysis to evaluate cost effective design options, and solving design problems with severe site constraints.

Examples of Mr. Sharon's project experience include:

10 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the conversion of the 10 Light Street building from office to 430 residential apartments.

5601 Eastern Avenue, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of a mixed-use redevelopment PUD project with retail, residential apartments and hospitality.

6300 York Road, Baltimore City, Maryland - Civil Project Engineer for engineering design of an inline-retail addition project to a successful shopping center.

801 Goucher Boulevard, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of a 14.5 acre shopping center containing over 157,000 s.f. of retail space.

725 Butler Road, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of a commercial center consisting of historic buildings and new construction. Project work included the first pervious concrete stormwater management design solution in Baltimore County.

Meadowvale, Baltimore County, Maryland - Civil Project Engineer engineering design team for a 103-unit single family community located in an area of severe grade changes and limited by existing drainage patterns and environmental constraints.

Carriage Hills, Baltimore County, Maryland - Civil Project Engineer for engineering design of a 159-unit town home community located on Liberty Road.

Martin Plaza, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 25 acre shopping center.

Riparius Lot #1, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of an 87 room Holiday Inn Express located on an undeveloped parcel hindered by grade changes, environmental constraints and requiring an underground stormwater management facility to meet local and state regulations.

Allender Road, Baltimore County, Maryland - Civil Project Engineer on team designing a 173-unit single-family home community located on Allender Road with stormwater management challenges including dual design discharge points.

The Preserve at Windlass Run, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 412-unit development mixed with single family and town homes located off of White Marsh Boulevard, surround by environmentally sensitive areas and requiring seven stormwater management facilities.

SECTION

102.6 ACCESS

A. For Heavier Uses Through Lighter Zones:

1. Access for a heavier commercial or industrial use or a heavier commercial or industrial zone through a lighter or more restrictive commercial or industrial zone is permitted. It does not have to be the only possible access that the property has.
2. Access through O-1 and O-2 for commercial and industrial uses is only permitted if it is demonstrated that it is the only possible access. If it is not the only possible access, a special hearing would be required by the Zoning Commissioner. A hearing may also be required if it is the only access.
3. Access through a residential zone (RC, DR, RAE) for a commercial or industrial use may be permitted if it is the sole access to the site. A public hearing may be required based on a determination that:
 - a. it is the only possible access from a public street;
 - b. and/or the residential land in issue is too small;
 - c. and/or the land in issue is subject to other restrictions which prevents a residential use.
4. Access through an RO zone, a public hearing would only be necessary pursuant to Section 1.C above if it is determined that the use of the land in issue at the time the subdivision and/or development plan was submitted was residential - if commercial, no hearing would be required (See M84-6 and 85-302 SPH).
5. Interior driveways that serve commercial or industrial uses through residential zones which are for circulation only with no access to the property from a public street would not require a public hearing.

B. If property is wholly or partially zoned ML-IM, and the proposed use is located wholly or partially in the ML-IM zone with access to the site through a zone other than ML-IM, the requirements of Section 253.1.C with regard to access is not applicable.

C. See County Attorney Opinions, dated 9/20/79; 9/19/79; 1/17/80.

APPROVED MAY 13, 1992

PETITIONER'S EXHIBIT

3

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(2915 Joppa Road) *

9th Election District

5th Council District *

Stanley & Denise Feiden and

Paul & Rosemary Krause, *Legal Owners* *

JC Bar Development, LLC,

Contract Purchaser *

Petitioners

* * * * *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0304-SPHA

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Stanley & Denise Feiden and Paul & Rosemary Krause, legal owners, and JC Bar Development, LLC, 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 commercial parking in a residential zone; (2) to approve four stacking spaces, not including space next to the transaction window, for a pharmacy drive-up window; and (3) to permit access to a commercial use through a residential zone.

In addition, an amended Petition for Variance seeks the following: (1) to allow off-street parking spaces to be located a minimum of 15 feet from a tract boundary in lieu of the required 75 feet and to remove the required 50 foot landscaped residential transition area along the western portion of the property that is proposed to be undeveloped open space. In lieu, a 15-foot Class "A" landscape buffer will be provided; (2) from B.C.Z.R. §409.8 to permit a setback of 3 ft. in lieu of the required 10 ft. setback requirement from an adjoining commercial property; and (3) to permit a freestanding sign to be erected 0 ft. from a residential zone in lieu of the required 25 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1A & 1B.

Appearing at the public hearing in support of the requests was Jason Mitchell, Dan Wallace, Eric McWilliams, Carl Wilson, Garry Russell and Joseph Ucciferro. David H. Karceski, Esq. and Adam Rosenblatt, 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. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and Bureau of Development Plans Review (DPR). The DOP did not oppose the relief, but requested a note be added to the plan concerning a 2012 rezoning of the property. The Petitioners added such a note to the plan, and thus the DOP comment is satisfied. DPR requested a landscape plan for the site, and a condition to that effect is included below.

SPECIAL HEARING

The subject property contains approximately 3.04 acres and is located at the intersection of Joppa and Harford Roads. Petitioners propose to construct a CVS pharmacy, and due to several site constraints variance and special hearing relief is required.

The first special hearing request concerns commercial parking in a residential zone. The plan shows four parking spaces would be located in the DR zone, adjacent to an open space area of the site Petitioners propose to convey to NeighborSpace. Mr. Ucciferro, a professional engineer accepted as an expert, testified Petitioners satisfy all requirements in B.C.Z.R. §409.8, and I concur.

The second special hearing request relates to the number of stacking spaces required for a pharmacy drive thru lane, an issue which is not addressed in the Regulations. Developer's representatives noted the average drive thru transaction time at CVS is approximately 3-4 minutes, which means that an extended queue is unlikely. Other CVS stores in Baltimore County have been approved with only 2 stacking spaces, and Petitioners are confident four

spaces would accommodate even the busiest peak-hour periods at the store. As such, I believe four stacking spaces are sufficient for the proposed CVS.

The final special hearing request seeks approval for accessing a commercial use through a residential zone. Counsel indicated the Zoning Commissioner's Policy Manual (ZCPM) provides that such access is permitted when "it is the sole access to the site." ZCPM, p.1-42.2. As Mr. Ucciferro testified, the Joppa Road access shown on the plan, located in a residential zone, is the only "full access" point for the store. As such the request will be granted.

VARIANCES

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioners have met this test. Mr. Ucciferro testified the property is irregularly shaped and that a significant grade change (approximately 25 feet) exists at the site. As such it is unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed CVS store. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED this 18th day of May, 2016, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to approve commercial parking in a residential zone; (2) to approve four stacking spaces, not including space next to the transaction window, for

a pharmacy drive-up window; and (3) to permit access to a commercial use through a residential zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow off-street parking spaces to be located a minimum of 15 feet from a tract boundary in lieu of the required 75 feet and to remove the required 50 foot landscaped residential transition area along the western portion of the property that is proposed to be undeveloped open space. In lieu, a 15-foot Class "A" landscape buffer will be provided; (2) from B.C.Z.R. §409.8 to permit a setback of 3 ft. in lieu of the required 10 ft. setback requirement from an adjoining commercial property; and (3) to permit a freestanding sign to be erected 0 ft. from a residential zone in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to 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. Prior to issuance of permits Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site.

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

JEB/sln

Signed

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

November 20, 2017

W. Carl Richards, Supervisor
Zoning Review Office
Department of Permits, Approvals
and Inspections
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

David H. Karceski

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

Re: **Spirit and Intent Letter** for Two Farms, Inc.
Case No. 2018-0059-SPHXA
Location: Perry Hall Boulevard and White Marsh Boulevard
Tax Map No. 72, Parcel No. 0785
5th Councilmanic District, 11th Election District

Dear Mr. Richards:

This firm represents Two Farms, Inc. ("Royal Farms"), lessee of the above-referenced property located at the northeast corner of the intersection of Perry Hall Boulevard and White Marsh Boulevard in the White Marsh area ("the Property"). On behalf of our client, I am requesting verification from your office that the enclosed site plan (hereinafter "Redlined Site Plan") is within the spirit and intent of the Administrative Law Judge's Order issued in Case No. 2018-0059-SPHXA ("2017 Case") and that no additional zoning relief is required in connection with the Redlined Site Plan.

I. Zoning Case History

In the 2017 Case, Petitions for Special Hearing, Special Exception, and Variance were filed to permit: (1) access to a commercial use through a residential zone (Special Hearing); (2) a fuel service station on an individual site (Special Exception); (3) a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades), in lieu of the maximum permitted 3 signs with no more than 2 on a single façade (Variance); (4) a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access (Variance); (5) and a landscape transition area with a minimum of 0 feet in width in a side yard abutting non-residentially zoned land in lieu of the required 6 feet (Variance). On October 16, 2017, the Administrative Law Judge issued an Order granting all of the requested zoning relief subject to five conditions contained in the Order. Copies of the Order and site plan approved in the 2017 Case are also enclosed for your review.

Mr. W. Carl Richards, Supervisor
November 20, 2017
Page 2

II. Redlined Site Plan

Royal Farms now plans to improve the Property with a 1-story convenience store and carryout restaurant building smaller than the one approved in the 2017 Case. As shown on the 2017 Case site plan, Royal Farms initially intended to construct its "Type Recon B" building, which is 5,371± square feet in size. Royal Farms now intends to construct its "King Con" building for the convenience store and carryout restaurant uses. The "King Con" building is 4,649± square feet in size. See Redlined Site Plan.

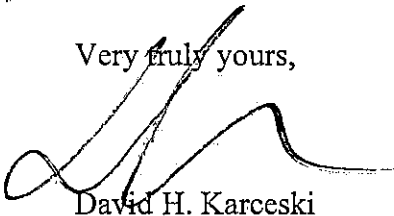
As shown and indicated on the Redlined Site Plan, the "King Con" building will have a smaller building footprint, and allows for a revised layout for the fuel canopy, fuel pump islands, and underground fuel tanks. Additionally, due to the smaller "King Con" building, Royal Farms is required to provide 6 fewer off-street parking spaces. Therefore, a total of 35 parking spaces are now required, and Royal Farms will provide a total of 60 off-street parking spaces. See Redlined Site Plan.

Please confirm, by your countersignature below, that the Redlined Site Plan is within the spirit and intent of the relief granted in Case No. 2018-0059-SPHXA and will not require any additional zoning relief.

I have enclosed with this letter a check in the amount of \$150.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with this expedited review.

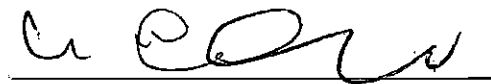
If you have any questions or require any additional information to complete your review, please feel free to contact me. I appreciate your time and attention to this matter.

Very truly yours,



David H. Karceski

REVIEWED AND APPROVED



11/22/17
W. Carl Richards, Supervisor
Zoning Review Office
for Baltimore County

Enclosures
DHK:ant

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
(Perry Hall & White Marsh Boulevard) *	OFFICE OF
11 th Election District	
5 th Council District *	ADMINISTRATIVE HEARINGS
Perry Hall Boulevard Commercial, LLC,	
Legal Owner *	FOR BALTIMORE COUNTY
Two Farms, Inc.,	
Contract Purchaser/Lessee *	Case No. 2018-0059-SPHXA
Petitioners	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Perry Hall Boulevard Commercial, LLC, legal owner, and Two Farms, Inc., contract purchaser/lessee ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve access to a commercial use through a residential zone (D.R.1). In addition, a Petition for Variance seeks: (1) To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building, in lieu of the maximum permitted 3 signs with no more than 2 on a single façade; (2) To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access; and (3) To allow a landscape transition area a minimum of 0 ft. in width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft. Finally, a Petition for Special Exception seeks approval for a fuel station on an individual site.

Appearing at the public hearing in support of the requests was Joe Moran, Kenneth W. Schmid, Tom Ruszin and Joshua T. Sharon, with Morris & Ritchie Associates, Inc. David H. Karceski, Esq. and A. Neill Thupari, Esq. with Venable, LLP represented the Petitioners. Mike Pierce attending the hearing and expressed concern with the signage for the project. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR), the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS) and the State Highway Administration (SHA).

The subject property is approximately 2.23 acres in size and is zoned BM-CCC. The unimproved property is located at the intersection of White Marsh Boulevard and Perry Hall Boulevard. Petitioners propose to construct a Royal Farms store at the site.

Variances

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioners have met this test. The property has an irregular shape and is bordered by two public roads to which the site does not have access. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed improvements and provide appropriate signage to alert motorists to the location of the store. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to

the public health, safety, and general welfare. The variances primarily concern signage at the site, but I do not believe the signs proposed will be excessive or will create visual clutter.

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.

Both Mr. Schmid and Mr. Sharon opined Petitioners satisfied each of the requirements set forth at B.C.Z.R. § 502.1, and no testimony or evidence was offered to rebut these opinions. As such, and in recognition of the presumption supplied by Maryland law, the petition for special exception will be granted.

Special Hearing

The petition for special hearing seeks approval to access the proposed Royal Farm store through a portion of land with residential (D.R.1) zoning. As shown on the site plan, only a small portion of the access drive would intrude upon the residential zone; all commercial structures, signage and related infrastructure is located in the BM-CCC zone. The access drive would be situated near (but not within) nontidal wetlands and the White Marsh Run. There are no dwellings situated in the immediate vicinity of the proposed access drive, and I do not believe granting the request would have a detrimental impact upon the community. The DEPS ZAC comment will be incorporated into the order below to ensure the environmental resources at the site are protected.

As noted at the outset Mr. Pierce expressed concern with the proliferation of illegal signage at several Royal Farm stores throughout the County. He presented a series of photos (Protestant's No. 1) which identify the stores in question, all of which have unauthorized signs (the majority of which were advertisements for cigarettes and tobacco products). I share Mr. Pierce's concern. This type of signage creates visual clutter and mars the appearance of the community, which is what the sign ordinance seeks to prevent. B.C.Z.R. § 450.1. A condition will be added in the order below to prohibit such unsightly and unauthorized signs.

The final issue concerns "the right of ingress and egress" over the BGE property which bisects this site, a point raised in the DOP ZAC comment. The owner's representative confirmed that while BGE is the fee-simple owner, it has the right (by deed and license) to access its property over and across the BGE property.

THEREFORE, IT IS ORDERED this 16th day of **October, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve access to a commercial use through a residential zone (D.R.1), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception for a fuel station on an individual site, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building, in lieu of the maximum permitted 3 signs with no more than 2 on a single façade; (2) To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access; and (3) To allow a landscape transition area a minimum of 0 ft. in

width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to 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 comply with the ZAC comment of DEPS, a copy of which is attached hereto and made a part hereof.
3. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site, which plans should specifically demonstrate how the proposed dumpster would satisfy the requirements of Condition "H" in the Landscape Manual.
4. Only "commercial special event" temporary signs (as described in B.C.Z.R. § 450.4, Class 17 on Table of Sign Regulations) shall be permitted at the site. Such signs shall be subject to the limitations set forth at B.C.Z.R. § 450.7.E.2.
5. Only signs for which a permit has been issued by Baltimore County may be placed or situated on the subject premises.

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



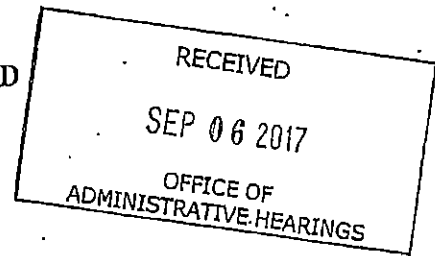
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

10-12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0059-SPHXA
Address Perry Hall & White Marsh Blvd.
(Two Farms, Inc. Property)

Zoning Advisory Committee Meeting of September 11, 2017.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains. Pursuant to this code, an alternatives analysis is required for stormwater management, utility, or access road impacts proposed to the forest buffer. A variance is required for proposed forest buffer impacts for structures, including parking areas. All requirements must be met in order for approval of an alternatives analysis or variance. There are no guarantees of any approvals. State of Maryland and Army Corps of Engineers review of wetland, wetland buffer, and floodplain impacts is also required. Alternative layouts must be presented.

X Development of this property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 6. Forest Conservation.

Reviewer: Paul Dennis Date: September 5, 2017



KEVIN KAMENETZ
County Executive

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

October 16, 2017

David H. Karceski, Esq.
A. Neill Thupari, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0059-SPHXA
Property: Perry Hall & White Marsh Boulevard

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the 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,

A handwritten signature in dark ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087

Professional Resume of
Kenneth W. Schmid
11022 Pfeffers Road
Kingsville, MD 21087

EXPERIENCE

January 1993 – Present

Traffic Concepts, Inc.
325 Gambrills Road, Suite E
Gambrills, MD 21054

Owner, Vice-President

Provides traffic engineering consultant services to the public and private sectors including:

Expert testimony before the County Zoning Officer and Board of Appeals for Special Exception and Rezoning cases. Development of Feasibility Analysis including access alternatives and the assessment of the impact of pertinent Adequate Public Facilities legislation of local governments on potential development sites. Development of Traffic Impact Studies including critical lane, highway capacity, and signal warrant analysis; recommendations of road improvements necessary to meet various Adequate Public Facility criteria and leading negotiations with government agencies to secure waivers for Adequate Public Facilities legislation. Design and preparation of traffic signal, maintenance of traffic, pavement marking, and road improvement concept plans. Preparation of technical and price proposals.

December 1989 – January 1993

Ronald W. Johnson Associates, Inc.
2661 Riva Road, Suite 420
Annapolis, MD 21401

Chief – Traffic Engineering Division

Started and developed the traffic engineering division at this consulting firm. Duties included: Directing the activities of the Traffic Engineering Division. Providing expert testimony at over 30 Special Exception, Rezoning, and Appeal cases. Development of more than 130 feasibility and Traffic Impact Studies. Design and preparation of traffic signal designs, maintenance of traffic, and road improvement concept plans.

December 1986 – November 1989

Anne Arundel County
Department of Public Works
Traffic Engineering Division
Annapolis, MD 21401

Traffic Engineer III and IV

Supervised the daily operations of the Development and Operation Section of the Traffic Engineering Division. This included full responsibility for reviewing and recommending approval or denial of Rezoning and Special Exception cases, subdivisions, and building permit applications. Supervised the activity of three engineers, seven traffic analysts. Duties included traffic control design and implementation throughout the County, for example traffic control design for the Baltimore & Annapolis Hiker/Biker trail.

July 1984 – December 1986

Maryland State Highway Administration
District #5 Office
Annapolis, MD 21401

Traffic Engineer III

Duties included traffic signal design, construction inspection, and conducting various traffic engineering studies in order to make recommendations to the District Traffic Engineers.

May 1981 – July 1984

Maryland State Highway Administration
Office of Traffic and Safety
Hanover, MD 21076

Traffic Engineer I and II

Duties included developing signal design and signalization plans, reviewing signal design plans submitted by consultants, and developing equipment and construction design specifications. The development of traffic signal and traffic signal system timing often required the consideration of pedestrians and bicycle routes throughout the major highway system.

EDUCATION

Baltimore Polytechnic Institute, 1976 graduate

Essex Community College, 1976 – 1978

University of Maryland, 1981 graduate
Bachelor of Science – Civil Engineering

Various Continuing Education courses in the traffic engineering and highway design field.

PUBLICATIONS

Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety

AFFILIATIONS

Institute of Transportation Engineers, 1985 – Present

National Federation of Independent Businesses, 1993 – Present

Accepted as an expert in the traffic engineering field in the following jurisdictions:

Baltimore City
City of Annapolis
City of Elkton
City of Frederick
City of Salisbury
Town of Bel Air
Town of Bowie
Town of Easton
Anne Arundel County
Baltimore County
Calvert County
Caroline County

Carroll County
Cecil County
Charles County
Frederick County
Harford County
Howard County
Kent County
Prince George's County
Queen Anne's County
St. Mary's
Talbot County

REFERENCES:

Mr. Harry Blumenthal
Blumenthal, Delavan & Williams, P.A.
170 Jennifer Road, Suite 240
P.O. Box 868
Annapolis, MD 21401-6484
(410) 573-2900

Mr. Alan Hyatt
Hyatt & Weber, P.A.
200 Westgate Circle, Suite 500
Annapolis, MD 21401
(410) 260-6570

Mr. Thomas Hicks
Maryland State Highway Adm.
Office of Traffic & Safety
7491 Connelley Drive
Hanover, MD 21076
410-787-5800

Mr. Steven D. Foster, Chief
Maryland State Highway Adm.
Access Management Division
707 N. Calvert Street
Baltimore, MD 21202
410-545-5600



KEVIN KAMENETZ
County Executive

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

October 12, 2017

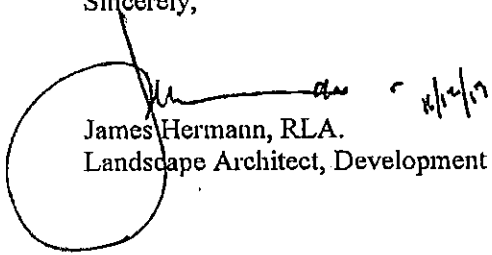
Morris & Ritchie Associates, Inc.
Mr. Matt Bishop, LA
1220-C East Joppa Road
Towson, Maryland 21286
Phone: 410-821-1690

Subject: Royal Farms Store #232
Zoning Case # 2018-0059-SPHXA
Intersection of Perry Hall & White Marsh Boulevard
Baltimore, Maryland 21236

Dear Mr. Bishop:

This is in response to our meeting on October 3, 2017, we are in support of the landscape modifications discussed, highlighted and shown on the Schematic Landscape Plan dated 9-26-2017, provided the Special Exception and accompanied Zoning Relief is granted.

Sincerely,

A handwritten signature in black ink, appearing to read "James Hermann", is written over a large, hand-drawn circle. To the right of the signature, the date "10/12/17" is handwritten.
James Hermann, RLA.
Landscape Architect, Development Plans Review

cc:

PETITIONER'S EXHIBIT

7

10/12
1:30 PM

Case No.: 2018-0059-SPHXA - Penny Hall + White Marsh Blvd.

Exhibit Sheet

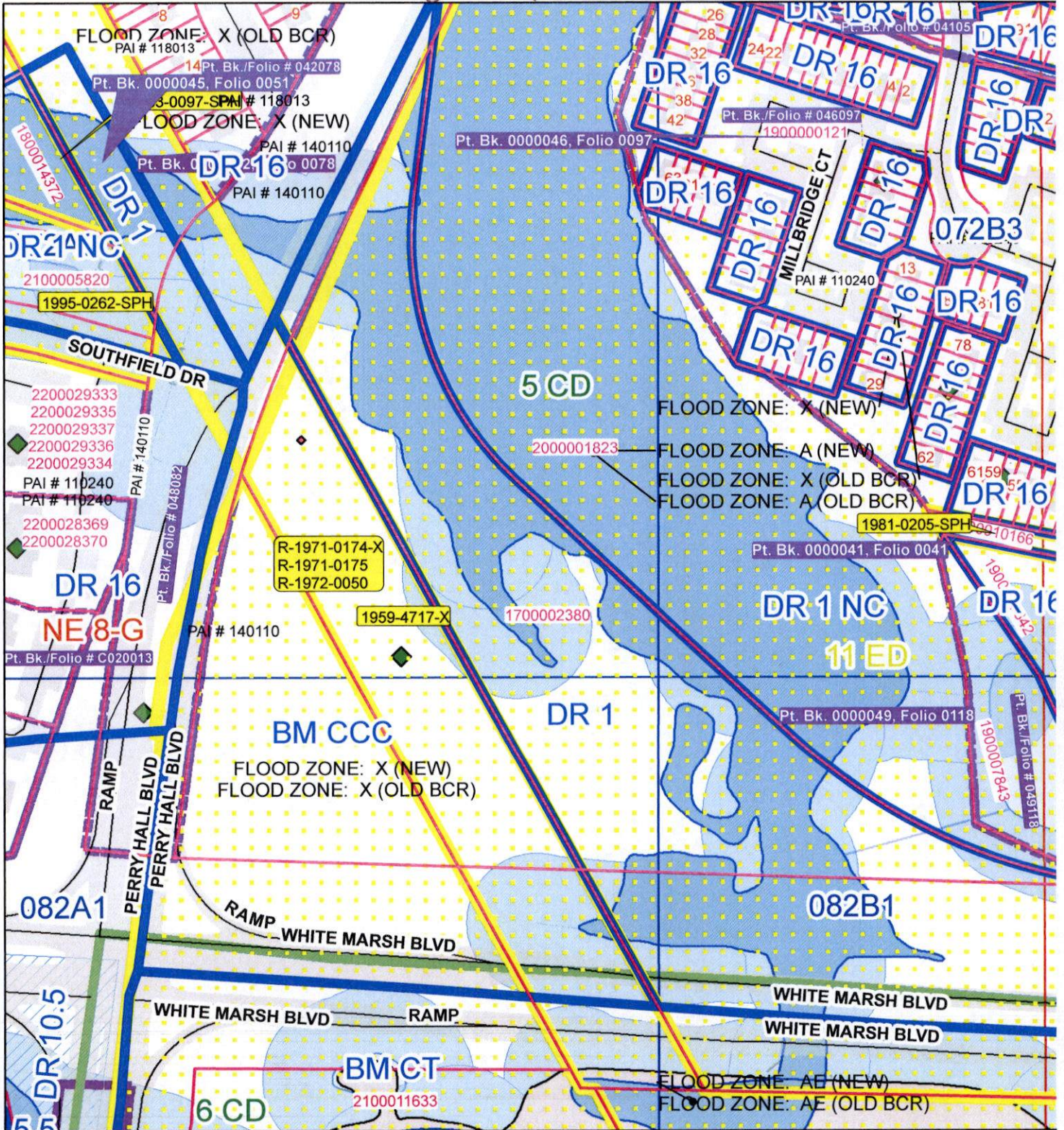
Petitioner/Developer

Protestant

19W
11-16-17
10-16-17

No. 1	site plan 1A-1C	Photos of illegal signs
No. 2	Sharon CV	
No. 3	2CPM	
No. 4	Illustrative Plan	
No. 5	Aerial photo	
No. 6	Schematic Landscape plan	
No. 7	Letter from J. Hermann	
No. 8	Photos w/ Key sheet	
No. 9	Schmid CV	
No. 10		
No. 11		
No. 12		

2018-0059-SPHA



Publication Date: 8/24/2017



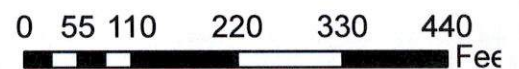
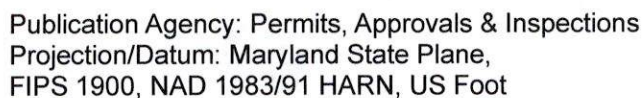
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 55 110 220 330 440 Fe_e

1 inch = 200 feet

2018-0059-SPHA

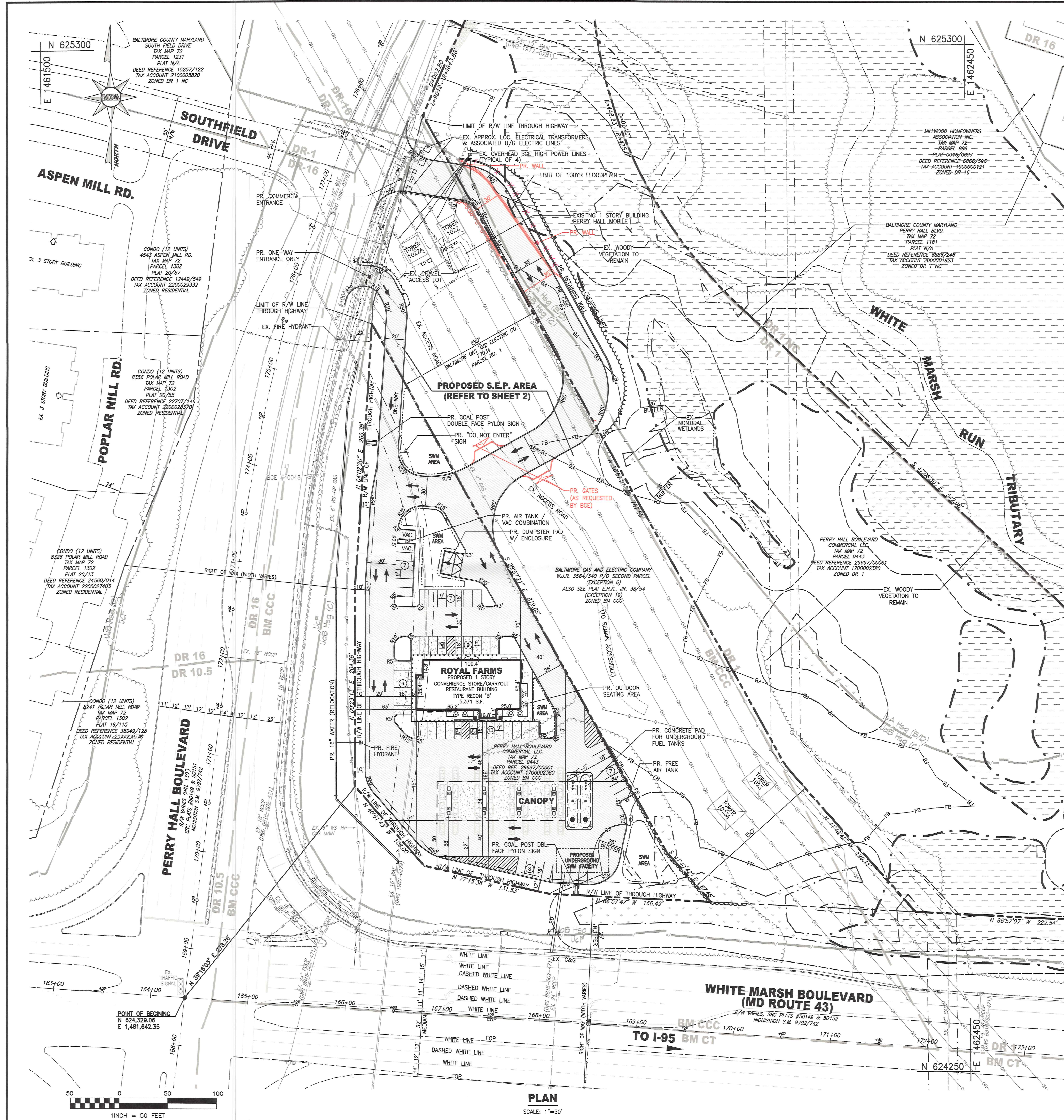


1 inch = 200 feet

	MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX: (410) 821-1748 MRAGTA.COM Copyright 2017 Morris & Ritchie Associates, Inc.
	ROYAL FARMS STORE #232 PERRY HALL BOULEVARD AT WHITE MARSH BOULEVARD PLAN TO ACCOMPANY SPECIAL EXCEPTION, HEARING AND VARIANCE PLAN TO ACCOMPANY SPIRIT AND INTENT LETTER 11th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5th COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:
10/10/2017	△ REVISIONS TO NORTHERN ACCESS DRIVE	17481X61
11/10/2017	△ REVISIONS TO FOOTPRINT, FUEL CANOPY, FUEL TANK PAD, AND PARKING	SCALE: AS SHOWN
		DATE: 08/23/2017
		DRAWN BY: THS
		DESIGN BY: THS
		REVIEW BY: JTS
		SHEET: 01 OF 03

PETITIONER'S EXHIBIT 2A-C



GENERAL NOTES

- PROPERTY INFORMATION:
A. PROPERTY ADDRESS: NE INTERSECTION OF PERRY HALL BOULEVARD AND WHITE MARSH BOULEVARD NOTTINGHAM, MD 21236
B. SITE AREA: GROSS = 824,953 SF OR 18.94 AC.±
NET = 449,655 SF OR 10.32 AC.
SITE = 97,270 SF OR 2.233 AC.
C. ELECTION DISTRICT: COUNCILMANIC DISTRICT: 11
ADC MAP: 4581 E9, 4581 E10, 4581 F10
CENSUS TRACT: 411307
D. TAX MAP: 72
E. TAX ACCOUNT NO.: 1700002380
- ZONING: BM CCC (BUSINESS MAJOR COMMUNITY CORE) DR-1 (DENSITY RESIDENTIAL)
- ZONING MAP / GIS TILE NO.: 072A3
- FLOOR AREA RATIO: PERMITTED = 4.0
PROVIDED = 0.06 (5,371 S.F. / 97,270 S.F.)
- EXISTING LAND USE: VACANT
PROPOSED LAND USE: FUEL SERVICE STATION IN COMBINATION WITH A CONVENIENCE STORE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING
- BMCCC ZONE SETBACKS (SECTION 235):

	REQUIRED	PROVIDED
FROM PROPERTY LINE	15'	151'
FRONT	0'	40'
SIDE (INTERIOR)	10'	63'
SIDE (STREET)	10'	63'
REAR	20'	72'
- FUEL SERVICE SETBACKS (SECTION 405):

	REQUIRED	PROVIDED
FROM ANY STREET RIGHT OF WAY	35'	63'
CONVENIENCE STORE	25'	58'
FUEL PUMP	15'	50'
CANOPY		
- LANDSCAPE TRANSITION AREAS (LTA):

	REQUIRED	PROVIDED
FROM PROPERTY LINE	10'	10'
ALONG PERRY HALL BLVD	10'	10'+
ALONG WHITE MARSH BLVD	10'	10'+
ALONG SIDE YARD (BM CCC ZONE)	6'	0'
- PROPOSED BUILDING HEIGHT: C-STORE = 32'-6" PEAK OF GABLE
CANOPY = 19'-0"
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- A PORTION OF THE SITE IS LOCATED IN A 100 YEAR FLOODPLAIN. (F.E.M.A. PANEL NO. 2400100290F)
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- A REST ROOM FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN ONE MILE OF THE SITE (SECTION 405.3, BCZR)
- AMENITY OPEN SPACE:

	REQUIRED	PROVIDED
	= 0.2 (0.2% 371 SF = 1,075 SF)	= 1.66 (6,940 SF)

ROYAL FARMS PARKING TABULATIONS CHART			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A AND 419.3.B)			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED
CONVENIENCE STORE WITH GASOLINE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING	6,014 S.F.	5/1,000 S.F.	31
MAX. # EMPLOYEES ON SHIFT			6
ATM			1
FREE AIR TANK			1
AIR TANK / VAC COMBINATION			2
PARKING REQUIRED			41
TOTAL PARKING PROVIDED (INCLUDES 3 ADA SPACES)			57

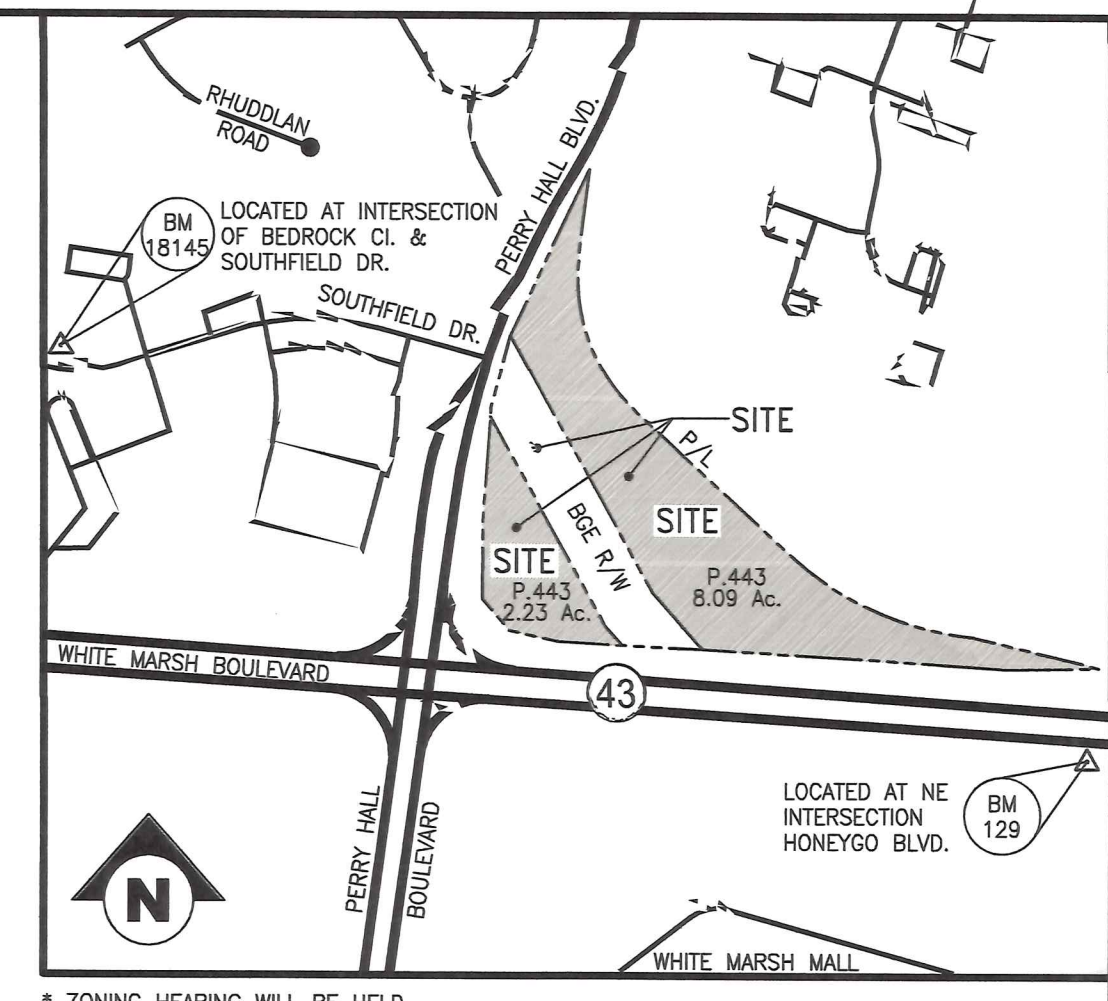
SPECIAL EXCEPTION AREA	
FUEL SERVICE STATION (16 FUELING POSITIONS x 1,500 S.F.) =	24,000 S.F.
CONVENIENCE STORE (4 x 5,305 S.F.) =	13,220 S.F.
ATM MACHINE (1 ATM x 1,000 S.F.) =	1,000 S.F.
CARRY OUT RESTAURANT (6 x 2,709 S.F.) =	16,254 S.F.
REQUIRED TOTAL AREA =	54,474 S.F.
PROVIDED TOTAL AREA =	97,270 S.F.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

OWNER
PERRY HALL BOULEVARD
COMMERCIAL, LLC
305 CHESAPEAKE AVE.
SUITE 208, TOWSON MD 21204

DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 06/21/2018



* ZONING HEARING WILL BE HELD

VICINITY MAP
SCALE: 1" = 500'

BENCHMARKS
876 N 625,254.51
ELEV. 128.87
DESCRIPTION: NAIL IN PAVEMENT 3' EAST OF STORM DRAIN INLET. NW CORNER OF INTERSECTION BAYFIELD DRIVE & SOUTHFIELD DRIVE.

GIS-129 N 624,184.19
ELEV. 107.93
DESCRIPTION: MONUMENT IN CONCRETE AT INTERSECTION OF WHITE MARSH BLVD. AND HONEYGO BLVD. IN SE CORNER MEDIAN, 67.8' NE OF DO NOT ENTER SIGN.

ZONING HISTORY
CASE NO. 1959-4717-X - PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A STEEL TOWER TRANSMISSION LINE OR LINES. GRANTED AUGUST 20, 1959

CASE NO. R-1971-0174-X - PETITION FOR RECLASSIFICATION FROM R-6 TO RA ZONE PARCEL 1, BR ZONE PARCEL 2 AND RA ZONE PARCEL 3 FOR CHANGE IN THE AREA SINCE ADOPTION OF THE ZONING MAP AND BECAUSE OF ERROR IN ORIGINAL ZONING CLASSIFICATION. PETITION FOR SPECIAL EXCEPTION TO USE PARCEL 3 FOR THE CONSTRUCTION OF OFFICES OR OFFICE BUILDINGS. PETITION TO BE REDISTRICTED FROM AN UNDISTRICTED AREA TO A CT DISTRICT TO ALLOW PLAN DEVELOPMENT FOR A COMMERCIAL CORE. DENIED JANUARY 25, 1971

CASE NO. R-1971-0175 - PETITION FOR ZONING RECLASSIFICATION FROM R-6 ZONE TO BM ZONE FOR CHANGE IN THE AREA SINCE ADOPTION OF THE ZONING MAP AND BECAUSE OF ERROR IN ORIGINAL ZONING CLASSIFICATION. PETITION FOR SPECIAL EXCEPTION TO USE PARCEL 3 FOR THE CONSTRUCTION OF OFFICES OR OFFICE BUILDINGS. PETITION TO BE REDISTRICTED FROM AN UNDISTRICTED AREA TO A CT DISTRICT TO ALLOW PLAN DEVELOPMENT FOR A COMMERCIAL CORE. DENIED JANUARY 25, 1971; DISMISSED SEPTEMBER 13, 1973.

CASE NO. R-1972-0050 - PETITION FOR ZONING RECLASSIFICATION FROM DR-5.5 (R-C) TO A BM ZONE (PARCEL 1), A BR ZONE (PARCEL 2), A MLR ZONE (PARCEL 3) AND A DR ZONE (PARCEL 4) FOR ERROR IN RECLASSIFICATION OF DR-5.5 PLACED ON ZONING MAPS. PETITION FOR ZONING REDISTRICTING FROM AN UNDISTRICTED AREA TO CT DISTRICT (PARCEL 1) AND A CSA DISTRICT (PARCEL 5) TO ALLOW PARCEL 1 TO BE DEVELOPED AS A COMMERCIAL CORE TO SERVE THE AREA AND TO ALLOW PARCEL 5 TO BE UTILIZED FOR VEHICULAR ORIENTED USAGES. GRANTED JANUARY 15, 1973

COMMERCIAL PERMIT HISTORY
0-0000 PERRY HALL BOULEVARD
BALTIMORE COUNTY HAS NO RECORD OF COMMERCIAL BUILDING PERMITS FOR THIS PROPERTY.

LEGEND	
EXISTING	PROPOSED
EX. PROPERTY LINE	PR. BUILDING LINE
EX. ADJACENT PROPERTY LINE	PR. BUILDING OVERHANG
EX. RIGHT OF WAY LINE	PR. CONCRETE
EX. EASEMENT LINE	PR. PAVING
EX. SETBACK LINE	PR. ADA DETECTABLE WARNING STRIP
EX. STREAM LINE	PR. PARKING LOT STRIPING
EX. 1 FOOT CONTOUR	PR. BOLLARD
EX. 2 FOOT CONTOUR	PR. SIGN
EX. EDGE OF PAVING	PR. EXTERIOR TABLE/SEATING
EX. TRAFFIC BARRIER	PR. PARKING SPACES COUNT
EX. EDGE OF GRAVEL	PR. ADA PARKING SPACE
EX. ROAD STRIPING	PR. STORM DRAIN
EX. SANITARY SEWER	PR. FACE OF CURB RADIUS
EX. STORM DRAIN	PR. CURB
EX. WATER MAIN	PR. RETAINING WALL
EX. UNDERGROUND ELECTRIC LINE	PR. WATER MAIN RELOCATION
EX. OVERHEAD LINE	PR. TRAFFIC BARRIER
EX. OVERHEAD LINE TOWER	PR. TRAFFIC FLOW ARROWS
EX. ELECTRICAL TRANSFORMER	PR. SWM AREA
EX. LIGHT POLE	PR. CLEARING LIMIT
EX. UTILITY POLE	
EX. GAS	
EX. ZONING LINE	
EX. 100 YR FLOODPLAIN	
EX. 100 YR FLOODPLAIN LINE	
EX. WOODS LINE	
EX. NONTIDAL WETLANDS	
EX. STORM DRAIN	
EX. NONTIDAL WETLANDS BUFFER	
EX. 100FT STREAM BUFFER	
EX. SOILS	
EX. FOREST BUFFER	

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ROYAL FARMS STORE #232
PERRY HALL BOULEVARD AT WHITE MARSH BOULEVARD

PLAN TO ACCOMPANY SPECIAL EXCEPTION,
HEARING AND VARIANCE

11th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5th COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:
		17481X61
		SCALE: AS SHOWN
		DATE: 08/23/2017
		DRAWN BY: THS
		DESIGN BY: THS
		REVIEW BY: JTS
		SHEET: 01 OF 03

PETITIONER'S EXHIBIT **1A-C**

2018-0059-SPHXA



SPECIAL EXCEPTION AREA LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	278.26'	N 39°16'03" E
L2	204.36'	N 00°23'13" E
L3	269.38'	N 04°02'20" E
L4	619.65'	S 28°57'21" E
L5	67.46'	S 41°40'42" E
L6	166.49'	N 86°57'48" W
L7	131.53'	N 77°15'38" W
L8	108.00'	N 40°51'43" W

- LEGEND**
- EXISTING
- EX. PROPERTY LINE
 - EX. ADJACENT PROPERTY LINE
 - EX. RIGHT OF WAY LINE
 - EX. EASEMENT LINE
 - EX. SETBACK LINE
 - EX. STREAM LINE
 - EX. 1 FOOT CONTOUR
 - EX. 2 FOOT CONTOUR
 - EX. EDGE OF PAVING
 - EX. TRAFFIC BARRIER
 - EX. EDGE OF GRAVEL
 - EX. ROAD STRIPING
 - EX. SANITARY SEWER
 - EX. STORM DRAIN
 - EX. WATER MAIN
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 - EX. OVERHEAD LINE
 - EX. OVERHEAD LINE TOWER
 - EX. ELECTRICAL TRANSFORMER
 - EX. LIGHT POLE
 - EX. UTILITY POLE
 - EX. GAS
 - EX. ZONING LINE
 - EX. 100 YR FLOODPLAIN
 - EX. 100 YR FLOODPLAIN LINE
 - EX. WOODS LINE
 - EX. NONTIDAL WETLANDS
 - EX. NONTIDAL WETLANDS LINE
 - EX. NONTIDAL WETLANDS BUFFER
 - EX. 100FT STREAM BUFFER
 - EX. SOILS
 - EX. FOREST BUFFER
 - ROYAL FARMS SPECIAL EXCEPTION AREA
 - OTHER LANDS OF PERRY HALL BLVD COMMERCIAL, LLC

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

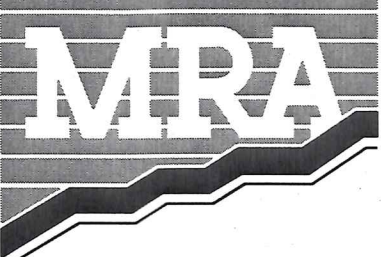
OWNER
PERRY HALL BOULEVARD
COMMERCIAL LLC
305 CHESAPEAKE AVE.
SUITE 208, TOWSON MD 21204

DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

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PLAN
SCALE: 1"=100'

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (1991)
NAVD 88 - VERTICAL



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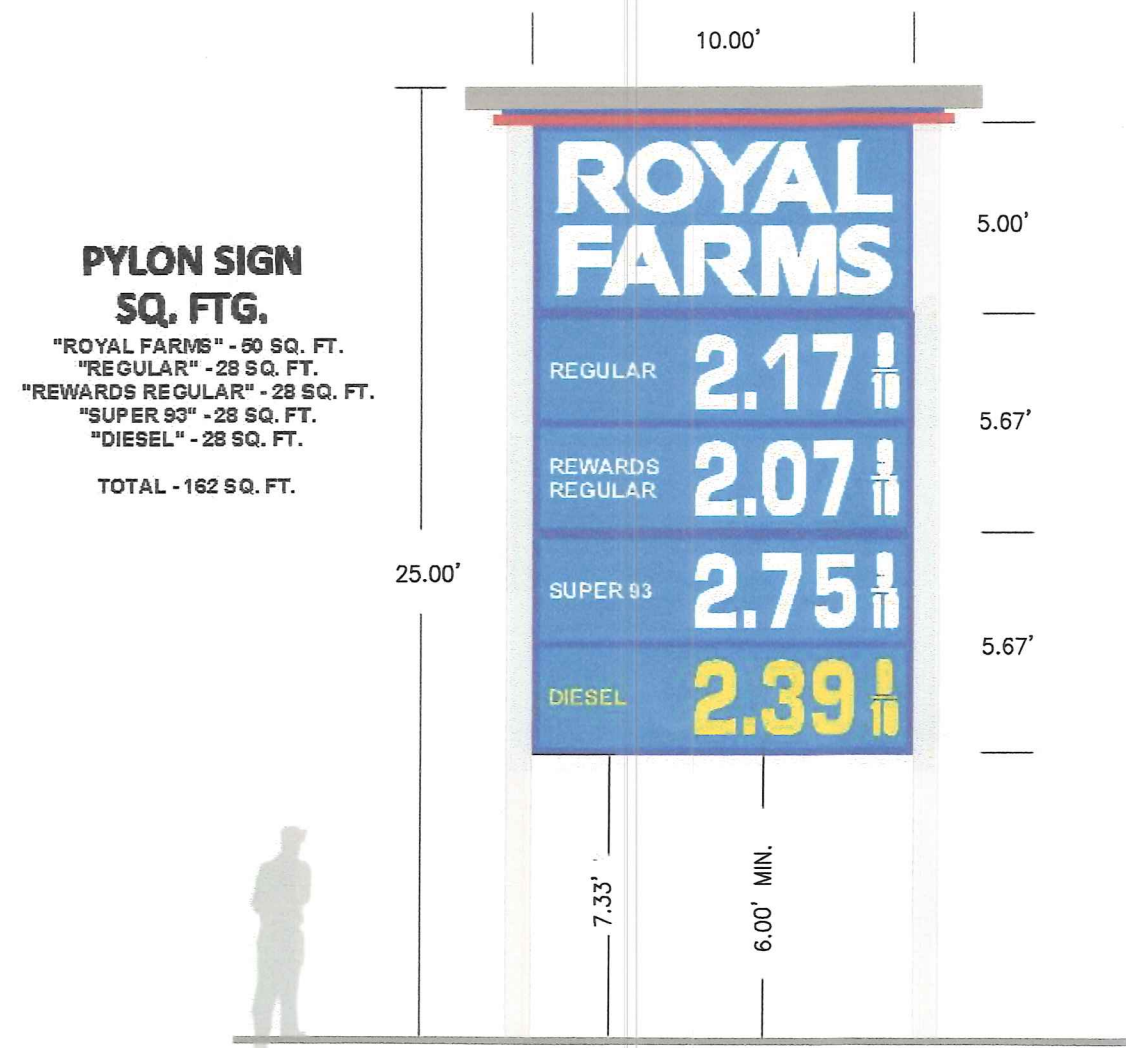


ROYAL FARMS STORE #232
PERRY HALL BOULEVARD AT WHITE MARSH BOULEVARD

PLAN TO ACCOMPANY SPECIAL EXCEPTION,
HEARING AND VARIANCE
BOUNDARY PLAN

11th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5th COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:	17481X61
		SCALE:	AS SHOWN
		DATE:	08/23/2017
		DRAWN BY:	THS
		DESIGN BY:	THS
		REVIEW BY:	JTS
		SHEET:	02 OF 03

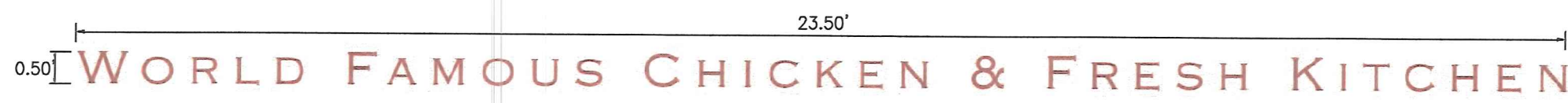
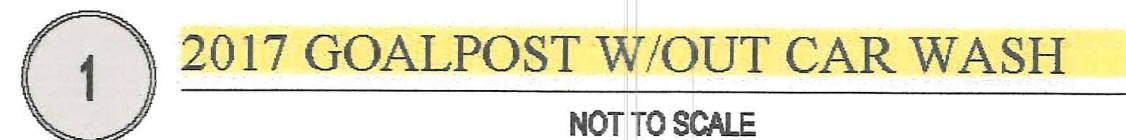


PYLON SIGN
SQ. FTG.
"ROYAL FARMS" - 80 SQ. FT.
"REGULAR" - 28 SQ. FT.
"REWARDS REGULAR" - 28 SQ. FT.
"SUPER 83" - 28 SQ. FT.
"DIESEL" - 28 SQ. FT.
TOTAL - 162 SQ. FT.



CABINET: 0.40 ALUMINUM WITH ACRYLIC LETTER.
ILLUMINATED WITH NEON.
INSTALLATION: WALL MOUNT.
TOTAL SIGN SQUARE FOOTAGE: 37.85

2 ROYAL FARMS BUILDING CHANNEL LETTERS
NOT TO SCALE



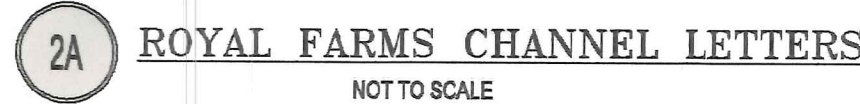
@ FRONT TRELLIS

FONT: COPPERPLATE GOTHIC BOLD
COLOR: ROYCROFT COPPER RED
NOTE: FIRST LETTER OF EACH WORD ARE UPPERCASE.
ALL OTHER LETTERS ARE LOWERCASE
TOTAL SIGN SQUARE FOOTAGE: 11.75'

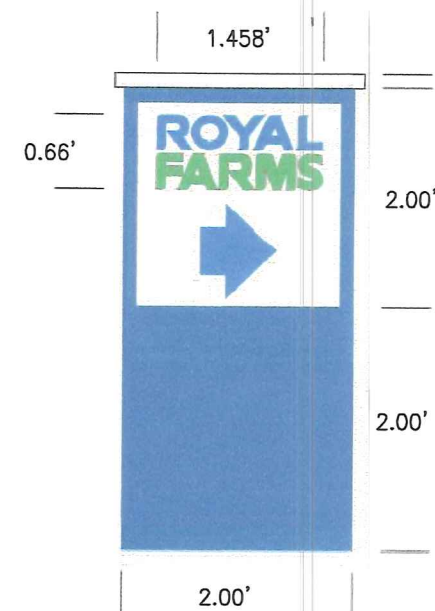


@ REAR ENTRY CANOPY

FONT: COPPERPLATE GOTHIC BOLD
COLOR: ROYCROFT COPPER RED
NOTE: FIRST LETTER OF EACH WORD ARE UPPERCASE.
ALL OTHER LETTERS ARE LOWERCASE
TOTAL SIGN SQUARE FOOTAGE: 4.41'



2A ROYAL FARMS CHANNEL LETTERS
NOT TO SCALE



4 SQ. FT.



4 SERVICE STATION CANOPY SIGNS
NTS

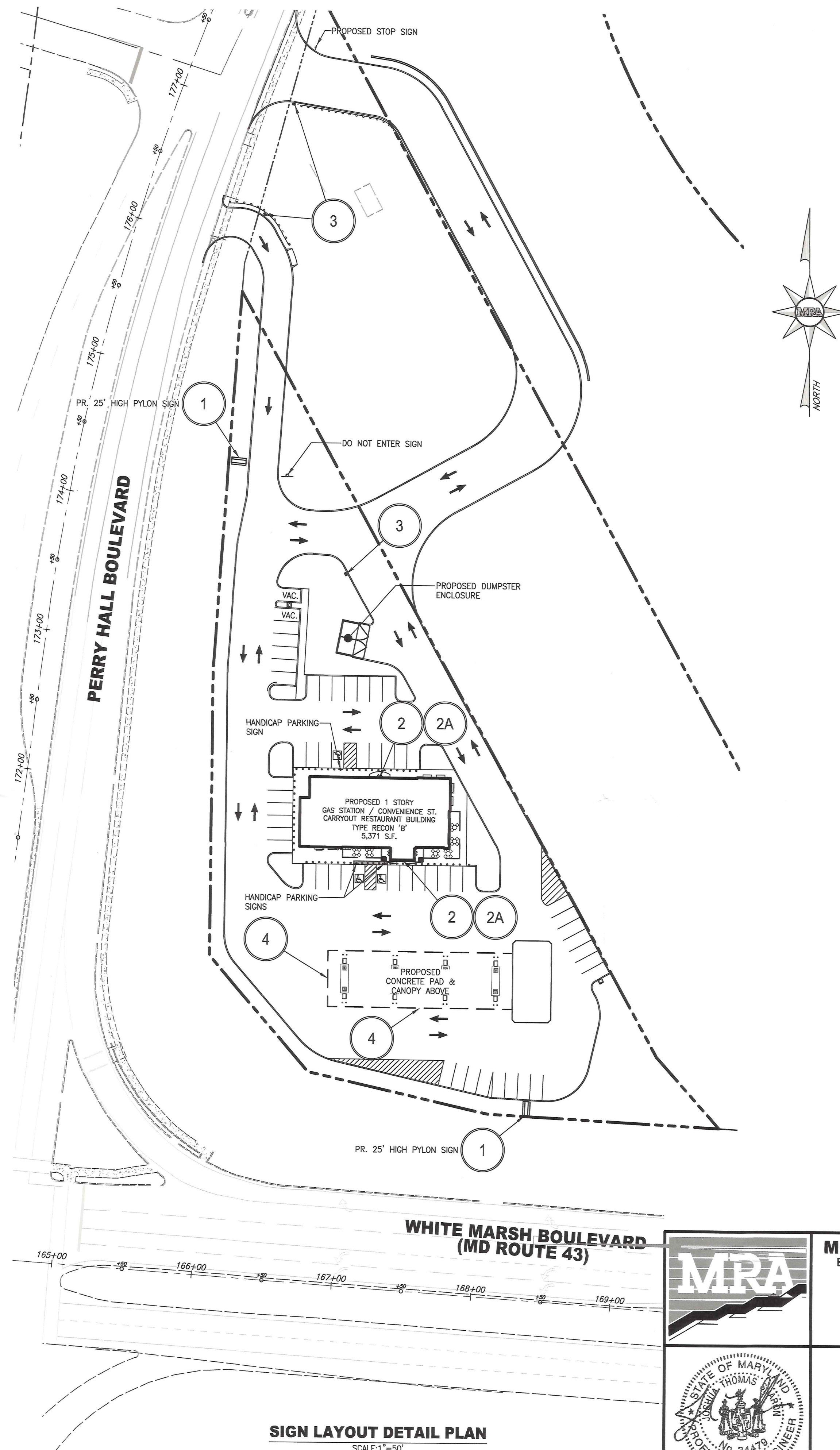
"ROYAL FARMS" TEXT/LOGO IS LIMITED TO
A MAXIMUM OF 30% OF DIRECTIONAL SIGN AREA.
SIGN AREA = 2.0' X 2.0' = 4.0 SF
ALLOWABLE TEXT/LOGO AREA = (4.0 SF) X (0.3) = 1.2 SF
PROPOSED TEXT/LOGO AREA = 1'5-1/2" X 8" = 0.88 SF
PROPOSED PERCENT OF SIGN AREA = 22% FOR TEXT/LOGO



3 STANDARD DIRECTIONAL SIGN
NOT TO SCALE

SIGN REGULATIONS								
CLASS	STRUCTURAL TYPE	ZONE OR USE	PERMIT REQUIRED	V. MAX AREA/ FACE	VI. MAX NO./ PREMISES	VII. HEIGHT	VIII. ILLUMINATION	IX. ADDITIONAL LIMITATIONS
ENTERPRISE	WALL MOUNTED; CANOPY	B.M.	USE	2X LENGTH OF WALL TO WHICH SIGN IS ATTACHED	TOTAL OF 3, NO MORE THAN 2 ON EACH FACE	N/A	YES	NO SINGLE SIGN LARGER THAN 150-SF
	FREESTANDING	B.M.	USE	75-SF	ONE PER FRONTAGE	25-FT	YES	PERMANENT SIGNAGE UNDER THE CANOPY ON THE PUMPS OR SUPPORTS SHALL NOT BE COUNTED TOWARDS THE CANOPY. FREESTANDING OR WALL-MOUNTED SIGNAGE LIMITS COMPANY LOGO <30% OF SIGN AREA
	SERVICE STATION CANOPY	FUEL SERVICE STATION	USE	25-SF PER SIGN	6	N/A	YES	
DIRECTIONAL	FREESTANDING	ACCESSORY	USE	FREESTANDING	NOT REGULATED	6-FT	YES	

SIGN AREAS				
SIGN LABEL	SIGN TYPE	QUANTITY	PR. AREA EACH (SF)	PR. TOTAL AREA (SF)
1	FREE STANDING ENTERPRISE SIGN	2	50	-
2 (FRONT)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	49.6
2A (FRONT)	CANOPY ENTERPRISE SIGN	1	11.75	-
2 (REAR)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	42.26
2A (REAR)	CANOPY ENTERPRISE SIGN	1	4.41	-
3	FREE STANDING DIRECTIONAL SIGN	3	4	-
4	SERVICE STATION CANOPY SIGN	2	24.2	-



SIGN LAYOUT DETAIL PLAN
SCALE: 1"=50'

OWNER

PERRY HALL BOULEVARD
COMMERCIAL, LLC
305 CHESAPEAKE AVE.
SUITE 208, TOWSON MD 21204

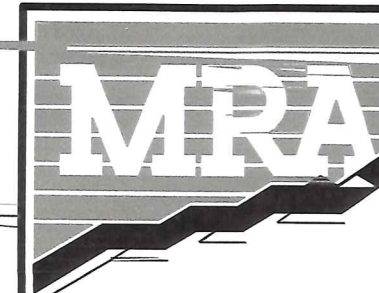
DEVELOPER

TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

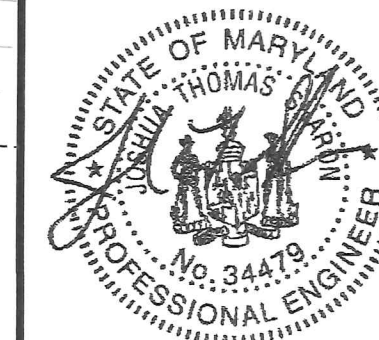
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DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
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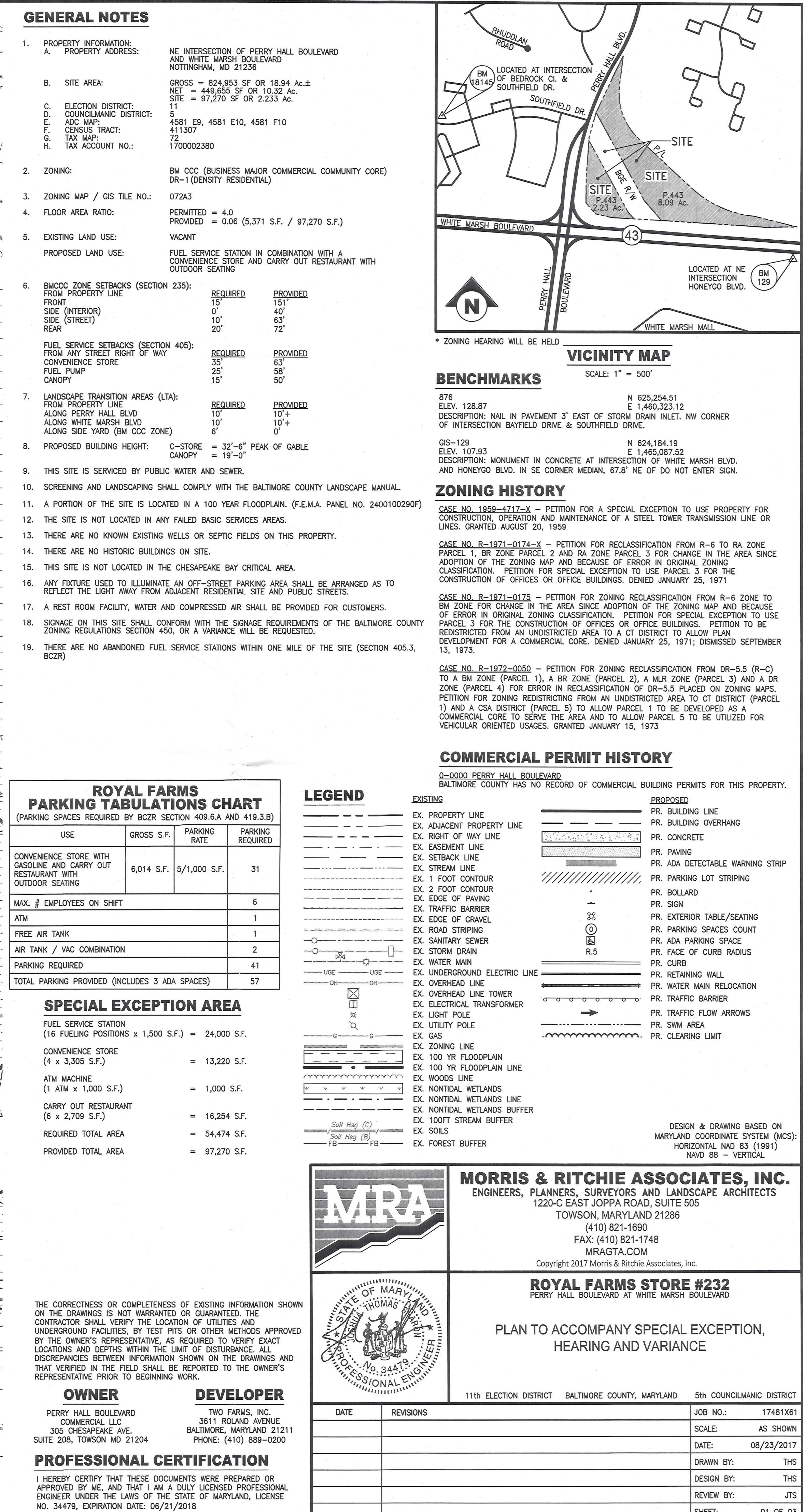
ROYAL FARMS STORE #232
PERRY HALL BOULEVARD AT WHITE MARSH BOULEVARD

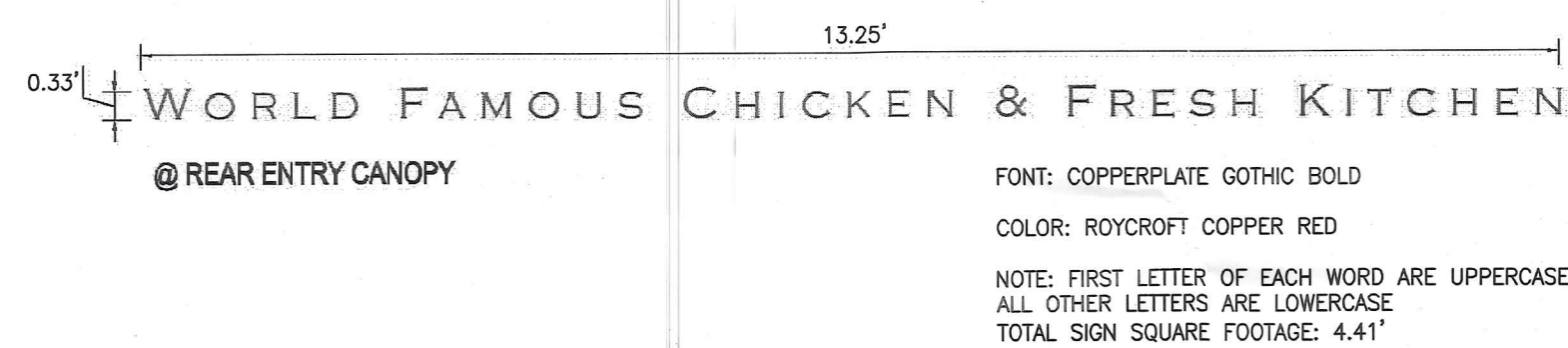
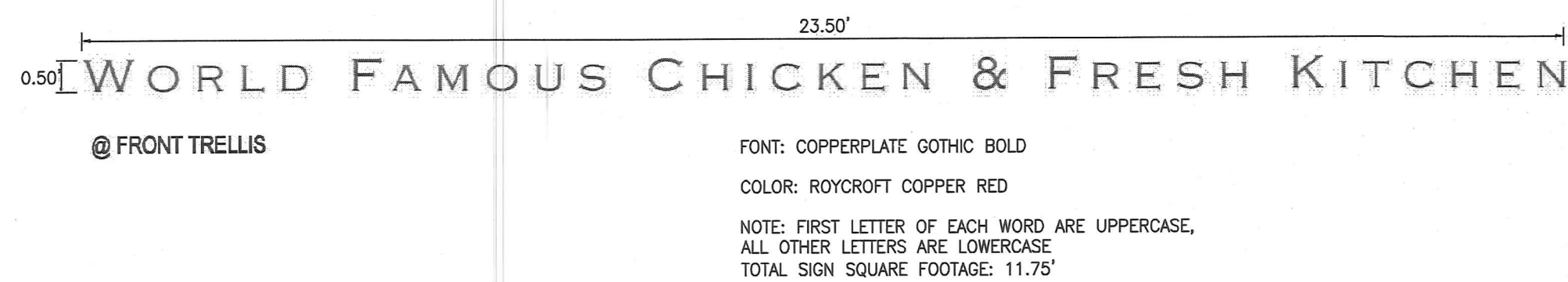
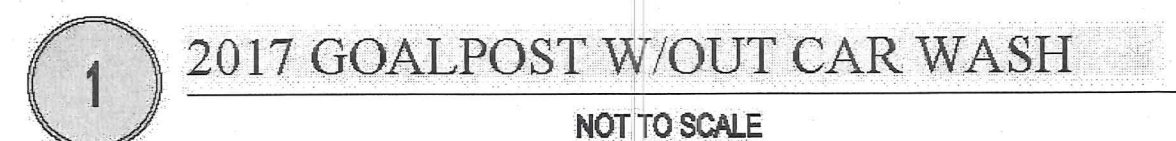
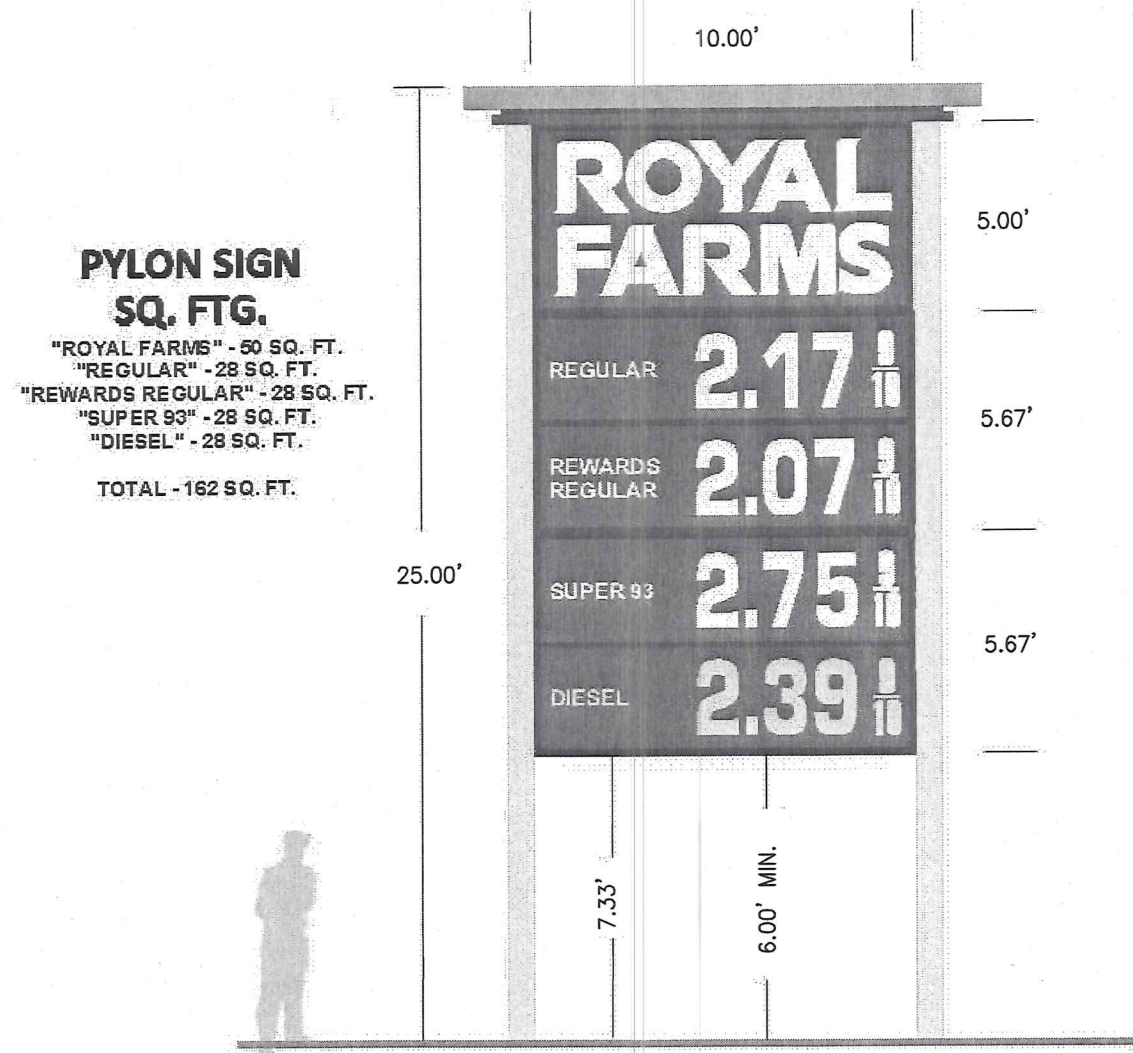
PLAN TO ACCOMPANY SPECIAL EXCEPTION,
HEARING AND VARIANCE
SIGNAGE PLAN

11th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5th COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:
		17481X61
		SCALE: AS SHOWN
		DATE: 08/23/2017
		DRAWN BY: THS
		DESIGN BY: THS
		REVIEW BY: JTS
		SHEET: 03 OF 03

2018-0059-SPHXA





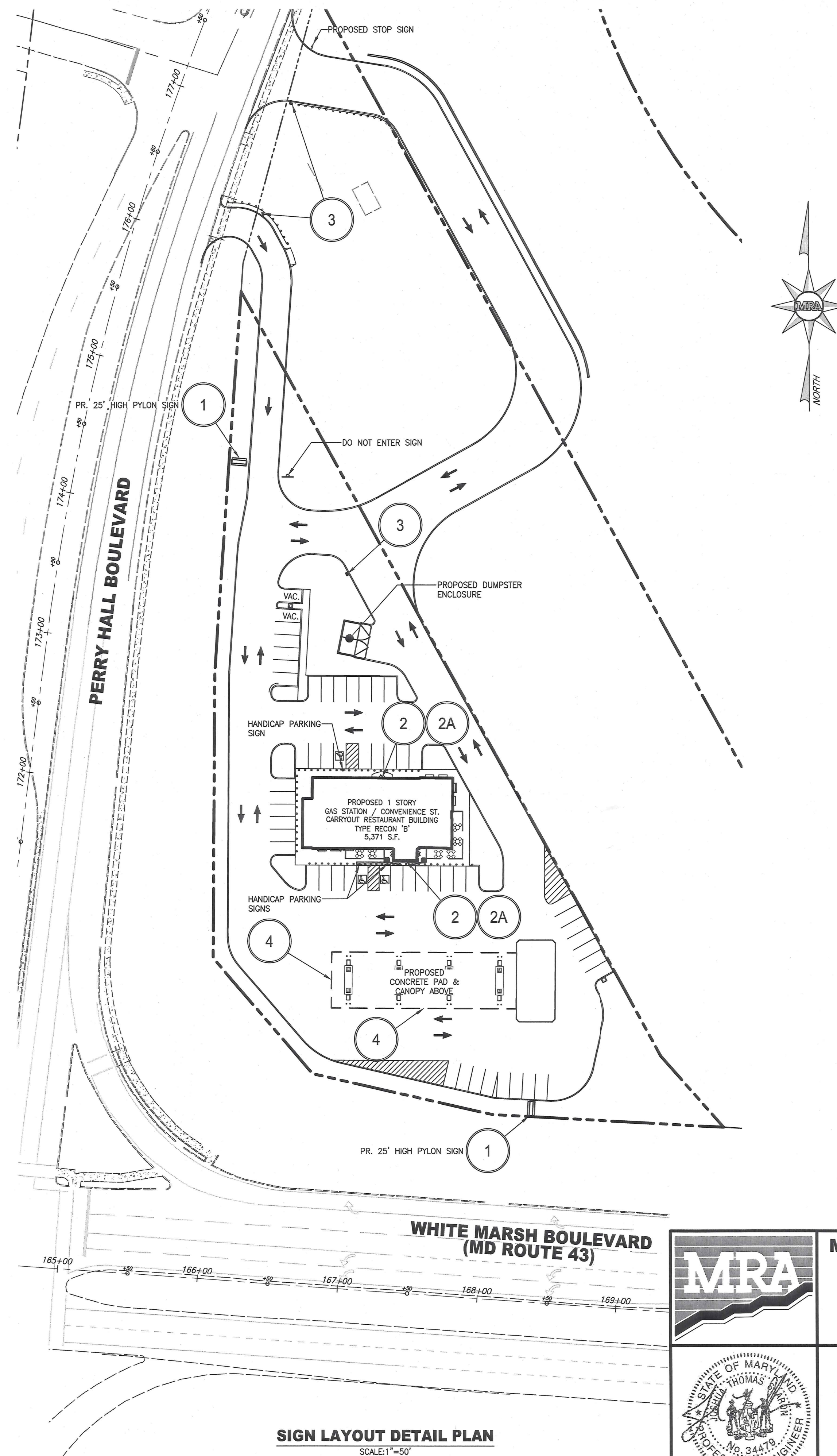
4 SQ. FT.

ROYAL FARMS TEXT/LOGO IS LIMITED TO
A MAXIMUM OF 30% OF DIRECTIONAL SIGN AREA.
SIGN AREA = 2.0' X 2.0' = 4.0 SF
ALLOWABLE TEXT/LOGO AREA = (4.0 SF) X (0.3) = 1.2 SF
PROPOSED TEXT/LOGO AREA = 1.5' X 8" = 0.98 SF
PROPOSED PERCENT OF SIGN AREA = 25% FOR TEXT/LOGO



SIGN REGULATIONS								
CLASS	STRUCTURAL TYPE	ZONE OR USE	PERMIT REQUIRED	MAX AREA/ FACE	MAX NO. PREMISES	HEIGHT	ILLUMINATION	ADDITIONAL LIMITATIONS
ENTERPRISE	WALL MOUNTED CANOPY	B.M.	USE	2X LENGTH OF WALL TO WHICH SIGN IS ATTACHED	TOTAL OF 3, NO MORE THAN 2 ON EACH FACE	N/A	YES	NO SINGLE SIGN LARGER THAN 150-SF
	FREESTANDING	B.M.	USE	75-SF	ONE PER FRONTAGE	25-FT	YES	
	SERVICE STATION CANOPY	FUEL SERVICE STATION	USE	25-SF PER SIGN	6	N/A	YES	PERMANENT SIGNAGE UNDER THE CANOPY ON THE PUMPS OR SUPPORTS SHALL NOT BE COUNTED TOWARDS THE CANOPY, FREESTANDING OR WALL-MOUNTED SIGNAGE LIMITS
DIRECTIONAL	FREESTANDING	ACCESSORY	USE	FREESTANDING	NOT REGULATED	6-FT	YES	COMPANY LOGO <30% OF SIGN AREA

SIGN AREAS					
SIGN LABEL	SIGN TYPE	QUANTITY	PR. AREA EACH (SF)	PR. TOTAL AREA (SF)	ALLOWED AREA (SF)
1	FREE STANDING ENTERPRISE SIGN	2	50	-	75 PER FACE
2 (FRONT)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	49.6	214
2A (FRONT)	CANOPY ENTERPRISE SIGN	1	11.75	-	
2 (REAR)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	42.26	200
2A (REAR)	CANOPY ENTERPRISE SIGN	1	4.41	-	
3	FREE STANDING DIRECTIONAL SIGN	3	4	-	8 PER FACE
4	SERVICE STATION CANOPY SIGN	2	24.2	-	25 PER SIGN



SIGN LAYOUT DETAIL PLAN
SCALE: 1"=50'

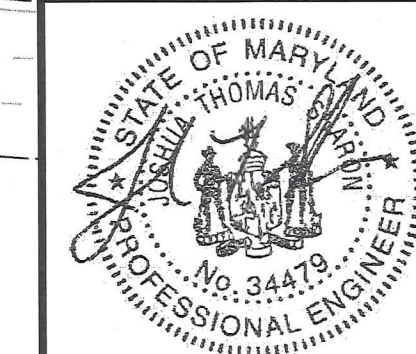
OWNER
PERRY HALL BOULEVARD
COMMERCIAL LLC
305 CHESAPEAKE AVE.
SUITE 206, TOWSON MD 21204

DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 06/21/2018



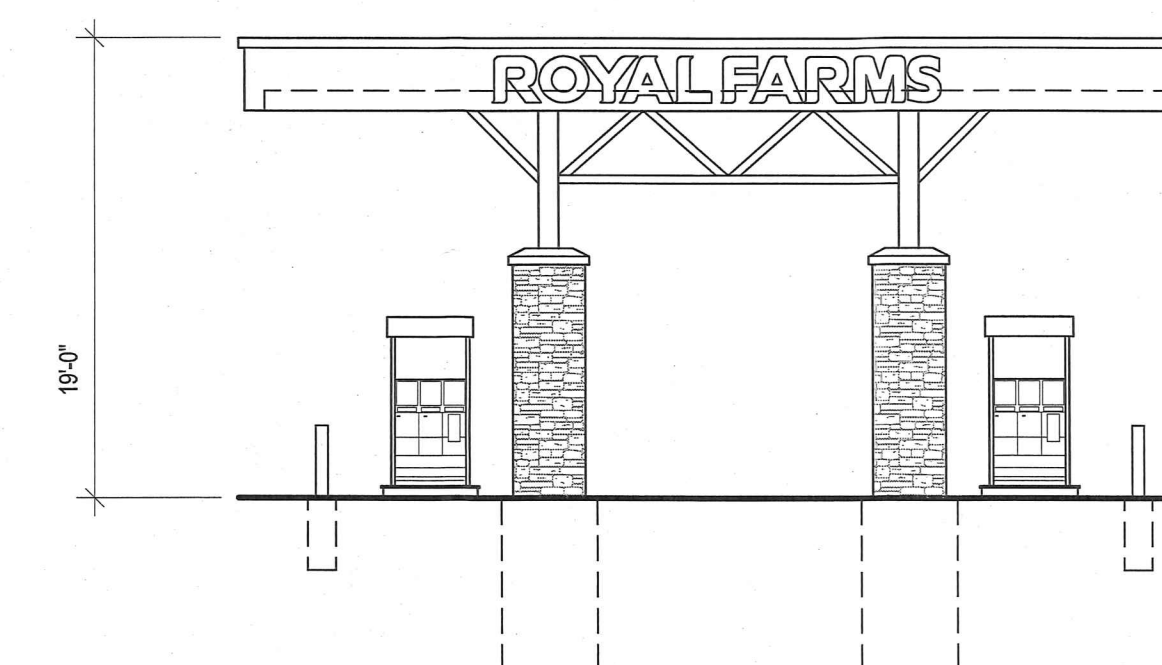
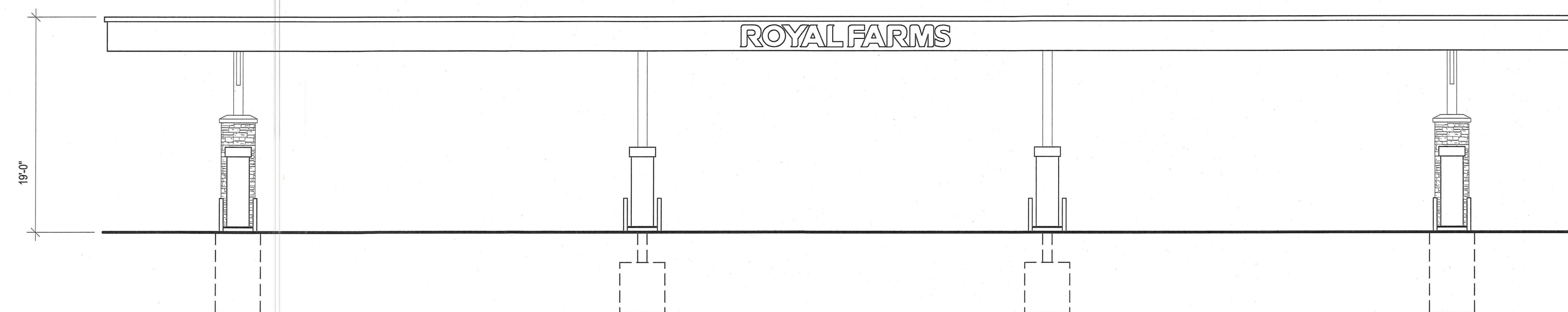
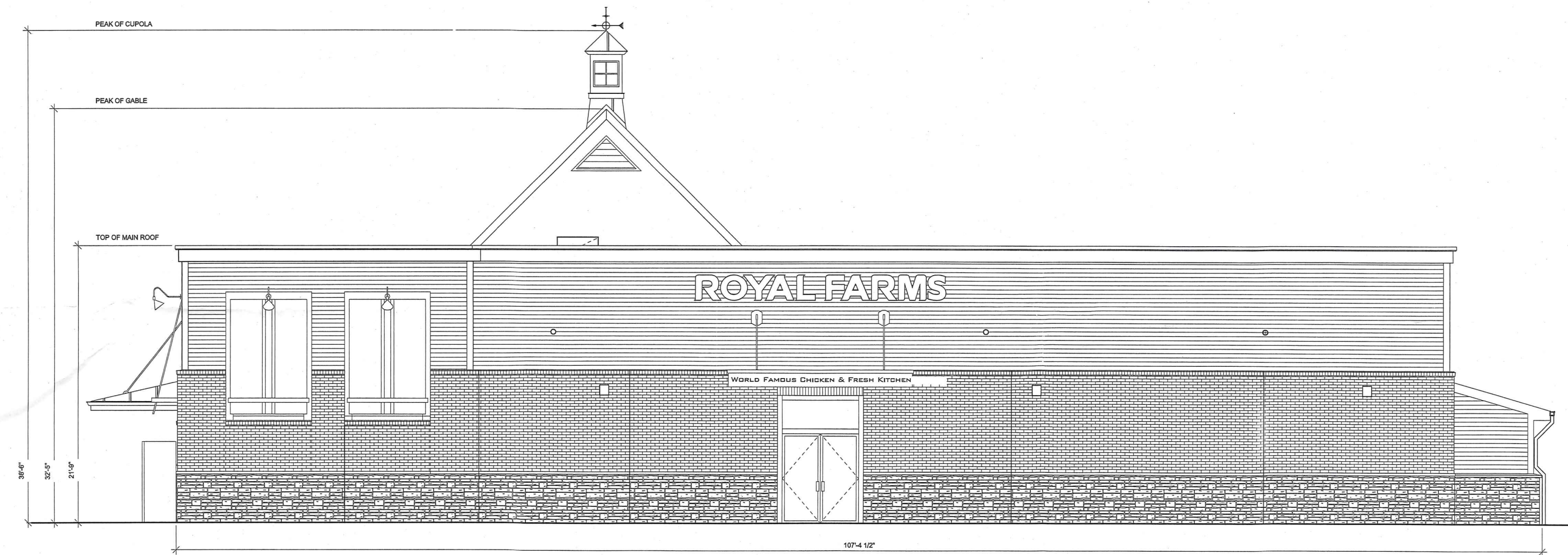
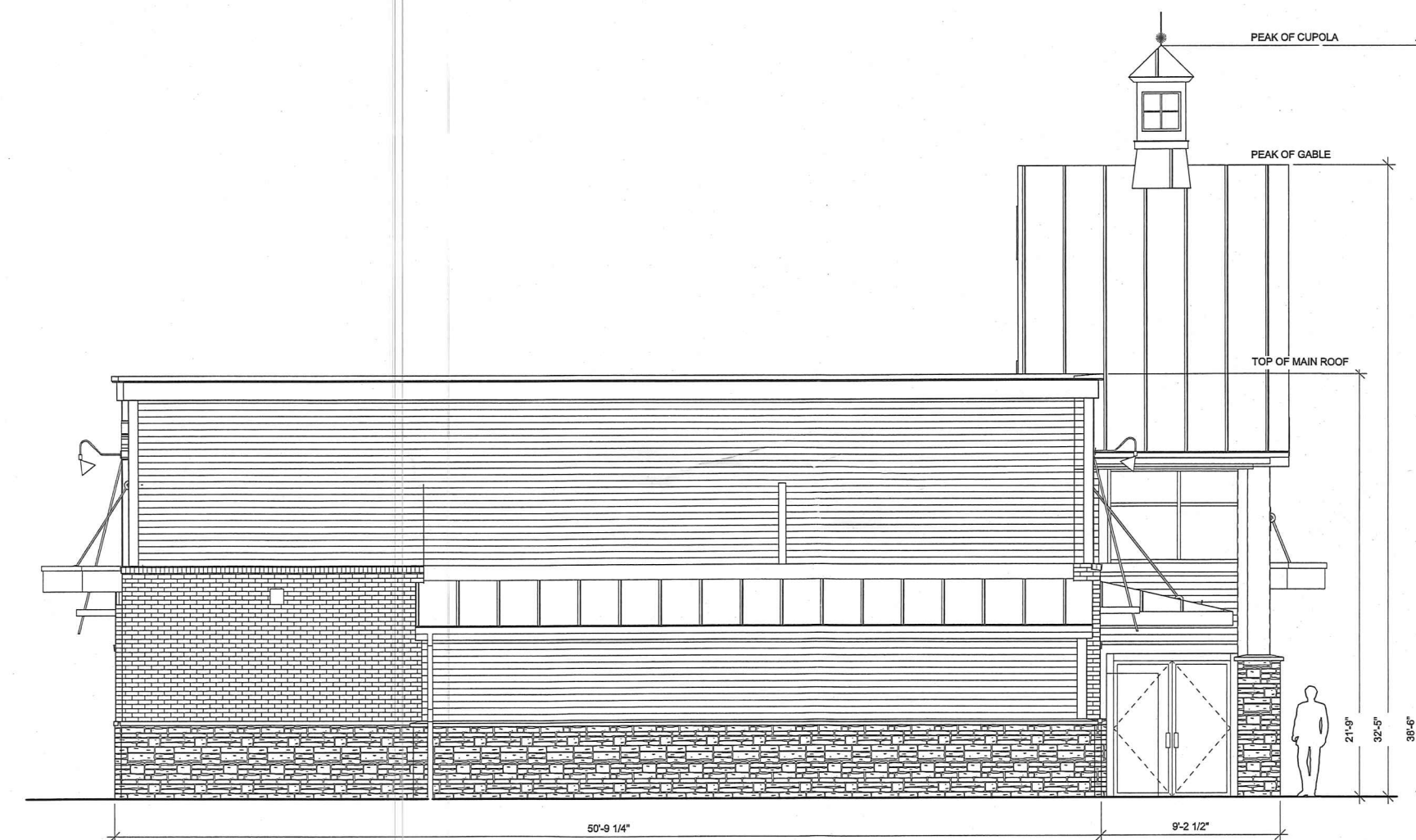
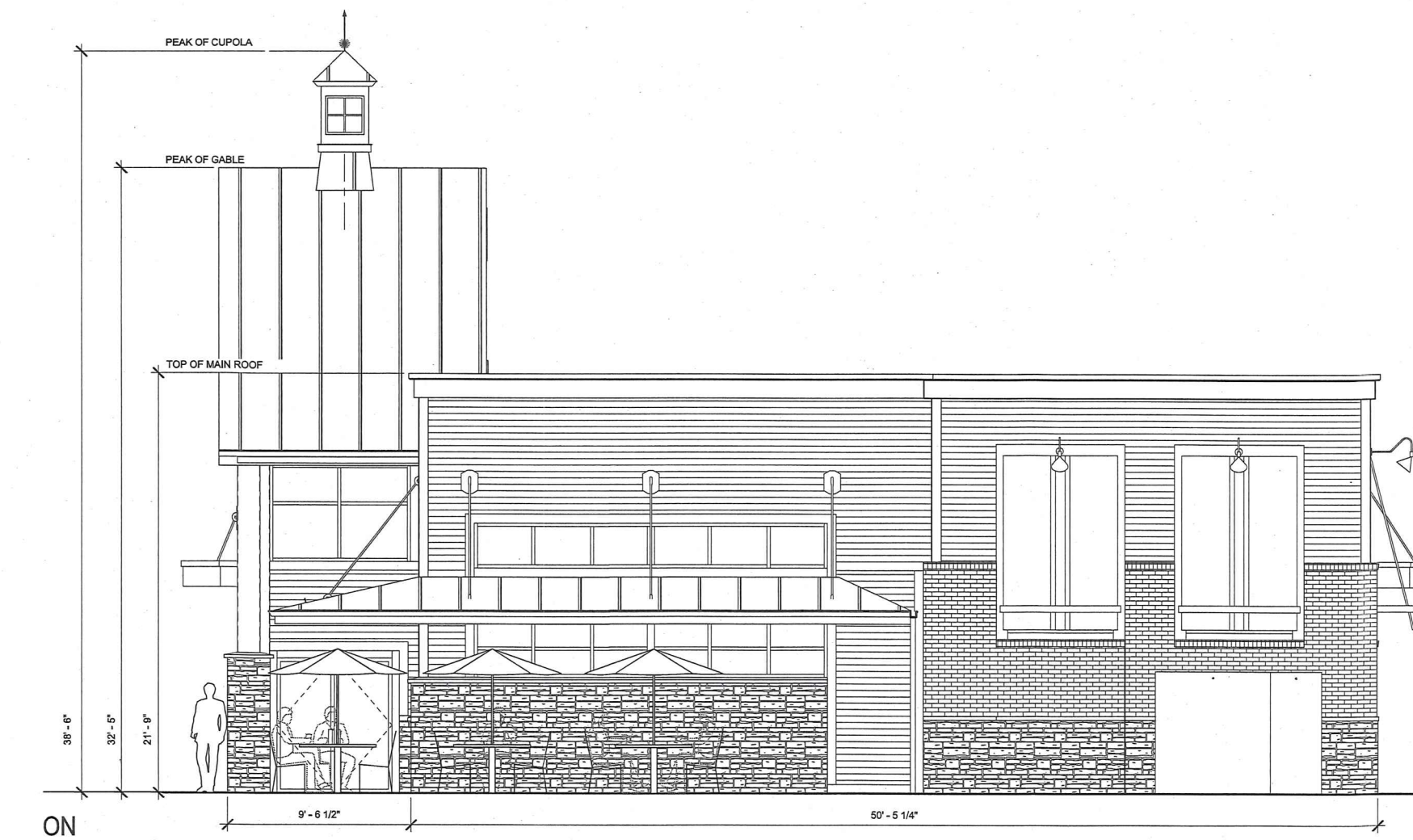
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
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ROYAL FARMS STORE #232
PERRY HALL BOULEVARD AT WHITE MARSH BOULEVARD

PLAN TO ACCOMPANY SPECIAL EXCEPTION,
HEARING AND VARIANCE
SIGNAGE PLAN

DATE		REVISIONS	JOB NO.
			17481X61
			SCALE: AS SHOWN
			DATE: 08/23/2017
			DRAWN BY: THS
			DESIGN BY: THS
			REVIEW BY: JTS
			SHEET: 03 OF 03



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

0404 Stevenson Road • Stevenson, Maryland 2115
410-484-7010 • Fax 410-484-3819 • info@gratcliffarchitects.com

ROYAL FARMS

PERRY HALL BLVD & MD ROUTE 43
NOTTINGHAM, MD 21236
STORE #232

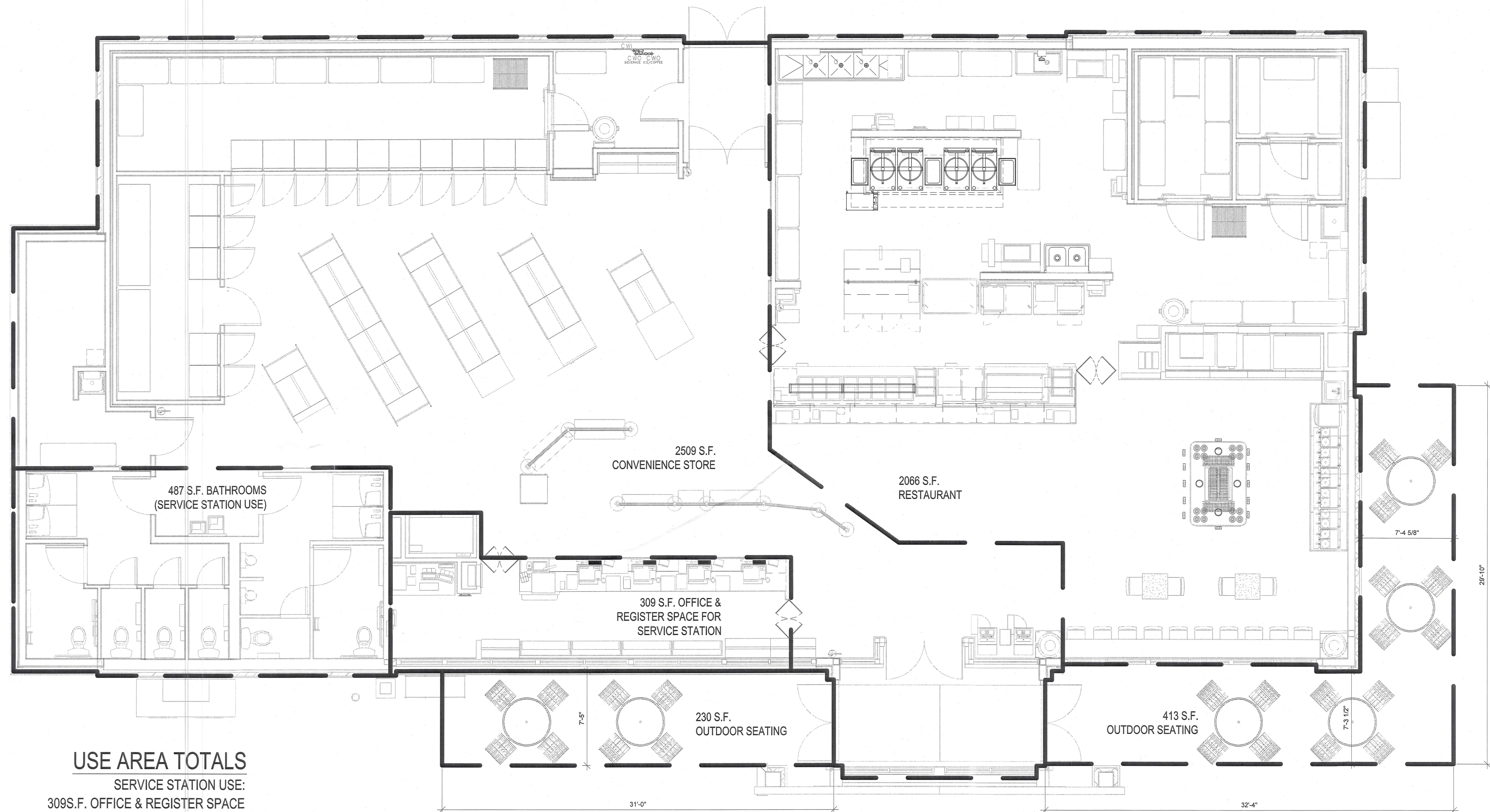
ELEVATIONS

[illegible]

SCALE	NOTED
DRAWN BY	STAFF

THESE DRAWINGS ARE PROTECTED UNDER THE COPYRIGHT ACT OF 1976 AND SHALL NOT BE REUSED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

A0.0



USE AREA TOTALS

SERVICE STATION USE:
309S.F. OFFICE & REGISTER SPACE
+ 487 S.F. BATHROOMS
=796 S.F. TOTAL

CONVENIENCE STORE USE:
2509 S.F. TOTAL

RESTAURANT USE:
2066 S.F. RESTAURANT
+ 643 S.F. OUTDOOR SEATING
=2709 TOTAL

1 BUILDING USE AREA PLAN VIEW
1/4" = 1'-0"

RATCLIFFE
ARCHITECTS
10404 Stevenson Road
Stevenson, Maryland 21153
410-484-7000 • Fax 410-484-3810 • info@ratcliffearchitects.com

ROYAL FARMS
PERRY HALL BLVD & MD ROUTE 43
NOTTINGHAM, MD 21236
STORE #232

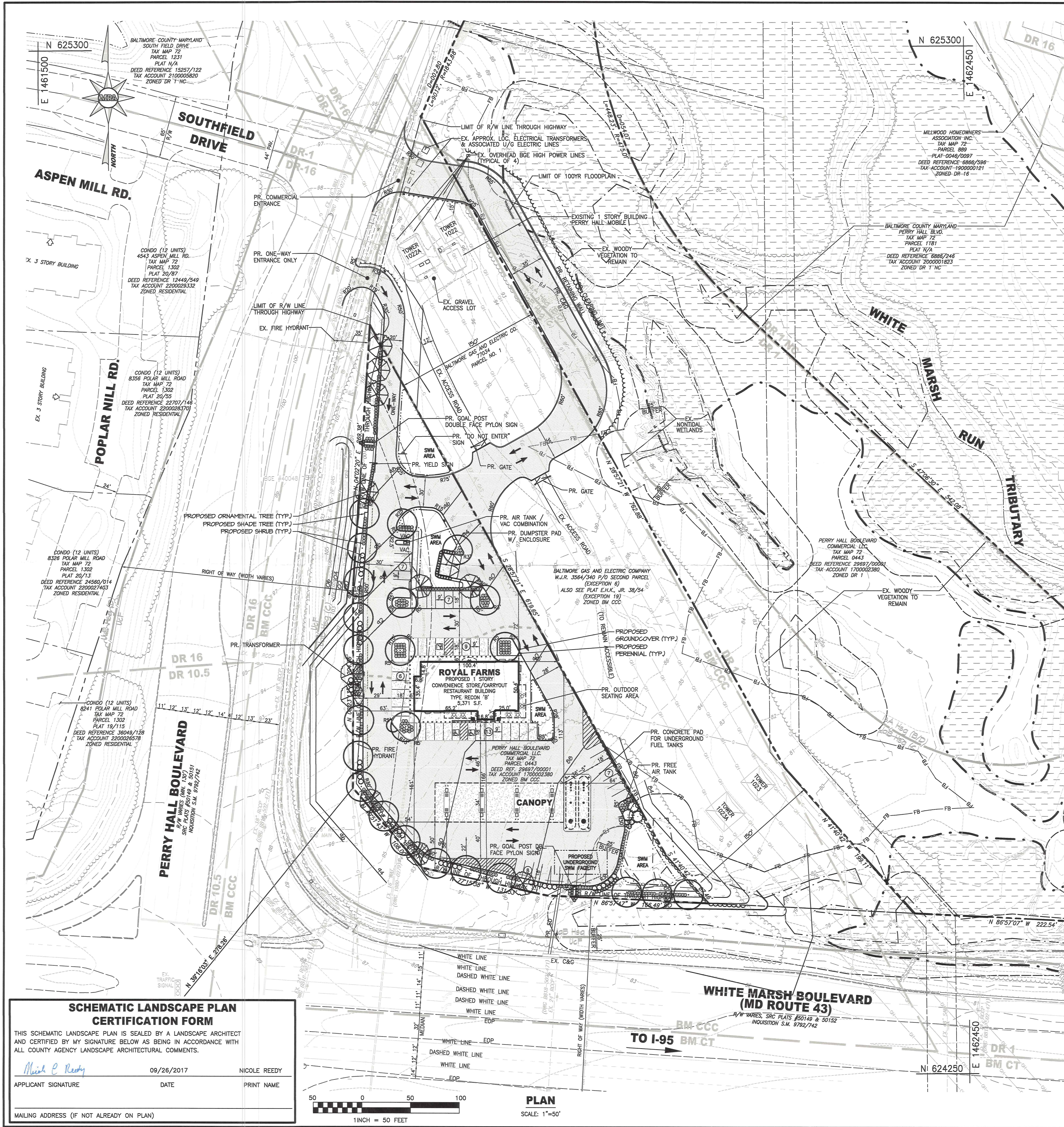
BUILDING USE AREA PLAN

#	REVISED DATE	CONTENT
		PERMIT SET
		BID SET
		CONSTRUCTION SET

SCALE NOTED
DRAWN BY STAFF

THESE DRAWINGS ARE PROTECTED UNDER THE COPYRIGHT ACT OF 1976 AND SHALL NOT BE REUSED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

A0.0



GENERAL NOTES

- PROPERTY INFORMATION:
 - PROPERTY ADDRESS: NE INTERSECTION OF PERRY HALL BOULEVARD AND WHITE MARSH BOULEVARD NOTTINGHAM, MD 21236
 - SITE AREA: GROSS = 824,953 SF OR 18.94 AC.±
NET = 449,650 SF OR 10.32 AC.
SITE = 97,270 SF OR 2.233 AC.
11
 - ELECTION DISTRICT: COUNCILMANIC DISTRICT: 5
 - ADC MAP: 4581 E9, 4581 E10, 4581 F10
 - CENSUS TRACT: 411307
 - TAX MAP: 72
 - TAX ACCOUNT NO.: 1700002380
- ZONING: BM CCC (BUSINESS MAJOR COMMERCIAL COMMUNITY CORE) DR-1 (DENSITY RESIDENTIAL)
- ZONING MAP / GIS TILE NO.: 072A3
- FLOOR AREA RATIO: PERMITTED = 4.0
PROVIDED = 0.06 (5,371 S.F. / 97,270 S.F.)
- EXISTING LAND USE: VACANT
PROPOSED LAND USE: FUEL SERVICE STATION IN COMBINATION WITH A CONVENIENCE STORE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING
- LANDSCAPE TRANSITION AREAS (LTA):
 - FROM PROPERTY LINE TO PERRY HALL BLVD
 - ALONG PERRY HALL BLVD
 - ALONG WHITE MARSH BLVD
 - ALONG SIDE YARD (BM CCC ZONE)
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- A PORTION OF THE SITE IS LOCATED IN A 100 YEAR FLOODPLAIN. (F.E.M.A. PANEL NO. 2400100290F)
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- REST ROOM FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN ONE MILE OF THE SITE (SECTION 405.3, BCZR)

LEGEND

- EXISTING
- EX. PROPERTY LINE
 - EX. ADJACENT PROPERTY LINE
 - EX. RIGHT OF WAY LINE
 - EX. EASEMENT LINE
 - EX. SETBACK LINE
 - EX. STREAM LINE
 - EX. 1 FOOT CONTOUR
 - EX. 2 FOOT CONTOUR
 - EX. EDGE OF PAVING
 - EX. TRAFFIC BARRIER
 - EX. EDGE OF GRAVEL
 - EX. ROAD STRIPING
 - EX. SANITARY SEWER
 - EX. STORM DRAIN
 - EX. WATER MAIN
 - EX. UNDERGROUND ELECTRIC LINE
 - EX. OVERHEAD LINE
 - EX. OVERHEAD LINE TOWER
 - EX. ELECTRICAL TRANSFORMER
 - EX. LIGHT POLE
 - EX. UTILITY POLE
 - EX. GAS
 - EX. ZONING LINE
 - EX. 100 YR FLOODPLAIN
 - EX. 100 YR FLOODPLAIN LINE
 - EX. WOODS LINE
 - EX. NONTIDAL WETLANDS
 - EX. NONTIDAL WETLANDS BUFFER
 - EX. 100FT STREAM BUFFER
 - EX. SOILS
 - EX. FOREST BUFFER
- PROPOSED
- PR. BUILDING LINE
 - PR. BUILDING OVERHANG
 - PR. CONCRETE
 - PR. PAVING
 - PR. ADA DETECTABLE WARNING STRIP
 - PR. PARKING LOT STRIPING
 - PR. BOLLARD
 - PR. SIGN
 - PR. EXTERIOR TABLE/SEATING
 - PR. PARKING SPACES COUNT
 - PR. ADA PARKING SPACE
 - PR. FACE OF CURB RADIUS
 - PR. CURB
 - PR. RETAINING WALL
 - PR. WATER MAIN RELOCATION
 - PR. TRAFFIC BARRIER
 - PR. TRAFFIC FLOW ARROWS
 - PR. SWM AREA
 - PR. CLEARING LIMIT
 - PR. SHADE TREE
 - PR. ORNAMENTAL TREE
 - PR. EVERGREEN TREE
 - PR. SHRUB
 - PR. PERENNIAL
 - PR. GROUND COVER

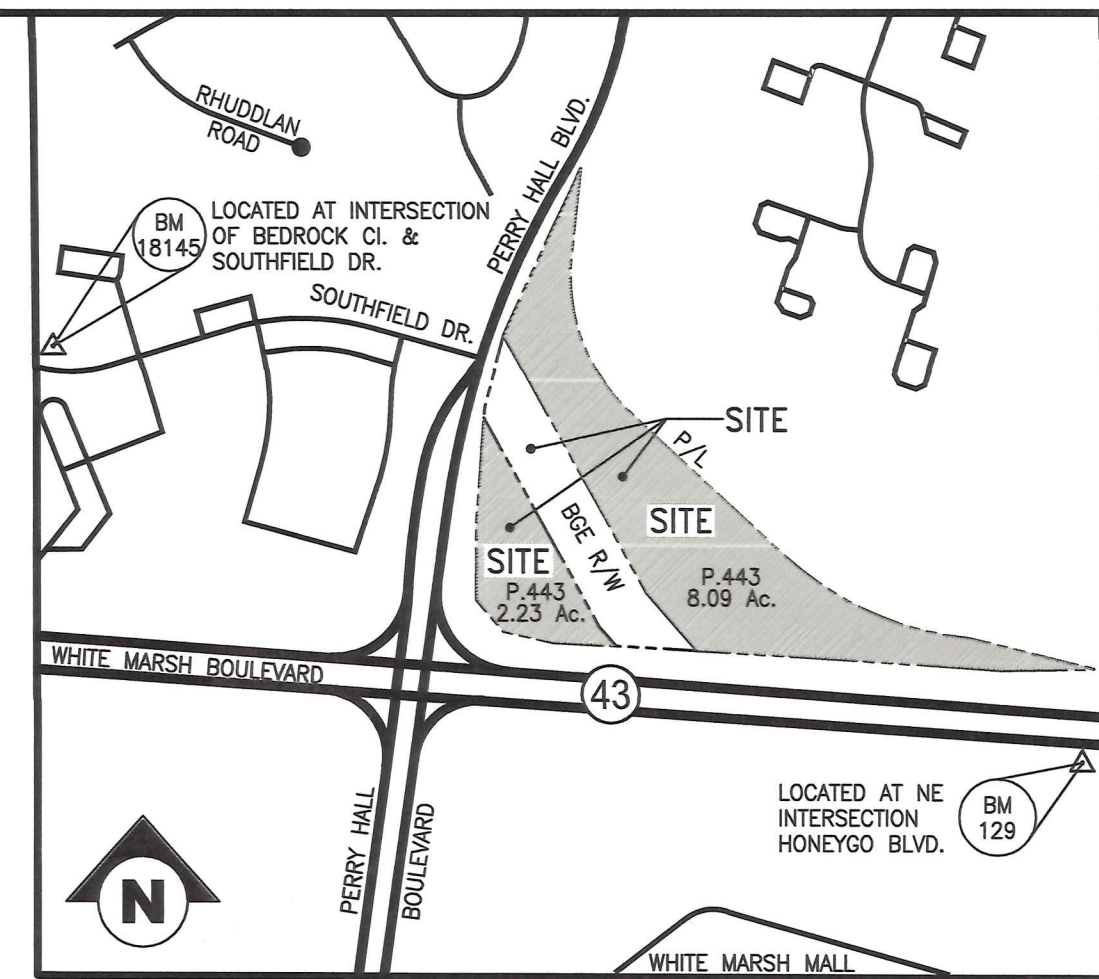
THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

OWNER
PERRY HALL BOULEVARD
COMMERCIAL, LLC
305 CHESAPEAKE AVE.
SUITE 208, TOWSON MD 21204

DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3787, EXPIRATION DATE: 06/30/2018



VICINITY MAP

SCALE: 1" = 500'

BENCHMARKS

876
ELEV. 128.87
DESCRIPTION: NAIL IN PAVEMENT 3' EAST OF STORM DRAIN INLET. NW CORNER OF INTERSECTION BAYFIELD DRIVE & SOUTHFIELD DRIVE.

GIS-129
ELEV. 107.93
DESCRIPTION: MONUMENT IN CONCRETE AT INTERSECTION OF WHITE MARSH BLVD. AND HONEYGO BLVD. IN SE CORNER MEDIAN, 67.8' NE OF DO NOT ENTER SIGN.

N 625,254.51
E 1,460,323.12

N 624,184.19
E 1,465,087.52

ZONING HISTORY

CASE NO. 1999-0717-X - PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A STEEL TOWER TRANSMISSION LINE OR LINES. GRANTED AUGUST 20, 1999

CASE NO. R-1971-0174-X - PETITION FOR RECLASSIFICATION FROM R-6 TO RA ZONE PARCEL 1, BR ZONE PARCEL 2 AND RA ZONE PARCEL 3 FOR CHANGE IN THE AREA SINCE ADOPTION OF THE ZONING MAP AND BECAUSE OF ERROR IN ORIGINAL ZONING CLASSIFICATION. PETITION FOR SPECIAL EXCEPTION TO USE PARCEL 3 FOR THE CONSTRUCTION OF OFFICES OR OFFICE BUILDINGS. DENIED JANUARY 25, 1971.

CASE NO. R-1971-0175 - PETITION FOR ZONING RECLASSIFICATION FROM R-6 ZONE TO BM ZONE FOR CHANGE IN THE AREA SINCE ADOPTION OF THE ZONING MAP AND BECAUSE OF ERROR IN ORIGINAL ZONING CLASSIFICATION. PETITION FOR SPECIAL EXCEPTION TO USE PARCEL 3 FOR THE CONSTRUCTION OF OFFICES OR OFFICE BUILDINGS. PETITION TO BE REDISTRICTED FROM AN UNDISTRICTED AREA TO A CT DISTRICT TO ALLOW PLAN DEVELOPMENT FOR A COMMERCIAL CORE. DENIED JANUARY 25, 1971; DISMISSED SEPTEMBER 13, 1973.

CASE NO. R-1972-0050 - PETITION FOR ZONING RECLASSIFICATION FROM DR-5.5 (R-C) TO A BM ZONE (PARCEL 1), A BR ZONE (PARCEL 2), A MLR ZONE (PARCEL 3) AND A DR ZONE (PARCEL 4) FOR ERROR IN RECLASSIFICATION OF DR-5.5 PLACED ON ZONING MAPS. PETITION FOR ZONING REDISTRICTING FROM AN UNDISTRICTED AREA TO CT DISTRICT (PARCEL 1) AND A CSA DISTRICT (PARCEL 5) TO ALLOW PARCEL 1 TO BE DEVELOPED AS A COMMERCIAL CORE TO SERVE THE AREA AND TO ALLOW PARCEL 5 TO BE UTILIZED FOR VEHICULAR ORIENTED USAGES. GRANTED JANUARY 15, 1973.

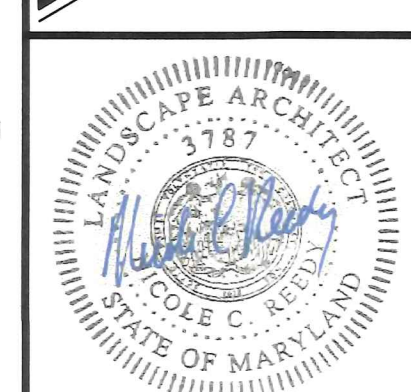
PLANTING REQUIREMENT CALCULATIONS

Baltimore County Planting Unit Condition	PU Credit Requirement Rate	Quantity	Required Planting Units (PU)
Condition A Street Frontage and Streetscape			
Interior Road	1 PU/20 LF	370	18
Interior Road Adjacent to BGE Easement	1 PU/20 LF	290	15
Interior Road within BGE Easement	1 PU/20 LF	317	16
Interior Road Along Ex. Forest	1 PU/20 LF	278	14
Interior Road Along Ex. SWM	1 PU/20 LF	118	6
Adjacent Road in BGE Easement	1 PU/40 LF	1060	26
Condition B Parking Lots			
Parking Adjacent to Public Road (Class B)	1 PU/15 LF	75	5
Parking Adjacent to Commercial	1 PU/20 LF	83	3
Parking Lot Interior	1 PU/12 Parking Spaces	57	5
Condition C Dumpsters and Ground Mounted HVAC			
Dumpster and HVAC Screening	1 PU/15 LF	48	3
Condition D Slopes, Embankments, and Retaining Walls			
Retaining wall	1 PU/15 LF	288	19
Condition K Automotive Use			
Adjacent to Commercial	1 PU/10 LF	300	30
Adjacent to Public Road	1 PU/15 LF	875	58
Adjacent to Public Road within BGE Easement	1 PU/15 LF	220	15
Total Required Planting Units (PU)			239
Modification Reductions			
Condition A Interior Road Adjacent to BGE Easement	1 PU/20 LF	300	-15
Condition A Interior Road within BGE Easement	1 PU/20 LF	317	-16
Condition A Interior Road Along Ex. Forest	1 PU/20 LF	278	-14
Condition B Parking Adjacent to Commercial	1 PU/20 LF	83	-3
Condition K Adjacent to Commercial	1 PU/10 LF	300	-30
Condition K Adjacent to Public Road within BGE Easement	1 PU/15 LF	220	-15
Condition A Adjacent Road in BGE Easement	1 PU/40 LF	220	-6
Condition A Interior Road Along Pr. SWM	1 PU/20 LF	118	-6
Condition J Retaining wall	1 PU/15 LF	288	-19
Total Modification Reduction Planting Units (PU)			-123
Total Required Planting Units After Modification Reductions (PU)			116
Baltimore County Planting Unit Condition			
Major Trees Provided	1 PU/Tree	23	23
Minor Trees Provided	1 PU/2 Trees	11	5.5
Evergreen Trees	1 PU/3 Trees	23	11.5
Shrubs	1 PU/5 Shrubs	380	76
Total Proposed Planting Units (PU)			116

INTERIOR LANDSCAPING REQUIREMENT
A. Reserve 7% of the parking lot area for interior landscaping.
REQUIRED: (31,587 S.F. X .07) = 2,210 S.F.
PROVIDED: 2,273 S.F.

A DRAFT MODIFICATION LETTER HAS BEEN SENT TO BALTIMORE COUNTY TO ASK FOR RELIEF FROM PLANTING UNIT AND BUFFER REQUIREMENTS. A FINAL LANDSCAPE MODIFICATION LETTER REQUEST WILL BE SUBMITTED WITH THE FINAL LANDSCAPE PLAN.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (1991)
NAVD 88 - VERTICAL



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
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ROYAL FARMS STORE #232
PERRY HALL BOULEVARD AT WHITE MARSH BOULEVARD

SCHEMATIC LANDSCAPE PLAN

DATE	REVISIONS	JOB NO.:
		17481X61
		SCALE: AS SHOWN
		DATE: 09/26/2017
		DRAWN BY: NCR
		DESIGN BY: NCR
		REVIEW BY: MAB
		SHEET: 01 OF 01

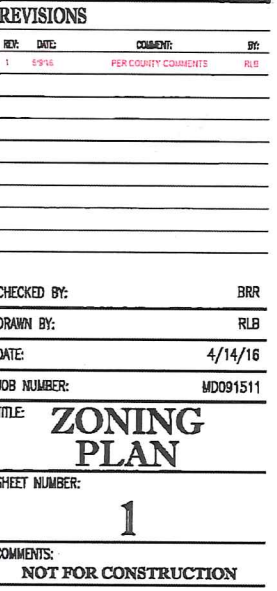
11th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5th COUNCILMANIC DISTRICT

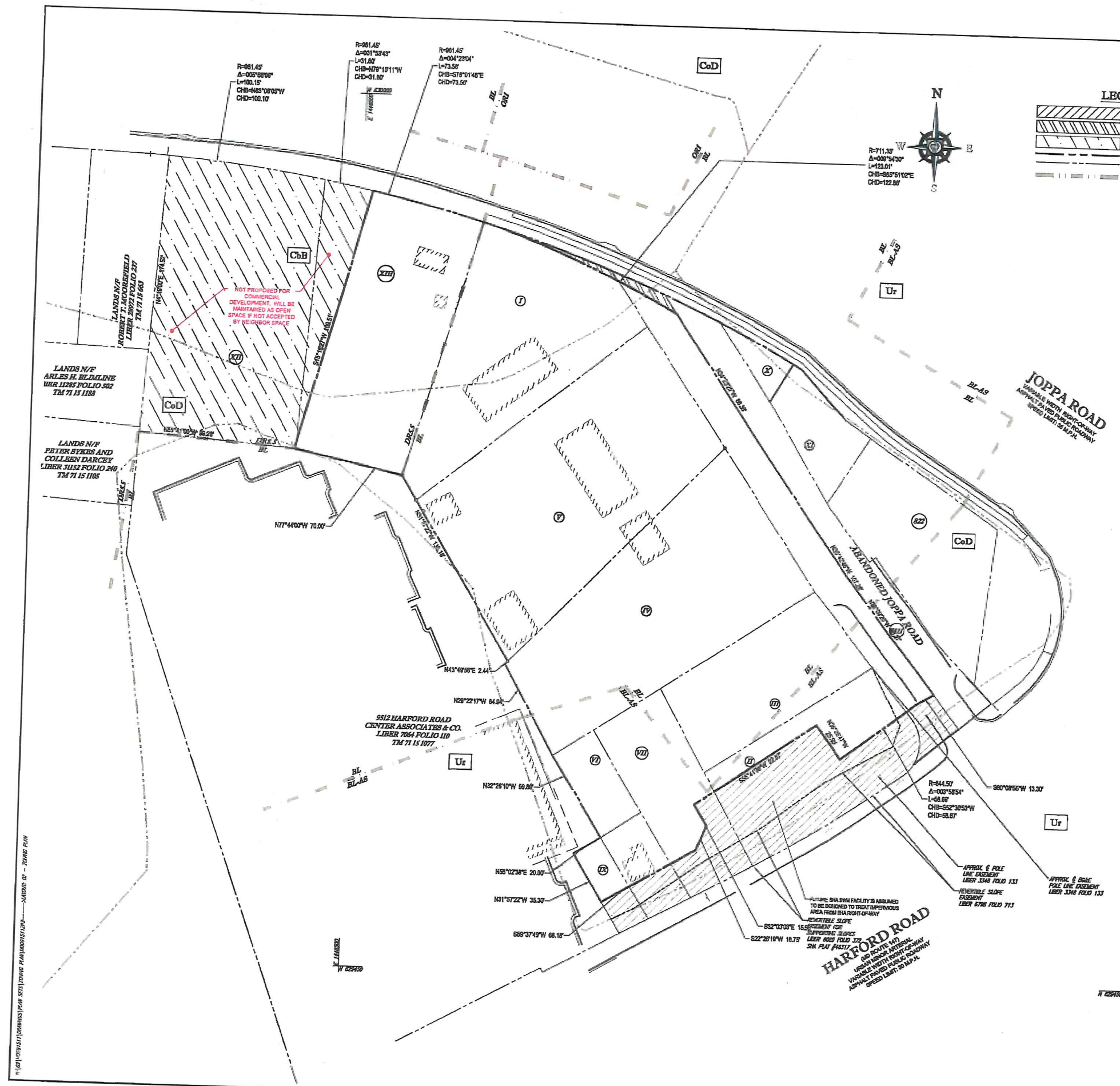
PETITIONER'S EXHIBIT **6**

2018-0059-SPHXA



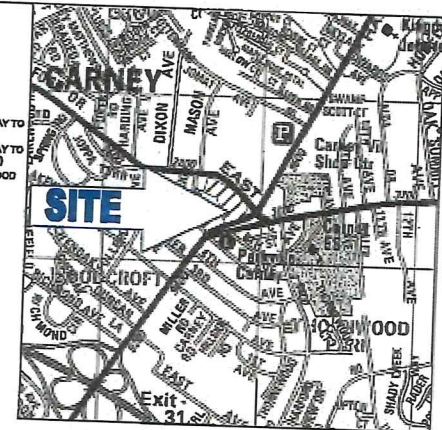
BALTIMORE COUNTY, MARYLAND	
DATE	REVISIONS
	JOB NO.: 17481x6
	SCALE: 1" = 50'
	DATE: 9/21/2017
	DRAWN BY: C.M.C
	DESIGN BY: C.M.C
	REVIEW BY: T.H.S
	SHEET: 01 OF 0





LEGEND

- AREA TO BE DEDICATED AS RIGHT-OF-WAY TO BHA (0.448 S.F. OR 0.022 AC.)
- AREA TO BE DEDICATED AS RIGHT-OF-WAY TO BALTIMORE COUNTY (110 S.F. OR 0.01 AC.)
- AREA TO BE DEDICATED TO NEIGHBORHOOD PARK (110 S.F. OR 0.01 AC.)
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- ZONING LINE



VICINITY MAP
COPYRIGHT ADD-THE-MAP PEOPLE
PERMIT NO. 2002153-5
SCALE: 1"=100'

CVS pharmacy

13,281 TYPE B
REAR DRIVE-THRU

STORE NUMBER: 4212

HARFORD ROAD AND JOPPA ROAD
BALTIMORE COUNTY, MARYLAND

PROJECT TYPE: RELO

DEAL TYPE:

CS PROJECT NUMBER: 51709

ARCHITECT OF RECORD

BOHLER ENGINEERING

501 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21284
Phone: (410) 821-7800
Fax: (410) 821-7887
www.BohlerEngineering.com

DEVELOPER

J.C. BAR DEVELOPMENT, LLC

415 FALLOWFIELD ROAD, SUITE 301
CAMP HILL, PA 17011
CONTACT: JASON MITCHELL
TEL: (717) 761-7801

J.J. UCCIFERRO

PROFESSIONAL ENGINEER
MAY 1994 LICENSE NO. 2000

REVISIONS

REV.	DATE	COMMENT	BY
1	5/25/15	PER COUNTY COMMENTS	RLB

CHECKED BY: BRR

DRAWN BY: RLB

DATE: 6/25/15

JOB NUMBER: MD091511

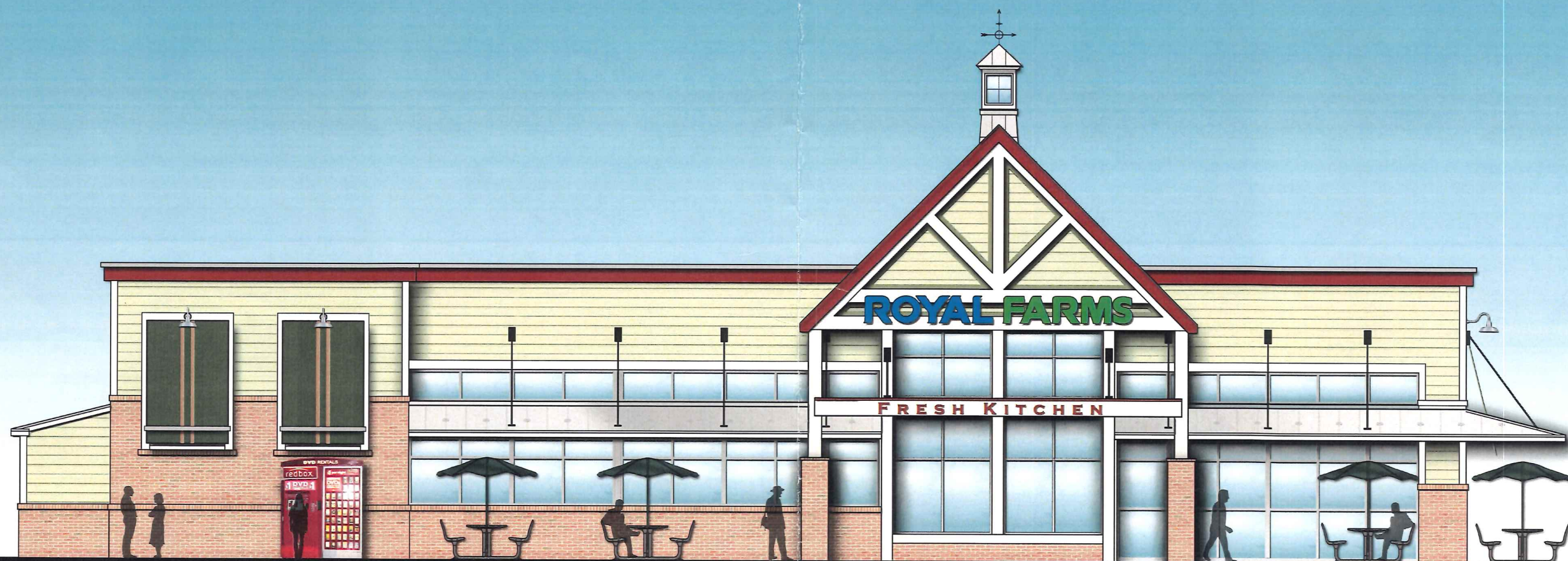
TITLE: **ZONING PLAN**

SHEET NUMBER: 2

COMMENTS: NOT FOR CONSTRUCTION

- PROPERTY INFORMATION:**
- 1 STANLEY FREDEN AND DENISE M. FREDEN 2813 JOPPA ROAD ACCT. NO. 170001118 LIBER 11781 FOLIO 552 LIBER 11616 FOLIO 519 TM 71 15 1064 AREA: 12,738 S.F. ±, 0.292 AC. ± USE: RESIDENTIAL
 - 2 PAUL D. KRAUSE AND ROSEMARY L. KRAUSE HARFORD ROAD ACCT. NO. 200003377 LIBER 11482 FOLIO 537 LIBER 11812 FOLIO 519 TM 71 15 1072 (PARCEL III) AREA: 8,804 S.F. ±, 0.202 AC. ± USE: VACANT
 - 3 PAUL D. KRAUSE AND ROSEMARY L. KRAUSE 2910 E. JOPPA ROAD ACCT. NO. 0913754850 LIBER 11482 FOLIO 537 LIBER 11812 FOLIO 519 TM 71 15 1052 (PARCEL II) AREA: 7,248 S.F. ±, 0.166 AC. ± USE: VACANT
 - 4 PAUL D. KRAUSE AND ROSEMARY L. KRAUSE JOPPA ROAD ACCT. NO. 0911770354 LIBER 11482 FOLIO 537 LIBER 11812 FOLIO 519 TM 71 15 091 (PARCEL I) AREA: 15,248 S.F. ±, 0.350 AC. ± USE: RESIDENTIAL
 - 5 PAUL D. KRAUSE, JR. AND ROSEMARY L. KRAUSE 2915 E. JOPPA ROAD ACCT. NO. 0915555940 LIBER 10116 FOLIO 353 LIBER 11812 FOLIO 519 TM 71 15 282 AREA: 18,188 S.F. ±, 0.414 AC. ± USE: RESIDENTIAL
 - 6 PAUL D. KRAUSE AND ROSEMARY L. KRAUSE HARFORD ROAD ACCT. NO. 0908003180 LIBER 11863 FOLIO 628 TM 71 15 812 AREA: 1,787 S.F. ±, 0.041 AC. ± USE: VACANT
 - 7 PAUL D. KRAUSE AND ROSEMARY L. KRAUSE 5518 HARFORD ROAD ACCT. NO. 0908003191 LIBER 12865 FOLIO 252 TM 71 15 810 AREA: 8,822 S.F. ±, 0.202 AC. ± USE: VACANT
 - 8 THE STATE HIGHWAY ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MARYLAND ACCT. NO. (NONE ON RECORD) LIBER 8184 FOLIO 363 TM (NONE ON RECORD) AREA: 13,500 S.F. OR 0.301 AC. USE: VACANT
 - 9 BALTIMORE COUNTY, MARYLAND JOPPA ROAD ACCT. NO. 0911770350 LIBER 5501 FOLIO 722 TM 71 15 813 AREA: 9,808 S.F. ±, 0.226 AC. ± USE: VACANT
 - 10 PAUL D. KRAUSE AND ROSEMARY L. KRAUSE 8914 HARFORD ROAD ACCT. NO. 1800000494 LIBER 9247 FOLIO 247 TM 71 15 1008 AREA: 3,028 S.F. OR 0.070 AC. USE: RESIDENTIAL
 - 11 THE JOSEPH L. GERRING REVOCABLE TRUST AND THE ANNE E. GERRING REVOCABLE LIVING TRUST ACCT. NO. (NONE ON RECORD) LIBER 809 FOLIO 364 TM (NONE ON RECORD) AREA: 2,398 S.F. OR 0.055 AC. USE: VACANT
 - 12 NICHOLAS B. HANGIONE AND MARY C. HANGIONE ACCT. NO. (NONE ON RECORD) LIBER 804 FOLIO 280 TM (NONE ON RECORD) AREA: 2,808 S.F. OR 0.064 AC. USE: VACANT
 - 13 PAUL D. KRAUSE, JR. AND ROSEMARY L. KRAUSE 2907 JOPPA ROAD ACCT. NO. 0911770352 LIBER 7021 FOLIO 764 TM 71 15 057 AREA: 17,314 S.F. ±, 0.397 AC. ± USE: VACANT
 - 14 PAUL D. KRAUSE, JR. AND ROSEMARY L. KRAUSE JOPPA ROAD ACCT. NO. 0911770353 LIBER 7021 FOLIO 764 TM 71 15 058 AREA: 14,776 S.F. ±, 0.340 AC. ± USE: VACANT

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 2000, EXPIRATION DATE 02/28/18



Front Elevation
1/4" = 1'-0"

ROYAL FARMS

RATCLIFFE
ARCHITECTS

10404 Stevenson Road Stevenson, Maryland 21153
Phone: 410-484-7010 Fax: 410-484-3819 peter@ratcliffearchitects.com

PETITIONER'S EXHIBIT **4**



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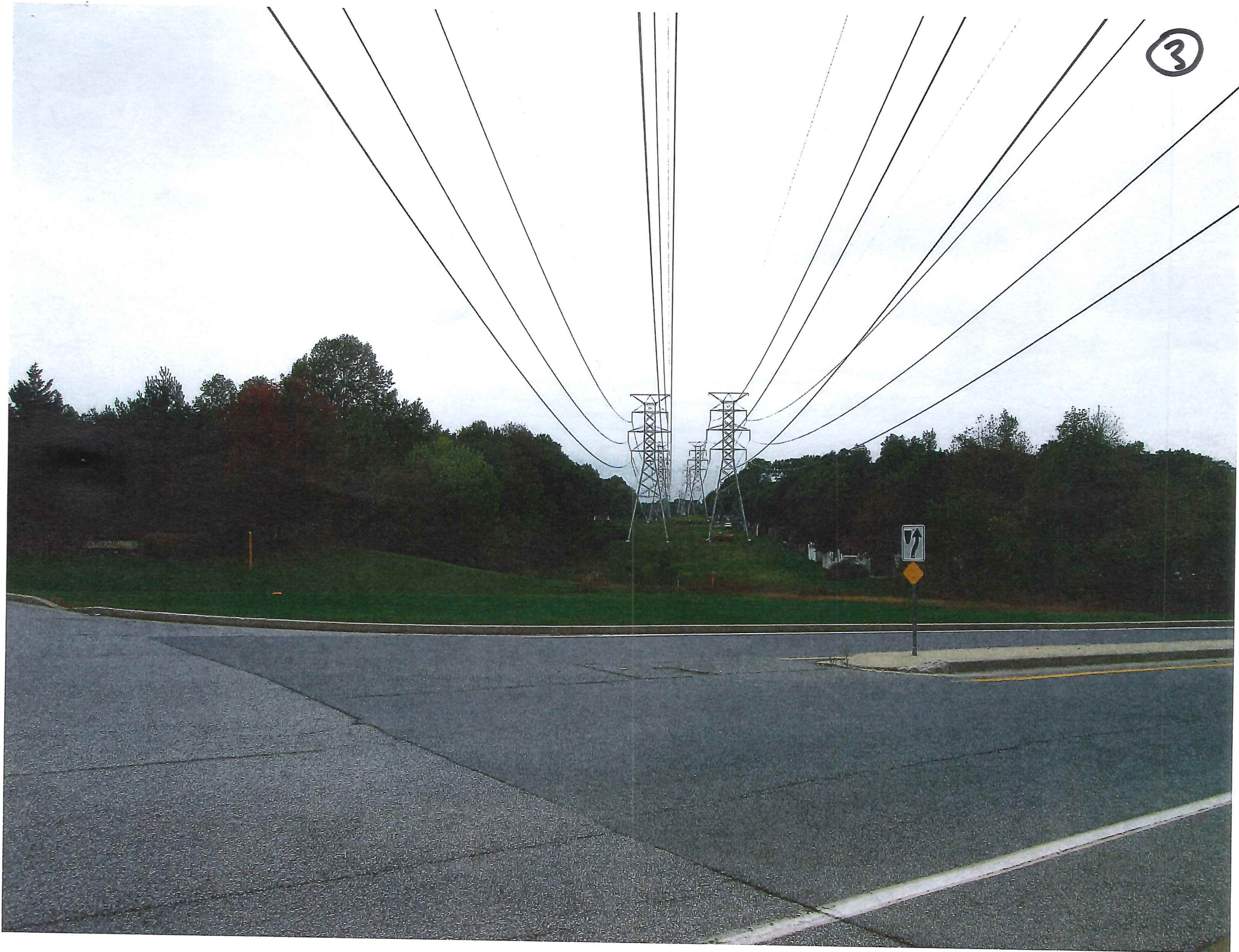


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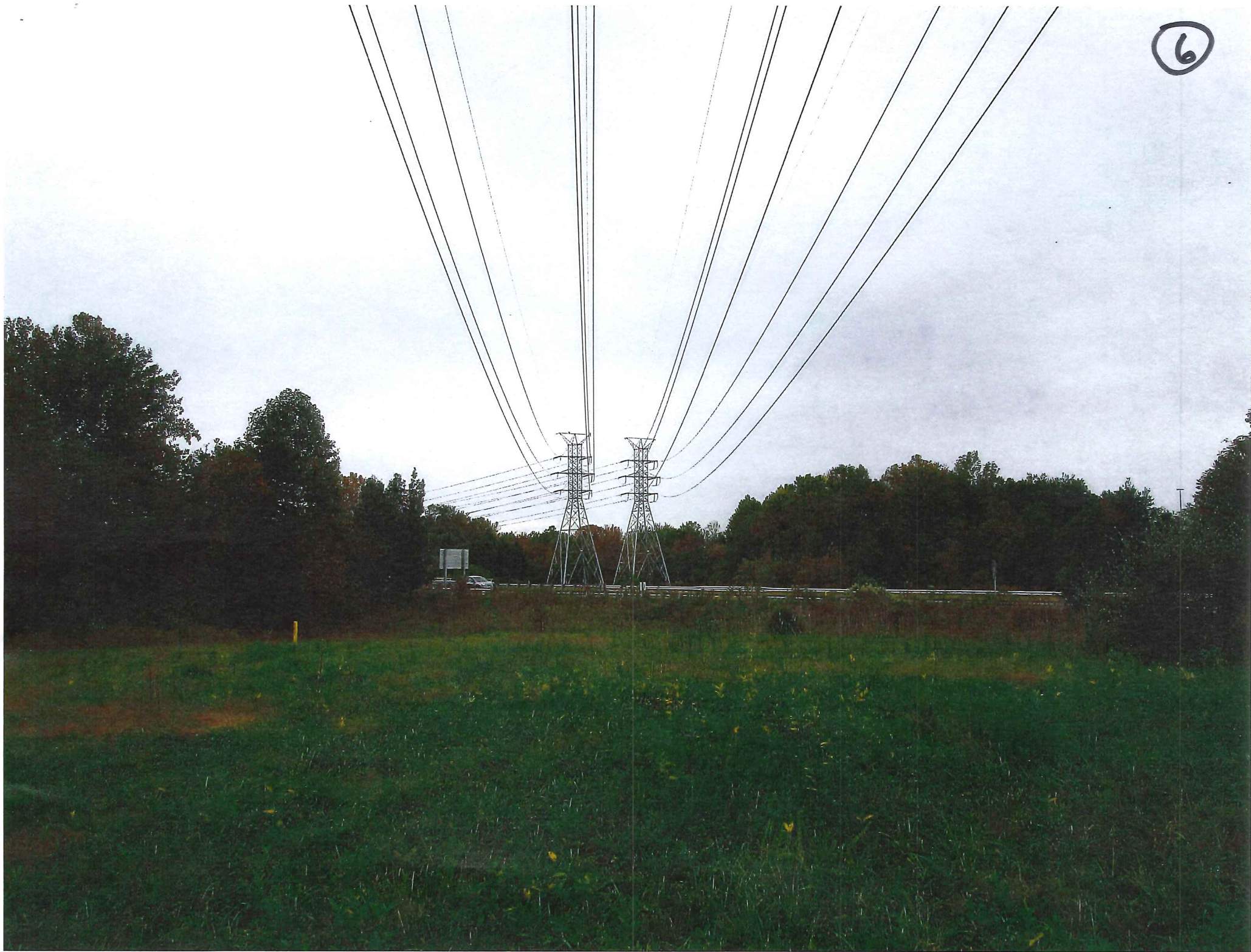
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