

MEMORANDUM

DATE: May 25, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0139-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 24, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

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

(2710 Hammonds Ferry Road) *
13th Election District *
1st Council District *
2710 Hammonds Ferry Road, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0139-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner concerning a restriction included in the February 28, 2018 Order. That order granted the zoning relief requested but limited to 30 the number of cars Petitioner could display for sale; Petitioner sought to display 40 cars.

The restriction was imposed based upon the ZAC comment submitted by the DOP. That agency indicated that storing 40 vehicles on the site could have a detrimental impact upon the community. The DOP also noted the site plan failed to show “where and how” the vehicles would be parked on the lot.

Petitioner submitted with its Motion for Reconsideration a revised and highlighted site plan demonstrating the vehicles can “easily be displayed for sale on the property in an orderly fashion within a specific confined area.” Motion, p. 2. Counsel for Petitioner met with the DOP and that agency does not oppose the request.

THEREFORE, IT IS ORDERED this 24th day of **April, 2018**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby GRANTED, and Petitioner shall be entitled to display no more than 40 vehicles for sale so long as the vehicles are within the confined yellow highlighted area shown on the revised site plan as “car inventory parking.”

IT IS FURTHER ORDERED that all other terms and conditions set forth in the February

ORDER RECEIVED FOR FILING

Date

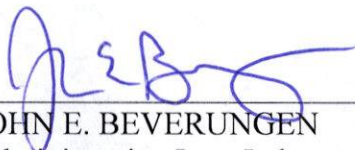
4/24/18

By

Sen

28, 2018 Order shall continue in full force and effect.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 4/24/18

By sln

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(2710 Hammonds Ferry Road)	*	OFFICE OF
13 th Election District		
1 st Council District	*	ADMINISTRATIVE HEARINGS
2710 Hammonds Ferry Road, LLC		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2018-0139-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 2710 Hammonds Ferry Road, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to amend the previously approved Special Exception and site plan granted in Case No. 2016-053-XA to reduce the size of the Special Exception area for the used car sales to coincide with the new line of subdivision of the property; (2) to approve the acquisition of the adjacent property to allow for the expansion of the existing restaurant building as shown on the attached site plan; and (3) to amend the language of restriction No. 2 in the order for Case No. 2016-053-XA, to allow 40 automobiles to be displayed on the used car sales portion of the property.

A Petition for Variance seeks: (1) to allow an automobile sales building to be situated 6 ft. from a newly created property line in lieu of the required 30 ft.; and (2) to allow a zero ft. setback to a rear property line in lieu of the required 30 ft. for a proposed restaurant addition and to allow an 11 ft. front yard setback in lieu of the required 25 ft. to a property line and 50 ft. to the centerline of the road.

ORDER RECEIVED FOR FILING

Date 2-28-18

By slh

SPECIAL HEARING

The petition for special hearing has three elements, the first two of which are uncontroversial. The first simply seeks to reduce the size of the used auto sales special exception area, which following approval by the DRC will be located on its own lot. The second seeks to approve, as reflected on the site plan, the acquisition of a small parcel adjoining the subject property at the northern boundary. This small, arrow-shaped parcel will permit Petitioner to expand the Landsdowne Inn restaurant which has operated at the site for many years. These are in essence housekeeping matters that will be approved.

The third special hearing request seeks to amend a condition contained in a 2016 zoning order which limited to 16 the number of cars permitted to be displayed for sale. The DOP opposes that aspect of this case, and in its ZAC comment it questioned "where and how" additional vehicles would be parked on the site. Mr. Richardson testified twenty parking spaces are shown on the plan as being allotted to the display of vehicles for sale (i.e., "inventory"). He explained the dimensions of the spaces will allow Petitioner to double stack the inventory, as in done in many new car dealerships.

While I believe 40 vehicles could be displayed in the allotted spaces, I am concerned it could cause the site to appear cluttered and impede the movement of vehicles and/or customers. As such, I will modify the restriction to allow no more than 30 vehicles to be displayed for sale within the special exception area shown on the site plan.

VARIANCE

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

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Date 2-28-18

By sen

difficulty or hardship.

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

The property has an irregular shape (like an arrow head) and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be required to raze or relocate existing improvements. 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. This is demonstrated by the lack of community opposition. In fact, Mr. Panchigar indicated he met with the Landsdowne Improvement Association, which supports the requests.

THEREFORE, IT IS ORDERED this 28th day of **February, 2018**, 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"): (1) to amend the site plan approved in Case No. 2016-0053-XA to reduce the size of the special exception area for the used car sales to coincide with the new line of subdivision of the property; (2) to approve the acquisition of the adjacent property to allow for the expansion of the existing restaurant building as shown on the attached site plan; and (3) to amend restriction No. 2 in the order for Case No. 2016-0053-XA to allow 30 automobiles to be displayed on the used car sales portion of the property, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow an automobile sales building to be situated 6 ft. from a newly created property line in lieu of the required 30 ft.; and (2) to allow a zero ft. setback to a rear property line in lieu of the required 30 ft. for a proposed restaurant addition and to allow an 11 ft. front yard setback in lieu of the required 25 ft. to a property line and 50 ft. to the centerline of the road, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date 2-28-18

By Sen

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits for the proposed expansion of the restaurant Petitioner must submit for approval by Baltimore County landscape and lighting plans for the entire site.
3. Within 30 days of the date hereof Petitioner shall remove from the site any temporary signs, banners or other signage for which a permit was not issued by Baltimore County.
4. Petitioner shall submit for approval by the DOP elevation drawings or renderings of the proposed restaurant addition.
5. Petitioner shall construct along the rear of the property adjoining the railroad tracks a chain link fence or landscape screen.
6. The trailer which serves as an office on the used car sales site must be painted or finished with materials that are compatible with and complement the exterior of the Landsdowne Inn.

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:slh

ORDER RECEIVED FOR FILING

Date 2-28-18

By sen



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 2710 Hammonds Ferry Road which is presently zoned BR
 Deed References: 35509/453 & 7119/264 10 Digit Tax Account # 1319580120 & 2000006749
 Property Owner(s) Printed Name(s) 2710 Hammonds Ferry Road, LLC & Jacob Miller

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

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

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

SEE ATTACHED

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

SEE ATTACHED

3. ☒ a **Variance** from Section(s)

SEE ATTACHED

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)

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:

Shreyas Panchigar
 Name- Type or Print

Shreyas Panchigar
 Signature

2926 W. Almondbury Dr
 Mailing Address City State

21222 443 506 2600
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco

Name- Type or Print

Timothy Kotroco
 Signature

305 Washington Avenue, Suite 502. Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

2710 Hammonds Ferry Road, LLC

By: Shreyas Panchigar, member

Name #1 - Type or Print

Signature #1

2926 West Almond Drive
 Mailing Address City State

21222 / 443-506-2600
 Zip Code Telephone #

Mr. Jacob Miller

Name #2 - Type or Print

Signature #2

Pasadena
 Mailing Address City State

21222 / 443-506-2600 / George@charmcityauto.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

21222 / 443-506-2600 / George@charmcityauto.com
 Zip Code Telephone # Email Address

CASE NUMBER 2013-0139-SPA Filing Date 11/27/17

Date Schedule Dates: Reviewer gh

BY

REV. 10/4/11

12/17
 OK to file
 in Miller
 assume
 g

ORDER RECEIVED FOR FILING
 2-28-18
 SEN

**ATTACHMENT TO SPECIAL HEARING
AND VARIANCE PETITION**

SPECIAL HEARING RELIEF:

1. Special Hearing to amend the previously approved Special Exception and site plan granted in Case No. 2016-053XA to reduce the size of the special exception area for the used car sales to coincide with the new line of subdivision of the property; and
2. To approve the acquisition of the adjacent property to allow for the expansion of the existing restaurant building as shown on the attached site plan; and
3. To amend the language of restriction No. 2 of the previously approved Order in Case No. 2016-053XA to allow 40 automobiles to be displayed on the used car sales portion of the property; and

VARIANCE RELIEF:

3. From section 238.2 of the BCZR To allow an automobile sales ~~trailer~~ ^{Building} to be situated 6' from a newly created property line in lieu of the required 30 feet.
4. From section 238.2 of the BCZR to allow a zero foot setback to a rear property line in lieu of the required 30 feet for a proposed restaurant addition and from section 238.1 to allow an 11 foot front yard setback in lieu of the required 25 feet to a property line and 50 feet to the centerline of the road; and

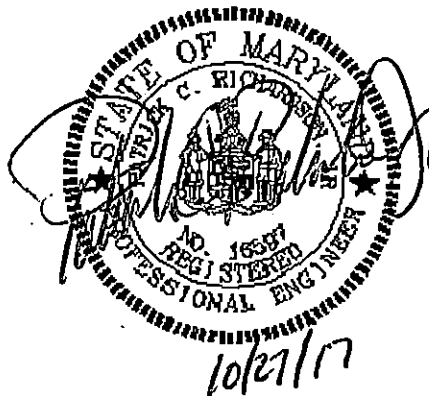
For such other and further relief as the nature of this cause may require

2018-0039-SPHA

**ZONING DESCRIPTION
LANDSDOWNE INN
2710 HAMMONDS FERRY ROAD
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the West side of Hammonds Ferry Road (40 right-of-way) at a distance of 10 feet North from the centerline intersection of Hammonds Ferry Road and Second Avenue, thence the following courses and (1) North 77 degrees 05 minutes 15 seconds West 43.36 feet to a point on the East side right-of-way of the B & O Railroad, thence binding on said right-of-way (2) South 19 degrees 01 minutes 36 seconds West 426.04 feet, thence along a line of division (3) South 88 degrees 17 minutes 52 seconds East 146.25 feet to a point on the West side right-of-way of Hammonds Ferry Road, thence binding on said right-of-way (4) North 01 degrees 42 minutes 08 seconds East 267.00 feet, (5) North 11 degrees 42 minutes 08 seconds East 133.31 feet to the point of beginning;

Containing a net area of 35,218 square feet, or 0.81 acres of land, more or less.





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 5420836

Sold To:

Shreya Panchigar - CU00636800
2926 W Almondbury Dr
Pasadena, MD 21122-6346

Bill To:

Shreya Panchigar - CU00636800
2926 W Almondbury Dr
Pasadena, MD 21122-6346

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

Jan 30, 2018

NOTICE OF ZONING HEARING

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

Case: # 2018-0139-SPHA
2710 Hammonds Ferry Road

13th Election District - 1st Councilmanic District
Legal Owner(s) Hammonds Ferry Road, LLC
Contract Purchaser/Lessee: Shreyas Panchigar

Special Hearing 1. To amend the previously approved Special Exception and site plan granted in Case No. 2016-053-XA to reduce the size of the Special Exception area for the used car sales to coincide with the new line of subdivision of the property; and 2. To approve the acquisition of the adjacent property to allow for the expansion of the existing restaurant building as shown on the attached site plan; and 3. To amend the language of restriction of No. 2 of the previously approved Order in Case No. 2016-053-XA to allow 40 automobiles to be displayed on the used car sales portion of the property. Variance 1. To allow an automobile sales building to be situated 6 ft. from a newly created property line in lieu of the required 30 ft. 2. To allow a zero ft. setback to a rear property line in lieu of the required 30 ft. for a proposed restaurant addition and to allow an 11 ft. front yard setback in lieu of the required 25 ft. to a property line and 50 ft. to the centerline of the road; and 3. For such other and further relief as the nature of this cause may require.

Hearing: February 20, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/787 January 30 5420836

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

2018-0139-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

**Hammonds Ferry Road, LLC
Shreyas Panchigar**

February 20, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2710 Hammonds Ferry Road

January 31, 2018

The sign(s) were posted on _____

(Month, Day, Year)



Sincerely,

 **January 31, 2018**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2018-0139-SPHA

**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: Tuesday, February 20, 2018 at 1:30 p.m.

REQUEST: *Special Hearing 1.* To amend the previously approved Special Exception and site plan granted in Case No. 2016-053-XA to reduce the size of the Special Exception area for the used car sales to coincide with the new line of subdivision of the property; and 2. To approve the acquisition of the adjacent property to allow for the expansion of the existing restaurant building as shown on the attached site plan; and 3. To amend the language of restriction of No. 2 of the previously approved order in Case No. 2016-053-XA to

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

ZONING NOTICE

CASE # 2018-0139-SPHA (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: Tuesday, February 20, 2018 at 1:30 p.m.

REQUEST: allow 40 automobiles to be displayed on the used car sales portion of the property. *Variance 1.* To allow an automobile sales building to be situated 6 ft. from a newly created property line in lieu of the required 30 ft. 2. To allow a zero ft. setback to a rear property line in lieu of the required 30 ft. for a proposed restaurant addition and to allow an 11 ft. front yard setback in lieu of the required 25 ft. to a property line and 50 ft. to the centerline of the road; and 3. For such other and further relief as the nature of this cause may require.

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



January 10, 2018
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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: 2018-0139-SPHA

2710 Hammonds Ferry Road
13th Election District – 1st Councilmanic District
Legal Owners: Hammonds Ferry Road, LLC
Contract Purchaser/Lessee: Shreyas Panchigar

Special Hearing 1. To amend the previously approved Special Exception and site plan granted in Case No. 2016-053-XA to reduce the size of the Special Exception area for the used car sales to coincide with the new line of subdivision of the property; and 2. To approve the acquisition of the adjacent property to allow for the expansion of the existing restaurant building as shown on the attached site plan; and 3. To amend the language of restriction of No. 2 of the previously approved Order in Case No. 2016-053-XA to allow 40 automobiles to be displayed on the used car sales portion of the property. Variance 1. To allow an automobile sales building to be situated 6 ft. from a newly created property line in lieu of the required 30 ft. 2. To allow a zero ft. setback to a rear property line in lieu of the required 30 ft. for a proposed restaurant addition and to allow an 11 ft. front yard setback in lieu of the required 25 ft. to a property line and 50 ft. to the centerline of the road; and 3. For such other and further relief as the nature of this cause may require.

Hearing: Tuesday, February 20, 2018 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: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Shreyas Panchigar, 2926 W. Almondbury Drive, Pasadena 21122

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 31, 2018.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 30, 2018 Issue - Jeffersonian

Please forward billing to:
Shreyas Panchigar
2926 W. Almondbury Drive
Pasadena, MD 21122

443-506-2600

NOTICE OF ZONING HEARING

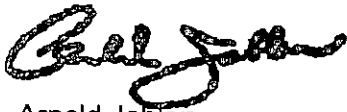
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0139-SPHA

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13th Election District – 1st Councilmanic District
Legal Owners: Hammonds Ferry Road, LLC
Contract Purchaser/Lessee: Shreyas Panchigar

Special Hearing 1. To amend the previously approved Special Exception and site plan granted in Case No. 2016-053-XA to reduce the size of the Special Exception area for the used car sales to coincide with the new line of subdivision of the property; and 2. To approve the acquisition of the adjacent property to allow for the expansion of the existing restaurant building as shown on the attached site plan; and 3. To amend the language of restriction of No. 2 of the previously approved Order in Case No. 2016-053-XA to allow 40 automobiles to be displayed on the used car sales portion of the property. Variance 1. To allow an automobile sales building to be situated 6 ft. from a newly created property line in lieu of the required 30 ft. 2. To allow a zero ft. setback to a rear property line in lieu of the required 30 ft. for a proposed restaurant addition and to allow an 11 ft. front yard setback in lieu of the required 25 ft. to a property line and 50 ft. to the centerline of the road; and 3. For such other and further relief as the nature of this cause may require.

Hearing: Tuesday, February 20, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE
2710 Hammonds Ferry Road; W/S of Hammonds* OF ADMINISTRATIVE
Ferry Road, S 39' to c/line of 3rd Avenue
13th Election & 1st Councilmanic Districts * HEARINGS FOR
Legal Owner: 2701 Hammonds Ferry Road LLC
Contract Purchaser(s): Shreyas Panchigar * BALTIMORE COUNTY
Petitioner(s) *
2018-139-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.

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

RECEIVED

DEC 05 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of December, 2017, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, 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: 2018-0139-SP4A

Property Address: 2710 Hammonds Ferry Rd

Property Description: _____

Legal Owners (Petitioners): SHREYAS PANCHIGAR

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHREYAS PANCHIGAR

Company/Firm (if applicable): _____

Address: 2926 W Almondbury Dr
PASADENA MD 21122

Telephone Number: 443-506-2600

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

RE 160538

Date: 11/27/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	206	000		150				1000.00

Total: 1000.00

Rec From: Shireyas S Panthigar

For: 2110 Hammonds Ferry Rd

Case # 2018-0139-SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME ORN
11/28/2017 11/27/2017 09:47:43 F
REG NO. 160538 WALKIN LJR
RECEIPT # 763046 11/27/2017 OFLN
Dept: S 528 ZONING VERIFICATION
CR NO. 160538
Receipt Tot \$1,000.00
\$1,000.00 CA \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

February 15, 2018

2710 Hammonds Ferry Road, LLC
Schreyas Panchigar
2926 West Almondbury Drive
Pasadena MD 21222

RE: Case Number: 2018-0139 SPHA, Address: 2710 Hammonds Ferry Road

Dear Mr. Panchigar:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 27, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Timothy M Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204

Date: 12/6/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0139-SPHA

*Special Hearing Variance
2701 Hammonds Ferry Road, LLC
Jacob M. Iles
2710 Hammonds Ferry Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



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

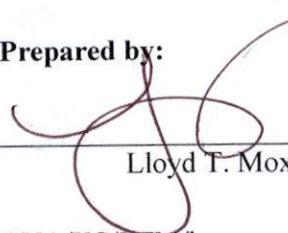
WW/RAZ

Manual and incorporate a low hedge to be planted along the edge of the parking lot adjacent to Hammonds Ferry Road. Landscaping shall be installed around the structure designated for the used car sales office. If the parking lot is to be lit, said lighting shall be directional site lighting that does not affect adjacent residential areas and shall be shown on the plan.

- The prior approved special exception area permitting the used motor vehicle outdoor sales area is not paved with a durable and dustless surface. All parking surfaces shall be brought up to the standards of BCZR Section 409 or modifications/variances sought.
- Several illegal signs are displayed on the premises. All signage shall conform to the requirements of BZCR Section 450 and no banner or temporary freestanding enterprise signs advertising products or promotions in conjunction with any commercial activity on site should not be permitted. All illegal signage shall be removed. A plan illustrating signage for the entire site shall be submitted to the Department, to the attention of the person listed below, for approval prior to the issuance of any new sign permits.
- The structure (trailer) utilized for the used car sales office is not compatible in materials and colors to the existing Lansdowne Inn. Elevation drawings for the used car sales office were not submitted to the Department for approval prior to the issuance of the permit. Additionally, the location of this structure on the site is not in conformance with the site plan that was submitted in the previous case. Any structure utilized for the used car sales office (to include trailers) shall be compatible in materials and colors to the existing Lansdowne Inn, once improved. Elevation drawings of the used car sales office shall be submitted to the Department, to the attention of the person listed below, for approval prior to the issuance of building permits.
- The white fence along the rear of the property has been removed but not replaced. The existing white fence along the rear of the property shall be replaced with a commercial grade fence such as a black vinyl clad chain link with black slats for screening, or in the alternative, a landscape screen.
- Elevation drawings of the proposed addition to the restaurant building shall be provided to the Department, to the attention of the person listed below, for review and approval prior to the issuance of building permits. The addition shall reflect the architectural characteristics of the attached Sanders/Designs concept as identified in the prior 2016-0053-XA case.

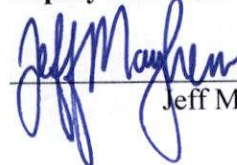
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Dennis Wertz

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

Timothy Kotroco

Office of the Administrative Hearings

People's Counsel for Baltimore County

JB 2-20-18
1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

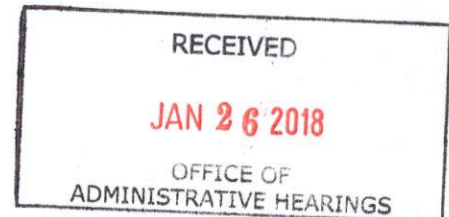
DATE: 1/23/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-139

INFORMATION:

Property Address: 2710 Hammonds Ferry Road
Petitioner: 2710 Hammonds Ferry Road, LLC
Zoning: BR
Requested Action: Special Hearing, Variance



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

A site visit was conducted on December 6, 2017. Baltimore County has invested substantial resources in Lansdowne through Commercial Revitalization District programs to include the streetscape project along Hammonds Ferry Road immediately in front of the subject site.

The Department supports granting the petitioned relief in part but objects to granting said relief in part, as follows:

- The Department objects to any modification to condition no. 2 in the opinion and order of the Administrative Law Judge (ALJ) in zoning case no. 2016-0053-XA. The Department supports the decision of the ALJ in that case in limiting the number of used vehicles to no more than 16. The Department recommends that the proposed contraction of the area used in support of the special exception for used motor vehicle outdoor sales area, coupled with the expansion of the restaurant use, will make the site unable to accommodate a 250% increase in on-site inventory while maintaining a "minimal" impact on the neighborhood. The site plan submitted in support of the petition fails to show where and how these additional 24 vehicles will be parked.

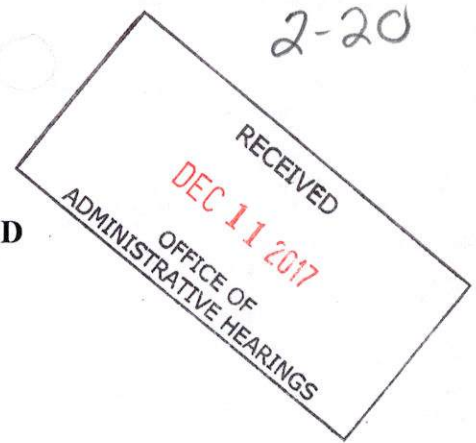
The Department does not object to granting the balance of the requested zoning relief conditioned upon the following:

During the December 6, 2017 site visit, staff found many ZAC comments and recommendations put forth by the Department in its October 26, 2015 correspondence to the Director of PAI and made a part of the order in the aforementioned zoning case no. 2016-0053-XA have not been met. The Department recommends all said conditions must be successfully addressed. These continued deficiencies include:

- No landscape plan was submitted to the Baltimore County Landscape Architect. No new landscaping has been installed on site. A landscape plan shall be submitted to the Baltimore County Landscape Architect for approval prior to the issuance of building permits. Said plan shall reflect the requirements of "Condition C: Automotive Display Areas" of the Landscape

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: December 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0139-SPHA
Address 2710 Hammonds Ferry Road
(2701 Hammonds Ferry Road, LLC
Property)

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

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
VCD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2017
Item No. 2018-0139-SPHA

DATE: December 28, 2017

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

If Special Hearing and Zoning Relief is granted, a Landscape Plan is required per the requirement of the Landscape Manual. A Lighting Plan is also required.

*

*

*

*

*

VKD: can
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/23/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-139

INFORMATION:

Property Address: 2710 Hammonds Ferry Road
Petitioner: 2710 Hammonds Ferry Road, LLC
Zoning: BR
Requested Action: Special Hearing, Variance

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

A site visit was conducted on December 6, 2017. Baltimore County has invested substantial resources in Lansdowne through Commercial Revitalization District programs to include the streetscape project along Hammonds Ferry Road immediately in front of the subject site.

The Department supports granting the petitioned relief in part but objects to granting said relief in part, as follows:

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During the December 6, 2017 site visit, staff found many ZAC comments and recommendations put forth by the Department in its October 26, 2015 correspondence to the Director of PAI and made a part of the order in the aforementioned zoning case no. 2016-0053-XA have not been met. The Department recommends all said conditions must be successfully addressed. These continued deficiencies include:

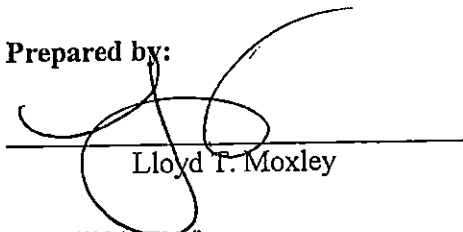
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Manual and incorporate a low hedge to be planted along the edge of the parking lot adjacent to Hammonds Ferry Road. Landscaping shall be installed around the structure designated for the used car sales office. If the parking lot is to be lit, said lighting shall be directional site lighting that does not affect adjacent residential areas and shall be shown on the plan.

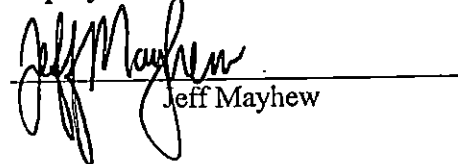
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- Elevation drawings of the proposed addition to the restaurant building shall be provided to the Department, to the attention of the person listed below, for review and approval prior to the issuance of building permits. The addition shall reflect the architectural characteristics of the attached Sanders/Designs concept as identified in the prior 2016-0053-XA case.

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

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/ka

c: Dennis Wertz

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

Timothy Kotroco

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: December 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0139-SPHA
Address 2710 Hammonds Ferry Road
(2701 Hammonds Ferry Road, LLC
Property)

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

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

Reviewer: Steve Ford

CASE NAME 2018-0139-SPHA
CASE NUMBER _____
DATE 2-20-2018

[illegible]

June Wisnom

From: ROBERT BARNETT <debra-1-2-3@comcast.net>
Sent: Tuesday, February 20, 2018 4:04 PM
To: June Wisnom
Subject: Zoning Hearing 2/20/18 - 2710 Hammonds Ferry Road



To Whom It May Concern:

I am writing in regards to the hearing on February 20, 2018 regarding the property re-zoning of 2710 Hammonds Ferry Road.

I would like to say that I am against any re-zoning of this property or area adjacent to it. The property currently has a used car lot on it, as well as a bar/restaurant (Lansdowne Inn). According to the re-zoning, the owner wants to expand the bar/restaurant and add 50 more cars to his car lot. Anyone who is familiar with this little town knows we already have a lot of parking issues. There is no room for 50 more cars, besides he doesn't sell anything from the lot he already has. If the bar/restaurant is expanded where do patrons park for that since he has now added 50 more cars?

As it is the parking lot is extremely small. If you added 50 more cars to the current property there would be absolutely no way anyone from the bar/restaurant would have a place to park. the railroad tracks are directly behind the bar/restaurant so he can't go back any further to expand. To allow a "0" variance to move the building forward makes no sense as the building is already not in compliance with the current variance. the building sits approximately 30ft. from the center of the road as it is. there is also another bar not 2 blocks up the street from this property. You can see one bar while standing outside the other. Does Lansdowne really need an expanded bar. Lansdowne is an extremely small town and we already have a lot of parking issues with the Ambrose Funeral Home and Sure Shots Basketball Court all within 1 block of this proposed re-zoning. Currently patrons attending games at the basketball court taking up parking in front of homeowner's homes on 4th and 5th avenue, all of which have complained to zoning. The funeral home on Hammonds Ferry/3rd Avenue allows their patrons to park on 3rd avenue, which is NOT ZONED FOR PARKING. Several times there have been issues with medical vehicles not being able to get through due to cars parked in the street. You call the Police and they say it's a "Zoning Issue". You call zoning and they say it's a parking issues. No one wants to take responsibility. So Please hear my voice as a long standing county resident for over 50 years and do not allow this re-zoning. I want my quiet neighborhood back!

Sincerely,

Debra Barnett

410-242-4614

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

12/28/17

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

Comment:

12/11/17

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

no comment

FIRE DEPARTMENT

1/23/18

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

Comment

12/6/17

STATE HIGHWAY ADMINISTRATION

no objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

1/30/18

SIGN POSTING

Date:

1/31/18

by

SSG

BLACK

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Search Result for BALTIMORE COUNTY

2/16/2018

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Case No.: 2018-139 SPHA

Exhibit Sheet

2-28-18

Petitioner/Developer

Protestant

DJ
5-25-18

Pen

No. 1	Original Site Plan	
No. 2	Highlighted Site Plan	
No. 3	Photos of the Site	
No. 4	Prior Zoning Case	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(2710 Hammonds Ferry Road)
13th Election District
1st Council District
2710 Hammonds Ferry Road, LLC
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* Case No. 2016-0053-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 2710 Hammonds Ferry Road. The Petitions were filed on behalf of 2701 Hammonds Ferry Road, LLC, legal owner of the subject property ("Petitioner"). The Special Exception Petition seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) §236.2 to allow a used motor vehicle outdoor sales area. The Petition for Variance seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) for a front yard setback of 9 ft. in lieu of the required 25 ft. per § 238.1; (2) for a rear yard setback of 0 ft. in lieu of the required 30 ft. per §238.2; and (3) for parking setback of as little as 3 ft. in lieu of the required 10¹ft. to the right-of-way line of a public street per §409.8.A.4. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit No. 1.

Appearing at the hearing in support of the petitions was Mr. and Mrs. Panchigar, who are members of the entity which owns the property. The Petition was advertised and posted as required by the B.C.Z.R. No protestants or interested citizens attended the hearing. Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

PETITIONER'S

EXHIBIT NO.

4

Substantive ZAC comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The comments from these agencies will be included as conditions in the Order below.

The subject property is approximately 43,185 square feet and is zoned BR (Business Roadside). Petitioner purchased the property at auction in 2015, at which time it was in very poor condition. Mr. Panchigar has been a member of the Lansdowne community for over 25 years, and operates a service garage in the neighborhood. Petitioner proposes to continue operating the existing restaurant/bar at the site, and would also like to have a small used car sales facility. Both variance and special exception relief is required before the property can be used in the manner proposed.

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 People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that 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.

In this case, no such evidence was presented, and I do not believe the used car facility would adversely impact the community. Petitioner indicated there is a need for such a business in the area, and 16 or fewer cars would be displayed at any one time. As such, I believe the used car sales operation would have at most a minimal impact upon the neighborhood, but there is no reason to believe that any adverse impact would be above and beyond that inherent in such a use. In addition, Petitioner submitted a letter of support from the Lansdowne Improvement Association

(Ex. 3) as well as a petition signed by numerous members of the community (Ex. 4).

VARIANCE

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property has an irregular shape, and the existing structure (in which the restaurant is operated) was constructed in 1930, long before the B.C.Z.R. As such the property is unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty, in that it would be unable to construct the proposed improvements. 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 by the Administrative Law Judge for Baltimore County, this 3rd day of November, 2015, that the Petition for Special Exception under B.C.Z.R. §236.2 to allow a used motor vehicle outdoor sales area, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance per Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) for a front yard setback of 9 ft. in lieu of the required 25 ft. per § 238.1; (2) for a rear yard setback of 0 ft. in lieu of the required 30 ft. per §238.2; and (3) for parking setback of as little as 3 ft. in lieu of the required 10 ft. to the right-of-way line of a public street per §409.8.A.4, be and is hereby GRANTED.

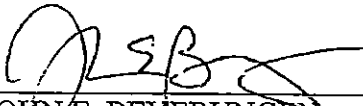
The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own

risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. The used motor vehicle sales business may have on site no more than 16 cars on display and/or offered for sale.
3. Petitioner must comply with the ZAC comment of the DOP (dated October 26, 2015), which is attached hereto and incorporated herein.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2710 Hammonds Ferry Road

RECEIVED

INFORMATION:

Item Number: 16-053

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: 2710 Hammonds Ferry Road, LLC

Zoning: BR

Requested Action: Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Exception to use the property for a used motor vehicle outdoor sales area and a Petition for Variances to permit a front yard setback of 9', an [existing] rear yard setback of 0' and a parking setback of 0' (revised to 3') to the right of way line of a public street in lieu of the required 25', 30' and 10' respectively.

Pursuant to a revised plan received from the Petitioner on October 16, 2015 (see attached), the Department offers these refined recommendations.

The Department has no objection to the granting of the variance relief addressing the existing as-built condition of the 0' rear yard setback of the building corner and also supports zoning relief of any setback deficiencies inherent to a wall extended by straight projection therefrom as part of the addition. The Department supports the variance for a 9' front setback resulting from the extension of the existing front façade.

As shown on the aforementioned plan received on October 16, 2015, the proposed parking formerly set at 0' is now situated at 3' from the r-o-w line of Hammonds Ferry Road still requiring variance relief. The Department has no objection to granting this relief.

Baltimore County has invested substantial resources in Lansdowne through Commercial Revitalization District programs to include the recent streetscape project along Hammonds Ferry Road immediately in front of the subject site. More particularly, potential improvements to the existing business on the subject site were developed with the Petitioner's participation through the Baltimore County sponsored "Architect on Call" program. In support of the present zoning request, the Petitioner submitted architecture that closely resembles what was developed by Sanders/Designs through the aforementioned program. The Department has the full expectation that any addition constructed will reflect the architectural characteristics of the Sanders/Designs

concept (see attached) and recommends, if approved, the following condition be included in the Order:

- Architectural elevations shall be provided to the Department of Planning for review and approval prior to the issuance of building permits.

The October 16, 2015 plan delineates the area in support of the requested Special Exception. The Department now recommends the Special Exception be approved conditioned upon the following:

- A landscape plan shall be submitted to the Baltimore County Landscape Architect for approval prior to the issuance of building permits. Said plan shall reflect the requirements of "Condition C: Automotive Display Areas" of the Landscape Manual and incorporate a low hedge to be planted along the edge of the parking lot adjacent to Hammonds Ferry Road. Landscaping shall be installed around the structure designated for the used car sales office. If the parking lot is to be lit, said lighting shall be directional site lighting that does not affect adjacent residential areas and shall be shown on the plan.
- Any structure utilized for the used car sales office shall be compatible in materials and colors to the existing Lansdowne Inn, once improved. Elevation drawings of the used car sales office shall be submitted to the Department of Planning for approval prior to the issuance of building permits.
- All parking surfaces shall be brought up to the standards of BCZR Section 409 or modifications/variances sought.
- All signage shall conform to the requirements of BZCR Section 450 and no banner or temporary freestanding enterprise signs advertising products or promotions in conjunction with any commercial activity on site is allowed.
- The existing white fence along the rear of the property shall be replaced with a commercial grade fence such as a black vinyl clad chain link with black slats for screening, or in the alternative, a landscape screen.

To ensure performance, the Department further recommends that the Administrative Law Judge further impose conditions that would require the addition be completed within a reasonable time frame to be established through the hearing and that any bona-fide zoning violation shall result in the suspension of the used car sales until such time as the site is brought into conformity.

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

Division Chief:
AVA/KS

Kathy G. Carlson

C: Bill Skibinski
Jeanette Tansey, RLA, Permits, Approvals & Inspections

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2015
Item No. 2016-0053

DATE: September 11, 2015

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

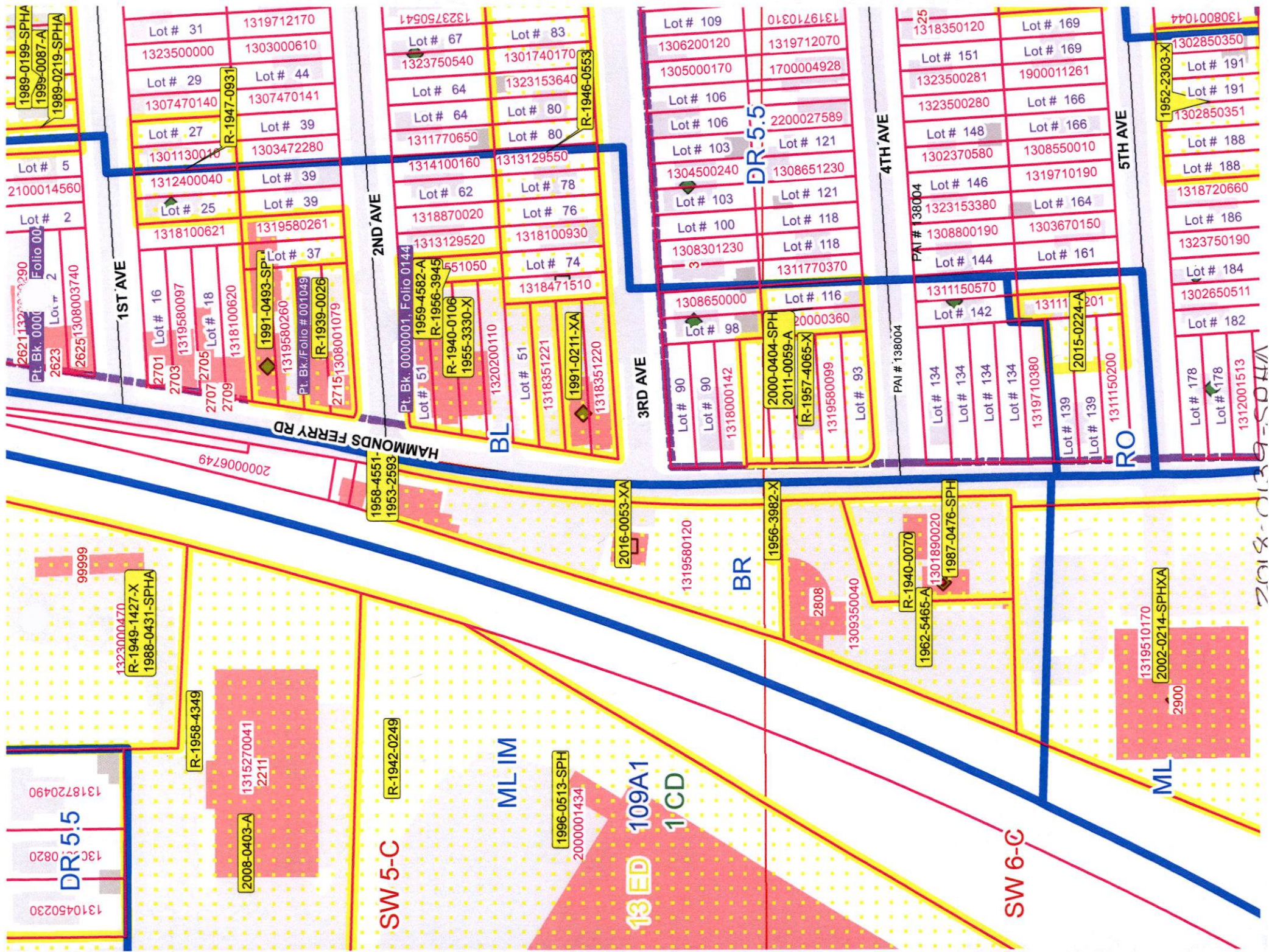
The proposed auto office and the one-story addition to the existing building constitute development, but the site has not been submitted for development review. When development review is done, the right-of-way line along the frontage will be moved in certain locations such that the sidewalk will be in the right-of-way. This should be accounted for at this stage so a new right-of-way line enclosing the sidewalk should be drawn and the parking should be set back 10' from the new right-of-way line. Not addressing this issue now will result in further variances being required before building permits can be issued.

A Landscape and Lighting Plan will be required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0053-09142015.doc





Baltimore County - My Neighborhood



PETITIONER'S

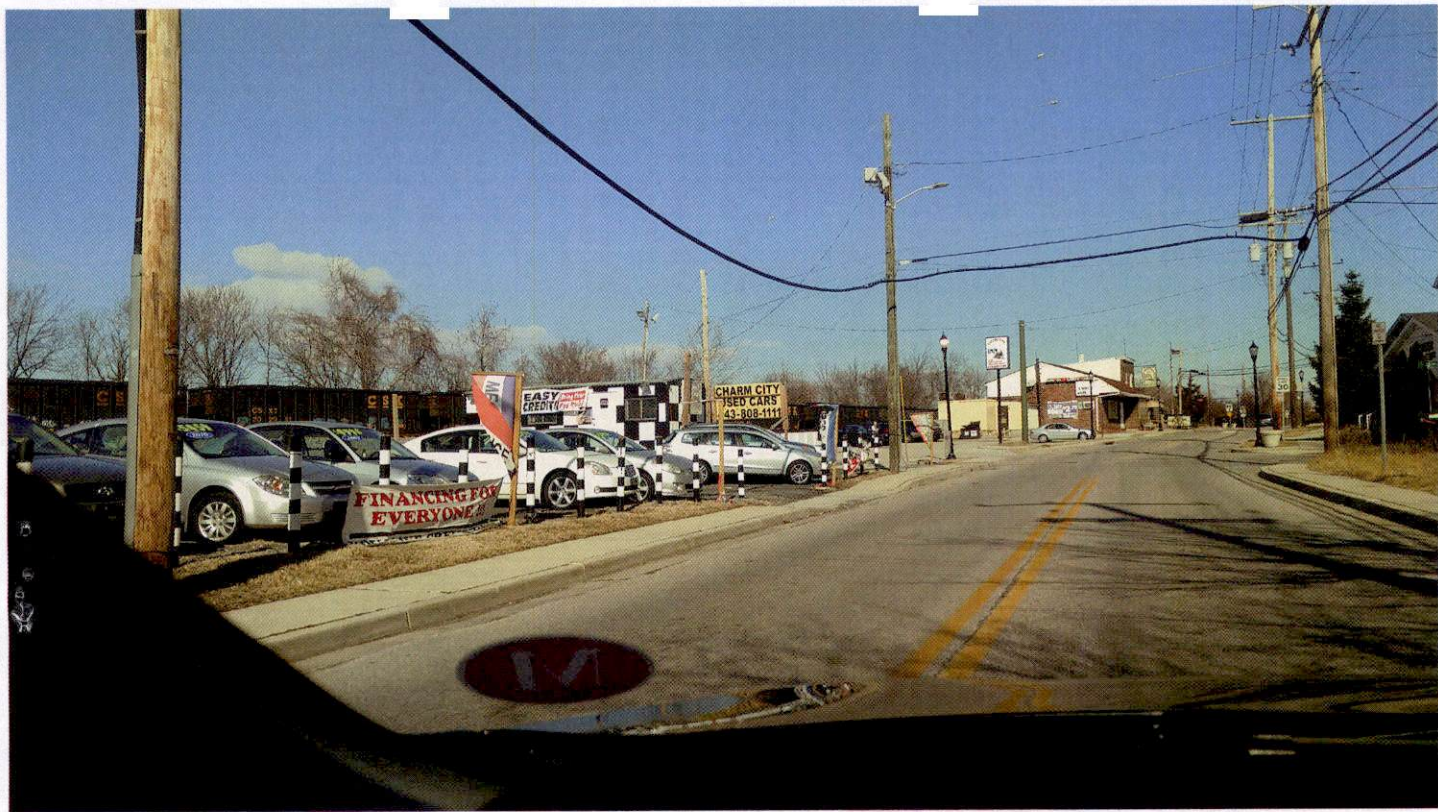
EXHIBIT NO.

3

-76.666 39.244 Degrees



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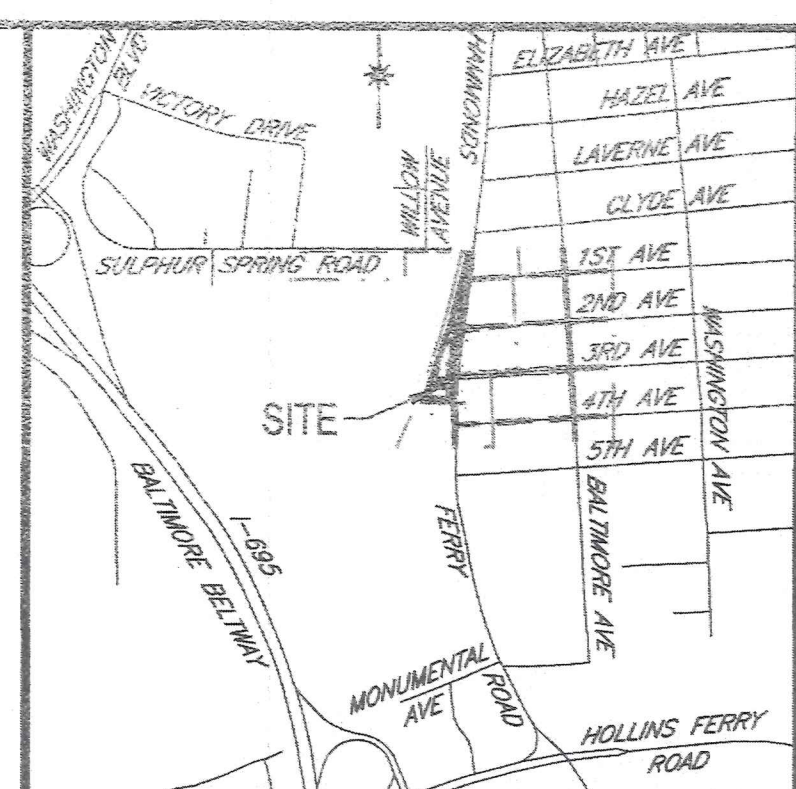
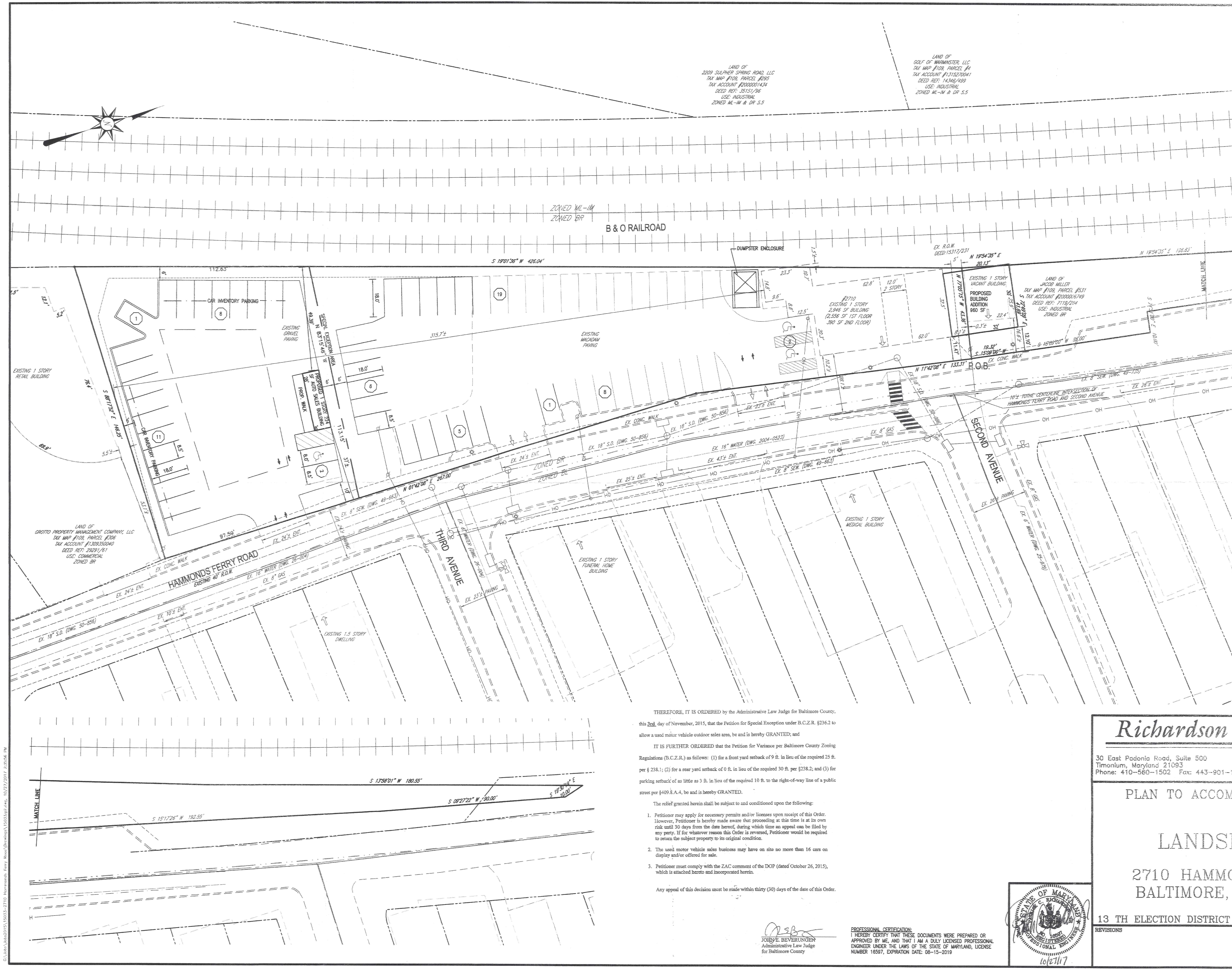
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LOCATION MAP
1" = 1000'

GENERAL NOTES:

- OWNER: 2710 HAMMONDS FERRY ROAD, LLC, 2828 WEST ALMONDBURY DRIVE, PASADENA, MARYLAND 21122
- SITE AREA: 35,218 SF or 0.81 Ac.±
NET: 43,185 SF or 0.99 Ac.±
GROSS: 37,333 SF or 0.86 Ac.±
WITH MILLER PROPERTY: 51,495 SF or 1.18 Ac.±
- PROPOSED: RESTAURANT, & USED CAR SALES, VACANT BUILDING
- EXISTING: RESTAURANT, & USED CAR SALES
- UTILITIES: PUBLIC WATER & SEWER
- DEED REFERENCE: 35509/453
- TAX ACCOUNT: #1319880120
- COUNCILMANIC DISTRICT: 1ST
- ZONING: BR (PER 200 SCALE, GIS TILE #108A1)
- TAX MAP: #108, GRID #2, PARCEL #180
- WATERSHED: PATAPSCO RIVER
- PRIOR ZONING HISTORY: 2016-0053-XA APPROVED 11/2/15
- NO KNOWN PRIOR PERMITS ON FILE
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC, (PRIMARY STRUCTURE BUILT IN 1930)
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THE SITE DOES NOT LIE WITHIN A FLOOD ZONE
- EXISTING SIGNS ARE TO REMAIN, ANY NEW SIGNS MUST CONFORM TO THE BCZR
- BASIC SERVICE MAPS: TYPE DEFICIENT (Y/N) NOTE
SEWER N
WATER N
TRANSPORTATION N
- SETBACKS FOR BR: TYPE REQUIRED PROVIDED
FRONT: FROM P.L. 25' 9.0'±
FROM C.L. 50' 28.1'±
SIDE: 30' 8.1'±
REAR: 30' -1.5'±
- FLOOR AREA RATIO: MAXIMUM PERMITTED: 2.0
PROVIDED: 0.08 (4,130 SF/51,495 SF)
- PARKING CALCULATIONS: REQUIRED: RESTAURANT: 2,000 SF @ 16 PER 1,000 = 32 SPACES
LIQUOR STORE: 1,516 SF @ 5 PER 1,000 = 8 SPACES
2ND FL OFFICE: 390 SF @ 3.3 PER 1,000 = 1 SPACE
AUTO SALES: 224 SF @ 5 PER 1,000 = 2 SPACES
TOTAL REQUIRED: 43 SPACES
PROVIDED: 63 SPACES
SPACES (3 HANDICAPPED, 60 REGULAR)

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 3rd day of November, 2015, that the Petition for Special Exception under B.C.Z.R. §236.2 to allow a used motor vehicle outdoor sales area, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance per Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) for a front yard setback of 9 ft. in lieu of the required 25 ft. per § 238.1; (2) for a rear yard setback of 0 ft. in lieu of the required 30 ft. per §238.2; and (3) for parking setback of as little as 3 ft. in lieu of the required 10 ft. to the right-of-way line of a public street per §409.8.A.4, be and is hereby GRANTED.

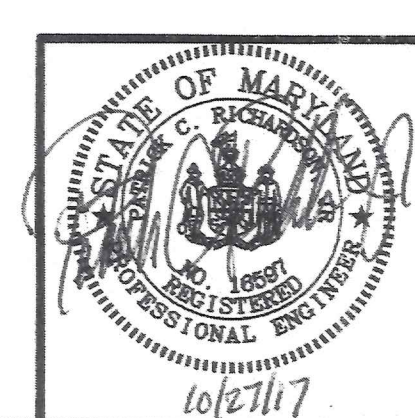
The relief granted herein shall be subject to and conditioned upon the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- The used motor vehicle sales business may have on site no more than 16 cars on display and/or offered for sale.
- Petitioner must comply with the ZAC comment of the DOP (dated October 26, 2015), which is attached hereto and incorporated herein.

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

JOHNS BEVERUNGER
Administrative Law Judge
for Baltimore County

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 NUMBER 18597, EXPIRATION DATE: 08-15-2019



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

LANDSDOWNE INN

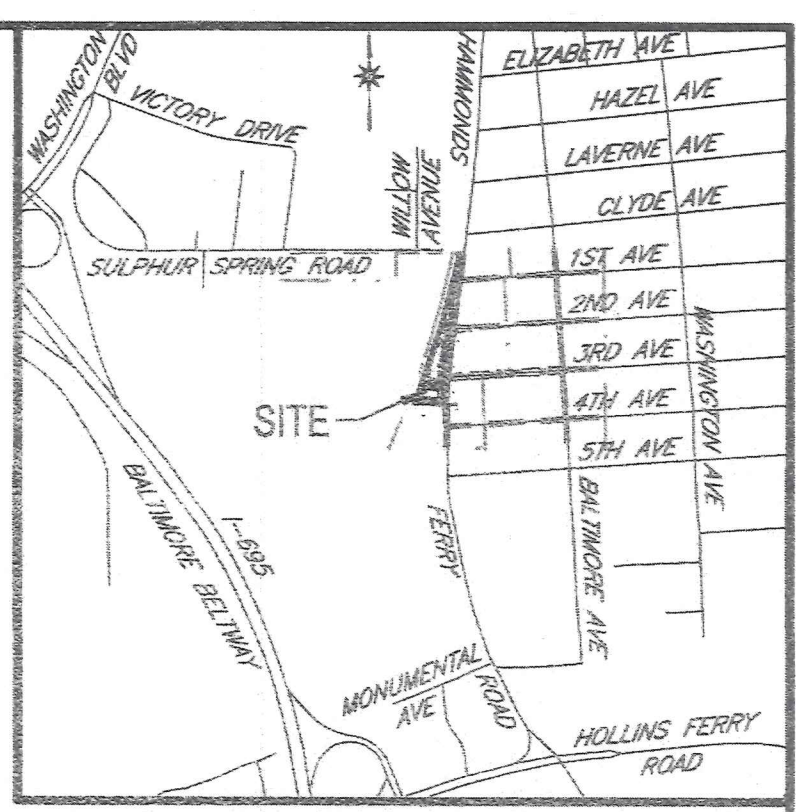
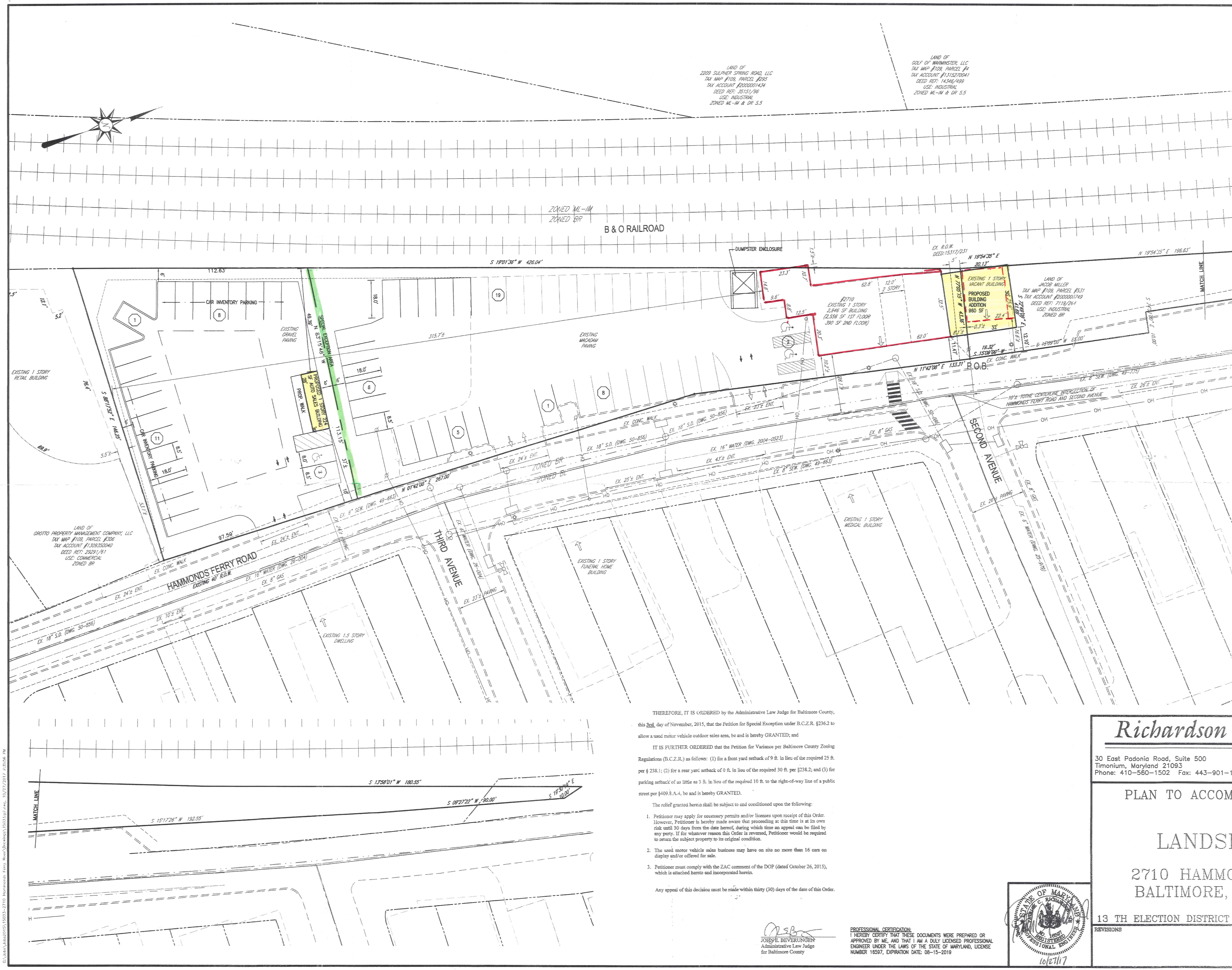
2710 HAMMONDS FERRY ROAD
BALTIMORE, MARYLAND 21227

13 TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: PCR	CHECKED BY: PCR	SCALE: 1" = 20'
	DATE: 10-13-17	JOB NO.: 15033	SHEET NO.: 1 OF 1

2018-0139-SPHA

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- UTILITIES: PUBLIC WATER & SEWER
- DEED REFERENCE: 35509/453
- TAX ACCOUNT #1319560120
- COUNCILMANIC DISTRICT: 1ST
- ZONING: BR
- (PER 200 SCALE BIS TILE #10841)
- TAX MAP #109, GRID #2, PARCEL #160
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PETITIONER'S

EXHIBIT NO. 2

Richardson Engineering, LLC

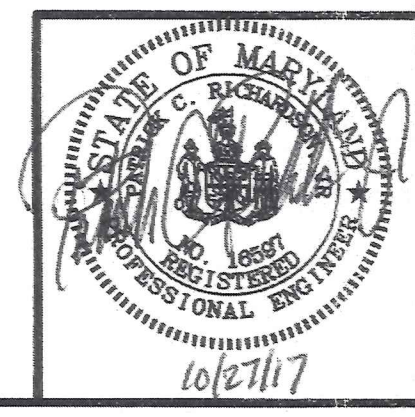
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PLAN TO ACCOMPANY ZONING PETITION FOR

LANDSDOWNE INN

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BALTIMORE, MARYLAND 21227

13 TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



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NUMBER 16597, EXPIRATION DATE: 08-15-2019

JOHNS BEVERUNGER
Administrative Law Judge
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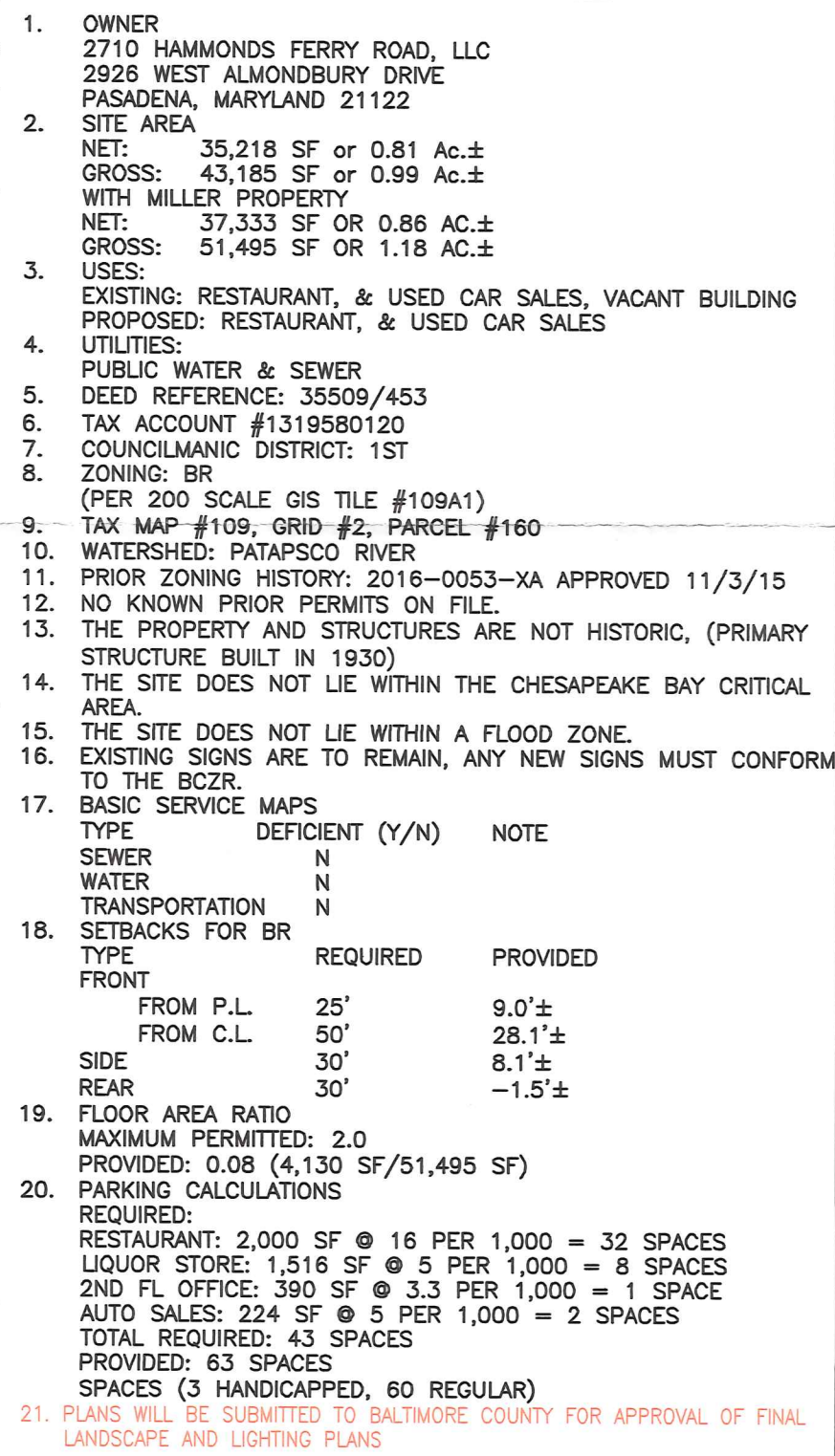
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\\baltimore\apps\215\10533-2710 Landsdowne Inn\2151227.dwg, 10/27/2017 2:05:04 PM



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