

MEMORANDUM

DATE: March 6, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0140-SPHX – Appeal Period Expired

The appeal period for the above-referenced case expired on March 5, 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 SPECIAL EXCEPTION**

(11424 Pulaski Highway)
11th Election District
6th Council District
White Marsh Truck Stop, LLC
Legal Owner

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0140-SPHX

Petitioner

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of White Marsh Truck Stop, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve reductions in the tract boundaries of the previous special exception by saving and excepting the tract boundaries of the proposed special exception for the used motor vehicle outdoor sales area. A Petition for Special Exception seeks to use a portion of the subject property for a used motor vehicle outdoor sales area separated from sales agency building.

Professional engineer William Bafitis, Peter Brocato and Ronald Parker attended the public hearing in support of the requests. Alfred L. Brennan, Jr., Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the request.

The subject property is approximately 2.29 acres in size and is split-zoned BR-AS & ML. A truck stop and service garage/fuel service station have been operated for nearly 40 years on the

ORDER RECEIVED FOR FILING

Date 2/2/18
By ser

property pursuant to special exceptions granted in 1961 & 1971. The service garage is operated by B & B Tire Repair Shop, and that tenant would like to establish a small used car sales facility on the site.

Such a use is permitted by special exception in the BR-AS zone. As noted at the hearing, I do not believe a special exception is required to sell a small number of vehicles in conjunction with the operation of a service garage. The definition of "service garage" in B.C.Z.R. §101.1 indicates the use includes the sale of motor vehicles, and prior orders of the OAH have permitted such sales. Of course the tenant would need to obtain approval from the State of Maryland to sell vehicles, although that fact is irrelevant in the present setting. But since Petitioner seeks a special exception for the use I will address the petition as filed.

SPECIAL HEARING

The special hearing requests that the special exception area for the used car sales facility be demarcated and excepted from the overall special exception area on the property for the truck stop use. The site plan contains a clearly marked 6,533 sq. ft. special exception area for this purpose, and the petition will therefore be granted.

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.

ORDER RECEIVED FOR FILING

Date

2/2/18

By

sen

The used vehicle sales operation would occupy only a small portion of the 2.29 acre site, and I do not believe it will interfere with other uses on the property or have a detrimental impact upon the community. No evidence was presented to rebut Petitioner's *prima facie* case or the presumption provided by Maryland law; as such the petition will be granted.

Petitioner submitted at the hearing a revised site plan which addresses all of the concerns identified in DOP's January 25, 2018 ZAC comment. Specifically, the plan shows a 22 ft. drive aisle will be maintained and the parking table was revised to show nine (9) total spaces for the used car sales facility: five (5) employee spaces and four (4) spaces for inventory parking. The plan was also revised to show the propane tanks will not be relocated on the site as had been originally proposed.

THEREFORE, IT IS ORDERED this 2nd day of **February, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing to approve reductions in the tract boundaries of the previous special exception by saving and excepting the tract boundaries of the proposed special exception for the used motor vehicle outdoor sales area, containing 6,533 sq. ft. as shown on the site plan admitted as Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to use a portion of the subject property for a used motor vehicle outdoor sales area separated from sales agency building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

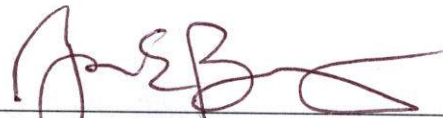
ORDER RECEIVED FOR FILING

Date 2/2/18

By SLR

3. No temporary signs, flags, banners, etc. shall be permitted on the subject property.
4. No damaged or disabled motor vehicles may be kept within the special exception area for the used vehicle sales facility.
5. No vehicles may be parked or displayed for sale within the right-of-way or grassed area adjacent to Pulaski Highway.

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 2/2/18

By sln



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 11424 PULASKI HWY., BALTO., MD

which is presently zoned BR-AS & ML

Deed References: 29452/90

10 Digit Tax Account # 1 1 0 5 0 7 7 1 0 4

Property Owner(s) Printed Name(s) White Marsh Truck Stop LLC

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

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

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

see attached

2. xxx a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
A used motor vehicle outdoor sales area, separated from sales agency building
pursuant to Section 236.2

see attached

3. a Variance from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Alfred L. Brennan, Jr.

Name- Type or Print

Signature

825 Eastern Blvd., Balto., Maryland

Mailing Address

City

State

21221
Zip Code

410-687-3434
Telephone #

alb@brennanlawyers.com
Email Address

Legal Owners (Petitioners):

White Marsh Truck Stop LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11450 Pulaski Highway, White Marsh, MD

Mailing Address

City

State

21162
Zip Code

Telephone #

Email Address

Representative to be contacted:

Ronald W Parker

Name - Type or Print

Signature

11450 Pulaski Hwy., White Marsh, Maryland

Mailing Address

City

State

21162
Zip Code

410-335-3800
Telephone #

Email Address

CASE NUMBER

2018-0140-SPHX

Filing Date

11/27/17

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

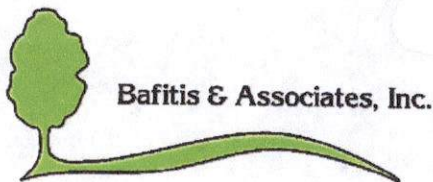
fax 410.391.4963

ZONING HEARING REQUEST FOR 11424 PULASKI HIGHWAY

SPECIAL EXCEPTION – for a used motor vehicle outdoor sales area, separated from sales agency building, pursuant to Section 236.2.

SPECIAL HEARING – to approve reductions in the tract boundaries of the previous Special Exception by, save, and excepting, the tract boundaries of the proposed Special Exception for the used motor vehicle outdoor sales area.

Item #0140



Bafitis & Associates, Inc.

ZONING DESCRIPTION FOR

SPECIAL EXCEPTION AREA
#11424 PULASKI HIGHWAY
BALTIMORE, MARYLAND 21162
6th COUNCILMANIC DISTRICT
11th ELECTION DISTRICT

BEGINNING AT A POINT ON THE NORTH SIDE OF PULASKI HIGHWAY 150' WIDE; AND
724' +/- SOUTHWESTERLY FROM CENTERLINE INTERSECTION OF ALLENDER ROAD 50' WIDE;

THENCE LEAVING PULASKI HIGHWAY NORTH 44-33'-47" WEST 54.03' TO A POINT AT THE
START OF SPECIAL EXCEPTION AREA;

THENCE LEAVING SAID POINT THE SEVEN FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 08°-38'-39" WEST 18.00' TO A POINT;
- 2) SOUTH 12°-06'-48" WEST 57.22' TO A POINT;
- 3) SOUTH 37°-47'-08" WEST 18.00' TO A POINT;
- 4) NORTH 51°-13'-30" WEST 56.50' TO A POINT;
- 5) NORTH 44°-15'-49" WEST 54.00' TO A POINT;
- 6) NORTH 30°-31'-55" EAST 33.01' TO A POINT;
- 7) SOUTH 81°-21'-21" EAST 92.22' TO THE POINT OF BEGINNING;

CONTAINING: 6,533 S.F. OR 0.15 AC. MORE/LESS



SEAL


WILLIAM N. BAFITIS, P.E. MD. REG. #11641



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 5390432

Sold To:

White Marsh Truck Stop - CU00634501
11450 Pulaski Hwy
White Marsh, MD 21162-1514

Bill To:

White Marsh Truck Stop - CU00634501
11450 Pulaski Hwy
White Marsh, MD 21162-1514

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

Jan 11, 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: # 2018-0140-SPHX
11424 Pulaski Highway
NW/S Pulaski Highway, 562 ft. SW of centerline of Allender Road
11th Election District - 6th Councilmanic District
Legal Owner(s) White Marsh Truck Stop, LLC

Special Hearing to approve reductions in the tract boundaries of the previous Special Exception by, save and excepting, the tract boundaries of the proposed Special Exception for the used motor vehicles outdoor sales area. Special Exception for a used motor vehicle outdoor sales area, separated from sales agency, building.

Hearing: Thursday, February 1, 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.

1/044 January 11 5390432

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

Date: 01/10/2018

RE: Project Name: Public Hearing
Case Number /PAI Number: 2018-0140-SPHX
Petitioner/Developer: White Marsh Truck Stop, LLC
Date of Hearing/Closing: 02/01/2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11424 Pulaski Highway
White Marsh, MD. 21162

The sign(s) were posted on 01/10/2018

(Month, Day, Year)

John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, Md. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

January 4, 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 NUMBER: 2018-0140-SPHX

11424 Pulaski Highway

NW/s Pulaski Highway, 562 ft. SW of centerline of Allender Road

11th Election District – 6th Councilmanic District

Legal Owners: White Marsh Truck Stop, LLC

Special Hearing to approve reductions in the tract boundaries of the previous Special Exception by, save and excepting, the tract boundaries of the proposed Special Exception for the used motor vehicles outdoor sales area. Special Exception for a used motor vehicle outdoor sales area, separated from sales agency, building.

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


Arnold Jablon
Director

AJ:kl

C: Alfred Brennan, Jr., 825 Eastern Blvd., Baltimore 21221
Ron Parker, 11450 Pulaski Highway, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 12, 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.**



KEVIN KAMENETZ
County Executive

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

January 4, 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 NUMBER: 2018-0140-SPHX

11424 Pulaski Highway
NW/s Pulaski Highway, 562 ft. SW of centerline of Allender Road
11th Election District – 6th Councilmanic District
Legal Owners: White Marsh Truck Stop, LLC

Special Hearing to approve reductions in the tract boundaries of the previous Special Exception by, save and excepting, the tract boundaries of the proposed Special Exception for the used motor vehicles outdoor sales area. Special Exception for a used motor vehicle outdoor sales area, separated from sales agency, building.

Hearing: Thursday, February 1, 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: Alfred Brennan, Jr., 825 Eastern Blvd., Baltimore 21221
Ron Parker, 11450 Pulaski Highway, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 12, 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
Thursday, January 11, 2018 Issue - Jeffersonian

Please forward billing to:

Ron Parker
White Marsh Truck Stop, LLC
11450 Pulaski Highway
White Marsh, MD 21162

410-335-3800

NOTICE OF ZONING HEARING

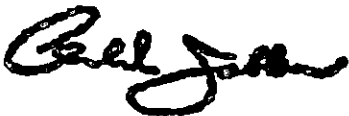
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0140-SPHX

11424 Pulaski Highway
NW/s Pulaski Highway, 562 ft. SW of centerline of Allender Road
11th Election District – 6th Councilmanic District
Legal Owners: White Marsh Truck Stop, LLC

Special Hearing to approve reductions in the tract boundaries of the previous Special Exception by, save and excepting, the tract boundaries of the proposed Special Exception for the used motor vehicles outdoor sales area. Special Exception for a used motor vehicle outdoor sales area, separated from sales agency, building.

Hearing: Thursday, February 1, 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 EXCEPTION * BEFORE THE OFFICE
11424 Pulaski Highway; NW/S of Pulaski *
Highway, 562' SW of c/line of Allender Rd * OF ADMINISTRATIVE
11th Election & 6th Councilmanic Districts HEARINGS FOR
Legal Owner: White Marsh Truck Stop LLC*
Petitioner(s) * BALTIMORE COUNTY
* 2018-140-X

* * * * *

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

DEC 11 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 11th day of December, 2017, a copy of the foregoing Entry of Appearance was mailed to Ronald Parker, 11450 Pulaski Highway, White Marsh, MD 21162 and Alfred L. Brennan, Jr., Esquire, 825 Eastern Boulevard, Baltimore, MD 21221, 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 fifteen (15) 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: 2018-0140-SPHX

Property Address: 11424 PULASKI HIGHWAY WHITE MARSH, MARYLAND 21162

Property Description: 7,605 S.F. BUILDING WITH CONVENIENT STORE, FUEL PUMPS
AND TIRE REPAIR

Legal Owners (Petitioners): WHITE MARSH TRUCK STOP LLC.

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: RON PARKER

Company/Firm (if applicable): _____

Address: 11450 PULASKI HIGHWAY WHITE MARSH, MARYLAND 21162

Telephone Number: 410-335-3800

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

NR 161116

Date: 12/5/17

PRID RECEIPT

BUSINESS ACTUAL TIME DRW
 12/05/2017 12/05/2017 10:36:02 2
 REG 0502 WALKIN JEE
 RECEIPT # 037246 12/05/2017 OFLN
 DEPT 5 538 ZONING VERIFICATION
 PR NO: 161116

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

Recpt Tot 1500.00
 1500.00 CR 1.00 CA
 Baltimore County, Maryland

Total: 8500.00

Rec From:

For:

special hearing admission
case # 2018-0140-SPH X

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

160539

Date:

Nov 27 2007

REPORT

[illegible][illegible]

Total: \$500

From:

For:

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

January 23, 2018

White Marsh Truck Stop
Ronald Parker
11450 Pulaski Highway
White Marsh MD 21162

RE: Case Number: 2018-0140 SPHX, Address: 11424 Pulaski Highway

Dear Mr. Parker:

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, reading "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Alfred L. Brennen Jr., Esquire, 825 Eastern Boulevard, Baltimore MD 21221

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: November 26, 2018

FROM: *mk2*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 12, 2018
Item No. 2019-0129-A, 0130-A, 0131-A, 0132-A, 0133-SPHA, 0134-A,
0135-A, 0136-A, 0137-A, 0096-A, 0139-A, 0140-A, 0144-SPHA and 0149-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/25/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-140

INFORMATION:

Property Address: 11424 Pulaski Highway
Petitioner: White Marsh Truck Stop, LLC
Zoning: BR-AS, ML
Requested Action: Special Exception, Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve reductions in the tract boundaries of the previous special exception by save and excepting the tract boundaries of the proposed special exception for the used motor vehicle outdoor sales area and the petition for special exception to use the property for used motor vehicle outdoor sales area separated from a sales agency building.

A site visit was conducted on December 21, 2017. The site currently accommodates multiple commercial enterprises. The Department's comments and recommendations are in response to an amended plan received on January 9, 2018. In order to perform its due diligence in assessing the proposal in combination with existing on-site uses, the Department must comment on the entire site and consider how the proposal can integrate with the other uses.

The Department does not object to granting the petitioned zoning relief conditioned upon the following:

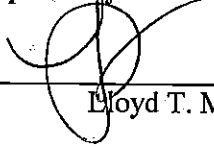
- The plan indicates vehicular egress, to include large trucks, traversing through the 6,533 sq. ft. special exception area. A 22' wide drive aisle must be maintained as shown on the plan. Parking in support of the special exception used motor vehicle outdoor sales area separated from a sales agency building is limited to 9 spaces in total. The associated office requires 5 spaces for employees and customers leaving 4 spaces for inventory parking. Used car inventory parking shall be limited to a maximum of 4 spaces. The plan must be revised to specifically indicate by count and location the parking areas dedicated to customer parking, employee parking and inventory parking all of which must be situated within the special exception area and to note the inventory cap. The parking tabulations on the plan must be revised to note 9 P.S. not 14 P.S.
- The plan indicates the propane tanks are to be removed or relocated but does not indicate to where. The plan must show any potential area for relocation. Said area may not be within the proposed special exception used motor vehicle outdoor sales area separated from a sales agency building nor at any location on site that is contrary to the health, safety and general welfare requirements of BCZR §502.1.

Date: 1/25/2018
Subject: ZAC # 18-140

- A landscape plan shall be submitted to the Baltimore County Landscape Architect for approval. Said plan shall reflect the requirements of "Condition C: Automotive Display Areas" of the Landscape Manual and provide screening for all dumpsters on-site to the extent and by means approved by said Baltimore County Landscape Architect.
- There shall be no display or parking of vehicles nor banners, flags or temporary freestanding enterprise signs advertising products or promotions in conjunction with any commercial activity on site in and on the grassed areas within the road right-of-way. All signage shall conform to the requirements of BZCR Section 450.
- There shall be no parking or servicing of damaged and disabled cars within the special exception area established in conjunction with the used motor vehicle outdoor sales area separated from a sales agency building.

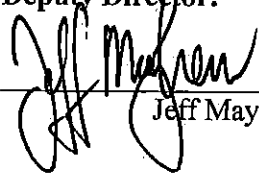
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

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
Alfred L. Brennan, Jr. Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 12/12/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 12/11/17. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for _____, Case Number 2018-0140-X

*Special Exception, Special Hearing
White Marsh Truck Stop LLC
11424 Pulaski Highway
US40*

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

Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
MS
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2017
Item No. 2018-0140-X

DATE: January 8, 2018

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

If Special Exception and Hearing Relief is granted, a landscape Plan is required per the requirements of the landscape Manual. A lighting Plan is also required.

*

*

*

*

*

VKD: cén
cc: file

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 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0140-X
Address 11424 Pulaski Highway
(White Marsh Truck Stop, LLC
Property)

Zoning Advisory Committee Meeting of **December 18, 2017**

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

Reviewer: Steve Ford

CASE NAME 2018-0140-SPHX
CASE NUMBER _____
DATE 2-1-2018

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1/18DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment12/12DEPS
(if not received, date e-mail sent _____)No Comment

FIRE DEPARTMENT

1/30PLANNING
(if not received, date e-mail sent _____)not opposed
w/ conditions12/12

STATE HIGHWAY ADMINISTRATION

no objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1/11/18SIGN POSTING Date: 1/10/18by AltmeppenPEOPLE'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 - 1105077104								
Owner Information										
Owner Name:		WHITE MARSH TRUCK STOP LLC			Use:		COMMERCIAL			
Mailing Address:		11450 PULASKI HWY WHITE MARSH MD 21162-1514			Principal Residence:		NO			
					Deed Reference:		/29452/ 00090			
Location & Structure Information										
Premises Address:		11424 PULASKI HWY 0-0000			Legal Description:		2.2957 AC NWS 11424 PULASKI HWY			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0073	0014	0102		0000				2016	Plat Ref:	
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
		8834				2.2900 AC		20		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
		SERVICE GARAGE								
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2016		07/01/2017		07/01/2018		
Land:		543,500		543,500						
Improvements		145,000		192,900						
Total:		688,500		736,400		720,433		736,400		
Preferential Land:		0						0		
Transfer Information										
Seller: PARKER RONALD WARREN				Date: 05/10/2010			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /29452/ 00090			Deed2:			
Seller: LEWIS EARL WOODROW,JR				Date: 05/27/1981			Price: \$132,500			
Type: ARMS LENGTH IMPROVED				Deed1: /06290/ 00185			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			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		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										

Case No.:

2018-0140-SPTX

Exhibit Sheet

2-2-18
slr

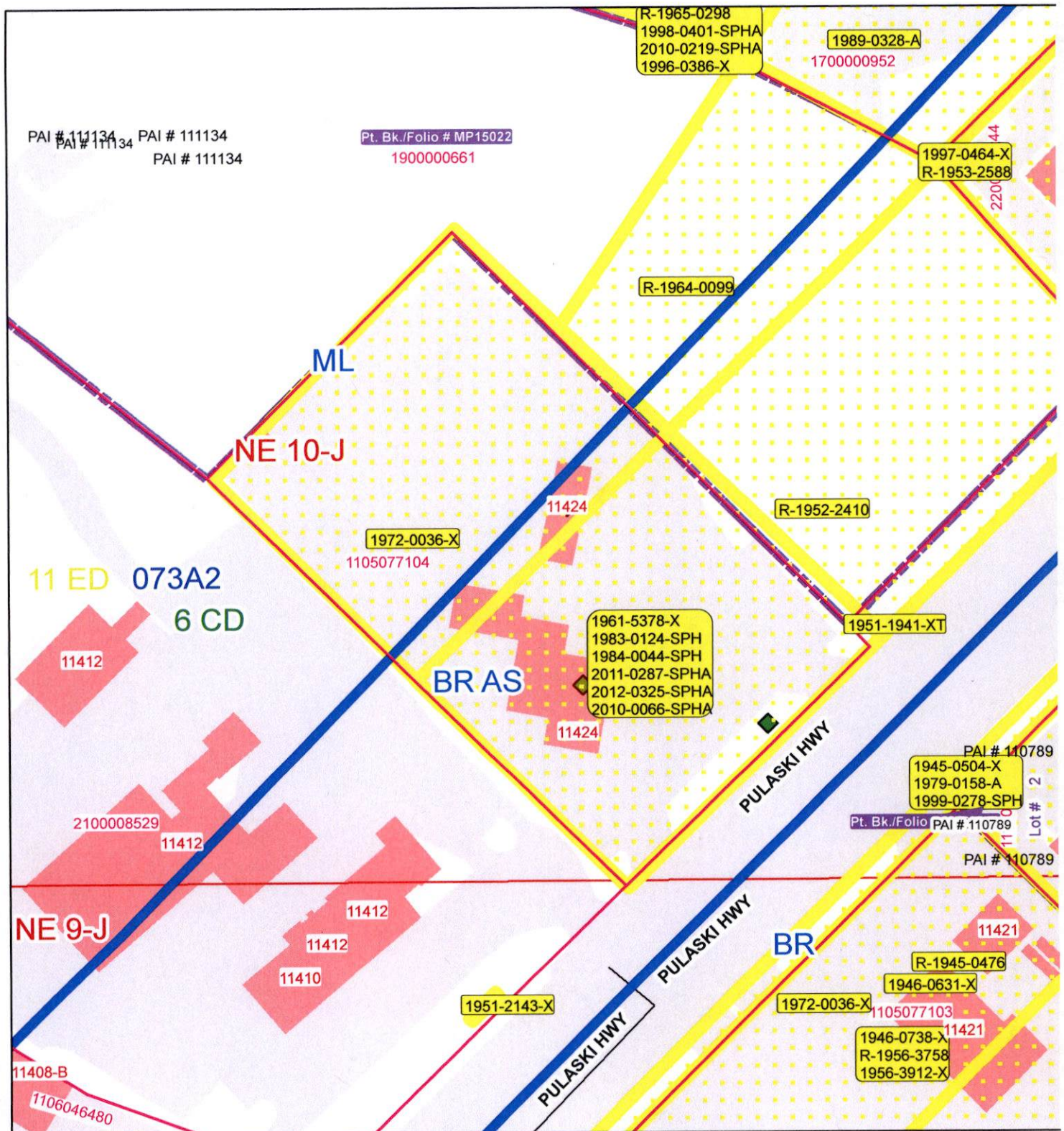
Petitioner/Developer

DW
3-6-18

Protestants

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

424 Pulaski Highway



Publication Date: 11/27/2017



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0140

EXHIBIT NO. _____

CASE NOS. 5378, 72-36-X & 83-124-SPH ORDER

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

- The petitioner herein seeks to amend the site plans filed in Case Nos. 5378-X and 72-36-X to allow the construction of an addition to the existing building for offices and repair facilities for tractors and trailers, in accordance with the site plan prepared by Edward V. Coonan and Co., dated August 4, 1982, and marked Petitioner's Exhibit 3. The subject property is located on the northwest side of Pulaski Highway and contains 2.29 acres of land, more or less.
- A review of Petitioner's Exhibit 3 indicates the entire property is zoned B.R. (Business, Roadside) with a C.S.-1 (Commercial, Strip) District superimposed thereon; however, the 1980 Comprehensive Zoning Map (NE 10-3) discloses that the rear 180 feet, more or less, of the tract is zoned M.L. (Manufacturing, Light). This M.L. parcel contains a portion of the area devoted to diesel fuel pumps, 13 macadam paved parking spaces, an area designated as filter field, and screening across the rear property line.
- On October 18, 1961, a special exception for a gasoline service station was granted for the subject property (Case No. 5378-X). Subsequent thereto, on August 30, 1971, a special exception for a truck terminal was granted for the subject site and an additional parcel located on the east side of Pulaski Highway (Case No. 72-36-X).
- County Council Bill No. 13-76 deleted the definition of a truck terminal from the Baltimore County Zoning Regulations and created definitions for the following:

Trucking facility
Trucking facility, Class I (Truck terminal)
Trucking facility, Class II
Truck stop

Truck stop is defined as:

- "A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually, incidental service or repair of trucks; or a group of facilities consisting of such a use and attendant eating, sleeping, or truck-parking facilities. As used in this definition, the term 'trucks' does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration."
- John Turbeski, Buckeye Leasing Company, currently operates the trucking business from the subject site and has offices located opposite the site on the east side of Pulaski Highway. Mr. Turbeski proposes to construct an addition in order to expand and consolidate this operation.
 - No one appeared at the hearing in opposition to the petition.
 - The amendments would be in strict harmony with the spirit and intent of the zoning regulations and will not adversely affect the health, safety, and general welfare of the community.

RECEIVED FOR FILING

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of June, 1983, that the amendments to the site plans filed in Case Nos. 5378-X and 72-36-X to allow construction of an addition to the existing building for offices and repair facilities for tractors and trailers, in accordance with Petitioner's Exhibit 3 and the floor plan marked Petitioner's Exhibit 1b, are approved and, as such, the Petition for Special Hearing is hereby GRANTED. From and after the date of this Order, subject, however, to the following restrictions:

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts that to amend the site plan filed in Case Nos. 5378, 72-36-X and 83-124-SPH to change the configuration of the proposed addition would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of August, 1983, that the Special Hearing to approve the amendment to the site plan filed in Case Nos. 5378, 72-36-X and 83-124-SPH to change the configuration of the proposed addition, in accordance with the site plan prepared by Edward V. Coonan & Co., revised April 1983, and marked Petitioner's Exhibit 1, is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- Compliance with the comments submitted by the Department of Health, dated May 17, 1983.
- The site plan shall indicate the office space in the proposed addition, the M.L./B.R. zoning line, and prior Case No. 83-124-SPH.
- A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

CASE NO.: 2010-0066-SPHA ORDER

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of October 2009 that the Petition for Special Hearing's approval of an amendment to upgrade the previously approved plans and Orders permitting a truck stop as set forth in Zoning Cases 5378-X, 72-36-X and 83-124-SPH, and to allow changes in the site's configuration for a new building addition and a proposed freestanding canopy, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance from Section 238.1 & 2, 303.2 and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow fuel pumps and a canopy with a 10 foot front setback in lieu of the required front average setback of 62.5 feet, and to permit a setback between buildings as close as 43 feet in lieu of the required 60 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioner shall comply with the recommendations made by the Office of Planning, within its Zoning Advisory Committee (ZAC) comment, dated September 30, 2009, a copy of which is attached hereto and made a part hereof.
- The Petitioner shall comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in its ZAC comment, dated September 29, 2009, by complying with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

WJW:diw

CASE NO.: 2012-0325-SPHA ORDER

THEREFORE, IT IS ORDERED, this 21st day of August, 2012, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan filed in Case Nos. 5378, 72-36-X, 83-124-SPHA, 2010-0006-SPHA and 2011-0287-SPHA, by reducing the proposed tractor and trailer repair building to 40' x 65', and to remove the proposed breezeway from the proposed one-story 578 square foot addition to the proposed tractor and trailer repair building, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance relief from Sections 255.1, 102.2 and 238.2 of the B.C.Z.R. to allow a building to building setback of 15' in lieu of the required 60' be and is hereby GRANTED.

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

- The Petitioner may apply for any required permits and may be granted same upon receipt of this Order; however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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

ZONING SPIRIT LETTER OF INTENT



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive
Mr. Bafitis
Bafitis and Associates, Inc.
1249 Engleberth Rd.
Baltimore, MD 21221

1/06/10

TIMOTHY M. KOTROCO, Director
Department of Permits and Development Management

Re: Zoning Spirit and Intent review
Case # 2010-0066-SPHA
11424 Pulaski Highway
11th ED
Dear Mr. Bafitis:

This is a response to your letter dated 11/18/09 to Mr. Timothy Kotroco, Director of Permits Development Management, who has authorized this reply.

Pursuant to your provided information you have requested a zoning approval that states that the revised site plans showing the addition of 735 square feet to the building for retail, office and repair, are accepted as being within the Spirit and Intent of the approved order in Case # 2010-0066-SPHA. As we had discussed, you have had the ZAC issues raised in the Order Restrictions resolved with the Office of Planning and DEPRM. Their approvals are on the plans I have received. Based on the Zoning Office staff review, the plans can be approved as you have requested. I have signed the plans and they are being placed in our records while the original, and a copy are being returned to you with this letter. Please document this response on all future plans submitted for zoning approvals.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact me at 410-887-3391.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Sincerely,

John Lewis
Planner II
Zoning Review



February 14, 2013

William N. Bafitis
Bafitis and Associates, Inc.
1249 Engleberth Road
Baltimore, Maryland 21221

Dear Mr. Bafitis:

RE: Zoning Spirit and Intent Opinion, Zoning Case #2012-0325-SPHA, 11424 Pulaski Highway, 11th Revision, Original Letter Dated 01/22/13, 11th Election District

Your letter to Mr. Arnold Jablon, Director, concerning a zoning Spirit and Intent opinion regarding the above referenced property and case history for same has been referred to this Office for reply. Please be advised that it is the opinion of this Office, upon reviewing the case history, along with your request to move the subject building 20 feet further away from the property line as shown on the provided site plan is within the spirit and intent of Zoning Case 2012-0325-SPHA. The referenced case granted a 15 foot building to building setback, and the proposed relocation of the building will be providing an additional 20 feet of setback from the adjacent building, for a total building to building setback of 35 feet.

This letter must appear on all future plans filed with this Office for review that pertain to the subject property.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

Joseph C. Merrey
Planner II
Zoning Review
410-887-3391

Zoning Review - County Office Building
111 West Chesapeake Avenue, Room 111, Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

CASE NO.: 2011-0287-SPHA ORDER

THEREFORE, IT IS ORDERED this 12th day of May, 2011 by the Administrative Law Judge, that the request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To amend the site plan filed in Case Nos. 5378, 72-36-X, 83-124-SPH and 2010-0006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition, and
- To add proposed one story (578 sq. ft.) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition,

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance request relief from Sections 238.2 and 405.4.A.2.d to permit a proposed canopy with a property line setback of 16 feet in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted is subject to the following conditions:

- Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- The proposal must comply with all applicable parts of the Baltimore County Fire Prevention Code, Council Bill 48-10 prior to occupancy or the beginning of operation.

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

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

DRC #111009B

Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

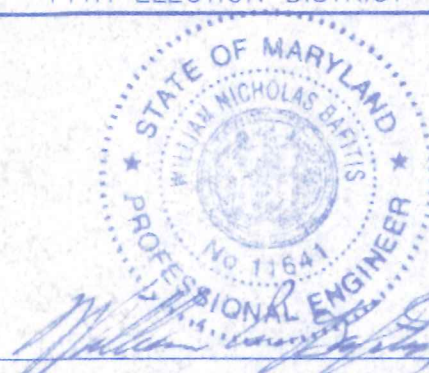
(410) 391-2336

PLAN TO ACCOMPANY
ZONING HISTORY
FOR

#11424 PULASKI HIGHWAY

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



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. 11641 Expiration Date: 09/09/2019

SCALE:
NONE
JOB ORDER NO:
21724
DATE:
11/22/17
CHECKED:
W.N.B.
DRAWN:
N.W.B.

SHEET 2 OF 2

NO. REVISIONS DATE

ROCK BERG LLC.
DEED 25185/669
TAX NO.19-0000661

EGYPT FARMS INCORPORATED
DEED 8030/817
TAX NO. 21-00008529

ROCK BERG LLC.
DEED 25185/669
TAX NO.19-0000661

NOTES

1. Topography shown hereon was taken from Baltimore County GIS Topography (JUNE 2009).
2. The Firm Insurance Rate Map, Panel 295 of 575 indicates this is situated within flood Zone X.
3. Property lines shown hereon were established by public information.
4. This site is not situated within the Chesapeake Bay Critical Areas (Map 73).
5. There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
6. There are no forest or developed woodlands on this site.
7. There are no Tidal & Non-Tidal Wetlands shown on this site.
8. There is no significant plant or animal habitat on this site.
9. There are no slopes greater than 15% on this site.
10. There are no known wells on this site.
11. There are underground fuel storage tanks on this site.
12. There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
13. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
14. Public Water and sewer serve this site.
15. This site has been the subject of the CRG, DRC, or Waiver Processes.
16. Caution underground utilities may exist in Pulaski Highway & onsite, contact Miss Utility (800-257-7777) prior to any construction.

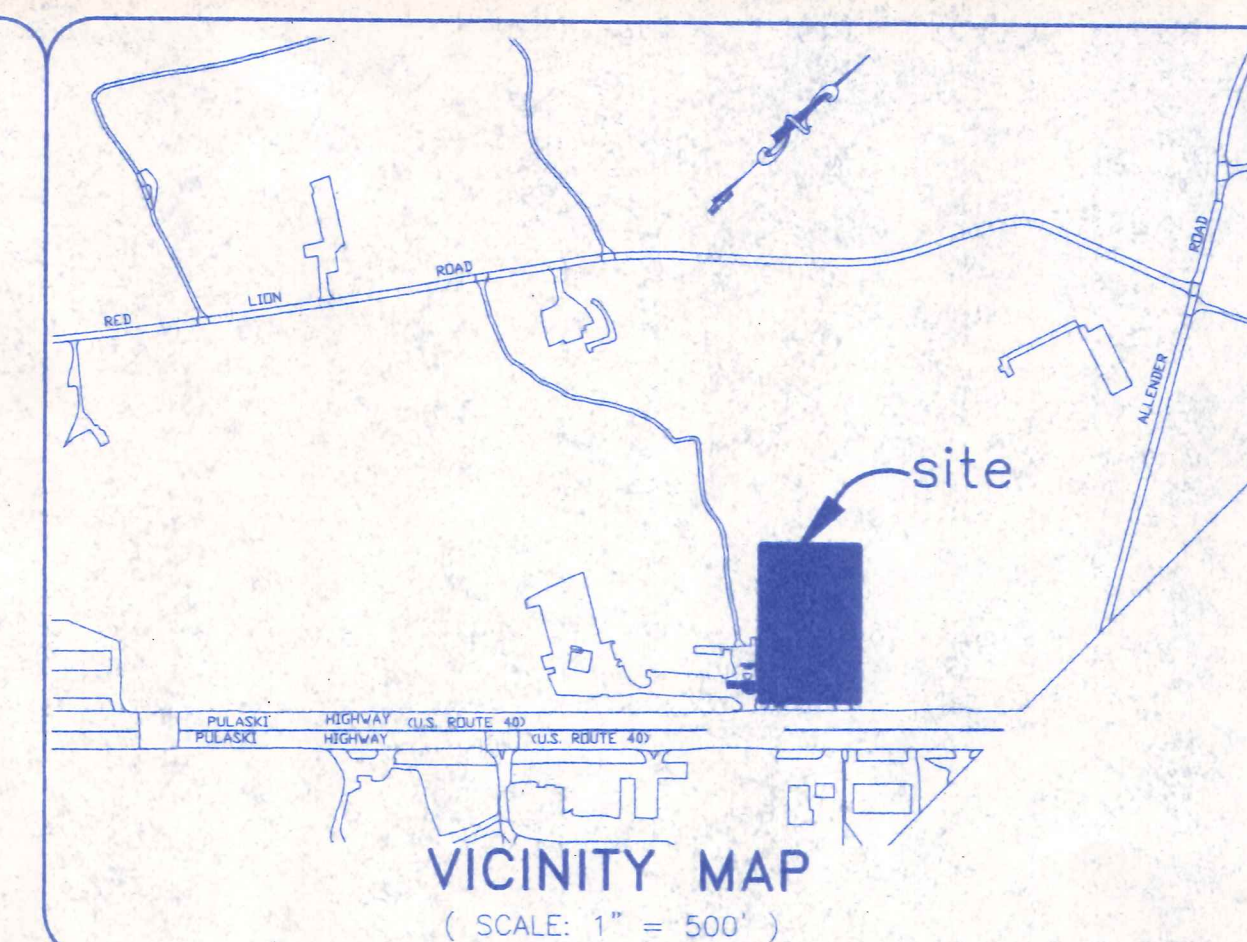
ZONING HISTORY

SEE SHEET 2 OF 2

ZONING REQUEST

SPECIAL EXCEPTION

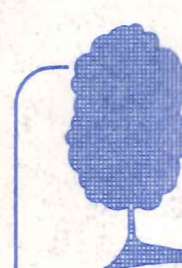
1. A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING PURSUANT TO SECTION 236.2 (B.C.Z.R.).



SITE DATA

- 1) OWNER: WHITE MARSH TRUCK STOP LLC.
#11450 PULASKI HIGHWAY
WHITE MARSH, MARYLAND 21162
- 2) DEED REF: 29452/090
- 3) TAX ACC. NO.: 11-05073104
- 4) TAX MAP: 73 PARCEL: 102 LOT: NONE
- 5) PLAT REF: NONE
- 6) ELECTION DISTRICT: 11TH
- 7) COUNCILMANIC DISTRICT: 6TH
- 8) REGIONAL PLANNING DISTRICT: 317B
- 9) CENSUS TRACT: 4113.02
- 10) ZONING: BR-AS & ML
- 11) ZONING MAP: 073A2
- 12) FLOOR AREA RATIO: $0.201/2.295 = 0.087 < 2.0$
- 13) USE: EXISTING: RETAIL, TIRE REPAIR, OFFICE W/FUEL PUMPS
PROPOSED: USED AUTOMOTIVE SALES
- 14) SITE AREA: 100,000 S.F. OR 2.295 AC.
- 15) PARKING:
EXISTING:
OFFICE 3.3 P.S. PER 1,000 S.F. (1,166 S.F.)
 $3.3/1,000 = 0.0033 \times 1,166 = 3.84$ 4 P.S.
RETAIL 5.0 P.S. PER 1,000 S.F. (270 S.F.)
 $5.0/1,000 = 0.005 \times 270 = 1.35$ 2 P.S.
TIRE REPAIR SHOP 3.3 P.S. PER 1,000 S.F.
(2,747 S.F. + 1,616 S.F. = 4,363 S.F.)
 $3.3/1,000 = 0.0033 \times 4,363 = 14.39$ 15 P.S.
TOTAL 21 P.S.
PROVIDED:
ADA PARKING 1 P.S.
PARKING W/BAYS 6 P.S.
PARKING 14 P.S.
TOTAL 21 P.S.
PROPOSED:
USED AUTOMOTIVE SALES SPECIAL EXCEPTION 14 P.S.

DRC #111009B



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Englebert Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY
ZONING PETITION
FOR
SPECIAL EXCEPTION
AND SPECIAL HEARING FOR
USED AUTOMOTIVE SALES @
#11424 PULASKI HIGHWAY
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



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. 11641 Expiration Date: 09/09/2019.

SHEET 1 OF 2

SCALE:
1" = 30'

JOB ORDER NO:
21724

DATE:
11/22/17

CHECKED:
W.N.B.

DRAWN:
N.W.B.

NO.	REVISIONS	DATE

#2018-0140-SPHX

RD

DISTURBED AREA: NONE

CASE NOS.5378, 72-36-X & 83-124-SPH ORDER

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

1. The petitioner herein seeks to amend the site plans filed in Case Nos. 5378-X and 72-36-X to allow the construction of an addition to the existing building for offices and repair facilities for tractors and trailers, in accordance with the site plan prepared by Edward V. Coonan and Co., dated August 4, 1982, and marked Petitioner's Exhibit 3. The subject property is located on the northwest side of Pulaski Highway and contains 2.29 acres of land, more or less.
2. A review of Petitioner's Exhibit 3 indicates the entire property is zoned B.R. (Business, Roadside) with a C.S.-1 (Commercial, Strip) District super-imposed thereon; however, the 1980 Comprehensive Zoning Map (NE 10-3) discloses that the rear 180 feet, more or less, of the tract is zoned M.L. (Manufacturing, Light). This M.L. parcel contains a portion of the area devoted to diesel fuel pumps, 13 macadam paved parking spaces, an area designated as filter field, and screening across the rear property line.
3. On October 18, 1961, a special exception for a gasoline service station was granted for the subject property (Case No. 5378-X). Subsequent thereto, on August 30, 1971, a special exception for a truck terminal was granted for the subject site and an additional parcel located on the east side of Pulaski Highway (Case No. 72-36-X).
4. County Council Bill No. 18-76 deleted the definition of a truck terminal from the Baltimore County Zoning Regulations and created definitions for the following:

Trucking facility
Trucking facility, Class I (Truck terminal)
Trucking facility, Class II
Truck stop

Truck stop is defined as:

- "A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually, incidental service or repair of trucks; or a group of facilities consisting of such a use and attendant eating, sleeping, or truck-parking facilities. As used in this definition, the term 'trucks' does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration."
- John Turbeski, Buckeye Leasing Company, currently operates the trucking business from the subject site and has offices located opposite the site on the east side of Pulaski Highway. Mr. Turbeski proposes to construct an addition in order to expand and consolidate this operation.
- No one appeared at the hearing in opposition to the petition.
- The amendments would be in strict harmony with the spirit and intent of the zoning regulations and will not adversely affect the health, safety, and general welfare of the community.

RECEIVED FOR FILING

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of June, 1983, that the amendments to the site plans filed in Case Nos. 5378-X and 72-36-X to allow construction of an addition to the existing building for offices and repair facilities for tractors and trailers, in accordance with Petitioner's Exhibit 3 and the floor plan marked Petitioner's Exhibit 1b, are approved and, as such, the Petition for Special Hearing is hereby GRANTED, and after the date of this Order, subject, however, to the following restrictions:

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts that to amend the site plan filed in Case Nos. 5378, 72-36-X and 83-124-SPH to change the configuration of the proposed addition would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of August, 1983, that the Special Hearing to approve the amendment to the site plan filed in Case Nos. 5378, 72-36-X and 83-124-SPH to change the configuration of the proposed addition, in accordance with the site plan prepared by Edward V. Coonan & Co., revised April 1983, and marked Petitioner's Exhibit 1, is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the comments submitted by the Department of Health, dated May 17, 1983.
2. The site plan shall indicate the office space in the proposed addition, the M.L./B.R. zoning line, and prior Case No. E3-124-SPH.
3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

James M. H. Jones
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE August 19, 1983
BY Mary Campagne (Clerk)
ADMINISTRATIVE ASSISTANT

CASE NO.: 2010-0066-SPHA ORDER

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of October 2009 that the Petition for Special Hearing's approval of an amendment to upgrade the previously approved plans and Orders permitting a truck stop as set forth in Zoning Cases 5378-X, 72-36-X and 83-124-SPH, and to allow changes in the site's configuration for a new building addition and a proposed freestanding canopy, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance from Section 238.1 & 2, 303.2 and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow fuel pumps and a canopy with a 10 foot front setback in lieu of the required front average setback of 62.5 feet, and to permit a setback between buildings as close as 43 feet in lieu of the required 60 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner shall comply with the recommendations made by the Office of Planning, within its Zoning Advisory Committee (ZAC) comment, dated September 30, 2009, a copy of which is attached hereto and made a part hereof.
2. The Petitioner shall comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in its ZAC comment, dated September 29, 2009, by complying with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. The Petitioner may apply for his building permit and be granted same upon receipt of this Order, however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

William J. Wileman, III
Zoning Commissioner
for Baltimore County

WJW:diw

CASE NO.: 2012-0325-SPHA ORDER

THEREFORE, IT IS ORDERED, this 21st day of August, 2012, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan filed in Case Nos. 5378, 72-36-X, 83-124-SPH, 2010-0006-SPHA and 2011-0287-SPHA, by reducing the proposed tractor and trailer repair building to 43' x 65', and to remove the proposed breezeway from the proposed one-story 578 square foot addition to the proposed tractor and trailer repair building, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance relief from Sections 255.1, 102.2 and 238.2 of the B.C.Z.R. to allow a building to building setback of 15' in lieu of the required 60' be and is hereby GRANTED.

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

1. The Petitioner may apply for any required permits and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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

ZONING SPIRIT LETTER OF INTENT



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive
Mr. Bafitis
Bafitis and Associates, Inc.
1249 Engleberth Rd.
Baltimore, MD 21221

1/06/10

TIMOTHY M. KOTROCO, Director
Department of Permits and Development Management

Re: Zoning Spirit and Intent review
Case # 2010-0066-SPHA
11424 Pulaski Highway
11th ED
Dear Mr. Bafitis:

This is a response to your letter dated 11/18/09 to Mr. Timothy Kotroco, Director of Permits Development Management, who has authorized this reply.

Pursuant to your provided information you have requested a zoning approval that states that the revised site plans showing the addition of 735 square feet to the building for retail, office and repair, are accepted as being within the Spirit and Intent of the approved order in Case # 2010-0066-SPHA. As we had discussed, you have had the ZAC issues raised in the Order Restrictions resolved with the Office of Planning and DEPRM. Their approvals are on the plans I have received. Based on the Zoning Office staff review, the plans can be approved as you have requested. I have signed the plans and they are being placed in our records while the original, and a copy are being returned to you with this letter. Please document this response on all future plans submitted for zoning approvals.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact me at 410-887-3391.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Sincerely,

John Lewis
John Lewis
Planner II
Zoning Review



February 14, 2013

William N. Bafitis
Bafitis and Associates, Inc.
1249 Engleberth Road
Baltimore, Maryland 21221

Dear Mr. Bafitis:

RE: Zoning Spirit and Intent Opinion, Zoning Case #2012-0325-SPHA, 11424 Pulaski Highway, 11th Revision, Original Letter Dated 01/22/13, 11th Election District

Your letter to Mr. Arnold Jablon, Director, concerning a zoning Spirit and Intent opinion regarding the above referenced property and case history for same has been referred to this Office for reply. Please be advised that it is the opinion of this Office, upon reviewing the case history, along with your request to move the subject building 20 feet further away from the property line as shown on the provided site plan is within the spirit and intent of Zoning Case # 2012-0325-SPHA. The referenced case granted a 15 foot building to building setback, and the proposed relocation of the building will be providing an additional 20 feet of setback from the adjacent building, for a total building to building setback of 35 feet. This letter must appear on all future plans filed with this Office for review that pertain to the subject property.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

Joseph C. Merrey
Planner II
Zoning Review
410-887-3391

Zoning Review, County Office Building,
111 West Chesapeake Avenue, Room 311, Towson, Maryland 21204, Phone 410-887-3391, Fax 410-887-3048
www.baltimorecountymd.gov

CASE NO.: 2011-0287-SPHA ORDER

THEREFORE, IT IS ORDERED this 12th day of May, 2011 by the Administrative Law Judge, that the request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

1. To amend the site plan filed in Case Nos. 5378, 72-36-X, 83-124-SPH and 2010-0006-SPHA by taking out old fuel pumps and old canopy and adding new canopy and fuel pumps next to proposed trailer repair addition, and
2. To add proposed one story (578 sq. ft.) tractor repair addition to existing tractor repair building and to relocate previously shown covered breezeway to allow for a connection from the proposed tractor repair addition to the proposed trailer repair addition,

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance request relief from Sections 238.2 and 405.4.A.2.d to permit a proposed canopy with a property line setback of 16 feet in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted is subject to the following conditions:

1. Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The proposal must comply with all applicable parts of the Baltimore County Fire Prevention Code, Council Bill 48-10 prior to occupancy or the beginning of operation.

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

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

DRC #111009B

Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

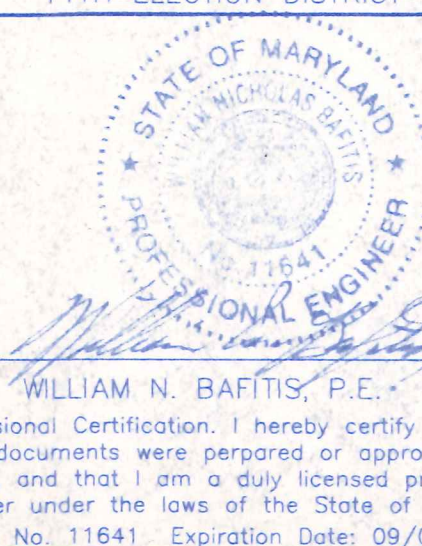
(410) 391-2336

PLAN TO ACCOMPANY ZONING HISTORY FOR

#11424 PULASKI HIGHWAY

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



SCALE:
NONE
JOB ORDER NO:
21724
DATE:
11/22/17
CHECKED:
W.N.B.
DRAWN:
N.W.B.

SHEET 2 OF 2

NO.	REVISIONS	DATE

Item #0140