

M E M O R A N D U M

DATE: April 5, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0171-X - Appeal Period Expired

The appeal period for the above-referenced case expired on April 4, 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: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
(2718 North Point Boulevard) *
15th Election District * OFFICE OF
7th Council District *
13523 Long Green Pike, LLC * ADMINISTRATIVE HEARINGS
Legal Owner *
Petitioner * FOR BALTIMORE COUNTY
* Case No. 2018-0171-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of 13523 Long Green Pike, LLC, legal owner ("Petitioner"). The petition was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to use the property for auto repair and used car sales on property zoned BR.

Michael Palmisano and professional engineer Pete Mellits appeared in support of the petition. John W. Nowicki, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The DOP indicated it did not support the plan as proposed.

The subject property is approximately 30,871 sq. ft. in size and is zoned BL. The property was previously zoned ML-AS but was rezoned in 2016 (CZMP Issue 7-001) to BR. Michael Palmisano, who runs the auto sales facility, testified he sought the rezoning so he could relocate his used car sales facility from a nearby site (where he leases space) to the subject property he owns. A used auto sales business is permitted in the BR zone by special exception. B.C.Z.R. §236.2.

ORDER RECEIVED FOR FILING

Date 3/5/18

By sln

Mr. Palmisano testified two businesses (other than his) are operated at the site. A small taxidermy studio (804 sq. ft.) leases space from the Petitioner, although it is open only about three months of the year during hunting season, and Mr. Palmisano testified the business generates almost no traffic. The other business is a welding and industrial gas supply company which Mr. Palmisano stated has been at this location for over 30 years. The business generates a fair amount of traffic, although most of it consists of commercial and trade vehicles which load gas canisters and other industrial supplies at the loading dock area at the southeast end of the building. In other words, these vehicles do not occupy off-street parking at the site for any length of time, and in that respect the use is quite unlike most retail or commercial enterprises.

Mr. Palmisano explained that the vast majority of the auto repair business conducted on this site consists of repair and maintenance work done on used vehicles sold by Petitioner. He testified the repair facility is not like a Firestone franchise where customers bring in their private vehicles for new tires, brakes, etc. As such, I believe it can be fairly argued the small car sales facility (the subject of this petition) and the vehicle repair business are related entities that constitute one business.

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. Pete

ORDER RECEIVED FOR FILING

Date 3/5/18

By Den

Mellits, a professional engineer accepted as an expert, testified Petitioner satisfied all requirements for special exception relief as set forth in B.C.Z.R. §502.1. No evidence to the contrary was presented and the petition will therefore be granted.

I reviewed and do not disagree with the DOP's ZAC comments. But this site is located in an industrial area, and Petitioner's clientele are working people looking for inexpensive and reliable transportation. As such, it stands to reason the site will not have the same amenities and appearance as would a facility serving higher-income clientele. The property was rezoned in fact to allow Petitioner to sell used vehicles at the site. The engineer revised the plan in response to the DOP's comments and included a chart showing parking requirements have been met for the entire site. In addition, Petitioner relocated the used car sales trailer which created additional parking for that use.

THEREFORE, IT IS ORDERED this 5th day of **March, 2018**, by this Administrative Law Judge, that the Petition for Special Exception to use the property for auto repair and used car sales on property zoned BR, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

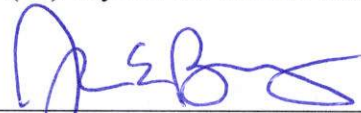
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order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

ORDER RECEIVED FOR FILING

Date 3/5/18

By Den

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 3/5/18

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 2718 NORTH POINT BLVD.

which is presently zoned B-R

Deed References: L. 36093 F. 352

10 Digit Tax Account # 1508302871

Property Owner(s) Printed Name(s) 13523 LONG GREEN PIKE LLC

C/O NORTHWIND MOTORS

(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

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for used car AUTO REPAIR AND SALES ON PROPERTY ZONED B-R (BUSINESS ROADSIDE) per Section 236.2

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:

John W. Nowicki

Name- Type or Print

Signature

727 N. Hickory Ave Bel Air

Mailing Address City State

21014 410-279-0026 nowicki@jwnbw.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0171-X Filing Date 12/21/17

Legal Owners (Petitioners):

MICHAEL JAMES PALMISANO

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3928 NORTH POINT BLVD. DUNDALK MD

Mailing Address City State

21222 (443) 825-7479 northwindmotors@verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

PIERO "PETE" V. MELLITS, P.E. / McLAREN ENGINEERING Group

Name - Type or Print

Signature

601 E PRATT ST #302 BALTIMORE MD

Mailing Address City State

21202 (410) 243-8787 pmellits@mclaren.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: 3/5/18 Reviewer RD

Date 3/5/18 REV. 10/4/11

By Sen

Zoning Property Description for 2718 North Point Boulevard
December 5, 2017

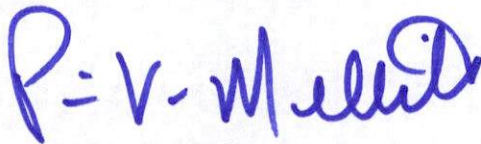
Beginning at a point on the Northeast side of North Point Boulevard which is 150' wide at the distance of 810' more or less Northwest of the centerline of the nearest improved intersecting street, Trappe Road, which is variable width. Thence the following courses and distances:

- 1) North 56°01'30" East 225.15',
- 2) South 33°58'14" East 164.23',
- 3) South 56°01'30" West 150.76', and
- 4) North 58°20'22" West 180.29' to the point of beginning.

Containing 30,871 square feet or 0.708 of an Acre of land more or less. Being known as "Parcel One" as recorded in Deed Liber J.L.E. 36093, folio 352.

Located in the 15th Election District and 7th Councilmanic District.

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



Piero "Pete" V. Mellits, P.E.
Maryland Professional Engineer No. 21875
License Expires: February 12, 2018

12.5.17

Date



12-5-17

Offices: New York, Maryland, Florida, Connecticut, California, Pennsylvania, Georgia

Licensed in:

Alabama • Arizona • Arkansas • California • Colorado • Connecticut • Delaware • District of Columbia • Florida • Georgia • Hawaii • Idaho • Illinois • Indiana • Kansas • Kentucky • Louisiana • Maine • Maryland • Massachusetts • Michigan • Minnesota • Mississippi • Missouri • Nebraska • Nevada • New Hampshire • New Jersey • New Mexico • New York • North Carolina • Ohio • Oklahoma • Oregon • Pennsylvania • Rhode Island • South Carolina • Tennessee • Texas • Trinidad & Tobago • Utah • USVI • Vermont • Virginia • Washington • West Virginia • Wisconsin • Wyoming

Item #0171 **McLaren Technical Services, Inc.**

601 E. Pratt Street, Suite 302
Baltimore, MD 21202
Phone (410) 243-8787
Fax (410) 243-4956
e-mail: md@mgmclaren.com
On the web: www.mgmclaren.com



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 5442764

Sold To:

Tammy Ford - CU00638424
PO Box 35111
Dundalk, MD 21222-7111

Bill To:

Tammy Ford - CU00638424
PO Box 35111
Dundalk, MD 21222-7111

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

Feb 08, 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: # 2018-0171-X
2718 North Point Boulevard
NE/s North Point Blvd., 810 ft. n/w of Trappe Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Michael James Palmisano

Special Exception: to use property for auto repair and used car sales on property zoned BR (Business Roadside).

Hearing: Thursday, March 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.

2/072 February 8 5442764

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

2018-0171-X

RE: Case No.: _____

Petitioner/Developer: _____

Michael James Palmisano

March 1, 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: _____

2718 North Point Boulevard

February 9, 2018

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



Sincerely,

February 9, 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)



KEVIN KAMENETZ
County Executive

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

January 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 NUMBER: 2018-0171-X

2718 North Point Boulevard
NE/s North Point Blvd., 810 ft. n/w of Trappe Road
15th Election District – 7th Councilmanic District
Legal Owners: Michael James Palmisano

Special Exception to use property for auto repair and used car sales on property zoned BR (Business Roadside).

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

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: John Nowicki, 727 N. Hickory Avenue, Bel Air 21014
Michael Palmisano, P.O. Box 35111, Dundalk 21222
Pete Mellits, 601 E. Pratt Street, #302, Baltimore 21202

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 9, 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, February 8, 2018 Issue - Jeffersonian

Please forward billing to:
Tammy Ford
P.O. Box 35111
Dundalk, MD 21222

410-477-6404

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: 2018-0171-X

2718 North Point Boulevard
NE/s North Point Blvd., 810 ft. n/w of Trappe Road
15th Election District – 7th Councilmanic District
Legal Owners: Michael James Palmisano

Special Exception to use property for auto repair and used car sales on property zoned BR (Business Roadside).

Hearing: Thursday, March 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
2718 North Point Boulevard; NE/S North *
Point Blvd, 810' NW of c/line Trappe Road * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Michael James Palmisano * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-171-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.

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 03 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of January, 2018, a copy of the foregoing Entry of Appearance was mailed to Piepo "Pete" Mellitis, P.E., McLaren Engineering Group, 601 E. Pratt Street, Suite 302, Baltimore, Maryland 21202 and John Nowicki, Esquire, 727 N. Hickory Avenue, Bel Air, Maryland 21014, 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: 2018-0171-X

Property Address: 2718 North Point Boulevard Dundalk, Maryland 21222

Property Description: Parcel 1, Lots 1 & 2 Deed Reference L. 36093 F. 352

Legal Owners (Petitioners): 13523 Long Green Pike LLC c/o Northwind Motors

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tammy Ford

Company/Firm (if applicable): Northwind Motors

Address: 3928 North Point Boulevard

Dundalk, Maryland 21222

Telephone Number: (410) 477-6404

Revised 7/9/2015

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

N2 161171

Date:

12/21/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
100	306	0000		6150				1500

Total:

1500

Rec From:

Tranny Northwind Motors

For:

Zoning hearing - case #2018-0171-X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ALUM TIME IN
12/21/2017 12/21/2017 10:12:50
REG-0555 WALKER LRS
RECEIPT # 934016 12/21/2017 OFL
Dept 5 528 ZONING VERIFICATION
CR ID 161171
Receipt Tot 1500.00
1500.00 CK 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 22, 2018

13523 Long Green Pike LLC
C/O Northwind Motors
3928 North Point Boulevard
Dundalk MD 21222

RE: Case Number: 2018-0171 X, Address: 2718 North Point Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 21, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
John W Nowicki, Esquire, 727 N Hickory Avenue, Bel Air MD 21014
Michael James Palmisano, P O Box 35111, Dundalk MD 21222
Piepo V Mellits, 601 E Pratt Street, Suite 302, Baltimore MD 21202

Date: 2/14/18

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

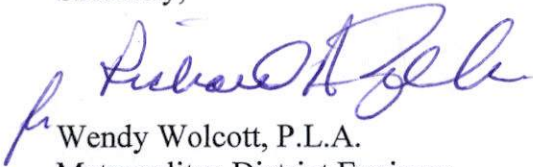
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/14/18. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2018-0171-X.

Michael James Palmisano
2718 North Point Boulevard
MD 151

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,



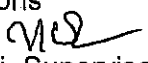
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 12, 2018
Item No. 2018-0171-X (Revised Plan)

DATE: March 1, 2018

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

If Special Exception is granted, a Landscape Plans is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

We recommend that a Landscape Plan that meets the requirement of the Landscape Manual be submitted prior to the Zoning Hearing.

* * * * *

VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 1/3/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
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 1/2/18. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2018-0171-X.

Michael James Palmisano
2718 North Bond Boulevard
MD 151

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

INTER-OFFICE MEMORANDUM

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

DATE: 2/12/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

FEB 13 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-171

INFORMATION:

Property Address: 2718 North Point Boulevard
Petitioner: Michael James Palmisano
Zoning: BR
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the herein described property for auto repair and used car sales (used motor vehicle outdoor sales area).

A site visit was conducted on January 2, 2018. The site was the subject of CZMP 2016 Issue #7-001 wherein the County Council changed the zoning from ML AS to BR. The subject property currently accommodates multiple commercial uses. A revised plan dated 1/22/2018 was provided by the petitioners. Department comments are based upon that plan. Said plan does not establish a separate "area of special exception" in support of the proposed use therefore the Department considers entire site "in combination".

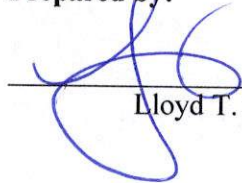
The Department cannot support granting the petitioned zoning relief as proposed.

- The current intensive use of the site supporting three other separate commercial enterprises precludes the introduction of another use, especially a special exception use so dependent upon space sufficient to accommodate employees, customers and inventory. The plan proposes a very loose parking arrangement and does not indicate specifically parking required by and dedicated to the businesses now on site. This was confirmed by a site visit where staff observed that vehicles of an amount far exceeding that that can be accommodated as per plan were parked in a pell-mell fashion, on unstriped surfaces that do not meet the requirements of BCZR Section 409. Compounding this, the plan does not specifically identify parking and inventory storage in support of any proposed used motor vehicle outdoor sales area. The Department recommends this uncontrolled parking scenario will inhibit on-site circulation of customers, delivery and work vehicles associated with the welding supply company, service garage and retail uses now on site creating the potential for unsafe conditions. The location of the sales trailer as shown is deficient in providing the required building to building setbacks of BCZR§ 238. More problematic is that the structure is situated such that the northernmost 2 of the 6 parking spaces adjacent to the N 33deg.58'14"W line are not feasible and it severely restricts access to the rear of the site. The Department recommends the plan as proposed creates the potential safety issues in terms of vehicular safety and is contrary to the conditions of BCZR § 502.1 A-D.

- The Department recommends the petitioners produce a plan demonstrating how the parking requirements for all current uses are being met utilizing paving and striping as required by BCZR § 409. If additional parking is discovered, the petitioners may consider a plan that does not restrict on-site vehicular circulation but instead proposes an office use only, engaged in electronic used vehicle sales, wherein the used vehicle is stored at an appropriate off site facility and then brought on-site to complete the transaction with no inventory to be kept on-site. No inoperable vehicles may be stored on-site. The petitioners should confirm with Zoning Review whether any such plan requires special hearing relief. Said plan would also be subject to the review and approval of the Baltimore County Landscape Architect.

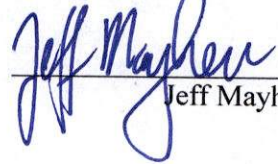
For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
John W. Nowicki
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: **February 16, 2018**

SUBJECT: DEPS Comment for Zoning Item # 2018-0171-X
Address 2718 North Point Boulevard
(Palmisano Property)

Zoning Advisory Committee Meeting of **February 16, 2018.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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comment on the above-referenced zoning item.

Reviewer: Steve Ford

3-1-18

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 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0171-X
Address 2718 North Point Boulevard
(Palmisano Property)

Zoning Advisory Committee Meeting of **January 1, 2018.**

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

1. Ground Water Management must review any future building permits for this site, since there is still apparently a septic system there.

Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 01, 2018
Item No. 2018-0171-X

DATE: January 10, 2018

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

If Special Exception is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

*

*

*

*

*

VKD: cen
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 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0171-X
Address 2718 North Point Boulevard
(Palmisano Property)

Zoning Advisory Committee Meeting of **January 1, 2018.**

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

1. Ground Water Management must review any future building permits for this site, since there is still apparently a septic system there.

Reviewer: Dan Esser

Case No.:

2018-0171-X

Exhibit Sheet

Petitioner/Developer

Sen
4-5-18

Protestant

Sen
3-5-18

No. 1	site plan	
No. 2	photos of site	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

EX-2







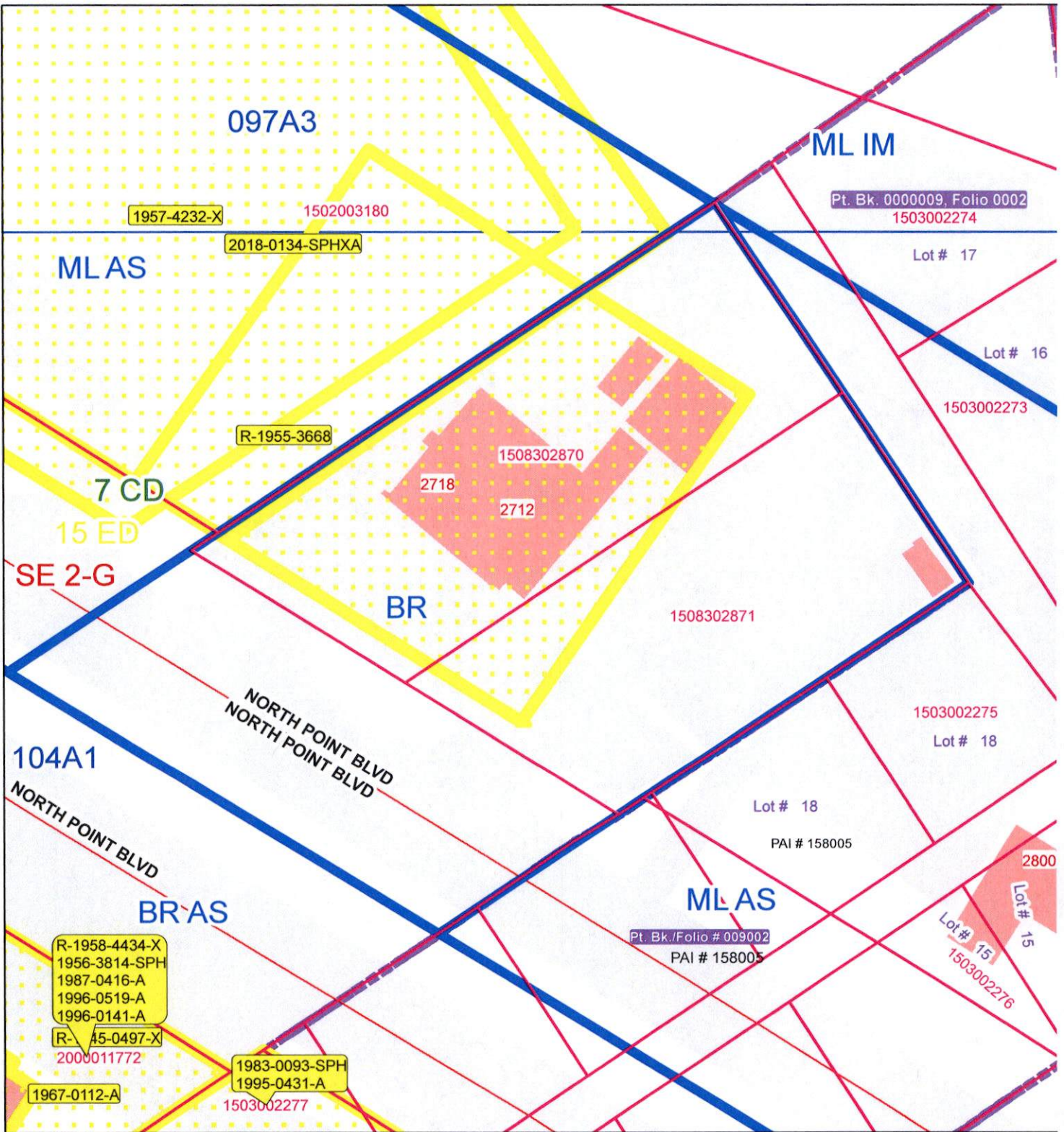




**NORTHWIND
MOTORS**
Auto Repair
410-288-5500

**NORTHWIND
MOTORS**
Auto Repair
↑↑↑

2713 North Point Boulevard



Publication Date: 12/19/2017



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item # 0171

Baltimore County 2016 Comprehensive Zoning Map Process

Applicant Summary Report

ISSUE NUMBER 7-001

TRACKING NUMBER 5

Applicant Information

Applicant Name and Address
Michael Jaime Palmisano
3928 Northpoint Blvd
Dundalk MD 21222

Phone Number: 443-825-7479
Email: northwindmotors@verizon.net
Organization: JamiePalmisano Inc. DBA Northwind Motors

Representative Information

Jaime Palmisano Inc. DBA Northwind Motors
3928 Northpoint Blvd
Dundalk MD 21222

Representative Name: Tambrea Dawn Ford
Representative Phone: 443-825-7479
Email: northwindmotors@verizon.net

Rezoning Information

Existing Use:
Mechanical/Commercial

Proposed Use:
Used Car Lot

Total Acreage:
3.324 square feet

Zoning History:
Describe

Zoning History Described:
Unknown

Justification:

Owner would like to move his Used Car lot from a rented location (3928 Northpoint Blvd) to one that he owns (2718 Northpoint Blvd).

Zoning Information

Existing Zoning:

ML AS	1.00
ML IM	0.00
	1.00

Requested Zoning:

BR	1.00
	1.00

Property Information

Tax Account:
1508302871
1508302870

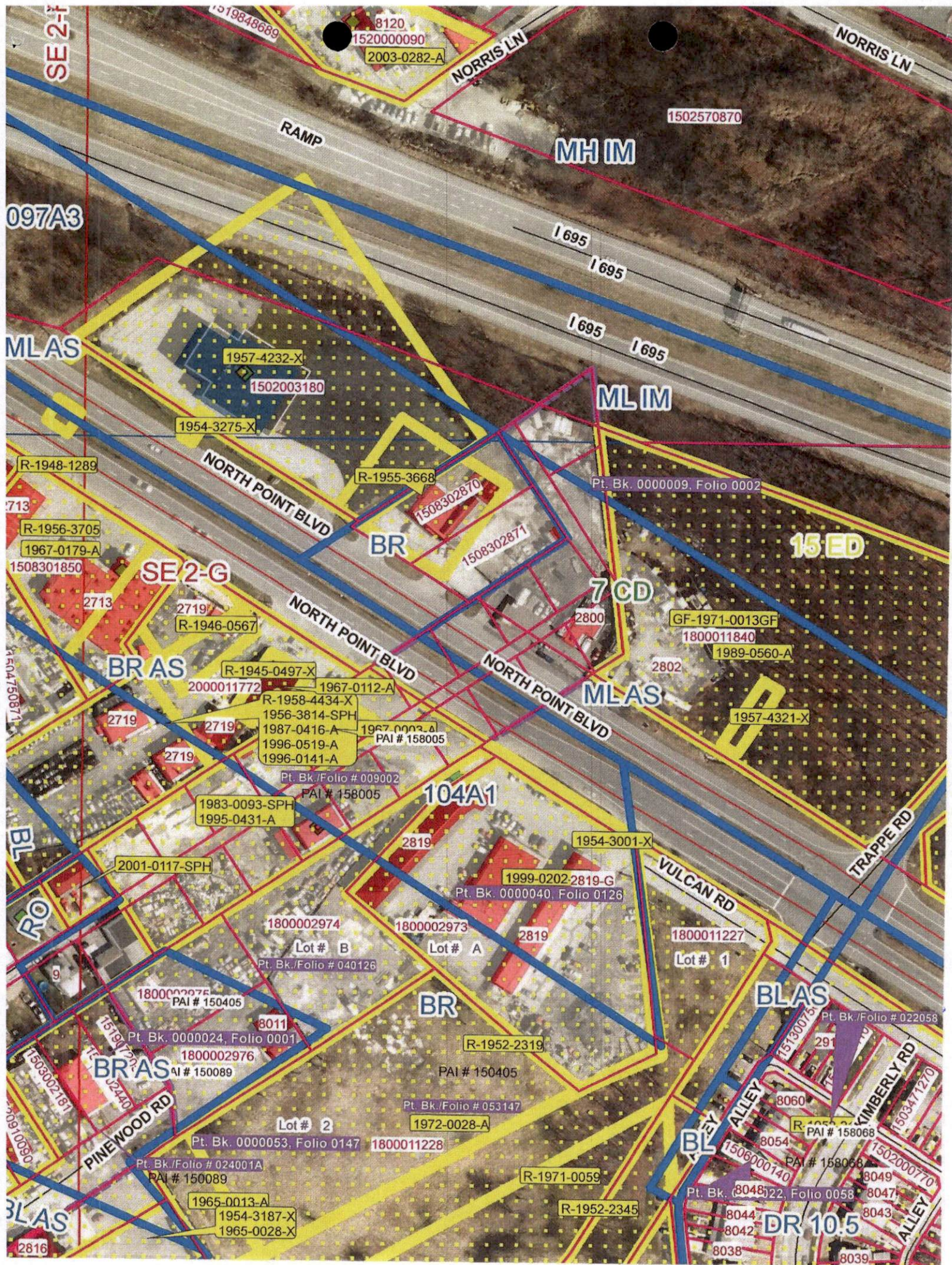
Applicant/Representative Signature _____

Date _____

REZONING HISTORY + ZONING MAP (10441) ON NEXT PG. →

Item #0171

→ REVENUE HISTORY & ZONING MAP (1944) on next pg. →





CZMP 2016 - Sign Location Map

Issue Number: 7-001



Publication Date: September 01, 2015
Publication Agency: Department of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

Walter J. Cohen 9-9-15

Track # - 00005

Legend



CZMP Signs



Issue Boundary Area



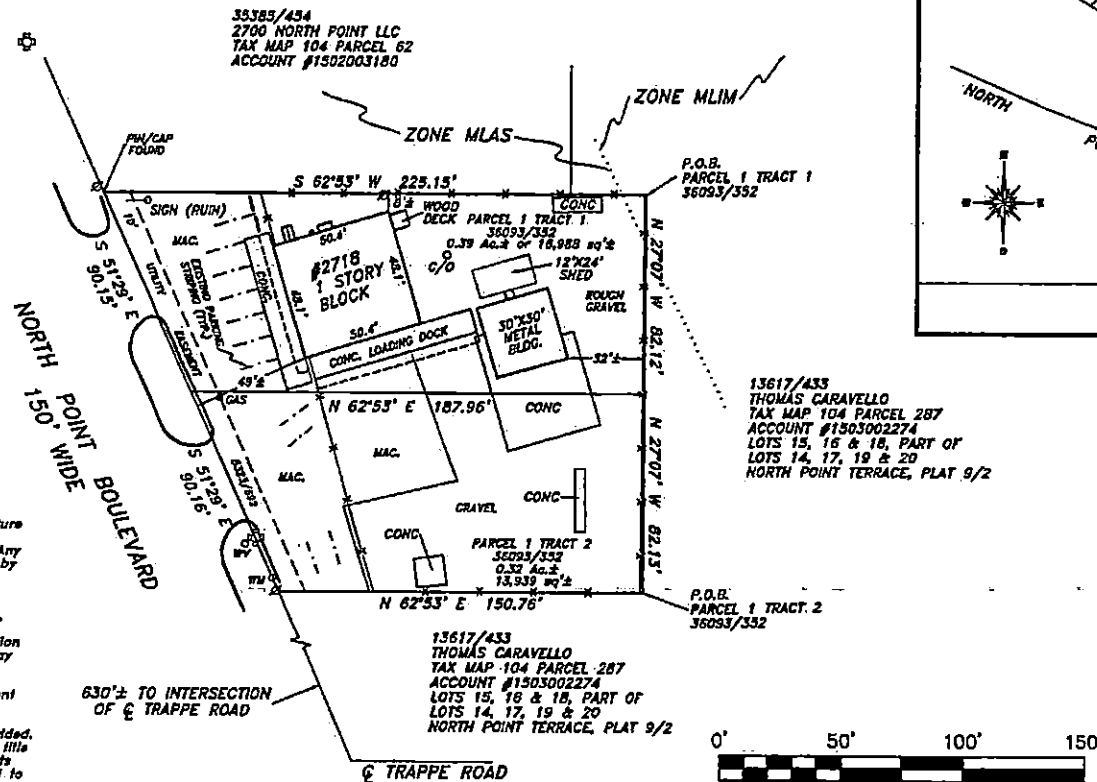
100 0 100
Feet

1 inch = 100 feet



ZONING NOTES:

- 1) F.A.R. = GROSS FLOOR AREA 3,612sq' / GROSS SITE AREA 36,281sq' = 0.10 F.A.R. ALLOWED = 2.0
- 2) PARKING CALCULATIONS = GROSS FLOOR AREA 3,324sq' 3.3 SPACES REQUIRED PER 1000sq' = 11 SPACES 12 SPACES SHOWN - 0 HANDICAPPED, 12 REGULAR
- 3) A.O.S. NOT REQUIRED FOR THIS ZONING.
- 4) MAX. HEIGHT = 40'. EXISTING BUILDING IS 10.5' HIGH.



GENERAL NOTES:

- 1) The accuracy of the distances shown from any structure to any apparent property line is 1'±.
- 2) This drawing does not represent a Boundary Survey. Any property markers labeled hereon are not guaranteed by NTT Associates, Inc.
- 3) This plat is of benefit to a consumer only insofar as it is required by a lender, a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing.
- 4) This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required, for the transfer of title or securing financing or refinancing.
- 5) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 6) Unless noted on the drawing, no title report was provided. This drawing was prepared by examining the current title deed or record plat. Any easements, restrictions, rights of way, or any other property alterations not referred to in the current title deed may not be shown.
- 7) Unless otherwise noted, the bearings and north arrow shown hereon are in the meridian of the current title deed or record plat.
- 8) Building Restriction Line information, if shown, was obtained from existing records only and is not guaranteed by NTT Associates, Inc.
- 9) Flood Zone Information shown on FIRM maps is subject to interpretation.
- 10) Improvements which in the surveyor's opinion appear to be in a state of disrepair or considered "temporary" may not be shown.
- 11) If it appears encroachments may exist, a Boundary Survey is recommended to determine the exact location of the property boundary lines and improvements.
- 12) The locations of fence lines, if shown, are approximate.

The purpose of this drawing is to locate, describe, and represent the positions of buildings and substantial improvements affecting the property shown hereon, being known as:

#2718 NORTH POINT BOULEVARD
being part of the land described in a deed
recorded among the land records of Baltimore County, Maryland in
Liber 36093, folio 352

Subject property is shown in Zone X on the FIRM Map of Baltimore County, Maryland on Community Panel 240010 0440 0, Effective 5/9/2014

This is to certify that I either personally prepared or was in responsible charge over the preparation of this drawing and the surveying work reflected in it, all set forth in Regulation 12 of Chapter 05.15.08 of the Code of Maryland Annotated Regulations.



James Carl Hudgins
Property Line Surveyor #36
Expiration Date 3/11/2016

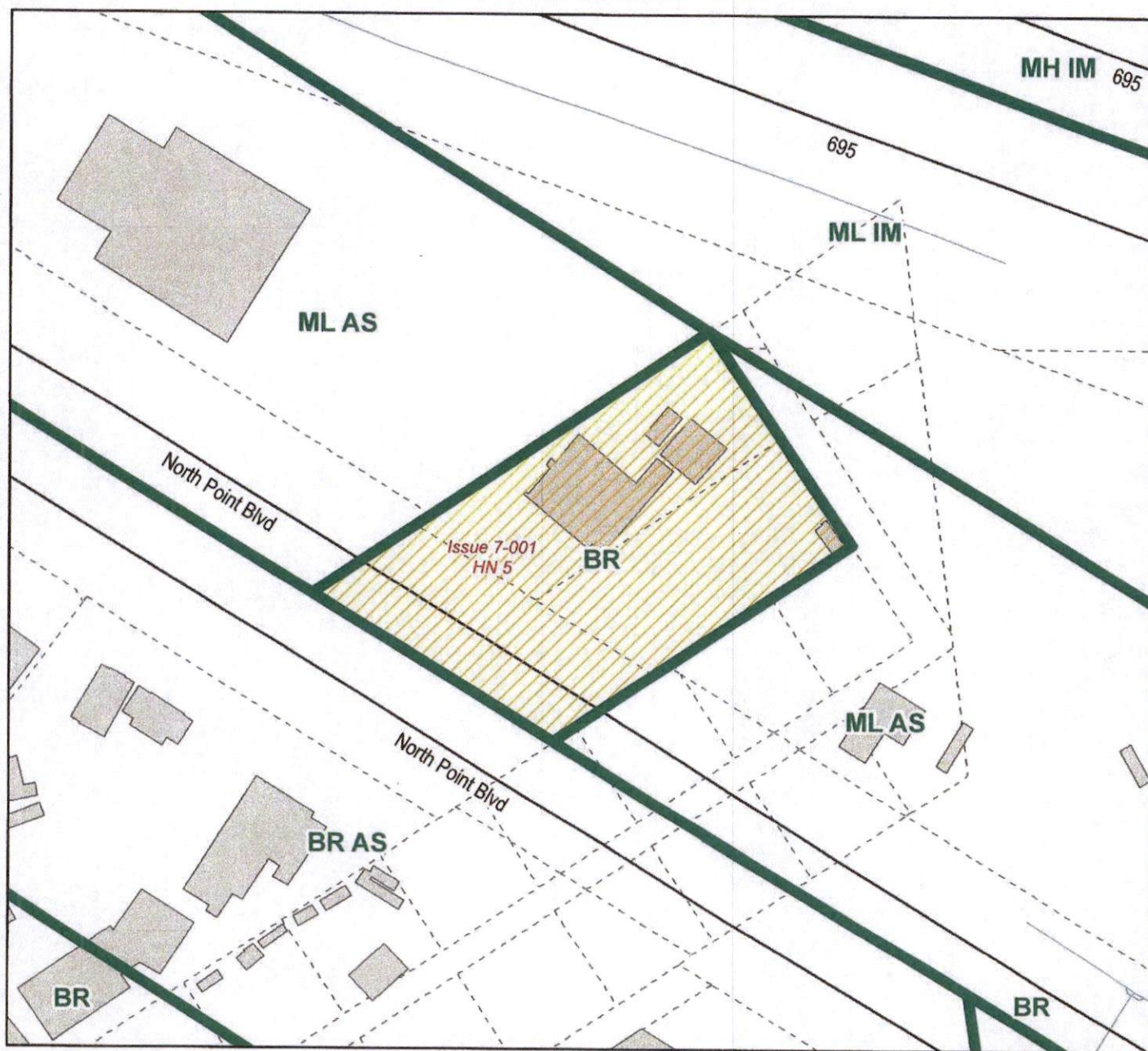
**PLAN TO ACCOMPANY
OCCUPANCY PERMIT**
2718 NORTH POINT BOULEVARD
7th COUNCILMANIC DISTRICT
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

NTT Associates, Inc.
18205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nttsurveyors.com

Scale: 1"= 50'
Date: 4/24/2015
Field By: RIK/FRF
Drawn By: RIK
File No.: H5263.97(A)

CZMP 2016 - Issue Map

Issue Number: 7-001



Iteration: REQUESTED

Tracking#: CZMP16-00005

Legend

- Zoning Boundary
- Issue Boundary

Zone	District	Acreage
BR		1.00

Total Acreage: 1.00

Publication Date: September 03, 2015
 Publication Agency: Department of Planning
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

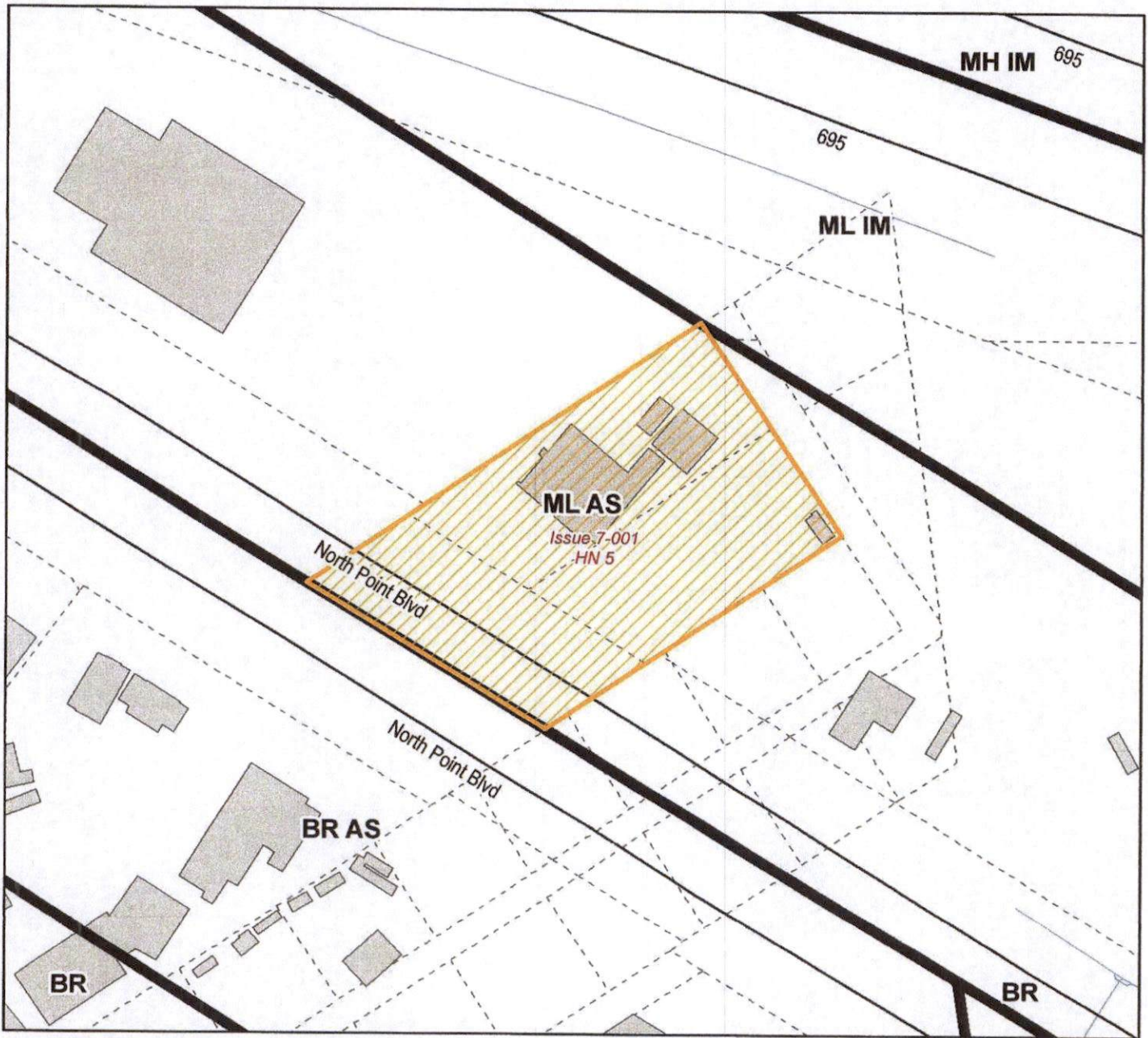


100 0 100
 Feet
 1 inch = 100 feet



CZMP 2016 - Issue Map

Issue Number: 7-001



Iteration: EXISTING

Tracking#: CZMP16-00005

Legend

- Zoning Boundary
- Issue Boundary

Zone	District	Acreage
ML	AS	1.00

Total Acreage: 1.00

Publication Date: September 03, 2015
 Publication Agency: Department of Planning
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

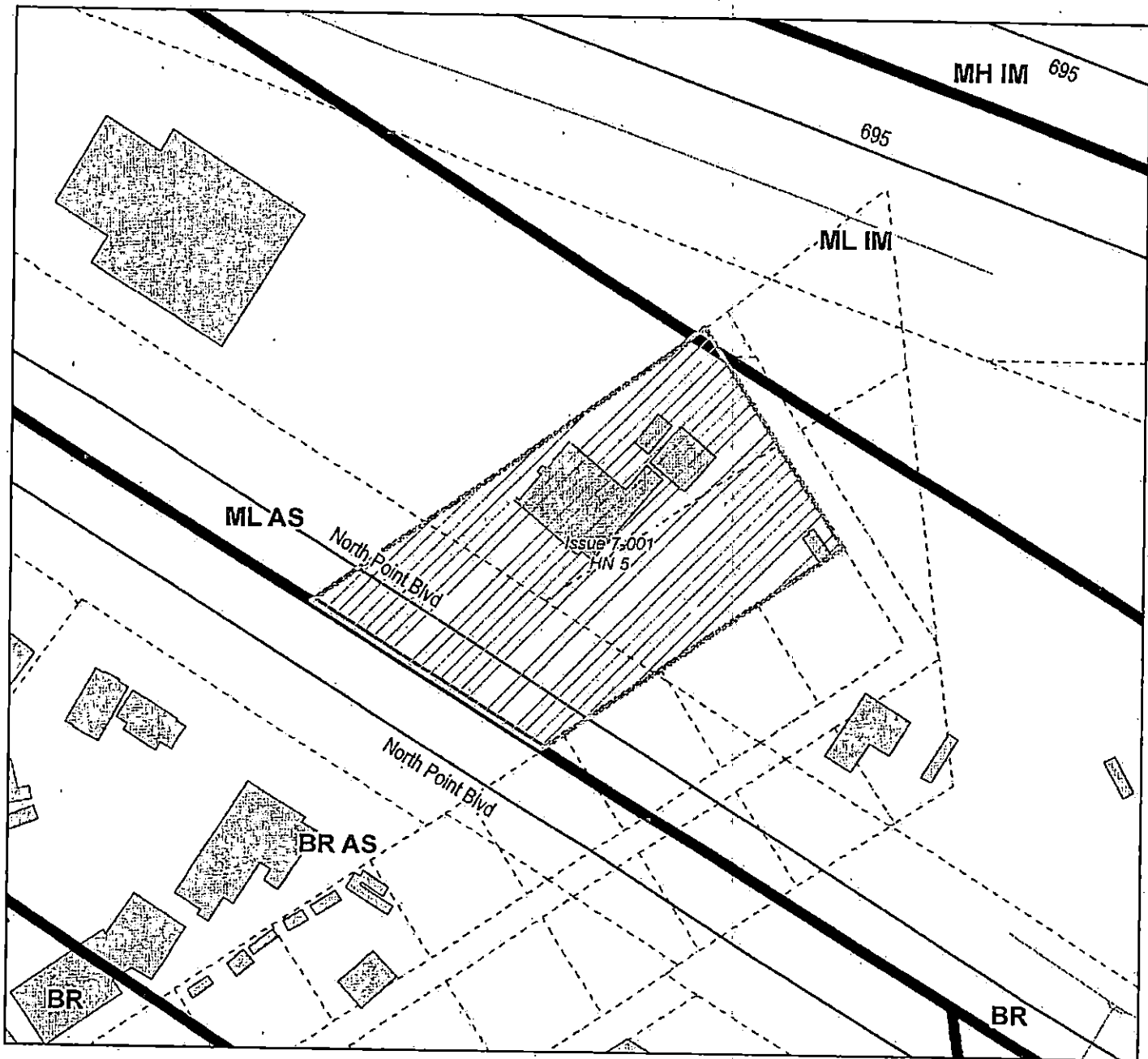


100 0 100
 Feet
 1 inch = 100 feet



CZMP 2016 - Issue Map

Issue Number: 7-001



Iteration: EXISTING

Michael James Lohman 9/9/15

Track#: CZMP16 - 00005

Zone	District	Acreage
ML	AS	1.01

Total Acreage: 1.01

Legend

-  IssueBoundaryArea
-  Existing Zoning Poly



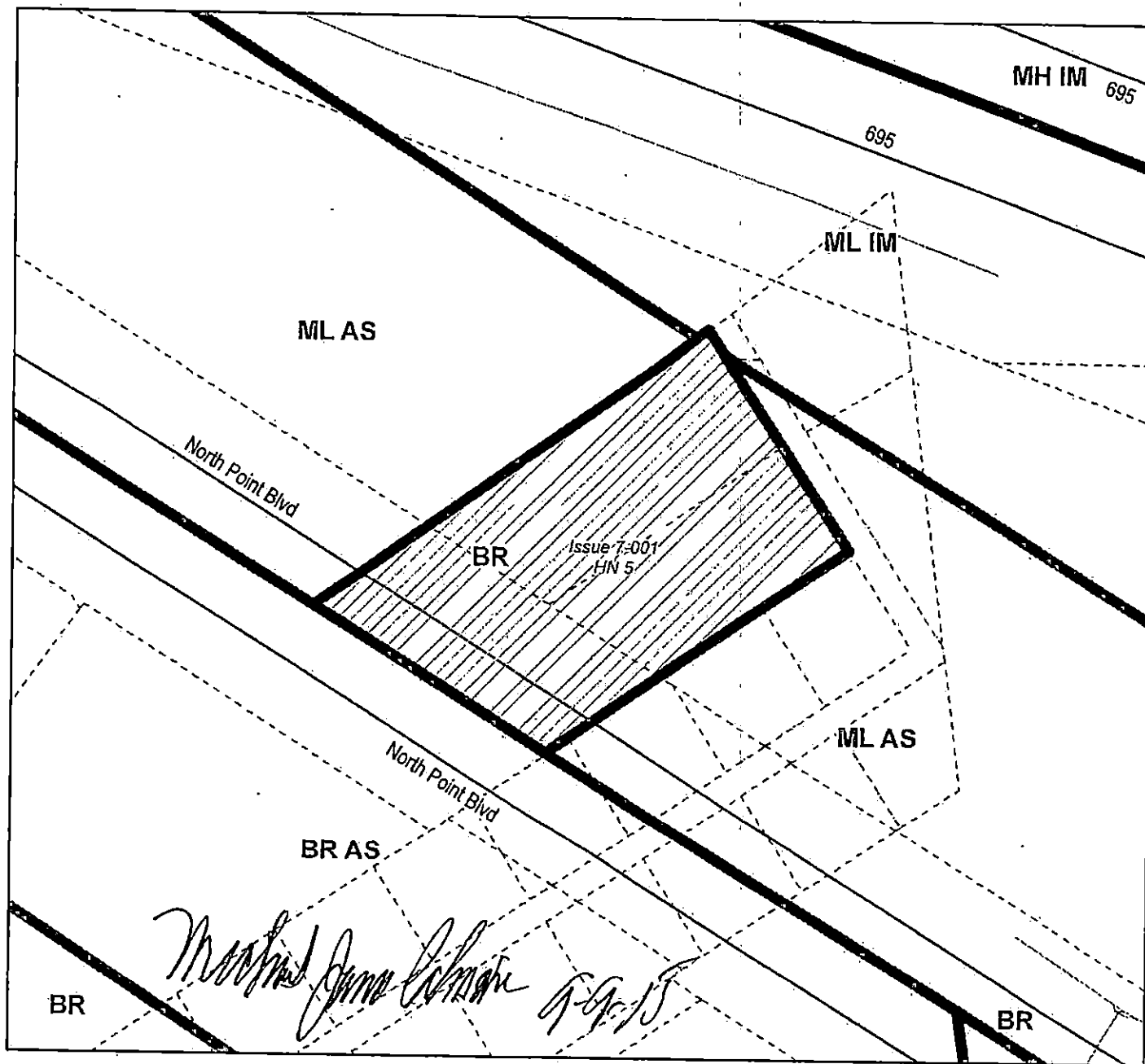
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1 inch = 100 feet



Publication Date: September 01, 2015
Publication Agency: Department of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

CZMP 2016 - Issue Map

Issue Number: 7-001



Iteration: REQUESTED

Track#: CZMP16 - 00005

Zone	District	Acreage
BR		1.02

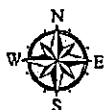
Total Acreage: 1.02

Legend

-  Zoning_Overlay
-  IssueBoundaryArea



100 0 100 Feet
1 Inch = 100 feet



Publication Date: September 01, 2015
Publication Agency: Department of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

CASE NAME NORTHWIND MOTORS
CASE NUMBER _____
DATE 3-1-18

2018-0171-X

E - MAIL

[illegible]

CASE NO. 2018-0171-X

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
1/10	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
2/16	DEPS (if not received, date e-mail sent _____)	NO Comment
	FIRE DEPARTMENT	
2/12	PLANNING (if not received, date e-mail sent _____)	Does NOT Support
2/14	STATE HIGHWAY ADMINISTRATION	no objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 2/8/18	
SIGN POSTING	Date: 2/9/18	by SSG Black
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

12.10.11
11

12.10.11
11

12.10.11

12.10.11

12.10.11

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12.10.11
11

12.10.11

12.10.11

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1508302871							
Owner Information									
Owner Name:		13523 LONG GREEN PIKE LLC			Use:		COMMERCIAL		
Mailing Address:		8346 BELTZER ROAD BALTIMORE MD 21222-			Principal Residence:		NO		
					Deed Reference:		/36093/ 00352		
Location & Structure Information									
Premises Address:		2718 NORTH POINT RD 0-0000			Legal Description:		.32 AC NES NORTH POINT RD 790FT SE OF NORRIS LA		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0104	0001	0070		0000				2018	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1946		2400				13,939 SF		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		DISTRIBUTION WAREHOUSE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2017		07/01/2018	
Land:		246,100		246,100					
Improvements		173,900		177,500					
Total:		420,000		423,600		420,000		421,200	
Preferential Land:		0						0	
Transfer Information									
Seller: DELOACH RICHARD H JR TRUST				Date: 04/23/2015		Price: \$325,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /36093/ 00352		Deed2:			
Seller: 2718 NORTH POINT LLC				Date: 04/04/2013		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /33411/ 00250		Deed2:			
Seller: DELOACH RICHARD H JR				Date: 12/14/2005		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /23065/ 00642		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

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/12/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-171

INFORMATION:

Property Address: 2718 North Point Boulevard

Petitioner: Michael James Palmisano

Zoning: BR

Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the herein described property for auto repair and used car sales (used motor vehicle outdoor sales area).

A site visit was conducted on January 2, 2018. The site was the subject of CZMP 2016 Issue #7-001 wherein the County Council changed the zoning from ML AS to BR. The subject property currently accommodates multiple commercial uses. A revised plan dated 1/22/2018 was provided by the petitioners. Department comments are based upon that plan. Said plan does not establish a separate "area of special exception" in support of the proposed use therefore the Department considers entire site "in combination".

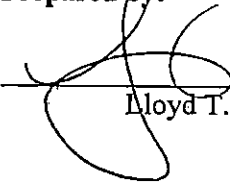
The Department cannot support granting the petitioned zoning relief as proposed.

- The current intensive use of the site supporting three other separate commercial enterprises precludes the introduction of another use, especially a special exception use so dependent upon space sufficient to accommodate employees, customers and inventory. The plan proposes a very loose parking arrangement and does not indicate specifically parking required by and dedicated to the businesses now on site. This was confirmed by a site visit where staff observed that vehicles of an amount far exceeding that that can be accommodated as per plan were parked in a pell-mell fashion, on unstriped surfaces that do not meet the requirements of BCZR Section 409. Compounding this, the plan does not specifically identify parking and inventory storage in support of any proposed used motor vehicle outdoor sales area. The Department recommends this uncontrolled parking scenario will inhibit on-site circulation of customers, delivery and work vehicles associated with the welding supply company, service garage and retail uses now on site creating the potential for unsafe conditions. The location of the sales trailer as shown is deficient in providing the required building to building setbacks of BCZR§ 238. More problematic is that the structure is situated such that the northernmost 2 of the 6 parking spaces adjacent to the N 33deg.58'14"W line are not feasible and it severely restricts access to the rear of the site. The Department recommends the plan as proposed creates the potential safety issues in terms of vehicular safety and is contrary to the conditions of BCZR § 502.1 A-D.

- The Department recommends the petitioners produce a plan demonstrating how the parking requirements for all current uses are being met utilizing paving and striping as required by BCZR § 409. If additional parking is discovered, the petitioners may consider a plan that does not restrict on-site vehicular circulation but instead proposes an office use only, engaged in electronic used vehicle sales, wherein the used vehicle is stored at an appropriate off site facility and then brought on-site to complete the transaction with no inventory to be kept on-site. No inoperable vehicles may be stored on-site. The petitioners should confirm with Zoning Review whether any such plan requires special hearing relief. Said plan would also be subject to the review and approval of the Baltimore County Landscape Architect.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
John W. Nowicki
Office of the Administrative Hearings
People's Counsel for Baltimore County