

M E M O R A N D U M

DATE: March 22, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0332-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 21, 2019. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(10811 Pulaski Highway)
11th Election District
6th Council District
Eben Limited Partnership, LLLP
Legal Owner
Show & Tell of White Marsh
Lessee
Petitioners**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2018-0332-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 10811 Pulaski Highway. The Petitions were filed on behalf of Eben Limited Partnership, LLLP, legal owner and Show & Tell of White Marsh, lessee ("Petitioners"). The Special Exception petition seeks approval to use the subject property for a used motor vehicle sales area separated from sales agency building. The Petition for Variance seeks approval: (1) for parking to be within 0 ft. of the public right-of-way in lieu of the required 10 ft.; and (2) to allow display of vehicles to be within 0 ft. of the public right-of-way in lieu of the front setback of requirement of 15 ft. in front of the 52 ft. front setback required. A site plan was marked as Petitioners' Exhibit 1.

Appearing at the hearing in support of the petitions was professional engineer Rick Richardson. Steven R. Freeman, Esq. represented the Lessee. Several members of the community, represented by John Gontrum, Esq., expressed concern regarding certain aspects of the case. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations (BCZR). Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS), and the Bureau of Development Plans Review ("DPR").

ORDER RECEIVED FOR FILING

Date

2/19/19

By

sen

The subject property is approximately 1.52 acres in size and is zoned BR-AS. The history of the site was discussed at the hearing and it appears a special exception for a used car sales lot was granted in 1995, although it was terminated in 2004 at the owner's request. A service garage (window tinting) also operated at the site in prior years. At present, the Lessee seeks special exception approval for a used car sales facility, and a service garage (permitted by right in the BR-AS zone) would also be operated on the site.

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. No evidence was presented to suggest the inherent adverse impacts associated with a used car sales facility would be more pronounced at this location, and thus the petition will be granted.

VARIANCE

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

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

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

ORDER RECEIVED FOR FILING

Date

2/19/19

By

Sen

The property has irregular dimensions and is therefore unique. If the BCZR were strictly interpreted Petitioners would experience a practical difficulty since they would be unable to use the subject property for a used motor vehicle sales facility. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety, and general welfare. Conditions will be included in the order below to help ensure that the potential impacts upon the community are minimized.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 19th day of **February, 2019**, that the Petition for Special Exception to use the subject property for a used motor vehicle sales area separated from sales agency building, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) for parking to be within 0 ft. of the public right-of-way in lieu of the required 10 ft.; and (2) to allow display of vehicles to be within 0 ft. of the public right-of-way in lieu of the front setback of requirement of 15 ft. in front of the 52 ft. front setback required, be and is hereby GRANTED.

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must within 15 days of the date hereof submit to Baltimore County and Mr. Gontrum an amended site plan indicating the property will be used for a service garage. The amended plan must also show the off-street parking required for the service garage use (in addition to the spaces proposed for inventory/customer parking associated with the used car sales operation).
3. Damaged and/or disabled motor vehicles may not be kept at the site unless they are stored within an enclosure satisfying the requirements set forth at BCZR §405A.

ORDER RECEIVED FOR FILING

Date

2/19/19

3

By

Sen

4. Unless permitted following a public hearing, Petitioners shall not use the area at the rear of the site which adjoins Ebenezer Road, as shown on the site plan with the notations "NO CAR STORAGE IN THIS AREA IS PERMITTED" and "EXISTING AREA NOT PAVED."
5. Petitioners must comply with the ZAC comments of the DOP, DEPS & DPR, copies of which are attached hereto and are expressly incorporated herein.
6. Tractor trailer trucks, car carriers and similar vehicles may not be kept on site for a period in excess of 48 hours.

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 2/19/19
By sln



CBCA

REVISED

Flood

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 10811 Pulaski Highway which is presently zoned BR-AS

Deed References: 9381/037 10 Digit Tax Account # 1108081411

Property Owner(s) Printed Name(s) EBEN LIMITED PARTNERSHIP

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

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

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

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

3. X a Variance from Section(s)

VARIANCE ADDED

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:

Show a to 11 of whitmarsh
Name- Type or Print

me Jado
Signature

10811 Pulaski Hwy whitmarsh
Mailing Address City State

MD 21162, 410 302 1273, Bm Stowing
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Eben Limited Partnership, LLLP
Name #1 - Type or Print Name #2 - Type or Print

by: Kirk Salvo, Kirk Salvo
Signature #1 Signature #2

14 Back River Neck Rd Baltimore MD
Mailing Address City State

21221, 443 286 3101, kirk.salvo@gmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

RICHARDSON ENGINEERING
Name - Type or Print

Richard C. Richardson Jr
Signature

30 E PATONIA RD SUITE 500 TIMONIUM, MD
Mailing Address City State

21093, 410 560 1582, RICK@RICHARDSONENGINEERING.NET
Zip Code Telephone # Email Address

CASE NUMBER 2018-0332-XA Filing Date 6/4/18

Do Not Schedule Dates: Reviewer GH

ORDER RECEIVED FOR FILING REV. 10/4/11

Date 2/19/19

By slh

Requested Zoning Relief

10811 Pulaski Highway

Special Exception to use the property for a used motor vehicle sales area separated from sales agency building

Variance per Section 409.8.A.4 for parking to be within 0' of the public right of way in lieu of the required 10'.

✓ Variance per Section 238.4 to allow display of vehicles to be within 0' of the public right of way in lieu of the front setback of requirement of 15' in front of the 52' front setback required

#1

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 443-901-1208

REVISED

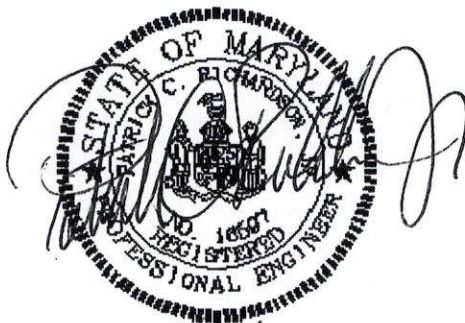
**ZONING PROPERTY DESCRIPTION FOR
#10811 PULASKI HIGHWAY
(U.S. ROUTE #40)
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the **southeast** side of **Pulaski Highway** which is **150** feet wide at the distance of **165** feet **north east** of the centerline of the nearest improved intersecting street **Ebenezer Road** which is **50** feet wide. Being lot A in the subdivision of **IRVIN GOODMAN** as recorded in Baltimore County Plat Book **#26 Folio #24**. More particularly described as:

1) By a curve to the right with a radius of 5,654.58' for a distance of 56.58', and 2) N45° 24' 40" E - 158.42', thence leaving said Southeast side of Pulaski Highway and running 3) S44° 35' 20" E - 228.55', and 4) S41° 17' 40" W - 306.04', to the Northeast side of Ebenezer Road thence running and binding on said Northeast side of Ebenezer Road 5) N58° 11' 20" W - 78.95', thence leaving Northeast side of Ebenezer Road and running for the four following courses and distances 6) N44° 06' 40" E 25.00', 7) N58° 11' 20" W - 25.00', and 8) N44° 06' 40" E - 125.00' and 9) N58° 11' 20" W 150.00' to intersect the Southeast side of Pulaski Highway and said point of beginning.

Containing 1.32 acres of land more or less.

Located in the 11th. Election District, 6th Councilmanic District.



7/12/18

PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 443-901-1208

**SPECIAL EXCEPTION AREA
ZONING PROPERTY DESCRIPTION FOR
#10811 PULASKI HIGHWAY
(U.S. ROUTE #40)
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the **southeast** side of **Pulaski Highway** which is **150** feet wide at the distance of **165** feet **north east** of the centerline of the nearest improved intersecting street **Ebenezer Road** which is **50** feet wide. Being lot A in the subdivision of **IRVIN GOODMAN** as recorded in Baltimore County Plat Book **#26** Folio **#24**. More particularly described as:

1) By a curve to the right with a radius of 5,654.58' for a distance of 56.58', and 2) N45° 24' 40" E - 158.42', thence leaving said Southeast side of Pulaski Highway and running 3) S44° 35' 20" E - 146.99', and 4) S45° 24' 43" W - 179.51', 5) N58° 11' 20" W 150.00' to intersect the Southeast side of Pulaski Highway and said point of beginning.

Containing 28,966 square feet, or 0.66 acres of land more or less.

Located in the 11th. Election District, 6th Councilmanic District.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019

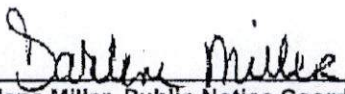
The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

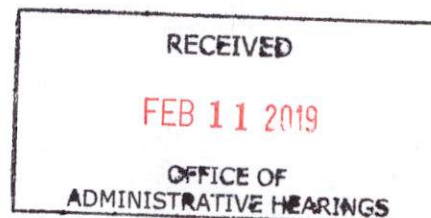
1/23/2019



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Order #: 11672288
Case #: 2018-0332-XA
Description:

CASE NUMBER: 2018-0332-XA - NOTICE OF ZONING HEARING



Baltimore County

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: 2018-0332-XA

10811 Pulaski Highway

SE side of Pulaski Highway, n/e of Ebenezer Road

11th Election District - 6th Councilmanic District

Legal Owners: Eben Limited Partnership, L.L.P.

Contract Purchaser/Lessee: Show & Tell of White Marsh

Special Exception to use the property for a used motor vehicle sales area from sales agency building. Variance for parking to be within 0 ft. of the public right-of-way in lieu of the required 10 ft. Variance to allow display of vehicles to be within 0 ft. of the public right of way in lieu of the front setback of requirement of 15 ft. in front of the 62 ft. frontsetback required.

Hearing: Tuesday, February 12, 2019 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.

ja23

Sherry Nuffer

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, February 11, 2019 7:56 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2018-0332-XA
Attachments: Re-Cert 1 2018-0332-XAdoc.doc; Re-Cert 2 2018-0332-XAdoc.doc

Recertification's for 10811 Pulaski Highway



CERTIFICATE OF POSTING

2018-0332-XA

RE: Case No.: _____

Petitioner/Developer: _____
Eben Limited Partnership, LLP>
Show and Tell of White Marsh

February 12, 2019
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:

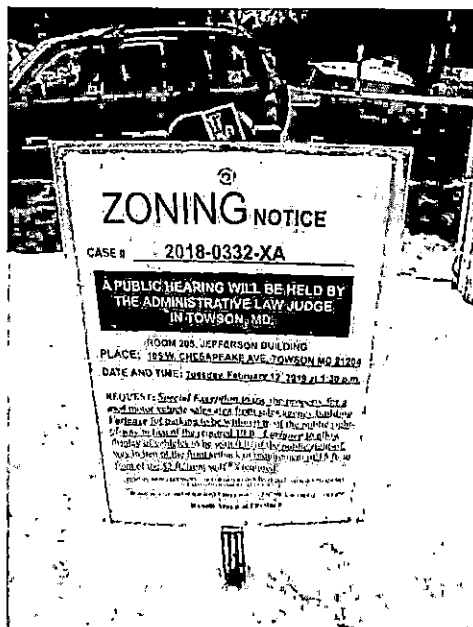
Ladies and Gentlemen:

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: _____

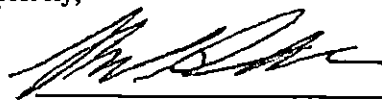
10811 Pulaski Highway **SIGN 1 Recertification**

January 23, 2019

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



Sincerely,

 February 11, 2019
(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)

CERTIFICATE OF POSTING

2018-0332-XA

RE: Case No.: _____

Petitioner/Developer: _____

**Eben Limited Partnership, LLP>
Show and Tell of White Marsh**

February 12, 2019

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: _____

10811 Pulaski Highway SIGN 2 Recertification

January 23, 2019

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

Sincerely,

February 11, 2019

(Signature of Sign Poster) _____ (Date) _____

SSG Robert Black

(Print Name)

1508 Leslie Road

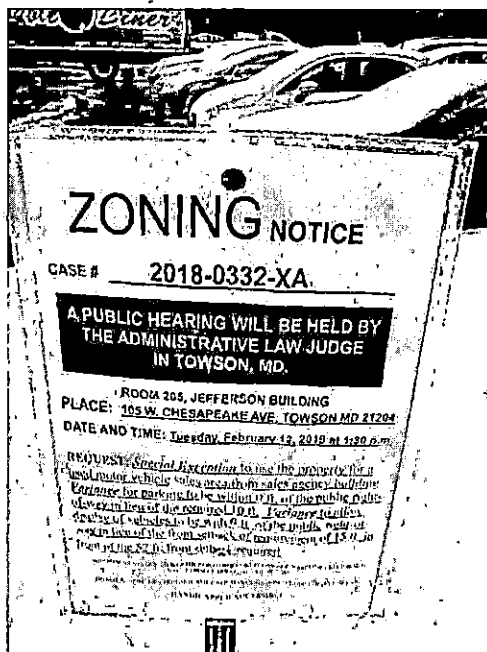
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

19-041

2018-0332-XA

RE: Case No.: _____

Petitioner/Developer: _____

Eben Limited Partnership, LLP
Show and Tell of White Marsh

February 12, 2019

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: _____

10811 Pulaski Highway

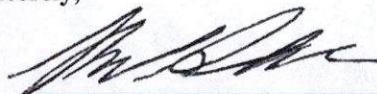
SIGN 1

January 23, 2019

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



Sincerely,

 January 23, 2019
(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)

CERTIFICATE OF POSTING

19-041

2018-0332-XA

RE: Case No.: _____

Petitioner/Developer: _____
Eben Limited Partnership, LLP>
Show and Tell of White Marsh

February 12, 2019

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:

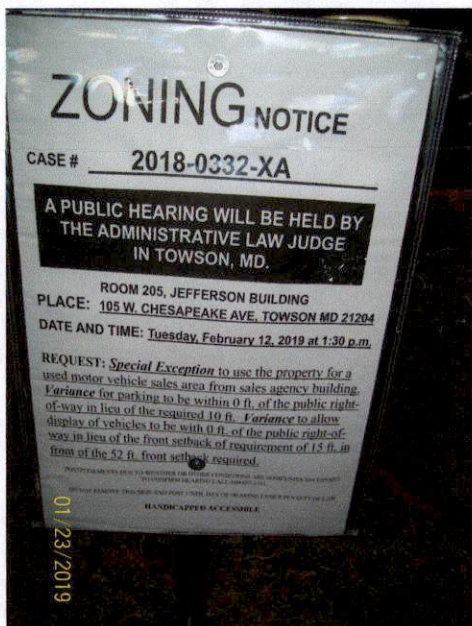
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

10811 Pulaski Highway

SIGN 2

January 23, 2019

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



Sincerely,

 January 23, 2019

(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)

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

... ..

2000 2001 2002

100



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
Department of Permits,
Approvals & Inspections

January 2, 2019

NEW 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: 2018-0332-XA

10811 Pulaski Highway
SE side of Pulaski Highway, n/e of Ebenezer Road
11th Election District – 6th Councilmanic District
Legal Owners: Eben Limited Partnership, LLLP
Contract Purchaser/Lessee: Show & Tell of White Marsh

Special Exception to use the property for a used motor vehicle sales area from sales agency building. Variance for parking to be within 0 ft. of the public right-of-way in lieu of the required 10 ft. Variance to allow display of vehicles to be within 0 ft. of the public right of way in lieu of the front setback of requirement of 15 ft. in front of the 52 ft. front setback required.

Hearing: Tuesday, February 12, 2019 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: Kirk Salvo, Eben Limited Partnership, LLLP, 14 Back River Neck Road, Baltimore 21221
Richardson Engineering, 30 E. Padonia Rd., Ste. 500, Timonium 21093
Show & Tell of White Marsh, 10811 Pulaski Highway, White Marsh 21162
Patrick Dillon, 409 Washington Avenue, Ste. 200, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 23, 2019.**
(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: THE DAILY RECORD
Wednesday, January 23, 2019 - Issue

Please forward billing to:

Mo Jadoo
Show & Tell of White Marsh
10811 Pulaski Highway
White Marsh, MD 21162

410-302-1277

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:

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SE side of Pulaski Highway, n/e of Ebenezer Road
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Hearing: Tuesday, February 12, 2019 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.

BEFORE THE ZONING BOARD OF BALTIMORE COUNTY

**SHOW & TELL OF WHITE MARSH, LLC
SPECIAL EXCEPTION REGARDING 10811 PULASKI HIGHWAY, WHITE MARSH,
MARYLAND**

CASE NO.: 2018-0332-XA

ENTRY OF APPEARANCE

DEAR SIR/MADAM CLERK:

Please enter the appearance of Steven R. Freeman, and the law firm of Freeman Rauch, LLC, on behalf of Show & Tell of White Marsh, LLC, in the above-captioned matter.

Respectfully submitted,

RECEIVED
DEC 05 2018



Steven R. Freeman (CPF 821801038)
Freeman Rauch, LLC
409 Washington Ave., Suite 200
Towson, Maryland 21204
(410) 842-6600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 5th day of December 2018, a copy of the foregoing were served via first class, postage prepaid, to the following:

Kirk Salvo
EBEN Limited Partnership. LLLP
14 Back River neck Road
Baltimore, MD 21221

Richardson Engineering
30 E. Padonia Road, Ste. 500
Timonium, MD 21093


Steven R. Freeman

Date: 6-4-68

THE UNIVERSITY OF CHICAGO

BUSINESS	ACTUAL	TIME	REQ
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6/04/2018 6/04/2018 09:25:31

WALKIN CJR

RECEIPT # 788554 6/04/2018 CFLN

5. 528 ZONING VERIFICATION

NO. 158639

Receipt Tot = \$1,000.00

\$1,025.00 - 24 - \$1.00 CA

Baltimore County, Maryland

Total: 1000

Rec
From

For 2018 0332-XA

10911 Daleski Hwy

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

10/25/2018

Order #: 11628324
Case #: 2018-0332-XA
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2018-0332-XA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County	
NOTICE OF ZONING HEARING	
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Legal Owners: Eben Limited Partnership, LLLP	
Contract Purchaser/Lessee: Show & Tell of White Marsh	
Special Exception to use the property for a used motor vehicle sales area from sales agency building. Variance for parking to be within 0 ft. of the public right-of-way in lieu of the required 10 ft. Variance to allow display of vehicles to be within 0 ft. of the public right of way in lieu of the front setback of requirement of 15 ft. in front of the 52 ft. front setback required.	
Hearing: Wednesday, November 14, 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.	
o25	

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE
10811 Pulaski Highway; SE/S Pulaski Highway* OF ADMINISTRATIVE
NE 150' to c/line of Ebenezer Road
11th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Eben Limited Partnership LLLP
Contract Purchaser: Show & Tell of White Marsh* BALTIMORE COUNTY
Petitioner(s) *
2018-332-XA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 15 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2018, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



DONALD I. MOHLER III
County Executive

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

September 26, 2018

NOTICE OF ZONING HEARING

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

Arnold Jablon
Director

AJ:kl

C: Kirk Salvo, Eben Limited Partnership, LLLP, 14 Back River Neck Road, Baltimore 21221
Richardson Engineering, 30 E. Padonia Rd., Ste. 500, Timonium 21093
Show & Tell of White Marsh, 10811 Pulaski Highway, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 25, 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: THE DAILY RECORD
Thursday, October 25, 2018 - Issue

Please forward billing to:

Mo Jadoo
Show & Tell of White Marsh
10811 Pulaski Highway
White Marsh, MD 21162

410-302-1277

NOTICE OF ZONING HEARING

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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.

**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/neighborhood 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: 2018-0332-XA
Property Address: 10811 PULASKI HIGHWAY
Property Description: _____

Legal Owners (Petitioners): EBEN LIMITED PARTNERSHIP, LLLP
Contract Purchaser/Lessee: SHOW & TELL OF WHITE MARSH

PLEASE FORWARD ADVERTISING BILL TO:

Name: MO JADOO
Company/Firm (if applicable): SHOW & TELL OF WHITE MARSH
Address: 10811 PULASKI HWY
WHITEMARSH, MD 21162

Telephone Number: 410-302-1277

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION
1215 6TH AVENUE
NEW YORK 17, N.Y.

Acquired from the
Library of the
New York Public Library
for the
New York Public Library
for the
New York Public Library

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

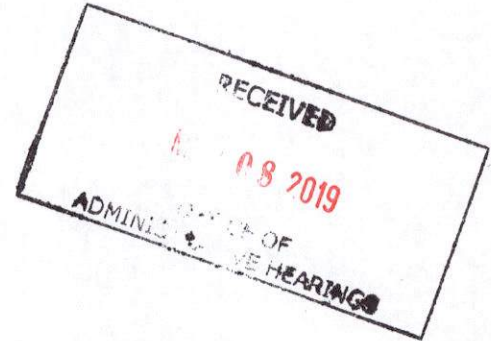
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

DELAWARE*
DISTRICT OF COLUMBIA
KENTUCKY
MARYLAND
MICHIGAN
NEW YORK
PENNSYLVANIA
VIRGINIA

WWW.WTPLAW.COM
(800) 987-8705

March 8, 2019

The Honorable John E. Beverungen, Esq.
Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204



Re: Case No. 2018-0332-XA
Property: 10811 Pulaski Highway

Dear Judge Beverungen:

We have had the opportunity to review your Order, as well as the amended Site Plan prepared by Richardson Engineering, LLC in the above-referenced case. The revised Plan dated February 28, 2019, a copy of which is attached to this letter, appears to be in compliance with your Order, as well as with the conditions of the Department of Planning. I would note, however, that at our request, Mr. Richardson indicated that the rear portion of the property has the following limitation: "no motor vehicle or boat storage in this area is permitted." This restriction, we believe, complies with the restriction in your Order, as well as the testimony and proffer made by counsel for petitioners in restricting this area not only to no automobiles, but as well to trucks and to boats, both of which have been and are being stored in this area currently.

We are satisfied with the Plan and hope that you will adopt it as being in compliance with your Order.

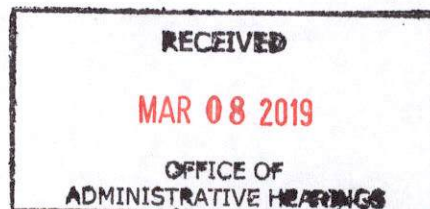
Very truly yours,

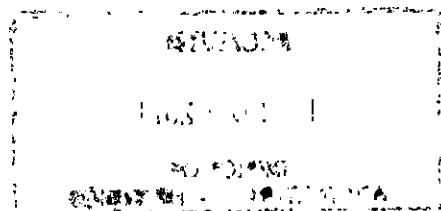
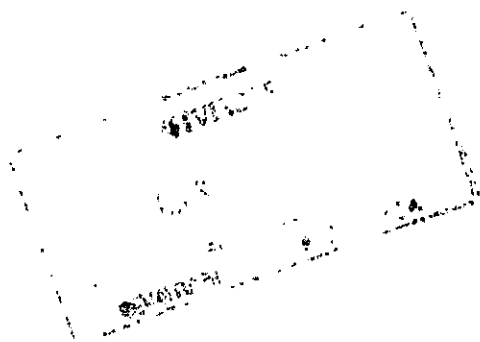
A handwritten signature in blue ink, appearing to read 'JBG' followed by a stylized flourish.

John B. Gontrum

JBG:tdm
Enclosure

cc: Steven R. Freeman, Esq.
1004886







DONALD I. MOHLER III
County Executive

November 8, 2018

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

Kirk Salvo
14 Back River Neck Rd.
Baltimore, MD 21221

Dear Mr. Salvo:

RE: Case Number: 2018-0332XA, Address: 10811 Pulaski Hwy.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 2018. 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 dark ink, reading "W. Carl Richards, Jr.", is written over a circular official stamp. The stamp is partially obscured by the signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Richardson Engineering 30 E Padonia Rd. Ste 500 Timonium, MD 21093
Show & Toll of White Marsh 10811 Pulaski Hwy. White Marsh, MD 21162

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 16 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: August 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0332-XA revised
Address 10811 Pulaski Highway
(Eben Limited Partnership, LLLP
Property)

Zoning Advisory Committee Meeting of **August 06, 2018**.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: June 19, 2018

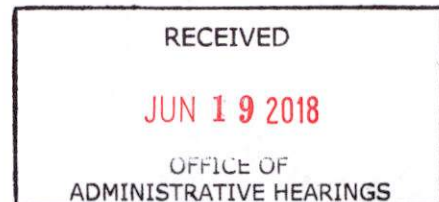
SUBJECT: DEPS Comment for Zoning Item # 2018-0332-XA
Address 10811 Pulaski Highway
(Eben Limited Partnership, LLLP
Property)

Zoning Advisory Committee Meeting of **June 18, 2018**.

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

1. If a public sewer connection is not already available, a new sewer connection will be required to support the sales building (sewage holding tanks will not be permitted by Ground Water Management)

Reviewer: Kevin Koepenick



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 16 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: August 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0332-XA *revised*
Address 10811 Pulaski Highway
(Eben Limited Partnership, LLLP
Property)

Zoning Advisory Committee Meeting of **August 06, 2018**.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Regina Esslinger

ORDER RECEIVED FOR FILING

Date

2/19/19

By

Sen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-332



INFORMATION:

Property Address: 10811 Pulaski Hwy
Petitioner: Eben Limited Partnership
Zoning: BR AS
Requested Action: Special Exception Variance

The Department of Planning has reviewed the petition for Special Exception to use the property for a used motor vehicle sales area separated from the sales agency building and the petition for variance to allow parking to be within 0' of the public right of way and to allow display of vehicles to be within 0' of the public right of way in lieu of the required 10' and 15' in front of the 52' front setback respectively.

A site visit was conducted on June 20, 2018. The site is currently utilized as a service garage. Several "U-Haul" vehicles were observed on site.

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

- The plan is not clear as to the disposition of the existing service garage use to include vehicle rentals. Petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the combined uses can function successfully within the conditions established in BCZR §502.1. Parking calculations shall account for all uses and calculated accordingly. The plan shall indicate specifically the location and limits of the used motor vehicle sales area, the parking area dedicated to the U-Haul operation and the parking area dedicated to the service garage use.
- There shall be no display of vehicles for sale within the Rte. 40 r-o-w. Install bollards along the Pulaski Highway frontage to provide a separation between the special exception use area and said r-o-w.
- Any storage of damaged or disabled vehicles shall meet the requirements of BCZR §405A.
- Install "Enter only" and "Exit only" signs at appropriate locations along the Rte. 40 frontage.
- There shall be no temporary signage along the Rte. 40 frontage.
- Provide screening in the area of the dumpster to the satisfaction of the Baltimore County Landscape Architect.

ORDER RECEIVED FOR FILING

Date

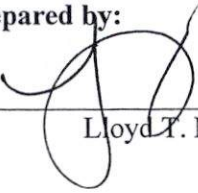
2/19/19

By

Sen

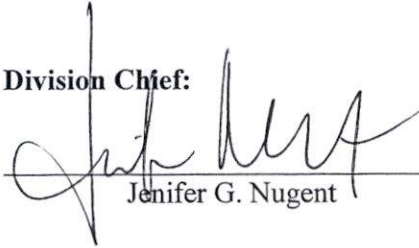
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Richardson Engineering
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 2/19/19
By sen

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2018
Item No. 2018-0332-XA

DATE: July 5, 2018

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

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

*

*

*

*

*

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 2/19/19

By sen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-332

DATE: 8/6/2018



INFORMATION:

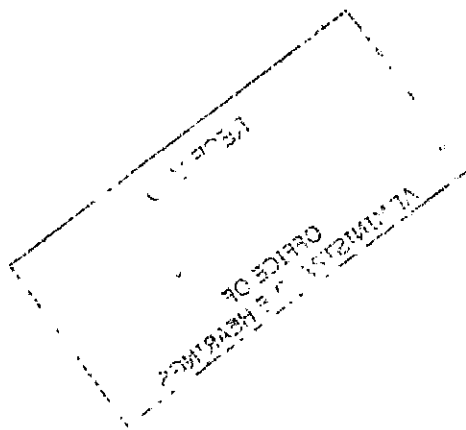
Property Address: 10811 Pulaski Hwy
Petitioner: Eben Limited Partnership
Zoning: BR AS
Requested Action: Special Exception Variance

The Department of Planning has reviewed the petition for Special Exception to use the property for a used motor vehicle sales area separated from the sales agency building and the petition for variance to allow parking to be within 0' of the public right of way and to allow display of vehicles to be within 0' of the public right of way in lieu of the required 10' and 15' in front of the 52' front setback respectively.

A site visit was conducted on June 20, 2018. The site is currently utilized as a service garage. Several "U-Haul" vehicles were observed on site.

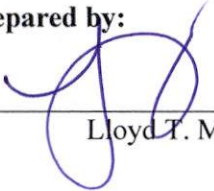
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The plan is not clear as to the disposition of the existing service garage use to include vehicle rentals. Petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the combined uses can function successfully within the conditions established in BCZR §502.1. Parking calculations shall account for all uses and calculated accordingly. The plan shall indicate specifically the location and limits of the used motor vehicle sales area, the parking area dedicated to the U-Haul operation and the parking area dedicated to the service garage use.
- There shall be no display of vehicles for sale within the Rte. 40 r-o-w. Install bollards along the Pulaski Highway frontage to provide a separation between the special exception use area and said r-o-w.
- Any storage of damaged or disabled vehicles shall meet the requirements of BCZR §405A.
- Install "Enter only" and "Exit only" signs at appropriate locations along the Rte. 40 frontage.
- There shall be no temporary signage along the Rte. 40 frontage.
- Provide screening in the area of the dumpster to the satisfaction of the Baltimore County Landscape Architect.



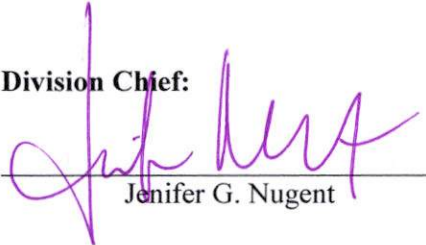
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Richardson Engineering
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2018
Item No. 2018-0332-XA

DATE: July 5, 2018

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

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

*

*

*

*

*

VKD: cen
cc: file

Date: 7/30/18

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:

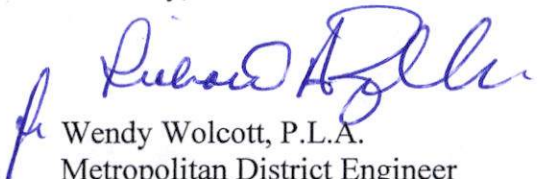
We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 7/30/18. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Exception, Variance Case Number 2018-0332-XA

Special Exception, Variance
Edon Limited Partnership, LLLP, Kirk Salvo
10811 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

Date: 6/11/18

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:

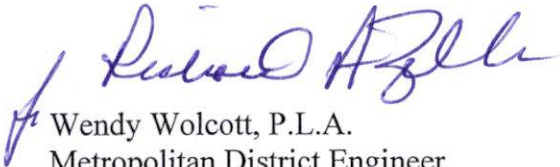
We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 6/11/18. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Variance, Case Number 2018-0332-XA
Special Exception

Eben Limited Partnership LLC, Kirk Salvo.
10811 Puletti 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

11/14/18

Debra Wiley

From: Stephen Ford
Sent: Thursday, August 16, 2018 3:03 PM
To: Debra Wiley; June Wisnom; Kristen L Lewis; Sherry Nuffer
Cc: Jeffery Livingston
Subject: Zoning Petition Comments
Attachments: ZAC 18-0332-XA revised-EIR.doc

For your you know what.
Thanks,

Stephen A. Ford
Engineering Associate III
Department of Environmental Protection
And Sustainability
Development Coordination
111 West Chesapeake Avenue, Room 319
Towson, Maryland 21204
sford@baltimorecountymd.gov
410-887-5859
410-887-4804 fax



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: June 19, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0332-XA
Address 10811 Pulaski Highway
(Eben Limited Partnership, LLLP
Property)

Zoning Advisory Committee Meeting of **June 18, 2018.**

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

1. If a public sewer connection is not already available, a new sewer connection will be required to support the sales building (sewage holding tanks will not be permitted by Ground Water Management)

Reviewer: Kevin Koepenick

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/6/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-332

INFORMATION:

Property Address: 10811 Pulaski Hwy
Petitioner: Eben Limited Partnership
Zoning: BR AS
Requested Action: Special Exception Variance

The Department of Planning has reviewed the petition for Special Exception to use the property for a used motor vehicle sales area separated from the sales agency building and the petition for variance to allow parking to be within 0' of the public right of way and to allow display of vehicles to be within 0' of the public right of way in lieu of the required 10' and 15' in front of the 52' front setback respectively.

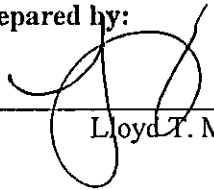
A site visit was conducted on June 20, 2018. The site is currently utilized as a service garage. Several "U-Haul" vehicles were observed on site.

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

- The plan is not clear as to the disposition of the existing service garage use to include vehicle rentals. Petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the combined uses can function successfully within the conditions established in BCZR §502.1. Parking calculations shall account for all uses and calculated accordingly. The plan shall indicate specifically the location and limits of the used motor vehicle sales area, the parking area dedicated to the U-Haul operation and the parking area dedicated to the service garage use.
- There shall be no display of vehicles for sale within the Rte. 40 r-o-w. Install bollards along the Pulaski Highway frontage to provide a separation between the special exception use area and said r-o-w.
- Any storage of damaged or disabled vehicles shall meet the requirements of BCZR §405A.
- Install "Enter only" and "Exit only" signs at appropriate locations along the Rte. 40 frontage.
- There shall be no temporary signage along the Rte. 40 frontage.
- Provide screening in the area of the dumpster to the satisfaction of the Baltimore County Landscape Architect.

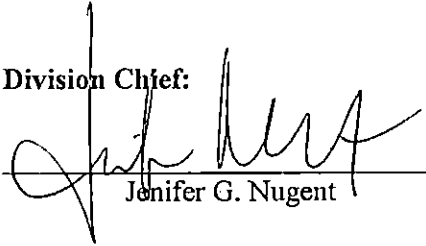
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Richardson Engineering
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME 10811 Pulaski Hwy.
CASE NUMBER 2018-0332-XA
DATE 2-12-19

[illegible]

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PLEASE PRINT CLEARLY

CASE NAME 10811 Pulaski Hwy.
CASE NUMBER 2018-0332-XA
DATE 2-12-19

CITIZEN'S SIGN - IN SHEET

[illegible]

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

7/5

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

Comment

8/16

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

Comment

8/9

FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)no objection
w/ comment

7/30

STATE HIGHWAY ADMINISTRATION
TRAFFIC ENGINEERING

No Objection

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CC 1801434)

PRIOR ZONING

(Case No. 02-505-SPHA)

NEWSPAPER ADVERTISEMENT

Date:

~~10/25/18~~ 1-23-19SIGN POSTING (1st)

Date:

1/23/19

by SSG Black

SIGN POSTING (2nd)

Date:

2/11/19

by SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 11 Account Number - 1108081411			
Owner Information					
Owner Name:		EBEN LIMITED PARTNERSHIP		Use:	COMMERCIAL
				Principal Residence:	NO
Mailing Address:		14 BACK RIVER NECK RD BALTIMORE MD 21221		Deed Reference:	/09381/ 00037
Location & Structure Information					
Premises Address:		10811 PULASKI HWY 0-0000		Legal Description:	
IRWIN GOODMAN					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0073	0001	0290		0000	A 2019 0026/0024
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
	2624		1.3300 AC	20	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		SERVICE GARAGE			2002
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2018	07/01/2019	
Land:	399,500	399,500			
Improvements	208,900	208,900			
Total:	608,400	608,400	608,400		
Preferential Land:	0				
Transfer Information					
Seller: RENTAL MANAGEMENT ASSOCIATES		Date: 09/25/1992		Price: \$200,000	
Type: ARMS LENGTH IMPROVED		Deed1: /09381/ 00037		Deed2:	
Seller: HUMBLE OIL & REF INING CO		Date: 02/06/1987		Price: \$160,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07406/ 00189		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax: 443-901-1208

Letter of Transmittal

TO: Baltimore County PAI

DATE <i>March 1, 2019</i>	JOB No. <i>18070</i>
ATTENTION: <i>John Beverungun</i>	
RE: <i>10811 Pulaski Highway</i> <i>2018-0332-XA</i>	

Attached Via: ☒ Hand Delivered ☐ Mail ☐ Overnight ☐ Fax

COPIES	DATE	NO.	DESCRIPTION
1	02/28/19	1	Revised Site Plan

For the
File
2018-332

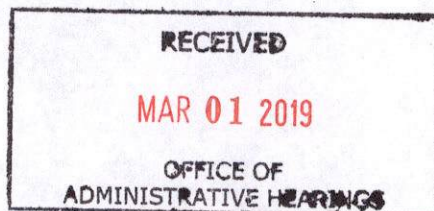
THESE ITEMS ARE TRANSMITTED AS CHECKED BELOW:

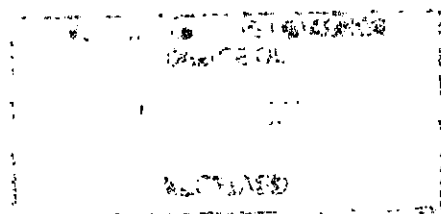
☒	For Your Use	☐	For Approval	☐	and Resubmit
☒	As Requested	☐	NO EXCEPTIONS TAKEN	☐	CEPTABLE
☐	For Review And Comment	☐	Comments Noted	☐	I Not Required/ n Taken

REMARKS:

Copy: _____

Signed: Rick Richardson





Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax: 443-901-1208

Letter of Transmittal

TO: Whiteford, Taylor & Preston

DATE <i>March 1, 2019</i>	JOB No. <i>18070</i>
ATTENTION: <i>John Gontrum</i>	
RE: <i>10811 Pulaski Highway</i> <i>2018-0332-XA</i>	

Attached Via: ☒ Hand Delivered ☐ Mail ☐ Overnight ☐ Fax

COPIES	DATE	NO.	DESCRIPTION
1	02/28/19	1	<i>Revised Site Plan</i>

THESE ITEMS ARE TRANSMITTED AS CHECKED BELOW:

☒	For Your Use	☐	For Approval	☐	Revise and Resubmit
☒	As Requested	☐	NO EXCEPTIONS TAKEN	☐	NOT ACCEPTABLE
☐	For Review And Comment	☐	Comments Noted	☐	Submittal Not Required/ No Action Taken

REMARKS:

John Beverungun

Copy: _____

Signed: _____

Rick Richardson

Kristen L Lewis

From: Richardson, Patrick <rick@richardsonengineering.net>
Sent: Monday, December 17, 2018 9:37 AM
To: Kristen L Lewis
Subject: FW: Show & Tell of White Marsh exception hearing

See below

Rick Richardson
Richardson Engineering, LLC
30 E. Padonia Road Suite 500
Timonium, MD 21093
410-560-1502-x112
fax: 443-901-1208

From: Patrick Dillon [mailto:pjd@freemanrauch.com]
Sent: Monday, December 17, 2018 9:35 AM
To: Richardson, Patrick <rick@richardsonengineering.net>
Cc: Steve Freeman <srf@freemanrauch.com>; Bonnie Cammarata <bonnie@freemanrauch.com>
Subject: RE: Show & Tell of White Marsh exception hearing

Ok, thank you.

Judge Stahl told us we need a date by the 15th of February, so Steve is available for this hearing on the following dates in February before then: February 1st in the afternoon, February 4th in the afternoon, February 11th in the afternoon, February 12th in the afternoon, and February 14th all day. All other dates in February he is unavailable.

Please let me know if you need any other info from us or if you would like me to reach out to Kristen directly.

Patrick J.L. Dillon, Esq.
Freeman Rauch, LLC
409 Washington Avenue, Suite 200
Towson, MD 21204
Office: (410) 842-6600
Direct: (410) 842-6609
Fax: (410) 825-1316
Email: pjd@freemanrauch.com

freeman | rauch
ATTORNEYS AT LAW

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From: Richardson, Patrick <rick@richardsonengineering.net>
Sent: Monday, December 17, 2018 9:20 AM

Rick Richardson
Richardson Engineering, LLC
30 E. Padonia Road Suite 500
Timonium, MD 21093
410-560-1502-x112
fax: 443-901-1208

From: Patrick Dillon [mailto:pjd@freemanrauch.com]
Sent: Thursday, December 06, 2018 9:53 AM
To: Richardson, Patrick <rick@richardsonengineering.net>
Cc: Steve Freeman <srf@freemanrauch.com>; Bonnie Cammarata <bonnie@freemanrauch.com>
Subject: Show & Tell of White Marsh exception hearing

Rick,

Thank you for your help on this matter. As we just discussed on the phone, Judge Stahl, in a hearing this morning, postponed the citation issue and directed us to schedule the special exception hearing by **February 15, 2019**. Our understanding is that you will take care of scheduling that hearing with zoning for sometime in late January. Steve is available for that hearing on the following dates: January 30th and January 31st. If neither of those dates work for zoning, we can try to find additional times. Let me know if you need any additional info in order to set the hearing.

Patrick J.L. Dillon, Esq.
Freeman Rauch, LLC
409 Washington Avenue, Suite 200
Towson, MD 21204
Office: (410) 842-6600
Direct: (410) 842-6609
Fax: (410) 825-1316
Email: pjd@freemanrauch.com

freeman | rauch
ATTORNEYS AT LAW

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To: Patrick Dillon <pjd@freemanrauch.com>
Cc: Steve Freeman <srf@freemanrauch.com>; Bonnie Cammarata <bonnie@freemanrauch.com>
Subject: RE: Show & Tell of White Marsh exception hearing

Just spoke with Kristen Lewis and the schedule was for February. She is going to assign a date and get back to me by Wednesday. I will let you know when it is.

Rick Richardson
Richardson Engineering, LLC
30 E. Padonia Road Suite 500
Timonium, MD 21093
410-560-1502-x112
fax: 443-901-1208

From: Patrick Dillon [<mailto:pjd@freemanrauch.com>]
Sent: Monday, December 17, 2018 9:03 AM
To: Richardson, Patrick <rick@richardsonengineering.net>
Cc: Steve Freeman <srf@freemanrauch.com>; Bonnie Cammarata <bonnie@freemanrauch.com>
Subject: RE: Show & Tell of White Marsh exception hearing

Mr. Richardson,

Thank you for reaching out on this matter. As stated in my previous email, Steve is available on the 30th of January for this hearing (he is no longer available on the 31st). If you need additional dates or for us to reach out to Kristen directly, please just let me know.

Patrick J.L. Dillon, Esq.
Freeman Rauch, LLC
409 Washington Avenue, Suite 200
Towson, MD 21204
Office: (410) 842-6600
Direct: (410) 842-6609
Fax: (410) 825-1316
Email: pjd@freemanrauch.com

freeman | rauch
ATTORNEYS AT LAW

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

From: Richardson, Patrick <rick@richardsonengineering.net>
Sent: Sunday, December 16, 2018 1:40 PM
To: Patrick Dillon <pjd@freemanrauch.com>
Cc: Steve Freeman <srf@freemanrauch.com>; Bonnie Cammarata <bonnie@freemanrauch.com>
Subject: RE: Show & Tell of White Marsh exception hearing

Last week I stopped in to see about getting the date and Kristen is still waiting for dates Steve is available. Please do so or send to me so we can get this scheduled.

Sherry Nuffer

From: John E. Beverungen
Sent: Monday, November 19, 2018 10:43 AM
To: Rick@RichardsonEngineering.net
Cc: Sherry Nuffer; Debra Wiley; Carl Richards Jr
Subject: 2018-0332-XA

Mr. Richardson,

I know this case, originally scheduled for Nov. 14, 2018, was postponed. I am however writing to let you know that an attorney will be required to represent the Petitioner in this case. I have been lax about this issue in the past, but in several recent contested cases involving corporations, LLCs, LLPs, and other legal entities, I have enforced the requirement for attorney representation. Maryland law (and the County's Zoning Checklist) requires that legal entities be represented by an attorney at administrative and judicial hearings; the only exception being community associations which by law may proceed without an attorney.

John Beverungen
ALJ

Debra Wiley

From: Debra Wiley
Sent: Tuesday, November 13, 2018 11:02 AM
To: John E. Beverungen; Lawrence Stahl; Sherry Nuffer
Cc: Kristen L Lewis
Subject: Change to November Calendar for Tomorrow

Please be advised that Case No. 2018-0332-XA scheduled for tomorrow (11/14) @ 1:30 PM has been cancelled due to a miscommunication between Rick Richardson and his sign poster.

Please mark your calendars accordingly.

Thank you.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
SE/S Pulaski Highway, 165' NE
centerline of Ebenezer Road
11th Election District
5th Councilmanic District
(10811 Pulaski Highway)

Eben Limited Partnership, Legal Owner
and "D & L Window Tinting"
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-505-SPHA

*
* * * * *

ORDER ON MOTION FOR RECONSIDERATION

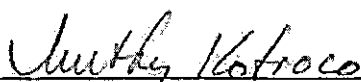
WHEREAS, this matter came before this Deputy Zoning Commissioner as a Special Hearing and Variance request filed by Eben Limited Partnership and "D & L Window Tinting". The Petitioner's request was considered at a public hearing and the matter granted by Order dated the 7th day of August, 2002. Thereafter, the Petitioner, by and through Paul Lee, his professional engineer, requested a reconsideration of my approval in that a variance request was omitted from the petition. The specific variance involves a 5-ft. rear yard setback for the addition which was shown on the site plan. The distance of the setback and the addition were both represented on the site plan. However, the Petitioner omitted this particular request from his Petition for Variance. Accordingly, it is now requested that my previous Order be modified to include this additional variance request.

At the public hearing held on this matter, no one appeared in opposition to the Petitioner's request. Had the particular variance been requested, it would have been granted along with the other variances to allow the Petitioner to move forward with the modifications and improvements to his property. Therefore, it is appropriate to issue this Amended Order to incorporate this variance request.

ORDER RECEIVED FOR FILING
Date 8/27/02
By [Signature]

THEREFORE, IT IS ORDERED, this 27th day of August, 2002, by the Deputy Zoning Commissioner for Baltimore County, that my decision dated the 7th day of August, 2002, which granted the relief requested by the Petitioner, be amended to include a variance to allow a rear yard setback of 5 ft. for the proposed addition as shown on the site plan.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Amended Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 8/27/02
by M. J. Gannon



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 27, 2002

Paul Lee, P.E., Vice President
Century Engineering
32 West Road
Towson, Maryland 21204

Re: Amended Order
Case No. 02-505-SPHA
Property: 10811 Pulaski Highway

Dear Mr. Lee:

Enclosed please find the Amended Order issued with reference to your motion for reconsideration regarding the above-captioned case,

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Wes Gray
D & L Window Tinting
10811 Pulaski Highway
Baltimore, MD 21162

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

Come visit the County's Website at www.co.ba.md.us

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

SE/S Pulaski Highway, 165' NE
centerline of Ebenezer Road
11th Election District
5th Councilmanic District
(10811 Pulaski Highway)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-505-SPHA

Eben Limited Partnership, Legal Owner
and "D & L Window Tinting"

Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, the Eben limited Partnership and the lessee of the property, "D & L Window Tinting". The special hearing and variance requests involve property located at 10811 Pulaski Highway in the Middle River area of Baltimore County. The Petitioner is requesting permission to amend a previously approved site plan to show the relocation of the existing used car office and existing shed and the proposed extension to the existing service garage. The variance request is to permit a front yard setback of 44 ft. for a used car office and 44 ft. for a proposed addition to the existing service garage on a dual highway in lieu of the required 50 ft. and a 4 ft. setback between existing buildings in lieu of the required 60 ft., and to amend the site plan in Case No. ~~95-043-X~~ 95-403-X.

Appearing at the hearing on behalf of the requests were Wes Gray, representing D & L Window Tinting, Paul Lee, the professional engineer who prepared the site plan of the property, and Frank Borgerding, attorney at law, representing the Petitioner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 1.327 acres of land, more or less, zoned BR-AS. The subject property has been used by D & L Window Tinting for many years. They operate a used car sales facility and a window

ORDER RECEIVED FOR FILING

Date 5/2/02

BY H. J. [Signature]

tinting business at this location. They propose to construct a one-story addition on the existing window tinting building and other modifications as shown on the site plan submitted into evidence as Petitioners' Exhibit No. 1. In order to proceed with these modifications, the special hearing and variance are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973): To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28. (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing held on the petitions and for the reasons given above, I believe that the special hearing and variance requests should be granted.

ORDER FILED
DATE 8/2/82
BY [Signature]

THEREFORE, IT IS ORDERED, this 7th day of August, 2002, by the Deputy Zoning Commissioner for Baltimore County, that the Special Hearing Request to amend a previously approved site plan to show the relocation of the existing used car office and existing shed and the proposed extension to the existing service garage, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance request, to permit a front yard setback of 44 ft. for a used car office and 44 ft. for a proposed addition to the existing service garage on a dual highway in lieu of the required 50 ft. and a 4 ft. setback between existing buildings in lieu of the required 60 ft., and to amend the site plan in Case No. 95-043-X, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

OFFICE RECEIVED FOR FILING

DATE

BY

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF	*	
<u>EBEN LIMITED PARTNERSHIP</u>	*	COUNTY BOARD OF APPEALS
FOR A SPECIAL EXCEPTION ON		
PROPERTY LOCATED ON THE SOUTH *	*	OF
SIDE PULASKI HIGHWAY, 160'		
EAST OF THE C/L OF EBENEZER RD*	*	BALTIMORE COUNTY
10811 PULASKI HIGHWAY)		
11TH ELECTION DISTRICT	*	CASE NO. 95-403-X
5TH COUNCILMANIC DISTRICT		
* * * *	*	* * * *

O P I N I O N

This case having come before the Board for hearing on October 19, 1995 on a duly noted appeal by the Office of People's Counsel from the Amended Order of the Deputy Zoning Commissioner rendered on July 6, 1995;

And the Petitioner having satisfied the concern of People's Counsel by filing with the Board an Amended Plat to accompany the Petition for Special Exception;

And said Amended Plat specifically limiting the Special Exception relief to the portion of the site as set forth graphically on said Amended Plat and in the text of the General Notes and Comments;

And the parties hereto having agreed that the Special Exception granted by Order dated June 19, 1995 should be limited to the portion of the site set forth in the Amended Plat; and that future use of the unimproved portion of the site shall comply with the language and written General Comments and Notes set forth on the Amended Plat;

O R D E R

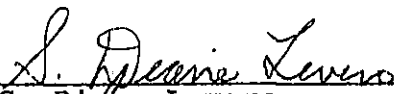
IT IS THEREFORE this 2nd day of February, 1996 by the County Board of Appeals for Baltimore County

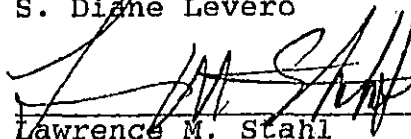
ORDERED that the Special Exception relief shall be GRANTED in accordance with the Amended Plat submitted to and received by the County Board of Appeals on October 19, 1995, and that the appeal is hereby DISMISSED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


S. Diane Levero


Lawrence M. Stahl



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 2, 1996

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 95-403-X
Eben Limited Partnership

Dear Mr. Zimmerman:

Enclosed please find a copy of the Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrative Assistant

encl.

cc: James A. Pine, Esquire
Mr. Kirk Salvo /Eben Ltd. Partnership
Mr. R. West Gray, II
Mr. Eugene Raphael
Pat Keller, Planning Director
Lawrence S. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Pulaski Highway, 160' E of *
the c/l of Ebenezer Road * DEPUTY ZONING COMMISSIONER
(10811 Pulaski Highway) *
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 95-403-X
Eben Limited Partnership *
Petitioner *

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as a Petition for Special Exception for the property located at 10811 Pulaski Highway in the vicinity of White Marsh. The Petition was filed by the owner of the property, Eben Limited Partnership, by Kirk Salvo, and the Contract Purchaser, R. West Gray, II, through their attorney, James A. Pine, Sr., Esquire. The Petitioners sought special exception relief for a used motor vehicle outdoor sales area, separate from the sales building, in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

WHEREAS, the relief requested was granted, subject to certain terms and conditions, by Order issued June 19, 1995.

Subsequent to the issuance of said Order, Counsel for the Petitioners requested a modification of Restriction No. 3 thereof to allow the owner of the property to utilize other areas of this site for permitted purposes.

After due consideration of the request and a review of the case file, it appears that a modification of Restriction No. 3 is appropriate.

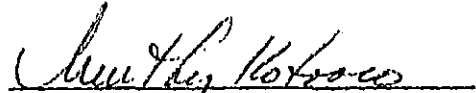
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of July, 1995 that the Order issued on

ORDER RECEIVED FOR FILING
Date 7/6/95
By Jos

June 19, 1995 shall be AMENDED and Restriction No. 3 thereof modified in accordance with the following language:

"3) The special exception granted herein is limited to that portion of the subject property which is already developed, as shown on Petitioner's Exhibit 1."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued June 19, 1995 shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: James A. Pine, Sr., Esquire
607 Baltimore Avenue, Towson, Md. 21204

Mr. Kirk Salvo, Eben Limited Partnership
14 Back River Neck Road, Essex, Md. 21221

Mr. R. West Gray, II
1840 Edgewood Road, Baltimore, Md. 21234

Mr. Eugene Raphael, 205 Courtland Avenue, Towson, Md. 21204

People's Counsel; File

ORDER RECEIVED FOR FILING

Date 7/6/95

By [Signature]

TN RE: PETITION FOR SPECIAL EXCEPTION
S/S Pulaski Highway, 160' E of
the c/l of Ebenezer Road
(10811 Pulaski Highway)
11th Election District
5th Councilmanic District

Eben Limited Partnership
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-403-X
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 10811 Pulaski Highway, located in the vicinity of White Marsh in Cowenton. The Petition was filed by the owner of the property, Eben Limited Partnership, by Kirk Salvo, and the Contract Purchaser, R. West Gray, II, through their attorney, James A. Pine, Sr., Esquire. The Petitioners seek a special exception for a used motor vehicle outdoor sales area, separate from the sales building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were R. West Gray, II, Contract Purchaser, Eugene F. Raphael, Registered Land Surveyor who prepared the site plan for this property, and James A. Pine, Sr., Esquire, attorney for the Petitioners.

Testimony and evidence offered revealed that the subject property consists of 1.327 acres, more or less, zoned B.R.-A.S., and is improved with an automobile window tinting business and macadam paved parking area. The Contract Purchaser wishes to utilize the paved portion of the site for a used motor vehicle outdoor sales area, leaving the rear portion of the site, which is wooded and/or grassy, in its natural state. The Petitioners

ORDER RECEIVED FOR FILING

Date

By

will use the existing building as its used automobile sales office and continue to operate the automobile window tinting business therefrom. The Petitioners submitted into evidence as Petitioner's Exhibit 3, a copy of the lease agreement for the subject property, which reflects that the only portion of the property that will be used for automobile sales is that which is already improved.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

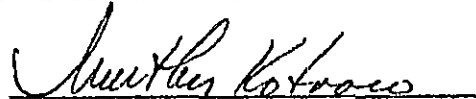
By

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of June, 1995 that the Petition for Special Exception for a used motor vehicle outdoor sales area, separate from the sales building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect.
- 3) The special exception granted herein is limited to that portion of the subject property which is already developed, as shown on Petitioner's Exhibit 1. The remaining portion of the site shall remain in its natural, wooded or grassy state.
- 4) When applying for a use permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Civil Citation No. CC1801434
(10811 Pulaski Highway)

MO Jadoo
10811 Pulaski Highway
Baltimore, Maryland 21162

FINAL ORDER

The matter came before the Administrative Law Judge on May 2, 2018, for a hearing on a Code Inspections and Enforcement Citation ("Citation"), for specified violation(s) of the Baltimore County Code or Zoning Regulations. The Citation names the owners of record, as published in the Maryland State Tax Assessment Database, as Respondents. The Citation was served upon Respondent(s) in a manner consistent with Section 3-6-205(c)(2) of the Baltimore County Code ("BCC"). The Citation, which is included in the case file and is incorporated herein by reference, proposes a civil penalty in the amount of \$2,800.00.

The following persons appeared for the Hearing: Kirk Salvo, Respondent/Property Owner, David Cole, Attorney for Mr. Salvo, Mo Jadoo, Respondent/Tenant, Benjamin Hiaasen Attorney for Mr. Jadoo, Robert Ramadka, Complainant, and Assistant County Attorney, Marissa L. Merrick, on behalf of Baltimore County.

Based on the testimony, photographs, documents and other exhibits I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation.

THEREFORE, IT IS ORDERED this 14th day of May, 2018, by the Administrative Law Judge for Baltimore County that a civil penalty of \$2,800.00 be imposed and suspended.

IT IS FURTHER ORDERED, that Respondent(s) shall cease outside storage of inoperative vehicles and largest trailer on the property by May 16, 2018.

IT IS FURTHER ORDERED, that Respondent(s) shall file for a special exception hearing for all remaining zoning violations by May 16, 2018, and shall continue timely pursuit of the special exception in good faith.

IT IS FURTHER ORDERED, that if the subject property is not brought into compliance pursuant to this Order, the suspended \$2,800.00 civil penalty may be imposed without need for further hearing or order; and, that Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.



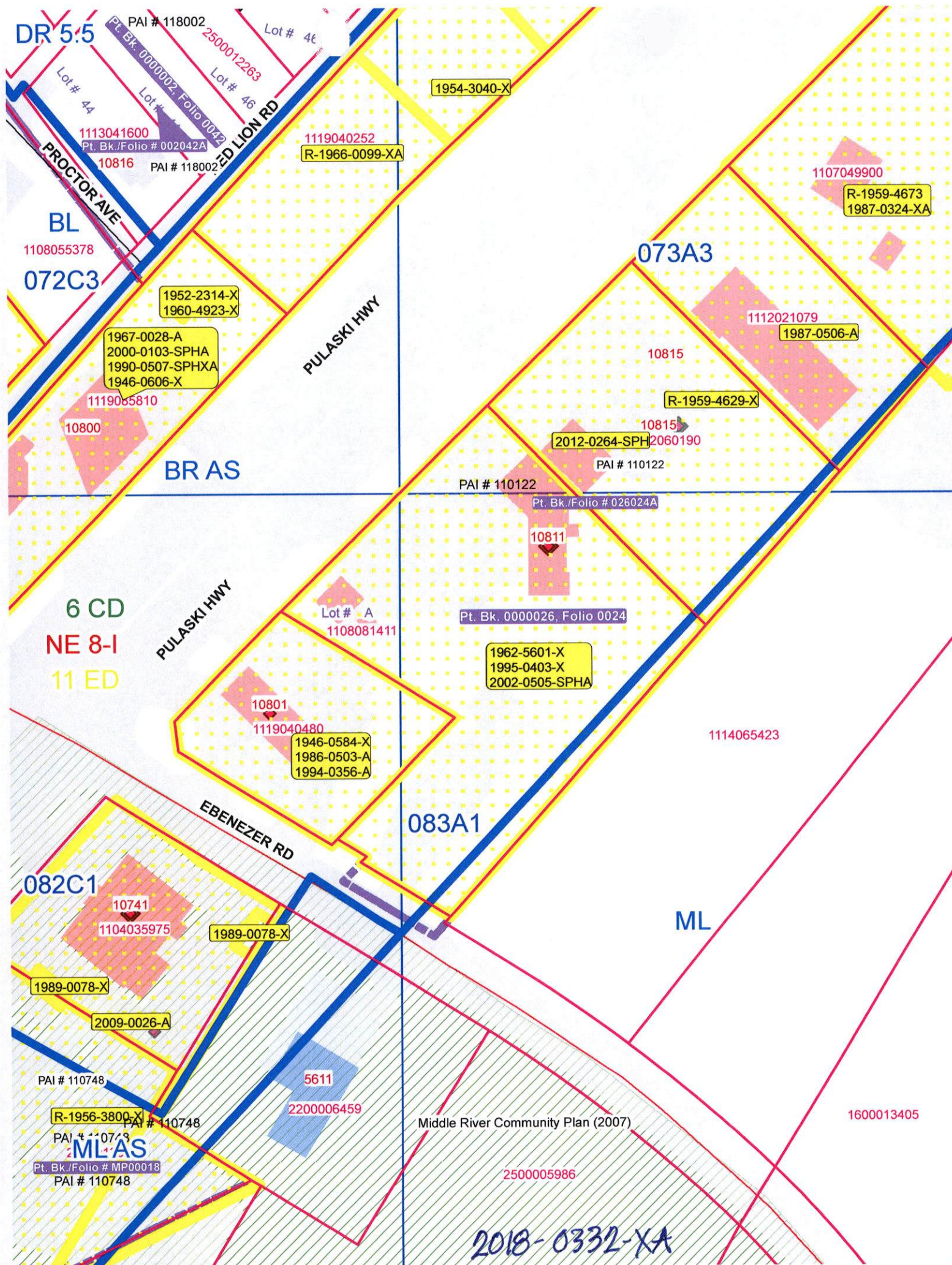
LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

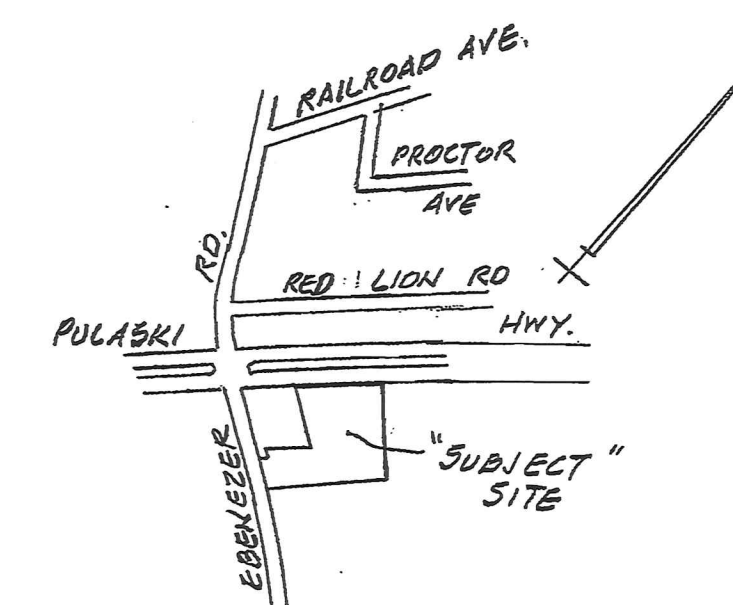
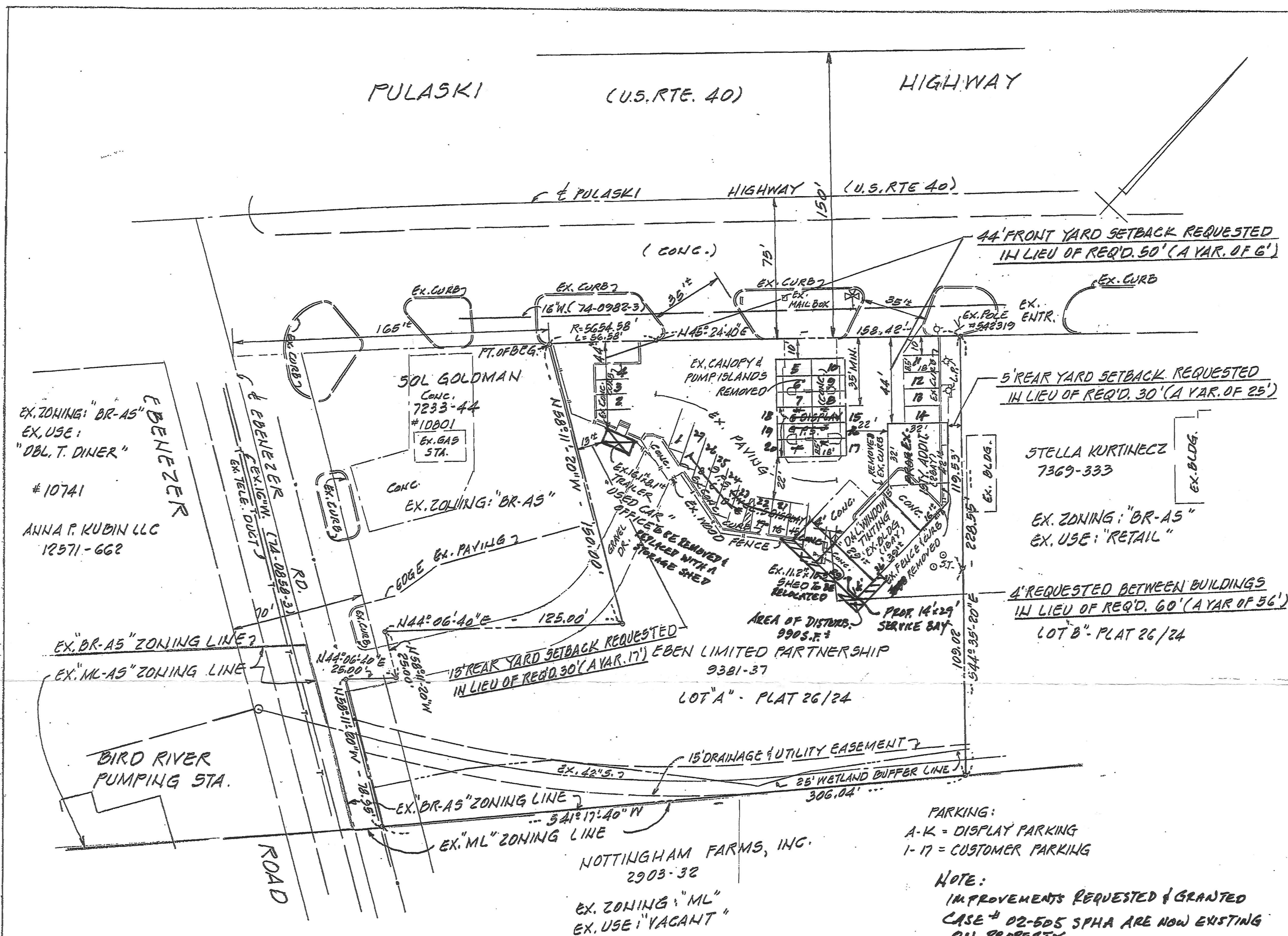
NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

Send payments to:

**Baltimore County Office of Budget and Finance
400 Washington Ave, Rm 150
Towson, MD 21204**

LMS/hmk





LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES.

1. AREA OF EXISTING PROPERTY = 1.327 AC± (GROSS = 1.4 AC±)
2. EXISTING ZONING OF PROPERTY = BR-AS W/SPECIAL EXCEPTION
A. ~~PROPOSED USE OF PROPERTY~~ = "BR-AS"
3. EXISTING USE OF PROPERTY = USED CAR SALES & AUTO WINDOW TINTING SERVICE GARAGE
4. PROPOSED USE OF PROPERTY = USED CAR SALES & AUTO WINDOW TINTING SERVICE GARAGE
5. REQUIRED OFF STREET PARKING:
A. EX-USED CAR SALES, OFFICE AND SHOWROOM DISPLAY OFFICE - 180.4 S.F. @ 3.3/1000 S.F. = 54.66 S.F.
B. EXISTING AUTO WINDOW TINTING SERVICE GARAGE (4 BAY) & STORAGE SHED 1844 S.F. @ 3.3/1000 + 447.5 S.F. @ 3.3/1000 = 689.4 S.F.
C. PROPOSED SERVICE GARAGE ADDITION (2 BAY) = 4800 S.F. @ 2.2/4000 14,229 + 447.5 @ 3.3/1000 = 5247.5 S.F.
D. TOTAL NO. OF PARKING SPACES REQUIRED = 1782 - 180.4 = 1601.6 S.F. = 50 P.S. 10
6. NO. OF PARKING SPACES SHOWN (INCLUDING 4 BAYS) = 31 P.S. 51
7. PUBLIC UTILITIES AVAILABLE TO EXISTING PROPERTY.
8. PERMITTED F.A.R. = 2.0 - PROPOSED F.A.R. = 4.492/57804 = 0.077
9. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN TO SHOW RELOCATION OF EXISTING USED CAR OFFICE AND EXISTING SHED AND THE PROPOSED EXTENSION TO THE EXISTING SERVICE GARAGE.
10. PETITIONER REQUESTING A VARIANCE TO SECTIONS 238.1 AND 238.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A FRONT YARD SETBACK OF 44' (USED CAR OFFICE) AND 44' (PROP. ADDITION TO EXISTING SERVICE GARAGE) ON A DUAL HIGHWAY IN LIEU OF THE REQUIRED 60'; A 4' SETBACK BETWEEN EXISTING BUILDINGS IN LIEU OF THE REQUIRED 80' AND TO AMEND THE APPROVED SITE PLAN IN CASE # 95-043X.
11. ZONING HISTORY: CASE #95-043X, 6-19-95 AND COUNTY BOARD OF APPEALS 2-2-96 - USED CAR SALES DISPLAY SHOWROOM - 1782 S.F., SALES OFFICE = 200 S.F. AND SERVICE AREA = 844 S.F., TOTAL BUILDING AREA = 2826 S.F.
12. PROPERTY LOCATED ON BALTIMORE COUNTY ZONING MAP "NEB1", SCALE 1" = 200'.

THEREFORE, IT IS ORDERED, this 7th day of August, 2002, by the Deputy Zoning Commissioner for Baltimore County, that the Special Hearing Request to amend a previously approved site plan to show the relocation of the existing used car office and existing shed and the proposed extension to the existing service garage, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance request, to permit a front yard setback of 44 ft. for a used car office and 44 ft. for a proposed addition to the existing service garage on a dual highway in lieu of the required 50 ft. and a 4 ft. setback between existing buildings in lieu of the required 60 ft., and to amend the site plan in Case No. 95-043-X, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

THEREFORE, IT IS ORDERED, this 27th day of August, 2002, by the Deputy Zoning Commissioner for Baltimore County, that my decision dated the 7th day of August, 2002, which granted the relief requested by the Petitioner, be amended to include a variance to allow a rear yard setback of 5 ft. for the proposed addition as shown on the site plan.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Amended Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

NOTE: SEPT. 14, 2004
THE SPECIAL EXCEPTION ZONING HEARING UNDER CASE # 95-403X & 02-505 SPHA IS HEREBY ABANDONED AND SHOULD IT BE DESIRED TO REESTABLISH THE USED CAR SALES A ZONING PUBLIC HEARING WILL BE REQUIRED

PARKING:
A-K = DISPLAY PARKING
1-17 = CUSTOMER PARKING

NOTE:
IMPROVEMENTS REQUESTED & GRANTED
CASE # 02-505 SPHA ARE NOW EXISTING ON PROPERTY.

OWNER:
EBEN LIMITED PARTNERSHIP
14 BACK RIVER NECK ROAD
BALTIMORE, MARYLAND 21221

PLAT TO ACCOMPANY PETITION

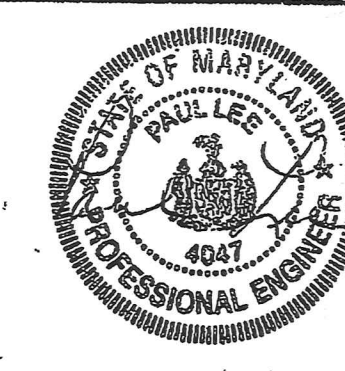
FOR
SPIRIT & INTENT REQUEST - AUG 31, 2004
SPECIAL HEARING AND VARIANCES
10811 PULASKI HIGHWAY

ELECT. DIST. 11C5 BALTIMORE CO., MD.

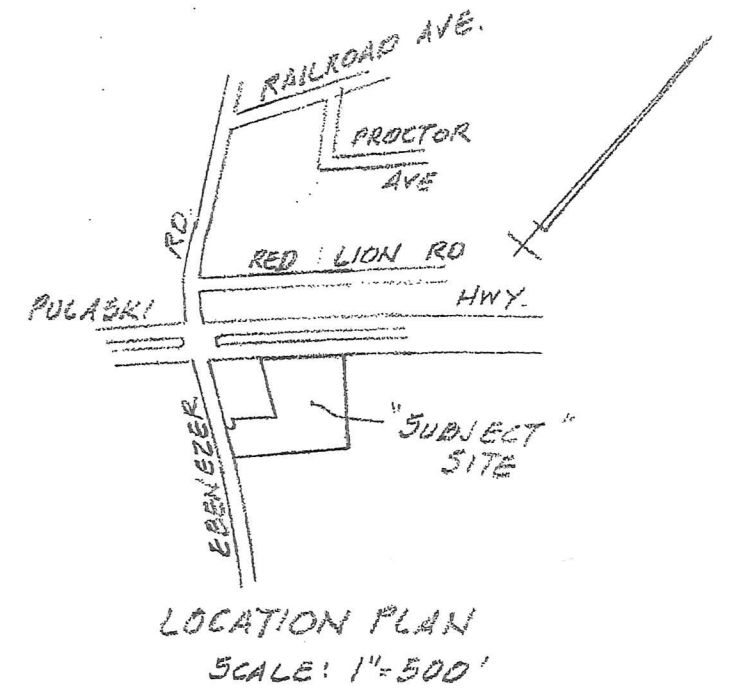
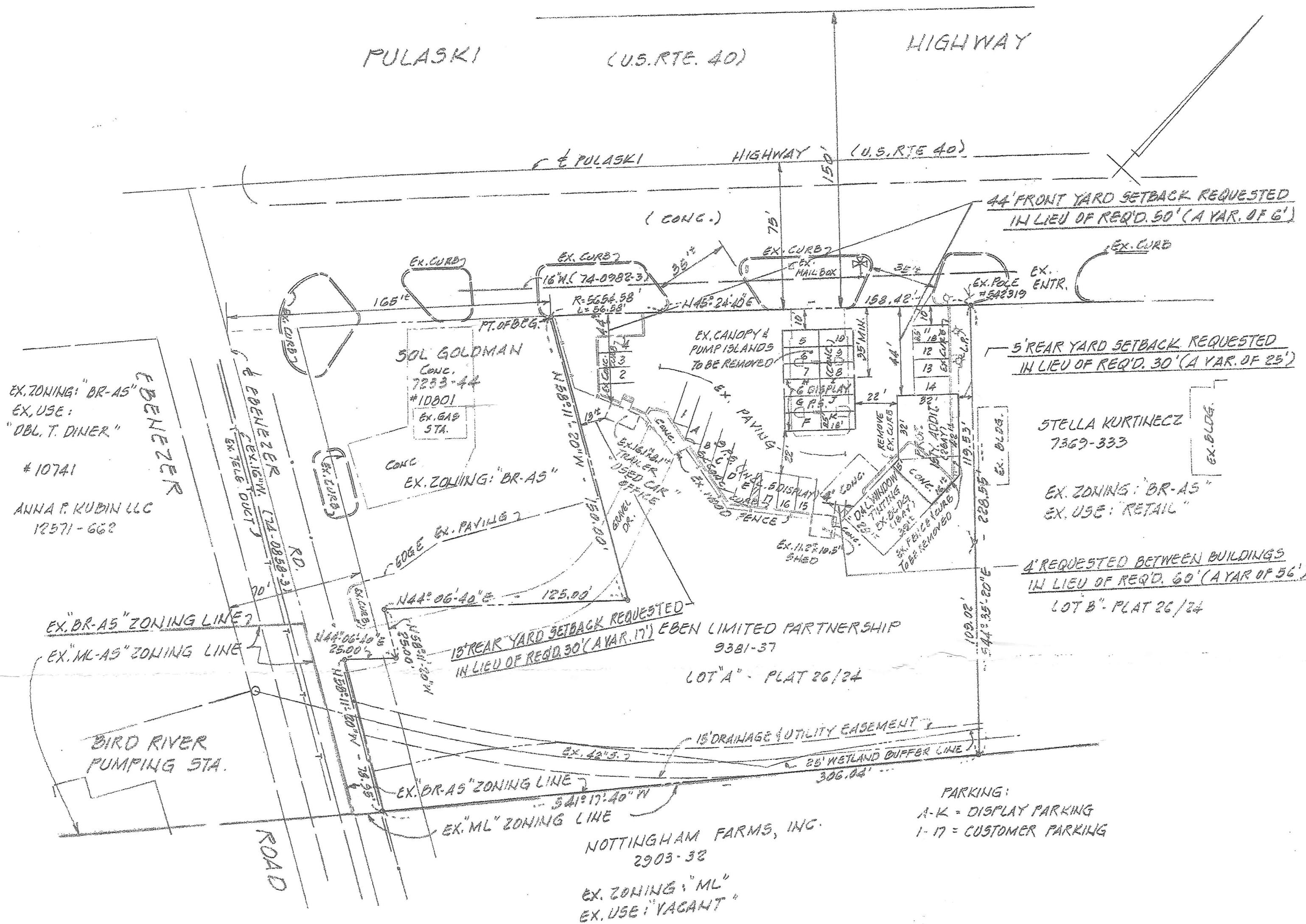
SCALE: 1"=40' MAY 7, 2002

Approved for S+I Addendum
LTR FILE 9/15/04

ENGINEER: CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070



22-082.00



GENERAL NOTES:

1. AREA OF EXISTING PROPERTY = 1.327 AC.± (GROSS = 1.4 AC.±)
2. EXISTING ZONING OF PROPERTY = BR-AS W/SPECIAL EXCEPTION
3. EXISTING USE OF PROPERTY = USED CAR SALES & AUTO WINDOW TINTING SERVICE GARAGE
4. PROPOSED USE OF PROPERTY = USED CAR SALES & AUTO WINDOW TINTING SERVICE GARAGE
5. REQUIRED OFF STREET PARKING:

A. EX. USED CAR SALES: OFFICE AND SHOWROOM DISPLAY	
OFFICE: 130.4 S.F. @ 5/1000 S.F., DISPLAY (10 P.S.)	
1620 S.F. @ 5/1000	= 8.75 P.S.
6. NO. OF PARKING SPACES SHOWN (INCLUDING 3 BAYS) = 31 P.S.
7. PUBLIC UTILITIES AVAILABLE TO EXISTING PROPERTY.
8. PERMITTED F.A.R. = 2.0 - PROPOSED F.A.R. = 4492/57804 = 0.078
9. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN TO SHOW RELOCATION OF EXISTING USED CAR OFFICE AND EXISTING SHED AND THE PROPOSED EXTENSION TO THE EXISTING SERVICE GARAGE.
10. PETITIONER REQUESTING A VARIANCE TO SECTIONS 238.1 AND 238.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A FRONT YARD SETBACK OF 44' (USED CAR OFFICE) AND 44' (PROP. ADDITION TO EXISTING SERVICE GARAGE) ON A DUAL HIGHWAY IN LIEU OF THE REQUIRED 50'; A 4' SETBACK BETWEEN EXISTING BUILDINGS IN LIEU OF THE REQUIRED 60' AND TO AMEND THE APPROVED SITE PLAN IN CASE # 95-043X.

B. EXISTING AUTO WINDOW TINTING SERVICE GARAGE (1 BAY) & STORAGE SHED 1044 S.F. @ 3.3/1000 + 117.6 S.F. @ 3.3/1000 = 3.83 P.S.	
C. PROPOSED SERVICE GARAGE ADDITION (2 BAY) = 1580 S.F. @ 3.3/1000	= 5.21 P.S.
D. TOTAL NO. OF PARKING SPACES REQUIRED = 17.9 + 10 P.S.	= 28 P.S.
11. ZONING HISTORY: CASE # 95-043X, 6-19-95 AND COUNTY BOARD OF APPEALS 2-2-96 - USED CAR SALES DISPLAY SHOWROOM = 1782 S.F., SALES OFFICE = 200 S.F. AND SERVICE AREA = 844 S.F., TOTAL BUILDING AREA = 2826 S.F.
12. PROPERTY LOCATED ON BALTIMORE COUNTY ZONING MAP "NE81", SCALE 1" = 200'.

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING AND VARIANCES
10811 PULASKI HIGHWAY

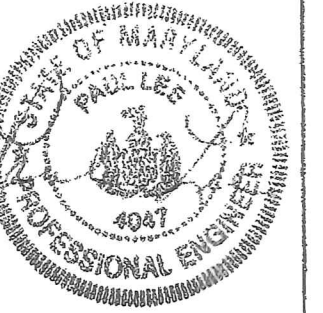
ELECT. DIST. 11C5 BALTIMORE CO., MD.
SCALE: 1"=40' MAY 7, 2002

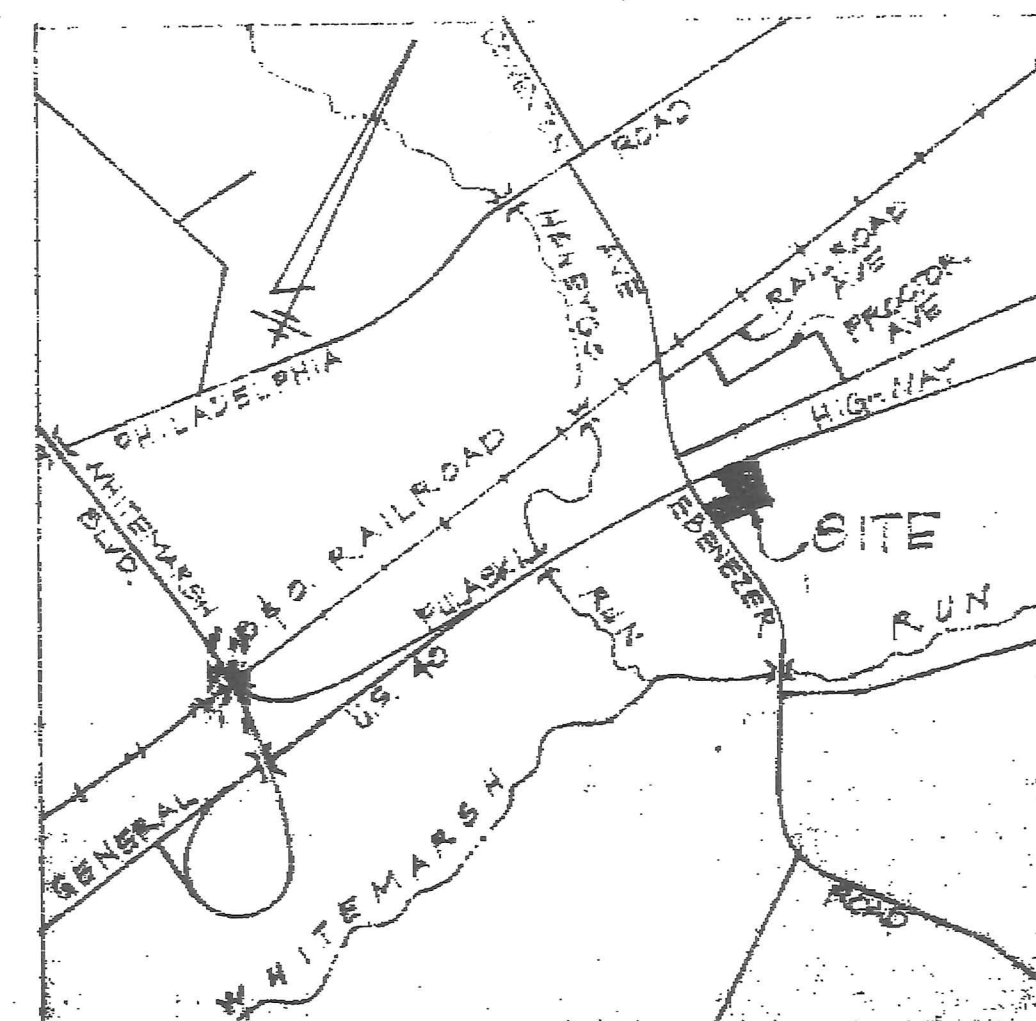
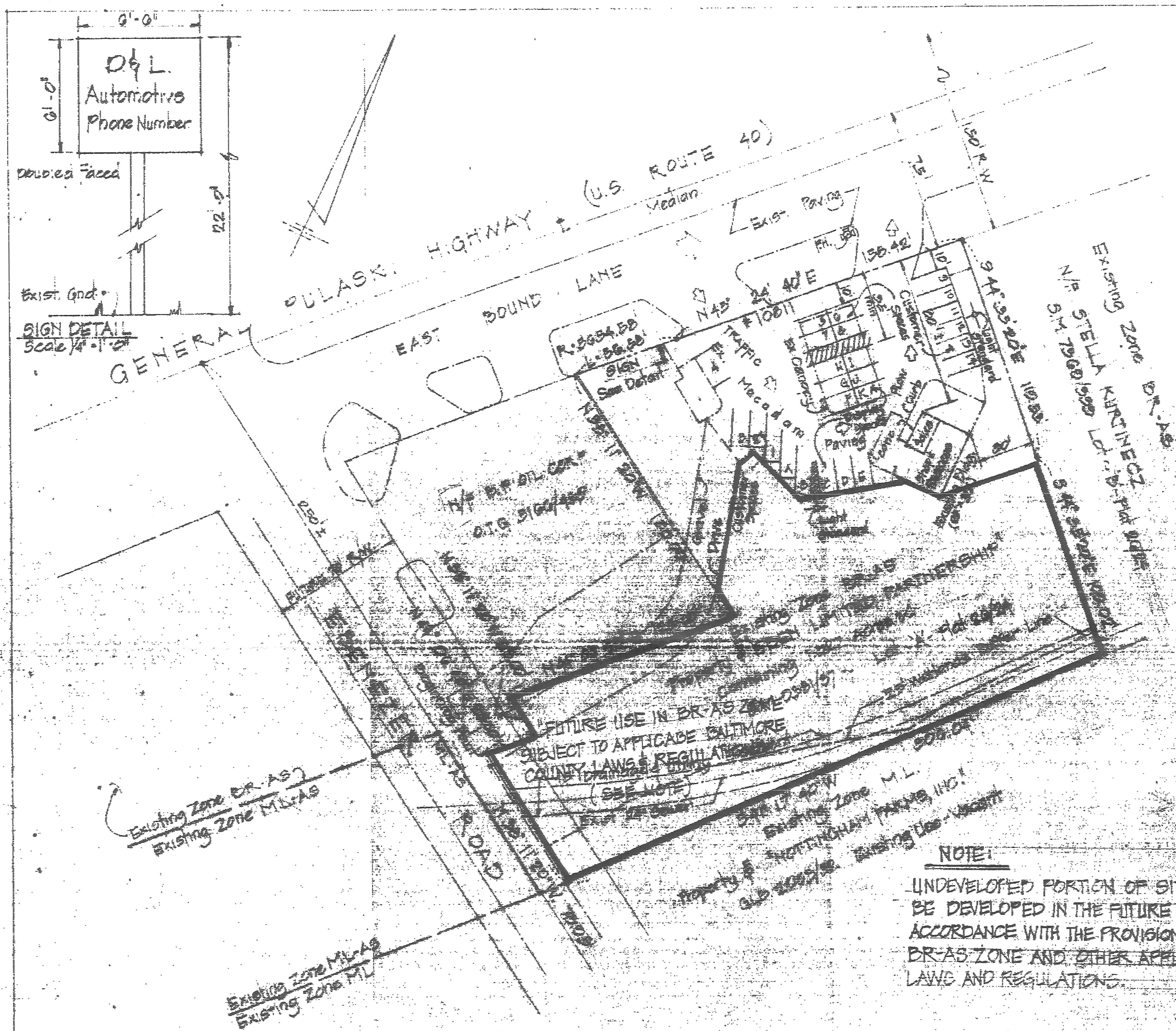
OWNER:
EBEN LIMITED PARTNERSHIP
14 BACK RIVER NECK ROAD
BALTIMORE, MARYLAND 21221

ENGINEER:

CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

#505





VICINITY MAP
SCALE 1" = 100'

GENERAL NOTES

PARCEL 500
EXISTING USE - ABANDONED GAS STATION
ZONED BR-AS - USED AUTOMOBILE REPAIR
LARGE ZONE - BR-AS

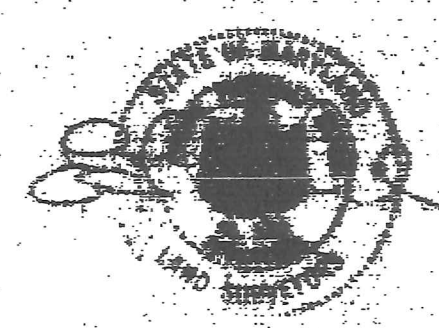
EXISTING INFORMATION

Property is located in the BR-AS Zone (A-100 R)
The property is located in the BR-AS Zone (A-100 R)
The property is located in the BR-AS Zone (A-100 R)
The property is located in the BR-AS Zone (A-100 R)

NOTE:

UNDEVELOPED PORTION OF SITE MAY
BE DEVELOPED IN THE FUTURE IN
ACCORDANCE WITH THE PROVISIONS OF
BR-AS ZONE AND OTHER APPLICABLE
LAWS AND REGULATIONS.

Not Customer Space Are Numbered 1 thru 15
Display Space Are Lettered A thru K

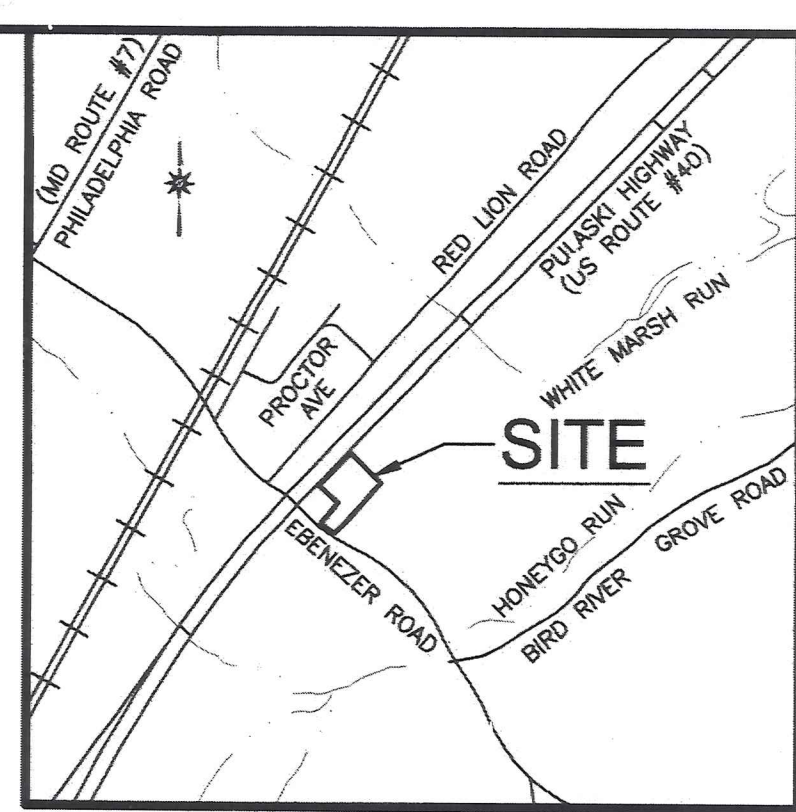
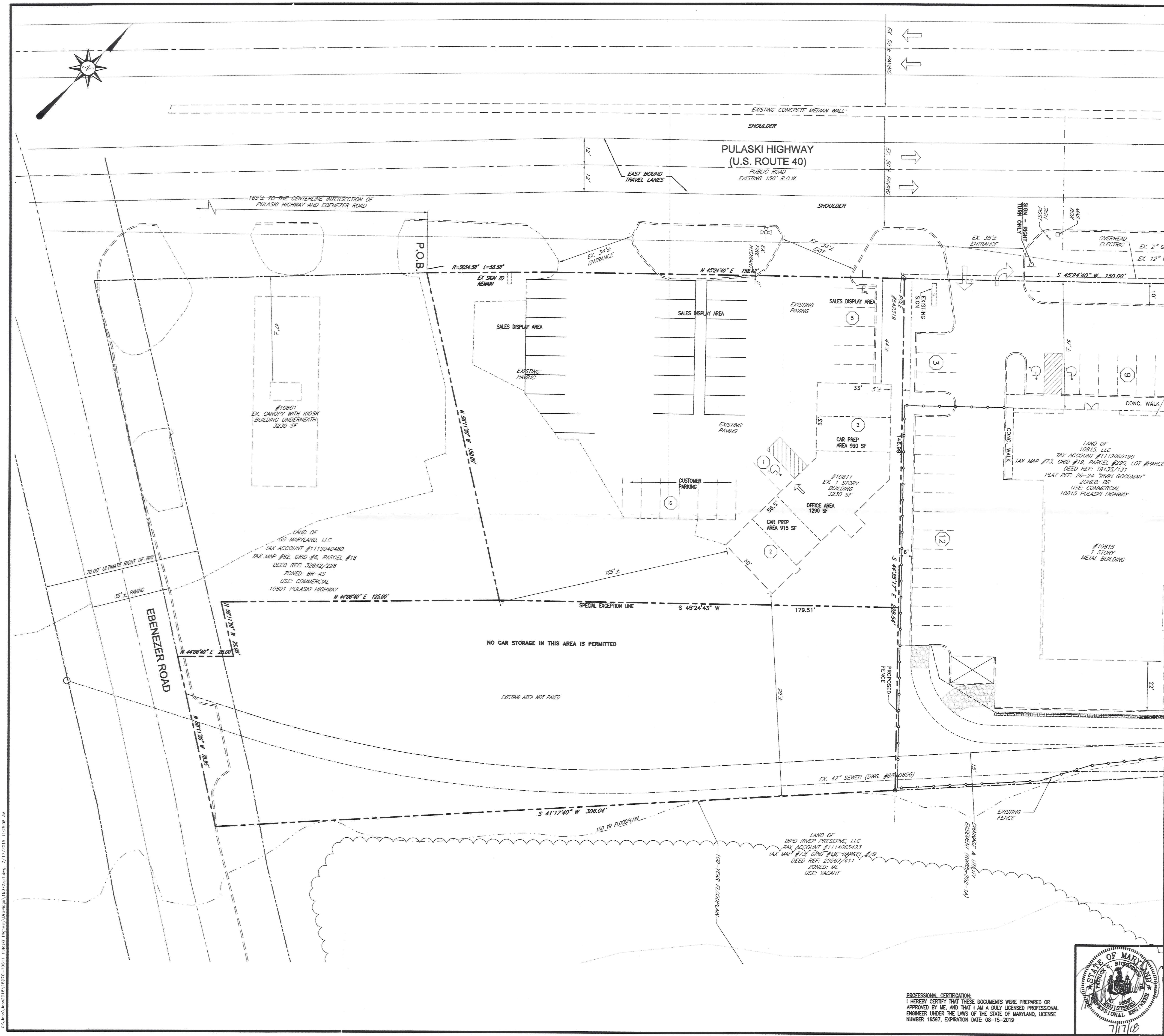


Prepared By:
E. F. RAPHAEL & ASSOCIATES
Registered Professional Land Surveyors
205 Courtland Avenue
Baltimore, MD 21204 Phone (410) 529-9900

Owner/Developer:
EDEN LIMITED PARTNERSHIP
14 Back River Neck Road
Baltimore, MD 21221
Attn: Joseph G. Salvo, Jr. Phone (410) 482-2900

**PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION**

14001 General Road, Highway
Electra, MD 21222 Baltimore County, Maryland
Scale 1" = 40' Date: April 17, 1990



GENERAL NOTES:

- OWNER: EBEN LIMITED PARTNERSHIP
14 BACK RIVER NECK ROAD
BALTIMORE, MARYLAND 21221
DEVELOPER/APPLICANT:
SHOW & TELL MOTORCARS
10811 PULASKI HIGHWAY
WHITE MARSH, MD 21162
- SITE AREA
GROSS: 66,069 Sq.Ft. or 1.52 Ac.±
NET: 57,646 Sq.Ft. or 1.32 Ac.±
- DEED REF: 9381/37
- PLAT REF: 26-24 "IRVIN GOODMAN"
- TAX ACCOUNT: #1108081411
- COUNCILMANIC DISTRICT: 5TH
- TAX MAP #73, PARCEL #290, LOT #PARCEL A
- ZONING: BR
(PER 1"=200' ZONING MAP 073A3 & 083A1)
- PRIOR ZONING CASE HISTORY:
1982-5601-X APPROVED JULY 12, 1982 FOR CONSTRUCTION OF A
GASOLINE SERVICE STATION SUBJECT TO CONFORMANCE WITH SECTION
405 OF THE ZONING REGULATIONS
1995-0403-X APPROVED JUNE 19, 1995 TO ALLOW USED MOTOR VEHICLE
OUTDOOR SALES AREA, SEPARATE FROM THE SALES BUILDING FOR THE AREA
ALREADY DEVELOPED AS PER BOARD OF APPEALS ORDER DATED FEBRUARY
2, 1996 WITH AN AMENDED PLAN.
2002-0505-SPHA APPROVED AUGUST 7, 2002 TO ALLOW A FRONT SETBACK
OF 44' IN LIEU OF THE REQUIRED 50', A SETBACK BETWEEN BUILDINGS OF
IN LIEU OF THE REQUIRED 60', AND IN A MOTION FOR RECONSIDERATION
DATED AUGUST 27, 2002, A REAR YARD SETBACK OF 5' FOR THE NEW
BUILDING ADDITION. SPECIAL HEARING TO ALLOW THE MODIFICATION OF THE
PREVIOUSLY APPROVED SITE PLAN. SPECIAL EXCEPTION ABANDONED IN 2004
SPIRIT AND INTENT LATER APPROVED.
- NO KNOWN PRIOR PERMITS ON FILE.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- USES
EXISTING: VACANT COMMERCIAL BUILDING
PROPOSED: USED CAR SALES
- SITE SERVICED BY PUBLIC WATER AND SEWER.
- A PORTION OF THE SITE IS LOCATED WITHIN THE 100
YEAR FLOODPLAIN PER THE 1980 "WHITEMARSH-HONEYGO
RUN WATERSHED STUDY" PERFORMED BY PURDUM &
JESCHKE CONSULTING ENGINEERS.
- FLOOR AREA RATIO (F.A.R.)
PERMITTED: 2.0
PROVIDED: 6,580/37,972=0.17
- PARKING
REQUIRED: 1,290 SF SALES AREA @ 5/1000 = 7 SPACES
PROVIDED: 7 CUSTOMER SPACES (6 + 1 HANDICAP)
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE
BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR BR:
REQUIRED PROVIDED
FRONT: 52' 56.6'
SIDE: 30' 30.0'
REAR: 30' 53.3'
VEHICLE DISPLAY PERMITTED 15' IN FRONT OF FRONT SETBACK = 37'
*AVG 47+57/2=52'
- NO DAMAGED OR DISABLED VEHICLES ARE PERMITTED ON THE SITE PER SECTION 405.A
- CODE ENFORCEMENT VIOLATION: CASE CC1801434
- THIS SITE IS NOT WITHIN AN AREA IDENTIFIED AS
DEFICIENT ON THE BASIC SERVICES MAPS.

Richardson Engineering, LLC

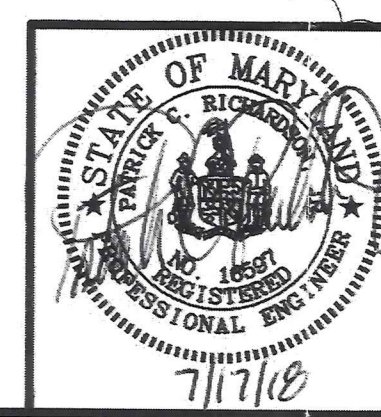
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

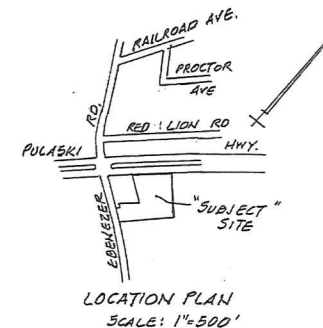
PLAN TO ACCOMPANY ZONING PETITION
FOR
**SHOW & TELL
MOTORCARS**
10811 PULASKI HIGHWAY
(US RTE. #40)
WHITE MARSH, MARYLAND 21162
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DRAWN BY:		CHECKED BY:	SCALE:
PCR		PCR	1" = 20'
DATE:		JOB NO.:	SHEET NO.:
05-25-18		18070	1 OF 1

2018-0332-XA
REVISED

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019





22-082.00

OWNER:
EDEN LIMITED PARTNERSHIP
14 BACK RIVER NECK ROAD
BALTIMORE, MARYLAND-21221