

MEMORANDUM

DATE: September 26, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0340-X – Appeal Period Expired

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

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(5225 Baltimore National Pike)		
1 st Election District	*	OFFICE OF
1 st Council District		
Yogeswar, Inc.	*	ADMINISTRATIVE HEARINGS
Legal Owner		
Charm City Relief Partners, LLC	*	FOR BALTIMORE COUNTY
Lessee		
Petitioners	*	Case No. 2018-0340-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Yogeswar, Inc., legal owner and Charm City Relief Partners, LLC, lessee ("Petitioners"). The petition was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") to approve the use and development of the subject property as a medical cannabis dispensary.

Sheraz Warraich and Rick Richardson appeared in support of the petition. Andrew H. Robinson, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR").

The subject property is approximately 12,164 square feet in size and is zoned BM-CCC. The property is improved with a one-story commercial building (2,077 sq. ft.) and is located in the Catonsville area close to the Baltimore City boundary line. The site is within a community revitalization district, which permits by special exception a medical cannabis dispensary.

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*

ORDER RECEIVED FOR FILING

Date 8-24-18

By DW

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.

Rick Richardson, a professional engineer accepted as an expert, testified via proffer the site plan satisfied all requirements set forth in BCZR § 502.1. He submitted exhibits (Petitioners' Exhibit Nos. 2 & 3) reflecting the nearest school is 1,236 feet away from the subject property while the nearest cannabis dispensary is over two (2) miles away. As such, Petitioners have satisfied the specific location/siting requirements for cannabis dispensaries, and in the absence of any evidence to rebut their prima facie case, the petition for special exception will be granted.

THEREFORE, IT IS ORDERED this 24th day of **August, 2018**, by this Administrative Law Judge, that the Petition for Special Exception to approve the use and development of the subject property as a medical cannabis dispensary, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment submitted by DOP and DPR, copies of which are attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 8-24-18

2

By [Signature]

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 8-24-18

By DW



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 5225 Baltimore National Pike which is presently zoned BM CCC
 Deed References: 10024725 11393/279 10 Digit Tax Account # 0 1 1 3 2 0 0 4 1 1
 Property Owner(s) Printed Name(s) Yogeswar, Inc.

(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
 Please see attached.
3. a **Variance** from Section(s)

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Charm City Relief Partners, LLC t/a Nirvana Center
 By: Sheraz Warraich, Authorized Member

Name- Type or Print

Signature

2810 Lindin Way, Woodstock, MD

Mailing Address City State

21163 / 928-642-2250 / sherazw786@gmail.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Andrew H. Robinson, Esq./Offit Kurman, P.A.

Name- Type or Print

Signature

8171 Maple Lawn Boulevard, Suite 200, Fulton, MD

Mailing Address City State

20759 / 301-473-6008 / arobinson@offitkurman.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Yogeswar, Inc.

By: P. Patel

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

319 Chamborley Drive, Reisterstown, MD

Mailing Address City State

21136 / 410-654-4911 /
 Zip Code Telephone # Email Address

Representative to be contacted:

Andrew H. Robinson, Esq./Offit Kurman, P.A.

Name - Type or Print

Signature

8171 Maple Lawn Boulevard, Suite 200, Fulton, MD

Mailing Address City State

20759 / 301-473-6008 / arobinson@offitkurman.com
 Zip Code Telephone # Email Address

CASE NUMBER 2018-0340-X Filing Date 6/8/18

Do Not Schedule Dates: _____

Reviewer JCM

ATTACHMENT TO PETITION FOR ZONING HEARING
(5225 Baltimore National Pike)

Special Exception Relief:

1. To approve the use and development of the subject property as a medical cannabis dispensary pursuant to BCZR § 4D-102.A.2.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

To: Administrative Law Judge

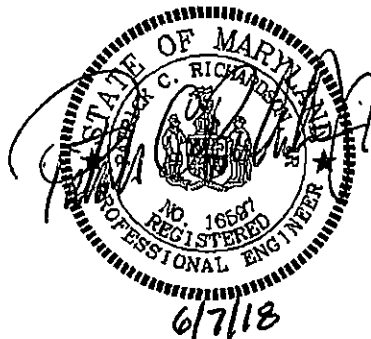
From: Joe Merrey, Intake Planner 6/8/18

Re: Advisory regarding dumpster/loading space deficiency

Applicant attorney was advised that the dumpster/loading space location requires the use of the only handicapped parking space on site. Additionally, 11 parking spaces are required, 11 are shown. All required parking spaces must have unimpeded access, and cannot be utilized to meet the loading space requirement. Applicant and engineer were advised of this issue at the time of filing and desired to file the petition as-is.

**ZONING DESCRIPTION FOR
NIRVANA CENTER
5225 BALTIMORE NATIONAL PIKE
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side of Baltimore National Pike (150 feet wide) at a distance of 173 feet east of the centerline of Coleridge Road which is 50 feet wide. Beginning at this point and leaving the right of way of Baltimore National Pike for the following: (1) South 36 degrees 41 minutes 00 seconds East, 103.22'; (2) North 86 degrees 18 minutes 12 seconds East, 100.00'; (3) North 06 degrees 32 minutes 49 seconds East, 90.00' to the south side of Baltimore National Pike; and thence (4) by a curve to the left with a radius of 14,248.95 feet and a length of 151.83' to the place of beginning, containing 12,164 square feet, or 0.28 net acres of land, more or less.



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.

CERTIFICATE OF POSTING

2018-0340-X

RE: Case No.: _____

Petitioner/Developer: _____

**Yogeswar, Inc.
Charm City Relief Partners, LLC, t/a Nirvana Center**

August 23, 2018
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

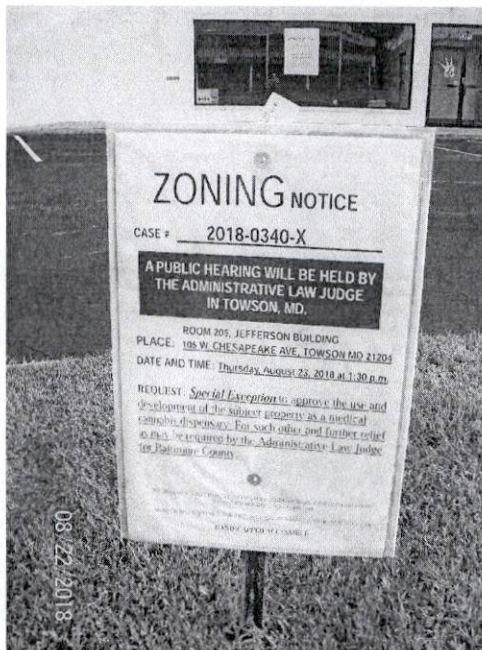
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____



5225 Baltimore National Pike **SIGN 1 Recertification**

August 3, 2018

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



Sincerely,

(Signature of Sign Poster)

August 22, 2018

(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

2018-0340-X

RE: Case No.: _____

Petitioner/Developer: _____

Yogeswar, Inc.
Charm City Relief Partners, LLC, t/a Nirvana Center

August 23, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

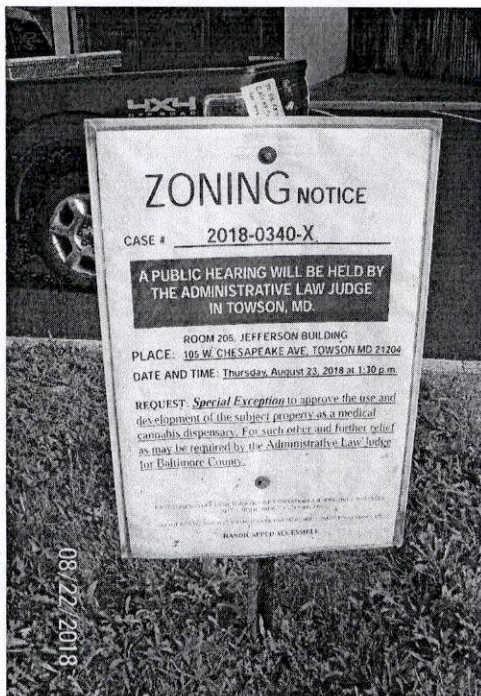
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____



5225 Baltimore National Pike **SIGN 2 Recertification**

August 3, 2018

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



Sincerely,


(Signature of Sign Poster)

August 22, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

PAID RECEIPT

6/8/18

BUSINESS	ACTUAL	TIME	DRW
5/08/2018	6/08/2018	09:04:50	1

REC WSD1 MELKIN LJR

RECEIPT N 789479 6/08/2018 OFLN

Site 5 528 ZONING VERIFICATION

NO. 148897

Rept Tot \$500.00

\$500.00 OK \$.00 CA

Baltimore County, Maryland

Total:

500

P. Patel CHARM CITY RELIEF PIR, LLC

2018-0340-X

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2018-0340-X

RE: Case No.: _____

Petitioner/Developer: _____

**Yogeswar, Inc.
Charm City Relief Partners, LLC, t/a Nirvana Center**

August 23, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

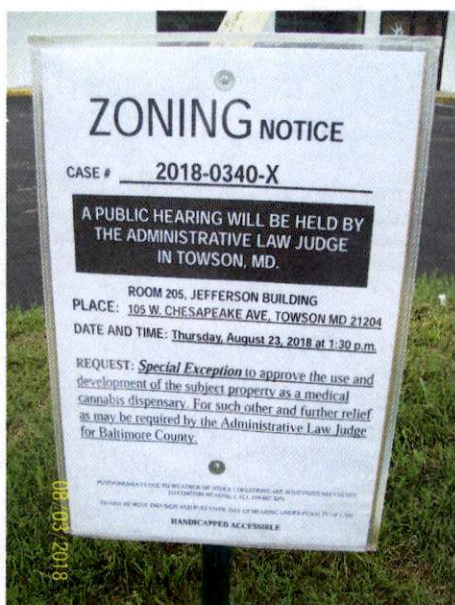
5225 Baltimore National Pike

SIGN 1

August 3, 2018

The sign(s) were posted on _____

(Month, Day, Year)



Sincerely,



August 3, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0340-X

RE: Case No.: _____

Petitioner/Developer: _____

**Yogeswar, Inc.
Charm City Relief Partners, LLC, t/a Nirvana Center**

August 23, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

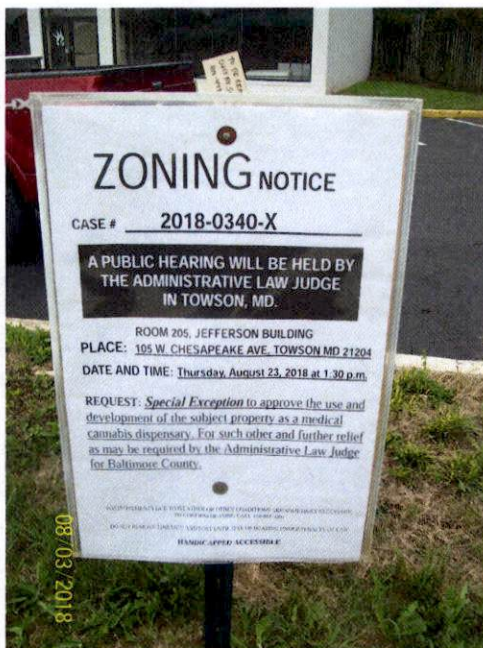
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

5225 Baltimore National Pike

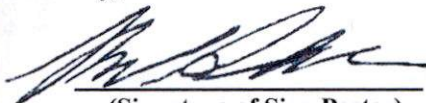
SIGN 2

August 3, 2018

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



Sincerely,

 **August 3, 2018**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

July 10, 2018

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0340-X

5225 Baltimore National Pike

S/s Baltimore National Pike, 173 ft. +/- E/of Coleridge Road

1st Election District – 1st Councilmanic District

Legal Owners: Yogeswar, Inc.

Contract Purchaser/Lessee: Charm City Relief Partners, LLC, t/a Nirvana Center

Special Exception to approve the use and development of the subject property as a medical cannabis dispensary. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, August 23, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Andrew Robinson, 8171 Maple Lawn Blvd., Ste. 200, Fulton 20759
Sheraz Warraich, 2810 Lindin Way, Woodstock 21163
Yogeswar, Inc., 319 Chamborley Drive, Reisterstown 21136

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 2, 2018 Issue - Jeffersonian

Please forward billing to:

Andrew Robinson, Esq.

301-473-6008

Offit Kurman, P.A.

8171 Maple Lawn Blvd., Ste. 200

Fulton, MD 20759

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: 2018-0340-X

5225 Baltimore National Pike

S/s Baltimore National Pike, 173 ft. +/- E/of Coleridge Road

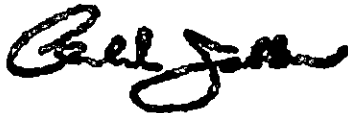
1st Election District – 1st Councilmanic District

Legal Owners: Yogeswar, Inc.

Contract Purchaser/Lessee: Charm City Relief Partners, LLC, t/a Nirvana Center

Special Exception to approve the use and development of the subject property as a medical cannabis dispensary. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, August 23, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
5225 Baltimore National Pike; S/S Baltimore
National Pike, 173' E c/line of Coleridge Rd * OF ADMINISTRATIVE
1st Election & 1st Councilmanic Districts
Legal Owner(s) Yogeswar, Inc. * HEARINGS FOR
Contract Purchaser(s): Charm City Relief
Partners, LLC t/a Nirvana Center * BALTIMORE COUNTY
Petitioner(s) *
2018-340-X

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED

JUN 19 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of June, 2018, a copy of the foregoing Entry of Appearance was mailed to Andrew Robinson, Esquire, Offit Kurman, P.A., 8171 Maple Lawn Blvd., Suite 200, Fulton, Maryland 20759, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2018-0340-X

Property Address: 5225 Baltimore National Pike

Property Description: S/S of Baltimore National Pike, 630' +/- west of Old Frederick Road

Legal Owners (Petitioners): Yogeswar, Inc.

Contract Purchaser/Lessee: Charm City Relief Partners, LLC t/a Nirvana Center

PLEASE FORWARD ADVERTISING BILL TO:

Name: Andrew H. Robinson, Esq.

Company/Firm (if applicable): Offit Kurman, P.A.

Address: 8171 Maple Lawn Boulevard, Suite 200

Fulton, Maryland 20759

Telephone Number: 301-473-6008

Revised 7/9/2015



DONALD I. MOHLER III
County Executive

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

August 15, 2018

Yogeswar, Inc.
Purusottam Patel
319 Chamborley Drive
Reisterstown MD 21136

RE: Case Number: 2018-0340 X, Address: 5225 Baltimore National Pike

Dear Mr. Patel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 8, 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 black ink, reading "W. Carl Richards, Jr.", is written over a circular, textured stamp that appears to be a seal or official mark.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Charm City Relief Partners, LLC, t/a Nirvana Center, Sheraz Warraich, 2810 Lindin Way,
Woodstock MD 21163
Andrew H Robinson, Esquire, 8171 Maple Lawn Boulevard, Suite 200, Fulton MD 20759

Date: 6/18/18

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 6/18/18. 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, Case Number 2018-0340.

*Vogeswar, Inc.
P. Patel
5225 Baltimore National Pike
US40*

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

Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: ^{For EFC}
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 25, 2018
Item No. 2018-0340

DATE: July 12, 2018

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

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-340



INFORMATION:

Property Address: 5225 Baltimore National Pike
Petitioner: Purusottam Patel
Zoning: BM, CCC
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the property as a medical cannabis dispensary.

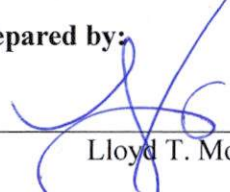
A site visit was conducted on June 28, 2018. The site is located on Baltimore National Pike and is within the BNP Commercial Revitalization District (CRD). Baltimore County Master Plan 2020 (MP 2020) has specific policies and recommended actions for CRDs. It is a Master Plan policy to improve the appearance of the CRD Districts, and the Master Plan recommends enforcement of the County Code (see page 140).

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

- Screen all roof top equipment so that it is not visible from Baltimore National Pike and surrounding properties.
- Repair the small area of broken sidewalk located near the eastern access driveway.
- Restore to good condition any perimeter fencing that is owned by the petitioner.
- A plan showing landscaping, lighting and dumpster screening shall be approved by Baltimore County's landscape architect.

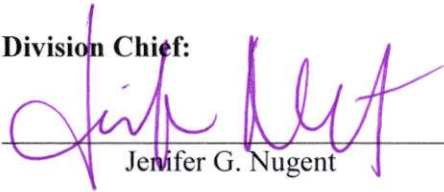
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:

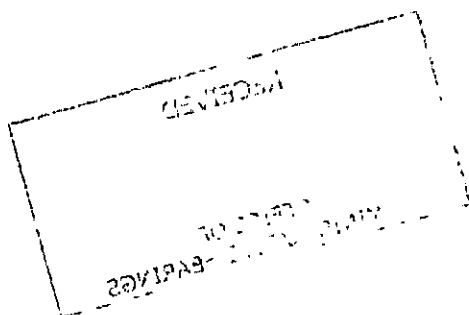


Jennifer G. Nugent

AVA/JGN/LTM/

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Andrew H. Robinson, Esq, Offit Kurman, PA
Office of the Administrative Hearings
People's Counsel for Baltimore County



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-340

INFORMATION:

Property Address: 5225 Baltimore National Pike
Petitioner: Purusottam Patel
Zoning: BM, CCC
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the property as a medical cannabis dispensary.

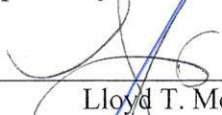
A site visit was conducted on June 28, 2018. The site is located on Baltimore National Pike and is within the BNP Commercial Revitalization District (CRD). Baltimore County Master Plan 2020 (MP 2020) has specific policies and recommended actions for CRDs. It is a Master Plan policy to improve the appearance of the CRD Districts, and the Master Plan recommends enforcement of the County Code (see page 140).

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

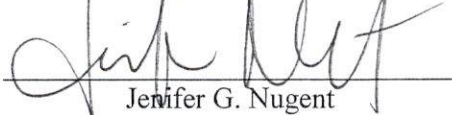
- Screen all roof top equipment so that it is not visible from Baltimore National Pike and surrounding properties.
- Repair the small area of broken sidewalk located near the eastern access driveway.
- Restore to good condition any perimeter fencing that is owned by the petitioner.
- A plan showing landscaping, lighting and dumpster screening shall be approved by Baltimore County's landscape architect.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

AVA/JGN/LTM/

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Andrew H. Robinson, Esq, Offit Kurman, PA
Office of the Administrative Hearings
People's Counsel for Baltimore County

8-23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-340



INFORMATION:

Property Address: 5225 Baltimore National Pike
Petitioner: Purusottam Patel
Zoning: BM, CCC
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the property as a medical cannabis dispensary.

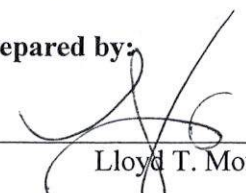
A site visit was conducted on June 28, 2018. The site is located on Baltimore National Pike and is within the BNP Commercial Revitalization District (CRD). Baltimore County Master Plan 2020 (MP 2020) has specific policies and recommended actions for CRDs. It is a Master Plan policy to improve the appearance of the CRD Districts, and the Master Plan recommends enforcement of the County Code (see page 140).

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

- Screen all roof top equipment so that it is not visible from Baltimore National Pike and surrounding properties.
- Repair the small area of broken sidewalk located near the eastern access driveway.
- Restore to good condition any perimeter fencing that is owned by the petitioner.
- A plan showing landscaping, lighting and dumpster screening shall be approved by Baltimore County's landscape architect.

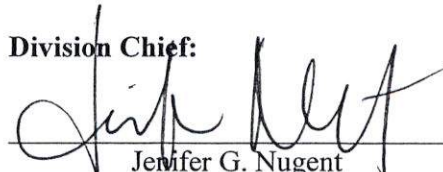
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Andrew H. Robinson, Esq, Offit Kurman, PA
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 8-24-18

By DW

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: ^{For EFC}
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 25, 2018
Item No. 2018-0340

DATE: July 12, 2018

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

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

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 8-24-18

By 100

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 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0340
Address 5225 Baltimore National Pike
(Yogeswar, Inc. Property)

Zoning Advisory Committee Meeting of **June 25, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0340
Address 5225 Baltimore National Pike
(Yogeswar, Inc. Property)

Zoning Advisory Committee Meeting of **June 25, 2018.**

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

Reviewer: Steve Ford

CASE NAME 5225 Baeto, Natie Pike
CASE NUMBER 2018-0340-X
DATE 8/23/2018

[illegible]

Debra Wiley

From: Debra Wiley
Sent: Wednesday, August 22, 2018 1:25 PM
To: Kristen L Lewis
Subject: Case No. 2018-0340-X -- Thursday, August 23rd @ 1:30 PM

Hi Kristen,

I know you're not in today, however, I'm looking for the newspaper advertisement for the above-referenced case. I've spoken to June today and she doesn't have one.

Thanks.

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



newspaper

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

7/12

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

Comment

6/27

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

No Comment

7/5

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO Objection
w/conds.

6/18

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 8/3/18

by SSG Black

SIGN POSTING (2nd) Date: 8-22-18

by " "

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 - 01 Account Number - 0113200411							
Owner Information										
Owner Name:			YOGESWAR INC			Use:		COMMERCIAL		
						Principal Residence:		NO		
Mailing Address:			319 CHAMBORLEY DRIVE REISTERSTOWN MD 21136-			Deed Reference:		/11393/ 00279		
Location & Structure Information										
Premises Address:			5225 BALTO NATL PIKE BALTIMORE MD 21229-2130			Legal Description:		5225 BALTO NATL PIKE 650FT W CHARING CROSS RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0095	0015	0176		0000				2018		
Special Tax Areas:			Town:			NONE				
			Ad Valorem:							
			Tax Class:							
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1950		2077				12,164 SF		20		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
		CONVENIENCE STORE								
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2018		07/01/2019		
Land:			301,600	301,600						
Improvements			72,900	75,400						
Total:			374,500	377,000		375,333		376,167		
Preferential Land:			0					0		
Transfer Information										
Seller: FOUR D'S ASSOCIATES				Date: 01/22/1996			Price: \$220,000			
Type: ARMS LENGTH IMPROVED				Deed1: /11393/ 00279			Deed2:			
Seller: MACHT ANNIE				Date: 11/05/1987			Price: \$140,000			
Type: ARMS LENGTH IMPROVED				Deed1: /07718/ 00281			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		0.00 0.00				

Tax Exempt:
Exempt Class:

Special Tax Recapture:
NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Wednesday, August 22, 2018 9:09 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2018-0340-X
Attachments: Re-Cert 1 2018-0340-X.doc; Re-Cert 2 2018-0340-X.doc

Recertification's for 5225 Baltimore National Pike



Medical Cannabis Dispensary Locations
(Senate Districts – 6, 7, 8, 10, 11, 12, 42, 44)

Entity Name	Address	Senate District
Charm City Medicus	717 North Point Boulevard Baltimore, Maryland 21224	6
GreenMart of Maryland, LLC	6807 Rolling Mill Road Baltimore, Maryland 21224	6
Chesapeake Health Sciences	102 Carroll Island Road Baltimore, Maryland 21220	7
Meshow, LLC	702 Pulaski Highway Joppa, Maryland 21085	7
Blue Ridge Wellness	TBD	8
LMS Wellness BLLC	4741 Ridge Road Nottingham, Maryland 21236	8
MMRC Dispensary	7175 Security Boulevard Suite 102 Windsor Mill, Maryland 21244	10
PalliaTech Maryland, LLC	11722 Reisterstown Road Reisterstown, Maryland 21136	10
Cannavations MD, LLC	9 Cranbrook Road Cockeysville, Maryland 21030	11
Chesacanna, Inc.	10534 York Road Cockeysville, Maryland 21030	11
Temescal Wellness of Maryland, LLC*	1636 Reisterstown Road Pikesville, Maryland 21208	11
AmeriCanna Dispensary, LLC	3531 Washington Boulevard Suite 112 Baltimore, Maryland 21227	12
Gina Dubbe d/b/a Greenhouse Wellness	4801 Dorsey Hall Drive Suite 110 Ellicott City, Maryland 21042	12
AGC Wellness, LLC	101 E. Chesapeake Avenue Towson, Maryland 21286	42
Curio Dispensary BC LLC*	2060-A York Road Timonium, Maryland 21093	42
CWS, LLC	1526 York Road Lutherville, Maryland 21093	42
Charm City Relief Partners**	5225 Baltimore National Pike Baltimore, Maryland 21229	44
Mission Maryland, LLC	6328 Baltimore National Pike Baltimore, Maryland 21228	44

*Grower/Dispensary License

**Petitioner



8/23

Case No.: 2018-0340-X 5225 Bello. Nat'l Pike

1:30 PM

Exhibit Sheet

SW 8-24-18

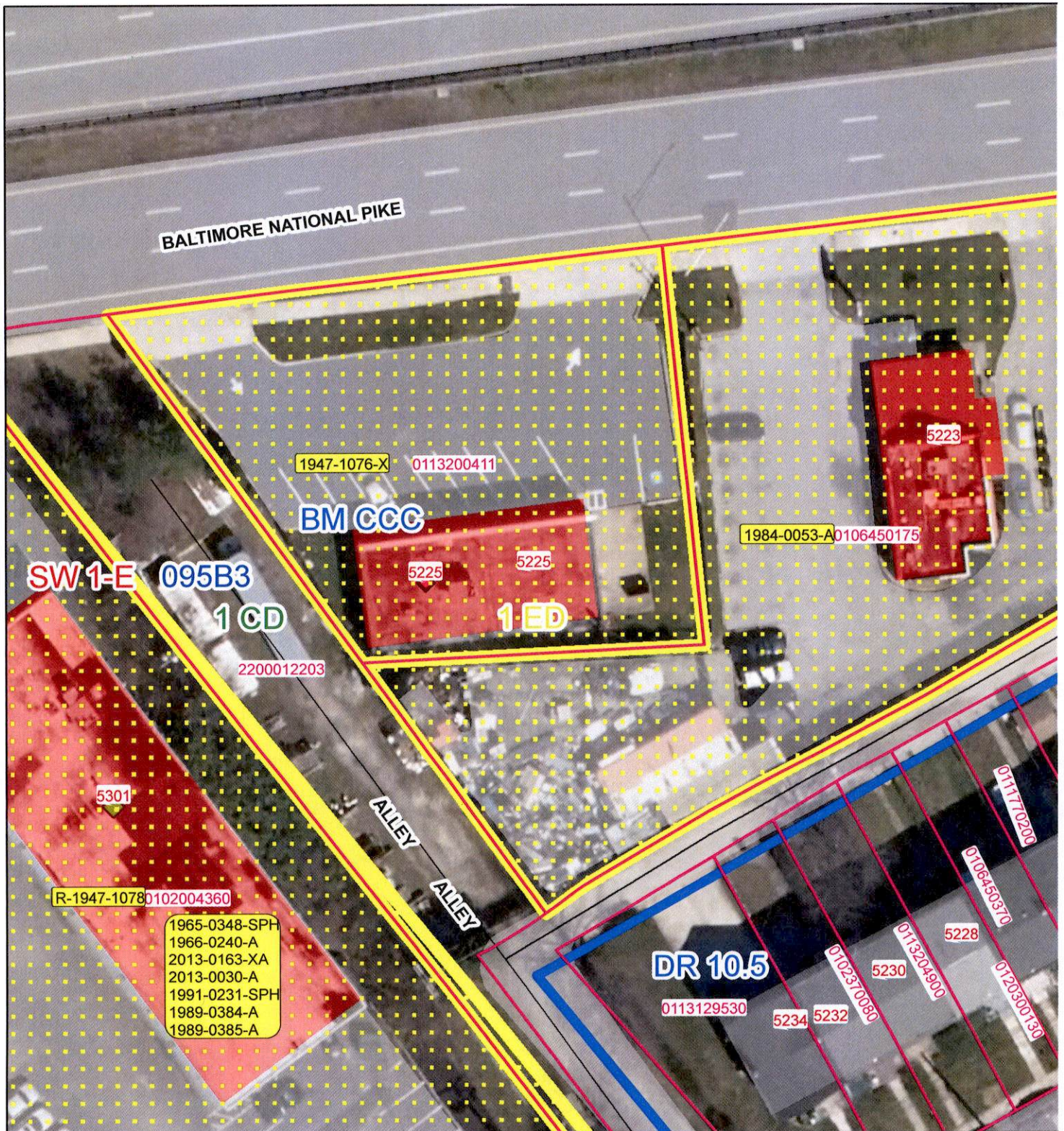
SW 9-26-18

Petitioner/Developer

Protestants

No. 1	Site plan	
No. 2	Exhibit - other dispensaries	
No. 3	Exhibit - distance to schools	
No. 4	Chart w/ list of Medical Cannabis dispensaries	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Enter Property Address Here



Publication Date: 6/7/2018

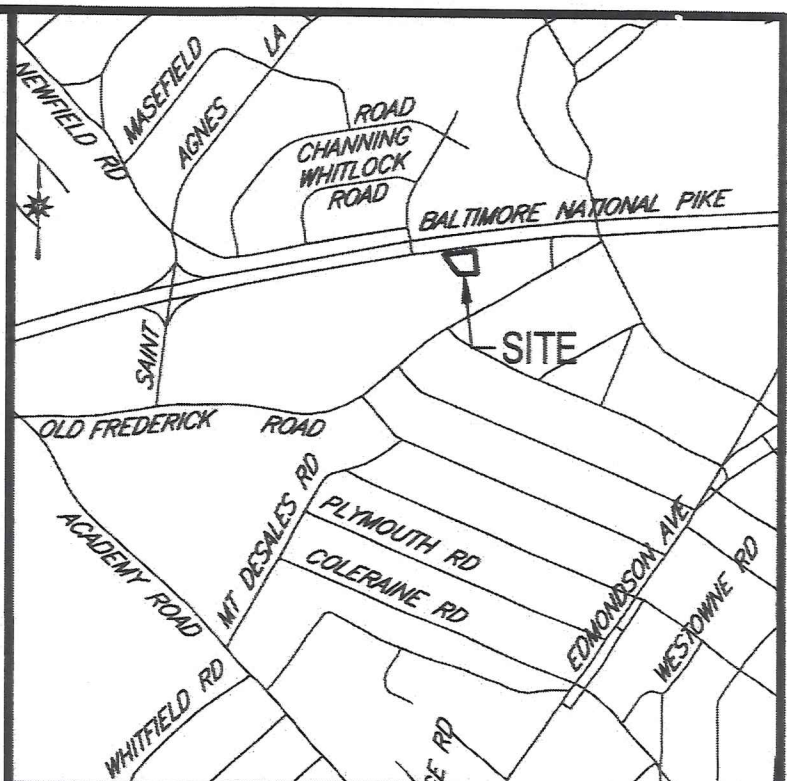


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet



LOCATION MAP

SCALE: 1" = ###'

GENERAL NOTES:

1. OWNER:
YOGESWAR, INC.
319 CHAMBORLEY DRIVE
REISTERSTOWN, MD. 21136
2. CONTRACT PURCHASER / DEVELOPER:
CHARM CITY RELIEF PARTNERS, LLC
5225 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21229
3. SITE AREA:
GROSS: 16,719 Sq.Ft. or 0.38 Ac.±
NET: 12,164 Sq.Ft. or 0.28 Ac.±
4. EXISTING BUILDING AREA: 2,077 Sq.Ft.
5. UTILITIES
PUBLIC WATER.
PUBLIC SEPTIC.
6. DEED REF: 11393/279
7. TAX ACCOUNT: #0113200411
8. EXISTING ZONING: BM-CCC
(PER 200 SCALE GIS TILE # 09583)
9. TAX MAP #95, GRID #15, PARCEL #178
10. SITE IS WITHIN THE BALTIMORE NATIONAL PIKE COMMERCIAL REVITALIZATION AREA
11. PREVIOUS PERMITS ON FILE:
8778359 CONVERSION FROM CARRY OUT RESTAURANT TO OFFICE SPACE
8778474 INSTALL ALUMINUM WALL SIGN ON BUILDING
12. THE SITE DOES NOT Lie WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. NO FLOODPLAINS EXISTS ON SITE.
14. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC
15. BASIC SERVICE MAPS (2017)

	TYPE	DEFICIENT (Y/N)	NOTE
WATER		N	
SEWER		N	
TRANSPORTATION		N	
16. PREVIOUS ZONING CASE:
R-1847-1076; PETITION FOR SPECIAL PERMIT FOR A GASOLINE STATION, APPROVED DECEMBER 1, 1947.
17. FLOOR AREA RATIO (FAR)
MAX PERMITTED: 3.0
PROVIDED: 2,077/12,164 = 0.17
18. ANY PROPOSED SITES ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATION (2029).
19. SETBACKS FOR BM ZONE

	TYPE	REQUIRED	PROVIDED
FRONT	10'		54'±
SIDE	NONE		3'±
REAR	NONE		5'±
20. USE
EXISTING: OFFICE
PROPOSED: RETAIL STORE
21. PARKING
REQUIRED:
2,077 Sq.Ft. @ 5/1000 Sq.Ft. = 11 SPACES
PROVIDED:
11 SPACES (1 H.C., 10 STANDARD)

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

NIRVANA CENTER

AKA/ CHARM CITY RELIEF PARTNERS, LLC
5225 BALTIMORE NATIONAL PIKE

(U.S. ROUTE #40)

BALTIMORE, MARYLAND 21228

BALTIMORE COUNTY
1ST ELECTION DISTRICT

1ST COUNCILMANIC DISTRICT

REVISIONS

DRAWN BY
PCR

CHECKED BY:
PCR

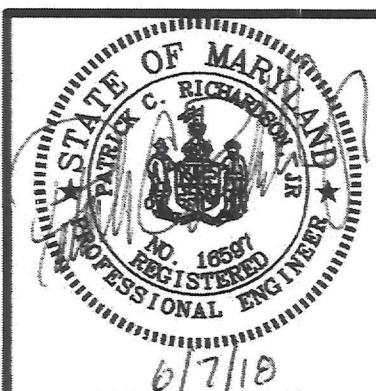
SCALE:
 $1'' = 20'$

DATE: 06-08-

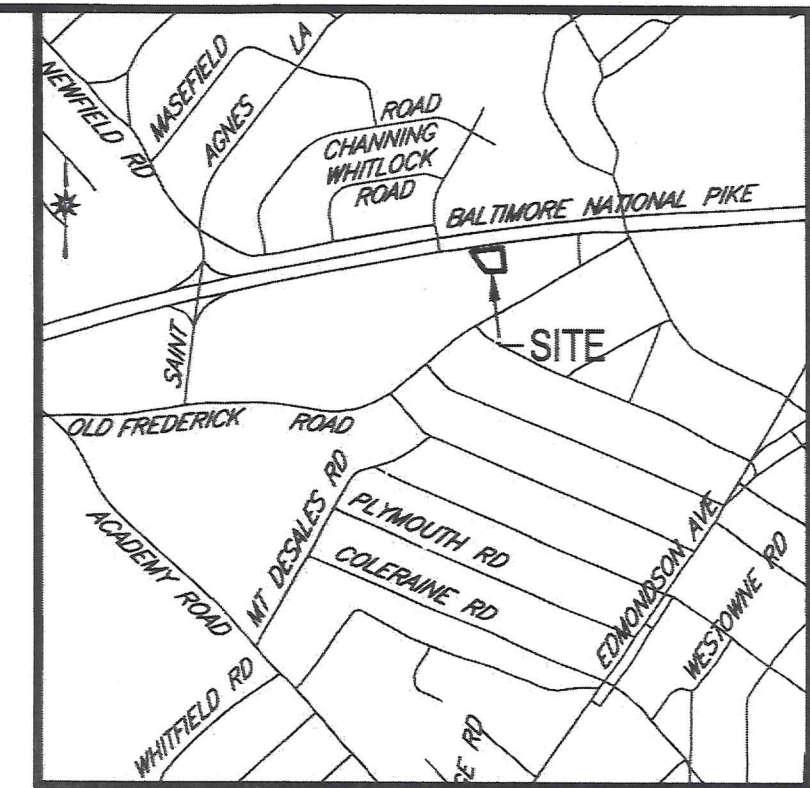
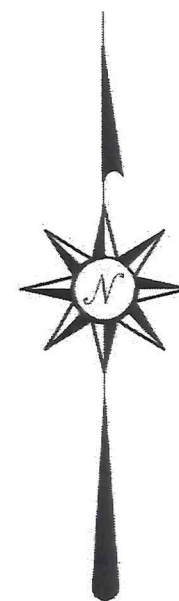
JOB NO.:
18065

SHEET NO.:
1 OF 1

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



\\jc:\data\2018\18065-5279_Hall_National_Pike_Drawings\18065\pl.cwg, 6/1/2018 9:27:55 AM



LOCATION MAP

SCALE: 1" = ###'

GENERAL NOTES:

- OWNER:
YOGESWAR, INC.
319 CHAMBERLEY DRIVE
REISTERSTOWN, MD. 21136
- CONTRACT PURCHASER/ DEVELOPER:
CHARM CITY RELIEF PARTNERS, LLC
5225 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21229
- SITE AREA:
GROSS: 16,719 Sq.Ft. or 0.38 Ac.±
NET: 12,164 Sq.Ft. or 0.28 Ac.±
- EXISTING BUILDING AREA: 2,077 Sq.Ft.
- UTILITIES
PUBLIC WATER.
PUBLIC SEPTIC.
- DEED REF: 11393/279
- TAX ACCOUNT: #0113200411
- EXISTING ZONING: BM-CCC
(PER 200 SCALE GIS TILE # 09583)
- TAX MAP #95, GRID #15, PARCEL #176
- SITE IS WITHIN THE BALTIMORE NATIONAL PIKE COMMERCIAL REVITALIZATION AREA
- PREVIOUS PERMITS ON FILE:
8778359 CONVERSION FROM CARRY OUT RESTAURANT TO OFFICE SPACE
8778474 INSTALL ALUMINUM WALL SIGN ON BUILDING
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO FLOODPLAINS EXISTS ON SITE.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)
TYPE DEFICIENT (Y/N) NOTE
WATER N -
SEWER N -
TRANSPORTATION N -
- PREVIOUS ZONING CASE:
R-1947-1076; PETITION FOR SPECIAL PERMIT FOR A GASOLINE STATION,
APPROVED DECEMBER 1, 1947.
- FLOOR AREA RATIO (FAR)
MAX PERMITTED: 3.0
PROVIDED: 2,077/12,164 = 0.17
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR BM ZONE
TYPE REQUIRED PROVIDED
FRONT 10' 54'±
SIDE NONE 3'±
REAR NONE 5'±
- USE
EXISTING: OFFICE
PROPOSED: RETAIL STORE
- PARKING
REQUIRED:
2,077 Sq.Ft. @ 5/1000 Sq.Ft. = 11 SPACES
PROVIDED:
11 SPACES (1 H.C., 10 STANDARD)

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

NIRVANA CENTER

AKA/ CHARM CITY RELIEF PARTNERS, LLC
5225 BALTIMORE NATIONAL PIKE

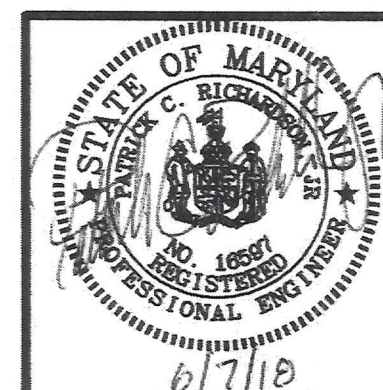
(U.S. ROUTE #40)

BALTIMORE, MARYLAND 21228

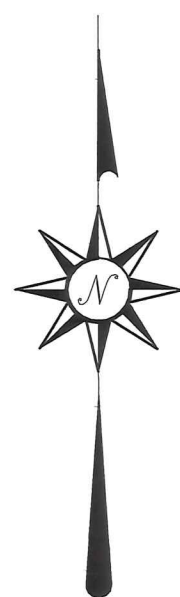
BALTIMORE COUNTY
1ST ELECTION DISTRICT

MARYLAND
1ST COUNCILMANIC DISTRICT

REVISIONS		
DRAWN BY:	CHECKED BY:	SCALE:
PCR	PCR	1" = 20'
DATE:	JOB NO.:	SHEET NO.:
06-08-18	18065	1 OF 1



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 18065, EXPIRATION DATE: 06-15-2019



Richardson Engineering, LLC

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

DISTANCE PLAN FOR NIRVANA CENTER

AKA/ CHARM CITY RELIEF PARTNERS, LLC
5225 BALTIMORE NATIONAL PIKE
(U.S. ROUTE #40)
BALTIMORE, MARYLAND 21228

BALTIMORE COUNTY MARYLAND
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	PCR	PCR	1" = 500'
	DATE:	JOB NO.:	SHEET NO.:
	08-15-18	18065	1 OF 1

EX. 2



Richardson Engineering, LLC

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

DISTANCE PLAN
FOR
NIRVANA CENTER

AKA/ CHARM CITY RELIEF PARTNERS, LLC
5225 BALTIMORE NATIONAL PIKE
(U.S. ROUTE #40)
BALTIMORE, MARYLAND 21228

BALTIMORE COUNTY MARYLAND
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

REVISIONS			DRAWN BY:	CHECKED BY:	SCALE:
			PCR	PCR	1" = 100'
			DATE:	JOB NO.:	SHEET NO.:
			08-15-18	18065	1 OF 1

EX. 3