

MEMORANDUM

DATE: September 17, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0346-SPHXA – Appeal Period Expired

The appeal period for the above-referenced case expired on September 14, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(10901 McCormick Road & *
10825 Beaver Dam Road) *
8th Election District *
3rd Council District *
Dan Mar Enterprises, LLC *
10825 Beaver Dam Road, LLC *
Legal Owners *
10825 Beaver Dam Road, LLC *
Contract Purchaser *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0346-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Dan Mar Enterprises, LLC & 10825 Beaver Dam Road, LLC, legal owners, and 10825 Beaver Dam Road, LLC, contract purchaser ("Petitioners").

The Petition for Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve additional fuel dispensers in an existing fuel service station and an amendment to the previously approved zoning site plan in Case No. 2014-0263-SPHX. In addition, a Petition for Variance seeks approval: (1) for a side yard setback of 10 ft. in lieu of the 30 ft. required; and (2) for two freestanding enterprise signs in lieu of one permitted. Finally, a Petition for Special Exception was filed to use the herein described property for a fuel service station, a full service car wash and a fast food restaurant as uses in combination with a fuel service station.

Appearing at the public hearing in support of the requests was professional engineer Wayne Newton. Dino C. La Fiandra, Esq., represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR.

ORDER RECEIVED FOR FILING

Date 8-15-18

By [Signature]

Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review ("DPR"), the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS"). None of the reviewing agencies opposed the requests.

The subject property is approximately three (3) acres in size and is zoned ML-IM. A gasoline station has operated at the site since 1972, and at present a fuel service station and High's convenience store is operated on the subject property. Petitioners propose to expand the fuel service operation and add a fast-food restaurant (inside of a convenience store) and full service car wash, both of which are permitted in the ML-IM zone by special exception.

The Bureau of DPR noted a flood plain exists on a portion of the site, and Petitioners revised the plan to show the limits of the flood plain. Wayne Newton, a professional engineer accepted as an expert, testified no structures or improvements (including the trash corral, which was relocated outside of the flood hazard area) would be situated within the flood plain. Mr. Newton also confirmed several mature evergreen trees located along the southeast tract boundary will be retained, as requested by the DOP. Petitioners also presented preliminary elevations of the car wash (which were also shown to the DOP), and it appears the structure will be attractive and complement existing site improvements.

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

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Date 8-15-18

By kw

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.

Mr. Newton opined Petitioners satisfied all requirements set forth in BCZR §502.1 and the Maryland case law interpreting that provision. As noted earlier a fuel service station has operated at this location for more than 45 years, and no evidence was presented to rebut the presumption in favor of the special exception use. Moreover, one of the ingress/egress points will be relocated so that it aligns with the existing traffic signal at Beaver Dam and McCormick Roads, which will greatly improve traffic flow. As such the petition will be granted.

Special Hearing

The petition for special hearing is essentially a “housekeeping” matter rather than a substantive zoning request. In 2014 a site plan was approved in Case No. 2014—0263-SPHX. That plan showed certain improvements which were proposed at the time, although they never were constructed. The present request simply seeks to amend that earlier plan, in accordance with the site plan approved in this case, which would supersede the 2014 plan. This is a reasonable (and frequent) request, and it will benefit both the community and County review agencies. The petition will therefore 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).

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Date 8-15-18

By RS

The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED this 15th day of **August, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve additional fuel dispensers in an existing fuel service station and an amendment to the previously approved zoning site plan in Case No. 2014-0263-SPHX, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to use the subject property for a fuel service station, with a full service car wash and fast food restaurant as uses in combination with a fuel service station, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) for a side yard setback of 10 ft. in lieu of the 30 ft. required; and (2) for two freestanding enterprise signs in lieu of one permitted, 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 DEPS, a copy of which is attached.

ORDER RECEIVED FOR FILING

Date 8-15-18

By [Signature]

3. Petitioners must provide a pedestrian crosswalk connecting the existing sidewalk adjacent to Beaver Dam Road with the convenience store.
4. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the subject property.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 8-15-18

By pw



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 10901 Mc Cormick Road & 10825 Beaver Dam Road which is presently zoned ML-IM
Deed References: See attachment 10 Digit Tax Account # See attachment
Property Owner(s) Printed Name(s) See attachment

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

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

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in case number 2014-0263-SPHX.
Additional Fuel Service in an existing Fuel Service Station and
2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for Section 405.2.B.1 for additional fuel service in an existing fuel service station; Section 405.4.E.3 for a full service car wash as a use in combination with a fuel service station; Section 405.4.E.10 for a fast food restaurant as a use in combination with a fuel service station.
3. ☒ a **Variance** from Section(s) Sections 255.1 and 238.2 for a side yard setback of 10 feet in lieu of 30 feet required. Section 450.4.5.b.VI (Table of Sign Regulations) for two freestanding enterprise signs in lieu of one permitted.

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 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:

See attachment
Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
Name- Type or Print

Signature

901 Dulaney Valley Road, Suite 500, Towson, Maryland
Mailing Address City State

21204 / 410-938-8705 / dlafiandra@pklaw.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

See attachment /
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
Name - Type or Print

Signature

901 Dulaney Valley Road, Suite 500, Towson, Maryland
Mailing Address City State

21204 / 410-938-8705 / dlafiandra@pklaw.com
Zip Code Telephone # Email Address

CASE NUMBER 2018-0346-SPHX Filing Date 6/13/18 Do Not Schedule Dates: Reviewer gl

100 W. Pennsylvania Ave
Dr. 305
21204

ORDER RECEIVED FOR FILING

Date 8-15-18

By

REV. 10/4/11

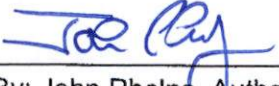
Petition for Zoning Hearing
10901 Mc Cormick Road & 10825 Beaver Dam Road
Continuation Sheet

Deed References, Tax Account Numbers, Ownership information:

Address	Tax Map / Parcel	Owner	Deed Reference	Tax Account Number
10901 Mc Cormick Road	42/62	Dan Mar Enterprises, LLC	33675/421	0810045226
10825 Beaver Dam Road	42/19	10825 Beaver Dam Road LLC	27589/32	0814065125
Beaver Dam Road	42/450	10825 Beaver Dam Road LLC	27589/32	1600009373

10901 Mc Cormick Road (Tax Map 42, Parcel 62) - Contract Purchaser / Lessee

10825 Beaver Dam Road LLC
2700 Loch Raven Road
Baltimore, MD 21218


By: John Phelps, Authorized Member

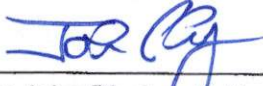
10901 Mc Cormick Road (Tax Map 42, Parcel 62) - Legal Owner

Dan Mar Enterprises, LLC
117 Lake Front Drive
Hunt Valley, MD 21030


By: Mark P. Hanley, Authorized Member

10825 Beaver Dam Road (Tax Map 42, Parcels 19 and 450) - Legal Owner*

10825 Beaver Dam Road LLC
2700 Loch Raven Road
Baltimore, MD 21218


By: John Phelps, Authorized Member

*There is no Contract Purchaser or Lessee for Tax Map 42, Parcels 19 and 450.

June 13, 2018

EXHIBIT A

DESCRIPTION OF 3.038 ACRES OF LAND MORE OR LESS

10825 BEAVER DAM ROAD

TAX MAP 42 PARCEL 19, 62 AND 450

BALTIMORE COUNTY, MARYLAND

Tax Account Numbers 08-0814065125, 08-0810045226 & 08-1600009373

BEGINNING for the first at a point on the northeastern side of the right of way of McCormick Road (70' right of way), said point being 150' +/- feet along centerline from the intersection of Beaver Dam Road and McCormick Road and being furtherly located at the division line of the land now or formerly in the of Dan Mar Enterprises, LLC as recorded among the Land Records of Baltimore County, Maryland in Liber 33675, Folio 421, thence leaving said right of way and running the outline of the aforementioned property as now surveyed by Messick and Associates, the following courses and distances;

1. North 79°13'32"East, 233.24 feet to a point on the division line of the land now or formerly in the name of 10825 Beaver Dam Road, LLC as recorded among the aforesaid Land Records in Liber 27589, Folio 32, thence running with and binding part of said division line as follows;
2. North 43°50'33"East, 117.92 feet to a point, thence running with the property now or formerly in the name of Atlantic Concrete Products Inc. and recorded among the aforesaid Land Records,
3. South 45°58'35"East, 270.86 feet to a point, thence running with the aforesaid property and the property now or formerly in the name of Atlantic Precast Concrete Corp. as recorded among the aforesaid Land Records in Liber 8045 folio 841,
4. South 30°09'33"West, 374.82 feet to a point of intersect with the aforesaid right of way line of Beaver Dam Road, thence running with the aforesaid right of way the follow two course and distances,
5. North 45°48'32"West, 212.74 feet to a point, thence
6. By a curvature to the right having a radius of 765.00 feet for an arc distance of 289.01 feet having a chord bearing and distance of North 34°59'11"West, 287.29 feet to the point and place of beginning, thence crossing said Beaver Dam Road South 13°10'00" East, 219.17 feet to a point, thence running with the southwestern right of way line of Beaver Dam Road with a curve to the left having a radius of 835.00 feet for an arc distance of 97.85 feet having a chord bearing and distance of,
7. South 42°27'06" East, 97.80 feet to a point, thence still with the aforesaid right of way,

2018-0346-SPHX A

8. South 45°48'32" East, 97.33 feet to a point, thence leaving the aforesaid right of way and running with the property nor or formerly in the name of Hanley Associates as shown on a Plat recorded among the aforesaid Land Records in Plat Book 49 page 107,
9. North 53°50'27" West, 184.75 feet to a point, thence with the aforesaid property,
10. North 23°19'33" East, 33.25 feet to a point and place of beginning.

CONTAINING in all the above described 132,367 square feet or 3.038 acres of land more or less.

BEING or intended to be all of the land that was convey to 10825 Beaver Dam Road, LLC by deed dated January 22, 2009 recorded among the aforesaid Land Records in Liber 27589 folio 32, and the Land conveyed to Dan Mar Enterprises, LLC by deed dated May 16, 2013 and recorded in Liber 33675, Folio 421.

THIS description was prepared by the licensee or was in responsible charge over its preparation and the survey work reflected in it. The licensee commission expires January 18, 2019.



CERTIFICATE OF POSTING

RECEIVED

AUG 09 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

2018-0346-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Dan Mar Enterprise, LLC, 10825 Beaver Dam Road, LLC
10825 Beaver Dam Road, LLC,

August 9, 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:

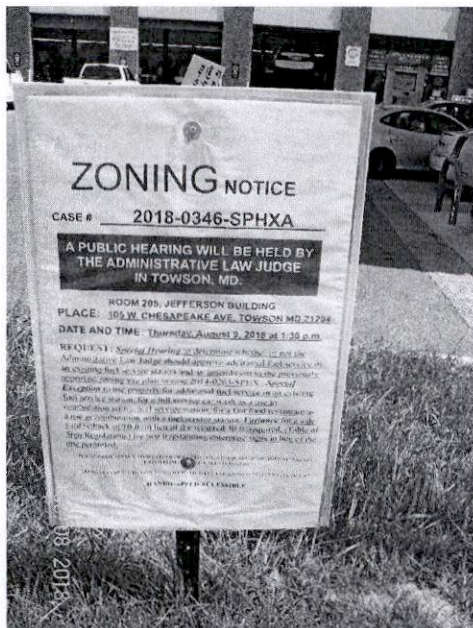
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

10901 McCormick Road, 10825 Beaver Dam Road

SIGN 1 Recertification

July 20, 2018

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



Sincerely,

 August 8, 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



2018-0346-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

**Dan Mar Enterprise, LLC, 10825 Beaver Dam Road, LLC
10825 Beaver Dam Road, LLC,**

August 9, 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:

10901 McCormick Road, 10825 Beaver Dam Road

SIGN 2 Recertification

July 20, 2018

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

Sincerely,

August 8, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

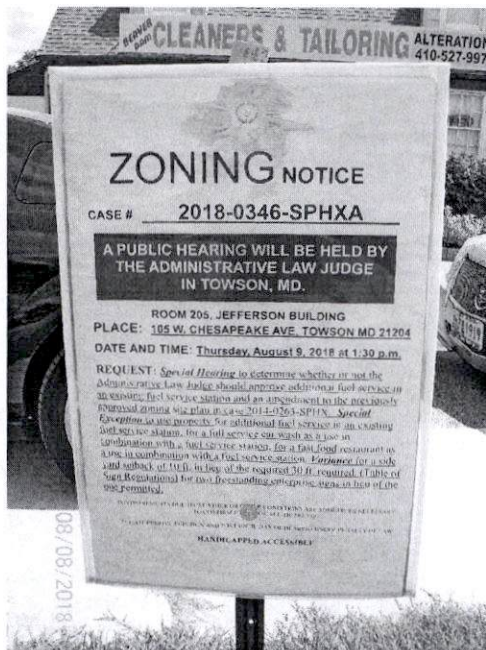
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2018-0346-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

**Dan Mar Enterprise, LLC, 10825 Beaver Dam Road, LLC
10825 Beaver Dam Road, LLC,**

August 9, 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:

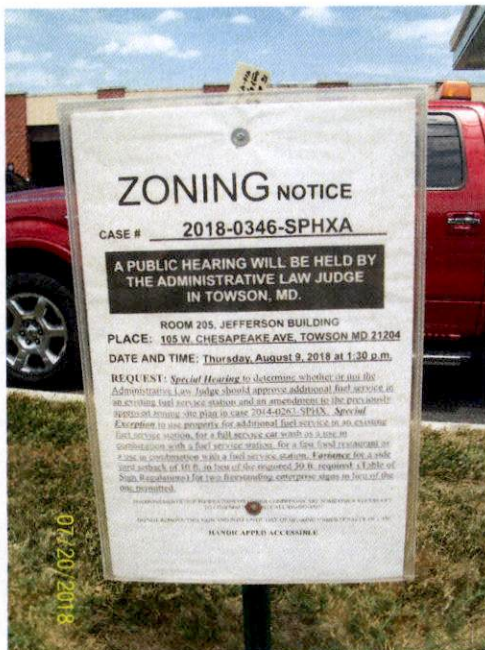
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

10901 McCormick Road, 10825 Beaver Dam Road

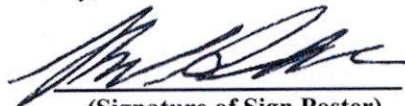
SIGN 1

July 20, 2018

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



Sincerely,

 July 20, 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

2018-0346-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Dan Mar Enterprise, LLC, 10825 Beaver Dam Road, LLC
10825 Beaver Dam Road, LLC,

August 9, 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:

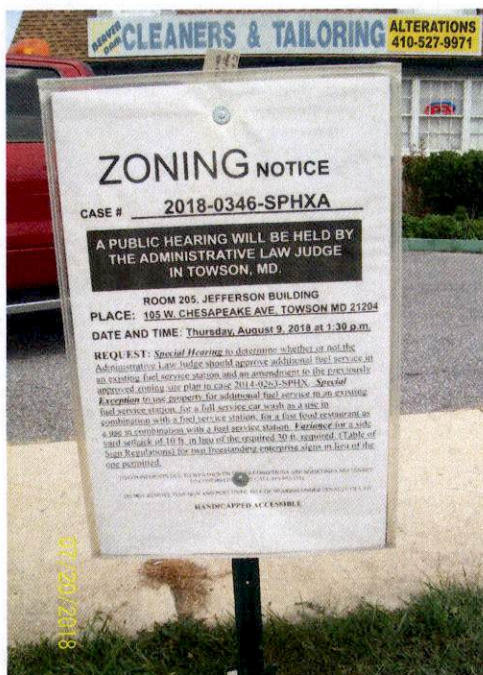
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

10901 McCormick Road, 10825 Beaver Dam Road

SIGN 2

July 20, 2018

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



Sincerely,



July 20, 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)



July 6, 2018 KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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

CASE NUMBER: 2018-0346-SPHXA

10901 McCormick Road, 10825 Beaver Dam Road
NE/s McCormick Road, SW of Beaver Dam Road
8th Election District – 3rd Councilmanic District

Legal Owners: Dan Mar Enterprises, LLC, 10825 Beaver Dam Road, LLC
Contract Purchaser/Lessee: 10825 Beaver Dam Road, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve additional fuel service in an existing fuel service station and an amendment to the previously approved zoning site plan in case 2014-0263-SPHX. Special Exception to use property for additional fuel service in an existing fuel service station, for a full service car wash as a use in combination with a fuel service station, for a fast food restaurant as a use in combination with a fuel service station. Variance for a side yard setback of 10 ft. in lieu of the required 30 ft. required. (Table of Sign Regulations) for two freestanding enterprise signs in lieu of one permitted.

Hearing: Thursday, August 9, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Dino LaFiandra, 100 W. Pennsylvania Avenue, Ste. 305, Towson 21204
John Phelps, 2700 Loch Raven Blvd., Baltimore 21218
Dan Mar Enterprises, LLC, 117 Lake Front Drive, Hunt Valley 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 20, 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, July 19, 2018 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra
100 W. Pennsylvania Avenue, Ste. 305
Towson, MD 21204

410-938-8705

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: 2018-0346-SPHXA

10901 McCormick Road, 10825 Beaver Dam Road
NE/s McCormick Road, SW of Beaver Dam Road
8th Election District – 3rd Councilmanic District

Legal Owners: Dan Mar Enterprises, LLC, 10825 Beaver Dam Road, LLC
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Special Hearing to determine whether or not the Administrative Law Judge should approve additional fuel service in an existing fuel service station and an amendment to the previously approved zoning site plan in case 2014-0263-SPHX. Special Exception to use property for additional fuel service in an existing fuel service station, for a full service car wash as a use in combination with a fuel service station, for a fast food restaurant as a use in combination with a fuel service station. Variance for a side yard setback of 10 ft. in lieu of the required 30 ft. required. (Table of Sign Regulations) for two freestanding enterprise signs in lieu of one permitted.

Hearing: Thursday, August 9, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
10901 McCormick Rd & 10825 Beaver Dam Rd*		OF ADMINISTRATIVE
NE/S of McCormick Road; SW 150' to		
c/line of Beaver Dam Road	*	HEARINGS FOR
Legal Owners: 10901 McCormick Rd, Dan Mar		
Enterprises, LLC & 10825 Beaver Dam Rd LLC*		BALTIMORE COUNTY
Contract Purchaser(s): 10901 McCormick Road		
& 10825 Beaver Dam Road LLC	*	2018-346-SPHXA
Petitioner(s)		

* * * * *

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 Dino LaFiandra, Esquire, 901 Dulaney Valley Road, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0346-SPHXA
Property Address: 10825 Beaver Dam Rd
Property Description: _____

Legal Owners (Petitioners): 10825 Beaver Dam Rd LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. LaFiandra
Company/Firm (if applicable): _____
Address: 901 Dulaney Valley Rd, Suite 500
Towson, Maryland 21204
Telephone Number: 410-938-8705



DONALD I. MOHLER III
County Executive

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

July 31, 2018

Dan Mar Enterprises, LLC
Mark Hanley
117 Lake Front Drive
Hunt Valley MD 21030

10825 Beaver Dam Road LLC
2700 Loch Raven Road
Baltimore MD 21218

RE: Case Number: 2018-0346 SPHXA, Address: 10901 McCormick Road & 10825 Beaver Dam Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 13, 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, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw
Enclosures

c: People's Counsel
Dino La Fiandra, Esquire, 100 W Pennsylvania Avenue, Suite 305, Towson MD 21204

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: 18-346

DATE: 8/1/2018



INFORMATION:

Property Address: 10901 McCormick Road & 10825 Beaver Dam Road
Petitioner: John Phelps, Mark P. Hanley
Zoning: ML-IM
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing, special exception and variance to determine whether or not the Administrative Law Judge should approve the zoning relief as identified on said petition.

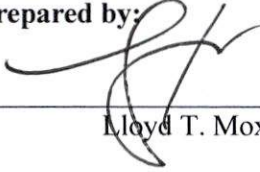
A site visit was conducted on June 28, 2018. The site is within the Hunt Valley/Timonium Plan area adopted by County Council October 19, 1998. The subject property is improved with an existing fuel service station established in 1972 pursuant to zoning case 1972-0278-XA as amended in successive zoning cases as noted on the site plan submitted in support of the petition.

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

- Amend the plan layout to preserve the mature evergreen trees located along the southeast tract boundary. The Department recommends that the proposal is adequately parked and any proposed parking lost through preserving said trees will have minimal impacts on the use operation.
- Provided the Department of Environmental Protection and Sustainability/Storm Water Management has no objections, and at the discretion of the Baltimore County Landscape Architect, enhance the vegetative plantings in the area of the existing SWM facility.
- Provide a pedestrian crosswalk connecting the sidewalk adjacent to Beaver Dam Road with the proposed retail store.
- Ensure the carwash structure repeats the architectural characteristics of the proposed retail structure in terms of colors and materials.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. Lafiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: July 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0346-SPHXA
Address 10901 McCormick Road
(10901 McCormick Road, Dan Mar
Enterprises, LLC & 10825 Beaver
Dam Road, LLC Property)

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

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

- X Redevelopment of this property must comply with the Forest Conservation (FC) Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). Based on the extensive redevelopment proposed and that pervious area will be disturbed, this site would not qualify for a waiver (Md. Natural Resources Article § 5-1603) and a variance would offer only partial relief. Therefore, Environmental Impact Review staff suggest you request to meet the 15% afforestation requirement, based on the outcome of a completed FC worksheet, at an EPS pre-approved offsite retention bank.
- X Redevelopment of the property may also have to 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). Advisory comment made due to nearby FEMA floodplain elevation 264'.

Reviewer: Michael S. Kulis,
Environmental Impact Review

ORDER RECEIVED FOR FILING

Date

8-15-18

By

ew

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/1/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-346

INFORMATION:

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Petitioner: John Phelps, Mark P. Hanley
Zoning: ML-IM
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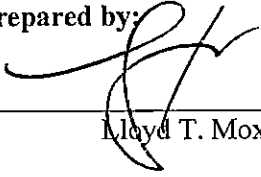
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Date: 8/2/2018
Subject: ZAC # 18-346
Page 2

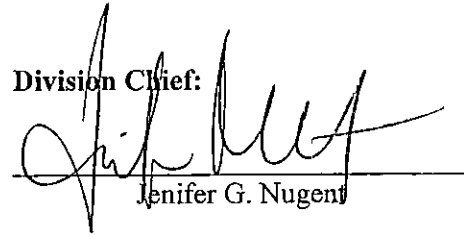
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. Lafiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 6/18/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0346-SPHXA

*Special Hearing, Special Exception, Variance
10901 McCormick Road, DanMar Enterprises LLC.
10901 McCormick Road.*

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

Sincerely,



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

WW/RAZ

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: 18-346

DATE: 8/1/2018



INFORMATION:

Property Address: 10901 McCormick Road & 10825 Beaver Dam Road
Petitioner: John Phelps, Mark P. Hanley
Zoning: ML-IM
Requested Action: Special Hearing

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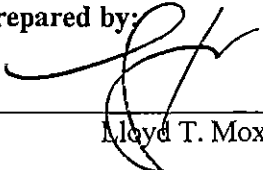
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RECEIVED
JAN 11 1971
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

Date: 8/2/2018
Subject: ZAC # 18-346
Page 2

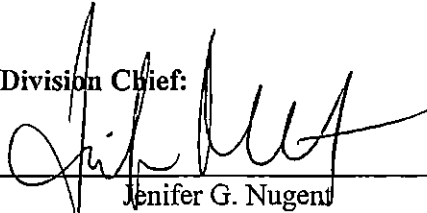
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Prepared by:



Lloyd T. Moxley

Division Chief:



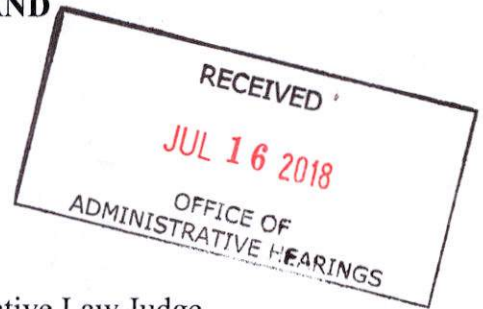
Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. Lafiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: July 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0346-SPHXA
Address 10901 McCormick Road
(10901 McCormick Road, Dan Mar
Enterprises, LLC & 10825 Beaver
Dam Road, LLC Property)

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

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

- X Redevelopment of this property must comply with the Forest Conservation (FC) Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). Based on the extensive redevelopment proposed and that previous area will be disturbed, this site would not qualify for a waiver (Md. Natural Resources Article § 5-1603) and a variance would offer only partial relief. Therefore, Environmental Impact Review staff suggest you request to meet the 15% afforestation requirement, based on the outcome of a completed FC worksheet, at an EPS pre-approved offsite retention bank.
- X Redevelopment of the property may also have to 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). Advisory comment made due to nearby FEMA floodplain elevation 264'.

Reviewer: Michael S. Kulis,
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 25, 2018
Item No. 2018-0346-SPHXA

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 and Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

During our review of this site, I noticed that the site is within the Zone X shaded special flood hazard area as shown on FIRM Panel 2400100235F dated September 26, 2008. Looking at the FIRM closer there are associated Flood Insurance Study cross-section locations close to and running through the site.

The closest cross-sections gives water surface elevations of about 264. Based on our Baltimore County GIS, the flood plain delineation on the FIRM does not follow the ground elevations and contours shown on our GIS. Per FEMA's regulations, the flood plain delineation should follow the contour lines. This would place the rear northeast corner of this property within the special flood hazard area. It appears that there are no proposed buildings in this area. However, there is a proposed trash dumpster corral proposed in this location.

Our office does not want to make a major issue for the proposed convenience store. We recommend that the trash corral be moved to the other side of the site so it is outside of the special flood hazard area.

A revised Site Plan to Accompany Zoning Petition for the Zoning Advisory Committee as well as all other required plans should be submitted showing the trash corral relocation as well as flood plain delineation based on the elevations from the cross-sections shown on the FIRM. The engineer may use Baltimore County GIS or field run surveys to interpolate where the actual flood plain delineation is.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: July 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0346-SPHXA
Address 10901 McCormick Road
(10901 McCormick Road, Dan Mar
Enterprises, LLC & 10825 Beaver
Dam Road, LLC Property)

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Reviewer: Michael S. Kulis,
Environmental Impact Review

CASE NAME 2018-0346-SPHXA
CASE NUMBER High Brewer Dam Road
DATE 8/9/18

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION
(10825 Beaver Dam Road) *
8th Election District *
3rd Council District *
10825 Beaver Dam Road, LLC, *
Legal Owner ***

**BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0163-SPHX**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed by Dino C. LaFiandra, Esquire, with Whiteford, Taylor & Preston, on behalf of 10825 Beaver Dam Road, LLC, legal owner. The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an amendment to the previously approved site plan in Case No. 89-306-SPHX. In addition, a Petition for Special Exception was filed pursuant to B.C.Z.R. §405.2.B.1 to use the herein property for additional fuel service in an existing fuel service station, and pursuant to §405.4.E.1 for a convenience store larger than 1,500 square feet inclusive of accessory storage.

Appearing at the public hearing in support of the requests was Briana Darnell and Wayne Newton, a professional engineer whose firm prepared the site plan. Timothy Kotroco, Esquire, with Whiteford, Taylor & Preston, represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Substantive comments were received from the Department of Planning

ORDER RECEIVED FOR FILING

Date 4/17/14

By SEN

(DOP) dated March 10, 2014, and the Bureau of Development Plans Review (DPR) dated February 10, 2014. The DPR requested that a landscape plan be submitted for approval by the County and the DOP opined the proposed use was appropriate and would not be injurious to the community.

Testimony and evidence offered at the hearing revealed that the subject property (comprised of two parcels) totals 113,283 square feet and is zoned ML-IM. The site is improved with a fuel service station and High's convenience store, which was approved by special exception in 1989. (Case No. 89-306-SPHX). The Petitioner proposes to expand the fuel service operation and convenience store, and was instructed by the County to file the above Petitions.

Special Hearing

The Petition for Special Hearing seeks to amend the site plan approved in Case No. 89-306-SPHX. This is in the nature of a "housekeeping" matter, and the primary issue in the case concerns the petition for special exception, discussed below.

Special Exception Standards

Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, People's Counsel v. Loyola College, 406 Md. 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. The reality is that the special exception use has been conducted at this site for over twenty years, and there is nothing to indicate that the welfare of the community has been compromised. The BCZR contains a specific provision relating to fuel service stations lawfully in operation prior to 1993, BCZR § 405.6. That regulation contemplates that both special hearing and special exception relief is necessary in a case like this, where the operation is expanding and will include an ancillary "use in combination," (i.e., the convenience store).

ORDER RECEIVED FOR FILING

Date 4/17/14
By Sen

Here, no testimony or evidence was presented showing that an abandoned fuel service station exists within a one-half or one mile radius of this station. In addition, both the DOP and Petitioner's engineer opined the proposal satisfied all B.C.Z.R. requirements. Mr. Newton also testified (via proffer) that the use would serve the industrial area surrounding the station, which is shown on the site plan as "Metropolitan Industrial Park." Ex. 1. As such, I believe the Petitioner has satisfied the requirements for relief, and the Petition for Special Exception will be granted.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Special Exception requests should be granted.

THEREFORE, IT IS ORDERED this 17th day of April 2014, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment (as shown on the two-sheet site plan marked as Exhibit #1) to the previously approved site plan in Case No. 89-306-SPHX, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to B.C.Z.R. §405.2.B.1 to use the herein property for additional fuel service in an existing fuel service station, and pursuant to §405.4.E.1 for an ancillary "use in combination" (i.e., convenience store larger than 1,500 square feet inclusive of accessory storage), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Special Exception relief granted herein shall supersede and replace the Petition for Special Exception granted in Case No. 89-306-SPHX.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and/or licenses and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that

ORDER RECEIVED FOR FILING

Date 4/17/14

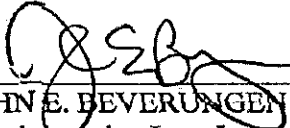
By DLN

proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner must submit for approval by Baltimore County's landscape architect the landscape plan which was submitted as sheet #2 of the site plan.
3. All proposed improvements and construction must comply with the Hunt Valley/Timonium Design Guidelines, as determined in the discretion of the DOP.

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

Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 4/17/14

By sln

CASE NO. 2018-

0346 -
SPHXACHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

7/12

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

Comment

7/16

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

Comment

FIRE DEPARTMENT

8/1/18

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

6/18

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2016-0322-A)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 7/20/18

by SSG Black

SIGN POSTING (2nd) Date: 8/8/18

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 - 08 Account Number - 0810045226						
Owner Information									
Owner Name:		DAN MAR ENTERPRISES LLC			Use:		COMMERCIAL		
Mailing Address:		117 LAKE FRONT DR HUNT VALLEY MD 21030-			Principal Residence:		NO		
					Deed Reference:		/33675/ 00421		
Location & Structure Information									
Premises Address:		10901 MCCORMICK RD HUNT VALLEY MD 21031-0000			Legal Description:		ES MCCORMICK RD .377 AC 50 N BEAVER DAM RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0042	0021	0062		0000				2017	Plat Ref:
Special Tax Areas:			Town:			NONE			
			Ad Valorem:						
			Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
		2746				16,391 SF		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		OFFICE BUILDING							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2017		07/01/2018	
Land:		310,000		310,000					
Improvements		163,600		162,800					
Total:		473,600		472,800		472,800		472,800	
Preferential Land:		0						0	
Transfer Information									
Seller: DAN MAR ENTERPRISES			Date: 05/28/2013			Price: \$0			
Type: NON-ARMS LENGTH OTHER			Deed1: /33675/ 00421			Deed2:			
Seller: JONES MELVIN L			Date: 01/18/1988			Price: \$180,000			
Type: ARMS LENGTH IMPROVED			Deed1: /07770/ 00181			Deed2:			
Seller:			Date:			Price:			
Type:			Deed1:			Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

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 - 08 Account Number - 0814065125						
Owner Information									
Owner Name:		10825 BEAVER DAM ROAD LLC				Use:		INDUSTRIAL	
						Principal Residence:		NO	
Mailing Address:		2700 LOCH RAVEN RD BALTIMORE MD 21218-4729				Deed Reference:		/27589/ 00032	
Location & Structure Information									
Premises Address:		10825 BEAVER DAM RD 0-0000				Legal Description:		1.298 AC NES 10825 BEAVER DAM RD 300 SE AT MCCORMICK RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0042	0021	0019		0000				2017	Plat Ref:
Special Tax Areas:			Town:				NONE		
			Ad Valorem:						
			Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1973		8349				1.2900 AC		07	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		AUTO CENTER							
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2017		07/01/2018	
Land:			967,500	967,500					
Improvements			610,400	604,500					
Total:			1,577,900	1,572,000		1,572,000		1,572,000	
Preferential Land:			0					0	
Transfer Information									
Seller: SOUTHERN STATES COOPERATIVE INC				Date: 01/27/2009			Price: \$1,800,000		
Type: ARMS LENGTH MULTIPLE				Deed1: /27589/ 00032			Deed2:		
Seller: NOTTINGHAM FARMS INC				Date: 05/07/1970			Price: \$37,143		
Type: ARMS LENGTH IMPROVED				Deed1: /05090/ 00310			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			

Tax Exempt:
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:

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 - 08 Account Number - 1600009373							
Owner Information											
Owner Name:		10825 BEAVER DAM ROAD LLC				Use:		INDUSTRIAL			
						Principal Residence:		NO			
Mailing Address:		2700 LOCH RAVEN RD BALTIMORE MD 21218-4729				Deed Reference:		/27589/ 00032			
Location & Structure Information											
Premises Address:		BEAVER DAM RD 0-0000				Legal Description:		1.331 AC NES BEAVER DAM RD RER 200FT MCCORMICK RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:		
0042	0021	0450		0000				2017		Plat Ref:	
Special Tax Areas:				Town:				NONE			
				Ad Valorem:							
				Tax Class:							
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use			
						1.3300 AC		07			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
Value Information											
			Base Value	Value		Phase-in Assessments					
				As of		As of		As of			
				01/01/2017		07/01/2017		07/01/2018			
Land:			239,400	239,400							
Improvements			6,500	6,400							
Total:			245,900	245,800		245,800		245,800			
Preferential Land:			0					0			
Transfer Information											
Seller: SOUTHERN STATES COOPERATIVE INC				Date: 01/27/2009				Price: \$1,800,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /27589/ 00032				Deed2:			
Seller: GREMPLER DONALD E				Date: 02/21/1973				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /05338/ 00038				Deed2:			
Seller:				Date:				Price:			
Type:				Deed1:				Deed2:			
Exemption Information											
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018					
County:		000		0.00							
State:		000		0.00							
Municipal:		000		0.00 0.00		0.00 0.00					
Tax Exempt:				Special Tax Recapture:							

Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

IN RE: PETITION FOR VARIANCE
(10901 McCormick Road)
8th Election District
3rd Council District
Dan Mar Enterprises, LLC
Legal Owner

Petitioner

JB9-9-16
* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2016-0322-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Dan Mar Enterprises, LLC, owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; (2) to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; and (3) to permit 13 parking spaces in lieu of the required 16 parking spaces. A site plan was marked as Petitioner's Exhibit 1.

Bruce Doak, a property line surveyor, appeared in support of the petition. The Petition was advertised and posted as required by the B.C.Z.R. No protestants or interested citizens attended the hearing. 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 16,391 sq. ft. and zoned ML-IM. The property is triangular in shape and is improved with two buildings which house commercial uses. At the front of the site is a dry cleaner (which occupies a former single-family dwelling) and in the rear is an automotive body shop, which is the subject of this case. The owner of that business proposes to construct a paint booth and small addition to the body shop building. To do so variance relief is

required.

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).

Petitioner has met this test. The property is triangular and the unique shape generates the need for the setback variances. In fact, variances for this property were granted in Case No. 1988-0496 on the same basis. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the paint booth and garage addition which will help to streamline its business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition.

While the DOP did not oppose the variances for the building setbacks, it did object to the parking variance. That agency indicated the site is congested and the proposed improvements would intensify the operations and demand for parking. Based on the photographs submitted at the hearing (Petitioner's Exhibit 3), it is clear the site is small and supports two commercial enterprises. But I do not believe either business generates much demand for parking. The dry cleaner is a small operation, and Petitioner explained its customers come and go within minutes. And the body shop is essentially an industrial operation which does not generate customer traffic and vehicle trips in the way most commercial and retail operations do. Petitioner testified that for the most part damaged and/or disabled vehicles are brought to the site by tow truck and owners retrieve their car at a later date when the repairs are completed.

Mr. Vekker, who operates the body shop, testified he wants the paint booth to streamline his business rather than increase the number of repairs he performs. He explained he now has to "jockey" vehicles in and out of the garage when a vehicle needs to be painted, while the paint booth will allow cars to be repaired and then painted in assembly-line fashion. As such, I do not believe permitting 13 spaces in lieu of the required 16 (which is greater than 80% of the number of spaces required by B.C.Z.R. §409) would be injurious to the community.

THEREFORE, IT IS ORDERED, this 13th day of September, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit the northern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; (2) to permit the southern addition to the garage to have a side yard setback of 4 ft. in lieu of the required 30 ft.; and (3) to permit 13 parking spaces in lieu of the required 16 parking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

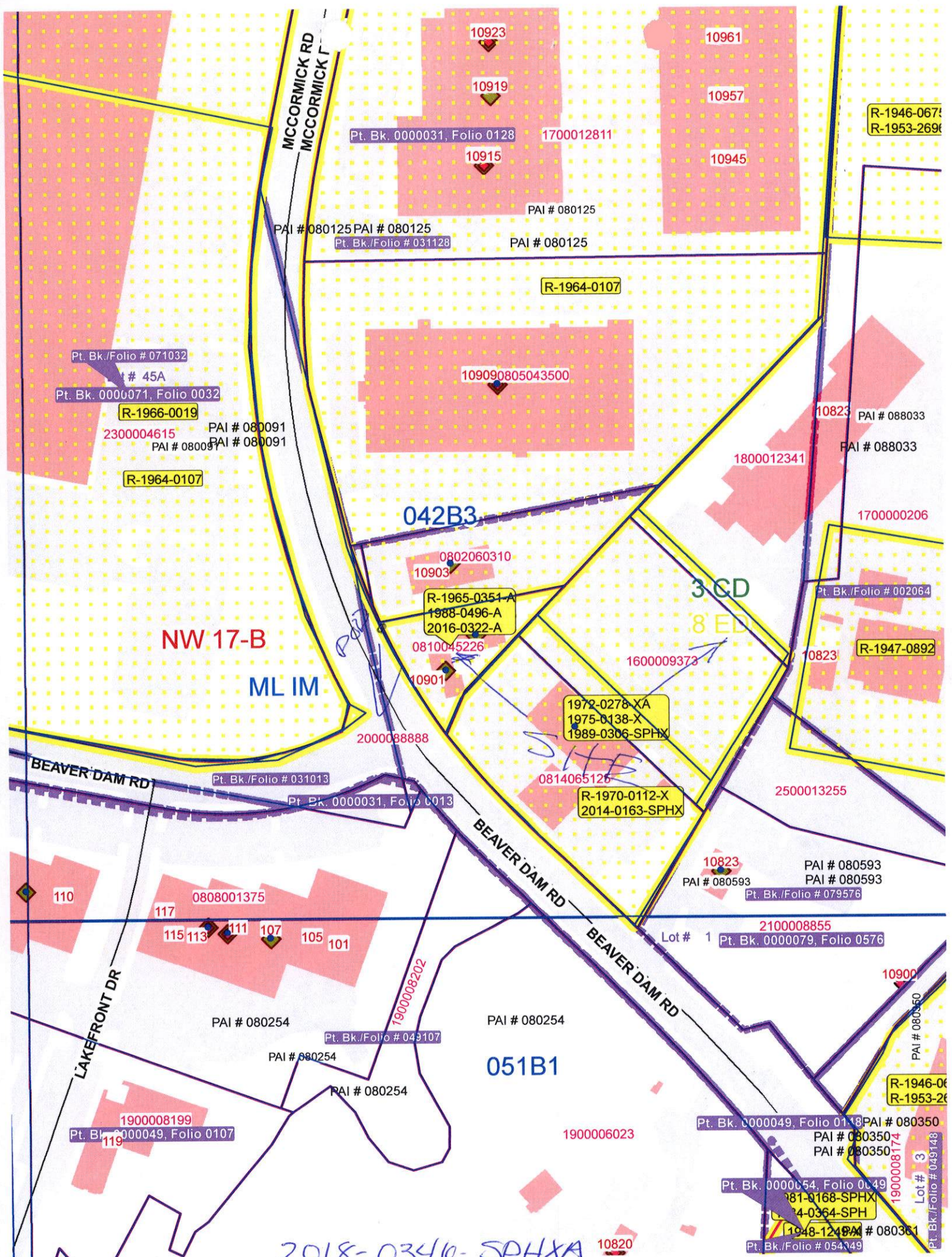
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of building permits Petitioner must submit for approval by DPR lighting and landscape plans for the site to include an enclosure for the existing dumpster.
3. No damaged or disabled motor vehicles shall for a period longer than 24 hours be stored or kept in the parking areas at the front of the site nearest Beaver Dam and McCormick Roads. All such vehicles must be kept in the storage area shown on the plan (which is enclosed by an 8' high slatted fence) and in compliance with the requirements of B.C.Z.R. §405A.

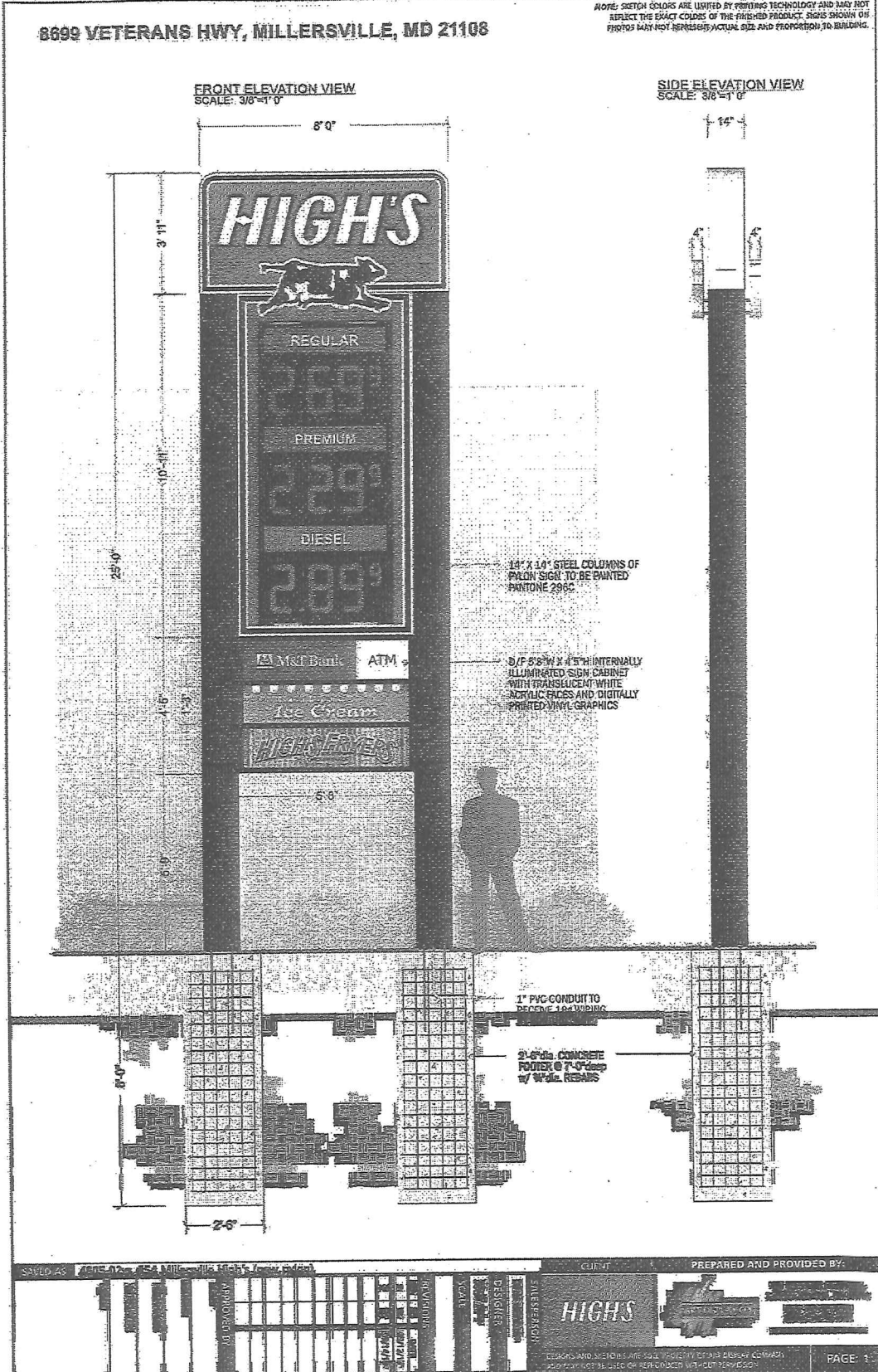
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



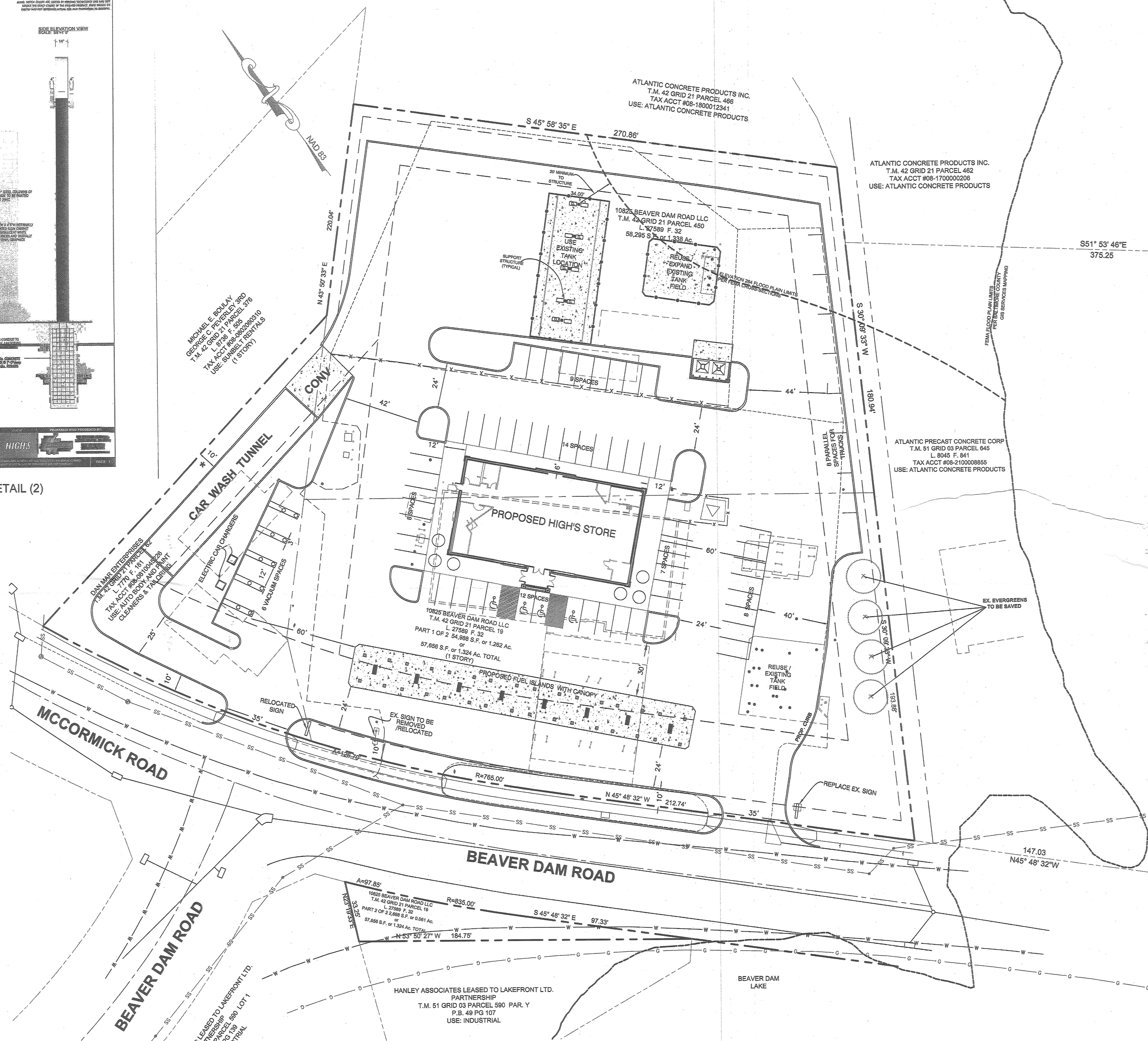
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

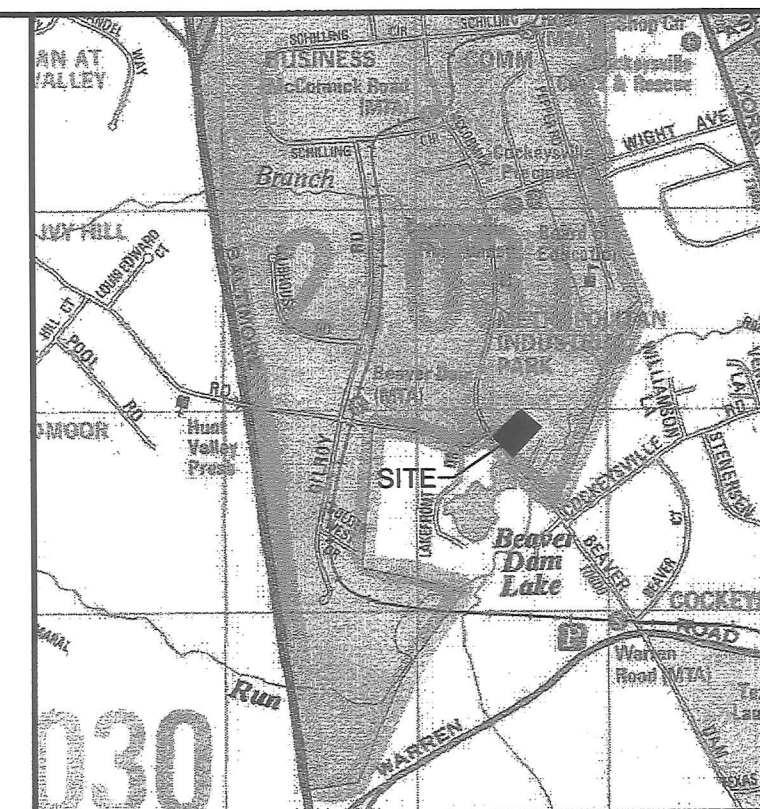




PROPOSED SIGN DETAIL (2)
N.T.S.



SCALE: 1" = 30'



VICINITY MAP
SCALE: 1" = 2000
PER ADC MAP USE PERMIT #21003176

SITE DATA TABLE AND GENERAL NOTES

TAX PARCEL AND STREET ADDRESS	OWNER	SIZE (SQUARE FEET)
PARCEL 19 (NORTHEAST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	54,888
PARCEL 19 (SOUTHWEST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	2,688
PARCEL 400 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	58,295
PARCEL 62 10801 MCCORMICK ROAD	DAN MAR ENTERPRISES, LLC	16,391
TOTAL		132,342

ZONE AND ACREAGE IN ZONE: ML IM ZONE(ENTIRE SITE)

EXISTING USES: FUEL SERVICE STATION AND ANCILLARY CONVENIENCE STORE; AUTO BODY SHOP; CLEANER AND TAILOR.

PROPOSED USES: FUEL SERVICE STATION WITH ANCILLARY CONVENIENCE STORE USE IN COMBINATION FULL SERVICE CAR WASH AND USE IN COMBINATION FAST FOOD RESTAURANT.

ZONING CASE HISTORY: 89-306-SPHX-SPECIAL EXCEPTION FOR FOOD STORE AND MODIFICATION OF EXISTING HEATING FUEL SALES ESTABLISHMENT; SPECIAL HEARING TO CONVERT AUTOMOTIVE SERVICE STATION TO GAS AND CO OPERATION AND AMENDMENTS TO PREVIOUSLY APPROVED SITE PLANS IN CASES 72-278-XA AND 75-138-XA. GRANTED BY ZONING COMMISSIONER FEBRUARY 15, 1989.

2014-163-SPHX- SPECIAL EXCEPTION FOR ADDITIONAL FUEL SERVICE IN AN EXISTING FUEL SERVICE STATION AND FOR A CONVENIENCE STORE LARGER THAN 1500 SQUARE FEET INCLUSIVE ACCESSORY STORAGE; SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN IN CASE 89-306-SPHX. GRANTED BY ALJ APRIL 17, 2014

REQUIRED PARKING			
	SIZE/NUMBER	REQUIREMENT	SPACES REQUIRED
C-STORE	4,841	5 SPACES / 1,000 S.F.	24,205
RESTAURANT	1,040	16 SPACES / 1,000 S.F.	16,640
EMPLOYEES/LARGEST SHIFT	6	6	6
ATM	1	1	1
AIR	2	2	2
VACUUM	5	5	5
FULL SERVICE CARWASH TUNNEL	1	6 SPACES TO DRY CARS	6
FULL SERVICE CAR	1	4 ADDITIONAL SPACES	4

TOTAL PARKING REQUIRED:.....65 SPACES

TOTAL PARKING PROVIDED:.....72 SPACES

STACKING SPACES REQUIRED: CARWASH(CWS).....19 SPACES

STACKING SPACES PROVIDED CARWASH(CWS).....19 SPACES

SETBACKS:.....35 FT. FROM R/W TO MAIN BUILDING REQUIRED
108 FT. FROM R/W TO MAIN BUILDING PROVIDED

25 FT. FROM R/W TO PUMP REQUIRED
34 FT. FROM R/W TO PUMP PROVIDED

15 FT. FROM R/W TO CANOPY REQUIRED
24 FT. FROM R/W TO CANOPY PROVIDED

10 FT. LANDSCAPE TRANSITION AREA FROM R/W REQUIRED
10 FT. LANDSCAPE TRANSITION AREA FROM R/W PROVIDED

6 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND REQUIRED
10 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND PROVIDED

50 FT. FROM CARWASH TUNNEL TO FRONT PROPERTY LINE REQUIRED
59 FT FROM CARWASH TUNNEL TO FRONT PROPERTY LINE PROVIDED

30 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE REQUIRED
*10 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE PROVIDED
*VARIANCE REQUESTED

- NOTES:
- 1.) THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 100' OF THE SUBJECT PROPERTY.
 - 2.) RESTROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH BCZR 405.4.8.
 - 3.) LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH MANUAL FOR AUTOMOBILE USES SEE LANDSCAPE PLAN FOR DETAIL.

PETITIONER'S

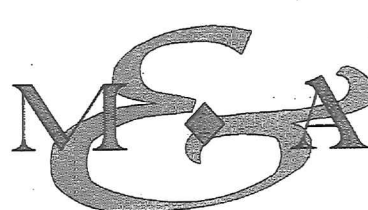
EXHIBIT NO. 1

SITE PLAN TO ACCOMPANY
ZONING PETITION

HIGHS CONVENIENCE STORE
AND CARWASH @
10825 BEAVER DAM ROAD

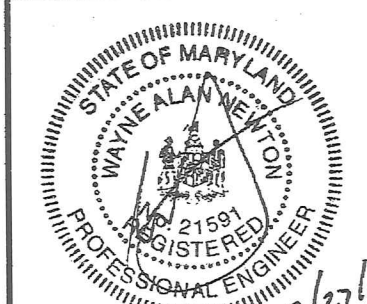
TAX MAP: 42 GRID: 21 PARCEL: 19 & 450 ZONED: ML IM
EIGHTH TAX DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 2018 SHEET: 1 OF 3

MESSICK & ASSOCIATES



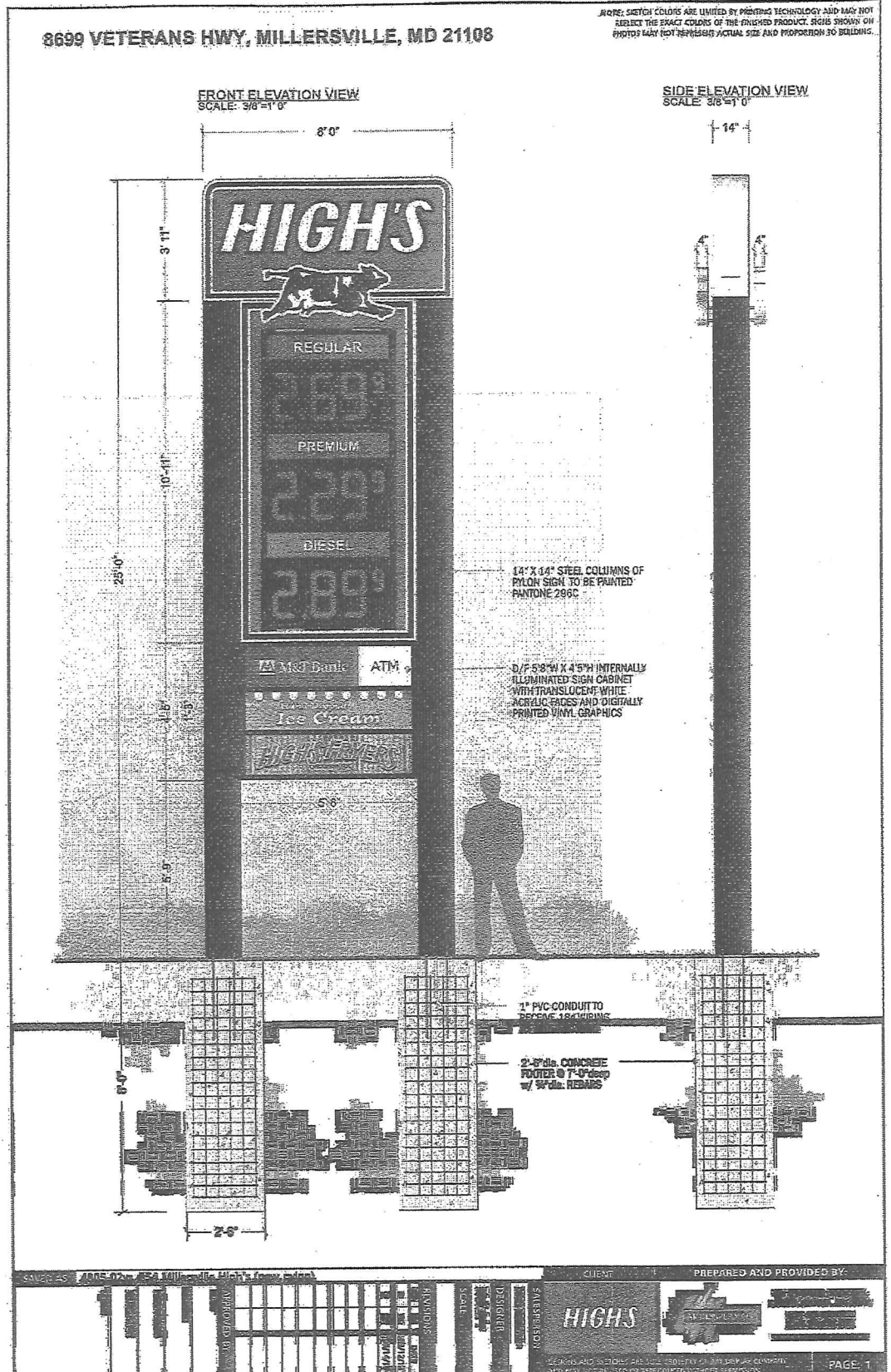
CONSULTING ENGINEERS
7 OLD SOLOMONS ISLAND RD, SUITE 202
ANNAPOLIS, MARYLAND 21401
PHONE: (410) 266-3212 FAX: (410) 266-3502
email: info@messickandassociates.com

* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

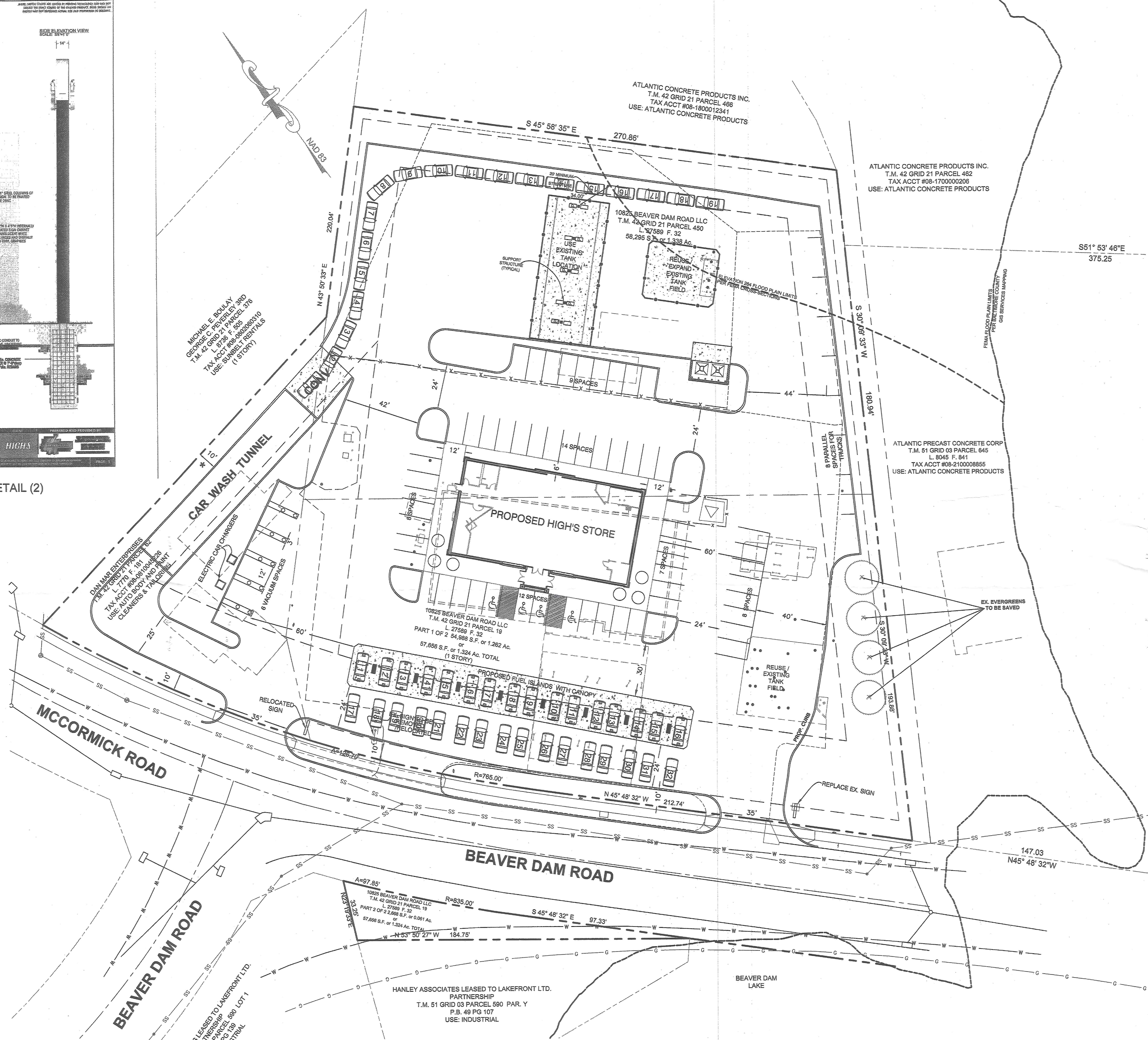


PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT
THIS DOCUMENT WAS PREPARED OR APPROVED BY ME,
AND THAT I AM A FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND
LICENSE NO. 21591
EXPIRATION DATE: 6-14-19

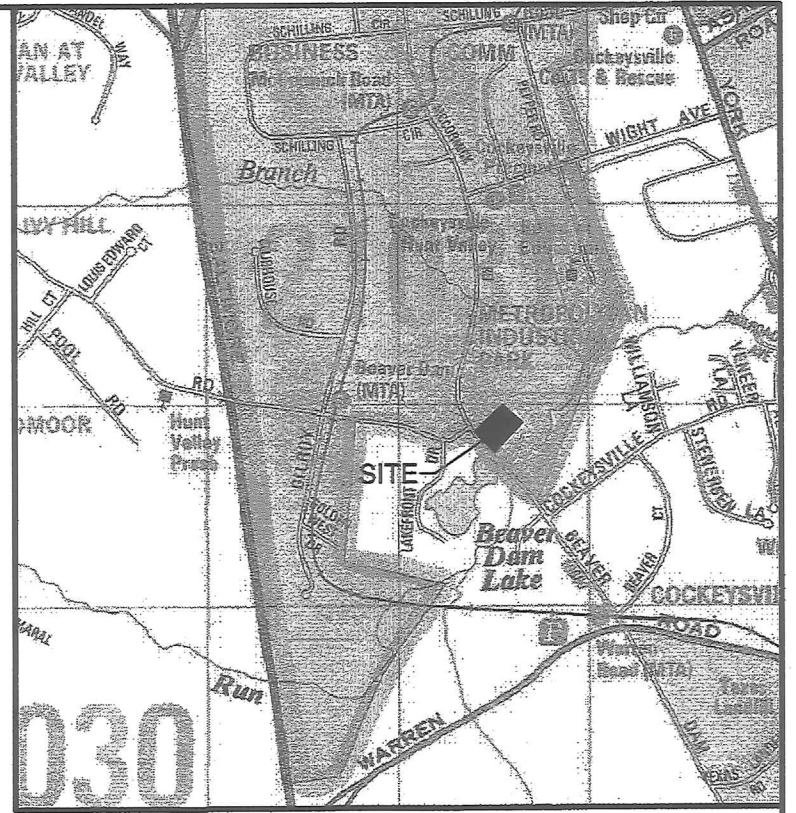
DEVELOPER:
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218



PROPOSED SIGN DETAIL (2)
N.T.S.



SCALE: 1" = 30'



VICINITY MAP
SCALE: 1" = 2000
PER ADC MAP USE PERMIT #21003176

SITE DATA TABLE AND GENERAL NOTES

TAX PARCEL AND STREET ADDRESS	OWNER	SIZE (SQUARE FEET)
PARCEL 19 (NORTHEAST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	54,988
PARCEL 19 (SOUTHWEST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	2,868
PARCEL 450 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	58,295
PARCEL 82 10901 MCCORMICK ROAD	DAN MAR ENTERPRISES, LLC	15,391
TOTAL		132,542

ZONE AND ACREAGE IN ZONE: ML IM ZONE(ENTIRE SITE)

EXISTING USES: FUEL SERVICE STATION AND ANCILLARY CONVENIENCE STORE; AUTO BODY SHOP; CLEANER AND TAILOR.

PROPOSED USES: FUEL SERVICE STATION WITH ANCILLARY CONVENIENCE STORE USE IN COMBINATION FULL SERVICE CAR WASH AND USE IN COMBINATION FAST FOOD RESTAURANT.

ZONING CASE HISTORY: 89-306-SPHX-SPECIAL EXCEPTION FOR FOOD STORE AND MODIFICATION OF EXISTING HEATING FUEL SALES ESTABLISHMENT; SPECIAL HEARING TO CONVERT AUTOMOTIVE SERVICE STATION TO GAS AND CO OPERATION AND AMENDMENTS TO PREVIOUSLY APPROVED SITE PLANS IN CASES 72-278-XA AND 75-138-XA. GRANTED BY ZONING COMMISSIONER FEBRUARY 15, 1989.

2014-163-SPHX- SPECIAL EXCEPTION FOR ADDITIONAL FUEL SERVICE IN AN EXISTING FUEL SERVICE STATION AND FOR A CONVENIENCE STORE LARGER THAN 1500 SQUARE FEET INCLUSIVE ACCESSORY STORAGE; SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN IN CASE 89-306-SPHX. GRANTED BY ALJ APRIL 17, 2014

REQUIRED PARKING			
	SIZE/NUMBER	REQUIREMENT	SPACES REQUIRED
C-STORE	4,841	8 SPACES / 1,000 S.F.	24,205
RESTAURANT	1,040	18 SPACES / 1,000 S.F.	18,744
EMPLOYEES/LARGEST SHIFT	5	5	5
ATM	1	1	1
AIR	2	2	2
VACUUM	5	5	5
FULL SERVICE CARWASH TUNNEL	1	6 SPACES TO DRY CARS	6
FULL SERVICE CAR	1	4 ADDITIONAL SPACES	4

TOTAL PARKING REQUIRED:.....65 SPACES

TOTAL PARKING PROVIDED:.....72 SPACES

STACKING SPACES REQUIRED: CARWASH(CWS).....19 SPACES

STACKING SPACES PROVIDED CARWASH(CWS).....19 SPACES

SETBACKS:.....35 FT. FROM R/W TO MAIN BUILDING REQUIRED
108 FT. FROM R/W TO MAIN BUILDING PROVIDED

25 FT. FROM R/W TO PUMP REQUIRED
34 FT. FROM R/W TO PUMP PROVIDED

15 FT. FROM R/W TO CANOPY REQUIRED
24 FT. FROM R/W TO CANOPY PROVIDED

10 FT. LANDSCAPE TRANSITION AREA FROM R/W REQUIRED
10 FT. LANDSCAPE TRANSITION AREA FROM R/W PROVIDED

6 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND REQUIRED
10 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND PROVIDED

50 FT. FROM CARWASH TUNNEL TO FRONT PROPERTY LINE REQUIRED
59 FT. FROM CARWASH TUNNEL TO FRONT PROPERTY LINE PROVIDED

30 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE REQUIRED
*10 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE PROVIDED
*VARIANCE REQUESTED

NOTES:
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2.) RESTROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH BCZR 405.4.8.
3.) LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH LANDSCAPE MANUAL FOR AUTOMOBILE USES SEE LANDSCAPE PLAN FOR DETAILS.

July 2018 FILE: H:\12-0702 High's at Beaver Dam Road\DWG\CONCEPT NOTES STACKING PLAN-SHEET 2.dwg

REVISION	DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES'
CONSULTING ENGINEERS
7 OLD SOLOMONS ISLAND RD, SUITE 202
ANNAPOLIS, MARYLAND 21401
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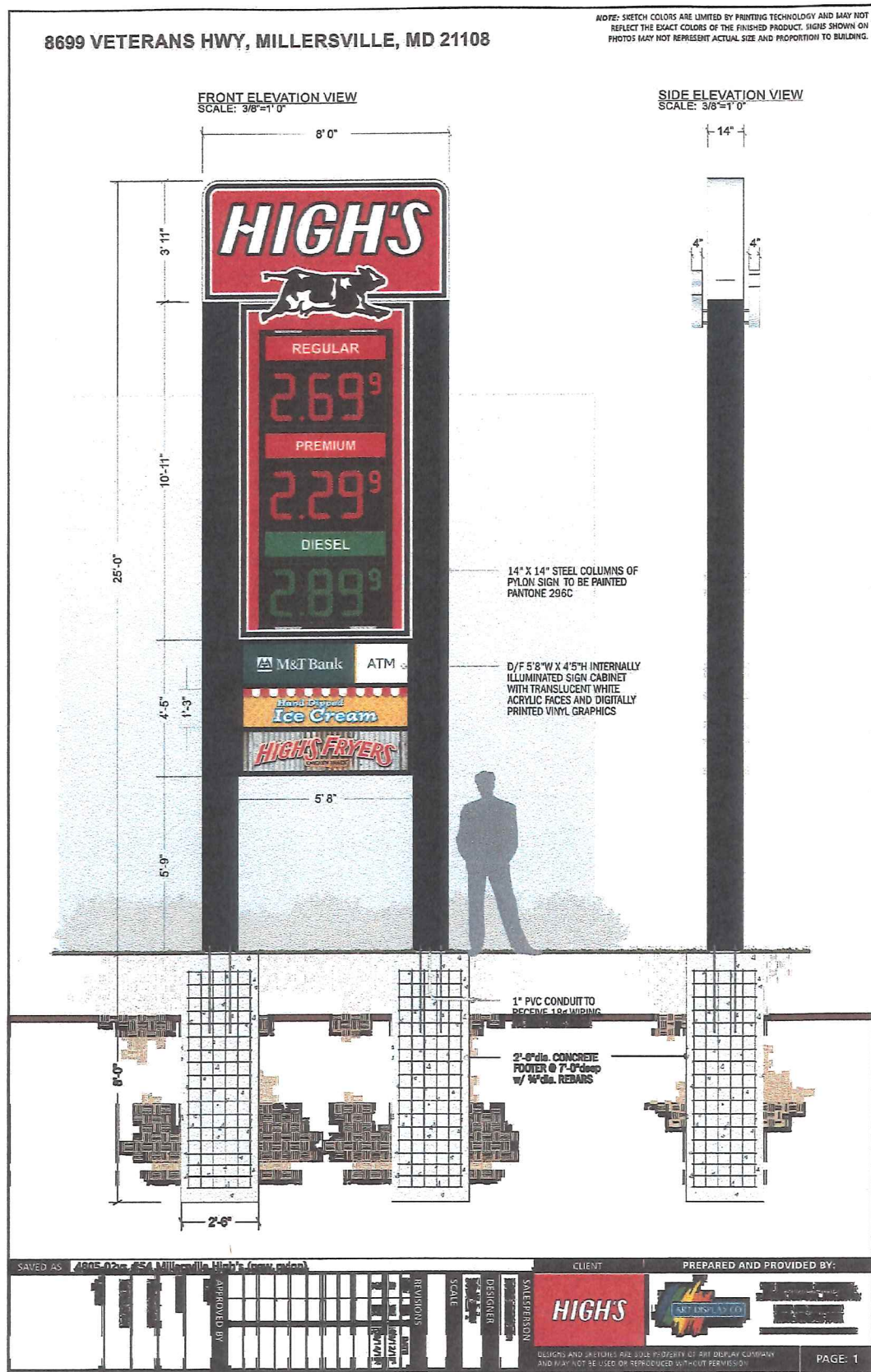
DEVELOPER:
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

**SITE PLAN TO ACCOMPANY
ZONING PETITION**
**HIGH'S CONVENIENCE STORE
AND CARWASH @
10825 BEAVER DAM ROAD**

TAX MAP: 42 GRID: 21 PARCEL: 19 & 450 ZONED: ML IM
EIGHTH TAX DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 2018 SHEET: 2 OF 3

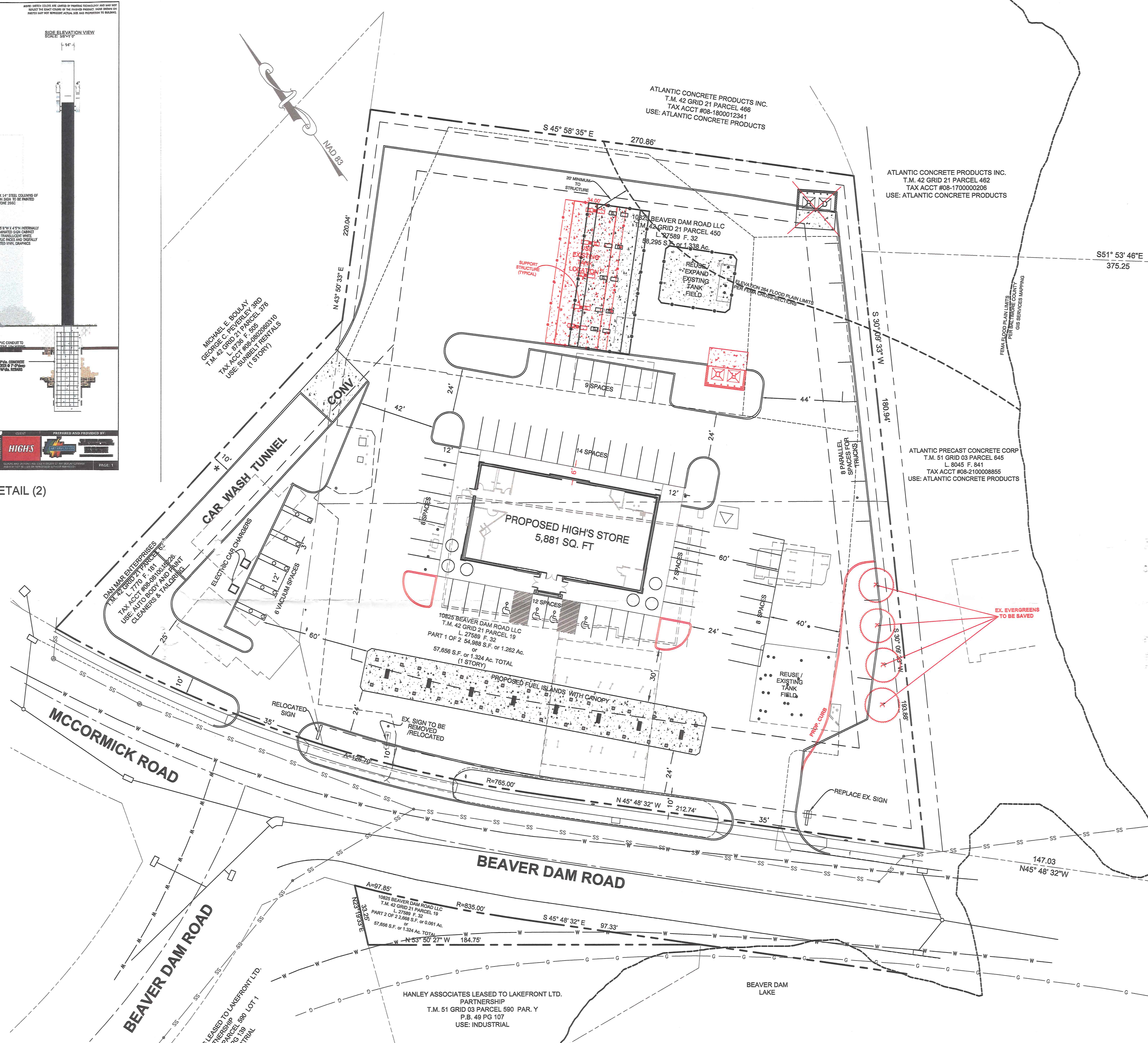


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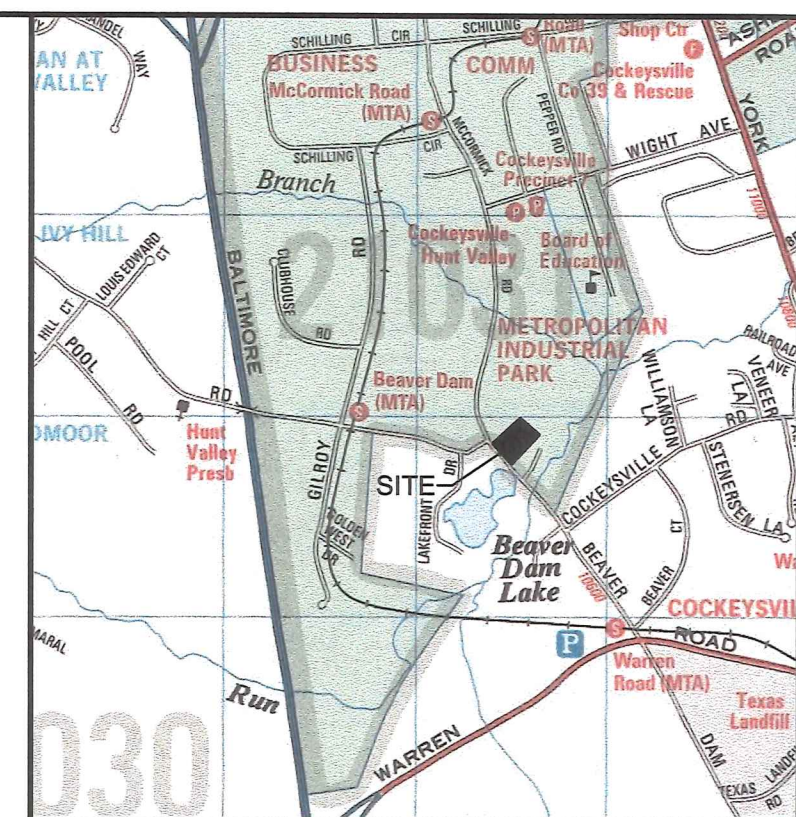


PROPOSED SIGN DETAIL (2)
N.T.S.

Proposed Use	Size	Multiplier Factor	Req'd Lot Area
C-store	4841	4	19364 Sq. Ft
Restaurant	1040	6	6240 Sq. Ft
MDPs	20	1500	30000 Sq. Ft
ATM	1	1000	1000 Sq. Ft
Total Site Required			56604 Sq. Ft
Total Site Area			132,342 Sq. Ft



SCALE: 1" = 30'



VICINITY MAP
SCALE: 1" = 2000
PER ADC MAP USE PERMIT #21003176

SITE DATA TABLE AND GENERAL NOTES

TAX PARCEL AND STREET ADDRESS	OWNER / T/A	SIZE (SQUARE FEET)
PARCEL 19 (NORTHEAST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD, LLC TAX ACCT #08-14065125	10825 BEAVER DAM ROAD, LLC TAX ACCT #08-14065125	54,888
PARCEL 18 (SOUTHWEST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD, LLC TAX ACCT #08-14065125	10825 BEAVER DAM ROAD, LLC TAX ACCT #08-14065125	2,668
PARCEL 400 10825 BEAVER DAM ROAD, LLC TAX ACCT #08-14065125	10825 BEAVER DAM ROAD, LLC TAX ACCT #08-14065125	58,295
PARCEL 62 10801 MCCORMICK ROAD DAN MAR ENTERPRISES, LLC TAX ACCT #08-14065125	DAN MAR ENTERPRISES, LLC TAX ACCT #08-14065125	16,391
TOTAL SITE AREA		132,342 SQ. FT. / 3.04 AC

ZONE AND ACREAGE IN ZONE: ML IM ZONE(ENTIRE SITE)

EXISTING USES: FUEL SERVICE STATION AND ANCILLARY CONVENIENCE STORE; AUTO BODY SHOP; CLEANER AND TAILOR.

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REQUIRED PARKING			
C-STORE	SIZE/NUMBER	REQUIREMENT	SPACES REQUIRED
RESTAURANT	4,841	5 SPACES / 1,000 S.F.	24,208
EMPLOYEES LARGEST SHIFT	1040	16 SPACES / 1,000 S.F.	16,640
ATM	1	1	1
AIR	2	2	2
VACUUM	5	5	5
FULL SERVICE CARWASH TUNNEL	1	6 SPACES TO DRY CARS	6
FULL SERVICE CAR	1	4 ADDITIONAL SPACES	4

TOTAL PARKING REQUIRED:.....65.56 SPACES

TOTAL PARKING PROVIDED:.....72.76 SPACES

STACKING SPACES REQUIRED: CARWASH(CWS).....19 SPACES

STACKING SPACES PROVIDED CARWASH(CWS).....19 SPACES

SETBACKS:.....35 FT. FROM R/W TO MAIN BUILDING REQUIRED
108 FT. FROM R/W TO MAIN BUILDING PROVIDED

25 FT. FROM R/W TO PUMP REQUIRED
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PETITIONER'S

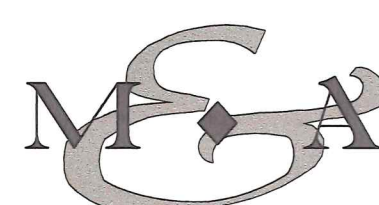
EXHIBIT NO. 2

REDLINE REVISIONS TO ORIGINAL
PLAN DATED 6/11/2018

HIGH'S CONVENIENCE STORE
AND CARWASH @
10825 BEAVER DAM ROAD

TAX MAP: 42 GRID: 21 PARCEL: 19 & 450 ZONED: ML IM
EIGHTH TAX DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 2018 SHEET: 1 OF 3

MESSICK & ASSOCIATES'



CONSULTING ENGINEERS

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ANNAPOLIS, MARYLAND 21401

PHONE: (410) 266-3212 FAX: (410) 266-3502
email: info@messickandassociates.com

* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

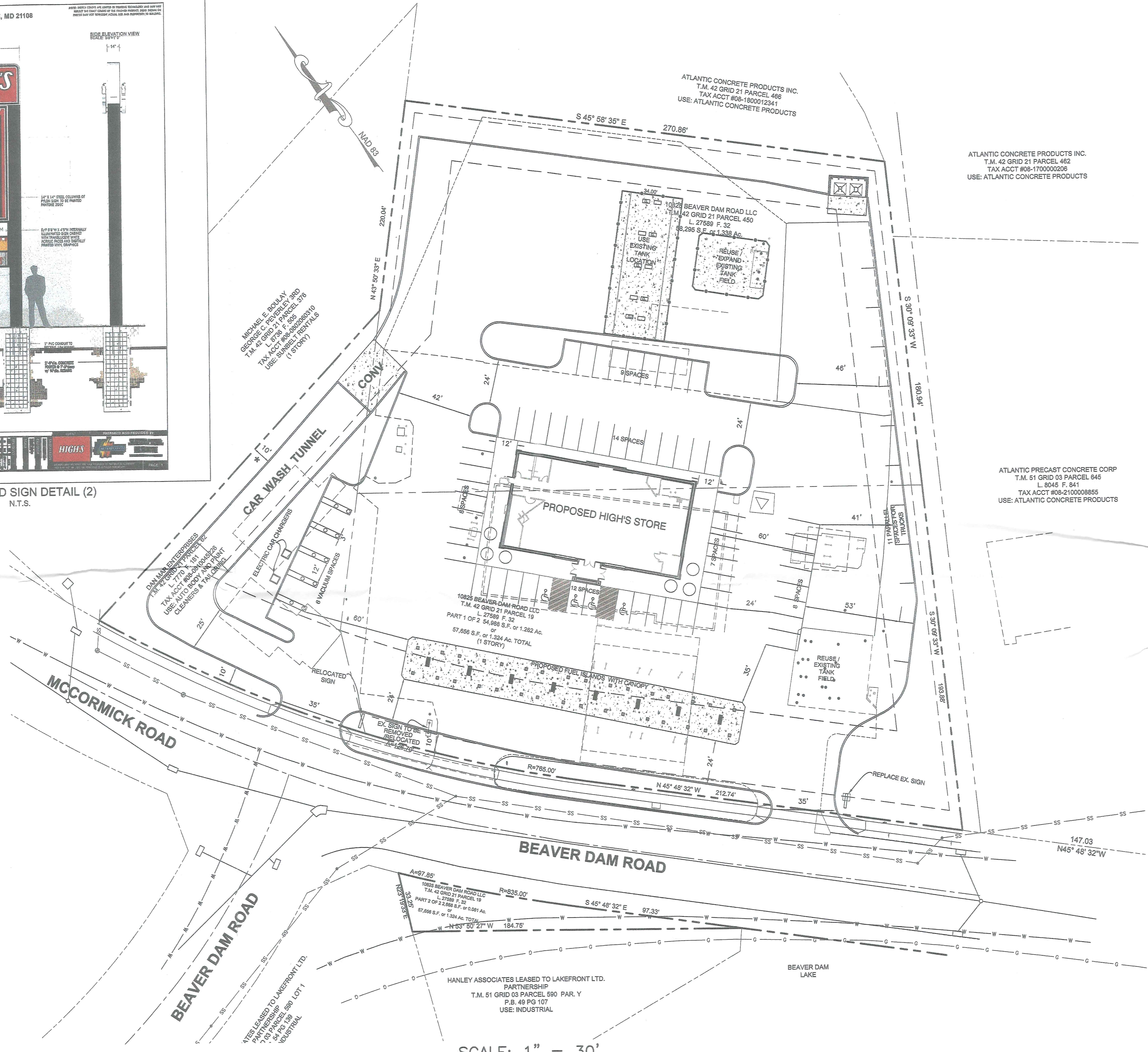
DEVELOPER:
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT
THIS DOCUMENT WAS PREPARED OR APPROVED BY ME,
AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND
LICENSE NO. 21911
EXPIRATION DATE: 6-14-17

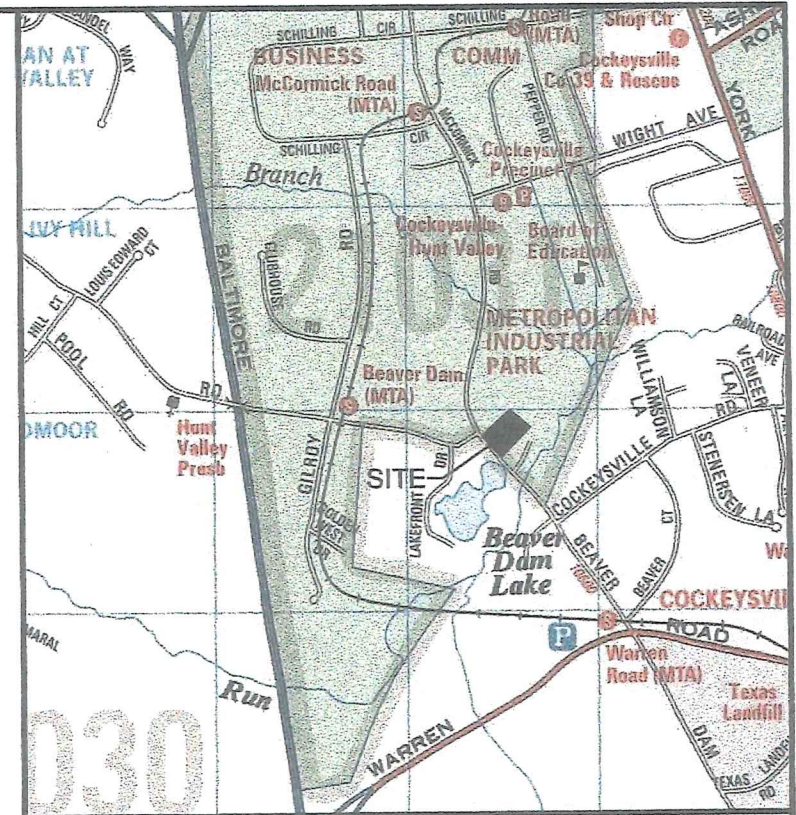
REVISION DESCRIPTION BY DATE



PROPOSED SIGN DETAIL (2)
N.T.S.



SCALE: 1" = 30'



VICINITY MAP
SCALE: 1" = 2000
PER ADC MAP USE PERMIT #21003176

SITE DATA TABLE AND GENERAL NOTES

TAX PARCEL AND STREET ADDRESS	OWNER	SIZE (SQUARE FEET)
PARCEL 19 (NORTHEAST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	54,865
PARCEL 19 (SOUTHWEST SIDE OF BEAVER DAM ROAD) 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	2,868
PARCEL 480 10825 BEAVER DAM ROAD	10825 BEAVER DAM ROAD, LLC	68,295
PARCEL 82 10801 MCCORMICK ROAD	DAN MAR ENTERPRISES, LLC	16,391
TOTAL		132,242

ZONE AND ACREAGE IN ZONE: ML IM ZONE(ENTIRE SITE)

EXISTING USES: FUEL SERVICE STATION AND ANCILLARY CONVENIENCE STORE; AUTO BODY SHOP; CLEANER AND TAILOR.

PROPOSED USES: FUEL SERVICE STATION WITH ANCILLARY CONVENIENCE STORE USE IN COMBINATION FULL SERVICE CAR WASH AND USE IN COMBINATION FAST FOOD RESTAURANT.

ZONING CASE HISTORY: 89-306-SPHX-SPECIAL EXCEPTION FOR FOOD STORE AND MODIFICATION OF EXISTING HEATING FUEL SALES ESTABLISHMENT; SPECIAL HEARING TO CONVERT AUTOMOTIVE SERVICE STATION TO GAS AND GO OPERATION AND AMENDMENTS TO PREVIOUSLY APPROVED SITE PLANS IN CASES 72-276-XA AND 75-136-XA. GRANTED BY ZONING COMMISSIONER FEBRUARY 15, 1989.

2014-163-SPHX- SPECIAL EXCEPTION FOR ADDITIONAL FUEL SERVICE IN AN EXISTING FUEL SERVICE STATION AND FOR A CONVENIENCE STORE LARGER THAN 1500 SQUARE FEET INCLUSIVE ACCESSORY STORAGE; SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN IN CASE 89-306-SPHX. GRANTED BY ALJ APRIL 17, 2014

REQUIRED PARKING			
	SIZE/NUMBER	REQUIREMENT	SPACES REQUIRED
C-STORE	4,841	5 SPACES / 1,000 S.F.	24,205
RESTAURANT	659	16 SPACES / 1,000 S.F.	10,544
EMPLOYEES/LARGEST SHIFT	6	6	6
ATM	1	1	1
AIR	2	2	2
VACUUM	5	5	5
FULL SERVICE CARWASH TUNNEL	1	8 SPACES TO DRY CARS	8
FULL SERVICE CAR	1	4 ADDITIONAL SPACES	4

TOTAL PARKING REQUIRED:.....59 SPACES

TOTAL PARKING PROVIDED:.....75 SPACES

STACKING SPACES REQUIRED: CARWASH(CWS).....19 SPACES

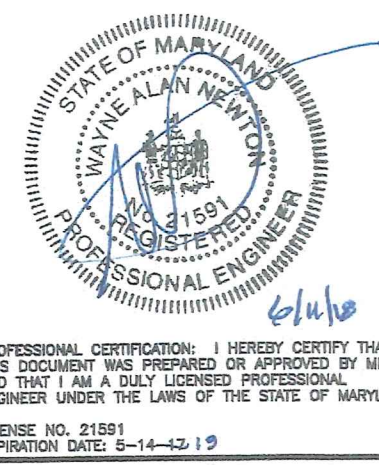
STACKING SPACES PROVIDED CARWASH(CWS).....19 SPACES

- SETBACKS:.....35 FT. FROM R/W TO MAIN BUILDING REQUIRED
108 FT. FROM R/W TO MAIN BUILDING PROVIDED
- 25 FT. FROM R/W TO PUMP REQUIRED
34 FT. FROM R/W TO PUMP PROVIDED
- 15 FT. FROM R/W TO CANOPY REQUIRED
24 FT. FROM R/W TO CANOPY PROVIDED
- 10 FT. LANDSCAPE TRANSITION AREA FROM R/W REQUIRED
10 FT. LANDSCAPE TRANSITION AREA FROM R/W PROVIDED
- 6 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND REQUIRED
10 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND PROVIDED
- 50 FT. FROM CARWASH TUNNEL TO FRONT PROPERTY LINE REQUIRED
59 FT. FROM CARWASH TUNNEL TO FRONT PROPERTY LINE PROVIDED
- 30 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE REQUIRED
*10 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE PROVIDED
*VARIANCE REQUESTED

- NOTES:
- 1.) THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 100' OF THE SUBJECT PROPERTY.
 - 2.) RESTROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH BCZR 405.4.8.
 - 3.) LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH LANDSCAPE MANUAL FOR AUTOMOBILE USES SEE LANDSCAPE PLAN FOR DETAILS.

REVISION	DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES
CONSULTING ENGINEERS
7 OLD SOLOMONS ISLAND RD, SUITE 202
ANNAPOLIS, MARYLAND 21401
PHONE: (410) 266-3212 FAX: (410) 266-3502
email: info@messickandassociates.com

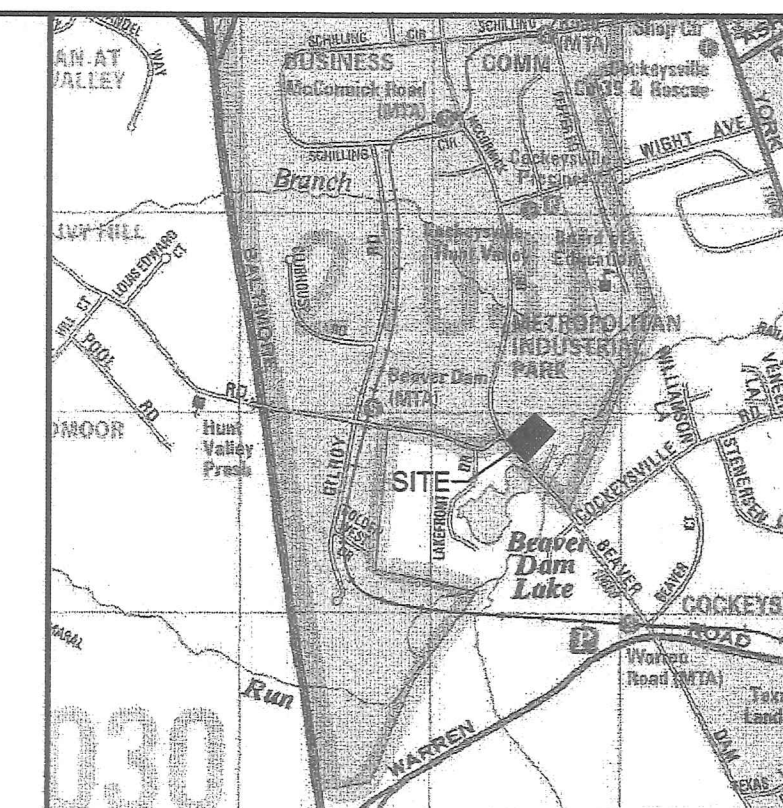


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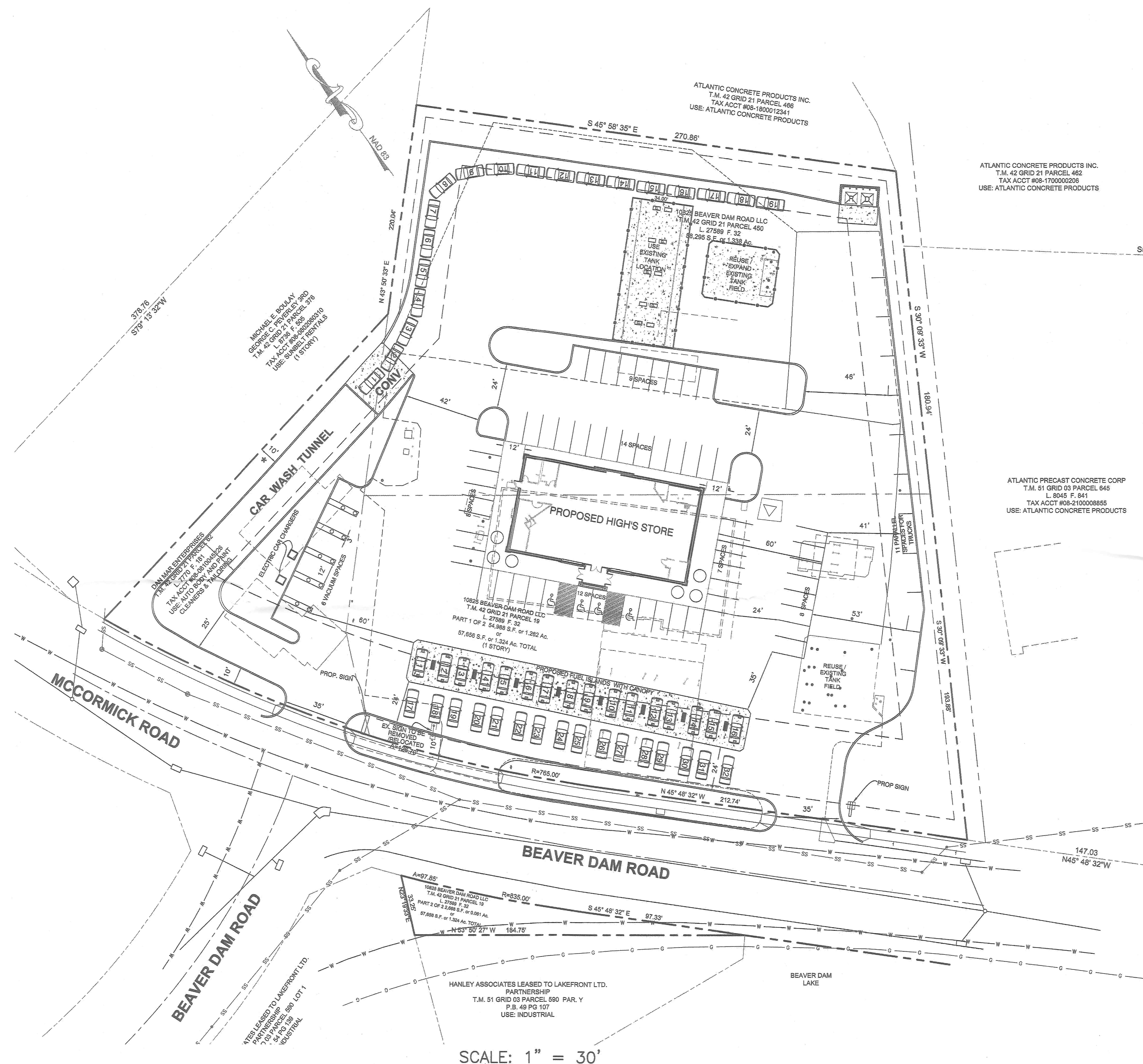
**SITE PLAN TO ACCOMPANY
ZONING PETITION
HIGH'S CONVENIENCE STORE
AND CARWASH @
10825 BEAVER DAM ROAD**

TAX MAP: 42 GRID: 21 PARCEL: 19 & 450 ZONED: ML IM
EIGHTH TAX DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 2018 SHEET: 1 OF 3

2018-0316-SPHX



VICINITY MAP
SCALE: 1" = 2000
PER ADC MAP USE PERMIT #21003176

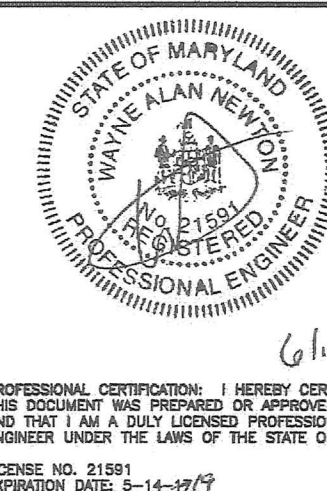


SCALE: 1" = 30'

REVISION	DESCRIPTION	BY	DATE

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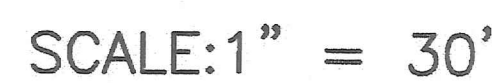


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2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

STACKING SITE PLAN

**HIGH'S CONVENIENCE STORE
AND CARWASH @
10825 BEAVER DAM ROAD**

TAX MAP: 42 GRID: 21 PARCEL: 19 & 450 ZONED: ML IM
EIGHTH TAX DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 2018 SHEET: 2 OF 3



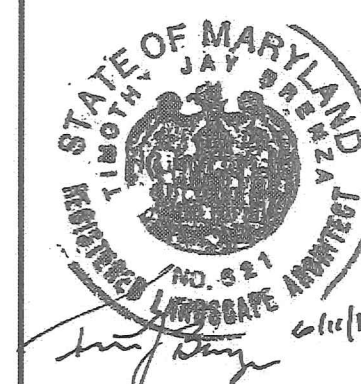
REVISION	DESCRIPTION
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BY	DATE
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MSA

* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

2120 RENARD COURT
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(410) 266-3212
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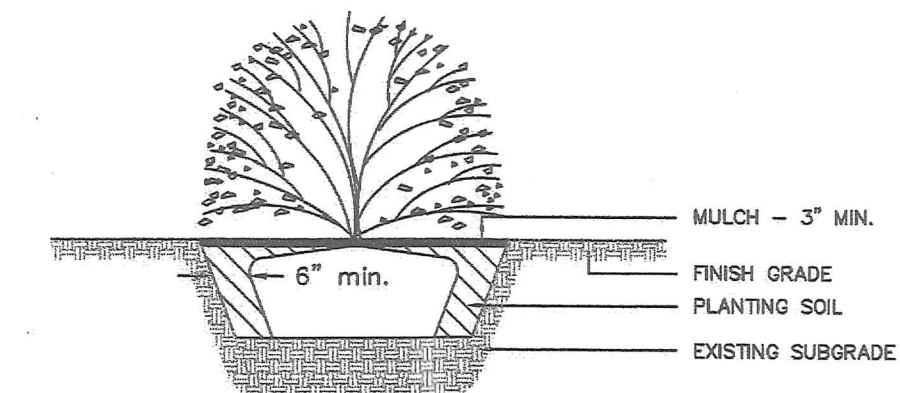
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD. 21218

LANDSCAPE PLANTING PLAN

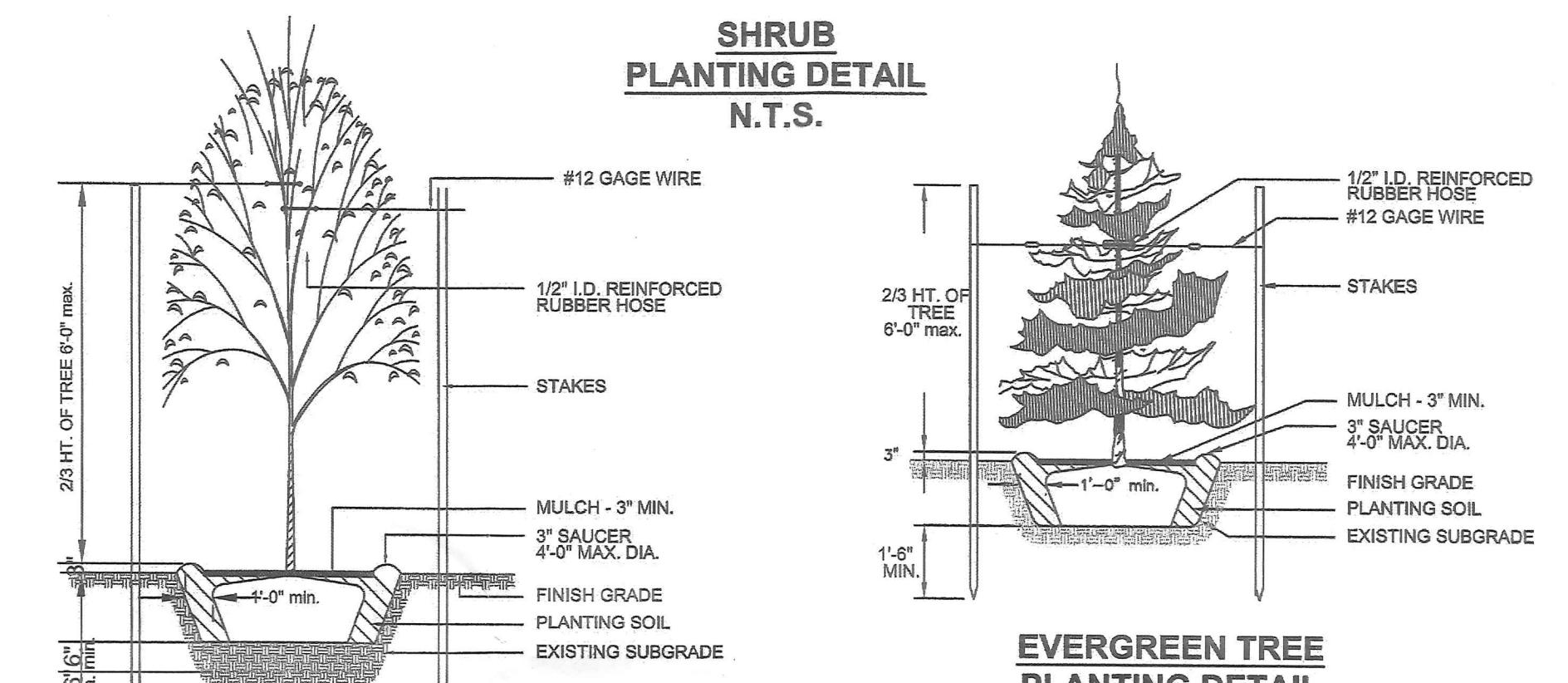
TAX MAP: 42 GRID: 21 PARCEL: 19 & 450 ZONED: ML IM
8TH TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: JUNE 2018 SHEET 3 OF 3

<u>EDGE</u>	<u>ELEMENT</u>	<u>RATE</u>	<u>LINEAR FEET (L.F.)</u>	<u>PLANTING UNITS SHOWN</u>	<u>NOTES</u>
A	ADJACENT TO PUBLIC ROAD (CLASS B)	1 PU / 15 LF	430 L.F.	28 PU	excludes 60' access isle
B	ADJACENT TO COMMERCIAL	1 PU / 10 LF	284.28 L.F.	28 PU	*excludes 80 LF of Ex.Trees
C	ADJACENT TO COMMERCIAL	1 PU / 10 LF	270.86 LF	27 PU	
D	ADJACENT TO COMMERCIAL	1 PU / 10 LF	350 L.F.	35 PU	
E	DUMPSTER SCREENING	1 PU / 15 LF	45 L.F.	3 PU	

PLANT SCHEDULE						
QTY.	KEY	SIZE	BOTANICAL NAME	COMMON NAME	SPACING	ROOT
			<i>Major Deciduous Trees</i>			
24	AR	2 1/2" cal.	<i>Acer rubrum</i>	Red Maple	20-25' o.c.	B&B
2	BN	2 1/2" cal.	<i>Betula nigra</i>	River Birch	20-25' o.c.	B&B
9	ZS	2 1/2" cal.	<i> Zelkova serrata</i>	Japanese Zelkova	20-25' o.c.	B&B
			<i>Minor Deciduous Trees</i>			
6	CC	1 1/2" Cal.	<i>Cercis canadensis</i>	Eastern Redbud	30' o.c.	B&B
11	LI	1 1/2" Cal.	<i>Lagerstromia indica</i>	Crape Myrtle	40' o.c.	B&B
			<i>Evergreen Trees</i>			
34	PN	6' Ht.	<i>Pinus nigra</i>	Austrian Pine	10-12' o.c.	B&B
35	PS	6' Ht.	<i>Pinus strobus</i>	White Pine	10-12' o.c.	Cont.
			<i>Shrubs</i>			
60	IV	2 1/2' Ht.	<i>Ilex virginiana</i>	Winterberry	4-6' o.c.	Cont.
95	JH	2 1/2' Ht.	<i>Juniperus horizontalis</i>	Horizontal Juniper	4-6' o.c.	Cont.
30	PL	2 1/2' Ht.	<i>Prunus laurocerasus 'schlipiaensis'</i>	Skip Laurel	4-6' o.c.	Cont.
46	ND	18" Ht.	<i>Nandina domestica 'Compacta'</i>	Dwarf Nandina	4' o.c.	Cont.
			<i>Perennials</i>			
40	PA	1 gal.	<i>Perovetia atriplicifolia</i>	Russian Sage	18" o.c.	Cont.
28	RF	1 gal.	<i>Rudbeckia hufelgia</i>	Black Eyed Susan	18" o.c.	Cont.



SHRUB
PLANTING DETAIL
N.T.S.



EVERGREEN TREE
PLANTING DETAIL
N.T.S.

TREE PLANTING DETAIL
- LESS THAN 4" CAL.
N.T.S.

PLANTING NOTES:

1. ALL PLANTS SHALL BE NURSERY GROWN.
2. ALL PLANTS SHALL CONFORM TO THE STANDARDS OF BALTIMORE COUNTY. THEY SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY AND SHALL HAVE A NORMAL HABIT OF GROWTH. THEY SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE AND INSECT PESTS, EGGS, OR LARVAE. THEY SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS.
3. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.
4. BALLED AND BURLAPPED PLANTS SHALL BE DUG WITH FIRM NATURAL BALLS OF EARTH, OF DIAMETER AND DEPTH TO INCLUDE MOST OF THE FIBROUS ROOTS. CONTAINER GROWN STOCK SHALL HAVE BEEN GROWN IN A CONTAINER LONG ENOUGH FOR THE ROOT PLANTS SYSTEM TO BE HAVE DEVELOPED SUFFICIENTLY TO HOLD ITS SOIL TOGETHER FIRM AND WHOLE. NO PLANTS SHALL BE LOOSE IN THE CONTAINER.
5. ROOT BALLS OF ALL PLANTS SHALL BE ADEQUATELY PROTECTED AT ALL TIMES FROM SUN AND DRYING WINDS OR FROST.
6. OWNER OR HIS REPRESENTATIVE SHALL BE NOTIFIED PRIOR TO BEGINNING PLANTING OPERATIONS.
7. ALL TREES SHALL BE WRAPPED IMMEDIATELY AFTER THEY ARE PLANTED. APPROVED TREE WRAP SHALL BE INSTALLED ACCORDING TO ACCEPTED INDUSTRY PRACTICE.
8. EACH TREE AND SHRUB SHALL BE PRUNED IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS TO PRESERVE THE NATURAL CHARACTER OF THE PLANT. ALL DEAD WOOD OR SUCKERS AND ALL BROKEN OR BADLY BRUISED BRANCHES SHALL BE REMOVED. CUTS OVER 1" IN DIAMETER SHALL BE PAINTED WITH AN APPROVED TREE PAINT.
9. MULCH: IMMEDIATELY AFTER PLANTING OPERATIONS ARE COMPLETED ALL TREES AND SHRUB PLANTING PITS SHALL BE COVERED WITH A 3" LAYER OF SHREDDED HARDWOOD BARK MULCH OR OTHER MATERIAL APPROVED BY THE OWNER OR HIS REPRESENTATIVE. THE LIMIT OF THIS MULCH FOR TREES SHALL BE THE AREA OF THE PIT AND FOR SHRUBS IN BEDS, THE ENTIRE AREA OF THE SHRUB BED.
10. TREES IN LEAF WHEN PLANTED SHALL BE TREATED WITH ANTI-DESICCANT SUCH AS WILT-PROOF.
11. CONDITIONS DETRIMENTAL TO PLANTS: THE CONTRACTOR SHALL NOTIFY THE PROJECT IN WRITING AT THE SOIL OR DRAINAGE CONDITIONS WHICH THE CONTRACTOR CONSIDERS DETRIMENTAL TO THE OF THE PLANTS. HE SHALL STATE THE CONDITIONS AND SUBMIT A PROPOSAL FOR CORRECTING THE CONDITIONS, INCLUDING ANY CHANGE IN COST FOR REVIEW AND ACCEPTANCE BY THE PROJECT REPRESENTATIVE.
12. MINOR ADJUSTMENTS TO TREE LOCATION MAY BE NECESSARY DUE TO FIELD CONDITIONS AND THE FINAL GRADING. THE CONTRACTOR SHALL NOTIFY THE OWNER IF MAJOR ADJUSTMENTS ARE REQUIRED.