

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(11021 Pulaski Highway)
11th Election District
5th Council District
The Dengler Family, LLC
Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0217-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of The Dengler Family, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to amend the site plan from the previous case of 2008-0230-SPHA and to confirm that a vehicle storage area for damaged and disable vehicles is a permitted accessory use of the property. In addition, a Petition for Variance was filed pursuant to BCZR for rear yard setbacks of 18' and 19' respectively in lieu of the required 30'; for a side yard setback of 12' between two buildings in lieu of the required 60'; and for a front to side setback between two buildings of 45' in lieu of the required 55'. A site plan was marked as Petitioner's Exhibit 1.

Professional engineer Rick Richardson appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Planning (“DOP”). Neither of the reviewing agencies oppose the request.

ORDER RECEIVED FOR FILING

Date 4/10/19

By Sen

The subject property is rectangular in shape and approximately 3.32 acres in size. The property is located in the White Marsh area of Baltimore County and is split-zoned ML & BR. The site is improved with several structures, all located in the ML-zoned portion of the property. Petitioner recently constructed on the site a small office (720 sq. ft.) and a 1200 sq. ft. garage with three bays. Petitioner operates a used motor vehicle sales business ("Platinum Auto & Truck") and acquires vehicles for inventory from auctions and elsewhere. Frequently Petitioner will need to perform mechanical and/or body & fender repair on the vehicles before offering them for sale. The new building with service bays is used for this purpose, and the site plan also shows an area for "vehicle storage" which is used to store damaged and/or disabled vehicles purchased from auctions needing service or repair.

SPECIAL HEARING

In addition to amending the site plan approved in a 2008 zoning case, the petition for special hearing seeks confirmation that a storage area for damaged or disabled vehicles is a permitted accessory use on this site. The storage area shown on the plan comprises only a small portion of the overall site and thus it is "subordinate" in area and purpose pursuant to Section 101.1 of the BCZR. The area is located on the same lot as the principal use, and I believe such a storage area is customarily found in larger used car sales operations, where damaged vehicles are often acquired from auctions and restored for sale on the site. As such I believe the storage area qualifies as an "accessory use" as that term is defined in the above-cited section of the zoning regulations.

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

ORDER RECEIVED FOR FILING

Date

4/10/19

By

Sen

difficulty or hardship.

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

The property is located in the Chesapeake Bay critical area and a large portion of the site is within a floodplain, as shown on the map submitted as Petitioner's Exhibit 3. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be required to raze or relocate the existing structures. 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 County and/or community opposition. In addition, as Mr. Richardson noted at the hearing the variances are internal to the site and will not impact off-site properties.

As requested in the DOP ZAC comment, Mr. Richardson noted on the plan a redlined change showing the five (5) required off-street parking spaces for the sales office. In addition, the plan shows dedicated areas for vehicle inventory and storage of damaged vehicles, as also requested in the DOP comment.

THEREFORE, IT IS ORDERED this 10th day of **April, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to amend the site plan from the previous case of 2008-0230-SPHA and to confirm that a vehicle storage area for damaged and disable vehicles is a permitted accessory use of the property, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit rear yard setbacks of 18' and 19' respectively in lieu of the required 30'; for a side yard setback of 12' between two buildings in lieu of the required 60'; and for a front to side setback between two buildings of 45' in lieu of the required 55', be and is hereby GRANTED.

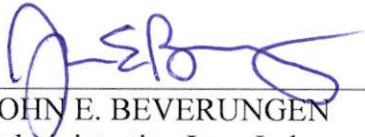
ORDER RECEIVED FOR FILING

Date 4/10/19
By Sen

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must comply with critical area regulations.
3. No temporary signs, banners or flags of any type shall be permitted at the subject property.
4. The damaged vehicle storage area must be enclosed with a fence and screened as required by Section 405A of the BCZR.

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 4/10/19
By slh



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 11021 Pulaski Highway which is presently zoned ML-IM, BR, BR-AS
Deed References: 18872/324 10 Digit Tax Account # 1116045275
Property Owner(s) Printed Name(s) The Dengler Family, LLC

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

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

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

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

3. X a **Variance** from Section(s)
See Attached

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:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

THE DENGLER FAMILY, LLC

Charles Dengler

Name #1 - Type or Print

Signature #1 _____

11021 Pulaski Highway

Mailing Address

21162

Zip Code

White Marsh,

City

/ 410-344-6471 / chuck@platinumautoandtruck.com

Telephone #

Email Address

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature _____

30 E. Padonia Road, Suite 500

Mailing Address

21093

Zip Code

Timonium

City

/ 410-560-1502

Telephone #

MD

State

/ Rick@RichardsonEngineering.net

Email Address

CASE NUMBER 2019-0217-SMA Filing Date 1/23/2019

Do Not Schedule Dates: _____ Reviewer JNP

Zoning Relief

11021 Pulaski Highway

Variance per section 255.1 and 238.2 for rear yard setbacks of 18' and 19' respectively in lieu of the required 30'.

Variance per section 255.1 and 238.2 for a side yard setback of 12' between two buildings in lieu of the required 60'

Variance per section 255.1 and 238.1 and 238.2 for a front to side setback between two buildings of 45' in lieu of the required 55'

Special Hearing to amend the site plan from the previous case of 2008-0230-SPHA AND TO CONFIRM THAT A VEHICLE STORAGE AREA FOR DAMAGED AND DISABLED VEHICLES IS AN PERMITTED ACCESSORY USE OF THE PROPERTY

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

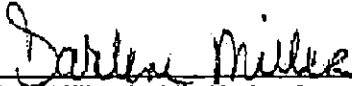
PUBLISHER'S AFFIDAVIT

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

3/20/2019

Order #: 11713289
Case #: 2019-0217-SPHA
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0217-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2019-0217-SPHA

11021 Pulaski Highway

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

11th Election District - 5th Councilmanic District

Legal Owners: The Dengler Family, LLC

Special Hearing to amend the site plan from the previous case of 2008-0230-SPHA and to confirm that a vehicle storage area for damaged and disabled vehicles is a permitted accessory use of the property. Variance for rear yard setbacks of 18 ft. and 19 ft. respectively in lieu of the required 30 ft. For a side yard setback of 12 ft. between two buildings in lieu of the required 60 ft. For a front to side setback between two buildings of 45 ft. in lieu of the required 55 ft.

Hearing: Wednesday, April 9, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

mh20

CERTIFICATE OF POSTING

2019-0217-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

The Dengler Family, LLC

April 9, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

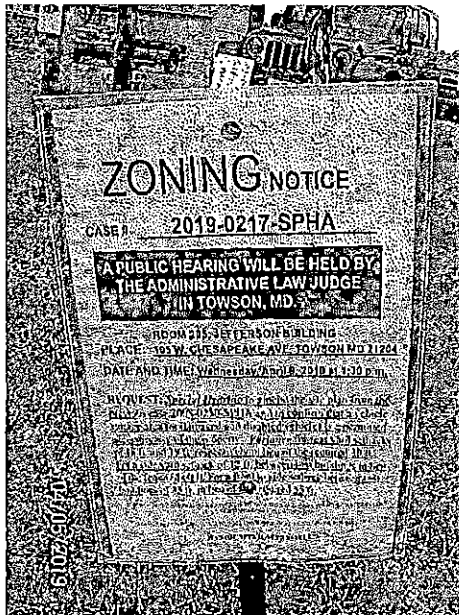
Ladies and Gentlemen:

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

11021 Pulaski Highway **SIGN 1 Recertification**

March 20, 2019

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



Sincerely,

 April 5 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0217-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

The Dengler Family, LLC

April 9, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

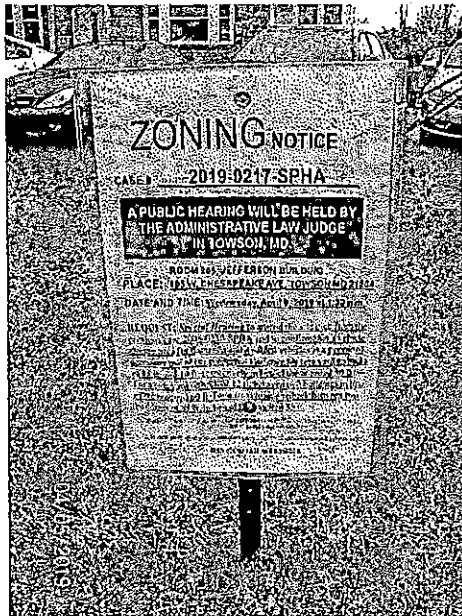
Ladies and Gentlemen:

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

11021 Pulaski Highway **SIGN 2 Recertification**

March 20, 2019

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



Sincerely,

April 5 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-00217-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

The Dengler Family, LLC

April 9, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

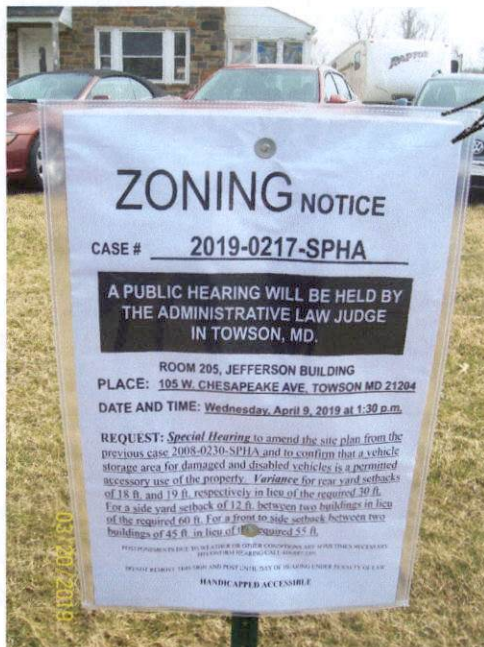
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11021 Pulaski Highway

SIGN 1

March 20, 2019

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



Sincerely,

March 20, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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2019-00217-SPHA

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Petitioner/Developer: _____

The Dengler Family, LLC

April 9, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

11021 Pulaski Highway

SIGN 2

March 20, 2019

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



Sincerely,

 March 20, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-00217-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

The Dengler Family, LLC

April 9, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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11021 Pulaski Highway

SIGN 1

March 20, 2019

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

Sincerely,

March 20, 2019

(Signature of Sign Poster) _____ (Date) _____

SSG Robert Black

(Print Name)

1508 Leslie Road

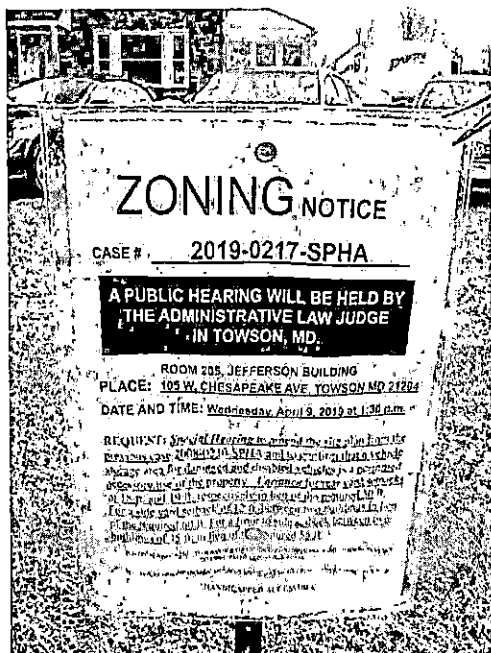
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2019-00217-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

The Dengler Family, LLC

April 9, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

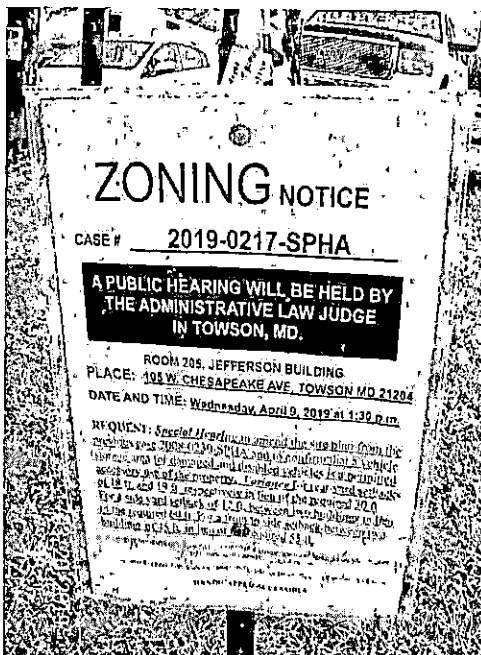
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11021 Pulaski Highway

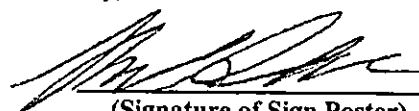
SIGN 2

March 20, 2019

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(Month, Day, Year)



Sincerely,

 March 20, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 6, 2019

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: 2019-0217-SPHA

11021 Pulaski Highway

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

11th Election District – 5th Councilmanic District

Legal Owners: The Dengler Family, LLC

Special Hearing to amend the site plan from the previous case of 2008-0230-SPHA and to confirm that a vehicle storage area for damaged and disabled vehicles is a permitted accessory use of the property. Variance for rear yard setbacks of 18 ft. and 19 ft. respectively in lieu of the required 30 ft. For a side yard setback of 12 ft. between two buildings in lieu of the required 60 ft. For a front to side setback between two buildings of 45 ft. in lieu of the required 55 ft.

Hearing: Wednesday, April 9, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Director

MM:kl

C: Dengler Family, LLC, 11021 Pulaski Highway, White Marsh 21162
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Towson 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 20, 2019.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
11021 Pulaski Highway; SE/S of Pulaski * OF ADMINISTRATIVE
Highway, 2090' NE of Ebenezer Road * HEARINGS FOR
11th Election & 5th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): The Dengler Family, LLC *
Petitioner(s) * 2019-217-XA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
FEB 14 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 East Padonia Road, Suite 500, Towson, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: THE DAILY RECORD
Wednesday, March 20, 2019 - Issue

Please forward billing to:
Platinum Truck & Auto
11021 Pulaski Highway
White Marsh, MD 21162

410-344-6471

NOTICE OF ZONING HEARING

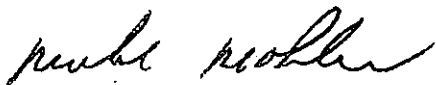
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0217-SPHA

11021 Pulaski Highway
SE/s Pulaski Highway, n/e of Ebenezer Road
11th Election District – 5th Councilmanic District
Legal Owners: The Dengler Family, LLC

Special Hearing to amend the site plan from the previous case of 2008-0230-SPHA and to confirm that a vehicle storage area for damaged and disabled vehicles is a permitted accessory use of the property. Variance for rear yard setbacks of 18 ft. and 19 ft. respectively in lieu of the required 30 ft. For a side yard setback of 12 ft. between two buildings in lieu of the required 60 ft. For a front to side setback between two buildings of 45 ft. in lieu of the required 55 ft.

Hearing: Wednesday, April 9, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
Director of Permits, Approvals and Inspections for Baltimore County

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

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2019-0217-JDA
Property Address: 11021 Pulaski Highway
Property Description: SE/5 of Pulaski Highway, 2090' NE of Ebenezer Road
Legal Owners (Petitioners): The Pengler Family, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: PLATINUM TRUCK & AUTO
Company/Firm (if applicable): _____
Address: 11021 PULASKI HIGHWAY
WHITE MARSH, MD 21162

Telephone Number: 410-344-6471

415

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

No: **177787**

Date: **1/23/2019**

PAID RECEIPT

BUSINESS ACTUAL TIME DES
 1/23/2019 1/23/2019 09:46:18 3
 REC MSG: WALKIN, CON
 RECEIPT: 805061 1/23/2019 BFLN
 Dept: 5 528 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1000.00

Total: **1000.00**

Rec From: **Platinum Auto & Truck Center, LLC / Richardson Engineering, LLC**
 For: **Special Exception/Variance - 11021 Polaski Highway**
2019-0217-XA (The Dangler Family, LLC)

**CASHIER'S
 VALIDATION**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 3, 2019

The Dengler Family LLC
11021 Pulaski Highway
White Marsh MD 21162

RE: Case Number: 2019-0217-SPHA, 11021 Pulaski Highway

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 January 23, 2019. 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 horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Richardson Engineering LLC, 30 E. Padonia Road Suite 500 Timonium MD 21093

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: March 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0217-XA
Address 11021 Pulaski Highway
(Dengler Family, LLC Property)

Zoning Advisory Committee Meeting of **February 18, 2019.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is proposing to construct an office building and a shop building, and to relocate a storage garage with less side, front and rear yard setbacks than permitted and to confirm that a vehicle storage area is a permitted accessory use. The property is waterfront. No development is proposed within the Critical Area buffer. The proposed buildings and relocations must meet all IDA requirements, including providing and meeting the 10% pollutant reduction requirement calculations. If the 10% calculations are adequately addressed, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If the 10% calculations are met, then that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the IDA requirements can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 3/13/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-217



INFORMATION:

Property Address: 11021 Pulaski Highway
Petitioner: Scott Dengler – The Dengler Family, LLC
Zoning: ML-IM, BR, BR-AS
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petitions for special hearing and variance as listed on the attachment accompanying the petitions

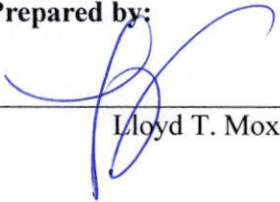
A site visit was conducted on February 15, 2019. The Department understands that the structures shown as proposed on the site plan submitted in support of the petition are in fact built and all deficient setbacks are existing.

The Department of Planning has no objections to granting the petitioned zoning relief conditioned upon the site plan being revised through the hearing process to show the following:

- Delineated parking areas for customers and employees separate from the vehicle inventory display area.
- Dedicated area for the display of inventory meeting the setback requirements of BCZR §238.4 or otherwise addressed and also the requirements of the Condition C of the Baltimore County Landscape Manual.
- Dedicated area for the storage of damaged and disabled vehicles.
- There shall be no temporary signage to include, but not limited to, garlands and flags displayed along the Pulaski Highway frontage.

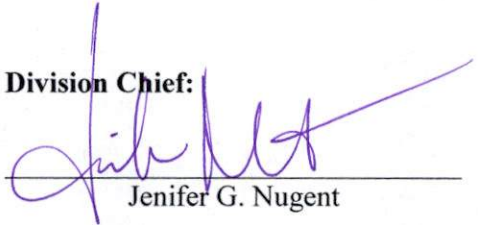
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Laurie Hay

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patrick C. Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 2/19/19

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/14/19. 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 Hearing, Variance, Case Number 2019-0217-SHA.

*The Dengler Family, LLC
Charles & Scott Dengler
11021 Pylesburg Highway
US40*

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

Sincerely,



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

WW/RAZ

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3/19</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
	DEPS (if not received, date e-mail sent _____)	
<u>3/13</u>	FIRE DEPARTMENT	<u>NO OBJ w/ conditions</u>
	PLANNING (if not received, date e-mail sent _____)	
<u>2/19</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>3/20/19</u>	
SIGN POSTING (1 st)	Date: <u>3/20/19</u>	by <u>SSG Black</u>
SIGN POSTING (2 nd)	Date: <u>4/5/19</u>	by <u>SSG Black</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Account Identifier:			District - 11 Account Number - 1116045275						
Owner Information									
Owner Name:		THE DENGLER FAMILY LLC				Use:		COMMERCIAL	
						Principal Residence:		NO	
Mailing Address:		11021 PULASKI HWY WHITE MARSH MD 21162-1813				Deed Reference:		/18872/ 00324	
Location & Structure Information									
Premises Address:		11021 PULASKI HWY WHITE MARSH 21162-1813				Legal Description:		3.22 AC SES 11021 PULASKI HWY 2000 NE EBENEZER RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0073	0019	0234		0000				2019	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	
1938		1878				3.2200 AC		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
2	YES	STANDARD UNIT		STONE	1 full				
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2018		07/01/2019	
Land:		367,100		367,100					
Improvements		78,600		132,400					
Total:		445,700		499,500		445,700		463,633	
Preferential Land:		0						0	
Transfer Information									
Seller: DENGLER CHARLES E				Date: 09/29/2003				Price: \$0	
Type: NON-ARMS LENGTH OTHER				Deed1: /18872/ 00324				Deed2:	
Seller: DENGLER CHARLES E				Date: 01/13/1997				Price: \$0	
Type: NON-ARMS LENGTH OTHER				Deed1: /11984/ 00082				Deed2:	
Seller: DENGLER CHARLES E				Date: 09/28/1987				Price: \$0	
Type: NON-ARMS LENGTH OTHER				Deed1: /07683/ 00629				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:			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:**

CASE NAME 11021 PULASKI HWY
CASE NUMBER 2019-0217-SPHA
DATE 4/9/19

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SE side of Pulaski Hwy, 2090 feet NE	*	DEPUTY ZONING
of Ebenezer Road		
11 th Election District	*	COMMISSIONER
5 th Councilmanic District		
(11021 Pulaski Highway)	*	FOR BALTIMORE COUNTY
Denger Family, LLC	*	
<i>Petitioner</i>		
Town and Country Automotive		
<i>Lessee</i>	*	Case No. 2008-0230-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Denger Family, LLC, the legal owner of the subject property, and Town and Country Automotive, the lessee. The Special Hearing request was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an amended plan for the property from zoning Case No. 83-54-XSPHA. The Variance request is from Sections 238.2 and 255.1 of the B.C.Z.R. to permit a side yard setback of 10 feet between two structures and a rear yard setback of 27 feet in lieu of the required 60 feet and 30 feet, respectively. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Petitioner Vlad Lumelsky, owner of Town and County Automotive, and Rick Richardson with Richardson Engineering, LLC, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

It should be noted that this matter is currently the subject of an active violation case (Case No. 08-2240) in the Division of Code Inspections and Enforcement. A citation for code violation

16309

was issued alleging that Petitioner failed to obtain a building permit for the garage structure and failed to comply with the site plan in Case No. 83-54-XSPHA. The fact that a code enforcement citation has been issued is generally not relevant to the decision to be made in the underlying zoning case. This means that on the one hand, Petitioner cannot use the fact that a structure has been built or a use is ongoing in order to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify or that a discontinued use may impact Petitioner financially come into consideration of the zoning case. On the other hand, the fact that a structure may have been built or a use occurred which is contrary to the Regulations is also not held against Petitioner as some sort of additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. Such is not the purview of this office.

Testimony and evidence offered revealed that the subject property is rectangular in shape, containing 3.32 acres, more or less, zoned M.L. and B.R. The majority of the property has the M.L. (manufacturing, light) zoning, with a small portion at the southern corner of the property zoned B.R. (business, roadside). As shown on the site plan, this commercial property is located on the southeast side of Pulaski Highway (U.S. 40), north of Ebenezer Road, in the White Marsh area of Baltimore County. The property is improved with an existing two-story building consisting of approximately 900 square feet, an existing one-story garage consisting of 780 square feet with two bays, and an existing one-story storage garage consisting of 576 square feet. Also within the southeast property line is a portion of the terminus of Bird River.

The property is situated in a commercial area of Pulaski Highway, surrounded by other commercial businesses, including a large automotive junkyard located immediately adjacent to the subject property. Petitioner currently owns and operates Town & Country Automotive and has

leased the subject property for the last 2½ years from the owner, Denger Family, LLC. Previously, the property was the subject of zoning relief. In Case No. 83-54-XSPHA, the property owner and lessee requested a special exception for a motor vehicle outdoor sales area, a special hearing for the dismantling of cars as an accessory use to a service garage, and a variance from Section 238.2 of the B.C.Z.R. to permit a rear yard setback of 5 feet in lieu of the required 30 feet. On March 18, 1983, the Deputy Zoning Commissioner granted the requested relief. The case was appealed to the Board of Appeals only on the issue of whether the special hearing request to approve dismantling of autos was indeed an accessory use to a service garage or whether it constituted a "junkyard" use. On September 8, 1983, the Board of Appeals issued an Order affirming the Deputy Zoning Commissioner's decision. The case was then appealed to the Circuit Court and on April 25, 1984, Judge Austin Brizendine issued an Opinion affirming the judgment of the Board of Appeals. Copies of the foregoing were marked and accepted into evidence collectively as Petitioner's Exhibit 2. Thereafter, for almost 30 years, the property was used as a used car dealership operating as Town & Country Van City.

Petitioner is now before this Commission requesting the aforesaid relief as a result of an anonymous email complaint received by the Division of Code Inspection and Enforcement. The complaint indicated that a full service automotive shop was operating when there was no automotive shop before, there is new blacktop on two thirds of the property that is considered watershed critical bay area, there is a pole barn building with a concrete pad, and the location is advertising as a full automotive shop in the Pennysaver circular. Petitioner then filed for the instant special hearing and variance relief.

In support of the requested relief, Petitioner indicates he purchased the used car dealership from Town & Country Van City in 2006 and has been only selling vehicles at the location since

that time.. At the time he purchased the dealership and began selling cars at the subject property, the two-story building located near the front of the property already existed and has been utilized by Petitioner as a sales office. As shown on the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 3, the large macadam parking area on the property also existed previously and is used by Petitioner for parking his inventory of used vehicles and for customer parking. The storage building was also pre-existing. In order to provide Petitioner with an area for washing cars and "prepping" them for sale, Petitioner then built the two-bay garage building. This building is located almost parallel with the existing storage building to the side yard property line. Both buildings have a setback of 27 feet.

Because the newer garage building changes the site plan approved in the 1983 case, Petitioner is in need of special hearing relief to approve the existing buildings, which predated Petitioner's use of the property, and to approve the garage building. Moreover, because of the location of the garage building, Petitioner is in need of variance relief from the rear yard setback of 27 feet in lieu of the required 30 feet, and the building-to-building setback between two structures of 10 feet in lieu of the required 60 feet. The need for variance relief is driven by the fact that over half of the area is wooded, and that portions of Bird River are located within the property. There is also an existing 15 foot wide utility right-of-way that effectively splits the property in half. As a result, the sales office, prepping garage, and storage building improvements must be clustered fairly close together.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated April 8, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations, and that the property is within an Intensely

Developed Area of the Chesapeake Bay Critical Area and must comply with the 10% pollutant reduction requirements.

In regard to the special hearing request, based on the testimony and evidence, I am persuaded to grant the relief. In my view, the addition of the two-bay garage does not alter or change the nature or extent of the relief granted in 1983, and is within the spirit and intent of the Zoning Regulations. The property was previously used as a used car dealership as well as a service garage that included the ability to dismantle cars on site. At this juncture, Petitioner's business is limited to retail selling of used vehicles and does not involve extensive auto repairs, body work, or dismantling of vehicles. I believe such a use is appropriate vis-à-vis the relief that was approved previously and, as such, shall approve Petitioner's Exhibit 1 as an amendment to the plan from the previous 1983 zoning case.

In regard to the variance requests, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I agree with Petitioner that the requests are driven by the existing environmental constraints and the presence of the utility right-of-way that runs across the property. Hence, I find the property unique in a zoning sense. Finally, I find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 3rd day of June, 2009 that Petitioner's request for Special Hearing relief filed

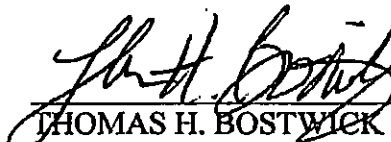
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6309

in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an amended plan (Petitioner's Exhibit 1) for the property from zoning Case No. 83-54-XSPHA be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's requests for Variance from Sections 238.2 and 255.1 of the B.C.Z.R. to permit a side yard setback of 10 feet between two structures and a rear yard setback of 27 feet in lieu of the required 60 feet and 30 feet, respectively, be and are hereby GRANTED, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is within an Intensely Developed Area of the Chesapeake Bay Critical Area and must comply with the 10% pollutant reduction requirements.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

~~Graded, Reconstructed, and Filled~~
16-3-09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 3/13/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-217

INFORMATION:

Property Address: 11021 Pulaski Highway
Petitioner: Scott Dengler – The Dengler Family, LLC
Zoning: ML-IM, BR, BR-AS
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petitions for special hearing and variance as listed on the attachment accompanying the petitions

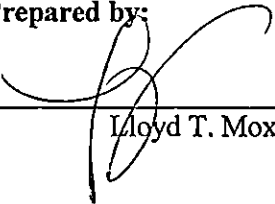
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The Department of Planning has no objections to granting the petitioned zoning relief conditioned upon the site plan being revised through the hearing process to show the following:

- Delineated parking areas for customers and employees separate from the vehicle inventory display area.
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- Dedicated area for the storage of damaged and disabled vehicles.
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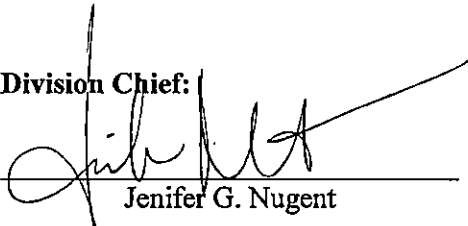
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patrick C. Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: May 13, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0217-SPHA- Appeal Period Expired

The appeal period for the above-referenced case expired on May 10, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

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

SUBJECT: Zoning Advisory Committee Meeting
For February 18, 2019
Item No. 2019-0217-XA

DATE: Feb 25, 2019

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.

*

*

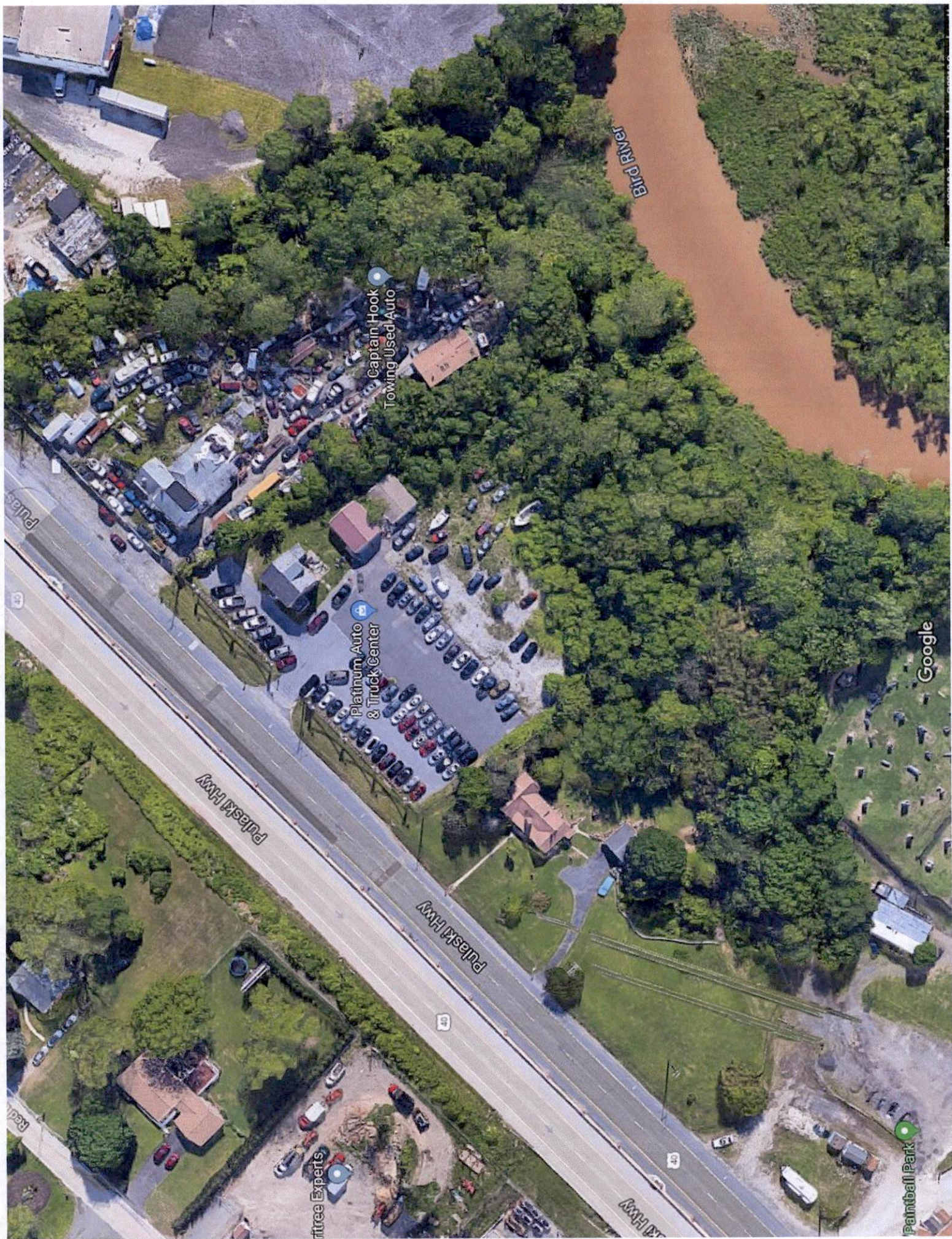
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VKD: cen
cc: file

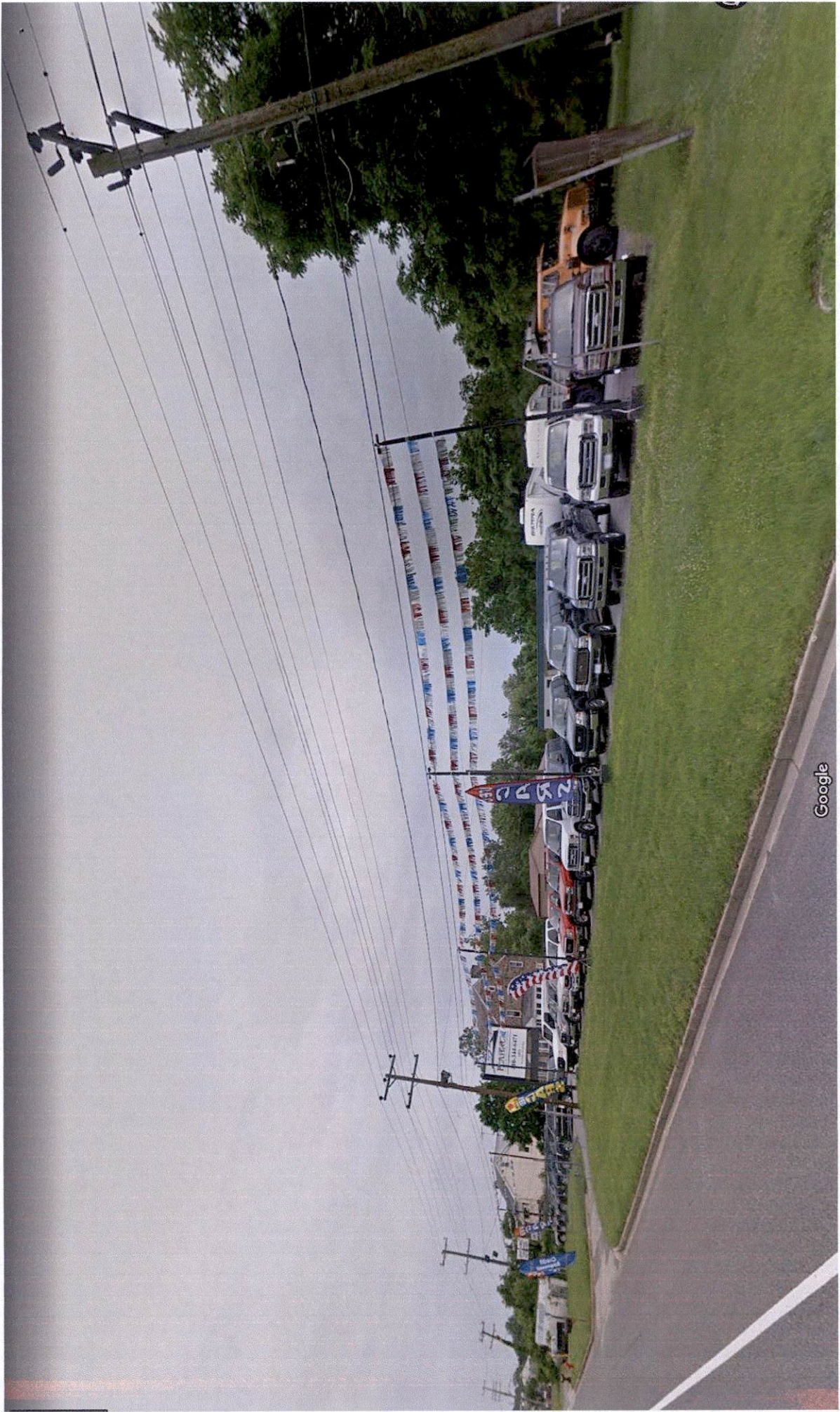
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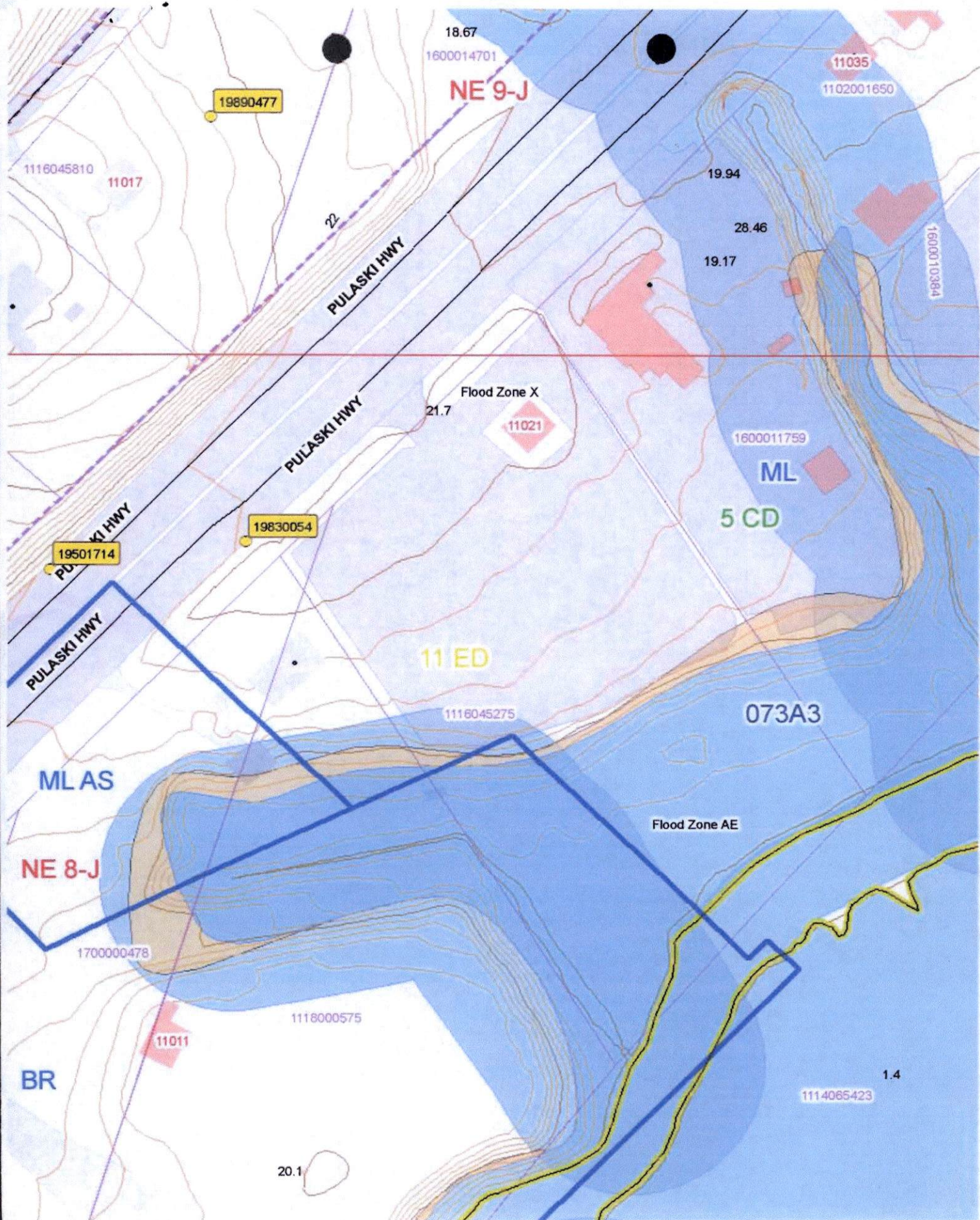


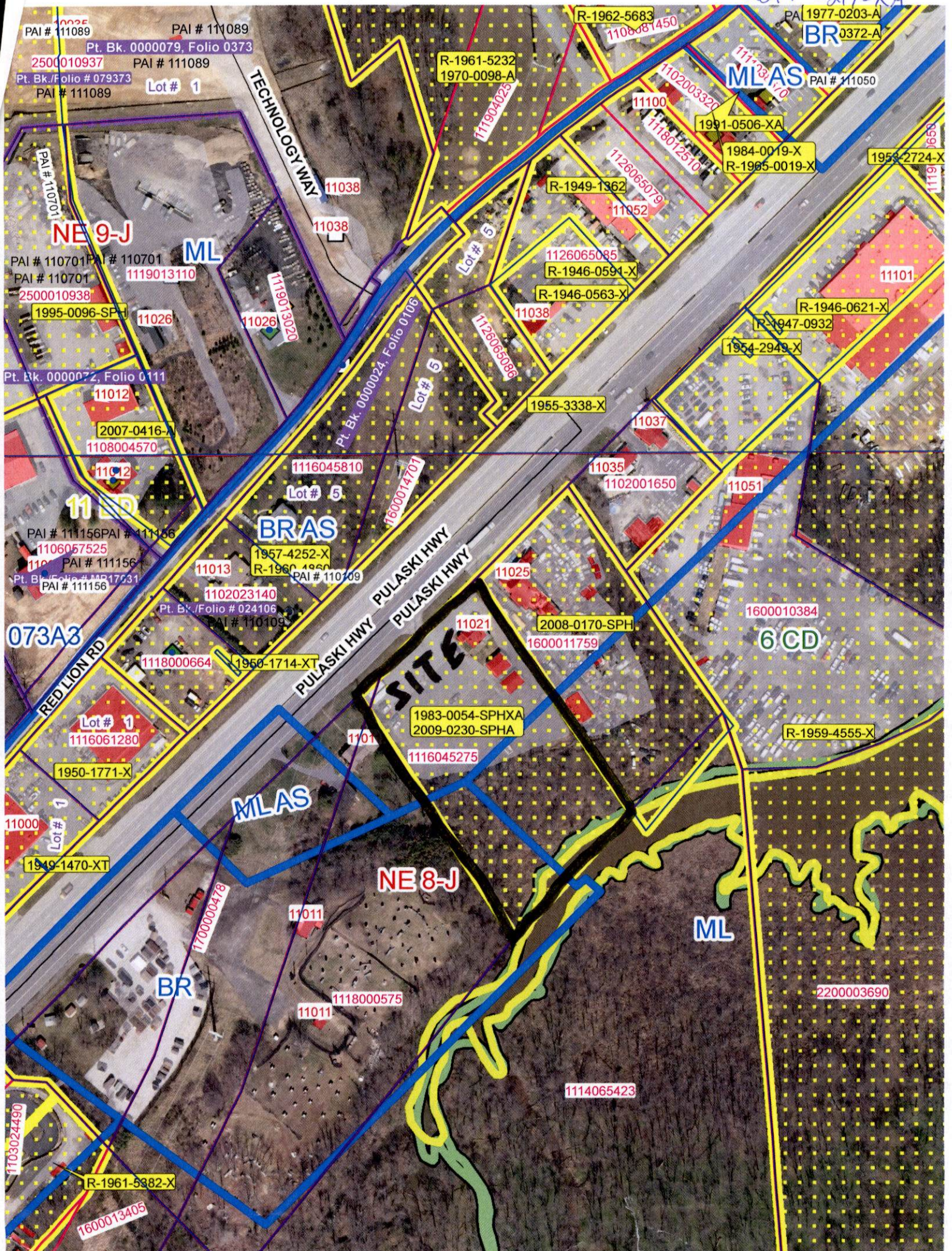




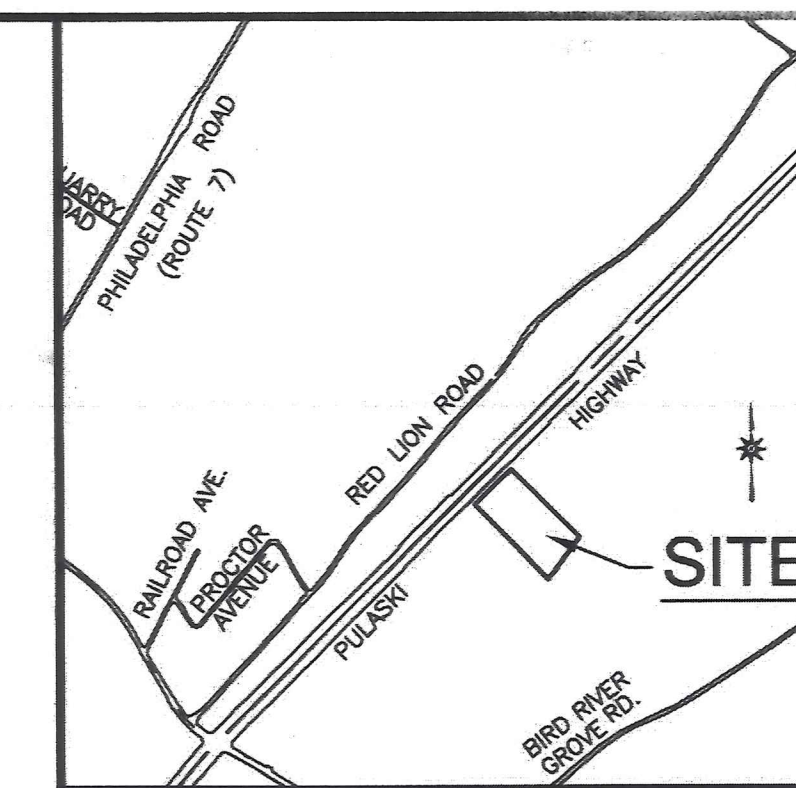
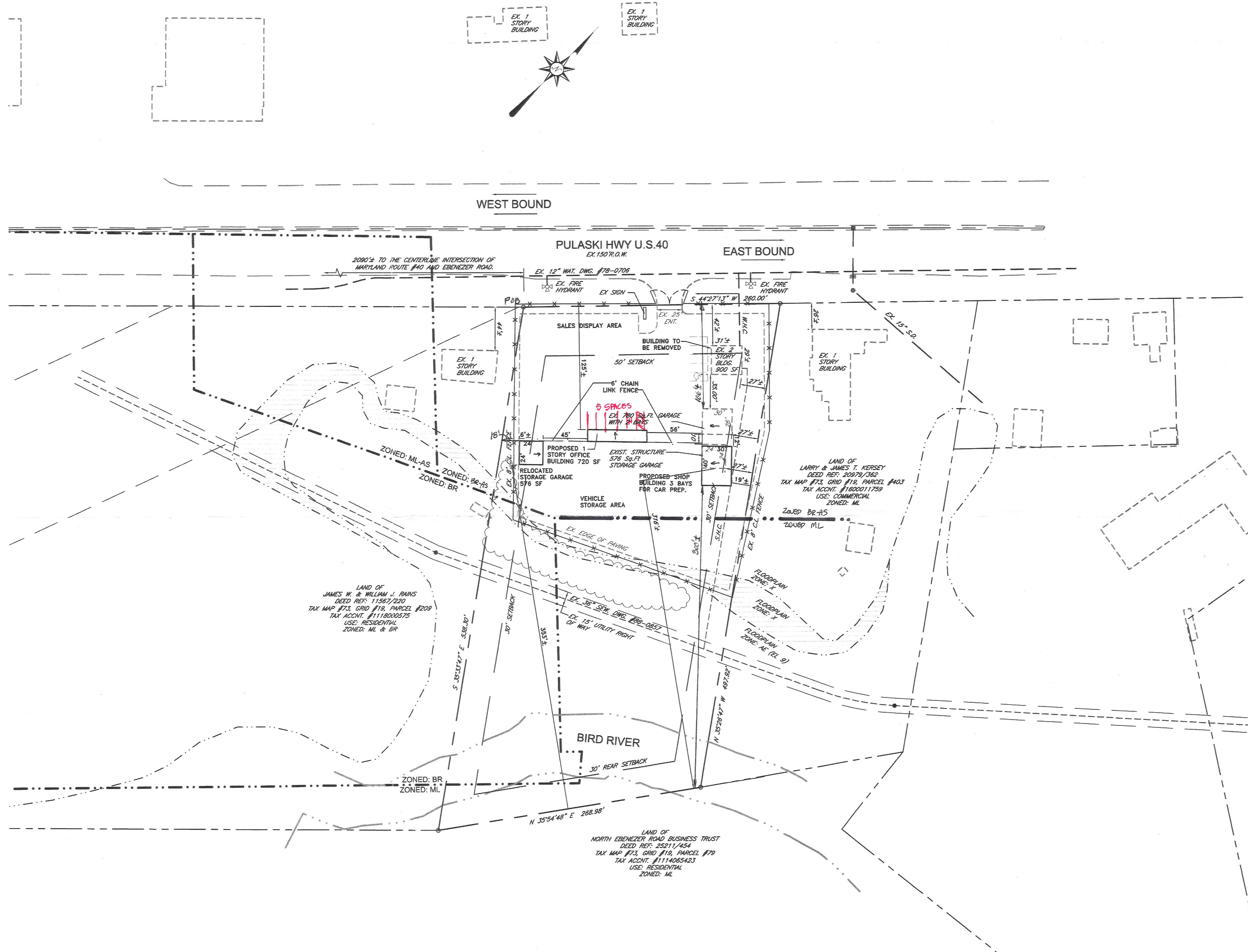












GENERAL NOTES:

- OWNER: DINGER FAMILY, LLC
11021 PULASKI HIGHWAY
WHITE MARSH, MARYLAND 21162-1813
- SITE AREA:
GROSS: 144,907 Sq.Ft. or 3.327 Ac.±
NET: 137,118 Sq.Ft. or 3.148 Ac.±
- BUILDING AREA:
EXISTING (2 STORY): 900 Sq.Ft. (TO BE REMOVED)
PROPOSED (1 STORY): 1,356 Sq.Ft.
TOTAL: 3,276 Sq.Ft.
- UTILITIES:
WATER: PUBLIC
SEWER: PUBLIC
- THE SITE LIES WITHIN ZONES "AE 7" & "X" AS SHOWN ON F.I.R.M. #2400100295F, PANEL # 295 OF 580 DATED MAY 5, 2014.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
ZONE "AE 7" IS BASE FLOOD ELEVATIONS DETERMINED
- PARKING CALCULATIONS
SALES OFFICE: 5 SPACES PER 1,000 GROSS FLOOR AREA (900 Sq.Ft. FLOOR AREA) = 5 SPACES.
PROVIDED:
SPACES (1 HANDICAPPED, 4 REGULAR)
- SETBACKS:

	REQUIRED	PROVIDED
FRONT	50'	42'± (EXISTING) 106'± (PROPOSED)
SIDE	30'	6'±
REAR	30'	300'±
- HEIGHT OF STRUCTURE:
MAX. PERMITTED: 40'
PROVIDED: EXISTING: 30' PROPOSED: 20'
- DEED REF: 18872/324
- TAX ACCOUNT: #1116045275
- COUNCILMANIC DISTRICT: 5th
- REGIONAL PLANNING DISTRICT: 322B
- CENSUS TRACT: 4517.02
- WATERSHED: BIRD RIVER
- ZONING: ML & BR, BR-AS
(PER 1"=200' ZONING MAP 073A3)
- TAX MAP #73, PARCEL #234
- PREVIOUS ZONING CASES:
#83-54-XSPHA GRANTED ON MARCH 18, 1983, FOR A SPECIAL EXCEPTION FOR USED MOTOR VEHICLE OUTDOOR SALES AREA SEPARATED FROM A SALES AGENCY BUILDING, AND TO PERMIT A REAR YARD OF 5 FEET IN LIEU OF THE REQUIRED 30 FEET. CASE WENT TO BOARD OF APPEALS TO DETERMINE IF DISMANTLING OF CARS CONSTITUTED A JUNK YARD, WHICH IT FOUND TO BE AN ACCESSORY USE TO THE USED VEHICLE SALES.
#08-230-SPHA GRANTED JUNE 3, 2009 FOR A SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN AND VARIANCE TO ALLOW A SETBACK OF 10 FEET BETWEEN TWO STRUCTURES AND A REAR SETBACK OF 27' IN LIEU OF THE REQUIRED 60' AND 30' RESPECTIVELY.
- NO PERMITS ON FILE
- FLOOR AREA:
EXISTING: 2,256 + 144,907 = 0.016
PROPOSED: 3,276 + 144,907 = 0.023
- NO SIGNS ARE PROPOSED.
- THE ENTIRE SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- PREVIOUS DRC 0714081 WAS APPROVED JULY 8, 2009 UNDER SECTION 32-4-106(A)(1)(VI)

Richardson Engineering, LLC

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

PLAN TO ACCOMPANY
SPECIAL HEARING & VARIANCE PETITION
FOR
PLATINUM AUTO & TRUCK
11021 PULASKI HIGHWAY

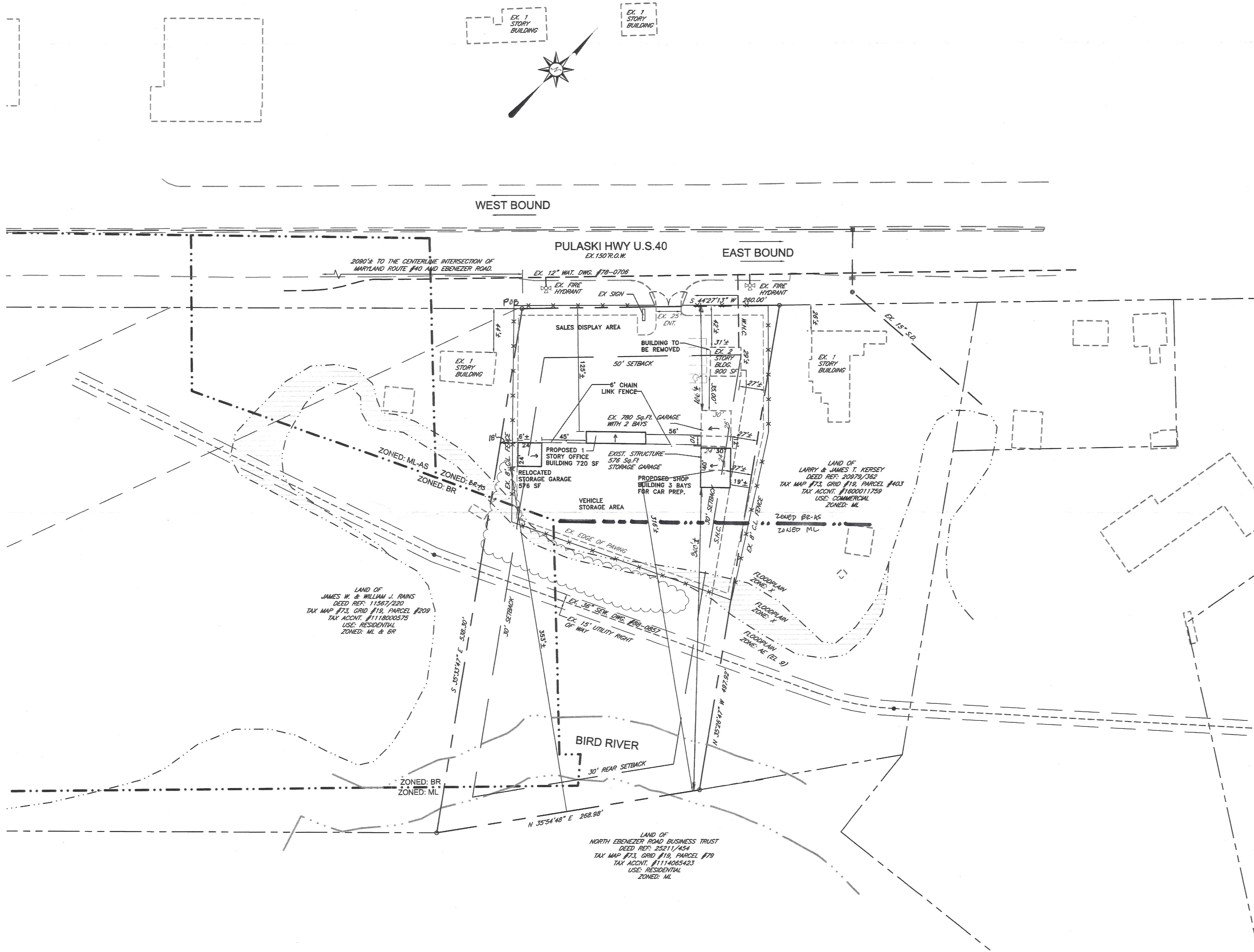
PET. 1

11TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 50'
	DATE: 01-17-19	JOB NO.: 18095	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



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GENERAL NOTES:

- OWNER: DENDER FAMILY, LLC
11021 PULASKI HIGHWAY
WHITE MARSH, MARYLAND 21162-1813
- SITE AREA:
GROSS: 144,907 Sq.Ft. or 3.327 Ac.±
NET: 137,118 Sq.Ft. or 3.148 Ac.±
- BUILDING AREA:
EXISTING (2 STORY): 900 Sq.Ft. (TO BE REMOVED)
(1 STORY): 1,356 Sq.Ft.
PROPOSED (1 STORY): 1,920 Sq.Ft.
TOTAL: 3,276 Sq.Ft.
- UTILITIES
WATER: PUBLIC
SEWER: PUBLIC
- THE SITE LIES WITHIN ZONES "AE 7" & "X" AS SHOWN ON
F.I.R.M. #2400100295F, PANEL # 295 OF 580 DATED
MAY 5, 2014.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOODPLAIN.
ZONE "AE 7" IS BASE FLOOD ELEVATIONS DETERMINED
- PARKING CALCULATIONS
REQUIRED:
SALES OFFICE: 5 SPACES PER 1,000 GROSS FLOOR
AREA (900 Sq.Ft. FLOOR AREA) = 5 SPACES.
PROVIDED:
SPACES (1 HANDICAPPED, 4 REGULAR)
- SETBACKS:

	REQUIRED	PROVIDED
FRONT	50'	42'± (EXISTING) 106'± (PROPOSED)
SIDE	30'	6'±
REAR	30'	300'±
- HEIGHT OF STRUCTURE:
MAX. PERMITTED: 40'
PROVIDED: EXISTING: 30' PROPOSED: 20'
- DEED REF: 18872/324
- TAX ACCOUNT: #1116045275
- COUNCILMANIC DISTRICT: 5th
- REGIONAL PLANNING DISTRICT: 322B
- CENSUS TRACT: 4517.02
- WATERSHED: BIRD RIVER
- ZONING: ML & BR B2-A5
(PER 1"-200' ZONING MAP 073A3)
- TAX MAP #73, PARCEL #234
- PREVIOUS ZONING CASES:
#83-54-XSPPA GRANTED ON MARCH 18, 1983, FOR A SPECIAL EXCEPTION
FOR USED MOTOR VEHICLE OUTDOOR SALES AREA SEPARATED FROM A SALES
AGENCY BUILDING, AND TO PERMIT A REAR YARD OF 5 FEET IN LIEU OF
THE REQUIRED 30 FEET. CASE WENT TO BOARD OF APPEALS TO DETERMINE
IF DISMANTLING OF CARS CONSTITUTED A JUNK YARD, WHICH IT FOUND TO
TO BE AN ACCESSORY USE TO THE USED VEHICLE SALES.
#08-230-SPPA GRANTED JUNE 3, 2009 FOR A SPECIAL HEARING TO AMEND
THE PREVIOUSLY APPROVED PLAN AND VARIANCE TO ALLOW A SETBACK OF 10
FEET BETWEEN TWO STRUCTURES AND A REAR SETBACK OF 27' IN LIEU OF
THE REQUIRED 60' AND 30' RESPECTIVELY.
- NO PREVIOUS PERMITS ON FILE
- FLOOR AREA:
EXISTING: 2,256 + 144,907 = 0.016
PROPOSED: 3,276 + 144,907 = 0.023
- NO SIGNS ARE PROPOSED.
- THE ENTIRE SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR
IS THE SITE ITSELF HISTORIC.
- PREVIOUS DRC 0714081 WAS APPROVED JULY 8, 2009 UNDER SECTION
32-4-106(A)(1)(VI)

Richardson Engineering, LLC

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PLAN TO ACCOMPANY
SPECIAL HEARING & VARIANCE PETITION
FOR
PLATINUM AUTO & TRUCK
11021 PULASKI HIGHWAY

11TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 50'
	DATE: 01-17-19	JOB NO.: 18095	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



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