

IN THE MATTER OF	*	BEFORE THE
McCOMAS ASSOCIATES, LLC, LEGAL		
OWNERS AND TWO FARMS, INC., LESSEE	*	BOARD OF APPEALS
AND PETITIONERS FOR SPECIAL EXCEPTION		
ON THE PROPERTY LOCATED AT 6426, 6430	*	OF
AND 6434 BALTIMORE NATIONAL PIKE		
1 st ELECTION DISTRICT	*	BALTIMORE COUNTY
1 st COUNCILMANIC DISTRICT		
	*	CASE NO: 19-245-XA

* * * * *

RULING ON MOTION FOR RECONSIDERATION

This case comes to the Board of Appeals from a final Opinion and Order dated April 30, 2019, issued by Administrative Law Judge John E. Beverungen (the "ALJ") wherein he approved the Petition for Special Exception and Variance to allow a fuel service station and convenience store and carry-out restaurant, pursuant to Baltimore County Zoning Regulation §405.2.B.1. On May 30, 2019, Majid H. Sahi, Managing Member of Sahi Petroleum Marketing, LLC filed an appeal ("Appellant"). The ALJ also had granted a variance for signage, but Appellant did not appeal that aspect of the ALJ Opinion and Order.

On June 7, 2019, a hearing notice was sent to the parties, scheduling the *de novo* hearing for August 6, 2019. Shortly thereafter, counsel for Appellees McComas Associates LLC, and Two Farms, Inc. ("Appellees") requested a postponement, which the Board granted. The Notice of Postponement and Reassignment scheduled the new hearing date for August 20, 2019. On August 20, 2019, at the scheduled time, Appellees and their counsel were present; however, no one appeared on behalf of Appellant. After waiting 20 minutes for a late arrival, the Board commenced with the hearing and received the evidence presented by Appellees. The Board deliberated and subsequently issued its Opinion on September 17, 2019, granting the Special Exception.

Appellant filed a Motion to Reconsider on October 17, 2019. Within, Appellant alleged:

(1) he did not receive notice of the August 20, 2019 hearing within ten days of its occurrence (as per Board of Appeals Rule 2); (2) the ALJ did not consider the presence of abandoned fuel stations within the vicinity of the project site (as per BCZR §405.3); and (3) the Board's September 17, 2019 Opinion failed to show proof of the public notice posting.

The Board held its deliberation on the Motion to Reconsider on November 21, 2019. The Board, for the reasons that follow, concluded that no hearing was warranted and denied Appellant's Motion.

1. Notice

Mr. Sahi, Appellant, asserts he did not receive notice of the August 20, 2019 hearing. The case timeline establishes:

1) On May 30, 2019, Appellant filed its appeal.

2) On June 7, 2019, the Board issued its Notice of Assignment, scheduling the hearing for August 6, 2019. The Notice identifies Appellant as a party copied on the Notice. In addition to the hearing date, the Notice identifies the County's online webpage for information on the Board of Appeals, including the Board's calendar.

3) On June 12, 2019, counsel for Appellee requested a postponement from the August 6, 2019 date and identified Mr. Sahi as an individual copied on the request.

4) On July 5, 2019, the Board issued its Notice of Postponement and Reassignment with Appellant, once again, identified as a party copied on the Notice. The Notice also, again, identifies the County's online webpage for information on the Board of Appeals, including the Board's calendar.

5) On August 20, 2019, the Board held its hearing and deliberation.

6) On September 17, 2019, the Board issued its Opinion, with Appellant being sent a copy.

7) On October 17, 2019, Appellant filed the Motion to Reconsider at issue.

The record reflects that the July 5, 2019 Notice of Postponement and Reassignment identifies Appellant as a party to whom the Board sent the Notice, consistent with Board practice and the June 6, 2019 Notice of Assignment, which identified the original hearing date, August 6, 2019.

Notably, Appellant did not appear on the original scheduled date of August 6, 2019, indicating Appellant received a copy of Appellees' request to postpone the August 6, 2019 date and/or the July 5, 2019 Notice scheduling the August 20, 2019 hearing date. At a minimum, Appellant received the original Notice and the request to postpone at the same address to which the Board mailed the July 5, 2019 Notice of Postponement and Reassignment.

Assuming *arguendo* Appellant did not receive the July 5, 2019 Notice for whatever reason, Appellant, even if pro se, still has a duty to keep aware of case developments. "[A] litigant's duties in the midst of litigation are clear. First, a litigant has a duty to keep himself informed as to the progress of a pending case." Das v. Das, 133 Md. App. 1, 19-20; 754 A.2d 441, 451, 2000, citing, Penn Cent. Co. v. Buffalo Spring & Equip. Co., 260 Md. 576, 581; 273 A.2d 97 (1971); Tasea Inv. Corp. v. Dale, 222 Md. 474, 477; 160 A.2d 920 (1960); see also, Iskovitz v. Sakran, 226 Md. 453, 455; 174 A.2d 172, 173 (1961) ("It is settled that a party to litigation, over whom the court has obtained jurisdiction, is charged with the duty of keeping aware of what actually occurs in the case and is affected with notice of all subsequent proceedings and that his actual knowledge is immaterial.") (citations omitted).

As noted in the Board's Opinion, the Board had not received any communication from Appellant from the time of the original Notice through the day of the hearing. Similarly, the Board had not received any communication from Appellant from the August 20, 2019 hearing date until

the October 17, 2019 Motion to Reconsider.

As Appellant had known of the postponement of the August 6, 2019 hearing date, Appellant failed to contact the Board to inquire about the rescheduled hearing or otherwise communicate about the case for four months. No mail was returned to the Board as undeliverable or erroneously addressed. Even more peculiar given the claim, though not dispositive, Appellant nevertheless waited approximately 30 days to contact the Board to first identify the alleged failure to receive notice. Leaving those issues aside, the Board's calendar is set forth on the County website, the address of which is provided in each Notice. Based on these events, the Board has to conclude Appellant not only failed to contact the Board to follow up on its appeal, but also failed to avail itself of the information contained on the Notice unquestionably received by Appellant. In light of the above, the Board further concludes Appellant has not been diligent in keeping aware of the status of its appeal.

2. Abandoned Fuel Stations

Appellant argues the ALJ failed to consider abandoned fuel stations in the vicinity of the proposed fuel service station, though required by BCZR §405.3. As this matter is a *de novo* hearing, the question for the Board focuses on the evidence in front of the Board and not on the evidentiary record in front of the ALJ. Appellees, however, did present testimony and documentary evidence regarding the conversion of former gas stations into other uses. As the Board granted the special exception, the Board was satisfied by the evidence presented.

3. Public Posting

Lastly, Appellant contends that the Board's Opinion fails to consider that no public notices were posted in front of the property. While unclear if Appellant is asserting that posting by public notice on the subject property was required in advance of the Board of Appeals hearing or whether

there was a deficiency prior to the ALJ hearing, Appellant cannot obtain relief under either theory.

First, the public notice requirements applicable to the ALJ are not the same as the ones applicable to the Board. The public notice procedures and requirements set forth in BCC §32-3-302(b) of the Baltimore County Code applies to the Department of Permits, Approvals and Inspections and the Administrative Law Judge. The Board of Appeals is only required to provide notice and opportunity of hearing to the parties. See, e.g. Baltimore County Charter §603; BCC §32-3-401(d); BCZR §500.11; Board of Appeals Rules 2(a) and 2(e).

Second, the ALJ specifically found that the property was properly advertised and posted. Therefore, if Appellant is referring to the ALJ record, the ALJ made an express, affirmative finding to the contrary. Appellant failed to appear at the *de novo* hearing to present evidence regarding any public notice failure that would have precluded the ALJ from considering the petition. Mr. Sahi's self-serving assertion that he regularly traveled past the property and never saw it fails to advance his argument to warrant relief at this time.

Conclusion

After reviewing the Motion and the case record, the Board finds none of the issues raised warrant a hearing on the Motion or relief on part of Appellant.

ORDER

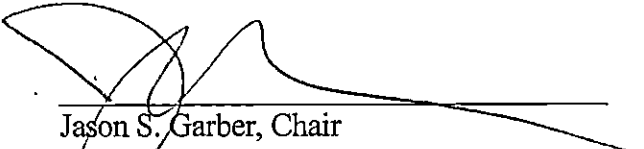
THEREFORE, IT IS THIS 12th day of December, 2019, by the
Board of Appeals of Baltimore County,

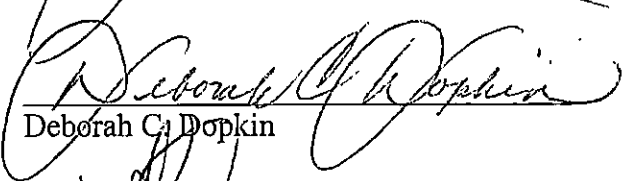
ORDERED, that the Motion to Reconsider is hereby **DENIED** for the reasons set forth herein.

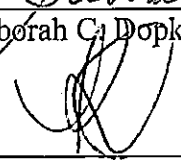
In the matter of McC...As Association
Case No: 19-245-XA

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chair

Deborah C. Dopkin

Kendra Randall Jolivet



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 12, 2019

David H. Karceski, Esquire
Jennifer R. Frankovitch, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

RE: In the Matter of: *McComas Associates, LLC – Legal Owner*
Two Farms, Inc. – Lessee
Case No.: 19-245-XA

Dear Counsel:

Enclosed please find a copy of the Ruling on Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Michael McComas, Managing Partner/McComas Associates, LLC
Frank Gargiulo, Senior Vice President/Two Farms, Inc.
Majid H. Sahi, Managing Member/Sahi Petroleum Marketing, LLC
Mike Pierce
Office of People's Counsel
Paul Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF: * BEFORE THE
McComas Associates/ * BOARD OF APPEALS
Two Farms Matter * OF BALTIMORE COUNTY
 * Case No.: CBA-19-245-X

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of *J. Carroll Holzer, Esquire*, 508 Fairmount Avenue, Towson, Maryland 21286, on behalf of : *Majid Hussain*, Appellant, 5931 Baltimore National Pike, Baltimore , MD, 21228 in Case No.: CBA-19-245-X. Please forward to undersigned attorney all Notices, Orders, Opinions, Correspondence, etc.in the above captioned matter.

Respectfully submitted,





J. CARROLL HOLZER, Esquire
508 Fairmount Avenue
Towson, Maryland 21286
jcholzer38@gmail.com
410-825-6961
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of December, 2019, a copy of the foregoing Entry of Appearance was mailed first class, postage pre-paid to the following:

David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Ave., Suite 500,
Towson, MD 21204.



J. CARROLL HOLZER, Esquire

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: McComas Associates – Legal Owner
Two Farms, Inc. – Lessee

19-245-XA

DATE: November 21, 2019

BOARD/PANEL: Jason S. Garber, Chair
Deborah C. Dopkin
Kendra Randall Jolivet

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the Motion for Reconsideration filed by Protestant, and response thereto.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

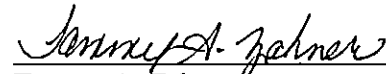
- The Board reviewed the procedural history of the case. The Appellant appealed the decision of the OAH to the Board. The Board issued a Notice of Assignment, counsel for Petitioner requested a postponement, and a Notice of Postponement and Reassignment was issued. The Board convened for the hearing on August 20, 2019, but the Appellant was not present. The Board delayed the start of the hearing to allow additional time for Appellant to appear.
- The Board convened for testimony at which time counsel for Petitioner presented their case. An interested person was in attendance at the hearing, but testimony was not challenged.
- The Board issued an Opinion approving the request on September 17, 2019. On October 17, 2019, the Appellant hand-delivered a Motion for Reconsideration. Petitioner filed a Response to the Motion.
- The Board addressed the issues raised by Appellant in its Motion for Reconsideration:
 - First was Rule 2 of the Board's Rules of Procedure requiring at least 10 days notice to all parties of record. The Appellant alleges this did not occur. The Board disagrees. The Appellant was listed on the Notice of Postponement and Reassignment, no mail was returned to the Board, and all other items mailed to the Appellant were received. The Board also noted there has been no telephone contact from the Appellant, and the Board's calendar is available online for the public.
 - Second was the failure of the OAH to consider § 405.3, specifically the presence of abandoned fuel service stations in the vicinity. The Board noted there was specific testimony at the hearing which addressed this issue. Petitioner's counsel presented an Exhibit which showed the conversion of some abandoned fuel service stations to other uses.
 - The third issue was proof of sign posting. The Board noted there is no requirement that the property be posted for Board of Appeal hearings.

McComas Associates – Legal Owner
Two Farms, Inc. – Lessee
Case No.: 19-245-XA
Minutes of Deliberation

CONCLUSION: After thorough review of the facts and law in the matter, the Board unanimously agreed to DENY the Motion for Reconsideration.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. Zahner



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 30, 2019

NOTICE OF PUBLIC DELIBERATION **ON MOTION FOR RECONSIDERATION**

IN THE MATTER OF: McComas Associates – Legal Owners
Two Farms, Inc. – Lessee
19-245-XA 6426, 6430 and 6434 Baltimore National Pike
1st Election District; 1st Councilmanic District

Re: Motion for Reconsideration filed by Majid H. Sahi, Managing Member of Sahi Petroleum Marketing, LLC on October 17, 2019.

Pursuant to Rule 10 of the Board of Appeals' Rules of Practice and Procedure, a public deliberation is

ASSIGNED FOR: **NOVEMBER 21, 2019 AT 9:30 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra Cannington, Administrator

Notice of Public Deliberation in Motion for Reconsideration
In the matter of: McComas Associates - Legal Owners
Two Farms, Inc. - Lessee
Case number: 19-245-XA
October 30, 2019
Page 2

c.	Counsel for Petitioners	: David H. Karceski, Esquire Jennifer R. Frankovitch, Esquire
	Petitioner/Legal Owner	: McComas Associates, LLC
	Petitioner/Lessee	: Two Farms, Inc.
	Protestant/Appellant	: Sahi Petroleum Marketing, LLC

Michael Pierce

C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge

October 31, 2019

Jason S Gerber, Chairman
County Board of Appeals for Baltimore County
The Jefferson Building
105 W Chesapeake Ave, Suite 203
Towson, Maryland, 21204



Re: Case 19-245-XA
Property: 6426, 6430, and 6434 Baltimore National Pike
1st Election District, 1st Councilmanic District

Dear Mr. Gerber,

I am in receipt of Mr. Karceski's response to Appellant's Motion for Reconsideration of October 17. I had attended the original zoning hearing as an interested citizen, not as an opponent or proponent. I subsequently attended the Board of Appeals hearing out of extreme curiosity to learn what basis anyone thought they had for such an appeal. As was noted, Appellant did not appear, thus I was not really able to ascertain the nature of the objection, thus concluded that it was simply a delaying tactic.

I was provided with ample notification of the schedule for the BoA hearing, both by mail and on the BoA's web page.

I was not provided a copy of the Appellant's motion to which Mr. Karceski has replied, as required, although my name and address are prominently in the records.

I trust that you will quickly dispose of this matter and allow the project to move forward.

Regards,

Michael Pierce
7448 Bradshaw Rd
Kingsville, MD 21087

c: David Karsecki, Venable
Office of People's Counsel
Majid H Sahi

October 29, 2019

David H. Karceski

T 410.494.6285

F 410.821.0147

dhkarceski@venable.com

VIA HAND-DELIVERY

Jason S. Garber, Chairman
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: **Case No.: 19-245-XA**
Property: 6426, 6430 and 6434 Baltimore National Pike
1st Election District, 1st Councilmanic District



Dear Mr. Garber,

I am writing on behalf of my client, Two Farms, Inc., Petitioner/Appellee ("Appellee") in the above-referenced case (the "Case"), in response to the Motion to Reconsider (the "Motion") filed by Protestant/Appellant Sahi Petroleum Marketing, LLC ("Appellant") on October 17, 2019. The Appellant raised three issues in the Motion: (1) notice of the postponed and reassigned hearing date was not provided to Appellant after Appellee's June 12, 2019 postponement request; (2) the Board of Appeals (the "Board") did not make a finding under Baltimore County Zoning Regulations ("BCZR") Section §405.3; and (3) public notice sign requirements were not met. The Appellant requests the Board reconsider its September 17, 2019 Opinion and Order (the "Opinion") in the above-referenced case. For the reasons set forth below, Appellee opposes the Motion and requests the Board deny it.

In the Motion, Appellant states, "Rule 2 of the Board's Rule of Procedure require at least ten (10) days notice to all parties of record. This was not done." In support, Appellant asserts that on "June 12, 2019, Two Farms requested a postponement. Thereafter, no further notices were received by the appellant." However, the contents of the Board's casefile and the Minutes of Deliberation dated August 20, 2019 (the "Minutes") together demonstrate that proper notice was given to all parties, including the Appellant, after Two Farms' postponement request was granted.

A review of the Board's casefile shows that nine (9) individuals and three (3) business entities were copied on the Board's Notice of Postponement and Reassignment (the "Notice"), which is attached hereto as Exhibit A. One of the entities copied was listed as, "Protestant/Appellant: Sahi Petroleum Marketing, LLC," the Appellant. Furthermore, the Minutes, attached as Exhibit B hereto, likewise demonstrate that notice was given to Appellant: "Proper notice was provided to *all parties*, with no mail returned" (emphasis added).

Jason S. Garber, Chairman

October 29, 2019

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Additionally, the Notice of Postponement and Reassignment was dated July 5, 2019, forty-six (46) days before the first reassigned date of August 20, 2019 and fifty-three (53) days before the second reassigned date of August 27, 2019 (the “Hearing Dates”). Both notice periods are well within the 10-day notice period required by Rule 2 of the Rules of Practice and Procedure of County Board of Appeals. The Appellant was properly notified of the postponed and reassigned Hearing Dates and had ample opportunity to communicate with the Board, were the new Hearing Dates incompatible with Appellant’s schedule.

Despite proper notice being made, Appellant did not appear at the August 20, 2019 hearing (the “Hearing”), nor did Appellant otherwise communicate with the Board. Even if you are to assume that the Appellant never actually received notice of the hearing date, it is apparent that the Appellant did not even so much as make an inquiry to the Board as to if and/or when a rescheduled hearing was to be set on the appeal that Appellant had noted. Accordingly, given that the Board properly provided notice to all parties, including Appellant, and that the Board had not otherwise heard a thing from the Appellant, the Board delayed the start of the Hearing to accommodate the Appellant. As evidenced in the Minutes, “The Board delayed the hearing to allow time for the Appellant to appear or otherwise communicate with the Board that he was running late or in route. The Appellant did not appear for the hearing.” This action was a fair way for the Board to handle the situation before it, and it otherwise followed all procedural Rules and obligations in conducting the hearing in this matter. After the delay, the Appellee put on a thorough case which lasted approximately two hours, despite the uncontested nature of the Hearing. Nevertheless, Appellant never appeared. Appellants’ argument on this point should be rejected.

In the Motion, Appellant states, “The Opinion did not consider the failure of the OAH to consider [Baltimore County Zoning Regulations (“BCZR”)] §405.3. – Condition for disapproving special exception raised in the Appeal.” The Appellant asserts that, “The Board’s opinion does not consider that OAH D&O fails to make a finding under **§405.3 when** in fact, there are 2 (two) abandoned gas stations within one half mile of the site” (emphasis in original). Assuming the Appellant is referring to the Board, as Baltimore County Board of Appeals hearings are held *de novo*, it appears that Appellant’s argument is twofold: (1) the Board is *required* to make a finding whether there are abandoned gas stations in the vicinity of the proposed site; and (2) there are two abandoned gas stations within one half mile of the site, negating the need for the proposed gas station use, which would require the Board deny the special exception. Based on the plain language of BCZR and the fact that the record plainly demonstrates that there are no abandoned fuel stations within the prescribed vicinity of the proposed site, the Appellee opposes the Appellant’s second issue supporting reconsideration.

The BCZR contradicts Appellant’s assertion that the Board is *required* to make a finding whether there are abandoned gas stations in the vicinity of the proposed site. Specifically, Section 405.3 of the BCZR states, “In addition to the findings required under Section 502.1, the Zoning

Jason S. Garber, Chairman

October 29, 2019

Page 3

Commissioner, prior to granting any special exception for a fuel service station, **shall consider** the presence of abandoned fuel service stations in the vicinity of the proposed site” (emphasis added). As this section states, the Board must only *consider* the presence of abandoned fuel service stations in the vicinity of the proposed site, but is not *required* to make a finding on the presence – or, as in this case, the absence – of abandoned stations. Had the Board been required to make a finding on the presence of abandoned fuel stations in the vicinity of the proposed site, the County Council would have stated so when adopting the relevant provisions of the BCZR.

In any event, during the hearing the Appellee put on clear and uncontradicted evidence that there are no abandoned fuel service stations in the vicinity of the subject site, and the Board *did make a finding* as to the presence of any abandoned fuel stations. Specifically, the Board noted that the Appellee presented uncontradicted testimony of the project’s compliance with all provisions of Section 405, which includes Section 405.3. This finding by the Board is further supported by the Minutes: “The Board ... found no evidence of any abandoned fuel service stations within a mile of the subject property.” Testimony from the Appellee’s witness, Mr. Michael Coughlin, as well as Petitioner’s Exhibit 12 support this finding, and that evidence was not contradicted. Accordingly, the Board should reject this argument.

The Appellant’s final argument is that, “The Opinion does not show proof of the Public Notice Sign Legal Posting.” The Appellant reasons that: (1) there was a failure to post public notice signs; (2) no certificate was provided certifying posting; and (3) the Appellant never saw a sign posted despite traveling by the subject property several times per day. The Appellee opposes this argument, because no public posting is required for Board hearings under Baltimore County law nor the Board’s Rules.

Rule 2 of the Baltimore County Code (the “Code”), Appendix B governs Notice in Board cases, and 2.e specifies who should receive notice, “In appeals from decisions of the zoning commissioner, formal notice of hearings ... will be provided only to those persons entitled to receive same in accordance with Section 500.11 of the Baltimore County Zoning Regulations.” Section 500.11 of the BCZR states, “Notice of such appeal ... shall be given to the attorneys for the respective parties ... or to such person, or persons, as may be designated at the original hearing to receive such notice.” Plain and simple: there is zero requirement in the Rules, BCZR or Code for a sign to be posted providing notice of an appeal hearing before the Board. Rather, sign postings are only required under Section 32-3-302 of the Code for the original zoning hearing held before the Administrative Law Judge. As stated above, regarding the instant appeal before the Board, proper notice was given to all appropriate individuals and entities. Therefore, the Board should also reject this argument.

It is Appellee’s belief that Appellant is using the appeal and reconsideration functions of the Board’s procedure to delay the ultimate granting of the Special Exception in this case. This is evident by the fact that the Opinion was delivered on September 17, 2019, and Appellant filed the

Jason S. Garber, Chairman

October 29, 2019

Page 4

Motion on October 17, 2019, the very last day of the appeal period. Had the Appellant been so concerned about the alleged lack of notice and unfairness of the Board's decision in this matter, one would think that the Appellant would have immediately sought to reconsider the Board's decision. Instead, the Appellant has demonstrated its chief goal is delay – this Appellant has failed to participate in a meaningful way in this matter throughout its duration: they failed to appear before the ALJ, they appealed the ALJ's decision on the 30th day following its issuance, they failed to appear at the Board of Appeals hearing, and they again waited 30 days to file this Motion for Reconsideration. Of course, by filing the Motion for Reconsideration (rather than a Notice of Appeal to the Circuit Court), they will be able to stretch this matter out for yet another 30 days following the Board's issuance of a decision denying this Motion.

Finally, it should be noted that Appellant has not properly preserved *any* of the above issues for reconsideration or appeal, because Appellant did not attend and contradict evidence at the Hearing. For the reasons set forth above, the Appellee respectfully requests the Board deny the Appellant's Motion for Reconsideration.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'DK' or similar, written in a cursive style.

David H. Karceski
Christopher D. Mudd

DHK/CDM/car
Enclosure

c: Majid H. Sahi, Managing Member/Sahi Petroleum Marketing, LLC ✓
Mike Pierce ✓
Office of People's Counsel ✓

October 17, 2019

Hand Delivered on October 17, 2019

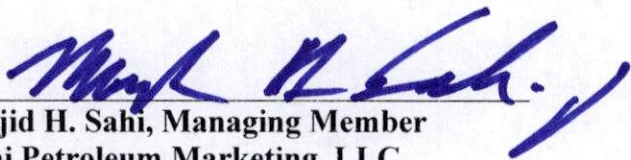
Baltimore County Board of Appeals
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Subject: **MOTION TO RECONSIDER OPINION Case No. 19-245-XA.
APPEAL OF SPECICAL EXCEPTION AND VARIANCE
(6426,6430, 6434 Baltimore National Pike)**

Ladies and Gentlemen of the Board:

I am writing today to request a motion for reconsideration under rule 10 of the Board Rules of Procedure. Please see the attached Motion to Reconsider.

Should you have any questions, you can contact me as set forth below,


Majid H. Sahi, Managing Member
Sahi Petroleum Marketing, LLC
5931 Baltimore National Pike
Baltimore, MD 21228

410 935 6377
mhsahi@hotmail.com



**IN RE: MOTION TO RECONSIDER SPECIAL
EXCEPTION AND VARIANCE**

(6426,6430, 6434 Baltimore National Pike)

1st Election District

1st Council District

Case No. 2019-0245-XA

*

Board of Appeals

*

Baltimore County, Maryland

*

Appellant:

*

Sahi Petroleum Marketing, LLC ("Sahi")

5931 Baltimore National Pike

Baltimore, MD 21228

Majid H. Sahi, Managing Member

410 935 6377

mhsahi@hotmail.com

*

*

• * * * * *

On August 20, 2019, the Baltimore County Board of Appeals held a hearing of the Sahi's Appeal of the Special Exception granted to the Original Petitioners McComas Associates, Legal Owner and Two Farms Inc., Lessee a Special Exception for a fuel station pursuant to Section 405.2.B.1 of the BCZR.

Sahi is filing the motion to reconsider on the grounds that I was not notified within 10 day of the hearing date and that the Board overlooked and ignored several Conditions and provisions of the BCZR's raised in the appeal that properly would result in the denial of this Petition. Specifically, § 405.3. - Condition for disapproving special exception. Accordingly, we respectfully request the Board of Appeals to reconsider this Opinion and rehear this case with the Appellant present.

Grounds for Reconsideration

- 1. Rule 2 of the Board's Rules of Procedure require at least ten (10) days notice to all parties of record. This was not done.**

The Appeal was filed May 30, 2019, June 7, 2019 a notice of Assignment scheduling the hearing for August 6, 2019 was received. June 12, 2019, Two Farms requested a postponement. Thereafter, no further notices were received by the appellant. The Appellant initiated this appeal, paid the fee with every expectation that they would prosecute it. Delaying the case for a one-half hour does not remedy the notice issue.

2. The Opinion did not consider the failure of the OAH to consider § 405.3. - Condition for disapproving special exception raised in the Appeal.

The appeal filed alleged that in addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

The Board's opinion does not consider that OAH D&O fails to make a finding under § 405.3 when in fact, there are 2 (two) abandoned gas stations within one half mile of the site. 6324 Baltimore National Pike operated as a Sunoco was 807 feet from the subject site and 1000 N. Rolling Rd. (tax card attached) operated as a Shell gas station was 1,450 feet away.

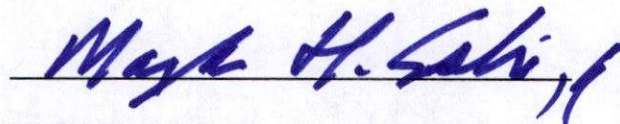
The Board should reconsider their Opinion and take testimony to ensure that this Special Exception complies with § 405.3.

3. The Opinion does not show proof of the Public Notice Sign Legal Posting

The Opinion does not consider the allegation of the failure to post public notice signs. The petitioner provided no certificate that the Public Notice signs required to be posted on the property. The Appellant regularly travels past the site, several times per day and never saw a sign posted.

For the reasons stated above, the Appellant Respectfully requests the Baltimore County Board of Appeals to reconsider their Opinion dated September 17, 2019 of the appeal of the Special Exception Grant for a Fuel Station for Petitioners, McComas Associates, Legal Owner and Two Farms Inc., Lessee, **Case No. 2019-0245-XA.**

Respectfully Submitted



Date: 10-17-2019

Majid H. Sahi, Managing Member
Sahi Petroleum Marketing, LLC
5931 Baltimore National Pike
Baltimore, MD 21228
410 935 6377
mhsahi@hotmail.com

*

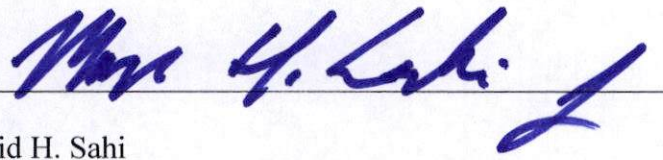
[CERTIFICATE OF MAILING FOLLOWING PAGE]

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 17th¹ day of October 2019, a copy of the Motion to Reconsider the Appeal of Special Exception Grant for a Fuel Station for Petitioners, McComas Associates, Legal Owner and Two Farms Inc., Lessee, **Case No. 2019-0245-XA** was mailed, postage prepaid, to Counsel of the petitioners, McComas Associates and Two Farms, Inc.

David Karcseski
Jennifer Frankovitch .
Venable LLP
210 W. Pennsylvania Ave, Suite 550
Towson, MD 21204

Counsel for Two Farms Inc and McComas Associates.



Majid H. Sahi

Sahi Petroleum, LLC

IN THE MATTER OF	*	BEFORE THE
McCOMAS ASSOCIATES, LLC, LEGAL		
OWNERS AND TWO FARMS, INC., LESSEE	*	BOARD OF APPEALS
AND PETITIONERS FOR SPECIAL EXCEPTION		
ON THE PROPERTY LOCATED AT 6426, 6430	*	OF
AND 6434 BALTIMORE NATIONAL PIKE		
1 st ELECTION DISTRICT	*	BALTIMORE COUNTY
1 st COUNCILMANIC DISTRICT		
	*	CASE NO: 19-245-XA

* * * * *

OPINION

This case comes to the Board of Appeals from a final Opinion and Order dated April 30, 2019, issued by Administrative Law Judge John E. Beverungen (the "ALJ") wherein he approved the Petition for Special Exception and Variance to allow a fuel service station and convenience store and carry-out restaurant, pursuant to Baltimore County Zoning Regulation §405.2.B.1. The ALJ also granted a variance for signage, but no appeal was noted of that approval.

The hearing in front of the Board occurred on August 20, 2019. Petitioners were represented by David H. Karceski, Esquire and Jennifer R. Frankovitch, Esquire, of Venable, LLP.

The CBA delayed the commencement of the hearing for one half hour for Sahi Petroleum Marketing, LLC or its representative to appear. In addition, the CBA inquired of its administrator if Appellant had contacted the CBA office to advise if it or its representative was delayed, which it did not. Neither Appellant nor anyone appearing on its behalf attended the hearing.

Background

The subject property is a long, rectangular 2.61+ parcel fronting on two roads: the main frontage lies on the north side of Baltimore National Pike (U.S. 40 West); secondary frontage, at the rear of the site, lies on the south side of Powers Lane. The property is zoned BR and BR/AS. Petitioner is proposing the use of as a fuel service station in combination with a convenience store and carry-out restaurant with outdoor seating.

The front of the property, fronting on Route 40, is zoned BR/AS and is improved with an abandoned automotive shop and sales area, which are to be razed. The rear of the property is zoned BR, houses a carpet warehouse and sales area, which is to remain.

The property lies within the Baltimore National Pike Commercial Revitalization District.

Petitioners presented two witnesses: Michael Coughlin, a registered engineer with the firm of MRA, and Kenneth W. Schmid, a traffic engineer with Traffic Concepts, Inc, both of whom were admitted as experts in their respective fields, specifically as related to special exception zoning approval in Baltimore County.

Mr. Coughlin introduced Petitioner's site plan, showing the location of the proposed eight gas pumps and convenience store, a signage plan, building elevations and building interior layout. The site plan also shows the entrances and drive aisles serving the site.

Mr. Coughlin testified on behalf of Petitioner that the proposed use meets the § 405 requirements, needing no variances for setbacks, floor area ration, height or landscaping. The sole variance (which is not a subject of this appeal) was for signage.

In addition, Mr. Coughlin introduced a Truck Turn Exhibit, demonstrating that the entrance from Baltimore National Pike is adequate for both automobiles and trucks entering the site and exiting the site to go in either direction on that road.

Mr. Coughlin also introduced a schematic landscape plan, showing the addition of landscaping where none exists or where replacement landscaping will replace that removed on the site.

Upon questioning by Mr. Karceski, Mr. Coughlin testified that the proposal satisfies the individual requirements of BCZR Section 502.1, noting specifically that the property lies in a heavily developed commercial area, within the URDL and the Commercial Revitalization Area.

In the matter of Mc... as Associates, LLC - Legal Owner
Two Farms, Inc. - Lessee
Case No: 19-245-XA

The development of the site would represent an improvement to a currently abandoned portion of the site, noting also that the BR zone is the most intense of the business zones. Mr. Coughlin also testified that the use would not create congestion in the roads, nor a risk of fire or other hazard. This use does not add housing, and therefore it would not tend to overcrowd the land or cause an undue concentration of population, and this use does not interfere with schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, and would also not interfere with adequate light or air.

Though the site lies within a deficient traffic shed, it is not subject to the adequate facilities law because of its location within the revitalization district.

Petitioner's next witness, Mr. Schmid, testified to the adequacy of capacity on Baltimore National Pike to handle the traffic from the proposed development. He also said that the traffic utilizing Powers Lane would be relatively minor and would not negatively impact Powers Lane. He also felt that the existence of the additional access on Powers Lane would not encourage its use as a shortcut to destinations either east or west of the site. Mr. Schmid noted that a number of other properties along Baltimore National Pike have existing access onto Powers Lane.

Mr. Schmid also addressed the impact of the development on the failing intersection at West Rolling Road and Baltimore National Pike. He attributed the failure of the intersection to southbound traffic on Rolling Road stacking to turn left or east (away from the subject property) onto Baltimore National Pike. He concluded that the proposal would not contribute to that deficient situation. Mr. Schmid's testimony concluded that the development would not have a detrimental impact on traffic or create congestion on the roads.

The testimony of both expert witnesses was uncontradicted.

Lastly, counsel requested that if the Board grants the Special Exception petition, that it allow the special exception to be utilized within three years rather than the two years normally required under the BCZR.

Conclusion

After reviewing all of the testimony and evidence presented, the Board finds that Petition for Special Exception should be granted, subject to the conditions below.

ORDER

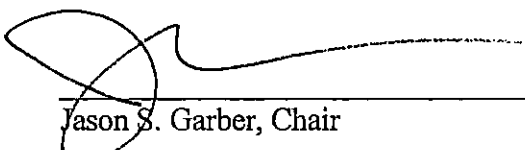
THEREFORE, IT IS THIS 17th day of September, 2019, by the Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Exception to approve a fuel service station, be and the same is hereby **GRANTED** for the reasons set forth herein, and it is further,

ORDERED, that the Petition for Special Exception be utilized within three (3) years from the date hereof.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chair



Deborah C. Dopkin



Kendra Randall Jolivet



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 17, 2019

David H. Karceski, Esquire
Jennifer R. Frankovitch, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: In the Matter of: *McComas Associates, LLC – Legal Owner*
Two Farms, Inc. – Lessee
Case No.: 19-245-XA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Michael McComas, Managing Partner/McComas Associates, LLC
Frank Gargiulo, Senior Vice President/Two Farms, Inc.
Majid H. Sahi, Managing Member/Sahi Petroleum Marketing, LLC
Mike Pierce
Office of People's Counsel
Paul Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: McComas Associates – Legal Owner
Two Farms, Inc. – Lessee

19-245-XA

DATE: August 20, 2019

BOARD/PANEL: Jason S. Garber, Chair
Deborah C. Dopkin
Kendra Randall Jolivet

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Special Exception pursuant to BCZR § 405.2.B.1 to allow a fuel service station.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

- The Board convened for a hearing on the merits, then immediately convened for public deliberation. The Board delayed the hearing to allow time for the Appellant to appear or otherwise communicate with the Board that he was running late or in route. The Appellant did not appear for the hearing. Proper notice was provided to all parties, with no mail returned.
- The Board discussed BCZR Section 405.2.B.1 and found no evidence of any abandoned fuel service stations within a mile of the subject property.
- The Board discussed the specific requirements of BCZR Section 502.1, Conditions determining granting of a Special Exception, as follows:

A) The Board found there would be no detriment to the health, safety or general welfare of the locality.

B) The Board discussed congestion on roads. Petitioners' expert witness presented un rebutted testimony that the use will not create congestion on the roads. The Board expressed concern about trucks entering the site with a car in the aisle, as well as ingress and egress from Powers Lane which will have no sidewalk for pedestrians.

The Board noted that the intersection of Rolling Road and U.S. Route 40 is failing. However, the site is located north of the failing intersection which is unaffected by the request. The Board also noted that the site is located within a Commercial Revitalization District and is exempt from the Basic Services Map restrictions.

The Board found, based on the evidence presented, there will be no detrimental impact to congestion on the roads.

C) The Board found there was no evidence of potential hazard from fire, panic or other danger. However, the Board would like to have a fire flow test performed, which should be addressed during the permitting process.

D) The proposal will not overcrowd land or cause an undue concentration of population.

E) The project will not have an impact on schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements.

F) The proposal will not interfere with adequate light and air.

G) The proposed use is permitted in the zone, and consistent with the spirit and intent of the Zoning Regulations.

H) The Board noted that the Petitioners will be adding landscaping where there currently is none, but will be removing landscaping along Powers Lane, which the Board expressed concern about. However, the Board found the Petitioners' met its burden regarding impermeable surface and vegetative screening.

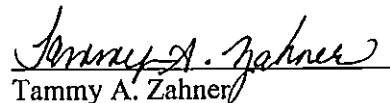
I) The project will not be detrimental to the environmental and natural resources of the site or vicinity.

- The Board found the Petitioners' have satisfied the requirements contained in BCZR Section 502.1.
- The Board noted that the Petition for Variance will not be addressed as the decision of the Administrative Law Judge was not appealed.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Petition for Special Exception.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Tammy A. Zahner



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 5, 2019

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: McComas Associates – Legal Owners
Two Farms, Inc. – Lessee
19-245-XA 6426, 6430 and 6434 Baltimore National Pike
1st Election District; 1st Councilmanic District

Re: Petition for Special Exception pursuant to BCZR Section 405.2.B.1 to allow a fuel service station; and
Petition for Variance to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single façade.

4/30/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and the Petition for Variance were GRANTED, with conditions.

This matter was assigned for hearing on August 6, 2019 and has been postponed by request of counsel. This matter has been

REASSIGNED FOR: **AUGUST 20, 2019, AT 10:00 A.M. - Day 1**
And **AUGUST 27, 2019 AT 10:00 A.M. - Day 2**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits with the Board unless otherwise requested.
- Please contact our office for information regarding projection equipment no less than 48 hours prior to the hearing. Supply is limited and not guaranteed.

Notice of Assignment

In the matter of: McComas Associates, LLC - Legal Owner

Two Farms, Inc. - Lessee

Case number: 19-245-XA

July 5, 2019

Page 2

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra “Sunny” Cannington,
Administrator**

c. Counsel for Petitioners

Petitioner/Legal Owner
Petitioner/Lessee

Protestant/Appellant

: David H. Karceski, Esquire
Jennifer R. Frankovitch, Esquire
: McComas Associates, LLC
: Two Farms, Inc.

: Sahi Petroleum Marketing, LLC

Michael Pierce

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People’s Counsel

David H. Karceski

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

June 12, 2019

VIA HAND-DELIVERY

Jason S. Garber, Chairman
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204



Re: **Case No.: 19-245-XA**
Property: 6426, 6430 and 6434 Baltimore National Pike
1st Election District, 1st Councilmanic District

Dear Mr. Garber:

I am writing on behalf of my client Two Farms, Inc. to request a postponement of the above-captioned hearing scheduled for August 6, 2019. My client's Director of Real Estate, Jeffrey S. Bainbridge, is out of town the week of August 5th and will not be available to attend a hearing on August 6th. Therefore, it is respectfully requested that the hearing be postponed to a later date and a second day be scheduled for this case as well.

Thank you for your consideration of this request.

Very truly yours,

David H. Karceski

DHK:let

cc: Mr. Jeffrey S. Bainbridge
Krysundra Carrington, Administrator for County Board of Appeals for Baltimore County
Christopher D. Mudd, Esquire
Carole S. DeMilio, Office of People's Counsel
Mr. Majid H. Sahi

David H. Karceski

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

June 12, 2019

VIA HAND-DELIVERY

Jason S. Garber, Chairman
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204



Re: **Case No.: 19-245-XA**
Property: 6426, 6430 and 6434 Baltimore National Pike
1st Election District, 1st Councilmanic District

Dear Mr. Garber:

I am writing on behalf of my client Two Farms, Inc. to request a postponement of the above-captioned hearing scheduled for August 6, 2019. My client's Director of Real Estate, Jeffrey S. Bainbridge, is out of town the week of August 5th and will not be available to attend a hearing on August 6th. Therefore, it is respectfully requested that the hearing be postponed to a later date and a second day be scheduled for this case as well.

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in black ink, appearing to be "David H. Karceski", written over a horizontal line.

David H. Karceski

DHK:lct

cc: Mr. Jeffrey S. Bainbridge
Krysundra Carrington, Administrator for County Board of Appeals for Baltimore County ✓
Christopher D. Mudd, Esquire
Carole S. DeMilio, Office of People's Counsel
Mr. Majid H. Sahi



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 7, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

19-245-XA

McComas Associates – Legal Owners
Two Farms, Inc. – Lessee
6426, 6430 and 6434 Baltimore National Pike
1st Election District; 1st Councilmanic District

Re: Petition for Special Exception pursuant to BCZR Section 405.2.B.1 to allow a fuel service station; and
Petition for Variance to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single façade.

4/30/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and the Petition for Variance were GRANTED, with conditions.

ASSIGNED FOR: **AUGUST 6, 2019, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington,
Administrator**

Notice of Assignment

In the matter of: McComas Associates, LLC - Legal Owner

Two Farms, Inc. - Lessee

Case number: 19-245-XA

June 7, 2019

Page 2

c.	Counsel for Petitioners	: David H. Karceski, Esquire Jennifer R. Frankovitch, Esquire
	Petitioner/Legal Owner	: McComas Associates, LLC
	Petitioner/Lessee	: Two Farms, Inc.
	Protestant/Appellant	: Sahi Petroleum Marketing, LLC

Michael Pierce

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel

APPEAL

Petitions for Special Exception & Variance
(APPEALING PETITION FOR SPECIAL EXCEPTION ONLY)
(2705 Greenspring Valley Road)
1st Election District – 1st Councilmanic District
Legal Owners: McComas Associates
Lessee: Two Farms, Inc.
Case No. 2019-0245-XA

Petition for Special Exception (February 26, 2019)

Zoning Description of Property

Certificate of Posting – April 5, 2019 & April 21, 2019 (SSG Robert Black)

Newspaper Advertisement – April 5, 2019 (The Daily Record)

Notice of Zoning Hearing – March 25, 2019

People's Counsel Entry of Appearance – March 8, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 1 Sheet

Petitioner(s) Exhibits –

1. Plan (4 sheets, A-D)
2. Revit. District Map
3. Coughlin CV
4. Truck Turn Exhibit
5. Rendering
6. Aerial Exhibit
7. Site Photo Exhibit
8. 8A-D – Architectural Renderings
9. Abandoned Fuel Station Exhibit
10. Schmid CV

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED with Conditions – April 30, 2019)

Appeal Letter, Notice & Receipt received from Sahi Petroleum Marketing, LLC –
May 30, 2019





JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

May 30, 2019



David H. Karceski, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS –**
Petitions for Special Exception & Variance
(APPEALING PETITION FOR SPECIAL EXCEPTION ONLY)
Case No. 2019-0245-XA
Property: 6426, 6430, 6434 Baltimore National Pike

Dear Mr. Karceski:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 30, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB".
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Majid H. Sahi, Managing Member, Sahi Petroleum Marketing, LLC,
5931 Baltimore National Pike, Baltimore, MD 21228
Mike Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087

May 30, 2019

Baltimore County Board of Appeals
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204



Hand Delivered on May 30, 2019 to:
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, MD 21204

Subject: **IN RE: APPEAL OF SPECICAL EXCEPTION AND VARIANCE**
(6426,6430, 6434 Baltimore National Pike) Case No. 2019-0245-XA.

Ladies and Gentlemen of the Board:

Under this cover letter, please find the appeal of **Case No. 2019-0245-XA McComas**, *Special*
Associates et al. along with a check for \$400 for the Appeal fee.

Exception only
Should you have any questions, you can contact me as set forth below,

Majid H. Sahi
Majid H. Sahi, Managing Member
Sahi Petroleum Marketing, LLC
5931 Baltimore National Pike
Baltimore, MD 21228

*

410 935 6377

mhsahi@hotmail.com

**IN RE: APPEAL OF SPECICAL
EXCEPTION AND VARIANCE
(6426,6430, 6434 Baltimore National Pike)
1st Election District
1st Council District
Case No. 2019-0245-XA**

*** Board of Appeals, Baltimore
* County, Maryland**

Appellant:

**Sahi Petroleum Marketing, LLC
5931 Baltimore National Pike
Baltimore, MD 21228
Majid H. Sahi, Managing Member
410 935 6377
mhsahi@hotmail.com**

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● * * * * *

On April 30, 2019, the Office of Administrative Hearings (OAH) granted the Original Petitioners McComas Associates, Legal Owner and Two Farms Inc., Lessee a Special Exception for a fuel station pursuant to Section 405.2.B.1 of the BCZR. The Appellant believes that the OAH granted this petition in error, overlooking and ignoring several Conditions and provisions of the BCZR that properly would result in the denial of this Petition. Accordingly, we respectfully request the Board of Appeals to reverse this grant and deny this Petition.

Basis for Reversal and Denial

- 1. § 502.1 of the BCZR sets forth the Conditions determining granting of special exception.**

The Decision and Order failed to apply these criteria to the Petition. Before any special exception may be granted, it must appear among other things that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;

There are **NO** findings that this Petition meets these conditions in the OAH D&O.

2. Failure of OAH to consider § 405.3. - Condition for disapproving special exception.

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

The OAH D&O failed to make a finding under **§ 405.3**, **when** in fact, there are 2 (two) abandoned gas stations within one half mile of the site. 6324 Baltimore National Pike operated as a Sunoco was 807 feet from the subject site and 1000 N. Rolling Rd. (tax card attached) operated as a Shell gas station was 1,450 feet away.

The OAH D&O completely failed to address **§ 405.3**.

3. The OAH D&O failed to make any evaluation of § 405.4. - Standards.

Among other things the OAH D&O does not evaluate the following under 405.4:

- A. Site dimensions.
- B. Setbacks
- C. Access, internal circulation and vehicle reservoir capacity.
- D. General design, Restrictions on hours of operations.

4. Public Notice Sign Legal Posting

The OAH D&O makes no reference to the Petitioner's certificate of the Public Notice signs required to be posted on the property. The Appellant regularly travels past the site, several times per day and never saw a sign posted.

For the reasons stated above, the Appellant Respectfully requests the Baltimore County Board of Appeals to consider this appeal of the Special Exception Grant for a Fuel Station for Petitioners, McComas Associates, Legal Owner and Two Farms Inc., Lessee, **Case No. 2019-0245-XA.**

Respectfully Submitted



Majid H. Sahi, Managing Member
Sahi Petroleum Marketing, LLC
5931 Baltimore National Pike
Baltimore, MD 21228
410 935 6377
mhsahi@hotmail.com

*

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

No. **174822**

Date: **5-30-19**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
5/30/2019 5/30/2019 12:28:22 3

REC WSD3 WALKIN CAM
>> RECEIPT # 009133 5/30/2019 OFLN

Dep 5 528 ZONING VERIFICATION
CR NO. 174822

Recpt Tot \$ 400.00
400.00 CK .00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				400.00

Total: **400.00**

Rec From: **Sahii Petroleum Marketing LLC**

For: **OFFICE OF ADMINISTRATIVE HEARINGS (CD OR APPEAL)**
CASE NO. 2019-0245-XA (Special Exception)
ADDRESS OR PROJECT: 6256 6430 6434 Road. Only
HEARING DATE(S): 4-25-19 Next's Pine
CHECK # 23947

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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

(6426, 6430, 6434 Baltimore National Pike)

1st Election District

1st Council District

McComas Associates

Legal Owner

Two Farms, Inc.

Lessee

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0245-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 6426, 6430 & 6434 Baltimore National Pike. The Petitions were filed on behalf of McComas Associates, legal owner of the subject property, and Two Farms, Inc., lessee ("Petitioners"). The Special Exception petition seeks to allow a fuel service station pursuant to Section 405.2.B.1 of the BCZR. The Petition for Variance seeks to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three (3) signs permitted with no more than two signs on any single facade. A site plan was marked as Petitioners' Exhibit 1.

Appearing in support of the petitions were Jeff Bainbridge, Michael McComas, Ken Schmid, Michael Coughlin and Thomas Sheckells. David H. Karceski, Esq. and Jennifer Frankovitch, Esq. represented Petitioners. Mike Pierce attended the hearing to express concern about certain aspects of the project. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the State Highway Administration ("SHA"). Neither agency opposed the request.

ORDER RECEIVED FOR FILING

Date 4/30/19

By Sen

The subject property is approximately 2.82 acres in size and zoned BR-AS. The property is located in Catonsville along US 40, a busy commercial corridor. Petitioners propose to construct a Royal Farms store at the site. Fuel service stations are permitted by special exception in the BR zone. Petitioners also request variance relief for certain signs that have become fairly standard at numerous Royal Farms locations throughout Baltimore County.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Michael Coughlin, a professional engineer accepted as an expert, described the project in general and reviewed each page of the 4-sheet site plan. He also described and presented elevations of the proposed signage. The witness testified there are no abandoned fuel service stations within one (1) mile of this site, and he opined Petitioners satisfied all requirements for special exception relief.

Two legal issues arose at this juncture of the hearing. First, Petitioners indicated this site is within a traffic shed identified as deficient or failing on the basic services map. Normally that would mean Petitioners could obtain development and zoning approvals but could not be issued building permits for the project. This site however is within the Baltimore National Pike

ORDER RECEIVED FOR FILING

Date

4/30/19

By

Sen

Commercial Revitalization District (Pets. Ex.2), and as such is exempt from basic services mapping standards. BCZR §4A02.4.E.1.i.

Mr. Pierce also questioned whether a fuel service station would be permitted at this site in light of a recent Council Bill (#104-18) which amended BCZR Section 405.2.B.2. Following the hearing I reviewed that legislation and do not believe it impacts the project in this case. As noted above this site is within an AS District; as such, a fuel service station is permitted by special exception at this location. Petitioners need not comply with the requirements imposed in the aforementioned legislation, which would be applicable to fuel stations inside the URDL which are not in a district. Having resolved that issue, and in light of Mr. Coughlin's testimony summarized above, I believe the Petition should be granted.

VARIANCES

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).

As Mr. Coughlin testified the site has an elongated shape and there is a significant grade change across the property. As such the property is unique. If the BCZR were strictly interpreted Petitioners would suffer a practical difficulty since they would be unable to provide appropriate signage for the service station. Finally, I find that the variances 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.

ORDER RECEIVED FOR FILING

Date

4/30/19

By

Sen

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30th day of **April, 2019**, that the Petition for Special Exception to allow a fuel service station pursuant to Section 405.2.B.1 of the BCZR, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three (3) signs permitted with no more than two signs on any single facade, be and is hereby GRANTED.

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The special exception granted herein must be utilized within three (3) years of the date hereof.
3. No temporary signage of any type shall be permitted on the subject property.
4. Prior to issuance of permits Petitioners shall 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/sln

ORDER RECEIVED FOR FILING

Date

4/30/19

By

sln



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

April 30, 2019

David H. Karceski, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Case No. 2019-0245-XA
Property: 6426, 6430 & 6434 Baltimore National Pike

Dear Mr. Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Mike Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087

CASE NAME 66CB, 6750, 613F rike
CASE NUMBER 2019-275-XA
DATE 4/25/19

[illegible]

3

CASE NAME _____

CASE NUMBER 2019-0245-XA

DATE April 25 2019

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 17, 2019

David H. Karceski Esquire
210 W. Pennsylvania Ave, Ste 500
Towson MD 21204

RE: Case Number: 2019-0245-XA, 6426, 6430, 6434 Baltimore National Pike

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 February 26, 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.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

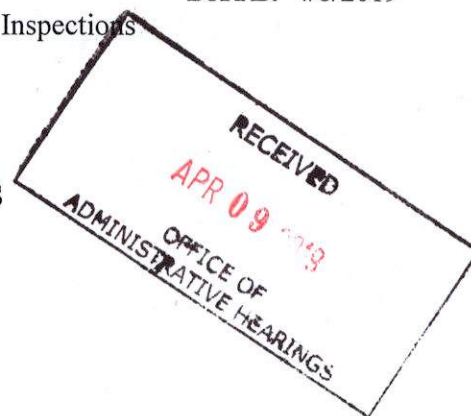
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/8/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-245



INFORMATION:

Property Address: 6430 Baltimore National Pike
Petitioner: McComas Associates, LLC
Zoning: BR AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for Special exception to use the property for a fuel service station and a petition for variance to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single facade.

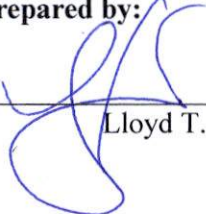
A site visit was conducted on March 8, 2019. The site is located within the Baltimore National Pike Commercial Revitalization District. There is an existing two story warehouse on the subject property to remain but is not a part of the special exception use and area.

The Department does not object to granting the petitioned zoning relief conditioned upon the following:

- The special exception use of the property as a fuel station/convenience store will generate high traffic volumes to the site. The plan proposes trucks serving the existing warehouse to gain access over and across the special exception use area. Turning radius studies submitted by the petitioners demonstrate that a truck entering the site at the easterly entrance will require the full width of the entrance to execute the turn. It is not clear how traffic circulation will function if that entrance has vehicles standing within it waiting to exit the site. Petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the combined use of the entire property for fuel station/convenience store and warehouse will integrate such that any adverse impacts in the form of traffic being impeded on Rte. 40 does not rise to a level above those inherent impacts that are expected with a special exception use.
- The Department recommends as a condition of approval that no temporary signage be allowed along and adjacent to the U.S. Rte. 40 frontage.
- The proposed dumpster shall be subject to Condition H of the Baltimore County Landscape Manual.

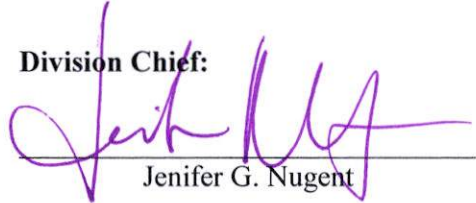
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

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

4-25

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 # 2019-0245-XA
Address 6426,6430,6434 Baltimore National
Pike
(McComas Associates Property)

Zoning Advisory Committee Meeting of **March 11, 2019.**

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

Reviewer: Steve Ford

March 11, 2019

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

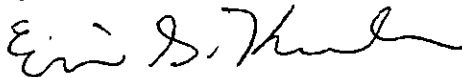
Thank you for the opportunity to review the site plan to accompany the petition for special exception, variance for the proposed Royal Farms Store #374 located on the north side of US 40 (Baltimore National Pike) in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

Royal Farms Store #374
Site Plan Special Exception, Variance
Case No. 2019-0245-XA
SHA Tracking No. 19APBA005XX
US 40 (Baltimore National Pike) (north side) 1000' west of Geipe Road
Mile Post 1.28
Baltimore County

An access permit will be required for the proposed entrance re-construction and frontage improvements on US 40. Before making specific comments regarding the entrance and potential road improvements, the MDOT SHA requests the opportunity to review a traffic impact study to determine the traffic impacts to the surrounding road network. We require four (4) copies of the study and a CD for our review. That submittal can be made directly to Wendy Wolcott at the District 4 Office, 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Richard Zeller. Please utilize the above reference SHA Tracking number when making this submission.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) or by email at (rzeller@sha.state.md.us).

Sincerely,



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

Ms. Kristen Lewis
Royal Farms Store #374
Case 2019-0245-XA
SHA Tracking No. 19APBA005XX
March 11, 2019
Page 2

cc: Morris & Ritchie Associates, Inc. / 1220-C East Joppa Road, Suite 505
Towson, MD 21286
Two Farms, Inc. / 3611 Roland Avenue, Baltimore, MD 21211
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Wil Clark, MDOT SHA District 4 Maintenance
Mr. Kimon Johnson, MDOT SHA District 4 Traffic

Sherry Nuffer

From: John E. Beverungen
Sent: Wednesday, April 24, 2019 11:45 AM
To: Karceski, David H.
Cc: Debra Wiley; Sherry Nuffer; Kristen L Lewis
Subject: Case Nos. 2019-245 & 2019-253

Mr. Karceski,

A citizen notified our office that the hearing notices in the above cases were not posted on the County's website, as required by the County Code. The Code states it is the Department of PAI's responsibility to post the notice on the internet, so the Petitioner is not to blame for the mistake. Even so, the law states the ALJ "may not consider the petition" unless all posting requirements are satisfied.

Since the failure to post the notice was due to the County's oversight I am willing to hold the hearings on Thursday and Friday as scheduled. If however you would prefer the cases be postponed please contact my office ASAP and we can remove the cases from our calendar. In that event, new hearing dates would have to be obtained from Ms. Lewis at PAI, and you would need to ensure the notice is posted on the internet at least 15 days before the new date. No additional sign posting or newspaper advertisement would be required.

John Beverungen
ALJ

*Per Mr. Karceski 4/24 @ 1PM -
he plans to proceed.*

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:

4/5/2019

Order #: 11723627
Case #: 2019-0245-XA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0245-XA



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: 2019-0245-XA

6426, 6430, 6434 Baltimore National Pike

NE/s Baltimore National Pike, west of North Rolling Road

1st Election District - 1st Councilmanic District

Legal Owners: McCormas Associates, LLC

Contract Purchaser/Lessee: Two Farms, Inc.

Special Exception for a fuel service station. Variance to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single facade,

Hearing: Thursday, April 25, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

Director of Permits, Approval 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.

ap5

CERTIFICATE OF POSTING

2019-0245-XA

RE: Case No.: _____

Petitioner/Developer: _____

McComas Associates, LLC

Two Farms, Inc.

April 25, 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:

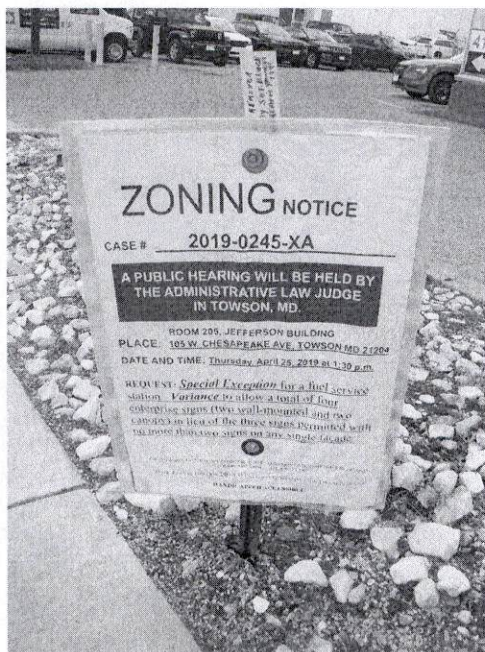
Ladies and Gentlemen:

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: _____

6426, 6430, 6434 Baltimore National Pike **SIGN 1 Recertification**

April 5, 2019

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



Sincerely,

 **April 21, 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

2019-0245-XA

RE: Case No.: _____

Petitioner/Developer: _____

McComas Associates, LLC
Two Farms, Inc.

April 25, 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:

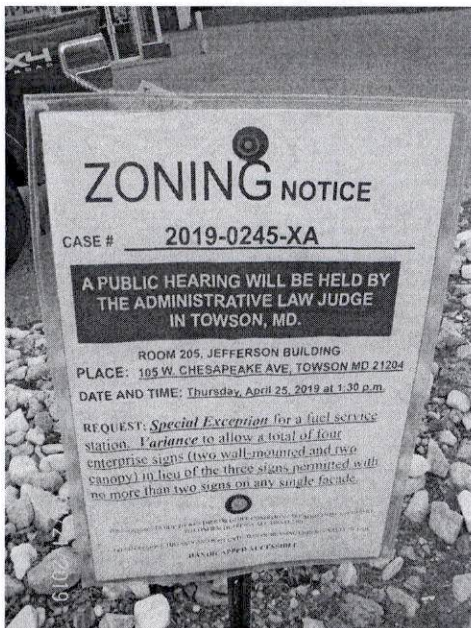
Ladies and Gentlemen:

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: _____

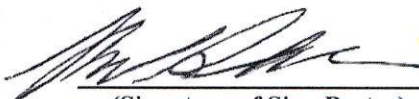
6426, 6430, 6434 Baltimore National Pike **SIGN 2 Recertification**

April 5, 2019

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



Sincerely,

 April 21, 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

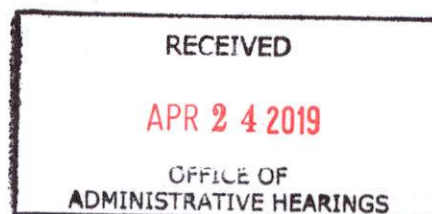
(Telephone Number)

JB 4-25-19
1:30 PM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Tuesday, April 23, 2019 9:59 PM
To: Barbara Lukasevich; DKarceski@Venable.com; Administrative Hearings
Subject: Recertification's For 2019-0245-XA AND 2019-0253-SPHA
Attachments: Re-Cert 1 2019-0245-XA.doc; Re-Cert 2 2019-0245-XA.doc; Re-Cert 1 2019-0253-SPHA.doc; Re-Cert 2 2019-0253-SPHA.doc

Recertification's for 6426, 6430, 6434 Baltimore National Pike AND 8869, 8903, 8905 Belair Road.
Thanks.



CERTIFICATE OF POSTING

2019-0245-XA

RE: Case No.: _____

Petitioner/Developer: _____

McComas Associates, LLC
Two Farms, Inc.

April 25, 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:

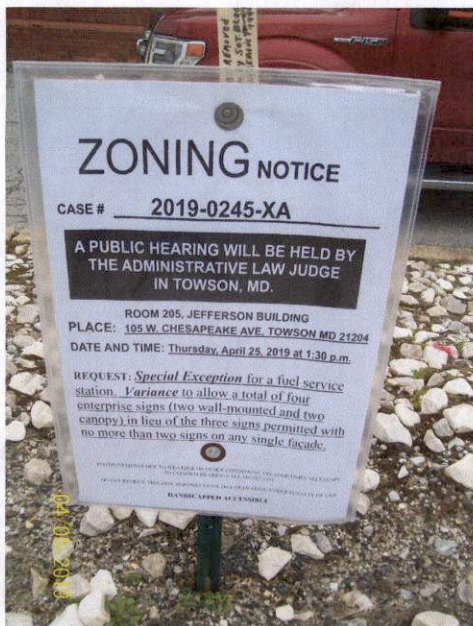
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

6426, 6430, 6434 Baltimore National Pike

SIGN 1

April 5, 2019

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



Sincerely,


(Signature of Sign Poster)

April 5, 2019

(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

2019-0245-XA

RE: Case No.: _____

Petitioner/Developer: _____

McComas Associates, LLC
Two Farms, Inc.

April 25, 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: _____

6426, 6430, 6434 Baltimore National Pike

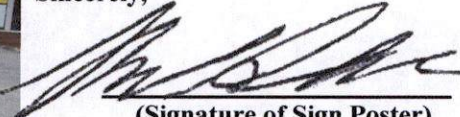
SIGN 2

April 5, 2019

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



Sincerely,


(Signature of Sign Poster)

April 5, 2019

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**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: 2019-0245-XA
Property Address: 6426, 6430, 6434 Baltimore National Pike
Property Description: NE/S of Baltimore National Pike, 1680' W. of
North Rolling Road
Legal Owners (Petitioners): McComas Associates, LLC
Contract Purchaser/Lessee: Two Farms, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbar Lukasandh
Company/Firm (if applicable): VENADIE LLP
Address: 210 W. Pennsylvania AVENUE
STE 500
TOWSON, MD 21204
Telephone Number: 410.494.6381

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 25, 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: 2019-0245-XA

6426, 6430, 6434 Baltimore National Pike
NE/s Baltimore National Pike, west of North Rolling Road
1st Election District – 1st Councilmanic District
Legal Owners: McComas Associates, LLC
Contract Purchaser/Lessee: Two Farms, Inc.

Special Exception for a fuel service station. Variance to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single façade.

Hearing: Thursday, April 25, 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", is written over the printed name and title.

Mike Mohler
Director

MM:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Frank Gargiulo, Two Farms, Inc., 3611 Roland Avenue, Baltimore 21211
McComas Associates, 6432 Baltimore National Pike, Baltimore 21228

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 5, 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		
6426, 6430, & 6434 Baltimore National Pike;	*	OF ADMINISTRATIVE
NE/S Baltimore Nat'l Pk, 1680' W of N. Rolling Rd		
1 st Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): McComas Associates, LLC		
Contract Purchaser(s): Two Farms, Inc.	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2019-245-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.

RECEIVED
MAR 08 2019

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2019, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 6426, 6430, 6434 Baltimore National Pike which is presently zoned BR-AS

Deed References: 25114-542 10 Digit Tax Account # 0 1 2 0 6 6 1 5 9 0

Property Owner(s) Printed Name(s) McComas Associates LLC

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

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

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

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

SEE ATTACHED SHEET NO. 1

3. ☒ a **Variance** from Section(s)

SEE ATTACHED SHEET NO. 2

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 ATTACHED SHEET NO. 3

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karcieski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarcieski@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET NO. 4

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:

David H. Karcieski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarcieski@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0245-XA

Filing Date 2/26/2019

Do Not Schedule Dates: _____

Reviewer JNP

ORDER RECEIVED FOR FILING REV. 10/4/11

Date 4/30/19

By Sen

McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

ATTACHMENT NO. 1 TO PETITION FOR SPECIAL EXCEPTION

1. Special Exception for a fuel service station pursuant to Section 405.2.B.1 of the B.C.Z.R.

McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

ATTACHMENT NO. 2 TO PETITION FOR VARIANCE

1. Variance from B.C.Z.R. Section 450.4 Attachment 1.5(a) to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single façade.

McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

**ATTACHMENT NO. 3 TO PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE**

Contract Purchaser/Lessee:

Two Farms, Inc.
3611 Roland Avenue
Baltimore, MD 21211
(410) 889-0200

By: Frank Gargiulo

Title: Senior Vice President

* see sheet no. 1 for signature

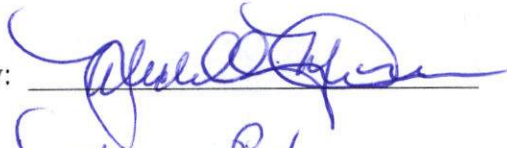
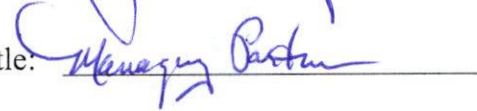
McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

**ATTACHMENT NO. 4 TO PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE**

Legal Owners

McComas Associates LLC
6432 Baltimore National Pike
Baltimore, MD 21228-3903

By: 
Title: 

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



February 26, 2019

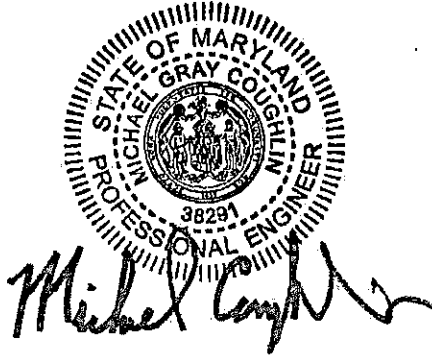
**SPECIAL EXCEPTION AREA DESCRIPTION
FOR 6430 BALTIMORE NATIONAL PIKE**

Beginning at a point located at the intersection of Baltimore National Pike at BL STA 160+18.45 or N 589,410.61 E 1,380,550.51, at the distance of 78.57' and bearing of N 18°06'02" E to a point. Thence, the following courses and distances:

- 2) North 71°55'37" West 220.03'.
- 3) North 20°36'31" East 306.39'.
- 4) South 69°46'31" East 217.41'.
- 5) South 19°30'44" West 25.38'.
- 6) South 20°13'29" West 272.74'

Containing 66,137 square feet or 1.5182 acres of land, more or less, being located in the 1st Election District and 1st Councilmanic District of Baltimore County, Maryland

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Arlington, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA ♦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

2019-0245-XA



Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 01 Account Number - 0101500049			
Owner Information					
Owner Name:		SAHI PETROLEUM MARKETING LLC		Use: Principal Residence: COMMERCIAL NO	
Mailing Address:		5931 BALTIMORE NATIONAL PIKE BALTIMORE MD 21228-2917		Deed Reference: /23366/ 00051	
Location & Structure Information					
Premises Address:		5931 BALTO NATL PIKE 0-0000		Legal Description: LT57PT54-56PT24-28 5931 BALTO NATL PIKE CATONSVILLE PINES	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0095	0019	0042		0000	
					Block:
					A
					Lot:
					57
					Assessment Year:
					2018
					Plat No:
					0012/
					Plat Ref:
					0040
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1965		128		23,443 SF	
				Property Land Area	
				County Use	
				20	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		SERVICE STATION			
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2018		07/01/2018	
				As of	
				07/01/2019	
Land:		587,000		587,000	
Improvements		115,800		219,200	
Total:		702,800		806,200	
Preferential Land:		0		737,267	
				771,733	
				0	
Transfer Information					
Seller: AMERICAN OIL CO		Date: 02/09/2006		Price: \$606,354	
Type: ARMS LENGTH IMPROVED		Deed1: /23366/ 00051		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		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					

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 01 Account Number - 0112400460			
Owner Information					
Owner Name:		RUSSEL FAMILY LLC C/O RUSSELL MOTOR CARS INC		Use: Principal Residence:	
Mailing Address:		6700 BALTIMORE NATIONAL PIKE BALTIMORE MD 21228-3909		Deed Reference:	
				/22023/ 00350	
Location & Structure Information					
Premises Address:		6324 BALTO NATL PIKE BALTIMORE MD 21228-0000		Legal Description:	
				.6162 AC 6324 BALTO NATL PIKE NR ROLLING RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0094	0024	0012		0000	
				Block:	Lot:
				Assessment Year:	Plat No:
				2018	
					Plat Ref:
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				County Use	
				0.6100 AC	
				20	
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	
Land:		244,000		244,000	
Improvements		32,100		30,700	
Total:		276,100		274,700	
Preferential Land:		0		274,700	
				0	
Transfer Information					
Seller: SUN OIL CO OF PENNSYLVANIA		Date: 06/13/2005		Price: \$1,600,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22023/ 00350		Deed2:	
Seller: LINCOLN NATL LIFE INSURANCE CO		Date: 04/17/1979		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06009/ 00704		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
				07/01/2019	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
				0.00 0.00	

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 01 Account Number - 0105150270			
Owner Information					
Owner Name:		RUSSEL FAMILY LLC		Use:	COMMERCIAL
				Principal Residence:	NO
Mailing Address:		C/O RUSSEL MOTOR CARS INC 6700 BALTIMORE NATIONAL PIKE BALTIMORE MD 21228-3909		Deed Reference:	/26040/ 00030
Location & Structure Information					
Premises Address:		1000 N ROLLING RD BALTIMORE MD 21228-3824		Legal Description:	.754 AC 1000 N ROLLING RD NWS COR POWERS LA
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0094	0024	0276		0000	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area
		1568			0.7500 AC
					County Use
					20
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
			01/01/2018	07/01/2018	07/01/2019
Land:		300,000	300,000		
Improvements		57,000	55,200		
Total:		357,000	355,200	355,200	355,200
Preferential Land:		0			0
Transfer Information					
Seller: SMO REALTY LLC		Date: 08/13/2007		Price: \$2,000,000	
Type: ARMS LENGTH IMPROVED		Deed1: /26040/ 00030		Deed2:	
Seller: SHELL OIL COMPANY		Date: 12/12/2000		Price: \$510,435	
Type: NON-ARMS LENGTH OTHER		Deed1: /14860/ 00336		Deed2:	
Seller: ATLANTIC RICHFIE LD		Date: 11/06/1985		Price: \$162,668	
Type: ARMS LENGTH IMPROVED		Deed1: /07029/ 00363		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2018		07/01/2019
County:		000	0.00		
State:		000	0.00		
Municipal:					

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Account Identifier:			District - 01 Account Number - 0120661590						
Owner Information									
Owner Name:		MCCOMAS ASSOCIATES LLC			Use:		COMMERCIAL		
Mailing Address:		6432 BALTIMORE NATIONAL PIKE BALTIMORE MD 21228-3903			Principal Residence:		NO		
					Deed Reference:		/25114/ 00542		
Location & Structure Information									
Premises Address:		6430 BALTO NATL PIKE 0-0000			Legal Description:		2.673 AC NES 6430 BALTO NATL PIKE 1747 W ROLLING RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0094	0023	0124		0000				2018	Plat Ref:
Special Tax Areas:				Town:			NONE		
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1984		32715				2.8200 AC		06	
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		DISTRIBUTION WAREHOUSE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2018		07/01/2019	
Land:		824,000		824,000					
Improvements		784,100		696,900					
Total:		1,608,100		1,520,900		1,520,900		1,520,900	
Preferential Land:		0						0	
Transfer Information									
Seller: MCCOMAS ASSOCIATES				Date: 01/24/2007			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /25114/ 00542			Deed2:		
Seller: TRUPP IRVIN I				Date: 01/03/1984			Price: \$550,000		
Type: ARMS LENGTH IMPROVED				Deed1: /06648/ 00370			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

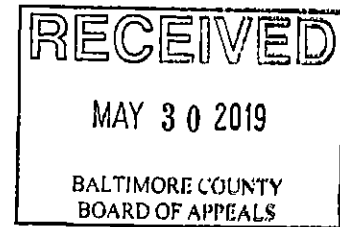
Homeowners' Tax Credit Application Status: No Application**Date:**



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

May 30, 2019



David H. Karceski, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS –**
Petitions for Special Exception & Variance
(APPEALING PETITION FOR SPECIAL EXCEPTION ONLY)
Case No. 2019-0245-XA
Property: 6426, 6430, 6434 Baltimore National Pike

Dear Mr. Karceski:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 30, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB".
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Majid H. Sahi, Managing Member, Sahi Petroleum Marketing, LLC,
5931 Baltimore National Pike, Baltimore, MD 21228
Mike Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087

APPEAL

Petitions for Special Exception & Variance
(APPEALING PETITION FOR SPECIAL EXCEPTION ONLY)
(2705 Greenspring Valley Road)
1st Election District – 1st Councilmanic District
Legal Owners: McComas Associates
Lessee: Two Farms, Inc.
Case No. 2019-0245-XA

Petition for Special Exception (February 26, 2019)

Zoning Description of Property

Certificate of Posting – April 5, 2019 & April 21, 2019 (SSG Robert Black)

Newspaper Advertisement – April 5, 2019 (The Daily Record)

Notice of Zoning Hearing – March 25, 2019

People's Counsel Entry of Appearance – March 8, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 1 Sheet

Petitioner(s) Exhibits –

1. Plan (4 sheets, A-D)
2. Revit. District Map
3. Coughlin CV
4. Truck Turn Exhibit
5. Rendering
6. Aerial Exhibit
7. Site Photo Exhibit
8. 8A-D – Architectural Renderings
9. Abandoned Fuel Station Exhibit
10. Schmid CV

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED with Conditions – April 30, 2019)

Appeal Letter, Notice & Receipt received from Sahi Petroleum Marketing, LLC –
May 30, 2019



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 6426, 6430, 6434 Baltimore National Pike which is presently zoned BR-AS

Deed References: 25114-542 10 Digit Tax Account # 0 1 2 0 6 6 1 5 9 0

Property Owner(s) Printed Name(s) McComas Associates LLC

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

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

SEE ATTACHED SHEET NO. 1

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

SEE ATTACHED SHEET NO. 2

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

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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 ATTACHED SHEET NO. 3

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET NO. 4

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:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0245-X4 Filing Date 2/26/2019

Do Not Schedule Dates: _____ Reviewer JNP

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date

By

4/30/19
Sen

McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

ATTACHMENT NO. 1 TO PETITION FOR SPECIAL EXCEPTION

1. Special Exception for a fuel service station pursuant to Section 405.2.B.1 of the B.C.Z.R.

McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

ATTACHMENT NO. 2 TO PETITION FOR VARIANCE

1. Variance from B.C.Z.R. Section 450.4 Attachment 1.5(a) to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single façade.

McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

**ATTACHMENT NO. 3 TO PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE**

Contract Purchaser/Lessee:

Two Farms, Inc.
3611 Roland Avenue
Baltimore, MD 21211
(410) 889-0200

By: Frank Gargiulo

Title: Senior Vice President

* see sheet no. 1 for signature

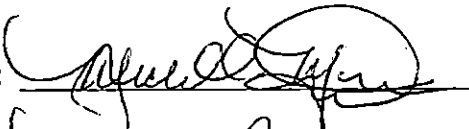
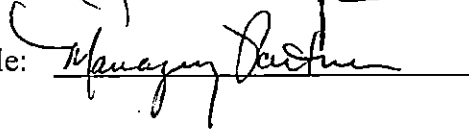
McComas Associates LLC

6426, 6430, 6434 Baltimore National Pike

**ATTACHMENT NO. 4 TO PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE**

Legal Owners

McComas Associates LLC
6432 Baltimore National Pike
Baltimore, MD 21228-3903

By: 
Title: 

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

No. **180775**

PAID RECEIPT

Date: **2-26-19**

BUSINESS ACTUAL TIME
 2/27/2019 2/26/2019 11:28:10
 RFR MS01 WALKIN LJR

>>RECEIPT # 834868 2/26/2019 OFLN
 Dept 5 528 ZONING VERIFICATION
 Amount 180775

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1,000.00

Recpt Tot \$ 1,000.00
 1,000.00 CK .00 CA
 Baltimore County, Maryland

Total: **1,000.00**

Rec From: **2019-0245-XA**

For: **64216, 6430, 6434 - Baltimore National Pike**
(McComas Associates, LLC)

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CASE NO. 2019-

0245-XA

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No CommentDEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

3/19

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

N/c

FIRE DEPARTMENT

4/8

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

4/11

STATE HIGHWAY ADMINISTRATION

Comment

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/5/19

SIGN POSTING (1st)

Date:

4/5/19

by

SSG Black

SIGN POSTING (2nd)

Date:

4/21/19

by

SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

CERTIFICATE OF POSTING

2019-0245-XA

RE: Case No.: _____

Petitioner/Developer: _____
McComas Associates, LLC
Two Farms, Inc.

April 25, 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:

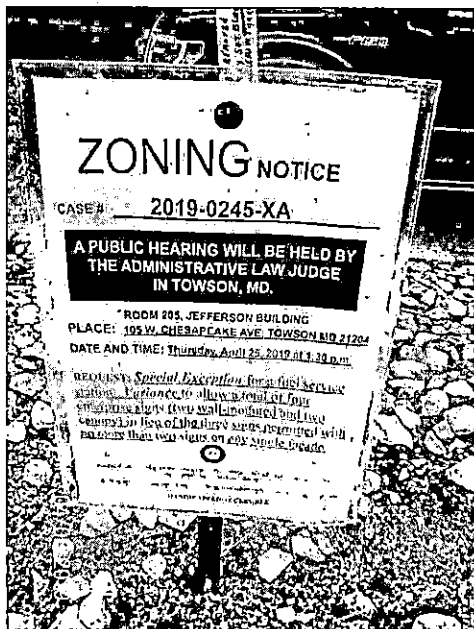
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

6426, 6430, 6434 Baltimore National Pike

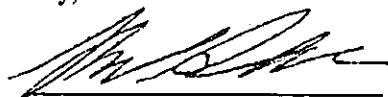
SIGN 1

April 5, 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

2019-0245-XA

RE: Case No.: _____

Petitioner/Developer: _____

McComas Associates, LLC

Two Farms, Inc.

April 25, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

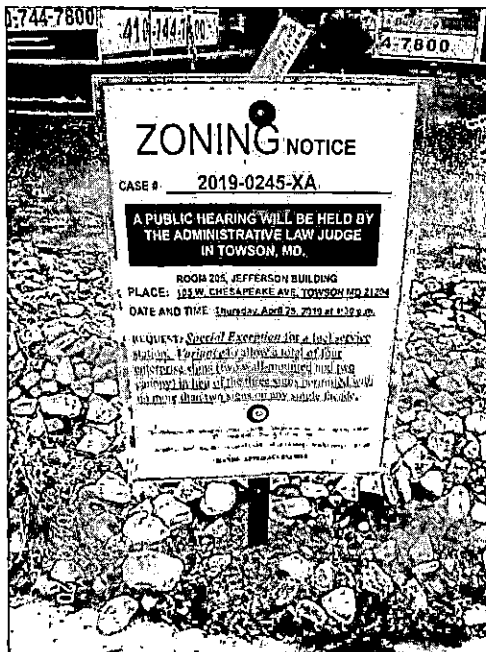
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

6426, 6430, 6434 Baltimore National Pike

SIGN 2

April 5, 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)

TO: THE DAILY RECORD
Friday, April 5, 2019 - Issue

Please forward billing to:

Barbara Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6381

NOTICE OF ZONING HEARING

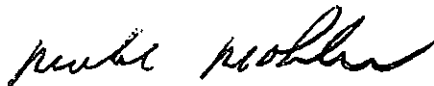
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0245-XA

6426, 6430, 6434 Baltimore National Pike
NE/s Baltimore National Pike, west of North Rolling Road
1st Election District – 1st Councilmanic District
Legal Owners: McComas Associates, LLC
Contract Purchaser/Lessee: Two Farms, Inc.

Special Exception for a fuel service station. Variance to allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single façade.

Hearing: Thursday, April 25, 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.

Kenneth W. Schmid
11022 Pfeffers Road
Kingsville MD 21087
410-274-8191 (Cell)
410-670-2911 (Office)

Professional Summary:

Traffic Engineer, 37 years of experience.

Skills:

Traffic Operations Analysis

Speed & Sight Distance Studies

Traffic Impact Studies

Intersection Delay Studies

Intersection Analysis

Parking Studies

Transportation Planning Studies

Trip Generation Analyses

Transportation Management Studies

Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

Professional Associations:

- Institute of Transportation Engineers, 1985 - present

Professional Experience:

TRAFFIC CONCEPTS, INC

7525 Connelley Drive, Suite B Hanover, Maryland 21076

Vice-President/Senior Project Manager, January 1993-Present

- Project Manager for Traffic Impact Studies/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic studies.
- Provide expert testimony at public hearings.
- Develop master planning studies, traffic impact studies, and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

RONALD W. JOHNSON ASSOCIATES, INC.
2661 Riva Road Suite 420, Annapolis, Maryland 21041

Chief – Traffic Engineering Division, December 1989 – January 1993

- Managed the County Adequate Public Facilities Ordinance (Traffic)
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis and transportation corridor studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION
Annapolis, Maryland 21401

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended traffic mitigation measures.
- Initiated and directed planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

MARYLAND STATE HIGHWAY ADMINISTRATION, DISTRICT #5 OFFICE
Annapolis, MD 21401

Traffic Engineer I, II, III, May 1981 – December 1986

- Develop traffic signal design and signalization plans
- Review traffic signal design plans submitted by consultants
- Develop equipment and construction design specifications
- Development of traffic signal and traffic signal timing .
- Conduct traffic signal construction inspection
- Conduct various traffic engineering studies in order to make recommendations to the District Traffic Engineer

Publications:

- Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety.

Expert Witness Experience:

Baltimore County, MD	Baltimore City, MD
Calvert County, MD	City of Annapolis
Caroline County, MD	City of Elkton, MD
Carroll County, MD	City of Frederick, MD
Cecil County, MD	City of Bel Air, MD
Charles County, MD	Town of Bowie, MD
Frederick County, MD	Town of Easton, MD
Harford County, MD	
Howard County, MD	
Prince George's County, MD	
Queen Anne's County, MD	
St. Mary's County, MD	
Talbot County, MD	

Education:

UNIVERSITY OF MARYLAND
College Park, MD 20740
B.A. Degree – Civil Engineering, 1981

ESSEX COMMUNITY COLLEGE
Rosedale, MD 21237
1976 - 1978

BALTIMORE POLYTECHNIC INSTITUTE
1400 West Cold Spring Lane
Baltimore, MD 21209
Graduated 1976

①



PETITIONER' S

EXHIBIT NO.

7A-N

②





3

4



5





7

Carpet Land
HOLIDAY SALE
HUGE SAVINGS
TURN HERE

Carpet Land
Floorcovering Source!
HERE →
CARPET · WOOD
REMNANTS · RUGS
RUNNERS
800-919-7847
LAMINATE · VINYL
CERAMIC
CARPETLANDINC.COM





9



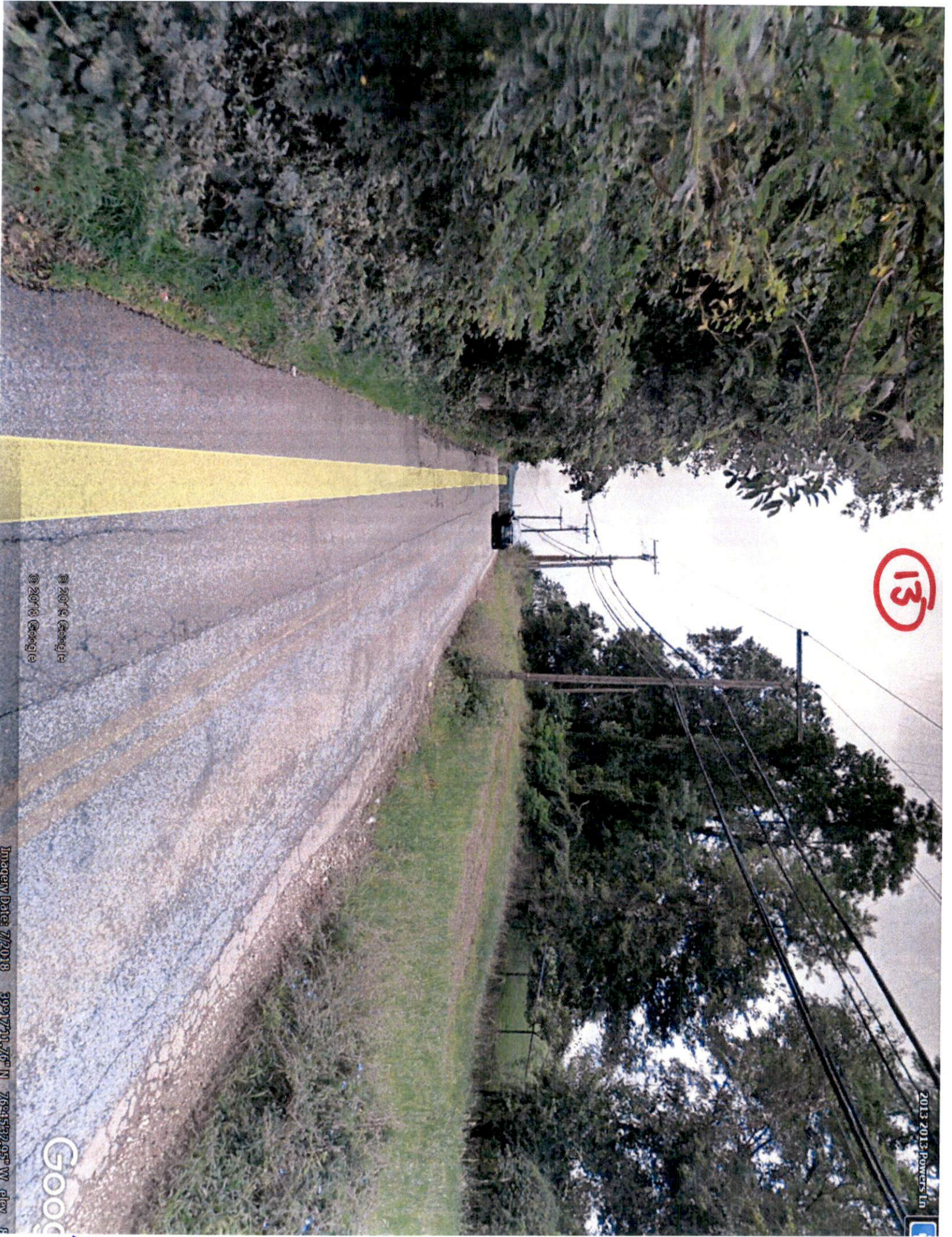




11



13



© 2013 Google
© 2013 Google



20' 13' (elevation)
20' 19' (elevation)

Imagery Date: 7/2018 39°17'10.73" N 76°45'25.88" W elev

Google

**MICHAEL G. COUGHLIN,
PE, LEED AP**

Principal

PROJECT ASSIGNMENT:

Civil Project Manager/Engineer

YEARS OF EXPERIENCE:

MRA: 12
Other Firms: 2

EDUCATION:

B.S., Civil Engineering, Villanova
University, 2003

ACTIVE REGISTRATION:

Maryland, Professional Engineer,
2010, #38291
L.E.E.D. Accredited Professional
(2008)

PROFESSIONAL AFFILIATIONS:

NAIOP Commercial Real Estate
Development Association, Member
Maryland Building Industry
Association (MBIA), Baltimore
County Chapter, Vice President
Greater Towson Committee (GTC),
Board of Directors

QUALIFICATIONS:

As a Principal and Civil Engineer in MRA's Towson office, Mr. Coughlin's responsibilities include day-to-day supervision, management, and quality control of land development projects in Anne Arundel, Baltimore, Harford, and Howard Counties, and Baltimore City. Areas of site design expertise include site layout, grading, roadways, storm drain, water, gravity sewer, erosion & sediment control, and stormwater management for commercial, residential, and institutional projects. Mr. Coughlin excels in developing creative and cost-effective site design solutions for unique design problems associated with significant site constraints and regulatory restrictions.

Mr. Coughlin has been accepted and testified as an expert witness in zoning, land use, development, and stormwater management for Zoning and Development Plan Hearings in Baltimore County, Maryland.

Mr. Coughlin has been involved with many of his projects from due diligence / feasibility study through construction completion and project close-out. He is experienced in site research, quantity take-offs, cost estimating, preliminary & final design, quality control, value engineering, permitting, construction administration, as-builts, and security release.

Mr. Coughlin's hydrologic analysis capabilities include a proficient use and understanding of TR-55, TR-20, Flowmaster, and the rational method.

Examples of Mr. Coughlin's project experience include:

Royal Farms Store #173, Baltimore County, Maryland – As project manager, Mr. Coughlin supervised and reviewed the site design, permitting, and close-out for a 5,166 square foot Royal Farms convenience store, with twenty (20) fueling positions. Site design aspects of the project included site layout, grading, earthwork analysis, road widening, utilities (water, sewer, storm drain), Maryland State

Highway Administration entrance design, above-ground stormwater management, and erosion & sediment control. The 2.43-acre site is located in Randallstown, and was a redevelopment project, with the site's previous use being a car dealership.

Royal Farms Store #180, Baltimore County, Maryland - As project manager, Mr. Coughlin supervised and reviewed the site design, permitting, and close-out for a 5,166 square foot Royal Farms convenience store, with fourteen (14) fueling positions. Site design aspects of the project included site layout, grading, earthwork analysis, road widening, utilities (water, sewer, storm drain), Maryland State Highway Administration entrance design, above-ground stormwater management, and erosion & sediment control. The 2.25-acre site is located in Owings Mills, and was a redevelopment project, with the site's previous use being a dine-in and carry-out seafood restaurant.

Royal Farms Store #181, Baltimore County, Maryland - As project manager, Mr. Coughlin supervised and reviewed the site design, permitting, and close-out for a 5,125 square foot Royal Farms convenience store, with sixteen (16) fueling positions. Site design aspects of the project included site layout, grading, earthwork analysis, utilities (water, sewer, storm drain), Maryland State Highway Administration entrance design, underground stormwater management, and erosion & sediment control. The site is located in Perry Hall, within an existing six-acre shopping center, on a one-acre pad whose previous use was a BP Gas Station.



**MORRIS & RITCHIE
ASSOCIATES, INC.**

PETITIONER'S EXHIBIT

3

MICHAEL G. COUGHLIN, PE, LEED AP - Page 2 of 2

Towson Green, Baltimore County, Maryland - As project manager, Mr. Coughlin oversaw and reviewed the civil design of an urban residential subdivision, comprised of 120 townhomes and a 93-bed Assisted Living Facility, located in downtown Towson. Design elements of the overall development included roads, utilities, grading, stormwater management, and erosion & sediment control. The 9-acre site was a redevelopment project, whose previous use was existing single-family homes. Much of the site's existing infrastructure (roads, underground utilities, telephone poles, etc.) had to remain, presenting numerous design challenges.

Ballard Green, Baltimore County, Maryland - As the site/civil project manager for this 105-acre, 521-home mixed-use community with elementary school and located in the heart of Owings Mills Town Center, Mr. Coughlin is currently overseeing and reviewing the site / civil design, permitting, and construction administration portions of the project. Design elements of the overall development included roads, storm drain, water, sewer, grading, stormwater management, and erosion & sediment control. Named "2015 Project of the Year," by the Maryland Building Industry Association, Land Development Council.

Greenleigh at Crossroads, Baltimore County, Maryland - Civil Project Manager for the 240-acre development located in White Marsh, Maryland. This master planned development, which blends housing, retail, office, and warehouse/office flex space, is contained within a larger 1,000-acre Master Plan known as Baltimore Crossroads. Responsible for providing site / civil engineering services construction administration, and project close-out services for the 175-acre residential component of the Greenleigh project including road and utility design, mass and final grading, erosion and sediment control, and stormwater management. The residential unit mix is comprised of approximately 300 single family homes and 700 townhomes, and incorporates a high-density, "neo-traditional" site layout, with 65 acres of environmentally sensitive areas and open space with various amenities (clubhouse, pool, dog park, pocket parks, and walking trails). Entitlements for the project require review and approval from multiple jurisdictions including Baltimore County, Maryland State Highway Administration (MDSHA), Maryland Department of the Environment (MDE), and United States Army Corp of Engineers (USACE).

Meadowvale, Baltimore County, Maryland - As civil project engineer, Mr. Coughlin performed subdivision road design, mass grading, and above-ground stormwater management for this 38-acre, 106-lot mixed-use residential subdivision, including luxury single-family homes, in Timonium, MD. The project also included restoring a historic structure. A challenge of this project was grading due to the site being on a hill and water quality management due to the Chesapeake Bay nearby.

Merritt Park Shopping Center Redevelopment, Dundalk, Maryland - Managed and oversaw the design of the commercial re-development of an existing 20-acre shopping center, including the creation of five pad sites and total renovation of an existing strip center. Four existing commercial entrances (17, 26, 50 and 150 feet wide, respectively) were re-designed as part of the shopping center re-development, along with 1,320 feet of existing sidewalk, 7 handicap ramps, two public water connections, one public sewer connection, and traffic control. Plan approval and permitting was processed through the Maryland State Highway Administration (MDSHA), Access Management Division (AMD), and the Baltimore County Department of Permits, Approvals, and Inspections (PAI), Development Plans Review (DPR) and Development Management (DM) Divisions.

101 York, Towson, Maryland - 101 York is a mixed-use development located in the heart of Towson. This project includes 611 dormitory beds in 248 units intended for students attending local higher education institutions. The building includes first floor restaurant and retail space facing York Road which will provide for a vibrant streetscape. The entire building is located on top of several levels of structured parking which can be accessed both from York Road and Burke Avenue. Also included is an extensive green roof system to address stormwater management requirements and a rooftop terrace which will include a variety of program elements for the students including grills, a bocce court, seating areas, and study areas. Over a two year period, MRA worked closely with the client, Baltimore County staff, local community groups, and an extensive team of design professionals in the development of this complex project. The project started as sketches and progressed through the entire approval process including the Concept Plan, PUD Development Plan, Community Input Meetings, Administrative Law Judge (ALJ) Hearings, and finally into construction drawings and permitting. Mr. Coughlin testified as an expert witness in stormwater management at the project's Development Plan ALJ Hearing.

Case No.: 2019-245-XA

Exhibit Sheet

4-30-19
sen

Petitioner/Developer

Protestant

No. 1	Plan (4 sheets, A-D)	
No. 2	Revit. District Map	
No. 3	Coughlin CV	
No. 4	Truck Turn Exhibit	
No. 5	Rendering	
No. 6	Aerial exhibit	
No. 7	Site Photo Exhibit	
No. 8	8A-D Architectural Renderings	
No. 9	Abandoned Fuel Station Exhibit	
No. 10	Schmid CV	
No. 11		
No. 12		

Kenneth W. Schmid
11022 Pfeffers Road
Kingsville MD 21087
410-274-8191 (Cell)
410-670-2911 (Office)

Professional Summary:

Traffic Engineer, 37 years of experience.

Skills:

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Traffic Impact Studies	Intersection Delay Studies
Intersection Analysis	Parking Studies
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- Institute of Transportation Engineers, 1985 - present

Professional Experience:

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- Developed the Transportation Improvement Program (TIP).
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- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

MARYLAND STATE HIGHWAY ADMINISTRATION, DISTRICT #5 OFFICE
Annapolis, MD 21401

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Caroline County, MD	City of Elkton, MD
Carroll County, MD	City of Frederick, MD
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Charles County, MD	Town of Bowie, MD
Frederick County, MD	Town of Easton, MD
Harford County, MD	
Howard County, MD	
Prince George's County, MD	
Queen Anne's County, MD	
St. Mary's County, MD	
Talbot County, MD	

Education:

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College Park, MD 20740
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ESSEX COMMUNITY COLLEGE
Rosedale, MD 21237
1976 - 1978

BALTIMORE POLYTECHNIC INSTITUTE
1400 West Cold Spring Lane
Baltimore, MD 21209
Graduated 1976

Board of Appeals

Case No: 19-245-XA Case Name: McComas Assoc. - Legal Owners
Two Farms, Inc. - Leasee

Exhibit List

Party: Petitioner Date: 8/20/19

Exhibit No:	Description:
✓ [✓] 1A-1D	Site Plan for Royal Farms Store #374 ^{1220 East Joppa Rd.}
✓ [✓] 2	CV for Michael G. Coughlin
✓ [✓] 3	Ballo. Nat'l Pike Comm'l Revit'n District
✓ [✓] 4	Royal Farms #374 Truck Turn Exh. Plan
✓ [✓] 5	Royal Farms #374 Color Rendering Plan
✓ [✓] 6	" " Schematic Landscape Plan
✓ [✓] 7	" " Aerial Exhibit
✓ [✓] 8	" " Aerial Exhibit (broader view)
✓ [✓] 9	" " Site Photo Exhibit
✓ [✓] 10A-10N	Site Pictures
✓ [✓] 11A-11D	3D Perspective of Royal Farms Store
✓ [✓] 12	Royal Farms #374 Abandoned Fuel Svc. Station Exh.
✓ [✓] 13	" " Ground Elevation Exh.
✓ [✓] 14	CV for Kenneth Schmid
VERIFIED BY <u>KC</u> DATE: <u>8/20/19</u>	

Case Name:

Case Name: McComas Assoc - Legal Owners
Exhibit List Two Farms, Inc. - Leases

Exhibit List

Date: 8/20/19

Exhibit No:	Description:
15	Adopted by Council / 2019 Basic Services Map Transp. Zones
16	Blow up of Failed Intersection @ Rolling Rd & Hwy Nat'l Pkwy
VERIFIED BY KC DATE: 8/20/19	

①



10A-10N

PETITIONER'S EXHIBIT 10

Petitioner
CBA Exhibit

10A

2



Petitioner
CBA Exhibit

10B

3

ANKERS
AUTOMOTIVE
V.W. SPECIALIST
410-785-5553

RAMADA

Petitioner
CBA Exhibit

10C

4



Petitioner
CBA Exhibit

10D

5



Petitioner
CBA Exhibit

10 E

6



Petitioner
CBA Exhibit

10F

7

**HOLIDAY SALE
HUGE SAVINGS
TURN HERE**

Land

recovering Source!

HERE ➡

CARPET · WOOD
REMNANTS · RUGS
RUNNERS
800-919-7847
LAMINATE · VINYL
CERAMIC
CARPETLANDINC.COM

Petitioner
CBA Exhibit

106



Petitioner
CBA Exhibit

104

9



Petitioner
CBA Exhibit

10 I

10



Petitioner
CBA Exhibit

10 J



Petitioner
CBA Exhibit

10 K

12



Petitioner
CBA Exhibit

10L

13

2013 2013 Powers Ln

© 2016 Google
© 2016 Google

Petitioner
CBA Exhibit

10M

Google

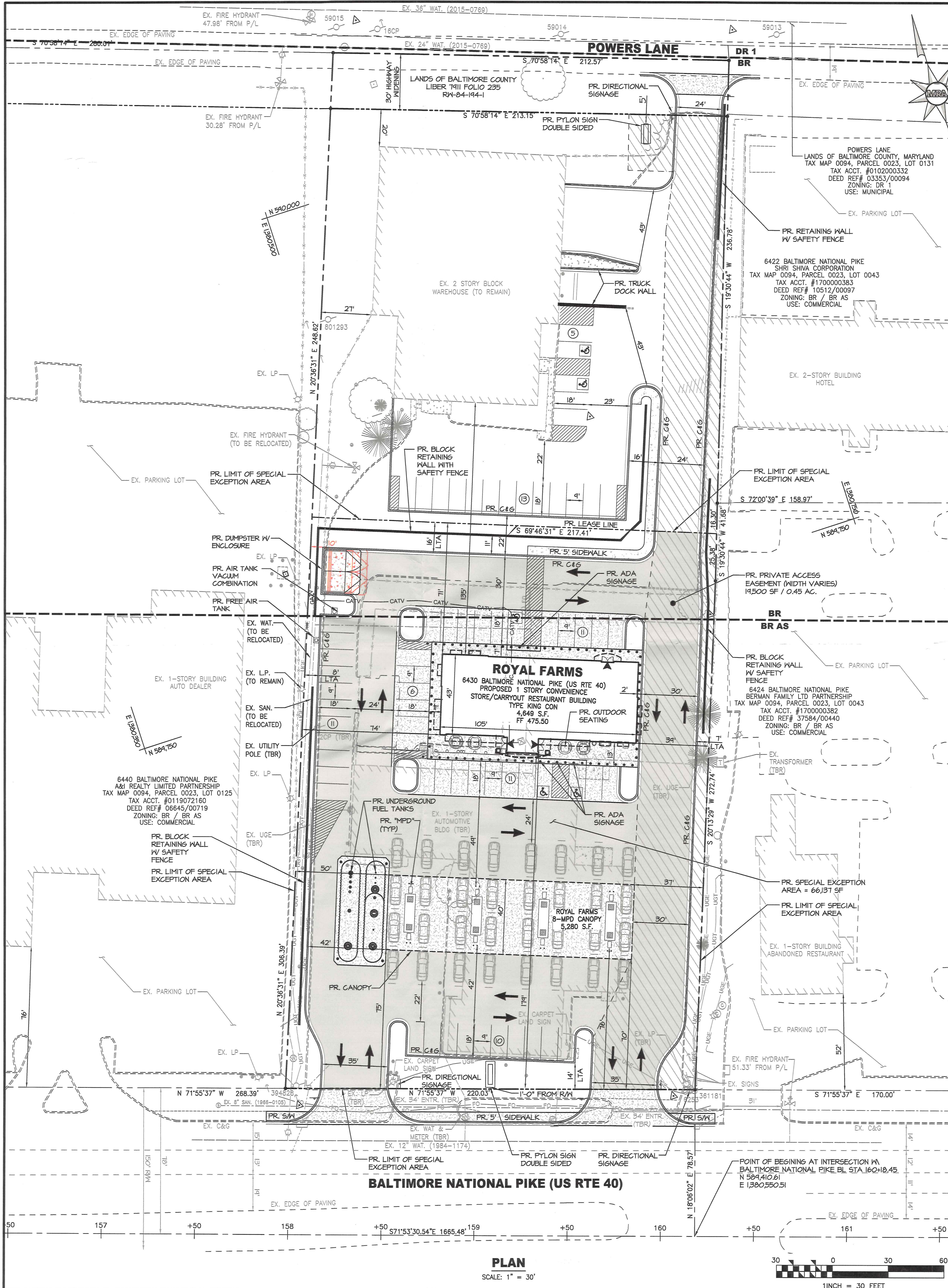
14



© 2019 Google
© 2016 Google

Petitioner
CBA Exhibit

10 N



GENERAL NOTES

- PROPERTY INFORMATION:
A. PROPERTY ADDRESS: 6430 BALTIMORE NATIONAL PIKE
B. SITE AREA: 113,667 S.F. ±, 2.61 AC. ±
C. ELECTION DISTRICT: 1
D. COUNCILMANIC DISTRICT: 33A13
E. ADC MAP: 4015.04
F. CENSUS TRACT: 0094
G. TAX MAP: 0124
H. PARCEL: 0120661590
I. TAX ACCOUNT NO.: 25114/00542
J. DEED: 25114/00542
- ZONING: BR / BR AS
- ZONING MAP/GIS TILE NO.: 094C3
- FLOOR AREA RATIO:
MAXIMUM PERMITTED = 2.0
AREA OF SPECIAL EXCEPTION = 66,137 S.F.
ROYAL FARMS PROVIDED = 0.070 (4,849 S.F. / 66,137 S.F. = 0.070)
- EXISTING LAND USE: WAREHOUSE, AUTOMOTIVE SERVICE SHOP AND AUTOMOTIVE SALES
PROPOSED LAND USE: EXISTING WAREHOUSE; FUEL SERVICE STATION IN COMBINATION WITH A CONVENIENCE STORE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING
- BR AS ZONE SETBACKS (SECTION 238)
FRONT (ROYAL FARMS BLDG) REQUIRED 64' PROVIDED 179'
FRONT (ROYAL FARMS CANOPY)** 70' PROVIDED 70'
SIDE 30' PROVIDED 39'
REAR 30' PROVIDED 71' (TO LEASE LINE)
27' (TO PL ALONG POWERS LANE)
FUEL SERVICE SETBACKS (SECTION 405)
FROM ANY STREET RIGHT OF WAY REQUIRED 35' PROVIDED 179'
CONVENIENCE STORE 25' PROVIDED 76'
FUEL PUMP 15' PROVIDED 70'
CANOPY
*SECTION 303.2 STANDARDS FOR BL, BM AND BR ZONES, THE FRONT YARD DEPTH OF ANY BUILDING HEREAFTER ERECTED SHALL BE THE AVERAGE OF THE FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE.
6440 BALTIMORE NATIONAL PIKE = 76' BUILDING SETBACK
6426 BALTIMORE NATIONAL PIKE = 52' BUILDING SETBACK
76+52 = 128, 128/2 = 64'
**PER ZONING COMMISSIONERS POLICY MANUAL SECTION 303.2 COMMERCIAL, IN DETERMINING FRONT SETBACKS, A SERVICE STATION ISLAND WITH GAS PUMPS AND/OR SHELTERS FOR ATTENDANTS WILL BE CONSIDERED AS STRUCTURES AND USED IN AVERAGING SETBACKS.
- LANDSCAPE TRANSITION AREAS (LTA)
ALONG FRONT (PUBLIC R/W) REQUIRED 10' PROVIDED 14'
ALONG REAR YARD (BR ZONE) 6' PROVIDED 16'
ALONG SIDE YARD (BR AS ZONE) 6' PROVIDED 7'
- PROPOSED BUILDING HEIGHT:
C-STORE = 32'-5" PEAK OF GABLE
CANOPY = 19'-0"
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, OR THE APPROPRIATE MODIFICATION OF STANDARDS WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 24001004306).
- THE SITE IS NOT LOCATED WITHIN IN A FAILED BASIC WATER AND SEWER SERVICE AREA.
- THE SITE IS LOCATED WITHIN A TRANSPORTATION ZONE LEVEL OF SERVICE "F" AREA. REFER TO NOTE 14.
- THE SITE IS LOCATED WITHIN A COMMERCIAL REVITALIZATION DISTRICT AND IS THEREFORE EXEMPT FROM NOTE 13, PER BASIC SERVICES MAPPING E. GENERAL EXCEPTIONS TO BASIC SERVICE MAPPING STANDARDS, I, TO ANY DEVELOPMENT LOCATED IN A COMMERCIAL REVITALIZATION DISTRICT.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS LOCATED WITHIN THE PATAPSCO RIVER WATERSHED AND 100-YEAR MANAGEMENT IS NOT REQUIRED.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- A REST ROOM FACILITY, WATER, AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED. REFER TO SHEET 2 FOR SIGNAGE DETAILS.
- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN ONE MILE OF THE SITE (SECTION 405.3, BCZR).

ROYAL FARMS PARKING TABULATIONS CHART			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A AND 419.3.B) 405.4.A.d			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED
CONVENIENCE STORE WITH GASOLINE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING	4,913 S.F.	5/1,000 S.F.	25
MAX. # EMPLOYEES ON SHIFT			
ATM			1
FREE AIR TANK			1
AIR TANK / VAC COMBINATION			1
PARKING SPACES REQUIRED			36
PARKING SPACES PROVIDED (INCLUDING 3 ADA SPACES)			49

EXISTING WAREHOUSE PARKING TABULATIONS CHART			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A)			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED
OFFICE SPACE	610 S.F.	3/1,000 S.F.	2
RETAIL	3,600 S.F.	2.5/1,000 S.F.	9
WAREHOUSE	4,790 S.F.	1/EMPLOYEE	2
PARKING SPACES REQUIRED			13
PARKING SPACES PROVIDED (INCLUDING 2 ADA SPACES)			18

NOTE

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

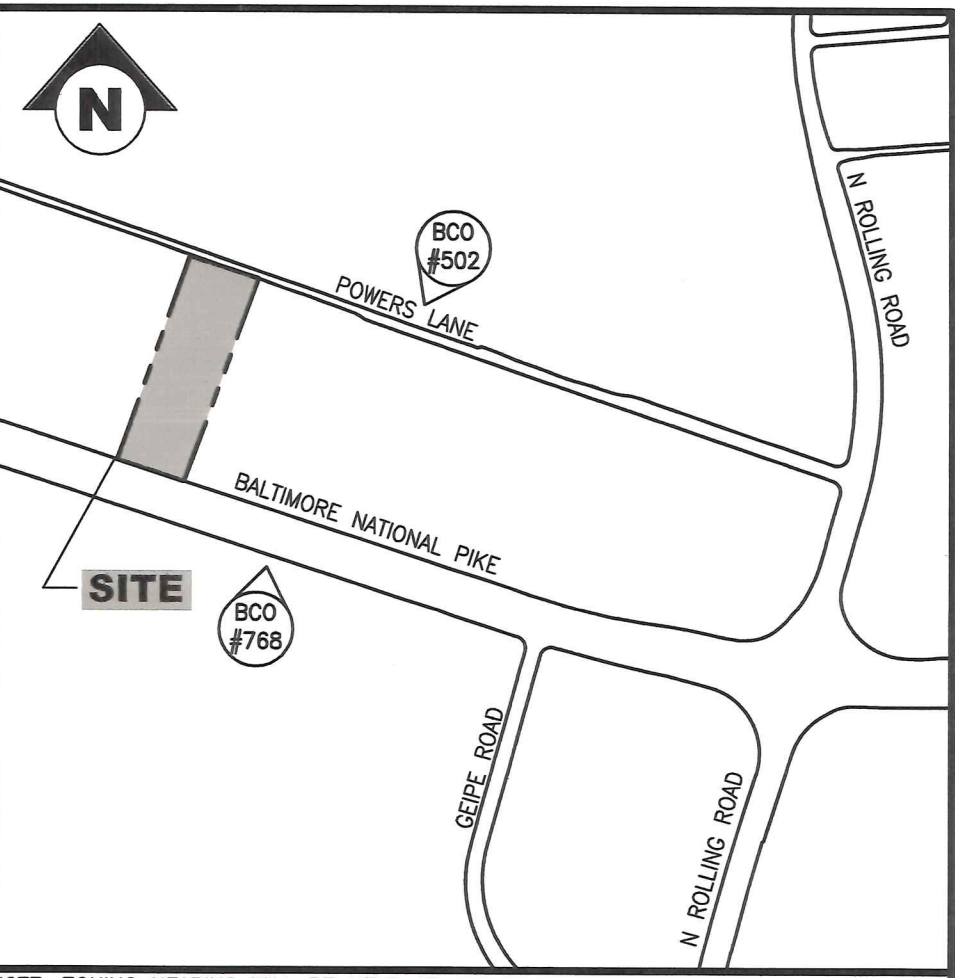
DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM (MCS): HORIZONTAL NAD 83 (1991) VERTICAL NAVD 88

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 NO. 38291, EXPIRATION DATE: 01/13/2020.

LEGEND

- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. RIGHT OF WAY LINE
- EX. ZONING LINE
- EX. SETBACK
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. CURB
- EX. TREE
- EX. WALL
- EX. METAL FENCE
- EX. WOOD FENCE
- EX. WOODS LINE
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER MAIN
- EX. UNDERGROUND ELECTRIC/CONDUIT
- EX. UNDERGROUND TELEPHONE
- EX. UNDERGROUND CABLE TV
- PR. BUILDING
- PR. CONCRETE
- PR. CURB & GUTTER
- PR. BLOCK RETAINING WALL
- PR. ASPHALT PAVING



NOTE: ZONING HEARING WILL BE HELD AT 105 W. CHESAPEAKE AVE, TOWSON, MD 21204

VICINITY MAP

SCALE 1" = 500'

BENCHMARKS

- BCO #502
ELEV. 485.80
DESCRIPTION: SPIKE LOCATED APPROXIMATELY 12.43' NORTH OF POWER POLE 25636 AND 14' SOUTH OF CENTER LINE OF POWERS LANE.
- BCO #768
ELEV. 471.19
DESCRIPTION: SPIKE LOCATED APPROXIMATELY 12.16' NORTH OF POWER POLE 156210 AND 25.8' SOUTH OF CENTER LINE OF EAST BOUND LANE CENTER LINE.
- N 589,900.36
E 1,381,017.27
N 589,287.22
E 1,380,736.92

ZONING HISTORY

- CASE NO. R-1940-0108 - ZONING RECLASSIFICATION FROM A RESIDENTIAL TO A COMMERCIAL USE AREA, DISTRICT OR DIVISION. GRANTED DECEMBER 16, 1940.
- CASE NO. R-1945-0464 - ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE, FOR AN APPROVED COMMERCIAL USE. GRANTED SEPTEMBER 5, 1945.
- CASE NO. R-1950-1763 - ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE. GRANTED JULY 24, 1950.
- CASE NO. R-1950-1861 - PETITION FOR PERMIT OF NON ILLUMINATED POSTER PANELS FOR TEMPORARY USE AS ADVERTISING STRUCTURES. GRANTED NOVEMBER 7, 1950.
- CASE NO. R-1968-0286 - ZONING RECLASSIFICATION FROM AN R-10 ZONE TO AN BR ZONE. GRANTED JUNE 6, 1968.
- CASE NO. 1982-0226-SPHX - PETITION FOR SPECIAL EXCEPTION TO USE THE DESCRIBED PROPERTY FOR TWO OUTDOOR ADVERTISING ILLUMINATED SIGN STRUCTURES.

COMMERCIAL PERMIT HISTORY

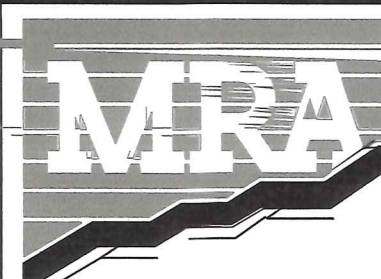
6430 BALTIMORE NATIONAL PIKE
PERMIT # B536757
INTERIOR ALTERATIONS TO RENOVATE FROM A SERVICE GARAGE TO A CAR RENTAL CENTER.

SPECIAL EXCEPTION AREA

- FUEL SERVICE STATION
(16 FUELING POSITIONS x 1,500 S.F.) = 24,000 S.F.
- CONVENIENCE STORE
(4 x 1,702 S.F.) = 6,808 S.F.
- ATM MACHINE
(1 ATM x 1,000 S.F.) = 1,000 S.F.
- CARRY OUT RESTAURANT
(6 x 2,758 S.F.) = 16,548 S.F.
- REQUIRED TOTAL AREA = 48,356 S.F.
- PROVIDED TOTAL AREA = 66,137 S.F.

PETITIONER'S

EXHIBIT NO. 1A-D



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
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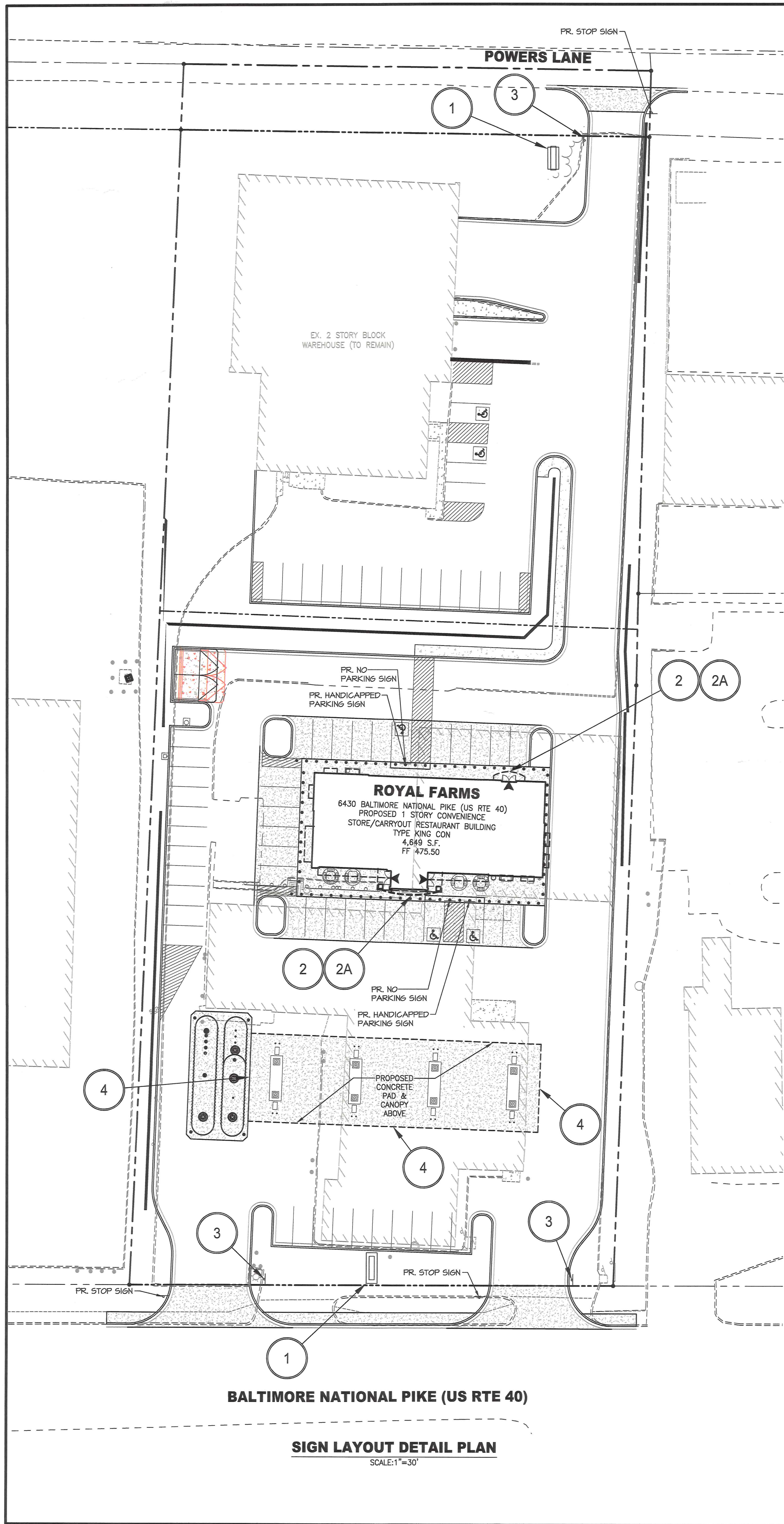


ROYALS FARMS STORE #374

6430 BALTIMORE NATIONAL PIKE
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE

1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

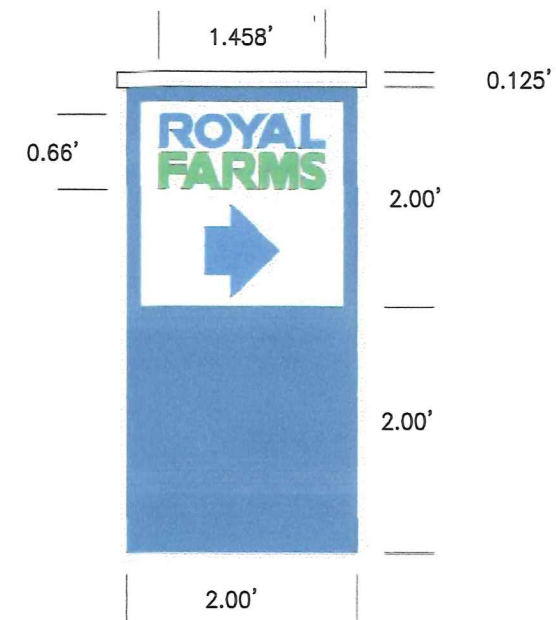
DATE	REVISIONS	JOB NO.:	17481x81
04/13/2019	RELOCATED DUMPSTER CORRAL TO BE 10' FROM P/L, REVISED PARKING REF #	SCALE:	1" = 30'
		DATE:	04/02/2019
		DRAWN BY:	THS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	01 OF 04



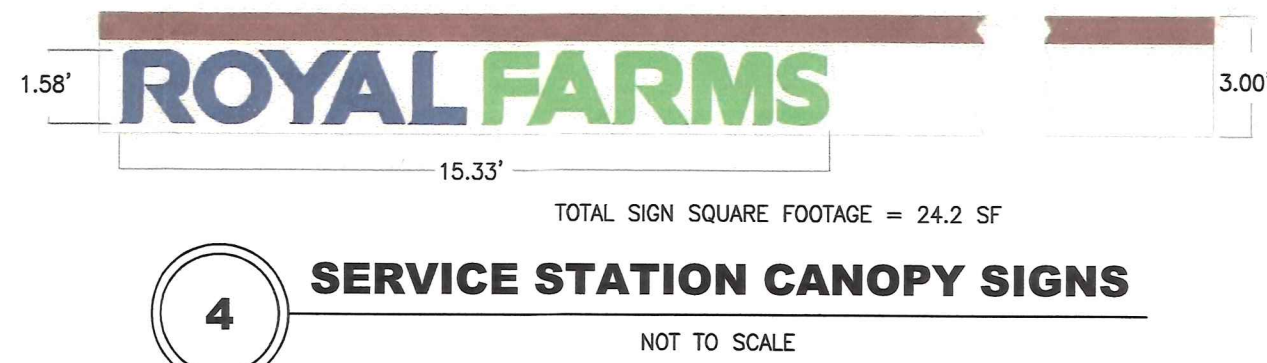
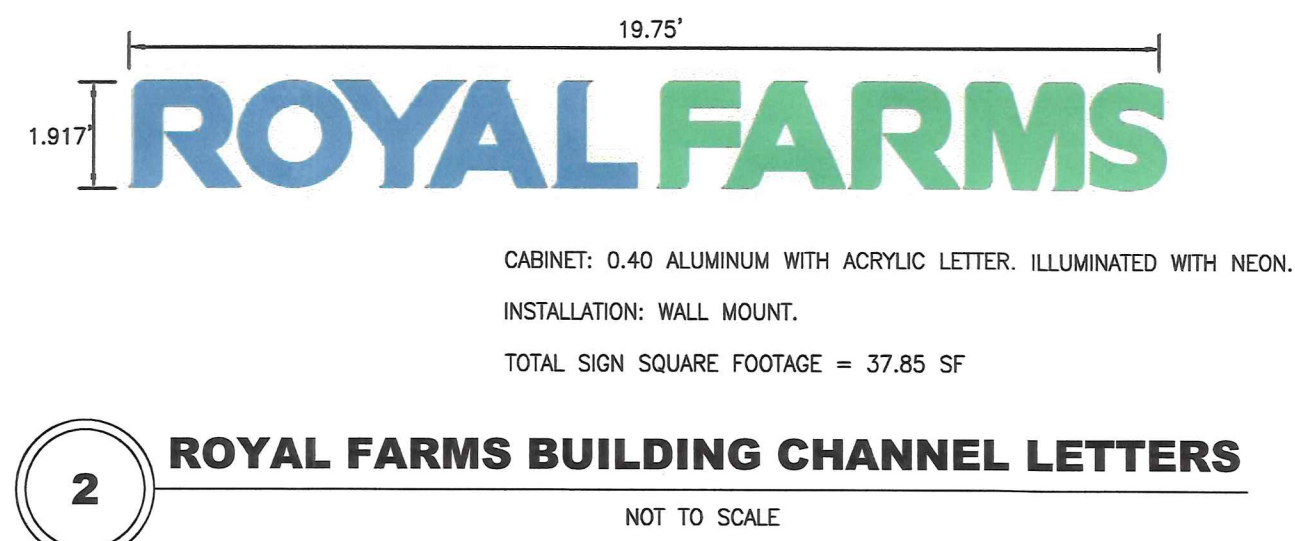
SIGN LAYOUT DETAIL PLAN
SCALE: 1"=30'

SIGN REGULATIONS								
CLASS	STRUCTURAL TYPE	ZONE OR USE	PERMIT REQUIRED	MAX AREA/ FACE	MAX NO./ PREMISES	HEIGHT	ILLUMINATION	ADDITIONAL LIMITATIONS
ENTERPRISE	WALL MOUNTED, CANOPY	BR AS	USE	2x LENGTH OF WALL TO WHICH SIGN IS ATTACHED	TOTAL OF 3, NO MORE THAN 2 ON EACH FACE	N/A	YES	NO SINGLE SIGN LARGER THAN 150-SF
JOINT IDENTIFICATION ENTERPRISE	FREESTANDING	BR AS	USE	100-SF	ONE PER FRONTAGE	25-FT	YES	PERMANENT SIGNAGE UNDER THE CANOPY ON THE PUMPS OR SUPPORTS SHALL NOT BE COUNTED TOWARDS THE CANOPY, FREESTANDING OR WALL MOUNTED SIGNAGE LIMITS.
DIRECTIONAL	FREESTANDING	ACCESSORY	USE	8 SF	NOT REGULATED	6-FT	YES	COMPANY LOGO - 30% OF SIGN AREA

SIGN AREAS				
SIGN LABEL	SIGN TYPE	QUANTITY	PR. AREA EACH (SF)	ALLOWED AREA (SF)
1	FREE STANDING JOINT ID SIGN	2	100	100 PER FACE
2 (FRONT)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	210
2A (FRONT)	CANOPY ENTERPRISE SIGN	1	11.75	
2 (REAR)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	210
2A (REAR)	CANOPY ENTERPRISE SIGN	1	4.41	
3	FREE STANDING DIRECTIONAL SIGN	3	4	8 PER FACE
4	SERVICE STATION CANOPY SIGN	3	24.2	25 PER SIGN



ROYAL FARMS TEXT/LOGO IS LIMITED TO A MAXIMUM OF 30% OF DIRECTIONAL SIGN AREA.
ALLOWABLE TEXT/LOGO AREA = 4 SF X 0.3 = 1.2 SF
PROPOSED TEXT/LOGO AREA = 1.46' X 0.67' = 0.98 SF
PROPOSED PERCENT OF SIGN AREA = 25% FOR TEXT/LOGO
TOTAL SIGN SQUARE FOOTAGE = 4 SF



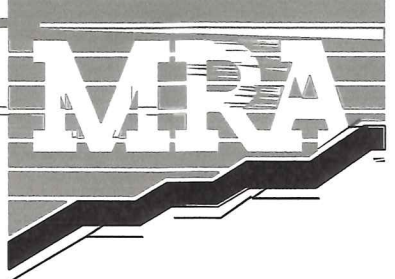
OWNER
MCCOMAS ASSOCIATES, LLC
6432 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
PHONE: (410) 744-8570

DEVELOPER
TWO FARMS, INC.
3511 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 83

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 NO. 38291, EXPIRATION DATE: 01/13/2020.



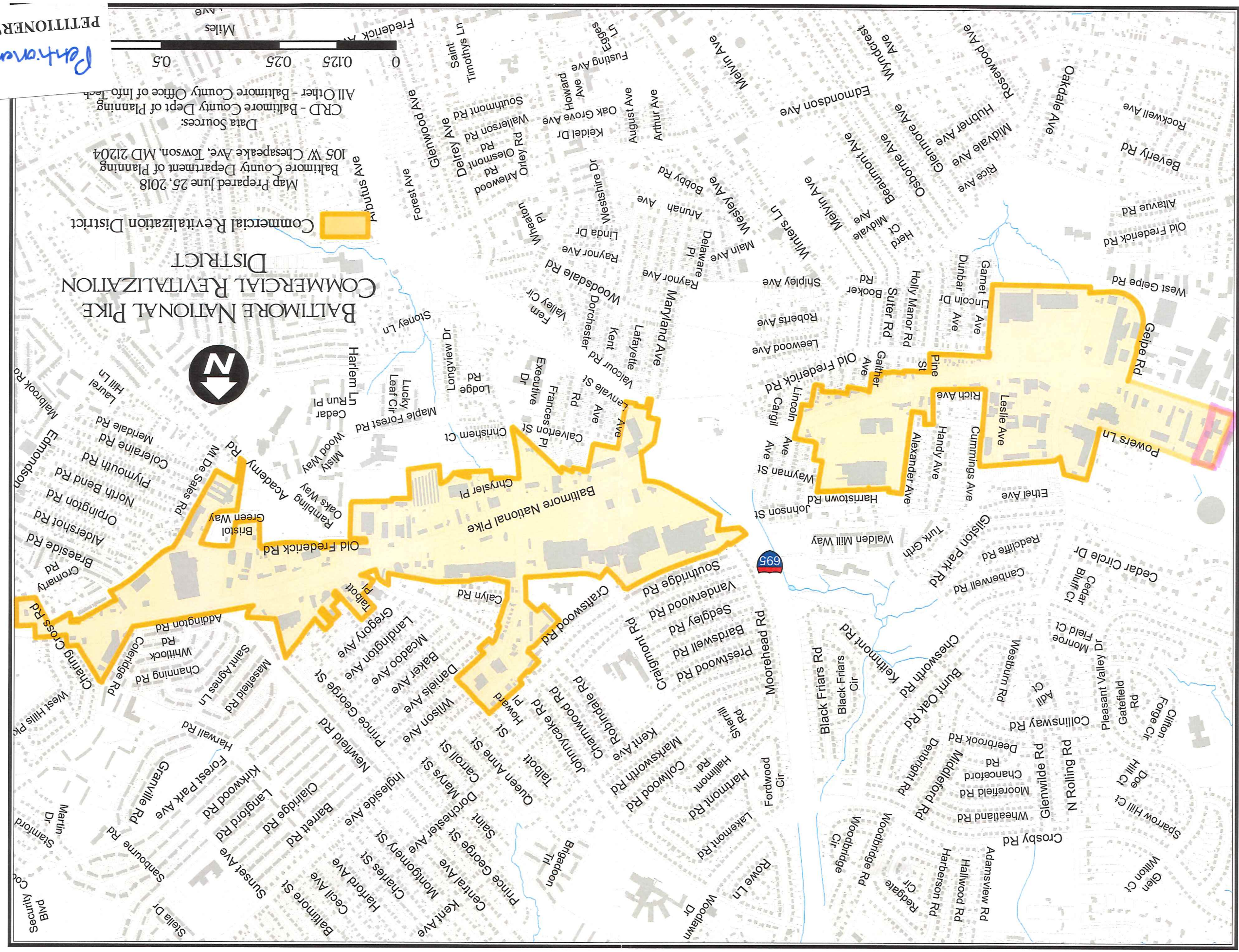
MORRIS & RITCHIE ASSOCIATES, INC.
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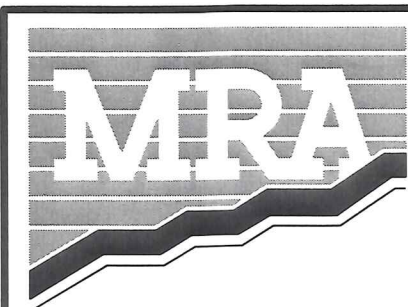
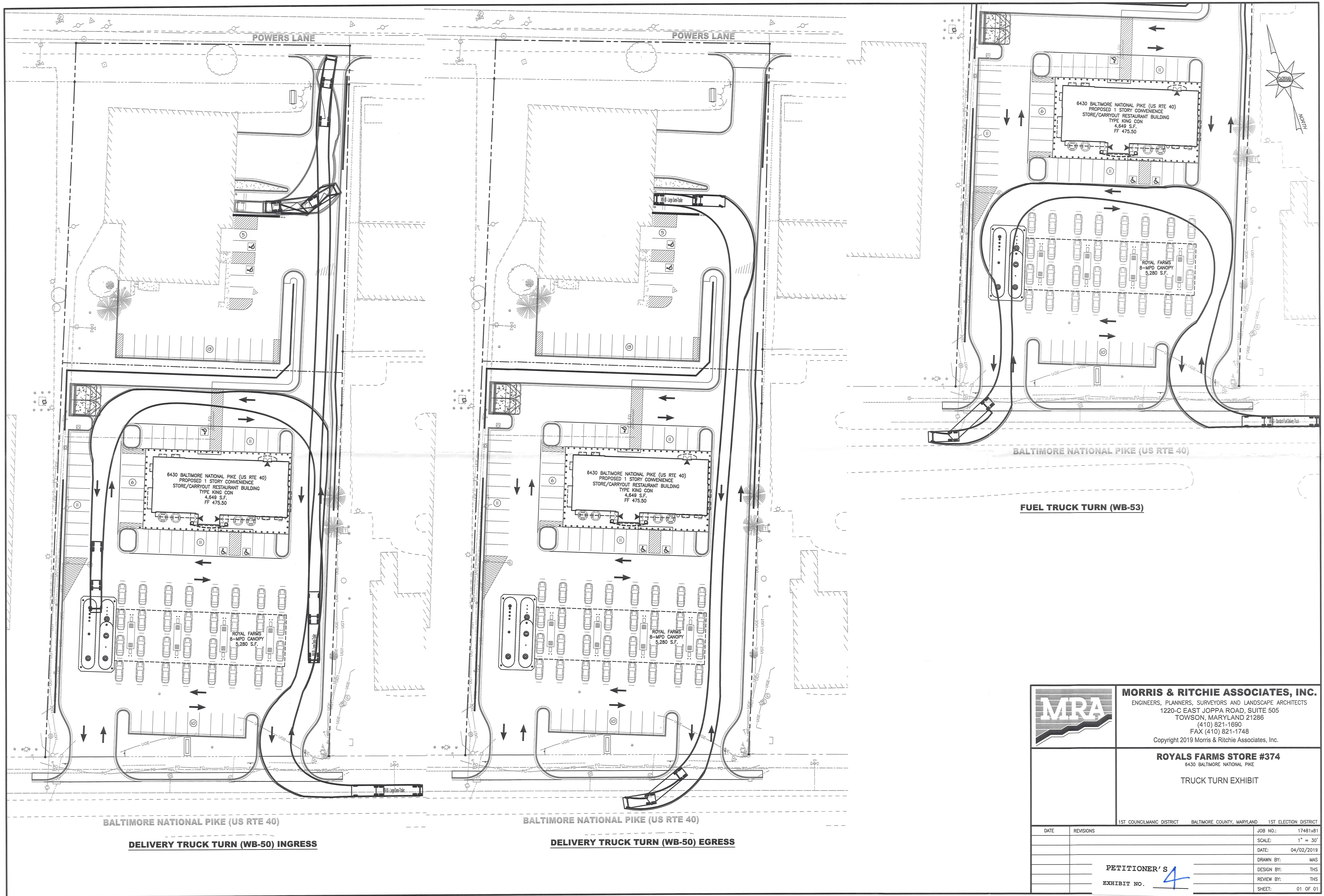
ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

SIGNAGE PLAN

DATE	REVISIONS	JOB NO.	17481x81
04/13/2019	RELOCATED DUMPSTER CORRAL TO BE 10' FROM P/L	SCALE:	1" = 30'
		DATE:	04/02/2019
		DRAWN BY:	THS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	02 OF 04



Map Prepared June 25, 2018
Baltimore County Department of Planning
105 W Chesapeake Ave, Towson, MD 21204
Data Sources:
CRD - Baltimore County Dept of Planning
All Other - Baltimore County Office of Info Tech



MORRIS & RITCHIE ASSOCIATES, INC.
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ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE
TRUCK TURN EXHIBIT

1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:	17481x81
		SCALE:	1" = 30'
		DATE:	04/02/2019
		DRAWN BY:	MAS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	01 OF 01

PETITIONER'S
EXHIBIT NO. 4



- LEGEND**
- EX. PROPERTY BOUNDARY LINE
 - EX. ADJACENT PROPERTY LINE
 - EX. RIGHT OF WAY LINE
 - EX. ZONING LINE
 - EX. SETBACK
 - EX. BUILDING
 - EX. EDGE OF PAVEMENT
 - EX. CURB
 - EX. TREE
 - EX. WALL
 - EX. METAL FENCE
 - EX. WOOD FENCE
 - EX. WOODS LINE
 - PR. BUILDING
 - PR. CONCRETE
 - PR. CURB & GUTTER
 - PR. BLOCK RETAINING WALL
 - PR. ASPHALT PAVING
 - PR. MULCH BED
 - PR. MAJOR TREE
 - PR. FLOWERING TREE
 - PR. EVERGREEN TREE
 - PR. SHRUB
 - PR. LIGHT POLE

NOTE
 THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

PETITIONER'S
 EXHIBIT NO. **5**

PLAN
 SCALE: 1" = 30'



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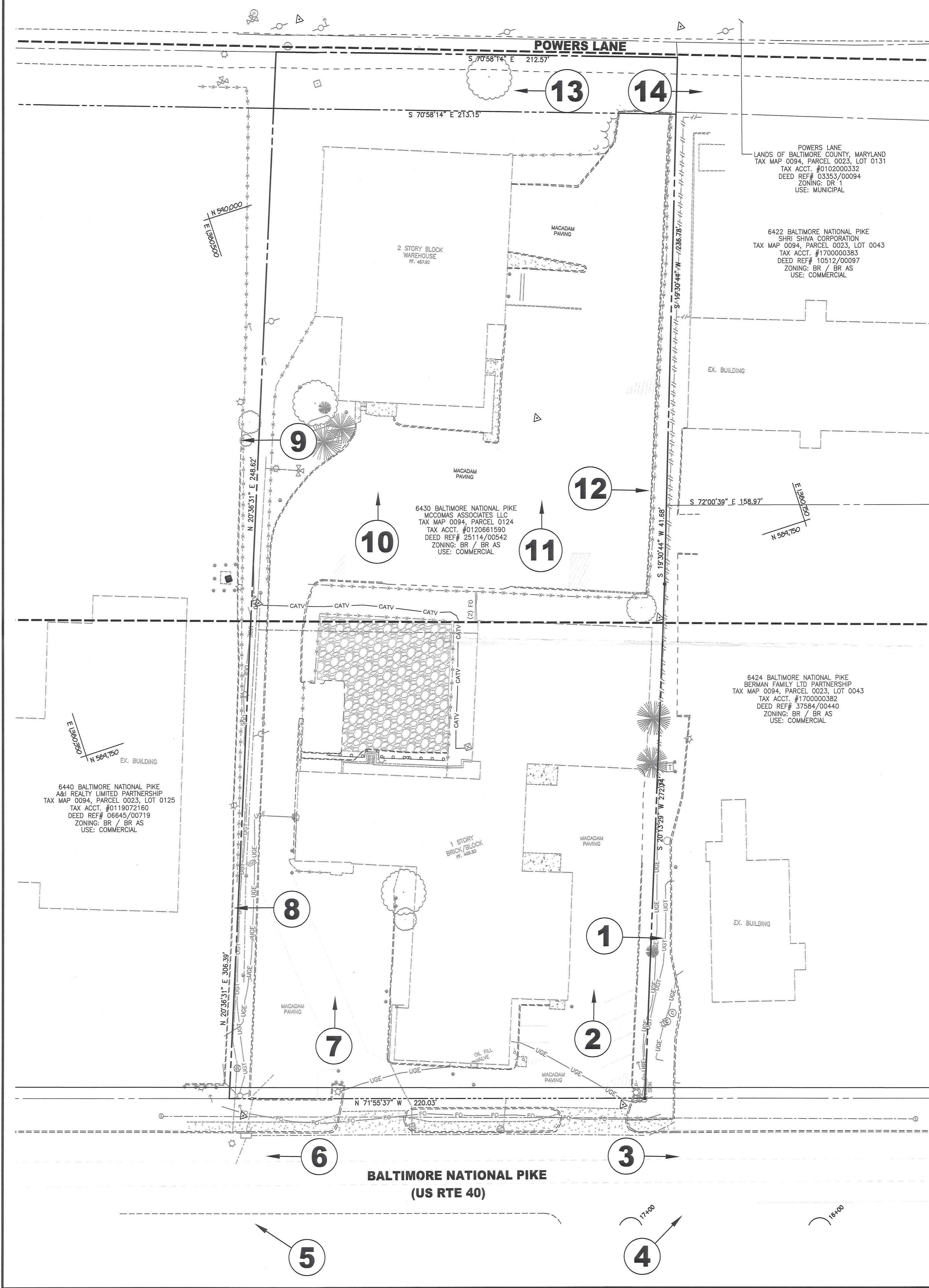
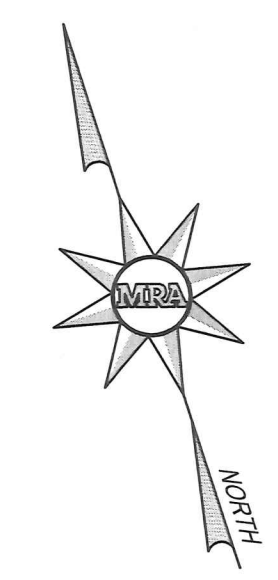
ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

AERIAL EXHIBIT

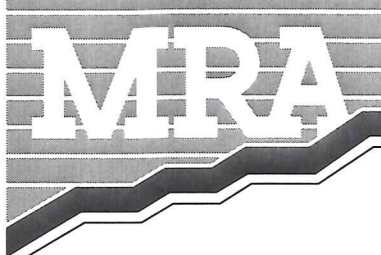
PETITIONER'S
EXHIBIT NO. 6

BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:	17481x81
		SCALE:	1" = 50'
		DATE:	04/02/2019
		DRAWN BY:	MAS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	01 OF 01



PETITIONER'S
EXHIBIT NO. 7

	MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX (410) 821-1748 Copyright 2019 Morris & Ritchie Associates, Inc.	
	ROYALS FARMS STORE #374 6430 BALTIMORE NATIONAL PIKE SITE PHOTO EXHIBIT	
1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT		
DATE	REVISIONS	JOB NO.: 17481x81
		SCALE: 1" = 30'
		DATE: 04/02/2019
		DRAWN BY: MAS
		DESIGN BY: THS
		REVIEW BY: THS
		SHEET: 01 OF 01

P:\7481x81\PLANNING\17481x81-SEP-06-SITE-PHOTO.dwg, 4/19/2019 9:55:00 AM, mprisa,
1:1, Copyright 2019 Morris & Ritchie Associates, Inc.



ROYAL FARMS

KING-CON Prototype Rendered Perspective
October 18th, 2017

PETITIONER'S EXHIBIT *8A-D*

PETITIONER'S EXHIBIT *8*
RA RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



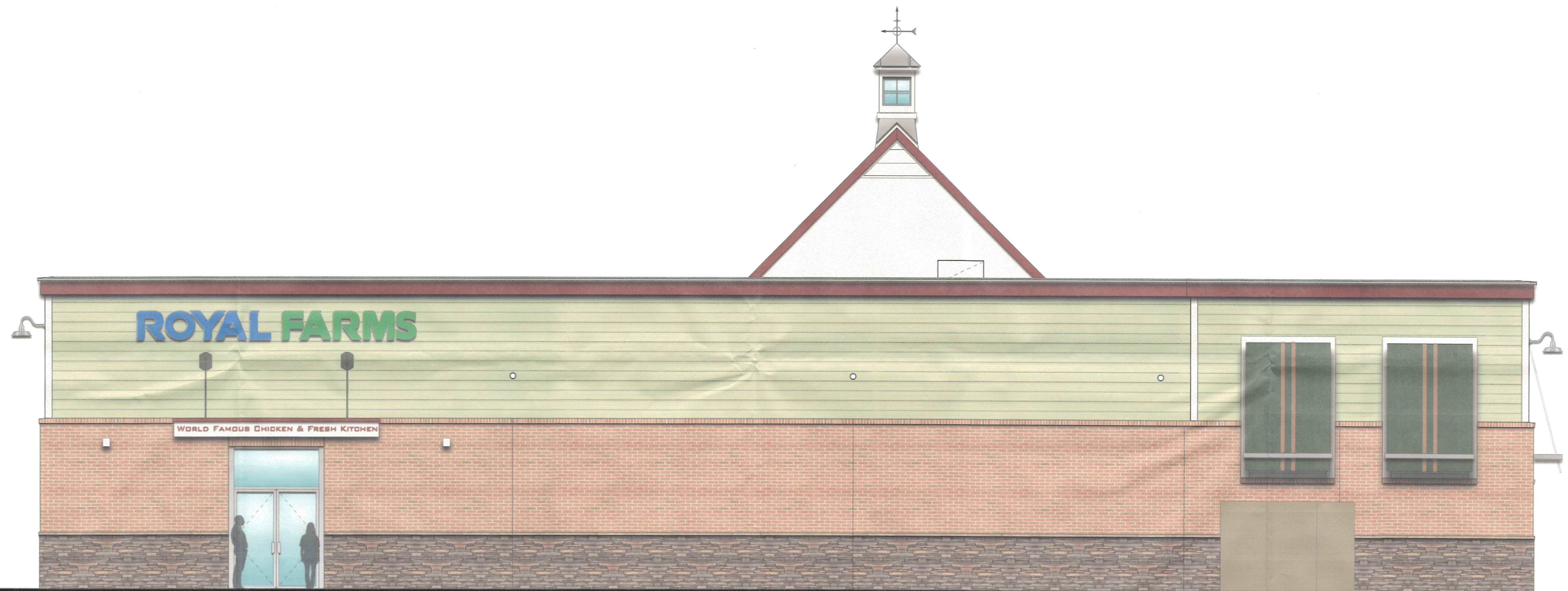
Front Elevation
1/4" = 1'-0"

ROYAL FARMS

Royal Farms King-CON
Proposed Elevations
October 13th, 2017

PETITIONER'S EXHIBIT _____
RA RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



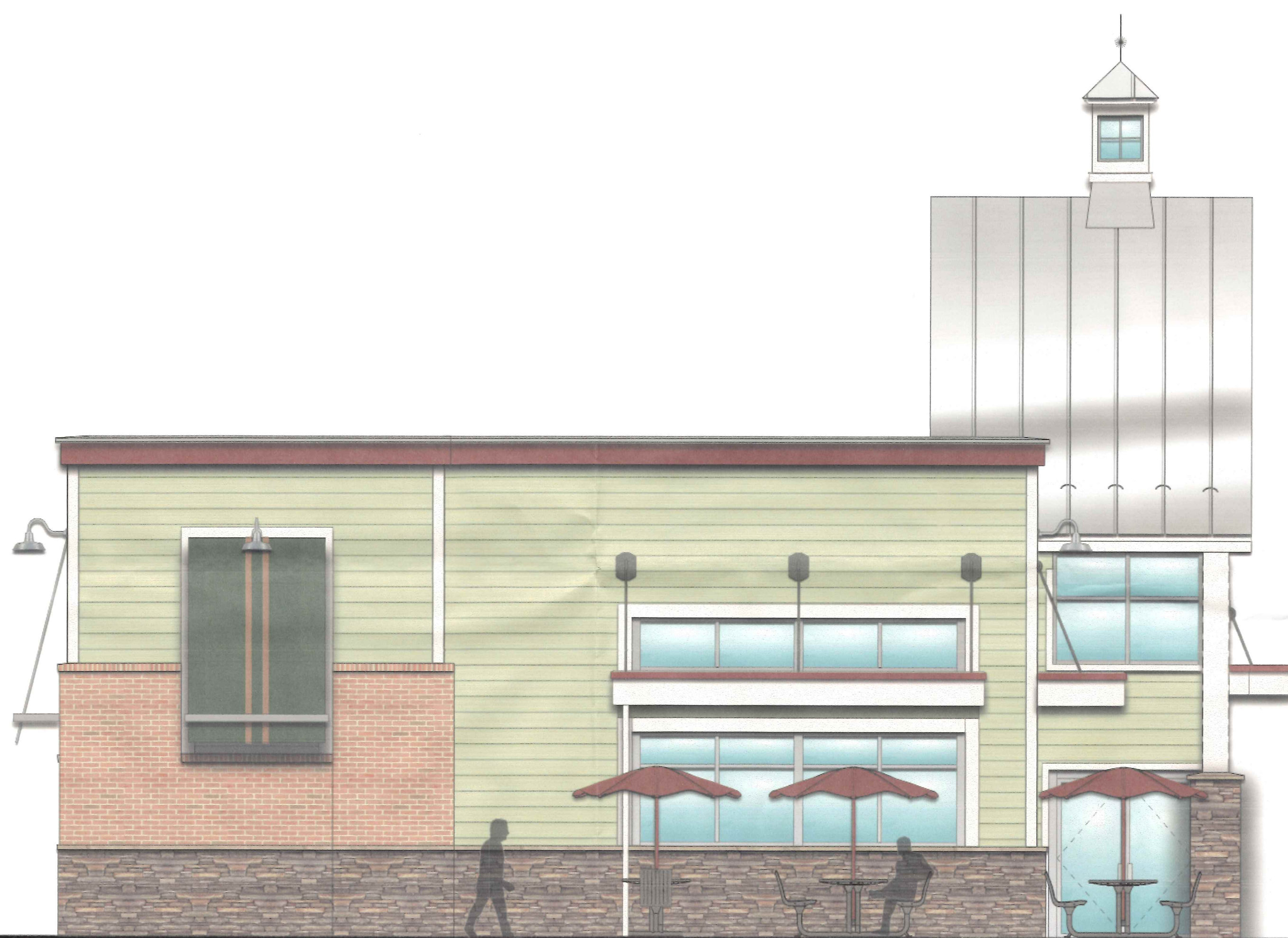
Rear Elevation
1/4" = 1'-0"

ROYAL FARMS

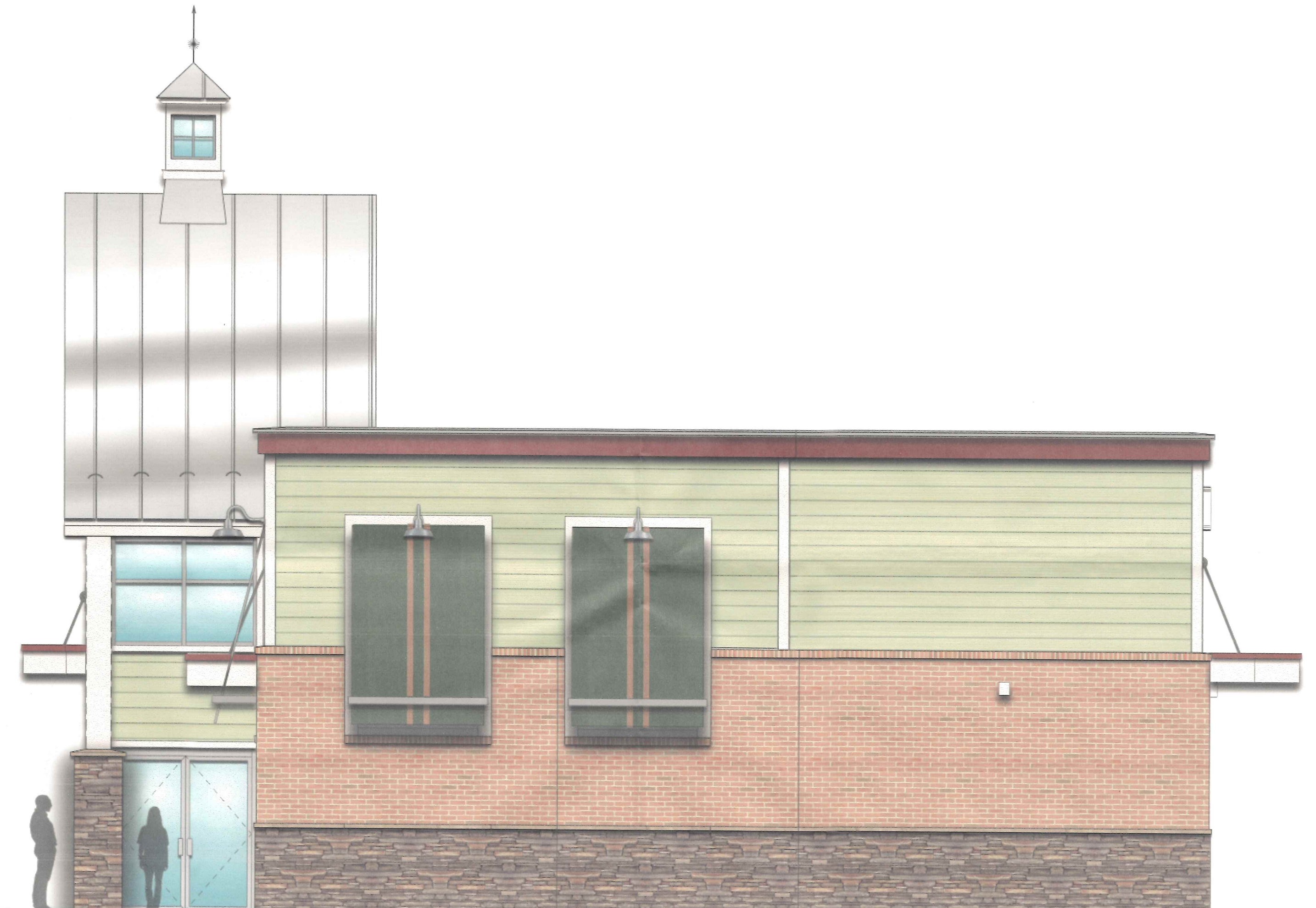
Royal Farms King-CON
Proposed Elevations
October 10th, 2017

PETITIONER'S EXHIBIT
RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



Right Elevation
1/4" = 1'-0"



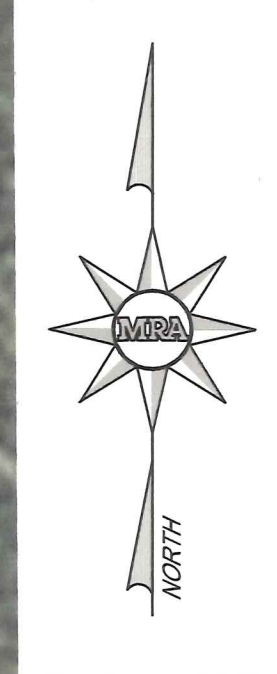
Left Elevation
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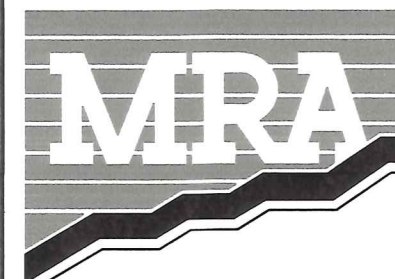
ROYAL FARMS

Royal Farms King- CON
Proposed Elevations
October 13th, 2017

PETITIONER'S EXHIBIT
RATCLIFFE
ARCHITECTS

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Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com





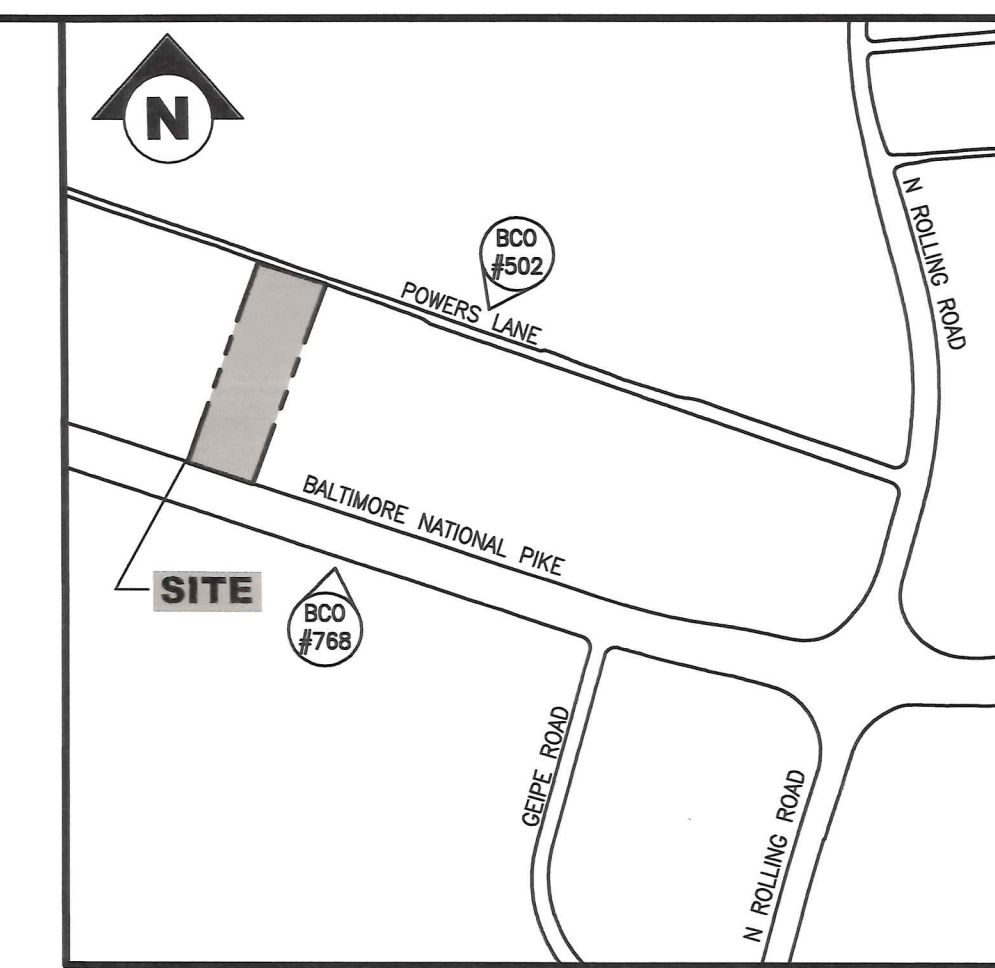
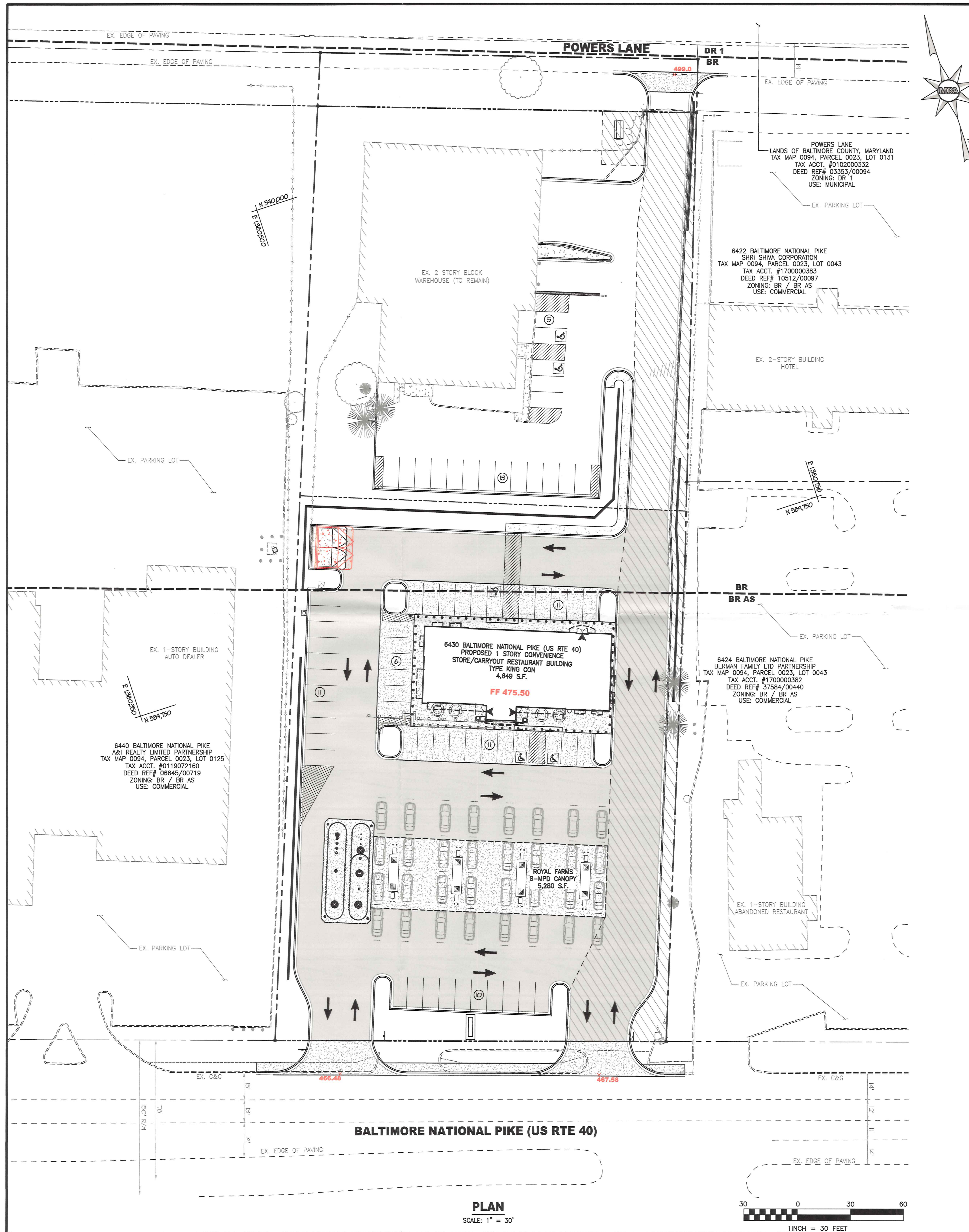
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ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

ABANDONED FUEL SERVICE STATION EXHIBIT

1ST COUNCILMANIC DISTRICTBALTIMORE COUNTY, MARYLAND1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:
		17481x81
		SCALE: 1" = 500'
	PETITIONER'S <u>9</u>	DATE: 04/02/2019
	EXHIBIT NO. <u>7</u>	DRAWN BY: MAS
		DESIGN BY: THS
		REVIEW BY: THS
		SHEET: 01 OF 01



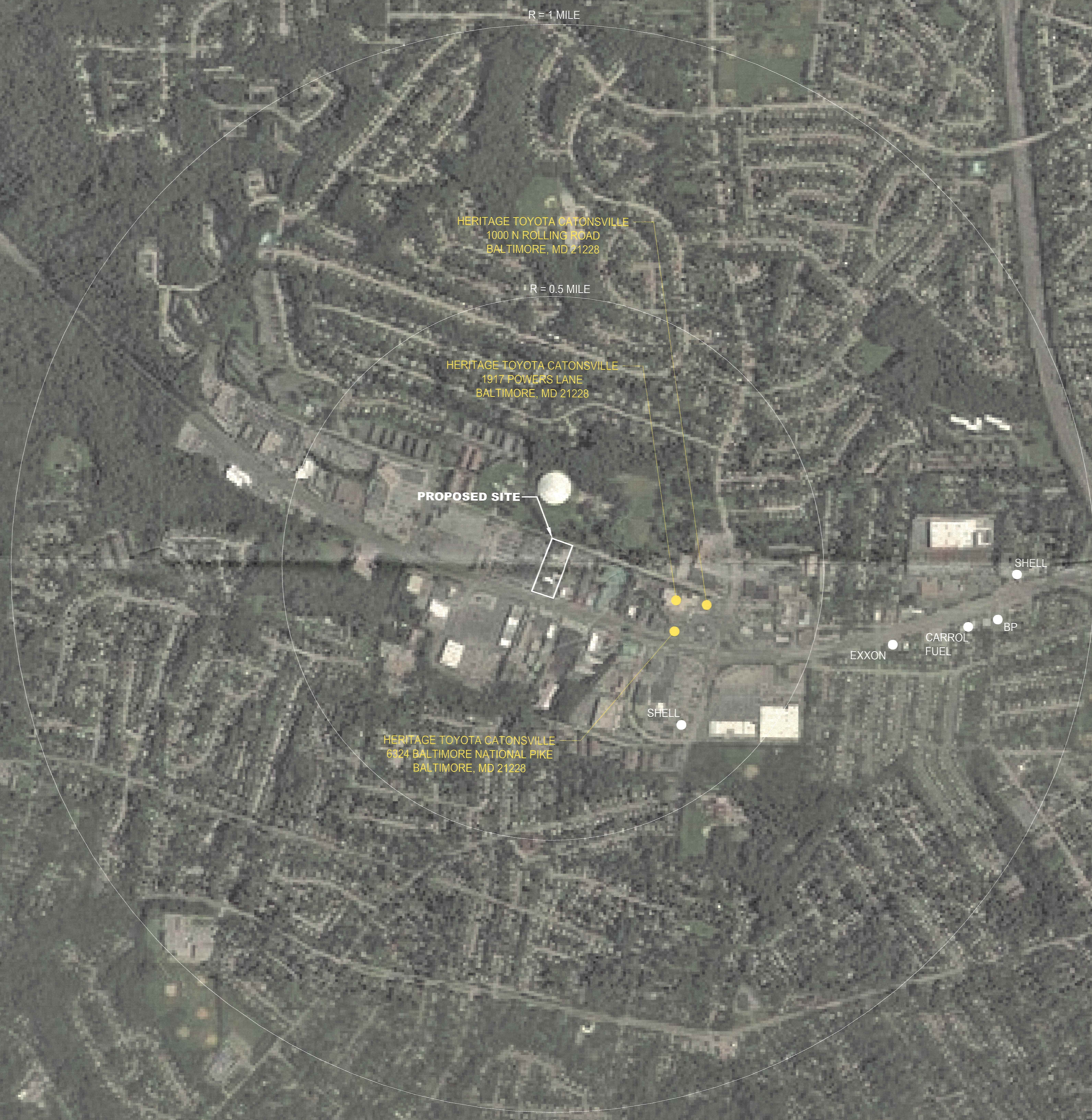
NOTE: ZONING HEARING WILL BE HELD AT 105 W. CHESAPEAKE AVE, TOWSON, MD 21204

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ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

GROUND ELEVATION EXHIBIT

DATE	REVISIONS	JOB NO.:	17481x81
		SCALE:	1" = 30'
		DATE:	04/02/2019
		DRAWN BY:	THS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	01 OF 04



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FAX (410) 821-1748
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ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE
ABANDONED FUEL SERVICE STATION EXHIBIT

		1ST COUNCILMANIC DISTRICT		BALTIMORE COUNTY, MARYLAND		1ST ELECTION DISTRICT	
DATE	REVISIONS					JOB NO.:	17481x81
						SCALE:	1" = 500'
							04/02/2019
						BY:	MAS
						BY:	THS
						BY:	THS
						PETITIONER'S EXHIBIT 12	
						SHEET:	01 OF 01



ROYAL FARMS

KING-CON Prototype Rendered Perspective
October 18th, 2017

RATCLIFFE
ARCHITECTS

10404 Stevenson Road Stevenson, Maryland 21153
Phone 410-484-7010 Fax chitects.com

11A-11D
PETITIONER'S EXHIBIT 11

Protestant
CBA Exhibit
11A



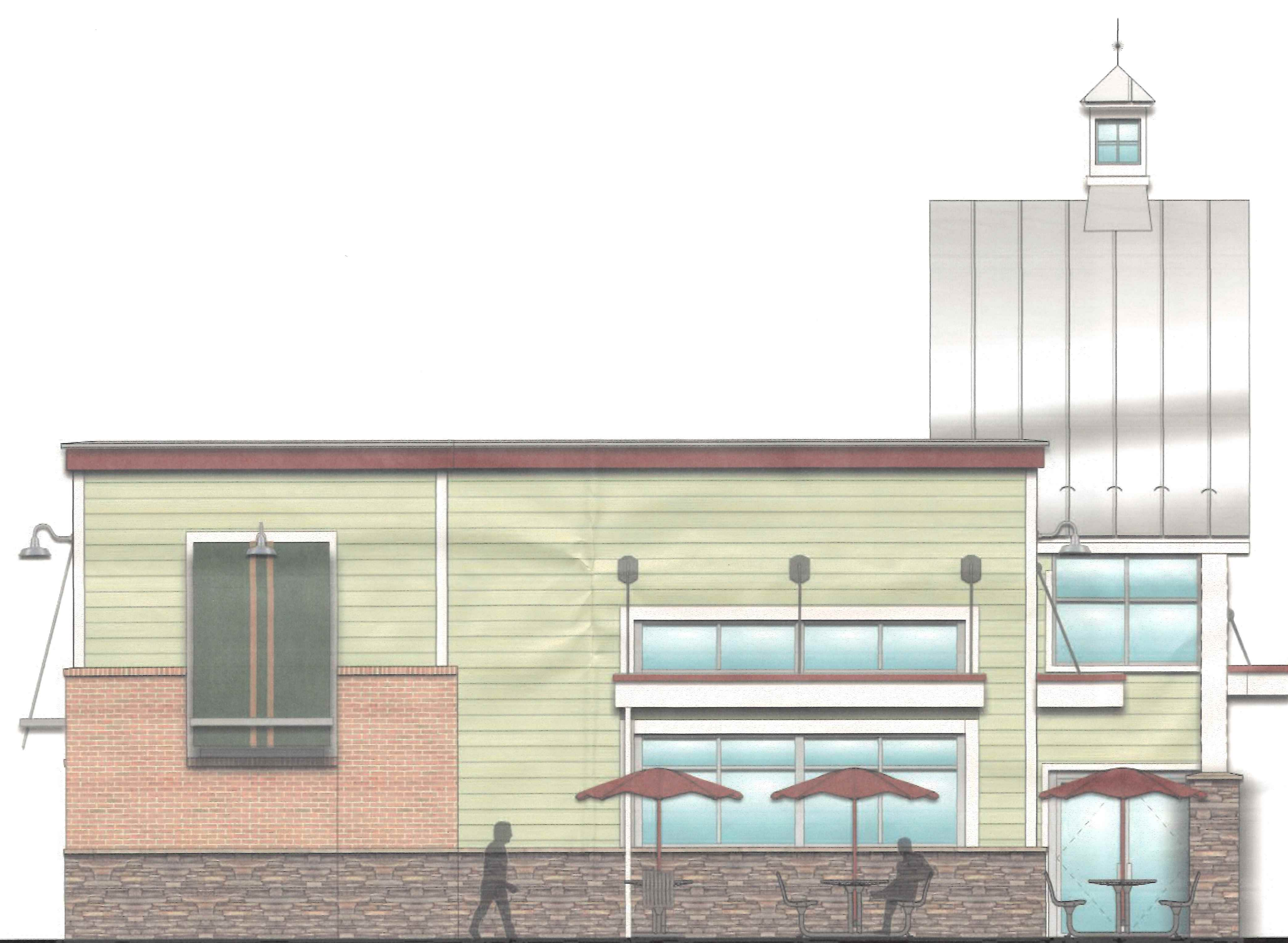
Front Elevation
1/4" = 1'-0"

ROYAL FARMS

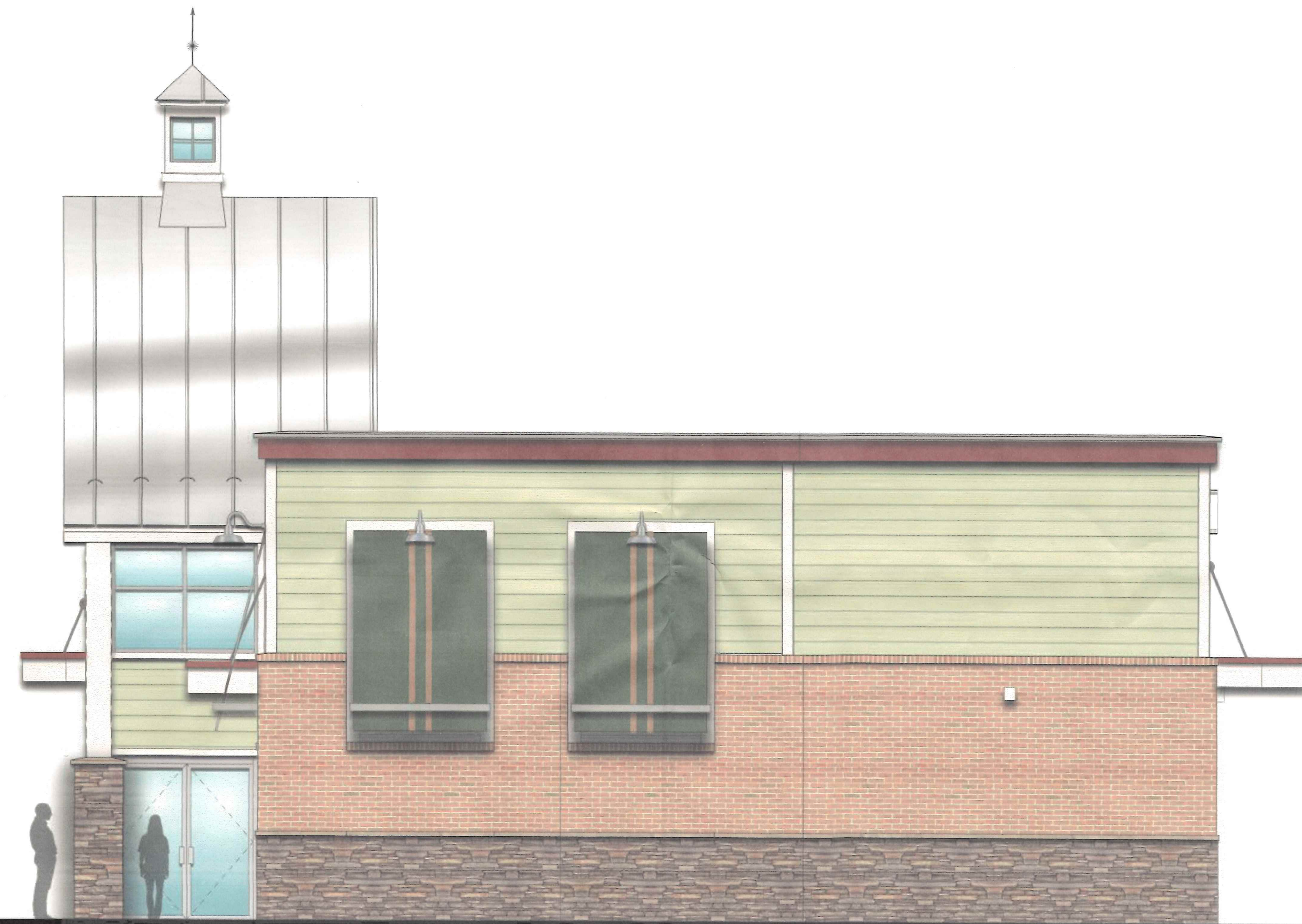
Royal Farms King-CON
Proposed Elevations
October 13th, 2017

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



Right Elevation
1/4" = 1'-0"



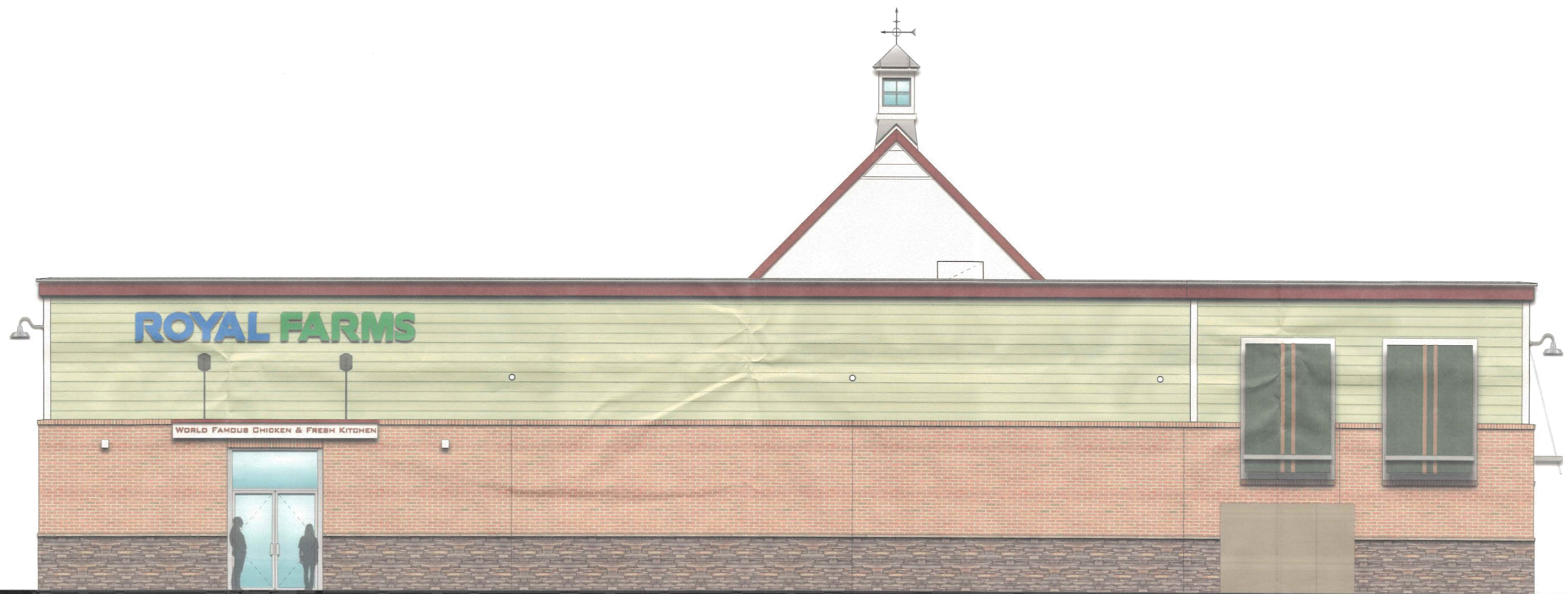
Left Elevation
1/4" = 1'-0"

ROYAL FARMS

Royal Farms King- CON
Proposed Elevations
October 13th, 2017

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 Fax 410-484-3810 peter@ratcliffearchitects.com



Rear Elevation
1/4" = 1'-0"

ROYAL FARMS

Royal Farms King-CON
Proposed Elevations
October 10th, 2017

R | RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com

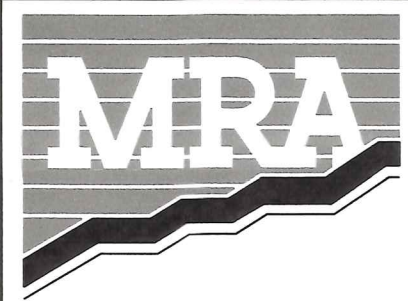
Baltimore National Pike & N Rolling Rd

T=0

Bloomsbury Av

T=0

Frederick Rd & S Rolling Rd



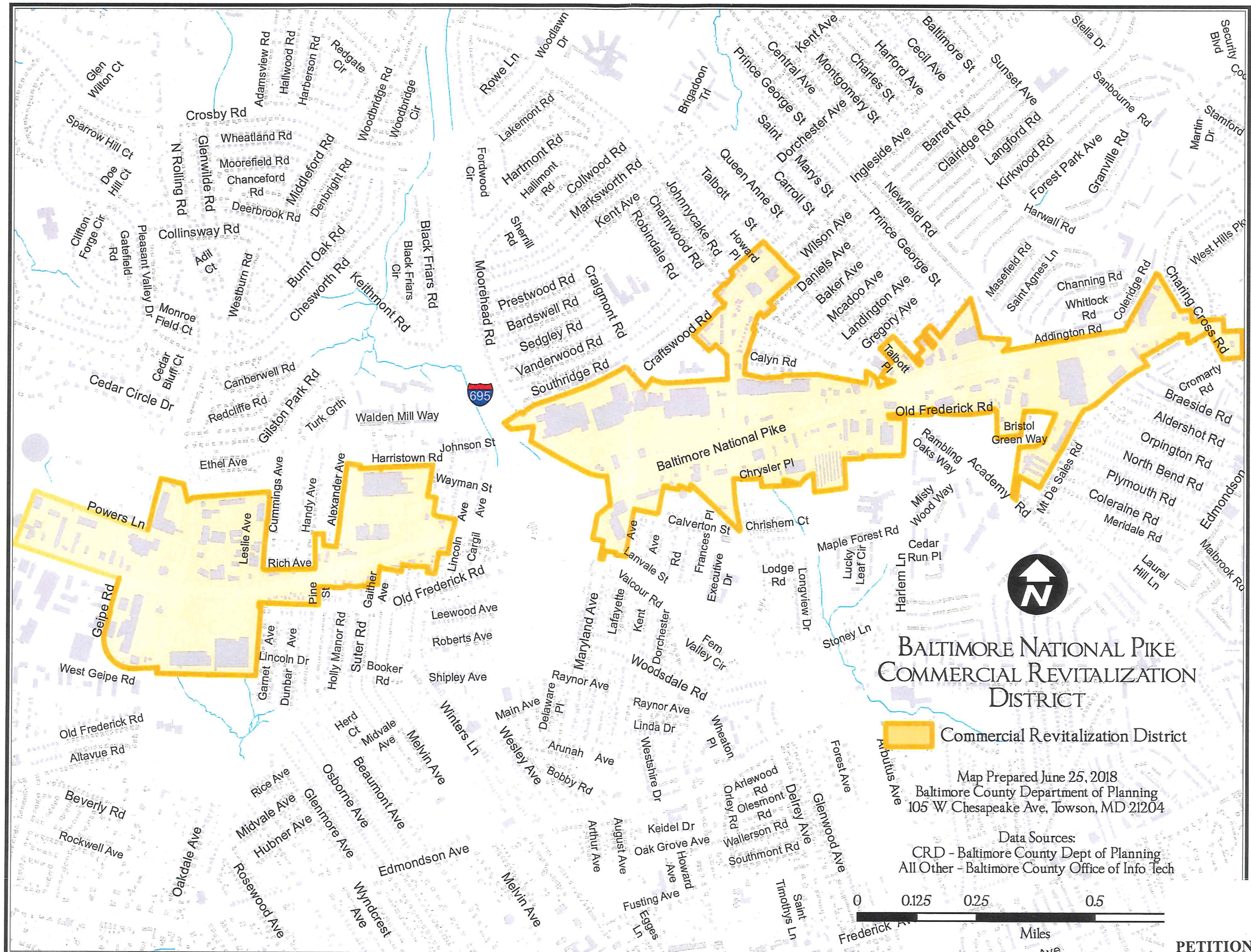
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
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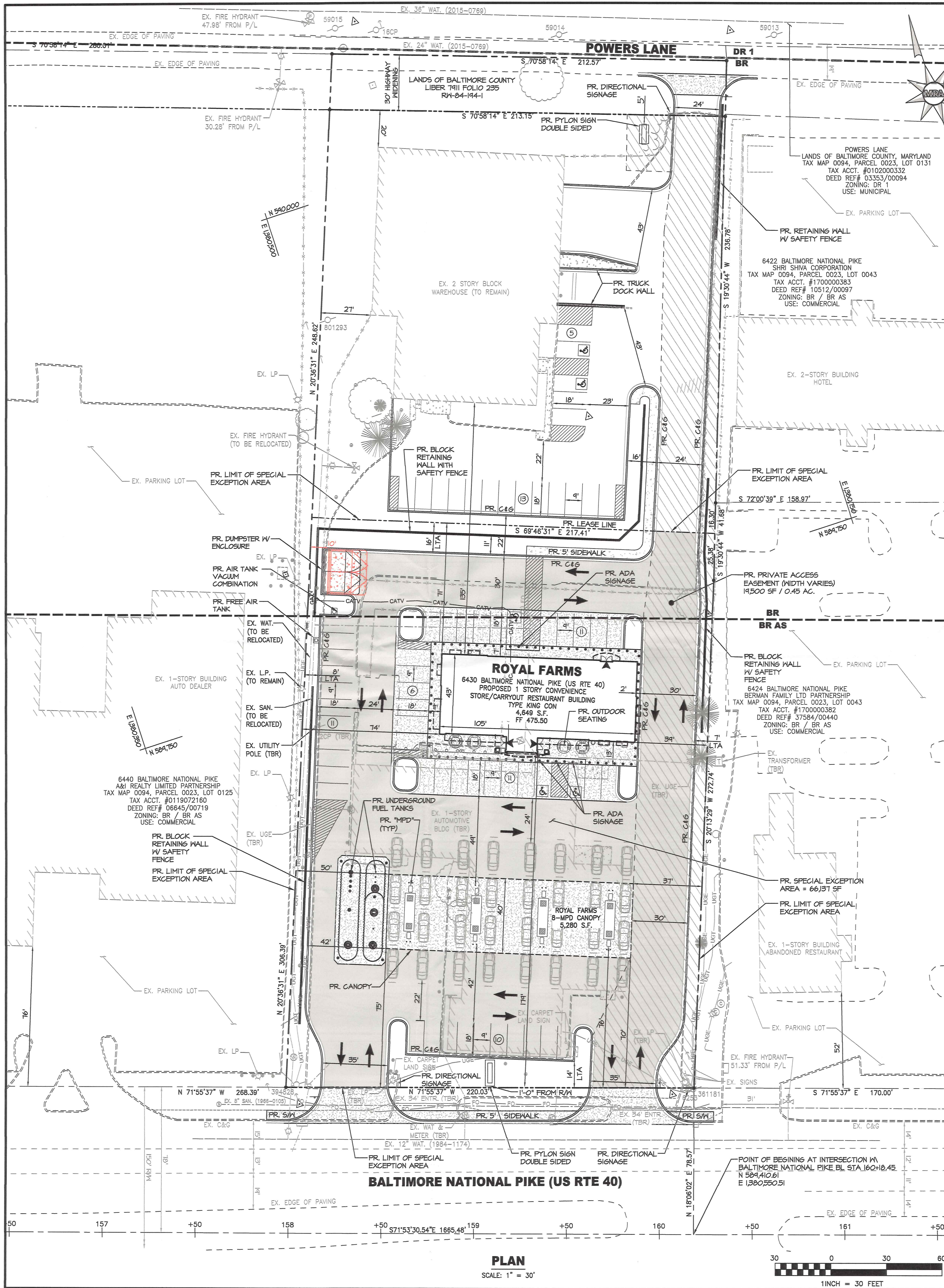
ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE
AERIAL EXHIBIT

1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.: 17481x81
		SCALE: 1" = 50'
		DATE: 04/02/2019
		DRAWN BY: MAS
		DESIGN BY: THS
		REVIEW BY: THS
		SHEET: 01 OF 01

PETITIONER'S EXHIBIT 1





GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 6430 BALTIMORE NATIONAL PIKE
 - B. SITE AREA: 113,667 S.F.±, 2.61 AC.±
 - C. ELECTION DISTRICT: 1
 - D. COUNCILMANIC DISTRICT: 1
 - E. ADO MAP: 33413
 - F. CENSUS TRACT: 4015.04
 - G. TAX MAP: 0094
 - H. PARCEL: 0124
 - I. TAX ACCOUNT NO.: 0120661590
 - J. DEED: 25114/00542
- ZONING: BR / BR AS
- ZONING MAP/GIS TILE NO.: 094C3
- FLOOR AREA RATIO:
 - MAXIMUM PERMITTED = 2.0
 - AREA OF SPECIAL EXCEPTION = 66,137 S.F.
 - ROYAL FARMS PROVIDED = 0.070 (4,649 S.F. / 66,137 S.F. = 0.070)
- EXISTING LAND USE: WAREHOUSE, AUTOMOTIVE SERVICE SHOP AND AUTOMOTIVE SALES
- PROPOSED LAND USE: EXISTING WAREHOUSE; FUEL SERVICE STATION IN COMBINATION WITH A CONVENIENCE STORE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING
- BR AS ZONE SETBACKS (SECTION 238)
 - FRONT (ROYAL FARMS BLDG) REQUIRED: 64' PROVIDED (MIN.): 179'
 - FRONT (ROYAL FARMS CANOPY)** REQUIRED: 64' PROVIDED (MIN.): 70'
 - SIDE REQUIRED: 30' PROVIDED (MIN.): 39'
 - REAR REQUIRED: 30' PROVIDED (MIN.): 71' (TO LEASE LINE)
- FUEL SERVICE SETBACKS (SECTION 405)
 - FROM ANY STREET RIGHT OF WAY REQUIRED: 35' PROVIDED (MIN.): 179'
 - CONVENIENCE STORE REQUIRED: 25' PROVIDED (MIN.): 76'
 - FUEL PUMP REQUIRED: 15' PROVIDED (MIN.): 70'
- *SECTION 303.2 STANDARDS FOR BL, BM AND BR ZONES: THE FRONT YARD DEPTH OF ANY BUILDING HEREAFTER ERECTED SHALL BE THE AVERAGE OF THE FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE. 6440 BALTIMORE NATIONAL PIKE = 76' BUILDING SETBACK 6426 BALTIMORE NATIONAL PIKE = 52' BUILDING SETBACK
- 76+52 = 128, 128/2 = 64'
- **PER ZONING COMMISSIONERS POLICY MANUAL SECTION 303.2 COMMERCIAL. IN DETERMINING FRONT SETBACKS, A SERVICE STATION ISLAND WITH GAS PUMPS AND/OR SHELTERS FOR ATTENDANTS WILL BE CONSIDERED AS STRUCTURES AND USED IN AVERAGING SETBACKS.
- LANDSCAPE TRANSITION AREAS (LTA)
 - ALONG FRONT (PUBLIC R/W) REQUIRED: 10' PROVIDED (MIN.): 14'
 - ALONG REAR YARD (BR ZONE) REQUIRED: 6' PROVIDED (MIN.): 16'
 - ALONG SIDE YARD (BR AS ZONE) REQUIRED: 6' PROVIDED (MIN.): 7'
- PROPOSED BUILDING HEIGHT:
 - C-STORE = 32'-5" PEAK OF CANOPY
 - CANOPY = 19'-0"
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, OR THE APPROPRIATE MODIFICATION OF STANDARDS WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 24001004300).
- THE SITE IS NOT LOCATED WITHIN A FAILED BASIC WATER AND SEWER SERVICE AREA.
- THE SITE IS LOCATED WITHIN A TRANSPORTATION ZONE LEVEL OF SERVICE "F" AREA. REFER TO NOTE 14.
- THE SITE IS LOCATED WITHIN A COMMERCIAL REVITALIZATION DISTRICT AND IS THEREFORE EXEMPT FROM NOTE 13, PER BASIC SERVICES MAPPING & GENERAL EXCEPTIONS TO BASIC SERVICE MAPPING STANDARDS, I. TO ANY DEVELOPMENT LOCATED IN A COMMERCIAL REVITALIZATION DISTRICT.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- A REST ROOM FACILITY, WATER, AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED. REFER TO SHEET 2 FOR SIGNAGE DETAILS.
- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN ONE MILE OF THE SITE (SECTION 405.3, BCZR).

ROYAL FARMS PARKING TABULATIONS CHART			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A AND 419.3.B) 405.4.A.d			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED
CONVENIENCE STORE WITH GASOLINE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING	4,913 S.F.	5/1,000 S.F.	25
MAX. # EMPLOYEES ON SHIFT			8
ATM			1
FREE AIR TANK			1
AIR TANK / VAC COMBINATION			1
PARKING SPACES REQUIRED			36
PARKING SPACES PROVIDED (INCLUDING 3 ADA SPACES)			49

EXISTING WAREHOUSE PARKING TABULATIONS CHART			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A)			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED
OFFICE SPACE	610 S.F.	3/1,000 S.F.	2
RETAIL	3,600 S.F.	2.5/1,000 S.F.	9
WAREHOUSE	4,790 S.F.	1/EMPLOYEE	2
PARKING SPACES REQUIRED			13
PARKING SPACES PROVIDED (INCLUDING 2 ADA SPACES)			18

NOTE

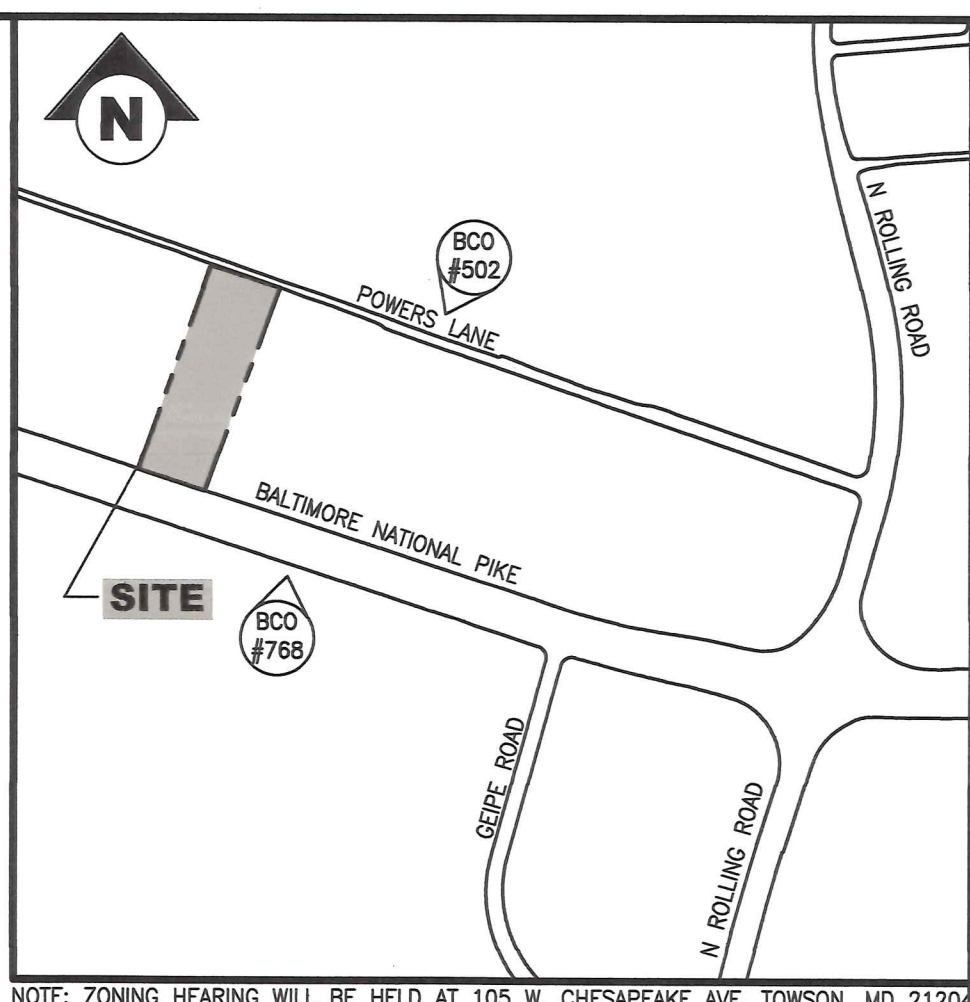
THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

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 NO. 38291, EXPIRATION DATE: 01/13/2020.

LEGEND

- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. RIGHT OF WAY LINE
- EX. ZONING LINE
- EX. SETBACK
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. CURB
- EX. TREE
- EX. WALL
- EX. METAL FENCE
- EX. WOOD FENCE
- EX. WOODS LINE
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER MAIN
- EX. UNDERGROUND ELECTRIC/CONDUIT
- EX. UNDERGROUND TELEPHONE
- EX. UNDERGROUND CABLE TV
- PR. BUILDING
- PR. CONCRETE
- PR. CURB & GUTTER
- PR. BLOCK RETAINING WALL
- PR. ASPHALT PAVING



NOTE: ZONING HEARING WILL BE HELD AT 105 W. CHESAPEAKE AVE, TOWSON, MD 21204

VICINITY MAP

SCALE 1" = 500'

BENCHMARKS

- BCO #502
ELEV. 485.80
DESCRIPTION: SPIKE LOCATED APPROXIMATELY 12.43' NORTH OF POWER POLE 25636 AND 14' SOUTH OF CENTER LINE OF POWERS LANE.
- BCO #768
ELEV. 471.19
DESCRIPTION: SPIKE LOCATED APPROXIMATELY 12.16' NORTH OF POWER POLE 156210 AND 25.8' SOUTH OF CENTER LINE OF EAST BOUND LANE CENTER LINE.
- N 589,900.36
E 1,361,017.27
N 589,287.22
E 1,380,736.92

ZONING HISTORY

- CASE NO. R-1940-0109 - ZONING RECLASSIFICATION FROM A RESIDENTIAL TO A COMMERCIAL USE AREA, DISTRICT OR DIVISION. GRANTED DECEMBER 16, 1940.
- CASE NO. R-1945-0464 - ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE, FOR AN APPROVED COMMERCIAL USE. GRANTED SEPTEMBER 5, 1945.
- CASE NO. R-1950-1783 - ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE. GRANTED JULY 24, 1950.
- CASE NO. R-1950-1881 - PETITION FOR PERMIT OF NON ILLUMINATED POSTER PANELS FOR TEMPORARY USE AS ADVERTISING STRUCTURES. GRANTED NOVEMBER 7, 1950.
- CASE NO. R-1968-0286 - ZONING RECLASSIFICATION FROM AN R-10 ZONE TO AN BR ZONE. GRANTED JUNE 6, 1968.
- CASE NO. 1982-0228-SPHX - PETITION FOR SPECIAL EXCEPTION TO USE THE DESCRIBED PROPERTY FOR TWO OUTDOOR ADVERTISING ILLUMINATED SIGN STRUCTURES.

COMMERCIAL PERMIT HISTORY

6434 BALTIMORE NATIONAL PIKE
PERMIT # B536757
INTERIOR ALTERATIONS TO RENOVATE FROM A SERVICE GARAGE TO A CAR RENTAL CENTER.

SPECIAL EXCEPTION AREA

- FUEL SERVICE STATION
(16 FUELING POSITIONS x 1,500 S.F.) = 24,000 S.F.
- CONVENIENCE STORE
(4 x 1,702 S.F.) = 6,808 S.F.
- ATM MACHINE
(1 ATM x 1,000 S.F.) = 1,000 S.F.
- CARRY OUT RESTAURANT
(6 x 2,758 S.F.) = 16,548 S.F.
- REQUIRED TOTAL AREA = 48,356 S.F.
- PROVIDED TOTAL AREA = 66,137 S.F.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
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ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

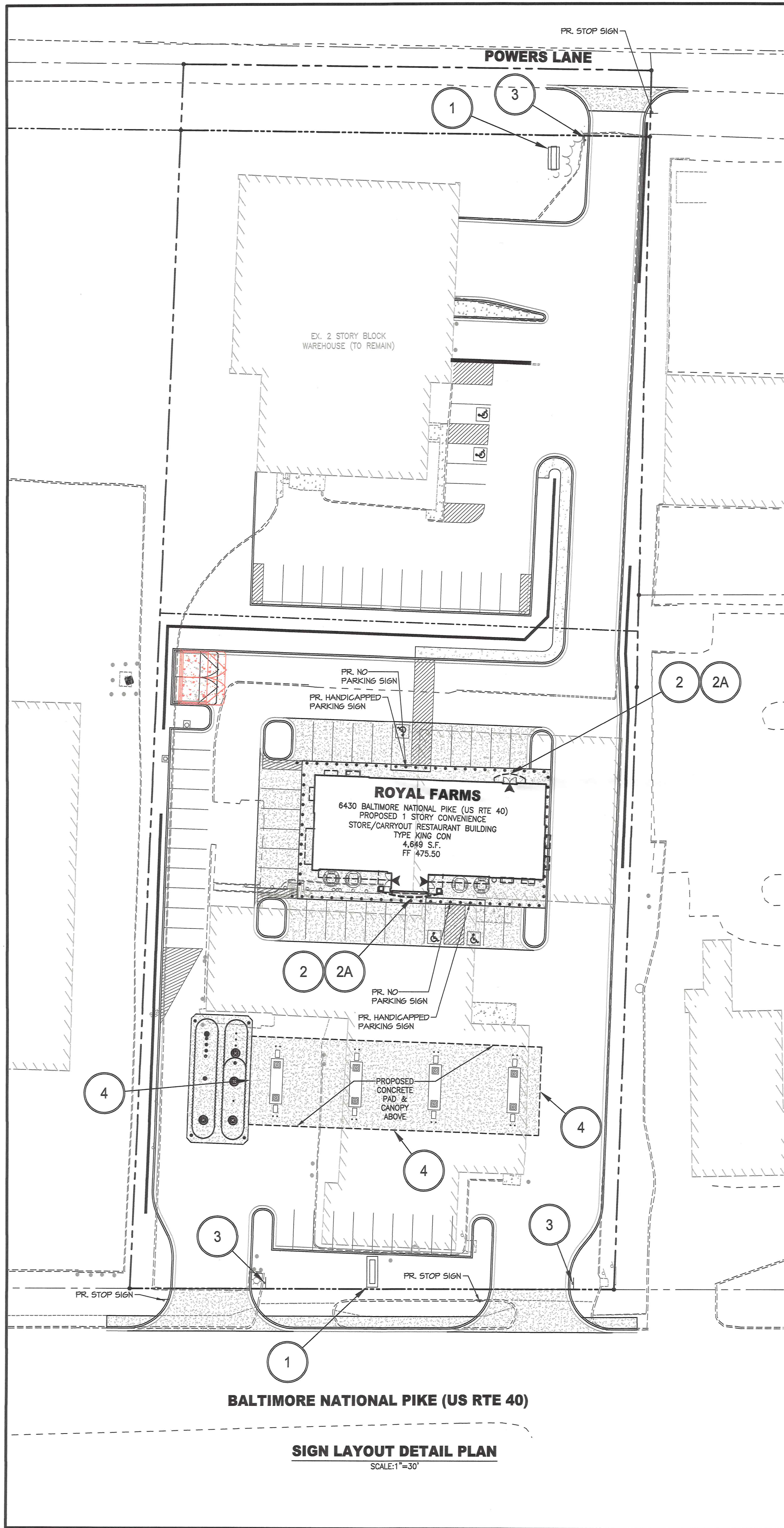
PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE

DATE	REVISIONS	JOB NO.:
04/13/2019	RELOCATED DUMPSTER CORRAL TO BE 10' FROM P/L, REVISED PARKING REF #	17481x81
		SCALE: 1" = 30'
		DATE: 04/02/2019
		DRAWN BY: THIS
		DESIGN BY: THIS
		REVIEW BY: THIS
		SHEET: 01 OF 04

Protestant
CBA Exhibit

PETITIONER'S EXHIBIT

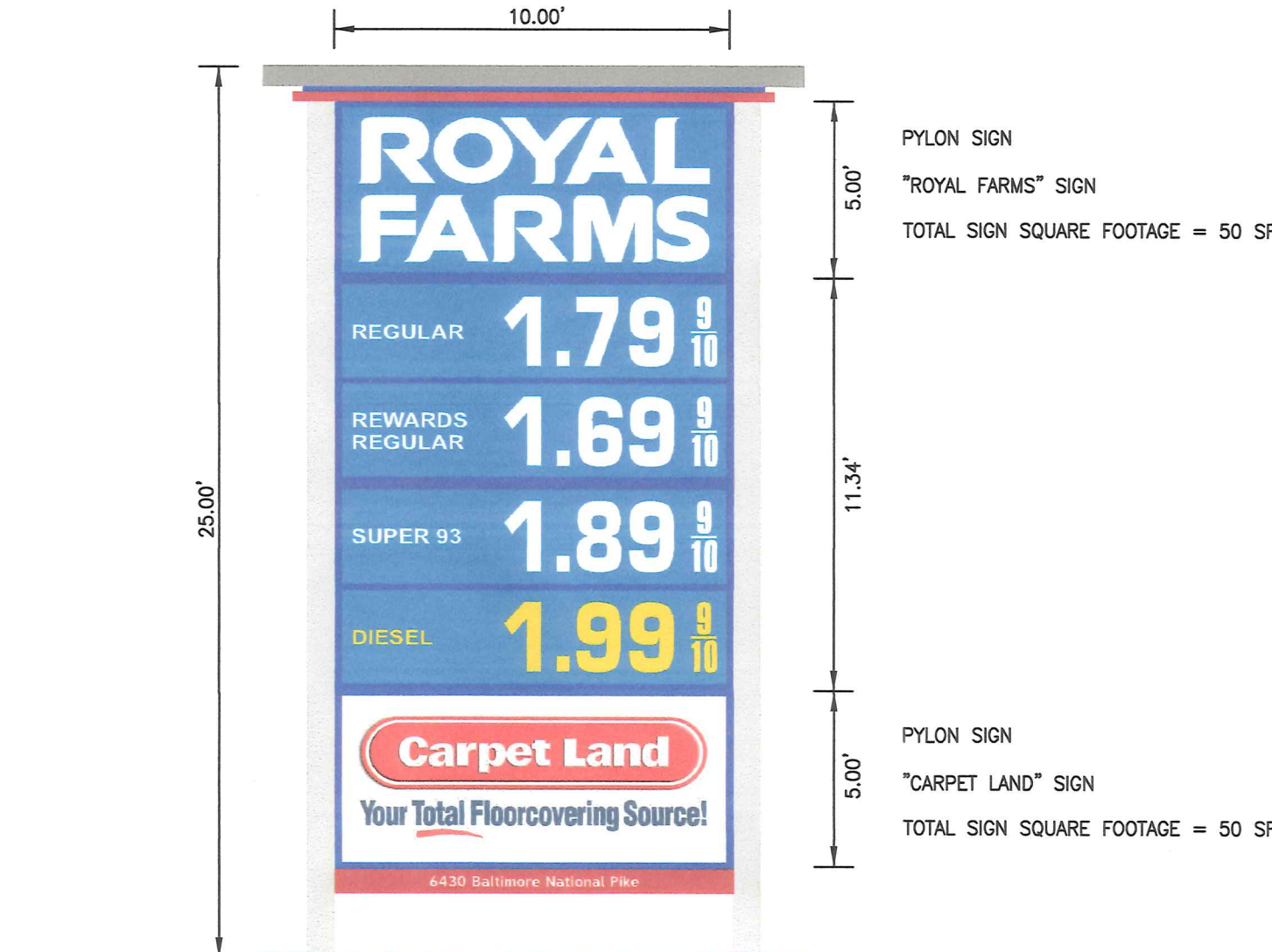
2019-0245-XA



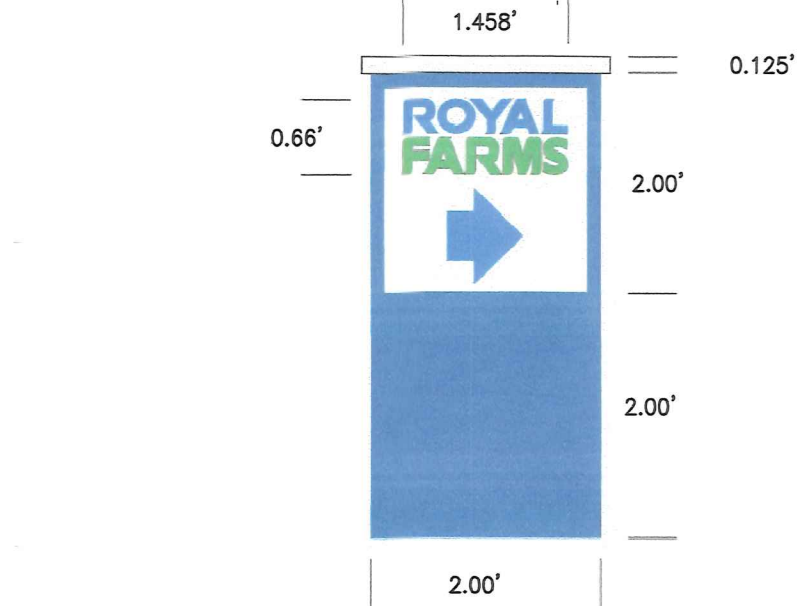
SIGN LAYOUT DETAIL PLAN
SCALE: 1"=30'

SIGN REGULATIONS								
I	II	III	IV	V	VI	VII	VIII	IX
CLASS	STRUCTURAL TYPE	ZONE OR USE	PERMIT REQUIRED	MAX AREA/ FACE	MAX NO./ PREMISES	HEIGHT	ILLUMINATION	ADDITIONAL LIMITATIONS
ENTERPRISE	WALL MOUNTED; CANOPY	BR AS	USE	2x LENGTH OF WALL TO WHICH SIGN IS ATTACHED	TOTAL OF 3, NO MORE THAN 2 ON EACH FACE	N/A	YES	NO SINGLE SIGN LARGER THAN 150-SF
JOINT IDENTIFICATION ENTERPRISE	FREESTANDING SERVICE STATION CANOPY	BR AS	USE	100-SF	ONE PER FRONTAGE	25-FT	YES	PERMANENT SIGNAGE UNDER THE CANOPY ON THE PUMPS OR SUPPORTS SHALL NOT BE COUNTED TOWARDS THE CANOPY. FREESTANDING OR WALL-MOUNTED SIGNAGE LIMITS.
DIRECTIONAL	FREESTANDING	ACCESSORY	USE	8 SF	NOT REGULATED	6-FT	YES	COMPANY LOGO <30% OF SIGN AREA

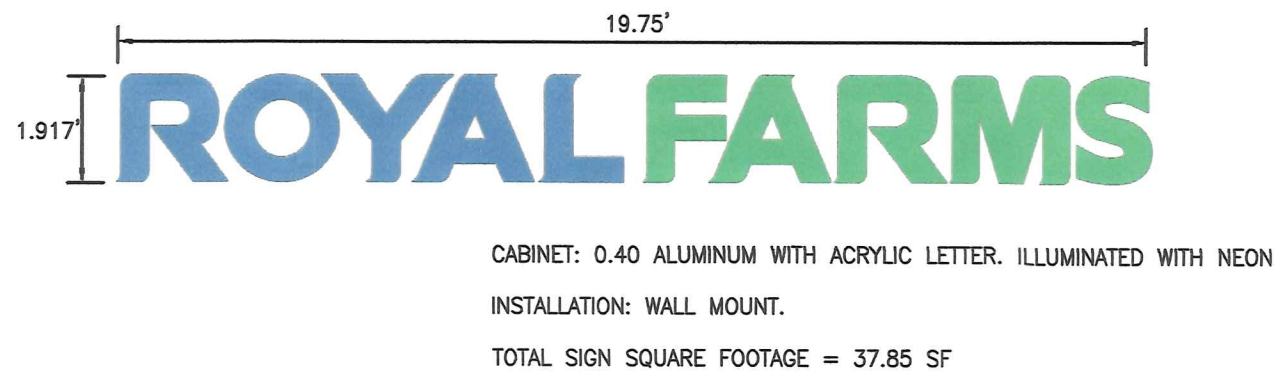
SIGN AREAS					
SIGN LABEL	SIGN TYPE	QUANTITY	PR. AREA EACH (SF)	PR. TOTAL AREA (SF)	ALLOWED AREA (SF)
1	FREE STANDING JOINT ID SIGN	2	100	200	100 PER FACE
2 (FRONT)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	49.6	210
2A (FRONT)	CANOPY ENTERPRISE SIGN	1	11.75		
2 (REAR)	WALL MOUNTED ENTERPRISE SIGN	1	37.85	42.26	210
2A (REAR)	CANOPY ENTERPRISE SIGN	1	4.41		
3	FREE STANDING DIRECTIONAL SIGN	3	4	12	8 PER FACE
4	SERVICE STATION CANOPY SIGN	3	24.2	72.6	25 PER SIGN



1 GOALPOST W/O CAR WASH
NOT TO SCALE



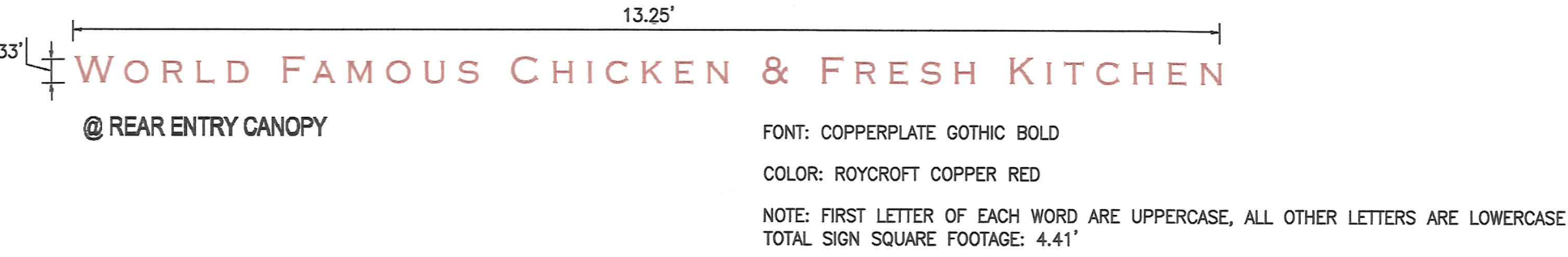
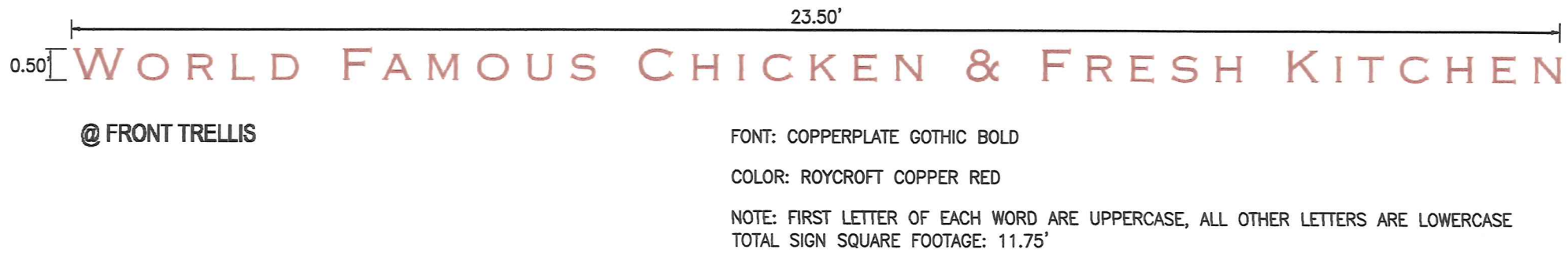
3 STANDARD DIRECTIONAL SIGN
NOT TO SCALE



2 ROYAL FARMS BUILDING CHANNEL LETTERS
NOT TO SCALE



4 SERVICE STATION CANOPY SIGNS
NOT TO SCALE



2A ROYAL FARMS CHANNEL LETTERS
NOT TO SCALE

OWNER
MCCOMAS ASSOCIATES, LLC
6432 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
PHONE: (410) 744-8570

DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 869-0200

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

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 NO. 38291, EXPIRATION DATE: 01/13/2020.

MORRIS & RITCHIE ASSOCIATES, INC.
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ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

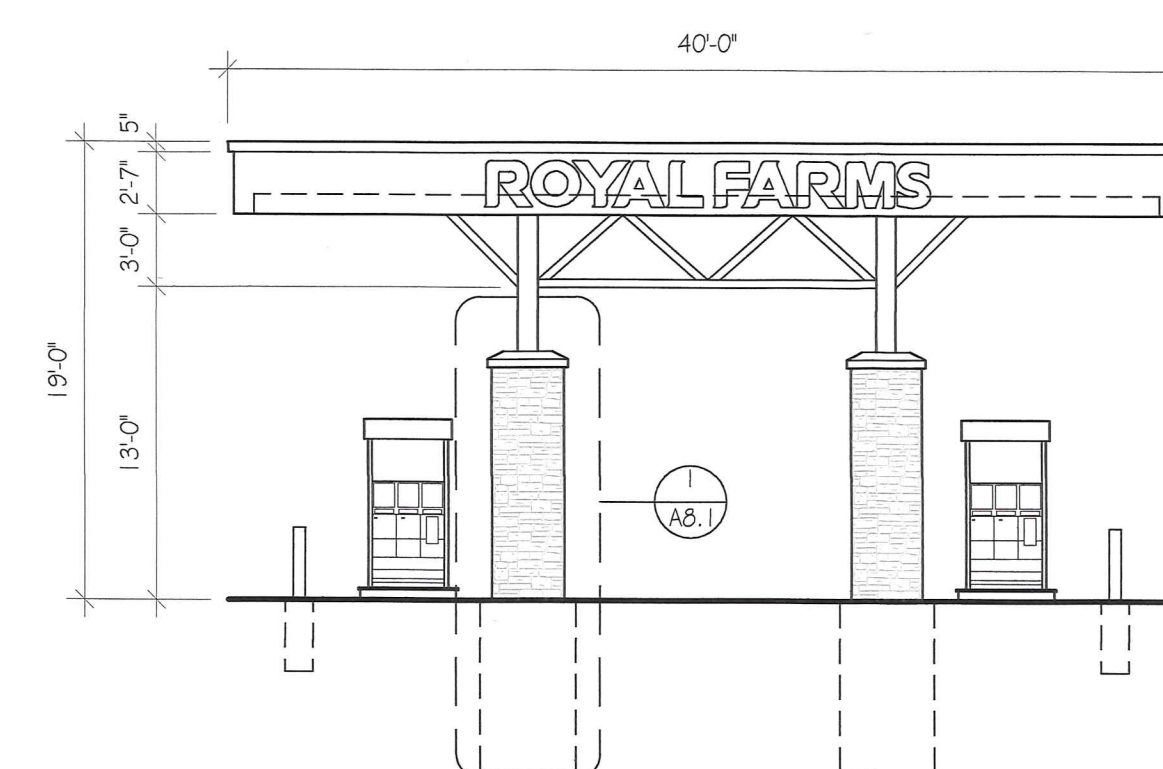
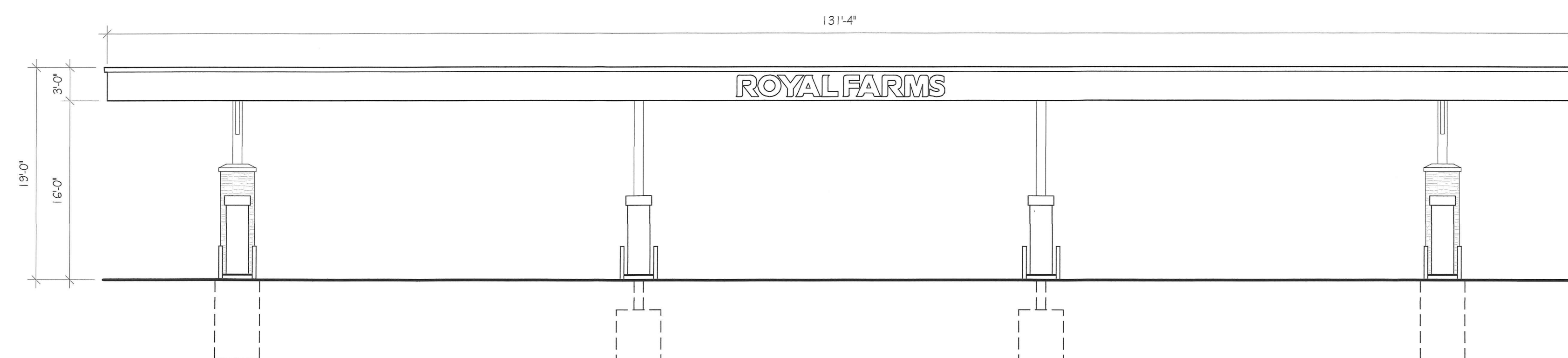
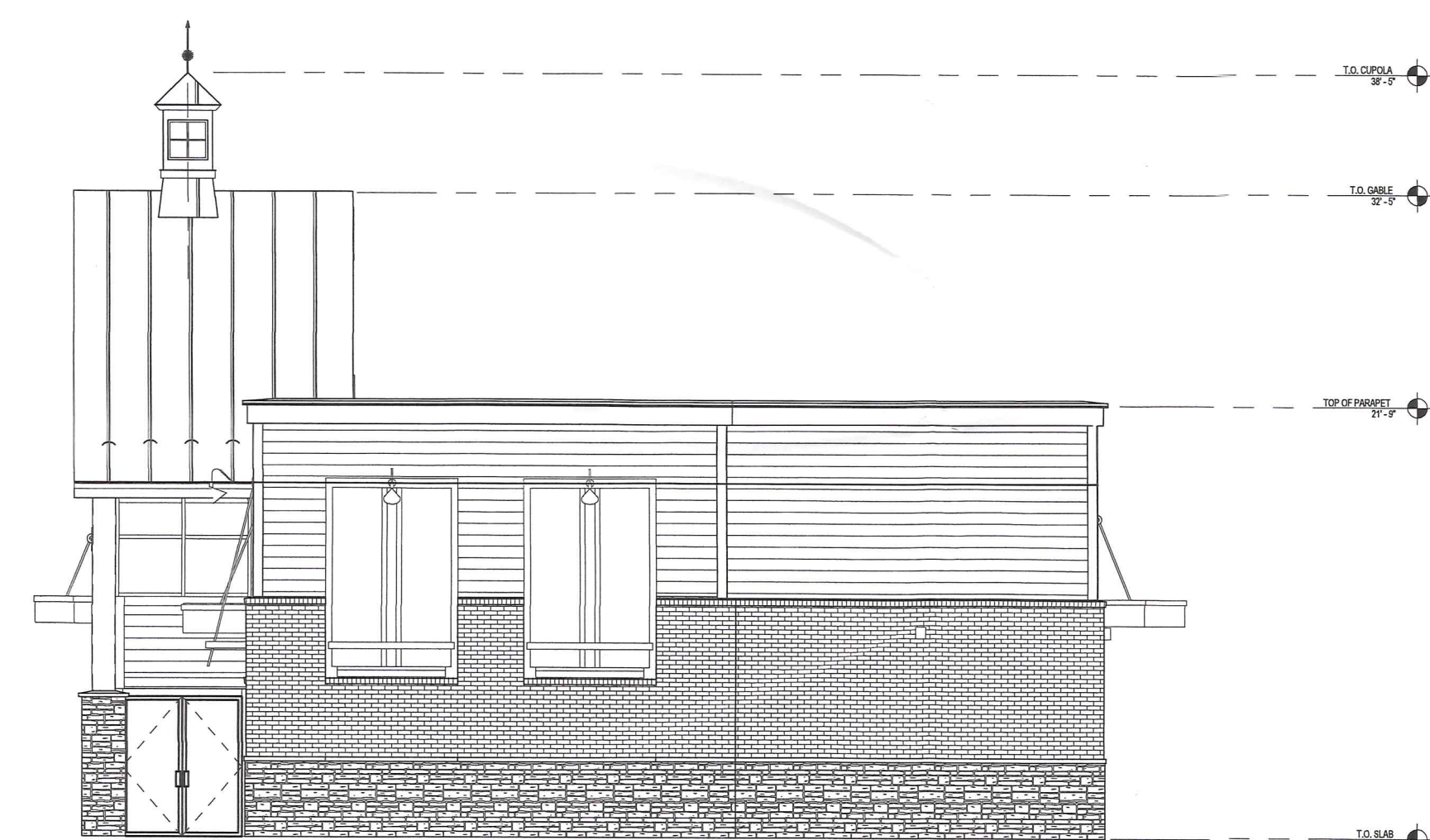
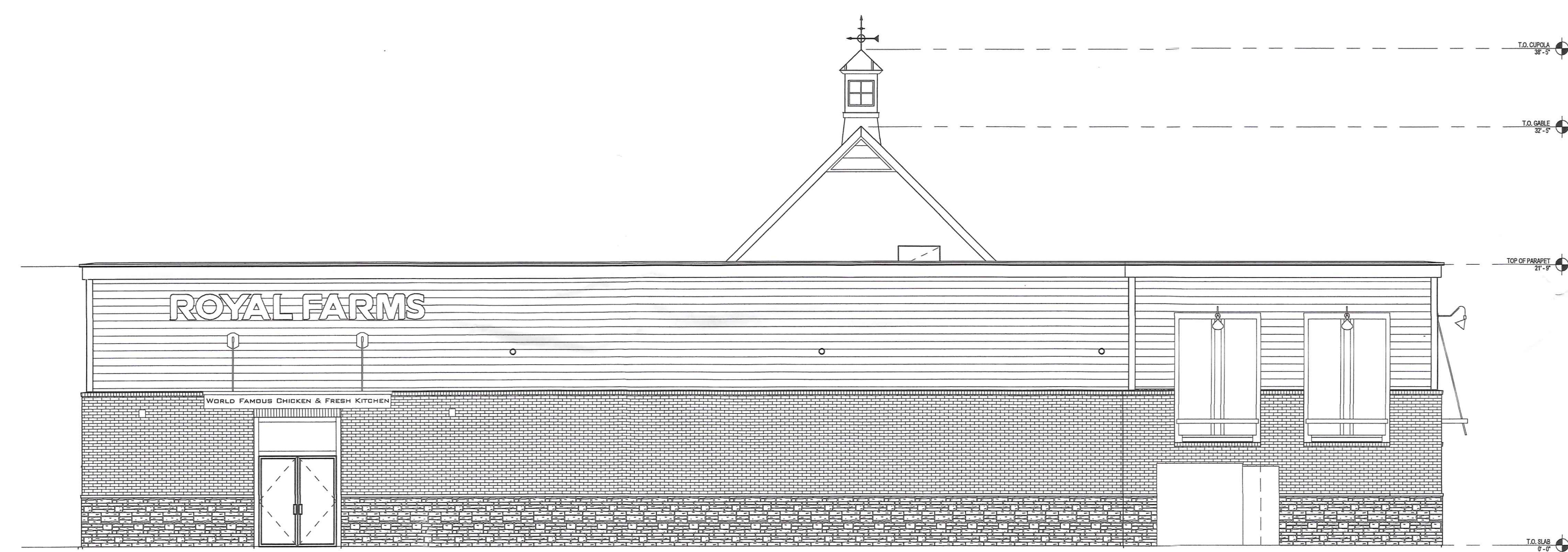
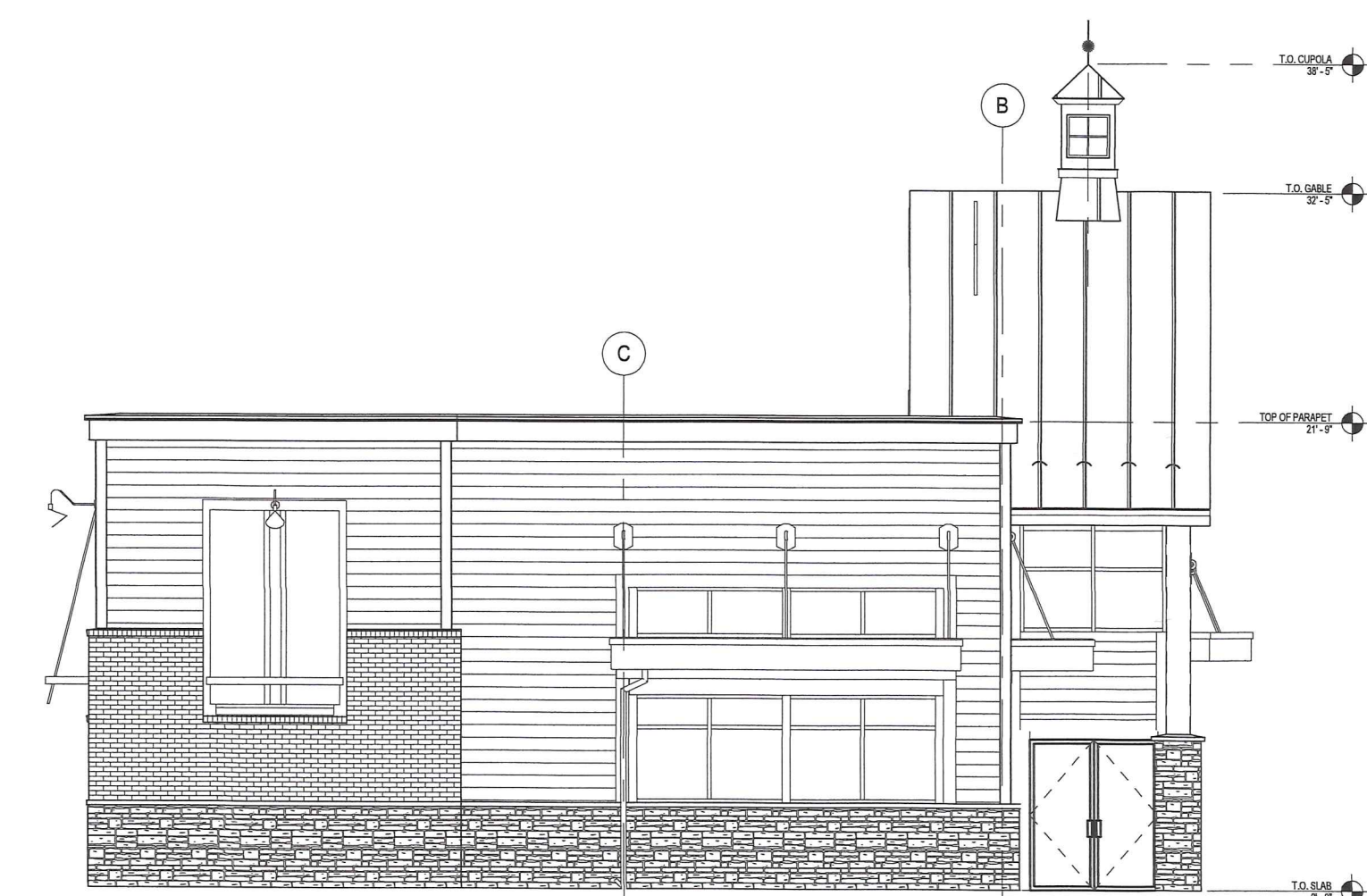
SIGNAGE PLAN

1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:
04/13/2019	RELOCATED DUMPSTER CORRAL TO BE 10' FROM P/L	17481x81
		SCALE: 1" = 30'
		DATE: 04/02/2019
		DRAWN BY: THS
		DESIGN BY: THS
		REVIEW BY: THS
		SHEET: 02 OF 04

Protestant
CBA Exhibit
18

2019-0245-XA



RATCLIFFE
ARCHITECTS

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410-484-7010 • Fax 410-484-3819 • info@mrcliffarchitects.com

0404 Stevenson Road • Stevenson, Maryland 21153
410-484-7010 • Fax 410-484-3819 • info@tatchiffarchitects.com

ROYAL FARMS

6430 BALTIMORE NATIONAL PIKE

BALTIMORE NATIONAL F
CATONSVILLE, MD 21228

NOVILL, MD
STORE #374

[illegible]

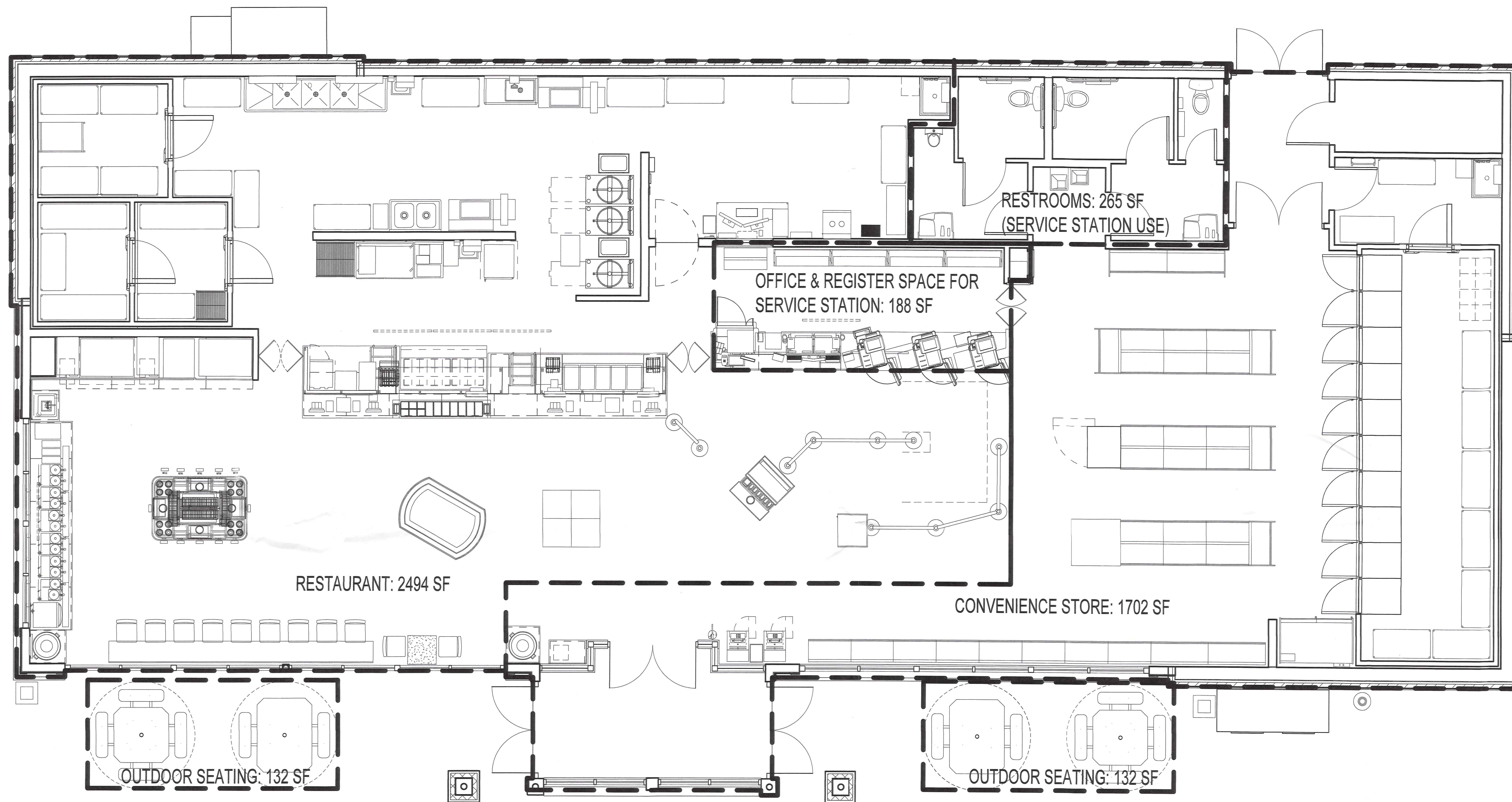
SCALE	NOTED
DRAWN BY	STAFF

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SHEET 3 OF 4

Protestant CBA Exhibit

10



USE AREA TOTALS:
 SERVICE STATION USE:
 OFFICE & REGISTER SPACE - 188
 RESTROOMS - 265
 = 453 SF TOTAL

CONVENIENCE STORE USE:
 CONVENIENCE STORE - 1702 SF
 = 1702 SF TOTAL

RESTAURANT USE:
 RESTAURANT - 2494
 OUTDOOR SEATING - 264 SF
 = 2758 SF TOTAL

RATCLIFFE
 ARCHITECTS
 10404 Stevenson Road
 Stevenson, Maryland 21153
 410-481-5819 • info@ratcliffearchitects.com

ROYAL FARMS
 6430 BALTIMORE NATIONAL PIKE
 CATONSVILLE, MD 21228
 STORE #374

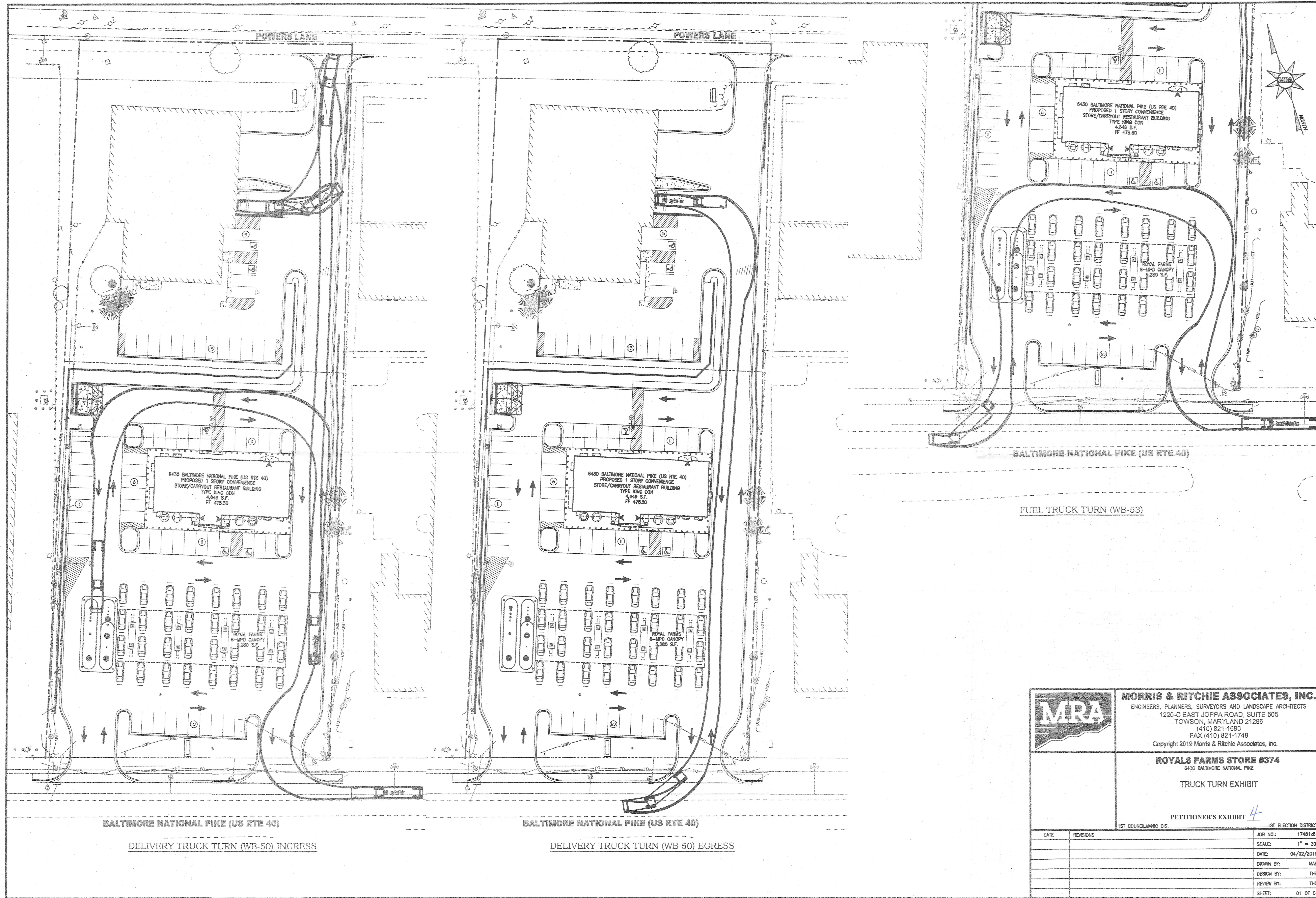
#	REVISED DATE	CONTENT
	01-30-19	SPECIAL EXCEPTIONS PLAN

SCALE NOTED
 DRAWN BY STAFF

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SHEET 4 OF 4

Protestant
 CBA Exhibit
 ID

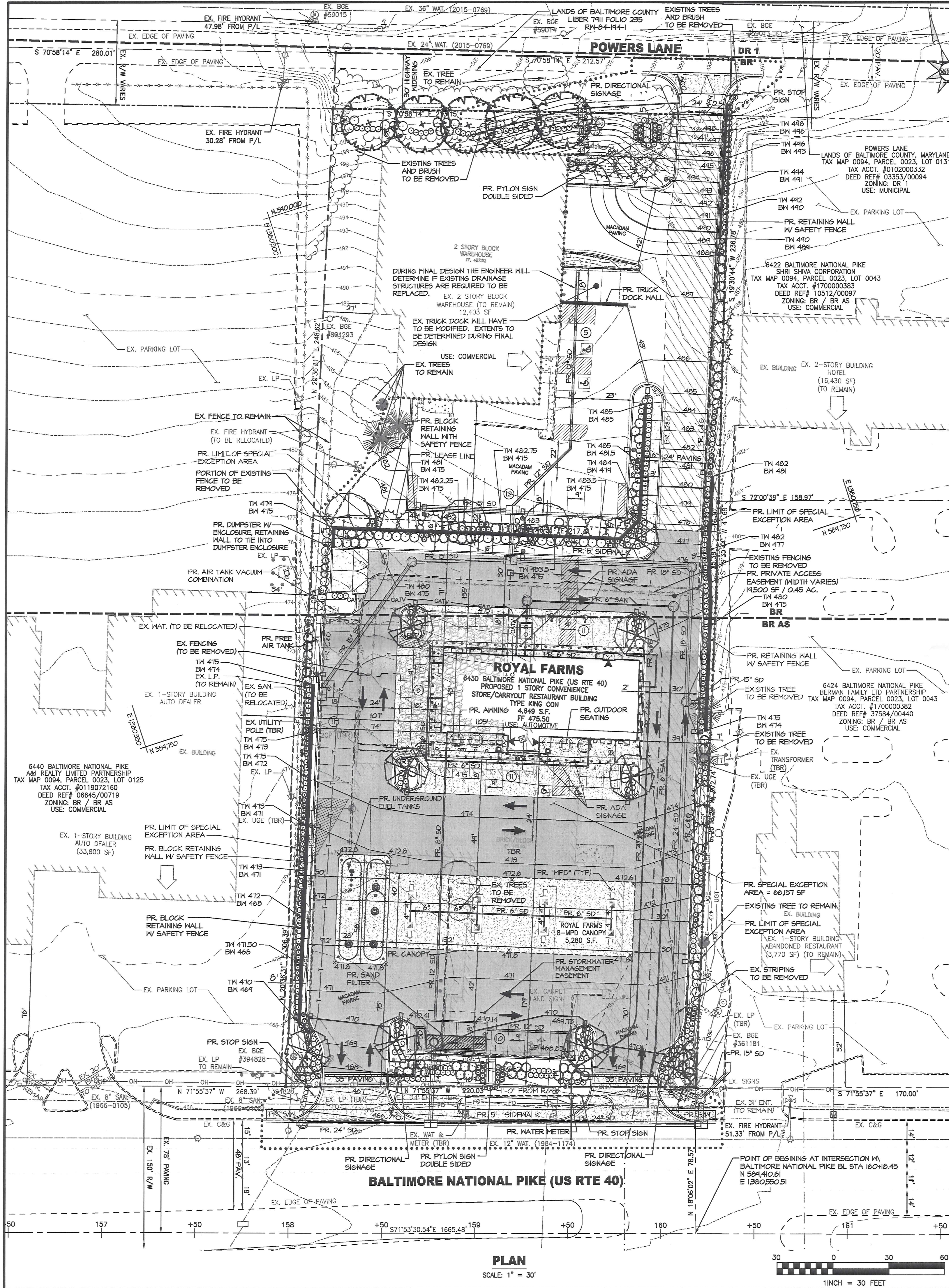


		MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX (410) 821-1748 Copyright 2019 Morris & Ritchie Associates, Inc.	
		ROYALS FARMS STORE #374 6430 BALTIMORE NATIONAL PIKE TRUCK TURN EXHIBIT	
		PETITIONER'S EXHIBIT 4 1ST COUNCILMANIC DIS. _____ 1ST ELECTION DISTRICT _____	
DATE	REVISIONS	JOB NO.	17481x81
		SCALE:	1" = 30'
		DATE:	04/02/2019
		DRAWN BY:	MAS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	01 OF 01



LEGEND

- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. RIGHT OF WAY LINE
- EX. ZONING LINE
- EX. SETBACK
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. CURB
- EX. TREE
- EX. WALL
- EX. METAL FENCE
- EX. WOOD FENCE
- EX. WOODS LINE
- PR. BUILDING
- PR. CONCRETE
- PR. CURB & GUTTER
- PR. BLOCK RETAINING WALL
- PR. ASPHALT PAVING
- PR. MULCH BED
- PR. MAJOR TREE
- PR. FLOWERING TREE
- PR. EVERGREEN TREE
- PR. SHRUB
- PR. LIGHT POLE



GENERAL NOTES

- PROPERTY INFORMATION:
A. PROPERTY ADDRESS: 6430 BALTIMORE NATIONAL PIKE
B. SITE AREA: 113,667 S.F. ±, 2.61 AC. ±
C. ELECTION DISTRICT: 1
D. COUNCILMANIC DISTRICT: 33A13
E. ADC MAP: 4015.04
F. CENSUS TRACT: 0084
G. PARCEL: 0124
H. TAX ACCOUNT NO.: 0120681580
I. DEED: 25114/00542
- ZONING: BR / BR AS
- ZONING MAP/GIS TILE NO.: 094C3
- FLOOR AREA RATIO: MAXIMUM PERMITTED = 2.0
AREA OF SPECIAL EXCEPTION = 66,137 S.F.
TOTAL FARMS PROVIDED = 0.070 (4,649 S.F. / 66,137 S.F. = 0.070)
- EXISTING LAND USE: WAREHOUSE, AUTOMOTIVE SERVICE SHOP AND AUTOMOTIVE SALES
PROPOSED LAND USE: EXISTING WAREHOUSE; FUEL SERVICE STATION IN COMBINATION WITH A STORE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING
- PROPOSED BUILDING HEIGHT: C-STORE = 32'-5" PEAK OF GABLE
CANOPY = 19'-0"
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, OR THE APPROPRIATE MODIFICATION OF STANDARDS WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 24001004306).
- THE SITE IS NOT LOCATED WITHIN A FAILED BASIC WATER AND SEWER SERVICE AREA.
- THE SITE IS LOCATED WITHIN A TRANSPORTATION ZONE LEVEL OF SERVICE "F" AREA. REFER TO NOTE 14.
- THE SITE IS LOCATED WITHIN A COMMERCIAL REDEVELOPMENT DISTRICT AND IS THEREFORE EXEMPT FROM NOTE 13, PER BASIC SERVICES MAPPING E. GENERAL EXCEPTIONS TO BASIC SERVICE MAPPING STANDARDS, I. TO ANY DEVELOPMENT LOCATED IN A COMMERCIAL REDEVELOPMENT DISTRICT.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS LOCATED WITHIN THE PATAPSCO RIVER WATERSHED AND 100-YEAR MANAGEMENT IS NOT REQUIRED.
- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN ONE MILE OF THE SITE (SECTION 405.3, BCZR).

PLANTING UNIT CALCULATIONS

Baltimore County Planting Unit Condition	PU Credit Requirement Rate	Quantity	Required Planting Units (PU)
Condition A Street Frontage and Streetscape			
Interior Road	1 PU/20 LF	876	43.8
Adjacent Road	1 PU/20 LF	736	-36.8
Requesting a Modification for Required Planting Units	1 PU/40 LF	433	10.8
Condition B Parking Lots			
Parking Adjacent to Public Road (Class B)	1 PU/15 LF	90	6.0
Parking Adjacent to Commercial (Class B)	1 PU/20 LF	207	10.4
Parking Lot Interior	1 PU/12 Parking Spaces	66	5.5
Condition C Storage and Loading Areas			
Adjacent to Public ROW	1 PU/10 LF	86	8.6
Adjacent to Commercial	1 PU/10 LF	63	6.3
Requesting a Modification for Required Planting Units	1 PU/10 LF	63	-6.3
Condition D Dumpsters and Ground Mounted HVAC			
Dumpster and HVAC Screening	1 PU/15 LF	50	3.3
Condition E Slopes, Embankments, and Retaining Walls			
Linear Feet of Slope, Embankments, and Retaining Walls	1 PU/15 LF	237	15.8
Condition F Automotive Uses			
Adjacent to Public ROW (Class B)	1 PU/15 LF	220	14.7
Requesting a Modification for Required Planting Units	1 PU/15 LF	220	-14.7
Adjacent to Residential and Commercial (Class C)	1 PU/10 LF	1075	107.5
Requesting a Modification for Required Planting Units	1 PU/10 LF	383	-38.3
Total Required Planting Units (PU)			136.6

Baltimore County Planting Unit Condition	PU Credit Requirement Rate	Quantity	Provided Planting Units (PU)
Major Trees Provided	1 PU/ Tree	5	5
Minor Trees Provided	1 PU/ 2 Trees	12	6
Evergreen Trees	1 PU/ 2 Trees	18	9
Shrubs	1 PU/ 5 Shrubs	600	120
Total Provided Planting Units (PU)			140

INTERIOR LANDSCAPING REQUIREMENT
A. Reserve 7% of the parking lot area for interior landscaping.
REQUIRED: (30,007 S.F. X .07) = 2,101 S.F.
PROVIDED: 0.065 ACRES (2,501 S.F.)

NOTE:
A FINAL LANDSCAPE MODIFICATION LETTER HAS BEEN SENT TO BALTIMORE COUNTY TO ASK FOR RELIEF FROM THE BALTIMORE COUNTY LANDSCAPE MANUAL REQUIREMENTS. THE REQUEST IS PENDING APPROVAL.

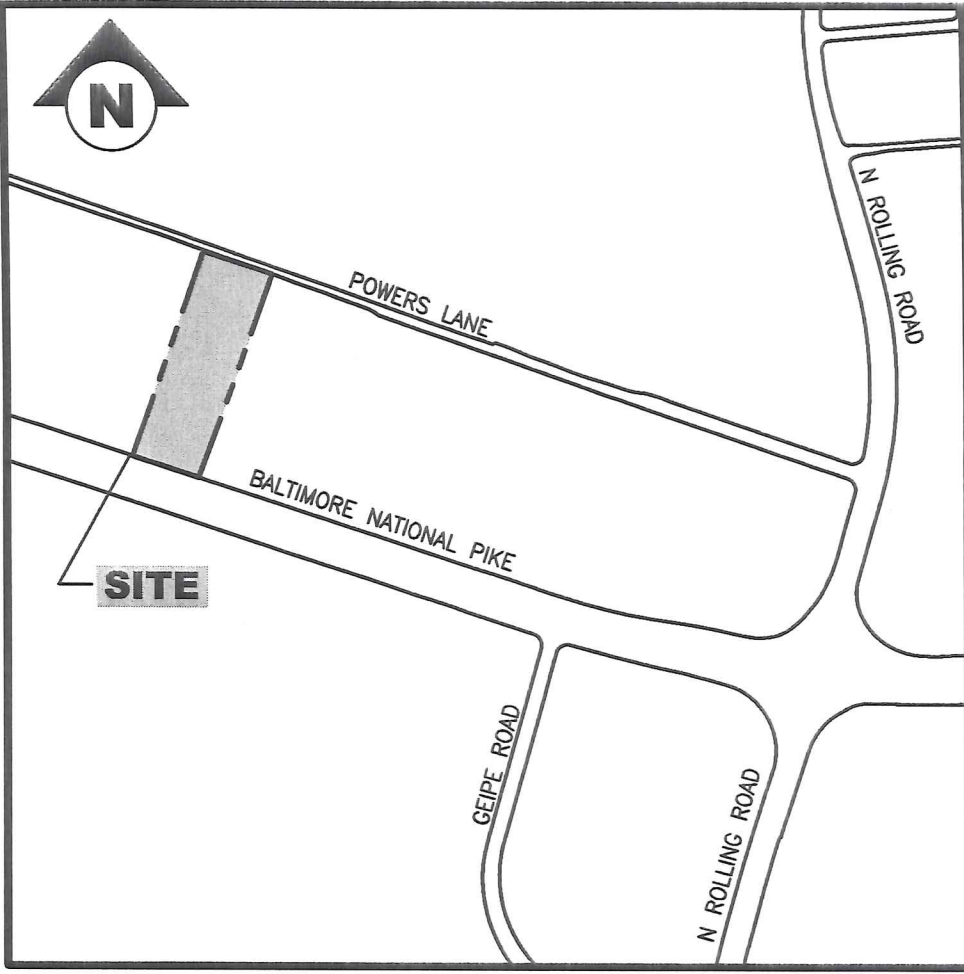
SCHEMATIC LANDSCAPE PLAN CERTIFICATION FORM

THIS SCHEMATIC LANDSCAPE PLAN IS SEALED BY A LANDSCAPE ARCHITECT AND CERTIFIED BY MY SIGNATURE BELOW AS BEING IN ACCORDANCE WITH ALL COUNTY AGENCY LANDSCAPE ARCHITECTURAL COMMENTS.

Michael E. Reedy 06-03-2019 Nicole Reedy
APPLICANT SIGNATURE DATE PRINT NAME
NREEDY@MAGTA.COM
MAILING ADDRESS (IF NOT ALREADY ON PLAN)

LEGEND

- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. RIGHT OF WAY LINE
- EX. ZONING LINE
- EX. 1' CONTOUR
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. SETBACK
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. CURB
- EX. TREE
- EX. WALL
- EX. METAL FENCE
- EX. WOOD FENCE
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER MAIN
- EX. GAS
- EX. UNDERGROUND ELECTRIC/CONDUIT
- EX. UNDERGROUND TELEPHONE
- EX. UNDERGROUND CABLE TV
- EX. LIGHT POLE
- EX. UTILITY POLE
- EX. UNDERGROUND FIBER OPTIC
- EX. WOODS LINE
- PR. BUILDING
- PR. CONCRETE
- PR. CURB & GUTTER
- PR. BLOCK RETAINING WALL
- PR. ASPHALT PAVING
- PR. PRIVATE ACCESS
- PR. 1' CONTOUR
- PR. 2' CONTOUR
- PR. 10' CONTOUR
- PR. SANITARY SEWER
- PR. STORM DRAIN
- PR. WATER MAIN
- PR. TELEPHONE
- PR. GAS
- PR. UNDERGROUND ELECTRIC
- LIMIT OF DISTURBANCE
- PR. MAJOR TREE
- PR. FLOWERING TREE
- PR. EVERGREEN TREE
- PR. SHRUB
- PR. LIGHT POLE



VICINITY MAP
SCALE 1" = 500'

ZONING HISTORY

CASE NO. R-1940-0109 - PETITION FOR ZONING RE-CLASSIFICATION FROM RESIDENTIAL USE AREA, DISTRICT OR DIVISION TO A COMMERCIAL USE AREA, DISTRICT OR DIVISION FOR MANUFACTURING AND BOTTLING SOFT DRINKS. ORDER GRANTED DECEMBER 16, 1940.

CASE NO. R-1945-0464 - PETITION FOR ZONING RE-CLASSIFICATION FROM AN "A" RESIDENTIAL ZONE TO AN "E" COMMERCIAL ZONE, FOR AN APPROVED COMMERCIAL USE. ORDER GRANTED SEPTEMBER 5, 1945.

CASE NO. R1950-1763 - PETITION FOR ZONING RE-CLASSIFICATION FROM AN "A" RESIDENCE TO AN "E" COMMERCIAL ZONE. GRANTED JULY 24, 1950

CASE NO. 1950-1861-XI - PETITION FOR PERMIT OF NON ILLUMINATED POSTER PANELS FOR TEMPORARY USE AS ADVERTISING STRUCTURES. ORDER GRANTED NOVEMBER 7, 1950

CASE NO. R-1968-0286 - PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION FROM R-10 ZONE TO A BR ZONE. GRANTED JUNE 6, 1968

CASE NO. 1982-0228-SPHX - PETITION FOR SPECIAL EXCEPTION TO USE THE DESCRIBED PROPERTY FOR TWO OUTDOOR ADVERTISING ILLUMINATED SIGN STRUCTURES. GRANTED MARCH 9, 1982

CASE NO. 1989-0218-X - PETITION TO USE AN EXISTING BUILDING FOR A SERVICE GARAGE USE AND AN ACCESSORY USE IN A PROPOSED STORAGE BUILDING. GRANTED MAY 11, 1999.

CASE NO. 2000-0015-A - PETITION TO SEEK RELIEF FROM SECTION 238.4 FOR ZONING REGULATIONS TO PERMIT THE STORAGE AND DISPLAY OF MATERIALS, VEHICLES AND EQUIPMENT NOT LESS THAN 7 FEET FROM THE FRONT STREET LINE IN LIEU OF THE REQUIRED 35 FEET AND FROM SECTIONS 238.1, 409.4 AND 409.8.A.4 OF B.C.Z.R. TO PERMIT PARKING NOT LESS THAN 7 FEET FROM THE STREET LINE IN LIEU OF THE REQUIRED 10 FEET, AND TO ALLOW A DRIVEWAY WITH DIRECT ACCESS TO PARKING SPACES. GRANTED SEPTEMBER 15, 1999.

CASE NO. 2001-0199-A - PETITION FOR A VARIANCE FROM SECTION 238.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) TO ALLOW A DISTANCE BETWEEN A COMMERCIAL BUILDING AND THE CENTER OF A COUNTY STREET RIGHT-OF-WAY OF 35 FT. IN LIEU OF THE REQUIRED 50 FT. AND TO ALLOW A DISTANCE BETWEEN A COMMERCIAL BUILDING AND A SIDE YARD PROPERTY LINE OF 5 FT. IN LIEU OF THE REQUIRED 30 FT. AND A REAR PROPERTY LINE SETBACK OF 5 FT. IN LIEU OF THE REQUIRED 30 FT. BE AND IS HEREBY GRANTED HEREIN
1.) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPEAL PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2.) THE PETITIONERS SHALL BE REQUIRED TO PROVIDE ARCHITECTURAL ELEVATION DRAWINGS FOR THE STORAGE BUILDING TO THE OFFICE OF PLANNING FOR THEIR REVIEW AND APPROVAL PRIOR TO THE APPROVAL OF ANY BUILDING PERMIT.
3.) WHEN APPLYING FOR ANY PERMITS THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

CASE NO. 2014-0158-A - PETITION FOR A VARIANCE RELIEF PURSUANT TO SECTION 450.4 ATTACHMENT 1 #3 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.), TO PERMIT A DIRECTIONAL SIGN OF 24 SQ. FT. IN LIEU OF THE PERMITTED 5 SQ.FT., BE AND IS HEREBY GRANTED MARCH 25, 2014

CASE NO. 2019-0245-XA - PETITION FOR SPECIAL EXCEPTION TO ALLOW A FUEL SERVICE STATION PURSUANT TO SECTION 405.2.B.1. PETITION FOR A VARIANCE TO ALLOW A TOTAL OF FOUR ENTERPRISE SIGNS (TWO WALL-MOUNTED AND TWO CANOPY) IN LIEU OF THE THREE SIGNS PERMITTED WITH NO MORE THAN TWO SIGNS OF AN SINGLE FACADE. GRANTED APRIL 30, 2019

COMMERCIAL PERMIT HISTORY

6434 BALTIMORE NATIONAL PIKE
PERMIT # B536757
INTERIOR ALTERATIONS TO RENOVATE FROM A SERVICE GARAGE TO A CAR RENTAL CENTER.

DRC# - 052119B

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
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ROYAL FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

SCHEMATIC LANDSCAPE PLAN

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:
		17481x81
		SCALE: 1" = 30'
		DATE: 06/14/2019
		DRAWN BY: CH
		DESIGN BY: CH
		REVIEW BY: NCR/THS
		SHEET: 1 OF 1

OWNER
MCCOMAS ASSOCIATES, LLC
6432 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
PHONE: (410) 744-8570

DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3787, EXPIRATION DATE: 06/30/2020

OWNER

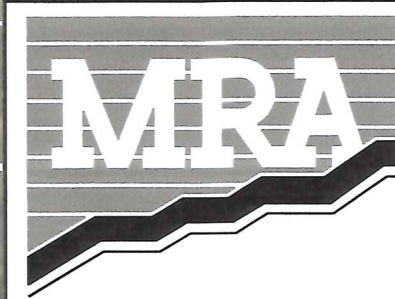
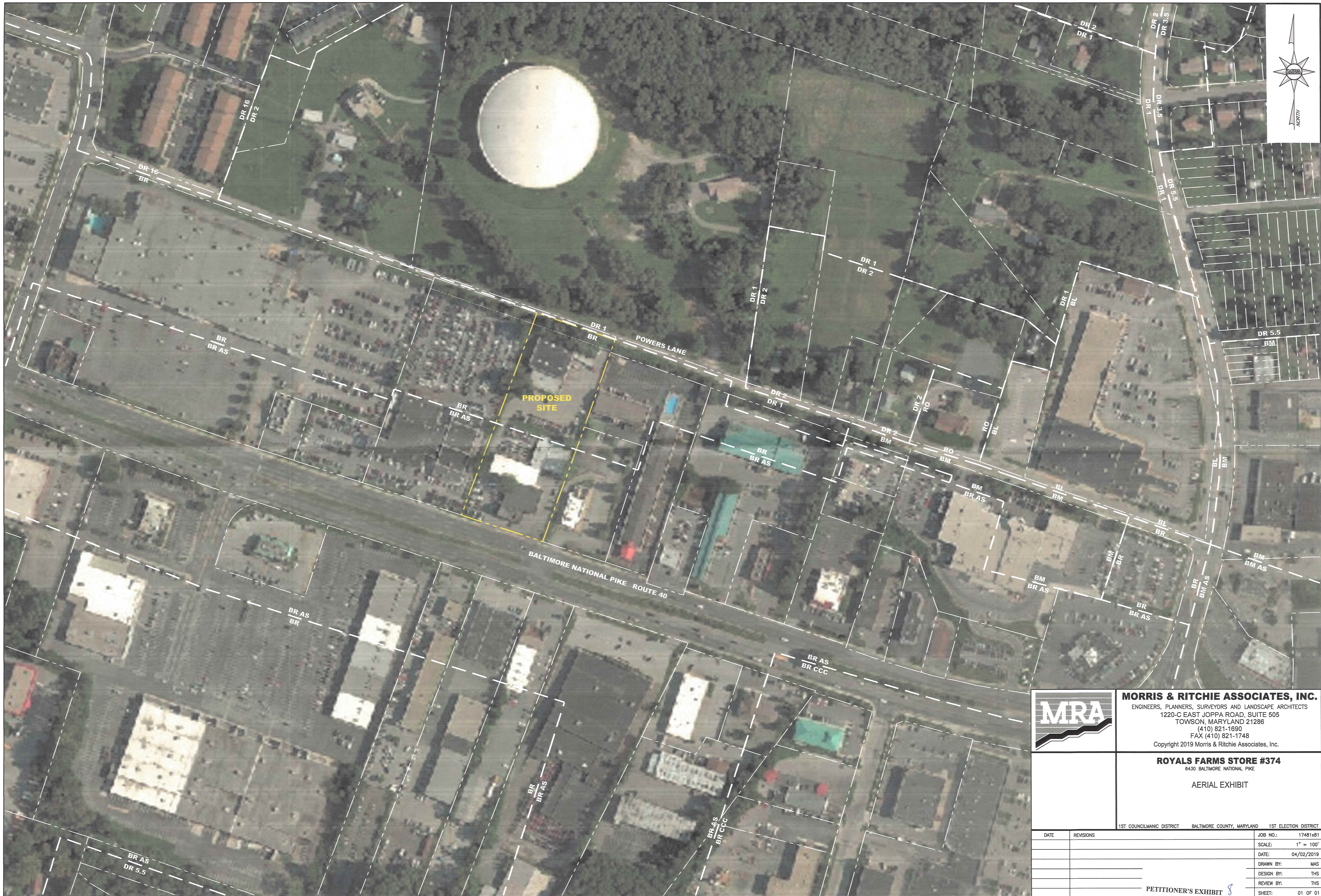
MCCOMAS ASSOCIATES, LLC
6432 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
PHONE: (410) 744-8570

DEVELOPER

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

NOTE

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.



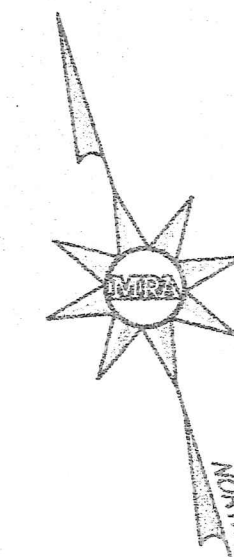
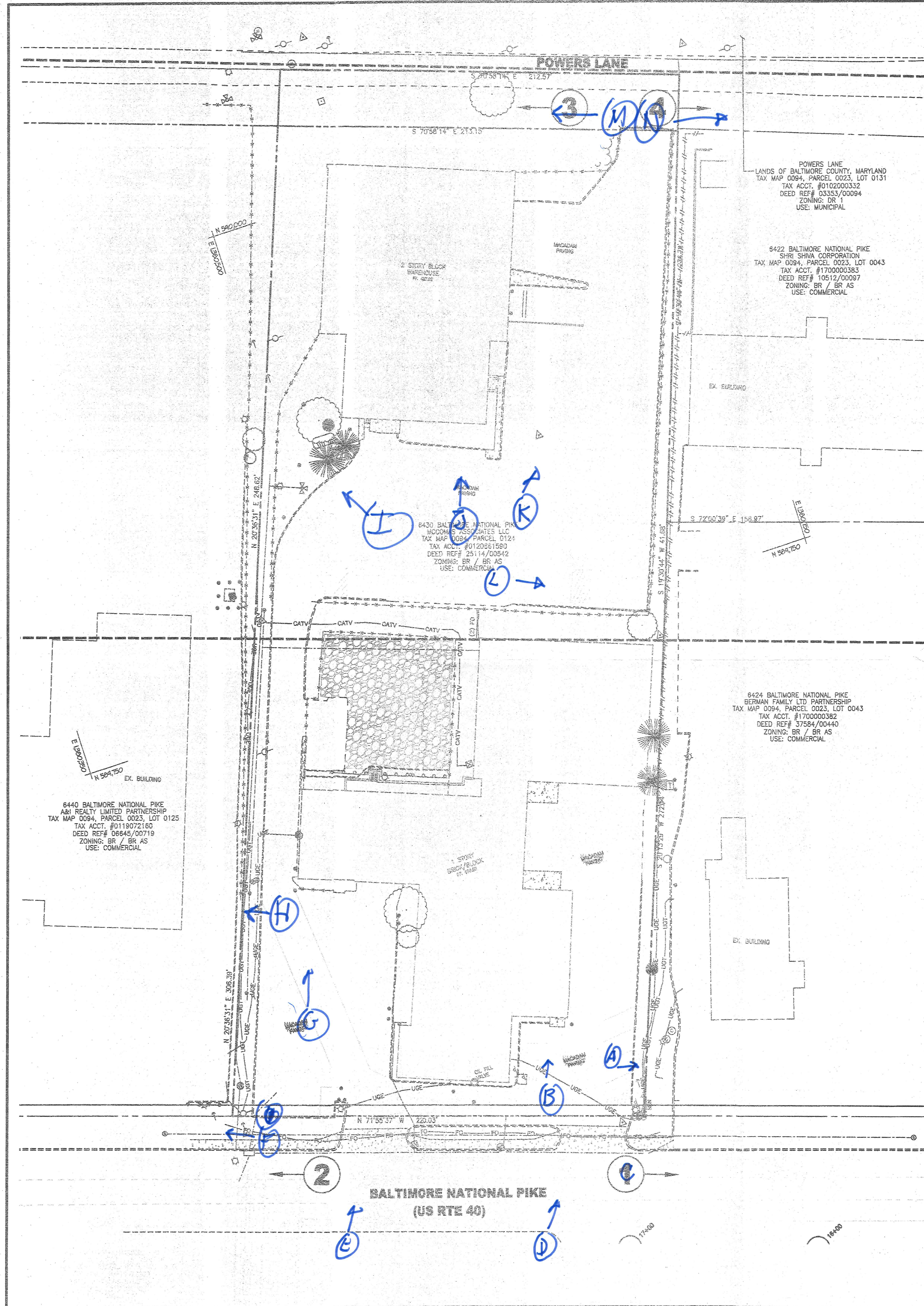
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
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ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE
AERIAL EXHIBIT

1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:	17481x81
		SCALE:	1" = 100'
		DATE:	04/02/2019
		DRAWN BY:	MAS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	01 OF 01

PETITIONER'S EXHIBIT





MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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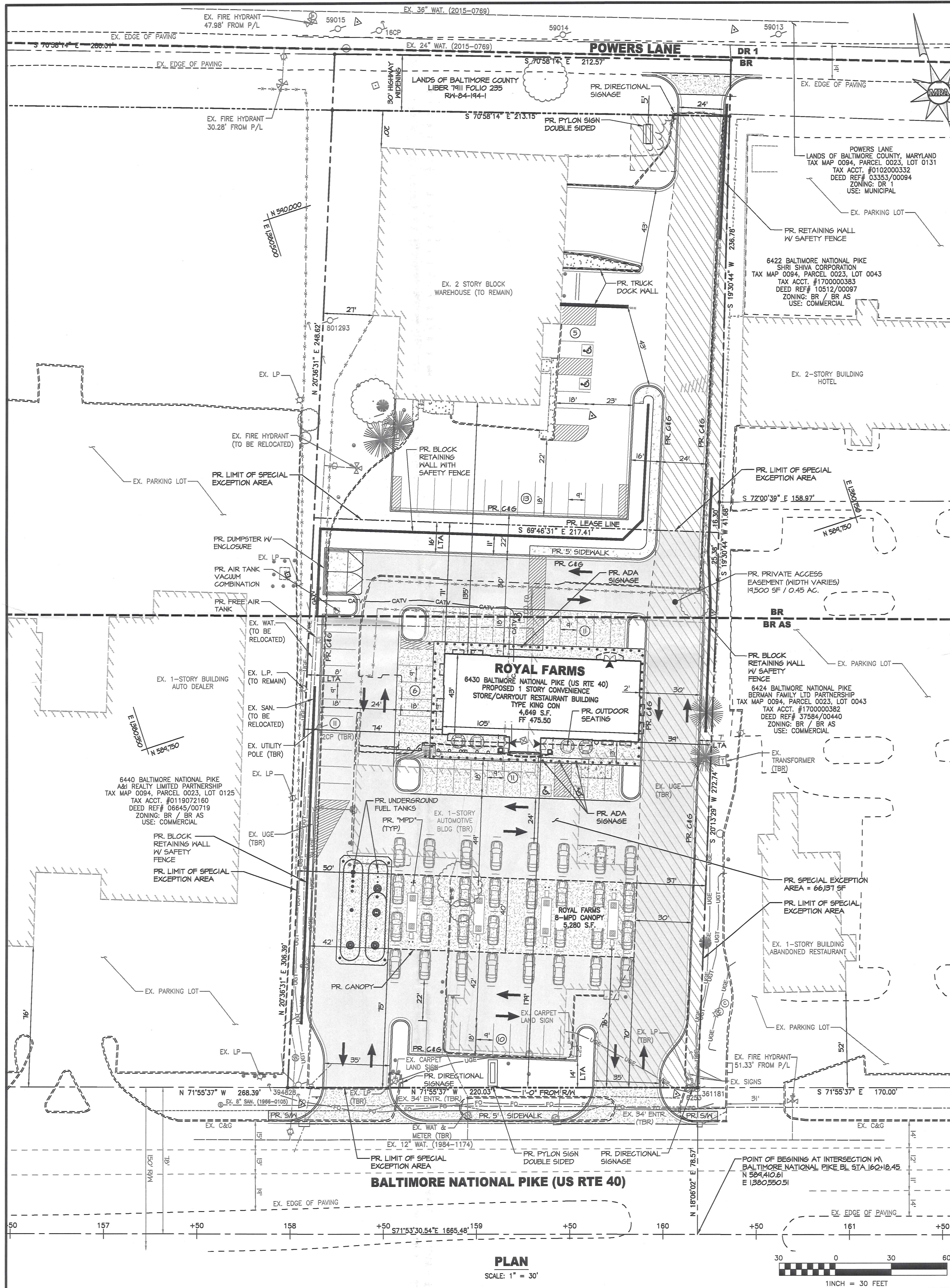
ROYALS FARMS STORE #374
6430 BALTIMORE NATIONAL PIKE

PET EX. 7
SITE PHOTO EXHIBIT

1ST COUNCILMANIC DISTRICTBALTIMORE COUNTY, MARYLAND1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.	17481x81
		SCALE:	1" = 30'
		DATE:	04/02/2019
		DRAWN BY:	MAS
		DESIGN BY:	THS
		REVIEW BY:	THS
		SHEET:	01 OF 01

PETITIONER'S EXHIBIT 9



GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 6430 BALTIMORE NATIONAL PIKE
 - B. SITE AREA: 113,667 S.F. ±, 2.61 AC. ±
 - C. ELECTION DISTRICT: 1
 - D. COUNCILMANIC DISTRICT: 33A13
 - E. ADD MAP: 4015.04
 - F. CENSUS TRACT: 0094
 - G. TAX MAP: 0124
 - H. PARCEL: 0120661580
 - I. TAX ACCOUNT NO.: 25114/00542
 - J. DEED: 25114/00542
- ZONING: BR / BR AS
- ZONING MAP/GIS TILE NO.: 094C3
- FLOOR AREA RATIO:
 - MAXIMUM PERMITTED = 2.0
 - AREA OF SPECIAL EXCEPTION = 66,137 S.F.
 - ROYAL FARMS PROVIDED = 0.070 (4,649 S.F. / 66,137 S.F. = 0.070)
- EXISTING LAND USE: WAREHOUSE, AUTOMOTIVE SERVICE SHOP AND AUTOMOTIVE SALES
- PROPOSED LAND USE: EXISTING WAREHOUSE: FUEL SERVICE STATION IN COMBINATION WITH A CONVENIENCE STORE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING
- BR AS ZONE SETBACKS (SECTION 238)

	REQUIRED	PROVIDED (MIN.)	EXISTING WAREHOUSE PROVIDED (MIN.)
FRONT (ROYAL FARMS BLDG)	64'	179'	504'
FRONT (ROYAL FARMS CANOPY)**	64'	70'	
SIDE	30'	39'	27'
REAR	30'	71' (TO LEASE LINE)	20' (TO PL ALONG POWERS LANE)
- FUEL SERVICE SETBACKS (SECTION 405)

	REQUIRED	PROVIDED
FROM ANY STREET RIGHT OF WAY	35'	179'
CONVENIENCE STORE	25'	75'
FUEL PUMP CANOPY	15'	70'

*SECTION 303.2 STANDARDS FOR BL, BM AND BR ZONES, THE FRONT YARD DEPTH OF ANY BUILDING HEREAFTER ERECTED SHALL BE THE AVERAGE OF THE FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE.

6440 BALTIMORE NATIONAL PIKE = 76' BUILDING SETBACK

6428 BALTIMORE NATIONAL PIKE = 52' BUILDING SETBACK

76+52 = 128, 128/2 = 64'

**PER ZONING COMMISSIONERS POLICY MANUAL SECTION 303.2 COMMERCIAL. IN DETERMINING FRONT SETBACKS, A SERVICE STATION ISLAND WITH GAS PUMPS AND/OR SHELTERS FOR ATTENDANTS WILL BE CONSIDERED AS STRUCTURES AND USED IN AVERAGING SETBACKS.

- LANDSCAPE TRANSITION AREAS (LTA)

	REQUIRED	PROVIDED (MIN.)
ALONG FRONT (PUBLIC R/W)	10'	14'
ALONG REAR YARD (BR ZONE)	6'	16'
ALONG SIDE YARD (BR AS ZONE)	6'	7'
- PROPOSED BUILDING HEIGHT:

C-STORE	= 32'-5" PEAK OF GABLE
CANOPY	= 19'-0"
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, OR THE APPROPRIATE MODIFICATION OF STANDARDS WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 24001004300).
- THE SITE IS NOT LOCATED WITHIN IN A FAILED BASIC WATER AND SEWER SERVICE AREA.
- THE SITE IS LOCATED WITHIN A TRANSPORTATION ZONE LEVEL OF SERVICE "F" AREA. REFER TO NOTE 14.
- THE SITE IS LOCATED WITHIN A COMMERCIAL REVITALIZATION DISTRICT AND IS THEREFOR EXEMPT FROM NOTE 13, PER BASIC SERVICES MAPPING E. GENERAL EXCEPTIONS TO BASIC SERVICE MAPPING STANDARDS, I. TO ANY DEVELOPMENT LOCATED IN A COMMERCIAL REVITALIZATION DISTRICT.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS LOCATED WITHIN THE PATAPSCO RIVER WATERSHED AND 100-YEAR MANAGEMENT IS NOT REQUIRED.
- ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- A REST ROOM FACILITY, WATER, AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED. REFER TO SHEET 2 FOR SIGNAGE DETAILS.
- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN ONE MILE OF THE SITE (SECTION 405.3, BCZR).

ROYAL FARMS PARKING TABULATIONS CHART (PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A AND 419.3.B)			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED
CONVENIENCE STORE WITH GASOLINE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING	4,913 S.F.	5/1,000 S.F.	25
MAX. # EMPLOYEES ON SHIFT			8
ATM			1
FREE AIR TANK			1
AIR TANK / VAC COMBINATION			1
PARKING SPACES REQUIRED			36
PARKING SPACES PROVIDED (INCLUDING 3 ADA SPACES)			49

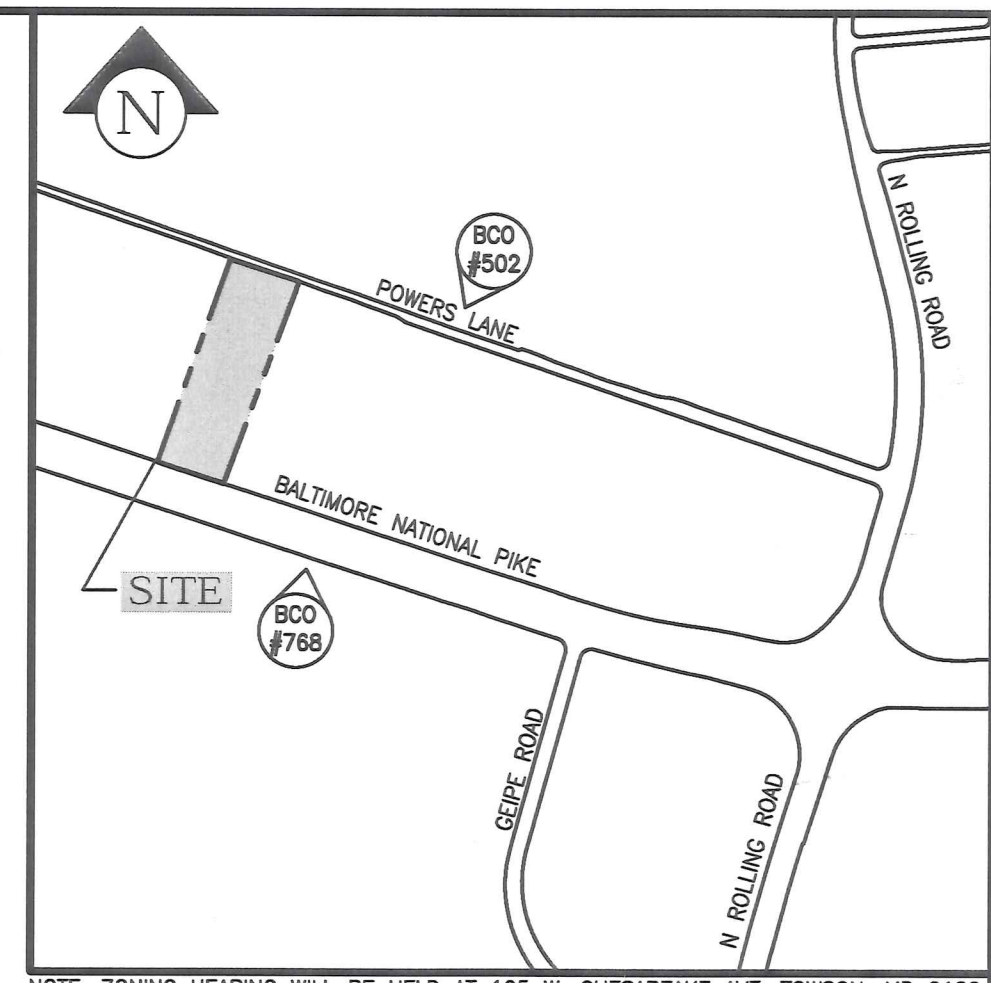
EXISTING WAREHOUSE PARKING TABULATIONS CHART (PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A)			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED
OFFICE SPACE	610 S.F.	3/1,000 S.F.	2
RETAIL	3,600 S.F.	2.5/1,000 S.F.	9
WAREHOUSE	4,790 S.F.	1/EMPLOYEE	2
PARKING SPACES REQUIRED			13
PARKING SPACES PROVIDED (INCLUDING 2 ADA SPACES)			18

NOTE

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

LEGEND

---	EX. PROPERTY BOUNDARY LINE
---	EX. ADJACENT PROPERTY LINE
---	EX. RIGHT OF WAY LINE
---	EX. ZONING LINE
---	EX. SETBACK
---	EX. BUILDING
---	EX. EDGE OF PAVEMENT
---	EX. CURB
---	EX. TREE
---	EX. WALL
---	EX. METAL FENCE
---	EX. WOOD FENCE
---	EX. WOODS LINE
---	EX. SANITARY SEWER
---	EX. STORM DRAIN
---	EX. WATER MAIN
---	EX. UNDERGROUND ELECTRIC/CONDUIT
---	EX. UNDERGROUND TELEPHONE
---	EX. UNDERGROUND CABLE TV
---	PR. BUILDING
---	PR. CONCRETE
---	PR. CURB & GUTTER
---	PR. BLOCK RETAINING WALL
---	PR. ASPHALT PAVING



NOTE: ZONING HEARING WILL BE HELD AT 105 W. CHESAPEAKE AVE, TOWSON, MD 21204

VICINITY MAP

SCALE 1" = 500'

BENCHMARKS

BCO #502
ELEV. 455.80
DESCRIPTION: SPIKE LOCATED APPROXIMATELY 12.43' NORTH OF POWER POLE 25636 AND 14' SOUTH OF CENTER LINE OF POWERS LANE.

BCO #789
ELEV. 471.19
DESCRIPTION: SPIKE LOCATED APPROXIMATELY 12.16' NORTH OF POWER POLE 156210 AND 25.8' SOUTH OF CENTER LINE OF EAST BOUND LANE CENTER LINE.

N 589,900.36
E 1,381,017.27
N 589,287.22
E 1,380,736.92

ZONING HISTORY

CASE NO. R-1840-0108 - ZONING RECLASSIFICATION FROM A RESIDENTIAL TO A COMMERCIAL USE AREA, DISTRICT OR DIVISION. GRANTED DECEMBER 16, 1940.

CASE NO. R-1945-0464 - ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE, FOR AN APPROVED COMMERCIAL USE. GRANTED SEPTEMBER 5, 1945.

CASE NO. R-1950-1783 - ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE. GRANTED JULY 24, 1950.

CASE NO. R-1950-1881 - PETITION FOR PERMIT OF NON ILLUMINATED POSTER PANELS FOR TEMPORARY USE AS ADVERTISING STRUCTURES. GRANTED NOVEMBER 7, 1950.

CASE NO. R-1988-0286 - ZONING RECLASSIFICATION FROM AN R-10 ZONE TO AN BR ZONE. GRANTED JUNE 6, 1988.

CASE NO. 1988-0226-SPRAX - PETITION FOR SPECIAL EXCEPTION TO USE THE DESCRIBED PROPERTY FOR TWO OUTDOOR ADVERTISING ILLUMINATED SIGN STRUCTURES.

COMMERCIAL PERMIT HISTORY

6434 BALTIMORE NATIONAL PIKE
PERMIT # 8536757
INTERIOR ALTERATIONS TO RENOVATE FROM A SERVICE GARAGE TO A CAR RENTAL CENTER.

SPECIAL EXCEPTION AREA

FUEL SERVICE STATION
(16 FUELING POSITIONS x 1,500 S.F.) = 24,000 S.F.

CONVENIENCE STORE
(4 x 1,702 S.F.) = 6,808 S.F.

ATM MACHINE
(1 ATM x 1,000 S.F.) = 1,000 S.F.

CARRY OUT RESTAURANT
(6 x 2,758 S.F.) = 16,548 S.F.

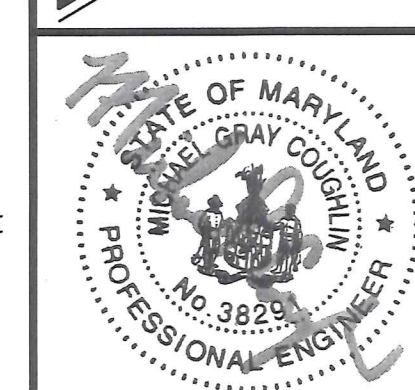
REQUIRED TOTAL AREA = 48,356 S.F.

PROVIDED TOTAL AREA = 66,137 S.F.



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST COPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
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ROYALS FARMS STORE #374

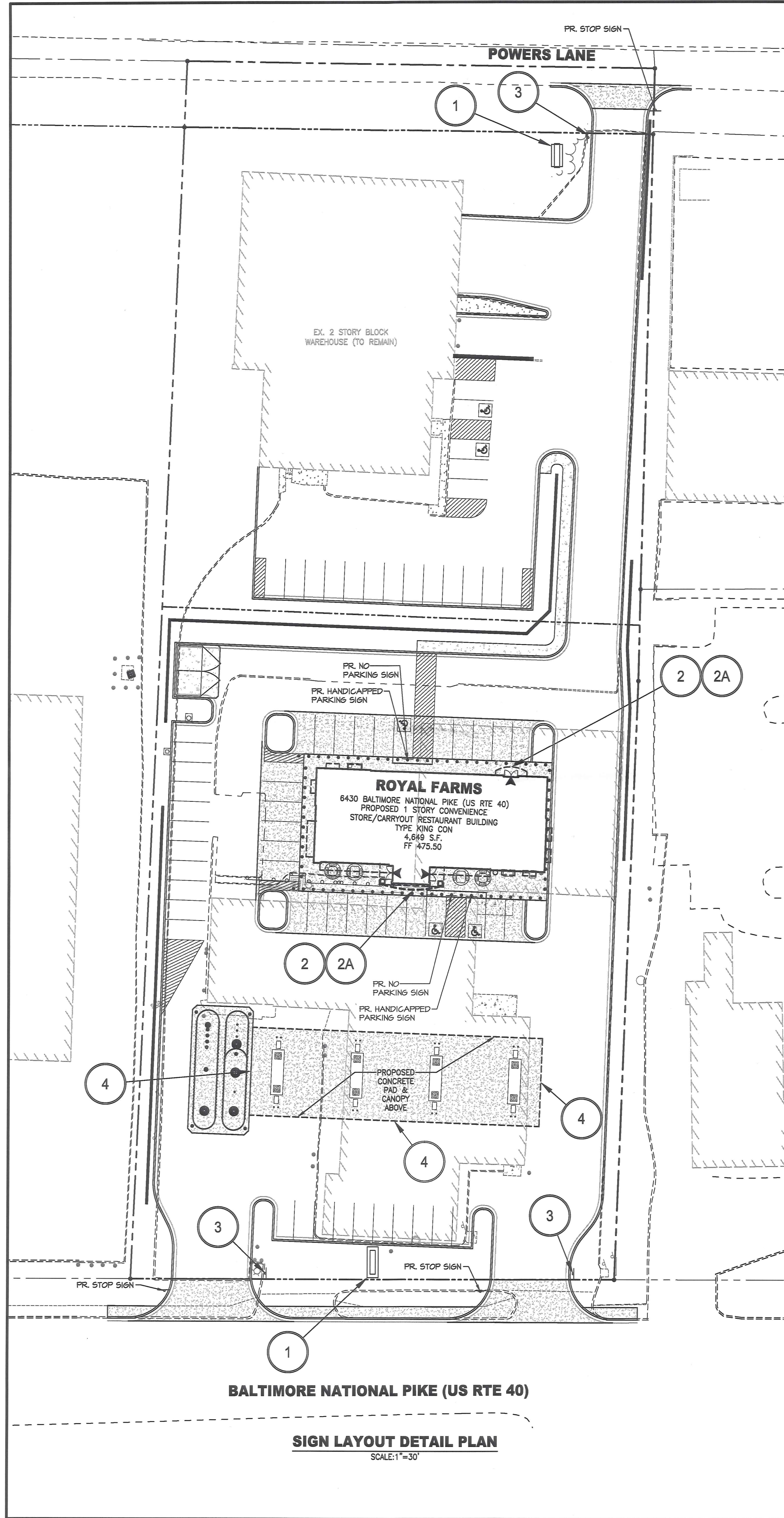
6430 BALTIMORE NATIONAL PIKE

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION AND VARIANCE

1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:
		17481x81
		SCALE: 1" = 30'
		DATE: 02/26/2019
		DRAWN BY: THS
		DESIGN BY: THS
		REVIEW BY: THS
		SHEET: 01 OF 04

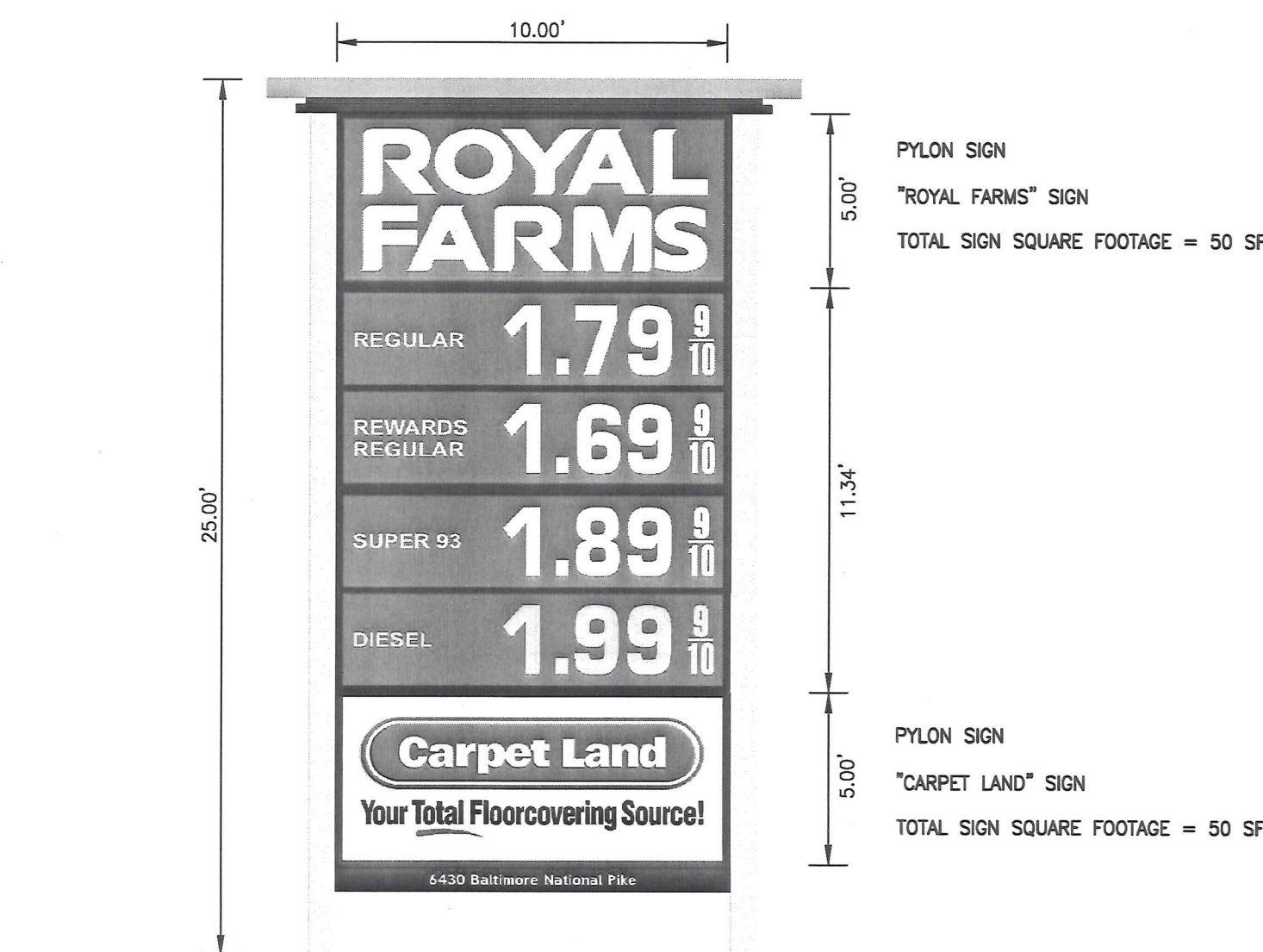
2019-0245-XA



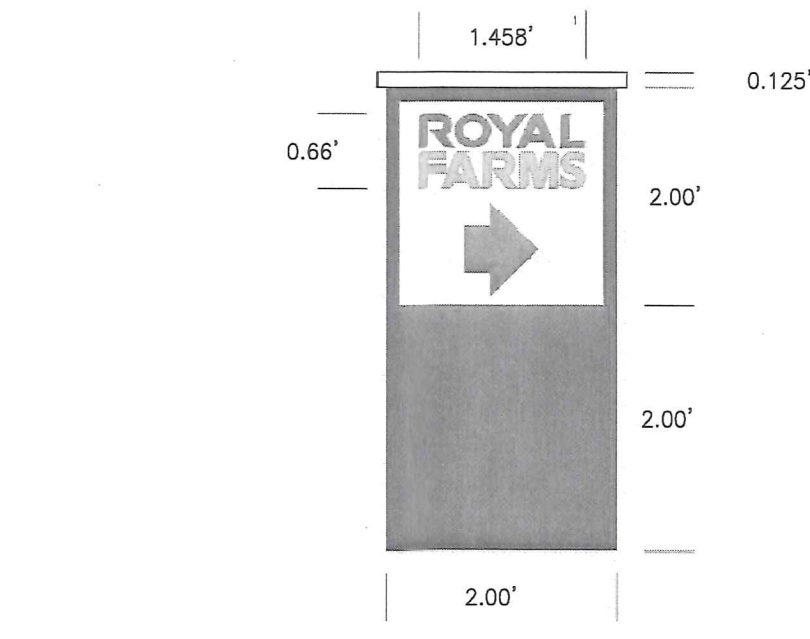
SIGN LAYOUT DETAIL PLAN
SCALE: 1"=30'

SIGN REGULATIONS								
CLASS	STRUCTURAL TYPE	ZONE OR USE	PERMIT REQUIRED	MAX AREA/ FACE	MAX NO./ PREMISES	HEIGHT	ILLUMINATION	ADDITIONAL LIMITATIONS
ENTERPRISE	WALL MOUNTED CANOPY	BR AS	USE	2x LENGTH OF WALL TO WHICH SIGN IS ATTACHED 100 SF	TOTAL OF 3, NO MORE THAN 2 ON EACH FACE	N/A	YES	NO SINGLE SIGN LARGER THAN 150-SF
JOINT IDENTIFICATION ENTERPRISE	FREESTANDING SERVICE STATION CANOPY	BR AS	USE	25-SF PER SIGN	ONE PER FRONTAGE 6	25-FT	YES	PERMANENT SIGNAGE UNDER THE CANOPY ON THE PUMPS OR SUPPORTS SHALL NOT BE COUNTED TOWARDS THE CANOPY FREESTANDING OR WALL-MOUNTED SIGNAGE LIMITS. COMPANY LOGO <30% OF SIGN AREA
DIRECTIONAL	FREESTANDING	ACCESSORY	USE	8 SF	NOT REGULATED	6-FT	YES	

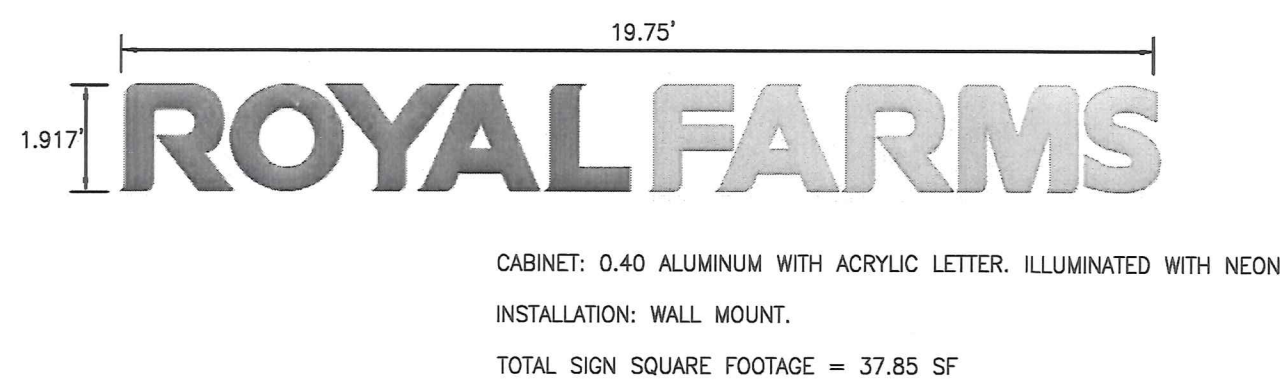
SIGN AREAS					
SIGN LABEL	SIGN TYPE	QUANTITY	PR. AREA EACH (SF)	PR. TOTAL AREA (SF)	ALLOWED AREA (SF)
1	FREE STANDING JOINT ID SIGN	2	100	200	100 PER FACE
2 (FRONT)	WALL MOUNTED ENTERPRISE SIGN	1	37.85		
2A (FRONT)	CANOPY ENTERPRISE SIGN	1	11.75	49.6	210
2 (REAR)	WALL MOUNTED ENTERPRISE SIGN	1	37.85		
2A (REAR)	CANOPY ENTERPRISE SIGN	1	4.41	42.26	210
3	FREE STANDING DIRECTIONAL SIGN	3	4	12	8 PER FACE
4	SERVICE STATION CANOPY SIGN	3	24.2	72.6	25 PER SIGN



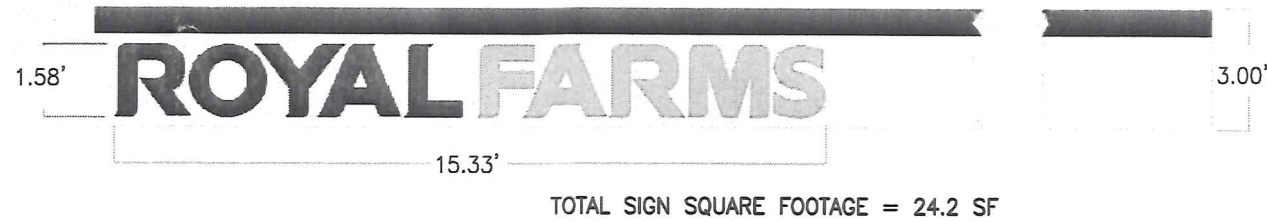
1 GOALPOST W/OUT CAR WASH
NOT TO SCALE



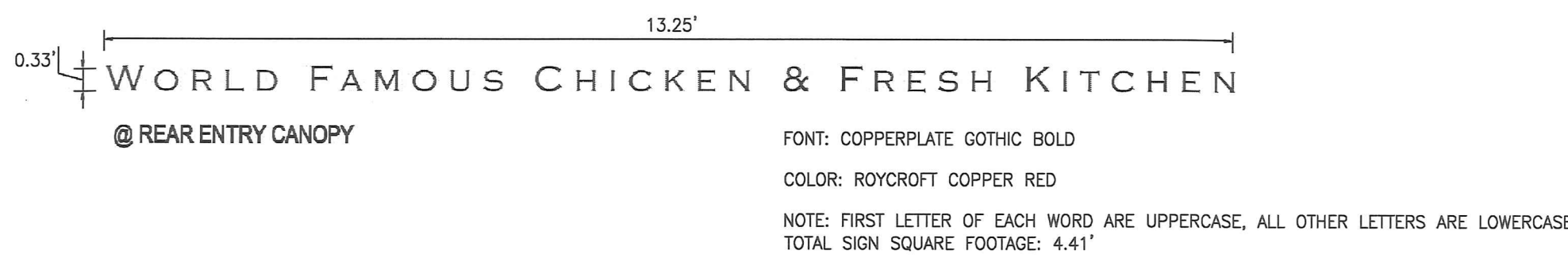
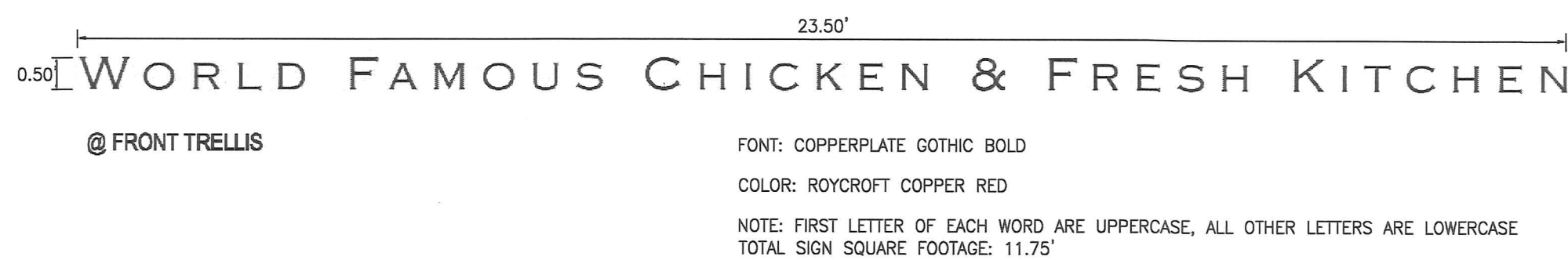
3 STANDARD DIRECTIONAL SIGN
NOT TO SCALE



2 ROYAL FARMS BUILDING CHANNEL LETTERS
NOT TO SCALE



4 SERVICE STATION CANOPY SIGNS
NOT TO SCALE



2A ROYAL FARMS CHANNEL LETTERS
NOT TO SCALE

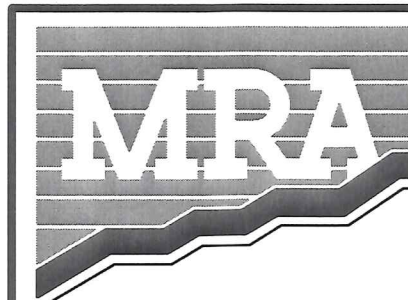
OWNER
MCCOMAS ASSOCIATES, LLC
6432 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
PHONE: (410) 744-8570

DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

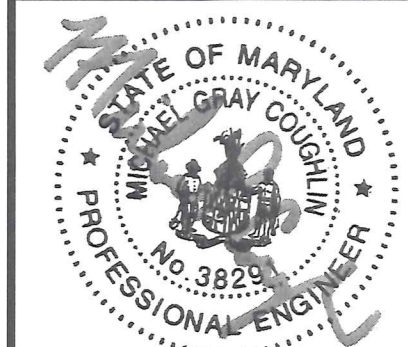
PROFESSIONAL CERTIFICATION

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 NO. 34479, EXPIRATION DATE: 06/21/18



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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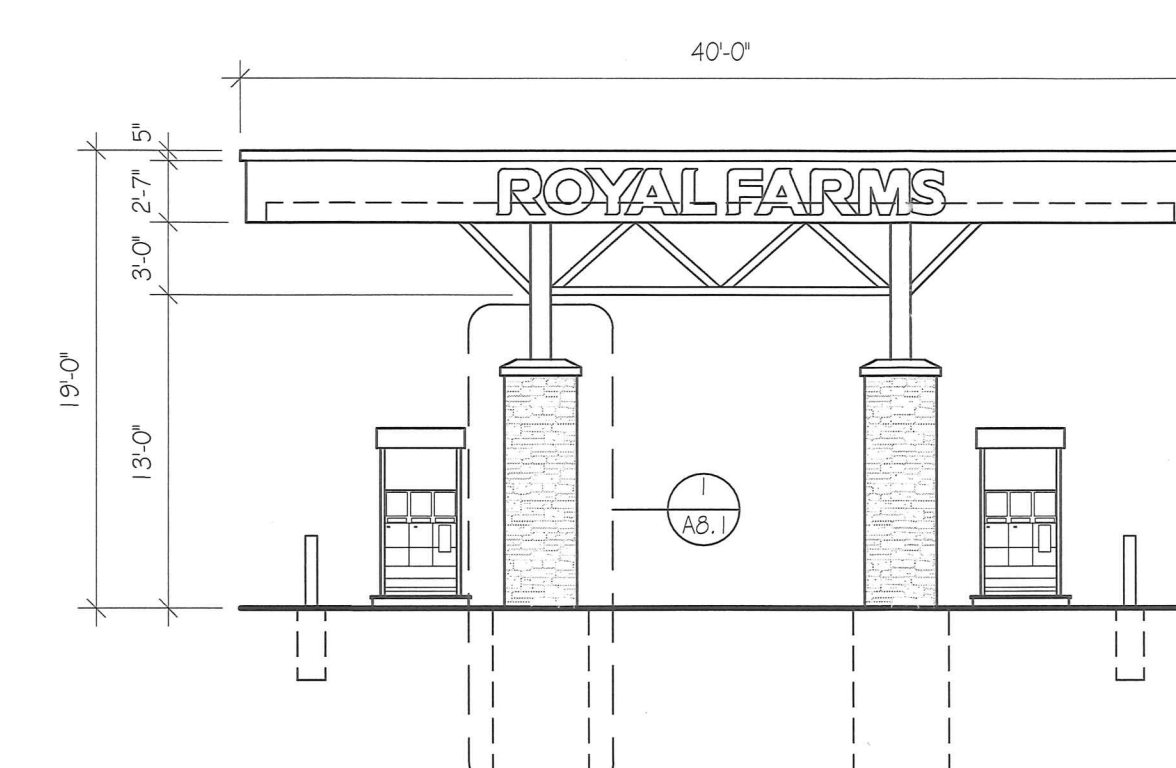
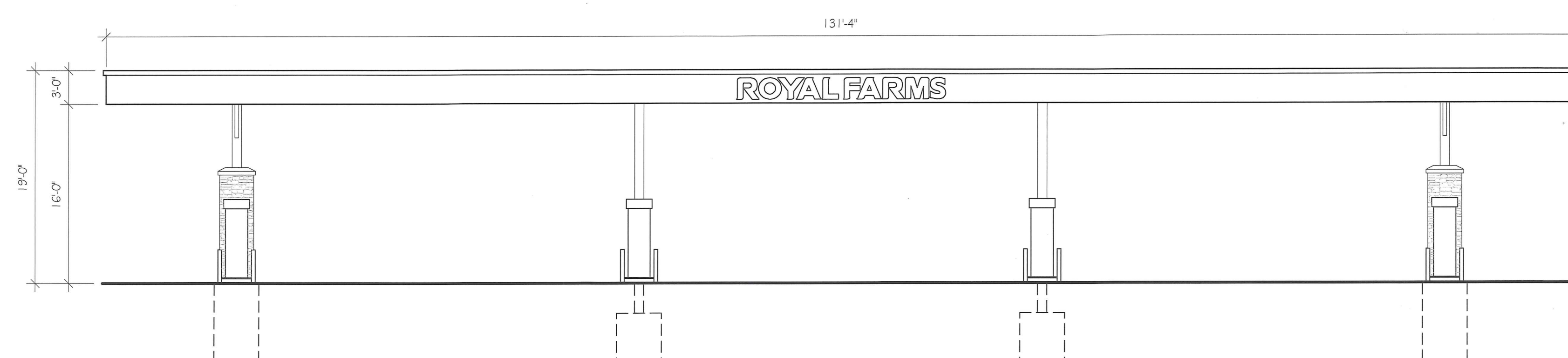
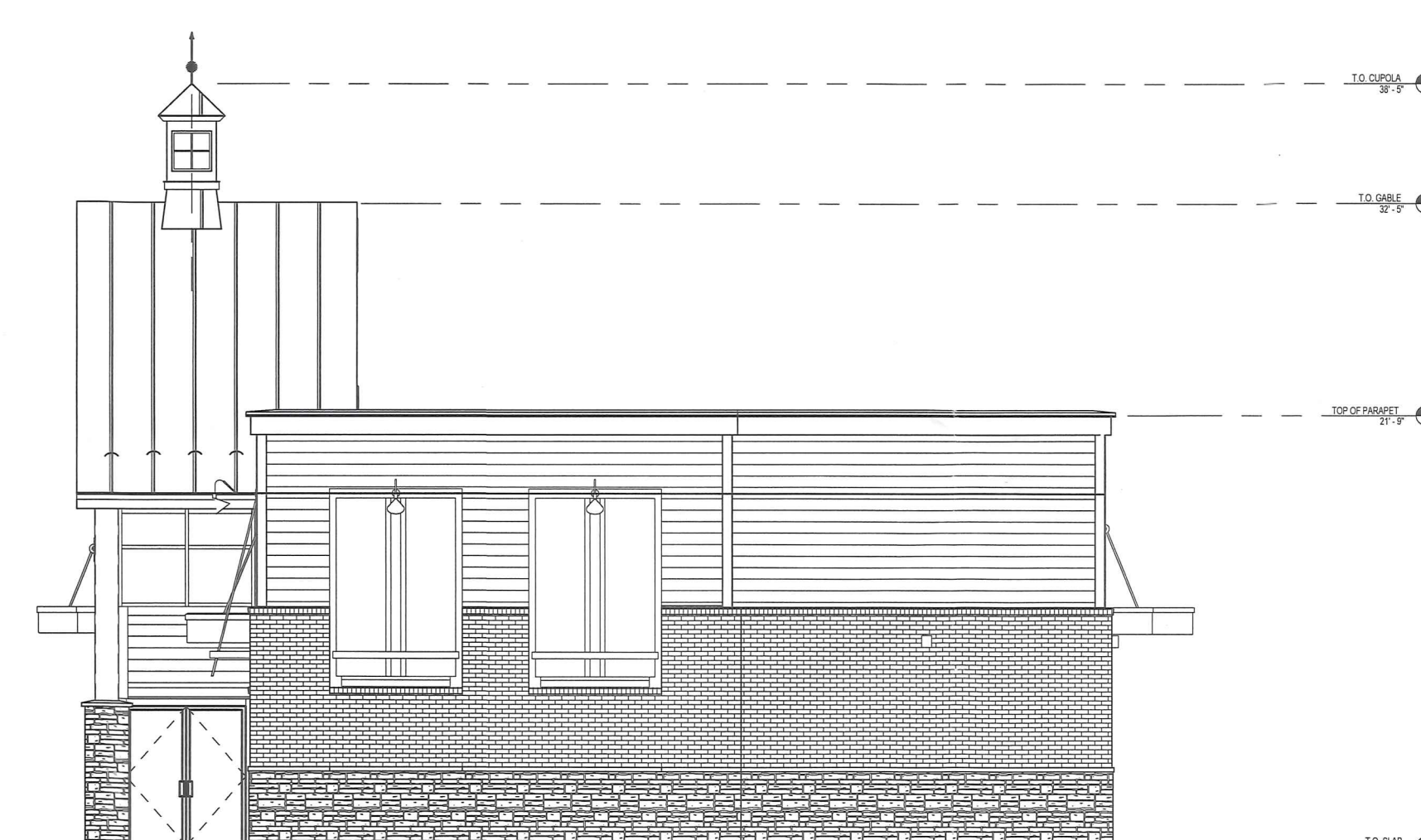
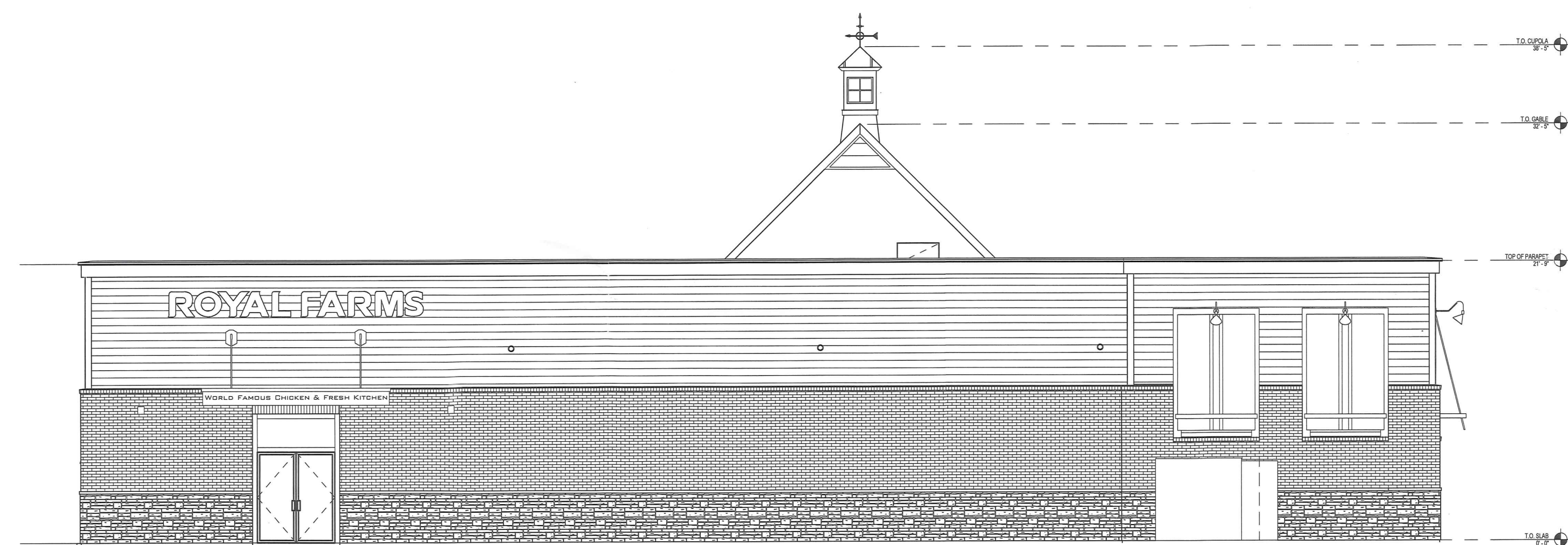
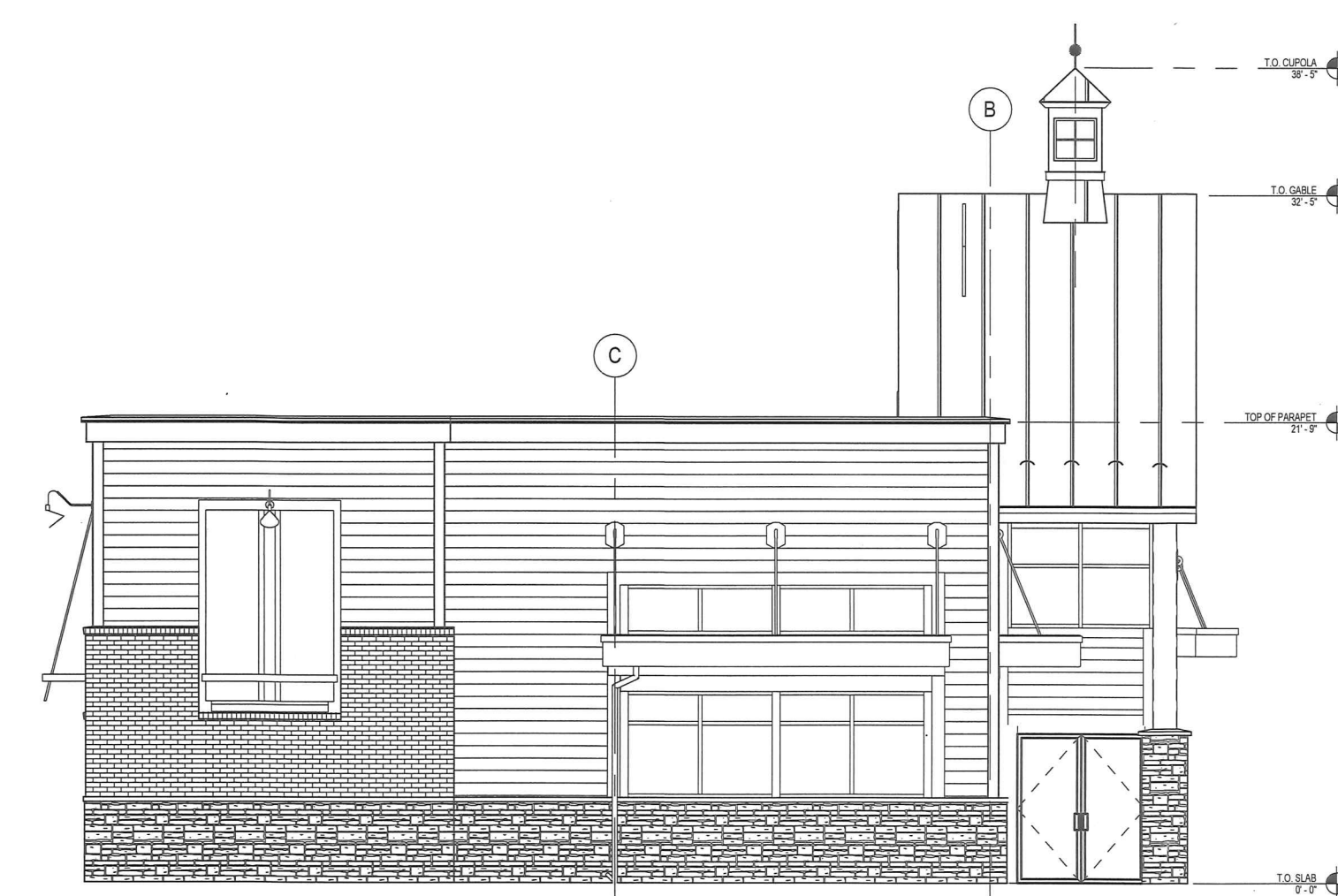
ROYALS FARMS STORE #374

6430 BALTIMORE NATIONAL PIKE

SIGNAGE PLAN

1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.:	17481x81
		SCALE:	1" = 30'
		DATE:	02/26/2019
		DRAWN BY:	THS
		DESIGN BY:	THS
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		SHEET:	02 OF 04



RATCLIFFE
ARCHITECTS

H | ARCHITECTS
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410.494.7010 • 31.440.494.8046 • www.harchitects.com

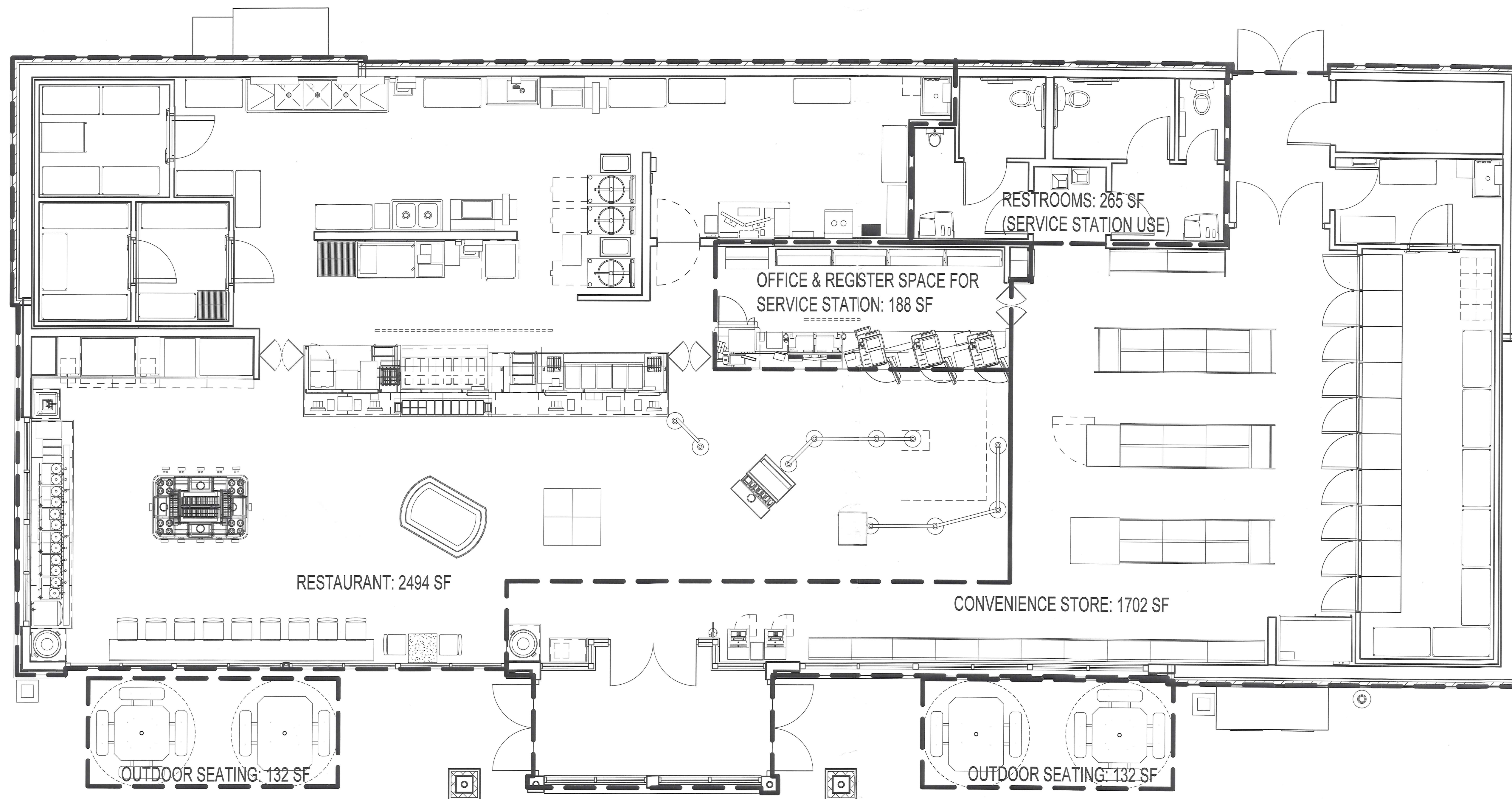
ROYAL FARMS

6430 BALTIMORE NATIONAL PIKE
CATONSVILLE, MD 21228
STORE #374

[illegible]

SCALE	NOTED
DRAWN BY	STAFF

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USE AREA TOTALS:
 SERVICE STATION USE:
 OFFICE & REGISTER SPACE - 188
 RESTROOMS - 265
 = 453 SF TOTAL

CONVENIENCE STORE USE:
 CONVENIENCE STORE - 1702 SF
 = 1702 SF TOTAL

RESTAURANT USE:
 RESTAURANT - 2494
 OUTDOOR SEATING - 264 SF
 = 2758 SF TOTAL

RATCLIFFE
 ARCHITECTS
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 Stevenson, Maryland 21153
 410-481-3200 • Fax: 410-481-3209 • info@ratcliffe.com

ROYAL FARMS
 6430 BALTIMORE NATIONAL PIKE
 CATONSVILLE, MD 21228
 STORE #374

#	REVISED DATE	CONTENT
	01-30-19	SPECIAL EXCEPTIONS PLAN

SCALE NOTED
 DRAWN BY STAFF

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Department of Public Works

2019 Basic Services Map Transportation Zones

Legend

Intersections

Level Of Service

○

 D

◦

 E

●

 F

Transportation Zones

Level of Service

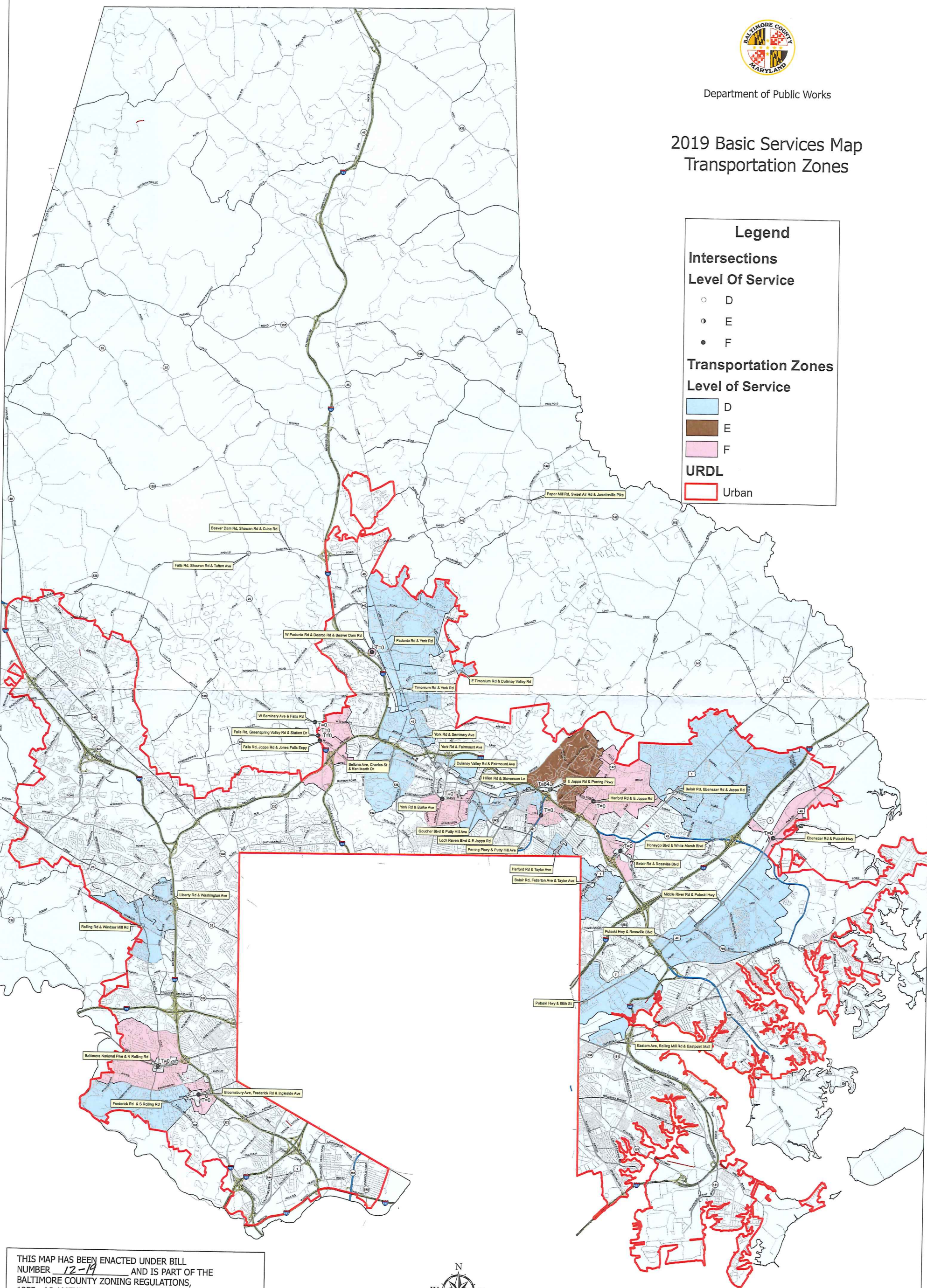
D

E

F

URDL

Urban



THIS MAP HAS BEEN ENACTED UNDER BILL
NUMBER 12-19 AND IS PART OF THE
BALTIMORE COUNTY ZONING REGULATIONS,
1955, AS AMENDED BY THE BILL ADOPTED
5/6/19 EFFECTIVE 5/20/19

Thomas E. Clark
COUNTY COUNCIL OF BALTIMORE COUNTY



Scale 1 inch = 4,000 feet



This map contains
based on County

Feature Class Production Dates
Transportation Zones 2019
Intersections 2019
Urban Rural Demarcation Line 2012

PETITIONER'S EXHIBIT

Petitioner
CBA Exhibit

15

15
not