

## MEMORANDUM

DATE: January 14, 2020  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0459-SPHA - Appeal Period Expired

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The appeal period for the above-referenced case expired on January 13, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File  
Office of Administrative Hearings

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

(217 (formerly 90) North Point Blvd.) \*

15<sup>th</sup> Election District \*  
7<sup>th</sup> Council District

8312 Pulaski, LLC \*  
Petitioner \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

**Case No. 2019-0459-SPHA**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of 8312 Pulaski, LLC. (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to amend the previous case (2016-0287-XA) order pertaining to the location of the proposed office trailer.

In addition, a Petition for Variance was filed pursuant to BCZR § 238.2 to permit a rear setback for the proposed office trailer of 10 ft. in lieu of the required 30 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Daniel Henriquez appeared on behalf of Petitioner 8312 Pulaski LLC, and surveyor Bruce Doak appeared in support of the requests. Herbert Burgunder, III, Esq. represented Petitioner. There were no protestants or other interested persons in attendance. The Petition was advertised and posted as required by the BCZR. Substantive ZAC comments were received from the Department of Planning (“DOP”) and the State Highway Administration (“SHA”).

**SPECIAL HEARING**

Mr. Doak explained that the Petitioner seeks to amend the previous Order in Case No. 2016-0287-XA because of the need to accommodate the proposed septic system at the site. The

ORDER RECEIVED FOR FILING

Date

12/13/19

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septic system is necessary because it would not be financially feasible to tie into the existing public sewer since the site is too far from the nearest sewage line. Perk testing was done at four locations on the site: A, B, C, and D. *See*, Petitioner's Exhibit 5. All locations except "A" perked. However, as explained by Mr. Doak, additional septic reserve area (SRA) was required by DEPS and as a result the location of the sales trailer needed to be moved from the rear of the site, as had been approved by the prior Order, and as depicted in Petitioner's Exhibit 3. The new proposed location of the sales trailer is atop the failed septic location "A" closer to the front of the lot. In addition the trailer is now at a 90 degree angle to the original location approved in the prior Order. *See*, Petitioner's Exhibit 1. Based on the testimony and evidence I find that the Special Hearing relief requested is in keeping with the spirit and intent of the BCZR and will not adversely impact the public health, safety or welfare. The prior Order and site plan will therefore be amended to provide for the siting of the sales trailer as depicted on Petitioner's Exhibit 1. Per the DOP comments, under the amended Order the use will remain a "used motor car outdoor sales area, separate from sales agency building."

#### VARIANCE

As to the variance, it requires 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).

The property in question is potentially served by public sewer. However, the access point is so distant that connecting with the public sewer line would be cost prohibitive. In addition, the lot fronts the roadway on an angle and is long and narrow. As such, the property is unique. These

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Date

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unique features necessitate the specific variance relief that is being requested. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because they would be unable to build and operate their proposed used car sales business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this **13th** day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to amend the previous case (2016-0287-XA) order pertaining to the location of the proposed office trailer, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to BCZR § 238.2 to permit a rear setback for the proposed office trailer of 10 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that all of the provisions, relief, and conditions of the original ORDER in Case No. 2016-0287-XA shall remain in full force and effect, except for the variance relief provided in paragraph 3 of the ORDER, which is no longer needed under the new Site Plan, and the relief provided under paragraph 4 of the ORDER, which has been addressed above (wherein a variance permitting a 10 foot rear setback in lieu of a 30 foot rear setback is GRANTED). The previous ORDER is expressly incorporated herein and shall be made a part of the file.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date

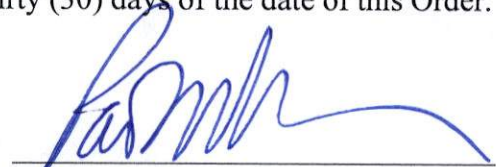
12/13/19

By

sen

- Petitioner must comply with ZAC comments from DOP and SHA, copies of which are attached hereto and made a part hereof.

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



PAUL M. MAYHEW  
Administrative Law Judge  
for Baltimore County

PMM:sln

ORDER RECEIVED FOR FILING

Date 12/13/19

By sen



# 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 #90 NORTH POINT BOULEVARD which is presently zoned BR-1M

Deed References: 37272/27 10 Digit Tax Account # 1510451130

Property Owner(s) Printed Name(s) 8312 PULASKI LLC

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

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

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

SEE ATTACHED PAGE

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

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

SEE ATTACHED PAGE

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

TO BE PRESENTED AT THE HEARING

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

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

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

## Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

8312 PULASKI LLC

Name #1 - Type or Print Name #2 - Type or Print

X [Signature] Daniel Henriquez

Signature #1 Signature #2

X P.O Box 12216 Baltimore MD

Mailing Address City State

X 21281 443-703-6934 McDhanhl@gmail.com

Zip Code Telephone # Email Address

## Attorney for Petitioner:

HERBERT BURGUNDORFF III PESSINI KATZ LAW PA

Name- Type or Print

X [Signature]

Signature

901 DULANEY VALLEY ROAD, SUITE 500

Mailing Address City State

21204 410-938-8800 483@PKLAW.COM

Zip Code Telephone # Email Address

## Representative to be contacted:

BRUCE E. DOAK

Name - Type or Print

[Signature]

Signature

3801 BAKER SCHOOLHOUSE ROAD FREDLAND

Mailing Address City State

21053 410-419-4906

Zip Code Telephone # Email Address

DOAKFARM@GMAIL.COM

CASE NUMBER 2019-0459-SPHA Filing Date 9.11.19

Do Not Schedule Dates: Reviewer AT

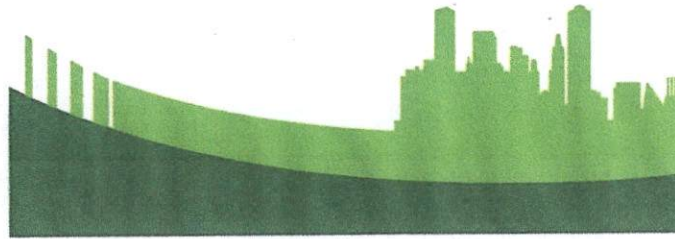
Petitions Requested  
For Case #2019- 0459-SPHA

**Special Hearing**

TO AMEND THE PREVIOUS CASE (# 2016-0287-XA)  
ORDER PERTAINING TO THE LOCATION OF THE PROPOSED  
OFFICE TRAILER.

**VARIANCE**

TO PERMIT A REAR SETBACK FOR THE PROPOSED  
OFFICE TRAILER OF 10 FEET IN LIEU OF THE REQUIRED  
30 FEET PER SEC. 238.2 BCZR



### **Zoning Description**

#90 North Point Boulevard  
Fifteenth Election District First Councilmanic District  
Baltimore County, Maryland

Beginning at a point on the northeast side of North Point Boulevard, southeasterly 160 feet, more or less, from the centerline of Rolling Mill Road, thence leaving North Point Boulevard and running on the outlines of the subject property, the three following courses and distances, viz. 1) North 45 degrees 12 minutes 00 seconds East 187.59 feet, 2) South 35 degrees 32 minutes 00 seconds East 50.71 feet and 3) South 45 degrees 12 minutes 00 seconds West 151 feet (scaled) to the northeast side of North Point Boulevard, thence running with and binding on said Boulevard and on the outlines of the subject property 4) Northwesterly 52 feet (scaled) to the point of beginning.

Containing 8,950 square feet of land, more or less.

**This description is part of a zoning hearing petition and is not intended for any conveyance purposes.**



Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
bdoak@bruceedoakconsulting.com

2019-0459-SPHA

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
AND VARIANCE \*  
90 North Point Boulevard; NE/S of North \* OF ADMINISTRATIVE  
Point Blvd, 160' SS of E of Rolling Mill Road \*  
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \* HEARINGS FOR  
Legal Owner(s): 8312 Pulaski LLC \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2019-459-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

RECEIVED

SEP 19 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19th day of September, 2019, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053 and Herbert Burgunder, III, Esquire, 901 Dulaney Valley Road, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

TO: THE DAILY RECORD  
Tuesday, October 29, 2019 - Issue

Please forward billing to:  
Daniel Henriquez  
8312 Pulaski, LLC  
P.O. Box 12216  
Baltimore, MD 21

443-703-6934

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## 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: 2019-0459-SPHA**

90 North Point Boulevard

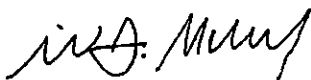
N/east side of North Point Blvd., east of Rolling Mill Road

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: 8312 Pulaski, LLC

Special Hearing to amend the previous case (2016-0287-XA) order pertaining to the location of the proposed office trailer. Variance to permit a rear setback for the proposed office trailer of 10 ft. in lieu of the required 30 ft.

Hearing: Monday, November 18, 2019 at 2:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff  
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.



JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

October 18, 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: 2019-0459-SPHA**

90 North Point Boulevard  
N/east side of North Point Blvd., east of Rolling Mill Road  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: 8312 Pulaski, LLC

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Michael Mallinoff".

Michael Mallinoff  
Director

MM:kl

C: Herbert Burgunder, III, 901 Dulaney Valley Road, Ste. 500, Towson 21204  
Daniel Henriquez, P.O. Box 12216, Baltimore 21281  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 29, 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.

# The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

## PUBLISHER'S AFFIDAVIT

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

10/29/2019

Order #: 11807139  
 Case #: 2019-0459-SPHA  
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER:  
 2019-0459-SPHA



**Darlene Miller, Public Notice Coordinator**  
 (Representative Signature)

### Baltimore County

#### NOTICE OF ZONING HEARING

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**CASE NUMBER: 2019-0459-SPHA**

90 North Point Boulevard

N/east side of North Point Blvd, east of Rolling Mill Road

15th Election District - 7th Councilmanic District

Legal Owners: 8312 Pulaski, LLC

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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

c29

PM 11-18-19  
2:30pm

**Debra Wiley**

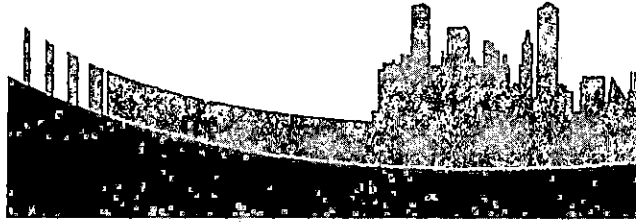
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**From:** Bruce Doak <doakfarm@gmail.com>  
**Sent:** Thursday, November 14, 2019 4:06 PM  
**To:** Sherry Nuffer  
**Cc:** Administrative Hearings  
**Subject:** Case 2019-0459-SPHA posting  
**Attachments:** Posting cert 11/14/19.pdf



**CAUTION:** This message from doakfarm@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Bruce  
Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906  
[bdoak@bruceedoakconsulting.com](mailto:bdoak@bruceedoakconsulting.com)



## CERTIFICATE OF POSTING

October 24, 2019 (amended November 14, 2019)

Re:  
Zoning Case No. 2019-0459-SPHA  
Legal Owner: 8312 Pulaski, LLC  
Hearing date: November 18, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **90 North Point Boulevard**.

The signs were posted on **October 24, 2019**.

The signs were inspected again on **November 14, 2019**.

Sincerely,

Bruce E. Doak  
MD Property Line Surveyor #531

**See the attached sheet(s) for the photos of the posted sign(s)**

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
[bdoak@bruceedoakconsulting.com](mailto:bdoak@bruceedoakconsulting.com)



# **ZONING NOTICE**

**CASE NO. 2019-0459-SPHA  
90 NORTH POINT BOULEVARD**

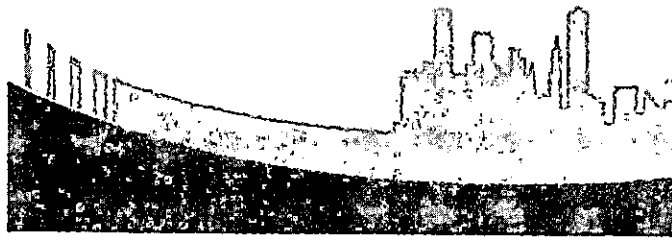
**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

**DATE & TIME: Monday November 18, 2019 2:30 PM**

**REQUESTS: SPECIAL HEARING TO AMEND THE PREVIOUS  
CASE (2016-0287-XA) ORDER PERTAINING TO THE  
LOCATION OF THE PROPOSED OFFICE TRAILER.  
VARIANCE TO PERMIT A REAR SETBACK FOR THE  
PROPOSED OFFICE TRAILER OF 10 FEET IN LIEU OF THE  
REQUIRED 30 FEET.**

**REMOVEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3301.  
REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER  
PENALTY OF LAW.  
THE HEARING IS NOT OCCUPED ACCORDING**



## CERTIFICATE OF POSTING

October 24, 2019 (amended \_\_\_\_\_ )

Re:  
Zoning Case No. 2019-0459-SPHA  
Legal Owner: 8312 Pulaski, LLC  
Hearing date: November 18, 2019

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

Attention: Kristen Lewis

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The signs were inspected again on \_\_\_\_\_.

Sincerely,

Bruce E. Doak  
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
bdoak@bruceedoakconsulting.com

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CASE NO. 2019-0459-SPHA  
90 NORTH POINT BOULEVARD

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY. TO CONFIRM THE HEARING CALL 410 287-3391  
NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER  
PENALTY OF LAW  
THE HEARING IS NOT CLAINED ACCURATE

# **ZONING NOTICE**

**CASE NO. 2019-0459-SPHA  
90 NORTH POINT BOULEVARD**

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

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REQUIRED 30 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY. TO CONFIRM THE HEARING CALL 410-331-3301**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER  
PENALTY OF LAW  
THE HEARING IS HANDICAPPED ACCESSIBLE**

**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 fifteen (15) 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.**

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**For Newspaper Advertising:**

Case Number: 2019-0459-SPHA  
Property Address: #90 NORTH POINT BOULEVARD  
Property Description: 8950 SF ON NORTHEAST SIDE OF NORTH POINT  
BOULEVARD, 180'± SELY OF ROLLING MILL ROAD  
Legal Owners (Petitioners): 8312 PULASKI LLC  
Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL HENRIQUEZ  
Company/Firm (if applicable): 8312 PULASKI LLC  
Address: P.O. Box 12216  
BALTIMORE MD 21281  
\_\_\_\_\_  
Telephone Number: 443-703-6934

Revised 5/20/2014



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

November 12, 2019

Herbert Burguhder III  
901 Dulaney Valley Road Suite 500  
Towson MD 21204

RE: Case Number: 2019-0459-SPHA, 90 North Point

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 September 11, 2019. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel  
Bruce E. Doak 3801 Baker Schoolhouse Road Freeland MD 21053

11-18-19

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 10/22/2019

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 19-459



**INFORMATION:**

**Property Address:** 90 North Point Boulevard  
**Petitioner:** 8312 Pulaski, LLC  
**Zoning:** BR IM  
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previous case (2016-0287-XA) order pertaining to the location of the proposed office trailer and petition for variance to permit a rear setback for the proposed office trailer of 10 feet in lieu of the required 30 feet.

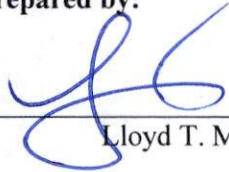
A site visit was conducted on September 19, 2019. The Department understands the use will continue to be a "used motor vehicle outdoor sales area, separate from sales agency building" as established in the prior aforementioned zoning case and a principal "office" use is not being established by this petition. Petitioners provided to the Department a "sketch" indicating parking locations.

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

- The overall parking layout must be revised to eliminate that parking space being less than 10' from the r-o-w line and therefore contrary to the requirements of BCZR § 409.8.A.4. To the satisfaction of the Baltimore County Landscape Architect and pursuant to BCZR § 409.8.A.1, that area of the plan must address Project Condition B of the Baltimore County Landscape Manual.
- Petitioners must demonstrate to the satisfaction of the Administrative Law Judge how the plan showing the front building orientation, now turned 90 degrees from that established in the prior case, meets the requirements of BCZR §238.4 addressing the display of vehicles.
- There shall be no mechanical work or detailing of cars on site.
- All signage shall comply with BCZR §450.

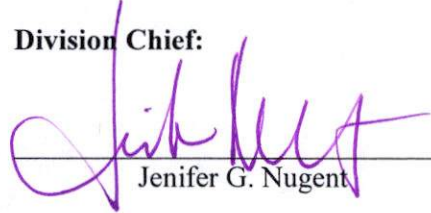
For further information concerning the matters stated herein, please contact Joseph Fraker at 410-887-3480.

**Prepared by:**



Lloyd T. Moxley

**Division Chief:**



Jenifer G. Nugent

CPG/JGN/LTM/

c: Joseph Fraker  
James Hermann, R.L.A., Department of Permits, Approvals and Inspections  
Bruce E. Doak  
Herbert Burgunder, III, Esquire  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



STATE HIGHWAY  
ADMINISTRATION

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

September 27, 2019

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

Dear Ms. Lewis:

Thank you for the opportunity to review the site plan to accompany the zoning hearing application for the proposed development on the property at 90 North Point Boulevard, located on the north side of MD 151 (North Point Boulevard) in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

**90 North Point Boulevard**  
**Site Plan to accompany special hearing, variance**  
**Case No. 2019-0459-SPHA**  
**SHA Tracking No. 19APBA019XX**  
MD 151 (north side) 220' east of Rolling Mill Road  
Mile Post 7.53  
Baltimore County

An access permit will be required for the proposed entrance on MD 151. The following criteria and details will apply and must be reflected on future plan submittals:

The entrance must be between 25' – 35' wide with 25' curbed radii. The entrance from the edge of the existing travel lane, back to the radius returns within the entrance must be shaded on the plans and the following full depth pavement section utilized:

- 2" Superpave Asphalt Mix 12.5mm for Surface – PG 64S-22, Level 2
- 7" Superpave Asphalt Mix 19.0mm for Base – PG 64S-22, Level 2 (2 – 3.5" lifts)
- 6" Graded Aggregate Base or 12" Capping Borrow

All proposed curb & gutter within the MDOT SHA right-of-way must be 8" Type 'A' curb & gutter (MD 620.02).

A 5' wide sidewalk shall be constructed with no greater than a 2% cross slope and tie-in to the existing sidewalk to the east. Sidewalk ramps that meet current Americans With Disabilities Act (ADA) compliance standards must be constructed on the entrance radii.

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

Ms. Kristen Lewis  
90 North Point Boulevard  
Case 2019-0459-SPHA  
SHA Tracking No. 19APBA019XX  
September 27, 2019  
Page 2

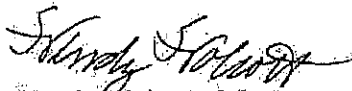
All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

MDOT SHA Access Manual  
MDOT SHA Business Standards and Specifications  
MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at [www.roads.maryland.gov](http://www.roads.maryland.gov) under Business Center.

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@mdot.maryland.gov](mailto:rzeller@mdot.maryland.gov)).

Sincerely,



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

cc: Bruce E. Doak Consulting, LLC / 3801 Baker Schoolhouse Road, Freeland, MD 21053  
8312 Pulaski, LLC / 90 North Point Boulevard, Baltimore. MD 21237  
Mr. Jan M. Cook / 111 West Chesapeake Avenue, Towson, MD 21204  
Mr. Vishnu Desai / 111 West Chesapeake Avenue, Towson, MD 21204  
Mr. Donald Distance, MDOT SHA District 4 Traffic  
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities  
Mr. Wil Clark, MDOT SHA District 4 Maintenance

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

**TO:** Michael Millanoff, Director  
Department of Permits, Approvals

**DATE:** 10/24/19

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 13, 2019  
Item No. 2019-0451-SPH, 0452-A, 0454-A, 0455-A, 0456-A, 0457-A, 0459-  
SPHA, 0460-A, 0462-SPHA & 0463-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

\*

\*

\*

\*

\*

VKD: cen  
cc: file

11-18-19

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: October 1, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0459-SPHA  
Address 90 North Point Blvd.  
(8312 Pulaski, LLC Property)

Zoning Advisory Committee Meeting of **September 13, 2019**.

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

Reviewer: Steve Ford

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

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

September 27, 2019

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

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ORDER RECEIVED FOR FILING  
Date 12/13/19  
By SS

Ms. Kristen Lewis  
90 North Point Boulevard  
Case 2019-0459-SPHA  
SHA Tracking No. 19APBA019XX  
September 27, 2019  
Page 2

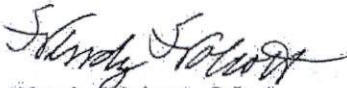
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Sincerely,



Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
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cc: Bruce E. Doak Consulting, LLC / 3801 Baker Schoolhouse Road, Freeland, MD 21053  
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Mr. Wil Clark, MDOT SHA District 4 Maintenance

ORDER RECEIVED FOR FILING  
Date 12/13/19  
By \_\_\_\_\_

11-18-19

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 19-459

**DATE:** 10/22/2019



**INFORMATION:**

**Property Address:** 90 North Point Boulevard  
**Petitioner:** 8312 Pulaski, LLC  
**Zoning:** BR IM  
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previous case (2016-0287-XA) order pertaining to the location of the proposed office trailer and petition for variance to permit a rear setback for the proposed office trailer of 10 feet in lieu of the required 30 feet.

A site visit was conducted on September 19, 2019. The Department understands the use will continue to be a "used motor vehicle outdoor sales area, separate from sales agency building" as established in the prior aforementioned zoning case and a principal "office" use is not being established by this petition. Petitioners provided to the Department a "sketch" indicating parking locations.

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

- The overall parking layout must be revised to eliminate that parking space being less than 10' from the r-o-w line and therefore contrary to the requirements of BCZR § 409.8.A.4. To the satisfaction of the Baltimore County Landscape Architect and pursuant to BCZR § 409.8.A.1, that area of the plan must address Project Condition B of the Baltimore County Landscape Manual.
- Petitioners must demonstrate to the satisfaction of the Administrative Law Judge how the plan showing the front building orientation, now turned 90 degrees from that established in the prior case, meets the requirements of BCZR §238.4 addressing the display of vehicles.
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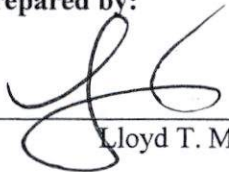
ORDER RECEIVED FOR FILING

Date 12/13/19

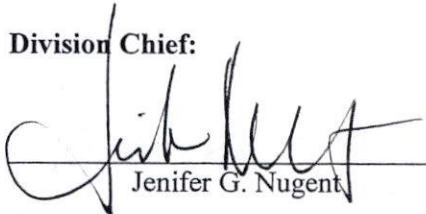
By sen

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Prepared by:

  
Lloyd T. Moxley

Division Chief:

  
Jenifer G. Nugent

CPG/JGN/LTM/

c: Joseph Fraker  
James Hermann, R.L.A., Department of Permits, Approvals and Inspections  
Bruce E. Doak  
Herbert Burgunder, III, Esquire  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/13/19  
By sen

CASE NAME 8312 PULA-SKI-LLC  
CASE NUMBER 2019-0459-SP44A  
DATE 11/10/19

[illegible]

CHECKLISTComment  
ReceivedDepartmentSupport/Oppose/  
Conditions/  
Comments/  
No Comment10/24DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)N/C10/1DEPS  
(if not received, date e-mail sent \_\_\_\_\_)N/C

FIRE DEPARTMENT

10/22PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)No objection  
w/ conditions9/27

STATE HIGHWAY ADMINISTRATION

Comment

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. 2016-0287-XA)NEWSPAPER ADVERTISEMENT Date: 10/29/19SIGN POSTING (1<sup>st</sup>) Date: 10/24/19by DoakSIGN POSTING (2<sup>nd</sup>) Date: 11/14/19by DoakPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: \_\_\_\_\_

IN RE: PETITIONS FOR SPECIAL  
EXCEPTION AND VARIANCE  
(217 North Point Boulevard)  
12<sup>th</sup> Election District  
7<sup>th</sup> Council District  
8312 Pulaski, LLC  
Petitioner

JB 11-12-16  
\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* Case No. 2016-0287-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 217 North Point Boulevard. The Petitions were filed by Herbert Burgunder III, Esquire on behalf of 8312 Pulaski, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition per Baltimore County Zoning Regulations (B.C.Z.R.) § 236.2 seeks to use the herein described property for a used motor vehicle outdoor sales area, separate from sales agency building. The Petition for Variance seeks relief as follows:

1. From B.C.Z.R. § 238.3 and § 409.6A to allow one (1) employee parking space and one (1) customer parking space;
2. From B.C.Z.R. § 409.8.A.1 to not require compliance with those conditions specified in the landscape manual and other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code (B.C.C.);
3. From B.C.Z.R. § 238.2 to allow a 10 ft. and 22 ft. side yard setback in lieu of the required 30 ft.;
4. From B.C.Z.R. § 238.2 to allow an 18 ft. rear yard setback in lieu of the required 30 ft.;
5. From B.C.Z.R. § 238.4 to allow a vehicle display area of 36 ft. in lieu of the maximum 15 ft. in front of the required front building line, and
6. For such other relief as may be deemed necessary by the ALJ for Baltimore County.

The subject property and requested relief are more fully described on the site plan which was

marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing in support of the petitions was Kenneth Wells, professional land surveyor with kj Wells, Inc. Herbert Burgunder III, Esquire, represented the Petitioner. No protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the State Highway Administration (SHA). These agencies did not oppose the requests, and their proposed conditions will be included in the Order below.

The subject property is approximately 8,660 sq. ft. and is zoned B.R.-I.M. (Business Roadside, Industrial, Major). The property is situated within an industrial area very close to the Baltimore City boundary. The small lot was at one time improved with a dwelling, but that has been razed and the property has been vacant and unimproved for many years.

#### 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 People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that 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.

There was no testimony or evidence in this case which would indicate the use would have a detrimental impact upon the community. Indeed, Kenneth Wells, a professional land surveyor accepted as an expert, opined the Petitioner satisfied B.C.Z.R. §502.1, and I concur. Petitioner proposes a modest used car sales operation (a maximum of 18 vehicles would be on display), an

innocuous use which would not be injurious to the community, especially considering the industrial nature of the vicinity.

### VARIANCE

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

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

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

Petitioner has met this test. As shown on the site plan, the property has an irregular shape (deep and narrow, approximately 200' x 50') and is therefore unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to operate the used car business at the site. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

The DOP ZAC comment noted Petitioner failed to show the required setbacks for the sales trailer, and Mr. Wells submitted a revised plan with that detail. Both the DOP and DPR identified landscaping as a concern, and while I agree that in most cases the Landscape Manual should be followed, here the site is simply too small to satisfy the buffer and setback requirements. Rather than requiring a landscape plan I will include a condition requiring Petitioner, to the extent feasible, to provide some vegetative buffer along the western side and rear of the site, as determined by the County's landscape architect.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 20<sup>th</sup> day of July, 2016, that the Petition for Special Exception pursuant to B.C.Z.R. §236.2 to use the herein described property for a used motor vehicle outdoor sales area separate from sales agency building, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) seeking relief as follows:

1. From B.C.Z.R. § 238.3 and § 409.6A to allow one (1) employee parking space and one (1) customer parking space;
2. From B.C.Z.R. § 409.8.A.1 to not require compliance with those conditions specified in the landscape manual and other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code (B.C.C.);
3. From B.C.Z.R. § 238.2 to allow a 10 ft. and 22 foot side yard setback in lieu of the required 30 ft.;
4. From B.C.Z.R. § 238.2 to allow an 18 ft. rear yard setback in lieu of the required 30 ft.; and
5. From B.C.Z.R. § 238.4 to allow a vehicle display area of 36 ft. in lieu of the maximum 15 ft. in front of the required front building line,

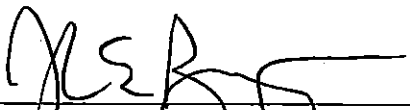
be and is hereby GRANTED.

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. No mechanical work, painting or detailing of vehicles is permitted on site.
3. All signage must comply with the requirements of B.C.Z.R. § 450.
4. The Petitioner must contact SHA to obtain an entrance permit.
5. All drive aisles and off-street parking spaces must be provided with a durable and dustless surface.

6. Petitioner must provide landscaping or appropriate vegetative buffer along the western side and rear of the property, as determined in the sole discretion of the Baltimore County landscape architect.

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

  
\_\_\_\_\_  
JOHN E. BEVERLUNGE  
Administrative Law Judge  
for Baltimore County

JEB/sln

## Real Property Data Search

You may experience issues today as SDAT works to restore all services. SDAT apologizes for any inconvenience the last few days, and asks for patience as we continue to work to make the site better.

## Search Result for BALTIMORE COUNTY

| View Map                         |          |               | View GroundRent Redemption                  |                      |                        | View GroundRent Registration |                                   |                  |                                            |  |
|----------------------------------|----------|---------------|---------------------------------------------|----------------------|------------------------|------------------------------|-----------------------------------|------------------|--------------------------------------------|--|
| Tax Exempt: None                 |          |               | Special Tax Recapture: None                 |                      |                        |                              |                                   |                  |                                            |  |
| Exempt Class: None               |          |               |                                             |                      |                        |                              |                                   |                  |                                            |  |
| Account Identifier:              |          |               | District - 15 Account Number - 1510451130   |                      |                        |                              |                                   |                  |                                            |  |
| Owner Information                |          |               |                                             |                      |                        |                              |                                   |                  |                                            |  |
| Owner Name:                      |          |               | 8312 PULASKI LLC                            |                      |                        |                              | Use:                              |                  | RESIDENTIAL                                |  |
| Mailing Address:                 |          |               | 4101 EASTERN AVE<br>BALTIMORE MD 21224-0000 |                      |                        |                              | Principal Residence:              |                  | NO                                         |  |
|                                  |          |               |                                             |                      |                        |                              | Deed Reference:                   |                  | /37272/ 00027                              |  |
| Location & Structure Information |          |               |                                             |                      |                        |                              |                                   |                  |                                            |  |
| Premises Address:                |          |               | 90 NORTH POINT BLVD<br>BALTIMORE 21224-1800 |                      |                        |                              | Legal Description:                |                  | 90 NORTH POINT BLVD<br>200FT S OF SEWER RD |  |
| Map:                             | Grid:    | Parcel:       | Neighborhood:                               | Subdivision:         | Section:               | Block:                       | Lot:                              | Assessment Year: | Plat No:                                   |  |
| 0096                             | 0015     | 0265          | 15110100.04                                 | 0000                 |                        |                              |                                   | 2018             | Plat Ref:                                  |  |
| Special Tax Areas: None          |          |               |                                             |                      |                        | Town:                        |                                   | None             |                                            |  |
|                                  |          |               |                                             |                      |                        | Ad Valorem:                  |                                   | None             |                                            |  |
|                                  |          |               |                                             |                      |                        | Tax Class:                   |                                   | None             |                                            |  |
| Primary Structure Built          |          |               | Above Grade Living Area                     |                      | Finished Basement Area |                              | Property Land Area                |                  | County Use                                 |  |
| 1918                             |          |               | 1,282 SF                                    |                      | 600 SF                 |                              | 8,950 SF                          |                  | 04                                         |  |
| Stories                          | Basement | Type          | Exterior                                    | Quality              | Full/Half Bath         | Garage                       | Last Notice of Major Improvements |                  |                                            |  |
| 1                                | YES      | STANDARD UNIT | FRAME/                                      | 3                    | 1 full/ 1 half         |                              |                                   |                  |                                            |  |
| Value Information                |          |               |                                             |                      |                        |                              |                                   |                  |                                            |  |
|                                  |          |               | Base Value                                  |                      | Value                  |                              | Phase-in Assessments              |                  |                                            |  |
|                                  |          |               |                                             |                      | As of                  |                              | As of                             |                  | As of                                      |  |
|                                  |          |               |                                             |                      | 01/01/2018             |                              | 07/01/2019                        |                  | 07/01/2020                                 |  |
| Land:                            |          |               | 40,000                                      |                      | 40,000                 |                              |                                   |                  |                                            |  |
| Improvements                     |          |               | 96,500                                      |                      | 94,300                 |                              |                                   |                  |                                            |  |
| Total:                           |          |               | 136,500                                     |                      | 134,300                |                              | 134,300                           |                  | 134,300                                    |  |
| Preferential Land:               |          |               | 0                                           |                      |                        |                              |                                   |                  | 0                                          |  |
| Transfer Information             |          |               |                                             |                      |                        |                              |                                   |                  |                                            |  |
| Seller: MARINO JANEY             |          |               |                                             | Date: 03/10/2016     |                        |                              |                                   | Price: \$115,000 |                                            |  |
| Type: NON-ARMS LENGTH OTHER      |          |               |                                             | Deed1: /37272/ 00027 |                        |                              |                                   | Deed2:           |                                            |  |
| Seller: JOHNSON LARRY            |          |               |                                             | Date: 10/16/2002     |                        |                              |                                   | Price: \$0       |                                            |  |
| Type: NON-ARMS LENGTH OTHER      |          |               |                                             | Deed1: /16951/ 00337 |                        |                              |                                   | Deed2:           |                                            |  |
| Seller: EQUICREDIT CORPORATION   |          |               |                                             | Date: 08/20/2001     |                        |                              |                                   | Price: \$58,000  |                                            |  |
| Type: NON-ARMS LENGTH OTHER      |          |               |                                             | Deed1: /15485/ 00001 |                        |                              |                                   | Deed2:           |                                            |  |
| Exemption Information            |          |               |                                             |                      |                        |                              |                                   |                  |                                            |  |
| Partial Exempt Assessments:      |          |               | Class                                       |                      | 07/01/2019             |                              | 07/01/2020                        |                  |                                            |  |
| County:                          |          |               | 000                                         |                      | 0.00                   |                              |                                   |                  |                                            |  |
| State:                           |          |               | 000                                         |                      | 0.00                   |                              |                                   |                  |                                            |  |
| Municipal:                       |          |               | 000                                         |                      | 0.00 0.00              |                              | 0.00 0.00                         |                  |                                            |  |

**Tax Exempt:** None**Special Tax Recapture:** None**Exempt Class:** None

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**Homestead Application Information**

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**Homestead Application Status:** No Application

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**Homeowners' Tax Credit Application Information**

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

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**IN RE: PETITIONS FOR SPECIAL  
EXCEPTION AND VARIANCE  
(217 North Point Boulevard)  
12<sup>th</sup> Election District  
7<sup>th</sup> Council District  
8312 Pulaski, LLC  
Petitioner**

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\*  
\* **Case No. 2016-0287-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 217 North Point Boulevard. The Petitions were filed by Herbert Burgunder III, Esquire on behalf of 8312 Pulaski, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition per Baltimore County Zoning Regulations (B.C.Z.R.) § 236.2 seeks to use the herein described property for a used motor vehicle outdoor sales area, separate from sales agency building. The Petition for Variance seeks relief as follows:

1. From B.C.Z.R. § 238.3 and § 409.6A to allow one (1) employee parking space and one (1) customer parking space;
2. From B.C.Z.R. § 409.8.A.1 to not require compliance with those conditions specified in the landscape manual and other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code (B.C.C.);
3. From B.C.Z.R. § 238.2 to allow a 10 ft. and 22 ft. side yard setback in lieu of the required 30 ft.;
4. From B.C.Z.R. § 238.2 to allow an 18 ft. rear yard setback in lieu of the required 30 ft.;
5. From B.C.Z.R. § 238.4 to allow a vehicle display area of 36 ft. in lieu of the maximum 15 ft. in front of the required front building line, and
6. For such other relief as may be deemed necessary by the ALJ for Baltimore County.

The subject property and requested relief are more fully described on the site plan which was

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 20<sup>th</sup> day of **July, 2016**, that the Petition for Special Exception pursuant to B.C.Z.R. §236.2 to use the herein described property for a used motor vehicle outdoor sales area separate from sales agency building, be and is hereby GRANTED; and

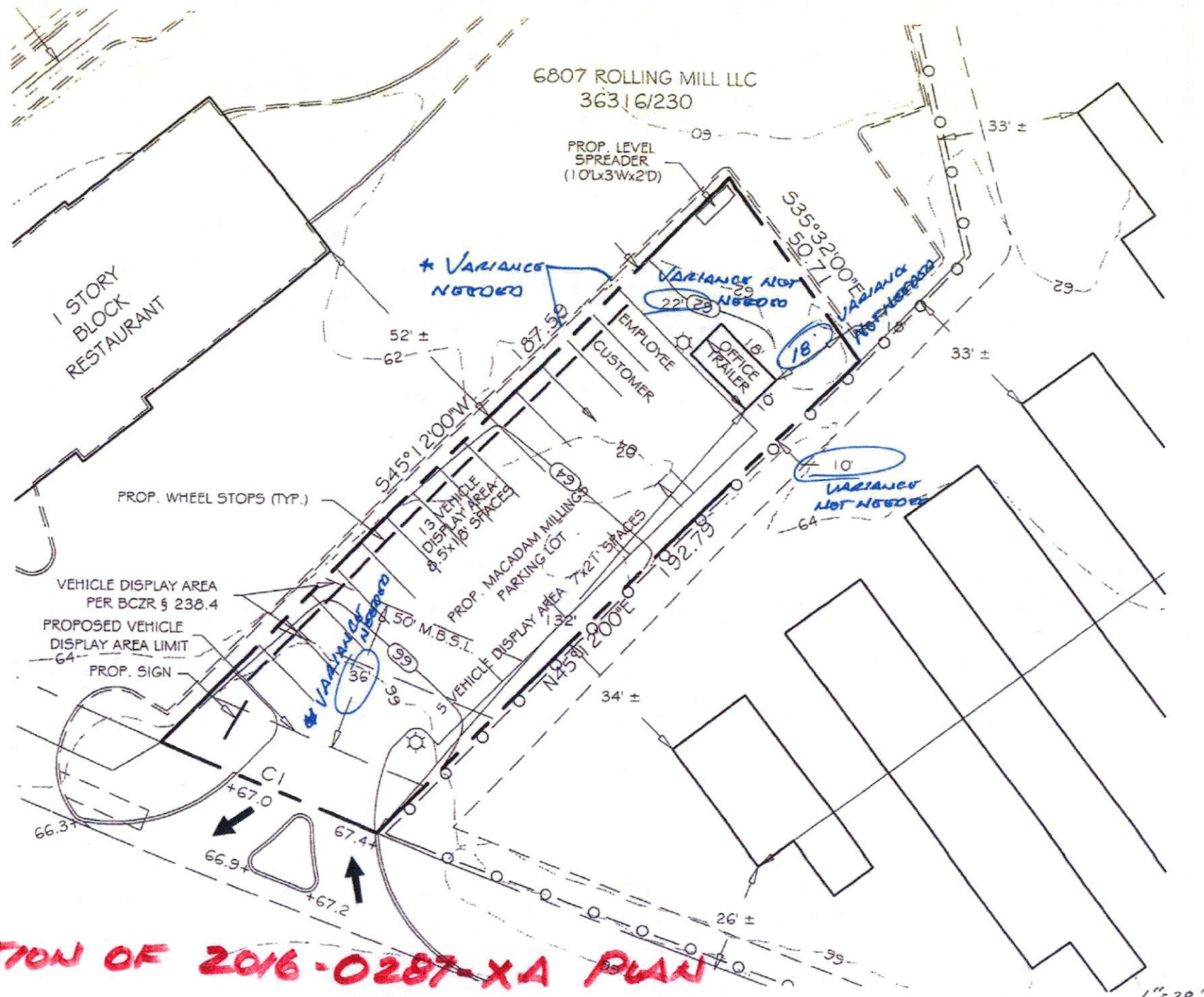
IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) seeking relief as follows:

- STILL NEEDED* 1. From B.C.Z.R. § 238.3 and § 409.6A to allow one (1) employee parking space and one (1) customer parking space;
- STILL NEEDED* 2. From B.C.Z.R. § 409.8.A.1 to not require compliance with those conditions specified in the landscape manual and other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code (B.C.C.);
- NOT NEEDED* 3. From B.C.Z.R. § 238.2 to allow a 10 ft. and 22 foot side yard setback in lieu of the required 30 ft.;
- REPLACED IN 2019-0459-SP4A* 4. From B.C.Z.R. § 238.2 to allow an 18 ft. rear yard setback in lieu of the required 30 ft.; and
- STILL NEEDED* 5. From B.C.Z.R. § 238.4 to allow a vehicle display area of 36 ft. in lieu of the maximum 15 ft. in front of the required front building line,

be and is hereby GRANTED.

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. No mechanical work, painting or detailing of vehicles is permitted on site.
3. All signage must comply with the requirements of B.C.Z.R. § 450.
4. The Petitioner must contact SHA to obtain an entrance permit.
5. All drive aisles and off-street parking spaces must be provided with a durable and dustless surface.



PORTION OF 2016-0287-XA PLAN



JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, Director  
Department of Permits,  
Approvals & Inspections

October 18, 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: 2019-0459-SPHA**

90 North Point Boulevard  
N/east side of North Point Blvd., east of Rolling Mill Road  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: 8312 Pulaski, LLC

Special Hearing to amend the previous case (2016-0287-XA) order pertaining to the location of the proposed office trailer. Variance to permit a rear setback for the proposed office trailer of 10 ft. in lieu of the required 30 ft. *VARIANCE REQUESTED*

Hearing: Monday, November 18, 2019 at 2:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

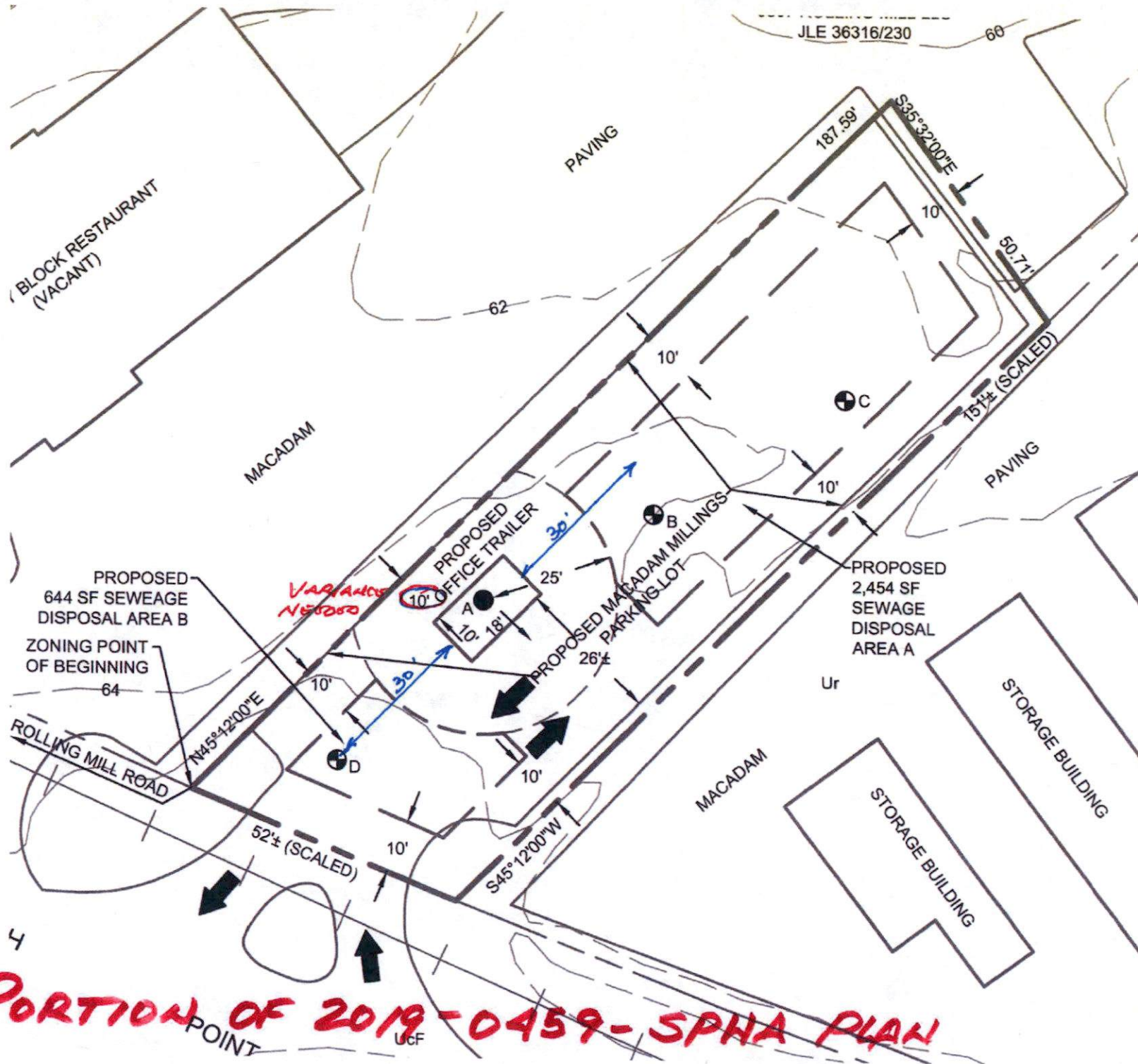
A handwritten signature in black ink, appearing to read "Michael Mallinoff".

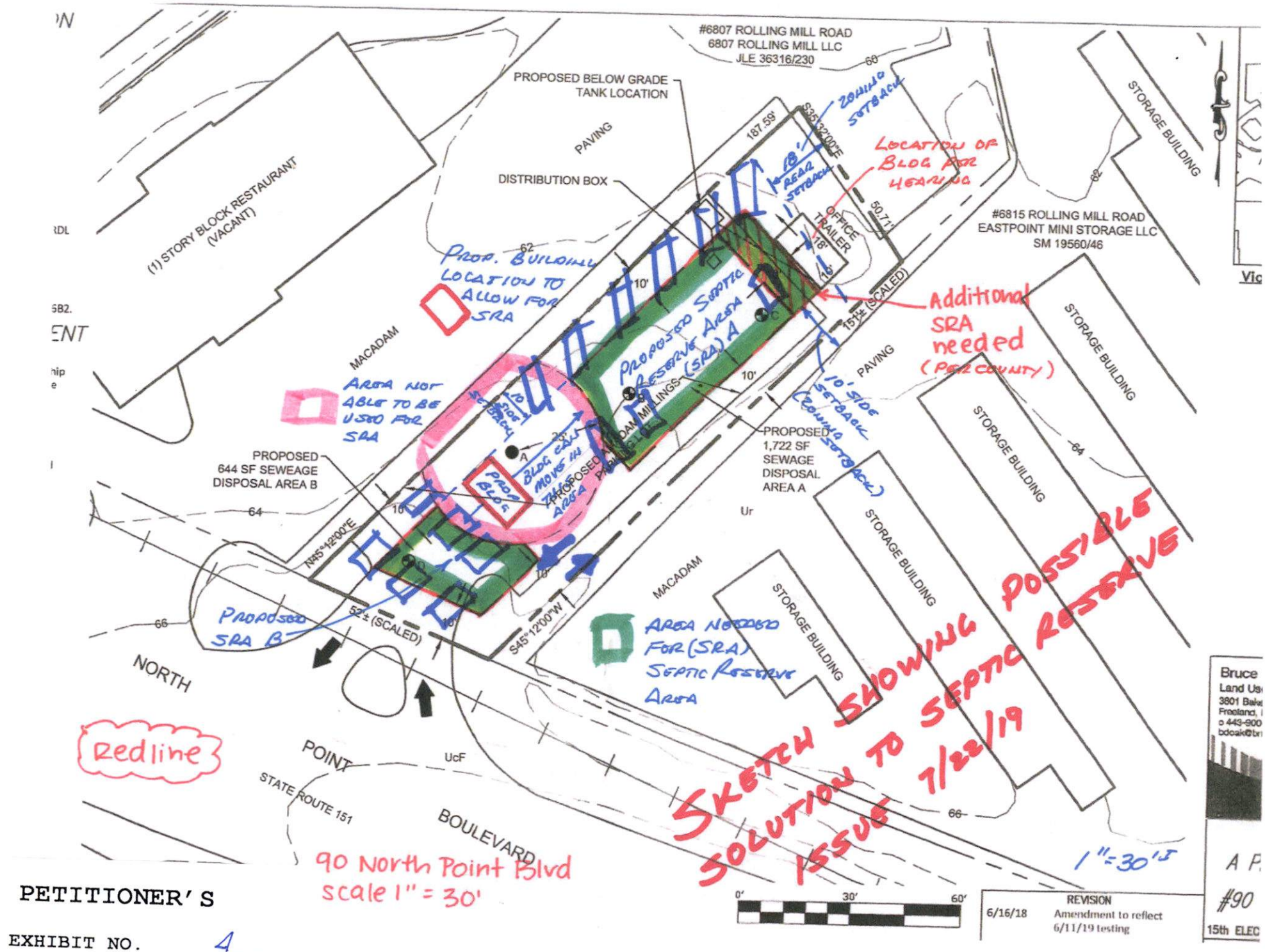
Michael Mallinoff  
Director

MM:kl

C: Herbert Burgunder, III, 901 Dulaney Valley Road, Ste. 500, Towson 21204  
Daniel Henriquez, P.O. Box 12216, Baltimore 21281  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 29, 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.







JOHN A. OLSZEWSKI, JR.  
County Executive

DAVID V. LYKENS, Director  
Department of Environmental Protection  
and Sustainability

July 12, 2019

Bruce Doak  
Bruce E. Doak Consulting  
3801 Baker Schoolhouse Rd  
Freeland, MD 21053

RE: 90 North Point Blvd, Election District 15

Dear Mr. Doak,

A representative of this office, Miranda Clifford, L.E.H.S., conducted soil evaluations on June 12, 2019 regarding the above-referenced lot(s). Prior to granting approval of the soil percolation tests, a revised plan, drawn to a scale no greater than 1" equals to 60', must be submitted to this office and contain the following:

- Add additional septic reserve area (SRA) as shown in the attached redline plan
- Show septic tank and trailer locations that meet setbacks (see COBAR 1.03.01.05A)
  - Trailer must maintain a 20' setback to the SRA and septic tank
  - Septic tank must maintain a 10' setback to the property line

Be advised holding tanks are not a viable option for new construction (see COMAR 26.04.02.02K). An interim agreement is required for the installation on an onsite sewage disposal system (OSDS) on this property.

In order to subdivide this property, the owner/developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. For additional subdivision information, contact the Development Coordination office at 410-887-5859.

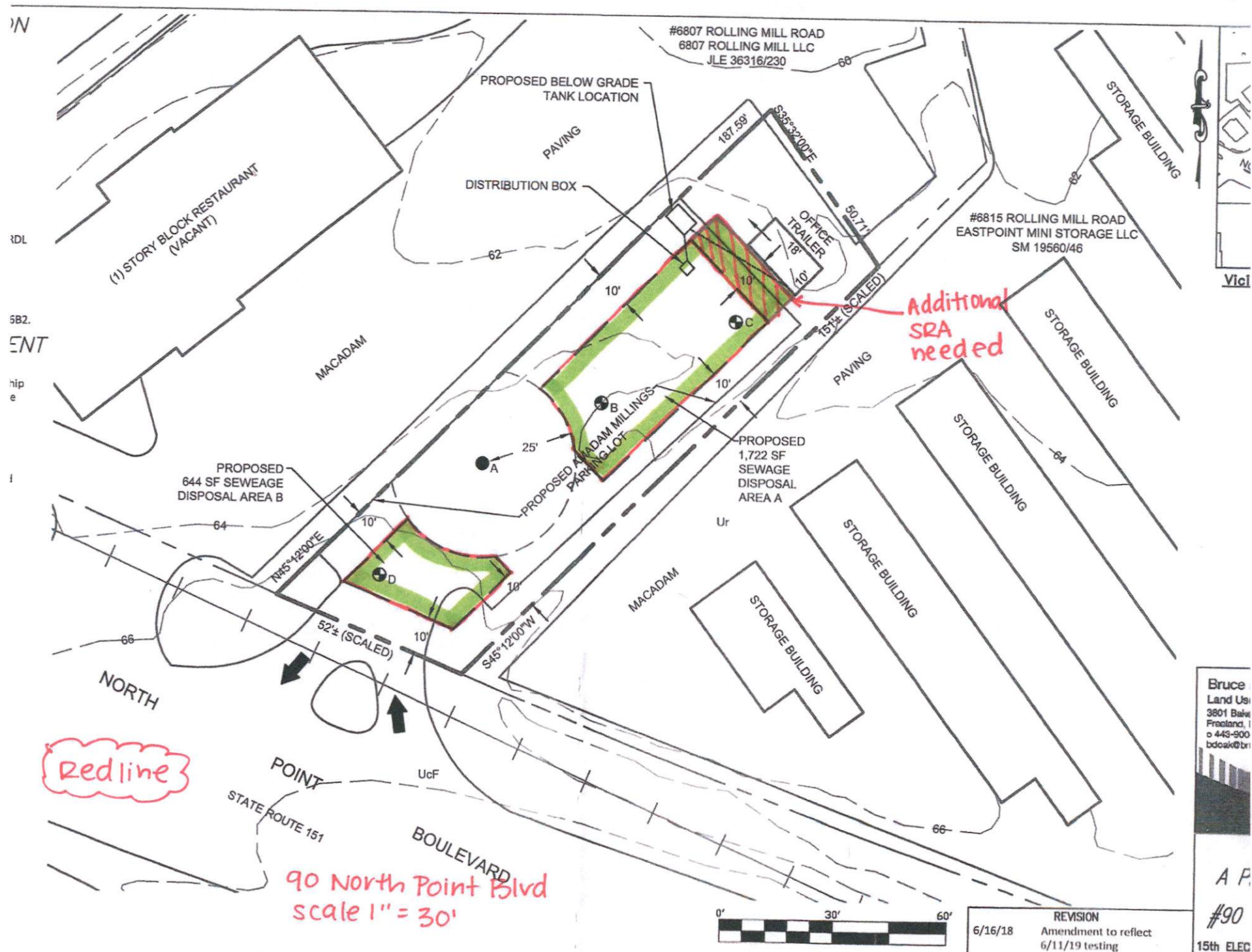
Please also contact the sanitarian for any further information or questions at 410-887-2762.

Sincerely,

A handwritten signature in blue ink that reads "Miranda Clifford".

Miranda Clifford, L.E.H.S.  
Soil Evaluation Program  
Ground Water Management-EPS

S:\EPS\GWM\PERC LETTERS\2019 PERC LETTERS\Revised Letters 2019\ North Point Blvd, 90, after perc, 7-12-19



**Bruce**  
**Land Use**  
3801 Baker  
Freeland, MI  
o 443-900  
bdoak@bri

A F.

#90

15th ELEC



# Baltimore County Office of Ground Water Management

111 W. Chesapeake Ave, Room 319 • Towson, Maryland 21204

410-887-2762

## Percolation Test Results

|                                                     |  |                                  |                     |                                  |                                 |  |
|-----------------------------------------------------|--|----------------------------------|---------------------|----------------------------------|---------------------------------|--|
| <b>Site Location/Address</b><br>90 North Point Blvd |  | <b>District</b><br>15            |                     | <b>Public W</b><br>Yes           | <b>Public S</b><br>See comments |  |
| <b>Subdivision</b><br>n/a                           |  | <b>Lot</b><br>n/a                | <b>Acres</b><br>0.2 | <b>Geology</b><br>Patapsco Form. | <b>Soils</b><br>Urban Land      |  |
| <b>Contact person</b><br>Bruce Doak                 |  | <b>Owner</b><br>8312 Pulaski LLC |                     | <b>Owner phone</b><br>n/a        |                                 |  |

| Hole | Depth | Infiltration rate                                                         | Soil Description                                                                                                                       | Pass/Fail |
|------|-------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------|
| A    |       |                                                                           | Rubble fill / concrete / trash 0-3'<br>Machine could not get through the concrete                                                      | Fail      |
| B    | 5'    | 15 min presoak (1 <sup>st</sup> inch)<br>22 min/in (2 <sup>nd</sup> inch) | Rubble fill / rebar / bricks / trash 0-3' Topsoil 3-4'<br>Clay loam 4-11.5' Water<br>Use 0.6 gal/ft <sup>2</sup> soil loading rate @5' | Pass      |
| C    | 3'    | 1.5 min presoak<br>3 min/in                                               | Fill 0-2' Gravelly sandy loam 2-9.5' Water<br>Use 1.2 gal/ft <sup>2</sup> soil loading rate @3'                                        | Pass      |
| D    |       |                                                                           | Clay 0-2' Sand 2-9.5' (caved in)<br>Similar to Test C<br>Use 1.2 gal/ft <sup>2</sup> soil loading rate @3'                             | Pass      |

**Comments and system design**

*Interim agreement required for installation of an onsite sewage disposal system (OSDS)*

Served by public water (no wells onsite)

Proposed used car lot with permanent sales trailer with foundation

All of the lot is to be paved per Mr. Doak

OSDS designed on 400 gallons per day (see COMAR 26.04.02.05J)

1500 gallon septic tank with distribution box (pump and pump tank may be required)

Septic reserve area (SRA) and OSDS must be at least 20' from the trailer (see COBAR 1.03.01.05)

Holding tanks are not permitted to serve new construction (see COMAR 26.04.02.02K)

Variances to setbacks are not granted for new construction

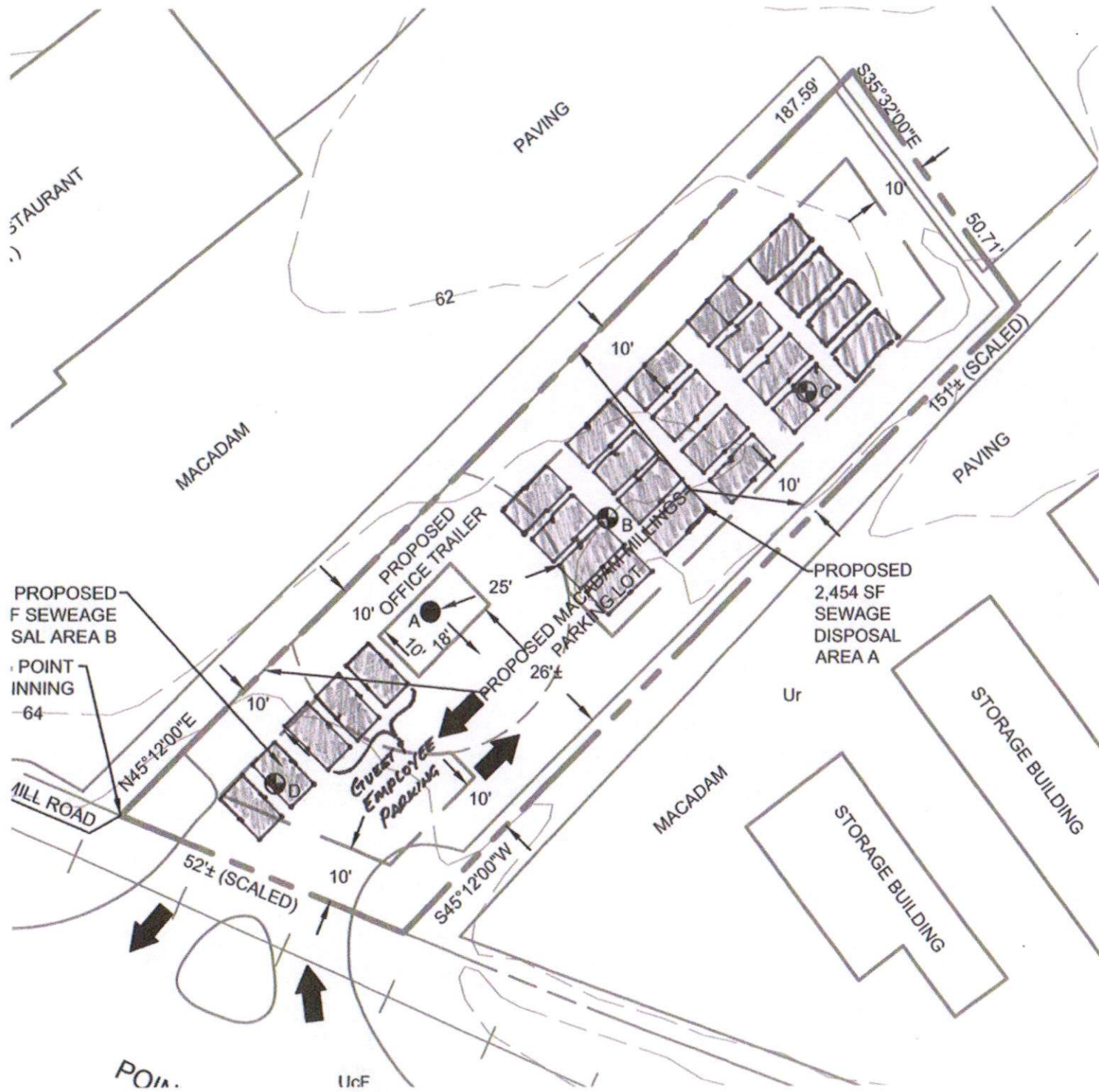
**\*\*The repair consists of (4) total trenches with 2 sets of 2 trenches**

| Initial<br>(Test D) | # trenches | Length | Width | Depth | Stone | Sidewall |
|---------------------|------------|--------|-------|-------|-------|----------|
|                     | 2          | 30'    | 3'    | 5.5'  | 3'    | 2.5'     |

| Repair**<br>(Tests B) | # trenches | Length | Width | Depth | Stone | Sidewall |
|-----------------------|------------|--------|-------|-------|-------|----------|
|                       | 2          | 30'    | 3'    | 7.5'  | 5'    | 2.5'     |

| Repair**<br>(Tests C) | # trenches | Length | Width | Depth | Stone | Sidewall |
|-----------------------|------------|--------|-------|-------|-------|----------|
|                       | 2          | 30'    | 3'    | 5.5'  | 3'    | 2.5'     |

|                                                            |  |  |                                              |                          |  |
|------------------------------------------------------------|--|--|----------------------------------------------|--------------------------|--|
| <b>Backhoe Operator</b><br>Steve (CGM)                     |  |  | <b>Persons Present</b><br>Jesse (CGM), Bruce |                          |  |
| <b>Environmental Health Specialist</b><br>Miranda Clifford |  |  | <b>Time</b><br>10:00 am                      | <b>Date</b><br>6/12/2019 |  |



**SKETCH OF POSSIBLE LOT PARKING**

**10/07/19 B. DOAK**

PETITIONER'S

EXHIBIT NO. 6

MH IM

NE 1-E

1503671430  
Pt. Bk. 0000031, Folio 0072  
6901

PAI # 158188

PAI # 158188

Pt. Bk./Folio # 031072

096B2

7 CD

ROLLING MILL RD

BR IM

*SUBJECT  
PROPERTY*

NORTH POINT BLVD

1503000300

1503233030

BM

SE 1-E

1700001864

NORTH POINT BLVD

1800007548

101

PETITIONER'S

EXHIBIT NO.

2

BALTIMORE BYPASS ST

ML IM

12 ED

1203051980

NORTH POINT RD

1502203990

MH IM

NE 1-E

1503671430

Pt. Bk. 0000031, Folio 0072

6901

PAI # 158188

PAI # 158188

15 ED

6808

1502571090

6800

1510450142

ROLLING MILL RD

BR IM

Pt. Bk./Folio # 031072

7 CD

1900008084

6807

1510451130

096B2

68156815

6815

6815

6815

6815

6815

6815

6815

6815

6815

1800003199

1503000300

1503233030

BM

SE 1-E

1700001864

NORTH POINT BLVD

BALTIMORE BYPASS ST

ML IM

12 ED

1203051980

1800007548

101

1526000240

111

1507471770

NORTH POINT BLVD

1502203990

2019-0459-SPHA



1192-1240-9325

## GENERAL SITE INFORMATION

1. Ownership: 8312 Pulaski, LLC
2. Address: 90 North Point Boulevard
3. Deed reference: JLE 37272/27
4. Property area: 8,950 sf (per SDAT)
5. Election District: 15th Councilmanic District: 3rd
6. Tax Map 96 Grid 15 Parcel 265 Tax Acc. # 15-10-451130
7. ADC Map Grid: 4820F3 Position Sheet: 1SE17
8. GIS Tile Number: 096B2
9. Regional Planning District: Hereford/ MD Line Regional Planning Dist. Code: 301
10. Growth Tier: 1
11. Watershed Name: Back River
12. URDL Land Type: 1 Growth Tier: 1public sewer & inside URDL
13. School Districts: Colgate ES Holabird MS Dundalk HS
14. Census Block: 240054523002 Census Tract: 452300
15. The boundary shown hereon is from the title deed JLE 37272/27.
16. The topography shown hereon is from GIS tile number 096B2.

## GROUND WATER MANAGEMENT

1. The subject property is currently vacant.
2. Perc tests were performed for a proposed car dealership
3. The septic may need to be pumped from the sales office to the septic tank.
4. The proposed sales office will utilize public water and a private septic system.
5. There are no underground fuel tanks on the subject property.
6. The adjoining properties are served by public water and sewer.
7. A justification for variance to the Master Water and Sewage Plan was approved by Baltimore County on 8/21/2018.
8. An interim agreement will be recorded.

## ENVIRONMENTAL IMPACT

### Forest Conservation

1. No forest exists on the subject property

### Forest Buffer

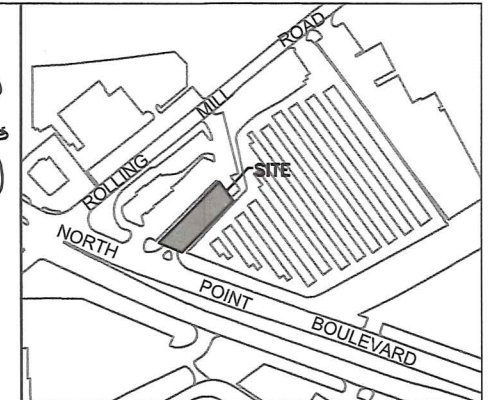
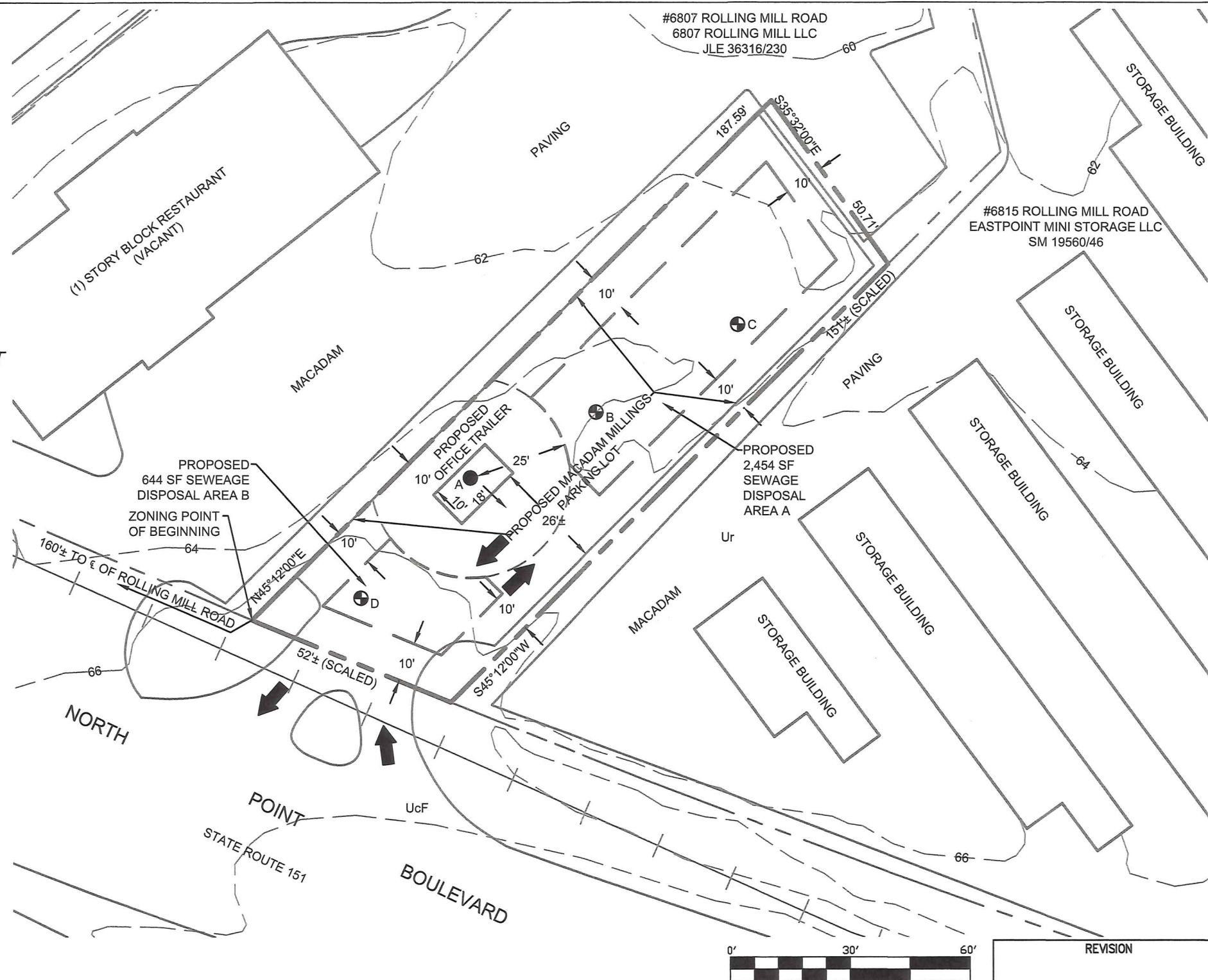
1. No wetlands exist on the subject property.

## OFFICE OF ZONING

### Current Zoning BR IM

### Zoning History

2016-0287-XA To permit a used motor vehicle outdoor sales area separate from sales agency building and variances - Granted.



Vicinity Map - Scale: 1" = 400'

Bruce E. Doak Consulting, LLC  
Land Use Expert and Surveyor  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY  
A ZONING PETITION  
FOR  
#90 NORTH POINT BOULEVARD  
BALTIMORE COUNTY, MARYLAND  
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 8/25/2019

Scale: 1"=30'

PETITIONER'S

EXHIBIT NO. 1

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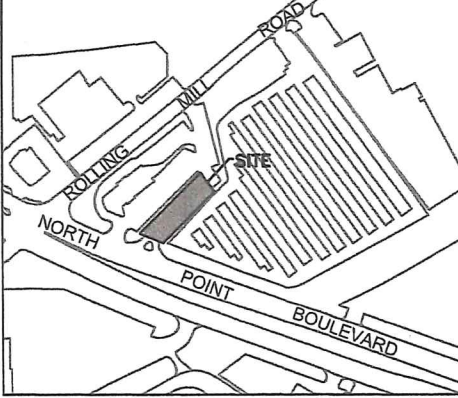
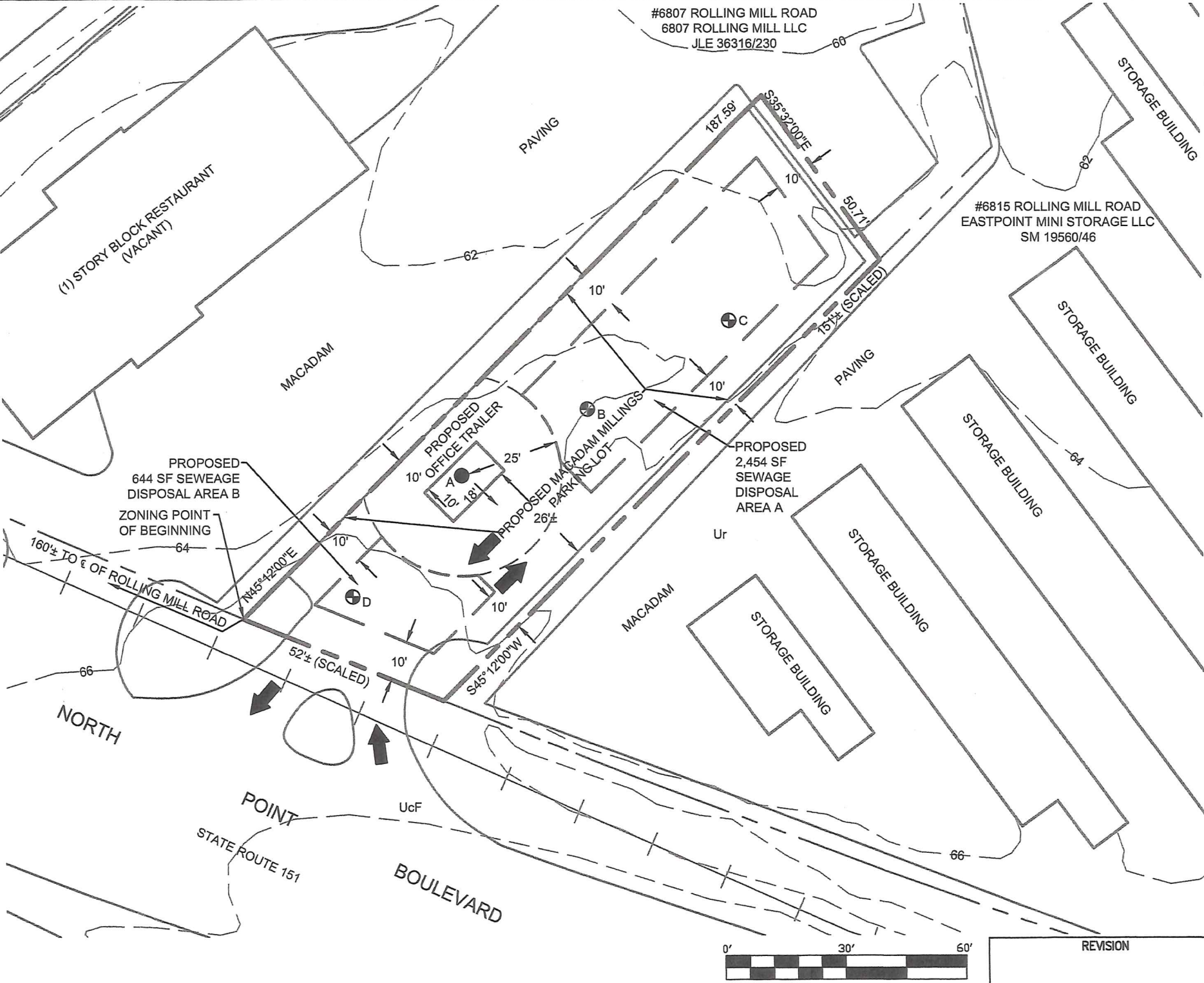
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Current Zoning BR IM

Zoning History

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PLAN TO ACCOMPANY  
A ZONING PETITION  
FOR  
#90 NORTH POINT BOULEVARD  
BALTIMORE COUNTY, MARYLAND  
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 8/25/2019  
Scale: 1"=30'

2019-0459-SPHA