

M E M O R A N D U M

DATE: April 21, 2021
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0211-SPHXA – Appeal Period Expired

The appeal period for the above-referenced cases expired on April 14, 2021. 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, *
SPECIAL EXCEPTION & VARIANCE
(10901 McCormick Road & *
10825 Beaver Dam Road) *
8th Election District
3rd Council District
Dan Mar Enterprises, LLC
10825 Beaver Dam Road, LLC

Legal Owners/Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2020-0211-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing, Special Exception and in the alternative for Variance relief filed on behalf of Dan Mar Enterprises, LLC and 10825 Beaver Dam Rd., LLC (“Petitioners”) for the properties located at 10901 McCormick Rd. (the “McCormick Rd. Property”) and 10825 Beaver Dam Rd. (the “Beaver Dam Property”) (collectively, the “Properties”).

The Special Hearing requests the following to:

- (1) amend the zoning order and approved site plan in Case No. 2018-0346-SPHXA in accordance with the relief granted herein.
- (2) confirm that the special exception for fuel service station granted in Case No. 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Road (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR § 502.3 and as such the special exception use is vested, or, in the alternative, to extend the special exception for fuel service for an additional three years as provided in BCZR § 502.3.
- (3) extend the special exception approval for fuel service station granted in Case No 2018-0346-SPHXA with respect to 10901 McCormick Road (Tax Map 42, Parcel 62) for an additional 3 years, as provided in BCZR § 502.3.
- (4) approve the expansion, reconstruction, and reuse of a fuel service station legally existing on the effective date of Bill 172-1993, including (1) the provision of additional fuel service previously

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By RSW

approved by special exception in Case No. 2018-0346-SPHXA; (2) uses in combination permitted by special exception under BCZR §405.4.E to be approved by special exception in this case (convenience store greater than 6,000 sq. ft. and a fast food restaurant); (3) the expansion of the uses beyond the confines of the site into 10901 McCormick Road (Tax Map 42, Parcel 62) as provided in BCZR §405.6.A.2, all as shown on the Plan to Accompany Petition for Zoning Hearing.

- (5) approve a modified site plan under BCZR § 409.12.B containing 73 parking spaces as shown on the Plan to Accompany the Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 77 parking spaces.
- (6) approve non-conforming landscape transition areas along the public right of way as narrow as 7 ft. wide in one instance and 8 ft. wide in one instance in lieu of the required 10 ft. under BCZR §§ 104.1 and 405.5.4.A.2.b.

A Special Exception requested for:

- (1) a combination of a convenience store and carry out restaurant, with a gross floor area larger than 6,000 sq. ft. inclusive of accessory storage, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR § 405.4.E.1.
- (2) a fast food restaurant including outdoor seating, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR § 405.4.E.10.

Variance relief requested the following:

- (1) In the alternative to Special Hearing Request No.5, a Variance from BCZR § 409.6 to permit 73 parking spaces in lieu of 77 required.
- (2) In the alternative to Special Hearing Request No. 6, a Variance from BCZR § 405.4.A.2.b for a Landscape Transition Area along a public right-of-way with a minimum width of 7 ft. in one instance and a minimum width of 8 ft. wide in one instance in lieu of 10 ft. required.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Jesse Newman appeared at the hearing in support of the Petitions along with Wayne Newton, PE of Messick & Associates

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By [Signature]

(Pet. Ex. 1) who prepared and sealed a 3-sheet site plan (the "Site Plan"). (Pet. Ex. 2). Dino C. LaFiandra, Esquire represented the Petitioners. There were no Protestants or interested citizens in attendance.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), from the Department of Environmental Protection and Sustainability Development Coordination ("DEPS"), from Office of Zoning Review ("OZR") and from Department of Public Works ("DPW"). DEPS did not oppose the requested relief. DOP did not oppose the requested relief subject to conditions. OZR and DPW opposed the requested relief.

FACTUAL FINDINGS

The case proceeded by way of modified proffer by Mr. LaFiandra. On the Beaver Dam Property, there is an existing Highs Store and gas and service station. It is an irregularly shaped parcel resembling a trapezium. (Pet. Ex. 2). It is approximately 1.298 acres and is zoned manufacturing, light - industrial, major (ML-IM). The Beaver Dam Property obtained special exception approval in 1972 for an automotive service station. (Pet. Ex. 6). It has 12 fuel dispenser pumps in the front of the store and 2 diesel pumps on the side. The Highs store is 8,450 sf with four (4) service bays in the front and a small convenience store with office space. (Pet. Ex. 4). There are two (2) curb cut access points from Beaver Dam Rd. The McCormick Rd. Property is a triangular shape measuring is .377 acres and is also zoned ML-IM. (Pet. Ex. 2). It has two (2) commercial buildings currently used by a dry cleaner and an auto body shop.

In Case No. 2018-0346-SPHXA, the Properties were granted Special Hearing relief for additional fuel dispensers in an existing fuel service station, for Special Exception relief to use the Properties for a fuel service station with a full service car wash and fast food restaurant as uses in combination with a fuel service station, and Variance relief in regard to a side yard setback and

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two (2) freestanding enterprise signs. The car wash was to be constructed on the McCormick Rd. Property as depicted in the site plan provided in Case No. 2018-0346-SPHXA. (Pet. Ex. 5). The fast-food restaurant was to operate within the Highs store. However, neither the car wash nor the fast food restaurant materialized.

The proposal in this case is to remove the existing service bays which are no longer needed and to replace those service bays with one (1) entrance door facing Beaver Dam Rd. The renovated store front will resemble the Highs store at 6207 N. Charles St. as reflected in the photo provided. (Pet. Ex. 4). The proposal would renovate the existing 8,450 sf store and provide a larger area for a convenience store (4,746 sf) and fast food restaurant (1,544 sf) along with separate spaces for retail tenants (2,160 sf). (Pet. Ex. 3). The exterior and interior of the store will be upgraded. An outdoor dining area will be added (551 sf). (Id.). The existing 12 fuel pumps in the front of the store will remain and the 2 diesel pumps plus an additional diesel pump will be moved behind the store. Moving the diesel pumps from the side to the rear will improve traffic flow. (Pet. Ex. 2, Sheet 2).

In regard to parking spaces and Bulk Regulations, the buildings on the McCormick Rd. Property will be removed and that area will become parking spaces. As reflected on the Site Plan (Pet. Ex. 2 – Sheet 2), the required number of parking spaces is 75 based on the requested uses and 73 parking spaces can be provided (convenience store – 23.71 spaces; fast food restaurant 33.52 spaces; ATM – 1 space; self-service vacuum area – 1 space; retail 10.8 spaces; and 4 spaces for number of employees on the largest shift.¹ Additionally, there are 14 stacking spaces for the fuel and diesel pumps. (Pet. Ex. 2, Sheet 3). On the eastern side of the Beaver Dam Property are 13

¹ At the time of filing the Petitions for Zoning Relief, the Site Plan which accompanied that Petition proposed 6 parking spaces for 6 employees which totaled to 77 required parking spaces. However, at the time of hearing, the number of employees was reduced to 4 thereby reduced the required number of parking spaces.

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oversized parking spaces for trucking customers. In regard to OZR's comment, the Petitioner verified that those truck parking spaces will not be used as a trucking facility under the BCZR and is agreeable to a condition in the Order to that effect. The Properties meet the Bulk Regulations for lot area as the minimum lot area is 53,554 sf and the total lot area provided is 132,694 sf. All of the required setbacks have been met.

In regard to landscaping, the DOP requested that the Petitioners retain the existing mature evergreen trees on the south eastern end of the Beaver Dam Rd. and the Petitioners are agreeable to this condition. Additionally, the Petitioners will provide a landscape buffer along Beaver Dam Rd. of 7 ft. in one place and 8 ft. in another place in lieu of the required 10 ft. buffer because there is an existing curb which has been in that location prior to the 1992 Fuel Service Regulations. (Pet. Ex. 2, Sheet 2). Mr. LaFiandra stated that all other requests for additional landscaping from DOP have been addressed.

During the review by DPW of the proposed development, DPW raised the issue of a potential floodplain in the eastern end of the Beaver Dam Property in the location where the oversized truck parking spaces, curb and storm water management facilities are proposed. (Dev. Ex. 2 – Sheet 2). DPW recognized that the Site Plan references FEMA - Flood Insurance Rate Map (Firm) Map 2400100235F dated September 26, 2008 which shows the area to be developed is not in the riverine floodplain area and has minimal flooding. However, in reviewing the proposed Site Plan, DPW provided a comment dated September 10, 2020 which stated that Preliminary FIRMs released on August 12, 2020 shows the same area to be improved is in a Special Flood Hazard Area. Citing the Baltimore County Design Manual dated August 2, 2010, DPW emphasized that floodplain studies must be conducted and submitted based on 'ultimate conditions' for verification of the flood plain boundary.

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By kw

As a result of the September 10, 2020 DPW comment, the hearing was held open to obtain a supplemental report from DPW in regard to the potential floodplain issue. By supplemental comment dated February 17, 2021, DPW clarified that the Preliminary FIRMs for Baltimore County referenced in the September 10, 2020 comment have not been adopted by the County Council and are pending review by county agencies. Accordingly, DPW verified that the FEMA FIRM Panel 2400100235F referenced by the Petitioners on the Site Plan is the governing document adopted by the County Council in Bill 42-15 dated May 4, 2015.

Importantly, DPW confirmed that the proposed site improvements in the flood plain (i.e. storm water management facilities, paving along with curb and gutter and utilities) are permitted within the flood plain pursuant to BCC, §32-4-414(c)(2) and §32-4-107. DPW will require the Petitioners to submit engineering computations to prove that there will be negligible impacts to upstream and downstream properties.

SPECIAL HEARING

Based on the testimony and exhibits adduced at the hearing, I find that the requested Special Hearing relief No. 2 to confirm that the special exception for fuel service station granted in Case No.: 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Rd. (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR, §502.3. The fuel service station has been operating at the Beaver Dam Property since 1972. In 2018, the OAH also granted the Special Hearing relief in that case for additional fuel dispensers in an existing fuel service station. As such, there is no need to extend the Special Exception for the fuel service station because there is no dispute as to its continued use.

While the fuel service station use has continued since 1973, the car wash (as a use in combination with a fuel service station) was not constructed on the McCormick Rd. Property; a

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By DW

dry cleaners and auto body shop have continued to operate in those buildings since 2018. Additionally, the fast food restaurant was also granted in 2018 as a use in combination but it never materialized within the Highs store. (Pet. Ex. 2, Sheet 1). Consequently, while the fuel service station has met the two (2) year utilization period, the car wash and fast food restaurant have not. In order to be 'deemed to have been used within the authorized time,' BCZR, §502.3 requires the commencement of construction during the two (2) year period and the pursuit of construction to completion with reasonable diligence. Additionally, BCZR, §502.3 authorizes OAH to extend the utilization period prior to its expiration. With regard to the car wash, it is no longer being proposed; therefore no extension is needed. With regard to Special Hearing request to confirm the Special Exception for a fast food restaurant, Petitioner is simultaneously requesting in this Petition, a Special Exception for a 'fast-food restaurant' which is duplicative of this Special Hearing relief and will be addressed below. Accordingly, the confirmation of the Special Exception for the fuel service station previously granted in Case No. 2018-0346-SPHXA, and utilized within the statutory period, will be approved, including the parking on the McCormick Rd. Property, but that same request for the car wash is moot and for fast food restaurant will be denied.

The remaining Special Hearing requests 1, 3, 4, 5, 6, 7 are duplicative of the Special Exception and Variance relief and therefore will be denied.

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

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By [Signature]

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.

Petitioner filed relief for two (2) Special Exception uses: (1) a combination of a convenience store and carry out restaurant, with a gross floor area larger than 6,000 sq. ft. inclusive of accessory storage, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR § 405.4.E.1; and (2) a fast food restaurant including outdoor seating, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR § 405.4.E.10. Both of the Special Exception uses contemplate parking on the McCormick Rd. Property to support these uses as well as the retail tenants. As such, the McCormick Rd. Property is included within the Special Exception relief. Under BCZR, §101.1, the definitions of 'carry-out restaurants' and 'fast-food restaurant' differ only in that carry out restaurants envision customers eating the food off the premises and 'fast-food restaurants' permit dine-in options.

The Proposal here is to renovate and remodel the existing Highs store, thereby removing the service bays and installing one main entrance facing Beaver Dam Rd. Petitioner desires to create space for a larger convenience store and carry-out restaurant along with tables and seating areas both inside and outside. (Pet. Ex. 2 - Sheet 2; Pet Ex. 3). The interior renovations will be contained within the existing 8,450 sf footprint. Those renovations will also include two (2) spaces for retail tenants. The exterior of the store will also be refurbished to resemble the Highs store on N. Charles St. (Pet. Ex. 4). I find the detailed depiction of the improvements to the Properties as set forth on the Site Plan (Pet. Ex. 2, Sheet 2) are not detrimental to within the health, safety and general welfare of the locality involved.

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By kw

Based on the evidence, I find that the Special Exception uses of a convenience store, carry-out restaurant and fast-food restaurant will not create congestion in the roads, will not create a potential for fire, panic or other danger, will not overcrowd the land or cause undue concentration of population, will not interfere with adequate public facilities or improvements, will not interfere with light or air, are consistent with the ML-IM zoning classification and are consistent with impermeable surface and vegetative retention provisions. (BCZR, §502.1, A-H). In short, the existing Beaver Dam Property has been improved and used as a fuel service station since 1972 and as a fuel service station and convenience store since at least 2018. Other than superficial improvements and interior renovations, the Property will remain the same in terms of use and intensity.

With regard to environmental and natural resources of the Beaver Dam Property (BCZR, §502.1, I), the issue of the floodplain on the south eastern corner was resolved by DPW's supplemental comment dated February 17, 2021. As stated by DPW therein, the improvements made to that area including storm water management facility, paving for truck parking along with curbs and gutters and utilities are permitted under BCC, §32-4-414(c)(2) and §32-4-107. Thus, the Petitioner correctly referenced FEMA FIRM Map 2400100235F dated September 26, 2008 because it is the governing document adopted by the County Council. The preliminary maps referenced in DPW's September 10, 2020 are not the current law. As a result, I find that proposed improvements in that environmental area as set forth on the Site Plan (Pet. Ex. 2, Sheet 2) are permitted and will not be detrimental to the floodplain.

Accordingly, the Special Exceptions requested will be approved.

VARIANCE

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

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By KW

- (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 described above, the Properties are unique due to their peculiar shapes: the McCormick Rd. Property is triangular shaped and the Beaver Dam Property is a trapezium; it has unequal sides. The McCormick Rd. Property will be improved with parking spaces after the buildings are removed to support the fuel service station, convenience store, carry-out restaurant and fast-food restaurant. The parking variance requests 2 less spaces than is required under BCZR, §409.6. Mr. LaFiandra explained that because the number of employees has been reduced from 6 to 4, the required number of parking spaces is 75 rather than 77. I find the deficiency of 2 spaces is due to the desire to improve traffic flow and to otherwise renovate the Property including landscaping and oversized truck parking. Additionally, the request for variance from the 10 ft. landscape transition area along Beaver Dam Rd. is directly tied to the existing curb and as such, meeting the 10 ft. landscape transition area becomes practically difficult. As a result of the unique shapes of the Properties, I find that the Petitioners will suffer a practical difficulty and unreasonable hardship if the parking and landscape transition area variances are not approved. I also find that the proposed renovations and upgrades are a benefit to the locality. Thus, the variances here can be granted within the spirit and intent of the ML-IM zone, and without injuring the health, safety or general welfare.

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By [Signature]

ORDER

THEREFORE, IT IS ORDERED this 15th day of **March, 2021**, by this Administrative

Law Judge, the Special Hearing requests to:

- (1) amend the zoning order and approved site plan in Case No. 2018-0346-SPHXA in accordance with the relief granted herein, be and it is hereby **DENIED**.
- (2) confirm that the special exception for fuel service station granted in Case No. 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Road (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR § 502.3, be and it is hereby **GRANTED** in accordance with the Site Plan which is incorporated herein; *excluding however*, the full service car wash and fast food restaurant as uses in combination with a fuel service station which are hereby **DENIED**; and *excluding* the request to extend the special exception for fuel service for an additional three years as provided in BCZR § 502.3 which is **MOOT**.
- (3) extend the special exception approval for fuel service station granted in Case No 2018-0346-SPHXA with respect to 10901 McCormick Road (Tax Map 42, Parcel 62) for an additional 3 years, as provided in BCZR § 502.3 be and it is hereby **DENIED**.
- (4) approve the expansion, reconstruction, and reuse of a fuel service station legally existing on the effective date of Bill 172-1993, including (1) the provision of additional fuel service previously approved by special exception in Case No. 2018-0346-SPHXA; (2) uses in combination permitted by special exception under BCZR §405.4.E to be approved by special exception in this case (convenience store greater than 6,000 sq. ft. and a fast food restaurant); (3) the expansion of the uses beyond the confines of the site into 10901 McCormick Road (Tax Map 42, Parcel 62) as provided in BCZR §405.6.A.2, all as shown on the Plan to Accompany Petition for Zoning Hearing, be and it is hereby **DENIED**.
- (5) approve a modified site plan under BCZR § 409.12.B containing 73 parking spaces as shown on the Plan to Accompany the Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 77 parking spaces be and it is hereby **DENIED**.
- (6) approve non-conforming landscape transition areas along the public right of way as narrow as 7 ft. wide in one instance and 8 ft. wide in one instance in lieu of the required 10 ft. under BCZR §§ 104.1 and 405.5.4.A.2.b, be and it is hereby **DENIED**.

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By [Signature]

IT IS FURTHER ORDERED that the Petition for Special Exception:

- (1) for a combination of a convenience store and carry out restaurant, with a gross floor area larger than 6,000 sq. ft. inclusive of accessory storage, as a use in combination with a fuel service station, which includes the proposed parking on the McCormick Rd. Property, as shown on the Site Plan which is incorporated herein, pursuant to BCZR § 405.4.E.1, be and it is hereby **GRANTED**.
- (2) for a fast food restaurant including outdoor seating, as a use in combination with a fuel service station, which includes the proposed parking on the McCormick Rd. Property as shown on the Site Plan which is incorporated herein, pursuant to BCZR § 405.4.E.10, be and it is hereby **GRANTED**.

IT IS FURTHER ORDERED, Variance relief which requests:

- (1) In the alternative to Special Hearing Request No.5, a Variance from BCZR § 409.6 to permit 73 parking spaces in lieu of 75 required, including the proposed parking on the McCormick Rd. Property, be and it is hereby **GRANTED**.
- (2) In the alternative to Special Hearing Request No. 6, a Variance from BCZR § 405.4.A.2.b for a Landscape Transition Area along a public right-of-way with a minimum width of 7 ft. in one instance and a minimum width of 8 ft. wide in one instance in lieu of 10 ft. required, be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- (1) Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- (2) No part of the Beaver Dam Rd. Property or the McCormick Rd. Property, including but not limited to the oversized parking spaces as depicted on the Site Plan shall be used for a trucking facility (Class I or Class II) as those terms are defined in the BCZR.
- (3) Prior to issuance of Permits, Petitioners must comply with ZAC comments submitted by DOP dated September 9, 2020, a copy of which is attached hereto and made a part hereof.

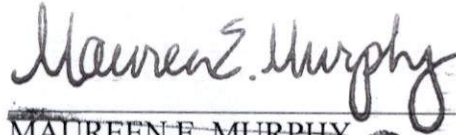
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By DW

- (4) Prior to issuance of Permits, Petitioners must comply with ZAC comments submitted by DPW dated February 17, 2021, a copy of which is 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.



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

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By [Signature]

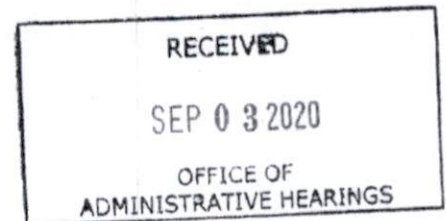
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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: 20-211

DATE: 9/2/2020



INFORMATION:

Property Address: 10901 McCormick Road & 10825 Beaver Dam Road
Petitioner: 10825 Beaver Dam Road LLC – John Phelps, Authorized Member
Zoning: ML-IM
Requested Action: Special Hearing, Special Exception and Variance

The Department of Planning has reviewed the petition for a Special Hearing, Special Exception and Variance for the redevelopment of the property. The property was the subject of a prior Zoning Case 2018-346. This request appears to be to extend the approval granted in that Hearing.

A site visit was conducted on June 28, 2018. The site is within the Hunt Valley/Timonium Plan area adopted by the County Council on October 19, 1998. The subject property is improved with an existing fuel service station established in 1972 pursuant to zoning case 1972-0278-XA as amended in successive zoning cases as noted on the site plan submitted in support of the petition. Furthermore, this request provides for diesel fuel supply that will be supportive of the surrounding ML uses and thus meet BCZR 253.2.B.

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

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

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

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By [Signature]

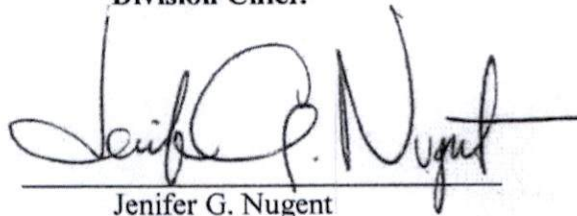
Date: 9/2/2020
Subject: ZAC # 20-211
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Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/kma/

c: Wally Lippincott
Dino Lafiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

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By [Signature]

**BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PUBLIC WORKS
INTER-OFFICE CORRESPONDENCE**

DATE: February 17, 2021
TO: Honorable Maureen E. Murphy
Administrative Law Judge
FROM: Terry W. Curtis, Jr, Engineer III
Director of Public Works Office
SUBJECT: Zoning Case 2020-0211-A 10901 McCormick Road

Zoning Case 2020-0211-A has appeared before you on January 8, 2020 for approvals for a Special Hearing, Special Exceptions and Variances to permit several zoning reliefs. The attorney for the developer, Dino LaFiandra, has asked me to write to you for clarification to flood plain issues that came up during the hearing.

1. On August 12, 2020, the Federal Emergency Management Agency (FEMA) in cooperation with the Maryland Department of the Environment (MDE) released a preliminary set of Flood Insurance Rate Maps (FIRM's) for Baltimore County. These maps are being reviewed by county agencies and have not been adopted by County Council. The maps are projected to become effective with FEMA in the summer of 2022 and will then be adopted shortly after that.
2. Currently the FEMA FIRM Panel 2400100235F dated September 26, 2008, is the governing document as adopted by County Council with Bill Number 42-15 dated May 4, 2015.
3. The proposed site improvements shown in the flood plain such as a stormwater management facilities, paving along with curb and gutter, and utilities are permitted within the flood plain as per Baltimore County Code 32-4-414 (c) (2) and 32-4-107. During the engineering and construction phase of this project the developer will submit engineering computations to prove that there will be negligible impacts to upstream and downstream properties.

If you have any questions, please feel free to contact Terry Curtis of my office on extension 3117.

TWC:s

cc: File

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By

TSW



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 10901 Mc Cormick Road & 10825 Beaver Dam Rd which is presently zoned ML-IM

Deed References: See attachment 10 Digit Tax Account # See attachment

Property Owner(s) Printed Name(s) See attachment

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

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

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

See attachment.

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

3. ☒ a **Variance** from Section(s)
- See attachment.

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

To be presented at hearing.

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

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

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

Contract Purchaser/Lessee:

See attachment.

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC

Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Mailing Address

City

State

21204

/ 443-204-3473

/ dcl@lafiandralaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

See attachment.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC

Name - Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305

Mailing Address

City

State

21204

/ 443-204-3473

/ dcl@lafiandralaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0211-SP4XA

Filing Date

8/18/20

Do Not Schedule Dates:

Reviewer gh

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

Deed References, Tax Account Numbers and Ownership Information

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

Petitioner:

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

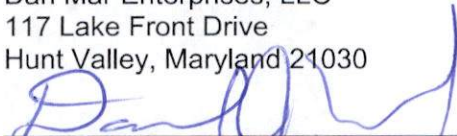


By: John Phelps, Authorized Member

*Legal Owner of 10825 Beaver Dam Road (Tax Map 42, Parcels 19 and 450) and
Contract Purchaser / Lessee of 10901 Mc Cormick Road*

Legal Owner of 10901 McCormick Road:

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



By: Dan Mar Enterprises, LLC, Authorized Member

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

Special Hearing:

1. To amend the zoning order and approved site plan in Case No. 2018-0346-SPHXA in accordance with the relief granted herein.
2. To confirm that the special exception for fuel service station granted in Case No. 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Road (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR, § 502.3 and as such the special exception use is vested, or in the alternative to extend the special exception for fuel service for an additional three years as provided in BCZR, §502.3.
3. To extend the special exception approval for fuel service station granted in Case No. 2018-0346-SPHXA with respect to 10901 McCormick Road (Tax Map 42, Parcel 62) for an additional 3 years, as provided in BCZR, §502.3.
4. To approve the expansion, reconstruction, and reuse of a fuel service station legally existing on the effective date of Bill 172-1993, including 1) the provision of additional fuel service previously approved by special exception in Case No. 2018-0346-SPHXA; 2) uses in combination permitted by special exception under BCZR §405.4.E to be approved by special exception in this case (convenience store greater than 6,000 square feet and a fast food restaurant); 3) the expansion the uses beyond the confines of the site into 10901 McCormick Road (Tax Map 42, Parcel 62) as provided in BCZR §405.6.A.2, all as shown on the Plan to Accompany Petition for Zoning Hearing.
5. To approve a modified site plan under BCZR §409.12.B containing 73 parking spaces as shown on the Plan to Accompany the Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 77 parking spaces.
6. To approve non-conforming landscape transition areas along the public right of way as narrow as 7 feet wide in one instance and 8 feet wide in one instance in lieu of the required 10 feet under BCZR, §104.1 and §405.4.A.2.b.
7. Such further and other relief as the nature of this case may require.

Special Exception

1. For a combination of a convenience store and carry-out restaurant, with a gross floor area larger than 6,000 square feet inclusive of accessory storage, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR §405.4.E.1.
2. For a fast food restaurant including outdoor seating, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR §405.4.E.10.

Variance

1. In the alternative to Special Hearing Request No. 5., a Variance from BCZR, §409.6 to permit 73 parking spaces in lieu of 77 required.
2. In the alternative to Special Hearing Request No. 6., a Variance from BCZR, §405.4.A.2.b for a Landscape Transition Area along a public right-of-way with a minimum width of 7 feet in one instance and a minimum width of 8 feet wide in one instance in lieu of 10 feet required.



Messick & Associates
Consulting Engineers,
Planners, Surveyors
& Landscape Architects
"Designing Success Since 1951"

August 10, 2020

EXHIBIT A

**ZONING DESCRIPTION FOR
10825 BEAVER DAM ROAD
TAX MAP 42 PARCEL 19, 62 AND 450
BALTIMORE COUNTY, MARYLAND**

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

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

1. North $79^{\circ}12'26''$ East, 233.10 feet to a point on the division line of the land now or formerly in the name of 10825 Beaver Dam Road, LLC as recorded among the aforesaid Land Records in Liber 27589, Folio 32, thence running with and binding part of said division line as follows;
2. North $43^{\circ}49'23''$ East, 118.78 feet to a point, thence running with the property now or formerly in the name of Atlantic Concrete Products Inc. and recorded among the aforesaid Land Records,
3. South $45^{\circ}59'47''$ East, 270.86 feet to a point, thence running with the aforesaid property and the property now or formerly in the name of Atlantic Precast Concrete Corp. as recorded among the aforesaid Land Records in Liber 8045 folio 841,
4. South $30^{\circ}08'22''$ West, 374.82 feet to a point of intersect with the aforesaid right of way line of Beaver Dam Road, thence running with the aforesaid right of way the follow two course and distances,
5. North $45^{\circ}49'44''$ West, 212.74 feet to a point, thence
6. By a curvature to the right having a radius of 765.00 feet for an arc distance of 288.88 feet having a chord bearing and distance of North $35^{\circ}08'49''$ West, 287.07 feet to the point and place of beginning.



CONTAINING in all the above described 129,658 square feet or 2.98 acres of land more or less.

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

THIS description was prepared by the licensee or was in responsible charge over its preparation and the survey work reflected in it. The licensee commission expires January 18, 2021.



Petitioner's Exhibits
Case No. 2020-211-SPHXA
10901 McCormick Road & 10825 Beaver Dam Road

1. Newton CV
2. Site Plan
3. Floor Plan
4. Photos
5. Approved Site Plan Case No. 2018-346-SPHXA
6. Approved Site Plan Case No. 1972-278-XA
7. DOP Comments

Dm.
12/26/21

CERTIFICATE OF POSTING

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

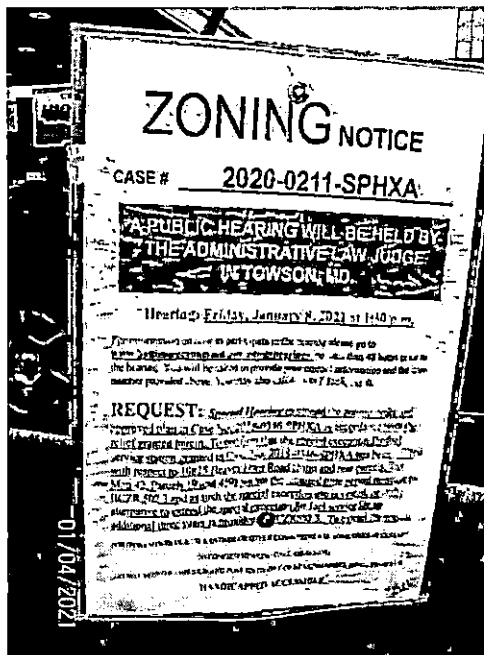
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 1 Recertification**

December 19, 2020

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



Sincerely,

December 19, 2020

(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

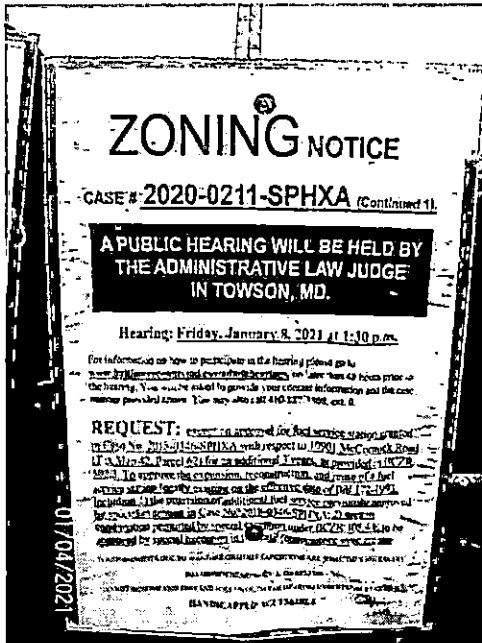
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road SIGN 2 Recertification

December 19, 2020

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



Sincerely,

 December 19, 2020

(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

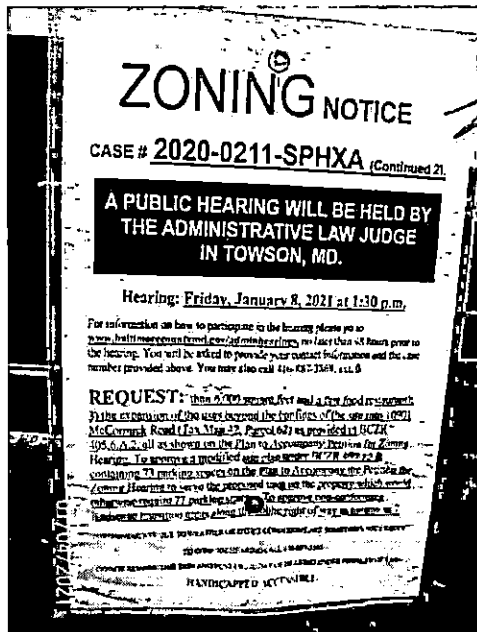
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 3 Recertification**

December 19, 2020

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



Sincerely,

December 19, 2020

(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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: _____

10825 & 10901 McCormick Road SIGN 4 Recertification

December 19, 2020

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

Sincerely,

December 19, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

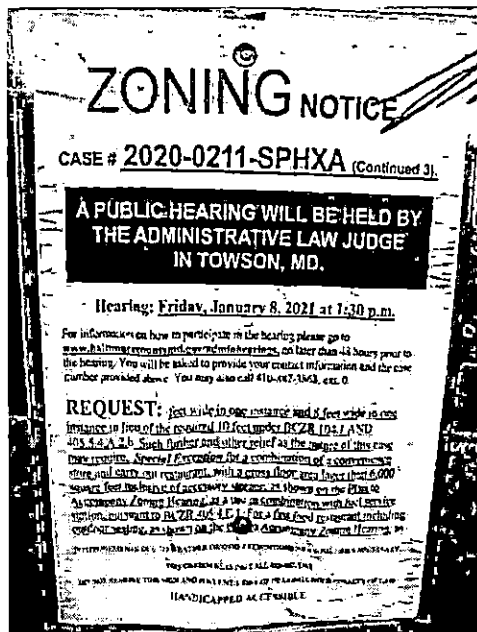
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

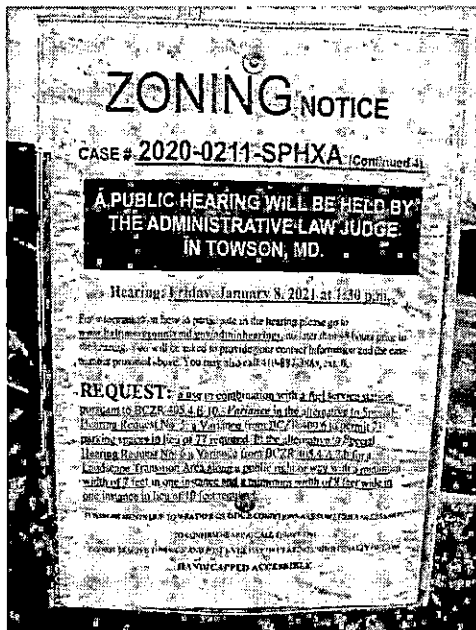
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 5 Recertification**

December 19, 2020

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



Sincerely,

 December 19, 2020
(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

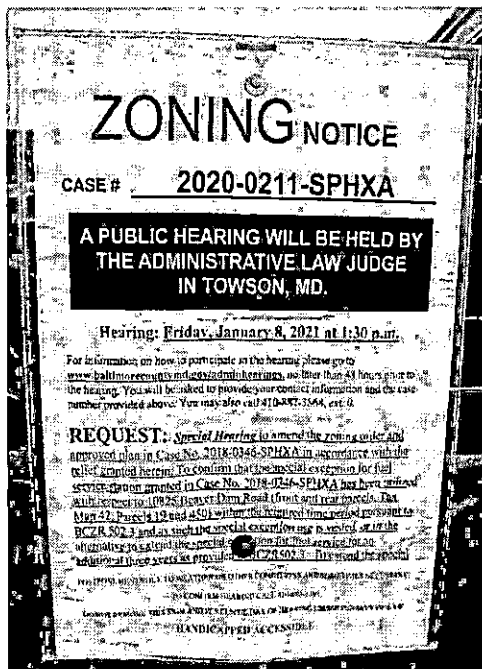
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 6 Recertification**

December 19, 2020

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



Sincerely,

 December 19, 2020
(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

2020-0211-SPHXA

RE: Case No.: _____ /

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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: _____

10825 & 10901 McCormick Road SIGN 7 Recertification

December 19, 2020

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

Sincerely,

December 19, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

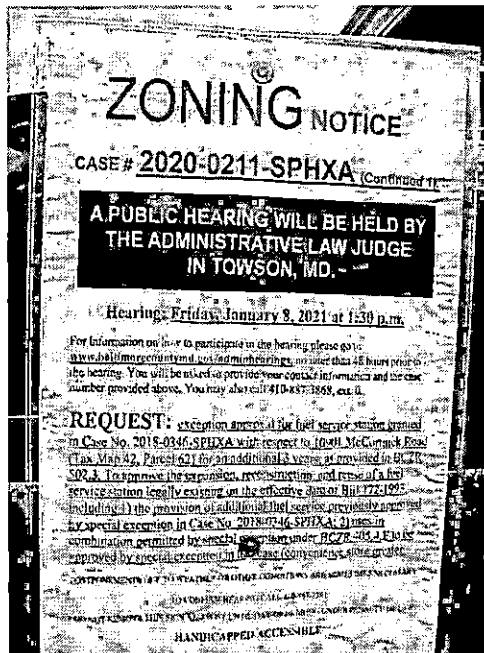
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

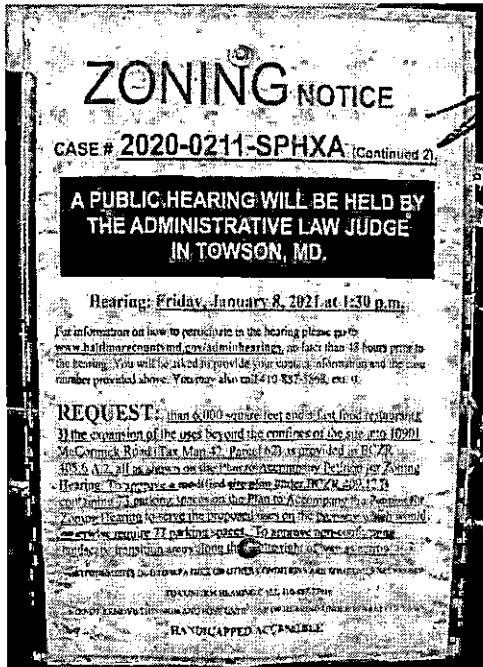
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road SIGN 8 Recertification

December 19, 2020

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



Sincerely,

December 19, 2020

(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

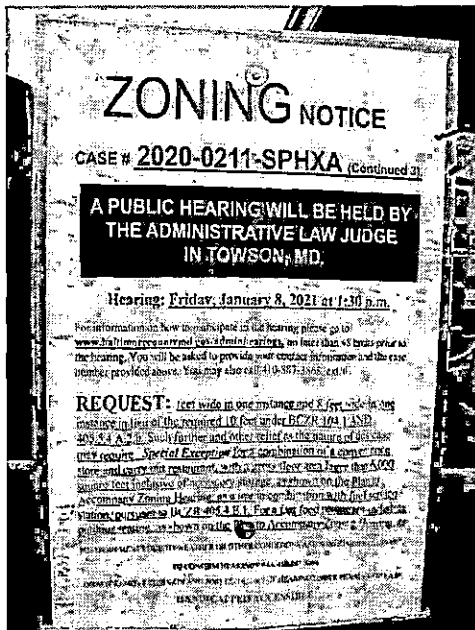
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 9 Recertification**

December 19, 2020

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



Sincerely,


(Signature of Sign Poster)

December 19, 2020

(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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: _____

10825 & 10901 McCormick Road SIGN 10 Recertification

December 19, 2020

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

Sincerely,

~~December 19, 2020~~

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

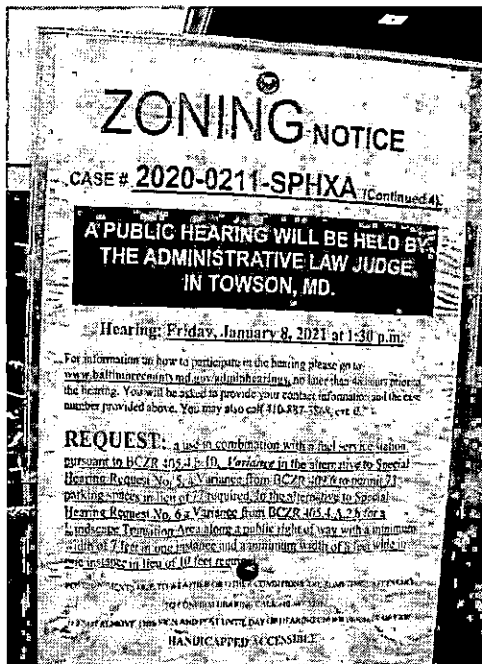
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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: _____

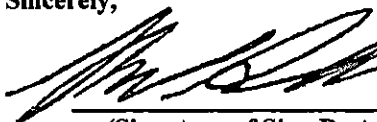
10825 & 10901 McCormick Road **Groups 1 & 2**
Recertification

December 19, 2020

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



Sincerely,

 December 19, 2020
(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

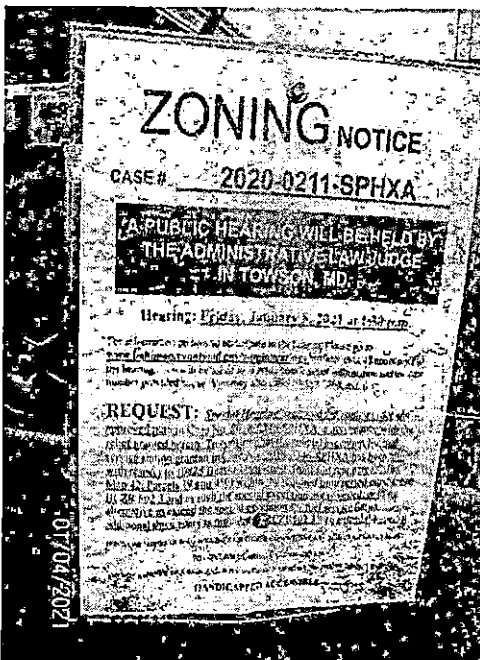
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 1 Recertification**

December 19, 2020

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



Sincerely,

 December 19, 2020
(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

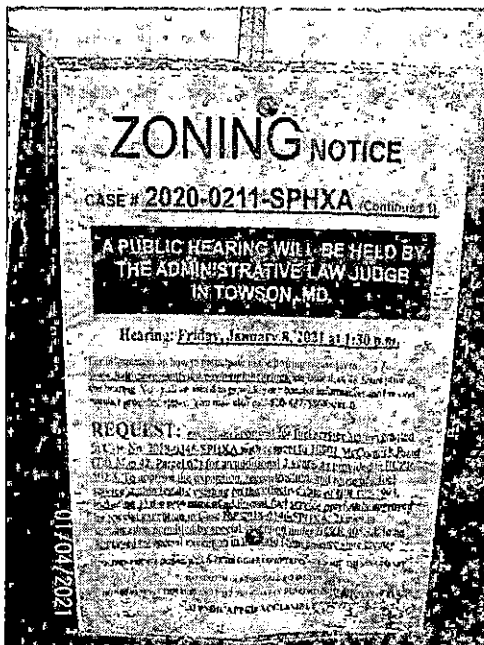
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road SIGN 2 Recertification

December 19, 2020

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



Sincerely,

 December 19, 2020
(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

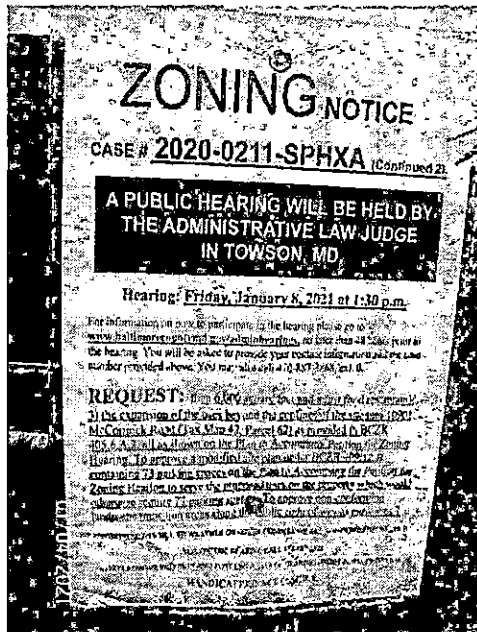
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 3 Recertification**

December 19, 2020

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



Sincerely,


(Signature of Sign Poster)

December 19, 2020

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

Donna Mignon

From: Donna Mignon
Sent: Tuesday, December 22, 2020 2:08 PM
To: 'Dino La Fiandra'
Subject: Case No: 2020-0211-SPHXA - 10901 McCormick Road

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for January 8, 2021 at 1:30 p.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11944670
Case #: 2020-0211-SPHXA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0211-SPHXA

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:

12/18/2020



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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0211-SPHXA

10825 & 10901 McCormick Road

N/east side of McCormick Road, 150 ft. to the centerline of Beaver Dam Road
8th Election District - 3rd Councilmanic District

Legal Owners: 10825 Beaver Dam Road, LLC

Special Hearing to amend the zoning order and approved site plan in Case No. 2018-0346-SPHXA in accordance with the relief granted herein. To confirm that the special exception for fuel service station granted in Case No. 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Road (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR 502.3 and as such the special exception use is vested, or in the alternative to extend the special exception for fuel service for an additional three years as provided in BCZR 502.3. To extend the special exception approval for fuel service station granted in Case No 2018-0346-SPHXA with respect to 10901 McCormick Road (Tax Map 42, Parcel 62) for an additional 3 years as provided in BCZR 502.3. To approve the expansion, reconstruction, and reuse of a fuel service station legally existing on the effective date of Bill 172-1993, including 1) the provision of additional fuel service previously approved by special exception in Case No 2018-0346-SPHXA; 2) uses in combination permitted by special exception under BCZR 405.4.E to be approved by special exception in this case (convenience store greater than 6,000 square feet and a fast food restaurant); 3) the expansion the uses beyond the confines of the site into 10901 McCormick Road (Tax Map 42, Parcel 62) as provided in BCZR 405.6.A.2, all as shown on the Plan to Accompany Petition for Zoning Hearing. To approve a modified site plan under BCZR 409.12.B containing 73 parking spaces as shown on the Plan to Accompany the Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 77 parking spaces. To approved non-conforming landscape transition areas along the public right of way as narrow as 7 feet wide in one instance and 8 feet wide in one instance in lieu of the required 10 feet under BCZR 104.1 AND 405.5.4.A.2.b. Such further and other relief as the nature of this case may require. Special Exception For a combination of a convenience store and carry out restaurant, with a gross floor area larger than 6,000 square feet inclusive of accessory storage, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR 405.4.E.1. For a fast food restaurant including outdoor seating, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR 405.4.E.10. Variance In the alternative to Special Hearing Request No.5. a Variance from BCZR 409.6 to permit 73 parking spaces in lieu of 77 required. In the alternative to Special Hearing Request No. 6 a Variance from BCZR 405.4.A.2.b for a Landscape Transition Area along a public right of way with a minimum width of 7 feet in one instance and a minimum width of 8 feet wide in one instance in lieu of 10 feet required.

Hearing: Friday, January 8, 2021 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

d18

CERTIFICATE OF POSTING

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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: _____

10825 & 10901 McCormick Road **Groups 1 & 2**

December 19, 2020

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



Sincerely,

December 19, 2020

(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

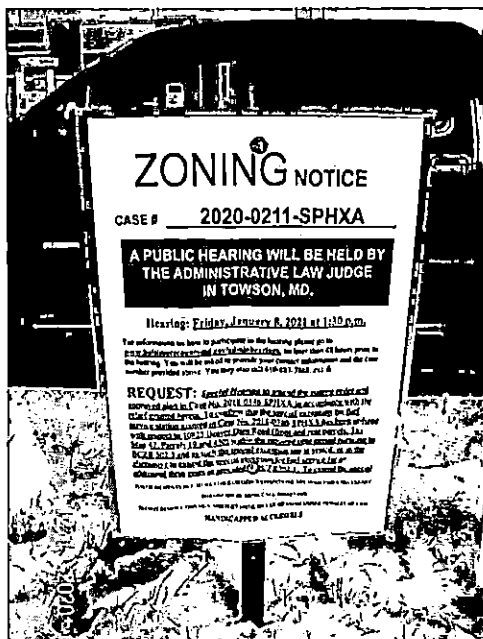
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road SIGN 1

December 19, 2020

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



Sincerely,

 December 19, 2020
(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

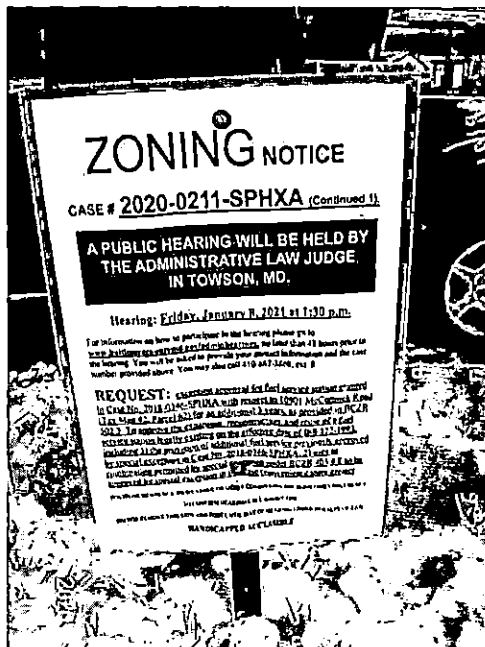
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road **SIGN 2**

December 19, 2020

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



Sincerely,



December 19, 2020

(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 POSTIN

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021.

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: _____

10825 & 10901 McCormick Road **SIGN 3**

December 19, 2020

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

Sincerely,

December 19, 2020

(Signature of Sign Poster) _____ (Date) _____

SSG Robert Black

(Print Name)

1508 Leslie Road

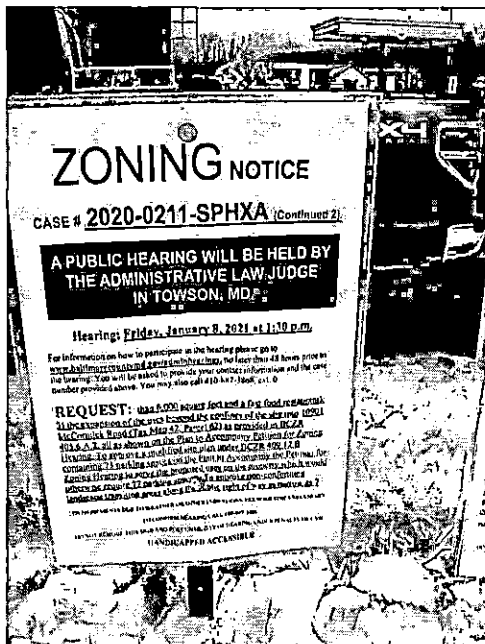
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

10825 & 10901 McCormick Road SIGN 4

December 19, 2020

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

Sincerely,

December 19, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

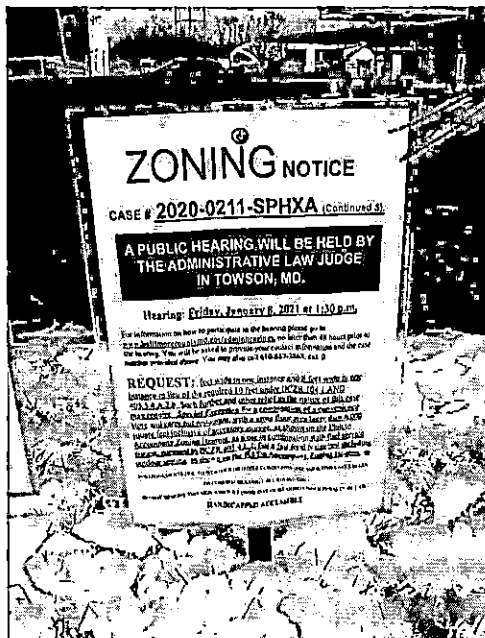
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RTIFICATE OF POSTIN

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

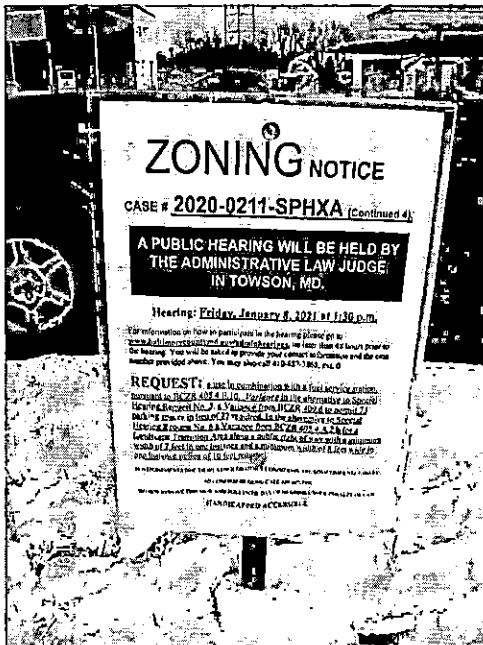
Ladies and Gentlemen:

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:

10825 & 10901 McCormick Road **SIGN 5**

December 19, 2020

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



Sincerely,

 December 19, 2020

(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

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

10825 & 10901 McCormick Road SIGN 6

December 19, 2020

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

Sincerely,

~~December 19, 2020~~

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

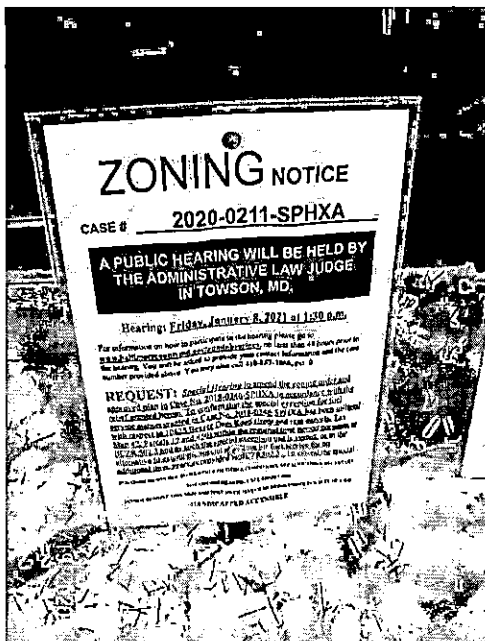
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

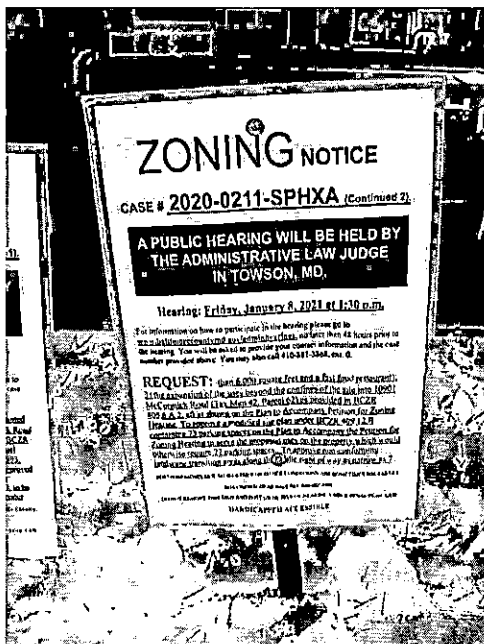
Ladies and Gentlemen:

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: _____

10825 & 10901 McCormick Road SIGN 8

December 19, 2020

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



Sincerely,

~~December 19, 2020~~

(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 POSTIN

2020-0211-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

10825 Beaver Dam Road, LLC

January 8, 2021

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:

10825 & 10901 McCormick Road SIGN 9

December 19, 2020

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

Sincerely,

December 19, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

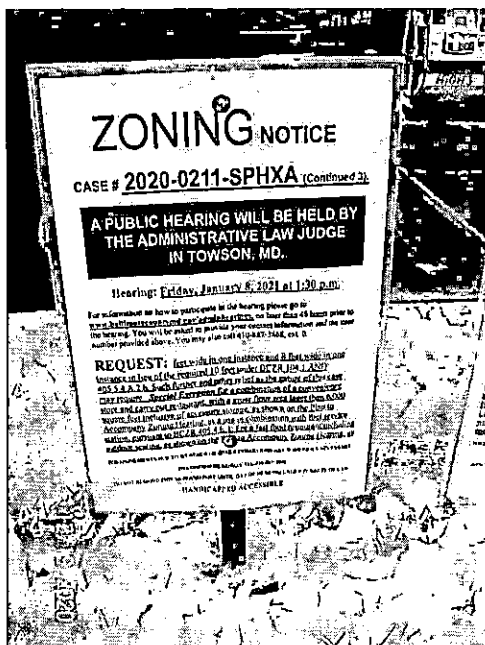
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





JOHN A. OLSZEWSKI, JR.
County Executive

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

December 11, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0211-SPHXA

10825 & 10901 McCormick Road

N/east side of McCormick Road, 150 ft. to the centerline of Beaver Dam Road

8th Election District – 3rd Councilmanic District

Legal Owners: 10825 Beaver Dam Road, LLC

Special Hearing to amend the zoning order and approved site plan in Case No. 2018-0346-SPHXA in accordance with the relief granted herein. To confirm that the special exception for fuel service station granted in Case No. 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Road (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR 502.3 and as such the special exception use is vested, or in the alternative to extend the special exception for fuel service for an additional three years as provided in BCZR 502.3. To extend the special exception approval for fuel service station granted in Case No 2018-0346-SPHXA with respect to 10901 McCormick Road (Tax Map 42, Parcel 62) for an additional 3 years, as provided in BCZR 502.3. To approve the expansion, reconstruction, and reuse of a fuel service station legally existing on the effective date of Bill 172-1993, including 1) the provision of additional fuel service previously approved by special exception in Case No 2018-0346-SPHXA; 2) uses in combination permitted by special exception under BCZR 405.4.E to be approved by special exception in this case (convenience store greater than 6,000 square feet and a fast food restaurant); 3) the expansion the uses beyond the confines of the site into 10901 McCormick Road (Tax Map 42, Parcel 62) as provided in BCZR 405.6.A.2, all as shown on the Plan to Accompany Petition for Zoning Hearing. To approve a modified site plan under BCZR 409.12.B containing 73 parking spaces as shown on the Plan to Accompany the Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 77 parking spaces. To approved non-conforming landscape transition areas along the public right of way as narrow as 7 feet wide in one instance and 8 feet wide in one instance in lieu of the required 10 feet under BCZR 104.1 AND 405.5.4.A.2.b. Such further and other relief as the nature of this case may require. Special Exception For a combination of a convenience store and carry out restaurant, with a gross floor area larger than 6,000 square feet inclusive of accessory storage, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR 405.4.E.1. For a fast food restaurant including outdoor seating, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR 405.4.E.10. Variance In the

alternative to Special Hearing Request No.5. a Variance from BCZR 409.6 to permit 73 parking spaces in lieu of 77 required. In the alternative to Special Hearing Request No. 6 a Variance from BCZR 405.4.A.2.b for a Landscape Transition Area along a public right of way with a minimum width of 7 feet in one instance and a minimum width of 8 feet wide in one instance in lieu of 10 feet required.

Hearing: Friday, January 8, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinon
Director

MM:kl

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

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., DECEMBER 19, 2020

**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/neighbor 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: 2020-0211-SP HXA

Property Address: 10901 McCormick Rd / 10825 Beaver Dam Rd.

Property Description: _____

Legal Owners (Petitioners): 10825 Beaver Dam Road LLC

Contract Purchaser/Lessee: 10825 Beaver Dam Road LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: DINO C. LaFiandra

Company/Firm (if applicable): The Law Office of Dino C. LaFiandra LLC

Address: 100 W. Pennsylvania Avenue, Suite 305
Towson MD 21204

Telephone Number: 443 2043473



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 29, 2020

Dino C. La Fiandra,
100 W Pennsylvania Ave Suite 305
Towson MD 21204

RE: Case Number: 2020-0211-SPHXA, 10901 McCormick Road & 10825 Beaver Dam Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 18, 2020. 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over the "Very truly yours," text.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 1, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0211-A
Address 10901 McCormick Road
(Phelps Property)

Zoning Advisory Committee Meeting of **August 24, 2020**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 01 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 1, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0211-A
Address 10901 McCormick Road
(Phelps Property)

Zoning Advisory Committee Meeting of **August 24, 2020**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 9/2/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-211



INFORMATION:

Property Address: 10901 McCormick Road & 10825 Beaver Dam Road
Petitioner: 10825 Beaver Dam Road LLC – John Phelps, Authorized Member
Zoning: ML-IM
Requested Action: Special Hearing, Special Exception and Variance

The Department of Planning has reviewed the petition for a Special Hearing, Special Exception and Variance for the redevelopment of the property. The property was the subject of a prior Zoning Case 2018-346. This request appears to be to extend the approval granted in that Hearing.

A site visit was conducted on June 28, 2018. The site is within the Hunt Valley/Timonium Plan area adopted by the County Council on October 19, 1998. The subject property is improved with an existing fuel service station established in 1972 pursuant to zoning case 1972-0278-XA as amended in successive zoning cases as noted on the site plan submitted in support of the petition. Furthermore, this request provides for diesel fuel supply that will be supportive of the surrounding ML uses and thus meet BCZR 253.2.B.

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

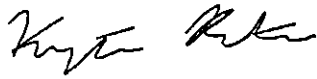
- Amend the plan layout to preserve the mature evergreen trees located along the southeast tract boundary. The Department recommends that the proposal is adequately parked and any proposed parking lost through preserving said trees will have minimal impacts on the use operation.
- Provided the Department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

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

RECEIVED
JAN 10 1964
U.S. AIR FORCE
HONOLULU, HAWAII

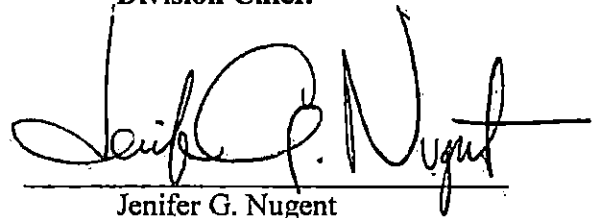
Date: 9/2/2020
Subject: ZAC # 20-211
Page 2

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/kma/

c: Wally Lippincott
Dino Lafiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Event Information

Event: Zoning Hearing - Case No: 2020-0211-SPHXA
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/jnstage/g.php?MTID=e0bc9ccd1ce2b023f1e968c6daade0b65>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/jnstage/g.php?MTID=e4d1f6487b07b9b5bc1df0fc941cd6261>
Date and time: Friday, January 8, 2021 1:30 pm
 Eastern Standard Time (New York, GMT-05:00) Start Event
Duration: 1 hour You can send event by Start Now
Description: Zoning Hearing
 Case No: 2020-0211-SPHXA
 10825 & 10901 McCormick Road
 Legal Owners: Beaver Dam, LLC Star
Event number: 180 685 6882
Event password: 1234
Host key: 272272
Alternate Host: Deb Wiley, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 578962
Video Address: 1806856882@baltimorecountymd.webex.com
 You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
 +1-415-655-0001
[Show all global call-in numbers](#)
 Access code: 180 685 6882
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Send Email
 You can send emails by Send Email

Send

Registration Information

Registration ID required: No
Password required: No
Password:
Approval required: No
Custom registration form: No
After registration, go to URL:

Manage Registrations

Delete Event

Edit Event

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Dino C. La Fiandra	dcl@lafiandralaw.com	1-	New York Time	English	U.S.
Jesse Newman	jnewman@highs.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Wayne Newton	wayne@messickandassociates.com	1-	New York Time	English	U.S.

Donna Mignon

From: Kristen L Lewis
Sent: Friday, December 11, 2020 9:51 AM
To: Debra Wiley; Donna Mignon
Subject: Webex

This is the information for another webex.

2020-0211-SPHXA
10825 & 10901 McCormick Road
Legal Owners: Beaver Dam Road, LLC

Hearing date: 1/8-20, 1:30 p.m.

The following individuals should receive the Webex link for the zoning hearing in Case 2020-211-SPHXA:

Wayne Newton - wayne@messickandassociates.com
Jesse Newman - jnewman@highs.com
Dino La Fiandra - dcl@lafiandralaw.com

Thanks very much!

Kristen Lewis
PAI – Zoning Review
410-887-3391

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - Case No: 2020-0211-SPHXA
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec72a467f582ce2e50b8e09934a8113db>
Start: Fri 1/8/2021 1:30 PM
End: Fri 1/8/2021 2:30 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

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When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 180 685 6882

Friday, January 8, 2021 1:30 pm, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec72a467f582ce2e50b8e09934a8113db>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e4f8894655b7622c36402334d467>

Start event.

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1806856882@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 578962

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e3029012b17b761312b249ccf1278bb2b>

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Donna Mignon

From: messenger@webex.com
Sent: Friday, December 11, 2020 10:06 AM
To: Donna Mignon
Subject: Email delivery status for Web seminar: Zoning Hearing - Case No: 2020-0211-SPHXA

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Webex sent the email message "Panelist Invitation" for your event.

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Number of email addresses the message could not be sent to: 0

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Donna Mignon

From: messenger@webex.com
Sent: Friday, December 11, 2020 10:06 AM
To: Donna Mignon
Subject: Email delivery status for Web seminar: Zoning Hearing - Case No: 2020-0211-SPHXA

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Webex sent the email message "Invitation for Alternate Host" for your event.

Number of email addresses the message was sent to successfully: 3

Number of email addresses the message could not be sent to: 0

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Donna Mignon

From: Google Calendar <calendar-notification@google.com> on behalf of dcl@lafiandralaw.com
Sent: Friday, December 11, 2020 10:07 AM
To: Donna Mignon
Subject: Accepted: Zoning Hearing - Case No: 2020-0211-SPHXA @ Fri Jan 8, 2021 1:30pm - 2:30pm (EST) (Donna Mignon)
Attachments: invite.ics

CAUTION: This message from 3EivTXwMQB3kaZiiXcfXkaoXiXt.ZljajfdklkYXiqlflobZlrkqvja.dls@calendar-server.bounces.google.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

dcl@lafiandralaw.com has accepted this invitation.

Zoning Hearing - Case No: 2020-0211-SPHXA

When Fri Jan 8, 2021 1:30pm – 2:30pm Eastern Time - New York
Where <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec72a467f582ce2e50b8e0993>
([map](#))
Calendar Donna Mignon
Who

- Donna Mignon - organizer
- dcl@lafiandralaw.com - creator
- Dino C. La Fiandra

Hello Dino C. La Fiandra,

Donna Mignon invites you to be a panelist in a Web seminar.

Topic: Zoning Hearing - Case No: 2020-0211-SPHXA

Host: Donna Mignon

Friday, January 8, 2021 1:30 pm, Eastern Standard Time (New York, GMT-05:00)

Event number: 180 685 6882

Panelist password: The Event has no Panelist Password

Video Address: [1806856882@baltimorecountymd.webex.com](https://baltimorecountymd.webex.com/join/1806856882)

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 578962

To join as a panelist

1. Go to <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eca3606ec16dddb9f60a3730fc76812>
2. Click "Join Now".

If you experience a problem joining the event as a panelist, you can join as an attendee.

Event password: 1234

To join the event as an attendee

1. Go to <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e779517cb12ce73e325ccb79fe4dfe6>
 2. Click "Join Now".
-

Join the audio conference only

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Global call-in numbers:

<https://baltimorecountymd.webex.com/baltimorecountymd/globalcallin.php?MTID=eada75e0665238cd7d573b7507560e715>

Access code: 180 685 6882

For assistance

To contact your host, Donna Mignon, send a message to dmignon@baltimorecountymd.gov

The playback of UCF (Universal Communications Format) rich media files requires appropriate players. To view this type of rich media files in the meeting, please check whether you have the players installed on your computer by going to <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/systemdiagnosis.php>

<https://www.webex.com>

IMPORTANT NOTICE: This Webex service includes a feature that allows audio and any documents and other materials exchanged during the session to be recorded. By joining this session, you automatically consent to such recordings. If you do not consent to the recording, discuss your concerns with the meeting host prior to the start of the recording or do not join the session. Please note that any such recordings may be subject to discovery in the event of litigation.

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account dmignon@baltimorecountymd.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://calendar.google.com/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of the invitation status, or to modify your RSVP. [Learn More](#).

ML-IM
1.338
AC

2018-
0346
SPHXA

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 08 Account Number - 0810045226		
Owner Information		
Owner Name:	DAN MAR ENTERPRISES LLC	Use: COMMERCIAL
		Principal Residence: NO
Mailing Address:	117 LAKE FRONT DR HUNT VALLEY MD 21030-	Deed Reference: /33675/ 00421
Location & Structure Information		
Premises Address:	10901 MCCORMICK RD HUNT VALLEY MD 21031-0000	Legal Description: ES MCCORMICK RD .377 AC 50 N BEAVER DAM RD
Map:	Grid:	Parcel:
0042	0021	0062
Neighborhood:	Subdivision:	Section:
20000.04	0000	
Block:	Lot:	Assessment Year:
		2020
Plat No:		Plat Ref:
Town: None		
Primary Structure Built		County Use
Above Grade Living Area		06
2,746 SF		
Finished Basement Area		Property Land Area
		16,391 SF
Stories	Basement	Type
		OFFICE BUILDING
Exterior	Quality	Full/Half Bath
/	C3	
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of
		01/01/2020
		Phase-in Assessments
		As of
		07/01/2020
		As of
		07/01/2021
Land:	310,000	310,000
Improvements	162,800	188,700
Total:	472,800	498,700
Preferential Land:	0	0
		481,433
		490,067
Transfer Information		
Seller: DAN MAR ENTERPRISES	Date: 05/28/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /33675/ 00421	Deed2:
Seller: JONES MELVIN L	Date: 01/18/1988	Price: \$180,000
Type: ARMS LENGTH IMPROVED	Deed1: /07770/ 00181	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		Date:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 08 Account Number - 0814065125			
Owner Information					
Owner Name:	10825 BEAVER DAM ROAD LLC		Use:	INDUSTRIAL	
Mailing Address:	2700 LOCH RAVEN RD BALTIMORE MD 21218-4729		Principal Residence:	NO	
			Deed Reference:	/27589/ 00032	
Location & Structure Information					
Premises Address:	10825 BEAVER DAM RD 0-0000		Legal Description:	1.298 AC NES 10825 BEAVER DAM RD 300 SE AT MCCORMICK RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No:
0042	0021	0019	20000.04	0000	2020 Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1973		8,349 SF		1.2900 AC	
Property Land Area		County Use			
1.2900 AC		07			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		AUTO CENTER	/	C3	
Garage Last Notice of Major Improvements					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2020		07/01/2020	
				As of	
				07/01/2021	
Land:	967,500	967,500			
Improvements	604,500	605,400			
Total:	1,572,000	1,572,900	1,572,300		1,572,600
Preferential Land:	0	0			
Transfer Information					
Seller: SOUTHERN STATES COOPERATIVE INC		Date: 01/27/2009		Price: \$1,800,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /27589/ 00032		Deed2:	
Seller: NOTTINGHAM FARMS INC		Date: 05/07/1970		Price: \$37,143	
Type: ARMS LENGTH IMPROVED		Deed1: /05090/ 00310		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2020	07/01/2021		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

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

13 8-9-18
BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0346-SPHXA

* * * * *

OPINION AND ORDER

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

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

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

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

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

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

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and

circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

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

Special Hearing

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

Variance

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

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

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

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

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

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

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

The relief granted herein shall be subject to the following:

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

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

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

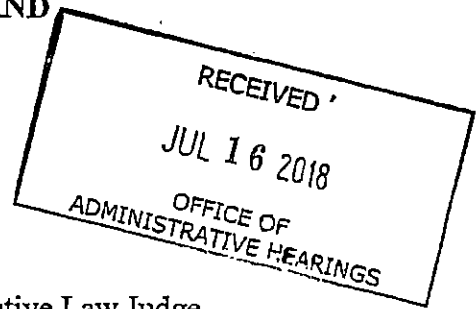


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: July 16, 2018

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

Zoning Advisory Committee Meeting of June 25, 2018.

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

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

X Redevelopment of the property may also have to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). Advisory comment made due to nearby FEMA floodplain elevation 264'.

Reviewer: Michael S. Kulis
Environmental Impact Review

1/8/21 @ 1:30 PM

CASE NO. 2020-0211-SPHXA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

✓ Order
✓ Intro

9/1

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

N/C

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

9/2

FIRE DEPARTMENT

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

Comment
No obj.

STATE HIGHWAY ADMINISTRATION

8-18

TRAFFIC ENGINEERING

Office of Zoning Review

Concerns - Possible
Trucking Fac.

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. See Attached)

NEWSPAPER ADVERTISEMENT Date: 12/18/20

SIGN POSTING (1st) Date: 12-19-20 by Beach

SIGN POSTING (2nd) Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

**BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PUBLIC WORKS
INTER-OFFICE CORRESPONDENCE**

DATE: February 17, 2021

TO: Honorable Maureen E. Murphy
Administrative Law Judge

FROM: Terry W. Curtis, Jr, Engineer III
Director of Public Works Office

SUBJECT: Zoning Case 2020-0211-A 10901 McCormick Road

Zoning Case 2020-0211-A has appeared before you on January 8, 2020 for approvals for a Special Hearing, Special Exceptions and Variances to permit several zoning reliefs. The attorney for the developer, Dino LaFiandra, has asked me to write to you for clarification to flood plain issues that came up during the hearing.

1. On August 12, 2020, the Federal Emergency Management Agency (FEMA) in cooperation with the Maryland Department of the Environment (MDE) released a preliminary set of Flood Insurance Rate Maps (FIRM's) for Baltimore County. These maps are being reviewed by county agencies and have not been adopted by County Council. The maps are projected to become effective with FEMA in the summer of 2022 and will then be adopted shortly after that.
2. Currently the FEMA FIRM Panel 2400100235F dated September 26, 2008, is the governing document as adopted by County Council with Bill Number 42-15 dated May 4, 2015.
3. The proposed site improvements shown in the flood plain such as a stormwater management facilities, paving along with curb and gutter, and utilities are permitted within the flood plain as per Baltimore County Code 32-4-414 (c) (2) and 32-4-107. During the engineering and construction phase of this project the developer will submit engineering computations to prove that there will be negligible impacts to upstream and downstream properties.

If you have any questions, please feel free to contact Terry Curtis of my office on extension 3117.

TWC:s

cc: File

Donna Mignon

From: Peoples Counsel
Sent: Wednesday, January 6, 2021 11:29 AM
To: Paul Mayhew; Maureen E Murphy; Administrative Hearings
Cc: Terry Curtis; Vishnubhai K Desai; Charles Nwokoro; Eugene Cauley; Kevin Wagner - MDE-; Dino La Fiandra
Subject: FW: ZAC Agenda Case No. 2020-0211-A, 10901 McCormick Road & 10825 Beaver Dam Road, Beaver Dam, LLC
Attachments: McCormick Road #10901 Case #2020-0211-A.pdf

Dear Judges Mayhew and Murphy,

This morning, I received a copy of a follow-up email from Terry Curtis, relating back to his September 11 e-mail below, inquiring if the attached September 10, 2020 Department of Public Works inter-office correspondence concerning floodplain issues has made it to the case file. The OAH case is scheduled for this Friday, January 8, 2021 at 1:30 p.m. Just to make sure in an expeditious way, I am promptly forwarding the comment to your office. The comment identifies issues to be resolved, including an ultimate conditions riverine floodplain study for review. If your office already has it, then this is a duplicate.

I am sending copies of my e-mail to potentially interested staff and to Dino LaFiandra, attorney for the petitioner.

I trust that the floodplain issues will be addressed at the hearing.

I hope everyone finds this helpful and has a very good new year.

Sincerely, Peter Max Zimmerman, People's Counsel, 410 887-2188

From: Terry Curtis <tcurtis@baltimorecountymd.gov>
Sent: Friday, September 11, 2020 11:22 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Michael Mallinoff <mmallinoff@baltimorecountymd.gov>
Cc: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; Charles Nwokoro <cnwokoro@baltimorecountymd.gov>; Eugene Cauley <ecauley@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Kevin Wagner -MDE- <kevin.wagner@maryland.gov>
Subject: ZAC Agenda Case No. 2020-0211-A, 10901 McCormick Road & 10825 Beaver Dam Road

Good morning,

Please find attached are comments to the above referenced project found on the Zoning Advisory Committee Agenda with a distribution date of August 17, 2020 and formal or informal responses due August 24, 2020. The originals have been placed in the interoffice mail system and your office should be receiving them shortly. For agencies outside of Baltimore County, this email will serve as your official copy.

If you have any questions please feel free to contact me anytime.

Have a great day,

Terry Curtis, Jr.
Engineer III

Department of Public Works
111 West Chesapeake Avenue
Room 219
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: Thomas Kiefer, P.E., Acting Director *Tom*
Department of Public Works

DATE: September 10, 2020

SUBJECT: Case No: 2020-0211-A
10901 McCormick Road & 10825 Beaver Dam Road, Cockeysville, Maryland 21030

The subject case is to determine whether or not the Administrative Law Judge should approve Special Hearings, Special Exceptions and Variances to permit several zoning reliefs.

During the review of this property, the Department of Public Works has found that there is a riverine flood plain on the property that impacts the proposed development. The "Plan to Accompany Zoning Petition" dated August, 2020 submitted with the application shows the proposed construction in the riverine flood plain. The Federal Emergency Management Agency's Flood Insurance Rate Map, FIRM, panel number 2400100235F dated September 26, 2008 shows this area is not in a riverine flood plain. This area has been revised on Preliminary FIRM's released on August 12, 2020 and is shown in the Special Flood Hazard Area.

Baltimore County Code Sections 32-4-414, 32-8 and the 2015 Baltimore County Building Code Part 125 all state "no building in a riverine flood plain".

The Baltimore County Design Manual dated August 2, 2010 page 7-48 states that flood studies must be based on ultimate conditions. An ultimate conditions riverine flood plain study of the property using the appropriate tail water downstream condition must be submitted for verification of the flood plain boundary. Once the flood plain boundary has been established, the Building Code requirements for riverine flood plain must be observed.

TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Kevin G. Wagner, Maryland Department of the Environment
Peter M. Zimmerman, People's Council

Re: Case No. 2020-211-SPHXA McCormick Rd./beaver Dam Rd.

Maureen E Murphy

Wed 2/10/2021 11:02 AM

Sent Items

To: Dino La Fiandra <dcl@lafiandralaw.com>;

Cc: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>;

Sounds good. Thanks.

Maureen E. Murphy

Administrative Law Judge

105 West Chesapeake Ave., Suite 103

Towson, Maryland 21204

410-887-3868

mmurphy@baltimorecountymd.gov

From: Dino La Fiandra <dcl@lafiandralaw.com>

Sent: Wednesday, February 10, 2021 10:59:45 AM

To: Maureen E Murphy

Cc: Donna Mignon; Debra Wiley

Subject: Re: Case No. 2020-211-SPHXA McCormick Rd./Beaver Dam Rd.

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

Judge Murphy,

Thank you for following up. I was in touch with Terry Curtis from DPW on January 13, 21, and 29 about your request for a supplemental report. Mr. Curtis told me he was overwhelmed with other work which was demanding his attention, but was hopeful to get you the report last week, which unfortunately does not appear to have happened. I will ask him again, and report back.

Regards,

Dino



On Wed, Feb 10, 2021 at 10:44 AM Maureen E Murphy <mmurphy@baltimorecountymd.gov> wrote:

Dino - I'm following up on the above case from the hearing on January 8, 2021. We left the hearing open to submit a supplemental report from DPW in regard to the floodplain issues. Would you please provide the status? Thanks.

Maureen E. Murphy

Administrative Law Judge

105 West Chesapeake Ave., Suite 103

Towson, Maryland 21204

410-887-3868

mmurphy@baltimorecountymd.gov



**Practice social distancing and
wear a mask in public places.**

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

1-8-21
11 Am

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Wednesday, January 6, 2021 8:30 PM
To: Dino La Fiandra; Administrative Hearings
Subject: Recertification's For 2020-0211-SPHXA
Attachments: Re-Cert 1 2020-0211-SPHXA.doc; Re-Cert 2 2020-0211-SPHXA.doc; Re-Cert 3 2020-0211-SPHXA.doc; Re-Cert 4 2020-0211-SPHXA.doc; Re-Cert 5 2020-0211-SPHXA.doc; Re-Cert 6 2020-0211-SPHXA.doc; Re-Cert 7 2020-0211-SPHXA.doc; Re-Cert 8 2020-0211-SPHXA.doc; Re-Cert 9 2020-0211-SPHXA.doc; Re-Cert 10 2020-0211-SPHXA.doc; Re-Cert Groups 1 & 2 2020-0211-SPHXA.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Attached please find recertification's for 10825 & 10901 McCormick Road. Thanks and HAPPY NEW YEAR.



Donna Mignon

From: Donna Mignon
Sent: Tuesday, December 22, 2020 2:08 PM
To: 'Dino La Fiandra'
Subject: Case No: 2020-0211-SPHXA - 10901 McCormick Road

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for January 8, 2021 at 1:30 p.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at least **two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

ZAC AGENDA

Case Number: 2020-0210-A

Reviewer: Gary Hucik

Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL

Type: VARIANCE

Legal Owner: Bishop C.N. Bailey and his Successor Trustees, as Trustee for the United House of Prayer for all People of the Church on the Rock of the Apostolic Faith

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 14 **Council Dist:** 6

Property Address: KENWOOD AVE

Location: (Parcel 363(Lots 12 and 13- Kenwood Avenue) and Parcel East side of Kenwood Ave Northwest 119 to the center line of Buchler Ave.

Existing Zoning: BL, AS, DR 5.5

Area: .7946 AC

Proposed Zoning:

VARIANCE:

303.2 BCZR To allow front yard depth of 22 feet which is less than the average depth of front yards of all lots within 100 feet on each side (38 feet to south and 33 to north for an average of 35.5 feet.) In lieu of the required 35.5 feet front yard average.

Attorney: Edward J. Gilliss

Prior Zoning Cases: 2019-0420-SPHA; R-1946-0749-X; R-1965-0038

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2020-0211-A

Reviewer: Gary Hucik

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: SPECIAL HEARING, SPECIAL EXCEPTION, VARIANCE

Legal Owner: John Phelps

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: 10901 MCCORMICK RD

Location: North East side of McCormick Road 150 feet to the center line intersection of Beaver Dam Road and McCormick Road.

Existing Zoning: ML-IM

Area: 1.338 AC

Proposed Zoning:

SPECIAL HEARING:

To amend the zoning order and approved site plan in Case No. 2018-0346-SPHXA in accordance with the relief granted herein.

To confirm that the special exception for fuel service station granted in Case No. 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Road (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR 502.3 and as such the special exception use is vested, or in the alternative to extend the special exception for fuel service for an additional three years as provided in BCZR 502.3.

To extend the special exception approval for fuel service station granted in Case No 2018-0346-SPHXA with respect to 10901 McCormick Road (Tax Map 42, Parcel 62) for an additional 3 years, as provided in BCZR 502.3.

ZAC AGENDA

To approve the expansion, reconstruction, and reuse of a fuel service station legally existing on the effective date of Bill 172-1993, including 1) the provision of additional fuel service previously approved by special exception in Case No 2018-0346-SPHXA; 2) uses in combination permitted by special exception under BCZR 405.4.E to be approved by special exception in this case (convenience store greater than 6,000 square feet and a fast food restaurant); 3) the expansion the uses beyond the confines of the site into 10901 McCormick Road (Tax Map 42, Parcel 62) as provided in BCZR 405.6.A.2, all as shown on the Plan to Accompany Petition for Zoning Hearing.

To approve a modified site plan under BCZR 409.12.B containing 73 parking spaces as shown on the Plan to Accompany the Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 77 parking spaces.

To approved non-conforming landscape transition areas along the public right of way as narrow as 7 feet wide in one instance and 8 feet wide in one instance in lieu of the required 10 feet under BCZR 104.1 AND 405.5.4.A.2.b.

Such further and other relief as the nature of this case may require.

SPECIAL EXCEPTION:

For a combination of a convenience store and carry out restaurant, with a gross floor area larger than 6,000 square feet inclusive of accessory storage, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR 405.4.E.1.

For a fast food restaurant including outdoor seating, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR 405.4.E.10.

VARIANCE:

In the alternative to Special Hearing Request No.5. a Variance from BCZR 409.6 to permit 73 parking spaces in lieu of 77 required.

In the alternative to Special Hearing Request No. 6 a Variance from BCZR 405.4.A.2.b for a Landscape Transition Area along a public right of way with a minimum width of 7 feet in one instance and a minimum width of 8 feet wide in one instance in lieu of 10 feet required.

Attorney: Dino C. La Fiandra

Prior Zoning Cases: 1989-0306-SPHX; 2014-0163-SPHX; 2018-0346-SPHXA

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

TO: THE DAILY RECORD
Friday, December 18, 2020 - Issue

Please forward billing to:

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

443-204-3473

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0211-SPHXA

10825 & 10901 McCormick Road

N/east side of McCormick Road, 150 ft. to the centerline of Beaver Dam Road

8th Election District – 3rd Councilmanic District

Legal Owners: 10825 Beaver Dam Road, LLC

Special Hearing to amend the zoning order and approved site plan in Case No. 2018-0346-SPHXA in accordance with the relief granted herein. To confirm that the special exception for fuel service station granted in Case No. 2018-0346-SPHXA has been utilized with respect to 10825 Beaver Dam Road (front and rear parcels, Tax Map 42, Parcels 19 and 450) within the required time period pursuant to BCZR 502.3 and as such the special exception use is vested, or in the alternative to extend the special exception for fuel service for an additional three years as provided in BCZR 502.3. To extend the special exception approval for fuel service station granted in Case No 2018-0346-SPHXA with respect to 10901 McCormick Road (Tax Map 42, Parcel 62) for an additional 3 years, as provided in BCZR 502.3. To approve the expansion, reconstruction, and reuse of a fuel service station legally existing on the effective date of Bill 172-1993, including 1) the provision of additional fuel service previously approved by special exception in Case No 2018-0346-SPHXA; 2) uses in combination permitted by special exception under BCZR 405.4.E to be approved by special exception in this case (convenience store greater than 6,000 square feet and a fast food restaurant); 3) the expansion the uses beyond the confines of the site into 10901 McCormick Road (Tax Map 42, Parcel 62) as provided in BCZR 405.6.A.2, all as shown on the Plan to Accompany Petition for Zoning Hearing. To approve a modified site plan under BCZR 409.12.B containing 73 parking spaces as shown on the Plan to Accompany the Petition for Zoning Hearing to serve the proposed uses on the property which would otherwise require 77 parking spaces. To approved non-conforming landscape transition areas along the public right of way as narrow as 7 feet wide in one instance and 8 feet wide in one instance in lieu of the required 10 feet under BCZR 104.1 AND 405.5.4.A.2.b. Such further and other relief as the nature of this case may require. Special Exception For a combination of a convenience store and carry out restaurant, with a gross floor area larger than 6,000 square feet inclusive of accessory storage, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to

BCZR 405.4.E.1. For a fast food restaurant including outdoor seating, as shown on the Plan to Accompany Zoning Hearing, as a use in combination with a fuel service station, pursuant to BCZR 405.4.E.10. Variance In the alternative to Special Hearing Request No.5. a Variance from BCZR 409.6 to permit 73 parking spaces in lieu of 77 required. In the alternative to Special Hearing Request No. 6 a Variance from BCZR 405.4.A.2.b for a Landscape Transition Area along a public right of way with a minimum width of 7 feet in one instance and a minimum width of 8 feet wide in one instance in lieu of 10 feet required.

Hearing: Friday, January 8, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

A handwritten signature in black ink, appearing to read "Michael Mallinoff", written in a cursive style.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
10825 & 10901 McCormick Road; NE/S of	*	OF ADMINISTRATIVE
McCormick Rd, 150' to c/line of Beaver Dam Rd		
8 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owners: 10825 Beaver Dam Road, LLC		
& Dan Mar Enterprises, LLC	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2020-211-SPHXA

* * * * *

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of August, 2020, a copy of the foregoing Entry of Appearance was emailed to Dino LaFiandra, Esquire, 100 W. Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, dcl@lafiandralaw.com, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

DATE: August 18, 2020

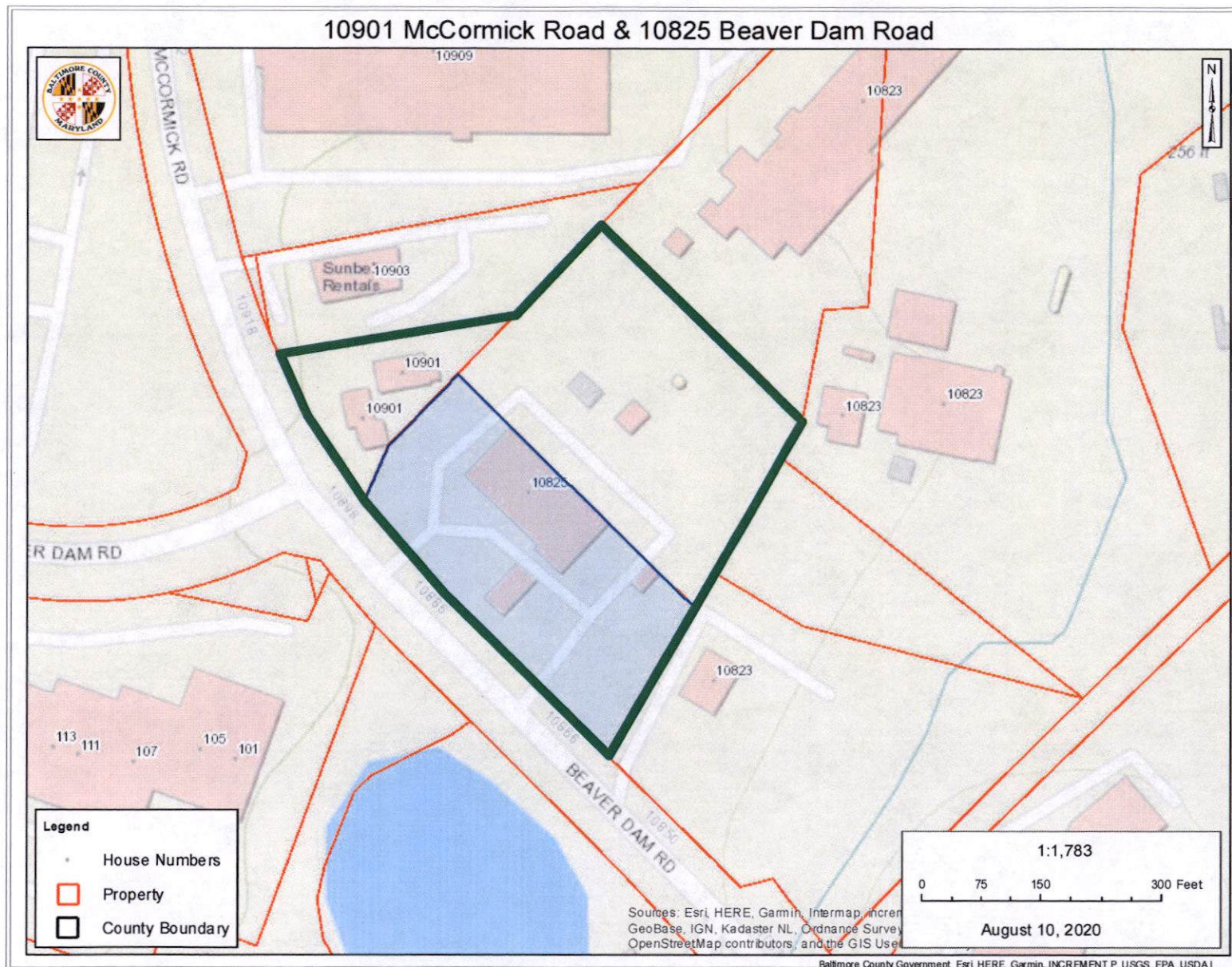
TO: Paul Mayhew, Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Gary Hucik, Planner II, Zoning Review Office
Department of Permits, Approvals & Inspections

SUBJECT: Notification Regarding Zoning Case # 2020-0211-SPHXA

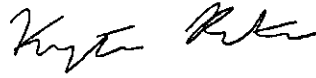
The Zoning Review Office has concerns about the 75 foot parking spaces located on this site. The parking and storage of tractor trailers on this site could be consider a trucking facility and this matter should be addressed at the hearing.

2020-0211-SPHXX



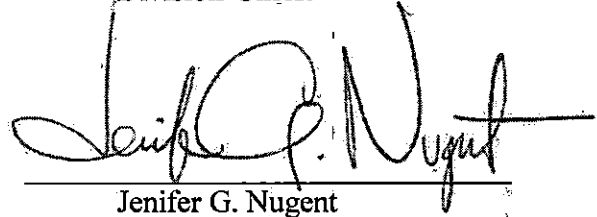
Date: 9/2/2020
Subject: ZAC # 20-211
Page 2

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/kma/

c: Wally Lippincott
Dino Lafiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

**Petitioner's
Exhibit 7**

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

DATE: 9/2/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-211

INFORMATION:

Property Address: 10901 McCormick Road & 10825 Beaver Dam Road
Petitioner: 10825 Beaver Dam Road LLC – John Phelps, Authorized Member
Zoning: ML-IM
Requested Action: Special Hearing, Special Exception and Variance

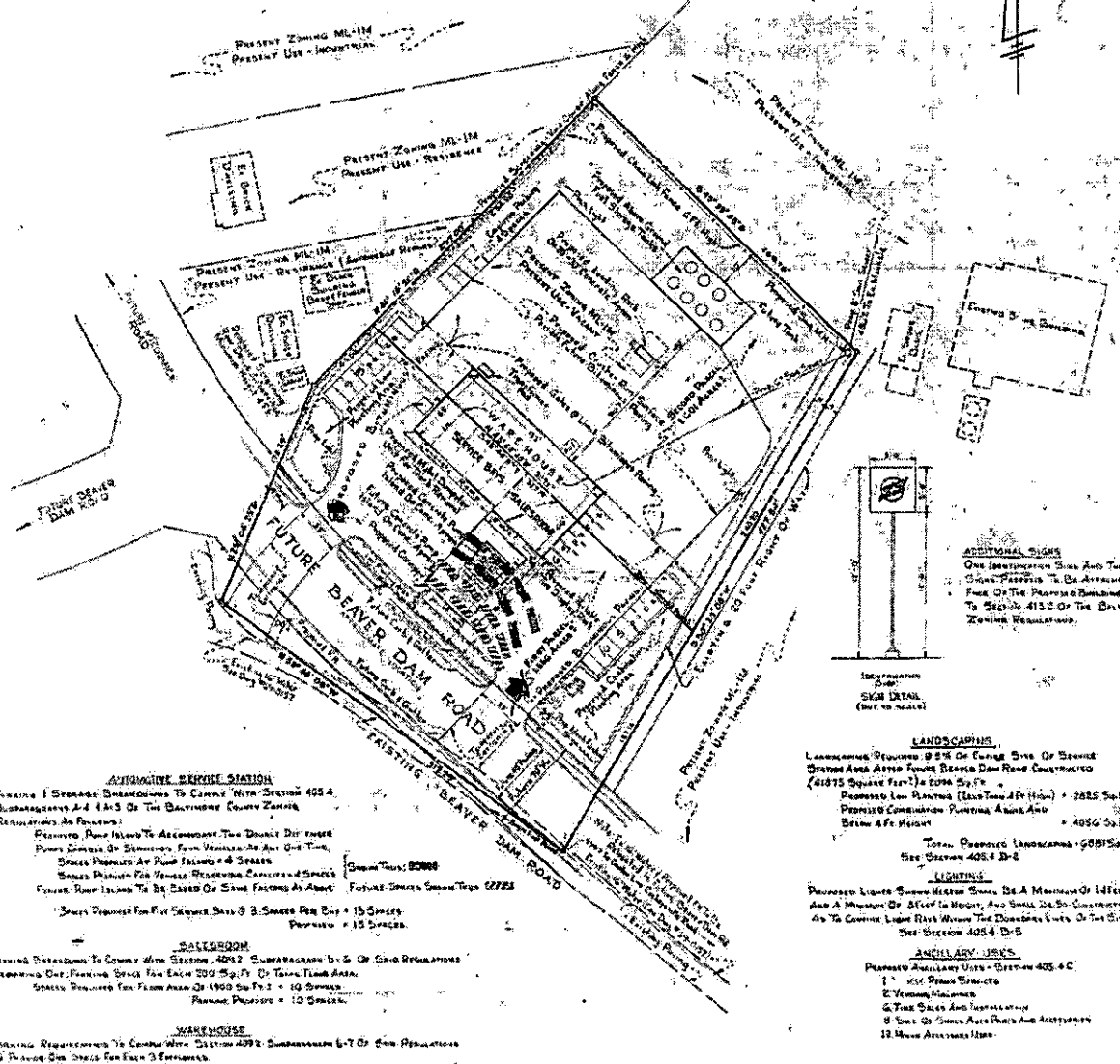
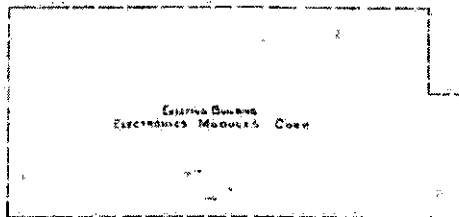
The Department of Planning has reviewed the petition for a Special Hearing, Special Exception and Variance for the redevelopment of the property. The property was the subject of a prior Zoning Case 2018-346. This request appears to be to extend the approval granted in that Hearing.

A site visit was conducted on June 28, 2018. The site is within the Hunt Valley/Timonium Plan area adopted by the County Council on October 19, 1998. The subject property is improved with an existing fuel service station established in 1972 pursuant to zoning case 1972-0278-XA as amended in successive zoning cases as noted on the site plan submitted in support of the petition. Furthermore, this request provides for diesel fuel supply that will be supportive of the surrounding ML uses and thus meet BCZR 253.2.B.

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

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

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



ADDITIONAL SIGNS
One Identification Sign And Three Memorandum Signs Attached To The Front Face Of The Proposed Building, Shall Conform To Section 415.2 Of The Baltimore County Zoning Regulations.



LANDSCAPING
Landscaping Required: 2.5% Of Gravel Drive Or Gravel Driveway Area Above Future Beaver Dam Road Construction (6175 Square Feet) = 1544 Sq. Ft.
Proposed Low Planting (Less Than 4 Ft. High) = 2825 Sq. Ft.
Proposed Conventional Planting Above And Below 4 Ft. Height = 4056 Sq. Ft.
Total Proposed Landscaping = 6085 Sq. Ft.
See Section 405.4 D-2

LIGHTING
Proposed Light Source Must Be A Maximum Of 14 Feet And A Maximum Of 5 Feet In Height, And Shall Be So Constructed As To Control Light Rays Within The Dominant Lines Of The Site.
See Section 405.4 D-3

AUXILIARY USES
Proposed Auxiliary Uses - Section 405.4 C
1. Off-Site Storage
2. Vehicle Maintenance
3. Truck Sales And Repairs
4. Sale Of Goods And Parts And Accessories
12 Hours Access Hours

AUTOMOTIVE SERVICE STATION
Parking & Storage: Subordinate To County With Section 405.4 Subparagraphs A-4 & A-5 Of The Baltimore County Zoning Regulations As Follows:
Required: Four Islands To Accommodate Two Double Drive-In Pump Service Or Storage, Four Islands At All One Time, Since Proposed At Pump Island & Service
Shall Be Provided For Vehicle Repairs, Car Washes And Service
Future: Four Islands To Be Based On Same Factors As Above
Shall Be Provided For Four Islands, Each 8' 3" Square Per Car = 15 Spaces
Proposed = 15 Spaces

SALESDROOM
Parking: Subordinate To County With Section 405.2 Subparagraphs 6 & 7 Of Code Regulations
Required: One Parking Space For Each 200 Sq. Ft. Of Total Floor Area
Shall Be Provided For Four Areas Of 1800 Sq. Ft. = 18 Spaces
Proposed = 18 Spaces

WAREHOUSE
Parking: Subordinate To County With Section 405.2 Subparagraphs 6 & 7 Of Code Regulations
Required: One Parking Space For Each 3' Enclosed
Shall Be Provided For Four Areas
Proposed = 18 Spaces

Total, Parking Required = 29 Spaces
Total, Parking Proposed = 29 Spaces

NOTES RELATING TO ZONING PETITION
SPECIAL EXCEPTION REQUESTED TO PERMIT AN AUTOMOTIVE SERVICE STATION IN AN EXISTING ML ZONE IN AN IM DISTRICT.
VARIANCE REQUESTED TO SECTION 2551 (SEE SECTION 2500) TO PERMIT A FRONT SETBACK OF FEET GREATER THAN THE REQUIRED 25 FOOT SETBACK, WITH REFERENCE TO THE SECOND PARCEL SHOWN HEREON.
VARIANCE REQUESTED TO SECTION 2551 (SEE SECTION 2502) TO PERMIT A REAR YARD OF FEET GREATER THAN THE REQUIRED 30 FEET, WITH REFERENCE TO THE FIRST PARCEL SHOWN HEREON.
VARIANCE REQUESTED TO SECTION 405.2 D-6 TO PERMIT DIRECT ACCESS TO AN ARTERIAL STREET OTHER THAN A CLASS 1 COMMERCIAL ARTERIAL.

PLAT TO ACCOMPANY ZONING PETITION
F O R
SOUTHERN STATES COOPERATIVE, INC.
NORTHEAST SIDE BEAVER DAM ROAD AT MCCORMICK ROAD
BALTO. CO. MD
SCALE: 1" = 50'
Recorded March 25, 1972
Book 2, Page 10, 11
ELECT DIST. NO. 8
FEBRUARY 28, 1972

WILLIAM A. REYNOLDS, JR.
AND ASSOCIATES, INC.
ENGINEERS
100 BALTIMORE AVE.
FOWERS & HANCOCK

ORDERED FOR FILING

DATE

July 27, 1972
Adella L. Harvey

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Sections 405.3 and 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for an Automotive Service Station should be granted; and, it further appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, and the Variances requested not adversely affecting the health, safety, and general welfare of the community, Variances to permit a front setback of zero feet (0') instead of the required twenty-five foot (25') setback with regard to Parcel 2; and to permit direct access to an arterial street other than a Class 1 Commercial Motorway on Parcel 1; and to permit a rear yard setback of zero feet (0') instead of the required thirty feet (30') for Parcel 1 should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28 day of July, 1972, that the herein described property be and the same is hereby continued as and the same is hereby continued as a Special Exception for a Automotive Service Station should be and the same is granted, from and after the date of this Order, and that the herein Variances to permit a front setback of zero feet (0') instead of the required twenty-five foot (25') setback with regard to Parcel 2; and to permit direct access to an arterial street other than a Class 1 Commercial Motorway on Parcel 1; and to permit a Zoning Commissioner of Baltimore County rear yard setback of zero feet (0') instead of the required thirty feet (30') for Parcel 1 should be granted, subject to the approval of a site plan by the Bureau

Pursuant to the advertisement, posting of property, and public hearing on the above petition of Public Services and the Office of Planning and Zoning:

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 197 that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

SOUTHERN STATES

I, or we, COOPERATIVE, INC. legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 255.1 (See Section 238.1) to permit

a front setback of 0 feet rather than the required 25 foot setback

with regard to parcel 2 and a variance to Section 405.2 B-6 to per-

mit direct access to an arterial street other than a Class I Commercial motorway on parcel 1

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty and extreme hardship.

Section 255.1 (238.2)

To permit a rear yard setback of 0 feet in lieu of the required 30 feet for parcel 1.

See attached description

MAP	20
WDT-B	
RECEIVED	
DATE	4-27-72
FILE	
INDEX	V
BY	WJH
STG	

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertiser, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

SOUTHERN STATES COOPERATIVE, INC.

By: James L. Row
Legal Owner

Contract purchaser

Address 7th and Main Streets
Richmond, Virginia 23213

W. Lee Harrison
Petitioner's Attorney

Protestant's Attorney

Address 306 West Joppa Road
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day

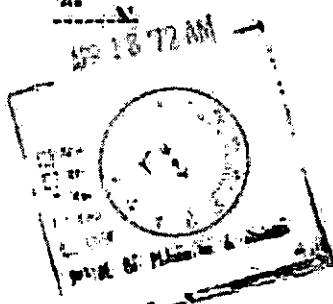
of April, 1972 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 12th day of June, 1972, at 11:00 clock

A.

Sam M. Thomas
Zoning Commissioner of Baltimore County

(over)



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

SOUTHERN STATES

1, or we, COOPERATIVE, INC.

legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____

zone; for the following reasons:

See attached description

MAP	20
SECTION	14
BLK	1
LOT	10
AREA	1.2
BY	1/12
DATE	1/12

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for automotive service station

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

ORDER RECEIVED FOR FILING

DATE July 22, 1972

BY Belle R. Harrison
-JUNIOR SECRETARY & ASSISTANT

Contract purchaser

SOUTHERN STATES COOPERATIVE, INC.

By: James I. Bowen
Legal Owner

Address 7th and Main Streets
Richmond, Virginia 23213

Protestant's Attorney

W. Lee Harrison
Petitioner's Attorney
Address 306 West Joppa Road
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day

of April, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 12th day of June, 1972 at 11:00 o'clock

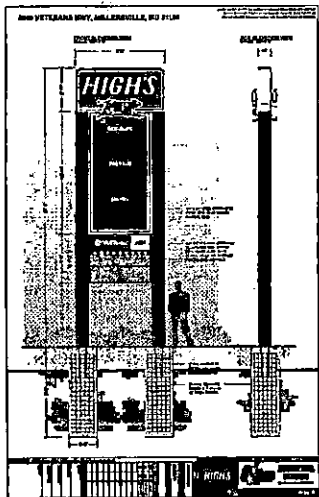


Eric M. [Signature]
Zoning Commissioner of Baltimore County

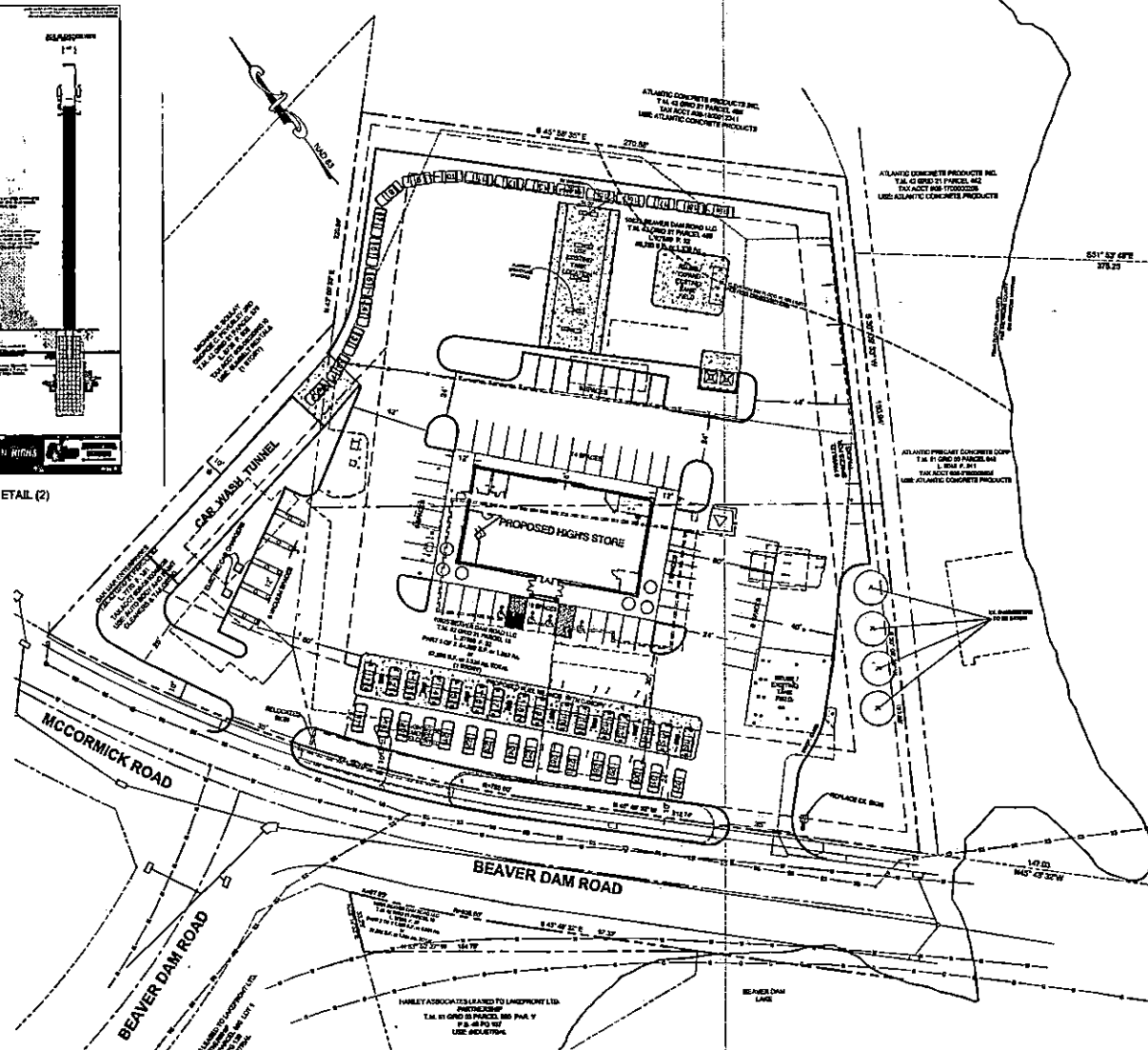
Petitioner's
Exhibit 6

#175

EXHIBIT 6



PROPOSED SIGN DETAIL (2)
ALT.2



SCALE: 1" = 30'

MESSICK & ASSOCIATES



CONSULTING ENGINEERS
7 OLD SOLOMONS ISLAND RD, SUITE 202
ANNAPOLIS, MARYLAND 21401
PHONE: (410) 268-3212 FAX: (410) 268-3502
WWW.MESSICK-AND-ASSOCIATES.COM

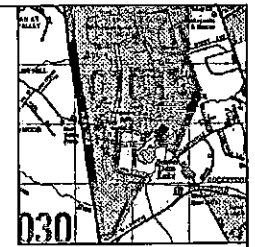


DEVELOPER:
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

SITE PLAN TO ACCOMPANY
ZONING PETITION

HIGHS CONVENIENCE STORE
AND CARWASH @
10825 BEAVER DAM ROAD

TAX MAP: 42 GRID: 21 PARCELS: 19 & 430 ZONED: RL IN
EIGHTH TAX DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 2018 SHEET: 2 OF 3



VICINITY MAP
SCALE: 1" = 2000
PER AOC MAP USE PERMIT #2103178

SITE DATA TABLE AND GENERAL NOTES

NO.	DESCRIPTION	OWNER	NO. OF SPACES
1	EXISTING FUEL SERVICE STATION	ATLANTIC CONCRETE PRODUCTS INC.	4
2	EXISTING CONVENIENCE STORE	ATLANTIC CONCRETE PRODUCTS INC.	4
3	EXISTING CARWASH	ATLANTIC CONCRETE PRODUCTS INC.	4
4	EXISTING FUEL SERVICE STATION	ATLANTIC CONCRETE PRODUCTS INC.	4
5	EXISTING CONVENIENCE STORE	ATLANTIC CONCRETE PRODUCTS INC.	4
6	EXISTING CARWASH	ATLANTIC CONCRETE PRODUCTS INC.	4

ZONE AND ACREAGE IN TOTAL AC. IN ZONE (ENTIRE SITE)

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

PROPOSED USES: FUEL SERVICE STATION WITH CONVENIENCE STORE; USE IN CONJUNCTION WITH FUEL SERVICE CARWASH AND USE IN CONJUNCTION WITH FOOD RESTAURANT.

ZONING CASE HISTORY: 84-308-SPEC-1 SPECIAL EXCEPTION FOR FOOD STORE AND MODIFICATION OF EXISTING FUEL SERVICE STATION AND CONVENIENCE STORE; HEARING TO CONSIDER AUTOMATIC SERVICE STATION TO GAS AND CO OPERATION AND AMENDMENTS TO PREVIOUSLY APPROVED SITE PLAN IN CASE 77-272-SR AND 73-138-SR GRANTED BY ZONING COMMISSION FEBRUARY 13, 1986.

2014-183-SPEC-1 SPECIAL EXCEPTION FOR ADDITIONAL FUEL SERVICE IN AN EXISTING FUEL SERVICE STATION AND FOR A CONVENIENCE STORE; HEARING TO CONSIDER AUTOMATIC SERVICE STATION TO GAS AND CO OPERATION AND AMENDMENTS TO PREVIOUSLY APPROVED SITE PLAN IN CASE 83-308-SPEC GRANTED BY ALJ APRIL 17, 2014.

REQUIRED PARKING			
USE	SPACES	REQUIREMENT	SPACES PROVIDED
EXISTING FUEL SERVICE STATION	4	1 SPACE PER 100 GALLONS OF FUEL	4
EXISTING CONVENIENCE STORE	4	1 SPACE PER 100 SQUARE FEET	4
EXISTING CARWASH	4	1 SPACE PER 100 SQUARE FEET	4
EXISTING FUEL SERVICE STATION	4	1 SPACE PER 100 GALLONS OF FUEL	4
EXISTING CONVENIENCE STORE	4	1 SPACE PER 100 SQUARE FEET	4
EXISTING CARWASH	4	1 SPACE PER 100 SQUARE FEET	4

TOTAL PARKING REQUIRED: 16 SPACES

TOTAL PARKING PROVIDED: 16 SPACES

STAGING SPACES REQUIRED: 16 SPACES

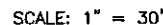
STAGING SPACES PROVIDED: 16 SPACES

- SETBACKS:
- 35 FT. FROM R/W TO MAIN BUILDING REQUIRED
 - 10 FT. FROM R/W TO MAIN BUILDING PROVIDED
 - 25 FT. FROM R/W TO PUMP REQUIRED
 - 34 FT. FROM R/W TO PUMP PROVIDED
 - 15 FT. FROM R/W TO CHIMNEY REQUIRED
 - 34 FT. FROM R/W TO CHIMNEY PROVIDED
 - 10 FT. LANDSCAPE TRANSITION AREA FROM R/W REQUIRED
 - 10 FT. LANDSCAPE TRANSITION AREA FROM R/W PROVIDED
 - 6 FT. LANDSCAPE TRANSITION AREA FROM ADJUTING NON-RESIDENTIALLY ZONED LAND PROVIDED
 - 10 FT. LANDSCAPE TRANSITION AREA FROM ADJUTING NON-RESIDENTIALLY ZONED LAND PROVIDED
 - 30 FT. FROM CARWASH TUNNEL TO FRONT PROPERTY LINE REQUIRED
 - 50 FT. FROM CARWASH TUNNEL TO FRONT PROPERTY LINE PROVIDED
 - 30 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE REQUIRED
 - 40 FT. FROM CARWASH TUNNEL TO SIDE PROPERTY LINE PROVIDED

- NOTES:
- 1.3 THESE ARE NON-RESIDENTIALLY ZONED PROPERTIES WITHIN 100' OF THE SUBJECT PROPERTY.
 2. RESTROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH BECN 402.4.B.
 3. LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH LANDSCAPE MANUAL FOR AUTOMOBILE USES SEE LANDSCAPE PLAN FOR DETAILS.

REVISION DESCRIPTION BY DATE

MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES



* WESSICK GROUP, INC. 1/A WESSICK AND ASSOCIATES

TAX MAP: 42 GRID: 25 PARCEL: 18 & 450 ZONED: ML, M
EIGHTH TAX DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 2013 - SHEET: 1 OF 3

ZONE AND ACTIVITY IN ZONE 14, IN ZONE/CRIME SITE

EXISTING USES: FUEL SERVICE STATION AND ANGLICAN CONGREGATION STORE; AUTO BODY SHOP; CLEANER AND TAILOR.

PROPOSED USES: FUEL SERVICE STATION WITH ANGLICAN CONGREGATION STORE USE IN COMBINATION FULL SERVICE CAR WASH AND LAUNDRY IN COMBINATION FAST FOOD RESTAURANT.

ZONING CASE HISTORY:

1981-88-550-SP-034. EXCEPTION FOR FOOD SIGN AND MODIFICATION OF EXISTING HEATING BILL SALES ESTABLISHMENT; SPECIAL, HEARING TO CONVERT AUTOMATIC SERVICE TO RETAIL SERVICE; APPROVED TO REDUCE USE OF FUEL AND TO REDUCE USE OF FUEL IN THE PLANT IN ZONE 14-278-1A AND 73-13-1A. GRANTED BY ZONING COMMISSIONER FEBRUARY 13, 1981.

2011-183-SP-034. SPECIAL EXCEPTION FOR ADDITIONAL FUEL SERVICE IN AN EXISTING FUEL SERVICE STATION AND FOR A CONGREGATION STORE LARGER THAN 1200 SQUARE FEET; INCLUDING ACCESSORY STRUCTURE; SPECIAL HEARING TO ADOPT PREVIOUSLY APPROVED SIGN PLAN IN CASE 108-302-SP-034. GRANTED BY ZONING COMMISSIONER FEBRUARY 13, 2014.

REQUIRED PARKING			
	REQUIREMENT	PROVIDED	SPACES REMAINING
C-6000	4,000	8 SPACES / 1,000 U.P.	3,000
BRICKLAGE	1,000	10 SPACES / 1,000 U.P.	900
EMPLOYEES/AGENCY TRAFFIC	0	0	0
ADJ	0	0	0
GR	0	0	0
SR	0	0	0
PASS EMPLOYEES/AGENCY TRAFFIC	0	0 SPACES / NO EMP. CARRIES	0
AGENCY TRAFFIC	0	0 SPACES / NO EMP. CARRIES	0

TOTAL PARKING REQUIRED: 63 SPACES
TOTAL PARKING PROVIDED: 72 SPACES
STACKING SPACES REQUIRED: CARWASH(CWS): 19 SPACES
STACKING SPACES PROVIDED: CARWASH(CWS): 19 SPACES

- 33 FT. FROM R/W TO MAIN BUILDING REQUIRED
- 100 FT. FROM R/W TO MAIN BUILDING PROVIDED
- 24 FT. FROM R/W TO PUMP REQUIRED
- 24 FT. FROM R/W TO PUMP PROVIDED
- 13 FT. FROM R/W TO CANOPY REQUIRED
- 12 FT. FROM R/W TO CANOPY PROVIDED
- 10 FT. LANDSCAPE TRANSITION AREA FROM R/W REQUIRED
- 10 FT. LANDSCAPE TRANSITION AREA FROM R/W PROVIDED
- 8 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND REQUIRED
- 10 FT. LANDSCAPE TRANSITION AREA FROM ABUTTING NON-RESIDENTIALLY ZONED LAND PROVIDED
- 50 FT. FROM CANAWASH TUNNEL TO FRONT PROPERTY LINE REQUIRED
- 50 FT. FROM CANAWASH TUNNEL TO FRONT PROPERTY LINE PROVIDED
- 35 FT. FROM CANAWASH TUNNEL TO SIDE PROPERTY LINE REQUIRED
- 35 FT. FROM CANAWASH TUNNEL TO SIDE PROPERTY LINE PROVIDED
- 50 FT. FROM CANAWASH TUNNEL TO SIDE PROPERTY LINE PROVIDED

NOTES:

- 1.) THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 100' OF THE SUBJECT PROPERTY.
- 2.) RESTROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH RCER 405.4.5.
- 3.) LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH LANDSCAPE MANUAL FOR AUTOMOBILE USES SEE LANDSCAPE PLAN FOR DETAILS.

REVISION	DESCRIPTION	BY DATE

Existing High's Store
10825 Beaver Dam Road



Existing High's Store
6207 N. Charles Street





Messick & Associates

Consulting Engineers,
Planners, Surveyors
& Landscape Architects
"Designing Success Since 1951"

**Petitioner's
Exhibit 1**

WAYNE A. NEWTON, P.E.

MESSICK GROUP, INC. T/A MESSICK & ASSOCIATES

Education: BS Civil Engineering - West Virginia University, 1990

Memberships: American Society of Civil Engineers

Registration: Professional Engineer (Civil) - WV-1995; MD-1995; PA-1997, DE-2000

Work History: 1994 - Present - Messick Group, Inc., President
1992 - 1994 - Messick Group, Inc., Project Manager
1989 - 1992 - Greenhorne & O'Mara, Inc., Project Manager
5/88-12/88 - Boyd & Dowgiallo, P.A., Engineering Intern

Experience:

Mr. Newton has over 30 years' experience in site design, project management and construction management in Anne Arundel County. He has managed Municipal Capital projects, shore erosion control projects, residential subdivision projects, and commercial and industrial facilities. His experience is very diverse and includes design, inspection and contract management of all AACPS and Anne Arundel County Department of Public Works projects completed since 1996. Mr. Newton has performed civil design services for many private and public entities including the State of Maryland and Anne Arundel County. Mr. Newton has successfully completed the Erosion and Sediment control training program in the states of Maryland and Delaware and is a certified construction reviewer in the state of Delaware.

Mr. Newton is responsible for timely, complete delivery of all projects within the firm. He serves as project manager and is responsible for client relations, design, budgeting, scheduling, and quality control. Mr. Newton has been responsible for a wide range of project types from small building additions to large residential developments, recreational, shoreline protection, commercial and industrial/institutional projects, including municipal/public site design.

Mr. Newton was/is the Project Manager for the Department of Public Works Facilities Compliance Project, Phase III, numerous new and replacement stores for Higgs of Baltimore, Inc. in various counties, the Ginger Cove retirement community expansion, Main Street at Waugh Chapel (commercial shopping center), and several EZ Storage facilities in various locations throughout Anne Arundel County. He was also the Project Manager for the Heritage Crossing, Garrens Choice, Solomons Woods, KCC Properties (residential single-family subdivisions) and the Towns of Old Stage (residential townhouse project). He was also the lead civil engineer for several projects completed by the firm including Solomons Choice, Arnold Overlook, The Reserve at Pond View, Sandy Farm at MD 100 & 170, Crestwood Towns, Severn Crossroads, Monroe Landing, Oakview Village and Shannon's Glen.

2020-0211-SB AXA



PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NO. 22098
EXPIRATION DATE: 9-10-20

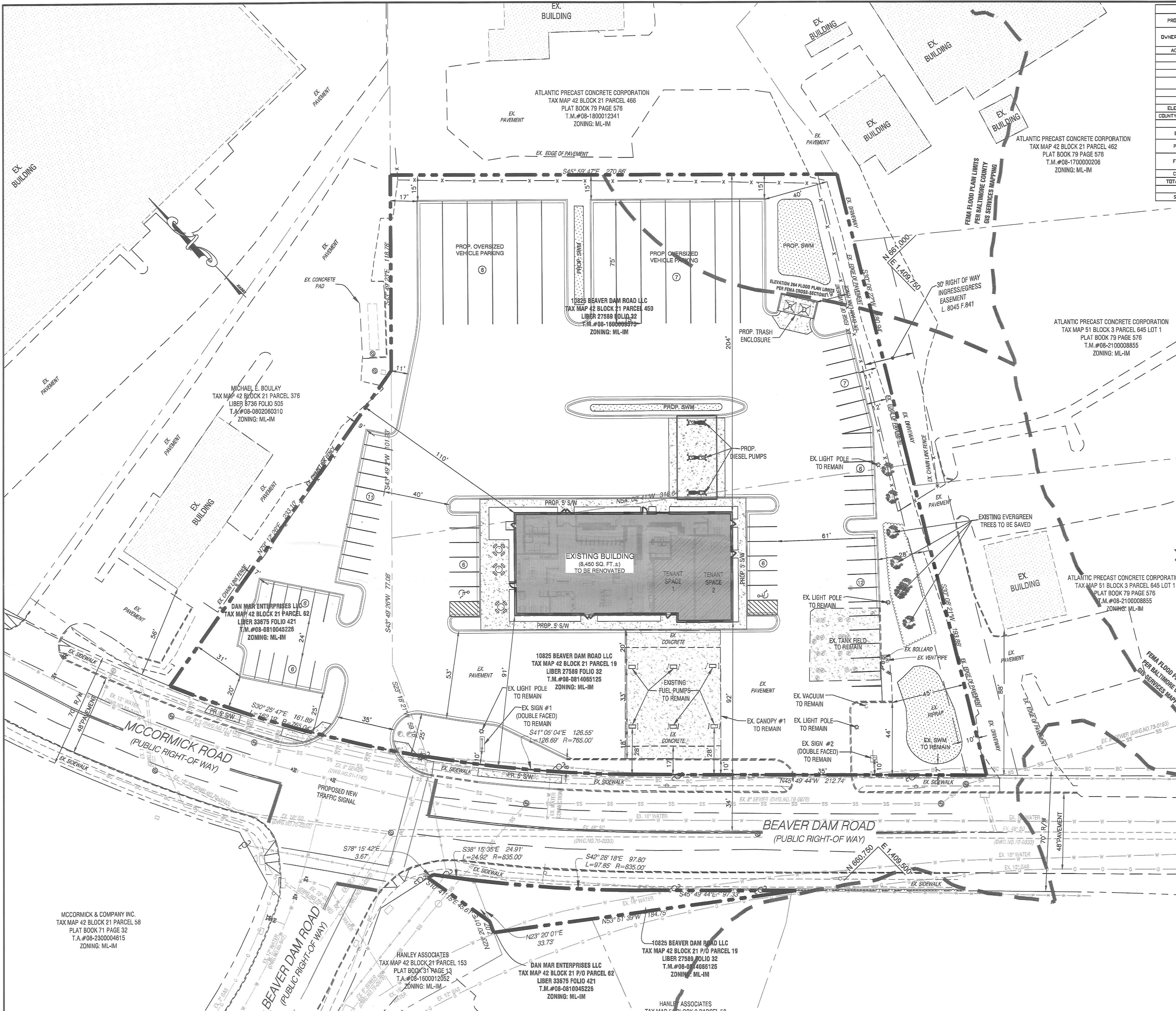
PARCEL: 62
DAN MARR ENTERPRISES LLC
117 LAKE FRONT DRIVE
HUNT VALLEY, MD 21031

PLAN TO ACCOMPANY ZONING PETITION

HIGH'S CONVENIENCE STORE
10825 BEAVER DAM ROAD
EXISTING CONDITIONS

TAX MAP: 42 GRID: 21 PARCELS: 19, 62 & 450
ELECTION DISTRICT: 8TH COUNCIL DISTRICT: 3RD
ZONED: ML IM—LIGHT MANUFACTURING BALTIMORE COUNTY, MARYLAND 21031

SCALE: 1" = 20' DATE: AUGUST 2020 SHEET: 1 OF 3



SITE DATA			
PROPERTY ADDRESS:	10825 BEAVER DAM ROAD COCKEYSVILLE, MD 21030	10825 BEAVER DAM ROAD COCKEYSVILLE, MD 21030	10901 MCCORMICK ROAD HUNT VALLEY, MD 21031
OWNER NAME & ADDRESS:	10825 BEAVER DAM ROAD LLC 2700 LOCH RAVEN ROAD BALTIMORE, MD 21218	10825 BEAVER DAM ROAD LLC 2700 LOCH RAVEN ROAD BALTIMORE, MD 21218	DAN MAR ENTERPRISES LLC 117 LAKE FRONT DRIVE HUNT VALLEY, MD 21031
ACCOUNT NUMBER	0814065125	1600099373	0810045226
TAX MAP	42	42	42
GRID	21	21	21
PARCELS	19	450	62
DEED	LIBER 27589 FOLIO 00032	LIBER 27589 FOLIO 00032	LIBER 33675 FOLIO 00421
PLAT NO.			
PLAT REF.			
ELECTION DISTRICT	8TH	8TH	8TH
COUNTY COUNCIL DISTRICT	3RD	3RD	3RD
ZONING	ML-3H	ML-3H	ML-3H
EXISTING USE	AUTO CENTER, CONVENIENCE STORE W/ FUEL SALES	AUTO CENTER, CONVENIENCE STORE W/ FUEL SALES	RETAIL/OFFICE
PROPOSED USE	CONVENIENCE STORE W/ FUEL SALES & RETAIL	CONVENIENCE STORE W/ FUEL SALES & RETAIL	CONVENIENCE STORE W/ FUEL SALES & RETAIL
FLOODPLAIN	CHMDAL FLOODING	CHMDAL FLOODING	CHMDAL FLOODING
FEMA FIRM MAP	CHMDAL FLOODING	CHMDAL FLOODING	CHMDAL FLOODING
CRITICAL AREA	NA	NA	NA
TOTAL PARCEL AREA	57,656 SQ.FT. (1.324) ACRES	58,295 SQ.FT. (1.338) ACRES	16,745 SQ.FT. (0.384) ACRES
WATERSHED	LOCH RAVEN RESERVOIR	LOCH RAVEN RESERVOIR	LOCH RAVEN RESERVOIR
SUBWATERSHED	BEAVER DAM RUN	BEAVER DAM RUN	BEAVER DAM RUN



Setbacks					
From	To	Setback required	BCZR §	Setback provided	
Right of way	Main Building	35 feet	\$405.4.A.2	91 Feet	
Right of way	Pump	25 feet	\$405.4.A.2	28 Feet	
Right of way	Canopy	15 feet	\$405.4.A.2	17 Feet	
Front property line	Front of any building	25	\$238.1	91 Feet	
Front property line	Front of any building	Average front yard depth of all lots within 100 feet to each side - 72 feet	\$303.2	91 Feet	
Center Line of Street	Front of any building	50 feet	\$238.1	126 Feet	
Side yard	Any building	30 feet	\$238.2	110 Feet	
Rear yard	Any building	30 feet	\$238.2	204 Feet	

Lot size, parking and stacking data table:						
Use	Size/Number	Lot size Requirement	Lot Size Required	Parking Requirement	Parking Required	Stacking Space Requirement
Fuel Service Spaces	14 Fuel Service Spaces (12 MPGs, 2 Diesel)	1300 sq ft per Fuel Service Space & 405.4.A	21,000			1 stacking space required in addition to the fuel service space per MPO \$405.4.A.3.c.2
C-store	4746 square feet	4 square feet of lot area per square foot of c-store \$405.4.D.2	18,984	5 spaces / 1000 sq ft of c-store, \$405.4.3.d.2 and \$409	23.73 spaces	
Fast Food Restaurant	1,544 sq ft indoor plus 551 sq ft outdoor seating = 2095	6 square feet of lot area per square foot of fast food restaurant BCZR \$405.4.E.30	12,570	16 / 1000 sq ft of fast food, etc.	33.52 spaces	
ATM	1 ATM	1,000 sq ft per ATM	1,000 sq ft	1 parking space per ATM \$405.4.A.3.d.5	1	
Self Service Air / Vacuum	1 Unit			1 parking space per unit \$405.4.A.3.d.4	1	
Employees on the Largest Shift	6 Employees			1 parking space per employee on the largest shift \$405.4.A.3.d.1	6	
Tenants - Retail	2,100 square feet			5 parking spaces per 1000 square feet, \$409.d.	10.80	
Total Required			Required Lot Area: 53,554 sq ft		77 (78.05) parking spaces required	34 stacking spaces provided
Total Provided			Lot Area Provided: 132,694 sq ft		73 parking spaces provided	34 stacking spaces provided

ZONING CASE HISTORY:
69-308-SPHX- SPECIAL EXCEPTION FOR FOOD STORE AND MODIFICATION OF EXISTING HEATING FUEL SALES ESTABLISHMENT; SPECIAL HEARING TO CONVERT AUTOMOTIVE SERVICE STATION TO GAS AND GO OPERATION AND AMENDMENTS TO PREVIOUSLY APPROVED SITE PLANS IN CASES 72-278-XA AND 75-138-XA, GRANTED BY ZONING COMMISSIONER FEBRUARY 15, 1989.
2014-163-SPHX- SPECIAL EXCEPTION FOR ADDITIONAL FUEL SERVICE IN AN EXISTING FUEL SERVICE STATION AND FOR A CONVENIENCE STORE LARGER THAN 1500 SQUARE FEET INCLUSIVE ACCESSORY STORAGE; SPECIAL HEARING TO AMEND PREVIOUSLY APPROVED SITE PLAN IN CASE 69-308-SPHX, GRANTED BY ALJ APRIL 17, 2014
2018-0346-SPHX - SPECIAL HEARING TO APPROVE ADDITIONAL FUEL DISPENSERS IN AN EXISTING FUEL SERVICE STATION AND AMENDMENT TO PREVIOUS APPROVED ZONING SITE PLAN CASE NO. 2014-0263-SPHX, VARIANCE ALLOWING A 10' SIDE YARD SETBACK IN LIEU OF A 20' SETBACK AND ALLOW TWO FREE STANDING ENTERPRISE SIGNS; AND A SPECIAL EXCEPTION TO USE THE PROPERTY FOR FUEL SERVICE STATIONS, FULL SERVICE CAR WASH, AND FAST FOOD RESTAURANT, GRANTED BY ALJ AUGUST 15, 2018.

NOTES:
1. THE SITE IS NOT WITHIN ANY FAILED BASIC SERVICES MAP AREA AS SHOWN ON THE BASIC SERVICES MAP PASSED BY THE BALTIMORE COUNTY COUNCIL ON MAY 4, 2020 IN BILL 30-20.
2. THIS SITE IS WITHIN THE UOPL. A FUEL SERVICE STATION AND USES IN COMBINATION THEREWITH ARE PERMITTED BY SPECIAL EXCEPTION UNDER BCZR §405.2.B.2.
3. RESTROOM FACILITIES, WATER AND COMPRESSED AIR WILL BE PROVIDED IN ACCORDANCE WITH BCZR §405.4.B.
4. LANDSCAPE TRANSITION AREA TO BE VEGETATED AND SCREENED IN ACCORDANCE WITH LANDSCAPE MANUAL.
5. THERE ARE NO RESIDENTIALLY ZONED PROPERTIES WITHIN 100' OF THE SUBJECT PROPERTY.

PLAN
SCALE: 1"=20'

REVISION NO. REVISION DESCRIPTION REVISION BY REVISION DATE APPROVED BY APPROVAL DATE

MESSICK & ASSOCIATES[®]
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 22098
EXPIRATION DATE: 6-10-20

OWNERS:
PARCELS: 19, & 450
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

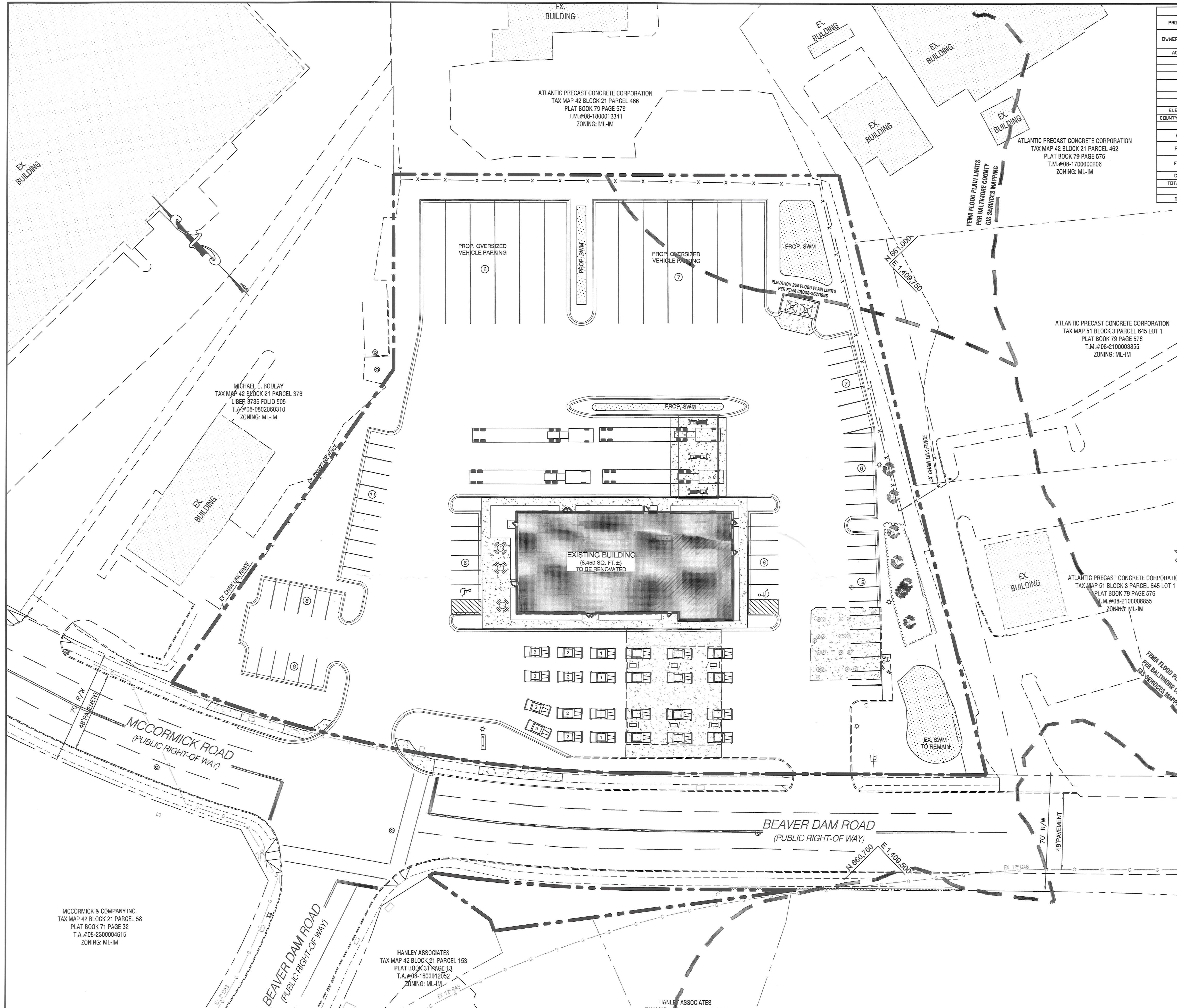
DEVELOPER:
HIGHS OF BALTIMORE, LLC
2700 LOCH RAVEN BLVD
BALTIMORE, MARYLAND 21218
ATT: JESSE NEWMAN
jnewman@highs.com
(410) 261-5382

PARCEL: 62
DAN MAR ENTERPRISES LLC
117 LAKE FRONT DRIVE
HUNT VALLEY, MD 21031

PLAN TO ACCOMPANY ZONING PETITION
HIGH'S CONVENIENCE STORE
10825 BEAVER DAM ROAD
PROPOSED CONDITIONS

TAX MAP: 42 GRID: 21 PARCELS: 19, 62 & 450
ELECTION DISTRICT: 8TH COUNCIL DISTRICT: 3RD
ZONED: ML IM-LIGHT MANUFACTURING BALTIMORE COUNTY, MARYLAND 21031

SCALE: 1" = 20' DATE: AUGUST 2020 SHEET: 2 OF 3



SITE DATA			
PROPERTY ADDRESS:	10825 BEAVER DAM ROAD COCKEYSVILLE, MD 21033	10825 BEAVER DAM ROAD COCKEYSVILLE, MD 21033	10901 MCCORMICK ROAD HUNT VALLEY, MD 21031
OWNER NAME & ADDRESS:	10825 BEAVER DAM ROAD LLC 2700 LOCHRAVEN ROAD BALTIMORE, MD 21218	10825 BEAVER DAM ROAD LLC 2700 LOCHRAVEN ROAD BALTIMORE, MD 21218	DAN MAR ENTERPRISES LLC 117 LAKE FRONT DRIVE HUNT VALLEY, MD 21031
ACCOUNT NUMBER	0814065125	1600099373	0810045226
TAX MAP:	42	42	42
GRID:	E1	E1	E1
PARCELS:	19	450	62
DEED:	LIBER 27389 FOLIO 00032	LIBER 27389 FOLIO 00032	LIBER 33675 FOLIO 09421
PLAT NO.			
ELECTION DISTRICT:	8TH	8TH	8TH
COUNTY COUNCIL DISTRICT:	3RD	3RD	3RD
ZONING:	ML-1M	ML-1M	ML-1M
EXISTING USE:	AUTO CENTER, CONVENIENCE STORE V/FUEL SALES	AUTO CENTER, CONVENIENCE STORE V/FUEL SALES	RETAIL/OFFICE
PROPOSED USE:	CONVENIENCE STORE V/ FUEL SALES & RETAIL	CONVENIENCE STORE V/ FUEL SALES & RETAIL	CONVENIENCE STORE V/ FUEL SALES & RETAIL
FLOODPLAIN:	ZONE X (CHINAL FLOODING)	ZONE X (CHINAL FLOODING)	ZONE X (CHINAL FLOODING)
FEMA FIRM MAP:	840100230P	840100230P	840100230P
CRITICAL AREA:	NA	NA	NA
TOTAL PARCEL AREA:	57,636 SQ.FT. (0.324) ACRES	58,295 SQ.FT. (0.338) ACRES	16,745 SQ.FT. (0.384) ACRES
WATERSHED:	LOCH RAVEN RESERVOIR	LOCH RAVEN RESERVOIR	LOCH RAVEN RESERVOIR
SUBWATERSHED:	BEAVER DAM RUN	BEAVER DAM RUN	BEAVER DAM RUN



VICINITY MAP
SCALE: 1" = 1000'
PER ADC MAP USE PERMIT #21003176

PLAN
SCALE: 1"=20'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE	APPROVED BY	APPROVAL DATE

MESSICK & ASSOCIATES[®]

CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502

OWNERS:
PARCELS: 19, & 450
10825 BEAVER DAM ROAD LLC
2700 LOCH RAVEN ROAD
BALTIMORE, MD 21218

DEVELOPER:
HIGHS OF BALTIMORE, LLC
2700 LOCH RAVEN BLVD
BALTIMORE, MARYLAND 21218
ATT: JESSE NEWMAN
jnewman@higs.com
(410) 261-5382

PARCEL: 62
DAN MAR ENTERPRISES LLC
117 LAKE FRONT DRIVE
HUNT VALLEY, MD 21031

PLAN TO ACCOMPANY ZONING PETITION
**HIGH'S CONVENIENCE STORE
10825 BEAVER DAM ROAD
STACKING EXHIBIT**
TAX MAP: 42 GRID: 21 PARCELS: 19, 62 & 450
ELECTION DISTRICT: 8TH COUNCIL DISTRICT: 3RD
ZONED: ML 1M-LIGHT MANUFACTURING BALTIMORE COUNTY, MARYLAND 21031
SCALE: 1" = 20' DATE: AUGUST 2020 SHEET: 3 OF 3

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