

MEMORANDUM

DATE: 4/27/201
TO: ZONING REVIEW
FROM: Office of Administrative Hearings
RE: Case No. 2020-0285-A

The appeal period for the above-referenced cases expired on April 21, 2021. There being no appeal filed, the subject file is ready for return to Zoning Office and is placed in the 'pick up box.'

/dlm

c: ✓ Case File
Office of Administrative Hearings

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

AND VARIANCE

(2343 W. Joppa Road) *

9th Election District *

2nd Council District *

MG Michael, Inc. *

Legal Owner *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2020-0285-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of MG Michael, Inc., legal owner (“Petitioner”) for the property located at 2343 W. Joppa Rd. (the “Property”). The Special Hearing relief is to: (1) approve the conversion of a full service station to a combination service station/convenience store by closure of the last service bay and expansion of existing convenience store gross floor area; (2) amend Zoning Case No. 1986-0452-A and other prior zoning relief; (3) approve the existing site conditions as regulated by Baltimore County Zoning Regulations (“BCZR”) §405.4.A; and (4) determine that BCZR, §4A02 (Basic Service Maps) does not apply.

A Variance relief is sought from the BCZR: (1) §405.4.A.1, §405.4.D.2 and §405.4.D.3 if necessary, to permit an existing site area of 0.401 acres in lieu of the minimum 0.583 acres; (2) §405.4.A.3.d if necessary, to permit 12 existing parking spaces, as shown, in lieu of the minimum 18 parking spaces; (3) §405.4.A.2.a if necessary, to permit as close as 3 feet for an existing main structure to street right-of-way in lieu of 35 ft.; as close as 10 ft. for an existing fuel pump to street right-of-way in lieu of 25 ft.; and as close as 1 ft. for an existing canopy to street right-of-way in lieu of 15 feet; and (4) §405.4.A.2.b if necessary, to permit an existing 0 ft. landscape transition area in lieu of 6 ft. and 10 ft.

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Date

3/22/21

By

[Signature]

Due to COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Michael and Timothy Reuter appeared on behalf of the Petitioner along with Mitchell J. Kellman, Director of Zoning Services with Daft-McCune-Walker, Inc. which engineers prepared and sealed a site plan (the "Site Plan"). (Pet. Ex. 3). Jennifer Busse, Esquire and Whiteford, Taylor and Preston represented the Petitioner. There were no Protestants or interested citizens who opposed the Petitions.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability Development ("DEPS") and from the Department of Planning ("DOP") which agencies did not oppose the requested relief. Additional ZAC comments were received from Office Zoning Review ("OZR") and Department of Public Works ("DPW") who had objections to the Petitions.

FACTUAL FINDINGS

Testifying for the Petitioner was Mitchell Kellman, Director of Zoning Services for Daft-McCune-Walker, Inc. who was accepted as an expert in BCZR and BCC in regard to zoning and development. (Pet. Ex. 1). The Property is approximately 0.401 acres (35,022 sf) and is zoned business, light – automotive service district (BL-AS). It is triangular-shaped and is bound by Falls Rd. on the west and Joppa Rd. on the east. Greenspring Station is located on the adjacent eastern property. The Property is improved with an Exxon fuel service station, automotive repair (1 Bay) and Convenience Store with sales area under 1,500 sf (800 sf).

As set forth on the Site Plan, the Property obtained zoning relief to operate as a gas station on July 31, 1945. (Pet. Ex. 3). In 1986, variance relief was granted for setbacks, parking spaces and signs (Case No.: 1986-0452-A) under the BCZR then in effect. Zoning Spirit and Intent letters were approved on September 12, 2012 and May 15, 2013. (*Id.*). In the 2020 Comprehensive

Zoning Map Process ("CZMP") (Issue 2-007), the Property was rezoned from BL-CR & RO to BL-AS. (*Id.*).

The proposal here is to close the last automotive service bay which is no longer needed. Closing that service bay will add another 200 sf of sales area to the existing 800 sf sales area, waiting room and/or convenience store. Mr. Kellman explained that by closing the last service bay, the automotive service use is eliminated and this change technically generated the instant zoning relief. He added that the convenience store was opened in 2015 and there is no increase to the 2,350 sf footprint of the store, or the 300 sf office space located to the rear of the store. The additional square footage from the closed service bay will be used as cold storage and will permit deliveries from the rear rather than through the front of the store. Mr. Kellman opined that there is no change in use or intensity with these interior improvements. The proposal will improve the efficiency of the existing convenience store. Photographs of the Property were reviewed and reveal an established fuel service station and convenience store. (Pet. Exs. 2, 4A-4G). In 2013, the other two (2) service bays were closed. (Pet. Ex. 4G). With this proposal, there will be no appreciable difference to the existing fuel service station or convenience store.

Moreover, 18 parking spaces required are based on the total gross floor area of the convenience store even though all of the convenience store is not used by customers. The 12 existing parking will remain: 7 spaces in front of the convenience store, 3 spaces on the northern end and 2 new spaces will be added in front of the closed service bays. (Pet. Ex. 3). In Case No.: 1986-0452-A, 5 parking spaces were granted in lieu of 9 spaces required. As a result, Mr. Kellman opined that OZR's comment does not take into consideration that there is no change to the fuel service pumps or the stacking.

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3/22/21
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DPW provided a comment that the Property is within 'F' Transportation Zone as shown on the 2020 Traffic Basic Services Map. DPW wrote that the Special Hearing request was to "allow the conversion of a full service station to a combination service station and convenience store as well as other uses." As such, DPW has requested that a Traffic Study signed and sealed by a Maryland professional engineer to be submitted for approval. Based on the failing traffic intersections and parking problems in the area, DPW objects to the requested relief. Mr. Kellman opined that consideration of the Basic Services Map only applies to development cases where a traffic study would be conducted. He emphasized that this Petition only involves interior improvements.

In regard to landscaping, the proposal includes adding landscaping to improve the Property as requested by DOP. A Final Landscaping Plan was prepared by Ed Tom, a registered landscape architect with Daft-McCune-Walker, Inc. who was accepted as an expert in his field. (Pet. Ex. 5). Mr. Tom has been preparing landscape plans in Baltimore County since the 1980s. This Landscape Plan has not yet been approved by Baltimore County. (Pet. Ex. 6). As shown on the Landscape Plan, additional plantings of evergreen and deciduous trees which meet the County landscape requirements will be installed along Falls Rd., along the northern and southern ends and, to the extent possible, along Joppa Rd. All dead trees will be removed. The Petitioner previously erected a 7.5 ft. to 8 ft. board-on-board fence. (*Id.*).

In this case, a variance of a landscape transition of zero ft. in lieu of the required 6 ft – 10 ft. is needed. As mentioned, the Property is bound by existing roads and, if required to install the 6 ft. landscape transition strip, it would be located within the MD Right-of-Way of Falls Rd.

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Date 3/22/21
By [Signature]

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Based on the evidence, I find that the Special Hearing relief to approve the conversion of a full service station to a combination service station/convenience store by closure of last service bay and expansion of the existing convenience store gross floor area will be granted. The Petitioner is simply closing the unneeded service bay which in turn, will add another 200 sf to the existing 800 sf convenience store. (Pet. Ex. 3). The fuel service station has existed since 1945 and the convenience store has existed since 2015. While the fuel service station regulations have changed over the years, this fuel service station has continued to operate within its confined boundaries.

On paper the requested relief here could lead to the conclusion that it will affect the failing traffic intersections and increase the parking problems in the area. Consequently, it is understandable why DPW would request a traffic study and would be concerned about the addition of new customers to the Property. If anything, I find that the automotive service customers have been eliminated. I also find that adding another 200 sf of interior space will not change the use or intensity. Accordingly, the Traffic Basic Services map does not apply in this case. The remaining

requested Special Hearing relief amending Case No.: 1986-0452-A and approving the existing site conditions as regulated by BCZR, §405.4.A are duplicative of the variance relief and are therefore moot.

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 was already been found to be unique in Case No. 1986-0452-A and has not changed in terms of its peculiar triangular-shape. I find that the Petitioner will suffer a practical difficulty and unreasonable hardship in having to meet the fuel service station regulations under BCZR, §405.4.A which are designed to regulate new fuel service stations. The area, parking and setbacks have been in existence since at least 1986. The Petition is adding 3 parking spaces to the previously approved 9 spaces. I find that the variance relief can be granted within the spirit and intent of the BCZR, and will not cause injury to the health, safety and general welfare, particularly in light of the lack of opposition to the Petition.

THEREFORE, IT IS ORDERED this 22nd day of **March, 2021**, by this Administrative Law Judge that the Petition for Special Hearing relief to:

- (1) approve the conversion of a full service station to a combination service station/convenience store by closure of the last service bay and expansion of existing convenience store gross floor area be, and it is hereby **GRANTED**;
- (2) amend Zoning Case No. 1986-0452-A and other prior zoning relief be, and it is hereby **MOOT**;

- (3) approve the existing site conditions as regulated by § 405.4.A be, and it is hereby **MOOT**; and
- (4) determine that § 4A02 (Basic Service Maps) does not apply be, and it is hereby **GRANTED**.

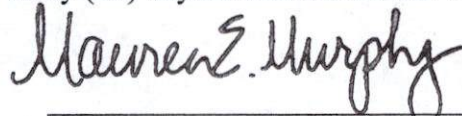
IT IS FURTHER ORDERED THAT the Variance relief sought from BCZR:

- (1) §405.4.A.1, §405.4.D.2 and §405.4.D.3 to permit an existing site area of 0.401 acres in lieu of the minimum 0.583 acres be, and it is hereby **GRANTED**;
- (2) §405.4.A.3.d to permit 12 existing parking spaces, as shown, in lieu of the minimum 18 parking spaces be, and it is hereby **GRANTED**;
- (3) §405.4.A.2.a to permit as close as 3 feet for an existing main structure to street right-of-way in lieu of 35 ft.; as close as 10 ft. for an existing fuel pump to street right-of-way in lieu of 25 ft.; and as close as 1 ft. for an existing canopy to street right-of-way in lieu of 15 feet be, and it is hereby **GRANTED**; and
- (4) §405.4.A.2.b to permit an existing 0 ft. landscape transition area in lieu of 6 ft. and 10 ft. 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 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the DOP ZAC comment, a copy of which are attached hereto and make a part thereof.

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

ORDER RECEIVED FOR FILING

Date

By

3/22/21
DMignon



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 2343 W. Joppa Road

which is presently zoned BLAS & BLCR

Deed References: 29728/00056

10 Digit Tax Account # 0902851280

Property Owner(s) Printed Name(s) MG Michael Inc.

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

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

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

PLEASE SEE ATTACHED

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

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

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)

REASONS 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:

N/A

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson

MD

Mailing Address

City

State

21204

410-832-2077

jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

MICHAEL C. REUTER

TIMOTHY D. REUTER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

P.O. Box 318 BROOKLANDVILLE MD

Mailing Address

City

State

21022

410-296-1072

valleyexxon@

Zip Code

Telephone #

Email Address yq4000.0

Representative to be contacted:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

1 W. Pennsylvania Ave., Ste. 300, Towson

MD

Mailing Address

City

State

21204

410-832-2077

jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0285 SPA Filing Date 11/23/20

Do Not Schedule Dates: _____

Reviewer gh

Zoning Variance Relief
Valley Exxon

Sections 405.4.A.1, 405.4.D.2, and 405.4.D.3, Zoning Variance, if necessary, to permit an existing site area of .401 acres in lieu of the minimum .583 acres.

Section 405.4.A.3.d, Zoning Variance, if necessary, to permit 12 existing parking spaces, as shown, in lieu of the minimum 18 parking spaces.

Section 405.4.A.2.a, Zoning Variance, if necessary, to permit as close as 3 feet for an existing main structure to street right-of-way in lieu of 35 feet; as close as 10 feet for an existing fuel pump to street right-of-way in lieu of 25 feet; and as close as 1 foot for an existing canopy to street right-of-way in lieu of 15 feet.

Section 405.4.A.2.b, Zoning Variance, if necessary, to permit an existing 0-foot landscape transition area in lieu of 6 feet and 10 feet.

Any other Zoning Variance relief as determined by the Administrative Law Judge.

Special Hearing Relief
Valley Exxon

Special Hearing to approve the conversion of a full service station to a combination service station/convenience store by closure of the last service bay and expansion of the existing convenience store gross floor area.

Special Hearing to amend Zoning Case 1986-0452-A and other prior zoning relief.

Special Hearing to approve the existing site conditions as regulated by Section 405.4.A

Special Hearing to determine that Section 4A02 (Basic Services Maps) does not apply.

2020-0286-SP11A



Zoning Description
To Accompany a Petition for Special Exception,
Special Hearing, and/or Zoning Variance

West of Joppa Road
East of Jones Falls Road
Baltimore County, Maryland

Commencing for the same at a point formed by the intersection of the centerlines of Greenspring Valley Road and Jones Falls Road, thence leaving said point and running with the centerline of Jones Falls Road Southeasterly 396 feet, more or less, thence leaving said centerline and running in a Northeasterly direction 68 feet, more or less, to the point of beginning; thence leaving said point of beginning and running the following courses and distances, and referring all courses to the Maryland Coordinate System NAD 83/1991 (1) North 69 degrees 56 minutes 41 seconds East 7.00 feet; thence (2) South 44 degrees 34 minutes 53 seconds East 41.14 feet; thence (3) South 34 degrees 53 minutes 36 seconds East 262.62 feet; thence (4) South 55 degrees 06 minutes 24 seconds West 15.00 feet; thence (5) South 34 degrees 53 minutes 36 seconds East 10.03 feet; thence (6) South 69 degrees 56 minutes 41 seconds West 63.39 feet; thence (7) North 51 degrees 01 minutes 09 seconds West 40.83 feet; thence (8) North 20 degrees 03 minutes 19 seconds West 264.82 feet; thence with a curve by a line curving to the right having a radius of 5.00 feet, for a distance of 7.85 feet (the arc of said curve being subtended by a chord bearing (9) North 24 degrees 56 minutes 42 seconds East 7.07 feet) to the point of beginning; having an area of 17,461.41 square feet, or 0.401 acres, more or less as now described by Daft-McCune-Walker, Inc. in 2020.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO
BE USED FOR ANY TYPE OF CONVEYANCE.

February 3, 2020

Project No.11117.C (L11117.C)



CERTIFICATE OF POSTING

CASE NO. 2020-0285-A

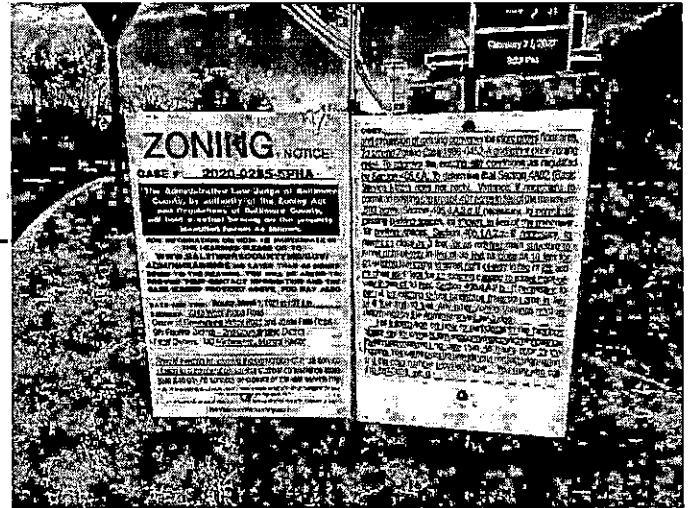
PETITIONER/DEVELOPER

Jennifer Busse

Whiteford,Taylor,Preston LLP

DATE OF HEARING/CLOSING

March 1, 2021



BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

2343 West Joppa Road

SIGN 1

THE SIGN(S) POSTED ON February 6 , 2021 February 27, 2021
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

CERTIFICATE OF POSTING

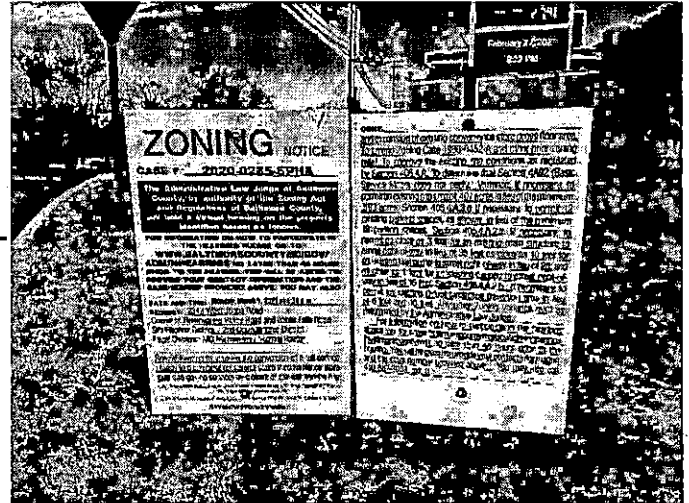
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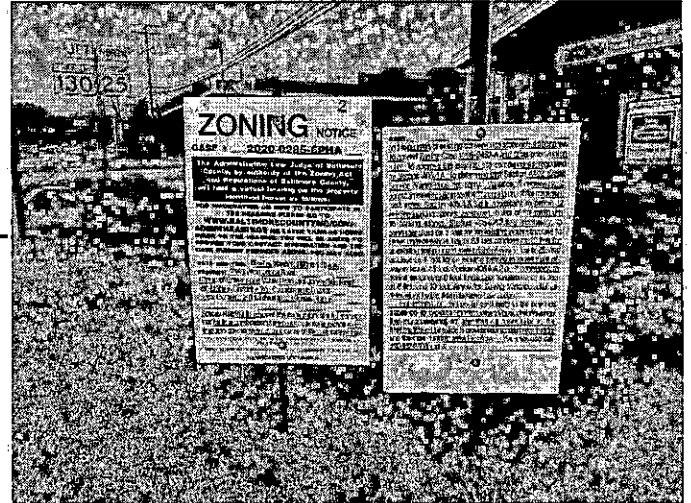
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SIGN 2

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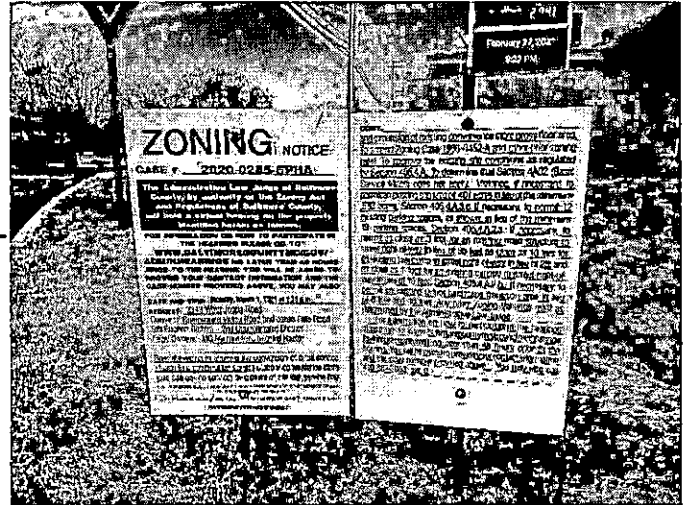
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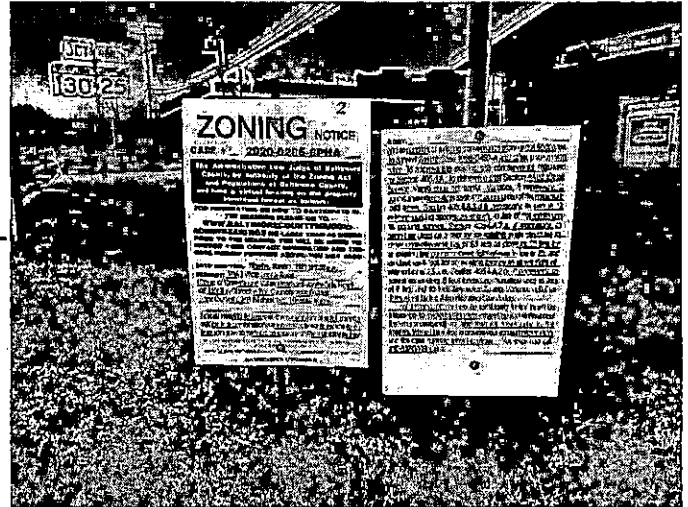
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The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Order #: 11958798

Case #:

Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0285-SPHA

PUBLISHER'S AFFIDAVIT

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

2/9/2021



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 on the property identified herein as follows:

CASE NUMBER: 2020-0285-SPHA

2343 West Joppa Road

Corner of Greenspring Valley Road and Jones Falls Road

9th Election District - 2nd Councilmanic District

Legal Owners: MG Michael Inc., Michael Rueter

Special Hearing to approve the conversion of a full service station to a combination service station/ convenience store (gas and go-no service) by closure of the last service bay and expansion of existing convenience store gross floor area. To amend Zoning Case 1986-0452-A and other prior zoning relief. To approve the existing site conditions as regulated by Section 405.4.A. To determine that Section 4A02 (Basic Service Maps) does not apply. Variance, if necessary, to permit an existing site area of .401 acres in lieu of the minimum .583 acres. Section 405.4.A.3.d If necessary, to permit 12 existing parking spaces, as shown, in lieu of the minimum 18 parking spaces. Section 405.4.A.2.a If necessary, to permit as close as 3 feet for an existing main structure to street right-of-way in lieu of 35 feet as close as 10 feet for an existing fuel pump to street right-of-way in lieu of 25; and as close as 1 foot for an existing canopy to street right-of-way in lieu of 15 feet. Section 405.4.A.2.b. If necessary, to permit an existing 0-foot landscape transition area in lieu of 6 feet and 10 feet. Any other Zoning Variance relief as determined by the Administrative Law Judge.

Hearing Monday, March 1, 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.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

CERTIFICATE OF POSTING



CASE NO. 2020-0285-A

PETITIONER/DEVELOPER

County Executive

Jennifer Busse

Whiteford, Taylor, Preston LLP

DATE OF HEARING/CLOSING

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BALTIMORE COUNTY DEPARTMENT OF
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CASE NO. 2020-0285-A

PETITIONER/DEVELOPER JOHN A. OLSZEWSKI, JR.

County Executive

Jennifer Busse

Whiteford, Taylor, Preston LLP

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THE PROPERTY LOCATED AT

2343 West Joppa Road

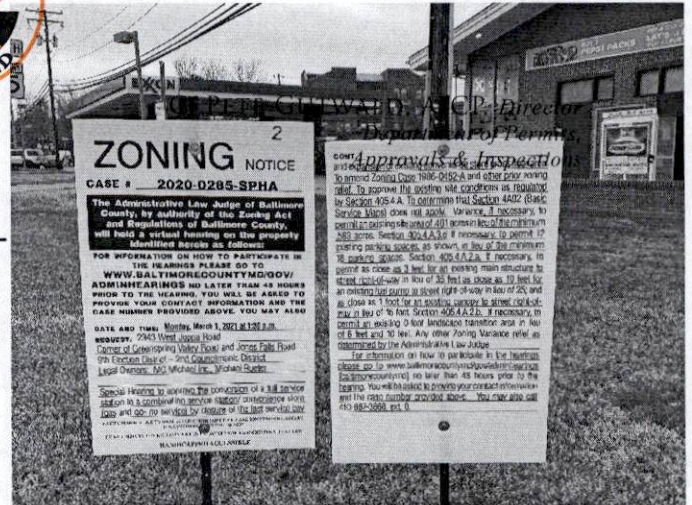
SIGN 2

THE SIGN(S) POSTED ON February 6, 2021
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE ,MD 21234
443-629-3411



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
2343 W. Joppa Road; Corner of Greenspring	*	OF ADMINISTRATIVE
Valley Road & Jones Falls Road		
9 th Election & 2 nd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): MG Michael Inc.		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2020-285-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 2020, a copy of the foregoing Entry of Appearance was emailed to Jennifer Busse, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, JBusse@wtplaw.com, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2020-0285-SPHA

Property Address: 2343 W Joppa Road

Property Description: 1

Legal Owners (Petitioners): M G Michael Inc.

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael C Reuter

Company/Firm (if applicable): _____

Address: P.O. Box 318

Bracklandville, MD 21022

Telephone Number: 410-296-1072



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

February 22, 2021

Jennifer R. Busse,
1 W. Pennsylvania Ave Ste 300
Towson MD 21204

RE: Case Number: 2020-0285-SPHA, 2343 W. Joppa 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 November 23, 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 black ink that reads "Jeffrey Perlow".

Jeff Perlow
Acting Supervisor
Department of Zoning

PCG

Enclosures

CC: 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: December 8, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0285-A
Address 2343 West Joppa Road
(MG Michael, Inc. Property)

Zoning Advisory Committee Meeting of **December 14, 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: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-285

INFORMATION:

Property Address: 2343 W Joppa Road
Petitioner: Michael C. Reuter, Timothy D. Reuter
Zoning: BL AS, BL CR
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for the following:

Variances

1. From Sections 405.4.A.1, 405.4.D.2, and 405.4.D.3, if necessary, to permit an existing site area of .401 acres in lieu of the minimum .583 acres.
2. From Section 405.4.A.3.d, if necessary, to permit 12 existing parking spaces, as shown, in lieu of the minimum 18 parking spaces.
3. From Section 405.4.A.2.a, if necessary, to permit as close as 3 feet for an existing main structure to street right-of-way in lieu of 35 feet; as close as 10 feet for an existing fuel pump to street right-of-way in lieu of 25 feet; and as close as 1 foot for an existing canopy to street right-of-way in lieu of 15 feet.
4. From Section 405.4.A.2.b, if necessary, to permit an existing 0-foot landscape transition area in lieu of 6 feet and 10 feet.

Special Hearing

1. To approve the conversion of a full service station to a combination service station/convenience store by closure of the last service bay and expansion of the existing convenience store gross floor area.
2. To amend Zoning Case 1986-0452-A and other prior zoning relief.
3. To approve the existing site conditions as regulated by Section 405.4.A
4. To determine that Section 4A02 (Basic Services Maps) does not apply.

A site visit was conducted during the CZMP and on December 10, 2020. The property is an active fuel service station and convenience store. The property was subject to CZMP Issue #2-007 wherein a portion (0.14 acres) of the property was rezoned to Business Local Automotive Service (BL AS). All site conditions listed on this petition are existing.

The petitioner proposes to close the remaining vehicle service bay and expand the store's interior. The side of the building containing the three service bays (two are already closed off) should be improved and consistent with the buildings fenestration and materials. That side of the building has a dumpster that is

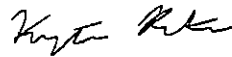
not depicted on the site plan. The dumpster is not within an enclosure nor is it screened. Additionally, all storage of materials such as pallets, storage containers, and equipment should be removed from the service bay area. Any parking spaces within that area should be painted in addition to restriping all other parking space markings.

The Department has no objections to the requested relief conditioned upon the following:

1. Provide a landscape plan to the Baltimore County Landscape Architect for review and approval. Additional landscaping should be installed within the grass-covered areas surrounding the property. To the fullest extent possible, the dumpster should be screened as per Condition H of the Baltimore County Landscape Manual.
2. Any dead trees should be removed from the property.
3. Temporary freestanding signs shall not be permitted on the property nor any landscaped areas associated with the property. All signage shall comply with Section 450 of the BCZR.
4. No vehicle storage of any kind shall be permitted on the property.
5. Provide building elevations depicting the service bay side of the building to the Department of Planning prior to the issuance of any permits.
6. All parking spaces and handicapped markings should be restriped.

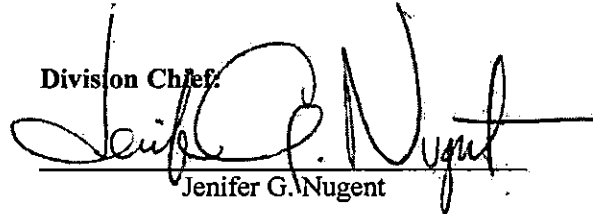
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

c: Bill Skibinski
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jennifer R. Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: C. Peter Gutwald, Director,
Department of Permits, Approvals and Inspections

ATTN: Kristen Lewis
MS 1105

FROM: D'Andrea L. Walker, Acting Director *D'Andrea L. Walker*
Department of Public Works

DATE: February 25, 2021

SUBJECT: Case No: 2020-0285-A
2343 West Joppa Road, Towson, Maryland 21204

The subject case is to determine whether or not the Administrative Law Judge should approve a Special Hearing allowing the conversion of a full service station to a combination service station and convenience store as well as others issues. Also a variance for lot size requirements, parking relief and other regulations.

During the review of this property the Department of Public Works has found that this property is within the "F Transportation Zone" as shown on the County Council approved 2020 Traffic Basic Services Map. The "Plan to Accompany Petition for Special Hearing and/or Zoning Variance" dated November 4, 2020 provided by Daft, McCune Walker, Inc., does not show the transportation zones.

The petitioner or their representative must coordinate with the Department of Public Works Bureau of Traffic Engineering and Transportation Planning to resolve any issues there may be. A comprehensive Traffic Study signed and sealed by a Maryland Professional Engineer must be submitted for approval.

The Department of Public Works is not in favor of the variance for parking relief for this site based on the failing transportation zone and the parking issues in the surrounding area.

DLW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Greg Carski, Chief, DPW Traffic Engineering & Transportation Planning
Peter M. Zimmerman, People's Council

BALTIMORE COUNTY, MARYLAND

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CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Greg Carski, Chief, DPW Traffic Engineering & Transportation Planning
Peter M. Zimmerman, People's Council

MM 3-1-21
1:30 pm

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

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Department of Permits, Approvals and Inspections

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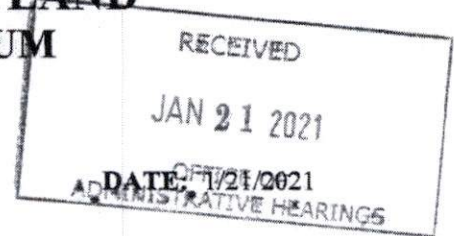
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Greg Carski, Chief, DPW Traffic Engineering & Transportation Planning
Peter M. Zimmerman, People's Council

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



TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-285

INFORMATION:

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Petitioner: Michael C. Reuter, Timothy D. Reuter
Zoning: BL AS, BL CR
Requested Action: Special Hearing, Variance

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ORDER RECEIVED FOR FILING

Date 3/22/21
By [Signature]

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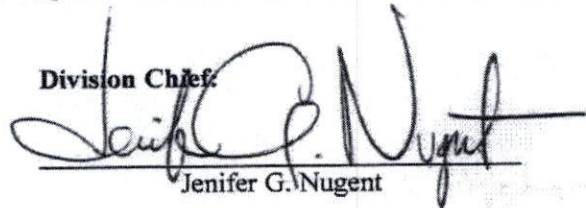
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief



Jenifer G. Nugent

CPG/JGN/KP/

c: Bill Skibinski

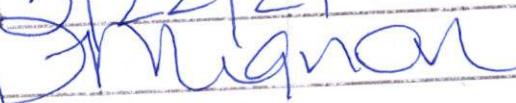
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jennifer R. Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

3/22/21



CASE NO. 2020-

0285 SPHA

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

DEPS

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

FIRE DEPARTMENT

PLANNING

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

SIGN POSTING (1st)

Date:

SIGN POSTING (2nd)

Date:

by

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Donna Mignon

From: Peoples Counsel
Sent: Thursday, February 25, 2021 4:08 PM
To: Administrative Hearings; Paul Mayhew; Maureen E Murphy
Cc: Busse, Jennifer R.; Mitchell J. Kellman; Terry Curtis; Peter Gutwald; Greg Carski; Vishnubhai K Desai; D'Andrea Walker; Kristen L Lewis; Steve Lafferty
Subject: FW: ZAC Case #2020-0285-A 2343 west Joppa Road
Attachments: West Joppa Road #2343 Case #2020-0285-A.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

To the administrative law judges,

The hearing in this case is scheduled March 1 of next week, I understand.

Just to make sure it gets to the OAH record and Petitioner's representatives promptly, I am forwarding the attached February 25, 2021 Department of Public Works correspondence, received today.

I trust this will be helpful as the issues are addressed and reviewed.

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

From: Terry Curtis <tcurtis@baltimorecountymd.gov>
Sent: Thursday, February 25, 2021 11:53 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: Peter Gutwald <pgutwald@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; Greg Carski <gcarski@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: ZAC Case #2020-0285-A 2343 west Joppa Road

Good afternoon,

Please find attached are comments to the above referenced project found on the Zoning Advisory Committee Agenda. I have placed a paper copy to all parties in the inter-office mail system and you should be receiving it shortly.

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 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure

RE: ZAC Case #2020-0285-A 234 West Joppa Road

Busse, Jennifer R. <jbusse@wtplaw.com>

Thu 2/25/2021 4:45 PM

To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Paul Mayhew <pmayhew@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>;

Cc: Mitchell J. Kellman <MKellman@dmw.com>; Terry Curtis <tcurtis@baltimorecountymd.gov>; Peter Gutwald <pgutwald@baltimorecountymd.gov>; Greg Carski <gcarski@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; D'Andrea Walker <dwalker2@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Steve Lafferty <slafferty@baltimorecountymd.gov>;

CAUTION: This message from prvs=3690d016b8=jbusse@wtplaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you for sharing this.

As will be explained at the hearing, there is no proposal to increase the building size / square footage.

This proposal just involves internal renovations.

The area which was used for service garage use will almost entirely be used for cold storage.

When other offices in Greenspring Station (similarly affected by the same traffic intersection), convert from, for example general office to medical, there is no resulting prohibition as a result from the Basic Services Maps even though there is an increase in parking requirement.

Here, we have to use all the square footage of the store in calculating parking even though not all of it is being converted to customer use.

Parts of the building are non-customer accessed office/storage, etc. yet to be conservative we are using all of the building square footage in the calculation of 5/1000.

Thus as will be discussed at the hearing, we will request whatever relief found necessary.

We will respectfully argue that a variance is not required and special hearing relief is sufficient for this square footage conversion.

Thank you again for providing this comment in advance and allowing us the opportunity to respond.



Whiteford | Taylor | Preston

Jennifer R. Busse | Partner

Towson Commons, Ste. 3001 One West Pennsylvania Avenue | Towson, MD | 21204-5025

t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | Bio | vCard | www.wtplaw.com

WTP is a proud member of two global law firm networks.



From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>

Sent: Thursday, February 25, 2021 4:18 PM

To: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Paul Mayhew <pmayhew@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>;

Cc: Busse, Jennifer R. <jbusse@wtplaw.com>; Mitchell J. Kellman <MKellman@dmw.com>; Terry Curtis <tcurtis@baltimorecountymd.gov>; Peter Gutwald <pgutwald@baltimorecountymd.gov>; Greg Carski <gcarski@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; D'Andrea Walker <dwalker2@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Steve Lafferty <slafferty@baltimorecountymd.gov>;

Subject: [EXTERNAL] RE: ZAC Case #2020-0285-A 2343 west Joppa Road

Thank you; this was received earlier today.

From: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>

Sent: Thursday, February 25, 2021 4:08 PM

To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Paul Mayhew <pmayhew@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>;

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Have a great day,

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Reliable Infrastructure

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www.baltimorecountymd.gov [baltimorecountymd.gov]

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WHITEFORD, TAYLOR & PRESTON L.L.P.

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
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February 24, 2021

VIA HAND DELIVERY

Honorable Paul M. Mayhew, Administrative Law Judge
Office of Administrative Hearings
Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204



Re: 2343 West Joppa Road
Case No. 2020-0285-SPHA

Dear Judge Mayhew:

Enclosed are the Exhibits, along with an Exhibit list, for the hearing set to be heard on March 1, 2021. I have emailed these over as well.

Thank you, and please let me know if you have any questions or concerns.

Sincerely,


Jennifer R. Busse

JRB:tdm
Enclosures
11669830

Donna Mignon

From: Donna Mignon
Sent: Monday, February 22, 2021 9:37 AM
To: 'Busse, Jennifer R.'
Subject: 2020-0285-SPHA 3/1/2021 at 1:30 p.m.

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for March 1, 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 electronic 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. **Please bring a hard copy of all exhibits and drop them off in our lobby before the hearing date. Thank you.**

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

Donna Mignon

From: Kristen L Lewis
Sent: Tuesday, February 2, 2021 4:06 PM
To: Debra Wiley; Donna Mignon
Subject: FW: Case 2020-0285-SPHA

Good afternoon,

Below is the information needed for another webex event. Thanks again,

Case Number: 2020-0285-SPHA
2343 W. Joppa Road
Legal Owners: Michael & Timothy Reuter - valleyexxon@gmail.com
Mitch Kellman - mkellman@dmw.com
Jennifer Busse - jbusse@wtplaw.com
3/1/21 at 1:30 p.m.

Kristen Lewis-Coles
PAI - Zoning Review
410-887-3391

From: Busse, Jennifer R. [<mailto:jbusse@wtplaw.com>]
Sent: Tuesday, February 02, 2021 2:59 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Case 2020-0285-SPHA

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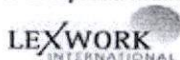
Mitch Kellman - mkellman@dmw.com
Tim Reuter and Mike Reuter - they share email valleyexxon@gmail.com
Thanks!



Whiteford Taylor Preston^{LLP}

Jennifer R. Busse | Partner
Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025
t: 410.832.2077 | f: 410.339.4027
jbusse@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

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From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Tuesday, February 2, 2021 2:57 PM
To: Busse, Jennifer R. <jbusse@wtplaw.com>
Subject: [EXTERNAL] RE: Case 2020-0285-SPHA

Ok thank you, can you send over a list of the names and email addresses for the participants? Thanks again,

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391

From: Busse, Jennifer R. [mailto:jbusse@wtplaw.com]
Sent: Tuesday, February 02, 2021 2:51 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Case 2020-0285-SPHA

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Great and thanks!
Works for us!



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jbusse@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

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PANGEA NET

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Tuesday, February 2, 2021 2:46 PM
To: Busse, Jennifer R. <jbusse@wtplaw.com>
Subject: [EXTERNAL] Case 2020-0285-SPHA

Good afternoon,

I have your case for the above number (2343 W. Joppa Road) ready to be scheduled. I have Monday, March 1st at 1:30 p.m. available if it works on your end. Please let me know at your convenience.

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391



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Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - Case No: 2020-0285-SPHA - 2343 W. Joppa Road - Michael & Timothy Reuter
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e541257f69f20bc12270100c80fc09e78>
Start: Mon 3/1/2021 1:30 PM
End: Mon 3/1/2021 2:30 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: webex

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

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

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 180 155 0648

Monday, March 1, 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=e541257f69f20bc12270100c80fc09e78>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e5197079523e9164cda7a29efbd541257f69f20bc12270100c80fc09e78>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1801550648@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 288676

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

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e9c7b1a46dfb04eccfd5bb187705ade9e>

Need help? Go to <https://help.webex.com>

Donna Mignon

From: Donna Mignon
Sent: Tuesday, February 2, 2021 4:19 PM
To: Kristen L Lewis; Debra Wiley
Subject: LINK -RE: Case 2020-0285-SPHA

Top of Form

Event Information

Event: Zoning Hearing - Case No: 2020-0285-SPHA - 2343 W. Joppa Road - Michael
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Date and time: Monday, March 1, 2021 1:30 pm
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0285-SPHA
Address: 2343 W. Joppa Road
Owners: Michael & Timothy Reuter
Event number: 180 155 0648
Event password: 1234
Host key: 436670
Alternate Host: Deb Wiley, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 288676
Video Address: 1801550648@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: 180 155 0648
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

Registration Information

Registration ID required: No
Password required: No
Password:
Approval required: No

Custom registration form: No

After registration, go to URL:

Bottom of Form

Top of Form

Bottom of Form

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Tuesday, February 2, 2021 4:06 PM

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

Subject: FW: Case 2020-0285-SPHA

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2343 W. Joppa Road

Legal Owners: Michael & Timothy Reuter - valleyexxon@gmail.com

Mitch Kellman – mkellman@dmw.com

Jennifer Busse – jbusse@wtplaw.com

3/1/21 at 1:30 p.m.

Kristen Lewis-Coles

PAI – Zoning Review

410-887-3391

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Mitch Kellman – mkellman@dmw.com

Tim Reuter and Mike Reuter – they share email valleyexxon@gmail.com

Thanks!



Whiteford | Taylor | Preston[®]

Jennifer R. Busse | *Partner*

Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025

t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

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From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Tuesday, February 2, 2021 2:57 PM
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Subject: [EXTERNAL] RE: Case 2020-0285-SPHA

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Kristen Lewis-Coles
PAL – Zoning Review
410-887-3391

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Subject: RE: Case 2020-0285-SPHA

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Great and thanks!
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Kristen Lewis-Coles
PAL – Zoning Review
410-887-3391



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ZAC AGENDA

Case Number: 2020-0285-A **Reviewer:** Gary Hucik
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: MG Michael Inc
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 2

Property Address: 2343 W. JOPPA RD
Location: Corner of Greenspring Valley Road and Jones Falls Road.

Existing Zoning: BL-A5 **Area:** .401 AC

Proposed Zoning:

SPECIAL HEARING:

To approve the conversion of a full service station to a combination service station/ convenience store (gas and go-no service) by closure of the last service bay and expansion of existing convenience store gross floor area.

To amend Zoning Case 1986-0452-A and other prior zoning relief.

To approve the existing site conditions as regulated by Section 405.4.A.

To determine that Section 4A02 (Basic Service Maps) does not apply.

VARIANCE:

Section 405.4.A.1, 405.4.D.2 and 405.4.D.3 If necessary, to permit an existing site area of .401 acres in lieu of the minimum .583 acres.

Section 405.4.A.3.d If necessary, to permit 12 existing parking spaces, as shown, in lieu of the minimum 18 parking spaces.

Section 405.4.A.2.a If necessary, to permit as close as 3 feet for an existing main structure to street right-of-way in lieu of 35 feet; as close as 10 feet for an existing fuel pump to street right-of-way in lieu of 25; and as close as 1 foot for an existing canopy to street right-of-way in lieu of 15 feet.

Section 405.4.A.2.b If necessary, to permit an existing 0-foot landscape transition area in lieu of 6 feet and 10 feet.

Any other Zoning Variance relief as determined by the Administrative Law Judge.

Attorney: Jennifer R. Busse

Prior Zoning Cases: 1947-1101-X; 1986-0452-A; R-1945-0428-X

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

It is the opinion of the Zoning office that the proposed stacking shown on the site plan would obstruct travel and parking on this site.

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

DATE: November 23, 2020

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

FROM: Gary Hucik, Planner II, Zoning Review Office
Department of Permits and Development Management

SUBJECT: Recommendation for Zoning Case # 2020-0285-SPHA

It is the opinion of the zoning office that the proposed stacking shown on this site plan would obstruct travel and parking on this site.

If you have any questions, please feel free to contact me at extension 3391.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 09 Account Number - 0902851280			
Owner Information					
Owner Name:		M G MICHAEL INC		Use:	COMMERCIAL
Mailing Address:		2343 W JOPPA RD BROOKLANDVILLE MD 21022		Principal Residence:	NO
				Deed Reference:	/29728/ 00056
Location & Structure Information					
Premises Address:		2343 W JOPPA RD 0-0000		Legal Description:	.401 AC 2343 W JOPPA RD COR FALLS RD
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0060	0020	0517	20000.04	0000	
				Block:	Lot:
				Assessment Year:	Plat No:
				2020	Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1971		2,050 SF		35,022 SF	
				County Use	
				20	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		CONVENIENCE STORE /		C4	
Last Notice of Major Improvements					
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2020	07/01/2020	07/01/2021
Land:		775,200	775,200		
Improvements		287,000	281,500		
Total:		1,062,200	1,056,700	1,056,700	1,056,700
Preferential Land:		0	0		
Transfer Information					
Seller: SOUTHSIDE OIL LLC		Date: 08/02/2010		Price: \$1,125,108	
Type: ARMS LENGTH IMPROVED		Deed1: /29728/ 00056		Deed2:	
Seller: EXXON CORPORATION		Date: 06/23/2010		Price: \$38,328,295	
Type: ARMS LENGTH MULTIPLE		Deed1: /29609/ 00263		Deed2:	
Seller: BUNTING ALFRED C		Date: 10/03/1985		Price: \$225,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07016/ 00149		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:	

Donna Mignon

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Monday, February 22, 2021 3:24 PM
To: Donna Mignon
Subject: Re: 2020-0285-SPHA 3/1/2021 at 1:30 p.m.

CAUTION: This message from prvs=3687bb0c6f=jbusse@wtplaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello!

I am sorry but Mitch Kellman tells me he did not get a Webex invite - can you resend to him?

Mkellman@dmw.com

Also - I need an invite sent to Ed Tom (landscape architect).

Etom@dmw.com

I will check with my client to see if he got an email for the hearing.

Thanks!

Jennifer Busse

On Feb 22, 2021, at 9:36 AM, Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

Good Morning:

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

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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
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MITCHELL J. KELLMAN
VICE PRESIDENT | DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning
Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 30 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 15 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel, which formulates design recommendations to the Planning staff and Administrative Law Judges, and the Landmarks Preservation Commission.

Partial List of Projects

Delight Quarry, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

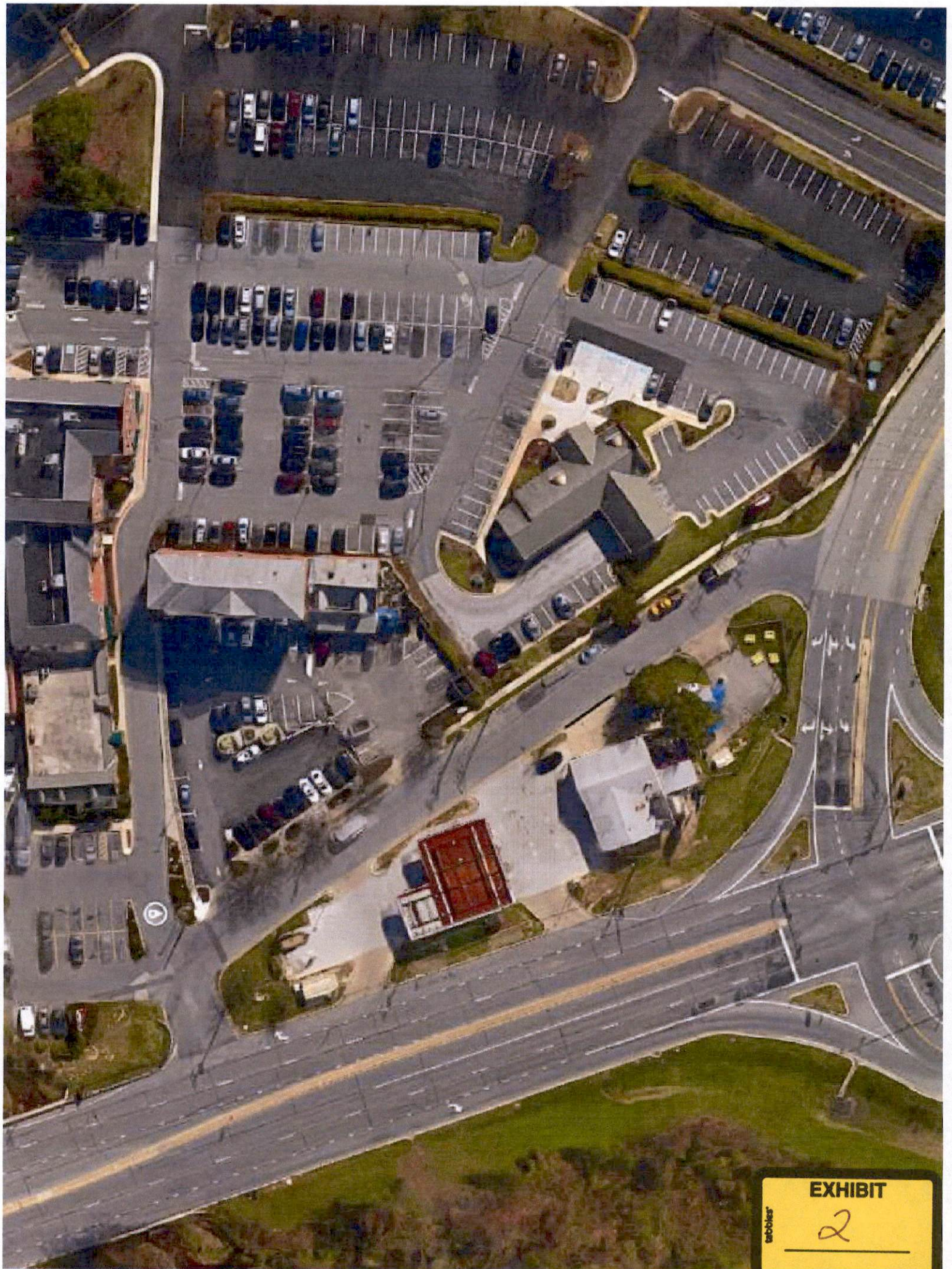
Memberships and Associations

Baltimore County Landmarks Commission, 2014, 2015, 2016, 2017, 2018, 2019, Vice Chair 2020, Chair 2021
Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
Greater Towson Committee, Planning & Development Sub-Committee, 2012, 2013, 2014, 2015, 2016, 2017, 2018
Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014, 2015
Greater Towson Committee Board of Directors - Secretary, 2014, 2015, 2016, 2017, 2018, 2019
Leadership Baltimore County, 2013
Leadership Baltimore County, Class Interviewer, Member, 2015

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Zoning Review Office, Towson, MD: 1985-2000





EXHIBIT

2

tabbles

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: C. Peter Gutwald, Director,
Department of Permits, Approvals and Inspections

ATTN: Kristen Lewis
MS 1105 ✓

FROM: D'Andrea L. Walker, Acting Director *D'Andrea L. Walker*
Department of Public Works

DATE: February 25, 2021

SUBJECT: Case No: 2020-0285-A
2343 West Joppa Road, Towson, Maryland 21204

The subject case is to determine whether or not the Administrative Law Judge should approve a Special Hearing allowing the conversion of a full service station to a combination service station and convenience store as well as others issues. Also a variance for lot size requirements, parking relief and other regulations.

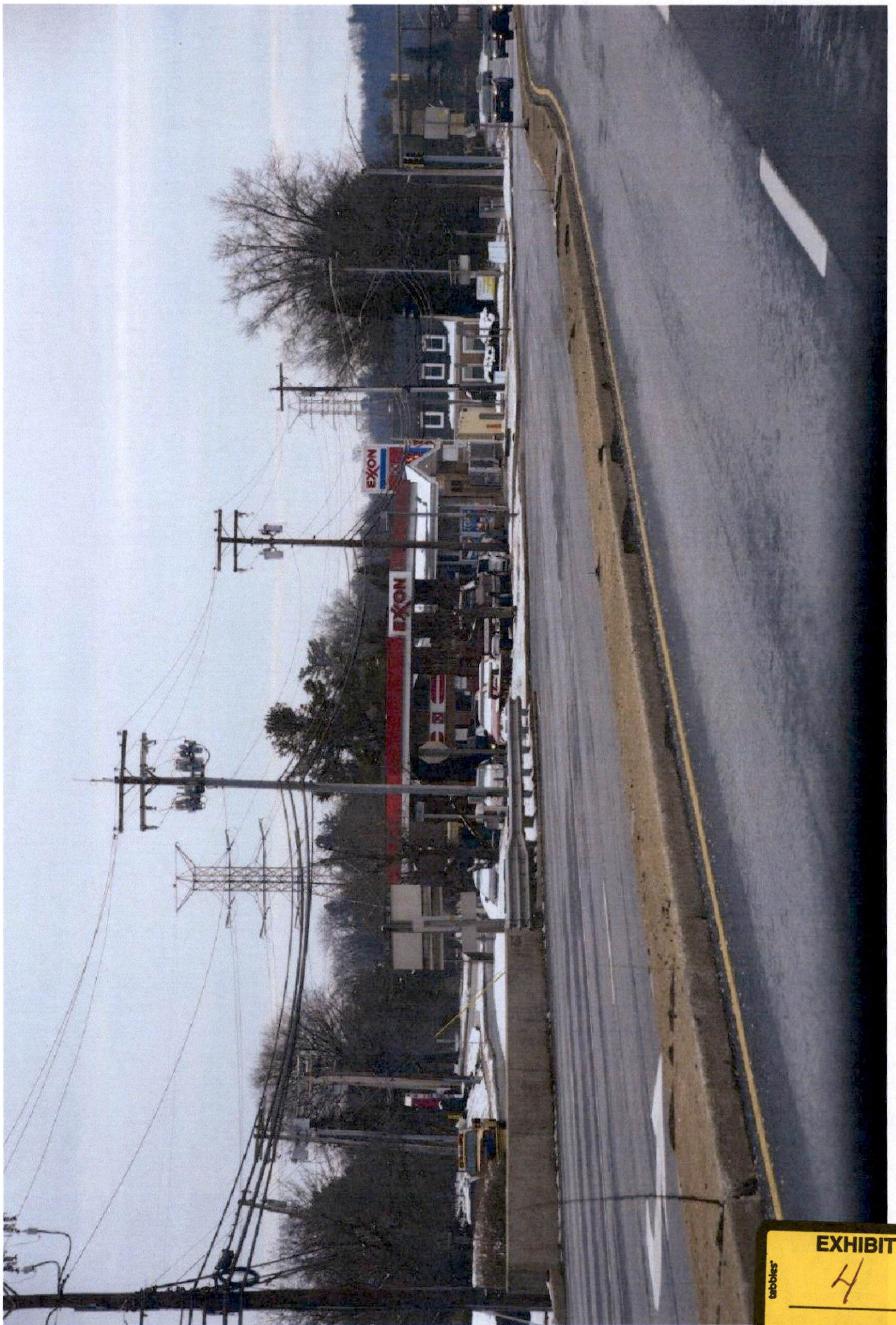
During the review of this property the Department of Public Works has found that this property is within the "F Transportation Zone" as shown on the County Council approved 2020 Traffic Basic Services Map. The "Plan to Accompany Petition for Special Hearing and/or Zoning Variance" dated November 4, 2020 provided by Daft, McCune Walker, Inc., does not show the transportation zones.

The petitioner or their representative must coordinate with the Department of Public Works Bureau of Traffic Engineering and Transportation Planning to resolve any issues there may be. A comprehensive Traffic Study signed and sealed by a Maryland Professional Engineer must be submitted for approval.

The Department of Public Works is not in favor of the variance for parking relief for this site based on the failing transportation zone and the parking issues in the surrounding area.

DLW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Greg Carski, Chief, DPW Traffic Engineering & Transportation Planning
Peter M. Zimmerman, People's Council

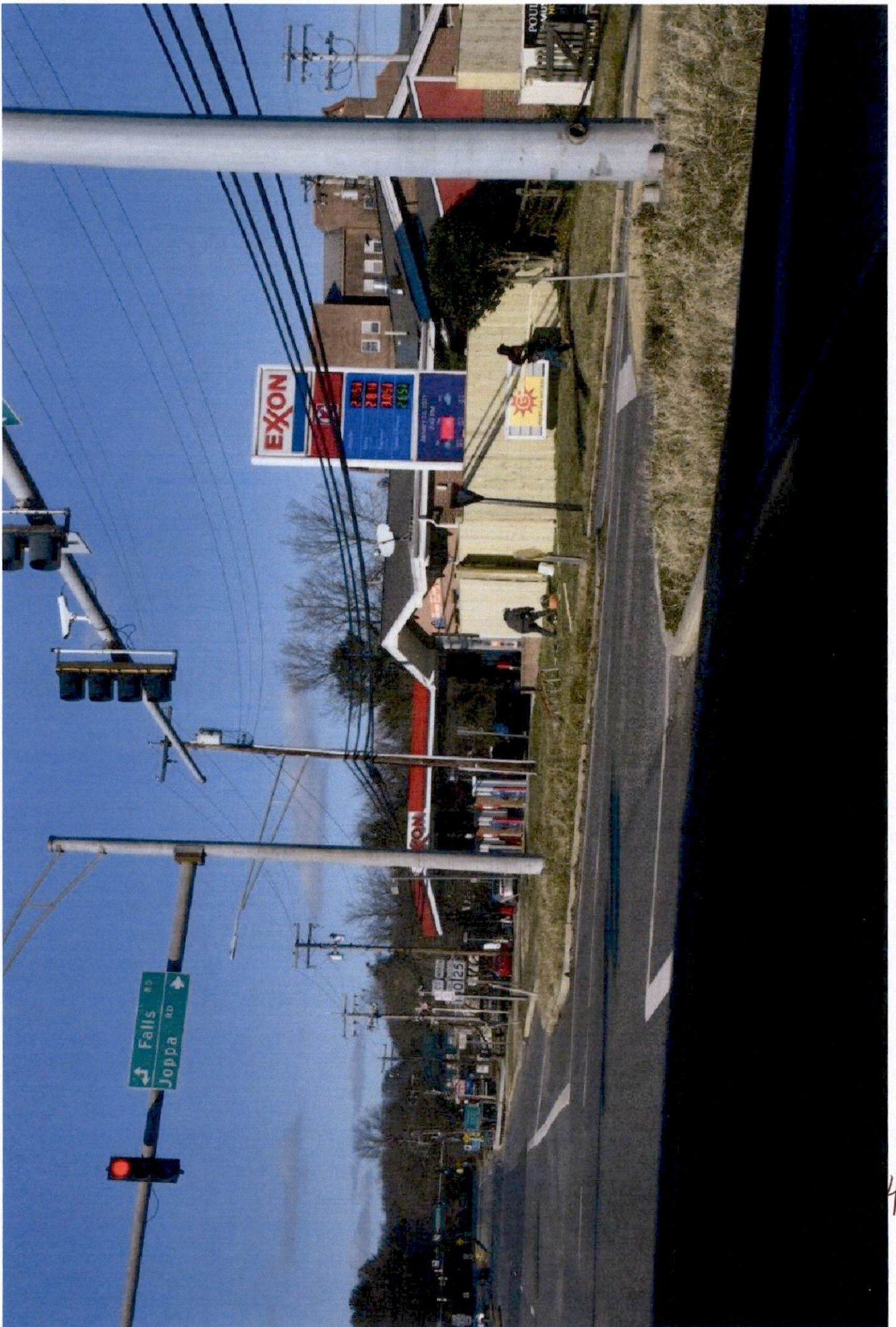


EXHIBIT

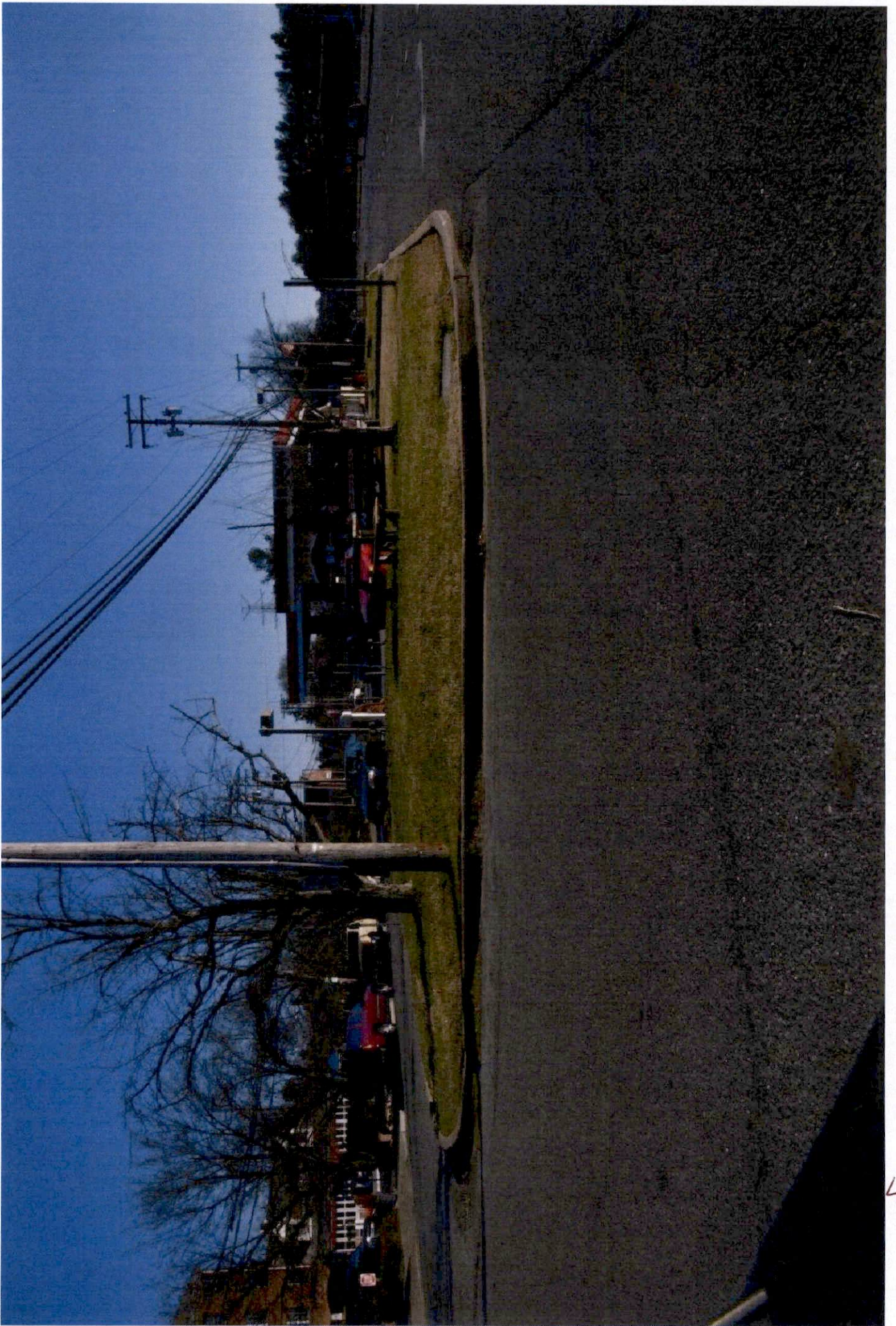
4

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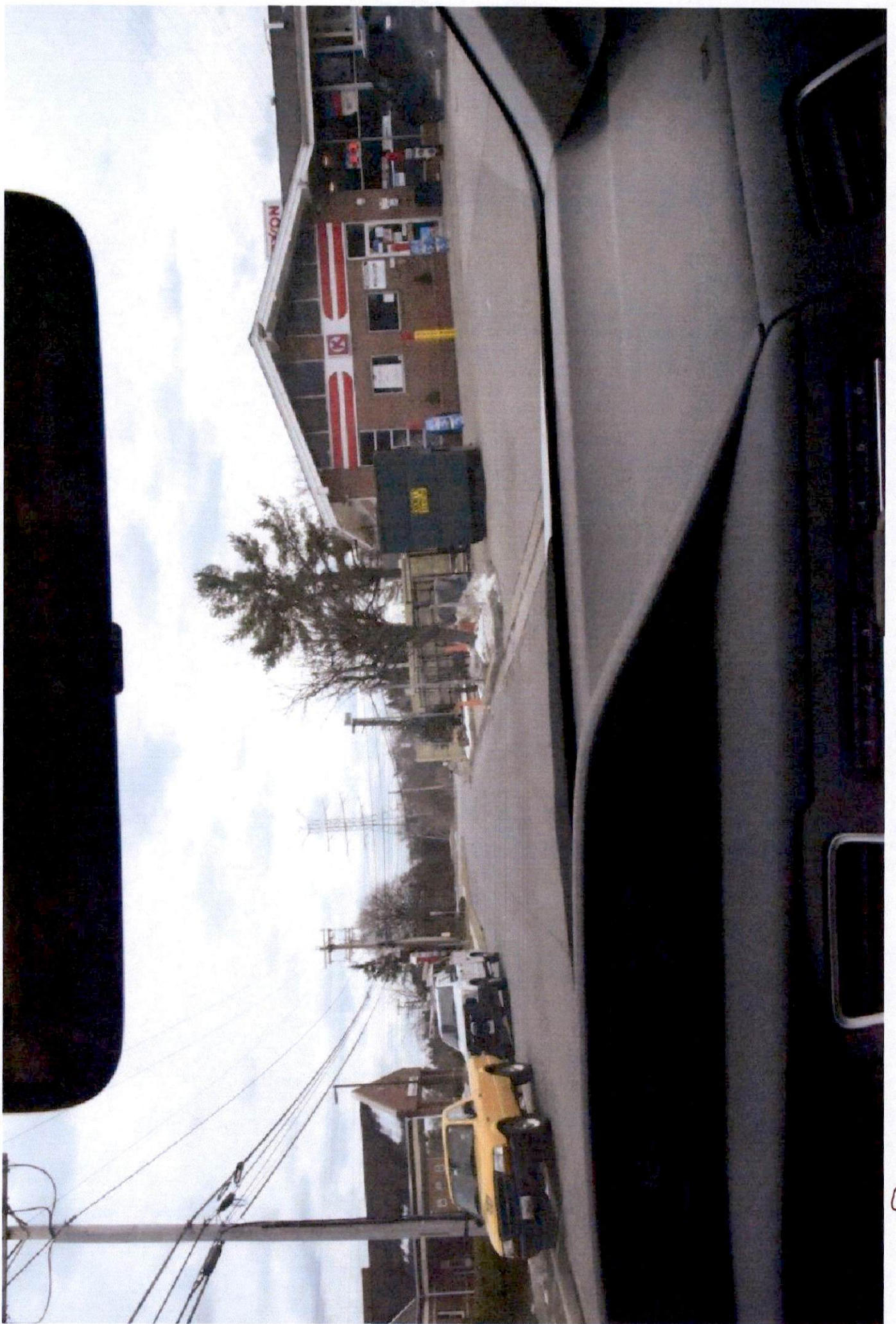
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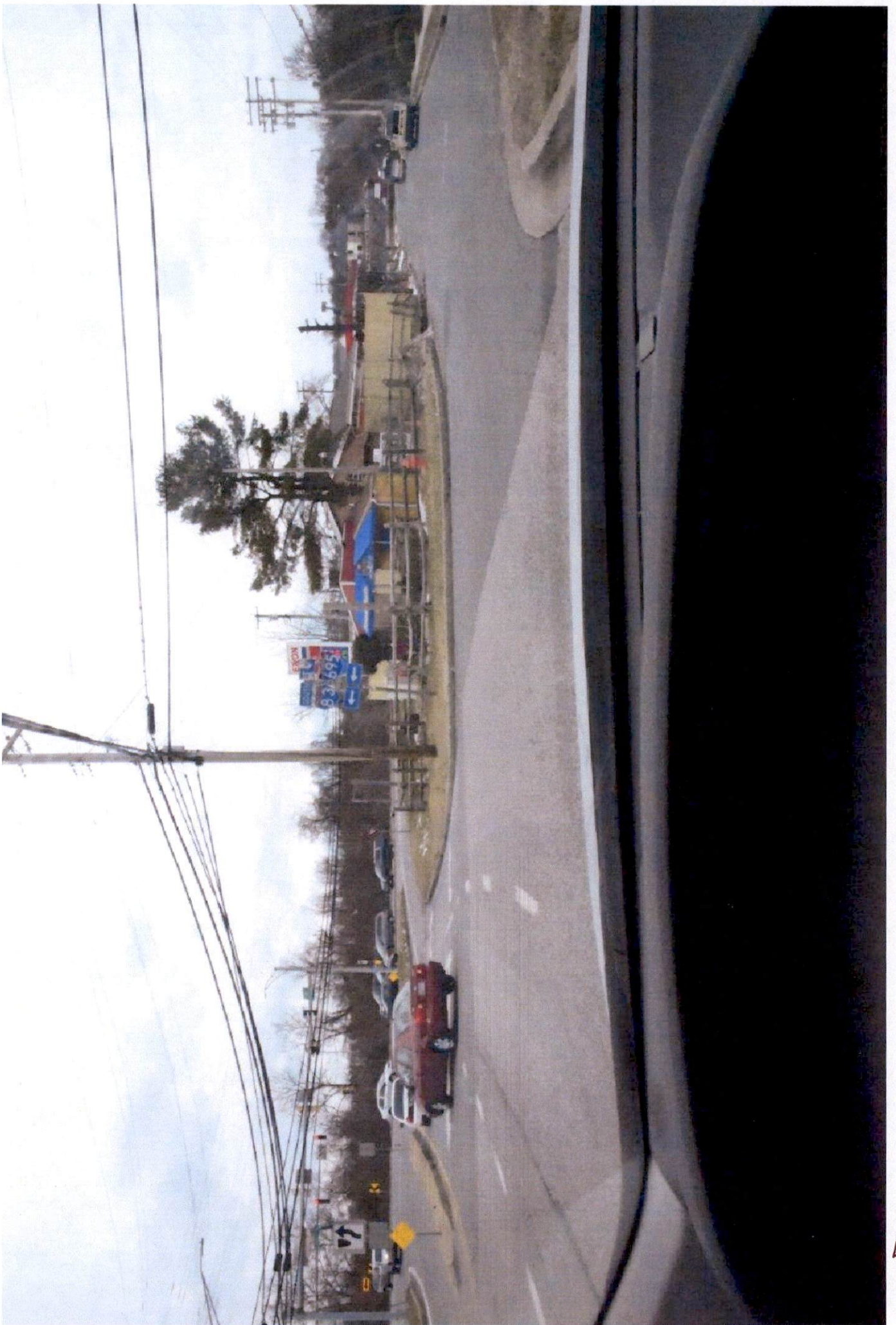


4B



4C





4E



4F





EDWARD W. TOM, RLA
LANDSCAPE ARCHITECT

LICENSURE AND ACCREDITATION

Registered Landscape Architect, Maryland, 1979 No. 412

EDUCATION

Cornell University, BS, Landscape Architecture, 1976

PROFESSIONAL SUMMARY

Edward Tom has planned, designed and coordinated numerous commercial, residential, institutional, park & recreation, senior living and healthcare projects during his 44-year career. The majority of his work has been in Baltimore County, however he has also worked in Anne Arundel, Carroll, Howard, Prince Georges, St. Mary's Counties, the City of Baltimore and Wilmington Delaware.

Mr. Tom has been responsible for all phases of land development including land-use planning and feasibility studies, master-plans through schematic/preliminary and final site designs, preparation of construction documents, and field construction coordination.

PERSONAL AND PROFESSIONAL PARTIAL LIST OF PROJECTS

Hunt Valley Towne Centre, Hunt Valley, MD - Baltimore County

Mr. Tom designed the public spaces, prepared construction documents and provided on-site construction coordination for this commercial project. Amenities include trees and decorative pedestrian lights along the main street promenade, outdoor dining areas, garden sitting areas and special paving treatments at major building entries. The central green amenities include open lawn area, fountain, footbridge, dry creek-bed, landscaping, seating, gazebo, fireplace, and open plaza and outdoor stage for community events including weekly summer concerts.

Greenspring Quarry, Pikesville, MD - Baltimore County

Mr. Tom coordinated design and installation of the landscape and site amenities for this residential and commercial PUD project built around a 40-acre lake. Improvements include signage, decorative walls, 'stone' steps built into stone abutments, trellises, swing seats, benches, walks, trails, decorative fencing, sitting areas, gardens, overlooks, and wildflower meadows. Services also included coordination of clearing, grubbing and grading with contractors and coordination of utilities and street lights with BGE.

Towson Square, Towson, MD - Baltimore County

Mr. Tom prepared the site design concept through final construction documents for this four (4) acre urban mixed-use project, including 2,500 seat multiplex cinema, 700-space parking garage and 120,000 square feet of restaurants. Special details were developed for the building entries, parallel parking on 'main-street', pedestrian promenade, outdoor seating and dining areas, and fountain amenity, while resolving the steep grade challenges.

Piers 5 & 6, The Inner Harbor, MD - City of Baltimore

Mr. Tom master-planned, designed, and coordinated installation of the Eastern Avenue approach bridge and turnaround /drop-off, the hotel /restaurant, Seven-Foot Knoll lighthouse, lighthouse park, and the waterfront promenade in Baltimore's inner harbor. He also master-planned the adjacent 2,000-seat Concert Pavilion on Pier 6 and coordinated its final design with the pavilion architect and the City. Mr. Tom also master-planned the Lady Maryland development (now the Living Classrooms Foundation on Center Dock) and its Maritime Museum Lighthouse, Submarine Torsk, and Chesapeake Lightship.



The Palisades, Towson, MD - Baltimore County

Mr. Tom developed a streetscape system including curbs, sidewalk paving, decorative streetlights, street trees, shrubs, groundcover for this apartment high-rise project in the heart of Towson. He also designed the roof-top garden amenity plaza with swimming pool and seating /lounging areas.

Piney Orchard Community, Odenton, MD - Anne Arundel County

Mr. Tom designed and coordinated the installation of the site amenities for this residential and commercial PUD and adjacent Piney Orchard Nature Preserve. Amenities include 14 miles of paved and soft trail system, footbridges, boardwalk overlook, sitting areas, gazebos, and nature trail signage. Mr. Tom master-planned, designed and coordinated installation of three swimming pools, each with clubhouse /community center building.

Stella Maris Senior Living Campus, Timonium, MD - Baltimore County

Mr. Tom designed and coordinated installation of the landscaping for the main courtyard. For those residents and visitors who prefer to stay indoors (and during bad weather), the courtyard is visible through large picture windows from an inside sitting /coffee room (the view framed by flowering trees). Serpentine plant beds weave through the sitting areas, and winding paths beckon those viewing from inside as well as those walking outside.

Waugh Chapel Town Center, Gambrills, MD - Anne Arundel County

Mr. Tom designed and coordinated the streetscape promenade for this unique 'main-street' project, built entirely above an impervious concrete cap. Streetscape included special promenade paving treatments, creation of walking and sitting areas, planters, benches and street furniture.

Charlestown Senior Living Campus, Catonsville, MD - Baltimore County

Mr. Tom designed the pick-up /drop-off for the main entrance at Herbert's Run. This included roadway, parking, sidewalk plaza, ADA access, bollard, seating, lighting and landscape treatments. Mr. Tom designed the landscaping for the front entrance arrival and drop-off at the Charlestown Square Clubhouse, along with the parking lot expansion and associated storm water management plantings. He also designed the main entrance pick-up/drop-off to the Continuing Care Health Services building, including ADA parking and access.

Pickersgill Senior Living Campus, Towson, MD - Baltimore County

Mr. Tom prepared the master plan for future campus improvements, including special treatments at building entries, sitting areas, gardens, walkways and pathways, gazebos, fountains, central green for outdoor concerts and special events, feature ponds, vehicular drop-off, service and other designated areas, and landscape design.

Shepard Pratt Health Systems Medical Campus, Elkridge, MD - Howard County

Mr. Tom designed the decorative stone 'signature walls', landscaping, screen plant buffer of adjacent cemetery, and storm water management landscaping for this medical office building and campus.

MEMBERSHIPS AND ASSOCIATIONS

American Society of Landscape Architects

PROFESSIONAL EXPERIENCE

Daft-McCune-Walker, Inc., Towson, MD 1995-Present

Crozier Associates, Baltimore, MD 1980-1995

Ted Human & Associates, Cockeysville, MD 1976-1980

List of Exhibits

2343 West Joppa Road

Case 2020-285-SPHA

WTP File: 86622/1

Hearing Date: 3/1/21

Time: 1:30 p.m.

Petitioner's Exhibits

1. C.V. of Mitch Kellman
2. Aerial
3. Site plan as filed
4. Photos
5. C.V. of Ed Tom, RLA
6. Landscape Plan

11669873

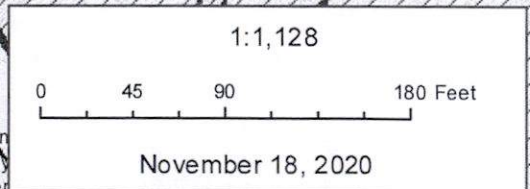
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Baltimore County - My Neighborhood



Legend

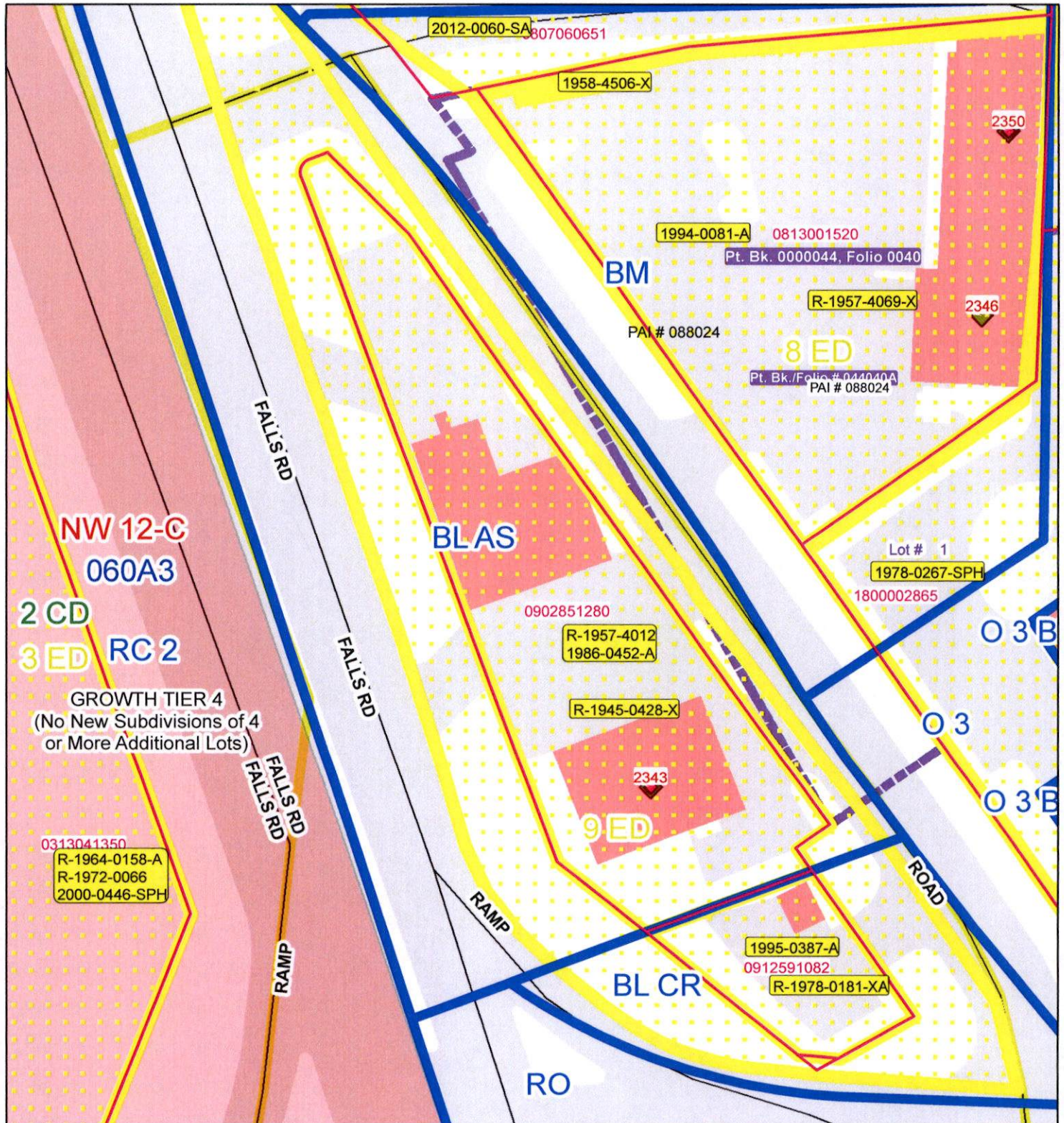
- House Numbers
- ▣ Zoning History Cases
- ▣ Zoning
- ▣ Property
- ▣ County Boundary



Sources: Esri, HERE, Garmin, Intermap, increment
GeoBase, IGN, Kadaster NL, Ordnance Survey,
OpenStreetMap contributors, and the GIS User

7020-0286-0416

2343 W Joppa Road



Publication Date: 11/23/2020



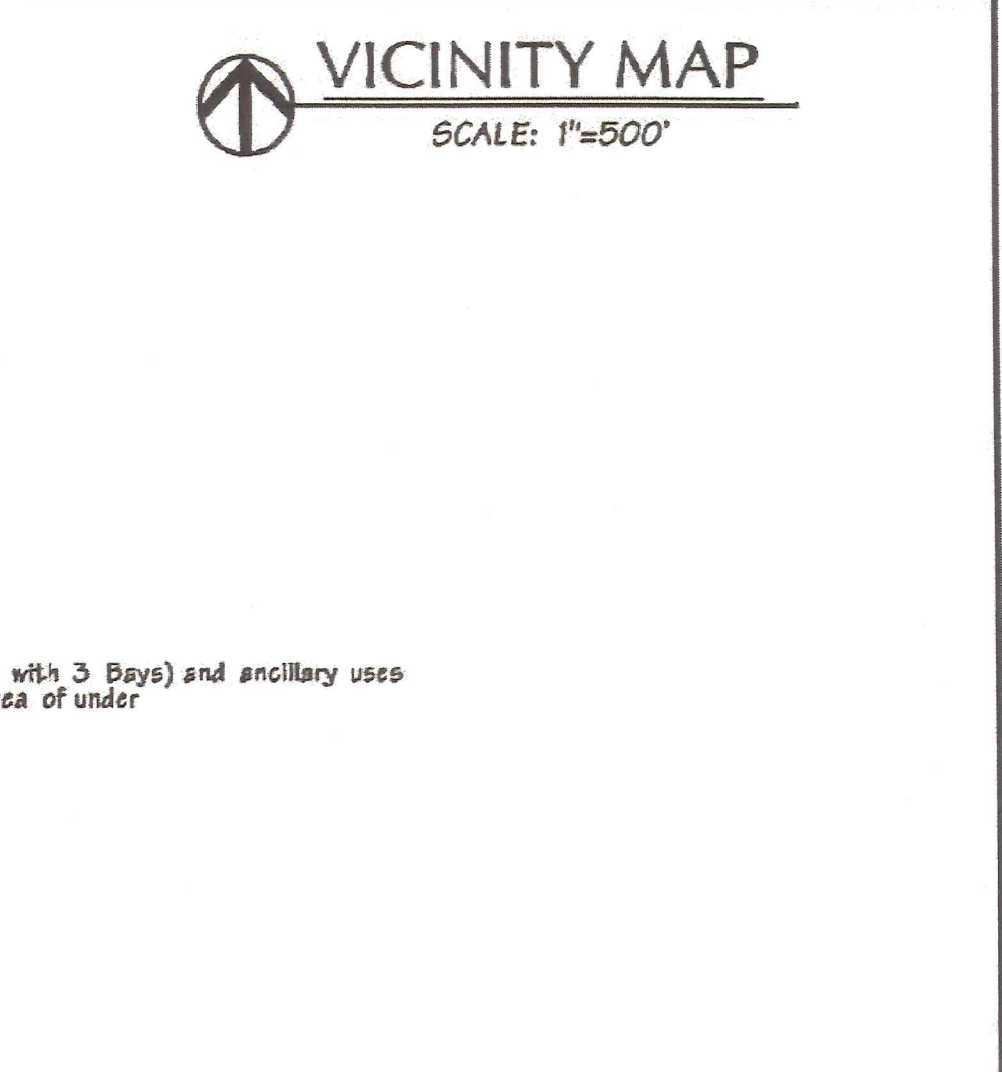
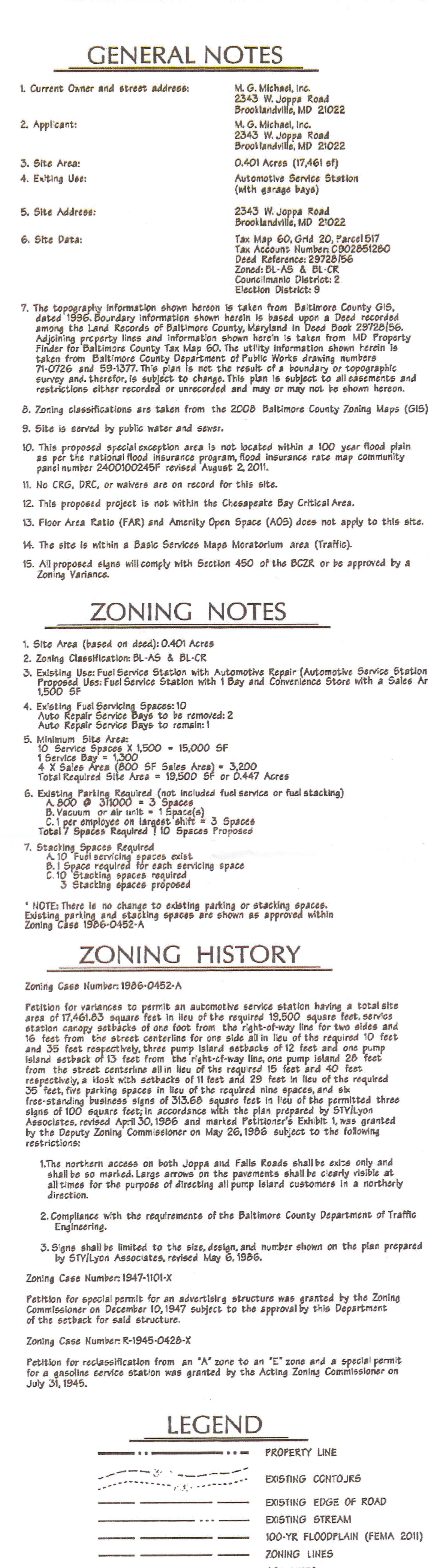
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
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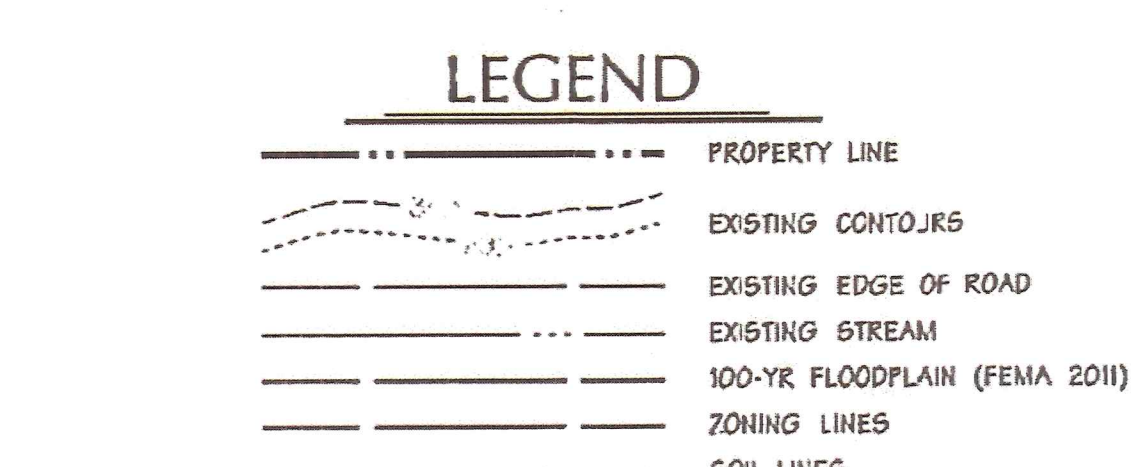
1 inch = 50 feet

2020-0285-SPHA



GROSS TOTAL OF REQUIRED PLANTING UNITS					2	2 PU/TREE	1	
CREDIT FOR PRESERVATION OF EXISTING TREES								
TS	TREES TO BE SAVED (3' CAL. AND GREATER)	2 PU/TREE	5.00'	5.00'	5.00'			
NET TOTAL OF REQUIRED PLANTING UNITS					37.66	XXX		

LANDSCAPING PROVIDED	QUANTITY	PLANTING UNITS (PU)
MAJOR DECIDUOUS TREES	9	5.00' 1.07' 9
EVERGREEN TREES	12	5.00' 1.07' 12
MINOR DECIDUOUS TREES		5.00' 1.07' 5
SHRUBS	98	5.00' 1.07' 19
TOTAL PLANTING UNITS PROVIDED		XXX PU 34

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