

IN THE MATTER OF
HEUNGJU HWANG- LEGAL OWNER
CARROLL INDEPENDENT FUEL –
CONTRACT PURCHASER/PETITIONER
FOR SPECIAL HEARING AND SPECIAL
EXCEPTION ON THE PROPERTY
LOCATED AT 7510 PULASKI HIGHWAY

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 21-326-SPHX

* * * * *

ORDER OF DISMISSAL

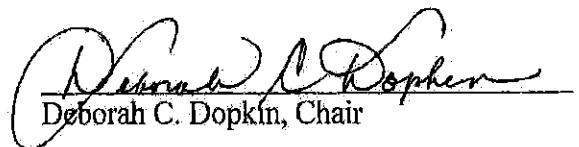
This matter comes to the Board of Appeals by way of an appeal filed by Michael R. McCann, Esquire on behalf of Chryvo, LLC, Protestant, from a decision of the Administrative Law Judge dated April 12, 2022, in which the requested zoning relief was granted with conditions.

WHEREAS, the Board is in receipt of a Voluntary Dismissal of Petitions for Special Exception and Special Hearing filed by Dino C. La Fiandra, Esquire on behalf of Carroll Independent Fuel, LLC, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petitions for Special Exception and Special Hearing that are the subject matter of this appeal be withdrawn and dismissed,

IT IS THEREFORE ORDERED this 2nd day of August, 2022 by the Board of Appeals of Baltimore County that, in accordance with Board of Appeals Rules of Practice and Procedure, Rule 3.b.2, the Petitions for Special Hearing and Special Exception filed in Case No. 21-326-SPHX be and the same are hereby **WITHDRAWN AND DISMISSED** without prejudice.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Deborah C. Dopkin, Chair

**IN RE:
PETITION FOR SPECIAL EXCEPTION and
PETITION FOR SPECIAL HEARING**

7510 Pulaski Highway

**15th Election District
7th Council District**

Heungju Hwang, Legal Owner ..

**Carroll Independent Fuel, LLC, Contract
Purchaser / Lessee**

BEFORE THE
BOARD OF APPEALS
FOR
BALTIMORE COUNTY
Case No.: 2021-0326-SPHX

**VOLUNTARY DISMISSAL OF PETITIONS FOR
SPECIAL EXCEPTION AND SPECIAL HEARING**

Petitioner, Carroll Independent Fuels, LLC, by and through Dino C. La Fiandra and The Law Office of Dino C. La Fiandra, LLC, pursuant to Rule 3 (B) of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, voluntarily dismisses the Petition for Special Exception and the Petition for Special Hearing in the above-captioned matter. The Petitioner requests that the Board dismiss the Petitions without prejudice. In support of the request for dismissal without prejudice, the Petitioner states:

1. Board Rule 3 (B) provides,

An appeal or petition may be withdrawn or dismissed at any time prior to the conclusion of the hearing on the appeal or petition. The request shall be submitted in writing or upon oral request in circumstances that preclude a written request and should include whether the dismissal is requested with or without prejudice. The board has the discretion to determine if a matter should be dismissed with or without prejudice. A petition that is dismissed with prejudice may not be resubmitted for a period of eighteen (18) months after the dismissal.

2. In deciding whether to dismiss the Petitions with or without prejudice in this case, the Board may be guided by the Maryland Rules governing voluntary dismissals in the Circuit Court and the District Court. Voluntary dismissal of a complaint in Maryland

Courts, with or without prejudice, is governed by Maryland Rule 2-506 in the Circuit Court, and 3-506 in the District Court. These Rules permit dismissal by voluntary notice, by agreement of the parties, and by order of Court. The Rules state that dismissal shall be without prejudice unless otherwise stated in the voluntary notice of dismissal, the stipulation among the parties, or the Court's order.

3. Interpreting Maryland Rule 2-506 permitting voluntary dismissal in the Circuit Court, the Maryland Court of Appeals has noted that dismissal without prejudice is appropriate unless the defendant / responding party would suffer "plain legal prejudice" beyond the mere filing of second lawsuit. If the responding party would suffer plain legal prejudice, then dismissal with prejudice is warranted. See, *Adventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 419 (2007).

4. In *Adventis Pasteur, Inc.*, with regard to "plain legal prejudice" to the responding party warranting dismissal of the complaint with prejudice, the Court of Appeals stated,

Whether a plaintiff is entitled to voluntary dismissal without prejudice, i.e., the defendant would not suffer "plain legal prejudice" in the event of dismissal, is resolved traditionally by analysis according to the following four factors: (1) the non-moving party's effort and expense in preparing for litigation; (2) excessive delay or lack of diligence on the part of the moving party; (3) sufficiency of explanation of the need for a dismissal without prejudice; and (4) the present stage of the litigation, i.e., whether a motion for summary judgment or other dispositive motion is pending.

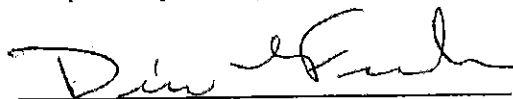
5. Evaluating the Petitioner's request for dismissal without prejudice against these criteria, it is clear there would be no "plain legal prejudice" to the Appellant if the case were dismissed without prejudice. Petitioner notes that this request is made at the earliest stage of the appeal. The Notice of Appeal was filed on May 11, 2022, and the hearing in the case has not been scheduled yet. Petitioner also notes that the appellant did not participate in the hearing below, so except for filing the Notice of Appeal, it would appear the Appellant / non-moving party has put forth very little effort and incurred very little expense to date in this case. Furthermore, there has been no lack of diligence or delay

on behalf of Carroll Fuels in requesting this dismissal with prejudice. As for the reason for requesting the dismissal without prejudice, the Petitioner, Carroll Independent Fuel, LLC, is the contract purchaser of the subject property, and no longer desires to pursue the zoning approvals at this site. Nonetheless, a dismissal with prejudice would prevent a subsequent contract purchaser from seeking similar zoning relief within the next 18 months. Board Rule 3(B). Under the circumstances of this case, a dismissal with prejudice would be a cloud on the legal owner's ability to contract with another purchaser who might need similar zoning approvals within the next 18 months. Such a cloud would be unjust and serve no purpose in light of the facts of this case.

WHEREFORE, Petitioner Carroll Independent Fuel, LLC requests that the Petitions be dismissed without prejudice.

Respectfully submitted,

May 31, 2022
Date



Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
dcl@lafiandralaw.com
Attorney for Petitioner,
Carroll Independent Fuels, LLC

Certificate of Service

I certify that on May 31, 2022, I sent a copy of the foregoing Voluntary Dismissal by email to Michael McCann, Esquire at michael@mmccannlaw.net.



Dino C. La Fiandra



Board of Appeals of Baltimore County

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

August 2, 2022

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Michael R. McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: In the matter of: *Heungju Hwang – Legal Owner*
Carroll Independent Fuel – Contract Purchaser/Petitioner
Case No.: 21-326-SPHX

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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

Very truly yours,

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

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Heungju Hwang
John Phelps/Carroll Independent Fuel, LLC
Chryvo, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

[illegible]

BEFORE THE

BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No.: 2021-0326-SPHX

Courts, with or without prejudice, is governed by Maryland Rule 2-506 in the Circuit Court, and 3-506 in the District Court. These Rules permit dismissal by voluntary notice, by agreement of the parties, and by order of Court. The Rules state that dismissal shall be without prejudice unless otherwise stated in the voluntary notice of dismissal, the stipulation among the parties, or the Court's order.

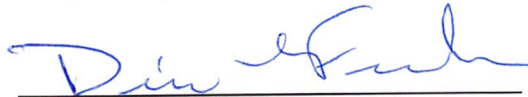
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4. In *Adventis Pasteur, Inc.*, with regard to "plain legal prejudice" to the responding party warranting dismissal of the complaint with prejudice, the Court of Appeals stated,

Whether a plaintiff is entitled to voluntary dismissal without prejudice, i.e., the defendant would not suffer "plain legal prejudice" in the event of dismissal, is resolved traditionally by analysis according to the following four factors: (1) the non-moving party's effort and expense in preparing for litigation; (2) excessive delay or lack of diligence on the part of the moving party; (3) sufficiency of explanation of the need for a dismissal without prejudice; and (4) the present stage of the litigation, i.e., whether a motion for summary judgment or other dispositive motion is pending.
5. Evaluating the Petitioner's request for dismissal without prejudice against these criteria, it is clear there would be no "plain legal prejudice" to the Appellant if the case were dismissed without prejudice. Petitioner notes that this request is made at the earliest stage of the appeal. The Notice of Appeal was filed on May 11, 2022, and the hearing in the case has not been scheduled yet. Petitioner also notes that the appellant did not participate in the hearing below, so except for filing the Notice of Appeal, it would appear the Appellant / non-moving party has put forth very little effort and incurred very little expense to date in this case. Furthermore, there has been no lack of diligence or delay

on behalf of Carroll Fuels in requesting this dismissal with prejudice. As for the reason for requesting the dismissal without prejudice, the Petitioner, Carroll Independent Fuel, LLC, is the contract purchaser of the subject property, and no longer desires to pursue the zoning approvals at this site. Nonetheless, a dismissal with prejudice would prevent a subsequent contract purchaser from seeking similar zoning relief within the next 18 months. Board Rule 3(B). Under the circumstances of this case, a dismissal with prejudice would be a cloud on the legal owner's ability to contract with another purchaser who might need similar zoning approvals within the next 18 months. Such a cloud would be unjust and serve no purpose in light of the facts of this case.

WHEREFORE, Petitioner Carroll Independent Fuel, LLC requests that the Petitions be dismissed without prejudice.

Respectfully submitted,

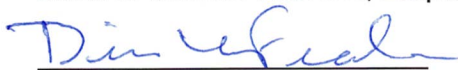


Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
dcl@lafiandralaw.com
Attorney for Petitioner,
Carroll Independent Fuels, LLC

May 31, 2022
Date

Certificate of Service

I certify that on May 31, 2022, I sent a copy of the foregoing Voluntary Dismissal by email to Michael McCann, Esquire at michael@mmccannlaw.net.


Dino C. La Fiandra



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

May 12, 2022

Dino C. LaFiandra, Esq. – dcl@lafiandralaw.com
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Exception
Case No. 2021-0326-SPHX
Property: 7510 Pulaski Highway



Dear Mr. LaFiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 12, 2022. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Attachment

c: Jesse Newman – jnewman@highs.com
Wayne Newton – wayne@messickandassociates.com
✓ Board of Appeals
People's Counsel

APPEAL

Petitions for Special Hearing and Exception
Case No.: 2021-0326-SPHX
7510 Pulaski Highway
15th Election District, 7th Council District

Petitions for Special Hearing and Exception – 11/12/21

Zoning Description of Property (1 page)

Notice of Webex Zoning Hearing via Email – 1/24/2022

Certification of Publication – *The Daily Record* Newspaper – 1/27/22

Certification of Posting by SSG Robert Black – 1/27/22 & 2/12/22

Entry of Appearance by People's Counsel – 11/22/21

Attendance Sheets

Zoning Advisory Committee Comments

Petitioner's Exhibits:

1. Wayne Newton CV
2. Zoning Site Plan
3. Aerial Photo
4. Estoppel Certificate (Lease)
5. Lease – First and Last Page
6. Photo Array

Miscellaneous:

1. Miscellaneous
2. WebEx

Cover Letter and Administrative Law Judge's Opinion and Order – April 12, 2022 (GRANTED WITH CONDITIONS)

Notice of Appeal & Check No. 6179 for \$700 - Received on 5/12/22 from Michael R. McCann, Esq. on behalf of Protestant, Chryvo, LLC

Cashier's Receipt No. 203933 – \$700

Materials Sent to BOA Folder on 5/12/22

IN RE: PETITION FOR SPECIAL EXCEPTION*	BEFORE THE
and PETITION FOR HEARING	
(7510 Pulaski Highway)	* OFFICE OF ADMINISTRATIVE
15th Election District	
7th Council District	* HEARINGS FOR
Heungju Hwang	
<i>Legal Owner</i>	* BALTIMORE COUNTY
Carroll Independent Fuel	
<i>Contract Purchaser/Lessee</i>	* Case No. 2021-0326-SPHX

* * * * *

NOTICE OF APPEAL

Protestant, Chryvo, LLC, pursuant to Baltimore County Code §32-3-401 *et seq.*, hereby files an appeal to the Board of Appeals of Baltimore County from the Opinion and Order of the Administrative Law Judge dated April 12, 2022. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the addresses of the appellant is 1935 W. Joppa Road, Towson, MD 21204.



Respectfully submitted,

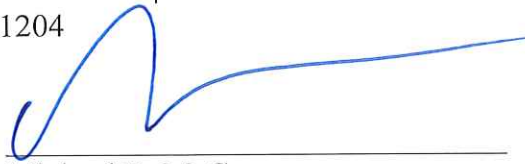
Michael R. McCann
 118 W. Pennsylvania Ave.
 Towson, MD 21204
michael@mmccannlaw.net
 (410) 825-2150

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2022 copy of the foregoing Notice of Appeal was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204



Michael R. McCann

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

No. **203933**

PAID RECEIPT

Date: **5-12-22**

BUSINESS ACTUAL TIME IRW
 5/13/2022 5/12/2022 11:36:02 S

REC TRGS WALKIN LRB
 >RECEIPT # 002493 5/12/2022 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount	Dept	Obj	BS Acct
001	806	0000		6150					700.00	5	528	ZONING VERIFICATION

Dept 5 528 ZONING VERIFICATION
 OF LN 203933
 Bank Tot \$ 700.00
 700.00 CK .00 CA
 Baltimore County, Maryland

Total: **700.00**

Rec From: **Officer Michael McCann Esq**

For: **Office of Admin Hearings - Appeal**
Case No. 2021-0326-SPLX
7210 Rutland Hwy
Hearing Date - 5-16-22
Check No. 6179

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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

No. 203933

Date: 5-12-22

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					700.00

Total: 700.00

Rec

From: Officer Michael McCann, Esq.

For:

Office of Admin. Hearings - Appeal
Case No. 2021-0326-SPHX
7510 Pulaski Hwy.
Hearing Date - 5-16-22
Check No. 6179

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

LAW OFFICES OF MICHAEL R. MCCANN

118 W. PENNSYLVANIA AVE
TOWSON, MD 21204

6179

65-320/550 7384

DATE

5/11/22

PAY
TO THE
ORDER OF

Baltimore County
Surm. Clerk

\$ 700.00

DOLLARS



Photo
Safe
Deposit
Details on back



Wells Fargo Bank, N.A.
Maryland
wellsfargo.com

FOR

[Signature]

MP

Debra Wiley

From: Debra Wiley
Sent: Tuesday, April 12, 2022 10:13 AM
To: Dino C. LaFiandra, Esq. -
Cc: Jesse Newman -; Wayne Newton -; Donna Mignon; County Council; Henry Ayakwah; Jeffery Livingston; Jenifer G. Nugent; Peoples Counsel; Vishnubhai K Desai
Subject: Decision - Case No. 2021-0326-SPHX - 7510 Pulaski Highway
Attachments: 20220412100915567.pdf

Good Morning,

Please find attached ALJ Murphy's Opinion and Order in reference to the above matter.

Have a great and safe day.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Tuesday, April 12, 2022 10:09 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 04.12.2022 10:09:15 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 12, 2022

Dino C. LaFiandra, Esq. – dcl@lafiandralaw.com
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2021-0326-SPHX
Property: 7510 Pulaski Highway

Dear Mr. LaFiandra:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Jesse Newman – jnewman@highs.com
Wayne Newton – wayne@messickandassociates.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION		
(7510 Pulaski Highway)	*	OFFICE OF
15 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
Heungju Hwang		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Carroll Independent Fuel		
<i>Contract Purchaser/Lessee</i>	*	Case No. 2021-0326-SPHX
Petitioners		
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Heungju Hwang, legal owner and Carroll Independent Fuel, LLC, lessee (“Petitioner”) for the property located at 7510 Pulaski Hwy., Rosedale (“7510 Pulaski” and the “Property”). Special Exception relief was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §405.2.B.1 for approval of a fuel service station. Special Hearing relief was also filed to approve a fuel service station with restrooms, compressed air, and water at the fuel service station located at the immediately adjacent property at 7500 Pulaski Highway, which is also operated by the Petitioner.

Due to the COVID-19 pandemic, a WebEx hearing was conducted. The Petition was advertised and posted. Jesse Newman, representative from Carroll Independent Fuels/Highs appeared in support of the Petition along with Wayne Newton, PE of Messick and Associates, the engineering firm who prepared the site plan (the “Site Plan”). (Pet. Ex. 2). Dino LaFiandra, Esquire represented the Petitioner. There were no Protestants or interested citizens in attendance at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) who was not opposed the requested relief and provided its written findings

ORDER RECEIVED FOR FILING

Date 4-12-22

By [Signature]

under BCZR, §405.4.A.3.a in regard to the number and location of access driveways as those relate to access, internal circulation and vehicle reservoir capacity. DOP provided its written recommendation stating that the Property and 7510 Pulaski should be considered together to avoid contradictory curb cuts. Department of Environmental Protection and Sustainability (“DEPS”) provided a comment that a Site Plan had not been provided for review and that Environmental Impact Review (“EIR”) will need to review the proposed development. Bureau of Development Plans Review (“DPR”) commented that the development must provide a Landscaping and Lighting Plan. Department of Public Works and Transportation (“DPWT”) by its Director, D’Andrea Walker, provided its written findings dated April 12, 2022, under BCZR, §405.4.A.3.a in regard to the number and location of access driveways as those relate to access, internal circulation and vehicle reservoir capacity. In that comment, DPWT wrote that it has no jurisdiction to make a recommendation because the Property’s access points are on state roads (MD Route 7 & US Route 40) along both sides of the Property. (See File). State Highway Administration (“SHA”) did not provide any comment.

The case proceeded by way of modified proffer by Mr. LaFiandra. Wayne Newton, PE was accepted as an expert witness in civil engineering and BCZR. (Pet. Ex. 1). The Property is a vacant parcel of land measuring 0.89 acres +/- (38,777 sf +/-). It is located between a fuel service station with a Carroll Mart Convenience Store and McDonald’s Restaurant on the southwestern side (“7500 Pulaski”), and a Shell Gas Station (“7514 Pulaski”) on the northeastern side. The Property is zoned Business-Roadside with an Automotive Services overlay district (BR-AS) which permits fuel service stations by Special Exception. (Pet. Ex. 3). The Property is accessed by Pulaski Hwy. (US Rt. 40) (eastern side), and by Philadelphia Rd. (MD Rt. 7) (western side). (Pet. Ex. 2, 3). As shown on the aerial photo provided, the surrounding area has industrial and/or

ORDER RECEIVED FOR FILING

Date

4-12-22

By

100

commercial uses. (Pet. Ex. 3).

While the Petitioner currently operates the Carroll Mart Convenience Store and fuel service station at the abutting 7500 Pulaski, that fuel service station does not sell diesel fuel. As a result, Petitioner seeks to install three (3) diesel fuel pumps, with canopy, at the Property. Traffic circulation is designed to accommodate six (6) 18-wheeler tractor trailers. Each pump will have two (2) fuel dispensers which allows each tractor trailer to simultaneously fill two (2) tanks. The required restroom, sale of water and compressed air facilities as required under BCZR, §405.4.B, would be provided at 7500 Pulaski. The Petitioner, as a subtenant of McDonalds, is under a 20 year lease of which 19 lease years remain. (Pet. Exs. 4, 5, 6). No structure will be erected on the Property. In the event that the 7500 Pulaski lease is terminated, Petitioner agrees to erect a kiosk with a public restroom. Mr. Newton explained that there are no parking spaces required for this use other than three (3) stacking spaces which are being provided. Mr. Newton stated that the Property meets all the setbacks and no variance relief is needed. The 10 ft. landscape buffer will be provided.

Mr. Newton opined that the Property meets all of the Special Exception factors in BCZR, §502.1. Specifically, in Mr. Newton's expert opinion, the proposed fuel service station will not be detrimental to the health, safety and general welfare of the surrounding industrial and commercial uses in the area. The proposed fuel station will not cause congestion in the roadways as the Site Plan has a well-designed traffic circulation plan for as many as six (6) track-trailers. He explained that there is no potential hazard from fire, panic or other danger because the fuel service stations have shut-off and safety valves in place which are monitored. The diesel fuel pumps will have no impact on light or air. Through the proffered testimony, the evidence was that there will no overcrowding of the land or undue concentration of population given that this fuel

ORDER RECEIVED FOR FILING

Date 4-12-22

By [Signature]

service station will only sell diesel fuel and most vehicles do not use diesel fuel. This fuel service station will have no impact on schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. The use is consistent with the BR-AS zone which permits fuel service stations by Special Exception. There will be no impact on impermeable surface or vegetative retention and there are no environmental or natural resources on the Property or in the vicinity which would be affected by this use.

In regard to abandoned fuel service stations under BCZR, §405.3, Mr. LaFiandra confirmed that there are no abandoned fuel service stations within ½ mile or 1 mile of the Property. Under BCZR, §405.4.A.1, the Property (38,777 sf) exceeds the minimum site dimensions of 15,000 sf. There will not be any ancillary uses on the Property under BCZR, §405.4.D. Lastly, Mr. LaFiandra agreed that the Petitioner would not use the Property to store vehicles for sale or otherwise store damaged vehicles which will be a condition in this Order.

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.

Based on the uncontroverted evidence and testimony at the hearing which is reflected above, I find Petitioner has satisfied the requirements of BCZR, §502.1 and the Maryland case law interpreting that regulation. Specifically, I find that the proposed use carries with it a presumption

ORDER RECEIVED FOR FILING

Date 4-12-22

By [Signature]

that it is compatible with the BR-AS zone. Without evidence showing that the adverse impacts of the proposed use at this Property would be above and beyond those inherently associated with the Special Exception use, it should be granted. Based on the ZAC comments provided by the Baltimore County agencies, there is no adverse impact from the proposed use on the surrounding community.

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). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016). In the instant case, I find that the proposed fuel service station located on Property between two (2) other fuel service stations, in an area which has industrial and commercial uses, is compatible with the community, is within the spirit and intent of the BCZR, and will not cause harm to the general health, safety, and welfare of the locale. Specifically, the Special Hearing request for approval to use the restroom, water and air compressor located at 7500 Pulaski is both practical and reasonable, particularly given that both fuel service stations are operated by the Petitioner. The

ORDER RECEIVED FOR FILING

Date

4-12-22

By



proposed diesel fuel pumps at 7510 Pulaski is an expansion of the fuel service station at 7500 Pulaski. In the event that the Petitioner's lease with owner of 7500 Pulaski is terminated, a condition will be imposed herein requiring the Petitioner to install and/or construct a kiosk with a public restroom on the Property.

I find that the proposed use meets all of the standards set forth in BCZR, §405.4 as outlined above. Specifically, given the recommendations of DPWT and DOP in regard to the number and location of access driveways under BCZR, §405.4.3.a, 7500 Pulaski and 7510 Pulaski Hwy. be considered together for internal traffic circulation purposes, I find that the proposed number and location of access driveways (both internally and externally) have been planned to sufficiently serve the proposed use and will prevent congestion in the surrounding roadways.

THEREFORE, IT IS ORDERED this 12th day of **April, 2022**, by this Administrative Law Judge, that the Petition for Special Exception pursuant to BCZR, §405.2.B.1 for a fuel service station is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, as also operated by the Petitioner, 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 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall comply with the DOP, DEPS and DPR ZAC comments which are attached hereto and incorporated herein.

ORDER RECEIVED FOR FILING

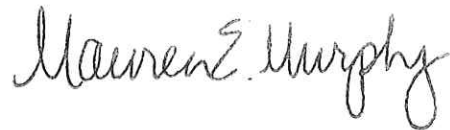
Date 4-12-22

By DW

3. In the event that the lease for the immediately adjacent 7500 Pulaski Hwy. is terminated, Petitioner agrees to erect and/or install a kiosk on the Property for the sale of water along with a public restroom as well as an air compressor as required by BCZR, §405.4.B.
4. Petitioners shall not park or store damaged or disabled vehicles for sale or otherwise (new or used) on the Property at any time.

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

Order.



MAUREEN E. MUPRHY
Administrative Law Judge
for Baltimore County

MEM:dlm

ORDER RECEIVED FOR FILING

Date 4-12-22

By law

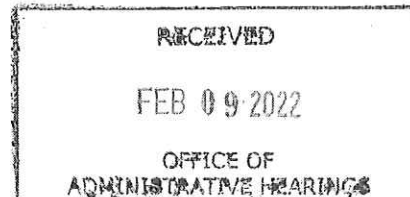
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 2/8/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2021-0326-SPHX



INFORMATION:

Property Address: 7510 Pulaski Highway
Petitioner: Heungju Hwang
Zoning: BR-AS
Requested Action: Special Hearing; Special Exception

The Department of Planning has reviewed the petition for a Special Exception for a Fuel Service Station pursuant to BCZR Section 405.2.B.1; and a Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner.

A site visit was conducted on 12/15/2021. The site is currently a vacant parking lot. The site is located in between the convergence of Philadelphia Road (RT 7) and Pulaski Highway (US RT 40). The surrounding land use is primarily commercial and light industrial on Pulaski Highway, with residential on Philadelphia Road.

Upon satisfaction with the Administrative Law Judge and reviewing agencies, the Department has no objections to the request pending the following recommendations are noted and considered:

1. The special hearing is contingent on a shared lease agreement with 7500 Pulaski Highway. If said lease agreement is terminated, the special hearing approval should expire.
2. 7500 Pulaski Highway and 7510 Pulaski Highway should be treated together for traffic circulation purposes. All ingress/egress should be coordinated with 7500 Pulaski Highway to not create contradictory curb cuts.
3. Compliance with Baltimore County Landscape Manual Condition K: Automotive Uses. Treat islands with significant plantings and trees, especially on side of RT 7 to screen off residential uses.

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

Prepared by:

Handwritten signature of Krystle Patchak in black ink.

Krystle Patchak

Division Chief:

Handwritten signature of Jennifer G. Nugent in black ink.

Jennifer G. Nugent

ORDER RECEIVED FOR FILING

Date 4-12-22

By [Signature]

SL/JGN/KP/

c: Mark Landolina
Dino C. La Fiandra
Office of Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-12-22

By BW

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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2021-0326-SPHX
Address 7510 Pulaski Highway
(Hwang Property)

Zoning Advisory Committee Meeting of **November 29, 2021.**

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

Any development of this property must comply Baltimore County Code Article 33, Environmental Protection and Sustainability, Title 6, Forest Conservation. It is recommended that Environmental Impact Review be contacted to discuss how this law may apply. No plan was received for this review.

Reviewer: Paul Dennis, Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 4-12-22

By aw

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: *EFC for VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2021
Item No. 2021-0326 -SPHX

DATE: Dec 21, 2021

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments

If Special Exception and Special Hearing is granted is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date *4-12-22*

By *bw*

Maureen E Murphy

From: D'Andrea Walker
Sent: Tuesday, April 12, 2022 8:59 AM
To: Maureen E Murphy
Cc: dcl@lafiandralaw.com; Anthony Russell; Angelica Daniel; Lauren Buckler
Subject: RE: Request for Comment DPWT - 7510 Pulaski Hwy. Case No.: 2021-326-SPHX

Good Morning Ms. Murphy:

In this case, We have no jurisdiction to make a recommendation as the site's access points are on to state roads (MD Route 7 & US Route 40) along both sides of the property.

I'm available if you have additional questions.

D'Andrea

From: Maureen E Murphy <mmurphy@baltimorecountymd.gov>
Sent: Thursday, March 31, 2022 2:30 PM
To: D'Andrea Walker <dwalker2@baltimorecountymd.gov>
Cc: dcl@lafiandralaw.com
Subject: Request for Comment DPWT - 7510 Pulaski Hwy. Case No.: 2021-326-SPHX

Good Afternoon D'Andrea –

The above referenced case involves a proposed fuel service station under BCZR, §405. I heard this case on February 16, 2022. Specifically, BCZR, §405.4.A.3.a requires a recommendation from Director of Public Works and Department of Planning about the number and location of access driveways. It reads as follows:

§405.4.A.3 Access, internal circulation and vehicle reservoir capacity.

- a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Department of Planning.

DOP provided their comment. DPR also provided a comment but confirmed that they do not provide the required recommendation on your behalf. Efforts to locate the DPWT County employee who could provide this recommendation have been unsuccessful. I would greatly appreciated it if you could direct me to your DPWT designee. Below are the relevant emails.

Thank you.

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: Saturday, February 26, 2022 11:46 AM

To: Terry Curtis <tcurtis@baltimorecountymd.gov>; Anthony Russell <arussell@baltimorecountymd.gov>; Angelica Daniel <adaniel@baltimorecountymd.gov>

Cc: Maureen E Murphy <mmurphy@baltimorecountymd.gov>; Lisa Eicholtz <leicholtz@baltimorecountymd.gov>

Subject: Re: Request for Comment from Department of Public Works - Zoning Case 21-0326-XA

Mr. Russell and Ms. Daniel,

If, after reviewing the email thread below, additional information from me would be helpful in preparing the comment that has been requested by ALJ Murphy, please do not hesitate to contact me. Thank you very much for your assistance in this matter.

Regards,
Dino La Fiandra



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
[vCard](#)

On Fri, Feb 25, 2022 at 2:04 PM Terry Curtis <tcurtis@baltimorecountymd.gov> wrote:

Good afternoon Dino,

I have been well and I hope you have been well also.

I have copied Tony Russell, the Acting Deputy Director of Transportation and Angelica Daniel, the Bureau Chief of DPWT Traffic Engineering and Transportation Planning. One of them should be able to assist you in your request.

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

Have a great day,

Terry Curtis, Jr.

Engineer III

Department of Public Works and Transportation

111 West Chesapeake Avenue

Room 205

Towson, Maryland 21204

410-887-3117

tcurtis@baltimorecountymd.gov

Request for Comment from Department of Public Works - Zoning Case 21-0326-XA

From: Dino La Fiandra dcl@lafiandralaw.com

To: Terry Curtis tcurtis@baltimorecountymd.gov

Cc: Maureen E Murphy mmurphy@baltimorecountymd.gov

Date: Wed, Feb 23, 2022, 4:39 PM



DOP Comment 21-0326-XA.pdf 706 KB

Petitioner's Exhibit 2 - Zoning Site Planpdf.pdf 1.7 MB

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.

Terry,

I hope this email finds you well.

The above-referenced zoning case pertains to 7510 Pulaski Highway in the Rosedale area of Baltimore County. My client, Carroll Fuels, seeks zoning approval to operate a diesel fuel station on this site. ALJ Murphy held a hearing on the case on February 16 at 1:30 pm. I've attached a copy of the site plan for the property showing the proposed improvements, which are a fuel canopy and 3 diesel fueling positions served by a combination of primary and secondary diesel dispensers. There are no other buildings or structures proposed on the site - no c-store, no fast food, no car wash, etc.

The site is approximately 0.9 acres on the north side of Pulaski Highway. The site is bound by Pulaski Highway on the south, by Philadelphia Road on the north, and by a fuel service station on both the east and the west sides. The fuel service station immediately to the west is another Carroll Fuel station, at which they sell gasoline. Carroll Fuels intends to operate both sites in tandem, meaning the diesel site will merely be an expansion of the existing operation at the adjoining site.

As you can see from the site plan, access from the public right of way to the proposed site is proposed at three locations. There are two existing access points to Pulaski Highway, both of which will be utilized. Pulaski Highway is a divided highway in this area, and the eastern access point along Pulaski Highway will be right in / right out. The western access point along Pulaski Highway will be outbound only. There are two existing access points along Philadelphia Road. The eastern access point will be closed due to the anticipated difficulty of large trucks negotiating the

on site grade in this area. The western access point along Philadelphia Road will be full movement.

There are two points of internal access to the adjoining Carroll Fuels site to the west. These are shown on the site plan. There will be no access to the fuel service station immediately adjacent to the east (Shell Station).

During the course of our hearing on February 16, Judge Murphy determined that BCZR Section 405.4.A.3.a requires a comment from the Director of Public Works related to access driveways serving this site. Specifically, BCZR, Section 405.4.A.3.a states, "The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Department of Planning". The Department of Planning provided a comment for this zoning case addressing the access and site circulation issues, but the Department of Public Works did not. I told Judge Murphy that I would seek the comment from the Department of Public Works.

Accordingly, I am seeking your help in securing a comment from the Department of Public Works. If you would be so kind as to direct this email to the appropriate person within the Department of Public Works to provide the comment to Judge Murphy, with a copy to me, I would greatly appreciate it. In addition to the site plan, I have also attached a copy of the Department of Planning's comment. If I may provide any additional information which would assist in understanding the proposal or preparing the comment, please do not hesitate to ask.

Thank you as always for your help in this matter.

Regards,
Dino



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/8/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2021-0326-SPHX



INFORMATION:

Property Address: 7510 Pulaski Highway
Petitioner: Heungju Hwang
Zoning: BR-AS
Requested Action: Special Hearing; Special Exception

The Department of Planning has reviewed the petition for a Special Exception for a Fuel Service Station pursuant to BCZR Section 405.2.B.1; and a Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner.

A site visit was conducted on 12/15/2021. The site is currently a vacant parking lot. The site is located in between the convergence of Philadelphia Road (RT 7) and Pulaski Highway (US RT 40). The surrounding land use is primarily commercial and light industrial on Pulaski Highway, with residential on Philadelphia Road.

Upon satisfaction with the Administrative Law Judge and reviewing agencies, the Department has no objections to the request pending the following recommendations are noted and considered:

1. The special hearing is contingent on a shared lease agreement with 7500 Pulaski Highway. If said lease agreement is terminated, the special hearing approval should expire.
2. 7500 Pulaski Highway and 7510 Pulaski Highway should be treated together for traffic circulation purposes. All ingress/egress should be coordinated with 7500 Pulaski Highway to not create contradictory curb cuts.
3. Compliance with Baltimore County Landscape Manual Condition K: Automotive Uses. Treat islands with significant plantings and trees, especially on side of RT 7 to screen off residential uses.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: Mark Landolina
Dino C. La Fiandra
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: *EFC for VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2021
Item No. 2021-0326 -SPHX

DATE: Dec 21, 2021

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments

If Special Exception and Special Hearing is granted is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

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*

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VKD: cen
cc: file



JOHN A. OLSZEWSKI, JR.
County Executive

JOANNE R. RUND, Chief
Fire Department

November 19, 2021

To: Zoning Advisory Committee
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 123
Towson, Maryland 21204
Attention: Zoning Review

Distribution Meeting of: **November 22, 2021**

Formal or Informal Response Due: **November 29, 2021**

Item No.:

Special Hearing: 2021-0326-SPHX.

Special Exception: 2021-0326-SPHX, 2021-0328-XA.

Comments:

Shall meet the requirements of the Baltimore County Fire Prevention Code, County Bill No. 14-21.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: Dec 21, 2021

EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2021
Item No. 2021-0326 -SPHX

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments

If Special Exception and Special Hearing is granted is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

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VKD: cen
cc: file

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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2021-0326-SPHX
Address 7510 Pulaski Highway
(Hwang Property)

Zoning Advisory Committee Meeting of **November 29, 2021.**

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

Any development of this property must comply Baltimore County Code Article 33, Environmental Protection and Sustainability, Title 6, Forest Conservation. It is recommended that Environmental Impact Review be contacted to discuss how this law may apply. No plan was received for this review.

Reviewer: Paul Dennis, Environmental Impact Review

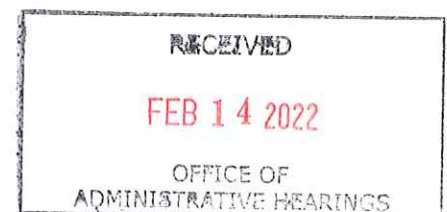


Memorandum

DATE: February 14, 2022
TO: Office of Administrative Hearings
FROM: Dino La Fiandra
SUBJECT: Exhibits for Case No. 2021-0326-SPHX
7510 Pulaski Highway

Handwritten in blue ink:
DCL
A-12-22

Enclosed herewith please find an Exhibit List and the hard copies of the exhibits in Case No. 2021-326-SPHX, which is scheduled for Wednesday, February 16, 2022 at 1:30 pm. Please let me know if you have any questions or require any additional information.



Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, February 14, 2022 12:27 AM
To: Dino La Fiandra; Administrative Hearings
Subject: Recertification's For 2021-0326-SPHX
Attachments: Re-Cert 1 2021-0326-SPHX.doc; Re-Cert 2 2021-0326-SPHX.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.

Recertification's for 7510 Pulaski Highway. Thanks.

CERTIFICATE OF POSTING

2021-0326-SPHX

RE: Case No.:

Petitioner/Developer: _____

Heungju Hwang
Carrol Independent Fuel, LLC

February 16, 2022

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: _____

7510 Pulaski Highway *SIGN 1 Recertification*

January 27, 2022

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

Sincerely,

~~February 12, 2022~~

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

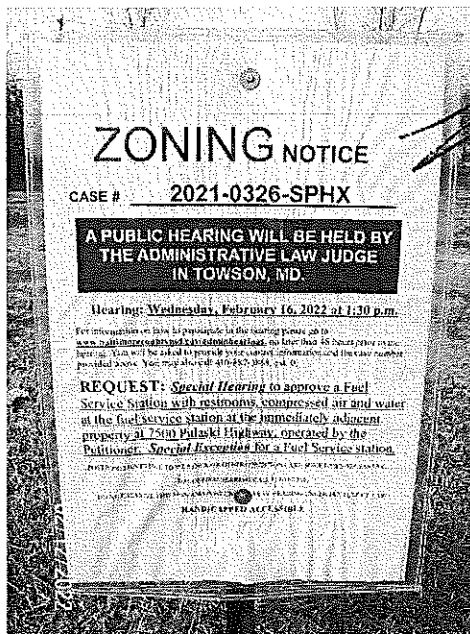
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2021-0326-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Heungju Hwang
Carrol Independent Fuel, LLC

February 16, 2022

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:

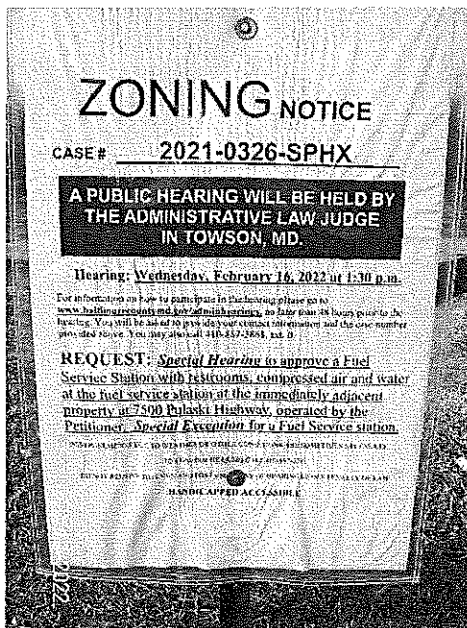
Ladies and Gentlemen:

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: _____

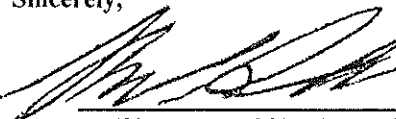
7510 Pulaski Highway *SIGN 2 Recertification*

January 27, 2022

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



Sincerely,

 **February 12, 2022**
(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)

Donna Mignon

From: Donna Mignon
Sent: Wednesday, February 9, 2022 8:36 AM
To: Dino La Fiandra
Subject: Case No: 2021-0326-SPHX
Attachments: ZAC comments.pdf

Good Morning,
Please find attached the ZAC comments in regard to the above. Thank you.

Donna L. Mignon

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

CERTIFICATE OF POSTING

2021-0326-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Heungju Hwang
Carrol Independent Fuel, LLC

February 16, 2022

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:

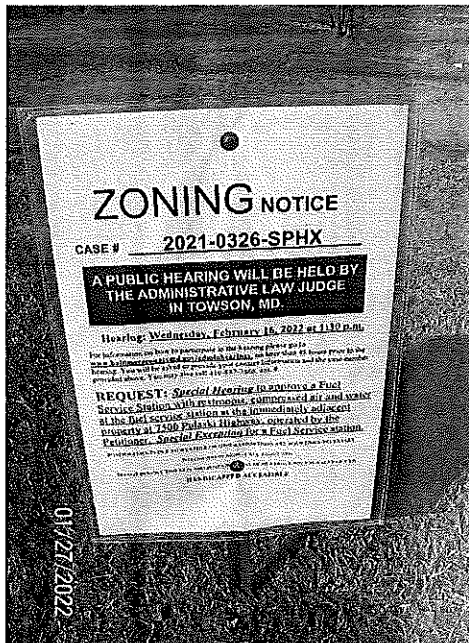
Ladies and Gentlemen:

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: _____

7510 Pulaski Highway *SIGN 1*

January 27, 2022

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



Sincerely,

January 27, 2022

(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

2021-0326-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Heungju Hwang
Carrol Independent Fuel, LLC

February 16, 2022

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:

7510 Pulaski Highway *SIGN 2*

January 27, 2022

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

Sincerely,

January 27, 2022

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

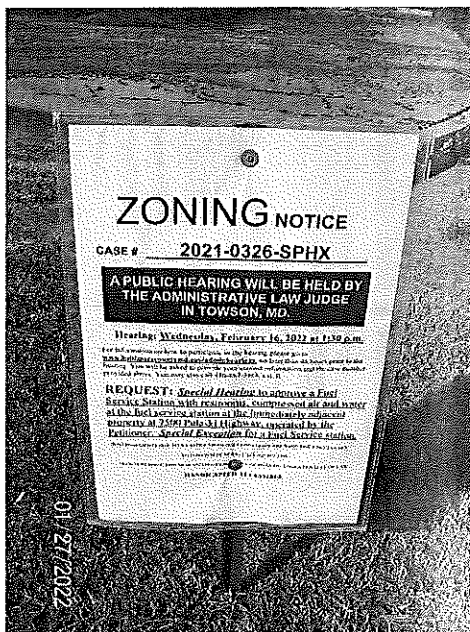
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

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

1/27/2022

Order #: 12072527
Case #: 2021-0326-SPHX
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2021-0326-SPHX



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: 2021-0326-SPHX

7510 Pulaski Highway

Northeast of intersection of Pulaski Highway and Philadelphia Road

15th Election District - 7th Councilmanic District

Legal Owners: Heungju Hwang

Contract Purchaser/Lessee: Carroll Independent Fuel, LLC

Special Hearing to approve a Fuel Service Station with restrooms, compressed air and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner. Special Exception for a Fuel Service station.

Hearing: Wednesday, February 16, 2022 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

ja27

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND SPECIAL EXCEPTION
7510 Pulaski Highway; 1,242' NE of intersection
of Pulaski Highway and Philadelphia Road * OF ADMINISTRATIVE
with double road frontage
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Heungju Hwang
Contract Purchaser: Carroll Independent Fuel, LLC* BALTIMORE COUNTY
Petitioner(s) *
2021-326-SPHX

* * * * *

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/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of November, 2021, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 100 W. Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, dcl@lafiandralaw.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

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

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

Address 7510 Pulaski Highway which is presently zoned BR-AS

Deed References: 23218/433 10 Digit Tax Account # 1518472239

Property Owner(s) Printed Name(s) Heungju Hwang

(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

Please see attached.

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
- Please see attached.

3. ☐ 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)

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:

Carroll Independent Fuel, LLC

Name- Type or Print

[Signature]

Signature

2700 Loch Raven Road

Mailing Address

21218 / 410-261-5440

Zip Code

Telephone #

John.phelps@carrollfuel.net

Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC

Name - Type or Print

[Signature]

Signature

100 W. Pennsylvania Avenue, Suite 305

Mailing Address

21204 / 443-204-3473

Zip Code

Telephone #

dcl@lafiandralaw.com

Email Address

Legal Owners (Petitioners):

Heungju Hwang

Name #1 - Type or Print

[Signature]

Signature #1

Name #2 - Type or Print

[Signature]

Signature #2

2648 Masseth Avenue

Mailing Address

21014

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]

Signature

100 W. Pennsylvania Avenue, Suite 305

Mailing Address

21204 / 443-204-3473

Zip Code

Telephone #

dcl@lafiandralaw.com

Email Address

CASE NUMBER 2021-0326-

Filing Date 11/12/2021

Do Not Schedule Dates:

Reviewer RJ

REV. 10/4/11

Petition for Zoning Hearing
7510 Pulaski Highway
Continuation Sheet

The Petitioner seeks:

✓ A Special Exception for a Fuel Service Station pursuant to BCZR Section 405.2.B.1.

✓ A Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner.

2021-0326-SPHX



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

November 9, 2021

EXHIBIT A

**DESCRIPTION OF 0.89 ACRES OF LAND MORE OR LESS
7510 PULASKI HIGHWAY
TAX MAP 96 PARCEL 306
BALTIMORE COUNTY, MARYLAND**
Tax Account Numbers 15-1518472239

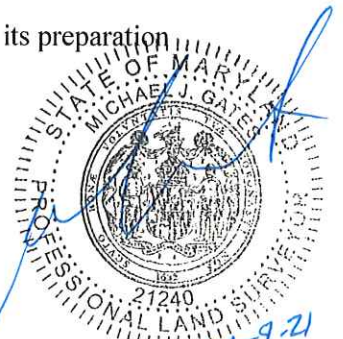
BEGINNING for the first at a point on the northwestern side of the right of way of Pulaski Highway (150' right of way), said point being 740'+/- feet along centerline from the intersection of 66th Street and Pulaski Highway and being furtherly located at the division line of the land now or formerly in the of Heungju Jo and Yoon See Hwang as recorded among the Land Records of Baltimore County, Maryland in Liber 23218, Folio 433, thence leaving said division line running with and binding on part of said northwestern right of way of Pulaski Highway the following courses and distances;

1. South 58°41'37" West, 190.00 feet to a point on the division line of the land now or formerly in the name of Wil-Kel, LLC as recorded among the aforesaid Land Records in Liber 12223, Folio 376, thence running with and binding part of said division line as follows;
2. North 31°18'23" West, 187.76 feet to a point on the southeastern right of way line of Philadelphia Road (60' right of way), thence running with and binding on part of said right of way;
3. North 48°56'25" East, 192.79 feet to a point on the division line of the land now or formerly in the name of SMO Incorporated as recorded among the aforesaid Land Records in Liber 26209, Folio 470, thence running with and binding on part of said division line;
4. South 31°18'23" East, 220.42 feet to a point and place of beginning.

CONTAINING in all the above described 38,777 square feet or 0.89 acres of land more or less.

BEING or intended to be all of the land that was convey to Heungju Jo and Yoon See Hwang by deed dated December 23, 2005 recorded among the aforesaid Land Records in Liber 23218 folio 433.

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, 2023.



Donna Mignon

From: Donna Mignon
Sent: Monday, November 22, 2021 8:25 AM
To: Lisa M Henson
Subject: Case No: CC2109279

Hi Lisa,
I hope you had a great weekend.
When you get a chance can you send me any paperwork on CC2109279

Thank you. Have a great day.

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

Please
see
note
below



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CC2109279

Record ID	Assigned To	Assigned Date	Received Date	Status	Compliance Date	Hearing Date
CC2109279	Michael Whitlock	06/14/2021	06/14/2021	Correction Notice Issued	07/26/2021	

Complaint Description: THIS IS AN EMPTY LOT THAT OFTEN FILLS UP WITH SCATTERED TRASH AND TALL WEEDS. THERE ARE ALSO ABANDONED VEHICLES PARKED THERE.

Property	Owner	Complainant
7500 PHILADELPHIA RD ROSEDALE, MD 21237-2526 Tax Id: 2500001608	HWANG HEUNGJU, HWANG YOON HEE 2648 MASSETH AVE BALTIMORE, MD 21219-1809	ANONYMOUS

Inspection Details

Inspector	Date	Service	Result	Action	Complied On
Michael Whitlock	06/15/2021	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Michael Whitlock	06/22/2021	Re-Inspection	Request for Contractor	Request for Contractor	
Michael Whitlock		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

6/15/2021: Only violation seen during time of inspection is TGW. Issuing correction notice

6/15/2021: Cut all tall grass and weeds.

7/15/2021: There was a mix up between this case and another case. The property in violation was originally put in as 7510 Philadelphia, ironically Imap on the iPad still took me to the correct property (open lot). A correction notice was issued. At the same time a had/have a case for 7510 Pulaski that is DIRECTLY across the street. The owner asked for an extension for the Pulaski high case and DID CUT GRASS. However, he also came up as the owner for "7510 Philadelphia" but he swore he DID NOT own it. After researching, the original address (7510 phil) was incorrect. Correct address is 7500 Philadelphia rd. Issued a new and updated correction notice. Issued for longer than 5 days because there is no where to post the notice (open field) and it is a large area of grass.

Permits, Approvals, and Inspections
 Code Inspections & Enforcement
 County Office Building, Rm. 213
 111 West Chesapeake Ave
 Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
 Electrical Inspection 410-887-3960
 Plumbing Inspection 410-887-3620
 Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

HWANG HEUNGJU, HWANG YOON HEE
 2648 MASSETH AVE
 BALTIMORE, MD 21219-1809

CASE NUMBER CC2109279	PROP.TAX ID 15-18-472239
VIOLATION ADDRESS 7510 PHILADELPHIA RD BALTIMORE, MD 21237-2532	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.C. 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height	Cut all tall grass and weeds.

Failure to comply with this correction notice, may result in a **\$200.00** fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 06/21/2021	INSPECTOR ID: 47
	ISSUED DATE: 06/15/2021

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

- It is important that you read this document carefully, as it charges you with the commission of a crime.
- If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
- If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
- A lawyer can give important assistance to you:
 - on how to correct the violation(s) in order to avoid trial or
 - at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
- A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
- It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
- Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.



PHOTOGRAPHIC RECORD

Complaint Number: CC2109279
Property Address: 7500 PHILADELPHIA RD 21237-2526
Date of Photographs: 06/22/2021



Photo Information for CC2109279:

File Name: 20210622075637643.jpg	Category: Photos	Document Group: CODE ENFORCEMENT
Size: 380.36 KB	Type:	Entity Type: CAP
Source: ADS	Department: BALTCO/PAI/CODE/SUPER/COMNTY	Document Status: Uploaded
Uploaded On: 6/22/2021 7:56:47AM	Uploaded By: 47	
Description:		



PHOTOGRAPHIC RECORD

Complaint Number: CC2109279
Property Address: 7500 PHILADELPHIA RD 21237-2526
Date of Photographs: 06/15/2021



Photo Information for CC2109279:

File Name: 20210615072033639.jpg	Category: Photos	Document Group: CODE ENFORCEMENT
Size: 193.36 KB	Type:	Entity Type: CAP
Source: ADS	Department: BALTCO/PAI/CODE/SUPER/COMNTY	Document Status: Uploaded
Uploaded On: 6/15/2021 7:22:04AM	Uploaded By: 47	
Description:		



PHOTOGRAPHIC RECORD

Complaint Number: CC2109279
Property Address: 7500 PHILADELPHIA RD 21237-2526
Date of Photographs: 06/15/2021



Photo Information for CC2109279:

File Name: 20210615071835984.jpg	Category: Photos	Document Group: CODE ENFORCEMENT
Size: 233.63 KB	Type:	Entity Type: CAP
Source: ADS	Department: BALTCO/PAI/CODE/SUPER/COMNTY	Document Status: Uploaded
Uploaded On: 6/15/2021 7:22:03AM	Uploaded By: 47	
Description:		

I HEREBY CERTIFY that I took the 3 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced complaint number on the date set out above.

Code Enforcement Officer



PHOTOGRAPHIC RECORD

Complaint Number: CC2109279
Property Address: 7500 PHILADELPHIA RD 21237-2526
Date of Photographs: 06/22/2021



Photo Information for CC2109279:

File Name: 20210622075537643.jpg	Category: Photos	Document Group: CODE ENFORCEMENT
Size: 380.36 KB	Type:	Entity Type: CAP
Source: ADS	Department: BALTCO/PAI/CODE/SUPER/COMNTY	Document Status: Uploaded
Uploaded On: 6/22/2021 7:56:47AM	Uploaded By: 47	
Description:		

I HEREBY CERTIFY that I took the 1 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced complaint number on the date set out above.

Code Enforcement Officer

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 15 Account Number - 1518472239			
Owner Information					
Owner Name:	HWANG HEUNGJU HWANG YOON HEE		Use:	COMMERCIAL	
Mailing Address:	2648 MASSETH AVE BALTIMORE MD 21219-1809		Principal Residence:	NO	
			Deed Reference:	/23218/ 00433	
Location & Structure Information					
Premises Address:	7510 PULASKI HWY BALTIMORE 21237-2532		Legal Description:	1.022 AC 7510 PULASKI HWY NS 55FT SUMMIT AVE	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0096	0003	0306	31502.04	0000	
					Block:
					Lot:
					Assessment Year:
					2021
					Plat No:
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				1.0200 AC	
County Use		20			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
					Garage
Last Notice of Major Improvements					
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2021		07/01/2021
					As of
					07/01/2022
Land:	433,500		433,500		
Improvements	0		0		
Total:	433,500		433,500		433,500
Preferential Land:	0		0		
Transfer Information					
Seller: HWANG HEUNGJU		Date: 01/12/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /23218/ 00433		Deed2:	
Seller: MULLAN ENTERPRISES INC		Date: 09/27/2005		Price: \$390,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22611/ 00473		Deed2:	
Seller: ROSEDALE REALTY CORP		Date: 02/05/1982		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /03125/ 00201		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2021		07/01/2022	
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:	

ZAC AGENDA

Case Number: 2021-0326-SPHX **Reviewer:** Rosalie Johnson

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

Type: SPECIAL EXCEPTION, SPECIAL HEARING

Legal Owner: Heungju Hwang

Contract Purchaser: Carroll Independent Fuel

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 7510 PULASKI HWY

Location: Property located 1,242 ft. Northeast of intersection of Pulaski Hwy. and Philadelphia Rd., with double road frontage.

Existing Zoning: BR-AS

Area: 1.02 ACRES

Proposed Zoning:

SPECIAL EXCEPTION:

BCZR 405.2.B.1: For a fuel service station.

SPECIAL HEARING:

To approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner.

Attorney: Dino C. La Fiandra

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: cc2109279

Closing Date:

Miscellaneous Notes:



Permits, Approvals & Inspections

111 W. Chesapeake Avenue
Towson, MD 21204

Report Generated On:
11/12/2021

Permit Processing Commerical Permit & Development Report

Page 1 of 1

Property Information

Tax Account Number: 1518472239

Election District: 15

Owner Name(s): HWANG HEUNGJU and HWANG YOON HEE

PDM #:

Address: 2648 MASSETH AVE
BALTIMORE, MD 21219

Zoning Class.(s): BR AS

Premise Address: 7510 PULASKI HWY

Elevation Range: 88ft - 100ft

Affected Overlays	Instructions: Begin review process with Zoning Review, Room 111.		New Com Bldg. Interior Alts. Add / Ext. Alts. Piers/Pilings Grading/SW Tanks Ret. Walls/Bulk Razing Chg. of Occup. Tower Antenna Signs Elect. & Plumb	Agency Acknowledgment Initial & Date						
Contact Agency	Potential Overlay Issues Growth Tier 1: Served by public sewer and inside URDL									
Code Enforcement County Office Building Room 213 Phone: 410-887-8099 Rental Housing: 410-887-6060 Bldg. Inspections: 410-887-3953 Finance: 410-887-4100	Open Code Enforcement Actions: Do NOT Issue Permit <table border="1"> <thead> <tr> <th>Case#</th> <th>Type</th> <th>Action Status</th> </tr> </thead> <tbody> <tr> <td>CC2109279</td> <td>Constituent Complaint</td> <td>Correction Notice Issued</td> </tr> </tbody> </table>		Case#	Type	Action Status	CC2109279	Constituent Complaint	Correction Notice Issued		
Case#	Type	Action Status								
CC2109279	Constituent Complaint	Correction Notice Issued								
PAI-Sed. Control Insp. County Office Building Room G-21 Phone: 410-887-3226	Note: All Razing Permits must be sent to Sediment Control for review.									
PAI-Public Services County Office Building Room 119 Phone: 410-887-3751	Note: All permits for Grading, New Buildings & Building Additions must be sent to Public Services.									

§ 405.2. Locations in which fuel service stations are permitted.

- A. A fuel service station is permitted by right subject to Section 405.4, provided that no fuel servicing spaces are within 100 feet of a D.R., R.C., or R.A.E. zoned property, or an R.O. zoned property unless located on an arterial street, and is integrated with and located:

[Bill No. 87-2016]

1. In a planned shopping center of which at least 20 percent has been constructed or is under construction at the time the building permit for the fuel service station is issued, but not to exceed one station for each 60,000 square feet of gross floor area of the planned shopping center;
 2. In an approved planned industrial park of a minimum net area of 50 acres, but not to exceed one for each 50 acres of net area; or
 3. In a planned drive-in cluster.
- B. Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4.
1. Within the Urban-Rural Demarcation Line (URDL), in C.C.C., A.S., I.M. or MD 43 Districts, provided no part of the lot is in an M.R. Zone.

[Bill No. 78-2002]

2. Within the URDL ;hn0;[Bill No. 104-2018 ¹]
 - a. on a single parcel zoned B.M. or B.R., containing at least two net acres;
 - b. with more than 250 feet of frontage on a principal arterial roadway;
 - c. unimproved or improved by a building or buildings vacant prior to the application for the previous five years;
 - d. and accompanied by a convenience store with a gross floor area of less than 6,000 square feet inclusive of accessory storage.
3. Outside the URDL with C.R. District designation only in B.L., B.M., or B.R. Zones, subject to Section 259.3.B.2.

¹2. **Editor's Note**—This bill also provided for the renumbering of former Subsection 2 as Subsection 3, respectively.





Legend

House Numbers



Zoning



Property



County Boundary

1:1,199

0 50 100 200 Feet

November 12, 2021

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

(7510 Pulaski Highway) *
15th Election District *
7th Council District *
Heungju Hwang *
Legal Owner *
Carroll Independent Fuel *
Contract Purchaser/Lessee *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2021-0326-SPHX

Petitioners

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Heungju Hwang, legal owner and Carroll Independent Fuel, LLC, lessee (“Petitioner”) for the property located at 7510 Pulaski Hwy., Rosedale (“7510 Pulaski” and the “Property”). Special Exception relief was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §405.2.B.1 for approval of a fuel service station. Special Hearing relief was also filed to approve a fuel service station with restrooms, compressed air, and water at the fuel service station located at the immediately adjacent property at 7500 Pulaski Highway, which is also operated by the Petitioner.

Due to the COVID-19 pandemic, a WebEx hearing was conducted. The Petition was advertised and posted. Jesse Newman, representative from Carroll Independent Fuels/Highs appeared in support of the Petition along with Wayne Newton, PE of Messick and Associates, the engineering firm who prepared the site plan (the “Site Plan”). (Pet. Ex. 2). Dino LaFiandra, Esquire represented the Petitioner. There were no Protestants or interested citizens in attendance at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) who was not opposed the requested relief and provided its written findings

ORDER RECEIVED FOR FILING

Date 4-12-22

By [Signature]

under BCZR, §405.4.A.3.a in regard to the number and location of access driveways as those relate to access, internal circulation and vehicle reservoir capacity. DOP provided its written recommendation stating that the Property and 7510 Pulaski should be considered together to avoid contradictory curb cuts. Department of Environmental Protection and Sustainability (“DEPS”) provided a comment that a Site Plan had not been provided for review and that Environmental Impact Review (“EIR”) will need to review the proposed development. Bureau of Development Plans Review (“DPR”) commented that the development must provide a Landscaping and Lighting Plan. Department of Public Works and Transportation (“DPWT”) by its Director, D’Andrea Walker, provided its written findings dated April 12, 2022, under BCZR, §405.4.A.3.a in regard to the number and location of access driveways as those relate to access, internal circulation and vehicle reservoir capacity. In that comment, DPWT wrote that it has no jurisdiction to make a recommendation because the Property’s access points are on state roads (MD Route 7 & US Route 40) along both sides of the Property. (See File). State Highway Administration (“SHA”) did not provide any comment.

The case proceeded by way of modified proffer by Mr. LaFiandra. Wayne Newton, PE was accepted as an expert witness in civil engineering and BCZR. (Pet. Ex. 1). The Property is a vacant parcel of land measuring 0.89 acres +/- (38,777 sf +/-). It is located between a fuel service station with a Carroll Mart Convenience Store and McDonald’s Restaurant on the southwestern side (“7500 Pulaski”), and a Shell Gas Station (“7514 Pulaski”) on the northeastern side. The Property is zoned Business-Roadside with an Automotive Services overlay district (BR-AS) which permits fuel service stations by Special Exception. (Pet. Ex. 3). The Property is accessed by Pulaski Hwy. (US Rt. 40) (eastern side), and by Philadelphia Rd. (MD Rt. 7) (western side). (Pet. Ex. 2, 3). As shown on the aerial photo provided, the surrounding area has industrial and/or

ORDER RECEIVED FOR FILING

Date 4-12-22

By [Signature]

commercial uses. (Pet. Ex. 3).

While the Petitioner currently operates the Carroll Mart Convenience Store and fuel service station at the abutting 7500 Pulaski, that fuel service station does not sell diesel fuel. As a result, Petitioner seeks to install three (3) diesel fuel pumps, with canopy, at the Property. Traffic circulation is designed to accommodate six (6) 18-wheeler tractor trailers. Each pump will have two (2) fuel dispensers which allows each tractor trailer to simultaneously fill two (2) tanks. The required restroom, sale of water and compressed air facilities as required under BCZR, §405.4.B, would be provided at 7500 Pulaski. The Petitioner, as a subtenant of McDonalds, is under a 20 year lease of which 19 lease years remain. (Pet. Exs. 4, 5, 6). No structure will be erected on the Property. In the event that the 7500 Pulaski lease is terminated, Petitioner agrees to erect a kiosk with a public restroom. Mr. Newton explained that there are no parking spaces required for this use other than three (3) stacking spaces which are being provided. Mr. Newton stated that the Property meets all the setbacks and no variance relief is needed. The 10 ft. landscape buffer will be provided.

Mr. Newton opined that the Property meets all of the Special Exception factors in BCZR, §502.1. Specifically, in Mr. Newton's expert opinion, the proposed fuel service station will not be detrimental to the health, safety and general welfare of the surrounding industrial and commercial uses in the area. The proposed fuel station will not cause congestion in the roadways as the Site Plan has a well-designed traffic circulation plan for as many as six (6) track-trailers. He explained that there is no potential hazard from fire, panic or other danger because the fuel service stations have shut-off and safety valves in place which are monitored. The diesel fuel pumps will have no impact on light or air. Through the proffered testimony, the evidence was that there will no overcrowding of the land or undue concentration of population given that this fuel

ORDER RECEIVED FOR FILING

Date

4-12-22

By

[Signature]

service station will only sell diesel fuel and most vehicles do not use diesel fuel. This fuel service station will have no impact on schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. The use is consistent with the BR-AS zone which permits fuel service stations by Special Exception. There will be no impact on impermeable surface or vegetative retention and there are no environmental or natural resources on the Property or in the vicinity which would be affected by this use.

In regard to abandoned fuel service stations under BCZR, §405.3, Mr. LaFiandra confirmed that there are no abandoned fuel service stations within ½ mile or 1 mile of the Property. Under BCZR, §405.4.A.1, the Property (38,777 sf) exceeds the minimum site dimensions of 15,000 sf. There will not be any ancillary uses on the Property under BCZR, §405.4.D. Lastly, Mr. LaFiandra agreed that the Petitioner would not use the Property to store vehicles for sale or otherwise store damaged vehicles which will be a condition in this Order.

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.

Based on the uncontroverted evidence and testimony at the hearing which is reflected above, I find Petitioner has satisfied the requirements of BCZR, §502.1 and the Maryland case law interpreting that regulation. Specifically, I find that the proposed use carries with it a presumption

ORDER RECEIVED FOR FILING

Date 4-12-22

By [Signature]

that it is compatible with the BR-AS zone. Without evidence showing that the adverse impacts of the proposed use at this Property would be above and beyond those inherently associated with the Special Exception use, it should be granted. Based on the ZAC comments provided by the Baltimore County agencies, there is no adverse impact from the proposed use on the surrounding community.

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). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016). In the instant case, I find that the proposed fuel service station located on Property between two (2) other fuel service stations, in an area which has industrial and commercial uses, is compatible with the community, is within the spirit and intent of the BCZR, and will not cause harm to the general health, safety, and welfare of the locale. Specifically, the Special Hearing request for approval to use the restroom, water and air compressor located at 7500 Pulaski is both practical and reasonable, particularly given that both fuel service stations are operated by the Petitioner. The

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Date 4-12-22

By [Signature]

proposed diesel fuel pumps at 7510 Pulaski is an expansion of the fuel service station at 7500 Pulaski. In the event that the Petitioner's lease with owner of 7500 Pulaski is terminated, a condition will be imposed herein requiring the Petitioner to install and/or construct a kiosk with a public restroom on the Property.

I find that the proposed use meets all of the standards set forth in BCZR, §405.4 as outlined above. Specifically, given the recommendations of DPWT and DOP in regard to the number and location of access driveways under BCZR, §405.4.3.a, 7500 Pulaski and 7510 Pulaski Hwy. be considered together for internal traffic circulation purposes, I find that the proposed number and location of access driveways (both internally and externally) have been planned to sufficiently serve the proposed use and will prevent congestion in the surrounding roadways.

THEREFORE, IT IS ORDERED this 12th day of **April, 2022**, by this Administrative Law Judge, that the Petition for Special Exception pursuant to BCZR, §405.2.B.1 for a fuel service station is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, as also operated by the Petitioner, 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 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall comply with the DOP, DEPS and DPR ZAC comments which are attached hereto and incorporated herein.

ORDER RECEIVED FOR FILING

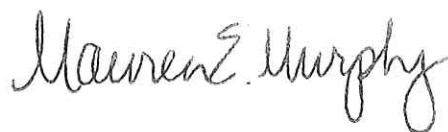
Date 4-12-22

By [Signature]

3. In the event that the lease for the immediately adjacent 7500 Pulaski Hwy. is terminated, Petitioner agrees to erect and/or install a kiosk on the Property for the sale of water along with a public restroom as well as an air compressor as required by BCZR, §405.4.B.
4. Petitioners shall not park or store damaged or disabled vehicles for sale or otherwise (new or used) on the Property at any time.

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

Order.



MAUREEN E. MUPRHY
Administrative Law Judge
for Baltimore County

MEM:dlm

ORDER RECEIVED FOR FILING

Date 4-12-22

By lw

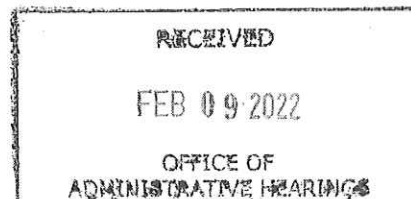
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 2/8/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2021-0326-SPHX



INFORMATION:

Property Address: 7510 Pulaski Highway
Petitioner: Heungju Hwang
Zoning: BR-AS
Requested Action: Special Hearing; Special Exception

The Department of Planning has reviewed the petition for a Special Exception for a Fuel Service Station pursuant to BCZR Section 405.2.B.1; and a Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner.

A site visit was conducted on 12/15/2021. The site is currently a vacant parking lot. The site is located in between the convergence of Philadelphia Road (RT 7) and Pulaski Highway (US RT 40). The surrounding land use is primarily commercial and light industrial on Pulaski Highway, with residential on Philadelphia Road.

Upon satisfaction with the Administrative Law Judge and reviewing agencies, the Department has no objections to the request pending the following recommendations are noted and considered:

1. The special hearing is contingent on a shared lease agreement with 7500 Pulaski Highway. If said lease agreement is terminated, the special hearing approval should expire.
2. 7500 Pulaski Highway and 7510 Pulaski Highway should be treated together for traffic circulation purposes. All ingress/egress should be coordinated with 7500 Pulaski Highway to not create contradictory curb cuts.
3. Compliance with Baltimore County Landscape Manual Condition K: Automotive Uses. Treat islands with significant plantings and trees, especially on side of RT 7 to screen off residential uses.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

ORDER RECEIVED FOR FILING

Date 4-12-22

By AW

SL/JGN/KP/

c: Mark Landolina
Dino C. La Fiandra
Office of Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-12-22

By DW

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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2021-0326-SPHX
Address 7510 Pulaski Highway
(Hwang Property)

Zoning Advisory Committee Meeting of **November 29, 2021.**

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

Any development of this property must comply Baltimore County Code Article 33, Environmental Protection and Sustainability, Title 6, Forest Conservation. It is recommended that Environmental Impact Review be contacted to discuss how this law may apply. No plan was received for this review.

Reviewer: Paul Dennis, Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 4-12-22

By aw

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2021
Item No. 2021-0326 -SPHX

DATE: Dec 21, 2021

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments

If Special Exception and Special Hearing is granted is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 4-12-22

By lw



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 12, 2022

Dino C. LaFiandra, Esq. – dcl@lafiandralaw.com
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2021-0326-SPHX
Property: 7510 Pulaski Highway

Dear Mr. LaFiandra:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dml
Enclosure

c: Jesse Newman – jnewman@highs.com
Wayne Newton – wayne@messickandassociates.com

Attendanc Program N

- 1
- 2
- 3
- 4

2021-0328-SM
9-16-22
Attendance

Event Name

Zoning Hearing - Case No: 2021-0326-SPHX - 7510 Pulaski Highway - Owner: Heungju Hwang - Contract Purchaser: Carroll Independ

Zoning Hearing - Case No: 2021-0326-SPHX - 7510 Pulaski Highway - Owner: Heungju Hwang - Contract Purchaser: Carroll Independ

Zoning Hearing - Case No: 2021-0326-SPHX - 7510 Pulaski Highway - Owner: Heungju Hwang - Contract Purchaser: Carroll Independ

Zoning Hearing - Case No: 2021-0326-SPHX - 7510 Pulaski Highway - Owner: Heungju Hwang - Contract Purchaser: Carroll Independ

Event Start Date	Event Star	FirstName	LastName	Company	Email	Join Time
February 16, 2022 New York Time	1:30 pm	N Dino	La Fiandra		dcl@lafiandralaw.com	1:25 pm New York Time
February 16, 2022 New York Time	1:30 pm	N Maureen	Murphy		mmurphy@baltimorecountymd.gov	12:49 pm New York Time
February 16, 2022 New York Time	1:30 pm	N Jesse	Newman		jnewman@highs.com	1:31 pm New York Time
February 16, 2022 New York Time	1:30 pm	N wayne	Newton		wayne@messickandassociates.com	1:29 pm New York Time

[illegible]

Donna Mignon

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, February 14, 2022 12:20 PM
To: Dino La Fiandra
Cc: Debra Wiley
Subject: Case No: 2021-0326-SPHX

Good Afternoon,

Just reminding you that we need your Exhibits for this case that is scheduled for Wednesday at 1:30 p.m. Thank you.

From: Administrative Hearings
Sent: Monday, February 7, 2022 11:46 AM
To: Dino La Fiandra <dcl@lafiandralaw.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon (dmignon@baltimorecountymd.gov) <dmignon@baltimorecountymd.gov>
Subject: Case No: 2021-0326-SPHX

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for February 16, 2022 at 1:30 p.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about January 24, 2022.

Please email any and all hearing exhibits, documents, site plans, photographs or evidence of any kind that you wish to present at the hearing to our office . The documents must be submitted in PDF format at **least two full business days** in advance of the hearing to : Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

These exhibits will be displayed on a computer screen as you explain at the hearing what you are seeking in your case. Please be aware that these documents are in addition to any paperwork submitted when you originally filed your petition with the Office of Zoning Review.

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

You can find more information on our website at: <https://www.baltimorecountymd.gov/departments/adminhearings/devzoninghearings.html>

Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.

Thank you.

Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

410-887-3868

Donna Mignon

From: Administrative Hearings
Sent: Monday, February 7, 2022 11:46 AM
To: 'Dino La Fiandra'
Cc: Debra Wiley; Donna Mignon (dmignon@baltimorecountymd.gov)
Subject: Case No: 2021-0326-SPHX

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Thank you.

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

2-16-22
1:30 pm

Donna Mignon

From: Kristen L Lewis
Sent: Monday, January 24, 2022 12:35 PM
To: Donna Mignon; Debra Wiley
Subject: Webex 2021-0326-SPHX

Good afternoon,

Below is a new case needing a webex link created. Thank you.

Case 2021-0326-SPHX
7510 Pulaski Highway
Owners: Heungju Hwang
Contract Purchaser/Lessee: Carroll Independent Fuel, LLC
Dino LaFiandra – dcl@lafiandralaw.com
Jesse Newman – jnewman@highs.com
Wayne Newton – wayne@messickandassociates.com
2/16/22 at 1:30 p.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Event Information



Event: Zoning Hearing - Case No: 2021-0326-SPHX - 7510 Pulaski Highway - Owner: Heungju Hwang - Contract Purchaser: Carroll Independ

Type: Listed Event

Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=efcf550f45f600caabd76edcb1c52cbbf>

Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e317063eff6d2febbc7ce3d7a3c412710>

Date and time: Wednesday, February 16, 2022 1:30 pm
Eastern Standard Time (New York, GMT-05:00)

Duration: 1 hour

Description: Zoning Hearing
Case No: 2021-0326-SPHX
Address: 7510 Pulaski Highway
Owners: Heungju Hwang
Contract Purchaser/Lessee: Carroll Independent Fuel, LLC

Event number: 2315 198 1334

Event password: 1234

Host key: 172031

Alternate Host: Deb Wiley, Maureen Murphy, Paul Mayhew

Panelist Info:

Panelist password:

Panelist numeric password: 154593

Video Address: 23151981334@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: 2315 198 1334

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

Start Event Now

You can start the event by clicking Start Now.

Start Now

Send Event Emails

You can send event emails by clicking Send Emails.

Send Emails

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

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Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - Case No: 2021-0326-SPHX - 7510 Pulaski Highway - Owner: Heungju Hwang - Contract Purchaser: Carroll Independ

Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e0b8f088d6ebf58b0febcae52678c7fbf>

Start: Wed 2/16/2022 1:30 PM

End: Wed 2/16/2022 2:30 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

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): 2315 198 1334

Wednesday, February 16, 2022 1:30 pm, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e0b8f088d6ebf58b0febcae52678c>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ef015fc91e8d7c7911dd5396e14e>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 23151981334@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 154593

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

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e6bbc9690a44f7627fd159f63feb2ec8e>

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

Donna Mignon

From: Donna Mignon
Sent: Monday, January 24, 2022 12:43 PM
To: Kristen L Lewis; Debra Wiley
Subject: LINK -RE: Webex 2021-0326-SPHX

Top of Form

Event Information

Event: Zoning Hearing - Case No: 2021-0326-SPHX - 7510 Pulaski Highway - Owner: Carroll Independ

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: Wednesday, February 16, 2022 1:30 pm
Eastern Standard Time (New York, GMT-05:00)

Duration: 1 hour

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[Show all global call-in numbers](#)
Access code: 2315 198 1334

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

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

Sent: Monday, January 24, 2022 12:35 PM

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

Subject: Webex 2021-0326-SPHX

Good afternoon,

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Case 2021-0326-SPHX

7510 Pulaski Highway

Owners: Heungju Hwang

Contract Purchaser/Lessee: Carroll Independent Fuel, LLC

Dino LaFiandra – dcl@lafiandralaw.com

Jesse Newman – jnewman@highs.com

Wayne Newton – wayne@messickandassociates.com

2/16/22 at 1:30 p.m.

Kristen Lewis-Coles

Legal Secretary

PAI – Zoning Review

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.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@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.
Wayne Newton	wayne@messickandassociates.com	1-	New York Time	English	U.S.

IN RE: PETITION FOR SPECIAL EXCEPTION*
and PETITION FOR HEARING
(7510 Pulaski Highway)
15th Election District
7th Council District
Heungju Hwang
Legal Owner
Carroll Independent Fuel
Contract Purchaser/Lessee

BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* Case No. 2021-0326-SPHX

* * * * *

NOTICE OF APPEAL

Protestant, Chryvo, LLC, pursuant to Baltimore County Code §32-3-401 *et seq.*, hereby files an appeal to the Board of Appeals of Baltimore County from the Opinion and Order of the Administrative Law Judge dated April 12, 2022. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the addresses of the appellant is 1935 W. Joppa Road, Towson, MD 21204.



Respectfully submitted,

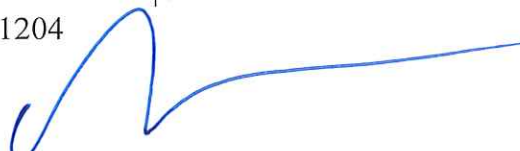
Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
michael@mmccannlaw.net
(410) 825-2150

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2022 copy of the foregoing Notice of Appeal was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204



Michael R. McCann

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

No. **203933**

PAID RECEIPT

Date **5-12-22**

BUSINESS ACTUAL TIME DRW
 5/13/2022 5/12/2022 11:36:02 S

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		650				700.00

REG TRGS WALKIN LRB
 > RECEIPT # 002493 5/12/2022 OFLN
 Dept 5 526 ZONING VERIFICATION
 DT NO 203933
 Receipt Tot \$ 700.00
 700.00 OK .00 CA
 Baltimore County, Maryland

Total: **700.00**

Rec From: **Office Michael McCann Esq**

For: **Office of Admin. Hearings - Appeal**
Case No. 2021-0326-SPHX
7510 Zulauf Hwy.
Hearing Date - 5-16-22
Check No. 6179

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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

No. 203933

Date: 5-12-22

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					700.00

Total: 700.00

Rec

From: Office Michael McCann Esq.

For:

Office of Admin. Hearings - Appeal
Case No. 2021-0326-SPHX
7510 Pulaski Hwy.
Hearing Date - 2-16-22
Check No. 6179

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

LAW OFFICES OF MICHAEL R. MCCANN

118 W. PENNSYLVANIA AVE
TOWSON, MD 21204

6179

65-320/550 7384

DATE

5/11/22

PAY
TO THE
ORDER OF

Baltimore County
Susan Tucker

\$ 700.00

DOLLARS



Photo
Safe
Deposit
Details on back



Wells Fargo Bank, N.A.
Maryland
wellsfargo.com

FOR

[Signature]

MP

Maureen E Murphy

From: D'Andrea Walker
Sent: Tuesday, April 12, 2022 8:59 AM
To: Maureen E Murphy
Cc: dcl@lafiandralaw.com; Anthony Russell; Angelica Daniel; Lauren Buckler
Subject: RE: Request for Comment DPWT - 7510 Pulaski Hwy. Case No.: 2021-326-SPHX

Good Morning Ms. Murphy:

In this case, We have no jurisdiction to make a recommendation as the site's access points are on to state roads (MD Route 7 & US Route 40) along both sides of the property.

I'm available if you have additional questions.

D'Andrea

From: Maureen E Murphy <mmurphy@baltimorecountymd.gov>
Sent: Thursday, March 31, 2022 2:30 PM
To: D'Andrea Walker <dwalker2@baltimorecountymd.gov>
Cc: dcl@lafiandralaw.com
Subject: Request for Comment DPWT - 7510 Pulaski Hwy. Case No.: 2021-326-SPHX

Good Afternoon D'Andrea –

The above referenced case involves a proposed fuel service station under BCZR, §405. I heard this case on February 16, 2022. Specifically, BCZR, §405.4.A.3.a requires a recommendation from Director of Public Works and Department of Planning about the number and location of access driveways. It reads as follows:

§405.4.A.3 Access, internal circulation and vehicle reservoir capacity.

- a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Department of Planning.

DOP provided their comment. DPR also provided a comment but confirmed that they do not provide the required recommendation on your behalf. Efforts to locate the DPWT County employee who could provide this recommendation have been unsuccessful. I would greatly appreciated it if you could direct me to your DPWT designee. Below are the relevant emails.

Thank you.

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@lafiandalaw.com>

Sent: Saturday, February 26, 2022 11:46 AM

To: Terry Curtis <tcurtis@baltimorecountymd.gov>; Anthony Russell <arussell@baltimorecountymd.gov>; Angelica Daniel <adaniel@baltimorecountymd.gov>

Cc: Maureen E Murphy <mmurphy@baltimorecountymd.gov>; Lisa Eicholtz <leicholtz@baltimorecountymd.gov>

Subject: Re: Request for Comment from Department of Public Works - Zoning Case 21-0326-XA

Mr. Russell and Ms. Daniel,

If, after reviewing the email thread below, additional information from me would be helpful in preparing the comment that has been requested by ALJ Murphy, please do not hesitate to contact me. Thank you very much for your assistance in this matter.

Regards,
Dino La Fiandra



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandalaw.com
[vCard](#)

On Fri, Feb 25, 2022 at 2:04 PM Terry Curtis <tcurtis@baltimorecountymd.gov> wrote:

Good afternoon Dino,

I have been well and I hope you have been well also.

I have copied Tony Russell, the Acting Deputy Director of Transportation and Angelica Daniel, the Bureau Chief of DPWT Traffic Engineering and Transportation Planning. One of them should be able to assist you in your request.

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

Have a great day,

Terry Curtis, Jr.

Engineer III

Department of Public Works and Transportation

111 West Chesapeake Avenue

Room 205

Towson, Maryland 21204

410-887-3117

tcurtis@baltimorecountymd.gov

Request for Comment from Department of Public Works - Zoning Case 21-0326-XA

From: Dino La Fiandra dcl@lafiandralaw.com

To: Terry Curtis tcurtis@baltimorecountymd.gov

Cc: Maureen E Murphy mmurphy@baltimorecountymd.gov

Date: Wed, Feb 23, 2022, 4:39 PM

 DOP Comment 21-0326-XA.pdf 706 KB

Petitioner's Exhibit 2 - Zoning Site Planpdf.pdf 1.7 MB

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.

Terry,

I hope this email finds you well.

The above-referenced zoning case pertains to 7510 Pulaski Highway in the Rosedale area of Baltimore County. My client, Carroll Fuels, seeks zoning approval to operate a diesel fuel station on this site. ALJ Murphy held a hearing on the case on February 16 at 1:30 pm. I've attached a copy of the site plan for the property showing the proposed improvements, which are a fuel canopy and 3 diesel fueling positions served by a combination of primary and secondary diesel dispensers. There are no other buildings or structures proposed on the site - no c-store, no fast food, no car wash, etc.

The site is approximately 0.9 acres on the north side of Pulaski Highway. The site is bound by Pulaski Highway on the south, by Philadelphia Road on the north, and by a fuel service station on both the east and the west sides. The fuel service station immediately to the west is another Carroll Fuel station, at which they sell gasoline. Carroll Fuels intends to operate both sites in tandem, meaning the diesel site will merely be an expansion of the existing operation at the adjoining site.

As you can see from the site plan, access from the public right of way to the proposed site is proposed at three locations. There are two existing access points to Pulaski Highway, both of which will be utilized. Pulaski Highway is a divided highway in this area, and the eastern access point along Pulaski Highway will be right in / right out. The western access point along Pulaski Highway will be outbound only. There are two existing access points along Philadelphia Road. The eastern access point will be closed due to the anticipated difficulty of large trucks negotiating the

on site grade in this area. The western access point along Philadelphia Road will be full movement.

There are two points of internal access to the adjoining Carroll Fuels site to the west. These are shown on the site plan. There will be no access to the fuel service station immediately adjacent to the east (Shell Station).

During the course of our hearing on February 16, Judge Murphy determined that BCZR Section 405.4.A.3.a requires a comment from the Director of Public Works related to access driveways serving this site. Specifically, BCZR, Section 405.4.A.3.a states, "The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Department of Planning". The Department of Planning provided a comment for this zoning case addressing the access and site circulation issues, but the Department of Public Works did not. I told Judge Murphy that I would seek the comment from the Department of Public Works.

Accordingly, I am seeking your help in securing a comment from the Department of Public Works. If you would be so kind as to direct this email to the appropriate person within the Department of Public Works to provide the comment to Judge Murphy, with a copy to me, I would greatly appreciate it. In addition to the site plan, I have also attached a copy of the Department of Planning's comment. If I may provide any additional information which would assist in understanding the proposal or preparing the comment, please do not hesitate to ask.

Thank you as always for your help in this matter.

Regards,

Dino



Dino C. La Fiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC

100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Tel: 443-204-3473

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/8/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2021-0326-SPHX



INFORMATION:

Property Address: 7510 Pulaski Highway
Petitioner: Heungju Hwang
Zoning: BR-AS
Requested Action: Special Hearing; Special Exception

The Department of Planning has reviewed the petition for a Special Exception for a Fuel Service Station pursuant to BCZR Section 405.2.B.1; and a Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner.

A site visit was conducted on 12/15/2021. The site is currently a vacant parking lot. The site is located in between the convergence of Philadelphia Road (RT 7) and Pulaski Highway (US RT 40). The surrounding land use is primarily commercial and light industrial on Pulaski Highway, with residential on Philadelphia Road.

Upon satisfaction with the Administrative Law Judge and reviewing agencies, the Department has no objections to the request pending the following recommendations are noted and considered:

1. The special hearing is contingent on a shared lease agreement with 7500 Pulaski Highway. If said lease agreement is terminated, the special hearing approval should expire.
2. 7500 Pulaski Highway and 7510 Pulaski Highway should be treated together for traffic circulation purposes. All ingress/egress should be coordinated with 7500 Pulaski Highway to not create contradictory curb cuts.
3. Compliance with Baltimore County Landscape Manual Condition K: Automotive Uses. Treat islands with significant plantings and trees, especially on side of RT 7 to screen off residential uses.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: Mark Landolina
Dino C. La Fiandra
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: *EFC for VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2021
Item No. 2021-0326 -SPHX

DATE: Dec 21, 2021

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments

If Special Exception and Special Hearing is granted is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

*

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*

*

VKD: cen
cc: file



JOHN A. OLSZEWSKI, JR.
County Executive

JOANNE R. RUND, Chief
Fire Department

November 19, 2021

To: Zoning Advisory Committee
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 123
Towson, Maryland 21204
Attention: Zoning Review

Distribution Meeting of: **November 22, 2021**

Formal or Informal Response Due: **November 29, 2021**

Item No.:

Special Hearing: 2021-0326-SPHX.

Special Exception: 2021-0326-SPHX, 2021-0328-XA.

Comments:

Shall meet the requirements of the Baltimore County Fire Prevention Code, County Bill No. 14-21.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2021
Item No. 2021-0326 -SPHX

DATE: Dec 21, 2021

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments

If Special Exception and Special Hearing is granted is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

*

*

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VKD: cen
cc: file

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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2021-0326-SPHX
Address 7510 Pulaski Highway
(Hwang Property)

Zoning Advisory Committee Meeting of November 29, 2021.

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

Any development of this property must comply Baltimore County Code Article 33, Environmental Protection and Sustainability, Title 6, Forest Conservation. It is recommended that Environmental Impact Review be contacted to discuss how this law may apply. No plan was received for this review.

Reviewer: Paul Dennis, Environmental Impact Review



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 7510 Pulaski Highway which is presently zoned BR-AS

Deed References: 23218/433 10 Digit Tax Account # 1518472239

Property Owner(s) Printed Name(s) Heungju Hwang

(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

Please see attached.

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

Please see attached.

3. ☐ 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)

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:

Carroll Independent Fuel, LLC
Name- Type or Print
[Signature]
Signature
2700 Loch Raven Road
Mailing Address
21218 / 410-261-5440 / John.phelps@carrollfuel.net
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]
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):

Heungju Hwang
Name #1- Type or Print- Name #2- Type or Print
[Signature] *[Signature]*
Signature #1 Signature #2
2648 Masseth Avenue
Mailing Address City State
21014 / /
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]
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 2021-0326- Filing Date 11/12/2021 Do Not Schedule Dates: Reviewer RJ

SPHX

REV. 10/4/11

Petition for Zoning Hearing
7510 Pulaski Highway
Continuation Sheet

The Petitioner seeks:

☒ A Special Exception for a Fuel Service Station pursuant to BCZR Section 405.2.B.1.

☒ A Special Hearing to approve a Fuel Service Station with restrooms, compressed air, and water at the fuel service station at the immediately adjacent property at 7500 Pulaski Highway, operated by the Petitioner.

2021-0326-SPHX



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

November 9, 2021

EXHIBIT A

**DESCRIPTION OF 0.89 ACRES OF LAND MORE OR LESS
7510 PULASKI HIGHWAY
TAX MAP 96 PARCEL 306
BALTIMORE COUNTY, MARYLAND**
Tax Account Numbers 15-1518472239

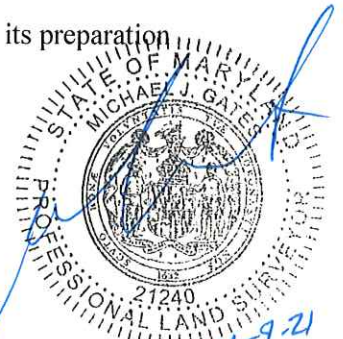
BEGINNING for the first at a point on the northwestern side of the right of way of Pulaski Highway (150' right of way), said point being 740'+/- feet along centerline from the intersection of 66th Street and Pulaski Highway and being furtherly located at the division line of the land now or formerly in the of Heungju Jo and Yoon See Hwang as recorded among the Land Records of Baltimore County, Maryland in Liber 23218, Folio 433, thence leaving said division line running with and binding on part of said northwestern right of way of Pulaski Highway the following courses and distances;

1. South 58°41'37" West, 190.00 feet to a point on the division line of the land now or formerly in the name of Wil-Kel, LLC as recorded among the aforesaid Land Records in Liber 12223, Folio 376, thence running with and binding part of said division line as follows;
2. North 31°18'23" West, 187.76 feet to a point on the southeastern right of way line of Philadelphia Road (60' right of way), thence running with and binding on part of said right of way;
3. North 48°56'25" East, 192.79 feet to a point on the division line of the land now or formerly in the name of SMO Incorporated as recorded among the aforesaid Land Records in Liber 26209, Folio 470, thence running with and binding on part of said division line;
4. South 31°18'23" East, 220.42 feet to a point and place of beginning.

CONTAINING in all the above described 38,777 square feet or 0.89 acres of land more or less.

BEING or intended to be all of the land that was convey to Heungju Jo and Yoon See Hwang by deed dated December 23, 2005 recorded among the aforesaid Land Records in Liber 23218 folio 433.

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, 2023.



Case No. 2021-0326-SPHX
7510 Pulaski Highway
Hearing Date: February 26, 2022 @ 1:30 pm

Petitioner's Exhibits

1. Wayne Newton CV
2. Zoning Site Plan
3. Aerial Photo
4. Estoppel Certificate (Lease)
5. Lease First and Last Page
6. Photo Array



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 Manger for the Department of Public Works Facilities Compliance Project, Phase III, numerous new and replacement stores for Highs 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.



McDonald's Corporation
110 N. Carpenter St.
Chicago, IL 60607-2101
Direct Dial Number (312)202-2628
Email: stephanie.hipp@us.mcd.com

BY FEDERAL EXPRESS

August 23, 2021

Carroll Independent Fuel Company
US-N-T0462
2700 Loch Raven Road
Baltimore, MD 21218

Re: 7500 Pulaski HWY, Baltimore, MD
L/C: 019-1041/8014 , File #40121
1511 Term Sheet dated April 30, 1998, between Carroll Independent Fuel
Company, as successor in interest to Amoco Oil Company, and McDonald's
Corporation ("McDonald's"), as amended (the "Lease")

Dear Sir or Madam:

Please let this letter serve as confirmation that that certain Ground Lease between McDonald's, as tenant, and Wil-Kel, LLC, as landlord, which is the head lease to the above-referenced Lease, has been amended to allow for renewal options through May 5, 2039.

If you have any questions regarding this matter, please do not hesitate to contact me at (312) 202-2628.

Sincerely,

McDONALD'S CORPORATION

A handwritten signature in black ink that reads 'Stephanie A. Hipp'.

Stephanie Hipp
Senior Counsel
U.S. Legal Department

Cc: Jami Hays, McDonald's Portfolio Manager

RESTATED AND AMENDED
MASTER 1511 GROUND LEASE AND OPERATING AGREEMENT
 (McDonald's Property)

This Agreement, dated May 1, 1998, amends and restates in its entirety that certain Master 1511 Ground Lease and Operating Agreement (McDonald's Property) dated March 18, 1996 by and between Amoco Oil Company, a Maryland corporation ("Amoco") and McDonald's Corporation, a Delaware corporation ("McDonald's").

Preliminary Statements

The following statements are a material part of this Agreement:

- A. McDonald's is the owner (or lessee) of various pieces of real property on which the parties desire to cause the construction of a McDonald's Restaurant (hereafter defined) and a Convenience Store (hereafter defined) and on which McDonald's desires to operate a McDonald's Restaurant.
- B. Amoco wishes to lease (or sublease) a portion of each such property for the purpose of constructing and operating a Fuel Facility (hereafter defined), Convenience Store and Car Wash, if applicable (hereafter defined).
- C. This Agreement sets forth the terms and conditions on which McDonald's shall lease (or sublease) such portions of McDonald's properties to Amoco.
- D. Whenever Amoco and McDonald's agree upon a specific property, they shall enter into an agreement substantially in the form of Exhibit A hereto (the "Term Sheet") which shall incorporate by reference the terms and conditions hereof, with such amendments and modifications as may be set forth in such Term Sheet.

Now, therefore, for and in consideration of the terms, covenants and conditions contained in this Agreement, Amoco and McDonald's agree as follows:

1. **DEFINITIONS:** As used in this Agreement, the following terms shall have the following meanings (such meanings to be equally applicable to both the singular and plural forms of the terms defined):
 - ☐ Amoco Premises - means the portion of the Premises leased (or subleased) to Amoco for the purpose of constructing and operating the Fuel Facility, Convenience Store and Car Wash, if applicable, as identified in the applicable Term Sheet.
 - ☐ Car Wash - means a facility for washing motor vehicles.
 - ☐ Commencement Date - See Article 4.
 - ☐ Common Areas - means all of those portions of the Premises, both inside and outside of the Common Building, that are not designated on the Site Plan as either McDonald's Premises or Amoco Premises.
 - ☐ Common Building - means the building which houses the McDonald's Restaurant, the Convenience Store and certain Common Areas.
 - ☐ Convenience Store - means a retail store which operates under the Amoco Marks, as defined in Article 23, selling convenience items, including, but not limited to, pre-packaged snack food items, soft drinks and miscellaneous convenience grocery items. Where the appropriate permits

to perform shall be extended, but only to the extent and for the period occasioned by such Unavoidable Delays.

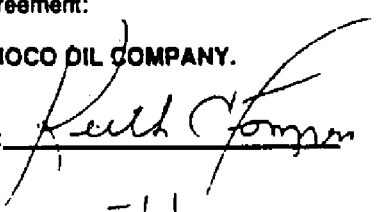
- G. **TIME OF ESSENCE:** Time is of the essence of this Agreement and each provision.
- H. **GOVERNING LAW:** Interpretation of this Agreement shall be governed by the laws of the state in which the Premises is located.
- I. **ENTIRE AGREEMENT:** This Agreement sets forth the entire Agreement and understanding between the parties.
- J. **NO BROKER:** McDonald's and Amoco covenant, warrant and represent that no broker has been involved in the negotiation or consummation of this Agreement. Amoco and McDonald's each agree to indemnify and hold the other harmless from and against all causes of action and liabilities arising out of a claim for a commission by any broker purporting to have acted on behalf of the indemnifying party in accordance with Article 19.
- K. **WAIVER:** Any failure by either party to notify the other of a violation, default or breach of this Agreement as to the Premises, or to terminate this Agreement as to the Premises as a result thereof, shall not constitute a waiver of such violation, default or breach, or a consent, acquiescence or waiver of any later violation, default or breach, whether of the same or of a different character.

29. **ADDENDA AND EXHIBITS:** This Agreement includes the following Addenda and/or Exhibits, which shall take precedence over conflicting provisions (if any) of this Agreement, and are made an integral part of this Agreement and fully incorporated by reference:

Exhibit A: Sample Term Sheet
Exhibit B: Supplement
Exhibit C: Confidentiality Agreement
Exhibit D: New Site Orientation Checklist
Exhibit E: Cost Allocation Form
Exhibit F: Common Area Shared Cost Form
Exhibit G: Window Allocation
Exhibit H: Memorandum of Lease
Exhibit I: Access Language
Exhibit J: No-Fly Zone/Intuitive Pathway Templates

AMOCO and McDONALD's, by their execution below, indicate their consent to the terms of this Agreement:

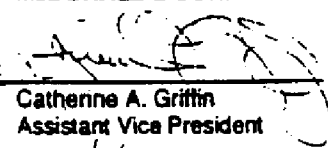
AMOCO OIL COMPANY.

By: 

Date: 5/1/98

Amoco's Federal I.D. #36-2440313

McDONALD'S CORPORATION

By: 

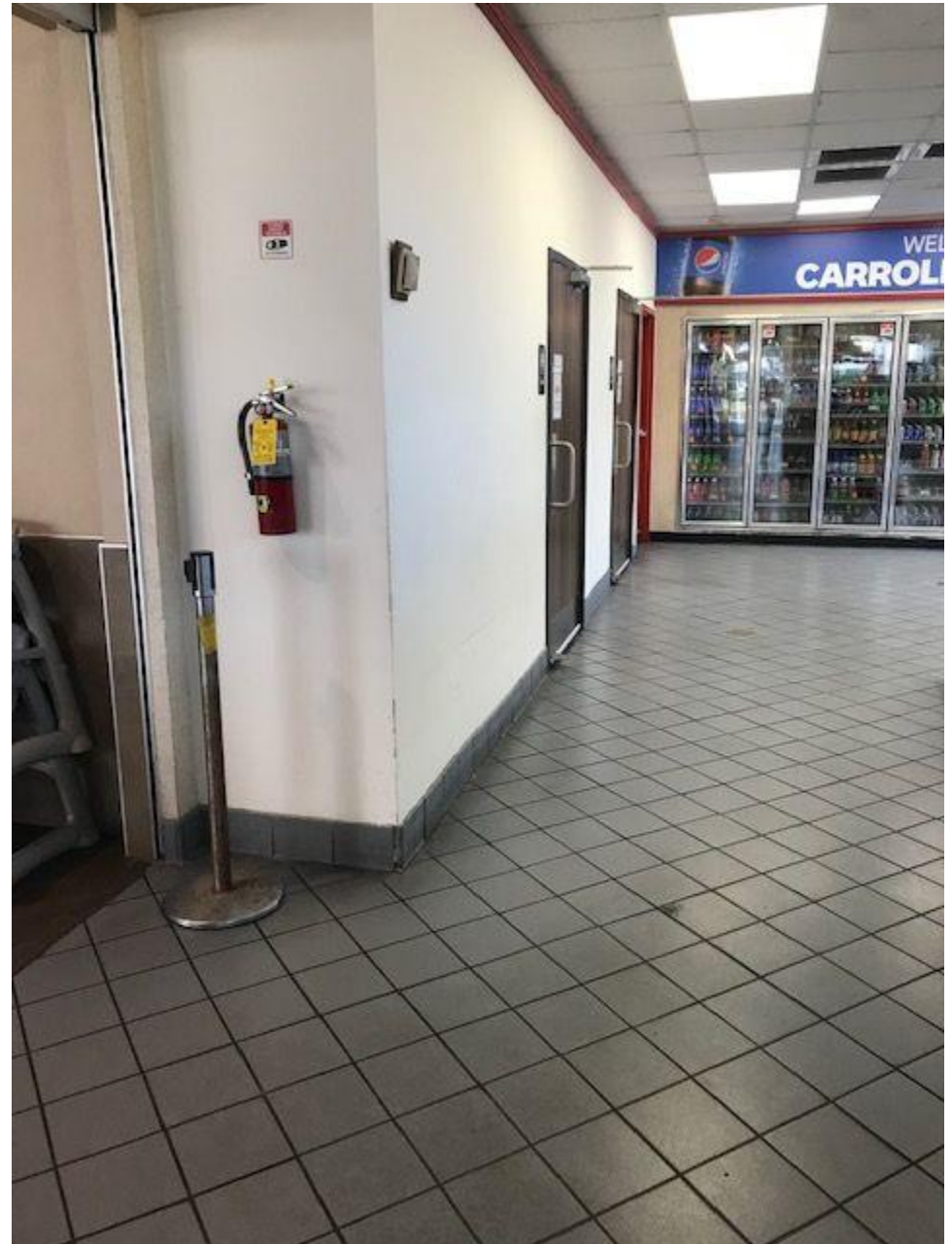
Catherine A. Griffin
Assistant Vice President

Date: 5/1/98

McDonald's Federal I.D. #36-2361282

Availability of Air and Restrooms at 7500 Pulaski Highway

Petitioner's Exhibit 6



Legend

- House Numbers
- Zoning
- Property
- County Boundary

Petitioner's Exhibit 3



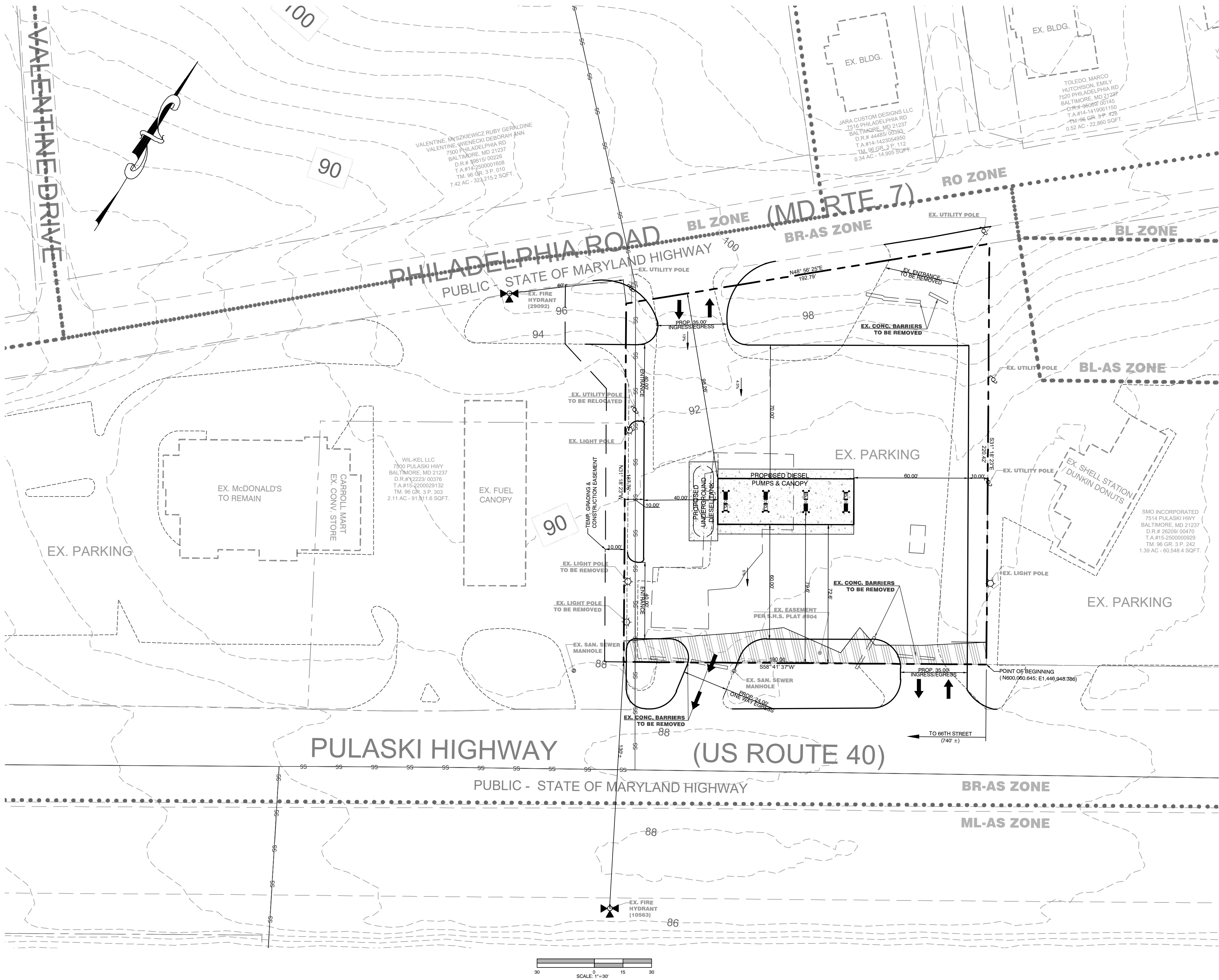
Legend

-  House Numbers
-  Zoning
-  Property
-  County Boundary

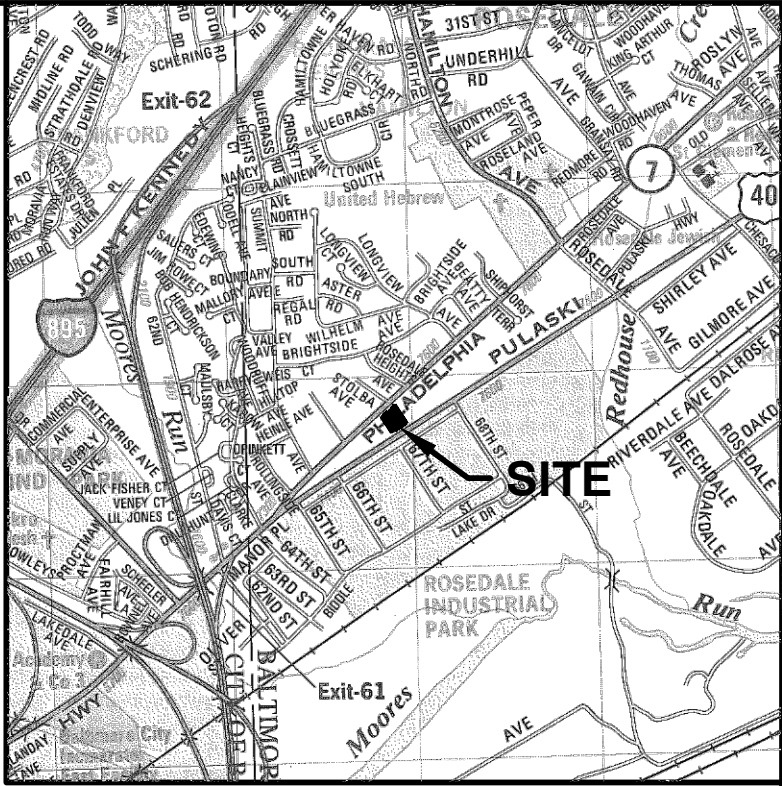
1:3,619

0	155	310	620 Feet
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Petitioner's Exhibit 3



SITE DATA	
PROPERTY ADDRESS:	7510 PULASKI HWY BALTIMORE, MD 21237
OWNER NAME & ADDRESS:	HEUNGJU HWANG YOUNG HEE HWANG 2648 HASSETH AVE BALTIMORE MD 21218
ACCOUNT NUMBER	1518472239
TAX MAP:	96
GRID:	3
PARCELS:	306
DEED:	LIBER 23218 FOLIO 00433
PLAT NO.	N/A
PLAT REF:	N/A
ELECTION DISTRICT:	15
COUNTY COUNCIL DISTRICT:	7
ZONING:	BR-AS
EXISTING USE:	VACANT
PROPOSED USE:	FUEL SALES
FLOODPLAIN MAP:	FEMA FIRM 240195029F ZONE: X (MINIMAL FLOODING)
CRITICAL AREA:	NA
TOTAL PARCEL AREA:	38,777 SQ. FT. (0.89 ACRES)
WATERSHED:	BACK RIVER
SUBWATERSHED:	REDHOUSE RUN



ADC PERMITTED USE NUMBER 21003176
VICINITY MAP
SCALE: 1"=2,000'

Setbacks

From	To	Setback required	BCZR §	Setback provided
Right of way	Main Building	35 feet	§405.4.A.2	N/A
Right of way	Pump	25 feet	§405.4.A.2	79 Feet
Right of way	Canopy	15 feet	§405.4.A.2	72.6 Feet
Front property line	Front of any building	25	§238.1	N/A
Front property line	Front of any building	Average front yard depth of all lots within 100 feet to each side: <u>58 Feet</u>	§303.2	N/A
Center Line of Street	Front of any building	50 feet	§238.1	N/A
Side yard	Any building	30 feet	§238.2	N/A
Rear yard	Any building	30 feet	§238.2	N/A

Lot size, parking and stacking data table:

Use	Size/Number	Lot Size Requirement	Lot Size Required	Parking Requirement	Parking Required	Stacking Space Requirement	Stacking Space Required
Fuel Service Spaces	3 (Dual Pump Diesel)	1500 sf per Fuel Service Space § 405.4.A, but not less than 15,000 sf	15,000 sf			1 per MPD §405.4.A.3.c.2 (In addition to the fueling positions)	3
Total Required			15,000 sf of lot area required		0 parking spaces required		3 stacking spaces required
Total Provided			38,777 sf lot area provided		0 parking spaces provided		3 stacking spaces provided

ZONING CASE HISTORY:

54-3163-X-SPECIAL PERMIT FOR A TWO (2) STALL SERVICE STATION WAS APPROVED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY SEPTEMBER 20, 1954.

54-3244-X-SPECIAL PERMIT FOR A TWO (2) BAY STALL SERVICE STATION WAS APPROVED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY NOVEMBER 16, 1954.

NOTES:

- THE SITE IS NOT WITHIN ANY FAILED BASIC SERVICES MAP AREAS AS SHOWN ON THE BASIC SERVICES MAP PASSED BY THE BALTIMORE COUNTY COUNCIL ON MAY 4, 2020 IN BILL 36-20.
- THIS SITE IS WITHIN THE URDL. A FUEL SERVICE STATION AND USES IN COMBINATION THEREWITH ARE PERMITTED BY SPECIAL EXCEPTION UNDER BCZR §405.2.B.2.
- THIS SITE WILL BE DEVELOPED WITH A FUEL CANOPY AND 3 DIESEL FUELING POSITIONS. THERE WILL BE NO OTHER BUILDINGS ON THIS SITE AND ALL OPERATIONS WILL BE CONDUCTED FROM THE FUEL SERVICE STATION ON THE IMMEDIATELY ADJACENT PROPERTY AT 7500 PULASKI HIGHWAY WHICH IS OPERATED BY THE PETITIONER. RESTROOM FACILITIES, COMPRESSED AIR AND WATER WILL BE PROVIDED AT THE ADJACENT FUEL SERVICE STATION OPERATED BY THE PETITIONER. (RELIEF REQUESTED).

Petitioner's Exhibit 2

REVISION	DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES *
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502
email: engr@messickandassociates.com

* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

DEVELOPER:
CARROLL FUELS / HIGH'S OF BALTIMORE
2700 LOCH RAVEN ROAD
BALTIMORE, MD

Plan to Accompany Petition for Zoning Hearing

Carroll Independent Fuels

7510 PULASKI HWY
BALTIMORE, MD 21237

TAX MAP: 96 GRID: 3 PARCELS: 306
7TH COUNCILMANIC DISTRICT
SCALE: AS SHOWN

TAX ACCOUNT: 15-1518472239
BALTIMORE COUNTY, MARYLAND 21237
DATE: NOVEMBER 2021

ZONING: BR-AS
SHEET: 1 OF 2