



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 6, 2023

Jason Vettori, Esquire - jvettori@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Hearing, Special Exception & Variance
Case No. 2023-0035- SPHXA
Property: 8485 Honeygo Boulevard

Dear Mr. Vettori:

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,

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MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dIm

Enclosure

C: 8485 Honeygo, LLC Fazal Sirhandi – fazal@sirhandiinc.com
Jon Anderson – janderson@cornerstonenet.com
John Troy – john@sirhandiinc.com

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION & VARIANCE) 8485 Honeygo Boulevard 11 th Election District 5 th Council District 8485 Honeygo, LLC <i>Legal Owner</i>	* * * * * *	BEFORE THE THE OFFICE ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY Case No. 2023-0035-SPHXA
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Petitioner

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Exception, Special Hearing and Variance filed on behalf of 8485 Honeygo LLC, legal owner (“Petitioner”) for the property known as 8485 Honeygo Boulevard, White Marsh (the “Property”). A Petition for Special Exception under the Baltimore County Zoning Regulations (“BCZR”), §236.2 and §405 was filed for the expansion, reconstruction or addition of an existing fuel service station with combined convenience store and carry-out restaurant, with a gross floor area under 6,000 square feet, and roll over car wash. A Petition for Special Hearing was filed under BCZR, §500.7 to amend an approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations. Variance relief was also requested pursuant to BCZR, §405.4.A.3.c to permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petitions were properly advertised and posted. Fazal Sirhandi and John Troy, representatives of the Petitioner appeared at the hearing along with John B. Anderson, PE, a licensed civil engineer

who prepared and sealed a site plan (the "Site Plan") and a redlined site plan was submitted after the hearing (the "Redlined Site Plan"). (Pet. Ex. 1, 1A). Jason Vettori, Esquire of Smith, Gildea & Schmidt, represented the Petitioner. There were no Protestants or interested citizens in attendance.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS") which agencies did not oppose the requested relief.

The case proceeded by way of proffer by Mr. Vettori. The Property is an irregularly shaped, 1.69 acre +/- parcel which is improved with an Exxon fuel service station and small convenience store. (Pet. Ex. 1). As shown on the aerial photograph, surrounding the Property are other commercial uses as contained within the White March business community. (Pet. Ex. 14). The Property is zoned Business, Roadside with an Automotive Services overlay district (BR-AS). There is a 1-story masonry building measuring 1,935 sf, part of which is used as a convenience store. Under the fuel service canopy, there 6 fuel pumps. (Pet. Exs. 5, 12). SDAT records indicate that the building was constructed in 1987. (Pet. Ex. 2). There are 3 existing access driveways each of which are at least 22 ft wide off the following roads: (1) Cordon Way driveway; (2) Mercantile Road driveway; and (3) Honeygo Blvd. (Pet. Ex. 5). The Property has existing landscaping with mature trees, several of which appeared to be more than 30 diameter in width. (Pet. Ex. 5).

Petitioner proposes to expand and renovate the existing Exxon by increasing the size of the convenience store to 5,750 sf, adding a roll-over car wash, adding 2 more fuel pumps (total 16 fuel service spaces) and adding 8 electric charging stations. (Pet. Exs. 1, 13). The same 3 access driveways will be utilized. According to Mr. Vettori, no zoning approvals for the existing Exxon fuel service station can be located in the County records. However, upon review of the White

Marsh Business Community Plat, Section B, as filed in Land Records of Baltimore County (Plat Book EHK, Jr 47, folio 100) on April 8, 1981, the Property, is identified on the Plat as 'Lot 1.' There is a note that the setbacks for Lot 1 should be in accordance with BCZR, §405 entitled 'Automobile Service Stations.' (Pet. Ex. 3). In his search for the fuel service station approval, Mr. Vettori obtained a document from the engineering firm of Matis Warfield, entitled '2nd Refinement to the Revised Preliminary Plan of White Marsh Business Community' as originally approved by the Joint Subdivision and Planning Committee (the "JSPC Plan") in 1981, and approved by the County Review Group ("CRG") on November 25, 1998 for a lot line adjustment. (Pet. Ex. 4). The JSPC Plan shows that Parcels 1 and 17 are both service station uses. Parcel 1 is zoned BR. The JSPC Plan does not specifically state that the 23 parcels identified thereon were part of a 'planned shopping center.'

By letter from Mr. Vettori dated September 14, 2022, Petitioner sought administrative approval of the Exxon expansion under a process designed for "More in Keeping" Plans. (Pet. Ex. 9). Apparently, there is an internal 'More In Keeping' written policy kept in the custody and control of Office of Zoning Review ("OZR"). In the letter, Mr. Vettori highlighted that a building permit (B452816) was issued on an unknown date, authorizing an addition to the side of a commercial building (for food sales as part of a convenience store), and that it received "More in Keeping" approval. (Pet. Exs. 1, 9). OZR responded to Petitioner request for administrative approval stating that the proposed expansion required a Special Hearing and could not be approved under a 'More in Keeping' administrative process. (Pet. Ex. 10). Specifically, OZR agreed that the Exxon was constructed prior to 1993 and that, while the proposed convenience store could be approved administratively, the proposed roll-over car wash is a 'Use-in-Combination' which required a zoning hearing. Because OZR also agreed that the Exxon was part of an "Integral

Planned Development,” Mr. Vettori asserts that BCZR, §405.4.E (Chart) permits a roll-over car wash by right in an Integral Planned Development.

Lastly, the aerial of the 1-mile area surrounding the Property confirms that there are no abandoned fuel service stations within a 1-mile radius of the Property. (Pet. Ex. 14).

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, 11 (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 that the proposed expansion of the Exxon under BCZR, §405 with a 5,750 sq ft convenience store, roll-over car wash, 8 fuel pumps (total 16 fuel service spaces), as well as 8 electric charging stations, has satisfied the requirements of BCZR, §502.1, §236.2, §405.2.B.1 and §405.4.E.1, and therefore the Special Exception should be granted. Specifically, I find that the proposed use will not have any greater impact at this location than those inherently associated with fuel service stations, convenience stores and car washes.

Specifically, the record evidence establishes that the proposed expansion will not be detrimental to the health, safety or general welfare of the neighborhood in that a fuel service station and convenience store has existed on the Property since 1987. The convenience store and carry out restaurant are permitted by right because the convenience store/carry-out will be less than

6,000 sf. The proposed Exxon fuel service station will provide a needed service in this commercial area. Given that the required Special Exception area is 48,000 sf, and the Petitioners are providing 79,191 sf (1.817 acres) net and 114,872.57 sf (2.637 acres) gross, I find that the proposed use will not overcrowd the land. I also find that the use will not create congestion along Honeygo Blvd., Mercantile Rd, or Cordon Way. I further find that the proposed use will not create a potential hazard from fire or other danger as Exxon convenience store will be required to meet all building codes and extensive safety measures will be in place. The proposed use will not interfere with adequate provisions for water, sewerage, transportation because the Property is already connected to public water and sewer. Likewise, there is no interference with light or air as the proposed convenience store/carry out is a 1-story building which will not cast shadows or block air flow to buildings on adjacent properties.

The proposed use is certainly within the BR-AS zoning classification and as such is consistent with the spirit and intent of the BCZR. There was no opposition from the community in regard to the proposed use. Any impacts from the proposed use are those typically associated with a fuel service station, convenience store and car wash. Accordingly, there is a presumption of validity for this proposed use, on this Property, which Property does not adjoin any residential properties. There is no adverse impact on impermeable surface and vegetative retention provisions, or negative impacts on environmental features as the Property is already developed and paved and/or has been landscaped. I also find that the proposed use carries with it a presumption 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 are no adverse impact from the proposed use on the surrounding commercial area.

Moreover, as required by BCZR, §405.2.B.1, this fuel service station is located within the Urban-Rural Demarcation Line (URDL), will be located in an A.S. District, and no part of the Special Exception area will be located in an ML Zone. Additionally, there was no evidence presented that there was the presence of any abandoned fuel service stations, as defined in BCZR, §405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed Exxon fuel service station.

Applying the bulk area standards in BCZR, §405.4, I find that the proposed use meets BCZR, §405.4.A.1 in that this fuel service station Special Exception area measures 24,000 sf (16 fueling positions x 1,500 sf). The Special Exception area provided for the convenience store and carry-out restaurant with a gross-floor of 5,750 sf is 23,000 sf (4 x 5,750sf). The fuel service station and convenience store meet the required setbacks in BCZR, §405.4.A.2.a. The ATM machine requires 1 additional parking space which will be provided. A 10 ft. landscape transition area shall be provided along the perimeter of the Property under BCZR, §405.4.A.2.b.

In regard to the access driveways, internal circulation and vehicle reservoir capacity under BCZR, §405.4.A.3, the same 3 access driveways have been used since 1987 and will continue to be used. The access driveways measure 22 ft. wide which meets Baltimore County requirements for driveway aisle widths. Given the previous use of the access driveways, I find it is unnecessary for either DPWT or DOP to provide a recommendation under BCZR, §405.4.A.3.

BCZR, §101.1 defines 'roll-over car wash' as:

CAR WASH, ROLL-OVER — A car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing.

A roll-over car wash must meet BCZR, §419.1 and is permitted by special exception in an A.S. District as is applied here. The proposed roll-over car wash here meets the stacking and parking spaces under BCZR, §419.3 as there are 9 stacking spaces in a single file line at the entrance to the car wash. Additionally, pursuant to BCZR, §419.3.B.1, §419.3.B.2, and §419.3.B.3, there are 2 roll-over car wash drying parking spaces, one vacuum parking space and 2 additional parking spaces per roll-over bay. Furthermore, it meets the location, setback and general design standards in BCZR, § 419.4.

Accordingly, the Special Exception will be granted.

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).

While it was proffered that a fuel service station has existed on the Property since 1987, oddly, there are no Zoning Orders was actually approved a plan for that use. Based on the finding

above that the proposed expansion meets all of the Special Exception factors in BCZR, 502.1, the requested Special Hearing relief need not be decided and will be dismissed as moot.

VARIANCES

Under BCZR, §405.4.A.3.C(1), Petitioner cannot provide the required number of stacking spaces for the fuel service pumps. The required number is 1 space per each pump island side with 16 fueling positions. However, Petitioner can only provide 8 stacking spaces as numbered on the Site Plan.

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

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

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

As described above, the Property is unique due to its irregular shape and being bounded by 3 different streets on all sides. The Petitioner will suffer practical difficulty and hardship if the variance relief for the fuel pumping stacking spaces is denied because the expansion and renovation to the existing use would not be constructed and the Property would not otherwise be improved. Moreover, there is ample room for vehicles waiting for fueling pumps to maneuver within the site. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this 6th day of **April, 2023**, by this Administrative Law Judge, that the Petition for Special Exception from BCZR, §§236.2 and 405 for the expansion, reconstruction or addition of an existing fuel service station with combined convenience store and

carry-out restaurant, with a gross floor area under 6,000 Square Feet, and roll over car wash; and is hereby **GRANTED**.

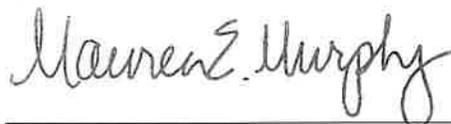
IT IS FURTHER ORDERED that the Petition for Special Hearing filed from BCZR § 405 to approve the amendment of the approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations; and is hereby **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED, that the Petition for Variance from § 405.4.A.3.c to permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the DOP ZAC comment, a copy of which is attached hereto and made a part hereof.
3. Petitioner shall file a Landscape Plan and a Lighting Plan.
4. All signs shall comply with BCZR, §450.
5. Petitioner shall make sure to that the fuel service station provides a restroom(s) facility, water and compressed air for customers as required by BCZR, §405.4.B.

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

A handwritten signature in cursive script that reads "Maureen E. Murphy". The signature is written in black ink and is positioned above a horizontal line.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

ATTACHMENT TO PETITION FOR ZONING HEARING

8485 Honeygo Boulevard
5th Councilmanic District
11th Election District

Special Hearing Relief to approve:

1. The amendment of the approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of up to 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations, as provided in BCZR § 405; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Exception Relief to use the property:

1. For the expansion, reconstruction or addition of an existing fuel service station with combined convenience store and carry-out restaurant, with a gross floor area under 6,000 square feet, and roll over car wash, as provided in BCZR §§ 236.2 & 405; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance Relief from section(s):

1. 405.4.A.3.c to permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

VALLEY LAND SERVICES, LLC

4383 Hecktown Road, Suite B
Bethlehem, PA 18020
(610) 365-2907 * fax (610) 365-2958

Map 82 Grid 3 Parcel 733
C.D.P. of Whitemarsh
Baltimore County, State of Maryland

Beginning at a concrete monument on the easterly right of way line of Honeygo Boulevard, 130 feet wide, as shown on the Plat of "WHITE MARSH BUSINESS COMMUNITY, SECTION B, LOT 1", recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 47 at folio 100. Thence,

1) along the Northeasterly line of said Honeygo Boulevard, with a curve turning to the left, having a radius of 2,565.00 feet, an arc length of 187.74 feet, with a delta angle of $04^{\circ}11'37''$, with a chord bearing of North $04^{\circ}47'15''$ East, with a chord length of 187.70 feet to a rebar with cap set at the southerly right of way line of Cordon Way, 60 feet wide. Thence,

2) along the Southerly line of said Cordon Way, the following five courses;
North $45^{\circ}29'03''$ East a distance of 24.53 feet to a rebar with cap set. Thence,

3) South $88^{\circ}22'52''$ East a distance of 42.14 feet to a concrete monument found. Thence,

4) with a curve turning to the right, having a radius of 210.00 feet, an arc length of 382.61 feet, with a delta angle of $104^{\circ}23'20''$, with a chord bearing of South $36^{\circ}11'08''$ East, with a chord length of 331.84 feet to a concrete monument found. Thence,

5) South $16^{\circ}00'35''$ West a distance of 89.28 feet to a rebar with cap set. Thence,

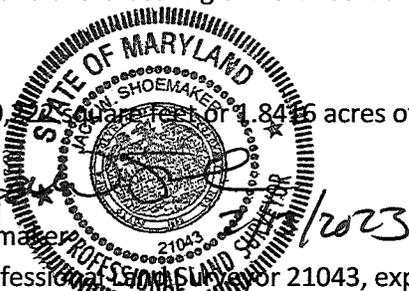
6) South $57^{\circ}59'49''$ West a distance of 26.91 feet to a concrete monument found along the Northerly right of way line of Mercantile Road, 60 feet wide. Thence,

7) along the Southerly line of said Mercantile Road, the following two courses,
North $73^{\circ}59'25''$ West a distance of 147.00 feet to an iron pin found. Thence,

8) with a curve turning to the right, having a radius of 115.00 feet, an arc length of 162.31 feet, with a delta angle of $80^{\circ}52'01''$, with a chord bearing of North $33^{\circ}33'31''$ West, with a chord length of 149.17 feet to the point and place of beginning.

Containing 80,844.66 square feet or 1.8446 acres of land.

Jack W. Shoemaker
Maryland Professional Land Surveyor for 21043, exp. 1/22/2024
Connecticut Professional Land Surveyor 70323



2023-0035-SPLXA



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Specifically, the record evidence establishes that the proposed expansion will not be detrimental to the health, safety or general welfare of the neighborhood in that a fuel service station and convenience store has existed on the Property since 1987. The convenience store and carry out restaurant are permitted by right because the convenience store/carry-out will be less than

6,000 sf. The proposed Exxon fuel service station will provide a needed service in this commercial area. Given that the required Special Exception area is 48,000 sf, and the Petitioners are providing 79,191 sf (1.817 acres) net and 114,872.57 sf (2.637 acres) gross, I find that the proposed use will not overcrowd the land. I also find that the use will not create congestion along Honeygo Blvd., Mercantile Rd, or Cordon Way. I further find that the proposed use will not create a potential hazard from fire or other danger as Exxon convenience store will be required to meet all building codes and extensive safety measures will be in place. The proposed use will not interfere with adequate provisions for water, sewerage, transportation because the Property is already connected to public water and sewer. Likewise, there is no interference with light or air as the proposed convenience store/carry out is a 1-story building which will not cast shadows or block air flow to buildings on adjacent properties.

The proposed use is certainly within the BR-AS zoning classification and as such is consistent with the spirit and intent of the BCZR. There was no opposition from the community in regard to the proposed use. Any impacts from the proposed use are those typically associated with a fuel service station, convenience store and car wash. Accordingly, there is a presumption of validity for this proposed use, on this Property, which Property does not adjoin any residential properties. There is no adverse impact on impermeable surface and vegetative retention provisions, or negative impacts on environmental features as the Property is already developed and paved and/or has been landscaped. I also find that the proposed use carries with it a presumption 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 are no adverse impact from the proposed use on the surrounding commercial area.

Moreover, as required by BCZR, §405.2.B.1, this fuel service station is located within the Urban-Rural Demarcation Line (URDL), will be located in an A.S. District, and no part of the Special Exception area will be located in an ML Zone. Additionally, there was no evidence presented that there was the presence of any abandoned fuel service stations, as defined in BCZR, §405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed Exxon fuel service station.

Applying the bulk area standards in BCZR, §405.4, I find that the proposed use meets BCZR, §405.4.A.1 in that this fuel service station Special Exception area measures 24,000 sf (16 fueling positions x 1,500 sf). The Special Exception area provided for the convenience store and carry-out restaurant with a gross-floor of 5,750 sf is 23,000 sf (4 x 5,750sf). The fuel service station and convenience store meet the required setbacks in BCZR, §405.4.A.2.a. The ATM machine requires 1 additional parking space which will be provided. A 10 ft. landscape transition area shall be provided along the perimeter of the Property under BCZR, §405.4.A.2.b.

In regard to the access driveways, internal circulation and vehicle reservoir capacity under BCZR, §405.4.A.3, the same 3 access driveways have been used since 1987 and will continue to be used. The access driveways measure 22 ft. wide which meets Baltimore County requirements for driveway aisle widths. Given the previous use of the access driveways, I find it is unnecessary for either DPWT or DOP to provide a recommendation under BCZR, §405.4.A.3.

BCZR, §101.1 defines 'roll-over car wash' as:

CAR WASH, ROLL-OVER — A car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing.

A roll-over car wash must meet BCZR, §419.1 and is permitted by special exception in an A.S. District as is applied here. The proposed roll-over car wash here meets the stacking and parking spaces under BCZR, §419.3 as there are 9 stacking spaces in a single file line at the entrance to the car wash. Additionally, pursuant to BCZR, §419.3.B.1, §419.3.B.2, and §419.3.B.3, there are 2 roll-over car wash drying parking spaces, one vacuum parking space and 2 additional parking spaces per roll-over bay. Furthermore, it meets the location, setback and general design standards in BCZR, § 419.4.

Accordingly, the Special Exception will be granted.

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).

While it was proffered that a fuel service station has existed on the Property since 1987, oddly, there are no Zoning Orders was actually approved a plan for that use. Based on the finding

above that the proposed expansion meets all of the Special Exception factors in BCZR, 502.1, the requested Special Hearing relief need not be decided and will be dismissed as moot.

VARIANCES

Under BCZR, §405.4.A.3.C(1), Petitioner cannot provide the required number of stacking spaces for the fuel service pumps. The required number is 1 space per each pump island side with 16 fueling positions. However, Petitioner can only provide 8 stacking spaces as numbered on the Site Plan.

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

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

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

As described above, the Property is unique due to its irregular shape and being bounded by 3 different streets on all sides. The Petitioner will suffer practical difficulty and hardship if the variance relief for the fuel pumping stacking spaces is denied because the expansion and renovation to the existing use would not be constructed and the Property would not otherwise be improved. Moreover, there is ample room for vehicles waiting for fueling pumps to maneuver within the site. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this 6th day of **April, 2023**, by this Administrative Law Judge, that the Petition for Special Exception from BCZR, §§236.2 and 405 for the expansion, reconstruction or addition of an existing fuel service station with combined convenience store and

carry-out restaurant, with a gross floor area under 6,000 Square Feet, and roll over car wash; and is hereby **GRANTED**.

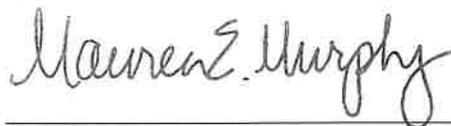
IT IS FURTHER ORDERED that the Petition for Special Hearing filed from BCZR § 405 to approve the amendment of the approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations; and is hereby **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED, that the Petition for Variance from § 405.4.A.3.c to permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the DOP ZAC comment, a copy of which is attached hereto and made a part hereof.
3. Petitioner shall file a Landscape Plan and a Lighting Plan.
4. All signs shall comply with BCZR, §450.
5. Petitioner shall make sure to that the fuel service station provides a restroom(s) facility, water and compressed air for customers as required by BCZR, §405.4.B.

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

A handwritten signature in cursive script that reads "Maureen E. Murphy". The signature is written in black ink and is positioned above a horizontal line.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/15/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-035-SPHXA

INFORMATION:

Property Address: 8485 Honeygo Boulevard

Petitioner: Fazal Sirhandi, Authorized Representative of 8485 Honeygo, LLC

Zoning: BR AS

Requested Action: Special Hearing, Special Exception, Variance

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

Special Hearing:

1. The amendment of the approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of up to 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations, as provided in Section 450 of the Baltimore County Zoning Regulations;
2. For such other and further relief as may be required by the Administrative Law Judge;

Special Exception:

3. For the expansion, reconstruction, or addition of an existing fuel service station with combined convenience store and carry-out restaurant, with a gross floor area under 6,000 square feet, and roll over car wash, as provided in the BCZR Section 236.2 and 405;
4. For such other and further relief as may be required by the Administrative Law Judge;

Variance:

5. From Section 405.4.A.3.c to permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and
6. For such other and further relief as may be required by the Administrative Law Judge;

The subject site is an approximately 1.69 acre parcel at the signalized intersection of Honeygo Boulevard and Mercantile Road in the White Marsh area. Surrounding uses include a McDonald's, multiple hotels, medical and office space, commercial stores, and the White Marsh Mall. The site is improved with an Exxon gas station and convenience store. The majority of the perimeter of the site is grassy area with some large trees.

The subject site is within the boundaries of the following Community Plans: the Perry Hall Community Plan, the Eastern Baltimore County Revitalization Strategy, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The Perry Hall Community Plan states the importance of not over-parking sites and creating an unnecessary amount of paving (page 10). The site is not within the Honeygo Sub-Area and does not have a Honeygo Overlay Zoning District.

Based on the site plan, the property owners are proposing to remove the existing convenience store and associated pumps to construct a fuel service station with a combined convenience store and carryout restaurant and a roll-over car wash.

Because the site is an existing fuel service station and convenience store, the Department of Planning has no objections to the requested Special Hearing and Special Exception, subject to the following conditions:

1. Any freestanding signage shall be a monument style sign. The Department of Planning encourages the property owner to consider a brick or brick-like base for the sign, as this is common in the area.
2. Existing specimen trees should be retained to the extent possible.
3. Landscaping shall be provided along the perimeter of the site that borders Mercantile Road, along the perimeter of the site that borders Honeygo Boulevard, and at the Cordon Way ingress/egress point of the site. This landscaping is in keeping with many of the surrounding sites.

The Department of Planning has no objections to the requested Variance, as the Perry Hall Community Plan requests sites not to be over-parked in efforts to decrease paving.

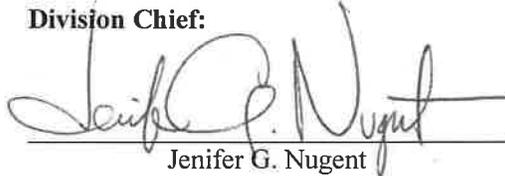
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jason Vettori
David Birkenthal
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/15/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-035-SPHXA

INFORMATION:

Property Address: 8485 Honeygo Boulevard

Petitioner: Fazal Sirhandi, Authorized Representative of 8485 Honeygo, LLC

Zoning: BR AS

Requested Action: Special Hearing, Special Exception, Variance

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1. The amendment of the approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of up to 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations, as provided in Section 450 of the Baltimore County Zoning Regulations;
2. For such other and further relief as may be required by the Administrative Law Judge;

Special Exception:

3. For the expansion, reconstruction, or addition of an existing fuel service station with combined convenience store and carry-out restaurant, with a gross floor area under 6,000 square feet, and roll over car wash, as provided in the BCZR Section 236.2 and 405;
4. For such other and further relief as may be required by the Administrative Law Judge;

Variance:

5. From Section 405.4.A.3.c to permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and
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The subject site is an approximately 1.69 acre parcel at the signalized intersection of Honeygo Boulevard and Mercantile Road in the White Marsh area. Surrounding uses include a McDonald's, multiple hotels, medical and office space, commercial stores, and the White Marsh Mall. The site is improved with an Exxon gas station and convenience store. The majority of the perimeter of the site is grassy area with some large trees.

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Based on the site plan, the property owners are proposing to remove the existing convenience store and associated pumps to construct a fuel service station with a combined convenience store and carryout restaurant and a roll-over car wash.

Because the site is an existing fuel service station and convenience store, the Department of Planning has no objections to the requested Special Hearing and Special Exception, subject to the following conditions:

1. Any freestanding signage shall be a monument style sign. The Department of Planning encourages the property owner to consider a brick or brick-like base for the sign, as this is common in the area.
2. Existing specimen trees should be retained to the extent possible.
3. Landscaping shall be provided along the perimeter of the site that borders Mercantile Road, along the perimeter of the site that borders Honeygo Boulevard, and at the Cordon Way ingress/egress point of the site. This landscaping is in keeping with many of the surrounding sites.

The Department of Planning has no objections to the requested Variance, as the Perry Hall Community Plan requests sites not to be over-parked in efforts to decrease paving.

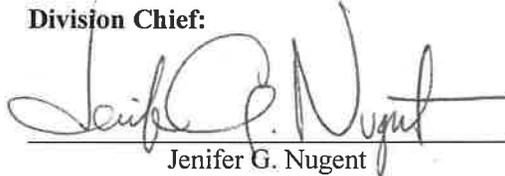
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jason Vettori
David Birkenthal
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/15/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-035-SPHXA

INFORMATION:

Property Address: 8485 Honeygo Boulevard

Petitioner: Fazal Sirhandi, Authorized Representative of 8485 Honeygo, LLC

Zoning: BR AS

Requested Action: Special Hearing, Special Exception, Variance

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2. For such other and further relief as may be required by the Administrative Law Judge;

Special Exception:

3. For the expansion, reconstruction, or addition of an existing fuel service station with combined convenience store and carry-out restaurant, with a gross floor area under 6,000 square feet, and roll over car wash, as provided in the BCZR Section 236.2 and 405;
4. For such other and further relief as may be required by the Administrative Law Judge;

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5. From Section 405.4.A.3.c to permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and
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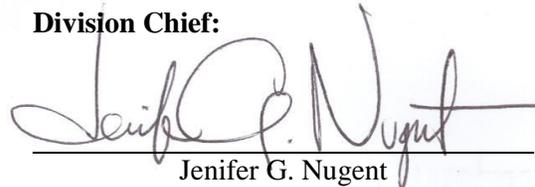
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jason Vettori
David Birkenthal
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/9/2023

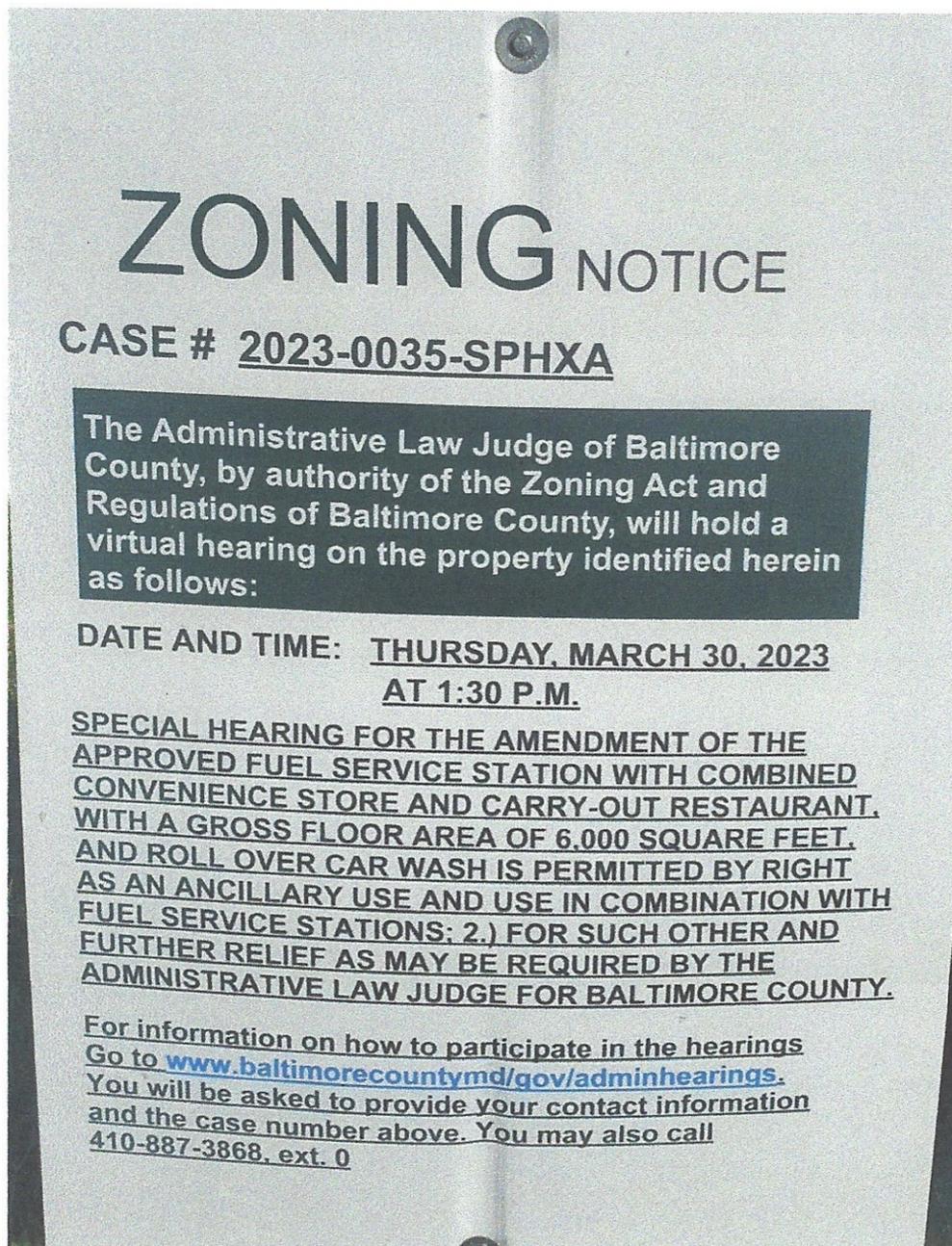
Case Number: 2023-0035-SPHXA

Petitioner / Developer: JASON VETTORI, ESQ. ~ FAZAL SIRHANDI

Date of Hearing: MARCH 30, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 8485 HONEYGO BOULEVARD

The sign(s) were posted on: MARCH 9, 2023



Linda O'Keefe

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

SIGN #1

ZONING NOTICE

CASE # 2023-0035-SPHXA

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:

DATE AND TIME: THURSDAY, MARCH 30, 2023
AT 1:30 P.M.

SPECIAL EXCEPTION FOR THE EXPANSION, RECONSTRUCTION OR ADDITION OF AN EXISTING FUEL SERVICE STATION WITH COMBINED CONVENIENCE STORE AND CARRY-OUT RESTAURANT, WITH A GROSS FLOOR AREA UNDER 6,000 SQUARE FEET, AND ROLL OVER CAR WASH; AND 2.) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

For information on how to participate in the hearings Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

ZONING NOTICE

CASE # 2023-0035-SPHXA

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:

DATE AND TIME: THURSDAY, MARCH 30, 2023
AT 1:30 P.M.

VARIANCE TO PERMIT EIGHT (8) STACKING SPACES IN LIEU OF THE REQUIRED SIXTEEN (16) STACKING SPACES AT PUMP ISLANDS THAT CONTAIN MULTIPRODUCT DISPENSERS (MPD); AND 2.) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY. 8485 HONEYGO BOULEVARD

For information on how to participate in the hearings Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

SIGN #1

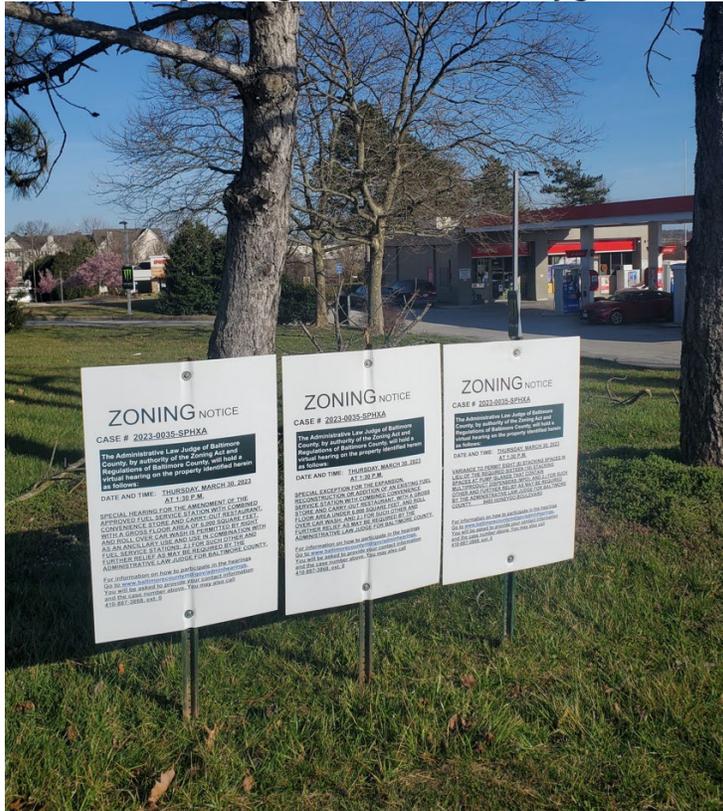
SIGN #2

POSTED @ 8485 HONEYGO BLVD. ~ 3/9/2023

CASE # 2023-0035-SPHXA



Background Photo 1st Group of Signs @ 8485 Honeygo Blvd. ~ 3/9/2023



Background Photo 2nd Group of Signs @ 8485 Honeygo Blvd. ~ 3/9/2023
CASE # 2023-0035-SPHXA

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: March 3, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0035-SPHXA
Address: 8485 Honeygo Blvd.
Legal Owner: Fazal Sirhandi, 8485 Honeygo, LLC.

Zoning Advisory Committee Meeting of March 6, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1415 Rosewick Avenue; SW/S of Rosewick * OF ADMINISTRATIVE
Avenue, 820' NW c/line of Redmore Road * HEARINGS FOR
14th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Jara Custom Designs LLC *
Petitioner(s) * 2023-031-A

* * * * *

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 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Roxanne Jara, 1415 Rosewick Avenue, Rosedale, Maryland 21237, Roxymarie87@gmail.com and Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, gilliss@rmmr.com, Attorney for Petitioner(s).

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7135 Martell Avenue; S/S of Martell Avenue, * OF ADMINISTRATIVE
W/S of East Avenue * HEARINGS FOR
12th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Manuel & Carlos Tenezaca *
Petitioner(s) *
* 2023-033-A

* * * * *

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 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Manuel Tenezaca, 7135 Martell Avenue, Dundalk, Maryland 21222, itonysfamily2011@hotmail.com , ‘Petitioner(s).

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

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
1 Overlook Lane; property at intersection of	*	OF ADMINSTRATIVE
Overlook Place & Overlook Lane	*	HEARINGS FOR
9 th Election & 2 nd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Amy Goldberg	*	2023-034-A
Petitioner(s)		

* * * * *

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 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, BDoak@bruceedoakconsulting.com, Representative for Petitioner(s).

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE	*	OF ADMINSTRATIVE
8485 Honeygo Boulevard; Corner of N/S	*	HEARINGS FOR
Of Mercantile Road, E/S of Honeygo Blvd	*	BALTIMORE COUNTY
11 th Election & 5 th Councilmanic Districts	*	2023-035-SPHXA
Legal Owner(s): 8485 Honeygo LLC		
by Fazal Sirhandi		
Petitioner(s)		

* * * * *

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 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, jvettori@sgs-law.com, Attorney for Petitioner(s).

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

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
10725 & 10733 York Road; E/S of York Road,	*	OF ADMINSTRATIVE
403' S of c/line of Cockeyville Road	*	HEARINGS FOR
8 th Election & 3 rd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): MGK Realty, LLC	*	2023-036-A
Petitioner(s)		

* * * * *

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 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to William Bafatis, P.E., 1249 Engleberth Road, Baltimore, Maryland 21221, bafitisassoc@comcast.net and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, tkotroco@gmail.com, Attorney for Petitioner(s).

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
13312 Brighton View Court; N/S of Brighton * OF ADMINISTRATIVE
View Court, 460' W of Dance Mill Road * HEARINGS FOR
10th Election & 3rd Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Chad & Wendi Gauss *
Petitioner(s) *
* 2023-037-SPH

* * * * *

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 27th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Adam Carballo, 1816 Aliceanna Street, Baltimore, Maryland 21231, info@carballoarch.com , Representative for Petitioner(s).

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

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING February 27, 2023
FORMAL OR INFORMAL RESPONSE DUE AT March 6, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
- * PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
- * PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
- * PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
- * PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
- * PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
- * Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
- * Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
- * Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
- * County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
- * Mike Ruby (Newspaper), mildmanneredcomm@aol.com
- + People's Counsel, rwheatley@baltimorecountymd.gov
- + IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
- + Kathy Are, kare@baltimorecountymd.gov
- & State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
- & Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
- & PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov; Jesse Krout, jkrout@baltimorecountymd.gov
- # People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
- # Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
- # DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
- # IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
- # Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
- * IF ELDERLY HOUSING, Community Development, MS #1102M
- * IF TOWER, Tower Coordinator, c/o OIT, MS #2007
- # IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
- # IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0032-A **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Matthew and Samantha Bell
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 11 MIDDLE WOODS CT

Location: Property located beginning at the East side of Middle Woods Ct. at a distance of 1,060 ft. South of Middle Town Rd.

Existing Zoning: RC 4 (VESTED RC 5)

Area: 2.32 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 103.3, 1A00.4, 1B01.3A.1 (1A04.3.B.3 vested BCZR 1994 Zoning regulations RC5): To approve a garage addition on the left side of the existing dwelling with a setback of 14 feet in lieu of the required 50 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/06/2023

Miscellaneous Notes:

Case Number: 2023-0033-A **Reviewer:** Mitchell Kellman
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Manuel and Carlos Tenezaca
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 7135 MARTELL AVE

Location: Property located on the corner of South side of Martell Ave., West side of East Ave.

Existing Zoning: DR 5.5

Area: 11,950 SQ FT.

Proposed Zoning:

VARIANCE:

BCZR 400.3: To permit an accessory building (detached garage) with a height of 24 feet in lieu of 15 feet, and if necessary, from section 101 to permit an accessory building larger than the existing principal building (dwelling).

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0034-A **Reviewer:** Christina Frink

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

Type: VARIANCE

Legal Owner: Amy Goldberg

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 1 OVERLOOK LN

Location: Property located at the intersection of Overlook Place and Overlook Lane.

Existing Zoning: DR 2 AND DR 16

Area: 4.9816 ACRES

Proposed Zoning:

VARIANCE:

1.) BCZR 400.1: To permit a proposed accessory building (pool house) to be located partially in the side yard outside of the one third of the lot farthest removed from any street.

2.) BCZR 400.1: To permit an existing accessory structure (pool) to be located partially in the side yard outside of the one third of the lot farthest removed from any street.

3.) BCZR 400.1: To permit a proposed accessory building(garage/gym) to be located in the side yard and partially in the front yard and outside of the one third of the lot farthest removed from any street.

4.) BCZR 1B02.3.C.1(chart): If necessary, to permit a front yard setback of 30 feet in lieu of the required 40 feet if the proposed accessory structure (garage/gym) is deemed to be attached.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0035-SPHXA **Reviewer:** Mitchell Kellman

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

Type: VARIANCE, SPECIAL EXCEPTION, SPECIAL HEARING

Legal Owner: Fazal Sirhandi, 8485 Honeygo, LLC.

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 8485 HONEYGO BLVD

Location: Property located the corner of North side of Mercantile Rd., East side of Honeygo Blvd.

Existing Zoning: BR-AS

Area: 1.69 ACRES

Proposed Zoning:

VARIANCE:

1.) BCZR 405.4.A.3.c: To permit eight (8) stacking spaces in lieu of the required sixteen (16) stacking spaces at pump islands that contain multiproduct dispensers (MPD); and

2.) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

SPECIAL EXCEPTION:

1.) BCZR 236.2 and 405: For the expansion, reconstruction or addition of an existing fuel service station with combined convenience store and carry-out restaurant, with a gross floor area under 6,000 Square Feet, and roll over car wash; and

2.) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

SPECIAL HEARING:

1.) BCZR 405: The amendment of the approved fuel service station with combined convenience store and carry-out restaurant, with a gross floor area of 6,000 square feet, and roll over car wash is permitted by right as an ancillary use and use in combination with fuel service stations;

2.) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Attorney: Jason Vettori

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0036-A **Reviewer:** Mitchell Kellman

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

Type: VARIANCE

Legal Owner: MGK Realty, LLC.

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: YORK RD

Location: Property located on the East side of York Rd., 403 feet South of the centerline of Cockeysville Rd.

Existing Zoning: BL-AS/ BM **Area:** .664 ACRES

Proposed Zoning:

VARIANCE:

BCZR 409.6: To permit 37 parking spaces in lieu of the required 51.

BCZR 303.2: To permit a front average setback of 10 feet in lieu of the required 41 feet.

And for such other and further relief as the nature of this case may require.

Attorney: TIM KOTROCO

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0037-SPH **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Chad and Wendi Gauss
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 10 **Council Dist:** 3

Property Address: 13312 BRIGHTON VIEW CT
Location: Property located on the North side of Brighton View Ct.; 460 feet west of Dance Mill Rd.

Existing Zoning: RC 4 **Area:** 1.52 ACRES

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To construct an accessory building (pool house) to be used for personal entertainment purposes only, with a full bath and full kitchen.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2023-0038-A **Reviewer:** Gary Hucik
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Sara and William Eckard
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 8105 MURRAY PT. RD
Location: Property located on the West side of Murray Pt. Rd. North 239 feet to centerline of Dundalk Ave.

Existing Zoning: DR 5.5 **Area:** 5,842 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1: To permit a proposed accessory building (shed) located in the side yard in lieu of the required rear yard.

Attorney: Not Available

Prior Zoning Cases: 2000-0371-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/20/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0039-A **Reviewer:** Shaun Crawford

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

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Christopher and Jacqueline Lom

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 1501 RIDGE RD

Location: Property located beginning at the South side of Ridge Rd. at a distance of 158 feet West of Oak Forest Park.

Existing Zoning: DR 2

Area: 10,000 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.C.3.C.1: To permit a proposed dwelling addition with a side yard setback of 2 feet and a sum of side yard setback of 21 feet in lieu of the required 15 feet and 40 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/20/2023

Miscellaneous Notes:

CLIENT DATA

Cornerstone
Consulting Engineers & Architectural, Inc.

213 West Main Street, Lansdale, PA 19446
Phone: 215-462-8400
www.cornerstoneinc.com

Pocono Region
570-893-1770

Lehigh Valley Region
610-820-8200

Philadelphia Region
215-362-5600



LOCATION MAP 1" = 200' ±

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	187.75'	2565.00'	4°11'37"	N04°47'15"E	187.70'
C2	382.61'	210.00'	110°43'20"	S36°11'08"E	331.84'
C3	182.31'	115.00'	80°52'01"	N33°33'31"W	149.17'

ACCT # 2100011629
LAND N/F
STATE HIGHWAY ADMINISTRATION
ZONED: BR AS
DEED REF.: 10729 / 00360
PARCEL: 0757, LOT:
USE: EXEMPT

ACCT # 2200013355
LAND N/F
FR WHITE MARSH INC
C/O FEDERAL REALTY INVESTMENT
TRUST
ZONED: BR AS
DEED REF.: 25456 / 00291
PARCEL: 0757, LOT:200A
USE: COMMERCIAL

ACCT # 2200024337
LAND N/F
AHP MD BALTIMORE 8477
PROPERTIES
ZONED: BR AS
DEED REF.: 39146 / 00407
PARCEL: 0757, LOT:202
USE: COMMERCIAL

ACCT # 2200024336
LAND N/F
FR WHITE MARSH INC
ZONED: BR AS
DEED REF.: 25456 / 00291
PARCEL: 0757, LOT:201
USE: COMMERCIAL

ACCT # 1900003765
LAND N/F
FR WHITE MARSH INC
ZONED: BR AS
DEED REF.: 25456 / 00291
PARCEL: 0757, LOT:2
USE: COMMERCIAL

GENERAL NOTES

- THIS PLAN REFERENCES A SURVEY PLAN BY:
- OWNER:
- APPLICANT:
- PROJECT LOCATION INFORMATION:
- ZONING INFORMATION:
- ZONING BULK AND AREA REQUIREMENTS:
- PARKING REQUIREMENTS:
- MINIMUM LOT REQUIREMENTS:
- BUILDING SETBACKS:
- PUMP SETBACK:
- CANOPY SETBACK:
- LANDSCAPE TRANSITION AREA:
- MAX. STRUCTURE HEIGHT:
- MAX. IMPERVIOUS:
- MAX. FLOOR AREA:
- MINIMUM SITE AREA CALCULATION:
- FUEL SERVICE:
- CONVENIENCE STORE AND CARRY-OUT RESTAURANT:
- ROLL-OVER CAR WASH:
- ARE MET:
- TOTAL SITE AREA REQUIRED:
- REQUIRED FUEL DISP. STACKING:
- PROPOSED FUEL DISP. STACKING:
- REQUIRED CARWASH STACKING:
- PROPOSED CARWASH STACKING:
- THE SUBJECT PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
- ALL SIGNAGE MUST CONFORM WITH SECTION 450 OF THE BCZR.
- THE SUBJECT AREA DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.

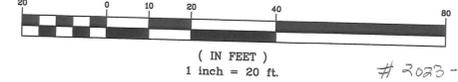
PRIOR ZONING CASES AND BUILDING PERMITS

- ZONING CASE #: R-1971-0175, DATE OF DECISION: 9/12/1973, DECISION: WITHDRAWN AND DISMISSED (ZONING RE-CLASSIFICATION)
- ZONING CASE #: R-1972-0050, DATE OF DECISION: 1/13/1972, DECISION: GRANTED (ZONING RE-CLASSIFICATION)
- ZONING CASE #: R-1971-0174X, DATE OF DECISION: 9/12/1973, DECISION: WITHDRAWN AND DISMISSED (ZONING RE-CLASSIFICATION)
- BUILDING PERMIT #: B452916, DATE OF ISSUANCE: 06/15/2021, DESCRIPTION OF WORK: CONSTRUCTION OF ADDITION ON THE SIDE OF THE COMMERCIAL BUILDING (FOOD SALES AND PART OF CONVENIENCE STORE) AS CONDITION OF MORE IN KEEPING APPROVAL PER JLL; EXISTING MATERIAL MUST BE COMPATIBLE WITH SERVICES STATION BUILDING IN TEXT AND COLOR. PLANS WAIVED-WL
- BUILDING PERMIT #: B982384, DATE OF ISSUANCE: 06/15/2021, DESCRIPTION OF WORK: REPLACE EXISTING METAL LIGHT POLE AND FOUNDATION AND INSTALL SMALL CELL EQUIPMENT ON NEW LIGHT POLE. NEW EQUIPMENT TO BE ADDED: (3) PANEL ANTENNAS.
- BUILDING PERMIT #: B930291, DATE OF ISSUANCE: 01/26/2017, DESCRIPTION OF WORK: ERECT (1) ILLUMINATED D/S FREESTANDING SIGN, 6.08'x8.12'=49.37 SF.

ZONING USE AND VARIANCE RELIEF REQUEST

- SPECIAL EXCEPTION RELIEF TO USE THE PROPERTY:
- FOR THE EXPANSION, RECONSTRUCTION OR ADDITION OF AN EXISTING FUEL SERVICE STATION WITH COMBINED CONVENIENCE STORE AND CARRY-OUT RESTAURANT, WITH A GROSS FLOOR AREA UNDER 6,000 SQUARE FEET, AND ROLL-OVER CAR WASH, AS PROVIDED IN BCZR §§ 238.2 & 405.4 AND
 - FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
- VARIANCE RELIEF FROM SECTION(S):
- 405.4.A.3.C TO PERMIT EIGHT (8) STACKING SPACES IN LIEU OF THE REQUIRED SIXTEEN (16) STACKING SPACES AT PUMP ISLANDS THAT CONTAIN MULTIPRODUCT DISPENSERS (MPD); AND
 - FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

GRAPHIC SCALE



2023-0035-SPHAL

REVISIONS

NO	BY	DATE	DESCRIPTION
1	SC	1/4/2023	REVISED PER COUNTY COMMENTS
2	SC	2/6/2023	REVISED FOR ZONING SUBMISSION

MISS UTILITY OF MARYLAND
ONE CALL SYSTEM, INC.
723 PARKWAY DRIVE, SUITE 100
HANOVER, MD 21076



BEFORE YOU DIG ANYWHERE IN MARYLAND! CALL 1-800-257-7777
NON-MEMBERS MUST BE CONTACTED DIRECTLY
MD LAW REQUIRES THREE WORKING DAYS NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL, PLAST OR REMOVAL



SIRHANDI COMPANIES
8485 HONEYGO BOULEVARD
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

TITLE
PLAN TO ACCOMPANY A PETITION FOR ZONING HEARING

PROJ. #	22-0167	DATE	12/14/2022
CAD ID:	22-0167	DRN BY:	DB
SCALE:	AS NOTED	CHK BY:	JBA

SHEET 1 OF 1
REVISION 2