

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NW/Corner of Harford Road and		
East Joppa Road	*	OFFICE OF
11 th Election District		
5 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
(9610 Harford Road)		
	*	FOR BALTIMORE COUNTY
PMIG MD 074, LLC		
<i>Legal Owner</i>	*	CASE NO. 2011-0237-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Special Hearing filed by Shahriar Etemadi, President, PMIG MD 074, LLC, on behalf of Hossein Ejtemai, legal owner, through Greg Friedman, Esquire. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve the reduction in site area for a fuel service station previously approved in Case No. 99-504-SPHXA, and to amend the Plan and Order accordingly. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing request were Shahriar Etemadi, President of Mid-Atlantic Planning & Engineering Services, LLC, on behalf of the property owner, and Farhang Mojgani, with Civiland, LLC, the engineering/surveying/land planning firms that prepared Petitioner’s Exhibit 1. There were no Protestants or other interested persons at the hearing.

There were no negative comments from reviewing County and State agencies which comprise the Zoning Advisory Committee (ZAC). However, the comment from the State Highway Administration (SHA) dated March 1, 2011 indicated that the site plan to accompany petition for special exception was being circulated to their Landscape Operations Division within

the SHA for review and comment and receipt of their findings and recommendations would be received on or before March 21, 2011. As of March 31, 2011, this comment has not been received.

Testimony and evidence offered revealed that the subject property is located at the northwest corner of Harford and East Joppa Roads in the Carney area of Baltimore County. The property contains a gross area of 0.88 acres (38,232 square feet), more or less, and zoned B.L. The property is improved as a gasoline station. The layout and design of the property is depicted on Petitioner's Exhibit 1, the site plan submitted into evidence. At this time, the property comprises 0.877 acres more or less. The Lessee and operator of the gasoline station is interested in purchasing the property from the owner. However, the Lessee only wishes to purchase 0.657 acre of this land with the remaining 0.221 acre section of the property remaining as open space. This 0.221 acre parcel is shown on the site plan submitted and will contain landscaping as well as a grassy open area. This area of land is not needed for the operation of the service station and no improvements or changes are needed or proposed at this time.

Mr. Mojgani, the engineer who appeared at the hearing stated that the owner is in the process of filing a minor subdivision with Baltimore County. The purpose of the minor subdivision is to subdivide the open area from the gasoline service station. However, it was noted at the hearing that the owners were waiting for this approval before filing for the minor subdivision.

Based upon the testimony and evidenced offered, I am persuaded to grant the requested Special Hearing relief.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED this 13th day of April, 2011, by this Administrative Law Judge, that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the reduction in site area for a fuel service station previously approved in Case No. 99-504-SPHXA, and to amend the Plan and Order accordingly, be and is hereby GRANTED, in accordance with Petitioner's Exhibit 1, the approved site plan.

The relief granted is subject to the following condition:

1. Petitioner may apply for its building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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

Signed _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz