

**IN RE: PETITION FOR  
SPECIAL EXCEPTION  
(9043 Liberty Road)**

2<sup>nd</sup> Election District  
4<sup>th</sup> Councilmanic District  
9400 Liberty Limited Partnership  
*Legal Owner*  
Two Farms, Inc.  
*Contract Purchaser/Lessee*  
Petitioners

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2013-0132-XA**

\* \* \* \* \*

**ORDER AND OPINION**

**(ON REMAND FROM BOARD OF APPEALS)**

By Order dated April 30, 2013, petitions for special exception and variance were granted in the above case, allowing Petitioners to construct and operate a fuel station on an individual site, and a convenience store having a sales area larger than 1,500 sq. ft., carry-out restaurant and roll-over car wash as uses in combination. Thereafter, an appeal to the Board of Appeals of Baltimore County (CBA) was filed by several members of the community (Protestants), and the CBA remanded the case to this Office for consideration of an amended zoning petition, which was marked and accepted as Petitioners' Ex. No. 19. The amended petition has eliminated the car wash as an element of the requested special exception, and the petition for variance (pertaining to the car wash) has also been withdrawn. The Petitioners have also filed an amended site plan which shows that a car wash facility is no longer proposed at the subject property. Petitioners' Ex. No. 20.

David H. Karceski, Esquire, appeared at the hearing and explained the amended petition, and J. Carroll Holzer, Esquire, on behalf of the Protestants (See Protestants' Ex. No. 4), indicated that there was no opposition to the amended petition. Mr. Holzer explained that the primary

concern of his clients was the proposed car wash, and now that it has been eliminated, the Protestants no longer oppose the project.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 4th day of February, 2014, that the Petition for Special Exception to allow a fuel station on an individual site, and a convenience store having a sales area larger than 1,500 sq. ft. and a carry-out restaurant as uses in combination, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Special Exception must be utilized within five (5) years of the date of this Order.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/sln