

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(8602 Old Harford Road)		
9 th Election District	*	OFFICE OF
6 th Councilmanic District		
Edward L. & Linda M. Gittings	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Carroll Independent Fuel, LLC	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2015-0211-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Edward L. & Linda M. Gittings, legal owners, and Carroll Independent Fuel, LLC, lessee (“Petitioners”). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a modification to the previously approved site plan in Zoning Case No. 93-134-SPHX.

Appearing at the public hearing in support of the requests was C. Howard Phelps, Jr., and professional engineer Wayne Newton. Dino C. La Fiandra, Esq., represented the Petitioners. There were no Protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning and the Bureau of Development Plans Review. Neither agency opposed the petition but noted that a landscape plan would be required. The Order below includes such a condition.

The subject property is approximately 26,588 square feet and is zoned BL-AS. Petitioners have for many years operated a fuel service station service, garage and car wash on the property, pursuant to prior zoning approvals. At present, Petitioners propose to convert the service garage to a small convenience store (i.e., 1,288 square feet).

The use proposed is permitted by right in the zone (B.C.Z.R. §405.4.D.2), and is arguably within the scope of the 1992 special exception (Case No. 93-134-SPHX, admitted as Ex. 3) granted for the property. The amended site plan and preliminary floor plan (which was offered for illustrative purposes; modifications to the floor plan will not require further zoning approval, whether by Order or by “spirit and intent” letter) (Petitioners’ Exhibit Nos. 1& 5, respectively) reflect the convenience store will be modest and appropriate for the site. As such, the petition will be granted.

THEREFORE, IT IS ORDERED this 14th day of May, 2015, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to approve a modification (i.e., the operation of a 1,288 square feet convenience store, which will replace and be constructed within the same footprint as the existing service garage) to the previously approved site plan in Zoning Case No. 93-134-SPHX, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must submit for approval by the County’s landscape architect a landscape plan for the site.

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

 Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln