

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502 Towson, Maryland 21204 410-299-2943 Tkotroco@gmail.com

September 26, 2016

Mr. Carl Richards, Zoning Supervisor Baltimore County PAI 111 West Chesapeake Avenue Towson, Maryland 21204

Re: 8201 Liberty Road

Approval to proceed with a more in keeping plan pursuant

to section 405.6.A of the BCZR

Dear Mr. Richards:

M . 4 .

Thank you for meeting with me and discussing the above referenced matter. I represent the owners of the property located at 8201 Liberty Road in Randallstown. The property is improved with an old Getty gas station that was approved by the Special Exception Order issued by Mr. Wilsie Adams, then Zoning Commissioner, on December 5, 1955. The subject property has been operated as an automotive service station since that time. (Photo Attached).

By way of background, this matter came before Judge John E. Beverungen as a request for Special Exception, Special Hearing and Variance for a fuel service station located at 8201 Liberty Road in Randallstown. That previous case was Case No. 2014-0238 SPHXA and his decision was rendered on July 14th, 2014. (Copy attached). At that time, the owner was represented by Donald C. Wright, Esquire.

The special exception request for the fuel service station was approved, but the variance relief was not. Attorney Wright filed an appeal of the denial of the variance request to the Board of Appeals. The special exception relief was not appealed since the applicant received a favorable decision from Judge Beverungen.

Thereafter, the applicant hired a new law firm to handle the matter. A great deal of delay ensued and the two year period of time within which to utilize the special exception expired. I was then hired to handle this matter. The Zoning office advised me that a brand new petition would have to be filed and the matter would have to begin all over again. I filed a new petition and the matter is currently scheduled before Judge Beverungen.

Thereafter, I investigated the history of the subject property and determined through my research that a special exception had already been approved for this automotive service station. That special exception was approved by Zoning Commissioner Wilsie Adams on December 5, 1955. (Case No. R-1955-3672-X attached) The service station was built and the special exception was vested. That service station still exists on the property today.

You requested that I present a letter to Judge Beverungen bringing this new information to his attention. Judge Beverungen reviewed my letter and attachments and issued a ruling stating that he had no objection to my client proceeding with a "more in keeping" plan with your office. (Judge Beverungen's letter is attached).

Lastly, I discussed this matter with Mr. Lloyd Moxley from the Planning Department. Mr. Moxley advised that given the prior special exception approval from 1955 coupled with the existence of the service station on the property today, that it would be more appropriate for the owner to file a new plan of development for the new service station, in accordance with section 405.6.A of the BCZR. (A copy of that section is attached.)

Therefore, I am requesting your affirmation that my client may proceed under section 405.6.A of the BCZR and ask that you indicate your approval by affixing your signature below. I thank you for your consideration of this request and look forward to your reply.

Respectfully Submitted,

Timothy M. Kotroco

TMK/tk Attachments

By signing below, I approve of the owner of the property at 8201 Liberty Road proceeding under section 405.6.A of the BCZR based upon the facts as outlined in this letter and the attachments appended hereto.

10/6/16 Date

Mr. W. Carl Richards

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502 Towson, Maryland 21204 410-299-2943 Tkotroco@gmail.com

September 26, 2016

RECEIVED

SEP 27 2016

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: 8201 Liberty Road

Approval to proceed with a more in keeping plan pursuant to section 405.6.A of the BCZR

Dear Judge Beverungen:

This matter came before you as a request for Special Exception, Special Hearing and Variance for a fuel service station located at 8201 Liberty Road in Randallstown. That previous case was Case No. 2014-0238 SPHXA and your decision was rendered on July 14th, 2014. (Copy attached). The applicant was represented by Donald C. Wright, Esquire.

You approved the special exception request for the fuel service station but denied the variance relief. Attorney Wright filed an appeal of the denial of the variance request to the Board of Appeals. The special exception relief was not appealed since the applicant received a favorable decision from you.

Thereafter, the applicant hired a new law firm to handle the ongoing matter. A great deal of delay ensued and the two year time period within which to utilize the special exception that you approved expired.

I was hired in June of 2016. I checked into the status of the matter with Mr. Carl Richards of the zoning office. Mr. Richards advised me that the special exception relief was about to expire and that there was not enough time to file a petition for extension before your Honor. Mr. Richards advised that a brand new petition would have to be filed and the matter would have to begin all over again. I filed a new petition and the matter is being processed by the zoning office at this time.

Thereafter, I investigated the history of the subject property and determined through my research that a special exception has already been approved by the Zoning Commissioner for this automotive service station. That special exception was approved by Zoning Commissioner Wilsie Adams on December 5, 1955. (Case No. R-1955-3672-X attached) The service station was built and the special exception was vested. That station still exists on the property today.

Based on the above research, it was never necessary for any special exception to be filed on the property given that an approval for the service station was granted back in 1955. I discussed my findings with Mr. Richards and Mr. Lloyd Moxley from the Planning Department. Both gentlemen advised that given the prior special exception approval from 1955 coupled with the existence of the service station on the property today, that it would be appropriate for the owner to file a new plan of development for the new service station, in accordance with section 405.6.A of the BCZR. (A copy of that section is attached.)

However, Mr. Richards asked that I bring this matter to your attention and request whether you have any objection to the applicant proceeding in accordance with section 405.6.A of the BCZR. As a courtesy, Mr. Richards would like your approval since a new petition is now pending before your office. Should we be able to proceed under section 405.6.A then the petition pending before your office would be suspended and eventually dismissed.

Therefore, I am requesting your affirmation that you have no objection to the applicant proceeding under section 405.6.A of the BCZR and ask that you indicate your approval by affixing your signature below. We thank you for your consideration of this request and look forward to your reply.

Respectfully Submitted,

Suther llo Lo co

Timothy M. Kotroco

TMK/tk Attachments

By signing below, I indicate that I have no objection to the owner of the property at 8201 Liberty Road proceeding under section 405.6.A of the BCZR based upon the facts as outlined in this letter and the attachments appended hereto.

9-27-2016

Date

The Honorable John E. Beverungen

Mr. John SX Ditto - Filleton.

J. Kardy Vickers - J. N. Vaker Dur. 421 St. Paul Place. Old state dendying Busins sin 19xx Mr. Lange J. Little J. 6000 Romyton Com. Ball, 76. mel.

Tidovater asso. Oil Bo.

chantel. Complete plane to be subsulted with application of Bldg Permit for approval by Office of Planning Strapling mea

DEC 2 1 1955 PETITION FOR (1) ZONING RECLASSIFICATION (2) SPECIAL EXCEPTION UNITY COMMUSSIONERS

To the Zoning Commissioner of Baltimore County

IIIE we H.W. Emart & J.K. Vickers, Inc., contract purchalogal Omer s

All that pured of land in the Second District of Satistanes Country, on the south field of Liberty Read, beginning 160 feet sent of Blaim Road; thence seatory and binding on the south tide of Cherry Read 220.5 feet; thence south 30 degrees Ol similare west 150 feet; there so th 55 degrees In similare cast 150 feet; there have a contract to the contract of the cont

(2) for a Sp cial Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for Automobile Service Station

Property to be posted as prescribed by Zoning Regulations.

I ar we, agree to pay expenses of the above reclassification and Special Exception, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the Zoning Regulations and Restrictions of Baltimore County, adopted nursuant to the Zoning Law for Baltimore County.

H Warren Emmart

Legal Owner 8201 liberty Rd



Weken, were Jewed, View por contract purchase

3672-RX Pipp 3. A

mber 15, 1955

MECEIVED of J. K. Vickers, Inc., the sum of Thirty Eight (\$35.00) Dollars, being cost of patition for Special Exception, Reclassification, advertising and posting property, south side of Liberty Road, beginning 169 feet west of Ellen Road, 2nd District, Baltimore County.

Zoning Commissioner of Baltimore County

MEARING : at 10:00 a.m.

JAD WILL

THE BALTIMORE COUNTIAN NOV 2 2 1955

No. 1 Newburg Avenue

CATONSVILLE, MD.

Movember 25, 1955

THIS IS TO CERTIFY, that the annexed advertisement of Walsie H. adams, Zoning Commissioner

of Baltimore county was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 25th day of november, 1955, that is to say the same was inserted in the issues of

november 18 and 25, 1955.

THE BALTIMORE COUNTIAN

By Paul J. Morgan Editor and Managold

of 229.5' on the south side of Liberty Road by an even depth or 150' and a width of 229.5', in reer

hereby petition (1) that the soning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R 6 Zone to m B. L. Zone; and (2) for a Sp cial Exception, under said Zoning Law and Zoning Regulations of Paltimore County, to use the above described property, for Automobile Service Station

Property to be posted as prescribed by Zoning Regulations.

INTER we, agree to pay expenses of the above reclassification and Special Exception, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the Zoning Regulations and Restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

- 10 7 55 AM

H Warren Emmart Clipatet ML Emment

8201 liberty Rd

Willers . due Jewedy View pos contact purchase

ORLERED by the Zoning Cremissioner of Beltimore 7th day of November that the subject matter of this potition be advertised in 1955 at 10:00 o'clock

Zoning Commissioner of Baltimore County

Upon hearing on the within petition (1) for reclassification from an "Net" Jose toe "Na." Jose and (2) for a special exception to use and yet the period of the period without the period of the period of the period of the period without the community involve, set being contributedly affected, the said petition should be greated, therefore:

To in the Section of the Court Section of the Court Section of the Court of Constitution of Editions (Countries of Editions Countries the case in these granted, the first for reclassification, from an Mode Sec to a "N. 1. "Some and section for a special assegliate to use smid-de a plain for the development of mid property to be approved by the Section of the Court Section of the Section Section

Wilsie N. Cularre

Approved:

DEC 22 1956

CEPTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

	Towson, Maryland	4-2/72
/		#3672
strict 2 md	Date	of Posting 11-23-55
ated for: an R-6 300 1	to an B I good & Go	esolul Station
titioner: Howevery	Emma	M
eation of property S. S. of A	ilula Rd. lug. 469 St. 10	Le Ellen Red throne
1.+ lud son de s	5 A Pelutt Rd. 229.5	4. iti Lillet
cation of Signa South	May Ry big 469 ft 10 5 of Swith Rd. 229.54 Le of Swith Rd. 559 ft	west of fler
g/		70.
marks:		
ated by Leasge R. 2/2	manuf Date of return	11-24-55

