

TIMOTHY M. KOTROCO, Esq.

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Towson, Maryland 21204

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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:

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.

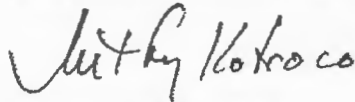
Thereafter, I investigated the history of the subject property and determined through my research that a special exception had already been approved for this automotive service station. That special exception was approved by Zoning Commissioner Wilsie Adams on December 5, 1955. (Case No. R-1955-3672-X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



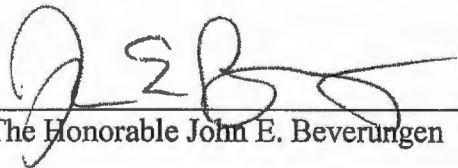
Timothy M. Kotroco

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

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John Paul Young

47 Warren Eganast

1000 1/2 E. 1st Street
Legal Center

2201 Liberty Rd
Address

John Paul Young
Kansas, Mo. -
court reporter

4/25/55
10 AM

RECEIVED
NOV 16 1953
COMPTROLLER'S OFFICE
JAB

John P. O'Sullivan

4 Warren Court

1145 7th St. E. Court

Legal Center

8201 Liberty Rd

Address

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MISSOURI DEPARTMENT

By

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PLAT TO ACCOMPANY RE-ZONING PETITION
 FOR PROPERTY AT 8201 LIBERTY RD.
 J.K. VICKERS, INC. 421 ST PAUL FL.
 NOV. 3, 1955 SCALE 1"=50'

