

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – N/W Corner
Belair Road and Martin Avenue
(8012 Belair Road)
14th Election District
6th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-170-SPHA

KKD/Belair Road, LLC, by
Heritage Properties, Inc. - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, KKD/Belair Road, LLC, by Heritage Properties, Inc., by David G. Rhodes, President, through their attorney, Stuart D. Kaplow, Esquire. The Petitioners seek approval of 48 business parking spaces in a residential zoning district as a nonconforming use and the continuation thereof, or, in the alternative, approval of a use permit for 48 business parking spaces in a residential district, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special hearing relief sought, the Petitioners request a variance from Section 1B01.1.B.1.c of the B.C.Z.R. to modify the residential transition area (RTA) requirements to permit a business parking lot with a 20-foot buffer and a 20-foot setback in lieu of the required 50-foot buffer and 75-foot setback as required by Section 1B01.1.B.1.e(5) of the B.C.Z.R. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Rick Bechtold with Heritage Properties, Inc., representing KKD/Belair Road, LLC, Owners of the subject property, Debra Hettleman, a representative of The Morlan Group, LLC, James Markle, Professional Engineer

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Date: 12/1/99
By: [Signature]

with G. W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, and Stuart Kaplow, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of two parcels of land with a combined gross area of 1.53 acres, more or less, split zoned B.L.-A.S. and D.R. 5.5. The property is located on the west side of Belair Road, just north of its intersection with Martin Avenue and was formerly the site of the Hotel Fullerton, which was later converted for use by a Moose Lodge fraternal organization. That building has since been razed. At issue before me is the use of the rear portion of the property, zoned D.R. 5.5, for business parking. Testimony indicated that this area of the property has been used for parking for many years and the owners simply wish to continue to use the D.R. 5.5 zoned portion of its property for business parking to support the new Krispy Kreme Donut shop, as well as a new commercial business yet to be constructed in place of the old Hotel Fullerton.

Documentary evidence entered into evidence by Mr. Kaplow indicates that the rear of the subject property has been utilized for business parking since 1953, openly and continuously up to the present date. That area of the property was formerly used by the Hotel Fullerton as far back as the 1920s when the hotel was in operation, and apparently continued when the building was converted for use by the Moose Lodge. Thus, it is clear that this area of the property has always been used for business parking, and thus, enjoys a nonconforming use as such.

The testimony and evidence offered by Mr. Kaplow was clear that the rear of the subject property was used for commercial parking prior to 1955 which is the controlling year when the zoning regulations addressed parking issues. Furthermore, testimony and evidence presented demonstrated that this use has been continuous and without interruption to this date. Therefore,

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By [Signature]

the relief requested to approve same as a legal, nonconforming use be and is hereby granted, and the alternative relief seeking approval of a use permit for commercial parking in a residential zone, and a variance from RTA requirements shall hereby be dismissed.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

- "(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
- (c) Does the current use have a substantially different effect upon the neighborhood;

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Date 12/21/98
[Signature]

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption for commercial business parking since prior to 1955, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petition for Special Hearing should be granted, and the alternative special hearing relief and variance request shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of December, 1998 that the Petition for Special Hearing seeking approval of 48 business parking spaces in a residential zoning district as a nonconforming use and the continuation thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit 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 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.
- 2) The Petitioners shall install a screen fence along the southern property line where that property borders residential homes to the south.
- 3) In addition, the Petitioners shall submit a lighting and landscaping plan for review and approval by the Office of Planning prior to any development taking place on the adjacent parcel, known as 8012 Belair Road, formerly the site of the old Hotel Fullerton.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


ORDER RECEIVED FOR FILING

Date

By

IT IS FURTHER ORDERED that the alternative special hearing relief seeking approval of a use permit for 48 business parking spaces in a residential district, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.1.B.1.c of the B.C.Z.R. to modify the residential transition area (RTA) requirements to permit a business parking lot with a 20-foot buffer and a 20-foot setback in lieu of the required 50-foot buffer and 75-foot setback as required by Section 1B01.1.B.1.e(5) of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 12/21/08
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 16, 1998

Stuart D. Kaplow, Esquire
15 E. Chesapeake Avenue
Towson, Maryland 21286

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/W Corner Belair Road and Martin Avenue
(8012 Belair Road)
14th Election District – 6th Councilmanic District
KKD/Belair Road, LLC, by Heritage Properties, Inc. - Petitioners
Case No. 99-170-SPHA

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, and the alternative special hearing relief and Petition for Variance have been dismissed as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. David G. Rhodes, President, Heritage Properties, Inc.
515 Fairmount Avenue, Towson, Md. 21286

People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8012 Belair Road

which is presently zoned BL-AS/DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special hearing to approve the continuation of a nonconforming use, pursuant to BCZR Sec. 104.1, that is to approve the existing 48 business spaces in a residential zoning district.

Or, in the alternative,

Special hearing to approve a use permit, pursuant to BCZR Sec. 409.8.B, for 48 business parking spaces in a residential district.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

KKD/Belair Road, LLC
by: Heritage Properties, Inc.

(Type or Print Name)

David G. Rhodes
Signature

David G. Rhodes, President

(Type or Print Name)

Signature

515 Fairmount Avenue 410-769-6100

Address Phone No.

Towson MD 21286

City State Zipcode
Name, Address and phone number of representative to be contacted.

Stuart D. Kaplow

Name
15 E. Chesapeake Ave. 410-339-3910

Address Phone No.
Towson, MD 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Attorney for Petitioner:

Stuart D. Kaplow

(Type or Print Name) Stuart D. Kaplow, P.A.

Signature

15 E. Chesapeake Avenue 410-339-3910

Address Phone No.

Towson MD 21286

City State Zipcode

Drop-Off
No Review
10/16/98



ORDER RECEIVED FOR FILING
Date 10/16/98
By [Signature]

99-170-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8012 Belair Road

which is presently zoned BL-AS/DR5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) A variance pursuant to section 1B01.1.B.1.c of the Baltimore County Zoning Regulations to modify a residential transition area to permit a business parking lot, with a 20 foot buffer and a 20 foot setback in lieu of the 50 foot buffer and 75 foot setback, as required by section 1B01.1.B.1.e(5).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The property is, in and of itself, unique and unusual such that the peculiarity of the property (i.e., its shape, topography, subsurface conditions, environmental factors, non-access to navigable waters) causes the zoning regulations to impact disproportionately upon the property, such that a practical difficulty results from that disproportionate impact of the ordinance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Stuart D. Kaplow

(Type or Print Name) Stuart D. Kaplow, P.A.

Signature

15 E. Chesapeake Avenue 410-339-3910

Address

Phone No.

Towson

MD

21286

City

State

Zipcode

Legal Owner(s):

KKD/Belair Road, LLC

by: Heritage Properties, Inc.

(Type or Print Name)

Signature

David G. Rhodes, President

(Type or Print Name)

Signature

515 Fairmount Avenue

410-769-6100

Address

Phone No

Towson

MD

21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Stuart D. Kaplow

Name

15 E. Chesapeake Ave.

410-339-3910

Address TOWSON, MD 21286

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date



Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

**Dep-Off
No Review**

10/16/98

ucl

99-170-5PHA

ZONING DESCRIPTION
August 25, 1998

Description to accompany a Zoning Request
8012 Belair Road
Baltimore County, Maryland
Deed References: 0012834 / 149
Property of: KKD / Belair Road, L.L.C.

Beginning for the same at a point at the intersection of Belair Road, 104' wide, and Martin Avenue, 15' wide thence N44°48'56"W, 253.44' to a **Point of Beginning** on the subject property, thence the following courses:

N47°38'42"W, 355.00', thence N85°37'42"E, 196.28, thence S61°57'33"E, 118.75', thence S58°28'18"E, 69.51', thence S56°10'10"E, 26.00', thence S39°01'00"W, 190.00', coincidental to the zoning line, and back to the Point of Beginning, Containing a total of 45,856.36 Square Feet, **(1.05 acres)**.

NOTE:

The above description is for zoning purposes only and is not intended to be used for property conveyances or agreements.



**BALTIMORE COUNTY, MARY VD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 060353

DATE 10/19/98 ACCOUNT 001-6150
AMOUNT \$ 500.00 (WCR)

RECEIVED FROM: KKD/Belair Road LLC

FOR: PETITIONS -- SPECIAL HEARING & VARIANCE Item 170
8012 Belair Road
DROP-OFF ----- NO REVIEW Case #99-170-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
10/19/1998 10/19/1998 11:15:37
REG 08905 CASHIER LORI LXS DRUMER 5
5 MISCELLANEOUS CASH RECEIPT
Receipt # 072514
CF NO. 060353

500.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

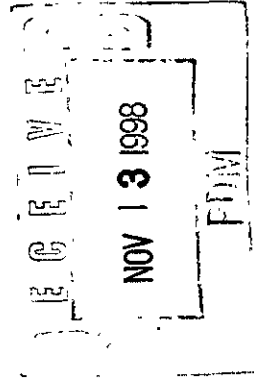
TOWSON, MD., 11/12/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/12/, 1998.

THE JEFFERSONIAN,

A. Herickson

LEGAL AD. - TOWSON



NOTICE OF ZONING HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: 98-170-5-PJA
8012 Belair Road
NW/S Belair Road, corner NES Martin Avenue
14th Election District
6th Councilmanic District

Legal Owner(s): KKD/Belair Road, LLC
Special Hearing: to approve the continuation of a non-conforming use to approve the existing 48 business parking spaces and residential zoning district (DR) in the alternative, to approve a use permit for 48 business parking spaces in a residential district.

Variance: to modify a Residential Transition Area to permit a business parking lot with a 20-foot buffer and a 20-foot setback in lieu of the 60-foot buffer and 75-foot setback.
Hearing: Tuesday, December 1, 1998 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Beale Avenue.

LAWRENCEE SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning this file and/or Hearing, Please Call (410) 887-3391.

0272652

11/186 Nov. 12

CERTIFICATE OF POSTING

RE Case No. 99-170-SPHA

Petitioner/Developer: VIC. MARTIN AVE, ETAL
c/o P.M. O'KEEFE

Date of Hearing/Closing: 12/1/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 8012 BELAIR ROAD.

The sign(s) were posted on 11/15/98
(Month, Day, Year)

Sincerely,

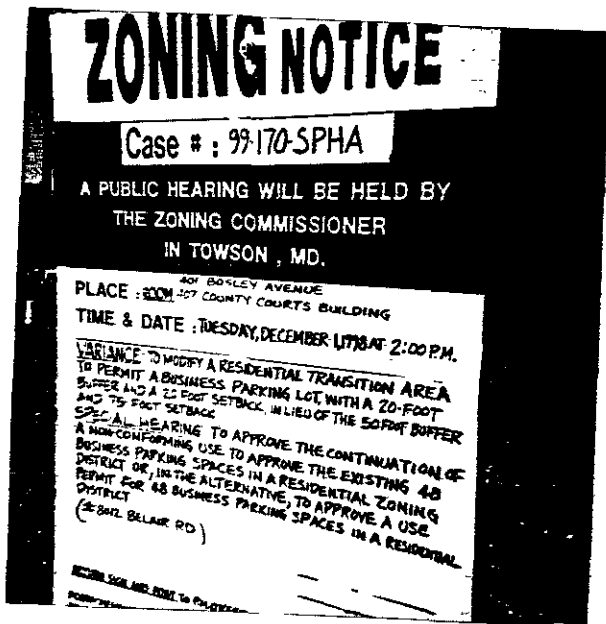
Patrick M O'Keefe, 11/20/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



8012 BELAIR Rd

NR. PJTM HILL

12/1/98

U. 11-1-100

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
8012 Belair Road, NW/S Belair Rd, corner
NE/S Martin Avenue, 14th Election District,
6th Councilmanic

Legal Owners: KKD/Belair Road, LLC

Petitioner(s)

* * * * *

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-170-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esq., 15 E. Chesapeake Avenue, Towson, MD 21286, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 29, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-170-SPHA
8012 Belair Road
NW/S Belair Road, corner NE/S Martin Avenue
14th Election District – 6th Councilmanic District
Legal Owner: KKD/Belair Road, LLC

Special Hearing to approve the continuation of a non-conforming use to approve the existing 48 business parking spaces in a residential zoning district OR, in the alternative, to approve a use permit for 48 business parking spaces in a residential district. Variance to modify a Residential Transition Area to permit a business parking lot, with a 20-foot buffer and a 20-foot setback, in lieu of the 50-foot buffer and 75-foot setback.

HEARING: Tuesday, December 1, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Stuart D. Kaplow, Esquire
KKD/Belair Road, LLC

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 16, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
November 12, 1998 Issue - Jeffersonian

Please forward billing to:

Stuart D. Kaplow, Esquire 410-339-3910
15 E. Chesapeake Avenue
Towson, MD 21286

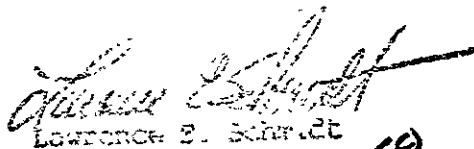
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-170-SPHA
8012 Belair Road
NW/S Belair Road, corner NE/S Martin Avenue
14th Election District – 6th Councilmanic District
Legal Owner: KKD/Belair Road, LLC

Special Hearing to approve the continuation of a non-conforming use to approve the existing 48 business parking spaces in a residential zoning district OR, in the alternative, to approve a use permit for 48 business parking spaces in a residential district. Variance to modify a Residential Transition Area to permit a business parking lot, with a 20-foot buffer and a 20-foot setback, in lieu of the 50-foot buffer and 75-foot setback.

HEARING: Tuesday, December 1, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 19, 1998

Stuart D. Kaplow, Esquire
15 East Chesapeake Avenue
Towson, MD 21286

Dear Mr. Kaplow:

RE: Drop-Off Petition, 8012 Belair Road, Zoning Case Number 99-170-SPHA

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-170-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE THE
CONTINUATION OF A NON-CONFORMING USE TO
APPROVE THE EXISTING 48 BUSINESS SPACES
IN A RESIDENTIAL ZONING DISTRICT OR, IN THE
ALTERNATIVE, TO APPROVE A USE PERMIT FOR

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

48 BUSINESS PARKING SPACES IN A
RESIDENTIAL DISTRICT. VARIANCE TO MODIFY
A RESIDENTIAL TRANSITION AREA TO PERMIT A
BUSINESS PARKING LOT, WITH A 20-FOOT
BUFFER AND A 20-FOOT SETBACK, IN LIEU
OF THE 50-FOOT BUFFER AND 75-FOOT
SETBACK.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 27, 1998

Stuart D. Kaplow, Esq.
15 E. Chesapeake Avenue
Towson, MD 21286

RE: Item No.: 170
Case No.: 99-170-SPHA
Location: 8012 Belair Road

Dear Mr. Kaplow:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 16, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 2, 1998

FROM:  Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 2, 1998
Item Nos. 154, 155, 158, 159, 161,
162, 163, 164, 165, 166, 167, 170

Also:

Case #99-151-SPHXA
Loyola College/Beckleysville Road

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1102.NOC

Line
12/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: November 4, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 8012 Belair Road

INFORMATION:

Item Number: 170

Petitioner: KKD/Belair Road, LLC by: Heritage Properties, Inc.

Zoning: BL-AS/DR 5.5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the applicant's request provided that the design of the proposed screen fence and the lighting of the parking lot meet the approval of Avery Harden.

Section Chief: *Jeffrey W. Loy*

AFK/JL:



**Maryland Department of Transportation
State Highway Administration**

Paris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: October 28, 1998

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 170 (WCR)

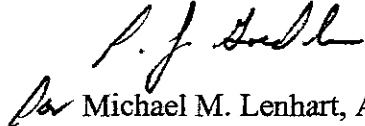
Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval of the Special Hearing.

However we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

OCTOBER 29, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCTOBER 26, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

153, 154, 155, 158, 161, 162, 163, 164, 166, 167,
AND 170

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 23, 1999

RECEIVED JAN 06 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner:
Lynn F. Beattie and James C. Beattie - 170

Location: DISTRIBUTION MEETING OF November 1, 1999

Item No.: 170

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.
9. ACCESS FOR FIRE DEPARTMENT EMERGENCY APPARATUS IS NEEDED AT THE FOLLOWING PORTION(S) OF THE BUILDING between existing Stream and proposed "10 PS & 85'". THE ACCESS ROAD SHALL BE A MINIMUM OF 18 FEET IN WIDTH.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM
FROM: R. Bruce Seeley,
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 10/26/98

DATE: 10/30/98

Tom K.
12/11

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	153 AU ✓	158 -	168
	154 AU ✓	161 -	169
	155 ✓	162 AU ✓	170
	156 ✓	165 -	
	157 ✓		

RBS:sp

BRUCE2/DEPRM/TXTSBP



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

November 5, 1998

Stuart D. Kaplow, Esquire
15 East Chesapeake Avenue
Towson, MD 21286-5306

Dear Mr. Kaplow:

RE: Drop-Off Petition Review (Item #170), 8012 Belair Road, 14th Election District

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Merrey", is written over a printed name and title.

Joseph C. Merrey
Planner II, Zoning Review

JCM:rye

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us

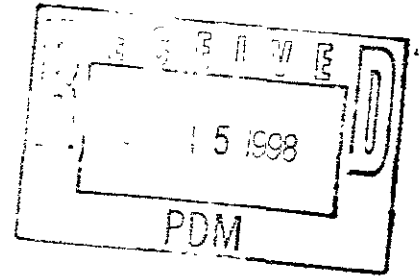


Printed with Soybean Ink
on Recycled Paper

STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286-5306
TELEPHONE 410-339-3910
FACSIMILE 410-339-3912
E-MAIL STUKAPLOW@AOL.COM



STUART D. KAPLOW

October 14, 1998

Via Hand Delivery

Department of Permits and Development Management
Attn: Mr. W. Carl Richards, Jr.
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: **Drop Off Filing of Petitions for Special Hearing and Variance
KKD/Belair Road, LLC by Heritage Properties**

OK
wca

Dear Carl:

Please accept for drop off (expedited) filing the following related petitions seeking to continue the existing business parking in a residential zone at 8012 Belair Road (be aware that the special hearing petition should likely be logged in 1st as it is only relevant if the alternate relief in the special hearing petition is necessary):

- 3 original Petitions for Special Hearing and 3 original Petitions for Variance;
- 12 copies of the Special Hearing Plat and 12 copies of the Variance Petition Plat;
- 3 legal descriptions for the Special Hearing and 3 for the Variance; and
- 2 checks payable to Baltimore County in the amount of \$250.

Your efforts at processing this petition and having this matter scheduled for a timely hearing are greatly appreciated.

There are no violations on this property. And be aware that while he has not yet seen this plan, Joe Merrey has reviewed plans for the related Krispey Kreme at 8010 Belair Road.

Thank you in advance for your courtesies. If there are any problems with this request, please have Sophie give me a call.

Sincerely,

Stuart D. Kaplow

SDK:tbm

cc: Mr. Richard Bechtold, Heritage Properties, Inc.

99-170-SPHA

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

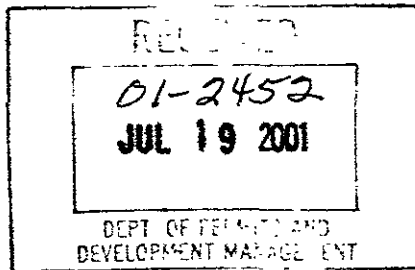
VENABLE
ATTORNEYS AT LAW

To: J... See Me 7/19/01
ASAP uca
OFFICES IN
MARYLAND
WASHINGTON, D.C. DEPT. ZCOW
VIRGINIA
YAC. TIL 7/23
msg to T.K.
7/24
Rev R.H.T.K. uca

Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

July 18, 2001



HAND DELIVERED

Mr. W. Carl Richards
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 99-170-SPHA - 8012 Belair Road

14TH ELECTION DISTRICT

Dear Carl:

With this letter, I am including a copy of the site plan for the above-referenced case that has been marked by hand by your technician to show the zoning line between the DR 5.5 and BL-AS zones to have been shifted slightly to the southeast. David Martin of G.W. Stephens, the property owner's engineer, has reviewed your technician's placement of the zoning line, and he agrees that relocation of the zone line is appropriate.

At this time, I am asking you to confirm that this slight shift in the zoning line has no impact of the zoning relief granted in Case No. 99-170-SPHA or on the use of the parking areas and drive-aisles, including the drive-thru window, as shown on the enclosed site plan. I have enclosed a copy of the site plan approved in that case and the order granting the necessary relief. Please let me know if you need any further information to issue the requested confirmation. If you agree with our analysis that the zoning line issue has no impact of the prior granted relief and will not impact use of the property, please confirm by countersigning the letter below.

With this letter, I have included a check in the amount of \$40.00 made payable to Baltimore County to cover any administrative costs associated with this request.

Mr. W. Carl Richards
July 18, 2001
Page 2

Very truly yours,

Robert A. Hoffman /PAH

Robert A. Hoffman

AGREED TO:

W. Carl Richards
W. Carl Richards 7/24/01

RAH/mar
Enclosures

TO1DOCS1/120259 v1

PLAN AND LTR COPY TO 99-170-A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DEBRA HETTLERMAN
Rick Beck ~~and~~

JAMES MARKE

SUSAN K. KAROW

THE MORLAN GROUP, LLC RG Berans Rd 21117
515 Fairmeadow Ave Towson Md 21286

G.W. STEPHENS JR, F ASSOC. INC,
658 KENILWORTH DRIVE, TOWSON, MD.

15 E CHESAPEAKE AVE ~~21286~~ 21286



HOTEL FULLERTON



SIX MILES FROM BALTIMORE
ON THE BELAIR ROAD

MEALS SERVED FROM 11 A. M. TO 11 P. M.

SEAFOOD DINNERS

A SPECIALTY

*CHICKEN and WAFFLE
DINNERS*

Also a la Carte Service

Tourists Accommodated

FOR GOOD, QUICK SERVICE CALL

BOULEVARD 1257

1751

FRANKLIN'S
HOTEL

2A

HISTORY OF THE BELAIR ROAD

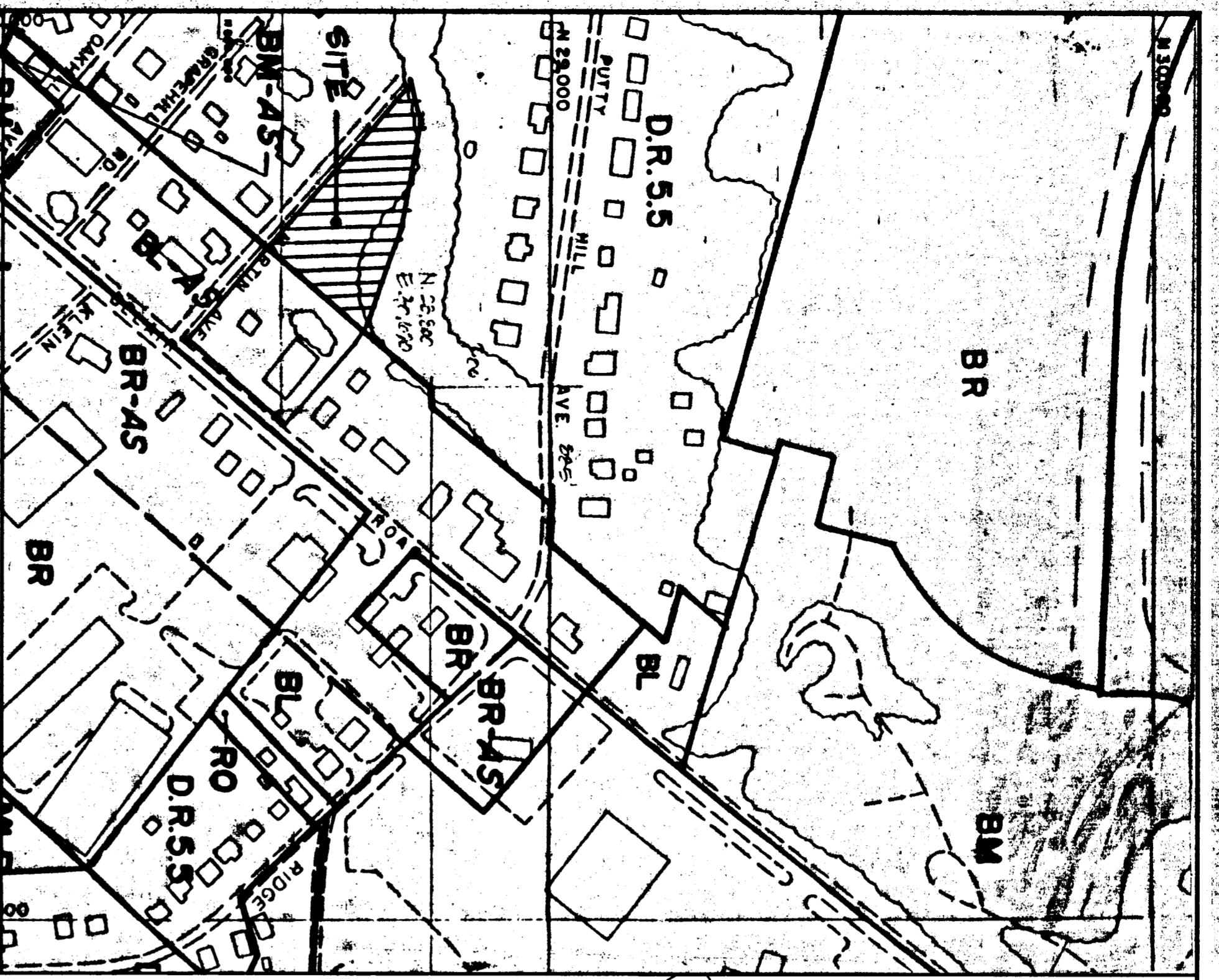
*Dedicated to the Boys who Served
in the World War*



Published under the auspices of the Belair Road
Improvement Association

2B

1925



SITE DATA

EXISTING ZONING: B-AS & DR-5.5
 PROPOSED ZONING: B-AS
 EXISTING USE: OFFICE
 PROPOSED USE: OFFICE
 FEDERAL ORGANIZATION: FEDERAL ORGANIZATION
 FEDERAL ACCOUNT NUMBER: 44700025
 AUXILIARY USES:

EX. BUILDING FLOOR AREA:
 TOTAL: 988,91 SF
FLOOR AREA RATIO:
 EXIST. BUILDING HEIGHT: 3
 EXIST. BUILDING HEIGHT: 3
 PARKING SPACE DIMENSIONS:
 Standard Space: 6.5' x 18'
 Handicap Space: 9' x 18'
 (All spaces to be permanently striped)

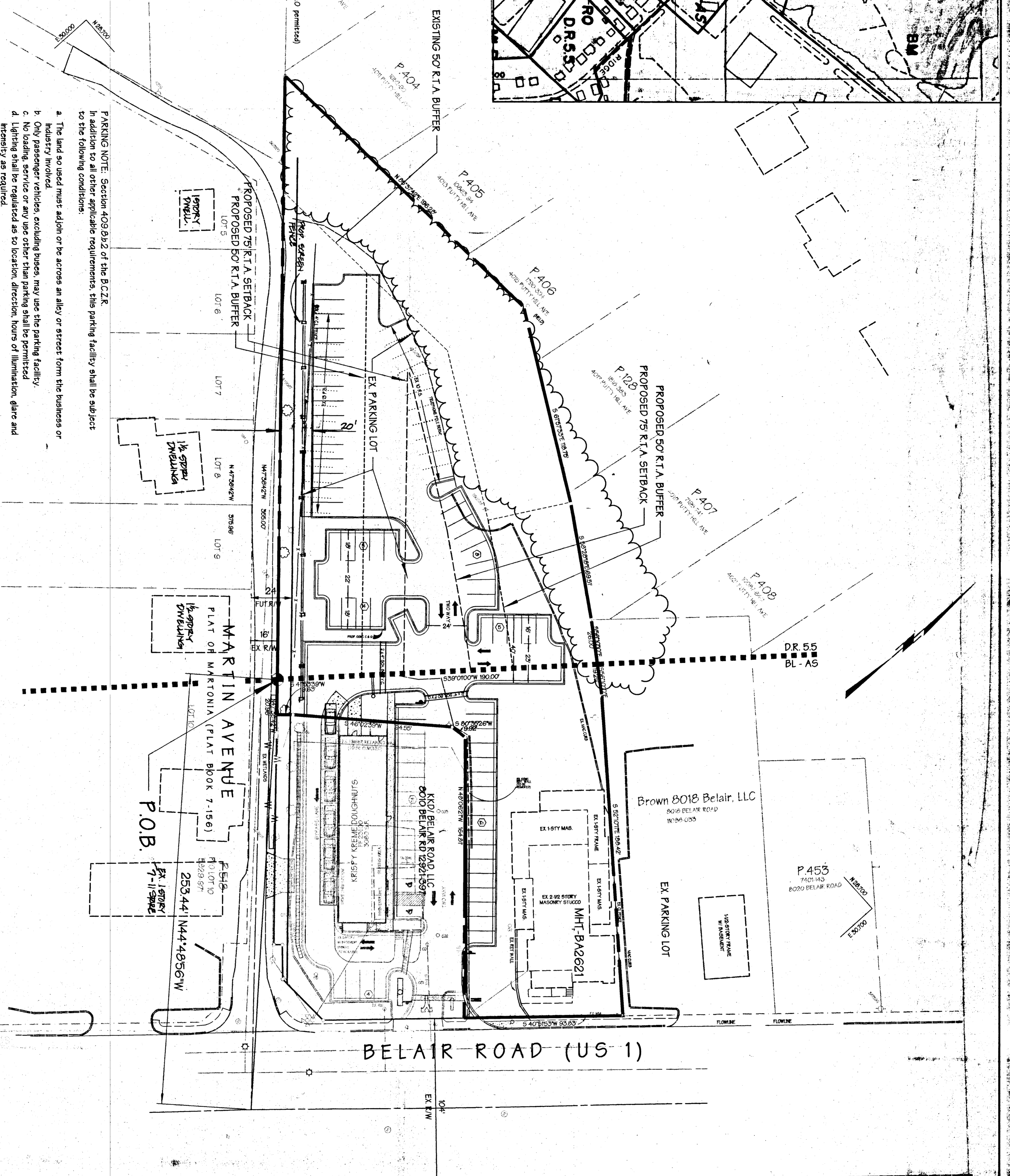
PARKING TABULATION

BUILDING USE TABULATION: 200000 SF
 MATERIAL OFFICES: 718891 SF (200 SEAT/19)
 AUDITORIUM: 53 SPACES / 1000 SF = 7 SPACES EXISTING
 MATERIAL OFFICES: 19 SPACE / 4 SEAT = 50 SPACES EXISTING
 AUDITORIUM:
 TOTAL PARKING REQUIRED: 57 SPACES EXISTING
 TOTAL PARKING PROVIDED: 60 SPACES

*A TOTAL OF 48 SPACES ARE LOCATED IN THE RESIDENTIAL ZONE

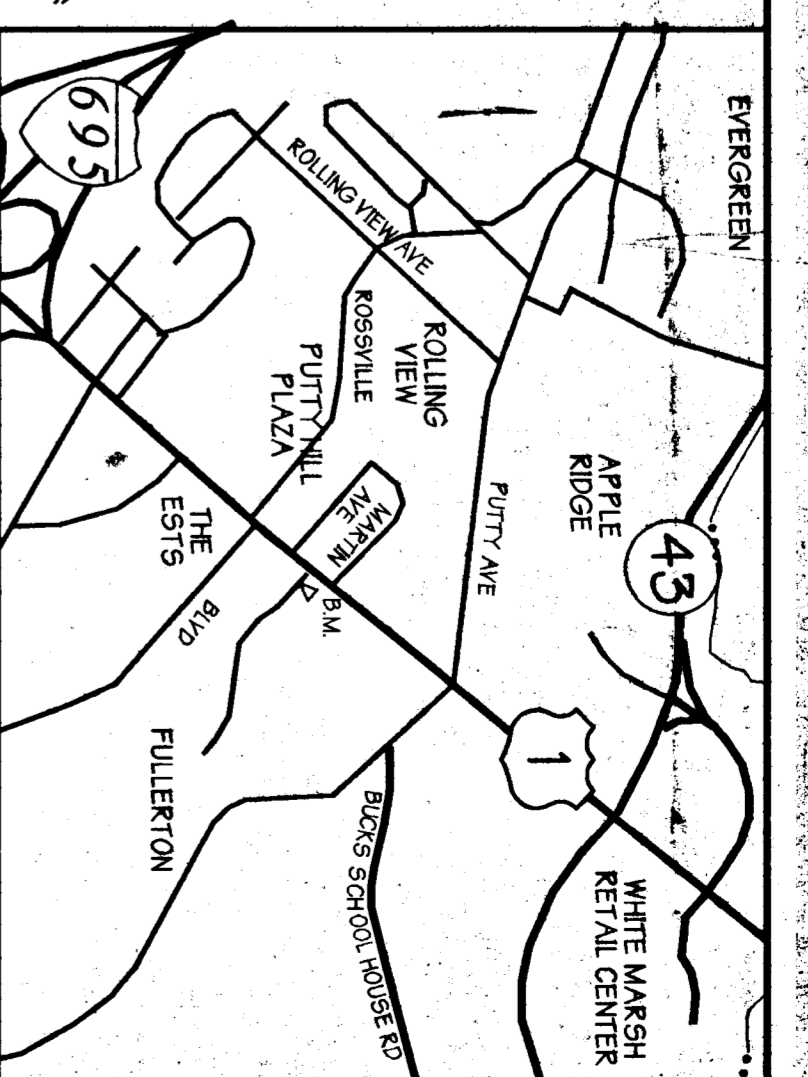
ZONING HISTORY: NA

PREVIOUS COMMERCIAL BUILDING PERMIT: NA



- PARKING NOTE:** Section 409.8.2 of the B.C.Z.R. In addition to all other applicable requirements, this parking facility shall be subject to the following conditions:
- The land so used must adjoin or be across an alley or street from the business or industry involved.
 - Only passenger vehicles, excluding buses, may use the parking facility.
 - No loading, service or any use other than parking shall be permitted.
 - Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity as required.
 - A satisfactory plan showing parking arrangement and vehicular access must be provided.
 - Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
 - Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

PLAN
 SCALE: 1" = 30'



LEGEND

- PROPERTY LINE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING CURB
- PROPOSED CURB
- EXISTING TIE LINE
- PROPOSED TIE LINE
- ZONING
- 100' TYPICAL CORNER
- WETLANDS
- POWER RIGHTS EASEMENT
- FB
- FB

SPECIAL HEARING

1. SPECIAL HEARING TO APPROVE THE CONTINUATION OF A NONCONFORMING USE PURSUANT TO B.C.Z.R. SEC. 104.1 THAT IS TO AFFORD THE EXISTING 48 BUSINESS PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT.

OR IN THE ALTERNATIVE

SPECIAL HEARING TO APPROVE A USE PERMIT PURSUANT TO B.C.Z.R. SEC. 409.8.B FOR 48 BUSINESS PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT.

AND IF THE USE PERMIT IS REQUIRED

2. A VARIANCE PURSUANT TO SECTION 1011.6.C OF THE BALTIMORE COUNTY ZONING REGULATIONS TO MODIFY A RESIDENTIAL TRANSITION AREA TO PERMIT A BUSINESS PARKING LOT WITH A 20 FOOT BUFFER AND A 20 FOOT SETBACK IN LIEU OF THE 50 FOOT BUFFER AND 75 FOOT SETBACK AS REQUIRED BY SECTION 1011.6(G).

PERMITTED USES

- GENERAL NOTES**
- ALL LIGHTING OF PARKING AREAS SHALL BE SO ARRANGED TO AVOID LIGHT POLLUTION FROM ADJACENT RESIDENTIAL STREETS AND PUBLIC STREETS.
 - THE PARKING LOT SHALL BE PROVIDED WITH A DURABLE AND DISTRESS SURFACE AND WILL BE PROPERLY DRAINED SO AS NOT TO ORIENT ANY UNDERSURFACE CONDITIONS.
 - ALL PARKING SPACES SHALL BE STRIPED AND MAINTAINED SO AS TO REMAIN VISIBLE.
 - THE PARKING LOT SHALL BE GREENED AND LANDSCAPING SHALL BE PROVIDED TO INTEGRATE WITH THE MOST RECENT DRAINAGE COUNTY LANDSCAPE MANUAL.

99-170-SPDHA

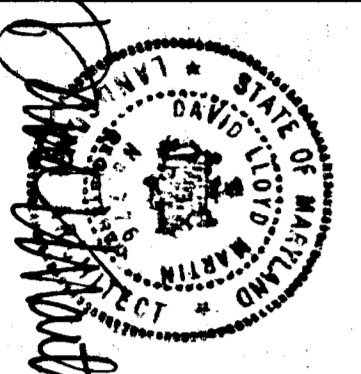
PLATT TO ACCOMPANY A SPECIAL HEARING & VARIANCE REQUEST FOR A USE PERMIT FOR BUSINESS PARKING IN A RESIDENTIAL ZONE

8012 BELAIR ROAD
 BALTIMORE COUNTY, MARYLAND

Election District 14
 Councilmatic District 6
 Scale: 1" = 30'

For
 Tax Map 81 - Parcel 74
 AUGUST 25, 1998
 Sheet 1 of 1

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 666 KENILWORTH DRIVE SUITE 100
 TOWSON, MARYLAND 21284
 (410) 825-8120



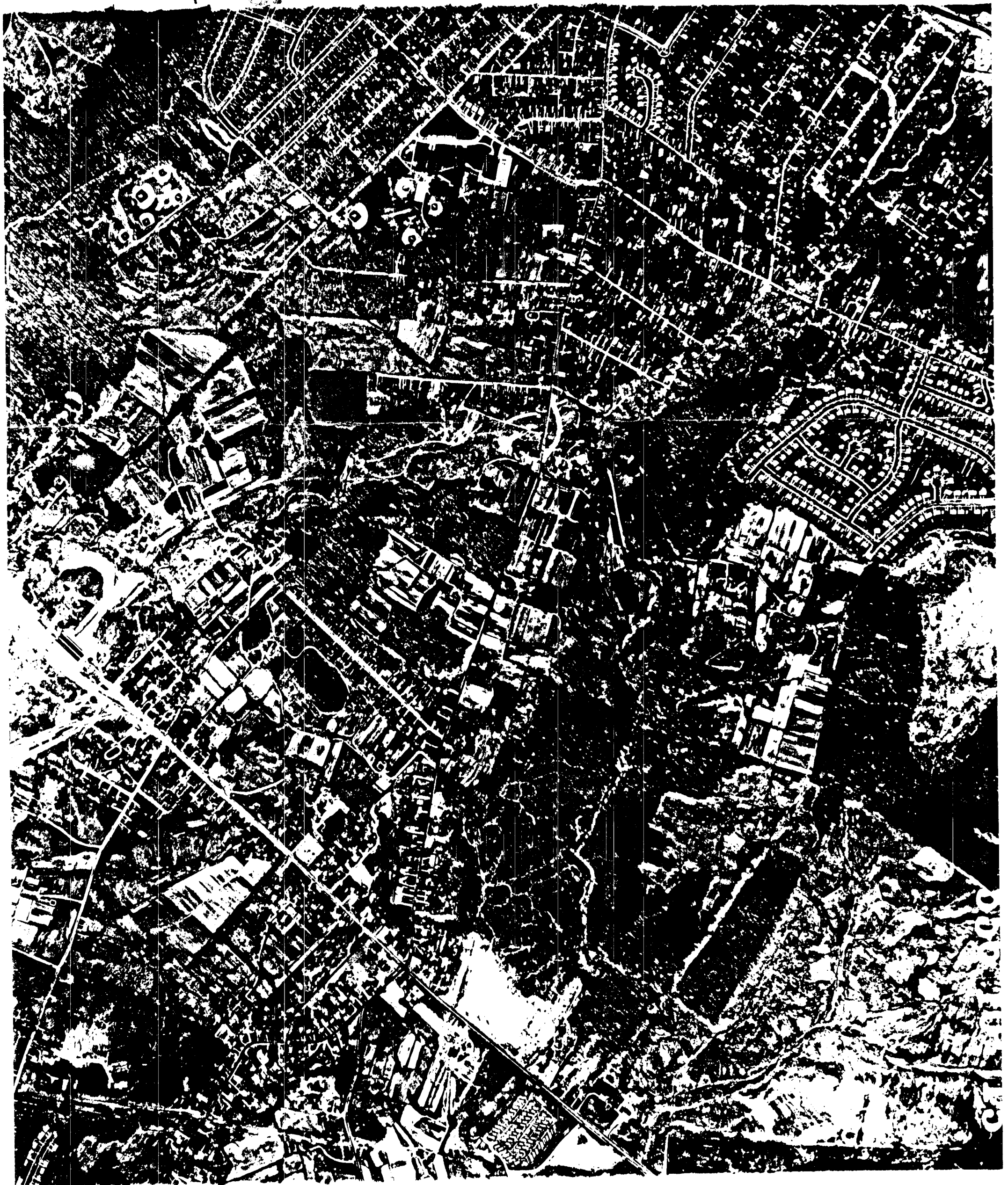
REVISIONS:
 SEPTEMBER 8, 1998 REVISED PARKING TABULATION
 OCTOBER 12, 1998 REVISED NOTES

OWNER
KKD / BELAIR ROAD, L.L.C.
 % HERITAGE PROPERTIES, INC.
 3100 WILSON AVENUE, SUITE 200
 TOWSON, MARYLAND 21286
 PHONE: 410-769-0100

2453



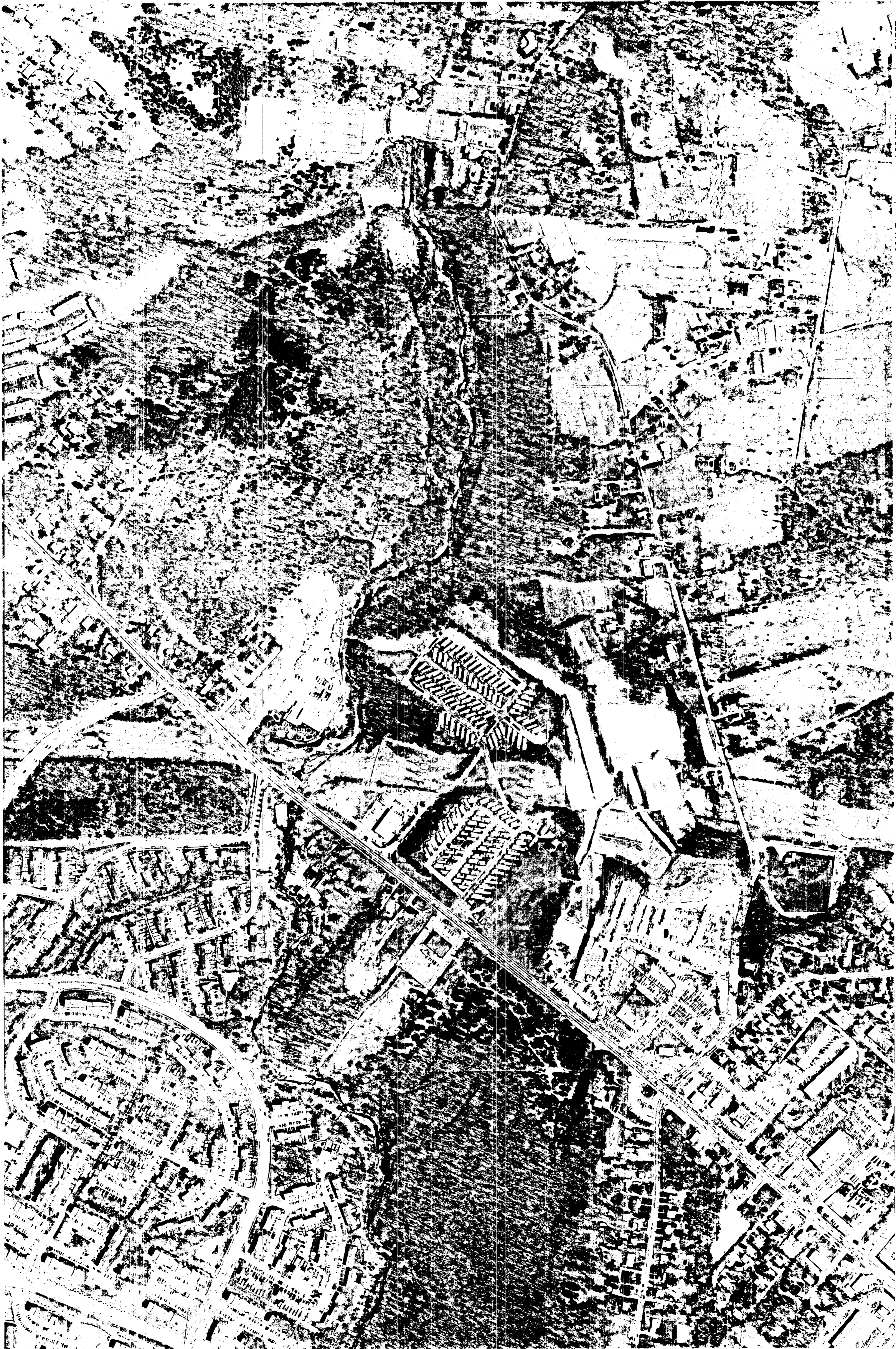
2453





LL61

5



SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1966

LOCATION
FULLERTON
N.E.
8-F

SHEET
PETITIONER'S
MAP
6

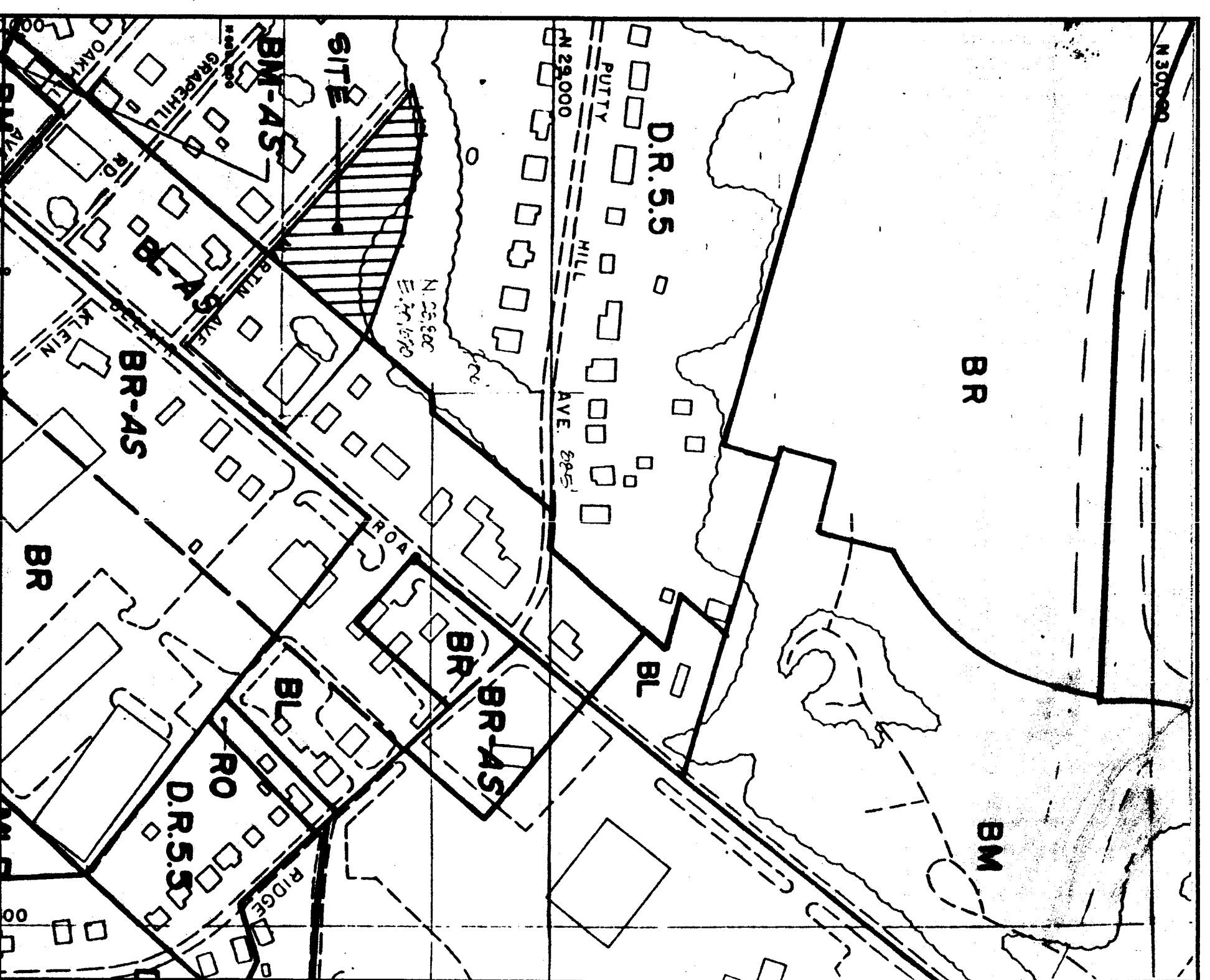
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401



Baltimore County GIS Services Unit Date of Photography: March 1995 Scale: 1 inch = 200 feet

Baltimore County Tile: 081c1



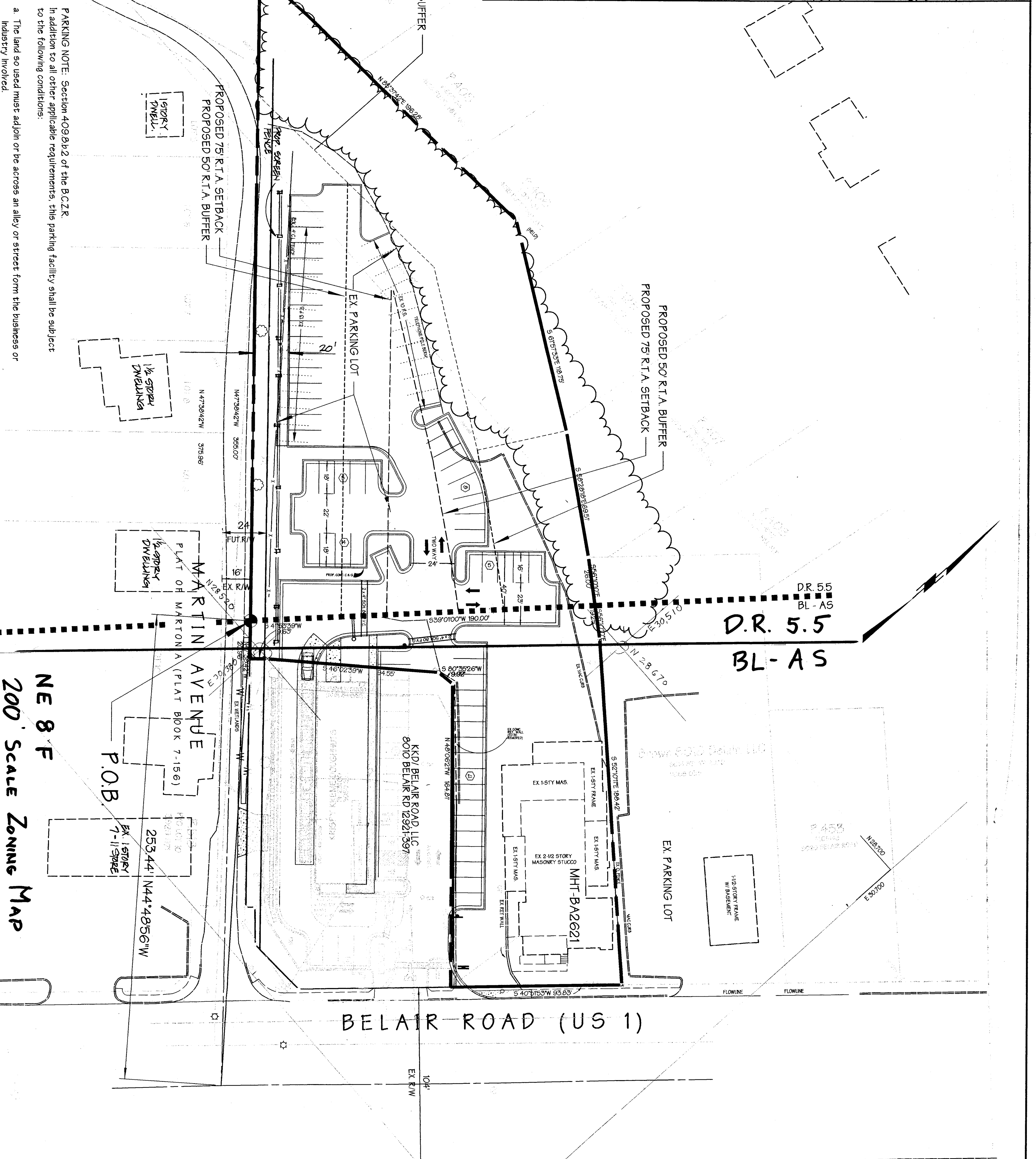
SITE DATA

EXISTING ZONING: B, AS & DR 5.5
 PROPOSED ZONING: NE 8-F
 DEED REFERENCE: 12345678
 TAX ACCOUNT NUMBER: 4070012345
 ANCILLARY USES: [None listed]

EX. BUILDING FLOOR AREA: 96681 SF
FLOOR AREA RATIO: 1
EXIST. BUILDING HEIGHT: 1
PARKING SPACE DIMENSIONS: 65' x 10' (Typical Space), 8' x 10' (Handicap Space)

PARKING TABULATION:
 BUILDING USE TABULATION: 20000 SF
 FRAGMENTAL OFFICES: 71889 SF (200 SEATS)
 PARKING TABULATION: 33 SPACES / 1000 SF = 7 SPACES EXISTING
 FRAGMENTAL OFFICES: 119 SPACE / 4 SEATS = 50 SPACES EXISTING
TOTAL PARKING REQUIRED: = 57 SPACES EXISTING
TOTAL PARKING PROVIDED: = 69 SPACES

*A TOTAL OF 48 SPACES ARE LOCATED IN THE RESIDENTIAL ZONE.



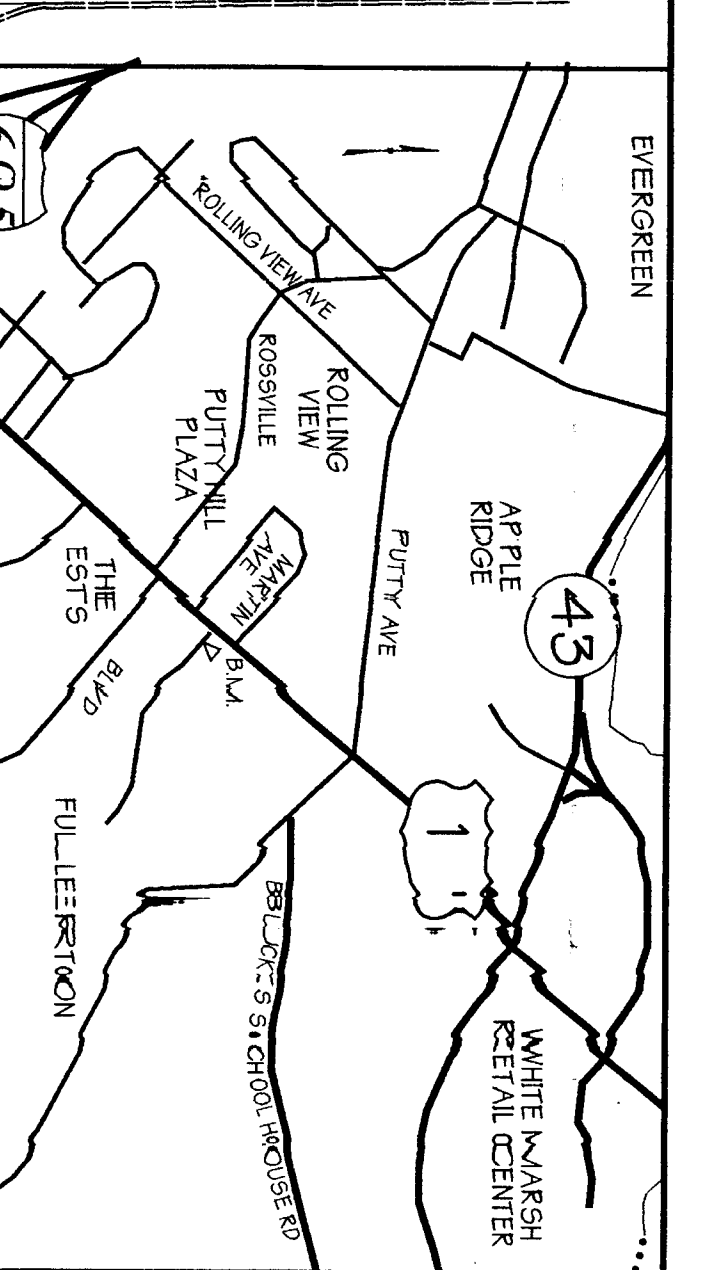
PARKING NOTE: Section 409.2b2 of the B.C.Z.R. In addition to all other applicable requirements, the parking facility shall be subject to the following conditions:

- The land so used must adjoin or be across an alley or street from the business or industry involved.
- Only passenger vehicles, excluding buses, may use the parking facility.
- No loading, service or any other than parking shall be permitted.
- Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity as required.
- A satisfactory plan showing parking arrangement and vehicular access must be provided.
- Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
- Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

GENERAL NOTES:

- ALL LIGHTING OF PARKING AREAS SHALL BE SO ARRANGED TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL LOTS AND PUBLIC STREETS.
- THE PARKING LOT SHALL BE PAVED WITH A DURABLE SURFACE AND TO BE MAINTAINED IN A SAFE AND SOUND CONDITION.
- ALL PARKING SPACES SHALL BE STRIPED AND MAINTAINED AS TO REMAIN VISIBLE.
- THE PARKING LOT SHALL BE SCENERY AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL.

SPECIAL HEARING:
 1. SPECIAL HEARING TO APPROVE THE CONTINUATION OF A NONCONFORMING USE, PURSUANT TO B.C.Z.R. SEC. 104-1, THAT IS TO APPROVE THE EXISTING 48 BUSINESS PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT.
 OR, IN THE ALTERNATIVE:
 SPECIAL HEARING TO APPROVE A USE PERMIT PURSUANT TO B.C.Z.R. SEC. 409.2b FOR 48 BUSINESS PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT.
 AND, IF THE USE PERMIT IS REQUIRED,
 2. A VARIANCE PURSUANT TO SECTION 101.1b, OF THE BALTIMORE COUNTY ZONING REGULATIONS TO MODIFY A RESIDENTIAL TRANSPORTATION AREA TO PERMIT A BUS INESS PARKING LOT WITH A 20 FOOT BUFFER AND A 50 FOOT SETBACK IN LIEU OF THE 5-0 FOOT BUFFER AND 75 FOOT SETBACK AS REQUIRED BY SECTION 101.1b(4e).



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 688 KENILWORTH DRIVE SUITE 100
 TOWSON, MARYLAND 21284
 (410) 828-8120

REVISIONS:
 SEPTEMBER 6, 1998 REVISED PARKING TABULATION
 OCTOBER 12, 1998 REVISED NOTES

OWNER:
KKD / BELAIR ROAD, L.L.C.
 % HERITAGE PROPERTIES, INC.
 515 FARMOUNT AVENUE
 TOWSON, MARYLAND 21286
 PHONE: 410-769-6100

8012 BELAIR ROAD,
 BALTIMORE COUNTY, MARYLAND

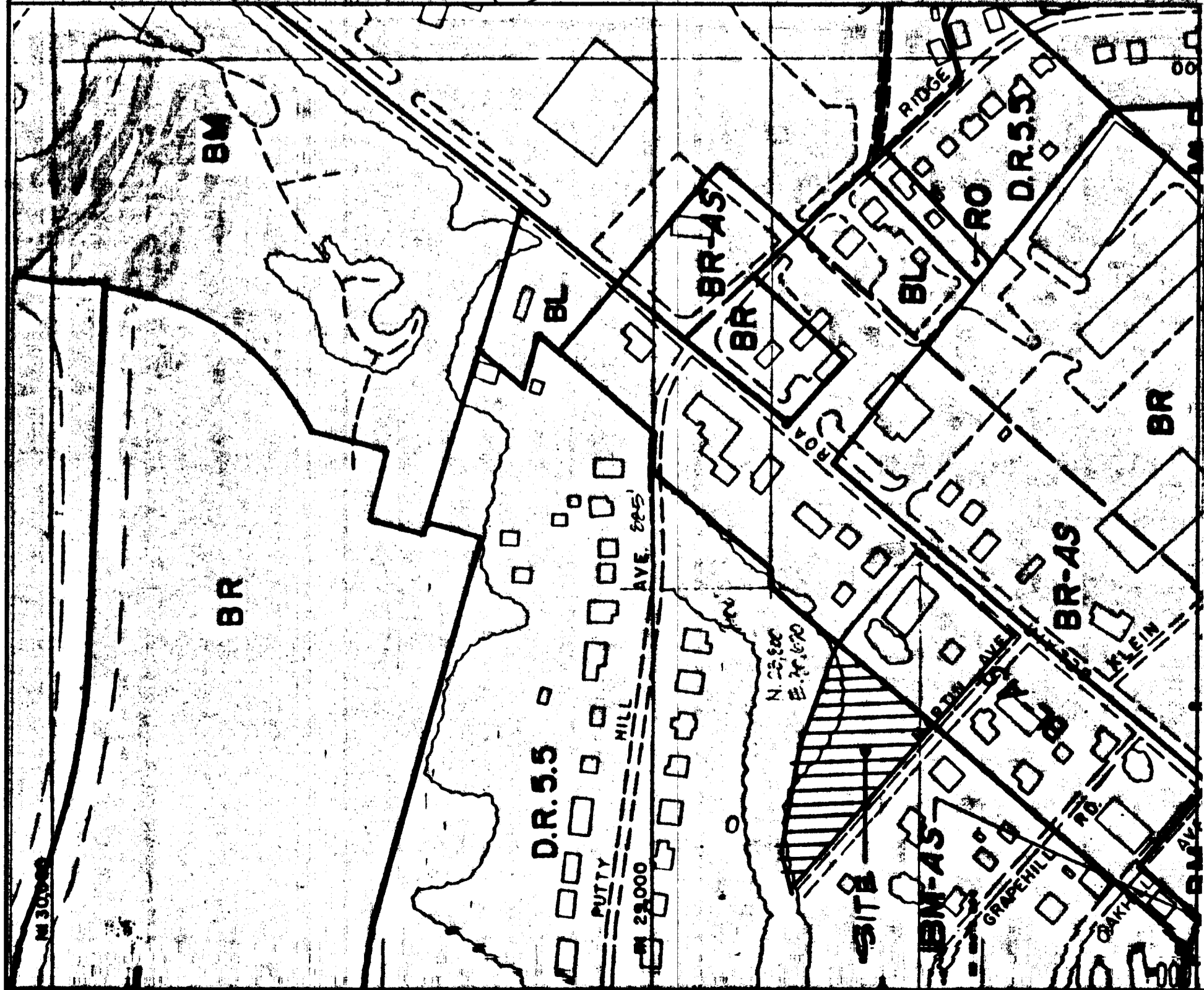
99-170-SPHAR

PLAT TO ACCOMPANY A SPECIAL HEARING FOR A VARIANCE REQUEST FOR A USE PERMIT FOR BUSINESS PARKING IN A RESIDENTIAL ZONE

Iron Stewart
 Zoning Commissioner
 BALTIMORE COUNTY, MARYLAND

Election District 14
 Councilmanic District 6
 Scale: 1" = 30'

Tax Map 81 - Parcel 417
 AUGUST 25, 1995
 Sheet 1 of 1

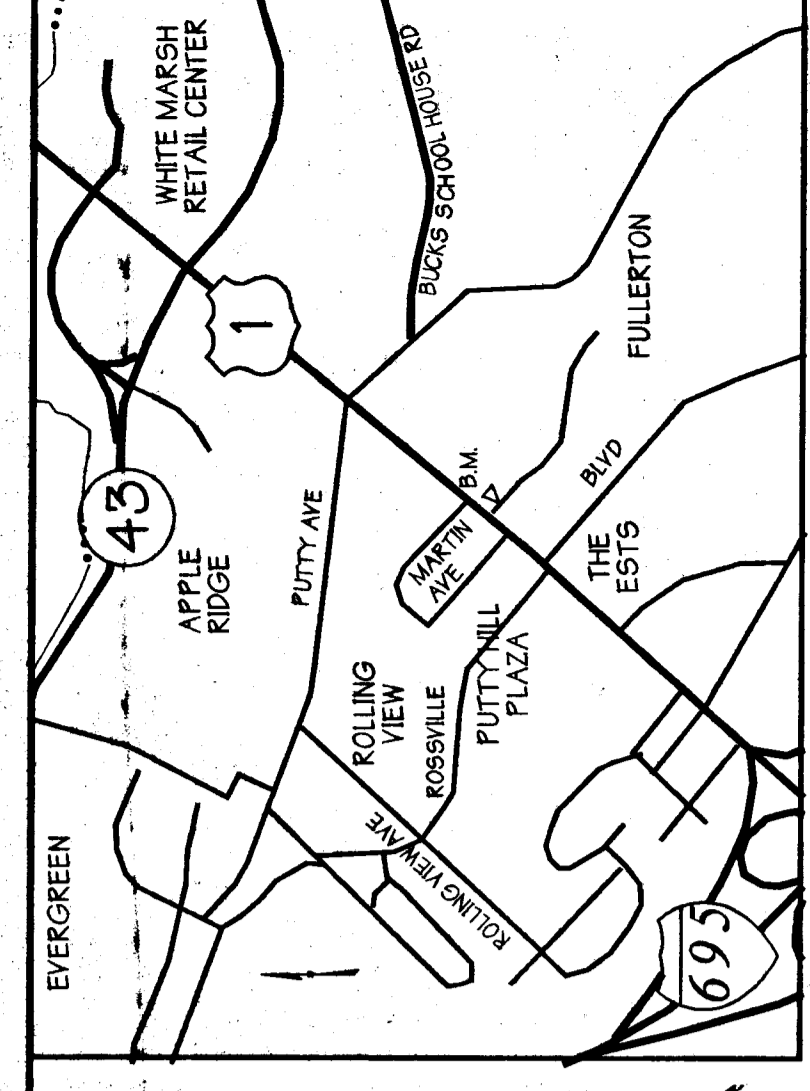


PART OF ZONING MAP N.E. 8-F
SCALE: 1" = 200'

SITE DATA

SITE AREA	159 AC ±
EXISTING ZONING	BL-AS & DR-55
EXISTING USE	FRATERNAL ORGANIZATION
PROPOSED USE	FRATERNAL ORGANIZATION
DEED REFERENCE	12834149
TAX ACCOUNT NUMBER	-40700325
ANCILLARY USES	
EX. BUILDING FLOOR AREA:	9169.91 SF
FLOOR AREA RATIO	9169.91 SF / 20,005.22 SF = 0.44 (3.0 permitted)
EXIST. BUILDING HEIGHT	0.5' x 10'
PARKING SPACE DIMENSIONS:	8' x 10'
Typical Space	
Handicap Space	(All spaces to be permanently striped)
PARKING TABULATION	
BUILDING USE TABULATION:	2,000.00 SF
FRATERNAL OFFICES:	7,169.91 SF (200 SEATS)
AUDITORIUM:	
PARKING TABULATIONS:	33 SPACES / 1000 SF = 7 SPACES EXISTING
FRATERNAL OFFICES:	15 SPACE / 4 SEATS = 50 SPACES EXISTING
AUDITORIUM:	
TOTAL PARKING REQUIRED:	= 57 SPACES EXISTING
TOTAL PARKING PROVIDED:	= 66 SPACES

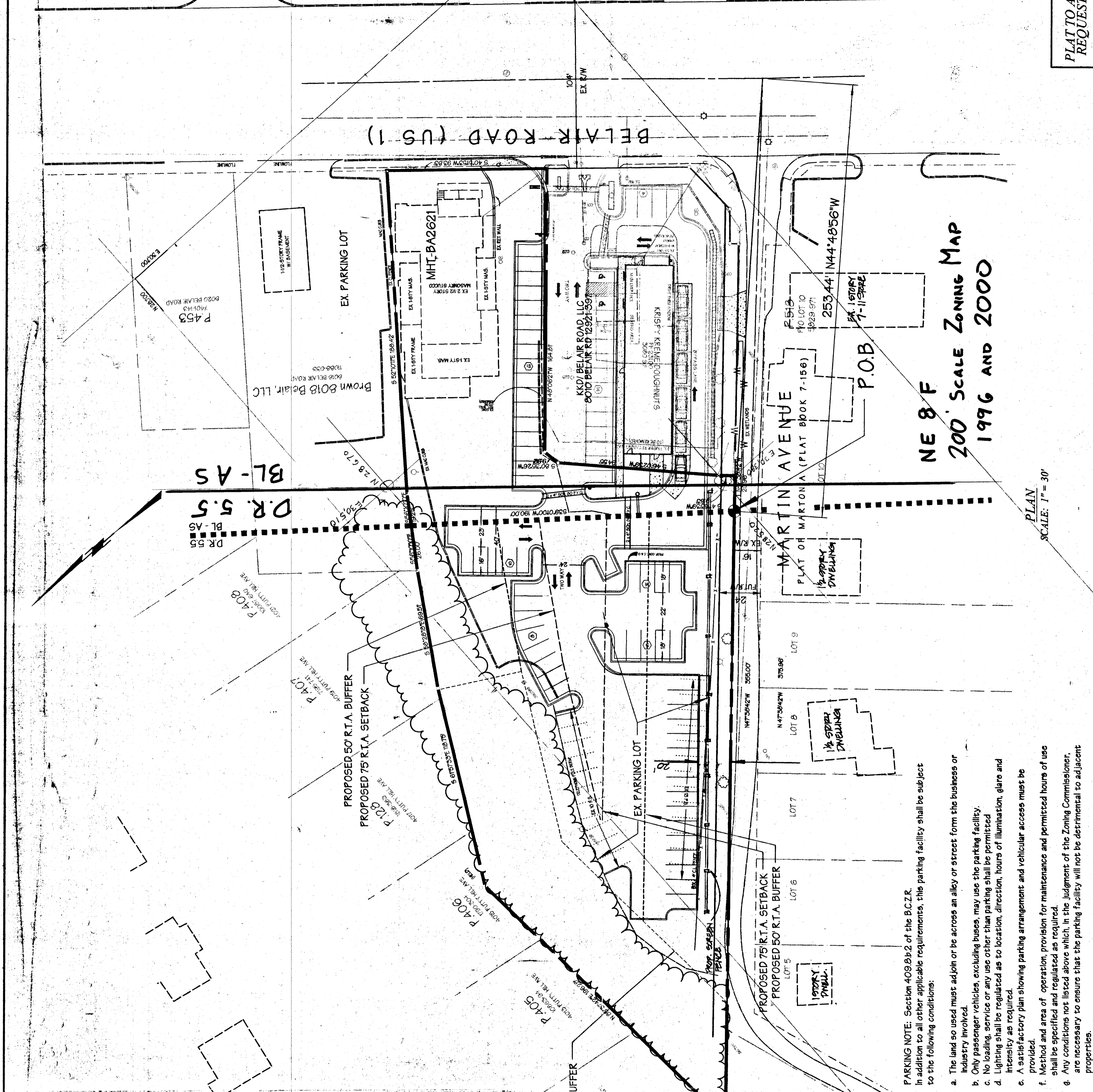
*A TOTAL OF 49 SPACES ARE LOCATED IN THE RESIDENTIAL ZONE.



VICINITY MAP
SCALE: 1" = 1000'

LEGEND

PROPERTY LINE	---
EXISTING CONTOURS	~~~~~
PROPOSED CONC. C&G	---
EX. CONC. C&G	---
EXISTING TREE LINE	~~~~~
SOILS	---
ZONING	---
500 YEAR FLOODPLAIN	---
WETLANDS	---
FOREST BUFFER EASEMENT	---



PLAN
SCALE: 1" = 30'

NE 8 F
200' SCALE ZONING MAP
1996 AND 2000

SPECIAL HEARING

1. SPECIAL HEARING TO APPROVE THE CONTINUATION OF A NONCONFORMING USE PURSUANT TO B.C.Z.R. SEC. 10A.1, THAT IS TO APPROVE THE EXISTING 48 BUSINESS PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT.

OR IN THE ALTERNATIVE,

SPECIAL HEARING TO APPROVE A USE PERMIT, PURSUANT TO B.C.Z.R. SEC. 409.8B, FOR 48 BUSINESS PARKING SPACES IN A RESIDENTIAL ZONING DISTRICT.

AND IF THE USE PERMIT IS REQUIRED,

2. A VARIANCE PURSUANT TO SECTION 10B(1)B OF THE BALTIMORE COUNTY ZONING REGULATIONS TO MODIFY A RESIDENTIAL TRANSITION AREA TO PERMIT A BUSINESS PARKING LOT, WITH A 20 FOOT BUFFER AND A 20 FOOT SETBACK IN LIEU OF THE 50 FOOT BUFFER AND 75 FOOT SETBACK, AS REQUIRED BY SECTION 10B(1)B(1)(c).

GENERAL NOTES

- ALL USES OF PARKING AREAS SHALL BE SO ARRANGED TO REFLECT THE TRAFFIC FROM ADJACENT RESIDENTIAL STREETS AND PUBLIC STREETS.
- THE PARKING LOT SHALL BE PROVIDED WITH A DURABLE AND DUSTLESS SURFACE AND WILL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
- ALL PARKING SPACES SHALL BE STRIPED AND MAINTAINED SO AS TO REMAIN VISIBLE.
- THE PARKING LOT SHALL BE SCREENED AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL.

99-170-SPHA

PLAT TO ACCOMPANY A SPECIAL HEARING & VARIANCE REQUEST FOR A USE PERMIT FOR BUSINESS PARKING IN A RESIDENTIAL ZONE

for
8012 BELAIR ROAD,
BALTIMORE COUNTY, MARYLAND

Election District 14
Councilmanic District 6
Scale: 1" = 30'

Tax Map 81 - Parcel 74
AUGUST 25, 1998
Sheet 1 of 1

OWNER
KKD / BELAIR ROAD, L.L.C.
% HERITAGE PROPERTIES, INC.
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REVISIONS:
SEPTEMBER 8, 1999 REVISED PARKING TABULATION
OCTOBER 12, 1999 REVISED NOTES.

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