9/19/07

IN RE: PETITION FOR SPECIAL EXCEPTION

N/S of Liberty Road, 758 ft. W centerline of Marriottsville Road

2nd Election District
4th Election District
(2000 Liberty Bood)

(9980 Liberty Road)

DP Limited Partnership
By: Bruce I. Levine, Director of
Commercial Real Estate

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-012-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, DP Limited Partnership by Bruce I. Levine, Director of Commercial Real Estate. The Petitioner is requesting a special exception for property located at 9980 Liberty Road in Baltimore County. The special exception request is to allow a community building (catering hall) pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The property was posted with Notice of Hearing on August 15, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 16, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]

FOR RECOVED FOR RES

- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated August 30, 2005, a copy of which is attached hereto. A ZAC comment was also received from the Fire Department dated July 14, 2005, a copy of which is attached hereto.

Interested Persons

Appearing at the hearing on behalf of the special exception request were Bob Rosenfelt, professional engineer with Colbert, Matz & Rosenfelt, Bruce Levine for DP Limited Partnership and Steven and Timothy Amoky, lessee Petitioners. Arnold Jablon, Esquire and David H. Karceski, Esquire represented the Petitioner. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Karceski proffered that this property is approximately 9.8 acres, more or less and zoned BL-CCC. This property is improved by the Kings Point Square Shopping Center located at the intersections of Marriotsville Road, Liberty Road and Deer Park Road. This center is anchored by a Food Lion food store as the primary tenant. The Amokys would like to operate a catering hall for birthdays, weddings, and the like in an existing tenant space in the shopping center as shown on Petitioner's Exhibit 1. They operate a similar facility in Hyattsville and

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believe that they have the experience to operate another facility successfully. All events would be within the building and not out on the common area of the shopping center or parking lot.

Mr. Karceski indicated that the area surrounding the shopping center was commercial with a bowling alley, convenience store, fuel service stations and another shopping center in the immediate vicinity. He noted that this center was undergoing extensive renovations, and after further consultation, the Planning Office revised its ZAC comment leaving landscaping up to the shopping center owner rather than requiring landscaping along all three road frontages.

Approximately 128 parking spaces will be provided for the catering hall as shown on Exhibit 1. These spaces are located in the westerly parking field which is somewhat separated from the Food Lion parking field. These spaces will be shared with the other tenants of the center. Mr. Karceski indicated that the hours of operation for the office functions of the catering hall will be 11:00 AM to 7:00 PM. Most of the events will be in the evening between 8:00 PM and 2:00 AM. He opined that this was compatible with the needs for parking for the other tenants in the shopping center, particularly noting the office and institutional uses in the center.

Initially, the Petitioner indicated that the center provides 778 parking spaces overall while 741 spaces are required. Upon further review, however, the Petitioner reduced the number of spaces provided to 776 spaces. See Petitioner's Exhibit 1A. These spaces include the adjacent parking field for the bowling alley which the Petitioner also owns which shares parking with the center. Mr. Jablon indicated that he was personally familiar with the shopping center and that parking never has been a problem even at the peak of food shopping.

Mr. Karceski requested that the special exception not be limited to the specific tenant space #10 as shown on Exhibit 1. He indicated that the Amokys would likely outgrow this space and would then move to larger quarters within the center. He did not want them to have to come back for a hearing on the new location. Rather, he requested the special exception be applicable anywhere within the 9.8 acre tract, assuming the new space did not trigger a need for

a parking variance. In the alternative, he proposed to limit the special exception to the western portion of the center.

Mr. Karceski indicated that Mr. Rosenfelt would testify that the plan met all criteria of Section 502.1 of the B.C.Z.R. He noted that there will be no adverse impact on the community since all events will be conducted inside the building, the tenant space will be brought up to code including fire codes, and there is a surplus of parking at the center considering that most catering events would be in the evening.

Findings of Fact and Conclusions of Law

I find that the special exception request for a catering hall at this location, as shown on Petitioners' Exhibit No. 1, is allowed by special exception pursuant to Section 230.13 of the B.C.Z.R.. I further find that the use of the tenant space as a catering hall will not have an adverse impact on the community and meets the criteria of Section 502.1.

However, in regard to the request that the special exception be granted over the entire 9.8 acres, I am not convinced that this request should be granted. As discussed at the hearing, the western and eastern parking fields are somewhat separate. I am concerned that if the facility were relocated to the Food Lion portion of the center and a large wedding reception occurred, there may be a parking problem in spite of the proffer that the shopping center and bowling alley overall have sufficient parking. Consequently, I will grant the Petitioner the flexibility to relocate in tenant spaces 10 through 14 without having a hearing to modify the site plan provided that the new location does not trigger a need for a parking variance for the center.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's request for special exception should be granted.

THEREFORE, IT IS ORDERED, this <u>19</u> day of September, 2005, by the Deputy 2001 Commissioner, that the Petitioner's special exception request to allow a community

building (catering hall) pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein.

- 1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Petitioners may relocate in tenant spaces 10 through 14 as shown on Exhibit 1A without having a hearing to modify the site plan provided that the new location does not trigger a need for a parking variance for the center.
- 3. All catering events shall be held within the building and shall not spill out on the common area of the center or parking lots;
- Compliance with the ZAC comment received from the Fire Department dated July 14, 2005, a copy of which is attached hereto;
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

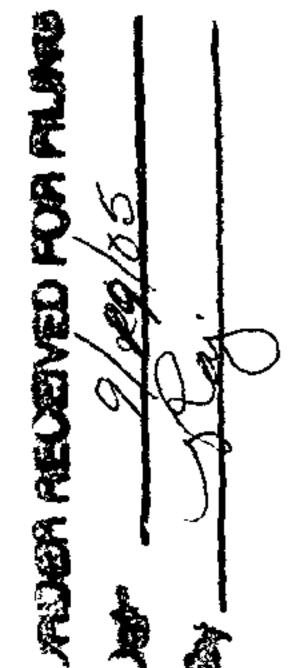
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



12/19/05

IN RE: PETITION FOR SPECIAL EXCEPTION

N/S of Liberty Road, 758 ft. W centerline of Marriottsville Road 2nd Election District 4th Councilmanic District

(9980 Liberty Road)

DP Limited Partnership

By: Bruce I. Levine, Director of Commercial Real Estate

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-012-X

ORDER ON JOINT MOTION FOR REMAND

This matter comes before this Zoning Commissioner on remand, pursuant to the Order issued by the Baltimore County Board of Appeals on November 30, 2005.

By way of background, the owners of the subject property, DP Limited Partnership, filed a Petition for Special Exception to allow a community building (catering hall) on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). Following the public hearing held on August 31, 2005, I granted the special exception request, subject to certain terms and conditions, by Order dated September 19, 2005. Subsequently, on October 11, 2005, Counsel for the Petitioners filed a timely Motion for Reconsideration, requesting clarification and modification of Conditions 2 and 3 of the Order relative to tenant parking spaces and ownership of the bowling alley. During the course of these proceedings, the Office of People's Counsel filed a timely appeal of my September 19, 2005 decision. Apparently, Counsel for Petitioners failed to notify the Office of People's Counsel of the Motion for Reconsideration.

In an effort to resolve the issues between the parties, the Office of People's Counsel and Counsel for the Petitioners agreed to remand this matter to the undersigned Deputy Zoning Commissioner for the purpose of incorporating the settlement agreement enumerated within the Joint Motion for Remand. Pursuant to the Motion for Reconsideration filed by the Office of

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People's Counsel on December 5, 2005, the parties request that my original Order issued on September 19, 2005 and my subsequent Order on the Motion for Reconsideration filed by Counsel for the Petitioners, dated November 9, 2005, be AMENDED to incorporate the terms and conditions enumerated in the Joint Motion to Remand filed by the parties on November 30, 2005.

NOW THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19 day of December, 2005 that the Order issued on September 19, 2005 and the Order on the Motion for Reconsideration dated November 9, 2005 be and the same are hereby AMENDED to incorporate the following additional terms and conditions:

- 1. The Petitioner agrees to make good faith efforts to have its catering hall accommodate reasonably area community associations and civic organizations and shall offer meeting space at no charge to area community associations and groups at a minimum of NINE (9) dates during any calendar year for their use for association meetings and events, to be provided and limited to Mondays through Thursdays only;
- 2. The catering hall does not have to consent to any date requested by a community association or organization if it conflicts with a scheduled event; but shall attempt reasonably to accommodate requests;
- 3. The catering hall agrees and acknowledges that it will provide reasonable notice to the area community associations and civic organizations by mail of the availability of its hall for such meetings, including but not limited to the Liberty Road Community Council and associations identified in Exhibit A, attached hereto;
- 4. The Petitioner and the catering hall operator agree(s) to keep records of notices, correspondence, and implementation of community events, which records shall be available in order to implement the provisions herein;
- 5. These conditions shall apply to the operator of the catering hall, Petitioner, any successor, any tenant, and any other user of this property as a catering hall. Petitioner and the catering hall tenant are both responsible for compliance with these conditions; and
- 6. The parties will request that the Deputy Zoning Commissioner transmit a copy of his final Order upon remand to the Liberty Road Community Council and other associations identified in Exhibit A.

IT IS FURTHER ORDERED that but for the amendments outlined in the settlement agreement, all other terms and conditions of the Orders issued September 19, 2005 and November 9, 2005 shall remain in full force and effect.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw

Community Association near
Marriottsville Rd. + Liberty Rd.
Liberty Road Community Council
2137 Liberty Rd.
Bultinore, Md. 21207

Hollbrook Assn.
Hernwood Heights Assn.
Ka Ri assn.
Lyons Manor
Twelve Tree
Woodridge
Deer Park Apartments

Kings Park Assn.

Kings Park Assn.

Whitehoust

Village of Wintersat

ReNew

Greater Patapses Comm Assn.

Greater Patapses

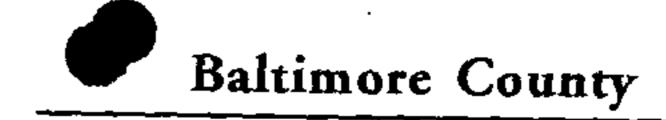
PADER RECEIVED FOR FILING

Exhibit A

Zoning Commissione

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

December 19, 2005

Arnold Jablon, Esquire David H. Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

Peter Max Zimmerman Carole S. Demilio Office of People's Counsel 400 Washington Avenue Old Courthouse, Room 47 Towson, Maryland 21204

Re: Order on Joint Motion for Remand

Case No. 06-012-X

Property: 9980 Liberty Road

Dear Messrs. Jablon, Karceski and Zimmerman and Ms. Demilio:

Enclosed please find the decision rendered in the above-captioned case. The Order on Joint Motion for Remand has been approved in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:diw Enclosure

c: Rob Rosenfelt, Colbert, Matz & Rosenfelt, 2835-G Smith Ave., Baltimore, MD 21209 Bruce Levine, DP Limited Partnership, 25 Hooks La., Balto., MD 21208 Steven & Timothy Amoky, The Mirage Hall, 1401 University Blvd., Hyattsville, MD 20783

William Obriecht, Zoning Committee, Liberty Road Community Council, 2137 Liberty Road, Baltimore, MD 21207



RE: PETITION FOR SPECIAL EXCEPTION

N/S of Liberty Road, 758 ft. W

Centerline of Marriottsville Road

2nd Election & 4th Councilmanic Districts

Legal Owner(s): DP Limited Partnership

Bruce I. Levine, Director of Commercial

Real Estate

Petitioner

FOR

BALTIMORE COUNTY

BEFORE THE COUNTY

BOARD OF APPEALS

Case No. 06-012-X

REMAND ORDER TO ZONING COMMISSIONER

This matter comes before this Board on appeal in filed by the People's Counsel for Baltimore County from a decision of the Deputy Zoning Commissioner dated 19 September 2005 in which the subject request for special exception for a community building (catering hall) was approved. In the instant matter, People's Counsel filed a timely appeal to this Board.

On November 30, 2005, the parties submitted a Joint Motion for Remand. The purpose of the Motion is to afford the Deputy Zoning Commissioner the opportunity to consider adding conditions imposed by his approval of the special exception.

Upon consideration of said request for REMAND, therefore, it is this _7 day of _______, 2005, by the Board of Appeals of Baltimore County

ORDERED that said request be and is hereby GRANTED; and it is further

ORDERED that the above captioned case is REMANDED to the Deputy Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purposes stated in the Joint Motion for Remand.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

WHANEE M. SPAHL, CHAIRMAN

MIKE MOHLER

EDWARD W. CRIZER/JR

FILE)

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

File

DATE: January 6, 2006

FROM:

Debbie Wiley

Zoning Commissioner's Office

SUBJECT:

Case No. 06-012-X

Order on Joint Motion for Remand

DP Limited Partnership by Bruce I. Levine

Term/Condition #6 of the Order on Joint Motion for Remand, dated 12/19/05,

Exhibit A, Hand-Written List of Community Association Addresses

Since #6 of the terms/conditions of the Order requests that the Deputy Zoning Commissioner transmit a copy of the final Order to the Liberty Road Community Council and other associations identified in Exhibit A, and I could not obtain these addresses from either Rebecca of People's Counsel or Mr. William Obriecht, Zoning Committee, of the Liberty Road Community Council, Jack suggested that I forward these packets back to People's Counsel, which was forwarded today.

I spoke to Mr. William Obriecht, Zoning Committee, Liberty Road Community Council, since his letter was returned from the post office. Apparently, he wrote his address incorrectly on the hand-written list, and his understanding is that the council's will meet soon and he will have the addresses soon. I advised him that no one referenced from Exhibit A, including him, has received a packet and that the Order was dated 12/19/05 and that the packets were being forwarded to People's Counsel.

I also spoke to Rebecca from People's Counsel before forwarding these packets to alert her of the above.





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204 RECEIVED

DEC - 5 2005

PETER MAX ZIMMERMAN People's Counsel 410-887-2188 Fax: 410-823-4236

7) WG COVICAROLE S. DEMILIO
Deputy People's Counsel

December 5, 2005

John V. Murphy, Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re:

DP Limited Partnership by Bruce Levine, Director of Real Estate - Petitioner

Case No: 06-012-X

Dear Mr. Murphy:

Please accept this letter as a Rule 4K Motion for Reconsideration of the Order on Motion for Reconsideration dated November 9, 2005. This order dated November 9, 2005 was filed while the case was pending on this office's appeal at the County Board of Appeals. Petitioner did not send our office a copy of its motion for reconsideration, and we were unaware of it.

In any event, to resolve the issues which concerned our office, we had discussions with counsel for Petitioner. These resulted in a proposed resolution which is embodied in the enclosed Joint Motion for Remand, which is self-explanatory. After the anticipated CBA remand order, we respectfully suggest that you file an order which implements the remand and also addresses the separate conditions in the November 9th and incorporated September 19th orders. Please advise our office of a proposed hearing date on these matters.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Semillo/Alm

Carole S. Demilio

Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: Arnold Jablon, Esquire

William Obriecht, Zoning Committee, Liberty Road Community Council

RE:

PETITION FOR SPECIAL EXCEPTION

BEFORE THE COUNTY

N/S of Liberty Road, 758 ft. W

BOARD OF APPEALS

Centerline of Marriottsville Road

FOR

2nd Election & 4th Councilmanic Districts Legal Owner(s): DP Limited Partnership Bruce I. Levine Director of commercial

Real Estate

Case No. 06-0

BALTIMORE COU

NOV 3 0 2005

BALTIMORE COUNTY **BOARD OF APPEALS**

JOINT MOTION TO REMAND

People's Counsel for Baltimore County and Petitioner, by its attorneys Arnold Jablon and David H. Karceski and Venable, LLP, move to remand this case to the Zoning Commissioner, and state as follows:

Petitioner

- People's Counsel appealed the 19th September 2005 approval of the special exception in Case 06-012 X. The special exception request is to permit a community building (catering hall) pursuant to §230.13 of the Baltimore County Zoning Regulations. The reason for the appeal is People's Counsel's concern that the community catering hall partake of the character of civic, social, recreational and educational activities referred to in BCZR 230.13.
- The parties desire to achieve a reasonable settlement of their differences. 2.
- The subject site consists of approximately 9.8 acres, more or less, and is zoned 3. BL-CCC. This property is improved by the Kings Point Shopping Center located at the intersections of Marriottsville Road, Liberty Road and Deer Park Road. The owner proposes to lease certain space within the Shopping Center for use as a catering hall.
- Upon further review and discussions, People's Counsel agrees to the remand and 4. resolution of its appeal providing Petitioner agrees to certain conditions to the approval of the special exception in addition to those imposed and delineated in the order of 19 September 2005; subject to the further review and approval of the Deputy Zoning Commissioner.
- The Petitioner's attorneys and People's Counsel agree as follows:

- a. That Petitioner agrees to the imposition of the following additional conditions to the order of 19 September 2005:
 - i. The Petitioner agrees to make good faith efforts to have its catering hall accommodate reasonably area community associations and civic organizations and shall offer meeting space at no charge to area community associations and groups at a minimum of NINE (9) dates during any calendar year for their use for association meetings and events, to be provided and limited to Mondays through Thursdays only;
 - ii. The catering hall does not have to consent to any date requested by a community association or organization if it conflicts with a scheduled event; but shall attempt reasonably to accommodate requests;
 - iii. The catering hall agrees and acknowledges that it will provide reasonable notice to the area community associations and civic organizations by mail of the availability of its hall for such meetings, including but not limited to the Liberty Road Community Council and associations identified in Exhibit A, attached hereto;
 - iv. The Petitioner and the catering hall operator agree(s) to keep records of notices, correspondence, and implementation of community events, which records shall be available in order to implement the provisions herein;
 - v. These conditions shall apply to the operator of the catering hall, Petitioner, any successor, any tenant, and any other user of this property as a catering hall. Petitioner and the catering hall tenant are both responsible for compliance with these conditions;
 - vi. The parties will request that the Deputy Zoning Commissioner transmit a copy of his final Order upon remand to the Liberty Road Community Council and other associations identified in Exhibit A.
- b. That People's Counsel agrees upon remand to withdraw its opposition, subject to adoption by the Deputy Zoning Commissioner of the aforesaid additional conditions in Case No. 06-012-X.
- 6. People's Counsel is satisfied that the additional conditions will be in the public interest. Petitioner is also satisfied to serve the public interest in this way, consistent with its proposed catering hall operation.
- 7. That both the Petitioner and People's Counsel further agree that the agreement herewith is not to be considered a precedent and neither foregoes at any time in the future any legal argument as to the interpretation or application of §230.13, BCZR in future cases. However, it shall be binding in this case, subject to the Deputy Zoning Commissioner's approval.

8. The most efficient way to present the revised conditions is to present them to the Deputy Zoning Commissioner, who is familiar with the case, for a hearing and for an Amended Order.

WHEREFORE, People's Counsel and Petitioner request that the case be remanded to the Deputy Zoning Commissioner for further proceedings consistent with this Motion.

Peter Max Zimmerman, Esquire

People's Counsel for Baltimore County

Carole S. Demillo, Esquire

Deputy People's Counsel for Baltimore County

400 Washington Avenue, Room 47

Towson, Maryland 21204

410-887-2188

Arnold Jablon, Esquire

David H. Karceski, Esquire

Venable, LLP

210 Allegheny Avenue

Towson, MD 21204

Attorney for Petitioner

Community Association near Marriottsville Rd. + hiberty Rd.
Liberty Road Community Council
2137 Liberty Rd.
Bultinora, Md. 21207

Hernwood Heights Assn.

Ka Re Assn.

Lyons Manor

Twelve Tree

Woodvidge

Deer Park Apartments

Kings Park Assn.

Kings Park Assn.

Whitehorst

Village of Winterset

ReNew

Greater Patapseo Comm Assn.

Exhibit A

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel Deputy People's Counsel

November 30, 2005

Kathleen Bianco, Administrator County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, MD 21204 NOV 3 0 2005

BALTIMORE COUNTY
BOARD OF APPEALS

Re:

In the Matter of: DP Limited Partnership, Bruce I. Levine,

Director of Commercial Real Estate - Petitioner

Case No.: 06-012-X

Dear Ms. Bianco:

Enclosed please find a Joint Motion to Remand for filing with regard the abovereferenced case, along with a proposed order. Mr. Jablon and Mr. Karceski have reviewed these documents, and in the interest of expediency have authorized me to sign their names.

Thank you for your consideration.

Sincerely,

Carole S. Demilio

Deputy People's Counsel for Baltimore County

CSD\rmw Enclosures

cc:

Arnold Jablon, Esquire

William Obriecht

IN RE: PETITION FOR SPECIAL EXCEPTION

N/S of Liberty Road, 758 ft. W centerline of Marriottsville Road 2nd Election District 4th Councilmanic District

(9980 Liberty Road)

DP Limited Partnership By: Bruce I. Levine, Director of Commercial Real Estate

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-012-X

ORDER ON MOTION FOR RECONSIDERATION

*

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Arnold Jablon, Esquire and David H. Karceski, Esquire, representing the legal owners of the subject property, DP Limited Partnership. The Petitioner originally filed a special exception for property located at 9980 Liberty Road in Baltimore County. The relief was requested from Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a community building (catering hall).

WHEREAS, on October 11, 2005, Counsel has filed a timely Motion for Reconsideration/Clarification of this Deputy Zoning Commissioner's Order dated September 19, 2005.

WHEREAS, in their Motion for Reconsideration, Counsel has requested that Condition #2 of the Order be modified. Also, Counsel has requested that Page 3 of the Order be modified to indicate the Petitioner does not own the bowling alley nor its parking field.

As these matters were not in controversy and had all been accepted by all parties at the hearing, I will not require another hearing on this matter.

THEREFORE, IT IS ORDERED, this _____ day of November, 2005, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED and the Order dated September 19, 2005 is hereby modified as follows:

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- 1. Condition 2 of the original Order is hereby modified so that the Petitioners may relocate in tenant spaces 10 through 16 as shown on Exhibit No. 1A without having a hearing to modify the site plan provided that the new location does not trigger a need for a parking variance for the center.
- 2. That page 3 of the Order is hereby corrected to indicate the Petitioner does not own the bowling alley, nor its parking field.
- 3. All other Orders and conditions contained the September 19, 2005 Order and not modified herein shall be fully effective and in force.

IT IS FURTHER ORDERED, that any appeal of this decision shall be made within thirty days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. Muskelses

FOR BALTIMORE COUNTY

JVM:dlw

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

November 9, 2005

Arnold Jablon, Esquire
David H. Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Order on Motion for Reconsideration

Case No. 06-012-X

Property: 9980 Liberty Road

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case. The Petitioner's Motion for Reconsideration has been approved in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:dlw

C

Rob Rosenfelt, Colbert, Matz & Rosenfelt, 2835-G Smith Ave., Baltimore, MD 21209 Bruce Levine, DP Limited Partnership, 25 Hooks La., Balto., MD 21208 Steven & Timothy Amoky, The Mirage Hall, 1401 University Blvd., Hyattsville, MD 20783 People's Counsel; Case File



Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 July 14,2005

ATTENTION: Zoning Review planners

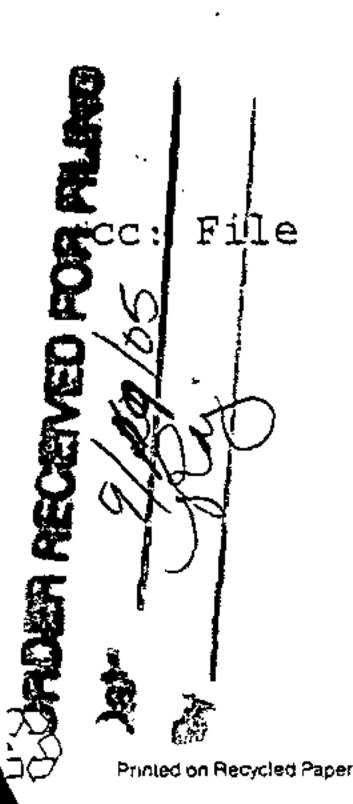
Distribution Meeting of: July 18,, 2005

Item No.:002,004,005,009,010,012

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant David S. Heath Fire Marshal's Office (0)410-887-4881 MS-1102F



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

September 19, 2005

Arnold Jablon, Esquire David H. Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

> Re: Petition for Special Exception Case No. 06-012-X Property: 9980 Liberty Road

Dear Messrs. Jablon & Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Bob Rosenfelt, Colbert, Matz & Rosenfelt, 2835-G Smith Ave., Balto., MD 21209
Bruce Levine, DP Limited Partnership, 25 Hooks La., Balto., MD 21208
Steven & Timothy Amoky, The Mirage Hall, 1401 University Blvd., Balto., MD





THE SAME THE PROPERTY OF THE PARTY OF THE PA

Petition for Special Exception

to the Zoning Commissioner of Baltimore Count

for the property located at 9800 Liberty Road

which is presently zoned <u>BL-CCC</u> owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use

a catering hall, pursuant to Section 230.13 of the Baltimore County Zoning Regulations, Fow A Community 5006.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by 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:	Legal Owner(s):
Name - Type or Print	DP Limited Partnership Name-Type or Print ()
Signature	Dine Levi
Address Telephone No.	of Commercial Real Estate Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	25 Hooks Lane 410-486-0800
Robert A. Hoffman/David H. Karceski	Address Telephone No.
Warne - Type or Print Cokert A, Hofman She / Man	Pikesville, Maryland 21208 City State Zip Code Representative to be Contacted:
Venable LLP Company	David H. Karceski
210 Allegheny Avenue 410-494-6200	Name 210 Allegheny Avenue 410-494-620
Address Towson, Maryland 21204	Address Telephone No. Towson, Maryland 21204
State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 06-012-X	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
REV 09115198	Reviewed By STD Date 07-009
No Contract of the Contract of	•

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

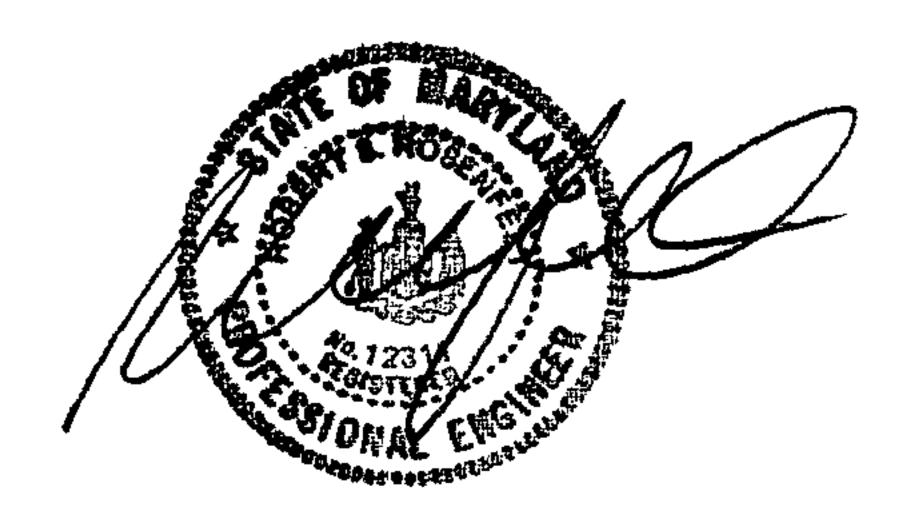


ZONING DESCRIPTION SPECIAL EXCEPTION 9980 LIBERTY ROAD

Beginning at a point located North12°43'21" West, 49.62 feet distant from a point on the north side of Liberty Road, which is 85 feet wide, at a distance of 758 feet, more or less, west of the centerline of Marriottsville Road, which is 60 feet wide. Thence the following courses and distances:

South 89°06'11" West, 44.38 feet;
North 68°39'43" West, 233.31 feet;
North 00°35'28" West, 132.57 feet;
North 89°17'49" East, 175.81 feet,
North 00°41'45" West 80 feet;
North 89°18'15" East 80 feet;
South 00°36'37" East 116.84 feet;
South 89°36'13" West 13.95 feet;
South 01°03'40" East 87.14 feet;
North 88°30'44" East 17.91 feet, thence
South 00°51'03" East 93.35 feet to the Point of Beginning.

Containing 52,243 square feet (1.20 acres) and being a portion of Lot 2 in the Resubdivision of Deer Park Plaza, as recorded in Baltimore County Plat Book 57, folio 112. Also known as 9980 Liberty Road and located in the 2nd Election District.



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:

Partnership,
Bruce I. Levine, Director,
Special Exception: to allow
a community building (catering half).
Hearing: Wednesday, August 31, 2005 at 9:00 a.m.
in Room 407, County
Courts Bullding, 401
Bosley Avenue, Towson
21204. Case: #06-012-X
9980 Liberty Road
N/side of Liberty Road, 758
feet west of centerline of
Marriottsville Road
2nd Election District
4th Councilmanic District
Legal Owner(s): DP Limited

WILLIAM J. WISEMAN, III ·
Zoning Commissioner for
Battimore County
NOTES: (1) Hearings are
Handicapped Accessible;

for special accommoda-tions Please Contact the Zoning Commissioner's Of-fice at (410) 887-4386. (2) For information con-cerning the File and/or Hearing Contact the Zon-ing Review Office at (410) 887-3391.

Ξ

that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY once in each of

X The Jeffersonian

- Arbutus Times
- Times Catonsville
- Owings Mills Times Towson Times
- NE Booster/Reporter
- North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06 0/2 X Petitioner/Developer: DP LIMITED

PARTNERShip, BRUCE I. LEVINE

Date of Hearing/Closing: ACS 31, 2005 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: 9980 LIBERTY RD Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code)

(410) 282-7940

(Telephone Number)

The sign(s) were posted on _ CASE # 06012-X A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN WSON, MD PLACE RECE TIT CHATT COUNT BEEL YET PRILET AND DATE AND TIME: Without Maries of Maries of State of REQUEST: SPHIN EXCEPTION, TO ALLIN A COMMUNITY BULLDING (CATTON, HALL) C CONTEN PLANIE CHIL EST-1791

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenué =

Towson, Maryland 21204

Ladies and Gentlemen:

Permits and Development Management

ATTN: Kristen Matthews {(410) 887-3394}

9280 LIBERTY RD

RECEIVED

AUG 19 2005

DEPT. SERVICE

DEVELOPM NOTE: 1817

•



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising: Item Number or Case Number: O6-O12-X	
Petitioner: DP LIMITED PART NERSHIP	·
Address or Location: 9980 LIBERTY ROAD	
PLEASE FORWARD ADVERTISING BILL TO: Name: AMY DONTELL, VENABLE LLP	
Address: ZIO ALLEGHEM AVENUED	·
Bryw MD 21204	
Telephone Number: (470) 494 -6244	,

Revised 2/20/98 - SCJ

APPEAL SIGN POSTING REQUEST

CASE NO. 06-012-X

9980 LIBERTY ROAD

ELECTION DISTRICT APPEALED: 10/12/05 ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1) ***COMPLETE AND RETURN BELOW INFORMATION**** CERTIFICATE OF POSTING Baltimore County Board of Appeals TO: 400 Washington Avenue, Room 49 Towson, MD 21204 Attention: Kathleen Bianco Administrator CASE NO.: 06-012-X DP LIMITED PARTNERSHIP LEGAL OWNER: This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 9980 LIBERTY ROAD MAP 24A9 The sign was posted on 2005 By: (Signature of Sign Poster)

(Print Name)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 16, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6244

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: 06-012-X

9980 Liberty Road

N/side of Liberty Road, 758 feet west of centerline of Marriottsville Road

2nd Election District – 4th Councilmanic District

Legal Owners: DP Limited Partnership, Bruce I. Levine, Director

Special Exception to allow a community building (catering hall).

Hearing: Wednesday, August 31, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708

July 13, 2005

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: 06-012-X

9980 Liberty Road

N/side of Liberty Road, 758 feet west of centerline of Marriottsville Road

2nd Election District – 4th Councilmanic District

Legal Owners: DP Limited Partnership, Bruce I. Levine, Director

Special Exception to allow a community building (catering hall).

Hearing: Wednesday, August 31, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, David Karceski, 210 Allegheny Avenue, Towson 21204 Bruce Levine, 25 Hooks Lane, Pikesville 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 16, 2005.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

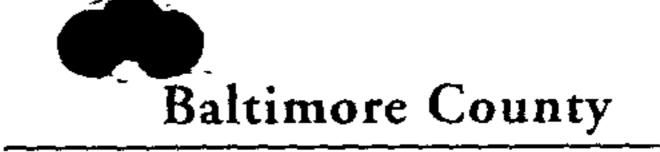
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

August 22, 2005

Robert A. Hoffman Venable, LLP. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 06-012-X, 9980 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 1, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

U. Carl Richard D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
D.P. Limited Partnership Bruce Levine 25 Hooks Lane Pikesville 21208
David H. Karceski Venable 210 Allegheny Avenue Towson 21204



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 30, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9980 Liberty Road

INFORMATION:

Item Number:

6-012 (revised comments)

Petitioner:

DP Limited Partnership

Zoning:

BL-CCC

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioners request for special exception to permit a catering hall/community building in a BL-CCC zone provided the petitioner provide street front landscaping where appropriate.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Mulan

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 28, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9980 Liberty Road

INFORMATION:

Item Number:

Petitioner:

DP Limited Partnership

Zoning:

BL-CCC

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioners request for special exception to permit a catering hall/community building in a BL-CCC zone provided the petitioner provide street front landscaping along the tract boundary of DP Limited Partnership. The said landscaping should border Liberty Road, Marriottsville Road, and Deer Park Road. A proposed landscape plan shall be submitted to Avery Harden, Baltimore County Landscape Architect for review and approval prior to the issuance of a use permit.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Division Chief:

AFK/LL: CM







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen; Administrator

Maryland Department of Transportation

Date: 7.25.05

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

RE:

Baltimore County

Item No. 012

JRA

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division



INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

DATE: July 25, 2005

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For July 25, 2005

Item Nos. 001, 003, 006, 008, 011 012, 013, 014, 016, 017, 018, and 019

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-07252005.doc

Fire Department



700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.:002,004,005,009,010,012

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau; and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant David S. Heath Fire Marshal's Office (0)410-887-4881 MS-1102F

cc: File



RE: PETITION FOR SPECIAL EXCEPTION

9980 Liberty Road; N/side Liberty Road,

758' W c/line Marriottsville Road

2nd Election & 4th Councilmanic Districts

Legal Owner(s): DP Ltd Partnership, Bruce *

Levine, Director of Commercial Real Estate

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-12-X

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 18th day of July, 2005, a copy of the foregoing Entry of Appearance was mailed Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 1820

People's Counsel for Baltimore County

Per.....

Batimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 12, 2005

Timothy Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

OCT 12 2005
Per La 2005

Hand-delivered

Re:

PETITION FOR SPECIAL EXCEPTION

N/S of Liberty Road, 758' W c/line of Marriottsville Road

(9980 Liberty Road)

2nd Election District; 4th Council District DP Limited Partnership by Bruce I. Levine, Director of Commercial Real Estate- Petitioners

Case No.: 06-012-X

' Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated September 19, 2005 by the Baltimore County Deputy Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Arnold Jablon, Esquire,

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 21, 2005

Arnold Jablon, Esquire David Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Messrs. Jablon & Karceski:

RE: Case: 06-012-X, 9980 Liberty Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 12, 2005 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely, Kotroce

Timothy Kotroco Director

TK:klm

c: William J. Wiseman, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Bob Rosenfelt, Colbert, Matz & Rosenfelt, 2835 G Smith Avenue, Baltimore 21209 Bruce Levine, DP Limited Partnership, 25 Hooks Lane, Baltimore 21208 Steven & Timothy Amoky, Mirage Hall, 1401 University Blvd., Hyattsville



APPEAL

Petition for Special Exception
9980 Liberty Road
N/S Liberty Road, 758 ft. W/of c/line of Marriottsville Road
2nd Election District — 4th Councilmanic District
Legal Owners: DP Limited Partnership, Bruce Levine, Director

Case No.: 06-012-X

Petition for Special Exception (July 7, 2005)

Zoning Description of Property

Notice of Zoning Hearing (July 13, 2005)

Certification of Publication (The Jeffersonian - August 16, 2005)

Certificate of Posting (August 15, 2005) by SSG Robert Black

Entry of Appearance by People's Counsel (July 18, 2005)

Petitioner(s) Sign-In Sheet - One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plan to accompany Special Exception

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit) - None

Deputy Zoning Commissioner's Order (GRANTED - September 19, 2005)

Notice of Appeal received on October 12, 2005 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010 Deputy Zoning Commissioner Timothy Kotroco, Director of PDM Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204 Bob Rosenfelt, 2835 Smith Avenue, Ste. G., Baltimore 21209 Bruce Levine, 25 Hooks Lane, Baltimore 21208 Steven & Timothy Amoky, The Mirage Hall, 1401 University Boulevard, Hyattsville

date sent November 21, 2005, klm



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

dhkarceski@yenable.com

410-494-6285

October 11, 2005

HAND-DELIVERED

John V. Murphy, Deputy Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re:

Kings Point Square Shopping Center

9980 Liberty Road

2nd Election District, 4th Councilmanic District

Case No. 06-012-X

Dear Mr. Murphy:

I am in receipt of your Findings of Fact and Conclusions of Law dated September 19, 2005, for the above-captioned property and request clarification of the Order. As you may recall, I requested the Order reflect that the special exception area for the catering hall use not be limited to tenant space no. 10 of the subject shopping center to allow for tenant location flexibility and possible enlargement of the catering hall space. Consistent with that request, Condition No. 2 to your Order reads as follows:

The Petitioners may relocate in tenant spaces 10 through 14 as shown on Exhibit 1A without having a hearing to modify the site plan provided that the new location does not trigger a need for a parking variance for the center.

See Order, Page 5.

The site plan, accepted into evidence as Petitioner's Exhibit No. 1A, provides a number for each tenant space. The tenant space numbers are somewhat out of numeric order between spaces nos. 10 through 14. Specifically, tenant space no. 15 lies between spaces nos. 10 and 12, and space no. 16 lies adjacent to space nos. 14 and 13. A review of your Order indicates that you intended the approved special exception area to include tenant space nos. 15 and 16 in addition to space nos. 10 through 14. Therefore, I respectfully request you modify Condition No. 2 as follows:

John V. Murphy, Deputy Zoning Commissioner October 11, 2005 Page 2

The Petitioners may relocate in tenant spaces 10 through 16 as shown on Exhibit No. 1A without having a hearing to modify the site plan provided that the new location does not trigger a need for a parking variance for the center.

Additionally, the Order indicates that the legal owner/petitioner owns the parking field that serves the bowling alley within the shopping center. See Order, Page 3. That is not accurate; my client does not own the bowling alley, nor its parking field. Therefore, I respectfully request you modify the Order to reflect that fact.

I appreciate your attention to this matter.

Very truly yours,

Arnold Jablon

David H. Karceski

DHK/kjd Enclosure

cc: Arnold Jablon, Esquire

TO1DOCS1//#214652 v1

PLEASE PRINT CLEARLY

CASE NAME DP LIMITA Methonsh CASE NUMBER 06-012-X DATE 8/31/61

PETITIONER'S SIGN-IN SHEET

olhkareshigunash.a, ajashu gumash.a,	brosen 6140 conner	Bruce 8 Measter S. Can	Shue Mar Con	
CITY, STATE, ZIP			College Colleg	
210 Albaheny heme Tousin Mayland	2835 G Mate Lazarlottes	De Contractions Constitutions	THE MIRACIE ARM. 1401-UNIVERSHY BUY	
David Kakeester Aunid Taylon	Be facult	Brue Cevine	Sterren Amolor	

