

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID

(SEARCH ON THIS FIELD):

Case Type Prefix: Case Year: Case Number: Case Type Suffix:

Existing Use:

20080189

2008

0189

XA

Commercial

Legal Owners/Petitioner

(SEARCH ON THIS FIELD):

John B. Eshausherl

House/St.
Number:

House/Street
Number Range:

House/St.
No. Suffix:

Prefix
Dir.:

Pre. Type:

Street Name (SEARCH ON THIS FIELD):

Suf. Type:

Suffix
Dir.:

Suite/Apt./Unit
Number:

7501

BELAIR

RD

Property Description (SEARCH ON THIS FIELD):

East of Belair Road, northeast corner of Belair Road and Fullerton Road

Existing Zoning Classification BR-AS

Area: 0.51 acres

Election District: 14th

Councilmanic District 6th

Critical Area: No

Floodplain: No

Historic Area: No

Related (Prior and Future) Cases:

Violation Cases:

Concurrent Cases:

Tax Account ID:

Deed Liber #:

Deed Folio #:

Miscellaneous Notes

1.)

1.)

2.)

2.)

3.)

3.)

Contract Purchaser:

Attorney: Alan Betten

Petition Reviewer: AT

Petition Reviewer 2:

Petition Filing Date:

Day of Week:

Hearing Date:

Hearing Time:

Hearing Location:

Thursday

01/03/2008

9:00 AM

County Office Building, 111 West Chesapeake Avenue, Room 106, Towson 21204

Closing Date:

Commissioner Hearing Continued From

Commissioner Hearing Rescheduled From:

Formal Request For Hearing

Case Number:

	2008	0189	XA
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Petition Type # 1: VARIANCE

Petition Request # 1: 1. For front averaging setback, from 58.5 feet to 0 feet; For front building setback and for side yard setback; from 25 feet to 0 feet and 30 feet to 0 feet respectively, and from attendant parking required on the Phoenix Property from 13 spaces to 10 and to waive the used cars sales and display areas.

Petition Type # 2: SPECIAL EXCEPTION

Petition Request # 2: Separated in part from sales building/ temporary show car areas.

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

200 Foot

Scale Map

Reference:

Existing Use:

Proposed Use:

Existing Zoning Classification

Requested Zoning Classification:

Existing District:

Requested District:

Commercial

BR-AS

North/South Coordinate:

East/West Coordinate:

Census Tract:

1000 Foot

Scale Map

Reference:

--

Commissioner Case Number 2008 0189 XA
Zon. Comm. or Dep. Zon. Comm?
Commissioner Order Date
Commissioner Decision
Commissioner Order Restrictions

Board of Appeals Case Number
Appeal to Board of Appeals?:
Appellant:
Board of App. Description:
Board of Appeals Filing Date:
Date Case Sent To Board:
Board of Appeals Hearing Date:
Board of Appeals Decision Date:
Board of Appeals Decision:

Circuit Court Case Number
Circuit Court Filing Date:
Circuit Court Decision Date
Circuit Court Decision:

MD Court of Special Appeals Filing Date:
MD Court of Special Appeals Decision Date:
MD Court of Special Appeals Decision:

MD Court of Appeals Filing Date:
MD Court of Appeals Decision Date:
MD Court of Appeals Decision:

U.S. Supreme Court Filing Date
U.S. Supreme Court Decision Date:
U.S. Supreme Court Decision:

Find Record

Next Record

Previous
Record

Preview
ZAC Agenda

Public
Hearings

Admin
Variances

Open MS
Word

Exit Access

Scanned
Image



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 7501 Belair Road

which is presently zoned BR-AS

Deed Reference: 25095 / 725 Tax Account # 1402022025

This Petition shall be filed with the Department of Permits and 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHMENT

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 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: N/A

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Alan Betten
Name - Type or Print

Signature

Kandel, Klitenic, Kotz & Betten, LLP
Company

502 Washington Avenue, #610 (410) 339-7100
Address Telephone No.

Towson MD 21204
City State Zip Code

Case No. 2008-189-XX

REV 07/27/2007

Legal Owner(s):

Phoenix Crown, L.L.C.
Name - Type or Print

By John Esnaashari, Managing Member
Signature

John Esnaashari
Name - Type or Print

Signature

10502 Willow Vista Way

Address Telephone No.

Cockeysville MD 21030
City State Zip Code

Representative to be Contacted:

Alan Betten
Name

502 Washington Avenue, Suite 610 (410) 339-7100
Address Telephone No.

Towson MD 21204
City State Zip Code

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING

Reviewed By A. Bowen Date 04/17/2009

**Attachment to Petition for Special Exception
and Petition for Variances - 7501 Belair Road**

The Applicant purchased the Property with the intent of establishing thereon a dealership for the sale of high-end classic, historic, and luxury vehicles. In order to redevelop the Property in accordance with the Plat attached to this Petition, one (1) Special Exception and five (5) Variances are required. Specifically, the Variances and Special Exception are as follows:

- (1) Variance from Section 303.2 with regard to the average build-back setback, from 58.5 feet to 0 feet;
- (2) Variance from Section 238.1 with regard to the front building setback, from 25 feet to 0 feet;
- (3) Variance from Section 238.2 with regard to the side yard setback, from 30 feet to 0 feet;
- (4) Variance from Section 409 with regard to the attendant parking required on the Phoenix Property for the proposed use thereon, from 13 spaces to 10 spaces;
- (5) Variance from Section 409.8.A.1 with regard to the landscaping requirements, including those required between the subject Property and the adjacent property owned by Anna Enterprises, Inc., because the principals of the Applicant and those of Anna Enterprises, Inc. are identical; and
- (6) Variance from Section 238.4 and Special Exception from Section 236.2 with regard to outdoor sales displays, for use as used motor sales area separated in part from sales agency building/temporary show car areas, as shown on the accompanying Plat by means of Option A or Option B, as shown on the accompanying Plat.

The extent of and the resulting development envelope that will result from the granting of the requested Variances and Special Exception are shown on the accompanying Plat. Please note, however, that the Variance from Section 409.8-A-1 is being requested because the principals of the Applicant and the adjoining property owner, Anna Enterprises, Inc., are the same, and, thus, no such interior landscaping between the two properties is required.

Prior to submitting these Petitions, the Applicant has held numerous meetings and conversations with members of the affected neighborhood and their counsel, Carroll Holzer, Esquire. The result of these discussions is the Development Agreement, dated February 2, 2009, attached to and incorporated in this Petition. Pursuant to the Development Agreement, the relevant neighborhood associations and individual neighbors have approved these Petitions, provided that the Applicant complies with the terms and conditions set forth therein. For

2008-0189-XA

example, the Applicant has agreed to improve the Property in accordance with the Architectural Visualization attached thereto as Exhibit 2. In addition, the Applicant has agreed to a number of conditions concerning the use of the Property, such as the nature of the vehicles to be sold from the Property; the hours of operation of the service garage to be located thereon; and the nature of the signage to be used by Applicant. As part of the Development Agreement, the Applicant has agreed that the terms and conditions set forth in the Development Agreement may be incorporated into the Zoning Commissioner's Order.

Due to the particular nature of the Property, practical difficulty or unnecessary hardship to the Applicant would result, as distinguished from a mere inconvenience, if the strict letter of the applicable zoning regulations were to be carried out; the practical difficulty or unnecessary hardship has not been created by any intentional action of the Applicant; the purposes of the requested Variances and Special Exception are not based exclusively upon the desire to increase the value or income potential of the Property; the granting of the Variances and Special Exception will not be detrimental to or endanger the public health, security, general welfare, or morals of, and will not be injurious to the use of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood; the granting of the Variances and Special Exception will not adversely affect transportation, public services, population concentration, or traffic conditions within the surrounding neighborhood; and, within the intent and purposes of the Zoning Code, the Variances and Special Exception, if granted, constitute the minimum changes necessary to afford the requested relief.



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 7501 Belair Road
which is presently zoned BR - A-6

Deed Reference: 25095 / 725 Tax Account # 1402022025

This Petition shall be filed with the Department of Permits and 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)

SEE ATTACHMENT

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

SEE ATTACHMENT

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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: N/A

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Alan Betten
Name - Type or Print

Signature

Kandel, Klitenic, Kotz & Betten, LLP
Company

502 Washington Avenue, #610 (410) 339-7100
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Phoenix Crown, L.L.C.
Name - Type or Print

By John Esnashaari
Signature John Esnashaari, Managing Member

John Esnashaari
Name - Type or Print

Signature

10502 Willow Vista Way
Address Telephone No.

Cockeysville MD 21030
City State Zip Code

Representative to be Contacted:

Alan Betten
Name

502 Washington Avenue, #610 (410) 339-7100
Address Telephone No.

Towson MD 21204
City State Zip Code

Case No. 2008-0189-XA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by A. Tsun Date 04/17/2009

**Attachment to Petition for Special Exception
and Petition for Variances - 7501 Belair Road**

The Applicant purchased the Property with the intent of establishing thereon a dealership for the sale of high-end classic, historic, and luxury vehicles. In order to redevelop the Property in accordance with the Plat attached to this Petition, one (1) Special Exception and five (5) Variances are required. Specifically, the Variances and Special Exception are as follows:

- (1) Variance from Section 303.2 with regard to the average build-back setback, from 58.5 feet to 0 feet;
- (2) Variance from Section 238.1 with regard to the front building setback, from 25 feet to 0 feet;
- (3) Variance from Section 238.2 with regard to the side yard setback, from 30 feet to 0 feet;
- (4) Variance from Section 409 with regard to the attendant parking required on the Phoenix Property for the proposed use thereon, from 13 spaces to 10 spaces;
- (5) Variance from Section 409.8.A.1 with regard to the landscaping requirements, including those required between the subject Property and the adjacent property owned by Anna Enterprises, Inc., because the principals of the Applicant and those of Anna Enterprises, Inc. are identical; and
- (6) Variance from Section 238.4 and Special Exception from Section 236.2 with regard to outdoor sales displays, for use as used motor sales area separated in part from sales agency building/temporary show car areas, as shown on the accompanying Plat by means of Option A or Option B, as shown on the accompanying Plat.

The extent of and the resulting development envelope that will result from the granting of the requested Variances and Special Exception are shown on the accompanying Plat. Please note, however, that the Variance from Section 409.8-A-1 is being requested because the principals of the Applicant and the adjoining property owner, Anna Enterprises, Inc., are the same, and, thus, no such interior landscaping between the two properties is required.

Prior to submitting these Petitions, the Applicant has held numerous meetings and conversations with members of the affected neighborhood and their counsel, Carroll Holzer, Esquire. The result of these discussions is the Development Agreement, dated February 2, 2009, attached to and incorporated in this Petition. Pursuant to the Development Agreement, the relevant neighborhood associations and individual neighbors have approved these Petitions, provided that the Applicant complies with the terms and conditions set forth therein. For

2008-0189-XA

and Petition for Variances - 1501 Delair Road

The Applicant purchased the Property with the intent of establishing thereon a dealership for the sale of high-end classic, historic, and luxury vehicles. In order to redevelop the Property in accordance with the Plat attached to this Petition, one (1) Special Exception and five (5) Variances are required. Specifically, the Variances and Special Exception are as follows:

- (1) Variance from Section 303.2 with ^{for front averaging} ~~regard to the average build back~~ setback, from 58.5 feet to 0 feet;
- (2) Variance from Section 238.1 with ^{for} ~~regard to the front building setback~~ ~~from 25 feet to 0 feet;~~ ^{and}
- (3) ~~Variance from Section 238.2 with regard to the side yard setback, from 25 feet to 0 feet~~ ^{for} ~~30 feet to 0 feet, respectively;~~ ^{and from}
- (4) ~~Variance from Section 409 with regard to the attendant parking required on the Phoenix Property for the proposed use thereon, from 13 spaces to 10 spaces;~~ ^{and a}
- (5) ~~Variance from Section 409.8.A.1 with regard to the landscaping requirements, including those required between the subject Property and the adjacent property owned by Anna Enterprises, Inc., because the principals of the Applicant and those of Anna Enterprises, Inc. are identical; and~~ ^{to waive the} ~~outdoor used cars sales and display areas~~
- (6) ^{Special Exempt} Variance from Section 238.4 and Special Exception from Section 236.2 with ~~regard to outdoor sales displays, for use as used motor sales area~~ separated in part from sales agency building/temporary show car areas, as shown on the accompanying Plat by means of Option A or Option B, as shown on the accompanying Plat.

The extent of and the resulting development envelope that will result from the granting of the requested Variances and Special Exception are shown on the accompanying Plat. Please note, however, that the Variance from Section 409.8-A-1 is being requested because the principals of the Applicant and the adjoining property owner, Anna Enterprises, Inc., are the same, and, thus, no such interior landscaping between the two properties is required.

Prior to submitting these Petitions, the Applicant has held numerous meetings and conversations with members of the affected neighborhood and their counsel, Carroll Holzer, Esquire. The result of these discussions is the Development Agreement, dated February 2, 2009, attached to and incorporated in this Petition. Pursuant to the Development Agreement, the relevant neighborhood associations and individual neighbors have approved these Petitions, provided that the Applicant complies with the terms and conditions set forth therein. For

2008-0189-XA

example, the Applicant has agreed to improve the Property in accordance with the Architectural Visualization attached thereto as Exhibit 2. In addition, the Applicant has agreed to a number of conditions concerning the use of the Property, such as the nature of the vehicles to be sold from the Property; the hours of operation of the service garage to be located thereon; and the nature of the signage to be used by Applicant. As part of the Development Agreement, the Applicant has agreed that the terms and conditions set forth in the Development Agreement may be incorporated into the Zoning Commissioner's Order.

Due to the particular nature of the Property, practical difficulty or unnecessary hardship to the Applicant would result, as distinguished from a mere inconvenience, if the strict letter of the applicable zoning regulations were to be carried out; the practical difficulty or unnecessary hardship has not been created by any intentional action of the Applicant; the purposes of the requested Variances and Special Exception are not based exclusively upon the desire to increase the value or income potential of the Property; the granting of the Variances and Special Exception will not be detrimental to or endanger the public health, security, general welfare, or morals of, and will not be injurious to the use of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood; the granting of the Variances and Special Exception will not adversely affect transportation, public services, population concentration, or traffic conditions within the surrounding neighborhood; and, within the intent and purposes of the Zoning Code, the Variances and Special Exception, if granted, constitute the minimum changes necessary to afford the requested relief.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 7501 BELAIR RD

which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits and 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHMENT

BY FORM
04/17/2009

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 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

MD

State

Telephone No.

21030

Zip Code

Representative to be Contacted:

Name

Address

City

MD

State

Telephone No.

21210

Zip Code

Case No.

08-189 -XA

REV 09/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

A-TSHI

Date

10/30/07

Petition for Special Exception

7501 Belair Road

Zone: BR-AS

Reason for Petition:

**Requesting use to be granted as Used Car facility per 236.4 of the BCZR
Requesting that display parking of used cars occupy 5 of the parking spaces.**

Requesting reduced isle parking per 409.4 B1 of the BCZR

In cases where vehicles will be parked by an attendant, the Zoning Commissioner may approve a parking facility in which up to 50% of all parking spaces do not adjoin and have direct access to an aisle.

Superseded

04/17/2009

08-189-XA



which is presently zoned BR2-AS

SEE ATTACHMENT

~~SEE ATTACHMENT~~

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.

REV 9/15/98

Petition for Variance

7501 Belair Road

Zone: BR-AS

1. Petition for Variance from section ^{238.2}~~232.2~~ B. of the BCZR

~~For commercial buildings, none required on interior lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot and on corner lots the side yard on the street side shall be not less than 10 feet in width.~~

TO PERMIT A SIDE SETBACK OF 3 FEET IN LIEU OF
THE REQUIRED 30 FEET

1. Practical Difficulty

The rear yard of 7501 Belair Road abuts the side yard of the Fullerton Paint and Body shop. Both properties are commercial properties. In order to provide a service building for the used car facility, it will be necessary to come within 3'-0" of the rear property line of 7501 Belair Road. The proposed service building will be made of non-combustible material, and the wall adjacent to the rear property line will have a 2 hour fire rating.

2. Petition for Variance from Condition B -1b. of the Baltimore County Landscape manual.

Perimeter Screening: Adjacent to commercial properties, a six foot landscape strip between paved surfaces and lot or lease lines adjacent to commercial uses or zones is required.

2. Practical Difficulty

The adjacent property is owned by the owner of 7501 Belair Road under a different name. The owner considers the parking lots to be interconnected. Condition B -1b allows for the elimination of the six foot landscaping between interconnected parking lots.

08-189-XX

ZONING DESCRIPTION
#7501 BELAIR ROAD
BALTIMORE, MARYLAND

BEGINNING at a point at the intersection of the centerline of Belair Road which is 60 feet wide and the centerline of Fullerton Avenue which is 30 feet wide as recorded in Deed, Liber 25095, folio 725; thence S 55° 14' 10" E, 133.75'; thence N 40° 37' 56" E, 162.62'; thence N 49° 54' 45" W, 130.87; thence S 41° 20' 50" W, 175.06', containing 0.51 acres, more or less. Also being known as 7501 Belair Road and located in the 14th Election District, 6th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
410.828.9060

File: 7501 Belair Road.doc\07 zoning

08-189-XA

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: _____

08-189-XA

Petitioner: JOHN B ESNAASHARI

Address or Location: 7501 BELAIR RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: H. EDWARD GOLDBERG

Address: 621 STONEY SPRING DR.
BALTIMORE, MD 21210

Telephone Number: 410-366-0232

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 37831
 Date: 04/17/09

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				200.00

Total: \$200.00

Rec From: CAR CITY INC
 For: 17501 BELAIR RD
REVISION TO CASE NO:
* 08-189-XA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

UNDESB - ACTUAL TIME 6PM
 4/17/2009 4/17/2009 09:00:23 2
 NAME: MAIL JOHN JEE
 RECEIPT # 631716 4/17/2009 (PL)
 REP: 5 531 DRUG VERIFICATION
 NO. 037854
 Receipt Tot \$200.00
 \$200.00 01 \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **06821**

Date: **10/22/07**

PAID RECEIPT

BUSINESS ACTUAL TIME DNM
 10/23/2007 10/22/2007 10:25:20 1
 REC NO: WALKIN JRIC JHR
 RECEIPT # 352118 10/22/2007 OFLN
 S 528 ZORING VERIFICATION
 006821
 Recpt Tot \$705.00
 \$705.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				705.00

Total: **\$705.00**

Rec
From:

H. EDWARD GOLDBERG AIA

For:

7501 BELAIR RD

08-189 - XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-189-XA

Petitioner/Developer: JOHN

ESHAUSARI

Date of Hearing/Closing: 1-3-08

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

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

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:

7501 BEL AIR RD

The sign(s) were posted on

12-19-07
(Month, Day, Year)

Sincerely,

Robert Black 12-22-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 18, 2007 Issue - Jeffersonian

Please forward billing to:
H. Edward Goldberg
621 Stoney Spring Drive
Baltimore, MD 21210

410-366-0232

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:

ASE NUMBER: 08-189-XA

7501 Belair Road

E/side of Belair Road, n/east corner of Belair Road and Fullerton Road

14th Election District – 6th Councilmanic District

Legal Owners: John Eshaushari

Variance to permit a side setback of 3 feet in lieu of the required 30 feet. Special Exception requesting use to be granted as Used Car Facility, requesting that display parking of used cars occupy 5 of the required parking spaces.

Hearing: Thursday, January 3, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



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

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

November 19, 2007

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: 08-189-XA

7501 Belair Road

E/side of Belair Road, n/east corner of Belair Road and Fullerton Road

14th Election District – 6th Councilmanic District

Legal Owners: John Eshaushari

Variance to permit a side setback of 3 feet in lieu of the required 30 feet. Special Exception requesting use to be granted as Used Car Facility, requesting that display parking of used cars occupy 5 of the required parking spaces.

Hearing: Thursday, January 3, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Alan Betten, 502 Washington Avenue, Towson 21204
John Eshaushari, 10502 Willow Vista Way, Cockeysville 21030
H. Edward Goldberg, 621 Stoney Spring Drive, Baltimore 21210

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., DECEMBER 19, 2007.**
- (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.

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: November 6, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 12, 2007
Item Nos. 08-189 197, 198, 199, 201,
202, 203, 204, and 205

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-11062007.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 4, 2009
Item Nos. 2008-189, 2009-273, 274,
276, 277, 278, 279, 280 and 282

DATE: May 4, 2009

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

DAK:CEN:cab
cc: File
ZAC-05042009 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Tim Kotroco, Director
Department of Permits & Development
Management

DATE: June 10, 2009

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

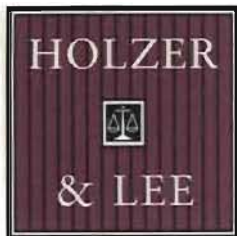
SUBJECT: Zoning Advisory Committee Meeting
For Item No. 08-0189 XA

Please disregard our May 4, 2009 memo that stated that we had no comment on this item.

The intersection of Belair Road and Fullerton Avenue is operating at a "D" level of service as shown on the Basic Services Transportation Map. The Bureau of Transportation Planning and Traffic Engineering has determined that, if the operation of the intersection were to decline to an "E" level of service, the solution would be to widen Fullerton Avenue to provide two approach lanes to Belair Road. With this in mind, it is imperative that the highway widening be ten feet wide, not five feet as shown. The proposed showroom should then be reduced in size to allow for a public sidewalk and grading to build the ultimate lane addition and to provide some landscaping.

Therefore, I recommend that the side-yard variance requests be denied and that the plan be revised in accordance with the above.

DAK
cc:file



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

~~XXXXXXXXXXXXXXXXXXXX~~

jcholzer@cavtel.net

November 20, 2007

#7748

To Kristen Matthews:
Please note Holzer
is involved &
notify him
of hearing
date
T.K.

Mr. Timothy Kotroco, Director
Permits & Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: *Petition for Special Exception and Variance*
Case No.: 08-189-XA

Dear Mr. Kotroco:

Please enter my appearance on behalf of the Linover Improvement Association in the above-captioned case. I would appreciate being advised of any hearing date scheduled before the Zoning Commissioner in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to be "JCH", is written over the typed name "J. Carroll Holzer".

J. Carroll Holzer

JCH:mlg

cc: Mr. Bud Herb

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
7501 Belair Road; E/S Belair Rd, NE corner * ZONING COMMISSIONER
Belair Road & Fullerton Road *
14th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): John Eshausherl *
Petitioner(s) * BALTIMORE COUNTY
* 08-189-XA

* * * * *

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/ documentation filed in the case.

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 20th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed H. Edward Goldberg, 621 Stoney Spring Drive, Baltimore, MD 21210 and Alan Betten, Esquire, 502 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

NOV 20 2007

Per.....

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

KANDEL, KLITENIC, KOTZ & BETTEN, LLP

ATTORNEYS AT LAW

SUITE 610, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

ALAN BETTEN

TEL: (410) 339-7100
FAX: (410) 339-7107
EMAIL: abetten@k3law.com

December 14, 2007

Via Facsimile and First Class Mail

Ms. Kristen Matthews
Baltimore County Department of
Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: Case No. 08-189-XA
7501 Belair Road
East side of Belair Road, northeast corner of Belair Rd. and Fullerton Rd.
14th Election District - 6th Councilmanic District
Legal Owner: Phoenix Crown, L.L.C.**

Dear Ms. Matthews:

As we discussed yesterday, I represent the Petitioner in the above-captioned case, which is currently scheduled for a hearing before the Zoning Commissioner on January 3, 2008 at 9:00 a.m. This letter is intended to request a postponement of that hearing date, because, *inter alia*, the Petitioner is revising some of the relief to be requested, and such revisions will require the re-filing of a new plat to accompany the Petition for Special Exception and Variances. By way of example, the current Petition for Variance asks for a side setback of three (3') feet in lieu of the required thirty (30') feet. The Petitioner believes that the revised Request for Variance will be to permit a side setback of approximately ten (10') feet in lieu of the required thirty (30') feet.

I understand that the hearing will not be rescheduled until a revised Site Plan and, if necessary, revised Petitions are filed with Mr. Aaron Tsui of the Zoning Office.

KANDEL, KLITENIC, KOTZ & BETTEN, LLP
ATTORNEYS AT LAW

Ms. Kristen Matthews
December 14, 2007
Page 2

I look forward to hearing from you shortly with regard to this Request for Postponement. If you have any questions, please feel free to contact me.

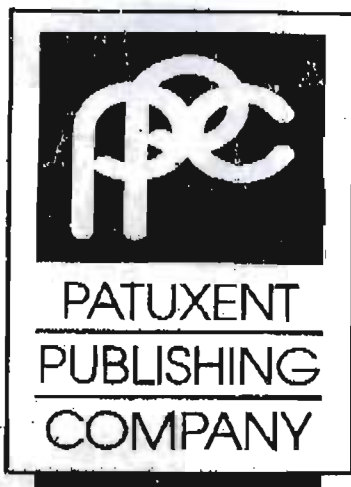
Very truly yours,



Alan Betten

AB/tsh

cc: Mr. Ed Goldberg (via e-mail)
Peter Max Zimmerman, Esq. (via first class mail)
Mr. Aaron Tsui (via first class mail)



Towson Office
409 Washington Avenue
Legal Advertising
Ph: 410-337-2425
FAX: 410-825-4278

Susan Wilkinson Ext. 3425
Ellen Harris Ext. 3418
Leah Dean Ext. 3432
Joanne Wernick Ext. 3512
Kathy Conahan Ext. 3417
Sue Thomas Ext. 3513

410 887 3048

VERIFICATION OF CANCELLATION

TO: Kolstun - Zoning

RE: Ad No. JT 12/683

Invoice No. 158310 Run Dates:

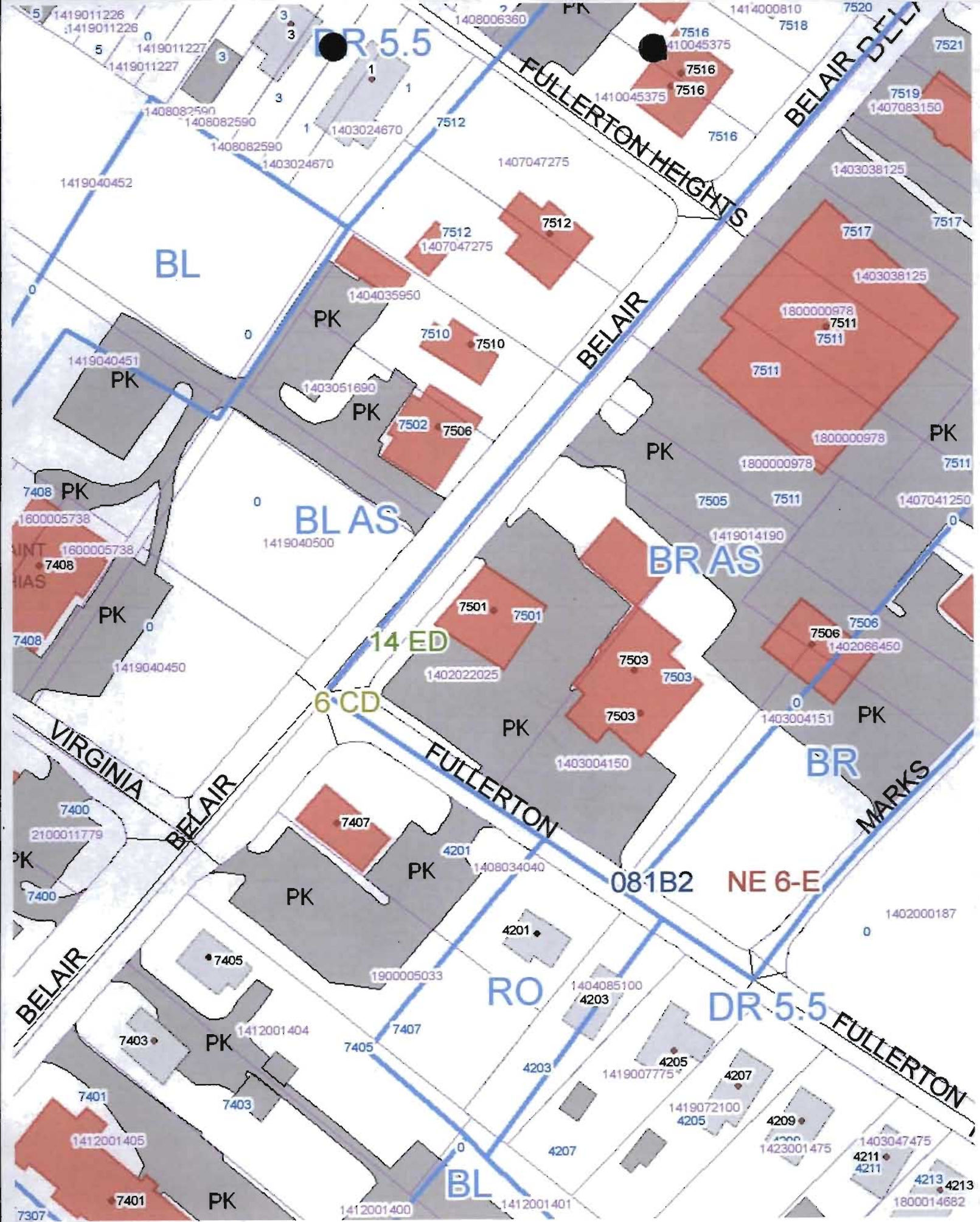
Property No. 08-189-XA

Amount Owed: 0

The above ad was tentatively canceled on 12-13-07.
Please verify this cancellation by signing below and faxing this form back to us.

Your written verification is necessary in order to stop charges on this ad.

Signature [Signature]
Company PDM - Zoning Review



DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement"), made this 2nd day of February, 2009, by and among Phoenix Crown, L.L.C. ("Phoenix"); Anna Enterprises Inc. ("Anna"); Linover Improvement Association, Inc. ("Linover"); Northeast Belair Road Community Council, Inc. ("NBRCC"); Cheryl Keffer ("Keffer"); James R. Burcham ("Burcham"); Carl F. Herb, Sr. ("Herb"); Harry W. McDaniel ("McDaniel"); Barry Luciana ("Luciana") and Susan E. Owens ("Owens") (Linover, NBRCC, Keffer, Burcham, Herb, McDaniel, Luciana and Owens are hereinafter referred to collectively as the "Neighbors").

RECITALS

WHEREAS, Phoenix is the owner of certain real property, located in the 14th Election District of Baltimore County, which property is located at 7501 Belair Road (the "Phoenix Property");

WHEREAS, Anna owns certain real property, located in the 14th Election District of Baltimore County, which property is located at 7505 Belair Road (the "Anna Property");

WHEREAS, the Anna Property adjoins the Phoenix Property on the latter's north side;

WHEREAS, Phoenix and Anna have met with the Neighbors in order to discuss certain special exceptions and variances that Phoenix would like to have approved by the Neighbors prior to submission to Baltimore County pursuant to a Petition for Special Exception and Variances;

WHEREAS, Phoenix and the Neighbors have discussed the development of the Phoenix Property in accordance with the Phoenix Development Plat (the "Phoenix Development Plat"), as well as certain other points of agreement; and

WHEREAS, the parties hereto intend to resolve all outstanding issues related to the use of the Phoenix Property and the Phoenix Development Plat, in accordance with the agreements and enforcement provisions hereof.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the adequacy, sufficiency, and receipt of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. The above Recitals form an integral part of this Agreement and are incorporated herein as if set forth again in their entirety.

2. Phoenix agrees that it will submit for approval by the Zoning Commissioner for Baltimore County the Phoenix Development Plat, which is evidenced by the plat attached hereto and incorporated herein as Exhibit 1, in order to be permitted to use the Phoenix Property as a general office, storage area and showroom (collectively the "Improvements") for the sale and repair of classic and high-end vehicles. In particular, the petition to be filed by Phoenix (the "Petition") will request the following variances and special exceptions:

- (a) Variance from Section 303.1 with regard to the average building setback,
- (b) Variance from Section 238.1 with regard to the front building setback;
- (c) Variance from Section 238.2 with regard to the side yard setback;
- (d) Variance from Section 409 with regard to parking required on the Phoenix Property for the proposed use thereon;
- (e) Variance from Section 409.8-A-1 with regard to landscaping requirements, including those required between the Phoenix Property and the Anna Property; and
- (f) Special exception from Section 236.4 with regard to outdoor sales displays.

As part of the Petition, Phoenix will also attach an Architectural Visualization of the Improvements, with the understanding that minor modifications as to materials and colors used

in the construction of the Improvements may be made by Phoenix. As part of the Architectural Visualization, Phoenix will show the approximate location of the signage to be used on the Improvements. A copy of the Architectural Visualization is attached hereto and incorporated herein as Exhibit 2.

3. The Neighbors agree to affirmatively support the Phoenix Development Plat and the Petition presented for review and approval by the Zoning Commissioner for Baltimore County, provided that the agreed-upon terms of this Agreement are made conditions thereof and/or incorporated therein. The Neighbors shall not privately or publicly oppose the approvals to be obtained by Phoenix in order to complete the development shown on the Phoenix Development Plat and Exhibits 1-3, if approved by the Zoning Commissioner for Baltimore County, provided that the terms of this Agreement are adhered to by Phoenix. If the Phoenix Development Proposal is approved as submitted to the Zoning Commissioner for Baltimore County and in accordance with this Agreement, the parties waive irrevocably the right to appeal any and all development approvals necessary for the Phoenix Property. If the Phoenix Development Proposal is approved as proposed and submitted to the Zoning Commissioner in accordance with this Agreement, the parties agree not to appeal any approval by the Zoning Commissioner. If an appeal is taken by a party other than a party hereto and, on appeal, the Phoenix Development Plat is reversed, this Agreement shall automatically terminate and be null and void and of no further force and effect. If, however, on appeal by a party other than a party hereto, the Zoning Commissioner's approval of the Phoenix Development Plat is upheld, this Agreement shall remain in full force and effect.

4. In consideration of the agreement and support by the Neighbors, Phoenix agrees as follows:

(a) The sales of vehicles from the Phoenix Property shall be limited to the sales of high-end classic (e.g., such cars as may be found on the Auto Traders Classics website, and other classic car websites), historic, and luxury (e.g., BMW, Mercedes, Jaguar, late-model Cadillac, Lincoln, Ferrari, Maserati, Lexus, Alfa Romeo, Lotus, Audi, Bentley, Hummer, late-model Volvo, Porsche, and similar vehicles) vehicles;

(b) Repairs at the service garage (the "Service Garage") to be part of the Phoenix Property shall be limited to the repair, including reconditioning, of classic or luxury vehicles, whether or not such vehicles were purchased at the sales facility to be located on the Phoenix Property;

(c) The hours of operation for the Service Garage shall be limited to Monday through Saturday, until 7:30 p.m. on each day;

(d) Two (2) "show" vehicles may remain during daylight hours on the Phoenix Property outdoor lot, either along Belair Road or Fullerton Avenue, as shown on the Plat as Temporary Show Car Display Area Options "A" and "B," respectively;

(e) Signage on the Phoenix Property will be as prescribed in the Baltimore County Zoning Regulations, as set forth on Exhibit 3 hereto;

(f) The existing chain link fence on the Belair Road frontage of the Phoenix Property and along the Fullerton Avenue side of the Phoenix Property will be replaced by a black metal punched-rail vertical baluster fence (similar in nature to the existing fence on the Belair Road side of the Anna Property), or by appropriate landscaping as may be approved by Baltimore County; and

(g) Vehicles to be sold from the Phoenix Property will not be stored on adjacent properties, including the Anna Property.

5. The parties hereto agree that reasonable adjustments in the location of new buildings and other features of the Phoenix Property Development Plat shall be permitted, provided that the same meets with approvals obtained from the governmental agency having jurisdiction thereover, and the adjustment does not affect materially the development of the Phoenix Property as otherwise set forth in this Agreement.

6. The parties further acknowledge and agree that, notwithstanding any language to the contrary in this Agreement, from and after the date of this Agreement, Phoenix may develop the Phoenix Property for any use other than the use set forth in Paragraph 2 above, provided that such other use is permitted as of right in a BR Zone pursuant to the Baltimore County Zoning Regulations.

7. Prior to any party's seeking judicial enforcement of this Agreement, such party shall give all other parties to this Agreement written notice of the alleged grievance. Within twenty-one (21) days thereafter, representatives of the respective parties to this Agreement shall meet in order to attempt to resolve amicably the alleged non-compliance or grievance. Failure to comply with the dispute resolution provisions of this Paragraph 7 shall nullify the complaining party's ability to enforce the alleged grievance.

8. After the dispute resolution provisions set forth in Paragraph 6 above have been complied with, any party to this Agreement, or any party's successor or assign that is required to institute legal or equitable action in enforcement hereof, shall be deemed to have standing to institute such action, including, without limitation, an action for injunctive relief. Any party that is successful in obtaining judgment in favor of its action filed in enforcement of this Agreement shall be entitled to recover reasonable attorney's fees and court costs with regard to such action from the person or entity against which enforcement is obtained, as the same may be determined

or fixed by the court. The provisions of this Paragraph 8 shall not be applicable unless and until the dispute resolution provisions set forth in Paragraph 7 above have been strictly complied with.

9. This Agreement shall be construed, interpreted and enforced according to the laws of the State of Maryland, without regard to principles of conflicts of law. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms of any such provision shall be more strictly construed against one party or the other by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties hereto have participated in the preparation of this Agreement.

10. The terms, conditions, rights and obligations of this Agreement shall be binding on the parties hereto and their respective heirs, personal representatives, successors and assigns, as if they had been original signatories hereto.

11. This Agreement contains the full and complete agreement of the parties hereto, and no oral agreements, past, present or future, shall be effective or binding on or against the parties unless the same shall be reduced to writing and executed in the same manner as this Agreement.

12. Each of the parties hereto warrant that they or it have the authority to enter into this Agreement and to bind themselves hereby, and have carefully read and understand this Agreement, and are cognizant of the terms and conditions hereof and the obligations associated herewith. In particular, the Neighbors each warrant and represent that they have the power and requisite legal authority to bind themselves, their organization if acting in a representative capacity, and their successors and assigns to the agreements herein contained. Each entity

signing this Agreement further warrants and represents that it is duly organized and is in existence in accordance with Maryland law, and that it has taken all necessary action required to be taken by its charter, by-laws, or other organizational documents in order to authorize the execution of this Agreement.

13. Any notices required or permitted to be given by any party to this Agreement shall be addressed to the parties as follows:

To Phoenix:	10502 Willow Vista Way Cockeysville, Maryland 21030 Attention: Mr. John Esnaashari
With a copy to:	Alan Betten, Esq. Kandel, Klitenic, Kotz & Betten, LLP 502 Washington Avenue, Suite 610 Towson, Maryland 21204
To Anna:	10502 Willow Vista Way Cockeysville, Maryland 21030 Attention: Mr. John Esnaashari
With a copy to:	Alan Betten, Esq. Kandel, Klitenic, Kotz & Betten, LLP 502 Washington Avenue, Suite 610 Towson, Maryland 21204
To Linover:	c/o Carroll Walter Pupa, President P.O. Box 16952 Baltimore, Maryland 21206
To NBRCC:	c/o Mary Ellen Lewis, President 6426 Rosemont Avenue Baltimore, Maryland 21206
To Keffer:	4501 Fullerton Avenue Baltimore, Maryland 21206
To Burcham:	121 Linhigh Avenue Baltimore, Maryland 21236
To Herb:	121 Lyndale Avenue Baltimore, Maryland 21236

To McDaniel: 4218 Thorncliff Road
Baltimore, Maryland 21236

To ~~Luciana~~ ^{RL}
LUCIANI 207 Marion Avenue
Baltimore, Maryland 21236

To Owens: 123 Lyndale Avenue
Baltimore, Maryland 21236

With a copy to: J. Carroll Holzer, Esq.
508 Fairmount Avenue
Towson, Maryland 21286

Any notice that is required to be given pursuant to this Agreement shall be in writing, and shall be deemed given upon actual receipt (unless rejected by the party to whom it is addressed), and shall be sent by all other parties to all other parties by certified or registered mail, postage prepaid, or by Federal Express or other commercial overnight courier service to the last known address of the receiving party.

14. This Agreement may be amended only by a subsequent written instrument and signed by the parties hereto or by their respective successors or assigns.

15. The failure in any instance to enforce any of the covenants, restrictions and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto. In the event that any one or more of the covenants, restrictions and conditions herein contained should, for any reason, be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect.

16. Each of the parties hereto has had the benefit of private legal counsel before entering into this Agreement, and each has agreed to be responsible for its respective counsel fees.

17. This Agreement may be executed in counterparts, each of which shall be deemed an original for all purposes, and all of which shall, taken together, constitute a single and the same Agreement; each counterpart may be signed and transmitted initially by facsimile and the facsimile shall be considered as containing original signatures, provided that such counterpart is provided subsequently to each other party in its original form.

18. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to carry out the intent of this Agreement, or to amend this Agreement as may be required by any governmental agencies having jurisdiction over the development of the Phoenix Property, in order to obtain all required approvals and to otherwise comply with all applicable laws, regulations and codes in keeping with the spirit and intent of this Agreement.

19. Notwithstanding any provision hereof to the contrary and irrespective of any rule, construction or precedent under the common law of the United States and/or the State of Maryland, neither this Agreement nor any provision hereof shall be binding on any party hereto, nor shall any portion of this Agreement be enforceable in any proceeding, unless and until the complete signatures of all parties to this Agreement have been affixed hereto as provided herein.

20. The parties agree that this Agreement shall be entered as an exhibit in the hearing before the Baltimore County Zoning Commissioner, and incorporated in the Order issued by the Zoning Commissioner.

[SIGNATURES ON NEXT PAGE]

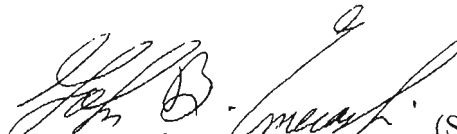
IN WITNESS WHEREOF, the parties hereto have affixed their respective hands and seals the date and year first written above.

WITNESS/ATTEST:

Phoenix Crown, L.L.C.

By:  (SEAL)
Title: President
Date: 2, 2, 2009

Anna Enterprises Inc.

By:  (SEAL)
Title: V. P.
Date: 2, 2, 2009

Linover Improvement Association, Inc.

Anna M. Heit 1/20/09

By: Carroll Walter Pupa (SEAL)
Title: PRESIDENT
Date: 1/20/09

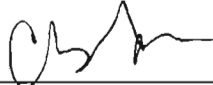
Northeast Belair Road Community Council, Inc.

Anna M. Heit 1/26/09

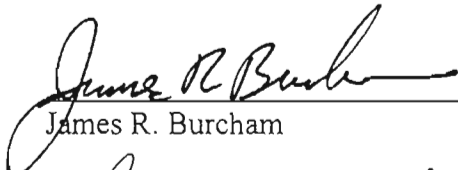
By: Marg Ellen Lewis, Pres (SEAL)
Title: PRESIDENT
Date: 1-26-09

[SIGNATURES CONTINUED ON NEXT PAGE]

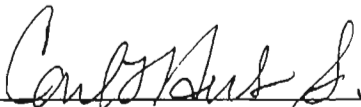
Anna M. Herb 1/20/09

 1/20/09 (SEAL)
Cheryl Keffer

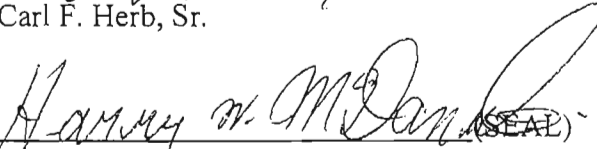
Carl F. Herb Sr 1/26/09

 1/26/09 (SEAL)
James R. Burcham

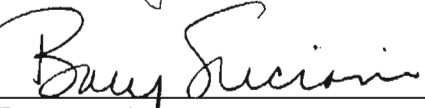
Anna M. Herb 1/20/09

 1/20/09 (SEAL)
Carl F. Herb, Sr.

Anna M. Herb 1/20/09

 1/20/09 (SEAL)
Harry W. McDaniel

Anna M. Herb 1/24/09

 1/24/09 (SEAL)
Barry Luciano LUCIANO

Anna M. Herb 1/20/09

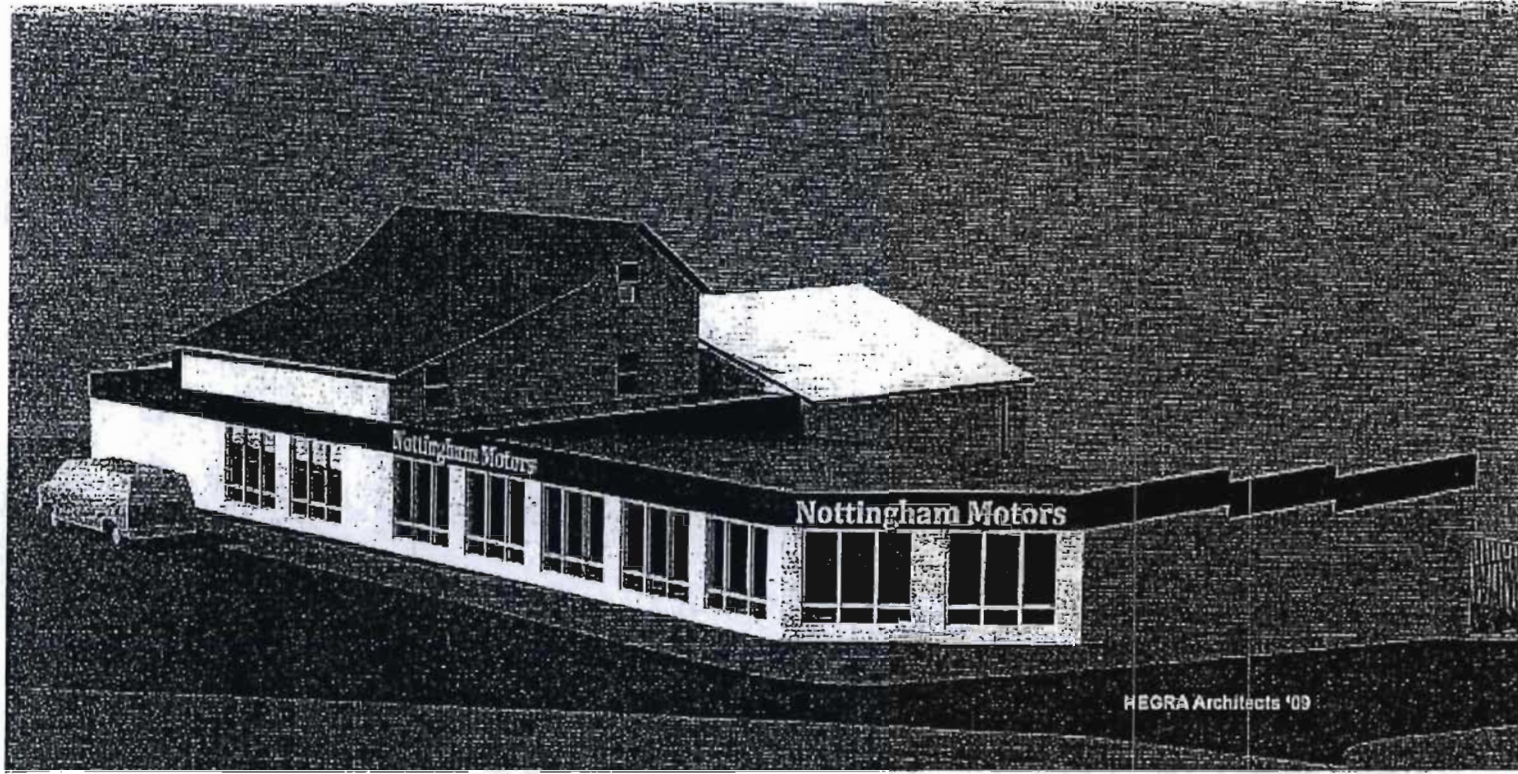
 1/20/09 (SEAL)
Susan Owens

EXHIBIT 1

Phoenix Property Development Plat

EXHIBIT 2

Phoenix Property Architectural Visualization with Signage



2008-0189-XA

RE: PETITION FOR VARIANCE
NE/corner of Belair Road and Fullerton
Avenue - 14th Election District
Edward Bromwell, et ux - Petitioners
NO. 76-19-A (Item No. 209)

: BEFORE THE
: DEPUTY ZONING
: COMMISSIONER
: OF
: BALTIMORE COUNTY

::: :::

::: :::

This Petition represents a request for a parking Variance that would permit two small additions to be added to an existing two story brick and frame restaurant and bar that exist at the above location.

Testimony and evidence presented during the course of the hearing established that the subject property was at one time part and parcel of a larger tract that has since been subdivided into two parcels. The rear portion of the original tract is improved with a sign and upholstery shop, and the front portion is improved with the restaurant. Both businesses share their parking areas. However, this Variance request is based on the number of spaces (22) that are located on the restaurant parcel. The additions planned by the Petitioners would basically fill in two "L" shaped areas on the west side of the existing building, the dimensions of which are approximately 14 feet by 10 feet and 14 feet by 16 feet. These areas are to be used as an entrance and storage area and as an expansion to the existing kitchen. Neither of the areas will be utilized to serve the public.

The existing dwelling and bar facilities are not being expanded in any way. Revised plans have been submitted complete with the corrections and additional information requested by two members of the Zoning Plans Advisory Committee, the Maryland State Highway Administration and the Baltimore County Planning Office.

Based on the above testimony and a personal on-site field inspection of the subject property, the Commission of the Deputy Zoning Commissioner that

ORDER RECEIVED FOR FILING

DATE

BY

ADMINISTRATIVE ASSISTANT

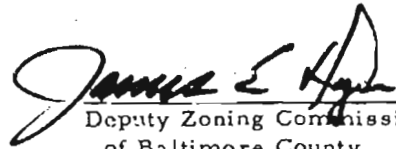
ORDER RECEIVED FOR FILING

08-189-XA

the Petitioners are faced with a practical difficulty in that the areas to be filled in serve no useful purpose, particularly for parking, and when completed should provide a more aesthetically pleasing appearance for the community at large. For these reasons, the Variance should, with certain restrictions, be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 28th day of July, 1975, that the herein Petition for a Variance to permit 22 parking spaces in lieu of the 47 spaces should be and the same is hereby GRANTED. Said granting is subject to the following:

1. Other than the entrance way, the two additions shall not be used by customers.
2. Approval of a site plan by the Department of Public Works, State Highway Administration, and the Office of Planning and Zoning.

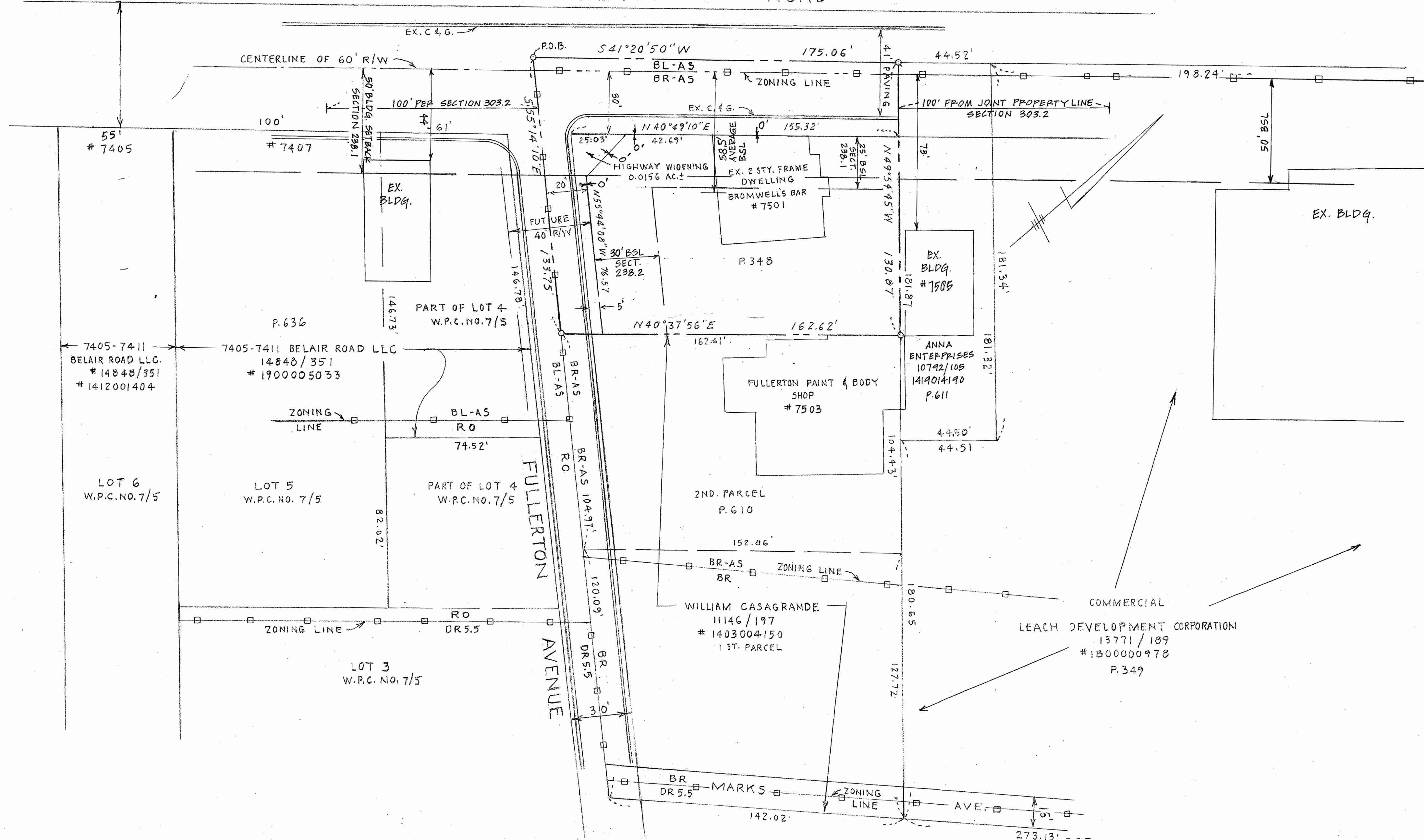

Deputy Zoning Commissioner
of Baltimore County

ON FILE - DEPT. OF PLANNING

DATE

08-189-XA

BELAIR ROAD



ZONING RELIEF REQUEST: (SHOWN SAME AS SHEET 1 OF 2)

- VARIANCE OF SECTION 303.2 AVERAGE BUILDING SETBACK FROM 58.5' TO 0' & SECTION 238.1 FRONT BUILDING SETBACK FROM 25' TO 0'
- VARIANCE OF SECTION 238.2 SIDE YARD BUILDING SETBACK FROM 30' TO 0'
- VARIANCE OF SECTION 409.4.B.1 ATTENDANT PARKING FROM REQUIRED TO REQUESTED FROM 13 SPACES TO 10 SPACES
- VARIANCE OF SECTION 409.8.A.1 LANDSCAPING BECAUSE THE PRINCIPALS OF PETITIONER AND ANNA ENTERPRISES, INC. ARE IDENTICAL
- VARIANCE OF SECTION 238.4 & SPECIAL EXCEPTION FROM SECTION 236.2 OUTDOOR SALES DISPLAY FOR USE AS USED MOTOR SALES AREA SEPARATED IN PART FROM SALES AGENCY BUILDING/TEMPORARY SHOW CAR AREAS OPTION A OR B



REV. 4/6/2009
REV. 4/3/2009

PLAN TO ACCOMPANY
PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
#7501 BELAIR Road
ELECTION DISTRICT NO. 14 C6
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
MARCH 23, 2009
SHEET 2 OF 2
JOB NO. 9608

GENERAL NOTES:

1. Zoned: BR-AS. Zoning Map: 081B2
2. Property Gross Area = 0.51 Ac +/-; Net - 0.315 Ac +/-
3. All signs must meet Section 450 B.C.Z.R.
4. Not located in The Chesapeake Bay Critical Area
5. Not located in Flood Plain Area
6. Not located in an Historic Area
7. Previous Zoning Case No. 76019-A (Item #209)
8. Existing Use: Bar (Vacant)
9. Proposed Use in Existing Building = 100 S.F. General Office and Storage Area
Showroom Car Display - 3495 S.F. Proposed with Sales Office
Net F.A.R. = 10,427 S.F. / 14,275 S.F. = 0.73
F.A.R. = Allowed = 2.0
Parking Requirement:
Service Garage = 1820 S.F. / 1000 x 3.3 = 6
General Office (1st Floor) = 100 S.F. / 1000 x 3.3 = 1
Showroom: (Used Auto) = 3345 S.F. / 1000 x 5 = 17
Sales Office = 100 S.F. / 1000 x 5 = 1
TOTAL: 25 Parking Spaces
Typical Spaces: 8.5' X 18'
Paving Type: Existing Macadam Paving
Spaces to be permanently striped
Parking Provided:
Service Garage: 3 Bays x 2 cars each = 6
Attendant Parking (50% if approved by Zoning Commissioner) = 13
Attendant Parking Provided = 10
Legal Parking: (Includes 1 Parking Space for Handicapped = 4
TOTAL = 20

(*) As Shown at the Rear of Proposed Service Garage

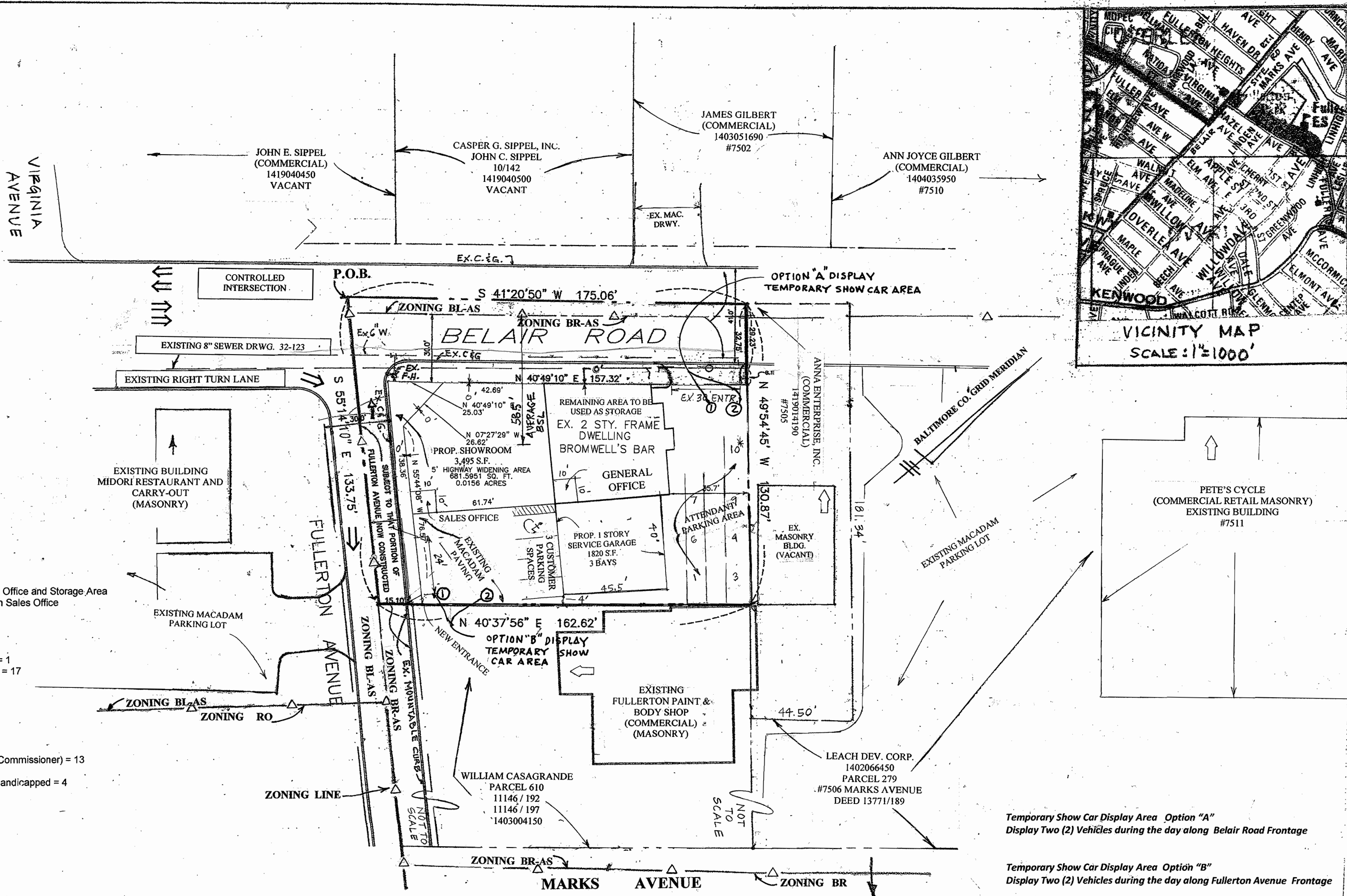
ZONING RELIEF REQUEST:

- VARIANCE OF SECTION 303.2 AVERAGE BUILDING SETBACK FROM 58.5' TO 0' & SECTION 238.1 FRONT BUILDING SETBACK FROM 25' TO 0'
- VARIANCE OF SECTION 238.2 SIDE YARD BUILDING SETBACK FROM 30' TO 0'
- VARIANCE OF SECTION 409.4.B.1 ATTENDANT PARKING FROM REQUIRED TO REQUESTED FROM 13 SPACES TO 10 SPACES
- VARIANCE OF SECTION 409.8.A.1 LANDSCAPING BECAUSE THE PRINCIPALS OF PETITIONER AND ANNA ENTERPRISES, INC. ARE IDENTICAL
- VARIANCE OF SECTION 238.4 & SPECIAL EXCEPTION FROM SECTION 236.2 OUTDOOR SALES DISPLAY FOR USE AS USED MOTOR SALES AREA SEPARATED IN PART FROM SALES AGENCY BUILDING/TEMPORARY SHOW CAR AREAS OPTION A OR B

P. 843
PLAN VIEW
SCALE: 1" = 30'

OWNER: PHOENIX CROWN, L.L.C.
10502 Willow Vista Way
Cockeysville MD 21030-1038
Deed Ref.: 25095 / 725
Tax Acct. No. 1402022025
4/03/2009, 4/07/09

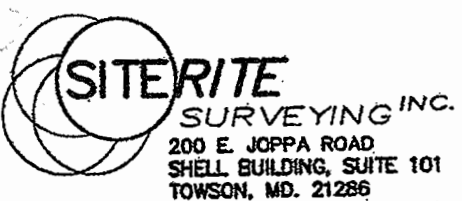
**PLAT TO ACCOMPANY
PETITIONS FOR SPECIAL EXCEPTION & VARIANCES**
#7501 BELAIR ROAD
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SHEET 1 OF 2
JOB NO. 9608



Temporary Show Car Display Area Option "A"
Display Two (2) Vehicles during the day along Belair Road Frontage

Temporary Show Car Display Area Option "B"
Display Two (2) Vehicles during the day along Fullerton Avenue Frontage

Revised Plan
2008-0189-XX



REVISONS: 9/9/2008, 10/16/2008, 11/24/2008 AND 3/23/2009,