

IN RE: PETITION FOR VARIANCE

NW/S of Belair Road (U.S. Route 1),
52' E c/line of Forge Road
(9716 Belair Road)

11th Election District
5th Council District

Perry Hall Investment Group, *Legal Owner* *
Time Out for Sports, Inc., *Contract Purchaser* *
Petitioners *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2010-0199-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Perry Hall Investment Group, and the contract purchaser, Time Out for Sports, Inc., Petitioners, through their attorney, J. Neil Lanzi, Esquire.¹ The Petitioners request variance relief from Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the approval of: (1) a parking variance to allow 19 parking spaces in lieu of the required 50 spaces per Section 409.6A(2), and (2) to allow two (2) parking spaces to be five (5) feet from the public right-of-way in lieu of the required ten (10) feet per Section 409.8A(4). The subject property and requested relief are more particularly described on the site plan, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were John "J.B." Sommer, President of Time Out for Sports, Inc., his mother, Nancy L. Sommer who started the business in 1983, and J. Finley Ransone of A2 Geomatics, a land surveying and engineering design company, who prepared the site plan for the improvements at this property and assisting Mr. Sommer with the permitting process. The Petitioners were represented by J. Neil Lanzi,

¹ A settlement date on February 25, 2010 will transfer ownership to Time Out Sports, Inc. Despite best efforts to resolve zoning and environmental issues prior to settlement, Mr. Sommer was unable to do so given the severe weather conditions.

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Esquire. There were no Protestants or other interested persons present.

Petitioner's counsel offered J. Finley Ransone, a registered professional surveyor and land use consultant, as an expert and had him introduce the site plan. Testimony and evidence revealed that the subject property, known as 9716 Belair Road, is an irregular shaped parcel located on the opposite side of U.S. Route 1 from Forge Road in Perry Hall. The lot has an area of 54,016 square feet (1.24 acres), more or less, and zoned B.L. A one-story, 4,946 square foot building formerly known as the Anthony Sylvan Pools retail store and macadam parking lot occupy the southern portion of the property. The property has 150 feet of frontage on Belair Road and is located within a heavy commercial corridor. The triangular shape at the rear of the property is created by a BGE right-of-way that traverses along the property line. This results in a 431 foot western side yard depth and only a 200 foot length on the eastern side. A Shell Oil Company Service Station is located directly across from the subject property on the east side of Forge Road. Immediately south of the property is 9712 Belair Road occupied by a four-story professional office building with paving from the front through the rear of the property. Immediately to the north of the subject property is 9722 Belair Road which consists of a one-story building containing retail shops and offices. Mr. Ransone presented photographs (See Exhibit 4A through J) and testified as to the uniqueness of the property and stated that the subject property was irregular in shape with the rear section containing scrub forest, possible wetlands and, as noted, the BGE right-of-way. The adjacent parcels no longer contain the scrub forest behind their sites.

There were no adverse Zoning Advisory Committee (ZAC) comments received, however, a copy of a letter from the Department of Environment Protection and Resource Management (DEPRM) addressed to the Petitioner indicated that further investigation of the property with

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regard to wetlands and forest delineation was necessary. Mr. Ransone addressed the DEPRM concerns and indicated that the site plan offered as Exhibit 1 shows the proposed 4,900 square foot addition located to the rear of the existing building and over an existing macadam paved area. Mr. Ransone stated that as a result of the discussions with DEPRM, an alternative location for the addition may become necessary.²

Petitioner is requesting modified variance relief in light of the DEPRM comments should it become necessary to locate the addition in the alternative location on the property. The addition would be reduced in size to 4,750 square feet (rather than 4,900 square feet) reducing by four (4) the number of required parking spaces. That is to say under Exhibit 2, 23 spaces would be available in lieu of the required 49 spaces under the new plan. The setback variance for the two (2) parking spaces five (5) feet from the public right-of-way in the front was not affected by the red-lined changes. In this regard, Mr. Ransone noted the setback variance from the public right-of-way of Belair Road is needed as the State Highway Administration (SHA) has widened the roadway and property line on several occasions taking a total of 15 feet of frontage as a result.

Mr. Ransone testified that it was his opinion that *the original rear location of the proposed addition* as shown on Exhibits 1 and 2 would be better suited for the expansion of the building due to the existing partially paved conditions on the property and especially since *the alternative location consisted of a grassy area providing a pervious surface* which would then be made impervious as a result of the addition. Mr. Ransone stated that in his opinion practical difficulty would result for the Petitioner if strict compliance with the regulations were required due to the existing conditions on the property, i.e., the road widening, BG&E right-of-way and

² In light of the DEPRM comment, Petitioner offered Exhibits 2 and 3 evidencing a red-lined plan with an alternative addition location and revised parking calculations.

environmental factors discussed. Mr. Ransone further testified that in his opinion the parking and setback variances would not alter the essential character of the neighborhood and there would be no detriment to the health, safety or general welfare of the neighborhood.

J.B. Sommer, who manages the day-to-day functioning of Time Out for Sports, Inc., testified that he has operated his sporting goods retail and uniform fabrication business off of Joppa Road for several years and was purchasing the subject property in order to find a new home for his expanding business. Mr. Sommer stated he had discussed his plans with the Perry Hall Improvement Association and received no objection. Mr. Sommer stated he had also reviewed both the initial plan offered as Exhibit 1 and the red-lined plan offered as Exhibit 2 with his immediate neighbors, Charles B. Marek, Jr. owner of 9712 Belair Road (professional office building) and Franco Marcantoni, owner of 9722 Belair Road (one-story building to the north) and neither property owner had any objection. *See* letters of support from both neighbors that were accepted as Petitioners' Exhibits 5 and 6. Mr. Sommer indicated he fully understood the limitations on the number of manufacturing employees and equipment as provided for in B.C.Z.R. Section 230.12 for his uniform fabrication. The appropriate limitations are contained as notes on the site plan. Due to the nature of the business, Mr. Sommer indicated he has never had an issue with parking for his employees and customers at his current Orchard Tree Lane location that provides 20 spaces. He does not anticipate any issues with parking at the new location. Nancy Sommer testified that she began the business in 1983 selling equipment and uniforms for women's volleyball teams. The business has since expanded to all types of sporting events and the equipment necessary to outfit them. The primary customer base is affiliated Baltimore and Harford County Recreation Councils who order uniforms for various sanctioned team sporting activities.

The Sommers', Petitioner's consultant and the undersigned all prefer the original addition location at the rear of the existing structure as shown on Exhibit 1 as opposed to the alternate location shown on Exhibit 2 that pushes the building envelope within 2 feet of the common property line with 9722 Belair Road.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. as interpreted by the Court in *Cromwell v. Ward*, 102 Md. App. 691 (1995) by establishing that the subject contains unique characteristics that result in the regulations impacting disproportionately upon the property. I find that strict compliance with the parking and setback requirements would result in practical difficulty and unreasonable hardship. I further find that the granting of the zoning relief will be in strict harmony with the spirit and intent of the B.C.Z.R. and will not cause substantial injury to the public, health, safety and general welfare.

Pursuant to the advertisement, posting of the property, the public hearing held on this Petition, and the amended Petition received as Exhibit 3, and for the reasons set forth above, the relief requested shall be granted.

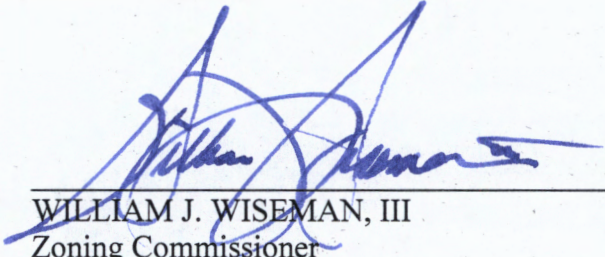
THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, this 1st day of March, 2010, that the Petition for Variance seeking relief from Sections 307 and 409.6A(2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 19 parking spaces in lieu of the required 50 spaces, or in the alternative, 23 parking spaces in lieu of the required 49, in accordance with Petitioners' Exhibits 1 and 2, be and are hereby GRANTED, and

IT IS FURTHER ORDERED, that the Petition for Variance seeking relief from Sections 307 and 409.8A(4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2)

parking spaces to be five (5) feet from the public right-of-way in lieu of the required ten (10) feet, in accordance with Petitioners' Exhibits 1 and 2, be and are hereby GRANTED, subject, to the following conditions:

1. The Petitioner may apply for its building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. The Petitioner shall comply with the recommendation made by the Department of Environmental Protection and Resource Management (DEPRM) in its Zoning Advisory Committee (ZAC) comment, dated February 18, 2010, and attached letter to the Petitioner, dated January 26, 2010, copies of which are attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed and ultimately selected by the Petitioner must reference these case(s) 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.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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By

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 1, 2010

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: PETITION FOR VARIANCE

NW/S of Belair Road, 52' E of c/line of Forge Road
(9716 Belair Road)
11th Election District - 5th Council District
Perry Hall Investment Group, *Legal Owner*;
Time Out for Sports, Inc., *Lessee* - Petitioners
Case No. 2010-0199-A

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over the words "Very truly yours,".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: J.B. Sommer, 9716 Belair Road, Baltimore, MD 21236
Nancy Sommers, 9716 Belair Road, Baltimore, MD 21236
J. Finley Ransone, 14242 Jarrettsville Place, Phoenix, MD 21131
People's Counsel; Office of Planning; DEPRM; File



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JONAS A. JACOBSON, *Director*
Department of Environmental Protection
and Resource Management

January 26, 2010

Mr. J.B. Sommer
Time Out For Sports
8805 Orchard Tree Lane
Towson, MD 21286

RE: Permit Application #B730694
9716 Belair Road

Dear Mr. Sommer:

Environmental Impact Review (EIR) has reviewed the above-referenced permit application to construct a 100' x 49' addition on the rear of the existing building at 9716 Belair Road. The proposed addition will extend 49 feet from the rear of the existing building over a portion of existing parking lot and into the wooded area at the rear of the site.

A recent site visit revealed the possible presence of non-tidal wetlands on the rear of the property. Any proposed disturbance of the wooded area onsite will require investigation of the presence of non-tidal wetlands. A wetland delineation and report must be submitted and approved by EIR. If any impacts to any non-tidal wetlands or associated wetland buffers are proposed, forest buffer variance approval and mitigation will be required by this Department as well as State and Federal authorization of any impacts to resources under their jurisdiction. These approvals must be obtained prior to building permit approval.

Nonetheless, as you have discussed with both Glenn Shaffer and myself, if the addition's design is modified to avoid impacts to the area suspected of containing wetlands (approximately at the toe of the slope), a full wetland delineation and report will not be required. However, the forested area must be retained in a Forest Buffer Easement to be recorded in the Land Records of Baltimore County along with its associated Declaration of Protective Covenants via the Right-of-Way plat process. Please consult the Baltimore County Right-of-Way Manual or the following website for more details about this process:

<http://www.baltimorecountymd.gov/Agencies/permits/landacquisition/index.html>

In this case, a variance application to reduce the 25-foot primary structure setback will be required if the proposed addition will be less than 25 feet from the forest buffer boundary.

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Mr. J.B. Sommer
9716 Belair Road
January 26, 2010
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In addition to the requirements listed above, Forest Conservation must be addressed for this site. During your visit to our office, EIR staff completed a Forest Conservation Worksheet for the site and determined that forest conservation requirements can be met by retaining the forested area at the rear of the site in a Forest Conservation/ Forest Buffer Easement. A simplified Forest Stand Delineation (FSD), the completed Forest Conservation Worksheet, and a Forest Conservation Plan must be submitted in accordance with COMAR 08.19.06.01. Please also include a letter of application for a Simplified FSD in accordance with Baltimore County Policy 01-93 (attached).

Once these issues are addressed, EIR will continue review of the subject permit application. Please be advised that EIR review of these items may generate additional comments and require a revised permit plan. Furthermore, all forest buffer and forest conservation requirements must be met prior to EIR approval of the building permit application.

If you have any questions regarding these requirements, please contact me at 410-887-3980.

Sincerely,



Adriene Metzbower
Natural Resource Specialist
Environmental Impact Review

Enclosure

c. Glenn Shaffer

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9716 Belair Road/sheir/AAM



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 9716 Belair Road

which is presently zoned BL

Deed Reference: 5514 / 728 Tax Account # 1116061260

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 attached

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

See attached

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:

Time Out For Sports, Inc.

Name - Type or Print

Signature

by J.B. Sommer, Pres.

8805 Orchard Tree Lane 410-825-2898

Address Telephone No.

Towson, MD 21286

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi, Esquire

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Suite 617 410-296-0686

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Perry Hall Investment Group

Name - Type or Print

Signature

Joel Peskin by J.B. Sommer, Attorney-in-Fact

Name - Type or Print

Signature

c/o Coleman J. Peskin Co. PO Box 176 410-825-2898

Address Telephone No.

Wynnewood PA 19096

City State Zip Code

Representative to be Contacted:

J. Neil Lanzi, Esquire

Name

409 Washington Ave, Suite 617 410-296-0686

Address Telephone No.

Towson, MD 21204

City State Zip Code

Case No. 2010-0199-A

Office Use Only

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Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

Date 3-1-10

Reviewed by D.T.

Date 1/13/10

By

low

Petition for Variance

Petitioner, Time Out for Sports, Inc., Contract Purchaser, files this Petition for Variance under Section 307 of the Baltimore County Zoning Regulations and requests approval of the following:

1. A parking variance to allow 19 parking spaces in lieu of the required 50 parking spaces per Section 409.6A(2) of the Baltimore County Zoning Regulations.
2. A variance to allow two parking spaces to be five feet from the public right of way in lieu of the required ten feet per Section 409.8A(4) of the Baltimore County Zoning Regulations.
3. For such other and further relief as may be required by the Zoning Commissioner.

Petitioner's Property is zoned BL and contains an existing one story building consisting of 4,946 square feet. Petitioner is proposing a 4,900 square feet one story addition to the existing building. The commercially zoned property with the improvements will be used for Petitioner's sporting goods business. Due to forested property to the rear and the widening of Belair Road the requested variances are necessary. Petitioner will suffer practical difficulty and undue hardship if the requested variance relief is not granted. Additional reasons in support of Petitioner's requests will be provided at the hearing on this matter.

2010-0199-A

LIMITED PURPOSE POWER OF ATTORNEY NOTICE

THE PURPOSE OF THIS LIMITED PURPOSE POWER OF ATTORNEY IS TO GRANT JB SOMMER, AS MANAGER FOR JB SOMMER, LLC, A MARYLAND LIMITED LIABILITY COMPANY, WHOM I HAVE DESIGNATED AS MY ATTORNEY-IN-FACT, MY POWER OF ATTORNEY. THIS LIMITED PURPOSE POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON MY ATTORNEY-IN-FACT TO EXERCISE GRANTED POWERS; BUT WHEN POWERS ARE EXERCISED, MY ATTORNEY-IN-FACT MUST USE DUE CARE TO ACT FOR MY BENEFIT AND IN ACCORDANCE WITH THIS LIMITED PURPOSE POWER OF ATTORNEY.

MY ATTORNEY-IN-FACT MAY EXERCISE THE POWERS GIVEN HERE UNTIL JANUARY 29, 2010 EVEN AFTER I BECOME INCAPACITATED, UNLESS I EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR I REVOKE THESE POWERS HEREAFTER OR A COURT ACTING ON MY BEHALF TERMINATES MY ATTORNEY-IN-FACT'S AUTHORITY.

MY ATTORNEY-IN-FACT MUST KEEP MY FUNDS AND PROPERTY THAT I GIVE MY ATTORNEY OR THAT MY ATTORNEY-IN-FACT RECEIVES FOR ME SEPARATE FROM MY ATTORNEY-IN-FACT'S FUNDS AND PROPERTY.

A COURT CAN TAKE AWAY THE POWERS OF MY ATTORNEY-IN-FACT IF THE COURT FINDS MY ATTORNEY-IN-FACT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF MY ATTORNEY-IN-FACT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 PA.C.S. CH.56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS AND THE CONTENTS OF THE ACKNOWLEDGMENT AND DURABLE LIMITED PURPOSE POWER OF ATTORNEY ATTACHED HERETO AND MADE A PART HEREOF.

**PRINCIPAL:
PERRY HALL INVESTMENT GROUP**

DATE: 1/12/10

By: 
JOEL M. PESKIN, AS ATTORNEY-IN-FACT
FOR JEROME FERTEL, GENERAL
PARTNER

ACKNOWLEDGMENT EXECUTED BY ATTORNEY-IN-FACT

I, **JB SOMMER, MANAGER FOR JB SOMMER, LLC**, have read the attached Limited Purpose Power of Attorney of **PERRY HALL INVESTMENT GROUP** ("Principal") and I am the person identified as its attorney-in-fact. I hereby acknowledge that in the absence of a specific provision to the contrary in the Power of Attorney or in 20 PA.C.S. Ch. 56, when I act at attorney-in-fact for the Principal:

1. I shall exercise the powers only for the benefit of the Principal.
2. I shall keep the assets of the Principal separate from my assets.
3. I shall exercise reasonable caution and prudence and act in a fiduciary manner at all times.
4. I understand that this Limited Purpose Power of Attorney is a **LIMITED PURPOSE POWER OF ATTORNEY ONLY**, and is being executed for the sole and specific purpose of granting the authority to **JB SOMMER, MANAGER OF JB SOMMER, LLC**, to execute on behalf of the Principal an Application for a Zoning Variance and for no other purpose or action. **JB SOMMER, LLC** is the assignee of Time Out for Sports Inc., who is the Purchaser named in that certain Agreement of Sale dated September 25, 2009, as amended, with Principal as Seller for the real property commonly known as 9716 Belair Road, Perry Hall, Baltimore County, Maryland (the "Property").

ATTORNEY-IN-FACT:

JB SOMMER, LLC

DATE: 1-13-10

By: _____

JB Sommer, Manager

STATE OF MARYLAND :

COUNTY OF BALTIMORE

:§
:

ON *THIS*, the 13th day of January, 2010, before me, a Notary for the above named jurisdiction, personally appeared **JB SOMMER, MANAGER FOR JB SOMMER, LLC**, a Maryland limited liability company, as attorney-in-fact, satisfactorily proven to me to be the person whose names is subscribed to this Limited Purpose Power of Attorney, and who voluntarily executed this document for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this date.

M. Pham
NOTARY PUBLIC

My Commission Expires:

8/7/13
[Stamp]

Notary Seal

LIMITED PURPOSE POWER OF ATTORNEY

I, JOEL M. PESKIN AS ATTORNEY-IN-FACT FOR JEROME FERTEL, GENERAL PARTNER OF PERRY HALL INVESTMENT GROUP, hereby appoint JB SOMMER, MANAGER FOR JB SOMMER, LLC, my Attorney-in-Fact and authorize him to exercise the following specific and limited powers on my behalf concerning an Application for a Zoning Variance required to complete Closing on an Agreement of Sale dated September 25, 2009, as amended, for the real property commonly known as 9716 Belair Road, Perry Hall, Baltimore County, Maryland (the "Property") including, but not limited to:

(a) Generally to take any action which the Attorney-in-Fact deems best with respect to the execution of the Application for a Zoning Variance for the Property ONLY on my behalf with the same force and effect as I could do if personally present;

(b) Specifically, and not in derogation of the powers above granted to sign, execute, acknowledge, endorse, deliver, deposit, disburse, with or without seal, any instrument necessary or convenient for the proper execution of the powers herein given, including any other necessary documents specifically relating to the Application for a Zoning Variance required for the sale of the Property.

(c) The Attorney-in-Fact and anyone dealing with him may rely on the contingent effectiveness of this Limited Purpose Power of Attorney in the absence of the actual notice of its revocation in writing. Notwithstanding same, this Limited Purpose Power of Attorney shall automatically expire upon my demise.

(d) This Power of Attorney is a **LIMITED PURPOSE POWER OF ATTORNEY ONLY**, and is being executed for the sole and specific purpose of granting the authority to JB SOMMER, MANAGER OF JB SOMMER, LLC, to execute on behalf of the Principal an

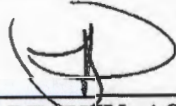
Application for a Zoning Variance and for no other purpose or action. **JB SOMMER, LLC** is the assignee of Time Out for Sports Inc., who is the Purchaser named in that certain Agreement of Sale dated September 25, 2009, as amended, with Principal as Seller for the real property commonly known as 9716 Belair Road, Perry Hall, Baltimore County, Maryland (the "Property").

Time is of the essence for all dates and time periods herein.

EXECUTED on the 12th day of January, 2010.

PRINCIPAL:
PERRY HALL INVESTMENT GROUP

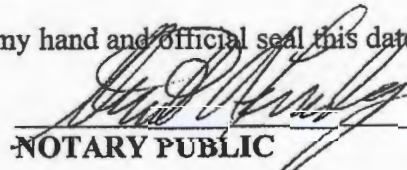
DATE: 1/12/10

By: 
JOEL M. PESKIN, AS ATTORNEY-IN-FACT FOR JEROME FERTEL, GENERAL PARTNER

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Montgomery :§
:

ON THIS, the 12 day of January 2010, before me, a Notary for the above named jurisdiction, personally appeared **JOEL M. PESKIN, ATTORNEY-IN-FACT FOR JEROME FERTEL, GENERAL PARTNER OF PERRY HALL INVESTMENT GROUP**, satisfactorily proven to me to be the person whose name is subscribed to this Limited Purpose Power of Attorney, and who, after being authorized to do so, voluntarily executed this document for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this date.


NOTARY PUBLIC

My Commission Expires:

Notary Seal

[Stamp]

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
STUART R. LUNDY, Notary Public
Narberth Boro., Montgomery County
My Commission Expires August 20, 2010



A² Geomatics & Surveying

Geomatics, Surveying, Landscape Architecture
& Environmental Science

P.O. Box 10160 • Towson, Maryland 21285-0160

410.666.7448 • 1-866-660-7448 • fax: 410.666.0373

email: info@A2geomatics.com

www.A2geomatics.com

January 12, 2010

ZONING DESCRIPTION

For

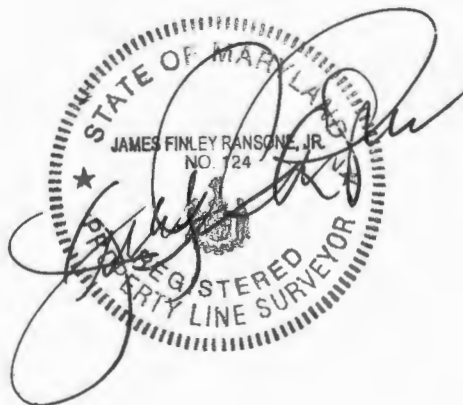
No. 9716 Belair Road

Baltimore County, Maryland

Beginning at a point on the northwest side of Belair Road, U.S. Route 1, a variable width right of way as shown on Maryland State Highway Administration Plat No. 54823, at the distance of 52 feet more or less northeasterly measured along said right of way from the intersection of the centerline of Forge Road, 60 feet wide, with the aforesaid northwest side of Belair Road, thence leaving said Belair Road and binding on the outlines of the property of the petitioners herein the six following courses and distances viz:

1. North 45 degrees 55 minutes 26 seconds West 431.34 feet, thence,
2. South 80 degrees 23 minutes 48 seconds East 284.58 feet, thence,
3. South 42 degrees 26 minutes 16 seconds East 199.19 feet to the aforesaid northwest side of Belair Road, thence continuing to bind on the outlines of the property of the petitioners, and binding on the northwest side of Belair Road as shown on the aforesaid Maryland State Highway Administration Plat No. 54823,
4. South 46 degrees 02 minutes 55 seconds West 6.73 feet, thence,
5. South 44 degrees 52 minutes 18 seconds West 50.11 feet, and thence,
6. South 44 degrees 47 minutes 49 seconds West 92.14 feet, to the place of beginning.

Being all and the same property of the petitioners herein as recorded among the Land Records of Baltimore County in Liber No. 5514 folio 728.



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: 2010-0199-A
Petitioner: PERRY HALL INVESTMENT GROUP
Address or Location: 9716 BELAIR RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. NEIL LANZI, ESQ
Address: 409 WASHINGTON AVE
SUITE 617
TOWSON, MD 21204
Telephone Number: 410-296-0686

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

No. 49032

Date: 1/15/10

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	20	0002		450					825.00

Total: 825.00

Rec From: J. NEWMAN

For: 2010-2019-1

9110 BELAIR RD

J THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2010-0199-A

9716 Belair Road

N/West side of Belair Road, 52 feet east of the centerline of Forge Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Perry Hall Investment Group

Contract Purchaser: Time Out for Sports, Inc.

Variance: To allow 19 parking spaces in lieu of the required 50 parking spaces; a variance to allow two parking spaces to be five feet from the public right of way in lieu of the required 10 feet, for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Monday, February 22, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

02/019 February 4

228719

CERTIFICATE OF PUBLICATION

2/4/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/4/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0199-A

RE: Case No.: _____

Petitioner/Developer: _____
Time Out For Sports, Inc..

February 22 2010
Date of Hearing/Closing: _____

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

Attn: Kristin Matthews

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: _____
9716 Belair Road

February 6 2010,
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black Feb 8 2010

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0199-A

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

Room 104, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY, FEBRUARY 22, 2010 AT 9:00 A.M.

REQUEST: VARIANCE TO ALLOW 19 PARKING SPACES IN LIEU OF THE
REQUIRED 50 PARKING SPACES. A VARIANCE TO ALLOW TWO PARKING
SPACES TO BE FIVE FEET FROM THE PUBLIC RIGHT OF WAY IN LIEU OF
THE REQUIRED 10 FEET. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE
REQUIRED BY THE ZONING COMMISSIONER.

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

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
January 22, 2010

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: 2010-0199-A

9716 Belair Road

N/west side of Belair Road, 52 feet east of the centerline of Forge Road

11th Election District – 5th Councilmanic District

Legal Owners: Perry Hall Investment Group

Contract Purchaser: Time Out for Sports, Inc.

Variance to allow 19 parking spaces in lieu of the required 50 parking spaces; a variance to allow two parking spaces to be five feet from the public right of way in lieu of the required 10 feet, for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Monday, February 22, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco.
Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204

Joel Peskin, Perry Hall Investment Group, P.O. Box 176, Wynnewood PA 19096

Time Out for Sports, Inc., J.B. Sommer, 8805 Orchard Tree Lane, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 6, 2010.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 4, 2010 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

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: 2010-0199-A

9716 Belair Road

N/west side of Belair Road, 52 feet east of the centerline of Forge Road

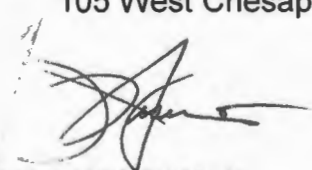
11th Election District – 5th Councilmanic District

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Hearing: Monday, February 22, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

February 17, 2010

J. Neil Lanzi, Esq.
J. Neil Lanzi, P.A.
409 Washington Ave. Ste. 617
Towson, MD 21204

Dear: J. Neil Lanzi, Esq.

RE: Case Number 2010-0199-A, 9716 Belair Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 13, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Joel Peskin; Perry Hall Investment Group; P.O. Box 176; Wynnewood, PA 19096
J.B. Sommer; Time Out Sports, Inc; 8805 Orchard Tree Lane; Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 18 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: February 18, 2010
SUBJECT: Zoning Item # 10-199-A
Address 9716 Belair Road
(Perry Hall Investment Group Property)

Zoning Advisory Committee Meeting of January 18, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

See attached letter to applicant dated January 26, 2010.

Reviewer: Adriene Metzbower

Date: February 9, 2010

ORDER RECEIVED FOR FILING

Date

By

BW
2-22-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 18 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: February 18, 2010
SUBJECT: Zoning Item # 10-199-A
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Additional Comments:

See attached letter to applicant dated January 26, 2010.

Reviewer: Adriene Metzbower

Date: February 9, 2010

BW 2/22
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 2, 2010

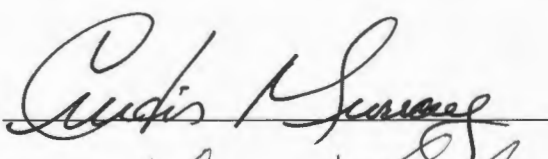
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

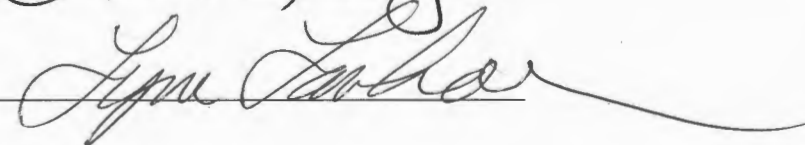
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-199- Variance**

The petitioner (Perry Hall Investment Group) requests a variance to allow 10 parking spaces in lieu of the required 50 parking spaces. The petitioner is also seeking to allow two parking spaces to be five feet from the public right-of-way in lieu of the required 10-feet.

Due to operational needs and unavoidable circumstances of the proposed business, the Office of Planning does not oppose the requested variances.

For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By: 

Division Chief: 
CM/LL

RECEIVED

FEB 03 2010

ZONING COMMISSIONER



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 18, 2010

Item Numbers: 0189,0190,0191,0192,0194,0195,0196,0198,0199

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 1, 2010
Item Nos. 2010-0189, 190, 191, 192,
193, 195, 196, 197, 198 and 199

DATE: January 22, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02012010 -NO COMMENTS.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Date: JAN. 21, 2010

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

RE: Baltimore County
Item No. 2010-0199-A
451 (BELAIR RD)
9716 BELAIR RD
TIME OUT FOR SPORTS, INC.
VARIANCE-

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 01/20/2010. A field inspection and internal review reveals that an entrance onto 451 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 9716 BELAIR RD, Case Number 2010-0199-A.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey".

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE	*	BEFORE THE
9716 Belair Road; NW/S of Belair Road;		
52' E c/line of Forge Road	*	ZONING COMMISSIONER
11 th Election & 5 th Councilmanic Districts		
Legal Owner(s): Perry Hall Investment Group*		FOR
Contract Purchaser(s): Time Out for Sports, Inc	*	BALTIMORE COUNTY
Petitioner(s)		
	*	10-199-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 all 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

FEB 01 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February, 2010, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 01, 2010

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RECEIVED

MAR 01 2010

Re: PETITION FOR VARIANCE
Perry Hall Investment Group, Legal Owner &
Time Out for Sports, Contract Purchaser – Petitioners
9716 Belair Road
Case No: 10-199-A

ZONING COMMISSIONER

*Order issued
and mailed out prior
to receiving this comment*

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case because they potentially present traffic/parking issues. As a result, he sent the enclosed e-mail dated February 26, 2010. As is our custom, we promptly forward it to you for consideration. Mr. Weber's comments include observations and/or recommendations with respect to the plan. He also states that there must be no additional (second) access to Belair Road, and there should be a condition to that effect.

*Place in
file*

It has come to our attention that the hearing date for this case was February 22, 2010. Because of the timing, I called Petitioner's attorney, J. Neil Lanzi, today and e-mailed him this letter along with Mr. Weber's comment so that he may respond promptly. I understand that Petitioner is still working out the final details of the site plan, including DEPRM review. I ask that Mr. Weber's input be part of that process. I suggest that the final version of the plan be identified and referred to in your order so there is no confusion as to what is approved.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: J. Neil Lanzi, Esquire
Stephen Weber, Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 2/26/2010 8:29 PM
Subject: Fwd: Case No. 10-199-A, 9716 Belair Rd, Perry Hall Investment Group
Attachments: 10-199-A Petition.pdf

Dear Ms. Zimmerman:

We have reviewed the subject request. Clearly the greatest concern comes from the significant parking variance request for 19 spaces in lieu of the required 50 spaces. While the specific use that is there may be satisfied with the 19 spaces that they are providing, the fact remains that the property is zoned BL and it is nearly given that eventually some day this property will become some other type of retail use. At that time, or as this business potentially morphs into a higher traffic generating business, the lack of adequate parking will pose a definite limitation on the property. What is troubling is the manner in which the addition to the building is being constructed. By turning the building 90 degrees and running it to nearly the south property line, it takes the parking area and permanently constrains it into a box which can't be enlarged without tearing down the building. From that standpoint the design seems very short sighted. In fact, this building addition is going to result in the loss of 4 to 5 parking spaces that they currently have. So the work area and/or retail area is being increased, but the available parking to support it is being decreased. Obviously these seem in conflict with one another.

The petitioner indicates that due to the forested area in the rear of the property the requested parking variances are necessary. However, when looking at the adjacent two parcels to the south of this business, it is noted that they removed the same adjacent forested area. Therefore, it is unclear where removal of the trees is going to create undue hardship to the petitioner. Even if the petitioner really did only need 19 parking spaces, it would seem far more appropriate to design the addition of the building so that the parking lot has the ability of being expanded further to the west when or if it is necessary for this owner or any future owner to be able to enlarge the parking lot to support the retail business on the property. For the current proposed building design (which precludes any future parking lot expansion) and the significant parking variance to be approved, it would seem there would have to be an extremely compelling and unusual argument to be made to justify such an action.

The petitioner might think that they could potentially gain another access to Belair Rd (US 1) and run a new road along the north side of the building to provide additional access and/or parking in the future. Be advised that this would run counter to all standards of the State Highway Administration and it is very doubtful that the State would issue 2 accesses onto this single fairly small parcel. Doing so generates additional conflict points onto this major arterial highway and thus would decrease safety levels. If consideration is still given to granting the petitioner's request, then I would ask that a note be placed on the plan indicating, "Petitioner acknowledges that a second means of access will not be allowed onto the property from Belair Rd (US 1) and the petitioner agrees that the granting of the parking variance is conditioned upon no secondary access being allowed onto the property from Belair Rd."

Should you have any questions regarding these comments or wish to discuss the matter further, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> People's Counsel 2/5/10 9:56 AM >>>
Mr. Weber,

Attached you will find the Petition for Variance in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.
Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

Bill Wiseman - 9716 Belair Road, Time Out for Sports

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 3/2/2010 11:03 AM
Subject: 9716 Belair Road, Time Out for Sports

Hi Bill:

I received a call from Pete Z. yesterday and the letter he sent to you along with Steve Weber's letter. I will be calling Steve Weber but wanted to talk to you when you get a chance on these issues. The 2nd driveway is not an issue for the Petitioner but I do need to discuss the rest of the letter contents with Steve.

Let me know when you may have a minute.

Neil

Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Ave, Suite 617
Towson, MD 21204
410-296-0686 (office)
410-296-0689 (facsimile)
nlanzi@lanzilaw.com

Bill Wiseman - Zoning Commission Question

From: "JB SOMMER" <jbtime@comcast.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 2/22/2010 1:21 PM
Subject: Zoning Commission Question

Hey it was great meeting with you today and I have to say it was refreshing to hear that someone like yourself showed interest and concern for the project that my mom and myself took on. Needless to say it has been a tough road. If you could and if you have time I would like to talk to you. If you could contact me at the numbers below. I understand you might be busy and I will only take a little of your time and if you are too busy just send me back an email thanks JB SOMMER

Time Out For Sports
JB Sommer
410-248-0068 Work
410-248-0059 Fax
443-465-6557 Cell



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 11 Account Number - 1116061260

Owner Information

Owner Name: PERRY HALL INVESTMENT GROUP
 C/O COLEMAN J PESKIN CO
Mailing Address: 333 E LANCASTER AV
 P O BX 176
 WYNNEWOOD PA 19096
Use: COMMERCIAL
Principal Residence: NO
Deed Reference: 1) / 5514/ 728
 2)

Location & Structure Information

Premises Address
 9716 BELAIR RD
Legal Description
 49847 SF
 NWS BELAIR RD
 280 FT SW SHROEDER AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	21	13						1	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1975	5,000 SF	49,847.00 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	542,000	475,700		
Improvements:	239,000	250,900		
Total:	781,000	726,600	781,000	726,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: LYNCH, JOSEPH A LYNCH, HELEN M	Date: 03/18/1975	Price: \$70,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5514/ 728	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:
Special Tax Recapture:
 * NONE *

CASE NAME 9716 Belair RD
CASE NUMBER 2010-0199-A
DATE 2/22/10

[illegible]

AZ Geomatics
a land survey
engineering
company

GENERAL NOTES - ALTERNATE BUILDING ADDITION

1. CURRENT OWNER:

PERRY HALL INVESTMENT GROUP
C/O COLEMAN J. PESKIN CO.
PO BOX 176
WYNNEWOOD, PA 19096

DEED REF.: LIBER NO. 5514 FOLIO 728

TAX ACCOUNT NO. 1116161260

2. AREA

GROSS SITE AREA - 54,016 SQ. FT. 1.2400 ACRES +/-
NET SITE AREA - 49,547 SQ. FT. 1.1374 ACRES +/-

3. CURRENT ZONING - BL

CURRENT USE - BUILDING VACANT
PROPOSED USE - SPORTING GOODS STORE -
RETAIL / OFFICE / FABRICATION

4. FLOOR AREA RATIO CALCULATIONS:

BUILDING FLOOR AREA - EXISTING - 4,946 SQ. FT.
PROPOSED - 4,750 SQ. FT.
TOTAL - 9,696 SQ. FT.
GROSS SITE AREA - 54,016 SQ. FT.
FAR - $9,696 \div 54,016 = 0.18$

5. PARKING CALCULATIONS:

EXISTING PARKING ON SITE - 21 SPACES @ 9' X 18'
2 SPACES @ 13' X 18' (HANDICAP)
TOTAL EXISTING PARKING ON SITE 23 SPACES

PARKING REQUIRED:

RETAIL SPACE

EXISTING BUILDING - $99.01' \times 49.96' = 4,946.5$ SQ. FT.
PROPOSED BUILDING - $125' \times 38' = 4,750.0$ SQ. FT.
TOTAL RETAIL FLOOR AREA = 9,696.5 SQ. FT.
PARKING REQUIRED - $9.697 \times 5 = 48.5$ SPACES

TOTAL PARKING REQUIRED	49 SPACES
TOTAL PARKING PROVIDED	23 SPACES

NOTE: CONCRETE WHEEL STOPS EXIST ON SITE AND ARE LOCATED AT THE HEAD OF EVERY PARKING SPACE.

6. SUBJECT PROPERTY DOES NOT LIE IN A FLOOD HAZARD ZONE.

7. SUBJECT PROPERTY DOES NOT LIE WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA (CBCA).

8. SUBJECT PROPERTY HAS NOT BEEN THE SUBJECT OF PRIOR ZONING HEARINGS, CRG, OR DRC MEETINGS.

9. SUBJECT PROPERTY IS NOT INCLUDED IN A HISTORIC DISTRICT.

PETITIONER'S

EXHIBIT NO. 3

Case No.: 2010-0199-A - 9716 BELAIR RD.

Exhibit Sheet

Petitioner/Developer

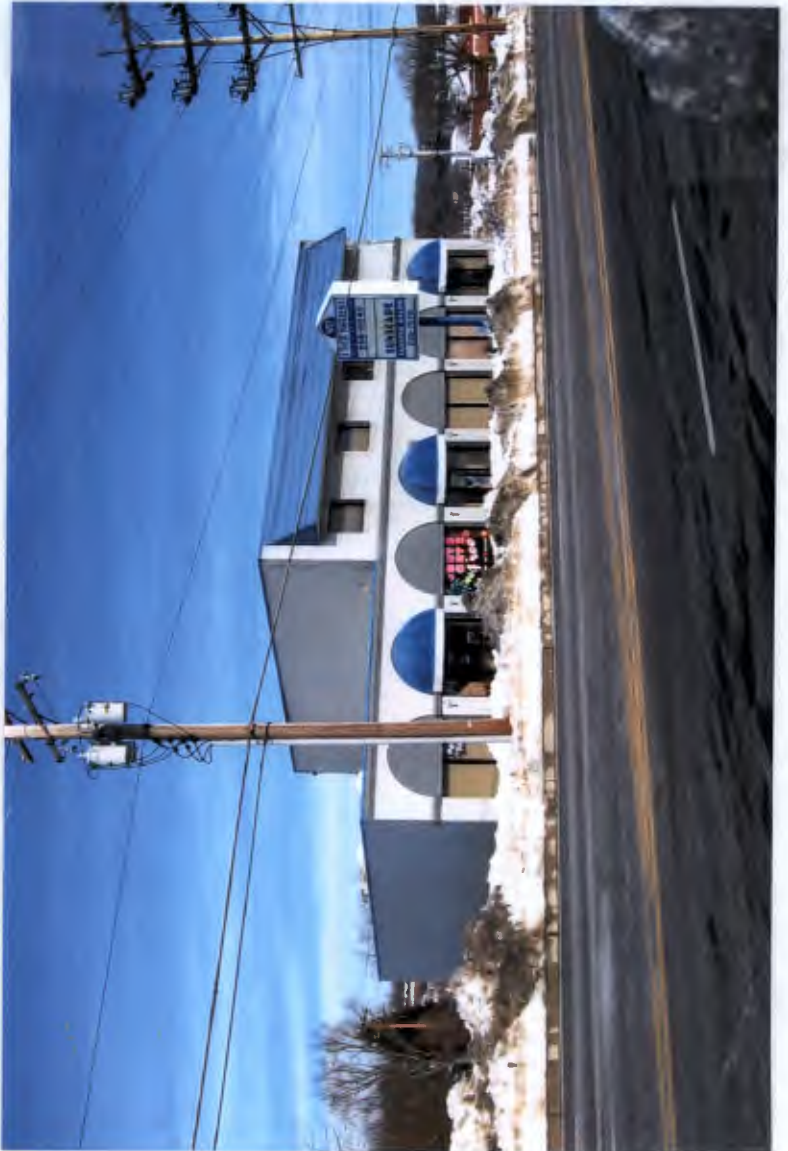
Protestant

No. 1	SITE PLAN	
No. 2	AMENDED SITE PLAN	
No. 3	AMENDED PETITION 23 PARKY SPANOS IN LENA 749	
No. 4 A-5	PHOTOGRAPHS	
No. 5	Letter of Support 4 story	
No. 6	Letter of Support 2 story	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 4A-2



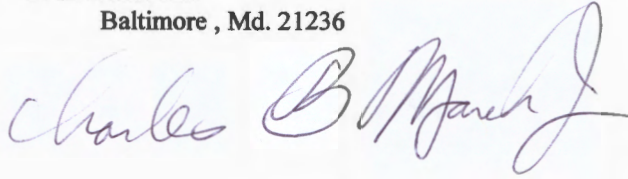




To Zoning

We are in support of Mr. J B Sommer in his application for a Zoning variance for his property at 9716 Belair Rd.

Charles B Marek, Jr.
9712 Belair Rd.
Baltimore , Md. 21236

A handwritten signature in purple ink, reading "Charles B Marek, Jr.", written in a cursive style.

PETITIONER' S

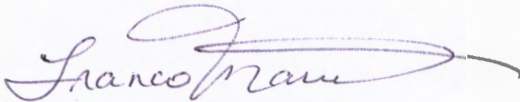
EXHIBIT NO. 5

February 16, 2010

To Whom It May Concern,

I, Franco Marcantoni, property owner of the 9722 Belair Road Dwelling, do not oppose the variance or building plans for Time out Inc. I understand that his preference is to build off the back of the existing structure however must provide other options I have no grievances with any of the options presented for permits. If you have any questions or need additional information please contact me at 410-790-1064.

Sincerely,



Franco Marcantoni

PETITIONER' S

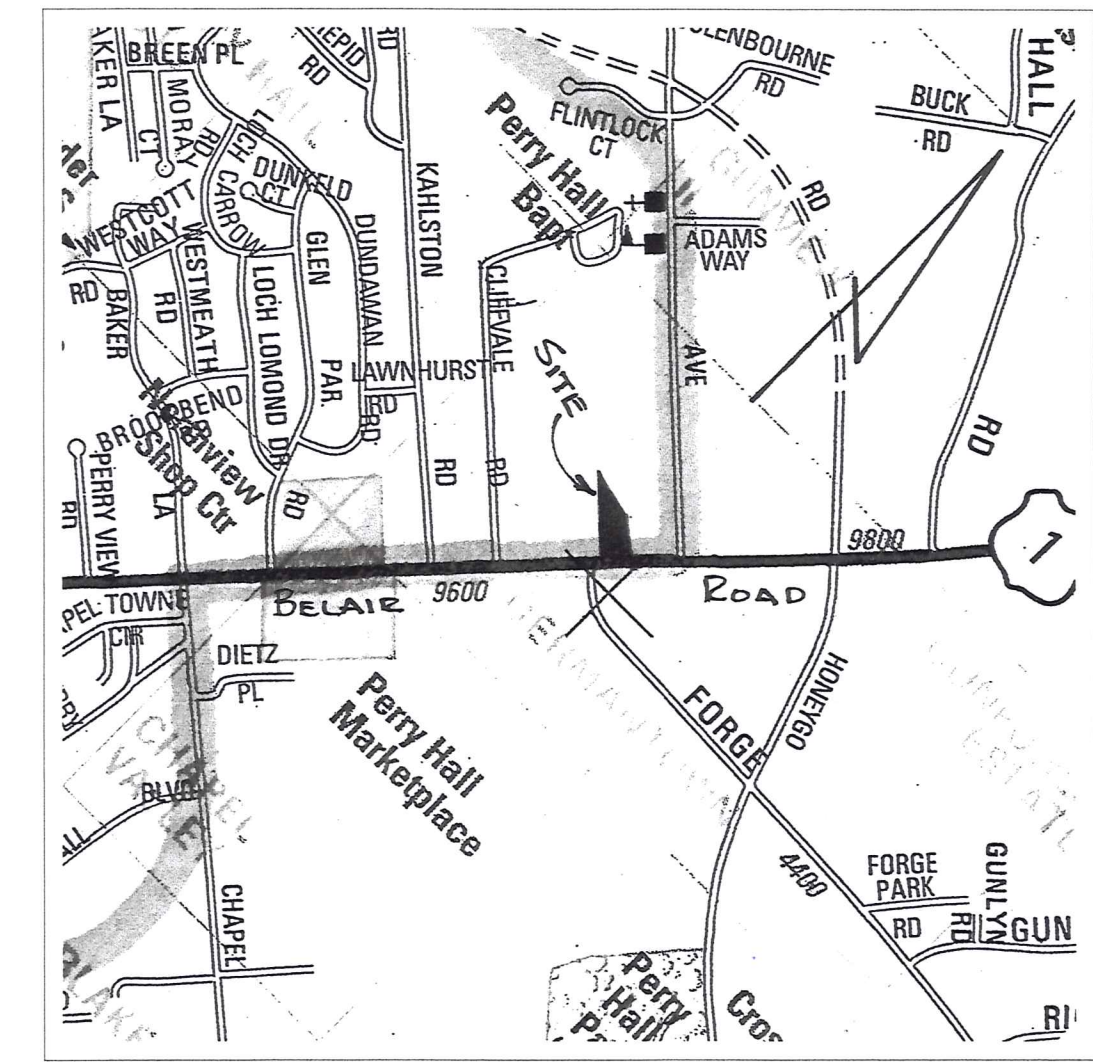
EXHIBIT NO. 6



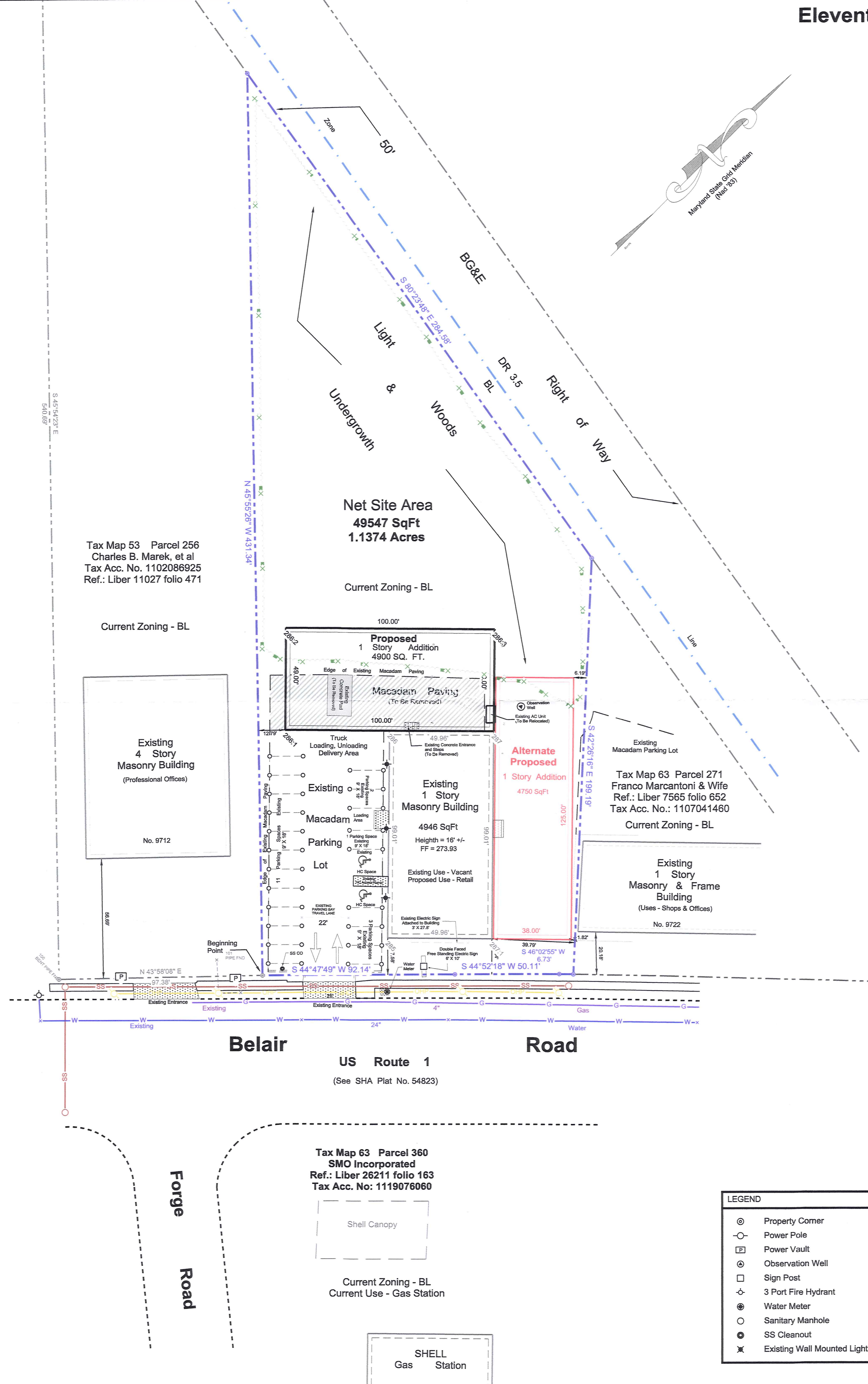
2300007324
PDM # 111043

Eleventh Election District, Baltimore County Maryland

5TH Councilmanic District



Vicinity Map
1" = 1,000'



GENERAL NOTES

- CURRENT OWNER:**
PERRY HALL INVESTMENT GROUP
C/O COLEMAN J. PESKIN CO.
PO BOX 176
WYNNWOOD, PA 18096
DEED REF.: LIBER NO. 5514 FOLIO 728
TAX ACCOUNT NO. 1116161260
 - AREA**
GROSS SITE AREA - 54,016 SQ. FT. 1.2400 ACRES +/-
NET SITE AREA - 49,547 SQ. FT. 1.1374 ACRES +/-
 - CURRENT ZONING - BL**
CURRENT USE - BUILDING VACANT
PROPOSED USE - SPORTING GOODS STORE - RETAIL / OFFICE / FABRICATION
 - FLOOR AREA RATIO CALCULATIONS:**
BUILDING FLOOR AREA - EXISTING - 4,946 SQ. FT.
BUILDING FLOOR AREA - PROPOSED - 4,900 SQ. FT.
TOTAL - 9,846 SQ. FT.
GROSS SITE AREA - 54,016 SQ. FT.
FAR - 9,846 / 54,016 = 0.18
 - PARKING CALCULATIONS:**
EXISTING PARKING ON SITE - 17 SPACES @ 9' X 18'
2 SPACES @ 13' X 18' (HANDICAP)
TOTAL EXISTING PARKING ON SITE - 19 SPACES
 - PARKING REQUIRED:**
RETAIL SPACE
EXISTING BUILDING - 99,011' X 49.96' = 4,946.5 SQ. FT.
PROPOSED BUILDING - 100' X 49' = 4,900.0 SQ. FT.
TOTAL RETAIL FLOOR AREA = 9,846.5 SQ. FT.
PARKING REQUIRED - 9,846 X 5 = 49,23
 - TOTAL PARKING REQUIRED** 50 SPACES
TOTAL PARKING PROVIDED 19 SPACES
- NOTE: CONCRETE WHEEL STOPS EXIST ON SITE AND ARE LOCATED AT THE HEAD OF EVERY PARKING SPACE.
- SUBJECT PROPERTY DOES NOT LIE IN A FLOOD HAZARD ZONE.
 - SUBJECT PROPERTY DOES NOT LIE WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
 - SUBJECT PROPERTY HAS NOT BEEN THE SUBJECT OF PRIOR ZONING HEARINGS, CRG, OR DRC MEETINGS.
 - SUBJECT PROPERTY IS NOT INCLUDED IN A HISTORIC DISTRICT.

ZONING NOTES

- ALL MERCHANDISE FABRICATED ON THE SUBJECT PREMISES SHALL BE SOLD ON THE SUBJECT PREMISES, AND SHALL NOT BE SHIPPED TO OTHER RETAIL-SALE DESTINATIONS.
- PURSUANT TO SECTION 230.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR), "NO MORE THAN FIVE EMPLOYEES SHALL BE PERMITTED TO ENGAGE IN THE REPAIR OR FABRICATION OF GOODS ON THE PREMISES."
- PURSUANT TO SECTION 230.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR), "NOT MORE THAN FIVE HORSEPOWER SHALL BE EMPLOYED IN THE OPERATION OF ANY ONE MACHINE USED IN REPAIR OR FABRICATION, AND NOT MORE THAN 15 HORSEPOWER IN THE OPERATION OF ALL SUCH MACHINES."

Plan to Accompany Petition for a Zoning Variance No. 9716 Belair Road

Tax Map No. 63 Parcel 13 Tax Acc. No.: 1116061260
Building Permit No. B730694C

Builder / Developer

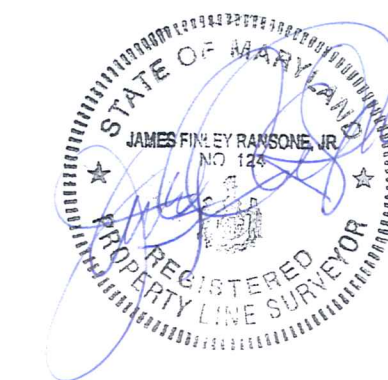
Time Out Sports
8805 Orchard Tree Lane
Baltimore, MD 21286
Attn: J.B. Sommers
Phone: 410-825-2963

30' 0 30' 60'
Scale: 1" = 30'

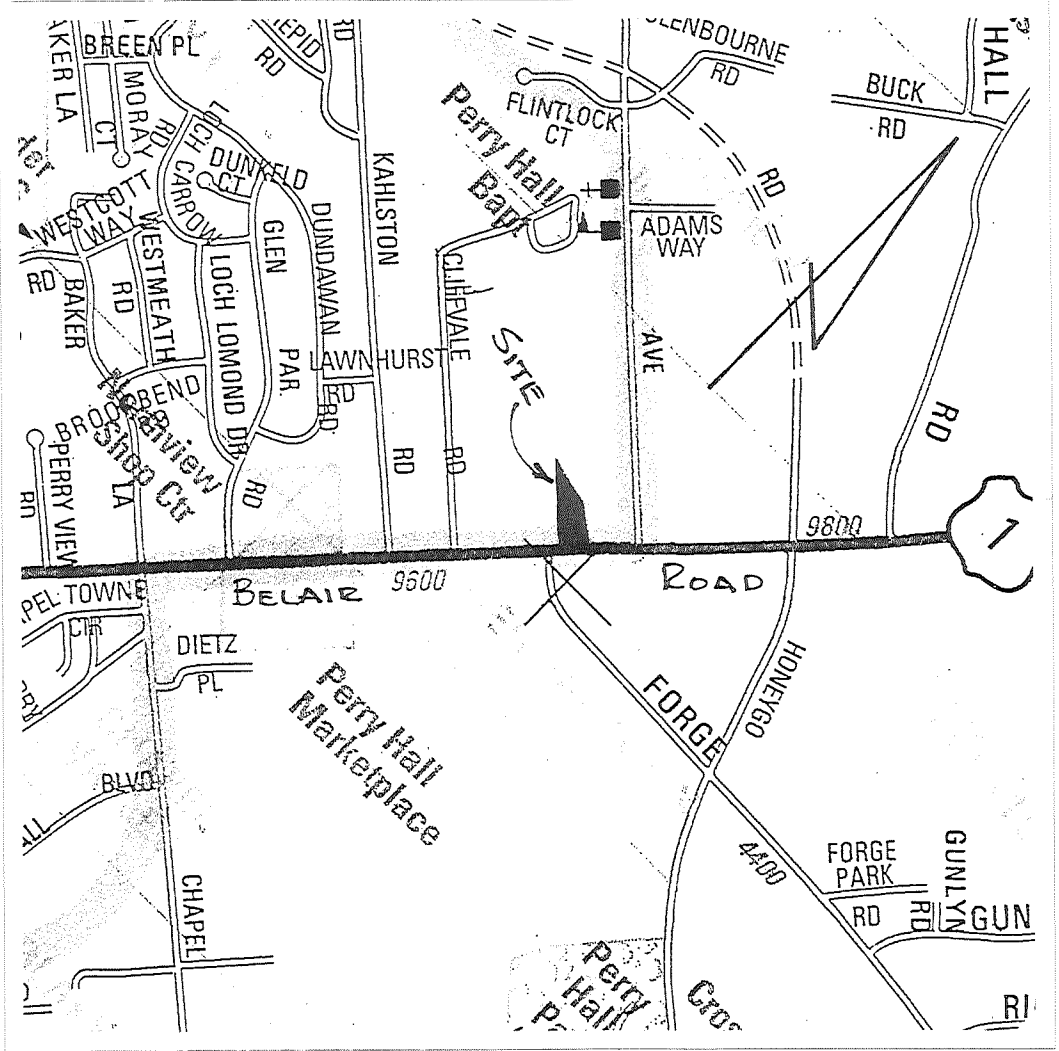
1st Amendment - February 18, 2010, Add Alternate Addition 38' X 125'
January 13, 2009

Geomatics, Surveying, Landscape Architecture & Environmental Science

Aberdeen Associates, Inc.
PO Box 10160 Towson, MD 21285
Phone: 410-666-7448 Fax: 410-666-0373
Contact: Info@A2Geomatics.com
www.A2Geomatics.com



A2



Vicinity Map
1" = 1,000'

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Zoning Variance
No. 9716 Belair Road

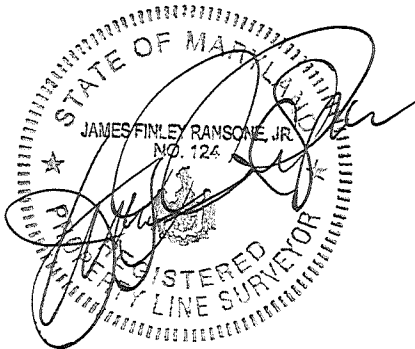
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Time Out Sports
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Scale: 1' = 30'

January 13, 2009

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PETITIONER'S

EXHIBIT NO. 1