

2/17/11
IN THE MATTER OF
THE APPLICATION OF
CROSSROADS RESERVE, LLC
LEGAL OWNER / PETITIONER
FOR A SPECIAL EXCEPTION ON
PROPERTY LOCATED ON THE SE/S
OF BELAIR ROAD; 32 FT NE OF THE
C/L OF KAHLSTON ROAD
(9653 A and 9655 BELAIR ROAD)

11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* * * * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 11-002-X

*

ORDER OF DISMISSAL

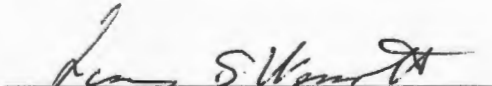
This matter comes to the Board of Appeals by way of an appeal filed by Francis X. Borgerding, Jr., Esquire, on behalf of Ray Brehm and John Ruppert, Appellants, from a decision of the Deputy Zoning Commissioner dated September 20, 2010, in which the requested relief was granted subject to conditions.

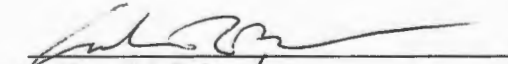
WHEREAS, the Board is in receipt of a Motion to Dismiss with prejudice of the appeal filed February 10, 2011, by the Francis X. Borgerding, Jr., Esquire, on behalf of Ray Brehm and John Ruppert, Appellants, (a copy of which is attached hereto and made a part hereof); and

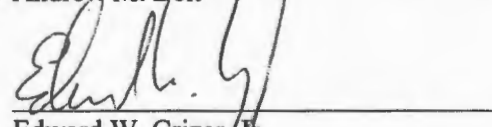
WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed with prejudice as of February 10, 2011;

IT IS ORDERED this 17th day of February, 2011 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 11-002-X be and the same is hereby **DISMISSED with prejudice**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Andrew M. Belt


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 17, 2011

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Avenue, Ste 300
Towson, MD 21204

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Ste 600
Towson, MD 21204

*RE: In the Matter of: Crossroads Reserve, LLC - Legal Owner
Bismarck Real Estate Partners - Lessee
Case No.: 11-002-X*

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a **photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/kc
Enclosure
Duplicate Original Cover Letter

c: Crossroads Reserve, LLC
Dean Hoover and Matt Bishop/MRA
Chad Adams/BFS Retail
John Ruppert
Scott Woods
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Bismarck Real Estate Partners
Mickey Cornelius
Ray Brehm
Debra Beaty/Perry Hall Improvement Assoc
Carl Klausmeier
Lawrence M. Stahl, Managing Administrative Judge
Director/Office of Planning
Michael Field, County Attorney, Office of Law

2/2/11
IN RE: PETITION FOR SPECIAL EXCEPTION *

SE side of Belair Road; 32 feet
NE of the c/1 Kahlston Road
11th Election District
5th Councilmanic District
(9653A and 9655 Belair Road)

Crossroads Reserve, LLC
Legal Owner
Bismark Real Estate Partners
Developer/Contract Purchaser

BEFORE THE

BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No. 2011-0002-X
CBA No.

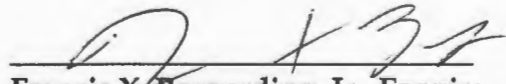
* * * * *

MOTION TO DISMISS

Ray Brehm and John Ruppert, by and through their attorney, Francis X.

Borgerding, Jr., hereby move to dismiss the Appeal of the Deputy Zoning
Commissioner's Findings of Fact and Conclusions of Law in the above-captioned case
with prejudice pursuant to Rule 3.b. of the Rules of Practice and Procedure of County
Board of Appeals.

Respectfully submitted,


Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorney for Appellant

RECEIVED

FEB 10 2011

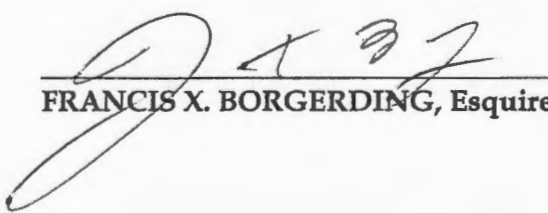
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2 day of ^{February}~~January~~, 2011, a copy of the foregoing

Motion was sent by first class mail, postage prepaid, to:

G. Scott Barhight
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Ave., Suite 300
Towson, Maryland 21204



FRANCIS X. BORGERDING, Esquire

419804

COUNTY BOARD OF APPEALS

JEFFERSON BUILDING •
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

January 25, 2011

TO AND FAX NUMBER:

Francis X. Borgerding, Jr., Esquire

FAX: FAX 410-296-6884

FROM:

Theresa R. Shelton, Administrator

FAX: 410-887-3182

TELEPHONE: 410-887-3180

TOTAL NO. OF PAGES INCLUDING COVER:

2

**Proposed Order of Dismissal
CBA-11-002-X**

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

Attached is the Proposed Order of Dismissal. Just need the date of the letter withdrawing the appeal.

Please call if you need to speak with me regarding same.

This message is intended only for the addressee and may contain information that is privileged and/or confidential in nature. If the reader is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, and/or received this communication in error, please notify the sender immediately by telephone and return the original message to the sender.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 3, 2011

Adam Baker, Esquire
G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP
1 West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: *In the Matter of:* Crossroads Reserve, LLC – LO
Bismarck Real Estate Partners – CP
9653A and 9655 Belair Road
Case No.: 11-002-X

Dear Messrs. Baker, Barhight and Borgerding, Jr.:

This letter acknowledges receipt of the appeal filed in the above referenced matter by Mr. Borgerding on October 18, 2010 that was received in this office on December 23, 2010.

In order to schedule the hearing(s) without conflict; this office is providing dates available on the docket. The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the third week of March, 2011, with the following dates open for assignment:

Tuesday, March 29, 2011 at 10:00;
Wednesday, March 30, 2011 at 10:00;
Thursday, March 31, 2011;
Tuesday, April 5, 2011 at 10:00;
Wednesday, April 6, 2011 at 10:00; and
Thursday, April 7, 2011 at 10:00.

Please contact this office upon receipt of this letter to confirm availability and if you would want multiple consecutive days.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Duplicate Originals



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 21, 2010

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

Adam Baker
G. Scott Barhight
Whiteford, Taylor & Preston
1 West Pennsylvania Avenue, St. 300
Towson, MD 21204

Dear Messrs. Baker & Barhight:

RE: Case: 2011-0002-X, 9653A & 9655 Belair Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 18, 2010 by Francis Borgerding, Jr. on behalf of his clients Mr. Brehm and Mr. Ruppert. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco
Director

TK:kl

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Chad Adams, BFS Retail 211 Welsh Pool Rd., Ste. 220, Exton PA 19341
James Kainer, Bismarck, 2600 Network St., Ste. 130, Frisco TX 75034
Dean Hoover, MRA, 1220-C East Joppa Rd., Ste. 505, Towson 21286
Mickey Cornelius, 9900 Franklin Square Dr., Ste. H, Baltimore 21236
Ray Brehm, 4142 Cliffvale Road, Nottingham 21236
John Ruppert, 9654 Belair Road, Nottingham 21236
Carl Klausmeier, 9500 Belair Road, Baltimore 21236
Debra Beaty, Perry Hall Improvement Assoc., Box 63, Perry Hall 21228

APPEAL

Petition for Special Exception
9653A & 9655 Belair Road
SE/s Belair Rd., 32' NE of c/l of Kahlston Rd.
11th Election District – 5th Councilmanic District
Legal Owners: Crossroads Reserve, LLC
Contract Purchaser: Bismarck Real Estate Partners

Case No.: 2011-0002-X

Petition for Special Exception (July 2, 2010)

Zoning Description of Property

Notice of Zoning Hearing (July 28, 2010)

Certification of Publication (The Jeffersonian – August 10, 2010)

Certificate of Posting (August 10, 2010) by Robert Black

Entry of Appearance by People's Counsel (July 20, 2010)

Petitioner(s) Sign-In Sheet – One Sheet

Citizen(s) Sign-In Sheet – One Sheet

County Representative's Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Schematic Landscape Plan
3. Colored Elevation Drawings

Protestants' Exhibits:

1. Resolution dated August 23, 2010 for Perry Hall Improvement Association

Miscellaneous (Not Marked as Exhibit)

1. Labeled Baltimore County Exhibit – Memorandum dated 8/25/10 from Firestone

Deputy Zoning Commissioner's Order (GRANTED – September 20, 2010)

Notice of Appeal received on October 18, 2010 from Francis Borgerding, Jr.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See Attached Cover Letter

date sent December 21, 2010, kl

10/18/10

IN RE: PETITION FOR SPECIAL
EXCEPTION
SE side of Belair Road; 32 feet
NE of the c/1 of Kahlston Road
11th Election District
5th Councilmanic District
(9653A and 9655 Belair Road)

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY

Crossroads Reserve, LLC
Legal Owner
Bismark Real Estate Partners
Developer/Contract Purchaser

* Case No.: 2011-0002-X
*

* * * * *

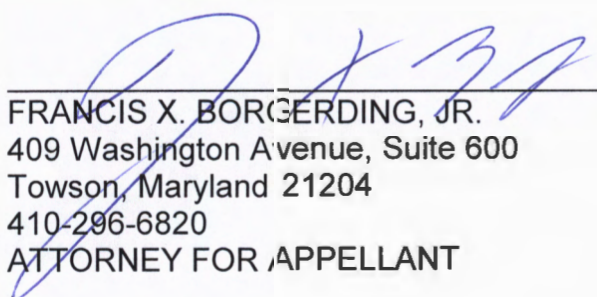
NOTICE OF APPEAL

Appellants, Ray Brehm and John Ruppert by and through their attorney, Francis X. Borgerding, Jr., feeling aggrieved by the Deputy Zoning Commissioner's decision in the above-captioned case hereby appeal to the County Board of Appeals for Baltimore County from the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated September 20, 2010 in the above-captioned case, a copy of which is attached hereto and incorporated herein as Exhibit A.

The address of Ray Brehm is 4142 Cliffvale Road, Nottingham, Maryland 21236. The address of John Ruppert is 9654 Beliar Road, Nottingham, Maryland 21236. Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the cost of the appeal noted herein.

RECEIVED

OCT 18 2010


FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR APPELLANT

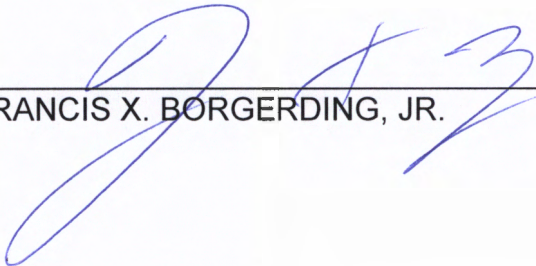
CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 18 day of October, 2010, a copy of the Notice of Appeal was mailed, first-class postage prepaid, to:

Thomas H. Bostwick, Esquire
Deputy Zoning Commissioner
for Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

Adam Baker, Esquire
G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP
1 West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204



FRANCIS X. BORGERDING, JR.

9/20/10

**IN RE: PETITION FOR SPECIAL
EXCEPTION**
SE side of Belair Road; 32 feet NE of
the c/l of Kahlston Road
11th Election District
5th Councilmanic District
(9653A and 9655 Belair Road)

Crossroads Reserve, LLC
Legal Owner
Bismarck Real Estate Partners
Developer/Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2011-0002-X**
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by Joseph Moran on behalf of the legal owner of the subject property, Crossroads Reserve, LLC, and James Kainer on behalf of the Developer/contract purchaser, Bismarck Real Estate Partners. Petitioner is requesting a Special Exception use to permit a Service Garage pursuant to Section 230.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special exception was Chad Adams on behalf of Petitioner BFS Retail & Commercial Operations, LLC (hereinafter referred to as "Bridgestone/Firestone"), and James Kainer on behalf of the Developer/contract purchaser, Bismarck Real Estate Partners. Appearing as counsel on behalf of Petitioner were G. Scott Barhight, Esquire and Adam D. Baker, Esquire with Whiteford, Taylor & Preston, LLP. Also appearing in support of the requested relief were Dean Hoover and Matthew Bishop with Morris & Ritchie Associates, Inc., the firm that prepared the site plan and

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Date 9-20-10

By PJ

schematic landscape plan drawings, and Mickey Cornelius with The Traffic Group, Inc. Appearing as Protestants opposed to the requested relief were Debra Beaty, Zoning Committee Chair on behalf of the Perry Hall Improvement Association, Inc., Roy Brehm of 4142 Cliffvale Road, Scott Woods of 9654 Belair Road, and Carl Klausmeier of 9500 Belair Road. Appearing on behalf of the Baltimore County Department of Economic Development was Richard Cobert.

As shown on the site plan, the subject property is irregular shaped and is located on the southeast side of Belair Road (U.S. Rte. 1), just south of Forge Road and north of Chapel Road, in the Perry Hall area of Baltimore County. The subject site is actually comprised of two properties: the property at 9655 Belair Road includes most of the road frontage and consists of approximately 2 acres of land, more or less, zoned B.L. and B.L.R.; the property at 9653A Belair Road has a smaller area of access from the public road and includes a much larger tract consisting of approximately 11.51 acres of land, more or less, zoned B.L., B.L.R., and D.R.3.5H. As shown on the site plan, the requested special exception area includes only a small portion of the B.L. and B.L.R. zoned area of the 9653A Belair Road property, as well as a larger portion of the B.L. and B.L.R. zoned area of the 9655 Belair Road property. The requested special exception area consists of approximately 0.91 acre fronting Belair Road.

Testifying in support of the requested special exception to permit a service garage use on the property was Chad Adams, Real Estate and Development Manager with Bridgestone/Firestone. Mr. Adams indicated that his responsibilities with the company include identifying and evaluating potential new store opportunities based on Bridgestone/Firestone's proprietary information and studies, and to pursue property development for that purpose where necessary and appropriate. He indicated the company is currently in an expansion mode and this property was brought to their attention through Bismark Real Estate Partners.

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Date 9-20-10 2

By [Signature]

Mr. Adams then described the typical business operation of a Firestone Complete Auto Care store, as proposed for the subject location. He explained that the service garage building would be one-story elongated rectangular structure consisting of 10 service bays for various automotive services including brakes, steering and suspension, engine repairs (i.e. – tune-ups, oil and filter change, spark plugs, air and fuel filters, emissions, and engine sensors), starting and charging systems, and heating and cooling systems. Other parts of the building would have inventory storage areas, disposal areas, and a showroom and customer area. The operation would service approximately 28 to 37 cars per day and would focus on the aforementioned repairs that can generally be turned around in one day, rather than more specialized and lengthy repairs such as engine rebuilds or replacement, body work, and frame work. As a result, cars are generally not stored overnight. If necessary, vehicles are stored inside the service bays and overnight drop offs are not encouraged so that vehicles are not left unattended. At any given time, there are 7 to 10 employees, including five service technicians that each serve two bays and lower level technicians that provide assistance to the service technicians. There is also a service manager that is responsible for the work in the service bays, a sales manager that takes orders, informs customers of available services, and directs the services that are necessary, and a general manager that is responsible for the overall business operation at a location.

Another area of the operation addressed by Mr. Adams was the storage and disposal of parts and other materials. He indicated that tires would be stored in an area toward the back of the building (approximately 1,500 square feet) on 10 foot high racks. Other parts would be stored in that area as well as in the service areas. Used tires and metal parts as well as various fluids would be stored prior to pick up by licensed and certified recyclers. Particularly as to oil, antifreeze, and other fluids, Mr. Adams explained that the auto care center would have a

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Date 9-20-10 3

By PJ

recovery tank on the premises. Typically for an oil change, a 15 gallon funnel and storage container, approximately 18 inches in diameter, would be placed under the oil pan of the vehicle; at the end of the day, this container is taken to the larger closed recovery tank and pumped into this double walled system that is 6 feet long by 3 feet wide by 3½ feet high. A recycler would then make weekly pickups and pump the fluids into a storage truck for disposal off the premises. Mr. Adams also testified concerning potential noise associated with the operation. He indicated that Bridgestone/Firestone does perform periodic studies on noise to determine levels. This is done to make sure that a store is not creating too much of a noise impact on the community, but also for the safety of its employees and to comply with OSHA guidelines and regulations. He revealed that the typical store has an average noise level of 45-55 decibels, which he characterized as slightly higher than a normal conversation, and the typical noise level found at a busy street such as Belair Road is 75-90 decibels. He conceded that the noise would be higher at certain times than others, especially when pneumatic air wrenches are used, but also indicated that the company stresses the use of state of the art equipment, including noise reducing electric equipment. In short, Mr. Adams indicated that there would be little impact from noise, especially given this busy commercial corridor of Belair Road.

The next witness to testify in support of the requested relief was Mickey A. Cornelius with the Traffic Group, Inc. Mr. Cornelius is a registered professional engineer and a professional traffic operations engineer (P.T.O.E.), responsible for managing all aspects of the firm's traffic engineering and transportation planning studies. He is experienced in all aspects of traffic engineering and transportation planning, including traffic analysis, traffic forecasting and associated modeling, development of traffic control plans, and transportation systems

ORDER RECEIVED FOR FILING

Date 9-20-10

4

By P26

management. He is known to this Commission and has testified as an expert in traffic engineering and was accepted as such in this case.

Mr. Cornelius indicated he is familiar with the subject site and the requested relief, as well as the Zoning Advisory Committee ("ZAC") comments, including the comment dated July 20, 2010 from the State Highway Administration ("SHA"). Among their comments, the SHA states that "[t]he location for the proposed 25' wide driveway lacks sufficient throat depth and, therefore, is not consistent with AASHTO Guidelines for Roads & Streets. The driveway location could potentially cause operational problems for vehicle ingress/egress accessing US 1 (Belair Road)." As indicated by Mr. Cornelius, AASHTO is a standards setting body that publishes specifications, test protocols, and guidelines which are used in highway design and construction throughout the United States. Responding to the SHA comment, Mr. Cornelius testified that he is familiar with the layout and design of the proposed service garage at the subject site, including the access points and general traffic patterns, and based on his experience and expertise, the plan is consistent with the AASHTO guidelines. He indicated that the throat depth is not a significant issue in this case because traffic will not be very heavy with a volume of 28-37 cars per day, hence there will not be vehicles lined up on Belair Road all at one time trying to enter the site. While throat depths are a valid concern, they are much more important in areas with significant traffic flow into and out of the site, such as shopping malls or larger retail stores and supermarkets with direct access to a public road. He also pointed to the fact that the site distances in this stretch of Belair Road are good and that there are no failing intersections based on the County's latest Basic Services Map for Transportation. In short, in his opinion, the proposed ingress/egress at Belair Road is safe and the design is in accordance with SHA standards and AASHTO guidelines.

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Date 9-20-10 5

By ms

The final witness to testify in support of the request special exception was Dean Hoover with Morris & Ritchie Associates, Inc. Mr. Hoover is a principal with the firm and has a background in land planning and site engineering. He has 22 years of professional experience in Baltimore County and is a member of the Baltimore County Planning Board, Landmarks Preservation Commission, and a past member of the Design Review Panel. Mr. Hoover is also known to this Commission and has testified as an expert in land planning, zoning, site development, and interpretation of the Zoning Regulations and was accepted as such in this case.

Mr. Hoover testified that he is familiar with the site plan (Petitioner's Exhibit 1), as well as the schematic landscape plan prepared by his firm and the colored rendering and elevation drawings prepared by CASCO of St. Louis, MO, which were marked and accepted into evidence as Petitioner's Exhibits 2 and 3, respectively. He also indicated that he has visited the site and is familiar with the surrounding vicinity. Mr. Hoover described the overall site, with a large unimproved area to the rear which comprises most of the B.L.R. and D.R.3.5H zoning, and the portion closer to Belair Road that is the subject of the special exception request. At the entrance to the property from the road, there are two commercial properties on each side and a significant commercial and retail presence in this corridor of Belair Road, as evidenced by the B.L. and B.M. zoning in the area. All of the current improvements to the site are located in the B.L. Zone and includes an existing house and garage slated for removal, and an existing barn. As shown on the site plan, Bridgestone/Firestone proposes to operate a one-story service garage on the site. The proposed special exception area for the service garage is depicted on the site plan in gray. There will be parking in the front, side and rear of the site with an entrance and driveway from Belair Road running along the northern part of the site. From the driveway entrance, there will be two areas of ingress/egress into the service garage, one about 50 feet to the right in the front

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Date 9-20-10 6

By [Signature]

of the property and 24 feet wide, and the other further toward the rear of the property also to the right and 58 feet wide. There will also be substantial landscaping in the area of the proposed special exception. As shown on the schematic landscape plan, a deep landscape buffer is planned for the frontage along Belair Road, which Mr. Hoover noted is twice as large as the 10 feet required by the County's Landscape Manual. There will be shade trees lining the site as well as shrubs and seasonal flowers.

Mr. Hoover then offered his expert testimony concerning the special exception criteria set forth in Section 502.1 of the B.C.Z.R. Initially, he indicated that the proposed use of the property for a service garage would not be detrimental to the health, safety, or general welfare of the locale, nor would it generate any additional impacts to the area above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. In particular, the use would not tend to create congestion in roads, streets or alleys. There will be some traffic generated by the new auto service garage, but Mr. Hoover opined it would not be significant; indeed, Mr. Hoover indicated that the B.L. zoning would permit up to a 129,000 square foot building, however, the proposed service garage building will consist of just over 7,500 square feet -- a much less intense use than what could be permissible. In addition, the use would not create a potential hazard from fire, panic or other danger; would not tend to overcrowd land and cause undue concentration of population; would not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; and would not interfere with adequate light and air. Further, the use would not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Zoning Regulations; it would not be inconsistent with the impermeable surface and vegetative retention provisions of the Zoning

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Date 9-20-10

By PS

Regulations, nor would it be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains. In fact, Mr. Hoover indicated that, as previously stated, the landscape plan provides for a substantial landscape buffer to York Road of 20 feet, which is double the 10 foot buffer requirement and consistent with the existing buffer along the Safeway store to the south.

As a final matter, in support of the requested special exception, Petitioner's attorney, Mr. Barhight, submitted a letter of support dated August 25, 2010 from David Iannucci, Executive Director of the County's Department of Economic Development, which was marked and accepted into evidence as Baltimore County Exhibit 1. In endorsing Bridgestone/Firestone's project, Mr. Iannucci noted that the Belair Road corridor is undergoing redevelopment of aging buildings into new and updated retail and service facilities. The location is zoned B.L. and the immediate area includes primarily office, service, and retail businesses.

The case also garnered interest in the Perry Hall community, particularly among the nearby business community. Testifying in opposition initially was Debra Beaty. Ms. Beaty submitted a Resolution dated August 23, 2010 from the Perry Hall Improvement Association indicating that Ms. Beaty, among several other members, was authorized to testify on behalf of the Association in zoning matters. The Resolution was marked and accepted into evidence as Protestant's Exhibit 1. In summary, Ms. Beaty expressed concerns that the proposed Bridgestone/Firestone auto care facility would saturate the auto service market in the surrounding area. She pointed to a number of other auto service facilities along this Belair Road corridor, especially ones that are family owned and fixtures in the community, which are likely to be adversely affected by the type of lighter duty, "get in - get out" services offered by Bridgestone/Firestone. She also offered a statistic that as an out-of-state operation such as

Bridgestone/Firestone, only 17% of profits go back into the local economy; and although this project will create several jobs, it also has the likelihood of jeopardizing a number of other jobs in the same auto care industry in the community. Ms. Beaty also expressed concerns over the safety of the unused portions of the subject property, which includes fenced areas and a wooded area to the rear of the site where children could wander to and possibly be hurt after visiting the nearby snowball stand.

Also testifying in opposition to the proposed service garage were Ray Brehm, Scott Woods, and Carl Klausmeier. Mr. Brehm and Mr. Klausmeier own and operate their own automotive service businesses in the vicinity of the proposed service garage. They do not believe another auto service garage is wanted or needed at the subject location. Many of these businesses are family owned and run and have been at their locations for 30, 40, or even 50 years in the community and could be adversely effected by the proposed Bridgestone/Firestone. Mr. Woods is with Rupert Management, LLC and appeared on behalf of the properties located at 9654 and 9660 Belair Road. He echoed the sentiments that another auto service business is not needed in this area and also expressed concern about potential other future uses on the larger, unused portion of the subject property, and particularly the future use of the proposed drive aisle from Belair Road.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment dated August 24, 2010 from the Office of Planning indicated it has reviewed Petitioner's request and site plan and recommends approval subject to several conditions, which will be expounded on further in this Order. The comment from the Fire Marshal's Office dated July 19, 2010 indicates that the site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or the

ORDER RECEIVED FOR FILING

Date 9-20-10

9

By PS

beginning of operation. The comment dated July 20, 2010 from the State Highway Administration states that an Access Permit is required to construct improvements within the State right-of-way. In addition, as alluded to in earlier testimony, SHA believes the proposed driveway off Belair Road lacks sufficient throat depth and could potentially cause operational problems for vehicle ingress/egress accessing Belair Road.

Pursuant to Section 230.3 of the B.C.Z.R., a Service Garage is permitted in the B.L. Zone by special exception. A service garage is defined in Section 101 of the B.C.Z.R. as "[a] garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." In the instant matter, Petitioner Bridgestone/Firestone proposes a one-story service garage facility for vehicle repairs on a portion of the subject property (shown in gray on the site plan) and requests a special exception in order to do so.

In considering the special exception, I am governed by the criteria set forth in Section 502.1 of the B.C.Z.R. and the relevant case law. The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *See, Schultz v. Pritts*, 291 Md. 1 (1981) and *People's Counsel v. Loyola College in Maryland*, 406 Md. 54 (2008).

Based on the testimony and evidence presented, I am persuaded to grant the requested special exception. Petitioner presented in-depth and expert testimony concerning the automotive service operation, the potential impact on traffic and the adequacy of the entrance design into and

ORDER RECEIVED FOR FILING

Date 9.20.10 10

By ps

out of the site, and the proposed service garage's impact on the special exception criteria set forth in Section 502.1 of the B.C.Z.R. On the other hand, the Protestants in this case presented testimony mainly focused on the potential adverse competitive impact another auto service facility would have on the existing auto service businesses in the area. As is often the case in today's day and age, the larger "box" stores such as Best Buy, Home Depot and Lowe's, Walmart and Target, and Merchant's Tire & Auto Centers, Firestone Auto Care, and NTB Stores threaten the smaller "Mom & Pop" stores that were once fixtures and the business center of communities.

Unfortunately, while I am mindful and appreciative of the Protestants' objections, I cannot deny the requested relief based on a "business competition" argument. Petitioner has presented its case and met its burden of proof through the testimony of its representative, Mr. Adams, and the largely uncontroverted expert testimony of Mr. Cornelius and Mr. Hoover. The case law in Maryland is clear that injury from business competition is generally considered *damnum absque injuria*, which essentially means "damage without a wrong," and that the prevention of business competition is not a proper element to be considered in zoning decisions. Indeed, the primary purpose of zoning in the land use context is to regulate and limit for the public interest the uses in a particular zone by specifically delineating those uses that are permitted in the zone. It is not the proper function of a zoning ordinance to restrict competition or protect a particular enterprise that may be encouraged based on the zoning in that area. See, *Kreatchman v. Ramsburg*, 224 Md. 209 (1961), *Eastern Service Centers, Inc. v. Cloverland Farms Dairy, Inc.*, 130 Md.App. 1 (2000), and *Superior Outdoor Signs, Inc. v. Eller Media Company*, 150 Md.App. 479 (2003). Thus, I am persuaded to grant the requested special exception to use the portion of the property delineated on the site plan for a service garage.

ORDER RECEIVED FOR FILING

Date 9.20.10

By [Signature]

As to the comment from the SHA expressing that the location for the proposed access driveway into the site lacks sufficient throat depth and is not consistent with AASHTO guidelines, I am persuaded by the testimony of Mr. Cornelius and his review of Petitioner's site plan and familiarity with the site that the access is adequate and safe for the proposed use and is in accordance with State Highway standards.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 20th day of September, 2010 that Petitioner's request for a Special Exception to permit a Service Garage pursuant to Section 230.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") be and is hereby GRANTED for the shaded area identified on the site plan, and in accordance with the schematic landscape plan and colored rendering and elevation drawings accepted into evidence as Petitioner's Exhibits 1, 2, and 3, respectively, and subject to the following conditions:

1. Petitioner may apply for its necessary building or use permits, as applicable, and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall obtain a State Highway Administration Access Permit to the extent required by the SHA to construct improvements within the State right-of-way.
3. The owner of the property and any successors in interest including Petitioner shall satisfy any outstanding code violations on the property prior to the instant special exception use, and shall henceforth be in compliance with County Code and B.C.Z.R. requirements for the property.

ORDER RECEIVED FOR FILING

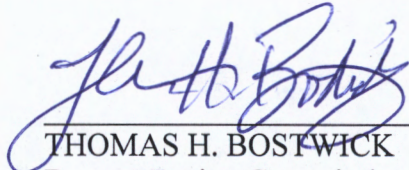
12

Date 9-20-10

By PO

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

Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

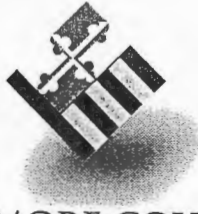
THB:pz

ORDER RECEIVED FOR FILING

Date 9-20-10

13

By PS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 20, 2010

ADAM BAKER, ESQUIRE
G. SCOTT BARHIGHT, ESQUIRE
WHITEFORD TAYLOR & PRESTON LLP
1 WEST PENNSYLVANIA AVENUE, SUITE 300
TOWSON MD 21204

Re: Petition for Special Exception
Case No. 2011-0002-X
Property: 9653A and 9655 Belair Road

Dear Messrs. Baker and Barhight:

Enclosed please find the decision rendered in the above-captioned case.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

- c: Chad Adams, BFS Retail & Commercial Operations LLC, 211 Welsh Pool Road, Suite 220, Exton PA 19341
James Kainer, Bismarck Real Estate Partners, 2600 Network, Suite 130, Frisco TX 75034
Dean Hoover and Matthew Bishop, Morris & Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505, Towson MD 21286
Mickey Cornelius, The Traffic Group, Inc., 9900 Franklin Square Drive, Suite H, Baltimore MD 21236
Roy Brehm, 4142 Cliffvale Road, Nottingham MD 21236
Scott Woods, 9654 Belair Road, Baltimore MD 21236
Carl Klausmeier, 9500 Belair Road, Baltimore MD 21236
Debra Beaty, Perry Hall Improvement Association, Inc., Box 63, Perry Hall MD 21228
Richard Cobert, Baltimore County Department of Economic Development



BALTIMORE COUNTY
MARYLAND

MEMORANDUM

TO: Firestone Complete Auto Care
FROM: David Iannucci, Executive Director, DED
RE: Firestone – Belair Road Zoning Hearing
DATE: August 25, 2010

Adam Baker, Esquire has contacted our department on your behalf concerning the Zoning Hearing for this project.

CASE NUMBER: 2011-0002--X Location: Southeast side of Belair Road, 32 feet +/- northeast of the centerline of Kahlston Road. 11th Election District Legal Owner(s): Crossroads Reserve, LLC Contract Purchaser(s): Bismarck Real Estate

We understand that Firestone is building an auto care facility at 9653 Belair Road. This 10 bay service garage will employ 10. Capital investment in the project exceeds \$1,000,000.

The Belair Road corridor is undergoing redevelopment of aging buildings into new and updated retail and service facilities. Our department endorses Firestone's project. The location is zoned BL, and the immediate area includes primarily office, service, and retail businesses.

CC: Adam Baker, Esquire



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 9655 & 9653A Belair Road

which is presently zoned BL/BLR

Deed Reference: 26347 / 633 Tax Account # 2100013232 & 2100013233

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 attached]

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:

Bismarck Real Estate Partners c/o
James L. Kainer

Name - Type or Print

Signature

2600 Network, Suite 130 214-872-4020

Address

Frisco, Texas 75034

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

G. Scott Barhight

Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP

Company

1 West Pennsylvania Ave., St. 300 410-832-2000

Address

Telephone No.

Towson, Maryland 21204-5025

City

State

Zip Code

Legal Owner(s):

Crossroads Reserve, LLC c/o Joseph Moran

Name - Type or Print

Signature

Name - Type or Print

Signature

305 W. Chesapeake Ave., Suite 208

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Representative to be Contacted:

G. Scott Barhight

Name

1 W. Pennsylvania Ave., St. 300 410-832-2000

Address

Telephone No.

Towson, Maryland 21204-5025

City

State

Zip Code

Case No. 2011-0002-4

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date 9.20.10

By PM

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM

Date 7-2-10

1. To permit an Service Garage pursuant to Section 230.3 of the Baltimore County Zoning Regulations.

416826

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the southeast side of Belair Road which has a width of ± 74 feet at the distance of ± 32 feet northeast of the centerline of the nearest intersecting street, Kahlston Road, which has a width of ± 40 feet. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

An arc with a radius of 38,670.41' and an arc length of 152.36' to a point; north 49 degrees 36 minutes 01 seconds west, 175.38' to a point; south 41 degrees 38 minutes 59 seconds west, 100.86' to a point; south 49 degrees 47 minutes 09 seconds east, 1,612.64' to a point; south 42 degrees 50 minutes 13 seconds West, 377.66' to a point; north 49 degrees 18 minutes 34 seconds west, 1,503.33' to a point; south 41 degrees 43 minutes 11 seconds west, 110.00' to a point; south 49 degrees 18 minutes 34 seconds east, 298.53' to a point and place of beginning and being known as "9653 & 9655 Belair Road." As recorded in Deed Liber (26347), Folio (633). Being parcel numbers 624 and 12 on Map number 63 in Baltimore County.

Containing an area of $\pm 587,188.8$ square feet or ± 13.48 acres of land, more or less and being located in the eleventh Election District of Baltimore County, Maryland.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD	◆	Laurel, MD	◆	Towson, MD	◆	Georgetown, DE	◆	Wilmington, DE	◆	York, PA
(410) 515-9000		(410) 792-9792		(410) 821-1690		(302) 855-5734		(302) 326-2200		(717) 751-6073

**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: 2011-0002-X

Petitioner: Crossroads Reserve, LLC

Address or Location: 305 W. Chesapeake Ave., Suite 208
Towson, Maryland 21204

X PLEASE FORWARD ADVERTISING BILL TO:

Name: G. Scott Barhight

Address: 1 W. Pennsylvania Ave., St. 300
Towson, Maryland 21204-5025

Telephone Number: 410-832-2000

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

No. **55950**

Date: **7.2.10**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 7/02/2010 7/02/2010 10:10:00 2

REC 0502 WALKIN JEFF JEE
 RECEIPT # 400751 7/02/2010 0011

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
201	902	0000		0150					580.00

Dept 5 520 ZIRING VERIFICATION
 CR NO. 050750

Recpt Tot \$380.00
 1,000.00 12 1.00 CA
 Baltimore County, Maryland

Total: **580.00**

Rec From: **CASHIERS LLC**

For: **2011-0002-X**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Certificate of Posting

RE: Case NO. 2011-008-A

Petitioner/Developer _____

Date of Hearing/Closing 9/27/10

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

826 E. Joppa Rd.

The sign(s) were posted on 9/12/10
(Month, Day, Year)

Sincerely,


(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2011-008-A

Petitioner/Developer: _____

Date of Hearing/Closing: 9/27/10



826 E. Joppa Road

Posting Date: 9/12/10

[Signature] 9/12/10
(Signature and date of sign poster)

CERTIFICATE OF POSTING

2011-0002-X

RE: Case No.: _____

Petitioner/Developer: _____
Bismark Real Estate Partners c/o James Kainer

August 25, 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: _____
9655 & 9653A Belair Road

August 10 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black Aug 11, 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 # 2011-0002-X

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

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

DATE AND TIME: WEDNESDAY, AUGUST 25, 2010 AT 9:00 A.M.

REQUEST: SPECIAL EXCEPTION TO PERMIT AN SERVICE
GARAGE.

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

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: # 2011-0002-X

9655 & 9653A Belair Road

S/east side of Belair Road, 32 feet +/- n/east of the centerline of Kahlston Road

11th Election District — 5th Councilmanic District

Legal Owners: Crossroads Reserve, LLC, c/o Joseph Moran

Contract Purchaser: Blismarck Real Estate Partners c/o

James Kainer

Special Exception: to permit a service garage.

Hearing: Wednesday, August 25, 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.

JT 08/736 August 10

250446

CERTIFICATE OF PUBLICATION

8/12/, 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 8/10/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 10, 2010 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight
Whiteford, Taylor, Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2000

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: 2011-0002-X

9655 & 9653A Belair Road

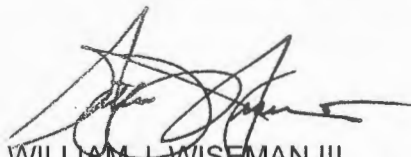
S/east side of Belair Road, 32 feet +/- n/east of the centerline of Kahlston Road
11th Election District – 5th Councilmanic District

Legal Owners: Crossroads Reserve, LLC, c/o Joseph Moran

Contract Purchaser: Bismarck Real Estate Partners c/o James Kainer

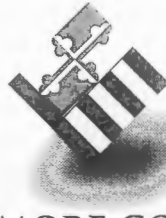
Special Exception to permit an service garage.

Hearing: Wednesday, August 25, 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

July 28, 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: 2011-0002-X

9655 & 9653A Belair Road

S/east side of Belair Road, 32 feet +/- n/east of the centerline of Kahlston Road

11th Election District – 5th Councilmanic District

Legal Owners: Crossroads Reserve, LLC, c/o Joseph Moran

Contract Purchaser: Bismarck Real Estate Partners c/o James Kainer

Special Exception to permit an service garage.

Hearing: Wednesday, August 25, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: G. Scott Barhight, 1 West Pennsylvania Avenue, Ste. 300, Towson 21204
Joseph Moran, 305 W. Chesapeake Avenue, Ste. 208, Towson 21204
James Kainer, 2600 Network, Ste. 130, Frisco TX 75034

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 10, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 19, 2010

G. Scott Barhight
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Ave. Ste. 300
Towson, MD 21204

Dear: G. Scott Barhight

RE: Case Number 2011-0002-x, 9655 & 9653A 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 July 02, 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
Joseph Moran: Crossroad Reserve, LLC; 305 W. Chesapeake Ave. Ste. 208; Towson, MD 21204
Bismarck Real Estate Partners; 2600 Network, Ste. 130; Frisco, Texas 75034

TB - 8/25
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 24, 2010

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

SUBJECT: 9655 and 9653 A Bel Air Road

RECEIVED

INFORMATION:

Item Number: 11-002

AUG 24 2010

Petitioner: Crossroads Reserve

ZONING COMMISSIONER

Zoning: BL & BLR

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

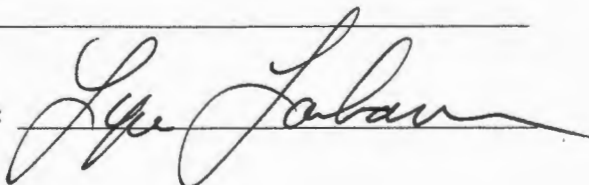
The Office of Planning has reviewed the petitioner's request and accompanying site plan and recommends approval subject to the following:

1. Per updated building elevation plans received August 24, 2010, the front façade will be oriented toward Bel Air Road and will be articulated with windows. Planning also approves the Quick Brick as a brick substitute for the building material.
2. The illustrative site plan received August 24, 2010 increases the landscape area to 20 feet from the right of way consistent with other new development in the commercial area of the Honeygo Plan along Belair Road. The Office of Planning requested this change as a condition of our approval.
3. As per the Honeygo Design Guidelines, ground mounted signs are strongly encouraged.
4. The dumpster enclosure shall have the same materials as the proposed building.

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

Prepared by: _____

Division Chief:
AFK/LL: CM





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

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

Maryland Department of Transportation

July 20, 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. 2010-0002-X
US 1 (Belair Road)
1850' northeast of Chapel Road
Cross Roads Reserve, LLC
9655 & 9653 Belair Road
Special Exception- To permit a service
garage

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Item No. 2010-0002-X on the subject of the above captioned, which was received on July 14, 2010. It is my understanding that the aforementioned submission pertains to a request to permit a service garage in a BL & BLR zone as shown on the plan to accompany special exception hearing.

Based on a review and evaluation of existing conditions, this office has determined that the proposed improvements require that the owner/developer obtain a permit for access to US 1 (Belair Road). The following comments are offered for your consideration:

- The subject property accesses US 1 (Belair Road). Our State Highway Location reference Guide identifies US 1 (Belair Road) as principle arterial four lane undivided road. The Annual Average Daily Traffic volume on this section of US 1 is of 28,820 vehicle trips per day.
- We note that the site plan reflects some modifications along US 1 within the vicinity of existing entrances. A State Highway Administration Access Permit is required to construct improvements within the state right-of-way. And at minimum the items listed below are required.
 - 25'-30' wide entrance with curbed 25'- 30' radii returns.
 - Sidewalk and handicap ramps consistent with current Americans with Disabilities (ADA) guidelines.
 - All entrances landing grade shall be 50' in length at a 3% maximum.
 - A hydraulic analysis maybe required.
 - Provide a typical section showing the improvements to US 1.
 - Historical and archeological review will be conducted by our Office of Planning.
- The location for the proposed 25' wide driveway lacks sufficient throat depth and, therefore is not consistent with AASTHO Guidelines for Roads & Streets. The driveway location could potentially cause operational problems for vehicle ingress/egress accessing US 1 (Belair Road)

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.marylandroads.com

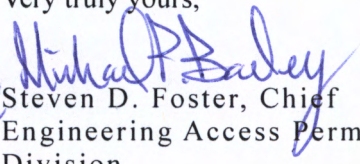


Ms Kristen Matthews
Item: 2010-0002-X
9655 & 9653 Belair Road
Page 2

The State Highway Administration recommends Baltimore County Zoning Advisory Committee require the above comments as a condition of approval for Crossroads Reserve, LLC Item No. 2010-0002-X. Please include our remarks in your staff report to the Zoning Commissioner.

If you have any questions or need clarification regarding this matter, please contact Michael Bailey at 410-545-5593 or call our toll free number in Maryland only 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

Cc: Mr. Matthew Bishop, Engineer, Morris & Ritchie Associates, Inc.
Mr. Dennis A. Kennedy, Bureau of Development Plans Review, Baltimore County
Ms. Colleen M. Kelly, Development Manager, SHA
Mr. Joe Moran, Owner, Crossroads Reserve, LLC
Mr. John Murphy, Zoning Commissioner, Baltimore County
Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 19, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: July 26, 2010

Item No.: **Special Exception:** 2011-0002X.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 26, 2010
Item Nos. 2011- 0001, 0002, 0003,
0004, 0005, 0006, and 0007

DATE: July 15, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07262010 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
9655 and 9653A Belair Road; SE/S Belair *
Road, 32' NE of c/line Kahlston Road * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Crossroads Reserve, LLC * FOR
Contract Purchaser(s): Bismarck Real Estate *
Petitioner(s) * BALTIMORE COUNTY
* 2011-002-X

* * * * *

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 2010, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, One W. Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

JUL 20 2010

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>7-15-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
_____	DEPRM (if not received, date e-mail sent _____)	_____
<u>7-19-10</u>	FIRE DEPARTMENT	<u>nc</u>
<u>8-24-10</u>	PLANNING (if not received, date e-mail sent <u>8-20-10</u>)	_____
<u>7-20-10</u>	STATE HIGHWAY ADMINISTRATION	<u>requirements</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8-10-10</u>	
SIGN POSTING	Date: <u>8-10-10</u> <u>Sgt Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

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

Account Identifier: District - 11 **Account Number -** 2100013232

Owner Information

Owner Name: CROSSROADS RESERVE LLC **Use:** RESIDENTIAL
Mailing Address: STE 208 **Principal Residence:** NO
 305 W CHESAPEAKE AVE **Deed Reference:** 1) /26347/ 633
 TOWSON MD 21204-4447 2)

Location & Structure Information

Premises Address **Legal Description**
 9655 BELAIR RD 1.9869 AC
 9655 BELAIR RD
 600 FT SW FORGE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	21	624						3	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1900	1,566 SF	1.99 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2010	As Of 07/01/2011
Land	104,400	104,400		
Improvements:	107,060	98,980		
Total:	211,460	203,380	203,380	203,380
Preferential Land:	0	0	0	0

Transfer Information

Seller: DIETZ ESTHER J	Date: 11/02/2007	Price: \$1,650,000
Type: IMPROVED ARMS-LENGTH	Deed1: /26347/ 633	Deed2:
Seller: DIETZ WALTER W,S R,ET AL	Date: 06/30/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5727/ 537	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

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

Account Identifier: District - 11 **Account Number -** 2100013233

Owner Information

Owner Name:	CROSSROADS RESERVE LLC	Use:	RESIDENTIAL
Mailing Address:	STE 208 305 W CHESAPEAKE AVE TOWSON MD 21204-4447	Principal Residence:	NO
		Deed Reference:	1) 2)

Location & Structure Information

Premises Address	Legal Description
9653 A BELAIR RD	11.5095 AC 9653 A BELAIR RD SES 700 FT SW FORGE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	21	12						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		11.50 AC	04
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	593,750	593,750		
Improvements:	0	0		
Total:	593,750	593,750	593,750	593,750
Preferential Land:	0	0	0	0

Transfer Information

Seller: MORAN PROPERTIES II LLC	Date: 11/02/2007	Price: \$975,000
Type: IMPROVED ARMS-LENGTH	Deed1:	Deed2:
Seller: DIETZ ESTHER J	Date: 11/30/2005	Price: \$600,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /22974/ 202	Deed2:
Seller: DIETZ ESTHER J	Date: 06/08/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /20191/ 381	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

July 6, 2010

Mr. Timothy Kotroco
Department of Permits & Development Management
111 W. Chesapeake Ave., Rm. 111
Towson, MD 21204

Re: Case Number 2011-003-A, to permit a proposed addition to have a rear setback as close as 10 feet in lieu of the required 15, and to permit a proposed detached accessory structure (garage) to be located on the side of the dwelling in lieu of the required rear.

Dear Mr. Kotroco:

Please consider the following signatures of support from neighbors of 1606 Dennis Avenue in your review of our Administrative Variance. Thank you.

Sincerely,

Patti Flowers-Coulson

Patti Flowers-Coulson & Mark Coulson
1606 Dennis Avenue
Towson, MD 21204

We, the undersigned, have no objections or concerns regarding the proposed addition and garage to be located on the property of 1606 Dennis Avenue:

Name (printed)	Address	Signature
Trageser, George & Pat	1610 Dennis Avenue	Verbal approval - residents elderly & ailing
<i>Russell Wolfe</i>	1600 Dennis Avenue	<i>Russell Wolfe</i>
VIRGINIA ARMETTA	1605 Dennis Avenue	<i>Virginia Armetta</i>
<i>James Lee Williams</i>	1607 Dennis Avenue	<i>James Lee Williams</i>
<i>Teresa Conway</i>	1611 Dennis Avenue	<i>TERESA CONROY</i>
<i>Natalie Cable</i>	1613 Dennis Avenue	<i>Natalie Cable</i>
	8110 Rider Avenue	under separate cover

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2011-0002X
DATE Aug 26, 2010

CITIZEN'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2011-0002-X
DATE _____

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER 2011-0002-X
DATE 8-25-10

[illegible]

BFRC

BFS Retail & Commercial Operations, LLC
Credit First National

Credit First National Association • ExpertTire
Firestone Complete Auto Care™ • Firestone Complete Fleet Care™
GCR Tire Centers • TiresPlus™ • Wheel Works
BFR.com



BALTIMORE COUNTY
MARYLAND

MEMORANDUM

TO: Firestone Complete Auto Care
FROM: David Iannucci, Executive Director, DED
RE: Firestone – Belair Road Zoning Hearing
DATE: August 25, 2010

Adam Baker, Esquire has contacted our department on your behalf concerning the Zoning Hearing for this project.

CASE NUMBER: 2011-0002--X Location: Southeast side of Belair Road, 32 feet +/- northeast of the centerline of Kahlston Road. 11th Election District Legal Owner(s): Crossroads Reserve, LLC Contract Purchaser(s): Bismarck Real Estate

We understand that Firestone is building an auto care facility at 9653 Belair Road. This 10 bay service garage will employ 10. Capital investment in the project exceeds \$1,000,000.

The Belair Road corridor is undergoing redevelopment of aging buildings into new and updated retail and service facilities. Our department endorses Firestone's project. The location is zoned BL, and the immediate area includes primarily office, service, and retail businesses.

CC: Adam Baker, Esquire

400 Washington Avenue Mezzanine | Towson MD 21204-4665 | phone 410.887.8000 | fax 410-887-8017
www.baltimorecountyonline.info/business

BALTIMORE COUNTY

EXHIBIT NO. 1

Case No.: 2011-0002-X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	8-23-10 resolution authorizing Mr. Beatty to testify on behalf of Perry Hall Imp. Ass.
No. 2	schematic landscape plan 8-23-10	
No. 3	colored elevation drawings	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





Case No.: 2011-0002-X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	8-23-10 resolution authorizing Ms. Beatty to testify on behalf of Perry Hall Imp. Ass.
No. 2	schematic landscape plan 8-23-10	
No. 3	colored elevation drawings	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63, Perry Hall, Maryland 21128-0063 mail@perryhallmaryland.org
www.perryhallmaryland.org

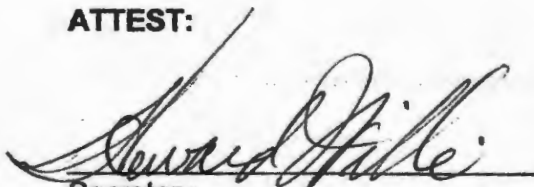
RESOLVED: That the Executive Board of the Perry Hall Improvement Association (Association) decided by electronic mail voting, as permitted by the Association's bylaws, that responsibility for review and action on all zoning matters for 2010 be placed in the Zoning Committee consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

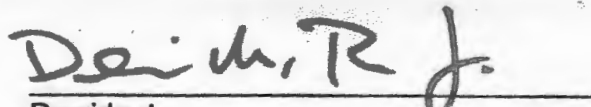
Debra Beaty (Zoning Chair)
Diane Brazil (Zoning Member)
Kathy Martin (Zoning Member)
Brenda Ward (Zoning Member)
Dennis Robinson (President and Zoning Member)
Howard Wille (Secretary and Zoning Member)

AS WITNESS OUR HANDS AND SEAL THIS 23rd day of August, 2010

ATTEST:

Perry Hall Improvement Association

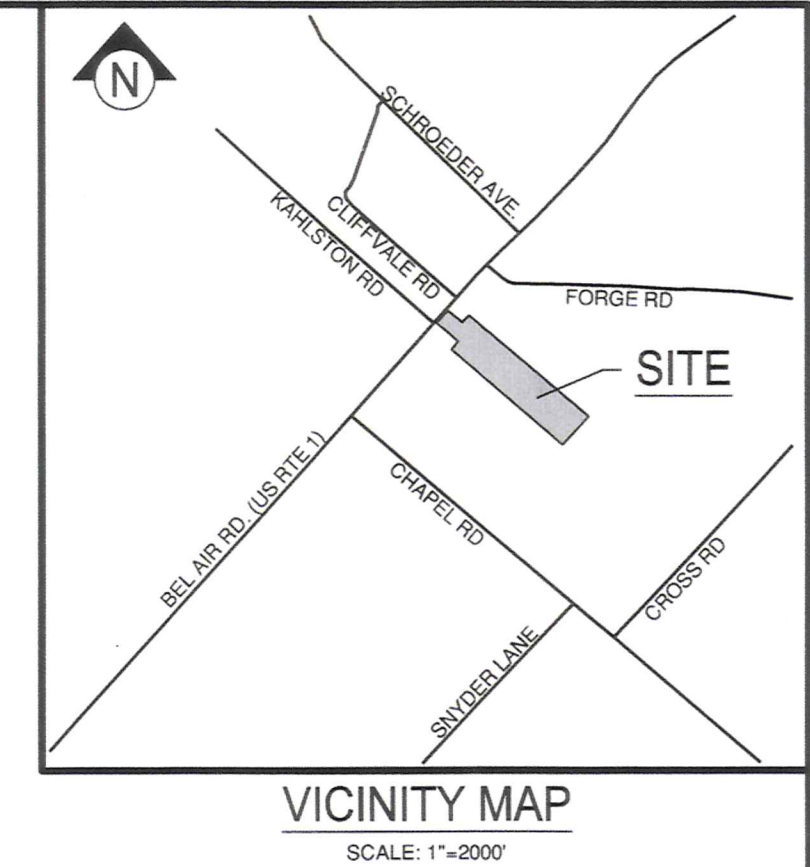
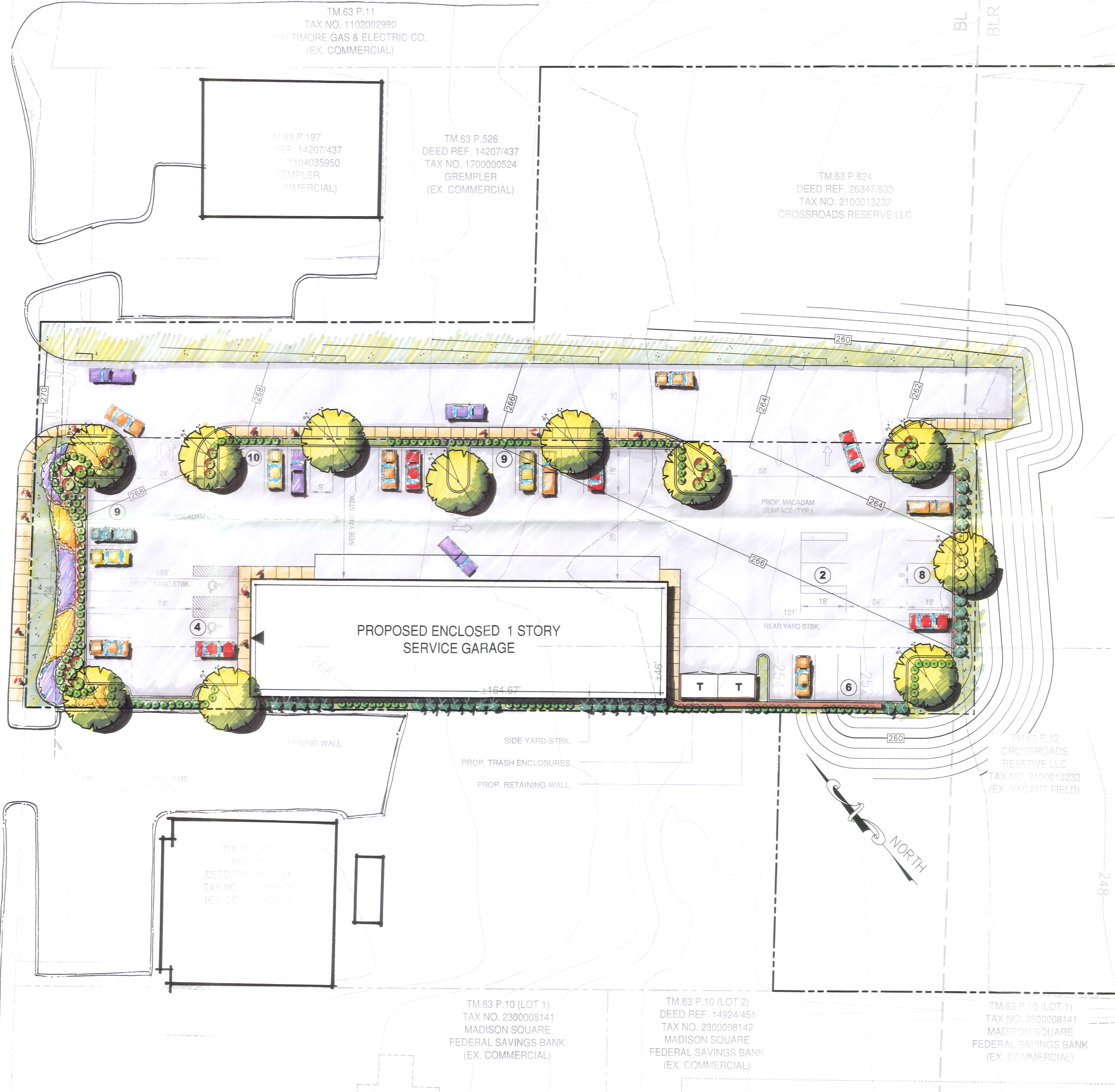

Secretary


President

PROTESTANT' S

EXHIBIT NO. 1

BEL AIR ROAD (US RTE 1)

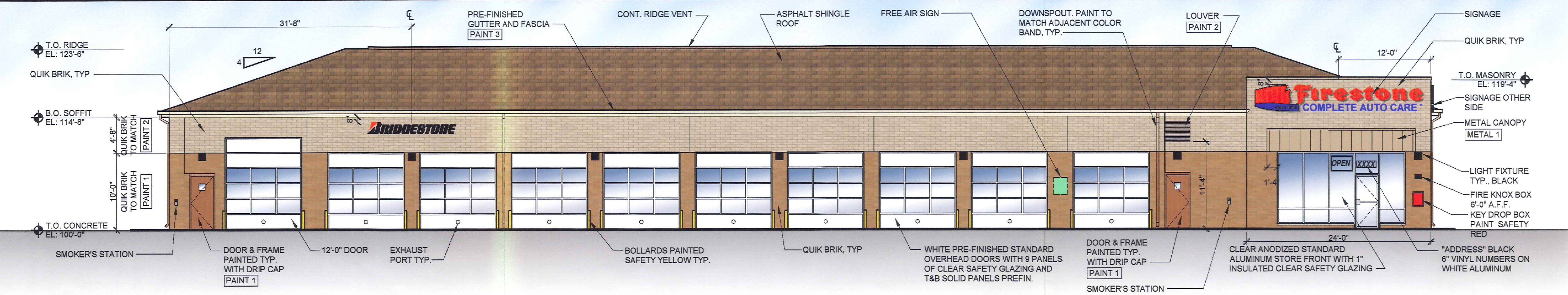


- LEGEND:**
- EX. PROPERTY LINE
 - EX. ADJACENT PROP. LINE
 - EX. 2' CONTOUR
 - EX. 10' CONTOUR
 - EX. BUILDING
 - EX. CONCRETE
 - EX. CURB
 - EX. LIGHT POLE
 - EX. UTILITY POLE
 - EX. FIRE HYDRANT
 - PROP. SHADE TREE
 - PROP. SHRUBS

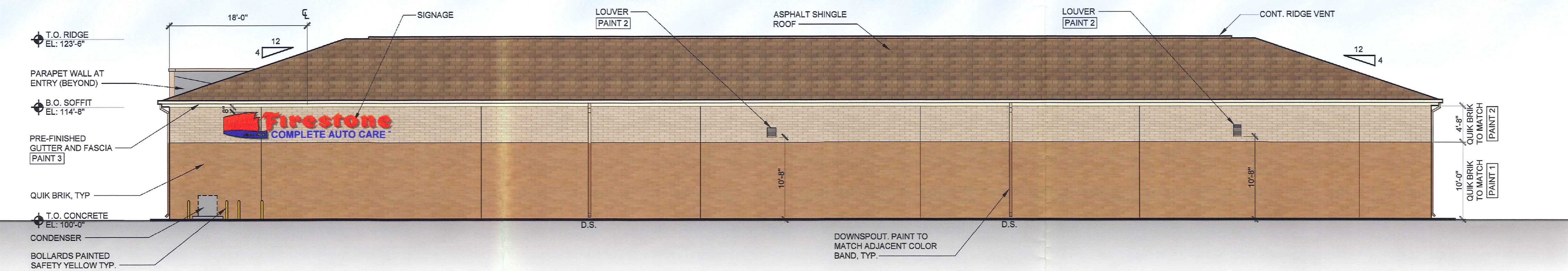
		MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX: (410) 821-1748 MRAGTA.COM	
		SCHEMATIC LANDSCAPE PLAN 9655 & 9653 BELAIR ROAD PERRY HALL, MARYLAND ELECTION DISTRICT 11 COUNCILMANIC DISTRICT 5	
DATE	REVISIONS	JOB NO.: 18812.01	
		SCALE: 1"=20'	
		DATE: 08/23/10	
		DRAWN BY: M.L.E.	
		DESIGN BY: M.A.B.	
		REVIEW BY: M.A.B.	
		SHEET: 1 OF 1	

PETITIONER'S

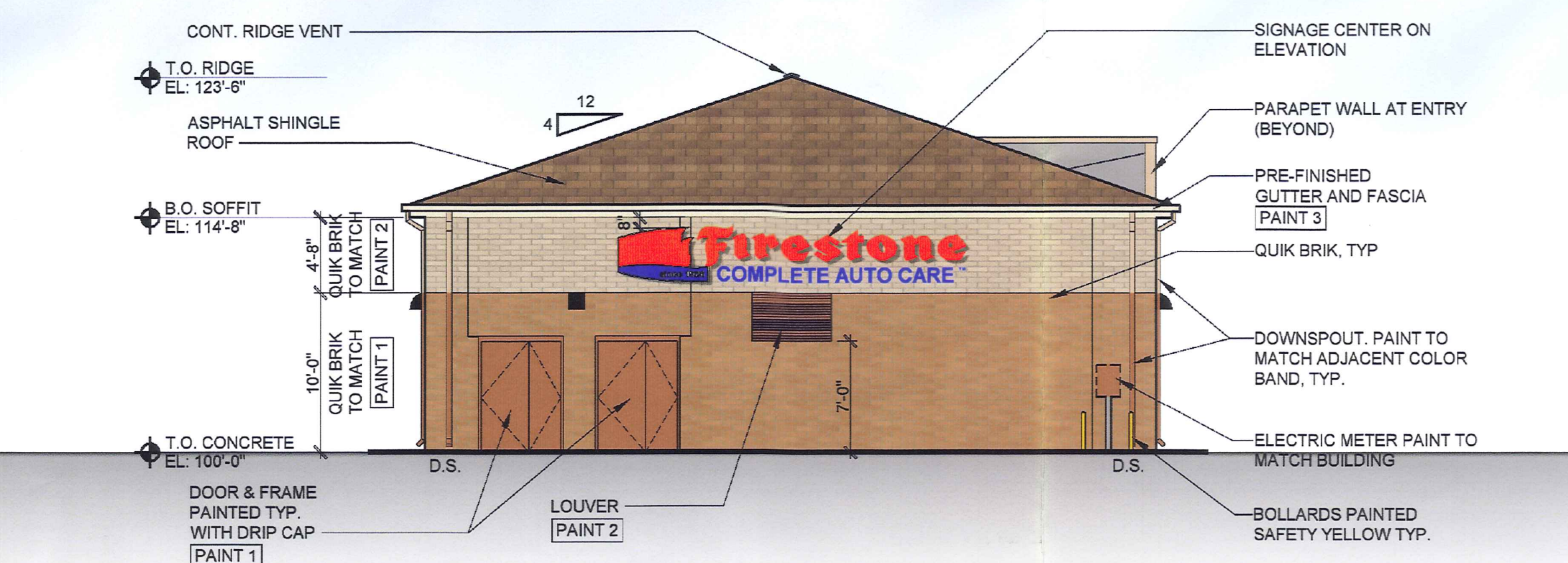
EXHIBIT NO. 2



1 (NORTH) ELEVATION
A4 SCALE: 1/8" = 1'-0"



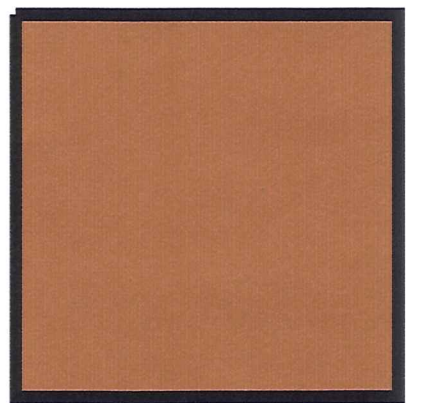
6 (SOUTH) ELEVATION
A4 SCALE: 1/8" = 1'-0"



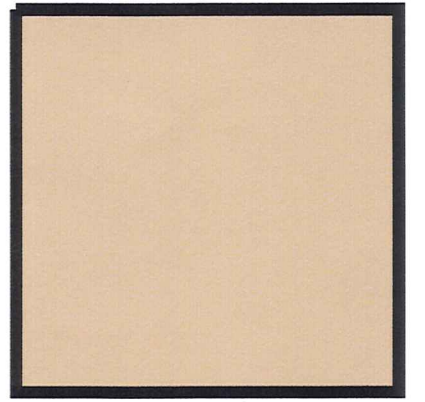
11 (EAST) ELEVATION
A4 SCALE: 1/8" = 1'-0"



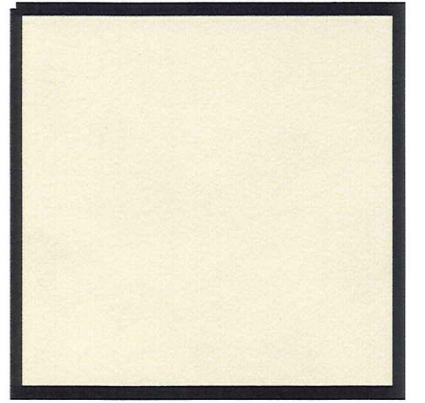
16 (WEST) ELEVATION
A4 SCALE: 1/8" = 1'-0"



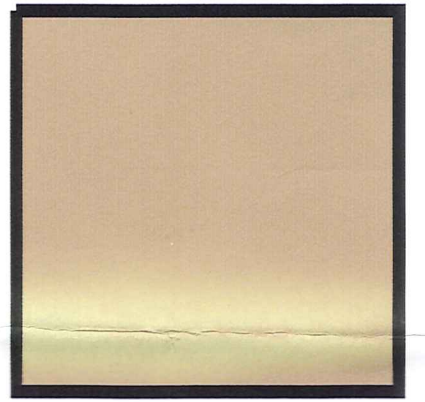
PAINT 1
SHERWIN WILLIAMS
"BRANDYWINE"
-SW7710



PAINT 2
SHERWIN WILLIAMS
"ROW HOUSE TAN"
-SW7688



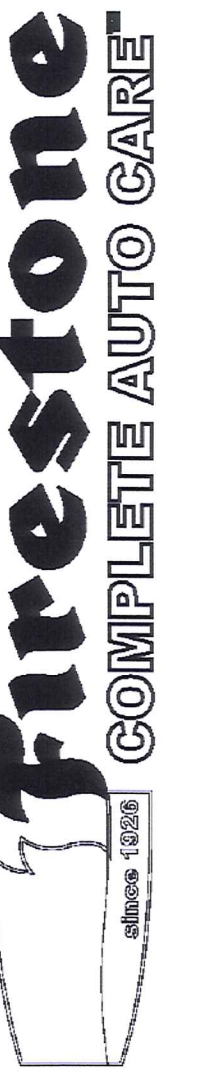
PAINT 3
SHERWIN WILLIAMS
"ANTIQUE WHITE"
-SW6119



METAL 1
FIRESTONE
UNA-CLAD
"SIERRA TAN SR"



ASPHALT SHINGLES
OWENS CORNING
"DESERT TAN"



THIS DRAWING IS THE PROPERTY OF BRIDGESTONE RETAIL OPERATIONS, LLC AND IS LOANED TO THE EXCLUSIVE USE OF THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF THIS DRAWING. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRIDGESTONE RETAIL OPERATIONS, LLC. THE CLIENT'S USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF BRIDGESTONE RETAIL OPERATIONS, LLC, IS STRICTLY PROHIBITED. BRIDGESTONE RETAIL OPERATIONS, LLC, MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THIS DRAWING FOR ANY PARTICULAR PURPOSE. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF THE PROJECT AND FOR THE PROTECTION OF THIS DRAWING. BRIDGESTONE RETAIL OPERATIONS, LLC, SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING OUT OF OR FROM THE USE OF THIS DRAWING. THE CLIENT'S USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF BRIDGESTONE RETAIL OPERATIONS, LLC, IS STRICTLY PROHIBITED.

NEW FCAC STORE
"ER 2010 - JUNE" L.H.
BEL AIR RD
PERRY HALL, MD

ZONE APPROVAL	(BY/DATE):
VP.	
CONTR.	
RM.	
CM.	
PROPERTY NO.:	000000
STORE NO.:	0000
JOB NO.:	00000
FILE NAME:	ER_L_A04.DWG
AOR PROJECT NUMBER:	210102
TO PERMIT:	DATE: ####
TO BID:	DATE: ####

SHEET TITLE:
COLORED
ELEVATIONS

SHEET NUMBER:
R4

PETITIONER'S
EXHIBIT NO. 3



Plan Sheet: 072B1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

062C3	063A3	063B3	063C3	064A3
071C1	072A1	072B1	072C1	073A1
071C2	072A2	072B2	072C2	073A2

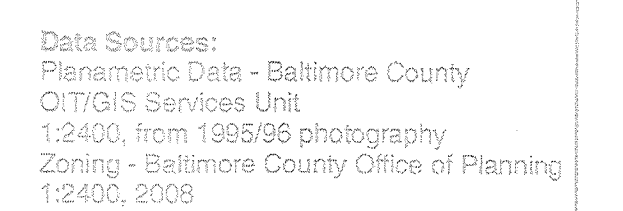
Scale

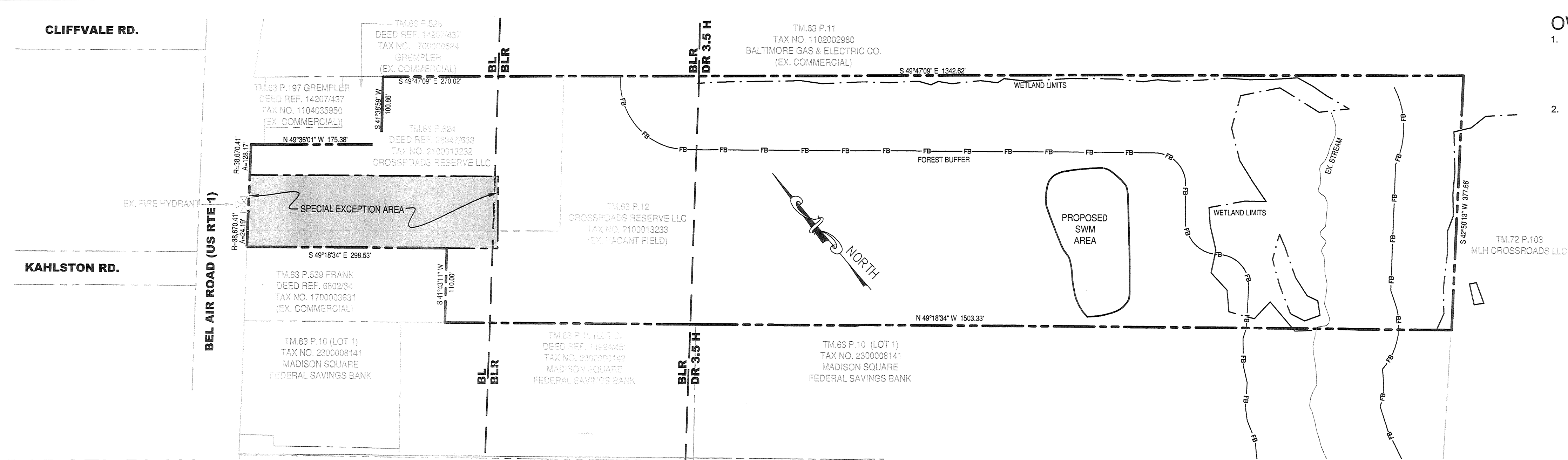
1" = 200'

0 100 200 400 Feet

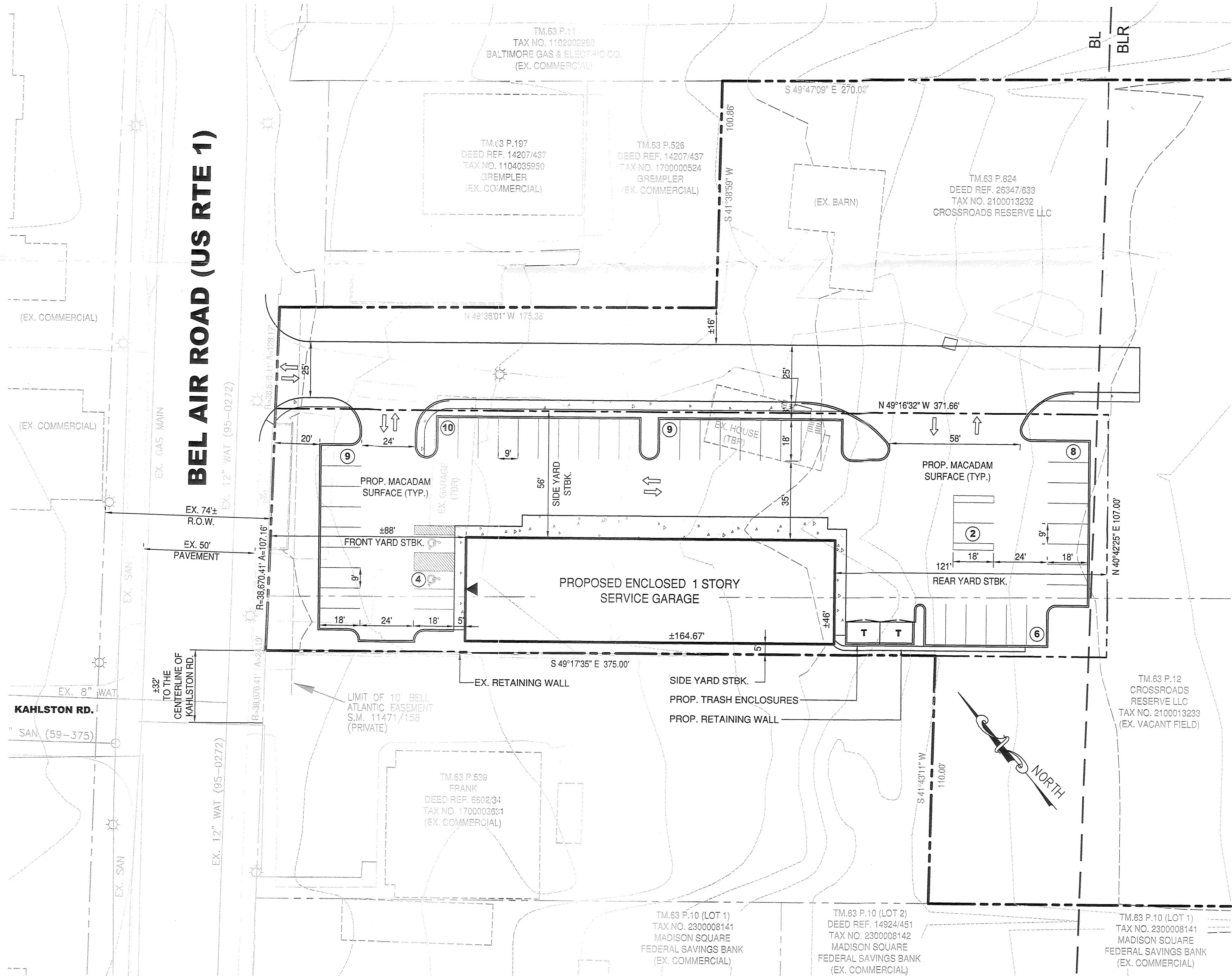


Date Sources:
Planimetric Data - Baltimore County
CITIGIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008





PARCEL PLAN
SCALE: 1"=100'

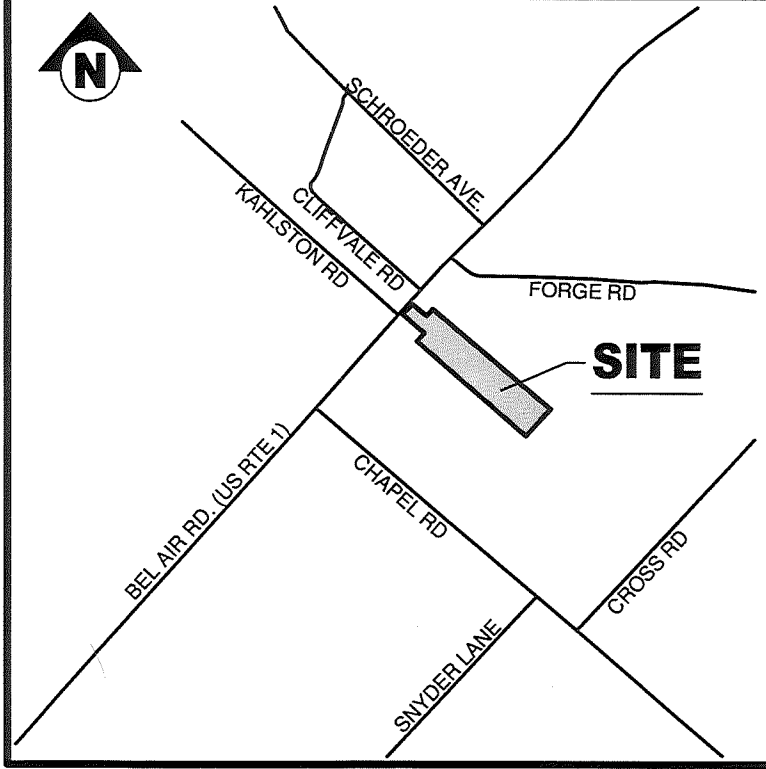


SITE PLAN
SCALE: 1"=30'

OWNER / APPLICANT / CONSULTANT:

- PROPERTY APPLICANT :
MR. JAMES L. KAINER V.P.
BISMARCK REAL ESTATE PARTNERS
2600 NETWORK, SUITE #130
FRISCO, TEXAS 75034
- PROPERTY OWNER :
CROSSROADS RESERVE LLC
ATTN. MR. JOE MORAN
305 W. CHESAPEAKE AVENUE SUITE 208
TOWSON, MARYLAND 21204

- PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD SUITE 505
TOWSON, MD 21286
ATTN: MATTHEW BISHOP, RLA
TEL.: 410-821-1690



VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES:

- THIS PROJECT IS LOCATED WITHIN THE URBAN RURAL DEMARCATION LINE .
- PER BALTIMORE COUNTY PUBLIC WORKS, THE PROPERTY HAS A SEWER DESIGNATION OF S-1 & S-3 AND A WATER DESIGNATION OF W-1 & W-3. THIS DEVELOPMENT PROPOSES PUBLIC SEWER AND WATER SERVICE.
- PER BALTIMORE COUNTY BASIC SERVICES MAPS THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS.
- THERE ARE NO KNOWN DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORIC TRUST INVENTORY. MS. RISING OF BALTIMORE COUNTY HAS CONFIRMED THIS.
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN (FEMA PANEL #2400100290F).
- ALL PARKING AREAS WILL BE CONSTRUCTED OF A DURABLE AND DUSTLESS SURFACE AND BE PERMANENTLY STRIPED.
- LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE (BCC), (SEE SECTION 409.8 OF THE BCZR. ANY PROPOSED LIGHTING SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ANY ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS AND BE IN ACCORDANCE WITH SECTION 409.8.A.3 OF THE BCZR.
- ANY PROPOSED SIGNAGE SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS OR PROPER ZONING RELIEF SHALL BE REQUESTED.

ZONING HISTORY:

- CASE NO. XI-831 & 00-109-SPHA - GRANTED NOVEMBER 24TH, 1999
 - A SPECIAL HEARING TO APPROVE A WAIVER, PURSUANT TO SECTION 26-171 AND 26-172(b) OF THE BALTIMORE COUNTY CODE, OF SECTIONS 26-203(C)(8) AND 26-278 TO RAZE A HISTORIC STRUCTURE. (GRANTED)
 - A SPECIAL HEARING TO APPROVE BUSINESS PARKING IN A RESIDENTIAL ZONE, PURSUANT TO SECTION 409.8.B OF THE B.C.Z.R., AND TO PERMIT SAID SPACES TO BE LOCATED IMMEDIATELY ADJACENT TO A TRAVELWAY. (GRANTED)
 - A PETITION FOR VARIANCE SEEKING RELIEF FROM SECTION 228.6.A.4 OF THE B.C.Z.R. TO PERMIT A BUILDING HEIGHT OF 38 FEET IN LIEU OF THE MAXIMUM ALLOWED 35 FEET. (GRANTED)

SITE DATA:

- PREMISES ADDRESS: 9655 & 9653 BELAIR ROAD
- GROSS SF. / A.C.: ±43,182 SF. / ±.99 AC (SPECIAL EXCEPTION AREA ONLY)
- NET SF. / AC: ±39,967 SF. / ±.91 AC (SPECIAL EXCEPTION AREA ONLY)
- ZONING: BL & BLR (SPECIAL EXCEPTION AREA ONLY)
- TAX MAP/PARCEL: 63/624 & 63/12
- TAX ACCOUNT NUMBERS: 2100013232 & 2100013233
- DEED REFERENCE: 26347/633
- EXISTING LAND USE: RESIDENTIAL (VACANT)
- PROPOSED LAND USE: SERVICE GARAGE
- COUNCILMANIC DISTRICT: 5
- ELECTION DISTRICT: 11
- ADC MAP LOCATION: MAP 29, GRID E 3&4
- ZONING MAP REFERENCES: 063B3 & 072B1
- CENSUS TRACT: 4113.04
- WATERSHED: LOWER GUNPOWDER
- SUBSEWERSHED: 19 & 22
- REGIONAL PLANNING DISTRICT: 317

BL BULK REGULATIONS: (BALTIMORE COUNTY ZONING REGULATIONS)

REGULATION	PERMITTED	PROPOSED
FLOOR AREA RATIO §232.5	3.0	0.20 8,500 SF GROSS BLDG. AREA / 43,182 SF GROSS SITE AREA (SPECIAL EXCEPTION AREA ONLY)
BUILDING HEIGHT §231.1	40'	MAX. 40'
FRONT YARD §303.2	FRONT YARD AVERAGING : EX. BLDG TO THE NE = 62' FROM R.O.W. EX. BLDG TO THE SW = 56' FROM R.O.W. AVERAGE = 59' FROM R.O.W.	± 88' FROM R.O.W.
REAR YARD §232.3	0'	121' ±
SIDE YARD §232.2	0'	5' ±

BUILDING SF/PARKING TABLE:

USE	GROSS SQUARE FOOTAGE	REQUIRED PARKING	PROPOSED PARKING
SERVICE GARAGE	±8,500 SF	3.3 SPACES / 1,000 SF = 29	48 SPACES

LEGEND:

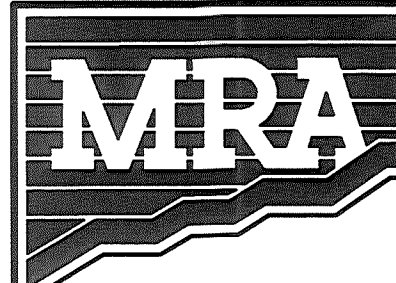
- EX. PROPERTY LINE
- EX. ADJACENT PROP. LINE
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. BUILDING
- EX. CONCRETE
- EX. CURB
- PROP. CURB
- EX. GAS
- EX. FOREST BUFFER
- EX. WETLAND LIMITS
- EX. LIGHT POLE
- EX. UTILITY POLE
- EX. FIRE HYDRANT

COMMERCIAL PERMIT HISTORY:

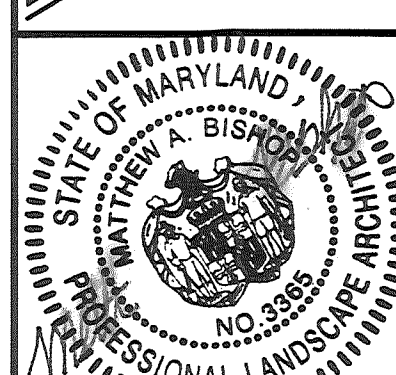
ADDRESS	PERMIT #	CONTROL #	PERMIT TYPE
9653 BELAIR ROAD	E328574	E	ELECTRICAL
9653 BELAIR ROAD	B429684	C	COMMERCIAL CONSTRUCTION
9653 BELAIR ROAD	P432368	P	PLUMBING
9653 BELAIR ROAD	E433634	E	ELECTRICAL
9653 BELAIR ROAD	P445618	P	PLUMBING
9653 BELAIR ROAD	B466446	C	COMMERCIAL CONSTRUCTION
9653 BELAIR ROAD	E468326	E	ELECTRICAL
9653 BELAIR ROAD	P468998	P	PLUMBING
9653 BELAIR ROAD	B590153	CAC	COMMERCIAL ANTENNA
9653 BELAIR ROAD	E606060	E	ELECTRICAL
9653 BELAIR ROAD	B613945	CAC	COMMERCIAL ANTENNA
9653 BELAIR ROAD	E639833	E	ELECTRICAL
9653 BELAIR ROAD	B687021	CAC	COMMERCIAL ANTENNA
9653 BELAIR ROAD	B695016	CAC	COMMERCIAL ANTENNA
9653 BELAIR ROAD	B703729	CAC	COMMERCIAL ANTENNA
9653 BELAIR ROAD	B719728	CAC	COMMERCIAL ANTENNA
9653 BELAIR ROAD	B726940	CAC	COMMERCIAL ANTENNA
9655 BELAIR ROAD	B716458	C	COMMERCIAL CONSTRUCTION
9655 BELAIR ROAD	B732165	RA	RAZING

REASON FOR SPECIAL EXCEPTION REQUEST:

- TO PERMIT A SERVICE GARAGE PURSUANT TO § 230.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
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PLAN TO ACCOMPANY SPECIAL EXCEPTION REQUEST
9655 & 9653 BELAIR ROAD
PERRY HALL, MARYLAND
ELECTION DISTRICT 11 COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.:
		16812.01
		SCALE: AS SHOWN
		DATE: 08/23/10
		DRAWN BY: M.L.E.
		DESIGN BY: M.A.B.
		REVIEW BY: M.A.B.
		SHEET: 1 OF 1

PETITIONER'S

EXHIBIT NO. 1