IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

SE side of Belair Road, 1,900' NE of the

c/line of Silver Spring Road

(8833 Belair Road)

11th Election District

5th Council District

8833 Bellair Road, LLC Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0131-SPHA

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by John Mazarakis, Member, 8833 Bellair Road, LLC. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a parking and travel lane within a residential zone. In addition, Petitioner is requesting variance relief from Section 1B01.B.1.b(2) of the B.C.Z.R., in a Residential Transition Area (RTA) to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50-foot landscape buffer. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was John Mazarakis with 8833 Bellair Road, LLC, Gordon D. Fronk, Esquire, counsel for Petitioner, and Monika Sloan, the professional engineer that prepared the plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

ORDER	RECEIVED	FOR	FILI	٧G
OI IDEI I	1 100			

Date	2-6-12	
By		

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. Comments were received from the Bureau of Development Plans Review, dated November 28, 2011, which states the following:

"We have no comments regarding the requested special hearing or variance request. However, the county has a drainage and utility easement abutting the rear property line and a retaining wall is proposed along the line. This will advise the petitioner that the retaining wall must be away from the easement a distance equal to the wall's height. We also wish to point out that the perpendicular parking along the rear property line requires that the aisle be 22' wide not 20' as shown."

In addition, a ZAC comment was received by the State Highway Administration, dated November 22, 2011, which indicated that the applicant must contact the State Highway Administration to obtain an entrance permit.

Testimony and evidence revealed that the subject property is 39,770 square feet (0.9130 acres) and is zoned BL, DR 5.5 and DR 10.5. As shown on the site plan, the DR-zoned portion of the property is extremely small; Petitioner's engineer estimated it comprised no more than 6,000 square feet. It is this small portion of property that created the need for special hearing and variance relief, and the Petitioner proposed to redevelop an aging commercial site (presently occupied with retail businesses and service garage bays) with a two-story retail center. The Petitioner submitted proposed elevation drawings (Exhibits 2 - 4) which depict an attractive retail "strip" center, positioned well back from Belair Road, with parking in the front of the stores.

With respect to the Petition for Special Hearing, the relief requested is modest, and Petitioner submitted a photo showing the location of the nearest residential dwelling (Exhibit 7A). That photo shows that the nearest home is a single-family dwelling located 200 feet from the subject property, and that home is buffered and screened by mature trees. As such, the proposed parking and travel lane shown on Exhibit 1 will not negatively impact the adjacent ORDER RECEIVED FOR FILING

2

homeowner, or the community in general. In fact, the present operation of the property entails use of this area, so there will be no additional burdens placed on neighboring owners.

The same reasoning applies to the request for variance relief. A RTA is generated on this property, and the B.C.Z.R. strives to harmonize development and prevent conflict between dissimilar uses of property. Here, the site is being redeveloped, and the end result will be a much more attractive and modern retail center that will benefit the community. The same "transition" area that has existed for years between the strip center and adjacent residential dwellings will be preserved, and thus I find that the goals and spirit of the RTA regulations will be satisfied in this case.

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

THEREFORE, IT IS ORDERED, this ______ day of February, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a parking and travel lane within a residential zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to Section 1B01.B.1.b(2) of the B.C.Z.R., in a Residential Transition Area (RTA), to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50-foot landscape buffer, be and is hereby GRANTED.

The relief granted herein is subject to the following conditions:

1. The Petitioner may apply for its 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 Petitioners will be required to return and be responsible for returning said property to its original condition.

ORDER RECEIVED FOR FILING

Date	2-6-17
By	

2. Petitioner must comply with the ZAC comments received from the Bureau of Development Plans Review, dated November 28, 2011, a copy of which is attached and made a part hereof.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

ORDER RECEIVED FOR FILING

Date 2-8-12

By Qu

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 28, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 5, 2011 Item No. 2012-0131

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We have no comments regarding the requested special hearing or variance request. However, the county has a drainage and utility easement abutting the rear property line and a retaining wall is proposed along the line. This will advise the petitioner that the retaining wall must be away from the easement a distance equal to the wall's height. We also wish to point out that the perpendicular parking along the rear property line requires that the aisle be 22' wide not 20' as shown.

DAK:CEN cc: File ZAC-ITEM NO 12-0131-12052011.doc

ORDER RECEIVED FOR FILING

Date	2-6-12	
Ву		



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

February 6, 2012

Gordon D. Fronk, Esquire 208 East Dover Street Easton, Maryland 21601

RE: Petition for Special Hearing and Variance (8833 Bellair Road)
Case No. 2012-0131-SPHA

Dear Mr. Fronk:

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 Office of Administrative Hearings at 410-887-3868.

Very truly yours,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure



REV. 2/23/11

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: address 8833 BOLLAIR ROND which is presently zoned BLDES. 5 DE to. 5 Deed Reference 29209 - 455 10 Digit Tax Account # 1 1 1 1 0 3 8 4 3 0 Property Owner(s) Printed Name(s) &333 BELIAILRO UC CASE NUMBER 2012 - 0131 - 5PHA Filing Date 11 , 15, 11 **Estimated Posting Date** (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for: 1. 🗶 a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property 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 below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition) Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), 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. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Contract Purchaser/Lessee: Legal Owners: 8833 BELLAIR RO LLC RECEIVED FOR FILING MAZARAKIS - MEMBER Name #2 - Type or Print Name- Type or Print Signature # 2 Signature #1 Mailing Addre State ohnmazara kis W 302-836-0400 19702 **Email Address** Email Address Zip Code Zip Code Telephone # Yahoo. Con Attorney for Petitioner: Representative to be contacted: GORDON D. FRONK Signatur ENSTO 2607 EXSTYSURN CENTER DOVER ST. Mailing Address Mailing Address 410-823-7966 19711 21661 Zip Code Telephone # Zip Code mcbrideziegler. com Klaw, com

PETITION FOR ZONING HEARINGS

- a Special Hearing to allow a parking and travel lane within a residential zone
- a Variance from Section 1B01.B.1.b.(2) in an RTA, permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75- foot setback and 50-foot landscape buffer

I tem #0131

McBRIDE & ZIEGLER, INC.

LAND SURVEYORS • PLANNERS • ENGINEERS

2607 EASTBURN CENTER NEWARK, DELAWARE 19711 PHONE (302) 737-9138 FAX (302) 737-2610

8833 BELAIR ROAD, BALTIMORE, MARYLAND 21236

BEGINNING for the same on the southeast side of Belair Road as now laid out 70 feet wide at the distance of 1900 feet more or less northeast from the north side of Silver Spring Road said point being where the southeast side of Belair Road is intersected by the first line of the land which by Deed dated April 1, 1947 and recorded among the Land Records of Baltimore County in Liber JWB No. 1552, folio 175, was conveyed by George C. Brockmeyer, unmarried, to Otis C. Smith and wife and running thence and binding on a part of said line as now surveyed South 45 degrees 30 minutes 20 seconds east 200 feet thence leaving said line and running for lines of division now made South 50 degrees 38 minutes 37 seconds west 200 feet and North 45 degrees 30 minutes 20 seconds west 200 feet to the southeast side of Belair Road at a point located 333.35 feet more or less measured northeasterly along the southeast side of Belair Road from the third line of the land which by Deed dated December 9, 1922 and recorded among the Land Records of Baltimore County in Liber WPC No. 566, folio 238, was conveyed by Walter D. Rogers and wife to Sarah L. Blakely and running thence and binding on the southeast side of Belair Road North 50 degrees 38 minutes 37 seconds east 200 feet to the place of beginning.

BEING the same property which by Confirmatory Deed of Assignment dated March 5, 2005 and recorded among the Land Records of Baltimore County in Liber No. 21723, folio 627, was granted and assigned by Carolyn G. Regester unto Regester Square of Perry Hall, LLC, a Maryland Limited Liability Company, in leasehold. See Also Lease dated November 15, 1956 and recorded among the Land Records of Baltimore County in Liber No. 3055, folio 429, from John G. Kilian and Paulina Kilian, his wife, unto George S. Regester and Carolyn G. Regester, his wife.

0.91 Acre

11th Election District 5th Councilmanic District

Namh Sla

Item #0131

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0131-SPHA

8833 Belair Road SE/side of Belair Road, 1900 feet n/east of centerline

SE/side of Belair Road, 1900 feet n/east of centerline of Silver Spring Road
11th Election District - 5th Councilmanic District
Legal Owner(s): 8833 Belair Road, LLC,
John Mazarakis, Member

Special Hearing: to allow a parking and travel lane within a residential zone. Variance: in the RTA to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50 foot landscape buffer.
Hearing: Tuesday, January 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204. Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/1/642 Jan. 10
294454

CERTIFICATE OF PUBLICATION

1/12/2012
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1/10/, 2012.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
Wilkingon

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0131-SPHA

8833 Belair Road

SE/side of Belair Road, 1900 feet n/east of centerline of Silver Spring Road

11th Election District-5th Councilmanic District Legal Owner(s): 8833 Belair Road, LLC, John Mazarakis, Member

Special Hearing to allow a parking and travel lane within a residential zone. Variance: in the RTA to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50 foot landscape buffer. Hearing: Tuesday, January 3, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21004.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/702 Dec.20 293357

CERTIFICATE OF PUBLICATION

J. Wilkingon

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 01/10/2012

Case Number: 2012-0131-SPHA

Petitioner / Developer: GORDON FRONK ~JOHN MAZARAKIS~

MONIKA SLOAN

Date of Hearing (Closing): JANUARY 24, 2012

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 8833 BELAIR ROAD

The sign(s) were posted on: JANUARY 6, 2012



Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 20, 2011 Issue - Jeffersonian

Please forward billing to:

John Mazarakis c/o 8833 Belair LLC 1007 Church Road Neward, DE 19702

302-836-0400

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0131-SPHA

8833 Belair Road

SE/side of Belair Road, 1900 feet n/east of centerline of Silver Spring Road

11th Election District - 5th Councilmanic District

Legal Owners: 8833 Belair Road, LLC, John Mazarakis, Member

Special Hearing to allow a parking and travel lane within a residential zone. Variance in the RTA to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50 foot landscape buffer.

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

Hearing: Tursday January 3, 2012 at 1:30 pm, Rm 205 \$



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
December 12, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0131-SPHA

8833 Belair Road

SE/side of Belair Road, 1900 feet n/east of centerline of Silver Spring Road

11th Election District - 5th Councilmanic District

Legal Owners: 8833 Belair Road, LLC, John Mazarakis, Member

<u>Special Hearing</u> to allow a parking and travel lane within a residential zone. <u>Variance</u> in the RTA to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50 foot landscape buffer.

Hearing: Tuesday, January 3, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablen

Director

AJ:kl

C: Gordon Fronk, 208 E. Dover Street, Easton 21601 John Mazarakis, 1007 Church Road, Newark DE 19702 Monika Sloan, 2607 Eastburn Center, Newark DE 19711

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 19, 2011.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



William C. Hollis III Philip T. Cronan Gordon D. Fronk

December 14, 2011

Ms. Kristen Lewis
Department of Permits, Approvals and Inspections
Zoning Review
County Office Building, Room 111
111 West Chesapeake Avenue
Towson MD 21204

Re: Case No. 2012-0131-SPHA

Dear Kristen:

This is to acknowledge receipt of the Notice of Zoning Hearing scheduled for 1:30 P.M. on Tuesday, January 3, 2012. Unfortunately, my client cannot be available on that date and has asked me to request a postponement. He will be available any day during the week commencing January 23, 2012; however, he would prefer later in the week, if possible. Kindly reschedule the Hearing and apprise us of the new date and time.

Thank you for your attention to this request.

Sincerely,

Gordon D. Fronk

cc John Mazarakis Monika Sloan TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 10, 2012 Issue - Jeffersonian

Please forward billing to:

John Mazarakis c/o 8833 Belair LLC 1007 Church Road Neward, DE 19702 302-836-0400

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0131-SPHA

8833 Belair Road

SE/side of Belair Road, 1900 feet n/east of centerline of Silver Spring Road

11th Election District - 5th Councilmanic District

Legal Owners: 8833 Belair Road, LLC, John Mazarakis, Member

<u>Special Hearing</u> to allow a parking and travel lane within a residential zone. <u>Variance</u> in the RTA to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50 foot landscape buffer.

Hearing: Tuesday, January 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
December 22, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0131-SPHA

8833 Belair Road

SE/side of Belair Road, 1900 feet n/east of centerline of Silver Spring Road

11th Election District - 5th Councilmanic District

Legal Owners: 8833 Belair Road, LLC, John Mazarakis, Member

Special Hearing to allow a parking and travel lane within a residential zone. <u>Variance</u> in the RTA to permit a parking and travel lane with a setback as close as 6 feet in lieu of the required 75 foot setback and 50 foot landscape buffer.

Hearing: Tuesday, January 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Gordon Fronk, 208 E. Dover Street, Easton 21601 John Mazarakis, 1007 Church Road, Newark DE 19702 Monika Sloan, 2607 Eastburn Center, Newark DE 19711

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 9, 2012.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 2012-0/3/-SPHA Petitioner: 8833 Belain LLC
Address or Location: 8833 Eslair Road, Baltimore MD 2123
PLEASE FORWARD ADVERTISING BILL TO: Name: John Mazarakis 15 Belair LLC Address: 1007 Church Coal
Newark DE 19702
Telephone Number: 302 836 0400

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KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 13, 2012

John Mazarakis 1007 Church Road Newark, DE 19702

RE: Case Number 2012-0131-SPHA, 8833 Belair Road

Dear Mr. Mazarakis,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 2011. 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,

U. Cal Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

People's Counsel
 Gordon Fronk, 208 E. Dover Street, Easton, MD 21601
 Monika Sloan, 2607 Eastburn Center, Newark, DE 19711



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Tella tille

Date: //-22-//

Ms. Kristen Matthews. Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County**

Item No. 2012-0131-5PHA Special Hearing Variance 8833 Belair Rood John Mozarakis 8833 Belair Road

US 1

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 1/2/1/1. A field inspection and internal review reveals that an entrance onto 45/ consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2012-0131 the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your attention.

teven D. Foster, Chief

Access Management Division

SDF/rz

Mr. Michael Pasquariello, Utility Engineer, SHA Cc:

Mr. David Peake, District Engineer, SHA

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 28, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 5, 2011 Item No. 2012-0131

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We have no comments regarding the requested special hearing or variance request. However, the county has a drainage and utility easement abutting the rear property line and a retaining wall is proposed along the line. This will advise the petitioner that the retaining wall must be away from the easement a distance equal to the wall's height. We also wish to point out that the perpendicular parking along the rear property line requires that the aisle be 22' wide not 20' as shown.

DAK:CEN cc: File

ZAC-ITEM NO 12-0131-12052011.doc

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 8833 Belair Road; SE/S Belair Road, 1900' NE c/line of Silver Spring Road 11th Election & 5th Councilmanic Districts Legal Owner(s): 8833 Bellair Road, LLC

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* 2012-131-SPHA

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.

RECEIVED

NOV 29 2011

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 29th day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to Monika Bisloan, 2607 Eastburn Center, Newark, DE 19711 and Gordon Fronk, Esquire, 208 E. Dover Street, Easton, MD 21601, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Baltimore County Government Department of Permits Approvals and Inspections Development Management



111 West Chesapeake Avenue Towson, MD 21204

410-887-3335

July 22, 2011

McBride & Ziegler, Inc. 2607 Eastburn Center Newark, DE 19711

> RE: Belair Road 8833 Belair Road DRC Number: 071211A; Dist. 11C5

Dear Sir/Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the <u>Baltimore County Code</u> and to make recommendations to the Director, Department of Permits Approvals and Inspections (PAI).

The DRC has, in fact, met in an open meeting on July 12, 2011, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(b)(8), subject to approval of a Zoning Variance, by an Administrative Law Judge. Please contact the Office of Zoning at 410-887-3391.

Item #0131

McBride & Ziegler, Inc. Belair Road July 22, 2011 Page 2

After your variance approval, please submit two check prints, of the plan, prepared in accordance with Sections 32-4-221 through 32-4-224 of the <u>Baltimore County Code</u>, one completed, signed and sealed copy of the <u>Development Plan Checklist</u>, a copy of the Administrative Law Judge's order, and a copy of this letter to this office.

Be advised that in addition to development review fees, Phase 2 review fees may apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 22nd day of July 2011, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Richard A. Zeller at 410-545-5598.

Sincerely,

Arnold Jabl

Director

AJ: CMK:dak

c: Linda Blackmon File Richard A. Zeller

Visit the County's Website at www.baltimorecountymd.gov

Item #0131

Patricia Zook - 2012-0131-SPHA - Appeal Due

From:

Debra Wiley

To:

Adams, Sarah; Wiley, Debra; Zook, Patricia

Date:

3/7/2012

Due:

3/7/2012

Subject: 2012-0131-SPHA - Appeal Due

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

MEMORANDUM

DATE:

March 8, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0131-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on March 7, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

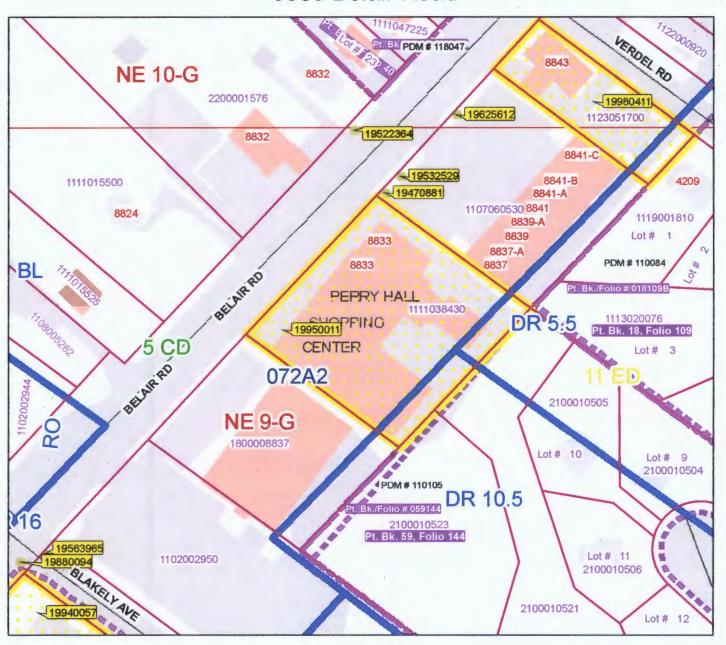
Office of Administrative Hearings

CASE NAME 8833 Bobir Rd.
CASE NUMBER 2012-131-59HA
DATE 1-24-12

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JOHN MAZARAKIS	1907 CHURCH 120	NEWARK DR 19702	JOHN MAZARARIQ YAHOO
ANGELO HALAKOS	1007 CHURCH RD	NEW ARK OF 19707	
JOANNIS HACAKOS	1007 CHURCH RO	NEW ARK DE 1970Z	HALAROS Q AOC
	·	•	
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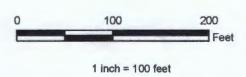
8833 Belair Road





Publication Date: November 15, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot





Shr Prior zoning

IN RE: PETITION FOR SPECIAL HEARING *

SE/S Belair kd., 1900' +/-NE of c/l Silver Spring Road

8833 Belair Road

11th Election District 6th Councilmanic District George S. Regester, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 95-11-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 8833 Belair Road near Silver Spring Road, in eastern Baltimore County. The Petitioners request approval for the continuation of the use commencing in 1955 and ongoing without interruption to the present date of a portion of the property as a service garage. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was the property owner, George S. Regester. Also appearing in support of the Petition was F.M. Preston. The Petitioner was represented by Jim Baldwin, Esquire. There were no other interested persons or Protestants present.

Uncontradicted testimony and evidence presented was that the subject site is slightly less than 1 acre in area and is zoned B.L. The property fronts Belair Road north of the interchange with the Baltimore Beltway. The site is improved by a large building which contains a number of mixed uses including a florist shop, an appliance repair shop, an automobile accessory shop and similar uses. The balance of the site is available for parking for these various uses.

Mr. Regester testified that he and his wife have owned the property since 1952. At that time, they began operation of a florist shop on the

Case No.: 2012 - 131 - SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

3/8/12

No. 1	Site Plan	
No. 2	Elevation drawing	•
No. 3	Elev-drawing	
No. 4	Elev-drawing	
No. 5	Acrial Photo	
No. 6	Topo Survey Plan	
No. 7 A-6	Colar Phitos	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



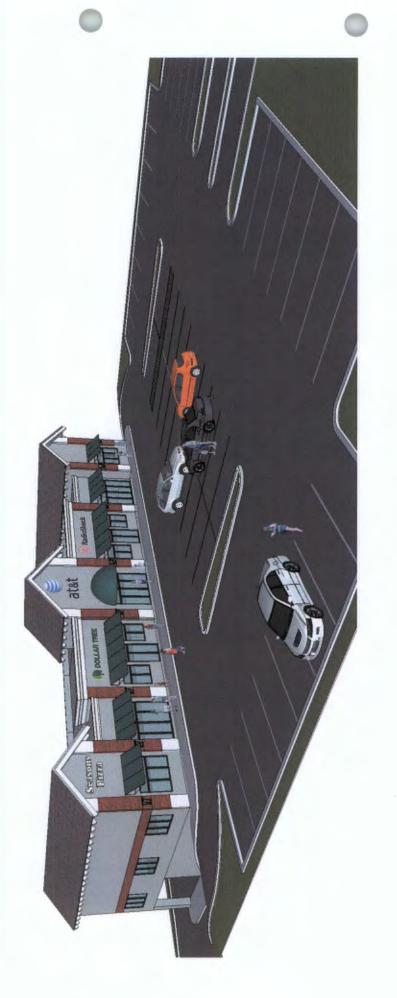
PETITIONER'S

EXHIBIT NO.





ELEMENT design group 382845077



ELEMENT design group 312.545.0777 www.elementag.com

atst (

Seasons









EXTA



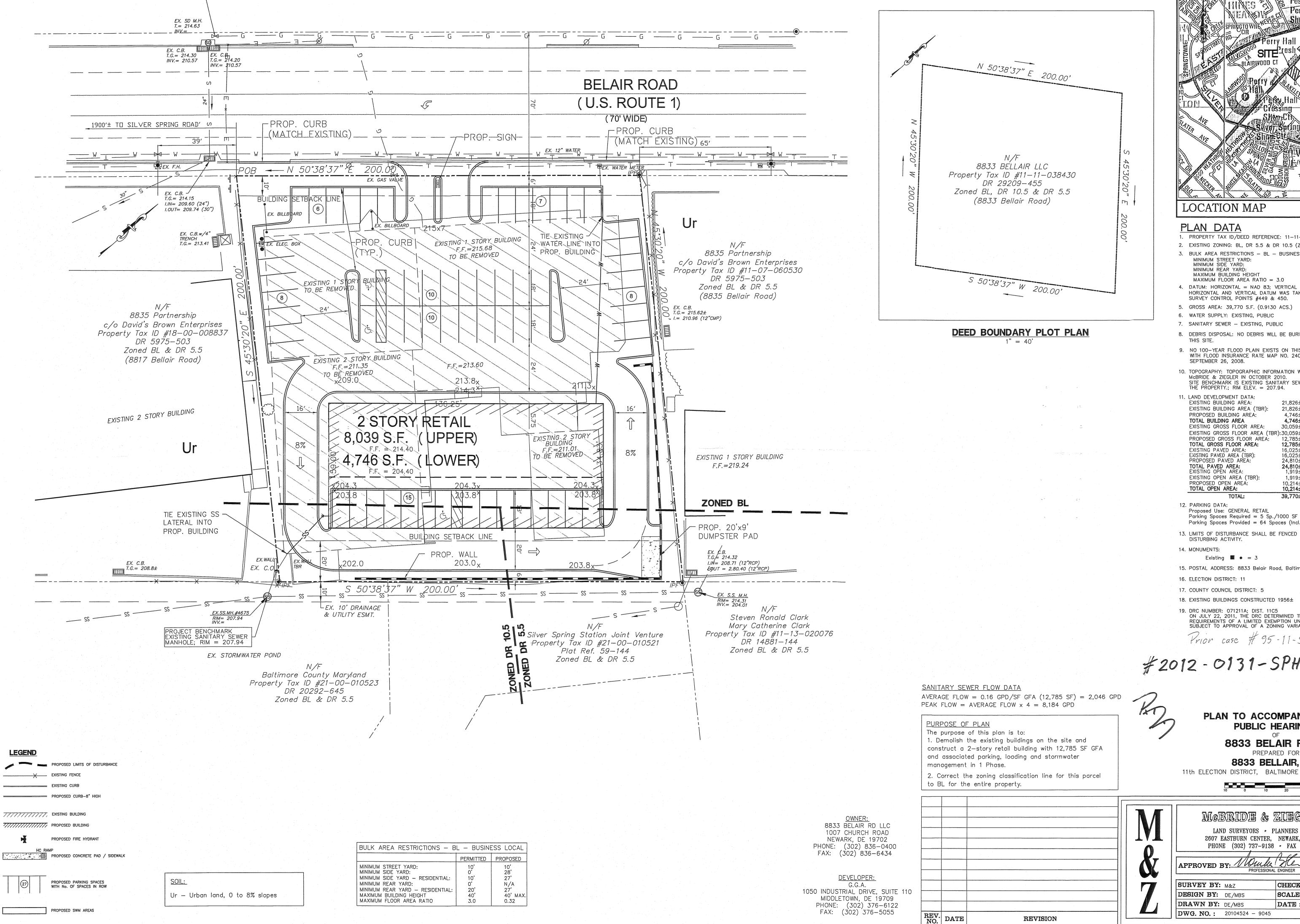


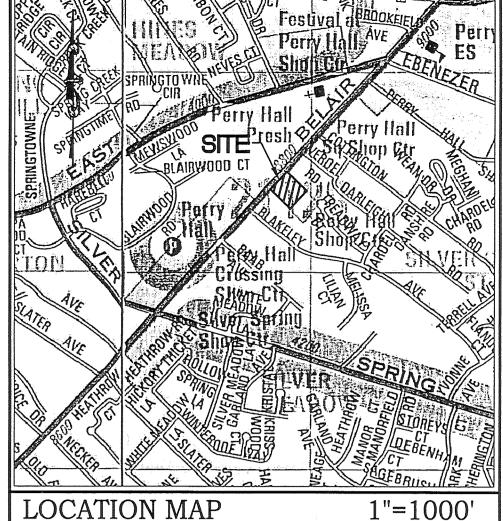












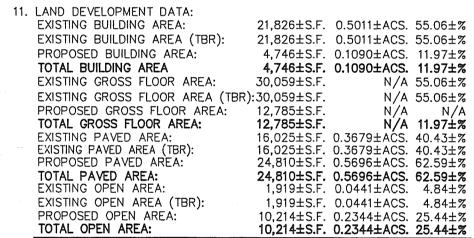
PLAN DATA

1. PROPERTY TAX ID/DEED REFERENCE: 11-11-038430 / 29209-455 2. EXISTING ZONING: BL, DR 5.5 & DR 10.5 (ZONING MAP NO. 072A2)

3. BULK AREA RESTRICTIONS - BL - BUSINESS LOCAL MINIMUM STREET YARD: MINIMUM SIDE YARD:

0'/10' RESIDENTIAL 0'/20' RESIDENTIAL MINIMUM REAR YARD: MAXIMUM BUILDING HEIGHT MAXIMUM FLOOR AREA RATIO = 3.0

- 4. DATUM: HORIZONTAL = NAD 83; VERTICAL = NGVD 1988 HORIZONTAL AND VERTICAL DATUM WAS TAKEN FROM BALTIMORE COUNTY SURVEY CONTROL POINTS #449 & 450.
- 5. GROSS AREA: 39,770 S.F. (0.9130 ACS.) 6. WATER SUPPLY: EXISTING, PUBLIC
- 7. SANITARY SEWER EXISTING, PUBLIC
- 8. DEBRIS DISPOSAL: NO DEBRIS WILL BE BURIED OR DISPOSED OF ON
- 9. NO 100-YEAR FLOOD PLAIN EXISTS ON THIS PARCEL, IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP NO. 2400100290F, DATED SEPTEMBER 26, 2008.
- 10. TOPOGRAPHY: TOPOGRAPHIC INFORMATION WAS FIELD SURVEYED BY McBRIDE & ZIEGLER IN OCTOBER 2010. SITE BENCHMARK IS EXISTING SANITARY SEWER MANHOLE REAR OF THE PROPERTY.; RIM ELEV. = 207.94.



39,770±S.F. 0.9130±ACS. 100±% 12. PARKING DATA: Proposed Use: GENERAL RETAIL Parking Spaces Required = 5 Sp./1000 SF GFA (12,785) = 64 Spaces

13. LIMITS OF DISTURBANCE SHALL BE FENCED PRIOR TO ANY LAND DISTURBING ACTIVITY.

Parking Spaces Provided = 64 Spaces (Incl. 3 H/C spaces)

14. MONUMENTS:

- Existing **S** = 3 15. POSTAL ADDRESS: 8833 Belair Road, Baltimore, ND 21236-2403
- 16. ELECTION DISTRICT: 11
- 17. COUNTY COUNCIL DISTRICT: 5
- 18. EXISTING BUILDINGS CONSTRUCTED 1956±

19. DRC NUMBER: 071211A; DIST. 11C5
ON JULY 22, 2011, THE DRC DETERMINED THAT THIS PROJECT MEETS THE
REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 32-4-106(b)(8),
SUBJECT TO APPROVAL OF A ZONING VARIANCE.

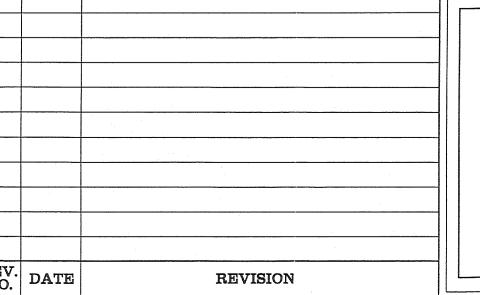
Prior case # 95-11-5PH

#2012-0131-SPHA

PLAN TO ACCOMPANY ZONING PUBLIC HEARING 8833 BELAIR ROAD

PREPARED FOR

8833 BELLAIR. LLC 11th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND



McBRIDE & ZIEGLER. INC. LAND SURVEYORS • PLANNERS • ENGINEERS

2607 EASTBURN CENTER, NEWARK, DELAWARE 19711 PHONE (302) 737-9138 • FAX (302) 737-2610

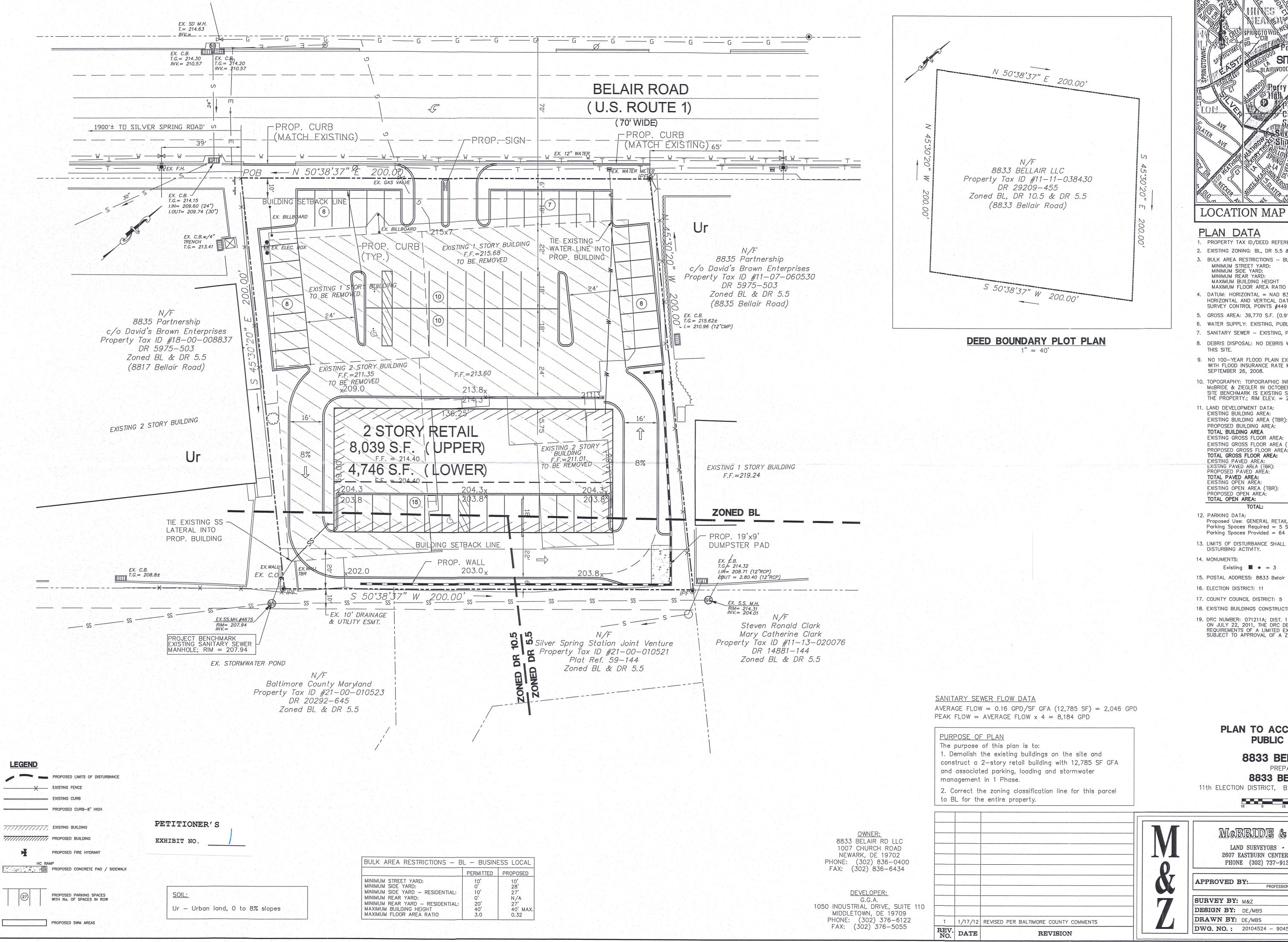
SURVEY BY: M&Z CHECKED BY: M&Z DESIGN BY: DE/MBS **SCALE:** 1" = 20' **DATE**: 4/21/11 DRAWN BY: DE/MBS

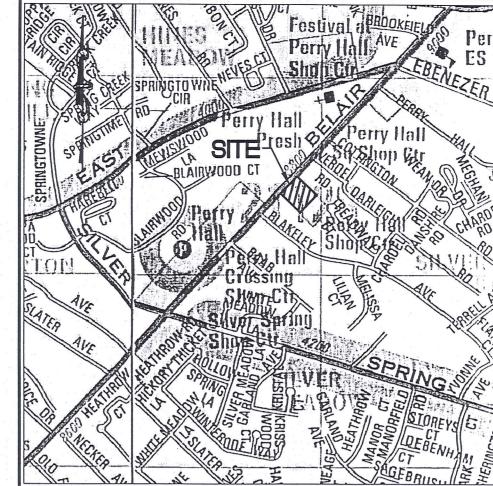
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SHEET 1 of 1

1 # 1







PLAN DATA

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11. LAND DEVELOPMENT DATA: EXISTING BUILDING AREA: 21.826±S.F. 0.5011±ACS. 55.06±% EXISTING BUILDING AREA (TBR): 21,826±S.F. 0.5011±ACS. 55.06±% PROPOSED BUILDING AREA: 4,746±S.F. 0.1090±ACS. 11.97±% TOTAL BUILDING AREA 4,746±S.F. 0.1090±ACS. 11.97±% EXISTING GROSS FLOOR AREA: 30,059±S.F. N/A 55.06±% EXISTING GROSS FLOOR AREA (TBR):30.059±S.F. N/A 55.06±% PROPOSED GROSS FLOOR AREA: N/A 11.97±% TOTAL GROSS FLOOR AREA: 12,785±S.F. 16,025±S.F. 0.3679±ACS. 40.43±% XISTING PAVED AREA: 16.025±S.F. 0.3679±ACS. 40.43±% PROPOSED PAVED AREA: 24,810±S.F. 0.5696±ACS. 62.59±% TOTAL PAVED AREA: 24,810±S.F. 0.5696±ACS. 62.59±% EXISTING OPEN AREA (TBR): 1,919±S.F. 0.0441±ACS. 4.84±% 10,214±S.F. 0.2344±ACS. 25.44±% 10,214±S.F. 0.2344±ACS. 25.44±% PROPOSED OPEN AREA: TOTAL OPEN AREA: 39,770±S.F. 0.9130±ACS. 100±%

12. PARKING DATA:

Proposed Use: GENERAL RETAIL
Parking Spaces Required = 5 Sp./1000 SF GFA (12,785) = 64 Spaces Parking Spaces Provided = 64 Spaces (Incl. 3 H/C spaces)

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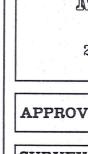
PLAN TO ACCOMPANY ZONING **PUBLIC HEARING**

8833 BELAIR ROAD

PREPARED FOR 8833 BELLAIR, LLC

11th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND





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APPROVED BY:_ PROFESSIONAL ENGINEER SURVEY BY: M&Z CHECKED BY: M&Z DESIGN BY: DE/MBS **SCALE:** 1" = 20' DRAWN BY: DE/MBS **DATE**: 4/21/11 **DWG. NO.:** 20104524 - 9045 SHEET 1 of 1

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