

1/15/15

RE: PETITION FOR VARIANCE	*	BEFORE THE BOARD
12102 Belair Road; W/S Belair Road,		
2165' N of c/line of Sunshine Avenue	*	OF APPEALS
11 th Election & 3 rd Councilmanic Districts		
Legal Owner(s): Wayne W. Davis	*	FOR
Lessee(s): Patricia Johns		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-175-A

* * * * *

ORDER

This matter comes before the **County Board of Appeals ("the Board")** as an appeal by People's Counsel of the Opinion and Order issued by Administrative Law Judge ("ALJ") John E. Beverungen on June 11, 2014. In his Opinion and Order ALJ Beverungen granted certain area variances requested by Petitioners, Wayne W. Davis, Owner, and Patricia Johns, Lessee, for a proposed fortune telling business at 12102 Belair Road. The appeal is scheduled for a hearing on January 14, 2015.

In consideration of the agreement of the parties, and under the terms hereinafter set forth, Petitioners agree to withdraw certain variances and modify other variances, and People's Counsel agrees to withdraw its appeal of the June 11, 2014 Opinion and Order, and by way of explanation, state the following:

1. The subject property, known as 12102 Bel Air Road, is zoned Business Major (BM) with a Commercial Rural (CR) District overlay.
2. The Owner and Petitioner, Wayne W. Davis, proposes to lease space in a 1,330 square foot building (referred to as "personal services" on the site plan dated 1-31-14) on the property to Lessee and Petitioner, Patricia Johns, for a fortunetelling business, a permitted use in the zone. Certain variances are required in order to conduct the use.
3. Petitioners filed a Petition for Zoning Variance for the property, and sought the following variances from the Baltimore County Zoning Regulations (BCZR):

- (i) to permit a side yard setback of 0 feet in lieu of the required 15 feet under Section 259.3.C.2.b.

(ii) to permit a rear yard setback of 12 feet in lieu of the required 15 feet under Section 259.3.C.2.b.

(iii) to not require the entire front, side and rear setback to be landscaped under Section 259.C.3.a.

(iv) to not require 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided under Section 259.C.3.b.

(v) to approve an existing freestanding 24 SF sign that is not integrated with landscaping per Section 259.3.C.7.b. and is illuminated per section 259.3.C.7.c.

4. At the hearing before ALJ Beverungen, Petitioners withdrew the variances in paragraph 3 (iii), (iv) and (v) above and agreed to comply with BCZR on those matters.

5. At the hearing before ALJ Beverungen, Petitioners requested approval of the variances in paragraph 3 (i) and (ii) above.

6. ALJ Beverungen issued a written Opinion and Order and granted the following: “(1) to permit a side yard setback of 0’ in lieu of the required 15 ft; and (2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft.”.

7. In addition, on pages 2-3 of his Opinion, ALJ Beverungen acknowledged as “valid concerns” the issues raised in a letter from People’s Counsel to the ALJ dated April 22, 2014, as well as the testimony of the protestants at the hearing, regarding, among other matters, the legality of the structures and uses, including the trailers, mobile homes, motel, and apartments as well as the well and septic systems. ALJ Beverungen, however, believed these issues were not within the scope of a variance hearing, leaving opposing parties to conclude they could be addressed in another forum.

8. People’s Counsel filed a timely appeal from the ALJ’s Opinion and Order to the Baltimore County Board of Appeals.

9. On December 15, 2014, Petitioners’ Counsel, John B. Gontrum, notified People’s Counsel that certain variances for the site were not needed and he proposed to withdraw and modify the following variances:

A. A variance to permit a rear yard setback of 12 feet in lieu of the required 15 feet under Section 259.3.C.2.b. This variance pertained to an existing

one story apartment building and to an existing mobile home, neither of which were involved with the proposed use. Accordingly, this variance is withdrawn.

B. A variance to permit a side yard setback of 0 feet in lieu of the required 15 feet under Section 259.3.C.2.b. This variance applied to several existing mobile homes and a shed as well as to the 1,330 square foot personal services building, which sits approximately 11.2' $\pm$ from the side property line. The Petitioners have agreed to withdraw the variances from all structures but for the the 1,330 square foot personal services building so that the requested variance is modified to permit a side yard setback of 11 feet in lieu of the required 15 feet under Section 259.3.C.2.b. .

10. Petitioners now request a single variance for the existing "personal services" building in which the fortune telling business is to be located.

11. People's Counsel believes it is not within the public interest to proceed with an appeal of the side yard setback variance of 11 feet in lieu of 15 feet, but does not wish to prejudice a party's right to proceed in the future with a separate action on the legality of other uses and structures on the property.

12. Petitioners agree that a separate action should not be barred by res judicata and collateral estoppel on account of the withdrawal of the variances by Petitioners and the concomitant withdrawal of the appeal by People's Counsel in this case. **In other words, the withdrawal of the appeal shall not prejudice the right of any party to challenge any other use or structure on the property. In any subsequent action Petitioners, however, may utilize any defense that may be allowed them including the relevant or material findings in other cases pertaining to the property.**

ORDER

THEREFORE, IT IS THIS 15th day of January, 2015, by the
County Board of Appeals for Baltimore County

ORDERED that Wayne W. Davis and Patricia Johns, for themselves, and his, her or their tenants, subtenants, co-owners, co-lessees, Personal Representatives, successors, heirs and assigns, shall not raise, nor support in any manner, either directly or indirectly,

res judicata and/or collateral estoppel in an action filed by any party, organization or People's Counsel based solely or in part on the withdrawal of the variances by Petitioners and the concomitant withdrawal of the appeal by People's Counsel in this case; and

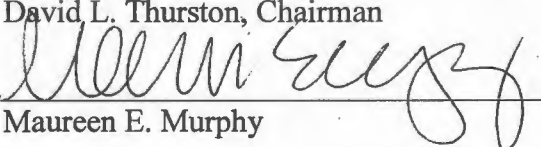
ORDERED that the appeal of People's Counsel shall be dismissed with prejudice; and

ORDERED that a Petition for Variance for a side yard setback of 11 feet in lieu of 15 feet for the existing structure (identified as "personal services" building on the aforesaid site plan) for a fortune telling business be and is hereby **GRANTED**.

THE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY, by



David L. Thurston, Chairman

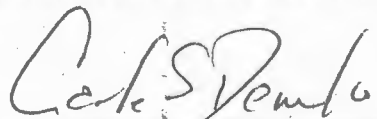


Maureen E. Murphy

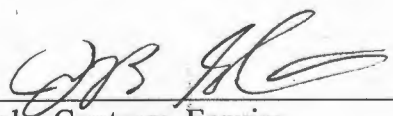


Meryl W. Rosen

AGREED AS TO SUBSTANCE AND FORM:



Carole S. Demilio, Esquire
Deputy People's Counsel
for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204



John Gontrum, Esquire
Whiteford, Taylor & Preston
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204-5025



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 15, 2015

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204-5025

Carole S. Demilio, Esquire
Office of People's Counsel
for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

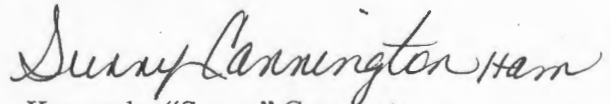
RE: *In the Matter of: Wayne W. Davis – Legal Owner*
Patricia Johns – Lessee
Case No.: 14-175-A

Dear Counsel:

Enclosed please find a copy of the final Order 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,


Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: See Attached Distribution List

In Re: Wayne W. Davis – Legal Owner
Patricia Johns -- Lessee

Distribution List

January 15, 2015

Page 2

Wayne W. Davis

Patricia Johns

Rick Richardson/Richardson Engineering, LLC

Michael Pierce

Tom Kneeshaw

Laverne Laubach

Sally Wagner

Ila Christenbury

Robin Beers

Doug Behr

Donna Kuhn

Stacy Johns

Lawrence M. Stahl, Managing Administrative Law Judge

Arnold Jablon, Director/PAI

Andrea Van Arsdale, Director/Department of Planning

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law

6/4/14

IN RE: PETITION FOR VARIANCE
(12102 Belair Road)
11th Election District
3rd Councilman District
Wayne W. Davis, *Legal Owner*
Ms. Patricia Johns, *Lessee*
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0175-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Rick Richardson on behalf of Wayne W. Davis, legal owner and Ms. Patricia Johns, lessee ("Petitioners"). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and (2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft. The petition as filed sought three (3) additional variances, although those requests were dismissed by counsel at the outset of the hearing. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Wayne Davis, Stacy and Patricia Johns and Rick Richardson, P.E., from Richardson Engineering, LLC, the firm that prepared the site plan. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Several members of the community attended the hearing and opposed the request.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated March 31, 2014, and the Bureau of Development Plans Review (DPR)

ORDER RECEIVED FOR FILING

Date 6/11/14
By Sen

dated March 20, 2014. The Petitioners have agreed to comply with the landscaping and signage requirements of the BCZR and Landscape Manual, and have eliminated the variance requests pertaining to those items. As such, the concerns raised by the DOP and DPR have been addressed.

The subject property is approximately 1.44 ± acres and is zoned BM-CR. Mr. Davis has owned the property since 1975, and there are a variety of uses on the site, including commercial/retail uses and apartments/mobile home residential uses. The variances pertain to rear and side yard setbacks, and the deficiencies are existing on site. The Petitioners propose no new construction or improvements; the variances are to legitimize existing conditions.

Petitioners' counsel argued this case does not concern the uses that exist on the property, and I concur. This is not a petition for special hearing to determine whether the trailers, mobile homes, apartments and/or motel units (broadly speaking) are lawful nonconforming uses on the site. The community expressed some concern about the proposed fortune telling business which would occupy the existing commercial building. Even so, this use is permitted as of right in the BM zone, and special exception relief is not required. Also, since the use is permitted in the underlying BM zone, the Regulations provide that it is also permitted in the CR (commercial, rural) overlay District, per B.C.Z.R. §259.3.A. Mr. Richardson, who was accepted as an expert, confirmed that Petitioners satisfied the bulk regulations of BCZR § 259.3.C.1. For this reason, I do not believe Petitioners must show the use is "needed" in the rural area per B.C.Z.R. §259.2, as Mr. Zimmerman contends in his April 22, 2014 correspondence, a copy of which is included in the case file.

Just the same, I believe Mr. Zimmerman raises several good points, including whether the proposed use in this case would constitute a change sufficient to terminate the nonconforming use status arguably enjoyed by the residential units on site. In addition, members of the community

ORDER RECEIVED FOR FILING

Date

6/11/14

By

Sen

expressed concern about the well and septic systems on site, as well as the 12 dwelling units on the relatively small (approximately 1.4 acres) lot. These are all valid concerns, but are not within the scope of this variance case.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property is L-shaped, and wraps around an adjoining commercial use (pool store). As such, it is unique. If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would be required to relocate or raze an existing building. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED, this 11th day of June, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief as follows: (1) to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and (2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

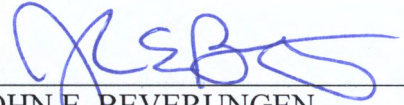
- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 6/11/14

By den

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6/11/14

By sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 11, 2014

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petition for Variance
Property: 12102 Belair Road
Case No. 2014-0175-A

Dear Mr. Gontrum:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Michael Pierce, 7448 Bradshaw Rd., Kingsville, Maryland 21087
Tom Kneeshaw, 11 Kings Glen Ct., Kingsville, Maryland 21087
Laverne Laubach, 12200 Jericho Road, Kingsville, Maryland 21087
Sally Wagner, 7811 Chapman Road, Kingsville, Maryland 21087
Ila Christenbury, 12009 Cedar Lane, Kingsville, Maryland 21087
Robin Beers, 12442 Jerusalem Road, Kingsville, Maryland 21087
Doug Behr, 2451 Bradshaw Road, Kingsville, Maryland 21087
Donna Kuhn, 11408 Cedar Lane, Kingsville, Maryland 21087

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

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 12102 Belair Road

which is presently zoned BM CR

Deed References: 7596/ 5

10 Digit Tax Account # 1113007000

Property Owner(s) Printed Name(s) Wayne W. Davis

(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

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X 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)

To Be Presented at the Hearing

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:

Ms. Patricia Johns

Name- Type or Print

Signature

44 Leatherwood Pl., Apartment "B" Rosedale MD

Mailing Address City State

21237 / 765-543-6020 / indianapsychic@yahoo.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Wayne W. Davis

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11615 Bellvue Avenue Kingsville MD

Mailing Address City State

21087-1613 / 443-415-0789 / waynedavis3@verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC, Rick Richardson

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium, MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

Zip Code Telephone # Email Address

CASE NUMBER 2014-0175-A Filing Date 2/27/2014

Do Not Schedule Dates:

Reviewer W

REV. 10/4/11

Variance from Section 259.3.C.2.b to permit a side yard setback of 0' in lieu of the required 15', and to permit a rear yard setback of 12' in lieu of the required 15', and Section 259.C.3.a to not require the entire front, side and rear setback to be landscaped, and Section 259.C.3.b to not require 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided.

TO APPROVE AN EXISTING FREE STANDING 24SF SIGN THAT IS NOT INTEGRATED WITH LANDSCAPING PER SECTION 259.3.C.7.b. AND IS ILLUMINATED PER SECTION 259.3.C.7.c. IN LIEU OF A NON-ILLUMINATED SIGN

**ZONING DESCRIPTION FOR
12102 BELAIR ROAD
11TH ELECTION DISTRICT
3RD COUNCILMANIC District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the west side right-of-way of Belair Road (60 feet) wide at a distance of 2,165 feet north of the centerline intersection of Belair Road and Sunshine Avenue which is (50 feet) wide, thence leaving the west side right-of-way of Belair Road the following courses and distances; (1) North 68 degrees 55 minutes 00 seconds West 135.00 feet, (2) South 22 degrees 38 minutes 00 seconds West 145.00 feet, (3) North 68 degrees 55 minutes 00 seconds West 140.85 feet, (4) North 21 degrees 05 minutes 00 seconds East 279.90 feet, (5) South 68 degrees 55 minutes 00 seconds East 283.45 feet to a point on the west side right-of-way of Belair Road, thence binding on Belair Road the following course and distance; (6) South 22 degrees 38 minutes 00 seconds West 135.00 feet to the point of beginning.

Containing a net area of 58,806 square feet, or 1.35 acres of land, more or less.

A circular professional engineer seal for the State of Maryland. The seal contains the text "STATE OF MARYLAND" at the top, "PROFESSIONAL ENGINEER" at the bottom, and "EXPIRATION DATE 12/31/2014" in the center. Overlaid on the seal is a handwritten signature and the date "2/20/14".

2014-0175-A

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: 2014-0175-A

Petitioner: WAYNE DAVIS

Address or Location: 12102 BELAIR RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: PATRICIA JOHNS

Address: 44 LEATHERWOOD PLACE APT B
ROSEDALE MD 21237

Telephone Number: 765-543-6020

Revised 2/20/98 - SCJ

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

No. **108005**

Date: **2/27/14**

PAID RECEIPT

AUDITED ACTUAL TIME
 2/27/2014 2/27/2014 09:13:13
 REP 4005 MATHI RDS LRG
 RECEIPT # 773354 2/27/2014 OFL
 5 323 JOURNAL VERIFICATION
 REPT Tot 4500.00
 4500.00 CL 4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					500.00
Total:									500.00

Rec From:

Richardson Engineering

For:

12102 Belair Rd

2014-0175-1A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2014-0175-A

RE: Case No.: _____

Petitioner/Developer: _____

Wayne Davis
Patricia Johns

June 4, 2014

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

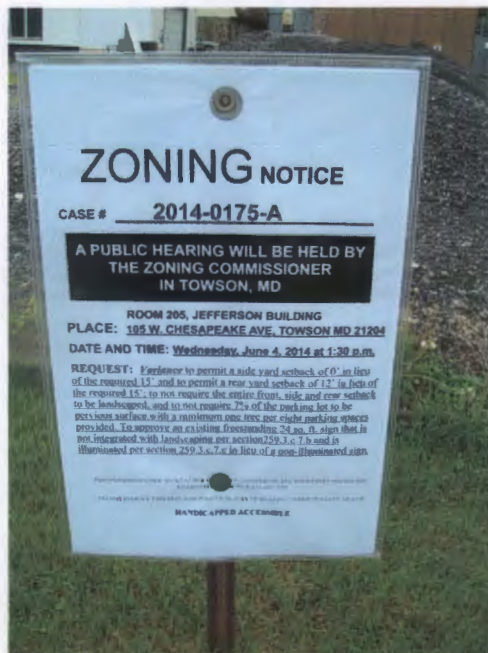
Ladies and Gentlemen:

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: _____

12102 Belair Rd

May 15, 2014

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



Sincerely,

May 15, 2014

(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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 1, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on May 15, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0175-A

12102 Belair Road

W/s Belair Road, 2165 ft. N/of centerline of

Sunshine Avenue

11th Election District - 3rd Councilmanic District

Legal Owner(s): Wayne Davis

Contract Purchase/Lessee: Patricia Johns

Variance: to permit a side yard setback of 0' in lieu of the required 15' and to permit a rear yard setback of 12' in lieu of the required 15'; to not require the entire front, side and rear setback to be landscaped, and to not require 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided. To approve an existing freestanding 24 sq. ft. sign that is not integrated with landscaping per section 259.3.c.7.b and is illuminated per section 259.3.c.7.c in lieu of a non-illuminated sign.

Hearing: Wednesday, June 4, 2014 at 1:30 p.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 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.

5/346 May 15

979814



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 10, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on April 10th, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0175-A

12102 Belair Road

W/s Belair Road, 2165 ft. N/of centerline of Sunshine Avenue

11th Election District - 3rd Councilmanic District

Legal Owner(s): Wayne Davis

Contract Purchase/Lessee: Patricia Johns

Variance: to permit a side yard setback of 0' in lieu of the required 15' and to permit a rear yard setback of 12' in lieu of the required 15'; to not require the entire front, side and rear setback to be landscaped, and to not required 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided. To approve an existing freestanding 24 sq. ft. sign that is not integrated with landscaping per section 259.3.c.7.b and is illuminated per section 259.3.c.7.c in lieu of a non-illuminated sign.

Hearing: Wednesday, April 30, 2014 at 1:30 p.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 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.

4/14/2014 April 10

975180

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 10, 2014 Issue - Jeffersonian

Please forward billing to:

Patricia Johns
44 Leatherwood Place, Apt. B
Rosedale, MD 21237

765-543-6020

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0175-A

12102 Belair Road

W/s Belair Road, 2165 ft. N/of centerline of Sunshine Avenue

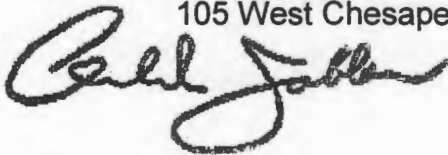
11th Election District – 3rd Councilmanic District

Legal Owners: Wayne Davis

Contract Purchase/Lessee: Patricia Johns

Variance to permit a side yard setback of 0' in lieu of the required 15' and to permit a rear yard setback of 12' in lieu of the required 15'; to not require the entire front, side and rear setback to be landscaped, and to not required 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided. To approve an existing freestanding 24 sq. ft. sign that is not integrated with landscaping per section 259.3.c.7.b and is illuminated per section 259.3.c.7.c in lieu of a non-illuminated sign.

Hearing: Wednesday, April 30, 2014 at 1:30 p.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

March 18, 2014

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

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: 2014-0175-A

12102 Belair Road

W/s Belair Road, 2165 ft. N/of centerline of Sunshine Avenue

11th Election District – 3rd Councilmanic District

Legal Owners: Wayne Davis

Contract Purchase/Lessee: Patricia Johns

Variance to permit a side yard setback of 0' in lieu of the required 15' and to permit a rear yard setback of 12' in lieu of the required 15'; to not require the entire front, side and rear setback to be landscaped, and to not required 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided. To approve an existing freestanding 24 sq. ft. sign that is not integrated with landscaping per section 259.3.c.7.b and is illuminated per section 259.3.c.7.c in lieu of a non-illuminated sign.

Hearing: Wednesday, April 30, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Patricia Johns, 44 Leatherwood Place, Apt. B, Rosedale 21237
Wayne Davis, 11615 Bellvue Avenue, Kingsville 21087
Richardson Engineering, 30 E. Padonia Rd., Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 10, 2014**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 15, 2014 Issue - Jeffersonian

Please forward billing to:

Patricia Johns
44 Leatherwood Place, Apt. B
Rosedale, MD 21237

765-543-6020

NOTICE OF ZONING HEARING

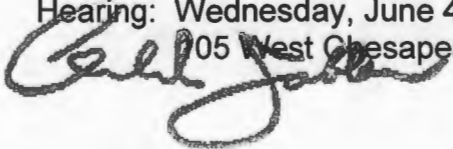
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0175-A

12102 Belair Road
W/s Belair Road, 2165 ft. N/of centerline of Sunshine Avenue
11th Election District – 3rd Councilmanic District
Legal Owners: Wayne Davis
Contract Purchase/Lessee: Patricia Johns

Variance to permit a side yard setback of 0' in lieu of the required 15' and to permit a rear yard setback of 12' in lieu of the required 15'; to not require the entire front, side and rear setback to be landscaped, and to not required 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided. To approve an existing freestanding 24 sq. ft. sign that is not integrated with landscaping per section 259.3.c.7.b and is illuminated per section 259.3.c.7.c in lieu of a non-illuminated sign.

Hearing: Wednesday, June 4, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
205 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

April 29, 2014

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

NEW 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: 2014-0175-A

12102 Belair Road

W/s Belair Road, 2165 ft. N/of centerline of Sunshine Avenue

11th Election District – 3rd Councilmanic District

Legal Owners: Wayne Davis

Contract Purchase/Lessee: Patricia Johns

Variance to permit a side yard setback of 0' in lieu of the required 15' and to permit a rear yard setback of 12' in lieu of the required 15'; to not require the entire front, side and rear setback to be landscaped, and to not required 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided. To approve an existing freestanding 24 sq. ft. sign that is not integrated with landscaping per section 259.3.c.7.b and is illuminated per section 259.3.c.7.c in lieu of a non-illuminated sign.

Hearing: Wednesday, June 4, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Patricia Johns, 44 Leatherwood Place, Apt. B, Rosedale 21237
Wayne Davis, 11615 Bellvue Avenue, Kingsville 21087
Richardson Engineering, 30 E. Padonia Rd., Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 15, 2014**
- (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.



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

July 3, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Wayne W. Davis – Legal Owner
Patricia Johns – Lessee
14-175-A 12102 Belair Road
11th Election District; 3rd Councilmanic District

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 259.3.C.2.b to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and
- 2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft.; and
- 3) from Section 259.3.C.3.a to not require the entire front, side and rear setback to be landscaped; and
- 4) from Section 259.3.C.3.b to not require 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided; and
- 5) to approve an existing freestanding 24-sq ft. sign that is not integrated with landscaping per Section 259.3.C.7.b and is illuminated per Section 259.3.C.7.c in lieu of a non-illuminated sign

6/11/14 Opinion and Order of the Administrative Law Judge wherein the requested relief 1) to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and 2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft were GRANTED. The remaining three variance requests (3-5 above) were dismissed by counsel at the outset of the ALJ hearing.

ASSIGNED FOR: **THURSDAY, OCTOBER 2, 2014, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: See attached Distribution List

Notice of Assignment
Distribution List
July 3, 2014
Page 2

Petitioner/Legal Ower	: Wayne Davis
Counsel for Lessee	: John Gontrum, Esquire
Lessee	: Patricia Johns
Protestants/Appellants	: People's Counsel for Baltimore County

Rick Richardson/Richardson Engineering, LLC
Michael Pierce
Tom Kneeshaw
Laverne Laubach
Sally Wagner
Ila Christenbury
Robin Beers
Doug Behr
Donna Kuhn
Stacy Johns

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



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

September 30, 2014

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Wayne W. Davis – Legal Owner
Patricia Johns – Lessee
14-175-A 12102 Belair Road
11th Election District; 3rd Councilmanic District

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 259.3.C.2.b to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and
- 2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft.; and
- 3) from Section 259.C.3.a to not require the entire front, side and rear setback to be landscaped; and
- 4) from Section 259.C.3.b to not require 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided; and
- 5) to approve an existing freestanding 24-sq ft. sign that is not integrated with landscaping per Section 259.3.C.7.b and is illuminated per Section 259.3.C.7.c in lieu of a non-illuminated sign

6/11/14 Opinion and Order of the Administrative Law Judge wherein the requested relief 1) to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and 2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft were GRANTED. The remaining three variance requests (3-5 above) were dismissed by counsel at the outset of the ALJ hearing.

This matter was assigned for Thursday, October 2, 2014 and has been postponed. It will be rescheduled to a later date.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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Krysundra "Sunny" Cannington
Administrator

Notice of Postponement
Distribution List
September 30, 2014
Page 2

Counsel for Petitioner/Legal Owner and Lessee	: John Gontrum, Esquire
Petitioner/Legal Owner	: Wayne Davis
Lessee	: Patricia Johns
Protestants/Appellants	: People's Counsel for Baltimore County

Rick Richardson/Richardson Engineering, LLC
Michael Pierce
Tom Kneeshaw
Laverne Laubach
Sally Wagner
Ila Christenbury
Robin Beers
Doug Behr
Donna Kuhn
Stacy Johns

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



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

October 8, 2014

NOTICE OF REASSIGNMENT

IN THE MATTER OF: Wayne W. Davis – Legal Owner
Patricia Johns – Lessee
14-175-A 12102 Belair Road
11th Election District; 3rd Councilmanic District

Re: Petition for Variance from B.C.Z.R. as follows:

- 1) from Section 259.3.C.2.b to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and
- 2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft.; and
- 3) from Section 259.C.3.a to not require the entire front, side and rear setback to be landscaped; and
- 4) from Section 259.C.3.b to not require 7% of the parking lot to be pervious surface with a minimum one tree per eight parking spaces provided; and
- 5) to approve an existing freestanding 24-sq ft. sign that is not integrated with landscaping per Section 259.3.C.7.b and is illuminated per Section 259.3.C.7.c in lieu of a non-illuminated sign

6/11/14 Opinion and Order of the Administrative Law Judge wherein the requested relief 1) to permit a side yard setback of 0 ft. in lieu of the required 15 ft.; and 2) to permit a rear yard setback of 12 ft. in lieu of the required 15 ft were GRANTED. The remaining three variance requests (3-5 above) were dismissed by counsel at the outset of the ALJ hearing.

ASSIGNED FOR: **WEDNESDAY, JANUARY 14, 2015, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: See attached Distribution List

Notice of Reassignment
Distribution List
October 8, 2014
Page 2

Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: John Gontrum, Esquire
: Wayne Davis

Counsel for Lessee
Lessee

: John Gontrum, Esquire
: Patricia Johns

Protestants/Appellants

: People's Counsel for Baltimore County

Rick Richardson/Richardson Engineering, LLC
Michael Pierce
Tom Kneeshaw
Laverne Laubach
Sally Wagner
Ila Christenbury
Robin Beers
Doug Behr
Donna Kuhn
Stacy Johns

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

April 25, 2014

Wayne W. Davis
11615 Bellvue Avenue
Kingsville MD 21087

RE: Case Number: 2014-0175 A, Address: 12102 Belair Road

Dear Mr. Davis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 27, 2014. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Rick Richardson, Richardson Engineering LLC, 30 E. Padonia Road, Suite 500 Timonium MD 21093
Ms. Patricia Johns, 44 Leatherwood Place, Apartment B, Rosedale MD 21237

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 3/17/14

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

RE: Baltimore County
Item No. 2014-0175-A
Variance
Wayne W. Davis
12102 Belair Rd.

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3/12/14. A field inspection and internal review reveals that an entrance onto 451 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2014-0175A.

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 email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 31, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 12102 Belair Road

APR 02 2014

INFORMATION:

Item Number: 14-175

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Wayne W. Davis

Zoning: BM-CR

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a variance from Section 259.3.C.2.b of the BCZR to permit a rear yard setback of 12 feet in lieu of the required 15 feet and side yard variance of 0 feet in lieu of the required 15 feet. The petitioner is also requesting a variance from Section 259.C.3.a to not require the entire front, side, and rear setback to be landscaped, as well as from Section 259.C.3.b to not require 7% of the parking lot to be pervious surface with a minimum of one tree per eight parking spaces provided. They are also seeking approval for an existing free standing 24 square foot sign that is not integrated with landscaping per Section 259.3.C.7.c of the BCZR.

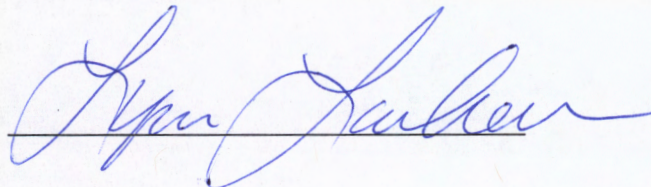
SUMMARY OF RECOMMENDATIONS:

According to the site plan that was submitted by the petitioner, there will be no changes to the existing property and or the structures that are currently located there. There is an existing parking lot in the front of the property that does not have any delineated parking spaces and is in need of repair. There is also an existing freestanding sign. The Department understands that the petitioner is seeking to repave the parking lot and add parking lines and not change any of the other existing conditions. The Department of Planning does not oppose the petitioner's request for a variance subject to the following:

1. Belair Road is a Baltimore County scenic route and as such the frontage along the property should be upgraded to include at a minimum a low hedge except where drainage prevents.
2. Add a tree island at each end of the parking bay adjacent to Belair Road.

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

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 17, 2014
Item No. 2014-0175

DATE: March 20, 2014

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

The south side and rear property lines abut residential property and should be screened with Landscaping and/or opaque fencing. There is room for landscaping along the front. Unless the petitioner shows hardship, we feel that neither variance request # 3 nor the #4 should be granted.

We have no comment on variance requests #1, 2 or 5.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0175-03172014.doc



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 22, 2014

RECEIVED

APR 22 2014

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Wayne Davis, Legal Owner & Patricia Johns, Contract Purchaser
12102 Belair Road, Fortune Telling business
Case No.: 2014-175-A
Hearing Date: April 30, 2014

Dear Judge Beverungen:

Our office reviewed this case and discussed some of our concerns with Mr. Rick Richardson, the contact representative listed on the Petition, and with Wayne Davis, the property owner. Several variances are requested: (i) variance relief for side and rear yard setbacks, (ii) variance relief to be relieved from landscaping the front, side and rear areas, (iii) variance relief to be relieved from establishing the minimum 7 % impervious parking lot and tree landscapes; and to approve a 24 square foot illuminated sign not integrated with the landscaping. We are not able to discern any circumstances to support uniqueness or any resulting practical difficulty necessary for variance relief. BCZR 307.1; Trinity of God v. People's Counsel 407 Md. 53 (2008); Cromwell v. Ward 102 Md. App. 691 (1995). The practical difficulty standard includes, among other things, consistency with the legislative intent of the zone. It should be noted Belair Road at this site is a scenic route.

The site is zoned Business Major (BM) with a Commercial District (CR) overlay. BCZR 259.2 A.1-2 and 259.3. The special regulations for the CR District are extensive and require, among other standards, that the uses are " . . . established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists. . . The commercial centers within C.R. Districts are not intended to be regional facilities providing specialty goods to a population outside of the rural area." (emphasis added) BCZR 259.2.A.1. Accordingly, the character and history of the proposed business should be reviewed in this context as well. It is doubtful a fortunetelling business meets these personal service standards. Typically, such uses pertain to core needs such as dry cleaners, food markets, gas stations, pharmacies, hair/nail salons and

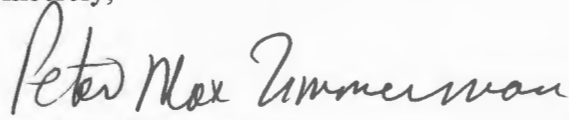
public services such as post offices and libraries, subject to a compatibility recommendation for development in a CR District. BCC 32-4-402 (c)(2)(d) and use restrictions in BCZR 259.3.C.8.

Ironically, although zoned Business Major, the site is improved with nonconforming apartments and a residential trailer park. This calls to attention whether approval of the fortunetelling use (permitted in the B.M. zone as a permitted B.L. use under BCZR 233.1.A and 230.1.A.9) would result in termination of the nonconforming uses because "... any change from such nonconforming use to any other use whatsoever, . . . " prevents continuation of the nonconforming uses. BCZR 104.1; Prince George's County v. E.L. Gardner 293 Md. 259 (1982).

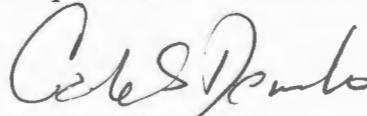
The proposal is also anomalous because the County Council has repeatedly excluded fortunetelling businesses from the definition of "home occupations". This raises a concern here that the proposed use is located among the residential apartments and trailer homes, albeit nonconforming. See Bill 124-1978 attached. (Subsequent Bills 27-1981 and 68-1998 reaffirmed this exclusion).

We trust this discussion will be of some assistance in reviewing this case. Thank you.

Sincerely,

 by csd

Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: Rick Richardson, sent via email and first class mail
Wayne Davis, sent via email and first class mail

RE: PETITION FOR VARIANCE
12102 Belair Road; W/S Belair Road,
2165' N of c/line of Sunshine Avenue
11th Election & 3rd Councilmanic Districts
Legal Owner(s): Wayne W. Davis
Contract Purchaser(s): Patricia Johns
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-175-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

MAR 14 2014

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 14th day of March, 2014, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 25, 2014

RECEIVED

JUN 25 2014

Hand-delivered

Lawrence M. Stahl, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: PETITION FOR VARIANCE
W/S Belair Road, 2165' N of c/line Sunshine Avenue
(12102 Belair Road)
11th Election District; 3rd Councilmanic District
Wayne W. Davis, Legal Owners & Patricia Johns, Lessee – Petitioner(s)
Case No.: 2014-175-A

Dear Mr. Stahl:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Opinion and Order dated June 11, 2014 by the Baltimore County Administrative Law Judge in the above entitled case.

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

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Rick Richardson, Representative for Petitioner(s)
Robin Beers

APPEAL

**Petition for Variance
(12102 Belair Road)
11th Election District – 3rd Councilmanic District
Legal Owner: Wayne W. Davis
Patricia Johns, Lessee
Case No. 2014-0175-A**

Petition for Variance Hearing (February 27, 2014)

Zoning Description of Property

Notice of Zoning Hearing (April 29, 2014) for Hearing Date: June 4, 2014
(March 18, 2014) for Hearing Date: April 30, 2014 (which was postponed)

Certificate of Publication (May 15, 2014) for June 4, 2014 Hearing Date
(April 10, 2014) for April 30, 2014 Hearing Date (which was postponed)

Certificate of Posting (May 15, 2014) SSG Robert Black

Entry of Appearance by People's Counsel (March 14, 2014)

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Site Plan
2. 2A& 2B: 1988 Zoning map; 1992 Zoning map
3. Prelim. Landscape Plan
4. 4A-4D Aerial My Neighborhood & Google Map
5. 5A-5D Google Earth photo
6. Zoning Order RS 2872
7. Zoning Order 74-75 R-SPH
8. Zoning Order No. 82-280-SPHA
9. Census report

Protestants' Exhibits –

1. Photos

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED – June 11, 2014)

Notice of Appeal – June 25, 2014 from Office of People's Counsel

Address List

Petitioner John Gontrum, Esquire
(as of 9/29/14)

Wayne W. Davis, Legal Owner
11615 Bellvue Avenue
Kingsville, MD 21087-1613

Patricia Johns, Lessee
44 Leatherwood Place, Apt. B
Rosedale, MD 21237

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Avenue
Suite 300
Towson, MD 21204
Attorney for Lessee

Rick Richardson
Richardson Engineering, LLC
30 E. Padonia Road, Suite 500
Timonium, MD 21093

Protestants:

People's Counsel for Baltimore County

Interested Persons

Michael Pierce
7448 Bradshaw Road
Kingsville, MD 21087

Tom Kneeshaw
11 Kings Glen Court
Kingsville, MD 21087

Laverne Laubach
12200 Jericho Road
Kingsville, MD 21087

Sally Wagner
7811 Chapman Road
Kingsville, MD 21087

Ila Christenbury
12009 Cedar Lane
Kingsville, MD 21087

Robin Beers
12442 Jerusalem Road
Kingsville, MD 21087

Doug Behr
2451 Bradshaw Road
Kingsville, MD 21087

Donna Kuhn
11408 Cedar Lane
Kingsville, MD 21087

Stacy Johns
44 Leatherwood Place, Apt. B
Rosedale, MD 21237

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

APPEAL

Petition for Variance
(12102 Belair Road)
11th Election District – 3rd Councilmanic District
Legal Owner: Wayne W. Davis
Patricia Johns, Lessee
Case No. 2014-0175-A

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 - ✓9. Census report
- ✓Protestants' Exhibits -
 - 1. Photos
- ✓Miscellaneous (Not Marked as Exhibits)
- ✓Administrative Law Judge Order and Letter (GRANTED – June 11, 2014)
- ✓Notice of Appeal –June 25, 2014 from Office of People's Counsel

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 27, 2014

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204



RE: APPEAL TO BOARD OF APPEALS

Case No. 2014-0175-A

Location: 12102 Belair Road

Dear Mr. Gontrum:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 25, 2014. 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 contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:slh

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Michael Pierce, 7448 Bradshaw Rd., Kingsville, Maryland 21087
Tom Kneeshaw, 11 Kings Glen Ct., Kingsville, Maryland 21087
Office of Administrative Hearings

Laverne Laubach, 12200 Jericho Road, Kingsville, Maryland 21087

Sally Wagner, 7811 Chapman Road, Kingsville, Maryland 21087

Ila Christenbury, 12009 Cedar Lane, Kingsville, Maryland 21087

Robin Beers, 12442 Jerusalem Road, Kingsville, Maryland 21087

Doug Behr, 2451 Bradshaw Road, Kingsville, Maryland 21087

Donna Kuhn, 11408 Cedar Lane, Kingsville, Maryland 21087



KEVIN KAMENETZ
County Executive

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

October 1, 2014

John Gontrum, Esquire
Whiteford, Taylor, Preston
1 W. Pennsylvania Avenue
Suite 300
Towson, MD 21204

Re: Wayne Davis Property
12012 Belair Road
Confirmation that Variances are required

Mr. Gontrum:

This letter hereby confirms that variances are required from the 15-foot front building setback for the building that will be occupied by a psychic reader business on the above-captioned property. As you are aware, the property in question is zoned B.M.-C.R. and imposes a 15-foot front building setback for commercial buildings. While the front building has been in its existing location for over 40 years, its use, as you confirm, is now changing from service garage to a psychic reader business. Such a change in use negates any legal nonconforming status under BCZR § 104.1 and the building therefore requires a variance as it does not meet the required front setback in the B.M zone.

As to the mobile homes and 6-unit motel, there have been no changes to the use of these buildings or property on which they reside and they therefore remain legally nonconforming as established by the Board of Appeals in case number 82-280-SPHA. Accordingly, no variances are required for the mobile homes or 6-unit motel.

A handwritten signature in black ink, appearing to read "Leonard Wasilewski", is written over a horizontal line.

Leonard Wasilewski
Planner II
Zoning Review



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

September 30, 2014

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
Towson Commons, Suite 300
1 W. Pennsylvania Avenue
Towson, MD 21204

Carole S. Demilio, Esquire
People's Counsel for Baltimore County
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of: Wayne Davis, Legal Owner
Case No: 14-175-A

Dear Counsel:

Please be advised I have just been informed of a scheduling conflict in which we do not have a panel of three Board members available for the hearing scheduled on Thursday, October 2, 2014. Enclosed, please find a Notice of Postponement. This matter will be rescheduled to a later date and time.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads "Sunny Cannington". The signature is fluid and cursive.

Krysundra "Sunny" Cannington
Administrator

Enclosure: Notice of Postponement

Sherry Nuffer - Kristen,

From: Sherry Nuffer
To: Lewis, Kristen
Date: 4/28/2014 1:50 PM
Subject: Kristen,

Kristen,

I just spoke to Rich Richardson in reference to 2014-0175-A, having not been posted he said that it was rescheduled for June 2, 2014 at 1:30. Can you please confirm this for me?

Thank you,

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax 443-901-1208

April 24, 2014

Attn: Mr. Mr. Arnold Jablon
Director of Permits, Approval and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

Subject: 12102 Belair Road Property, 2014-0175-A
332 Miles Avenue

Dear Mr. Jablon:

I am requesting a postponement of the above referenced case because the sign was not posted in the allotted time frame. Please reschedule the case for the next available time.

If you have any questions, please feel free to contact me at any time.

Very truly yours,



Patrick C. Richardson, Jr. PE

Real Property Data Search (w2)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 11 Account Number - 1113007000	
Owner Information		
Owner Name:	DAVIS WAYNE W	Use: COMMERCIAL
Mailing Address:	11615 BELLVUE AVE KINGSVILLE MD 21087-1613	Principal Residence: NO Deed Reference: 1) /07596/ 00005 2)
Location & Structure Information		
Premises Address:	12102 BELAIR RD KINGSVILLE MD 21087-0000	Legal Description: 1.35 AC WS BELAIR RD 2000FT N OF SUNSHINE AVE
Map: 0055	Grid: 0013	Parcel: 0291
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Special Tax Areas:	Town:	Plat No:
	Ad Valorem:	Plat Ref:
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
	3489	1.3500 AC
Property Land Area	County Use	
	06	
Stories	Basement	Type
		MULTIPLE RESIDENCE
Exterior	Full/Half Bath	Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2013
Land:	305,000	305,000
Improvements	283,700	270,600
Total:	588,700	575,600
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		07/01/2014
Transfer Information		
Seller: DAVIS JANET E	Date: 06/30/1987	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07596/ 00005	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00/0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	0.00/0.00
Homestead Application Information		
Homestead Application Status: No Application		

CASE NAME 1202 BELAIR RD
CASE NUMBER 2014-0175-A
DATE 6/4/14

[illegible]

CASE NAME

CASE NUMBER _____

DATE _____

2014-0175-A
4/4/2014

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

Case No.: 2014-0175-A

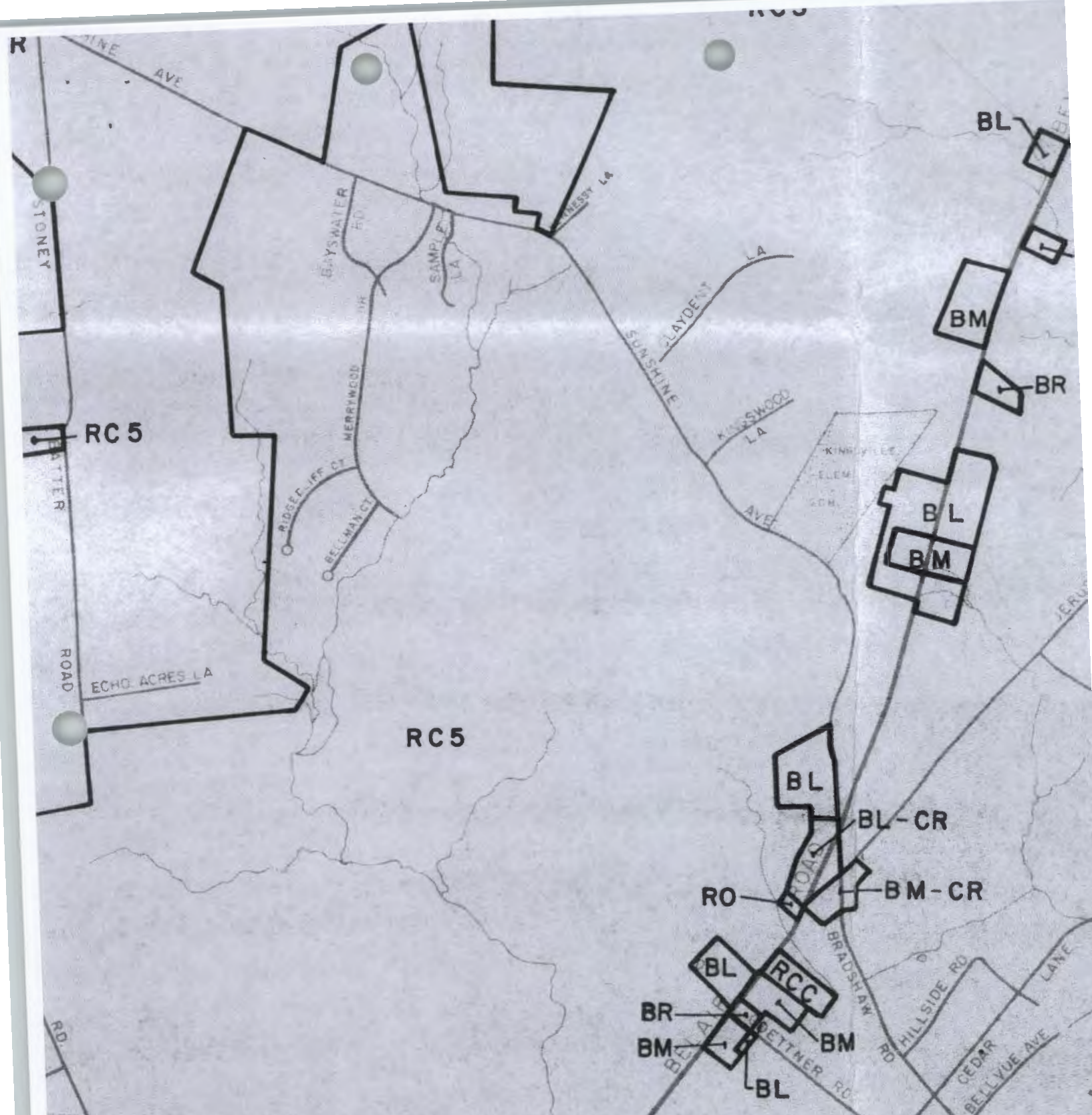
Exhibit Sheet

Petitioner/Developer

Respondent

slr
6-11-14

No. 1	Site plan	Photos
No. 2	2A- 1988 zoning map 2B- 1992 zoning map	
No. 3	Prelim. Landscape plan	
No. 4	4A-4D Aerial My Neighborhood + Google Map	
No. 5	5A-5D Google Earth photo	
No. 6	Zoning Order RS 2872	
No. 7	Zoning Order 74-75R-SPH	
No. 8	Zoning Order No-82-280- SPHA	
No. 9	Census report	
No. 10		
No. 11		
No. 12		



COMPREHENSIVE ZONING MAP
 adopted by the Baltimore County Council
 OCT. 13, 1988

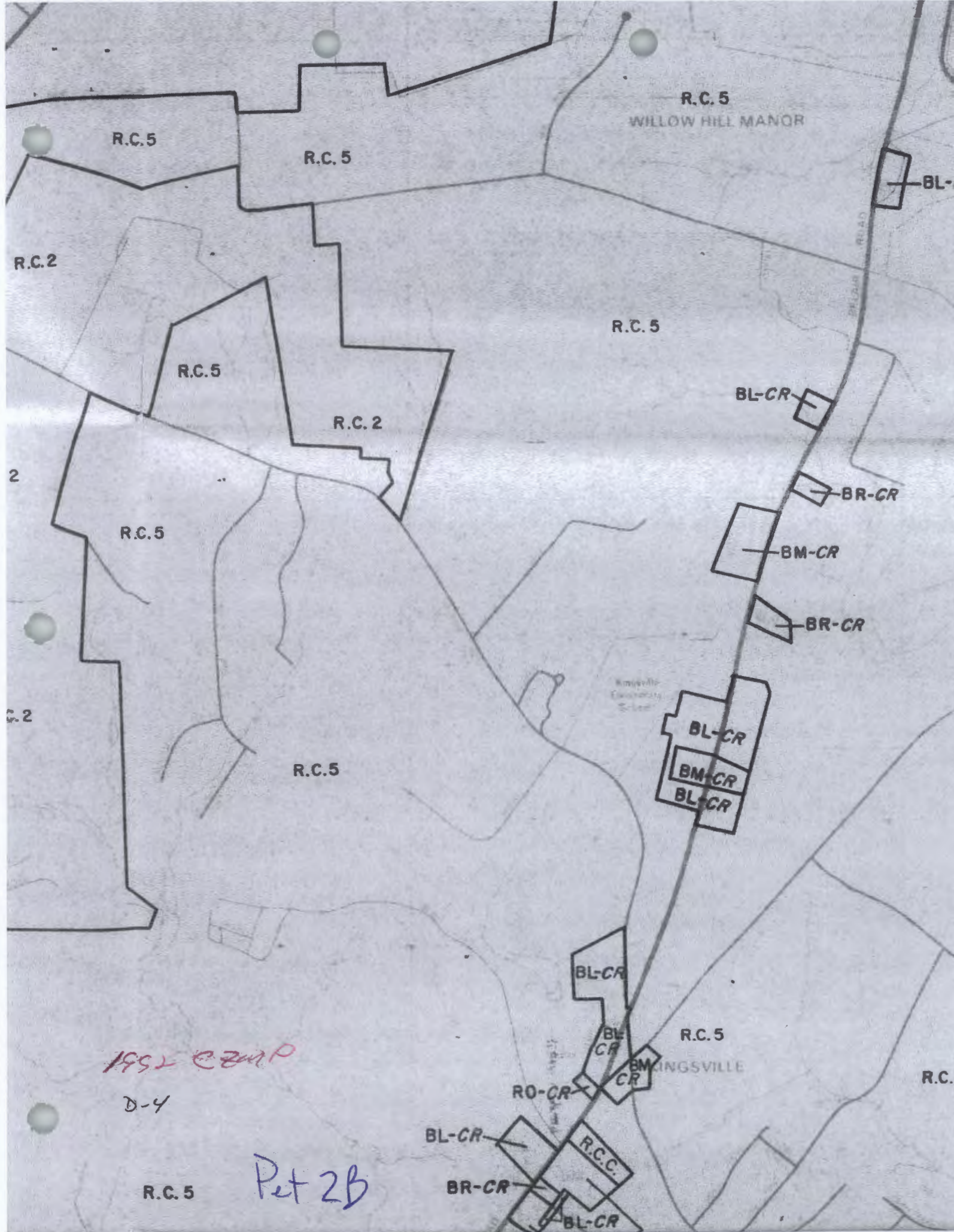
88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

KINGSVILLE

Pt. 2A

Dale T. Volz
 Chairman, County Council

BALTIMORE COUNTY BASE MAP



R.C. 5

R.C. 5

R.C. 5

WILLOW HILL MANOR

R.C. 2

R.C. 5

R.C. 5

R.C. 2

R.C. 5

R.C. 5

BL-CR

BR-CR

BM-CR

BR-CR

BL-CR

BM-CR

BL-CR

BL-CR

BL-CR

BM-CR

R.C. 5

KINGSVILLE

RO-CR

BL-CR

BR-CR

BL-CR

R.C.C.

R.C. 5

1992 CRP

D-4

Pet 2B



Scale bar: 46 Feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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EXHIBIT

tabbles

4A

Printed 5/31/2014



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 5/31/2014

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 5/31/2014

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Google



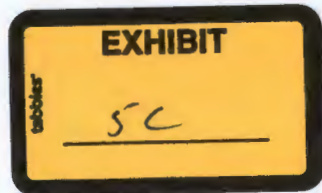
To see all the details that are visible on the screen, use the "Print" link next to the map.

Google



To see all the details that are visible on the screen, use the "Print" link next to the map.

Google





To see all the details that are visible on the screen, use the "Print" link next to the map.



#2872

2872 ✓

R-5

JAN 30 1967

PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL PERMIT

To the Zoning Commissioner of Baltimore County:

I, or we, Harold J. Spencer and Grace Spencer Legal Owners

All that parcel of land in the Eleventh District of Baltimore County on the West side of Belair Road, beginning 211.0 feet north of Gasoline Avenue, thence northerly and ending on the west side of Belair Road 250 feet thence nor. to a point 35.1 miles west 213.15 feet thence south 21 degrees 00 minutes west 275.0 feet thence south 60 degrees 00 minutes west 275.05 feet to place of beginning.

heroby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Residential Zone to an "C3" Commercial Zone; and (2) for a Special Permit under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property for GASOLINE SERVICE STA. & CAR WASH

Property to be used as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above reclassification and Special Permit, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the Zoning Regulations and Restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Harold J. Spencer

Grace M. Spencer
Legal Owners

Hyde, Baltimore
Address

EXHIBIT

6

2/8/67
O.A.M.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
 AND SPECIAL HEARING
 NW/S of Belair Road, 2025' N of : DEPUTY ZONING
 Sunshine Avenue - 11th District
 Robert J. Micucci - Petitioner : COMMISSIONER
 NO. 74-75-RSPH (Item No. 27) : OF
 : BALTIMORE COUNTY

::: ::: ::: ::: ::: :::

This Petition represents a request for a Reclassification from a B. L. (Business, Local) Zone to a B. M. (Business, Major) Zone, and a Special Hearing to delete a portion of the existing Special Exception for a gasoline service station and a cabin camp granted under case NO. 2872. The property contains 1.8 acres, more or less, and is located on the northwest side of Belair Road, 2025 feet north of Sunshine Avenue in the Eleventh Election District of Baltimore County.

Testimony indicated that the Petitioner does not intend to change any of the existing uses, consisting of six motel units, a combination service station and a two apartment building, and trailer sales and maintenance. The reason for the requested Reclassification is to place the uses in their appropriate zoning category. The site was described as being located entirely in a commercial enclave that encompasses properties on both the east and west sides of Belair Road.

Mr. James G. Hoswell, an employee of the Office of Planning, was duly subpoenaed and testified. His testimony indicated that the Planning Board, after having reviewed slides of land uses and existing zoning designations in the area, recommended that the Petitioner's request be given favorable consideration.

The County and State agencies, who reviewed the property for compliance to their development standards, had no adverse comments with regard to the existing operation or land uses. Insofar as traffic the Department of Traffic Engineering stated that the cha

ORDER RECEIVED FOR FILING

DATE October 29, 1983

BY John P. Davis
 ADMINISITRATIVE ASSISTANT

ROBERT J. MICUCCI
 NW/S of Belair Rd. 2025' N.
 11th
 of Sunshine Ave.



ORDER RECEIVED FOR FILING

#74-75-RSPH
 #27

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 82-280-SPHA

and improvements thereupon created, made or being and all
rights, title, interest and advantage therein shall belong

[Feedback](#) [FAQs](#) [Glossary](#) [Help](#)[MAIN](#) [COMMUNITY FACTS](#) [GUIDED SEARCH](#) [ADVANCED SEARCH](#) [DOWNLOAD CENTER](#)**Community Facts** - Find popular facts (population, income, etc.) and frequently requested data about your community.Enter a state, county, city, town, or zip code:

Population (2010 Census)

21087

Population (Latest Estimate)

Census 2010 Total Population

Age

5,451 Source: 2010 Demographic Profile

Business and Industry

Education

Housing

Income

Origins and Language

Poverty

Veterans

Popular tables for this geography:

2010 Census

[General Population and Housing Characteristics \(Population, Age, Sex, Race, Households and Housing, ...\)](#)
[Race and Hispanic or Latino Origin](#)
[Hispanic or Latino by Type \(Mexican, Puerto Rican, ...\)](#)
[Households and Families \(Relationships, Children, Household Size, ...\)](#)

2012 American Community Survey

[Demographic and Housing Estimates \(Age, Sex, Race, Households and Housing, ...\)](#)

2013 Population Estimates Program

[Annual Population Estimates](#)

Census 2000

[General Demographic Characteristics \(Population, Age, Sex, Race, Households and Housing, ...\)](#)* Want more? Use [Guided Search](#) or [Advanced Search](#), or visit [Census.gov's Quick Facts](#).

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United States Census Bureau

Source: U.S. Census Bureau | American FactFinder

PETITIONER'S

EXHIBIT NO. 9

Case No.: 2014-0175-A

Exhibit Sheet

Petitioner/Developer

Respondent

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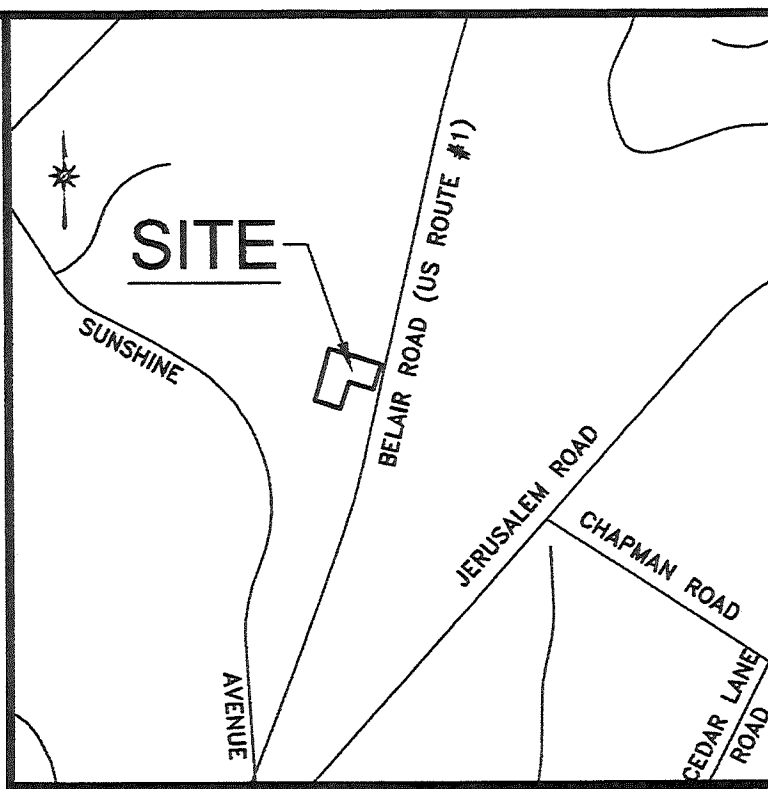












LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: WAYNE W. DAVIS
11615 BELLVIEW AVENUE
KINGSVILLE, MARYLAND 21087-1613
- SITE AREA
NET: 58,806 SF or 1.35 Ac.±
GROSS: 62,756 SF or 1.44 Ac.±
- USES:
EXISTING: APARTMENTS, MOBILE HOMES AND RETAIL.
PROPOSED: APARTMENTS, MOBILE HOMES AND PERSONAL SERVICES.
- UTILITIES:
PUBLIC WATER & SEWER
DEED REF: 7596/5
- TAX ACCOUNT: #1113007000
- COUNCILMANIC DISTRICT: 3RD
- ZONING: BM CR
(PER 1"=200' ZONING MAP 055A3)
- TAX MAP #55, GRID #13, PARCEL #291.
- WATERSHED: LITTLE GUNPOWDER FALLS
- PARKING CALCULATIONS:
REQUIRED FOR PERSONAL SERVICES: 3.3/1000
1,330 SF = 5 SPACES
REQUIRED FOR APARTMENTS & MOBILE HOMES: 1/UNIT
12 UNITS = 12 SPACES
TOTAL REQUIRED = 17 SPACES
PROPOSED = 34 SPACES (3 HANDICAPPED, 31 STANDARD)
- PRIOR ZONING HISTORY:
CASE 82-280-SPHA: GRANTED, TO PERMIT A NON CONFORMING USE OF A TRAILER CAMP AND A REDUCTION IN LOT AREA FROM CASE 2872RS BY DELETING THE AREA UTILIZED AS A GAS STATION AND TO AMEND THE SITE PLAN IN CASE #74-75RSPH BY ALLOWING A CHANGE IN THE AREA DELETED FROM CASE 2872RS FOR TRAILER SALES.
CASE 74-75RSPH
CASE 2872RS
- NO KNOWN PERMITS ON FILE.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN A FLOOD ZONE.
- BUILDING AREAS
EXISTING 6,570 SF
PROPOSED 6,570 SF
TOTAL 13,140 SF
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- BASIC SERVICE MAPS
TYPE DEFICIENT (Y/N) NOTE
SEWER N
WATER N
TRANSPORTATION N
- SETBACKS FOR BM
TYPE REQUIRED PROVIDED
FRONT 15' 16.5'±
FROM P.L. 15' 105.9'±
AVERAGE 15' 105.9'±
* AVERAGE BASED ON ((56.8+55.4)/2)=56.1
SIDE 15' 0.8'±
REAR 15' 12.5'±
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 0.20
PROVIDED: 0.12 (7,626 SF/62,756 SF)

2014-0175-A

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

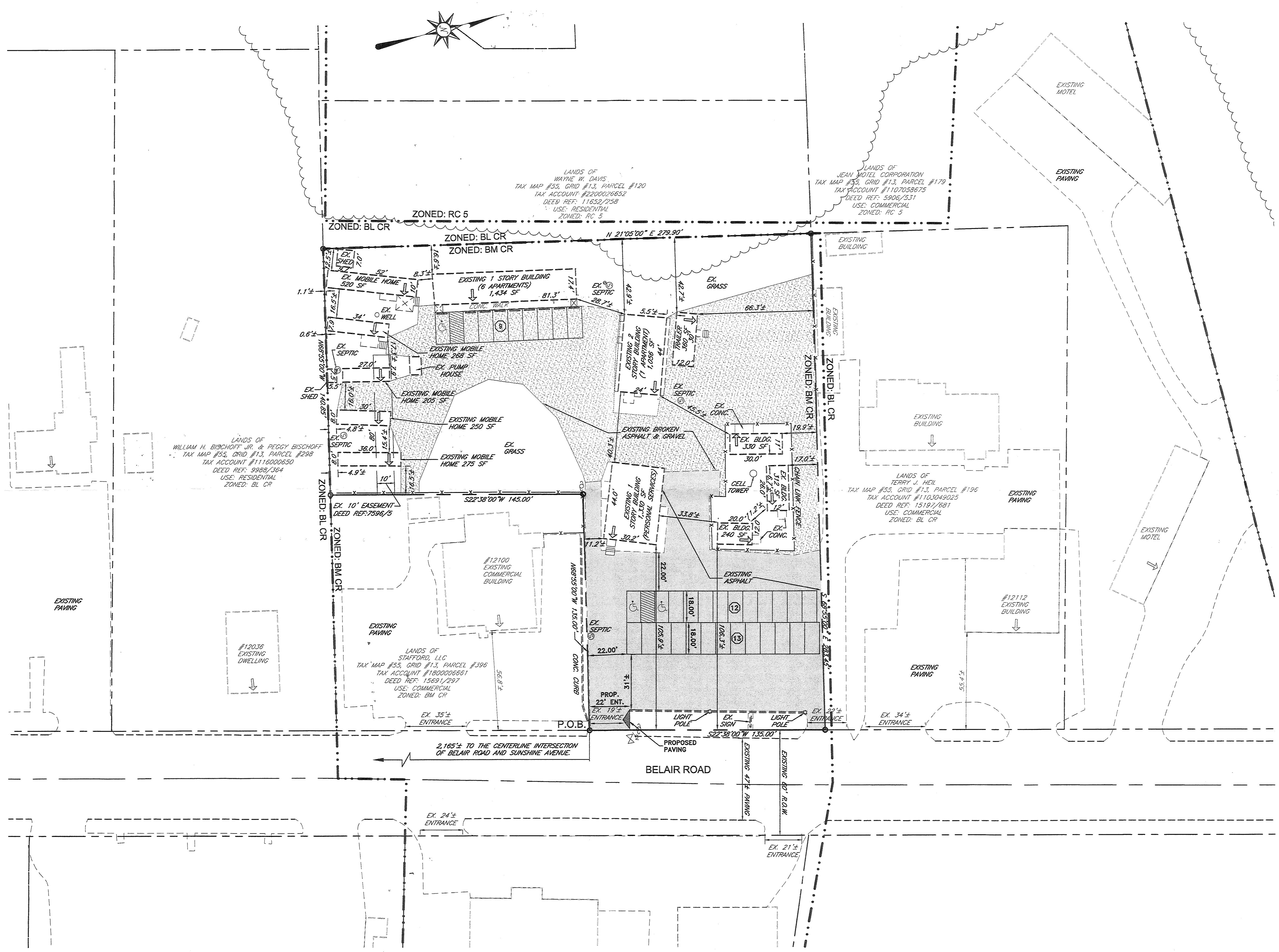
12102 BELAIR ROAD
(US ROUTE #1)
KINGSVILLE, MARYLAND 21087

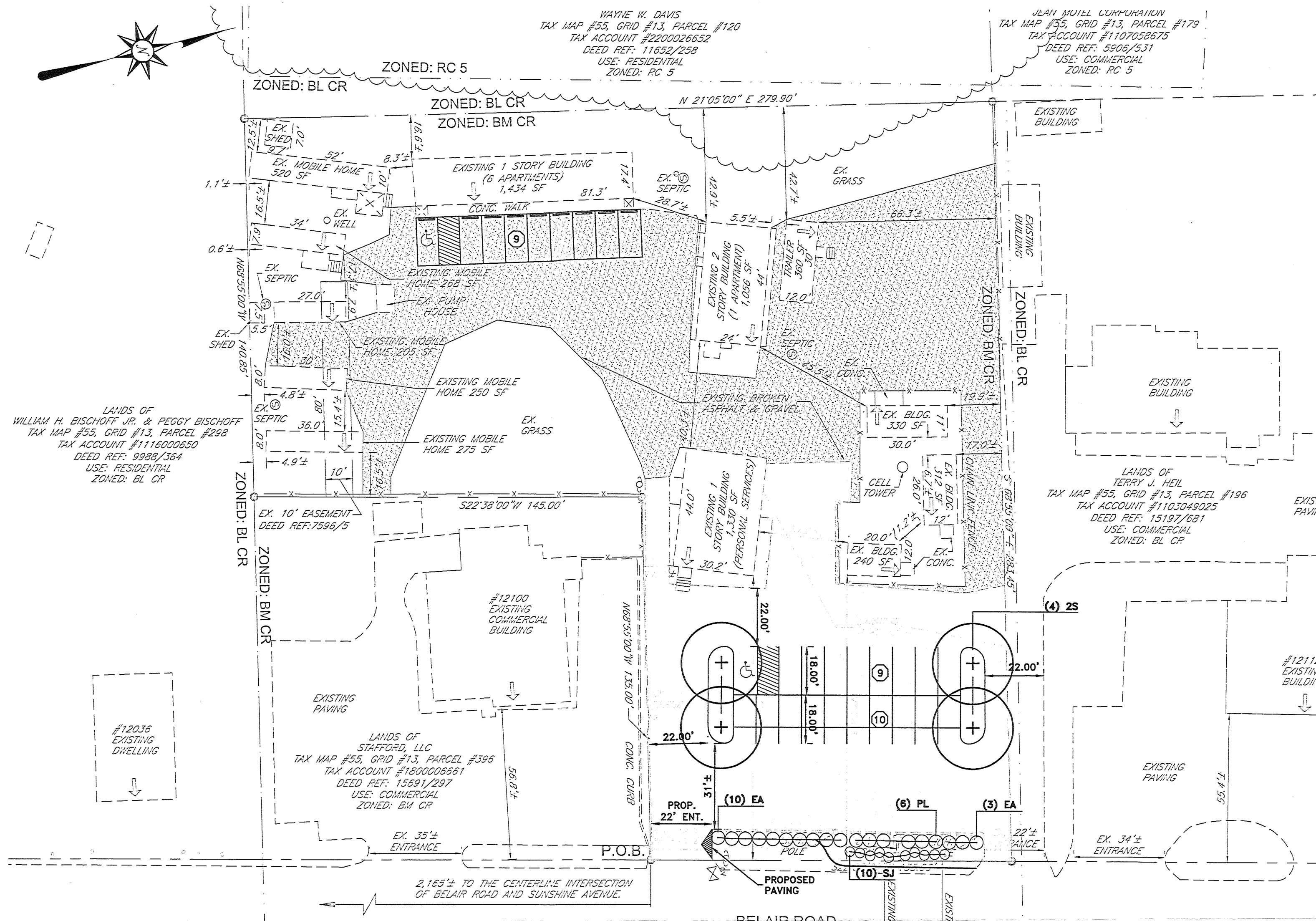
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	01-31-14	14003	1 OF 1

PETITIONER'S
EXHIBIT NO. 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2015





MINIMUM LANDSCAPE MAINTENANCE REQUIREMENTS

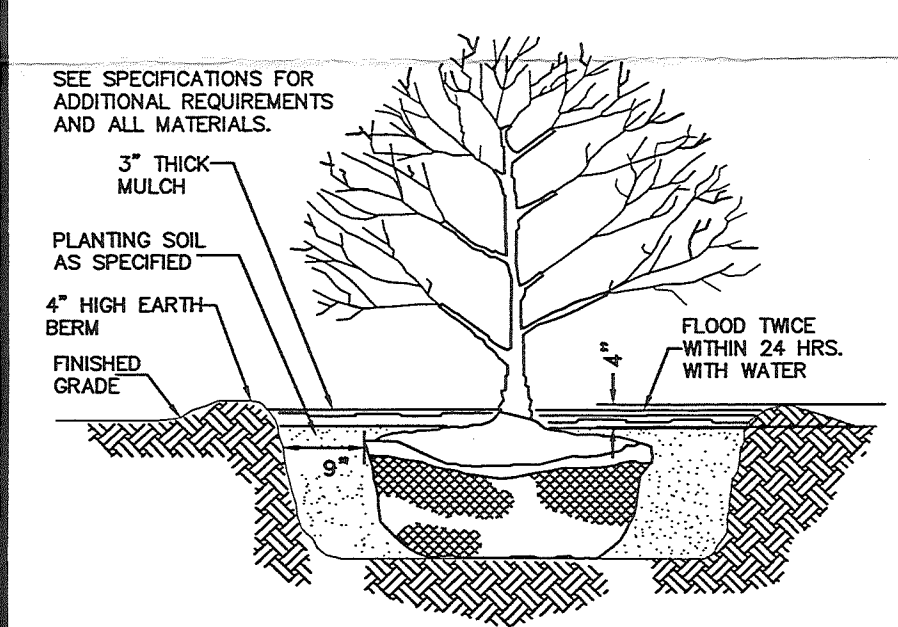
1. LAWN AREAS SHALL BE MOWED TO A HEIGHT OF 2 TO 3 INCHES AND NOT ALLOWED TO REACH A HEIGHT OF 4 INCHES BEFORE MOWING.
2. ALL CURBS AND WALKS SHALL BE EDGED AS NEEDED.
3. ALL LAWN AREAS ADJACENT TO BUILDING FACES OR STRUCTURES SHALL BE TRIMMED.
4. A SLOW RELEASE NITROGEN BALANCED FERTILIZER WITH A 2-1-1 RATIO SHALL BE APPLIED AT A RATE OF 2 POUNDS OF NITROGEN PER 1000 SQUARE FEET IN SEPTEMBER, OCTOBER AND FEBRUARY.
5. LIME SHALL BE APPLIED AT THE RATE DETERMINED BY A SOILS REPORT.
6. IT IS RECOMMENDED THAT LAWN AREAS BE TREATED IN MID-MARCH TO EARLY APRIL WITH PRE-EMERGENT HERBICIDE (SETASAN) OR EQUAL APPLIED AT THE MANUFACTURER'S RECOMMENDED RATE.
7. A POST EMERGENT HERBICIDE (TRIMEC) OR EQUAL IS RECOMMENDED TO BE SPRAYED ON LAWN AREAS IN THE LATE SPRING OR THE EARLY FALL. FOLLOW MANUFACTURER'S RATES AND RECOMMENDATIONS.
8. INSECTICIDES AND FUNGICIDES ARE RECOMMENDED FOR INSECT AND DISEASE CONTROL.
9. RESEED BARE AREAS OF LAWN AS NECESSARY. YEARLY AERATION IS RECOMMENDED.
10. ALL TRASH, LITTER, AND DEBRIS SHALL BE REMOVED FROM LAWN AREAS, PARKING LOTS, AND SHRUB BEDS AS NEEDED.
11. MULCH ALL SHRUB AND GROUND COVER BEDS YEARLY WITH 3 INCHES OF SHREDDED HARDWOOD BARK.
12. PERMIT SHRUBS AND TREES TO GROW AND ENLARGE TO THEIR DESIGN SIZE. CONSULT PROJECT LANDSCAPE ARCHITECT FOR DETAILS.
13. PRUNE TREES IN ACCORDANCE WITH LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS.

LANDSCAPE PLAN GENERAL NOTES

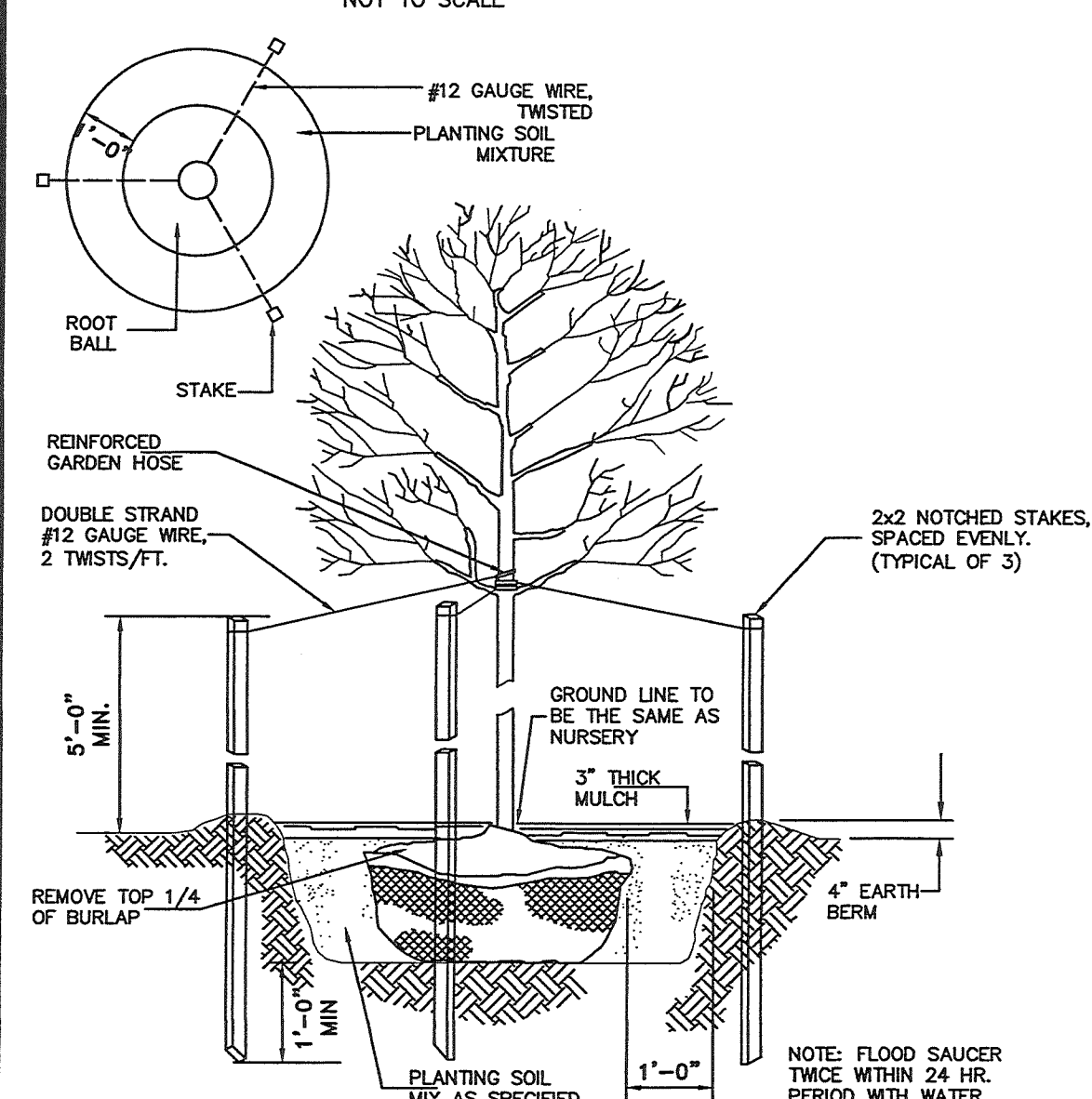
1. CONTRACTOR SHALL CONTACT "MISS UTILITY" (800-257-7777) AND SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES WITHIN THE PROJECT AREA PRIOR TO INSTALLATION OF PLANT MATERIAL.
2. PROPOSED LOCATIONS OF PLANT MATERIAL SHALL BE STAKED IN THE FIELD BY THE CONTRACTOR FOR APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
3. PLANT MATERIAL AND BEDS SHALL RECEIVE A MINIMUM 3-INCH DEPTH OF MULCH.
4. ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
5. QUANTITIES OF TREES, EVERGREENS, AND SHRUBS NOTED ON THE PLANT LIST ARE BASED UPON THE GRAPHIC SYMBOLS SHOWN ON THE DRAWINGS. CONTRACTOR SHALL PROVIDE AND INSTALL THESE ITEMS BASED UPON GRAPHIC SYMBOL QUANTITIES SHOWN ON THE DRAWINGS.
6. QUANTITIES OF GROUNDCOVERS, PERENNIALS, ANNUALS, BULBS, AND ORNAMENTAL GRASSES SHALL BE AS NOTED IN THE PLANT LIST REGARDLESS OF THE NUMBER OF GRAPHIC SYMBOLS SHOWN ON THE DRAWINGS.
7. ALL PLANT MATERIALS SHALL BE NURSERY GROWN AND SHALL COMPLY WITH THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1), LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
8. ALL TREES TO CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN'S STANDARDS: SECTION 1.1.2-HEIGHT OF BRANCHING. ALL TREES TO BE MATCHED.
9. ALL PLANT MATERIALS TO BE FULL, HEAVY SPECIMENS.
10. ALL AREAS WITHIN THE LIMIT OF DISTURBANCE OTHER THAN PAVEMENTS, WALKS, WALLS AND PLANTING BEDS SHALL BE SEEDED LAWN.
11. ALL PLANTING PROCEDURES AND SPECIFICATIONS SHALL CONFORM TO "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE WASHINGTON METROPOLITAN AREA" LATEST EDITION.
12. ALL PLANTS SHALL BE GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FOLLOWING THE INSTALLATION COMPLETION DATE.
13. FOR DETAILS OF ROOT BARRIER INSTALLATION ADJACENT TO CURBS AND SIDEWALKS SEE BALTIMORE COUNTY STANDARD DETAIL G5-A. TREES PLANTED WITHIN 6 FEET OF SIDEWALKS NEED ROOT BARRIER INSTALLED PER DETAIL G5-A.
14. STREET TREES SHALL BE INSTALLED ALONG EAST JOPPA ROAD, EAST OF THE PROPOSED BUILDING AND ADJACENT TO EXISTING FOREST CONSERVATION EASEMENT AS PART OF THE FUTURE EAST JOPPA ROAD IMPROVEMENTS.

GENERAL NOTES:

1. OWNER: WAYNE W. DAVIS, 11615 BELLEVUE AVENUE, KINGSVILLE, MARYLAND 21087-1613
2. SITE AREA: 58,806 SF or 1.35 Ac.±
3. GROSS: 62,756 SF or 1.44 Ac.±
4. USES: EXISTING: APARTMENTS, MOBILE HOMES AND RETAIL. PROPOSED: APARTMENTS, MOBILE HOMES AND PERSONAL SERVICES.
5. UTILITIES: PUBLIC WATER & SEWER
6. DEED REF: 7596/5
7. TAX ACCOUNT: #1113007000
8. COUNCILMANIC DISTRICT: 3RD
9. ZONING: BM CR (PER 1"=200' ZONING MAP 055A3)
10. TAX MAP #55, GRID #13, PARCEL #291.
11. WATERSHED: LITTLE GUNPOWDER FALLS
12. PARKING CALCULATIONS: REQUIRED FOR PERSONAL SERVICES: 3.3/1000
13. 1,330 SF = 5 SPACES
14. REQUIRED FOR APARTMENTS & MOBILE HOMES: 1/UNIT
15. 12 UNITS = 12 SPACES
16. TOTAL REQUIRED = 17 SPACES
17. PROPOSED = 28 SPACES (2 HANDICAPPED, 26 STANDARD)
18. PRIOR ZONING HISTORY: CASE 82-280-SPHA; GRANTED, TO PERMIT A NON CONFORMING USE OF A TRAILER CAMP AND A REDUCTION IN LOT AREA FROM CASE 872RS BY DELETING THE AREA UTILIZED AS A GAS STATION AND TO AMEND THE SITE PLAN IN CASE #74-75RSPH BY ALLOWING A CHANGE IN THE AREA DELETED FROM CASE 2872RS FOR TRAILER SALES. CASE 74-75RSPH CASE 2872RS
19. NO KNOWN PERMITS ON FILE.
20. THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
21. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
22. THE SITE DOES NOT LIE WITHIN A FLOOD ZONE.
23. BUILDING AREAS
24. EXISTING 6,570 SF
25. PROPOSED 6,570 SF
26. TOTAL 13,140 SF
27. ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BZCR).
28. BASIC SERVICE MAPS
29. TYPE DEFICIENT (Y/N) NOTE
30. SEWER N
31. WATER N
32. TRANSPORTATION N
33. SETBACKS FOR BM
34. TYPE REQUIRED PROVIDED
35. FRONT FROM P.L. 15' 16.5'±
36. AVERAGE *56.1' 105.9'±
37. * AVERAGE BASED ON ((56.8+55.4)/2)=56.1
38. SIDE 15' 0.6'±
39. REAR 15' 12.5'±
40. FLOOR AREA RATIO 0.20
41. MAXIMUM PERMITTED: 0.12 (7,626 SF/62,756 SF)



SHRUB PLANTING DETAIL
NOT TO SCALE



DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE

12102 Belair Road Property				
Quantity	Botanical Name		Size	Comments
Major Trees				
Symbol	4	Zelkova serrata "VILLAGE GREEN"	Village Green Zelkova	2"-2 1/2"
Shrubs				
EA	13	Euonymus alatus "COMPACTUS"	Compact Burning Bush	24"-30"
PL	6	Prunus laurocerasus "OTTO LUYKEN"	Otto Luyken Cherry Laurel	18"-24"
SJ	10	Spiraea japonica "LITTLE PRINCESS"	Little Princess Spirea	15"-18"

FINAL LANDSCAPE PLAN OWNER CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan; that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the Landscape installation prior to PWA closeout if applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits Approvals and Inspections, Development Plans Review, County Office Building, Room 119, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21204.

Applicant Signature	Date	Print Name
Company	Street	Phone#
City	State	Zip
PAI#		Permit#

FINAL LANDSCAPE PLAN LANDSCAPE ARCHITECT CERTIFICATION FORM

THIS FINAL LANDSCAPE PLAN IS SEALED BY A LANDSCAPE ARCHITECT AND CERTIFIED BY SIGNATURE BELOW AS BEING IN CONFORMANCE WITH ALL COUNTY AGENCY LANDSCAPE ARCHITECTURAL COMMENTS.

SIGNATURE: *[Signature]* JAMES V. HERMANN
PRINT NAME: JAMES V. HERMANN
AFFIX SEAL

DATE: 5/29/14

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

LANDSCAPE PLAN FOR

12102 BELAIR ROAD

(US ROUTE #1)
KINGSVILLE, MARYLAND 21087

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CLB	DESIGNED BY: JVB	SCALE: 1" = 30'
	DATE: 5-28-14	JOB NO.: 14003	SHEET NO.: 1 OF 1