



KEVIN KAMENETZ
County Executive

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

May 29, 2015

Stuart D. Kaplow, Esquire
Stuart D. Kaplow, P.A.
15 East Chesapeake Avenue
Towson, Maryland 21286

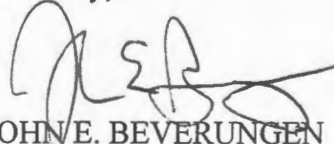
RE: **MOTION FOR RECONSIDERATION**
Petition for Special Hearing and Variance
Property: 1101 Reisterstown Road
Case No. 2015-0172-SPHA

Dear Mr. Kaplow:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Michael A. Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(1101 Reisterstown Road) *

3rd Election District *

2nd Council District *

Brezhnev, LLC, *Owner* *

GN Reisterstown, LLC *

Contract Purchaser *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0172-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Michael Pierce, on behalf of the Pikesville Communities Corporation. Petitioner (GN Reisterstown, LLC) has filed an opposition thereto.

While in practice motions for reconsideration are filed with some regularity in zoning cases, the reality is that the function of such a motion is quite limited. In Calvert County v. Howlin Realty, Inc., 364 Md. 301 (2001), the court held that an agency (like the OAH) “may reconsider an action previously taken and come to a different conclusion upon a showing that ... some new or different factual situation exists that justifies the different conclusion.” In this case, I do not believe the movant has identified “some new or different factual situation.” Id. at 325.

The points raised in the Motion were also identified by Mr. Pierce at the hearing as matters that should (in his opinion) result in the denial of the petition. While I agree the site is less than ideal, I at the same time believe the parking variance will not negatively impact the community. A small Dunkin Donuts store with a drive-thru window simply does not require 14 parking spaces, and the factors identified in the original Order justify the modest relief granted. Mr. Patel is an experienced and successful businessman, and I do not believe he would invest a significant sum of money to improve a long-vacant site if he did not think the site had adequate parking to support the business.

ORDER RECEIVED FOR FILING

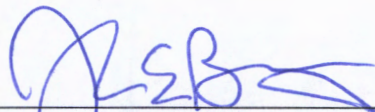
Date 5-29-15

By [Signature]

WHEREFORE, IT IS ORDERED this 29th day of **May, 2015**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 5-29-15

By 



KEVIN KAMENETZ
County Executive

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

April 15, 2015

Stuart D. Kaplow, Esquire
15 East Chesapeake Avenue
Towson, Maryland 21286

RE: Petition for Special Hearing and Variance
Property: 1101 Reisterstown Road
Case No. 2015-0172-SPHA

Dear Mr. Kaplow:

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 a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Michael Pierce, 7448 Bradshaw Road, Kingsville, Maryland 21087
Deane Rundell, 608 Carysbrook Road, Pikesville, Maryland 21208

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(1101 Reisterstown Road) *

3rd Election District *

2nd Council District *

Brezhnev, LLC, *Owner* *

GN Reisterstown, LLC *

Contract Purchaser *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0172-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Brezhnev, LLC, legal owner, and GN Reisterstown, LLC, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the amendment of site plans and orders in Case Nos. 52-2313-X and 55-3342-X; such that the approved site plan will be the site plan that is the subject of this petition. In addition, a Petition for Variance seeks to permit the existing 5 parking spaces in lieu of the required 14 spaces.

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 were Nilkanth Patel (on behalf of the contract purchaser) and Rick Richardson, professional engineer, whose firm prepared the plan. Stuart D. Kaplow, P.A., represented the Petitioners. Michael Pierce, on behalf of the Pikesville Community Corporation, and Deane Rundell (a neighbor) attended and opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

ORDER RECEIVED FOR FILING

Date 4/15/15

By SEN

The subject property is zoned BL. The site is 0.23 acre $\pm$, and is improved with a 2-story brick building, as shown in the photographs admitted as Petitioners' Exhibit 2. The building was used most recently as a bank with a drive-thru operation, but Petitioners noted the property has essentially been vacant for approximately eight years or more. Petitioners propose to operate a Dunkin Donuts store at the site, and the business will utilize the drive-thru layout previously used by the bank. Mr. Patel has two other Dunkin Donuts franchises in the Pikesville area, and he believes this to be a suitable location for a new store, especially since it will make good use of the small site by relying primarily on window service, though there will be a few indoor seats.

Messr. Pearce and Rundell both expressed concern with traffic along Reisterstown Road, and feared the proposal could lead to congestion and hazardous conditions for motorists and pedestrians. They also expressed disappointment the proposal would not be reviewed by the Design Review Panel (DRP).

As explained at the hearing, DRP review is required in the Pikesville Revitalization Area, but only for consideration of "nonresidential Development Plans." BCC §32-4-204©(5). But this is a zoning case, and a nonresidential Development Plan was not presented and is not being considered. Petitioners stated there will be no external construction or improvements of any sort. As such, DRP review is not required.

With regard to traffic, Reisterstown Road is obviously a heavily travelled thoroughfare that is subject to congestion and delays. But it is a state roadway and the SHA (in a letter dated February 25, 2015) did not object to the proposal or require Petitioners to undertake a traffic study, a requirement frequently imposed by the SHA. In addition, the property is not located within a deficient service area on the Basic Services Map (transportation). Thus, I do not believe traffic concerns justify the denial of the parking variance.

ORDER RECEIVED FOR FILING

Date 4/15/15
By Sen

The file contains letters of support from the Pikesville Chamber of Commerce and Barry Nabozny, who lives nearby. The DOP recommended approval of the request, but suggested landscaping be provided along Reisterstown Road. The Bureau of Development Plans Review (DPR) indicated the planting islands along Reisterstown Road should remain, and that agency advised a landscape plan is required.

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 has an irregular shape (trapezoidal) and is therefore unique. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioners would essentially be unable to operate any commercial enterprise at the B.L. zoned site in compliance with the parking requirements set forth in B.C.Z.R. §409. In fact, counsel for Petitioners noted that only a furniture store could be operated without seeking variance relief. 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 15th day of April, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the amendment of the site plans and orders in Case Nos. 52-2313-X and 55-3342-X; such that the approved site plan will be the site plan that is the subject of this petition (admitted as Petitioners' Exhibit 1), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit the existing five (5) parking spaces in lieu of the required fourteen (14) spaces, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

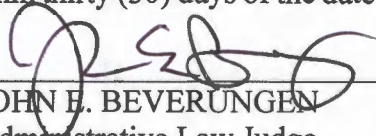
Date 4/15/15
By Sen

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. All signs on the premises shall comply with BCZR §450.
3. Petitioners shall retain existing landscape islands along Reisterstown Road, and shall provide additional landscape screening as determined in the sole discretion of the County's landscape architect.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

4/15/15

By

sln



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 1101 Reisterstown Road, Pikesville

which is presently zoned BL

Deed References: 24412/554

10 Digit Tax Account # 0319085050

Property Owner(s) Printed Name(s) Brezhnev LLC

(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. **X** 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 Attachment #1

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)

See Attachment #2

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:

GN Reisterstown, LLC

Name- Type or Print

X

Signature

512 Timber Springs Ct., Reisterstown, MD

Mailing Address

City

State

21136

/ 443-846-4822

nilkanth_patel@yahoo.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Stuart Kaplow, Esquire

Name- Type or Print

Signature

Stuart D. Kaplow, P.A.

15 East Chesapeake Avenue, Towson, MD

Mailing Address

City

State

21286

/ 410-339-3910

skaplow@stuartkaplow.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Brezhnev LLC

Name #1 - Type or Print

Name #2 - Type or Print

X

Signature #1

Signature #2

2714 Old Court Rd., Baltimore, MD

Mailing Address

City

State

21208

/ 410-961-0197

smartalex7@aol.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Patrick C. Richardson, Jr., PE

Name - Type or Print

Signature

Richardson Engineering, LLC

30 East Padonia Rd, Ste 500, Timonium, MD

Mailing Address

City

State

21093

/ 410-560-1502

rick@richardsonengineering.net

Zip Code

Telephone #

Email Address

CASE NUMBER

2015-0173-SM4

Filing Date

2/12/15

Do Not Schedule Dates:

Reviewer

JS

ORDER RECEIVED FOR FILING

By Date 4/15/15

**ZONING DESCRIPTION FOR
1101 REISTERSTOWN ROAD
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the North side of Reisterstown Road (65' ultimate width R.O.W.) at a distance of 236 feet east of the centerline intersection of Reisterstown Road and Sudbrook Lane, thence (1) North 42 degrees 44 minutes East 100.00 feet, (2) South 27 degrees 52 minutes East 100.00 feet; (3) South 42 degrees 44 minutes West 100.00 feet, thence along the northern right of way of Reisterstown Road, (4) North 27 degrees 52 minutes West 100.00 feet to the point of beginning;

Containing a net area of 10,000 square feet, or 0.23 acres of land, more or less.



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.

2015-0172-SPMA

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

No. 119798
Date: 2/2/15

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 1000.00

Total: \$ 1000.00

Rec From: GN REISTERSTOWN, LLC

For: 2015-0172- SAHA

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

March 2, 2015

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

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: 2015-0172-SPHA

1101 Reisterstown Road

NE/s Reisterstown Road, 211 ft. SE intersection with Sudbrook Lane

3rd Election District – 2nd Councilmanic District

Legal Owners: Brezhnev, LLC

Contract Purchaser/Lessee: GN Reisterstown, LLC

Special Hearing to approve the amendment of the approved site plans and order, in cases 52-2313-X and 55-3342-X, such that the approved site plan will be the site plan that is the subject of this petition. Variance to permit the existing 5 parking spaces in lieu of the required 14 spaces, in accordance with the site plan that is the subject of this petition; this commercially improved BL zoned property within Pikesville Revitalization District that is the subject of prior approvals (i.e. all conditions are existing and no new construction is proposed).

Hearing: Friday, April 10, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Stuart Kaplow, 15 E. Chesapeake Avenue, Towson 21286
GN Reisterstown, LLC, 512 Timber Springs Court, Reisterstown 21136
Brezhnev, LLC, 2714 Old Court Road, Baltimore 21208
Patrick Richardson, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 21, 2015.**
- (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, March 19, 2015 Issue - Jeffersonian

Please forward billing to:

Neil Patel
GN Reisterstown, LLC
512 Timber Springs Court
Reisterstown, MD 21136

443-846-4822

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CASE NUMBER: 2015-0172-SPHA

1101 Reisterstown Road

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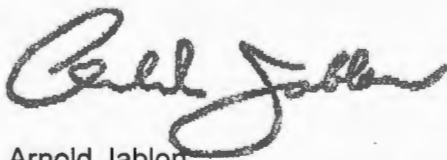
3rd Election District – 2nd Councilmanic District

Legal Owners: Brezhnev, LLC

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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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE
1101 Reisterstown Road; NE/S Reisterstown Rd* OF ADMINISTRATIVE
211' SE of intersection with Sudbrook Lane
3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Brezhnev, LLC
Contract Purchaser(s): GN Reisterstown LLC * BALTIMORE COUNTY
Petitionér(s) *
2015-172-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
FEB 19 2015
JW

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2015, a copy of the foregoing Entry of Appearance was mailed to Patrick Richardson, PE, 30 E. Padonia Road, Suite 500 Timonium, Maryland 21093 and Stuart Kaplow, Esquire, 15 East Chesapeake Avenue, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 legal owner/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 legal owner/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:

Case Number: 2015-0172-SP4A
Property Address: 1101 REISTERSTOWN RD
Property Description: _____
Legal Owners (Petitioners): BREZHNEV LLC
Contract Purchaser/Lessee: GN REISTERSTOWN, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: NEIL PATEL
Company/Firm (if applicable): GN REISTERSTOWN, LLC
Address: 512 TIMBER SPRINGS CT
REISTERSTOWN, MD 21136
Telephone Number: 443 846 4822

CERTIFICATE OF POSTING

CASE NO: 2015-0712-SPHA

PETITIONER/DEVELOPER

BREZHNEV LLC

DATE OF HEARING/CLOSING:

APRIL 10, 2015

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

1101 REISTERSTOWN RD

THIS SIGN(S) WERE POSTED ON March 21, 2015
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 3/21/15
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411



ygath 3/21/15

Case No.: 2015-0172-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

DW
1-1-15

sln
4/15/15

No. 1	Plan	1A + 1B - Photos of site + vicinity
No. 2	Photos - Existing Site	2A + 2B - Photos of proposed site and Dunkin Donuts @ 1600 E. Joppa
No. 3	"Mock-up" photos	3A + 3B Prior zoning cases
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2





REPLACEMENT FACE ON FRONT SIDE ELEVATION

PAGE NO.
4 of 6

SCALE: 3/16" = 1'-0"



629 DEFENSE HIGHWAY
ANNAPOLIS, MD 21401
ANNA: (410) 224-5727
WASH. (202) 251-5228
BALT. (410) 841-6363
FAX: (410) 288-6625

JOB: DUNKIN' DONUTS
ADDRESS: 1101 REISTERSTOWN RD.
CITY: PIKESVILLE
DRAWING NO MR0323 1:25
SCALE: NOTED

START DATE: 1/20/15

STATE: MD

DESIGNER: ROWLAND

REP: S.BORTZ

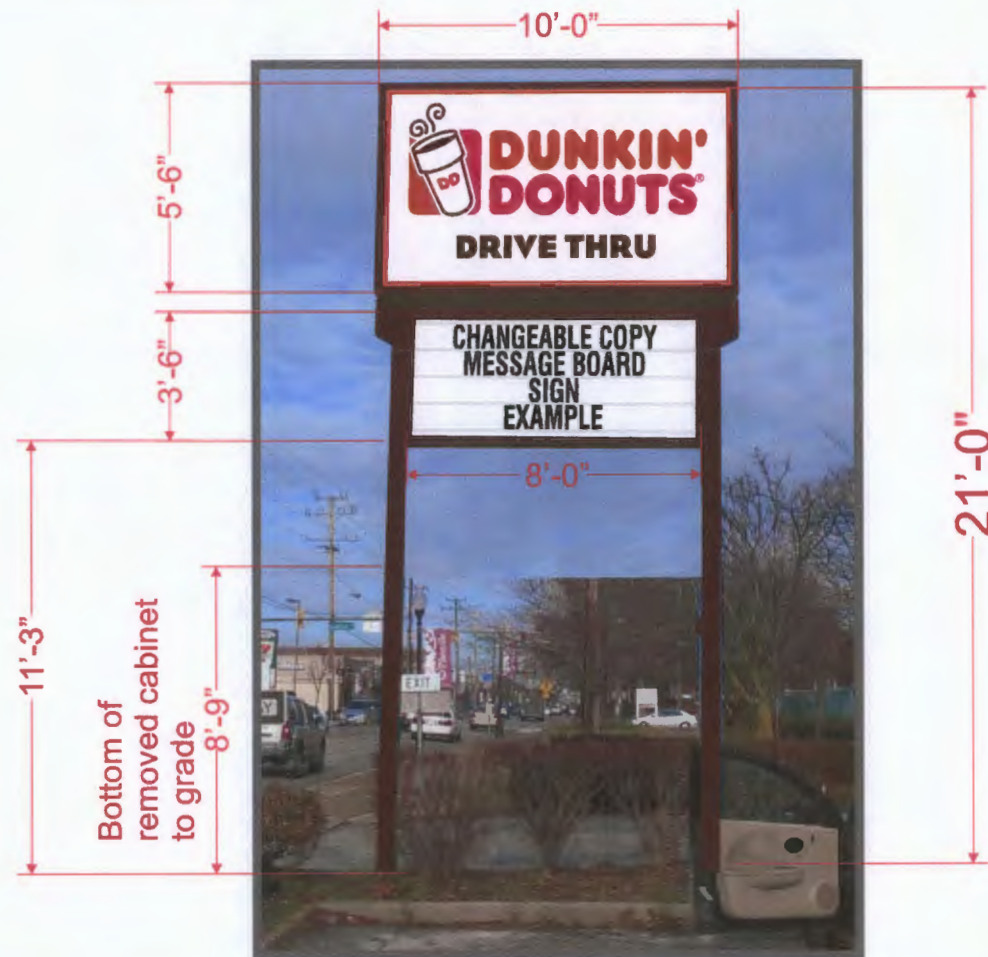
APPROVAL: _____

arundelsigns@comcast.net

PETITIONER'S

EXHIBIT NO. 3

SCALE: 1/4" = 1'-0"



620 DEFENSE HIGHWAY
ANNAPOLIS, MD 21401
ANNA (410) 224-3727
WASH. (201) 281-8238
BALT. (410) 841-8363
FAX (410) 288-6825

JOB: DUNKIN' DONUTS
ADDRESS: 1101 REISTERSTOWN RD.
CITY: PIKESVILLE
DRAWING NO MR0323 1:25
SCALE: NOTED

START DATE: 1/20/15
STATE: MD
DESIGNER: ROWLAND
REP: S.BORTZ

APPROVAL: _____

arundelsigns@comcast.net

THIS ORIGINAL DESIGN AND DRAWING IS THE PROPERTY OF ARUNDEL SIGNS, INC. AND SHALL REMAIN ITS PROPERTY. IT MAY NOT BE REPRODUCED BY ANY MEANS OR USED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF ARUNDEL SIGNS.

Zoning Case 2105-0172-SPHA - 1101 Reisterstown Rd

Current conditions - photos from GoogleEarth April 2012 - looks same today

Looking northwest



Looking southeast



Protestant's

Exhibit 1A

Current Sign



Taken April 8, 2015

(Note zoning notice sign faced toward driveway - not visible from street.)



Protestant's

Exhibit 1B



1600 E Joppa Rd - drive-through, indoor seating
0.47 acre
Building 1950 sq ft
30 parking spaces
Joppa Rd - 48 ft wide, 4 lane, no parking
with center left turn lane



Proposed site
0.22 acre
Building 1540 sq ft
5 parking spaces
RR - 38 ft wide, 4 lane
no parking 7-9am

Zoning Case 2105-0172-SPHA - 1101 Reisterstown Rd

Dunkin Donuts - 1600 E Joppa Rd

Parcel - 0.47 acre

30 Parking spaces

Driveways intended as 1-way in, 1-way out

Photos taken at 8:45 am, March 30, 2015



Note two cars at strange angles in roadway. Unknown where they are coming from.



Cars were observed turning left out of driveway, in spite of a no-left turn sign, and others entering at the exit-only driveway.

Protestant's

Exhibit 2B

Zoning Case 2105-0172-SPHA - 1101 Reisterstown Rd

Cases related to 1101 Reisterstown Rd

1976-0025, 1002 Reisterstown Rd (Order issued 29 July 1975)

Granted 0 parking spaces in lieu of 25. Traffic Engineering objected.

(More recent zoning cases have essentially rendered this case moot.)

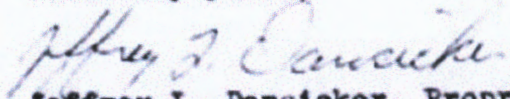
Pikesville Sunoco
1101 Reisterstown Road
Pikesville, Maryland 21208

July 22, 1975

Dear Sir:

I hereby authorize I. Borenstein Inc. to utilize the parking facilities of Pikesville Sunoco for customer and employee use.

Sincerely yours,



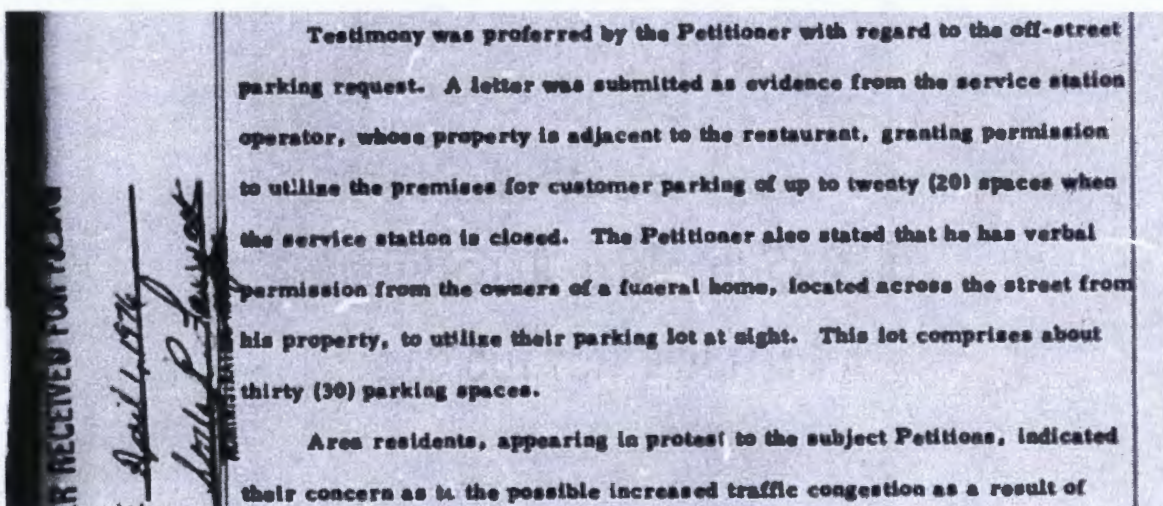
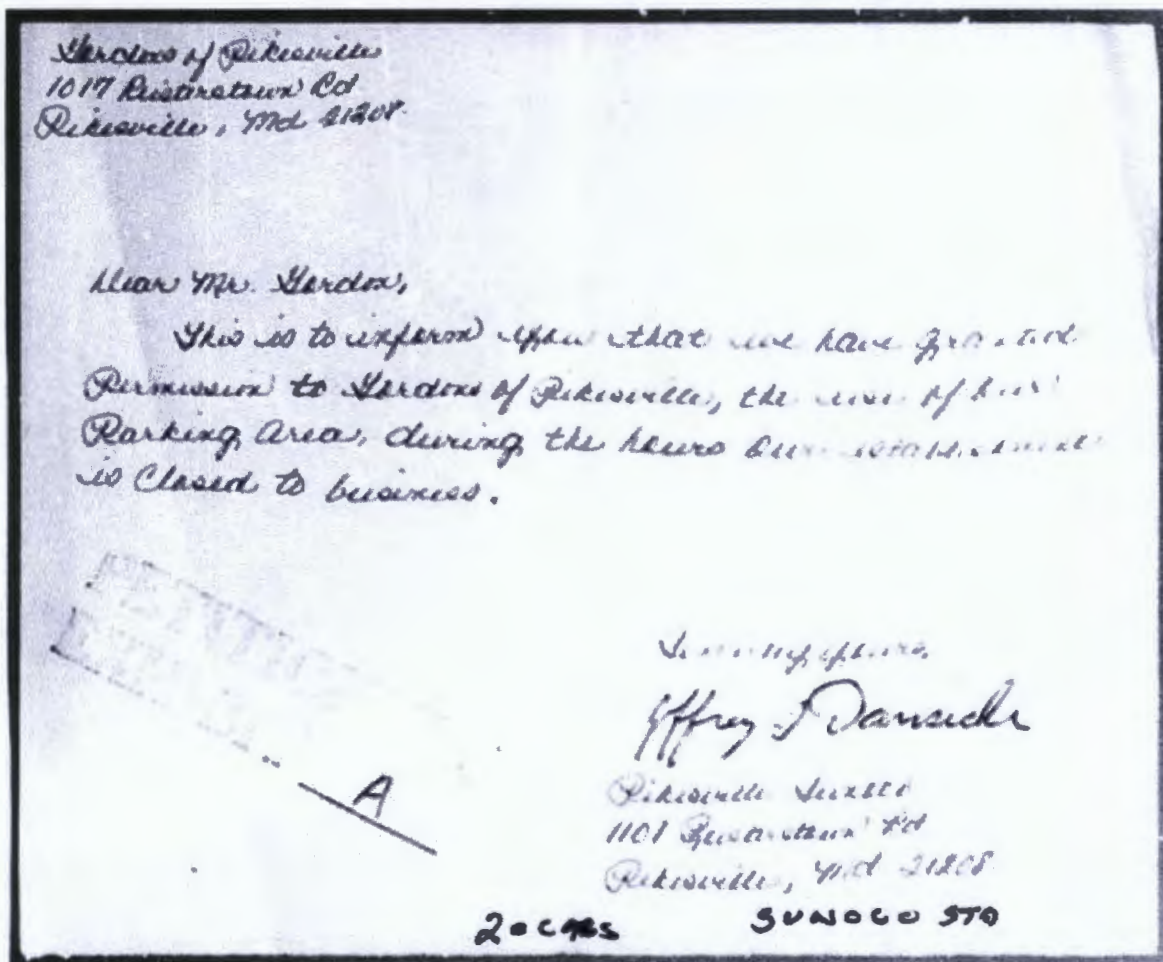
Jeffrey L. Dansicker, Proprietor

Pikesville Sunoco

Protestant's

Exhibit 3A

1976-0155, Gordon's of Orleans, 1017 Reisterstown Rd (Order issued 1 Apr 1976)
Granted 78 parking spaces in lieu of 105. Previous case had already granted 78 in lieu of 187.
Planning objected.
(This is the most recent zoning case found for this property.)



MEMORANDUM

DATE: July 1, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0172-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on June 30, 2015. 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

Debra Wiley

Debra Wiley
Friday, May 29, 2015 1:55 PM
County Council District 2
1101 Reisterstown Rd., Pikesville, MD (Case No. 2015-0172-SPHA)
2015-0172-SPHA Motion for Reconsideration.docx

From:
Sent:
To:
Subject:
Attachm

S.

Can you please find attached a copy of Judge Beverungen's decision in the above-referenced case.

Thanks.

From: Steve
Sent: Friday, May 29, 2015
To: John
Cc: Arnold
Subject: 1101 Reisterstown Rd., Pikesville, MD (Case No. 2015-0172-SPHA)

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Judge Beverungen

Councilwoman A
Pikesville, 21208.

Please let me know if it is possible to get it today.

Sincerely,

Steve

Steven M. Heintz, Esq.
Legislative Aide
Councilwoman Vicki Almond
410.887.3385
council2@baltimorecountymd.gov

Debra Wiley

From: Administrative Hearings
Sent: Friday, May 29, 2015 12:28 PM
To: Administrative Hearings
Subject: RE: 2015-0172-SPHA 1101 Reisterstown Road
Attachments: 2015-0172-SPHA Motion for Reconsideration.docx

Mr. Kaplow,

Please find attached a copy of Judge Beverungen's Order on Motion for Reconsideration. Please advise your client of same ASAP.

Thank you.

From: Administrative Hearings
Sent: Friday, May 29, 2015 7:31 AM
To: Stuart Kaplow
Subject: RE: 2015-0172-SPHA 1101 Reisterstown Road

Good Morning,

The Order will be worked on today however depending on the Judge's availability, it may not be signed until Monday as Judge Beverungen has a HOH today

Thanks.

From: Stuart Kaplow [<mailto:skaplow@stuartkaplow.com>]
Sent: Thursday, May 28, 2015 4:44 PM
To: Administrative Hearings
Subject: 2015-0172-SPHA 1101 Reisterstown Road

My apologies for the email, but I am travelling and wanted to inquire if an order had yet been signed in the Motion To reconsider in 2015-0172-SPHA 1101 Reisterstown Road?

Thank you, Stuart Kaplow

Stuart Kaplow, Esquire
Stuart D. Kaplow, P.A.
Sustainability & Green Real Estate Attorneys
Tel 410-339-3910
Fax 410-339-3912
15 East Chesapeake Avenue
Towson, Maryland USA 21286-5306
Email skaplow@stuartkaplow.com
Skype StuartKaplow
Web www.stuartkaplow.com
Twitter @StuartKaplow

Sign up for my green building law blog (to your email or RSS)
www.greenbuildinglawupdate.com

Text,EGREEN to 22828 to receive our eGreen Real Estate Briefs

ajhon Sustainable Systems Integrator
ajhon is a non law affiliate of our law firm
Web www.ajhon.com
ajhon is the Maasai warrior word for Green

It's OK to print this email. Paper is a biodegradable, renewable, sustainable product made in part from responsibly managed forests. Growing trees and making paper provides jobs for millions of Americans. We have more trees in America today than we had 100 years ago.

Virus scanned by McAfee Anti-Spam

Confidentiality Notice: This email may contain confidential information belonging to the sender, which may be legally privileged information. If you are not the intended recipient, please immediately respond to this email or telephone us.

Our law firm is constantly working to minimize our impact on the planet. We strive to offer our services in an ever more energy efficient and environmentally friendly fashion.

Debra Wiley

From: John E. Beverungen
Sent: Thursday, May 28, 2015 3:32 PM
To: Debra Wiley
Subject: 2015-172
Attachments: 2015-0172-SPHA Motion for Reconsideration.docx

I am attaching the final order. Send to attorney Kaplow and Michael Pierce. Thanks.

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE	MAY 15 2015
AND VARIANCE			
(1101 Reisterstown Road)	*	OFFICE OF	OFFICE OF ADMINISTRATIVE HEARINGS
3 rd Election District			
2 nd Council District	*	ADMINISTRATIVE HEARINGS	
Brezhnev, LLC, Owner			
GN Reisterstown, LLC, Contract Purchaser	*	Case No: 2015-0172-SPHA	

* * * * *

RESPONSE TO MOTION FOR RECONSIDERATION AND TO ALTER/ AMEND ORDER

Petitioner, GN Reisterstown, LLC, by its undersigned counsel requests that the Administrative Law Judge deny the Motion For Reconsideration and to Alter/ Amend Order, and for cause say:

1. Petitioner responds to the Motion as a motion filed pursuant to Rule K of the *Rules Of Practice And Procedure Before The Zoning Commissioner/ Hearing Office of Baltimore County*.

2. Rule L. provides in relevant part, "Proceedings before the Zoning Commissioner are quasi-judicial in nature. The Zoning Commissioner will not be bound by the technical rules of evidence," and in this instance when this matter came before the Office of Administrative Hearings for a public hearing such was conducted informally and all in the room were permitted to and did speak, including Michael Pierce, the protestant who filed this motion.

3. The Motion apparently challenges the whether the Administrative Law Judge interpreted and applied the correct principle of law with respect to the zoning Variances. As expressly noted in the Opinion and Order, to obtain Variance relief requires a showing that: the property is unique; and, if variance relief is denied, the Petitioner will experience a practical difficulty or hardship. The Judge expressly found substantial evidence, including the non refuted expert testimony of professional engineer Patrick Richardson, existed to support the relief requested for this adaptive reuse of an existing older commercial, BL zoned, building located on Reisterstown Road in the Pikesville Commercial Revitalization District.

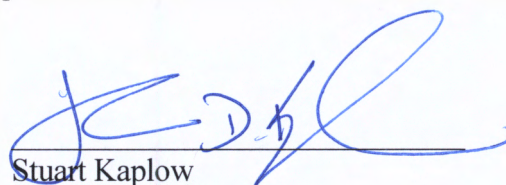
4. The Motion goes on in several enumerated averments to incorrectly attempt to exploit the fact that all conditions are existing and no new construction is proposed, including the existing drive isles and parking spaces, which includes the complained of existing handicapped parking space. The Special Hearing relief requested that the site plan submitted and accepted as Exhibit 1, be "the approved site plan" and such was, which was the proper zoning relief before the Administrative Law Judge. The averments of State and County law in the motion are not correct, including that the motion ignores (including even failing to acknowledge) the granted Special Hearing relief approving the site plan (depicting the existing conditions).

5. Additionally, the allegations in the Motion related to accessibility under the Americans with Disabilities Act and other laws are legally not correct and factually wrong. And while the evidence described that handicapped seating will be provided within the very limited seating in the carry out Dunkin' Donuts this is principally a 'drive thru' business (using the existing drive thru window) and persons with disabilities are also likely (.. if not more likely than the public at large) to drive thru.

6. Moreover, Mr. Pierce does not have standing to pursue this motion. He admits he lives in Kingsville, Maryland, many miles from this site. And while his motion says "acting as an individual and on behalf of the Pikesville Communities Corporation" such is not consistent with his testimony at the hearing where he said he was the executive director of that group, but that the group had not determined to oppose the Petition and as such he spoke at the hearing for himself. As made clear in the recent decision in Anne Arundel County, Maryland v. Bell, No. 29, Sept. Term, 2014 (filed Apr. 21, 2015), protestants who are "generally aggrieved" and do not have standing. A protestant is prima facie aggrieved "when his proximity makes him an adjoining, confronting, or nearby property owner." That category of prima facie aggrieved protestants has been found in Maryland cases to apply only to those who have lived between 200 to 1000 feet away from the subject property, although there is no bright-line rule delineating such boundaries. Here there is not even an allegation that Mr. Peirce or even the non protesting corporation are specially aggrieved.

7. And finally, the Motion ignores that Nilkanth Patel, the principal of the Petitioner entity is a Baltimore County resident and owner/ operator of two existing Dunkin' Donuts businesses within a mile of this site, who is a contract purchaser the subject property, testified without any contrary evidence being offered, that the existing building and hardscape are suitable for the planned Dunkin' Donuts drive thru restaurant.

WHEREFORE, the Petitioner respectfully requests that the Motion be denied.

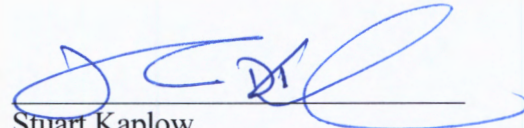


Stuart Kaplow
Stuart D. Kaplow, P.A.
15 East Chesapeake Avenue
Towson, Maryland 21286
(410) 339-3910
skaplow@stuartkaplow.com
Attorney for GN Reisterstown, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15 day of May, 2015, a copy of the foregoing Response To Motion was mailed first class, postage prepaid to:

Michael A. Pierce
7448 Bradshaw Road
Kingsville, MD 21087


Stuart Kaplow

RECEIVED

MAY 13 2015

IN RE: PETITION FOR VARIANCE
(1101 Reisterstown Rd)
3rd Election District
2nd Councilmanic District

OFFICE OF ADMINISTRATIVE HEARINGS

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Brezhnev, LLC, owner
GN Reisterstown, LLC, Contract purchaser

Case No: 2015-0172-SPHA

**MOTION FOR RECONSIDERATION
AND TO ALTER/AMEND ORDER**

Michael A. Pierce, protestant in the subject case, acting both as an individual and on behalf of the Pikesville Communities Corporation, in accordance with the *Code of Baltimore County Regulations* Title 2, Chapter 1, Part 1, Rule 4K, hereby moves that the *Opinion and Order* of the Administrative Law Judge ("ALJ"), dated 15 April 2015, be reconsidered, altered, and/or amended. In support of its request, the requestor states as follows:

1. The ALJ for Baltimore County granted the requested variance relief for 5 parking spaces in lieu of the required 14, although there was no testimony showing how the shortage would be alleviated other than that employees would park elsewhere.
2. The property was determined to be "unique" due to it being "irregular shape". There are many irregular shaped properties in the area. The finding of uniqueness is unsupported by the facts.
3. It was determined that not granting a variance would be a "practical difficulty" for the owner, as "only a furniture store" could be operated without one. In fact, several other uses are possible with less of a variance than that which was granted. An examination of the property indicates that nearly fourteen fully accessible parking spaces would fit if there were no drive-through. No one is forcing the intended purchaser to attempt to fit a Dunkin Donuts with a drive-through on this site. Further, the property is the same shape (and size) as it was when the current owner, Brezhnev, LLC, purchased it in 2006, well after the present parking requirements were enacted.
4. During testimony, it was established that access to the single handicapped parking space would require a driver to first wait in the line for the order window. Likewise, access to the other single parking space near the north-most corner of the property would also be only through the order line.
5. Baltimore County Zoning Regulations, at §409.10.B, state that "the drive-through lane ... shall not block entry to or exit from off-street parking spaces otherwise required on the site." Thus, the plan shows only 3 usable parking spaces.
6. The Code of Maryland Regulations ("COMAR") at 05.02.02.05.B(1) states that "accessible means a site, building, facility, or portion of them that complies with these regulations and that can be approached, entered, and used by individuals with disabilities", where "facilities" includes "parking lots". At 05.02.02.07.C, it requires that facilities "shall comply with" the 2010 ADA Standards in 28 CFR Part 36, Subpart D, and the 2004 ADAAG at 36 CFR Part 1191, Appendices B and D. These require "accessible parking spaces" for persons with disabilities and that "access aisles shall adjoin an accessible route".

While the testimony concerning expected traffic problems on Reisterstown Road was considered and rejected, the requirements for "accessible" handicapped parking and usable spaces in general were not given sufficient weight in approving the site plan.

FOR THE FOREGOING REASONS, the undersigned respectfully requests that the ALJ reconsider and deny the relief granted in the Order issued 15 April 2015.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael A. Pierce". The signature is written in dark ink and is positioned above the printed contact information.

Michael A. Pierce
7448 Bradshaw Rd
Kingsville, MD 21087
410.817.4795
410.599.2643
mpierce1@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2015, a copy of the foregoing Motion for Reconsideration was hand-delivered to the following:

Peter Max Zimmerman, People's Counsel for Baltimore County

Stuart D Kaplow, 15 e Chesapeake Ave



Michael A. Pierce

Sherry Nuffer

From: John E. Beverungen
Sent: Tuesday, May 26, 2015 10:34 AM
To: Steven M. Heint
Cc: Sherry Nuffer
Subject: RE: 1101 Reisterstown Road, Pikesville, 21208
Attachments: 2015-0172-SPHA.docx

Steve,

I was out of the office last week on vacation. I have attached a copy of the order in that case. The community association has filed a motion for reconsideration, and the petitioner will file its opposition this week. When I send out the order on the motion for reconsideration I will copy you.

John.

From: Steven M. Heint
Sent: Friday, May 15, 2015 11:00 AM
To: John E. Beverungen
Cc: Arnold Jablon; Carl Richards Jr
Subject: 1101 Reisterstown Road, Pikesville, 21208

Judge Beverungen,

Councilwoman Almond requests a copy of any rulings that have recently occurred related to 1101 Reisterstown Road, Pikesville, 21208. This property has issues with parking, among other concerns.

Please let me know if you need anything else from me in order to fulfill this request. I will be in the office until 1 pm today.

Sincerely,

Steve

Steven M. Heint, Esq.
Legislative Aide
Councilwoman Vicki Almond
410.887.3385
council2@baltimorecountymd.gov

CASE NAME _____
CASE NUMBER 2015-172
DATE 4-10-2015

[illegible]

DATE _____

4-10-2019

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

Michael Pierce	7448 Bradshaw Rd	Kingsville MD 21087	MPIERCE@AOL.COM
Deane Rundell	608 Carysbrook Rd	Pikesville, MD 21208	ddrundell@gmail.com

CASE NO. 2015-0172-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
2/20/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
3/20/15	PLANNING (if not received, date e-mail sent _____)	Approve w/c
2/25/15	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: 3/19/15	
SIGN POSTING	Date: 3/21/15	by SSG Black
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: letters of support from Jessica Normington
of Asheville Chamber of Commerce and
Barry Nabozny

20150172
SPHA

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0319085050			
Owner Information					
Owner Name:	BREZHNEV LLC		Use:	COMMERCIAL	
			Principal Residence:	NO	
Mailing Address:	2714 OLD COURT RD BALTIMORE MD 21208-3415		Deed Reference:	/24412/ 00554	
Location & Structure Information					
Premises Address:	1101 REISTERSTOWN RD 0-0000		Legal Description:	1101 REISTERSTOWN RD ES 2182 N SLADE AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0078	0003	0806		0000	
Assessment Year:			Plat No: Plat Ref:		
2013					
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1978	3662			10,000 SF	16
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		RETAIL STORE			
Value Information					
	Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2014 As of 07/01/2015		
Land:	250,000	250,000			
Improvements	225,000	250,600			
Total:	475,000	500,600	492,067	500,600	
Preferential Land:	0			0	
Transfer Information					
Seller: CALVERT REALTY		Date: 09/01/2006	Price: \$672,500		
Type: ARMS LENGTH IMPROVED		Deed1: /24412/ 00554	Deed2:		
Seller: SUN OIL CO		Date: 07/13/1977	Price: \$71,250		
Type: ARMS LENGTH IMPROVED		Deed1: /05777/ 00274	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014	07/01/2015		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **03** Account Number: **0319085050**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please Wait. Loading... Please Wait.



JB 4-10-15
1:30 PM

March 23, 2015

Mr. Lawrence M. Stahl
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

RECEIVED

APR 01 2015

2015-072-SPHA new

OFFICE OF ADMINISTRATIVE HEARINGS

Re: 1101 Reisterstown Road, Case # 52-2313x and 55-3342-X (old codes)

Dear Lawrence M. Stahl,

The Pikesville Chamber of Commerce is very excited about Dunkin Donuts opening another location in the Pikesville market and supports their proposed project. We are also in support of their request for the parking variance.

The owner, well established in the Pikesville market continues to support the Pikesville community and in return, the Pikesville Chamber supports his expansion farther into Pikesville. The business community values his efforts in bringing jobs to the area and continuing to build Pikesville into a stronger community.

Sincerely,

A handwritten signature in cursive script that reads 'Jessica Normington'.

Jessica Normington
Executive Director
Pikesville Chamber of Commerce

Microsoft Access - [GeneralForm View: Form]

File Edit View Insert Format Records Tools Window Help

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

Attorney: [John Kapirow, 15 E Chesapeake Ave., Towson MD 21204]

Petition Reviewer: [JS] Petition Reviewer 2: [] Petition Filing Date: [02/12/2015]

Day of Week: [Friday] Hearing Date: [04/10/2015] Hearing Time: [1:30 PM] Hearing Location: [Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204]

Closing Date: [] Commissioner Hearing Continued From: [] Commissioner Hearing Rescheduled From: [] Formal Request For Hearing: []

Case Number: [0] [2015] [0172] [SPHA]

Petition Type # 1: [SPECIAL HEARING]

Petition Request # 1: [1. To approve the amendment of the approved site plans and orders, in cases 52-2313-X and 55-3342-X, such that the approved site plan will be the site plan that is the subject of this petition.]

Petition Type # 2: [VARIANCE]

Petition Request # 2: [1. To permit the existing 5 parking spaces in lieu of the required 14 spaces, in accordance with the site plan that is the subject of this petition.
2. This commercially improved BL zoned property within Pikesville Revitalization District that is the subject of prior approvals (i.e., all conditions are existing and no new construction is proposed).]

Petition Type # 3: []

Petition Request # 3: []

Petition Type # 4: []

Petition Request # 4: []

Find Record Next Record Previous Record Preview ZAC Agenda Public Hearings Admin Variances Open MS Word Exit Access Scanned Image

Record: [11] [1] [27584] [2] [27626] of 27626

Street Name: [] NUM: []

The Bay - W... The Bay - W... Inbox - dwile... AV 03-30-15... Microsoft Ac... 10:14 AM 4/1/2015

NB 4-10-15
1:30

Barry Nabozny
3517 Overbrook Road
Pikesville, MD 21208

March 26, 2015

Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

RECEIVED

MAR 30 2015

OFFICE OF ADMINISTRATIVE HEARINGS

VIA EMAIL: lstahl@baltimorecountymd.gov

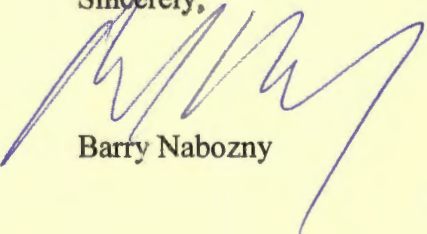
RE: Case Number: 2015-0172-SPHA
1101 Reisterstown Road
NE/s Reisterstown Road, 211 ft. SE intersection with Sudbrook Lane
3rd Election District – 2nd Councilman District
Legal Owners: Brezhnev, LLC
Contract Purchaser/Lessee: GN Reisterstown, LLC

Dear Judge Stahl,

I am writing to you in regards to the zoning relief request for the above referenced case. I'm a real estate broker as well as a resident in the Pikesville Community who frequents the Kosher Dunkin Donuts in Pikesville almost daily. Having Kosher Dunkin Donuts stores is an important amenity and asset for the community. As a real estate broker, I drive my clients around the community so they are aware of all the amenities that are available to them in the area. Having multiple, conveniently located Kosher Dunkin Donuts within the community is a great benefit to those who live or travel in this area. Therefore, I would strongly urge you to grant the zoning relief that has been requested in the case of 2015-0172-SPHA.

If you have any questions please feel free to contact me at (410) 977-7600.

Sincerely,


Barry Nabozny

Debra Wiley

From: Lawrence Stahl
Sent: Thursday, March 26, 2015 3:15 PM
To: Debra Wiley *0172*
Subject: FW: Case Number: 2015-0772-SPHA
Attachments: SKMBT_C25315032612420.pdf

From: Barry Nabozny [mailto:barryn@rpasells.com]
Sent: Thursday, March 26, 2015 12:57 PM
To: Lawrence Stahl
Subject: Case Number: 2015-0772-SPHA

Dear Judge Stahl,

Please accept this letter in regards to the zoning relief requested in case number: 2015-0772-SPHA.

Sincerely,

Barry Nabozny
Remax Premier Associates
1517 Reisterstown Road
Baltimore, MD 21208
barryn@rpasells.com
410.581.1000
410.486.0547 Fax
410.977.7600 Cell

Barry Nabozny
3517 Overbrook Road
Pikesville, MD 21208

March 26, 2015

Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

VIA EMAIL: lstahl@baltimorecountymd.gov

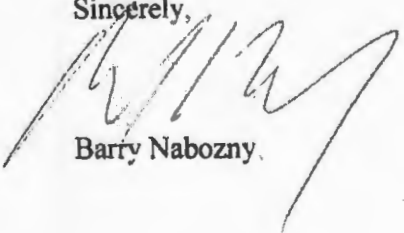
RE: Case Number: 2015-⁰¹⁷²~~0772~~-SPHA
1101 Reisterstown Road
NE/s Reisterstown Road, 211 ft. SE intersection with Sudbrook Lane
3rd Election District – 2nd Councilman District
Legal Owners: Brezhnev, LLC
Contract Purchaser/Lessee: GN Reisterstown, LLC

Dear Judge Stahl,

I am writing to you in regards to the zoning relief request for the above referenced case. I'm a real estate broker as well as a resident in the Pikesville Community who frequents the Kosher Dunkin Donuts in Pikesville almost daily. Having Kosher Dunkin Donuts stores is an important amenity and asset for the community. As a real estate broker, I drive my clients around the community so they are aware of all the amenities that are available to them in the area. Having multiple, conveniently located Kosher Dunkin Donuts within the community is a great benefit to those who live or travel in this area. Therefore, I would strongly urge you to grant the zoning relief that has been requested in the case of 2015-0172-SPHA.

If you have any questions please feel free to contact me at (410) 977-7600.

Sincerely,


Barry Nabozny



KEVIN KAMENETZ
County Executive

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

April 1, 2015

Brezhnev LLC
2714 Old Court Road
Baltimore MD 21208

RE: Case Number: 2015-0172 SPHA, Address: 1101 Reisterstown Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 12, 2015. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Stuart D. Kaplow, Esquire, 15 East Chesapeake Avenue, Towson MD 21286
GN Reisterstown LLC, 512 Timber Springs Court, Reisterstown MD 21136
Patrick C Richardson Jr PE, 30 E Padonia Avenue, Suite 500, Timonium MD 21093

Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/25/15

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

RE: Baltimore County
Item No. 0-2015-0172-SPHA
Special Hearing Variance
Brezhnev, LLC
1101 Reisterstown Road.
MD140

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 2/23/15. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 0-2015-0172-SPHA.

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 dark ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

4/10

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: March 20, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1101 Reisterstown Road

INFORMATION:

Item Number: 15-172 (Amended)

Petitioner: Kenneth O. Robinson

Zoning: BL

Requested Action: Special Hearing, Variance

RECEIVED

MAR 20 2015

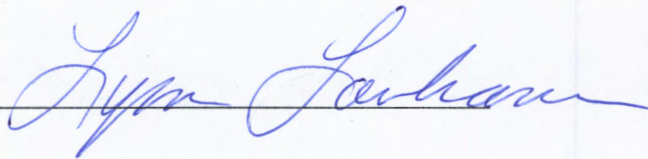
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

1. The Department of Planning has reviewed the Petition and accompanying site plan for Special Hearing and Variance to approve the amendment of the approved site plan and to permit the existing 5 parking spaces in lieu of the required 14 spaces. The Department recommends approval of this request.
2. The project fulfills the purpose of the Commercial Revitalization efforts by adaptively reusing a vacant property in the Pikesville's commercial corridor. The Department requests landscaping be provided in the permeable areas along the site frontage with Reisterstown Road and adjacent to the property to the south; pursuant to Condition A of the Baltimore County Landscape Manual and subject to the approval of the Baltimore County Landscape Architect.

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

Project Planner:
AVA/LTM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1101 Reisterstown Road

RECEIVED

INFORMATION:

MAR 11 2015

Item Number: 15-172

Petitioner: Kenneth O. Robinson

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BL

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

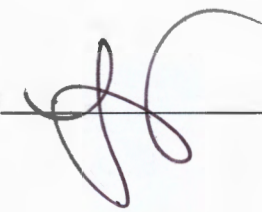
The Department of Planning has reviewed the Petition and accompanying site plan for Special Hearing and Variance to approve the amendment of the approved site plans and to permit existing 5 parking spaces in lieu of the required 14 spaces. The Department recommends approval subject to the following:

1. The subject site is located within the Pikesville Design Review Area. The proposal is not subject to formal review by the Design Review Panel (DRP). However, Planning staff will administratively review the proposal following DRP guidelines prior to building permit approval.
 - Submit architectural elevations for all building facades to include a material list and color palette.
 - Submit a sign package to include materials, colors and dimensions.

All materials should be submitted to Ms. Jenifer Nugent of this Department.

2. The Department of Planning recommends that landscaping be provided in the permeable areas along the site frontage with Reisterstown Road pursuant to Condition A of the Baltimore County Landscape Manual and subject to the approval of the Baltimore County Landscape Architect.

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

Project Planner: 
AVA/LTM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 2, 2015
Item No. 2015-0172

DATE: March 9, 2015

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

See comments dated February 20, 2015.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0172-03022015.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 20, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1101 Reisterstown Road

INFORMATION:

Item Number: 15-172 (Amended)

Petitioner: Kenneth O. Robinson

Zoning: BL

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

1. The Department of Planning has reviewed the Petition and accompanying site plan for Special Hearing and Variance to approve the amendment of the approved site plan and to permit the existing 5 parking spaces in lieu of the required 14 spaces. The Department recommends approval of this request.
2. The project fulfills the purpose of the Commercial Revitalization efforts by adaptively reusing a vacant property in the Pikesville's commercial corridor. The Department requests landscaping be provided in the permeable areas along the site frontage with Reisterstown Road and adjacent to the property to the south; pursuant to Condition A of the Baltimore County Landscape Manual and subject to the approval of the Baltimore County Landscape Architect.

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

Project Planner:
AVA/LTM



Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/18/15

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

RE: Baltimore County
Item No. 2015-0172-SPHA
Special Hearing Variance

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 2/18/15. A field inspection and internal review reveals that an entrance onto MD 140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2015-0172-SPHA.

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 "Richard Zeller", is written over a blue rectangular stamp. The stamp contains the text "Steven D. Foster, Chief/ Development Manager Access Management Division".
Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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 February 23, 2015
Item No. 2015-0172

DATE: February 20, 2015

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

The existing planting islands along Reistertown Road should remain. A landscape plan is required.

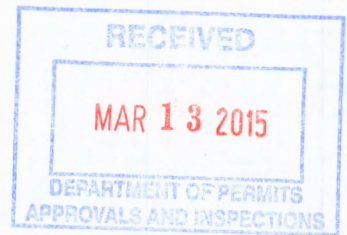
* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0172-02232015.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



3/17/15
WCA

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

DATE: March 4, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1101 Reisterstown Road

INFORMATION:

Item Number: 15-172

Petitioner: Kenneth O. Robinson

Zoning: BL

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition and accompanying site plan for Special Hearing and Variance to approve the amendment of the approved site plans and to permit existing 5 parking spaces in lieu of the required 14 spaces. The Department recommends approval subject to the following:

1. The subject site is located within the Pikesville Design Review Area. The proposal is not subject to formal review by the Design Review Panel (DRP). However, Planning staff will administratively review the proposal following DRP guidelines prior to building permit approval.
 - Submit architectural elevations for all building facades to include a material list and color palette.
 - Submit a sign package to include materials, colors and dimensions.

All materials should be submitted to Ms. Jenifer Nugent of this Department.

2. The Department of Planning recommends that landscaping be provided in the permeable areas along the site frontage with Reisterstown Road pursuant to Condition A of the Baltimore County Landscape Manual and subject to the approval of the Baltimore County Landscape Architect.

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

Project Planner:
AVA/LTM

A handwritten signature in black ink, appearing to be "AVA", written over a horizontal line.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3125467

Sold To:

GN Reisterstown LLC - CU00429132
512 Timber Springs Ct
Reisterstown, MD 21136

Bill To:

GN Reisterstown LLC - CU00429132
512 Timber Springs Ct
Reisterstown, MD 21136

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 19, 2015

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

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: # 2015-0172-SPHA
1101 Reisterstown Road
NE/s Reisterstown Road, 211 ft. SE intersection with Sudbrook Lane
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Brezhnev, LLC
Contract Purchaser/Lessee: GN Reisterstown, LLC

Special Hearing: to approve the amendment of the approved site plans and order, in cases 52-2313-X and 55-3342-X, such that the approved site plan will be the site plan that is the subject of this petition.

Variance: to permit the existing 5 parking spaces in lieu of the required 14 spaces, in accordance with the site plan that is the subject of this petition; this commercially improved BL zoned property within Pikesville Revitalization District that is the subject of prior approvals (i.e. all conditions are existing and no new construction is proposed).

Hearing: Friday, April 10, 2015 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.

3/23/2015 March 19 3125467

CERTIFICATE OF POSTING

2015-0172-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Brezhnev, LLC.
GN Reisterstown, LLC.

April 10, 2015
Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
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: _____

1101 Reisterstown Rd

March 21, 2015

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



Sincerely,

March 21, 2015

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

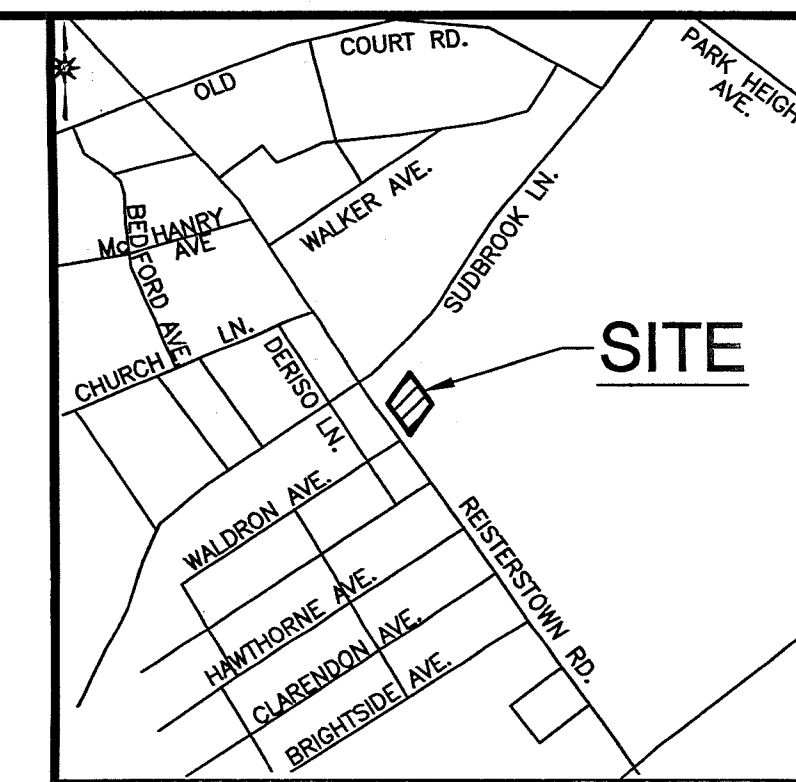
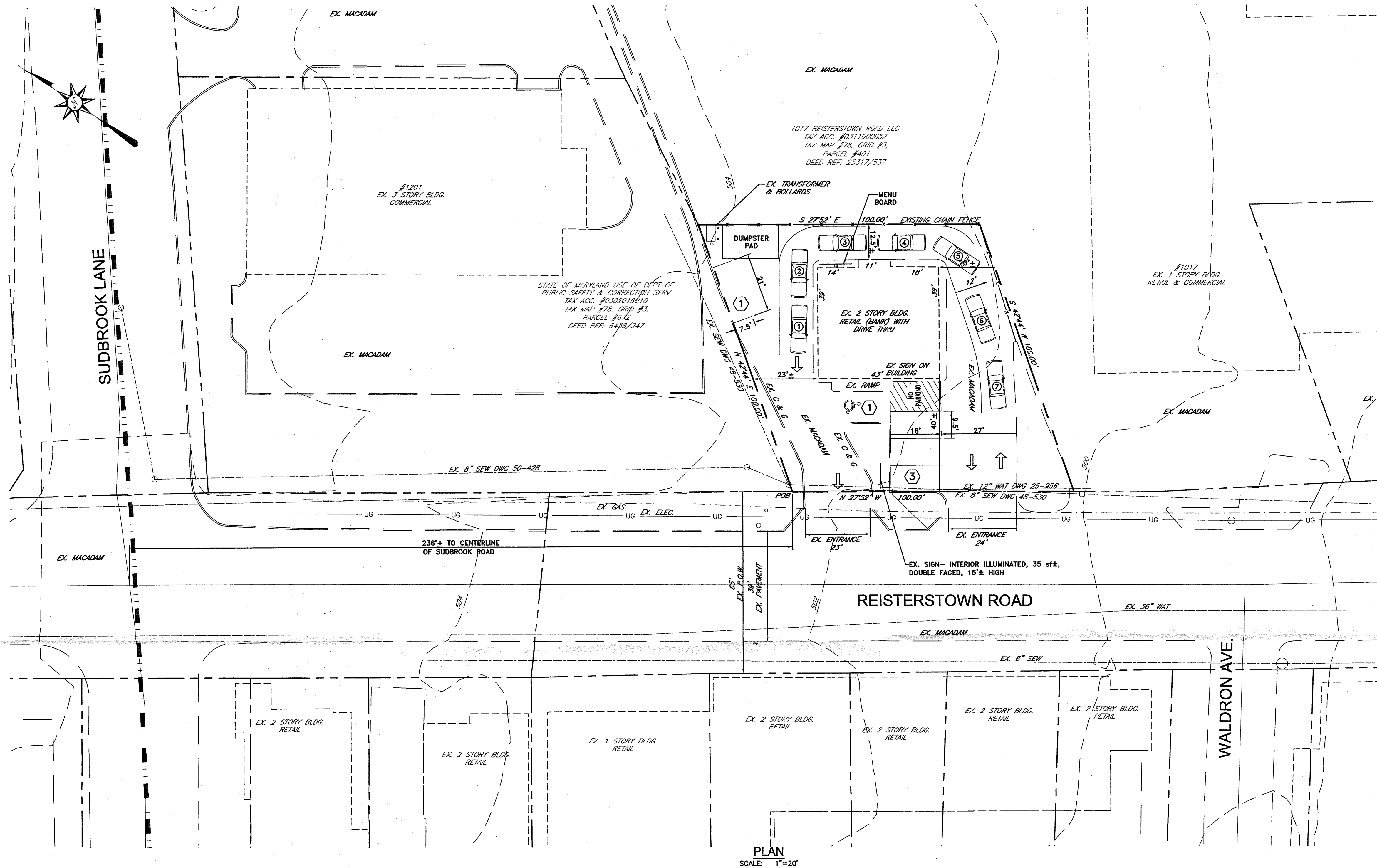
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: BREZHNEV LLC
2714 OLD COURT RD.
BALTIMORE, MARYLAND 21208-3415
- CONTRACT PURCHASER: GN REISTERSTOWN, LLC
512 TIMBER SPRINGS CT.
REISTERSTOWN, MD 21136
443 846 4822
- SITE AREA:
GROSS 13,000 SF or 0.30 Ac.±
NET 10,000 SF or 0.23 Ac.±
- BUILDING AREA:
EXISTING 1,577 SF/ FLOOR = 3,354 SF
- BUILDING USE: EXISTING BANK WITH DRIVE THRU
PROPOSED CARRY OUT RESTAURANT WITH DRIVE THRU
- UTILITIES: PUBLIC WATER & SEWER
- SITE DOES NOT LIE WITHIN THE 100YR FLOODPLAIN (FIRM) PANEL #2400100380F PANEL 380 OF 580 DATED SEPTEMBER 26, 2006.
- PARKING CALCULATIONS:
REQUIRED: 1ST FLOOR 1,677 @ 5 SPACES PER 1,000 SF = 9 SPACES
2ND FLOOR OFFICE 1,677 @ 3.3 SPACES PER 1,000 SF = 6 SPACES
PROVIDED (EXISTING) 5
SPACES (1 HANDICAPPED & 4 REGULAR)
- ZONING: BL (PER 1"=200' ZONING MAP 078B1)
- SETBACKS FOR BL:

	REQUIRED	PROVIDED
FRONT	10	40
SIDE	10	20
REAR	0	12
- DEED REF: 24412/554
- TAX ACCOUNT: 0319085050
- COUNCELMANIC DISTRICT: 2nd
- REGIONAL PLANNING DISTRICT: 313
- CENSUS TRACT: 403400
- WATERSHED: JONES FALLS
- TAX MAP #78, GRID #3, PARCEL #806
- PREVIOUS ZONING CASES:
1955-3342-X
PETITION FOR SPECIAL PERMIT FOR INSTALLATION OF DOUBLE FACE PLASTIC-ILLUMINATED 7'-0" DIAMETER CIRCLE SIGN ON PEDESTAL TYPE POLE GRANTED FEBRUARY 25, 1955.
1952-2313-X
PETITION FOR SPECIAL PERMIT TO ERECT A TEMPORARY ADVERTISING STRUCTURE GRANTED JULY 23, 1952.
- THERE ARE NO PREVIOUS DRC OR CRG'S ON FILE.
- THERE ARE NO PREVIOUS PERMITS ON FILE.
- FLOOR AREA RATIO FOR BL:
MAXIMUM PERMITTED: 3.0
EXISTING: 3,354/10,000=0.34
- FREE STANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR.
- BASIC SERVICES MAP (2014)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	N
- NO KNOWN HAZARDOUS MATERIALS ONSITE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY IS NOT HISTORIC.
- ALL CONDITIONS ARE EXISTING AND NO NEW CONSTRUCTION IS PROPOSED

PLAN
SCALE: 1"=20'

Richardson Engineering, LLC

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

PLAT TO ACCOMPANY ZONING PETITION
FOR

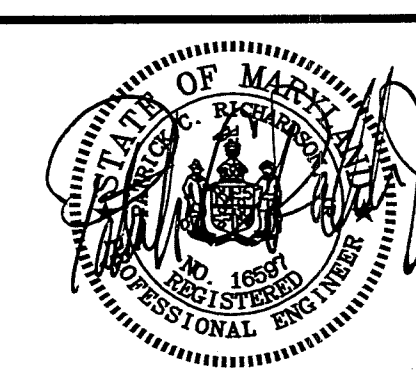
DUNKIN' BRANDS

1101 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21208

3RD ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
PETITIONER'S	CLB	CLB	1" = 20'
EXHIBIT NO. 1	DATE:	JOB NO.:	SHEET NO.:
	2/6/15	15005	1 OF 1



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