

MEMORANDUM

DATE: February 2, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0085-XA- Appeal Period Expired

The appeal period for the above-referenced case expired on February 1, 2016. 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

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(10100 Liberty Road)**

2nd Election District

4th Council District

Lucille Widerman

Legal Owner

Makia Properties, LLC

Contract Purchaser

Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
*
* FOR BALTIMORE COUNTY
*
*
*
* Case No. 2016-0085-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 10100 Liberty Road. The Petitions were filed on behalf of Lucille Widerman, legal owner, and Makia Properties, LLC, contract purchaser of the subject property ("Petitioners"). The Special Exception Petition per Baltimore County Zoning Regulations (B.C.Z.R.) §236.2 seeks to use the herein described property for a used motor vehicle outdoor sales area. The Petition for Variance seeks to permit a side building setback of 27 ft. in lieu of the required 30 ft., and, if necessary, a front building setback of 20 ft. in lieu of the required 25 ft. As filed, the Petition sought relief to permit a 22 ft. front building setback, although the request was amended to 20 ft. at the hearing. The Petition was amended accordingly and was initialed by the undersigned. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit No. 1A.

Appearing at the hearing in support of the petitions was James Makia, Ken Colbert, Tom Ratcliffe and Doug Burgess, Esq., who appeared on behalf of the legal owner. Adam Rosenblatt, Esq. represented the contract purchaser. The Petition was advertised and posted as required by the

ORDER RECEIVED FOR FILING

Date 12/31/15

By Sen

B.C.Z.R. No protestants or interested citizens attended the hearing. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the requests, and their proposed conditions will be included in the Order below.

The subject property is approximately 4.39 acres and is zoned B.R. (Business Roadside). For more than 50 years a recreational vehicle sales and service facility was operated at the property. That business is winding down, and Makia Properties, LLC plans to purchase the property and operate a used motor vehicle sales facility. A special exception is required for that use in the B.R. zone, and the setback variances both concern the existing commercial building on the site, which was constructed in 1961.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

There was no testimony or evidence in this case which would indicate the use would have a detrimental impact upon the community. Indeed, Ken Colbert, a professional engineer accepted as an expert, opined the Petitioners satisfied B.C.Z.R. §502.1, and I concur.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate

ORDER RECEIVED FOR FILING

2 Date 12/31/15

By sln

- variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. As shown on the site plan, the property has an irregular shape and is constrained by long-existing site conditions. As such the property is unique. If the B.C.Z.R. were strictly interpreted Petitioners would suffer a practical difficulty, since they would be required to raze or substantially modify the commercial building which has existed at this location for over 50 years. 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. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 31st day of December, 2015, that the Petition for Special Exception pursuant to B.C.Z.R. §236.2 to use the herein described property for a used motor vehicle outdoor sales area, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building setback of 27 ft. in lieu of the required 30 ft., and a front building setback of 20 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

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 its 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.

ORDER RECEIVED FOR FILING

Date 12/31/15

By sln

2. Prior to issuance of permits Petitioners must submit for approval by Baltimore County landscape and lighting plans for the property.
3. All drive aisles and off street parking spaces must be provided with a durable and dustless surface.

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



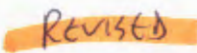
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 12/31/15

By sen

By SLH

REVISED

Petition for Zoning Hearing Attachment

Signature Page

10100 Liberty Road Property - Tax Account 0223500441

Baltimore County, Maryland

LEGAL OWNER:

Lucille V. Widerman

By: Douglas E. Burgess, Esq., Attorney for Legal Owner

WITNESS:

Seller:

CPH

Lucille V. Widerman (Seal)

Lucille V. Widerman

CPH

J. C. Chanoski (Seal)

John C. Chanoski, Trustee
of the Widerman Family Trust

CPH

Lucille V. Widerman (Seal)

Lucille V. Widerman, Trustee
of the Widerman Family Trust

Douglas E. Burgess, Esq.

502 Washington Avenue, Suite 700

Towson, Maryland 21204

2016-0085-XA

REVISED

10100 Liberty Road
Baltimore County, Maryland

A Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a used motor vehicle outdoor sales area per BCZR Section 236.2 (Special Exception uses in the B.R. Zone).

A Variance from Section 238 of the Zoning Regulations of Baltimore County to permit a side building setback of 27 feet in lieu of the required 30 feet, and, if necessary, a front building setback of ~~22~~ ²⁰ feet in lieu of the required 25 feet,

and to grant other relief as deemed necessary by the Administrative Law Judge.

2016-0085-XA

Petition for Zoning Hearing Attachment

10100 Liberty Road

Baltimore County, Maryland

A Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a used motor vehicle outdoor sales area per BCZR Section 236.2 (Special Exception uses in the B.R. Zone).

Petition for Zoning Hearing Attachment

Signature Page

10100 Liberty Road Property - Tax Account 0223500441

Baltimore County, Maryland

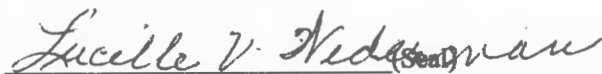
LEGAL OWNER:

Lucille V. Widerman

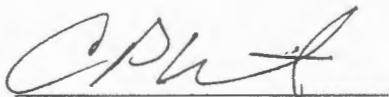
By: Douglas E. Burgess, Esq., Attorney for Legal Owner

WITNESS:

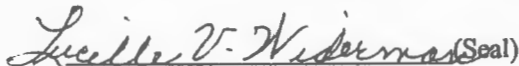
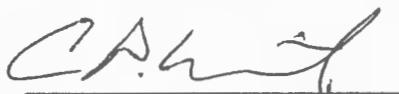
Seller:



Lucille V. Widerman



John C. Chanoski, Trustee
of the Widerman Family Trust



Lucille V. Widerman, Trustee
of the Widerman Family Trust

Douglas E. Burgess, Esq.

502 Washington Avenue, Suite 700

Towson, Maryland 21204

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



REVISED

**Zoning Description
10100 Liberty Road
Baltimore County, Maryland
Tax Account 0211152270 & Tax Account 0223500441**

Beginning at a point in Liberty Road which is 66 feet wide at a distance of 283 feet, more or less, southeast of the centerline of the nearest improved intersecting street, Travancore Court, which is 40 feet wide. Thence the following courses and distances:

N 30° 47' 01" E 250.00 ft.,
N 56° 38' 59" W 65.00 ft.,
N 30° 47' 01" E 233.75 ft.,
S 31° 04' 59" E 637.30 ft.,
S 00° 43' 29" W 247.50 ft.,
N 56° 37' 48" W 621.67 ft.,

To the point of beginning. Being Parcel 321 as described in Deed Liber 4844 Folio 581, and Parcel 91 being the second parcel as described in Deed Liber 32576 Folio 259, on Tax Map 66, containing a total of 191,247 square feet or 4.39 acres, more or less. Also known as 10100 Liberty Road and located in the 2nd Election District and 4th Councilmanic District.

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 No. 13203

Expiration Date: 11/02/2016



2016-0085-XA

Dec 1, 2015

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

No. **128775**

Date: **10/2/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DPM
 10/05/2015 10/02/2015 11:23:58 2

REG 0002 MAIL JEVA JEE
 RECEIPT # 241906 9/30/2015 OFLN

Dept 5 528 ZONING VERIFICATION

CF NO. 128775

Receipt Tot \$500.00
 \$500.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	506	0000		615				500.00

Total: **500.00**

Rec From: **EXCLUSIVE MOTOR CARS LLC**

For: **10100 LIBERTY RD**
CASE # 2016-0085-X

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



THE BALTIMORE SUN MEDIA GROUP

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 3803786

Sold To:

Makia Properties LLC - CU00508004
4660 Reisterstown Rd
Baltimore, MD 21215-6227

Bill To:

Makia Properties LLC - CU00508004
4660 Reisterstown Rd
Baltimore, MD 21215-6227

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

Dec 08, 2015

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: # 2016-0085-XA
10100 Liberty Road
N/s Liberty Road, 283 ft. SE of centerline of Travancore Court
2nd Election District - 4th Councilmanic District
Legal Owner(s) Lucille Wideman
Contract Purchaser(s): Makia Properties, LLC

Special Exception: to use herein described property for a used motor vehicle outdoor sales area.

Variance: to permit a side building setback of 27 feet in lieu of the required 30 feet, and if necessary, a front building setback of 22 feet in lieu of the required 25 feet, and to grant other relief as deemed necessary by the Administrative Law Judge.

Hearing: Tuesday, December 29, 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.

IT 12/709 December 8 3803786

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/10/2015

Case Number: 2016-0085-XA

Petitioner / Developer: COLBERT, MATZ & ROSENFELT, INC. ~
ADAM ROSENBLATT, ESQ. ~ JAMES MAKIA

Date of Hearing (Closing): DECEMBER 29, 2015

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
10100 LIBERTY ROAD

The sign(s) were posted on: DECEMBER 9, 2015



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

December 3, 2015

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: 2016-0085-XA

10100 Liberty Road

N/s Liberty Road, 283 ft. SE of centerline of Travancore Court

2nd Election District – 4th Councilmanic District

Legal Owners: Lucille Widerman

Contract Purchaser: Makia Properties, LLC

Special Exception to use herein described property for a used motor vehicle outdoor sales area. Variance to permit a side building setback of 27 feet in lieu of the required 30 feet, and if necessary, a front building setback of 22 feet in lieu of the required 25 feet, and to grant other relief as deemed necessary by the Administrative Law Judge.

Hearing: Tuesday, December 29, 2015 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: Neil Levy, 400 Redland Court, Ste. 110, Owings Mills 21117
James Makia, 4660 Reisterstown Road, Baltimore 21215

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY WEDNESDAY, DECEMBER 9, 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
Tuesday, December 8, 2015 Issue - Jeffersonian

Please forward billing to:

Makia Properties, LLC
Attn. James Makia
4660 Reisterstown Road
Baltimore, MD

443-527-1757

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: 2016-0085-XA

10100 Liberty Road

N/s Liberty Road, 283 ft. SE of centerline of Travancore Court

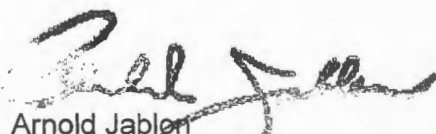
2nd Election District – 4th Councilmanic District

Legal Owners: Lucille Wideman

Contract Purchaser: Makia Properties, LLC

Special Exception to use herein described property for a used motor vehicle outdoor sales area. Variance to permit a side building setback of 27 feet in lieu of the required 30 feet, and if necessary, a front building setback of 22 feet in lieu of the required 25 feet, and to grant other relief as deemed necessary by the Administrative Law Judge.

Hearing: Tuesday, December 29, 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 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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: December 28, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-085 (Revised)

RECEIVED

JAN 04 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 10100 Liberty Road
Petitioner: Lucille B. Wilderman
Zoning: BR, DR 3.5
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property for a used motor vehicle outdoor sales area and also the petition for a variance to permit a side building setback of 27 feet and front building setback of 22 feet in lieu of the required 30 feet and 25 feet respectively.

The Department has no objection to granting the petitioned request conditioned upon the following:

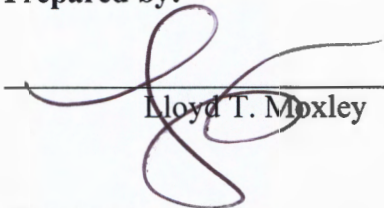
- Submit a landscape and lighting plan to the Baltimore County Landscape Architect for approval prior to the issuance of any required permits. Such a plan shall reflect the requirements of "Condition C" of the Baltimore County Landscape Manual to include vegetative screening along Liberty Road. Lighting shall be directional to avoid glare onto the adjacent residential properties.

Please be advised that all signage shall conform to the requirements of BCZR Section 450. That notwithstanding, the Department does not support the use of temporary outdoor advertising banners or commercial special event signs at this site.

The site plan is not clear on the future status of the retail sales of recreational vehicles. Through the hearing process, the applicants should demonstrate to the satisfaction of the Administrative Law Judge that the requested Special Exception use can meet the requirements of BCZR Section 502.1 when combined with the retail operation.

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

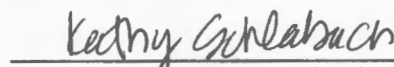
Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka

Division Chief:



Kathy Schlach

c: Troy Leftwich

Jeanette M. S. Tansey, R.L.A., Permits and Development Management

Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc.

Office of the Administrative Hearings

People's Counsel for Baltimore County

MAKIA PROP., LLC
CASE NAME 2015-0085-XA
CASE NUMBER 3
DATE 12/29/15

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12/8</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>G</u>
<u>12/9</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>10/28</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>12/10</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/8/15

SIGN POSTING

Date:

12/9/15

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

December 23, 2015

Lucille V Wilderman
10100 Liberty Road
Baltimore MD 21133

RE: Case Number: 2016-0085 X, Address: 10100 Liberty Road

Dear Ms. Wilderman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 1, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Makia Properties, LLC, James Makia, 4606 Reisterstown Road, Baltimore MD 21215
Neil M Levy, Esquire, 400 Redland Court, Suite 110, Owings Mills MD 21117
Richard E Matz P E, 2835 Smith Avenue, Suite G, Baltimore MD 21209

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/10/15

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

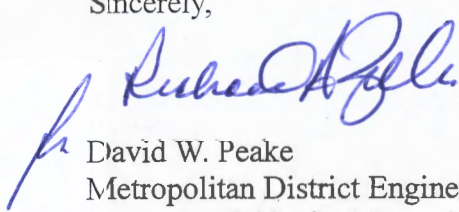
RE: Baltimore County
Item No. 2016-0085-X
Special Exception Variance
Lucille V. Widerman
10100 Liberty Road
MD26

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 12/7/15. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2016-0085-X.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,


David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

DEC 09 2015



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 9, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0085-X
Address 10100 Liberty Road
(Widerman Property)

Zoning Advisory Committee Meeting of December 7, 2015.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 12-9-2015

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 December 14, 2015
Item No. 2016-0085

DATE: December 8, 2015

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

As noted on plan, the drive aisles and parking spaces must be provided with a durable and dustless surface.

Landscape Plan approved by the County Landscape Architect is required.

Lighting Plan is also required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0085-12142015.doc

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/8/2015

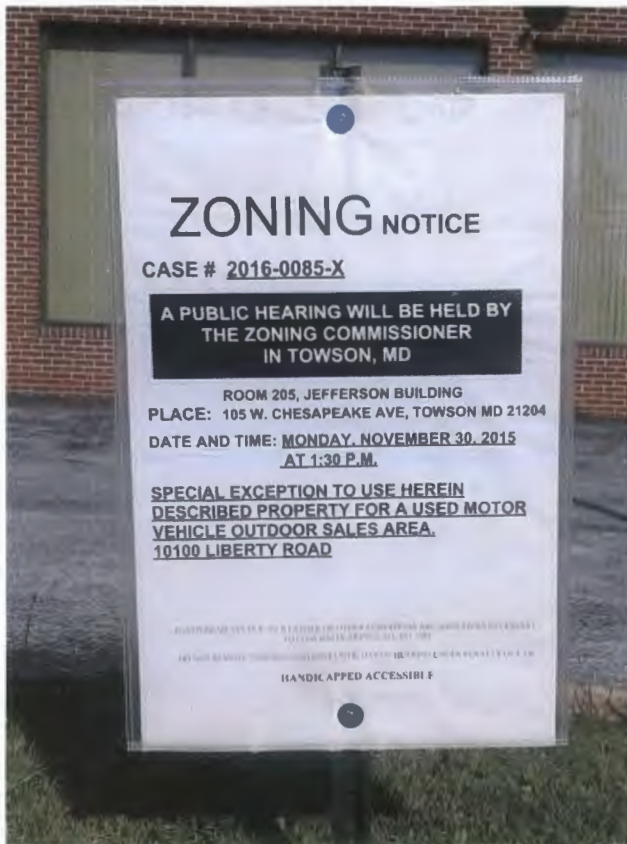
Case Number: 2016-0085-X

Petitioner / Developer: NEIL LEVY ~ JAMES MAKIA

Date of Hearing (Closing): NOVEMBER 30, 2015

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
10100 LIBERTY ROAD

The sign(s) were posted on: NOVEMBER 6, 2015



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

**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: 2016-0085-X

Petitioner: Makia Properties, LLC c/o James Makia

Address or Location: 10100 Liberty Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Makia Properties, LLC c/o James Makia

Address: 4660 Reisterstown Road

Baltimore, Maryland 21215

Telephone Number: 443-527-1757

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: 2016-0085-XA

Petitioner: Makia Properties, LLC c/o James Makia

Address or Location: 10100 Liberty Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Makia Properties, LLC c/o James Makia

Address: 4660 Reisterstown Road

Baltimore, Maryland 21215

Telephone Number: 443-527-1757



KEVIN KAMENETZ
County Executive

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

October 20, 2015

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: 2016-0085-X

10100 Liberty Road

N/s Liberty Road, 283 ft. SE of centerline of Travancore Court

2nd Election District – 4th Councilmanic District

Legal Owners: Lucille Widerman

Contract Purchaser: Makia Properties, LLC

Special Exception to use herein described property for a used motor vehicle outdoor sales area.

Hearing: Monday, November 30, 2015 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: Neil Levy, 400 Redland Court, Ste. 110, Owings Mills 21117
James Makia, 4660 Reisterstown Road, Baltimore 21215

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 10, 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
Tuesday, November 10, 2015 Issue - Jeffersonian

Please forward billing to:
Makia Properties, LLC
Attn. James Makia
4660 Reisterstown Road
Baltimore, MD

443-527-1757

NOTICE OF ZONING HEARING

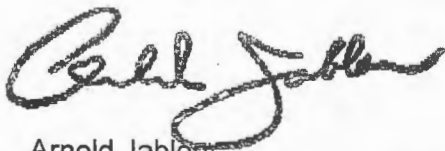
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N/s Liberty Road, 283 ft. SE of centerline of Travancore Court
2nd Election District – 4th Councilmanic District
Legal Owners: Lucille Wideman
Contract Purchaser: Makia Properties, LLC

Special Exception to use herein described property for a used motor vehicle outdoor sales area.

Hearing: Monday, November 30, 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

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RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
 10100 Liberty Road; N/S Liberty Road, *
 283' SE of the c/line Tranvancore Court * OF ADMINISTRATIVE
 2nd Election & 4th Councilmanic Districts *
 Legal Owner(s): Lucille Widerman * HEARINGS FOR
 Contract Purchaser(s): Makia Properties, LLC *
 Petitioner(s) * BALTIMORE COUNTY
 * 2016-085-X

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
 OCT 08 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October, 2015, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, P.E., 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209 and Neil M. Levy, Esquire, 400 Redland Court, Suite 110, Owings Mills, Maryland 21117, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Sherry Nuffer

Kristen

From: Debra Wiley
Sent: Wednesday, November 25, 2015 10:35 AM
To: Sherry Nuffer
Subject: FW: Case No. 2016-0085-X: Request for Postponement

From: John E. Beverungen
Sent: Wednesday, November 25, 2015 10:18 AM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Case No. 2016-0085-X: Request for Postponement

Mr. Rosenblatt,

Your request for postponement in the above case will be granted, but I would ask that you place a notice to that effect on the current sign to notify interested parties. In addition, if you are aware of any individual and/or community group that has expressed interest in the case, please also notify them directly of the postponement.

Thanks,

John Beverungen
ALJ

From: Rosenblatt, Adam M. [<mailto:AMRosenblatt@Venable.com>]
Sent: Tuesday, November 24, 2015 2:20 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Case No. 2015-195-X: Request for Postponement

Judge Beverungen,

I am writing to request a postponement of the hearing set for 1:00 p.m. on Monday November 30, 2015 in Case No. 2015-195-X. Unfortunately, while meeting to prepare for the hearing, we learned that a variance needs to be added to the petition for special exception that was filed. Accordingly, we will need to amend the petition and re-post/advertise the requested relief. On advice of Debbie Wiley, copied on this email, I am sending you this postponement request by email.

I apologize for making this request within a week of the scheduled hearing, but we cannot go forward with the plan unless the variance is added to the requested relief.

If you need any additional information please let me know,

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

Sherry Nuffer

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t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11/22</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>11/19</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>11/28</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>10/5</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>11/6/15</u>	by <u>O'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Guide to searching the database

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0223500441			
Owner Information					
Owner Name:		WIDERMAN CHARLES L JR WIDERMAN LUCILLE V		Use: Principal Residence:	COMMERCIAL NO
Mailing Address:		8424 MERRYMOUNT DR BALTIMORE MD 21244-2244		Deed Reference:	/04844/ 00581
Location & Structure Information					
Premises Address:		10100 LIBERTY RD 0-0000		Legal Description:	3.67 AC NEG LIBERTY 1400 W DEER PARK RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0066	0022	0320		0000	
				Assessment Year:	Plat No:
				2016	Plat Ref:
Special Tax Areas:				Town: Ad Valorem: Tax Class:	NONE
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1961		25200			3.6700 AC
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		AUTO CENTER			Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		320,100	320,100		
Improvements		541,700	541,700		
Total:		861,800	861,800	861,800	
Preferential Land:		0			
Transfer Information					
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015		07/01/2016
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00		0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

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>).



KEVIN KAMENETZ
County Executive

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

November 23, 2015

Lucille V. Widerman
10100 Liberty Road
Randallstown MD 21133

RE: Case Number: 2016-0085 X, Address: 10100 Liberty Road

Dear Ms. Lascola:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 2, 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, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Makia Properties LLC, James Makia Mgr., 4660 Reisterstown Road, Baltimore MD 21117
Neil M Levy, Esquire, 400 Redland Court, Suite 110, Owings Mills MD 21117
Richard E Matz PE, 2835 Smith Avenue, Suite G, Baltimore MD 21209

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/5/15

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

RE: Baltimore County
Item No. 2016-0085-X
Special Exception
Lucille V. Wideman
10100 Liberty Road MD26

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 10/5/15. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2016-0085-X

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: October 28, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 10100 Liberty Road

INFORMATION:

NOV 02 2015

Item Number: 16-085

Petitioner: Lucille B. Wilderman

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BR, DR 3.5

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Exception to use the property for a used motor vehicle outdoor sales area.

The Department has no objection to granting the petitioned request conditioned upon the following:

- Submit a landscape and lighting plan to the Baltimore County Landscape Architect for approval prior to the issuance of any required permits. Such a plan shall reflect the requirements of "Condition C" of the Baltimore County Landscape Manual to include vegetative screening along Liberty Road. Lighting shall be directional to avoid glare onto the adjacent residential properties.

Please be advised that all signage shall conform to the requirements of BCZR Section 450. That notwithstanding, the Department does not support the use of temporary outdoor advertising banners or commercial special event signs at this site.

The site plan is not clear on the future status of the retail sales of recreational vehicles. Through the hearing process, the applicants should demonstrate to the satisfaction of the Administrative Law Judge that the requested Special Exception use can meet the requirements of BCZR Section 502.1 when combined with the retail operation.

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

Division Chief: Katmy Gotlieb

AVA/KS

C: Troy Leftwich
Jeanette Tansey, RLA, PAI

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

OCT 19 2015



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 19, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0085-X
Address 10100 Liberty Road
(Widerman Property)

Zoning Advisory Committee Meeting of October 5, 2015.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

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 October 12, 2015
Item No. 2016-0085

DATE: October 22, 2015

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

A Landscape Plan shall be required that provides required set-backs and planting throughout the site and along Liberty Road to add street trees and screening. A lighting plan is also required.

* * * * *

DAK
cc:file

ZAC-ITEM NO 16-0085-10122015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: October 28, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

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INFORMATION:
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Division Chief: Kathy Schallach

AVA/KS

C: Troy Leftwich
Jeanette Tansey, RLA, PAI

[illegible]

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0223500441			
Owner Information					
Owner Name:		WIDERMAN CHARLES L JR WIDERMAN LUCILLE V		Use:	COMMERCIAL
Mailing Address:		8424 MERRYMOUNT DR BALTIMORE MD 21244-2244		Principal Residence:	NO
				Deed Reference:	/04844/ 00581
Location & Structure Information					
Premises Address:		10100 LIBERTY RD 0-0000		Legal Description:	3.67 AC NES LIBERTY 1400 W DEER PARK RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0066	0022	0320		0000	2016 NONE
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1961	25200		3.6700 AC	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		AUTO CENTER			
Value Information					
	Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	320,100	320,100			
Improvements	541,700	541,700			
Total:	861,800	861,800	861,800		
Preferential Land:	0				
Transfer Information					
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Seller:	Date:	Price:			
Type:	Deed1:	Deed2:			
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015	07/01/2016		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00	0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Case No.:

2016-085

Exhibit Sheet

Petitioner/Developer

DW
2-2-16

Protestants

slw
12-31-15

No. 1	1A > Site plans 1B >	
No. 2	Colbert resume	
No. 3	Vicinity exhibit	
No. 4	Photos (A-H)	
No. 5	Existing Conditions Exhibit	
No. 6	Aerial exhibit	
No. 7	Schematic landscape plan	
No. 8	LED flat lighting brochure.	
No. 9	4 photos	
No. 10		
No. 11		
No. 12		

PRODUCT DETAILS

Overview
Specification Sheets
Photometry/Design Tools
Building Information Models
Images
Instruction Sheets
Literature
Replacement Parts

RECENT PRODUCTS



D-Series Area
Size 2



D-Series Area Size 2

LED Area Luminaire - Now with More Lumens

Using advanced LEDs producing up to 43,000 lumens, the D-Series Size 2 embodies the definition of power and performance. The D-Series combines the latest in LED technology with a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. The Size 2 is ideal for replacing 400-1000W metal halide in area lighting applications with energy savings of up to 80% and expected service life of over 100,000 hours.

The sleek design of the D-Series Area Size 2 reflects the embedded high performance LED technology. It is ideal for applications like car dealerships and large parking lots adjacent to malls, transit stations, grocery stores, home centers,



SPECIFICATIONS

Application : Outdoor

Application Type : Outdoor Area, Parking

Architectural Style : Contemporary

Color : Black, Bronze, Brown, Gray,
Silver, White

Correlated Color Temperature : 3000 K,
4000 K, 5000 K

Environment : Outdoor

Finish : Gloss, Textured

Frequency : 60HZ

Lamp Included : Optional based on
configuration

Light Distribution Detail : Forward
Narrow, Full Cutoff, IES Type I, IES Type
II, IES Type III, IES Type IV, IES Type V

Light Source : LED

Listings : UL

Mounting Type : Pole, Wall

Power Connection : Hardwired

Primary Material : Aluminum

Product Type : Outdoor Area and Site,
Mounting

Series : DSX2

Shape : Rectangular

Voltage Rating : 120, 208, 240, 277, 347,
480, MVOLT

Weather Resistant : Yes





D-Series Size 2 LED Area Luminaire



Catalog
Number

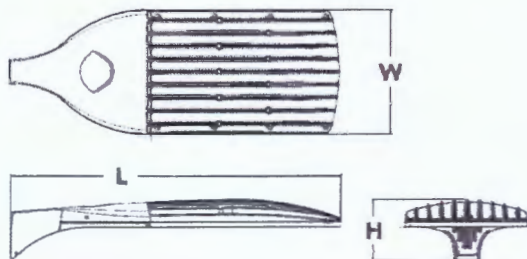
Notes

Type

d#series

Specifications

EPA:	1.1 ft ²
Length:	40"
Width:	15"
Height:	7-1/4"
Weight (max):	36 lbs



Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment.

The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. The Size 2 is ideal for replacing 400-1000W metal halide in area lighting applications with energy savings of up to 80% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSX2 LED 80C 1000 40K T4M MVOLT SPA DDBXD

DSX2 LED

Series	LEDs	Drive current		Color temperature		Distribution				Voltage	Mounting		
DSX2 LED	Forward optics		530	530 mA	30K	3000 K	T1S	Type I Short	TFTM	Forward Throw Medium	MVOLT ¹	Shipped included	
	80C	80 LEDs (four engine)	700	700 mA	40K	4000 K	T2S	Type II Short	TSVS	Type V Very Short	120 ³	SPA	Square pole mounting
			1000	1000 mA (1 A)	50K	5000 K	T2M	Type II Medium	TSS	Type V Short	208 ³	RPA	Round pole mounting
	100C	100 LEDs (four engines)	1200	1200 mA ² (1.2 A)	AMBPC	Amber phosphor converted	T3S	Type III Short	TSM	Type V Medium	240 ³	WBA	Wall bracket
							T3M	Type III Medium	TSW	Type V Wide	277 ³	SPUMBA	Square pole universal mounting adaptor
							T4M	Type IV Medium			347 ⁴	RPUMBA	Round pole universal mounting adaptor
	Rotated optics ¹												Shipped separately
90C	90 LEDs											KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish)

Control options	Other options	Finish (required)
Shipped installed PER NEMA twist-lock receptacle only (no controls) PER5 Five-wire receptacle only (no controls) ^{1,3} PER7 Seven-wire receptacle only (no controls) ^{1,3} DMG 0-10V dimming driver (no controls) ¹ DCR Dimmable and controllable via ROAM [®] (no controls) ¹ DS Dual switching ^{1,2} PIRH Motion sensor, 15-30' mounting height ¹	Shipped installed HS House-side shield ¹ SF Single fuse (120, 277, 347V) ¹ DF Double fuse (208, 240, 480V) L90 Left rotated optics ¹ R90 Right rotated optics ¹	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLTXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white

Template #3 Top of Pole

DSX2 shares a unique drilling pattern with the AERIS[™] family. Specify this drilling pattern when specifying poles, per the table below.

DM19AS Single unit	DM29AS 2 at 90° *
DM28AS 2 at 180°	DM39AS 3 at 90° *
DM49AS 4 at 90° *	DM32AS 3 at 120° **

Example: SSA 20 4C DM19AS DDBXD

Visit Lithonia Lighting's **POLES CENTRAL** to see our wide selection of poles, accessories and educational tools.
*Round pole top must be 3.25" O.D. minimum.
 **For round pole mounting (RPA) only.

Controls & Shields

Accessories
Ordered and shipped separately

DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V) ¹
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) ¹
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) ¹
SC U	Shorting cap ¹
DSX2HS 80C U	House-side shield for 80 LED unit
DSX2HS 90C U	House-side shield for 90 LED unit
DSX2HS 100C U	House-side shield for 100 LED unit
PUMBA DDBXD U*	Square and round pole universal mounting bracket (specify finish)
KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish) ¹

For more control options, visit [DCL](#) and [ROAM](#) online.

Tenon Mounting Slipfitter **

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

NOTES

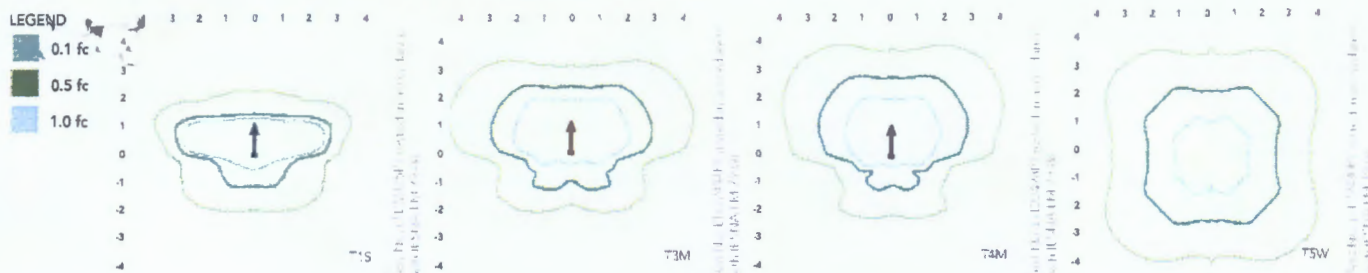
- Rotated optics option (L90 or R90) required for 90C
- 1200 mA not available in AMBPC. DLC pending.
- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
- Not available with BL30, BL50 or PNMT options.
- Available as a separate combination accessory: PUMBA (finish) U; 1.5 G vibration load rating per ANSI C136.31.
- Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
- Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories. Not available with DS option.
- If ROAM[®] node required, it must be ordered and shipped as a separate line item from Acuity Brands Controls. Not available with DCR.
- DMG option for 347V or 480V requires 1000mA.
- Specifies a ROAM[®] enabled luminaire with 0-10V dimming capability; PER option required. Additional hardware and services required for ROAM[®] deployment; must be purchased separately. Call 1-800-442-6745 or email: sales@roamservices.net. N/A with DS, PIRH, PER5, PER7, BL30, BL50 or PNMT options.
- Provides 50/50 luminaire operation via two independent drivers on two separate circuits. N/A with 80C 530, 90C 530, PER PER5, PER7, DCR, BL30, BL50 or PNMT options
- Requires an additional switched circuit.
- Specifies the SensorSwitch 58GR-5-ODP control; see Motion Sensor Guide for details
- Dimming driver standard. Not available with DS, PER5 or PER7
- Dimming driver standard. MVOLT only. Not available with 347V, 480V, DCR, DS, PER5, PER7 or PNMT options.
- Dimming driver standard. MVOLT only. Not available with 347V, 480V, DCR, DS, PER5, PER7, BL30 or BL50.
- Dimming driver standard. Not available with PER5, PER7, DMG, DCR, DS, BL30, BL50 or PNMT options.
- Also available as a separate accessory; see Accessories information.
- Available with 90 LEDs (90C option) only.
- Requires luminaire to be specified with PER option. Ordered and shipped as a separate line item from Acuity Brands Controls.



Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area Size 2 homepage.

Isofootcandle plots for the DSX2 LED 80C 1000 40K. Distances are in units of mounting height (30').



FEATURES & SPECIFICATIONS

INTENDED USE

The sleek design of the D-Series Area Size 2 reflects the embedded high performance LED technology. It is ideal for applications like car dealerships and large parking lots adjacent to malls, transit stations, grocery stores, home centers, and other big-box retailers.

CONSTRUCTION

Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (2.0 ft) for optimized pole wind loading.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TG/C thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS

Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in 3000 K, 4000 K, or 5000 K (70 CRI) configurations. The D-Series Size 2 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL

Light engine configurations consist of 80, 90 or 100 high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L99/100,000 hrs at 25°C). Class 1 electronic drivers have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily-serviceable surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION

Included mounting block and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block securely to poles and walls, enabling the D-Series Size 2 to withstand up to a 2.0 G vibration load rating per ANSI C136.31. The D-Series Size 2 utilizes the AERIS™ series pole drilling pattern (Template #8). NEMA photocontrol receptacle is available.

LISTINGS

UL Listed for wet locations. Light engines are IP66 rated; luminaire is IP65 rated. Rated for -40°C minimum ambient. U.S. Patent No. D670,857 S. International patent pending.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY

Five year limited warranty. Full warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



PETITIONER'S

EXHIBIT NO.

9







R-1968-0055 (BR Zone)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, James R. Scott, Sr. and
James R. Scott, Jr. legal owner of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,
hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant
to the Zoning Law of Baltimore County, from an R-10 zone to an R-1

R-1 zone; for the following reasons

Requested change of classification is made by reason of the fact
that there was an error in the original zoning map and in addition
thereto there have been changes in the neighborhood since the
approval of the original zoning map.

Property to be used for sales and service of ~~recreational vehicles~~
recreational vehicles.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore
County, to use the herein described property, for ~~recreational vehicles~~

~~None~~ None
Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above reclassification and or Special Exception 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

James R. Scott, Jr.
James R. Scott, Sr.
Contract purchaser Legal Owner

Address 8424 McCormick Drive Address Liberty Road
Baltimore, Maryland 21207 Randalltown, Md., 21133

Petitioner's Attorney
Ralph E. Deitz
Address 212 Washington Avenue
Towson, Maryland 21204

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day
of August, 1968, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 7th day of September, 1968, at 10:00 o'clock

James R. Scott, Jr.
Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and
appearing that by reason of the petitioners having proven change in the character
of the area in which the subject property is located and error on the Land Use Map
in zoning the property R-10,

the above Reclassification should be had; and it is further appearing that by reason of

A Special Exception for

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th
day of September, 1968, that the herein described property or area should be and
the same is hereby reclassified; from an R-10 zone to a B-R

zone, and that a Special Exception be granted from and after the date of this order, subject to approval of the site plan by
State Roads Commission, Bureau of Public Services and the Office of Planning
and Zoning.

James R. Scott, Jr.
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition
and it appearing that by reason of

the above re-classification should NOT BE HAD, and or the Special Exception should NOT BE
GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day
of August, 1968, that the above re-classification be and the same is hereby
DENIED and that the above described property or area be and the same is hereby continued as and
to remain a R-10 zone; and or the Special Exception for recreational vehicles
be and the same is hereby DENIED

James R. Scott, Jr.
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE 9/2/68 Jc Haras cel

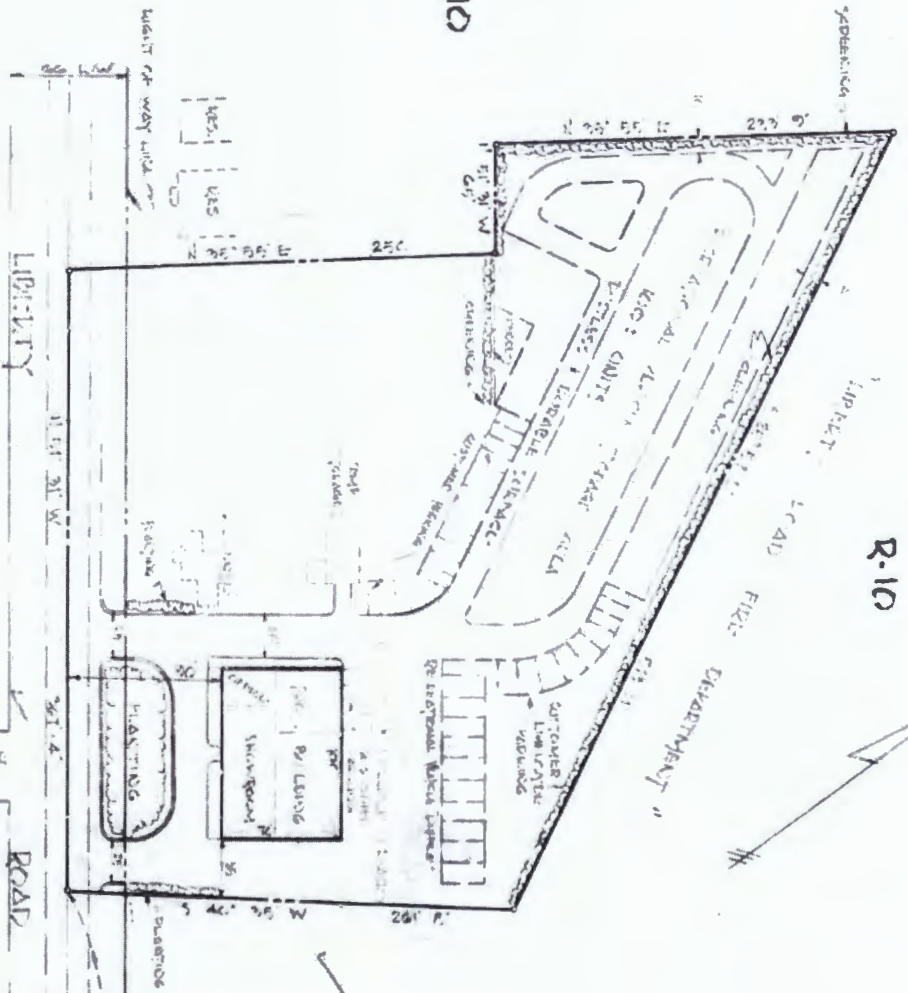
JAMES R. SCOTT
415 Liberty Rd. 1600' N of Deer
Park Rd.
2nd

55-R

55-R

GENERAL NOTE:
 AREA OF PROPERTY: 2.442 AC.
 PERMITTED USE OF PROPERTY: RESIDENTIAL (SINGLE-FAMILY)
 PROPOSED USE OF PROPERTY: RESIDENTIAL (SINGLE-FAMILY)
 PERMITTED ZONE OF PROPERTY: R-10
 PROPOSED ZONE OF PROPERTY: R-10

MULLER, RAYNE & ASSOCIATES, INC.
 220 BURGESS AVE.
 220 BURGESS AVE.
 TOWSON, MARYLAND



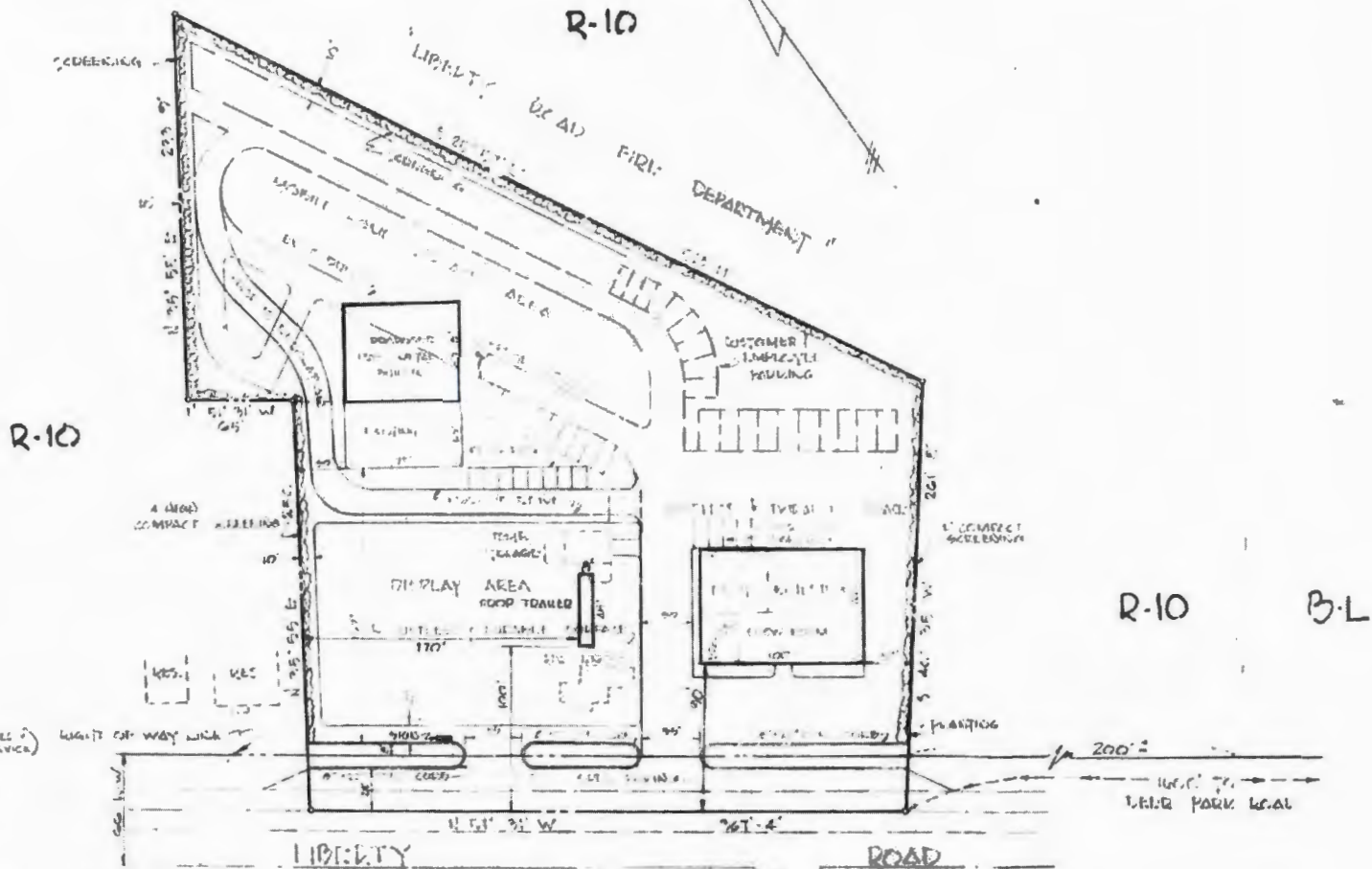
PLAN TO ACCOMPANY ZONING PETITION.

J. V. SCOTT

220 BURGESS AVE.
 SCALE: 1" = 50'
 DATE: CO. MAY
 JULY 11 & 1967

#68-55R
 MAP
 1-C
 WESTERN
 AREA
 NW-8K
 NW-9K
 BR

R-10
 5-L



GENERAL NOTES:
 AREA OF PROPERTY - 3.422 AC.
 PRESENT USE OF PROPERTY - RESIDENTIAL
 PROPOSED USE OF PROPERTY - RECREATION (TRAILER SERVICE)
 PRESENT ZONING OF PROPERTY - R-10
 PROPOSED ZONING OF PROPERTY - R-10
 ALL SCREENING TO BE A' HIGH COMPACT : ACTION

PARKING
 SPACES REQUIRED - 12
 SPACES PROVIDED - 12

CHARLIE'S CAMPING TRAILERS
 BOX 221 LIBERTY ROAD
 (CHARLES L. WIDEMAN JR.)

PLAT TO ACCOMPANY ZONING PETITION

PROPERTY OF
J. K. SCOTT

ENCL. DIST.
 SCALE: 1" = 40'

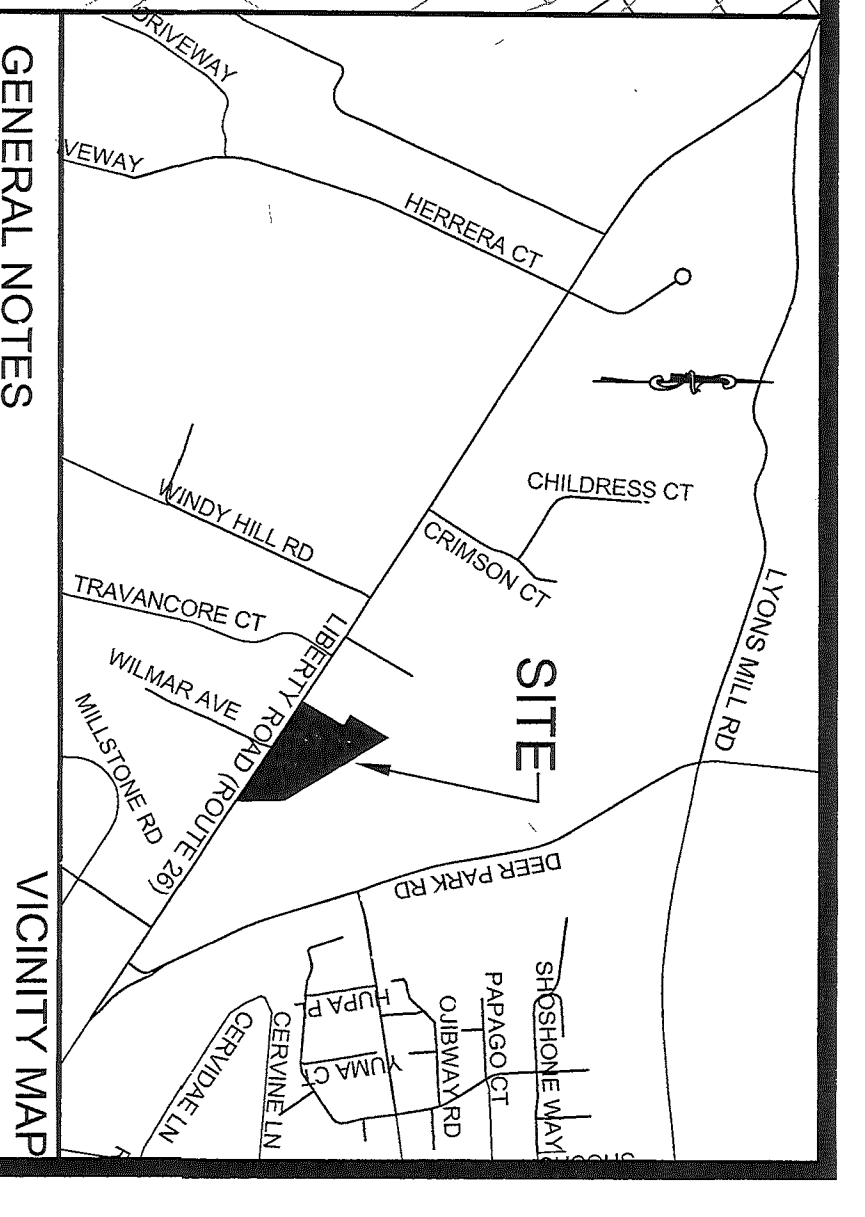
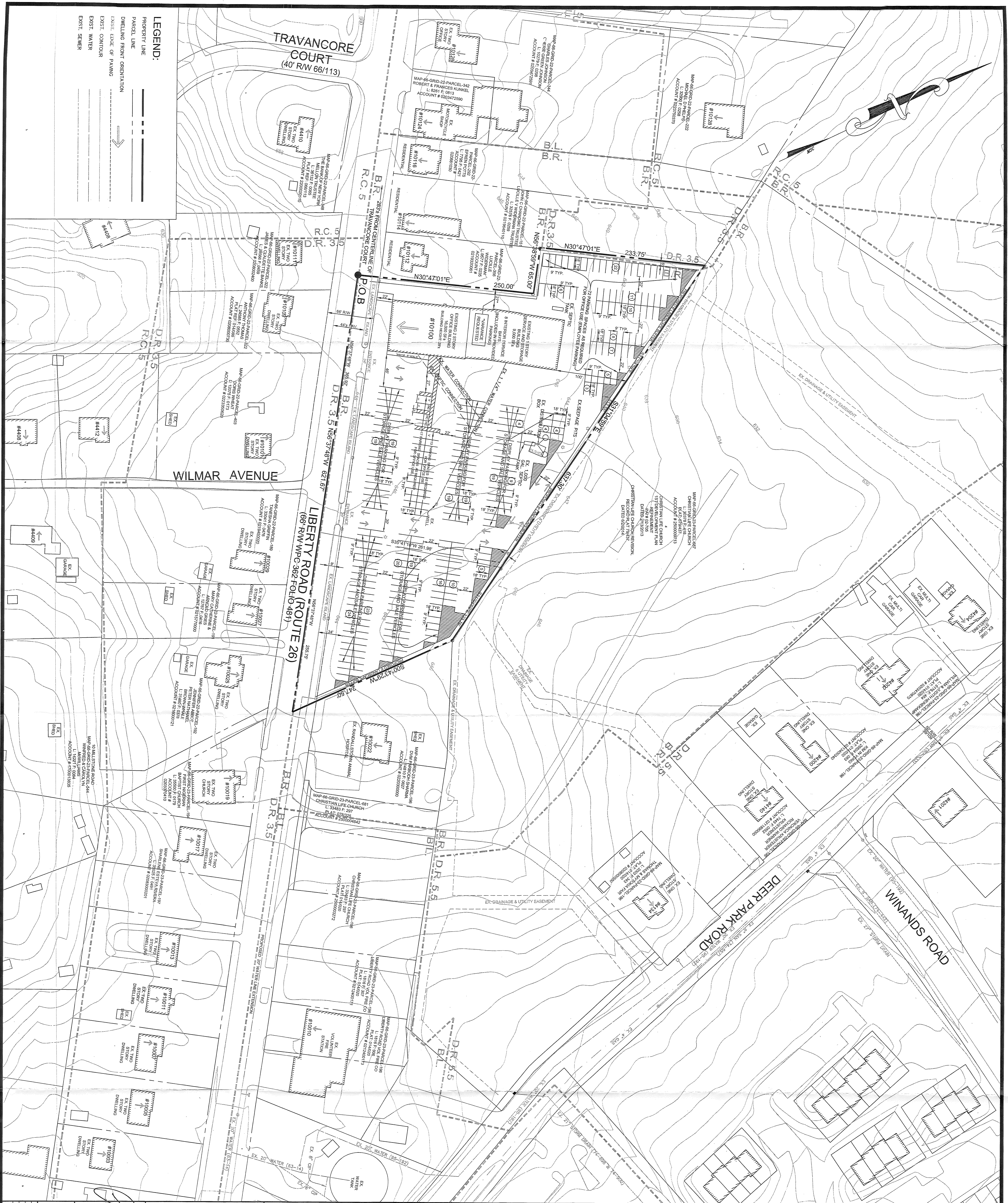
DALTON, CO. ME
 JULY 11th 1961

PLANS APPROVED
 BY: *[Signature]*
 DATE: 1/2/69
 Zoning File #68-65-R

MICROFILMED

REV 12-21-60
 DWG 11-20-60

B.L.



- ### GENERAL NOTES
- OWNER: LOTTE V. MARRAS, 1000 LIBERTY ROAD, BALTIMORE, MARYLAND 21209
 - MAILING ADDRESS: 6420 HERRINGTOWN DRIVE, BALTIMORE, MARYLAND 21244
 - APPLICANT: HERSTES, LLC
 - 8680 HERRINGTOWN ROAD, BALTIMORE, MARYLAND 21245
 - TELEPHONE: 877-587-1877
 - TAX ACCOUNT NUMBER: 022590441
 - TAX MAP: 66, GRID: 22, PARCEL: 320
 - SITE AREA: 148,072 SF (3.44 AC) (PER DEED)
 - TAX MAP: 66, GRID: 23, PARCEL: 91
 - DEED REFERENCE: L-2597, 259
 - SITE AREA: 11,940 SF (0.27 AC) (PER DEED)
 - 200-SCALE GIS FILE: 06883_068C3
 - PARCEL: 320
 - B.R. ZONE AREA: 148,894 SF OR 3.42 AC
 - B.R. 31 ZONE AREA: 808 SF OR 0.02 AC
 - PARCEL: 91
 - B.R. ZONE AREA: 31,236 SF OR 0.68 AC
 - TOTAL SITE AREA: 181,947 SF OR 4.19 AC (PER DEED)
 - EXISTING USE: RECREATIONAL VEHICLE SALES
 - PROPOSED USE: USED MOTOR VEHICLE SALES
 - FLOOR AREA RATIO (FAR): 16.000 SF TOTAL FLOOR AREA: 2,920,000 SF
 - FAR = 26,000 SF / 1,626,250 SF SITE AREA = 0.14
 - MAXIMUM PERMITTED FAR IN B.R. ZONE PER BCRZ SECTION 28.5 = 2.0
 - REQUIRED BUILDING SETBACK IN THE B.R. ZONE PER BCRZ SECTION 28.5:
 - 20-SCALE GIS FILE: 06883_068C3
 - PARCEL: 320
 - B.R. ZONE AREA: 148,894 SF OR 3.42 AC
 - B.R. 31 ZONE AREA: 808 SF OR 0.02 AC
 - PARCEL: 91
 - B.R. ZONE AREA: 31,236 SF OR 0.68 AC
 - TOTAL SITE AREA: 181,947 SF OR 4.19 AC (PER DEED)
 - EXISTING USE: RECREATIONAL VEHICLE SALES
 - PROPOSED USE: USED MOTOR VEHICLE SALES
 - FLOOR AREA RATIO (FAR): 16.000 SF TOTAL FLOOR AREA: 2,920,000 SF
 - FAR = 26,000 SF / 1,626,250 SF SITE AREA = 0.14
 - MAXIMUM PERMITTED FAR IN B.R. ZONE PER BCRZ SECTION 28.5 = 2.0
 - REQUIRED BUILDING SETBACK IN THE B.R. ZONE PER BCRZ SECTION 28.5:

PLAN TO ACCOMPANY PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE
10100 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND
4TH CONGULAMIC DISTRICT
2ND ELECTION DISTRICT

GRAPHIC SCALE

1" = 50' (IN FEET)

1 inch = 50 ft.

Professional Certification

I hereby certify that these documents were prepared or approved by me, and I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 12303 Expiration Date: 11/02/2016

Colbert Matz Rosenfeld, Inc.

Engineers - Surveyors - Planners

2333 Smith Avenue, Suite G
Baltimore, Maryland 21209

Telephone: (410) 653-3438
Facsimile: (410) 653-3583

SCALE: 1" = 50'

DATE: 11/30/2015

DRAWN: JMS/CK

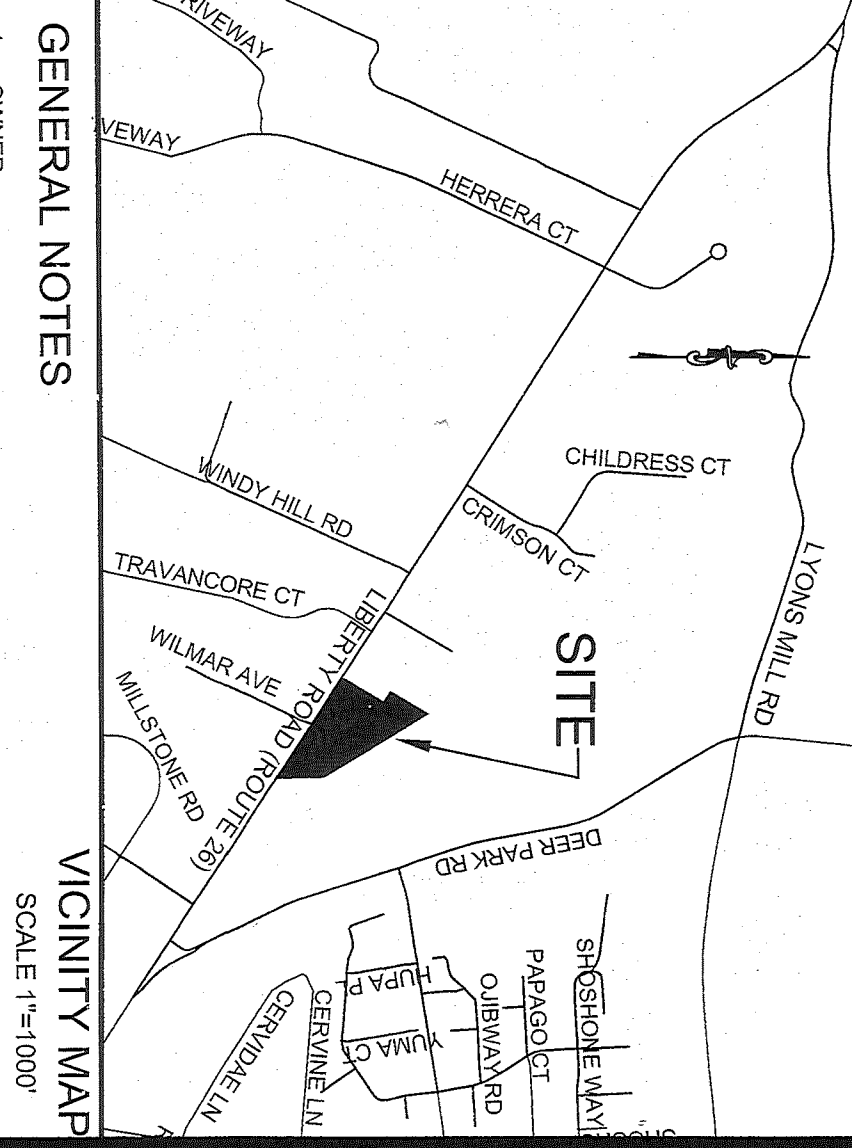
CHECKED: CMR

FILED: 2015105

NUMBER: SPH-1

NO. DATE REVISIONS: REV SHEET 1 OF 1

2016-0085-XA Revised



GENERAL NOTES

- OWNER: LITTLE V. WIDEMAN, 10100 LIBERTY ROAD, BALTIMORE, MARYLAND 21213
- MAILING ADDRESS: ONE, ONE, BALTIMORE, MARYLAND 21244
- APPLICANT: MWA PROPERTIES LLC, CO. JAMES MAZ, 2835 SMITH AVENUE, SUITE G, BALTIMORE, MARYLAND 21209
- TAX ACCOUNT NUMBER: 02280041
- TAX MAP: 66 GRND 23 PARCEL 300
- SITE AREA: 148,702 SF ± 3.44 AC (PER DEED)
- TAX MAP: 66 GRND 23 PARCEL 31
- SITE AREA: 41,545 SF ± 0.95 AC (PER DEED)
2. SITE ZONING: B.R.
- 200-SCALE GIS TILE: 0983, 09833
- PARCEL 300: 148,702 SF ± 3.44 AC ± 0.00 AC
- PARCEL 31: 41,545 SF ± 0.95 AC ± 0.00 AC
- PARCEL 31: 1.0000 AC AREA, 37,396 SF, OR 0.86 AC ±
- TOTAL SITE AREA: 191,247 SF, OR 4.39 AC (PER DEED)
- EXISTING USE: RECREATIONAL VEHICLE SALES
- PROPOSED USE: USED MOTOR VEHICLE SALES
- FLOOR AREA RATIO (FAR): 14.000 SF
- EXISTING SERVICE & STORAGE BUILDING: 25,000 SF
- FAR = 25,000 SF / 1,800 SF SITE AREA = 0.14
- MAXIMUM PERMITTED FAR IN B.R. ZONE PER BCRZ SECTION 280.5 - 2.0
- REQUIRED BUILDING SETBACKS IN THE B.R. ZONE PER BCRZ SECTION 280:
- FRONT YARD: 35'
- REAR YARD: 30'
- SIDE YARD: 100'
- VARIANCES REQUESTED:
1. VARIANCE REQUESTED: 1.27 SIDE YARD SETBACK IN LIEU OF REQUIRED 35' SETBACK
2. 2.25 FRONT YARD SETBACK IN LIEU OF REQUIRED 35' SETBACK
3. SPECIAL EXCEPTION TO CONSIDER USED MOTOR VEHICLE SALES AREA IN A B.R. ZONE, PER BCRZ SECTION 280.2
4. REQUIRED PARKING PER BCRZ SECTION 406: 40 SPACES
5. AUTO SPA/LAUNDRY/STORAGE: 5 PER 1,000 SF @ 8,000 SF = 32 SPACES
6. SERVICE GARAGE: 3.3 PER 1,000 SF @ 9,000 SF ± 2,971 = 32 SPACES
7. TOTAL REQUIRED PARKING: 97 SPACES
8. PARKING PROVIDED: 100 SPACES (INCLUDES 3 LAUNDRY/STORAGE SPACES)
9. GENERAL OFFICE AND STORAGE: 100 SPACES (INCLUDES 3 LAUNDRY/STORAGE SPACES)
10. DISPLAY AREA FOR STORAGE AND SALE VEHICLES: 23 SPACES
11. TOTAL PARKING PROVIDED: 140 SPACES
12. A DRIVEWAY AND DRIVEWAY SERVICE DRIVE BE PROVIDED AND PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
13. THE SUBJECT SITE IS SERVED BY PRIVATE WELL AND SEPTIC LOCATED ON SITE.
14. THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SUBJECT SITE.
15. THE SUBJECT SITE IS NOT LOCATED WITHIN A DESIGN REVIEW PANEL AREA.
16. THE SUBJECT SITE IS NOT LOCATED WITHIN A COMMERCIAL REZONATION AREA.
17. THE SUBJECT SITE IS NOT LOCATED WITHIN THE CHESAPEAKE Bay CRITICAL AREA.
18. THE SUBJECT SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
19. THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE FOR THIS SITE.
20. ZONING HISTORY: CASE N-1988-0065: PETITION FOR RECLASSIFICATION FROM AN R-10 ZONE TO A B.R. ZONE, GRANTED SEPTEMBER 29, 1997.
21. A LANDSCAPE PLAN AND LIGHTING PLAN WILL BE REQUIRED FOR BUILDING PERMIT.
22. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY, PERFORMED BY COLBERT MAZ ROSENFIELD, INC. DATED OCTOBER 7, 2015. INFORMATION IS TAKEN FROM BALTIMORE COUNTY GIS AND AVAILABLE RECORDS.

PLAN TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE

10100 LIBERTY ROAD

BALTIMORE COUNTY, MARYLAND

4TH CONGRESSIONAL DISTRICT

GRAPHIC SCALE

1" = 50' (IN FEET)

1" = 50' (IN FEET)

Professional Certification

I, the undersigned, being a duly licensed professional engineer under the laws of the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original as shown to me.

License No. **9752** Expiration Date: **2-28-16**

Colbert Maz Rosenfeld, Inc.

Engineers/ Surveyors/ Planners

2835 Smith Avenue, Suite G

Baltimore, Maryland 21209

Telephone: (410) 653-3838

Facsimile: (410) 653-7953

SCALE: 1" = 50'

DATE: 10/15/15

DESIGNED: CMR

DRAWN: MRC/K

CHECKED: CMR

FILE NO: 201505

DRAWING NUMBER: **SPH-1**

NO. DATE REVISIONS BY SHEET 1 OF 1

RESUME

PROFESSIONAL BACKGROUND AND EXPERIENCE

KENNETH J. COLBERT
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209

PROFESSIONAL STATUS: Professional Engineer, Maryland, PE No. 9752

EDUCATION: University of Missouri-Rolla
Rolla, Missouri
B.S. in Civil Engineering - 1968

PROFESSIONAL BACKGROUND AND EXPERIENCE:

Mr. Colbert is a 1968 graduate of the University of Missouri with a Bachelor of Science in Civil Engineering. He has extensive experience in the field of Civil Engineering, Site Planning and Zoning for residential, commercial, and other non-residential land development projects. He has prepared plans and has managed construction projects throughout central Maryland. Responsibilities include project coordination, project design, assisting in bid process, review of studies, reports and construction documents, and quality control.

Accepted as an expert in those areas, and testified before the following:

- Anne Arundel County Administrative Hearing Officer
- Anne Arundel County Board of Appeals
- City of Annapolis City Council
- City of Annapolis Planning Commission
- Baltimore County Board of Appeals
- Baltimore County Zoning Commissioner
- Baltimore County Liquor Board
- Baltimore City Board of Municipal Zoning Appeals
- Cecil County Board of Appeals
- City of Elkton Planning Board
- City of Elkton City Council
- City of Gaithersburg Planning Board
- City of Gaithersburg City Council
- Harford County Board of Appeals
- Howard County Hearing Examiner
- Howard County Board of Appeals
- Montgomery County Planning Board
- Montgomery County Hearing Examiner
- Montgomery County Board of Appeals
- City of Rockville Planning Commission
- City of Rockville Board of Appeals
- City of Westminster Planning Board

Testified as an expert witness in the field of Civil Engineering for Land Development in the District Courts of Baltimore County and Howard County.

PROFESSIONAL EMPLOYMENT HISTORY:

April, 1987 – Present Colbert Engineering, Inc. / Colbert Matz Rosenfelt, Inc.
Consulting Civil Engineers & Surveyors
Baltimore, Maryland

Established a private consulting firm for design and construction management of land development projects. Primary services include site design and preparation of plans for commercial and residential land development projects, as well as complete survey and construction stakeout services.

In September 1994 Colbert Engineering, Inc. merged its operations with another consulting engineering firm to form Colbert Matz Rosenfelt, Inc. This merger enabled the new firm to expand its client base and to better, and more effectively serve its existing clients.

Mr. Colbert was the managing partner of the company while maintaining project management responsibilities. In addition, he was the principal responsible for operation of the Survey Department. Relinquished ownership in 2013, and remained with the company as an employee.

Jan., 1986 – Apr., 1987 Security Management Corporation
Builders and Developers
Baltimore, Maryland

Employed by Security Management Corporation as Engineering Manager for Land Development activities with responsibility for budgeting, management and supervision of the land development phases for all projects. Projects included single family and multi-family developments ranging in size from 50 units to 1500 units in four governmental jurisdictions.

Nov., 1978 – Jan., 1986 Colbert Engineering, Inc. / CDH Engineering Corp. / Kidde Consultants
Consulting Civil Engineers and Surveyors
Glen Burnie, Maryland

Established a private consulting firm for design and construction management of land development projects. Services included site design and preparation of site development plans for residential and commercial developments.

In June 1982, Colbert Engineering, Inc. merged its operation with that of another consulting engineering firm to form CDH Engineering Corporation. This merger enabled the new firm to expand its engineering and surveying capabilities, and grow to maintain a staff of approximately 20 people. As engineering and managing partner, duties and responsibilities continued as before but on an expanded basis

CDH Engineering Corporation was purchased by Kidde Consultants, Inc., a top 500 engineering company, in June 1984. The office became one of eight branch offices spread throughout Maryland, Virginia, Delaware and Pennsylvania. As Branch Office Manager, duties and responsibilities continued to include engineering for land development projects of various types and sizes, as well as interaction with the main office on management, marketing and budget matters.

KENNETH J. COLBERT

Page -3-

Mar., 1976 – Nov., 1978 Anne Arundel County, Maryland
Department of Public Works
Annapolis, Maryland

Employed by Anne Arundel County as a Senior Engineer responsible for the Engineering Review Section of the Development Services Division, Department of Public Works. This Section, which had a complement of four engineers, reviewed the engineering plans for all Land Development activities within the County. Promoted to Chief of the Development Services Division. The Division staff consisted of 13 Engineers, Engineering Technicians, Construction Inspectors and Clerical personnel. The function of this Division was the review and processing of all private construction within the County.

May, 1973 – Mar., 1976 Purdum & Jeschke
Consulting Engineers & Surveyors
Baltimore, Maryland

Employed by Purdum & Jeschke as a Design Engineer with prime areas of responsibilities being design of Storm Drainage Systems and Site Grading for various land development projects. Advanced to Project Engineer responsible for residential and commercial development projects.

Sept., 1971 – May, 1973 Mathews-Phillips, Inc.
Builders and Developers
Silver Spring, Maryland

Employed by Mathews-Phillips, Inc. as an Assistant Construction Superintendent for Garden Apartment and Townhouse Projects. Prime area of responsibility was for installation of Underground Utilities, Storm Drainage, Site Grading and Paving.

July, 1970 – Sept., 1971 Richard P. Browne Associates
Consulting Engineers and Surveyors
Columbia, Maryland

Employed by Richard P. Brown Associates as a Design Engineer with prime responsibility being design of Storm Drain Systems and Site Grading for various land development projects including single family residential and multi-family sites

June, 1968 – July, 1970 Clayton Surveying and Engineering Company
Consulting Engineers and Surveyors
St. Louis, Missouri

Joined Clayton Surveying and Engineering Company immediately following graduation from college as a Design Engineer working primarily on the design of Road Systems, Storm Drains and Sanitary Sewer Systems for residential subdivisions and commercial sites.

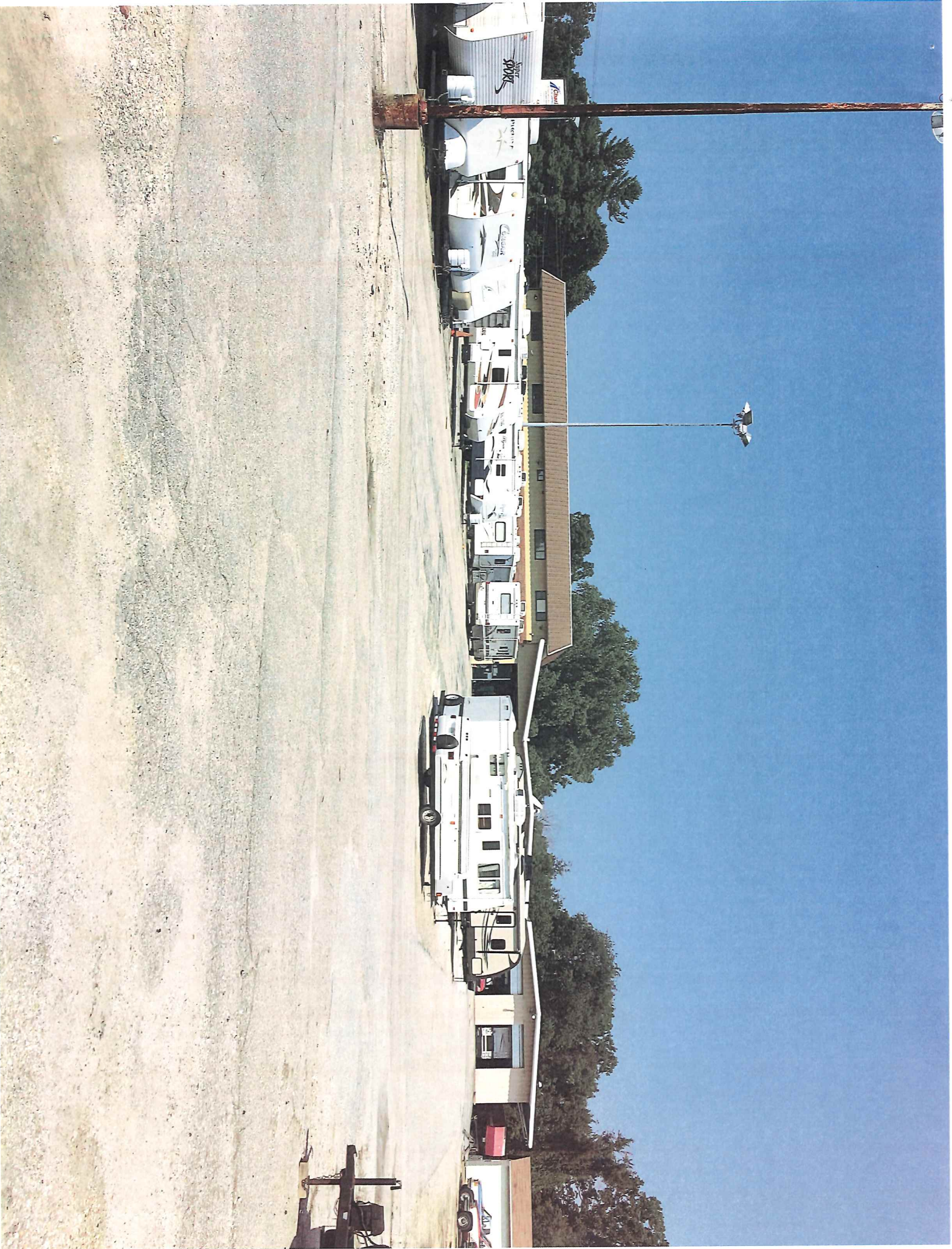


PETITIONER'S EXHIBIT

4

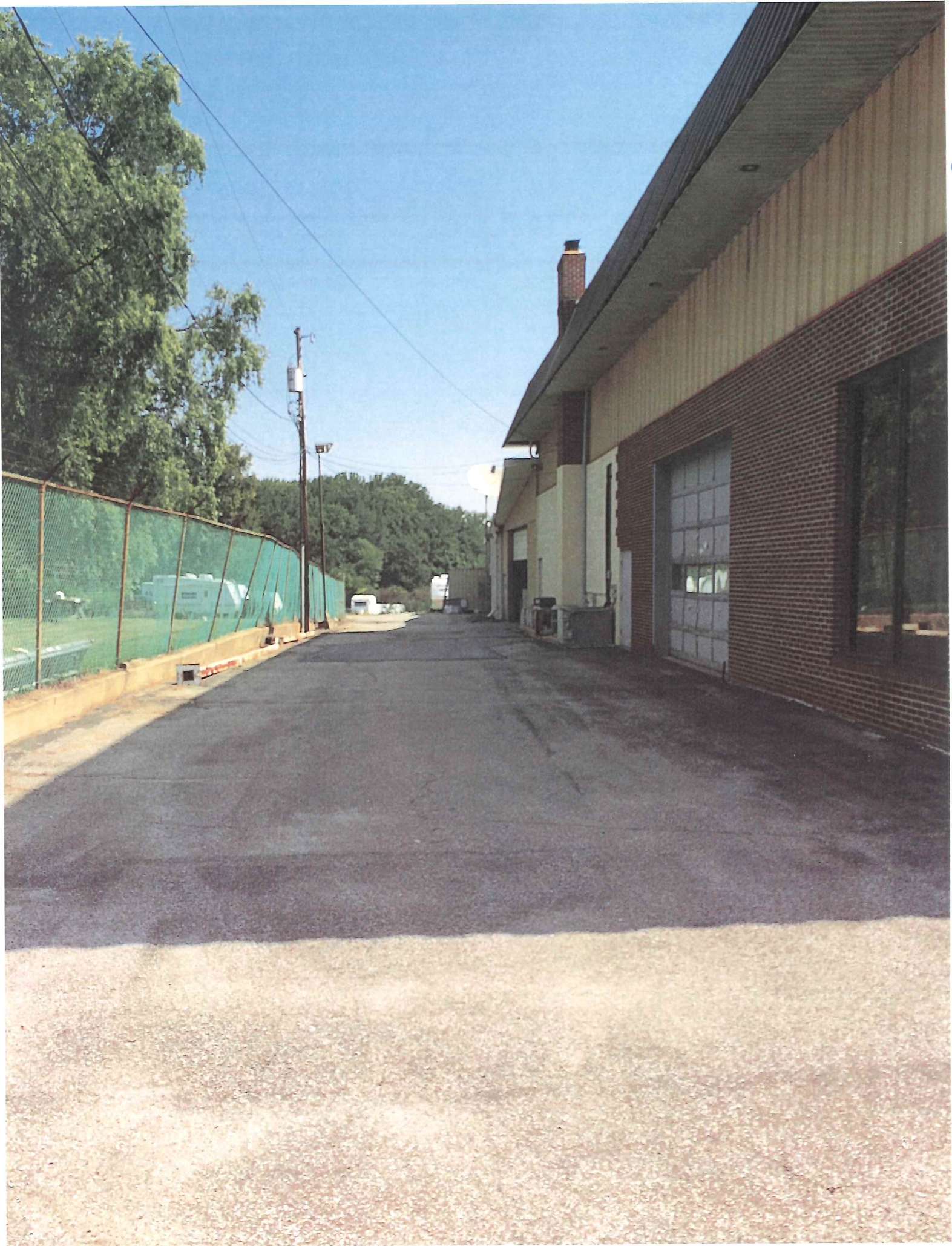


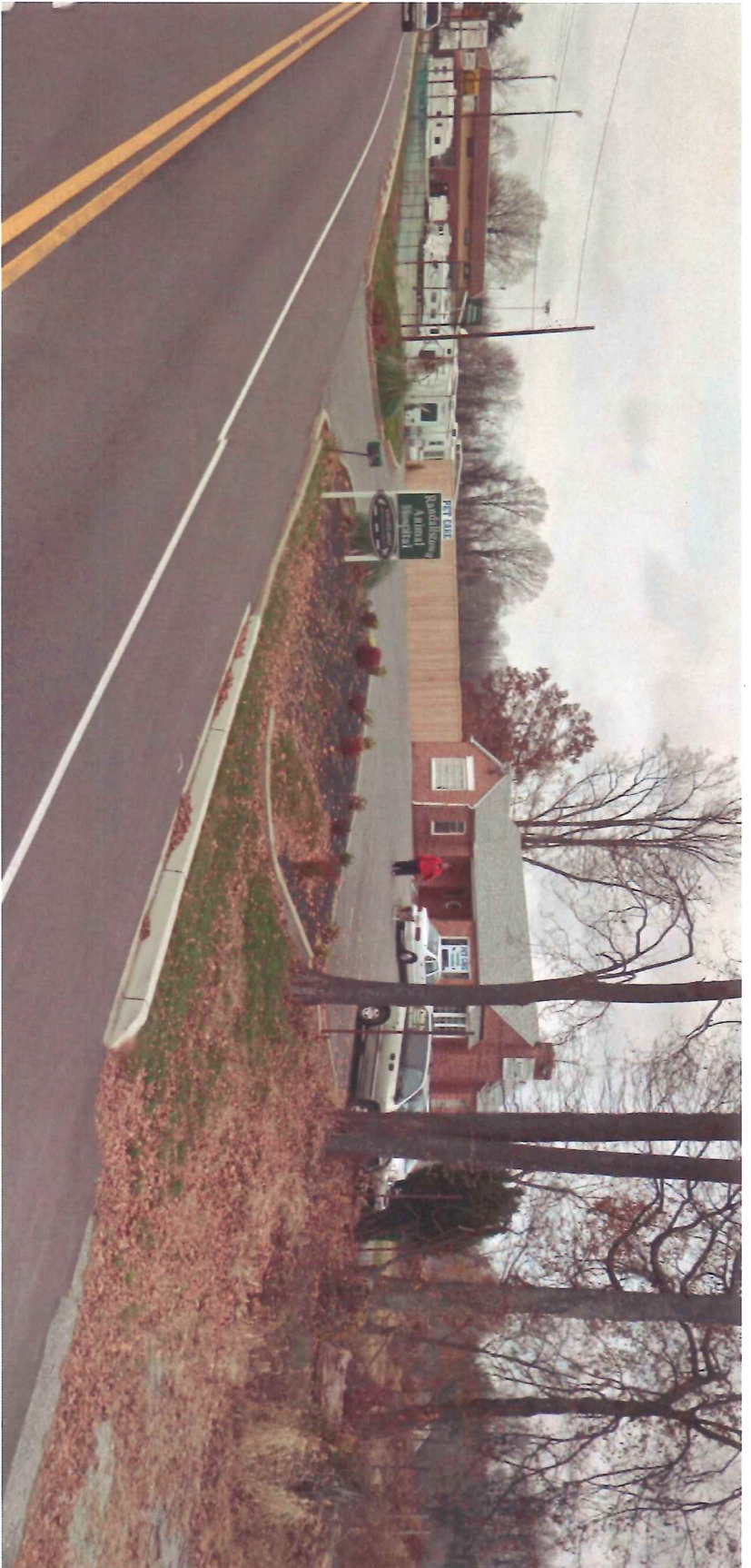




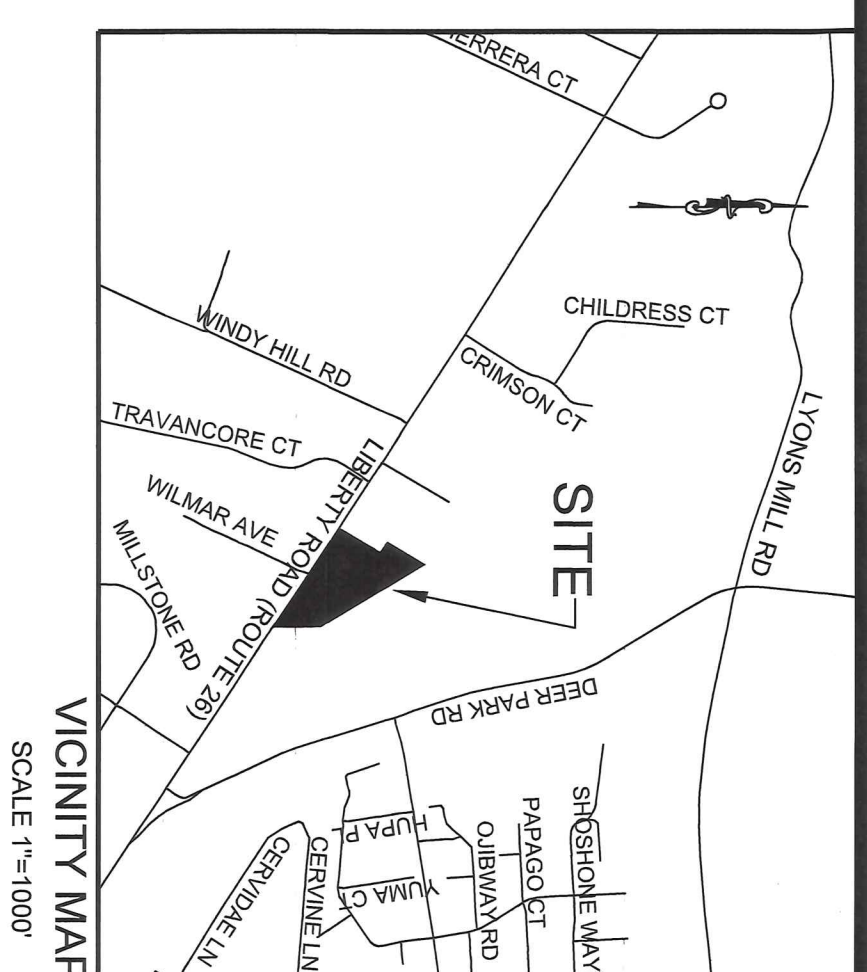








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EXISTING CONDITIONS FOR SPECIAL EXCEPTION AND VARIANCE 10100 LIBERTY ROAD

BALTIMORE COUNTY, MARYLAND 4TH COUNCILMANIC DISTRICT 2ND ELECTION DISTRICT

GRAPHIC SCALE

20 0 15 20 60 150

(IN FEET)

1 inch = 30 ft.

Professional Certification

I, the undersigned, being a duly licensed Professional Engineer under the laws of the State of Maryland, hereby certify that these documents were prepared in accordance with the laws and regulations of the State of Maryland, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No. 13203 Expiration Date: 11/02/2016

Colbert Matz Rosenfelt, Inc.

*Engineers * Surveyors * Planners*

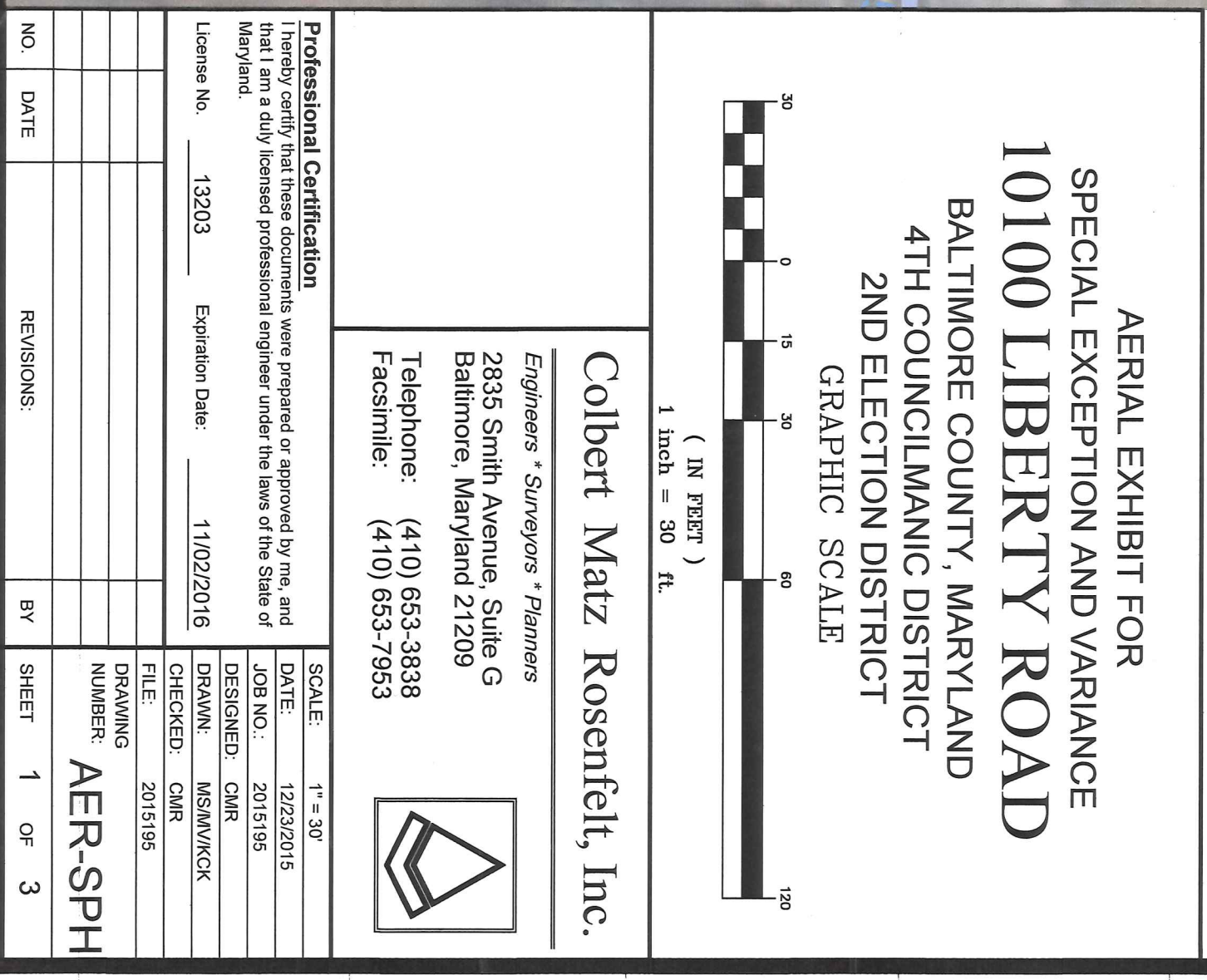
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3888
Facsimile: (410) 653-7503

SCALE: 1" = 30'

DATE: 12/23/2015
DRAWN BY: JMR
DESIGNED: JMR
CHECKED: JMR
FILED: 2015195

DRAWING NUMBER: EX-SPH

SHEET 1 OF 3

[illegible]



GENERAL NOTES

- OWNER: JOHN C. CHANOSKI, 10100 LIBERTY ROAD, BALTIMORE, MARYLAND 21213
- APPLICANT: MGA PROPERTIES LLC, 4600 REGENTSTOWN ROAD, BALTIMORE, MARYLAND 21244
- TAX ACCOUNT NUMBER: 02250044
- TAX MAP: 02250044
- TAX AREA: 18.02 SF ± 3.44 AC (PER DEED)
- TAX ACCOUNT NUMBER: 02115273
- TAX MAP: 02115273
- TAX AREA: 41.546 SF ± 0.95 AC (PER DEED)
- SITE ZONING: B.R.
- 200-SCALE GIS TILE: 09083, 09083
- PARCEL 200 ONE AREA: 148,884 SF OR 3.42 AC
- DR. 3.5 ZONE AREA: 828 SF OR 0.02 AC
- PARCEL 31: B.R. ZONE AREA: 37,338 SF OR 0.86 AC
- TOTAL SITE AREA: 187,471 SF OR 4.29 AC (PER DEED)
- EXISTING USE: RECREATION, VEHICLE SALES
- PROPOSED USE: USED MOTOR VEHICLE SALES
- EXISTING OFFICE BUILDING: 16,000 SF
- EXISTING SERVICE & STORAGE BUILDING: 28,000 SF
- TOTAL EXISTING AREA: 44,000 SF
- PAR. 200 SF ± 3.44 AC SITE AREA ± 0.10 AC
- ADDITIONAL EXISTING AREA: 200 SF ± 0.0046 AC
- REQUIRED BUILDING SETBACKS IN THE B.R. ZONE PER B02Z SECTION 238:
- FRONT YARD: 30'
- REAR YARD: 27'
- SIDE YARD: 30'
- REAR YARD: 30'
- VARIANCES REQUESTED:
- VARIANCE REQUESTED: SPECIAL EXCEPTION REQUESTED
- SPECIAL EXCEPTION REQUESTED: 2.27 FRONT YARD SETBACK IN LIEU OF REQUIRED 30' SETBACK
- BR. ZONE PER B02Z SECTION 238.2
- REQUIRED PARKING PER B02Z SECTION 406: 46 SPACES
- ADMINISTRATIVE OFFICE: 3,333 SF ± 0.08 AC
- SERVICE GARAGE: 33,333 SF ± 0.77 AC
- TOTAL REQUIRED PARKING: 33,333 SF ± 0.77 AC
- PARKING PROVIDED: 348 SPACES
- EXISTING OFFICE AND SERVICE: 100 SPACES (INCLUDES 400 ACCESSIBLE SPACES AND 60 INDOOR SERVICE BAY SPACES)
- DISPLAY AREA FOR STORAGE AND SALE VEHICLES: 238 SPACES
- A DRIVEWAY AND DRIVEWAY PARKING SURFACE SHALL BE PROVIDED AND PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS
- THE SUBJECT SITE IS SERVED BY PRIVATE WELL AND SEPTIC LOCATED ON SITE
- ALL SIGNS WILL COMPLY WITH SECTION 400 OF THE B02Z
- THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SUBJECT SITE
- THE SUBJECT SITE IS NOT LOCATED WITHIN A COMMERCIAL REDEVELOPMENT DISTRICT
- THE SUBJECT SITE IS NOT LOCATED WITHIN THE OVERSEAS BAY CRITICAL AREA
- THE SUBJECT SITE IS NOT LOCATED WITHIN THE 100 FEET FLOODPLAIN
- THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE FOR THIS SITE
- ZONING HISTORY:
- ZONE R-1988-005: PETITION FOR RECLASSIFICATION FROM R-19 TO ZONE TO A B.R. ZONE, GRANTED SEPTEMBER 23, 1997
18. A LANDSCAPE PLAN AND LIGHTING PLAN WILL BE REQUIRED FOR BUILDING PERMIT.
19. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY COLBERT MATZ ROSENFIELD, INC. DATED OCTOBER 7, 2015.
20. INFORMATION IS TAKEN FROM BALTIMORE COUNTY GIS AND AVAILABLE RECORDS.

PLAN TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE

10100 LIBERTY ROAD

BALTIMORE COUNTY, MARYLAND

4TH CONGRESSIONAL DISTRICT

2ND ELECTION DISTRICT

GRAPHIC SCALE

1 inch = 50 ft.

Colbert Matz Rosenfeld, Inc.

Engineers, Surveyors, Planners

2855 Smith Avenue, Suite G
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification

I, the undersigned, have prepared or approved by me, and I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. **9752** Expiration Date: **2-28-16**

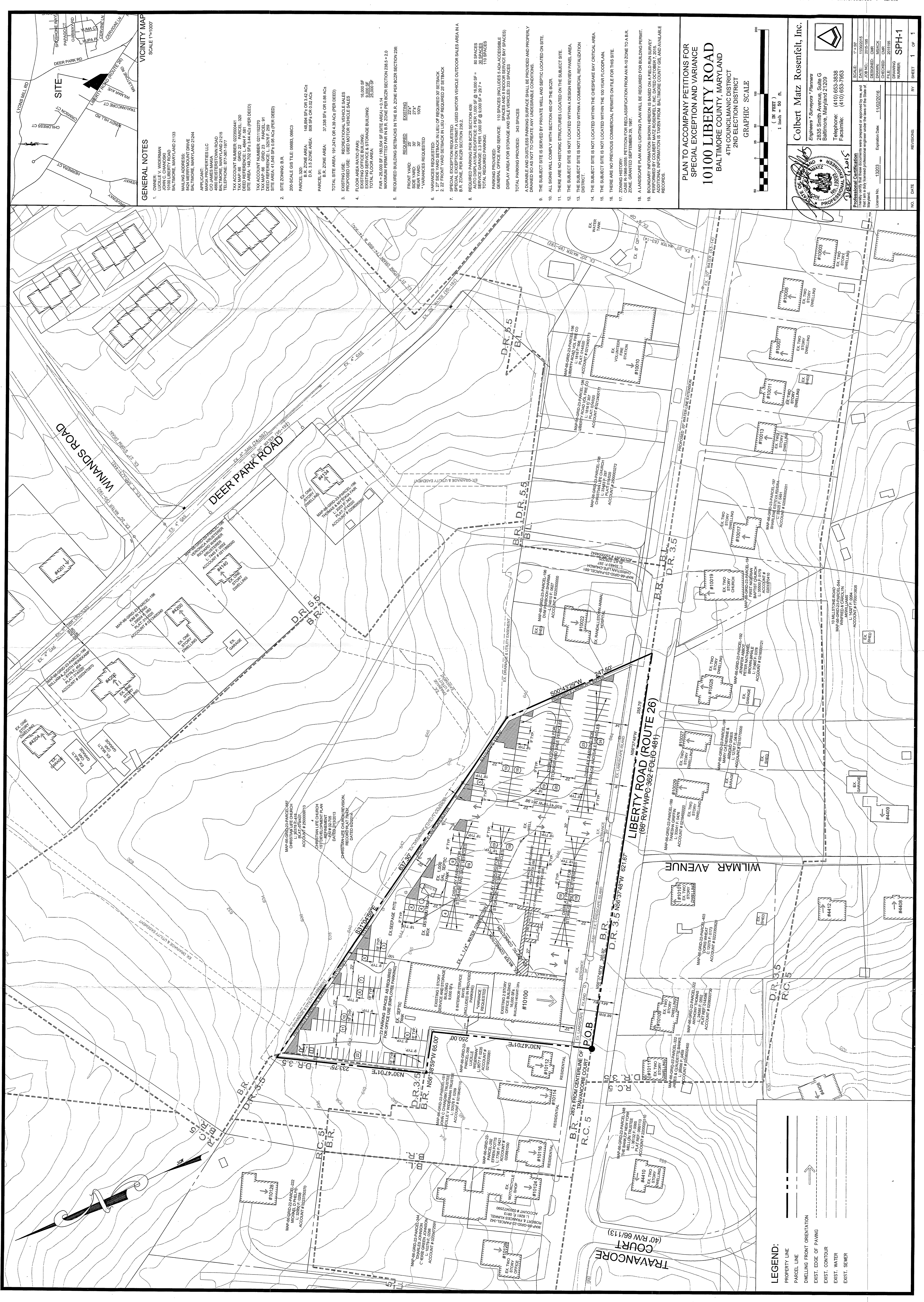
DESIGNED: CMR
DRAWN: MRC
FILE: 201516
NUMBER: SPH-1
SHEET: 1 OF 1

VICINITY MAP

SCALE 1"=1000'

SITE

HERREIRA CT
CHILDRESS CT
LYONS HILL RD
DEER PARK RD
WILMAR AVE
TRAVANCORE CT
WINDY HILL RD
WILMAR AVE (NOT SHOWN)



VICINITY MAP
SCALE 1"=100'

GENERAL NOTES

- OWNER: LUCILLE V. WIDEMAN, 10100 LIBERTY ROAD, BALTIMORE, MARYLAND 21133
- MAILING ADDRESS: 8424 MERRYMOUNT DRIVE, BALTIMORE, MARYLAND 21244
- APPLICANT: CO JAMES MAKIA, 488 REISTERSTOWN ROAD, BALTIMORE, MARYLAND 21115, TELEPHONE: 877-387-1971
- TAX ACCOUNT NUMBER: 022500441
- TAX MAP: 68 GRID 22 PARCEL 320
- TAX AREA: 140,702 SF (3.44 AC) (PER DEED)
- TAX ACCOUNT NUMBER: 021145070
- TAX MAP: 68 GRID 23 PARCEL 91
- DEED REFERENCE: L 23078 F 209
- SITE AREA: 41,240 SF (0.94 AC) (PER DEED)
- SITE ZONING: B.R.
- 200 SCALE GIS TILE: 0683, 0683
- PARCEL 320: B.R. ZONE AREA: 148,894 SF OR 3.42 AC; D.R. 3.5 ZONE AREA: 608 SF OR 0.02 AC
- PARCEL 91: B.R. ZONE AREA: 37,336 SF OR 0.86 AC; D.R. 3.5 ZONE AREA: 608 SF OR 0.02 AC
- TOTAL SITE AREA: 181,274 SF OR 4.18 AC (PER DEED)
- EXISTING USE: RECREATIONAL VEHICLE SALES
- PROPOSED USE: USED MOTOR VEHICLE SALES
- FLOOR AREA RATIO (FAR): 10.000 SF
- EXISTING OFFICE BUILDING: 10,000 SF
- EXISTING STORAGE BUILDING: 25,000 SF
- TOTAL FLOOR AREA: 35,000 SF
- FAR = 25,000 SF / 181,274 SF (SITE AREA) = 0.14
- MAXIMUM PERMITTED FAR IN B.R. ZONE PER BCRZ SECTION 238.5 + 2.0
- REQUIRED BUILDING SETBACKS IN THE B.R. ZONE PER BCRZ SECTION 238:
- FRONT YARD: 25' (REQUIRED)
- SIDE YARD: 3' (REQUIRED)
- REAR YARD: 25' (REQUIRED)
- * VARIANCES REQUESTED
- 2.27 SIDE YARD SETBACK IN LIEU OF REQUIRED 30' SETBACK
- 2.27 FRONT YARD SETBACK IN LIEU OF REQUIRED 25' SETBACK
- SPECIAL EXCEPTION REQUESTED: MONITOR CONSTRUCTION OF A USED MOTOR VEHICLE OUTDOOR SALES AREA IN A B.R. ZONE PER BCRZ SECTION 238.5 + 2.0
- REQUIRED PARKING PER BCRZ SECTION 403: 86 SPACES
- SERVICE GARAGE: 3.3 PER 1,000 SF @ 9,000 SF = 29.7 = 30 SPACES
- TOTAL REQUIRED PARKING: 116 SPACES
- PARKING PROVIDED: 140 SPACES (INCLUDES 4 ADA ACCESSIBLE SPACES AND 8 INDOOR SERVICE BAY SPACES)
- DISPLAY AREA FOR STORAGE AND SALE VEHICLES: 230 SPACES
- GENERAL OFFICE AND SERVICE: 140 SPACES (INCLUDES 4 ADA ACCESSIBLE SPACES AND 8 INDOOR SERVICE BAY SPACES)
- ADIRABLE AND DUSTLESS PARKING SURFACE SHALL BE PROVIDED AND PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
- THE SUBJECT SITE IS SERVED BY PRIVATE WELL AND SEPTIC LOCATED ON SITE.
- ALL SIGNS WILL COMPLY WITH SECTION 450 OF THE BCRZ.
- THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SUBJECT SITE.
- THE SUBJECT SITE IS NOT LOCATED WITHIN A DESIGN REVIEW PANEL AREA.
- THE SUBJECT SITE IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION DISTRICT.
- THE SUBJECT SITE IS NOT LOCATED WITHIN THE CHESTERE BAY CRITICAL AREA.
- THE SUBJECT SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE FOR THIS SITE.
- ZONING HISTORY: CASE R-188-2005: PETITION FOR RECLASSIFICATION FROM AN R-10 ZONE TO A B.R. ZONE GRANTED SEPTEMBER 23, 1987.
- LANDSCAPE PLAN AND LIGHTING PLAN WILL BE REQUIRED FOR BUILDING PERMIT.
- BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PERFORMED BY COLBERT MATZ ROSENFEIT, INC. DATED OCTOBER 7, 2015.
- THE INFORMATION IS TAKEN FROM BALTIMORE COUNTY GIS, AND AVAILABLE RECORDS.

PLAN TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
10100 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND
4TH COUNCILMANIC DISTRICT
2ND ELECTION DISTRICT

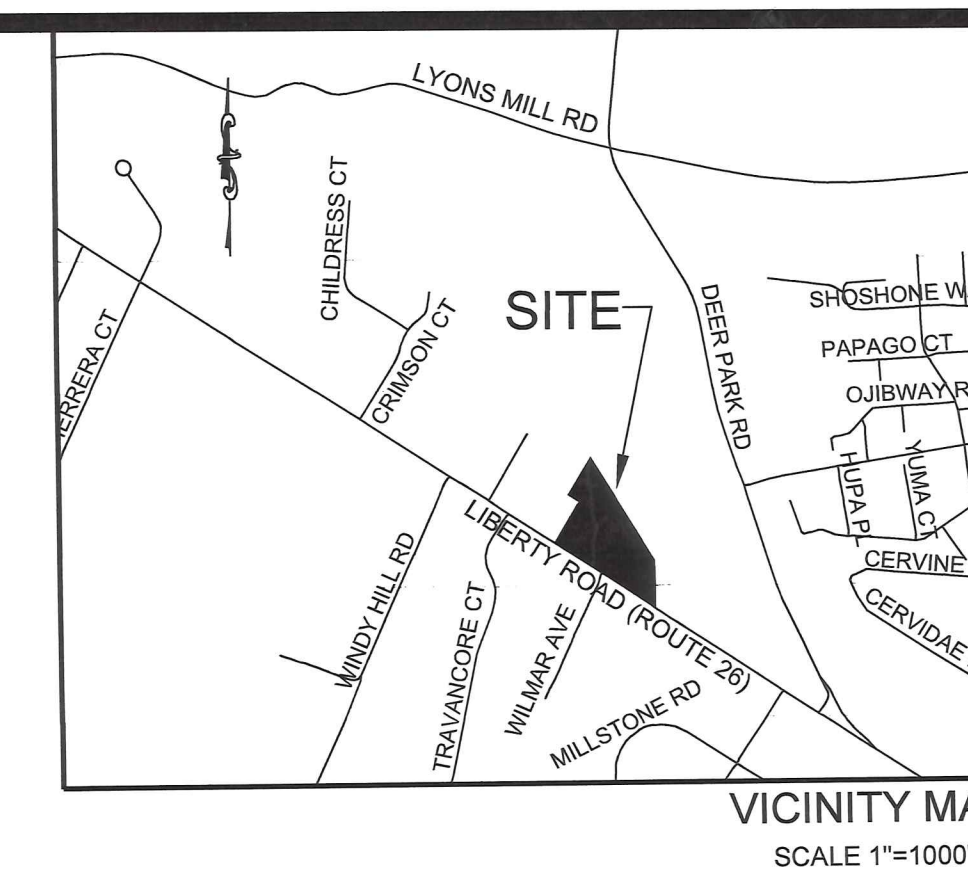
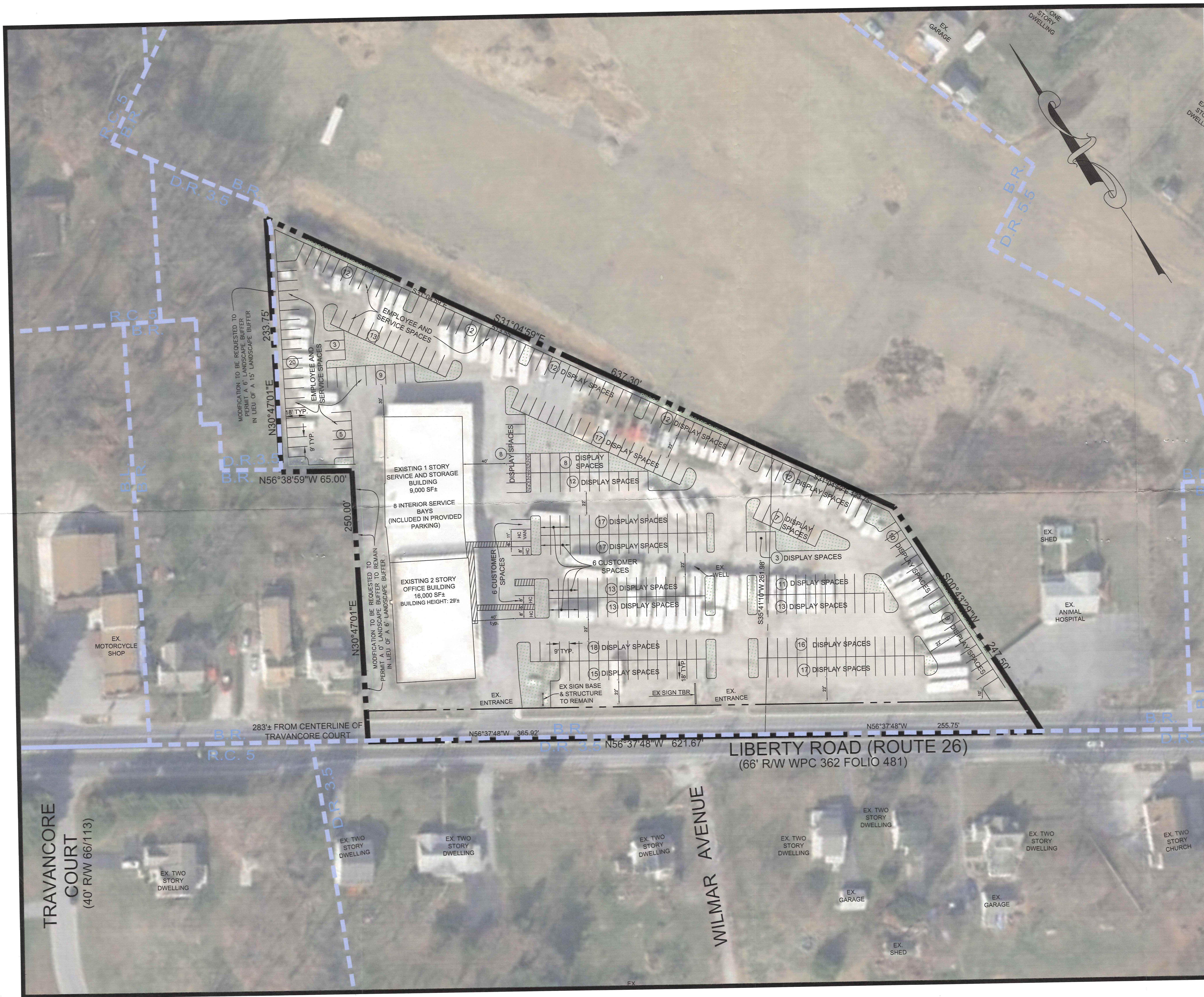
GRAPHIC SCALE
1" = 60'
(IN FEET)
1 inch = 60 feet

Colbert Matz Rosenfelt, Inc.
Engineers & Surveyors - Planners
2335 South Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 655-7953

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.
Signature: [Signature]
Date: 11/02/2015
Job No.: 2015-156
DESIGNED: CMR
CHECKED: CMR
FILED: 201515
License No.: 13203
Expiration Date: 11/02/2016

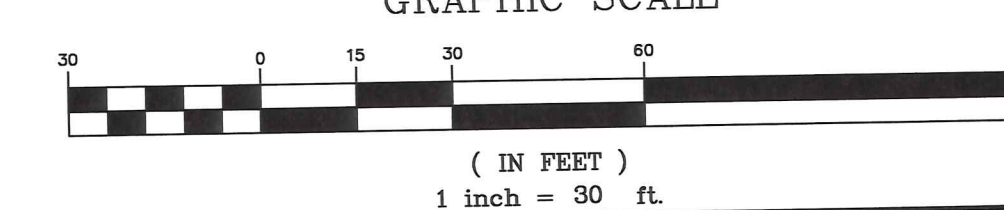
NO.	DATE	REVISIONS	BY	SHEET
1				1 OF 1

2016-0085-XA *revised*



PETITIONER'S
EXHIBIT NO. 6

AERIAL EXHIBIT FOR
SPECIAL EXCEPTION AND VARIANCE
10100 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND
4TH COUNCILMANIC DISTRICT
2ND ELECTION DISTRICT
GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

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.		SCALE: 1" = 30'
License No. 13203	Expiration Date: 11/02/2016	DATE: 12/23/2015
		JOB NO.: 2015195
		DESIGNED: CMR
		DRAWN: MS/M/KCK
		CHECKED: CMR
		FILE: 2015195
		DRAWING NUMBER: AER-SPH
NO.	DATE	REVISIONS:
		BY SHEET 1 OF 3

