

M E M O R A N D U M

DATE: June 9, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0199-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 8, 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: PETITION FOR VARIANCE

(9716 Belair Road)
11th Election District
5th Council District
JB Sommer, LLC
Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2016-0199-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of JB Sommer, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §409.6.A.4 to allow 19 parking spaces in lieu of the required 58 spaces. A site plan was marked as Petitioner's Exhibit 1.

John B. Sommer and professional engineer Rick Richardson from Richardson Engineering, LLC appeared in support of the Petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). A condition will be included in the Order below to address these comments.

The subject property is 1.24 acres and zoned BL. The property is improved with a one-story commercial building (9,846 sq. ft.), and Petitioner proposes to construct an addition (1,750 sq. ft.) to accommodate his growing business. Mr. Sommer explained his company ("Time Out for Sports") provides uniforms and other apparel to schools, recreation councils and similar entities. He also testified the business has very few walk-in customers (i.e., 2-3 visitors/daily)

ORDER RECEIVED FOR FILING

Date

By

5/9/16

11/SEN

since most transactions take place on the phone or internet.

In response to the ZAC comment submitted by the DOP, Mr. Richardson prepared a redline site plan (Ex. 2) which shows the proposed addition will be set back an additional 2 feet from the façade of the existing structure, and a condition will be included requiring landscaping to be provided in this "indentation." The redline site plan also "shifts" the off-street parking spaces so that it is clear a 5 ft. setback (in lieu of the required 10 ft., as permitted by the variance granted in Case No. 2010-199-A) from the public right-of-way is maintained, an issue that was raised by DPR in its ZAC comment. The DPR also suggested landscaping be provided to screen the existing parking, although after reviewing photos and aerial imagery of the site I fear that doing so could create visibility issues for motorists at this ingress/egress point along Belair Road.

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 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).

Petitioner has met this test. The property is triangular in shape and a large portion of the site is constrained by environmental easements. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the proposed addition. 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 County and/or community opposition.

THEREFORE, IT IS ORDERED, this 9th day of May, 2016, by the Administrative Law

ORDER RECEIVED FOR FILING

Date

5/9/16

By

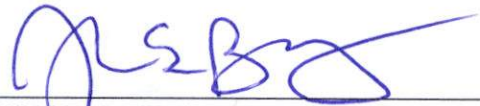
Sen

Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §409.6.A.4 to allow 19 parking spaces in lieu of the required 58 spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is 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, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must submit for approval by the DOP elevation drawings of the proposed addition.
3. Prior to issuance of permits Petitioner must submit to Baltimore County a landscape plan showing landscaping to be provided in the area of the indentation along the front façade created by the new addition.

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 5/9/16
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 9716 Belair Road which is presently zoned BL
Deed References: 29299/437 10 Digit Tax Account # 1116061260
Property Owner(s) Printed Name(s) JB Sommer, 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. 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 (See Attached information)

3. X a **Variance** from Section(s) 409.6.A.4 to allow 19 parking spaces in lieu of the required 58 spaces

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

JB Sommer, LLC/ John B Sommer
Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 _____ Signature #2 _____

9716 Belair Road Baltimore MD
Mailing Address _____ City _____ State _____

21236 410-248-0068 jbsommer@timeoutforsports.net
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print _____

Signature _____

30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address _____ City _____ State _____

21093 410-560-1502 Rick@RichardsonEngineering.net
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2016-0199-A Filing Date 3/2/16

Do Not Schedule Dates: _____ Reviewer JCM

**ZONING DESCRIPTION FOR
TIME OUT FOR SPORTS
9716 BELAIR ROAD
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the north side right-of-way of Belair Road (variable width) at a distance of 286 feet southwest of the centerline intersection of Belair Road and Schroeder Avenue which is (50 feet) wide, thence leaving the north side right-of-way of Belair Road the following courses and distances; (1) North 42 degrees 26 minutes 16 seconds West 199.19 feet to a point on the south side of a 50' right-of-way for Baltimore Gas & Electric (BG&E), thence binding on said right-of-way; (2) North 80 degrees 23 minutes 48 seconds West 284.58 feet, thence leaving the BG&E right-of-way; (3) South 45 degrees 55 minutes 26 seconds East 431.34 feet to a point on the north side right-of-way of Belair Road, thence binding on Belair Road the following course and distance; (4) North 44 degrees 47 minutes 49 seconds East 92.14 feet, (5) North 44 degrees 52 minutes 18 seconds East 50.11 feet, (6) North 46 degrees 02 minutes 55 seconds East 6.73 feet to the point of beginning.

Containing a net area of 49,547 square feet, or 1.14 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: 08-15-2017.



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 4102156

Sold To:

Richardson Engineering - CU00226153
30 E Padonia Rd Suite 500
Lutherville Timonium, MD 21093

Bill To:

Richardson Engineering - CU00226153
30 E Padonia Rd Suite 500
Lutherville Timonium, MD 21093

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

Apr 14, 2016

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: # 2016-0199-A
9176 Belair Road
N/s Belair Road, 286 ft. +/- S/w of centerline of Schroeder Avenue
11th Election District - 5th Councilmanic District
Legal Owner(s) JB Sommer, LLC, John Sommer

Variance: to allow 19 parking spaces in lieu of the required 58 spaces.

Hearing: Friday, May 6, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/071 April 14 4102156

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

2016-0199-A

RE: Case No.: _____

Petitioner/Developer: _____

JB Sommer, LLC, John Sommer

May 6, 2016

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:

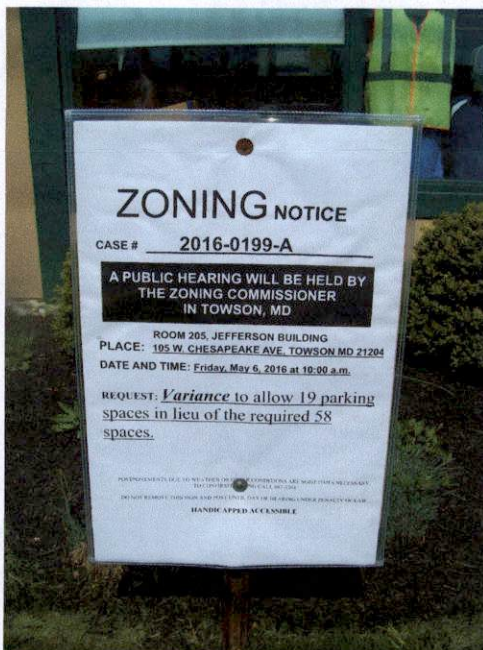
Ladies and Gentlemen:

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: _____

9716 Belair Road

April 15, 2016

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



Sincerely,


(Signature of Sign Poster)

April 15, 2016

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

March 18, 2016

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: 2016-0199-A

9176 Belair Road

N/s Belair Road, 286 ft. +/- S/w of centerline of Schroeder Avenue

11th Election District – 5th Councilmanic District

Legal Owners: JB Sommer, LLC, John Sommer

Variance to allow 19 parking spaces in lieu of the required 58 spaces.

Hearing: Friday, May 6, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: John Sommer, 9716 Belair Road, Baltimore 21236
Richardson Engineering, 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, APRIL 16, 2016.**
- (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, April 14, 2016 Issue - Jeffersonian

Please forward billing to:

Richardson Engineering
30 E. Padonia Road, Ste. 500
Timonium, MD 21093
Attn: Patrick Richardson

410-560-1502

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: 2016-0199-A

9176 Belair Road

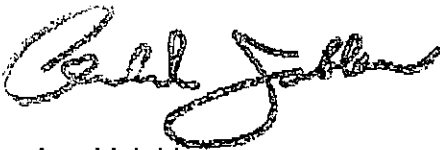
N/s Belair Road, 286 ft. +/- S/w of centerline of Schroeder Avenue

11th Election District – 5th Councilmanic District

Legal Owners: JB Sommer, LLC, John Sommer

Variance to allow 19 parking spaces in lieu of the required 58 spaces.

Hearing: Friday, May 6, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
9716 Belair Road; N/S Belair Road, 286' SW * OF ADMINISTRATIVE
of the c/line of Schroeder Avenue * HEARINGS FOR
11th Election & 5th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): JB Sommer, LLC *
Petitioner(s) *
2016-199-A

* * * * *

ENTRY OF APPEARANCE

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

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

MAR 09 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

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 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: 2016-0199-A

Petitioner: SOMMERS, LLC

Address or Location: 9716 BELAIR Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARDSON ENGINE, INC.

Address: 30 E. PADONIA, RD., SUITE 500

TIMONIUM, MD. 21093

Telephone Number: 410-560-1502

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

No. **135717**

Date: **3/2/16**

PAID RECEIPT

BUSINESS ACTUAL TIME ORG
 3/02/2016 3/02/2016 09:29:41 5

FEB 0855 WALKIN R305 LEB
 >> RECEIPT # 843440 3/02/2016 CFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 135717

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	306	0000		6150				500.00

Total: **500.00**

Rec From: **SOMMERS, LLC**

For: **2016-0199-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

April 27, 2016

JB Sommer LLC
John B Sommer
9716 Belair Road
Baltimore MD 21236

RE: Case Number: 2016-0199 A, Address: 9716 Belair Road

Dear Mr. Sommer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 2, 2016. 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
Richardson Engineering LLC, Patrick Richardson Jr., 30 E. Padonia Road, Suite 500
Timonium MD 21093

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



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

Date: 3/7/16

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

RE: Baltimore County
Item No. 2016-0199-A
Variance
JB Sommer LLC, John B. Sommer
9716 Belair Road
US 1

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3/7/16. A field inspection and internal review reveals that an entrance onto US 1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2016-0199-A.

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

5/6

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 5, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-199

RECEIVED

APR 06 2016

INFORMATION:

Property Address: 9716 Belair Road
Petitioner: JB Sommer, LLC
Zoning: BL
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a variance to allow 19 parking spaces in lieu of the required 58 spaces. A site visit was conducted on March 17, 2016.

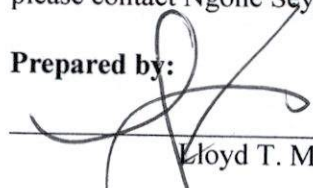
The site was the subject of previous zoning case 2010-0199-A wherein the Administrative Law Judge granted a variance to permit 19 parking spaces in lieu of the required 50 spaces and to permit 2 parking spaces to be 5 feet from the public right-of-way in lieu of the required 10 feet.

The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

- The pattern along this section of Belair Rd is predominantly suburban with buildings set back from the street with landscaping and parking in the front. To the extent possible, shift the proposed building addition back away from the road so that there is a visual relief between the front façades of both the subject structure and that situated at 9722 Belair Rd. Install landscaping to the approval of the Baltimore County Landscape Architect within the area created by the indentation.
- Provide architectural elevations to the Department for review and approval prior to building permit issuance.

Please be aware the site is subject to the 2016 Comprehensive Zoning Map Process (CZMP), Issue Number 5-056; therefore BCC § 32-4-205 applies. For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Richardson Engineering LLC
Ngone Seye-Diop
Office of Administrative Hearings
People's Counsel for Baltimore County

5-6

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 10 '16
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: March 10, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0199-A
Address 9716 Belair Road
(Sommer Property)

Zoning Advisory Committee Meeting of March 14, 2016.

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

Reviewer: Steve Ford

Date: 03-10-2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2016
Item No. 2016-0199

DATE: March 14, 2016

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

We wish to point out that there was a variance granted to allow parking within 5-feet of the public right-of-way (2010-01990), but the plan shows that parking is only about one foot from the public right-of-way. Those two parking spaces should be removed to leave room for a Landscape screen and the variance for parking be revised to allow 17 parking spaces instead of 19.

A Landscape Plan to screen existing parking is required. Existing landscaping must be retained.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0199- 03142016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: April 5, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-199

INFORMATION:

Property Address: 9716 Belair Road
Petitioner: JB Sommer, LLC
Zoning: BL
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow 19 parking spaces in lieu of the required 58 spaces. A site visit was conducted on March 17, 2016.

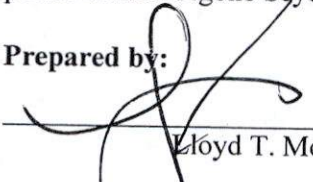
The site was the subject of previous zoning case 2010-0199-A wherein the Administrative Law Judge granted a variance to permit 19 parking spaces in lieu of the required 50 spaces and to permit 2 parking spaces to be 5 feet from the public right-of-way in lieu of the required 10 feet.

The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

- The pattern along this section of Belair Rd is predominantly suburban with buildings set back from the street with landscaping and parking in the front. To the extent possible, shift the proposed building addition back away from the road so that there is a visual relief between the front façades of both the subject structure and that situated at 9722 Belair Rd. Install landscaping to the approval of the Baltimore County Landscape Architect within the area created by the indentation.
- Provide architectural elevations to the Department for review and approval prior to building permit issuance.

Please be aware the site is subject to the 2016 Comprehensive Zoning Map Process (CZMP), Issue Number 5-056; therefore BCC § 32-4-205 applies. For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Richardson Engineering LLC
Ngoné Seye-Diop
Office of Administrative Hearings
People's Counsel for Baltimore County

CASE NAME Time out For Sports
CASE NUMBER 2016-0199
DATE 5-6-16

CASE NUMBER 2016-0199
DATE 5-6-16

[illegible]

100

100

100

100

100

100

100

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>3/14/16</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>3/10/16</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
<u>4/5/16</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>3/7/16</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: <u>4/14/16</u>	
SIGN POSTING	Date: <u>4/15/16</u> by <u>SSG Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w2)

Guide to searching the database

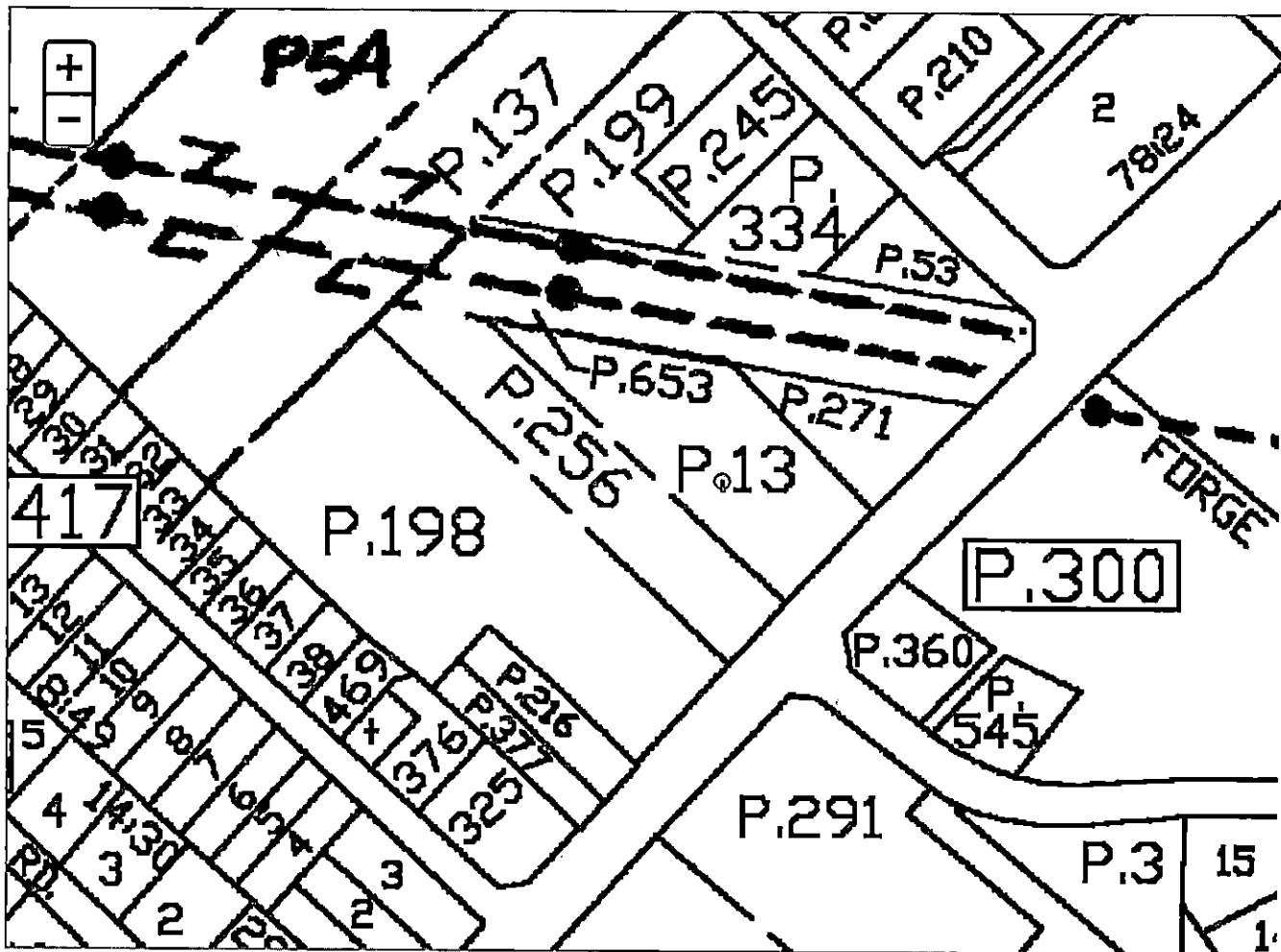
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1116061260			
Owner Information					
Owner Name:	JB SOMMER LLC		Use:	COMMERCIAL	
Mailing Address:	9716 BELAIR RD PERRY HALL MD 21236-1108		Principal Residence:	NO	
			Deed Reference:	/29299/ 00437	
Location & Structure Information					
Premises Address:		9716 BELAIR RD 0-0000		Legal Description:	49847 SF NWS BELAIR RD 280 FT SW SHROEDER AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0063	0021	0013		0000	
				Assessment Year:	Plat No: Plat Ref:
				2016	
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1975	9900		49,847 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		RETAIL STORE			
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		468,100	468,100		
Improvements		350,500	377,200		
Total:		818,600	845,300	818,600	827,500
Preferential Land:		0			0
Transfer Information					
Seller: PERRY HALL INVESTMENT GROUP		Date: 03/23/2010		Price: \$715,000	
Type: ARMS LENGTH IMPROVED		Deed1: /29299/ 00437		Deed2:	
Seller: LYNCH, JOSEPH A LYNCH, HELEN M		Date: 03/18/1975		Price: \$70,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05514/ 00728		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		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.dat.maryland.gov/RealProperty>)

District: 11 Account Number: 1116061260



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.

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>).

JB 5/6
10am

Case No.: 2016-0199-A 9716 Belair Rd.

Exhibit Sheet

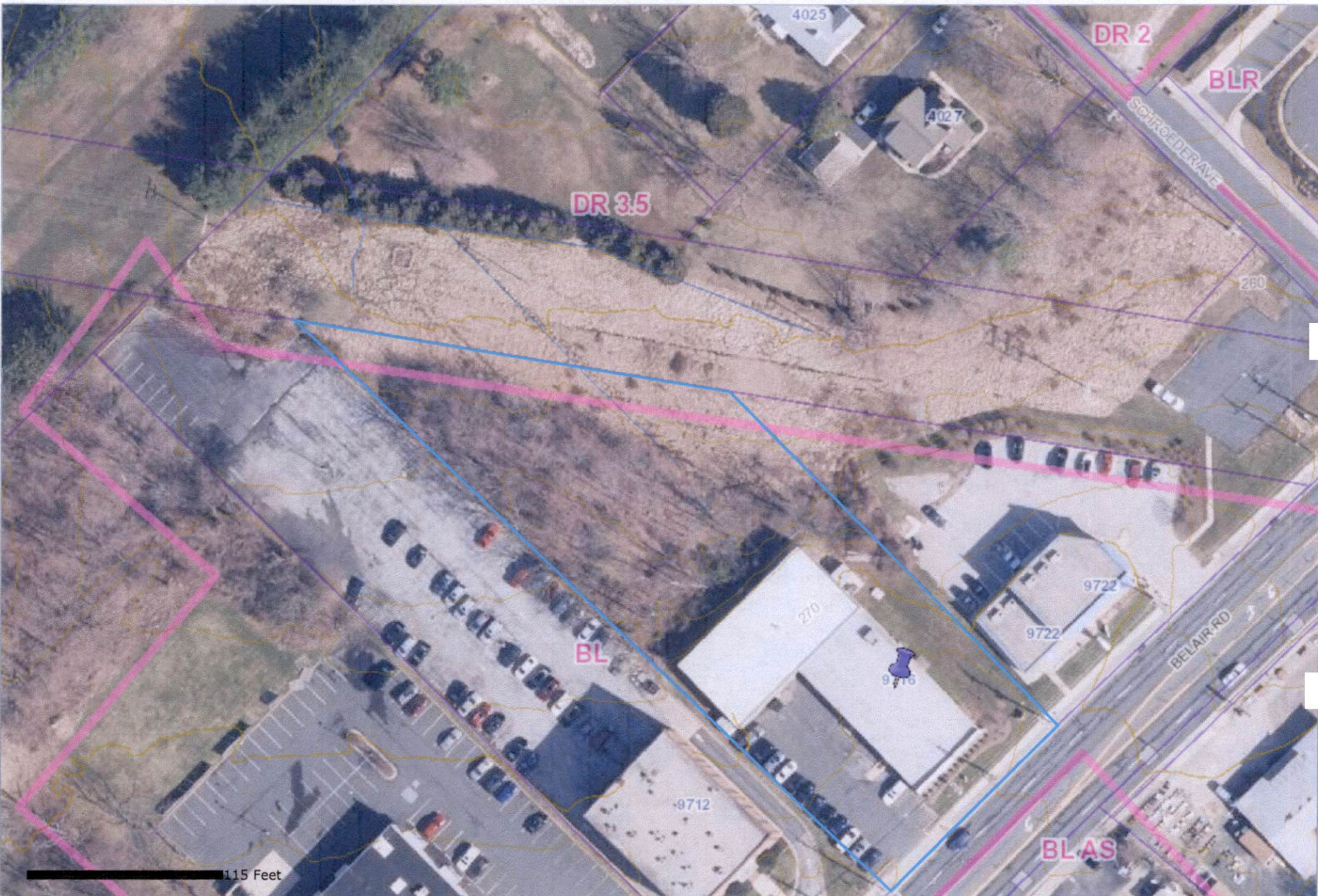
Petitioner/Developer

BW
6-9-16

Protestants

sln
5-9-16

No. 1	site plan	
No. 2	redline site plan	
No. 3	My Neighborhood Map	
No. 4	Site plan from 2009 zoning case	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

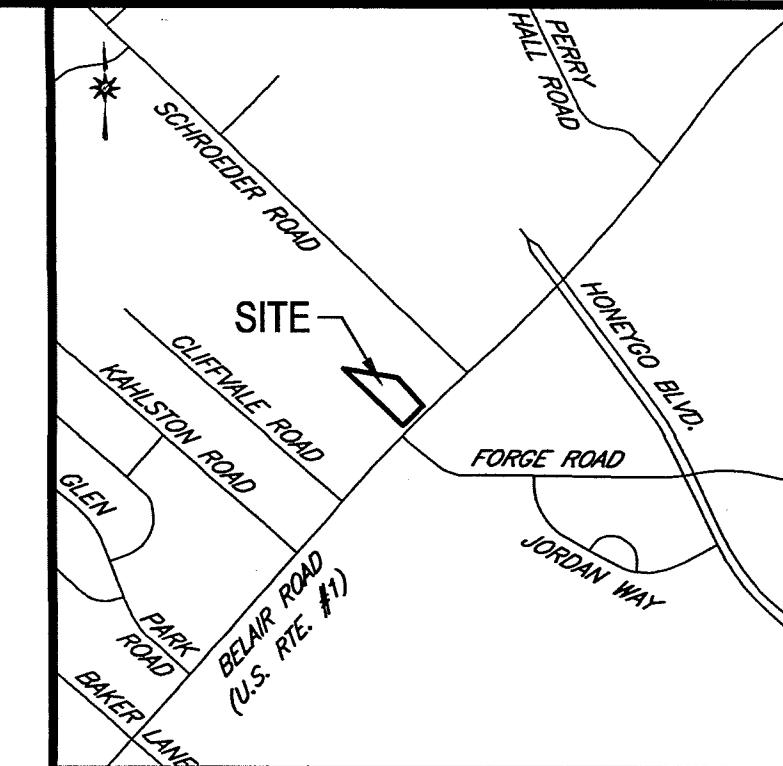
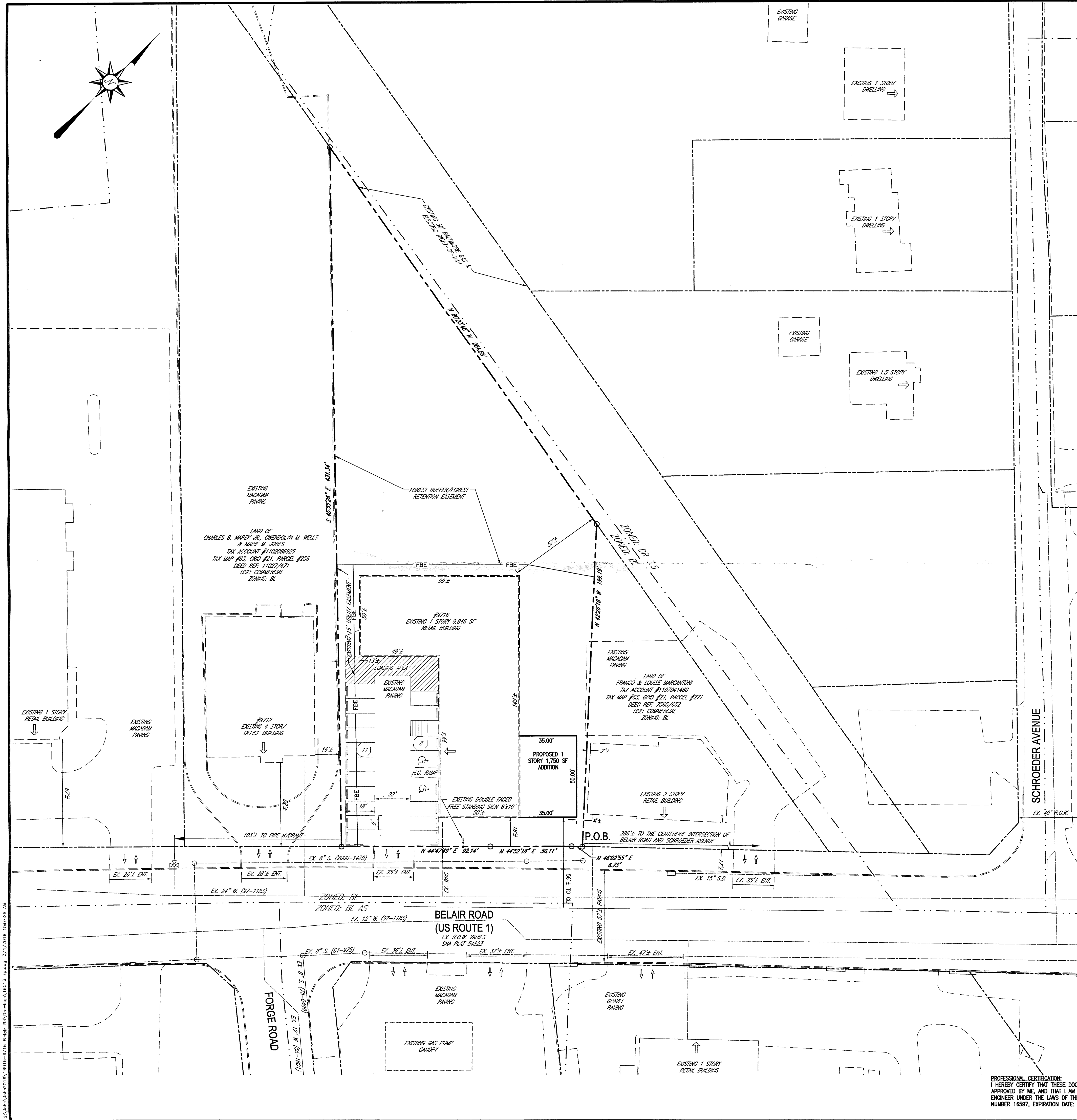
#3

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 5/6/2016



GENERAL NOTES:

- OWNER/DEVELOPER:
JB SOMMER, LLC
9716 BELAIR ROAD
PERRY HALL, MD 21236
- SITE AREA
GROSS: 54,016 SF or 1.24 Ac.±
NET: 49,547 SF or 1.14 Ac.±
- UTILITIES:
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 9,846 SF (RETAIL)
PROPOSED: 1,750 SF (RETAIL ADDITION)
TOTAL: 9,846 + 1,750 = 11,596 SF
DEED REFERENCE: 29299/437
- TAX ACCOUNT #1116061260
- COUNCILMANIC DISTRICT: 5TH
- ZONING: BL
(PER 1"=200' ZONING MAP 06383)
- TAX MAP #63, GRID #21, PARCEL #13
- PREVIOUS ZONING CASE
2010-0198-A VARIANCE TO PERMIT 19 PARKING SPACES IN LIEU OF THE REQUIRED 50 SPACES AND TO PERMIT 2 PARKING SPACES TO BE 5 FEET FROM THE PUBLIC RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10 FEET, GRANTED FEBRUARY 22, 2010.
- NO KNOWN ZONING VIOLATIONS EXISTING ON THE PROPERTY
- NO KNOWN PREVIOUS PERMITS EXISTS ON FILE.
- BUILDING HEIGHT NOT TO EXCEED 35' HIGH.
- PARKING CALCULATIONS
REQUIRED:
RETAIL: 11,596 SF @ 5 SPACES / 1000 SF = 58 SPACES
PROVIDED: 19 SPACES (2 HANDICAPPED, 17 STANDARD 9'x18')
- THE SITE IS NOT HISTORIC.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOODPLAINS EXISTS ON SITE.
- CENSUS TRACT: 411406
- WATERSHED: LOWER GUNPOWDER FALLS.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ONSITE.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BCZR; SECTION 450.
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 3.0
PROVIDED: 11,596/54,016 = 0.21
- SETBACKS FOR BL:

	REQUIRED	PROVIDED
FRONT	10'	18'±
CENTERLINE	40'	56'±
SIDE	NONE	4'±
REAR	20'	57'±
- BASIC SERVICES MAP (2015)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	'D' LEVEL OF SERVICE

Richardson Engineering, LLC

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

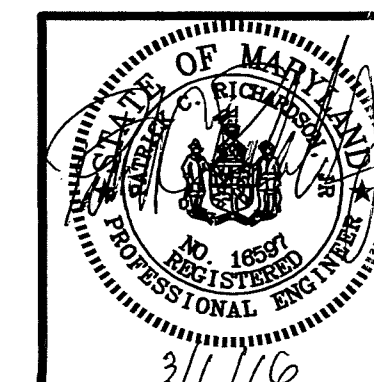
PLAN TO ACCOMPANY ZONING PETITION
FOR

TIME OUT FOR SPORTS

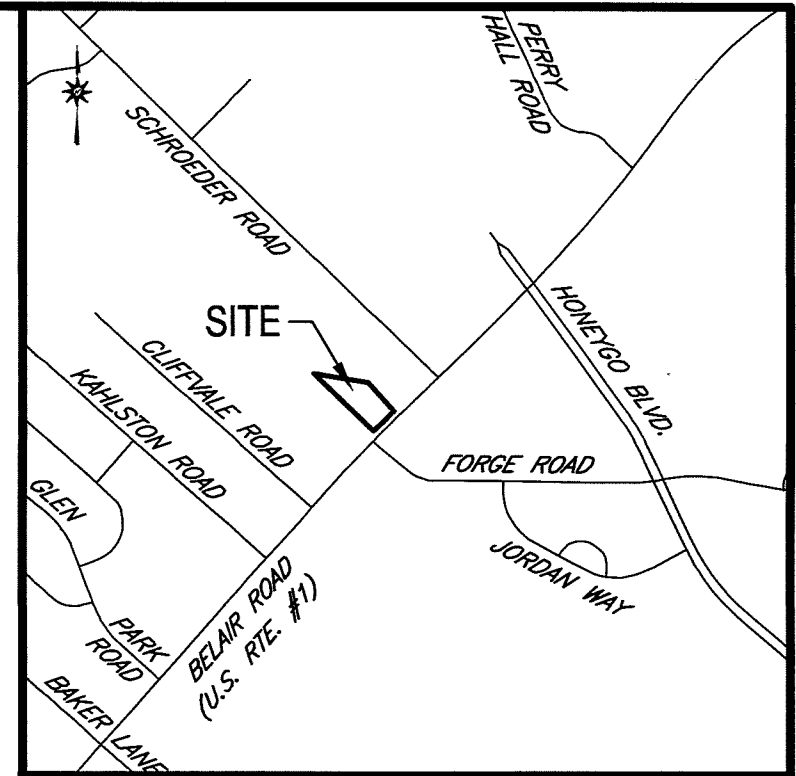
9716 BELAIR ROAD
BALTIMORE, MARYLAND 21236

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CND	CHECKED BY: PCR	SCALE: 1" = 30'
	DATE: 03-01-16	JOB NO.: 16016	SHEET NO.: 1 OF 1



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16557, EXPIRATION DATE: 08-15-2017.



LOCATION MAP
1" = 1000'

GENERAL NOTES:

- OWNER/DEVELOPER:
JB SOMMER, LLC
9716 BELAIR ROAD
PERRY HALL, MD 21236
- SITE AREA
GROSS: 54,016 SF or 1.24 Ac.±
NET: 49,547 SF or 1.14 Ac.±
- UTILITIES
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 9,846 SF (RETAIL)
PROPOSED: 1,750 SF (RETAIL ADDITION)
TOTAL: 9,846 + 1,750 = 11,596 SF
- DEED REFERENCE: 29299/437
- TAX ACCOUNT #1116061250
- COUNCILMANIC DISTRICT: 5TH
- ZONING: BL
- (PER 1"=200' ZONING MAP 06383)
- TAX MAP #63, GRID #21, PARCEL #13
- PREVIOUS ZONING CASE
2010-0199-A: VARIANCE TO PERMIT 19 PARKING SPACES IN LIEU OF THE REQUIRED 50 SPACES AND TO PERMIT 2 PARKING SPACES TO BE 5 FEET FROM THE PUBLIC RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10 FEET, GRANTED FEBRUARY 22, 2010.
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- NO 100 YEAR FLOODPLAINS EXISTS ON SITE.
- CENSUS TRACT: 411406
- WATERSHED: LOWER GUNPOWDER FALLS.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ON SITE.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BCZR; SECTION 450.
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 3.0
PROVIDED: 11,596/54,016 = 0.21
- SETBACKS FOR BL:

	REQUIRED	PROVIDED
FRONT	10'	18'±
CENTERLINE	40'	56'±
SIDE	NONE	4'±
REAR	20'	57'±
- BASIC SERVICES MAP (2015)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	'D' LEVEL OF SERVICE

Richardson Engineering, LLC

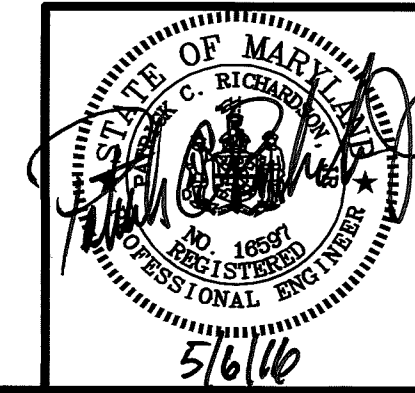
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

TIME OUT FOR SPORTS

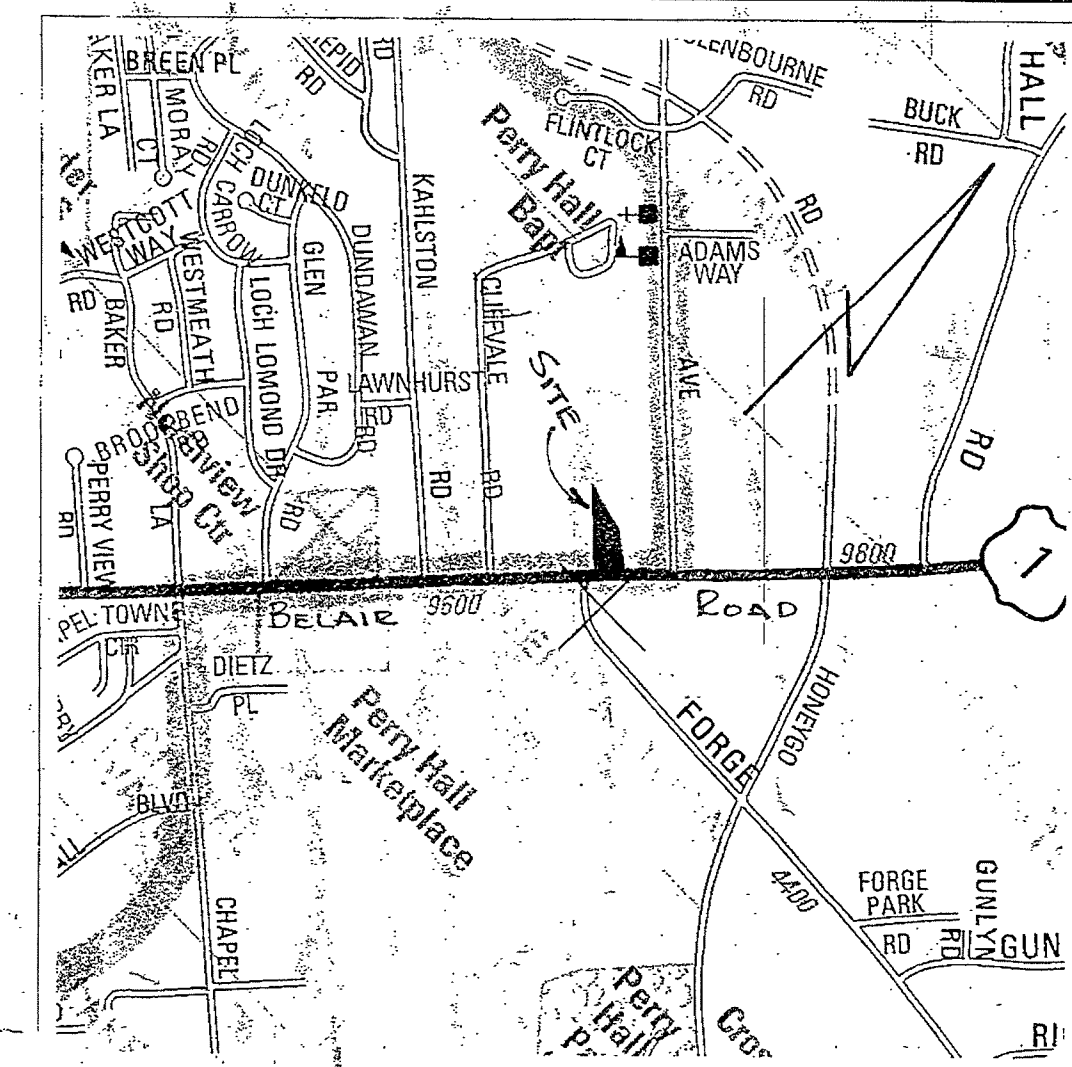
9716 BELAIR ROAD
BALTIMORE, MARYLAND 21236
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS			DRAWN BY:	CHECKED BY:	SCALE:
			CND	PCR	1" = 30'
			DATE:	JOB NO.:	SHEET NO.:
			03-01-16	16016	1 OF 1



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 06-15-2017

Eleventh Election District, Baltimore County Maryland
5TH Councilmanic District



Vicinity Map
1" = 1,000'

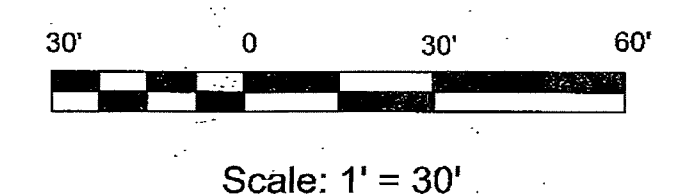
Plan to Accompany Petition
for a
Zoning Variance
No. 9716 Belair Road

Tax Map No. 63 Parcel 13 Tax Acc. No.: 1116061260
Building Permit No. B730694C

Builder / Developer

Time Out Sports
8805 Orchard Tree Lane
Baltimore, MD 21286

Attn: J.B. Sommers
Phone: 410-825-2963



January 13, 2009

Geomatics, Surveying,
Landscape Architecture &
Environmental Science

Aberdeen Associates, Inc.
PO Box 10160 Towson, MD 21285
Phone: 410-666-7448 Fax: 410-666-0373
Contact: Info@A2Geomatics.com
www.A2Geomatics.com

Pet. #4

GENERAL NOTES

1. CURRENT OWNER: PERRY HALL INVESTMENT GROUP
C/O COLEMAN J. PESKIN CO.
PO BOX 176
WYNNWOOD, PA 19096
DEED REF.: LIBER NO. 5514 FOLIO 728 TAX ACCOUNT NO. 1116161260
2. AREA: GROSS SITE AREA - 54,016 SQ. FT. 1.2400 ACRES +/-
NET SITE AREA - 49,547 SQ. FT. 1.1374 ACRES +/-
3. CURRENT ZONING - BL: CURRENT USE - BUILDING VACANT
PROPOSED USE - SPORTING GOODS STORE -
RETAIL / OFFICE / FABRICATION
4. FLOOR AREA RATIO CALCULATIONS:
BUILDING FLOOR AREA - EXISTING - 4,946 SQ. FT.
PROPOSED - 4,900 SQ. FT.
TOTAL - 9,846 SQ. FT.
GROSS SITE AREA - 54,016 SQ. FT.
FAR - 9,846 / 54,016 = 0.18
5. PARKING CALCULATIONS:
EXISTING PARKING ON SITE - 17 SPACES @ 9' X 18'
2 SPACES @ 13' X 18' (HANDICAP)
TOTAL EXISTING PARKING ON SITE - 19 SPACES
PARKING REQUIRED:
RETAIL SPACE
EXISTING BUILDING - 99,01' X 49,96' = 4,946.5 SQ. FT.
PROPOSED BUILDING - 100' X 49' = 4,900.0 SQ. FT.
TOTAL RETAIL FLOOR AREA = 9,846.5 SQ. FT.
PARKING REQUIRED - 9,846 X 5 = 49.23
TOTAL PARKING REQUIRED 50 SPACES
TOTAL PARKING PROVIDED 19 SPACES
NOTE: CONCRETE WHEEL STOPS EXIST ON SITE AND ARE LOCATED AT THE HEAD OF EVERY PARKING SPACE.
6. SUBJECT PROPERTY DOES NOT LIE IN A FLOOD HAZARD ZONE.
7. SUBJECT PROPERTY DOES NOT LIE WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
8. SUBJECT PROPERTY HAS NOT BEEN THE SUBJECT OF PRIOR ZONING HEARINGS, CRG, OR DRG MEETINGS.
9. SUBJECT PROPERTY IS NOT INCLUDED IN A HISTORIC DISTRICT.

ZONING NOTES

1. ALL MERCHANDISE FABRICATED ON THE SUBJECT PREMISES SHALL BE SOLD ON THE SUBJECT PREMISES, AND SHALL NOT BE SHIPPED TO OTHER RETAIL-SALE DESTINATIONS.
2. PURSUANT TO SECTION 230.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR), "NO MORE THAN FIVE EMPLOYEES SHALL BE PERMITTED TO ENGAGE IN THE REPAIR OR FABRICATION OF GOODS ON THE PREMISES."
3. PURSUANT TO SECTION 230.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR), "NOT MORE THAN FIVE HORSEPOWER SHALL BE EMPLOYED IN THE OPERATION OF ANY ONE MACHINE USED IN REPAIR OR FABRICATION, AND NOT MORE THAN 15 HORSEPOWER IN THE OPERATION OF ALL SUCH MACHINES."

LEGEND	
⊙	Property Corner
⊖	Power Pole
⊕	Power Vault
⊙	Observation Well
⊙	Sign Post
⊙	3 Port Fire Hydrant
⊙	Water Meter
⊙	Sanitary Manhole
⊙	SS Cleanout
⊙	Existing Wall Mounted Light

Tax Map 53 Parcel 256
Charles B. Marek, et al
Tax Acc. No. 1102086925
Ref.: Liber 11027 folio 471

Current Zoning - BL

Net Site Area
49547 SqFt
1.1374 Acres

Current Zoning - BL

Existing
4 Story
Masonry Building
(Professional Offices)

No. 9712

Belair

US Route 1
(See SHA Plat No. 54823)

Road

Tax Map 63 Parcel 360
SMO Incorporated
Ref.: Liber 26211 folio 163
Tax Acc. No.: 1119076060

Shell Canopy

Current Zoning - BL
Current Use - Gas Station

SHELL
Gas Station

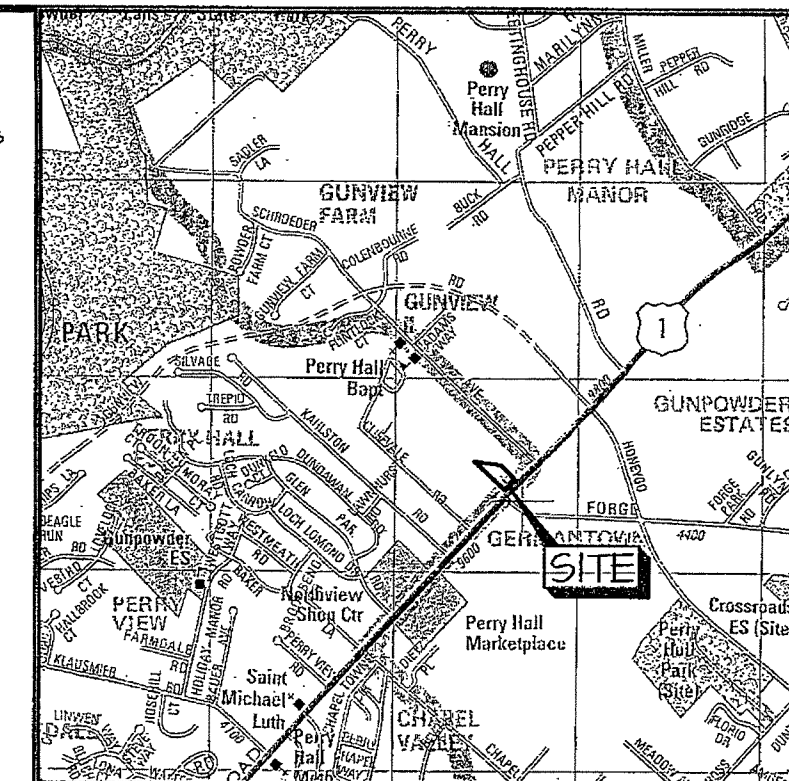
Eleventh Election District, Baltimore County Maryland

SITE DATA

- OWNER/DEVELOPER: JB SOMMER LLC
C/O JB. SOMMERS
2007 HUNFIELD COURT
FALLSTON, MD 21047
- AREA TABULATION:
GROSS SITE AREA - 54,016 SQ. FT. (1,240.0 ACRES)
NET SITE AREA - 44,541 SQ. FT. (1,017.4 ACRES)
- EXISTING ZONING: BL
- EXISTING USE: BUILDING VACANT
- PROPOSED USE: SPORTING GOODS STORE - RETAIL/OFFICE/FABRICATION
- EXISTING ON-SITE FOREST = 0.28 AC.
- EXISTING ON-SITE WETLANDS = 0.41 AC.

LEGEND

- EXISTING FOREST
- SOILS LINE
- EXISTING CONTOUR
- EXISTING NON-TIDAL WETLANDS
- EXISTING FOREST BUFFER LINE
- PROPOSED 6' CHAINLINK FENCE
- PROPOSED FOREST BUFFER SIGN
- PROP. DOWNSPOUT LOCATIONS AND ELEVATIONS



COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NO. 21001141
ADC MAP NO. 24
GRID NO. E-3

NOTES

- NO RARE, THREATENED OR ENDANGERED SPECIES WERE OBSERVED ON THE PROPERTY.
- SURROUNDING LAND USE IS COMMERCIAL DEVELOPMENT.
- NO SIGNIFICANT VIEWS WILL BE AFFECTED BY THE PROPOSED DEVELOPMENT.
- THERE ARE NO SPECIMEN TREES LOCATED WITHIN THE FOREST.
- NO DISTURBANCE WITHIN THE FOREST RETENTION AREA OR NON-TIDAL WETLANDS OCCUR.
- NO FILL GRADING WILL BE PROPOSED AS A RESULT OF THIS PLAN.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER/FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ANY FOREST BUFFER/FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- ORANGE HIGH VISIBILITY FENCE SHALL BE MANUALLY INSTALLED ALONG THE LIMIT OF DISTURBANCE WHERE THE LIMIT IS WITHIN 50' OF THE FOREST BUFFER/FOREST CONSERVATION EASEMENT. THIS SHALL BE COMPLETED AND THE LOCATION OF THE FENCE APPROVED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT PRIOR TO ANY PERMIT APPROVALS, OR AT THE TIME OF PRE-CONSTRUCTION MEETING. IF ANY PROBLEMS ARISE REGARDING THE FENCE LOCATION, UNNECESSARY EQUIPMENT CLEARING, ETC., NO PERMIT WILL BE ISSUED UNTIL THE REQUIRED CORRECTIONS ARE COMPLETED TO THE SATISFACTION OF THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ALL DOWNSPOUTS FROM THE PROPOSED ADDITION SHALL BE DIRECTED TO SPLASHELOCKS AND LAWN AREA OR PAVEMENT SURFACE.
- A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FOR THE LAX FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAIN. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS INCLUDING ELIMINATION OF OPEN PORTIONS OF THE FOREST BUFFER EASEMENT AND POSTING OF PROTECTIVE SIGNAGE AND PERMANENT FENCING ALONG THE FOREST BUFFER EASEMENT.
- ELEVEN NATIVE DECIDUOUS TREES WILL BE PLANTED TO SATISFY THE MITIGATION REQUIREMENT OF 1320 SQ. FT. FOR THE PROPOSED FOREST BUFFER IMPACTS.
- ALL MITIGATION REQUIRED AS A RESULT OF THIS PLAN SHALL BE COMPLETED BY SEPTEMBER 1, 2010.
- THE PROPOSED BUILDING RAIN SPOUTS WILL BE LOCATED ON THE BACK SIDE OF THE BUILDING THAT HAS A SINGLE SLOPE ROOF DRAINING BACK TOWARD THE CONSERVATION AREA. THE RAIN SPOUTS WILL GO STRAIGHT DOWN AND HIT A SPLASH BLOCK, AND THEN THE WATER WILL DRAIN INTO GRASS THAT IS SLOPED TOWARDS THE CONSERVATION AREA.
- A SECURITY IN THE AMOUNT OF \$330.00 WAS POSTED TO GUARANTEE THE IMPLEMENTATION OF THIS FOREST BUFFER/FOREST CONSERVATION PLAN.

SITE INFORMATION

Site Area	=	1.14 Ac.
Unforested 100 year Floodplain	=	0.00 Ac.
Utility Right-of-Way	=	0.00 Ac.
Net Tract Area	=	1.14 Ac.
Forested Area	=	0.28 Ac.
Forest Conservation Threshold (15%)	=	0.17 Ac.
Afforestation Threshold (15%)	=	0.17 Ac.
Proposed Clearing	=	0.00 Ac.
Forest to Remain	=	0.28 Ac.
Total Reforestation Required	=	0.00 Ac.

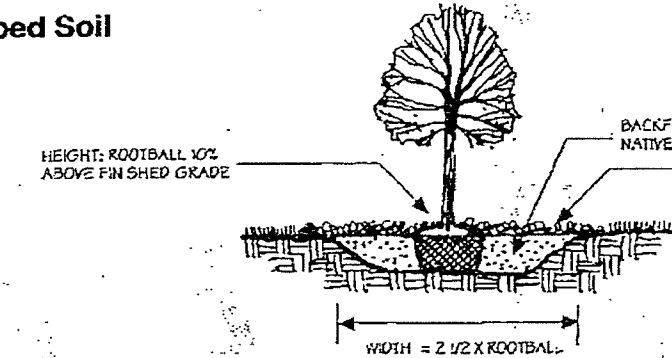
0' 30' 60' 90'
SCALE: 1"=30'

PROFESSIONAL CERTIFICATION

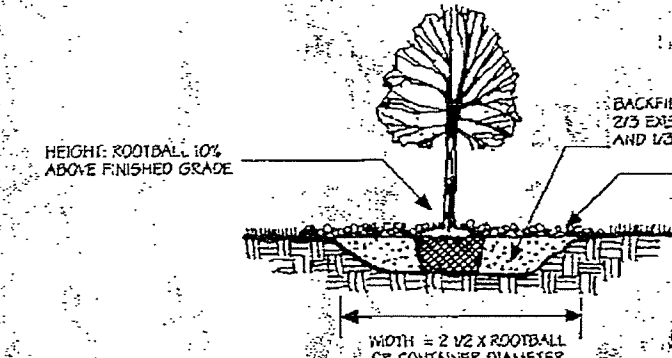
"I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland, license no. 24222, expiration date: 9-10-2011."

Signed	Date
Andrew S. Wishart	# 24222
Name (Printed)	MD P.E. NO.

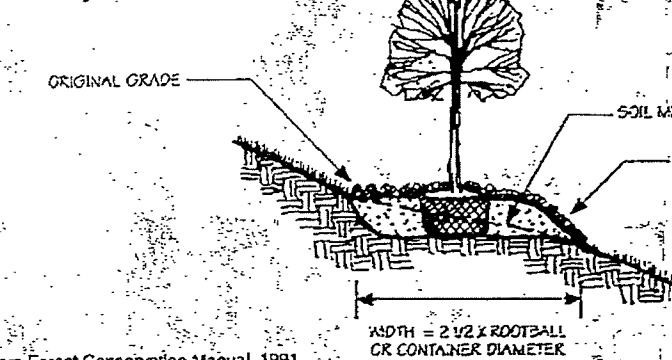
Undisturbed Soil



Disturbed Soil



Planting on Slope



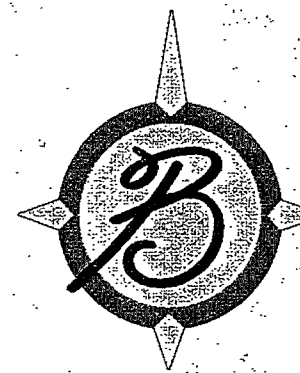
Container Grown and B&B Planting Techniques

Figure D:16

PLANTING SCHEDULE

SYMBOL	NAME	COMMON NAME	QTY.	SIZE
ER	CERCIS CANADENSIS	EASTERN RED BUD	1	6-8 FT.
RS	ACER RUBRUM	RED SUNSET MAPLE	1	8-10 FT.
RO	QUERCUS RUBRA	RED OAK	1	8-10 FT.

*SEE NOTE 12



BAY STATE LAND SERVICES

Engineers * Surveyors * Planners * Architects * Geotechnical Testing

P.O. Box 853, Bel Air, Maryland 21014
2012 Rock Spring Road, Forest Hill, Maryland 21050
Phone: (410) 879-4747 Fax: (410) 420-3949
www.baystatelandservices.com

FINAL FOREST CONSERVATION PLAN & FOREST BUFFER PROTECTION PLAN

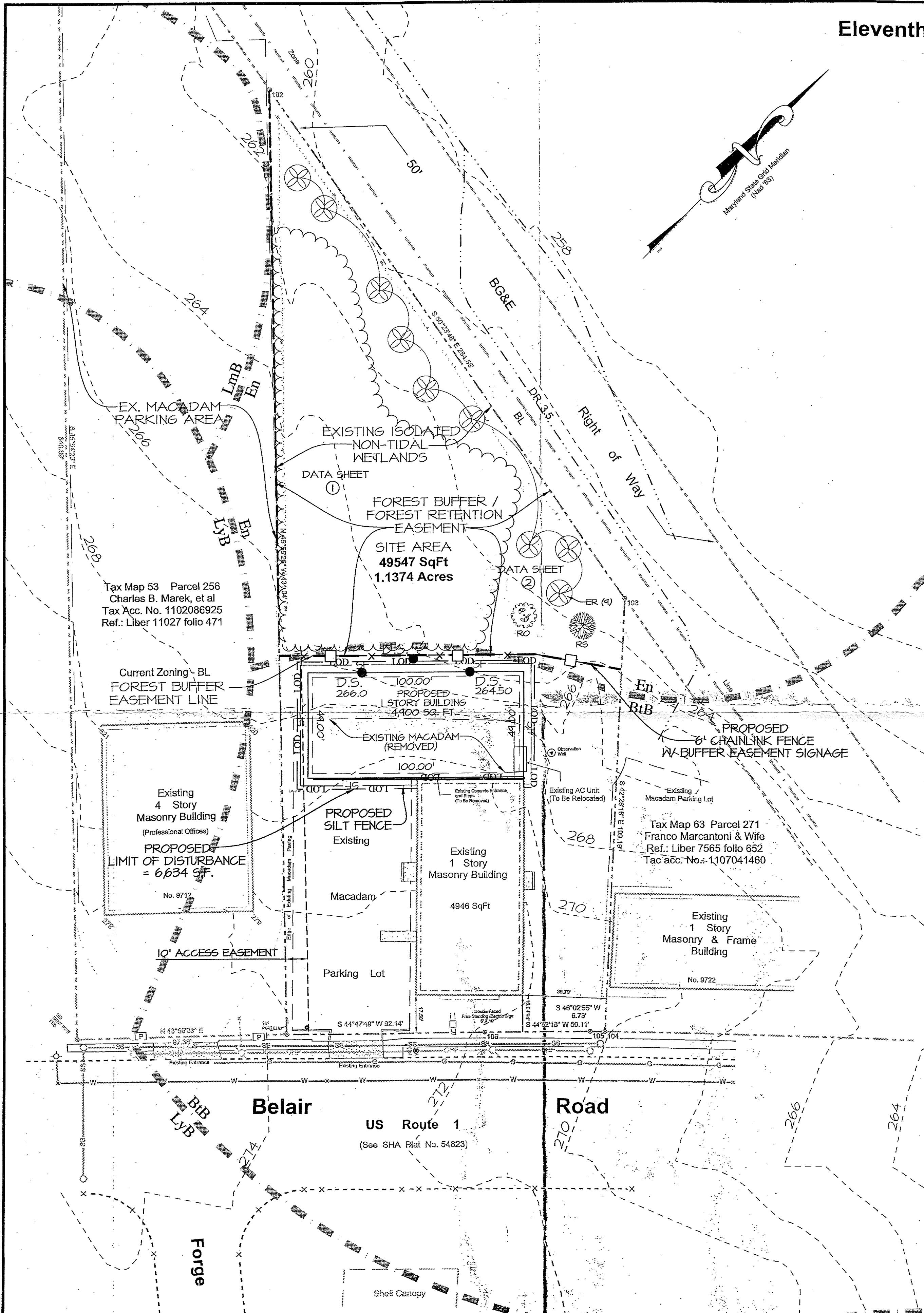
9716 BELAIR ROAD

DISTRICT 11C5

TAX MAP NO. 63 PARCEL 13
ELEVENTH ELECTION DISTRICT

TAX ACC. NO.: 1116061260
BALTIMORE COUNTY, MARYLAND

DATE	03/16/10	DRAWING NO.
SCALE	1"=30'	WD1
DESIGNED BY	BSLS	SHEET 1 OF 1
DRAWN BY	JRO	BSLS JOB NO. 09105



NO.	DATE	DESCRIPTION

OWNER
JB SOMMER LLC
C/O JB. SOMMERS
2007 HUNFIELD COURT
FALLSTON, MD 21047

DEVELOPER
TIME OUT SPORTS
8805 ORCHARD TREE LANE
BALTIMORE MD, 21286
410-825-2463
CONTACT: JB. SOMMERS