

M E M O R A N D U M

DATE: July 6, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0245-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 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

(8833 Belair Road)

11th Election District

5th Council District

8833 Belair LLC

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0245-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 8833 Belair LLC, legal owner of the subject property ("Petitioner"). Petitioner requests Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit 62 spaces in lieu of the required 118 spaces, pursuant to section 409.6.A.2; (2) to permit 7.5 ft. parking space to street right-of-way setback in lieu of the required 10 ft. pursuant to section 409.8.A.4; and (3) to permit 7.5 ft. landscape buffer in lieu of 10 ft., pursuant to section 409.8.A.1. A site plan was marked as Petitioner's Exhibit 1.

John Mazarakis and Mitch Kellman appeared in support of the Petition. Jennifer Busse, Esq. represented the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP), the State Highway Administration (SHA) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 39,770 square feet and is zoned BL, DR 5.5 and DR 10.5. The commercial property is located along Belair Road, and was formerly the site of a restaurant and other small businesses operated out of several one and two-story structures.

Petitioner purchased the property in 2010, and recently razed all of the existing commercial

ORDER RECEIVED FOR FILING

Date 6-3-16

By den

buildings, which had become an eyesore. Petitioner then constructed an attractive two-story commercial building that will contain a Seasons Pizza Restaurant and other retail tenants.

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 split-zoned and there is a grade change which slopes down to the rear of the site. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to open its restaurant and lease other tenant space. 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. Petitioner will install enhanced landscaping along Belair Road, which will screen the parking spaces at the entrance to the site. Mr. Mazarakis testified he operates 30 Seasons Pizza locations, and by reviewing company records he determined carry-out orders comprise approximately 65% of the total revenue. This reduces the need for off-street parking, and in similar situations parking space variances are frequently granted to fast-food restaurants due to the fact the great majority of customers use the drive-thru rather than dine-in option.

THEREFORE, IT IS ORDERED, this 3rd day of June, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit 62 spaces in lieu of the required 118 spaces, pursuant to section 409.6.A.2; (2) to permit 7.5 ft. parking space to street right-of-way

ORDER RECEIVED FOR FILING

Date 6-3-16

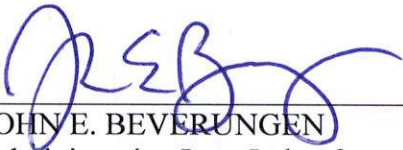
By Sen

setback in lieu of the required 10 ft. pursuant to section 409.8.A.4; and (3) to permit 7.5 ft. landscape buffer in lieu of 10 ft., pursuant to section 409.8.A.1. , 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. Proposed dumpster at east rear corner of the site must be screened in accordance with the requirements of condition H of the Baltimore County Landscape Manual.
3. Prior to issuance of permits both the Development Plan and Landscape Plan must be amended to reflect the relief granted herein.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 6-3-16

By sln



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 4165813

Sold To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

Bill To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

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

May 12, 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: # 2016-0245-A	
8833 Belair Road SE/s Belair Road, 1900 ft. SW of the centerline of Silver Spring Road 11th Election District - 5th Councilmanic District Legal Owner(s) John Mazarakis	
Variance: to permit 62 parking spaces in lieu of the required 118 spaces; to permit 7.5 ft. parking space to street right-of-way setback in lieu of the required 10 ft.; to permit 7.5 ft. landscape buffer in lieu of 10 ft.	
Hearing: Thursday, June 2, 2016 at 11:00 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.	
5/080 May 12	4165813

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

ZONING NOTICE

CASE # 2016-0245-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG. ROOM 205

PLACE: 105 W. CHESAPEAKE AVE TOWSON, MD 21204

DATE AND TIME: THURS. JUNE 2, 2016 11 AM

REQUEST: VARIANCE TO PERMIT 62 PARKING

SPACES IN LIEU OF THE REQUIRED 118 SPACES TO

PERMIT 7.5 FT. PARKING SPACE TO STREET, RIGHT-OF-

WAY SETBACK IN LIEU OF THE REQUIRED 10 FT. TO

PERMIT 7.5 FT. LANDSCAPE BUFFER IN LIEU OF 10 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

March 25, 2016



ZONING DESCRIPTION FOR THE PROPERTY KNOWN AS 8833 BELAIR ROAD

DESCRIPTION: 8833 BELAIR ROAD, 11TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT, BALTIMORE COUNTY, MARYLAND

All that certain piece, parcel or tract of land situated in the 11th Election District, 5th Councilmanic district, Baltimore County, Maryland and known as 8833 Belair Road, as per a plan title, Plan to Accompany Petition for Zoning Variance, of 8833 Belair Road, by McBride and Ziegler Inc. dated February 28, 2013, and more particularly described as follows, to wit:

Beginning at a point on the southeasterly side of Belair Road (at 70 feet wide), said point being located from the point formed by the intersection of the northeasterly side of Silver Spring Road and the Southeasterly side of Belair Road a distant of 1900 feet more or less, to the Point of Beginning,

Thence, from said point of Beginning and with the aforementioned Belair Road (at 70 feet wide) North 50 degrees, 38 minutes, 37 seconds East 200.00 feet to a point, thence leaving the aforementioned Belair Road and with lands now or formerly 8835 Partnership; South 45 degrees, 30 minutes, 20 seconds East 200.00 feet to a point, thence with lands now or formerly Silver Spring Station Joint Venture and land now or formerly Baltimore County; South 50 degrees, 38 minutes, 37 seconds West 200.00 feet to a point, thence with lands now or formerly 8835 Partnership; North 45 degrees, 30 minutes, 20 seconds West 200.00 feet to a point on the aforementioned Belair Road and the Place of Beginning.

Containing within said metes and bounds 0.9130+/- acres of land, be they the same more or less.

2016-0245-A

CERTIFICATE OF POSTING

Date: 5-7-16

RE: Case Number: 2016-0245

Petitioner/Developer: John Mazarakis

Date of Hearing/Closing: June 2, 2016 11AM

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

The signs(s) were posted on 5-7-16
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

April 20, 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: 2016-0245-A

8833 Belair Road

SE/s Belair Road, 1900 ft. SW of the centerline of Silver Spring Road

11th Election District – 5th Councilmanic District

Legal Owners: John Mazarakis

Variance to permit 62 parking spaces in lieu of the required 118 spaces; to permit 7.5 ft. parking space to street right-of-way setback in lieu of the required 10 ft.; to permit 7.5 ft. landscape buffer in lieu of 10 ft.

Hearing: Thursday, June 2, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, One W. Pennsylvania Avenue, Ste. 300, Towson 21204
John Mazarakis, 1007 Church Road, Newark DE 19702

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 12, 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, May 12, 2016 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
One W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2000

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: 2016-0245-A

8833 Belair Road

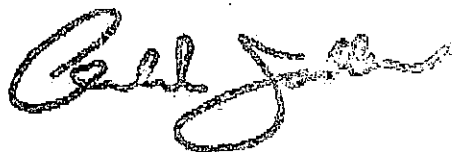
SE/s Belair Road, 1900 ft. SW of the centerline of Silver Spring Road

11th Election District – 5th Councilmanic District

Legal Owners: John Mazarakis

Variance to permit 62 parking spaces in lieu of the required 118 spaces; to permit 7.5 ft. parking space to street right-of-way setback in lieu of the required 10 ft.; to permit 7.5 ft. landscape buffer in lieu of 10 ft.

Hearing: Thursday, June 2, 2016 at 11:00 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
8833 Belair Road; SE/S Belair Road,
1900' SW of c/line Silver Spring Road
11th Election & 5th Councilmanic Districts
Legal Owner(s): John Mazarakis
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-245-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
APR 21 2016
lee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April, 2016, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8833 Belair Road which is presently zoned BL, DR 10.5 & DR 55
Deed References: 29209/455 10 Digit Tax Account # 11 11038430
Property Owner(s) Printed Name(s) 8833 Belair LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)

please see attached

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

to be presented at 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:

N/A

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Jennifer Burse, Esq.
Name- Type or Print _____
Signature _____
Mailing Address *One W. Pennsylvania Ave Ste. 300* City _____ State _____
Zip Code *21204* Telephone # *410 832 2077* Email Address *jburse@wtplaw.com*

Legal Owners (Petitioners):

John Mazarakis
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 *John Mazarakis* Signature #2 _____
Mailing Address *1007 Church Rd* City *Newark* State *DE*
Zip Code *19702* Telephone # *(302) 388-5305* Email Address *john.mazarakis@yahoo.com*

Representative to be contacted:

Jennifer R. Burse, Esq.
Name - Type or Print _____
Signature *[Signature]* _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2016-0245-A Filing Date 4/12/16

Do Not Schedule Dates:

Date

By

ORDER RECEIVED FOR FILING
6-3-16

Reviewer *AT*

REV. 10/4/11



Attachment to Petition for Variance

8833 Belair Road

Petition for Variance from BCZR §409.6.A.2 to permit 62 spaces in lieu of the required 118 spaces.

Petition for Variance from BCZR §409.8.A.4 to permit 7.5' parking space to street right of way setback in lieu of the required 10'.

Petition for Variance from BCZR §409.8.A.1 to permit 7.5' landscape buffer in lieu of 10'.

March 25, 2016



ZONING DESCRIPTION FOR THE PROPERTY KNOWN AS 8833 BELAIR ROAD

DESCRIPTION: 8833 BELAIR ROAD, 11TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT, BALTIMORE COUNTY, MARYLAND

All that certain piece, parcel or tract of land situated in the 11th Election District, 5th Councilmanic district, Baltimore County, Maryland and known as 8833 Belair Road, as per a plan title, Plan to Accompany Petition for Zoning Variance, of 8833 Belair Road, by McBride and Ziegler Inc. dated February 28, 2013, and more particularly described as follows, to wit:

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Thence, from said point of Beginning and with the aforementioned Belair Road (at 70 feet wide) North 50 degrees, 38 minutes, 37 seconds East 200.00 feet to a point, thence leaving the aforementioned Belair Road and with lands now or formerly 8835 Partnership; South 45 degrees, 30 minutes, 20 seconds East 200.00 feet to a point, thence with lands now or formerly Silver Spring Station Joint Venture and land now or formerly Baltimore County; South 50 degrees, 38 minutes, 37 seconds West 200.00 feet to a point, thence with lands now or formerly 8835 Partnership; North 45 degrees, 30 minutes, 20 seconds West 200.00 feet to a point on the aforementioned Belair Road and the Place of Beginning.

Containing within said metes and bounds 0.9130+/- acres of land, be they the same more or less.

2016-0245-A

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2016-0245-A
Property Address: 8833 BELAIR ROAD.
Property Description: Southeast Side of Belair Road

Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse
Company/Firm (if applicable): Whiteford, Taylor + Preston, L.L.P.
Address: One W. Pennsylvania Ave, Suite 300
Towson, MD 21204

Telephone Number: 410-832-2000

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

No. **134735**
 Date: **4/11/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/13/2016 4/12/2016 13:09:14 5
 REG WSDS WALKIN RSGS LRG
 RECEIPT # 046760 4/12/2016 GFLN
 Dept 5 526 ZONING VERIFICATION
 CR NO. 134735
 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	806	0000		6151				\$ 500

Total: **\$ 500**

Rec From: _____
 For: **8833 BEL AIR RD**
2016-0241-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*

May 25, 2016

John Mazarakis
1007 Church Road
Newark DE 19702

RE: Case Number: 2016-0245 A, Address: 8833 Belair Road

Dear Mr. Mazarakis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 12, 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
Jennifer Busse, Esquire, One W Pennsylvania Avenue Suite 300, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: April 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0245-A
Address 8833 Belair Road
(Mazarakis Property)

Zoning Advisory Committee Meeting of April 25, 2016.

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

Reviewer: Steve Ford

Date: 04-19-2016

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



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

Date: 4/21/16

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/19/16. A field inspection and internal review reveals that an entrance onto US 1 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2016-0245-A

* Variance
John Mazarakis
8833 Belair Road US 1

The applicant must contact the State Highway Administration to obtain an entrance permit.

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

Sincerely,

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

* The SHA is currently reviewing plans for this site
SHA Tracking No. 12 APBA014XX

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road * Hunt Valley, Maryland 21030 * Phone 410-229-2300 or 1-866-998-0367 * Fax 410-527-4690

www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: May 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-245

RECEIVED

MAY 12 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 8833 Belair Road
Petitioner: John Mazarakis
Zoning: BL, DR 10.5, DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit 62 parking spaces, a parking space to street right of way setback of 7.5 feet and a landscape buffer of 7.5 feet in lieu of the required 118 spaces, 10 feet and 10 feet respectively.

A site visit was conducted on April 26, 2016. The site is currently under construction pursuant to building permit number B885041. The Department has reviewed a modified landscape plan received May 3, 2016 and recommends its adequacy in mitigating the impacts of the development from the travel way. The Department will support the decision of the Baltimore County Landscape Architect as to the ultimate approval of the modified landscape plan.

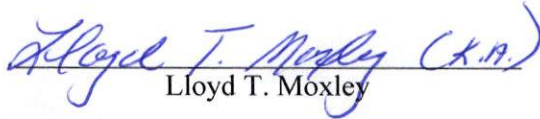
The Department of Planning has no objection granting the petitioned zoning relief conditioned upon the following:

- The proposed dumpster to be located at the east rear corner of the site and within the DR 5.5 zoned portion of the property must meet the requirements of Condition H of the Baltimore County Landscape Manual by employing at minimum masonry screen walls with tree and shrub plantings between it and the adjacent properties to the northeast, east and southeast.

Be advised the parcel is a part of the 2016 Comprehensive Zoning Map Process (CZMP), Issue Number 5-146. The requirements of Baltimore County Code, § 32-4-205 may apply to any amended development plan. The Petitioner may apply to the Baltimore County Development Review Committee for a determination on the matter through the Baltimore County Development Management Office, (410) 887-3321.

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: Ngone Seye Diop
Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections
Jennifer R. Busse
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

6-2
RECEIVED

Inter-Office Correspondence

APR 19 2016



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: April 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0245-A
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(Mazarakis Property)

Zoning Advisory Committee Meeting of April 25, 2016.

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

Reviewer: Steve Ford

Date: 04-19-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 25, 2016
Item No. 2016-0245

DATE: April 20, 2016

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

We have no objection to granting the requested variances. Please add this condition to your order-both the Development plan and the Landscape plan must be amended.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0245- 04252016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: May 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-245

INFORMATION:

Property Address: 8833 Belair Road
Petitioner: John Mazarakis
Zoning: BL, DR 10.5, DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit 62 parking spaces, a parking space to street right of way setback of 7.5 feet and a landscape buffer of 7.5 feet in lieu of the required 118 spaces, 10 feet and 10 feet respectively.

A site visit was conducted on April 26, 2016. The site is currently under construction pursuant to building permit number B885041. The Department has reviewed a modified landscape plan received May 3, 2016 and recommends its adequacy in mitigating the impacts of the development from the travel way. The Department will support the decision of the Baltimore County Landscape Architect as to the ultimate approval of the modified landscape plan.

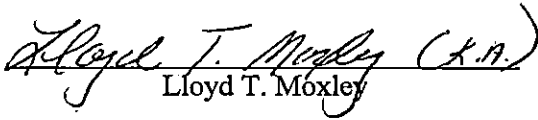
The Department of Planning has no objection granting the petitioned zoning relief conditioned upon the following:

- The proposed dumpster to be located at the east rear corner of the site and within the DR 5.5 zoned portion of the property must meet the requirements of Condition H of the Baltimore County Landscape Manual by employing at minimum masonry screen walls with tree and shrub plantings between it and the adjacent properties to the northeast, east and southeast.

Be advised the parcel is a part of the 2016 Comprehensive Zoning Map Process (CZMP), Issue Number 5-146. The requirements of Baltimore County Code, § 32-4-205 may apply to any amended development plan. The Petitioner may apply to the Baltimore County Development Review Committee for a determination on the matter through the Baltimore County Development Management Office, (410) 887-3321.

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

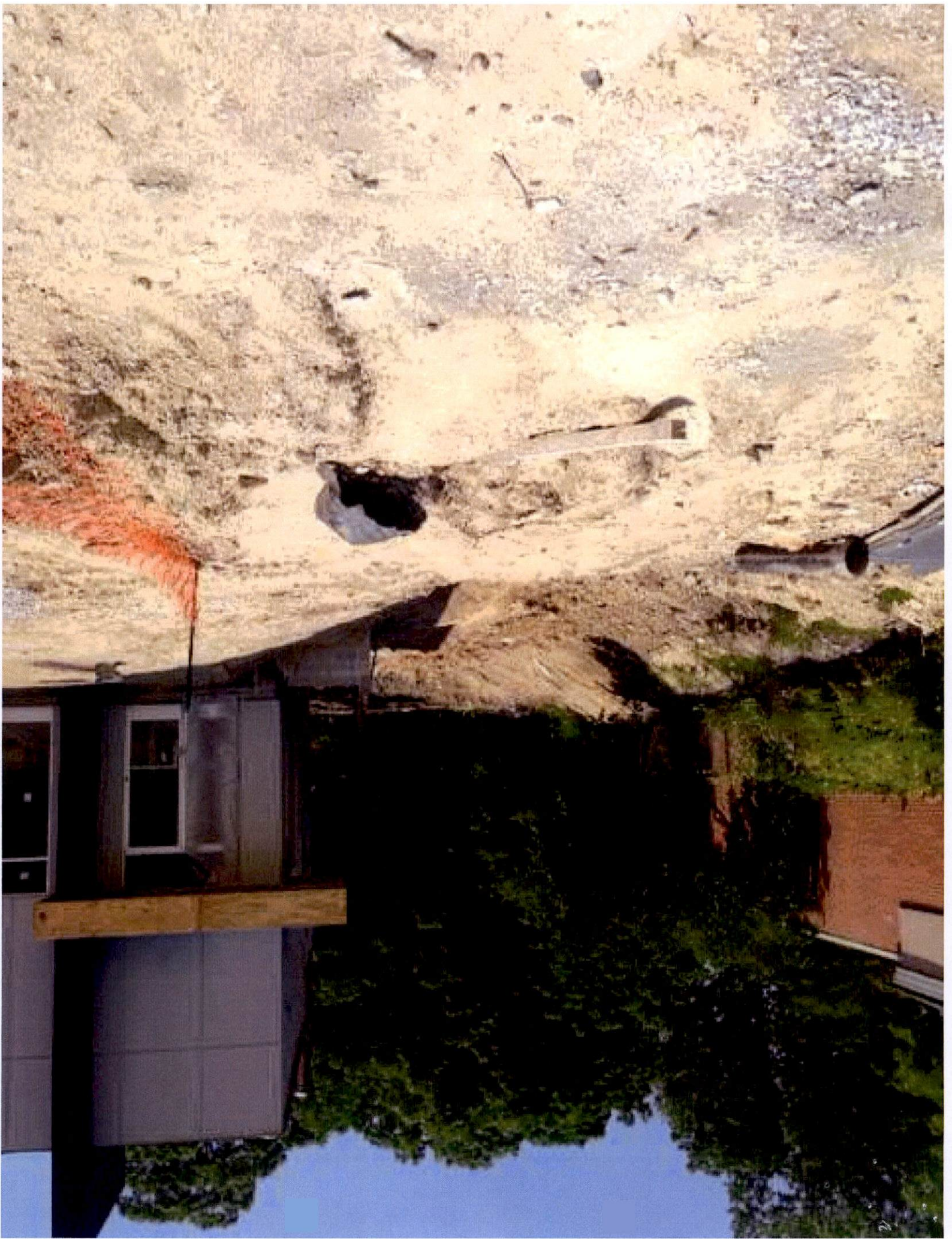
c: Ngone Seye Diop
Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections
Jennifer R. Busse
Office of the Administrative Hearings
People's Counsel for Baltimore County



PETITIONER'S

EXHIBIT NO.

3









PLEASE PRINT CLEARLY

CASE NAME 9033 Belar Rd
CASE NUMBER 2016-0245-A
DATE 6/2/16

PETITIONER'S SIGN-IN SHEET

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/20

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

4/19

DEPS
(if not received, date e-mail sent _____)

N/C

5/11

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

no obj w/Comment

4/21

STATE HIGHWAY ADMINISTRATION

C

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/12/16

SIGN POSTING

Date:

5/7/16

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

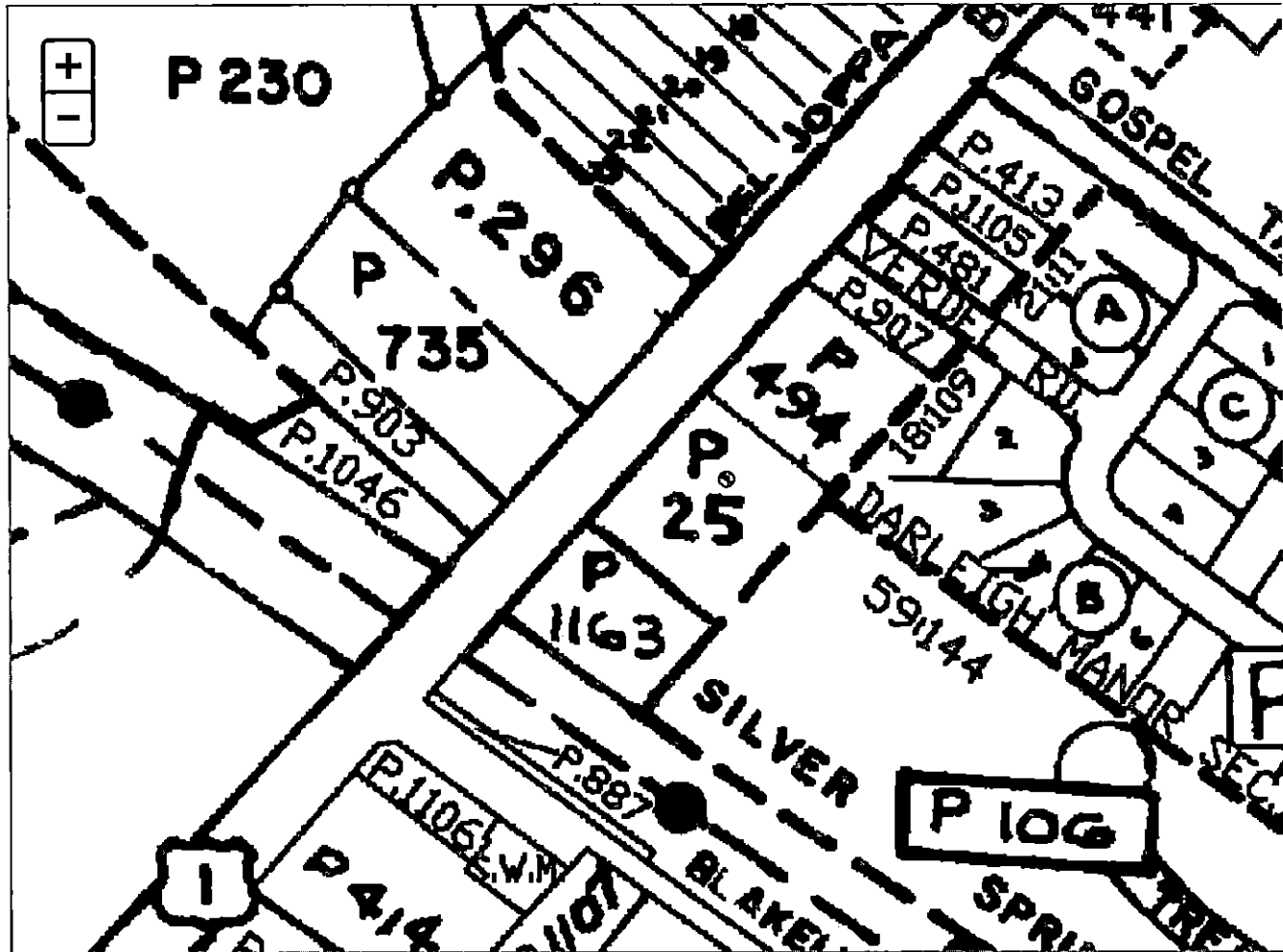
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1111038430			
Owner Information					
Owner Name:	8833 BELAIR LLC		Use:	COMMERCIAL	
Mailing Address:	8833 BELAIR RD BALTIMORE MD 21236-2403		Principal Residence:	NO	
			Deed Reference:	/29209/ 00455	
Location & Structure Information					
Premises Address:		8833 BELAIR RD 0-0000		Legal Description:	.91 AC 2233 BELAIR RD 1900 NE SILVER SPRING RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0072	0013	0025		0000	
				Assessment Year:	Plat No:
				2016	
				Plat Ref:	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
	13240		39,639 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	400,100	445,100			
Improvements	0	0			
Total:	400,100	445,100	400,100	415,100	
Preferential Land:	0			0	
Transfer Information					
Seller: REGESTER SQUARE		Date: 02/23/2010		Price: \$750,000	
Type: ARMS LENGTH IMPROVED		Deed1: /29209/ 00455		Deed2:	
Seller: REGESTER GEORGE S		Date: 04/15/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /21723/ 00627		Deed2:	
Seller: KILLIAN JOHN G		Date: 03/28/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /03055/ 00429		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: **1111038430**

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>).

WHITEFORD, TAYLOR & PRESTON L.L.P.

JENNIFER RYAN LAZENBY
DIRECTLINE (410) 832-2064
DIRECT FAX (410) 339-4022
jlazenby@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE

WWW.WTPLAW.COM
(800) 987-8705

July 19, 2016

Baltimore County Office of Permits, Approvals and Inspections
c/o Mr. Arnold Jablon, Director
County Office Building
111 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204

COPY

Dear Mr. Jablon:

This is a request under the Maryland Public Information Act, State Government Article §§10-611, et. seq. I am making this request on behalf of my clients, Seasons Pizza and 8833 Belair LLC. In this capacity, I wish to inspect all records in your Department's custody and control pertaining to the following:

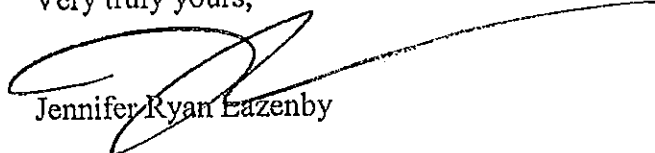
- (a) McBride & Ziegler, Inc.'s communications, applications, etc. with Baltimore County regarding 8833 Belair LLC;
- (b) McBride & Ziegler, Inc.'s communications, applications, etc. with Baltimore County regarding 8833 Belair Road; and
- (c) McBride & Ziegler, Inc.'s communications, applications, etc. with Baltimore County regarding Seasons Pizza.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I will want copies of all of the records sought. Therefore, please advise me as to the total cost of the copies and I will promptly deliver payment.

I look forward to receiving copies of the records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation. If you have any questions regarding this request, please telephone me at the above number.

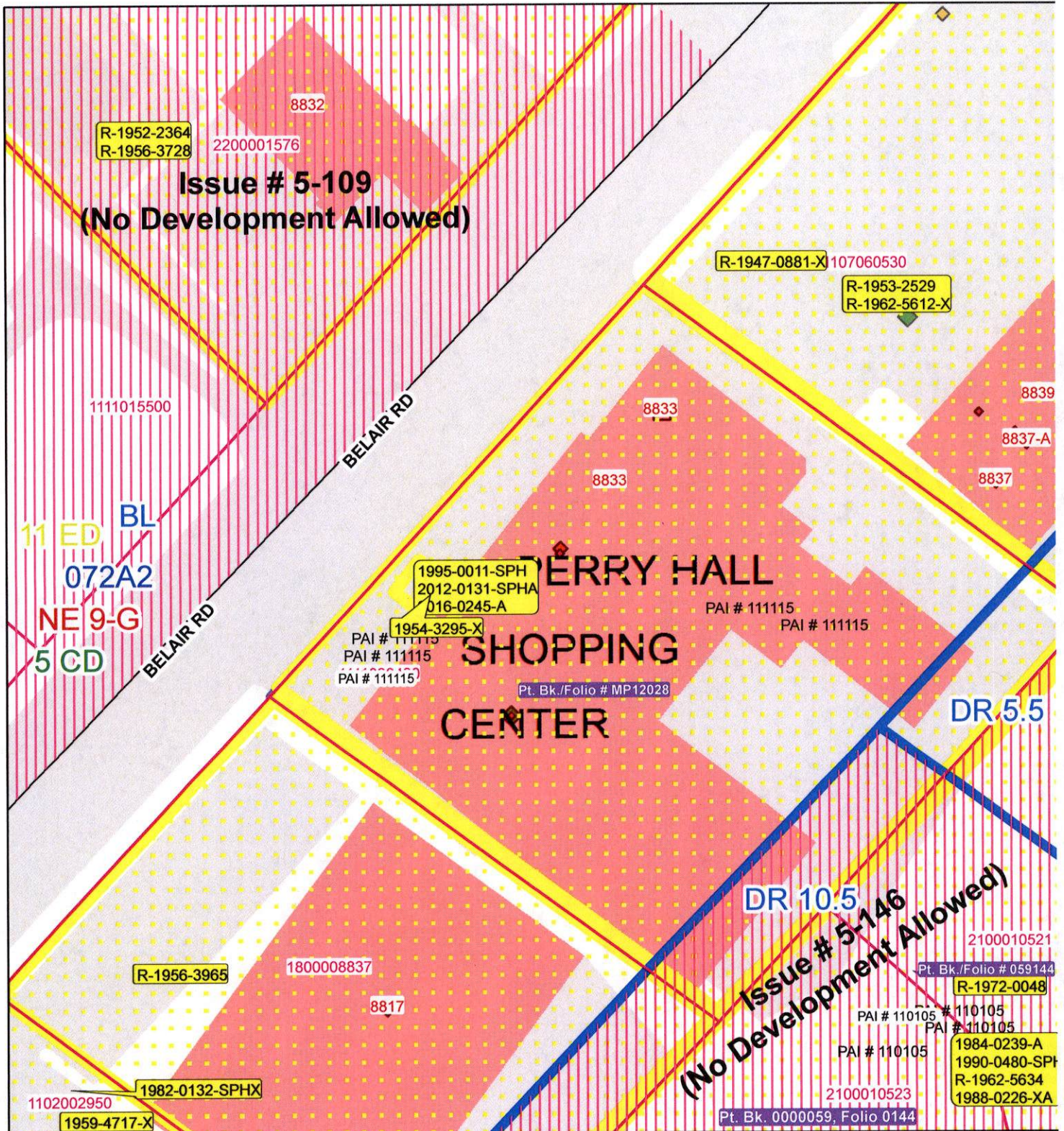
Very truly yours,



Jennifer Ryan Lazenby

JRL/jll/444477

8833 Belair Road



Publication Date: 8/10/2016



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.525 50 75 100 Feet

1 inch = 50 feet

OUR ORDER NO. 3349
HAMILTON RADIO & APPL. CENTER
\$20.00

3295-S

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF

MRS. WILLIAM WINEBRENER

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For a Special Permit

To The Zoning Commissioner of Baltimore County

MRS. WILLIAM WINEBRENER
SILVER SPRING ROAD

P.O. FULLERTON, BALTIMORE 6, MD.

Legal Owner

Contract
Purchaser

hereby petition for a Special Permit, Under the Zoning Regulations
and Restrictions passed by the County Commissioners of Baltimore
County, agreeable to Chapter 877 of the Acts of the General
Assembly of Maryland of 1943, for a certain permit and use, as
provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now
or be erected thereon) hereinafter described for installation
of a double face neon sign 6'0" x 4'0" on front of building at
8843 Belair Road, Baltimore County, Maryland as per attached
plot plan.

All that parcel of land in the Fourteenth District of
Baltimore County, on the southeast side of Belair Road, beginning 350
feet northeast of Blakely Ave us; thence northeasterly and binding on the
southeast side of Belair Road 20 feet with a rectangular depth southeasterly
of 20 feet. Known as 8843 Belair Road.

Contract Purchaser

Address

MRS. WM. WINEBRENER
SILVER SPRING ROAD

P.O. FULLERTON, BALTIMORE 6, MD.

Legal Owner

Address

NOTE: PLEASE NOTIFY US WHEN THE DATE OF THIS HEARING IS TO BE HELD:

THE TRIANGLE SIGN CO.
619 W. FRANKLIN ST.
BALTIMORE 1, MD.
ATTN.: MR. B. SOMMER

Property 8843 Belair Rd

1748/54
11:30 P.M.

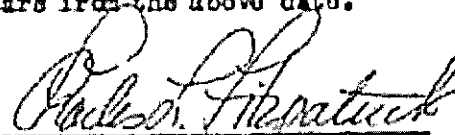
MRS. WILLIAM WINEBRENER
S.E. of Belair Rd., beg. 350 N.E. of
Blakely Avenue #3295-S

ORDERED by the Zoning Commissioner of Baltimore County this 19th day of November, 1954, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 8th day of December, 1954, at 1:30 o'clock P.M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a special permit to erect One Advertising Sign on the property described in the petition, and it appearing that by reason of location, being in a commercial zone, the general welfare of the community not being detrimentally affected, the said petition should be granted, therefore:

It is this 16th day of December, 1954, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petition for a special permit, be and the same is hereby granted for a period of two (2) years from the above date.


Deputy Zoning Commissioner
of Baltimore County

IN THE MATTER OF THE
THE APPLICATION OF
GEORGE S. REGESTER, ET UX
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE SOUTH
EAST SIDE BELAIR ROAD, 1900'
NE OF C/L OF SILVER SPRING
ROAD (8833 BELAIR ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-11-SPH

* * * * *

O P I N I O N

This matter comes before this Board on appeal of the Zoning Commissioner's approval for the continuation of use, commencing in 1955, as a non-conforming use. The Special Hearing was granted with restrictions.

The non-conforming use is for the operation of an auto service garage on approximately one acre of land on Belair Road at Silver Spring Road in an area zoned B.L. The site is improved by several inter-connected buildings that include a number of mixed uses in addition to petitioner's florist business. Those uses are an appliance repair shop and an automobile accessory shop. The subject building is one of three separate buildings on the site, the dimensions of which are hereby outlined on Petitioner's Exhibit #1 from the Zoning Commissioner's hearing.

Appearing as Appellant was Ms. Laurie A. Martin, as well as other property owners who live on Treadway Court, which bounds the subject property in the rear. None of these protestants were present at the hearing with the Zoning Commissioner.

Ms. Martin testified to information she learned of a proposed change in the size and extent of automobile services at the property owned and utilized as a retail and wholesale florist

MICROFILMED

business by Mr. Regester since 1952. Appellant protested the addition of another auto service center in the 8600-9300 blocks of Belair Road, presently the location of six existing services. Along with her remarks, Ms. Martin submitted photographs of various garage services, along with a letter (Protestant's Exhibit #3) from Precision Tune, listing the company's services, hours, and volume of service. Upon purchase of her home in 1990, Ms. Martin saw no automotive activity at the site.

Mr. Donald Merson of Treadway Court testified that he was out of the country at the time of the first hearing, and knew very little about the garage services by the florist. He remarked about trucks parked on the property related to the florist's business. He became curious when the sign announcing the zoning hearing was put in place, and the possibility of a rumored Precision Tune garage. He protested the repairs of racing cars on the site and the disturbing noise that arises as the vehicles are "driveway tested". When Mr. Merson bought property he checked the zoning of the site and was convinced by the realtor that it was just a florist shop business.

Ms. Karen Fox of Treadway Court testified that she was concerned over the establishment of a "full blown auto service". She questions why a florist shop should have additional service bays when they don't face Belair Road, but rather the residential homes. Ms. Fox asserted that she has never considered the garage as a repair use in her three years in the neighborhood. The florist shop is now a storage lot for race cars and soon to be an

auto shop.

Mr. George Regester testified that he has owned the one-acre plot of land on Belair Road since 1952. He testified that his retail and wholesale flower business covers the total metropolitan area, with business sites in other communities. He further stated that he had no intentions of expanding the garage, where he services his twenty vans used in the business as they require repairs and are brought to the site.

Mr. Regester traced this aspect of his growing business to 1954 when he hired a mechanic and built the subject building. He has all work done inside the garage by two mechanics, who also do installations and repairs for an automobile accessory business that leases space in the building. Mr. Regester clarified that the three bay doors do not face residential homes. The only complaint he has had was the music of a band leasing space for rehearsals. The law suite filed at the time was dismissed.

In cross-examination since confusion arose among the protestants as to which of two buildings on the one acre site was the subject of the Special Hearing, Mr. Regester clarified by stating that the large blue warehouse (Protestant's Exhibit Nos. 5A & 5B) was not the "garage" of the Special Hearing.

Mr. Regester testified that 50% of the service garage repairs are related to the trucks utilized in his florist business which involves engine and transmission replacement, as well as light maintenance. He assured that all automotive repair activities were done within the three bay building at the rear of the property.

Mr. Regester responded to the Protestants complaint of outside engine noise from race cars as a matter he would correct. It was also noted that Petitioner complied with the standards of operating a service garage set forth by the Maryland Department of the Environment.

Although the Petitioner is able to justify the auto service garage on a property historically used for his florist business by obtaining a special exception in a B.L. zone from Section 230.13 of the Baltimore County Zoning Regulations (BCZR), Mr. Regester seeks approval of the use as a non-conforming use under Section 104 of the BCZR. A non-conforming use is defined as a legal use that does not conform to the use regulations for the zone (B.L.) in which it is located. A legal non-conforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. Petitioner must show evidence that his non-conforming use existed prior to the effective date of the prohibitive legislation (1955).

Testimony and evidence in this case was uncontradicted that Mr. Regester began his florist business in 1952 and built the subject garage for automotive repairs in 1954. Section 104 of the BCZR specifies that the non-conforming use may not be changed, abandoned or discontinued for a year or more since the use began. Mr. Register's testimony was uncontradicted that the use has continued without interruption.

Protestants in this matter did not introduce evidence or any argument as to the repair service garage continuous use since 1954. However, they did testify to engine noise emanating from the

servicing of "racing cars." The Board makes special note that Mr. Regester felt obliged to control this nuisance.

The Board will grant the Petition for Special Hearing, subject to the terms and conditions contained in the following Order.

O R D E R

IT IS THEREFORE this 1st day of March, 1995 by the County Board of Appeals of Baltimore County

ORDERED, that, pursuant to the Petition for Special Hearing, approval for the continuation of the use commencing in 1954 and ongoing without interruption to the present date of a portion of the property as a service garage be and is hereby GRANTED, subject, however, to the following:

1. The non-conforming use designation for the property known as 8833 Belair Road is restricted to that portion of the site containing the service garage building, as shown in bold markings on Petitioner's Exhibit #1.

2. All repairs and engine tests will be conducted within the confines of the subject garage.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Judson H. Lipowitz
Judson H. Lipowitz

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 1, 1995

Ms. Laurie A. Martin
19 Treadway Court
Baltimore, MD 21236

RE: Case No. 95-11-SPH
GEORGE S. REGESTER, ET UX

Dear Ms. Martin:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

encl.

cc: Mr. and Mrs. George S. Regester
People's Counsel for Balto. County
Pat Keller
Lawrence E. Schmidt
James H. Thompson /Zoning Enforcement
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM



11-11-95

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S Belair Rd., 1900' +/-
NE of c/l Silver Spring Road * ZONING COMMISSIONER
8833 Belair Road
11th Election District * OF BALTIMORE COUNTY
6th Councilmanic District
George S. Regester, et ux * Case No. 95-11-SPH
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

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

ORDER RECEIVED FOR FILING

Date

By

8/17/98
M. J. O'Neil

premises. The business boomed and, within two years, the Petitioner hired a mechanic to service his small fleet of vehicles which served the florist shop. The Petitioner testified that the mechanic was hired in approximately 1954 and, at that time, a small building was constructed. This building houses the service garage operations and is attached to a larger structure which contains the florist shop and other uses.

Over the years, the business continued to grow and evolve, and other locations were opened. The subject garage business, however, continued to be utilized to service the Petitioner's fleet of vehicles which delivered flowers and were used for similar purposes in connection with the florist business. An additional mechanic was hired and the two mechanics began doing additional work on vehicles other than those associated with Mr. Regester's florist business. Friends and co-workers brought their vehicles in to be serviced at the location and the service garage was available to the public. Presently, Mr. Regester testified that at least 50% of the service garage activities are related to the trucks employed in his operation. The remaining part of the business serves the public. Work done on site includes light and heavy duty operations. These include replacement of engines and transmissions, as well as routine maintenance and oil changes. All work is done within the three bay building located to the rear of the property. Hours of operation are between 8:00 A.M. to 6:00 P.M., Monday through Friday. As before, two mechanics are employed in the business.

Mr. Regester's testimony was corroborated by F.M. Preston, Mr. Regester's Accountant. He stated that he has been keeping the books of the florist business for many years and had personal knowledge of the service garage operation since prior to 1955. He confirmed the balance of Mr. Preston's testimony as it related to the nature of the operation.

COPIES RECEIVED FOR FILING

Date

By

The Baltimore County Zoning Regulations (BCZR) defines a service garage as a building where motor driven vehicles are stored, equipped, repaired or kept for remuneration, hire or sale. Moreover, Section 230.13 of the BCZR allows service garage on a B.L. property by special exception. The Petitioner does not seek relief under this section, however. Rather he seeks approval of the proposed use as a nonconforming use. A nonconforming use is also defined by Section 101 of the BCZR. Therein, the term is defined as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. Nonconforming uses are governed by Section 104 of the BCZR. Therein, it is provided that the Petitioner must adduce testimony and evidence that any such nonconforming use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Moreover, regulations are provided regarding the alteration and/or enlargement of a nonconforming use.

In the instant case, the operative date is 1955, the year in which the first comprehensive zoning regulations were adopted by Baltimore County. The uncontradicted testimony and evidence presented was that the subject service garage has been in existence since prior to this date. Specifically, Mr. Regester testified that his florist business has been on the premises since 1952 and the service garage operation began by 1954. Moreover, the testimony was uncontradicted that same has continued uninterruptedly since that time. Thus, the Petitioner has satisfied its burden and the Petition for Special Hearing should be granted. The nonconforming use designation of the property is hereby conferred.

Notwithstanding the granting of the special hearing, however, it is to be noted that the nonconforming use designation only applies to that portion of the property devoted to the service garage use. Specifically, that area is designated on the site plan in bold outline and contains the one story building referred to above. Thus, the nonconforming use designation is applicable only to that part of the property wherein the service garage is located and not the balance of the property.

Testimony and evidence was also offered by the Petitioner as it relates to a Zoning Plans Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM). This comment requested that the Petitioner provide plans for the lawful disposal of oil and similar waste products. In this respect, the Petitioner stated that, in fact, waste oil was eliminated in accordance with the standards set forth by the Maryland Department of the Environment. I am satisfied that the Petitioner does comply with this request and note that this issue is not specifically related to the question before me. As I advised the Petitioner on the record, irrespective of the nonconforming use designation, he should make efforts to keep the property clean and to conduct service garage operations in conformance with all Federal, State and County environmental regulations.

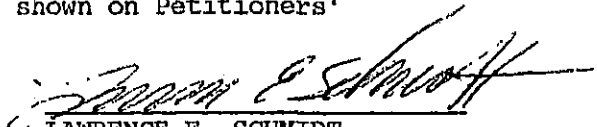
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of August, 1994, that, pursuant to the Petition for Special Hearing, approval for the continuation of the use commencing in 1955 and ongoing without interruption to the present date of a portion of the property as a service garage be and is hereby GRANTED, subject, howev-

er, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The nonconforming use designation for the property known as 8833 Belair Road is restricted to that portion of the site containing the service garage building, as shown on Petitioners' Exhibit No. 1.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 17, 1994

Jim Baldwin, Esquire
14 Crain Highway North
Glen Burnie, Maryland 21061

RE: Petition for Special Hearing
Case No. 95-11-SPH
George S. Regester, et ux, Petitioners
Property: 8833 Belair Road

Dear Mr. Baldwin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

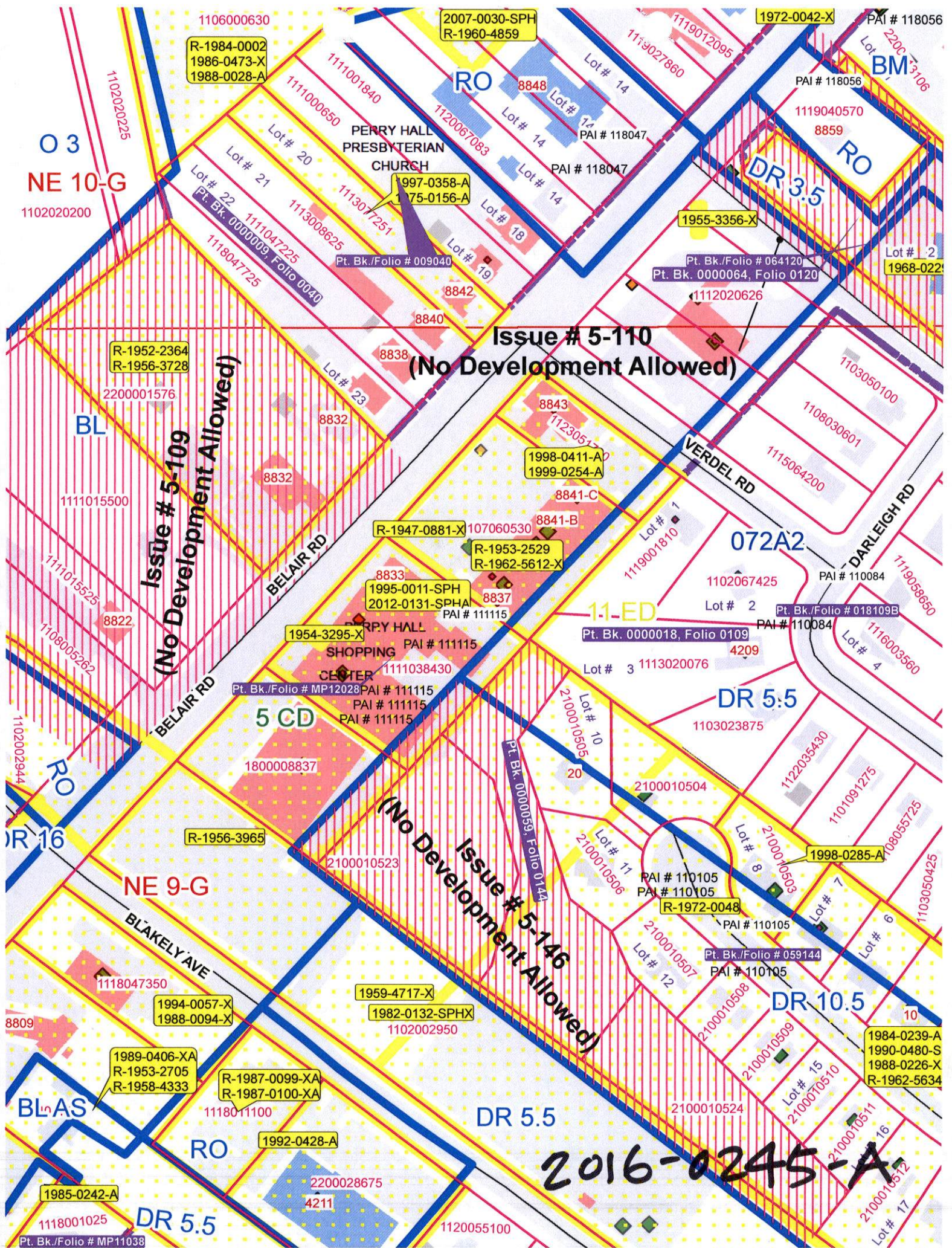
A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

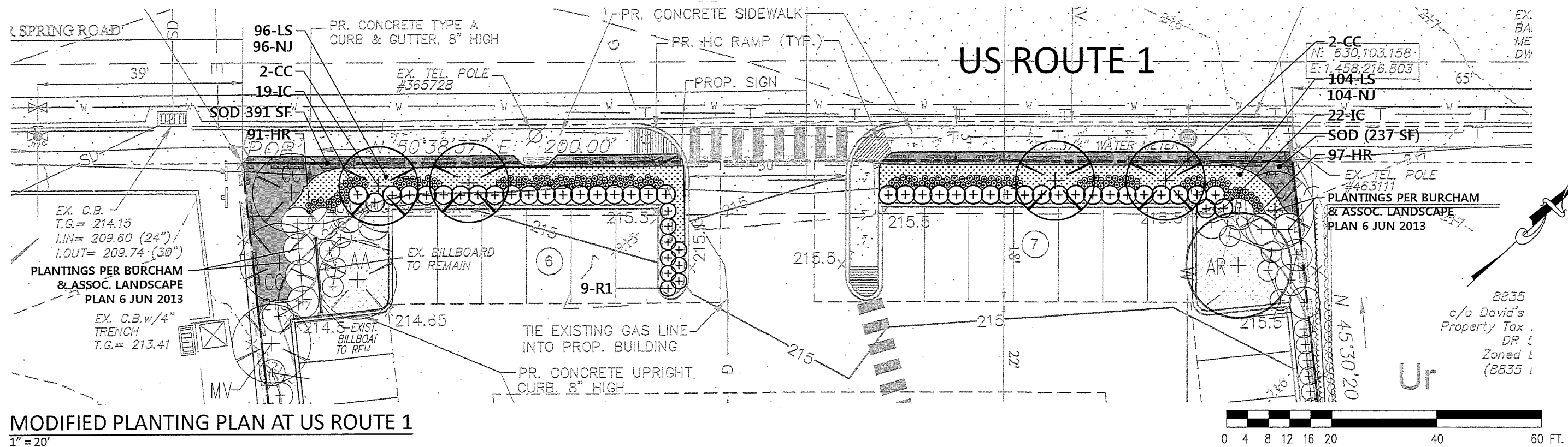
LES:mmn
att.

cc: Mr. and Mrs. George S. Regester
4510 Buckschool House Road
Baltimore, Maryland 21237

MICROFILMED



A:\600516005\00ENGRCAD FILES\WORK\ADT\TITLEBLOCK.DWG WED, MAR 30, 2016



LIST OF PROPOSED PLANTS: (INCLUDES MODIFICATIONS SHOWN ABOVE IN **Uppercase**)

KEY	BOTANICAL NAME	COMMON NAME	NO.	SIZE	CALIPER	ROOT	REMARKS
MAJOR DECIDUOUS TREES							
AR	Acer rubrum 'Armstrong'	Armstrong Red Maple	1	12 to 14 ft.	2 to 2.5 in.	B&B	Branching to begin a min. 6 ft. above ground
GT	Gleditsia tricanthos 'Shademaster'	Shademaster Honeylocust	2	12 to 14 ft.	2 to 2.5 in.	B&B	Branching to begin a min. 6 ft. above ground
TC	Tilia cordata 'Greenspire'	Greenspire Littleleaf Linden	2	12 to 14 ft.	2 to 2.5 in.	B&B	Branching to begin a min. 6 ft. above ground
UP	Ulmus parvifolia 'Allee'	Allee Lacebark Elm	2	12 to 14 ft.	2 to 2.5 in.	B&B	Branching to begin a min. 6 ft. above ground
MINOR DECIDUOUS TREES							
AA	Amelanchier arborea	Downy Serviceberry	5	xxxxx	1.5 to 2 in.	B&B	Multi-stem trees acceptable (3 to 5 leaders maximum)
CC	Crataegus crusgalli var. inermis	Thornless Cockspur Hawthorne	7	xxxxx	1.5 to 2 in.	B&B	Multi-stem trees acceptable (3 to 5 leaders maximum)
MV	Magnolia virginiana	Sweetbay Magnolia	2	xxxxx	1.5 to 2 in.	B&B	Multi-stem trees acceptable (3 to 5 leaders maximum)
EVERGREEN TREES							
TO	Thuja occidentalis 'Wintergreen'	Wintergreen Arborvitae	39	6 ft. (min)	xxxxx	B&B	Install as shown at 5'-6" O.C.
SHRUBS							
FG	Fothergilla gardenii	Dwarf Fothergilla	18	18 to 24 in.	xxxxx	Cont.	Install as shown at 3 ft. O.C. / Maintain as hedge at max. 30 in. high.
HQ	Hydrangea quercifolia 'Alice'	Alice Oakleaf Hydrangea	15	18 to 24 in.	xxxxx	Cont.	
IC	Ilex crenata 'Compacta'	Compacta Japanese Holly	41	18 to 24 in.	xxxxx	Cont.	
IV	Ilex verticillata 'Carolina Cardinal'	Carolina Cardinal Winterberry	13	18 to 24 in.	xxxxx	Cont.	
R1	Rosa 'Flower Carpet Red'	Red Carpet Rose	23	12 to 18 in.	xxxxx	Cont.	
VP	Viburnum plicatum 'Summer Snowflake'	Summer Snowflake Viburnum	10	24 to 30 in.	xxxxx	Cont.	
GROUNDCOVERS, VINES, GRASSES & HERBACEOUS							
HR	Hemerocallis 'Ruby Stella'	Ruby Stella Hybrid Daylilies	188	Bare root	xxxxx	Bare root	Install at 12 in. O.C. in staggered fashion
LM	Liriope muscari 'Big Blue'	Big Blue Lilyturf	335	Pint pots	xxxxx	Cont.	Install at 12 in. O.C. in staggered fashion
LS	Liriope spicata	Creeping Lilyturf	390	2.25 in. pots	xxxxx	Cont.	Install at 18 in. O.C. in staggered fashion
NJ	Narcissus 'Jack Snipe'	Jack Snipe Daffodil	200	BULBS	BULB		Install bulbs at 18" o.c. evenly dispersed among Liriope

NOTES:

- All plants shall be certified to be the species, variety or cultivar specified. NO substitutions shall be accepted without pre-approved, written permission of the Landscape Architect
- Plant caliper equals the diameter of a tree trunk as measured at six (6) inches above the root ball (or just above the trunk flare for trees >4 in. cal.).
- Unless otherwise noted, plant size refers to height of a plant as measured from the top of the root ball to the highest branch.
- Plants for which no variety or cultivar is specified shall be the straight species, or a cultivar that is typical of the species in both form and size at maturity.
- Planting Bed Preparation & Mulching: Proposed planting beds shall be tilled to a min. depth of 8 inches. After tilling, incorporate yard waste compost in to the soil at the rate of 1 cu. yard compost per 150 s.f. of bed area. After bed preparation & planting, beds shall be mulched with a uniform 2 to 2.5 in. deep layer of shredded hardwood bark mulch.

PETITIONER'S

EXHIBIT NO.

2

LEGEND



CC (CRATEAGUS CRUSGALLI VAR. INERMIS) PLANTING



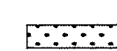
IC (ILEX CRENATA 'COMPACTA') PLANTING



R1 (ROSA FLOWER 'CARPET RED') PLANTING



HR (HAMEROCALIS 'RUBY STELLA') PLANTING



LS (LIRIOPE SPICATA) PLANTING WITH NARCISSUS INTERSPERSED THROUGHOUT



TURFGRASS PLANTING (SOD)

8833 Belair Road

LANDSCAPE PLAN MODIFICATION



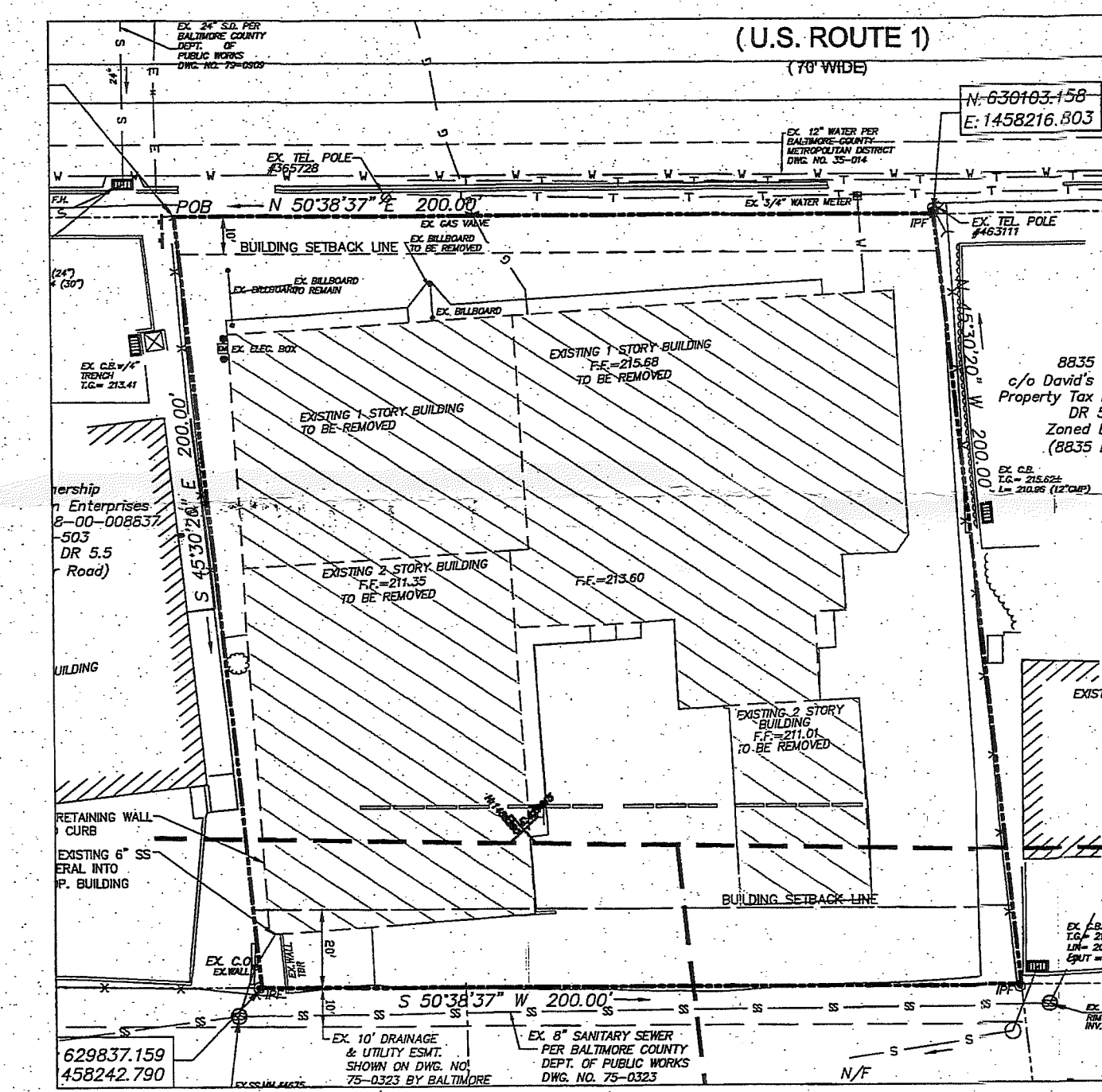
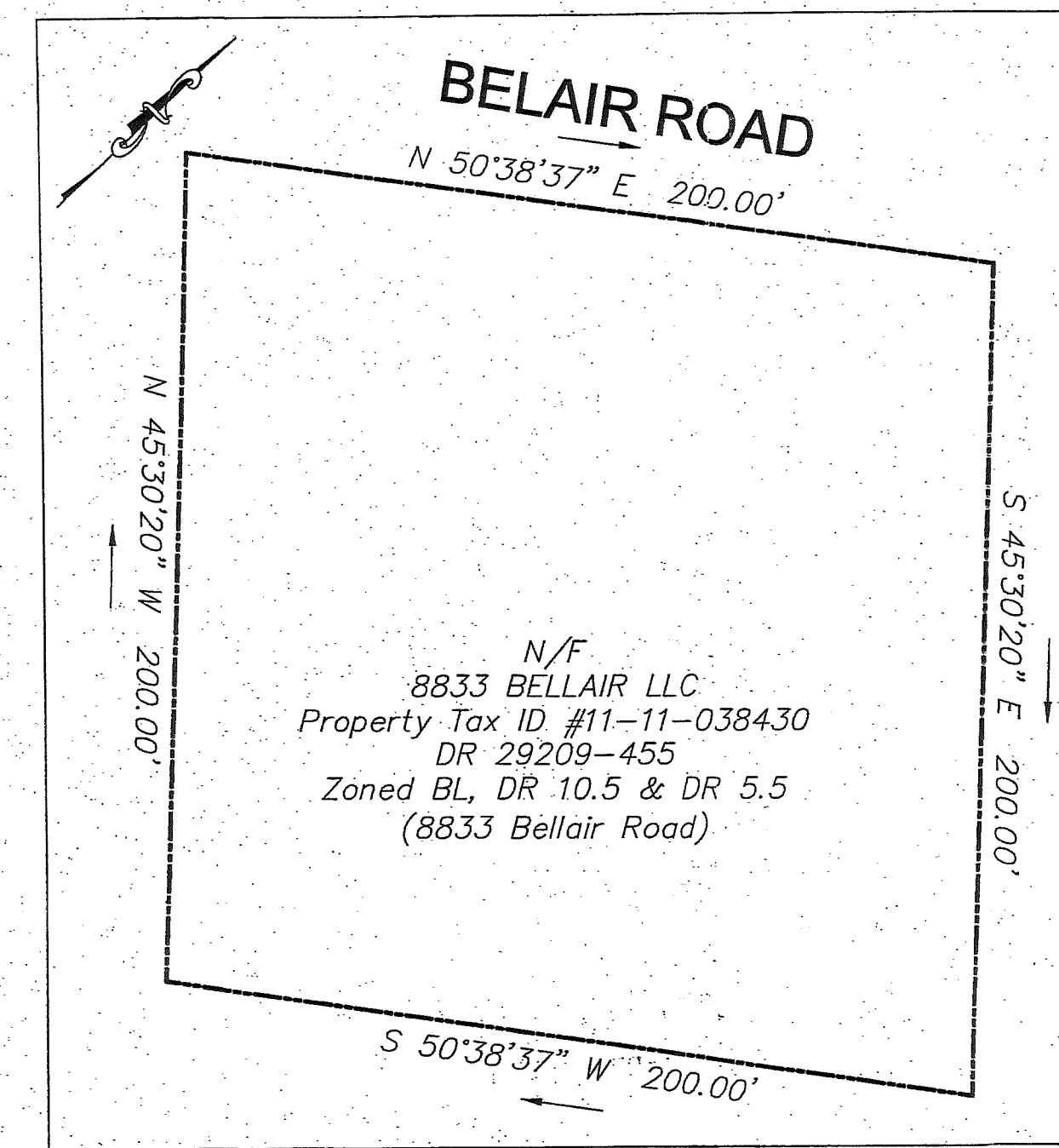
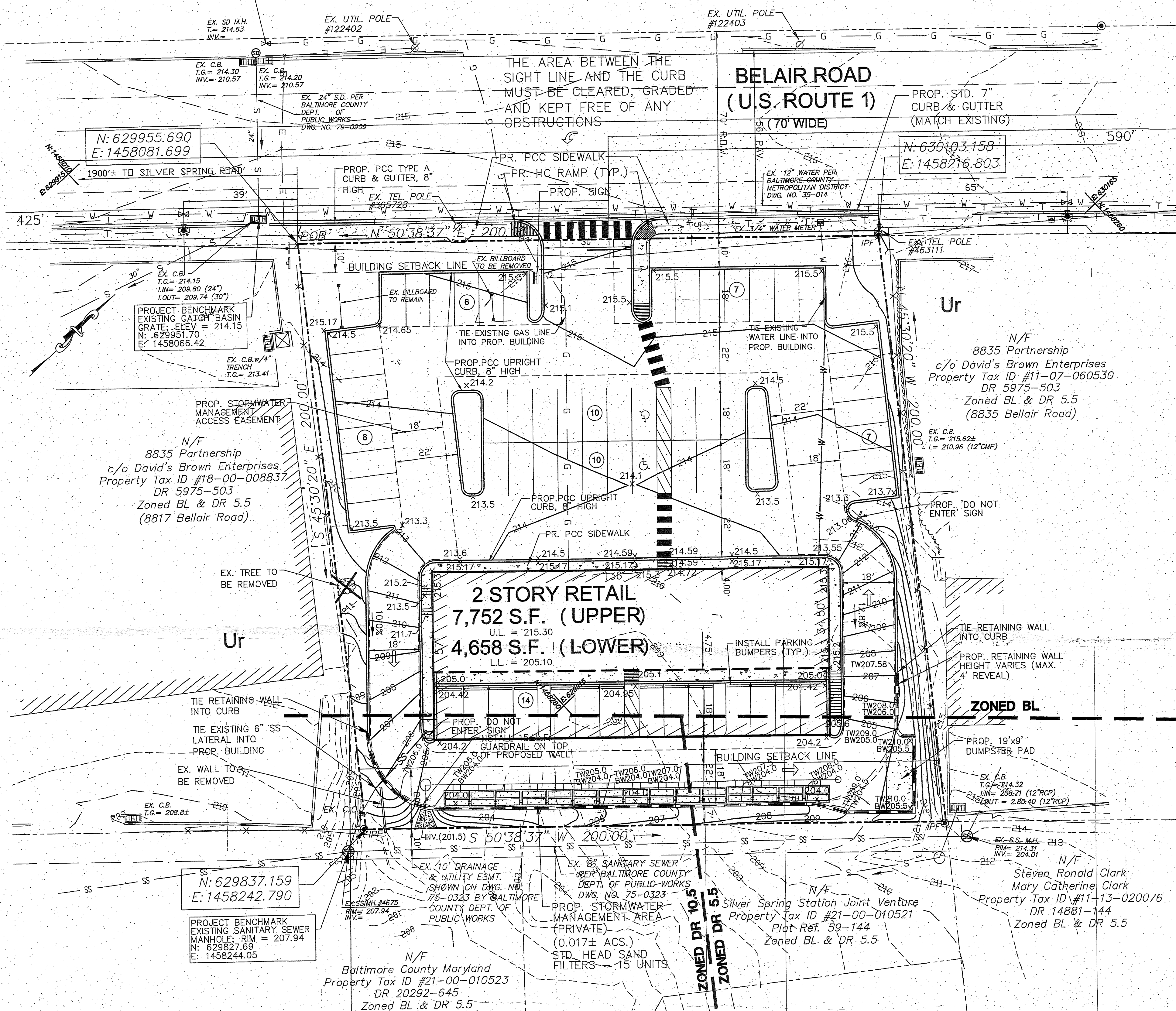
501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

Job No. 16005

Scale: 1" = 20'

Date: 4/14/2016

Drawn By: JAD



SANITARY SEWER FLOW DATA
AVERAGE FLOW = 0.16 GPD/SF GFA (12,410 SF) = 1,966 GPD
PEAK FLOW = AVERAGE FLOW x 4 = 7,942 GPD

PURPOSE OF PLAN
The purpose of this plan is to:
1. Demolish the existing buildings on the site and construct a 2-story retail building with 12,410 SF GFA and associated parking, loading and stormwater management in 1 Phase.

RECEIVED
APR 24 2013
Development Plans Review
Department of Permits, Approvals
and Inspections

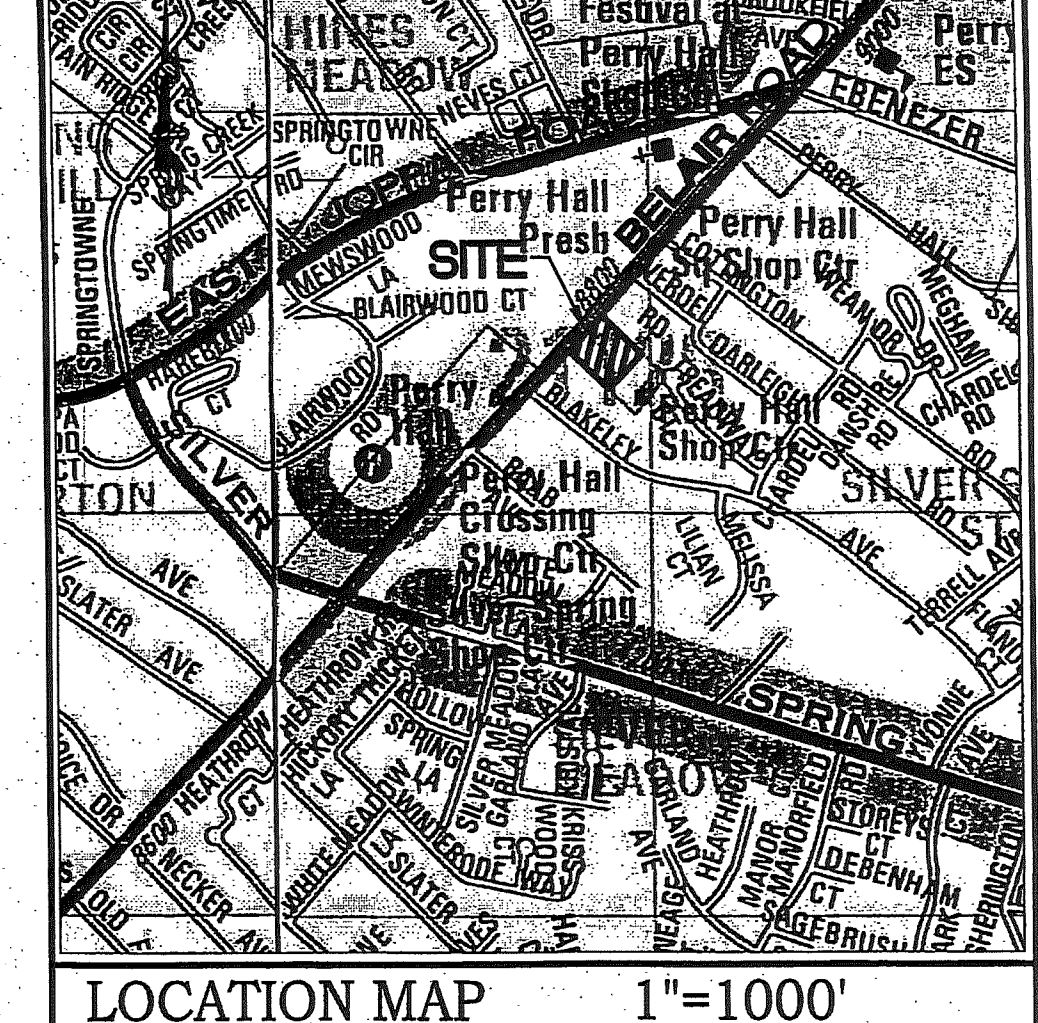
M & Z

McBRIDE & ZIEGLER, INC.
LAND SURVEYORS • PLANNERS • ENGINEERS
2607 EASTBURN CENTER, NEWARK, DELAWARE 19711
PHONE (302) 737-9138 • FAX (302) 737-2610

APPROVED BY: _____
PROFESSIONAL ENGINEER
SURVEY BY: M&Z **CHECKED BY:** M&Z
DESIGN BY: DE/MBS **SCALE:** 1" = 20'
DRAWN BY: DE/MBS **DATE:** 3/30/12
DWG. NO.: 20104524 - 9131 **SHEET** 1 of 1

BULK AREA RESTRICTIONS - BL - BUSINESS LOCAL		
	PERMITTED	PROPOSED
MINIMUM STREET YARD:	10'	10'
MINIMUM SIDE YARD:	0'	28'
MINIMUM SIDE YARD - RESIDENTIAL:	10'	27'
MINIMUM REAR YARD:	0'	N/A
MINIMUM REAR YARD - RESIDENTIAL:	20'	27'
MAXIMUM BUILDING HEIGHT	40'	40' MAX.
MAXIMUM FLOOR AREA RATIO	3.0	0.32

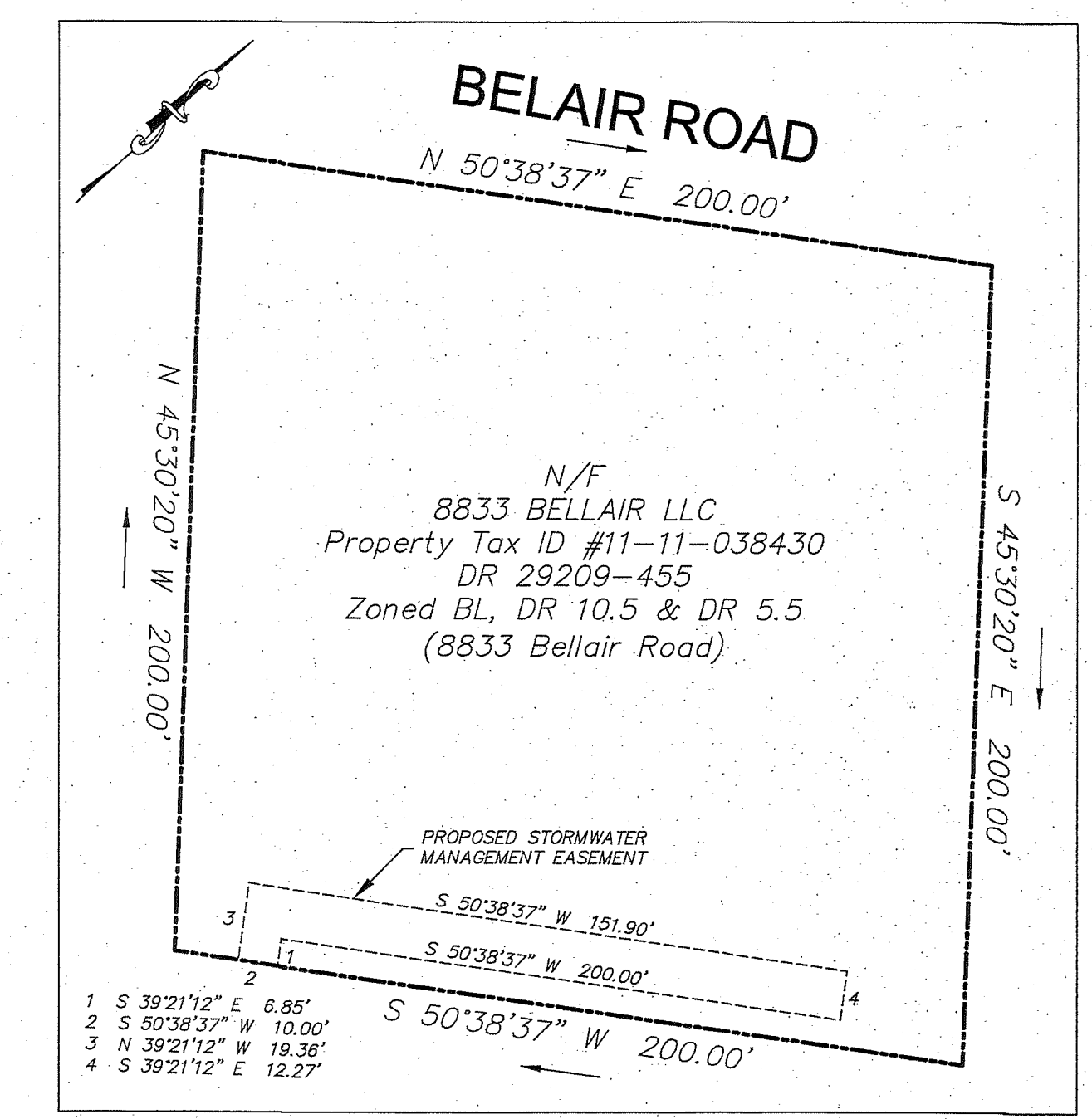
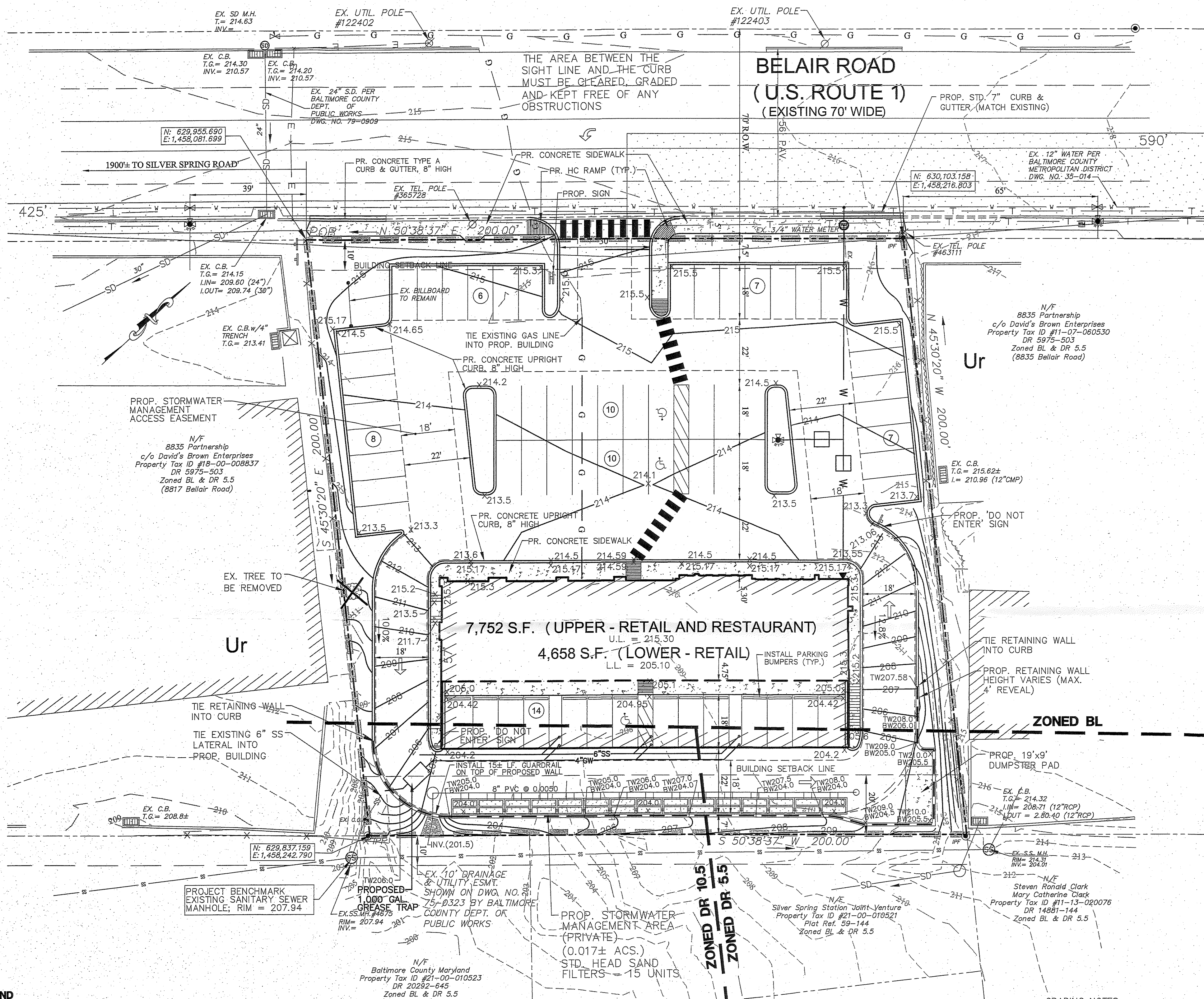
DELINQUENT ACCOUNT CERTIFICATION
I, John Mazarakis, certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.
Date: _____ John Mazarakis, Member
8833 Belair Rd LLC



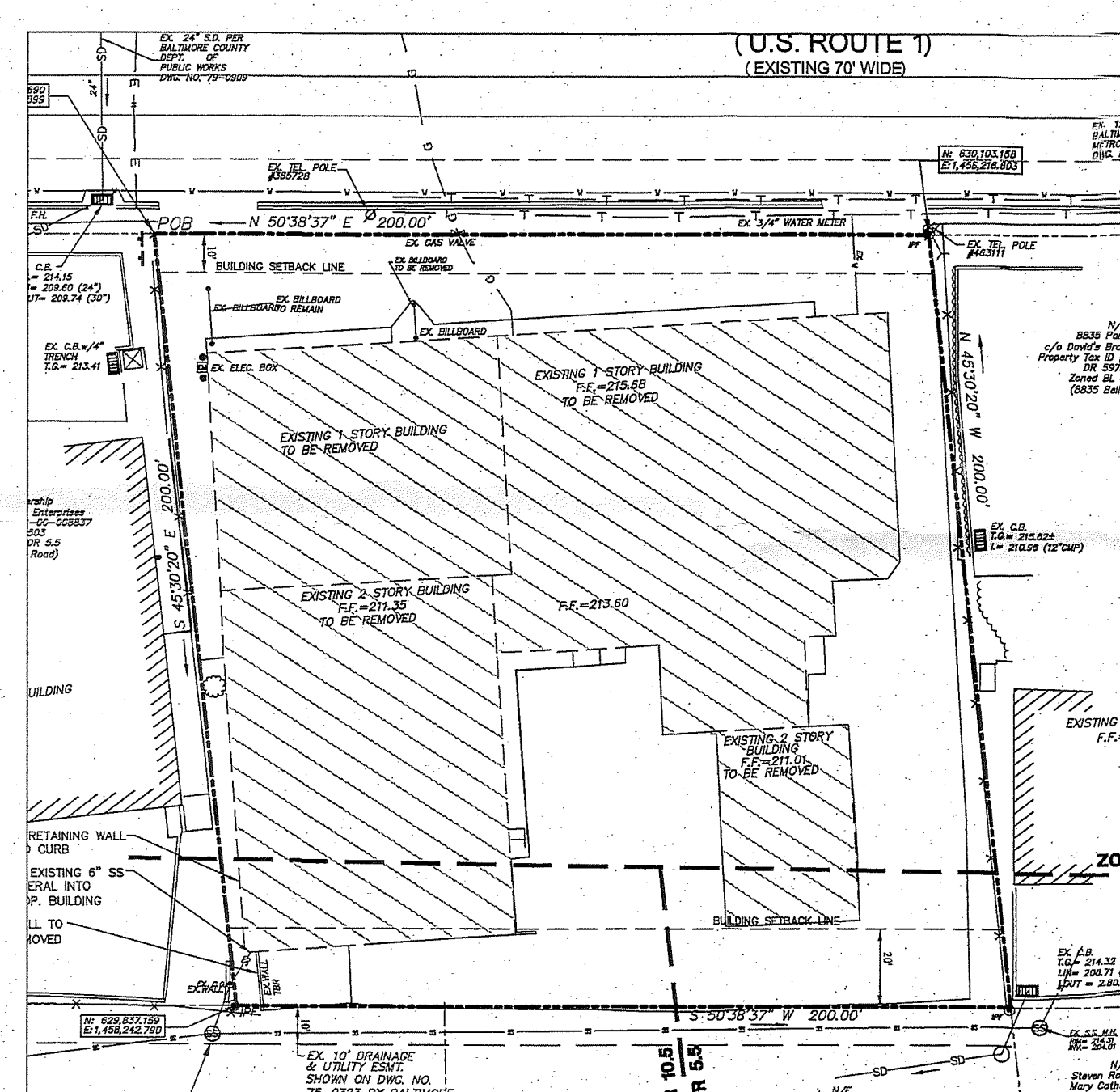
- PLAN DATA**
- PROPERTY TAX ID/DEED REFERENCE: 11-11-038430 / 29209-455
 - EXISTING ZONING: BL, DR 5.5 & DR 10.5 (ZONING MAP NO. 07242)
 - EXISTING SITE USE: GENERAL RETAIL
 - BULK AREA RESTRICTIONS - BL - BUSINESS LOCAL
 - MINIMUM STREET YARD: 10'
 - MINIMUM SIDE YARD: 0'/10' RESIDENTIAL
 - MINIMUM REAR YARD: 0'/20' RESIDENTIAL
 - MAXIMUM BUILDING HEIGHT: 40'
 - MAXIMUM FLOOR AREA RATIO = 3.0
 - DATUM: HORIZONTAL = NAD 83; VERTICAL = NGVD 1988
 - HORIZONTAL AND VERTICAL DATUM WAS TAKEN FROM BALTIMORE COUNTY SURVEY CONTROL POINTS #449 & 450
 - EBENEZER ROAD & WATER TOWER (NEAR BELAIR ROAD) ELEV. = 225.86
 - #450 = EBENEZER ROAD @ ENTRANCE TO PERRY HALL SQUARE ELEV. = 198.91
 - GROSS AREA: 39,770 S.F. (0.9130 ACS.)
 - WATER SUPPLY: EXISTING, PUBLIC
 - SANITARY SEWER - EXISTING, PUBLIC
 - DEBRIS DISPOSAL: NO DEBRIS WILL BE BURIED OR DISPOSED OF ON THIS SITE.
 - NO 100-YEAR FLOOD PLAIN EXISTS ON THIS PARCEL, IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP NO. 2400100290F, DATED SEPTEMBER 28, 2008.
 - TOPOGRAPHY: TOPOGRAPHIC INFORMATION WAS FIELD SURVEYED BY McBRIDE & ZIEGLER IN OCTOBER 2010.
 - SITE BENCHMARK IS EXISTING SANITARY SEWER MANHOLE REAR OF THE PROPERTY; RIM ELEV. = 207.94; N: 629827.69 / E: 1458244.05
 - SITE BENCHMARK IS EXISTING CATCH BASIN GRATE IN BELAIR ROAD GRATE ELEV. = 214.15; N: 629951.70 / E: 1458066.42
 - LAND DEVELOPMENT DATA:
 - EXISTING BUILDING AREA: 21,826±S.F.
 - EXISTING BUILDING AREA (TBR): 21,826±S.F.
 - PROPOSED BUILDING AREA: 16,858±S.F.
 - TOTAL BUILDING AREA: 4,868±S.F. 0.1069±ACS. 11.71±%
 - EXISTING GROSS FLOOR AREA: 30,059±S.F.
 - EXISTING GROSS FLOOR AREA (TBR): 30,059±S.F.
 - PROPOSED GROSS FLOOR AREA: 12,410±S.F.
 - TOTAL GROSS FLOOR AREA: 12,410±S.F. N/A N/A
 - EXISTING PAVED AREA: 16,025±S.F.
 - EXISTING PAVED AREA (TBR): 16,025±S.F.
 - PROPOSED PAVED AREA: 28,835±S.F.
 - TOTAL PAVED AREA: 28,835±S.F. 0.6620±ACS. 72.51±%
 - EXISTING OPEN AREA: 1,919±S.F.
 - EXISTING OPEN AREA (TBR): 1,919±S.F.
 - PROPOSED OPEN AREA: 6,277±S.F.
 - TOTAL OPEN AREA: 6,277±S.F. 0.1441±ACS. 15.78±%
 - TOTAL: 39,770±S.F. 0.9130±ACS. 100±%
 - PARKING DATA:
 - Proposed Use: GENERAL RETAIL
 - Parking Spaces Required = 5 Sp./1000 SF GFA (12,410) = 62 Spaces
 - Parking Spaces Provided = 62 Spaces (incl. 3 H/C spaces)
 - LIMITS OF DISTURBANCE SHALL BE FENCED PRIOR TO ANY LAND DISTURBING ACTIVITY. DISTURBED AREA = 0.91± ACS.
 - MONUMENTS:
 - Existing ■ ● = 3
 - POSTAL ADDRESS: 8833 Belair Road, Baltimore, MD 21236-2403
 - ELECTION DISTRICT: 11
 - COUNTY COUNCIL DISTRICT: 5
 - EXISTING BUILDINGS CONSTRUCTED 1956±
 - DRC NUMBER: 071211A; DIST. 11CS
 - ON JULY 22, 2011, THE DRC DETERMINED THAT THIS PROJECT MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 32-4-106(b)(8), SUBJECT TO APPROVAL OF A ZONING VARIANCE.
 - CENSUS TRACT: 411303
 - WATERSHED: BIRD RIVER
 - STORMWATER MANAGEMENT:
 - WATER QUALITY: 15 STANDARD HEAD MODULAR SAND FILTER UNITS
 - WATER QUANTITY: NO WATER QUANTITY IS PROPOSED DUE TO THE REDUCTION OF IMPERVIOUS COVERAGE PER THIS PLAN.
 - TRAFFIC: SHOPPING CENTER - ADT 42,844; 1,000 - 532 TRIPS 50% ENTERING, 50% EXITING (INSTITUTE OF TRANSPORTATION ENGINEERS, 7TH EDITION, LAND USE, SHOPPING CTR.)
 - THE DEVELOPER SHALL INVESTIGATE FOR AVAILABILITY OF ADEQUATE FIRE FLOW AT THE SITE, THE NEED FOR ON-SITE HYDRANTS, AND PROVIDE 8" WATER MAIN IF ON-SITE HYDRANTS ARE REQUIRED.
 - PROVIDE A PRESSURE-REDUCING VALVE (PRV) WHEN THE STATIC PRESSURE EXCEEDS 80-PSI.

DEVELOPMENT PLAN
OF
8833 BELAIR ROAD
PREPARED FOR
8833 BELAIR, LLC
11th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
5th COUNCILMANIC DISTRICT
OWNER: 8833 BELAIR RD LLC
1007 CHURCH ROAD
NEWARK, DE 19702
PHONE: (302) 836-0400
FAX: (302) 836-6434
DEVELOPER: G.C.A.
1050 INDUSTRIAL DRIVE, SUITE 110
MIDDLETOWN, DE 19709
PHONE: (302) 376-6122
FAX: (302) 376-5055

- LEGEND**
- EXISTING FENCE
 - EXISTING CURB
 - PROPOSED CURB-8" HIGH
 - EXISTING BUILDING
 - PROPOSED BUILDING
 - HC RAMP
 - PROPOSED CONCRETE PAD / SIDEWALK
 - PROPOSED PARKING SPACES WITH NO. OF SPACES IN ROW
 - PROPOSED SWM AREAS
 - EXISTING UTILITY POLE
 - PROPERTY LINE
 - PROPOSED WATER LINE
 - EXISTING WATER LINE
 - EXISTING WATER METER
 - PROPOSED SANITARY SEWER
 - EXISTING SANITARY SEWER
 - PROPOSED CONTOUR
 - PROPOSED SPOT GRADE
 - EXISTING CONTOUR
 - EXISTING ELECTRIC
 - EXISTING SANITARY SEWER
 - EXISTING GAS
 - EXISTING TELEPHONE



DEED BOUNDARY PLOT PLAN
1" = 40'



BUILDING / PAVEMENT TO BE REMOVED PLAN
1" = 40'

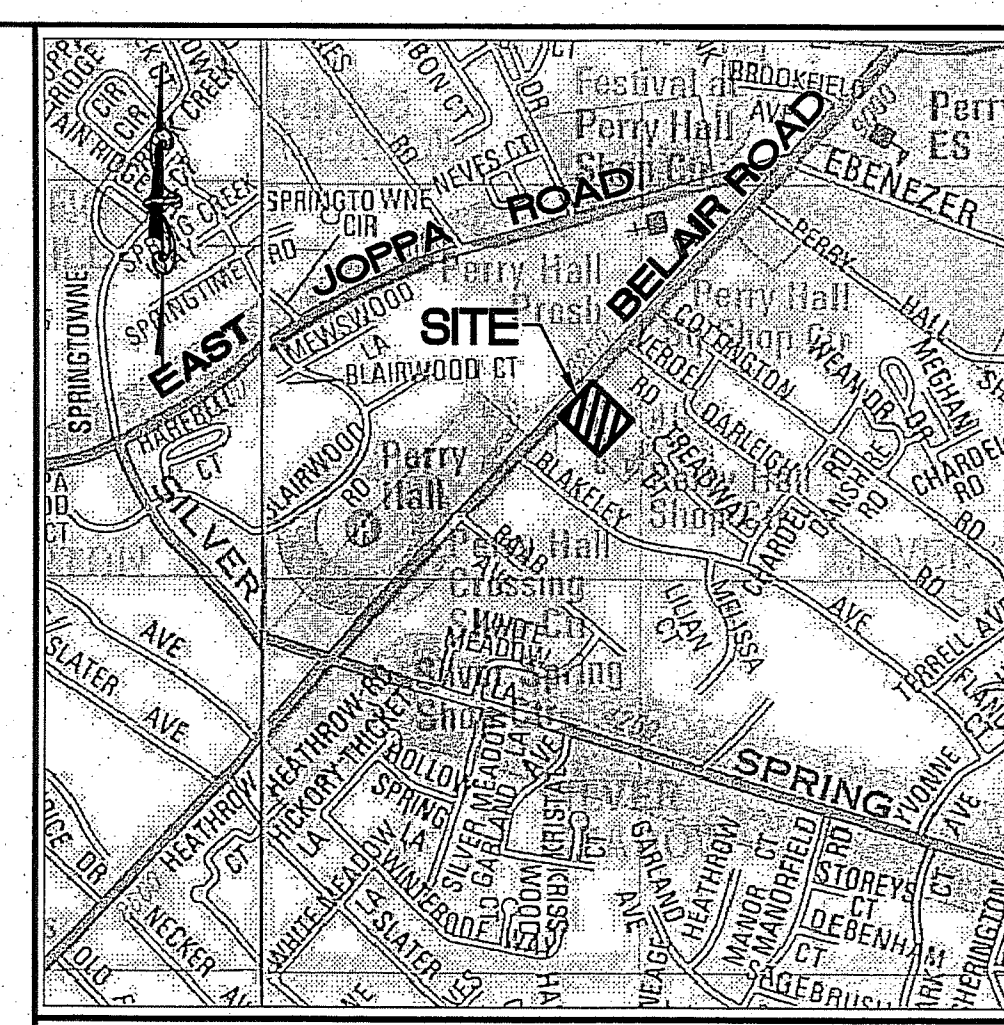
SANITARY SEWER FLOW DATA
AVERAGE FLOW = 0.16 GPD/SF GFA (12,410 SF) = 1,986 GPD
PEAK FLOW = AVERAGE FLOW x 4 = 7,942 GPD

PURPOSE OF PLAN
The purpose of this plan is to:
1. Demolish the existing buildings on the site and construct a 2-story retail building with 12,410 SF GFA and associated parking, loading and stormwater management in 1 Phase.

GRADING NOTES:
1. THE PROPOSED GRADING SHOWN ON THIS PLAN MEETS THE REQUIREMENTS SET FORTH BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY AND COMPLIES WITH ARTICLE 33, TITLE 5 OF THE BALTIMORE CODE. HOWEVER, DUE TO BUILDING TYPES AND LAYOUT, SOME FIELD ADJUSTMENTS MAY BE REQUIRED. ALL CHANGES MUST COMPLY WITH THE ABOVE MENTIONED REQUIREMENTS.
2. ALL SWALES HAVE BEEN DESIGNED BY THE ENGINEER TO CONVEY RUNOFF ACCORDING TO BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS.

SOIL:
Ur - Urban land, 0 to 8% slopes

BULK AREA RESTRICTIONS - BL - BUSINESS LOCAL		
	PERMITTED	PROPOSED
MINIMUM STREET YARD:	10'	10'
MINIMUM SIDE YARD:	0'	28'
MINIMUM SIDE YARD - RESIDENTIAL:	0'	27'
MINIMUM REAR YARD:	0'	N/A
MINIMUM REAR YARD - RESIDENTIAL:	20'	27'
MAXIMUM BUILDING HEIGHT	40'	40' MAX.
MAXIMUM FLOOR AREA RATIO	3.0	0.32



LOCATION MAP 1"=1000'

- PLAN DATA**
- PROPERTY TAX ID/DEED REFERENCE: 11-11-038430 / 29209-455
 - EXISTING ZONING: BL, DR 5.5 & DR 10.5 (ZONING MAP NO. 07242)
 - EXISTING SITE USE: GENERAL RETAIL
 - BULK AREA RESTRICTIONS - BL - BUSINESS LOCAL
 - MINIMUM STREET YARD: 10'
 - MINIMUM SIDE YARD: 0'
 - MINIMUM REAR YARD: 0'
 - MAXIMUM BUILDING HEIGHT: 3.0
 - MAXIMUM FLOOR AREA RATIO = 3.0
 - DATUM: HORIZONTAL = NAD 83, VERTICAL = NGVD 1988
 - HORIZONTAL AND VERTICAL DATUM WAS TAKEN FROM BALTIMORE COUNTY SURVEY CONTROL POINTS #449 & 450.
 - #449 - EBENEZER ROAD @ WATER TOWER (NEAR BELAIR ROAD) ELEV.=198.91
 - #450 - EBENEZER ROAD @ ENTRANCE TO PERRY HALL SQUARE ELEV.=198.91
 - GROSS AREA: 39,770 S.F. (0.9130 ACS.)
 - WATER SUPPLY: EXISTING, PUBLIC
 - SANITARY SEWER - EXISTING, PUBLIC
 - DEBRIS DISPOSAL: NO DEBRIS WILL BE BURIED OR DISPOSED OF ON THIS SITE.
 - NO 100-YEAR FLOOD PLAIN EXISTS ON THIS PARCEL IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP NO. 2400100290F, DATED SEPTEMBER 26, 2008.
 - TOPOGRAPHY: TOPOGRAPHIC INFORMATION WAS FIELD SURVEYED BY McBRIDE & ZIEGLER IN OCTOBER 2010. SITE BENCHMARK IS EXISTING SANITARY SEWER MANHOLE REAR OF THE PROPERTY; RIM ELEV. = 207.94.
 - LAND DEVELOPMENT DATA:

EXISTING BUILDING AREA:	21,826±S.F.
EXISTING BUILDING AREA (TBR):	21,826±S.F.
PROPOSED BUILDING AREA:	4,658±S.F.
TOTAL BUILDING AREA:	26,484±S.F. 0.1069±ACS. 11.71±%
EXISTING GROSS FLOOR AREA:	30,059±S.F.
TOTAL GROSS FLOOR AREA:	12,410±S.F. N/A N/A
EXISTING PAVED AREA:	16,025±S.F.
EXISTING PAVED AREA (TBR):	16,025±S.F.
PROPOSED PAVED AREA:	28,835±S.F.
TOTAL PAVED AREA:	28,835±S.F. 0.6820±ACS. 72.51±%
EXISTING OPEN AREA:	1,919±S.F.
EXISTING OPEN AREA (TBR):	1,919±S.F.
PROPOSED OPEN AREA:	18,277±S.F.
TOTAL OPEN AREA:	18,277±S.F. 0.1441±ACS. 15.78±%
TOTAL:	39,770±S.F. 0.9130±ACS. 100±%
 - PARKING DATA:

Proposed Use: GENERAL RETAIL	Parking Spaces Required = 5 Sp./1000 SF GFA (7,410) = 38 Spaces
Proposed Use: RESTAURANT	Parking Spaces Required = 16 Sp./1000 SF GFA (5,000) = 80 Spaces
Total Parking Spaces Required = 118 Spaces	
Total Parking Spaces Provided = 62 Spaces (incl. 3 H/C spaces)	
 - LIMITS OF DISTURBANCE SHALL BE FENCED PRIOR TO ANY LAND DISTURBING ACTIVITY. LIMIT OF DISTURBED AREA = 0.91± ACS. (39,640± S.F.)
 - MONUMENTS:

Existing	3
----------	---
 - EXISTING: 3
 - POSTAL ADDRESS: 8833 Belair Road, Baltimore, MD 21236-2403
 - ELECTION DISTRICT: 11
 - COUNTY COUNCIL DISTRICT: 5
 - EXISTING BUILDINGS CONSTRUCTED 1956±
 - DRC NUMBER: 071211A; DIST. 11C5
 - ON JULY 22, 2011, THE DRC DETERMINED THAT THIS PROJECT MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 32-4-106(b)(8), SUBJECT TO APPROVAL OF A ZONING VARIANCE.
 - CENSUS TRACT: 411303
 - WATERSHED: BIRD RIVER
 - STORMWATER MANAGEMENT:

WATER QUALITY: 15 STANDARD HEAD MODULAR SAND FILTER UNITS
WATER QUANTITY: NO WATER QUANTITY IS PROPOSED DUE TO THE REDUCTION OF IMPERVIOUS COVERAGE PER THIS PLAN.
 - TRAFFIC: SHOPPING CENTER - 42,944(2,410±S.F./1,000 = 532 TRIPS 50% ENTERING, 50% EXITING (INSTITUTE OF TRANSPORTATION ENGINEERS, 7TH EDITION, LAND USE: SHOPPING CTR.)

PAI FILE #11-1115
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE
OF
8833 BELAIR ROAD
11th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
5th COUNCILMANIC DISTRICT
OWNER/DEVELOPER:
8833 BELAIR RD LLC
1007 CHURCH ROAD
NEWARK, DE 19702
PHONE: (302) 836-0400
FAX: (302) 836-6434

McBRIDE & ZIEGLER, INC.
LAND SURVEYORS & ENGINEERS
2807 EASTBURN STREET, NEWARK, DELAWARE 19711
PHONE (302) 836-0400 FAX (302) 836-6434

APPROVED BY: [Signature]
SURVEY BY: M&Z
DESIGN BY: DE/MBS
DRAWN BY: DE/MBS
DWG. NO.: 20104524 - 9131

CHECKED BY: M&Z
SCALE: 1" = 20'
DATE: 2/28/13
SHEET 1 of 1

- LEGEND**
- EXISTING FENCE
 - EXISTING CURB
 - PROPOSED CURB-8" HIGH
 - EXISTING BUILDING
 - PROPOSED BUILDING
 - HC RAMP
 - PROPOSED CONCRETE PAD / SIDEWALK
 - PROPOSED PARKING SPACES WITH NO. OF SPACES IN ROW
 - PROPOSED SWM AREAS
 - EXISTING UTILITY POLE
 - PROPERTY LINE
 - PROPOSED WATER LINE
 - EXISTING WATER LINE
 - EXISTING WATER METER
 - PROPOSED SANITARY SEWER
 - EXISTING SANITARY SEWER
 - PROPOSED CONTOUR
 - PROPOSED SPOT GRADE
 - EXISTING CONTOUR
 - EXISTING ELECTRIC
 - EXISTING STORM SEWER
 - EXISTING GAS
 - EXISTING TELEPHONE
 - LIMIT OF DISTURBANCE

ZONING VARIANCE CASE NUMBER: 2012-0131-SPHA
1. A SPECIAL HEARING TO ALLOW PARKING AND TRAVEL LANE IN A RESIDENTIAL ZONE, AND
2. A VARIANCE IN THE RTA TO PERMIT A PARKING AND TRAVEL LANE WITH A SETBACK AS CLOSE AS 6' IN LIEU OF THE REQUIRE 75 FOOT SETBACK AND 50 FOOT LANDSCAPE BUFFER.
APPROVED JANUARY 24, 2012
CONDITIONS:
1. THE PETITIONER MAY APPLY FOR ITS PERMIT AND MAY BE GRANTED SAME UPON RECEIPT OF THE ORDER (CASE NO. 2012-0131-SPHA), HOWEVER THE PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE THIRTY (30) DAY APPELLATE PROCESS FROM THE ORDER HAS EXPIRED. IF FOR WHATEVER REASON, THE ORDER IS REVERSED, THE PETITIONERS WILL BE REQUIRED TO RETURN AND BE RESPONSIBLE FOR RETURNING SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. PETITIONER MUST COMPLY WITH THE ZAC COMMENTS RECEIVED FROM THE BUREAU OF DEVELOPMENT PLANS REVIEW, DATED NOVEMBER 28, 2011.

THE DEVELOPMENT PLAN WAS APPROVED ON JULY 16, 2013 AS A "B" LIMITED EXEMPTION.

2016-0245-A