

M E M O R A N D U M

DATE: September 15, 2020
TO: Board of Appeals
FROM: Office of Administrative Hearings
RE: Case No. 18-234- Appeal Period Expired

The appeal period for the above-referenced case expired on September 11, 2020. There being no appeal filed, the subject file is ready for return to the Board of Appeals.

/dlm

cc: Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(520 Reisterstown Road) *
3rd Election District *
2nd Council District *
University BP, LLC, *Legal Owner* *
Isaac Yair, *Lessee* *

Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2018-0234-SPHXA

* * * * *

ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings ("OAH") by Order of Remand from the Board of Appeals of Baltimore County, dated May 3, 2019, with instructions for the OAH to, in turn, remand the matter to the County's Design Review Panel ("DRP") for it to consider the issues presented, in accordance with the Baltimore County Code. The Petitions for Special Hearing, Special Exception and Variance were filed on behalf of University BP, LLC, Legal Owner, and Isaac Yair, Lessee ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") seeking to leave in place the previous approvals granted in Case 2008-0212-SPHXA. In addition, a Petition for Special Exception was filed to allow a used motor vehicle outdoor sales area, separated from a sales agency building in a BR zone. Finally, a Petition for Variance sought approval as follows: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and, (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

ORDER RECEIVED FOR FILING

Date 8-12-2020

By EW

On April 8, 2020, a Motion to Withdraw Appearance of Counsel was filed by J. Neil Lanzi, Esq., counsel for Isaac Yair, the lessee of the subject property, one of the Petitioners. Attached to the motion, as Exhibits A and B, respectively, were letters from Mr. Lanzi to Mr. Yair and to Larry Strauss, Esq., counsel for the other Petitioner, the property owner, University BP, LLC. In these letters, Mr. Lanzi stated his intention to withdraw from this representation and advised Mr. Yair of the need for him to either retain other counsel or inform the OAH of his intention to proceed *pro se*. The Motion to Withdraw Appearance of Counsel remained unopposed. In fact, Mr. Yair has not had any contact with OAH since he was advised to do so by Mr. Lanzi. The Motion to Withdraw Appearance of Counsel was granted on June 23, 2020.

The undersigned forwarded correspondence, dated June 23, 2020, to Petitioners Isaac Yair and Larry Strauss, Esq. directing them to contact the Department of Planning ("DOP") within 30 days of said letter in order to get on the DRP's schedule. In addition, it was indicated that if documentation of such contact with DOP was not received, a dismissal of the petitions in this case for failure to prosecute would be entertained.

Having received no response within the 30-day timeframe, OAH contacted DOP on August 6, 2020 to inquire whether this item was scheduled to come before the DPR's schedule. On August 7, 2020, DOP confirmed that they have not been contacted by either Isaac Yair or Larry Strauss, Esq.

THEREFORE, IT IS ORDERED this 12th day of **August, 2020**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to leave in place the previous approvals granted in Case 2008-0212-SPHXA, be and is hereby DISMISSED WITHOUT PREJUDICE.

ORDER RECEIVED FOR FILING

Date 8-12-2020

By EW

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone, be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Petition for Variance seeking approval as follows: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and, (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback, be and is hereby DISMISSED WITHOUT PREJUDICE.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 8-12-2020

By 122



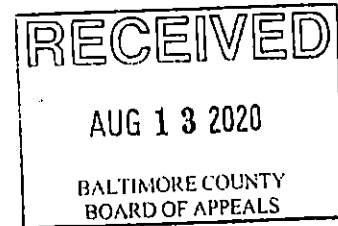
130A

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

August 12, 2020

Isaac Yair
t/a Elyon Motors
6708 Cross Country Boulevard
Baltimore, MD 21215



Larry Strauss, Esq., CPA & Associates, Inc.
2310 Smith Avenue
Baltimore, Maryland 21209

RE: **ORDER OF DISMISSAL**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Sirs:

Enclosed please find an Order of Dismissal rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

c: Michael R. McCann, Esq., Michael R. McCann, P.A., 118 W. Pennsylvania Avenue,
Towson, MD 21204
University BP, LLC, 524 Reisterstown Road, Pikesville, MD 21208
Peter Gutwald, Director, Department of Planning
Peter Zimmerman, Esq., Office of People's Counsel

Isaac Yair and Larry Strauss, Esq.

ORDER OF DISMISSAL – Case No. 2018-0234-SPHXA

Page 2

- c: Bruce E. Doak, Bruce E. Doak Consulting, LLC, 3801 Baker Schoolhouse Road,
Freeland, MD 21053
Michael E. Pierce, Executive Director, Pikesville Communities Corporation,
7448 Bradshaw Road, Kingsville, MD 21087
Alan Zukerberg, 7919 Long Meadow, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD. 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
✓ Board of Appeals of Baltimore County

Debra Wiley

From: Debra Wiley
Sent: Friday, August 7, 2020 8:24 AM
To: Marta Kulchytska
Cc: Jenifer G. Nugent
Subject: RE: DRP Inquiry - Case No. 2018-0234-SPHXA - 520 Reisterstown Road

Good Morning Marta,

Yes, thanks for the answer.

Have a great and safe day !

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

From: Marta Kulchytska <mkulchytska@baltimorecountymd.gov>
Sent: Friday, August 7, 2020 8:05 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Subject: RE: DRP Inquiry - Case No. 2018-0234-SPHXA - 520 Reisterstown Road

Debbie, Hi!

I spoke with Jen and neither I nor Jen have been contact by Isaac Yair or Larry Strauss.

Trust this answers your question.

Best,

Marta

From: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Thursday, August 6, 2020 8:39 AM
To: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Cc: Marta Kulchytska <mkulchytska@baltimorecountymd.gov>
Subject: DRP Inquiry - Case No. 2018-0234-SPHXA - 520 Reisterstown Road

Good Morning Ladies,

Hope this finds you both well.

Could you please let me know if you were contacted by either Isaac Yair or Larry Strauss, Esq. in reference to the above matter.

For your convenience, I have attached correspondence from ALJ Mayhew directing these gentlemen to contact DOP in order to get on the DRP's schedule.

Thank you in advance and hope you have a great and safe day.

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



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

June 23, 2020

Isaac Yair
t/a Elyon Motors
6708 Cross Country Boulevard
Baltimore, MD 21215

Larry Strauss, Esq., CPA & Associates, Inc.
2310 Smith Avenue
Baltimore, Maryland 21209

RE: **ORDER ON REMAND**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Sirs:

Enclosed is a copy of the Remand Order and cover letter that you have previously received from the Board of Appeals. Also enclosed is my Order granting Mr. Lanzi's Motion to Withdraw his appearance in this matter. The Remand Order directs that the County's Design Review Panel consider the issues in the case prior to a re-hearing of the case by the Office of Administrative Hearings. To that end, I hereby direct each of you to contact the Department of Planning within 30 days of this letter in order to get on the Design Review Panel's schedule. If I do not receive documentation of such contact with the Department of Planning within 30 days, I intend to dismiss the Petitions in this case for failure to prosecute.

Sincerely,

A handwritten signature in cursive script, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosures

c: Michael R. McCann, Esq., Michael R. McCann, P.A., 118 W. Pennsylvania Avenue,
Towson, MD 21204
University BP, LLC, 524 Reisterstown Road, Pikesville, MD 21208
Peter Gutwald, Director, Department of Planning
Peter Zimmerman, Esq., Office of People's Counsel
Bruce E. Doak. Bruce E. Doak Consulting, LLC, 3801 Baker Schoolhouse Road,
Freeland, MD 21053
Michael E. Pierce, Executive Director, Pikesville Communities Corporation,
7448 Bradshaw Road, Kingsville, MD 21087
Alan Zukerberg, 7919 Long Meadow, Pikesville, MD 21208
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Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Board of Appeals of Baltimore County



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 3, 2019

J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Larry Strauss, Esquire
2310 Smith Avenue
Baltimore, Maryland 21209

RE: *In the Matter of: University BP, LLC – Legal Owner*
Isaac Yair – Contract Purchaser
Case No.: 18-234-SPHXA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Multiple Original Cover Letters
Enclosure

c: University BP, LLC
Isaac Yair
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Jennifer Nugent/Design Review Panel
C. Pete Gutwald, Director/Department of Planning
Mike Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Michael A. Pierce/Pikesville Communities Corp.
Alan P. Zuckerberg
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Deane Rundell
Revanne Aronoff
Charles Dubman
Mark Sapp

IN RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION, AND VARIANCE
(520 Reisterstown Road)
3rd Election District
2nd Councilmanic District

University BP, LLC
Legal Owner

Isaac Yair
Contract Purchaser

Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 18-234-SPHXA
*
*

* * * * *

ORDER OF REMAND

Upon consideration of the arguments of counsel on the record at the hearing on April 3, 2019 and the agreement of the parties, it is this 3rd day of May, 2019:

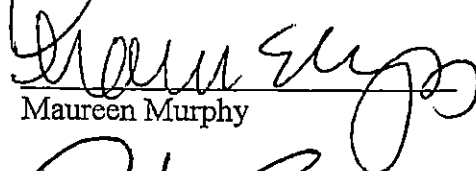
ORDERED, that this matter be remanded to the Design Review Panel for its consideration in accordance with the Baltimore County Code;

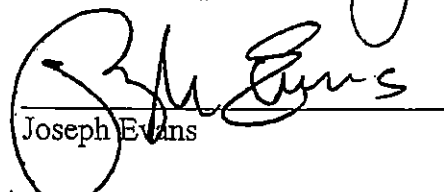
ORDERED, that the matter shall thereafter be heard by the Administrative Law Judge in accordance with the Baltimore County Code; and it is further

ORDERED, that the testimony and other evidence introduced during the hearing on April 3, 2019 shall remain part of the record in this case and be preserved in the event there is an appeal from the Administrative Law Judge and further proceedings before this Board.

**BOARD OF APPEALS OF
BALTIMORE COUNTY**


Jason Garber


Maureen Murphy


Joseph Evans

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE

(520 Reisterstown Road) *

3rd Election District

2nd Council District *

University BP, LLC, *Legal Owner*

Isaac Yair, *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0234-SPHXA

* * * * *

ORDER ON MOTION TO WITHDRAW APPEARANCE OF COUNSEL

This case is on remand from the Baltimore County Board of Appeals, with instructions for the Office of Administrative Hearings ("OAH") to, in turn, remand the matter to the County's Design Review Panel for it to consider the issues presented, in accordance with the Baltimore County Code.

On April 8, 2020, a Motion to Withdraw Appearance of Counsel was filed by J. Neil Lanzi, Esq., counsel for Isaac Yair, the lessee of the subject property, one of the Petitioners. Attached to the motion, as Exhibits A and B, respectively, are letters from Mr. Lanzi to Mr. Yair and to Mr. Larry Strauss, Esq., counsel for the other Petitioner, the property owner, University BP, LLC. In these letters Mr. Lanzi states his intention to withdraw from this representation and advises Mr. Yair of the need for him to either retain other counsel or inform the Office of Administrative Hearings of his intention to proceed *pro se*.

The Motion to Withdraw Appearance of Counsel remains unopposed. In fact, Mr. Yair has not had any contact with OAH since he was advised to do so by Mr. Lanzi.

ORDER RECEIVED FOR FILING

Date

6-23-2020

By

DW

IT IS, THEREFORE, THIS 23rd day of **June, 2020**, by this Administrative Law Judge,
ORDERED that the Motion be, and hereby is, GRANTED.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 6-23-2020

By lw



IN THE MATTER OF:

520 Reisterstown Road
3rd Election District
2nd Councilmanic District

Legal Owners:
University BP, LLC
Isaac Yair - Lessee

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2018-0234-SPHXA

* * * * *

MOTION TO WITHDRAW APPEARANCE OF COUNSEL FOR ISAAC YAIR-LESSEE

Movants, J. Neil Lanzi and Wright, Constable, and Skeen, LLP, respectfully requests that the Administrative Law Judge withdraw their appearance as counsel for Isaac Yair, Lessee, and in support thereof, states as follows:

1. On March 12, 2020, our firm wrote to Isaac Yair to advise and give notice that the undersigned counsel intended to withdraw their appearance as counsel. A copy of the written letters mailed to Isaac Yair and Larry Strauss, counsel for University BP, LLC are attached as Exhibits A and B.

2. This firm advised Isaac Yair he could have another attorney enter an appearance as counsel, or, alternatively, that he must notify the Administrative Law Judge in writing of his intention to proceed without counsel.

3. More than five (5) days have passed since notice was given to Isaac Yair and he has not responded to the undersigned.

WHEREFORE, Movants pray that the Office of Administrative Hearings withdraw their appearance as counsel for Isaac Yair, and for such other and further relief as the nature of the Movants' cause requires.



J. Neil Lanzi (CPF# 8512010347)
WRIGHT, CONSTABLE & SKEEN, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
nlanzi@wcslaw.com
410.659.1390
Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 2020, a copy of the foregoing Motion to Withdraw Appearance of Counsel for Isaac Yair was mailed first class postage prepaid to Michael McCaan, Esquire, 118 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Protestants/Appellants, Isaac Yair, 6708 Cross Country Boulevard, Baltimore, Maryland 21215 and Larry Strauss, Esq. CPA & Associates, Inc., 2310 Smith Avenue, Baltimore, Maryland 21209, for University BP, LLC.



J. Neil Lanzi



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 410-659-1390 - Facsimile: 667-206-4610

J. NEIL LANZI

Email: nlanzi@wcslaw.com

March 12, 2020

Isaac Yair
t/a Elyon Motors
6708 Cross Country Boulevard
Baltimore, MD 21215

In Re: University BP, LLC-Legal Owners
and Isaac Yair-Lessee
Case No. 18-334-SPHXA

Dear Mr. Yair:

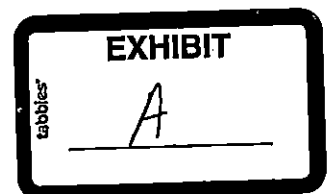
This letter is to advise you and give notice that our firm intends to move to withdraw the appearance of J. Neil Lanzi and our firm as your counsel in the above referenced case. You are further notified that you can have another attorney enter an appearance as your counsel or you must notify the Office of Administrative Law Judge and County Board of Appeals in writing of your intention to proceed without counsel.

Thank you.

Very truly yours,

J. Neil Lanzi

cc: Larry Strauss, Esq. CPA





Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 410-659-1390 - Facsimile: 667-206-4610

J. NEIL LANZI
Email: nlanzi@wclaw.com

March 12, 2020

Larry Strauss, ESQ CPA & Associates, Inc.
2310 Smith Avenue
Baltimore, MD 21209

In Re: Case No. 2018-234-SPHXA
University BP, LLC

Dear Mr. Strauss:

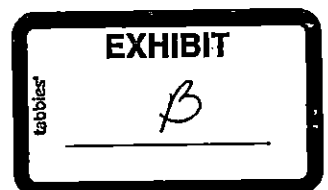
This letter is to advise you that I am giving notice to you on behalf of your client, University BP, LLC and Isaac Yair that our firm intends to move to withdraw its appearance in the above captioned case. Since the legal owner of the property is a corporation, counsel is required. In the event you will not be representing the owner, I strongly urge you to retain other counsel for the owner and make arrangements to have that counsel also represent Isaac Yair and University BP, LLC in the above referenced case.

Thank you.

Very truly yours,

J. Neil Lanzi

cc: Isaac Yair



IN RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION, AND VARIANCE
(520 Reisterstown Road)
3rd Election District
2nd Councilmanic District

University BP, LLC
Legal Owner

Isaac Yair
Contract Purchaser

Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 18-234-SPHXA
*
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* * * * *

ORDER OF REMAND

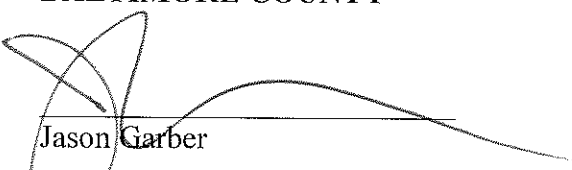
Upon consideration of the arguments of counsel on the record at the hearing on April 3, 2019 and the agreement of the parties, it is this 3rd day of May, 2019:

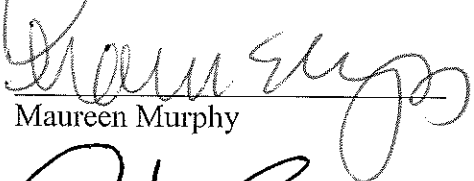
ORDERED, that this matter be remanded to the Design Review Panel for its consideration in accordance with the Baltimore County Code;

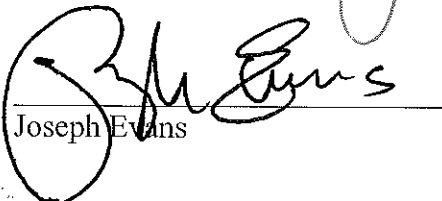
ORDERED, that the matter shall thereafter be heard by the Administrative Law Judge in accordance with the Baltimore County Code; and it is further

ORDERED, that the testimony and other evidence introduced during the hearing on April 3, 2019 shall remain part of the record in this case and be preserved in the event there is an appeal from the Administrative Law Judge and further proceedings before this Board.

**BOARD OF APPEALS OF
BALTIMORE COUNTY**


Jason Garber


Maureen Murphy


Joseph Evans



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 3, 2019

J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Larry Strauss, Esquire
2310 Smith Avenue
Baltimore, Maryland 21209

RE: *In the Matter of: University BP, LLC – Legal Owner*
Isaac Yair – Contract Purchaser
Case No.: 18-234-SPHXA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington Hay".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Multiple Original Cover Letters
Enclosure

c: University BP, LLC
Isaac Yair
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Jennifer Nugent/Design Review Panel
C. Pete Gutwald, Director/Department of Planning
Mike Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Michael A. Pierce/Pikesville Communities Corp.
Alan P. Zukerberg
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Deane Rundell
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Mark Sapp

IN RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION, AND VARIANCE
(520 Reisterstown Road)
3rd Election District
2nd Councilmanic District

University BP, LLC
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Isaac Yair
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Petitioners

* BEFORE THE
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* BALTIMORE COUNTY
* CASE NO: 18-234-SPHXA
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ORDER OF REMAND

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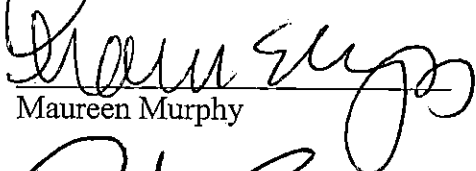
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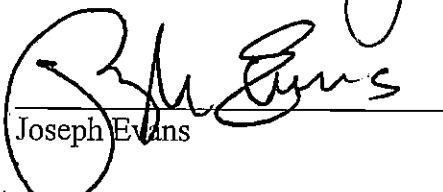
ORDERED, that the matter shall thereafter be heard by the Administrative Law Judge in accordance with the Baltimore County Code; and it is further

ORDERED, that the testimony and other evidence introduced during the hearing on April 3, 2019 shall remain part of the record in this case and be preserved in the event there is an appeal from the Administrative Law Judge and further proceedings before this Board.

**BOARD OF APPEALS OF
BALTIMORE COUNTY**


Jason Garber


Maureen Murphy


Joseph Evans



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 3, 2019

J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Larry Strauss, Esquire
2310 Smith Avenue
Baltimore, Maryland 21209

RE: *In the Matter of: University BP, LLC – Legal Owner*
Isaac Yair – Contract Purchaser
Case No.: 18-234-SPHXA

Dear Counsel:

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

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Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Multiple Original Cover Letters
Enclosure

c: University BP, LLC
Isaac Yair
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Jennifer Nugent/Design Review Panel
C. Pete Gutwald, Director/Department of Planning
Mike Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Michael A. Pierce/Pikesville Communities Corp.
Alan P. Zukerberg
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Deane Rundell
Revanne Aronoff
Charles Dubman
Mark Sapp

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(520 Reisterstown Road) *
3rd Election District *
2nd Council District *
University BP, LLC, *Legal Owner* *
Isaac Yair, *Lessee* *

Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2018-0234-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration filed by Alan P. Zukerberg and Pikesville Communities Corporation. ("Movants"). Movants contend the Administrative Law Judge ("ALJ") improperly granted a special exception in the above case, and they request that the petition be denied.

Movants cite *Umerly v. People's Counsel*, 108 Md. App. 497 (1996), which is inapposite. In *Umerly*, the variances sought pertained to specific requirements for trucking facilities set forth in the Baltimore County Zoning Regulations ("BCZR"). See BCZR § 410. Those variances were denied which meant the petitioner could under no circumstances operate the special exception use. That is not the situation here.

The used auto sales facility use is permitted in the BR zone by special exception, and (unlike the trucking facility regulations) there are no specific site development standards applicable to the auto sales use. The variances sought here were from the generic "B.R. Zone Area Regulations" which are applicable to all "buildings," not just those used for used vehicle sales. The August 16, 2018 Order expressly stated Petitioners must satisfy all setback and area regulations prior to undertaking the special exception use. As such this argument lacks merit.

ORDER RECEIVED FOR FILING

Date 8-16-18

By ISW

Movants also contend the ALJ erred by not requiring Petitioners to produce a written lease. There is no discovery procedure in zoning hearings, and the petition was signed by the owner of the property as listed in state tax records.

Movants next contend the ALJ erred by allowing into evidence a Zoning Advisory Committee comment ("ZAC") submitted by the Department of Planning ("DOP"). Such an argument does not merit a response. Finally, Movants contend the ALJ lacked "jurisdiction" to hear the above case since the petition was not first reviewed by the Design Review Panel ("DRP"). The DOP, in its extremely thorough and detailed comment, discussed the Pikesville Commercial Revitalization District and Pikesville DRP area, and the numerous conditions suggested by that agency (which were incorporated into the final order) were designed to foster the goals of these districts. The DOP expressly stated the petition is "not currently subject to DRP review." As such this argument also lacks merit.

THEREFORE, IT IS ORDERED this 16th day of **August, 2018**, by this Administrative Law Judge, that the Motion for Reconsideration, be and is hereby DENIED.

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 8-16-18

By lw



DONALD I. MOHLER III
County Executive

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

August 16, 2018

Mike Pierce
7448 Bradshaw Road
Kingsville, MD 21087

Alan Zukerberg
7919 Long Meadow
Pikesville, MD 21208

RE: **MOTION FOR RECONSIDERATION –**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Messrs. Pierce and Zukerberg:

Enclosed please find a copy of the Order on Motion for Reconsideration rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Larry Strauss, Esq., CPA & Associates, Inc., 2310 Smith Avenue,
Baltimore, Maryland 21209
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD. 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE

(520 Reisterstown Road) *

3rd Election District

2nd Council District *

University BP, LLC, *Legal Owner*

Isaac Yair, *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0234-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration filed in the above-captioned case. The motion will be granted as explained below.

The zoning history involving this property is somewhat complex. A fuel service station and convenience store is operated at the site. In 2008 the Petitioner obtained approval to construct a rollover car wash and drive-in restaurant. Case No. 2008-0212-SPHXA. Those improvements were never constructed.

In 2018 an alternate plan was submitted, and Petitioners requested (among other things) a special exception to operate a used motor vehicle sales facility on the property. Significantly, the property involved in this case is just 12,036 sq. ft. or 0.276 acres. The 2008 case involved a much larger property, including the small parcel at issue in this case. Also, as explained in greater detail in the Order dated July 17, 2018, the special exception granted in 2008 was stricken. As such, it is as if that case never existed.

For that reason, I concur with the lessee's counsel that the landscape plan in this case should only be required to encompass the 12,036 sq. ft. subject property, as shown on tax map 78, parcel 428. As such, the motion for reconsideration will be granted.

ORDER RECEIVED FOR FILING

Date 8-15-18

By [Signature]

THEREFORE, IT IS ORDERED this 15th day of **August, 2018**, by this Administrative Law Judge, that the Motion for Reconsideration, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Condition No. 2 in the July 17, 2018 Order (concerning the DOP ZAC comment which was incorporated into the final Order), be and is hereby amended to clarify that Petitioners must submit for approval by the Baltimore County Landscape Architect a landscape plan for only the 12,036 sq. ft. parcel on which the used car sales facility will be located.

IT IS FURTHER ORDERED that all other terms and conditions of the July 17, 2018 Order -- other than as detailed in the preceding paragraph -- shall continue in full force and effect.

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:dlw

ORDER RECEIVED FOR FILING

Date 8-15-18

By DLW



DONALD I. MOHLER III
County Executive

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

August 15, 2018

Larry Strauss, Esq.
CPA & Associates, Inc.
2310 Smith Avenue
Baltimore, Maryland 21209

RE: **MOTION FOR RECONSIDERATION –**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Mr. Strauss:

Enclosed please find a copy of the Order on Motion for Reconsideration rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

- c: Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Alan Zuckerberg, 7919 Long Meadow, Pikesville, MD 21208
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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(520 Reisterstown Road) *
3rd Election District *
2nd Council District *
University BP, LLC *
Legal Owner *
Isaac Yair *
Lessee *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0234-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of University BP, LLC, legal owner, and Isaac Yair, lessee ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to leave in place the previous approvals granted in Case 2008-0212-SPHXA. In addition, a Petition for Special Exception was filed to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone. Finally, a Petition for Variance seeks approval as follows: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and, (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

Appearing at the public hearing in support of the requests were Isaac Yair and surveyor Bruce Doak. Larry Strauss, Esq., represented the Petitioners. Several members of the community opposed the requests. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Planning

ORDER RECEIVED FOR FILING

Date

7/17/18

By

Sen

Planning ("DOP") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the request.

The subject property is approximately 12,036 square feet in size and is zoned BR. The subject property is one of five contiguous parcels owned by the same entity, at the intersection of Reisterstown and Milford Mill Roads. The property is unimproved at present, although it is paved. Petitioners propose to place on the site a utility trailer to serve as the sales office for a used car business which would be operated at the site.

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).

I do not believe the subject property is unique or that Petitioners would experience a practical difficulty if the request was denied. The property does not have any defining characteristics which make it unlike surrounding properties. In addition, the property can be used for other purposes, as evidenced by the zoning approval granted in Case No. 2008-0212-SPHXA. As such I believe the variance request must be denied.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and

ORDER RECEIVED FOR FILING

Date

4/17/18

By

Sen

circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Mr. Doak opined the Petitioners satisfied the requirements in BCZR §502.1 and the case law interpreting that provision. I concur, and in light of the presumption provided by Maryland law the petition for special exception will be granted.

Though the petition for special exception to operate a used car sales facility will be granted, the requested variances will be denied. As such, Petitioners can only conduct such an operation if they are able to satisfy the setback, parking and other requirements for that use. In light of this disposition, the special exception approval granted in Case No. 2008-0212-SPHXA shall be stricken, as discussed in greater detail below.

Special Hearing

The special hearing request seeks to “leave in place” the approvals granted in Case No. 2008-0212-SPHXA. As discussed at the hearing, I do not believe a petitioner in a zoning case is permitted to have alternative special exception uses permitted for the same parcel of property. If the request was granted Petitioners would have approval for two special exception uses (i.e., a used car sales facility and a car wash/carryout restaurant) on the same parcel. As such I believe the special hearing must be denied.

THEREFORE, IT IS ORDERED this 17th day of **July, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to leave in place the previous approvals granted in Case 2008-0212-SPHXA, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone, be and is hereby

ORDER RECEIVED FOR FILING

Date 7/17/18

By Sen

GRANTED.

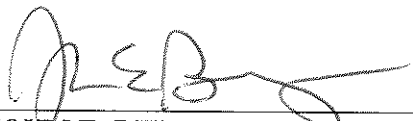
IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback, be and is hereby DENIED.

IT IS FURTHER ORDERED that the special exception, special hearing and variance relief granted in Case No. 2008-0212-SPHXA be and is hereby STRICKEN.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment submitted by the DOP, a copy of which is attached hereto and incorporated 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:slh

ORDER RECEIVED FOR FILING

Date

7/17/18

By

slh

7-3

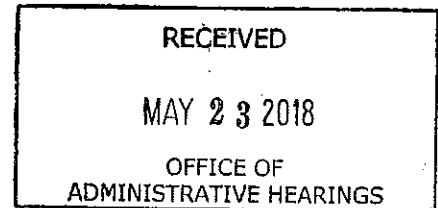
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/22/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-234



INFORMATION:

Property Address: 520 Reisterstown Road
Petitioner: University BP, LLC
Zoning: BR, RO
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the revised petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should leave in place the previous approvals granted in Case # 2008-0212-SPHXA and the revised petition for special exception to use the property for a used motor vehicle outdoor sales area, separated from the sales agency building in a BR zone. The Department also reviewed the revised petition for variance to allow zoning setback relief as listed on the attachment submitted in support of the petitions.

A site visit was conducted on March 29, 2018. The Department observed that the property exists in an extremely poor condition, to include the trailer, being a subject of the petition. The site is located within the Pikesville Commercial Revitalization District (CRD) and the Pikesville Design Review Panel (DRP) area although it is not currently subject to DRP review. The property was the subject of 2016 CZMP Issue #2-028 wherein the property was zoned BR. The site was the subject of zoning case #08-212 SPHXA wherein the ALJ granted zoning relief subject to certain conditions. No permit for the trailer was furnished by the petitioner nor was any filed with PAI.

The subject property is located within the Pikesville Maryland Revitalization Plan area and the Pikesville Commercial Revitalization District (CRD). The Baltimore County Master Plan 2020(MP2020) stresses the importance of the CRDs to their surrounding communities through providing goods and services in a "downtown" setting. The unique characteristics of these districts attracts customers creating a vibrant mix of retail, institutional and office uses. Their overall appearance is critical to their success. Substantial investment by both the County and private interests are necessary to maintain the vitality of CRDs. The *"County has a range of incentives that can be tailored to individual project needs including: low interest loans, tax credits and specialized grants"* (MP2020 pg.139). MP2020 specifically states as a policy the improvement of the appearance and walkability in the Districts (MP2020 pg.140). Protecting the investments made by the County and others within the Pikesville CRD is of paramount importance to the Department.

The Department supports granting the petitioned zoning relief only upon the following conditions being successfully addressed:

ORDER RECEIVED FOR FILING

Date 7/17/18

By Sen

The Department appreciates the petitioners desire to retain those previous approvals through the special hearing process. That notwithstanding, the Department notes that the order and plan which includes landscaping features beneficial to the CRD, having been approved for nearly six years has to this date, not been implemented. The Department recommends that in order to ensure the previous plan approvals are utilized and not adversely impacted by the current proposal, the special exception area now shown in the instant case must be landscaped in the form, content and extent as it was approved in the prior special exception case. This will respond positively to the MP2020 goals for the Pikesville CRD and also the design goals of the Pikesville Maryland Revitalization Plan wherein it is established that the streetscaping *"can produce a more attractive and visually unified area which will help the retail core area be perceived as an interesting shopping district"* (PMRP pg. 94).

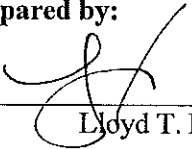
The Department recommends that any plan seeking to establish used car sales on this site will have the following characteristics:

- Install the landscaping as approved in the prior case. Compatibility under of BCC§32-4-402(d)(6) was found and confirmed in case #08-212 SPHXA. Any reduction in the landscape scheme is not in keeping with and will diminish the compatibility findings of the ALJ in the prior case.
- The existing trailer or any other so proposed shall be in sound condition such that Maintenance of Investment Property standards established in BCC§35-2-404 and promoting the public welfare, health and safety are met. Detailing to include but not limited to new paint, awnings, landscaping, removing the trailer hitch, and installing skirting around the full perimeter of the undercarriage shall be applied to the trailer to render it more in line with a Class A office, meaning formerly a residence. The petitioners must submit to the Department elevations and or photos of any trailer they propose to use in conjunction with the used car sales.
- Such a plan will note no temporary freestanding signs along Reisterstown Road nor Milford Mill Road and all signage will meet the Pikesville Commercial Revitalization Guidelines.
- There shall be no car repair or maintenance beyond hand washing conducted on site.
- There shall be no storage of damaged and disabled cars on site.
- Any new outdoor lighting shall be approved by the Baltimore County Landscape Architect.

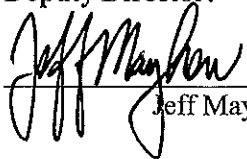
The Department recommends that prior to the ALJ issuing any order that may allow the proposed use to be established, the property be brought up to the Maintenance of Investment Property and all other pertinent code standards to include but not be limited to the removal of any large delivery type trucks parked on site for a period longer than that required to load or unload materials necessary for the special exception use and an overall general cleanup of the site.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 7/17/18

By sen



DONALD I. MOHLER III
County Executive

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

July 17, 2018

Larry Strauss, Esq.
2310 Smith Avenue
Baltimore, Maryland 21209

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Mr. Strauss:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Alan Zukerberg, 7919 Long Meadow, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD. 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208

UNIVERSITY BP, LLC
520 Reisterstown Road
3rd E; 2nd C
Case No. 08-212-SPHXA

08-212-SPHXA

~~7/23/08 @ 10 a.m. PP'd;~~
~~November 4, 2009 @ 10 AM~~ ^{Set on request} _{→ pp'd}
~~March 31, 2010 @ 10 am~~ PP
~~June 23, 2010 @ 10 am~~ PP
~~November 17, 2010 @ 10 am~~ PP
January 19, 2011 @ 10:00 ✓
Completed &
Delivered

Remand Order
Issued 2/18/11
Opinion & Order
of OAH 9/1/11

08-212-SPHXA

(26080212) "A"

①

✓

08-212-SPHXA

9/1/11
RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE

S corner of Milford Mill and
Reisterstown Roads
3rd Election District
2nd Councilmanic Districts
(520 Reisterstown Road)

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

University BP, LLC
Petitioner

* CASE NO. 08-212-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration on remand of Petitions for Special Hearing and Special Exception filed by the owner of the subject property, University BP, LLC, (hereinafter "University BP") by its attorney, Francis X. Borgerding, Jr. The split-zoned property is in Pikesville at the southwest corner of Reisterstown Road and Milford Mill Road; adjoins Linden Terrace on the south, parallel to Milford Mill Road; and consists of two contiguous tracts totaling 0.87 acres. The area along Reisterstown Road is commercial, and there are generally residences to the interior.

The existing use here is for a fuel service station and convenience store. The zoning petitions pertain to the addition of a carwash and drive-in (carry-out) restaurant and the expansion and modification of the store and parking area.

University BP filed the initial zoning petitions on November 5, 2007. The special hearing is for business parking in a residential zone, here the R.O (Residential-Office) Zone, under Baltimore County Zoning Regulations ("B.C.Z.R.") Section 409.8.B. The special exception is for a car wash and drive-in (carry-out) restaurant in a B.L. (Business-Local) Zone under B.C.Z.R. Section 230.13. There was also a petition for variances from the Residential Transition Area

ORDER RECEIVED FOR FILING

Date 9-1-11

By PS

requirements under B.C.Z.R. Section 1B01.1.B:

At the 2008 hearing before Zoning Commissioner William J. Wiseman, III, University BP withdrew the petition for variances, because the RTA requirements apply to Density-Residential Zones, but not to the applicable R.O. Zone here. This left the special hearing and special exception petitions.

On February 1, 2008, Zoning Commissioner Wiseman approved University BP's Petitions for Special Hearing and Special Exception in his written Findings of Fact and Conclusion of Law. Subsequently, People's Counsel for Baltimore County appealed Commissioner Wiseman's Findings of Fact and Conclusion of Law to the County Board of Appeals. People's Counsel took the position that Petitioner's requested relief must be reviewed and approved through the Baltimore County Design Review Panel ("DRP") prior to zoning relief, and that here this would likely result in significant amendments to the zoning site plan. Petitioner agreed to seek DRP approval prior to the matter being heard before the County Board of Appeals for Baltimore County. Eventually, in the interest of efficiency, the parties also agreed that this matter should be remanded to the Zoning Commissioner now Administrative Law Judge for Baltimore County for consideration of any amendments to the plans and/or the relief approved by Commissioner Wiseman on February 1, 2008. After a hearing, the County Board of Appeals issued its remand order on February 18, 2011. The remand was to the new Office of Administrative Hearings, which, among other things, took over the functions and responsibilities of the Zoning Commissioner.

At about the same time, University BP was preparing a new set of revised plans to submit to the Design Review Panel in accordance with County Code Section 32-4-203. The Pikesville

ORDER RECEIVED FOR FILING

Date 9-1-11

By PJ

area is one of the designated areas subject to design review under the detailed provisions of this section.

On March 9, 2011, the DRP reviewed the project, actually for the third time. DRP #505. As reflected in Design Review Comments dated April 8, 2011, the DRP there approved a revised plan, subject to stated conditions relating to signage, landscaping, curb alignment, parking, stacking of vehicles for the carwash, and architectural elevations. University BP's consultant and property line surveyor, Bruce E. Doak, revised the site plan to satisfy the required DRP design conditions. There was also submitted a PowerPoint package of architectural elevations and other design features. Separately, the firm of Human and Rohde prepared a landscape plan for review by the County Landscape Architect, Avery Harden.

There were also communications between University BP's attorney, Mr. Borgerding; his surveyor Bruce Doak, who worked on the site plan; People's Counsel Peter Max Zimmerman, and community representative Alan Zukerberg. They all worked toward the preparation of a satisfactory amended petition for special hearing and special exception, with a revised zoning site plan.

An initial hearing was held on remand before the undersigned Administrative Law Judge for Baltimore County on June 30, 2011. At that time, the hearing was continued so that public notice requirements could be perfected and the parties could work out agreed conditions and details in the revised zoning site plan, subject to ultimate Administrative Law Judge review. After the conclusion of the hearing, Messrs. Borgerding, Doak, Zimmerman, and Zukerberg thereupon met to iron out a consensus on the revised site plan and the specific details and conditions. This led to a revised site plan dated July 7, 2011, which included an imprint of the April 8, 2011 Design

Review Comments, a new list of Notes Pertaining to the Amended Site Plan, and among other

ORDER RECEIVED FOR FILING

Date 9-1-11
By [Signature]

things reference to the Landscape Plan and Architectural Elevations as conditions.

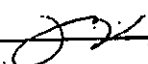
On August 8, 2011, this matter reconvened before the Administrative Law Judge for Baltimore County for final consideration and review consistent with the County Board of Appeals remand order. Messrs. Borgerding, Doak, Zimmerman, and Zukerberg again attended. Gul Sher, principal owner of University BP, LLC was also present. It appeared from the record that in the intervening time, the public notice requirements were satisfied.

The Petitioner then called Bruce Doak to describe the amended plan and provide relevant documentation. Mr. Doak entered into evidence several exhibits before the Administrative Law Judge, consistent with the DRP approval and details worked out with People's Counsel and Mr. Zukerberg. Once again, it was also noted that the original petition for variances had been withdrawn because the RTA requirements were not applicable to the adjoining R.O. Zone. Mr. Doak entered as Petitioner's Remand Exhibit Number 1 an amended plat to accompany Petitions for Special Hearing and Special Exception relief on behalf of University BP, as Petitioner's Remand Exhibit Number 2 an email dated August 4, 2011, from Avery Harden, landscape architect for Baltimore County; as Petitioner's Remand Exhibit Number 3, a copy of the landscape plan approved by the Baltimore County Design Review Panel for the Petitioner's requested relief; and as Petitioner's Remand Exhibit Number 4, copies of the PowerPoint Presentation Petitioner presented to the Baltimore County Design Review Panel in relation to the Petitioner's requested relief; with descriptions of signage, landscaping, curb alignment, parking, stacking of vehicles, and architectural elevations.

Bruce Doak testified that the Petitioner's requested relief as amended, pursuant to the exhibits entered in the remand hearing, in his opinion, complies with Section 502.1 of the

B.C.Z.R. That is to say, there would be no particular adverse impact to the neighborhood --- the
ORDER RECEIVED FOR FILING

Date 9-1-11

By 

Reisterstown commercial corridor and the interior residences --- from the proposed plan, which underwent such thorough review.

In relation to the approval of Petitioner's landscaping plan by Avery Harden, landscape architect for Baltimore County, I have indicated that the Petitioner's requested relief is subject to further review by Baltimore County landscape architect per the Baltimore County Development Regulations. Counsel for Petitioner stated that, although his client would be unable to make any further commitments without knowing specific details and costs, he would take Mr. Harden's recommendation of an automatic irrigation system under advisement.

In light of the above, the undersigned Administrative Law Judge is satisfied that the Petitioner has met the legal standards necessary to grant Petitioner's requested special hearing and special exception relief as amended, pursuant to the exhibits entered as mentioned above by Bruce Doak in the remand hearing. In this connection, the DRP review and work done with People's Counsel and Mr. Zukerberg appear to have produced a very positive result, which, if implemented well, may be an improvement and asset to this area of Pikesville.

Pursuant to the advertisement, posting of the property and public hearing held on these Petitions, and for reasons set for above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 1st day of September, 2011, by this Administrative Law Judge for Baltimore County that the Petition for Special Exception to permit the use of the described property for a car wash and drive-in restaurant, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 230.13, as shown on the Petitioner's Remand Exhibit 1, the Amended Plan to Accompany a Petition for a Special Hearing and Special Exception, dated July 7, 2011, and consistent with Design Review Panel approval, be and is

hereby GRANTED; and
ORDER RECEIVED FOR FILING

Date 9-1-11

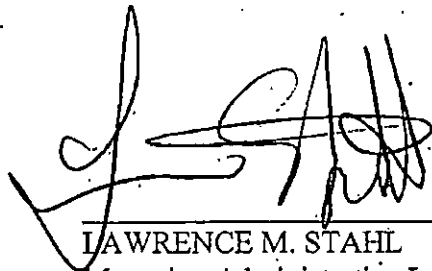
By [Signature]

IT IS FURTHER ORDERED that the Petition for Special Hearing, pursuant to Section 409.8.B.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit commercial parking in an R.O. zone, be and is hereby granted, again in accordance with the site plan entered as the aforesaid Petitioner's Remand Exhibit 1, and with Design Review Panel Approval; and

IT IS FURTHER ORDERED, that the approved special exception and special hearing are subject to the following restrictions which are conditions to the relief granted herein:

1. There shall be no external loud speakers on the property.
2. Car wash activities (exclusive of repairs and servicing of equipment) may not start prior to 7 AM and must conclude by 7 PM.
3. The existing vehicle and accessory rental business shall cease upon issuance of building permits consistent with this amended plan.
4. There shall be compliance with the landscape plan entered as Petitioner's Remand Exhibit 3, subject to such further revisions as required by the County Landscape Architect consistent with the County Landscape Manual.
5. There shall be compliance with the DRP PowerPoint design features of signage, fence, architectural elevations, parking, stacking; and other design details shown in Petitioner's Remand Exhibit 4.

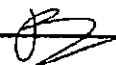
Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the Baltimore County Code ("B.C.C.").


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 9-1-11

By 

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

September 1, 2011

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

Re: Petition for Special Hearing, Special Exception and Variance
Case No. 08-212-SPHXA
Property: 520 Reisterstown Road

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: People's Counsel Peter Max Zimmerman
Alan Zukerberg, 7819 Long Meadow Road, Pikesville MD 21208

2/19/11

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE COUNTY
SPECIAL EXCEPTION & VARIANCE		
520 Reisterstown Road; S corner of	*	BOARD OF APPEALS
Mildford Mill & Reisterstown Roads		
3 rd Election & 2 nd Councilmanic Districts	*	FOR
Legal Owner(s): University BP, LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	08-212-SPHXA

* * * * *

REMAND ORDER

This case comes to the County Board of Appeals upon the appeal by People's Counsel for Baltimore County of the Zoning Commissioner's February 1, 2008 approval of Petitioner University BP, LLC's Petition for Special Hearing, Special Exception and Variance, to allow the addition of a carwash and drive-in restaurant to the service station at 520 Resisterstown Road. Because the property is in the Pikesville area, it is subject to review by the Pikesville Design Review Panel (DRP) under Baltimore County Code Sections 32-4-203 and 32-4-204 (2003).

At the January 19, 2011 hearing, Petitioner was represented by Francis X. Borgerding, Jr. People's Counsel Peter Max Zimmerman represented his office. Area citizen Alan Zuckerberg appeared as an interested citizen and in his capacity as President of the Pikesville Community Corporation.

The County Board of Appeals previously allowed postponement of the case several times to await the conclusion of DRP proceedings, setting January 19, 2011 as the final hearing date, with no further postponements. As the Board was advised at the January 19 hearing, the DRP proceedings have not yet come to fruition. Counsel for Petitioner advises that Petitioner still anticipates presenting an amended plan to the DRP for review.

At this time, the Board has determined to remand the case to the Zoning Commissioner for review of the Petition, or any amended petition and plan, and in light of such further proceedings, including but not limited to DRP and Zoning Advisory Committee review and such further public hearing as may be necessary and appropriate.

This is without prejudice to the rights of any of the parties. The parties of record at the Zoning Commissioner level include William McConnell and Charles Dubman, neighbors on Linden Terrace.

Accordingly, for the foregoing reasons, it is, this 18th day of ^{February}~~January~~, 2011, **Ordered**, by the County Board of Appeals for Baltimore County, that this case be, and hereby is, **remanded to the Zoning Commissioner of Baltimore County** for such further proceedings and public hearing as may be necessary and appropriate.

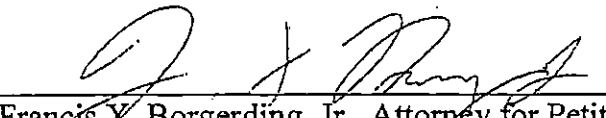
Any petition for judicial review of this order must be filed within 30 days.

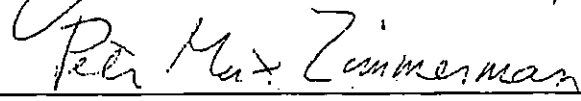

MAUREEN E. MURPHY, CHAIRMAN


WENDELL H. GRIER, PANEL MEMBER


ANDREW M. BELT, PANEL MEMBER

Approved as to form:


Francis X. Borgerding, Jr., Attorney for Petitioner


Peter Max Zimmerman, People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 18, 2011

Francis X. Borgerding, Esquire
409 Washington Ave, Suite 600
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: University BP, LLC-Legal Owner/Petitioner*
Case No.: 08-212-SPHXA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Gul Sher, Managing Member /University BP LLC
Bruce E. Doak /Gerhold, Cross & Etzel, Ltd.
Charles Dubman
Alan P. Zukerberg
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Deborah L. SeBour /Real Estate Investments
William McConnell
Alan P. Zukerberg, President/Pikesville Communities Corporation
Lawrence M. Stahl, Managing Administrative Judge
Director/Office of Planning
Michael Field, County Attorney, Office of Law

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION AND VARIANCE
S/Corner of Milford Mill and *
Reisterstown Roads
(520 Reisterstown Road) *
3rd Election District *
2nd Council District *
University BP, LLC *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
Case No. 08-212-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSION OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, University BP, LLC by and through its attorney Francis X. Borgerding, Jr., Esquire. As filed, the Petitioner requests a special hearing to allow a commercial parking area in a R-O zone pursuant to Section 409.8B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Special exception relief is sought pursuant to Section 230.13 of the B.C.Z.R. to permit a roll-over car wash and drive-in restaurant. In addition, variance relief is requested from B.C.Z.R. Section 1B01.1B.1e.5, to allow a parking lot with a 10-foot buffer and setback in lieu of the required 50 foot Residential Transition Area (RTA) buffer and 75-foot RTA setback. The subject property and the requested relief are more particularly described on the redlined site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were the owner's representatives, Gul Sher, managing member of University BP, LLC, and Deborah L. SeBour, with Real Estate Investments, LLC; Bruce E. Doak, a consultant and Property Line Surveyor with Gerhold, Cross & Etzel, Ltd., who prepared the site plan for this property, and Francis X. Borgerding, Jr., Esquire, representing the Petitioner. Appearing as Protestants in opposition to the requests were nearby residential property owners William McConnell and Charles Dubman.

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Date 2-1-08
By [Signature]

Donald T. Rascoe, Deputy Director of the Department of Permits and Development Management attended and participated at the hearing.

At the outset of the hearing, Counsel for the Petitioner withdrew the variance petition as Mr. Doak concluded upon his further review that the variance request from an RTA buffer and RTA setback was not necessary. Additionally, discussion was held in reference to the Zoning Advisory Committee (ZAC) comment received from the Office of Planning, dated December 13, 2007. In pertinent part, the ZAC comment recommended compliance with the Pikesville Design Review Guidelines as provided for in Baltimore County Code (B.C.C.) Section 32-4-203. This section provides for a review and recommendation on the proposal by the Baltimore County Design Review Panel. This comment, however, was not received by the undersigned Zoning Commissioner until January 10, 2008 and was not received by the Petitioner or its counsel until the morning of the hearing (January 16, 2008). Mr. Borgerding, with the Commission's concurrence, called upon Deputy Director Donald Roscoe to give testimony about the applicability of the Design Review Panel making a finding and recommendation on the proposal *prior to proceeding* to a zoning hearing. After a thorough review of B.C.C. Sections 32-4-101(p) and (q) as well as 32-4-203 and in considering Mr. Rascoe's interpretation of his department's development regulations, I am satisfied that the "development process" is separate and distinct and will in accordance with the language of the Baltimore County Code proceed to the Design Review Panel as it must prior to development plan approval. I will, therefore, condition any relief granted herein subject to review by the Design Review Panel prior to development plan approval or the issuance of a permit. See B.C.C. Section 32-4-203(l).

The Petitioner's consultant, Bruce Doak, was the first witness to testify and after introducing the site plan, illustrated the existing and proposed conditions of the site presenting numerous photographs collectively received as Petitioner's Exhibit 4. Mr. Doak testified that

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Date 2-1-08
By [signature]

Petitioner's requested relief will take place on adjacent parcels with an overall area consisting of 8.7 acres. The majority of the property and all of the improvements are zoned B.L. - A.S. with a small portion (108' x 60') located in the southwest corner of the site adjacent to Milford Mill Road being in the R-O zone. Currently, the properties are being used for a gasoline station and the parking of vehicles. As noted above, the Petitioner requests the use of the properties for maintaining the gasoline station and adding a drive-in restaurant and car wash. Mr. Doak further noted that the Petitioner's requested relief is proposed in a way that requires no parking variances as set forth in the special regulations of B.C.Z.R. Section 409. The landscaping areas proposed to buffer the proposed uses adjacent to Linden Terrace and Milford Mill Road were discussed by Mr. Doak and shown on the redlined site plan.

Turning to the Petitioner's special exception request for a drive-in restaurant and car wash, Mr. Doak testified and offered opinions that the requested relief meets the principles and conditions of B.C.Z.R. Section 502.1. He then discussed the special hearing request to approve commercial parking in a R-O zone. He indicated that the area would be used for additional parking for the proposed drive-in restaurant. There will be no U-Haul rental vehicles, buses or commercial vehicles parked or stored in this area. Its use will be for customers/employees private passenger vehicles and in keeping with the character of the surrounding community. Mr. Doak testified that he believed the Petitioner's requested special hearing could be granted without causing a detriment to the health, safety or welfare of the locale which is commercially utilized on the other side of Linden Terrace.

Deborah SeBour, the realtor who has assisted Petitioner with the subject property, and Gul Sher provided testimony in regard to the existing and proposed uses of the property. Mr. Sher stated that the proposed hours of the car wash would be 7 AM to 7 PM and the drive-in restaurant would be a delicatessen operation. William McConnell (7 Linden Terrace) and

DATE RECEIVED FOR FILING
Date 2-1-08
By [signature]

Charles Dubman (3 Linden Terrace) testified and each produced a letter received as Protestants Exhibits 1 and 2 that outlined the existing concerns about their neighborhood and concerns about Petitioner's proposed use. Both Messrs. McConnell and Dubman are long time residents and described their dead end street (Linden Terrace) and the noise, vandalism and impacts attendant to the past zoning changes that have allowed the giant size buildings to be erected across the street from their homes. They now express concerns about further potential commercial encroachment on Linden Terrace. Mr. McConnell described the noise which emanates from the speakers utilized by an existing drive through McDonald's restaurant. The Petitioner, however, clarified it was proposing a drive-in restaurant on the site not a drive through restaurant and, therefore, no loud speaker was being proposed.

Section 502.1 of the B.C.Z.R. states the criteria under which a special exception may be evaluated. As the courts have consistently acknowledged, all uses of land, including those that are permitted by special exception, are presumed to have certain adverse effects. Uses that are permitted by special exception require an individualized determination that the adverse effects generated by the proposed use are not exacerbated by a unique characteristic of the proposed use or the proposed location. Special exception uses enjoy a legislative presumption that they are compatible with the uses that are permitted in adjoining areas under the applicable zoning regulations, absent a showing to the contrary. In *Shultz v. Pritts*, 291 Md. 1, 432 A2d 1319 (1981), a leading Maryland case on special exceptions the Court stated:

"...[T]he appropriate standard to be used in determining whether a special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Id.* at 14.

There is no evidence that the adverse effects generated by a roll-over car wash or drive-in restaurant, as proposed, are above and beyond those inherently associated with such uses,

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Date 2-1-08
By [signature]

regardless of their location. Furthermore, I find that the requirements of Section 502.1 of the B.C.Z.R., relating to special exceptions, have been met. In addition, I am satisfied that Petitioner's request by way of special hearing to allow for the commercial parking in a R-O zone adjacent to Milford Mill Road can be granted without a harmful effect to the health, safety and welfare of the surrounding community and I will, therefore, grant same. There are no new curb cuts proposed and the site plan has been noted that upon approval of the zoning request the current parking of U-Haul vehicles will be discontinued.

The issues raised in the petitions are pursuant to the authority granted in Section 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the proposed uses on each parcel and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing limited exemptions from the department regulations which have been relegated by the County Council to the Development Review Committee. *See Long Meadow Association, Inc., et al v. Druid Ridge LLP, et al.* Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05. In this regard, Mr. Rascoe made it quite clear in his testimony that what I have before me is a plat to accompany a zoning petition and not a development plan as contemplated under Section 32-4-101. A review of the facts, evidence and testimony presented in this case reveals that the Petitioner and its Counsel are in agreement with this conclusion.

Pursuant to the advertisement, posting of the property and public hearing held on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 1st day of February 2008, by the Zoning Commissioner for Baltimore County that the Petitioner for Special Exception, to permit the use of the described property for a car wash and drive-in restaurant pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 230.13, as shown on Petitioner's Exhibit 1, be and is

ORDER RECEIVED FOR FILING
Date 2-1-08
BY 03

hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing, pursuant to Section 409.8.B.1 of Baltimore County Zoning Regulations (B.C.Z.R.), to permit commercial parking in a R-O zone, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The proposed car wash and drive-in restaurant improvements fall within the jurisdiction of the Pikesville Design Review Panel Area. The Petitioner must submit its "Development Plan" to the Design Review Panel for approval in accordance with B.C.C. Section 32-4-203.
2. The Petitioner shall also submit to the Office of Planning, as part of the project's review criteria: (a) an upgraded landscape plan in those areas designated "landscaping area" on the site plan, (b) to include the replacement of the existing 6-foot high wood privacy fence, and (c) an upgraded landscape and lighting plan for this site.
3. The Petitioner shall show designated employee parking spaces on the Development Plan, i.e., spaces 7, 8, 9 and 10 as depicted on Petitioner's Exhibit 1.
4. There shall be no external loud speakers on the property.
5. Car wash activities (exclusive of repairs and servicing of equipment) may not start prior to 7 AM and must conclude by 7 PM.
6. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).


WILLIAM I. WISEMAN, III
Zoning Commissioner for
Baltimore County

COPIES RECEIVED FOR FILE
Date 2-1-08
By [signature]



JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 1, 2008

Francis X. Borgerding, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE**
S/Corner of Milford Mill and Reisterstown Roads
(520 Reisterstown Road)
3rd Election District - 2nd Council District
University BP, LLC - Petitioner
Case No. 08-212-SPHXA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted with restrictions in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard,
Towson, MD 21286
Gul Sher, Managing Member, University BP, LLC, 520 Reisterstown Road, Pikesville, MD 21218
Deborah L. SeBour, Real Estate Investments, LLC, 2418 Bramarr Avenue, Baltimore, MD 21228
William McConnell, 7 Linden Terrace, Pikesville, MD 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Donald Rascoe, Deputy Director, Department of Permits & Development Management
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at # 520 REISTERSTOWN RD.
0 1/2 LINDEN TERRACE
which is presently zoned RO

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

I, or we, agree to pay expenses of above Special Hearing, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Zip Code

Legal Owner(s):

UNIVERSITY BP LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

GERHOLD, CROSS & ETZEL LTD

Name

320 E. TOWSONTOWN BLVD

410-823-4470

Address

TOWSON

MD

Telephone No.

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 08-212-SPAXA

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Date

2-1-08

By

bw

Reviewed By

Jam

Date

11-5-07

REV 9/15/98

#0 & #2 LINDEN TERRACE

VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

1B01.1B.1.e.5

*TO ALLOW A PARKING LOT WITH A 10 FOOT BUFFER AND SETBACK IN
LIEU OF THE REQUIRED 50 FOOT RTA BUFFER AND 75 FOOT RTA SETBACK*

SPECIAL HEARING REQUESTED

TO ALLOW A PARKING AREA IN RO ZONE



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 520 REISTERTOWN RD.
which is presently zoned BL AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Francis X. Borgeed, Jr.
Name - Type or Print _____
F. X. Borgeed
Signature _____
Company _____
404 Washington Ave Suite 600 (410) 246-6420
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

UNIVERSITY BP LLC
Name - Type or Print _____
[Signature]
Signature _____
Gul SHEER
Name - Type or Print _____
Signature _____

Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

GERHOLD, CROSS & ETZEL LTD
Name _____
320 E. TOWSON TOWN BLVD 410-823-4470
Address _____ Telephone No. _____
TOWSON MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. 08-212-SP4XA

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 11-5-07

RDV 09/15/98

ORDER RECEIVED FOR FILING

Date 2-1-08
By [Signature]

520 & 524 REISTERSTOWN ROAD

SPECIAL EXCEPTION REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

230.13 for :

CAR WASH (Bill Nos. 108-1964; 85-1967)

DRIVE-IN RESTAURANT (Bill Nos. 40-1967; 85-1967)



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #0, #2 LINDEN TERRACE
which is presently zoned RO

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

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

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

We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print Francis X. Bergerding Jr.

Signature Francis X. Bergerding Jr.

Company (410) 246-6820

Address 404 Washington Ave Suite 600 Telephone No.

City Towson State MD Zip Code 21204

Legal Owner(s):

UNIVERSITY BP LLC

Name - Type or Print

Signature Gul Sher

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Gerhold, Cross & Etzel, Ltd.

Name 410

320 E. Towsontown Blvd #100 823-4470

Address Telephone No.

Towson MD 21286

City State Zip Code

OFFICE USE ONLY

Case No. 08-212-SPIEXA

ESTIMATED LENGTH OF HEARING

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AVAILABLE FOR HEARING

Date 2-1-08

Reviewed By [Signature] Date 11.5.07

By [Signature]

#0 & #2 LINDEN TERRACE

VARIANCE REQUESTED

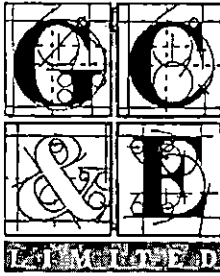
BALTIMORE COUNTY ZONING REGULATIONS:

1B01.1B.1.e.5

*TO ALLOW A PARKING LOT WITH A 10 FOOT BUFFER AND SETBACK IN
LIEU OF THE REQUIRED 50 FOOT RTA BUFFER AND 75 FOOT RTA SETBACK*

SPECIAL HEARING REQUESTED

TO ALLOW A PARKING AREA IN RO ZONE



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

November 1, 2007

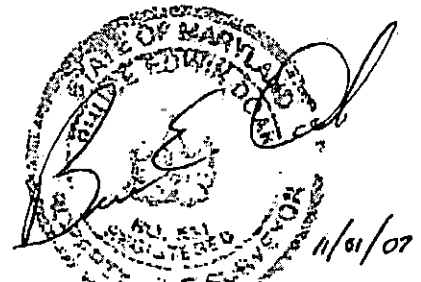
ZONING DESCRIPTION
University BP LLC property
520 Reisterstown Road
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Third Election District, Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

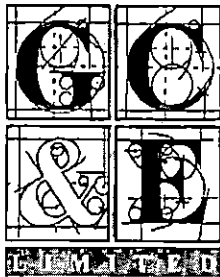
Beginning for the same at a point located on the southwest side of Reisterstown Road (66' wide) in the centerline of Linden Terrace and running thence,

- 1) South 52 degrees 27 minutes 19 seconds West 150.0 feet,
- 2) North 37 degrees 32 minutes 35 seconds West 22.50 feet,
- 3) North 37 degrees 32 minutes 35 seconds West 100.00 feet,
- 4) Running reversely on North 52 degrees 27 minutes 25 seconds East 45.45 feet,
- 5) South 37 degrees 32 minutes 35 seconds East 50.0 feet,
- 6) Running reversely on South 52 degrees 27 minutes 25 seconds West 191.85 feet,
- 7) North 52 degrees 27 minutes 25 seconds East 3.78 feet,
- 8) South 37 degrees 20 minutes 26 seconds East 50.00 feet,
- 9) South 37 degrees 20 minutes 26 seconds East 100.00 feet,
- 10) South 37 degrees 20 minutes 26 seconds East 22.50 feet to the point of beginning.

Containing 0.593 Acres of land, more or less (Tract 4 : Parcel 1 and Parcel 2).



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 31, 2007

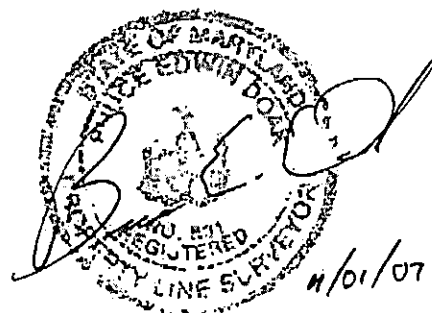
ZONING DESCRIPTION
University BP LLC property
2 Linden Terrace
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Third Election District, Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

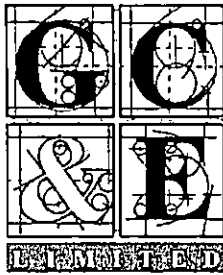
Beginning for the same at a point or near the centerline of Linden Terrace (45' wide), said point being located 195.0 feet measured southwesterly along said centerline of Linden Terrace from its intersection with the southwesterly side of Reisterstown Road (66" wide) leaving said Linden Terrace in Northwesterly direction North 37 degrees 32 minutes 35 seconds West 22.50 feet and running thence,

- 1) South 52 degrees 27 minutes 25 seconds West 50.00 feet,
- 2) North 37 degrees 32 minutes 35 seconds West 204.48 feet,
- 3) North 50 degrees 59 minutes 04 seconds East 50.02 feet,
- 4) South 37 degrees 32 minutes 35 seconds West 205.77 feet to the point of beginning.

Containing 0.235 Acres of land, more or less.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 31, 2007

ZONING DESCRIPTION
University BP LLC property
0 Linden Terrace
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Third Election District, Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point or near the centerline of Linden Terrace (45' wide), said point being located 195.0 feet measured southwesterly along said centerline of Linden Terrace from its intersection with the southwesterly side of Reisterstown Road (66" wide) and running thence,

- 1) North 37 degrees 32 minutes 35 seconds West 122.50 feet,
- 2) North 52 degrees 27 minutes 25 seconds East 45.45 feet,
- 3) South 37 degrees 20 minutes 20 seconds East 122.50 feet,
- 4) South 52 degrees 27 minutes 25 seconds West 45.01 feet to the point of beginning.

Containing 0.127 Acres of land, more or less.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

Debra Wiley

From: Debra Wiley
Sent: Monday, March 2, 2020 10:15 PM
To: Michael McCann
Cc: Paul Mayhew; Neil Lanzi
Subject: Re: University BP

Gentlemen,

This is to confirm the "status meeting" with ALJ Mayhew on Tuesday, March 3rd at 3 PM.

Thanks for your cooperation; it is appreciated.

Have a good night.

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, March 2, 2020 4:46:52 PM
To: Debra Wiley
Cc: Paul Mayhew; Neil Lanzi
Subject: University BP

CAUTION: This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Deb: Sorry for the delay in getting back to you. I am available tomorrow at 3:00 pm. Thanks.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

Phone: 410-887-3180

Fax: 410-887-3182

To: Paul M. Mayhew, Managing Administrative Law Judge

From: Sunny Cannington, Administrator *SC*

Date: February 26, 2020

Re: Remanded case
In the matter of: University BP, LLC
Case No: 18-234-SPHXA

RECEIVED

FEB 27 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

Mr. Mayhew,

Please be advised the above referenced case was been remanded to your office for further proceedings pursuant to a Joint Motion for Remand. We apologize for the delay in providing this file for further proceedings. We kindly request a copy of any Orders or Opinions you may issue in this matter.

Please retain the file for the appeals period of 30 days. If the case is appealed again, the file would need to be returned to us. Should no appeal be taken within the appropriate time period, you may return the file to the Office of Zoning Review for closing and filing.

Should you have any questions or problems, please do not hesitate to contact us.

Thank you.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 26, 2020

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Re: In the Matter of: University BP, LLC – Legal Owner
Isaac Yair - Lessee
Case No: 18-234-SPHXA

RECEIVED

FEB 27 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

Dear Counsel:

By Order of the Board dated May 3, 2019, this matter was remanded to the Administrative Law Judge for further proceedings. It came to my attention, I neglected to send the file to the Administrative Law Judge.

At this time, we apologize for the delay and by copy of this letter, forward the case file to the Administrative Law Judge for further proceedings pursuant to our May 3, 2019 Order.

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

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra Cannington
Administrator

Duplicate original
Enclosure

cc: Paul M. Mayhew, Managing Administrative Law Judge

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, April 22, 2019 11:13 AM
To: Krysundra Cannington
Cc: Neil Lanzi; Alan Zukerberg
Subject: University BP (Case No: 2019-0234-SPHX)
Attachments: Order of Remand.docx

Good morning Sunny. Per the Board's request, attached is a proposed order of remand for the Board's consideration. It is in Word format in the event you need to make changes.

Let me know if you have any questions.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

IN RE: PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION
(520 Reisterstown Road)
3rd Election District
2nd Councilmanic District

University BP, LLC
Legal Owner

Isaac Yair
Contract Purchaser

Petitioners

* * * * *

* BEFORE THE
* COUNTY
* BOARD OF APPEALS
* Case No: 2019-0234-SPHX
*
*

ORDER OF REMAND

Upon consideration of the arguments of counsel on the record at the hearing on April 3, 2019 and the agreement of the parties, it is this ____ day of _____, 2019:

ORDERED, that this matter be remanded to the Design Review Panel for its consideration in accordance with the Baltimore County Code;

ORDERED, that the matter shall thereafter be heard by the Administrative Law Judge in accordance with the Baltimore County Code; and it is further

ORDERED, that the testimony and other evidence introduced during the hearing on April 3, 2019 shall remain part of the record in this case and be preserved in the event there is an appeal from the Administrative Law Judge and further proceedings before this Board.

County Board of Appeals

Jason Garber

Maureen Murphy

Joseph Evans

Copy to counsel of record



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 15, 2019

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: University BP, LLC – Legal Owner
Isaac Yair – Lessee
18-234-SPHXA 520 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing (Revised) to leave in place the previous approvals granted in Case No.: 2008-0212-SPHXA

Petition for Special Exception pursuant to BCZR Section 236.2 to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone; and

Petition for Variance (Revised):

- to permit an 8' side setback and a 10' rear setback for a proposed sales trailer in lieu of the required 30' rear setback, respectively;
- to permit a 10' side street setback double frontage for a proposed sales trailer in lieu of the required 25' setback; and
- to permit a 35' side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

7/17/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; the Petition for Special Exception was GRANTED, subject to conditions; and the Petition for Variance was DENIED. It was further Ordered that the Special Exception, Special Hearing and Variance relief granted in Case No. 2008-0212-SPHXA was STRICKEN.

8/15/18 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion for Reconsideration filed by Larry Strauss, Esquire on behalf of University BP, LLC and Isaac Yair, Petitioners, was GRANTED, and ORDERED that Condition No. 2 of the July 17, 2018 Order (concerning the DOP ZAC comment), was amended to clarify that Petitioners must submit for approval by the Baltimore County Landscape Architect a landscape plan for only the 12,036 sq. ft. parcel on which the used car sales facility will be located, and ORDERED that all other terms and conditions of the July 17, 2018 Order shall continue in full force and effect.

8/16/18 Order on Motion for Reconsideration filed by Pikesville Communities Corporation and Alan P. Zukerberg, individually, issued by the Administrative Law Judge wherein the Motion for Reconsideration was DENIED.

This matter was scheduled for Wednesday, March 15, 2017 and has been postponed by request of Counsel. This matter has been

REASSIGNED FOR: APRIL 3, 2019, AT 10:00 A.M.

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

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

c	Counsel for Petitioners Petitioner/Legal Owner	: Larry Strauss, Esquire : University BP, LLC
	Counsel for Lessee Petitioner/Lessee	: J. Neil Lanzi, Esquire : Isaac Yair
	Protestants/Appellants	: Pikesville Communities Corporation : Alan P. Zukerberg

Bruce Doak/Bruce Doak Consultin, LLC
Deane Rundell
Revanne Aronoff
Charles Dubman
Mark Sapp

Jeff Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
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TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 15, 2019

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: University BP, LLC – Legal Owner
Isaac Yair – Lessee
18-234-SPHXA 520 Reisterstown Road
3rd Election District; 2nd Councilmanic District

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- to permit a 35' side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

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Krysundra "Sunny" Cannington
Administrator

c	Counsel for Petitioners	: Larry Strauss, Esquire
	Petitioner/Legal Owner	: University BP, LLC
	Counsel for Lessee	: J. Neil Lanzi, Esquire
	Petitioner/Lessee	: Isaac Yair
	Protestants/Appellants	: Pikesville Communities Corporation
		: Alan P. Zukerberg

Bruce Doak/Bruce Doak Consultin, LLC
Deane Rundell
Revanne Aronoff
Charles Dubman
Mark Sapp

Jeff Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 25, 2019

NOTICE OF REASSIGNMENT

IN THE MATTER OF: University BP, LLC – Legal Owner
Isaac Yair – Lessee
18-234-SPHXA 520 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing (Revised) to leave in place the previous approvals granted in Case No.: 2008-0212-SPHXA

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- to permit a 35' side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

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- 8/16/18 Order on Motion for Reconsideration filed by Pikesville Communities Corporation and Alan P. Zukerberg, individually, issued by the Administrative Law Judge wherein the Motion for Reconsideration was DENIED.

REASSIGNED FOR: **MARCH 7, 2019 AT 10:00 A.M.**

Notice of Reassignment
In the matter of: University BP, LLC – Legal Owner
Isaac Yair – Lessee
Case number: 18-234-SPH
January 25, 2019
Page 2

NOTICE:

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**Krysundra "Sunny" Cannington,
Administrator**

c	Counsel for Petitioners Petitioner/Legal Owner	: Larry Strauss, Esquire : University BP, LLC
	Counsel for Lessee Petitioner/Lessee	: J. Neil Lanzi, Esquire : Isaac Yair
	Protestants/Appellants	: Pikesville Communities Corporation : Alan P. Zukerberg

Bruce Doak/Bruce Doak Consultin, LLC
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Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917 - Facsimile: 667-206-4610

J. NEIL LANZI

Email: nlanzi@wcslaw.com

January 29, 2019

Board of Appeals of Baltimore County
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, MD 21204
Attn: Sunny Cannington

Re: Case No. 18-234-SPHXA
Address: 520 Reisterstown Road
My Client: Isaac Yair

Dear Ms. Cannington:

In follow up to my telephone call to your assistant yesterday, I find it necessary to request a new date be assigned for the hearing in this matter which is presently scheduled for March 7, 2019 at 10:00 a.m. I have a previously scheduled Pre-Trial Conference at 9:30 a.m. at the Circuit Court for Baltimore City, Case No. 24-C-18-003346 OT.

Thank you for your consideration.

Very truly yours,

J. Neil Lanzi

Cc: Isaac Yair
Larry Strauss, Esquire
Alan P. Zuckerberg
Office of People's Counsel



Krysundra Cannington

From: Melody Loughlin <mloughlin@wcslaw.com>
Sent: Tuesday, January 29, 2019 11:10 AM
To: Krysundra Cannington
Cc: 'Larry@LarryStraussESQCPA.com'; 'apzuk@msn.com'; 'elyonmotors@gmail.com'; 'Bruce Doak'; Neil Lanzi
Subject: Case No. 18-234-SPHXA
Attachments: SKM_C45819012912000.pdf

Please see attached letter.

Melody



Melody Loughlin, Paralegal
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
Tele: 443-991-5917 Fax: 667-206-4610
E-mail: mloughlin@wcslaw.com
www.wcslaw.com

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Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917 - Facsimile: 667-206-4610

J. NEIL LANZI

Email: nlanzi@wcsllaw.com

January 29, 2019

Board of Appeals of Baltimore County
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, MD 21204
Attn: Sunny Cannington

Re: Case No. 18-234-SPHXA
Address: 520 Reisterstown Road
My Client: Isaac Yair

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Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Neil Lanzi', is placed below the 'Very truly yours,' text.

J. Neil Lanzi

Cc: Isaac Yair
Larry Strauss, Esquire
Alan P. Zukerberg
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 25, 2019

NOTICE OF REASSIGNMENT

IN THE MATTER OF: University BP, LLC – Legal Owner
Isaac Yair – Lessee
18-234-SPHXA 520 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing (Revised) to leave in place the previous approvals granted in Case No.: 2008-0212-SPHXA

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- 8/15/18 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion for Reconsideration filed by Larry Strauss, Esquire on behalf of University BP, LLC and Isaac Yair, Petitioners, was GRANTED, and ORDERED that Condition No. 2 of the July 17, 2018 Order (concerning the DOP ZAC comment), was amended to clarify that Petitioners must submit for approval by the Baltimore County Landscape Architect a landscape plan for only the 12,036 sq. ft. parcel on which the used car sales facility will be located, and ORDERED that all other terms and conditions of the July 17, 2018 Order shall continue in full force and effect.
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REASSIGNED FOR: **MARCH 7, 2019 AT 10:00 A.M.**

-Notice of Reassignment

In the matter of: University BP, LLC – Legal Owner

Isaac Yair – Lessee

Case number: 18-234-SPH

January 25, 2019

Page 2

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- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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

**Krysundra "Sunny" Cannington,
Administrator**

c	Counsel for Petitioners Petitioner/Legal Owner	: Larry Strauss, Esquire : University BP, LLC
	Counsel for Lessee Petitioner/Lessee	: J. Neil Lanzi, Esquire : Isaac Yair
	Protestants/Appellants	: Pikesville Communities Corporation : Alan P. Zukerberg

Bruce Doak/Bruce Doak Consultin, LLC
Deane Rundell
Revanne Aronoff
Charles Dubman
Mark Sapp

Jeff Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, January 22, 2019 8:26 AM
To: 'Alan Zukerberg'
Cc: 'larry@larrystraussesqcpa.com'; Neil Lanzi (nlanzi@wcslaw.com)
Subject: RE: University BP Postponement of January 24, 2019 hearing date

Mr. Zukerberg,

You are welcome to come review the file and receive copies of any documents you wish.

Sunny

From: Alan Zukerberg [mailto:apzuk@msn.com]
Sent: Tuesday, January 22, 2019 8:18 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Subject: RE: University BP Postponement of January 24, 2019 hearing date

Good morning Sunny, thank you for your response. I understand an attorney has entered his appearance in this matter. If so, is it possible to send me a copy of his entry of appearance and any related correspondence? Thank you.

Alan

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Tuesday, January 22, 2019 8:10 AM
To: Alan Zukerberg <apzuk@msn.com>
Cc: larry@larrystraussesqcpa.com; Neil Lanzi (nlanzi@wcslaw.com) <nlanzi@wcslaw.com>
Subject: RE: University BP Postponement of January 24, 2019 hearing date

Good morning Mr. Zukerberg,

Attached please find a copy of the cover letter that was sent with the Notice of Postponement which explained the reason for the postponement. I cannot give you any more information than what is contained in the letter. The bottom line is, we didn't have Board members available for the hearing so we had to postpone.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

Krysundra Cannington

From: Alan Zukerberg <apzuk@msn.com>
Sent: Tuesday, January 22, 2019 8:18 AM
To: Krysundra Cannington
Subject: RE: University BP Postponement of January 24, 2019 hearing date

Good morning Sunny, thank you for your response. I understand an attorney has entered his appearance in this matter. If so, is it possible to send me a copy of his entry of appearance and any related correspondence? Thank you.

Alan

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Tuesday, January 22, 2019 8:10 AM
To: Alan Zukerberg <apzuk@msn.com>
Cc: larry@larrystraussesqcpa.com; Neil Lanzi (nlanzi@wclaw.com) <nlanzi@wclaw.com>
Subject: RE: University BP Postponement of January 24, 2019 hearing date

Good morning Mr. Zukerberg,

Attached please find a copy of the cover letter that was sent with the Notice of Postponement which explained the reason for the postponement. I cannot give you any more information than what is contained in the letter. The bottom line is, we didn't have Board members available for the hearing so we had to postpone.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

From: Alan Zukerberg [<mailto:apzuk@msn.com>]
Sent: Monday, January 21, 2019 2:37 PM

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, January 22, 2019 8:10 AM
To: 'Alan Zuckerberg'
Cc: 'larry@larrystraussesqcpa.com'; Neil Lanzi (nlanzi@wclaw.com)
Subject: RE: University BP Postponement of January 24, 2019 hearing date
Attachments: University BP 18-234-SPHXA Letter regarding Postponement.pdf

Good morning Mr. Zuckerberg,

Attached please find a copy of the cover letter that was sent with the Notice of Postponement which explained the reason for the postponement. I cannot give you any more information than what is contained in the letter. The bottom line is, we didn't have Board members available for the hearing so we had to postpone.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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From: Alan Zuckerberg [mailto:apzuk@msn.com]
Sent: Monday, January 21, 2019 2:37 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: University BP Postponement of January 24, 2019 hearing date

Dear Ms. Cannington:

I would appreciate it if you would provide me with the facts regarding the postponement of the above matter that was originally scheduled for January 24, 2019. For example, why was there a conflict and with whom, who requested the postponement, etc. Thank you.

Pikesville Communities Corporation

Krysundra Cannington

From: Alan Zukerberg <apzuk@msn.com>
Sent: Monday, January 21, 2019 2:37 PM
To: Krysundra Cannington; Tammy Zahner
Subject: University BP Postponement of January 24, 2019 hearing date

Dear Ms. Cannington:

I would appreciate it if you would provide me with the facts regarding the postponement of the above matter that was originally scheduled for January 24, 2019. For example, why was there a conflict and with whom, who requested the postponement, etc. Thank you.

Pikesville Communities Corporation
Alan P. Zukerberg, President
7919 Long Meadow Rd
Pikesville, MD 21208-3023
410.484.5047

IN THE MATTER OF:

520 Reisterstown Road
3rd Election District
2nd Councilmanic District

Legal Owners:
University BP, LLC
Isaac Yair - Lessee

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 2018-234-SPHXA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Wright, Constable & Skeen, LLP and J. Neil Lanzi,
Esquire on behalf of Isaac Yair t/a Elyon Motors, Lessee in the above captioned matter.

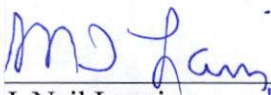


J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, Maryland 21204
(443) 991-5917

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 14th day of January, 2019, a copy of
the foregoing Entry of Appearance was mailed, postage prepaid, to Peter Max Zimmerman,
People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue
Towson, MD 21204.





J. Neil Lanzi

Krysundra Cannington

From: Alan Zukerberg <apzuk@msn.com>
Sent: Monday, January 14, 2019 5:00 PM
To: Krysundra Cannington
Cc: Mike Pierce
Subject: University BP Case No. 18-234-SPHXA14-175-A

Dear Ms. Cannington:

Today, I received notice of the postponement of the above-named matter. Please be advised that I will not be available during the month of February, 2019. I would ask that any rescheduled date not be placed in for that month. Thank you,

Alan P. Zukerberg, Esq.
7919 Long Meadow Rd
Pikesville, MD 21208-3023
410.484.5047



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 10, 2019

NOTICE OF POSTPONEMENT

IN THE MATTER OF: University BP, LLC – Legal Owner
Isaac Yair – Lessee
18-234-SPHXA 520 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing (Revised) to leave in place the previous approvals granted in Case No.: 2008-0212-SPHXA

Petition for Special Exception pursuant to BCZR Section 236.2 to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone; and

Petition for Variance (Revised):

- to permit an 8' side setback and a 10' rear setback for a proposed sales trailer in lieu of the required 30' rear setback, respectively;
- to permit a 10' side street setback double frontage for a proposed sales trailer in lieu of the required 25' setback; and
- to permit a 35' side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

7/17/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; the Petition for Special Exception was GRANTED, subject to conditions; and the Petition for Variance was DENIED. It was further Ordered that the Special Exception, Special Hearing and Variance relief granted in Case No. 2008-0212-SPHXA was STRICKEN.

8/15/18 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion for Reconsideration filed by Larry Strauss, Esquire on behalf of University BP, LLC and Isaac Yair, Petitioners, was GRANTED, and ORDERED that Condition No. 2 of the July 17, 2018 Order (concerning the DOP ZAC comment), was amended to clarify that Petitioners must submit for approval by the Baltimore County Landscape Architect a landscape plan for only the 12,036 sq. ft. parcel on which the used car sales facility will be located, and ORDERED that all other terms and conditions of the July 17, 2018 Order shall continue in full force and effect.

8/16/18 Order on Motion for Reconsideration filed by Pikesville Communities Corporation and Alan P. Zukerberg, individually, issued by the Administrative Law Judge wherein the Motion for Reconsideration was DENIED.

9/13/18 Notice of Limited Appeal filed by Pikesville Communities Corporation by and through its Executive Director, Michael A. Pierce, and Alan P. Zukerberg, Protestants/Appellants.

Notice of Postponement
In the matter of: University BP, LLC – Legal Owner
Isaac Yair – Lessee
Case number: 18-234-SPH
January 10, 2019
Page 2

This matter was assigned for hearing on January 24, 2019 at 10:00 a.m. and has been postponed by the Board due to a scheduling conflict. This matter will be reassigned to a later date.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington,
Administrator**

c Counsel for Petitioners
Petitioner/Legal Owner
Petitioner/Lessee

: Larry Strauss, Esquire
: University BP, LLC
: Isaac Yair

Protestants/Appellants

: Pikesville Communities Corporation
: Alan P. Zuckerberg

Bruce Doak/Bruce Doak Consultin, LLC
Deane Rundell
Revanne Aronoff
Charles Dubman
Mark Sapp

Jeff Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 10, 2019

Larry Strauss, Esquire
2310 Smith Avenue
Baltimore, Maryland 21209

Pikesville Communities Corp
c/o Michael Pierce
7448 Bradshaw Road
Kingsville, Maryland 21087

Alan Zukerberg
7919 Long Meadow Road
Pikesville, Maryland 21208

Re: In the Matter of: University BP, LLC – Legal Owner
Isaac Yair - Lessee
Case No: 18-234-SPHXA14-175-A

Dear Sirs:

Please be advised I have just been informed of a scheduling conflict in which we do not have a panel of three Board members available for the hearing scheduled on Thursday, January 24, 2019. Enclosed, please find a Notice of Postponement. This matter will be rescheduled to a later date and time.

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

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure: Notice of Postponement

Multiple original



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 2, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF: University BP, LLC – Legal Owner
Isaac Yair – Lessee
18-234-SPHXA 520 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing (Revised) to leave in place the previous approvals granted in Case No.: 2008-0212-SPHXA

Petition for Special Exception pursuant to BCZR Section 236.2 to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone; and

Petition for Variance (Revised):

- to permit an 8' side setback and a 10' rear setback for a proposed sales trailer in lieu of the required 30' rear setback, respectively;
- to permit a 10' side street setback double frontage for a proposed sales trailer in lieu of the required 25' setback; and
- to permit a 35' side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

- 7/17/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; the Petition for Special Exception was GRANTED, subject to conditions; and the Petition for Variance was DENIED. It was further Ordered that the Special Exception, Special Hearing and Variance relief granted in Case No. 2008-0212-SPHXA was STRICKEN.
- 8/15/18 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion for Reconsideration filed by Larry Strauss, Esquire on behalf of University BP, LLC and Isaac Yair, Petitioners, was GRANTED, and ORDERED that Condition No. 2 of the July 17, 2018 Order (concerning the DOP ZAC comment), was amended to clarify that Petitioners must submit for approval by the Baltimore County Landscape Architect a landscape plan for only the 12,036 sq. ft. parcel on which the used car sales facility will be located, and ORDERED that all other terms and conditions of the July 17, 2018 Order shall continue in full force and effect.
- 8/16/18 Order on Motion for Reconsideration filed by Pikesville Communities Corporation and Alan P. Zukerberg, individually, issued by the Administrative Law Judge wherein the Motion for Reconsideration was DENIED.
- 9/13/18 Notice of Limited Appeal filed by Pikesville Communities Corporation by and through its Executive Director, Michael A. Pierce, and Alan P. Zukerberg, Protestants/Appellants.

Notice of Assignment
In the matter of: University BP, LLC – Legal Owner
Isaac Yair – Lessee
Case number: 18-234-SPH
October 2, 2018
Page 2

ASSIGNED FOR: **JANUARY 24, 2019, AT 10:00 A.M.**

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

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
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**Krysundra "Sunny" Cannington,
Administrator**

c Counsel for Petitioners
 Petitioner/Legal Owner
 Petitioner/Lessee

: Larry Strauss, Esquire
: University BP, LLC
: Isaac Yair

Protestants/Appellants

: Pikesville Communities Corporation
: Alan P. Zukerberg

Bruce Doak/Bruce Doak Consultin, LLC
Deane Rundell
Revanne Aronoff
Charles Dubman
Mark Sapp

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



DONALD I. MOHLER III
County Executive

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

September 14, 2018

Larry Strauss, Esq.
2310 Smith Avenue
Baltimore, Maryland 21209



RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA (**Appeal for Special Exception Only**)
Property: Strauss

Dear Mr. Strauss:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 13, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a horizontal line and a small flourish.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: Bill Galiazzo, Code Inspector, Permits, Approvals and Inspections, Code Enforcement,
111 West Chesapeake Avenue, Room 213, Towson, Maryland 21204
Baltimore County Board of Appeals
People's Counsel

Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Alan Zukerberg, 7919 Long Meadow, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD. 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208.

APPEAL

**Petitions for Special Hearing, Special Exception and Variance
(APPEAL FOR SPECIAL EXCEPTION ONLY)
(520 Reisterstown Road)
3rd Election District – 2nd Councilmanic District
Legal Owners: University BP, LLC
Lessee: Isaac Yair
Case No. 2018-0234-SPHXA**

Petitions for Special Hearing, Special Exception and Variance (March 8, 2018)

Zoning Description of Property

Notice of Zoning Hearing (June 1, 2018)

Certificate of Publication (Jeffersonian – June 12, 2018)

Certificate of Posting: #1- (June 12, 2018) by Bruce Doak
#2- (July 2, 2018) by Bruce Doak

Entry of Appearance by People's Counsel (March 26, 2018)

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in-Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. Aerial photo
3. Plan with photos A-F
4. Photos A-D
5. Conceptual Landscape Plan

Miscellaneous (Not Marked as Exhibits)- Prior Zoning Orders and photographs

Administrative Law Judge Order (DENIED July 17, 2018)

Motion for Reconsideration (August 7, 2018, Larry Strauss, Esq.)
(August 15, 2018, Michael Pierce and Alan Zukerberg)

Administrative Law Judge Order on Motion for Reconsideration (Larry Strauss, Esq. was GRANTED)

Administrative Law Judge Order on Motion for Reconsideration (Michael Pierce and Alan Zukerberg was DENIED)

Appeal & Receipt on SPECIAL EXCEPTION ONLY from Michael Pierce and Alan Zukerberg
(September 13, 2018)

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

№ 143393

Date: 9/13/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				380.00

Total: 380.00

Rec From:

Pikesville Communities Corp.

For:

Office of Administrative Hearings (CD OR **APPEAL**)

Case No. 2018-0234-SPHXA

Address OR Project: ~~711~~ 9 520 Reisterstown Rd

Hearing Date(s): 7-3-18

Appeal on Special Exc. Only CK# 4052

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

9/17/2018 9/13/2018 13:27:48 1

REG WSO1 WALKIN LJR

>>RECEIPT # 811659 9/13/2018 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 143393

Recpt Tot \$380.00

\$380.00 CK \$1.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

VALIDATION
5-1-85

11-11-11

11-11-11

11-11-11

11-11-11

11-11-11

IN RE: PETITION FOR
SPECIAL EXCEPTION
(520 Reisterstown Road)
3rd Election District
2nd Council District

University BP, LLC, Legal Owner
Isaac Yair, lessee
Petitioners

* BEFORE THE OFFICE OF
*
* ADMINISTRATIVE HEARINGS
*
* FOR BALTIMORE COUNTY
*
*
*
* Case No. 2018-0234-SPHXA

NOTICE OF LIMITED APPEAL

Pikesville Communities Corporation, a registered Community Association, by and through its Executive Director, Michael A Pierce, hereby notes a limited appeal to the County Board of Appeals for Baltimore County of the Opinion and Order of the Administrative Law Judge rendered on July 17, 2018 granting a Special Exception and the denial of a Motion for Reconsideration on August 16, 2018 (thus setting the appeal time). This appeal is limited to only that portion of the Order granting the Special Exception. Joining in this appeal is Alan P Zukerberg, in proper person.

Respectfully submitted

For Pikesville Communities Corporation:

Michael A Pierce

Michael A Pierce, Executive Director
7448 Bradshaw Rd
Kingsville, MD 21087
410-599-2643

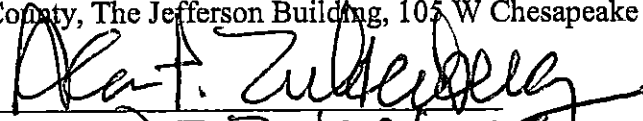
* In proper person:

* *Alan P. Zukerberg*
* Alan P. Zukerberg
* 7919 Long Meadow Rd
* Pikesville, MD 21208
* 410-484-5047



CERTIFICATE OF MAILING

I hereby certify that on this 13th day of September, 2018, I mailed a copy of this Notice of Limited Appeal to Larry Strauss, Esq., 2310 Smith Avenue, Baltimore, MD, 21209, attorney for Petitioner Isaac Yair, Lessee and to Peter Max Zimmerman, Esq, People's Counsel for Baltimore County, The Jefferson Building, 105 W Chesapeake Ave, Suite 204, Towson MD 21024.


ALAN P. ZUKERBERG

References:

Appendix D

32-3-108 (b)(2)(i) If an objection is posed by a party to any item in the Zoning Commissioner's hearing file, the party that offers the item as evidence before the Board [of Appeals] shall be required to authenticate the item offered by testimony of a proper witness.

Appendix E

Copy of Charter Sec 601-606

Appendix F

Excerpts from Code 3-5-101 et seq
(only about reclassifications)

Appendix H

(as in Appendix B)

Rule 8

Criteria for granted/opposing Special Exception:

Copied from order for Case 2014-0033:

"the test in evaluating a request for a special exception or conditional use is not whether the special exception is compatible with permitted uses in a zone or whether a conditional use will have adverse effects. Adverse effects are inherent in all conditional or special exception uses. The standard is whether the adverse effects of the use at the particular location proposed would be greater than the adverse effects ordinarily associated with that use elsewhere within the same zone"

See *AT&T Wireless Service vs. Mayor and City Council of Baltimore*, 123 Md. App 681 (1998)

RECEIVED

SEP 13 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

IN RE: PETITION FOR
SPECIAL EXCEPTION
(520 Reisterstown Road)
3rd Election District
2nd Council District

University BP, LLC, Legal Owner
Isaac Yair, lessee
Petitioners

*
* ADMINISTRATIVE HEARINGS
*
* FOR BALTIMORE COUNTY
*
*
* Case No. 2018-0234-SPHXA

NOTICE OF LIMITED APPEAL

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Respectfully submitted

For Pikesville Communities Corporation:

Michael A Pierce

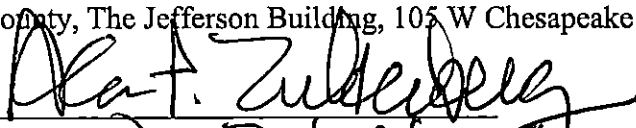
Michael A Pierce, Executive Director
7448 Bradshaw Rd
Kingsville, MD 21087
410-599-2643

* In proper person:

* *Alan P. Zukerberg*
* Alan P. Zukerberg
* 7919 Long Meadow Rd
* Pikesville, MD 21208
* 410-484-5047

CERTIFICATE OF MAILING

I hereby certify that on this 13th day of September, 2018, I mailed a copy of this Notice of Limited Appeal to Larry Strauss, Esq., 2310 Smith Avenue, Baltimore, MD, 21209, attorney for Petitioner Isaac Yair, Lessee and to Peter Max Zimmerman, Esq, People's Counsel for Baltimore County, The Jefferson Building, 105 W Chesapeake Ave, Suite 204, Towson MD 21024.


Alan P. Zukerberg

References:

Appendix D

32-3-108 (b)(2)(i) If an objection is posed by a party to any item in the Zoning Commissioner's hearing file, the party that offers the item as evidence before the Board [of Appeals] shall be required to authenticate the item offered by testimony of a proper witness.

Appendix E

Copy of Charter Sec 601-606

Appendix F

Excerpts from Code 3-5-101 et seq
(only about reclassifications)

Appendix H

(as in Appendix B)

Rule 8

Criteria for granted/opposing Special Exception:

Copied from order for Case 2014-0033:

"the test in evaluating a request for a special exception or conditional use is not whether the special exception is compatible with permitted uses in a zone or whether a conditional use will have adverse effects. Adverse effects are inherent in all conditional or special exception uses. The standard is whether the adverse effects of the use at the particular location proposed would be greater than the adverse effects ordinarily associated with that use elsewhere within the same zone"

See *AT&T Wireless Service vs. Mayor and City Council of Baltimore*, 123 Md. App 681 (1998)



DONALD I. MOHLER III
County Executive

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

August 16, 2018

Mike Pierce
7448 Bradshaw Road
Kingsville, MD 21087

Alan Zukerberg
7919 Long Meadow
Pikesville, MD 21208

RE: **MOTION FOR RECONSIDERATION** –
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Messrs. Pierce and Zukerberg:

Enclosed please find a copy of the Order on Motion for Reconsideration rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Larry Strauss, Esq., CPA & Associates, Inc., 2310 Smith Avenue,
Baltimore, Maryland 21209
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD. 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(520 Reisterstown Road) *
3rd Election District *
2nd Council District *
University BP, LLC, *Legal Owner* *
Isaac Yair, *Lessee* *

Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2018-0234-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration filed by Alan P. Zuckerberg and Pikesville Communities Corporation. ("Movants"). Movants contend the Administrative Law Judge ("ALJ") improperly granted a special exception in the above case, and they request that the petition be denied.

Movants cite Umerly v. People's Counsel, 108 Md. App. 497 (1996), which is inapposite. In Umerly, the variances sought pertained to specific requirements for trucking facilities set forth in the Baltimore County Zoning Regulations ("BCZR"). See BCZR § 410. Those variances were denied which meant the petitioner could under no circumstances operate the special exception use. That is not the situation here.

The used auto sales facility use is permitted in the BR zone by special exception, and (unlike the trucking facility regulations) there are no specific site development standards applicable to the auto sales use. The variances sought here were from the generic "B.R. Zone Area Regulations" which are applicable to all "buildings," not just those used for used vehicle sales. The August 16, 2018 Order expressly stated Petitioners must satisfy all setback and area regulations prior to undertaking the special exception use. As such this argument lacks merit.

ORDER RECEIVED FOR FILING

Date 8-16-18

By ISW

Movants also contend the ALJ erred by not requiring Petitioners to produce a written lease. There is no discovery procedure in zoning hearings, and the petition was signed by the owner of the property as listed in state tax records.

Movants next contend the ALJ erred by allowing into evidence a Zoning Advisory Committee comment ("ZAC") submitted by the Department of Planning ("DOP"). Such an argument does not merit a response. Finally, Movants contend the ALJ lacked "jurisdiction" to hear the above case since the petition was not first reviewed by the Design Review Panel ("DRP"). The DOP, in its extremely thorough and detailed comment, discussed the Pikesville Commercial Revitalization District and Pikesville DRP area, and the numerous conditions suggested by that agency (which were incorporated into the final order) were designed to foster the goals of these districts. The DOP expressly stated the petition is "not currently subject to DRP review." As such this argument also lacks merit.

THEREFORE, IT IS ORDERED this 16th day of **August, 2018**, by this Administrative Law Judge, that the Motion for Reconsideration, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 8-16-18

By dlw

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(520 Reisterstown Road) *
3rd Election District *
2nd Council District
University BP, LLC
Legal Owner
Isaac Yair
Lessee
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0234-SPHXA



MOTION FOR RECONSIDERATION

Now comes Pikesville Communities Corporation, a Maryland Corporation, and Alan P. Zukerberg, individually (in proper person), and pursuant to Rule 4K of Appendix G, Title 2, Chapter I, Part 1 (Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County) of the Code of Baltimore County, moves the Administrative Law Judge (“ALJ”) to Reconsider his Order granting the Special Exception, so that he will deny the Special Exception granted in the above-captioned matter, and for grounds therefore states:

1. That the ALJ denied the variances requested by the Petitioners, and particularly the alleged “lessee” Isaac Yair, and in so denying the variances, the ALJ should have also denied the Special Exception allowing a used motor vehicle sales area, separated from sales agency building in a BR zone. Denial of the Special Exception is required by Umerley, et ux. v. People’s Counsel for Baltimore County, et al., 108 Md. App.497 (1996), wherein the Court stated, at pps. 510-511, [in reviewing a case dealing with a Petition for Special Exception and Variances], that once the Petitioner is unable to obtain the requested variances, “...the entire application fails.” (citing Chester Haven

Beach Partnership V. Board of Appeals for Queen Anne's County, 103 Md. App.

324, 336 (1995)]. In the immediate case, ALJ Beverungen denied all variances requested, yet granted the Special Exception and denied the leaving in place of the previous approvals granted in Case NO. 2008-0212-SPHXA.

2. That the Petition also sought a Special Hearing to leave in place previous approvals granted in Case No. 2008-0212-SPHXA, which was contrary to the Special Exception.
3. That the ALJ refused to require the lessee to produce his lease, which would be the best evidence of the nature and scope of his lease, and whether he had authority to bring the Petition. That the ALJ relied on the oral representations that the lessee had the authority to move forward and terminate the approvals and matters set forth in the Special Exception approval granted in Case No. 2008-0212-SPHXA, when in fact there was no way for Petitioners to challenge same without the written lease required to be presented.
4. That that ALJ prejudged this matter before testimony was taken by stating that: [he] usually grants Special Exceptions.
5. That the ALJ allowed into the evidence an inter-office memorandum from the Director of Planning to the Deputy Administrative Officer and Director of Permits, Approvals and Inspections dated May 22, 2018, (referred to as "substantive Zoning Advisory Committee (ZAC) comments" for the ALJ's consideration, contrary to Rule 4 B, *supra*, that in referring to the character of the testimony, states in part: "... the witnesses whose testimony may be desired at any hearing before the Zoning Commissioner shall testify orally, unless the Zoning Commissioner, for good cause

shown, deems it proper in special cases. That written evidence, under affidavit of otherwise, be submitted.”

6. That the site is within the Pikesville Commercial Revitalization District and subject to the requests made in the petition first being presented to the Design Review Panel (“DRP”) as a precondition to having the matter before the ALJ, who neglected to address, in his Order, the issue raised at the hearing, to wit: that prior Case 2008-0212-SPHXA, which included the parcel at issue in this matter, required that all of the properties involved in that prior matter be addressed by the DRP.” Thus, the ALJ did not have jurisdiction to hear this matter, unless and until the DRP was first given the opportunity to hear the requests made by the “lessee.” This is particularly applicable in light of the fact that the ALJ Order allows a “used motor vehicle outdoor sales area, separated from sales agency building in a BR zone,” where the testimony showed that the lessee intends to place a “trailer” on the property.

WHEREFORE, the undersigned Movants move the ALJ to reconsider his decision, and:

Deny Petitioners all relief prayed, to wit: special hearing, special exception and continue to deny the requested variances.

Movants:

Pikesville Communities Corporation

By: Michael Pierce
Michael Pierce, Executive Director

Alan P. Zukerberg
Alan P. Zukerberg, in proper person

CERTIFICATE OF MAILING

I hereby certify that on this 15 day of Aug, 2018, I mailed a copy of this Motion for Reconsideration to Larry Strauss, Esq. 2310 Smith Avenue, Baltimore, MD 21209 attorney for Petitioner Isaac Yair, Lessee.


Michael Pierce



DONALD I. MOHLER III
County Executive

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

August 15, 2018

Larry Strauss, Esq.
CPA & Associates, Inc.
2310 Smith Avenue
Baltimore, Maryland 21209

RE: **MOTION FOR RECONSIDERATION –**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Mr. Strauss:

Enclosed please find a copy of the Order on Motion for Reconsideration rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Alan Zukerberg, 7919 Long Meadow, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD. 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208

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

**IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(520 Reisterstown Road) ***

3rd Election District

2nd Council District *

University BP, LLC, *Legal Owner*

Isaac Yair, *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0234-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration filed in the above-captioned case. The motion will be granted as explained below.

The zoning history involving this property is somewhat complex. A fuel service station and convenience store is operated at the site. In 2008 the Petitioner obtained approval to construct a rollover car wash and drive-in restaurant. Case No. 2008-0212-SPHXA. Those improvements were never constructed.

In 2018 an alternate plan was submitted, and Petitioners requested (among other things) a special exception to operate a used motor vehicle sales facility on the property. Significantly, the property involved in this case is just 12,036 sq. ft. or 0.276 acres. The 2008 case involved a much larger property, including the small parcel at issue in this case. Also, as explained in greater detail in the Order dated July 17, 2018, the special exception granted in 2008 was stricken. As such, it is as if that case never existed.

For that reason, I concur with the lessee's counsel that the landscape plan in this case should only be required to encompass the 12,036 sq. ft. subject property, as shown on tax map 78, parcel 428. As such, the motion for reconsideration will be granted.

ORDER RECEIVED FOR FILING

Date 8-15-18

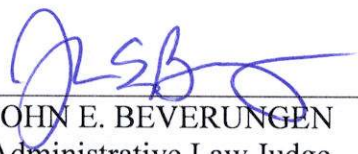
By [Signature]

THEREFORE, IT IS ORDERED this 15th day of **August, 2018**, by this Administrative Law Judge, that the Motion for Reconsideration, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Condition No. 2 in the July 17, 2018 Order (concerning the DOP ZAC comment which was incorporated into the final Order), be and is hereby amended to clarify that Petitioners must submit for approval by the Baltimore County Landscape Architect a landscape plan for only the 12,036 sq. ft. parcel on which the used car sales facility will be located.

IT IS FURTHER ORDERED that all other terms and conditions of the July 17, 2018 Order -- other than as detailed in the preceding paragraph -- shall continue in full force and effect.

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:dlw

ORDER RECEIVED FOR FILING

Date 8-15-18

By DLW

Larry Strauss ESQ CPA & Associates Inc.
2310 Smith Avenue Baltimore, MD 21209
(410)484-2142

August 7, 2018

The Honorable John E Beverungen
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Ave, Suite 103
Towson, MD 21204



In Re: Petitions for Speacial Hearin, Special Exception & Variance
Case 2018-0234-SPHXA
Property: 520 Reisterstown Rd

Request for Reconsideration

The Honorable John E. Beverungen,

We respectfully request that you reconsider one element of the Opinion and Order you issued on July 17th, 2018. As the order reads now, in order to be in compliance, we would need to implement the landscaping plan as per case #08-212 SPHXA. The landscaping plan submitted and approved in that case was an overall landscaping plan for multiple parcels as well as structures that are not being constructed.

We therefore request that your order be reconsidered and allow us to submit a new landscape plan for the approval of the county landscape architect, that will be limited to the parcel we were approved for in the special exception as this is the only parcel we are leasing, and is therefore the only parcel we can conduct landscaping on. Any form of relief in this critical area would be appreciated

Thank you for your consideration.

Sincerely,



Larry Strauss, Esq

Memo to file, Case #2018-0234-SPHXA

Mr. Richards feels the office trailer for used car sales should be located in the Business Roadside (BR) section of the property. The petitioners were made aware of this; however, they want the existing trailer to remain in the Residential – Office (RO) section and are prepared to present legal and practical justification for its continuance in its current location.



DONALD I. MOHLER III
County Executive

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

July 17, 2018

Larry Strauss, Esq.
2310 Smith Avenue
Baltimore, Maryland 21209

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA
Property: 520 Reisterstown Road

Dear Mr. Strauss:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal stroke.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Alan Zukerberg, 7919 Long Meadow, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(520 Reisterstown Road) *
3rd Election District *
2nd Council District *
University BP, LLC *
Legal Owner *
Isaac Yair *
Lessee *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0234-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of University BP, LLC, legal owner, and Isaac Yair, lessee ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to leave in place the previous approvals granted in Case 2008-0212-SPHXA. In addition, a Petition for Special Exception was filed to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone. Finally, a Petition for Variance seeks approval as follows: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and, (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

Appearing at the public hearing in support of the requests were Isaac Yair and surveyor Bruce Doak. Larry Strauss, Esq., represented the Petitioners. Several members of the community opposed the requests. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of

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Date

By

7/17/18

Sen

Planning ("DOP") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the request.

The subject property is approximately 12,036 square feet in size and is zoned BR. The subject property is one of five contiguous parcels owned by the same entity, at the intersection of Reisterstown and Milford Mill Roads. The property is unimproved at present, although it is paved. Petitioners propose to place on the site a utility trailer to serve as the sales office for a used car business which would be operated at the site.

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).

I do not believe the subject property is unique or that Petitioners would experience a practical difficulty if the request was denied. The property does not have any defining characteristics which make it unlike surrounding properties. In addition, the property can be used for other purposes, as evidenced by the zoning approval granted in Case No. 2008-0212-SPHXA. As such I believe the variance request must be denied.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and

ORDER RECEIVED FOR FILING

Date

11/17/18

By

Sen

circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Mr. Doak opined the Petitioners satisfied the requirements in BCZR §502.1 and the case law interpreting that provision. I concur, and in light of the presumption provided by Maryland law the petition for special exception will be granted.

Though the petition for special exception to operate a used car sales facility will be granted, the requested variances will be denied. As such, Petitioners can only conduct such an operation if they are able to satisfy the setback, parking and other requirements for that use. In light of this disposition, the special exception approval granted in Case No. 2008-0212-SPHXA shall be stricken, as discussed in greater detail below.

Special Hearing

The special hearing request seeks to "leave in place" the approvals granted in Case No. 2008-0212-SPHXA. As discussed at the hearing, I do not believe a petitioner in a zoning case is permitted to have alternative special exception uses permitted for the same parcel of property. If the request was granted Petitioners would have approval for two special exception uses (i.e., a used car sales facility and a car wash/carryout restaurant) on the same parcel. As such I believe the special hearing must be denied.

THEREFORE, IT IS ORDERED this 17th day of **July, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to leave in place the previous approvals granted in Case 2008-0212-SPHXA, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone, be and is hereby

ORDER RECEIVED FOR FILING

Date 7/17/18

By Sen

GRANTED.

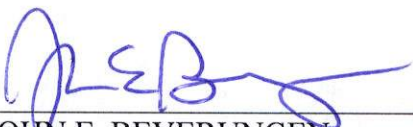
IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback, be and is hereby DENIED.

IT IS FURTHER ORDERED that the special exception, special hearing and variance relief granted in Case No. 2008-0212-SPHXA be and is hereby STRICKEN.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment submitted by the DOP, a copy of which is attached hereto and incorporated 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 7/17/18

By sln

BALTIMORE COUNTY, MARYLAND

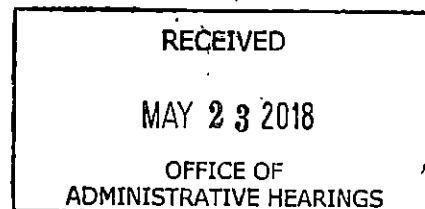
INTER-OFFICE MEMORANDUM

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

DATE: 5/22/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-234



INFORMATION:

Property Address: 520 Reisterstown Road
Petitioner: University BP, LLC
Zoning: BR, RO
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the revised petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should leave in place the previous approvals granted in Case # 2008-0212-SPHXA and the revised petition for special exception to use the property for a used motor vehicle outdoor sales area, separated from the sales agency building in a BR zone. The Department also reviewed the revised petition for variance to allow zoning setback relief as listed on the attachment submitted in support of the petitions.

A site visit was conducted on March 29, 2018. The Department observed that the property exists in an extremely poor condition, to include the trailer, being a subject of the petition. The site is located within the Pikesville Commercial Revitalization District (CRD) and the Pikesville Design Review Panel (DRP) area although it is not currently subject to DRP review. The property was the subject of 2016 CZMP Issue #2-028 wherein the property was zoned BR. The site was the subject of zoning case #08-212 SPHXA wherein the ALJ granted zoning relief subject to certain conditions. No permit for the trailer was furnished by the petitioner nor was any filed with PAI.

The subject property is located within the Pikesville Maryland Revitalization Plan area and the Pikesville Commercial Revitalization District (CRD). The Baltimore County Master Plan 2020(MP2020) stresses the importance of the CRDs to their surrounding communities through providing goods and services in a "downtown" setting. The unique characteristics of these districts attracts customers creating a vibrant mix of retail, institutional and office uses. Their overall appearance is critical to their success. Substantial investment by both the County and private interests are necessary to maintain the vitality of CRDs. The *"County has a range of incentives that can be tailored to individual project needs including: low interest loans, tax credits and specialized grants"* (MP2020 pg.139). MP2020 specifically states as a policy the improvement of the appearance and walkability in the Districts (MP2020 pg.140). Protecting the investments made by the County and others within the Pikesville CRD is of paramount importance to the Department.

The Department supports granting the petitioned zoning relief only upon the following conditions being successfully addressed:

ORDER RECEIVED FOR FILING

Date

5/17/18

By

Sen

The Department appreciates the petitioners desire to retain those previous approvals through the special hearing process. That notwithstanding, the Department notes that the order and plan which includes landscaping features beneficial to the CRD, having been approved for nearly six years has to this date, not been implemented. The Department recommends that in order to ensure the previous plan approvals are utilized and not adversely impacted by the current proposal, the special exception area now shown in the instant case must be landscaped in the form, content and extent as it was approved in the prior special exception case. This will respond positively to the MP2020 goals for the Pikesville CRD and also the design goals of the Pikesville Maryland Revitalization Plan wherein it is established that the streetscaping *"can produce a more attractive and visually unified area which will help the retail core area be perceived as an interesting shopping district"* (PMRP pg. 94).

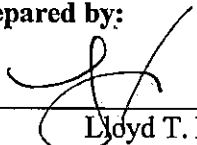
The Department recommends that any plan seeking to establish used car sales on this site will have the following characteristics:

- Install the landscaping as approved in the prior case. Compatibility under of BCC§32-4-402(d)(6) was found and confirmed in case #08-212 SPHXA. Any reduction in the landscape scheme is not in keeping with and will diminish the compatibility findings of the ALJ in the prior case.
- The existing trailer or any other so proposed shall be in sound condition such that Maintenance of Investment Property standards established in BCC§35-2-404 and promoting the public welfare, health and safety are met. Detailing to include but not limited to new paint, awnings, landscaping, removing the trailer hitch, and installing skirting around the full perimeter of the undercarriage shall be applied to the trailer to render it more in line with a Class A office, meaning formerly a residence. The petitioners must submit to the Department elevations and or photos of any trailer they propose to use in conjunction with the used car sales.
- Such a plan will note no temporary freestanding signs along Reisterstown Road nor Milford Mill Road and all signage will meet the Pikesville Commercial Revitalization Guidelines.
- There shall be no car repair or maintenance beyond hand washing conducted on site.
- There shall be no storage of damaged and disabled cars on site.
- Any new outdoor lighting shall be approved by the Baltimore County Landscape Architect.

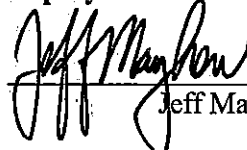
The Department recommends that prior to the ALJ issuing any order that may allow the proposed use to be established, the property be brought up to the Maintenance of Investment Property and all other pertinent code standards to include but not be limited to the removal of any large delivery type trucks parked on site for a period longer than that required to load or unload materials necessary for the special exception use and an overall general cleanup of the site.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 7/17/18

By sen



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 520 REISTERSTOWN ROAD which is presently zoned BR 1 R0
 Deed References: 23328/31 10 Digit Tax Account # 0319075967
 Property Owner(s) Printed Name(s) UNIVERSITY BP 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:

- ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED PAGE

- ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHED PAGE

- ☒ a Variance from Section(s)

see attached page

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 presented 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 bound 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 ISAAC YAIR
 Signature [Signature]
 Mailing Address 6708 CROSS COUNTRY BLVD BALTIMORE MD
 City State
 Zip Code 21215 Telephone # 410-365-6600 Email Address ISAACYAIR@GMAIL.COM

Attorney for Petitioner:

Name- Type or Print LARRY STRAUSS, ESQ.
 Signature [Signature]
 Mailing Address 2310 SMITH AVE. BALTIMORE MD
 City State
 Zip Code 21209 Telephone # 443-631-5897 Email Address LARRY@LARRYSTRAUSSEJ&CPA.COM

CASE NUMBER 2018-0234 SPXA Filing Date 3/8/18

Legal Owners (Petitioners):

Name #1 - Type or Print UNIVERSITY BP LLC
 Name #2 - Type or Print
 Signature #1 [Signature] Signature #2 [Signature]
 Mailing Address 520 REISTERSTOWN ROAD Pikesville MD
 City State
 Zip Code 21208 Telephone # Email Address

Representative to be contacted:

Name- Type or Print BRUCE E. DRAK
 Signature [Signature]
 Mailing Address 3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 City State
 Zip Code 21053 Telephone # 410-419-4706 Email Address BRUCE@BRUCEEDRAKCONSULTING.COM

Do Not Schedule Dates: Reviewer [Signature]

HEARING IN AM

REV. 10/4/11

ORDER RECEIVED FOR FILING

Date 7/17/18
 By [Signature]

Petitions Requested

Case #2018-0234-SPHXA

Special Hearing

REVISED

To leave in place the previous approvals granted in Case #2008-0212-SPHXA

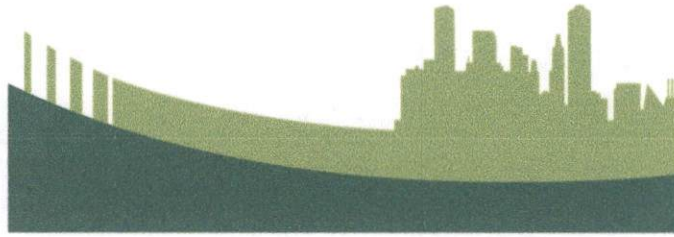
Special Exception

Section 236.2 BCZR to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone.

Variances

REVISED

1. To permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively.
2. To permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback.
3. 3. To permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.



Zoning Description

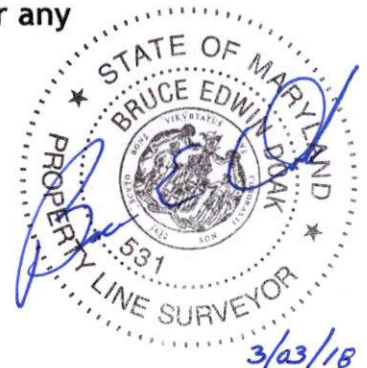
520 Reisterstown Road- 0.87 of an Acre Parcel
Third Election District Second Councilmanic District
Baltimore County, Maryland

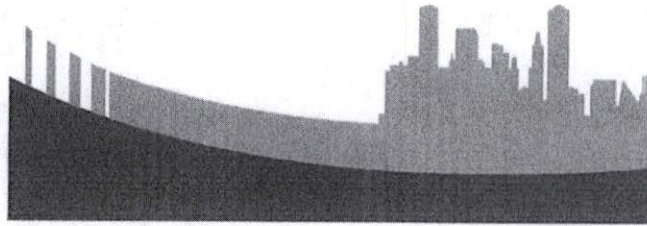
Beginning at the intersection of the southeast side of Milford Mill Road and the southwest side of Reisterstown Road, thence running on the southwest side of Reisterstown Road and binding on the outlines of the subject property, the five following courses and distances, viz. 1) South 37 degrees 11 minutes 45 seconds East 33.89 feet, 2) North 52 degrees 27 minutes 25 seconds East 3.78 feet, 3) South 37 degrees 20 minutes 26 seconds East 50.00 feet, 4) South 37 degrees 20 minutes 26 seconds East 100.00 feet and 5) South 37 degrees 20 minutes 26 seconds East 22.50 feet to the northwest side of Linden Terrace, thence running on the northwest side of Linden Terrace and continuing to bind on the outlines of the subject property 6) South 52 degrees 27 minutes 19 seconds West 150.00 feet, thence leaving Linden Terrace and continuing to run on the outlines of the subject property, the six following courses and distances, viz. 7) North 37 degrees 32 minutes 35 seconds West 22.50 feet, 8) North 37 degrees 32 minutes 35 seconds West 100.00 feet, 9) South 52 degrees 27 minutes 25 seconds West 45.45 feet, 10) North 37 degrees 32 minutes 35 seconds West 50.00 feet, 11) North 37 degrees 32 minutes 35 seconds West 55.77 feet and 12) South 50 degrees 59 minutes 04 seconds West 73.27 feet to the southeast side of Milford Mill Road, thence running on the southeast side of Milford and continuing to bind on the outlines of the subject property, the three following courses and distances, viz. 13) Northeasterly by a line curving to the right with a radius of 1320.95 feet for an arc distance of 48.39 feet and a chord of North 48 degrees 29 minutes 28 seconds East 48.39 feet, 14) North 49 degrees 32 minutes 26 seconds East 183.10 feet and 15) Southeasterly by a line curving to the right with a radius of 32.50 feet for an arc distance of 52.91 feet and a chord of South 83 degrees 49 minutes 40 seconds East 47.26 feet to the point of beginning.

Containing 0.87 of an acre of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com





CERTIFICATE OF POSTING

June 13, 2018 (amended July 2, 2018)

Re:
Zoning Case No. 2018-0234-SPHXA
Legal Owner: University BP, LLC
Hearing date: July 3, 2018



Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **520 Reisterstown Road**.

The signs were posted on **June 12, 2018**.

The signs were inspected again on July 2, 2018.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

[illegible][illegible]

4

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

ZONING NOTICE

CASE NO. 2018-0234-SPHXA

520 Reisterstown Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: JULY 17, 2018 1:30 PM

REQUESTS: SPECIAL HEARING TO LEAVE IN PLACE THE PREVIOUS
APPROVALS GRANTED IN CASE 2008-0212-SPHXA.
SPECIAL EXCEPTION TO ALLOW A USED MOTOR VEHICLE OUTDOOR
SALES AREA, SEPARATED FROM THE SALES AGENCY BUILDING IN A
BR ZONE.

VARIANCES 1. TO PERMIT AN 8 FT. SIDE SETBACK AND A 10 FT.
REAR SETBACK FOR A PROPOSED SALES TRAILER IN LIEU OF THE
REQUIRED 30 FT. REAR SETBACK, RESPECTIVELY 2. TO PERMIT A
10 FT. SIDE STREET SETBACK (DOUBLE FRONTAGE) FOR A
PROPOSED SALES TRAILER IN LIEU OF THE REQUIRED 25 FT.
SETBACK 3. TO PERMIT A 35 FT. SIDE STREET CENTERLINE
SETBACK (DOUBLE FRONTAGE) FOR A PROPOSED SALES TRAILER
IN LIEU OF THE REQUIRED 50 FT. SETBACK.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

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

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2018-0234-SPHXA

520 Reisterstown Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: ~~THE DAY OF THE~~ 2018 1:30 PM

REQUESTS: SPECIAL HEARING TO LEAVE IN PLACE THE PREVIOUS
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SPECIAL EXCEPTION TO ALLOW A USED MOTOR VEHICLE OUTDOOR
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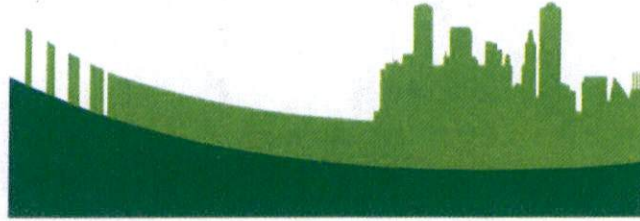
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE

Sherry Nuffer

From: Bruce Doak <doakfarm@gmail.com>
Sent: Monday, July 02, 2018 10:58 AM
To: Sherry Nuffer
Subject: Case 2018-0234-SPHXA 2nd inspection of posting
Attachments: Posting cert 7 02 18.pdf; ATT00001.htm





CERTIFICATE OF POSTING

June 13, 2018 (amended _____)

Re:

Zoning Case No. 21018-0234-SPHXA

Legal Owner: University BP, LLC

Hearing date: July 3, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **520 Reisterstown Road**.

The signs were posted on **June 12, 2018**.

The signs were inspected again on _____.

Sincerely,

A handwritten signature in blue ink that appears to read "Bruce E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2018-0234-SPHXA

520 Reisterstown Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: **TUESDAY JULY 3, 2018 1:30 PM**

REQUESTS: SPECIAL HEARING TO LEAVE IN PLACE THE PREVIOUS
APPROVALS GRANTED IN CASE 2008-0212-SPHXA.
SPECIAL EXCEPTION TO ALLOW A USED MOTOR VEHICLE OUTDOOR
SALES AREA, SEPARATED FROM THE SALES AGENCY BUILDING IN A
BR ZONE.

VARIANCES 1. TO PERMIT AN 8 FT. SIDE SETBACK AND A 10 FT.
REAR SETBACK FOR A PROPOSED SALES TRAILER IN LIEU OF THE
REQUIRED 30 FT. REAR SETBACK, RESPECTIVELY 2. TO PERMIT A
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SETBACK 3. TO PERMIT A 35 FT. SIDE STREET CENTERLINE
SETBACK (DOUBLE FRONTAGE) FOR A PROPOSED SALES TRAILER
IN LIEU OF THE REQUIRED 50 FT. SETBACK.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

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

THE HEARING IS HANDICAPPED ACCESSIBLE





ZONING NOTICE

SOUTH MARYLAND ROUTE 140
PROPERTY ADDRESS: 140 SOUTH MARYLAND ROUTE 140
PROPERTY OWNER: [illegible]
PROPOSED ZONING: [illegible]
PROPOSED DEVELOPMENT: [illegible]
DATE OF NOTICE: [illegible]

NOTICE IS HEREBY GIVEN that the [illegible] Board of [illegible] has received an application for a change of zoning from [illegible] to [illegible] for the property located at [illegible] South Maryland Route 140, [illegible].

The proposed change of zoning is for [illegible] and is being considered by the [illegible] Board of [illegible] at its next meeting on [illegible] at [illegible] o'clock [illegible] of the month of [illegible] 20[illegible].

Any person who desires to be heard in opposition to the proposed change of zoning should appear at the meeting of the [illegible] Board of [illegible] and state the reasons for their opposition.

ZONING NOTICE

CASE NO. 2018-0234-SPHXA

520 Reisterstown Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: ~~TUESDAY~~ JULY 3, 2018 1:30 PM

REQUESTS: SPECIAL HEARING TO LEAVE IN PLACE THE PREVIOUS
APPROVALS GRANTED IN CASE 2008-0212-SPHXA.
SPECIAL EXCEPTION TO ALLOW A USED MOTOR VEHICLE OUTDOOR
SALES AREA, SEPARATED FROM THE SALES AGENCY BUILDING IN A
BR ZONE.

VARIANCES 1. TO PERMIT AN 8 FT. SIDE SETBACK AND A 10 FT.
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SETBACK (DOUBLE FRONTAGE) FOR A PROPOSED SALES TRAILER
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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

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

THE HEARING IS HANDICAPPED ACCESSIBLE



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 5645913

Sold To:

Isaac Yair - CU00659656
6708 Cross Country Blvd
Baltimore, MD 21215-2505

Bill To:

Isaac Yair - CU00659656
6708 Cross Country Blvd
Baltimore, MD 21215-2505

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

Jun 12, 2018

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: # 2018-0234-SPHXA
520 Reisterstown Road
SW/s Reisterstown Road, southeast of Milford Mill Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) Isaac Yair

Special Hearing to leave in place the previous approvals granted in Case 2008-0212-SPHXA. Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone, Variance to 1. To permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively. 2. To permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback. 3. To permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

Hearing: Tuesday, July 3, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

06/12/18 5645913

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising



KEVIN KAMENETZ
County Executive

June 1, 2018

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

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0234-SPHXA

520 Reisterstown Road
SW/s Reisterstown Road, southeast of Milford Mill Road
3rd Election District – 2nd Councilmanic District
Legal Owners: University BP, LLC
Lessee: Isaac Yair

Special Hearing to leave in place the previous approvals granted in Case 2008-0212-SPHXA. Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone. Variance to 1. To permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively. 2. To permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback. 3. To permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

Hearing: Tuesday, July 3, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Larry Strauss, 2310 Smith Avenue, Baltimore 21209
Isaac Yair, 6708 Cross Country Blvd., Baltimore 21215
University BP, LLC, 520 Reisterstown Road, Pikesville 21208
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 13, 2018.**
(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.

CASE NAME UNIVERSITY BP LLC
CASE NUMBER 2018-0234-SPHXA
DATE 7/03/18

[illegible]

CASE NAME _____
CASE NUMBER 2618-0212
DATE _____

[illegible]



DONALD I. MOHLER III
County Executive

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

June 27, 2018

University BP LLC
520 Reisterstown Road
Pikesville MD 21208

RE: Case Number: 2018-0234 SPHXA, Address: 520 Reisterstown Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 8, 2018. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested; but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "R" and "J".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Isaac Yair, 6708 Cross Country Boulevard, Baltimore MD 21215
Larry Strauss, Esquire, 2310 Smith Avenue, Baltimore MD 21209
Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 11, 2018

FROM: VKD
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 21, 2018
Item No. 2018-0234-SPHXA **REVISED**

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

If Special Exception and Zoning Reliefs are granted, a Landscape Plan is required per the requirements of the Landscape Manual. It is recommended that the Developer/Owner review the Landscape Manual requirements for a project such as the one proposed.

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VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 5/24/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
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 5/21/18. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Hearing, Special Exception, Variance Case Number 2018-0234-SPHXA

*University BP, LLC
520 Reisterstown Road
MD140*

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,

Richard A. Zeller

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: May 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0234-SPHXA *revised*
Address 520 Reisterstown Road
(University BP, LLC Property)

Zoning Advisory Committee Meeting of **May 21, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/22/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-234



INFORMATION:

Property Address: 520 Reisterstown Road
Petitioner: University BP, LLC
Zoning: BR, RO
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the revised petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should leave in place the previous approvals granted in Case # 2008-0212-SPHXA and the revised petition for special exception to use the property for a used motor vehicle outdoor sales area, separated from the sales agency building in a BR zone. The Department also reviewed the revised petition for variance to allow zoning setback relief as listed on the attachment submitted in support of the petitions.

A site visit was conducted on March 29, 2018. The Department observed that the property exists in an extremely poor condition, to include the trailer, being a subject of the petition. The site is located within the Pikesville Commercial Revitalization District (CRD) and the Pikesville Design Review Panel (DRP) area although it is not currently subject to DRP review. The property was the subject of 2016 CZMP Issue #2-028 wherein the property was zoned BR. The site was the subject of zoning case #08-212 SPHXA wherein the ALJ granted zoning relief subject to certain conditions. No permit for the trailer was furnished by the petitioner nor was any filed with PAI.

The subject property is located within the Pikesville Maryland Revitalization Plan area and the Pikesville Commercial Revitalization District (CRD). The Baltimore County Master Plan 2020(MP2020) stresses the importance of the CRDs to their surrounding communities through providing goods and services in a "downtown" setting. The unique characteristics of these districts attracts customers creating a vibrant mix of retail, institutional and office uses. Their overall appearance is critical to their success. Substantial investment by both the County and private interests are necessary to maintain the vitality of CRDs. The "County has a range of incentives that can be tailored to individual project needs including: low interest loans, tax credits and specialized grants" (MP2020 pg.139). MP2020 specifically states as a policy the improvement of the appearance and walkability in the Districts (MP2020 pg.140). Protecting the investments made by the County and others within the Pikesville CRD is of paramount importance to the Department.

The Department supports granting the petitioned zoning relief only upon the following conditions being successfully addressed:

The Department appreciates the petitioners desire to retain those previous approvals through the special hearing process. That notwithstanding, the Department notes that the order and plan which includes landscaping features beneficial to the CRD, having been approved for nearly six years has to this date, not been implemented. The Department recommends that in order to ensure the previous plan approvals are utilized and not adversely impacted by the current proposal, the special exception area now shown in the instant case must be landscaped in the form, content and extent as it was approved in the prior special exception case. This will respond positively to the MP2020 goals for the Pikesville CRD and also the design goals of the Pikesville Maryland Revitalization Plan wherein it is established that the streetscaping *"can produce a more attractive and visually unified area which will help the retail core area be perceived as an interesting shopping district"* (PMRP pg. 94).

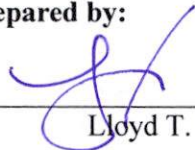
The Department recommends that any plan seeking to establish used car sales on this site will have the following characteristics:

- Install the landscaping as approved in the prior case. Compatibility under of BCC§32-4-402(d)(6) was found and confirmed in case #08-212 SPHXA. Any reduction in the landscape scheme is not in keeping with and will diminish the compatibility findings of the ALJ in the prior case.
- The existing trailer or any other so proposed shall be in sound condition such that Maintenance of Investment Property standards established in BCC§35-2-404 and promoting the public welfare, health and safety are met. Detailing to include but not limited to new paint, awnings, landscaping, removing the trailer hitch, and installing skirting around the full perimeter of the undercarriage shall be applied to the trailer to render it more in line with a Class A office, meaning formerly a residence. The petitioners must submit to the Department elevations and or photos of any trailer they propose to use in conjunction with the used car sales.
- Such a plan will note no temporary freestanding signs along Reisterstown Road nor Milford Mill Road and all signage will meet the Pikesville Commercial Revitalization Guidelines.
- There shall be no car repair or maintenance beyond hand washing conducted on site.
- There shall be no storage of damaged and disabled cars on site.
- Any new outdoor lighting shall be approved by the Baltimore County Landscape Architect.

The Department recommends that prior to the ALJ issuing any order that may allow the proposed use to be established, the property be brought up to the Maintenance of Investment Property and all other pertinent code standards to include but not be limited to the removal of any large delivery type trucks parked on site for a period longer than that required to load or unload materials necessary for the special exception use and an overall general cleanup of the site.

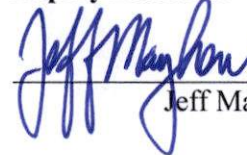
For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



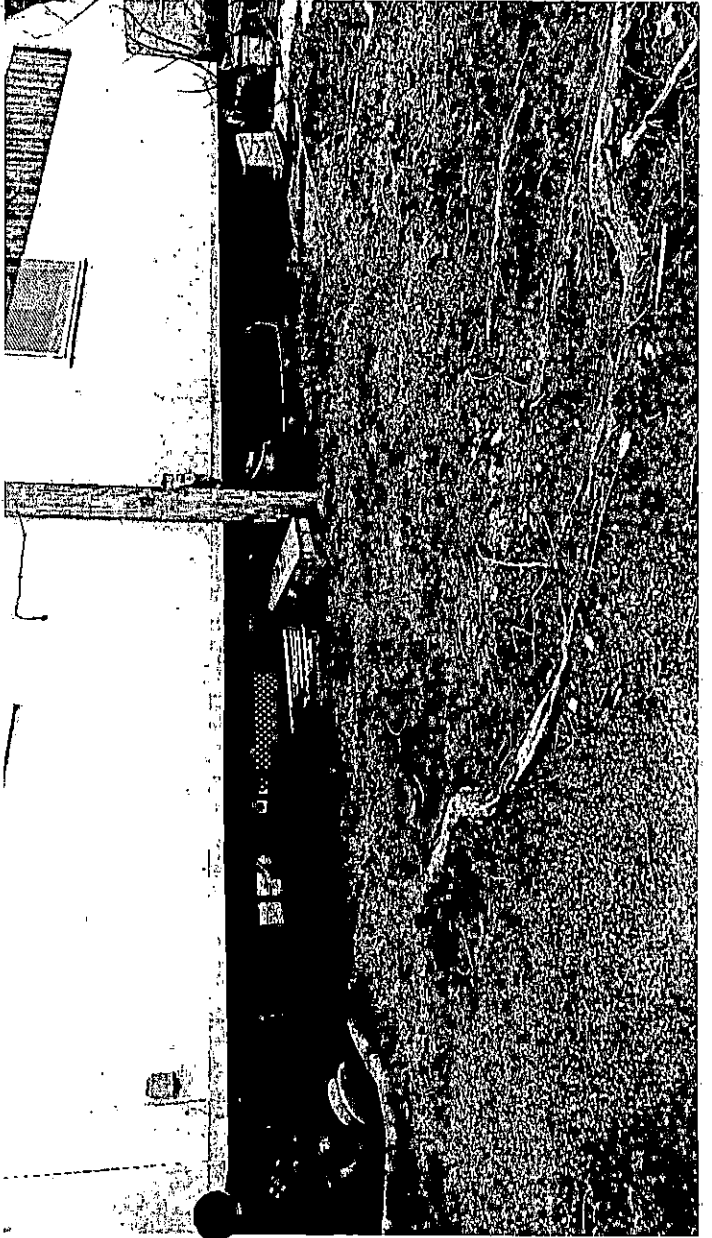
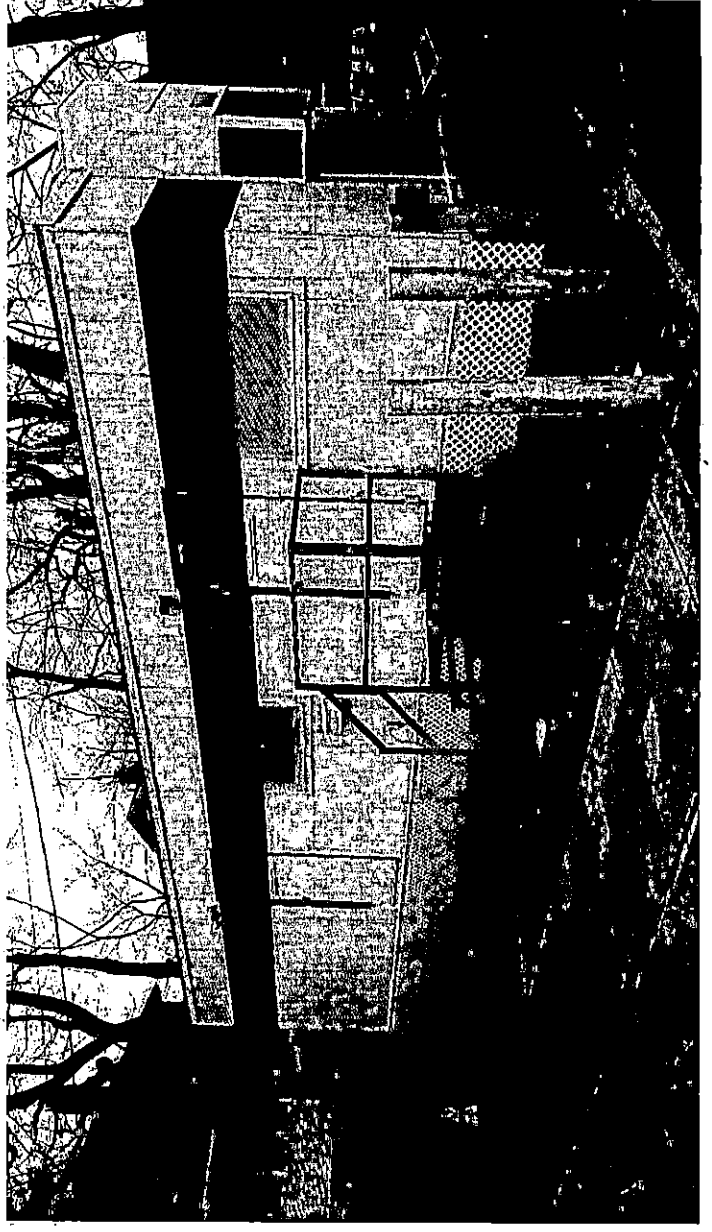
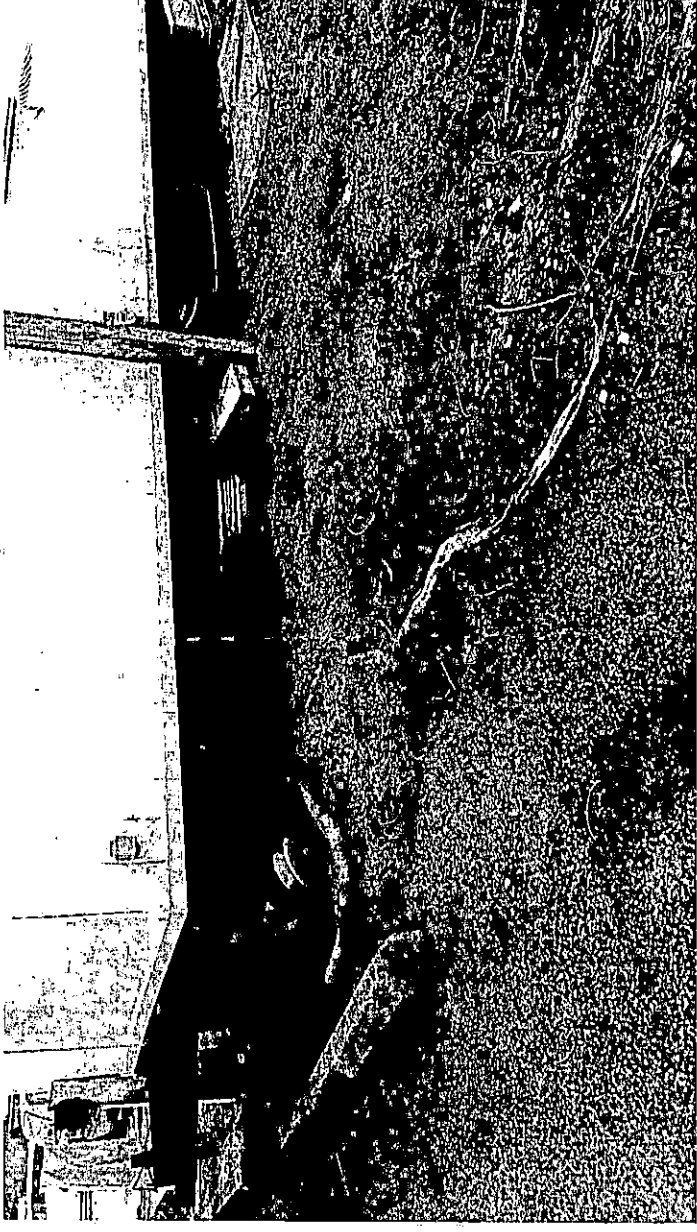
Jeff Mayhew

AVA/KS/LTM/

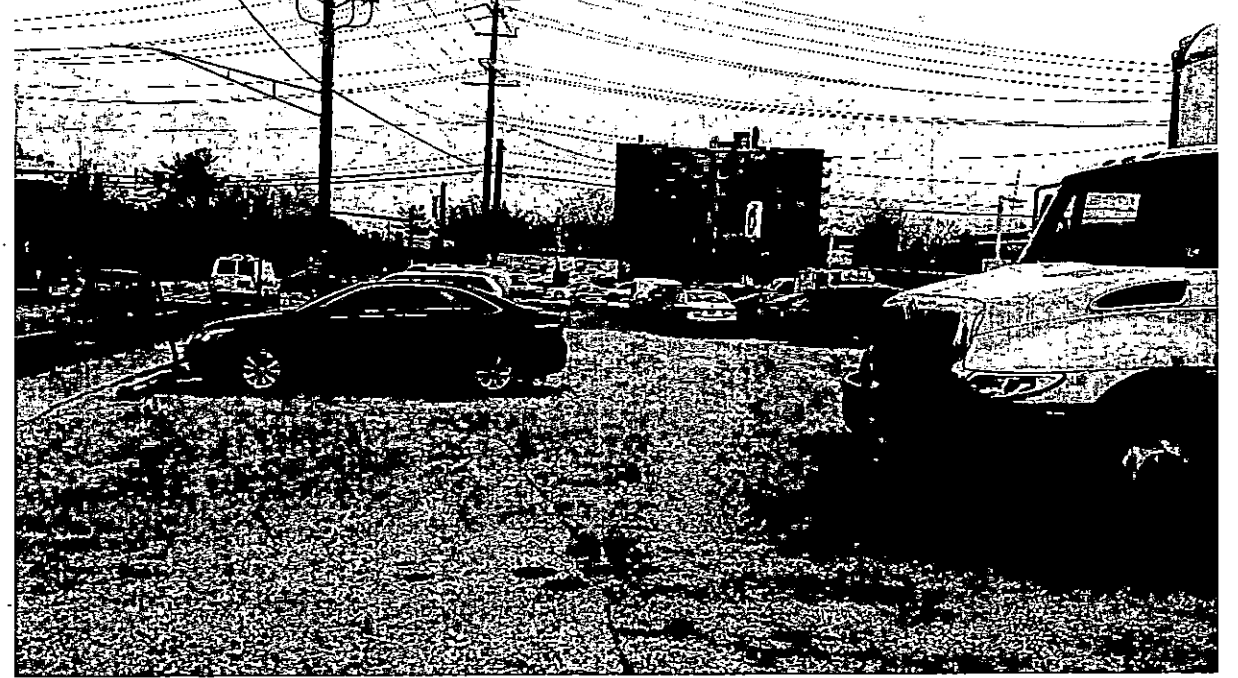
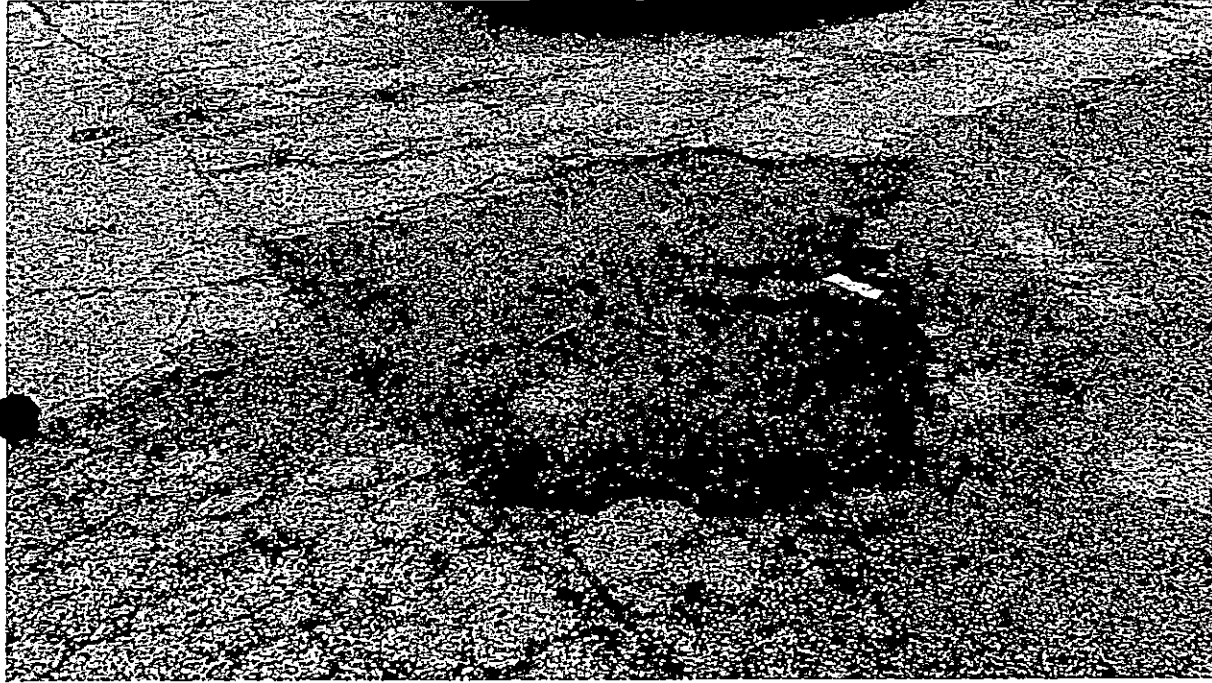
c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

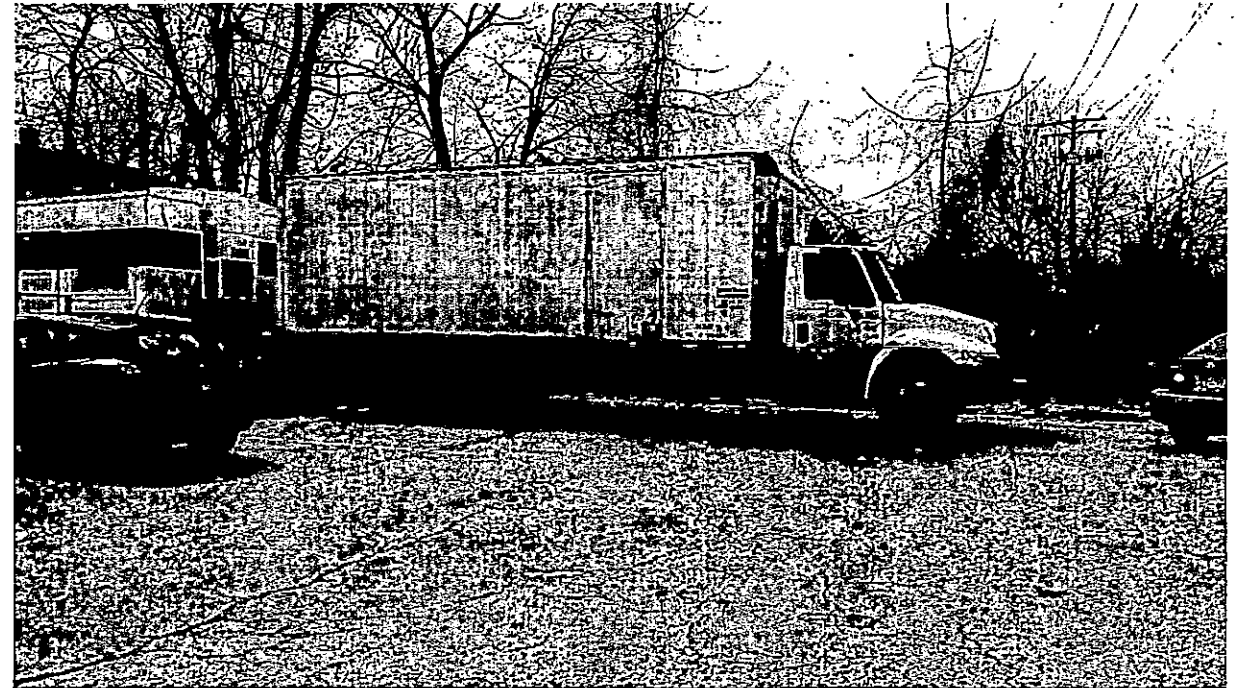
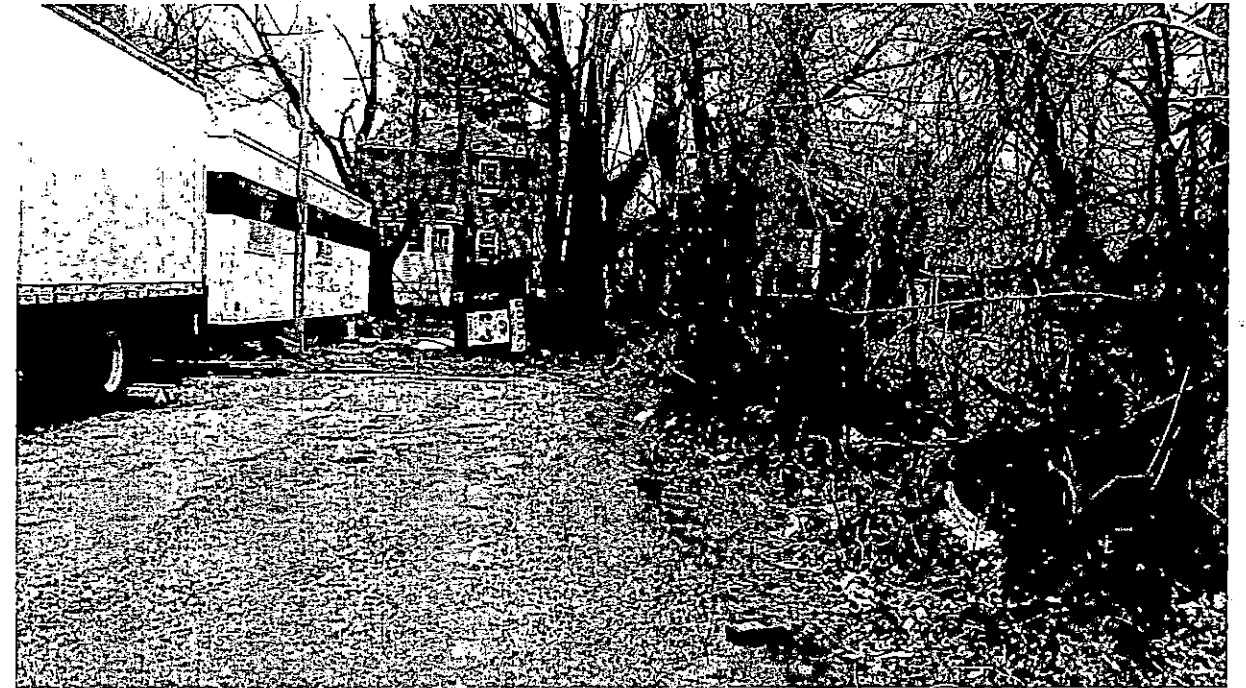
ΔSPHX-02-08-2018 2018-02-02



DOP ZAC FOR 2018-0234.SPHXA



DOP 24C FOR 2018-0234-SPHXA



BALTIMORE COUNTY, MARYLAND

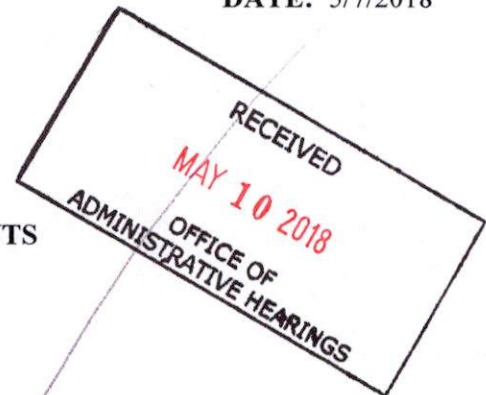
INTER-OFFICE MEMORANDUM

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

DATE: 5/7/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-234



INFORMATION:

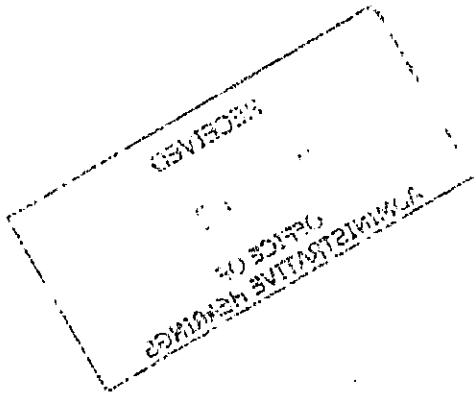
Property Address: 520 Reisterstown Road
Petitioner: University BP, LLC
Zoning: BR, RO
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should leave in place the previous approvals granted in Case # 2008-0212-SPHXA and to permit the commercial use of an existing trailer as an office for the used motor vehicle outdoor sales in a RO zone and the petition for special exception to use the property for a used motor vehicle outdoor sales area, separated from the sales agency building in a BR zone. The Department also reviewed the petition for variance to permit a zero foot side setback from the property line in lieu of the required ten feet.

A site visit was conducted on March 29, 2018. The Department observed that the property exists in an extremely poor condition, to include the trailer, being a subject of the petition. The site is located within the Pikesville Commercial Revitalization District (CRD) and the Pikesville Design Review Panel (DRP) area although it is not currently subject to DRP review. The property was the subject of 2016 CZMP Issue #2-028 wherein the property was zoned BR. The site was the subject of zoning case #08-212 SPHXA wherein the ALJ granted zoning relief subject to certain conditions. No permit for the trailer was furnished by the petitioner nor was any filed with PAI.

The Department supports the special hearing only to the extent of preserving the previous approvals in case #08-212 SPHXA provided the Department's concerns and conditions are met. The Department does not support granting the balance of the petitioned zoning relief as submitted.

The subject property is located within the Pikesville Maryland Revitalization Plan area and the Pikesville Commercial Revitalization District (CRD). The Baltimore County Master Plan 2020(MP2020) stresses the importance of the CRDs to their surrounding communities through providing goods and services in a "downtown" setting. The unique characteristics of these districts attracts customers creating a vibrant mix of retail, institutional and office uses. Their overall appearance is critical to their success. Substantial investment by both the County and private interests are necessary to maintain the vitality of CRDs. The "County has a range of incentives that can be tailored to individual project needs including: low interest loans, tax credits and specialized grants" (MP2020 pg.139). MP2020 specifically states as a policy the improvement of the appearance and walkability in the Districts (MP2020 pg.140). Protecting the



investments made by the County and others within the Pikesville CRD is of paramount importance to the Department.

The Department appreciates the petitioners desire to retain those previous approvals through the special hearing process. That notwithstanding, the Department notes that the order and plan which includes landscaping features beneficial to the CRD, having been approved for nearly six years has to this date, not been implemented. The Department recommends that in order to ensure the previous plan approvals are utilized and not adversely impacted by the current proposal, the special exception area now shown in the instant case must be landscaped in the form, content and extent as it was approved in the prior special exception case. This will respond positively to the MP2020 goals for the Pikesville CRD and also the design goals of the Pikesville Maryland Revitalization Plan wherein it is established that the streetscaping *"can produce a more attractive and visually unified area which will help the retail core area be perceived as an interesting shopping district"* (PMRP pg. 94).

Pursuant to the Baltimore County Code (BCC) §32-4-402.(c)(2) the Department recommends that the use of the sales trailer in support of the used car sales, legal or not, is not compatible nor appropriate to the RO zone. The trailer, not being a structure but subject to principal structure setbacks that it does not meet as per plan, is not typical to the zone and cannot respond to the intent of the RO zone in a positive way nor does it address the compatibility objectives of BCC§32-4-402(d)(1)&(2).

The Department recommends that any plan seeking to establish used car sales on this site will have the following characteristics:

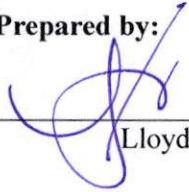
- Install the landscaping as approved in the prior case. Compatibility under of BCC§32-4-402(d)(6) was found and confirmed in case #08-212 SPHXA. Any reduction in the landscape scheme is not in keeping with and will diminish the compatibility findings of the ALJ in the prior case.
- All components of the used car sales operation must be situated entirely within the BR zone. The Department does not find used car sales and the business use of a trailer in support of used car sales listed as a permitted use in the RO zone. Because the five spaces adjacent to the N. 37 deg. 32" 35" W. 55.77' line and lie partially in the RO zone cannot be used for inventory, any trailer utilized shall instead be situated in that location entirely within the BR zone in a way that the approved landscaping can be installed. Any deficient setbacks must be addressed. The existing trailer or any other so proposed shall be in sound condition such that Maintenance of Investment Property standards established in BCC§35-2-404 and promoting the public welfare, health and safety are met. Detailing shall be added to the trailer to render it more in line with a Class A office, meaning formerly a residence, should be incorporated. The petitioners must submit to the Department elevations and or photos of any trailer they propose to use in conjunction with the used car sales.
- Such a plan will note no temporary freestanding signs along Reisterstown Road nor Milford Mill Road and all signage will meet the Pikesville Commercial Revitalization Guidelines.
- There shall be no car repair or maintenance beyond hand washing conducted on site.
- There shall be no storage of damaged and disabled cars on site.
- Any new outdoor lighting shall be approved by the Baltimore County Landscape Architect.

The Department recommends that prior to the ALJ issuing any order that may allow the proposed use to be established, the property be brought up to the Maintenance of Investment Property and all other pertinent code standards to include but not be limited to the removal of any large delivery type trucks parked on site for a period longer than that required to load or unload materials necessary for the special exception use and an overall general cleanup of the site.

Date: 5/7/2018
Subject: ZAC # 18-234
Page 2

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *nce*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 02, 2018
Item No. 2018-0234-SPHXA

DATE: April 20, 2018

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

If Special Exception and Zoning Reliefs are granted, a Landscape Plan is required per the requirements of the Landscape Manual. It is recommended that the developer/owner review the Landscape Manual requirements for a project such as the one proposed.

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VKD: cen
cc: file

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: March 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0234-SPHXA
Address 520 Reisterstown Road
(University BP, LLC Property)

Zoning Advisory Committee Meeting of **April 2, 2018**

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

Reviewer: Steve Ford

Date: 3/26/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0234-SPHXA

*Special Hearing, Special Exception, Variance
University BP LLC
520 Reisterstown Road.*

Should you have any questions regarding this matter, please contact Mr. 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE
520 Reisterstown Road; SW/S of Reisterstown * OF ADMINISTRATIVE
Road, 30' SE of Milford Mill Road
3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): University BP, LLC
Contract Purchaser(s): Isacc Yair * BALTIMORE COUNTY
Petitioner(s) * 2018-234-SPHXA

* * * * *

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 26 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053 and Larry Strauss, Esquire, 2310 Smith Avenue, Baltimore, Maryland 21209, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION AND VARIANCE
S/Corner of Milford Mill and *
Reisterstown Roads
(520 Reisterstown Road) *
3rd Election District *
2nd Council District *
University BP, LLC
Petitioner *

BEFO

ZONI

FOR

BALT

Case No. 08-212-SPHXA

2/1/08
Opinion

* * * * *

FINDINGS OF FACT AND CONCLUSION OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, University BP, LLC by and through its attorney Francis X. Borgerding, Jr., Esquire. As filed, the Petitioner requests a special hearing to allow a commercial parking area in a R-O zone pursuant to Section 409.8B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Special exception relief is sought pursuant to Section 230.13 of the B.C.Z.R. to permit a roll-over car wash and drive-in restaurant. In addition, variance relief is requested from B.C.Z.R. Section 1B01.1B.1e.5, to allow a parking lot with a 10-foot buffer and setback in lieu of the required 50 foot Residential Transition Area (RTA) buffer and 75-foot RTA setback. The subject property and the requested relief are more particularly described on the redlined site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were the owner's representatives, Gul Sher, managing member of University BP, LLC, and Deborah L. SeBour, with Real Estate Investments, LLC; Bruce E. Doak, a consultant and Property Line Surveyor with Gerhold, Cross & Etzel, Ltd., who prepared the site plan for this property, and Francis X. Borgerding, Jr., Esquire, representing the Petitioner. Appearing as Protestants in opposition to the requests were nearby residential property owners William McConnell and Charles Dubman.

Donald T. Rascoe, Deputy Director of the Department of Permits and Development Management attended and participated at the hearing.

At the outset of the hearing, Counsel for the Petitioner withdrew the variance petition as Mr. Doak concluded upon his further review that the variance request from an RTA buffer and RTA setback was not necessary. Additionally, discussion was held in reference to the Zoning Advisory Committee (ZAC) comment received from the Office of Planning, dated December 13, 2007. In pertinent part, the ZAC comment recommended compliance with the Pikesville Design Review Guidelines as provided for in Baltimore County Code (B.C.C.) Section 32-4-203. This section provides for a review and recommendation on the proposal by the Baltimore County Design Review Panel. This comment, however, was not received by the undersigned Zoning Commissioner until January 10, 2008 and was not received by the Petitioner or its counsel until the morning of the hearing (January 16, 2008). Mr. Borgerding, with the Commission's concurrence, called upon Deputy Director Donald Rascoe to give testimony about the applicability of the Design Review Panel making a finding and recommendation on the proposal *prior to proceeding* to a zoning hearing. After a thorough review of B.C.C. Sections 32-4-101(p) and (q) as well as 32-4-203 and in considering Mr. Rascoe's interpretation of his department's development regulations, I am satisfied that the "development process" is separate and distinct and will in accordance with the language of the Baltimore County Code proceed to the Design Review Panel as it must prior to development plan approval. I will, therefore, condition any relief granted herein subject to review by the Design Review Panel prior to development plan approval or the issuance of a permit. *See* B.C.C. Section 32-4-203(l).

The Petitioner's consultant, Bruce Doak, was the first witness to testify and after introducing the site plan, illustrated the existing and proposed conditions of the site presenting numerous photographs collectively received as Petitioner's Exhibit 4. Mr. Doak testified that

Petitioner's requested relief will take place on adjacent parcels with an overall area consisting of 8.7 acres. The majority of the property and all of the improvements are zoned B.L. - A.S. with a small portion (108' x 60') located in the southwest corner of the site adjacent to Milford Mill Road being in the R-O zone. Currently, the properties are being used for a gasoline station and the parking of vehicles. As noted above, the Petitioner requests the use of the properties for maintaining the gasoline station and adding a drive-in restaurant and car wash. Mr. Doak further noted that the Petitioner's requested relief is proposed in a way that requires no parking variances as set forth in the special regulations of B.C.Z.R. Section 409. The landscaping areas proposed to buffer the proposed uses adjacent to Linden Terrace and Milford Mill Road were discussed by Mr. Doak and shown on the redlined site plan.

Turning to the Petitioner's special exception request for a drive-in restaurant and car wash, Mr. Doak testified and offered opinions that the requested relief meets the principles and conditions of B.C.Z.R. Section 502.1. He then discussed the special hearing request to approve commercial parking in a R-O zone. He indicated that the area would be used for additional parking for the proposed drive-in restaurant. There will be no U-Haul rental vehicles, buses or commercial vehicles parked or stored in this area. Its use will be for customers/employees private passenger vehicles and in keeping with the character of the surrounding community. Mr. Doak testified that he believed the Petitioner's requested special hearing could be granted without causing a detriment to the health, safety or welfare of the locale which is commercially utilized on the other side of Linden Terrace.

Deborah SeBour, the realtor who has assisted Petitioner with the subject property, and Gul Sher provided testimony in regard to the existing and proposed uses of the property. Mr. Sher stated that the proposed hours of the car wash would be 7 AM to 7 PM and the drive-in restaurant would be a delicatessen operation. William McConnell (7 Linden Terrace) and

Charles Dubman (3 Linden Terrace) testified and each produced a letter received as Protestants Exhibits 1 and 2 that outlined the existing concerns about their neighborhood and concerns about Petitioner's proposed use. Both Messrs. McConnell and Dubman are long time residents and described their dead end street (Linden Terrace) and the noise, vandalism and impacts attendant to the past zoning changes that have allowed the giant size buildings to be erected across the street from their homes. They now express concerns about further potential commercial encroachment on Linden Terrace. Mr. McConnell described the noise which emanates from the speakers utilized by an existing drive through McDonald's restaurant. The Petitioner, however, clarified it was proposing a drive-in restaurant on the site not a drive through restaurant and, therefore, no loud speaker was being proposed.

Section 502.1 of the B.C.Z.R. states the criteria under which a special exception may be evaluated. As the courts have consistently acknowledged, all uses of land, including those that are permitted by special exception, are presumed to have certain adverse effects. Uses that are permitted by special exception require an individualized determination that the adverse effects generated by the proposed use are not exacerbated by a unique characteristic of the proposed use or the proposed location. Special exception uses enjoy a legislative presumption that they are compatible with the uses that are permitted in adjoining areas under the applicable zoning regulations, absent a showing to the contrary. In *Shultz v. Pritts*, 291 Md. 1, 432 A2d 1319 (1981), a leading Maryland case on special exceptions the Court stated:

"...[T]he appropriate standard to be used in determining whether a special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Id.* at 14.

There is no evidence that the adverse effects generated by a roll-over car wash or drive-in restaurant, as proposed, are above and beyond those inherently associated with such uses,

regardless of their location. Furthermore, I find that the requirements of Section 502.1 of the B.C.Z.R., relating to special exceptions, have been met. In addition, I am satisfied that Petitioner's request by way of special hearing to allow for the commercial parking in a R-O zone adjacent to Milford Mill Road can be granted without a harmful effect to the health, safety and welfare of the surrounding community and I will, therefore, grant same. There are no new curb cuts proposed and the site plan has been noted that upon approval of the zoning request the current parking of U-Haul vehicles will be discontinued.

The issues raised in the petitions are pursuant to the authority granted in Section 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the proposed uses on each parcel and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing limited exemptions from the department regulations which have been relegated by the County Council to the Development Review Committee. *See Long Meadow Association, Inc., et al v. Druid Ridge LLP, et al.* Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05. In this regard, Mr. Rascoe made it quite clear in his testimony that what I have before me is a plat to accompany a zoning petition and not a development plan as contemplated under Section 32-4-101. A review of the facts, evidence and testimony presented in this case reveals that the Petitioner and its Counsel are in agreement with this conclusion.

Pursuant to the advertisement, posting of the property and public hearing held on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

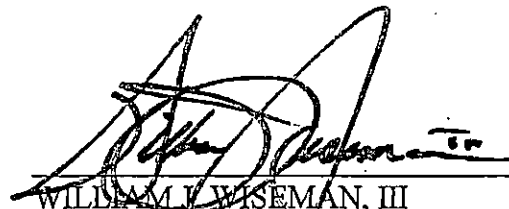
THEREFORE, IT IS ORDERED, this 1st day of February 2008, by the Zoning Commissioner for Baltimore County that the Petitioner for Special Exception, to permit the use of the described property for a car wash and drive-in restaurant pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 230.13, as shown on Petitioner's Exhibit 1, be and is

hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing, pursuant to Section 409.8.B.1 of Baltimore County Zoning Regulations (B.C.Z.R.), to permit commercial parking in a R-O zone, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The proposed car wash and drive-in restaurant improvements fall within the jurisdiction of the Pikesville Design Review Panel Area. The Petitioner must submit its "Development Plan" to the Design Review Panel for approval in accordance with B.C.C. Section 32-4-203.
2. The Petitioner shall also submit to the Office of Planning, as part of the project's review criteria: (a) an upgraded landscape plan in those areas designated "landscaping area" on the site plan, (b) to include the replacement of the existing 6-foot high wood privacy fence, and (c) an upgraded landscape and lighting plan for this site.
3. The Petitioner shall show designated employee parking spaces on the Development Plan, i.e., spaces 7, 8, 9 and 10 as depicted on Petitioner's Exhibit 1.
4. There shall be no external loud speakers on the property.
5. Car wash activities (exclusive of repairs and servicing of equipment) may not start prior to 7 AM and must conclude by 7 PM.
6. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

125 6/30/11

RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
S corner of Milford Mill and
Reisterstown Roads
3rd Election District
2nd Councilmanic Districts
(520 Reisterstown Road)

BEFORE

OFFICE C

ADMINIS

FOR BAL

9/1/11

Opinion

University BP, LLC
Petitioner

CASE NO. 08-212-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration on remand of Petitions for Special Hearing and Special Exception filed by the owner of the subject property, University BP, LLC, (hereinafter "University BP") by its attorney, Francis X. Borgerding, Jr. The split-zoned property is in Pikesville at the southwest corner of Reisterstown Road and Milford Mill Road; adjoins Linden Terrace on the south, parallel to Milford Mill Road; and consists of two contiguous tracts totaling 0.87 acres. The area along Reisterstown Road is commercial, and there are generally residences to the interior.

The existing use here is for a fuel service station and convenience store. The zoning petitions pertain to the addition of a carwash and drive-in (carry-out) restaurant and the expansion and modification of the store and parking area.

University BP filed the initial zoning petitions on November 5, 2007. The special hearing is for business parking in a residential zone, here the R.O (Residential-Office) Zone, under Baltimore County Zoning Regulations ("B.C.Z.R.") Section 409.8.B. The special exception is for a car wash and drive-in (carry-out) restaurant in a B.L. (Business-Local) Zone under B.C.Z.R. Section 230.13. There was also a petition for variances from the Residential Transition Area

requirements under B.C.Z.R. Section 1B01.1.B.

At the 2008 hearing before Zoning Commissioner William J. Wiseman, III, University BP withdrew the petition for variances, because the RTA requirements apply to Density-Residential Zones, but not to the applicable R.O. Zone here. This left the special hearing and special exception petitions.

On February 1, 2008, Zoning Commissioner Wiseman approved University BP's Petitions for Special Hearing and Special Exception in his written Findings of Fact and Conclusion of Law. Subsequently, People's Counsel for Baltimore County appealed Commissioner Wiseman's Findings of Fact and Conclusion of Law to the County Board of Appeals. People's Counsel took the position that Petitioner's requested relief must be reviewed and approved through the Baltimore County Design Review Panel ("DRP") prior to zoning relief, and that here this would likely result in significant amendments to the zoning site plan. Petitioner agreed to seek DRP approval prior to the matter being heard before the County Board of Appeals for Baltimore County. Eventually, in the interest of efficiency, the parties also agreed that this matter should be remanded to the Zoning Commissioner now Administrative Law Judge for Baltimore County for consideration of any amendments to the plans and/or the relief approved by Commissioner Wiseman on February 1, 2008. After a hearing, the County Board of Appeals issued its remand order on February 18, 2011. The remand was to the new Office of Administrative Hearings, which, among other things, took over the functions and responsibilities of the Zoning Commissioner.

At about the same time, University BP was preparing a new set of revised plans to submit to the Design Review Panel in accordance with County Code Section 32-4-203. The Pikesville

area is one of the designated areas subject to design review under the detailed provisions of this section.

On March 9, 2011, the DRP reviewed the project, actually for the third time. DRP #505. As reflected in Design Review Comments dated April 8, 2011, the DRP there approved a revised plan, subject to stated conditions relating to signage, landscaping, curb alignment, parking, stacking of vehicles for the carwash, and architectural elevations. University BP's consultant and property line surveyor, Bruce E. Doak, revised the site plan to satisfy the required DRP design conditions. There was also submitted a PowerPoint package of architectural elevations and other design features. Separately, the firm of Human and Rohde prepared a landscape plan for review by the County Landscape Architect, Avery Harden.

There were also communications between University BP's attorney, Mr. Borgerding; his surveyor Bruce Doak, who worked on the site plan; People's Counsel Peter Max Zimmerman, and community representative Alan Zukerberg. They all worked toward the preparation of a satisfactory amended petition for special hearing and special exception, with a revised zoning site plan.

An initial hearing was held on remand before the undersigned Administrative Law Judge for Baltimore County on June 30, 2011. At that time, the hearing was continued so that public notice requirements could be perfected and the parties could work out agreed conditions and details in the revised zoning site plan, subject to ultimate Administrative Law Judge review. After the conclusion of the hearing, Messrs. Borgerding, Doak, Zimmerman, and Zukerberg thereupon met to iron out a consensus on the revised site plan and the specific details and conditions. This led to a revised site plan dated July 7, 2011, which included an imprint of the April 8, 2011 Design Review Comments, a new list of Notes Pertaining to the Amended Site Plan, and among other

things reference to the Landscape Plan and Architectural Elevations as conditions.

On August 8, 2011, this matter reconvened before the Administrative Law Judge for Baltimore County for final consideration and review consistent with the County Board of Appeals remand order. Messrs. Borgerding, Doak, Zimmerman, and Zukerberg again attended. Gul Sher, principal owner of University BP, LLC was also present. It appeared from the record that in the intervening time, the public notice requirements were satisfied.

The Petitioner then called Bruce Doak to describe the amended plan and provide relevant documentation. Mr. Doak entered into evidence several exhibits before the Administrative Law Judge, consistent with the DRP approval and details worked out with People's Counsel and Mr. Zukerberg. Once again, it was also noted that the original petition for variances had been withdrawn because the RTA requirements were not applicable to the adjoining R.O. Zone. Mr. Doak entered as Petitioner's Remand Exhibit Number 1 an amended plat to accompany Petitions for Special Hearing and Special Exception relief on behalf of University BP, as Petitioner's Remand Exhibit Number 2 an email dated August 4, 2011, from Avery Harden, landscape architect for Baltimore County; as Petitioner's Remand Exhibit Number 3, a copy of the landscape plan approved by the Baltimore County Design Review Panel for the Petitioner's requested relief; and as Petitioner's Remand Exhibit Number 4, copies of the PowerPoint Presentation Petitioner presented to the Baltimore County Design Review Panel in relation to the Petitioner's requested relief, with descriptions of signage, landscaping, curb alignment, parking, stacking of vehicles, and architectural elevations.

Bruce Doak testified that the Petitioner's requested relief as amended, pursuant to the exhibits entered in the remand hearing, in his opinion, complies with Section 502.1 of the B.C.Z.R. That is to say, there would be no particular adverse impact to the neighborhood --- the

Reisterstown commercial corridor and the interior residences --- from the proposed plan, which underwent such thorough review.

In relation to the approval of Petitioner's landscaping plan by Avery Harden, landscape architect for Baltimore County, I have indicated that the Petitioner's requested relief is subject to further review by Baltimore County landscape architect per the Baltimore County Development Regulations. Counsel for Petitioner stated that, although his client would be unable to make any further commitments without knowing specific details and costs, he would take Mr. Harden's recommendation of an automatic irrigation system under advisement.

In light of the above, the undersigned Administrative Law Judge is satisfied that the Petitioner has met the legal standards necessary to grant Petitioner's requested special hearing and special exception relief as amended, pursuant to the exhibits entered as mentioned above by Bruce Doak in the remand hearing. In this connection, the DRP review and work done with People's Counsel and Mr. Zukerberg appear to have produced a very positive result, which, if implemented well, may be an improvement and asset to this area of Pikesville.

Pursuant to the advertisement, posting of the property and public hearing held on these Petitions, and for reasons set for above, the relief requested shall be granted.

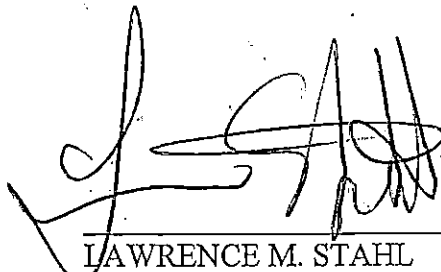
THEREFORE, IT IS ORDERED, this 1st day of September, 2011, by this Administrative Law Judge for Baltimore County that the Petition for Special Exception to permit the use of the described property for a car wash and drive-in restaurant, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 230.13, as shown on the Petitioner's Remand Exhibit 1, the Amended Plan to Accompany a Petition for a Special Hearing and Special Exception, dated July 7, 2011, and consistent with Design Review Panel approval, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing, pursuant to Section 409.8.B.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit commercial parking in an R.O. zone, be and is hereby granted, again in accordance with the site plan entered as the aforesaid Petitioner's Remand Exhibit 1, and with Design Review Panel Approval; and

IT IS FURTHER ORDERED, that the approved special exception and special hearing are subject to the following restrictions which are conditions to the relief granted herein:

1. There shall be no external loud speakers on the property.
2. Car wash activities (exclusive of repairs and servicing of equipment) may not start prior to 7 AM and must conclude by 7 PM.
3. The existing vehicle and accessory rental business shall cease upon issuance of building permits consistent with this amended plan.
4. There shall be compliance with the landscape plan entered as Petitioner's Remand Exhibit 3, subject to such further revisions as required by the County Landscape Architect consistent with the County Landscape Manual.
5. There shall be compliance with the DRP PowerPoint design features of signage, fence, architectural elevations, parking, stacking, and other design details shown in Petitioner's Remand Exhibit 4.

Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the Baltimore County Code ("B.C.C.").



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

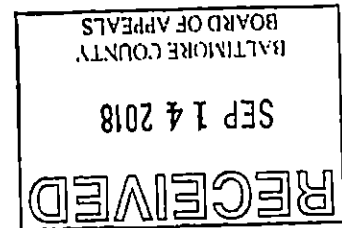


DONALD I. MOHLER III
County Executive

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

September 14, 2018

Larry Strauss, Esq.
2310 Smith Avenue
Baltimore, Maryland 21209



RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing, Special Exception and Variance
Case No. 2018-0234-SPHXA (Appeal for Special Exception Only)
Property: Strauss

Dear Mr. Strauss:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 13, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

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

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: Bill Galiazzo, Code Inspector, Permits, Approvals and Inspections, Code Enforcement,
111 West Chesapeake Avenue, Room 213, Towson, Maryland 21204
Baltimore County Board of Appeals
People's Counsel

Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Deane Rundell, 608 Carysbrook Road, Pikesville, MD 21208
Alan Zukerberg, 7919 Long Meadow, Pikesville, MD 21208
Revanne Aronoff, 11 Slade Avenue #511, Pikesville, MD. 21208
Charles Dubman, 3 Linden Terrace, Pikesville, MD 21208
Mark Sapp, 4207 Old Milford Mill Road, Pikesville, MD 21208.

APPEAL

Petitions for Special Hearing, Special Exception and Variance
(APPEAL FOR SPECIAL EXCEPTION ONLY)
(520 Reisterstown Road)
3rd Election District – 2nd Councilmanic District
Legal Owners: University BP, LLC
Lessee: Isaac Yair
Case No. 2018-0234-SPHXA

Petitions for Special Hearing, Special Exception and Variance (March 8, 2018)

Zoning Description of Property

Notice of Zoning Hearing (June 1, 2018)

Certificate of Publication (Jeffersonian – June 12, 2018)

Certificate of Posting: #1- (June 12, 2018) by Bruce Doak
#2- (July 2, 2018) by Bruce Doak

Entry of Appearance by People's Counsel (March 26, 2018)

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in-Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. Aerial photo
3. Plan with photos A-F
4. Photos A-D
5. Conceptual Landscape Plan

Miscellaneous (Not Marked as Exhibits)- Prior Zoning Orders and photographs

Administrative Law Judge Order (DENIED July 17, 2018)

Motion for Reconsideration (August 7, 2018, Larry Strauss, Esq.)
(August 15, 2018, Michael Pierce and Alan Zukerberg)

Administrative Law Judge Order on Motion for Reconsideration (Larry Strauss, Esq. was GRANTED)

Administrative Law Judge Order on Motion for Reconsideration (Michael Pierce and Alan Zukerberg was DENIED)

Appeal & Receipt on **SPECIAL EXCEPTION ONLY** from Michael Pierce and Alan Zukerberg
(September 13, 2018)



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 520 REISTERSTOWN ROAD which is presently zoned BR & RO
 Deed References: 23328/31 10 Digit Tax Account # 0319075967
 Property Owner(s) Printed Name(s) UNIVERSITY BP 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

SEE ATTACHED PAGE

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

SEE ATTACHED PAGE

3. ☒ a Variance from Section(s)

SEE ATTACHED PAGE

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 bound 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 ISAAC YAIR
 Signature [Signature]
 Mailing Address 6708 CROSS COUNTRY BLVD BALTIMORE MD
 City State
 Zip Code 21215 Telephone # 410-365-6600 Email Address ISAACYAIR@GMAIL.COM

Attorney for Petitioner:

Name: Type or Print LARRY STRAUSS, ESQ.
 Signature [Signature]
 Mailing Address 2310 SMITH AVE. BALTIMORE MD
 City State
 Zip Code 21209 Telephone # 443-631-5897 Email Address LARRY@LARRYSTRAUSSESQCPA.COM

CASE NUMBER 2018-0234-SPHXA Filing Date 3/8/18

Legal Owners (Petitioners):

UNIVERSITY BP LLC
 Name (Type or Print) Name (Type or Print)
 X [Signature] [Signature]
 Signature #1 Signature #2
 Mailing Address 520 REISTERSTOWN ROAD PINEVILLE MD
 City State
 Zip Code 21208 Telephone # Email Address

Representative to be contacted:

BRUCE E. DONAK
BRUCE E. DONAK CONSULTING LLC
 Name (Type or Print) Name (Type or Print)
[Signature] [Signature]
 Signature
 Mailing Address 3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 City State
 Zip Code 21053 Telephone # 410-419-4906 Email Address BDONAK@BRUCEEDONAKCONSULTING.COM

Do Not Schedule Dates: Reviewer [Signature]

HEARING IN AM

REV 10/4/11

ORDER RECEIVED FOR FILING

Date 3/14/18

By [Signature]

Petitions Requested

Case #2018-0234-SPHXA

Special Hearing

REVISED

To leave in place the previous approvals granted in Case #2008-0212-SPHXA

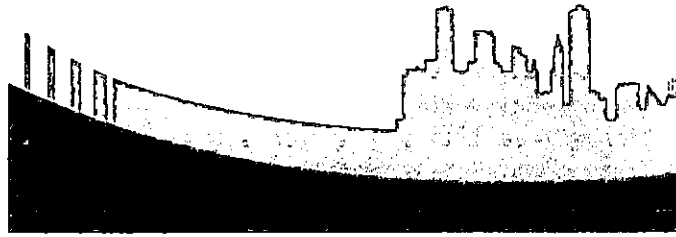
Special Exception

Section 236.2 BCZR to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone.

Variances

REVISED

1. To permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively.
2. To permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback.
3. 3. To permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.



Zoning Description

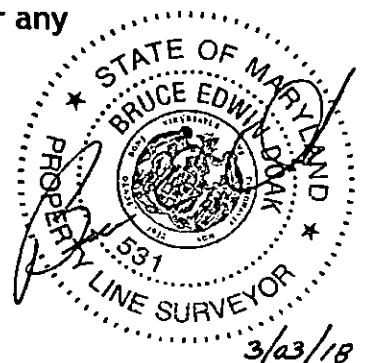
520 Reisterstown Road- 0.87 of an Acre Parcel
Third Election District Second Councilmanic District
Baltimore County, Maryland

Beginning at the intersection of the southeast side of Milford Mill Road and the southwest side of Reisterstown Road, thence running on the southwest side of Reisterstown Road and binding on the outlines of the subject property, the five following courses and distances, viz. 1) South 37 degrees 11 minutes 45 seconds East 33.89 feet, 2) North 52 degrees 27 minutes 25 seconds East 3.78 feet, 3) South 37 degrees 20 minutes 26 seconds East 50.00 feet, 4) South 37 degrees 20 minutes 26 seconds East 100.00 feet and 5) South 37 degrees 20 minutes 26 seconds East 22.50 feet to the northwest side of Linden Terrace, thence running on the northwest side of Linden Terrace and continuing to bind on the outlines of the subject property 6) South 52 degrees 27 minutes 19 seconds West 150.00 feet, thence leaving Linden Terrace and continuing to run on the outlines of the subject property, the six following courses and distances, viz. 7) North 37 degrees 32 minutes 35 seconds West 22.50 feet, 8) North 37 degrees 32 minutes 35 seconds West 100.00 feet, 9) South 52 degrees 27 minutes 25 seconds West 45.45 feet, 10) North 37 degrees 32 minutes 35 seconds West 50.00 feet, 11) North 37 degrees 32 minutes 35 seconds West 55.77 feet and 12) South 50 degrees 59 minutes 04 seconds West 73.27 feet to the southeast side of Milford Mill Road, thence running on the southeast side of Milford and continuing to bind on the outlines of the subject property, the three following courses and distances, viz. 13) Northeasterly by a line curving to the right with a radius of 1320.95 feet for an arc distance of 48.39 feet and a chord of North 48 degrees 29 minutes 28 seconds East 48.39 feet, 14) North 49 degrees 32 minutes 26 seconds East 183.10 feet and 15) Southeasterly by a line curving to the right with a radius of 32.50 feet for an arc distance of 52.91 feet and a chord of South 83 degrees 49 minutes 40 seconds East 47.26 feet to the point of beginning.

Containing 0.87 of an acre of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



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

6/11

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

Comment

5/16

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

NO COMMENT

FIRE DEPARTMENT

5/23

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

Comment

5/24

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2008-0212-SPHXA)

NEWSPAPER ADVERTISEMENT

Date:

6/12/18

SIGN POSTING (1st)

Date:

6/12/18

by

DOAK

SIGN POSTING (2nd)

Date:

7/2/18

by

DOAK

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

| View Map | | View GroundRent Redemption | | | | View GroundRent Registration | | | |
|--|----------|--|---------------|------------------------|---------------------------|------------------------------|--|------------------|-----------|
| Account Identifier: | | District - 03 Account Number - 0319075967 | | | | | | | |
| Owner Information | | | | | | | | | |
| Owner Name: | | UNIVERSITY BP LLC | | | Use: Principal Residence: | | COMMERCIAL NO | | |
| Mailing Address: | | 524 REISTERSTOWN RD
BALTIMORE MD 21208-5304 | | | Deed Reference: | | /23328/ 00031 | | |
| Location & Structure Information | | | | | | | | | |
| Premises Address: | | REISTERSTOWN RD 0-0000 | | | Legal Description: | | LT WS REISTERSTOWN R 12232 SQ FT SW COR SLADE AV | | |
| Map: | Grid: | Parcel: | Sub District: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
| 0078 | 0009 | 0428 | | 0000 | | | | 2016 | Plat Ref: |
| Special Tax Areas: | | | | Town: | | NONE | | | |
| | | | | Ad Valorem: | | | | | |
| | | | | Tax Class: | | | | | |
| Primary Structure Built | | Above Grade Living Area | | Finished Basement Area | | Property Land Area | | County Use | |
| | | | | | | 12,232 SF | | 06 | |
| Stories | Basement | Type | Exterior | Full/Half Bath | Garage | Last Major Renovation | | | |
| Value Information | | | | | | | | | |
| | | Base Value | | Value | | Phase-in Assessments | | | |
| | | | | As of 01/01/2016 | | As of 07/01/2017 | | As of 07/01/2018 | |
| Land: | | 305,800 | | 305,800 | | | | | |
| Improvements | | 0 | | 0 | | | | | |
| Total: | | 305,800 | | 305,800 | | 305,800 | | 305,800 | |
| Preferential Land: | | 0 | | | | | | 0 | |
| Transfer Information | | | | | | | | | |
| Seller: AMOCO OIL COMPANY | | | | Date: 02/02/2006 | | Price: \$993,968 | | | |
| Type: ARMS LENGTH MULTIPLE | | | | Deed1: /23328/ 00031 | | Deed2: | | | |
| Seller: BALTIMORE COUNTY REVENUE AUTHORITY | | | | Date: 08/01/2001 | | Price: \$183,500 | | | |
| Type: ARMS LENGTH VACANT | | | | Deed1: /15428/ 00310 | | Deed2: | | | |
| Seller: MASS TRANSIT ADMINISTRATION OF TH | | | | Date: 03/30/1987 | | Price: \$96,250 | | | |
| Type: ARMS LENGTH IMPROVED | | | | Deed1: /07466/ 00581 | | Deed2: | | | |
| Exemption Information | | | | | | | | | |
| Partial Exempt Assessments: | | Class | | 07/01/2017 | | 07/01/2018 | | | |
| 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

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 12, 2018 Issue - Jeffersonian

Please forward billing to:

Isaac Yair
6708 Cross Country Blvd.
Baltimore, MD 21215

410-365-6600

NOTICE OF ZONING HEARING

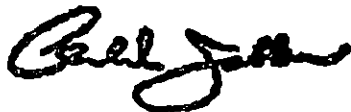
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0234-SPHXA

520 Reisterstown Road
SW/s Reisterstown Road, southeast of Milford Mill Road
3rd Election District – 2nd Councilmanic District
Legal Owners: University BP, LLC
Lessee: Isaac Yair

Special Hearing to leave in place the previous approvals granted in Case 2008-0212-SPHXA. Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone. Variance to 1. To permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively. 2. To permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback. 3. To permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

Hearing: Tuesday, July 3, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

**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: 2018-0234-SPHXA
Property Address: 520 REISTERSTOWN ROAD (tax # 03-19-075-967)
Property Description: SOUTHWEST CORNER OF MILFORD MILL ROAD &
REISTERSTOWN ROAD
Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: ISAAC YAIR

PLEASE FORWARD ADVERTISING BILL TO:

Name: ISAAC YAIR
Company/Firm (if applicable): _____
Address: 6708 CROSS COUNTRY BLVD.
BALTIMORE MD 21215

Telephone Number: 410-365-6600

No. 170217

Date:

5/9/18

PAID RECEIPT

| BUSINESS | ACTUAL | TIME | DRW |
|-----------|-----------|----------|-----|
| 5/14/2018 | 5/10/2018 | 14:11:04 | 1 |

REC'D SO1. WALKIN LJR
 RECEIPT # 785928 5/10/2018 OFLN

5-528 ZONING VERIFICATION

NO. 170217

Recpt Tot \$250.00

\$250.00 CK \$.00 CA

Baltimore County, Maryland

[illegible]

Total:

\$250.00

Rec
From:

For: 520 Riverstown Rd

For:

2018-0234 SPHXA

Russell

DISTRIBUTION

WHITE CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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

№ 166117

Date: 3/8/18

| Fund | Dept | Unit | Sub Unit | Rev | Sub | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|---------|------|------|-----|---------|---------------------|
| | | | | Source/ | Rev/ | | | | |
| 001 | 806 | 0000 | | 1150 | | | | | 51200 ⁰⁰ |
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Total: 51200⁰⁰

Rec From: Isaac Yano

For: Zoning hearing - case # 2018-0234-SPHXA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME IN
3/08/2018 3/08/2018 09:54:02 1
REG #201 BALTIM LIR
RECEIPT # 770657 3/08/2018 OFL
Dept: 3 528 ZONING VERIFICATION
CR NO: 166117
Recpt Tot 11,300.00
\$1,200.00 CR 4.99 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

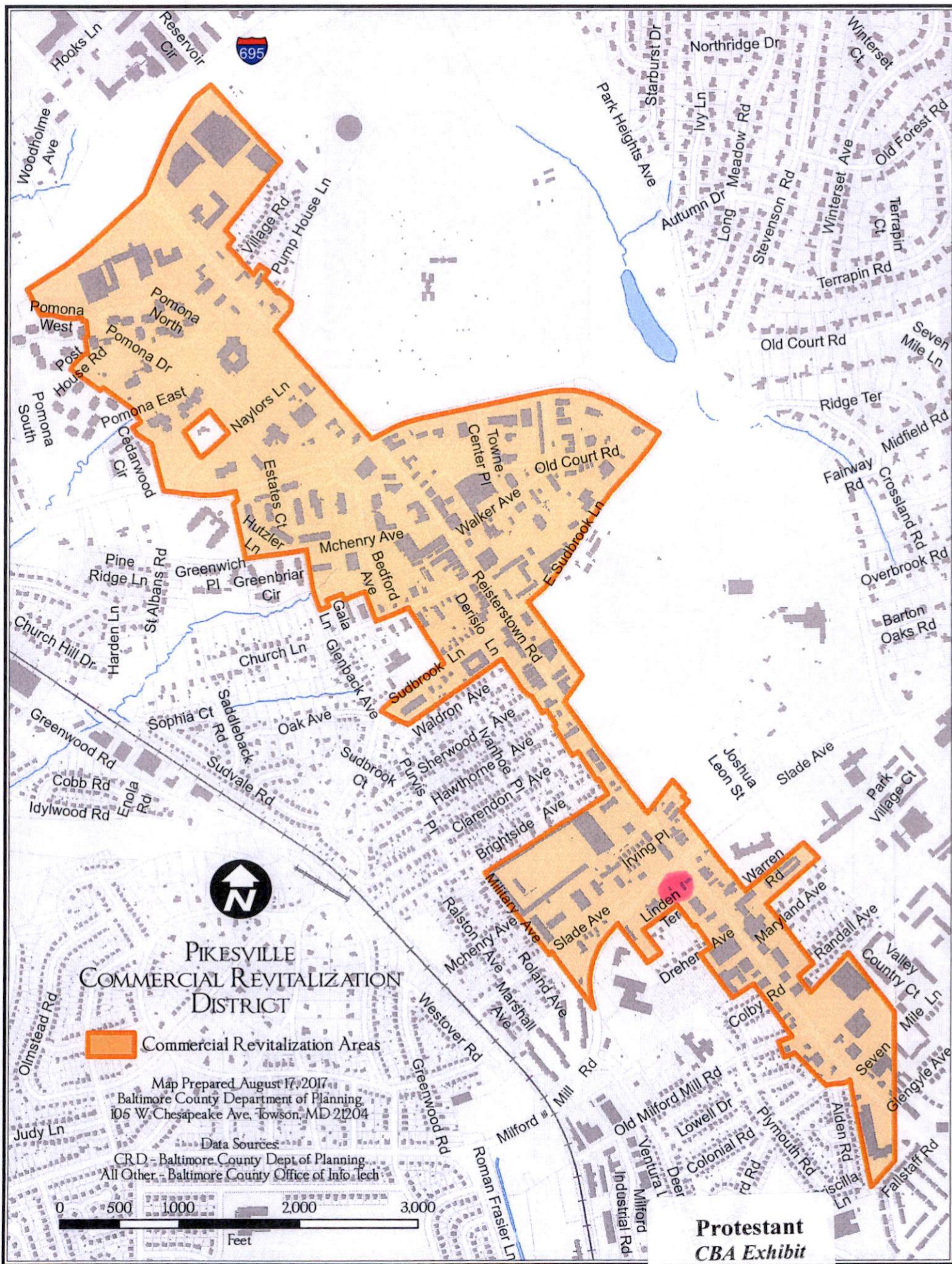
Board of Appeals

Case No: 18-234
SPHX A

Case Name: University BP, LLC

Party: Protestants Date: 4/3/19

| Exhibit No: | Description: |
|-------------------|--|
| ✓ 1 | Pikesville Comm Revitalization District Map. |
| ✓ 2 | MP 2020 Economic Vitality CRD Portm |
| ✓ 3 | Pikesville Design Review Panel Area |
| | |
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| | |
| VERIFIED BY _____ | DATE: _____ |



Protestant
CBA Exhibit

ECONOMIC VITALITY

A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services.



A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services. This economic strength cannot be taken for granted. The County must ensure that the ingredients for future economic health be in place. This Master Plan lays the policy groundwork for achieving this long-term success.

FOUNDATION OF BALTIMORE'S ECONOMY

Baltimore County is the major economic engine in terms of jobs (515,000) in the region with the second-largest number of jobs of any Maryland jurisdiction. The County economy is highly diversified, not dependent on

Policy: *Maintain zoning appropriate for major employment on infrastructure-served land with good access.*

Actions:

- (1) Recommend that the County Council evaluate rezoning and PUD proposals that convert M or OT zoned land to residential or retail use to consider the long-term effects on the economy.
- (2) Ensure that adequate land and structures remain available to accommodate new and expanding primary employers not suited for mixed-use environments.
- (3) Consider ways to guide new employment opportunities to quality mixed-use development.
- (4) Preserve the County's limited deep-water access for industrial uses.
- (5) Consider amending the BCZR to limit the amount of residential development permitted in the OT zoning classification.

LAND USE BALANCE

A fiscally strong jurisdiction must maintain a healthy balance between residential and non-residential land uses. Different types of land use have variant effects on a county's finances. Some land uses contribute more in tax revenue than they consume in public services, such as schools, police and fire services. Some land uses consume more services than they pay for directly through property taxes. A balanced economy is needed to provide a healthy place to live, work and play. A strong employment sector: industrial, office, and commercial, provide jobs and tax revenue. A diverse choice of housing is essential to providing a qualified work force to fuel the employment sector.

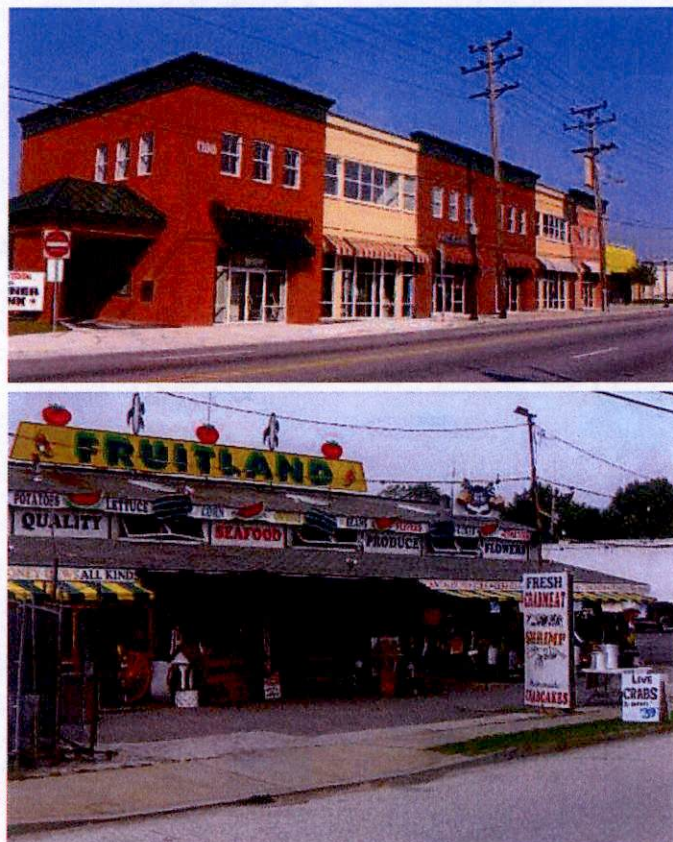
Policy: *The County should maintain a healthy balance between residential and non-residential land uses inside the URDL.*

Actions:

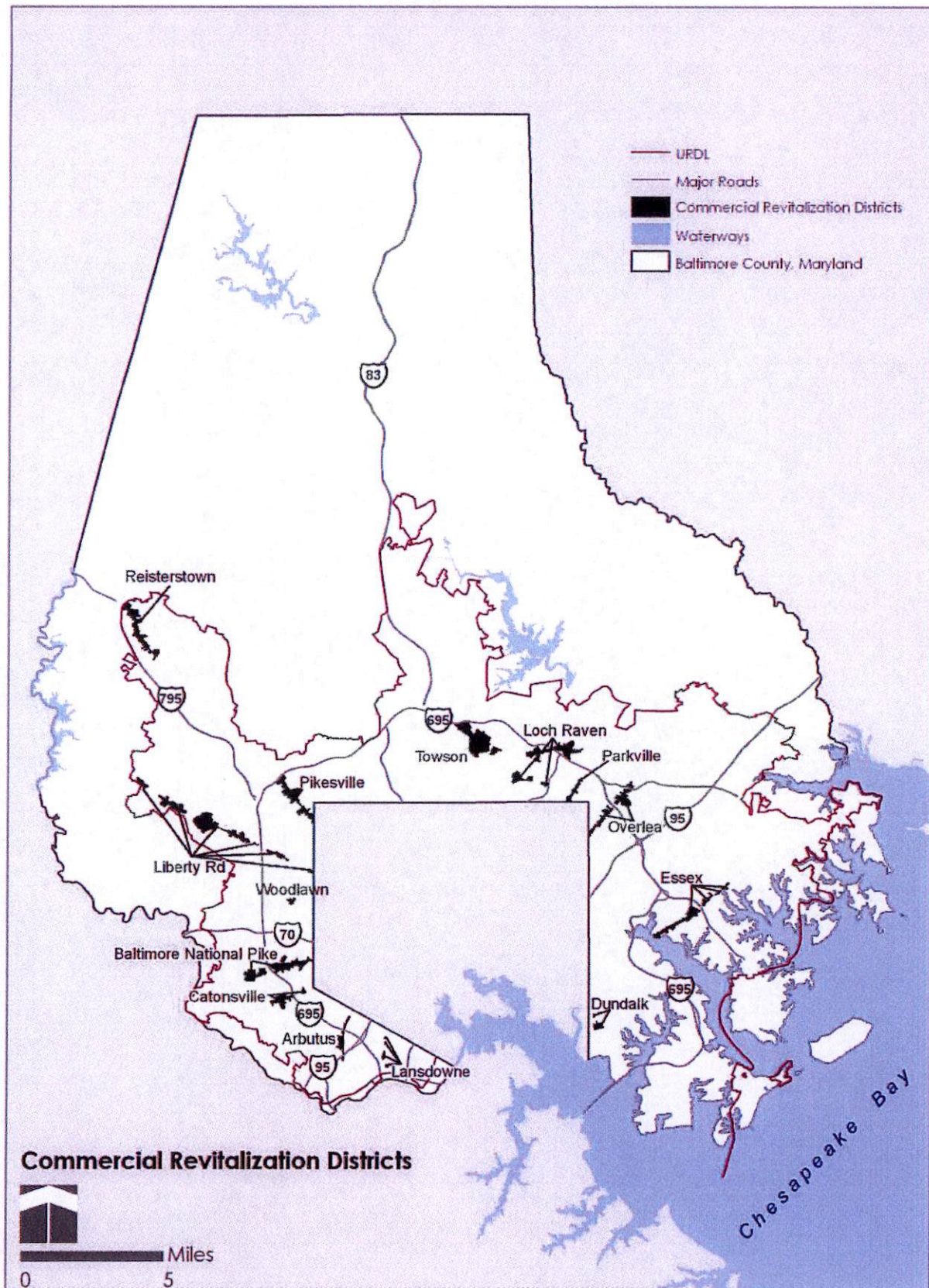
- (1) Consider encouraging zoning requests that promote mixed-use development.
- (2) Ensure that land use proposals contribute to a healthy balance of residential and non-residential uses and open space.
- (3) Work proactively to promote employment driven projects compatible with residential uses.
- (4) Direct mixed-use development to Community Enhancement Areas.

COMMERCIAL REVITALIZATION DISTRICTS

Baltimore County has 14 officially designated Commercial Revitalization Districts (CRDs). These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses. However, beginning in the 1960s and 70s, changes



Map 35: Commercial Revitalization Districts





in demographics and retail shopping preferences fundamentally altered the role of these main street commercial centers. As people became more dependant upon the automobile, they moved farther out preferring the greater range of retail choices and convenient free parking over smaller mom and pop neighborhood shops along older commercial main streets. This trend continues. Most suburbanites patronize full service grocery stores, big and junior box retailers (e.g. Target, Wal-Mart, Pet Smart, Best Buy), chain specialty shops, and national restaurants.

To remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts

may benefit from key redevelopment projects that restructure the local economy. Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Another goal is using creative marketing of the districts to businesses and customers.

The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations that draw customers into the downtown, who then also patronize restaurants and bars before and after a movie or performance. Institutional uses, supply a high number of patrons and employees for retail and restaurants, and students for downtown housing.

When compared to newer town centers that are trying to replicate the character and qualities of real downtowns, original town centers often have unique challenges. Redevelopment costs can be higher with land assemblage and parking; surrounding household incomes and densities may be more diverse; multiple owners have different perspectives; and the infrastructure may be aging and outdated. Jurisdictions must have an extensive toolbox of incentives to retain and attract the mix of uses needed to keep a CRD healthy. The County has a range of incentives that can be tailored to individual project needs, including: low interest loans, tax credits, and specialized grants, key infrastructure improvements such as parking garages, sewer expansions, and road realignments and improvements, sale of publicly owned land, demolition of obsolete structures, permitting process assistance, flexible zoning, and liquor licensing.

Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

Actions:

- (1) Use targeted public investment to encourage private reinvestment.
- (2) Identify redevelopment/revitalization opportunities in the CRDs and establish a process to determine land use and development goals of the area.
- (3) Conduct specialized analyses of properties and redevelopment proposals.
- (4) Utilize the Consultant on Call Program to provide expedited professional studies on market feasibility.
- (5) Continue familiarization tours to provide education about the County's CRDs and community enhancement areas to upgrade and expand the types of uses, improve poorly managed properties and marginal businesses, and fill vacancies.
- (6) Promote the increased use of the Small Business Resource Center that provides free technical, financial, and marketing assistance.
- (7) Study the use of mixed-use codes in designated community enhancement areas.
- (8) Periodically review the range and scope of incentives to maximize their effectiveness.



The districts, like community enhancement areas, should be the “front door” to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility. The government, primarily through streetscape programs, is generally responsible for the streets, sidewalks, medians, and sometimes alleys. Individual property owners are responsible for a building's façades, and any private parking lots. Improvements should focus on views from the public areas. A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community.

Policy: Improve the appearance and walkability of the Districts.

Actions:

- (1) Continue to promote the Architect on Call Program that provides free professional design advice for business or property owners seeking to improve the exterior of their building and/or lot.
- (2) Promote the Building Investment Loan Program that provides zero percent loans for exterior and interior improvements through annual mailings to property and business owners, the business organizations, specialized advertising, and “word of mouth” examples.
- (3) Promote walkability and enhance the attractiveness of older village centers through implementation of streetscape programs managed by the Baltimore County Office of Community Conservation.
- (4) Develop streetscape design around a Complete Streets Program.
- (5) Continue beautification-landscaping partnerships with business organizations.
- (6) Enforce the County code and fund the Commercial Revitalization Action grants for programs to improve the physical appearance of the business environment.

Studies consistently show that when customers buy from an independent, locally owned business, over two thirds of the money spent stays in the community and is used for purchases from other local businesses. These businesses create more jobs locally, and often provide better wages and benefits than nationwide chains. Owners frequently live in the community where their business is located.

Policy: Market Commercial Districts to potential businesses and patrons.

Actions:

(1) Media campaigns including radio, television, print advertising and social media marketing will be developed and utilized during the winter holiday and spring shopping seasons.

(2) Continue to provide design support in promoting community events and districts through the use of Designer On Call, a resource that offers design services for

local initiatives involving the ReDiscover Your Neighborhood Downtown branding.

(3) Maximize partnership with the Baltimore County Revenue Authority to provide convenient parking opportunities.

(4) Promote the County's CRDs and CEAs at regional and national conferences.

(5) Update district profiles and county websites to attract businesses to the districts.

(6) Participate in statewide organizations and programs that promote the revitalization of downtowns across Maryland.

(7) Continue neighborhood promotional campaigns to encourage consumers to shop and eat in locally owned businesses.

TOURISM

Visitors to Baltimore County added \$1.97 billion to the local economy in 2008, according to a study by IHS Global Insight. The study reports that the County's tourism industry supported almost 20,000 jobs, \$545 million in wages, and contributed \$15 million in hotel, amusement and admission taxes.

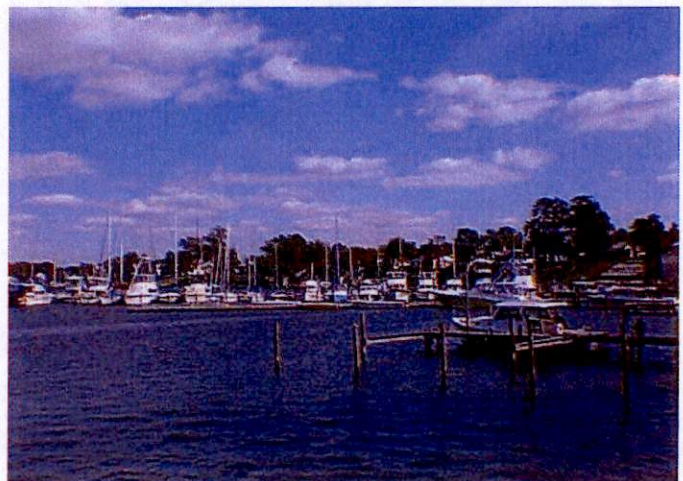
Baltimore County's 219 miles of Chesapeake Bay waterfront offer unrealized potential to enhance the visitor experience and quality of life for County residents. Over the past decade, eastern Baltimore County has seen over \$600 million in public and private investment. County initiatives have eliminated many aging, blighted apartment complexes, replacing them with open space and hundreds of modern single family and townhomes. Many of the County's 90 marinas and yacht clubs have made significant improvements to their facilities, with waterfront restaurants and a water taxi service adding to eastern Baltimore County's amenities.

Policy: Increase visibility and access to visitor destinations in Baltimore County.

Actions:

(1) Explore methods to unify the waterfront as a regional destination.

(2) Further develop the County's network of bike and walking trails to connect parks, waterfront amenities, and nature centers with





Case No.: 2018-0234-SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

sen
4/17/18

| | | |
|--------|---------------------------|--|
| No. 1 | Site plan | |
| No. 2 | Aerial photo | |
| No. 3 | Plan w/ photos A-F | |
| No. 4 | Photos A-D | |
| No. 5 | Conceptual Landscape Plan | |
| No. 6 | | |
| No. 7 | | |
| No. 8 | | |
| No. 9 | | |
| No. 10 | | |
| No. 11 | | |
| No. 12 | | |

Знаменитый университет













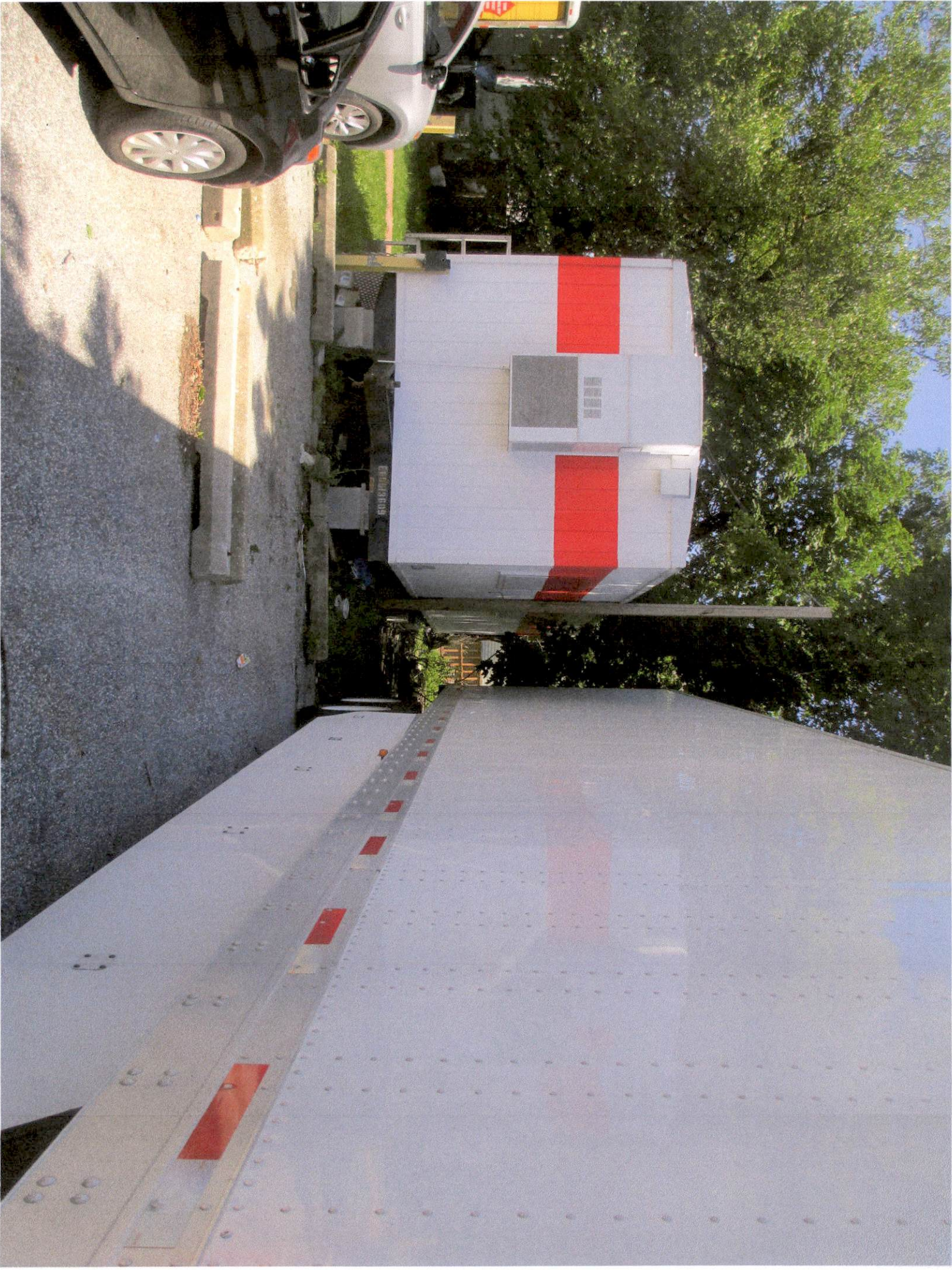




















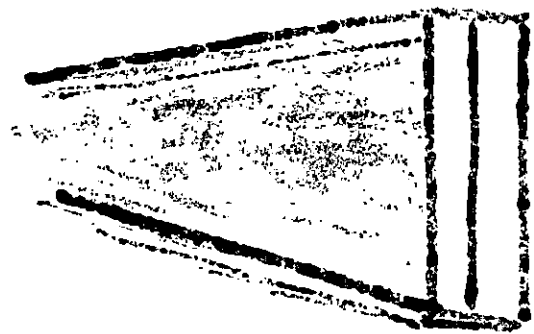


PETITIONER' S

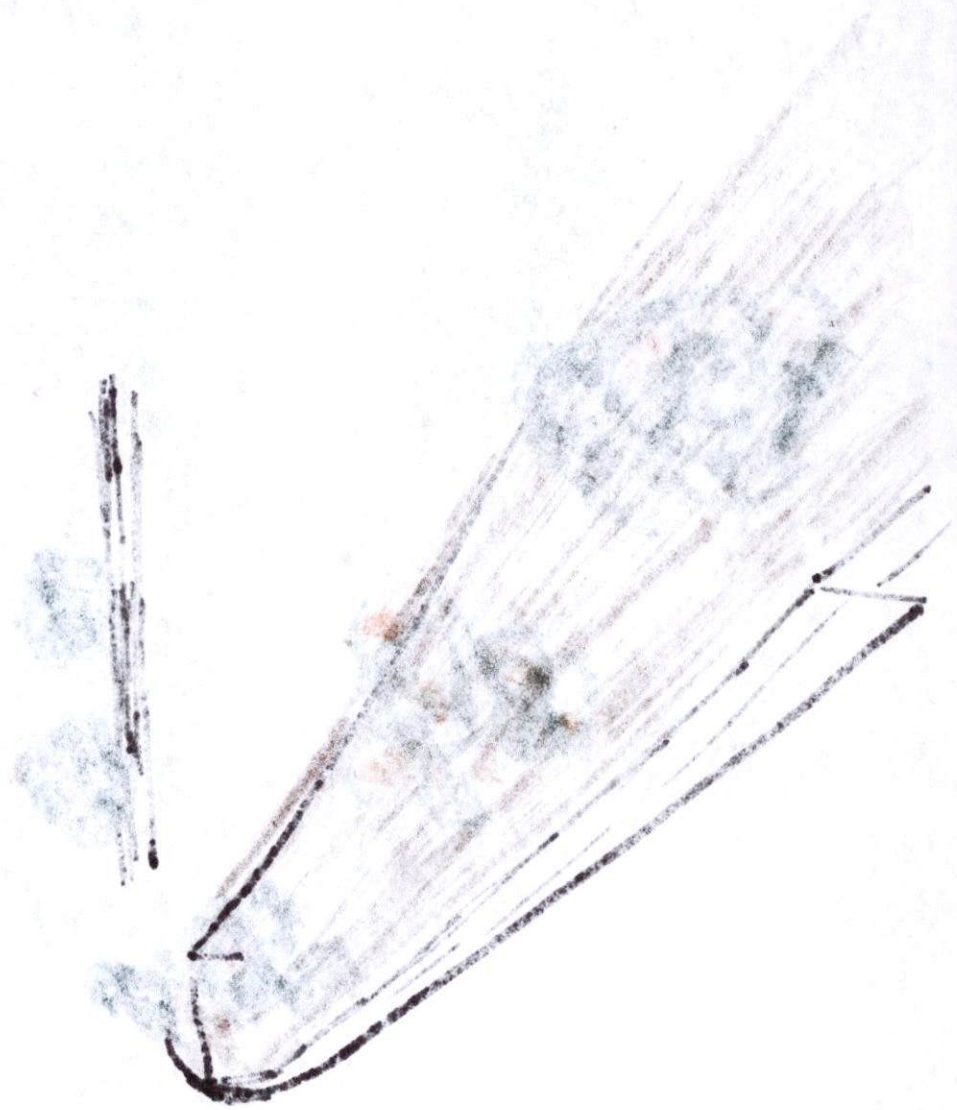
EXHIBIT NO. 4
PHOTOS A-D











Board of Appeals

Case No: 18-234

Case Name: University BP, LLC.

Exhibit List

Party: Petitioner

Date: 4/3/19

[illegible]

COMMERCIAL LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into Feb 1st 2019 by and between Gul Sher, Rizwan Altaf (University BP LLC) whose address is 524 Reisterstown Road, Pikesville, MD 21208 (hereinafter "Landlord") and Elyon Motors (hereinafter "Tenant").

ARTICLE I – GRANT OF LEASE

Landlord, in consideration of the rents to be paid and the covenants and agreements to be performed and observed by Tenant, does hereby lease to Tenant and Tenant does hereby lease and take from Landlord the property described in Exhibit "A" attached hereto and by reference made of a part hereof (hereinafter "Leased Premises/Lease") together with, as part of the parcel, all improvements located thereon. The leased premises shall include the entire corner and Tenant shall have the ability to wash and detail vehicles on said premises. Landlord shall ensure that Tenant and customers of Tenant have access to the property from Milford Mill Road by and through the driveway that abuts said road.

ARTICLE II – LEASE TERM

Section 1 - Total Term of Lease.

The Lease is for a twenty-year term, which will take effect immediately after the Tenant receives his MVA license. The parties acknowledge that they currently have a lease which remains in effect regarding the leased premises. The parties hereby agree that this lease supersedes the prior lease and that this lease shall govern the conduct of the parties once the MVA license is granted to the tenant.

During this new lease period, except as provided otherwise in this agreement, Tenant shall have the sole right to rent the premises, absent a written and signed agreement of the parties, or material breach of the terms of the Lease.

Section 2 – Right of Renewal and Termination

Although the Lease term is for twenty-years, the parties hereby agree that the Lease between the parties shall be renewed every five years. Such renewal is at the discretion of the Tenant.

However, at the time of renewal of the lease, the rent shall increase at a rate of ten (10) percent.

Section 3 – Lease Survives Sale of Premises

The parties hereby agree that in the event of the sale of the premises, the lease, pursuant to Maryland law, shall survive the sale of the premises and remain in full force and effect.

ARTICLE III – LEASE CONTINGENT UPON GOVERNMENT LAW AND ZONING APPROVAL

The parties hereby agree that the lease for the premises is entirely contingent upon the leased premises falling within the ambit of government law and zoning-board approval. Failure of the leased premises to comply with government law and/or zoning-board approval shall be considered immediate grounds for termination of the lease by the Tenant.

ARTICLE IV – EXTENSIONS

The parties hereto may elect to extend this Agreement upon such terms and conditions as may be agreed upon in writing and signed by the parties at the time of any such extension.

ARTICLE V – DETERMINATION OF RENT

Tenant agrees to pay the Landlord, and Landlord agrees to accept, during the term hereof, at such places as the Landlord shall time to time direct by notice to Tenant, rent at the following rates and times:

The monthly rent shall be \$1700.00 for Section A & C (See attached map) section B is additional \$500 per month if & when tenant decides to rent this additional space. However, as mentioned in Article II, the rent shall increase by ten (10) percent at the time of renewal.

ARTICLE VI – TAXES AND UTILITIES

Section 1 – Real Estate Taxes

Tenant shall be solely responsible for the payment of all real estate/property taxes due on the property.

Section 2 – Utilities, etc.

Landlord and Tenant shall be responsible for the payment of utilities in the following manner:

- **Water:** Landlord shall be responsible for thirty (30) percent of the water bill and Tenant shall be responsible for seventy (70) percent.
- **Electricity:** Landlord shall be responsible for sixty-five (65) percent of the electricity bill and Tenant shall be responsible for thirty-five (35) percent.
- **Internet:** The electrical cost of the internet shall be included in the above-mentioned electricity bill. Landlord shall be solely responsible for the subscription cost of the internet and Tenant shall have guaranteed right to use of said internet.

ARTICLE VII – USE OF PROPERTY BY TENANT

Section 1 – Use by Tenant

Tenant may use the property for any use Tenant chooses and for whatever business(s) Tenant wishes, provided that Tenant shall bear sole responsibility for any action taken by any government or municipality entity to enforce against any forbidden use. As such, Tenant, at his option and at his own expense, may choose to apply to change/expand zoning variances for the property, provided such variances are not prohibited by law.

If at any time during the term of the lease Tenant's use of the property is deemed forbidden under County or State law, Tenant shall have the right to immediately terminate the lease at the sole discretion of Tenant. Monthly rent shall be prorated to the day of termination by Tenant.

Section 2 – Right of Quiet Enjoyment

Landlord hereby agrees and certifies that Tenant shall have the right of quiet use and enjoyment of the Leased Premises. Landlord covenants that Tenant shall be able to use the property without interference or disruption by the Landlord whether physically, verbally, through third parties, etc. Landlord certifies that he shall not enter the premises, without advanced notification to the Tenant. Landlord agrees that such notice must be given at least 24 hours in advance, save for emergency situations. Absent such exigencies, Landlord agrees to allow Tenant to have sole use and possession of the property and shall take no actions to interfere with such use and enjoyment of the Leased Premises.

ARTICLE VIII – SIGNAGE

Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect and thereafter, to repair or replace, if it shall so elect signs on any portion of the Leased Premises, providing that Tenant shall remove any such signs upon termination of this lease, and repair all damage occasioned thereby to the Leased Premises.

ARTICLE VIII – DAMAGE TO DEMISED PREMISES

Section 1 – Abatement or Adjustment of Rent.

If the whole or any part of the Leased Premises shall be damaged or destroyed by fire or other casualty after the execution of this Lease and before the termination hereof, then the rent shall be abated or adjusted, as the case may be, in proportion to that portion of the Leased Premises of which Tenant shall be deprived on account of such damage or destruction and the work of repair, restoration, rebuilding, or replacement or any combination thereof, of the improvements so damaged or destroyed, shall in no way be construed by any person to effect any reduction of sums or proceeds payable under any rent insurance policy.

Section 2 – Repairs and Restoration

Landlord agrees that in the event of damage or destruction of the Leased Premises, Landlord forthwith shall proceed to repair, restore, replace or rebuild the Leased Premises (excluding Tenant's leasehold improvements), to substantially the condition in which the same were immediately prior to such damage or destruction. Landlord thereafter shall diligently prosecute

said work to completion without delay or interruption except for events beyond the reasonable control of Landlord.

ARTICLE X – DEFAULT

Section 1 – Landlord’s Remedies.

- a) Definition(s) – In this section, Default is defined as any payment received by Landlord ten or more days subsequent to the due date.
- b) Termination - In such an event, this Lease shall expire and terminate of the date specified in such notice of termination, with the same force and effect as though the date so specified were the date herein originally fixed as the termination date of term this Lease, and all rights of the Tenant under this Lease and in and to the Premises shall expire and terminate, and Tenant shall remain liable for all obligations under this Lease arising up to the date of such termination, and Tenant shall surrender the Premises to Landlord on the date specified in such notice. The lease shall be considered terminated in the event that Tenant fails to make payment of the rent within ten (10) days of the due date.

ARTICLE XI – SEVERABILITY OF PROVISIONS

Should any provision of this Agreement be found, held, or deemed to be unenforceable, voidable, etc. as contrary to law or public policy under the laws of Maryland or the United States, the parties intend that the remaining provisions of this Agreement shall nevertheless continue in full force and be binding upon the parties.

ARTICLE XII - MISCELLANEOUS

Section 1 - Subleasing

Under the terms of conditions hereunder, Tenant shall have the absolute right to transfer and assign this lease or to sublet all or any portion of the Leased Premises or to cease operating Tenant’s business on the Lease Premises provided that at the time of such assignment or sublease, Tenant shall not be in default in the performance and observance of the obligations imposed upon Tenant hereunder.

Section 2 – Entire Agreement

This instrument contains the entire and only agreement between the parties, and no oral statements or representation or prior written matter not contained in this instrument shall have

any force and effect. This Lease shall not be modified in any way except by a writing executed by both parties.

Section 3 – Governing Law.

All matters pertaining to this agreement (including its interpretation, application, validity, performance and breach) in whatever jurisdiction action may be brought, shall be governed by, construed and enforced in accordance with the laws of the State of Maryland.

Section 4 – Contractual Procedures.

Unless specifically disallowed by allow, should litigation arise hereunder, service of process therefor may be obtained through certified mail, return receipt requested; the parties hereto waiving any and all rights they may have to object to the method by which service was perfected,

Section 5 – Landlord Representations

Landlord represents that he is the authorized representative of the owning entity of the property and has full authority to enter in to this Lease agreement.

Section 6 – Successors and Assigns

This agreement is binding upon, and inures to the benefit of, the parties and their respective successors and assigns.

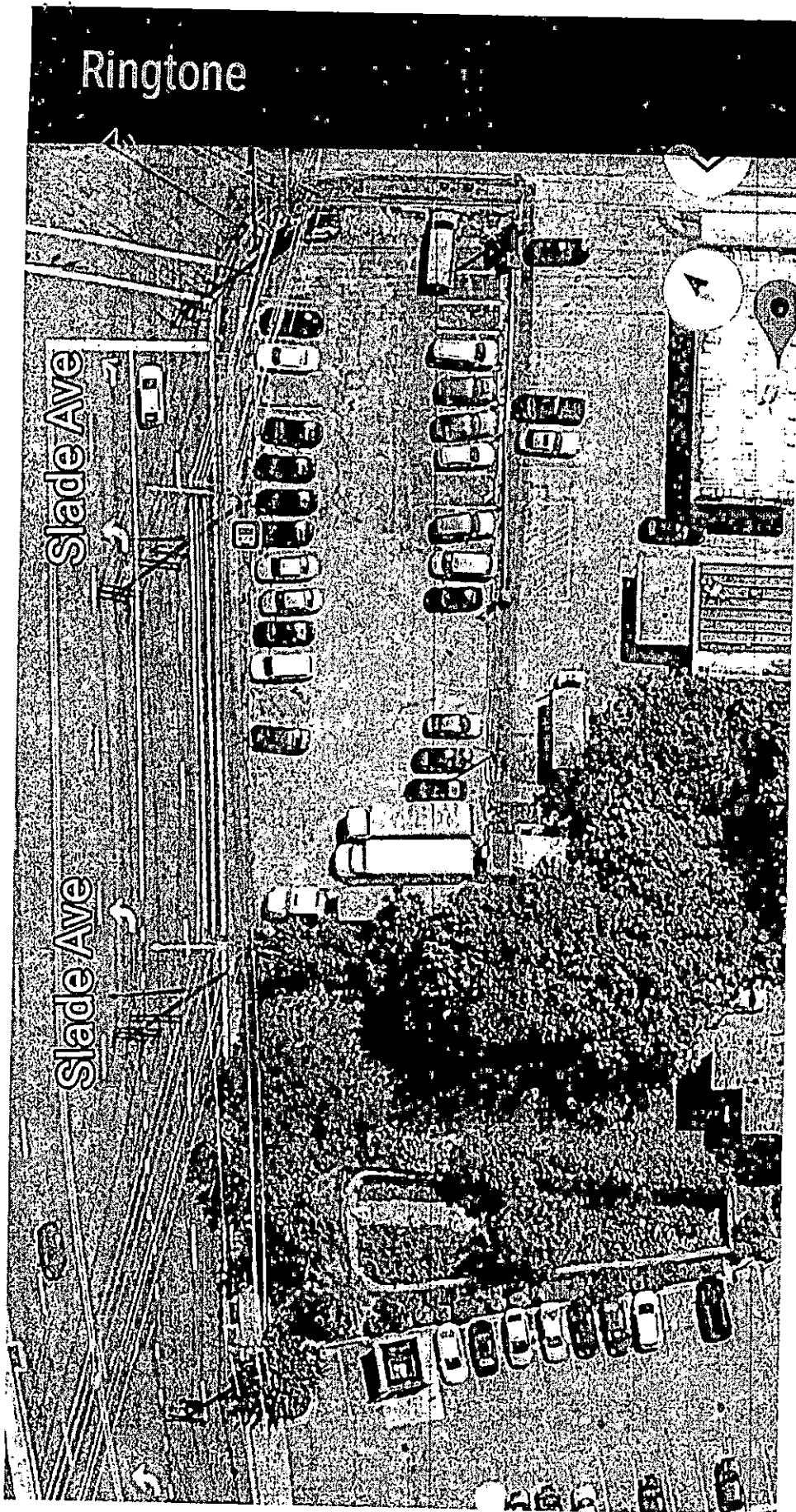
IN WITNESS WHEREOF, the parties hereto have executed this Lease the day and year first above written or have caused this Lease to be executed by their respective officers thereunto duly authorized.

Signed, sealed and delivered in the presences of:

LANDLORD DATE

TENANT DATE

July 3, 18



Addendum to
Lease:

Map of
Leased
Property

Land Lord

Tenant



400 Mount Wilson Lane • Baltimore, Maryland 21208 • 410.484.7200 • fax 410.484.3060 • email nirc@nirc.edu

March 8, 2016

Baltimore County Department of Planning

Re: 524 Reisterstown Road Baltimore, MD 21208

Isaac Yair of Elyon Motors is requesting BR Zoning for the above mentioned property. It has been used for years as a parking lot for truck rentals and other car storage purposes. It is immediately next to a Gas Station Car repair facility and across the street from a Jiffy Lube. Its use as a Used Car Lot is not significantly different than its historical use and certainly fits in with the neighboring properties. In fact as a Used Car lot, the appearance of the property will be enhanced from its haphazard appearance to a more organized and clean facility. It will not in any way adversely affect its neighbors.

Isaac Yair is a graduate of Ner Israel who came here as a refugee from Iran and is trying to expand a successful business. He is most deserving of positive consideration in achieving the change of zoning.

Sincerely,


Rabbi Sheftel Meir Neuberger
President

Petitioner
CBA Exhibit

3

MILK AND HONEY BISTRO

1777 Reisterstown Rd

Pikesville MD 21208

410-486-4344

MARCH/02/2016

RE: 524 Reisterstown Rd

Pikesville MD 21208

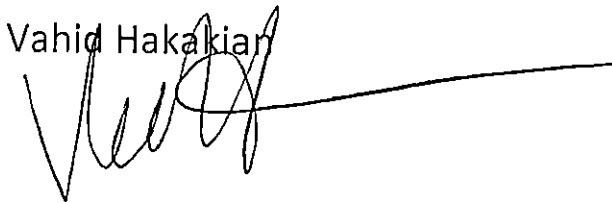
Baltimore county Department of Planning,

As a business owner in Pikesville community in the Baltimore County, I wish to offer my recommendation for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership

The immediate and long lasting economic impact of the Business will be far reaching in the Pikesville community.

Considering the state of the economy as a whole we are fortunate to have this reputable business join us at this location.

Vahid Hakakian

A handwritten signature in black ink, appearing to read 'Vahid Hakakian', followed by a long horizontal line extending to the right.

Michael J. Snider, Esq.
Keith Kauffman, Esq. ▲ ★
James L. Fuchs, Esq. ▲ ✖ ◎ ◆



LAW OFFICES OF
SNIDER & ASSOCIATES, LLC
JUSTICE IN THE WORKPLACE®

Jason I. Weisbrot, Esq. ▲
Jacob Y. Statman, Esq. ▲
Yehuda Goldberg, Esq.

▲ admitted in the District of Columbia
✖ admitted in Florida
✖ admitted in New York
◆ admitted in Massachusetts
◎ admitted in Illinois
★ admitted in West Virginia

February 29, 2016

To Whom It May Concern:

This letter is in support of the request to change the zoning and intended use (BR) for the BP parking lot across Slade/Smith from the Pikesville Plaza building.

The instant property has been used as a parking lot for as long as we have been at the Plaza building. The requested changes will not negatively impact adjacent properties such as the Plaza building. I personally know Mr. Isaac Yair and his business. Mr. Yair sells mostly newer vehicles and he keeps his work place clean, neat and tidy.

We appreciate your consideration of the requested changes.

Thank you very much.

Sincerely,

Michael J. Snider

DAVID M. GOLDMAN
ATTORNEY AT LAW
600 REISTERSTOWN ROAD, SUITE 605
BALTIMORE, MD 21208
410-205-4830, fax: 602-424-0103
david@goldmanesq.com

Baltimore County Department of Planning
105 W Chesapeake Ave #101
Towson, MD 21204

RE: Rezoning of property on southwest corner of Reisterstown Rd and Slade Ave

February 26, 2016

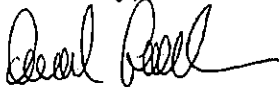
I live in Pikesville and own property in the area, paying annual property taxes in Baltimore County. I am also an attorney with offices directly across the street from the site in question.

I wish to offer my recommendation for approval of the comprehensive plan amendments and zoning change recommendations put forth by Isaac Yair of Elyon motors who is working to acquire a BR zoning for above mentioned location.

The site has been empty for as long as I can remember and the area will benefit from the increased activity. I have been acquainted with Mr. Yair for many years, having bought two cars from him, and I am quite confident he will manage the property with high professional standards that will be a credit to our community. His reputation in the community is excellent, and his dealership has been a trusted and respected one for many years.

I thank the members of Baltimore County Zoning Department and the members of the Pikesville County Board for the time taken discuss these items and for their positive endorsement of the above said change.

Sincerely,



David M. Goldman

Carmel Ice cream & Pizza

700 Reisterstown Rd

Baltimore MD 21215

410-486-2365

FEB 29/2016

Attn: Baltimore county Department of planning,

This letter is in support of requested BR zoning for:
524 Reisterstown Rd
Pikesville MD 21208
To be used as a used car dealership.

The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

We are located and pay taxes in Baltimore county in closed proximity to above location.

Thank you for your consideration of this project and for your service to our community.

Kambiz Khoshkheraman

A handwritten signature in black ink, appearing to be 'Kambiz Khoshkheraman', written over a horizontal line.

ELI J NEWMAN, Esq.

COMMERCE TITLE COMPANY
1777 Reisterstown Road, Suite 200W
Baltimore, MD, 21208
eli@commercetitleco.com

BS'D

March 1, 2016

Baltimore County Department of Planning

Re: Corner of Reisterstown Road and Slade Ave.
Isaac Yair/Elyon Motors

To whom it may concern:

The purpose of this letter is to let the department know that I fully support the request of Mr. Yair to allow for BR zoning classification for the subject property. I have worked and lived in the Pikesville area for the past 20 plus years and have seen this lot sit abandoned with no apparent use. It would be a tremendous improvement to the corner and the immediate area to allow this change in classification. Traffic in the area is well maintained and the use of this lot as a used car lot would not impact the area in any negative way. Mr. Yair is a local businessman of impeccable reputation and I have personally done business with him many times. I implore the department to allow this classification change.

I can be reached at my office at 410-653-4004, cell -443-803-4359 or email at eli@commercetitleco.com at any time to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eli J. Newman', with a long horizontal flourish extending to the right.

Eli J Newman, Esq.



February 29, 2016

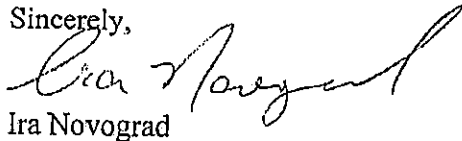
Baltimore County Department of Planning
105 W Chesapeake Avenue, Suite 101
Towson, Md. 21204

To whom it may concern,

My name is Ira Novograd and I am the owner of Cheers Party Rentals located at 300 Reisterstown Rd. 21208. I would like to offer my strong support to grant BR zoning approval regarding the request of Mr. Isaac Yair of Elyon Motors. Cheers Party Rentals has personally benefitted from the services of Mr. Yair in the past, and look forward to dealing with him in the future. I believe that having Elyon Motors located at 524 Reisterstown Road in Pikesville will enhance the vitality of the area and further promote economic development as well. The proposed site has been vacant for far too long and is located on a corner where first impressions of Pikesville are created. Mr. Yair will make great first impressions as his reputation for honesty and integrity precedes him.

Thank you for giving value to our input in your decision making process.

Sincerely,



Ira Novograd

Ira Novograd, Owner



201 REISTERSTOWN RD. -- BALTIMORE, MD. 21208 -- TEL :410-653- 2000

FAX 410-653-5069

February 29, 2016

Baltimore County Department of Planning

Re: Property at 524 Reisterstown Rd. 21209

I am the Vice President of Seven Mile Market located a few blocks from the property in question. We have been at this Pikesville location and next door for approximately 27 years. Understandably we have a great interest in maintaining the status quo of this Pikesville great area.

We understand the property at 524 Reisterstown Rd. is being purchased to be used for a used auto dealership if the zoning request is changed to BR. We fully are in support of this change since we expect the dealership to improve the property in question and surrounding area.

We are also intimately familiar with Mr. Isaac air and his organization and feel they would be an asset to our Pikesville family.

Sincerely,

Simcha Retter Vice President

Shlomo's Meat Market

506 Reisterstown Rd

Baltimore MD 21208

410-602-7888

FEB 29/2016

Baltimore County Department of Planning

This letter is in support of requested BR zoning for:

524 Reisterstown Rd.

Baltimore MD 21208

To be used as a used car dealership.

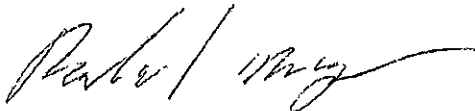
I have a business in close proximity to above property.

As long as I can remember this site has been vacant and the area can benefit greatly from this new venture and considering the nature of this intersection, a used car dealership is a perfect fit for this property.

I personally know Isaac Yair for many years and he has an excellent reputation in the community.

I respectfully urge the members of the board to approve this proposal.

ROUHOLLAH. MOHIZADEH, President





GM Petro Inc T/A BP Slade, 524 Reisterstown Road, Pikesville MD 21208

Attn: Baltimore county department of planning,

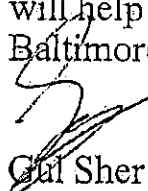
RE: 524 Reisterstown Rd.

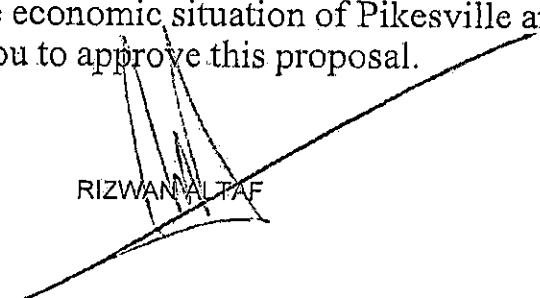
Pikesville MD 21208

As a member of the Pikesville community, who owns property and pays annual property taxes in Baltimore County, I wish to offer my recommendation for approval of the comprehensive plan amendments and zoning change recommendations put forth by Isaac Yair of Elyon motors who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Mr. Isaac Yair has been a well-known & respectful citizen of Baltimore for close to 30 Years.

This change will not negatively impact the adjacent properties and in fact will help to stabilize and improve economic situation of Pikesville and Baltimore County and we urge you to approve this proposal.


Gul Sher


RIZWAN ALTAH

SLADE AUTO SERVICE

524 Reisterstown Rd

Pikesville MD 21208

410-484-1133

Feb. 25th/2016

RE: 524 Reisterstown Rd

Pikesville MD 21208

Baltimore county Department of Planning,

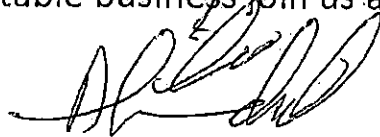
As a business owner in Pikesville community in the Baltimore County, I wish to offer my recommendation for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address.

This location is already zoned for Light Automotive use and I own the service station on same property and there's a Jiffy Lube across the street so use of this property as a Used auto dealership will most definitely fit the location and will enhance the property which has been vacant for many years.

The immediate and long lasting economic impact of the Business will be far reaching in the Pikesville community.

Considering the state of the economy as a whole we are fortunate to have this reputable business join us at this location.

Abdul Sajjad



Saving Center

4003 seven Mile Lane

Baltimore MD 21208

410-415-0402

FEB 29/2016

Attn: Baltimore county Department of planning,

Re: 524 Reisterstown Rd.
Pikesville MD 21208

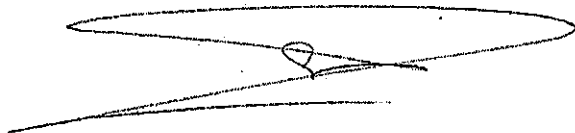
This letter is to express our support for the rezoning of said property to BR for the use of Auto Dealership, being pursued by Isaac Yair.

The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

Thank you for your consideration of this project and for your service to our community.

JOE MOER

A handwritten signature, likely of Joe Moer, consisting of a stylized 'J' and 'M' followed by a horizontal line.

Wasserman & Lemberger Inc

7006 Reisterstown Rd

Baltimore MD 21215

410-486-4191

FEB 29/2016

Attn: Baltimore county Department of planning,

This letter is in support of requested BR zoning for:
524 Reisterstown Rd
Pikesville MD 21208
To be used as a used car dealership.

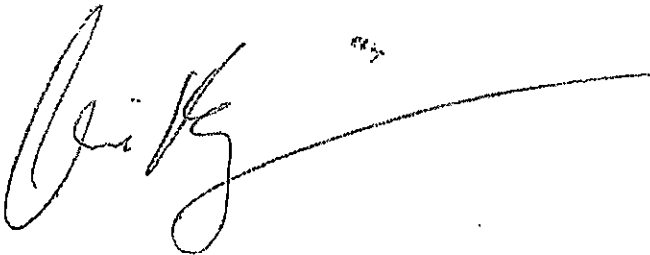
The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

We are located and pay taxes in Baltimore County in closed proximity to above location.

Thank you for your consideration of this project and for your service to our community.

ARIE BENJAMIN

A handwritten signature in cursive script, appearing to read "Arie Benjamin", with a long horizontal flourish extending to the right.



303-D Reisterstown Rd Pikesville MD 21208, 443-379-4233

Baltimore county Department of planning

This letter is to express our support for the BR zoning requested & being pursued by Isaac Yair for 524 Reisterstown Rd. Pikesville MD 21208 to be used as a used car dealership.

The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

Thank you for your consideration of this project and for your service to our community.

Binyomin Belsky

A handwritten signature in black ink, appearing to read "By Belsky", with a stylized flourish at the end.

Sinu Pharmacy

211 Reisterstown Rd

Baltimore MD 21208

410-486-7468

FEB 29/2016

Attn: Baltimore county Department of planning,

Re: 524 Reisterstown Rd.
Pikesville MD 21208

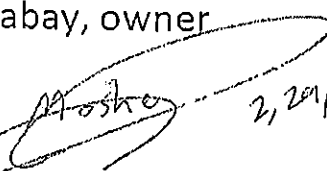
This letter is to express our support for the rezoning of said property to BR for the use of Auto Dealership, being pursued by Isaac Yair.
The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

Thank you for your consideration of this project and for your service to our community.

Moshe Gabay, owner

SINU RX PHARMACY, INC.
211 REISTERSTOWN
BALTIMORE MD 21208


2, 29, 16

Royal Resturant

7002 Reisterstown Rd

Baltimore MD 21215

410-484-3544

FEB 29/2016

Attn: Baltimore county Department of planning,

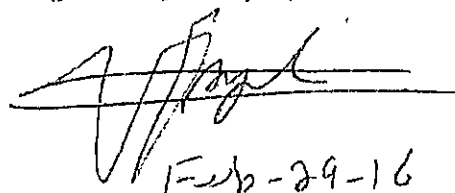
This letter is in support of requested BR zoning for:
524 Reisterstown Rd
Pikesville MD 21208
To be used as a used car dealership.

The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

We are located and pay taxes in Baltimore county in closed proximity to above location.

Thank you for your consideration of this project and for your service to our community.

DAVID MOIR

Feb-29-16



**201 Reisterstown Road
Baltimore, MD 21208
P 410-653-8888
F 410-581-0100
www.PikesvilleRx.com**

Date: 2/29/16

Baltimore county Department of planning

RE: 524 Reisterstown Rd
Baltimore MD 21208

The purpose of this letter is to inform you that PIKESVILLE PHARMACY is in support of the proposed BR zoning for above location which will be used as a Used Automotive Dealership.

Mr. Isaac Yair has met us and has presented a project design that is financially viable and creates no disruption in the pristine Pikesville area.

We believe it is a crucial project for this site in particular and for economic development of Pikesville area in general and it will help the stability and of vibrancy and work force in the area.

Pikesville Pharmacy

Levi Friedman

Owner president

Attn: Baltimore County Department of Planning

This letter is in support of rezoning of property at the corner of the intersection of Milford Mill Rd. and Reisterstown Rd. (524 Reisterstown Rd Pikesville MD 21208) to BR zoning requested by Mr. Isaac Yair to be used as a used auto dealership.

This site has been Vacant for many years.

Isaac Yair is a well-respected member of the Baltimore Community and runs a reputable business.

Our office is across the street from this site and I respectfully urge you approve rezoning of this location.

This business is a good resource for Pikesville & Baltimore County.

Marc Gibber

Marc Gibber
Key IP Translations
VP of Operations

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: March 3 2016

Name: Raphael Gold

Address: 403 Yeshiva Lane

Phone: 410 602 8388

Signature: RL Gold

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: March 13, 2016

Name: Gila Slotchiner

Address: 403 Yeshiva Ln Apt 213

Phone: (410) 653-8636

Signature: Gila Slotchiner

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Orit Herzberg

Address: 401 Geshwa Lane apt. 3A
Baltimore md. 21208

Phone: 516-974-1724

Signature: Orit Herzberg

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: Mar 3, 2016

Name: Risha Einstadter

Address: 401 Yeshiva Ln 2c
Pikesville, MD 21208

Phone: 410 - 602. 3154

Signature: R. Einstadter

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/13/16

Name: Alexander Hauptman

Address: 401 Yeshiva Ln Apt 2B Pikesville, MD 21208

Phone: 443-803-7969

Signature: Alexander Hauptman

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Yosef Kalman Neuberg

Address: 401 Yeshiva Lane #2A Balt. MD 21208

Phone: 410-486-0572

Signature: Yosef K. Neuberg

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/2016

Name: Riiva FRIEDMAN

Address: 401 Yeshiva Ln. Apt 3D
Pikesville 21208

Phone: (410) 296-6130

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

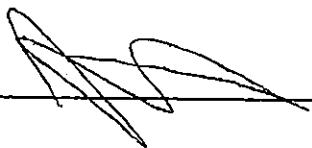
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: March 3/2016

Name: Yosef Wagner

Address: 401 Yeshiva Ln 3B B1 M2
21208

Phone: 410 484 2771

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3

Name: FM Sofer

Address: 403 Yeshiva Ln

Phone: 410 753 7106

Signature: _____

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: M. Janak

Address: 437 Yeshiva Lane 21208

Phone: _____

Signature: M. Janak

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a business owner in Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership

The immediate and long lasting economic impact of the Business will be far reaching in the Pikesville community.

Considering the state of the economy as a whole we are fortunate to have this reputable business join us at this location.

Date: 03/03/16

Business name: Essentials

Address: 7008 Reisterstown Rd.
Baltimore, MD 21208

Phone: 410 484-2560

Name: Chani Newberger

Signature: Chani Newberger

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: March 3, 2016

Name: Deborah Klein

Address: 3315 Shelburne Rd

Phone: 410-358-7118

Signature: Deborah Klein

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: March 3, 2016

Name: Yehuda + Sima Oratz

Address: 3308 Shelburne Rd
21208

Phone: 410-764-7375

Signature: 

MARCH/02/2016

RE: 524 Reisterstown Rd

Pikesville MD 21208

Attn: Baltimore county Department of Planning,

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Name Rachel Lurie

Address 3503 Seven Mile

Balt. MD 21208

Phone 410-764-1461

Signature R Lurie

MARCH/02/2016

RE: 524 Reisterstown Rd

Pikesville MD 21208

Attn: Baltimore county Department of Planning,

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Name *Rafael*

Address *4005 Seven Mile Ln, 21208*

Phone *410 484 3680*

Signature *[Handwritten Signature]*

MARCH/02/2016

RE: 524 Reisterstown Rd

Pikesville MD 21208

Attn: Baltimore county Department of Planning,

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Name *Chana Hazins*

Address *3401 Helton Rd., Baltimore MD 21208*

Phone *(410) 358-9973*

Signature *Chana*

MARCH/02/2016

RE: 524 Reisterstown Rd

Pikesville MD 21208

Attn: Baltimore county Department of Planning,

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Name *Barbara Davis*

Address *3202 Bonhill RD
BALT MD 21208*

Phone *410-358-5233*

Signature *[Handwritten Signature]*

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

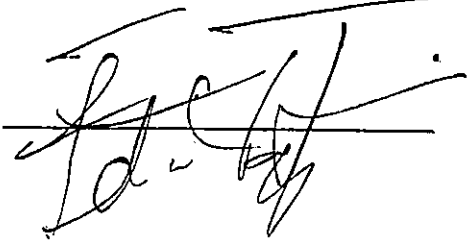
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: Mar, 3, 16

Name: Edmond Tabrikian

Address: 405 yeshiva Ln 3C

Phone: 310 218 2177

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: March 3, 2016

Name: Melissa Brody

Address: 405 Yeshiva Ln. #10

Phone: 410-486-4998

Signature: Melissa Brody

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Aaron Ginsberg

Address: 403 Festive Lane Apt 31

Phone: 410 358 1727

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3-3-16

Name: Shlomo Eisenberg

Address: 103 yeshiva Ln.

Phone: 484.5790

Signature: Shlomo Eisenberg

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: Mar. 3, 16

Name: Isaac Wolf

Address: 409 Yeshiva Lane, 1A

Phone: 410-486-4200

Signature: Isaac Wolf

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date:

3/3/16

Name:

Steven Schachar

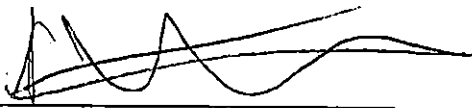
Address:

409 Yeshiva Ave Apt 1C

Phone:

410-484-2655

Signature:



Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Toby Berkowitz

Address: 409 Yeshiva Ln

Phone: 410-484-5355

Signature: T. Berkowitz

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: 3/3/16

Name: Eli Greengard

Address: 409 1B Veshiva Lane
Baltimore, MD 21208

Phone: 410 861 7085

Signature: Eli

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: 3/3/16

Name: M. Hirsch

Address: 409 Yeshiva Ln

Phone: 410 585 1529

Signature: M Hirsch

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: Mar. 3/16

Name: Tamara Gersten

Address: 409 Yeshiva Lane Apt. 3C
Balt. MD 21208

Phone: 410-358-0805

Signature: Tamara Gersten

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

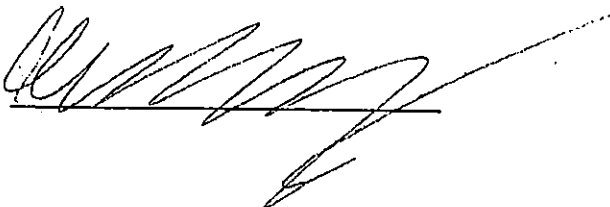
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3-3-16

Name: Evan Brock

Address: 409 Yesbury Ln 3B

Phone: 410 318 8057

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

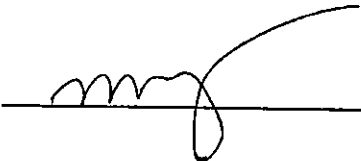
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Hechama Makor

Address: 409 Yeshiva Ln #3A

Phone: 410-484-4734

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

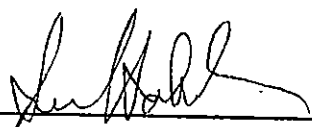
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Suzanne Baker

Address: 409 #2A Yeshua Lane
21208

Phone: 410-486-6508

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

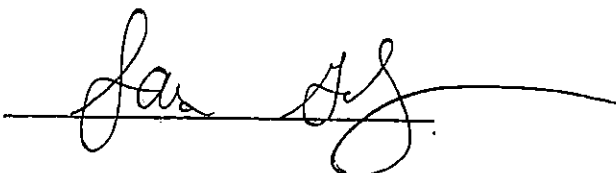
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Sara Goldberg

Address: 409 Yeshiva Lane #2C
Pikesville, MD 21208

Phone: 410-484-2254

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: 3/3/16

Name: Tova Wenger

Address: 441 Yeshiva Lane Apt. 3A

Phone: 410-486-2854

Signature: Tova Wenger

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

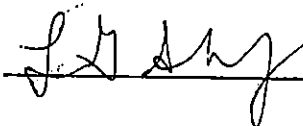
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Leah Shafitz

Address: 441 Yeshiva Lane 3C, 21208

Phone: (410) 484-0387

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: 3/3/16

Name: B. Weinberger

Address: 441 Yeshiva Ln 21208

Phone: 410-585-1432

Signature: B. Weinberger

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: march. 3. 2016

Name: Hava Shueb

Address: 407 Yeshiva lane #30

Phone: Baltimore MD 21208

Signature: Hava Shueb

MARCH/02/2016

RE: 524 Reisterstown Rd

Pikesville MD 21208

Attn: Baltimore county Department of Planning,

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Name *Isaac Yair* *Isaac Yair*

Address *3505 Seven Mile Lane*
21208

Phone *410-358-7532*

Signature *Isaac Yair*

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: March 3, 2016

Name: Aviva Weisbord

Address: 421 Yeshiva Lane Apt. 1c
21208

Phone: 410-484-1918

Signature: Aviva Weisbord

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: 3/3/16

Name: Ruth Stanhardt

Address: 421 Yeshua Lane Apt 2C

Phone: 410-486-7163

Signature: Ruth Stanhardt

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

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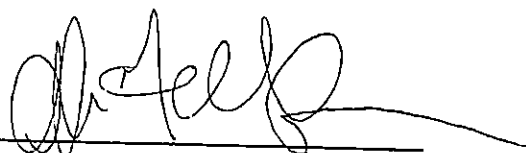
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3-3-16

Name: Akiva Feldman

Address: 421 Yeshiva Ln 30

Phone: 410 484 1171

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: March 3, 2016

Name: Ruth Ifrah

Address: 421 Yeshiva Lane Apt 3B
21208

Phone: 484-477-2170

Signature: Ruth Ifrah

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

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Date: 3/3/16

Name: Aliza Tandler

Address: 437 Yeshiva Lane #2A

Phone: 410-653-5213

Signature: A Tandler

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: Mar. 3, 16

Name: Sara Kroll

Address: 437 Yeshua Ln 3D, 21208

Phone: 410-580-0603

Signature: Sara Kroll

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

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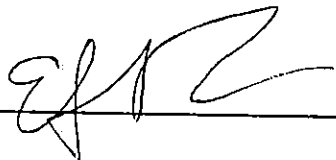
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: 3/3/16

Name: Efrona Shane

Address: 43748 Linc Lane Apt 3A

Phone: 410-484-0477

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

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Date: 3/3/16

Name: Elana Rosenbaum

Address: 437 Yeshiva Ln Apt 3B 21208

Phone: 410-318-8428

Signature: Elana Rosenbaum

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

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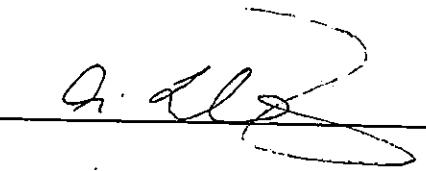
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: Mar. 3 16

Name: Arne Gbrowicz

Address: 707 Yeshiva Lane

Phone: 410-784-5537

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

As a resident of Pikesville community in the Baltimore County, I wish to offer my strong support for approval of the rezoning put forth by Isaac Yair who is working to acquire a BR zoning for above mentioned address to be used as a used car dealership.

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Date: Mar. 3, 16

Name: Rebecca Ezra

Address: 407 Yeshiva Lane, 2D
Baltimore, MD. 21208

Phone: 410 486-8041

Signature: R. Ezra

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

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Date: 3/3/16

Name: Sara Jaffee

Address: 407 2c Yeshiva Ln 21208

Phone: (410)338-1836

Signature: 

Attn: Baltimore county Department of Planning,

RE: 524 Reisterstown Rd

Pikesville MD 21208

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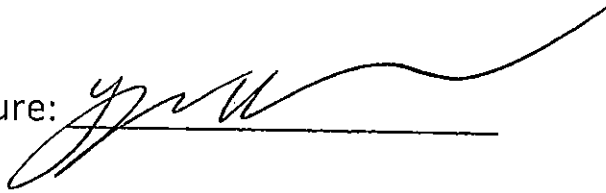
Use of this location will not affect the area in any negative way and it will improve economic vitality of our community in general and this location in particular that otherwise has been vacant for many years.

Date: Mar, 4, 16

Name: Yehuda Moradian

Address: 407 Yeshiva lane
Apt # 2 B
Pikesville MD 21208

Phone: 443 630 2707

Signature: 

Letter of support for rezoning request (continued...)

524 Reisterstown Rd
Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

David Rednick Esq
300 Reisterstown Rd Ste 110
Baltimore MD 21208
[Signature]
410 358 9727

TREE OF LIFE CONSTRUCTION
300 REISTERSTOWN RD #101
PIKEVILLE, MD 21208
(410) 358-1111
DAVID TOPLEN
[Signature]

[Signature]
DD Hearing 6822 Williams Rd
DD Hauling
822 Milford Mill Rd.
Pikesville, MD 21208
443 226 6412

Letter of support for rezoning request (continued...)

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

Sheek

303 Reisterstown Rd

Pikesville MD 21208

410-484-0741

Leah Popynsky

Leah Popynsky

H Hochman

Onions & Onions

201 Reisterstown Rd

410 486 4404

[Signature]

CHAI LIFELINE

600 REISTERSTOWN RD #508

PIKESVILLE, MD 21208

443-300-2946

S. MILIK

[Signature]

The Parkridge Group

300 Reisterstown Rd

Bldg E, Suite 200

Pikesville, MD 21208

410-965-5792

[Signature]

CBA TOURS LLC

300 Reisterstown Rd.

Build E

Baltimore, MD 21208

818-336-8330

Gershon Felit

[Signature]

Super Am2 goods

300 Reisterstown rd.

bldg E1 - suite 300

Pikesville, MD 21208

443-401-5734

Arav Yehudie

[Signature]

Letter of support for rezoning request (continued...)

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

404 Reisterstown RA. LLC

404 Reisterstown Rd.

Pikesville, MD 21208

410 977 4975

Daniel Ely

8²⁵

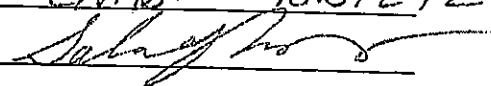
PIKESVILLE ENGRAVERS

1100 REISTERSTOWN RD

BALTO. MD 21208

410-902-1800

GABE GOLFE/2

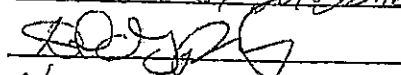


754 Stadel Ave

David & Rosey (Chain owners)

754 Stadel Ave

Pikesville, MD 21208



412-965-5292

Weinreb Diamonds

1312 Reisterstown Rd.

Pikesville MD 21208

410 340 5537

Nechemia Weinreb



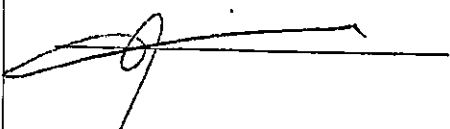
300 Reisterstown Rd Bldg E

CG Phones LLC

Pikesville, MD 21208

Moises Degman, owner

786-306-7842



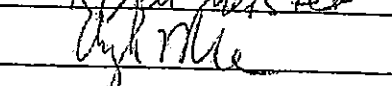
Weinreb + Friedman

1312 Reisterstown Rd.

Pikesville MD 21208

443 831-1762

Apple Reister



Letter of support for rezoning request

Feb 28th 2016

Attn: Baltimore county Department of planning,

This letter is in support of requested BR zoning for:

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

We, the undersigned live and/or own businesses and/or property in Baltimore County near the location in question and support the proposed project.

The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

Thank you for your consideration of this project and for your service to our community.

Sion's Bakery
303 Reisterstown Rd.
Baltimore MD 21208
443-548-0370
Sion Delshad
Sion

Millford investments LLC
4308 Millford Mill Rd.
Pikesville MD 21208
410 977 4975
Daniel Ely
Q.S.

Be Dazzle
303 Reisterstown Rd.
Pikesville MD 21208
443.334 5635
Lisa Seidel
L. Seidel

Slade Autobody & Paint
4400 Millford Mill Rd
Pikesville MD 21208
410-484-6377
Babatunde Awodipe

Letter of support for rezoning request (continued...)

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

David Rednick Esq

300 Reisterstown Rd Ste 110

Baltimore MD 21208

D. Campbell

410 378 9727

TREE OF LIFE CONSULTING

300 REISTERSTOWN RD #101

PIKEVILLE MD 21208

410 358-1111

DAVID TOPLEN

David Toplen

DD Hawling

DD Hawling 6822 Williamson

DD Hawling

822 Milford Mill Rd.

Pikesville, MD 21208

443 226 6412

Letter of support for rezoning request (continued...)

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

Sheek

303 Reisterstown Rd

Pikesville MD 21208

410-484-0741

Leah Puzansky

L.H. Shickman

H. Hochman

Onions & Onions

201 Reisterstown Rd

410 486 4429

J

CHAI LIFELINE

600 REISTERSTOWN RD #508

PIKESVILLE MD 21208

443-300-2946

SMILSK

S

The Parkridge Group

300 Reisterstown Rd

Bldg E, Suite 200

Pikesville, MD 21208

412-925-5792

D. Kelly

CBA TOURS LLC

300 Reisterstown Rd.

Building E

Baltimore, MD 21208

818-336-8330

Gershon Felit

G

Super Am2 goods

300 Reisterstown Rd.

Bldg E1 - SE 300

Pikesville, MD 21208

443-401-5734

Aron Yehudie

A

Letter of support for rezoning request (continued...)

524 Reisterstown Rd
Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

404 Reisterstown RA. LLC

404 Reisterstown Rd.

Pikesville, MD 21208

410 977 4975

Daniel Ely

DS

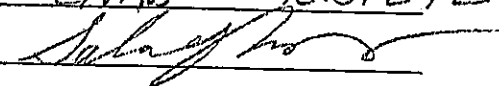
PIKESVILLE ENGRAVERS

1100 REISTERSTOWN RD.

BALTO. MD 21208

410-902-1800

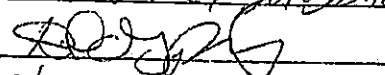
GABE GOLFEIZ



754 Slade Ave
David R. Deg (home owner)

754 Slade Ave

Pikesville, MD 21208



412-965-5292

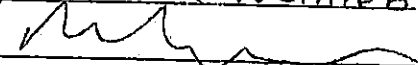
Weinreb Diamonds

1312 Reisterstown Rd.

Pikesville MD 21208

410 340 5537

Nechemia Weinreb



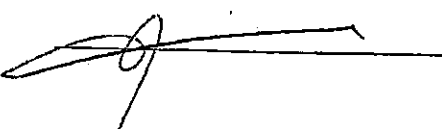
300 Reisterstown Rd Bldg E

CG Phones LLC

Pikesville, MD 21208

Moises Degman, owner

786-806-7842



Weinreb + Friedman

1312 Reisterstown Rd.

Pikesville MD 21208

443 831-1762

Arnell Meister



Letter of support for rezoning request

Feb 28th 2016

Attn: Baltimore county Department of planning,

This letter is in support of requested BR zoning for:

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

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Sion's Bakery

303 Reisterstown Rd.

Baltimore MD 21208

443-548-0370

Sion Delshad

Sion

Be Dazzle

303 Reisterstown Rd.

Pikesville MD 21208

443 334 5635

Lisa Seidel

Lisa Seidel

Millford investments LLC

4308 Millford Mill Rd.

Pikesville MD 21208

410 977 4975

Daniel Ely

D.E.

Slade Autobody & Paint

4400 Millford Mill Rd

Pikesville MD 21208

410-484-6377

Babatunde Awodipe

Letter of support for rezoning request

Feb 28th 2016

Attn: Baltimore county Department of planning,

This letter is in support of requested BR zoning for:

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

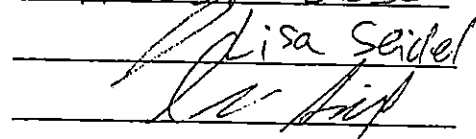
We, the undersigned live and/or own businesses and/or property in Baltimore County near the location in question and support the proposed project.

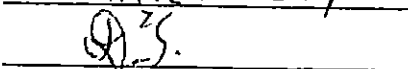
The proposed project fits within the area and will add to the development and growth of our community.

Isaac Yair has been and continues to be an involved citizen. He has demonstrated great concern for the growth and development of our community through the years. We are excited about the proposed development of this project and believe it will add significantly to the economic vitality of our community.

Thank you for your consideration of this project and for your service to our community.

Sion's Bakery
303 Reisterstown Rd.
Baltimore MD 21208
443-548-0370
Sion Delshad


Be Dazzle
303 Reisterstown Rd.
Pikesville MD 21208
443 334 5635


Millford investments LLC
4308 Millford Mill Rd.
Pikesville MD 21208
410 977 4975
Daniel Ely


Slade Autobody & Paint
4400 Millford Mill Rd
Pikesville MD 21208
410-484-6377
Babatunde Anwodipe


Letter of support for rezoning request (continued...)

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

404 Reisterstown Rd. LLC

404 Reisterstown Rd.

Pikesville, MD 21208

410 977 4975

Daniel Ely

D.E.

PIKESVILLE ENGRAVERS

1100 REISTERSTOWN Rd

BALTO. MD 21208

410-902-1800

GABE GOLFEIZ

Gabe Golfeiz

7514 Stadel Ave

David R. DeChamone

7514 Stadel Ave

Pikesville, MD 21208

DD

412-965-5292

Weinreb Diamonds

1312 Reisterstown Rd.

Pikesville MD 21208

410 340 5537

Nechemia Weinreb

Nechemia Weinreb

300 Reisterstown Rd Bldg E

CG Phones LLC

Pikesville, MD 21208

Moises Degman, owner

786-306-7342

[Signature]

Weinreb + Friedman

1312 Reisterstown Rd.

Pikesville MD 21208

443 831-1762

Artych Meister

Artych Meister

Letter of support for rezoning request (continued...)

524 Reisterstown Rd
Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

Sheek
303 Reisterstown Rd
Pikesville MD 21208
410-484-0741
Leah Pyparsky
Lol Shichman

H Hochman
Onion & Olive
201 Reisterstown Rd
410 486 4479
J

CHAI LIFELINE
600 REISTERSTOWN RD #508
PIKESVILLE MD 21208
443-300-2946
S. MILER
S

The Parkridge Group
500 Reisterstown Rd
Bldg E, Suite 200
Pikesville, MD 21208
412-925-5792
D. Kelly

CBA TOURS LLC
300 Reisterstown Rd.
Building E
Baltimore, MD 21208
818-336-8330
Gershon Felit
G

Super Am2 goods
300 Reisterstown rd.
bldg E1 - sec 300
Baltimore, MD 21208
443-401-5734
Aron Yehudie
A

Letter of support for rezoning request (continued...)

524 Reisterstown Rd

Pikesville MD 21208

To be used as a used car dealership requested by Isaac Yair. (Issue# 2-028)

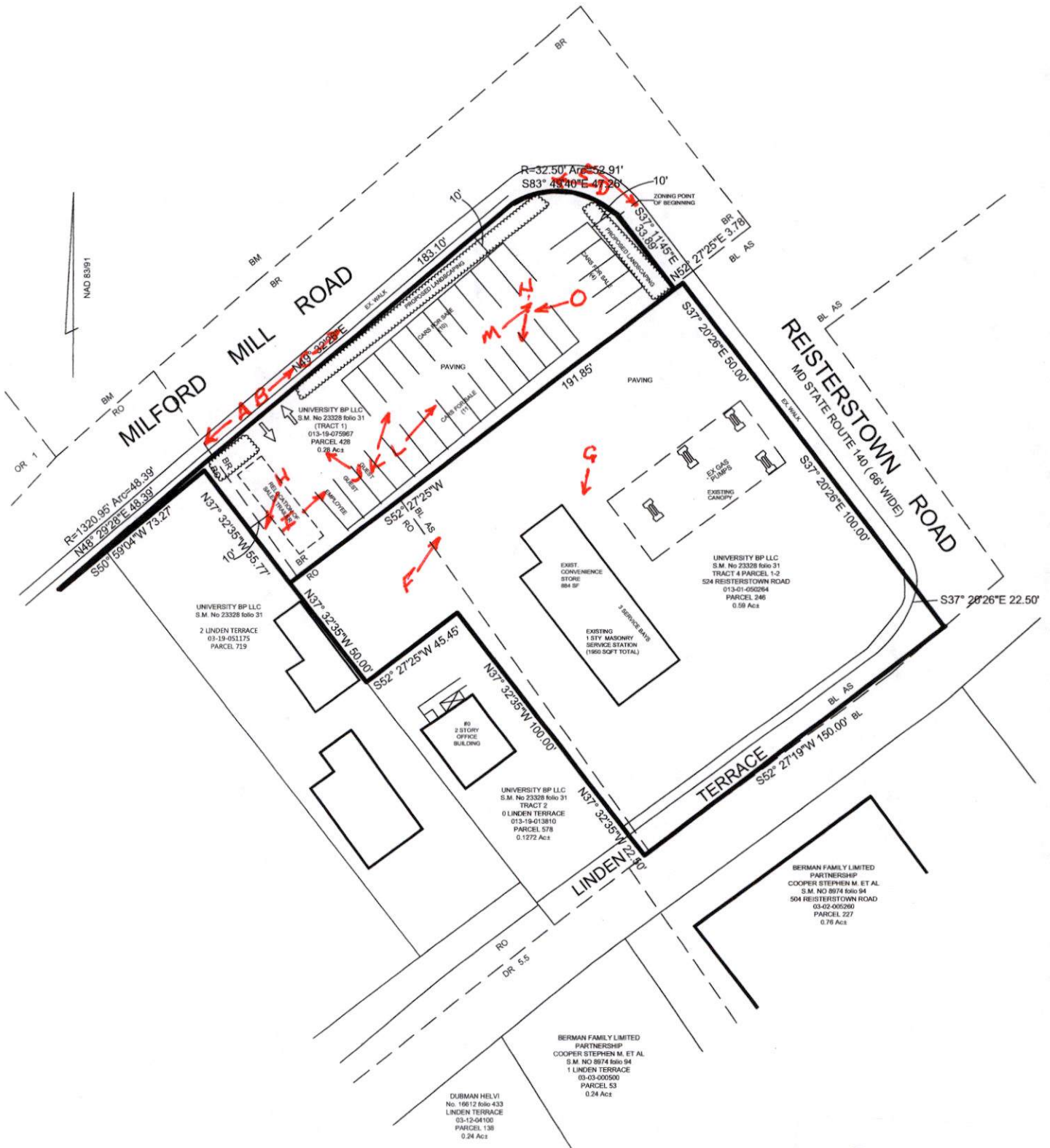
David Rednick Esq
300 Reisterstown Rd Ste 110
Baltimore MD 21208

410 358-9927

TREE OF LIFE CONSULTING
300 REISTERSTOWN RD #101
PIKESTOWN, MD 21208

410 358-1111
DAVID TOPLEN
David Toplen

DD Hauling
DD Hauling 6822 Williamson
822 Milford Mill Rd.
Pikesville, MD 21208
413 226 6412



Petitioner
CBA Exhibit

4

SKETCH TO ACCOMPANY PHOTOGRAPHS























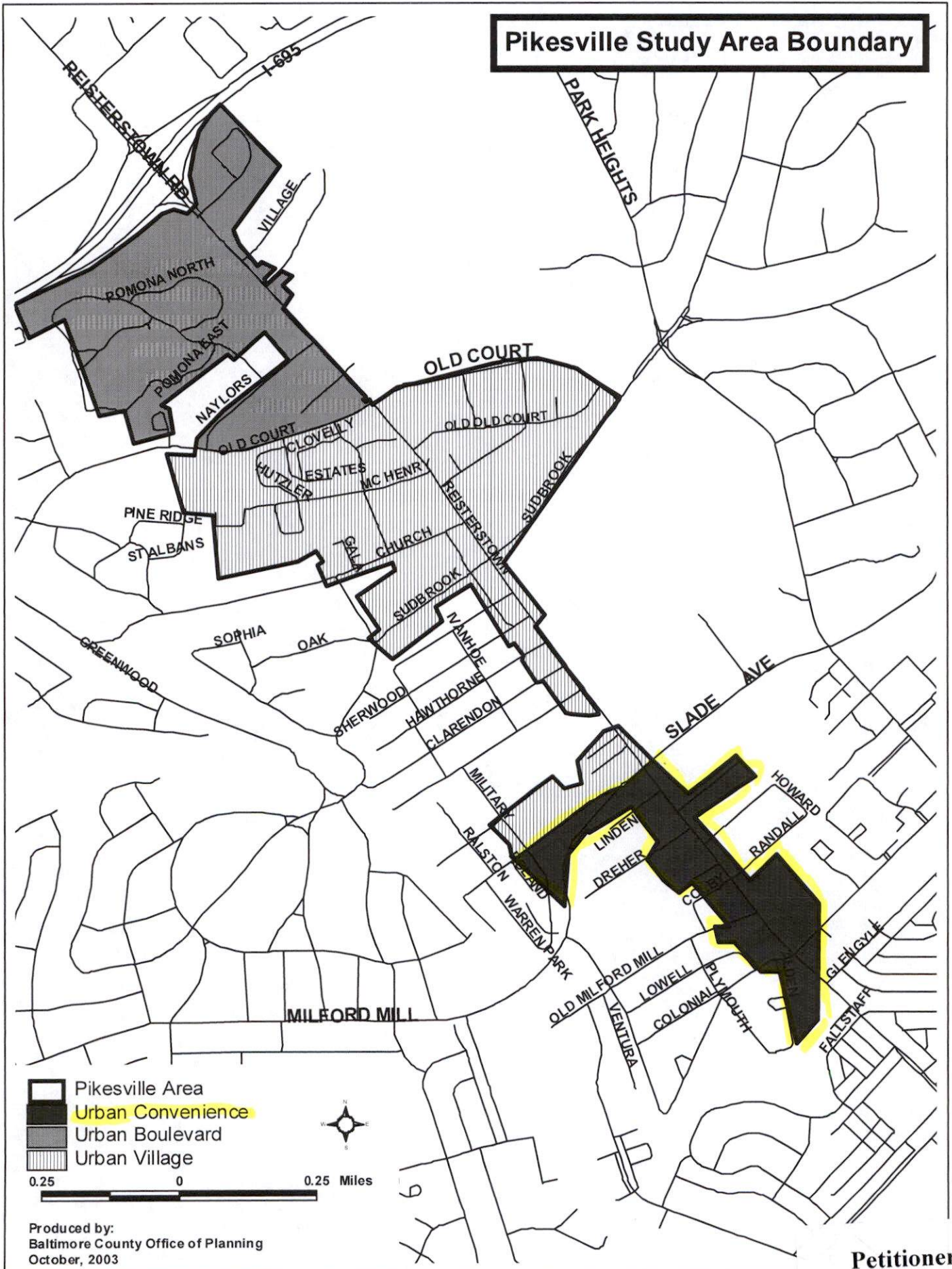








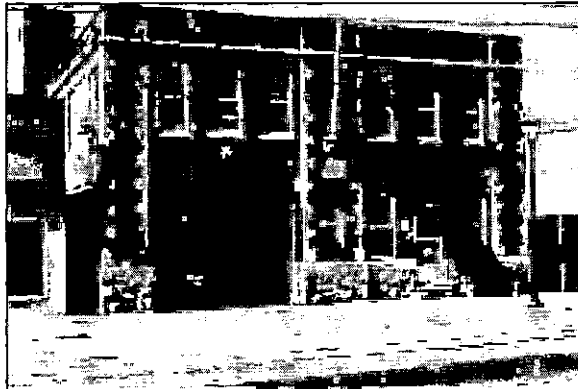
Pikesville Study Area Boundary



Produced by:
Baltimore County Office of Planning
October, 2003

Petitioner
CBA Exhibit

PIKESVILLE REVITALIZATION PLAN UPDATE 2003



**ADOPTED BY THE
BALTIMORE COUNTY COUNCIL ON
OCTOBER 7, 2003**

**Petitioner
CBA Exhibit**

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2003, Legislative Day No. 17

Resolution No. 101-03

Mr. Kevin Kamenetz, Councilman

By the County Council, September 15, 2003

A RESOLUTION to adopt the Pikesville, Maryland Revitalization Plan Update 2003 as part of the Baltimore County Master Plan 2010.

WHEREAS, the Baltimore County Council adopted the Pikesville, Maryland Revitalization Plan as part of the Baltimore County Master Plan in October of 1991 (Resolution 68-91); and

WHEREAS, the Pikesville, Maryland Revitalization Plan is designed to be a guide for the development of the Pikesville revitalization district; and

WHEREAS, economic changes in the past decade of the Pikesville commercial corridor warrant an update of the Pikesville, Maryland Revitalization Plan; and

WHEREAS, the Baltimore County Council requested the Baltimore County Office of Planning and the Department of Economic Development to update the Pikesville, Maryland Revitalization Plan (Resolution 101-02); and

WHEREAS, a citizens advisory group was formed to assist the County in the update of the Plan; and

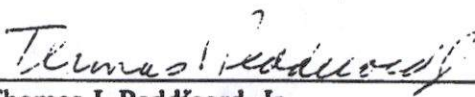
WHEREAS, the proposed Pikesville, Maryland Revitalization Plan Update 2003 was forwarded to the County Council for its review, and the County Council held a public hearing on the proposed Plan Update on September 15, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND that the Pikesville, Maryland Revitalization Plan Update, 2003, a copy of which is attached hereto and made a part hereof, be and it is hereby adopted and incorporated into the Baltimore County Master Plan 2010 to be a guide for the development of the Pikesville Revitalization District, subject to such further modifications as deemed advisable by the County Council.

rl0103.wpd

READ AND PASSED this 7th day of October, 2003.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

ITEM: **RESOLUTION 101-03**

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2002, Legislative Day No. 17

Resolution No. 101-02

Mr. Kevin B. Kamenetz, Councilman

By the County Council, September 17, 2002

A RESOLUTION of the Baltimore County Council requesting the Baltimore County Office of Planning and the Department of Economic Development to update the Pikesville, Maryland Revitalization Plan.

WHEREAS, the Baltimore County Council adopted the Pikesville, Maryland Revitalization Plan as part of the Baltimore County Master Plan in October of 1991 (Resolution 68-91); and

WHEREAS, the Pikesville, Maryland Revitalization Plan is designed to be a guide for the development of the Pikesville revitalization district; and

WHEREAS, the County Council has designated Pikesville as a commercial revitalization district in which specific County sponsored programs are available in order to enhance the development potential of the area; and

WHEREAS, the Pikesville commercial corridor serves not only as a highway to carry traffic but also as an access for neighboring residential areas to a wide range of shopping, dining, and other personal service opportunities; and

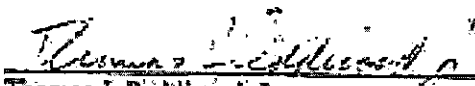
WHEREAS, economic changes in the past decade of the Pikesville commercial corridor warrant a review and update of the Pikesville, Maryland Revitalization Plan.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the Baltimore County Office of Planning and the Department of Economic Development are requested to review and update the Pikesville, Maryland Revitalization Plan; and

BE IT FURTHER RESOLVED that the Office of Planning and the Department of Economic Development shall include in their review representatives of all areas of the Pikesville population, including representatives of local residential community associations and local businesses.

READ AND PASSED this 17th day of September, 2002..

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

PIKESVILLE REVITALIZATION PLAN UPDATE 2003

- **MESSAGE FROM COUNCILMAN KEVIN KAMENETZ**

The Pikesville Community is benefited by the strong interest and participation of its residential and commercial communities. Pikesville community members who live, work and shop in Pikesville have a strong affinity with this historic town center, and share a deep sense of responsibility for its continuing success. It is with much pride that I have the opportunity to represent Pikesville on the Baltimore County Council.

This revitalization plan update occurred through the impetus of the Pikesville community to help extend a greater vision for Pikesville's present and future. I am grateful to the more than 40 individuals from the residential and business community and county and state agency staff who agreed to volunteer their time on a regular basis between November 2002 and May 2003 to devise this update.

The most important aspect of this update is the continuing commitment to follow through on the objectives and priorities we have developed. I look forward to the on-going growth and success of the Pikesville Community.



• VISION STATEMENT

The Pikesville Plan will establish a private/public approach to encourage the continued vitality of one of the county's original village centers. It is important to attract a diverse, small-scale mix of restaurants and businesses that create an identity unique to Pikesville. Revitalization will include a range of live-work-shop and event opportunities in order to create a lively, interesting magnet drawing people to Pikesville. A private/public partnership will be formed to insure the implementation of the plan and its goals.

• INTRODUCTION

One of Baltimore's oldest suburbs, Pikesville is a community with historic and municipal buildings, a retail district and businesses surrounded by older, vital residential neighborhoods. Reisterstown Road is a major artery that connects the city of Baltimore with Reisterstown; it intersects Pikesville and its retail hub. Revitalization along the corridor from the city line to the Beltway, I-695, must enhance the unique characteristics of each of the three sections of the plan area. These are the Urban Convenience area (Slade Avenue to the city line), the Urban Village area (Old Court Road to Slade Avenue), and the Urban Boulevard area (I-695 to Old Court Road).

The Urban Convenience area is characterized by small scale retail uses, the Colonial Village Shopping Center and a new Safeway grocery store. It lacks unity and identification as part of the greater Pikesville area. This area is oriented to the automobile.

The Urban Village area is the heart of the Pikesville Revitalization district. Uses are predominantly small scale retail and restaurant. It has the potential to have more of a Main Street identity, with a unique sense of place that should be very pedestrian oriented. While architecture is varied, buildings in the 800-1400 blocks

PIKESVILLE REVITALIZATION PLAN UPDATE 2003

of Reisterstown Road form a street wall effect.

Redevelopment sites should place new structures close to the street edge to reinforce a cohesive development pattern.

A mix of hotels, large scale retail, restaurants, and automotive service uses characterizes the Urban Boulevard area. The development patterns are suburban in style with Pomona Square, Target and the Hilton sitting back from a wide roadway with large expanse of parking along the road. The automobile dominates the Urban Boulevard area, as in the southernmost Urban Convenience area. Frequent curb cuts, visual clutter due to free standing signs and lack of available areas for landscape treatment are design challenges as properties redevelop. Both areas are gateways to the Urban Village and should present a warm welcome to Pikesville.

The census tracts used for the population data extend from the city line on the south to the Beltway on the north, Park Heights Avenue on the east and the Western Maryland Railroad on the west. The population has increased 22 percent since 1990 for a total of 6,722.

Households have increased 19 percent for a total of 3,878. Owner occupied housing units have increased by 8 percent, renter occupied units have increased by 33 percent. Vacant housing units have decreased by 22 percent. More detailed information can be found in Appendix F.

Since 1990, there have been several noteworthy residential developments within and in proximity to the revitalization district. Several Senior Independent Living rental apartments were developed by CHAI: The Weinberg House at Old Court Road (116 units), Weinberg Gardens on Bedford Avenue (84 units) and Weinberg Terrace on Bedford Avenue (87 units). More recently, the Suburban Club property at 6 Slade



Pikesville

Pikesville Commercial Revitalization Guidelines

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USE OF THIS MANUAL

The Pikesville Design Guidelines provide a higher level of detail than the existing Comprehensive Manual of Development Policies (CMDP). Planning staff and the Design Review Panel shall use the Pikesville Design Guidelines in addition to the Commercial Corridors section of the CMDP in their review.

The major building elements (streetscape, architecture, signage, lighting) listed in the Table of Contents have been divided into two components (Required, Prohibited). When applications are reviewed by the Baltimore County Design Review Panel and by Office of Planning staff, the applicants' proposal will be evaluated for compliance with this manual. All of the elements that are listed as Required do not necessarily have to be provided. However, if they are provided, e.g. awnings, then they shall conform with the manual. The Design Review panel and/or Planning staff shall ask the following questions:

Required - Is this element provided? Does it meet the requirements?

Prohibited - Is a prohibited element being provided? If so, the element shall be removed.

Introduction



PURPOSE

Reisterstown Road is a major thoroughfare for commuters in the north-west Baltimore metropolitan area. Once a vibrant retail downtown, Pikesville's current pass-through issue is hurting retailers and local businesses. In order to correct this pass-through mentality, the community needs to make a concerted effort to create an inviting environment that causes people to slow down and experience Pikesville. Many main streets possess a variety of architecture and quality materials that encourage opportunities like café seating, window-shopping and people watching for the pedestrian.

Main Streets in America have developed over decades of planning, building and preservation. As towns grew from their original small patents and parcels, many main streets contained scores of small unique and varied buildings. This natural variety created a rich visual experience for the pedestrian and shopper. Some communities, through Historic Preservation efforts, have saved this unique element in their downtowns.

Currently, much of the existing retail architecture in Pikesville is lacking variety and detail. Existing blocks contain one or two strips of retail buildings that are automobile-oriented and do not relate to the pedestrian shopper. Effective storefronts should be located on the sidewalk. By creating variety, encouraging unique architecture and maintaining the existing streetscape program, Pikesville can once again become an inviting and stimulating downtown environment.

GOALS

- i. To ensure the continued revitalization of the Reisterstown Road Corridor through Pikesville.
- ii. To ensure the creation and maintenance of a high quality built environment and streetscape.
- iii. To ensure architectural variety among the existing streetscape and built environment.
- iv. To ensure a cohesive streetscape through the implementation of a banner program, and maintenance of existing street furniture, lamps and planting beds.

These are guidelines that are recommendations to positively reinforce the Main Street vision of Pikesville.

P Streetscape

Sidewalks/Crosswalks

The street is the primary conduit of traffic that feeds any downtown main street. Traffic in the street and pedestrians on the sidewalk create the vitality that retail districts require and help to create inviting urban environments.

REQUIRED

Sidewalks shall be paved in a manner that adds texture, color and variety to the pedestrian's experience. In addition to serving as the pedestrian's highway, sidewalks create opportunities for people-watching, café seating, and impromptu encounters which add to the vitality of a Main Street environment.

In addition, crosswalks shall be paved in a manner that adds texture and visually sets itself apart from the street paving. Whenever possible, crosswalks shall be slightly raised from the surround paving to help slow crossing vehicular traffic

When new construction disturbs the existing sidewalk, projects shall provide for new sidewalk consistent with existing scoring, landscaping and decorative elements. This sidewalk and other elements shall be approved prior to an issuance of a permit.

Walkways must be provided from all parking lots to allow safe and convenient pedestrian access to the building entrance.

Recommended materials for all sidewalks (public and private) and crosswalks include:

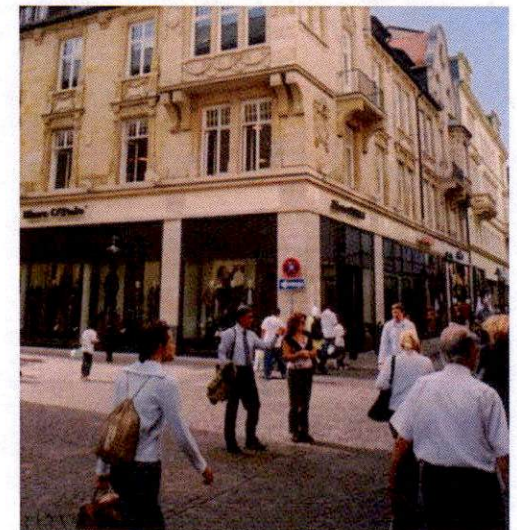
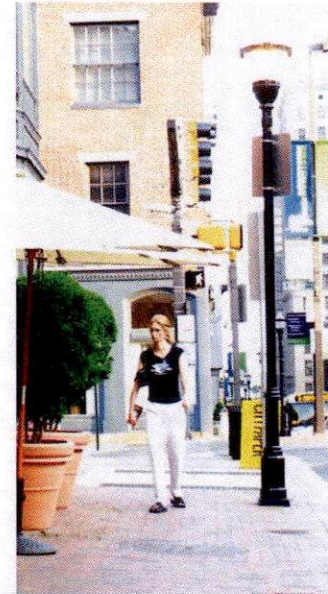
- Brick
- Textured/Stamped Concrete
- Colored Concrete
- Decorative Pavers
- Stone, Cobblestone

PROHIBITED

Walks that are unlevel or present a tripping hazard.

Asphalt, gravel or loose earthen paving.

Sidewalks shall not be paved in a monotonous, unvaried manner.



Landscaping/Trees



REQUIRED

Street trees help to define the street, enhance the pedestrian's experience and reduce the urban heat island effect. In addition, trees help to create a visual buffer between pedestrian and automobile traffic. Selection of street trees shall be based on their foliage, longevity, and flowering characteristics.

Planting beds, flower pots and other landscaping elements likewise add character and beauty to the sidewalk. Planting beds should be maintained during the warm planting season. When plantings or trees die, it is important to replace these elements as soon as it is feasible. Flower pots and planter boxes should be in proportion and be of an appropriate scale to the pedestrian.

Fencing, when visible from Reisterstown Road, shall be of high-quality materials, be of a visually open nature and be limited in height. When fencing occurs directly on Reisterstown Road, it shall be setback from the sidewalk and be low (less than four feet in height). Acceptable materials include: painted or stained wood, decorative metal, or masonry garden walls.

PROHIBITED

Flower beds not properly maintained through weeding, mulching or replanting

Chain-link, stockade or split rail fencing, or concrete masonry unit (CMU) garden walls.

Flower pots or boxes that are not of an appropriate scale or are not in keeping with the surrounding buildings.

Unacceptable fencing materials include: wooden vertical board, tightly spaced wooden pickets.

Fencing shall not be at a height that blocks views beyond the fence (42" above surrounding grade.)

P Streetscape

Lighting will help “extend day into night” and create an active evening environment along Reisterstown Road. Street lamps, tree lights and storefront facade lighting help to produce a safer, well-lit shopping environment. Utility poles, telephone, data or electrical wires and associated utility lines should not be visible from the Main Street. Whenever possible, these elements should be buried or relocated out of view from the pedestrian.

REQUIRED

In addition to existing street lamps, tree lighting through up-light landscape lighting is encouraged for Reisterstown Road.

Street furnishing, shall be of a durable high quality construction and finish.

Additional public area lighting may be provided either as building facade mounted lighting or bollard/landscape lighting. It should be designed to augment the existing street lighting.

Wall packs located on the side and rear elevations of buildings are permissible if equipped with cut-off devices and lighting is directed away from the roadway and nearby residences.

PROHIBITED

Plastic, folding, or other non-durable street furnishing.

Wall packs/cobra type lighting visible from Reisterstown Road.

Inappropriate street lights include cobra-type highway lamps.

Sodium or mercury lamps should be avoided since they do not render colors in a true manner.

Street lighting that causes glare for drivers and pedestrians.

Street furniture that is not in keeping with other street elements.

Lighting/Street Furniture



Parking Lots/Service Areas

Adequate and convenient parking are important to allow shoppers to experience downtown Pikesville. Realizing this important aspect of modern life, elements such as Parking Lots and Garages should be regulated for reasons of design. In addition, Pikesville should encourage parking lot sharing amongst existing tenants. This will help ease parking demand for shoppers in certain locations along Reisterstown Road.

REQUIRED

Parking lots shall be provided at the side or rear of the buildings.

When parking lots are located adjacent to road, a minimum ten-foot (10'-0") wide landscaping buffer between the sidewalk and parking lot pavement shall be provided.

Buffer must contain shrubbery of at least 42" high and/or a garden wall or fence of the same height. These elements are intended to screen the parking lot from the main street.

Adequate tree plantings in the parking lot shall be provided in accordance with the Landscape Manual (but should not be less than 1 tree per 7-1/2 spaces).

Lighting in parking lots shall be pole-type fixtures that do not exceed 25'. These fixtures shall be similar in design to the street lamps on Reisterstown Road.

Paving: alternate paving materials are encouraged. These materials include brick and concrete pavers. Striping can be achieved through the use of two colors of paving materials.

Walkways must be provided from all parking lots to allow for safe and convenient pedestrian access to the building's entrance.

Service and dumpster areas shall be adequately screened from public view.

PROHIBITED

Use of cobra-type highway lamps for parking lot lighting.

Service/dumpster areas visible from public streets.

Parking lots that are located on Reisterstown Road without the prescribed buffer.

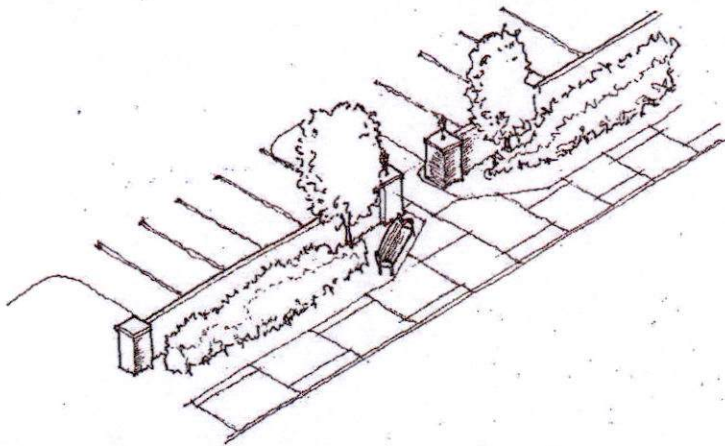


Illustration of 10' landscape buffer and garden wall in front of a parking lot.

P Streetscape

Restaurants have a unique opportunity along Reisterstown Road to spill out onto the sidewalk. Café seating brings life and activity to the street which helps further the pedestrian experience.

REQUIRED

Café seating shall be located directly against the restaurant's facade and not prohibit the passing pedestrian walk area.

Planters, flower pots, or other landscaping elements shall be used as demarcating buffers between the pedestrian traffic and seating area.

Café seating shall be of a high-quality and may utilize large umbrellas if desired (see street furniture requirements).

Landscaping elements such as planters, boxes or flowerpots must be professionally maintained.

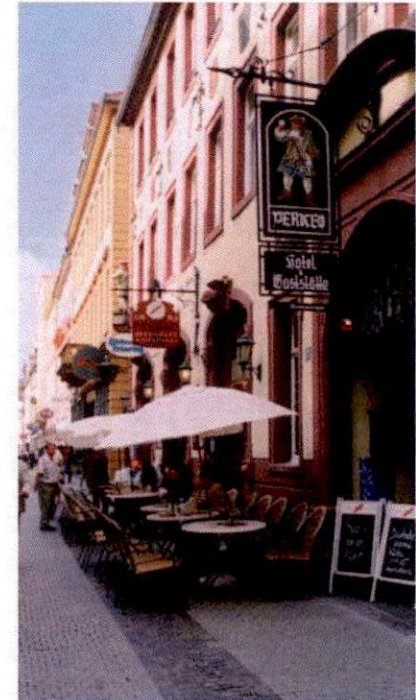
PROHIBITED

Café seating which blocks passing pedestrian traffic.

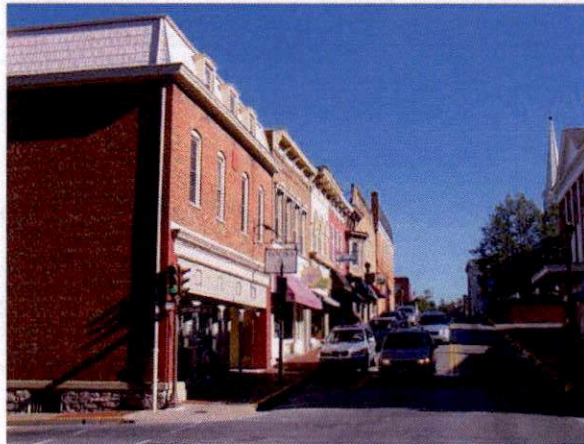
Service or preparation areas in the seating area.



Café Seating



Creating A Unique Environment: Variety



Unique built environments are not something that simply sprout up overnight. Many Main Streets have grown over decades of building, remodeling and re-building. Creating a built environment with variety adds to the unique characteristics of a town. Pikesville, however, suffers from run-of-the-mill architecture that does not create a unique collection of buildings or a memorable place.

REQUIRED

When a renovation to an existing storefront occurs, the proposed architecture shall not directly or overtly copy neighboring details, signage types or other architectural elements.

Renovation proposals shall be individualistic and original in design to help add variety to the existing Main Street character.

When renovation occurs to an existing bank of storefronts (similar in nature), the architecture proposed shall encourage variety in detailing, signage and other architectural elements, to help make the project seem like individual units (not a collection of similar storefronts).

Rear facades of buildings should be designed with the same intent as the front facades. Details, elements and materials of both facades should be compatible with each other.

PROHIBITED

Overtly copying surrounding detailing.

Taking a block of dissimilar storefronts and proposing to unify the collection by means of similar detailing, architectural elements or signage.

High quality materials enhance any built environment. Generally more durable than cheaper alternatives, the palette of quality material available helps to create visual interest and exquisite architectural detail. Facades that face Reisterstown Road shall use quality materials, such as brick, to further enhance the Main Street experience. The general goal is to provide masonry in new construction and to establish more consistent materials and theme along Reisterstown Road.

MASONRY

Brick masonry is the preferred building material. Brick detailing allows for variety and interest in storefront facades. Other materials like decorative concrete masonry units, cast stone/pre-cast concrete, terra cotta (tiles or decorative pieces), or stone or porcelain tile are encouraged as accents.

WOOD

Wood in the form of siding, miscellaneous painted trims such as cornices and moldings, and decorative elements like surrounds and entablatures are permissible.

GLASS

Clear storefront/plate glass for display windows and entry doors. Tinted glass is permissible in transom frames. Etching of glass is allowed for signage purposes.

METAL

Metals such as brass, copper, bronze, clear anodized aluminum, painted metals and cast iron are acceptable.

STONE

Stones such as marble, granite, limestone, slate are acceptable. Soft stones such as sandstone should be avoided.

HIGH QUALITY DURABLE MATERIALS - LIMITED USE

In certain instances, the Design Review Panel and/or Planning staff may allow the substitution of high quality durable materials only in the form of trims such as cornices, end moldings and decorative elements like surrounds and entablatures provide the following occurs:

- It is demonstrated that these materials will be indistinguishable from wood and
- They enhance the overall building's design
- They meet the spirit and intent of the guidelines

WINDOWS - NOT INCLUDING DISPLAY WINDOWS

Windows may be wood, aluminum-clad wood, vinyl-clad wood or be made of other high quality durable material, which shall have the appearance of a wooden window. Windows made primarily of vinyl or vinyl based products are prohibited. Windows shall have true divided lites or simulated divided lites, which shall have the appearance of true divided lites when seen from the exterior.

Recommended Materials



Acceptable materials such as decorative masonry block, brick and glazing can create an attractive environment. It should be noted that the cornices on these storefronts are made of EIFS.

Unacceptable Materials

UNFINISHED MATERIALS

Unpainted/unfinished materials such as bare finish wood, exposed building wrap, or exposed structural elements like wood or metal studs are unacceptable.

PLYWOOD

Under no circumstances shall plywood, textured plywood, or T-11 siding be used on exteriors of buildings.

MAN-MADE PRODUCTS

Vinyl products including windows, siding, plastic composite lumber (commonly know as PVC lumber) and similar man-made products, used in exposed locations.

EIFS (Exterior Insulation Finishing System)

EIFS may only be used for a building's cornice or entablature. It may not be used as a dominant form of cladding on a wall. EIFS use is prohibited below 12'-0" above the sidewalk.

OTHER MATERIALS

Mill finished aluminum, polycarbonate glazing (commonly know as Plexiglas), wired glass, artificial versions of wood or other material, highly textured paint, gray concrete masonry units (non-decorative), etc.

P Architecture

Anatomy of a Store Front

STOREFRONT

The quintessential element that defines any commercial storefront: the display window.

ENTRANCES

Historically, entries have been recessed to allow for more display window area and for protection of the pedestrian from the elements.

PIERS

Solid planer elements located on either side of the display window that help to define the storefront opening.

BULKHEAD

The bulkhead occurs below the display window.

TRANSOM

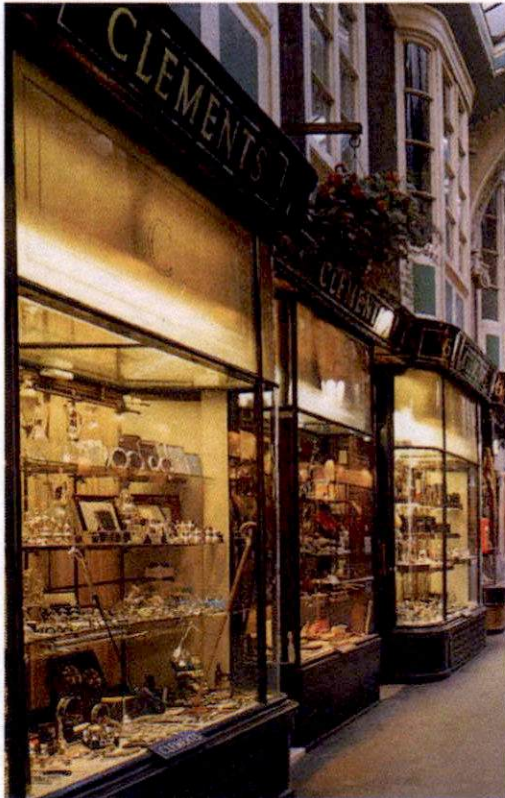
Usually multi-divided lites, the transom helps to get sunlight deep into the store.

AWNINGS

Generally used to shield the pedestrian from the elements, awnings also shield the display window from harsh sunlight.



Display Windows



REQUIRED

Provide display windows in order to invite shoppers to capture a glimpse of the store while promoting specific merchandise. As such, windows should always be kept clear of extraneous signage. There should always be a clear, unobstructed view into the retail store.

The name of the business establishment may be etched on the glass if so desired.

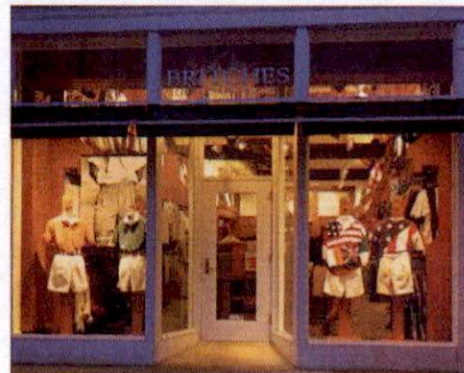
PROHIBITED

Empty or undesigned storefront windows.

Flashing or moving displays.

Temporary signage of a handwritten or non-professional character.

Replacement of glazing with any material other than glass is prohibited. Wood panels, metal panels, glass block and stained glass are never to be used in the display window.



REQUIRED

Entries into a store shall always be from Reisterstown Road.

Entry doors shall be clearly identifiable and allow for viewing into the store.

Recessed entries shall be lit from either a recessed fixture, or a decorative hanging fixture that complements the existing/proposed architecture.

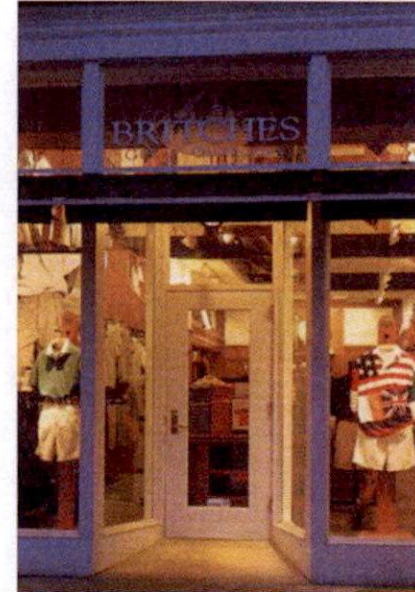
Transoms above the entry door may have the address etched/painted onto the glass, if so desired.

Entrance doors may also have the title of the establishment etched/painted on glass.

PROHIBITED

Under NO circumstances shall a main entrance to an establishment be from the rear or sides of a building. If two or more entries exist, the main entry shall ALWAYS be from Reisterstown Road. Main store entries located at the rear of the building will destroy the Main Street character that is Reisterstown Road.

Solid wooden or metal doors and doors with high small lites shall not be allowed as storefront entries. Extraneous paper signage shall not be allowed.



Lower Bulkhead



REQUIRED

Bulkheads shall be made of painted wood, metal, brick, stone, terra cotta, or spandrel glazing, or other suitable durable materials.

Bulkheads shall be suitable for all seasonal weather conditions and not inhibit snow removal or other maintenance activities.

Non-illuminated board signs may be placed in the bulkhead.

PROHIBITED

Using EIFS as a bulkhead material.

Placing illuminated signage on the bulkhead.

Placing mechanical louvers or equipment on the bulkhead.

Transoms, Piers, Cornice

REQUIRED

Transoms should be multi-divided lites or panes of glass set in aluminum or wood frames or other high-quality durable material.

Operable transoms are permissible for ventilation purposes.

Enclosing Piers shall be made from approved materials, brick if possible. Renovations to existing storefronts shall not cut into existing architectural piers. If it is desired to widen a storefront, new enclosing piers shall be designed.

Above the storefront opening, an architectural cornice, lintel or articulated facade shall be provided.

PROHIBITED

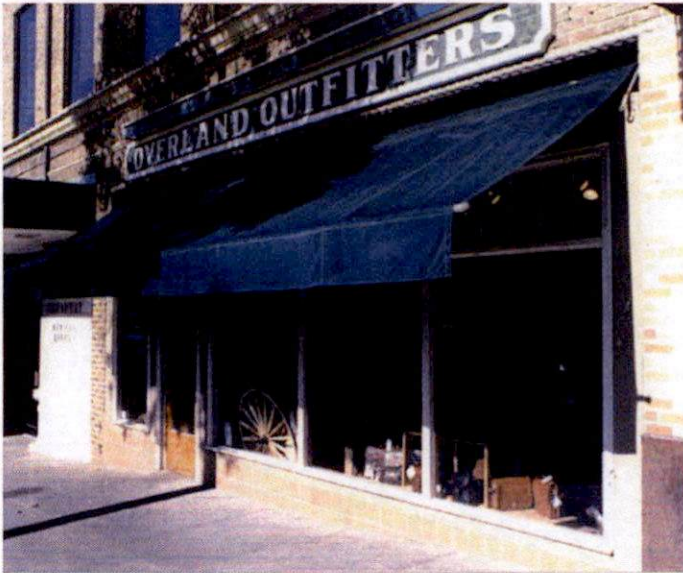
Transoms shall not be infilled with wood or metal panels, contain through-window air conditioning units or contain louvers for ventilation fans.

Piers shall not be made from EIFS.

Cornices that appear too small for the opening they are above.



Awnings



REQUIRED

Awnings should be as wide as the openings they serve.

Awnings should be 8'-10' above the plane of the sidewalk.

Awnings may contain valances.

Colors of awnings should relate to the colors on the existing facade. However, variety in awning colors are recommended between surrounding buildings.

Permissible materials include fire retardant duck canvas or acrylic.

Visible frames for awnings should be clean and painted.

Closed or open valance awnings are acceptable.

PROHIBITED

Internally illuminated awnings are not recommended under any circumstances.

Vinyl is unacceptable material.

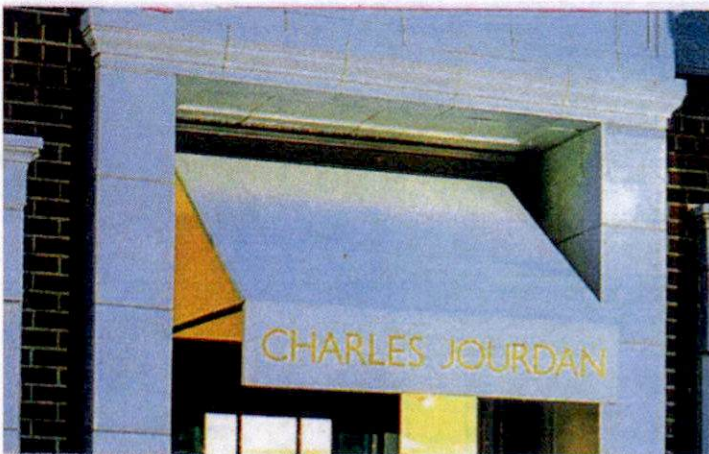
Awnings may not be supported from the sidewalk.

Unfinished visible frames are not permitted.

Retractable awnings.

Awnings shall not cover hanging or other signage.

Awnings that have varied patterns are prohibited.



New Construction-Site Features/Landscaping

REQUIRED

New walks shall be paved with paving materials such as brick, concrete paving units, patterned concrete or stone.

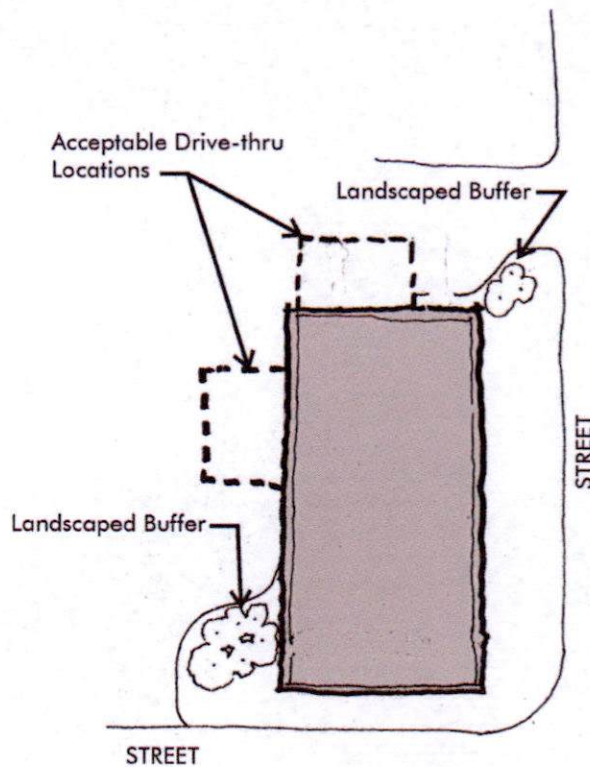
Mechanical equipment: Any type of mechanical equipment should be screened by building elements such as parapet roofs, garden walls or penthouses.

PROHIBITED

Under no circumstances shall mechanical equipment be visible from Reisterstown Road. Through-window units, ventilation louvers and fans, and other wall penetrations for mechanical systems shall not occur on the Reisterstown Road facades.

Asphalt walks are unacceptable.

Drive-thrus shall not be allowed on streets since they detract from the true character of a main street environment. If drive-thrus are required, they should be located at the rear or the non-street side of the proposed building. Whenever possible, drive-thrus shall be located as far towards the rear of the proposed buildings as possible. Adequate landscape buffers should be located between the drive-thru and the main street for screening purposes. Buffers must comply with the Baltimore County Landscape Manual.



Drive-thru locations may only happen on non-street sides of buildings and shall be accompanied by landscaped buffers.

New Construction-Setbacks

A building's setback is the distance it is located inside the property lines. Generally, commercial buildings do not have a front setback, and very small rear setbacks. Main Streets in many communities have no front setbacks, which places the retail buildings directly on the sidewalk and close to the street.

REQUIRED

Buildings shall be set on the street at the existing sidewalk in order to create a Main Street environment. This requirement takes precedence over Section 303.2 of the Baltimore County Zoning Regulations which states in commercial zones, the front setback is an average of the front setback of commercial buildings within 100 feet of the joint side property lines.

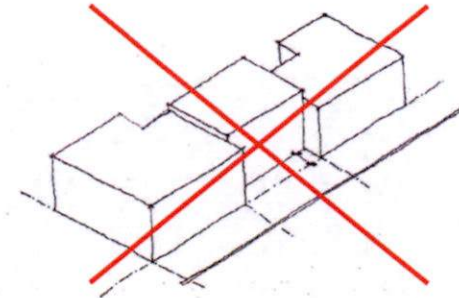
If zero lot lines are required, the new construction should have the same setbacks as the neighboring structures, so that blank side facades are not visible.

PROHIBITED

Forcing buildings too close to the street, or too far back is not advised. An uneven street wall will hinder the creation of a quality Main Street environment.

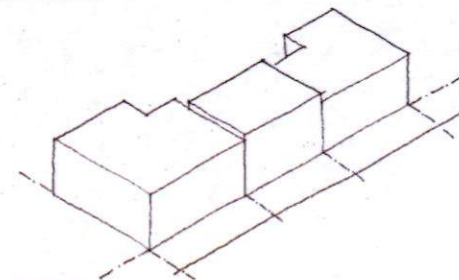
Buildings shall not create an uneven street wall which will hinder the creation of a quality Main street environment.

Blank side facades shall not be visible from Main Street.



PROHIBITED

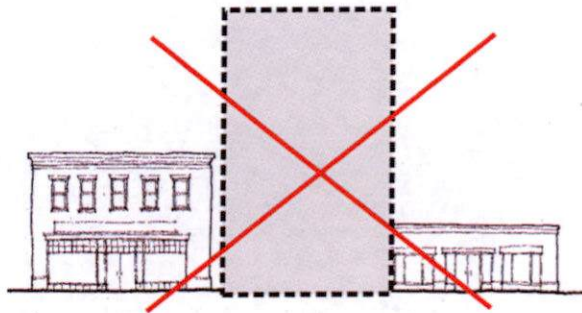
With center building set back from the existing buildings, a jog is created in the street wall exposing the side party-wall facades of the neighboring buildings. This will not create a cohesive street environment.



REQUIRED

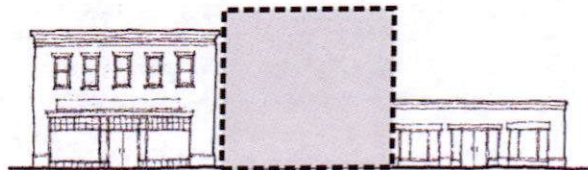
Pull all proposed buildings to the sidewalk, and have the new building's setback match that of its neighbors.

New Construction-Height



PROHIBITED

The height of the center building is entirely too high for the surrounding context. This building will seem out of place along the street.



REQUIRED

The center building is of an appropriate height - it closely follows the heights of its neighbors. While following the existing heights, new construction can still be slightly higher or lower than its context. This will add variety along the street.

Main Street architecture in many urban environments have multi-level buildings. Not only does this help to create a strong, vertical street wall, but it enables a mixture of uses to occur along the street. Offices and residential units help to keep retailers busy throughout the day and evening - not just on the weekend.

REQUIRED

Heights of new construction along Reisterstown Road should relate to the pre-existing heights of the surrounding buildings.

Buildings of two, or three, stories are encouraged to allow for a mixture of uses along the street. Offices or residential units can occur above the store front.

When a building's proposed height exceeds its neighboring buildings by more than a story, a massing strategy must be employed that sets the upper stories back from the main lower facade. This will help to minimize the scale of the new building from the street. Please see illustrated example on page 20.

PROHIBITED

Buildings that do not respect the heights of surrounding buildings.

Removing floors from an existing building.

P Architecture

Scale is the relative size of a building in relation to its surrounding neighbors. Scale is also comparative amongst building elements such as windows, doors, and other elements. Many commercial buildings and Main Street environments have a scale that is closely associated with humans. These buildings and environments are said to have a human scale. Monumental scaled buildings, those seeming larger than life, are historically public structures and sometimes banking institutions.

REQUIRED

New or proposed buildings should maintain a scale in keeping with the pedestrian and the scale of surrounding buildings.

PROHIBITED

Monumental scale should be avoided for commercial/retail buildings.

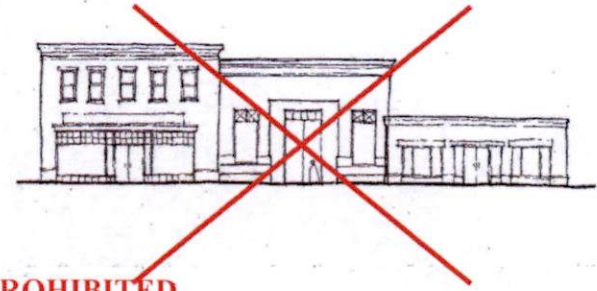
A building's massing is the articulation of the overall building form through the use of upper level setbacks, towers, dormers, roofs, balconies and other elements that project or recess. All of these architectural elements add to the quality of the streetscape.

REQUIRED

Buildings shall be massed in such a way that is compatible with the existing fabric.

Larger commercial projects shall be broken down into smaller elements to encourage variety in the street facade.

New Construction- Scale



PROHIBITED

The center building contains architectural elements that are too large in comparison to the surrounding buildings and to the pedestrian walking down the street.

New Construction-Massing



REQUIRED

The center building illustrates how a four-story building can be placed in a streetscape that contains lower-rise buildings. By the use of belt courses and cornices, the scale of the building is kept low. In addition, the massing of the structure allows a fourth floor to be set back from the three-story mass. The scale and proportions of the new building are appropriate for the surrounding context.

New Construction- Proportions/Facade Openings

Proportion is the dimensional ratio of architectural components that make up a building's facade.

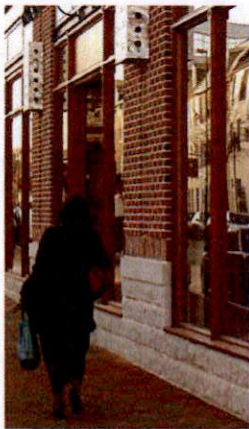
REQUIRED

Elevations of proposed construction shall contain elements that are proportionally harmonious with surrounding buildings.

Historically, multi-level Main Street architecture has exhibited vertically oriented openings.

All new development shall be a minimum of 2 stories in height. Facades will contain two stories including a storefront level and an upper story. The upper story should have a strong cornice line; enclosing piers that frame the storefront below and appropriately proportioned window openings. The storefront below shall be framed by the enclosing piers and a strong lintel or cornice.

New Construction- Details



The rusticated watertable, wooden storefront and brick detailing add interest to the pedestrians experience.



Brick and other masonry elements lend themselves to exquisite details. Blank walls should not be unarticulated, but have interest through coursing and materiality.

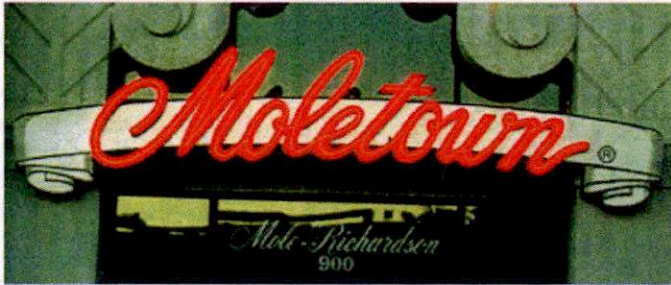
Details on buildings create a varied close-up experience for the pedestrian. Watertables, brick detailing, and hardware are all details that the pedestrian can examine through sight and touch.

REQUIRED

New construction shall contain human-scaled details that add interest, texture and shadow to the building's facade.



Types



Signage is the main means which shops, restaurants and service-oriented businesses communicate to their potential shoppers, diners and clients. As such, it is an important and significant element in any retail main street environment. If left unchecked, however, signage can ruin a beautifully crafted built environment. There are many different types of signs, but the general categories are as follows:

STOREFRONT - a sign located above the storefront, generally the largest and main sign for a retailer.

BLADE SIGNS - a secondary sign located perpendicular to the facade of the building. Generally these are hanging type signs.

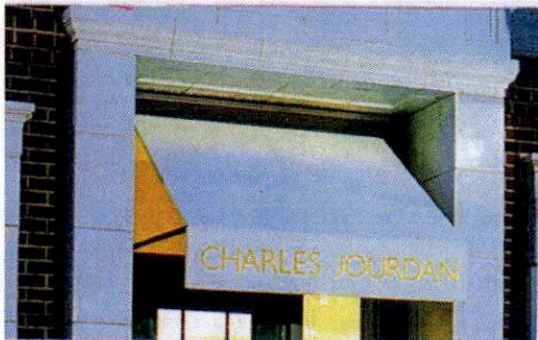
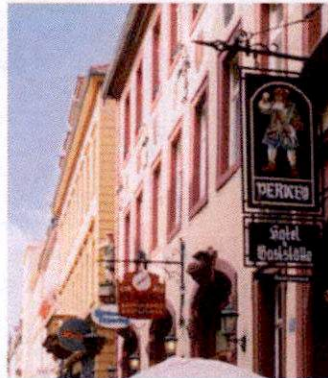
AWNINGS - the awning can be a secondary means of signage when the name of the establishment is silk-screened on the canvas.

OTHER - a multitude of other signage types exist. Sandwich boards, painted letters/logos on buildings or building elements, and banners all constitute other sign types.

LIMITATION

Signage shall be limited to one primary and two supporting secondary signs per business only, so that confusion is avoided and clarity of communication can occur. Varying types of logos, colors and typefaces are discouraged. Extraneous signage becomes an eyesore to the main street. Advertisements, sale type signs should be limited.

Signage in display windows shall not obscure the view into the store.



Signage

REQUIRED

Generally, storefront signs are mounted above the storefront opening. The sign shall be mounted flush and centered over the storefront opening. The sign shall contain the name of the establishment, address, and any accompanying logos. Signs should be mounted with concealed stainless steel, bronze, hot-dipped galvanized iron or brass fasteners.

Painted wooden sign board with dimensional elements (e.g. letters, borders, etc.), illuminated via external light source.

Individual channel internally illuminated sign. If an electric raceway is unable to be concealed, it shall be painted to match the surrounding area.

Dimensional metal sign, illuminated via an external source.

Exposed neon lettered sign.

Individual metal pinned letter sign, back lit if desired.

PROHIBITED

Signs shall not contain an e-mail, web-address or telephone number of the property or the proprietor's name (unless the establishment is a professional service office).

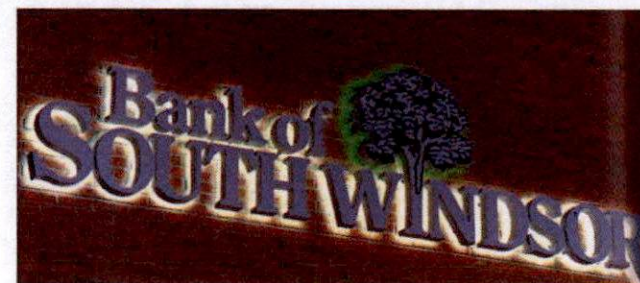
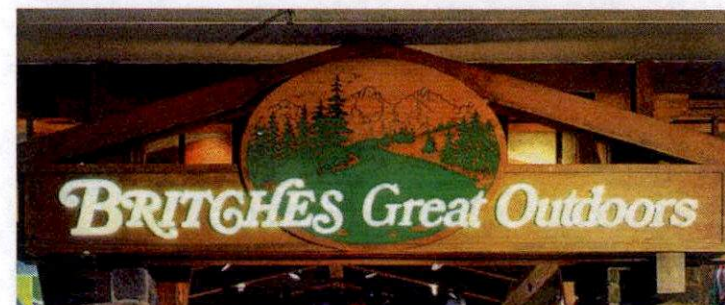
Internally illuminated box-type signs, with flat or unarticulated faces.

Vacuumed-formed signs, formed plastics, or injected-molded signs.

No exposed conduit, tubing or raceways, conductors, transformers and other equipment, will be permitted.

No signmaker's labels or other identification shall be permitted.

Storefront Signage



Awning



REQUIRED

When awnings are present, establishments may list their store name centered on the valance. Letters are to be silk-screened on approved awning material.

Store name, address and logo may also be placed centrally on the sloping portion of the awning.

Hanging wooden or metal dimensional signs may also be hung from the awning frame, if the establishment wishes to not list their name on the awning.

PROHIBITED

Awning signage shall not list the phone number, email or web address, or proprietor's name of the establishment.

Blade/Hanging Signs



REQUIRED

Hanging blade signage should be encouraged for all stores along Reisterstown Road. These signs help to add variety to the streetscape and help the pedestrian locate stores.

Hung perpendicular to the main facade, these signs should be non-illuminated or externally illuminated and be made of approved quality materials.

Blade signs should be hung from appropriate brackets of painted metal or wrought iron.

PROHIBITED

Blade signs shall not be vacuumed-formed signs or internally-illuminated.

Blade signs should not exceed eight square feet (8 s.f.) in area.

Blade signs should not be mounted 8'-0" above the sidewalk.

P Signage

Other Signage

Other forms of signage are encouraged. These include display window lettering, wall mounted banners and sandwich board signs.

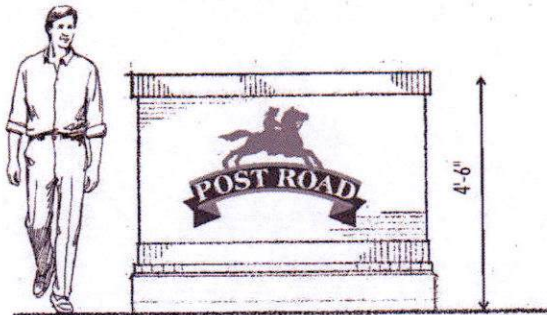
REQUIRED

Window lettering: either painted or etched glass lettering is permissible on display windows and entry doors. Names of establishments and building numbers may only appear on entry doors and display windows.

Wall mounted banners: shall be made of fire retardant duck canvas or acrylic. Banners shall be mounted directly to the facade of buildings by secure means. In addition, they shall be mounted 8'-0" above the sidewalk, and be no larger than 32 square feet in area. To reduce wind loading, banners shall be perforated.

Sandwich board signage: establishments, if they so desire, may place out sandwich board signs during business hours on the sidewalk to advertise their wares and services. These signs shall be less than 5' in height, non-illuminated, and shall be heavy enough to withstand wind, yet light enough to remove at closing. In addition, sandwich board signs shall not impede pedestrian traffic.

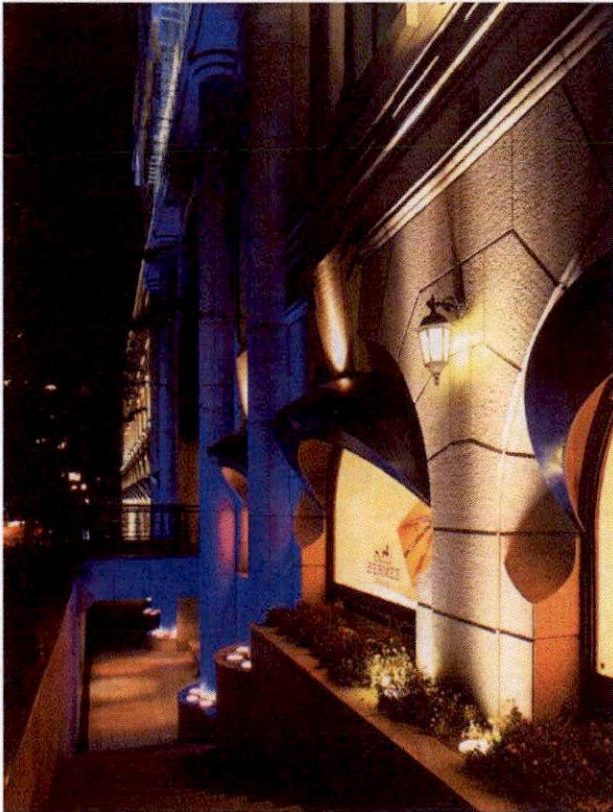
Monument-type signage: When a business is set back from the street, a monument-type sign is encouraged. These signs shall be less than 4'-6" and made from high quality materials like masonry, pre-cast concrete or metal/wooden panels.



Compatible entry monument.



Facade Lighting



REQUIRED

Provide true color rendering lamp types. Sodium or mercury vapor lamps that do not render color correctly should be avoided.

Recessed type lighting at recessed entries and soffits.

Gooseneck signboard lighting.

Facade-mounted sconces that are in keeping with the existing architecture.

Shields should be used to reduce glare to pedestrians and automobile drivers.

Uplighting of architectural elements such as cornices and piers.

PROHIBITED

Wall Pak type security and glare producing lighting visible from Reisterstown Road.

Blinking, flashing, scrolling or video displays, or tracer type lighting.

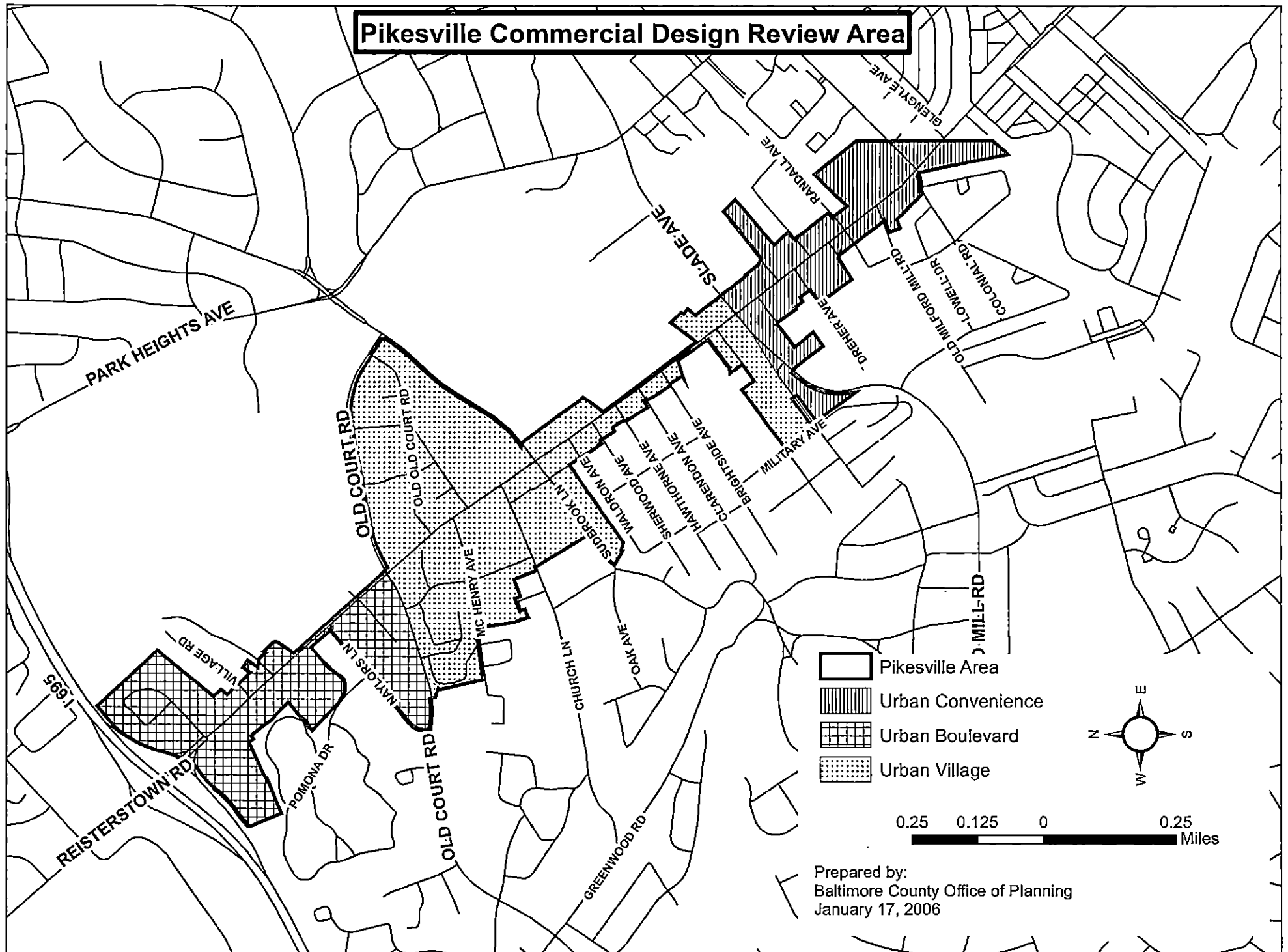
Illuminating the entire storefront.

Excessive luminance of light fixtures.

Colored lighting.

Sodium or mercury vapor lamps.

Pikesville Commercial Design Review Area



Prepared by:
Baltimore County Office of Planning
January 17, 2006

Facade Examples: Before *P*



BEFORE
1000 BLOCK OF REISTERSTOWN ROAD

Facade Examples: After *P*



AFTER

1000-4 Reisterstown Road

- Powerwash existing brick to remove black point.
- Remove existing reflective metal overhang.
- Install new canvas awnings with shop name. Vary color of awning with each tenant.
- Install new cornice.
- Add new signage boards to existing brick facade. Illuminate with gooseneck lamps.
- Add café seating in front of 1000 Reisterstown.

1006 Reisterstown Road

- Powerwash existing structure to prepare it for new paint.
- Build up existing cornice to hide mechanical equipment from view of pedestrian on the street.
- Install new metal cornice.
- Install new metal overhang with freestanding signage letters.
- Add banners to building.
- Replace store front glazing with new system.

1006-8 Reisterstown Road

- Powerwash existing structure.
- Remove existing awnings and add new canvas awnings containing the name of the tenant, each unique to each tenant.
- Install new signage on brick.
- Install new facade illumination.
- Apply tenant logo to existing storefront glazing.

1010 Reisterstown Road

- Powerwash existing structure.
- Remove existing brick planter.
- Remove existing awnings and add new canvas awnings containing the name of the tenant.
- Extend cornice to hide mechanical equipment and to create signage area for tenant.
- Install new signage on brick.
- Install new facade illumination.
- Provide café seating with potted plants.

1012 Reisterstown Road

- Powerwash existing structure.
- Remove existing wooden planters.
- Scrape and paint all wooden trim.
- Provide café seating.

Facade Examples: Before *P*



BEFORE
1300 BLOCK OF REISTERSTOWN ROAD

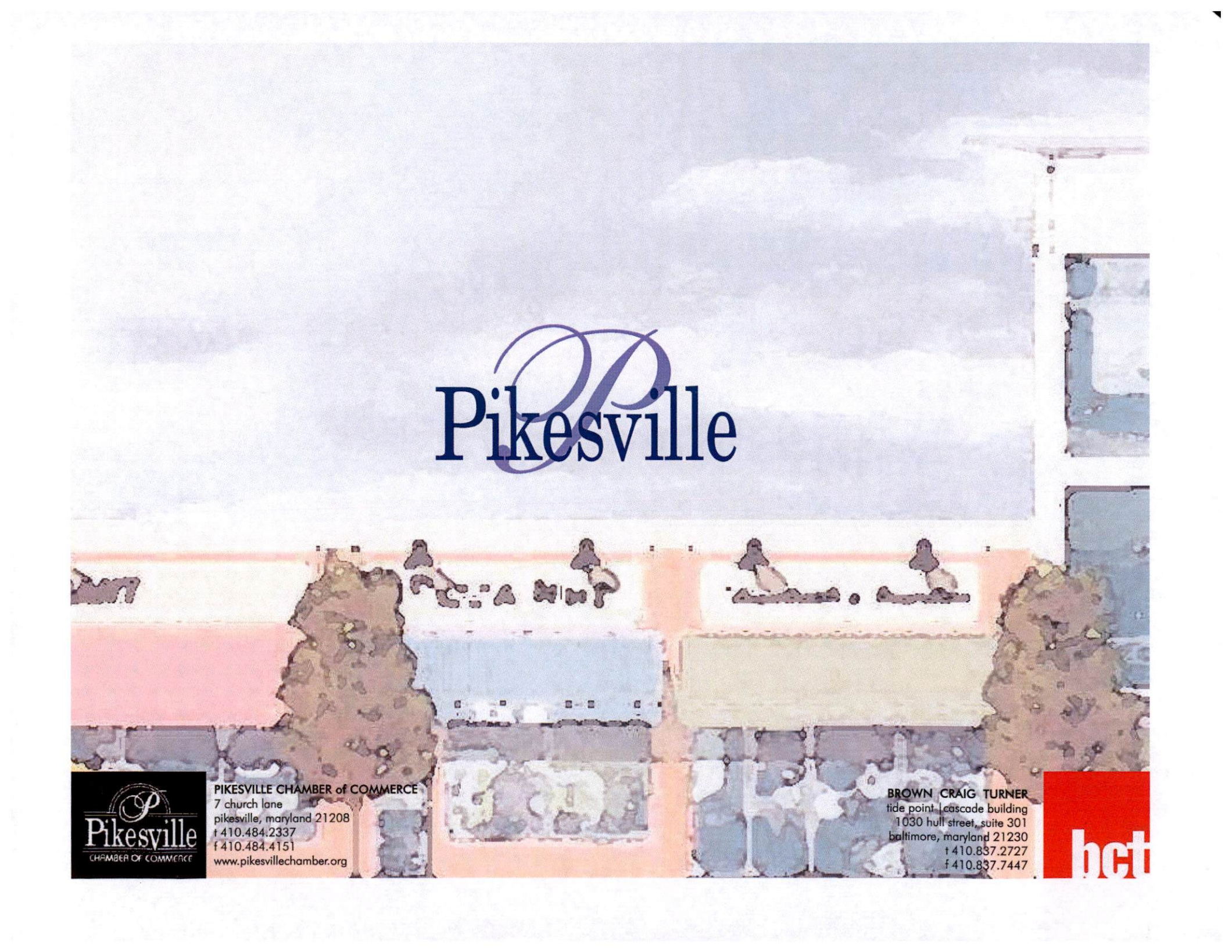
Facade Examples: After *JP*



AFTER

| 1304 Reisterstown Rd. | 1308-10 Reisterstown Rd. | 1310 Reisterstown Rd. | 1316 Reisterstown Rd. | 1320 Reisterstown Rd. | 1324 Reisterstown Rd. | 1326-8 Reisterstown Road | 1330 Reisterstown Road |
|--|---|---|--|--|---|--|---|
| <ul style="list-style-type: none"> -Powerwash existing brick to prepare for new paint. -Remove existing tile overhang. -Install new canvas awnings with shop name. -Add new signage board to existing brick facade. -Add brick veneer new entry | <ul style="list-style-type: none"> -Remove existing wooden overhang. -Remove wooden shutters. -Install new metal overhang with shop name. -Add new wooden trim to windows. -Paint all wooden siding, trim and cornice. | <ul style="list-style-type: none"> -Remove existing sign. -Add new sign with internally illuminated individual letters. | <ul style="list-style-type: none"> -Remove existing overhang. -Add new signboard/overhang. -Remove old windows and install new double-hung windows. -Install new blade sign. -Consider signage to identify the building. -Repair and paint cornice. -Install new entry. | <ul style="list-style-type: none"> -Remove existing awning. -Add new sign illumination. -Add new awning as shown. -Install new blade sign. | <ul style="list-style-type: none"> -Remove existing sign. -Add new sign illumination. -Remove all extraneous signage. -Replace storefront glazing with new wooden system. -Install new blade sign. -Powerwash existing brick to | <ul style="list-style-type: none"> -Recently renovated. | <ul style="list-style-type: none"> -Recently renovated. -Add cafe seating and planters. |

| | |
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Pikesville



PIKESVILLE CHAMBER of COMMERCE
7 church lane
pikesville, maryland 21208
t 410.484.2337
f 410.484.4151
www.pikesvillechamber.org

BROWN CRAIG TURNER
tide point | cascade building
1030 hull street, suite 301
baltimore, maryland 21230
t 410.837.2727
f 410.837.7447

bct

Site Information

1. Ownership: University BP LLC
524 Reisterstown Road Pikesville, MD 21208
2. Address: 520 Reisterstown Road Pikesville MD 21208
3. Deed references: SM 23328 / 31
4. Area: 12,036 sq. ft. / 0.276 acre (per title deed)
5. Tax Map / Parcel / Tax account #: 78 / 428 / 03-19-075967
6. Election District: 3 Councilmanic District: 2
ADC Map: 469772 GIS tile: 07882 Position sheet: 26NW20
Key Sheet: OSW Map Number: 07882
Census tract: 403402 Census block: 240054034022
Schools: Milbrook ES Pikesville MS Pikesville HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 07882 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant parking lot paved with stone & macadam. Existing trailer to be utilized for a sales office.

Zoning

Zoning: BR & RO
Previous zoning cases on the subject property:
1964-0110-X- Special Exception for a service station- approved
R-2001-0434-XA- Request for a zoning re-classification- petition dismissed
2008-0212-SPHXA- Special Exception & Special Hearing for a car wash & restaurant and to allow commercial parking in an RO zone- approved

Parking Calculations per Section 409.6 BCZR
Office 0.48 (480 sq. ft.) x 5 = 3
Autos for sale = 21
Total parking spaces required = 24
Total parking spaces provided = 24

Signage

A sign may be installed on the frontage of Reisterstown Road and will meet all zoning regulations.

BR Setbacks for Commercial Buildings

Front: 10 feet from the street right of way
Side / Rear: 10 feet from property line

Environmental

Watershed: Jones Falls URDL land type: 0 (Urban) Growth Tier: 1
1. The subject property is serviced by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

Forest Conservation

No forest exists on the subject property.

Forest Buffer

No wetlands exist on the subject property

Storm Water Management

There will be no addition impervious surface placed on the subject property.

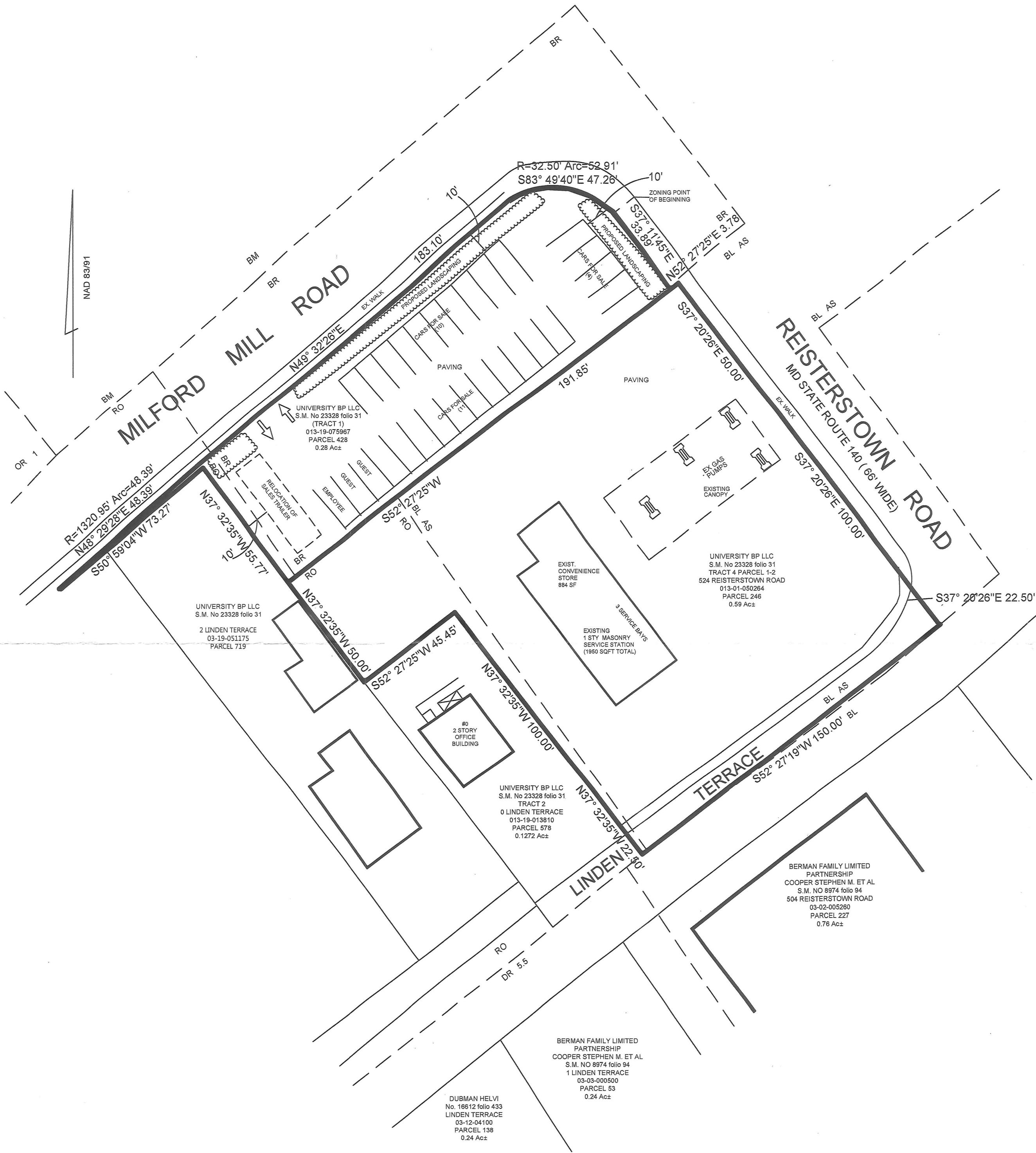
Planning

Regional Planning District: Pikesville District Code: 313
1. The subject property is not in a historic district.

Proposed Development

To change the use of the subject property from a truck rental parking lot to a pre-owned automobile sales lot

GENERAL NOTES



Elyon Motors
Plan to Accompany A Zoning Petition
Baltimore, MD
520 Reisterstown Rd

Site Plan

REVISIONS

| Date | Description | Approved |
|---------|-------------------------------|----------|
| 5/08/18 | MOVE TRAILOR PER ZAC COMMENTS | |

Sheet

A1

Scale 1" to 30'

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Census tract: 403402 Census block: 240054034022
Schools: Milbrook ES Pikesville MS Pikesville HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 078B2 and the information provided by Baltimore County on the internet.
- Improvements: Vacant parking lot paved with stone & macadam. Existing trailer to be utilized for a sales office.

Zoning

Zoning: BR & RO
Previous zoning cases on the subject property:
1964-0110-X- Special Exception for a service station- approved
R-2001-0434-XA- Request for a zoning re-classification- petition dismissed
2008-0212-SPHXA- Special Exception & Special Hearing for a car wash & restaurant and to allow commercial parking in an RO zone- approved

Parking Calculations per Section 409.6 BCZR
Office 0.48 (480 sq. ft.) x 5 = 3
Autos for sale = Z1
Total parking spaces required = 24
Total parking spaces provided = 24

Signage

A sign may be installed on the frontage of Reisterstown Road and will meet all zoning regulations.

BR Setbacks for Commercial Buildings

Front: 10 feet from the street right of way
Side / Rear: 10 feet from property line

Environmental

Watershed: Jones Falls URDL land type: 0 (Urban) Growth Tier: 1
1. The subject property is serviced by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

Forest Conservation

No forest exists on the subject property.

Forest Buffer

No wetlands exist on the subject property

Storm Water Management

There will be no addition impervious surface placed on the subject property.

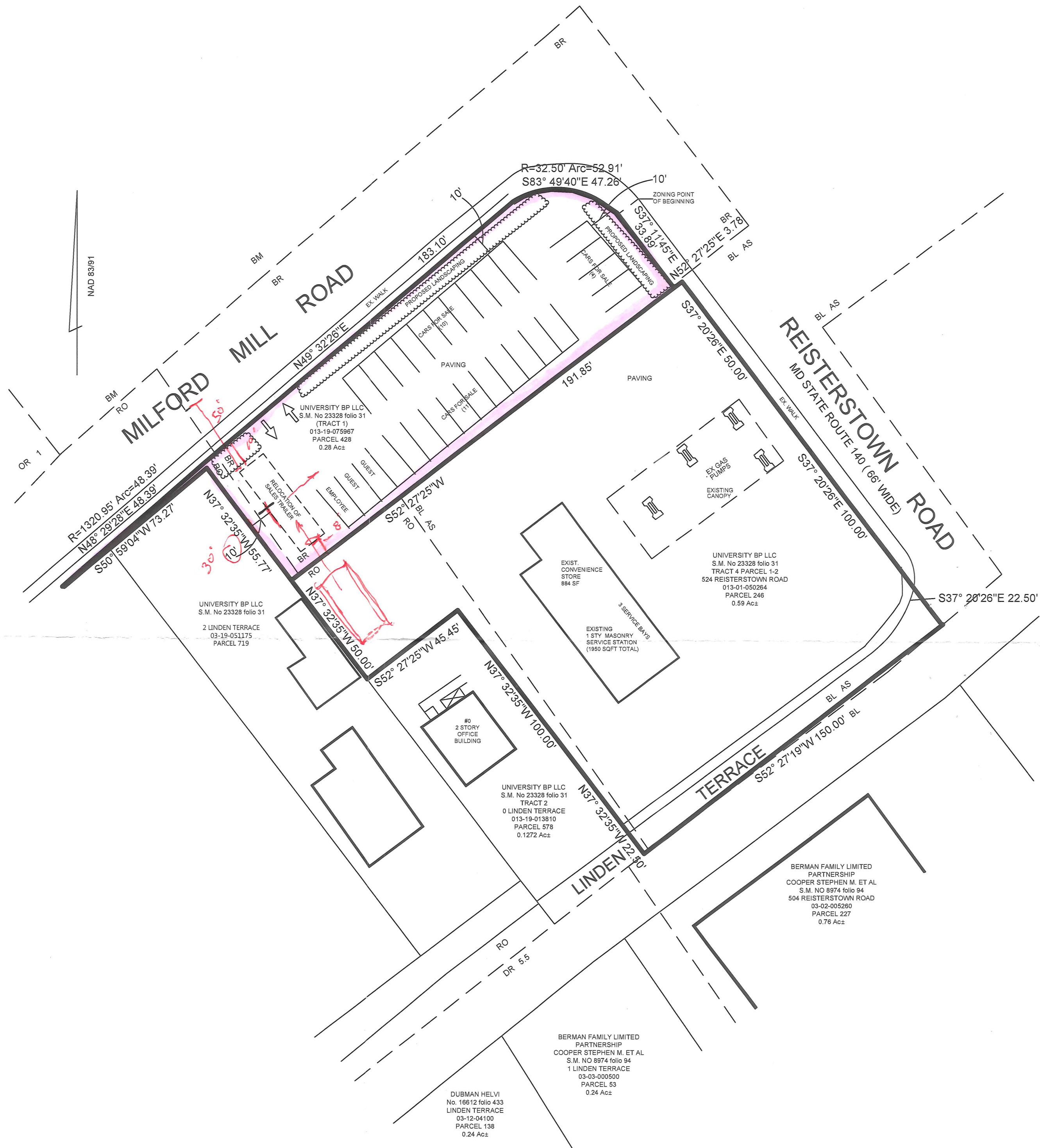
Planning

Regional Planning District: Pikesville District Code: 313
1. The subject property is not in a historic district.

Proposed Development

To change the use of the subject property from a truck rental parking lot to a pre-owned automobile sales lot

GENERAL NOTES



| REVISIONS | | Approved | |
|-------------------------------------|-------------------------------|---------------|-------|
| Date | Description | Approved | Sheet |
| 5/08/18 | MOVE TRAILOR PER ZAC COMMENTS | | A1 |
| Elyon Motors | | Site Plan | |
| Plan to Accompany A Zoning Petition | | Baltimore, MD | |
| 520 Reisterstown Rd | | | |
| Designed MjH | | 11/21/2017 | |
| Drawn | | Checked | |
| Approved | | Date | |
| Title | | Job Class | |

Scale 1" to 30'

PETITIONER'S

EXHIBIT NO. 1

Site Information

1. Ownership: University BP LLC
524 Reisterstown Road Pikesville, MD 21208

2. Address: 520 Reisterstown Road Pikesville MD 21208

3. Deed references: SM 23328 / 31

4. Area: 12,036 sq. ft. / 0.276 acre (per title deed)

5. Tax Map / Parcel / Tax account #: 78 / 428 / 03-19-075967

6. Election District: 3 Councilmanic District: 2
ADC Map: 4697F2 GIS tile: 078B2 Position sheet: 26NW20
Key Sheet: OSW Map Number: 078B2
Census tract: 403402 Census block: 240054034022
Schools: Milbrook ES Pikesville MS Pikesville HS

7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 078B2 and the information provided by Baltimore County on the internet.

8. Improvements: Vacant parking lot paved with stone & macadam. Existing trailer to be utilized for a sales office.

Zoning

Zoning: BR & RO
Previous zoning cases on the subject property:
1964-0110-X- Special Exception for a service station- approved
R-2001-0434-XA- Request for a zoning re-classification- petition dismissed
2008-0212-5PHXA- Special Exception & Special Hearing for a car wash & restaurant and to allow commercial parking in an RO zone- approved

Parking Calculations per Section 409.6 BCZR

| | | | |
|-------------------------------|------------------------|---|----|
| Office | 0.48 (480 sq. ft.) x 5 | = | 3 |
| Autos for sale | | = | 21 |
| Total parking spaces required | | = | 24 |
| Total parking spaces provided | | = | 24 |

Signage

A sign may be installed on the frontage of Reisterstown Road and will meet all zoning regulations.

BR Setbacks for Commercial Buildings

Front: 10 feet from the street right of way
Side / Rear: 10 feet from property line

Environmental

Watershed: Jones Falls URDL land type: 0 (Urban) Growth Tier: 1

1. The subject property is serviced by public water and sewer.
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4. The subject property is not located within a 100 year flood plain.

Forest Conservation

No forest exists on the subject property.

Forest Buffer

No wetlands exist on the subject property

Storm Water Management

There will be no addition impervious surface placed on the subject property.

Planning

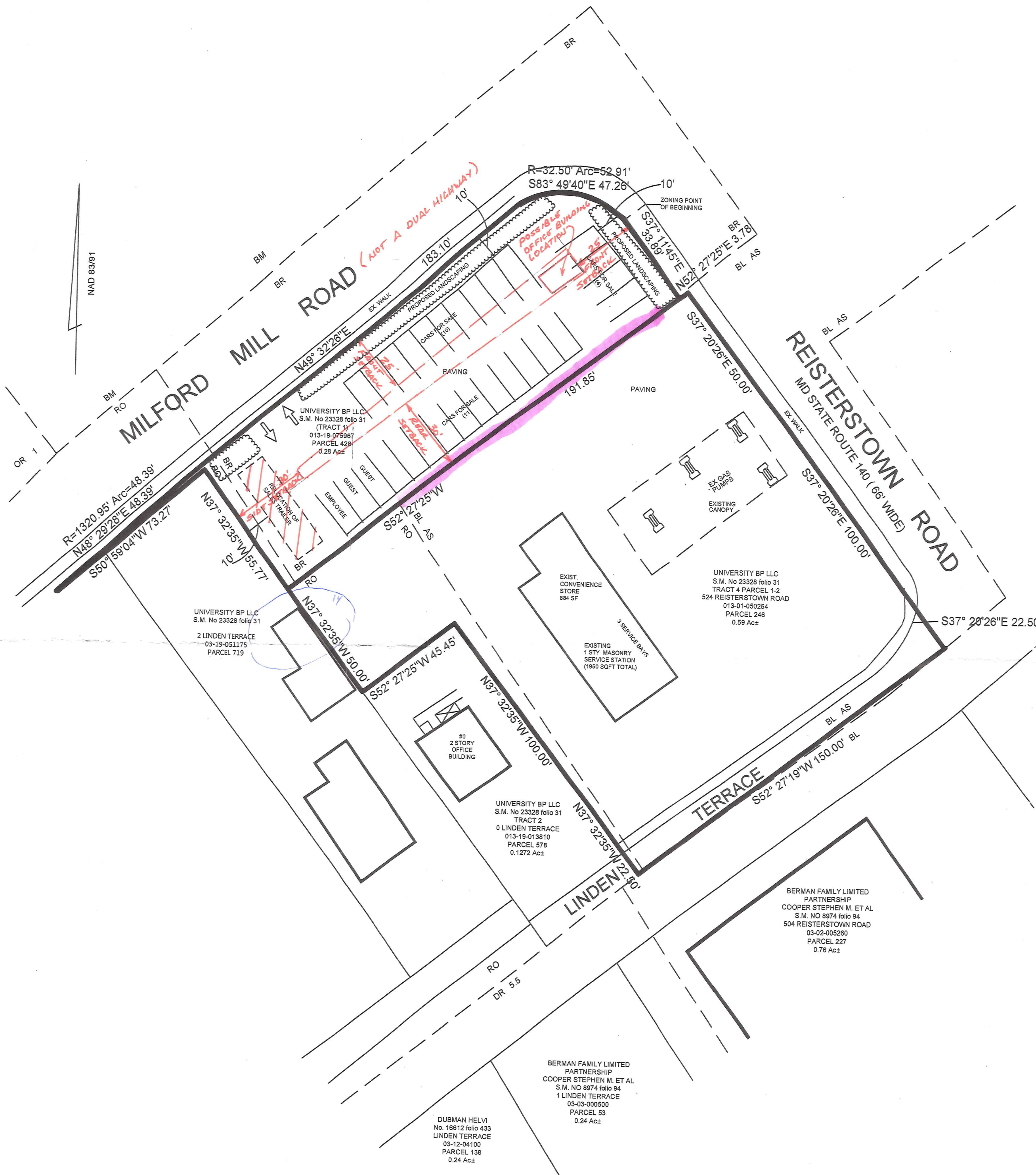
Regional Planning District: Pikesville District Code: 313

1. The subject property is not in a historic district.

Proposed Development

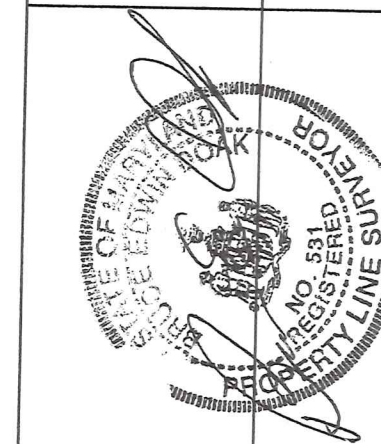
To change the use of the subject property from a truck rental parking lot to a pre-owned automobile sales lot

GENERAL NOTES



| | | | |
|----------|-----|----------------|--|
| Designed | MJH | Date | |
| Drawn | | 11/21/2017 | |
| Checked | | Answer 3/22/19 | |
| Approved | | B. Daw | |

| | |
|----------|-------|
| Approved | Title |
| | |



Elyon Motors
Plan to Accompany A Zoning Petition
520 Reisterstown Rd
Baltimore, MD

AMENDED
Site Plan

| REVISIONS | | |
|-----------|--|----------|
| Date | Description | Approved |
| 5/20/18 | MOVE TRAILOR PER ZAC | |
| 3/22/19 | ADDED EXISTING UTILITIES
CLOSED MAIN TRAILER
SHOWED POST-1/8\" | |
| Sheet | | |
| A1 | | |

Scale 1" to 30'

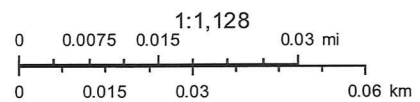
520 Reisterstown Road



January 14, 2018

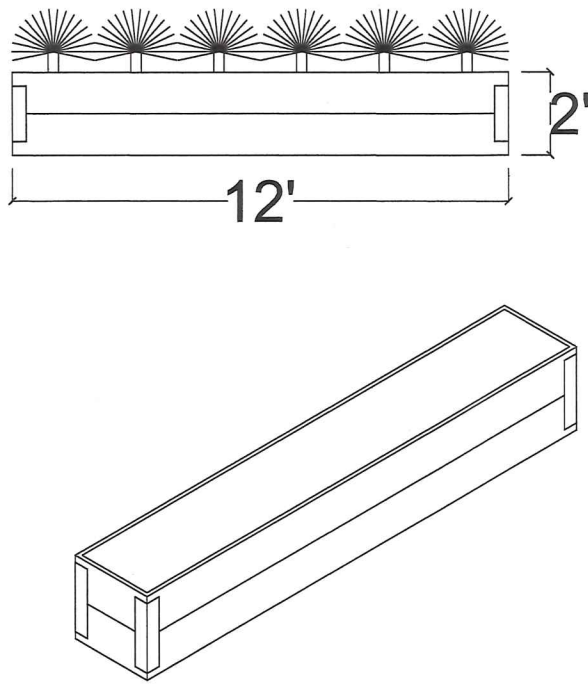
Regional Planning Districts
ADC 2008 Grid - ADC 2008
Key Sheet Grid - Key Sheet
200 Scale Grid - 200 Scale
Census Tracts 2010 - Tracts 2010
Census Block Groups 2010 - Block Groups 2010
Position Sheet Grid - Position Sheet

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- Zoning
- Property
- County Boundary



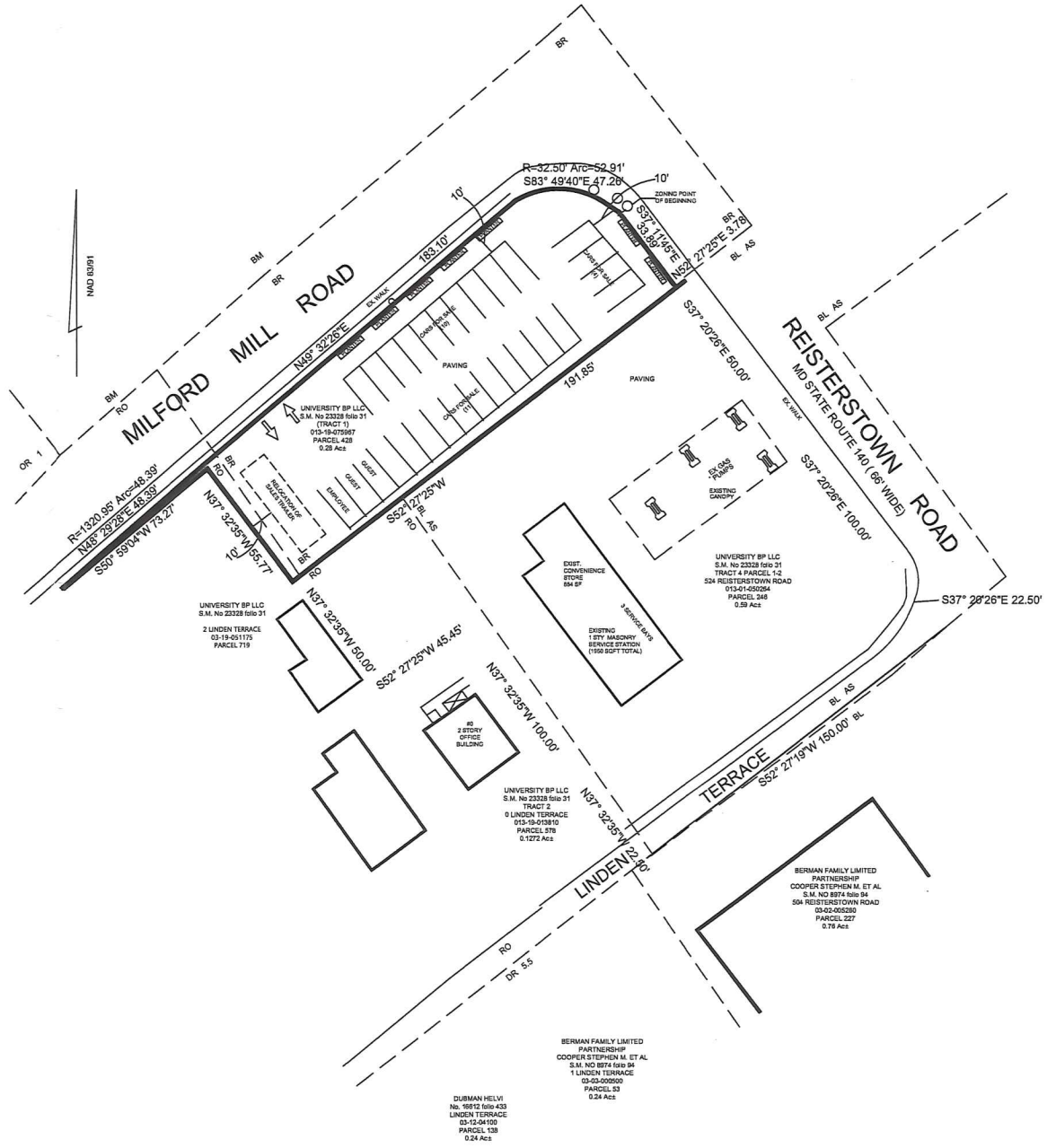
PETITIONER'S

EXHIBIT NO. 2



LANDSCAPE NOTES

7 raised planters will be strategicall located along the perimeter as shown in the landscape plan.
This planters will be approximately 2 ft in height and constructed of either rot resistant cedar wood, or pressure treated lumber. Shrubs will be planted which will provide screening for the parked cars for sale. The planters will measure approximately 12' by 2 ft' and will be placed with approximately 6 ft spacing, working around the nultiple traffic signal and utility polls. This will allow for easy removal in the event utility work is necessary.



Scale 1" to 30'

| REVISIONS | |
|-----------|-------------------------------|
| Date | Description |
| 5/08/18 | MOVE TRAILOR PER ZAC COMMENTS |
| Approved | |
| Sheet | |
| 1 | |

Elyon Motors
Plan to Accompany A Zoning Petition
520 Reisterstown Rd
Baltimore, MD

Landscape Plan

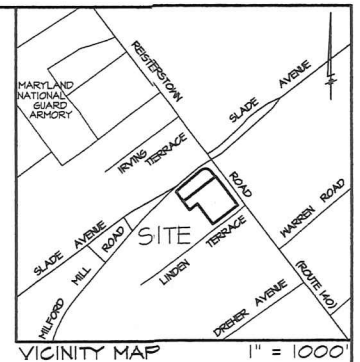
| | |
|----------|------------|
| Designed | MJH |
| Drawn | 11/21/2017 |
| Checked | |

| | |
|----------|------------|
| Approved | Date |
| THL | 11/21/2017 |

PETITIONER'S

EXHIBIT NO. 5

DEED HERONIAN
(S.M. No. 23328 folio 31)



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE T8B2
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 33.
4. CENSUS TRACT 403400 REGIONAL PLANNING DISTRICT 313
5. WATERSHED JONES FALLS SUBWERSHED 52
6. SCHOOL DISTRICT, ELEMENTARY - MILLBROOK E.S.; MIDDLE - PIKESVILLE M.S.; HIGH - PIKESVILLE H.S.
7. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. PUBLIC WATER AND SEWER IS EXISTING.
10. UNDERGROUND GASOLINE STORAGE TANKS EXIST ON SITE.
11. THERE ARE NO KNOWN HISTORIC BUILDINGS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, WELLS, SEPTIC SYSTEMS, STREAMS, WETLANDS OR FLOODPLAINS ON THIS SITE.

NOTES PERTAINING TO THIS AMENDED PLAN

1. ON FEBRUARY 1, 2008 THE BALTIMORE COUNTY ZONING COMMISSIONER APPROVED A SPECIAL EXCEPTION AND SPECIAL HEARING IN THIS CASE.
2. ON FEBRUARY 10, 2011, AFTER AN APPEAL BY THE PEOPLES COUNCIL FOR BALTIMORE COUNTY, THE BALTIMORE COUNTY BOARD OF APPEALS REMANDED THE CASE FOR FURTHER CONSIDERATION IN LIGHT OF THE DESIGN REVIEW PANEL (DRP) PROCEEDINGS.
3. ON APRIL 8, 2011, THE DRP APPROVED THIS PROJECT WITH CONDITIONS ENUNCIATED IN THE DRP APPROVAL CORRESPONDENCE (SHOWN HEREON).
4. CONSISTENT WITH THE DRP APPROVAL, THE PETITIONER SUBMITTED A DRP PLAN, A LANDSCAPE PLAN AND ARCHITECTURAL ELEVATIONS, WHICH WERE SATISFACTORY TO THE OFFICE OF PLANNING AND THE BALTIMORE COUNTY LANDSCAPE ARCHITECT.
5. THIS AMENDED PLAN INCORPORATES BY REFERENCE THE AFORESAID DRP PLAN, LANDSCAPE PLAN AND ARCHITECTURAL ELEVATIONS.
6. THIS AMENDED PLAN IS SUBJECT TO THE FOLLOWING CONDITIONS:
A) THERE SHALL BE NO EXTERNAL LOUD SPEAKERS ON THE PROPERTY
B) CAR WASH ACTIVITIES (EXCLUSIVE OF REPAIRS AND SERVICING OF EQUIPMENT) MAY NOT START PRIOR TO 7 AM AND MUST CONCLUDE BY 7 PM.
C) THE EXISTING VEHICLE AND ACCESSORY RENTAL BUSINESS SHALL CEASE UPON ISSUANCE OF BUILDING PERMITS CONSISTENT WITH THIS AMENDED PLAN.

PARKING REQUIREMENTS *

| | |
|--|-----------|
| CONVENIENCE STORE - 804 SF @ 3 SP/1000 SF | 3 SPACES |
| SERVICE BAYS 3 @ 3 SP./BAY | 9 SPACES |
| EMPLOYEES 3 @ 1 SP/EMPLOYEE | 3 SPACES |
| AIR PUMP | 1 SPACE |
| VACUUM UNIT | 1 SPACE |
| ROLL OVER CAR WASH - 2 SP. PLUS 2 DRYING SP. | 4 SPACES |
| RESTAURANT 840 SF @ 16 SP/1000 SF | 14 SPACES |
| TOTAL REQUIRED | 35 SPACES |
| TOTAL PROVIDED | 35 SPACES |
| STACKING SPACES REQUIRED FOR CAR WASH | 4 SPACES |
| STACKING SPACES PROVIDED FOR CAR WASH | 11 SPACES |
| * ALL SPACES ARE 8.5' x 18' MIN, PAVED AND STRIPED | |

OWNER/DEVELOPER

UNIVERSITY BP LLC
524 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-5904
(410) 296-3888

SPECIAL HEARING REQUESTED
TO ALLOW A BUSINESS PARKING AREA IN RO ZONE
PURSUANT TO B.C.Z.R. SECTION 401.BB

SPECIAL EXCEPTION REQUESTED
BALTIMORE COUNTY ZONING REGULATIONS:

SECTION 230.13 for:
CAR WASH (Bill Nos. 108-1964; 85-1967)
DRIVE-IN RESTAURANT (Bill Nos. 20-1967; 85-1967)

BALTIMORE COUNTY ZONING REGULATIONS R.O. BUILDING REGULATIONS

- 204.3.A.1. USES PERMITTED AS OF RIGHT AND AS LIMITED IN D.R. 5.5 ZONES.
- 204.4.A. USES PERMITTED UNDER SECTIONS 204.3.A.1. ARE GOVERNED BY THE BULK REGULATIONS OF D.R.5.5 ZONES.
- 305.1. IN D.R.5.5 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREFTER ERECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITH PRINCIPAL BUILDINGS SITUATE WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R.5.5 ZONES. ...

SOIL TYPES & LIMITATIONS

| TYPE | SEPTIC FILTER FIELDS | HOMESITES W/BASEMENT | STREETS & PARKING |
|------|---|--|--|
| LHB | Slight | Slight | Moderate: slope |
| AUB | Severe: slow permeability; seasonally perched water table. | Moderate: seasonally perched water table. | Moderate: seasonally perched water table; slope. |
| MAA | Severe: high water table; poor natural drainage; slow permeability. | Severe: high water table; poor natural drainage. | Severe: high water table; poor natural drainage. |

DESIGN REVIEW PANEL APPROVAL



KEVIN KAMENETZ
County Executive

JEFF MAYHEW, Acting Director
Office of Planning

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

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

DATE: April 8, 2011

FROM: Lynn Lanham
Design Review Panel

SUBJECT: Design Review Panel - Approval

PROJECT NAME: University BP, 520 Reisterstown Road

PROJECT #: DRP # 505

PROJECT TYPE: Commercial, Pikesville

PROJECT DESCRIPTION:

The project known as University BP, is located between Milford Mill Road, Reisterstown Road, and Linden Terrace. At this time there is a gas station and convenience store located on the site along with two houses that are used as office buildings. The owner, University BP LLC Properties, intends to build a roll-over carwash and a carryout restaurant building attached to the existing gas station and convenience store portion of the site. The site parking will be expanded to meet current parking criteria as well as landscaping on the site to conform with the Pikesville Commercial Revitalization Guidelines.

The project was reviewed for the third time before the Design Review Panel at the March 9, 2011 meeting. At that time a motion was made to approve the project with the following conditions:

1. Revise plans to address location of monument sign - address visibility issues, label materials
2. Revise landscape plan - address sign location & visibility (height of sign is okay)
3. Round and plant corners of stacking lane; place tree at SW corner of property to provide screening
4. Revise elevations - Rear of building to be brick (label all materials)
5. Provide additional signage - directional sign for car wash; pavement markings
6. Revisit area between building and parking space 29 and surple next to spaces 32 & 28 to prevent conflicts
7. Align curbs at car wash exit and move parking spaces 11 & 12 south
8. Paint and clean-up canopy

DISPOSITION:

As of April 8, 2011 all revised plans have been submitted to the Office of Planning for review and final approval has been granted.

Lynn Lanham

08-212-SPHXA AMENDED PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING AND A SPECIAL EXCEPTION UNIVERSITY BP LLC PROPERTIES

Deed Ref: S.M. No. 23328 folio 31

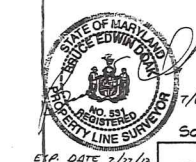
520 REISTERSTOWN ROAD
Zoned BL AS, RO; GIS Tile T8B2
Tax Account No.: 03-01-050264
Tax Map T8; Grid 9; Parcel 246

REISTERSTOWN ROAD
Zoned BL AS, RO; GIS Tile T8B2
Tax Account No.: 03-19-075967
Tax Map T8; Grid 9; Parcel 428

3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: JULY 7, 2011



GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

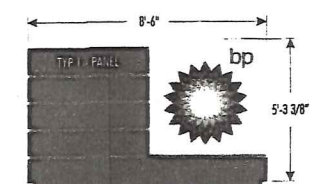
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

| REVISION | DATE | COMPUTED | DRAWN: C.L.M. | CHECKED | FILE: X:\515\ |
|----------|------|----------|---------------|---------|---------------|
|----------|------|----------|---------------|---------|---------------|

PETITIONER'S

Remainder

EXHIBIT NO. 1



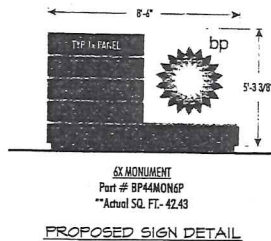
6X MONUMENT
Part # BP44MONGP
**Actual SQ. FT. 42.43

PROPOSED SIGN DETAIL

LEGEND

| | |
|--------------------|----------|
| EXISTING BUILDINGS | [Symbol] |
| EXISTING PAVING | [Symbol] |
| ZONING LINE | [Symbol] |
| PROPERTY LINE | [Symbol] |
| CONTOURS | [Symbol] |

DEED MERIDIAN
(S.M. No. 23228 folio 31)



ZONING ORDER CASE #08-212-SPHXA

THEREFORE, IT IS ORDERED, this 14th day of February 2008, by the Zoning Commissioner for Baltimore County that the Petitioner for Special Exception, to permit the use of the described property for a car wash and drive-in restaurant pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 230.13, as shown on Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing, pursuant to Section 409.8.B.1 of Baltimore County Zoning Regulations (B.C.Z.R.), to permit commercial parking in a R-O zone, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- The proposed car wash and drive-in restaurant improvements fall within the jurisdiction of the Pikesville Design Review Panel Area. The Petitioner must submit its "Development Plan" to the Design Review Panel for approval in accordance with B.C.C. Section 32-4-203.
- The Petitioner shall also submit to the Office of Planning, as part of the project's review criteria: (a) an upgraded landscape plan in those areas designated "landscaping area" on the site plan, (b) to include the replacement of the existing 6-foot high wood privacy fence, and (c) an upgraded landscape and lighting plan for this site.
- The Petitioner shall show designated employee parking spaces on the Development Plan, i.e., spaces 7, 8, 9 and 10 as depicted on Petitioner's Exhibit 1.
- There shall be no external loud speakers on the property.
- Car wash activities (exclusive of repairs and servicing of equipment) may not start prior to 7 AM and must conclude by 7 PM.
- When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

William M. Belmont, III
Zoning Commissioner for Baltimore County

REMAND ORDER CASE #08-212-SPHXA

RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
520 Reisterstown Road; S corner of
Milford Mill & Reisterstown Roads
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): University BP, LLC
Petitioner(s)

• BEFORE THE COUNTY
• BOARD OF APPEALS
• FOR
• BALTIMORE COUNTY
• 08-212-SPHXA

REMAND ORDER

This case comes to the County Board of Appeals upon the appeal by People's Counsel for Baltimore County of the Zoning Commissioner's February 1, 2008 approval of Petitioner University BP, LLC's Petition for Special Hearing, Special Exception and Variance, to allow the addition of a carwash and drive-in restaurant to the service station at 520 Reisterstown Road. Because the property is in the Pikesville area, it is subject to review by the Pikesville Design Review Panel (DRP) under Baltimore County Code Sections 32-4-203 and 32-4-204 (2003).

At the January 19, 2011 hearing, Petitioner was represented by Francis X. Borgerding, Jr. People's Counsel Peter Max Zimmerman represented his office. Area citizen Alan Zukerberg appeared as an interested citizen and in his capacity as President of the Pikesville Community Corporation.

The County Board of Appeals previously allowed postponement of the case several times to await the conclusion of DRP proceedings, setting January 19, 2011 as the final hearing date, with no further postponements. As the Board was advised at the January 19 hearing, the DRP proceedings have not yet come to fruition. Counsel for Petitioner advises that Petitioner still anticipates presenting an amended plan to the DRP for review.

At this time, the Board has determined to remand the case to the Zoning Commissioner for review of the Petition, or any amended petition and plan, and in light of such further proceedings, including but not limited to DRP and Zoning Advisory Committee review and such further public hearing as may be necessary and appropriate.

This is without prejudice to the rights of any of the parties. The parties of record at the Zoning Commissioner level include William McConnell and Charles Duhman, neighbors on Linden Terrace.

Accordingly, for the foregoing reasons, it is, this 16th day of February, 2011, Ordered, by the County Board of Appeals for Baltimore County, that this case be, and hereby is, remanded to the Zoning Commissioner of Baltimore County for such further proceedings and public hearing as may be necessary and appropriate.

Any petition for judicial review of this order must be filed within 30 days.

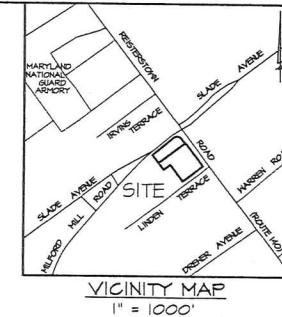
Maureen E. Murphy
MAUREEN E. MURPHY, CHAIRMAN

Wendell H. Grier
WENDELL H. GRIER, PANEL MEMBER

Andrew M. Belt
ANDREW M. BELT, PANEL MEMBER

Approved as to form:

Francis X. Borgerding, Jr.
Francis X. Borgerding, Jr., Attorney for Petitioner
Peter Max Zimmerman
Peter Max Zimmerman, People's Counsel for Baltimore County



DESIGN REVIEW PANEL APPROVAL



JEFF MATTHEW, Acting Director
Office of Planning

INTER-OFFICE CORRESPONDENCE DESIGN REVIEW COMMENTS

TO: Arnold Jablon, Director
Department of Permits, Approvals
and Inspections
DATE: April 8, 2011

FROM: Lynn Lanham
Design Review Panel

SUBJECT: Design Review Panel - Approval

PROJECT NAME: University BP, 520 Reisterstown Road

PROJECT: DRP # 505

PROJECT TYPE: Commercial, Pikesville

PROJECT DESCRIPTION:

The project known as University BP, is located between Milford Mill Road, Reisterstown Road, and Linden Terrace. At this time there is a gas station and convenience store located on the site along with two houses that are used as office buildings. The owner, University BP LLC Properties, intends to build a roll-over carwash and a carry-out restaurant building attached to the existing gas station and convenience store portion of the site. The site parking will be expanded to meet current parking criteria as well as landscaping on the site to conform with the Pikesville Commercial Revitalization Guidelines.

The project was reviewed for the third time before the Design Review Panel at the March 9, 2011 meeting. At that time a motion was made to approve the project with the following conditions:

- Revise plans to address location of monument sign - address visibility issues, label materials
- Revise landscape plan - address sign location & visibility (height of sign is okay)
- Round and plant corners of stacking lane; place tree at SW corner of property to provide screening
- Revise elevations - Rear of building to be brick (label all materials)
- Provide additional signage - directional sign for car wash; pavement markings
- Revisit area between building and parking space 29 and stripe next to spaces 34 & 35 to prevent conflicts
- Align curbs at car wash exit and move parking spaces 11 & 12 south
- Paint and clean-up canopy

DISPOSITION:

As of April 8, 2011 all revised plans have been submitted to the Office of Planning for review and final approval has been granted.

Lynn Lanham
Lynn Lanham

VARIANCE REQUESTED

180.18.1.5 (B.C.Z.R.) TO ALLOW A PARKING LOT WITH A 0 FOOT BUFFER AND SETBACK IN LIEU OF THE REQUIRED 50 FOOT RTA BUFFER AND 75 FOOT RTA SETBACK

SPECIAL HEARING REQUESTED

TO ALLOW A COMMERCIAL PARKING AREA IN RO ZONE

SPECIAL EXCEPTION REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

230.13 for:
CAR WASH (Bill Nos. 108-1464; 85-1467)
DRIVE-IN RESTAURANT (Bill Nos. 40-1461; 85-1467)

OWNER/DEVELOPER

UNIVERSITY BP LLC
524 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-5204
(410) 236-3888

08-212-SPHXA PLAN TO ACCOMPANY A PETITION FOR A VARIANCE AND SPECIAL HEARING UNIVERSITY BP LLC PROPERTIES

Deed Ref: S.M. No. 23228 folio 31

520 REISTERSTOWN ROAD
Zoned BL AS, RO; 615 Tile 78B2
Tax Account No.: 03-01-050284
Tax Map T8; Grid 4; Parcel 246
REISTERSTOWN ROAD
Zoned BL AS, RO; 615 Tile 78B2
Tax Account No.: 03-14-075467
Tax Map T8; Grid 4; Parcel 428
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: JUNE 29, 2011

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION DATE COMPUTED DRAWN G.L.M. CHECKED FILE: X:\GherSPHXA

BALTIMORE COUNTY ZONING REGULATIONS R.O. BUILDING REGULATIONS

- 304.3.A.1. USES PERMITTED AS OF RIGHT AND AS LIMITED IN D.R. 33 ZONES.
- 304.4.A. USES PERMITTED UNDER SECTIONS 304.3.A.1. ARE GOVERNED BY THE BULK REGULATIONS OF D.R.33 ZONES.
- 308.1. IN D.R.33 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREINAFTER ERECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE, PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITH PRINCIPAL BUILDINGS SITUATE WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R.33 ZONES.

PARKING REQUIREMENTS *

CONVENIENCE STORE - 504 SF @ 9 SF/1000 SF 5 SPACES
SERVICE BAYS 3 @ 3 SF/BAY 9 SPACES
EMPLOYEES 3 @ 1 SF/EMPLOYEE 3 SPACES
AIR RAMP 1 SPACE
VACUUM UNIT 1 SPACE
ROLL OVER CAR WASH - 2 SF/PLUS 2 DRIVING SF 4 SPACES
RESTAURANT 840 SF @ 16 SF/1000 SF 14 SPACES
TOTAL REQUIRED 35 SPACES
TOTAL PROVIDED 35 SPACES
STAGING SPACES PROVIDED FOR CAR WASH 4 SPACES
* ALL SPACES ARE 8.5' x 18' MIN, PAVED AND STRIPED

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A DEED
- THE TOPOGRAPHY SHOWN HEREON HAS BEEN TAKEN FROM BALTIMORE COUNTY 615 TILE 78B2
- THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 33
- GENUS TRACT 425000 REGIONAL PLANNING DISTRICT 518 WATERSHED JONES FALLS SUBWATERSHED SCHOOL DISTRICT, ELEM-ENTARY - MILBROOK ES; MIDDLE - PIKESVILLE MS; HIGH - PIKESVILLE HS. A.D.C. MAP 4 GRID 22 612
- THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE GRESHAMKAY BAY CRITICAL AREA.
- THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
- PUBLIC WATER AND SEWER IS EXISTING.
- UNDERGROUND GASOLINE STORAGE TANKS EXIST ON SITE.
- THERE ARE NO KNOWN HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, WELLS, SEPTIC SYSTEMS, STREAMS, WETLANDS OR FLOODPLAINS ON THIS SITE.

LEGEND

