



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 11775 Belair Road

which is presently zoned BM-CR

Deed References: 8545/490

10 Digit Tax Account # 1105043840

Property Owner(s) Printed Name(s) Kingsville Plaza Limited Partnership

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

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

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

3. X a **Variance** from Section(s)

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 410-832-2055 jgontrum@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Kingsville Plaza Limited Partnership

By: Frank J. Goettner, Jr., President

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature # 2

7410 Goettner Road, Kingsville, MD

Mailing Address

City

State

21087

443-250-6505

Zip Code

Telephone #

Email Address

Representative to be contacted:

John B. Gontrum, Esquire

Name — Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Suite 300, Towson, MD

Mailing Address

City

State

21204

410-832-2055

jgontrum@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0376-SPHA Filing Date 6 / 21 / 2019

Do Not Schedule Dates: _____

Reviewer JNP

ATTACHMENT TO ZONING PETITION
11775 BELAIR ROAD
KINGSVILLE PLAZA LIMITED PARTNERSHIP

PETITION FOR ZONING VARIANCE:

1. TO ACCEPT THE EXISTING LANDSCAPE PLANTINGS IN LIEU OF THE LANDSCAPE PLANTINGS CITED IN THE APPROVED AMENDED CRG PLAN DATED 8-5-1991 AND THE REQUIREMENTS PER §259.3.C.3.a OF THE BCZR; AND
2. TO ALLOW 3% OF THE PARKING LOT BE PERVIOUS SURFACE IN LIEU OF THE REQUIRED 7% AND TO ALLOW 1 TREE PER 13 PARKING SPACES IN LIEU OF THE REQUIRED 1 TREE PER 8 PARKING SPACES PER §259.3.C.3.b OF THE BCZR; AND
3. TO ALLOW 4 WALL MOUNTED SIGNS AND A SURFACE AREA NOT TO EXCEED 100 SQUARE FEET IN TOTAL IN LIEU OF THE REQUIRED 1 WALL MOUNTED SIGN WITH A SURFACE AREA NOT TO EXCEED 8 SQUARE FEET PER §259.3.C.7.a OF THE BCZR.
4. TO PERMIT A PARKING AREA OF 51 SPACES IN LIEU OF THE REQUIRED 78 SPACES PER §409.6.A.2 OF THE BCZR TO ACCOMMODATE A 3,000 SQUARE FOOT STANDARD AND CARRYOUT RESTAURANT AND 6,000 SQUARE FEET OF RETAIL AREA

5. To permit such other and further relief as may be deemed necessary for the existing ^{proposed} use, building and site in the C.R. district.

PETITION FOR SPECIAL HEARING:

1. TO APPROVE THE ILLUMINATION OF THE FREESTANDING SIGN AS SHOWN ON THE ATTACHED PLAN PER §259.3.C.7.c OF THE BCZR; AND
2. TO APPROVE A MODIFIED PARKING PLAN AS SHOWN ON THE ATTACHED PLAN PER §409.12.B OF THE BCZR.

kjWellsInc

Land Surveying, Site Planning and Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

June 4, 2019

Zoning Description Kingsville Plaza Property

11761 Belair Road
Baltimore County
Maryland
11th Election District
5th Councilmanic District

Beginning at a point of the east side of Belair Road (width varies) said point being northeast 146 feet from the centerline of ~~Gottner~~ ^{Geotner} Road thence on the seven (7) following courses and distances:

- 1) North 38 degrees 19 minutes 20 seconds East 396.10 feet
- 2) South 49 degrees 35 minutes 40 seconds East 562.10 feet
- 3) South 48 degrees 14 minutes 00 seconds West 329.47 feet
- 4) North 50 degrees 19 minutes 40 seconds West 255.00 feet
- 5) North 53 degrees 18 minutes 40 seconds West 50.00 feet
- 6) South 38 degrees 32 minutes 20 seconds West 50.00 feet
- 7) North 53 degrees 18 minutes 40 seconds West 200.00 feet

to the place of beginning. Containing 4.304 acres/187,482 sq. ft. of land more or less as described in a Deed recorded among the Land Records of Baltimore County in Liber 8545 folio 490.



RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
11775 Belair Road; SE/S Belair Road, *
146' NE of Goettner Road * HEARINGS FOR
11th Election & 5th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Kingsville Plaza Limited *
Partnership *
Petitioner(s) * 2019-376-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 26 2019

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: THE DAILY RECORD
Friday, September 13, 2019 - Issue

Please forward billing to:
Frank Goettner, Jr.
7410 Goettner Road
Kingsville, MD 21087

443-250-6505

NOTICE OF ZONING HEARING

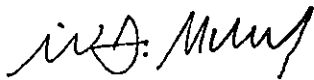
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0376-SPHA

11775 Belair Road
SE/s of Belair Road, northeast of Goettner Road
11th Election District – 5th Councilmanic District
Legal Owners: Kingsville Plaza Limited Partnership

Special Hearing to approve the illumination of the freestanding sign as shown on the attached plan per 259.3.C.7.C of the BCZR. To approve a modified parking plan as shown on the attached plan per 409.12.B of the BCZR. Variance to accept the existing landscape plantings in lieu of the landscape plantings cited in the approved amended CRG plan dated 8-5-1991 and the requirements per 259.3.C.3.A of the BCZR. To allow 3% of the parking lot to be pervious surface in lieu of the required 7% and to allow 1 tree per 13 parking spaces in lieu of the required 1 tree per 8 parking spaces per 259.3.C.3.B of the BCZR. To allow 4 wall mounted signs and a surface area not to exceed 100 square feet on total in lieu of the required 1 wall mounted sign with a surface area not to exceed 8 square feet per 259.3.C.7.A of the BCZR. To permit a parking area of 51 spaces in lieu of the required 78 spaces per 409.6.A.2 of the BCZR to accommodate a 3,000 square foot standard and carryout restaurant and 6,000 square feet of retail area. To permit such other and further relief as may be deemed necessary for existing and proposed use, building and site in C.R. District.

Hearing: Thursday, October 3, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.



September 4, 2019
JOHN A. SZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, Director
Department of Permits,
Approvals & Inspections

NOTICE OF ZONING HEARING

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SE/s of Belair Road, northeast of Goettner Road
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Special Hearing to approve the illumination of the freestanding sign as shown on the attached plan per 259.3.C.7.C of the BCZR. To approve a modified parking plan as shown on the attached plan per 409.12.B of the BCZR. Variance to accept the existing landscape plantings in lieu of the landscape plantings cited in the approved amended CRG plan dated 8-5-1991 and the requirements per 259.3.C.3.A of the BCZR. To allow 3% of the parking lot to be pervious surface in lieu of the required 7% and to allow 1 tree per 13 parking spaces in lieu of the required 1 tree per 8 parking spaces per 259.3.C.3.B of the BCZR. To allow 4 wall mounted signs and a surface area not to exceed 100 square feet on total in lieu of the required 1 wall mounted sign with a surface area not to exceed 8 square feet per 259.3.C.7.A of the BCZR. To permit a parking area of 51 spaces in lieu of the required 78 spaces per 409.6.A.2 of the BCZR to accommodate a 3,000 square foot standard and carryout restaurant and 6,000 square feet of retail area. To permit such other and further relief as may be deemed necessary for existing and proposed use, building and site in C.R. District.

Hearing: Thursday, October 3, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Frank Goettner, Jr., 7410 Goettner Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 13, 2019.**
- (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.

CERTIFICATE OF POST 5

CASE NO. 2019-0376-SPHA

PETITIONER/DEVELOPER

WHITEFORD TAYLOR

PRESTON LLP

DATE OF HEARING/CLOSING

10/3/19

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

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

11775 BELAIR RD
SIGN #2

THIS SIGN(S) POSTED ON September 13, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/13/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

51642

ZONING NOTICE

CASE # 2019-0376-SPHA

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204

DATE AND TIME: Thursday, October 3, 2019 at 1:30 p.m.

REQUEST: Special Hearing to approve the illumination of the freestanding sign as shown on the attached plan per 259.3.C.7.G of the BCZR. To approve a modified parking lot as shown on the attached plan per 409.6.A.2 of the BCZR. Variance to accept the existing landscape plantings in lieu of the landscape plantings cited in the approved amended CBC plan dated 8-5-1991 and the requirements per 259.3.C.3.A of the BCZR. To allow 3% of the parking lot to be pervious surface in lieu of the required 7% and to allow 1 tree per 13 parking spaces in lieu of the required 1 tree per 8 parking spaces per 259.3.C.3.B of the BCZR. To allow 4 wall mounted

NOTICE: THE OFFICE OF THE CLERK OF THE BOARD OF APPEALS, TOWSON, MD, HAS BEEN ADVISED THAT THE FOLLOWING PERSONS HAVE BEEN NOTIFIED BY THE CLERK OF THE BOARD OF APPEALS, TOWSON, MD, THAT THE PUBLIC HEARING WILL BE HELD ON THE DATE AND TIME SET FORTH ABOVE.

THE CLERK OF THE BOARD OF APPEALS, TOWSON, MD, HAS BEEN ADVISED THAT THE FOLLOWING PERSONS HAVE BEEN NOTIFIED BY THE CLERK OF THE BOARD OF APPEALS, TOWSON, MD, THAT THE PUBLIC HEARING WILL BE HELD ON THE DATE AND TIME SET FORTH ABOVE.

HAND-DIPPED ACCEPTANCE

REQUEST (cont.): signs and a surface area not to exceed 100 square feet on total in lieu of the required 1 wall mounted sign with a surface area not to exceed 8 square feet per 259.3.C.7.A of the BCZR. To permit a parking area of 51 spaces in lieu of the required 78 spaces per 409.6.A.2 of the BCZR to accommodate a 3,000 square foot standard and carryout restaurant and 6,000 square feet of retail area. To permit such other and further relief as may be deemed necessary for existing and proposed use, building and siting in C.R. District.

Myadingle 9/13/19

CERTIFICATE OF POST

CASE NO. 2019-0376-SPHA

PETITIONER/DEVELOPER

WHITEFORD TAYLOR

PRESTON LLP

DATE OF HEARING/CLOSING

10/3/19

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

ATTENTION:

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

11775 BELAIR RD
SIGN #1

THIS SIGN(S) POSTED ON September 13, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/13/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411



ZONING NOTICE

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

PLACE: Room 203, Jefferson Building
105 W. Chesapeake Ave. Towson MD 21204

DATE AND TIME: Thursday, October 3, 2019 at 1:30 p.m.

Request: special meeting to approve the amendment of the freestanding sign as shown on the attached plan per 259.3 C.3 of the BCZL To approve a modified parking plan as shown on the attached plan per 409.12.6 of the BCZL. Varyance to accept the existing landscape plan in lieu of the landscape plan attached in the approved amended CBD plan dated 6-8-1981 and the requirements per 259.3 C.3 A of the BCZL To allow 3% of the surface lot to be pervious surface in lieu of the required 2% and to allow 1 tree per 13 parking spaces in lieu of the required 1 tree per 8 parking spaces per 259.3 C.3.B of the BCZL To allow 4 wall mounted

REQUEST (cont.) **SHEDS AND OUTBUILDINGS** are to be restricted to 100 square feet on total lot area. A shed is required if wall mounted equipment with a surface area not to exceed 8 square feet per 250.0 G.Z.A. of the B.C.R. To permit a parking area of 81 spaces (plus a list of the required 75 spaces per 429.5 G.Z.A. of the B.C.R.) to accommodate a 3,000 square foot, finished and cemented restaurant and 8,000 square feet of retail space. To permit such other and further relief as may be deemed necessary for existing and proposed use. Ordinance 646 in C.R. District.

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THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/13/2019

Order #: 11789244
Case #: 2019-0376-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0376-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0376-SPHA

11775 Belair Road

SE/4 of Belair Road, northeast of Goettner Road

11th Election District - 5th Councilmanic District

Legal Owners: Kingsville Plaza Limited Partnership

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Hearing: Thursday, October 3, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

s13

**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 twenty (20) 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: 2019-0376-CPHA

Property Address: 11775 BELAIR ROAD

Property Description: SE 1/4 OF BELAIR ROAD, 146' NE OF GOETTNER RD

Legal Owners (Petitioners): KINGSVILLE PLAZA LIMITED PARTNERSHIP

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: FRANK J. GOETTNER, JR.

Company/Firm (if applicable): Kingsville Plaza Limited Partnership

Address: ~~2410~~ 7410 Goettaen Rd.

Kingsville, MD 21087

Telephone Number: 443-258-6505

Revised 7/9/2015

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

No. **183875**

Date: **6/21/2019**

PAID RECEIPT

BUSINESS ACTUAL TIME LBY
6/24/2019 6/21/2019 10:24:53 1

REG: NS01 WALKIN LJR
>>RECEIPT # 013393 6/21/2019 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount	5
001	806	0000		6150						1000.00	875

Req t Tot: \$ 1,000.00
1,000.00 CK .00 CR
Baltimore County, Maryland

Total: **1000.00**

Rec From: **Whitford, Taylor & Preston**
For: **Special Hearing Variance - 11775 Belair Road
2019- SPHA (Kingsville Plaza Limited Partnership)**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 26, 2019

John B. Gontrum
1 W. Pennsylvania Ave Ste 300
Towson MD 21204

RE: Case Number: 2019-0376-SPHA, 11775 Belair 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 June 21, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over the words "Very truly yours,".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Kingsville Plaza Limited Partnership 7410 Goettner Road Kingsville MD 21087

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 6/26/19

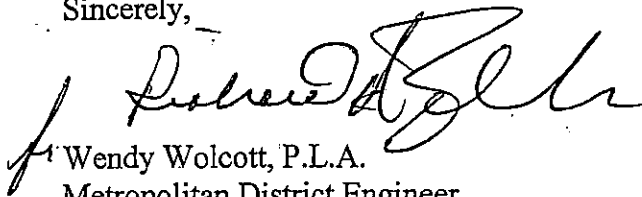
Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

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 6/26/19. A field inspection and internal review reveals that an entrance onto US 1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Special Except. Case Number 2019-0376-SPHA.
Kingsville Plaza Limited Partnership
11775 Belair Road
US 1

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,



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

WW/RAZ

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

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

DELAWARE*
DISTRICT OF COLUMBIA
KENTUCKY
MARYLAND
MICHIGAN
NEW YORK
PENNSYLVANIA
VIRGINIA

WWW.WTPLAW.COM
(800) 987-8705

September 20, 2019

VIA HAND DELIVERY

Michael D. Mallinoff, Director
Permits, Approvals & Inspections
County Office Building
111 W. Chesapeake Avenue, Room 123
Towson, MD 21204



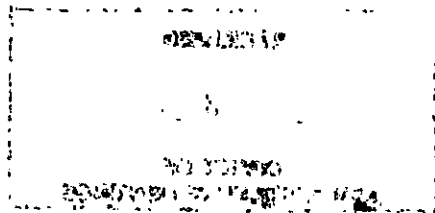
**Re: Zoning Case No. 2019-0376-SPHA
11775 Belair Road**

Dear Mr. Mallinoff:

Pursuant to the Baltimore County Zoning Commissioner Rules of Procedure Rule G, we wish to request a postponement of the hearing in the above-referenced case. A hearing is currently scheduled for Thursday, October 3, at 1:30 p.m. in the Jefferson Building.

The hearing involves variances to permit the expansion of an existing carryout restaurant to provide for seated restaurant service. We had anticipated that a new lease would be in place by the time of the hearing, for negotiations have been ongoing for quite some time. Unfortunately, the negotiations have not concluded, and a new lease has not yet been signed. Consequently, we do not wish to go forward with a hearing to permit a use if the use is not going to be utilized and some other use put in its place.

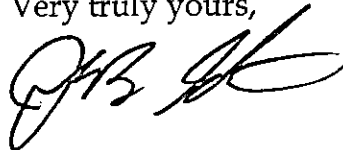
One of our reasons for requesting a postponement is that we have been in discussions with the Greater Kingsville Community Association for many months. These negotiations resulted in an amendment to existing covenants, which have been recorded among the Land Records of Baltimore County. Our negotiations with Kingsville have been very productive and very cordial, and we would not wish to go into a hearing without being able to be in total compliance with our discussions and commitments with Kingsville.



Michael D. Mallinoff, Director
September 20, 2019
Page 2

We are hopeful that we can work things out with the tenant and that we will be able to shortly reschedule the hearing. We would appreciate your favorable consideration of this request for postponement.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JBG', followed by a large, stylized flourish.

John B. Gontrum

JBG:tdm

cc: People's Counsel of Baltimore County
Thomas Kneeshaw, Greater Kingsville Civic Association
Office of Administrative Hearings

10190762

Debra Wiley

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Wednesday, August 5, 2020 2:07 PM
To: Debra Wiley
Subject: RE: REMINDER - FW: Case No. 2019-0376-SPHA - 11775 Belair Rd. (Kingsville Plaza Limited Partnership)

CAUTION: This message from prvs=7486e510fb=jgontrum@wtplaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Debra,

Thank you so much for following up rather than dismissing the case. As it happens the client is fine with the dismissal.

However, I do not want you to think that I ignored your message. On July 17 at about 4:30 I sent the following message:

Ms. Wiley:

The Petitioner is willing to have the case dismissed without prejudice.

Thank you for following up.

John

Best wishes,

John

From: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Wednesday, August 05, 2020 1:54 PM
To: Gontrum, John <JGontrum@wtplaw.com>
Subject: [EXTERNAL] REMINDER - FW: Case No. 2019-0376-SPHA - 11775 Belair Rd. (Kingsville Plaza Limited Partnership)

REMINDER – Please respond.

Thank you.

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

From: Debra Wiley
Sent: Friday, July 17, 2020 12:47 PM
To: 'Gontrum, John' <JGontrum@wtplaw.com>
Subject: Case No. 2019-0376-SPHA - 11775 Belair Rd. (Kingsville Plaza Limited Partnership)

Good Afternoon Mr. Gontrum,

As you know, there is quite a backlog of cases to be scheduled.

Our office is attempting to help Kristen and it appears that correspondence was received from you to PAI on September 20, 2019 requesting a postponement of the October 3, 2019 hearing (see attachments).

Please provide a status update (in writing). If we do not hear from you within ten (10) days, this case may be dismissed without prejudice.

Thank you in advance for your understanding.

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

COVID-19

Stay Home • Wash Your Hands
Avoid Touching Your Face
Disinfect Surfaces Frequently

STOP THE SPREAD • FLATTEN THE CURVE

[\[baltimorecountymd.gov\]](http://baltimorecountymd.gov)

CONNECT WITH BALTIMORE COUNTY

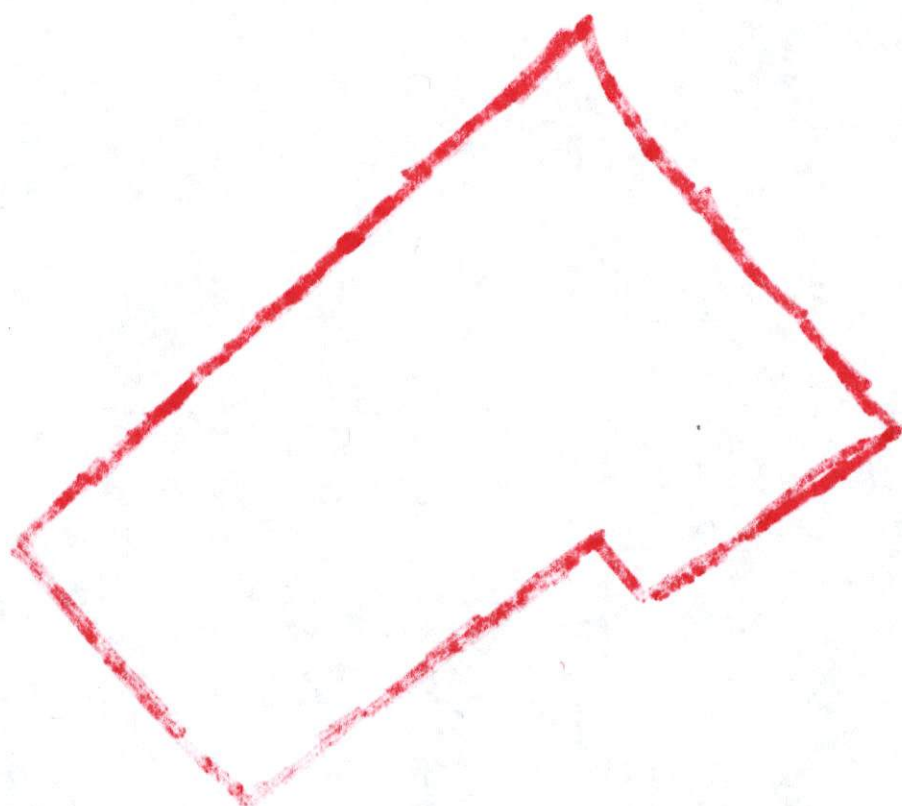
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SIGN DATA:

- 1) FREE STANDING
- 2) ILLUMINATED BY EXTERIOR GROUND LIGHTING
- 3) DOUBLE SIDED
- 4) HEIGHT: 22'
- 5) LOWER SIGN AREA: 83 SQ. FT. / TOTAL BOTH SIDES
- 6) UPPER SIGN AREA: 22 SQ. FT. / TOTAL BOTH SIDES
- 7) TOTAL SIGN AREA: 105 SQ. FT. / TOTAL BOTH SIDES

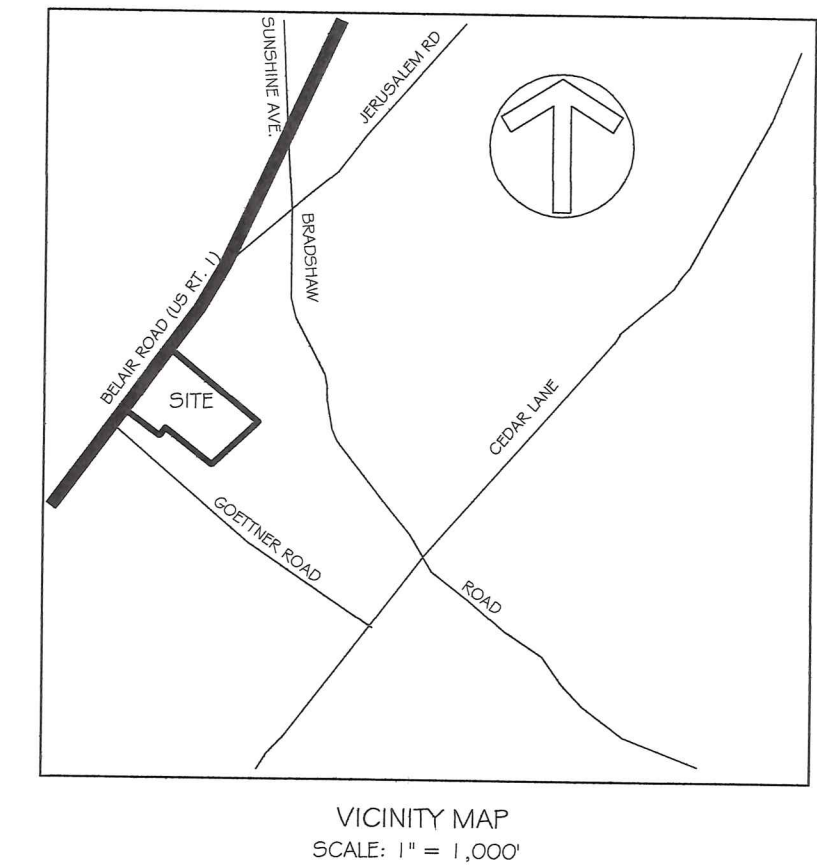
ZONING VARIANCE REQUEST:

- 1) TO ACCEPT THE EXISTING LANDSCAPE PLANTINGS IN LIEU OF THE LANDSCAPE PLANTINGS CITED IN THE APPROVED AMENDED CRG PLAN DATED 9-5-1991 AND THE REQUIREMENTS PER §259.3.C.3.a OF THE BCZR; AND
- 2) TO ALLOW 3% OF THE PARKING LOT BE PAVED SURFACE IN LIEU OF THE REQUIRED 7% AND TO ALLOW 1 TREE PER 13 PARKING SPACES IN LIEU OF THE REQUIRED 1 TREE PER 8 PARKING SPACES PER §259.3.C.3.b OF THE BCZR; AND
- 3) TO ALLOW 4 WALL MOUNTED SIGNS AND A SURFACE AREA NOT TO EXCEED 100 SQUARE FEET IN TOTAL IN LIEU OF THE REQUIRED 1 WALL MOUNTED SIGN WITH A SURFACE AREA NOT TO EXCEED 8 SQUARE FEET PER §259.3.C.7.a OF THE BCZR.

SPECIAL HEARING REQUEST:

- 1) TO APPROVE THE ILLUMINATION OF THE FREESTANDING AS SHOWN ON THE ATTACHED PLAN PER §259.3.C.7.c OF THE BCZR; AND
- 2) TO APPROVE A MODIFIED PARKING PLAN AS SHOWN ON THE ATTACHED PLAN PER §409.1.2.B OF THE BCZR.

MPJ ENTERPRISES, LLC
26065/D12
TAX ACCT. NO.: 1103023775



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA:

- 1) OWNER: KINGSVILLE PLAZA LIMITED PARTNERSHIP
- 2) OWNER'S ADDRESS: 11761 BELAIR ROAD, KINGSVILLE, MARYLAND 21087
- 3) OWNER'S TELEPHONE NO.: 443-250-6505
- 4) TAX ACCOUNT NUMBERS: 1105043840
- 5) TAX MAP: 64 PARCEL: 294
- 6) DEED REFERENCE: 6545/490
- 7) ZONING MAPS: 055A3 & 064A1
- 8) ZONING: BM-CR
- 9) AREA:
 - GROSS AREA: 4.304 ACRES/187,470 SQ. FT.
 - NET AREA: SAME AS GROSS AREA
- 11) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBZA.
- 12) THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAIN.
- 13) PREVIOUS HEARINGS OR PERMITS: SEE BELOW FOR HEARINGS, ORIGINAL BUILDING PERMIT.
- 14) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
- 15) THE SUBJECT SITE IS SERVED BY PRIVATE WELL AND SEWERAGE DISPOSAL SYSTEM.
- 16) THE SUBJECT SITE DOES NOT LIE WITHIN A DEFICIENT BASIC SERVICE AREA.
- 17) AMENITY OPEN SPACE: NONE REQUIRED
- 18) F.A.R.:
 - MAXIMUM PERMITTED PREVIOUS AMENDED CRG: 4.0
 - MAXIMUM PERMITTED: 0.5 (PER §235C.1.B)
 - EXISTING AND PROPOSED: 9,000/187,470 = 0.05
- 19) BUILDING HEIGHT:
 - MAXIMUM PERMITTED: 35 FEET (PER §235C.1.A)
 - EXISTING: 18 FEET
- 20) EXISTING USES: CARRY OUT RESTAURANT, RETAIL
- 21) PROPOSED USES: STANDARD RESTAURANT, RETAIL
- 22) PARKING:
 - RETAIL AND CARRYOUT RESTAURANT PREVIOUS AMENDED CRG: 45 SPACES REQUIRED
 - STANDARD RESTAURANT: 3,000 SQ. FT. / 1,000 X 16 = 48 SPACES
 - RETAIL: 6,000 SQ. FT. / 1,000 X 5 = 30
 - TOTAL REQUIRED PARKING: 78 SPACES
 - PROVIDED: 51 SPACES
- 23) PARKING SURFACE AREA: 11,772 SQUARE FEET
- 24) GROSS FLOOR AREA PREVIOUS AMENDED CRG: 9,000 SQUARE FEET
- 25) FREESTANDING SIGN PREVIOUS AMENDED CRG: DOUBLE FACED 200 SQ. FT. TOTAL AREA
- 26) THERE ARE NO ZONING VIOLATION CITATIONS.

PREVIOUS ZONING HEARINGS:
CASE NO. 99-320-SPHXA (NO HEARING. FILING REQUEST CLOSED.)

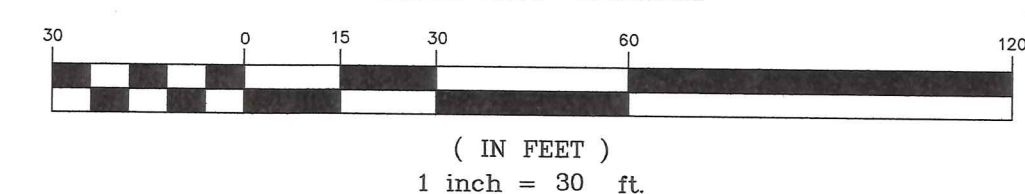
PREVIOUS CRG PLANS:
GOETTNER PROPERTY (APPROVED 9-2-1-90)
CRG PUBLIC SERVICES NO.: 90065
PLANNING NO.: XI-G18

GOETTNER PROPERTY (APPROVED 9-1-8-91)
1ST AMENDED PLAN PER CBA CASE NO.: 90-176



200 SCALE USE MAP

GRAPHIC SCALE

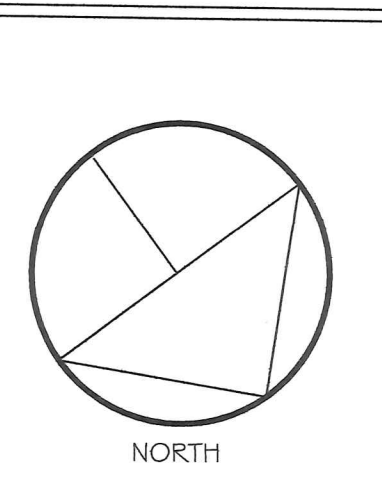
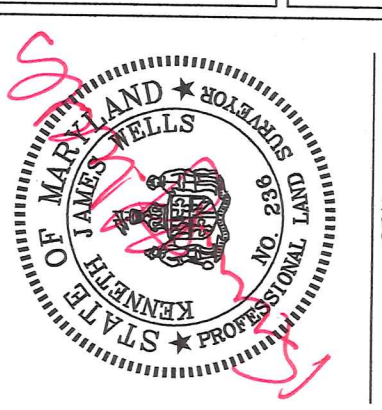


LEGEND:

- ① STORM DRAIN MANHOLE
- ② NUMBER OF PARKING SPACES
- ③ CLEAN OUT
- ④ UTILITY POLE
- ⑤ GUY WIRE
- ⑥ LIGHT POLE
- ⑦ GAS CAP
- ⑧ HAND BOX
- ⑨ OVERHEAD UTILITY LINES

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying, Site Planning & Landscape Architecture



REVISIONS:

NO.	DATE

PLAN TO ACCOMPANY A PETITION FOR A ZONING VARIANCE & SPECIAL HEARING AND LANDSCAPE PLAN KINGSVILLE PLAZA

BALTIMORE COUNTY
MARYLAND
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 8/24/2018
PROJECT NO.: 2018-025
SHEET 1 OF 1

2019-0376-SP4A



SIGN DATA:
1) FREE STANDING
2) ILLUMINATED BY EXTERIOR GROUND LIGHTING
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4) HEIGHT: 22'
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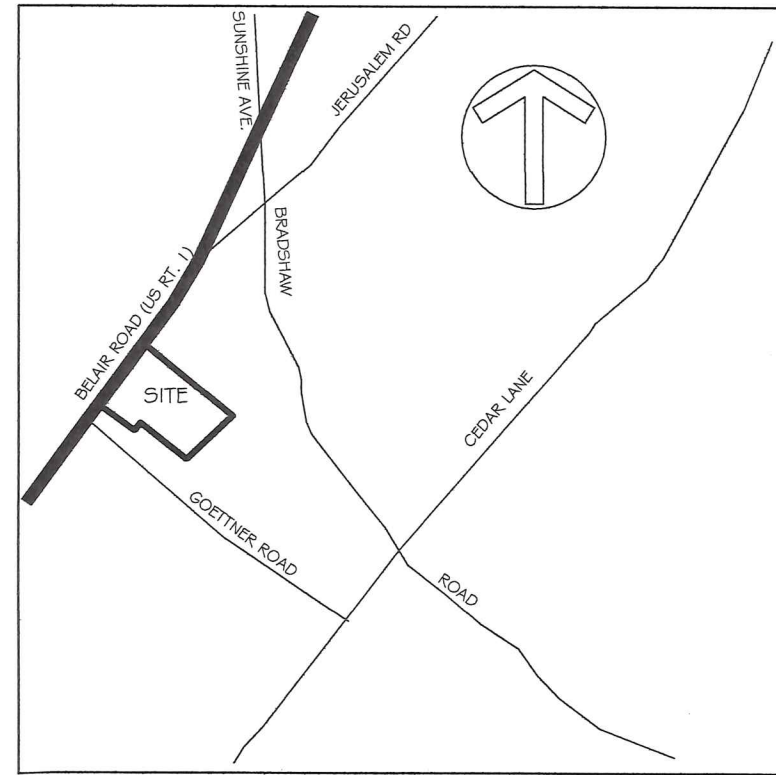
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MPJ ENTERPRISES, LLC
26065/012
TAX ACCT. NO.: 1103023775



VICINITY MAP
SCALE: 1" = 1,000'

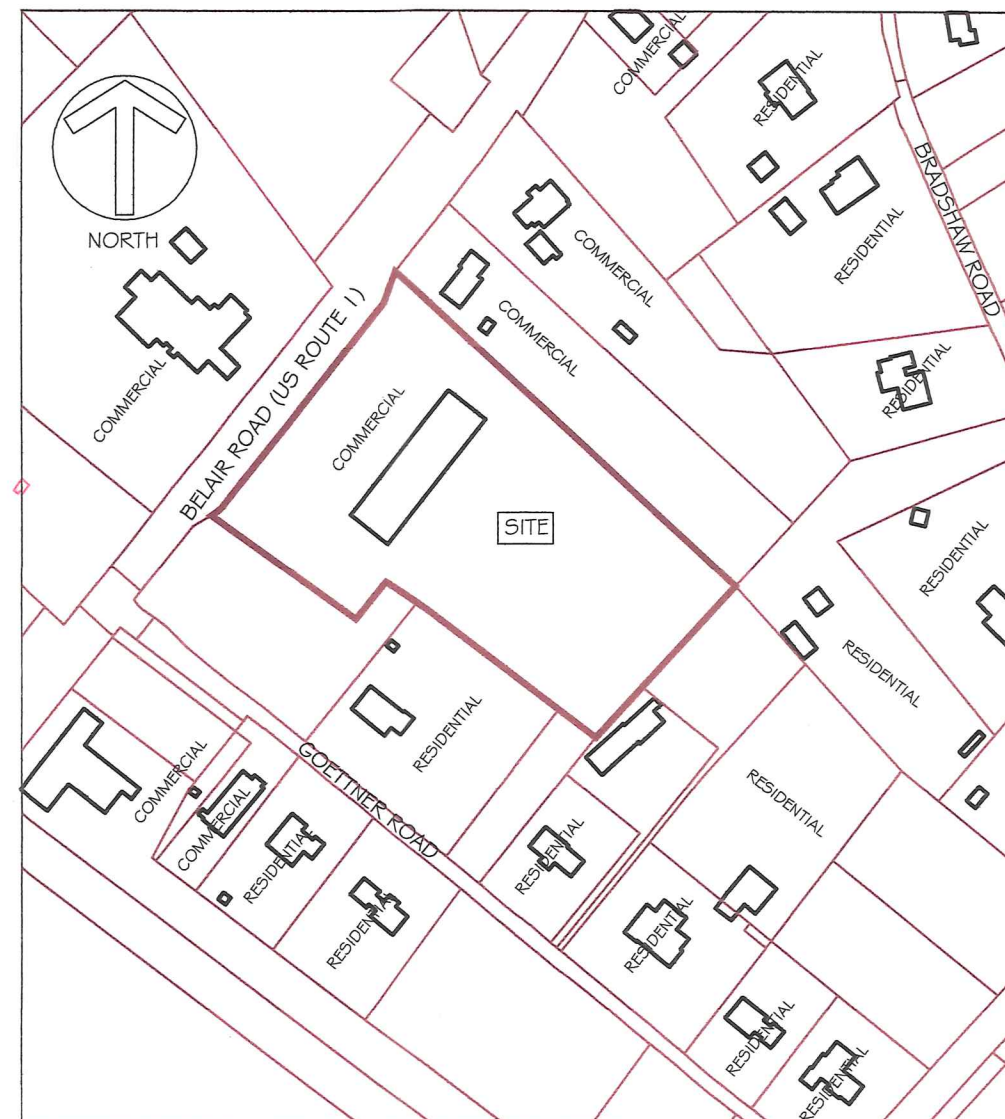
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- 5) TAX MAP: 64 PARCEL: 294
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- 14) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
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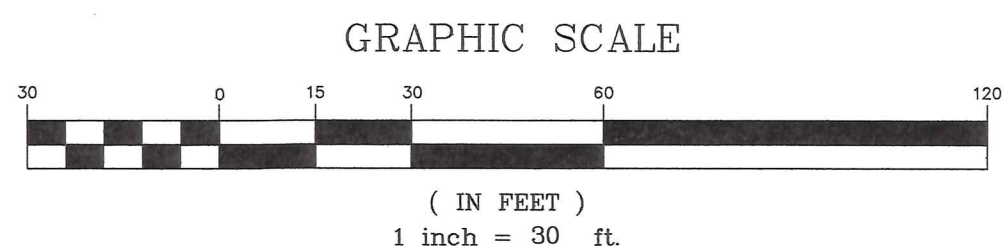
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PREVIOUS CRG PLANS:
GOETTNER PROPERTY (APPROVED 9-21-90)
CRG PUBLIC SERVICES NO.: 90065
PLANNING NO.: X-618

GOETTNER PROPERTY (APPROVED 9-18-91)
1ST AMENDED PLAN PER CBA CASE NO.: 90-176

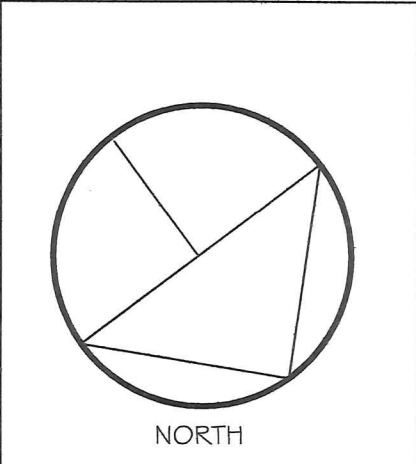
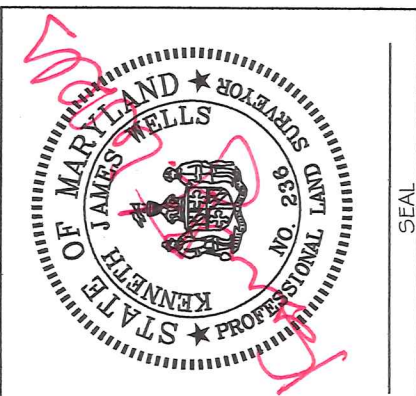


200 SCALE USE MAP



- LEGEND:
- ① STORM DRAIN MANHOLE
 - ② NUMBER OF PARKING SPACES
 - ③ CLEAN OUT
 - ④ UTILITY POLE
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kjwellsinc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800



REVISIONS:	
NO.	DATE

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FOR A ZONING VARIANCE & SPECIAL HEARING
AND LANDSCAPE PLAN
KINGSVILLE PLAZA
BALTIMORE COUNTY
MARYLAND
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

DRAWN BY: KJW
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DATE: 8/24/2018
PROJECT NO.:
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SHEET 1 OF 1

2019-0376-SPHA