

M E M O R A N D U M

DATE: September 26, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0388-SPHXA - Appeal Period Expired

The appeal period for the above-referenced case expired on September 25, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(8115 Belair Road) *
14th Election District
5th Council District *
Max Real Estate, LLC *
Legal Owner *
The Hertz Corporation *
Lessee *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2019-0388-XA

* * * * *

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 Max Real Estate, LLC, legal owner, and The Hertz Corporation, lessee (“Petitioners”).

At the outset of the hearing Petitioners withdrew their special hearing request and certain variances were also modified based on discussions with the County’s landscape architect. A redlined site plan was submitted (Exhibit 5) and the Petition was amended and seeks the following variance relief: (1) to permit a 6 ft. setback for the storage and display of vehicles in the front yard in lieu of the required 15 ft.; (2) to permit a modification to the landscape manual to permit a 6 ft. wide landscape strip; and (3) to permit a 6 ft. setback to the right of way line of a public street in lieu of the otherwise required 10 ft. Finally, a Petition for Special Exception seeks approval for a used motor vehicle sales area, separated from sales agency building.

Appearing at the public hearing in support of the requests were Dean Hoover, Richard Boblits and Michael Albo. Jennifer Busse, Esq., represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 8/26/19

By sen

The subject property is approximately 5.02 acres +/- in size and is zoned BR. The property was formerly the site of the Schaefer & Strohminger auto dealership, but is now vacant. Hertz proposes to sell used motor vehicles at this location, a use permitted by special exception in the BR zone.

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 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. Hoover opined the use at this location would have no greater detrimental impact upon the community than at any other BR zoned site. No evidence to the contrary was presented and the special exception request will therefore be granted.

Variances

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).

The large site has an irregular shape and Petitioners must contend with long-existing site improvements. As such the property is unique. If the Regulations were strictly interpreted

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Date 8/26/19
By Sen

Petitioners would experience a practical difficulty because they would be unable to operate the used vehicle sales facility as proposed. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE IT IS ORDERED this 26th day of **August**, 2019, by this Administrative Law Judge, that the Petition for Special Exception to permit a used motor vehicle sales area, separated from sales agency building, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a 6 ft. setback for the storage and display of vehicles in the front yard in lieu of the required 15 ft.; (2) to permit a modification to the landscape manual to permit a 6 ft. wide landscape strip in lieu of the required 10 ft.; and (3) to permit a 6 ft. setback to the right of way line of a public street in lieu of the otherwise required 10 ft., be and is hereby GRANTED.

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.

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 8/26/19

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 8115 Belair Road

which is presently zoned BR

Deed References: 30842/00369

10 Digit Tax Account # 18-0000-6126

Property Owner(s) Printed Name(s) Max Real Estate 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. 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

Please see attached

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

PLEASE SEE ATTACHED

3. X a **Variance** from Section(s) *please see attached* of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

The Hertz Corporation

By: Jennifer Wu

Name - Type or Print

Signature

5281 Airport Service Road, Tampa, FL

Mailing Address

City

State

33607 407-688-5241 jennifer.wu@hertz.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

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

Mailing Address

City

State

21204 410-832-2077 jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Max Real Estate LLC

By: Meir Duke

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11421 Cronhill Drive, Owing Mills, MD, Suite G

Mailing Address

City

State

21117 410-902-6090 duke7008@hotmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

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

Mailing Address

City

State

21204 410-832-2077 jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2019-0388-SPHXA

Filing Date

7/2/2019

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date

8/26/19

By

Sen



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

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Please see attached

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The Hertz Corporation

By: Jennifer Wu

Name - Type or Print

Signature

5281 Airport Service Road, Tampa, FL

Mailing Address

City

State

33607

407-688-5241

jennifer.wu@hertz.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

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

MD

Mailing Address

City

State

21204

410-832-2077

jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Max Real Estate LLC

By: Meir Duke

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11421 Cronhill Drive, Owing Mills, MD

Mailing Address

City

State

21117

410-902-6090

duke7008@hotmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

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

Mailing Address

City

State

21204

410-832-2077

jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0388-SAXA Filing Date 7/2/2019

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING

Date

8/26/19 REV. 10/4/11

By

sen

Attachment to Petitions for Zoning Relief

8115 Belair Road

Petition for Special Exception to permit a Used Motor Vehicle Sales Area, separated from Sales Agency Building in accordance with BCZR §236.2

Petition for Variance to permit a ^{6'}~~0'~~ setback for the storage and display of vehicles in the front yard per BCZR §238.4 in lieu of the required 15 feet.

^{JCB}
⁸⁻²³⁻¹⁹ ~~Petition for Special Hearing to determine the required number of parking spaces and to permit a modified parking plan, if necessary, in accordance with BCZR §409.12.B~~

^{JCB}
⁸⁻²³⁻¹⁹ ~~In the alternative, Petition for Variance, if necessary, to permit 42 parking spaces in lieu of the otherwise required 105 per BCZR §409.6.A.2~~

Petition for Variance in accordance with BCZR §409.8.A.1 to permit a modification to the Landscape Manual

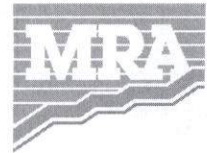
Petition for Variance in accordance with BCZR §409.8.A.4 to permit a ^{6 ft.}~~0'~~ setback to the right of way line of a public street in lieu of the otherwise required 10'

10092345

2019-0388-JPHXA

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



July 2, 2019

SPECIAL EXCEPTION AREA DESCRIPTION FOR 8115 BELAIR ROAD

Beginning at a point located at the Center line intersection of Belair Road, Putty Hill Avenue and Ridge Road, or N 623,236.75 E 1,452,018.38, North 52°42'17" East, 230.43 feet to the Point of beginning. **Thence** the following courses and distances clockwise, referred to the Maryland Coordinate System (NAD '83/91):

- 1) North 38°47'50" East 269.25'.
- 2) South 69°37'25" East 384.02'.
- 3) South 21°35'45" West 328.87'.
- 4) North 72°02'40" West 323.56'.
- 5) North 39°56'16" East 16.97'.
- 6) North 43°27'19" West 161.02'.

Containing 138,930 square feet or 3.1894 acres of land, more or less, being located in the 14th Election District and 5th Councilmanic District of Baltimore County, Maryland

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA ♦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

2019-0388-SPHXA

TO: THE DAILY RECORD
Friday, August 2, 2019 - Issue

Please forward billing to:

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

410-832-2077

NOTICE OF ZONING HEARING

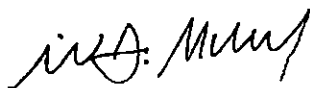
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0388-SPHXA

8115 Belair Road
S/east of Belair Road, northeast of Ridge Road
14th Election District – 5th Councilmanic District
Legal Owners: Max Real Estate, LLC
Contract Purchaser/Lessee: The Hertz Corporation

Special Exception to permit a Used Motor Vehicle Sales Area, separated from Sales Agency Building in accordance with BCZR 236.2. Variance to permit a 0' setback for the storage and display of vehicles in the front yard per BCZR 238.4. In lieu of the required 15' if necessary, to permit 42 parking spaces in lieu of the otherwise required 105 per BCZR 409.6.A.2. To permit a modification to the landscape manual. To permit 0' setback to the right of way line of a public street in lieu of the otherwise required 10'. Special Hearing to determine the required number of parking spaces and to permit a modified parking plan, if necessary.

Hearing: Friday, August 23, 2019 at 10:00 a.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.



JOHN A. OLSZEWSKI, JR.
July 30, 2019 *Executive*

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

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105 West Chesapeake Avenue, Towson 21204

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

Michael Mallinoff
Director

MM:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Jennifer Wu, 5281 Airport Service Road, Tampa FL 33607
Meir Duke, 11421 Cronhill Drive, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 3, 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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
8115 Belair Road; SE of Belair Road,	*	OF ADMINSTRATIVE
230' NE of Ridge Road		
14 th Election & 5 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Max Real Estate LLC		
Contract Purchaser(s): The Hertz Corporation	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2019-388-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.

RECEIVED

JUL 11 2019

[Signature]

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

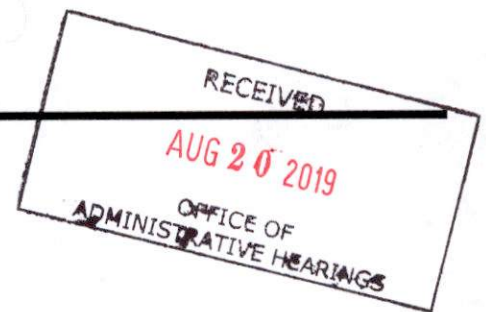
I HEREBY CERTIFY that on this 11th day of July, 2019, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Sherry Nuffer

From: Marty Ogle <mert1114@aol.com>
Sent: Tuesday, August 20, 2019 12:47 PM
To: Administrative Hearings
Cc: Jennifer R. Busse
Subject: Second set of certificates



CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2019-0388-SPHXA

CERTIFICATE OF POSTING

CASE NO. 2019-0388-SPHXA
PETITIONER/DEVELOPER
WHITEFORD, TAYLOR &
PRESTON LLP
DATE OF HEARING/CLOSING
8/23/19

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 8115 BELAIR ROAD SLW #2

THIS SIGN(S) POSTED ON August 2, 2019 August 20, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Marty Ogle 8/2/19
SIGNATURE OF SIGN POSTER

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

A black and white photograph of a large, rectangular zoning sign posted on a metal pole. The sign has the word "ZONING" at the top in large letters. Below it, there is smaller text that is partially legible, mentioning "BALTIMORE COUNTY" and "DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT". The sign is set against a background of a building and some trees.

CERTIFICATE OF POSTING

CASE NO. 2019-0388-5041A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR &

PRESTON LLP

DATE OF HEARING/CLOSING

8/23/19

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

ATTENTION:

LADIES AND GENTLEMEN:

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

8115 BELAIR ROAD

SIGN #1

THIS SIGN(S) POSTED ON

August 2, 2019

August 20, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogile 8/14/19

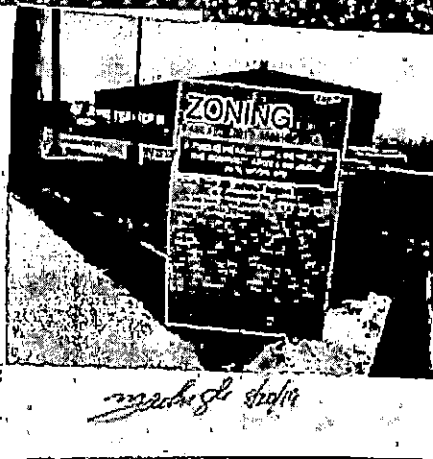
SIGNATURE OF SIGN POSTER

MARTIN OGILE

9912 MAIDNBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



Sent from my iPhone

CERTIFICATE OF POSTING

CASE NO. 2019-0388-SPHXA

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR &

PRESTON LLP.

DATE OF HEARING/CLOSING

8/23/19

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

815 BELAIR ROAD

SIGN #1

THIS SIGN(S) POSTED ON

August 2, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 8/2/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2019-0388-SPHXA

**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: **Friday, August 23, 2019 at 10:00 a.m.**

REQUEST: Special Exception to permit a Used Motor Vehicle Sales Area, separated from Sales Agency Building in accordance with BCZR 236.2. Variance to permit a 0' setback for the storage and display of vehicles in the front yard per BCZR 238.4. In lieu of the required 15' if necessary, to permit 42 parking spaces in lieu of the otherwise required 105 per BCZR 409.6 A 2. To permit a modification to the landscape manual. To permit 0' setback to the right of way line of a public street in lieu of the otherwise required 10'. Special Hearing to determine the required number of parking spaces and to permit a modified parking plan, if necessary.

APPROVEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM THE SIGN AND POSTING DAY OF HEARING UNDER PENALTY OF LAW
DO NOT REMOVE THIS SIGN AND POSTING DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ingalski 8/2/19

CERTIFICATE OF POSTING

CASE NO. 2019-0388-SPHXA

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR &
PRESTON LLP.

DATE OF HEARING/CLOSING

8/23/19

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

LADIES AND GENTLEMAN :

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NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

815 BELAIR ROAD

SIGN #2

THIS SIGN(S) POSTED ON

August 2, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 8/2/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

SIGN #2

ZONING NOTICE

CASE # 2019-0388-SPHXA

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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM APPEARANCE, CALL 410-331-1311
DO NOT REMOVE THIS SIGN AND POST THE DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

reaching 8/2/19

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:

8/2/2019

Order #: 11775258
Case #: 2019-0388-SPHXA
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0388-SPHXA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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CASE NUMBER: 2019-0388-SPHXA

8115 Belair Road

S/east of Belair Road, northeast of Ridge Road

14th Election District - 5th Councilmanic District

Legal Owners: Max Real Estate, LLC

Contract Purchaser/Lessee: The Hertz Corporation

Special Exception to permit a Used Motor Vehicle Sales Area, separated from Sales Agency Building in accordance with BCZR 236.2. Variance to permit a 0' setback for the storage and display of vehicles in the front yard per BCZR 238.4. In lieu of the required 15' if necessary, to permit 42 parking spaces in lieu of the otherwise required 105 per BCZR 400.6.A.2. To permit a modification to the landscape manual. To permit 0' setback to the right of way line of a public street in lieu of the otherwise required 10'. Special Hearing to determine the required number of parking spaces and to permit a modified parking plan, if necessary.

Hearing: Friday, August 23, 2019 at 10:00 a.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 410-887-3301.

au2

**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- 0388-SPHXA
Property Address: 8115 Belair Rd
Property Description: SE/5 of Belair Road, 230' NE of Ridge Road

Legal Owners (Petitioners): Max Real Estate LLC
Contract Purchaser/Lessee: The Hertz Corporation

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse
Company/Firm (if applicable): WTP
Address: One W. Pennsylvania Ave.
Ste. 300
Towson MD 21204
Telephone Number: 410 832 2077

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

No. 184828

PAID RECEIPT

Date:

7/2/2019

BUSINESS

ACTUAL

TIME

DATE

REG 4501

ALKIN LJR

>>RECEIPT#

015321

7/02/2019

OF LN

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct

Amount

5 ZONING VERIFICATION

001	806	0000		6150					1,200.00

Recp Tot \$ 1,200.00

1,200.00 CK .00 CA

Baltimore County, Maryland

Total:

1,200.00

Rec

From: Whiteford, Taylor & Preston

For:

SPHXA - 811's Belair Road
2019-0388-SPHXA (Max Real Estate, LLC)

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

August 15, 2019

Jennifer R. Busse
1 W. Pennsylvania Ave Ste 300
Towson MD 21204

RE: Case Number: 2019-0388-SPHXA, 8115 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 July 02, 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.", with a large, stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Meir Duke 11421 Cronhill Suite G, Drive Owings Mills MD 21117
Jennifer Wu 5281 Airport Service Road Tampa FL 33607

8-23-19 10 AM

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: July 10, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0388-SPHXA
Address 8115 Belair Road
(Max Real Estate, LLC Property)

Zoning Advisory Committee Meeting of **July 8, 2019**.

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

Reviewer: Steve Ford

Date: 7/9/19

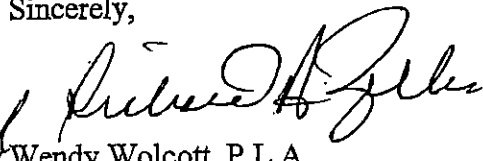
Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

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 7/9/19. 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 Special Exception Case Number 2019-0388-SPHKA
Variance & Special Hearing Max Real Estate, LLC
8115 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

Real Property Data Search

Search Result for BALTIMORE COUNTY.

View Map		View GroundRent Redemption				View GroundRent Registration				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Account Identifier:		District - 14 Account Number - 1800006126								
Owner Information										
Owner Name:		MAX REAL ESTATE LLC				Use:		COMMERCIAL		
Mailing Address:		11421 CRONHILL DR STE G OWINGS MILLS MD 21117-				Principal Residence:		NO		
						Deed Reference:		/30842/ 00369		
Location & Structure Information										
Premises Address:		8115 BELAIR RD 0-0000				Legal Description:		5.507 AC 225 N RIDGE RD LOYOLA MOTORS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0081	0005	0801		0000				2019	Plat Ref: 0036/0047	
Special Tax Areas:					Town:					NONE
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
		53,420 SF				5.5000 AC		06		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
		RETAIL STORE								
Value Information										
		Base Value	Value	Phase-in Assessments						
			As of	As of		As of				
			01/01/2019	07/01/2019		07/01/2020				
Land:		2,554,700	2,554,700							
Improvements		534,100	1,502,100							
Total:		3,088,800	4,056,800	3,411,467		3,734,133				
Preferential Land:		0				0				
Transfer Information										
Seller: S & S AUTO PROPERTIES LLC			Date: 05/26/2011			Price: \$3,370,000				
Type: ARMS LENGTH IMPROVED			Deed1: /30842/ 00369			Deed2:				
Seller: S & S AUTO PROPERTIES LLP			Date: 06/22/2000			Price: \$0				
Type: NON-ARMS LENGTH OTHER			Deed1: /14544/ 00175			Deed2:				
Seller: S & S ENTERPRISES			Date: 10/18/1996			Price: \$0				
Type: NON-ARMS LENGTH OTHER			Deed1: /11855/ 00716			Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class			07/01/2019		07/01/2020			
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:**

CASE NAME Hertz
CASE NUMBER _____
DATE 8/23/19

[illegible]

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

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

7/10
DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

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

7/9
STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 8/2/19

SIGN POSTING (1st) Date: 8/2/19

by Agile

SIGN POSTING (2nd) Date: 8/20/19

by Agile

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____



PETITIONER'S

EXHIBIT NO. 1

	MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1229-G EAST JOPPA ROAD, SUITE 805 TOWSON, MARYLAND 21204 (410) 821-1580 FAX: (410) 821-1748 MRA@GMAIL.COM Copyright 2003 Morris & Ritchie Associates, Inc.	
	HERTZ MANAGEMENT 8110 BELAIR ROAD AERIAL EXHIBIT	
14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND		5TH COUNCILMANS DISTRICT
DATE	REVISIONS	JOB NO.: 200415 SCALE: 1"=40' DATE: 08/23/2018 DRAWN BY: TMO DESIGN BY: TMO REVIEW BY: SJS SHEET: 01 OF 01



PETITIONER' S

EXHIBIT NO. 7

6'x 122' fascia band

60"x 264" Panel

42"x 114" Logo

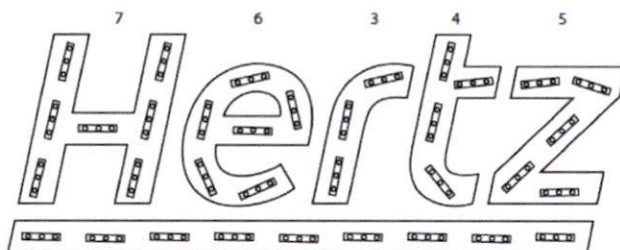
110 Square foot of signage



6'x 46' fascia band
 54"x 240" Panel=91.66sf
 39"x 112" Logo



6'x 46' fascia band
 54"x 240" Panel=91.66sf
 39"x 112" Logo



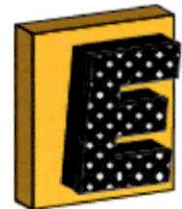
SPECIFICATIONS: CHANNEL LETTERS / LOGO

INTERNALLY ILLUMINATED PLASTIC FACE CHANNEL LETTERS

QUANTITY: 2
 Overall Height: 94.99"
 Overall Length: 158.5"
 Total Sq. Ft.: 104.6
 Returns: Black & White
 Backs: White
 Trimcap: Black & White
 Face: White
 First-surface translucent vinyl: Day/Night Vinyl
 Illumination: LED White

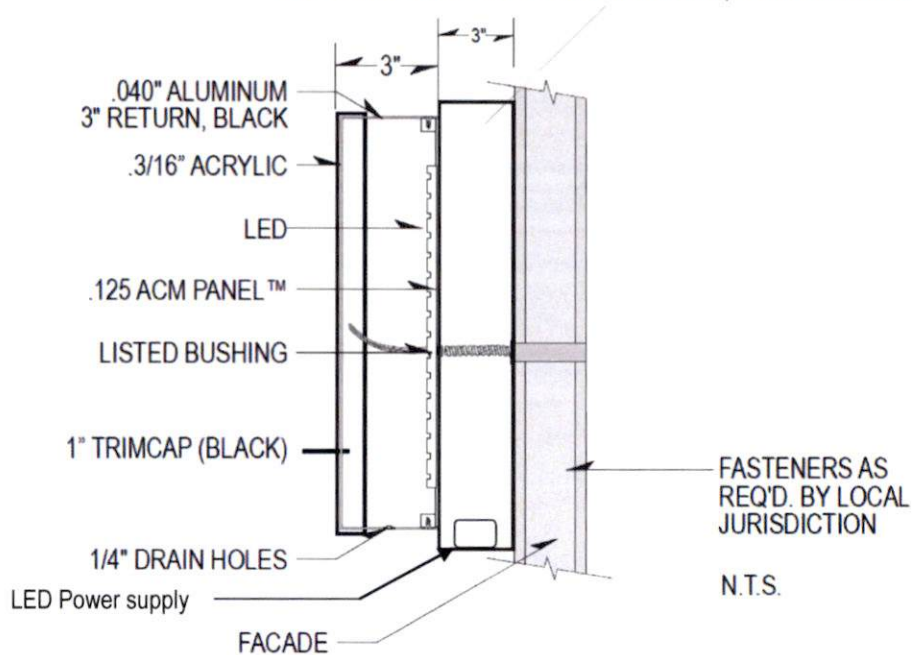
NOTES:

- * WHITE interiors for increased illumination
- * All paint two-stage automotive acrylic



- A** White Faces, Trim Caps & Returns
- B** Black Trim Cap & Returns
- C** 3M 3635-222 Black Perfor Film
- D** Paint Flat/Box Yellow

.080" PAN FORMED BRUSHED ALUMINUM, PAINTED YELLOW





48"x 96" Face
24"x 68" Logo
9' Pole

①

PETITIONER'S

EXHIBIT NO. 3







3

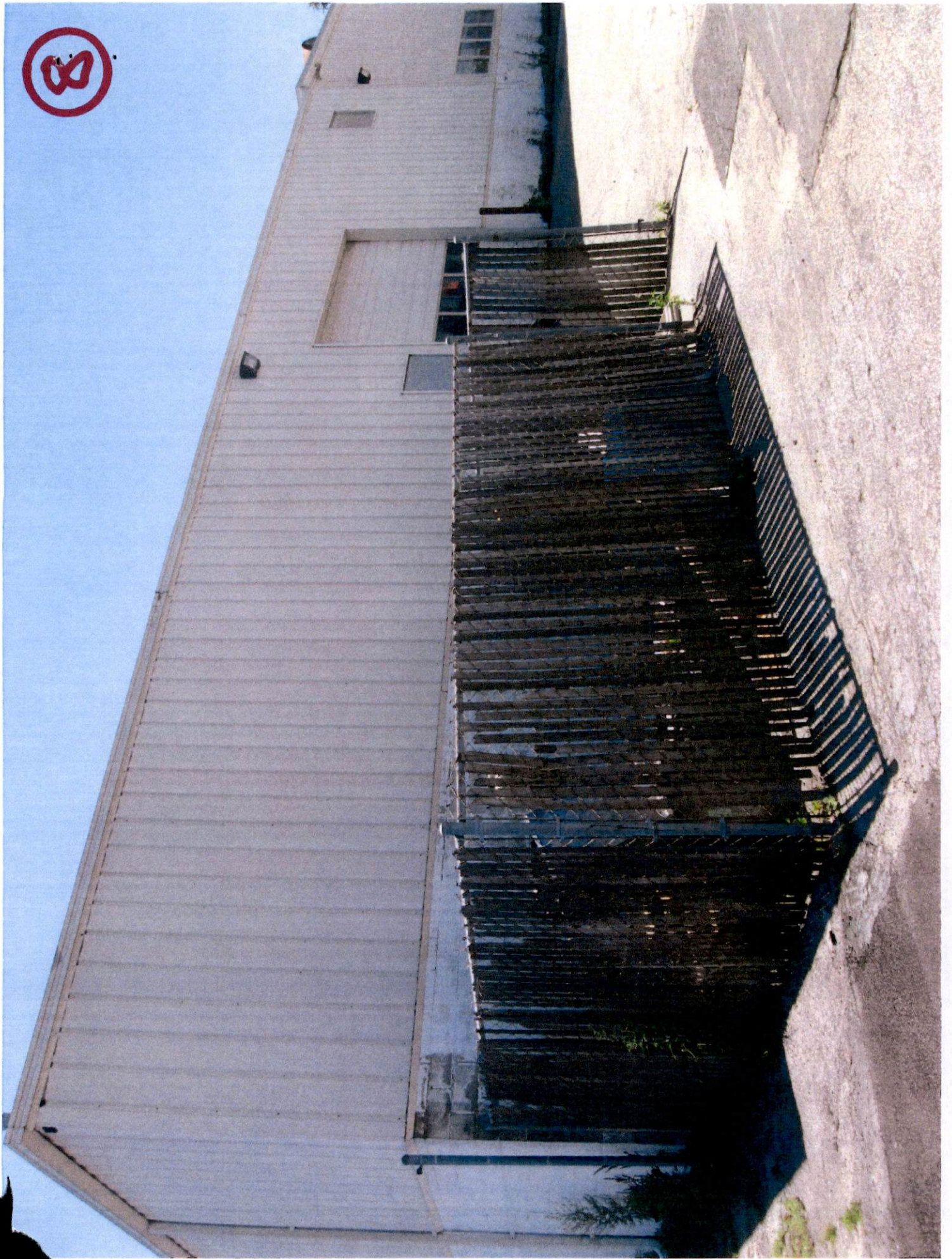




06/04/2019













SERVICE ANE
PULL INSIDE
SERVICE

10000
PULL INSIDE
SERVICE





JOHN A. OLSZEWSKI, JR.
County Executive

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

August 22, 2019

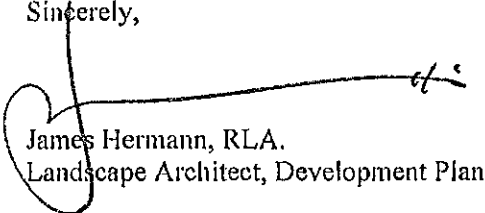
Morris & Ritchie Associates, Inc.
Ms. Nicole Reedy, RLA
1220-C East Joppa Road, Suite 505
Towson, Maryland 21286
Phone: 410-821-1690

Subject: Hertz Management
Zoning Case # 2019-0388-SPHXA
8115 Belair Road
Nottingham, Maryland 21236

Dear Ms. Reedy:

This is in response to your Final Landscape Plan submission, dated August 14, 2019. Having completed a preliminary review of the submitted Final Landscape Plan. It appears that in general you have addressed Development Plans Review - ZAC landscape associated comments, and are in support of the landscape modification to reduce the landscape area width as discussed and could be approved after a number of general comments have been addressed, provided the Special Exception and Zoning relief is granted.

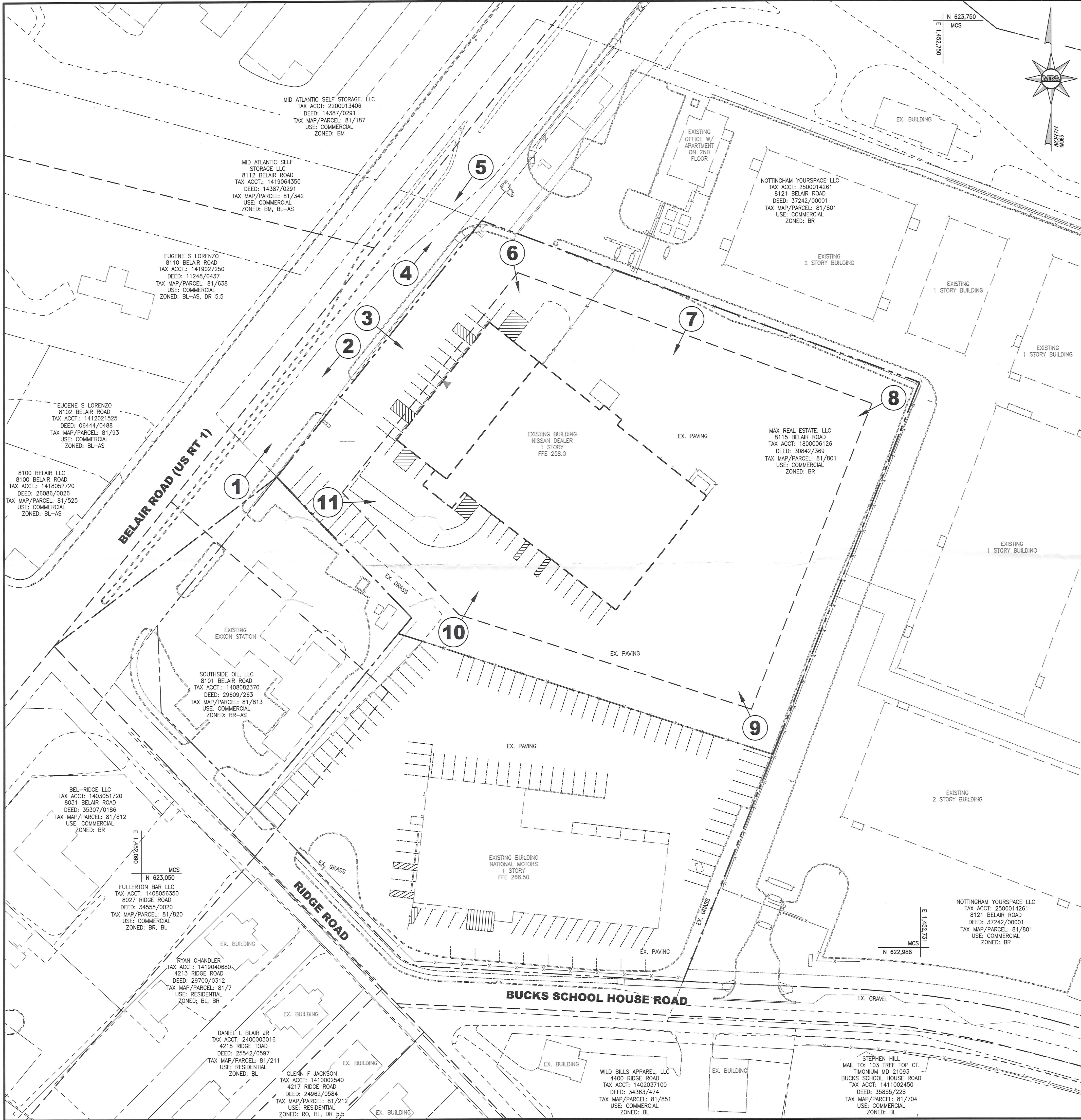
Sincerely,


James Hermann, RLA.
Landscape Architect, Development Plans Review

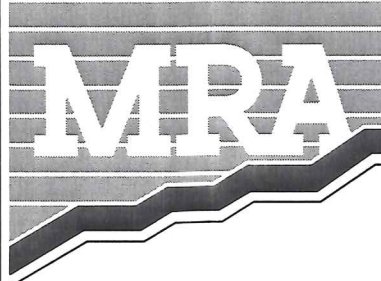
cc:

PETITIONER'S

EXHIBIT NO. 4



PETITIONER'S
EXHIBIT NO. 2



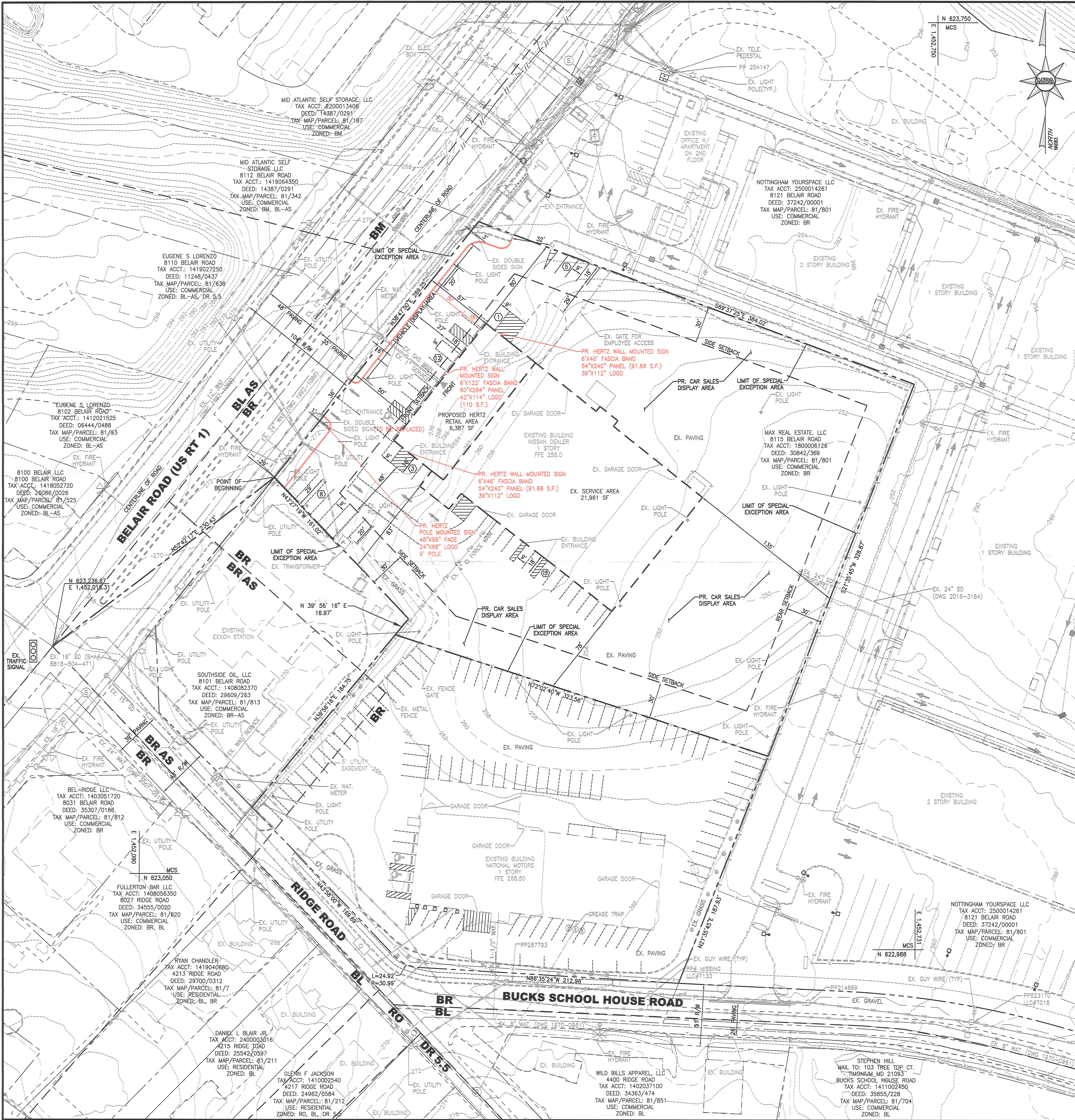
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
Copyright 2019 Morris & Ritchie Associates, Inc.

HERTZ MANAGEMENT
8115 BELAIR ROAD

SITE PHOTO EXHIBIT

14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5TH COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:	20504
		SCALE:	1"=40'
		DATE:	08/23/2019
		DRAWN BY:	TMO
		DESIGN BY:	TMO
		REVIEW BY:	THS
		SHEET:	01 OF 01



COMMERCIAL PERMIT HISTORY

- PERMIT #B787603 - ADD 1 PERMANENT WALL SIGN 3'X45'-135SF
- PERMIT #B790192 - ERECT (2)5'X 10' = 50 S.F. TEMPORARY BANNER FOR THE PERIOD 4/16/12-6/16/12
- PERMIT #B901176 - ILLUMINATED F/S D/F REFACE SIGN 6'X 10'X 25H = 60 S.F. AND WALL SIGNS 1 @ 20.75'X 3' = 62.25 S.F.; 1 @ 14.9'X 2.5' = 37.25 S.F.
- PERMIT #B159854 - CONSTRUCT ADDITION TO REAR OF EXISTING SERVICE BLDG. RMV 10 EXISTING DOORS & ADD 10-FIRE DOORS, AND COMMON WALL W/ EXISTING BLDG, WILL BE (3) HOUR FIRE RATED. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. 120X70X176" = 8400 S.F.
- PERMIT #B904511 - ILLUMINATED WALL SIGN 20.75'X 3' = 62.25 S.F.
- PERMIT #B904151 - INTERIOR ALTERATIONS TO INCLUDE: CONSTRUCT METAL STUD & DRYWALL PARTITIONS, INFILL WINDOW, LAMINATE EXISTING WALL FOR FIRE RATING PER FIRE MARSHALL 48 S.F.. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK.

ZONING HISTORY

- ZONING CASE R-1957-4011 - PETITION FOR ZONING RE-CLASSIFICATION FROM VARIOUS PROPERTY OWNERS TO RECLASSIFY THE AREA FROM A "B-6" ZONE TO A "B-R" ZONE. GRANTED ON JANUARY 15, 1958
- ZONING CASE 2005-0142-A - VARIANCE PETITION FROM S&S AUTO PROPERTIES, LLC. TO ALLOW A 75 S.F. SIGN FOR A NEW CAR DEALERSHIP IN LIEU OF THE 50 S.F. MAXIMUM ALLOWED. GRANTED ON NOVEMBER 30, 2004.
- ZONING CASE 2012-0155-SPHX - SPECIAL EXCEPTION PETITION FROM MAX REAL ESTATE, LLC/MEIR DUKE FOR 1) A CONTRACTOR'S EQUIPMENT STORAGE YARD IN ACCORDANCE WITH BCR 236.2; AND 2) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY. GRANTED ON FEBRUARY 10, 2012.
- ZONING CASE 2013-0111-X - SPECIAL EXCEPTION PETITION FROM MAX REAL ESTATE, LLC/MEIR DUKE FOR 1) TO USE THE HEREIN PROPERTY FOR USED MOTOR VEHICLE SALES AREA, SEPARATED FROM SALES AGENCY BUILDING; AND 2) FOR SUCH OTHER RELIEF AS MAY BE NECESSARY. GRANTED ON JANUARY 3, 2013.

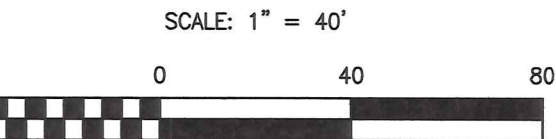
GENERAL NOTES

- PROPERTY INFORMATION:
A. PROPERTY ADDRESS: 8115 BELAIR ROAD
B. PROPERTY AREA: 218,805 SF ±, 5.02 AC. ±
C. TAX ACCOUNT NUMBER: 1800005126
D. DEED REFERENCE: 30842/00369
E. PLAT REFERENCE: 0036/0047
F. COUNCILMANIC DISTRICT: 5
G. ELECTION DISTRICT: 14
H. CENSUS TRACT: 2406
I. A.C. MAP LOCATION: 28H10, 28J10
- BALTIMORE COUNTY ZONING MAP REFERENCES:
A. GIS TILE: 081C1
B. TAX MAP: 0081
C. PARCEL: 0801
D. GRID: 0005
E. WATERSHED: BIRD RIVER
F. WATER SUBWASH: WHITE MARSH RUN
G. BASIC SERVICES - WATER MAP: W-235 EXISTING SERVICE AREA
H. BASIC SERVICES - SEWER MAP: S-235 EXISTING SERVICE AREA
I. REGIONAL PLANNING DISTRICT: OVERLEA-ROSSVILLE
- ZONING
BR (BUSINESS ROADSIDE)
BR-AS (BUSINESS ROADSIDE, AUTOMOTIVE SERVICES)
- EXISTING LAND USE:
PROPOSED LAND USE:
USED CAR DEALERSHIP
- SPECIAL EXCEPTION AREA:
138,930 SF ±, 3.19 AC. ±
- FLOOR AREA RATIO (SECTION 238):
MAXIMUM PERMITTED = 2.0
PROVIDED = 0.20
(28,348 S.F. / 138,930 S.F. = 0.20)
- BR ZONE SETBACKS (SECTION 238)
FRONT: 50'
SIDE: 30'
REAR: 30'
- PERMITTED BUILDING HEIGHT: BR-AS
EXISTING BUILDING HEIGHT: DEALERSHIP = 40'
21'-6"
- THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, OR THE APPROPRIATE MODIFICATION OF STANDARDS WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2400100270F).
- THE SITE IS NOT LOCATED WITHIN A FAILED BASIC WATER, SEWER, AND TRANSPORTATION SERVICE AREA.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.

PARKING TABULATION (SECTION 409.6.A.2)

USE	AREA	PARKING REQUIREMENT	MAXIMUM TOTAL
USED CAR SALES OFFICE	6,387 SF	5.0 SPACES / 1,000 SF	32 SPACES
SERVICE GARAGE	21,961 SF	3.3 SPACES / 1,000 SF	73 SPACES
		TOTAL SPACES REQUIRED	105 SPACES
		TOTAL SPACES PROVIDED	42 SPACES

PLAN



OWNER

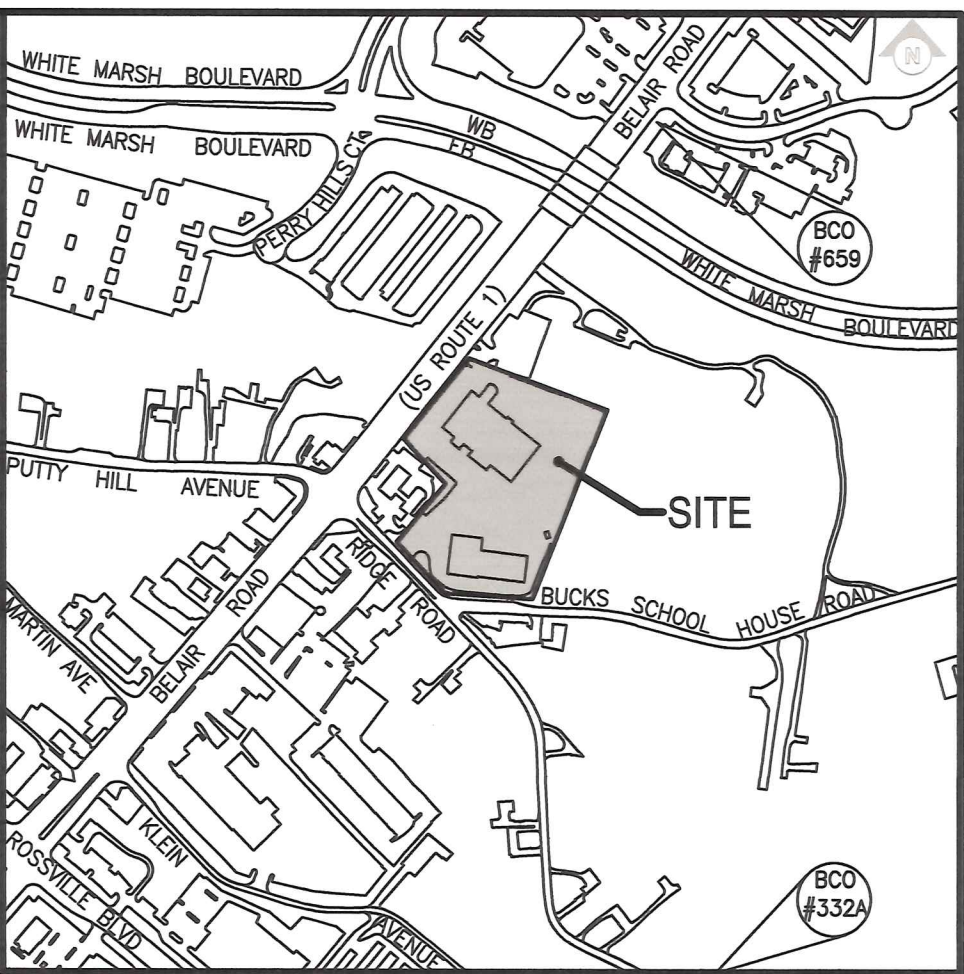
MAX REAL ESTATE, LLC
11421 CRONHILL DRIVE
OWING MILLS, MD, 21117

DEVELOPER

THE HERTZ CORPORATION
225 BRAE BLVD
PARK RIDGE, NJ 07656
ATTN: JOSEPH GALLO
PH: 201-307-2529

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 06/21/2020



VICINITY MAP

SCALE: 1" = 500'

BENCHMARK

BCO #659
ELEV. 221.68
DESCRIPTION: SPIKE LOCATED WITHIN SIDEWALK ALONG EAST SIDE OF BELAIR ROAD (US RT 1) APPROXIMATELY 45' SOUTHWEST OF INTERSECTION WITH WHOLESALE CLUB DRIVE.

N 624205.309
E 1452848.656
E 1452848.656
E 1452848.656

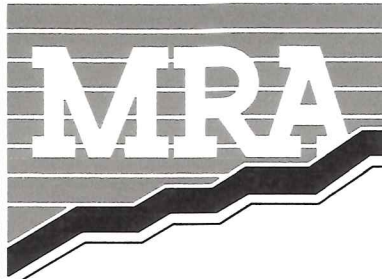
BCO #332A
ELEV. 248.62
DESCRIPTION: BENCHMARK LOCATION OUTSIDE OF VICINITY MAP CAPPED REBAR LOCATED ALONG THE SOUTH SIDE OF RIDGE ROAD APPROXIMATELY 0.3 MILES FROM BELAIR ROAD IN THE EASTBOUND DIRECTION ACROSS THE STREET FROM UTILITY POLE #524830 OFFSET APPROXIMATELY 17.9' FROM THE CENTERLINE OF RIDGE ROAD.

N 621896.751
E 1452832.406
E 1452832.406
E 1452832.406

LEGEND

---	EX. PROPERTY LINE
---	EX. ADJACENT PROPERTY LINE
---	EX. RIGHT OF WAY LINE
---	EX. CURB
X X X	EX. FENCE
---	EX. SANITARY SEWER
---	EX. FORCE MAIN
---	EX. STORM DRAIN
---	EX. WATER
---	EX. GAS
---	EX. OVER HEAD ELECTRIC LINES
---	EX. UNDERGROUND ELECTRIC
---	EX. E.O.P
---	EX. 2' CONTOUR
---	EX. 10' CONTOUR
---	EX. PAVEMENT MARKING
---	EX. ZONING BOUNDARY
X X X	PR. METAL FENCE
---	PR. PAVEMENT MARKING
---	EX. PARKING COUNT

FILING #: 2019-0388-SPHXA



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
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HERTZ MANAGEMENT

8115 BELAIR ROAD

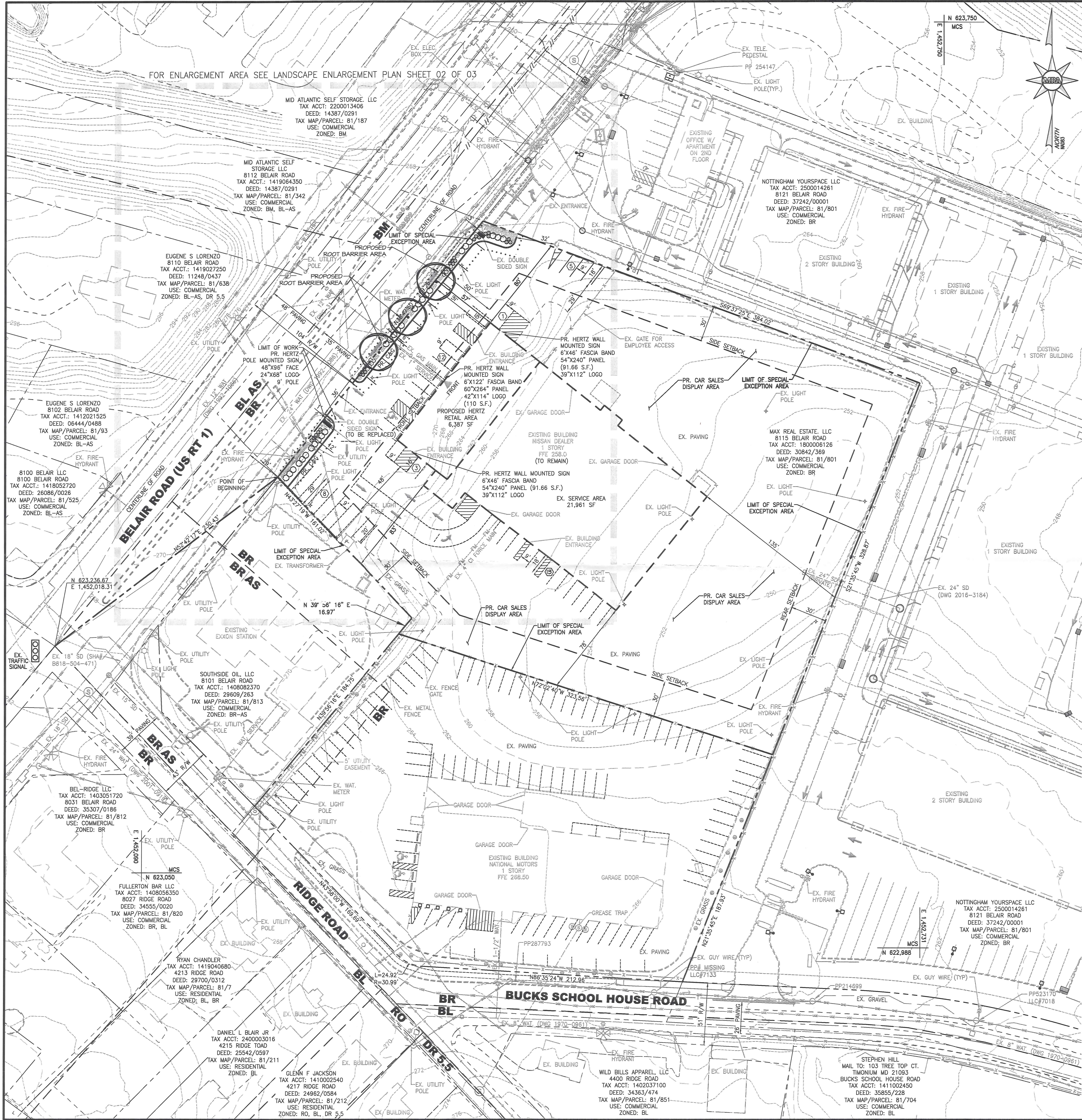
PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE(S)

14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5TH COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:
08/16/2019	ADDED CURB LINE AND SIGN LOCATIONS	20504
		SCALE: 1"=40'
		DATE: 08/23/2019
		DRAWN BY: TMO
		DESIGN BY: TMO
		REVIEW BY: THS
		SHEET: 01 OF 01

PETITIONER'S

EXHIBIT NO. 5



COMMERCIAL PERMIT HISTORY

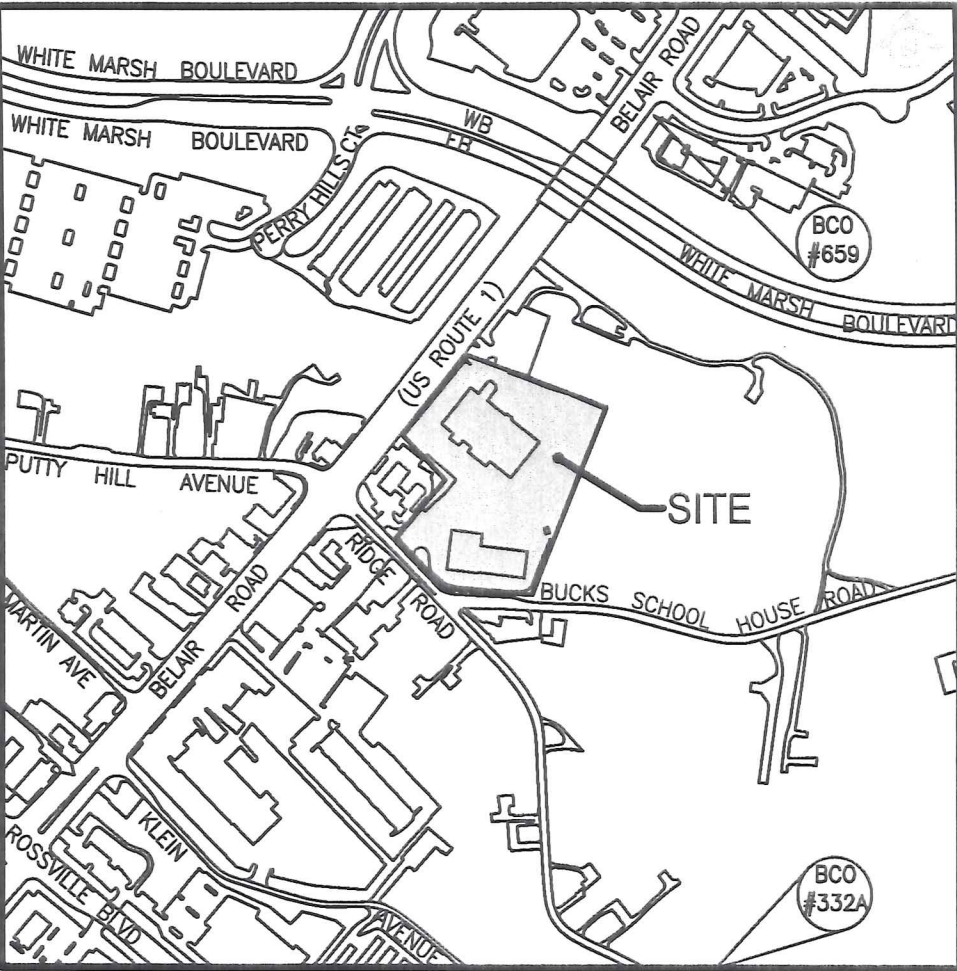
- PERMIT #B787603 - ADD 1 PERMANENT WALL SIGN 3'X45"=135SF
- PERMIT #B790192 - ERECT (2)5'X 10' = 50 S.F. TEMPORARY BANNER FOR THE PERIOD 4/16/12-6/16/12
- PERMIT #B801178 - ILLUMINATED F/S D/F REFACE SIGN 6'X 10'X 25H = 60 S.F. AND WALL SIGNS 1 @ 20.75'X 3' = 62.25 S.F.; 1 @ 14.9'X 2.5' = 37.25 S.F.
- PERMIT #B159854 - CONSTRUCT ADDITION TO REAR OF EXISTING SERVICE BLDG. R/W TO EXISTING DOORS & ADD 10-FIRE DOORS, AND COMMON WALL W/ EXISTING BLDG. WILL BE (3) HOUR FIRE RATED. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. 120X70X17'6" = 8400 S.F.
- PERMIT #B804511 - ILLUMINATED WALL SIGN 20.75'X 3' = 62.25 S.F.
- PERMIT #B804151 - INTERIOR ALTERATIONS TO INCLUDE: CONSTRUCT METAL STUD & DRYWALL PARTITIONS, INFILL WINDOW, LAMINATE EXISTING WALL FOR FIRE RATING PER FIRE MARSHALL 48 S.F. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK.

ZONING HISTORY FOR SPECIAL EXCEPTION AREA

- ZONING CASE R-1957-4011 - PETITION FOR ZONING RE-CLASSIFICATION FROM VARIOUS PROPERTY OWNERS TO RECLASSIFY THE AREA FROM A "B-B" ZONE TO A "B-R" ZONE. GRANTED ON JANUARY 15, 1958
- ZONING CASE 2005-0142-A - VARIANCE PETITION FROM S&S AUTO PROPERTIES, LLC. TO ALLOW A 75 S.F. SIGN FOR A NEW CAR DEALERSHIP IN LIEU OF THE 50 S.F. MAXIMUM ALLOWED. GRANTED ON NOVEMBER 30, 2004.
- ZONING CASE 2012-0155-SPHX - SPECIAL EXCEPTION PETITION FROM MAX REAL ESTATE, LLC/MEIR DUKE FOR 1) A CONTRACTOR'S EQUIPMENT STORAGE YARD IN ACCORDANCE WITH BCR 236.2; AND 2) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY. GRANTED ON FEBRUARY 10, 2012.
- ZONING CASE 2013-0111-X - SPECIAL EXCEPTION PETITION FROM MAX REAL ESTATE, LLC/MEIR DUKE FOR 1) TO USE THE HEREIN PROPERTY FOR USED MOTOR VEHICLE SALES AREA, SEPARATED FROM SALES AGENCY BUILDING; AND 2) FOR SUCH OTHER RELIEF AS MAY BE NECESSARY. GRANTED ON JANUARY 3, 2013.

GENERAL NOTES

- PROPERTY INFORMATION:
A. PROPERTY ADDRESS: 8115 BELAIR ROAD
B. PROPERTY AREA: 218,805 SF ±, 5.02 AC. ±
C. TAX ACCOUNT NUMBER: 1800008126
D. DEED REFERENCE: 30842/00369
E. PLAT REFERENCE: 3036/0047
F. COUNCILMANIC DISTRICT: 5
G. ELECTION DISTRICT: 14
H. CENSUS TRACT: 4408
I. ADC MAP LOCATION: 28H10, 28J10
- BALTIMORE COUNTY ZONING MAP REFERENCES:
A. GIS TILE: 081C1
B. TAX MAP: 0081
C. PARCEL: 0801
D. GRID: 0005
E. WATERSHED: BIRD RIVER
F. WATER SUBSHED: WHITE MARSH RUN
G. BASIC SERVICES - WATER MAP: W-235 EXISTING SERVICE AREA
H. BASIC SERVICES - SEWER MAP: S-235 EXISTING SERVICE AREA
I. REGIONAL PLANNING DISTRICT: OVERLEA-ROSSVILLE
- ZONING: BR (BUSINESS ROADSIDE), AUTOMOTIVE SERVICES)
- EXISTING LAND USE: CAR DEALERSHIP
PROPOSED LAND USE: USED CAR DEALERSHIP
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, OR THE APPROPRIATE MODIFICATION OF STANDARDS WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2400100270F).
- THE SITE IS NOT LOCATED WITHIN A FAILED BASIC WATER, SEWER, AND TRANSPORTATION SERVICE AREA.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- SEE ENGINEER PLANS FOR FINAL LIMIT OF DISTURBANCE.
- THERE IS NO PROPOSED LIGHTING ON SITE.



VICINITY MAP

SCALE: 1" = 500'

BENCHMARK

BCO #659
ELEV. 221.68
DESCRIPTION: SPIKE LOCATED WITHIN SIDEWALK ALONG EAST SIDE OF BELAIR ROAD (US RT 1) APPROXIMATELY 45' SOUTHWEST OF INTERSECTION WITH WHOLESALE CLUB DRIVE.

N 624205.309
E 1452848.656

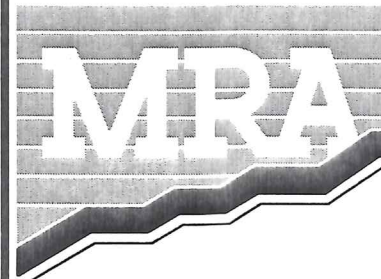
BCO #332A
ELEV. 248.82
DESCRIPTION: BENCHMARK LOCATION OUTSIDE OF VICINITY MAP. CAPPED REBAR LOCATED ALONG THE SOUTH SIDE OF RIDGE ROAD APPROXIMATELY 0.3 MILES FROM BELAIR ROAD IN THE EASTBOUND DIRECTION ACROSS THE STREET FROM UTILITY POLE #524330 OFSET APPROXIMATELY 17.9' FROM THE CENTERLINE OF RIDGE ROAD.

N 621896.751
E 1452932.406

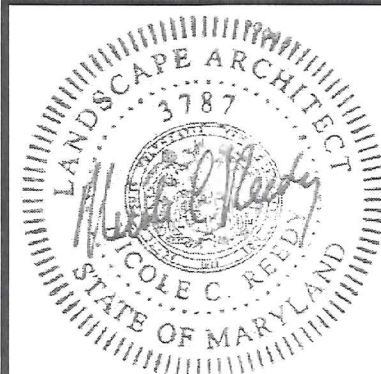
LEGEND

- EX. PROPERTY LINE
- EX. ADJACENT PROPERTY LINE
- EX. RIGHT OF WAY LINE
- EX. CURB
- EX. FENCE
- EX. SANITARY SEWER
- EX. FORCE MAIN
- EX. STORM DRAIN
- EX. WATER
- EX. GAS
- EX. OVER HEAD ELECTRIC LINES
- EX. UNDERGROUND ELECTRIC
- EX. E.O.P.
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. PAVEMENT MARKING
- EX. ZONING BOUNDARY
- PR. METAL FENCE
- PR. PAVEMENT MARKING
- EX. PARKING COUNT
- PR. MAJOR TREE
- PR. SHRUB
- PR. GROUND COVER
- PR. ROOT BARRIER
- PR. LIMIT OF WORK

FILING #: 2019-0388-SPHXA



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
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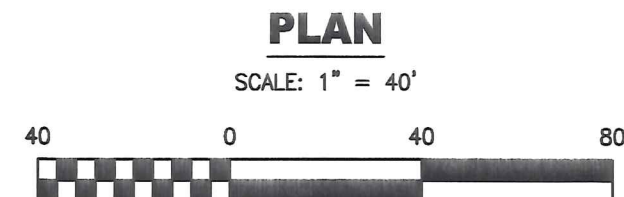


HERTZ MANAGEMENT
8115 BELAIR ROAD
FINAL LANDSCAPE PLAN
14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5TH COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:	SCALE:
		20504	1"=40'
		DATE:	08/13/2019
		DRAWN BY:	NCR
		DESIGN BY:	NCR
		REVIEW BY:	THS/NCR
		SHEET:	01 OF 03

PETITIONER'S

EXHIBIT NO. 6



OWNER

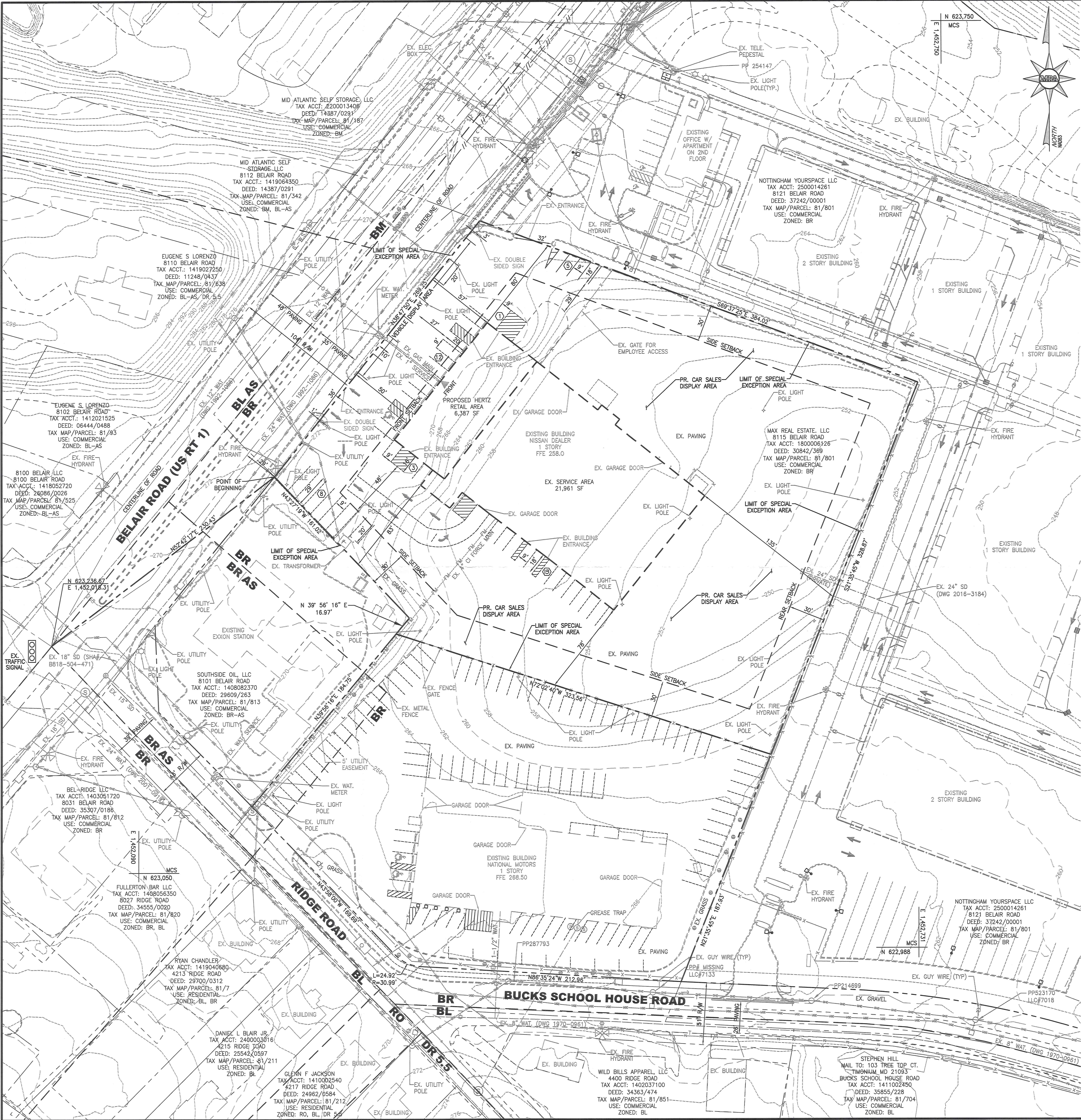
MAX REAL ESTATE, LLC
11421 CROWHILL DRIVE
OWING MILLS, MD, 21117

DEVELOPER

THE HERTZ CORPORATION
225 BRAE BLVD
PARK RIDGE, NJ 07656
ATTN: JOSEPH GALLO
PH: 201-307-2529

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3787, EXPIRATION DATE: 06/30/2020



COMMERCIAL PERMIT HISTORY

1. PERMIT #B787603 - ADD 1 PERMANENT WALL SIGN 3'X45'=135SF
2. PERMIT #B790192 - ERECT (2)5'X 10' = 50 S.F. TEMPORARY BANNER FOR THE PERIOD 4/16/12-6/16/12
3. PERMIT #B901176 - ILLUMINATED F/S D/F REFACE SIGN 6'X 10'X 25H = 60 S.F. AND WALL SIGNS 1 @ 20.75'X 3' = 62.25 S.F.; 1 @ 14.9'X 2.5' = 37.25 S.F.
4. PERMIT #B159854 - CONSTRUCT ADDITION TO REAR OF EXISTING SERVICE BLDG. RMV 10 EXISTING DOORS & ADD 10-FIRE DOORS, AND COMMON WALL W/ EXISTING BLDG. WILL BE (3) HOUR FIRE RATED. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. 120X70X17'6" = 8400 S.F.
5. PERMIT #B904511 - ILLUMINATED WALL SIGN 20.75'X 3' = 62.25 S.F.
6. PERMIT #B904151 - INTERIOR ALTERATIONS TO INCLUDE: CONSTRUCT METAL STUD & DRYWALL PARTITIONS, INFILL WINDOW, LAMINATE EXISTING WALL FOR FIRE RATING PER FIRE MARSHALL 4B S.F.. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK.

ZONING HISTORY

1. ZONING CASE R-1957-4011 - PETITION FOR ZONING RE-CLASSIFICATION FROM VARIOUS PROPERTY OWNERS TO RECLASSIFY THE AREA FROM A "B-6" ZONE TO A "B-R" ZONE. GRANTED ON JANUARY 15, 1958
2. ZONING CASE 2005-0142-A - VARIANCE PETITION FROM S&S AUTO PROPERTIES, LLC. TO ALLOW A 75 S.F. SIGN FOR A NEW CAR DEALERSHIP IN LIEU OF THE 50 S.F. MAXIMUM ALLOWED. GRANTED ON NOVEMBER 30, 2004.
3. ZONING CASE 2012-0155-SPHX - SPECIAL EXCEPTION PETITION FROM MAX REAL ESTATE, LLC/MEIR DUKE FOR 1) A CONTRACTOR'S EQUIPMENT STORAGE YARD IN ACCORDANCE WITH BCZR 238.2, AND 2) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY. GRANTED ON FEBRUARY 10, 2012.
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GENERAL NOTES

1. PROPERTY INFORMATION:
A. PROPERTY ADDRESS: 8115 BELAIR ROAD
B. PROPERTY AREA: 218,805 SF ±, 5.02 AC. ±
C. TAX ACCOUNT NUMBER: 1800005126
D. DEED REFERENCE: 30842/00369
E. PLAT REFERENCE: 0036/0047
F. COUNCILMANIC DISTRICT: 5
G. ELECTION DISTRICT: 14
H. CENSUS TRACT: 4406
I. AUC MAP LOCATION: 28H10, 28J10
2. BALTIMORE COUNTY ZONING MAP REFERENCES:
A. GIS TILE: 081C1
B. TAX MAP: 0801
C. PARCEL: 0005
D. GRID: 0005
E. WATERSHED: W-235
F. WATER SUBSIDY: W-235 EXISTING SERVICE AREA
G. BASIC SERVICES - WATER MAP: S-235 EXISTING SERVICE AREA
H. BASIC SERVICES - SEWER MAP: OVERLEAF-ROSVILLE
I. REGIONAL PLANNING DISTRICT: 5
3. ZONING: BR (BUSINESS ROADSIDE)
BR-AS (BUSINESS ROADSIDE, AUTOMOTIVE SERVICES)
4. EXISTING LAND USE: CAR DEALERSHIP
PROPOSED LAND USE: USED CAR DEALERSHIP
5. SPECIAL EXCEPTION AREA: 138,930 SF ±, 3.19 AC. ±
6. FLOOR AREA RATIO (SECTION 238):
MAXIMUM PERMITTED = 2.0
PROVIDED = 0.20
(28,348 S.F. / 138,930 S.F. = 0.20)
7. BR ZONE SETBACKS (SECTION 238)
FRONT: 50'
SIDE: 30'
REAR: 30'
REQUIRED: 50', 30', 30'
PROVIDED (MIN.): 57', 78', 135'
8. PERMITTED BUILDING HEIGHT: BR-AS
EXISTING BUILDING HEIGHT: DEALERSHIP = 40'
21'-6"
9. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
10. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, OR THE APPROPRIATE MODIFICATION OF STANDARDS WILL BE REQUESTED.
11. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2400100270F).
12. THE SITE IS NOT LOCATED WITHIN A FAILED BASIC WATER, SEWER, AND TRANSPORTATION SERVICE AREA.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
14. THERE ARE NO HISTORIC BUILDINGS ON SITE.
15. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
16. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
17. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.

PARKING TABULATION

(SECTION 409.6.A.2)

USE	AREA	PARKING REQUIREMENT	MAXIMUM TOTAL
USED CAR SALES OFFICE	6,387 SF	5.0 SPACES / 1,000 SF	32 SPACES
SERVICE GARAGE	21,961 SF	3.3 SPACES / 1,000 SF	73 SPACES
		TOTAL SPACES REQUIRED	105 SPACES
		TOTAL SPACES PROVIDED	42 SPACES

PLAN

SCALE: 1" = 40'



OWNER

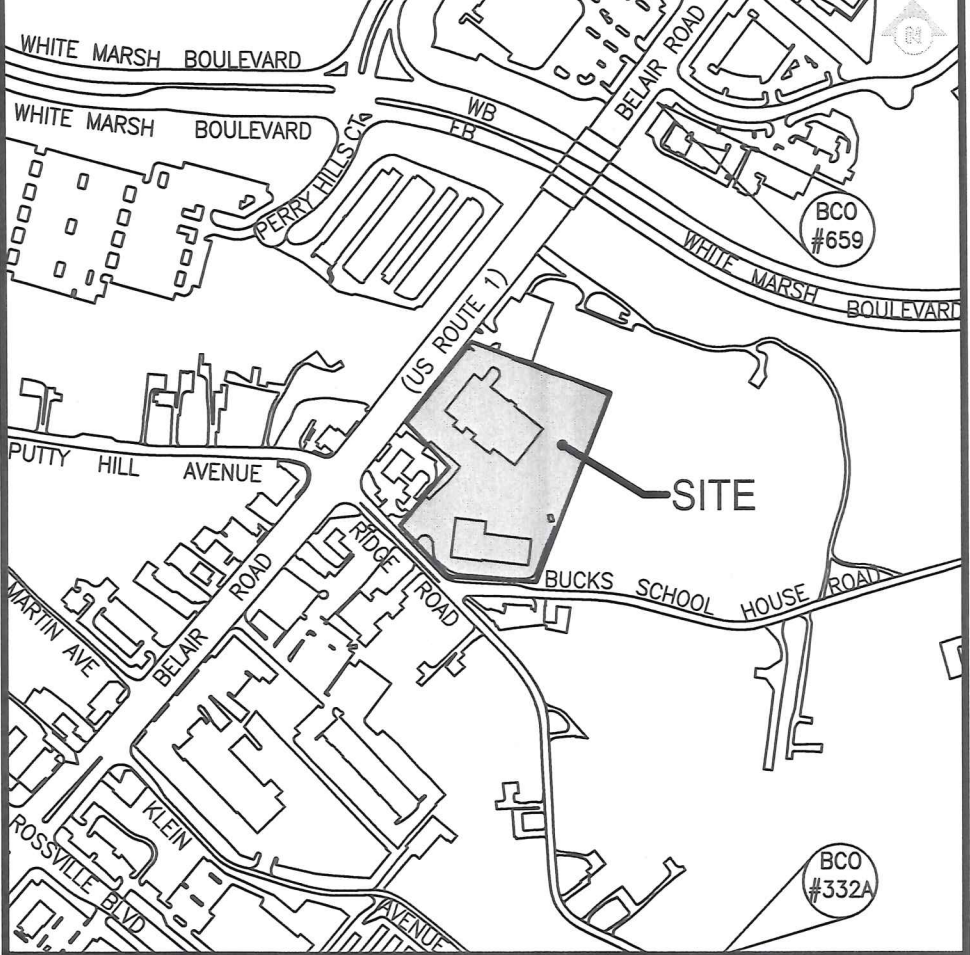
MAX REAL ESTATE, LLC
11421 CRONHILL DRIVE
OWING MILLS, MD, 21117

DEVELOPER

THE HERTZ CORPORATION
225 BRAE BLVD
PARK RIDGE, NJ 07656
ATTN: JOSEPH GALLO
PH: 201-307-2529

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 06/21/2020



VICINITY MAP

SCALE: 1" = 500'

BENCHMARK

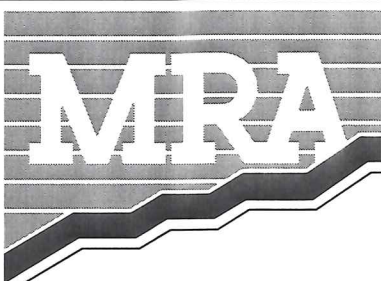
BCD #659
ELEV. 221.68
DESCRIPTION: SPIKE LOCATED WITHIN SIDEWALK ALONG EAST SIDE OF BELAIR ROAD (US RT 1) APPROXIMATELY 45' SOUTHWEST OF INTERSECTION WITH WHOLESALE CLUB DRIVE.

BCD #332A
ELEV. 248.62
DESCRIPTION: BENCHMARK LOCATION OUTSIDE OF VICINITY MAP. CAPPED REBAR LOCATED ALONG THE SOUTH SIDE OF RIDGE ROAD APPROXIMATELY 0.3 MILES FROM BELAIR ROAD IN THE EASTBOUND DIRECTION ACROSS THE STREET FROM UTILITY POLE #524350 OFFSET APPROXIMATELY 17.9' FROM THE CENTERLINE OF RIDGE ROAD.

LEGEND

---	EX. PROPERTY LINE
---	EX. ADJACENT PROPERTY LINE
---	EX. RIGHT OF WAY LINE
---	EX. CURB
---	EX. FENCE
---	EX. SANITARY SEWER
---	EX. FORCE MAIN
---	EX. STORM DRAIN
---	EX. WATER
---	EX. GAS
---	EX. OVER HEAD ELECTRIC LINES
---	EX. UNDERGROUND ELECTRIC
---	EX. E.O.P
---	EX. 2' CONTOUR
---	EX. 10' CONTOUR
---	EX. PAVEMENT MARKING
---	EX. ZONING BOUNDARY
---	PR. PAVEMENT MARKING
---	EX. PARKING COUNT

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (1991)
NAD 88 - VERTICAL



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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MRA@GTA.COM
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HERTZ MANAGEMENT

8115 BELAIR ROAD

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE(S)

14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 5TH COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:	20504
		SCALE:	1"=40'
		DATE:	07/02/2019
		DRAWN BY:	TWO
		DESIGN BY:	TWO
		REVIEW BY:	THIS
		SHEET:	01 OF 01

2019-0388-SPHX

This map displays the zoning history cases for a specific area in Baltimore County, Maryland. The map features various zoning districts, including BR, BM, DR 5.5, BL AS, BR AS, BL, RO, and DR 3.5. A central area is highlighted with a red outline and labeled "Special Exception Area". The map includes a legend, a scale bar, and a north arrow. The legend identifies symbols for House Numbers, Zoning History Cases, Zoning, Property, and County Boundary. The scale bar indicates distances in feet (0 to 340) and miles (0 to 0.06). The date June 18, 2019, is noted at the bottom right.

Legend

- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary

Scale

1:2,000

0 85 170 340 Feet

0 0.015 0.03 0.06 Miles

Date

June 18, 2019

Sources

Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

2019-0388-SPHXA