

M E M O R A N D U M

DATE: July 31, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0037-SPHA – Appeal Period Expired

The appeal period for the above-referenced cases expired on July 30, 2020. 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 *
AND VARIANCE
(8667 Belair Road) *
11th Election District
5th Council District *
Laurie Industries Trust and Diajeff Trust,
c/o Kin Properties, Inc., *Legal Owners* *
Lidl US Operations, LLC,
Contract Purchaser/Lessee *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2020-0037-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Laurie Industries Trust and Diajeff Trust, c/o Kin Properties, Inc., legal owners and Lidl US Operations, LLC, contract purchaser/lessee (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”), to permit a modified parking plan pursuant to BCZR § 409.12 to allow parking spaces as shown on the plan, and for such other and further relief as may be deemed necessary by the Administrative Law Judge (“ALJ”) for Baltimore County. In addition, a Petition for Variance was filed as follows: From BCZR § 450.4 Attachment 1, 7(b)(VII) to permit a joint identification freestanding sign with a height of 27 ft. in lieu of the permitted 25 ft. (Sign B); from BCZR § 450.4 Attachment 1, 7(b)(V) to permit a joint identification freestanding sign with an area/face of 202.56 sq. ft. in lieu of the permitted 150 sq. ft. (Sign B); from BCZR § 409.A.1 to permit parking spaces in a surface parking facility for a non-residential within 5 ft. of right-of-way line in lieu of the minimum 10 ft. setback; from BCZR § 409.A.1. to permit a perimeter screening of 0.10 ft. in lieu of the required 15 ft. (Landscape Manual Condition B: Parking Lots); from BCZR § 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sq. ft. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces, and for such other and further relief as may be required by the ALJ for

ORDER RECEIVED FOR FILING

Date

6/30/2020
D. M. M. M. M. M.

Baltimore County. A site plan prepared by Chris Armstrong, P.E., with Bohler Engineering was marked and accepted into evidence as Petitioners' Exhibit 1. Mr. Armstrong was accepted as an expert in land use and design, engineering, and in the BCZR.

Lawrence E. Schmidt, Esq. appeared on behalf of the Petitioners. The Petition was advertised and posted as required by the BCZR. Due to the meeting restrictions related to the Covid 19 pandemic a virtual on-line hearing was held via WebEx in lieu of an in-person hearing. There were no protestants or interested persons in attendance. A Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP") and indicated no objection but suggested landscaping recommendations.

The property is approximately 2.07 acres and is zoned BL.

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 parcel in question is the anchor property in the middle of a commercial strip mall. It is the site of the former Mars supermarket. A new supermarket chain, LIDL, proposes to move in and operate in essentially the same manner as Mars. The parcel is irregularly shaped and bounded on two sides by other commercial properties and their associated parking and improvements. The parcel is bounded at the rear by residences. The loading dock and access thereto are too narrow to provide for the prescribed landscape buffer from the residences. However, there is mature vegetative screening as well as fencing that provide a good visual screen between the rear of the store and the rear of these residences. The property is therefore unique. If the Regulations were

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Date 6/30/2020

By D. Mignola

strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to operate their supermarket at this location. Finally, I find that all the requested variances 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. This is demonstrated by the absence of County and/or community opposition. The unrebutted testimony was that there is more than adequate parking at the site, and that the signage will not increase in size, nor differ in style, from the existing signage.

In the alternative, I also find that the modified parking plan requested under BCZR § 409.12 is also warranted and can be granted within the spirit and intent of the BCZR. In view of the evidence I find that the Petitioner would suffer an undue hardship if it were made to strictly comply with the parking regulations; and, as noted above, the evidence established that there is more than adequate parking at the site.

THEREFORE, IT IS ORDERED this 30th day of **June, 2020**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR"), to permit a modified parking plan pursuant to BCZR § 409.12 to allow parking spaces as shown on the plan, be and hereby is GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: From BCZR § 450.4 Attachment 1, 7(b)(VII) to permit a joint identification freestanding sign with a height of 27 ft. in lieu of the permitted 25 ft. (Sign B); from BCZR § 450.4 Attachment 1, 7(b)(V) to permit a joint identification freestanding sign with an area/face of 202.56 sq. ft. in lieu of the permitted 150 sq. ft. (Sign B); from BCZR § 409.A.1 to permit a parking space in a surface parking facility for a non-residential within 5 ft. of right-of-way line in lieu of the minimum 10 ft. setback; from BCZR § 409.A.1. to permit a perimeter screening of 0.10 ft. in lieu of the required

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Date 6/30/2020
By D. L. Ligan

15 ft. (Landscape Manual Condition B: Parking Lots); from BCZR § 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sq. ft. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces, 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 its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

ORDER RECEIVED FOR FILING

Date

6/30/2020

By

D. Mignone



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 8667 Belair Road which is presently zoned BL; DR5.5
 Deed References: 08725/00641 10 Digit Tax Account # 1700007432
 Property Owner(s) Printed Name(s) Laurie Industries Trust and Diajeff Trust c/o Kin Properties Inc.

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

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

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

See Attached

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

3. ☒ a **Variance** from Section(s)

See Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate 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:

Lidl US Operations, LLC

Name- Type or Print

Signature

3500 S Clark St. Arlington VA

Mailing Address City State

22202

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Laurie Industries Trust and Diajeff Trust, c/o Kin Properties Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

185 NW Spanish River Blvd., Suite 100 Boca Raton FL

Mailing Address City State

33431

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 20-0037-SPHA Filing Date 2/10/20

Date

By D. Dignan

Do Not Schedule Dates: Reviewer gn

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

8667 Belair Road

Special Hearing relief:

1. To permit a modified parking plan pursuant to BCZR § 409.12 to allow parking spaces as shown on the plan; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variance relief:

1. From BCZR § 450.4 Attachment 1, 7(b)(VII) to permit a Joint Identification Freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B);
2. From BCZR § 450.4 Attachment 1, 7(b)(V) to permit a Joint Identification Freestanding Sign with an area/face of 202.56 sf. in lieu of the permitted 150 sf. (Sign B);
3. From BCZR § 409.8.A.4. to permit a parking space in a surface parking facility for a non-residential within *5 feet of right-of-way line in lieu of the minimum 10 foot setback*
4. From BCZR § 409.A.1. to permit a perimeter screening of 0.10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots);
5. From BCZR § 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sf. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces; and
6. For such other and further relief as may be required by the ALJ for Baltimore County.

ZONING DESCRIPTION
TAX MAP 72, PARCEL 727, LOT 3
THE LANDS OF
LAURIE INDUSTRIES TRUST AND
DIAJEFF TRUST C/O KIM PROPERTIES INC.
LIBER 08725 FOLIO 641
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE SOUTHERNLY RIGHT-OF-WAY LIMITS OF BELAIR ROAD (MD ROUTE 1) (VARIABLE RIGHT-OF-WAY), WHICH IS 191.41 FEET SOUTH OF THE CENTER OF THE INTERSECTION OF SAID BELAIR ROAD (MD ROUTE 1) AND SILVER SPRING ROAD, THENCE DEPARTING SAID SOUTHERNLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE LANDS OF LAURIE INDUSTRIES TRUST AND DIAJEFF TRUST C/O KIM PROPERTIES INC. (LIBER 8725 FOLIO 641) ON THE WEST AND OF THE LANDS OF SILVER SPRING ASSOCIATES LLC ON THE EAST.

1. SOUTH 48 DEGREES – 07 MINUTES – 20 SECONDS EAST, 167.00 FEET TO A POINT, THENCE;
2. CONTINUING SOUTH 41 DEGREES – 52 MINUTES – 40 SECONDS WEST, 40.40 FEET TO A POINT, THENCE;
3. CONTINUING SOUTH 48 DEGREES – 07 MINUTES – 20 SECONDS EAST, 200.69 FEET TO A POINT, THENCE;
4. CONTINUING SOUTH 42 DEGREES – 01 MINUTES – 03 SECONDS WEST, 209.00 FEET TO A POINT, THENCE;
5. CONTINUING NORTH 48 DEGREES – 07 MINUTES – 20 SECONDS WEST, 200.18 FEET TO A POINT, THENCE;
6. CONTINUING SOUTH 41 DEGREES – 52 MINUTES – 40 SECONDS WEST, 42.60 FEET TO A POINT, THENCE;
7. CONTINUING NORTH 48 DEGREES – 07 MINUTES – 20 SECONDS WEST, 167.00 FEET TO A POINT, THENCE;
8. CONTINUING NORTH 41 DEGREES – 52 MINUTES – 40 SECONDS EAST, 17.42 FEET TO A POINT, THENCE;
9. CONTINUING SOUTH 48 DEGREES – 07 MINUTES – 20 SECONDS EAST, 11.00 FEET TO A POINT, THENCE;
10. CONTINUING NORTH 41 DEGREES – 52 MINUTES – 40 SECONDS EAST, 40.00 FEET TO A POINT, THENCE;
11. CONTINUING NORTH 48 DEGREES – 07 MINUTES – 20 SECONDS WEST, 11.00 FEET TO A POINT, THENCE;
12. CONTINUING NORTH 41 DEGREES – 52 MINUTES – 40 SECONDS EAST, 234.57 FEET TO A POINT, THENCE TO THE POINT OF THE BEGINNING

CONTAINING 90,169 SQUARE FEET OR 2.07 ACRES.



SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON

DATE: 6/22/2020

Case Number: 2020-0037-SPHA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

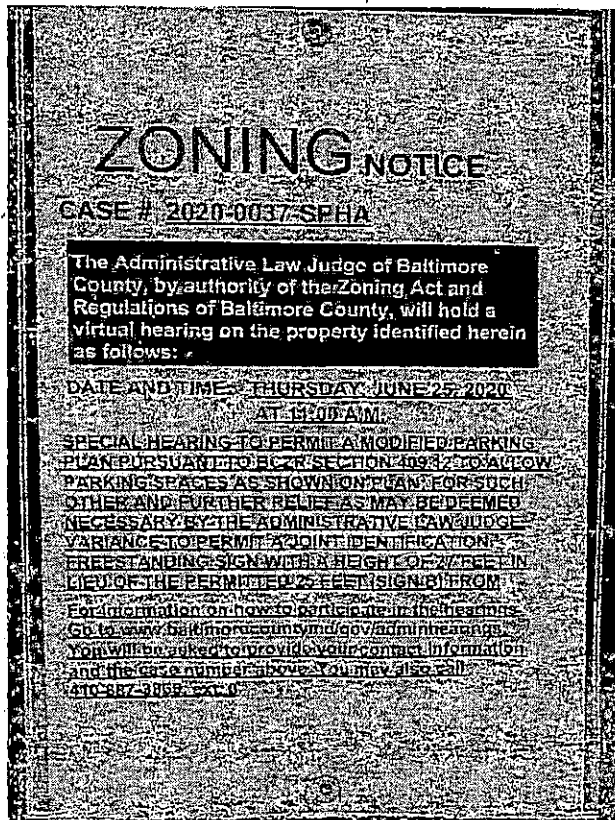
LIDL US OPERATIONS, LLC ~ LEE CHERRY

Date of Hearing: JUNE 25, 2020

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8667 BELAIR ROAD

The sign(s) were posted on: JUNE 5, 2020

The sign(s) were re-photographed on: JUNE 22, 2020



1st Sign

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/28/2020

Case Number: 2020-0037-SPHA

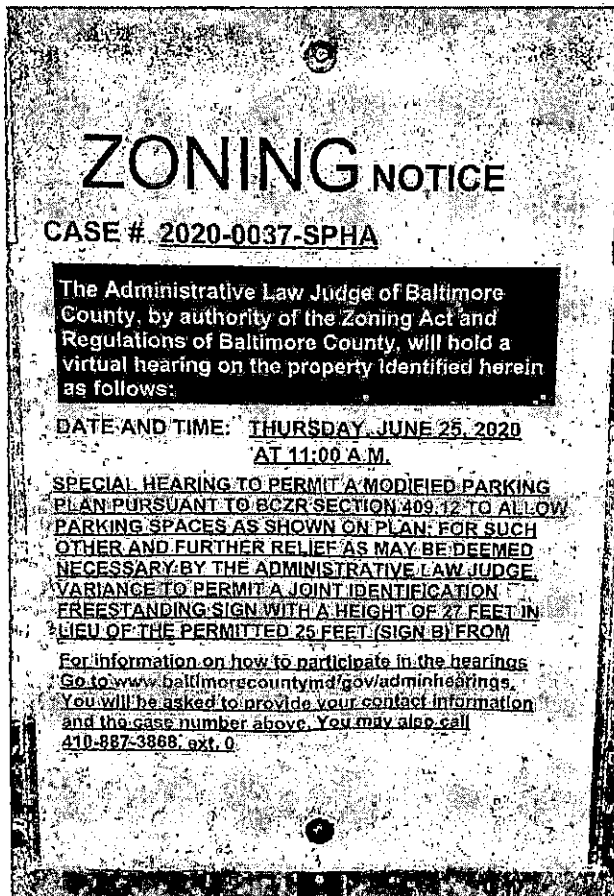
Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

LIDL US OPERATIONS, LLC ~ LEE CHERRY

Date of Hearing: JUNE 25, 2020

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8667 BELAIR ROAD

The sign(s) were posted on: JUNE 5, 2020



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/28/2020

Case Number: 2020-0037-SPHA

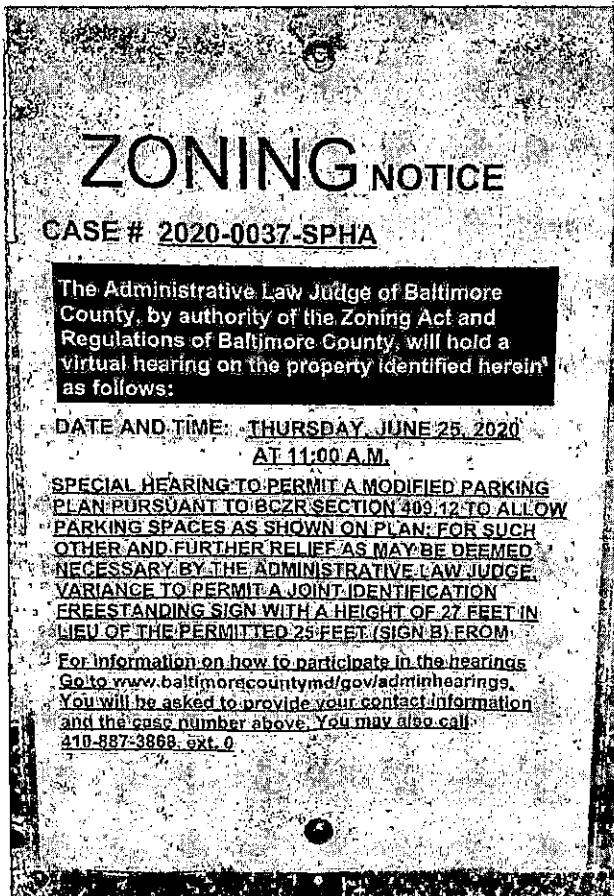
Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

LIDL US OPERATIONS, LLC ~ LEE CHERRY

Date of Hearing: JUNE 25, 2020

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8667 BELAIR ROAD

The sign(s) were posted on: JUNE 5, 2020



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



June 3, 2020 JOHN A. OLSZEWSKI, JR.
County Executive

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

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0037-SPHA

8667 Belair Road

S/east side of Belair Road, south of Silver Spring Road

11th Election District – 5th Councilmanic District

Legal Owners: Laurie Industries Trust, Diajeff Trust c/of Kin Properties, Inc.

Contract Purchaser/Lessee: Lidl US Operations, LLC

Special Hearing to permit a modified parking plan pursuant to BCZR section 409.12 to allow parking spaces as shown on plan; for such other and further relief as may be deemed necessary by the Administrative Law Judge. Variance to permit a joint Identification Freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B) From BCZR 450.4 Attachment 1, 7(b)(V) to permit a joint Identification Freestanding Sign with an area/ face of 202.56 sf. in lieu of the permitted 150 sf. (Sign B). From BCZR 409.A.1 to permit a parking space in a surface parking facility for a non-residential within 5 feet of right of way line in lieu of the minimum 10 foot setback. From BCZR 409.A.1. To permit a perimeter screening of 0.10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots). From BCZR 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sf. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Thursday, June 25, 2020 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Lidl US Operations, LLC, 3500 S. Clark Street, Arlington VA 22202
Lee Cherry, 185 NW Spanish River Blvd., Ste. 100, Arlington VA 33431

NOTE: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 5, 2020.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/7/2020

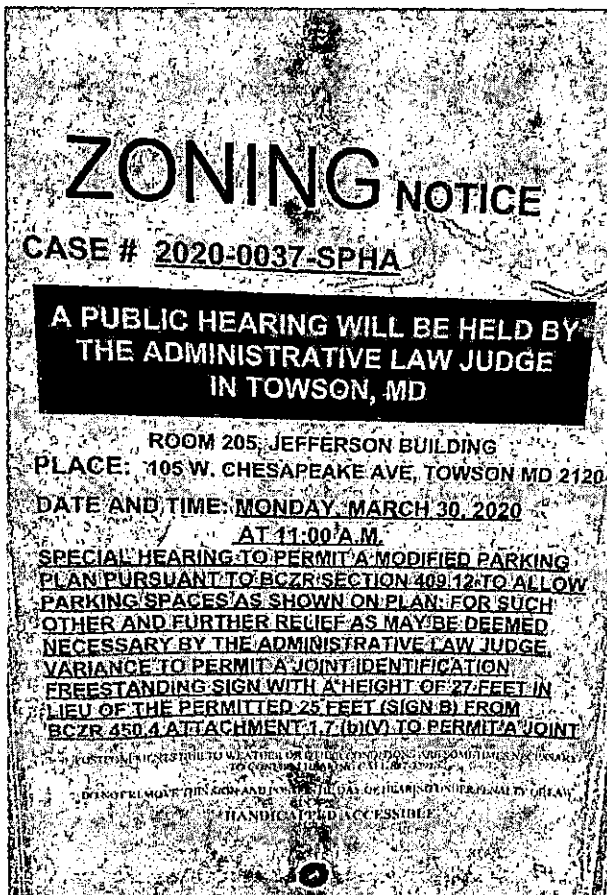
Case Number: 2020-0037-SPHA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ LIDI US
OPERATIONS, LLC ~ LEE CHERRY

Date of Hearing: MARCH 30, 2020

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
8667 BELAIR ROAD

The sign(s) were posted on: MARCH 7, 2020



1ST Sign @ 8667 Belair Road ~ 3/7/2020

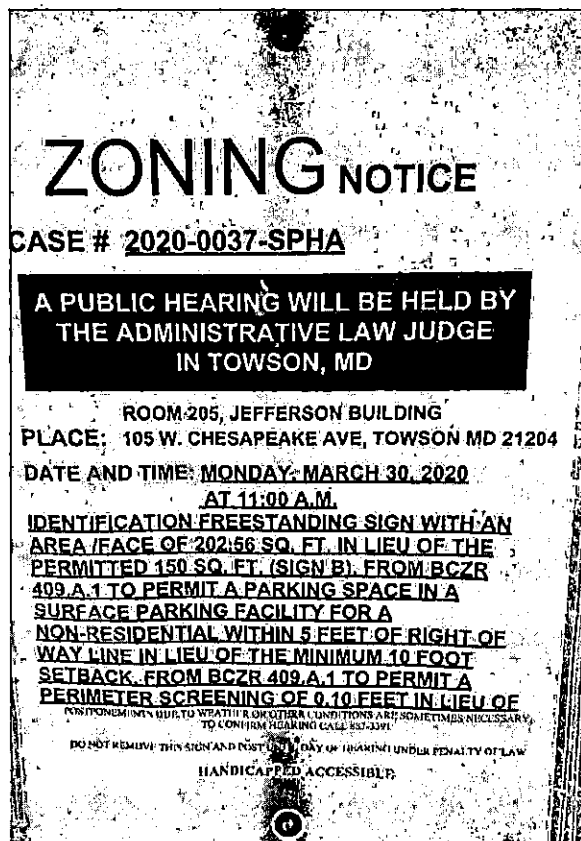
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

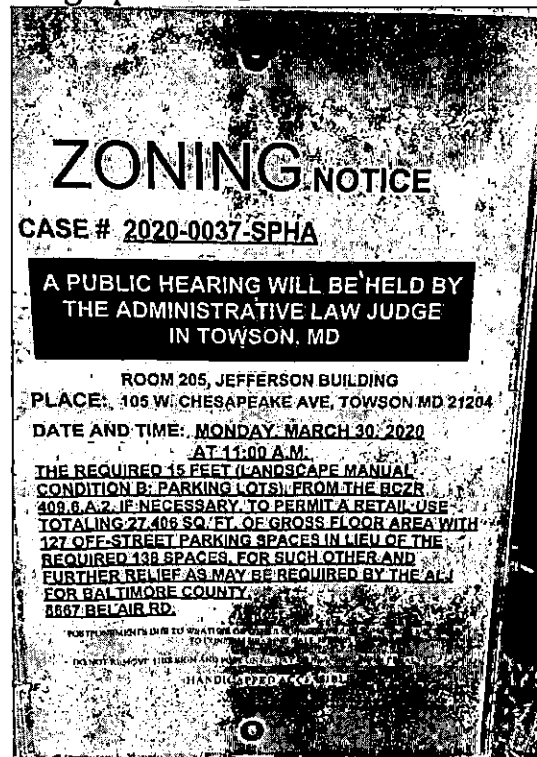
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



2nd Sign posted @ 8667 Belair Rd. ~ 3/7/2020



3rd Sign posted @ 8667 Belair Rd. ~ 3/7/2020

CASE # 2020-0037-SPHA



Background Photo 1st set of Signs @ 8667 Belair Road ~ 3/7/2020



Background Photo 2nd set of Signs @ 8667 Belair Road ~ 3/7/2020
CASE # 2020-0037-SPHA

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

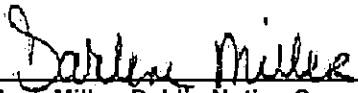
PUBLISHER'S AFFIDAVIT

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:

3/10/2020

Order #: 11865671
Case #: 2020-0037-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0037-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: 2020-0037-SPHA

8667 Belair Road

S/east side of Belair Road, south of Silver Spring Road

11th Election District - 5th Councilmanic District

Legal Owners: Laurie Industries Trust, Dineff Trust c/o Kin Properties, Inc.

Contract Purchaser/Lessee: Lidl US Operations, LLC

Special Hearing to permit a modified parking plan pursuant to BCZR section 409.12 to allow parking spaces as shown on plan for such other and further relief as may be deemed necessary by the Administrative Law Judge. Variance to permit a joint identification Freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B) From BCZR 450.4 Attachment 1, 7(b)(V) to permit a joint identification Freestanding Sign with an area/face of 202.56 sf. in lieu of the permitted 150 sf. (Sign B). From BCZR 409.A.1 to permit a parking space in a surface parking facility for a nonresidential within 5 feet of right of way line in lieu of the minimum 10 foot setback From BCZR 409.A.1. To permit a perimeter screening of 0.10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots). From BCZR 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sf. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Monday, March 30, 2020, at 11:00 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 410-887-3391.

mh10



February 25, 2020
JOHN A. OLSZEWSKI, JR.
County Executive

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

NOTICE OF ZONING HEARING

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

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8667 Belair Road

S/east side of Belair Road, south of Silver Spring Road

11th Election District – 5th Councilmanic District

Legal Owners: Laurie Industries Trust, Diajeff Trust c/of Kin Properties, Inc.

Contract Purchaser/Lessee: Lidl US Operations, LLC

Special Hearing to permit a modified parking plan pursuant to BCZR section 409.12 to allow parking spaces as shown on plan; for such other and further relief as may be deemed necessary by the Administrative Law Judge. Variance to permit a joint Identification Freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B) From BCZR 450.4 Attachment 1, 7(b)(V) to permit a joint Identification Freestanding Sign with an area/ face of 202.56 sf. in lieu of the permitted 150 sf. (Sign B). From BCZR 409.A.1 to permit a parking space in a surface parking facility for a non-residential within 5 feet of right of way line in lieu of the minimum 10 foot setback. From BCZR 409.A.1. To permit a perimeter screening of 0.10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots). From BCZR 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sf. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Monday, March 30, 2020 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director

MM:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Lidl US Operations, LLC, 3500 S. Clark Street, Arlington VA 22202
Lee Cherry, 185 NW Spanish River Blvd., Ste. 100, Arlington VA 33431

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 10, 2020**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: THE DAILY RECORD
Tuesday, March 10, 2020 – Issue

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2020-0037-SPHA

8667 Belair Road

S/east side of Belair Road, south of Silver Spring Road

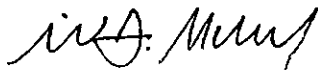
11th Election District – 5th Councilmanic District

Legal Owners: Laurie Industries Trust, Diajeff Trust c/of Kin Properties, Inc.

Contract Purchaser/Lessee: Lidl US Operations, LLC

Special Hearing to permit a modified parking plan pursuant to BCZR section 409.12 to allow parking spaces as shown on plan; for such other and further relief as may be deemed necessary by the Administrative Law Judge. Variance to permit a joint Identification Freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B) From BCZR 450.4 Attachment 1, 7(b)(V) to permit a joint Identification Freestanding Sign with an area/ face of 202.56 sf. in lieu of the permitted 150 sf. (Sign B). From BCZR 409.A.1 to permit a parking space in a surface parking facility for a non-residential within 5 feet of right of way line in lieu of the minimum 10 foot setback. From BCZR 409.A.1. To permit a perimeter screening of 0.10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots). From BCZR 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sf. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Monday, March 30, 2020 at 11:00 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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
8667 Belair Road; SE/S of Belair Road,	*	OF ADMINISTRATIVE
S of Silver Spring Road, 191' to c/line		
11 th Election & 5 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Laurie Industries Trust &		
Diajeff Trust c/o Kin Properties, Inc.	*	BALTIMORE COUNTY
Contract Purchaser(s): Lidl US Operations LLC		
Petitioner(s)	*	2020-037-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
FEB 20 2020

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 20th day of February, 2020, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 20 0037-SPHA

Property Address: 8667 Belair Road

Property Description: _____

Legal Owners (Petitioners): Laurie Industries Trust and Diajeff Trust c/o Kin Properties, Inc.

Contract Purchaser/Lessee: Lidl US Operations, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 15, 2020

Lidl US Operations LLC,
5300 S Clark St.
Arlington VA 22202

RE: Case Number: 2020-0037-SPHA, 8667 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 February 10, 2020. 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
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC 600 Washington Ave Suite 200 Towson
MD 21204

Date: 2/20/20

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 the petition for variance on the subject of the Case number referenced below, which was received on 2/19/20. A field inspection and internal review reveals that an entrance onto US consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing, Variance Case Number 2020-0037-SPHA

*Laurie Industries Trust and Diageff Trust
c/o Kim Properties, Inc.
8667 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@mdot.maryland.gov).

Sincerely,



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

WW/RAZ



JOHN A. OLSZEWSKI, JR.
County Executive

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

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Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC 600 Washington Ave Suite 200 Towson
MD 21204

PETITIONER' S

EXHIBIT NO. 6

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Acting Secretary
Tim Smith, P.E.
Acting Administrator

Date: 2/20/20

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
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8667 Belair Road US 1*

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Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 3/16/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-037

INFORMATION:

Property Address: 8667 Belair Road

Petitioner: Laurie Industries Trust and Diajeff Trust, c/o Kin Properties Inc.

Zoning: BL, DR 5.5

Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to permit a modified parking plan pursuant to Baltimore County Zoning Regulations (BCZR) 409.12 to allow parking spaces as shown on the plan and for variance relief from the following:

1. From BCZR 450.4 Attachment 1, 7(b) (VII) to permit a joint identification freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B).
2. From BCZR 450.4 Attachment 1, 7 (b) (V) to permit a joint identification freestanding sign with an area/face of 202.56 square feet in lieu of the permitted 150 square feet (Sign B)
3. From BCZR 409.8.A.4 to permit a parking space in a surface parking facility for a non-residential use within five feet of right of way line in lieu of the minimum 10 foot setback.
4. From BCZR 409.A.1 to permit a perimeter screening of .10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots)
5. From BCZR 409.6.A.2, if necessary, to permit a retail use totaling 27,406 square feet of gross floor area with 127 off street parking spaces in lieu of the required 138 spaces; and for such other and further relief as may be required by the administrative law judge for Baltimore County

A site visit was conducted on 3/6/2020. The site was a former Mars Supermarket, which has been vacant for several years and has recently been renovated and converted to a Lidl Food Market. It is located on the Belair Road Corridor in the Perry Hall Commercial Revitalization area.

The site is also located within the boundary of the Perry Hall Community Plan, which recommends commercial redevelopment of older commercial properties that line the Belair Road corridor.

The Department of Planning has no objection to the requests for parking modification and sign variances and offers the following comments:

Date: 3/16/2020
Subject: ZAC # 20-037
Page 2

1. Provide landscaping around the base of the freestanding sign.
2. Provide landscaping at the Belair Road frontage to screen the automobile parking area.

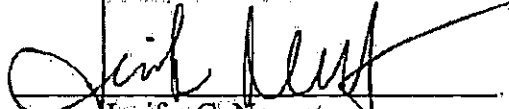
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/kma/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

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

SUBJECT: Zoning Advisory Committee Meeting
For February 24, 2020
Item No. 2020 -0037-SPHA

DATE: 05/22//2020

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

If Special Hearing and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required

* * * * *

VKD: cen
cc: file

3-30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 20, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0037-SPHA
Address 8667 Belair Road
(Laurie Industries Trust Property)

Zoning Advisory Committee Meeting of **February 24, 2020.**

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

Reviewer: Steve Ford

Debra Wiley

From: Administrative Hearings
Sent: Thursday, June 25, 2020 8:16 AM
To: Kristen L Lewis
Cc: Alyssa Moyers
Subject: FW: PRESENTER LINK 8667 Belair Road (20-0037-SPHA) 6.25.20 11am Hearing

Importance: High

Good Morning Kristen,

Can you please add the below for this morning's 11 am hearing.

Thanks in advance.

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

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Thursday, June 25, 2020 7:25 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Zachary Wilkins <zwilkins@sgs-law.com>; Chris Armstrong <carmstrong@bohlereng.com>
Subject: PRESENTER LINK 8667 Belair Road (20-0037-SPHA) 6.25.20 11am Hearing
Importance: High

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

Kristen,

Can you please provide the Presenter link to Chris Armstrong (carmstrong@bohlereng.com) for this morning's 11am ALJ hearing?

Thank you!

- *Alyssa*
Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Tuesday, June 9, 2020 8:16 AM
To: Alyssa Moyers <amoyers@sgs-law.com>
Cc: Zachary Wilkins <zwilkins@sgs-law.com>; Lawrence Schmidt <lschmidt@sgs-law.com>
Subject: RE: UPDATED PRESENTERS 8667 Belair Road (20-0037-SPHA) 6.25.20 Hearing

Alyssa,

There isn't a limit to participants, I can add the additional people and still leave Mr. Razavian on. I will check with Debbie about the exhibits, that is something we are trying to work out, as far as uploading them. I will get back to you on that. Have a great day.

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: Alyssa Moyers [<mailto:amoyers@sgs-law.com>]
Sent: Monday, June 08, 2020 8:27 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Zachary Wilkins <zwilkins@sgs-law.com>
Subject: UPDATED PRESENTERS 8667 Belair Road (20-0037-SPHA) 6.25.20 Hearing

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

Kristen,

After speaking with our team, the following people will need links emailed to them to participate in the June 25th hearing:

- Chris Armstrong carmstrong@bohlereng.com
- Wilson Coor Wilson.Coor@lidl.us

You can remove Michael Razavian Michael.Razavian@lidl.us if we have a limited number of links for participation as Mr. Coor will be taking the lead from Lidl.

Additionally, should I contact Deb at the ALJ's office regarding the coordination of anticipated exhibits or are you handling that as well?

Thanks for all your help with these virtual hearings!

- *Alyssa*
Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

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Please consider the environment before printing this email.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Wednesday, June 3, 2020 3:20 PM
To: Alyssa Moyers <amovers@sgs-law.com>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Zachary Wilkins <zwilkins@sgs-law.com>
Subject: RE: 8667 Belair Road (20-0037-SPHA)

Alyssa,

Great, I will be sending over Linda the wording needed in the next few minutes. I will be sending webex invites no later than tomorrow with the information needed for the day of hearing to the emails you provided me below. Thank you and yes it will definitely be a learning curve. Have a great rest of the week.

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: Alyssa Moyers [<mailto:amovers@sgs-law.com>]
Sent: Wednesday, June 03, 2020 2:57 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Zachary Wilkins <zwilkins@sgs-law.com>
Subject: 8667 Belair Road (20-0037-SPHA)

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

Kristen,

Thanks for providing us with a rescheduled hearing date of **June 25th at 11am** for the above matter. I have reached out to Linda O'Keefe for the sign posting coordination due June 5th and she has confirmed she will handle. I appreciate the additional logistics information you provided. I know webex hearings will be a learning curve for all of us!

At this time, the following parties will be participating in the June 25th hearing:

Larry Schmidt lschmidt@sgs-law.com
Zachary Wilkins zwilkins@sgs-law.com
Michael Razavian Michael.Razavian@lidl.us
Ken Padgett ken@mid-atlanticpermits.com

If there is anyone else planning to participate, I will let you know.

- *Alyssa*
Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

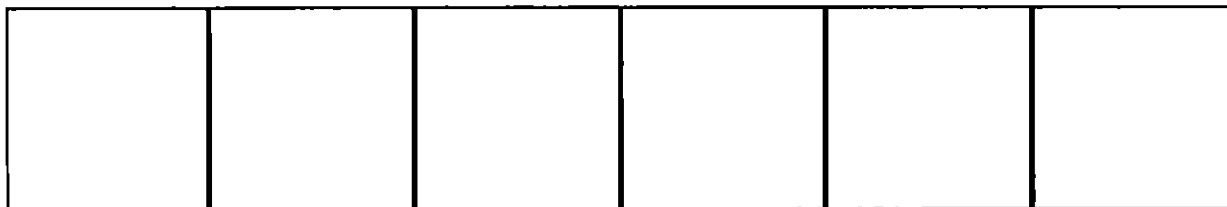
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CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 3/16/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-037

INFORMATION:

Property Address: 8667 Belair Road
Petitioner: Laurie Industries Trust and Diajeff Trust, c/o Kin Properties Inc.
Zoning: BL, DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to permit a modified parking plan pursuant to Baltimore County Zoning Regulations (BCZR) 409.12 to allow parking spaces as shown on the plan and for variance relief from the following:

1. From BCZR 450.4 Attachment 1, 7(b) (VII) to permit a joint identification freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B).
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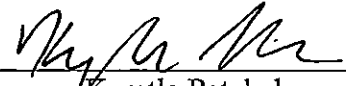
The site is also located within the boundary of the Perry Hall Community Plan, which recommends commercial redevelopment of older commercial properties that line the Belair Road corridor.

The Department of Planning has no objection to the requests for parking modification and sign variances and offers the following comments:

1. Provide landscaping around the base of the freestanding sign.
2. Provide landscaping at the Belair Road frontage to screen the automobile parking area.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/kma/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

Kristen L Lewis

Subject: Web seminar scheduled: Zoning Hearings - 8667 Belair Road
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e72bf651e1eef7ee2e182b6687694ee9a>
Start: Thu 6/25/2020 11:00 AM
End: Thu 6/25/2020 12:00 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: webex

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

When it's time, start the Webex event here.

Host: Kristen Lewis (klewis@baltimorecountymd.gov)
Event number (access code): 160 415 7772
Host key: 326429 (Use this to reclaim host privileges.)

Thursday, June 25, 2020 11:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e72bf651e1eef7ee2e182b6687694ee9a>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ed01d9c6aa52f0e4e3cf98f7f7d791d82>



Audio conference information

+1-415-655-0001 US Toll
[Global call-in numbers](#)

Join from a video system or application

Dial 1604157772@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 550371

Need help? Go to <http://help.webex.com>

Kristen L Lewis

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Wednesday, June 03, 2020 2:57 PM
To: Kristen L Lewis
Cc: Lawrence Schmidt; Zachary Wilkins
Subject: 8667 Belair Road (20-0037-SPHA)

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

Kristen,

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Zachary Wilkins zwilkins@sgs-law.com

Michael Razavian Michael.Razavian@lidl.us

Ken Padgett ken@mid-atlanticpermits.com

If there is anyone else planning to participate, I will let you know.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

amoyers@sgs-law.com | www.sgs-law.com

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BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-037



INFORMATION:

Property Address: 8667 Belair Road
Petitioner: Laurie Industries Trust and Diajeff Trust, c/o Kin Properties Inc.
Zoning: BL, DR 5.5
Requested Action: Special Hearing, Variance

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1. From BCZR 450.4 Attachment 1, 7(b) (VII) to permit a joint identification freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B).
2. From BCZR 450.4 Attachment 1, 7 (b) (V) to permit a joint identification freestanding sign with an area/face of 202.56 square feet in lieu of the permitted 150 square feet (Sign B)
3. From BCZR 409.8.A.4 to permit a parking space in a surface parking facility for a non-residential use within five feet of right of way line in lieu of the minimum 10 foot setback.
4. From BCZR 409.A.1 to permit a perimeter screening of 10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots)
5. From BCZR 409.6.A.2, if necessary, to permit a retail use totaling 27,406 square feet of gross floor area with 127 off street parking spaces in lieu of the required 138 spaces; and for such other and further relief as may be required by the administrative law judge for Baltimore County

A site visit was conducted on 3/6/2020. The site was a former Mars Supermarket, which has been vacant for several years and has recently been renovated and converted to a Lidl Food Market. It is located on the Belair Road Corridor in the Perry Hall Commercial Revitalization area.

The site is also located within the boundary of the Perry Hall Community Plan, which recommends commercial redevelopment of older commercial properties that line the Belair Road corridor.

The Department of Planning has no objection to the requests for parking modification and sign variances and offers the following comments:

1. Provide landscaping around the base of the freestanding sign.
2. Provide landscaping at the Belair Road frontage to screen the automobile parking area.

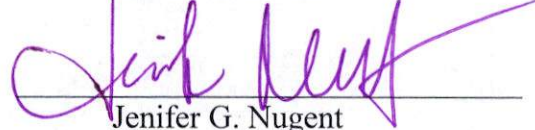
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/kma/

c: Laurie Hay

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

6-25
11 Am

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Monday, June 22, 2020 11:47 PM
To: Administrative Hearings
Cc: Debra Wiley
Subject: Certifications
Attachments: Oak Dr. 2nd Cert. .jpeg; Oak Dr. Photos.docx; Belair Rd. 2nd Cert. .jpeg; Belair Rd. Photos #1.docx; Belair Rd. Photos #2.docx; Belair Rd. Photos #3.docx

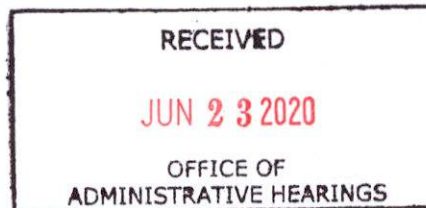
CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Donna,

I am attaching the second Certifications for Case # 2020-0033-A @ 2000 Oak Drive along with photos and Case # 2020-0037-SPHA @ 8667 Belair Road along with their photos for your records. You are doing a Great Job Donna and Debra.
Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



RECEIVED
OFFICE OF THE
ADMINISTRATIVE SERVICES

SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON

DATE: 6/22/2020

Case Number: 2020-0037-SPHA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

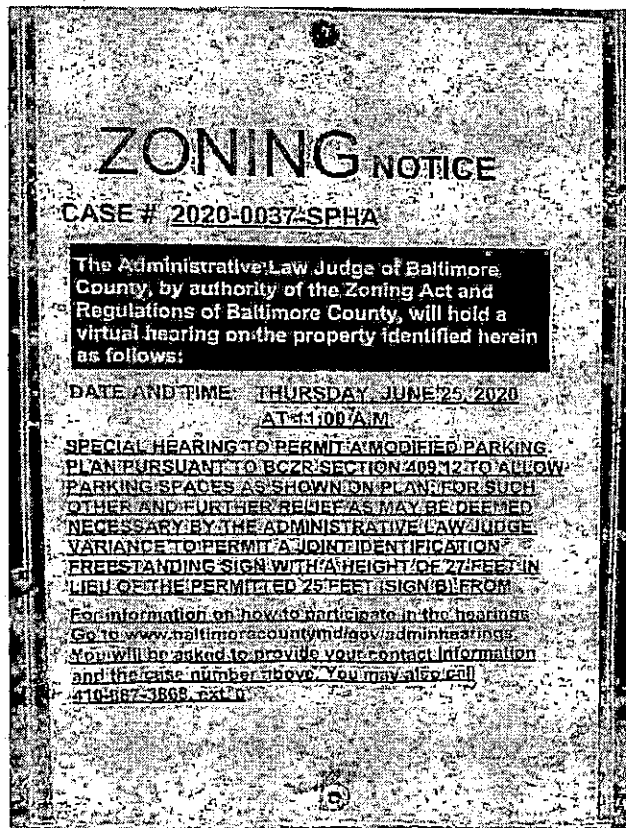
LIDL US OPERATIONS, LLC ~ LEE CHERRY

Date of Hearing: JUNE 25, 2020

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8667 BELAIR ROAD

The sign(s) were posted on: JUNE 5, 2020

The sign(s) were re-photographed on: JUNE 22, 2020



1st Sign

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2020-0037-SPHA

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

DATE AND TIME: THURSDAY, JUNE 25, 2020
AT 11:00 A.M.

BCZR 400.4 ATTACHMENT 1.1 (M) TO PERMIT A JOINT IDENTIFICATION FREESTANDING SIGN WITH AN AREA/ FACE OF 202.55 SQ. FT. IN LIEU OF THE PERMITTED 150 SQ. FT. (SIGN B) FROM BCZR 400.6 (A) TO PERMIT A PARKING SPACE IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL WITHIN 5 FEET OF RIGHT OF WAY LINE IN LIEU OF THE MINIMUM 10 FOOT SETBACK FROM BCZR 400.6 (A) TO PERMIT A PERIMETER SCREENING OF

For information on how to participate in the hearing, Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868 ext. 0.

ZONING NOTICE

CASE # 2020-0037-SPHA

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

DATE AND TIME: THURSDAY, JUNE 25, 2020
AT 11:00 A.M.

0.10 FEET IN LIEU OF THE REQUIRED 15 FEET (LANDSCAPE MANUAL CONDITION B- PARKING LOT) FROM BCZR 400.6 (A) 2.1 (NECESSARY TO PERMIT A RETAIL USE TOTALING 27,406 SF OF GROSS FLOOR AREA WITH 127 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 138 SPACES FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ALJ FOR BALTIMORE COUNTY 8667 BELAIR ROAD

For information on how to participate in the hearing, Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868 ext. 0.

2nd Sign

3rd Sign

CASE # 2020-0037-SPHA ~ 6/22/2020

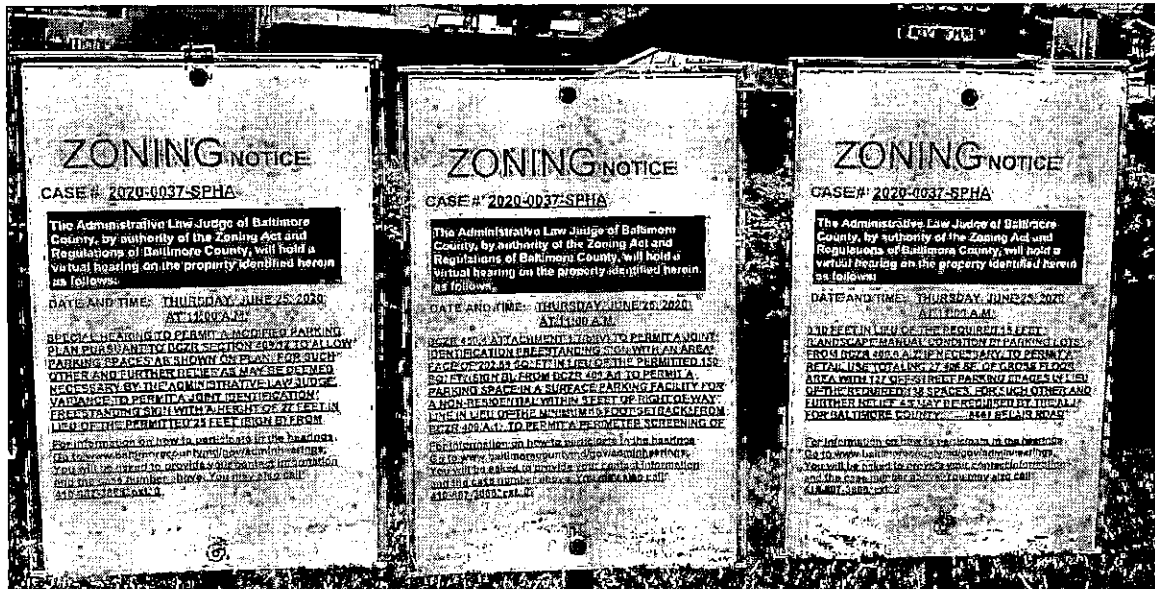


Re-Photographed 1st Set of Signs @ 8667 Belair Road ~ 6/22/2020



Re-Photographed 2nd Set of Signs @ 8667 Belair Road ~ 6/22/2020

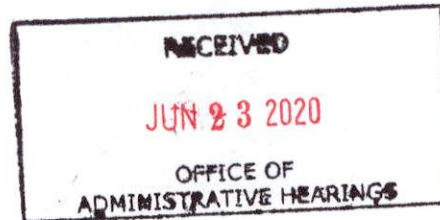
CASE # 2020-0037-SPHA



Close up photo Case # 2020-0037-SPHA ~ 6/22/2020

Petitioner's Exhibits
Case No. 2020-0037-SPHA
8667 Belair Road
ALJ Hearing: Thursday, June 25, 2020

Exhibit No.	Description
1	Site Plan
2a	My Neighborhood Aerial of Surrounding Area
2b	My Neighborhood Aerial of Surrounding Area
2c	My Neighborhood Aerial of Surrounding Area (closest)
3a-r	Site Photos
4	Chris Armstrong CV
5	Detailed Sign Plan
6	ZAC Comments
7a	Certificate of Posting
7b	Second Certificate of Posting



RECEIVED
JUL 1 1971
OFFICE OF
ADMINISTRATIVE SERVICES

Order ✓ Lxx. ✓

(3-30-20 11 Am)

CASE NO. 2020-0037-SPHA

CHECKLIST

6/25 @ 11 Am

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

2-20

DEPS

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

NC

FIRE DEPARTMENT

3-17

PLANNING

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

No object. w/ Cond.
① Perry Hall Comm. Plan
② park. / Sign -
landscaping

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING (1st)

Date: 6/5/20

by O'Keefe

SIGN POSTING (2nd)

Date: 6/22/20

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☒

Comments, if any: _____

ZAC AGENDA

6/25 11Am

Case Number: 2020-0037-SPHA **Reviewer:** Gary Hucik
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: Laurie Industries Trust and Diajeff Trust c/o Kin Properties Inc.
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 8667 BELAIR RD

Location: South East side of Belair Road South of Sliver Spring Road 191 feet to the center line.

Existing Zoning: BL **Area:** 2.07 AC

Proposed Zoning:

SPECIAL HEARING:

To permit a modified parking plan pursuant to BCZR 409.12 to allow parking space as shown on the plan. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

VARIANCE:

Form BCZR 450.4 Attachment 1, 7(b)(VII) to permit a joint Identification Freestanding sign with a height of 27 feet in lieu of the permitted 25 feet (Sign B)

From BCZR 450.4 Attachment 1, 7(b)(V) to permit a joint Identification Freestanding Sign with an area/ face of 202.56 sf. in lieu of the permitted 150 sf. (Sign B).

From BCZR 409.A.1 to permit a parking space in a surface parking facility for a non residential within 5 feet of right of way line in lieu of the minimum 10 foot setback.

From BCZR 409.A.1. to permit a perimeter screening of 0.10 feet in lieu of the required 15 feet (Landscape Manual Condition B: Parking Lots).

From BCZR 409.6.A.2, if necessary, to permit a retail use totaling 27,406 sf. of gross floor area with 127 off-street parking spaces in lieu of the required 138 spaces.

For such other and further relief as may be required by the ALJ for Baltimore County

Attorney: Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

3-30
11 AM

Debra Wiley

From: Debra Wiley
Sent: Tuesday, March 17, 2020 10:05 AM
To: Lawrence Schmidt
Cc: 'Alyssa Moyers'
Subject: Postponement of OAH Hearings in March

Good Morning Mr. Schmidt,

Please be advised that a voice mail was left for you this morning regarding hearings before our office.

Due to the coronavirus, we will not be conducting public hearings during the month of March. Therefore, Case No. 2020-0037-SPHA scheduled for Monday, March 30, 2020 @ 11:00 AM has been postponed; this information is reflected on the County's website. For your reference, please see the following link:
<https://www.baltimorecountymd.gov/Agencies/adminhearings/index.html>

We would kindly ask if you could notify all interested parties of this postponement, and this will be rescheduled as soon as possible. Please feel free to contact our office if you have any questions and/or concerns and thanks for your patience during this time.

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

V.m. left for Mr. Schmidt 3/17 @ 10:02 AM 410.821.0070 x 112



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 8667 Belair Road

which is presently zoned BL; DR5.5

Deed References: 08725/00841

10 Digit Tax Account # 1700097432

Property Owner(s) Printed Name(s) Laurie Industries Trust and Dajeff Trust c/o Kin Properties Inc.

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

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

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

See Attached

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

3. ☒ a Variance from Section(s)

See Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate 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:

Lidl US Operations, LLC

Name- Type or Print

Signature

3500 S Clark St. Arlington VA

Mailing Address City State

22202

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Laurie Industries Trust and Dajeff Trust, c/o Kin Properties Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

165 NW Spanish River Blvd., Suite 100 Boca Raton FL

Mailing Address City State

33431

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 20-0375PHA Filing Date 2/10/20 Do Not Schedule Dates: Reviewer gh

REV. 10/4/11

3-30
mm.

11 AM

V.m. Left
3-17 @ 10:52 AM

410.821.0070

Wiley X112

ZONING NOTICE

CASE # 2020-0037-SPHA

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

DATE AND TIME: THURSDAY, JUNE 25, 2020
AT 11:00 A.M.

SPECIAL HEARING TO PERMIT A MODIFIED PARKING
PLAN PURSUANT TO BCZR SECTION 409.12 TO ALLOW
PARKING SPACES AS SHOWN ON PLAN; FOR SUCH
OTHER AND FURTHER RELIEF AS MAY BE DEEMED
NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.
VARIANCE TO PERMIT A JOINT IDENTIFICATION
FREESTANDING SIGN WITH A HEIGHT OF 27 FEET IN
LIEU OF THE PERMITTED 25 FEET (SIGN B) FROM

For information on how to participate in the hearings
Go to www.baltimorecountymd.gov/adminhearings.
You will be asked to provide your contact information
and the case number above. You may also call
410-887-3868, ext. 0

ZONING NOTICE

CASE # 2020-0037-SPHA

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

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AT 11:00 A.M.**

BCZR 450.4 ATTACHMENT 1.7(b)(V) TO PERMIT A JOINT IDENTIFICATION FREESTANDING SIGN WITH AN AREA/ FACE OF 202.56 SQ. FT. IN LIEU OF THE PERMITTED 150 SQ. FT. (SIGN B). FROM BCZR 409.A.1 TO PERMIT A PARKING SPACE IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL WITHIN 5 FEET OF RIGHT OF WAY LINE IN LIEU OF THE MINIMUM 10 FOOT SETBACK. FROM BCZR 409.A.1. TO PERMIT A PERIMETER SCREENING OF

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ZONING NOTICE

CASE # 2020-0037-SPHA

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**DATE AND TIME: THURSDAY, JUNE 25, 2020
AT 11:00 A.M.**

**0.10 FEET IN LIEU OF THE REQUIRED 15 FEET
(LANDSCAPE MANUAL CONDITION B: PARKING LOTS).
FROM BCZR 409.6.A.2, IF NECESSARY, TO PERMIT A
RETAIL USE TOTALING 27,406 SF. OF GROSS FLOOR
AREA WITH 127 OFF-STREET PARKING SPACES IN LIEU
OF THE REQUIRED 138 SPACES. FOR SUCH OTHER AND
FURTHER RELIEF AS MAY BE REQUIRED BY THE ALJ
FOR BALTIMORE COUNTY. 8667 BELAIR ROAD**

**For information on how to participate in the hearings
Go to www.baltimorecountymd.gov/adminhearings.
You will be asked to provide your contact information
and the case number above. You may also call
410-887-3868, ext. 0**

SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON

DATE: 6/22/2020

Case Number: 2020-0037-SPHA

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

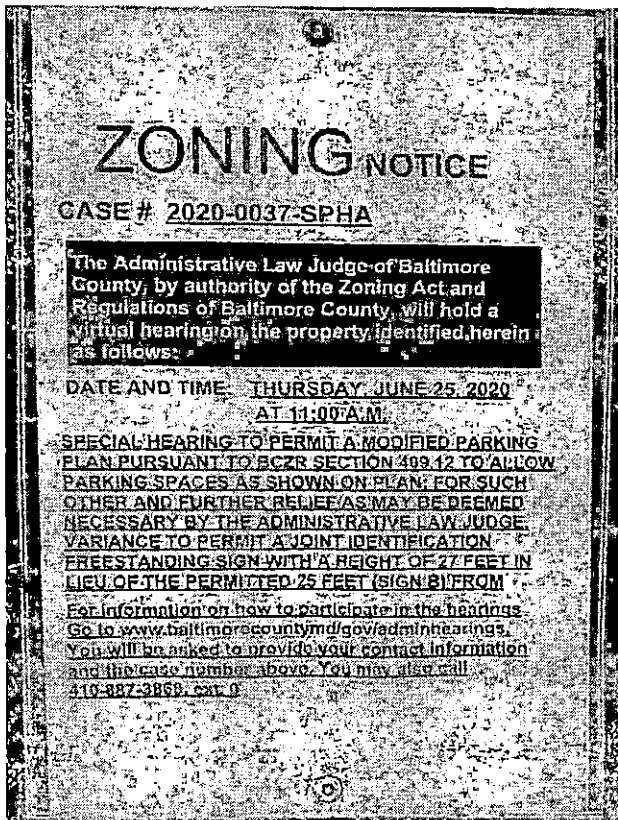
LIDL US OPERATIONS, LLC ~ LEE CHERRY

Date of Hearing: JUNE 25, 2020

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8667 BELAIR ROAD

The sign(s) were posted on: JUNE 5, 2020

The sign(s) were re-photographed on: JUNE 22, 2020



1st Sign

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

PETITIONER'S

EXHIBIT NO. TB

ZONING NOTICE

CASE # 2020-0037-SPHA

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AT 11:00 A.M.

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For information on how to participate in the hearings, Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-387-3888 ext. 0.

ZONING NOTICE

CASE # 2020-0037-SPHA

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

DATE AND TIME: THURSDAY, JUNE 25, 2020
AT 11:00 A.M.

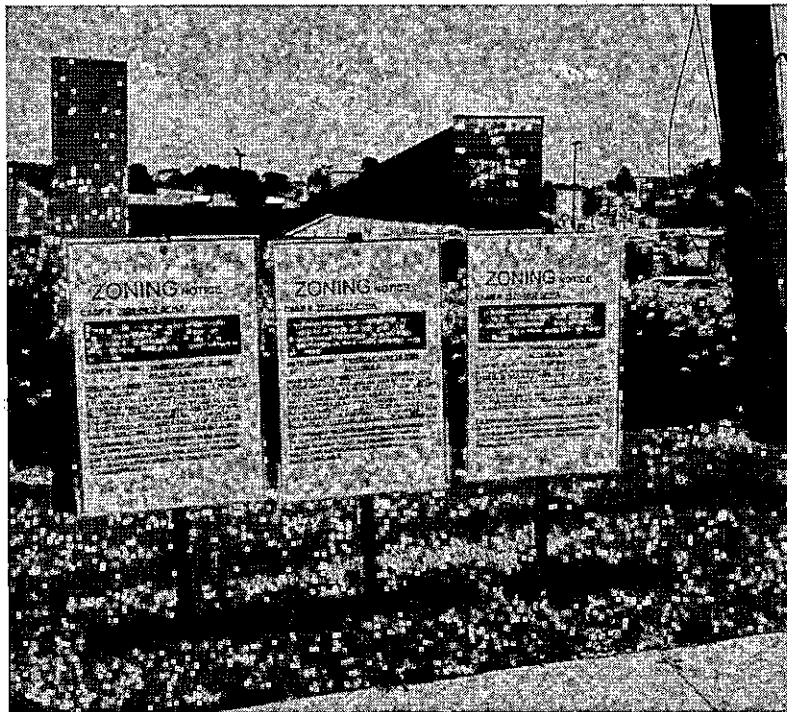
0.10 FEET IN LIEU OF THE REQUIRED 15 FEET LANDSCAPE MANUAL CONDITION B; PAVING LOTSI FROM BCZR 400.6 & 2. IF NECESSARY TO PERMIT A RETAIL USE TOTALING 27,400 SF OF GROSS FLOOR AREA WITH 127 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 130 SPACES FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ALJ FOR BALTIMORE COUNTY - 6687 BELAIR ROAD

For information on how to participate in the hearings, Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-387-3888 ext. 0.

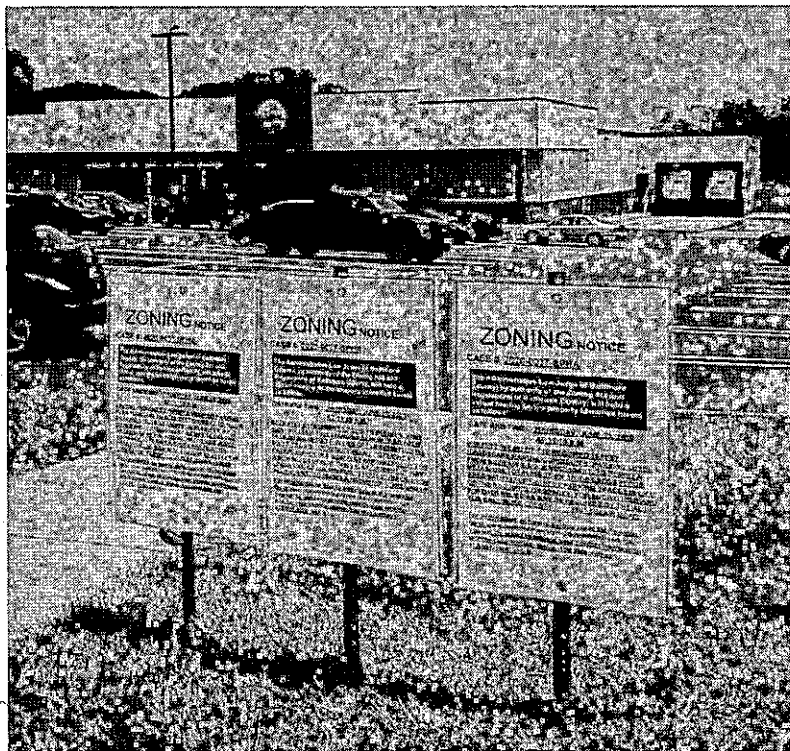
2nd Sign

3rd Sign

CASE # 2020-0037-SPHA ~ 6/22/2020

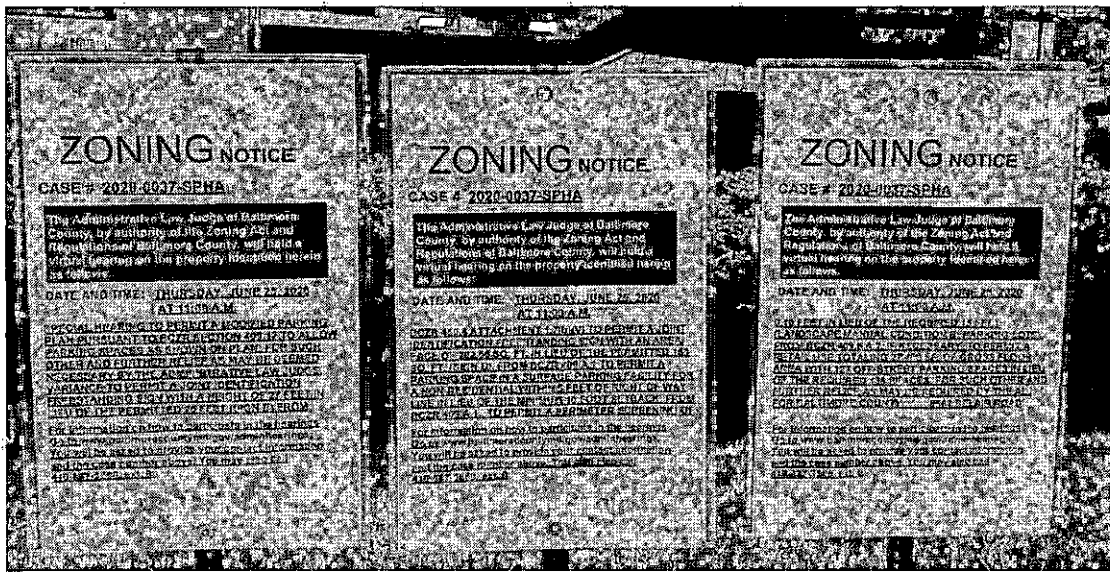


Re-Photographed 1st Set of Signs @ 8667 Belair Road ~ 6/22/2020



Re-Photographed 2nd Set of Signs @ 8667 Belair Road ~ 6/22/2020

CASE # 2020-0037-SPHA



Close up photo Case # 2020-0037-SPHA ~ 6/22/2020

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/28/2020

Case Number: 2020-0037-SPHA

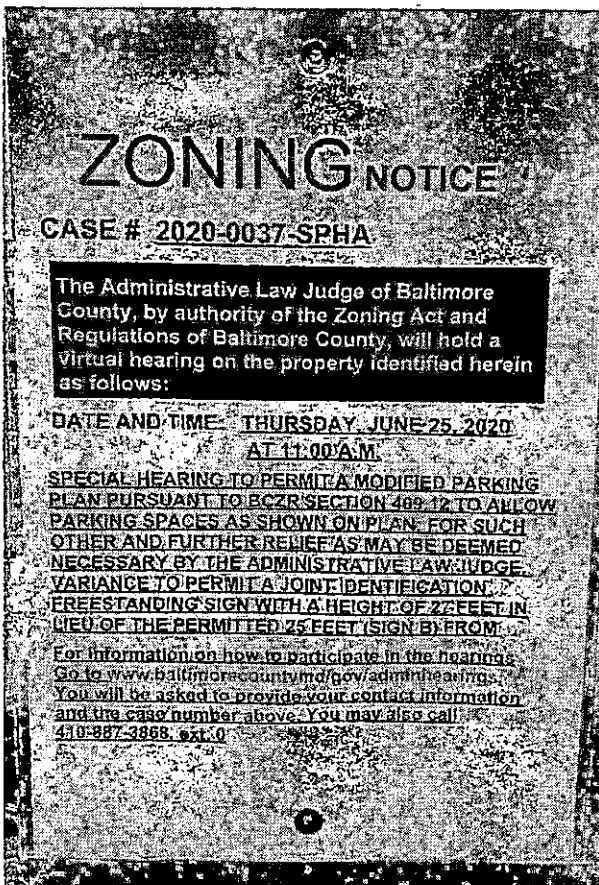
Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

LIDL US OPERATIONS, LLC ~ LEE CHERRY

Date of Hearing: JUNE 25, 2020

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8667 BELAIR ROAD

The sign(s) were posted on: JUNE 5, 2020



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

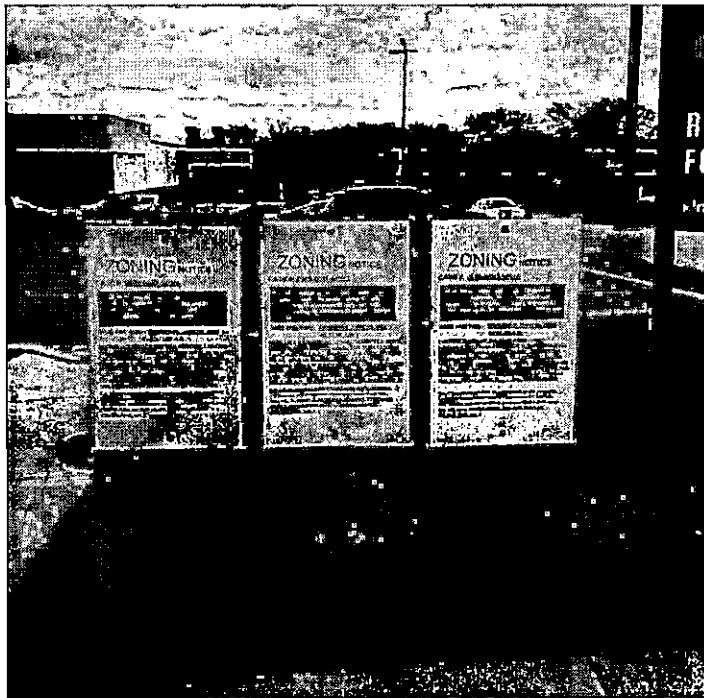
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

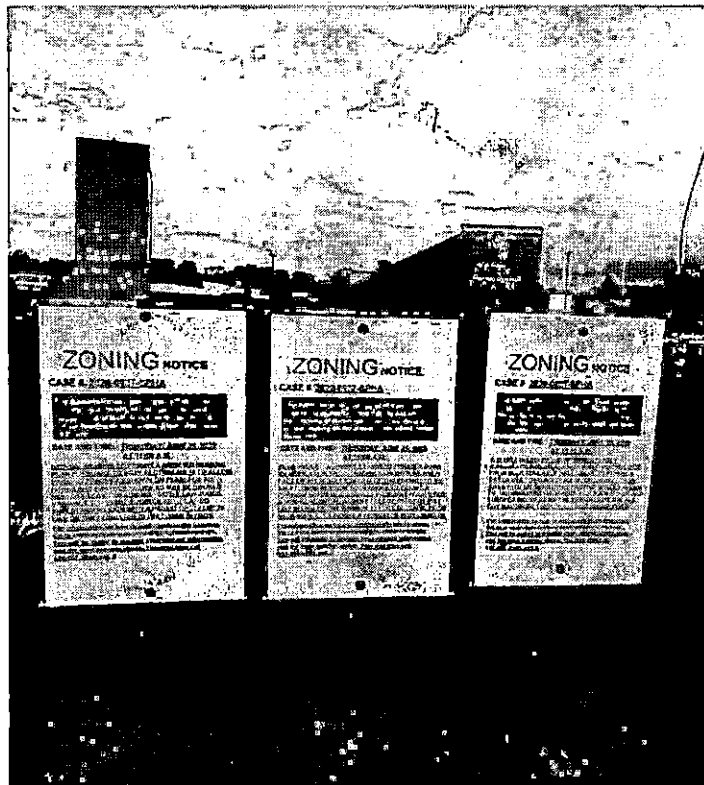
410-666-5366
(Telephone Number of Sign Poster)

PETITIONER'S

EXHIBIT NO. 7a

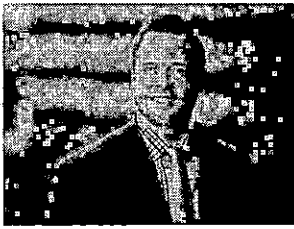


Background Photo 1st set of signs @ 8667 Belair Road ~ 6/5/2020



Background Photo 2nd set of signs @ 8667 Belair Rd. ~ 6/5/2020

CASE # 2020-0037-SPHA



CHRIS ARMSTRONG, PE PROJECT MANAGER

carmstrong@bohlereng.com

EDUCATION

B.S. Civil Engineering
University of Delaware

PROFESSIONAL LICENSES

Maryland PE #36521

PROFESSIONAL AFFILIATIONS

NAIOP

Urban Land Institute - Baltimore

Chris currently serves as a project manager in Bohler's Towson, MD office. With over 13 years of civil engineering design and project management experience, he brings a wealth of knowledge and problem solving abilities to each project.

Chris has expert knowledge in stormwater management, roadway design, commercial site layout, construction inspections, site meetings, cost estimating, plan review and agency coordination, and various other aspects of civil engineering.

SELECT PROJECT EXPERIENCE

Circle East Development, Towson, MD

Goucher College, Froelicher Hall, MD

The Avenue at White Marsh, White Marsh, MD

CVS, Parkville, MD

Silver Diner, Frederick, MD

Flats at 703, Towson, MD

CVS, Nottingham, MD

Walgreens, Nottingham, MD

Brightview Senior Living, Catonsville, MD

YMCA, Catonsville, MD

YMCA, Towson, MD

Kimco Fullerton, Baltimore, MD

Chick-fil-a, Nottingham, MD

Chick-fil-a, Baltimore, MD

Shoppes I at Nottingham, Nottingham, MD

PETITIONER'S

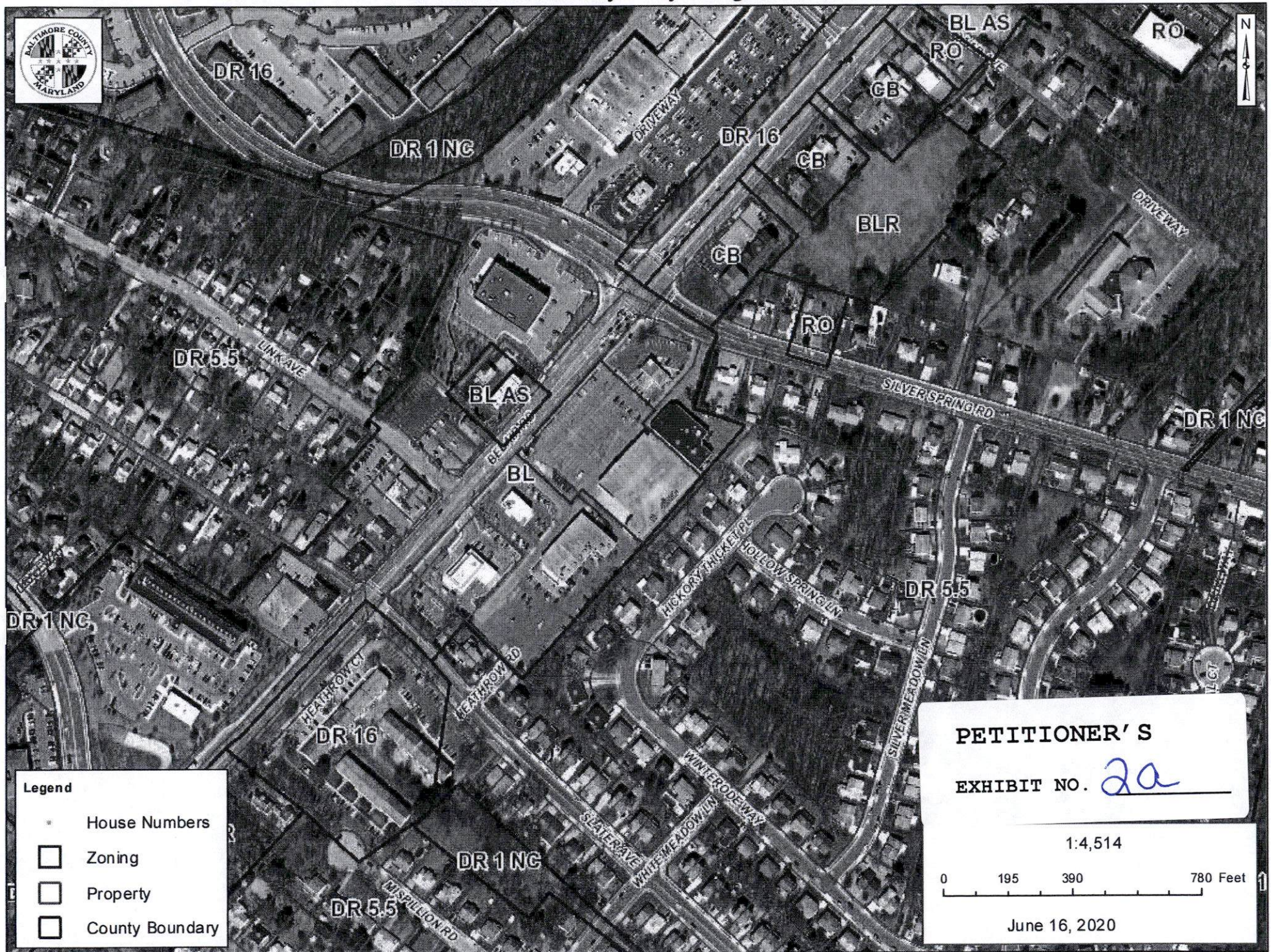
EXHIBIT NO.

4

BOHLER
bit 4

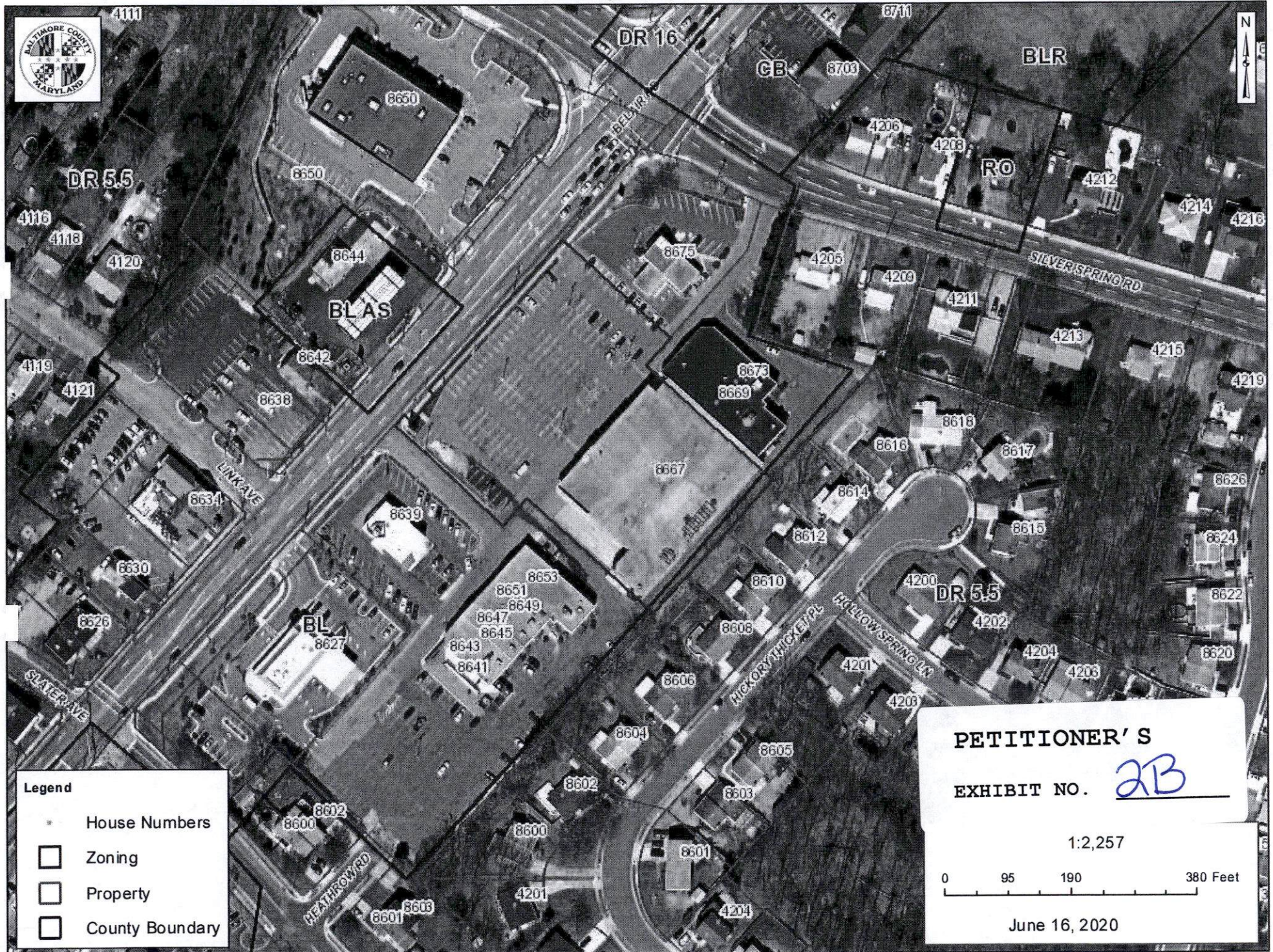
Baltimore County - My Neighborhood

Exhibit 2a



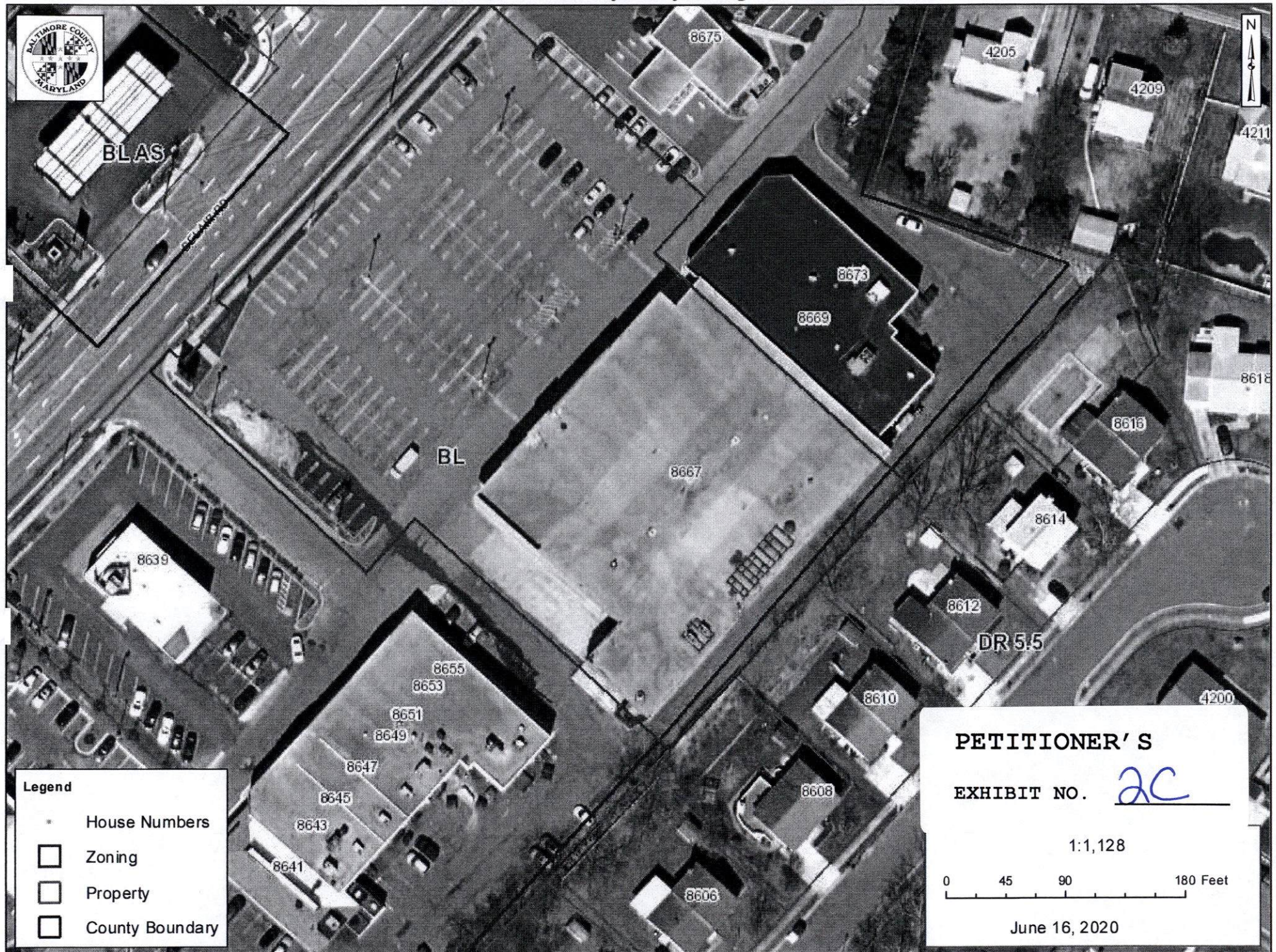
Baltimore County - My Neighborhood

Exhibit 2B



Baltimore County - My Neighborhood

Exhibit 2C



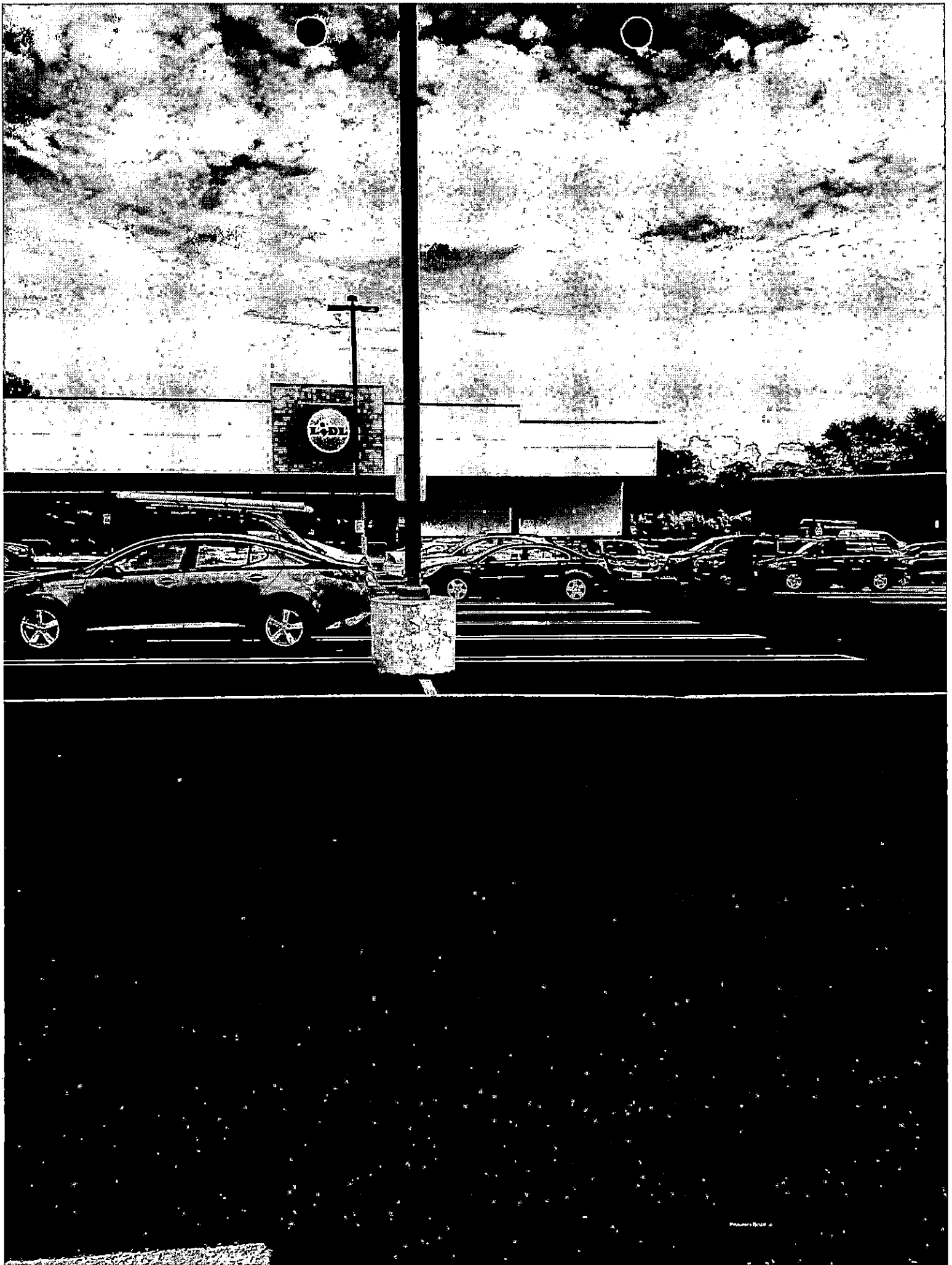


PETITIONER'S

EXHIBIT NO. 3a-r

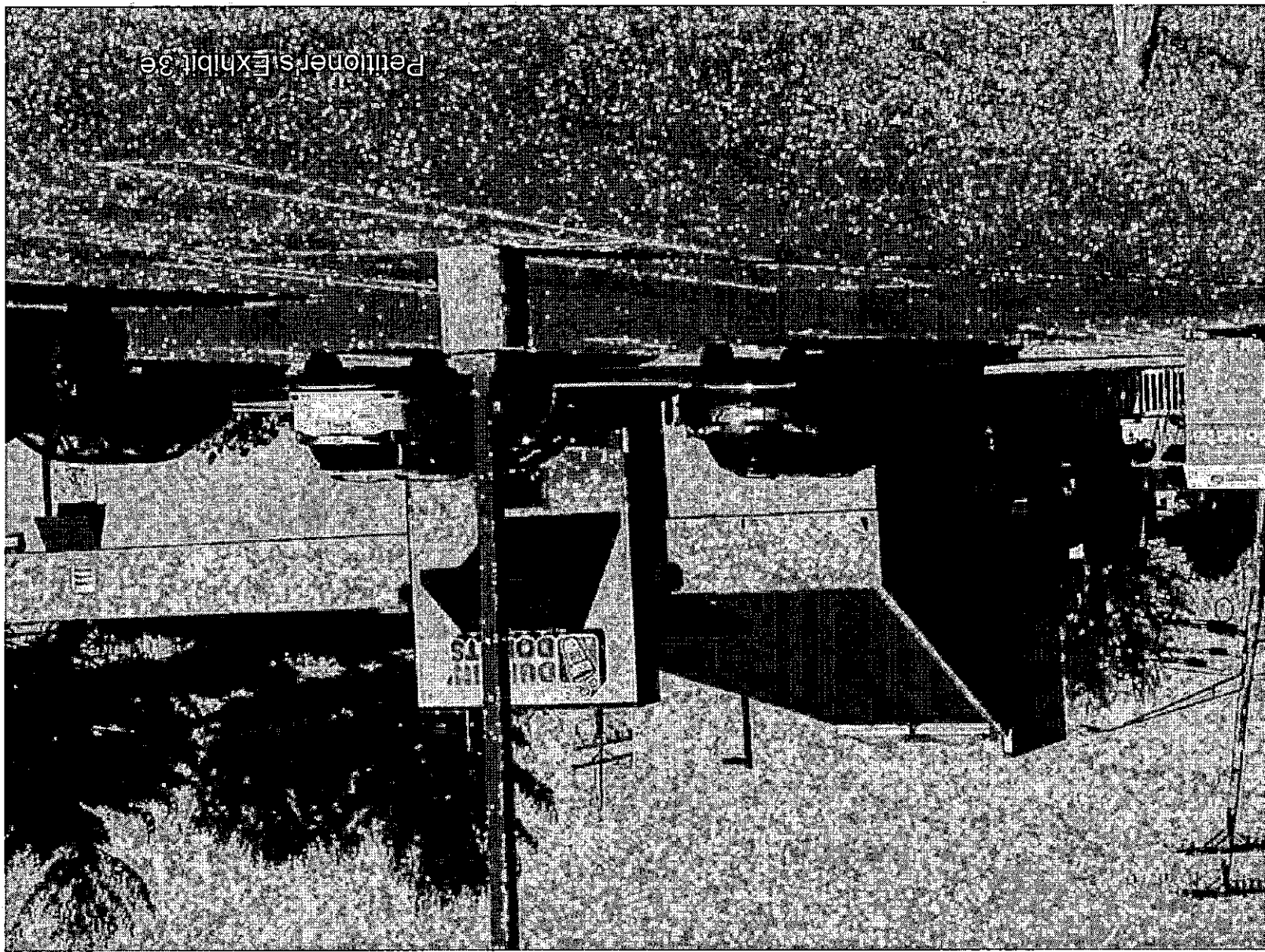


Petitioner's Exhibit 3 b



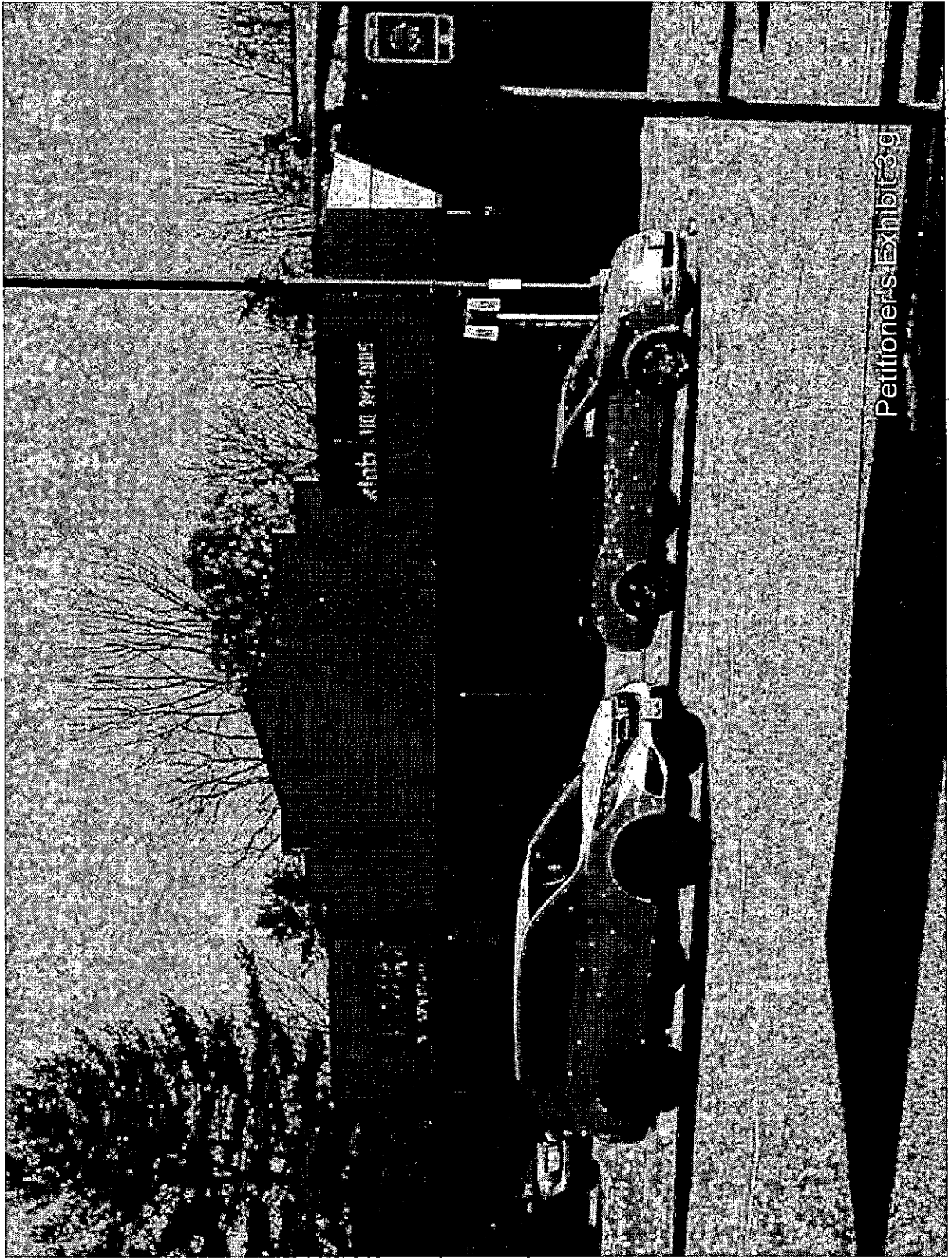


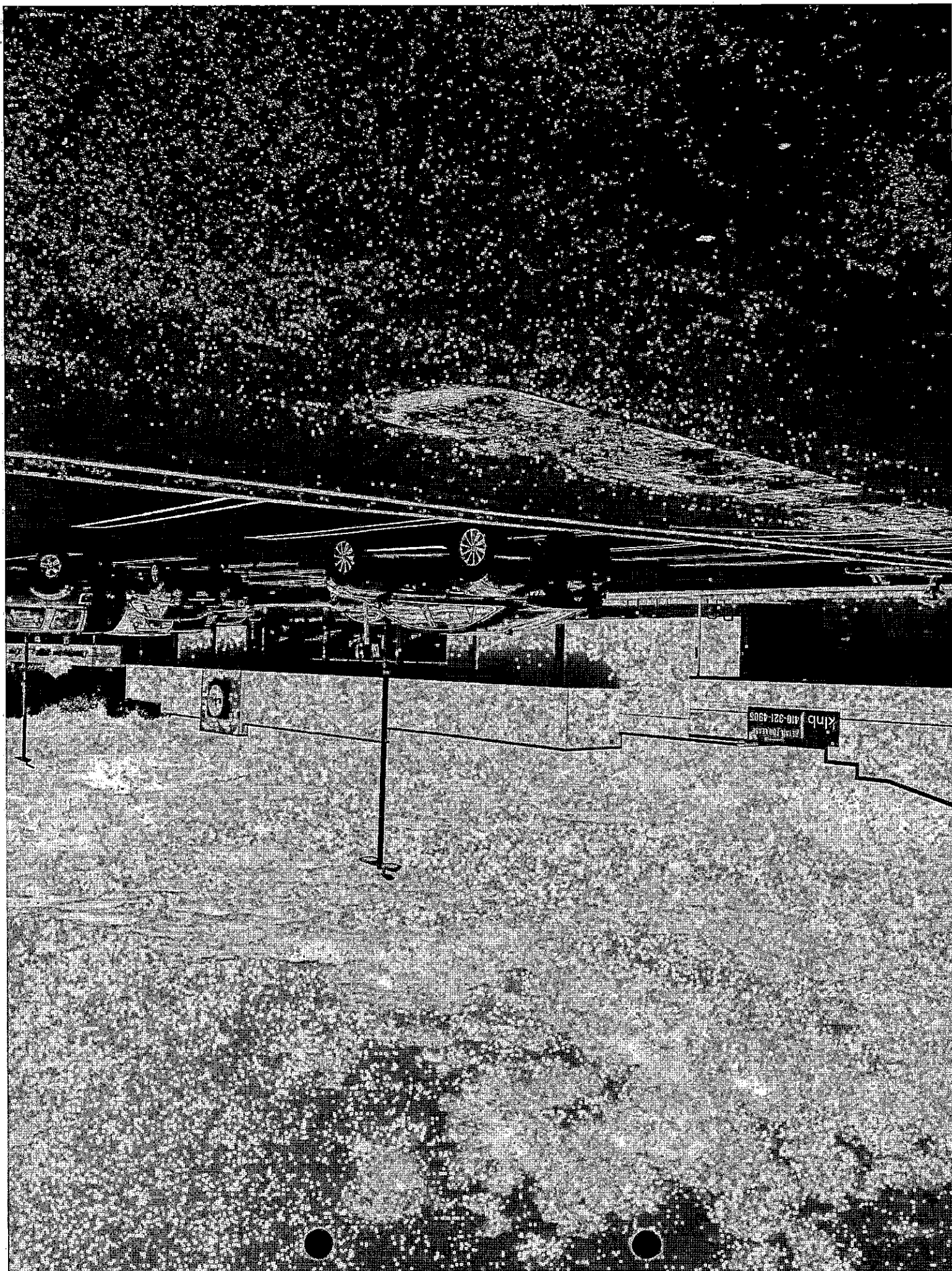
Penioner's Exhibit 3 d



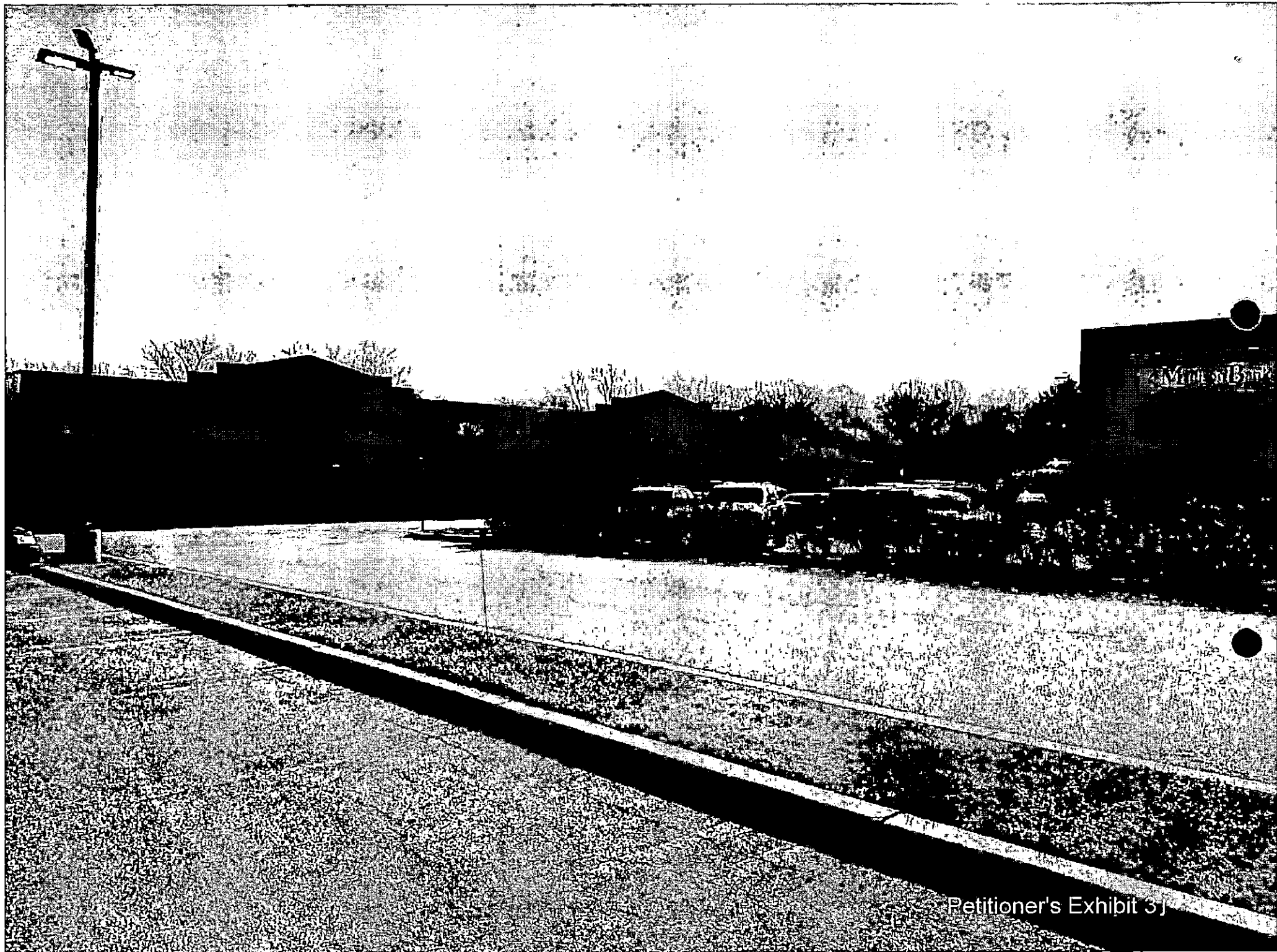
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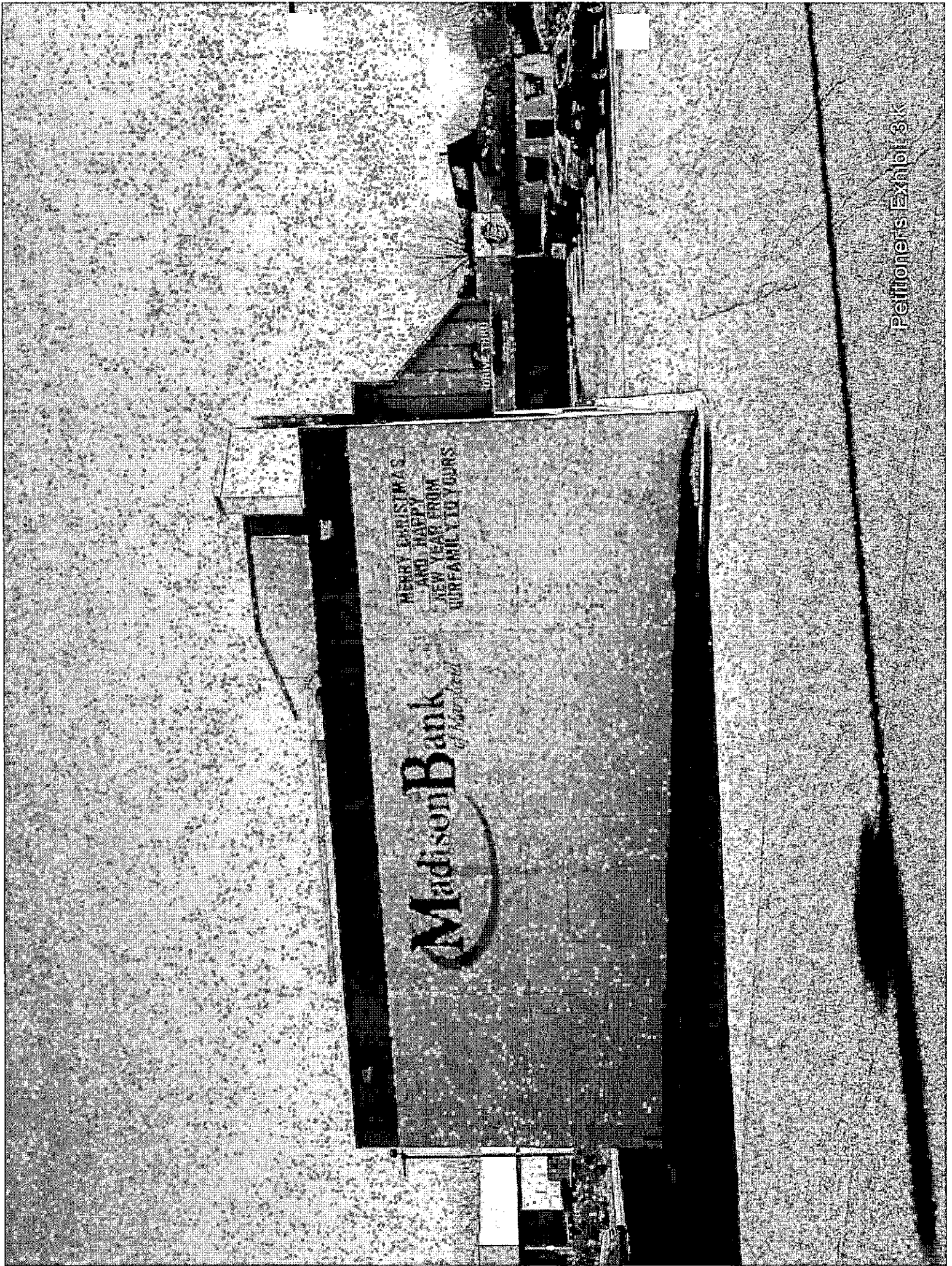


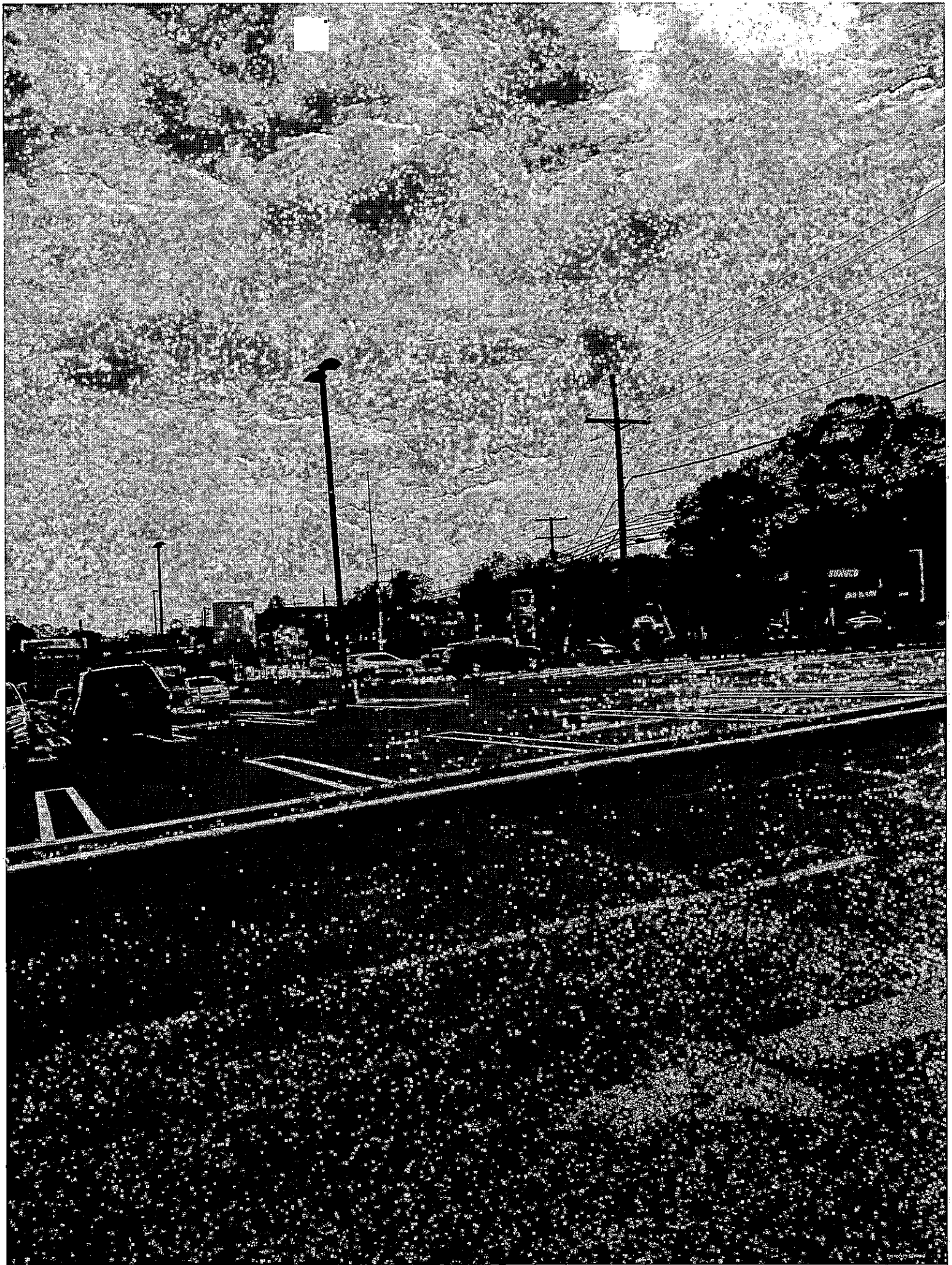


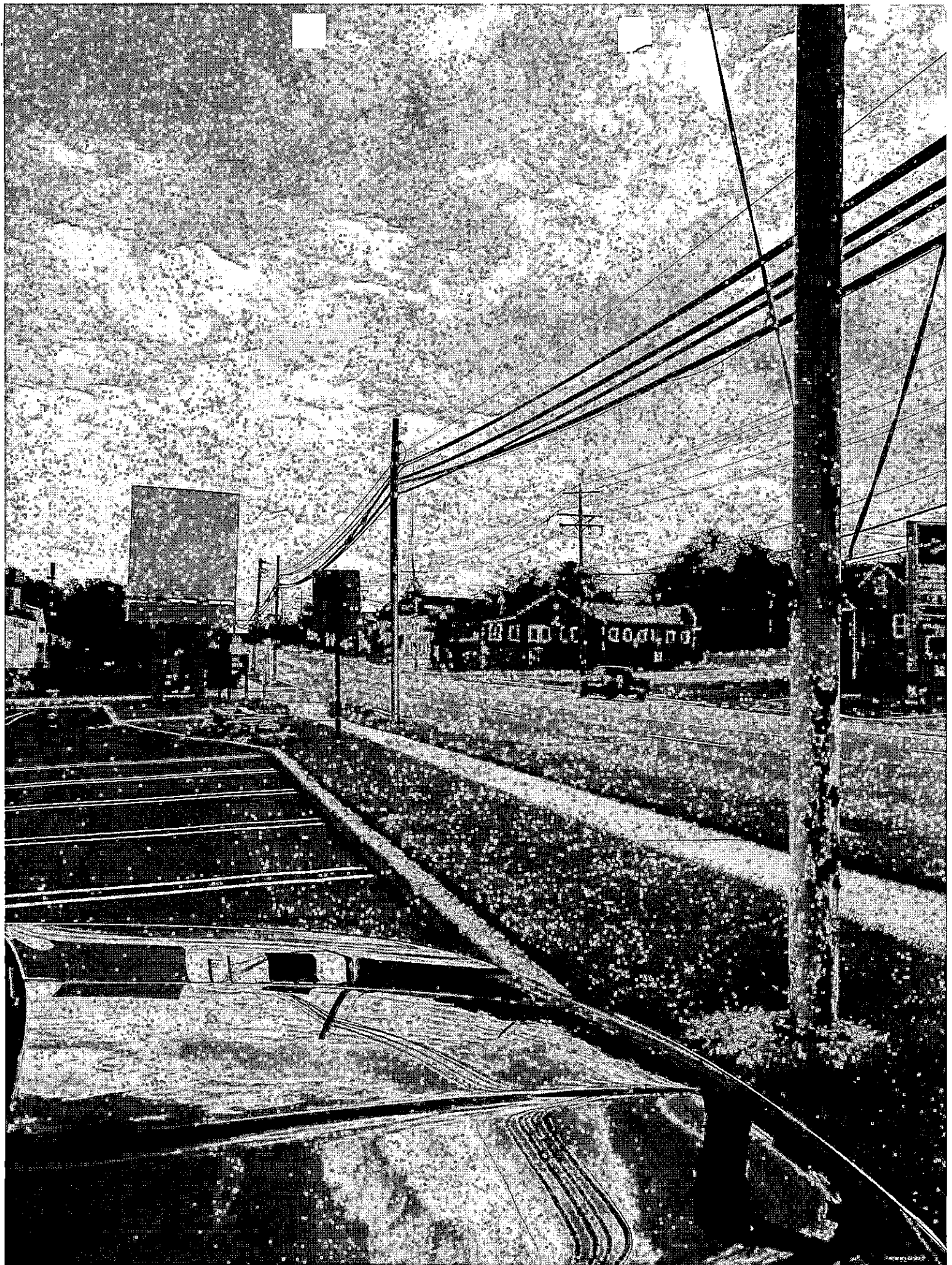


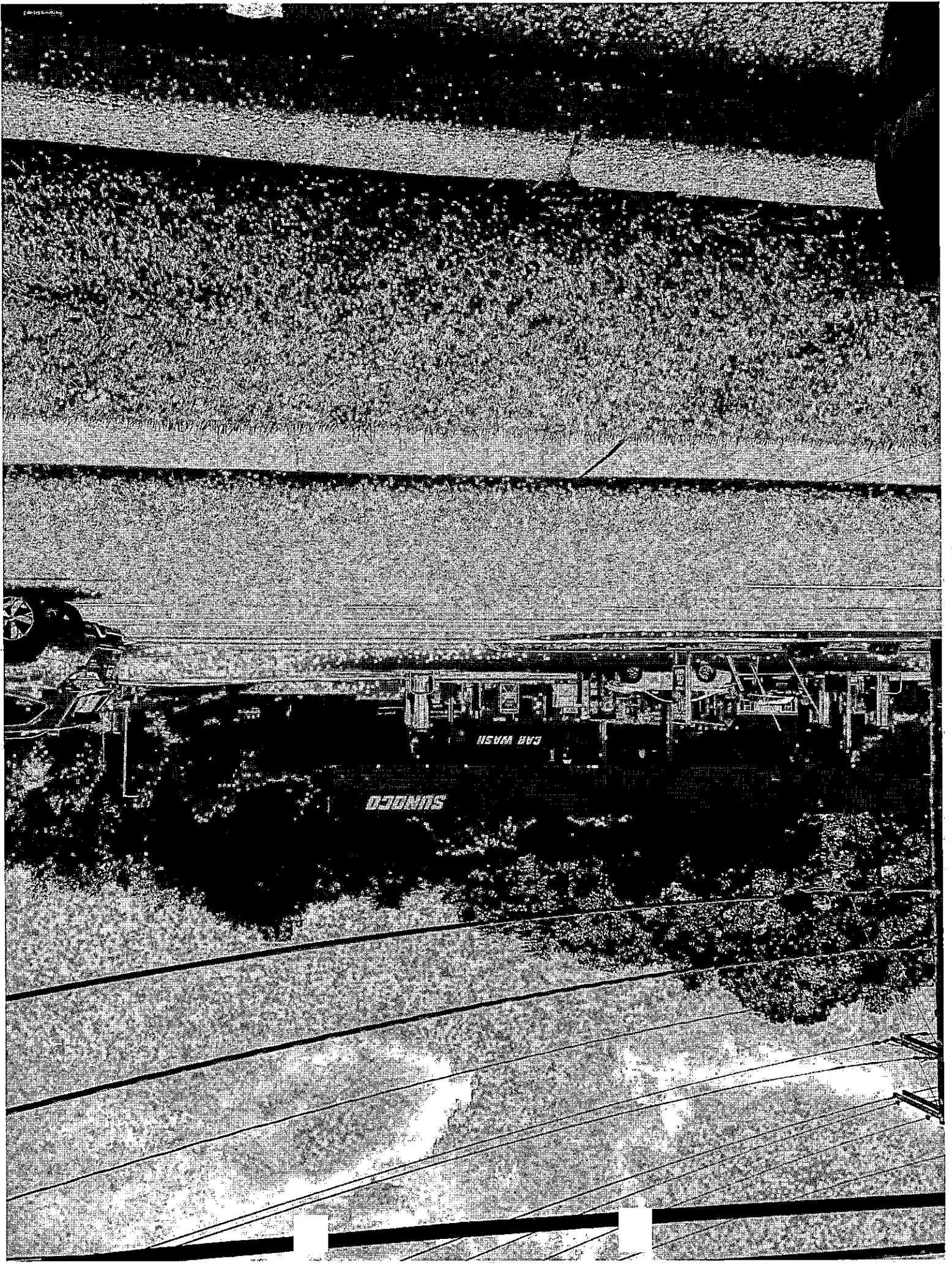


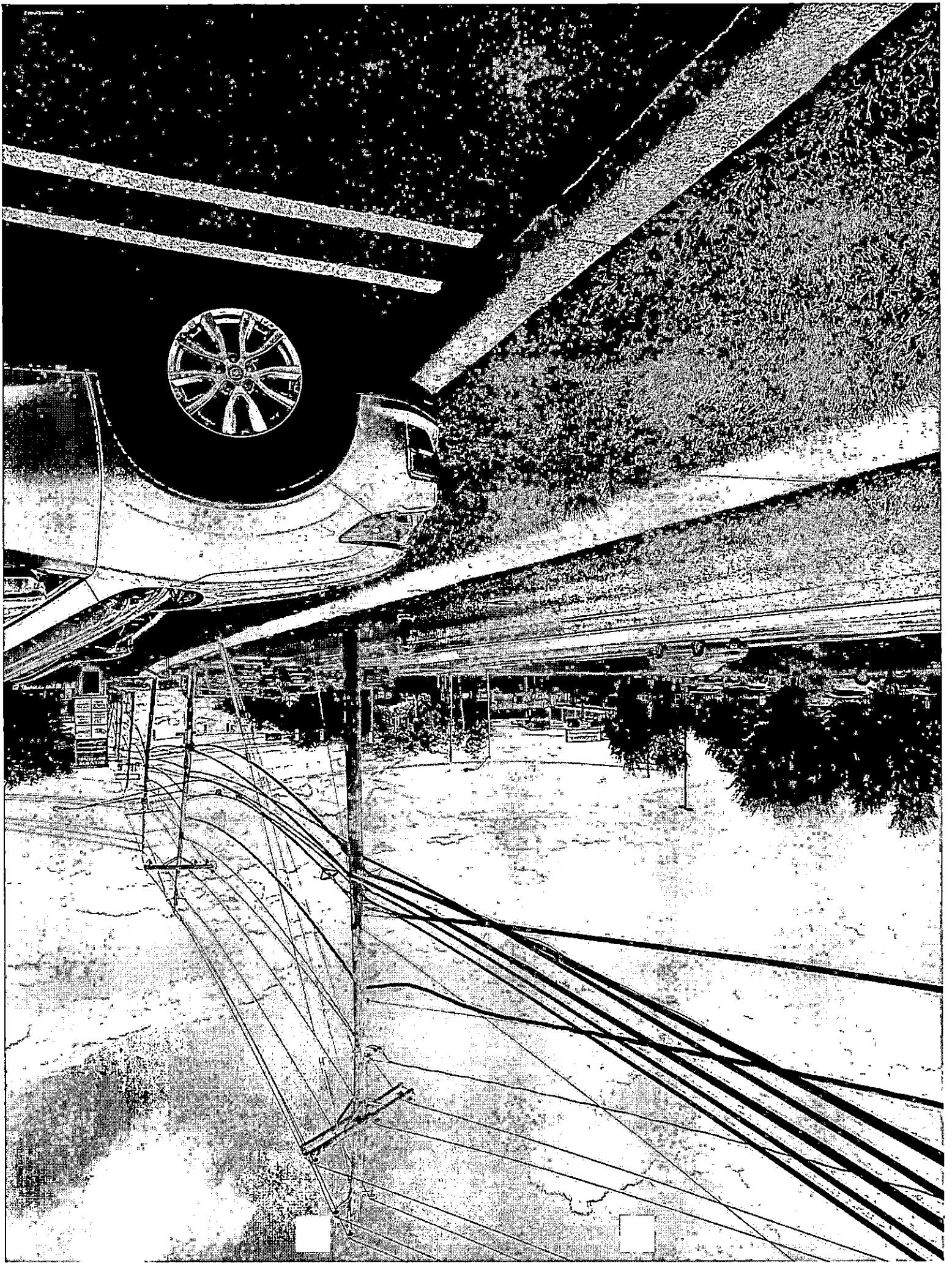
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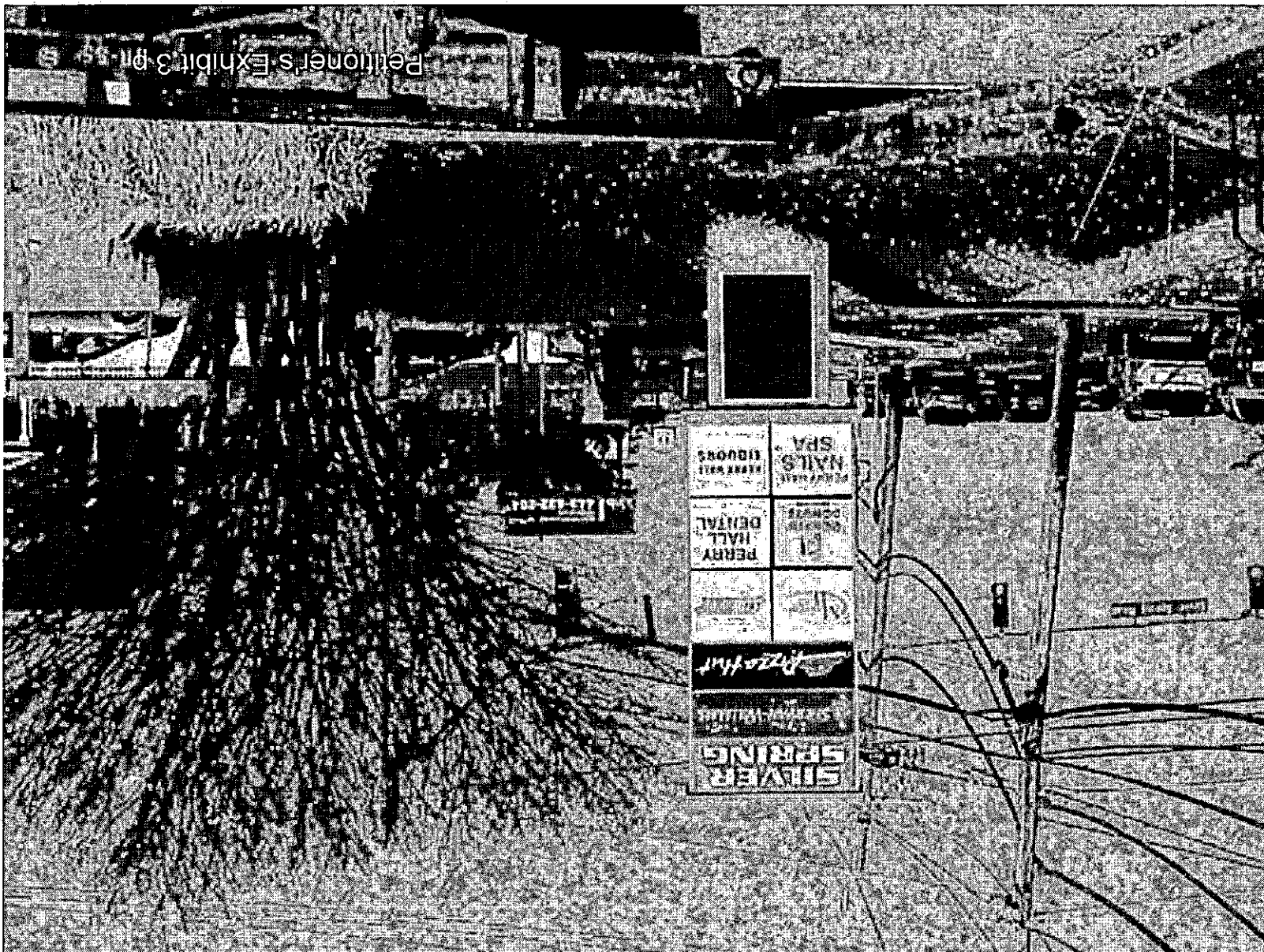




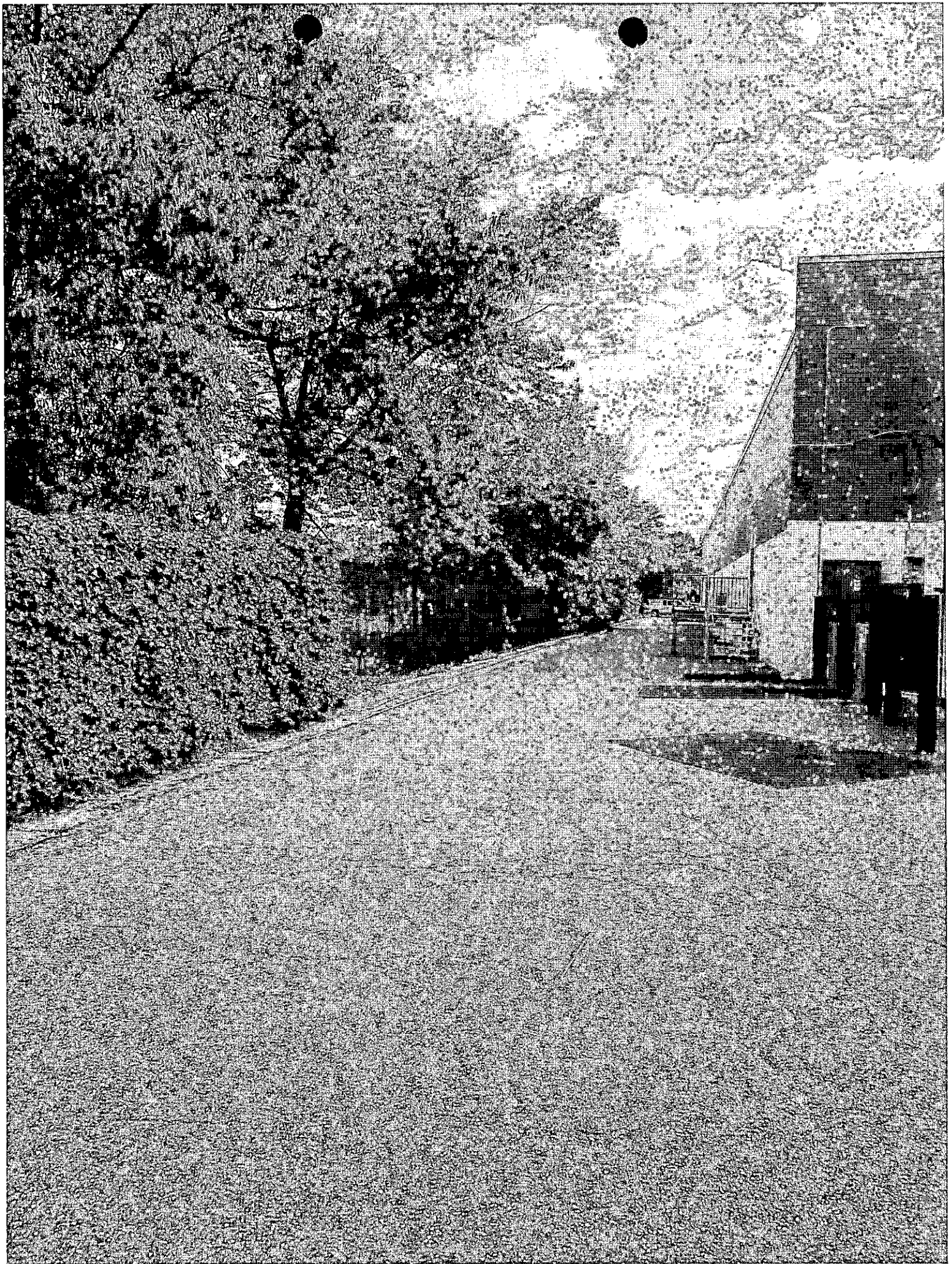


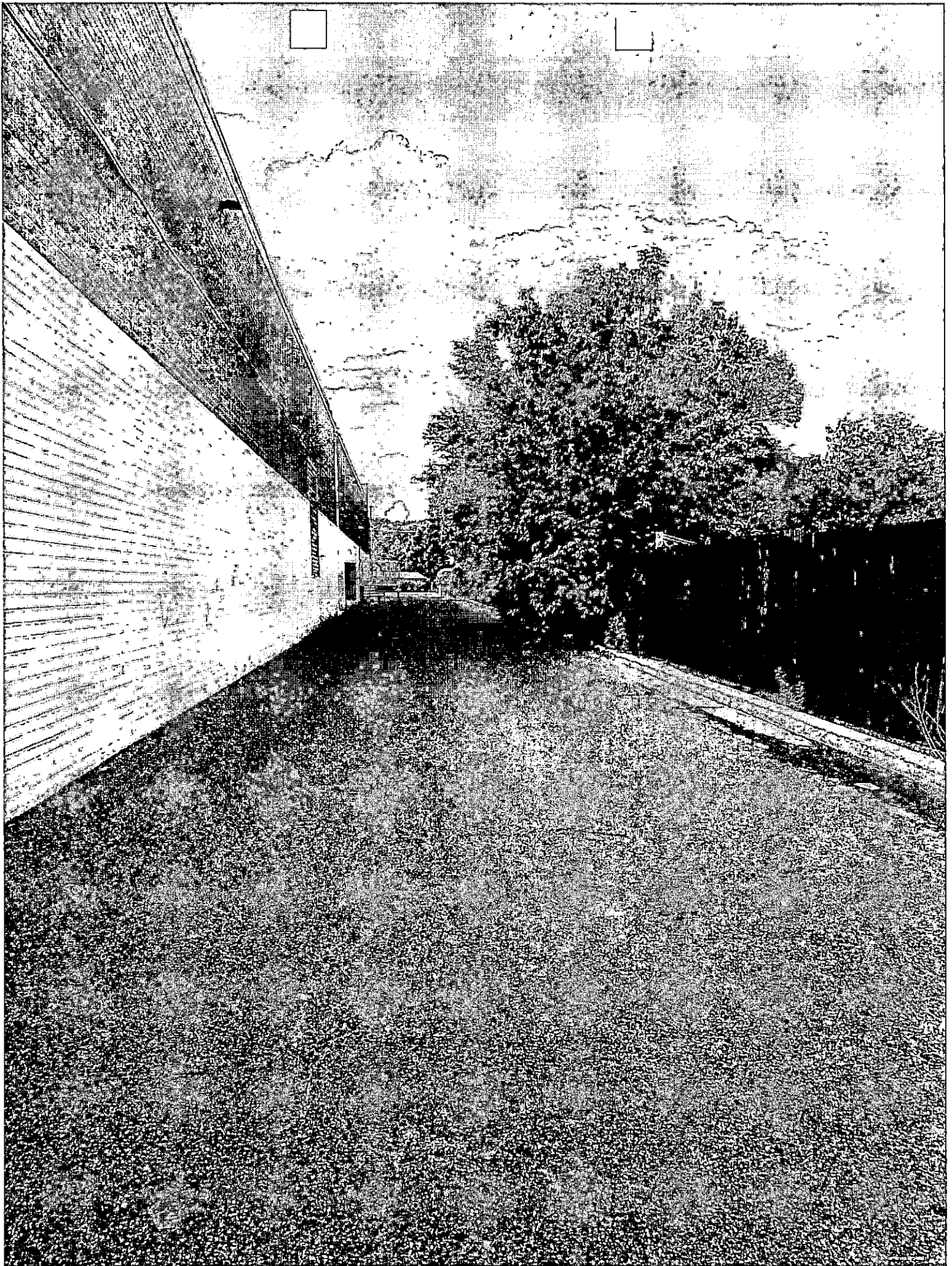


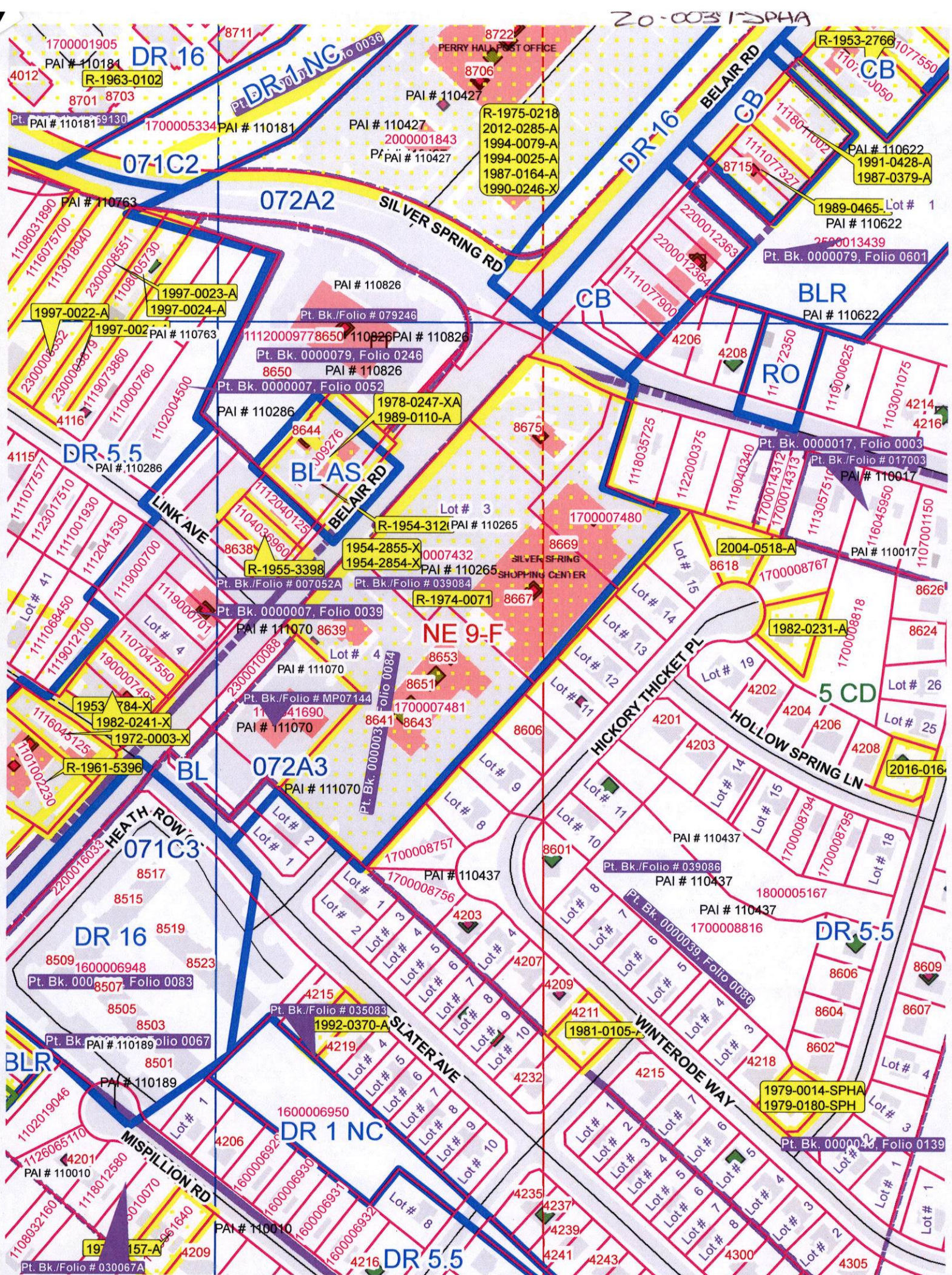




Petitioner's Exhibit 3-91-19-5

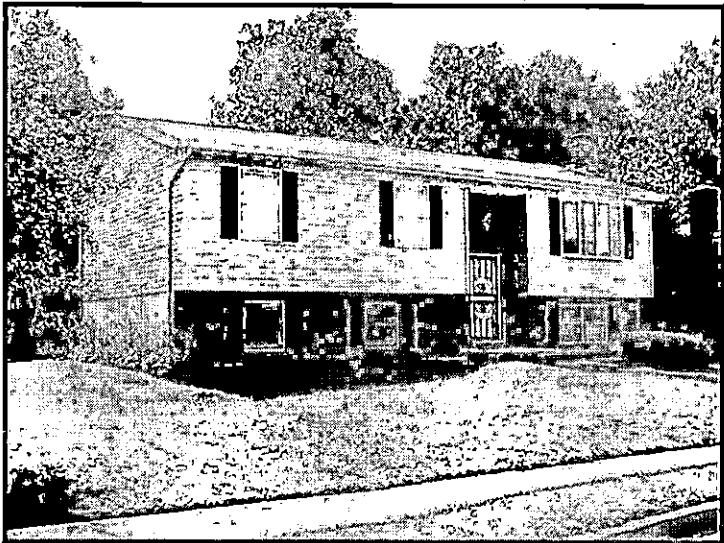






Subject Photo Page

Borrower/Client Wrench, Wilburt			
Property Address 3925 Lumo Cir			
City Randallstown	County Baltimore	State MD	Zip Code 21133-3635
Lender National City Mortgage			

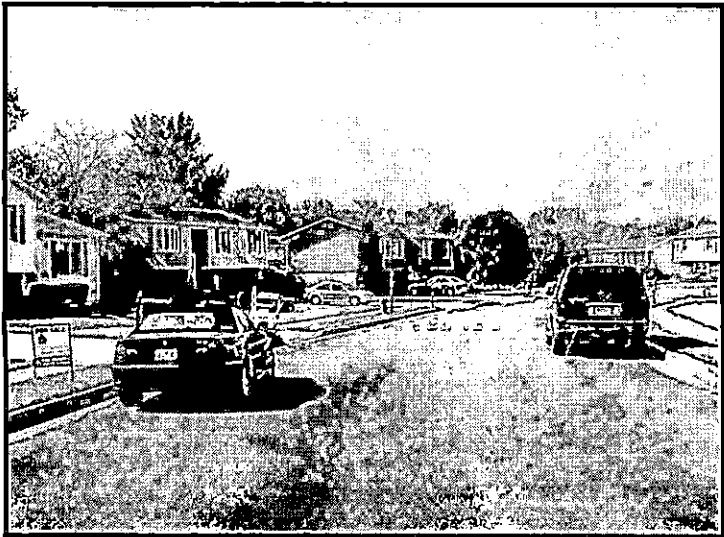


Subject Front

3925 Lumo Cir
Sales Price 340,000
G.B.A.
Age/Yr.Blt. 21 Years



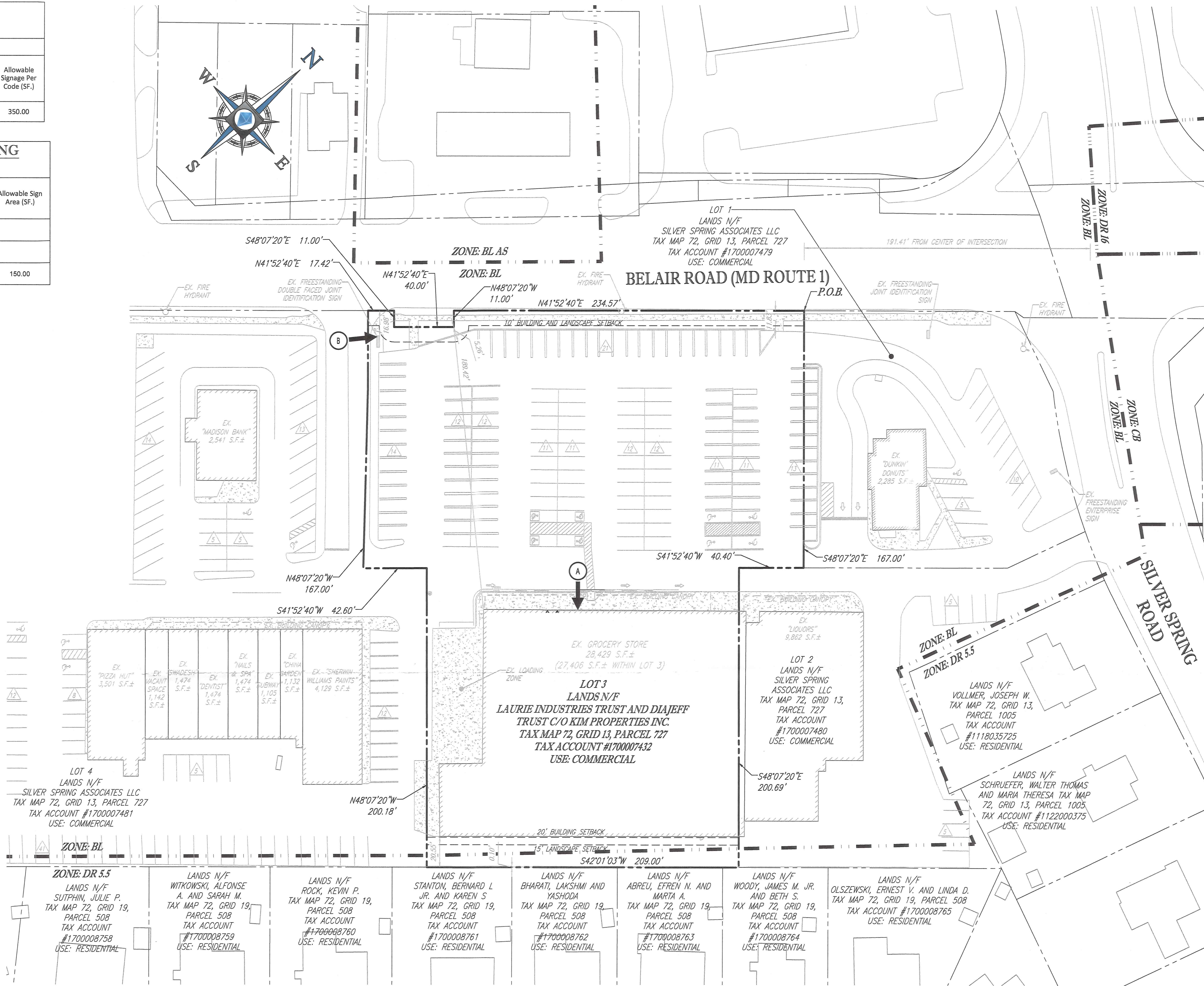
Subject Rear



Subject Street

ENTERPRISE - WALL-MOUNTED (BCZR 450.4 ATTACHMENT 1, 5(D))						
MULTI-TENANT RETAIL						
ID	Tenant	Existing Signage			Store Front Width (LF.)	Allowable Signage Per Code (SF.)
		Width (FT.)	Height (FT.)	Area (SF.)		
A	LIDL	9.25	9.25	85.56	175.00	350.00

JOINT IDENTIFICATION - FREESTANDING (BCZR 450.4 ATTACHMENT 1, 7(B))						
ID	Tenant	Signage			Allowable Sign Height Per Code (SF.)	Allowable Sign Area (SF.)
		Sign Panel Width (FT.)	Sign Panel Height (FT.)	Sign Panel Area (SF.)		
B	LIDL	12.66	13.50	170.91		
	TBD	12.66	2.50	31.65		
TOTAL				202.56	27.00	150.00



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

GENERAL NOTES

- PROPERTY INFORMATION
A. PROPERTY ADDRESS: 8667 BELAIR ROAD
B. SITE AREA: 90,169 S.F. OR 2.07 AC.
C. ELECTION DISTRICT: 5
D. COUNCILMANIC DISTRICT: 29A8
E. ADD MAP: 4113.06
F. CENSUS TRACT: 0072
G. TAX MAP: 0727
H. PARCEL: 1700007432
I. TAX ACCOUNT NO.: LIBER 8725, FOLIO 641
J. DEED
- ZONING: BL (BUSINESS, LOCAL)
- ZONING MAP REFERENCE: 072A3
- LAND USE: EXISTING: RETAIL
PROPOSED: RETAIL
- FLOOR AREA RATIO: PERMITTED = 3.0
PROVIDED = 0.30 (27,406 S.F. / 90,169 S.F.)
- BUILDING AREA: EXISTING BUILDING AREA = 27,406 S.F. (WITHIN LOT 3)
- BUILDING SETBACKS:
FRONT (BELAIR ROAD MD RTE. 1) REQUIRED 10' PROVIDED 189.42'
SIDE (ABUTTING COMMERCIAL) 0'
REAR (ABUTTING RESIDENTIAL) 20'
LANDSCAPE SETBACKS:
FRONT (BELAIR ROAD MD RTE. 1) REQUIRED 10' PROVIDED 5.26'
SIDE (ABUTTING COMMERCIAL) 0'
REAR (ABUTTING RESIDENTIAL) 15' PROVIDED 0.10"

- *VARIANCE REQUIRED
- **MODIFICATION REQUIRED
- HEIGHT REQUIREMENTS: 40' (MAX) <40'
 - PARKING: 127 SPACES (A VARIANCE OF 11 SPACES WILL BE REQUIRED)

- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREEN AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE SITE IS LOCATED IN ZONE X (AREAS OUTSIDE THE 0.2% CHANCE FLOOD) PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND (UNINCORPORATED AREAS), PANEL 435, MAP NUMBER 3720043500J, WITH A MAP REVISED DATE OF JANUARY 5, 2007.
- THE SITE IS NOT LOCATED IN FAILED BASIC SERVICE AREAS.
- THERE ARE NO KNOWN EXISTING WELLS ON THE PROPERTY. SURFACE EVIDENCE OF A VACATED SEPTIC SYSTEM EXISTS ON THE PROPERTY. IF ENCOUNTERED, SEPTIC FIELDS WILL BE REMEDIATED IN ACCORDANCE WITH LOCAL AND STATE REGULATIONS.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.
- ZONING LINES ARE BASED ON BALTIMORE COUNTY GIS AND IT IS ANTICIPATED THAT ZONING LINES ADJACENT TO RESIDENTIAL ZONES ARE ACTUALLY LOCATED ON THE PROPERTY LINE.
- THE PROPERTY LINES SHOWN ON THE PLAN ARE BASED ON AN ALTA/NSPS LAND TITLE SURVEY PREPARED BY BEN DYER ASSOCIATES, INC. ENTITLED "PARCEL 3; SILVER SPRING SHOPPING CENTER, DISTRICT NO. #11 C-5; BALTIMORE COUNTY, MARYLAND", DRAWING #6.001Y, DATED JULY 25, 2016.
- SIGNS MUST DISPLAY AT A CONSTANT INTENSITY AND MAY NOT FLASH, BLINK, SCROLL, STROBE, OR DISPLAY MOTION OR VIDEO.

VARIANCE REQUESTS

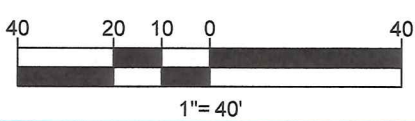
- PETITION FOR VARIANCE FROM BCZR 450.4 ATTACHMENT 1, 7(D)(VII) TO PERMIT A JOINT IDENTIFICATION FREESTANDING SIGN WITH A HEIGHT OF 27 FEET IN LIEU OF THE PERMITTED 25 FEET (SIGN B).
- PETITION FOR VARIANCE FROM BCZR 450.4 ATTACHMENT 1, 7(D)(VI) TO PERMIT A JOINT IDENTIFICATION FREESTANDING SIGN WITH AN AREA / FACE OF 202.56 SF. IN LIEU OF THE PERMITTED 150 S.F. (SIGN B).
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
- PETITION FOR VARIANCE RELIEF FROM BCZR 409.8.A.4 TO PERMIT A PARKING SPACE IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL WITHIN 10 FEET OF THE RIGHT-OF-WAY LINE OF A PUBLIC STREET, EXCLUDING VEHICLE OVERHANG.
- PETITION FOR VARIANCE RELIEF FROM BCZR 409.A.1 TO PERMIT A PERIMETER SCREENING OF 0.10 FEET IN LIEU OF THE REQUIRED 15 FEET (LANDSCAPE MANUAL CONDITION B: PARKING LOTS).
- IF NECESSARY, PETITION FOR VARIANCE FROM BCZR 409.8.A.2 TO PERMIT A RETAIL USE TOTALING 27,406 S.F. OF GROSS FLOOR AREA WITH 127 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 138 SPACES.

SPECIAL HEARING REQUESTS

- TO PERMIT A MODIFIED PARKING PLAN PURSUANT TO BCZR 409.12 TO ALLOW PARKING SPACES AS SHOWN ON THE PLAN.
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

PETITIONER'S

EXHIBIT NO. 1



BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROJECT MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS			
REV	DATE	COMMENT	DRAWN BY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

811

Know what's below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	MD181001
DRAWN BY:	CJB
CHECKED BY:	CWA
DATE:	01/23/20
CAD I.D.:	SVP-0

VARIANCE PLAN

FOR

SILVER SPRING SHOPPING CENTER

LOCATION OF SITE

8667 BELAIR ROAD
NOTTINGHAM, MARYLAND
TAX MAP 72 GRID 13 PARCEL 727
TAX ACCT.: 11-1700007432
BALTIMORE COUNTY

BOHLER ENGINEERING

901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

C. W. ARMSTRONG

PROFESSIONAL ENGINEER
STATE OF MARYLAND
No. 1100007432
I, CHRISTOPHER ARMSTRONG, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 3094, EXPIRATION DATE: 07/20

SHEET TITLE:

PLAN TO ACCOMPANY SIGN VARIANCE PETITION

SHEET NUMBER: 1

REVISION 0 - 01/23/20

ZONING HISTORY

- CASE NO. 1954-2854 (GRANTED 02/03/54)
SPECIAL PERMIT TO USE THE LAND (AND IMPROVEMENTS NOW OR BE ERECTED THEREON) HEREINAFTER DESCRIBED FOR 3 SIGNS ON LOT #3 AT SILVER SPRING MANOR ON BELAIR RD. (MD ROUTE 1) AND SILVER SPRING RD.
- CASE NO. 1954-2855 (GRANTED 01/20/54)
SPECIAL PERMIT TO USE THE LAND (AND IMPROVEMENTS NOW OR BE ERECTED THEREON) HEREINAFTER DESCRIBED FOR 1 SIGN AT SOUTH END OF WAREHOUSE #3 BELONGING TO FULLERTON SUPPLY CO. ON BELAIR RD. (MD ROUTE 1) 300 FT. WEST OF SLADE AVENUE ON EAST SIDE OF BELAIR RD.
- CASE NO. R-1974-0071 (DENIED 01/28/74)
PETITION TO RE-ZONE THE SUBJECT PROPERTY FROM A B.L. AND D.R.5.5 ZONE TO A B.R. ZONE.



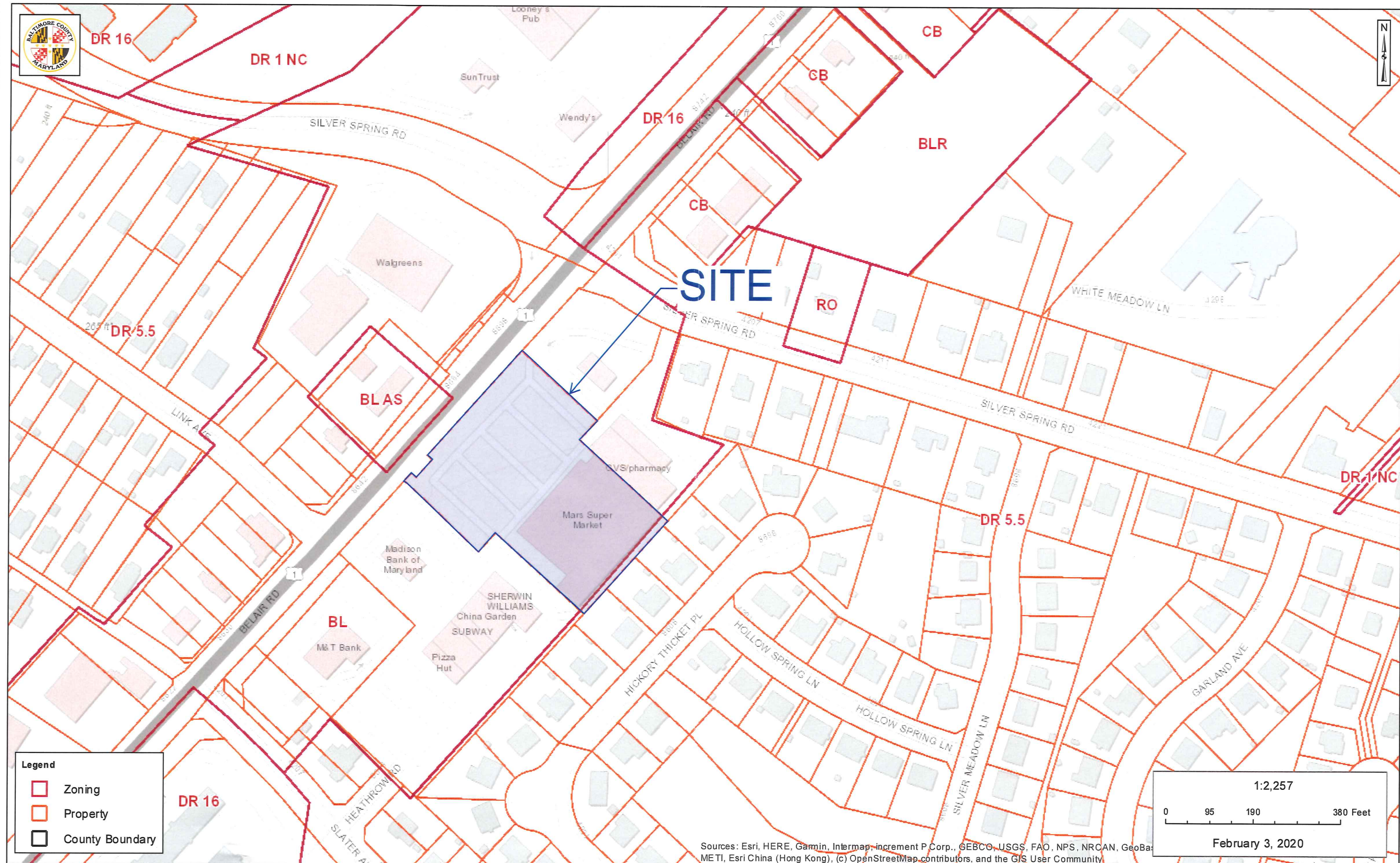
A 85.56 S.F.

B LIDL: 170.91 S.F.
TBD: 31.65 S.F.
TOTAL: 202.56 S.F.

COMMERCIAL PERMIT HISTORY

- PERMIT 8734426:
INTERIOR ALTERATIONS TO INCLUDE: DRYWALL & MTL STUD PARTITIONS, CEILING, ADA COMPLIANT BATHROOMS, STOREFRONT & FINISHES. ALL WORK PER PLANS 568SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. OK TO WAIVE PLANS - SLW. ISSUED 04/28/10.
- PERMIT 8741089
RELOCATE 6 SPRINKLER HEADS TO ACCOMMODATE TENANT LAYOUT. LIGHT HAZARD OCCUPANCY MAXIMUM SPACING 188SF. LARGEST PIPE SIZE 1". NO PLANS REQUIRED PER LWS. SEE 8734426 FOR INTERIOR ALTERATIONS. ISSUED 06/15/10.
- PERMIT B957022
INTERIOR ALTERATIONS INCLUDE: DRYWALL METAL STUD PARTITIONS, CEILING TILE/GRID, HVAC / DUCT WORK, STOREFRONT, ADA RESTROOM, KITCHEN EQUIPMENT, WORK PER PLANS. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. ISSUED 06/05/19.
- PERMIT B964024
DEMO AND REMOVE SPRINKLERS AND PIPING NO LONGER IN USE TO MAKE SITE SAFE. NO PLANS REQUIRED. LESS THAN 200 HEADS. LESS THAN 2" PIPE SIZE PER APPLICATION REF: B957022 PER ADDRESS OK. ISSUED 08/19/19.
- PERMIT B964262
RELOCATE (18) SPRINKLERS. ADD (13) SPRINKLERS. INSTALL (16) DRY PENDANTS. NO FIRE PUMP. LARGEST PIPE SIZE 1 1/2". ISSUED 10/07/19.
- PERMIT B964616
INTERIOR ALTERATIONS TO MODIFY EXT STAIRS FOR AREA OF RESCUE ADD INTERIOR STAIR AND LANDING TO EXIT DOOR. ADD CEILING FOR VESTIBULE. ADD (1) NEW BEAM FOR BULKHEAD OVER BAKERY + FINISHES 200SF PER PLAN. SEP PERMIT REQUIRED FOR ANY ADDITIONAL WORK. SEALED PLAN TO REMAIN ON SI. ISSUED 10/08/19.

Baltimore County - My Neighborhood



20-0031-SHA

