

MEMORANDUM

DATE: November 10, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0076-SPHA- Appeal Period Expired

The appeal period for the above-referenced cases expired on November 9, 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
(8703 Belair Road) *
11th Election District *
5th Council District *
8703 Belair, LLC *
Legal Owner *
JKM RE Company, LLC *
Contract Purchaser *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Petitioners

Case No. 2020-0076-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 8703 Belair, LLC, Legal Owner and JKM RE Company, LLC, Contract Purchaser ("Petitioners"). The Special Hearing was filed to approve shared parking as part of a modified parking plan pursuant to Baltimore County Zoning Regulations ("BCZR") §§ 409.6.B(3) and 409.12. In the alternative, a Petition for Variance was filed to allow sixteen (16) parking spaces in lieu of the thirty-three (33) required by BCZR § 409.6.A.2.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") dated June 8, 2020 and Bureau of Development Plans Review ("DPR"). They did not oppose the requested relief.

Petitioner Kenneth Dilda, appeared in support of the requested relief. Rick Richardson, the engineer who prepared and sealed the site plan also appeared. Petitioner was represented by J. Neil Lanzi, Esquire. There were no protestants or interested persons in attendance.

ORDER RECEIVED FOR FILING

Date 10/9/20
By Dmagnon

The property is approximately 12,035 sq. ft. and is zoned CB. Mr. Dilda testified that he is the owner of Casa Mia, which owns and operates several restaurants in Baltimore County. They plan on operating a bar and restaurant at this location. He testified that approximately ninety percent of the business at his other locations is carry-out, and therefore there is minimal need for parking. He anticipates that this will also be true at this location. In addition, he has agreed in principal to lease additional parking space from the adjoining business on Belair Road, which is a bridal business with excess parking capacity. He explained that the lease agreement has not been finalized and executed due to complications arising out of the coronavirus.

Variance

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).

Mr. Richardson testified that the proposed restaurant is permitted by right in this CB zone and that the proposed restaurant is compatible with the surrounding commercial uses. He explained that the property is unique because there is a significant grade change from the front to the rear of the property and that the State Highway Administration recently took a significant chunk of the south side of the parcel. These factors preclude the construction of any additional parking spaces. I find that the Petitioner would suffer hardship and practical difficulty if the variance relief is not granted because they would be unable to operate their restaurant at this location. I further find that the sixteen existing parking spaces are sufficient to meet Casa Mia's parking needs at this location.

ORDER RECEIVED FOR FILING

Date

By

Therefore, I find that the relief can be granted within the spirit and intent of the BCZR and without harming the public health, safety, or welfare.

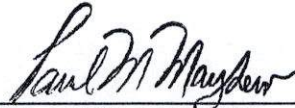
THEREFORE, IT IS ORDERED this 9th day of **October, 2020**, by this Administrative Law Judge, that the Petition for Variance from BCZR § 409.6.A.2 to allow sixteen (16) parking spaces in lieu of the thirty-three (33) required be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Special Hearing pursuant to BCZR §§ 409.6.B(3) and 409.12 to allow shared parking as part of a modified parking plan is hereby DISMISSED as MOOT in light of the variance relief granted above.

The relief granted herein shall be subject to the following:

- 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.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING

Date 10/9/20

By Dmignone



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 8703 Belair Road Balti MD 21236 which is presently zoned CB
 Deed References: 21194/494 10 Digit Tax Account # 1111077900
 Property Owner(s) Printed Name(s) 8703 Belair, 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

See attached

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

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

See attached

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)

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:

JKM RE Company, LLC

Name- Type or Print

Signature

8601 Honeygo Blvd Balti MD

Mailing Address

City

State

21236

410598-1504

kensbenzzzz@netzero.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

8703 Belair LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 member

Signature #2

12516 Sycamore View Dr Potomac MD

Mailing Address

City

State

21236

(301) 412-1478

Zip Code

Telephone #

Email Address

Representative to be contacted:

J. Neil Lanzi

Name - Type or Print

Signature

102 W. Pennsylvania Ave Towson MD

Mailing Address

City

State

21204

410-659-1390

nlanzi@wclaw.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

J. Neil Lanzi

Name- Type or Print

Signature

102 W. Pennsylvania Ave Towson MD

Mailing Address

City

State

21204

410-659-1390

nlanzi@wclaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0076-SPHA Filing Date 3/12/2020

Do Not Schedule Dates:

Reviewer CF

Attachment to Petition for Zoning Hearing

Petitioner, JKM RE Company, LLC, for the property known as 8703 Belair Road, Baltimore, Maryland 21236, hereby petitions the Administrative Law Judge for the following zoning relief from the Baltimore County Zoning Regulations:

1. Variance from § 409.6.A.2 to allow sixteen (16) parking spaces in lieu of the thirty-three (33) required.
2. Special Hearing pursuant to § 409.6.B(3) and 409.12 of the Baltimore County Zoning Regulations to allow shared parking as part of a modified parking plan. *See note below
3. For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The Administrative Law Judge has the power to grant variance and special hearing relief that will not be detrimental to the health, safety or general welfare of the locality involved. Petitioner will be providing additional reasons in support of the zoning relief requested at the hearing.

* Parking to be shared with KGM LLC, Elegant Touch Bridal and Tuxedo @ 8711 Belair Rd

**ZONING DESCRIPTION FOR
8703 BELAIR ROAD
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the SouthEast side of Belair Road (Variable R.O.W.) and on the northeast side of Silver Spring Road Variable R.O.W.) at the intersection of these roads the following courses and distances:

(1) North 41 degrees 35 minutes 23 seconds East 20.98 feet, (2) North 41 degrees 35 minutes 23 seconds East 75.00 feet, (3) South 47 degrees 42 minutes 56 seconds East 132.07 feet, (4) South 42 degrees 38 minutes 17 seconds West 137.00 feet; (5) South 42 degrees 38 minutes 17 seconds West 48.14; (6) North 48 degrees 47 minutes 06 seconds West 61.77 feet; (7) North 58 degrees 36 minutes 04 seconds West 26.53 feet; (8) North 10 degrees 23 minutes 19 seconds West 54.96 feet; to the point of beginning.

Containing a net area of **15,917** square feet or **0.43** acres.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2021

A handwritten signature in black ink, appearing to read "Patrick C. Richardson, Jr.", written over a horizontal line.

3/12/20

2020-0076-SAT-A

CERTIFICATE OF POSTING

2020-0076-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

8703 Belair, LLC.

JKM RE Company, LLC.

October 16, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8703 Belair Road **SIGN 1 Recertification**

September 13, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

September 30, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

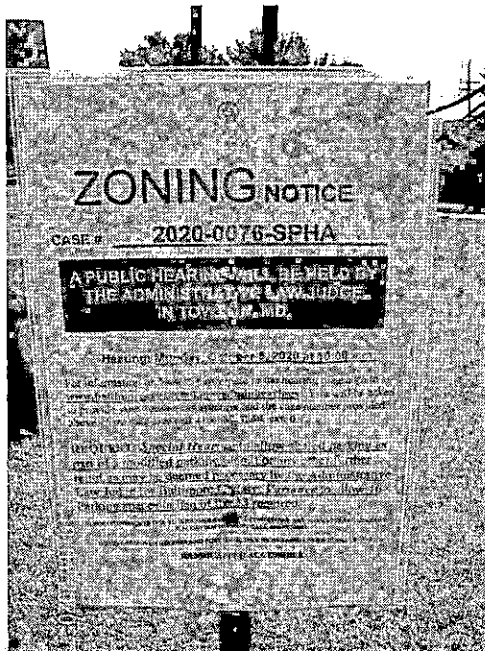
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0076-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

8703 Belair, LLC.
JKM RE Company, LLC.

October 16, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

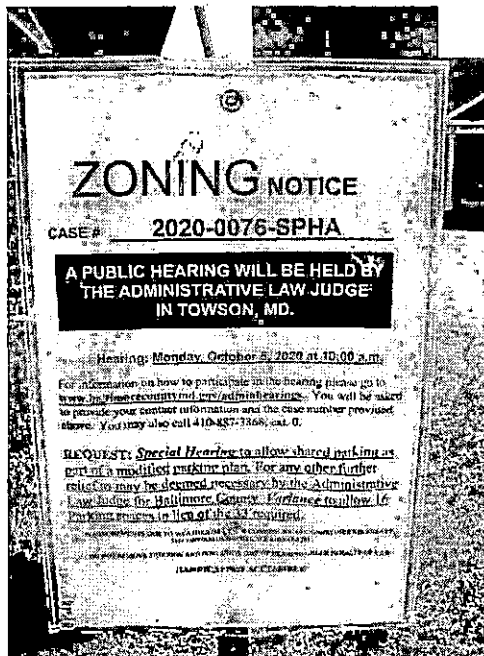
Ladies and Gentlemen:

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

8703 Belair Road **SIGN 2 Recertification**

September 13, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

September 30, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 24, 2020

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: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection

11th Election District – 5th Councilmanic District

Legal Owners: 8703 Belair, LLC

Contract Purchaser/Lessee: JKM RE Company, LLC

Special Hearing to allow shared parking as part of a modified parking plan. For any other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to allow 16 parking spaces in lieu of the 33 required.

Hearing: Monday, September 21, 2020 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

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

Michael Mallinoff
Director

MM:kl

C: J. Neil Lanzi, 102 W. Pennsylvania Avenue, Towson 21204
Ken Dilda, 8601 Honeygo Blvd., Baltimore 21236
8703 Belair, LLC, 12516 Sycamore View Drive, Potomac 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 1, 2020

Kristen L Lewis

From: Neil Lanzi <nlanzi@wclaw.com>
Sent: Monday, August 24, 2020 3:12 PM
To: Kristen L Lewis
Cc: rick@richardsonengineering.net; Joe Carolan; Kenneth Dilda (kensbenzzz@netzero.com)
Subject: 8703 Belair Road Case No. 2020-0076-SPHA

CAUTION: This message from nlanzi@wclaw.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,

Thank you for setting the above case in for hearing on Monday, September 21, 2020 at 11 am. Testifying for Petitioner will be the following:

Patrick "Rick" Richardson, PE, email is rick@richardsonengineering.net. Joe Carolan, email is joe.carolan@comcast.net and Ken Dilda, email is kensbenzzz@netzero.com.

Regards,

Neil Lanzi



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 8, 2020

NEW 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: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection

11th Election District – 5th Councilmanic District

Legal Owners: 8703 Belair, LLC

Contract Purchaser/Lessee: JKM RE Company, LLC

Special Hearing to allow shared parking as part of a modified parking plan. For any other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to allow 16 parking spaces in lieu of the 33 required.

Hearing: Monday, October 5, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

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

Michael Mallinoff
Director

MM:kl

C: J. Neil Lanzi, 102 W. Pennsylvania Avenue, Towson 21204
Ken Dilda, 8601 Honeygo Blvd., Baltimore 21236
8703 Belair, LLC, 12516 Sycamore View Drive, Potomac 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 15, 2020

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
8709 Belair Road, SE/S of Belair Road,	*	OF ADMINISTRATIVE
NE/S of Silverspring Road		
11 th Election & 5 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 8703 Belair LLC		
Contract Purchaser(s): JKM RE Company LLC*		BALTIMORE COUNTY
Petitioner(s)	*	2020-076-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.

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 30th day of March, 2020, a copy of the foregoing Entry of Appearance was emailed to J. Neil Lanzi, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11914057

Case #:

Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0076-SPHA

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

9/1/2020



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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection

11th Election District - 5th Councilmanic District

Legal Owners: 8703 Belair, LLC

Contract Purchaser/Lessee: JKM RE Company, LLC

Special Hearing to allow shared parking as part of a modified parking plan. For any other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County, Variance to allow 16 parking spaces in lieu of the 33 required

Hearing: Monday, September 21, 2020 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3838, ext. 0.

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

s1

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11917337
 Case #: 2020-0076-SPHA
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
 2020-0076-SPHA

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

9/15/2020



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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection

11th Election District - 5th Councilmanic District

Legal Owners: 8703 Belair, LLC

Contract Purchaser/Lessee: JKM RE Company, LLC

Special Hearing to allow shared parking as part of a modified parking plan. For any other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to allow 16 parking spaces in lieu of the 33 required.

Hearing: Monday, October 5, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. 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 of Permits, Approvals and Inspections for Baltimore County

s16

CERTIFICATE OF POSTING

2020-0076-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

8703 Belair, LLC
JKM RE Company, LLC

October 5, 2020
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

8703 Belair Road

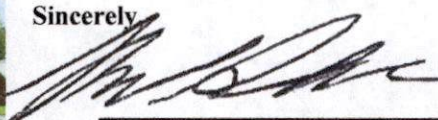
SIGN 1

September 13, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 13, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CE...IFICATE OF POST...ING

2020-0076-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

8703 Belair. LLC
JKM RE Company, LLC

Date of Hearing/Closing: October 5, 2020

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

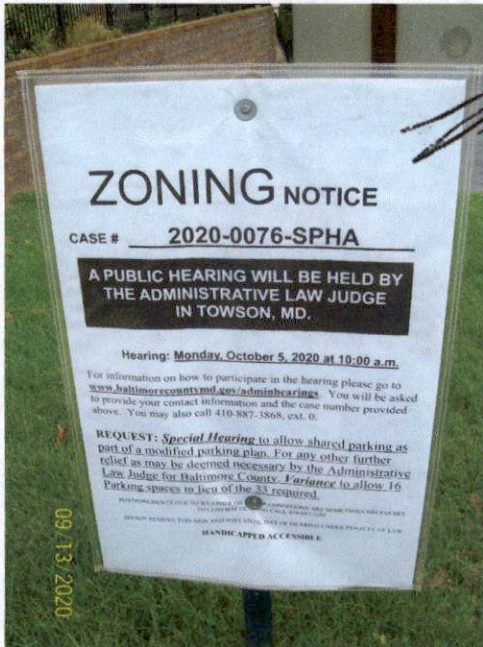
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8703 Belair Road

SIGN 2

September 13, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

September 13, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0076-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

8703 Belair, LLC
JKM RE Company, LLC

October 5, 2020
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

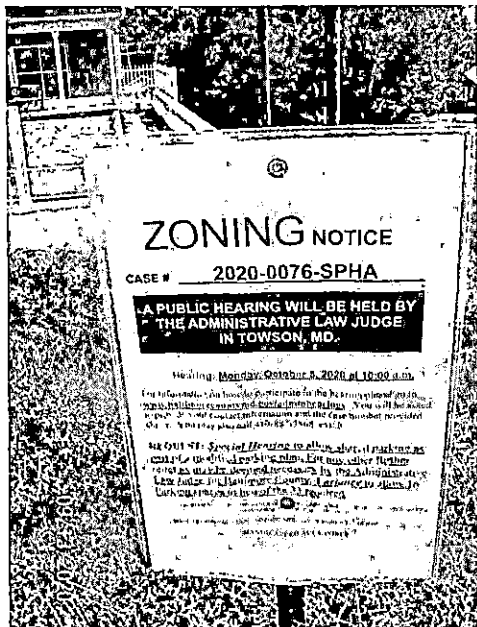
Ladies and Gentlemen:

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

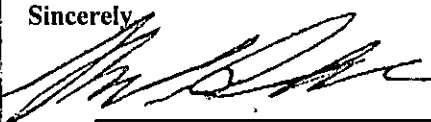
8703 Belair Road **SIGN 1**

September 13, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 13, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0076-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

8703 Belair, LLC
JKM RE Company, LLC

October 5, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

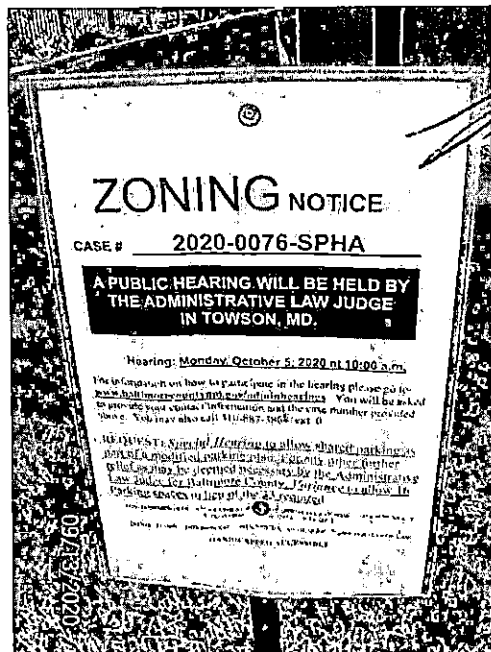
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8703 Belair Road

SIGN 2

September 13, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 13, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 8, 2020

NEW NOTICE OF ZONING HEARING

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CASE NUMBER: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection
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Legal Owners: 8703 Belair, LLC

Contract Purchaser/Lessee: JKM RE Company, LLC

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

Michael Mallinoff
Director

MM:kl

C: J. Neil Lanzi, 102 W. Pennsylvania Avenue, Towson 21204
Ken Dilda, 8601 Honeygo Blvd., Baltimore 21236
8703 Belair, LLC, 12516 Sycamore View Drive, Potomac 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 15, 2020

TO: THE DAILY RECORD
Tuesday, September 15, 2020 - Issue

Please forward billing to:

J. Neil Lanzi
102 W. Pennsylvania Avenue, Ste. 406
Towson, MD 21204

410-659-1390

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: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection

11th Election District – 5th Councilmanic District

Legal Owners: 8703 Belair, LLC

Contract Purchaser/Lessee: JKM RE Company, LLC

Special Hearing to allow shared parking as part of a modified parking plan. For any other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to allow 16 parking spaces in lieu of the 33 required.

Hearing: Monday, October 5, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. 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 of Permits, Approvals and Inspections for Baltimore County

Kristen L Lewis

From: Neil Lanzi <nlanzi@wclaw.com>
Sent: Monday, August 24, 2020 3:12 PM
To: Kristen L Lewis
Cc: rick@richardsonengineering.net; Joe Carolan; Kenneth Dilda (kensbenzzz@netzero.com)
Subject: 8703 Belair Road Case No. 2020-0076-SPHA

CAUTION: This message from nlanzi@wclaw.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,

Thank you for setting the above case in for hearing on Monday, September 21, 2020 at 11 am. Testifying for Petitioner will be the following:

Patrick "Rick" Richardson, PE, email is rick@richardsonengineering.net. Joe Carolan, email is joe.carolan@comcast.net and Ken Dilda, email is kensbenzzz@netzero.com.

Regards,

Neil Lanzi



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 24, 2020

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: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection
11th Election District – 5th Councilmanic District

Legal Owners: 8703 Belair, LLC

Contract Purchaser/Lessee: JKM RE Company, LLC

Special Hearing to allow shared parking as part of a modified parking plan. For any other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to allow 16 parking spaces in lieu of the 33 required.

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

Michael Mallinoff
Director

MM:kl

C: J. Neil Lanzi, 102 W. Pennsylvania Avenue, Towson 21204
Ken Dilda, 8601 Honeygo Blvd., Baltimore 21236
8703 Belair, LLC, 12516 Sycamore View Drive, Potomac 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 1, 2020

TO: THE DAILY RECORD
Tuesday, September 1, 2020 - Issue

Please forward billing to:

J. Neil Lanzi
102 W. Pennsylvania Avenue, Ste. 406
Towson, MD 21204

410-659-1390

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: 2020-0076-SPHA

8703 Belair Road

South east side of Belair Road, north side of Silverspring Road at the intersection

11th Election District – 5th Councilmanic District

Legal Owners: 8703 Belair, LLC

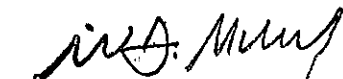
Contract Purchaser/Lessee: JKM RE Company, LLC

Special Hearing to allow shared parking as part of a modified parking plan. For any other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to allow 16 parking spaces in lieu of the 33 required.

Hearing: Monday, September 21, 2020 at 11:00 a.m.

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www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. 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 of Permits, Approvals and Inspections for Baltimore County

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 28, 2020

J. Neil Lanzi,
102 W. Pennsylvania Ave
Towson MD 21204

RE: Case Number: 2020-0076-SPHA, 8703 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 March 12, 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
JKM RE Company LLC 8601 Honeygo BLVD Baltimore MD 21236

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: April 2, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0076-SPHA
Address 8709 Belair Road
(8703 Belair Road, LLC Property)

Zoning Advisory Committee Meeting of **March 23, 2020**.

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

Reviewer: .. Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office 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: April 2, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0076-SPHA
Address 8709 Belair Road
(8703 Belair Road, LLC Property)

Zoning Advisory Committee Meeting of **March 23, 2020**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2020
Item No. 2020-0076-SPHA

DATE: April 8, 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 reviewed per the requirements of the Landscape Manual. A Lighting Plan is also required.

All 2-way drive lanes must be a min of 22-feet wide, provide dimensions on the site plan.

* * * * *

VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/8/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-076

INFORMATION:

Property Address: 8703 Belair Road
Petitioner: 8703 Belair, LLC
Zoning: CB
Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition for the following:

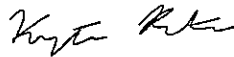
1. Variance from Section 409.6.A.2 of the BCZR to allow 16 parking spaces in lieu of the required 33
2. Special Hearing pursuant to Section 409.6.B(3) and 409.12 of the BCZR to allow shared parking as part of a modified parking plan with the neighboring property to the south (KGM LLC, Elegant Touch Bridal and Tuxedo at 8711 Belair Road)

A site visit was conducted on 4/21/2020. The site is in the heart of the Belair Road commercial district. It will share parking with a bridal store to the north. This property will be used as a neighborhood restaurant and carryout.

The Department of Planning has no objection to this request. Any additional improvements including new signage should be reviewed at the time of permit issuance.

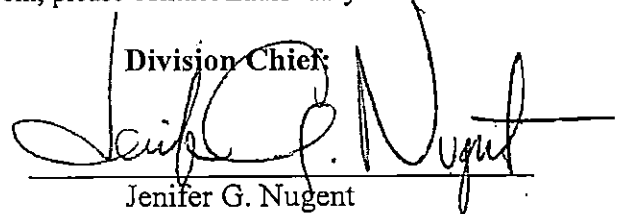
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/kma/

c: Laurie Hay
J. Neil Lanzi
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 6/8/2020
Subject: ZAC # 20-076
Page 2

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2020
Item No. 2020-0076-SPHA

DATE: April 8, 2020

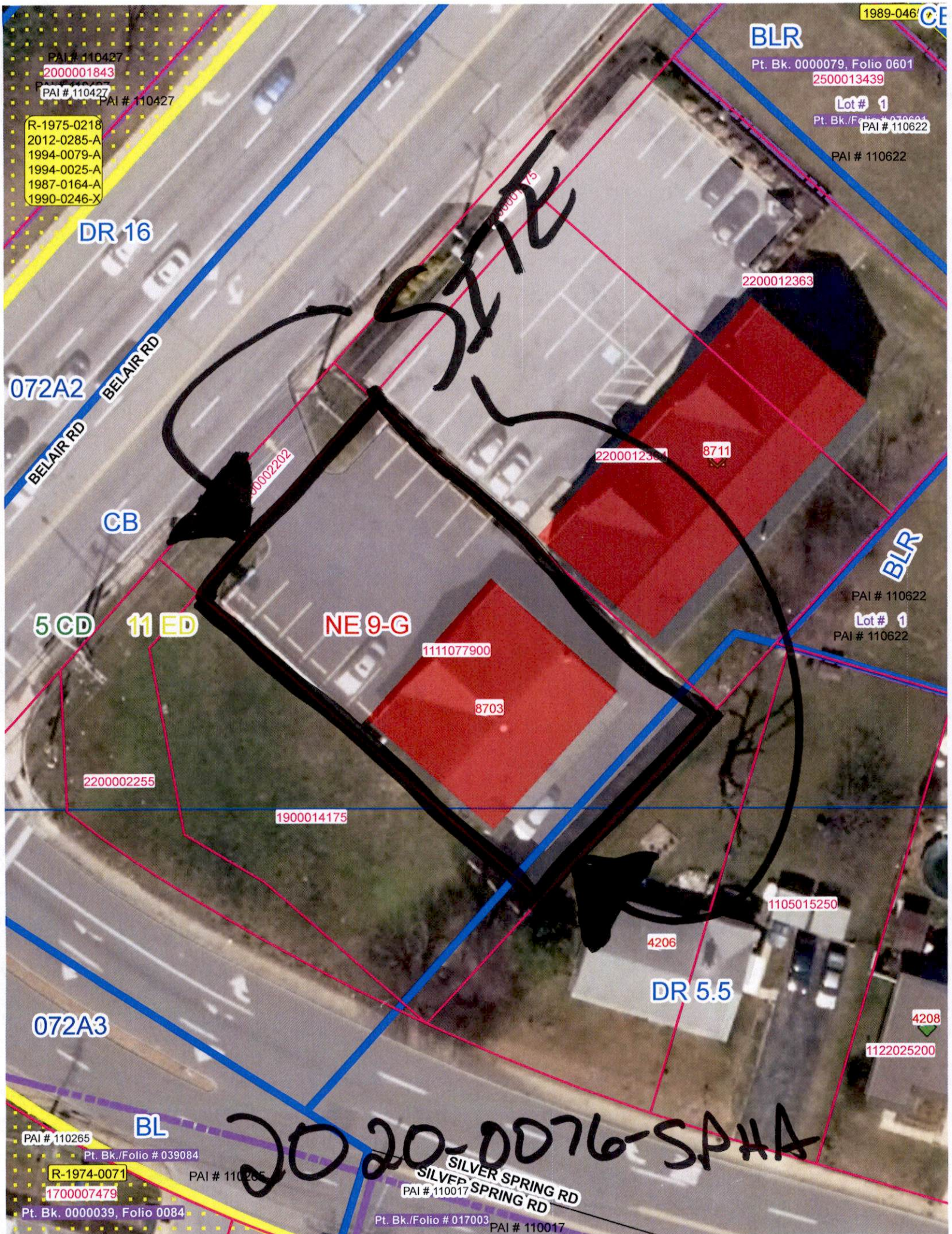
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

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

All 2-way drive lanes must be a min of 22-feet wide, provide dimensions on the site plan.

* * * * *

VKD: efc
cc: file



1989-046 CE

BLR

Pt. Bk. 0000079, Folio 0601
2500013439

Lot # 1

Pt. Bk./Folio 0000079
PAI # 110622

PAI # 110622

PAI # 110427
2000001843
PAI # 110427
PAI # 110427

R-1975-0218
2012-0285-A
1994-0079-A
1994-0025-A
1987-0164-A
1990-0246-X

DR 16

072A2

BELAIR RD

CB

5 CD

11 ED

NE 9-G

1111077900

8703

2200012363

8711

2200012363

BLR

PAI # 110622

Lot # 1

PAI # 110622

2200002255

1900014175

1105015250

4206

DR 5.5

072A3

BL

PAI # 110265
Pt. Bk./Folio # 039084

R-1974-0071

1700007479

Pt. Bk. 0000039, Folio 0084

PAI # 110265

SILVER SPRING RD
SILVER SPRING RD
PAI # 110017

Pt. Bk./Folio # 017003
PAI # 110017

20 20-0076-SPHA

4208

1122025200



4442-0000-0606

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 11 Account Number - 1111077900		
Owner Information		
Owner Name:	8703 BELAIR LLC	Use: COMMERCIAL
Mailing Address:	12516 SYCAMORE VIEW DR POTOMAC MD 20854-1101	Principal Residence: NO Deed Reference: /21194/ 00494
Location & Structure Information		
Premises Address:	8703 BELAIR RD BALTIMORE MD 21236-2419	Legal Description: .2763 AC 8703 BELAIR RD SES 70 NE SILVER SPRING RD
Map: 0072	Grid: 0013	Parcel: 0377
Neighborhood: 10000.04	Subdivision: 0000	Section: 2019
Block: 2019	Lot: 2019	Assessment Year: 2019
Town: None	Plat No:	Plat Ref:
Primary Structure Built: 1987	Above Grade Living Area: 2,080 SF	Finished Basement Area: 12,035 SF
Property Land Area: 06	County Use: 06	
Stories: 1	Basement: 0	Type: RETAIL STORE /
Exterior: C3	Quality: C3	Full/Half Bath: 0
Garage: 0	Last Notice of Major Improvements: 0	
Value Information		
Base Value	Value	Phase-in Assessments
As of 01/01/2019	As of 07/01/2019	As of 07/01/2020
Land: 293,000	293,000	
Improvements: 196,700	203,400	
Total: 489,700	496,400	491,933
Preferential Land: 0		494,167
		0
Transfer Information		
Seller: SILVER SPRINGS ROAD-BALTIMORE	Date: 12/29/2004	Price: \$625,000
Type: ARMS LENGTH MULTIPLE	Deed1: /21194/ 00494	Deed2:
Seller: SILVER SPRINGS LLC	Date: 09/24/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18844/ 00502	Deed2:
Seller: HALL RANDALL M	Date: 01/05/1999	Price: \$500,000
Type: NON-ARMS LENGTH OTHER	Deed1: /13425/ 00453	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
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

1. This screen allows you to search the Real Property database and display property records.

2020-0076-SPHA

Kristen L Lewis

From: Neil Lanzi <nlanzi@wclaw.com>
Sent: Monday, August 24, 2020 3:12 PM
To: Kristen L Lewis
Cc: rick@richardsonengineering.net; Joe Carolan; Kenneth Dilda (kensbenzzz@netzero.com)
Subject: 8703 Belair Road Case No. 2020-0076-SPHA

CAUTION: This message from nlanzi@wclaw.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,

Thank you for setting the above case in for hearing on Monday, September 21, 2020 at 11 am. Testifying for Petitioner will be the following:

Patrick "Rick" Richardson, PE, email is rick@richardsonengineering.net. Joe Carolan, email is joe.carolan@comcast.net and Ken Dilda, email is kensbenzzz@netzero.com.

Regards,

Neil Lanzi



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 8703 Belair Road Balti MD 21236 which is presently zoned CB
 Deed References: 21194/494 10 Digit Tax Account # 1111077900
 Property Owner(s) Printed Name(s) 8703 Belair, 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

See attached

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

3. x a Variance from Section(s)

See attached

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)

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:

JKM RE Company, LLC

Name- Type or Print

Signature

8601 Honeygo Blvd Balti MD

Mailing Address

City

State

21236

410598-1504

kensbenzzzz@netzero.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

J. Neil Lanzi

Name- Type or Print

Signature

102 W. Pennsylvania Ave Towson MD

Mailing Address

City

State

21204

410-659-1390

nlanzi@wcslaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

8703 Belair LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 member

Signature #2

12516 Sycamore View Dr Potomac MD

Mailing Address

City

State

Zip Code

Telephone # (301) 412-1478

Email Address

Representative to be contacted:

J. Neil Lanzi

Name - Type or Print

Signature

102 W. Pennsylvania Ave Towson MD

Mailing Address

City

State

21204

410-659-1390

nlanzi@wcslaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0076-SP1A Filing Date 3/2/2020 Do Not Schedule Dates: _____ Reviewer CE

REV. 10/4/11

Debra Wiley

From: Debra Wiley
Sent: Wednesday, September 9, 2020 8:56 AM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: FW: Link - 8703 Belair Road - Case No. 2020-0076-SPHA - 8703 Belair, LLC / JKM RE Company, LLC

Hi Kristen,

This is the one that got rescheduled from 9/21 to 10/5 for Neil Lanzi. Can you please let us know when it gets removed from the zoning calendar for 9/21.

Thank you.

From: Debra Wiley
Sent: Wednesday, September 9, 2020 8:32 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Link - 8703 Belair Road - Case No. 2020-0076-SPHA - 8703 Belair, LLC / JKM RE Company, LLC

Event Information

Event: Zoning Hearing - 8703 Belair Road
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e7>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e2>
Date and time: Monday, October 5, 2020 10:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
8703 Belair Road
Case No. 2020-0076-SPHA
8703 Belair, LLC / JKM RE Company, LLC
Event number: 172 784 3148
Event password: 1234
Host key: 768103
Alternate Host: donna mignon,henry ayakwah
Panelist Info:
Panelist password:
Panelist numeric password: 205967
Video Address: 1727843148@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll

+1-415-655-0001

Show all global call-in numbers

Access code: 172 784 3148

Maximum number of registrants: 10000

Debra Wiley

From: Debra Wiley
Sent: Tuesday, August 25, 2020 8:09 AM
To: Kristen L Lewis
Subject: Link - 2020-0076-SPHA

Event: Zoning Hearing - 8703 Belair Road
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e756fc4>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e27265c>
Date and time: Monday, September 21, 2020 11:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
8703 Belair Road
Case No. 2020-0076-SPHA
8703 Belair, LLC / JKM RE Company, LLC
Event number: 172 784 3148
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Alternate Host: donna mignon,henry ayakwah
Panelist Info:
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You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 172 784 3148

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



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 8703 Belair Road Balti MD 21236 which is presently zoned CB
Deed References: 21194/494 10 Digit Tax Account # 1111077900
Property Owner(s) Printed Name(s) 8703 Belair, LLC

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

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

3. X a Variance from Section(s)

See attached

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

JKM RE Company, LLC

Name- Type or Print

[Signature]

Signature

8601 Honeygo Blvd Balti MD

Mailing Address

City

State

21236

410598-1504

kensbenzzz@netzero.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

8703 Belair LLC

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]

Signature #1/member

Signature #2

12516 Sycamore View Dr Potomac MD

Mailing Address

City

State

21236

(301) 412-1478

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

J. Neil Lanzi

Name- Type or Print

[Signature]

Signature

102 W. Pennsylvania Ave Towson MD

Mailing Address

City

State

21204

410-659-1390

nlanzi@wscslaw.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

J. Neil Lanzi

Name - Type or Print

[Signature]

Signature

102 W. Pennsylvania Ave Towson MD

Mailing Address

City

State

21204

410-659-1390

nlanzi@wscslaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0076-SP11A Filing Date 3/2/2020 Do Not Schedule Dates: _____ Reviewer CF

Debra Wiley

From: Kristen L Lewis
Sent: Monday, August 24, 2020 4:41 PM
To: Debra Wiley; Donna Mignon
Subject: webex
Attachments: 20200824163525896.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Another one :)

Kristen Lewis
PAI – Zoning Review
410-887-3391

Debra Wiley

From: Debra Wiley
Sent: Wednesday, September 9, 2020 8:32 AM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: Link - 8703 Belair Road - Case No. 2020-0076-SPHA - 8703 Belair, LLC / JKM RE Company, LLC

Event Information

*★ changed 9-21-20
from @11Am*

Event: Zoning Hearing - 8703 Belair Road
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e7>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e2>
Date and time: Monday, October 5, 2020 10:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
8703 Belair Road
Case No. 2020-0076-SPHA
8703 Belair, LLC / JKM RE Company, LLC
Event number: 172 784 3148
Event password: 1234
Host key: 768103
Alternate Host: donna mignon,henry ayakwah
Panelist Info:
Panelist password:
Panelist numeric password: 205967
Video Address: 1727843148@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 172 784 3148
Maximum number of registrants: 10000

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
donna mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
henry ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
J. Neil Lanzi, Esq.	nlanzi@wclaw.com	1-	New York Time	English	U.S.
Joe Carolan	joe.carolan@comcast.net	1-	New York Time	English	U.S.
Ken Dilda	kensbenzzz@netzero.com	1-	New York Time	English	U.S.
Patrick Rick Richardson	rick@richardsonengineering.net	1-	New York Time	English	U.S.
Paul M. Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

Debra Wiley

Subject: Web seminar scheduled: Zoning Hearing - 8703 Belair Road
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ebbc8e0cdc13834f7c93f437e56822a68>
Start: Mon 10/5/2020 10:00 AM
End: Mon 10/5/2020 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
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: Debra Wiley (dwiley@baltimorecountymd.gov)
Event number (access code): 172 784 3148

Monday, October 5, 2020 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ebbc8e0cdc13834f7c93f437e56822a68>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e07f4ebbbd326e840825da6df9c9>

Start event

Audio conference information

+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application

Dial 1727843148@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Subj: [REDACTED]
Det: [REDACTED]

Panelist numeric password: 205967

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e4326ba4d03b9d7bb838732db521e3ac1>

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

Change from 9-21 to 10-5

Donna Mignon

From: Kristen L Lewis
Sent: Tuesday, September 8, 2020 10:32 AM
To: Donna Mignon; Debra Wiley
Subject: RE: September 21 at 11:00 - Case No: 2020-0076-SPHA

Good morning,

I actually won't be able to set any other cases in it's place, so we won't have anything scheduled for this date and time. I will be contacting Mr. Lanzi about a new date for October. Thank you,

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: Donna Mignon.
Sent: Tuesday, September 08, 2020 10:29 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: September 21 at 11:00 - Case No: 2020-0076-SPHA

Hi Deb,
FYI. Kristen just called me and said Neil Lanzi did not get the posting done in time. She is pulling this out and then will reschedule a new case in that spot.
When you get a chance, it looks like you set this one up and I need you to go in and delete it off of webex.

Thanks so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Tuesday, September 8, 2020 10:29 AM
To: Debra Wiley
Cc: Kristen L Lewis
Subject: September 21 at 11:00 - Case No: 2020-0076-SPHA

Hi Deb,
FYI. Kristen just called me and said Neil Lanzi did not get the posting done in time. She is pulling this out and then will reschedule a new case in that spot.
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Thanks so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 11 Account Number - 1111077900			
Owner Information					
Owner Name:	8703 BELAIR LLC		Use:	COMMERCIAL	
			Principal Residence:	NO	
Mailing Address:	12516 SYCAMORE VIEW DR POTOMAC MD 20854-1101		Deed Reference:	/21194/ 00494	
Location & Structure Information					
Premises Address:	8703 BELAIR RD BALTIMORE MD 21236-2419		Legal Description:	.2763 AC 8703 BELAIR RD SES 70 NE SILVER SPRING RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0072	0013	0377	10000.04	0000	
			Block:	Lot:	Assessment Year:
					2019
			Plat No:		
			Plat Ref:		
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1987		2,080 SF		12,035 SF	
				Property Land Area	
				06	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		RETAIL STORE	/	C3	
Garage					
Last Notice of Major Improvements					
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2019	07/01/2020	07/01/2021
Land:		293,000	293,000		
Improvements		196,700	203,400		
Total:		489,700	496,400	494,167	496,400
Preferential Land:		0			0
Transfer Information					
Seller: SILVER SPRINGS ROAD-BALTIMORE		Date: 12/29/2004		Price: \$625,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /21194/ 00494		Deed2:	
Seller: SILVER SPRINGS LLC		Date: 09/24/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /18844/ 00502		Deed2:	
Seller: HALL RANDALL M		Date: 01/05/1999		Price: \$500,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /13425/ 00453		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2020		07/01/2021	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

ZAC AGENDA

Case Number: 2020-0076-SPHA

Reviewer: Christina Frink

Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL

Type: VARIANCE, SPECIAL HEARING

Legal Owner: 8703 Belair, LLC

Contract Purchaser: JKM RE Company, LLC

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

Property Address: 8709 BELAIR RD

Location: South East side of Belair Road and on the North East side of Sliverspring Road at the intersection.

Existing Zoning: CB

Area: 12,035 SQ FT

Proposed Zoning:

VARIANCE:

From 409.6.A.2 To allow sixteen (16) parking spaces in lieu of the thirty-three (33) required.

SPECIAL HEARING:

Pursuant to 409.6.B(3) and 409.12 of the Baltimore County Zoning Regulations to allow shared parking as part of a modified parking plan. For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Parking to be shared with KGM LLC, Elegant Touch Bridal and Tuxedo @ 8711 Belair Road.

Attorney: J. Neil Lanzi

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
donna mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
henry ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
J. Neil Lanzi	nlanzi@wcslaw.com	1-	New York Time	English	U.S.
Joe Carolan	joe.carolan@comcast.net	1-	New York Time	English	U.S.
Ken Dilda	kensbenzzz@netzero.com	1-	New York Time	English	U.S.
Patrick Rick Richardson	rick@richardsonengineering.net	1-	New York Time	English	U.S.
Paul M. Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

Donna Mignon

From: Donna Mignon
Sent: Monday, September 28, 2020 11:09 AM
To: 'Neil Lanzi'
Subject: Case No: 2020-0076-SPHA 8703 Belair Road

Good Morning,

Just a friendly reminder that this case is scheduled for a webex hearing on Monday, October 5, 2020. We need all exhibits emailed to us within 48 **business** hours prior to the hearing date.

Please email exhibits to: administrativehearings@baltimorecountymd.gov

If you have any questions or concerns, please feel free to contact our office.

Have a great day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

IN THE MATTER OF:

Petitioner: JKM RE Company, LLC
nka 8703 Belair Road I, LLC

Property Address: 8703 Belair Road
Case No: 2020-0076-SPHA

Handwritten: 02/18/21
D

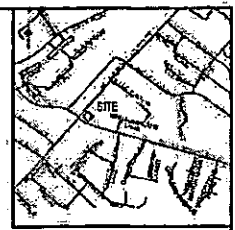
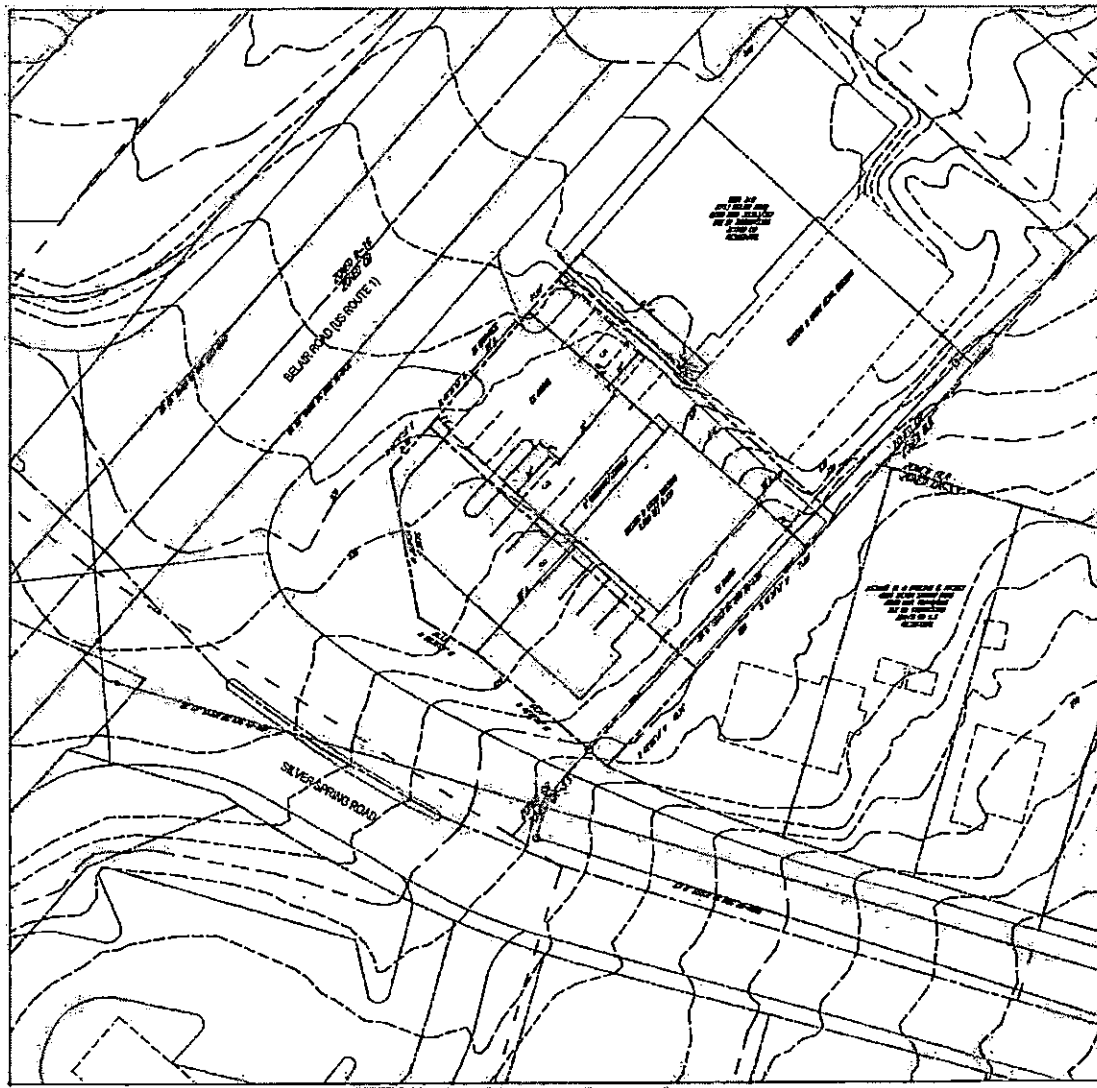
Petitioner's Exhibit List:

Exhibit No. 1 – Site Plan

Exhibit No. 2 – Aerial Photograph of Site

Exhibit No. 3 – Photograph of Frontage

Exhibit No. 4 – Shared Parking Agreement



LOCATION MAP
Scale 1" = 100'

GENERAL NOTES:

- 1. OWNER: [Name]
- 2. SITE: [Address]
- 3. [Note]
- 4. [Note]
- 5. [Note]
- 6. [Note]
- 7. [Note]
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- 97. [Note]
- 98. [Note]
- 99. [Note]
- 100. [Note]

Richardson Engineering, LLC

30 East Patrick Street, Suite 300
Thurston, Maryland 21153
Phone: 410-343-1503 Fax: 443-601-1206
www.richardson-engineering.com

PLAN TO ACCOMPANY ZONING PETITION

**CASA-MIA
RESTAURANT**

8703 BELAIR ROAD

BALTIMORE COUNTY
11TH ELECTION DISTRICT

MARYLAND
5TH COUNCILMANIC DISTRICT

CUED BY	CUED BY	CUED BY	CUED BY
LOT	PCN	213	213
00-00-03	1840	1840	1840



NOTICE: THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ENGINEER OF RECORD.

EXHIBIT

1





SHARED PARKING AGREEMENT

This Shared Parking Agreement ("Agreement") is made this _____ day of _____, 2020, by and between KGM, LLC t/a Elegant Touch Bridal and Tuxedo ("KGM") and JKM RE Company, LLC now known as 8703 Belair Road I, LLC ("8703"), hereinafter the Parties.

RECITALS

WHEREAS, KGM owns and operates a bridal and tuxedo company and parking lot facility at 8711 Belair Road, Baltimore, Maryland (referred to hereinafter as the "KGM Property"); and

WHEREAS, 8703 is the contract purchaser of the property known as 8703 Belair Road (referred to hereinafter as the "8703 Property"); and

WHEREAS, the parking facility ("Parking Facility") located on the KGM Property is within 500 feet of the 8703 Property; and

WHEREAS, the 8703 Property will be used for carryout and restaurant customers for its restaurant known as "Casa Mia's", therefore requiring occasional overflow parking on the KGM Property; and

WHEREAS, the KGM Property is used for sales and rental of bridal and tuxedo apparel with limited business hours of _____ a.m. - _____ p.m., Monday through Saturday, and _____ a.m. - _____ p.m., Sunday.

NOW THEREFORE, in consideration of the mutual covenants and obligations as contained in this Agreement, the Parties agree as follows:

1. TERM. This Agreement shall become effective upon full execution by the Parties hereto and shall remain in effect until December 31, 2050 unless terminated in accordance with this Agreement. The parties hereto have the right to terminate upon one hundred twenty (120) days prior notice.

2. SHARED USE. In consideration of \$_____ per month, 8703 and/or Casa Mia's Restaurant, their employees, guests, licensees and invitees shall have the right to use the Parking Facility located on the KGM Property, Monday through Friday after 5:00 p.m. and at any time on weekends, during the Term of this Agreement in the area designated on the site plan attached as **Exhibit 1**.

3. MAINTENANCE. 8703 shall have no obligation to repair or maintain the "Parking Facility" area used on the KGM Property in accordance with this Agreement unless such repairs are necessary as a result of the willful acts or negligence of the owners of 8703 and/or Casa Mia's, their employees, guests, invitees or licensees utilizing the Parking Facility.



4. SNOW REMOVAL. Subject to Section 3 above, the maintenance of the Parking Facility shall be the responsibility of KGM, including, but not limited to, the clearing of the Parking Facility from snow and treatment of the parking lot facility for ice. 8703 shall participate on a pro-rata basis in the cost of said snow removal and/or ice treatment for its use of a portion of the Parking Facility. 8703's obligation to make payment under this section shall occur only after receiving an itemized statement from KGM, with said payment to be made within thirty (30) days of receipt.

5. INJUNCTION. In the event either party, their successors or assigns, violate or threaten to violate any part of this Agreement, the other party or their respective successors and assigns, shall have the right to enjoin such violation or threatened violation in any Court or competent jurisdiction and to recover damages and reasonable attorney's fees.

6. ENFORCEMENT. In the event any party, its successors or assigns, brings an action in any court of competent jurisdiction to enforce any part of this Agreement, the prevailing party shall be entitled to all reasonable attorney's fees and all court costs, which sum shall be included in any judgment entered in favor of the prevailing party.

7. AMENDMENT. Provisions of this Agreement may be amended only with the written consent of all parties hereto.

8. BINDING AGREEMENT. The rights and responsibilities set forth in this Agreement shall commence on the date hereof and shall be binding on the parties and their successors and assigns.

9. INSURANCE. The parties shall obtain and maintain liability insurance for their respective properties and shall upon request, provide evidence that the insurance is in force. The failure of a party to produce evidence of insurance within a reasonable time after written request from the other party shall be a breach of this Agreement.

10. FULL FORCE AND EFFECT. If any provision, condition, covenant or other clause of this Agreement shall become null, void or illegal for any reason or held to be so by any Court of competent jurisdiction, the remaining provisions herein shall remain in full force and effect.

11. TIME OF THE ESSENCE. Time is of the essence with regard to the provisions of this Agreement.

12. ENTIRE AGREEMENT. The terms contained herein represent the entire agreement of the parties hereto and may not be modified in any manner without the express written consent of the parties.

13. INDEMNIFICATION. The parties shall each indemnify and hold harmless the other and such parties' officers, agents and employees from all suits, actions, losses, damages, claims or liability of any character, type or description, including without limiting the generality

of the foregoing, all expenses of litigation, court costs and attorney's fees, for injuries or death to any person, or injury or damage to any property, received or sustained by any person or persons or property, arising out of the shared use of parking within the scope of this Agreement.

14. TERMINATION. In the event this Agreement is terminated for any reason and the resulting termination results in a deficiency of parking as required by Baltimore County for 8703's use, 8703 acknowledges it has one hundred twenty (120) days to bring the 8703 Property into compliance with regard to the parking requirements of Baltimore County for 8703's current use of the Property and/or to seek appropriate zoning relief for approval of the deficiency.

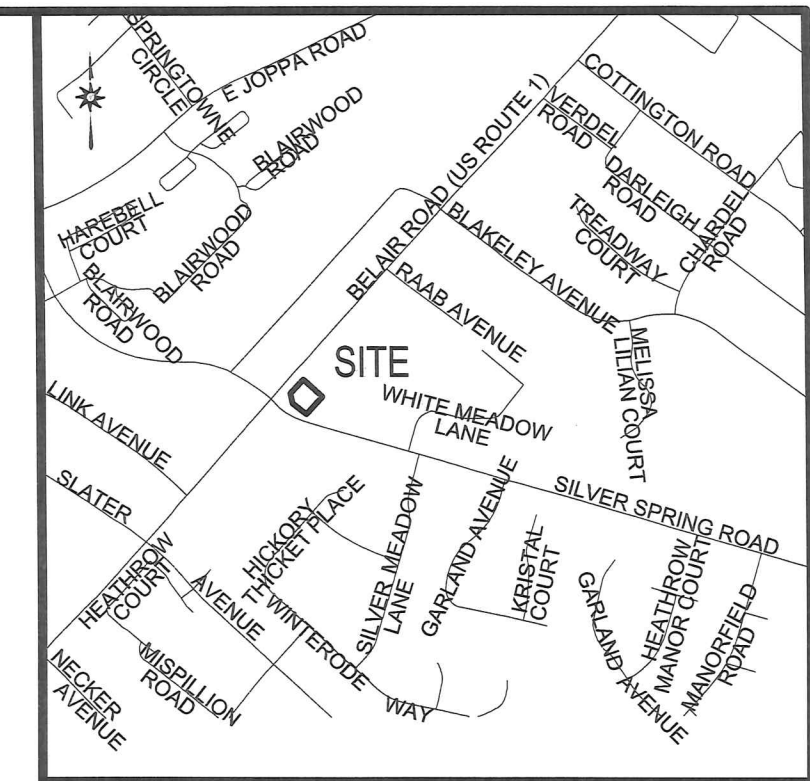
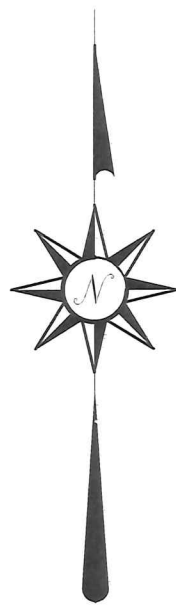
IN WITNESS WHEREOF, the undersigned have executed this Shared Parking Agreement on the date first written above.

KGM, LLC
t/a Elegant Touch Bridal and Tuxedo
8711 Belair Road
Baltimore, MD 21236

By: _____, President

8703 Belair Road I, LLC
8703 Belair Road
Baltimore, MD 21236

By: Kenneth Dilda, Authorized Member



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
8703 BELAIR LLC
12516 SYCAMORE VIEW DR
POTOMAC MD 20854-1101
- SITE AREA:
GROSS: 18,917 Sq.Ft. or 0.43 Ac.±
NET: 30,821 Sq.Ft. or 0.71 Ac.±
- EXISTING RETAIL BUILDING AREA: 2,080 Sq.Ft. (TO REMAIN)
- UTILITIES
PUBLIC WATER
PUBLIC SEWER
- DEED REF: 21194/494
- TAX ACCOUNT: #1111077900
- COUNCILMANIC DISTRICT: 5TH
- REGIONAL PLANNING DISTRICT: PERRY HALL/WHITEMARSH
- CENSUS TRACT: 4113.03
- WATERSHED: BIRD RIVER
- EXISTING ZONING: CB (PER 1"=200' ZONING MAP 057C1)
- TAX MAP #72, GRID #13, PARCEL #377.
- NO PRIOR PERMITS ON FILE
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100290F, DATED SEPTEMBER 26, 2008.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)
- TYPE DEFICIENT(Y/N) NOTE
WATER N
SEWER N
TRANSPORTATION N
- NO PREVIOUS ZONING CASES ON FILE
- FLOOR AREA RATIO (FAR) CB ZONE
MAX PERMITTED: 2.0
EXISTING: 4,160/18,917 = 0.22
PROPOSED: NO CHANGE
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR CB ZONE
TYPE REQUIRED PROVIDED
FRONT 25' 66'±
SIDE 10' 15'±
REAR 20' 24'±
- USE
EXISTING: RETAIL
PROPOSED: RESTAURANT
- PARKING
REQUIRED:
RESTAURANT: 2080 Sq.Ft. @ 16/1000 Sq.Ft. = 33 SPACES
PROVIDED:
16 SPACES (1 H.C., 15 STANDARD)

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
RICK@RICHARDSONENGINEERING.NET

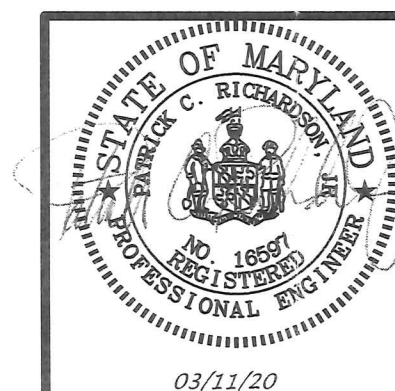
PLAN TO ACCOMPANY ZONING PETITION

CASA-MIA
RESTAURANT
8703 BELAIR ROAD

BALTIMORE COUNTY MARYLAND
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: LNR	CHECKED BY: PCR	SCALE: 1" = 20'
	DATE: 03-05-20	JOB NO.: 19140	SHEET NO.: 1 OF 1

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
NUMBER 16597, EXPIRATION DATE: 08-15-2021



03/11/20

2020-0076-SHA