

MEMORANDUM

DATE: November 10, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0159-XA- 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
EXCEPTION AND VARIANCE
(8100-8110 Belair Road)**

14th Election District

5th Council District

Eugene S. Lorenzo

Legal Owner

Belair Hill, LLC

Contract Purchaser/Lessee

Petitioners

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BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No: 2020-0159-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 8100-8110 Belair Road. The Petitions were filed on behalf of Eugene S. Lorenzo, legal owner and Belair Hill, LLC, Contract Purchaser/Lessee ("Petitioners"). The Special Exception petition seeks from § 405.2.B.1 of the Baltimore County Zoning Regulations ("BCZR"), to allow a fuel service station with a convenience store of 5,685 sq. ft. on an individual site. The Petition for Variance seeks relief from § 405.4.A.3.c(2) of the BCZR to allow nine (9) stacking spaces in lieu of the required 12 spaces. Also, relief from § 405.4.A.2.b, to allow a 7.5 ft. landscape transition area in lieu of the required 10 ft. from a public right-of-way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property. For such other and further relief as the nature of this cause may require.

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

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Date

By

10/9/20

D. Mignon

Appearing in support of the petitions were Eugene Lorenzo, the property owner, and David Schlachman, the contract purchaser. Walenty Zarski, the civil engineer who helped prepare the site plan also appeared, as did Mitch Kellman, who was accepted as an expert in zoning, land use, and the BCZR. Timothy Kotroco, Esq. represented the Petitioners.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") dated September 15, 2020. ZAC comment was also received from the Department of Environmental Protection and Sustainability Development Coordination ("DEPS"). They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order. There was no community opposition at the hearing, although an email opposing the petition was received and will be admitted as Protestant's Exhibit 1.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Kotroco explained that the subject property is the former site of "Mimi Lorenzo's," a restaurant and bar that operated there for many years. The structure on the site now houses an antique store. He explained that if the requested relief is granted that structure will be razed. Mr. Zarski explained the site plan in detail, and pointed out that a substantial portion on the west side of the property will remain undeveloped and forested, in compliance with the forest conservation

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By

provisions set forth in B.C.C. Section 33-6-101 *et seq.* He and Mr. Kellman also explained the unique shape and grade changes at the site. Mr. Kotroco submitted an aerial map of the vicinity showing that, in accordance with BCZR § 405.3 there is not an abandoned fuel service station within a half mile of the site, nor two abandoned fuel service stations within a mile. *See*, Petitioner's Exhibit 5. Mr. Kellman testified that in his expert opinion the proposed fuel station and convenience store comply with all the requirement of BCZR § 502.1 and the requested relief is within the spirit and intent of the BCZR.

The email received from Ms. Gloria Kelly (Protestant's Exhibit 1) opposes the construction of this fuel station/convenience store because there are already several other such businesses in the area, as well as grocery stores and other businesses. In her view this proposed business is simply not needed and not wanted.

While I understand and appreciate Ms. Kelly's position, I find that based on the entire record evidence that the requested relief must be granted under the legal presumptions in favor of special exception uses. *Schultz v. Pritts, supra.*

VARIANCE

Under BCZR § 307, and Maryland common law, in order to be entitled to variance relief the Petitioner must satisfy a two-step legal analysis, 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 is what necessitates the requested variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, supra.

As discussed above, the property in this case is unique based on its irregular shape and significant grade changes. Further, it is these unique features which necessitate the requested

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Date

10/9/20

By

D. Mignon

variance relief. I further find that the Petitioner would suffer harm and practical difficulty if the variance are denied because they would be unable to construct the proposed project. Finally, I find that the relatively modest variances can be granted within the spirit and intent of the BCZR and without harming the public health, safety, or welfare.

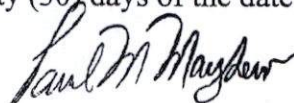
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this day 9th of **October, 2020** that the Petition for Special Exception to permit pursuant to § § 405.2.B.1 of the BCZR to allow a fuel service station with a convenience store of 5,685 sq. ft. on an individual site be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from § 405.4.A.3.c.(2) of BCZR to allow nine (9) stacking spaces in lieu of the required 12 spaces; and from § 405.4.A.2.b, to allow a 7.5 ft. landscape transition area in lieu of the required 10 ft. from a public right-of-way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property be and hereby are GRANTED .

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.
- Prior to issuance of permits, Petitioners must comply with the ZAC comments made by the DOP and DEPS, a copy of which is attached hereto and made a part hereof.

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

ORDER RECEIVED FOR FILING

PMM/dlm

Date

10/9/20

By

J. M. Magon



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 8100 - 8110 Belair Road

which is presently zoned BL-AS

Deed References: 11248/0437; 6444/0488; 26086/023; 10 Digit Tax Account # 1419027250; 1412021525; 1418052720; 1415081170

Property Owner(s) Printed Name(s) LORENZO, EUGENE S. & 8100 BELAIR LIMITED LIABILITY COMPANY

(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

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

SEE ATTACHMENT

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

SEE ATTACHMENT

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:

BELAIR HILL LLC, BY: DAVID SCHULZ

Name- Type or Print

Signature

100 E. Pennsylvania Ave, Ste. 210 Towson MD

Mailing Address City State

21204

410-296-3715

david@dmsdevelopment.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Timothy M. Kotroco, Esq.

Name- Type or Print

Signature

305 Washington Ave, Ste 502 Towson, MD

Mailing Address City State

21204

410-299-2943

tkotroco@gmail.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

EUGENE S. LORENZO

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8110 Belair Road

Baltimore,

MD

Mailing Address

City

State

21236

443-415-0123

nicole@ecorecovery.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Same as attorney for Petitioner

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0159-X4 Filing Date 7/13/20

Do Not Schedule Dates: _____

Reviewer JS

**ATTACHMENT TO SPECIAL EXCEPTION & VARIANCE
PETITION**

The Petitioner, requests the following zoning relief:

SPECIAL EXCEPTION RELIEF:

1. from Section 405.2.B.1 of the BCZR to allow a fuel service station with a convenience store of 5,685 sq. ft. on an individual site;

VARIANCE RELIEF:

1. from Section 405.4.A.3.c.(2) of the BZCR to allow 9 stacking spaces in lieu of the required 12 spaces: and
2. From Section 405.4.A.2.b to allow a 7.5 ft. landscape transition area in lieu of the required 10 ft. from a public right of way and a 7 ft. landscape transition area in lieu of the required 15 ft from a property line abutting a residentially zoned property;

AND For such other and further relief as the nature of this cause may require.

2020-0159-VA

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING HEARING FOR RELIEF REQUESTS
DEED REFERENCE: L. 26086, F. 23; L. 6444, F. 488;
L. 11248, F. 437; L. 26086, F. 23
FUEL SERVICE STATION
WITH CONVENIENCE STORE
8100 BELAIR ROAD
BALTIMORE COUNTY, MARYLAND 21236
14th ELECTION DISTRICT; 5th COUNCILMANIC DISTRICT**

June 19, 2020

Beginning at the point on the north side of proposed Putty Hill Avenue right-of-way (variable width), said point being located northwesterly +/- 206 feet from the intersection of centerlines of Belair Road and Putty Hill Avenue; thence running the following courses and distances:

1. North 13° 35' 07" East, 84.72 feet; thence,
2. North 31° 18' 13" East, 130.13 feet; thence,
3. North 74° 41' 26" West, 267.73 feet; thence,
4. North 15° 18' 34" East, 111.30 feet; thence,
5. South 74° 41' 26" East, 535.85 feet; thence,
6. South 38° 41' 02" West, 310.98 feet; thence,
7. South 75° 47' 32" West, 37.30 feet; thence,
8. Along the curve to the left having a radius of 273.03 feet, for 88.47 feet; thence,
9. North 86° 05' 50" West, 23.51 feet; thence,
10. North 87° 38' 58" West, 35.51 feet; to the point of beginning.

Containing 96,379 square feet or 2.21 acres, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.

2020-0159-XA

CERTIFICATE OF POSTING

CASE NO. 2020-0159-XA

PETITIONER/DEVELOPER

Timothy M. Kotrocco

Wendy Crites

DATE OF HEARING/CLOSING

October 5, 2020

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

LADIES AND GENTLEMEN :

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

8100-8110 Belair Road

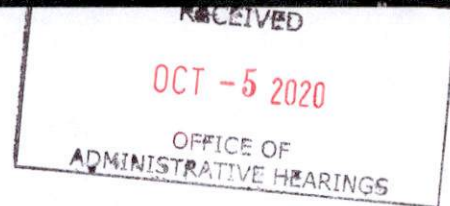
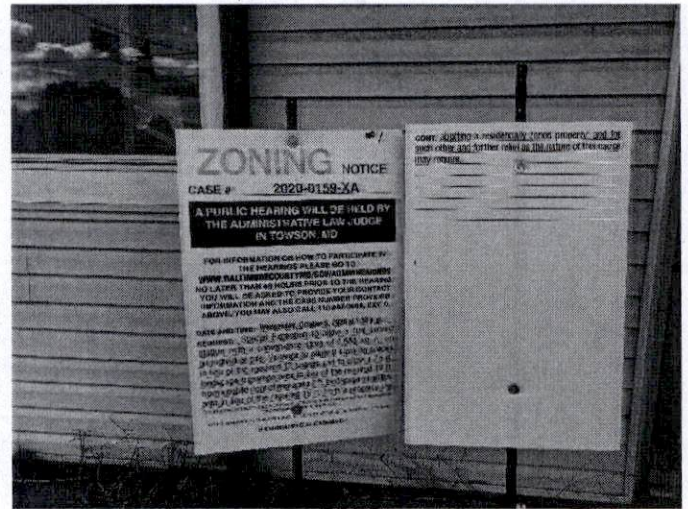
SIGN 1

THE SIGN(S) POSTED ON September 15, 2020 October 2, 2020
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

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



CERTIFICATE OF POST...

CASE NO. 2020-0159-XA

PETITIONER/DEVELOPER

Timothy M. Kotrocco

Wendy Crites

DATE OF HEARING/CLOSING

October 5, 2020

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

111 WEST CHESAPEAKE AVENUE

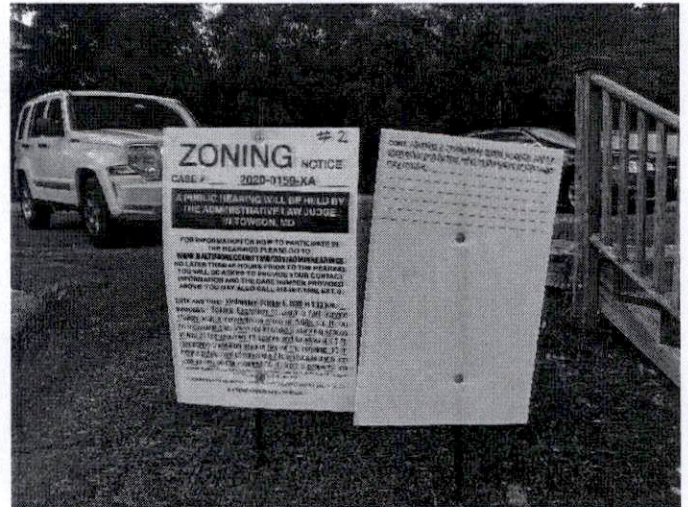
ATTENTION:

LADIES AND GENTLEMEN :

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

8100-8110 Belair Road

SIGN 2



THE SIGN(S) POSTED ON September 15, 2020 October 2, 2020

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

Donna Mignon

From: tkotroco@gmail.com
Sent: Thursday, October 1, 2020 5:43 PM
To: Administrative Hearings
Subject: RE: Please see the attached exhibits for Monday's Hearing

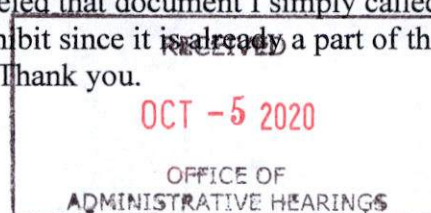
Follow Up Flag: Flag for follow up
Flag Status: Flagged

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

Yes, Actually the Planning Office comment is Ex 6A. When I labeled that document I simply called it the "Planning Comment". Sometimes the ALJ doesn't make it an exhibit since it is already a part of the file. But I did attach the Planning Comment and would like it to be Ex 6A. Thank you.

Tim K.

Timothy M. Kotroco, Esq.
Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, Maryland 21204
Cell/Text: 410-299-2943



This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 410-299-2943.

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Thursday, October 1, 2020 9:58 AM
To: tkotroco@gmail.com
Subject: RE: Please see the attached exhibits for Monday's Hearing

Tim
Is there an Exhibit 6 A?

From: tkotroco@gmail.com <tkotroco@gmail.com>
Sent: Thursday, October 1, 2020 8:53 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Cc: tkotroco@gmail.com
Subject: Please see the attached exhibits for Monday's Hearing

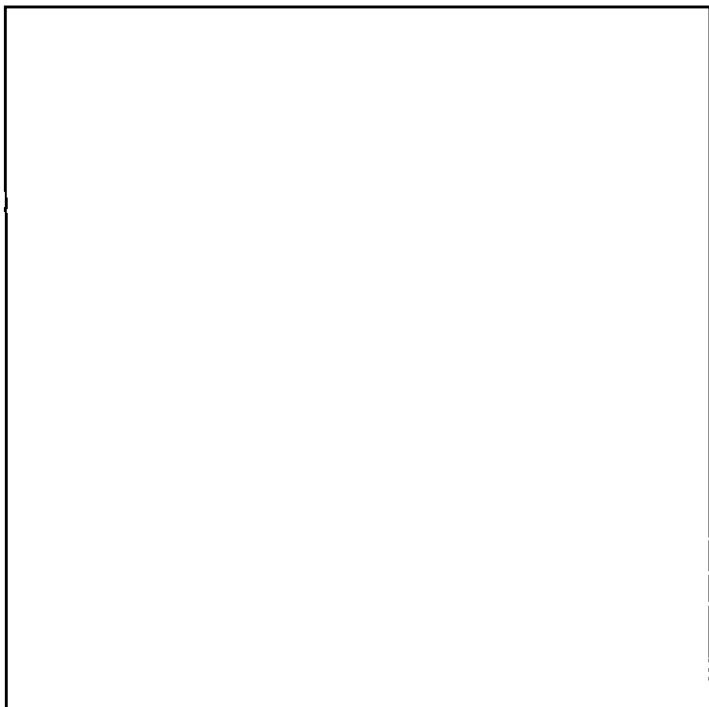
CAUTION: This message from tkotroco@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear ALJ Staff,

Please see the attached exhibits for Monday afternoon's Hearing. Thank you.

Timothy M. Kotroco, Esq.
Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, Maryland 21204
Cell/Text: 410-299-2943

This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 410-299-2943.



CONNECT WITH BALTIMORE COUNTY

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www.baltimorecountymd.gov



JOHN A. OLSZEWSKI, JR.
September 8, 2020

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: 2020-0159-XA

8100-8110 Belair Road

N/west corner of intersection of Belair Road and Putty Hill Avenue

14th Election District – 5th Councilmanic District

Legal Owners: Eugene Lorenzo

Contract Purchaser/Lessee: Belair Hill, LLC

Special Exception to allow a fuel service station with a convenience store of 5,685 sq. ft. on an individual site. Variance to allow 9 stacking spaces in lieu of the required 12 spaces and to allow a 7.5 ft. landscape transition area in lieu of the required 10 ft. from a public right of way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property; and for such other and further relief as the nature of this cause may require.

Hearing: Wednesday, October 5, 2020 at 1:30 p.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 cursive script, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Eugene Lorenzo, 8110 Belair Road, Baltimore 21236
Belair Hill, LLC, 100 E. Pennsylvania Avenue, Ste. 210, Towson 21204

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



THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE COMMITTEE ON THE STUDY OF THE
PROGRESS OF CHEMISTRY IN THE UNITED STATES

PRESENTED TO THE NATIONAL ACADEMY OF SCIENCES
AT THE ANNUAL MEETING, 1940
AT WASHINGTON, D. C.

THE COMMITTEE ON THE STUDY OF THE
PROGRESS OF CHEMISTRY IN THE UNITED STATES
WAS ORGANIZED BY THE NATIONAL ACADEMY OF SCIENCES
IN 1937 TO STUDY THE PROGRESS OF CHEMISTRY
IN THE UNITED STATES AND TO REPORT THEREON
TO THE NATIONAL ACADEMY OF SCIENCES

REPORT OF THE COMMITTEE ON THE STUDY OF THE

PROGRESS OF CHEMISTRY IN THE UNITED STATES
PRESENTED TO THE NATIONAL ACADEMY OF SCIENCES
AT THE ANNUAL MEETING, 1940
AT WASHINGTON, D. C.

BY THE COMMITTEE

ON THE STUDY OF THE
PROGRESS OF CHEMISTRY

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PRESENTED TO THE NATIONAL ACADEMY OF SCIENCES
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WAS ORGANIZED BY THE NATIONAL ACADEMY OF SCIENCES
IN 1937 TO STUDY THE PROGRESS OF CHEMISTRY
IN THE UNITED STATES AND TO REPORT THEREON
TO THE NATIONAL ACADEMY OF SCIENCES



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 8100 - 8110 Belair Road which is presently zoned BL-AS

Deed References: 11248/0437; 8444/0488; 26086/023; 10 Digit Tax Account # 1418027250; 1412021525; 1418052720; 1415081170

Property Owner(s) Printed Name(s) LORENZO, EUGENE S. & 8100 BELAIR LIMITED LIABILITY COMPANY

(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

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

SEE ATTACHMENT

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

SEE ATTACHMENT

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:

BELAIR HILL LLC, BY DAVID SCHEIDT

Name- Type or Print DAVID SCHEIDT

Signature [Signature]

100 E. Pennsylvania Ave, Ste. 210 Towson MD

Mailing Address 100 E. Pennsylvania Ave, Ste. 210 Towson MD

City Towson State MD

Zip Code 21204 Telephone # 410-296-3715 Email Address david@dmsdevelopment.com

Zip Code 21204 Telephone # 410-296-3715 Email Address david@dmsdevelopment.com

Attorney for Petitioner:

Timothy M. Kotroco, Esq.

Name- Type or Print Timothy M. Kotroco

Signature [Signature]

305 Washington Ave, Ste 502 Towson, MD

Mailing Address 305 Washington Ave, Ste 502 Towson, MD

City Towson State MD

Zip Code 21204 Telephone # 410-299-2943 Email Address tkotroco@gmail.com

Zip Code 21204 Telephone # 410-299-2943 Email Address tkotroco@gmail.com

Legal Owners (Petitioners):

EUGENE S. LORENZO

Name #1 - Type or Print EUGENE S. LORENZO Name #2 - Type or Print

Signature #1 [Signature] Signature #2

8110 Belair Road Baltimore, MD

Mailing Address 8110 Belair Road Baltimore, MD

City Baltimore State MD

Zip Code 21236 Telephone # 410-415-0123 Email Address nicole@recoveryhomeimprovement.com

Zip Code 21236 Telephone # 410-415-0123 Email Address nicole@recoveryhomeimprovement.com

Representative to be contacted:

Same as attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Zip Code Telephone # Email Address

CASE NUMBER 2020-0159-X4 Filing Date 7/13/20 Do Not Schedule Dates: Reviewer JS

[illegible]

Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher than the number of incorrect responses in all cases. The number of correct responses was significantly higher than the number of incorrect responses in all cases. The number of correct responses was significantly higher than the number of incorrect responses in all cases.

Journal of Management Inquiry, Vol. 17 No. 4, December 2008
DOI: 10.1177/1056492608325211
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[illegible][illegible]

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 250 million to 450 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

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Journal of Management Education 30(6)p.789-804
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<http://www.sagepub.com/journalsPermissions.nav>

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - 8100-8110 Belair Road - Case No: 2020-0159XA
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e0b0cd41e8b41e523ff12faf3979e23de>
Start: Mon 10/5/2020 1:30 PM
End: Mon 10/5/2020 2:30 PM
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: Donna Mignon (dmignon@baltimorecountymd.gov)

Event number (access code): 172 014 9914

Monday, October 5, 2020 1:30 pm, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e0b0cd41e8b41e523ff12faf3979>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e8f2054cbaafe547225bb814d07>

Start event

Audio conference information

+1-415-655-0001 US Toll

[Global call-in numbers](#)

Join from a video system or application

Dial 1720149914@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 665627

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

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e22f34b6b54a3494a448e4916dd666b99>

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

2000 10/10/00

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11915771
 Case #: 2020-0159-XA
 Description:

ZONING HEARING - CASE NUMBER: 2020-0159-XA

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: 2020-0159-XA

8100-8110 Belair Road

N/west corner of intersection of Belair Road and Putty Hill Avenue
 14th Election District- 5th Councilmanic District

Legal Owners: Eugene Lorenzo

Contract Purchaser/Lessee: Belair Hill, LLC

Special Exception to allow a fuel service station with a convenience store of 5,686 sq. ft. on an individual site. Variance to allow 9 stacking spaces in lieu of the required 12 spaces and to allow a 7.5 ft. landscape transition area in lieu of the required 10 ft. from a public right of way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property; and for such other and further relief as the nature of this cause may require.

Hearing: Wednesday, October 5, 2020 at 1:30 p.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 410-887-3668, ext. 0.

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

s15

CERTIFICATE OF POSTING

CASE NO. 2020-0159-XA

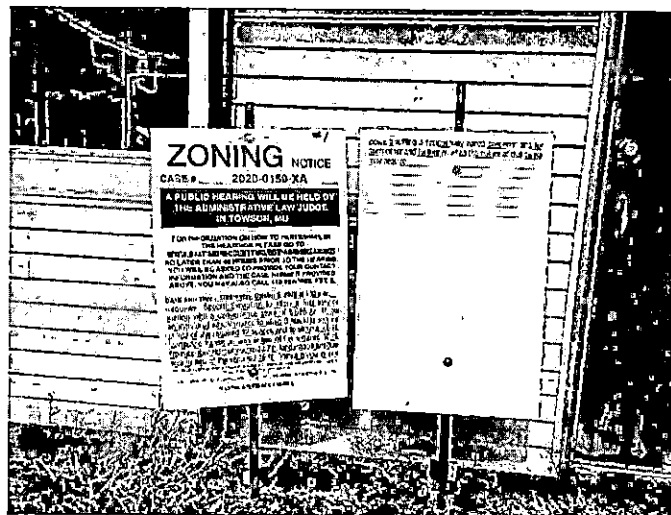
PETITIONER/DEVELOPER

Timothy M. Kotrocco

Wendy Crites

DATE OF HEARING/CLOSING

October 5, 2020



BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN :

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

8100-8110 Belair Road

SIGN 1

THE SIGN(S) POSTED ON September 15, 2020

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2020-0159-XA

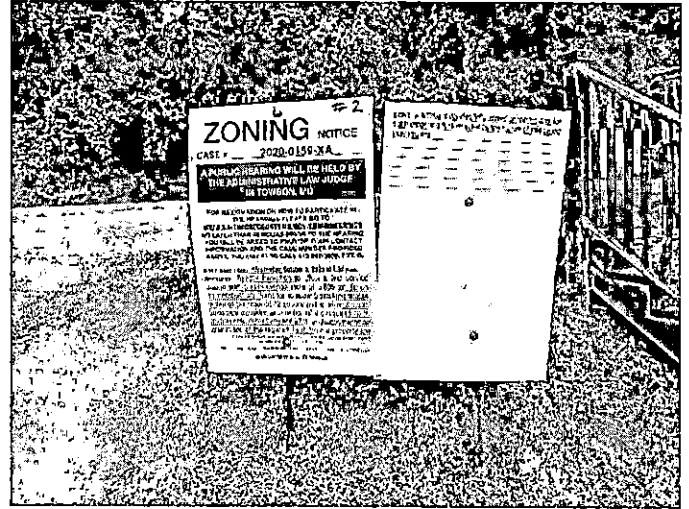
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October 5, 2020



BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

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8100-8110 Belair Road

SIGN 2

THE SIGN(S) POSTED ON September 15, 2020

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411



JOHN A. OLSZEWSKI, JR.
September 8, 2020

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

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14th Election District – 5th Councilmanic District

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Contract Purchaser/Lessee: Belair Hill, LLC

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

Michael Mallinoff
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Eugene Lorenzo, 8110 Belair Road, Baltimore 21236
Belair Hill, LLC, 100 E. Pennsylvania Avenue, Ste. 210, Towson 21204

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:

Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

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: 2020-0159-XA

8100-8110 Belair Road

N/west corner of intersection of Belair Road and Putty Hill Avenue

14th Election District – 5th Councilmanic District

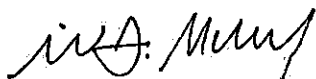
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Contract Purchaser/Lessee: Belair Hill, LLC

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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
8100-8110 Belair Road; NW corner of Belair	*	OF ADMINISTRATIVE
Road & Putty Hill Avenue		
14 th Election & 5 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Eugene Lorenzo & 8100		
Belair Limited Liability Company	*	BALTIMORE COUNTY
Contract Purchaser(s): Belair Hill LLC		
Petitioner(s)	*	2020-159-XA

* * * * *

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 23rd day of July, 2020, a copy of the foregoing Entry of Appearance was emailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, tkotroco@gmail.com, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TIMOTHY M. KOTROCO

Attorney at Law
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943
Tkotroco@gmail.com

July 7, 2020

Hand Delivered

Mr. Carl Richards, Zoning Supervisor
111 West Chesapeake Avenue
Towson, Maryland 21204

**Re: 8100 Belair Road
Petition for SPX & Variance for a
Fuel Service Station w/ Convenience Store**

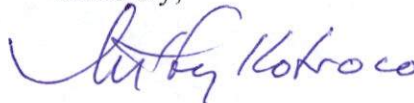
Dear Mr. Richards,

Please find attached for filing:

- 
- 
1. Zoning Petition for SPX & Variance (2 separate petitions included as there are two parcels involved with two separate owners)
 2. Attachment to Petition w/ zoning relief specified
 3. Property description
 4. Advertising form
 5. Zoning Map
 6. 12 copies of site plan to accompany zoning request
 7. Check to cover the cost of filing

Please let me know if you need any additional information. Thank you for processing this request.

Sincerely,



Timothy M. Kotroco

**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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2020-0159-XA

Property Address: 8100-8110 BELAIR ROAD

Property Description: _____

Legal Owners (Petitioners): EUGENE LORENZO + 8100 BELAIR LIMITED LIABILITY CO.

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco

Company/Firm (if applicable): Kotroco & Associates, LLC

Address: 305 Washington Ave Suite 502
Towson, MD 21204

Telephone Number: 410 299 2943



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 28, 2020

Timothy M. Kotroco,
305 Washington Ave Ste 502
Towson MD 21204

RE: Case Number: 2020-0159-XA, 8100-8110 Belair Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 13, 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 dark 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
Belair Hill LLC 100 E. Pennsylvania Ave Ste 210 Towson MD 21204

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: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0159-XA
Address 8100-8110 Belair Road
(Lorenzo & 8100 Belair, LLC
Property)

Zoning Advisory Committee Meeting of **July 27, 2020.**

 X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

 X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

 X This project will require presentation to the Development Review Committee (DRC) for determination of plan process prior to issuance of any permits for Grading or Construction.

Reviewer: Glenn Shaffer & Steve Ford

10-5-20
1:30 pm

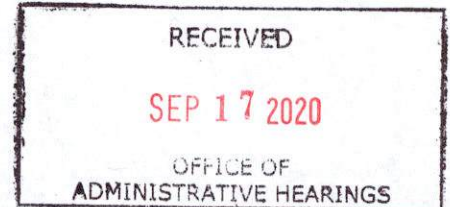
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 9/15/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-159



INFORMATION:

Property Address: 8100-8110 Belair Road
Petitioner: 8100 Belair Road LLC
Zoning: BL-AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the request for a Special Exception from Section 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station with a convenience store of 5,685 square feet on an individual site.

Variances were requested from Section 405.4.A.3.c.(2) of the BCZR to allow 9 stacking spaces in lieu of the required 12 spaces; and from Section 405.4.A.2.b to allow a 7.5 ft. landscape transition area in lieu of the required 10 feet from a public right of way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property.

A site visit was conducted on 8/12/2020. The site is located on the northwest corner of Putty Hill Road and Belair Road. The site was the subject of a CZMP issue in 2016 in which the site was granted the AS designation. The entrance to the site is from Putty Hill Avenue. This is a busy intersection with a fairly steep grade sloping down to Belair Road. It is located in the Overlea-Rossville Commercial Revitalization Area.

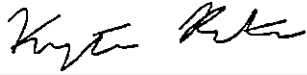
This Department of Planning has no objection to the requests provided the following are submitted for review and approval prior the issuance of permit:

1. Building elevations showing materials and colors for all four sides of the convenience store
2. All signage including elevations of the free standing, canopy, building and pump signs
3. Landscaping plan
4. Retaining wall materials and colors
5. Screening for the dumpster

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

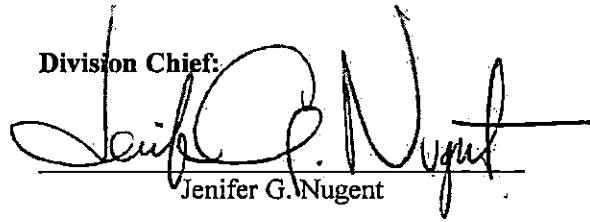
Date: 9/15/2020
Subject: ZAC # 20-159
Page 2

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

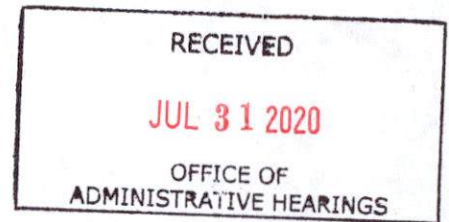
CPG/JGN/KP/

Cc: Laurie Hay

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy Kotroco, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

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BALTIMORE COUNTY, MARYLAND

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Reviewer: Glenn Shaffer & Steve Ford

PCL XL error

Warning: IllegalMediaSource

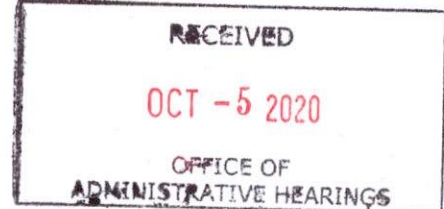
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TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-159

DATE: 9/15/2020



INFORMATION:

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Petitioner: 8100 Belair Road LLC
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4. Retaining wall materials and colors
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PETITIONER'S

EXHIBIT NO.

6A

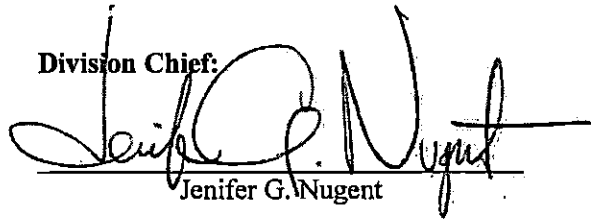
Date: 9/15/2020
Subject: ZAC # 20-159
Page 2

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

Cc: Laurie Hay

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy Kotroco, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

10-5-20
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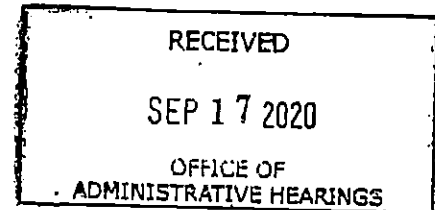
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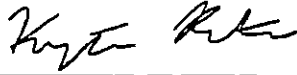
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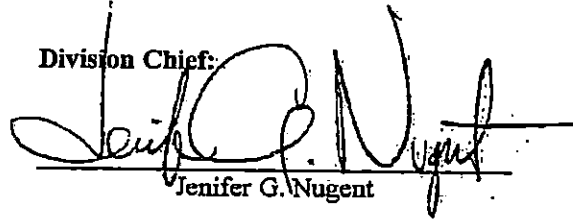
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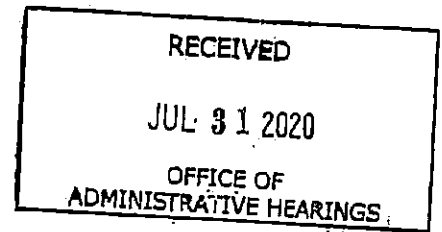
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Office of the Administrative Hearings
People's Counsel for Baltimore County

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: July 31, 2020

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Address 8100-8110 Belair Road
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Property)

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Reviewer: Glenn Shaffer & Steve Ford

16-5-20
1:30 pm

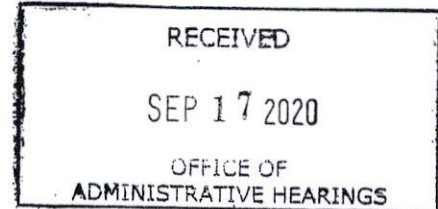
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2. All signage including elevations of the free standing, canopy, building and pump signs
3. Landscaping plan
4. Retaining wall materials and colors
5. Screening for the dumpster

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

ORDER RECEIVED FOR FILING

Date

By

10/9/20
D. Mignon

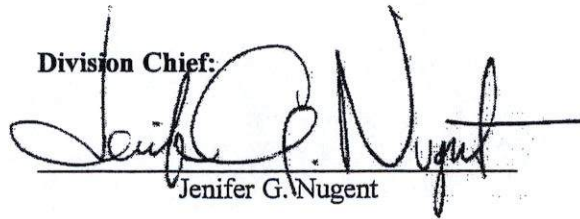
Date: 9/15/2020
Subject: ZAC # 20-159
Page 2

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

Cc: Laurie Hay

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy Kotroco, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

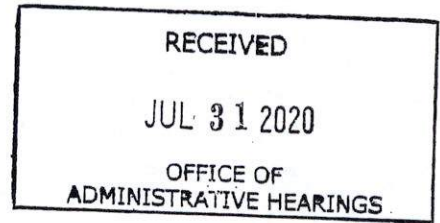
10/9/20

By

J. Mugnon

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: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0159-XA
Address 8100-8110 Belair Road
(Lorenzo & 8100 Belair, LLC
Property)

Zoning Advisory Committee Meeting of **July 27, 2020**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X This project will require presentation to the Development Review Committee (DRC) for determination of plan process prior to issuance of any permits for Grading or Construction.

Reviewer: Glenn Shaffer & Steve Ford

ORDER RECEIVED FOR FILING

Date 10/9/20

By J. M. Ligon

✓ Order
1+1

06 to 5th
@ 1:30

CASE NO. 2020-

0159-XA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

DEPS

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

FIRE DEPARTMENT

PLANNING

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

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:

SIGN POSTING (2nd)

Date:

by

by

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any:

Protestant - Kelly
Gloria

EX-1210

00-51-00

00-51-00

00-51-00

00-51-00

00-51-00

00-51-00

00-51-00

00-51-00

00-51-00

00-51-00

Donna Mignon

From: tkotroco@gmail.com
Sent: Sunday, October 4, 2020 9:32 PM
To: Administrative Hearings
Cc: Donna Mignon; Debra Wiley
Subject: RE: Please see the attached exhibits for Monday's Hearing

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

Dear ALJ Staff,

Could you please resend the Webex invitation to the participants for the hearing scheduled for Monday, October 5th at 1:30pm? Apparently we cannot find the invite in our email boxes.

Please send to our team at:

Tkotroco@gmail.com
David@dmsdevelopment.com
vzarski@bldginc.com
mkellman@dmw.com



Thank you. Sorry for the inconvenience.

Tim K.

Timothy M. Kotroco, Esq.
Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, Maryland 21204
Cell/Text: 410-299-2943

This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 410-299-2943.

From: tkotroco@gmail.com <tkotroco@gmail.com>
Sent: Thursday, October 1, 2020 8:53 AM
To: administrativehearings@baltimorecountymd.gov
Cc: tkotroco@gmail.com
Subject: Please see the attached exhibits for Monday's Hearing

Dear ALJ Staff,

Please see the attached exhibits for Monday afternoon's Hearing. Thank you.

Timothy M. Kotroco, Esq.

Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, Maryland 21204
Cell/Text: 410-299-2943

This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 410-299-2943.

Donna Mignon

From: mert1114@aol.com
Sent: Friday, October 2, 2020 3:37 PM
To: Donna Mignon
Subject: 2nd set of certificates
Attachments: Crites 1A.docx; Crites 2A.docx; Jones 1A.docx; Jones 2A.docx

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

8100-8110 Belair road and 9830 Reisterstown Rd. Have a good weekend

Sent from Mail for Windows 10
Martin Ogle



Case No.: 2020-0159-XA – 8100 -8110 Belair Road – October 5, 2020 @ 1:30 p.m.

Exhibit Sheet

Petitioner/Developer

Protestants

DW
11-10-20

10/8/20
Dmignon

No. 1	Site Plan	Email
No. 2A & 2B	Photos	
No. 3	Site Plan	
No. 4	Photo – Locality or Neighborhood	
No. 5	Aerial Photos	
No. 6A	Department of Planning comment	
No. 6B	Site Plan – Proposed Conditions	
No. 6C	CV – Resume – Walenty Zarski	
No. 6D	Photos	
No. 7		
No. 8		

ROCK-OF-WAY LINE	
PROPERTY LINE	
EX. EASEMENT	
ZONING LINE	
EX. CONCRETE CURB AND GUTTER TO BE REMOVED	
EX. EDGE OF PAVEMENT	
EX. CONCRETE DRIVEWAY DESIGNATION	
EX. DRAIN	
EX. SOIL	
EX. CROWN SIDE FENCE	
EX. STORM DRAIN (SHOULDER & WET)	
EX. SAND/GRV. FILL (SHOULDER & CROWN)	
EX. WATER MAIN (VALVE & FIRE HYDRANT)	
EX. ELECTRIC LINE	
EX. GAS LINE	
EX. TO EXISTING LINE, POLE & JOINT	
EX. POLE WITH LIGHT	
EX. UTILITY POLE & GUT WIRE	
EX. OVERHEAD LINE	
EX. MOIST CONTINUOUS	
EX. INTERMEDIATE CONTINUOUS	
EX. TREE LINE	
EX. TREE TO BE REMOVED	
EXISTING DESIGNATION	
MAKING RESTRICTION LINE	
PR. CONCRETE CURB & GUTTER	
PR. CONCRETE	
PR. MOIST CONTINUOUS	
PR. INTERMEDIATE CONTINUOUS	
PR. RETAINING WALL	
PR. PARKING CANT	
"PROPOSED" DESIGNATION	

THE PETITIONER REQUESTS THE FOLLOWING ZONING RELIEF:

SPECIAL EXCEPTION RELIEF

1. FROM SECTION 405.8.1.2 OF THE BCH TO ALLOW A FUEL SERVICE STATION WITH A CONVENIENCE STORE OF 5,000 SQ. FT. ON AN INDIVIDUAL SITE

VARIANCE RELIEF:

1. FROM SECTION 405.8.4.3.C.7/D OF THE BCH TO ALLOW 8 STACKING SPACES IN LIEU OF THE REQUIRED 10 SPACES AND

2. FROM SECTION 405.8.4.3.1 TO ALLOW A 7.5 FT. LANDSCAPE TRANSITION STRIP LIEU OF THE REQUIRED 10 FT. FROM A PUBLIC RIGHT OF WAY AND A 9 FT. LANDSCAPE TRANSITION AREA IN LIEU OF THE REQUIRED 10 FROM A PROPERTY LINE ADJUTING A RESIDENTIALLY ZONED PROPERTY.

1. CASE NO. 97-299
EASEMENT FOR RECLASSIFICATION FROM RM 3.5 TO RM ZONE,
GRANTED APR. 28, 2007.
2. CASE NO. 98-0017-SPE
VARIANCE FROM EASEMENT BETWEEN THE BEGIN TO ALLOW
A RETRACTION OF 20 FT TO A PROPERTY LINE FOR COMMERCIAL
PARKING A RETRACTION FROM THE EASEMENT AREA 210.0' WED
OF THE REQUIRED 35 FT. AND TO ALLOW A RETRACTION
OF 20 FT. ON THE EASEMENT AREA 10.0' WED OF THE REQUIRED 30 FT.
GRANTED ON EASEMENT, APR. 28, 2008.
3. CASE NO. 98-0018-SPE
VARIANCE FROM EASEMENT BETWEEN THE BEGIN TO ALLOW
A RETRACTION OF 20 FT TO A PROPERTY LINE FOR COMMERCIAL
PARKING A RETRACTION FROM THE EASEMENT AREA 210.0' WED
OF THE REQUIRED 35 FT. AND TO ALLOW A RETRACTION
OF 20 FT. ON THE EASEMENT AREA 10.0' WED OF THE REQUIRED 30 FT.
GRANTED ON EASEMENT, APR. 28, 2008.

REQUEST FOR LIMITED EXEMPTION UNDER SECTION 32-4-106 (MAILED FOR
ATTENTION) OF RTR WAS GRANTED ON MAY 12, 2010. DMC-0417206.

1. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN FIVE MILES OF THIS SITE.

2. REQUIRED FIVE AREA:

- FIVE AREA WITHIN 132 FUELING POSITIONS = 1,500 SF = 19,000 SF
- CONVEYORS (1000 14 = 3,363 SF) = 22,240 SF
- ATM MACHINE (2 = 1,000 SF) = 2,000 SF

TOTAL AREA REQUIRED = 42,240 SF

TOTAL AREA PROVIDED = 96,378 SF

[illegible]

PARKING SPACES REQUIRED
CONVENTION STORES 8 AM TO 4 PM - 29.33 PS
100 PER EMPLOYEE ON LARGEST SHIFT - 1412 EMPLOYEES - 0 PS
FIVE AM LUNCH - 1000 - 0 PS
100 PER ATHLETE - 40 ATH - 0 PS
TOTAL PARKING SPACES REQUIRED - 40 PS

PARKING SPACES PROVIDED INCLUDE HOOP SPACES - 80 PS

STANDARD PARKING SPACES 8' X 12' AND 10' X 12'
PARALLEL PARKING SPACES 8' X 12'

NOTE:
THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

8100 BELAIR LLC
C/O RYAN'S RELICS
8100 BELAIR RD
BALTIMORE MD 21236

EUGENE S. LORENZO
8100 BELAIR ROAD, APT. B
BALTIMORE MD 21236

BELAIR HILL LLC

REVISIONS			
DATE	NO.	DESCRIPTION	BY

COUNTY, MARYLAND

V-1

SHEET 1 OF 1

PETITIONER'S

EXHIBIT NO.

PETITIONER'S

EXHIBIT NO.

2A



PETITIONER'S

EXHIBIT NO.

2B



RIGHT-OF-WAY LINE
PROPERTY LINE
EX. EASEMENT
ZONING LINE

EX. CONCRETE CURB AND GUTTER
EX. CURE AND GUTTER
TO BE REMOVED
EX. EDGE OF PAVEMENT
EX. CONCERN

TO BE REMOVED
DEMOLITION

EX. SIGN
EX. DRIVE LANE FENCE
EX. STORM DRAIN
EX. SANITARY SEWER
WATER & GAS MAINS
EX. WATER MAIN VALVE & FIRE HYDRANT

EX. ELECTRIC LINE
EX. CAR LAMP

EX. TELEPHONE LINE
POLE & CROSS ARM
EX. POLE WITH LIGHT
EX. UTILITY POLE &
OUT WIRE
EX. OVERHEAD LINE

EX. BRICK FOUNDATION
EX. INFORMATIVE CONTIGUOUS
EX. TREE LINE
EX. TRUNK

TO BE REMOVED
EXISTING OBSTRUCTION
BUILDING RESTRICTION LINE

PUR. CONCRETE CURB & GUTTER
PUR. CONCERN

PUR. INDEX CONTIGUOUS
PUR. INTERMEDIATE CONTIGUOUS
PUR. RETAINING WALL
PUR. PARKING CURB

TO BE RECONSTRUCTED

(7) 0

REQUEST FOR LIMITED EXEMPTION UNDER SECTION 32-4-106 (b)(6) FOR
REDEVELOPMENT OF SITE WAS GRANTED ON MAR 12, 2020. DRC-0512206

1. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THIS SITE

2. REQUIRED SITE AREA:

- FUEL SERVICE STATION (2 FUELING POSITIONS x 1,000 SF) = 2,000 SF
- CONVENIENCE STORE (1 x 2,500 SF) = 2,500 SF
- ATM MACHINE (2 x 1,000 SF) = 2,000 SF

TOTAL AREA REQUIRED = 6,500 SF

- [illegible]

THE PETITIONER REQUESTS THE FOLLOWING ZONING RELIEF:
SPECIAL (EXCEPTION) RELIEF:

1. FROM SECTION 405.8.1.1 OF THE BCZ TO ALLOW A FUEL SERVICE STATION WITH A CONCRETE FLOOR OF 5,885 SQ. FT. ON AN INDIVIDUAL SITE.

VARIANCE RELIEF:

1. FROM SECTION 405.8.3.1.C.1 OF THE BCZ TO ALLOW 8 STOKING SPACES IN LIEU OF THE REQUIRED 12 SPACES AND
2. FROM SECTION 405.8.3.2.1 OF THE BCZ TO ALLOW A 2.5 FT. LANDSCAPE TRANSITION STRIP IN LIEU OF THE REQUIRED 3 FT. LANDSCAPE TRANSITION STRIP AND
3. FROM SECTION 405.8.3.2.2 OF THE BCZ TO ALLOW A 7 FT. LANDSCAPE TRANSITION STRIP IN LIEU OF THE REQUIRED 10 FT. LANDSCAPE TRANSITION STRIP.

FOR A PROPERTY LINE ADJACENT A RESIDENTIALLY ZONED PROPERTY MAY BE USED FOR SUCH LIKE AND FURTHER RELIEF AS THE NATURE OF THIS CASE MAY REQUIRE.

1. CASE NO. 97-298
PETITION FOR RECLASSIFICATION FROM OR 5.5 TO BL ZONE
GRANTED APRIL 26, 1997
2. CASE NO. 98-0417-SPH
VARIANCE FROM SECTION FOUR(B) OF THE SUBD TO ALLOW
A TRUCK OF 35 FT BY 10 FT A PROPERTY LINE FOR COMMERCIAL
PARKING IN A RESIDENTIAL TRANSITION AREA (ITAL IN LEO)
OF THE REQUIRED 75 FT, AND TO ALLOW A BUFFER OF
30 FT IN AN AREA IN LIEU OF THE REQUIRED 50 FT
GRANTED WITH RESTRICTION, JUNE 26, 1998
3. CASE NO. 99-0052-SPH
GRANTED OCTOBER 31, 1999.

Baltimore Land Design Group, Inc.
Consulting Engineers

15000 HILLOCRIST'S LANE • BURN WILLY, MARYLAND 21032
PHONE: 410-229-0800 • FAX: 410-279-0805 • BURNWILLY@GMAIL.COM



HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, NINA ROSTEK-ZAPSKA, AND THAT I AM A FULLY
LICENSED PROFESSIONAL CHARTER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE AUGUST 1, 2022.

8100 BELAIR LLC
C/O RYAN'S RELICS
8100 BELAIR RD
BALTIMORE MD 21236

EUGENE S. LORENZO
8110 BELAIR ROAD, APT. 8
BALTIMORE MD 21236

BELAIR HILL LLC
100 E. PENNSYLVANIA AVE.
SUITE 210
TOWSON, MARYLAND 21286
PHONE (410) 296-3715

[illegible]

BALTIMORE COUNTY, MARYLAND
BALTIMORE, MD 21236

V-1

Sweet, Joe

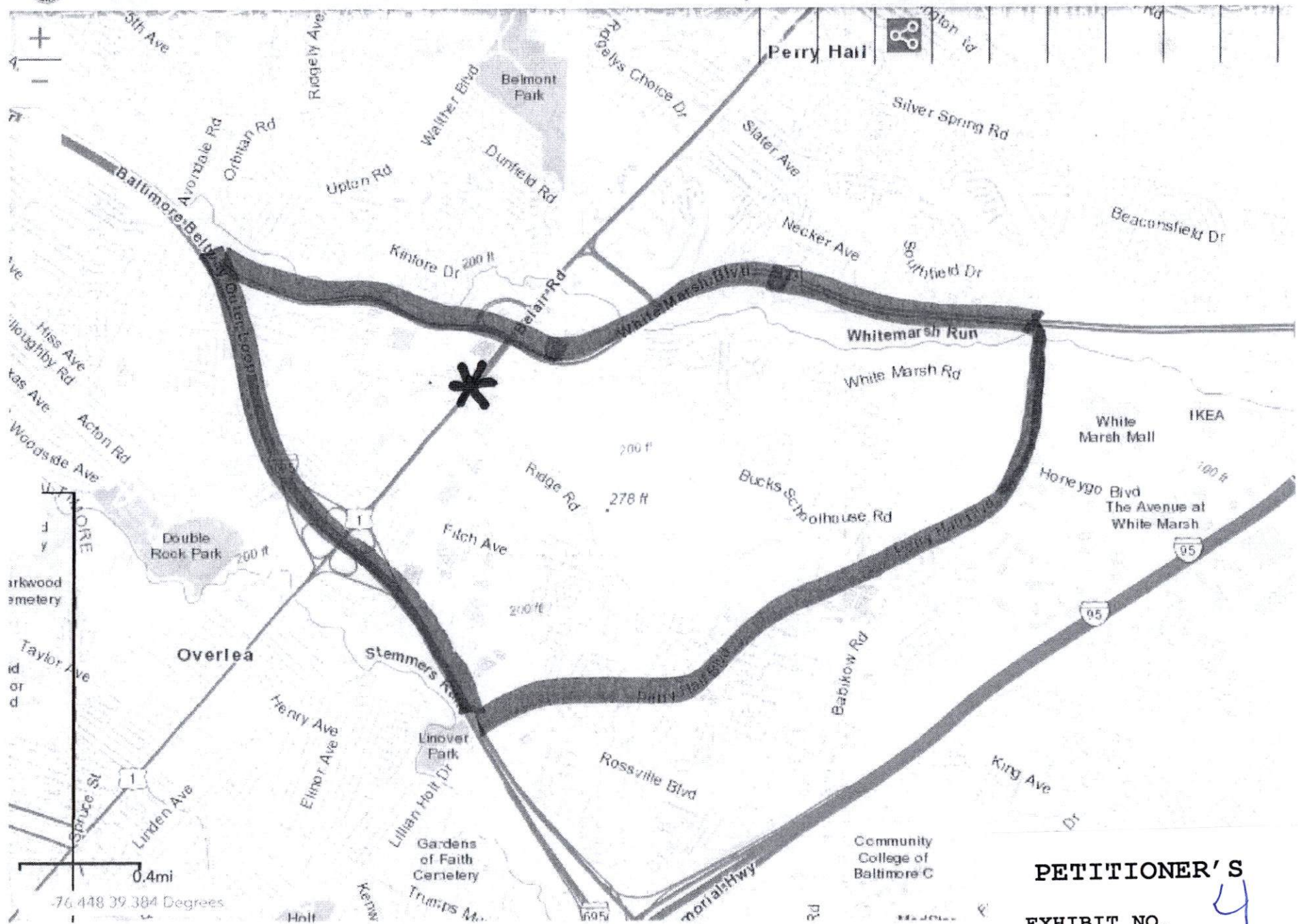
EXHIBIT NO.

(3)



Baltimore County - My Neighborhood

"Locality or Neighborhood"



PETITIONER'S

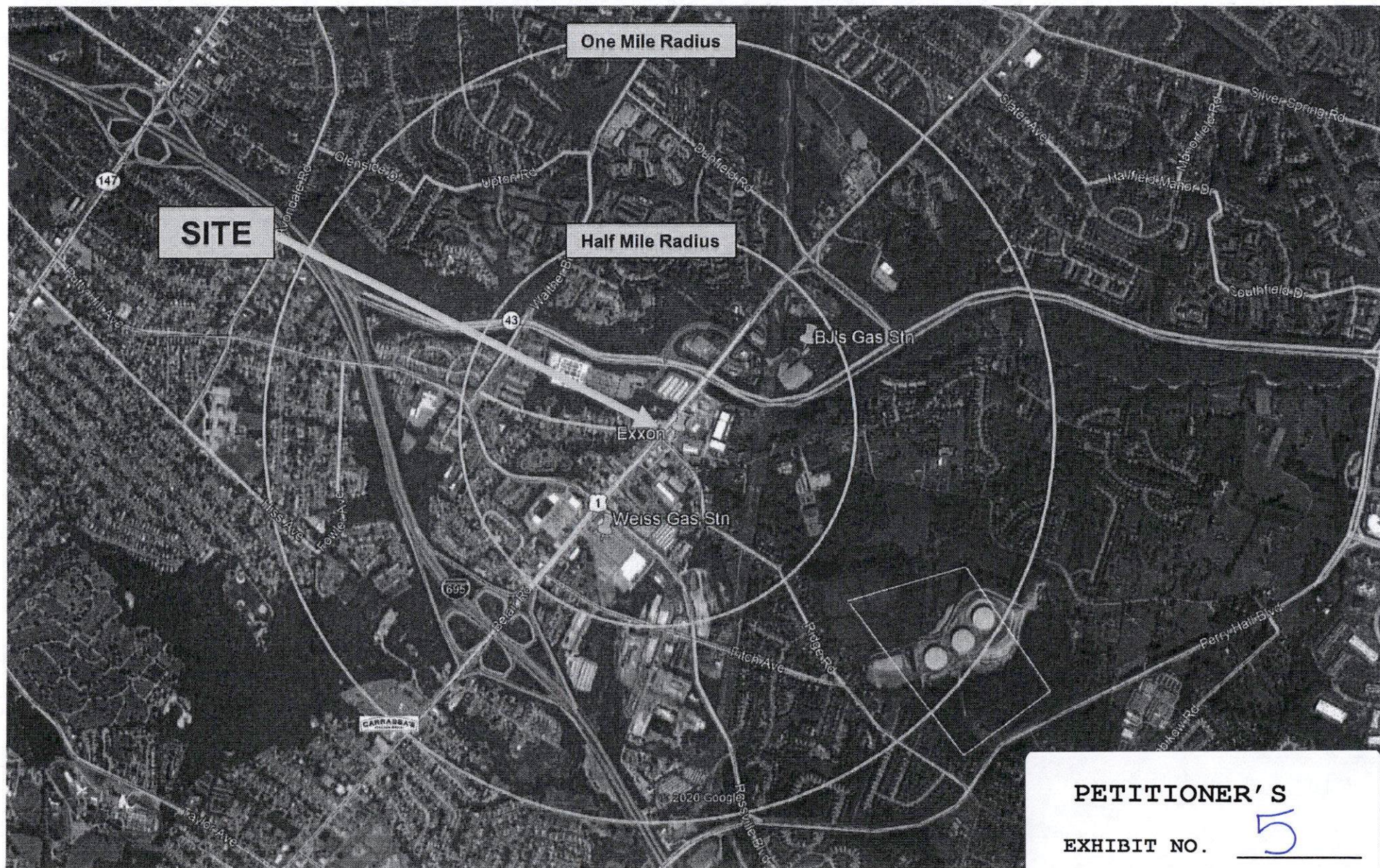
EXHIBIT NO.

4



SITE: 8100 Belair Rd, Nottingham, MD 21236

- There are no closed gas stations within a 1-mile radius of the site.
- There are three operating gas stations within a 1-mile radius of the site.





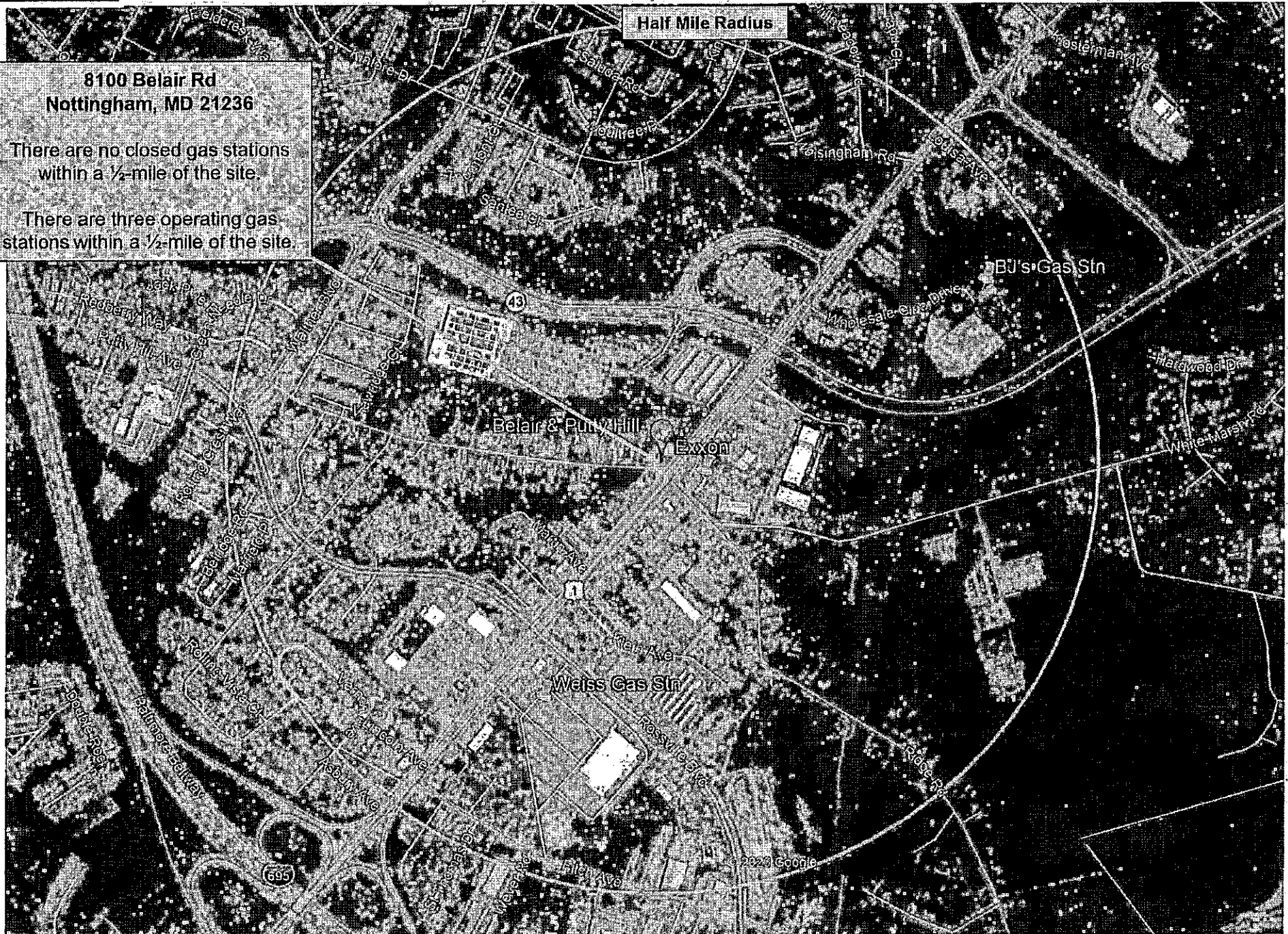
DMS Development | 410-296-3715 | david@dmsdevelopment.com

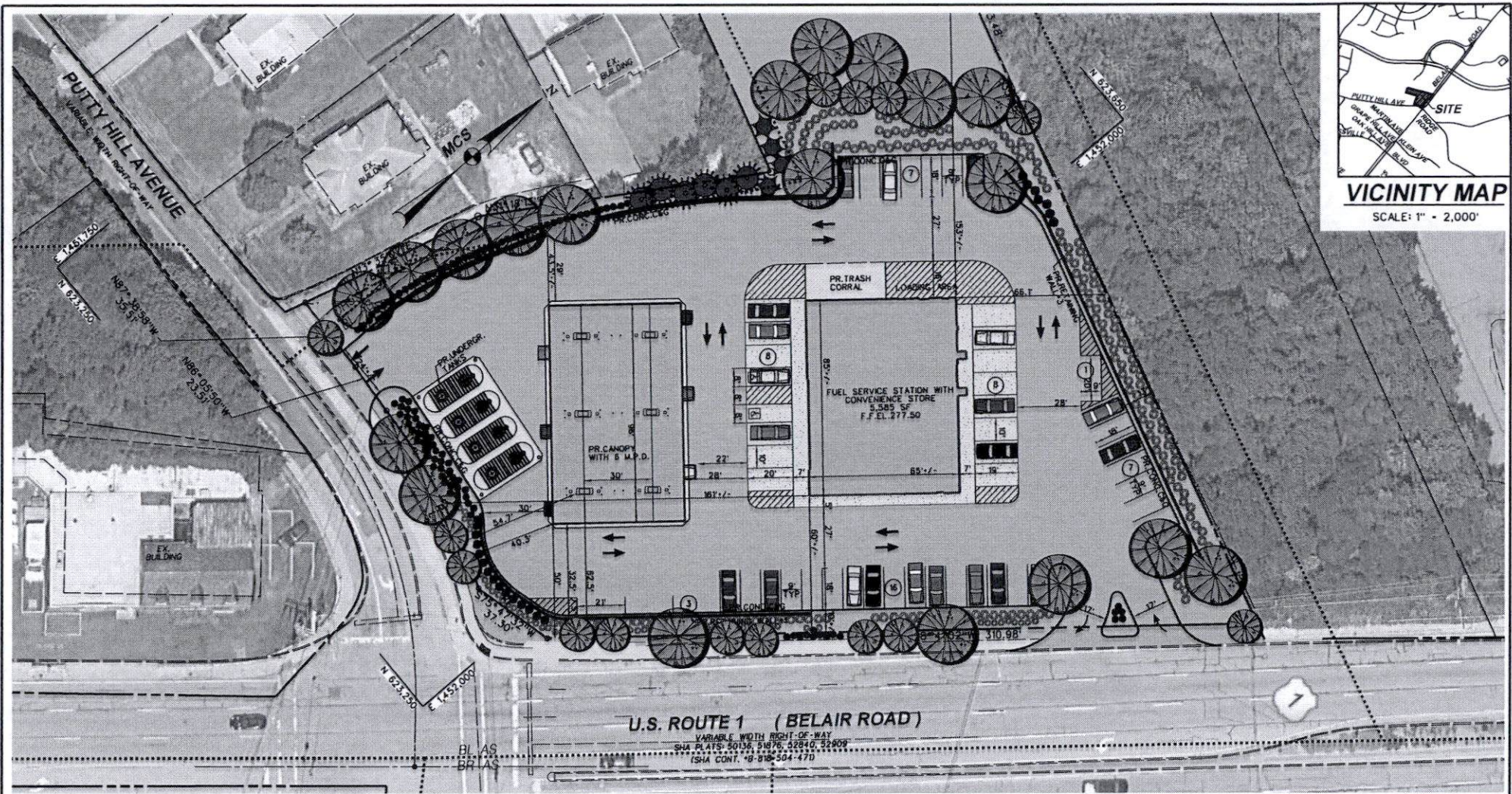
Half Mile Radius

8100 Belair Rd
Nottingham, MD 21236

There are no closed gas stations
within a ½-mile of the site.

There are three operating gas
stations within a ½-mile of the site.





BLDG

Baltimore Land Design Group Inc.
Consulting Engineers

230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

PROPOSED CONDITIONS

PROPOSED CONDITIONS
**FUEL SERVICE STATION
WITH CONVENIENCE STORE**

8100 - 8110 BELAIR RD
BALTIMORE MD 21236

BALTIMORE
SCALE: 1"

DISTRICT: 14, C5
SEPTEMBER, 2020

PETITIONER'S

EXHIBIT NO.

LOB

PETITIONER' S

EXHIBIT NO. 60C

Walenty Zarski

24 English Saddle Court
Parkton, Maryland, 21120
410-343-1208

Education

Masters of Science in Civil Engineering, Polytechnic of Bialystok / Technical University,
Bialystok, Poland, June 1981, *with honors*

Summary of Qualifications

- Engineer with over 30 years of experience in site development engineering, planning and management for various commercial, industrial, institutional and residential projects.
- Background in design, budget management, cost estimating, project scheduling, project coordination with the design team, design and construction supervision, obtaining regulatory land-use approvals and permits, bidding procedures.
- Experience in developing innovative and the most cost effective design solutions.
- Strengths in design and analysis of site planning, water and wastewater systems, close and open channel drainage systems, roads, site grading, and erosion and sediment control.

Work Experience

September 1999 – present

Project Manager, Baltimore Land Design Group, Inc.,
Hunt Valley, Maryland.
Responsible for various tasks related to management, design and coordination of civil engineering projects.
Engineering tasks include: general site planning and design; design of erosion and sediment control, utilities, roads and storm water drainage systems; grading studies; earth quantity take-offs; construction cost analysis; obtaining plan approvals and construction permits; preparation of construction drawings.

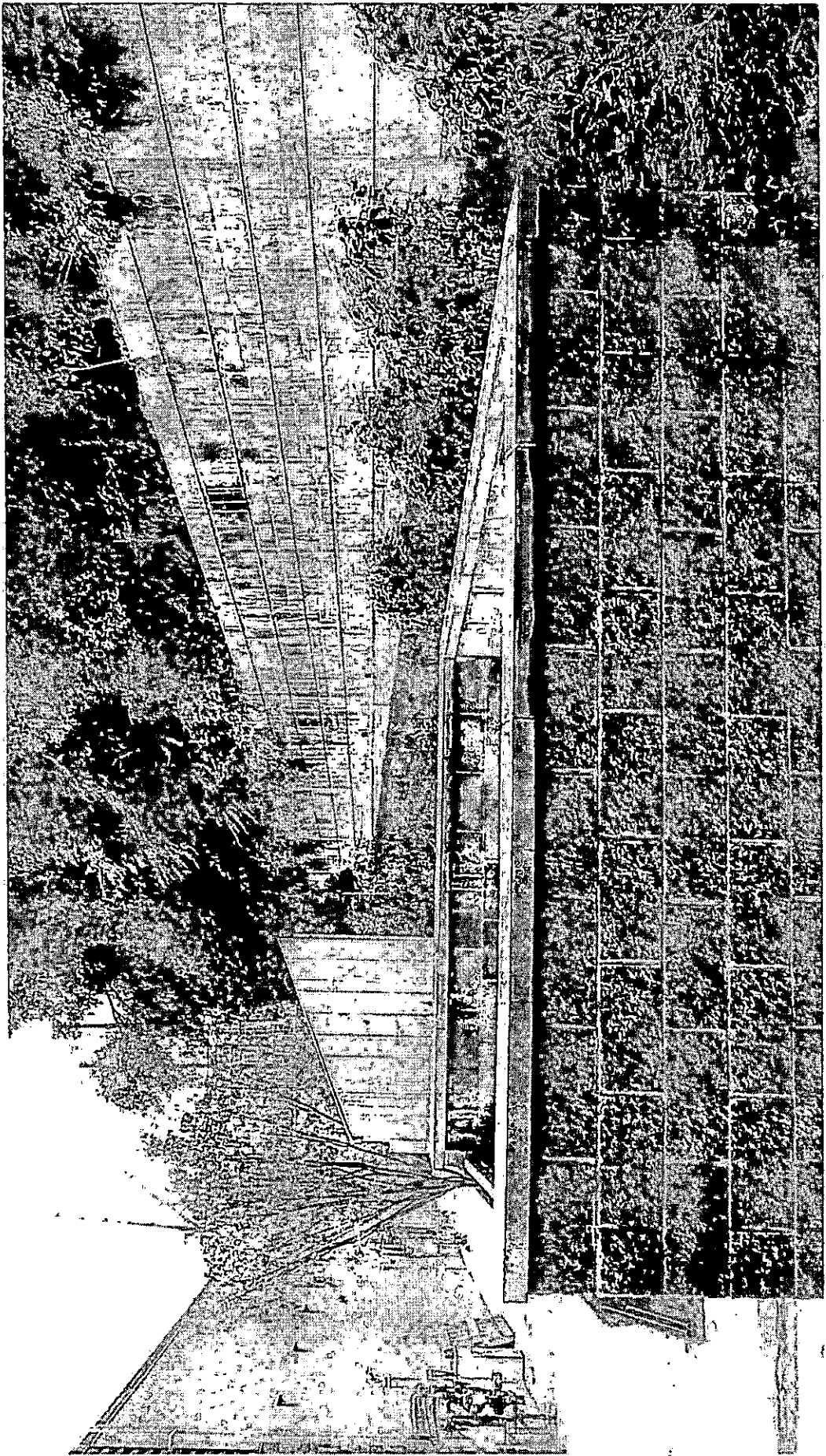
April 1986 - September 1999

Senior Associate and Project Manager, George William Stephens, Jr. and Associates, Inc., Towson, Maryland.
Responsible for overall engineering tasks related to management, design, budgeting and scheduling of the civil engineering projects, and preparation of proposals for the new projects.
Supervised engineering staff and handled employees' evaluations.
Engineering tasks included: comprehensive site planning and design; erosion and sediment control; grading studies; utilities; road plans; earth quantity take-offs; project scheduling and budgeting; assistance in bidding and contracting construction work; preparation of contract documents; specification writing; expediting issuance of construction permits.



PETITIONER' S

EXHIBIT NO. LOD



**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 9/15/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-159

INFORMATION:

Property Address: 8100-8110 Belair Road
Petitioner: 8100 Belair Road LLC
Zoning: BL-AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the request for a Special Exception from Section 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station with a convenience store of 5,685 square feet on an individual site.

Variances were requested from Section 405.4.A.3.c.(2) of the BCZR to allow 9 stacking spaces in lieu of the required 12 spaces; and from Section 405.4.A.2.b to allow a 7.5 ft. landscape transition area in lieu of the required 10 feet from a public right of way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property.

A site visit was conducted on 8/12/2020. The site is located on the northwest corner of Putty Hill Road and Belair Road. The site was the subject of a CZMP issue in 2016 in which the site was granted the AS designation. The entrance to the site is from Putty Hill Avenue. This is a busy intersection with a fairly steep grade sloping down to Belair Road. It is located in the Overlea-Rossville Commercial Revitalization Area.

This Department of Planning has no objection to the requests provided the following are submitted for review and approval prior the issuance of permit:

1. Building elevations showing materials and colors for all four sides of the convenience store
2. All signage including elevations of the free standing, canopy, building and pump signs
3. Landscaping plan
4. Retaining wall materials and colors
5. Screening for the dumpster

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

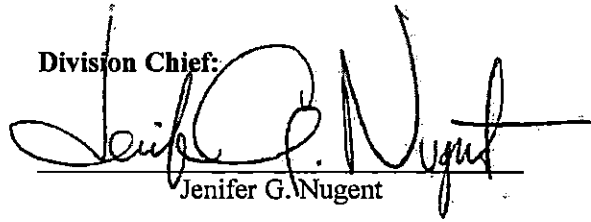
Date: 9/15/2020
Subject: ZAC # 20-159
Page 2

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

Cc: Laurie Hay

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy Kotroco, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

Donna Mignon

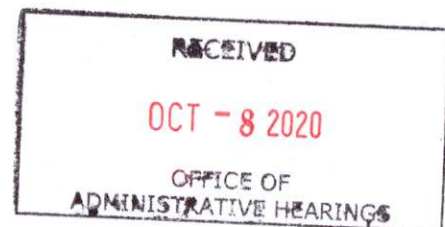
From: gloria kelly <g7kelly@yahoo.com>
Sent: Thursday, October 8, 2020 1:37 PM
To: Administrative Hearings
Subject: Fwd: Case # 20-20-0159-XA

CAUTION: This message from g7kelly@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.

G. Kelly

Begin forwarded message:

From: "G.Kelly" <g7kelly@yahoo.com>
Date: October 7, 2020 at 8:57:33 AM EDT
To: adminmistrativehearings@baltimorecountymd.gov
Subject: RE: Case # 20-20-0159-XA



Dear Sir:

I am writing my opposition to the above mentioned case for the following reasons and would appreciate if you would take my comments into consideration before your ruling.

Somewhere in the Master Plan for 2010 it stated that there should be no more gas stations between Henry Avenue and Putty Hill Avenue. Since then, we have added Royal Farms and Wies Grocery Store, with the on and off ramps of the beltway in-between.

Between Henry Avenue and Wholesale Club Drive (BJ's) for a total of 1.3 miles on Belair Road there are currently 48 gas pumps with 4 convenience stores and three grocery stores not to mention all the strip malls.

After Wholesale Club Drive there is not another gas station until you actually hit Perry Hall. People in the surrounding communities are already complaining on the neighborhood website that the traffic on Belair Road and Glade and Henry Avenues is very dangerous as there have already been a few accidents there since Royal Farms has opened.

I feel there is no green space around for the people in surrounding communities even up to the aforementioned property is way overdeveloped.

Thank you for the opportunity, to express my views. I most certainly would have done this during the hearing but the information that was put on the county website was inaccurate.

PROTESTANT' S

EXHIBIT NO. _____

G. Kelly
7843 ST. Thomas Drive
Nottingham, MD 21236

Pm 10-9-20

Debra Wiley

From: Debra Wiley
Sent: Monday, March 14, 2022 1:31 PM
To: tkotroco@gmail.com
Cc: Peoples Counsel; Donna Mignon
Subject: Case No. 2020-0159-XA - 8100-8110 Belair Road
Attachments: 20220314133601624.pdf

Good Afternoon Mr. Kotroco,

Please find attached ALJ Mayhew's approval of the above-referenced request for extension of time for utilization of Special Exception.

Have a great day !

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Monday, March 14, 2022 1:36 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Paul Mayhew <pmayhew@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 03.14.2022 13:36:01 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943
Tkotroco@gmail.com

March 9, 2022

The Honorable Paul Mayhew
Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

**RE: Request for Extension of Time for
Utilization of Special Exception
8100-8110 Belair Road, Case No. 2020-0159-XA**

Dear Judge Mayhew,

In accordance with section 502.3 of the Baltimore County zoning regulations, (copy attached). I am hereby requesting an extension of time for utilization of the special exception granted in case number 2020-0159-XA.

This particular special exception request came in for a hearing before you on October 5, 2020. You approved the special exception request for a fuel station and convenience store by the order dated the 9th day of October 2020. No appeal was filed from the granting of the special exception. (A copy of that decision is attached to this letter.)

Given the current state of our economy, the delays and problems associated with the COVID-19 pandemic, and for other matters impacting the development process and issuance of permits for this property, I am requesting a three year extension of time from the date of the expiration of your Order within which to utilize this special exception. If approved, the new date within which to utilize this special exception request will be October 10th 2025. Thank you for consideration of this request.

Very truly yours,



Timothy M. Kotroco

After considering this request for extension and for good cause stated, I hereby grant an additional extension of time of 3 years from the date of the expiration of the October 9th order. The new expiration date within which to utilize this special exception shall be October 10, 2025.


Paul Mayhew, Administrative Law Judge

3/14/22

CC: People's Counsel for Baltimore County

[Bill Nos. 42-1962; 85-1967; 68-1968; 172-1993]

A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception.



JOHN A. OLSZEWSKI, JR.
County Executive

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

October 9, 2020

Timothy Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Petition for Special Exception and Variance
Case No. 2020-0159-XA
Property: 8100-8110 Belair Road

Dear Mr. Kotroco:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

Enclosure

c: Belair Hill, LLC, David Schlachman, 100 E. Pennsylvania Avenue, Suite 210,
Towson, MD 21204
Eugene S. Lorenzo, 8110 Belair Road, Baltimore, MD 21236
Gloria Kelly, 7843 St. Thomas Drive, Nottingham, MD 21236

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(8100-8110 Belair Road)
14th Election District
5th Council District
Eugene S. Lorenzo
*Legal Owner***

**Belair Hill, LLC
*Contract Purchaser/Lessee***

Petitioners

*

*

*

*

*

*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No: 2020-0159-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 8100-8110 Belair Road. The Petitions were filed on behalf of Eugene S. Lorenzo, legal owner and Belair Hill, LLC, Contract Purchaser/Lessee ("Petitioners"). The Special Exception petition seeks from § 405.2.B.1 of the Baltimore County Zoning Regulations ("BCZR"), to allow a fuel service station with a convenience store of 5,685 sq. ft. on an individual site. The Petition for Variance seeks relief from § 405.4.A.3.c(2) of the BCZR to allow nine (9) stacking spaces in lieu of the required 12 spaces. Also, relief from § 405.4.A.2.b, to allow a 7.5 ft. landscape transition area in lieu of the required 10 ft. from a public right-of-way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property. For such other and further relief as the nature of this cause may require.

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

Appearing in support of the petitions were Eugene Lorenzo, the property owner, and David Schlachman, the contract purchaser. Walenty Zarski, the civil engineer who helped prepare the site plan also appeared, as did Mitch Kellman, who was accepted as an expert in zoning, land use, and the BCZR. Timothy Kotroco, Esq. represented the Petitioners.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) dated September 15, 2020. ZAC comment was also received from the Department of Environmental Protection and Sustainability Development Coordination (“DEPS”). They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order. There was no community opposition at the hearing, although an email opposing the petition was received and will be admitted as Protestant’s Exhibit 1.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Kotroco explained that the subject property is the former site of “Mimi Lorenzo’s,” a restaurant and bar that operated there for many years. The structure on the site now houses an antique store. He explained that if the requested relief is granted that structure will be razed. Mr. Zarski explained the site plan in detail, and pointed out that a substantial portion on the west side of the property will remain undeveloped and forested, in compliance with the forest conservation

provisions set forth in B.C.C. Section 33-6-101 *et seq.* He and Mr. Kellman also explained the unique shape and grade changes at the site. Mr. Kotroco submitted an aerial map of the vicinity showing that, in accordance with BCZR § 405.3 there is not an abandoned fuel service station within a half mile of the site, nor two abandoned fuel service stations within a mile. *See*, Petitioner's Exhibit 5. Mr. Kellman testified that in his expert opinion the proposed fuel station and convenience store comply with all the requirement of BCZR § 502.1 and the requested relief is within the spirit and intent of the BCZR.

The email received from Ms. Gloria Kelly (Protestant's Exhibit 1) opposes the construction of this fuel station/convenience store because there are already several other such businesses in the area, as well as grocery stores and other businesses. In her view this proposed business is simply not needed and not wanted.

While I understand and appreciate Ms. Kelly's position, I find that based on the entire record evidence that the requested relief must be granted under the legal presumptions in favor of special exception uses. *Schultz v. Pritts, supra.*

VARIANCE

Under BCZR § 307, and Maryland common law, in order to be entitled to variance relief the Petitioner must satisfy a two-step legal analysis, 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 is what necessitates the requested variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, supra.

As discussed above, the property in this case is unique based on its irregular shape and significant grade changes. Further, it is these unique features which necessitate the requested

variance relief. I further find that the Petitioner would suffer harm and practical difficulty if the variance are denied because they would be unable to construct the proposed project. Finally, I find that the relatively modest variances can be granted within the spirit and intent of the BCZR and without harming the public health, safety, or welfare.

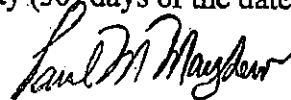
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this day 9th of **October, 2020** that the Petition for Special Exception to permit pursuant to § § 405.2.B.1 of the BCZR to allow a fuel service station with a convenience store of 5,685 sq. ft. on an individual site be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from § 405.4.A.3.c.(2) of BCZR to allow nine (9) stacking spaces in lieu of the required 12 spaces; and from § 405.4.A.2.b, to allow a 7.5 ft. landscape transition area in lieu of the required 10 ft. from a public right-of-way and a 7 ft. landscape transition area in lieu of the required 15 ft. from a property line abutting a residentially zoned property be and hereby are GRANTED .

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.
- Prior to issuance of permits, Petitioners must comply with the ZAC comments made by the DOP and DEPS, a copy of which is attached hereto and made a part hereof.

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

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Sunday, September 6, 2020 9:19 AM
To: Donna Mignon; Debra Wiley
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Gloria
Last Name	Kelly
Email	G7kelly@yahoo.com
Phone	410 -456-7029
Address	7843 St Thomas Drive
City	Nottingham
State	Maryland
ZIP Code	21236
Case Number	8100-8400 belairroad
Scheduled Hearing Date	October 5,2020

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

[Select Contacts...](#)
[Import Contacts...](#)

Panelists to Invite

Name	Email address	Phone number	Language	Time Zone	Locale
☐ <u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>David Schlachman</u>	david@dmsdevelopment.com	1-	English	New York Time	U.S.
☐ <u>Eugene Lorenzo</u>	nicole@recoveryhomeimprovement.com	1-	English	New York Time	U.S.
☐ <u>Gloria Kelly</u>	g7kelly@yahoo.com	1-	English	New York Time	U.S.
☐ <u>Kim Hoshall</u>	kim@dmsdevelopment.com	1-	English	New York Time	U.S.
☐ <u>Michael Ertel</u>	michael@dmsdevelopment.com	1-	English	New York Time	U.S.
☐ <u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Tim Kotroco</u>	tkotroco@gmail.com	1-	English	New York Time	U.S.
☐ <u>Valek Zarski</u>	vzarski@bldginc.com	1-	English	New York Time	U.S.
☐ <u>Wendy Crites</u>	wendy@dmsdevelopment.com	1-	English	New York Time	U.S.

[Invite](#)
[Select All](#)
[Clear All](#)
[Delete](#)
[Cancel](#)

New Panelist

 Full name: (required)

 Email address: (required)

 Phone number:

Country/Region

Number (with area/city code)

 Time Zone:

 Language:

 Locale:
☐ Add new panelist in my address book

☐ Invite as alternate host

[Add to Invitation List](#)

Donna Mignon

From: Kristen L Lewis
Sent: Tuesday, September 8, 2020 9:04 AM
To: Donna Mignon; Debra Wiley
Subject: FW: Email addresses for participants for 2020-0159-A

Good morning,

Please see the below information for webex. Thank you,

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: tkotroco@gmail.com [mailto:tkotroco@gmail.com]
Sent: Monday, September 07, 2020 10:56 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Email addresses for participants for 2020-0159-A

CAUTION: This message from tkotroco@gmail.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, Per your request, here are the names of the people to go along with their email addresses.

David@dmsdevelopment.com	David Schlachman ✓
tkotroco@gmail.com	Tim Kotroco ✓
Michael@dmsdevelopment.com	Michael Ertel ✓
Wendy@dmsdevelopment.com	Wendy Crites ✓
Kim@dmsdevelopment.com	Kim Hoshall
vzarski@bldginc.com	Valek Zarski

Thank you.

Tim K.

Timothy M. Kotroco, Esq.
Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, Maryland 21204
Cell/Text: 410-299-2943

This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 410-299-2943.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Thursday, September 3, 2020 10:18 AM
To: tkotroco@gmail.com
Subject: RE: Email addresses for participants for 2020-0159-A

Hi Tim,

Thanks, the ALJ's office needs the actual names associated with the emails and the mailing addresses as well..if you can provide that for me. Thank you.

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: tkotroco@gmail.com [<mailto:tkotroco@gmail.com>]
Sent: Thursday, September 03, 2020 9:56 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: 'David Schlachman' <David@dmsdevelopment.com>; 'Wendy Crites' <Wendy@dmsdevelopment.com>; 'Michael Ertel' <Michael@dmsdevelopment.com>; 'Valek Zarski' <vzarski@bldginc.com>; 'Kim Hoshall' <Kim@dmsdevelopment.com>
Subject: Email addresses for participants for 2020-0159-A

CAUTION: This message from tkotroco@gmail.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,

Here are the addresses for the participants for my case which has been set for October 5th at 1:30pm.

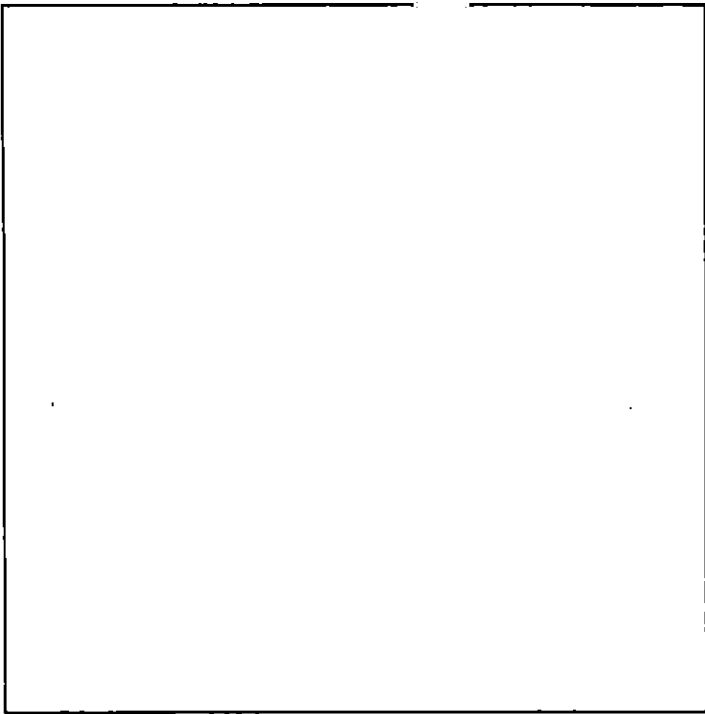
David@dmsdevelopment.com
tkotroco@gmail.com
Michael@dmsdevelopment.com
Wendy@dmsdevelopment.com
Kim@dmsdevelopment.com
vzarski@bldginc.com

Thank you.

Tim K.

Timothy M. Kotroco, Esq.
Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, Maryland 21204
Cell/Text: 410-299-2943

This communication is from a law firm and may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone at 410-299-2943.



CONNECT WITH BALTIMORE COUNTY

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www.baltimorecountymd.gov

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Tuesday, September 8, 2020 8:41 AM
To: Donna Mignon; Debra Wiley
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Gloria
Last Name	Kelly
Email	G7kelly@yahoo.com
Phone	410 -456-7029
Address	7843 St Thomas Drive
City	Nottingham
State	Maryland
ZIP Code	21236
Case Number	8100-8400 belairroad
Scheduled Hearing Date	October 5,2020

ZAC AGENDA

Case Number: 2020-0159-XA **Reviewer:** Jason Seidelman
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL EXCEPTION, VARIANCE
Legal Owner: Lorenzo, Eugene S. & 8100 Belair Limited Liability Company
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 14 **Council Dist:** 5

Property Address: 8100-8110 BELAIR

Location: North west Corner of intersection of Belair Road (100') and Putty Hill Ave (30').

Existing Zoning: BL-A5

Area: 2.21 AC

Proposed Zoning:

SPECIAL EXCEPTION:

From section 405.2.B.1 of the BCZR To allow a fuel service station with a convenience store of 5,685 sq. ft. on an individual site.

VARIANCE:

From section 405.4.A.3.c.(2) of BZCR to allow 9 stacking spaces in lieu of the required 12 spaces.

From section 405.4.A.2.b To allow a 7.5 ft landscape transition area in lieu of the required 10 ft. from a public right of way and a 7 ft landscape transition area in lieu of the required 15 ft from a property line abutting a residentially zoned property.

For such other and further relief as the nature of this cause may require.

Attorney: Not Available

Prior Zoning Cases: 1939-0012; R-1997-0296; R-1998-0417

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Special Tax Recapture: None									
Account Identifier:		District - 14 Account Number - 1418052720							
Owner Information									
Owner Name:		8100 BELAIR LIMITED LIABILITY COMPANY			Use: Principal Residence:		COMMERCIAL NO		
Mailing Address:		C/O RYAN'S RELICS 8100 BELAIR RD BALTIMORE MD 21236-3405			Deed Reference:		/26086/ 00023		
Location & Structure Information									
Premises Address:		8100 BELAIR RD BALTIMORE MD 21236-0000			Legal Description:		8100 BELAIR RD WS NW COR PUTTY HILL AV		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0081	0005	0525	10000.04	0000				2019	Plat Ref:
Town: None									
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
		4,178 SF				13,060 SF		06	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
		MIXED RESIDENTIAL / RETAIL	/	C4					
Value Information									
		Base Value	Value		Phase-in Assessments				
			As of		As of		As of		
			01/01/2019		07/01/2020		07/01/2021		
Land:		326,500	326,500						
Improvements		165,200	177,000						
Total:		491,700	503,500		499,567		503,500		
Preferential Land:		0					0		
Transfer Information									
Seller: DARKS LLC			Date: 08/22/2007			Price: \$600,000			
Type: ARMS LENGTH MULTIPLE			Deed1: /26086/ 00023			Deed2:			
Seller: LORENZO ARTHUR M LORENZO ANGELO C			Date: 12/22/2005			Price: \$530,000			
Type: ARMS LENGTH MULTIPLE			Deed1: /23112/ 00459			Deed2:			
Seller: LORENZO JOSEPH A			Date: 09/15/2004			Price: \$0			
Type: NON-ARMS LENGTH OTHER			Deed1: /20692/ 00061			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:				

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 14 Account Number - 1419027250			
Owner Information					
Owner Name:	LORENZO EUGENE S	Use:	COMMERCIAL/RESIDENTIAL		
		Principal Residence:	YES		
Mailing Address:	8110 BELAIR RD BALTIMORE MD 21236-3401	Deed Reference:	/11248/ 00437		
Location & Structure Information					
Premises Address:	8110 BELAIR RD 0-0000	Legal Description:	1.371 AC 8110 BELAIR RD 250FT N PUTTY HILL RD		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0081	0005	0638	10000.04	0000	
					Block:
					Lot:
					Assessment Year:
					2019
					Plat No:
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
		2,940 SF			
				Property Land Area	
				60,668 SF	
				County Use	
				06	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
2	YES	STANDARD UNIT	SIDING/	3	1 full/ 1 half
					Garage
					Last Notice of Major Improvements
Value Information					
		Base Value		Value	
				As of	
				01/01/2019	
				Phase-in Assessments	
				As of	
				07/01/2020	
				As of	
				07/01/2021	
Land:		200,600		200,600	
Improvements		116,900		131,900	
Total:		317,500		332,500	
Preferential Land:		0			
				327,500	332,500
					0
Transfer Information					
Seller: KANE HOWARD F,3RD		Date: 10/10/1995		Price: \$115,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /11248/ 00437		Deed2:	
Seller: SEARS JOSEPH E		Date: 09/10/1987		Price: \$99,500	
Type: ARMS LENGTH IMPROVED		Deed1: /07667/ 00409		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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: Approved 06/16/2011					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

Kristen L Lewis

From: Donna Mignon
Sent: Tuesday, September 08, 2020 9:08 AM
To: Kristen L Lewis
Subject: RE: Email addresses for participants for 2020-0159-A

Thank you Kristen.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Tuesday, September 8, 2020 9:04 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: FW: Email addresses for participants for 2020-0159-A

Good morning,

Please see the below information for webex. Thank you,

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: tkotroco@gmail.com [<mailto:tkotroco@gmail.com>]
Sent: Monday, September 07, 2020 10:56 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Email addresses for participants for 2020-0159-A

CAUTION: This message from tkotroco@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.
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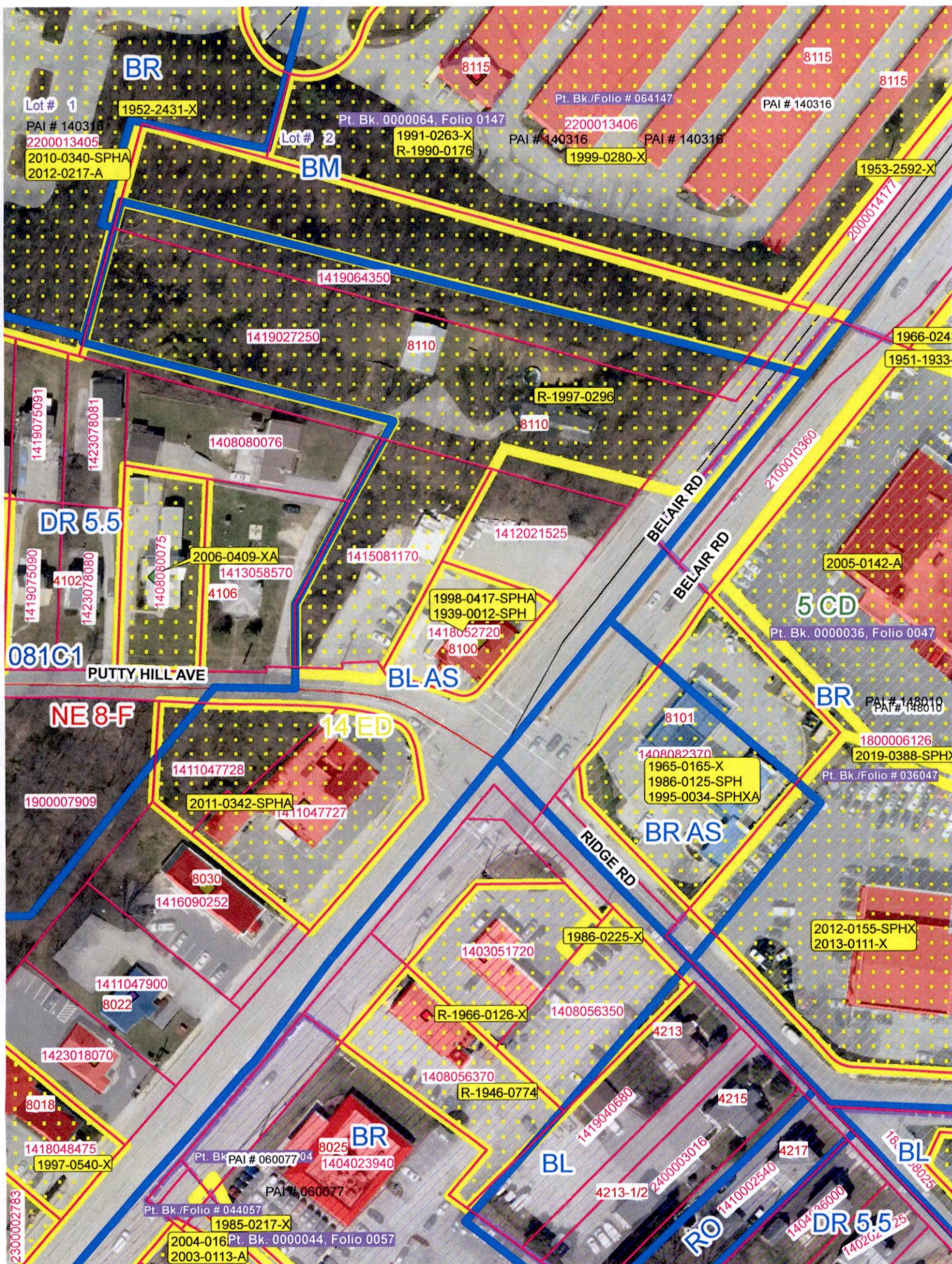
Kristen, Per your request, here are the names of the people to go along with their email addresses.

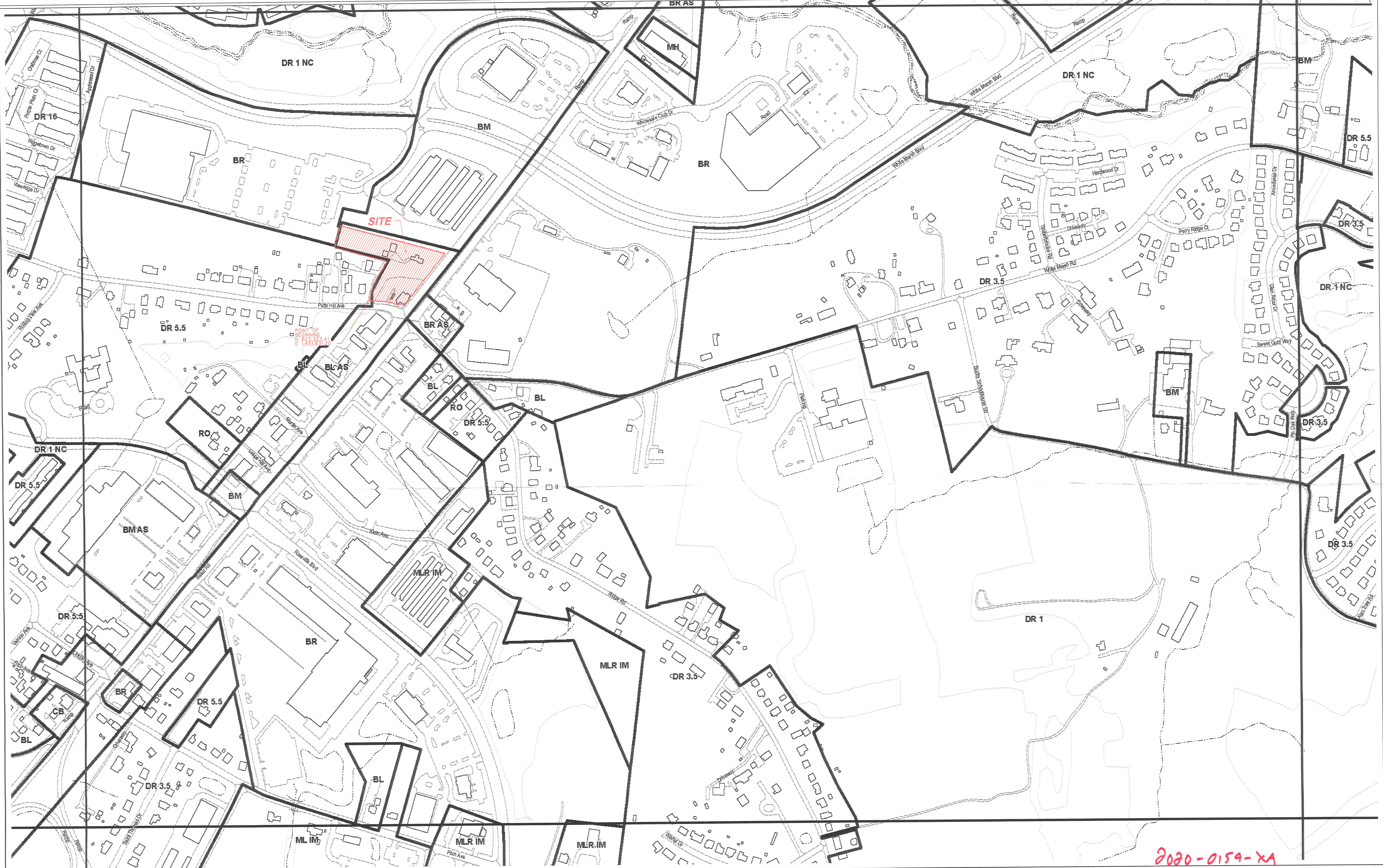
David@dmsdevelopment.com	David Schlachman
tkotroco@gmail.com	Tim Kotroco
Michael@dmsdevelopment.com	Michael Ertel
Wendy@dmsdevelopment.com	Wendy Crites
Kim@dmsdevelopment.com	Kim Hoshall
vzarski@bldginc.com	Valek Zarski

Thank you.

Tim K.

Timothy M. Kotroco, Esq.
Kotroco & Associates, LLC
305 Washington Avenue, Ste. 502
Towson, Maryland 21204
Cell/Text: 410-299-2943





2020-0159-XA

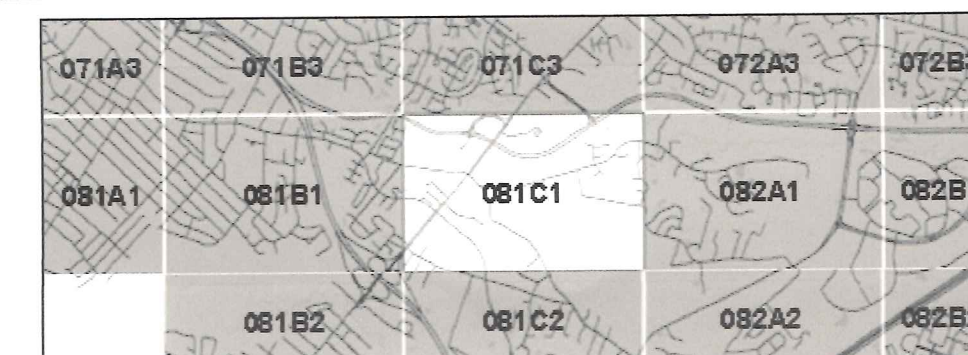
Plan Sheet: 081C1

Note:
The zoning depicted in this map incorporates the actions associated with 2016 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through November 18, 2016.

Legend

- | | | |
|-----------|---------|------------|
| Zoning | Streams | Rail Lines |
| Buildings | Roads | Vegetation |

Baltimore County Department of Planning Official Zoning Map



Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Buildings/Streams/Roads - Baltimore County
OIT/GIS Services Unit
1:2400, from 2014 photography
Vegetation - Baltimore County
OIT/GIS Services Unit
1:2400, from 2016 photography
Zoning - Baltimore County Dept of Planning
1:2400, 2016

LEGEND

RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
EX. EASEMENT	---
ZONING LINE	---
EX. CONCRETE CURB AND GUTTER	---
EX. CURB AND GUTTER TO BE REMOVED	---
EX. EDGE OF PAVING	---
EX. CONCRETE	---
TO BE REMOVED DESIGNATION	---
EX. BUILDING	---
EX. SIGN	---
EX. CHAIN LINK FENCE	---
EX. STORM DRAIN, MANHOLE & INLET	---
EX. SANITARY SEWER, MANHOLE & CLEANOUT	---
EX. WATER MAIN, VALVE & FIRE HYDRANT	---
EX. ELECTRIC LINE	---
EX. GAS LINE	---
EX. TELEPHONE LINE, POLE & BOX	---
EX. POLE WITH LIGHT	---
EX. UTILITY POLE & GUY WIRE	---
EX. OVERHEAD LINE	---
EX. INDEX CONTOURS	---
EX. INTERMEDIATE CONTOURS	---
EX. TREE LINE	---
EX. TREE TO BE REMOVED	---
"EXISTING" DESIGNATION	---
BUILDING RESTRICTION LINE	---
PR. CONCRETE CURB & GUTTER	---
PR. CONCRETE	---
PR. INDEX CONTOURS	---
PR. INTERMEDIATE CONTOURS	---
PR. RETAINING WALL	---
PR. PARKING COUNT	---
"PROPOSED" DESIGNATION	---

DEVELOPMENT APPROVAL

REQUEST FOR LIMITED EXEMPTION UNDER SECTION 32-4-106 (b)(8) FOR REDEVELOPMENT OF SITE WAS GRANTED ON MAY 12, 2020. DRC*051220E.

SPECIAL ZONING REQUIREMENTS FOR FUEL SERVICE STATION (PER SECTION 405 OF BCZR)

- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THIS SITE
- REQUIRED SITE AREA:
 - FUEL SERVICE STATION (12 FUELING POSITIONS x 1,500 SF) = 18,000 SF
 - CONVENIENCE STORE (4 x 5,585 SF) = 22,340 SF
 - ATM MACHINE (2 x 1,000 SF) = 2,000 SF
 - TOTAL AREA REQUIRED = 42,340 SF
 - TOTAL AREA PROVIDED = 96,379 SF
- BUILDING AREA:
 - CONVENIENCE STORE = 5,585 SF
- SETBACK REQUIREMENTS:
 - A. MAIN STRUCTURE OF SERVICE STATION:
 - REQUIRED: 35 FT MIN. FROM ANY STREET R/W
 - PROVIDED: 60 FT MIN.
 - B. CANOPY:
 - REQUIRED: 15 FT MIN. FROM ANY STREET R/W
 - PROVIDED: 40.3 FT MIN.
 - C. FUEL PUMPS:
 - REQUIRED: 25 FT MIN. FROM ANY STREET R/W
 - PROVIDED: 54.7 FT MIN.
 - D. LANDSCAPE TRANSITION AREA:
 - REQUIRED: 10 FT MIN. FROM PUBLIC R/W
 - 6 FT MIN. FROM SIDE & REAR PROPERTY LINE ABUTTING NONRESIDENTIALLY ZONED LAND
 - 15 FT MIN. FROM PROPERTY LINE ABUTTING RESIDENTIALLY ZONED LAND
 - PROVIDED: 7.5 FT MIN. FROM PUBLIC R/W
 - 10.7 FT MIN. FROM SIDE & REAR PROPERTY LINE ABUTTING NONRESIDENTIALLY ZONED LAND
 - 7.0 FT MIN. FROM PROPERTY LINE ABUTTING RESIDENTIALLY ZONED LAND
- STACKING FOR FUEL PUMPS:
 - NUMBER OF STACKING SHALL COMPLY WITH SECTION 405.4.A.3.C.(2) OF BCZR.
 - NUMBER OF STACKING SPACES REQUIRED: 1 FOR EACH MPD • 1 x 12 = 12 SPACES
 - NUMBER OF STACKING SPACES PROVIDED: 9 SPACES
 - VARIANCE IS BEING REQUESTED
- REST ROOM FACILITY, WATER, AND COMPRESSED AIR WILL BE PROVIDED FOR CUSTOMERS.
- PARKING CALCULATIONS:
 - PARKING SPACES REQUIRED:
 - CONVENIENCE STORE 5,585 SF @ 5/1,000 = 27.93 PS
 - 1 PS PER EMPLOYEE ON LARGEST SHIFT • 1 x 12 EMPLOYEES = 12 PS
 - 1 PS PER AIR UNIT = 1 UNIT = 1 PS
 - 1 PS PER ATM • 1 x 2 ATMs = 2 PS
 - TOTAL PARKING SPACES REQUIRED = 43 PS
 - PARKING SPACES PROVIDED (INCL. 2 HDOP SPACES): = 50 PS
 - STANDARD PARKING SPACES @ 9'x18' AND 10'x20'
 - PARALLEL PARKING SPACES @ 7.5'x21'

ZONING RELIEF REQUESTS

THE PETITIONER, REQUESTS THE FOLLOWING ZONING RELIEF:
SPECIAL EXCEPTION RELIEF:

- FROM SECTION 405.2.B.1 OF THE BCZR TO ALLOW A FUEL SERVICE STATION WITH A CONVENIENCE STORE OF 5,685 SQ. FT. ON AN INDIVIDUAL SITE

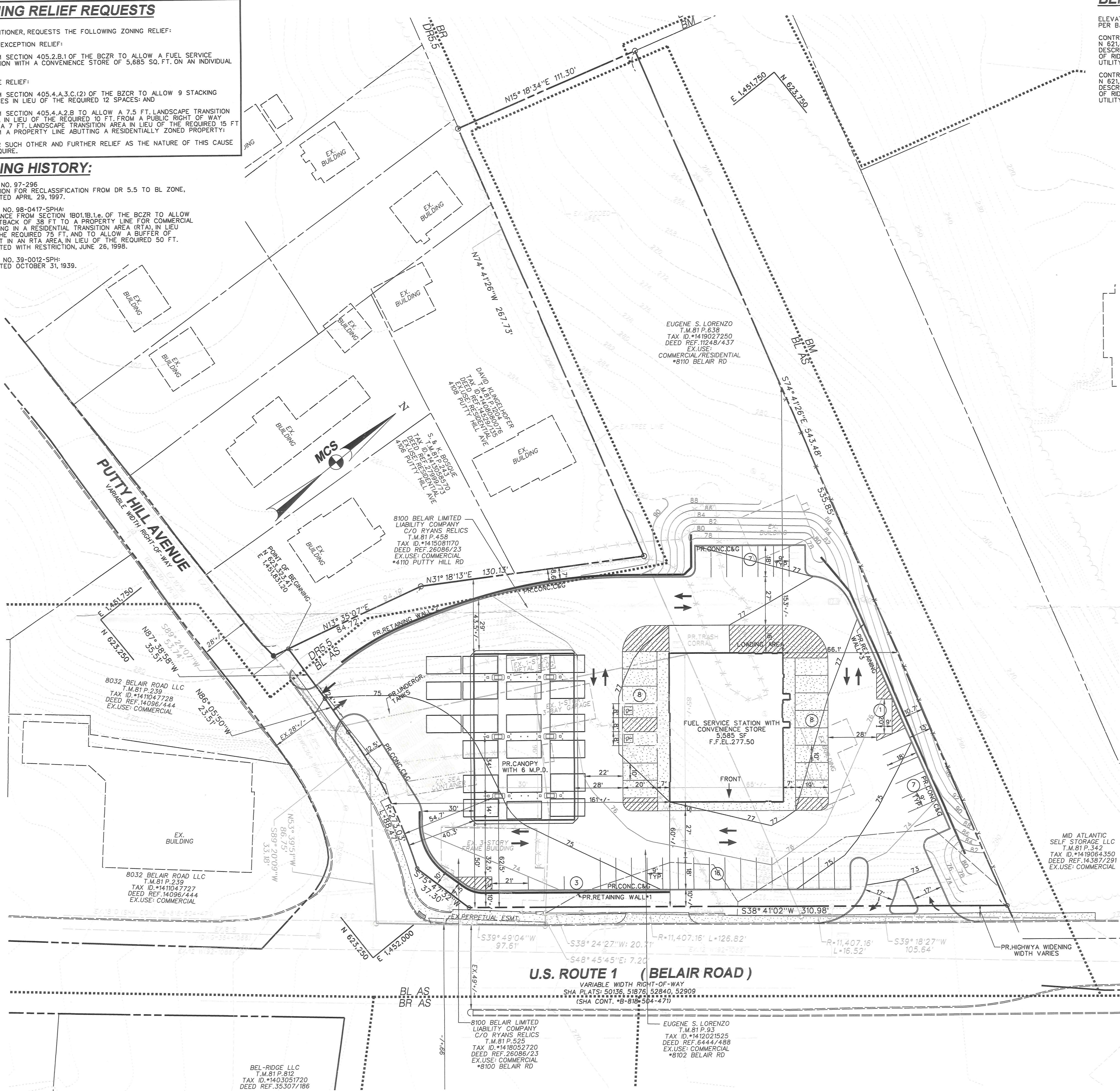
VARIANCE RELIEF:

- FROM SECTION 405.4.A.3.C.(2) OF THE BCZR TO ALLOW 9 STACKING SPACES IN LIEU OF THE REQUIRED 12 SPACES AND
- FROM SECTION 405.4.A.2.B TO ALLOW A 7.5 FT. LANDSCAPE TRANSITION AREA IN LIEU OF THE REQUIRED 10 FT. FROM A PUBLIC RIGHT OF WAY AND A 7 FT. LANDSCAPE TRANSITION AREA IN LIEU OF THE REQUIRED 15 FT FROM A PROPERTY LINE ABUTTING A RESIDENTIALLY ZONED PROPERTY.

AND FOR SUCH OTHER AND FURTHER RELIEF AS THE NATURE OF THIS CAUSE MAY REQUIRE.

ZONING HISTORY:

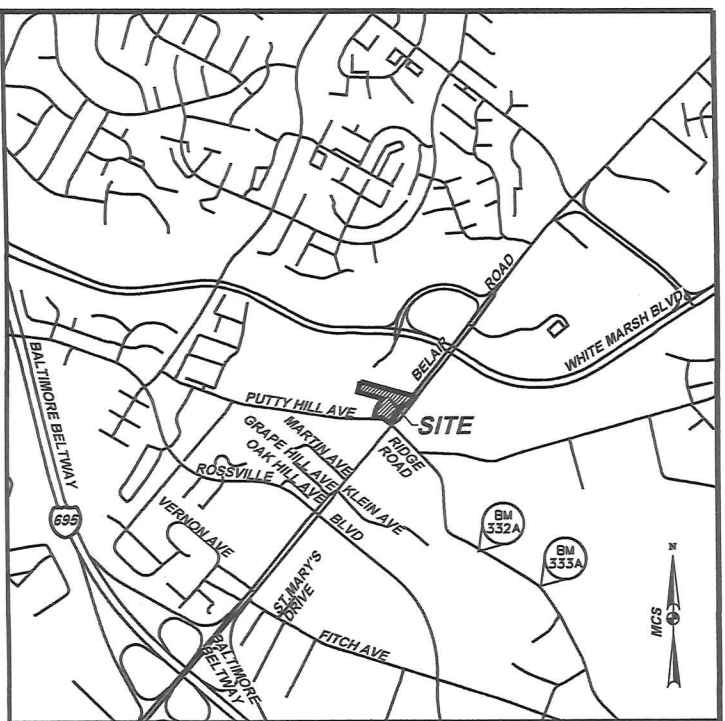
- CASE NO. 97-296:
PETITION FOR RECLASSIFICATION FROM DR 5.5 TO BL ZONE,
GRANTED APRIL 29, 1997.
- CASE NO. 98-0417-SPHA:
VARIANCE FROM SECTION 1801.16.1.e OF THE BCZR TO ALLOW A SETBACK OF 35 FT TO A PROPERTY LINE FOR COMMERCIAL PARKING IN A RESIDENTIAL TRANSITION AREA (RTA), IN LIEU OF THE REQUIRED 75 FT, AND TO ALLOW A BUFFER OF 35 FT IN AN RTA AREA IN LIEU OF THE REQUIRED 50 FT.
GRANTED WITH RESTRICTION, JUNE 26, 1998.
- CASE NO. 39-0012-SPH:
GRANTED OCTOBER 31, 1939.



NOTE:
THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

BENCH MARK

ELEVATIONS ARE BASED ON NAVD 88 DATUM
PER BALTIMORE COUNTY CONTROL POINTS:
CONTROL POINT 332A:
N 621.896.751 E 1452.932.406 EL. 248.62
DESCRIPTION: CAPPED REBAR ON SOUTH SIDE
OF RIDGE ROAD, 38.15' SOUTHWEST OF
UTILITY POLE *524630
CONTROL POINT 333A:
N 621.523.647 E 1453.586.520 EL. 257.26
DESCRIPTION: CAPPED REBAR ON NORTH SIDE
OF RIDGE ROAD, 24.54' SOUTHWEST OF
UTILITY POLE *24700



SITE DATA

- NET AREA OF TRACT: 96,379 SF OR 2.21 AC
- OWNER:
8100 BELAIR LLC
C/O RYAN'S RELICS
8100 BELAIR RD.
BALTIMORE MD 21235
EUGENE S. LORENZO
8110 BELAIR ROAD, APT. B
BALTIMORE MD 21235
DEVELOPER:
DMS DEVELOPMENT, LLC
100 E. PENNSYLVANIA AVE., SUITE 210
TOWSON, MARYLAND 21286
PHONE (410) 296-3715
TAX MAP REFERENCES:
T.M. 81 G.S. P. 525; TAX ID. *1418052720 DEED: 26086/23
T.M. 81 G.S. P. 53; TAX ID. *142021525 DEED: 6444/488
T.M. 81 G.S. P. 458; TAX ID. *1418027280 DEED: 1244/437
T.M. 81 G.S. P. 458; TAX ID. *1418081170 DEED: 26086/23
PLAT REFERENCE: NONE
ELECTION DISTRICT: 14; COUNCILMANIC DISTRICT: 5
EXISTING ZONING: BL-AS, MAP *081C1
EXISTING USE: ANTIQUE / HOME FURNISHING STORE; REPAIR, GARAGE; RESIDENTIAL
PROPOSED USE: FUEL SERVICE STATION WITH CONVENIENCE STORE
CENSUS TRACT: 443
TRANSPORTATION ZONE: 759
ZIP CODE: 21235
WATERSHED: BACK RIVER & BIRD RIVER
MINIMUM SETBACK REQUIREMENT PER SECTIONS 232-1, 232-2, 232-3 OF BCZR:
FRONT: 10 FT FROM FRONT OF PROPERTY LINE; 40 FT FROM STREET CL
SIDE: INTERIOR LOT: NONE; CORNER LOT: 10 FT ON THE STREET SIDE
REAR: NONE, EXCEPT 20 FT WHEN ABUTTING A RESIDENTIAL ZONE
BUILDING HEIGHT:
PERMITTED: 40 FT
PROPOSED: 33 FT
F.A.R. ALLOWED: 3.0 MAX.
PROPOSED F.A.R. 5.585 / 96,379 = 0.06
LANDSCAPE REQUIREMENTS:
LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY
LANDSCAPE MANUAL. CERTAIN MODIFICATIONS TO STANDARDS WILL BE REQUESTED.
PUBLIC WATER (W-1) AND SANITARY SEWER (S-1) FACILITIES EXIST.
THERE ARE NO KNOWN WETLANDS, REQUIRE REGULATION, CRITICAL AREAS,
ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS
ON SITE.
FOREST CONSERVATION WILL BE MET THROUGH ONSITE RETENTION OF 0.6 ACRES
OF FOREST IN A CONSERVATION EASEMENT. THE 0.6 ACRES OF FOREST RETAINED
IN AN EASEMENT EXCEEDS THE BREAK-EVEN POINT THEREFORE NO FOREST
CONSERVATION REFORESTATION IS REQUIRED.
ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN
POLICIES.
THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
FLOOD MAP INFORMATION:
PREMISES IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP
BALTIMORE COUNTY MARYLAND UNINCORPORATED AREAS PANEL 270 OF 580
COMMUNITY PANEL NUMBER 2400100270F MAP REVISED SEPTEMBER 26, 2008" AND
IS ZONED D ZONE 4 (AREAS DETERMINED TO BE DETERMINED TO BE DETERMINED TO BE
THE 0.2% ANNUAL CHANCE FLOODPLAIN).
THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
LIGHTING SHALL BE ERCTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL
AREAS AND PUBLIC ROADS.
THE BOUNDARY SHOWN HEREON WAS TAKEN FROM TOPOGRAPHIC AND BOUNDARY SURVEY
PREPARED BY WITLIS LAND SURVEYORS, LLC, DATED FEBRUARY 5, 2020.
"BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING" HAS CONFIRMED
THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
STORM WATER MANAGEMENT:
THIS SITE IS REDEVELOPMENT AND MANAGEMENT WILL BE PROVIDED BY:
REDUCTION OF EXISTING IMPERVIOUS AREAS WITHIN LIMIT OF DISTURBANCE (LOD) BY 50% OR
IMPLEMENTATION OF ESD PRACTICES TO HELP TO PROVIDE WATER QUALITY TREATMENT
FOR AT LEAST 50% OF EX. IMPERVIOUS AREA WITHIN LOD OR
USE A COMBINATION OF IMPERVIOUS AREA REDUCTION AND ESD IMPLEMENTATION FOR
AT LEAST 50% OF EX. IMPERVIOUS AREA OR
USE OF ALTERNATIVE SWM MEASURES
SINCE THE FULL REDUCTION OF EX. IMPERVIOUS AREA COULD NOT BE ACHIEVED FOR
PROPOSED DEVELOPMENT, THEREFORE ESD PRACTICES, MICRO-BIORETENTION OR EQUIVALENT
WILL BE PROVIDED TO MEET SWM REQUIREMENTS.

THE COORDINATE SYSTEM OF
ALL DRAWINGS IS BASED ON
THE NORTH AMERICAN DATUM
SYSTEM OF ALL DRAWINGS IS
BASED ON THE NORTH
AMERICAN VERTICAL DATUM
OF 1988. HORIZ. NAD 83/91;
VERT. NAVD 88

DRAWING NO.

V-1

SHEET 1 OF 1

BLDG

Baltimore Land Design Group, Inc.

Consulting Engineers

230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGC.COM

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, IWONA ROSTEK-ZARSKA, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: AUGUST 1, 2020.

OWNERS

8100 BELAIR LLC
C/O RYAN'S RELICS
8100 BELAIR RD
BALTIMORE MD 21235

EUGENE S. LORENZO
8110 BELAIR ROAD, APT. B
BALTIMORE MD 21236

DEVELOPER / APPLICANT

BELAIR HILL LLC
100 E. PENNSYLVANIA AVE.
SUITE 210
TOWSON, MARYLAND 21286
PHONE (410) 296-3715

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING FOR RELIEF REQUESTS FUEL SERVICE STATION WITH CONVENIENCE STORE

8100 BELAIR RD
BALTIMORE MD 21236

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'

ELECTION DISTRICT: 14, C5
DATE: JUNE, 2020