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March 7, 2022

VIA Email: appealsboard@baltimorecountymd.gov
Debrorah C. Dopkin, Board Chair
Joseph L. Evans, Panel Member
Adam T. Sampson, Panel Member
Baltimore County Board of Appeals
100 W. Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: Lucky Star, LLC
11 Lynbrook Road
Case 2021-109-A

Dear Board Members Dopkin, Evans and Sampson:

I am in receipt of Mr. Zimmerman's letter to the Board dated February 23, 2022. In order to minimize the already exorbitant costs to the Petitioner, I shall keep my response brief. The evidence presented at the hearing supports the granting of a variance for an accessory structure of 20 feet in height in lieu of the 15 feet otherwise permitted. The Petitioner asks you to affirm the decision of the ALJ and grant the variance. In order to avoid any ambiguity of your decision and potentially prolong these proceedings, the Petitioner asks the Board to avoid, if at all possible, a decision which grants the variance if the use is determined to be residential but takes other action if the use is determined to be commercial, such as dismissing the Petition as moot. There was a suggestion at the hearing by a Board member that such a bifurcated decision might be possible, and the Petitioner would suggest that such decision would lead to interpretation, uncertainty, and potential costs to the Petitioner. The evidence supports a finding that a variance for the height of an accessory structure is warranted. The Petitioner asks the Board to grant it.

As it relates to the declaration requested by Mr. Zimmerman, the Petitioner neither opposes nor consents to the declaration and takes no position thereon beyond merely asking that the Board limit its consideration to the evidence of record, which supports the granting of the variance.

Sincerely,

Dino C. La Fiandra

C: Peter M. Zimmerman, Esquire, People's Counsel for Baltimore County