

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
S/S Liberty Road, 580' E of		
Old Court Road	*	ZONING COMMISSIONER
<b>(8511 Liberty Road)</b>		
2 <sup>nd</sup> Election District	*	OF
4 <sup>th</sup> Council District		
	*	BALTIMORE COUNTY
JMJ Savoy Properties, LLC		
Petitioner	*	<b>Case No. 2010-0120-SPH</b>

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, JMJ Savoy Properties, LLC, by Jack S. Jacob, managing member, through their attorney, Meaghan G. Alegi, Esquire. The Petitioner requests a special hearing for purposes of examining the language and particular requirements of existing Zoning Case 03-533-A, with the desire to amend or modify such language so as to permit the use of the subject structure by additional occupancy types in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.)<sup>1</sup>. The subject property and an existing 10' x 11'-67" retail structure are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jack S. Jacob, on behalf of JMJ Savoy Properties, LLC, property owner; Brendan T. Glass, Architect with Brasher Design, and Meaghan Alegi, Esquire, with Brown, Brown & Young, attorney for the Petitioner. There were no Protestants or other interested persons present.

The overall property under consideration is an irregular shaped parcel located on the southwest corner of the intersection of Liberty Road (Maryland Route 26) and Glen Michael

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<sup>1</sup> Case No. 03-533-A was heard by Commissioner Lawrence E. Schmidt [in 2003] who granted general setback variances from B.C.Z.R. Sections 303.2 and 238.2 that allowed Petitioner to build a semi-permanent accessory structure at the northwest corner of the shopping center lot for *retail use* of selling snowballs. This Order continues in full force and effect today.

Road in Randallstown. The property contains a gross area of 4.2 acres, more or less, zoned B.R. and is improved with a strip shopping center known as the Savoy Shopping Plaza, which features a variety of retail and restaurant uses. In addition to the 43,253 square foot L-shaped building(s), there is a large parking field that provides 238 parking spaces in the front (northeastern) portion of the site immediately adjacent to the intersection. Testimony indicated that Mr. Savoy has undertaken a number of upgrades to the site and has made a significant investment in revitalization of the property.

The instant Petition relates back to a small accessory building that has been erected on the northwest corner of the property pursuant to Zoning Case 03-533-A. Mr. Jacob testified that the shed has in recent years been leased for the operation of a snowball stand. This structure is located 19 feet from the right-of-way for Liberty Road, and 2 feet from the side property line so it doesn't impact traffic circulation on the property or reduce the number of parking spaces, yet is visible to motorists traveling along Liberty Road. As noted above, the Petitioner requests special hearing relief to confirm the use of the semi-permanent structure for other short-term based occupancies. Chief among these may be the manufacture and sale of snowballs, however, Petitioner desires the structure to be occupied year-round as there are many seasonal businesses that would benefit from the availability of a small structure such as this. Thus, relief is requested to legitimize the existing building for other retail uses permitted in the Business, Roadside zoning classification. *See* B.C.Z.R. Section 236. Seasonal type occupancies perceived at this location and discussed at the hearing by Mr. Jacob included a kiosk set up for the sale of items such as sports memorabilia, print and copy orders, the sale of flowers, sale of hot dogs, and sale of Christmas trees.

Based upon the testimony and evidence presented, I am persuaded to grant the relief. It is clear that the uses proposed are appropriate for this site and consistent with the area. The requested relief will allow the Petitioner to lease seasonal type uses so the structure can be occupied year round. Such retail sales are within the spirit and intent of the original case (03-533-A). Mr. Schmidt did not condition his approval to just one occupancy or a temporary use.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Thus, it is clear that the requested relief can be granted without detrimental impact to the health, safety or general welfare to the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be as set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9<sup>th</sup> day of December 2009 that the Petition for Special Hearing requesting an examination of the language in Zoning Case 03-533-A and a finding to permit the utilization of the existing accessory structure erected on the subject property for retail sales as permitted in Section 236.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) is hereby modified to include the sale of flowers, sale of hot dogs, sale of Christmas trees, and a kiosk set up for the sale of items such as memorabilia and print and copy orders and similar sales, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The decision in this case is not a legal precedent that may be cited as such in any other zoning case.

Any appeal of this decision shall be taken in accordance with the Baltimore County Code Section 32-3-401.

WJW:dlw

\_\_\_\_SIGNED\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County