

382-2 88-6-SPH #382 **PETITION FOR SPECIAL HEARING** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 800.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment of Zoning Case 77-31-X and the site plan to permit used car sales as an accessory use to an existing service garage.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Thomas Ahmer
Signature	Signature
Address	Margaret Ahmer
City and State	(Type or Print Name)
Attorney for Petitioner:	Ahmer's Garage
Jeffrey H. Scherr, Esquire	3801 North Point Boulevard (301) 477-6054
(Type or Print Name)	Address
Signature	Baltimore, Maryland 21222
W. Monahan & Graham, P.A.	City and State
Suite 100, Building, Charles Center	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Attorney For Petitioner
Baltimore, Maryland 21201	Name
City and State	Address
Attorney's Telephone No.: (301) 752-6030	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of May, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of July, 1987, at 10:00 o'clock A.M.

Carl J. Lee
Zoning Commissioner of Baltimore County

CCO-101

(over)

88-6-4 **BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of May, 1987.

Arnold Jablon
Zoning Commissioner

Petitioner: Thomas Ahmer, at us
Petitioner's Attorney: Jeffrey H. Scherr, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee



7. View of Cars Displayed at 3801.



6. View of Cars Displayed at 3801.
Note: SHA sign.



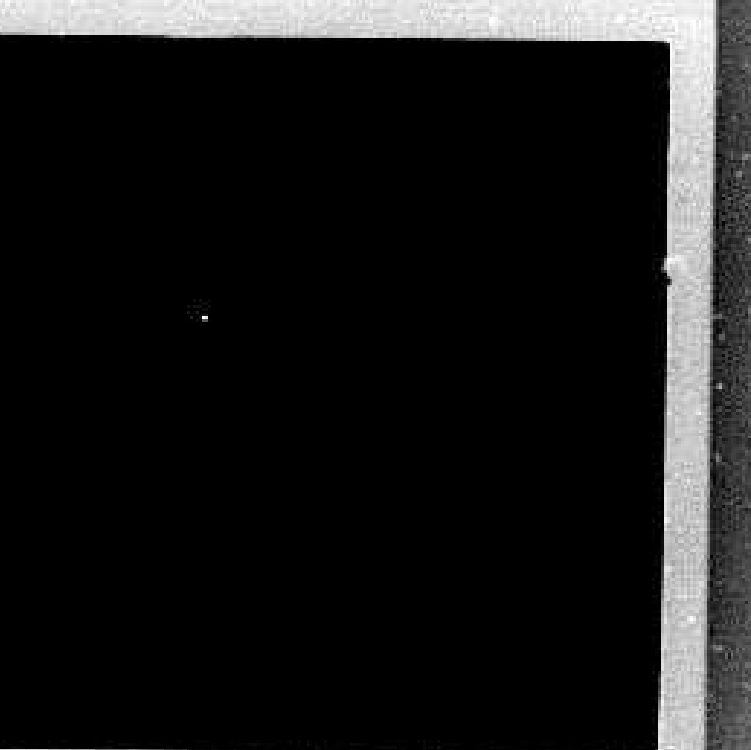
8. View of Cars Displayed at 3801.



9. View of Portion of Grassed Lot at Intersection of Rosebank and North Point Road.



10. View of Drainage Ditch along North Point Road at Intersection with Rosebank.



11. View of Drainage Ditch along Rosebank, then turning corner onto North Point Road.

88-6-5 **BALTIMORE COUNTY, MARYLAND**

88-6-5 **INTER-OFFICE CORRESPONDENCE**

Arnold Jablon
TO: Zoning Commissioner Date: June 24, 1987
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition Nos.: 88-5-SPH; 88-6-SPH;
88-2-A; 88-11-A; 88-17-A; 88-30-A

Please consider the Chesapeake Bay Critical Area Findings (see memoranda from Gerber to Jablon dated June 22, 1987) to represent the position of this office.

Norman E. Gerber
Norman E. Gerber, AICP, Director

NEG/JGH/sf

cc: Shirley Hess, People's Counsel
J. G. Howell

RECEIVED
JUN 26 1987
ZONING OFFICE

CPS-008

88-6-5 **BALTIMORE COUNTY, MARYLAND**

88-6-5 **INTER-OFFICE CORRESPONDENCE**

Arnold Jablon
TO: Zoning Commissioner Date: June 22, 1987
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Chesapeake Bay Critical Area Findings - Thomas Ahmer
(88-6-SPH, Item 322)

In accordance with Section 8-1813 of the Chesapeake Bay Critical Area Law and the July 8, 1985 Opinion from the County Attorney, it is hereby my "Findings" that the proposed development will comply with the terms of Section 8-1813(a) for minimizing adverse impacts on water quality and protecting identified habitats provided that the zoning petition is conditioned on compliance with the following requirements:

Water runoff from the site will be managed to reduce pollutants to the degree feasible to be determined by the Office of Planning, Department of Environmental Protection and Resource Management and the Bureau of Engineering.

Norman E. Gerber
Norman E. Gerber, AICP, Director
Office of Planning and Zoning

NEG/PJG:pet

cc: Tim Dugan
David Fields
Jim Howell
Tom Vidmar
People's Counsel

RECEIVED
JUN 25 1987
ZONING OFFICE

CPS-008



Maryland Department of Transportation
State Highway Administration

RECEIVED
MAY 1 1987
ZONING OFFICE

William K. Hollman
Secretary
Chief of Staff

April 24, 1987

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. James Dyer

Re: ZAC Meeting of 4-6-87
ITEM: #382.
Property Owner: Thomas Ahmer,
et ux (CRITICAL AREA)
Location: SE/S North Point Blvd.
Route 151, corner SE/S Rosebank Ave.
Existing Zoning: B.L.
Proposed Zoning: Special Hearing
to approve an amendment of
Case 77-31-X and the site plan to
permit used car sales as an accessory
use to an existing service garage
Area: 0.61 acres
District: 15th Election District

Dear Mr. Jablon:

On review of the submittal of 3-3-87 and field inspection, the State Highway Administration offers the following comments.

On the day of inspection existing display vehicles were parked up to and within the S.H.A. Right-of-Way of North Point Blvd. (Route 151). The existing N/W entrance was unsafe for access due to display vehicle storage.

The State Highway Administration strongly recommends to Baltimore County Zoning, the N/W entrance to North Point Road (Route 151) be eliminated by construction of S.H.A. Type "A" concrete curb and gutter or the display vehicles within the 20' setback area be removed for access to the site.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

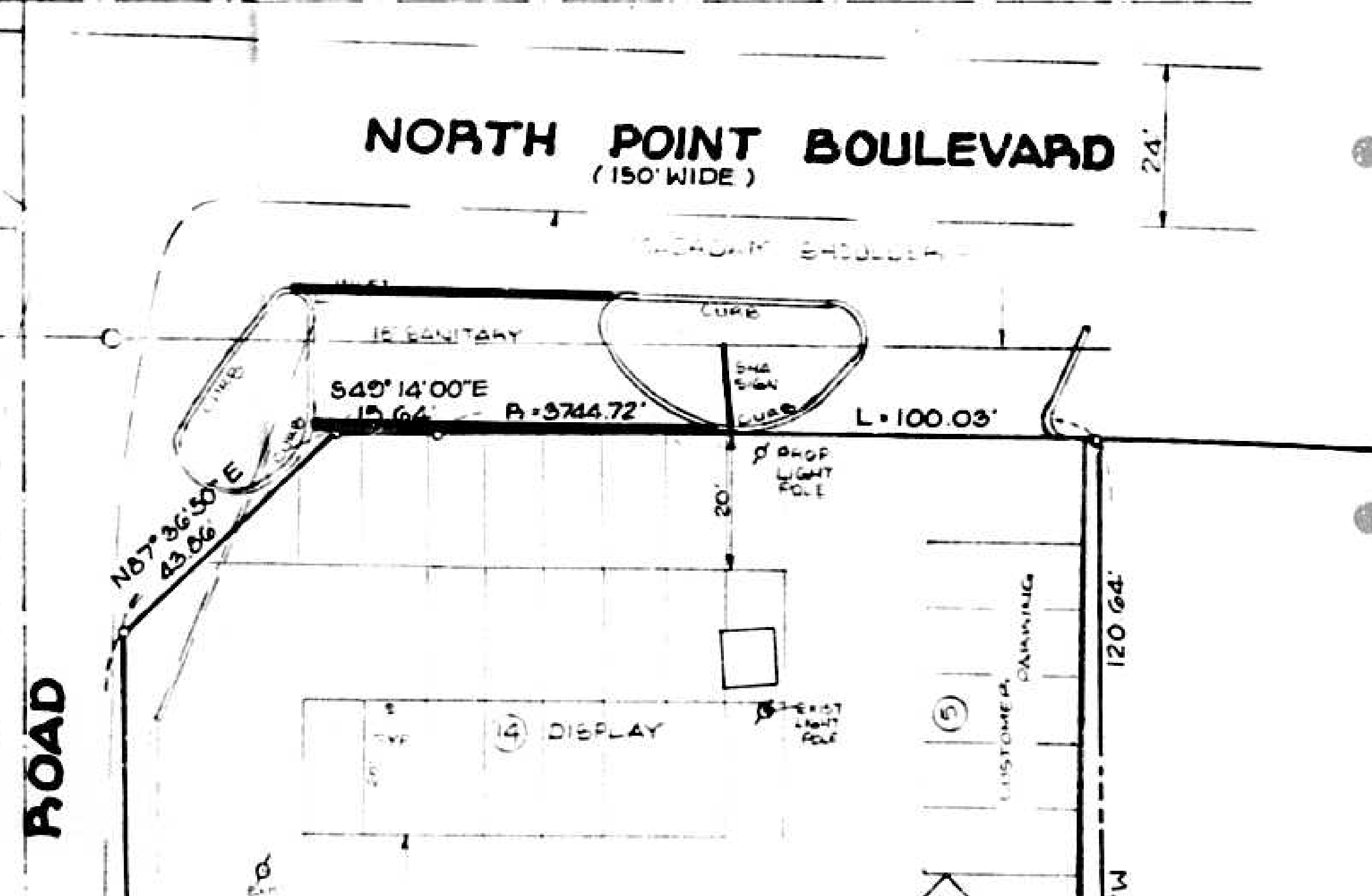
CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

DR-1M

88-6-5 **NORTH POINT BOULEVARD** (150' WIDE)



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 15, 1987

COUNTY OFFICE BLDG.
151 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Jeffrey H. Scherr, Esquire
Sun Life Building, Charles Center
Baltimore, Maryland 21201

RE: Item No. 382 - Case No. 88-6-A
Petitioner: Thomas Ahmer, et ux
Petition Special Hearing

Dear Mr. Scherr:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Spellman, Larson & Associates, Inc.
Suite 107, Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 27, 1987

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 382 -ZAC-
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of April 6, 1987
Thomas Ahmer, et ux (CRITICAL AREA)
SE/S North Point Blvd. corner SE/S
Rosebank Avenue
B.L.
Special Hearing to approve an amendment
of Case 77-31-X and the site plan to permit
used car sales as an accessory use to an
existing service garage
0.61 acres
15th Election District

Area:
District:

Dear Mr. Jablon:

We have reviewed the site plan and have the following comments:

1. The entire frontage of the site should be improved with curb, gutter, and sidewalks.
2. The entrance on Rosebank Road should be rebuilt to County standards.
3. The entrances and frontage on North Point Blvd. and Old North Point Road should be improved to meet current State standards.
4. The drainage ditch on Rosebank Road and Old North Point Road is a roadside hazard and should be closed.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204/2586
494-4500

PAUL H. REINCKE
CHIEF

April 7, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Thomas Ahmer, et ux (Critical Area)

Location: SE/S N. Pt. Blvd. corner SE/S Rosebank Ave.

Item No.: 382

Zoning Agenda: Meeting of 4/6/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill*
Planning Group
Special Inspection Division

Noted and Approved: *John F. O'Neill*
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

May 5, 1987

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 382 Zoning Advisory Committee Meeting are as follows:

Property Owner: Thomas Ahmer
Location: SE/S North Point Blvd. corner SE/S Rosebank Ave.
District: 15th

APPLICABLE RULES ARE CIRCLED:

- All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, The Maryland Code for the Handicapped and Aged (A.S.S.I. #17-1 - 1980), and other applicable Codes and Standards.
- Building and other miscellaneous permits shall be required before the start of any construction.
- Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- All One Group except B-1 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls under any circumstances. For One Group except B-1 Single Family Detached Buildings, the exterior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1108.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use. See Section 112 of the Building Code.

The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

Comments: Provide handicapped parking, curb cuts, signs & building access as per State Code.

These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full review of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 151 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burman
Charles E. Burman, Chief
Building Plans Review

L/21/PC

ANDREW JAY GRAMANN
JAMES M. GRAMANN
LEE H. OSBURN
JEFFREY H. SCHERR
NANCY E. GREGORY
JAMES P. ULWICK
PHILIP M. ANDREWS
GERTRUDE C. BARTLE
MARILYN HOPE FISHER
MICHAEL L. HEWES
PAUL S. TETTELBAUM
KATHLEEN A. BIRNBAUM
NANCY FELIX MANGANO

ALSO ADMITTED IN NY
ALSO ADMITTED IN DC
ALSO ADMITTED IN NJ
ALSO ADMITTED IN PA

LAW OFFICES
KRAMON & GRAHAM, P. A.
SUN LIFE BUILDING
CHARLES CENTER
BALTIMORE, MARYLAND 21201
(301) 752-6030
TELEPHONE
(301) 539-1269

BEL AIR OFFICE
112 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014
(301) 879-5040
(301) 838-9095
TELEPHONE
(301) 838-9298

June 24, 1987

RECEIVED
JUN 25 1987
ZONING OFFICE

Arnold E. Jablon, Esquire
Zoning Commissioner
for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 88-6-3PH

Dear Mr. Jablon:

Pursuant to my conversation with Betty DuBois this morning, I am hereby requesting a rescheduling of the above-captioned hearing. I will be unable to attend the hearing, scheduled for July 7, 1987, because that is the only day that an out-of-state witness is able to be in Baltimore so that his deposition can be taken. Ms. DuBois informs me that she is now settling in cases for the first part of August, 1987. If a rescheduling of the case for hearing in that time period is acceptable to you, I would ask that the change be made.

I am most appreciative of your consideration of this matter.

Sincerely,

Paul S. Tetelbaum
Paul S. Tetelbaum

PST:ljw

cc: Mr. Thomas J. Ahmer, et ux

6/24/87 Found it - He will make on 7/7/87 made

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer, Zoning Supervisor
FROM: James Thompson, Zoning Enforcement Coordinator
Item No.: 382 (if known)
SUBJECT: Petitioner: Ahmer (if known)

VIOLATION CASE # 87-322-4
LOCATION OF VIOLATION North Pt Rd, SWS, SE CORNER Rosebank Ave
DEFENDANT Ahmer ADDRESS 3923 North Point Blvd
Baltimore, Md. 21222

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME: Councilman Dale T. Volz ADDRESS: 10 Dunmanway
Baltimore, Md. 21222

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

COMPANY NAME (INCLUDING TRADE NAMES)		PHONE NUMBER	
T&M Used Cars, Inc.		477-4342	
BUSINESS STREET ADDRESS			
3801 North Point Boulevard			
CITY	COUNTY	STATE	ZIP
Baltimore	Baltimore	MD	21222
PROPERTY OWNER'S NAME		PROPERTY OWNER'S TELEPHONE	
Thomas J. Ahmer		388-0631	
PROPERTY OWNER'S STREET ADDRESS			
3923 North Point Boulevard			
CITY	COUNTY	STATE	ZIP
Baltimore	Baltimore	MD	21222
TYPE OF BUSINESS (CHECK APPROPRIATE BLOCK)			
VEHICLE DEALERS		TRANSPORTER OF VEHICLES	
☐ NEW ☒ USED ☐ TRAILER ☐ MOTORCYCLE		☐ INSPECTION STATION ☐ VEHICLE PAINTING ☐ REMODELING OF VEHICLES ☐ VEHICLE REPAIRS ☐ INSTALLATION OF EQUIPMENT ☐ OTHER	

SECTION B: TO BE COMPLETED BY ZONING OFFICIAL TO VERIFY APPLICANT HAS MET ALL LOCAL ZONING REQUIREMENTS TO CONDUCT THE TYPE OF BUSINESS SPECIFIED ABOVE.

I CERTIFY, THAT THE BUSINESS OF Service Garage & Used Car Sales DOES ☒ DOES NOT ☐ MEET ALL LOCAL ZONING REQUIREMENTS, INCLUDING THE ISSUANCE OF A USE AND OCCUPANCY PERMIT, IF ☒ IF ☐ THE ZONING OFFICE PROVISIONALLY APPROVES THIS PERMIT, IT IS CONDITIONED, SIGNED Jeffrey H. Scherr ON THE DATE OF THE SPECIAL HEARING REQUESTED. IF DENIED, THIS APPROVAL IS VOID AND THE OFFICIAL CAPACITY Zoning Commissioner PROPERTY MUST BE RETURNED TO ITS ORIGINAL CONDITION. IF GRANTED, WITH ANY RESTRICTIONS OR MODIFICATIONS, THE EXISTING USE IS INCLUDED IN THE APPROVED PLAN WITH THE CHANGE OF OCCUPANCY PERMIT WHICH IS ALSO A CONDITION PRECEDENT TO THIS APPROVAL. 4/6/87

u.c.c.
4/11/87
4/16/87
1700

17-2070
RECEIVED
APR 1 1987
Ita # 382
LAW OFFICES
KRAMON & GRAHAM, P.A.
SUN LIFE BUILDING
CHARLES CENTER
BALTIMORE, MARYLAND 21201
(301) 752-6030
TELEPHONE
(301) 539-1269
TELECOPIER
(301) 838-9298
BEL AIR OFFICE:
10700 BEL AIR STREET
BALTIMORE, MARYLAND 21040
(410) 879-5040
(410) 838-9095

April, 1, 1987
Arnold E. Jablon, Esquire
Zoning Commissioner
for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Special Hearing Item #382
3801 North Point Boulevard

Dear Mr. Jablon:
This will confirm our telephone conversation of March 30, 1987 in which we discussed what provision could be made to secure temporary relief for Mr. Thomas Ahmer, who has lost the lease at 3930 North Point Boulevard, where he has operated a used car sales business. As you are aware, Mr. Ahmer has been unsuccessful in finding another sales location, and therefore has filed a Petition for Special Hearing seeking an order allowing him to sell used cars as an accessory use to the repair garage he operates at the above-captioned address.

Without temporary approval of such accessory sales, pending the outcome of the Special Hearing, Mr. Ahmer will go out of business. Therefore you advised that you will allow Mr. Ahmer temporarily to sell used cars at the above-captioned property. This authority will terminate if the relief sought in the Special Hearing is denied. Mr. Ahmer will display only the number of cars shown on the plat filed in the above-captioned Petition. I have enclosed the form that the Motor Vehicle Administration requires be submitted. Please complete the portion pertaining to zoning approval and return the form in the enclosed, self-addressed envelope.

Thank you for your cooperation in this matter.
Sincerely,
Jeffrey H. Scherr
Jeffrey H. Scherr

JHS:amk
cc: Mr. Thomas Ahmer, dup

37-0445
AP-98
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Zoning Commissioner Date: July 14, 1987
FROM: Dale T. Volz, Councilman...
7th District
SUBJECT: Thomas Ahmer, et ux...
3801 North Point Road
Case # C-87-532
88-6-SPH

Please forward a copy of your decision regarding the special hearing held on Tuesday, July 7, 1987 for Mr. Thomas Ahmer and his garage.
Thank you.

DTV:me

no decision made as of today

RECEIVED
JUL 15 1987
ZONING OFFICE

CPS-008

IN RE: PETITION FOR SPECIAL HEARING
SW/S North Point Boulevard,
Cor. SE/S Rosebank Road
15th Election District
7th Councilmanic District
Thomas Ahmer, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-6-SPH

The Petitioners herein request a special hearing to approve an amendment to Case No. 77-31-X and the site plan to permit used car sales as an accessory use to an existing service garage, as more particularly described in the plan submitted, prepared by Spellman, Larson & Associates, Inc., dated 3/3/87 and identified as Petitioner's Exhibit 1.

Testimony by and on behalf of the Petitioners indicated that Mr. Ahmer has operated an existing service garage on the subject property for the last 11 years and has acquired a number of long-term customers for that business. He, his two sons, and a handman repair about 40 cars per week. At this time, he would like to turn over the repair work to his sons. In addition, he conducted a used car sales business in a nearby location from May 1986 until April 1987 when that property was sold. The Zoning Commissioner allowed Mr. Ahmer to transfer his used car inventory to the instant site and to sell from this location pending the outcome of the current hearing. Mr. Ahmer proposes displaying a maximum of 24 used cars. He will be the only person with a license to sell on the site and it is his intention to work on a part-time basis. He anticipates that most of his sales customers will be regular customers of the service garage. CRG and other Baltimore County requirements will be met.

A resident of Old North Point Road testified in protest and expressed concerns over the visual appearance of used cars and a fenced area for disabled cars.

Pursuant to the advertisement, posting of property, and public hearing on the petition, it appearing that strict compliance with the Baltimore County

101-1011 of Baltimore

Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having ascertained that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; it is determined that the requested variances will not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 30th day of July, 1987 that an amendment to Case No. 77-31-X and the site plan to permit used car sales as an accessory use to an existing service garage, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

- 1) The amended site plan must be submitted to CRG for review and approval.
- 2) The plan identified as Petitioner's Exhibit 1 shall, in general, provide the basis for the plan to be approved by Baltimore County. Notes #1 thru #4 on Petitioner's Exhibit 1 shall be retained on the approved plan.
- 3) No access to Old North Point Road shall be provided.
- 4) No more than one salesperson shall be licensed to sell and/or be involved in sales on the site.
- 5) Landscaping shall be approved by the Office of Current Planning. The area provided for disabled vehicles shall have a gate that does not interfere with other designated uses. The screening for the disabled vehicles shall not be a metal fence with inserted slats.
- 6) No vehicles shall be parked on road rights-of-way.
- 7) Requirements of the Chesapeake Bay Critical Law, as specified in the memo dated 5/22/87 from the Director of the Office of Planning and Zoning, shall be met.

Jeffrey H. Scherr
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Dels
4/16/87
1700

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484-3353
Arnold Jablon
Zoning Commissioner

July 30, 1987

Jeffrey H. Scherr, Esquire
Kramon and Graham, P.A.
Sun Life Building, Charles Center
Baltimore, Maryland 21201

RE: Petition for Special Hearing
SW/S North Point Boulevard, Cor. SE/S Rosebank Road
15th Election District, 7th Councilmanic District
Thomas Ahmer, et ux - Petitioner
Case No. 88-6-SPH

Dear Mr. Scherr:
Pursuant to the recent hearing held on the subject case, enclosed please find a copy of the decision rendered. Your Petition for Special Hearing has been granted, subject to the restrictions noted in the attached Order.
If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs
Enclosures
cc: Mr. Orville Whitehair
3709 Old North Point Road
Baltimore, Maryland 21222
People's Counsel

RE: PETITION FOR SPECIAL HEARING
HEARING SW/S North Point Blvd.
Cor./SE/S Rosebank Rd.
15th Election District
7th Councilmanic District
THOMAS AHMER, et ux.
Petitioners

BEFORE THE DEPUTY
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-6-SPH

MEMORANDUM IN SUPPORT OF SPECIAL HEARING

Petitioners seek zoning approval for the sale of used cars as an accessory use to their existing service garage located at 3801 North Point Boulevard. The subject property is zoned B.L. For approximately eleven (11) months, Mr. Ahmer conducted a used car sales business from a lot across the street from Petitioners' residence, which is located two blocks from the service garage. With only several weeks' notice, Mr. Ahmer was required to remove his inventory of cars from that lot, as the owner had entered into a contract to sell the property. Petitioners received temporary approval from the Zoning Commissioner to conduct the sale of used cars from the existing service garage. Mr. Ahmer has operated a business at 3801 North Point Boulevard for eighteen (18) years, and, since the grant of a Special Exception in 1976, has operated a service garage at that address.

Mr. Ahmer's sale of used cars at 3801 North Point Boulevard will be accessory to the existing service garage. In fact, the sale of used cars is a natural out-growth of his service garage business, as the majority of the sales customers are people who regularly have their cars repaired at the service garage. Petitioners wish to emphasize the fact that in Section 88-6-SPH:acv:07:10:87:1:1

RECEIVED
JUL 13 1987
ZONING OFFICE
LAW OFFICES
KRAMON & GRAHAM, P.A.
SUN LIFE BUILDING
CHARLES CENTER
BALTIMORE, MARYLAND 21201
(301) 752-6030

101 of the Baltimore County Zoning Regulations, the legislature defined "Garage, Service" as including the sale of used cars.

Garage, Service: A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale. (Emphasis added.)

This is evidence of the legislature's recognition that the sale of used cars and the operation of a service garage are inherently interrelated, and supports the proposition that Mr. Ahmer's sale of used cars is accessory to the operation of his service garage.

The accessory nature of the sale of used cars at Mr. Ahmer's service garage is further evidenced by the fact that, of the four (4) men who work there full-time, only Mr. Ahmer will be involved in the sale of used cars, and he will devote less than full time to that business. Further, approximately forty (40) cars per week are repaired at the service garage. It is anticipated that no more than a small fraction of that number of cars will be sold on the premises. As indicated on the site plan submitted with the Petition for Special Hearing, Petitioners are limited to displaying a maximum of twenty-four (24) cars for sale.

Petitioners have owned the subject property for ten (10) years. Approximately thirty-five percent (35%) to forty percent (40%) of the property is a grass plot which has never been used by the Petitioners, although they do maintain the plot. Petitioners will improve this area, as well as the remainder of their property, in a manner satisfactory to the County and the State. Finally, it should be noted that Petitioners have been PST:acv:07:10:87:1:1 2

LAW OFFICES
KRAMON & GRAHAM, P.A.
SUN LIFE BUILDING
CHARLES CENTER
BALTIMORE, MARYLAND 21201
(301) 752-6030

civic-minded and responsible members of the community and that grant of relief requested will expand the range of services that Mr. Ahmer can offer to the loyal clientele he has developed during the many years he has been operating a business at 3801 North Point Boulevard. Grant of the relief requested will therefore enhance the health and welfare of the County is in keeping with the spirit and intent of the Zoning Regulations.

Paul S. Teitelbaum

Kramon & Graham, P.A.
Sun Life Building
Charles Center
Baltimore, Maryland 21201
(301) 752-6030

PST:acv:07:10:87:1:1 3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of July, 1987, a copy of the foregoing Memorandum in Support of Special Hearing was mailed to:

Mr. Orville Whitehair
3709 Old North Point Road
Dundalk, Maryland 21122

Paul S. Teitelbaum

LAW OFFICES
KRAMON & GRAHAM, P. A.
SUN LIFE BUILDING
CHARLES CENTER
BALTIMORE, MARYLAND 21201
(301) 752-6030
TELEPHONE
(301) 530-1269

July 10, 1987

RECEIVED
JUL 13 1987
ZONING OFFICE

HAND DELIVERED

Ms. Jean Jung
Deputy Zoning Commissioner
Baltimore County Office
of Zoning and Planning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Thomas S. Ahmer, et ux., Case No. 88-6-SPH

Dear Ms. Jung:

Enclosed herewith for filing is the Memorandum in Support of Special Hearing. Please note that we have forwarded a copy of this Memorandum to Mr. Whitehair.

Very truly yours,

Paul S. Teitelbaum

PST:cde
Enclosure
cc: Mr. Orville Whitehair

SPELLMAN, LARSON
& ASSOCIATES, INC.

SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
R23-3535



ROBERT E. SPELLMAN, P.E.
JOSEPH L. LARSON
HENRY M. APPEL
ALFRED F. JUNGERS, P.E.

DESCRIPTION FOR A SPECIAL HEARING, NORTH POINT BOULEVARD, TWELFTH DISTRICT,
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the Southwest side of North Point Boulevard at the end of the cut-off connecting the Southwest side of North Point Road and the Southeast side of Rosebank Road and running thence and binding on the Southwest side of North Point Boulevard South 49 Degrees 14 Minutes East 15.64 feet and Southeasterly by a curve to the right with a radius of 3744.72 feet the distance of 100.03 feet, thence leaving the Southwest side of North Point Boulevard and running South 40 Degrees 46 Minutes West 120.64 feet, North 49 Degrees 14 Minutes West 50.00 feet and South 40 Degrees 46 Minutes West 101.74 feet to the Northeast side of Old North Point Road thence binding thereon North 47 Degrees 48 Minutes 50 Seconds West 50.02 feet and Northwesterly 17.64 feet to the cut-off connecting the Northeast side of Old North Point Road and the Southeast side of Rosebank Road herein referred to thence binding on said cut-off and on said Southeast side of Rosebank Road, Northerly 43.14 feet and North 40 Degrees 46 Minutes East 159.00 feet to the cut-off first herein referred to thence binding on said cut-off North 87 Degrees 36 Minutes 50 Seconds East 43.86 feet to the place of beginning.

Containing .61 acres of land, more or less.



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • PEAKABILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

PETITION FOR SPECIAL HEARING

15th Election District - 7th Councilmanic District
Case No. 88-6-SPH

LOCATION: Southwest Side North Point Boulevard, Corner Southeast Side Rosebank Road

DATE AND TIME: Tuesday, July 7, 1987, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve an amendment of Case No. 77-31-X and the site plan to permit used car sales as an accessory use to an existing service garage

Being the property of Thomas Ahmer, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE/S North Point Blvd., Corner
SE/S Rosebank Rd., 15th Dist. : OF BALTIMORE COUNTY
THOMAS AHMER, et ux, Petitioners: Case No. 88-6-SPH

ENTRY OF APPEARANCE

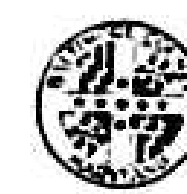
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2186

I HEREBY CERTIFY that on this 12th day of June, 1987, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Scherr, Esquire, Kramon & Graham, P.A., Sun Life Bldg., Charles Center, Baltimore, MD 21201, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER
June 30, 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Paul S. Teitelbaum, Esquire
Kramon & Graham, P.A.
Sun Life Building
Charles Center
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL HEARING
SW/S North Point Blvd., Cor./SE/S Rosebank Rd.
15th Election District - 7th Councilmanic District
Thomas Ahmer, et ux - Petitioners
Case No. 88-6-SPH

Dear Mr. Teitelbaum:

This is to advise you that \$79.57 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 110, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 35959
DATE 7/7/87 ACCOUNT E-01-615-000
SIGN & POST
RETURNED
AMOUNT \$ 79.57
Kramon & Graham, P.A., Sun Life Building,
Charles Center, Balto., Md. 21201
RECEIVED FROM
ADVERTISING & POSTING COSTS IN CASE #88-6-SPH
FOR
\$ 8095*****735748 0074F
VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 6/21/87
Posted for Special Hearing
Petitioner Thomas Ahmer, et ux
Location of property SE/S N.P. Blvd., cor./SE/S Rosebank Rd.
Location of Sign Being in Townships of N.P. Rd. & Rosebank Rd.
Remarks 15th Election District, 7th Councilmanic District
Posted by [Signature] Date of return 6/29/87
Number of Signs 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 18, 1987.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 18, 1987.

THE JEFFERSONIAN,

[Signature]

Publisher

32.17

FORM NO. 100 (REV. 1-78)
7th Edition, 1978
Case No. 88-6-SPH
LOCATION: Dundalk, Baltimore County, Maryland
DATE: Tuesday, July 7, 1987, at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Ordinances of Baltimore County, will hold a public hearing on the proposed special use exception for a Service Garage, as shown on the plat attached to this petition, at the time and place specified above.
In the event that the Petitioner is granted a hearing, he shall be required to appear at the hearing and to present evidence in support of his petition. If he fails to appear, his petition shall be deemed withdrawn. The Zoning Commission may, at its discretion, grant a hearing to any person who requests it in writing at least 10 days before the hearing. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ZONING COMMISSION
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936 Dundalk, Md. 21222 June 18, 19 87

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hrgs. - Case #88-6-SPH - P.O. #88918 - Reg. #M03244 - 81 lines @ \$32.40. was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 19th day of June 19 87; that is to say, the same was inserted in the issues of June 18, 1987

Kimbel Publication, Inc.
per Publisher.

By *K.C. Oller*

Jeffrey H. Scherr, Esquire
Kramon and Graham, P.A.
Sun Life Building, Charles Center
Baltimore, Maryland 21201

May 22, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
S.W.S. North Point Blvd., Cor./SE/S
Rosebank Rd.
15th Election District - 7th Councilmanic District
Thomas Ahmer, et ux - Petitioners
Case No. 88-6-SPH

TIME: 10:00 a.m.

DATE: Tuesday, July 7, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/25/87 ACCOUNT: 01-615-000

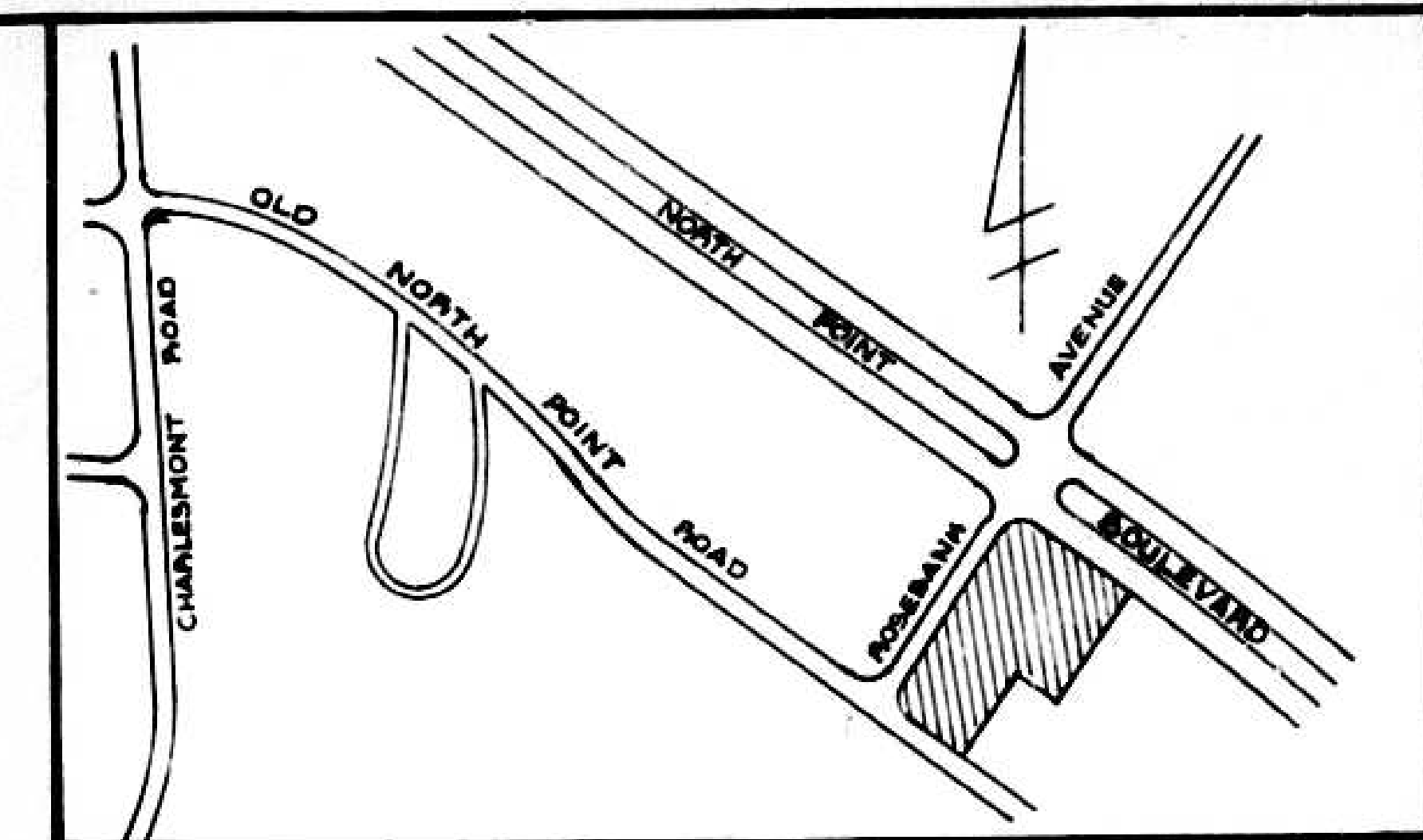
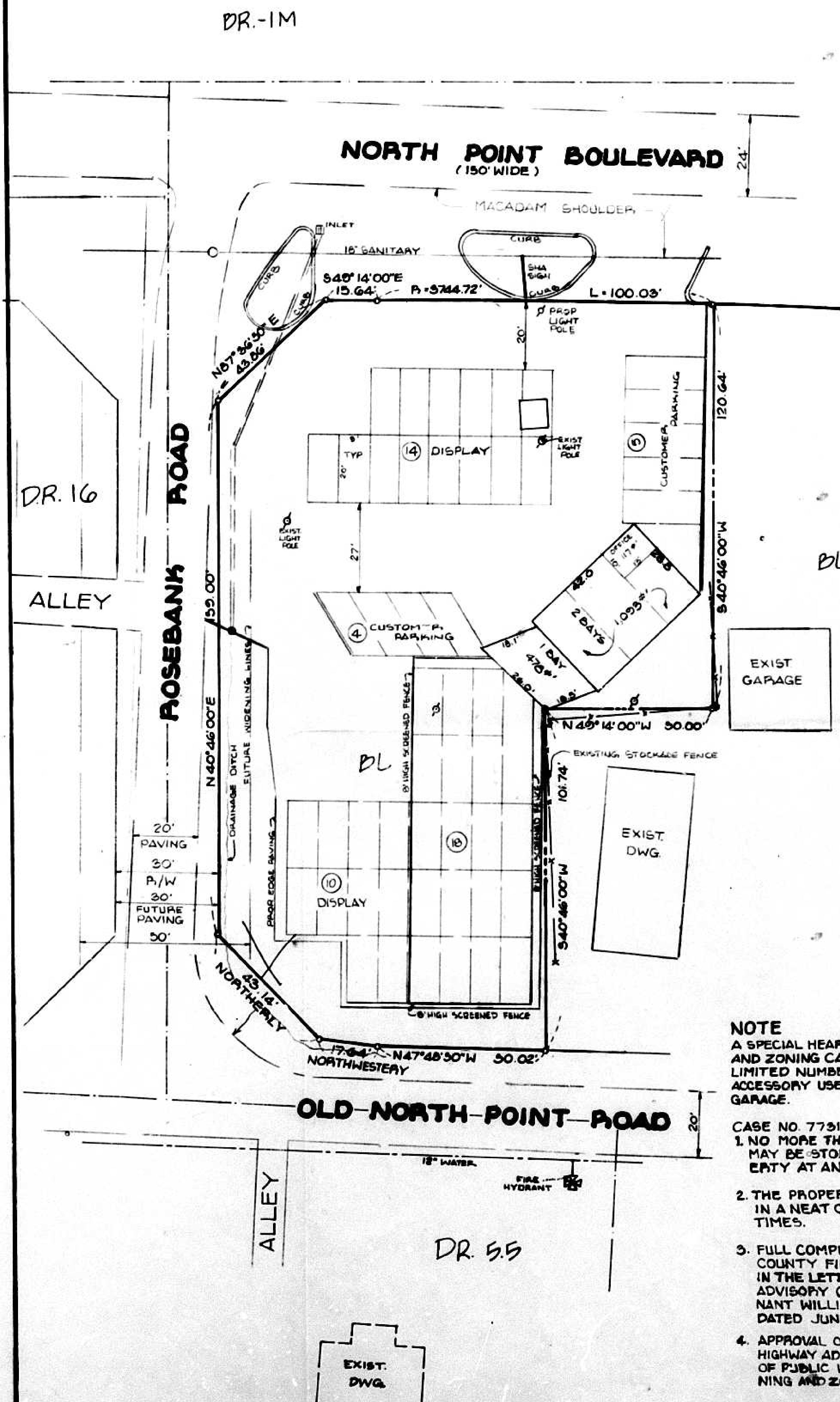
AMOUNT: \$ 100.00

PAID TO: Paul Testelbaum

FOR: Spk # 382

8 8152*****1000013 0262F

VALIDATION OR SIGNATURE OF CARRIER



VICINITY MAP SCALE 1" = 200'

GENERAL NOTES

EXISTING ZONING: ~~BL~~ with a special exception for a Service Garage (Refer to Item No. 263)

PROPOSED ZONING: BL with a special exception for a Service Garage and a special hearing to amend site plan and zoning case 77-51-X to permit sale of used cars as an accessory use to an ex. service garage.

PARKING SPACE REQUIREMENTS
Office: 117 sq. ft. + 500 = 1 space
Retail: 1571 sq. ft. + 200 = 8 spaces
Total required spaces = 9 spaces
Total parking spaces shown = 9 Service Bays;
9 Customer parking; 10 Disabled (24 Display parking (Maximum 1/2 of Display - 24)
Area = 0.61 Ac.



12/87
88-6-SPH
OFFICE COPY
382

NOTE

A SPECIAL HEARING TO AMEND SITE PLAN AND ZONING CASE 77-51-X TO PERMIT A LIMITED NUMBER OF USED CAR SALES AS AN ACCESSORY USE TO AN EXISTING SERVICE GARAGE.

CASE NO. 77-51-X RESTRICTIONS:
1. NO MORE THAN 10 DISABLED VEHICLES MAY BE STORED ON THE SUBJECT PROPERTY AT ANY ONE TIME.

2. THE PROPERTY SHALL BE MAINTAINED IN A NEAT ORDERLY MANNER AT ALL TIMES.

3. FULL COMPLIANCE WITH BALTIMORE COUNTY FIRE REGULATIONS, AS OUTLINED IN THE LETTER TO THE ZONING PLANS ADVISORY COMMITTEE, FROM LIEUTENANT WILLIAM F. BRADY, PLANS REVIEW, DATED JUNE 29TH, 1976.

4. APPROVAL OF A SITE PLAN BY THE STATE HIGHWAY ADMINISTRATION, DEPARTMENT OF PUBLIC WORKS, AND OFFICE OF PLANNING AND ZONING.

PETITIONER'S EXHIBIT 1

REVISIONS	
NO.	DATE

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER
THOMAS AHMER SA.
5925 NORTH POINT BOULEVARD
BALTIMORE CO. MD. 21222

PLAT FOR A SPECIAL HEARING
NORTH POINT BLVD. AND ROSEBANK RD.

15TH ELECTION DISTRICT, BALTIMORE CO. MD.

SCALE: 1" = 20' DESIGNED BY: J.T.P. SHT. 1 OF 1
DATE: MAR 9 87 DRAWN BY: J.T.P.

87006