

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NEC Liberty Road and Burmont * ZONING COMMISSIONER
 Avenue *
 9330 Liberty Road *
 2nd Election District * OF BALTIMORE COUNTY
 2nd Councilmanic District *
 Athanasios I. Markides * Case No. 95-¹⁶²~~146~~-A
 Petitioner *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 9330 Liberty Road in Randallstown. The Petition is filed by Athanasios I. Markides, property owner. Relief is requested from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to extend a deficient setback and to allow a side yard setback of 20 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan.

Appearing at the requisite public hearing held for this case was the aforementioned Athanasios I. Markides, property. He was represented by Matthew T. Angotti, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is a commercial property which fronts Liberty Road in Randallstown. Presently, the site is used as the place of business for Prestige Imports, an automobile dealership. The dealership specializes in the sale of used custom vehicles. In fact, the proposed use was subject to a Petition for Special Exception which was granted by this Zoning Commissioner under case No. 93-381-X. The opinion and Order issued in that case on June 11, 1993 (Petitioner's Exhibit No. 3), is specifically incorporated and adopted herein.

ORDER RECEIVED FOR FILING

Date

By

M. Sherrill

MICROFILMED

Proffered testimony on behalf of Mr. Markides was that the business opened in the Summer of 1993. During last year's severe Winter, the property owner determined that an enclosed area was necessary for the storage of certain materials used in the preparation and cleaning of the automobiles. Also, the area was needed as a place where cars could be prepped for final sale. Thus, a small shed was built and attached to the rear of the existing structure. The shed is clearly shown on the site plan and is situated 20 ft. from the side property line. Although that distance is identical to the setback to the building, the building is apparently quite old and predates the setback regulations. However, the requested variance is necessary to approve the proposed shed.

A review of the uses on the surrounding property show that they are also commercial in nature. Therefore, there will be no adverse impact upon surrounding properties by the grant of the variance and allowing the shed to remain where located. Moreover, locating the shed on other parts of the site would disrupt the traffic and parking pattern, and cause the Petitioner a practical difficulty. For these reasons, I am persuaded that the Petition for Variance should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of December, 1994 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to extend a deficient setback and to allow a side yard setback of 20 ft., in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

MICROFILMED

2025 RELEASE UNDER E.O. 14176
12/6/94
Mr. Markides

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
DATE 12/6/98
BY M. G. G. G.

RECEIVED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 5, 1994

Matthew T. Angotti, Esquire
201 N. Charles St.
Suite 2000,
Baltimore, Maryland 21201

RE: Case No. 95-162-A
Petition for Variance
Property: 9330 Liberty Road
Anthanasios I. Markides, Petitioner

Dear Mr. Angotti:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Anthanasios I. Markides

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at ^{95-162-A} 9330 Liberty Road

which is presently zoned BR-C3-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 238.2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To extend deficient set back, and allow a side yard set back of 20 feet in lieu of required 30 feet.

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

I, or we, agree to pay expenses of above Variance 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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Matthew T. Angotti, Esq.

(Type or Print Name)

Signature

201 N. Charles St., Suite 2000

Address

Baltimore, MD

21201

Phone No.

(410) 752-1630

City

State

Zipcode

Legal Owner(s)

Athanasios I. Markides

(Type or Print Name)

Signature

(Type or Print Name)

Signature

9330 Liberty Road

Address

Randallstown, MD

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Athanasios I. Markides

Name

9330 Liberty Road

Address

922-1100

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: Ret.

DATE 10-24-94



MICROFILMED



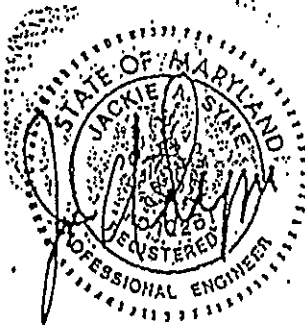
ITEM # 153

DESCRIPTION FOR A SPECIAL EXCEPTION APPLICANT

95-162-A

BEGINNING FOR THE SAME on the northeast side of Liberty Road at the beginning point of that parcel of land which by a deed dated October 29, 1946 and recorded among the Land Records of Baltimore County, Maryland in Liber RJS 1496 folio 230, was conveyed by G. Jerome Schwesinger and Geraldino A. Schwesinger, his wife, to Bankers Trust Company, Trustee, and Consolidated Gas Electric Light and Power Company of Baltimore, thence binding on the outline of said parcel of land and binding on said side of Liberty Road, South 52 degrees 02 minutes East 149.68 feet, thence leaving said road and continuing to bind on the outline of said parcel of land by the two following courses and distances: North 38 degrees 03 minutes East 199.85 feet and North 52 degrees 02 minutes West, parallel with Liberty Road 163.15 feet to intersect the southeast side of Burmont Avenue, as widened and described in a deed dated February 18, 1982 and recorded as aforesaid in Liber 6371 folio 508 which was conveyed by Baltimore Gas and Electric Company to Baltimore County, Maryland and as shown on Baltimore County Department of Public Works Bureau of Land Acquisition Right-of-Way Plat No. 79-134-3, thence binding on said side of Burmont Avenue, as widened, by a line curving to the left having a radius of 290 feet for a distance of 67.71 feet to intersect the last line of the above first mentioned parcel of land from Schwesinger, thence binding thereon South 22 degrees 54 minutes West 136.96 feet to the place of beginning. Containing 0.797 of an acre of land, more or less.

BEING the same property which by Deed dated April 27, 1983 and recorded among the Land Records of Baltimore County, Maryland in Liber 6544 folio 599 was granted and conveyed by Baltimore Gas and Electric Company to Pearlstein-Levitt Investments, a Maryland general partnership, in fee simple.



MICROFILMED

ITEM #153

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-162-A

District Ind Date of Posting 11/4/94

Posted for: Variance

Petitioner: Athanasios I. Markides

Location of property: 9330 Liberty Rd, Cor Bermond Ave

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 11/10/94
Signature

Number of Signs: 1



RECEIVED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-162-A
(Item 153)
8330 Liberty Road and Bur-

mont Avenue
274 West on Burmont
and 2000 Burmont
1000 (0)

Attendance in Markides
Hearing: Thursday,
December 1, 1994 at
9:00 a.m. in Rm. 118, Old
Courthouse.

Variance to extend deficient
set back, and allow a side yard
set back of 20 feet in lieu of the
required 30 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible for special ac-
commodations. Please Call
887-3353.

(2) For information concern-
ing the file and/or hearing, please
call 887-3391.
11/14/94 Nov 10

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 11, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 10, 1994.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

Publisher

MICROFILMED

95-162-A



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number 153

R.T.

Date 10-24-94

MARKIDES

9330 LIBERTY RD,
 RANDALLSTOWN, MD. 21133

020 - VARIANCE	—	\$ 250 ⁰⁰
080 - SIGN	—	\$ 35 ⁰⁰

TOTAL =		\$ 285 ⁰⁰

95-162-A

MICROFILMED

RECEIVED AND PAID
 BALTIMORE COUNTY
 NOV 1 1994

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number 153

R.T.

Date 10-24-94

MARKIDES

9330 LIBERTY RD,
 RANDALLSTOWN, MD. 21133

020 - VARIANCE - \$ 250⁰⁰
 050 - SIGN - \$ 35⁰⁰

TOTAL = \$ 285⁰⁰

95-162-A

02A0200142MTCURC
 BY 0002150PM10-24-94

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

95-162-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 153

Petitioner: Prestige Imports

Location: 9330 Liberty Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Matthew T. Angotti, Esq

ADDRESS: 201 N. Charles Street, Suite 2000

Baltimore, Maryland 21201

PHONE NUMBER: 752-1630

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
November 10, 1994 Issue - Jeffersonian

95-162-A

Please forward billing to:

Matthew Angotti, Esq.
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201

752-1630

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-162-A (Item 153)
9330 Liberty Road
NEC Liberty Road and Burmont Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): Athanasios I. Markides
HEARING: THURSDAY, DECEMBER 1, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to extend deficient set back, and allow a side yard set back of 20 feet in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 4, 1994

95-162-A

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-162-A (Item 153)

9330 Liberty Road

NEC Liberty Road and Burmont Avenue

2nd Election District - 2nd Councilmanic

Legal Owner(s): Athanasios I. Markides

HEARING: THURSDAY, DECEMBER 1, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to extend deficient set back, and allow a side yard set back of 20 feet in lieu of the required 30 feet.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Athanasios I. Markides
Matthew T. Angotti, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

11/10/94



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Matthew T. Angotti, Esquire
Anderson, Coe & King
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201

NOV. 23 1994

RE: Case No. 95-162 , Item No. 153
Petitioner: Athanasios I. Markides

Dear Mr. Angotti:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 24, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 11/21/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 11/7/94

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee Items: 1

Item #'s:

153
154
155
156
158
159
161
162
163

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 14, 1994
 Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for November 14, 1994
 Items 153, 2, 155, 156, 157, 158, 159,
 160, 161, 162 and 163

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

134
151
152

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE:

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos 153, 154, 155, 156, 157, 160, 162, 163, 164, 165, 168, and 171

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. News

PK/JL



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-7-94

**Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109**

**Re: Baltimore County
Item No.: +153 (RT)**

**111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTENTION: JOYCE WATSON**

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

**Ronald Burns, Chief
Engineering Access Permits
Division**

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/08/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF NOV. 7, 1994.

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 53, 154, 155, 156, 157,
158, 159, 160, 161, 162 AND 163.

RECEIVED

NOV 10 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

95-162-A

(410) 887-3353

August 5, 1994

Matthew T. Angotti, Esquire
Anderson, Coe & King
Suite 2000
201 N. Charles Street
Baltimore, MD 21201

RE: Building Permit No. B188961
9330 Liberty Road
2nd Election District

Dear Mr. Angotti:

I am in receipt of your letter dated July 29, 1994. A check of the 1971 1 inch = 200 foot scale zoning map number NW-7J, found numerous hearings in the vicinity of this site. The site plan in variance case number 5796V (granted March 14, 1963) showed one existing building with a 51 foot side setback and a proposed building with a 10 foot side setback (which was the subject of the variance case). It would appear that the property lot line had been changed sometime subsequent to 1963. In any case, in a commercial zone a building with a deficient setback cannot be expanded as of right. As such, a variance hearing is required as stated in my May 26, 1994 letter and Mr. Rascoe's May 4, 1994 limited exemption response letter.

If you have any questions, please do not hesitate to contact me at 887-3391.

Sincerely,

A handwritten signature in cursive script that reads "John J. Sullivan, Jr.".

John J. Sullivan, Jr.
Planner II

JJS/jaw

ITEM # 153

RECEIVED



RE: PETITION FOR VARIANCE	*	BEFORE THE
9330 Liberty Road, NEC Liberty Road	*	ZONING COMMISSIONER
and Burmont Avenue, 2nd Election	*	
District - 2nd Councilmanic	*	OF BALTIMORE COUNTY
Athanasios I. Markides	*	CASE NO. 95-162-A
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to Matthew T. Angotti, Esquire, 201 N. Charles Street, Suite 2000, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

Petitioner (Markides)

Matthew Targotte

shed built out side

~~prep~~ prep cars

for winter built

opened 9/93

had area ~~prep~~ for prep.

in cold weather - needed area

to store batteries, supplies

to prep car -

building not visible from
street -

MICROFILMED

9330-

.797 acres - zoned B.R.

old building - upholstery business

10/25/14

Zoning Commission,

Applicant insisted that
the hardship or practical
difficulty can be argue
during the hearing and
is aware that he is
not complying to include
the reasons on the
application forms.
R.T.

Previous case # 5796 ✓
granted 3/14/63

LAW OFFICES

ANDERSON, COE & KING

SUITE 2000

201 N. CHARLES STREET

BALTIMORE, MARYLAND 21201

TELEPHONE: 410-752-1630

FAX DIRECT DIAL: 410-752-0085

CABLE: ABKO

OCEAN CITY OFFICE

P.O. BOX 535

7904 COASTAL HIGHWAY, #5

OCEAN CITY, MD 21842

TELEPHONE: 410-524-6411

FAX DIRECT DIAL: 410-524-9479

BARBARA MCC. STANLEY

MATTHEW T. ANGOTTI

HUGH CROPPER, IV

JILL R. LEINER

JAMES S. AIST

KIMBERLY E. RICE

RUSSELL S. WOODWARD

JACQUELINE S. RUSSELL

JAN H.K. CARDIN

E. SCOTT CONOVER, JR.

G. C. A. ANDERSON

(1888-1885)

ROBERT H. BOUSE, JR.
E. DALE ADKINS, III
JAMES A. ROTHSCHILD
M. BRADLEY HALLWIG
J. MICHAEL SLONEKER
G. MACY NELSON
E. PHILIP FRANKE, III
T. MICHAEL PRESTON
PHILIP C. JACOBSON
LYNNE B. MALONE
GREGORY L. VANGEISON

COUNSEL

WARD B. COE, JR.
FRANK J. VECELLA
JOHN F. KING

95-162-A

October 10, 1994

John J. Sullivan, Jr.
Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

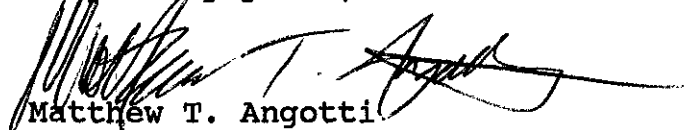
Re: Prestige Imports Petition for Variance

Dear Mr. Sullivan:

Attached to this correspondence please find three original Petition for Variance forms, 12 copies of a sealed plat, 3 separate copies of a sealed description of the property, 1 copy of the official zoning map and a check in the amount of \$250 for filing in the above-captioned matter. These materials should complete the filing requirements for my client, and allow consideration and a hearing on the Petition for Variance.

Thank you for your cooperation in this matter. I look forward to seeing you again when the attached materials are submitted for consideration, and as always if you have any questions before that time please feel free to call.

Very truly yours,


Matthew T. Angotti

MTA/jp
enc.

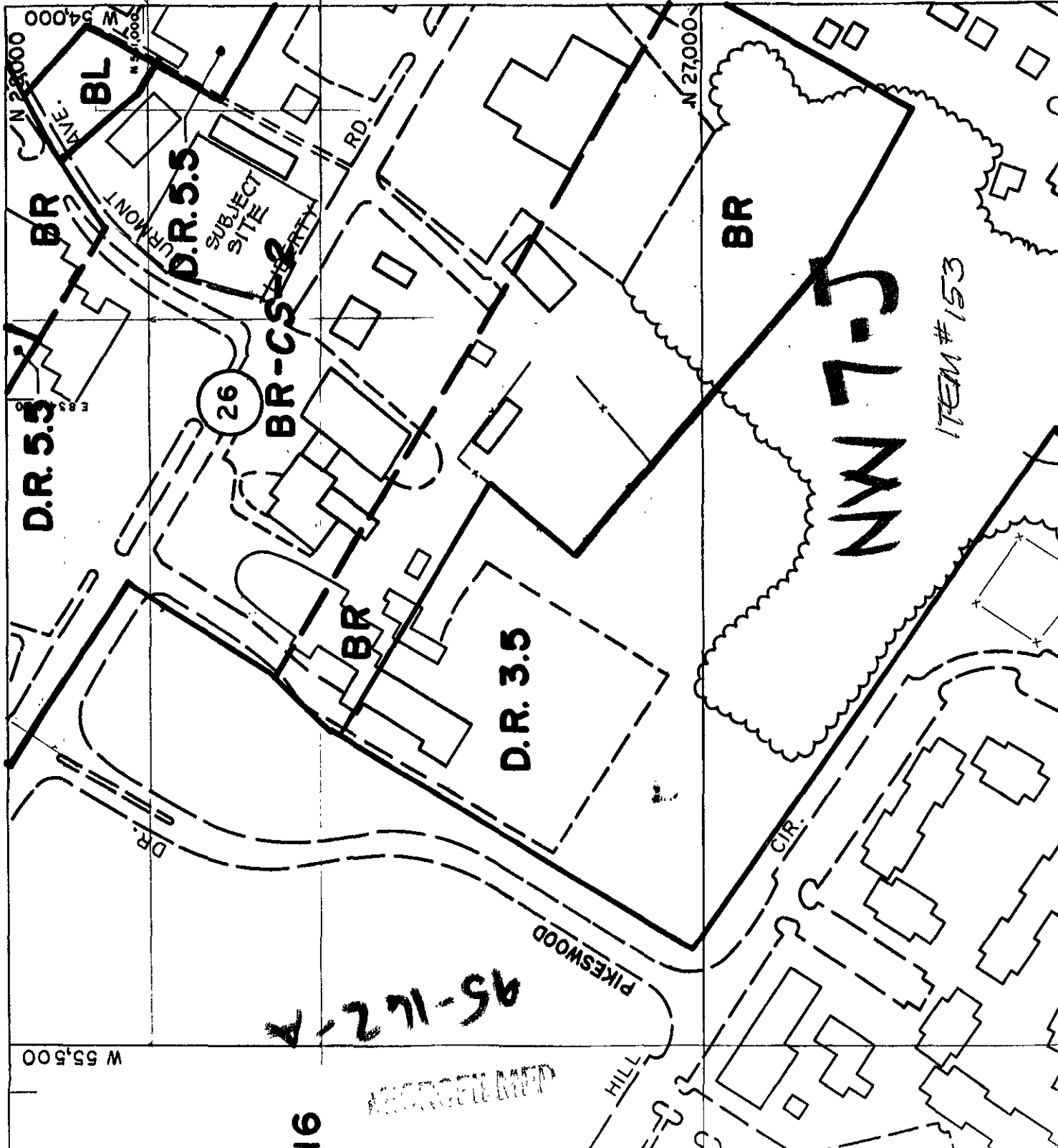
cc: Athanasios I. Markides

ITEM # 153

MICROFILMED

— POSITION EDGE OF PRINT ON THIS LINE —

— POSITION —



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Matthew T. Angelli

Alfonso J. Marfisi

201 N. Charles St. Suite 2000

Baltimore, MD 21201



Printed with Soybean Ink
on Recycled Paper

WICRON 12.5.01

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
Intersection of Liberty Rd. and *
Burmout Avenue * ZONING COMMISSIONER
9330 Liberty Rd.-Prestige Imports *
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District *
Legal Owner: Bernard Koman * CASE # 93-381-X
Contract Purchaser: Tom Markides *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 9330 Liberty Road near the Randallstown community of Baltimore County. The Petition was originally filed by Bernard Koman, then owner of the subject parcel. However, subsequent to the filing of the Petition, but prior to the public hearing, the property was purchased by Tom Markides. Mr. Markides is identified in the Petition as Contract Purchaser. Mr. Markides is Chief Executive Officer of Prestige Imports, the business entity that wishes to occupy the site.

Under the Petition for Special Exception, Mr. Markides seeks approval for the use of the property for the sale of previously owned automobiles pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The site is zoned B.R. Used motor vehicle sales facilities are permitted in that zone only by special exception.

Appearing at the public hearing held for this case was Dimitri Yiannouris, Sales Manager of Prestige Imports. Mr. Yiannouris explained that Mr. Markides was out of the country attending a family member's wedding at the time of the public hearing and could, therefore, not attend. Also appearing was Dimitri Hodges, the Civil Engineer who prepared the plat to accompany the Petition for Special Exception, marked as Petitioner's Exhibit No. 1. The Petitioner was represented by Matthew T. Angotti, Esquire. Also appearing at the public hearing was Emily Wolfson of the Liber-

MICROFILMED

APR 11 1993
603

ty Community Development Corporation. If properly restricted, she supports the proposed special exception use. Also appearing was Ethel M. Carter, a neighbor, who opposes the Petition.

Mr. Hodges testified and presented the plan. That plan notes that the subject site is .797 acres and is zoned B.R. As noted above, the property is located on Liberty Road in Randallstown. There are numerous commercial uses along that stretch of Liberty Road near where the property is located. Specifically, surrounding the site is an automobile repair shop, automobile dealership and similar commercial uses. Mr. Hodges noted that the site had originally obtained C.R.G. approval approximately four years ago. At that time, the site was developed for the business known as Larry's Mazda, a new car dealership. A one-story automobile showroom building was constructed which is approximately 4,000 sq. ft. in area. The Petitioner desires to utilize that existing structure for its used car business. Mr. Hodges noted that, other than renovations to the building, there will be no exterior changes or new construction on site. The plat shows a sufficient number of parking spaces to the rear of the existing building which will be used for display/storage of vehicles and parking. Further, vehicles will be displayed towards the front of the site adjacent to Liberty Road and within the existing one-story showroom building. Further, Mr. Hodges testified that the site is already served by existing public utilities, and there is a storm water management system in place. In Mr. Hodges' view, the proposed business will have no adverse impact on the health, safety and general welfare of the community, as set forth in Section 502.1 of the B.C.Z.R.

Mr. Yiannouris also testified and fully described the nature of the proposed business. He noted that Prestige Imports is presently located in Baltimore City and has been at its existing location for approximately four

years. The nature of the business is to sell expensive late model used cars. All of the cars sold are imports such as BMW, Lexus, Mercedes, etc. Mr. Yiannouris indicated that the business has outgrown its present location and the owner desires to relocate to the subject site. He described fully the nature of the business and the type of automobiles and clientele. He indicated that many of the vehicles have a sales price of over \$25,000. Presently, approximately 20 cars are kept as inventory, however, it is hoped that this number will be expanded at the subject location, which is larger than the present site. Further, the business hours of operations are Monday through Friday, 10:00 A.M. to 8:00 P.M., and Saturday, 10:00 A.M. to 6:00 P.M. The business is closed on Sunday.

Mr. Yiannouris also observed that the business will only sell used cars and there will be no service work performed on site. There will be a small amount of detailing and vehicle prep performed on site prior to the delivery of a vehicle, but no significant mechanical work will take place. Any repairs or overhauls of vehicles sold by the dealership are done offsite at dealers or other service garages.

Also testifying at the hearing was Emily Wolfson of the Liberty Community Development Corporation. She noted that the site is presently vacant and applauds the Petitioner's efforts to convert the vacant property to a business. However, she is concerned about the potential adverse effects of the business on the neighborhood. Therefore, she requests that certain landscaping and similar improvements be made to the site. Also, she desires to restrict the special exception to Mr. Markides and his business only. That is, although supporting Prestige Imports and its high quality operation, she does not want low price/high volume dealership, or service garage, at this locale.

Mr. Wolfson's comments were echoed by Ethel M. Carter, the President of Kings Park Community Association. However, in addition to these concerns, Ms. Carter expressed reservations about the proposed use of the site and generally opposes used car dealerships in the Randallstown area. She is also particularly concerned about the existing lighting on site. She observed that same reflects into Liberty Road and adjoining properties nearby.

As with all zoning petitions, the subject Petition for Special Exception was referred to the Zoning Plans Advisory Committee (ZAC) for review and comment. Comments were received from the various reviewing agencies of Baltimore County; among them, a comment from the Office of Planning and Zoning. That agency's comment supported the proposal but suggested additional landscaping to the property, replacement of existing lighting and a prohibition on service garage activity on site.

As noted above, the proposed use is permitted by special exception, pursuant to Section 236.4 of the B.C.Z.R. A special exception use is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner must decide in each case whether the presumptive compatibility exists, pursuant to the standards set forth in Section 502 of the B.C.Z.R. See e.g., Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970).

The Petitioner has the burden of adducing testimony and evidence to show that the proposed use meets the prescribed standards and requirements. He does not have to show that the proposed use will be a benefit to the community, only that said use will be conducted without real detriment to the neighborhood and will not adversely effect the public interest.

In the instant case, I am persuaded that the Petitioner has met its burden. It is particularly significant that a similar use recently existed on this site. Thus, there is a "track record" to support the Petitioner's contention that the proposed automobile sales business can be operated without any detriment to the community and that the special exception should, therefore, be granted. Based upon the testimony and evidence presented, I am persuaded that the Petitioner has satisfied its burden at law and that the standards set forth in Section 502.1 of the B.C.Z.R. have been met.

Notwithstanding my conclusion, however, I concur with the comments offered by the Office of Planning and Zoning and echoed by Mrs. Wolfson and Mrs. Carter. Therefore, to ensure that the use will not detrimentally affect the area, I shall include certain restrictions to my Order. These shall include improvements to the site both as to landscaping and correction of the existing lighting. Further, I shall restrict the special exception to this Petitioner and his business only.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11th day of June, 1993 that the Petition for Special Exception seeking approval for the sale of previously owned automobiles, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for

returning, said property to its original condition.

2. A correction shall be made to the existing lighting at this site. All exterior lighting will be directed only onto the subject property, and will not reflect offsite, either onto the adjacent properties or the adjacent roadway. The corrected lighting scheme shall be reviewed by a representative from the Department of Public Works and proof of said inspection and compliance with this Order shall be submitted to the Zoning Commissioner for inclusion in the case file, and same shall be submitted within 120 days hereof.

3. The Petitioner shall submit a landscape plan to be reviewed and approved by the Baltimore County Landscape Architect. The plan shall be in accordance with the Baltimore County Landscape Manual and consistent with the 1990 Liberty Action Plan Update.

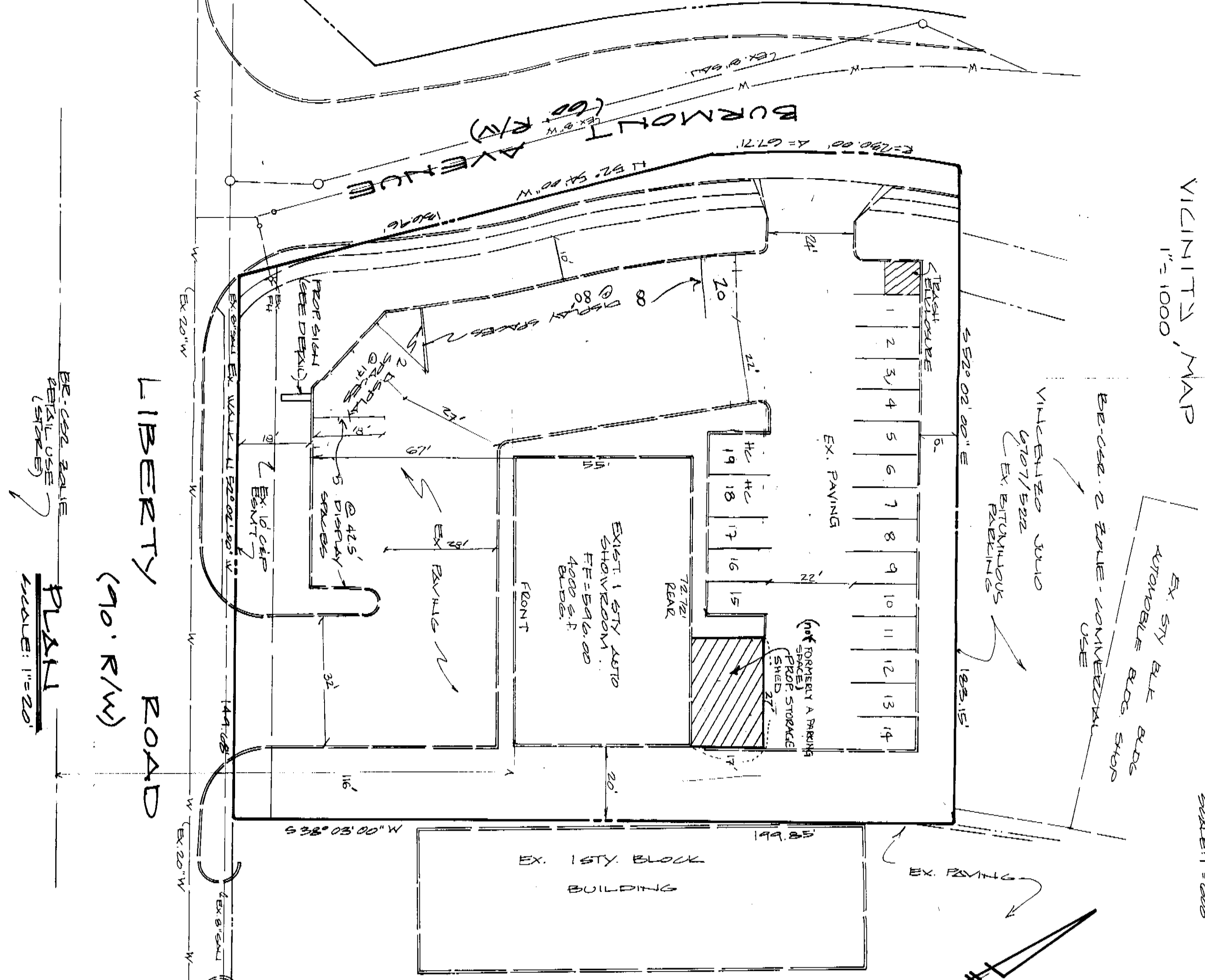
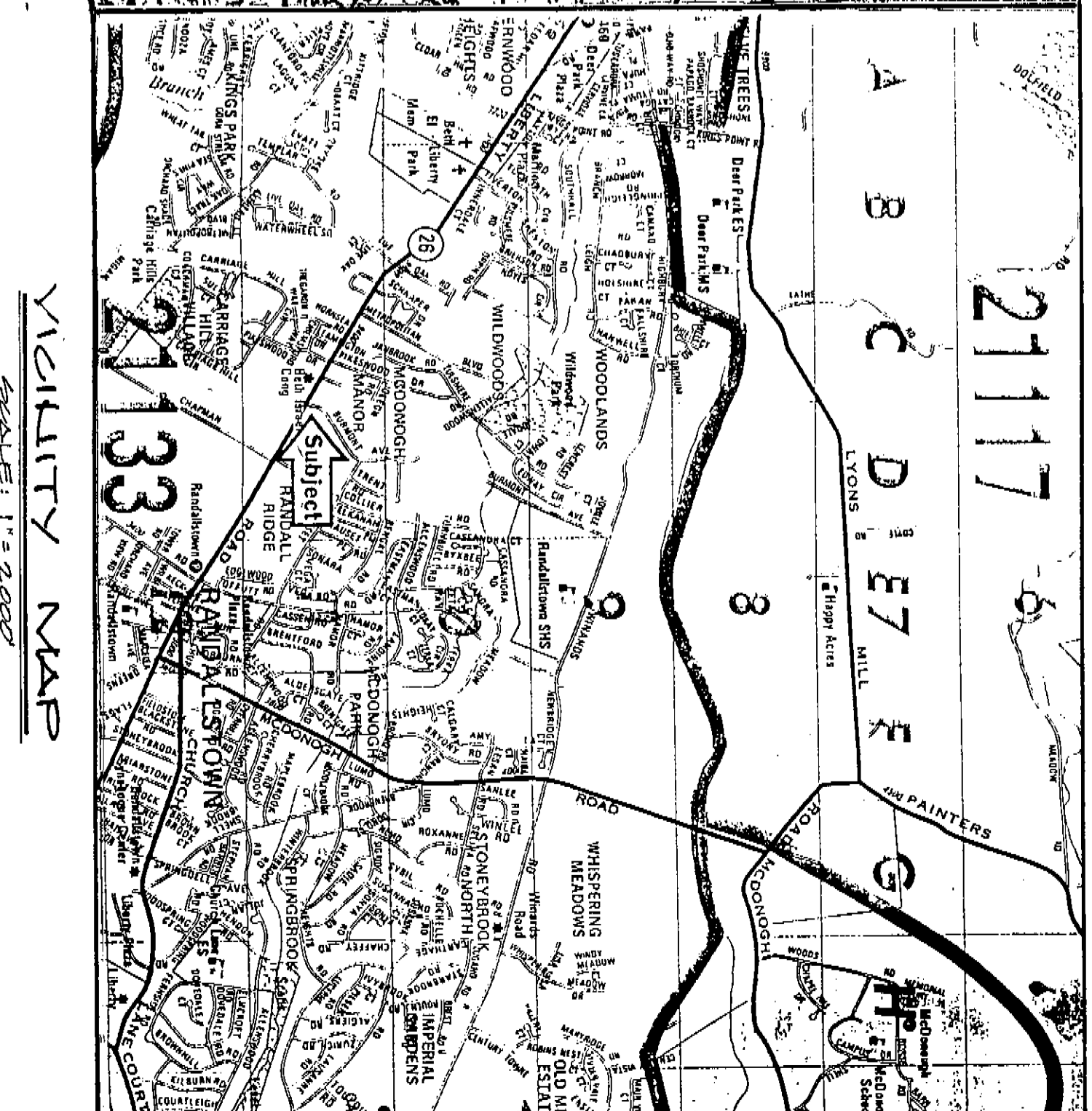
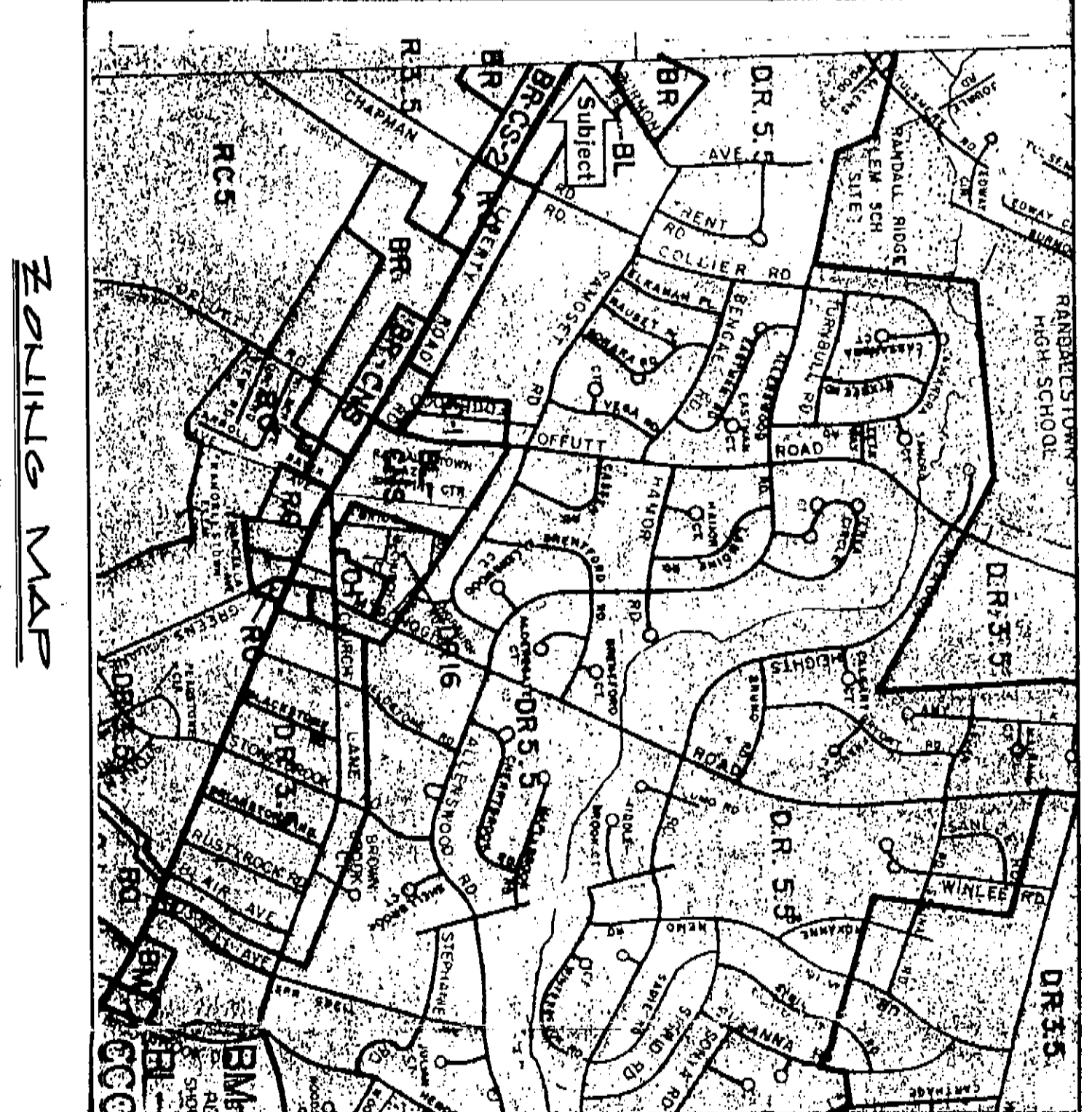
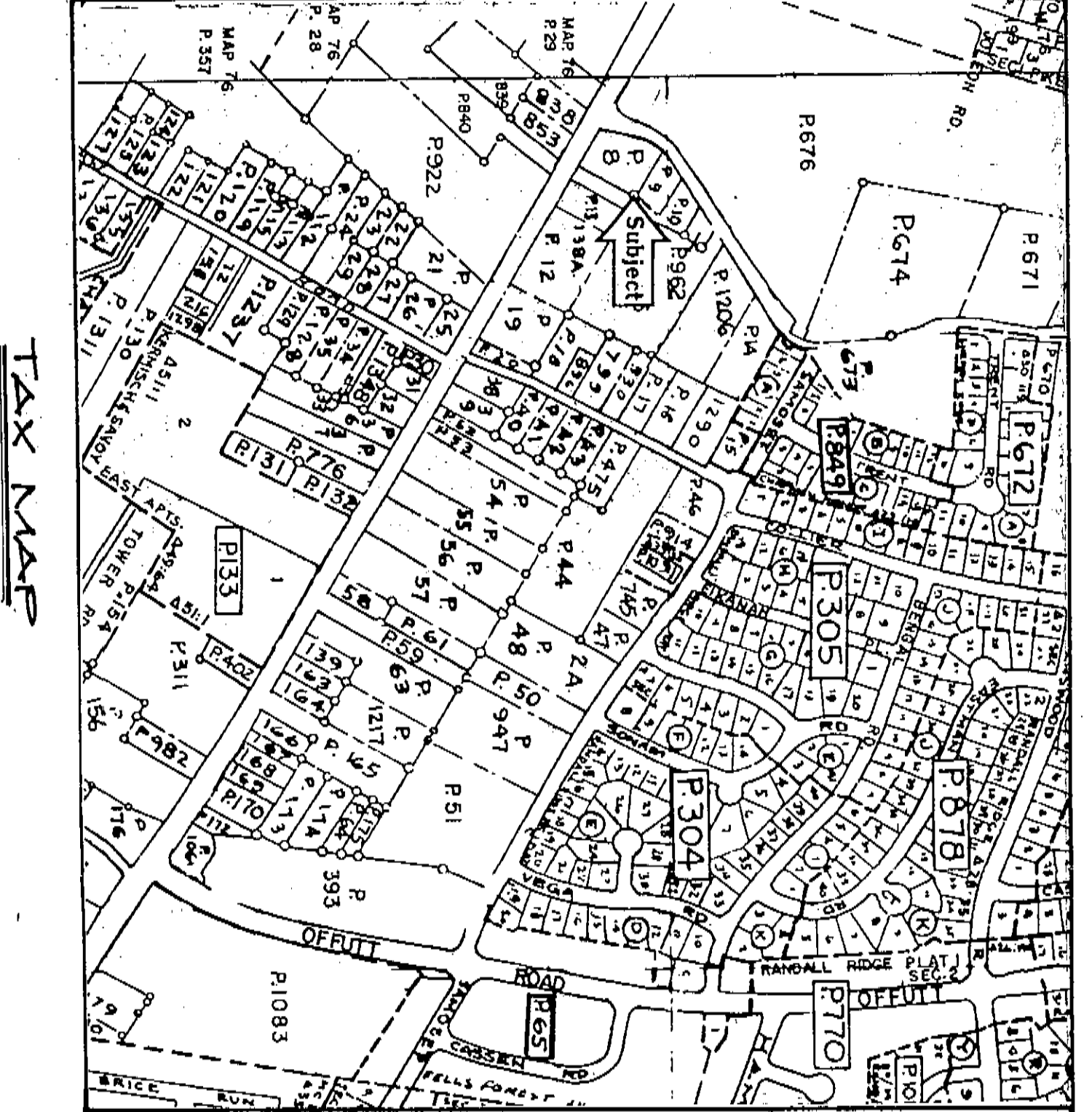
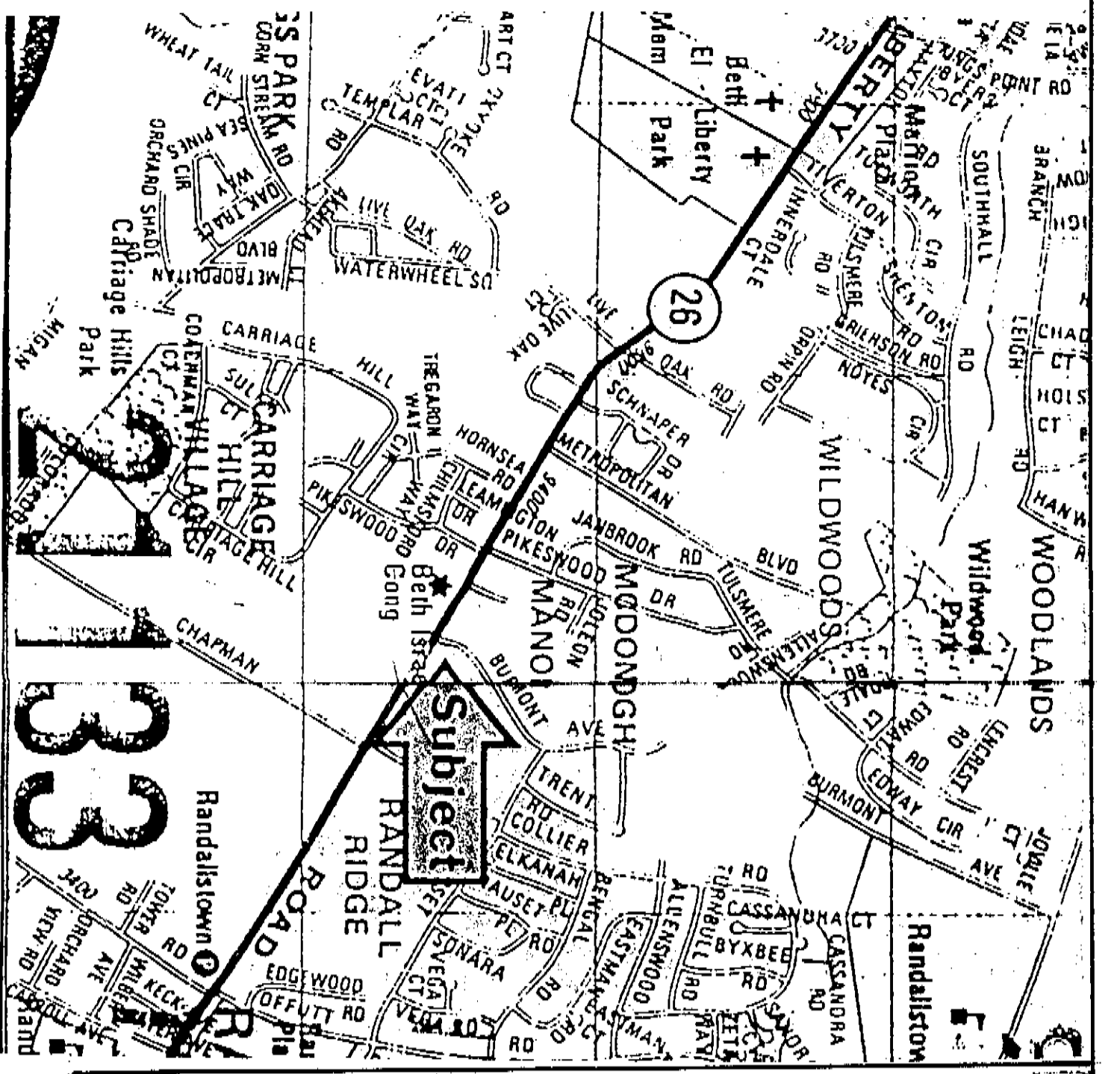
4. The special exception granted herein is personal only to the subject Petitioner and his business, Prestige Imports. It is the intent of this restriction that if the nature of the business changes, so that other than expensive imported used motor vehicles are sold, the property owner must file a Petition for Special Hearing to amend the relief requested herein. Further, if the identity of the principals, who operate the current business is changed, the authority allowed within the subject Petition for Special Exception shall also be forfeited, unless a public hearing (special hearing) is held to formally approve a different business/ownership.

5. There shall be no service garage work performed within the structure or on the subject property at any time.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn



BR-COR-2 ZONE - COMMERCIAL
 AVAILABLE FOR
 EX. 1STY BLDG
 EX. 1STY BLOCK BUILDING
 SHOLOM X LEVIN
 3340/228
 BR-COR-2 ZONE
 COMMERCIAL USE

ADJACENT BUSINESS OWNERS

P-9	JULIO VINCENTO 25 VICTORY FALLS COURT SPARKS, MD. 21152
P-10	LEVIN SHOLOM Y. 5724 LIBERTY ROAD RANDALLSTOWN, MD. 21133
P-13	THIRD GENERATION ASSOCIATES 380 WILLIAM LANE RENDOW, VA. 19612
P-676	LARRY ENTERPRISES LTD. C/O LARRY S. PONTIAC CMC 937 LIBERTY ROAD RANDALLSTOWN, MD. 21133
P-962	FRANK JULIO/ PILOMENA JULIO 4510 AMEN ROAD RANDALLSTOWN, MD. 21133

- 95-142-A
1. APPLICANT: Prestige Imports (Principal)
6207 Reisterstown Road
Baltimore, MD 21215
1-(410) 764-0800
 2. PROPERTY LOCATION: 3330 Liberty Road
Randallstown, MD 21133
Baltimore, MD 21133
Tax Map 77, Grid 7 Parcel 8
 3. SITE REFERENCE: Liber 7393 Folio 141
 4. TITLE REFERENCE: 0.797 Acres or 34,717 sq. ft.
 5. SITE AREA: BR-C-2 Commercial Use
 6. ZONING: BR-C-2 Commercial Use
 7. EXISTING USE: One-story masonry and glass commercial building with a large showroom area and auxiliary storage building. For the sale of new automobiles and supporting parking of cars.
 8. PROPOSED USE: Same as above. An automobile facility with a parking space, storage, (Garage) (FRY, MATSIEL'S)
 9. BOUNDARY: No boundary survey has been performed at this time, 7/14/14
 10. SOIL TYPE: General description taken from soil map book is C82 - Chester silt loam and gibb glenville silt loam.
 11. No wetlands on site and no flood plain or flood areas on site.
 12. No critical areas, archaeological site, endangered species habitat or hazardous material on site.
 13. There are no buildings within 100' of the proposed building except as shown hereon.
 14. UTILITIES: Existing public water and public sewer.
 15. THE SUBJECT PROPERTY IS LIBERTY ROAD AND BURMOUTH AVENUE. THE PROPERTY IS 0.797 ACRES OR 34,717 SQ. FT. WITH A TOTAL LOT AREA OF 4,460 SQ. FT. (34,717 SQ. FT. / 7.77 ACRES = 4,460 SQ. FT.)
 16. PREVIOUS PERMIT NUMBER IS C-850-89
 17. FLOOD AREA VS TOTAL LOT AREA = 4,460 SQ. FT. / 34,717 SQ. FT. = 0.111 INCLUDING SHED IS 34,717 SQ. FT. / 34,717 SQ. FT. = 0.128



STATE OF MARYLAND
 DEPARTMENT OF GENERAL SERVICES
 PLANNING AND ZONING

10/14/14

NO. 1

IMAGE DYNAMICS
 AND ASSOCIATES
 P.O. BOX 608
 ANNE ARBOR, MARYLAND 21012
 (410) 264-0128

SCALE: AS LISTED	SITE PLAN
DATE: MARCH 1978	PROPOSED STORAGE SHED
DRAWN BY: JAU	LIBERTY RD & BURMOUTH AVE.
CHECKED BY: CH	TAX MAP 77, GRID 7 PARCEL 8
JOB NO.:	BALTIMORE COUNTY, MARYLAND
FOLDER REF:	C.D. 214
SHEET 1 OF 1	FOR: PRESTIGE IMPORTS