IN THE MATTER OF THE THE APPLICATION OF AHMED D. YAHYA -PETITIONER FOR A SPECIAL HEARING ON THE PROPERTY LOCATED ON THE SE/S BELAIR ROAD, 62.5' SW FROM THE CENTERLINE RAAB AVENUE \* BALTIMORE COUNTY (8727 BELAIR ROAD) 11TH ELECTION DISTRICT \* CASE NO. 98-249-SPH 5TH COUNCILMANIC DISTRICT

\*

- \* BEFORE THE
  - COUNTY BOARD OF APPEALS
  - OF

# OPINION

\*

This matter comes before the Board of Appeals of Baltimore County as a de novo appeal from a denial of a Petition for Special Hearing by the Zoning Commissioner of Baltimore County for the property located at 8727 Belair Road, in the Perry Hall community of Baltimore County. The Petitioner, Ahmed D. Yahya, the property owner, wishes to provide storage facilities for a computer sale and repair business which he owns and operates at that location. Не also resides at that location with his wife and family.

The property in question is approximately one-third of an acre in area and is zoned C.B. (Community Business). The property fronts on Belair Road, is rectangular in shape, and its rear abuts property which is residentially zoned D.R. 5.5.

A hearing was held before the Board on February 23, 1999. Mr. Yahya represented himself. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings on behalf of the Office of People's Counsel. A public deliberation took place on March 18, 1999.

Mr. Yahya testified on his own behalf. He described his business, as well as the various commercial entities in the surrounding area. He stated that, after attempting to ascertain if the containers were appropriate to the area, he in fact had them placed in their present site on or about August 1, 1997, and has

used them to the present time. The containers were described as typical type "C" containers utilized at the Port of Baltimore for loading onto flatbed tractor trailer vehicles, and he stated they were used for storage of equipment and inventory which required him to enter them once or twice a day. He related that the use of the containers neither creates noise nor any disturbance to the neighbors and generates no ongoing traffic. He noted on cross-examination that the ground does slope toward the back of the lot, particularly in the area abutting the neighboring residential property, and, as such, is leveled by the use of two-by-fours under one end of the container.

The Petitioner presented no further testimony on his behalf.

Peter M. Zimmerman, People's Counsel, presented various documents and exhibits for inclusion in the Board's file. He called Karin Brown of the Baltimore County Office of Planning as his first witness. Ms. Brown has for the past 5 years been the Community Planner for Councilmanic District 5. She related she has a Master's Degree in Planning, and took a major role in drafting the Community Business Zone Regulations which are the subject of this appeal. After voir dire, she was accepted as an expert in planning, with special expertise in issues relating to C.B. Zones.

The witness related the history of the C.B. Zone, including the reasons for its inclusion in the 1996 comprehensive zoning process. She testified that the zone served as a buffer between residential and non-residential uses in areas such as the one which is the subject of this appeal. As the Community Planner for District 5, she had occasion to visit the subject site and drafted the language for the recommendation of the Office of Planning to

the Department of Permits & Development Management dated January 27, 1998 (which was entered as People's Counsel Exhibit #5). It was her unequivocal position that the subject containers were not a permitted listed use in the C.B. Zone, that they were incompatible with the abutting residential property, and that they did not qualify under the zoning regulations as a customary accessory use. Although on cross-examination she agreed with Mr. Yahya that the area was in fact quite busy and commercial, she maintained that the rear of his property, being next to a residential use, was visible to that residential property and contrary to the policy objectives for which the C.B. Zone was developed. She concluded that, in her opinion, the issue was the existence of the containers in their present location and not any attempt to screen them and that, under any circumstances, uses on C.B.-zoned property should not have an intrusive effect in any way on neighboring residential properties.

The next witness presented was Dennis Eckard of the Perry Hall Community Association. After placing in the record the appropriate Rule 8 documents, Mr. Eckard described the area of membership and interest of the Association, which included the site in question in this case. He related that, as President of the Association, he had taken part in a discussion of the issue with the Board of Directors of the Association, and visited the site a number of times. He testified that the position of the Association was that they supported the concept of C.B. zoning as a step away from pure commercial uses on Belair Road in a transition to quieter, more attractive uses of the area. They felt that the containers in question violated the zoning regulations in both spirit and

reality, and wished to be on record as being opposed to the granting of any special hearing to permit them to remain.

The final witness on behalf of the Protestants was Anne Marie Bodura. Mr. Bodura and her husband are the owners and residents of the property known as 4203 Raab Avenue, which adjoins the rear of the property owned by Mr. Yahya. She related that the effect of the containers adjacent to their property line (especially when leveled by the two-by-fours) renders them what she describes as virtual "metal monsters." She presented photographs of her home and the view of the metal containers presented to them on their property, and testified that the containers virtually dominate their view of the area and tower over the yard. She believes the containers are inappropriate and wishes that they be removed.

The Community Business, or C.B., Zone is set out in Section 229.1A.1 of the <u>Baltimore County Zoning Regulations</u> (BCZR), which states:

The primary purpose of the Community Business Zone (C.B.) is to provide for the daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The zone shall accommodate vehicular parking needs, but also be pedestrian oriented. Where appropriate, parking should be located to the side and to the rear. In design, the C.B. Zone should reflect elements of the architectural style of neighboring residential buildings, so that the commercial development becomes an integral, harmonious component of the neighborhood. [Emphasis added.]

Section 229.4A.1 of the BCZR lists the commercial uses permitted by right in the C.B. Zone. They include the repair of small appliances, which would seem to include Petitioner's computer purchase and repair business. However, any such use must comply with the site design performance standards described in Section

### 229.3A.2 and 3, which states:

- A. Site design.
  - 2. All permitted uses, accessory activities and storage shall be confined within completely enclosed buildings with the exception of accessory off-street parking spaces, off-street loading berths, dumpsters, the outdoor display of merchandise and outdoor tables at restaurants.
  - 3. Service and loading areas shall not be visible from public streets and adjacent residential properties. All service areas shall be screened from the view of any pedestrian or vehicular path.

Storage containers of this size and at the location presently utilized on the subject property by the Petitioner are not permitted by right in the C.B. Zone. Moreover, the subject containers are clearly in violation of the site design standards as they are visible from public streets and are certainly intrusive upon the adjacent residential property. They are incompatible with the architectural style of the adjacent residential building and in no way become the "integral, harmonious component of the neighborhood" called for in the Statement of Legislative Policy for the C.B. Zone.

The Board is further convinced that these massive containers are not either subordinate or accessory uses to the permitted commercial use of the site, under Section 101 of the BCZR, so as to allow them to be placed in their present location. There was no evidence presented that the containers are customarily incidental to the permitted use, and their very size mitigates against any conclusion that they are appropriate for anything other than heavy trucking or manufacturing purposes. The Board believes that no amount of fencing or buffering efforts alter the effect of these massive structures on the neighboring residents.

For the above reasons, the Petitioner's request for special hearing relief is hereby denied, and the subject metal containers shall be removed from Petitioner's property by no later than September 1, 1999, and the Board will so order.

# ORDER

IT IS THEREFORE this 4th day of June , 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to permit two metal containers to be used as storage facilities for a computer sale and repair business at the subject location be and the same is hereby DENIED; and it is further

ORDERED that the two metal containers shall be removed from the subject property by no later than September 1, 1999.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTEMORE COUNTY

Lawrence M. Stabi, Panel Chairman

Thomas P. Melvin

Margaret Worrall



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

June 4, 1999

Mr. Ahmed D. Yahya 8727 Belar Road Baltimore, MD 21236

RE: In the Matter of Ahmed D. Yahya -Petitioner Case No. 98-249-SPH

Dear Mr. Yahya:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

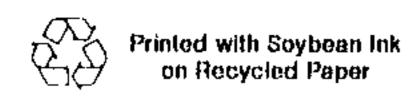
Very truly yours,

Kathleen C. Bianco

Administrator

#### Enclosure

c: Mr. and Mrs. Frank Bondura
Mr. Joe McGraw
Mr. Dennis Eckerd
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Karin Brown /Planning
Lawrence Schmidt /Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



IN RE: PETITION FOR SPECIAL HEARING
SE/S Belair Road, 62.5 ft. SW
from c/l Raab Avenue
8727 Belair Road
11th Election District
5th Councilmanic District
Ahmed D. Yahya, Petitioner

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-249-SPH

\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 8727 Belair Road in the Perry Hall community of Baltimore County. The Petition was filed by Ahmed D. Yahya, property owner. Special hearing relief is requested to permit two metal containers to be used for storage purposes on the subject property. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was the Petitioner, Ahmed D. Yahya. Also appearing in support of the request was Joe McGraw of JST Engineering Company, Inc., the firm which prepared the site plan. Appearing in opposition to the request were Frank and Ann Marie Bondura, adjacent property owners.

Testimony and evidence presented was that the subject property is approximately 1/3 of an acre in area, zoned C.B. The property is roughly rectangular in shape, with frontage on Belair Road. The property is improved with a one story brick dwelling which is used as both a residence and a retail store. In addition to this structure, the property contains a macadam driveway and parking area to the rear. Additionally, there are two 8 ft. x 40 ft. metal storage containers located to the rear of the subject property, which are the subject of the Petition for Special Hearing.

Mr. Yahya testified that he owns the subject property and resides in

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the structure located thereon with his family. He also operates a business from the site. Specifically, he owns a computer store which specializes in the repair and sale of computer components. He indicated that the business does not generate a high volume of traffic to the site in that he typically purchases and fixes older computers and then re-sells same.

Further testimony from the Petitioner was that on approximately August 1, 1997 he arranged for the delivery of two metal storage containers to the property. As noted above, the storage containers are 8 ft. wide by 40 ft. long and their appearance is typical of containers which are loaded/unloaded at the Port of Baltimore onto a flatbed tractor trailer vehicles. He indicated that the containers are used to store equipment and inventory. He also indicated that the containers are used because they are very secure and can accommodate his storage needs. He also indicated that no hazardous materials were kept within the storage containers.

Mr. and Mrs. Bondura testified in opposition to the request. They live to the rear of the subject property at 4203 Raab Avenue. The site plan shows that their property is improved with a 1-1/2 story brick dwelling which fronts Raab Avenue. Raab Avenue is a side street which leads from Belair Road. They further testified that the metal storage containers are intrusive on their property and inappropriate with the neighborhood. They specifically indicated that due to the grade of the subject property (which slopes downward towards the rear), the trailers dominate their view and appear to tower over their yard. They believe that the trailers are inappropriate and should be removed.

TO THE PARTY OF TH

In addition to the testimony and evidence above, I also conducted a site visit of the property. It is also to be noted that a Zoning Plans Advisory Committee (ZAC) comment from the Office of Planning recommends

SAL PROPERTY OF SALES

denial of the request, citing the nature of the CB zone. An adverse ZAC comment was also received from the Developer's Plans Review Division which indicates that a utility easement is located along the rear property line and that the storage containers are located within that easement.

The subject property is zoned CB. This is a zoning classification which is rarely applied in Baltimore County. Section 229.1 of the Baltimore County Zoning Regulations (BCZR) provides that the primary purpose of the CB zone is to provide for daily shopping and service needs of nearby residents through small businesses that do not generate large amounts of traffic. Mr. Yahya business appears to fall within this purpose. However, the legislative statement of findings regarding the CB zone states that the zone should be applied to promote attractive and convenient commercial shopping centers. Additionally, the site design criteria for the CB zone indicates that service and loading areas should not be visible from public streets and adjacent residential properties and that the rear and sides of the buildings which abut residential property shall be finished with materials which resemble the front of the building in color and texture.

Taking into account these standards, I am persuaded that the Petition for Special Hearing should be denied. An accessory storage shed or structure which is similar in appearance and character to the existing residential building would surely be appropriate for this locale. However, the storage containers, by their very appearance, are incompatible with the existing building and adjacent neighborhood. The containers are commercial/manufacturing in appearance and improper in a residential community setting. Additionally, the grade of the property increases the impact of the containers on the residential properties to the rear.

For these reasons, I am compelled to deny the Petition for Special Hearing. Although I am appreciative of the Petitioner's needs for storage, this need should not be accommodated by the use of metal containers.

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 denied.

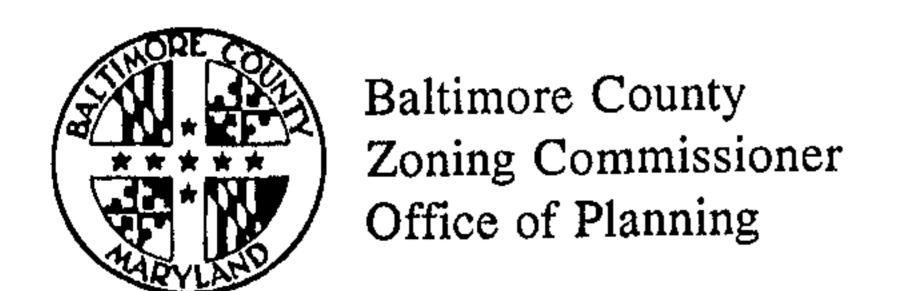
ty this day of May 1998 that, pursuant to the Petition for Special Hearing, approval of two metal containers to be used for storage purposes on the subject property, be and is hereby DENIED, subject, however, to the following:

- 1. The Petitioner shall remove the metal containers from the property within 60 days from the date of this Order.
- 2. Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

May 12, 1998

Mr. Ahmed D. Yahya 8727 Belair Road Baltimore, Maryland 21236

RE: Petition for Special Hearing

Case No. 98-249-SPH

Property: 8727 Belair Road

Dear Mr. Yahya:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn encl.

c: Mr. and Mrs. Frank Bondura 4203 Raab Avenue Baltimore, Maryland 21236

c: Mr. Joe McGraw JST Engineering Co., Inc. 6912 North River Drive Baltimore, Maryland 21220



# Petition for Special Hearing

# to the Zoning Commissioner of Baltimore County

for the property located at

8727 Belain Rd

which is presently zoned

C.B

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

TO PERMIT THE USE OF METAL CONTAINER TO BE USED FOR S.TORAGE PURPOSES.

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

I, or we, agree to pay expenses of 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 legal owner(c) of the property which is the su	
Contract Purchaser/Leusee:			Legal Owner(s):	
			Ahmed D. Yah	49
(Type or Print Name)			(Type or Print Name)	
Signature		· · · · · · · · · · · · · · · · · · ·	Signature	<u></u>
Address		······································	(Type or Print Name)	
City	State	Zipcode	Signature	· · · · · · · · · · · · · · · · · · ·
			8727 Belain	410-256-1991
Attorney for Petitioner:			Address	Phone No.
<u></u>			Baltimore	MD 21236
(Type or Print Name)			City Name, Address and phone number of repres	State Zipcode entative to be contacted.
Signature	<del></del>		Name	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>
Address	Phone N	No.	Address	Phone No.
City	State	Zipcode	OFFICE US  ESTIMATED LENGTH OF HEARING  unavailable	
		dies saminte	the following dates	Next Two Months
		N	ALLOTHER	
			REVIEWED BY: JRF	DATE 1/5/98
		<b>4</b> 5		•

98.249.5PH

## ZONING DESCRIPTION

Beginning at a point in the center of Belair Road which is 70 feet wide at the distance of 62.50 feet southwest of the centerline of the nearest intersecting street, Raab Avenue, which is 30 feet wide. Thence the following courses and distances: S 45 30' W 50 ft., S 45 30' W 25 ft., S 44 30' E 225 ft., N 45 30' E 25 ft., N 45 30' E 50 ft., N 44 30' W 225 ft. to the place of beginning as recorded in Deed Liber 11360, Folio 40, containing 16,875 square feet and known as #8727 Belair Road.



#249

# CERTIFICATE POSTING

•	RE: Case No.: 98-249-5PH
	Petitioner/Developer:
	AHMED D. YAHYA
	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Managen County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	ent
Ladies and Gentlemen:	
	•
This letter is to certify under the pen	alties of perjury that the necessary sign(s) required by law
were posted conspicuously on the pr	operty located at
8727 BE	LAIR RD.
•	
The sign(s) were posted on	7/16/98
ine sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	Frey Seem 2/16/9 (Signature of Sign Poster and Date)
	GARY C. FREUND
	(Printed Name)
	(Address)
•	(City, State, Zip Code)
•	(Telephone Number)

#### CERTIFICATE OF POSTING

RE: Case No. 98-249-SPH
Petitioner/Developer:
(Ahmed Yahya)
Date of Hearing/Closing:
(Feb. 18, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman;

This letter is to certify under the penalties of perjury that the necessary sign(s) required by				
law were posted conspicuously on the property located at				
8727 Belair Road Baltimore, Maryland 21236				
The sign(s) were posted onFeb. 7, 1998 (Month, Day, Year)	-			

, <i>i</i> ,	

Sincerely,

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405

(Telephone Number)

98-249-5PH

# 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 in Towson, Maryland on the property identified herein as follows:

Case: #98-249-SPH 8727 Betair Road (21236) SE/S Belair Road, 62.5' SW from centerline Raab Avenue 11th Election District 5th Councilmanic District Legal Owner(s): Ahmed D.

Special Hearing: to permit the use of metal container to be used for storage purposes.
Hearing: Wednesday, February 18, 1998 at 10:00 a.m.,
Room 407 County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391;

1/435 Jan. 29 C203248

# CERTIFICATE OF PUBLICATION

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 \_\_\_\_ successive weeks, the first publication appearing on <u>122.29</u>

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:
ZONING NOTICE
Case No.: 98-249-5PH
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:
DATE AND TIME:
REQUEST: SPECIAL HEARING - TO PERMIT THE USE OF
METAL CONTAINER TO BE USED FOR STORAGE
PURPUSES,
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  TO CONFIRM HEARING CALL 887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

9/96 post.4.doc



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

# ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 249
Petitioner: Ahmed D. Yahya
Location: 8727 Belair Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: P. O BOX 457 (Ahmed Yahya)
ADDRESS: Perry Hall MD 2128
PHONE NUMBER: 410-256-1991
PHONE NUMBER: 410-256-1991  AJ:ggs  (Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

January 15, 1998

# **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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-249-SPH 8727 Belair Road (21236) SE/S Belair Road, 62.5' SW from centerline Raab Avenue 11th Election District - 5th Councilmanic District Legal Owner: Ahmed D. Yahya

Special Hearing to permit the use of metal container to be used for storage purposes.

HEARING: Wednesday, February 18, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

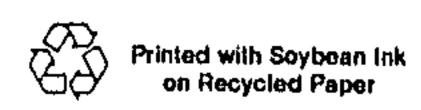
Arnold Jablon

c: Ahmed Yahya

Director

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 3, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY January 29, 1998 Issue - Jeffersonian

Please forward billing to:

Ahmed Yahya

410-256-1991

P.O. Box 457

Perry Hall, MD 21128

# **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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-249-SPH 8727 Belair Road (21236) SE/S Belair Road, 62.5' SW from centerline Raab Avenue 11th Election District - 5th Councilmanic District Legal Owner: Ahmed D. Yahya

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HEARING: Wednesday, February 18, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

August 26, 1998

### NOTICE OF ASSIGNMENT

CASE #: 98-249-SPH

IN THE MATTER OF: AHMED D. YAHYA -Petitioner 8727 Belair Road 11th E; 5th C

(Petition for Special Hearing DENIED by ZC/)

ASSIGNED FOR:

WEDNESDAY, DECEMBER 23, 1998 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Appellant /Petitioner

Ahmed D. Yahya

Joe McGraw /JST Engineering Co., Inc.

Protestants

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

Mr. and Mrs. Frank Bondura



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

February 25, 1999

### NOTICE OF DELIBERATION

IN THE MATTER OF:

AHMED D. YAHYA -Petitioner Case No. 98-249-SPH

Having concluded the hearing in this matter on February 23, 1999, public deliberation has been scheduled as follows:

DATE AND TIME: THURSDAY, MARCH 18, 1999 at 1:00 p.m.

LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco Administrator

cc: Appellant /Petitioner : Ahmed D. Yahya

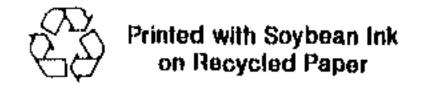
Joe McGraw /JST Engineering Co., Inc.

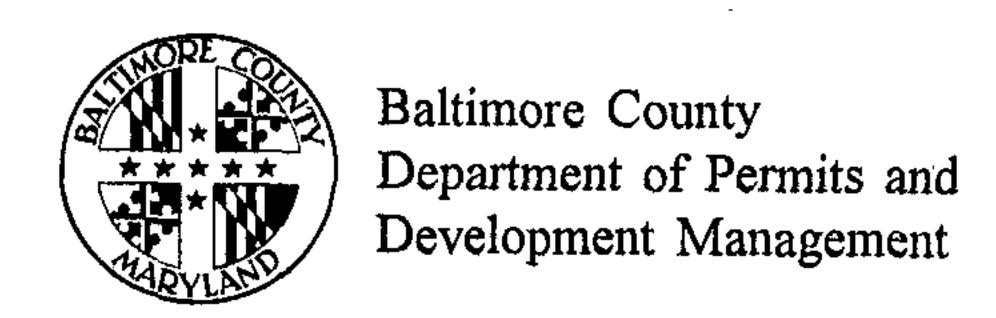
Protestants : Mr. and Mrs. Frank Bondura

Dennis Eckerd Karin Brown /Planning

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

copies: L.M.W.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 12, 1998

Mr. Ahmed D. Yahya 8727 Belair Road Baltimore, MD 21236

RE: Item No.: 249

Case No.: 98-249-SPH

Petitioner: Ahmed D. Yahya

Dear Mr. Yahya:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 5, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely, Cont Pictural,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



BALTIMORE COUNTY, MARYLAND

# AP/18

# INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

**Date:** January 27, 1998

Dept. of Permits & Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 8727 Belair Road

**INFORMATION** 

Item Number:

249

Petitioner:

Ahmed D. Yahya

Zoning:

CB

Requested Action:

Special Hearing

Summary of Recommendations:

The Office of Planning does not support the request to allow a metal container to be used for storage purposes in a CB zone. An important component of the Community Business Zone legislation is to provide performance standards which assure that the CB zone is compatible with adjacent residential uses. For this reason container storage is not listed as a use permitted in a CB zone.

Prepared by:

Division Chief:

AFK/JL



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County 1/16/18
Item No. 144

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Cially W. Will Gok Ronald Burns, Chief

Engineering Access Permits

Division

LG

# BAL IMORE COUNTY, MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley Ross Review

DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 10,98

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

January 28, 1998

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

PE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 20, 1998

Item No.s Sec Below

Zoming Agenda:

Gent Lemen:

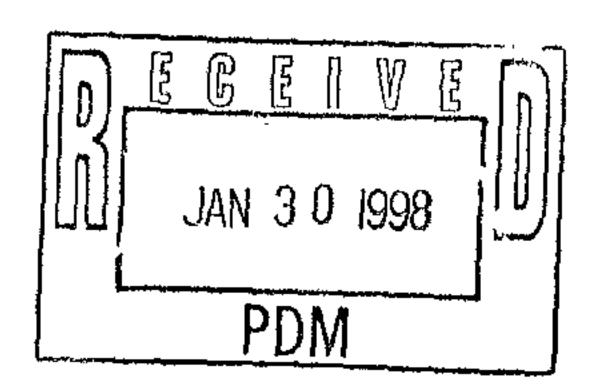
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

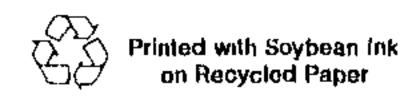
8. The Fire Marshal's Office has no comments at this time, IN RECERNCE TO THE FOLLOWING ITEM NUMBERS:

249)

250, 251, 252, 254, 255, 256, and 258

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





BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: January 26, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for January 26, 1998

Item No. 249

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The plan submitted for this special hearing indicates an existing 15-foot-wide utility easement along the back property line with two 40-foot by 8-foot metal storage containers located within the easement. Baltimore County policy prohibits the construction or placement of a permanent structure within a designated utility easement.

These large metal containers should be moved outside the existing 15-foot-wide utility easement.

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING 8727 Belair Road, SE/S Belair Rd,	*	BEFORE THE
62.5' SW from c/l Raab Ave 11th Election District, 5th Councilmanic	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Ahmed D. Yahya Petitioner	*	CASE NO. 98-249-SPH

#### 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

People's Counsel for Baltimore County

Peter Mars Zimmeina

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 \_\_\_\_\_\_ day of February, 1998, a copy of the foregoing Entry of Appearance was mailed to Ahmed D. Yahya, 8727 Belair Road, Baltimore, MD 21236, Petitioners.

PETER MAX ZIMMERMAN





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

November 30, 1998

CAROLE S. DEMILIO Deputy People's Counsel

AON 86

Charles L. Marks, Esq., Chairman County Board of Appeals of Baltimore County 401 Washington Avenue, Room 49 Towson, MD 21204

Hand-delivered

Petition for Special Hearing 8727 Belair Road, SE/S Belair Road, 62.5' SW from c/l Raab Avenue 11th Election District, 5th Councilmanic AHMED D. YAHYA, Petitioner

Case No.: 98-249-SPH

Dear Mr. Marks:

We find it necessary to request a postponement of the hearing set for December 23, 1998. Karin Brown, the area planner who prepared the staff comment, is needed to testify but is on vacation that Christmas week. Accordingly, it would be appreciated if the Board could reset the hearing at a time convenient to it and to all the parties.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Peta Max Zummerman

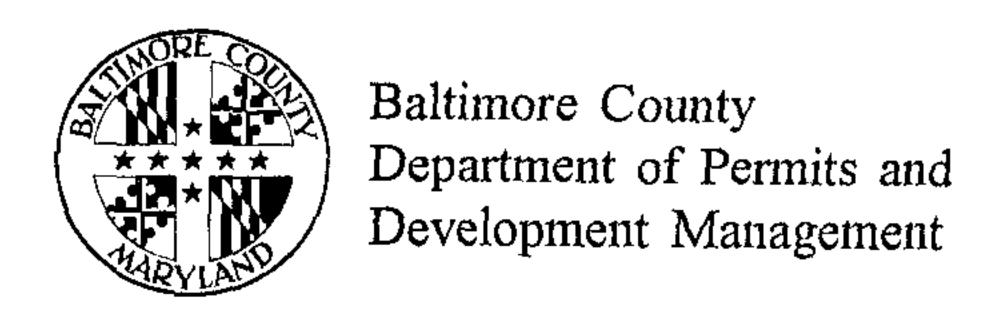
Ausle S. Demilion

Carole S. Demilio

Deputy People's Counsel

PMZ/caf

Ahmed D. Yahya, 8727 Belair Road, Baltimore, MD 21236, Petitioner Joe McGraw, JST Engineering Company, Inc., 6912 N. River Drive, 21220-1059, Engineer Karin Brown, Baltimore County Office of Planning, 401 Bosley Avenue, Towson, MD 21204 Mr. and Mrs. Frank Bondura, 4203 Raab Avenue, 21236, Protestants Mr. Dennis Eckerd, 39 Bangert Avenue, Perry Hall, MD, 21128, Protestant



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 15, 1998

Mr. and Mrs. Frank Bondura 4203 Raab Avenue Baltimore, MD 21236

RE: Petition for Special Hearing

Case No.: 98-249-SPH

8727 Belair Road District: 11c5

Ahmed D. Yahya - Petitioner

Dear Mr. and Mrs. Bondura:

Please be advised that an appeal of the above referenced case was filed in this office on June 15, 1998 by Ahmed Yahya. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

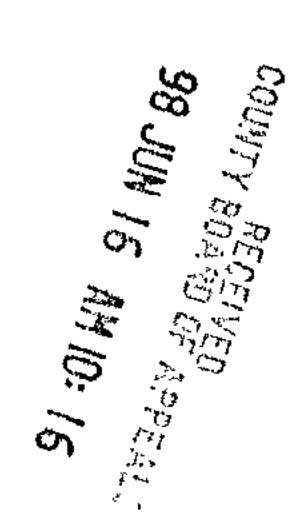
Sincerely,

Arnold Jablo

Director

AJ:rye

c: Mr. Joe McGraw People's Counsel



# APPEAL

Petition for Special Hearing
SE/S Belair Road, 62.5' SW from centerline Raab Avenue
(8727 Belair Road)
11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District
Ahmed D. Yahya - Petitioner
Case Number: 98-249-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Citizens Sign-In Sheets

Petitioners' Exhibits: 1 – Plan to Accompany Special Hearing 2A-B – Two Letters in Support of Petitioner

Letter from Zoning Commissioner Wilsie Adams to Walter Spowart dated April 9, 1957.

Letter from Ann Marie Bondura to Zoning Commissioner dated January 29, 1998

-Two Photographs not Marked as Exhibits

Zoning Commissioner's Order dated May 14, 1998 (Denied)

'Notice of Appeal received on June 15, 1998 from Ahmed Yahya

cxMr. Ahmed D. Yahya, 8727 Belair Road, Baltimore, MD 21236

Mr. and Mrs. Frank Bondura, 4203 Raab Avenue, Baltimore, MD 21236

Mr. Joe McGraw, JST Engineering Co, Inc., 6912 North River Drive, Baltimore, Maryland 21220

Maryland 21220

People's Counsel of Baltimore County, MS #2010

Lawrence Schmidt, Zoning Commissioner

Arnold Jablon, Director of PDM

Added to file from PC letter:

Karin Brown /Planning

Dennis Eckerd, 39 Bangert Avenue, Perry Hall, MD 21128 /Protestant

STATE OF APPEALS

Case No. 98-249-SPH

SPH -To permit two metal containers, each 8' x 40', to be used for storage purposes on subject property zoned C.B.

5/14/98 -ZC's Order in which Petition for Special Hearing was DENIED

8/26/98 - Notice of Assignment for hearing scheduled for Wednesday, December 23, 1998 at 10:00 a.m. sent to following:

Ahmed D. Yahya
Joe McGraw /JST Engineering Co., Inc.
Mr. and Mrs. Frank Bondura
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

- 11/30/98 -Request for postponement filed by P. Zimmerman; Karin Brown, required as witness, will be out of town Christmas week, including 12/23/98.
  - T/C to Ahmed Yahya -- has no objection to granting of postponement request, provided the reassigned date does not conflict with his out-of-town schedule in late January to early February (3-week period).
  - With agreement of Mr. Yahya and Mr. Zimmerman, to be postponed and reassigned to Tuesday, February 23, 1999. Advised Mr. Yahya by telephone to remove 12/23/98 from his calendar; that Notice of PP and Reassignment would be sent out this date.
  - Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, February 23, 1999 at 10:00 a.m.
- 2/23/99 -Hearing concluded before the Board; deliberation to be scheduled and notice sent. (L.M.W.)
- 2/25/99 -Notice of Deliberation sent to parties; scheduled for Thursday, March 18, 1999 at 1:00 p.m. Copy to L.M.W.
- 3/18/99 -Deliberated; Petitioner's request DENIED; containers to be removed by no later than September 1, 1999; to be included as part of Board's Order. (Stahl, Melvin, Worrall)

# COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY MINUTES OF DELIBERATION

IN THE MATTER OF: Ahmed D. Yahya -Petitioner

Case No. 98-249-SPH

DATE: Thursday, March 18, 1998

BOARD / PANEL : Lawrence M. Stahl

(LMS)

Margaret Worrall

(MW)

Thomas P. Melvin

(TPM)

SECRETARY

Kathleen C. Bianco

Administrator

PURPOSE: To deliberate Case No. 98-249-A /Ahmed D. Yahya -Petitioner.

Heard before the Board on February 23, 1999.

The Board, having convened for public deliberation as scheduled by notice sent February 25, 1999, and upon deliberation between panel members, reached the following decision:

Background -- Zoned C.B. /with D.R. 5.5 at north property line; Issues -- Are containers permitted in C.B. zone

Pursuant to Section 229 -- not main use; accessory use; retail store /repair with containers used as storage area. No problem with 229.4 -- it's a permitted use; language -- should reflect architectural style of neighboring and residential buildings -- these containers do not fit that description; are not harmonious to neighborhood.

Do not meet zoning regulations; not a customary accessory use; has right to storage in character with neighborhood.

Unanimous finding and decision of the Board that the request for these containers is denied; rather than stating "remove in 6 months" as part of Order, Board will put specific date for removal -- in this instance, will order removal by September 1, 1999.

The Board's unanimous decision based on testimony and evidence produced at hearing and after public deliberation is that the Petition for Special Hearing is DENIED; containers to be removed by September 1, 1999; fails under Section 229.A3 and 229.A1; accessory use can be there, but must go under permit process and meet regulations for same.

Written Opinion and Order to be issued by the Board as required by statute. Appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

NOTE: This document confirms for the file that public deliberation was held this date in the subject matter and a final decision reached by the Board.

Respectfully submitted,

Kathleen C. Bianco

Administrator

Ahmed Yahya 8727 Belair Road Baltimore, MD 21236

06/15/1997

Baltimore County Zoning Office 111 West Chesapeake Avenue Room 111 Towson, MD 21204

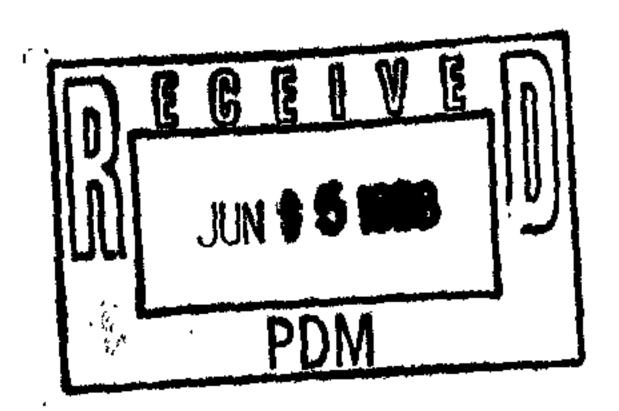
Ref. Appeals

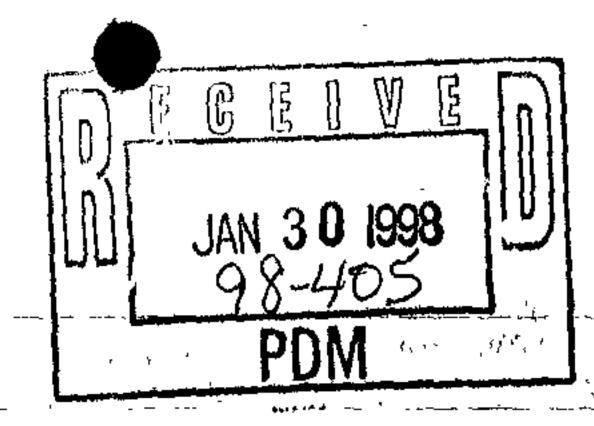
Dear Sir/Madam

I would like to file an appeal for Case No. 98-249-SPH, fee for the Appeal are enclosed

Very Respectfully

Ahmed Yahya





Bondura, Shank+ Anotherio 4203 Raab Ave.

Lourty Court Building Towson, M.D. 21204

Baltemore, Maryland 21236 January 29, 1998

Dear Zoning Commissioner:

On behalf of my husband and myself, I respectfully request that you deny any Zming Variance or Special Exception for Storage Trailers to ADY Computers Case # 98 249 59th.)

These approximately 12 high and 40 long Trailers are set on a slope at the rear of 8727 Belain Rd. In order to levelsthem, 6 the criss crossed levels of 8" timbers were used. These Timbers, naturally, hove begun to sink.

Since our driveway and main entrance sit 20 feet behind these metal moneters, I'm afraid our care, our home, or someone may be injured should these trailers slide down.

another important factor is the sewer located

beneath these traction. It was installed along the backs of the Belsen Rh properties in 1981.

Nothing of a permanent nature was to be built along it.

I understand, from Councilman Gardina, that a hearing is to be held Feb 18, 1998. No variance request signs have been posted to let any of the neighbors know about this hearing.

We have been dealing with this violation of Zoming since Aug, 1987 by ADY. The encroachment of businesses on residential property owners is unfair. We have been here 20 years and have ADY at our pide and ABC Rental at our front.

The borning metal giants make our home unsaleable.

your denial of Special Exception well give us sale proschities and faith in government for the Residential preperty owner.

Thank you, Ann Marie Bondura



# CITIZEN SIGN-IN SHEET

NAME	ADDRESS		
ann Marie Bordura	4203 Pack Ave. 21236		
FRANK BONDURA	4203 RAAL AVE 21236		
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# PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOE M-GRAW CO. INC.	G912 NORTH RIVER DRIVE ZIZER
Ahmed Yahya	8727 Belgir Rd Ballimote MP 27231
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THE PERSON STATES

# Application and Louing Appartment of Waltimore County

303 WASHINGTON AVE. TOWSON 4. MARYLAND
Telephone Velley 3.3000—Extensions | Zening 180
Entlings 181

CHAS. H. DOING Chairman

Board of Soulse Appeals

DANIEL W. HUBERS CARL F. VOHDEN

April 9, 1957

Ballstmore III, Maryland

Re: Petition for Reclassification and Special Exception for Living Quarters in Commercial Building - E. S. Bel Air Road 832 feet N. Silver Spring Road, 11th Dist., Walter Spowart and Ruth I. Spowart, Petitioners

Dear Mr. Sporerts

I have today passed my Order granting the reclassification, in the above matter, from an "R-6" Zone to a UR-IV Zone and a special exception to use said property for two transfers in a Commercial Building.

Very truly yours,

Zoning Commissioner

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# Baltimore County Zoning Regulations

1998 Edition
Originally printed as amended through July 6, 1998

GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, NY 14624

11

# Section 229 Performance Based Business Zones: C.B. and B.L.R. Zones [Bill No. 86-1994]

- A. The existing commercial districts for use within the urban-rural demarcation line (A.S., C.C.C. and C.T.) and the underlying Business Zones (B.L., B.M. and B.R.) allow for a wide range of uses which in design, scale, intensity, use or traffic generation can be disruptive to communities.
- B. The Master Plan calls for a neighborhood business zone that could promote the development of attractive, convenient commercial centers designed to meet the daily shopping needs of community residents.
- C. The Master Plan also cites a need to upgrade the appearance of the county's major commercial corridors through new regulatory standards to be applied as older parts of the county are redeveloped.

### 229.1 Statement of legislative policy for C.B. and B.L.R. Zones.

#### A. Community Business Zone.

- 1. The primary purpose of the Community Business Zone (C.B.) is to provide for the daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The zone shall accommodate vehicular parking needs, but also be pedestrian oriented. Where appropriate, parking should be located to the side and to the rear. In design, the C.B. Zone should reflect elements of the architectural style of neighboring residential buildings, so that the commercial development becomes an integral, harmonious component of the neighborhood.
- 2. The C.B. Zone is not intended to be used to replace the B.L.R., B.L., B.M. or B.R. Zones on developed sites. Rather, the zone is intended as an additional classification which may be appropriate for locations that are no longer desirable for other noncommercial purposes but where application of the other business zones may prove detrimental to nearby residential properties. [Bill No. 180-1995]
- B. Business Local Restricted Zone. The primary purpose of the Business Local Restricted Zone (B.L.R.) is to provide for a range of retail and service uses, some of which may be of a larger scale, such as supermarkets. The B.L.R. Zone also requires performance standards which protect adjacent communities from excessive vehicular congestion, use intensity and noise.
- C. It is intended that no use in either the C.B. or the B.L.R. Zone create a nuisance due to noise, traffic or hours of operation and that no use be permitted which would likely cause disruption of the peace and quiet enjoyment of property in neighboring communities.

The zoning regulations are inclusive in that only those uses which are listed are permitted either by right or by special exception. Uses not listed are not permitted as contrary to the purposes of the performance based business zones,

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particularly after-hours clubs, bail bondsman (as defined by state law), nightclubs, pawnshops, striptease businesses and taverns. [Bill No. 180-1995]

229.2 Procedure for petitioning for a new Community Business or Business Local Restricted Zone. [Bill No. 180-1995]

If a petition for a Community Business or Business Local Restricted Zone is submitted pursuant to Section 2-356 of the Baltimore County Code, 1988 Edition, as revised, the petition shall be accompanied by documentation, as described in Section 2-356(1) and by architectural renderings and elevations. After approval, the development plan may only be changed subject to Title 26, Article V, of the Baltimore County Code.

Performance standards for C.B. and B.L.R. Zones. [Bill No. 180-1995]

These regulations are intended to ensure the compatibility of C.B. and B.L.R. Zones with surrounding residential neighborhoods in conformance with the Comprehensive Manual of Development Policies (CMDP) guidelines. A concept plan, pursuant to the development regulations, Section 26-202 of the Baltimore County Code, 1988 Edition, as revised, or the building permit application if no such plan is required, shall include information demonstrating that the proposed development meets the performance standards below. The Director of the Office of Planning shall submit written recommendations to the hearing officer if a hearing is required or to the Director of Permits and Development Management if a hearing is not required as to whether the proposed development will meet the standards.

#### A. Site design.

- 1. Access onto roadways shall be limited to no more than two locations. Commercial developments which front on more than one street may have only one roadway access from each street frontage. A driveway used solely for the purpose of trucks and other servicing vehicles shall not be counted towards the total. Additional access must be approved by the Bureau of Traffic Engineering.
- 2. All permitted uses, accessory activities and storage shall be confined within completely enclosed buildings with the exception of accessory off-street parking spaces, off-street loading berths, dumpsters, the outdoor display of merchandise and outdoor tables at restaurants.
- 3. Service and loading areas shall not be visible from public streets and adjacent residential properties. All service areas shall be screened from the view of any pedestrian or vehicular path.
- 4. Within 50 feet of a residential zone or use, lighting of parking areas shall be on standards which have a maximum height of 20 feet.
- 5. Rear and sides of buildings which abut residential properties shall be finished with materials that resemble the front of the building in color and texture. All rooftop equipment shall be screened so that it is not visible from the ground floor window level of adjoining residential properties.
- 6. The development of property in a C.B. or B.L.R. Zone shall, to the greatest extent practicable, conserve and integrate existing architecturally or

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historically significant buildings or structures, including their settings, as identified in the Maryland Historical Trust Inventory. Any building or structure officially included on the preliminary or final list of the Landmarks Preservation Commission, or located within a county historic district, is also subject to Article X, Title 26, of the Baltimore County Code, 1988 Edition, as revised. The Director of Planning shall determine whether a historically or an architecturally significant building has been successfully integrated into the proposed site plan.

- 7. Whenever possible, neighborhood access via pedestrian walkways and bike paths should be provided.
- 8. All proposed projects or site developments should be in accord with the general intent of the approved community plan for the area.
- 9. All signage within a commercial development shall be compatible in design, color, materials and location.
- 10. Uses may be located in separate freestanding buildings, provided the style and building materials used create a uniform architectural theme.
- B. Public spaces. Commercial developments greater than two acres shall provide public spaces that include such features as shade trees, lawns and, where appropriate, benches and tables. The public space shall have a total area of no less than 500 square feet, which may be broken down into two-hundred-fifty-square-foot areas; be conveniently located; and linked to existing and future pedestrian pathways.

#### 229.4 Uses in the C.B. Zone. [Bill No. 180-1995]

#### A. Uses permitted by right:

1. Commercial uses:

Arts and crafts studios
Banks, with no drive-through lane
Barbershops, beauty shops and similar personal service establishments
Dry cleaner, laundromat and establishments which repair clothing or shoes
Offices and medical offices, except bail bondsman as defined by state law

Repair or rental of small appliances

Restaurants, carry-out or standard only

Retail uses, including but not limited to the sale of gifts, jewelry, hardware, drugs, groceries, baked goods, sporting equipment and antiques

Travel agent and similar personal service establishments

Video rental or sales

2. Residential and institutional uses:

Class A and Class B child care facilities
Elderly housing facilities
Nursing homes

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Residences, including residences in a commercial building only above the first floor

#### 3. Accessory uses:

Customary accessory uses associated with the uses permitted in Paragraphs 1 and 2, including signs, parking spaces and structures

### B. Uses permitted by special exception:

Banks with no more than two drive-through lanes

#### 229.5 Uses in the B.L.R. Zone. [Bill No. 180-1995]

#### A. Uses permitted by right:

Banks with drive-through lanes
Health and athletic clubs
Martial arts and dance studios
Restaurant, fast-food
Tavern
Uses permitted by right in the C.B. Zones

#### B. Uses permitted by special exception:

Arcades
Baseball batting range
Bowling alley
Miniature golf

Wireless transmitting or receiving structures 200 feet or less in height above grade level

# 229.6 Bulk and area regulations for Community Business Zones and Business Local Restricted Zones. [Bill No. 180-1995]

Permitted uses shall be subject to the following bulk and area regulations, except that the required setback, height and floor area restrictions do not apply to buildings that existed legally or which were approved by the county before the date of passage of Bill No. 180-1995.

#### A. Building size.

- 1. In any development plan proposed in a C.B. Zone, only one retail, restaurant or service use may have a gross floor area not to exceed 10,000 square feet. All other such uses in the proposed plan shall have a gross floor area not to exceed 5,000 square feet. No more than 25% of a commercial or office building's gross floor area may be occupied by medical office use.
- In a B.L.R. Zone, any retail, restaurant or service establishment may have a gross floor area up to 80,000 square feet.
- 3. The maximum floor area ratio in the C.B. Zone and the B.L.R. Zone shall not exceed 0.33.



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- 4. The maximum height of new buildings or additions shall be restricted to two stories and shall not exceed 35 feet.
- B. The front building setback shall be no less than 25 feet from the ultimate street right-of-way line, or the average of the front setbacks of the adjacent buildings within 100 feet of either side of the proposed building, whichever is less.
- C. The rear and side yard building setback shall be no less than 20 feet from the property line of a residentially zoned property and no less than 10 feet from the property line of a nonresidentially zoned property except as provided below:
  - 1. No side yard building setbacks are required for commercial uses on adjacent lots with shared driveways or with parking accessible from either lot.
  - 2. Subject to the provisions of Subsection A above, building setbacks will be reduced 25% for proposed additions if the structures existed prior to the passage of Bill No. 180-1995, provided the addition is in keeping with the intent of this legislation based upon the written recommendations of the Director of the Office of Planning.
  - 3. If a residential zone line is in a public right-of-way, the setback shall be not less than 10 feet from the ultimate street right-of-way.
- D. Service and loading areas, parking lot areas and interior drives shall be a minimum of 20 feet from the ultimate street right-of-way, a minimum of 20 feet from residentially zoned properties and a minimum of eight feet from properties not predominantly zoned for residential uses, except that the drive-through lane of a bank shall be at least 25 feet from residentially zoned property.
- E. The required setbacks, except for required access drives and walkways, shall be landscaped and screened in accordance with the Landscape Manual requirements for performance based business zones.
- F. Residential uses in commercial buildings shall be limited by the height, bulk and floor area requirements of the performance based business zones. If the building is limited to residential use, the height, bulk and floor area requirements shall be those permitted and as limited in the residential zone adjoining or nearest the performance based business zone.
- 229.7 Signage standards for Community Business and Business Local Restricted Zones. [Bill Nos. 180-1995; 89-1997]

Signs are permitted, subject to Section 450.

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### Section 229

# Performance Based Business Zones: C.B. and B.L.R. Zones [Bill No. 86-1994]

- A. The existing commercial districts for use within the urban-rural demarcation line (A.S., C.C.C. and C.T.) and the underlying Business Zones (B.L., B.M. and B.R.) allow for a wide range of uses which in design, scale, intensity, use or traffic generation can be disruptive to communities.
- B. The Master Plan calls for a neighborhood business zone that could promote the development of attractive, convenient commercial centers designed to meet the daily shopping needs of community residents.
- C. The Master Plan also cites a need to upgrade the appearance of the county's major commercial corridors through new regulatory standards to be applied as older parts of the county are redeveloped.
- Statement of legislative policy for C.B. and B.L.R. Zones.
  - A. Community Business Zone.
    - 1. The primary purpose of the Community Business Zone (C.B.) is to provide for the daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The zone shall accommodate vehicular parking needs, but also be pedestrian oriented. Where appropriate, parking should be located to the side and to the rear. In design, the C.B. Zone should reflect elements of the architectural style of neighboring residential buildings, so that the commercial development becomes an integral, harmonious component of the neighborhood.
    - 2. The C.B. Zone is not intended to be used to replace the B.L.R., B.L., B.M. or B.R. Zones on developed sites. Rather, the zone is intended as an additional classification which may be appropriate for locations that are no longer desirable for other noncommercial purposes but where application of the other business zones may prove detrimental to nearby residential properties. [Bill No. 180-1995]
  - B. Business Local Restricted Zone. The primary purpose of the Business Local Restricted Zone (B.L.R.) is to provide for a range of retail and service uses, some of which may be of a larger scale, such as supermarkets. The B.L.R. Zone also requires performance standards which protect adjacent communities from excessive vehicular congestion, use intensity and noise.
  - C. It is intended that no use in either the C.B. or the B.L.R. Zone create a nuisance due to noise, traffic or hours of operation and that no use be permitted which would likely cause disruption of the peace and quiet enjoyment of property in neighboring communities.

The zoning regulations are inclusive in that only those uses which are listed are permitted either by right or by special exception. Uses not listed are not permitted as contrary to the purposes of the performance based business zones,

particularly after-hours clubs, bail bondsman (as defined by state law), nightclubs, pawnshops, striptease businesses and taverns. [Bill No. 180-1995]

Procedure for petitioning for a new Community Business or Business Local Restricted Zone. [Bill No. 180-1995]

If a petition for a Community Business or Business Local Restricted Zone is submitted pursuant to Section 2-356 of the Baltimore County Code, 1988 Edition, as revised, the petition shall be accompanied by documentation, as described in Section 2-356(l) and by architectural renderings and elevations. After approval, the development plan may only be changed subject to Title 26, Article V, of the Baltimore County Code.

# Performance standards for C.B. and B.L.R. Zones. [Bill No. 180-1995]

These regulations are intended to ensure the compatibility of C.B. and B.E.R. Zones with surrounding residential neighborhoods in conformance with the Comprehensive Manual of Development Policies (CMDP) guidelines. A concept plan, pursuant to the development regulations, Section 26-202 of the Baltimore County Code, 1988 Edition, as revised, or the building permit application if no such plan is required, shall include information demonstrating that the proposed development meets the performance standards below. The Director of the Office of Planning shall submit written recommendations to the hearing officer if a hearing is required or to the Director of Permits and Development Management if a hearing is not required as to whether the proposed development will meet the standards.

### A. Site design.

- 1. Access onto roadways shall be limited to no more than two locations. Commercial developments which front on more than one street may have only one roadway access from each street frontage. A driveway used solely for the purpose of trucks and other servicing vehicles shall not be counted towards the total. Additional access must be approved by the Bureau of Traffic Engineering.
- 2. All permitted uses, accessory activities and storage shall be confined within completely enclosed buildings with the exception of accessory off-street parking spaces, off-street loading berths, dumpsters, the outdoor display of merchandise and outdoor tables at restaurants.
- 3. Service and loading areas shall not be visible from public streets and adjacent residential properties. All service areas shall be screened from the view of any pedestrian or vehicular path.
- 4. Within 50 feet of a residential zone or use, lighting of parking areas shall be on standards which have a maximum height of 20 feet.
- 5. Rear and sides of buildings which abut residential properties shall be finished with materials that resemble the front of the building in color and texture. All rooftop equipment shall be screened so that it is not visible from the ground floor window level of adjoining residential properties.
- 6. The development of property in a C.B. or B.L.R. Zone shall, to the greatest extent practicable, conserve and integrate existing architecturally or

historically significant buildings or structures, including their settings, as identified in the Maryland Historical Trust Inventory. Any building or structure officially included on the preliminary or final list of the Landmarks Preservation Commission, or located within a county historic district, is also subject to Article X, Title 26, of the Baltimore County Code, 1988 Edition, as revised. The Director of Planning shall determine whether a historically or an architecturally significant building has been successfully integrated into the proposed site plan.

- 7. Whenever possible, neighborhood access via pedestrian walkways and bike paths should be provided.
- 8. All proposed projects or site developments should be in accord with the general intent of the approved community plan for the area.
- 9. All signage within a commercial development shall be compatible in design, color, materials and location.
- 10. Uses may be located in separate freestanding buildings, provided the style and building materials used create a uniform architectural theme.
- B. Public spaces. Commercial developments greater than two acres shall provide public spaces that include such features as shade trees, lawns and, where appropriate, benches and tables. The public space shall have a total area of no less than 500 square feet, which may be broken down into two-hundred-fifty-square-foot areas; be conveniently located; and linked to existing and future pedestrian pathways.

# 229.4 Uses in the C.B. Zone. [Bill No. 180-1995]

# A. Uses permitted by right:

1. Commercial uses:

Arts and crafts studios

Banks, with no drive-through lane

Barbershops, beauty shops and similar personal service establishments
Dry cleaner, laundromat and establishments which repair clothing or shoes
Offices and medical offices, except bail bondsman as defined by state law
Repair or rental of small appliances

Restaurants, carry-out or standard only

Retail uses, including but not limited to the sale of gifts, jewelry, hardware, drugs, groceries, baked goods, sporting equipment and antiques

Travel agent and similar personal service establishments

Video rental or sales

2. Residential and institutional uses:

Class A and Class B child care facilities Elderly housing facilities Nursing homes Dr. Cesar G. Gamboa 8731 Belair Rd. Baltimore, MD 21236 Tel: 410-256-0990

A A

Zoning Commissioner Of Baltimore County

02/17/1998

RE: Case No.: 98-249-SPH Petitioner: Ahmed D. Yahya

### Dear Mr. Commissioner:

I own the property on 8731 Belair Road, which is adjacent to the 8727 Belair Road property. I have no objections on Mr. Yahya petition to permit the use of metal containers for storage purposes.

Sincerely

Cesar G. Gamboa

Red 2 B

Tony Stevens 8725 Belair Rd. Baltimore, MD 21236 Tel: 410-256-5388

Zoning Commissioner
Of Baltimore County

02/17/1998

RE: Case No.: 98-249-SPH Petitioner: Ahmed D. Yahya

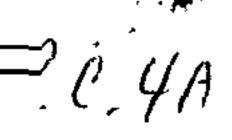
Dear Mr. Commissioner:

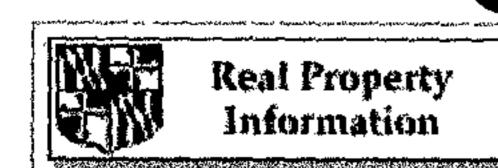
I own the property on 8725 Belair Road, which is adjacent to the 8727 Belair Road property. I have no objections on Mr. Yahya petition to permit the use of metal containers for storage purposes.

Sincerely,

Tony Stevens







### Maryland Department of Assessments and Taxation Real Property System

[Go Back]

**BALTIMORE COUNTY** 

[Start Over]

**DISTRICT: 11 ACCT NO: 1119064676** 

Owner Information

Owner Name:

YAHYA AHMED DIAB

**Use: COMMERCIAL** 

Mailing Address:

8727 BELAIR RD **BALTIMORE MD 21236-2419** 

Principal Residence:NO

Transferred

From: SPOWART WALTER

Date: 12/22/1995

**Price:** \$250,000

Deed Reference:

1) /11360/ 40

**Potential Tax Liability:** 

\* NONE \*

Tax Exempt: NO

# Location Information [View Map]

**Premise Address:** 

Zoning:

Legal Description:

8727 BELAIR RD

BL

LT SES BELAIR RD

8727 BELAIR RD

800 N SILVER SPRING RD

Grid Map

Special Tax Areas

Subdiv Parcel

Sect

Block Lot Group

80

Plat No:

Plat Ref:

72

13 898

Town:

Ad Valorem:

Primary Structure Data

Year Built:

Enclosed Area:

Property Land Area: County Use:

1950

1,779 SF

16,875.00 SF

06

#### Value Information

	Base Value	Current Value	Phase-In Value	Phase-in	Assessments
		As Of 01/01/1998	As Of 07/01/1999	As Of 07/01/1998	As Of 07/01/1999
Land:	126,870	139,870			
Impts:	96,090	101,380			
Total:	222,960	241,250	235,152	91,620	94,060
Pref Land:	0	0	0	0	0

http://www.dat.state.md.us/cgi-bin/sdat/C...streetNumber%24=8727&streetName%24=Belair





# PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE

# Partial Exempt Assessments

	Code	07/01/1998	07/01/1999
County	000	0	0
State	000	0	0
Municipal	000	0	0

[Go Back] [Start Over]

2 of 2

· P.C.#L



P.O. Box 63 Perry Hall, Maryland 21128

http://www.bcpl.net/~phla

phia@mail.bcpi.net

# RULE 8 CERTIFICATION AND AFFIDAVIT

This will certify that Dennis Eckard was elected as Vice President at the Annual Meeting of the membership of the Perry Hall Improvement Association, Inc., in November of 1998.

In accordance with the by-laws of the Association, he is authorized to speak and present the views of the Association.

Additionally, the by-laws provide that the responsibility for review and action on all zoning matters has been placed in the Board of Directors, who also constitute the Association's Zoning Committee.

Approved by the Officers and Board of Directors.

Attested this 23rd day of February, 1999.

David Marks, President

Micole Blackwell, Corresponding Secretary



P.O. Box 63 Perry Hall, Maryland 21128

http://www.bcpf.net/~phia

phia@mall.bcpl.net

11

# RULE 8 CERTIFICATION AND AFFIDAVIT

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In accordance with the by-laws of the Association, he is authorized to speak and present the views of the Association.

Additionally, the by-laws provide that the responsibility for review and action on all zoning matters has been placed in the Board of Directors, who also constitute the Association's Zoning Committee.

At the Board of Directors meeting on January 17, 1999, the Directors unanimously voted to request the Deputy Zoning Commissioner to review the appropriateness of structures under consideration at the hearing where this is being considered.

Approved by the Officers and Board of Directors.

Attested this 23rd day of February, 1999.

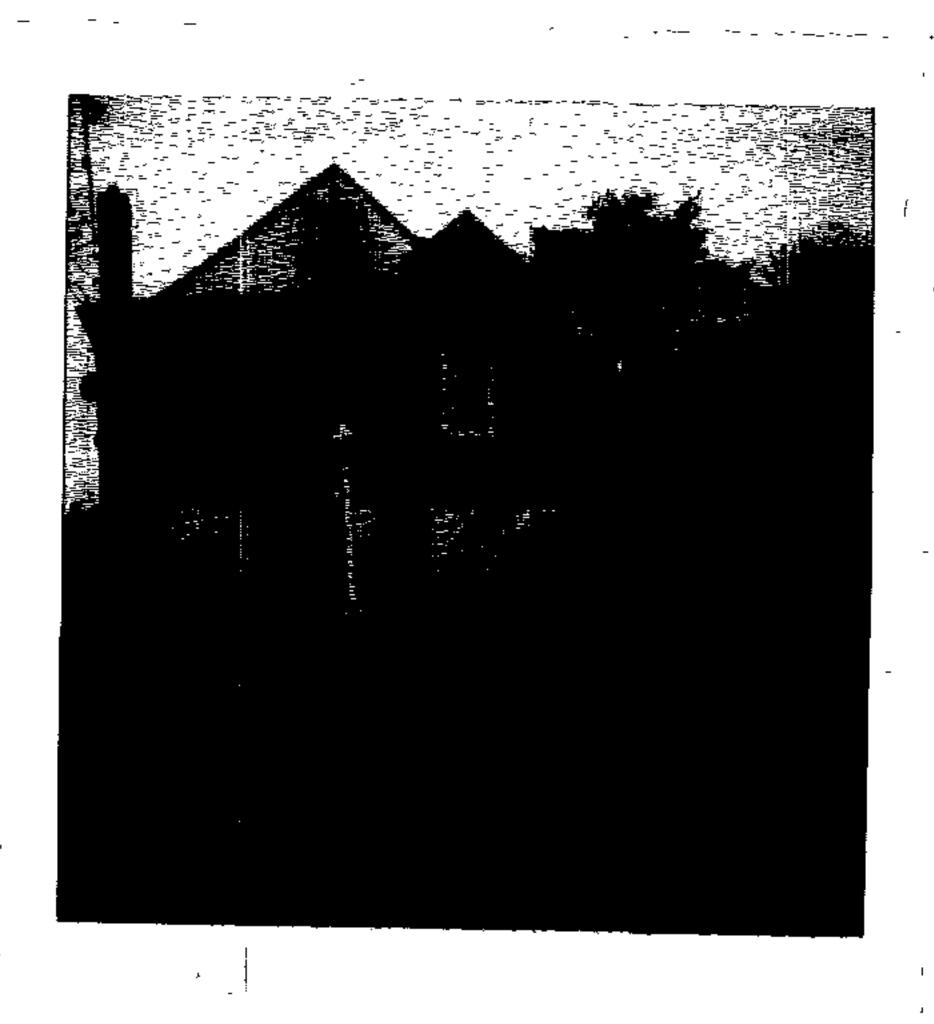
David Marks, President

Nicole Blackwell, Corresponding Secretary

98-249-5PH
Almod Yahya

P.C. # 7A - 7E (5 photos)

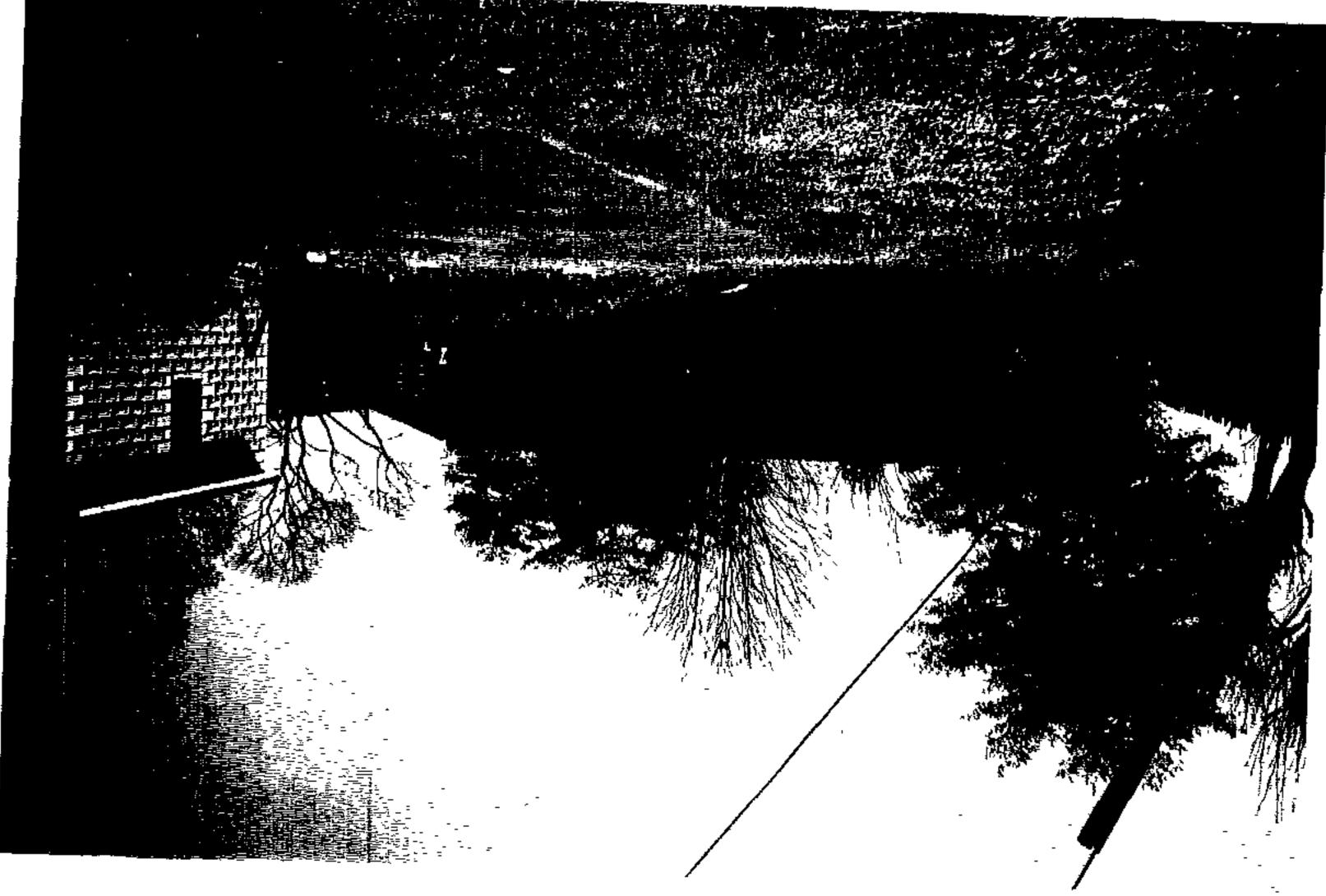
# 8A - 8B (2 photos)

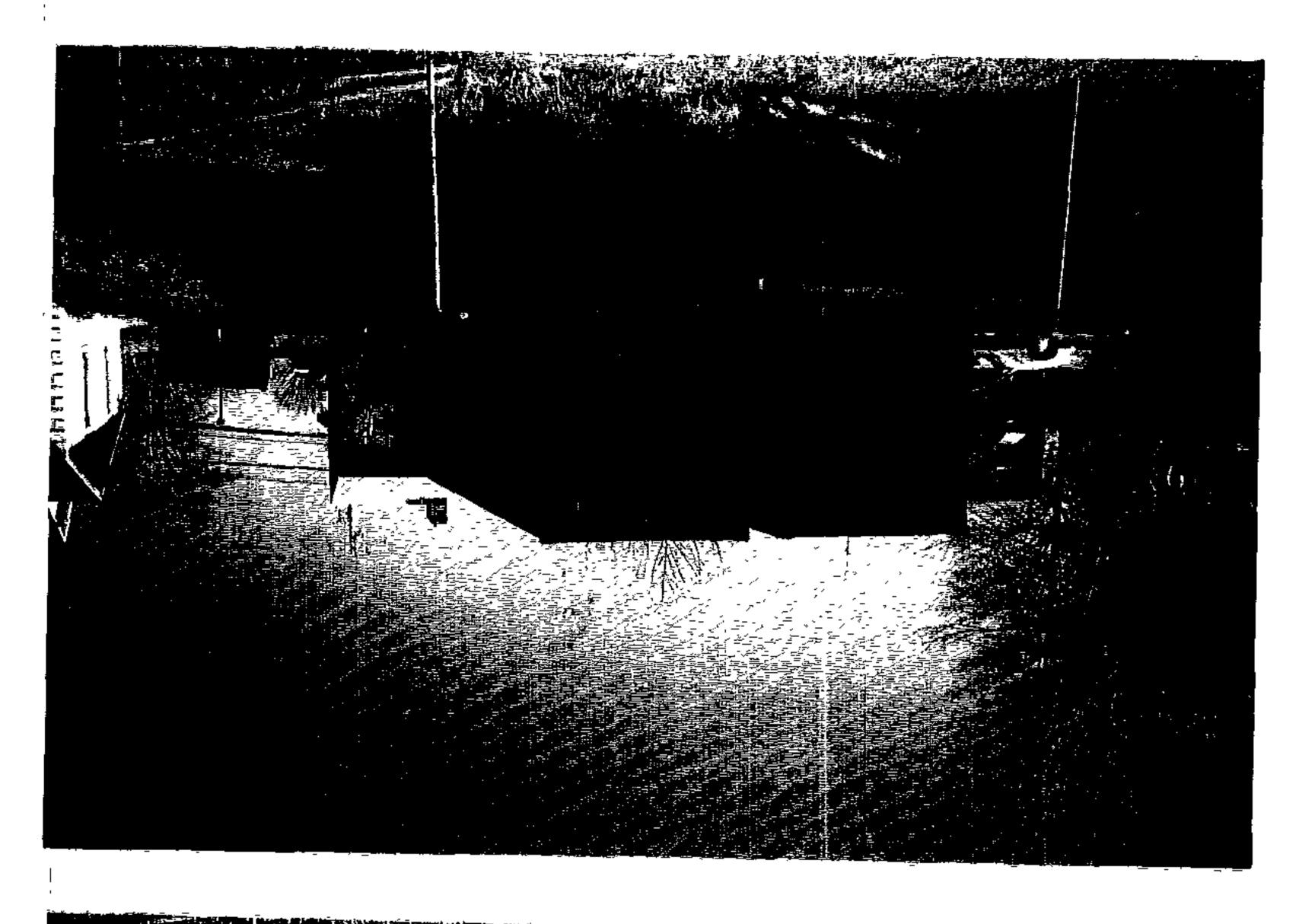


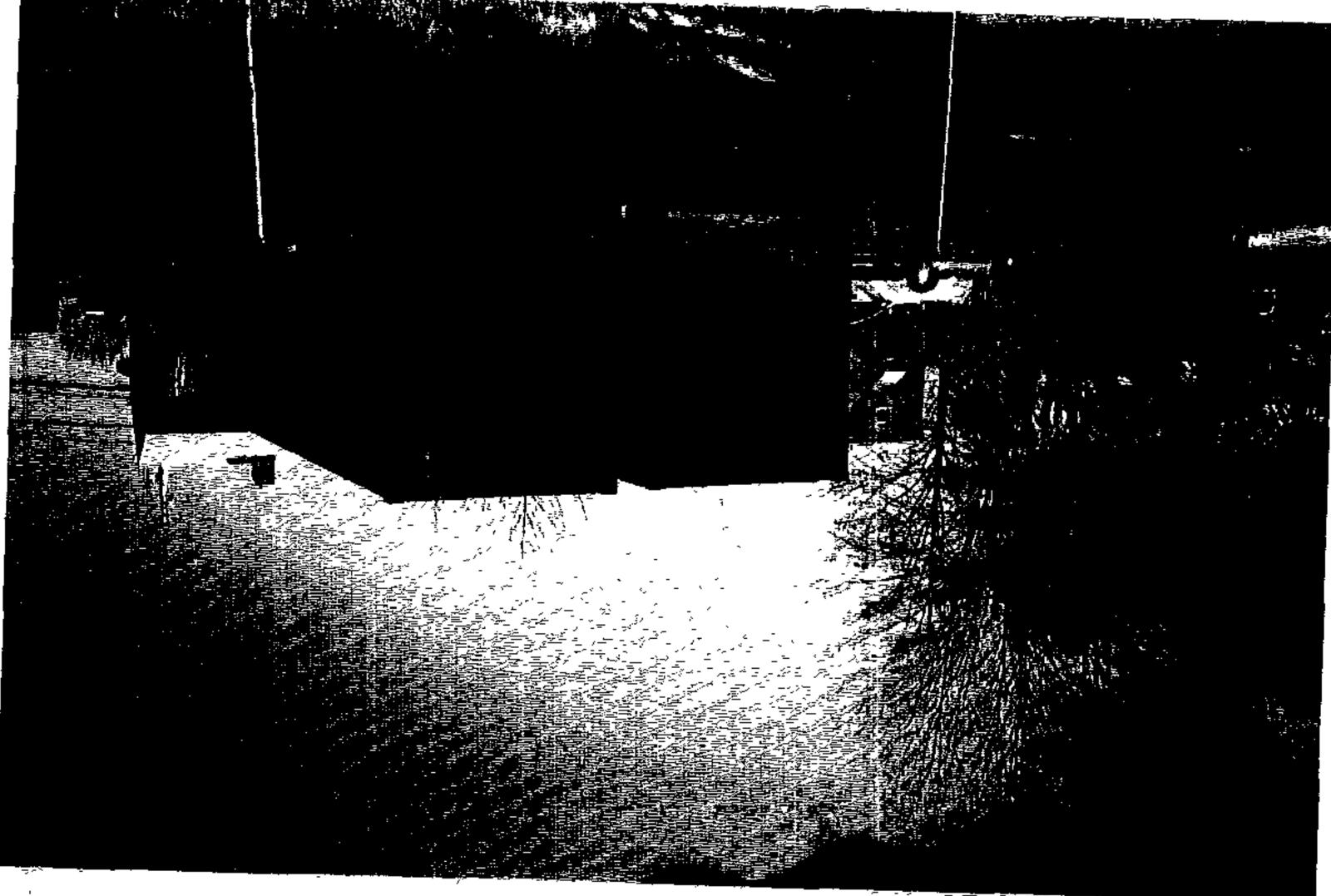


our CAR & Drive way
mr. GAHAY: Containers











+ARES FROM YHOU OF THE WOULDURA RESIDENCE 4203 RARK AVE 2-19-99

PC 7E



TAKEN FROM BELANE RD 2-17-99 PC 7A



TAKEN FROM RAGB RIDE

2-19-99

PC 7B



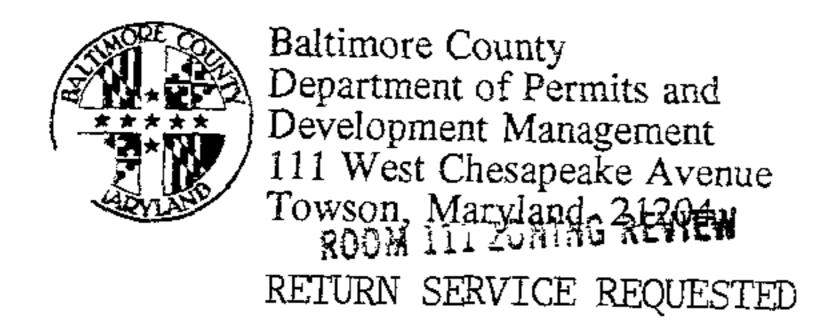
TAKEN FROM KITCHEN POAKCH
OF THE BONDORA RESIDENCE
4203 RABBAUE
2-19-99

PC 7D



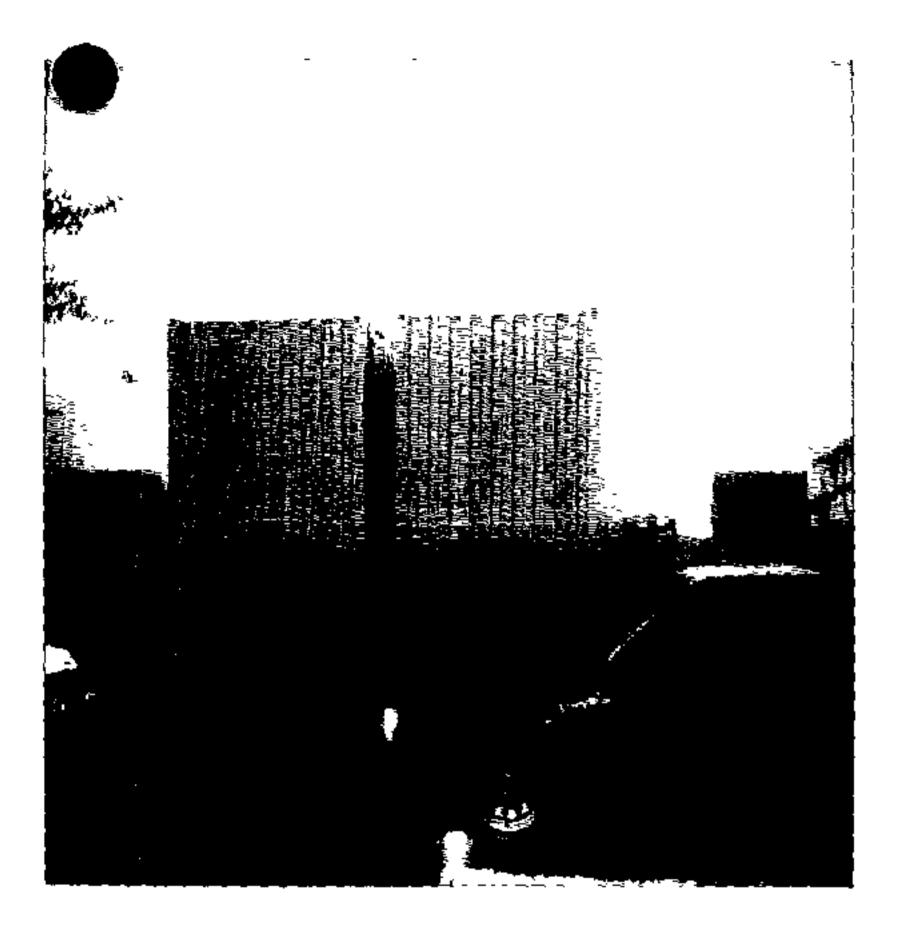
TAKEN FROM KITCHEN POAKCH
OF THE FLONDURA RESIDENCE
4203 RABB AVE
2-19-99

PC 70



Two Anotographs 98-249-SPH

Printed with Soybean Ink



Quillew of storage trailers, D Aumpster, pallets + misc. 2/18/98



Lide mew of trailers at 8727 Belair

De Heavy For 2/18/98

