

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 01-007-XA

* CASE NO. 01-007-XA

* * * * *

C. Lynn Barranger
C. Lynn Barranger



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 18, 2002

Peter Max Zimmerman
People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Houd Zidan* -Petitioner
Case No. 01-007-XA / Order of Dismissal

Dear Counsel:

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

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Houd Zidan
Douglas Silber, Esquire
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
John Beverungen, Deputy County Attorney





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

January 14, 2002

CAROLE S. DEMILIO
Deputy People's Counsel

Charles L. Marks, Chairman
County Board of Appeals
of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204
Hand-delivered

02 JAN 14 PM 3:14

Re: Petitions for Special Exception and Variance
114 Dundalk Avenue
12th Election District, 7th Councilmanic
Legal Owners: Houd Zidan and Baltimore County, MD
Contract Purchaser: Houd Zidan
Case No.: 01-07-XA

Dear Mr. Marks:

On or about November 3, 2000, our office filed an appeal in the above-captioned case. Upon further review of the case, we no longer believe an appeal is in the public interest. We therefore withdraw our appeal in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in cursive script that reads "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Mr. Houd Zidan, 9116 Perryvale Road, Baltimore, MD 21236, Petitioner
Arnold Jablon, Esq., Director, PDM



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

January 14, 2002

CAROLE S. DEMILIO
Deputy People's Counsel

Charles L. Marks, Chairman
County Board of Appeals
of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204
Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
02 JAN 14 PM 3:44

Re: Petitions for Special Exception and Variance
114 Dundalk Avenue
12th Election District, 7th Councilmanic
Legal Owners: Houd Zidan and Baltimore County, MD
Contract Purchaser: Houd Zidan
Case No.: 01-07-XA

Dear Mr. Marks:

On or about November 3, 2000, our office filed an appeal in the above-captioned case. Upon further review of the case, we no longer believe an appeal is in the public interest. We therefore withdraw our appeal in this matter.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/cdf

cc: Mr. Houd Zidan, 9116 Perryvale Road, Baltimore, MD 21236, Petitioner
Arnold Jablon, Esq., Director, PDM

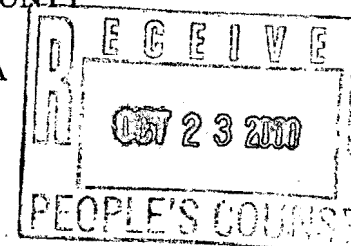
10/17/00

IN RE: PETITION FOR SPECIAL EXCEPTION *
AND VARIANCE *
SW/S Dundalk Avenue, corner *
E/S Willow Spring Road *
12th Election District *
7th Councilmanic District *
(114 Dundalk Avenue) *

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 01-007-XA

Houd Zidan
Petitioner

* * * * *



AMENDED ORDER

This matter originally came before this Deputy Zoning Commissioner as a Special Exception Request and Variance filed by the legal owner of the property, Houd Zidan. Mr. Zidan was requesting approval to utilize a 0.33 acre parcel of property for a service garage. Mr. Zidan already made considerable improvements to the subject property and was eager to open his business. The parties appeared before me at a hearing wherein the Petitioner's special exception and variance request were granted.

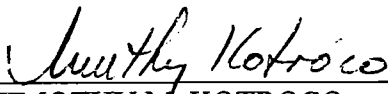
In the course of the presentation of the case before me, it was mentioned that the Petitioner will also, as an accessory to the service garage use, sell used automobiles from the subject property. The sale of these automobiles will be ancillary to the service garage operation. However, at the time I issued my decision, I failed to mention this accessory use. Therefore, the Petitioner's attorney, Julius W. Lichter, filed a motion for reconsideration dated September 20, 2000 asking that I include the appropriate language within an amended order to accommodate this accessory use. The motion for reconsideration was sent to Mr. George Wischusen, President of the St. Helena's Community Association, who was the only citizen who attended the hearing. Mr. Wischusen fully supported the Petitioner at the special exception hearing and has acknowledged the motion for reconsideration and signed in support thereof. His signature is contained on the motion for reconsideration.

ORDER RECEIVED FOR FILING
Date 10/17/00
By [Signature]

THEREFORE, IT IS ORDERED this 17th day of October, 2000, by this Deputy Zoning Commissioner, that the Petitioner's Special Exception Request is appropriate and the Petitioner shall be allowed to sell used automobiles as an accessory use to his service garage in accordance with the following conditions and restrictions:

1. That no more than five (5) parking spaces shall be provided for the sale of automobiles at any given time;
2. That no more than the sale of five (5) vehicles per week may be made from the subject site. This restriction is not intended to prohibit or interfere with the execution of documents on site for the sale of vehicles not located on the subject property.
3. That the property will not erect signs or streamers that would advertise the sale of motor vehicles other than signs located in the window area of each vehicle that is offered for sale on the subject property;
4. That the sale of used vehicles is customarily accessory to and subordinate to and serves the principal use as a Service Garage and contributes to the comfort, convenience and necessity of a service garage; and

IT IS FURTHER ORDERED, that all other terms and conditions of the Order issued September 5, 2000 shall remain in full force and effect.

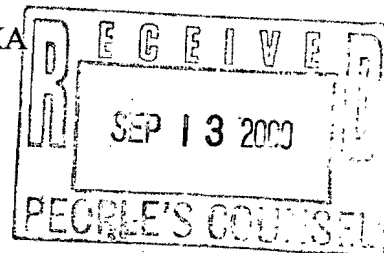

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 10/17/00
By J.P. Gammeter

9/5/00

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
SW/S Dundalk Avenue, corner * DEPUTY ZONING COMMISSIONER
E/S Willow Spring Road * OF BALTIMORE COUNTY
12th Election District *
7th Councilmanic District * CASE NO. 01-007-XA
(114 Dundalk Avenue) *
Houd Zidan *
Petitioner *



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by Houd Zidan, legal owner of the property located at 114 Dundalk Avenue. The subject property is split-zoned BL and DR 5.5. The special exception request is to approve a service garage on the subject property along with a variance request from Section 232.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a front yard setback of 2.1 ft. and 4.5 ft. in lieu of the required 10 ft. and to amend the previously approved site plan in Case No. 96-484-A.

Appearing at the hearing on behalf of the special exception and variance request was the property owner, Houd Zidan. The Petitioner was represented by Julius W. Lichter, attorney at law. Also appearing on behalf of the property owner was George Wischhusen, President of the St. Helena Community Association. There were no protestants or other citizens in attendance.

Testimony and evidence indicated that the property which is the subject of this hearing consists of 0.33 acres, more or less, zoned BL/DR 5.5. The subject property is improved with an old one-story gasoline service station building which has been abandoned until Mr. Zidan purchased the property. Mr. Zidan is interested in opening a service garage in the subject building. In order to do so the special exception and variance are necessary.

OFFICE RECEIVED FOR FILING
Date 9/5/00
By R. G. [signature]

Mr. Zidan purchased the property in June of 2000. He has made extensive repairs to the parking lot and the building itself. The property had become run down over the years until Mr. Zidan's purchase. Mr. Zidan has made substantial improvements to the property and has worked very closely with the community association in maintaining the site. Mr. Wischhusen, President of the St. Helena Community Association, testified that Mr. Zidan has been very cooperative with the community and has done an excellent job in revitalizing the property. The community fully supports the Petitioner in this petition for special exception and variance.

It is clear that the Baltimore County Zoning Regulations permit the proposed use in a BL zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 9/5/00
By J.P. Jensen

As to the variance request, an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

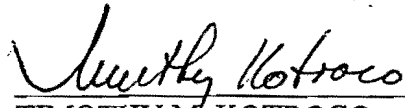
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED this 5th day of September, 2000, by this Deputy Zoning Commissioner, that the Petitioner's Special Exception Request from Section 230.13 of the Baltimore County Zoning Regulations, to permit a service garage in a BL zone, is hereby APPROVED.

IT IS FURTHER ORDERED that the Petition for Variance from Section 232.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a front yard setback of 2.1 ft. and 4.5 ft. in lieu of the required 10 ft. and to amend the previously approved site plan in Case No. 96-484-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 9/5/00
R. Johnson



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 114 Dundalk Avenue

which is presently zoned BL/DR5.5

This Petition shall be filed with the Department of Permits and 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Special exception pursuant to BCZR § 230.13 to permit service garage ("garage, service") in a BL zone.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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:

Houd Zidan

Name, Type or Print

Signature

9116 Perryvale Road (410) 529-0970

Address Telephone No.

Baltimore, Maryland 21236

City State Zip Code

Attorney For Petitioner:

Julius W. Lichter, Esquire

Name - Type or Print

Signature

Law Offices of Peter G. Angelos, P.C.

Company 210 W. Pennsylvania Avenue
Suite 300 (410) 825-7300

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Houd Zidan

Name / Type or Print

Signature

Baltimore County, Maryland

Name - Type or Print By: John Wasilisin, Co. Admin.

Signature

9116 Perryvale Road (410) 529-0970

Address Telephone No.

Baltimore, Maryland 21236

City State Zip Code

Representative to be Contacted:

Julius W. Lichter, Esquire

Name 210 W. Pennsylvania Avenue
Suite 300 (410) 825-7300

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By uca Date 7-10-00

Case No. 01-007-XA

REU 09/15/98

REVIEWED FOR BALTIMORE COUNTY
REQUIREMENTS

COUNTY SOLICITOR

Drop Off
No Review

Correction on Item #01-007-XA

Item 007

Case #01-007-X

Type: Commercial

Reviewer: WCR

Legal Owner: Houd Zidan

Contract Purchaser: Houd Zidan

Critical Area: No

Election District: 12th

Councilmanic District: 7th

Property Address: 114 Dundalk Ave.

Location: SW/S Dundalk Ave., corner E/S Willow Spring Rd.

Existing Zoning: WCR

Proposed Zoning: SPECIAL EXCEPTION to permit a service garage (garage, service) in a BL zone. VARIANCE to all existing front yard setback from front property line of 2.1 feet and 4.5 feet in lieu of the 10 feet required, and to amend the plan approved in Case #96-484-A (July 3, 1996) in accordance with the relief requested, including confirmation of existing parking with right-of-way and existing sign within right-of-way.

Attorney: Julius W. Lichter

Miscellaneous: Zoning Case #96-484-A



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 114 Dundalk Avenue

which is presently zoned BL/DR5.5

This Petition shall be filed with the Department of Permits and 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)

232.1 to allow existing front yard setback from front property

line of 2.1 feet and 4.5 feet in lieu of the 10 feet required, and to amend the plan approved

in Case No. 96-484-A (July 3, 1996) in accordance with the relief requested, including

confirmation of existing parking within right-of-way and existing sign within right-of-way.

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

See attached

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Houd Zidan

Name - Type or Print

Signature

9116 Perryvale Road

(410) 529-0970

Address

Telephone No.

Baltimore,

Maryland

21236

City

State

Zip Code

Attorney For Petitioner:

Julius W. Lichter, Esquire

Name - Type or Print

Signature

Law Offices of Peter G. Angelos, P.C.

Company 210 W. Pennsylvania Avenue

Suite 300

(410) 825-7300

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

Legal Owner(s):

Houd Zidan

Name - Type or Print

Signature

Baltimore County, Maryland

Name - Type or Print BY John Wasilisin, Co. Admin.

Officer

Signature By Arnold Jablon, PDM

9116 Perryvale Road

(410) 529-0970

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Julius W. Lichter, Esquire

Name 210 W. Pennsylvania Avenue

Suite 300

(410) 825-7300

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed-By ucl

Date 7-10-00

Drop Off
No Review

Case No. 01-007-XA

REV 9/15/98

REVIEWED FOR BALTIMORE COUNTY
REQUIREMENTS

COUNTY SOLICITOR

Unreasonable Hardship and Practical Difficulty

The shape, size, and proximity of the property to the County rights-of-way of Willow Spring Road and Dundalk Avenue create an unreasonable hardship and practical difficulty. The unique triangular shape of the property creates two front property lines, from which the existing fifty-plus year old building on the property is within 2.1 feet and 4.5 feet, respectively. Furthermore, the same conditions which existed in Case No. 96-484-A and which justified the variance for parking within the right of way in that case continue to exist, and therefore, confirmation of the existing parking within the right-of-way and the existing sign within the right of way is appropriate. Otherwise, as the Deputy Zoning Commissioner found in that case, "absent the relief requested, the subject property cannot be utilized for any purpose under its BL zoning classification, given the size, shape and configuration of the property and the extensive rights of way of the adjoining roads."



Baltimore County
Department of Permits and
Development Management

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

August 23, 2000

Julius W. Lichter, Esquire
Law Offices of Peter G. Angelos, P.C.
210 West Pennsylvania Ave., Suite 300
Towson, MD 21204

Dear Mr. Lichter:

RE: Case Number: 01-007-XA, 114 Dundalk Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 15, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Houd Zidan, 9116 Perryvale Road, Baltimore 21236
Arnold Jablon, Director of Permits and Development Management
People's Counsel





Baltimore County
Fire Department

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

August 1, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: HOUD ZIDAN

Location: DISTRIBUTION MEETING OF JULY 24, 2000

Item No.: 007

Dear Ms. Stephens:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *lms*

DATE: August 14, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of July 24, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
007	114 Dundalk Avenue
009	6919 German Hill Road
011	9736 Silver Farm Road
013	814 Hatherleigh Road
018	2004 Stringtown Road
520	Glyndon Trace

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: July 27, 2000

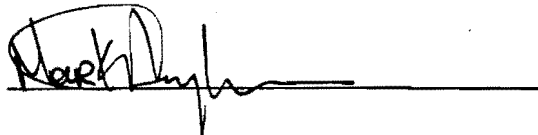
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 007 and 009**

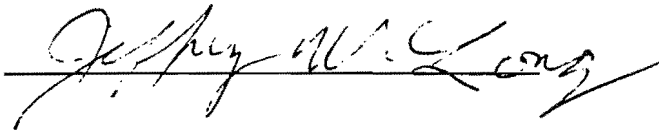
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC

alper
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: July 27, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 007 and 009

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 29, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 31, 2000
Item No. 007

The Bureau of Development Plans Review has reviewed the subject zoning item. The two existing access points near the intersection should be closed - and not the two as shown.

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE

114 Dundalk Avenue, SW/S Dundalk Ave,
cor E/S Willow Spring Rd
12th Election District, 7th Councilmanic

Legal Owner: Houd Zidan and Baltimore County, Md.
Contract Purchaser: Houd Zidan
Petitioner(s)

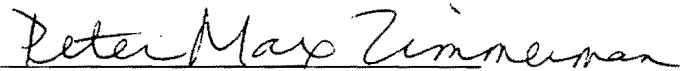
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-07-XA

* * * * *

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esq., Law Offices Peter G. Angelos, 210 W. Pennsylvania Avenue, Suite 515, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

November 6, 2000

Julius W. Lichter, Esquire
Law Offices of Peter G. Angelos
210 W. Pennsylvania Avenue
Suite 300
Towson, MD 21204

Dear Mr. Lichter:

HOUD ZIDAN

RE: Case No. 01-007-XA, 114 Dundalk Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November 3, 2000 by People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ:scj

C: Houd Zidan, 9116 Perryvale Road, Baltimore, MD 21236
Douglas Silber, Esquire, Baltimore County Law Office, MS #4420
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM



APPEAL

Petitions for Special Exception and Variance
114 Dundalk Avenue
SW/S Dundalk Avenue, corner E/S Willow Spring Road
12th Election District – 7th Councilmanic District
Houd Zidan and Baltimore County, Maryland - Legal Owner
Houd Zidan - Contract Purchaser
Case Number: 01-007-XA

Petition for Special Exception (filed 7/10/00)

Petition for Variance (filed 7/10/00)

Description of Property

Notice of Zoning Hearing (dated 7/26/00)

Certification of Publication (8/15/00 – The Jeffersonian)

Certificate of Posting – NONE FOUND IN FILE

Entry of Appearance by People's Counsel (dated 7/31/00)

Petitioner(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

- 1 Plat to Accompany Petition for Special Exception and Variances for 114 Dundalk Avenue (dated 6/28/00)
- 2A Letter from Ken Gill, Church Council President, St. Timothy's Evangelical Lutheran Church (dated 8/29/00)
- 2B Letter from Patricia A. Winter, Executive Director, Eastern Baltimore Area Chamber of Commerce (dated 8/29/00)

Misc. (Not Marked as Exhibits):

- 16 Photographs

Deputy Zoning Commissioner's Order dated 9/5/00 (Granted)

Deputy Zoning Commissioner's Amended Order dated 10/17/00 (Restrictions Added)

Notice of Appeal received on 11/3/00 from People's Counsel for Baltimore County

C: Julius W. Lichter, Esquire, Law Offices of Peter G. Angelos, 210 W. Pennsylvania Avenue, Suite 300, Towson, MD 21204
Houd Zidan, 9116 Perryvale Road, Baltimore, MD 21236
Douglas Silber, Esquire, Baltimore County Law Office, MS #4420
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM



Baltimore County, Maryland

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 3, 2000

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE

114 Dundalk Avenue, SW/S Dundalk Ave,
cor E/S Willow Spring Rd,
12th Election Dist., 7th Councilmanic
Houd Zidan and Baltimore County, Md.,

Petitioner(s)

Case No.: 01-7-XA

Dear Mr. Jablon:

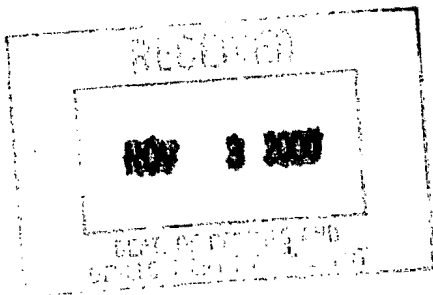
Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated September 5, 2000, and from the Amended Order dated October 17, 2000 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel



PMZ/CSD/caf

cc: Julius W. Lichter, Esq., Law Offices Peter G. Angelos, 210 W. Pennsylvania Avenue, Suite 515,
Towson, MD 21204, Attorney for Petitioners



Baltimore County
Office of Law

400 Washington Avenue
Towson, Maryland 21204
410-887-4420
Fax: 410-296-0931

July 18, 2000

Dino LaFiandra, Esquire
Law Offices of Peter G. Angelos
Court Towers
210 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Ground Lease between Baltimore County and Houd Zidan

Dear Dino:

Enclosed please find two executed originals of the Ground Lease. It has been a pleasure working with you and Jules on this transaction. If I can be of further assistance, please do not hesitate to let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan B. Dubin", with a long horizontal flourish extending to the right.

Susan B. Dubin
Assistant County Attorney

Enclosures

Come visit the County's Website at www.co.ba.md.us



GROUND LEASE
BETWEEN
BALTIMORE COUNTY, MARYLAND
AND
HOUD ZIDAN

CONTENTS

<u>Section</u>	<u>Heading</u>
1	Use; Condition of Land
2	Term
3	Rent
4	Quiet Enjoyment
5	Alterations
6	Tenant May Not Require Landlord to Mortgage Its Fee
7	Initial Financing - Modification of Lease
8	Provisions of Leasehold Mortgage
9	Effect of Termination of Lease on Leasehold Mortgage
10	Insurance
11	Condemnation
12	Discharge of Liens
13	Utilities and Services
14	Indemnification
15	Estoppel Certificates
16	Compliance With Law and Covenants; Environmental Indemnification
17	Repairs and Maintenance
18	Damage and Destruction of Improvements
19	Taxes and Assessments
20	Waiver of Jury Trial
21	Landlord's Right of Entry
22	Notices
23	Assignment and Subletting
24	Surrender of Premises
25	Non-Waiver of Future Enforcement
26	Defaults
27	Abandonment
28	Cumulative Remedies
29	Termination Option
30	Miscellaneous
31	Municipal Control
32	Advertising
33	Tenant's Acknowledgment of Monitoring Wells

GROUND LEASE

THIS GROUND LEASE is made this _____ day of _____, 2000, by and between BALTIMORE COUNTY, MARYLAND, a body corporate and politic (hereinafter referred to as "Landlord") and HOUD ZIDAN (hereinafter referred to as "Tenant").

RECITALS

WHEREAS, Landlord is the fee simple owner of the property known and described as all that certain piece or parcel of land situate, lying and being in the 15th Election District of Baltimore County, Maryland, consisting of approximately .063 acre (2758 sq. ft.) of land, more or less. Being a parcel of land lying within the right of way of Willow Spring Road and lying 20 feet west of the parcel of land described in a Deed dated June 9, 1999 and recorded among the Land Records of Baltimore County in Liber 13847, folio 26, which was conveyed by Myra Wagonheim and Ellen S. Gaver and E&M Investments, LLC to Houd Zidan (hereinafter the "Premises"). The property is more particularly described in the Site Plan attached hereto as "Exhibit A" and incorporated herein by reference.

WHEREAS, Tenant is the owner of an improved tract of land which is approximately 0.12 of an acre and is zoned BL. The subject property is improved with a single story structure, approximately _____ square feet in size, and is bordered on the east by Dundalk Avenue, on the west by Willow Spring Road and on the south by an existing McDonald's restaurant; and

WHEREAS, Tenant desires to use a portion of the existing Willow Spring Road right-of-way, which is owned by Landlord, for parking and access in conjunction with the development of his service garage on the subject property; and

WHEREAS, Tenant was granted a variance from the Baltimore County Comprehensive Manual of Development Policies and Sections 232.4 and 409.8.A of the Baltimore County Zoning Regulations to permit surface parking within the right-of-way of Willow Spring Road in lieu of a ten (10) foot required setback; and

WHEREAS, the parties desire to enter into this Lease which defines their respective rights, duties, and liabilities relative to the Premises.

NOW, THEREFORE, WITNESSETH in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereto agree as follows:

DEFINITIONS

For the purposes of this Lease, Landlord and Tenant hereby agree that the following terms shall have the indicated meanings:

"Additional Rent" means: all sums of money or charges required to be paid by Tenant under this Lease other than Fixed Annual Net Ground Rent, whether or not such sums or charges are designated "Additional Rent."

from and against any and all loss, cost, damage, expense (including reasonable attorneys' fees), claim, cause of action, judgment, penalty, fine or liability, directly or indirectly, relating to or arising from Tenant's use of the Premises. Tenant's obligations pursuant to the foregoing indemnity shall survive the expiration or early termination of this Ground Lease and shall bind Tenant's successors and assignees and inure to the benefit of Landlord's successors and assignees.

AS WITNESS THE HANDS AND SEALS OF THE PARTIES HERETO:

WITNESS:

Donna Morrison

BALTIMORE COUNTY, MARYLAND

By: John M. Wasilis
John M. Wasilis
Administrative Officer

REVIEWED AND APPROVED

Department of Public Works

By: Edward C. Adams, Jr.
Edward C. Adams, Jr.
Director

WITNESS:

Demetrius

Houd Zidan (SEAL)
Houd Zidan

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:
(Subject to execution by the duly authorized administrative official, as indicated)

[Signature]

Office of the County Attorney

*Approval of Legal Form and Sufficiency Does Not Convey Approval or Disapproval of the Substantive Nature of This Transaction. Approval Is Based Upon Typeset Document
--All Modifications Require Re-Approval.

c:\myfiles\Leasing\114 Dundalk Avenue
6/8/00

COUNTY		DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT				BUREAU OF LAND ACQUISITION	
POSITION SHEET NO.		FEDERAL PROJECT NO.					
CONSTRUCTION PLAN NO.		MARYLAND PROJECT NO.					
DIRECTOR OF PUBLIC WORKS ☐ AREA TO BE ACQUIRED ☒ REVERSIBLE SLOPE EASEMENT ☒ TEMPORARY CONSTRUCTION AREA		☒ EXISTING COUNTY R/W ☒ AREA TO BE RELEASED ☒ TEMPORARY SLOPE EASEMENT		SURVEYOR DATE _____ REG. NO. _____ SHEET _____ REVISIONS _____ SCALE: 1" = 30' B.C. JOB ORDER NO. "0" RW 96-060-1			
BUREAU OF LAND ACQUISITION DIVISION OF CRAFTING		ITEM NO. RECORDED _____ _____ _____ _____		DRAWN BY bwl PLAT CHECKED bwl AREA CHECKED bwl TITLE CHECKED			



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

SR/pmr

September 19, 2001

Dino LaFiandra, Esquire
Law Offices of Peter G. Angelos
Court Towers, Suite 300
210 West Pennsylvania Avenue
Towson, MD 21204

RE: *In the Matter of: Houd Zidan /Baltimore County, Maryland*
Case No. 01-007-XA

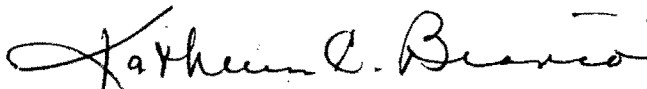
Dear Mr. LaFiandra:

This office is in receipt of your request of September 4, 2001, to strike the appearances of yourself and the Law Offices of Peter G. Angelos, P.C., in Case No. 01-007-XA.

The file has been noted, and no further notices or communications will be sent to you in this matter.

Please call me if I can of any further assistance.

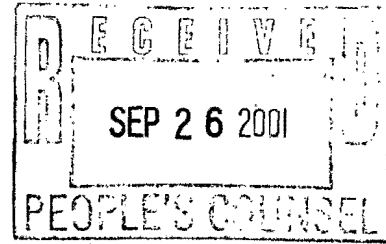
Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

cc: Peter Max Zimmerman
People's Counsel for Baltimore County
Mr. Houd Zidan
John Beverungen, Deputy County Attorney
Edward J. Gilliss, County Attorney

HOUD ZIDAN
9116 PERRYVALE RD
BALTIMORE, Maryland 21236



September 25, 2001
County Board of Appeals of Baltimore County
Kathleen Bianco
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Dear County Board of Appeals of Baltimore County:

In the matter of Houd Zidan and Baltimore county, Maryland Case No. 01-007-NA.

CBA HRG DATE
10/4/01

I would like to request a postponement on the above zoning case. I need time to find an attorney for this case.

Please contact me if you have any questions or need additional information.

Sincerely,

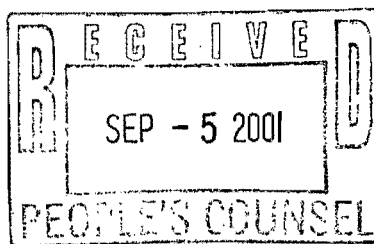
HOUD ZIDAN

ADVISED KATHI BIANCO
NO OBJECTION per
PMZ 9/26/01

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION
COURT TOWERS, SUITE 300
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-7300 FAX # 410-296-2541

cd
PMZ

DINO C. LA FIANDRA



OTHER OFFICES:
NEW YORK, NEW YORK
PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
PITTSBURGH, PENNSYLVANIA
BETHLEHEM, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

September 4, 2001

Ms. Kathleen C. Bianco, Administrator
Baltimore County Board of Appeals
400 Washington Avenue, Room 49
M.S. 2013
Towson, Maryland 21204

Re: 114 Dundalk Avenue
Case No. 01-007-XA

Dear Ms. Bianco:

Please strike the appearances of the Law Offices of Peter G. Angelos, P.C., and the undersigned, as counsel for the Petitioner/Appellee, Houd Zidan, in the above-referenced case.

Sincerely,

Dino C. La Fiandra

DCL/cld

cc: Mr. Houd Zidan
Peter M. Zimmerman, Esquire

ONE CHARLES CENTER
100 N. CHARLES STREET
BALTIMORE, MD 21201-3812
410-649-2000
(800) 252-6622
FAX 410-659-2101, 81, 82

UNION PARK CENTER
5905 HARFORD ROAD
BALTIMORE, MD 21214-1846
410-426-3200
(800) 492-3240
FAX 410-428-1269

STEELWORKERS' HALL
540 DUNDALK AVENUE
BALTIMORE, MD 21224-2997
410-633-8100
FAX 410-633-0480

CENTERPARK II
SUITE 315
4061 POWDER MILL ROAD
BELTSVILLE, MD 20705-3149
(800) 537-8261
FAX 301-937-5738

63 HENDERSON AVENUE
CUMBERLAND, MD 21502-2452
301-759-2700
FAX 301-759-2703

201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2001, Legislative Day No. 15

Bill No. 71-01

Councilmembers Olszewski, Kamenetz, McIntire & Moxley

By the County Council, August 6, 2001

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Automobile Sales

FOR the purpose of amending the Zoning Regulations to provide that new car sales are permitted as of right in the B.M. Zone, and to provide that used car outdoor sales areas are permitted in the B.M. Zone by Special Exception as part of a Commercial Planned Unit Development; and generally relating to car sales in the County's business zones.

By repealing and re-enacting, with amendments,

Section 233.2, automobile sales room use, and Section 440.4.C.

Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 233.2, automobile sales room use, and Section 440.4.C.
3 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

1 re-enacted, with amendments, to read as follows:

2 Section 233. Business, Major (B.M.) Zone Use Regulations

3 The following uses only are permitted (Section 233.3):

4 233.2

5 [Automobile] NEW AUTOMOBILE sales [room] FACILITY and adjoining outdoor
6 sales area, provided that dismantled or junked cars unfit for operations on the highways [shall]
7 MAY not be stored outdoors.

8 Section 440. Planned Unit Development - Commercial (PUD-C)

9 440.4 Permitted uses. Subject to the design and performance standards and the
10 procedures specified in this section, the following uses are permitted in a PUD-C, in areas
11 delineated on the map approved pursuant to Section 440.3.B:

12 C. Any use permitted by special exception by the underlying zone or district is permitted
13 by special exception only in that underlying zone or district and is not permitted in any other
14 zone or district which may be part of a PUD-C, EXCEPT THAT USED MOTOR VEHICLE
15 OUTDOOR SALES AREAS ARE PERMITTED BY SPECIAL EXCEPTION AS PART OF A
16 PUD-C IN THE B.M. ZONE.

17 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-
18 five days after its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2001, Legislative Day No. 15

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18 five days after its enactment.

Meeting 1/14/02

Houd Zidan, Anna Zidan

1. Most sales offsite
2. Cars purchased at dealer's auction, service onsite, and then taken to auctions periodically for sale
3. Sales are incidental to service, full-time mechanic, 2 bays
4. Cleaned up site, as shown by photos
5. Citizens support
6. Church support
7. Occasional sales onsite
8. Appears at least arguable that this is service garage with incidental sales - spirit and intent of BCZR
9. No public interest in pursuit of appeal

PMZ

4/23/2001

Visit / 8 PM

Acute angle corner property

Both sides of the corner triangle
lined with a wall of cars

Open

Appears to be mainly sales office
in back - not a large service
building apparent

Segno! Freestanding, Two wall-mounted
(front, back)
- "Dundalk Motors, we buy, sell, service"

Looks like typical used car lot

PMZ

Note: Use and signs on public property

Sec. 3-1. Posting signs on public property.**(a) Definitions.**

Person means any political candidate, registered political committee, person, firm, partnership, association, corporation, company, organization, or other entity of any kind. A person does not include the county.

Public utility, as used in this section, includes but is not limited to a person awarded a franchise to operate a CATV system.

Sign includes any bill, poster, placard, handbill, flyer, painting, sign, notice, advertisement, or other similar object or matter which contains printed or written matter in words, symbols, or pictures or any combination thereof.

(b) Posting prohibited. It is unlawful for any person to post, place or affix a sign:

- (1) On any building owned, leased, or controlled by the county;
- (2) On or within the confines of any public park, recreation area, or other landscaped grounds owned or operated by the county or upon any flagpole, street lamppost, or tree owned by the county;
- (3) On any traffic-control sign or device, including but not limited to stoplights and their standards, stop signs, yield signs, one-way street signs, or any other sign or device which directs traffic or controls traffic signals or on the supporting post of such sign or device;
- (4) Which in any way blocks the view of a traffic-control sign or device by motorists or pedestrians in such a manner as to create a hazard;
- (5) Which in any way poses a hazard to motorists, pedestrians or cyclists, or protrudes into a street or sidewalk in such a manner as to interfere with the safe passage of the public;
- ~~(6) On any other property owned, leased, or controlled by the county; or~~
- (7) On any pole, building, or property of whatever nature owned, leased, or controlled by

a public utility where the same is located within or on any public street, alleyway, or any other public property.

(c) Removal of illegal signs.

- (1) The county is authorized to remove any sign posted in violation of subsections (b)(1) through (b)(6) of this section.
- (2) A public utility is authorized to remove any sign posted in violation of subsection (b)(7) of this section.

(d) Liability for costs of removal of illegally posted signs. Any person who posts and any person who authorizes the posting of a sign in violation of subsection (b) of this section shall be liable to the county or to the public utility for the costs of removal of the sign and for any expense for repairing damage done by the sign removal. In the case of violations relating to county property, the county administrative officer shall approve regulations adopted by each department or office authorized by him to remove illegally posted signs. The regulations shall include provisions requiring the various offices and departments to report:

- (1) The name of the person represented on the material removed;
- (2) The number of advertisements, signs, notices, or other writing or printing removed;
- (3) The location of the material;
- (4) From what type of structure the material was removed; and
- (5) Cost of removal and repair.

(e) Persons responsible.

- (1) In the case of a political campaign, a candidate for any office and the chairman and treasurer of any registered political committee shall be presumed to have authorized the posting and is therefore liable for the costs of sign removal imposed by subsection (d) of this section, provided that the candidate or the committee was responsible for the printing of the sign. If such liability is contested, the burden of overcoming the presumption is on the contesting party. A candidate for public office shall, at

the time of filing with the board of supervisors of elections for such candidacy, sign a written statement which acknowledges the candidate's responsibilities under the provisions of this section. Failure to sign such a statement shall not affect the liability of the candidate for the penalties and costs provided for in this section.

- (2) In all other cases, it shall be presumed that the person whose name, event, business, location, or merchandise is written on the sign has posted or authorized the posting of the sign and is therefore liable to the county or to the public utility for the costs referred to in subsection (d) of this section; and if such liability is contested, the burden of overcoming the presumption is on the contesting party.

(f) *Criminal violation.* Any person who posts a sign in violation of subsection (b) of this section shall be guilty of a misdemeanor and upon conviction shall pay a fine not to exceed five hundred dollars (\$500.00) for each posted sign.
(Code 1978, § 18-36)

Cross references—Elections, tit. 13; motor vehicles and traffic, tit. 21.

State law reference—Placement of signs that interfere with traffic signs, etc., Ann. Code of Md., Transportation article, § 21-205.

Sec. 3-2. Political campaign signs.

(a) Stationary signs, excluding commercial billboards, announcing candidates seeking elected public office may be erected in the county no earlier than thirty (30) days prior to the date of any primary election. They shall be confined within private property and shall not obstruct the vision of operators of motor vehicles as set forth in section 21-3 or article I, title 21 of this Code. The chief of police or his agent may require that a sign be relocated if he determines that its placement may obstruct the vision of operators of motor vehicles or for other public safety reasons. The signs must be removed within five (5) days after the closing of the polls following any primary by any unsuccessful primary candidate and within five (5) days after the closing of the polls following any general election by all other candidates.

(b) Any candidate whose signs are posted in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than twenty-five dollars (\$25.00) for each violation.

(Code 1978, § 18-31)

Cross references—Elections, tit. 13; motor vehicles and traffic, tit. 21.

State law reference—Political posters, Ann. Code of Md. art. 27, § 452.

Sec. 3-3. Motor fuel signs indicating prices.

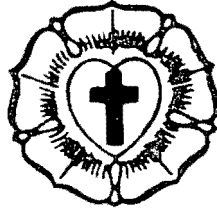
(a) The county council finds that the regulation of signs advertising prices of motor vehicle fuels at places dispensing fuels in the county at retail will serve to protect the safety and recreational value of public travel on highways in the county and will better protect the public investment in its streets and highways, and in furtherance of these purposes the following regulations are enacted.

(b) Every retail dealer in motor fuel shall publicly display and maintain on each pump or other dispensing device from which motor fuel is sold by him, at least one (1) sign and not more than two (2) signs stating the price per gallon of the motor fuel, the state and federal taxes, and the total price sold by him from such pump or device. Such sign or signs shall be of a size not larger than eighty (80) square inches. The price shown on each of such signs shall include an itemization of the cost per gallon of such motor fuel, the amount of federal taxes, and the amount of state taxes. All figures, including fractions, upon such signs, other than figures and fractions used in any price-computing mechanism constituting a part of any such pump or dispensing device, shall be of the same size.

(c) No signs stating or relating to the prices of motor fuel and no signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, other than the signs referred to in subsection (b) of this section and required to be displayed upon pumps and other dispensing devices, shall be posted or displayed on or about the premises where motor fuel is sold at retail and within the view of any public highway or reservation.

St. Timothy's Evangelical Lutheran Church

2120 DUNDALK AVENUE
DUNDALK, MARYLAND 21222-3717



JOSEPH E. SKILLMAN, JR.
PASTOR

CHURCH PHONE
(410) 284-6840

August 29, 2000

Regarding: Hearing for service garage at 114 Dundalk Avenue

To Whom It May Concern:

This will verify that St. Timothy's Ev. Lutheran Church, located at 2120 Dundalk Avenue (across the street from the service garage), speaks in favor of retaining the service garage at it's present location. The owners have made numerous improvements to the building and site (repaved the lot, remodeled the office and garage area). They maintain the site in an immaculate condition. We were and continue to be pleased with their decision to locate in our community.

If we can be of further assistance, please feel free to contact us. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Gill". The signature is written in a cursive style with a large, sweeping "K" and "G".

Ken Gill
Church Council President
St. Timothy's Ev. Lutheran Church

Ref Ex # 2A



Atrium Offices at Eastpoint Mall
7835 Eastern Avenue,
Suite 302
Baltimore, MD 21224

410.282.9100
Fax: 410.284.9864
Web-site: <http://www.abacc.org>
E-mail: info@abacc.org

August 29, 2000

Mr. Lawrence E. Schmidt
Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

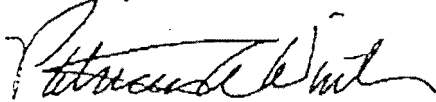
Re: Case No. 01-007-XA, 114 Dundalk Avenue
Hearing Date: August 30, 2000

Dear Commissioner Schmidt:

This letter is being written in support of the Petition for Special Exception to permit a service garage and a variance to allow existing setbacks as stated in the Notice, as well as amending the plan approved in Case No. 96-484-A for confirmation of existing parking within the right-of-way and an existing sign within the right-of-way.

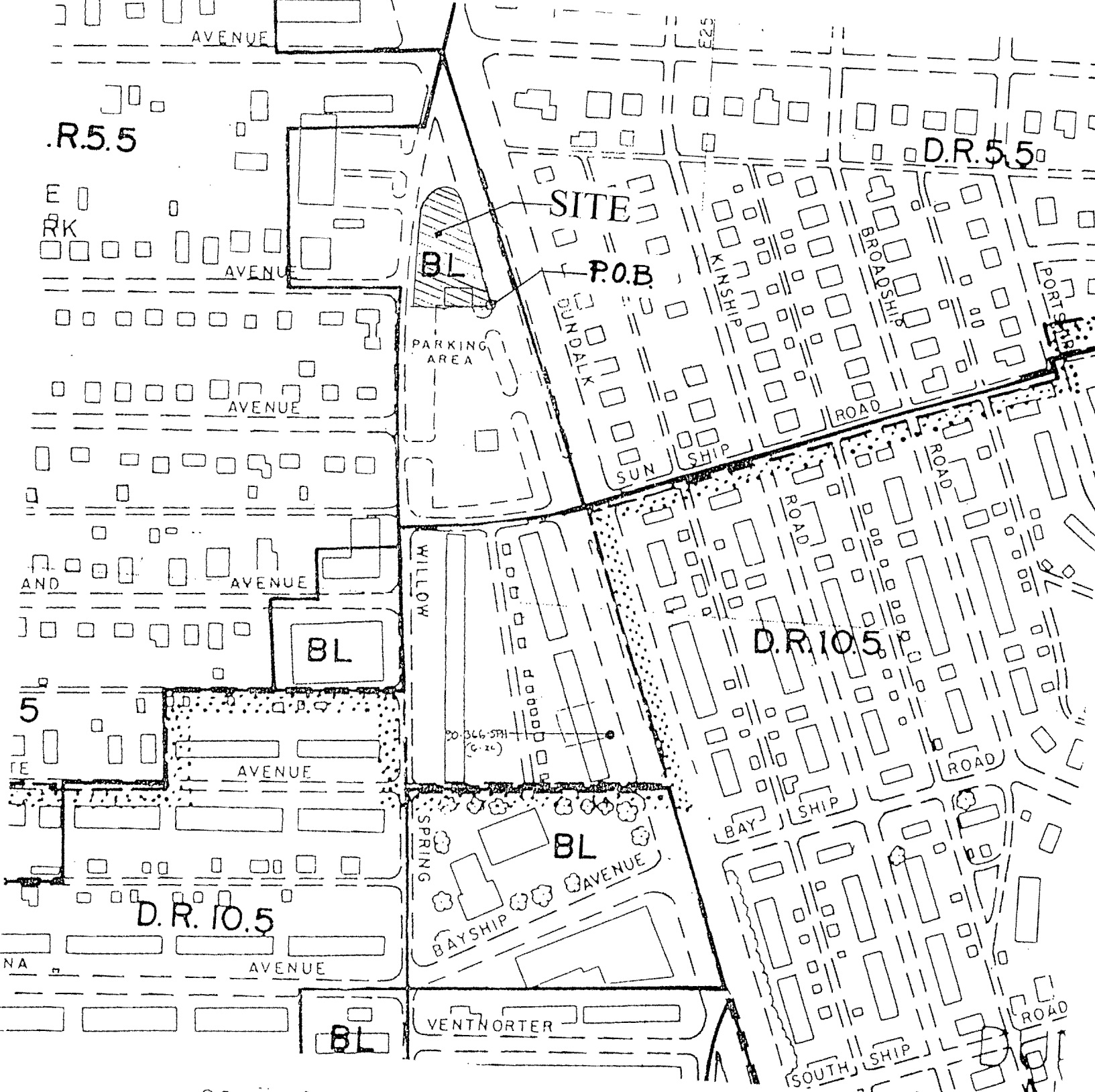
This property has been a blight on the neighborhood and the new addition of the service garage will be a significant upgrade for the neighborhood. Mr. Zidan, the current owner of the property has been most cooperative in bringing this welcome addition to the neighborhood and has worked hard with the community and the County to bring viable business to our area. We support and recommend approval of the relief sought in his application.

Sincerely,


PATRICIA A. WINTER
Executive Director

- * Canton
- * Dundalk
- * East Baltimore
- * Edgemere
- * Essex
- * Falls Point
- * Highlandtown
- * Kingsville
- * Middle River
- * Parkville
- * Perry Hall
- * Rosedale
- * Rossville
- * White Marsh

Ref Ex 2B



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

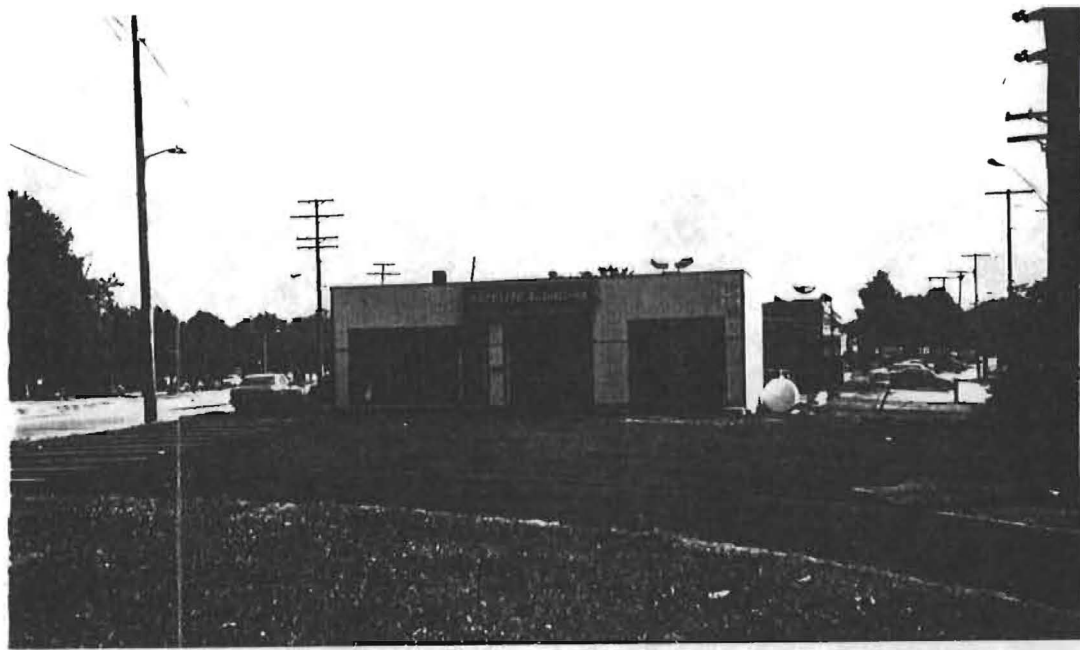
LOCATION

DUNDALK

SHEET

S. E.
4-E

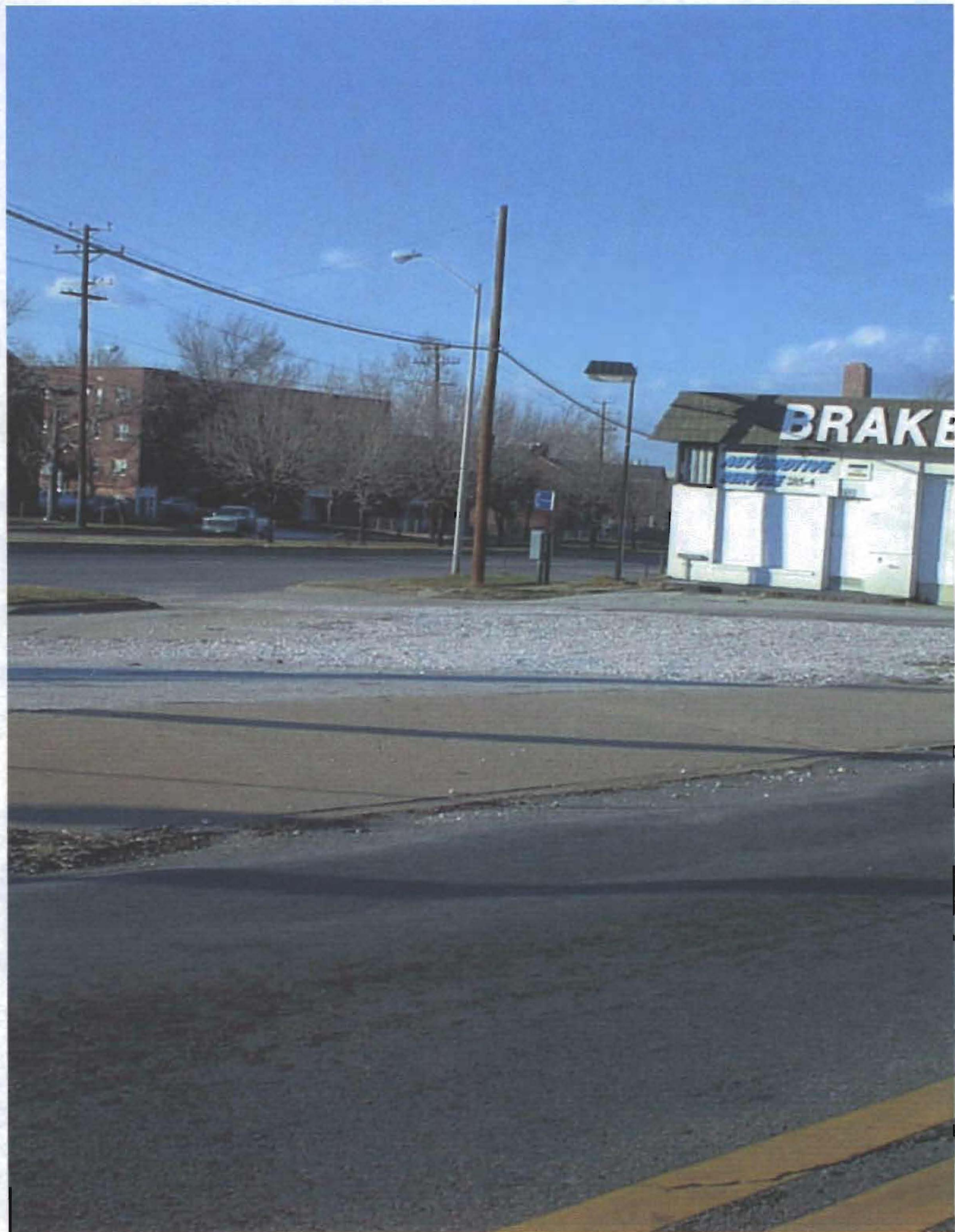
01-007. XA



DUNDALK MOTORS
410-284-3600
We Buy, Sell and Service



New

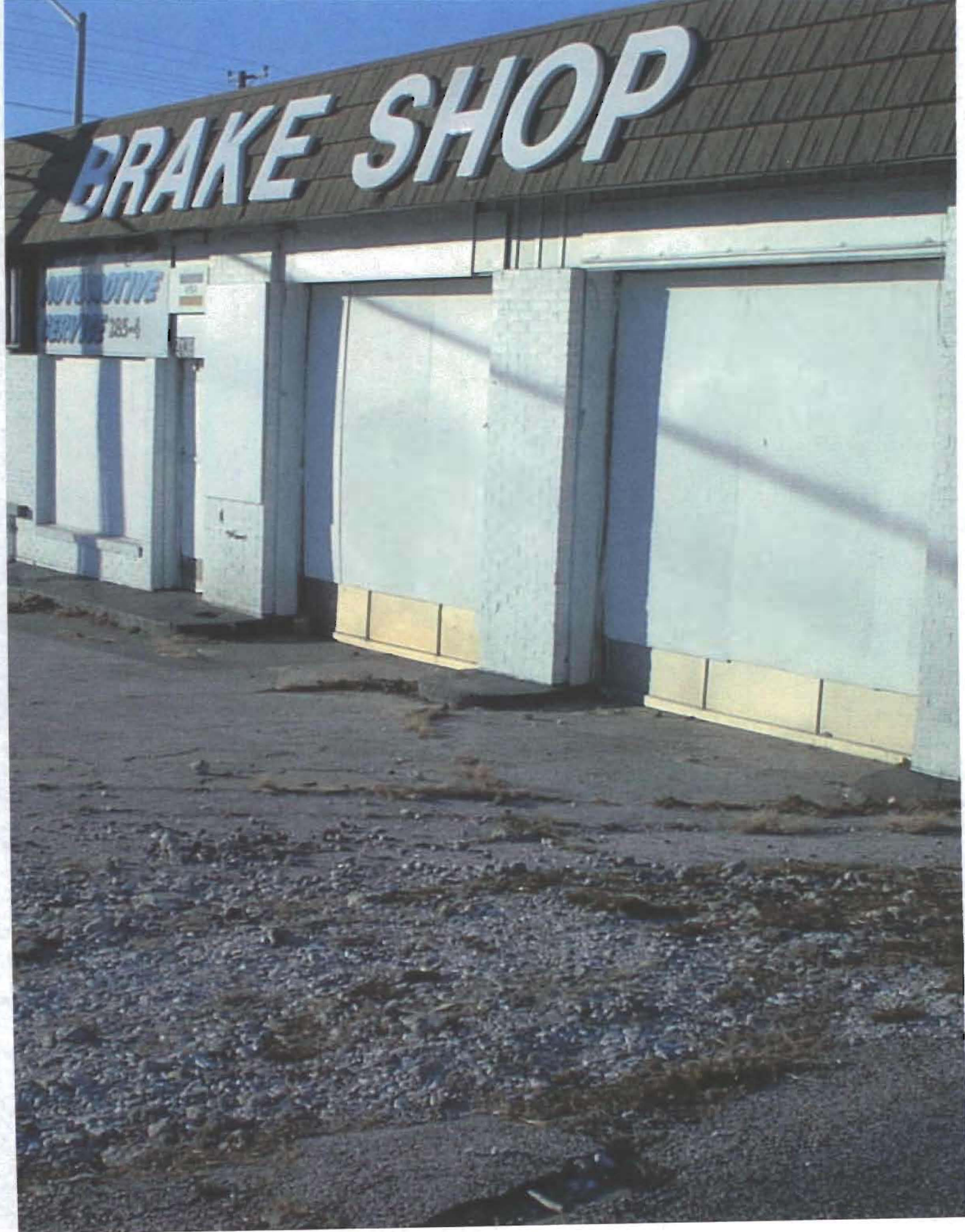


Brake shop

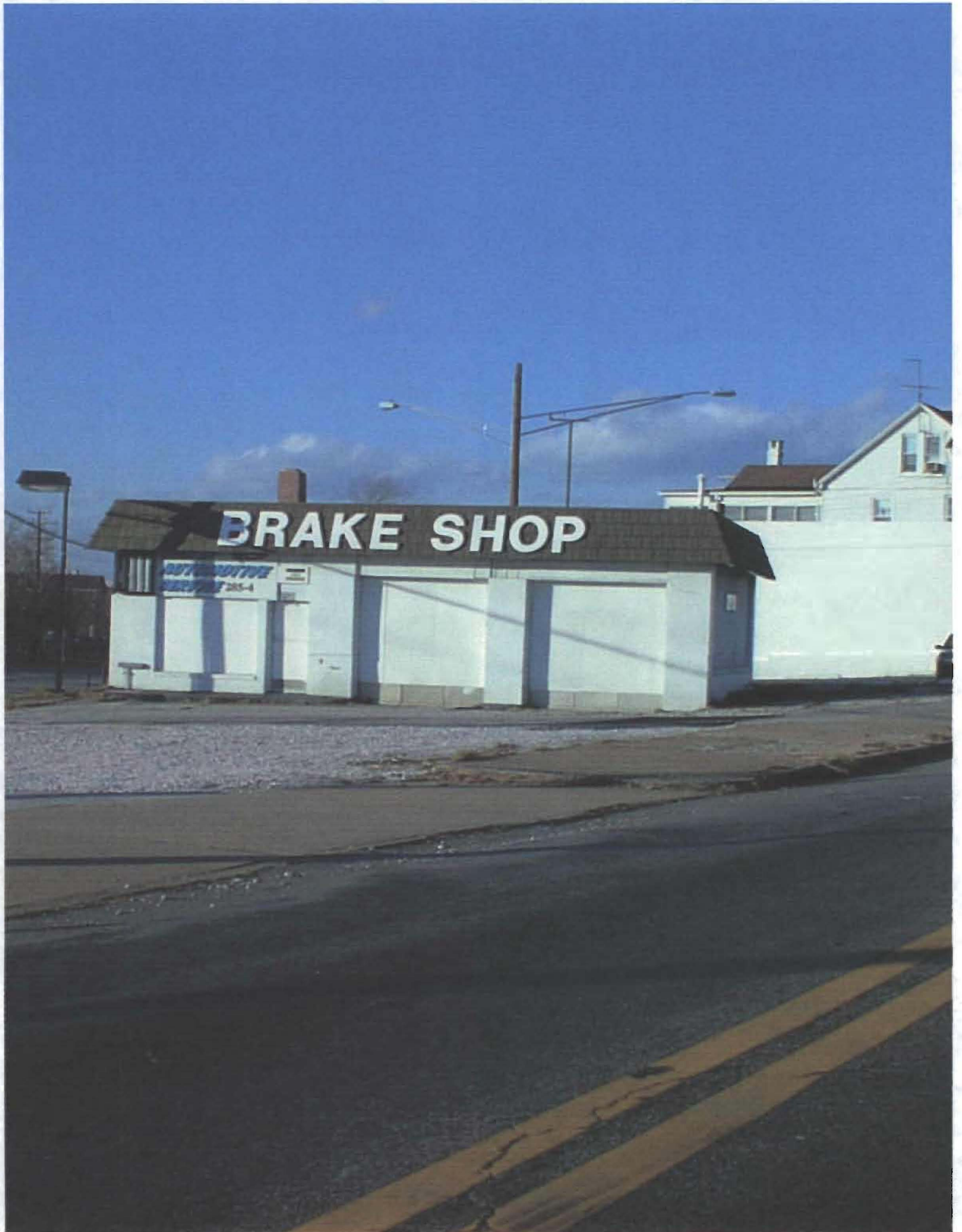
Across street

BRAKE SHOP

AUTOMOTIVE
SERVICES 285-4



Brake shop
Across street



Brake shop/
Across street



Before



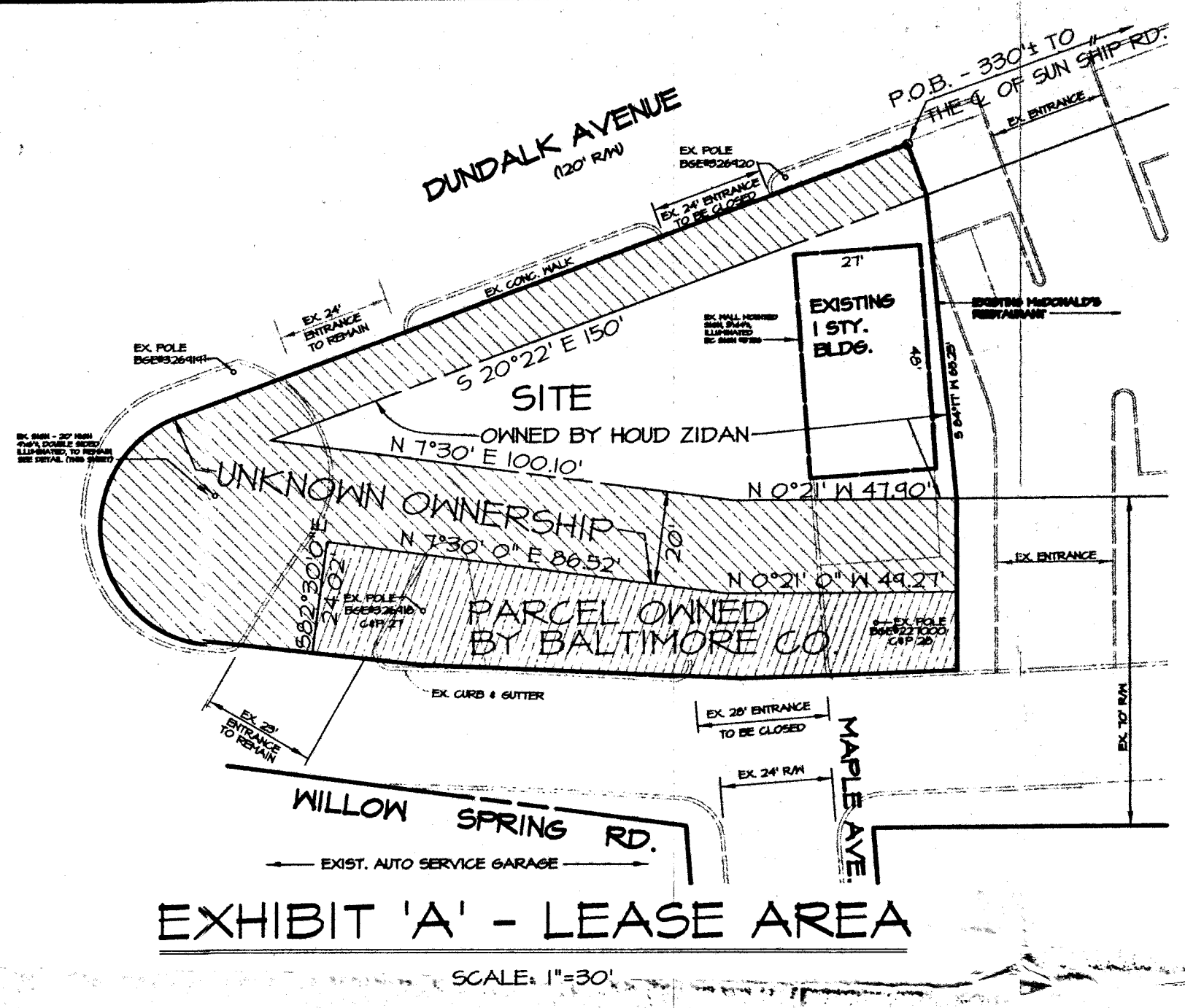
After



Before

After





SIGNS:
EXISTING FREESTANDING SIGN TO REMAIN AS SHOWN. ALL SIGNS WILL COMPLY WITH SECTION 450 OF THE B.C.Z.R.

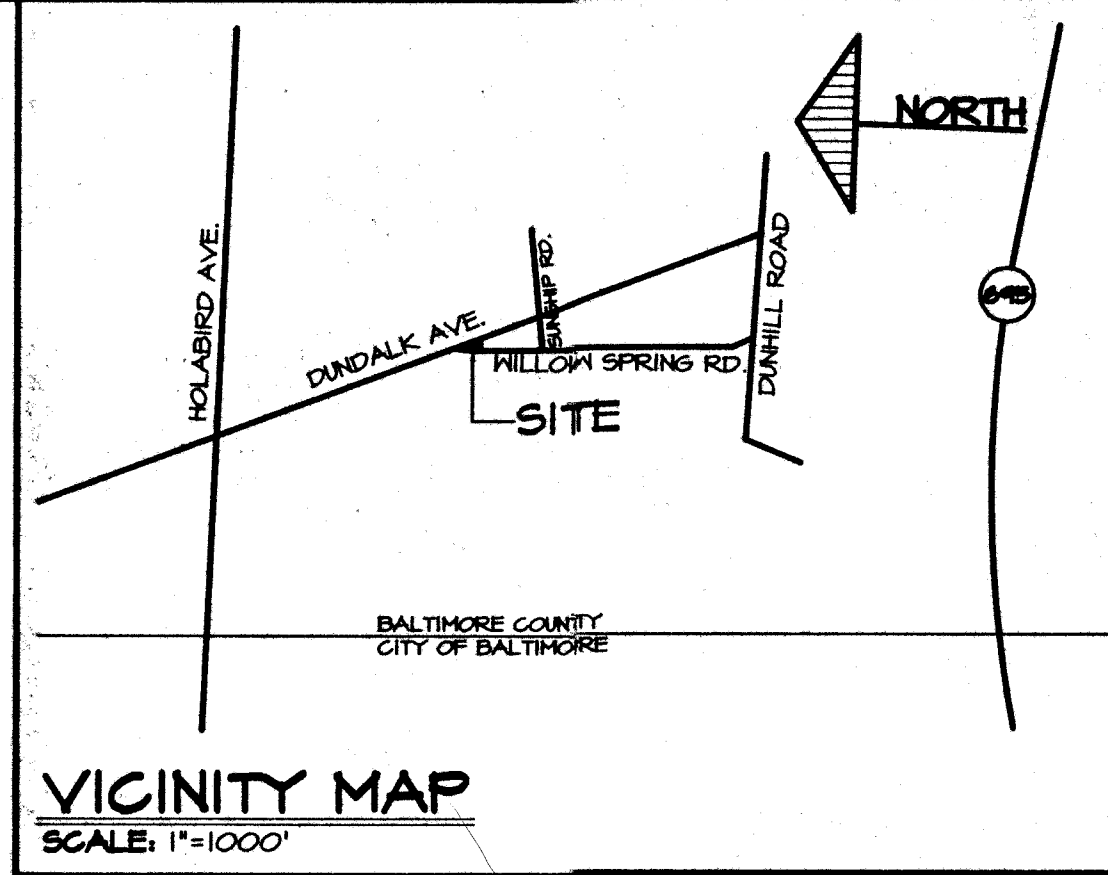
LANDSCAPE NOTE:
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.

LIGHTING NOTE:
ANY FIXTURE USED TO ILLUMINATE THE PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.

F.A.R.:
F.A.R. ALLOWED = 3.0
F.A.R. PROPOSED = 1296# / 14319# = 0.09

UTILITY NOTE:
THE SITE IS SERVED WITH EXISTING PUBLIC WATER AND SEWER.

DISABLED VEHICLES:
ALL DISABLED VEHICLES SHALL BE STORED INSIDE THE BUILDING.



SITE DATA:
SITE AREA: 14,319# = 0.33 AC.±
EXISTING ZONING: BL
EXISTING USE: VACANT
PROPOSED USE: SERVICE GARAGE
BUILDING AREA: 1296 SF.
PARKING REQUIRED: 1296 SF @ 33/1000 SF = 4.3 SPACES
PARKING PROVIDED: SERVICE BAYS IN BUILDING = 2
SPACES IN PARKING LOT = 17
TOTAL PARKING PROVIDED = 19

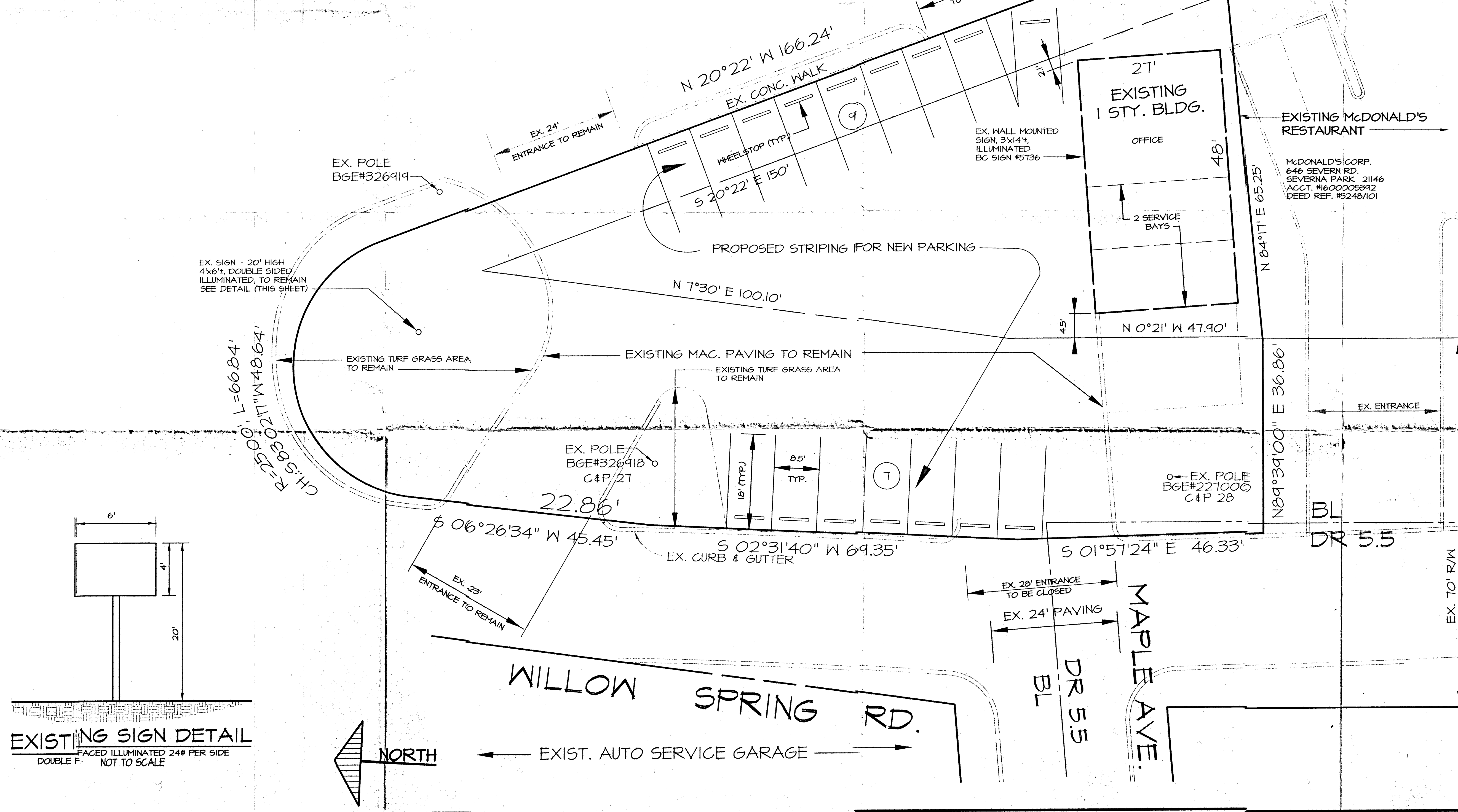
GENERAL NOTES:
1. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM DEEDS AND OTHER SOURCES AND DO NOT REPRESENT A FIELD RUN SURVEY.

ZONING HISTORY:
CASE NO. 96-484-A, VARIANCE TO PERMIT SURFACE PARKING WITHIN THE RIGHT-OF-WAY OF WILLOW SPRING RD. IN LIEU OF THE 10 FOOT REQUIRED SETBACK. GRANTED 7/3/96.

COMMERCIAL PERMIT HISTORY:
NO PERMITS HAVE BEEN ISSUED IN THE LAST 10 YEARS.

ZONING RELIEF REQUESTED:
1. SPECIAL EXCEPTION PURSUANT TO BCZR SECTION 230.13 TO ALLOW A SERVICE GARAGE ("GARAGE, SERVICE") IN A 'BL' ZONE.
2. VARIANCE FROM BCZR 232.1 TO ALLOW EXISTING FRONT YARD SETBACK FROM FRONT PROPERTY LINE OF 2.1 FEET AND 4.5 FEET IN LIEU OF THE 10 FEET REQUIRED, AND TO AMEND THE PLAN APPROVED IN CASE #96-484-A (JULY 3, 1996) IN ACCORDANCE WITH THE RELIEF REQUESTED, INCLUDING CONFIRMATION OF EXISTING PARKING WITHIN RIGHT-OF-WAY AND EXISTING SIGN WITHIN RIGHT-OF-WAY.

OWNERS:
HOUD ZIDAN
9116 PERRYVALE RD.
BALTIMORE, MD. 21236-1928
TAX ACCT. #1204016562
DEED REF. #13847/026
© BALTIMORE COUNTY



PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCES

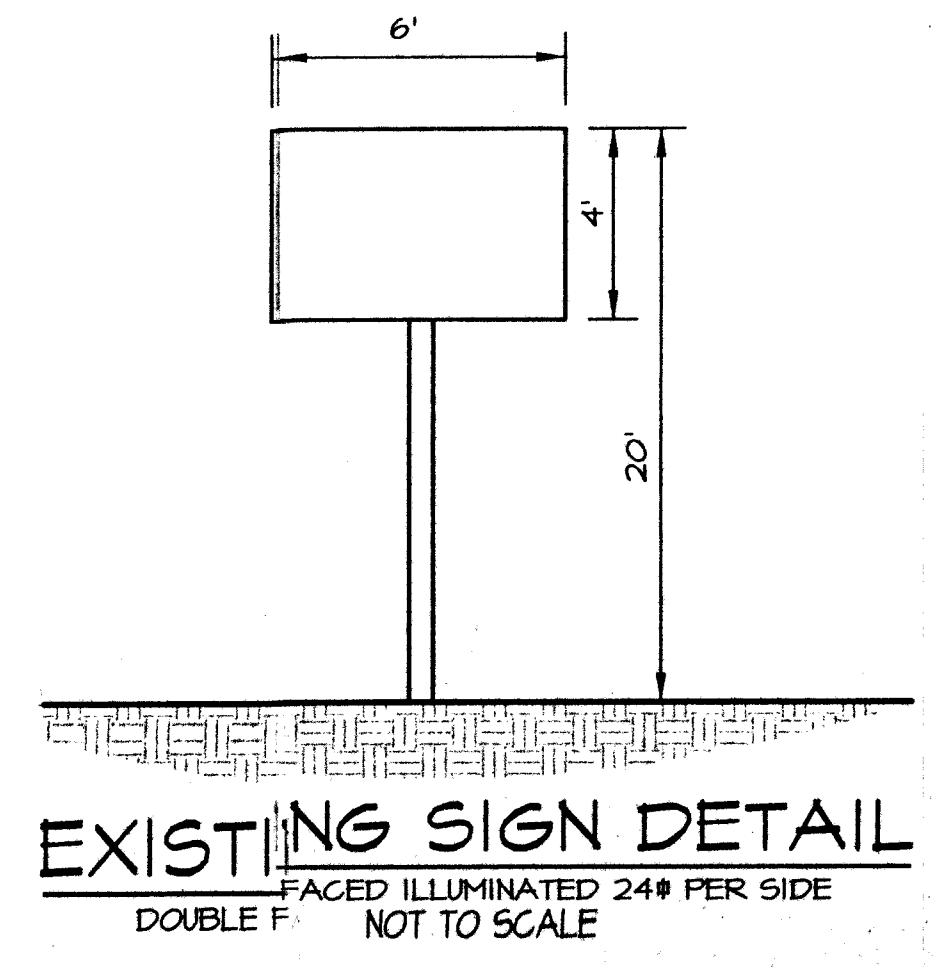
114 DUNDALK AVENUE

7th COUNCILMANIC DISTRICT
12TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

THOMAS J. HOFF, INC.
Land Development Consultants and Landscape Architects
406 W. PENNSYLVANIA AVE.
TOWSON, MD. 21204
410-296-3668
FAX: 410-296-5326

REVISIONS: 7/11/2000, SL.

SCALE: 1"=10'
DATE: 6/28/2000
JOB NO.: 257-03
DESIGNED: T.J.H.
DRAWN: SL
CHECKED:
DRAWING NUMBER: ZON-1
SHEET 1 OF 1
C:\257.DWG



01-007-XA