| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL EXCEPTION<br>SW/S Liberty Road, 110' S of<br>Burmont Avenue<br>(9329 Liberty Road)<br>2nd Election District<br>2nd Council District | *<br><br>*<br><br>*<br><br>* | BEFORE THE<br><br>ZONING COMMISSIONER<br><br>OF BALTIMORE COUNTY<br><br>Case No. 03-147-X |
| Dennis K. Agboh, et ux, Owners;<br>Car Wholesalers, Inc., Contract Lessees | *<br>* | |

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Dennis K. and Elizabeth J. Agboh, and the Contract Lessees, Car Wholesalers, Inc. The Petitioners request a special exception to allow a used motor vehicle outdoor sales area to be separated from the sales agency building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly shown on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Dennis and Elizabeth Agboh, property owners; Lee Parsons, Principle of Car Wholesalers, Inc., Contract Lessees; and, Michael A. Pecunay, Esquire, attorney for the Petitioners. Also appearing and testifying on behalf of the Petitioners was Bruce E. Doak, Registered Property Line Surveyor who prepared the site plan for this property. Appearing in opposition to the request were Henry M. Weisenberg, on behalf of the Liberty Road Business Association, and Marc Epstein from the Office of Planning.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, located on the southwest side of Liberty Road, just north of Chapman Road in Randallstown. The property contains a gross area of 19,640 sq.ft., more or less, zoned B.L.-A.S, and is improved with a one-story concrete block building. The Petitioners purchased the subject

ORDER RECEIVED FOR FILING
Date 12/9/02
By

property in 1999 at which time, it was used in connection with an automobile dealership. The Petitioners subsequently converted the use to a day care center; however, for a variety of reasons, that use has since been discontinued. The Petitioners are now under contract to lease the property to Car Wholesalers, Inc. who wish to convert the building for a used car sales business. There are no exterior changes or modifications proposed to the building. The balance of the site is largely a macadam-paved parking area, which provides 10 spaces along the side property line and a number of additional spaces are proposed in the rear. Obviously, Mr. Parsons' inventory of approximately 30 cars will be stored on site.

It is to be noted that Liberty Road is a commercial corridor and there are numerous similar automotive businesses in the vicinity. In fact, a new car dealership is located to the southeast side of the subject site and immediately across from this site. It is also to be noted that the County Council has overlaid the A.S. (automotive service) district upon the B.R. zoning of this property. The designation of this property with that district is indicative of the Council's intent that automotive uses are appropriate for this site. Finally, the historic use of the site for automobile sales is a persuasive factor.

Mr. Weisenberg appeared in opposition to the request on behalf of the Liberty Road Business Association. He presented a letter from that organization which has been incorporated into the case file. An adverse comment was also received from the Office of Planning. Generally, the opponents believe that a more "family oriented" business is appropriate at this location.

As noted above, the proposed use is permitted by special exception, pursuant to Section 236.4 of the B.C.Z.R. Under Baltimore County's zoning scheme, certain uses are permitted by right, others prohibited in a given zone, and still others designated as permitted only by special exception. Special exception uses are known as "conditional uses" in other jurisdictions. The B.C.Z.R. provides that a special exception shall be granted if the Petitioner satisfies the requirements of Section 502.1 of the B.C.Z.R. Generally, that Section requires that the Petitioner demonstrate that the use can be conducted without detrimental impact to the health, safety and general welfare of the locale.

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Date 12/12/02
By

The seminal case in Maryland regarding special exceptions is Schultz v. Pritts, 291 Md. 1 (1981). Therein, the Court noted that a special exception use is part of the comprehensive zoning plan and as such, carries a presumption that same is valid. The Court also noted in that case that the zoning authority must determine whether the neighboring properties would suffer adverse impacts by the proposed special exception in a manner above and beyond those impacts inherently associated with such a special exception use, irrespective of its location within the zone. That is, a special exception shall be approved, unless it is shown that the inherent impacts of same are more egregious in the subject neighborhood than elsewhere in the zone. Additionally, in Schultz, infra, the Court held that a comparison of the proposed use to other uses permitted by right or other alleged "higher and best uses" is not the proper test. In view of Schultz, infra, and the cases that followed, I find that the objections raised by Mr. Weisenberg and the Office of Planning are without legal merit. I am appreciative that those opponents might desire another more "family oriented" use on the subject property; however, that is not the legal standard by which this Petition should be considered. Rather, the test is whether the proposed use would be detrimental to the public health, safety and general welfare.

Based upon the testimony and evidence presented, I am easily persuaded that the Petition for Special Exception should be granted. This use is entirely consistent with uses in the vicinity, a conclusion that is buttressed by the presence of similar businesses in the immediate area. The proposed use is located on a major arterial road and will not detrimentally impact the locale. However, I will impose certain conditions and restrictions upon the special exception use, as permitted under Section 502.2 of the B.C.Z.R. The Liberty Road Business Association suggested many of these restrictions and some were agreed to by Mr. Parsons.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of December, 2002 that the Petition for Special Exception to allow a used motor vehicle outdoor sales area separated from the sales agency building, pursuant to Section 236.4 of

ORDER RECEIVED FOR FILING
Date 12/2/02
By

the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The hours of operation shall not exceed 9:00 AM to 9:00 PM, Monday through Friday, and 9:00 AM to 7:00 PM Saturdays, and no Sunday hours.

3) All signage will be in accordance with the B.C.Z.R. and there will be no pennants, flashing lights, banners, balloons, or other similar advertising on the site.

4) There will be no mechanical repairs, or automotive body or fender repair work performed on site.

5) There will be no exterior changes to the existing building.

6) The Petitioners shall store no more than 30 vehicles on the subject property.

7) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/2/02
By

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 2, 2002

Michael A. Pecunay, Esquire
Freeman, Wolfe & Greenbaum, P.A.
409 Washington Avenue, Suite 300
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SW/S Liberty Road, 110' S of Burmont Avenue
(9329 Liberty Road)
2nd Election District – 2nd Council District
Dennis K. Agboh, et ux - Petitioners
Case No. 03-147-X

Dear Mr. Pecunay:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Dennis Agboh, 3127 Ripple Road, Baltimore, Md. 21244
Mr. Lee Parsons, Car Wholesalers, Inc., 5905 Liberty Road, Baltimore, Md. 21207
Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21286
Mr. Henry M. Weisenberg, 9337 Liberty Road, Randallstown, Md. 21133
Office of Planning; People's Counsel; Case File



Printed with Soybean Ink
on Recycled Paper

# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at 9329 LIBERTY ROAD

which is presently zoned BR-AS

**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

TO ALLOW A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM THE SALES AGENCY BUILDING PER BCZR SECTION 236.4

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:**

CAR WHOLESALERS, INC.
Name - Type or Print

Signature LEE PARSONS

5905 LIBERTY ROAD — 410-298-2210
Address — Telephone No.

BALTIMORE — MD — 21207
City — State — Zip Code

**Attorney For Petitioner:**

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

**Legal Owner(s):**

DENNIS K. AGBOH
Name - Type or Print

Signature

ELIZABETH J. AGBOH
Name - Type or Print

Signature

3127 RIPPLE RD
Address — Telephone No.

BALTIMORE — MD — 21244
City — State — Zip Code

**Representative to be Contacted:**

BRUCE E. DOAK
GERWOLD CROSS & ETZEL
Name

320 E. TOWSONTOWN BLVD. — 410-823-4470
Address — Telephone No.

TOWSON — MD — 21286
City — State — Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 9/23/02

Case No. 03-147-X

ORDERED By The Zoning Commissioner this 9/12 Date 9/12/02 by

REV 09/15/98

**Gerhold, Cross & Etzel, Ltd.**
*Registered Professional Land Surveyors • Established 1906*
Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286
Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

## ZONING DESCRIPTION
## 9329 LIBERTY ROAD
2ND ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Commencing at the centerline intersection of Burmont Avenue and Liberty Road, thence running southeasterly with the centerline of Liberty Road 110' +-, thence leaving said centerline and running southwesterly perpendicular to said centerline 30'+- to the zoning point of beginning on the southwest side of Liberty Road, thence leaving Liberty Road and running 1) South 49 degrees 36 minutes West 200 feet, 2) South 51 degrees 17 ½ minutes East 100', North 49 degrees 36 minutes East 200' to the southwest side of Liberty Road, thence binding on the southwest side of Liberty Road 4) North 51 degrees 17 ½ minutes West 100' to the point of beginning,

Containing 19,640 square feet of land, more or less.

This description is for zoning purposes only and should not be used for the conveyance of property.

9/23/02

03-147-X

**BALTIMORE COUNTY, MARYLAND**
**OFFICE OF BUDGET & FINANCE**
**MISCELLANEOUS RECEIPT**

No. 10011

DATE 9/23/02 ACCOUNT 001006 6150

AMOUNT $ ~~350.00~~ 300.00

RECEIVED FROM: BRUCE DOAK

FOR: ITEM #147 03-147-X

9329 LIBERTY RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATA DEPOSIT
MAIL RECEIPT
BUSINESS ACTUAL TIME
9.23.2002 9/23/2002 09:45:22
REG WEB MAIL 0001 DAD DRAWER
RECEIPT # 196184 9/23/2002
Acct 1 503 ZONING VERIFICATION
CK NO. 016811
Recpt Tot $300.00
300.00 CK .00 CA
Baltimore County, Maryland

**CASHIER'S VALIDATION**

NOTICE OF ZONING 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: #03-147 X
9329 Liberty Road
S/side Liberty Rd. 110 feet east of Burmont Avenue
2nd Election District
2nd Councilmanic District
Legal Owner(s): Dennis K. and Elizabeth J Agboh
**Special Exception:** to allow a used motor vehicle outdoor sales area, separated from the sales agency building.
**Hearing: Friday, November 1, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391

10/278 Oct. 17 C569224

# CERTIFICATE OF PUBLICATION

10/17/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/17/, 2002.

☒ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

S. Wilkinson

LEGAL ADVERTISING

**Gerhold, Cross & Etzel, Ltd.**
*Registered Professional Land Surveyors • Established 1906*
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

# CERTIFICATE OF POSTING

**RE: CASE # 03-147-X**
**PETITIONER/DEVELOPER:**
**Dennis K. & Elizabeth J. Agboh**
**DATE OF HEARING:**
**November 1 , 2002**

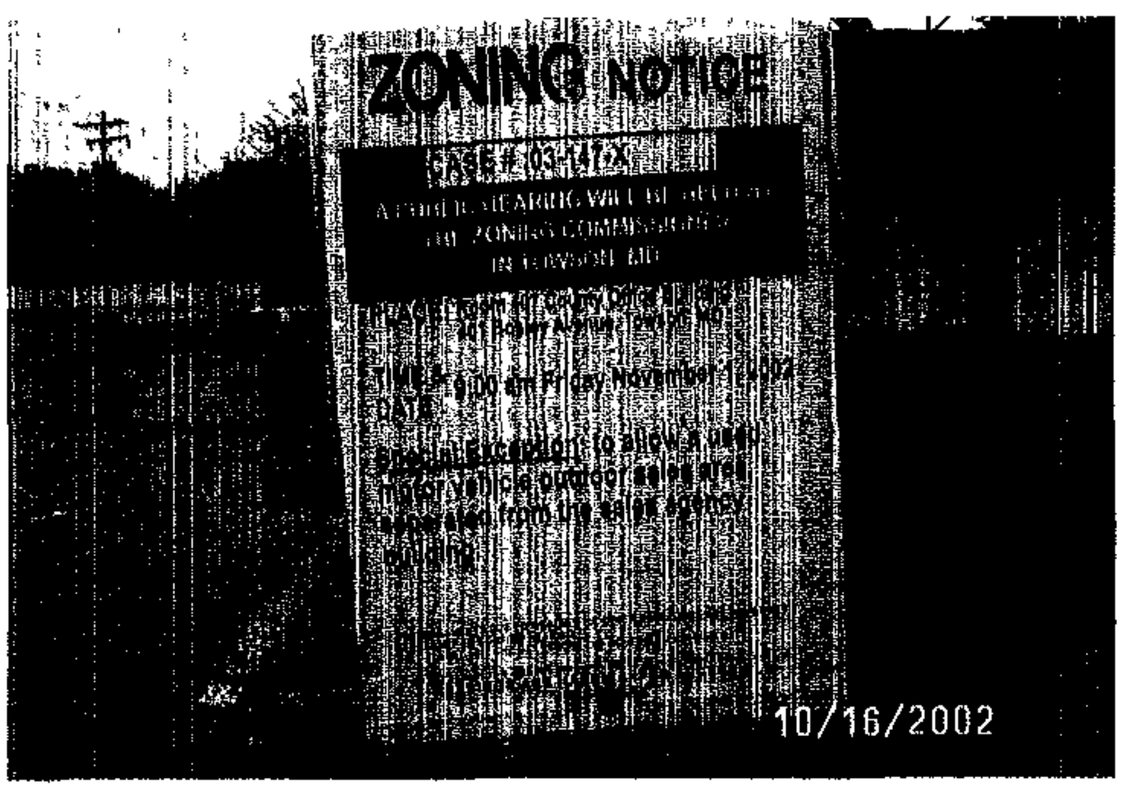
**BALTIMORE COUNTY DEPARTMENT OF**
**PERMITS AND DEVELOPMENT MANAGEMENT**
**COUNTY OFFICE BUILDING, ROOM 111**
**111 WEST CHESAPEAKE AVE.**
**TOWSON, MARYLAND 21204**

**ATTENTION: GEORGE ZAHNER**

**LADIES AND GENTLEMEN:**

**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**

**LOCATION**
9329 Liberty Road
S/side Liberty Road
110 feet East of Burmont Avenue




**POSTED ON October 16, 2002**

**DATE**
October 17, 2002

Bruce E. Doak
**SIGNATURE OF SIGN POSTER**

**BRUCE DOAK**

**GERHOLD, CROSS & ETZEL, LTD**
**SUITE 100**
**320EAST TOWSONTOWN BLVD**
**TOWSON, MARYLAND 21286**
**410-823-4470 PHONE**
**410-823-4473 FAX**

| | | | |
|---|---|---|---|
| RE: | PETITION FOR SPECIAL EXCEPTION | * | BEFORE THE |
| | 9329 Liberty Rd. S/side Liberty Rd. 110' | | |
| | east of Burmont Avenue | * | ZONING COMMISSIONER |
| | 2nd Election District 2nd Councilmanic | | |
| | District | * | FOR |
| | Legal Owner: Dennis K. & Elizabeth Agboh | | |
| | Contract Pur.: Lee Parsons, Car | * | BALTIMORE COUNTY |
| | Wholesalers, Inc. | | |
| | Petitioner(s) | * | 03-147-X |

* * * * * * * * * * * * *

## ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 9th day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, GERHOLD, CROSS & ETZEL, 320 East Towsontown Blvd., Towson, MD 21286 Representative for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday October 17, 2002 Issue – Jeffersonian

Please forward billing to: Lee Parsons 410-298-2210
Car Wholesales, Inc.
5905 Liberty Road
Baltimore, MD 21207

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## NOTICE OF ZONING 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: 03-147 X
9329 Liberty Road
S/side Liberty Rd. 110 feet east of Burmont Avenue
Election District 2nd - Councilmanic District 2nd
Legal Owner: Dennis K. and Elizabeth J. Agboh

SPECIAL EXCEPTION to allow a used motor vehicle outdoor sales area, separated from the sales agency building.

HEARING: Friday, November 1, 2002 at 9:00 am in Room 407 County Courts Building
401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 4, 2002

# NOTICE OF ZONING 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: 03-147 X
9329 Liberty Road
S/side Liberty Rd. 110 feet east of Burmont Avenue
Election District 2nd - Councilmanic District 2nd
Legal Owner: Dennis K. and Elizabeth J. Agboh

SPECIAL EXCEPTION to allow a used motor vehicle outdoor sales area, separated from the sales agency building.

HEARING: Friday, November 1, 2002 at 9:00 am in Room 407 County Courts Building
401 Bosley Avenue

Arnold Jablon
Director

Cc: Dennis K. Agboh, Elizabeth J. Agboh, 3127 Ripple Road Baltimore, MD. 21244
Bruce E. Doak Gerhold Cross & Etzel 320 Towsontown Blvd. 21286
Lee Parsons, Car Wholesalers, Inc. 5905 Liberty Road, Baltimore, MD 21207

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .Thurday, October 17, 2002**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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on Recycled Paper

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

**For Newspaper Advertising:**

Item Number or Case Number: 03-147-X

Petitioner: DENNIS K. AGBOH

Address or Location: 9329 LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: LEE PARSONS
CAR WHOLESALERS, INC.

Address: 5905 LIBERTY ROAD
BALTIMORE MD 21207

Telephone Number: 410-298-2210

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 28, 2002

Mr. & Mrs. Dennis Agboh
3127 Ripple Road
Baltimore, MD 21244

Dear Mr. & Mrs. Agboh:

RE: Case Number: 03-147-X, 329 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 2002.

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures
c: Bruce E. Doak, Gerhold Cross & Etzel 320 Towsontown Blvd. Towson, MD 21286
Lee Parsons, Car Wholesalers, Inc. 5905 Liberty Road, Baltimore, MD 21207
People's Counsel

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS ITGT

DATE: October 25, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of October 7, 2002

**SUBJECT**: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

147-148, 150-154,156-158

File

**BALTIMORE COUNTY, MARYLAND**

Inter-Office Correspondence

**TO:** Peter Max Zimmerman
People's Counsel for Baltimore County

**DATE:** December 19, 2002

**FROM:** Lawrence E. Schmidt
Zoning Commissioner

**SUBJECT:** Petition for Special Exception
(9329 Liberty Road)
Case No. 03-147-X

In response to your recent inquiry regarding the zoning of the subject property, please be advised that a review of the site plan has determined that it is, in fact, zoned B.R., not B.L. Apparently, this was a typographical error. It is not necessary to formally amend the Order; however, I will place a copy of this note in the file for clarification.

Thank you for bringing this matter to my attention.

LES:bjs

cc: Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Towson, Md. 21286

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** October 9, 2002

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

**SUBJECT:** 9329 Liberty Road

**INFORMATION:**

**Item Number:** 03-147

**Petitioner:** Dennis K. Agboh

**Zoning:** BR-AS

**Requested Action:** Special Exception

**SUMMARY OF RECOMMENDATIONS:**

Liberty Road presently possesses an overabundance of motor vehicle sales centers. The community and business associations are working hard to revitalize commercial entities along this corridor. The Office of Planning and the Liberty Road Business Association see the placement of another used motor vehicle lot as an impediment to the efforts of providing more "family-oriented" stores and activity centers. Reportedly, there has recently been an apparent interest reusing this site as a daycare center, a use the above mentioned parties would greatly prefer.

Notwithstanding, should the special exception be granted, the Office of Planning requests the submittal of landscaping plans that would include frontage along Liberty Road.

**Prepared by:** Mark A Cumpton

**Section Chief:** Lynn Lewis
AFK/LL:MAC:

**Maryland Department of Transportation**
*State Highway Administration*

Parris N Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.4.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 147 DT

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 26.
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

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

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

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

# PETITIONER'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL |
|---|---|---|---|
| BRUCE E. DOAK | 320 E. TOWSONTOWN BLVD | TOWSON MD 21286 | |
| GERWOLD CROSS & EGEL | | | |
| | | | |
| MICHAEL A. PECKNAY | | | |
| FREEMAN, WOLFE & GREENBAUM, P.A. | 409 Washington Ave., Ste. 300 | Towson, MD 21204 | |
| Lee PARSONS | 5905 LIBERTY RD | BALTO MD 21207 | |
| Dennis Agboh | 3127 Ripple Rd | Balto MD 21244 | |
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PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

# CITIZEN'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL |
|---|---|---|---|
| HENRY M. WEISENBERG | 9337 LIBERTY ROAD | RANDALLSTOWN, MD 21133 | |
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**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

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

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 18, 2004

Timothy Kotroco, Director
Permits & Development Management
111 W Chesapeake Avenue
Towson, Maryland 21204

Re: 9329 Liberty Road
Case No. 03-147-X

Dear Mr. Kotroco,

This office opposes the November 15, 2004 letter request by counsel for Auto Loan Store, Inc., a new lessee, for a "spirit and intent" letter to change the conditions of the approved special exception and allow an expansion from 30 to 50 parking spaces. The request involves an amendment to the 2002 special exception granted to the property owner and the previous lessee. The record also shows there was opposition to the original special exception from both the Liberty Road Business Association and the Office of Planning, and that the conditional approval amounted to a compromise.

Clearly, the property owner's request necessitates the filing of a petition for amended special exception, or special hearing, so that the Zoning Commissioner may review its appropriateness after public notice, opportunity to be heard, and a hearing. The alleged informal approval of the planning office is not sufficient. These requests require subjective review which can appear arbitrary if there is no public forum. By law, the authority to modify a special exception rests with the Zoning Commissioner. The public relies on consistent application of the law and open hearings.

Parenthetically, our office recently participated at the County Board of Appeals trial of a special hearing to amend a service garage special exception to modify just one condition, relating to the control of towing operations. Bonner-Joppa LLC, 04-127-SPH. There was no question of avoiding a public hearing. Another is the Milford Manor Partnership case, 04-315-SPHA, involving a condition relating to the use of a residence in connection with a convalescent home. That case is scheduled at the CBA in December. Again, there was no question of avoiding a public hearing. These are just two recent examples of many we have observed over the years.

The applicant should be required to file the appropriate zoning petition and not short-shift the process randomly.

We would appreciate your informing us of your department's action or response concerning this request. We reserve the right to appeal any decision that the request is approvable as within the "spirit and intent" of the original special exception.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: J. Neil Lanzi, Esquire
William Wiseman, Zoning Commissioner
Arnold F. "Pat" Keller, Director of Planning

**Department of Permits and Development Management**

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

**Baltimore County**

*James T. Smith, Jr., County Executive*
*Timothy M. Kotroco, Director*

November 24, 2004

J. Neil Lanzi
J. Neil Lanzi, P.A.
Mercantile Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

Dear Mr. Lanzi:

RE: Zoning Spirit and Intent, 9329 Liberty Road, Case No. 03-147-X, 2nd Election District

Concerning your letter of November 15, 2004 to this Office regarding the above referenced matter, please be advised that Mr. Timothy Kotroco, Director, has instructed me to advise you that a Special Hearing will be required to amend Zoning Case No. 03-147-X, specifically with regards to restriction number 6 in said Order. This matter cannot be resolved via a "Spirit and Intent" letter.

Should you have any questions regarding the above, I may be reached at 410-887-3391.

Sincerely,

Joseph C. Merrey
Planner II
Zoning Review



Printed on Recycled Paper

LIBERTY ROAD
BUSINESS ASSOCIATION
9337 Liberty Road ♦ Randallstown, Maryland 21133
Tel: 410.655.7766 ♦ Fax: 410.655.8065

October 31, 2002

Mr. Lawrence Schmidt
Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, MD 21204

RE: Case Number: 03-147-X

Dear Mr. Schmidt:

The Board of Directors of the Liberty Road Business Association at it's regular, monthly Board Meeting on October 15, 2002 voted unanimously not to support this request for a Special Exception. Particularly, in light of the direction advocated by the Liberty Road Action Plan, as amended in 1995.

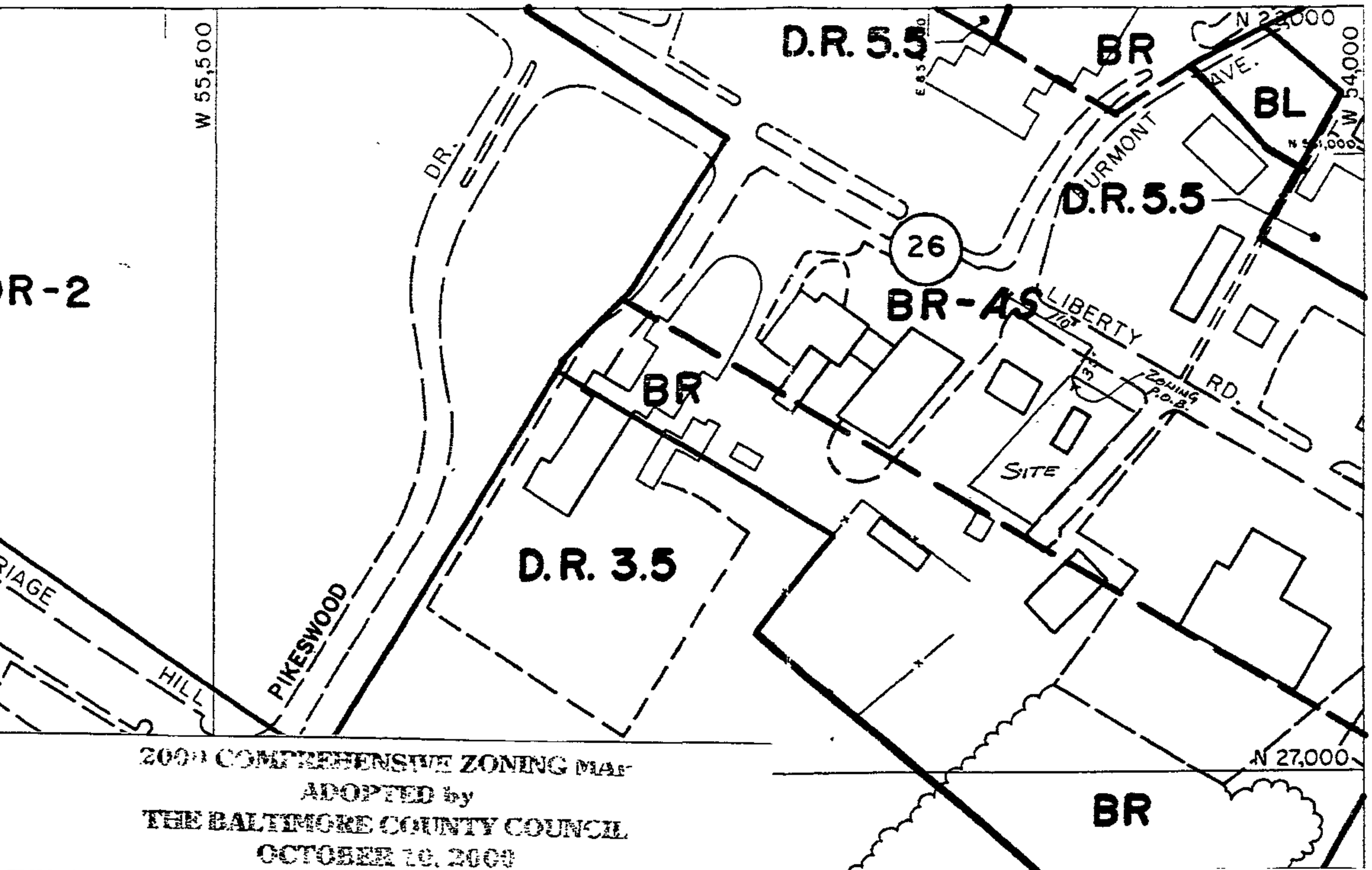
Over the past four years the Liberty Road Corridor has experienced an economic development growth spurt driven by two classes of business: one, small Mom and Pop, family oriented businesses (35) and the other, larger national and regional businesses expanding their locations along the road. In addition, there has been the complete renovation of 6 shopping centers. The total amount of both private and public sector investment along Liberty Road is currently in the 40 million dollar range.

The Association represents over one hundred and thirty businesses and its Board of Directors works very hard to promote and enhance this image of quality development. This organization believes that this request will not continue this favorable trend.

If this Special Exception is granted, this business must meet the high standards set by it's neighbors. To LRBA, this would mean serious landscaping in front of the property, no auto repairs on-site, no pennants, no flashing lights, no banners, no balloons, no loud music, no automobiles older than four years, no "For Sale" signs and that the hours of operation be Monday thought Friday: 9:00 A.M. to 9:00 P.M. and on Saturday: 9:00 A.M. to 7:00 P.M. with no Sunday sales.

Thanking you in advance for your cooperation in this matter as well as encouraging the effort to continue "quality" economic development in the Liberty Road corridor. The Association requests that it be made part of the "process"in reference to landscape & design implementation.

Sincerely,
Richard W. Montalto RHU
Richard W. Montalto, RHU
President

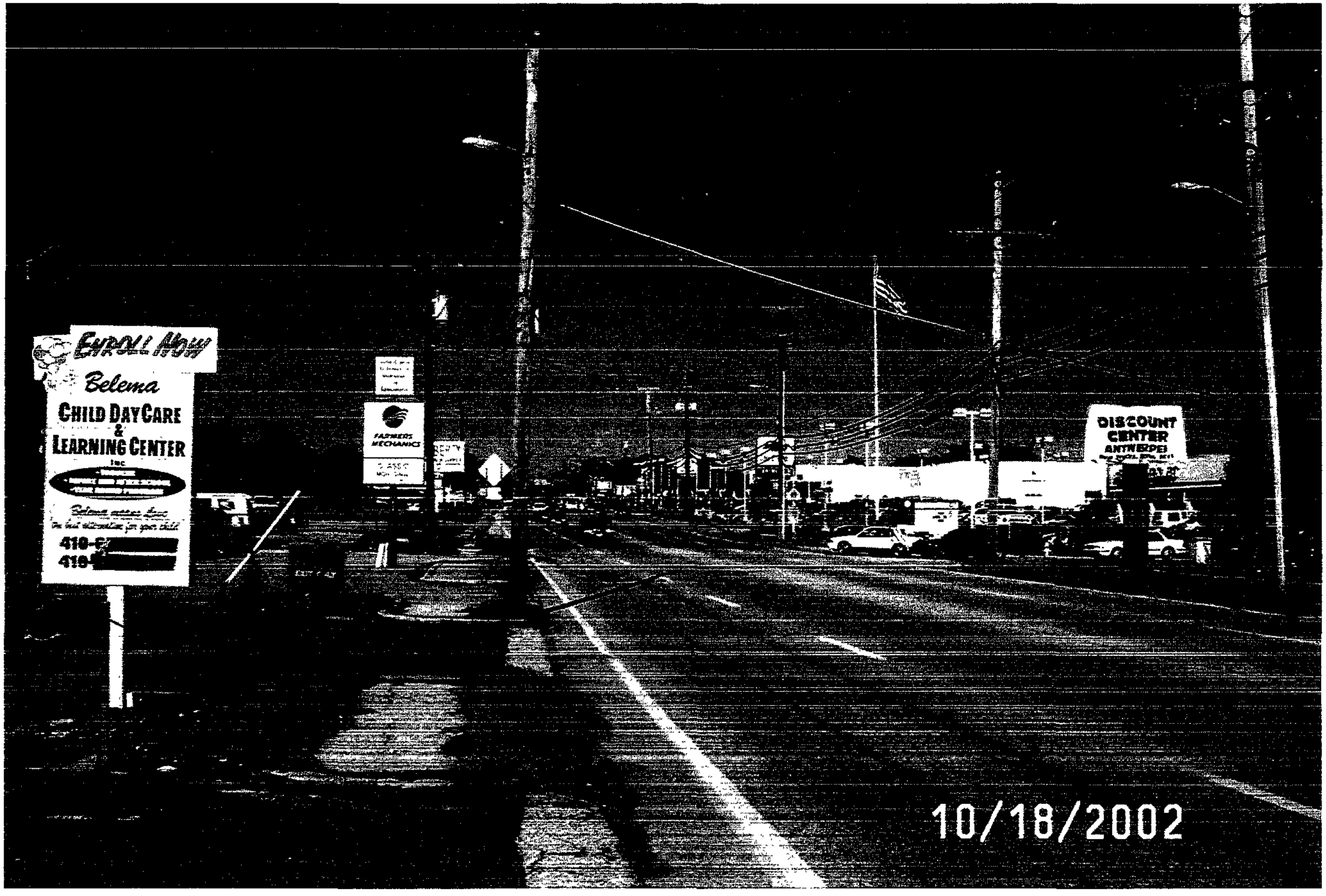



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Chairman, County Council

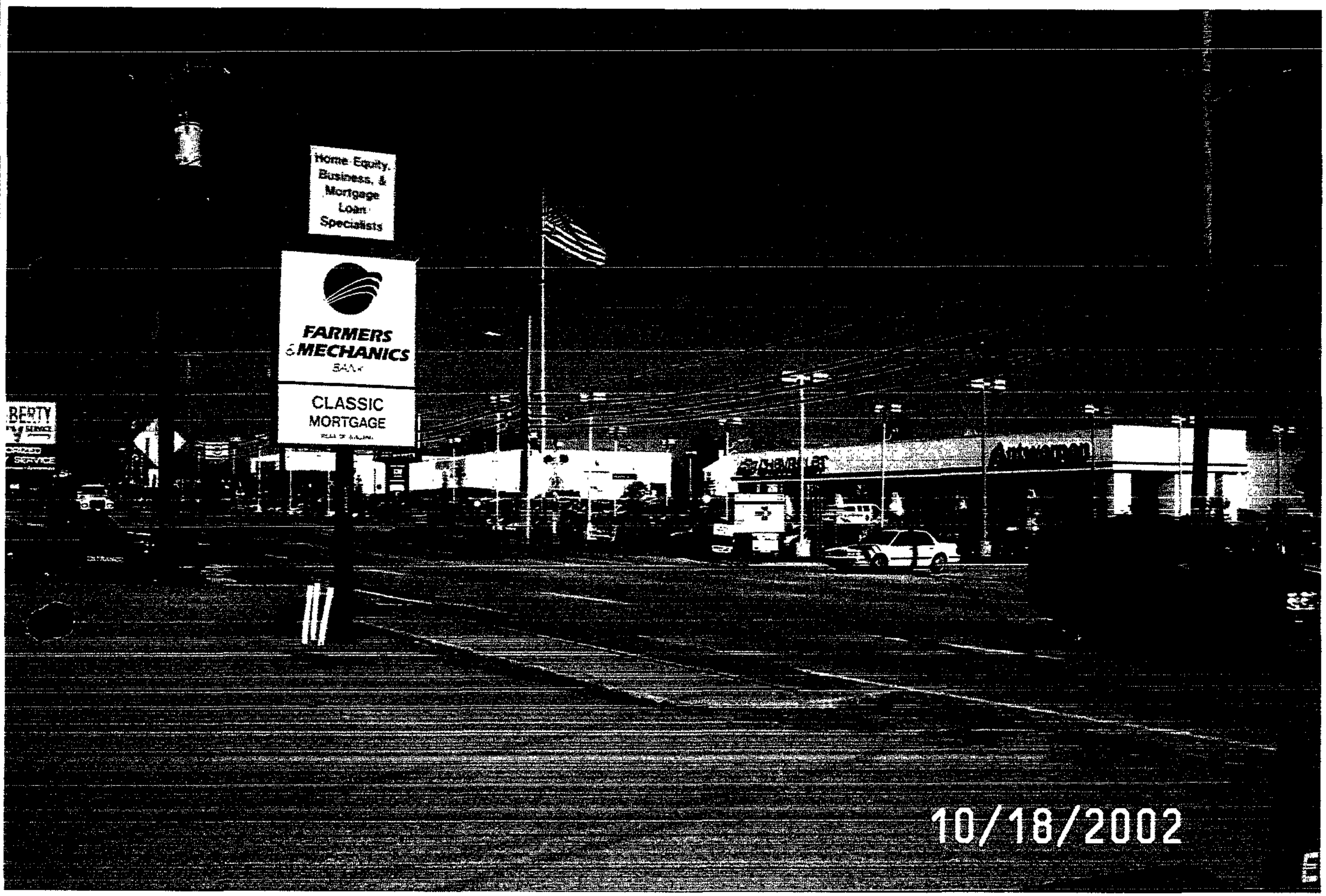
| SCALE | LOCATION | SHEET |
|---|---|---|
| 1" = 200'± | RANDALLSTOWN | N. W. 7-J |
| DATE OF PHOTOGRAPHY JANUARY 1986 | 03-147-X | |

①


Enroll Now
Belema
CHILD DAYCARE
&
LEARNING CENTER
Inc.
FARMERS MECHANICS
DISCOUNT CENTER
ANTWERPEN
10/18/2002

②

③

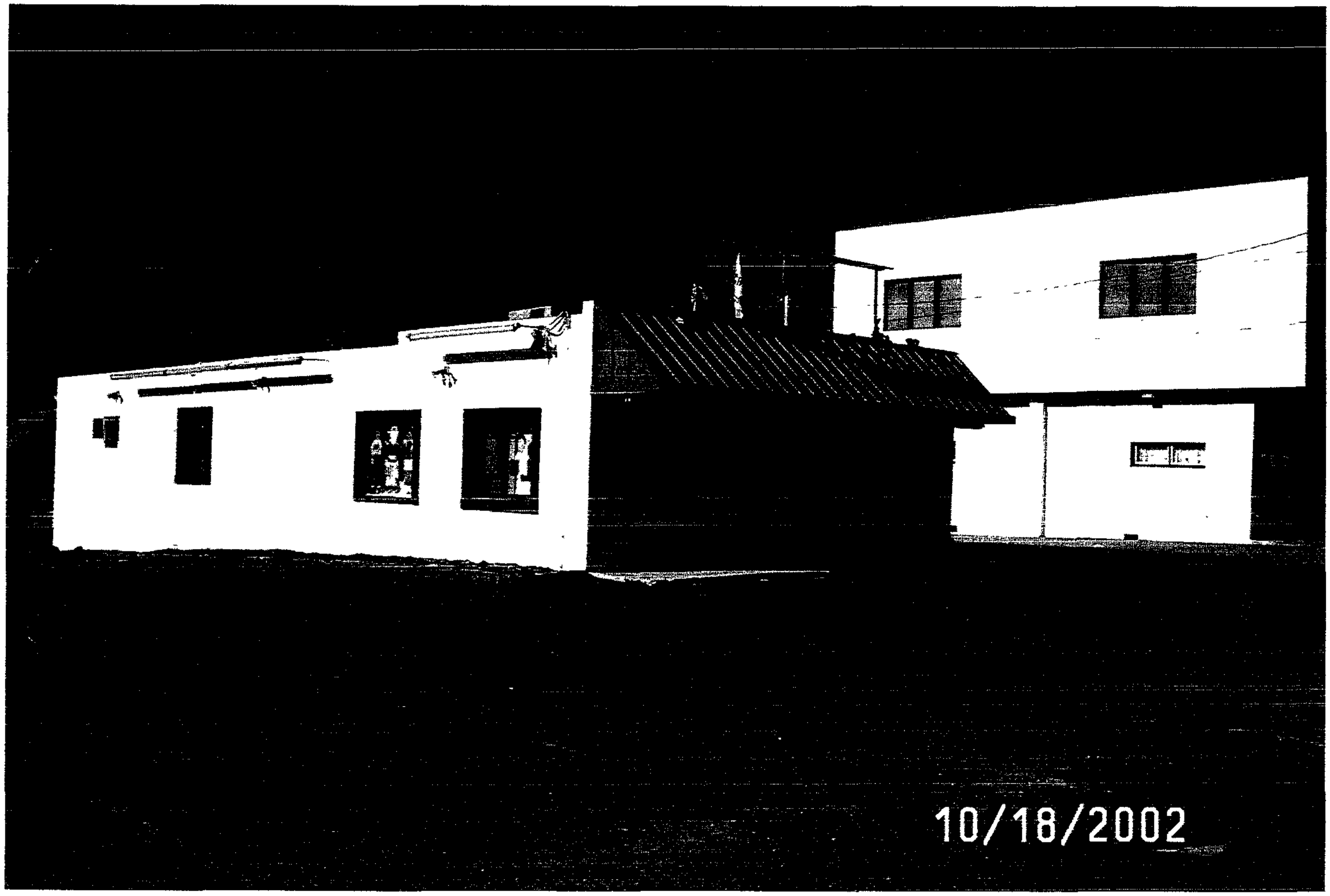

Home Equity,
Business, &
Mortgage
Loan
Specialists
FARMERS
& MECHANICS
BANK
CLASSIC
MORTGAGE
10/18/2002

Grand opening
ANTWERPEN
New Trucks, Vans, SUVs
DISCOUNT
CENTER

10/18/2002

10/18/2002

10/18/2002



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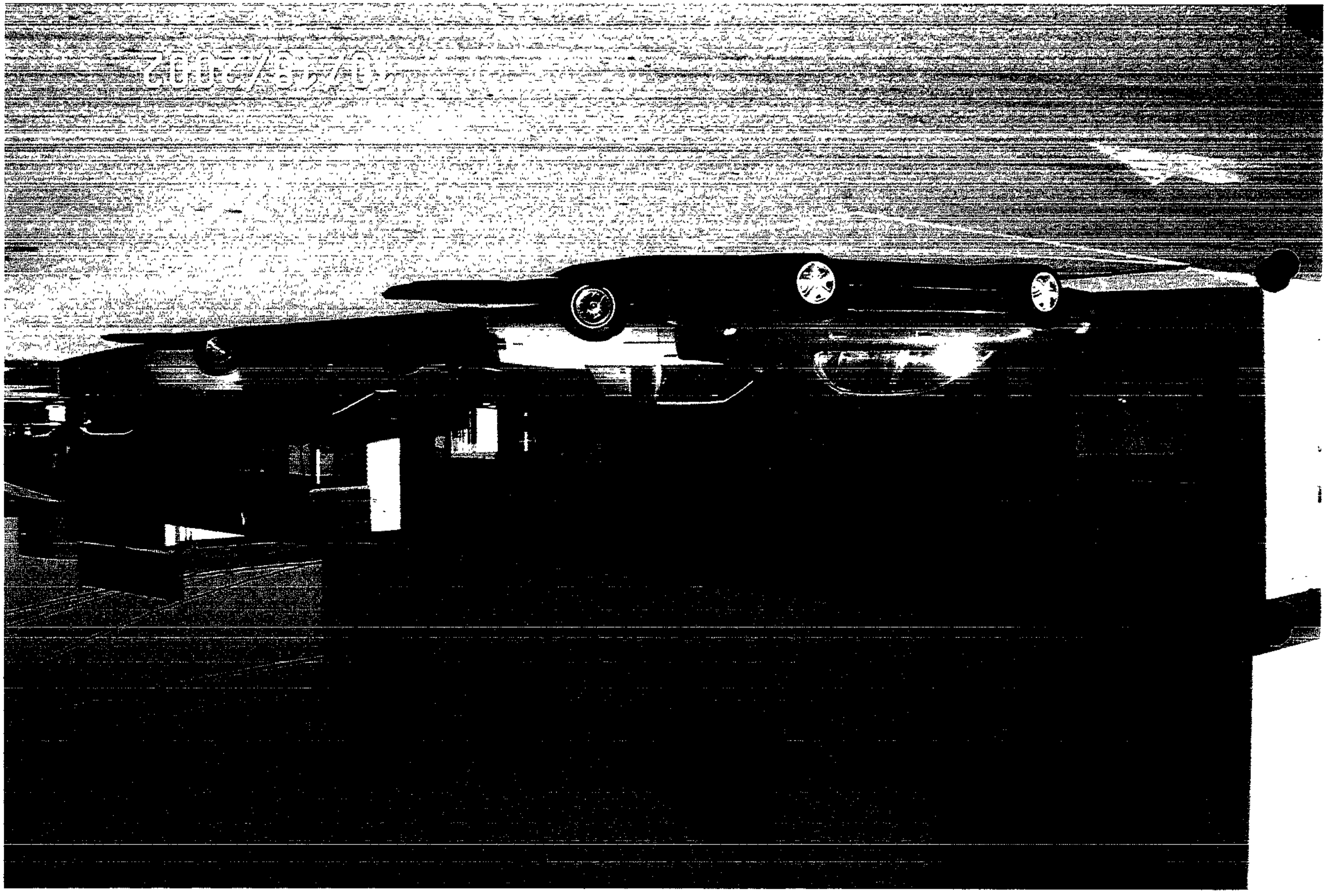

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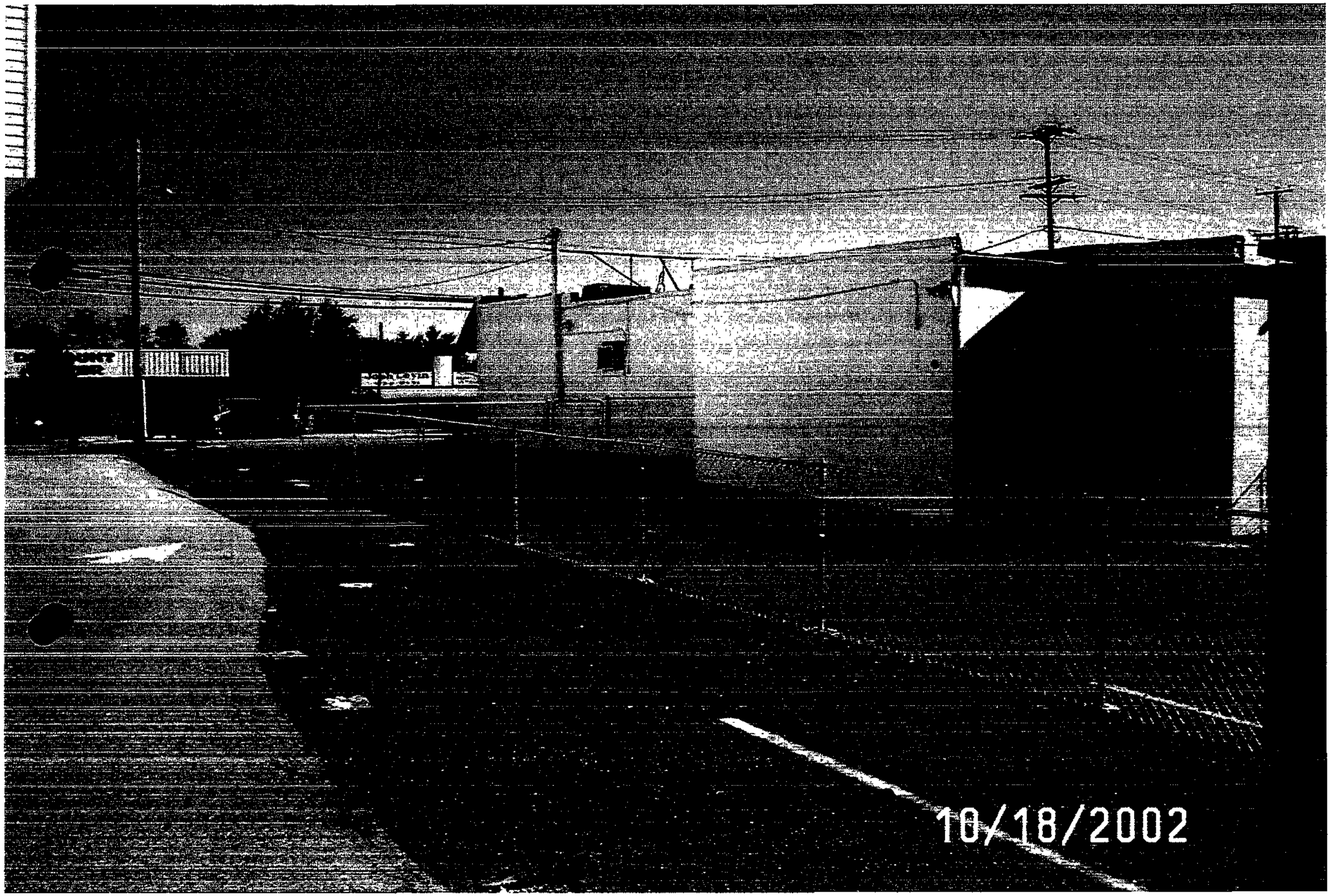

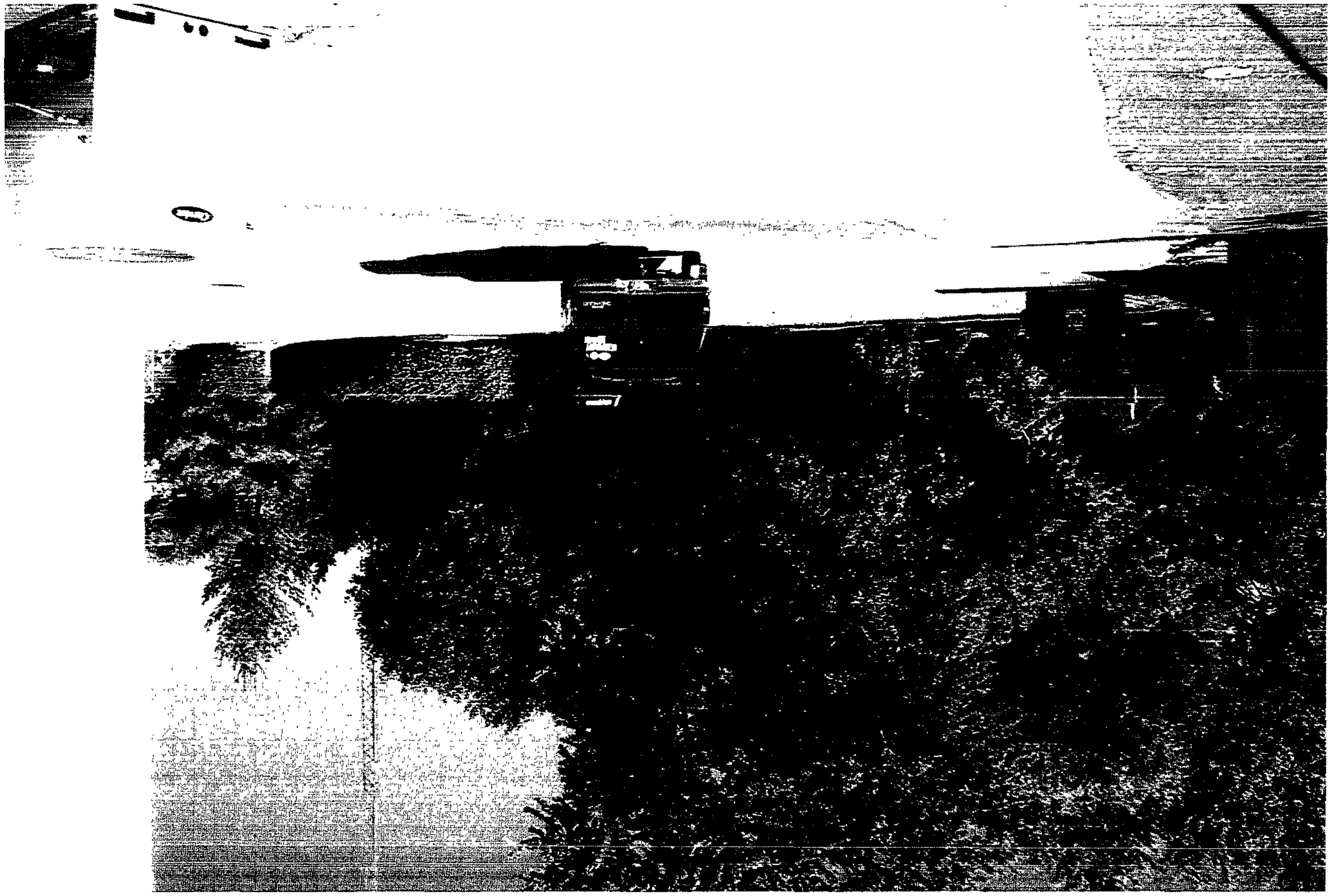

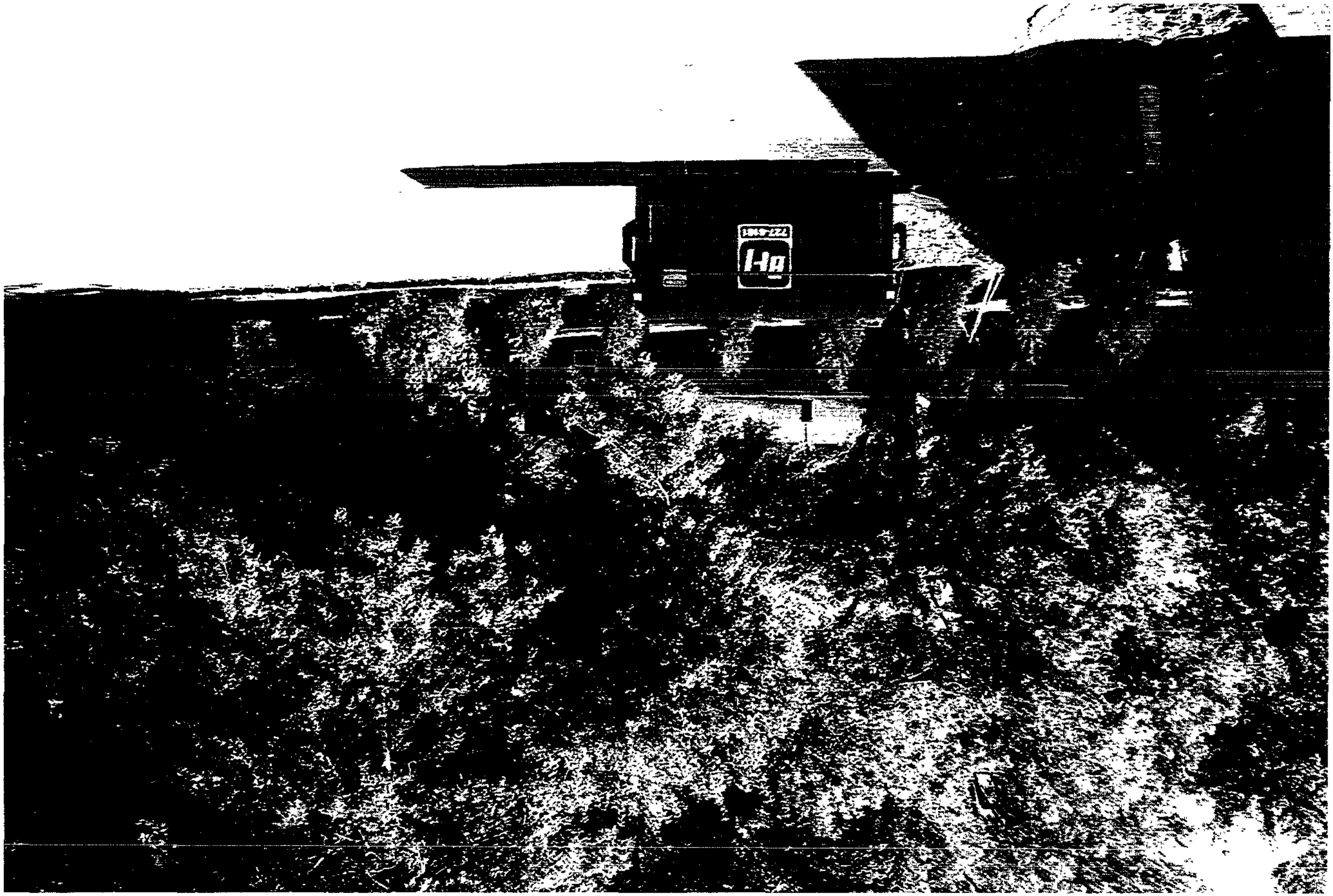


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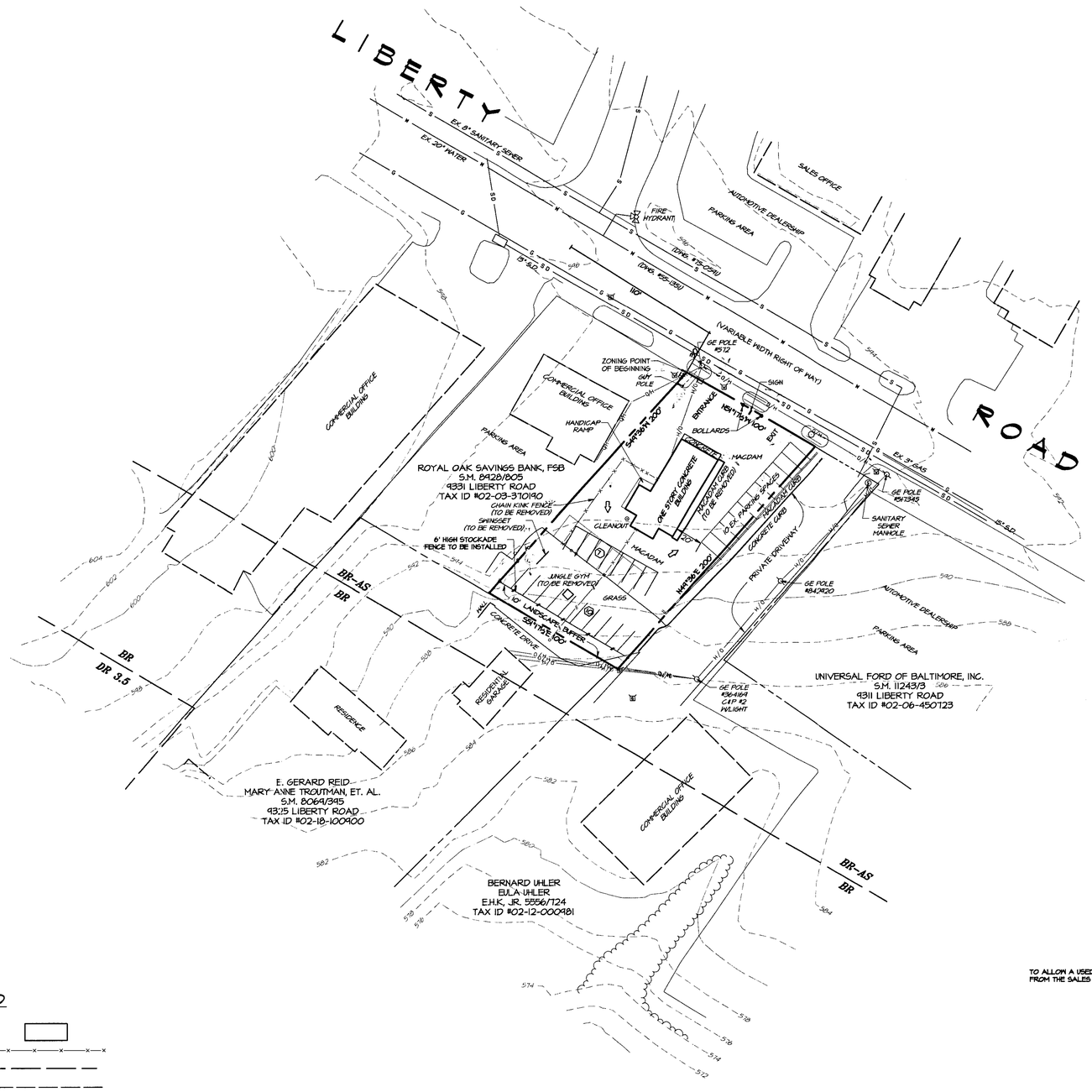
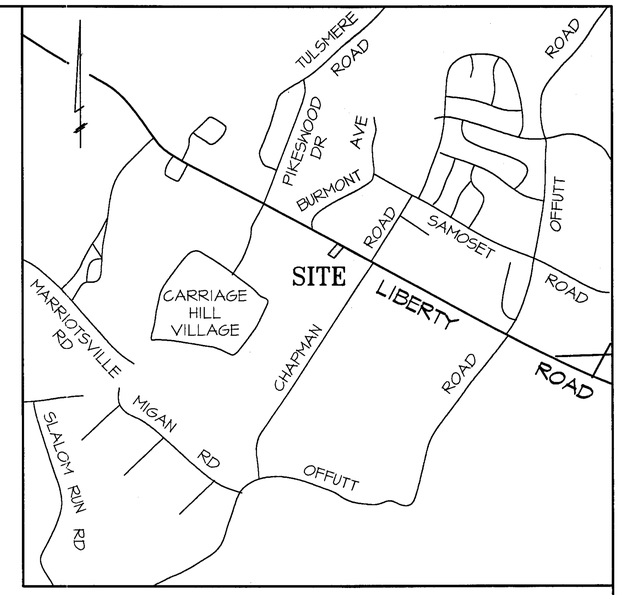
10/18/2002

MARYLAND STATE COORDINATE SYSTEM NAD-83




## VICINITY MAP

SCALE: 1" = 1000'

## GENERAL NOTES

1. OWNER: DENNIS K. AGBOH & ELIZABETH J. AGBOH
   9127 RUFFLE ROAD
   BALTIMORE MD, 21244
2. TAX ACCOUNT No. 02-16-000291
3. TITLE DEED LIBER S.M. 13748 FOLIO 682
   TOTAL AREA = 19,640 Sq. Ft.
4. THE PROPERTY IS ZONED BR-AS.
5. 200' SCALE ZONING MAP No. NW 7J.
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED. A BOUNDARY WAS NOT PERFORMED BY GERHOLD CROSS & ETZEL LTD.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANELS 76 C1 & C2, 77 A1 & A2
8. CENSUS TRACT 4025.03 A.D.C. MAP & GRID 24 C & D11
   SCHOOL DISTRICT 3 REGIONAL PLANNING DISTRICT 912
9. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. PARKING:
    EXISTING & PROPOSED PARKING: 27 SPACES
    PARKING SPACES REQUIRED: 5 per 1000 SQ.FT BUILDING AREA
    BUILDING AREA=2000 SQ.FT.
    2 x 5 = 10 SPACES

## SPECIAL EXCEPTION

TO ALLOW A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM THE SALES AGENCY BUILDING PER BCZR SECTION 236.4.

# PLAN TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION

OF THE

# AGBOH PROPERTY

9329 LIBERTY ROAD
Deed Ref: S.M. 13748 FOLIO 682
Tax Account No.: 02-16-000291
Zoned: BR-AS
Tax Map 77; Grid 7; Parcel 853
2nd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=40' DATE: SEPTEMBER 23, 2002

STATE OF MARYLAND — BRUCE EDWIN GERHOLD — No. 53 — REGISTERED PROFESSIONAL LAND SURVEYOR — 9/23/02

## LEGEND

| | |
|---|---|
| BUILDING | |
| CHAIN-LINK FENCE | x—x—x—x—x—x |
| ZONING DIVISION LINE | |
| BUILDING SETBACK LINE | |
| BOUNDARY LINE | |
| WATER | —W— |
| OVERHEAD UTILITY | —O/H— |
| SANITARY SEWER | —S— |
| STORM DRAIN | —SD— |
| FIRE HYDRANT | |
| MANHOLE | |
| UTILITY POLE | |
| GAS OR WATER VALVE | G G |
| PROPOSED PARKING SPACES | 10 |

## OWNER

DENNIS K. AGBOH
ELIZABETH J. AGBOH
S.M. 13748/682
9329 LIBERTY ROAD
TAX ID #02-16-000291

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| REVISION | DATE |
|---|---|
| | |
| | |

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PLOT DATE: 9/23/2002 | TECHNICIAN: | FILE NAME: X:\Parsons\Zoning.pro

PLOT DATE: Sep 23, 2002

Baltimore County
Fire Department

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

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

September 10, 2002

ATTENTION: George Zahner

Property Owner:

Location: 9329 Liberty Rd.

Item No.: 147

Dear Mr. Zahner:

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 Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File