Sate 2-26 -7

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE – S/E Corner of Liberty

and Venetian Roads

(5905 Liberty Road)

2nd Election District

4th Council District

E & E Enterprises of Pikesville, LLC *Petitioner*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 07-227-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, E & E Enterprises of Pikesville, LLC, by Joseph Shavi, its managing member, by and through their attorney Stuart D. Kaplow, Esquire. Petitioner requests, pursuant to Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), a Variance to permit a rear yard setback of 10 feet in lieu of the required minimum of 30 feet from the rear property line, for an addition to be constructed to the existing building (consistent with that same variance granted in Case No. 69-221-A for the existing building). The Petitioner also seeks Special Hearing relief to approve a modified site plan, from that approved in Case No. 93-276-X, such that the approved site plan for the existing special exception will be consistent with the site plan that is the topic of this petition. The subject property and requested relief are more particularly described 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 requested relief were Colin Fleischer, a managing member of the owner, E & E Enterprises of Pikesville, LLC and Long Van Bui, the professional Land Surveyor and the consultant who prepared the site plan for this site. Also appearing and testifying in support of the request was Peirce Macgill, a Revitalization

Specialist with the Department of Economic Development for Baltimore County. Stuart D. Kaplow, Esquire represented the Petitioner. There were no Protestants or other interested parties present, however, it is noted that letters of support (Petitioners' Exhibit 3) were received from the adjacent property owners who are familiar with the existing building and who support the proposed improvements.

Testimony and evidence revealed the subject property is a rectangularly shaped parcel located at the southeast corner of Liberty Road and Venetian Road next to the City boundary line in Baltimore County. Mr. Kaplow provided a detailed history of this modest 0.969-acre tract zoned B.R. and improved with a 74' x 30' one-story brick and glass masonry building. The previous service station use ended many years ago as a result of the ground becoming contaminated by leaking fuel tanks. Following the Exxon Company's cleanup efforts which took a lengthy time, the building was renovated to serve as the headquarters/office for a used car sales operation. The Petitioner who has been in business for two (2) years and sells and services highend motor vehicles has become a valued citizen in the area. In this regard, it is noted that the property fronts Liberty Road with a body shop and window glazing business abutting to the rear of the site in a commercial corridor that fronts on a stable residential community immediately north of the Baltimore City line. The property is located on the stretch of Liberty Road that contains a number of existing commercial uses, including a McDonalds, a body shop, pawnbroker, and similar uses. The special exception relief granted in Case No. 93-276-A was contested, however, since its ultimate approval by the County Board of Appeals, the use has not adversely affected the locale but, to the contrary, has served to rehabilitate an otherwise vacant property and become an asset to the community. The Petitioner now desires to add a new sales office and waiting room area to the existing structure, by virtue of their expanding operation and need to provide customer conveniences, comes before me requesting the above described variance relief.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County reviewing agencies. Moreover, Petitioner has worked closely with the Department of Economic Development and Office of Planning having submitted building elevations (Petitioner's Exhibit 2) for review and approval. While there were discussions with respect to landscaping, the Petitioner maintains a 20' wide grassy area, abutting Venetian Road, further landscaped with a mature hedge, but Colin Fleischer testified there are no additional areas suitable for landscaping on this near completely impervious site. Peirce Macgill testified as to the benefits this business and car dealership has been to the surrounding locale and is pleased to see the further investment being placed in the property.

Based upon the testimony and evidence and exhibits offered, I am persuaded to grant the relief requested. The modest 16' wide x 30' deep addition attached to the existing building will provide for a new office and waiting room area that is needed to allow this successful business currently growing out of space to remain in the locale. I find that the Petitioner has met the requirements of Sections 238.2 and 307 of the B.C.Z.R. in regard to its variance request. The nature and operation of this previously used gas station built prior to 1965 just 10 feet from the property line has been converted to a well respected commercial use. Its size, configuration and placement on the property and associated constraints drive the need for the variance and are persuasive factors for granting the variance which is appropriate. I find that the property is unique, and that practical difficulty would result, which would disproportionately impact this commercially used parcel if the regulations were strictly enforced. Furthermore, the requested relief can be granted without any adverse impact to the surrounding locale and within the spirit and intent of the regulations.

Pursuant to the advertising, posting of the property, and public hearing held on the Petitions, and for the reasons set forth above, the relief requested shall be granted.

IT IS FURTHER ORDERED that the Petition for Variance, seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 10 feet in lieu of the required minimum of 30 feet from the rear property line, for an addition to be constructed to the existing building (consistent with that same variance granted in Case No. 69-221-A for the existing building), be and is hereby GRANTED, subject to the following restrictions:

1. Petitioner may apply for building permits and be granted the same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its 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.

Zoning Commissioner for

Baltimore County

Date 2 - 2 - 2 - 31 By LAST CAR STUNG

4/1

IN RE: PETITION FOR SPECIAL EXCEPTION
Intersection Liberty Road and
Venetian Road
5905 Liberty Rd.- Magic Motors

2nd Election District 2nd Councilmanic District

County Line, Inc. Petitioner

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE No. 93-276-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the subject property located at 5905 Liberty Road near the Baltimore City/Baltimore County boundary line. The Petitioner, County Line, Inc., seeks a granting of the Petition to allow a used car sales area and routine maintenance area on the subject site.

Appearing at the public hearing on behalf of the Petition was Barry Parsons, President of the corporate petitioner. Also testifying was Gerson P. Polen, an architect who prepared the site plan. The Petitioner was represented by Harry L. Chase, Esquire. Several individuals appeared in opposition to the plan. They included Emily Wolfson from the Liberty Communities Development Corporation, Judith Berger of the Liberty Road Community Council and E. Ray Staggers, President of the Robin Hill Community Association. Although unable to attend the hearing, correspondence was received in opposition to the Petition from William Obriecht, Co-Chairperson of the Gwynn Oak Improvement Association, Inc.

As to the evidence presented, testimony was received from Mr. Parsons, of County Line, Inc., property owner. He stated that his company acquired the property several years ago. He noted that presently the site is not occupied and is considered an eyesore to the community. Specifically, the

this use on residential communities which adjoin the site. As Mr. Staggers testified, the intersection on which this property is located serves as the gateway to these communities.

Based upon these factors, I am persuaded that the Petition should be denied. In my view, the Petitioner has failed to meet its burden under law. There are significant distinctions in the instant case and case No. 92-220-XA, not the least of which is the residential communities which adjoin the subject property.

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

ty this 12 day of May, 1993 that the Petition for Special Exception for approval to use the herein described property for a used car sales area and routine maintenance, be and is hereby DENIED.

LAWRENCE E. SCHMIDT Zoning Commissioner for

Baltimore County

LES:mmn



JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 26, 2007

Stuart D. Kaplow, Esquire Stuart D. Kaplow, P.A. 15 East Chesapeake Avenue Towson, MD 21286-5306

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

S/E Corner of Liberty and Venetian Roads
(5905 Liberty Road)

2nd Election District - 4th Council District
E & E Enterprises of Pikesville, LLC - Petitioner
Case No. 07-227-SPHA

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: Mr. Colin Fleischer, 8 Greenshire Lane, Owings Mills, Md. 21117

Mr. Long Van Bui, Professional Land Surveyor, 1907 Winding Woods Lane, Baltimore, Md. 21234

Mr. Peirce Magill, Revitalization Specialist, Department of Economic Development People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5905 Liberty Road 21207 which is presently zoned BR

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

See Attached "A"

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

I, or we, agree to pay expenses of above Special Hearing, 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: <u>Legai Owner(s):</u> E&E Enterprises of Pikesville, LLC Name - Type or Print Name - Type or Print Signature Signature Joseph Shavi, Managing Member Address Telephone No. Name - Type or Print City Zip Code State Signature 443-375-8348 5905 (1882TY ROAD Attorney For Petitioner: Address Telephone No MD 21207 BULLMOSE Stuart D. Kaplow Name - Type or Print City State Zip Code Representative to be Contacted: Signature Stuart D. Kaplow, P.A. Stuart D. Kaplow Coπρατος 15 East Chesapeake Ave 410-339-3910 Name 15 E Chesapeake Ave 410-339-3910 Address Address Telephone No. lelephone No. MD 21286 Towson, 21286 MD Towson, City City Zip Code **Gtate** Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 07-227-5941A . UNAVAILABLE FOR HEARING REV 9/15/98

OMULTI MECENTED FUNTILING

Attachment to Petition for Special Hearing 5905 Liberty Road

To approve a modified site plan, from that approved in case 93-276-X, such that the approved site plan for the existing special exception will be consistent with the site plan/that is the subject of this petition.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5905 Liberty Road 21207 which is presently zoned BR

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)

See Attached "1"

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 "2"

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: <u>Legal Owner(s):</u> E&E Enterprises of Pikesville, LLC Name - Type or Print Name - Type or Print Signature Signature Joseph Shavi, Managing Member Address Telephone No. Name - Type or Print City State Zip Code Signature 443-345-8348 3905 G88007 ROAD Attorney For Petitioner: Address Telephone No. Stuart D. Kaplow 70212 BALTHORE Name - Type or Print Zip Code State City Representative to be Contacted: Signature Stuart D. Kaplow, P.A. Stuart D. Kaplow Company Name 15 East Chesapeake Ave 410-339-3910 <u>15 East Chesapeake Ave 410-339-3910</u> Address Telephone No. Address Telephone No. Towson, 21286 21286 MD Towson, MD City City Zip Code State Zip Code State OFFICE USE ONLY UNAVAILABLE FOR HEARING Reviewed By ____ REV 9/15/98 UNDER RECEIVED TOR FILING

Attachment to Petition for Variance 5905 Liberty Road

- 1. Variance from BCZR Section 238.2 to permit a rear yard setback of 10 feet in lieu of the required minimum of 30 feet from the rear property line, for an addition to be constructed to the existing building (consistent with that same variance granted in case 69-221-A for the existing building).
- 2. This commercially improved BR zoned property, that is the subject of an approved Special Exception, is unique and unusual in a manner different from the nature of the surrounding properties (i.e., topography, shape, historical significance, etc.) such that the uniqueness causes the zoning regulations to impact disproportionately upon this property. And practical difficulty or undue hardship resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists.

LONG VAN BUI

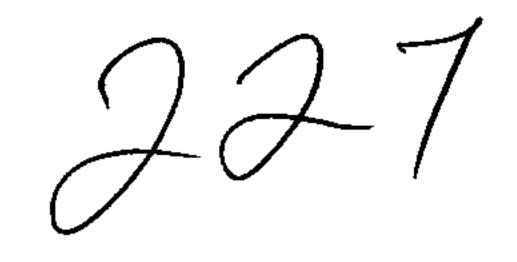
Professional Land Surveyor 1907 Winding Woods Lane

> Baltimore, MD 21234 Phone: 410-581-2438

410-262-5467

Fax: 410-581-2528

Email: lvbco@yahoo.com



September 18, 2006

ZONING DESCRIPTION

Property of E&E Enterprises of Pikesville, LLC Deed 20256-311 5905 Liberty Road

Second Election District Baltimore County, Maryland

Beginning at a point on the south side of Liberty Road which is 80 feet wide at the distance of 25 feet east of the centerline of Venetian Road which is 50 feet wide; thence the following courses and distances:

- 1) S 64°13'45" E 199.29',
- 2) S 44°58'32" W 156.00',
- 3) N 64°13'54" W 180.14',
- 4) R=439.33', L=64.40', CHD= N 40°29'41" E 64.35', and
- 5) N 39°17'42" E 86.54' to the place of beginning.

BEING all of three parcels recorded in Deed Liber 20256, Folio 311, containing 0.63 acres, more or less. Also known as 5905 Liberty Road and located in the Second Election District.



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S & S & CUSTOMER	
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE DATE THOM: PECEIVED FOR: THOM: DISTRIBUTION WHITE - CASHIER PINK - AGENCY VELLOW VELLOW VELLOW VELLOW VELLOW WHITE - CASHIER PINK - AGENCY VELLOW VEL	

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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: #07-227-SPHA
5905 Liberty Road
S/east corner of Liberty Road and Venetian Road
2nd Election District
4th Councilmanic District

Legal Owner(s): E & E Enterprises of Pikesville, LLC

Special Hearing: to approve a modified site plan, from that approved in case 93-276-X. Variance: to permit a rear yard setback of 10 feet for an addition in lieu of the required minimum of 30 feet from the rear property line, for an addition to be constructed to the existing building (consistent with that same setback variance granted in case 69-221-A for the existing building).

Hearing: Monday, January 22, 2007 at 9:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/008 Jan. 4 120498

CERTIFICATE OF PUBLICATION

14,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on14,20
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS DATE: 12/30/06 Case Number: 07-227-SPHA Petitioner/Developer: STUART KAPLOW ESQ.~JOSEPH SHAVI, E. & E. ENTERPRISES Date of Hearing (Closing): ________1/22/07 This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 5905 LIBERTY ROAD The sign(s) were posted on: 12/29/06 TONING NOTICE CASE # 07-227-5PHA (Signature of Sign Poster) THE ZONING COMMISSIONER IN TOWSON, MD Linda O'Keefe (Printed Name of Sign Poster) 523 Penny Lane (Street Address of Sign Poster) Hunt Valley Maryland 21030

DISTPOREMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO MUT THIS SIGN AND POST UNTIL DAY OF HEARING, UNION PERSONS IN

HANDICADPED ACCESSBLE

410-666-5366

(City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
5905 Liberty Road; SE corner of Liberty * ZONING COMMISSIONER
& Venetian Roads
2nd Election & 4th Councilmanic Districts * FOR
Legal Owner(s): E & E Enterprises of Pikesville,
LLC by Joseph Shavi, Member * BALTIMORE COUNTY

Petitioner(s)

* 07-227-SPHA

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 20th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed Stuart Kaplow, Esquire, 15 East Chesapeake Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

NOV 2 0 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

TO: PATUXENT PÜBLISHING COMPANY

Thursday, January 4, 2007 Issue - Jeffersonian

Please forward billing to:

Jossef Shavi

443-375-8348

E & E Enterprises of Pikesville, LLC 5905 Liberty Road Baltimore, MD 21207

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: 07-227-SPHA

5905 Liberty Road
S/east corner of Liberty Road and Venetian Road
2nd Election District – 4th Councilmanic District
Legal Owners: E & E Enterprises of Pikesville, LLC

<u>Special Hearing</u> to approve a modified site plan, from that approved in case 93-276-X. <u>Variance</u> to permit a rear yard setback of 10 feet for an addition in lieu of the required minimum of 30 feet from the rear property line, for an addition to be constructed to the existing building (consistent with that same setback variance granted in case 69-221-A for the existing building).

Hearing: Monday, January 22, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

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.



JAMES T. SMITH, JR. County Executive

TIMEENTE Department of Permits and Development Management

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: 07-227-SPHA

5905 Liberty Road
S/east corner of Liberty Road and Venetian Road
2nd Election District – 4th Councilmanic District
Legal Owners: E & E Enterprises of Pikesville, LLC

Special Hearing to approve a modified site plan, from that approved in case 93-276-X. <u>Variance</u> to permit a rear yard setback of 10 feet for an addition in lieu of the required minimum of 30 feet from the rear property line, for an addition to be constructed to the existing building (consistent with that same setback variance granted in case 69-221-A for the existing building).

Hearing: Monday, January 22, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Stuart Kaplow, 15 E. Chesapeake Avenue, Towson 21286 Joseph Shavi, E & E Enterprises, 5905 Liberty Road, Baltimore 21207

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 6, 2007.

- (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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property that is the subject of an upcoming zoning hearing. For those petitions that 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	Item Number or Case Number: 07 827 SPHA									
Petitioner:	E ENTERPRISES OF PIKESHILE, LIK									
Address or Lo	BUILDER HO ZIZDY									
Please Forward Advertising Bill to:										
Name:	Me Jossef Shui									
Address:	Ea E Entergres de juiconne MC									
-	5905 Liberty Roma									
	Sacrano RZ, MD 21207									
Telephone:	443-375-8348									



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 17, 2007

Stuart D. Kaplow, P.A. 15 East Chesapeake Avenue Towson, MD 21286

Dear Mr. Kaplow:

RE: Case Number: 07-227-SPHA, 5905 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 2006.

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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
E & E Enterprises of Pikesville, LLC Joseph Shavi, Managing Member 5905 Liberty
Road Baltimore 21207

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 22,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2006

Item Number(s): 213 through 228



Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 28, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 27, 2006

Item Nos. 07-72, 139, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224,

226,/227), and 228

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw cc: File ZAC-NO COMMENTS-11272006.doc

BW 1/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 19, 2006

FIELD OF THE PROPERTY OF THE P

2007

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5905 Liberty Road

INFORMATION:

Item Number:

7-227

Petitioner:

E&E Enterprises

Zoning:

BR

Requested Action:

Special Hearing

CONER

JAN 0

SUMMARY OF RECOMMENDATIONS:

The office of planning does not oppose the petitioner's request provided this office receives and is satisfied with the following:

- 1. Submit building elevations of the proposed addition for review and approval.
- 2. Submit and enhanced landscape plan that mitigates the impact of the requested change to the original plan.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

November 27, 2006

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

RE: Baltimore County

Item No. 7-227 A

MD 26 (5905 Liberty Road)

E & E Enterprises, LLC Property
Variance- To permit rear yard addition

in lieu of required 30' min.

Dear Ms. Matthews:

Thank you for the opportunity to review the plan submission on the subject of the above captioned, which was received on November 21st. We have reviewed the referenced plan and have no objection to approval for Item No. 7-227. Based on a field inspection we have determined that the existing entrances on to MD 26 are acceptable to the State Highway Administration (SHA) at this time. Also, please note that this development is not affected by any SHA projects.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW

15 EAST CHESAPEAKE AVENUE

TOWSON, MARYLAND 21286-5306

TELEPHONE 410-339-3910

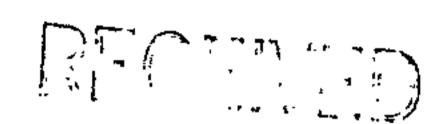
FACSIMILE 410-339-3912 E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

January 18, 2007

William J. Wiseman, Zoning Commissioner Office of the Zoning Commissioner 401 Bosley Avenue Towson, Maryland 21204



JAN 1) 200?

Re:

5905 Liberty Road

Zoning case No. 07-227-SPHA

Dear Mr. Zoning Commissioner:

With respect to the above noted matter scheduled for hearing on Monday, January 22^{nd} (my birthday) at 9:00 a.m., my client has assembled the enclosed <u>letters of support</u>.

Significantly, the 3 letters are from each of the 3 adjoining land owners. That is all of the adjoining land owners (and you can see the view of each of those properties in the attached photograph with each letter), support the petitions.

Also, find attached a letter from Jonathan Issacs, a former customer of the petitioner, who apparently saw the zoning sign and offered to write the letter attached.

Thank you and I look forward to seeing you on the 22nd.

Sincerely,

Stuart D. Kaplow

Stuart Kaplow

SDK:tbm

Enclosures

Case No.:

07-227 SPHA

5905 LIBERTY RJ

Exhibit Sheet

Petitioner/Developer

Protestant

		······································
No. 1		
	SITE PLAN	
No. 2		
	BLDG ELEUATIONS	
No. 3		
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No. 4		
	PHOTO'S Existing Conditions	
No. 5	<u></u>	
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No. 10		
No. 11		
No. 12		

7218 Minna Road Baltimore Maryland 21207 09 January 2007

The Zoning Commissioner
Room 407 County Courts Building
401 Bosley Avenue
Towson 21204

Case # 07-227-SRHA

Dear Mr. Zoning Commissioner

I write to ask that you approve the request on the Zoning Notice sign for 5905 Liberty Road.

These are good gentleman and we want then to continue their business in our community.

My neighbor bought a car from them and he recommended them to me. I bought a car and they have treated me fairly. I will want to by another car from them maybe this year. So please approve the request.

They keep a clean place inside and out.

Thank you and God Bless Jonathan Issacs

PETITIONER'S

EXHIBIT NO.

3

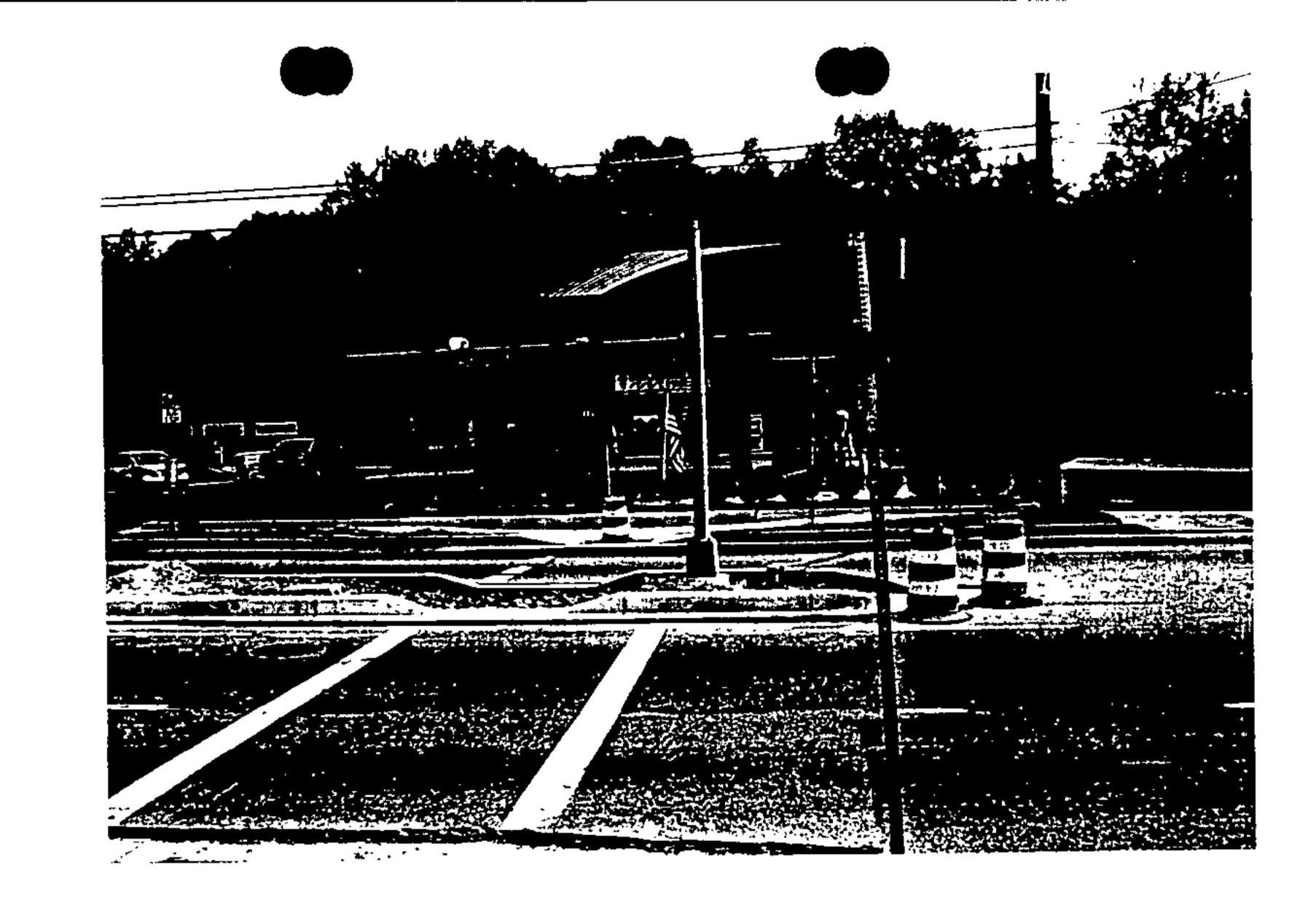
AUGUST 11, 2006

TO WHOM IT MAY CONCERN:

	(lotic	~ ~·
I, James K Briefly THE OWNER OF	GOTIC 5917 Libert Rd	Baltimen
LOCATED AT		
HAVE NO OBJECTION TO H&J MOTORS, INC. BUILDING	3 AN ADDTION THE SIZ	ZE OF
450 SQUARE FEET ON THE SIDE OF THE CURRENT BUIL	DING LOCATED AT	
5905 LIBERTY RD. BALTIMORE, MD 21207.		
C. I. Day II	<i>م</i> ر	
SIGN DATE	<u>-U0</u>	









AUGUST 11, 2006

TO WHOM IT MAY CONCERN:

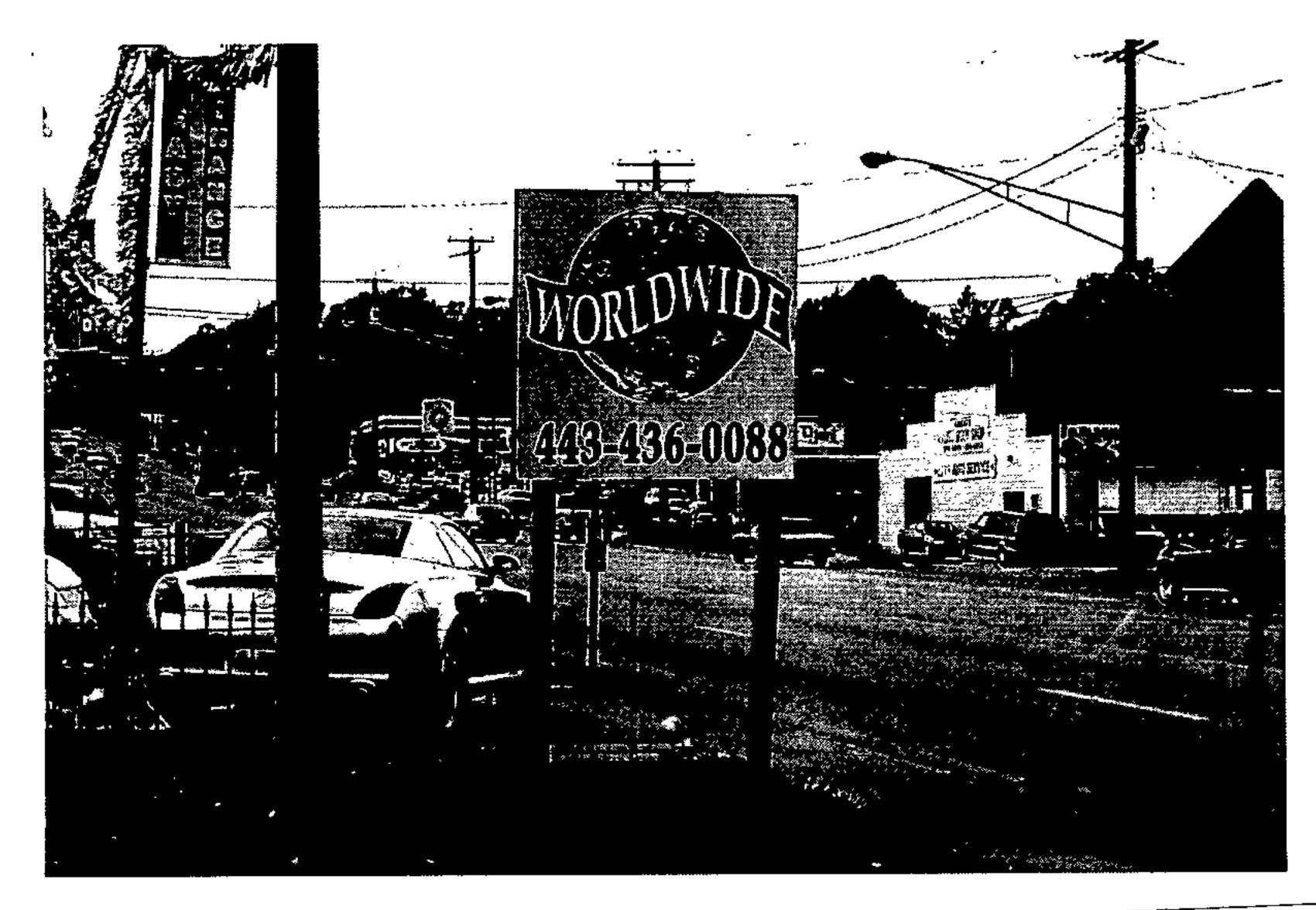
1, Opnier Breek	THE OWNER OF RPM, LLC
LOCATED AT 5705 Reals	Liberty Rd
HAVE NO OBJECTION TO H&J MC	TORS, INC. BUILDING AN ADDTION THE SIZE OF
450 SQUARE FEET ON THE SIDE O	F THE CURRENT BUILDING LOCATED AT
5905 LIBERTY RD. BALTIMORE, M	ID 21207.
<u> </u>	
SIGN Brodle	8-14-06 DATE
SIGN \	DATE



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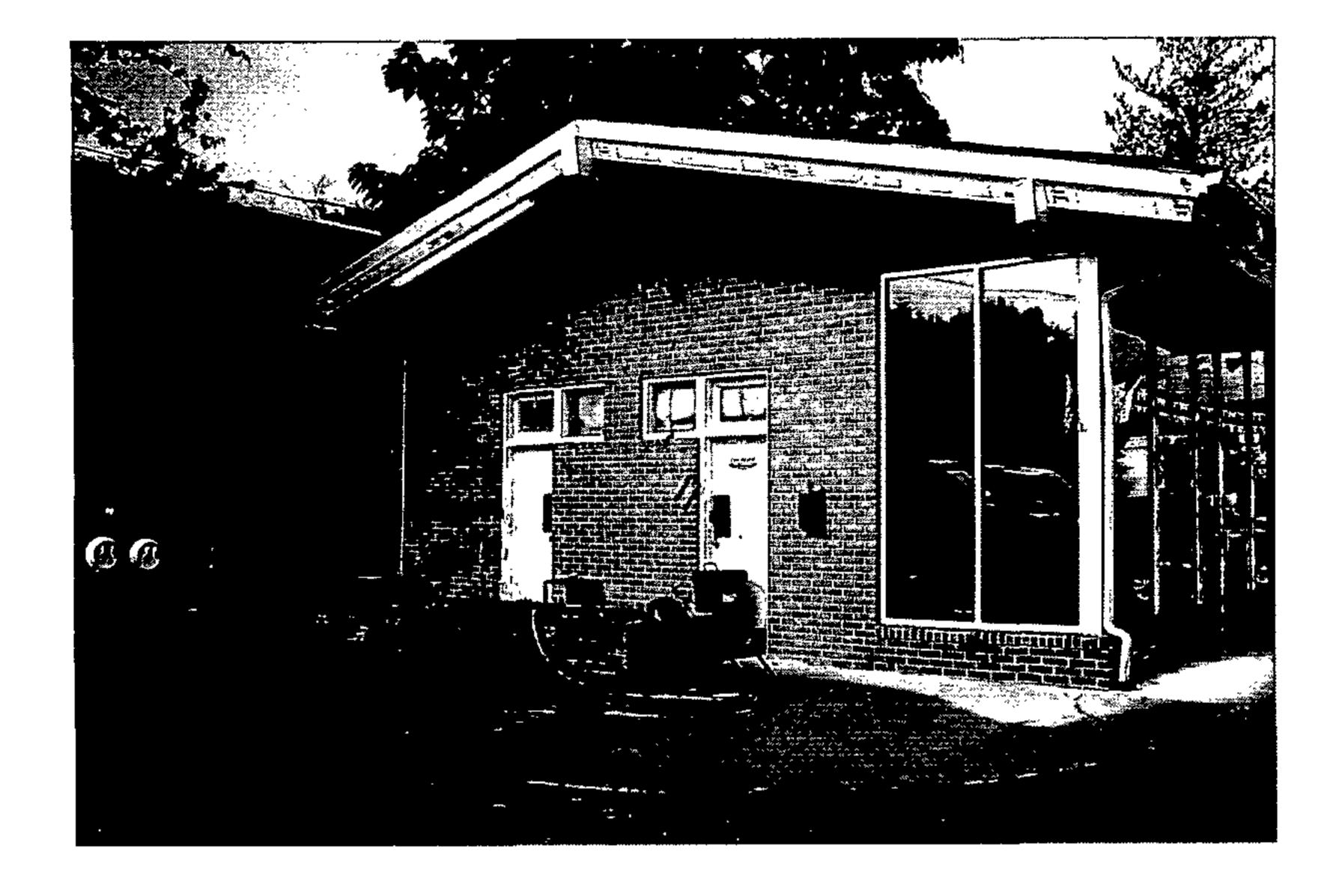


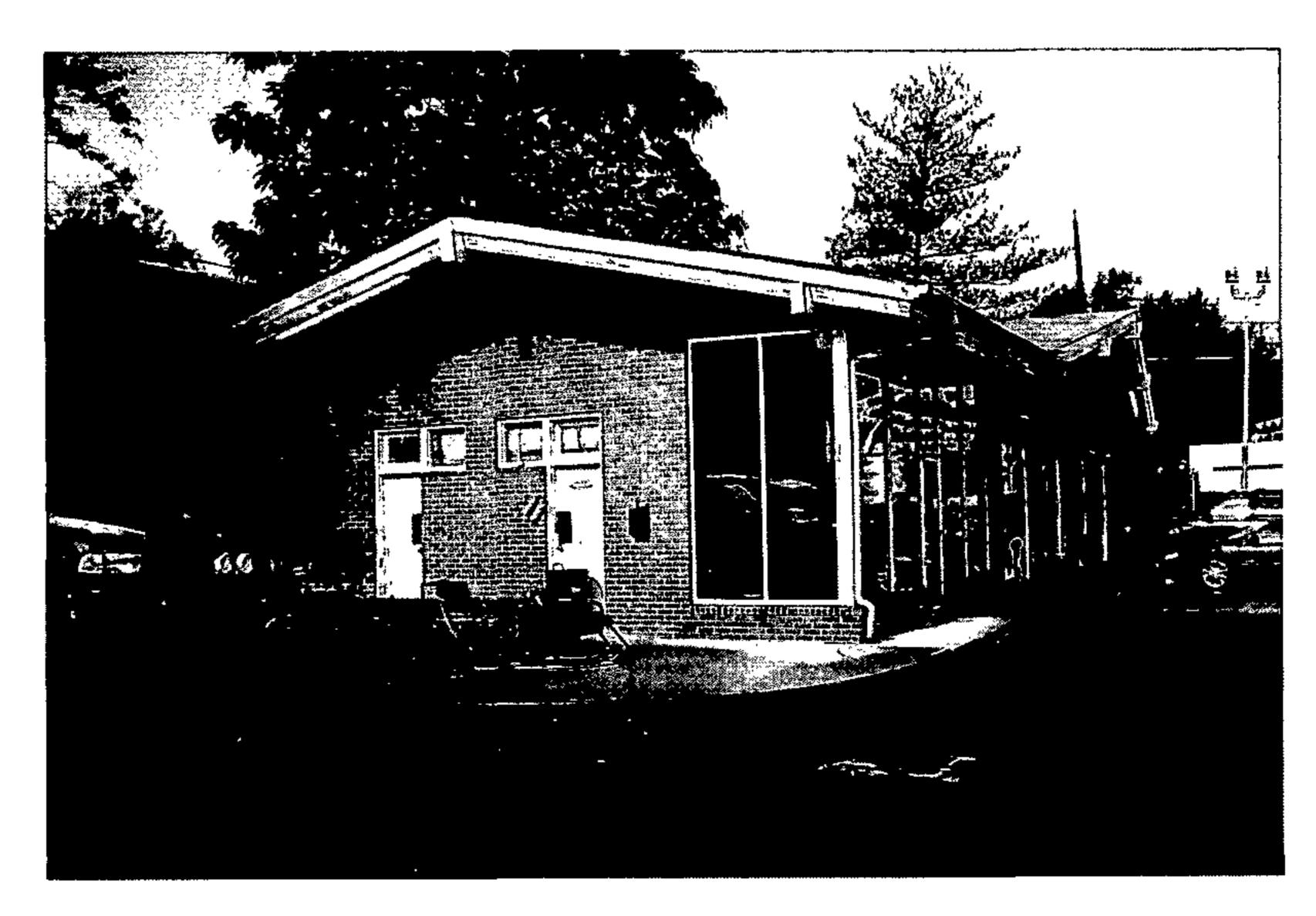


PETITIONER'S

EXHIBIT NO.









County Board of Appeals of Baltimore County

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

August 16, 1996

20NING COMMISS

Newton A. Williams, Esquire NOLAN, PLUMHOFF & WILLIAMS, CHTD. Suite 700, Court Towers 210 W. Pennsylvania Avenue Towson, MD 21204-5340

> RE: REMAND /Case No. 93-276-X County Line, Inc. Civil Action No. 93-CV-10476

Dear Mr. Williams:

Enclosed please find a copy of the Board's Opinion on Remand issued this date in response to the April 15, 1996 Remand Order of the Circuit Court for Baltimore County.

Very truly yours,

Charlotte E. Reclette for Kathleen C. Bianco Legal Administrator

encl

Mr. Barry Parsons, President cc: County Line, Inc. Harry L. Chase, Esquire Mrs. Emily Wolfson Mrs. Judith Berger Mr. E. Ray Staggers Mr. Gerson P. Polen Mr. Daniel L. Fredericks Mr. Nathan Silver People's Counsel for Baltimore County Pat Keller /Planning Director ✓ Lawrence E. Schmidt Arnold Jablon, Director /PDM The Honorable John G. Turnbull, II Circuit Court for Baltimore County Clerk of the Court /Case No. 93-CV-10476 Virginia W. Barnhart, County Attorney



IN THE MATTER OF * ON REMAND
THE APPLICATION OF

COUNTY LINE, INC. * FROM THE
FOR A SPECIAL EXCEPTION ON
PROPERTY LOCATED AT THE INTER- * CIRCUIT COURT FOR
SECTION OF LIBERTY ROAD AND
VENETIAN ROAD (5905 LIBERTY ROAD)* BALTIMORE COUNTY
2ND ELECTION DISTRICT * Civil Action
No. 93-CV-10476/67/158

COUNTY LINE, INC. -PETITIONER ZONING CASE NO. 93-276-X

AMENDED ORDER PURSUANT TO CIRCUIT COURT FOR BALTIMORE COUNTY REMAND PURSUANT TO MANDATE OF THE COURT OF SPECIAL APPEALS

This matter comes before the Board on remand by Order of the Circuit Court for Baltimore County dated April 15, 1996 with direction that the Petition for Special Exception requested by County Line, Inc., be granted, pursuant to Order by the Court of Special Appeals dated April 4, 1996.

IT IS THEREFORE this 16th day of August , 1996, by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception in Zoning Case No. 93-276-X be and is hereby GRANTED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Robert O. Schuetz, Chairman

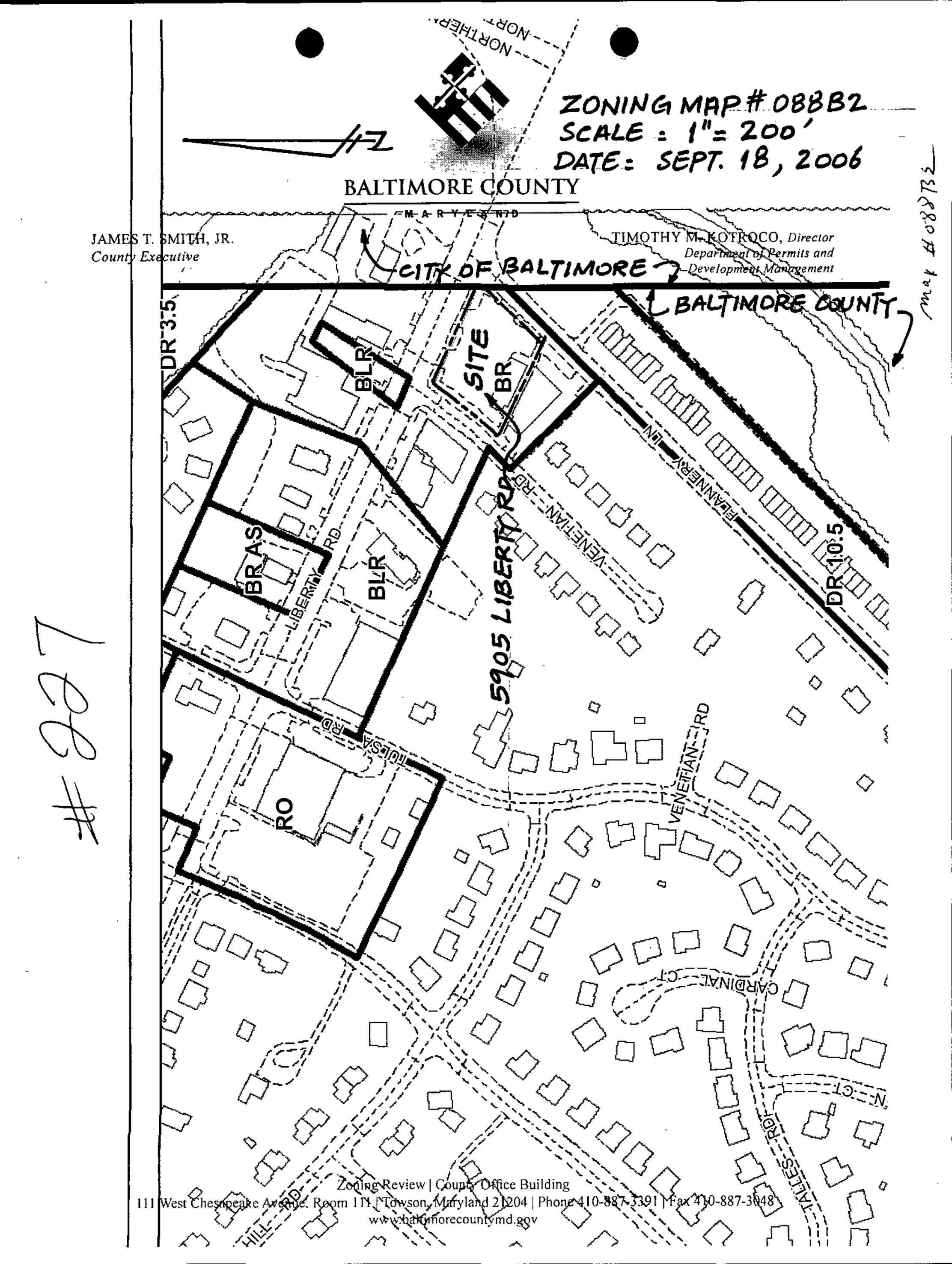
Harry E. Buchheister, Jr.


PLEASE PRINT CLEARLY

CASE NAME SAMO CASE NUMBER COST DATE DIPOLO

ETITIONER'S SIGN-IN SHEET

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NAME	Stratz Kazen	Colin Flewar	Peirce Messill	Long Van Bui		Colin Meisher	and Drandhir							





AUGUST 11, 2006

TO WHOM IT MAY CONCERN:

I, THE OWNER OF IBELTY CUNDED

LOCATED AT STOD SUPERTY HELL AVE LACTIMORE

HAVE NO OBJECTION TO H&J MOTORS, INC. BUILDING AN ADDITION THE SIZE OF

450 SQUARE FEET ON THE SIDE OF THE CURRENT BUILDING LOCATED AT

5905 LIBERTY RD. BALTIMORE, MD 21207.

SIGN

DATE