

IN RE: **PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE**

N/S Dogwood Road, 450' W c/line of *
Ambassador Road

(6824-6826 Dogwood Road) *

2nd Election District

4th Council District *

Javed A. Aizaz *

Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0155-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Javed A. Aizaz. The Petitioner requests a special exception to permit a proposed service garage use on the subject property in the Manufacturing Light, Industrial Major (M.L.-I.M.) zoning classification, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioner requests relief from Sections 255 and 238.2 of the B.C.Z.R. to allow the proposed service garage and convenience store structure with a side setback (east side) of 20 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on the redlined 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 Stanley W. Reicke, a contractor with Truly Built Enterprises, Co., on behalf of the property owner, and Bernadette L. Moskunus, with Site Rite Surveying, Inc., the engineering firm who prepared the site plan and assisting the Petitioner through the permitting process. Also appearing and participating was David A. Green, a senior planner with the Office of Planning, assigned to the fourth councilmanic district, who stated the use and proposal is appropriate for this planned industrial park and should have no

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By 192

negative impacts on adjacent uses. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered on behalf of the Petitioner, including an explanation of Mr. Aizaz's business activities in the surrounding industrial areas, indicated the property is located on the north side of Dogwood Road, just west of Featherbed Lane between the Windsor Corporate Park (to the west) and Rutherford Business Park (to the east) in Woodlawn. *See* Petitioner's Exhibit 5 listing the many residential/commercial properties owned by Mr. Aizaz in this vicinity. The property contains a gross area of 0.48 acres (20,915 square feet), more or less, is zoned M.L.-I.M., and consists of two (2) adjacent parcels, each once improved with a single-family dwelling. Parcel 447 identified on Maryland Tax Map No. 87 is known as 6824 Dogwood Road and continues to be improved with a one-story structure; Parcel 308 on Map No. 87 is now vacant and is known as 6826 Dogwood Road. Mr. Aizaz purchased both lots in 2006 and intends to redevelop the site with a combination "convenience mart" that will front on Dogwood Road and an attached four (4) bay "service garage" to the rear. *See* building elevations submitted as Petitioner's Exhibit 3. Bernadette Moskunus, qualified as a land planner and zoning expert familiar with the special regulations set forth in B.C.Z.R. Sections 253.2.B and 307, testified as to the property's unique features and configuration and that she supervised the preparation of the site plan. The property is triangularly shaped and positioned between a storm water management facility on the west side that includes landscaping and a drainage and utility easement along the east side on property that is improved with Verizon's building at 7100 Ambassador Road in the Rutherford Business Center. She specifically confirmed that the site plan and proposed use comply with the requirements outlined in Section 307 and also opined that the proposed use meets the general special exception requirements of B.C.Z.R.

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Date 3-13-09

By [Signature]

Section 502.1 and the specific requirements of B.C.Z.R. Section 253.B for special exceptions in the M.L.-I.M. zone. Mr. Aizaz, by way of a telephone conference, confirmed the proposed use, described the surrounding industrial park uses, and indicated that he felt a service garage was an appropriate use for the proposed site because it would accommodate the needs of the employees in the surrounding industrial parks. Mr. Reicke testified as to the need for a variance that is driven by the narrowness of the lot that has 134 feet of frontage on Dogwood Road and then narrows to 82 feet at the rear property line. Without a variance, he cannot construct an aesthetically pleasing structure on the property and yet meet required drive aisle widths, landscape strips and B.C.Z.R. Section 409 parking requirements. To corroborate this testimony, Petitioner's Exhibit 2 was prepared and submitted to better illustrate required and proposed setbacks as they relate to this property as well as the proposed parking spaces and driveway entrances into the property.

In this regard, Mr. Reicke testified that a number of business clients in the vicinity would bring their respective light trucks and cars to the facility for services. It was indicated that a variety of mechanical services will be performed on site, from oil changes to engine tune-ups and repairs; however, there is no body/fender work or painting to be done on the premises. It was indicated that the site has more than enough parking to accommodate the business.

As noted, variance relief is requested to legitimize the placement of the Convenience Mart and Service Garage building 20 feet from the eastern side property line. Ms. Moskunas indicated that by virtue of an existing drainage and utility easement that runs along the entire tract on Verizon Maryland, Inc.'s property, a 30-foot setback in actuality will exist. That is, the building will always maintain a 30 to 35-foot setback from any improvements on the eastern side. A side setback of 30 feet is required in the M.L.-I.M. zone.

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By [Signature]

Based on the testimony and evidence presented, I am persuaded to grant the special exception and variance relief. In my judgment, the operation of the subject service garage/business can be conducted here without detriment to the health, safety and general welfare of the locale. In that the special exception runs with the land, I will enter certain restrictions on the service garage use to ensure that future occupants operate a service garage consistent with that proposed by Mr. Aizaz. Any different service garage operations or any expansion of the proposed use in this regard will require special hearing approval in the future.

As to the variance, I am persuaded that same should be granted. In this regard, the facts and circumstances presented justify relief pursuant to Section 307 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 set forth above, the relief requested shall be granted with conditions.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of March 2009, that the Petition for Special Exception to permit a service garage use on the subject property, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 255 and 238.2 of the B.C.Z.R. to permit a side yard setback of 20 feet in lieu of the required 30 feet on the east side for a proposed building, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process

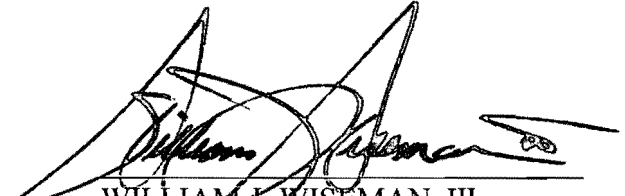
COPIES AVAILABLE FOR FILING
Date 3-13-09
By [signature]

from this Order has expired. If, for whatever reason this order is reversed, the Petitioner shall be required to return, and be responsible for returning said property to its original condition.

2. A full landscape plan that displays visual enhancement to the subject site shall be submitted to the Landscape Architect for Baltimore County for review and approval. In this regard, it is to be noted that Avery Harden has already approved an 8-foot rather than 10-foot landscape screening area as sufficient on the west side of the property boundary.
3. All mechanical repairs must be performed inside of the service garage.
4. There shall be no body and fender work performed on the premises and there shall be no *outdoor* storage of damaged vehicles (including car parts) allowed.
5. The Petitioner and his assigns shall, on a daily basis, employ best efforts to use the five (5) parking spaces, as designated on Exhibit 1, for the parking of customer and disabled vehicles awaiting service garage repairs. No vehicle in a disabled state may be stored or allowed to remain on the property for more than thirty (30) days.

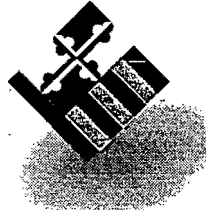
Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 3-13-09
By [signature]

PER BILL WISEMAN NO USED CAR SALES BY PHONE TO CUSTOMER PERSON 4/6/09



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 13, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Bernadette L. Moskunas
Site Rite Surveying, Inc.
200 East Joppa Road, Room 101
Towson, Maryland 21286

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE

N/S Dogwood Road, 450' W c/line of Ambassador Road
(6824-6826 Dogwood Road)
2nd Election District - 4th Council District
Javed Aizaz - Petitioner
Case No. 2009-0155-XA

Dear Ms. Moskunas:

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

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Javed Aizaz, 4535 Ashley Court, Ellicott City, MD 21043
Stanley W. Riecke, 1806 Harkins Road, Pylesville, MD 21132
People's Counsel; David A. Green, Office of Planning; Development Plans Review; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at #6824- #6826 Dogwood Road

which is presently zoned ML-IM

Deed Reference: 238561410 Tax Account # 0213855080 & 0213920310

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

A PROPOSED SERVICE GARAGE IN MANUFACTURING LIGHT, INDUSTRIAL MAJOR (ML-IM) ZONE PURSUANT TO SECTION 253.2 B(3) OF BCZR.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No.

2009-0155-XA

Legal Owner(s):

Javed Aizaz

Name - Type or Print

Signature

Name - Type or Print

Signature

4535 Ashley Court 443 790 2516

Address

Telephone No.

Ellicott City MD 21043

City

State

Zip Code

Representative to be Contacted:

Site Rite Surveying Inc.

Name

200 E. Joppa Road Rm 101 410 828-9060

Address

Telephone No.

Towson, MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

A. TSUI

Date

11/26/08



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6824-6826 Dogwood Road
which is presently zoned MLIM

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) 255, 238.2

TO PERMIT THE PROPOSED SERVICE GARAGE AND CONVENIENCE STORE STRUCTURE WITH A SIDE SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 30 FEET.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Javed Aizar

Name - Type or Print

Signature

Name - Type or Print

Signature

4535 Ashlyn Court

443-790-2516

Address

Ellicott City, MD

21043

Telephone No.

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, #101 (410) 828-9060

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

Case No.

2009-0155-XA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

A. TSUI

Date

11/26/08

REV 9/15/98

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Date

3-13-09

By

OW

ZONING DESCRIPTION
#6824 - #6826 DOGWOOD ROAD

BEGINNING at a point on the north side of Dogwood Road which is 60 feet wide at the distance of 450 feet west of the centerline of Ambassador Road which is 50 feet wide. Thence the following courses and distances: having a radius of 3120.00 feet, length of 119.80 feet; thence N 02°35' 00" E, 168.78 feet; thence N 75° 15' E, 82.00 feet and thence S 10° 45' 03" E, 225.32 feet to the PLACE OF BEGINNING as recorded in Deed Liber 23856, folio 410, containing 20,915 S.F., more or less. Also known as #6824 - #6826 Dogwood Road and located in the 2nd Election District, 4th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

2009-0155-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 2355

Date: 11/26/08

PAID RECEIPT

BUSINESS ACTUAL TIME
 26/2008 11/26/2008 09:20:47
 REG 1 501 WALKIN INTL JHR
 RECEIPT # 100121 11/26/2008
 4 525 ADMIN VERIFICATION
 12/2/08
 1070.00
 1070.00
 1070.00

		Rev.		Sub							
		Source/		Rev/							
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS	Acct	Amount	
001	806	0000		6157						1705	

Total: \$ 1705

Rec From: A. & W. PLUS INC

For: 6824-26 DOGWOOD RD

2009-0155-XA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2009-0155-XA

Petitioner/Developer: JAVED
A1212

Date Of Hearing/Closing: 2/9/09

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

Attention:

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
at 6824-6826 DOGWOOD RD

This sign(s) were posted on January 24, 2009
(Month, Day, Year)

Sincerely,

Martin Ogle 1/24/09
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



01/24/2009

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 22, 2009 Issue - Jeffersonian

Please forward billing to:
Javed Aizaz
4535 Ashley Court
Ellicott City, MD 21043

443-790-2516

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: 2009-0155-XA

6824-6826 Dogwood Road

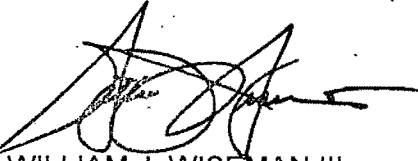
N/side of Dogwood Road, 450 feet of the centerline of Ambassador Road

2nd Election District – 4th Councilmanic District

Legal Owners: Javed Aizaz

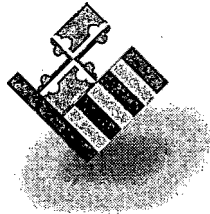
Special Exception for a proposed service garage in manufacturing light, industrial major (ML-IM) zone. Variance to permit the proposed service garage and convenience store structure with a side setback of 20 feet in lieu of the required 30 feet.

Hearing: Monday, February 9, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 6, 2009
TIMOTHY M. KOTROCO, *Director*
*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: 2009-0155-XA

6824-6826 Dogwood Road

N/side of Dogwood Road, 450 feet of the centerline of Ambassador Road

2nd Election District – 4th Councilmanic District

Legal Owners: Javed Aizaz

Special Exception for a proposed service garage in manufacturing light, industrial major (ML-IM) zone. Variance to permit the proposed service garage and convenience store structure with a side setback of 20 feet in lieu of the required 30 feet.

Hearing: Monday, February 9, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Javed Aizaz, 4535 Ashley Court, Ellicott City 21043
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 24, 2009.**
- (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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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.

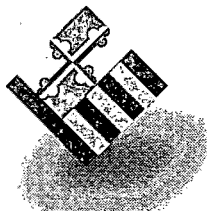
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0155-XA
Petitioner: Javed Aizaz
Address or Location: 6824-6826 Dogwood Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Javed Aizaz
Address: 4535 Ashley Court
Ellicott City MD 21043
Telephone Number: 443-790-2516



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
February 2, 2009

Javed Aizaz
4535 Ashley Ct.
Ellicott City, MD 21043

Dear: Javed Aizaz

RE: Case Number 2009-0155-XA, 6824-6826 Dogwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 26, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

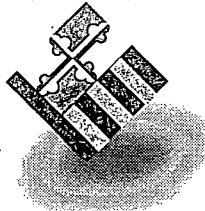
A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Site Rite Surveying INC.; 200 E. Joppa Rd.; Towson, MD 21286



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

December 15, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 15, 2008

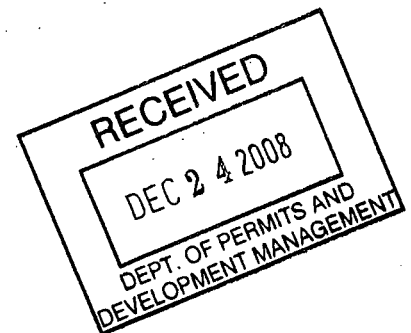
Item Numbers 0541, 0121, 0146, 0147, 0149, 0150, 0151, 0152, 0154, **0155**, 0156, 0157

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



Blw 2/9 10 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 6, 2009

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

SUBJECT: 6824-6826 Dogwood Road

INFORMATION:

Item Number: 9-155

Petitioner: Javed Aizaz

Zoning: ML-IM

Requested Action: Variance and Special Exception

RECEIVED

JAN 08 2009

ZONING COMMISSIONER

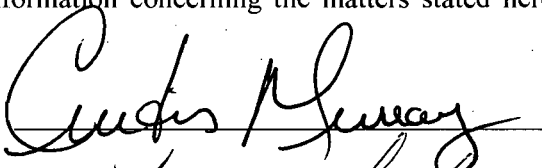
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The subject site is in the vicinity of a planned industrial park. The subject use and proposal is appropriate for the site and does not appear to have any negative impacts on adjacent uses. Granting of the subject relief should not compromise the safety and general welfare of the subject community. Should the petitioner's request be granted the following conditions should be imposed by conditions in the Zoning Commissioner's order:

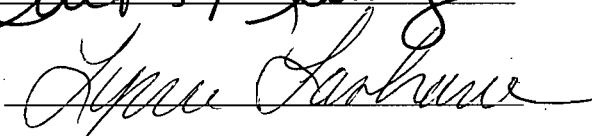
1. Provide a landscape plan that displays visual enhancement to the subject site. Landscaping should be compatible with site usage.
2. There shall be no long-term storage of disabled vehicles. Storage shall be for those awaiting immediate repair.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: December 10, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

RECEIVED

FEB 06 2009

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2008
Item No. 2009-155

ZONING COMMISSIONER

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no comment on the variance or special exception requests; however, we are taking this opportunity to advise the developer/owner that this site is in an "Area of Special Concern" for sewer. Building permits will not be issued unless the Director of Public Works agrees in writing. There may be monetary considerations and/or time constraints attached to the Director's agreement.

DAK:~~CEN~~:cab

cc: File

ZAC-ITEM NO 2009-155-12152008.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 12/16/2008

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

RE: Baltimore County
Item No 2009-0155-XA
6824-6826 DOGWOOD ROAD
JAVED AIZAZ
VARIANCE
SPECIAL EXCEPTION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0155-XA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

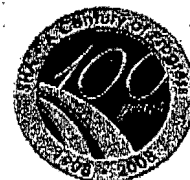
Very truly yours,

FoP Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
6824-6826 Dogwood Road; N/S Dogwood	*	ZONING COMMISSIONER
Rd, 450' W of c/line Ambassador Road		
2 nd Election & 4 th Councilmanic Districts	*	FOR
Legal Owner(s): Javed Aizaz		
Petitioner(s)	*	BALTIMORE COUNTY
	*	09-155-XA

* * * * *

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.

RECEIVED

DEC 09 2008

.....|

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Kennedy, Dennis
Date: 02/06/09 1:46:46 PM
Subject: Case No. 2009-0155-XA

Missing 2/6/09
DPR
Rec'd 2/6/09

Hi Dennis,

Bill is scheduled to hear the above-referenced case on Monday, 2/9 @ 10 AM and the file unfortunately does not contain a comment from your office.

I have provided a case description for your convenience as follows:

CASE NUMBER: 2009-0155--XA

#6824 #6826 Dogwood Rd

Location: North side of Dogwood Road; 450 feet West of the centerline of Ambassador Road.

2nd Election District, 4th Councilmanic District

Legal Owner: Javed Aizaz

Contract Purchaser:

VARIANCE To permit the proposed service garage and convenience store structure with a side setback of 20 feet in lieu of the required 30 feet.

SPECIAL EXCEPTION A proposed service garage in manufacturing light, industrial major (ML-IM) zone.

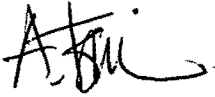
Hearing: Monday, 2/9/2009 at 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

As always, thanks for your usual cooperation and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

MEMO

From: Aaron Tsui, Planner II



January 22, 2009

To: Zoning Commissioner/File

Re: Special Exception/Variance Case no. 2009-0155-XA
Service Garage with a Convenience Mart
6824 Dogwood Road, 13th Election District

The legal owner, Mr. Javed Aizaz, today attempted to obtain a zoning approval for a Motor Vehicle Administration (MVA) automotive vehicle wholesale and used car storage permit in the subject location. Mr. Aizaz stated that a zoning hearing took place in December 2008 and an order was issued for a service garage together with a convenience store in the subject location. This Office verified and advised Mr. Aizaz that he could only have an automotive wholesale office use permit as the zoning case has not been taken place until sometime in February 2009.

My research of the zoning GIS and zoning case history revealed the followings:

1. Site Rite Surveying, Inc filed a petition Case no. 2009-0155-XA for a proposed service garage with a convenience mart on 11/26/2008. The hearing is scheduled to be on February 9, 2009.
2. The plan accompanying the petition indicated that no prior zoning case associated with the subject property. A zoning petition Case no. 2001-0208-SPHXA for a proposed service garage was, in fact, held and denied on 02/20/2001. Copies of the said zoning order are attached for easy reference.
3. Christian Matthew of this office advised that all circulations and advertisement have been processed.

MEMO

From: Aaron Tsui, Planner II 
To: Zoning Commissioner/File

November 26, 2008

Re: Special Exception and Variance, Case no. 2009-0155-XA
Service Garage and convenience store building
6824-26 Dogwood Rd., 2nd Election District

The Engineer, Site Rite Surveying Inc. petitioned the subject Special Exception and Variance, and was advised that:

1. Obtain approval from Avery Harden regarding the landscape screening and buffering per Section 409.8 of BCZR in particular the parking area with a setback of eight (8) feet to the property line.
2. The Engineer will present a redline plan at the hearing showing the parking spaces for the disabled vehicles.

IN RE: PETITIONS FOR VARIANCE AND
SPECIAL EXCEPTION

N/S Dogwood Road, 450' +/-
centerline of Ambassador Road
2nd Election District
2nd Councilmanic District
(6824 & 6826 Dogwood Road)

Anthony S. Braglio, Sr. &
Anthony S. Braglio, Legal Owners
and
Veril Blake, Contract Purchaser
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-208-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

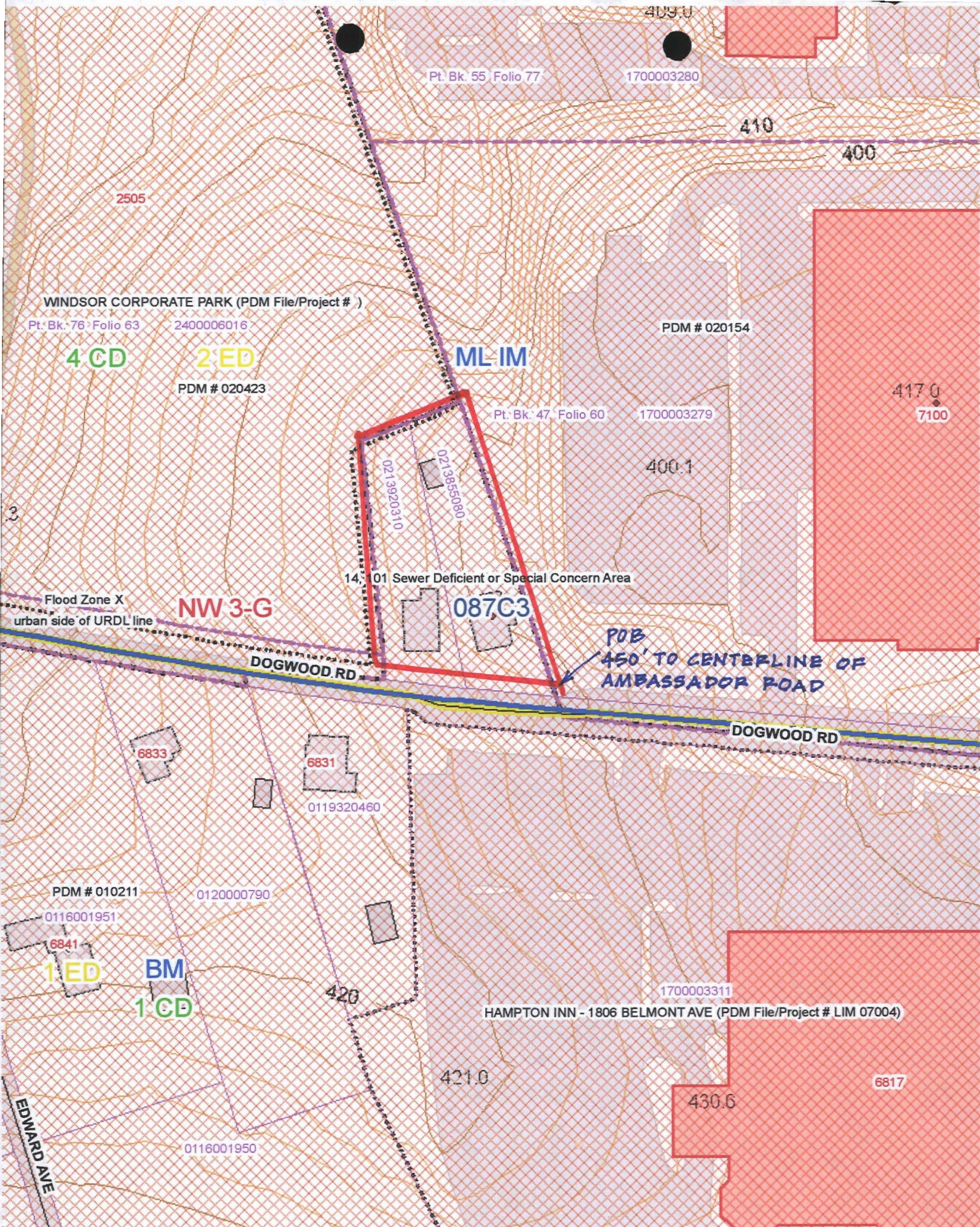
This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owners of the subject property, Anthony S. Braglio, Sr. and Anthony S. Braglio and the contract purchaser, Veril Blake. The Petitioners are requesting a special exception for a service garage and variance relief to permit a 10 ft. front building setback from a road right-of-way and a 6 ft. side yard setback in lieu of the required 25 ft. and 30 ft. respectively.

Appearing at the hearing on behalf of the petition requests were Veril Blake, contract purchaser of the property, Paul Lee, professional engineer with Century Engineering and Francis X. Borgerding, Jr., attorney at law, representing the Petitioner. Appearing in opposition to the Petitioner's request were Wayne Resnick, representing Martin's West, Jerry Wit, Vice-President with MIE Properties and Dino C. LaFiandra, attorney at law. Mr. LaFiandra represented Mr. Resnick at the hearing.

Testimony and evidence indicated that the property, which is the subject of this hearing, consists of 0.46 acres, more or less, zoned ML-IM. The subject property is improved with an existing single-family dwelling which is scheduled to be razed. In lieu thereof, the Petitioner is requesting approval to construct a 60 ft. by 80 ft. metal building which is proposed to be used as an

ORIGINAL FILED FOR FILING

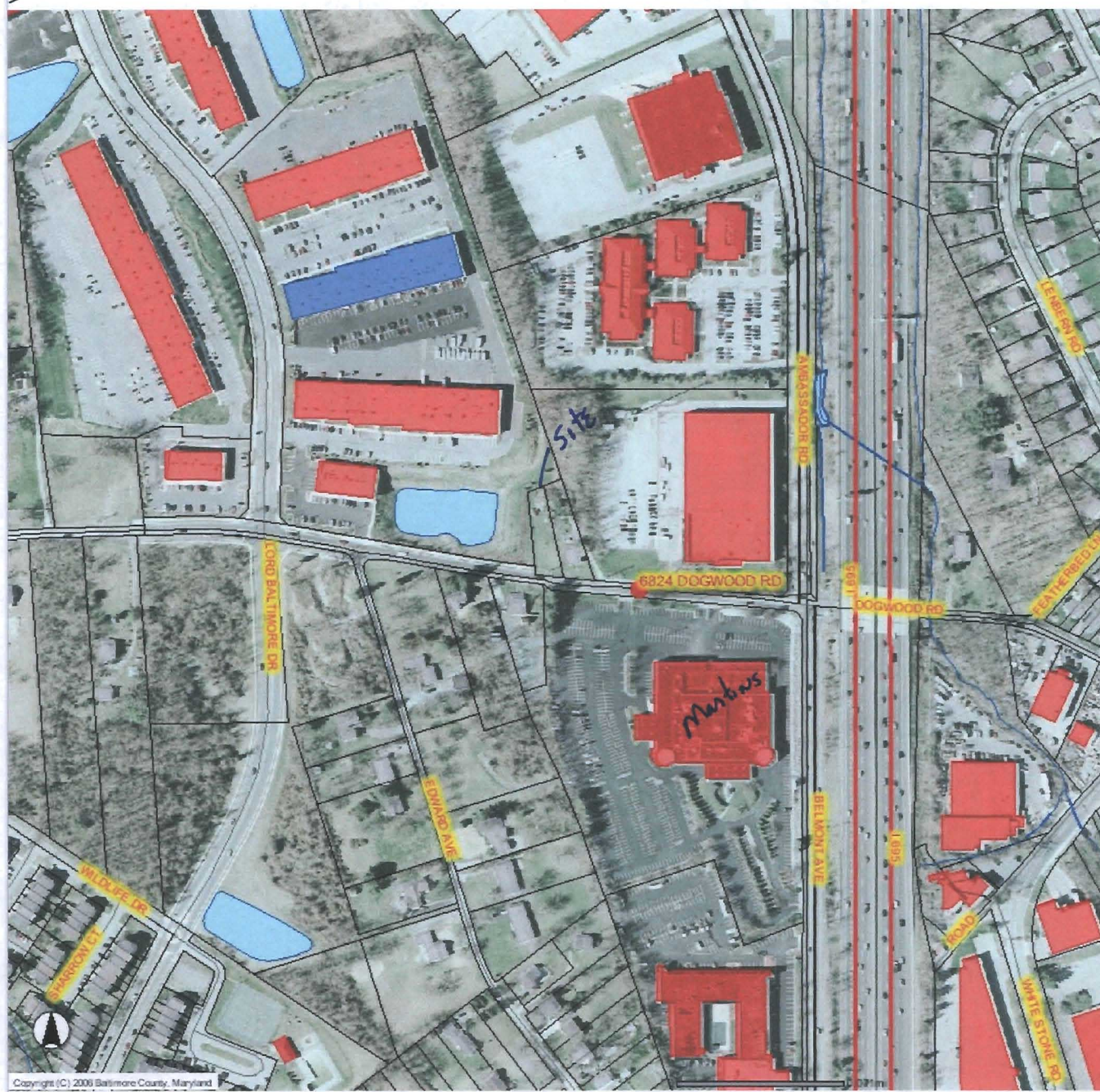
Date 02/20/01
By R. J. Jenson



ZONING MAP #6824-#6826 DOGWOOD RD

2009-0155-XA

Baltimore County - My Neighborhood



CASE NAME 6824 - 6826 Dogwood Road
CASE NUMBER 2009-0155-XA
DATE 2/9/09

CASE NAME 6824 - 6826 Dogwood Road
CASE NUMBER 2009-0155-XA
DATE 2/9/09

[illegible]

Case No.:

2009-0155-XA

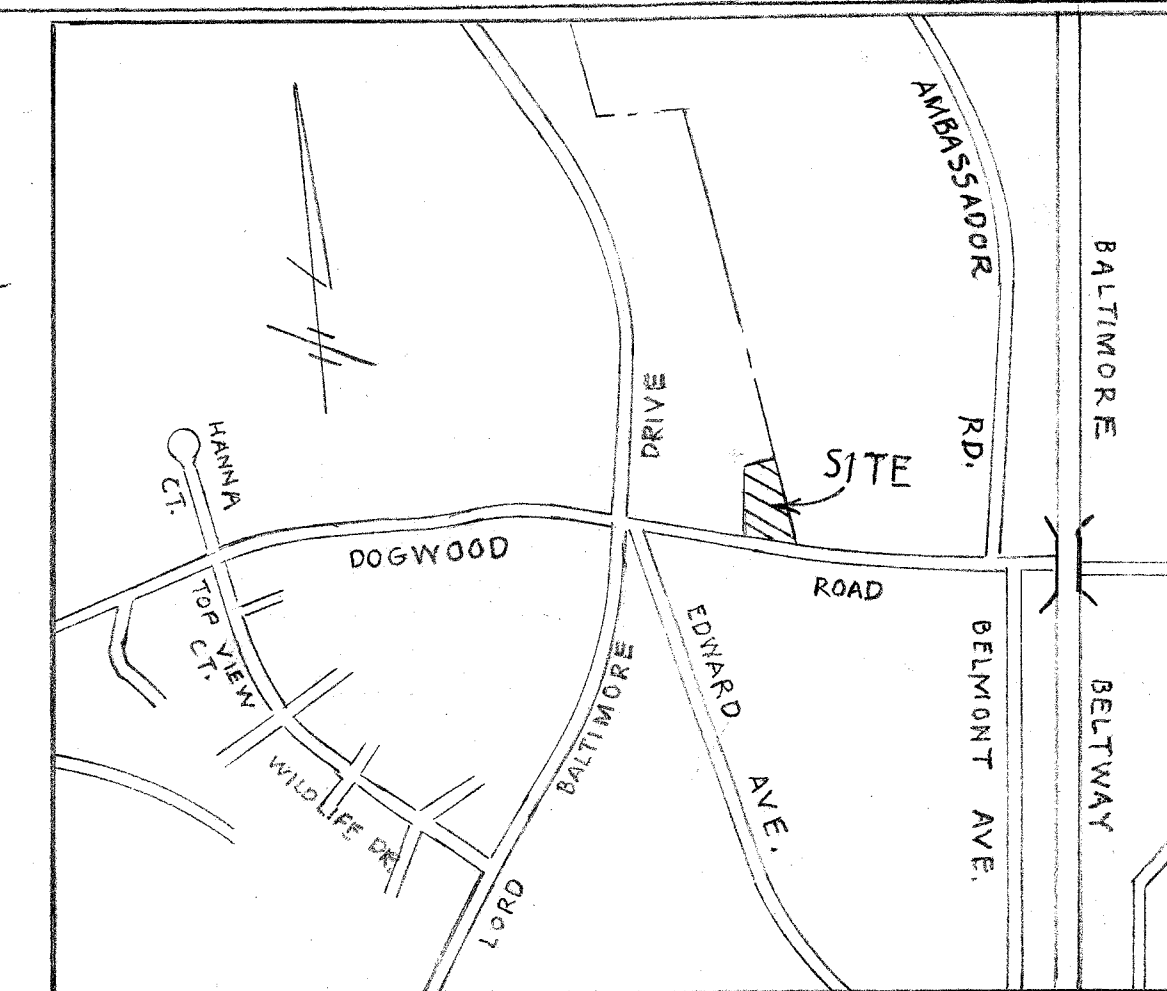
6824 1/2 6826 Dogwood Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

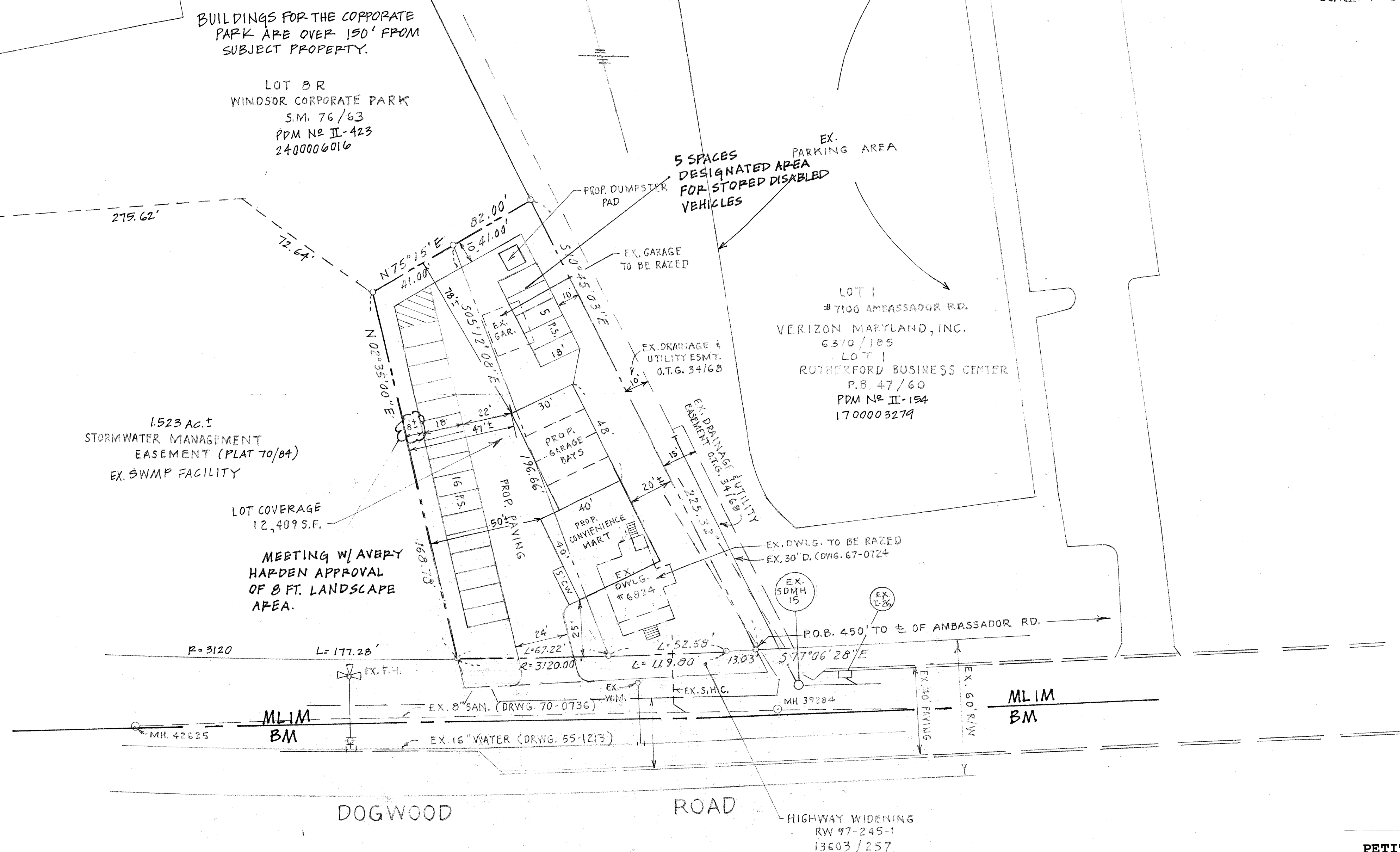
No. 1	RED LINED SITE PLAN	
No. 2	SETBACK EXHIBIT	
No. 3	BLDG ELEVATIONS CONVENIENCE STORE	
No. 4	Letter FROM Ed Adams "Area of Special Concern"	
No. 5	Letter - JAVED ALI AZ Ownership interests in Area	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



VICINITY MAP
SCALE: 1" = 500'

- GENERAL NOTES**
1. Lot Area: 20,915 S.F. or 0.48 Ac +/- (Based on real property search information)
 2. Existing Zoning: ML-IM (Manufacturing-Light) (Industrial-Major)
 3. This property is serviced by Public Water and Sewer
 4. Floor Area Ratio: $\frac{3,040 \text{ S.F.}}{24,875 \text{ S.F.}} = 0.122$
24,875 S.F. (Gross Floor Area includes up to one half of Dogwood Road R/W)
 5. Coverage: Building and Appurtenances: 1,440 S.F. + 1,600 S.F. = 3,040 S.F.
Parking: 9,369 S.F.
Total: 12,409 S.F.
(12,409 S.F. + 24,875 S.F. = 49%)
 6. Amenity Open Space: Not required for ML-IM Zone
 7. Parking Requirement: (In compliance with Section 409, B.C.Z.R.)
Convenience Mart: Retail General: 5 Spaces per 1000 (1,600 x 5 + 1000 = 8)
Service Garage: 3.3 spaces per 1000 (1,440 x 3.3 + 1000 = 4.75 or 5)
Required: 13 spaces
 8. Parking Spaces Provided: 21 spaces + 4 BAYS = 25 SPACES
 9. Landscaping to be in accordance with the Baltimore County Landscape Manual
 10. This property is not located within an Historic District
 11. This property is not located within a 100 Year Flood Plain Area
Community Panel No. 240010 0380B Zone: "C"
 12. This property is not located within the Chesapeake Bay Critical Area
 13. The existing site improvements are to be demolished and hauled away by the Developer under a Razing Permit
 14. Existing Use: Single Family Dwelling
Proposed Use: Convenience Mart and Service Garage
 15. No Prior Zoning Hearing - CASE N° 2001-206-SPHXA - SPECIAL EXCEPTION AND VARIANCE DENIED
 16. "Area of Special Concern" as mapped on 2008 Basic Services Maps
Letter dated September 16, 2008 written by Edward Adams, Director of Public Works grants Permission to make a Sanitary Connection for the proposed development.
 17. Any sign proposed to be in compliance with Section 450 B.C.Z.R.

Zoning case was to approve a 60'x80' metal building which is proposed to be used as an automobile service and repair facility.



PETITIONER'S

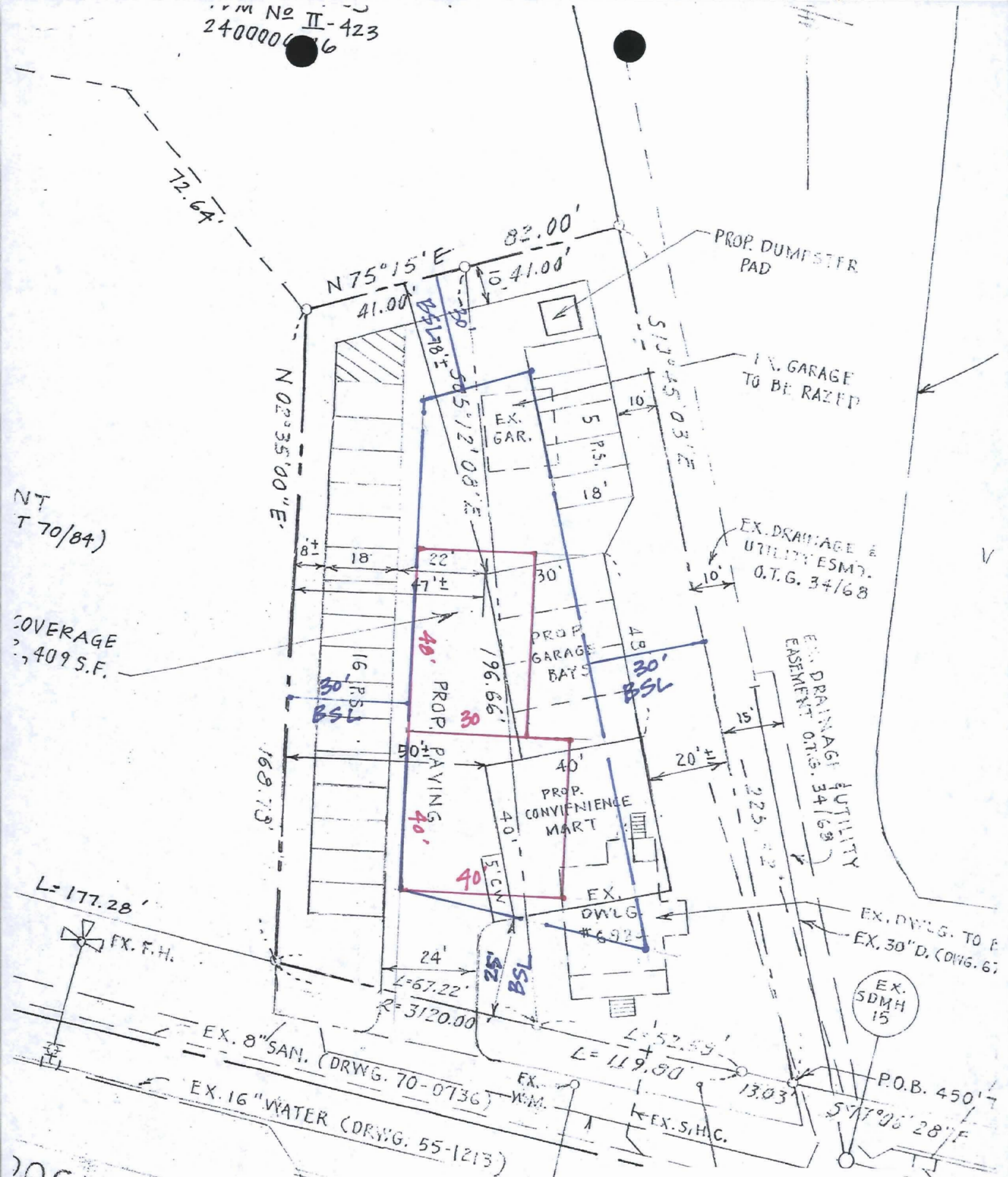
EXHIBIT NO. 1

PETITIONER'S EXHIBIT
REVISED 2/9/2009

PLAN TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE PETITION
#6824 - #6826 DOGWOOD ROAD
"AIAZ PROPERTY"
ELECTION DISTRICT NO. 2
COUNCILMANIC DISTRICT NO. 4
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
NOVEMBER 26, 2008
JOB NO. 9741

OWNER: Javed Aiaz
4535 Ashley Court
Ellicott City MD 21043
443 - 790 - 2516
Tax Map: 87 Grid: 24 Parcels: 308 and 447
Tax Acct. Nos. 0213855080 and 0213920310 respectively
Deed Ref.: 23856 / 410

N2 II-423
2400000/6



NT
T 70/84)

COVERAGE
409 S.F.

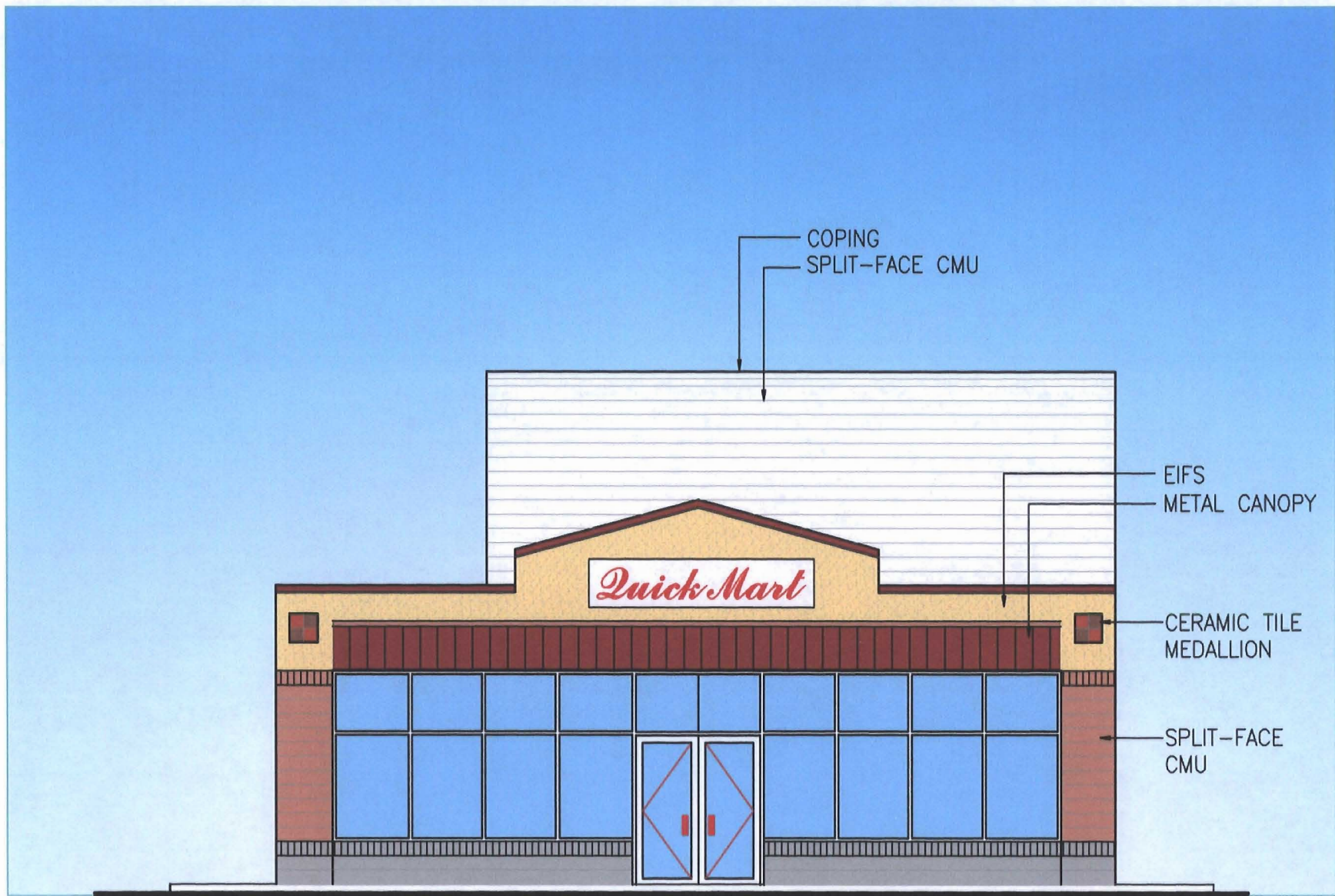
DOGWOOD

setback exhibit

PETITIONER'S

EXHIBIT NO.

2

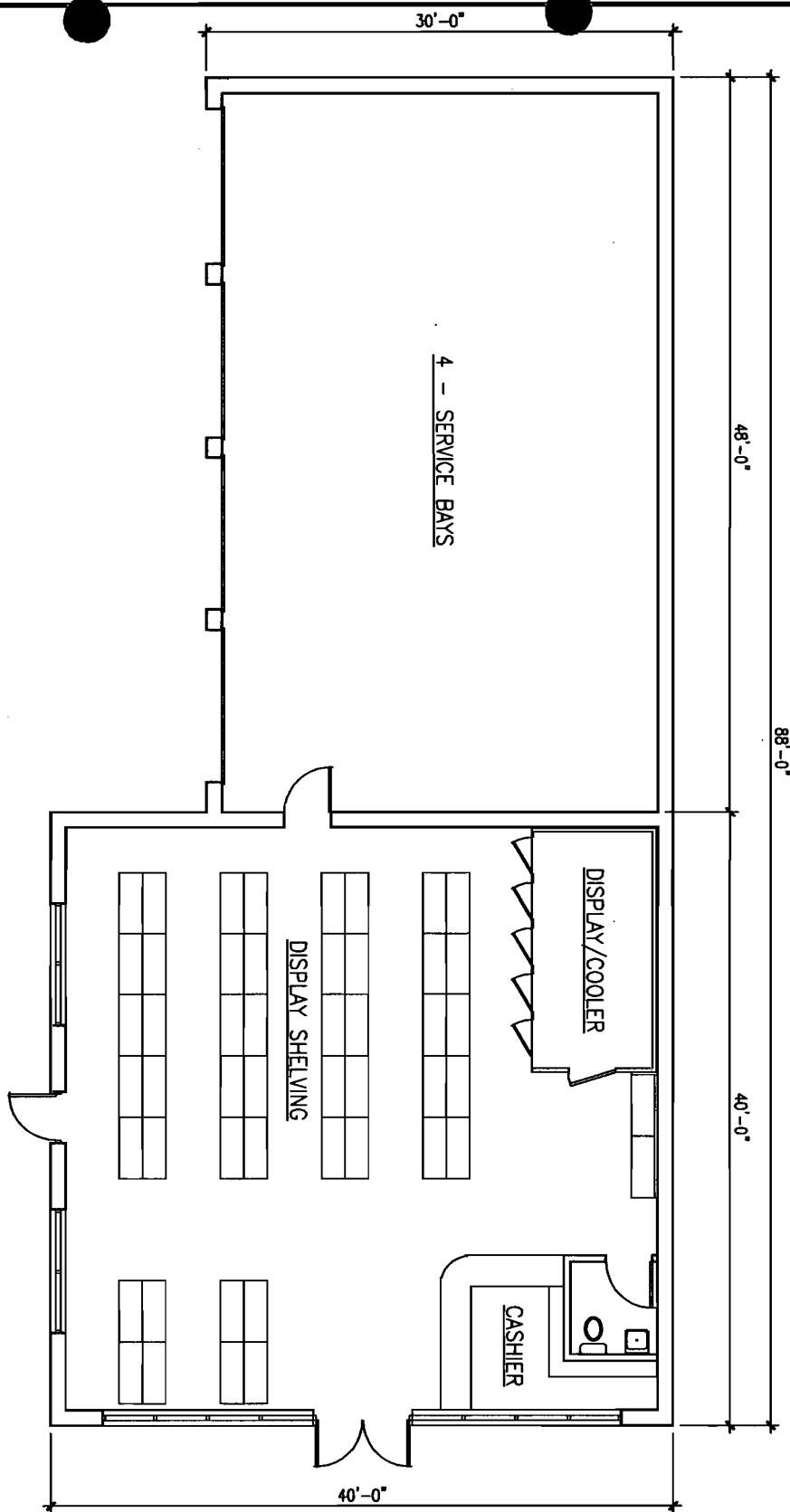


FRONT ELEVATION - DOGWOOD ROAD

PETITIONER'S

EXHIBIT NO.

3



Mufti & Associates, Inc.

6413 Windsor Mill Road
Baltimore, MD 21207

Phone: 443-604-3127

6824-6826 DOGWOOD ROAD

TITLE:

PROPOSED RETAIL

SCALE: N.T.S.

DATE: 01/30/09

SHEET NO: A-2



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH JR.
County Executive

EDWARD C. ADAMS, JR., *Director*
Department of Public Works

September 16, 2008

Stanley Riecke
1806 Harkins Road
Pylesville, MD 21132

Subject: Public Sewer Service
6824-6826 Dogwood Road
(Tax Account Nos. 02-13-920310 and 02-13-855080)

Dear Mr. Riecke:

In your letter of August 4, 2008, you requested permission to connect your proposed mechanic shop to public sewer in an "area of special concern" as mapped on the 2008 Basic Services Maps.

The existing land use is one residential dwelling to be razed and one undeveloped lot. You are proposing a total of three restrooms having one water closet and one lavatory each. Since this number of fixtures is no more than that allowed for the existing dwelling, there should be no net increase in water usage. I therefore allow you to make the requested connection, subject to all applicable regulations, policies and procedures for utility service to new commercial structures.

Please present a copy of this letter when applying for development or permit approvals. If there are questions, feel free to contact Dave Thomas of my staff at 410.887.3984.

Sincerely,

A large, stylized handwritten signature of Edward C. Adams, Jr.

Edward C. Adams, Jr.
Director

CC: Glen Keller, Dennis Kennedy, Doug Swam
ECA/dlt/s

PETITIONER' S

EXHIBIT NO. 4

12 March, 2009

RECEIVED

MAR 12 2009

Mr. Bill Wiserman
Zoning Commissioner,
Baltimore County,
Towson, MD

ZONING COMMISSIONER

Sub: Case # 2009-0155-XA

Dear Mr. Wiserman,

It was pleasure talking to you yesterday. I am writing this letter to clarify certain misunderstandings.

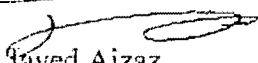
First of all, I did not attempted to obtain MVA permit for a wholesale car dealership, neither I went to Baltimore county or filed any application or document which were submitted to Mr. Aaron Tsui, Zoning Reviewer. Here is my response in reference to covering the following issues:

- There is no full service auto garage in the Windsor corporate park and Ruthford business park. So full auto service garage will be a great service to these communities.
- I have been a business owner within the community since 1986 and I do have a strong interest in Woodlawn community due to my residential /commercial properties, which I own. Here is the list of few properties in the same area:
 - a. 6824 Dogwood Rd, Baltimore, MD 21244 (Commercial)
 - b. 6826 Dogwood Rd, Baltimore, MD 21244 (Commercial)
 - c. 6843 & 6845 Dogwood Rd, Baltimore, MD 21244 (Commercial Lot / 10 Acres total)
 - d. 6908 Dogwood Rd, Baltimore, MD 21244 (Lot)
 - e. 6914 Dogwood Rd, Baltimore, MD 21244 (Residence)
 - f. 6739 Edward Ave, Baltimore, MD 21244 (Commercial)
 - g. 5201 Pleasant Street, Baltimore, MD, 21207
 - h. 1597 Ingleside Ave, Baltimore, MD, 21207
 - i. Residential Lot at Ingleside Ave and Route 40 (720 Ingleside Ave.)
 - j. 6120 Baltimore National Pike, Baltimore, MD 21228 (Commercial)
 - k. 1808 Woodlawn Drive, Baltimore, MD, 21207 (shopping Center)

Based on my residential and commercial investments in the woodlawn and surrounding areas, I feel like getting approval on this project will be a great help to the community.

Thank you for your kind considerations. Please feel free to call me if you have any questions.

Yours sincerely,


Javed Aizaz
(443) 790-2516 Cell

3/12/09

PETITIONER' S

EXHIBIT NO.

5

Imk
1/9/01

IN RE: PETITIONS FOR VARIANCE AND
SPECIAL EXCEPTION
N/S Dogwood Road, 450' +/-
centerline of Ambassador Road
2nd Election District
2nd Councilmanic District
(6824 & 6826 Dogwood Road)

Anthony S. Braglio, Sr. &
Anthony S. Braglio, Legal Owners
and
Veril Blake, Contract Purchaser
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-208-SPHXA

*
*
*
*

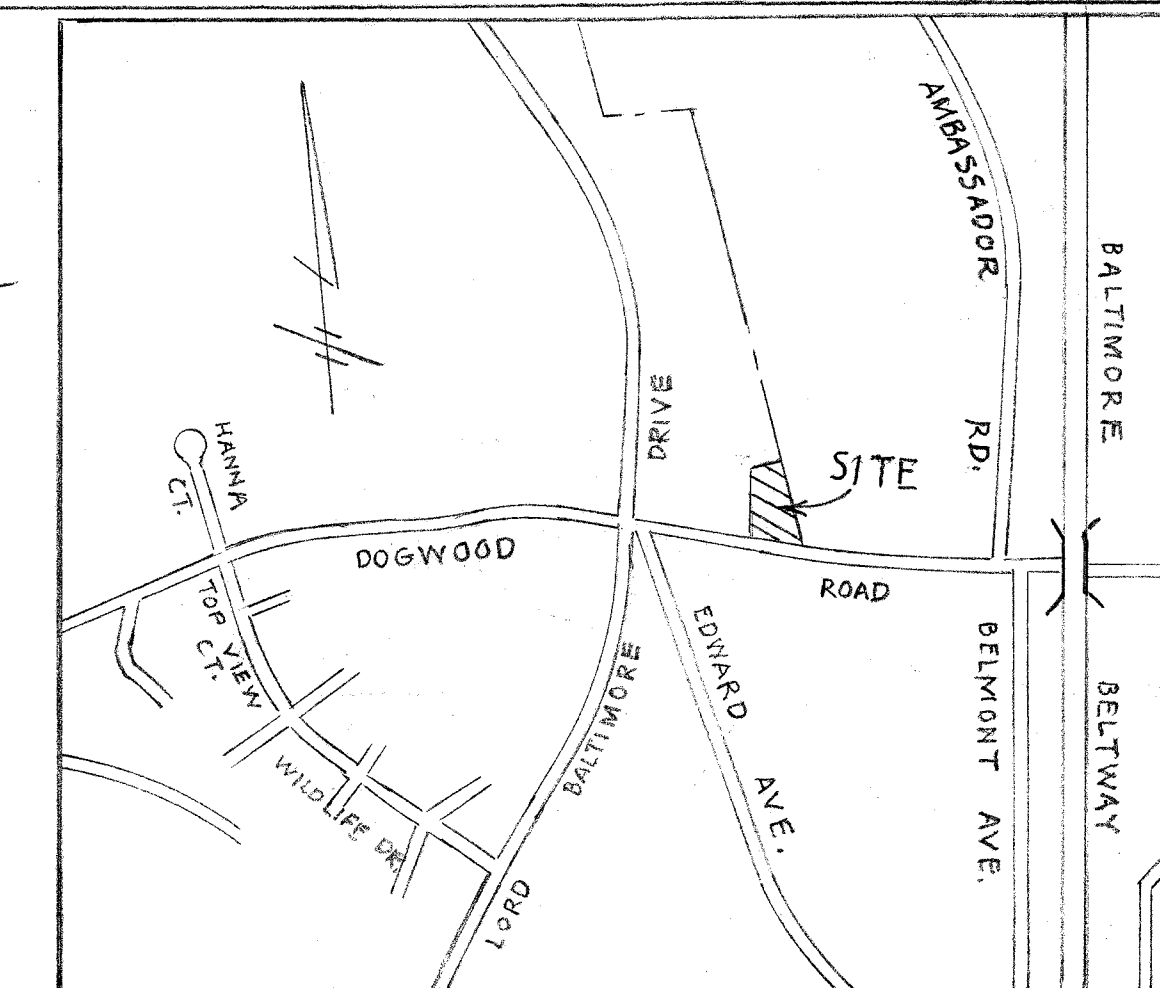
* * * * *

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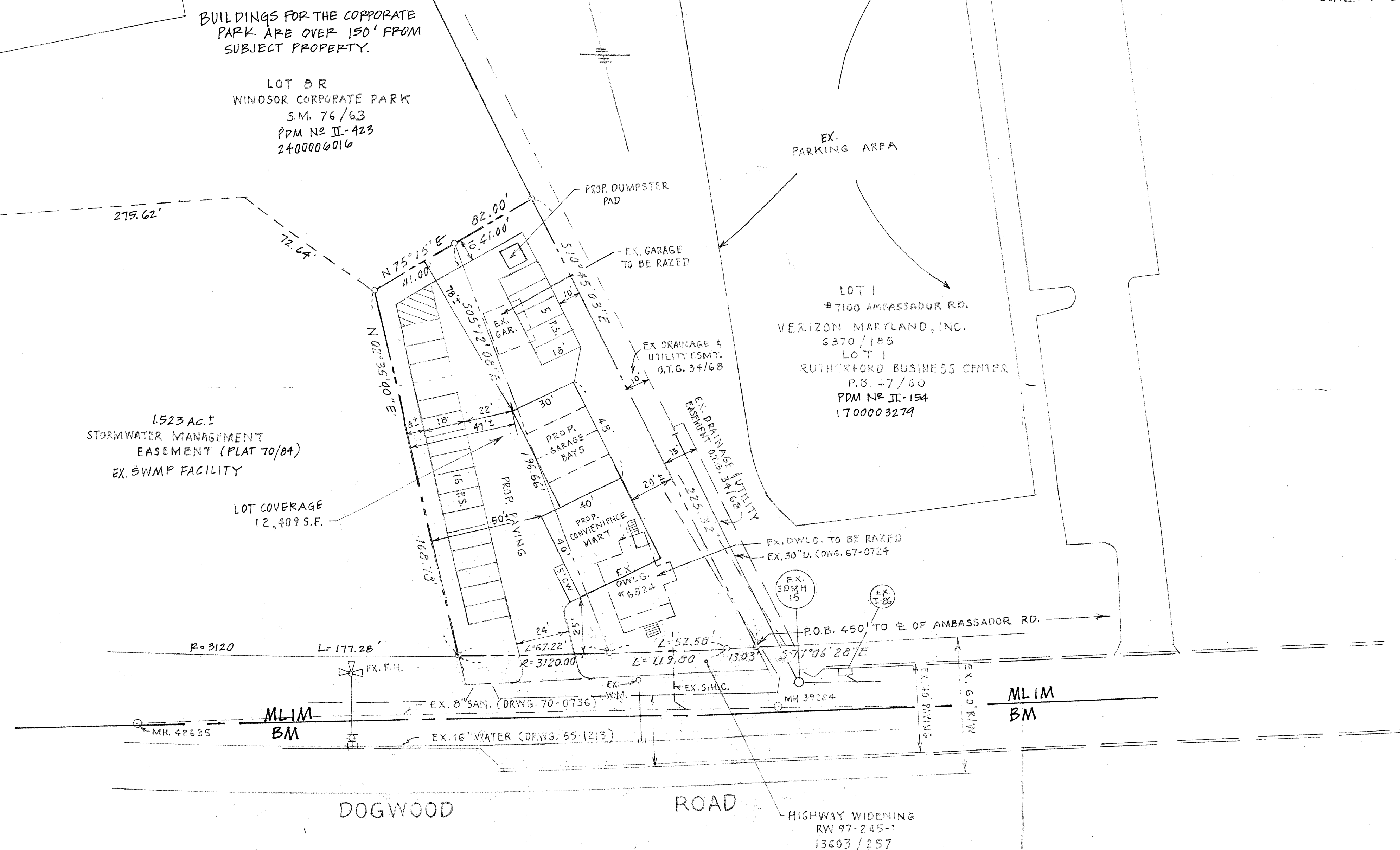
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SCALE: 1"=500'

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2009-0155-XA

PLAN TO ACCOMPANY SPECIAL EXCEPTION
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"AIZAZ PROPERTY"
ELECTION DISTRICT NO. 2
COUNCILMANIC DISTRICT NO. 4
BALTIMORE COUNTY, MD
SCALE: 1"=30'
NOVEMBER 26, 2008
JOB NO. 9741