

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE DEPUTY
AND VARIANCE		
8220-8222 & 8224 Pulaski Highway; N/S	*	ZONING COMMISSIONER
Pulaski Highway, 630' NE of Batauia Farm Rd		
15 th Election & 7 th Councilmanic Districts	*	FOR BALTIMORE COUNTY
Legal Owner(s): 8220 Pulaski Highway, Inc		
Contract Purchaser(s): Alberain International	*	Case No. 10-327-XA
Petitioner(s)		

* * * * *

AMENDED ORDER

This case is here upon People's Counsel for Baltimore County's September 7, 2010 Motion for Reconsideration of the August 9, 2010 Findings of Fact and Conclusions of Law.

At the request of the parties, the motion was held *sub curia* to provide an opportunity to reach agreement, subject to final review by this Commissioner. The parties have worked with John Alexander of the Office of Planning and Stephen Weber, Chief, Division of Traffic Engineering. As a result, the parties have proposed the present order, along with a redlined Amended Plat to Accompany a Petition for a Special Exception and Variances (revision date, December 2, 2010) and a Partial Landscape Plan prepared by surveyor Bruce E. Doak.

To recap some background, the property at 8220-24 Pulaski Highway includes two parcels spanning approximately 1 acre. The existing uses are for a warehouse at 8220 and a service garage at 8222-8224. The zoning is primarily B.R.-A.S. (Business-Roadside, Automotive Service), with smidgeon of B.L. and D.R. 5.5. The zoning history shows a number side yard and rear yard variances for the principal building and addition in 1968, 1974, and 1986. The proposal here is to add a used motor vehicle outdoor sales area. As a result, there are required a special exception under BCZR Section 236.2, new variances for storage and display of vehicles and amenity open space under BCZR Section 238.4, and new variances for driveway width, amount of parking, location of parking, and parking and dead end parking aisle under various subsections of BCZR Section 409. The Commissioner's August 9, 2010 Order granted the special exception and the new variances, and reconfirmed the variances granted in prior years.

This proposed final **AMENDED ORDER** incorporates the grant of the special exception for outdoor used automobile sales area, the new variances, the confirmation of prior variances, and adds conditions to which the approval is subject. It should be read together with the August 9, 2010 Findings of Fact and Conclusions of Law and Order.

Upon review of the record, having heard from the parties, and having considered the proposed conditions attendant upon People's Counsel's Motion for Reconsideration, this Commissioner is satisfied that the proposed conditions described below are reasonable and appropriate in conjunction with the special exception and variances.

Accordingly, it is this 4th day of January, 2011, **ORDERED**, by the Deputy Zoning Commissioner for Baltimore County, that **the special exception for outdoor used motor vehicle sales area, enumerated new variances, and confirmation of prior variances described in the aforementioned August 9, 2010 Findings of Fact and Conclusions of Law** be, and hereby, are **GRANTED**, confirmed, and incorporated herein, subject, however, to the following conditions and subject to the Amended Plat to Accompany a Petition for a Special Exception and Variances dated December 2, 2010 and Partial Landscape Plan,

1. **Continued warehouse use at 8220 Pulaski Highway.** As part of the justification for the parking variance, Petitioners represented that the 8220 Pulaski Highway warehouse use involves much less parking than the usual permitted retail uses. Therefore, the approval is subject to the requirement that this use remain unchanged and that 8220 Pulaski Highway not be used for retail use. If the outdoor used motor vehicle sales area is discontinued, this Order is subject to further review for any request for retail use at 8220 Pulaski Highway.

2. **Required availability and use of a private off-site parking area.** As part of the justification for the parking variance, Petitioners stated they had available an off-site parking area of at least 11,500 square feet entirely within 1500 feet of the property boundary and not on public property. This approval is subject to maintenance of such a private offsite parking area, meeting these size and distance criteria. The location of the present area is noted on the amended plat and its location shown on the vicinity map.

3. **Prohibition of offsite public street parking.** No business located at 8220-8224 Pulaski Highway may utilize any public street for offsite parking for customers, employees, or in general. In the event the Code Enforcement Hearing Officer finds that such public street parking occurs, the Hearing Officer may vacate the special exception for outdoor used motor vehicle sales area. This is also noted on the amended plat.

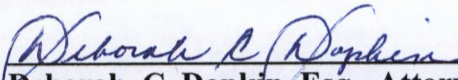
4. **Fence changes.** A new decorative metal fence, 4 feet high, shall be installed along the length of the Pulaski Highway property line, and wrapping around the western boundary to the extent of the existing trees. This replaces the existing chain link fence, which is 6 feet high. This is noted and shown on the amended plat and landscape plan.

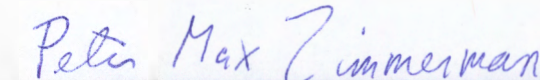
5. **Landscaping.** A hedge-type landscape buffer, 3-4 feet high and no wider than 4 feet, shall be planted within the State Highway right-of-way of Pulaski Highway, subject to review and approval by the County Landscape Architect and subject, further, to the authority and discretion of the State Highway Administration to reduce or modify it. This buffer is also shown on the revised Plat and Partial Landscape plan. The Office of Planning has also recommended consideration of a replacement fence on the east boundary, but this is not mandatory or part of this condition.

Any appeal of this final **AMENDED ORDER** must be filed within 30 days of the date of this Order.

 1-4-2011
Deputy Zoning Commissioner
For Baltimore County

Approved:

 Jan 4, 2011
Deborah C. Dopkin, Esq., Attorney for Petitioners

 1/4/11
Peter Max Zimmerman, People's Counsel for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 4, 2011

DEBORAH C. DOPKIN, ESQUIRE
409 WASHINGTON AVENUE, SUITE 1000
TOWSON MD 21204

Re: Petitions for Special Exception and Variance
Amended Order
Case No. 2010-0327-XA
Property: 8220-8224 Pulaski Highway

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "J. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Peter Max Zimmerman, Baltimore County Office of People's Counsel

TB

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW

409 WASHINGTON AVENUE, SUITE 1000

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200

FACSIMILE 410-823-8509

e-mail ddopkin@dopkinlaw.com

September 15, 2010

RECEIVED

SEP 15 2010

ZONING COMMISSIONER

DEBORAH C. DOPKIN

Via Hand Delivery

Thomas H. Bostwick, Esquire
Deputy Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson, Maryland 21204

**RE: Petition for Special Exception and Variance
8220-8224 Pulaski Highway
Case No. 2010-327-XA**

Dear Mr. Bostwick:

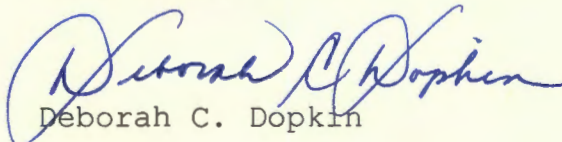
This office represents Alberain International, LLC, the Lessee and petitioner in the above-captioned matter. I am in receipt of a letter dated September 7, 2010 to you from Peter Max Zimmerman, People's Counsel for Baltimore County, requesting that you reconsider your decision of August 9, 2010.

Subsequent to receiving Mr. Zimmerman's letter, he and I have had the opportunity to discuss the issues that he raises and we are planning to meet with the consultants involved in the case to try to resolve the outstanding issues.

In light of the ongoing discussions, I would appreciate your extending the time in which you must rule on the motion beyond the thirty days set forth in Rule 4.K. Based on my conversation with him, I believe that Mr. Zimmerman concurs in this request.

Thank you for your attention to this matter.

Very truly yours,



Deborah C. Dopkin

DCD/kmc

cc: Mr. Godfrey Alechenu

Mr. Bruce Doak

Peter Max Zimmerman

C:\docs\KMC\KMC\DCD\LETTERS 2010\bostwick thomas 09 15 10.wpd



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 10, 2010

DEBORAH C. DOPKIN, ESQUIRE
409 WASHINGTON AVENUE, SUITE 1000
TOWSON MD 21204

Re: Petitions for Special Exception and Variance
Case No. 2010-0327-XA
Property: 8220-8224 Pulaski Highway

Dear Ms. Dopkin:

I am in receipt of the attached letter dated September 7, 2010 from Peter Max Zimmerman, People's Counsel for Baltimore County, sent as a Motion for Reconsideration of my Order dated August 9, 2010 in the above-referenced matter. The motion is fairly self-explanatory and, among other issues, requests that I impose all of the recommendations of the Office of Planning in their Zoning Advisory Committee comment dated June 17, 2010, including landscaping and ornamental fencing. You may recall that in deciding this case and granting the requested special exception and variance relief, I did not require Petitioners to provide enhanced landscaping and fencing as a condition of the requested relief.

If you wish to respond to the Motion for Reconsideration on behalf of Petitioners, please do so within the next fifteen (15) days. Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Attachment

c: Peter Max Zimmerman, People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 7, 2010

RECEIVED

SEP 07 2010

ZONING COMMISSIONER

HAND DELIVERED

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: PETITION FOR SPECIAL EXCEPTION & VARIANCE
8220 Pulaski Highway, Inc – Legal Owners
Alberain International, LLC - Lessee
8220-8224 Pulaski Highway
Case No: 2010-327-XA

Dear Mr. Bostwick,

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Findings of Fact and Conclusions of Law and Order dated August 9, 2010 in the above-referenced case. The decision grants nine substantial setback, width, amenity open space, parking, and design, screening and landscaping variances for the sublease for a used car business on part of a property occupied by other uses. The Office of Planning has recommended reasonable setback and landscaping conditions. The Petitioners have refused to accept any conditions, and the Commissioner has sided with the Petitioners. There has not been any in-depth review by traffic engineering experts.

First of all, at a minimum, there should be imposed as conditions all of the recommendations of the Office of Planning in Director Pat Keller's June 17, 2010 correspondence. The storage and display of vehicles must be at least 10 feet from the front and side property lines. Parking spaces must also be at least 10 feet from the property lines. The border areas must be landscaped and include amenity open space. The landscaping should be as described in the correspondence, including screening and a high barbed wire chain link fence with ornamental fencing to provide security and yet have visibility, with low landscaping between the fence and property line.

The Commissioner's stated reasons for rejecting the Office of Planning recommendations are that,

"... this area still has a very unadorned and largely unattractive appearance. The surrounding business and commercial properties are plain, some with similar chain link fences, and very little regard for their 'curb appeal.'" Page 7

These are not sound reasons to avoid landscaping and, at the same time, overcrowd the land. One of the points of zoning law is to mitigate adverse impacts and thereby improve the neighborhood. The argument that an area is allegedly ugly is not a reason to aggravate and compound the visual ugliness. Improvement has to start somewhere. Indeed, since the used car business will occupy just one part of an entire relatively close-knit site, it would be reasonable for the entire site to be improved as a condition of granting variances. Pulaski Highway is a major highway worthy of site planning for more attractive land uses, including automotive uses. It is also noteworthy that the site backs up to residences which front on Philadelphia Road.

Secondly, a review of the site plan shows that the proposal is for vehicles to be packed and stacked 3-deep right up to the front property line. There is no basis for variances to allow such excessive use.

In this context, because of the number and magnitude of parking and setback variances, there should be a more in-depth review by traffic engineering experts. This is a particularly appropriate case for review by the Bureau of Traffic Engineering to address access, circulation, and congestion issues involving the proposed used car facility and the other uses.

Thirdly, it should be emphasized that the requested variances are in conjunction with a special exception, a conditional use. The pertinent area and parking requirements are among the conditions associated with a special exception use.

Generally speaking, special exceptions should not be approved unless the proposal meets all legislatively prescribed area, parking, and other conditions. Chester Haven L.P. v. Queen Anne's County Board of Appeals 103 Md. App. 324, 335-37 (1995). Umerley v. People's Counsel for Baltimore County 108 Md. App. 497, 509-11, cert. denied 342 Md. 584 (1996). As Judge Cathell wrote in Chester Haven,

"The policy that establishes certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute -- not avoided." 103 Md. App. at 336.

Here, the nine requested variances are multiple and mostly extreme in magnitude. There is no genuine uniqueness causing practical difficulty to justify such variances. Furthermore, there were already variances granted in 1968, 1974, and 1986 cases for the principal building and additions. So, the variances are major and would now be in the double-digits. This is overreaching.

The 1-acre site is already occupied by other uses --- retail sales of tools and automotive repair --- with 8220 Pulaski Highway Inc. occupied by W.C. Chapman & Sons for sale and storage of tools, and buildings at 8222 and 8224 leased by Tapp's Performance for automobile repair and other uses. The nine additional variances are for a third business use.

Thomas H. Bostwick, Deputy Zoning Commissioner

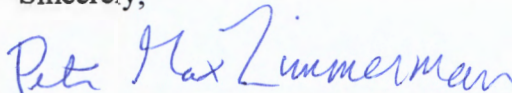
September 7, 2010

Page 3

The legal justification for the variances is virtually non-existent. The proposal is to suit the preference to have an additional business on one of the parcels owned by 8220 Pulaski Highway, Inc. Unless there are conditions imposed to mitigate the adverse land use impacts, the approval of the variances is not only without legal justification, but also detrimental to the neighborhood and starkly contrary to the public interest objectives of the zoning law.

Thank you for your consideration.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Deborah C. Dopkin, Esquire, attorney for Petitioners
Arnold "Pat" Keller, Director of Planning
Curtis Murray, Office of Planning

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

N side of Pulaski Highway; 630 feet NE side
of the c/l of Batauia Farm Road
15th Election District
7th Councilmanic District
(8220-8224 Pulaski Highway)

8220 Pulaski Highway, Inc.
Legal Owner

Alberain International, LLC
Proposed Sub-Lessee

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY

Case No. 2010-0327-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by Brian Znamirowski on behalf of 8220 Pulaski Highway, Inc., the legal property owner, and Godfrey Alechenu on behalf of Alberain International, LLC, the proposed sub-lessee. The Special Exception is requested to use the herein described property for a used motor vehicle outdoor sales area, separated from the sales agency building, pursuant to Section 236.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The related Variance requests are as follows:

- From Section 238.4 of the B.C.Z.R. to permit storage and display of vehicles in the front yard 0 feet from the front property line in lieu of the required 35 feet; and
- From Section 238.4 of the B.C.Z.R. to permit storage and display of vehicles more than 15 feet and as much as 50 feet in front of the required front building line; and
- From Section 238.4 of the B.C.Z.R. to permit a minimum permitted amenity open space ratio of 0.0 in lieu of the required 0.1; and
- From Section 409.4.A of the B.C.Z.R. to permit a driveway of 10 feet wide for one way movement in lieu of the required 12 feet; and
- From Section 409.6.A.2 of the B.C.Z.R. to permit 52 parking spaces in lieu of the required 102 parking spaces; and

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Date 8-9-10

By B3

- From Section 409.4.B of the B.C.Z.R. to permit 20 parking spaces that do not adjoin and have direct access to an aisle that will have attendant parking; and
- From Section 409.8.A of the B.C.Z.R. not to require design, screening or landscaping on the subject property; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit a parking space in a parking facility to be 0 feet from a right of way line of a public street in lieu of the required 10 feet; and
- From Section 409.8.A.6 of the B.C.Z.R. to permit a dead end aisle without sufficient backup area for the end parking spaces; and
- To affirm the relief granted in Case No. 68-153-A, Case No. 86-391-A, and Case No. 74-148-A.¹

The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the Special Exception and Variance requests were Brian Znamirowski on behalf of 8220 Pulaski Highway, Inc., the legal property owner, and Godfrey Alechenu of Alberain International, LLC, the proposed sub-lessee, Damian Tapp, the current lessee of subject property, and Deborah C. Dopkin, Esquire, attorney for Petitioners. Also appearing in support of the requested relief was Bruce Doak with Gerhold, Cross & Etzel, Ltd., the licensed property line surveyor who prepared the site plan for the subject property. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence in the case revealed that the subject property is rectangular in shape, consisting of approximately 1.0 acre, more or less, zoned B.R.-A.S. The property is located in the Rosedale Area of Baltimore County with frontage on the north side of Pulaski Highway (U.S. 40) with ingress/egress from same. The portion of Pulaski Highway accessed by the subject property is a divided highway. The area surrounding the subject property has a

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Date 8-9-10 2

By PB

multitude of zoning classifications indicating a plethora of diverse uses including business, commercial, light manufacturing, and residential. The surrounding property can be seen more clearly in the aerial photograph with zoning map overlay that was marked and accepted into evidence as Petitioners' Exhibit 5.

The subject property consists of three separate parcels identified as 8220, 8222, and 8224 Pulaski Highway, respectively. The building located at 8220 Pulaski Highway, constructed in 1969 and owned by Petitioner, has been occupied by W.C. Chapman & Sons, Inc., since 1999.² The business is mostly wholesale sales and warehouse storage of industrial cutting tools, machine shops, metal fabricators, abrasives and large ban saw blades. A very small portion of the business deals in retail sales. The buildings existing on 8222 and 8224 Pulaski Highway were additions made to the principal structure.³ Currently, these metal warehouse style additions are leased by "Tapp's Performance," which specializes in auto repair, electronics installation, and high performance customization. This use is consistent with the B.R.-A.S. zoning of the property -- specifically permitting automotive service use. A plat to accompany photographs and the actual photographs of the subject property were marked and accepted into evidence as Petitioners' Exhibits 2 and 2A through 2Z, respectively.

At this juncture, Tapp's Performance proposes to sub-lease a portion of the property to Mr. Alechenu and his company, Alberain International, LLC, for use as a used car business. Mr. Alechenu has been in the used car business for approximately 17 years and envisions selling 10

¹ Petitioner requested an amendment to the Petition for Variance, specifically Variance request #10 as indicated on the Site Plan marked and accepted into evidence as Petitioner's Exhibit 1, to include prior zoning Case No. 74-148-A. This amendment was granted since it did not alter or change the nature of the relief requested in total.

² The initial construction of the principal structure, currently owned and occupied by Petitioner, was the subject of Case No. 68-153-A, granting side and rear yard Variance requests. A copy of this order and the plat to accompany the Petition for Zoning Variance are enclosed in the case file.

³ Case No. 74-148-A and Case No. 86-391-A, copies of which are enclosed in the case file, granted variance relief to make way for additions to the principal structure, now known respectively as 8222 Pulaski Highway and 8224 Pulaski Highway.

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3

Date 8-9-10

By PB

to 15 vehicles at any one time at the location. Mr. Alechenu additionally desires to have a small office for auto sales (Approximately 600 square feet) within the building Mr. Tapp leases for his auto service business. This proposed use necessitates special exception relief pursuant to Section 236.2 of the B.C.Z.R., as well as a myriad of variance requests as enumerated on the site plan. The shaded area on the plan indicates where the used cars would be displayed. An additional site plan, marked and accepted as Petitioner's Exhibit 4, contains a visual color-coding of the individual variance requests.

In support of the zoning relief, Mr. Doak, a registered professional line surveyor whose seal can be found on the site plan and Petitioners' zoning and land use expert, indicated that there would be virtually no change to the function, appearance, and configuration of the property as a result of the proposed additional use. Further, no additional parking or change in the existing improvements would be requested or needed. Mr. Doak explained that there are currently 52 parking spaces available and that an additional area for parking is leased by Mr. Tapp near the subject location. This leased area is shown on the aerial photograph referenced previously and accepted into evidence as Petitioner's Exhibit 5. Both Mr. Znamkowski and Mr. Tapp agreed that the existing parking configuration is sufficient and will continue to be so. Mr. Doak noted that the required parking calculation includes Mr. Znamkowski's retail use; however, retail sales make up only a small percentage of his business at around 10%, and therefore does not require such extensive parking as required by the Regulations. Mr. Tapp added that parking on his portion of the property is adequate because those cars that are not readily needed are stored in "stadium style" parking. It was also revealed that the majority of the variance requests are interior to the property and are necessary mostly to legitimize existing conditions that are expected to remain unchanged even with the special exception request. Thus, according to Mr.

ORDER RECEIVED FOR FILING

Date 8-9-10 4

By AB

Doak, granting the variances would have little to no detrimental impact to the surrounding area. He also added that a used car business is consistent with the other roadside/commercial businesses in the area, including several automotive services businesses consistent with the A.S. District overlay.

In addition, Mr. Doak provided expert testimony that the special exception request would meet the criteria enumerated in Section 502.1 of the B.C.Z.R. In particular, he offered his opinion that the proposed use would not be detrimental to the health, safety or general welfare of the locality, would not create congestion in roads or streets, and would not create a potential hazard from fire, panic or other danger. Further, since there are no additional improvements necessary for implementation of the used car lot, the use would not interfere with the provision of public services or with adequate light and air, and would be consistent with the property's automotive services District overlay. Moreover, given the various uses of the surrounding area, the granting of the requested relief would be consistent with the spirit and intent of the B.C.Z.R. and would not be detrimental to any other applicable special exception criteria.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning dated June 17, 2010 indicate their support of the special exception request, finding that the proposed use is appropriate for the subject area and does not impose a hazard to the health, safety and general welfare of the surrounding community. However, the Office of Planning did have comments related to the requested variances. Specifically, the comment indicated that the storage and display of vehicles may be more than 15 feet from the front building line, but must be at least 10 feet from the front and side property line to provide room for landscaping and amenity open space. Further, that parking spaces must also be 10 feet from the property lines for the same

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Date 8-9-10

5

By [Signature]

reasons. The Planning Office supports the additional variances as the subject site is constrained by limited maneuverability. But the Office of Planning recommended landscaping and landscape screening around the front and sides of the site where buildings do not come up to the property line, and that the high barbed wire topped chain link fence be replaced in the front and side of the property in front of the buildings with decorative coated ornamental fencing.

Turning first to the requested special exception for a used motor vehicle outdoor sales area, separated from the sales agency building, subject to the criteria set forth in Section 502.1 of the B.C.Z.R., I am persuaded to grant this relief. An automotive-service station is permitted by special exception pursuant to Section 236.2 of the B.C.Z.R., subject to the conditions of Section 405 of the B.C.Z.R. The uncontroverted testimony from Mr. Doak indicates that the proposed use would not have any detrimental impacts on the required 502.1 criteria. Further consideration of the evidence shows that this use would not have a negative impact on the surrounding area and actually is consistent with the automotive services District overlay and the other commercial uses in the area. As proposed, the used vehicle sales area would be contained completely within the subject property and there would be no additional improvements to the property. Moreover, it is of significance that the Office of Planning recommends approval of the special exception. Hence, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. *See, Schultz v. Pritts*, 291 Md. 1 (1981); *see also People's Counsel v. Loyola College*, 406 Md. 54 (2008).

In regard to the variance requests, based on the testimony and evidence, I am persuaded to grant this relief as well. The determination of a variance request from the Zoning Regulations is governed by Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals of

ORDER RECEIVED FOR FILING

Date 8-9-10

6

By pn

Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result.

In this case, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, the location of the subject property in a corridor along Pulaski Highway specifically zoned for automotive services and containing within the surrounding area a diverse assortment of retail business, commercial, and manufacturing uses lends support to a finding of uniqueness. And as the Office of Planning indicated, constraints to the land resulting in limited maneuverability combine to render the subject property unique in a zoning sense. Further, I find that strict compliance with the Zoning Regulations would create a practical difficulty and unreasonable hardship that would result in a denial of a reasonable and beneficial use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). I also find the variance requests can be granted in strict harmony with the spirit and intent of the Regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

Finally, although I am appreciative of the Office of Planning's comments requesting that Petitioners provide enhanced landscaping and fencing, I shall not require Petitioners to do so in this instance. After considering the evidence in the case, including photographs of the subject site and the surrounding area, and the testimony of Mr. Doak concerning the appearance of surrounding properties and the functionality of the subject property, in my view, it is not practical to require Petitioners to provide extensive landscaping and ornamental fencing of the type requested by the Office of Planning. It is clear that this area still has a very unadorned and largely unattractive appearance. The surrounding business and commercial properties are plain,

ORDER RECEIVED FOR FILING

Date 8-9-10

7

By PS

some with similar chain link fences, with very little regard for their "curb appeal." As such, I feel the current appearance of the subject property is adequate and appropriate for the time being. Moreover, Petitioners indicated that the current barbed wire and chain link fencing is related to their security needs, in conjunction with their video surveillance and alarm system.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 9th day of August, 2010 that Petitioners' request for Special Exception to use the herein described property for a used motor vehicle outdoor sales area, separated from the sales agency building, pursuant to Section 236.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioners' Variance requests as follows:

- From Section 238.4 of the B.C.Z.R. to permit storage and display of vehicles in the front yard 0 feet from the front property line in lieu of the required 35 feet; and
- From Section 238.4 of the B.C.Z.R. to permit storage and display of vehicles more than 15 feet and as much as 50 feet in front of the required front building line; and
- From Section 238.4 of the B.C.Z.R. to permit a minimum permitted amenity open space ratio of 0.0 in lieu of the required 0.1; and
- From Section 409.4.a of the B.C.Z.R. to permit a driveway of 10 feet wide for one way movement in lieu of the required 12 feet; and
- From Section 409.6.A.2 of the B.C.Z.R. to permit 52 parking spaces in lieu of the required 102 parking spaces; and
- From Section 409.4.B of the B.C.Z.R. to permit 20 parking spaces that do not adjoin and have direct access to an aisle that will have attendant parking; and
- From Section 409.8.A of the B.C.Z.R. not to require design, screening or landscaping on the subject property; and

ORDER RECEIVED FOR FILING

8

Date 8-9-10

By PM

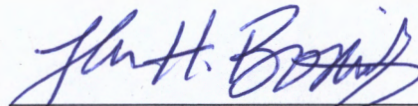
- From Section 409.8.A.4 of the B.C.Z.R. to permit a parking space in a parking facility to be 0 feet from a right of way line of a public street in lieu of the required 10 feet; and
- From Section 409.8.A.6 of the B.C.Z.R. to permit a dead end aisle without sufficient backup area for the end parking spaces; and
- To affirm the relief granted in Case No. 68-153-A, Case No. 74-148-A and Case No. 86-391-A,

be and are hereby **GRANTED**.

The granting of the above relief shall be subject, however, to the following conditions precedent:

1. Petitioners may apply for any permits required and be granted same upon receipt this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


 THOMAS H. BOSTWICK
 Deputy Zoning Commissioner
 for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 8-9-10

By pr 9



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 9, 2010

DEBORAH C. DOPKIN, ESQUIRE
409 WASHINGTON AVENUE, SUITE 1000
TOWSON MD 21204

Re: Petitions for Special Exception and Variance
Case No. 2010-0327-XA
Property: 8220-8224 Pulaski Highway

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bruce E. Doak, Gerhold Cross & Etzel, 320 East Towsontown Blvd., Suite 100, Towson MD 21286
Brian Znamirowski, 8220 Pulaski Highway, Inc., 8220 Pulaski Highway, Rosedale MD 21237
Godfrey Alechenu, Alberain International LLC, One Saturn Court, Parkville MD 21234
Damian Tapp, 8224 Pulaski Highway, Rosedale MD 21237



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property

located at 8220-8222 & 8224 Pulaski Highway

which is presently zoned BR-AS

Deed Reference: 13991 / 440 Tax Account # 1515254510 & 151504201211

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

SEE ATTACHED

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.

Contract Purchaser/Lessee:

Alberain International, LLC

Name - Type or Print Godfrey Alechenu

By: Godfrey Alechenu

Signature

One Saturn Court 443-324-3692

Address Parkville, Maryland Telephone No. 21234

City State Zip Code

Attorney For Petitioner:

Deborah C. Dopkin

Name - Type or Print

Deborah C. Dopkin

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, Suite 1000 410-821-0200

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

8220 Pulaski Highway, Inc.

Name - Type or Print

By: Brian Znamirski

Signature

Name - Type or Print

Signature

8220 Pulaski Highway

Address Baltimore, Maryland Telephone No. 21237

City State Zip Code

Representative to be Contacted:

Bruce E. Doak, Gerhold, Cross & Etzel

Name

320 East Towsontown Blvd., Suite 100 410-823-4470

Address Telephone No.

Towson, MD 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JLM Date 5.26.10

Case No. 2010-0327-A

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date 8-5-10

By B3

Special Exception

To use the herein described property for a used motor vehicle outdoor sales area, separated from the sales agency building, pursuant to B.C.Z.R. §236.2 and



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 8220- 8222 & 8224 Pulaski Highway

which is presently zoned BR-AS

Deed Reference: 13991 / 440 Tax Account # 1515254510 & 151504201211

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

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

TO BE PRESENTED AT HEARING

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:

Alberain International, LLC

Name - Type or Print Godfrey Alechenu

By: *Godfrey Alechenu*

Signature

One Saturn Court

443-324-3692

Address

Telephone No.

Parkville,

Maryland

21234

City

State

Zip Code

Attorney For Petitioner:

Deborah C. Dopkin

Name - Type or Print

Deborah C. Dopkin

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, Suite 1000 410-821-0200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

8220 Pulaski Highway, Inc.

Name - Type or Print

By: *Brian Znamkowski*

Signature

Name - Type or Print

Signature

8220 Pulaski Highway

Address

Telephone No.

Baltimore,

MD

21237

City

State

Zip Code

Representative to be Contacted:

Bruce E. Doak, Gerhold, Cross & Etzel

Name

320 East Towsontown Blvd., Suite 100 410-823-4470

Address

Telephone No.

Towson,

MD

21286

City

State

Zip Code

Case No. 2010-0327-XA

Office Use Only

ORDER RECEIVED FOR FILING

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

Date

8-9-10

Reviewed by

[Signature]

Date

5-26-10

Variances from

1. Section B.C.Z.R. §238.4 to permit storage and display of vehicles in the front yard 0' from the front property line in lieu of the required 35';
2. Section B.C.Z.R. §238.4 to permit storage and display of vehicles more than 15' and as much as 50' in front of required front building line;
3. Section B.C.Z.R. §238.4 to permit a minimum permitted amenity open space ratio of 0.0 in lieu of the required 0.1;
4. B.C.Z.R. §409.4A to permit a driveway of 10' wide for one way movement in lieu of the required 12';
5. B.C.Z.R. §409.6.A.2 to permit 52 parking spaces in lieu of the required 102 parking spaces;
6. B.C.Z.R. §409.4.B to permit 20 parking spaces that do not adjoin and have direct access to an aisle that will have attendant parking;
7. B.C.Z.R. § 409.8.A not to require design, screening or landscaping on the subject property;
8. B.C.Z.R. §409.8.A.4 to permit a parking space in a parking facility to be 0' from a right of way line of a public street in lieu of the required 10';
9. B.C.Z.R. §409.8.A.6 to permit a dead end aisle without sufficient backup area for the end parking spaces
10. To affirm the relief granted in Case No. 68-153-A and Case No. 86-391-A



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

May 24, 2010

ZONING DESCRIPTION #8220 - #8224 PULASKI HIGHWAY

Beginning for the same at a point on the north side of Pulaski Highway 630 feet, more or less, from the centerline of Batavia Farm Road, thence running and binding on the northern side of Pulaski Highway, 1) North 66 degrees 42 minutes East 130.5 feet and 2) North 66 degrees 42 minutes East 70.5 feet, thence leaving said Pulaski Highway and running 3) North 11 degrees 38 minutes West 201.07 feet, 4) South 78 degrees 57 minutes West 84.9 feet, 5) South 78 degrees 57 minutes West 142.9 feet and 6) South 17 degrees 51 minutes East 246.1 feet to the point of beginning.

Containing 48,139 square feet or 1.105 acres, more or less, of land.



**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: 0327

Petitioner: 8220 PULASKI HIGHWAY, INC.

Address or Location: 8220 - 8224 PULASKI HIGHWAY

PLEASE FORWARD ADVERTISING BILL TO:

Name: GODFREY ALECHENU
ALGARAIN LLC

Address: 1 SATURN COURT
PARKVILLE, MO 21234

Telephone Number: 443-324-3692

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

No. **53943**

Date: **5.26.10**

PAID RECEIPT

BUSINESS RETURN TIME DRN
 5/27/2010 5/26/2010 09:37:50 5
 053943 WALKIN 0906 1:01
 RECEIPT # 454514 5/26/2010 0FLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					705.00

Dept 5 528 ZONING VERIFICATION
 053943
 Recpt Tot \$705.00
 \$705.00 CR 1.00 CA
 Baltimore County, Maryland

Total: **705.00**

Rec From: **Palaski Highway, Inc.**

For: **2010-0327-XA**

DISTRIBUTION

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

**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: # 2010-0327-XA

8220-8222 & 8224 Pulaski Highway
N/side of Pulaski Highway, 630' +/- n/east side of centerline of Bataula Farm Road
15th Election District — 7th Councilmanic District
Legal Owner(s): 8220 Pulaski Highway, Inc.
Contract Purchaser: Alberain International, LLC

Special Exception: to use the herein described property for a used vehicle outdoor sales area, separated from the sales area by a fence and display of

245930

Register of Wills, Baltimore County

GRACE G. CONNOLLY,

True Copy-Test

Date of first publication: July 1, 2010

Personal Representative(s)

CAROLINE F. BATES,

SAMUEL A. WILSON, JR.,

that date, or any extension provided by law, is unenforceable thereafter. Claim forms may be obtained from the Register of Wills.

or the notice. A claim not presented or filed on or before

CERTIFICATE OF PUBLICATION

7/8/, 2010

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 7/8/, 2010.

- ☒ 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 #2010-0327-XA

PETITIONER: 8220 Pulaski Highway,
Inc.

DATE OF HEARING: July 23, 2010

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

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

POSTED ON: July 1, 2010

LOCATION:

8220- 8222 & 8224 Pulaski Highway

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE # : 2010-0327-XA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.**

PLACE: Room 104 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 9:00 am Friday July 23, 2010

Special Exception to use the herein described property for a used motor vehicle outdoor sales area, separated from the sales agency building. Variance to permit storage and display of vehicles in the front yard 0' from the front property line in lieu of the required 35'; to permit storage and display of vehicles more than 15' and as much as 50' in front of the required front building line; To permit a minimum permitted amenity open space ratio of 0.0 in lieu of the required 0.1; to permit a driveway of 10' wide for one way movement in lieu of the required 12'; to permit 52 parking spaces in lieu of the required 102 parking spaces; to permit 20 parking spaces that do not adjoin and have direct access to an aisle that will have attendant parking; not to require design, screening or landscaping on the subject property; to permit a parking space in a parking facility to be 0' from a right of way line of a public street in lieu of the required 10'; to permit dead end isle without sufficient backup area for the end parking spaces; to affirm the relief granted in case 68-153-A and 86-391-A.

NOTICE: STATEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
UNABLE TO CONFIRM HEARING
HEARINGS ARE HANDICAPPED ACCESSIBLE

HEARINGS ARE HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 8, 2010 Issue - Jeffersonian

Please forward billing to:

Godfrey Alechenu
Alberain International, LLC
One Saturn Court
Parkville, MD 21234

443-324-3692

NOTICE OF ZONING HEARING

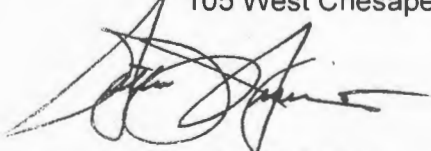
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0327-XA

8220-8222 & 8224 Pulaski Highway
N/side of Pulaski Highway, 630' +/- n/east side of centerline of Batauia Farm Road
15th Election District – 7th Councilmanic District
Legal Owners: 8220 Pulaski Highway, Inc.
Contract Purchaser: Alberain International, LLC

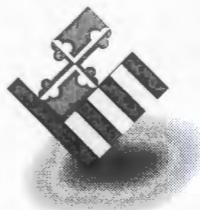
Special Exception to use the herein described property for a used motor vehicle outdoor sales area, separated from the sales agency building. Variance to permit storage and display of vehicles in the front yard 0' from the front property line in lieu of the required 35'; to permit storage and display of vehicles more than 15' and as much as 50' in front of the required front building line; to permit a minimum permitted amenity open space ratio of 0.0 in lieu of the required 0.1; to permit a driveway of 10' wide for one way movement in lieu of the required 12'; to permit 52 parking spaces in lieu of the required 102 parking spaces; to permit 20 parking spaces that do not adjoin and have direct access to an aisle that will have attendant parking; not to require design, screening or landscaping on the subject property; to permit a parking space in a parking facility to be 0' from a right of way line of a public street in lieu of the required 10'; to permit dead end aisle without sufficient backup area for the end parking spaces; to affirm the relief granted in case 68-153-A and 86-391-A.

Hearing: Friday, July 23, 2010 at 9:00 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

MARYLAND

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

June 8, 2010
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 2010-0327-XA

8220-8222 & 8224 Pulaski Highway

N/side of Pulaski Highway, 630' +/- n/east side of centerline of Batauia Farm Road

15th Election District – 7th Councilmanic District

Legal Owners: 8220 Pulaski Highway, Inc.

Contract Purchaser: Alberain International, LLC

Special Exception to use the herein described property for a used motor vehicle outdoor sales area, separated from the sales agency building. Variance to permit storage and display of vehicles in the front yard 0' from the front property line in lieu of the required 35'; to permit storage and display of vehicles more than 15' and as much as 50' in front of the required front building line; to permit a minimum permitted amenity open space ratio of 0.0 in lieu of the required 0.1; to permit a driveway of 10' wide for one way movement in lieu of the required 12'; to permit 52 parking spaces in lieu of the required 102 parking spaces; to permit 20 parking spaces that do not adjoin and have direct access to an aisle that will have attendant parking; not to require design, screening or landscaping on the subject property; to permit a parking space in a parking facility to be 0' from a right of way line of a public street in lieu of the required 10'; to permit dead end aisle without sufficient backup area for the end parking spaces; to affirm the relief granted in case 68-153-A and 86-391-A.

Hearing: Friday, July 23, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

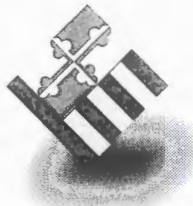
Timothy Kotroco
Director

TK:kl

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204
Brian Znamirowski, 8220 Pulaski Highway, Baltimore 21237
Godfrey Alechenu, One Saturn Court, Parkville 21234
Bruce Doak, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 8, 2010.**
(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.**

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov



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

July 15, 2010

Deborah Dopkin
Deborah Dopkin, P.A.
409 Washington Ave. Ste. 1000
Towson, MD 21204

Dear: Deborah Dopkin

RE: Case Number 2010-0327-XA, 8220-8222 & 8224 Pulaski Highway

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 26, 2010. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Brain Znamirovski: 8220 Pulaski Highway, Inc.; 8220 Pulaski Highway; Baltimore, MD 21237
Godfrey Alechenu: Alberain International, LLC; One Saturn Ct.; Parkville, MD 21234
Bruce Doake: Gerhold, Cross & Etzel; 320 E. Towsontown Blvd. Ste. 100; Towson, MD 21286



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

June 15, 2010

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

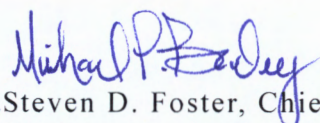
RE: Baltimore County
Item No.2010-0327-XA
US 40 (Pulaski Hwy.)
8220-8222 & 8224 Pulaski Hwy.
Alberain International, LLC
Special Exception -
Variance -

Dear Ms. Matthews:

We have reviewed the plat to accompany petition for special exception and variances on the Alberain International, LLC property, which was received on June 9, 2010. A field inspection and internal review reveals that the existing entrance onto US 40 (Pulaski Highway) is consistent with current State Highway Administration requirements. However, based on available the SHA objects to the request to permit a parking space in a public facility 0 feet from the right-of-line of a public street (US 40) in lieu of the required 10 feet. Therefore, The State Highway Administration (SHA) request that the County *not* grant Variance No. 8 approval for case Number 2010-0327-XA. Please include recommendation is your staff report to the Zoning Advisory Committee.

Should you have any questions regarding this matter 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,


for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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



TB 7-23-10 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 17, 2010

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

SUBJECT: 8220-8224 Pulaski Highway

RECEIVED

INFORMATION:

JUN 22 2010

Item Number: 10-327

Petitioner: 8220 Pulaski Highway, Inc.

ZONING COMMISSIONER

Zoning: BR-AS

Requested Action: Special Exception and Variance

The petitioner requests a Special Exception for an outdoor sales area separated from a sales agency building; and

Variances for the following:

- Storage and display of vehicles 0 ft. from the front property line in lieu of 35 ft. and more than 15 ft. in front of the front building line
- 0% amenity open space in lieu of .2%
- 10ft. wide one-way drive isle in lieu of 12 ft.
- 52 parking spaces in lieu of 102.
- 20 parking spaces without access to a drive isle.
- No required design, screening, or landscaping.
- Parking spaces to be 0 ft. from property lines in lieu of 10 ft.; and
- To permit a dead end isle without turn around space.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan and offers the following:

The Office of Planning supports the petitioner's special exception request, the proposed use is appropriate for the subject area and does not impose a hazard to the health, safety and general welfare of the surrounding community.

In response to the requested variances the Office of Planning recommends:

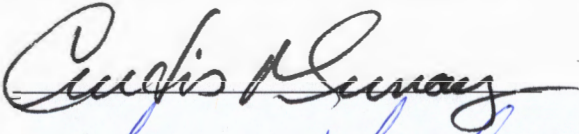
The storage and display of vehicles may be more than 15 ft. from the front building line but must be at least 10 ft. from the front and side property line to provide room for landscaping, and amenity open space. Parking spaces must also be 10 ft. from the property lines for the same reasons.

The Office of Planning supports the additional variances as the subject site is constrained by limited maneuverability.

Lastly, landscaping and landscape screening shall be around the front and sides of the site where buildings do not come up to the property line. The high barbed wire topped chain link fence must be replaced in the front and side of the property in front of the buildings with decorative coated ornamental fencing that will also provide some security. Low landscaping should be placed between the fence and the property line.

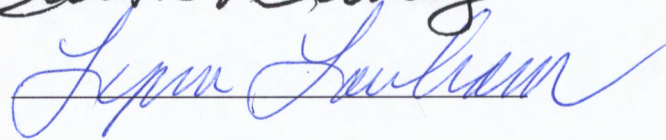
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:

A handwritten signature in black ink, appearing to read "Curtis P. Lewis", written over a horizontal line.

Division Chief:

AFK/LL: CM

A handwritten signature in blue ink, appearing to read "Lynn L. Lewis", written over a horizontal line.

TB
7-23-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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JUN 29 2010

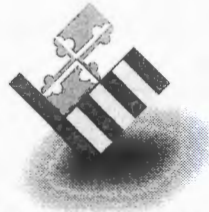
ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 28, 2010
SUBJECT: Zoning Item # 10-327-XA
Address 8220, 8222, 8224 Pulaski Highway
(Alberain International, LLC Property)

Zoning Advisory Committee Meeting of June 7, 2010.

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 6/28/10



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

June 22, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 0321,0322,0323,0324,0325,0327

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
Department of Permits &
Development Management

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2010
Item Nos. 2010- 324, 327, 330, 332,
333, 335, 336 and 337

DATE: June 10, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06212010 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
8220-8222 & 8224 Pulaski Highway; N/S * ZONING COMMISSIONER
Pulaski Highway, 630' NE of Batauia Farm Rd *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): 8220 Pulaski Highway, Inc *
Contract Purchaser(s): Alberain International * BALTIMORE COUNTY
Petitioner(s) *
10-327-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

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

RECEIVED

JUN 09 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>6-10-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
<u>6-28-10</u>	DEPRM (if not received, date e-mail sent _____)	<u>nc</u>
	FIRE DEPARTMENT	
<u>6-17-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>supports - conditions</u>
<u>6-15-10</u>	STATE HIGHWAY ADMINISTRATION	<u>objects to var #8</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	<u>-</u>
	ADJACENT PROPERTY OWNERS	<u>-</u>
ZONING VIOLATION	(Case No. <u>-</u>)	
PRIOR ZONING	(Case No. <u>-</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>7-1-10</u>	
SIGN POSTING	Date: <u>7-8-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

68-153-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Joseph Hradsky

I, or we, Emma Hradsky-wife legal owner 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 238.2' sideyard request 3' instead of required 30' and westernmost rear yard of 22.2' instead of required 30' and easternmost rear yard of 15.1' - instead of the required 30'.

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

High cost of property rules it impractical to be utilized to its fullest extent unless variances are granted for a building of this size. Variances are necessary to make this building conform to zoning regulations.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Joseph J. Hradsky
Contract purchaser

Address 8355 Pulaski Highway
Baltimore, Maryland 21237

Petitioner's Attorney
Address

Joseph J. Hradsky
Emma Hradsky
Legal Owner

Address 1236 Kahler Ave.
Baltimore, Maryland 21237

Protestant's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day

of December 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of January 1968, at 1:00 o'clock

P. M.

Zoning Commissioner of Baltimore County.

(over)

JOSEPH HRADSKY
N/S Pulaski Highway 450' E of
Baltimore Farm Rd.
#68-153-A
15th

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the variance requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved.

the above Variance should be had; and it further appearing that by reason of

a Variance a side yard setback of 3' instead of the required 30' & should be granted. to permit 22.27 feet on the westernmost rear yard instead of the required 30'.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16 day of January, 1968, that the herein Petition for a Variance should be and the

same is granted, from and after the date of this order, a side yard setback of 3' instead of the required 30' & to permit 22.27 feet on the westernmost rear yard instead of the required 30', subject to approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition

and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1968, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

ORDER RECEIVED FOR

DATE 1/16/68 J. Harris CLK

JOSEPH HADSKY
N/S Pulaski Highway 450' E of
Batavia Farm Rd.
#68-153-A
JCH

68-15



VICINITY MAP
SCALE 1"=500'



1 STORY
CONC. BLOCK
BUILDING
887 SQUARES

MULLER RAPHEL ASSOC. INC.
201 COURTLAND AVE.
TOWSON 4, MARYLAND

Eugene & Raphael
WEST BOUND LANE

GENERAL NOTES:

AREA OF PROPERTY - 0.723 ACRES ±
EXIST. USE OF PROPERTY - VACANT
PROP. USE OF PROPERTY - SALES & SERVICE
EXIST. ZONING OF PROPERTY - B-R
PROP. ZONING OF PROPERTY - B-G WITH VARIANCE

PARKING DATA:

OFFICE - 15' x 60' = 900 SQ. FT. @ 1 SPACE PER 300 SQ. FT. = 3 SPACES
SHOWROOM - 45' x 60' = 2700 SQ. FT. @ 1 SPACE PER 200 SQ. FT. = 13 SPACES
SHOP - 60' x 60' = 3600 SQ. FT. @ 1 SPACE PER 300 SQ. FT. = 12 SPACES
WAREHOUSE - 7 EMPLOYEES @ 1 SPACE PER 5 EMPLOYEES = 3 SPACES
SPACES REQUIRED - 21
SPACES PROVIDED - 42

PULASKI HIGHWAY
ROUTE 40
EAST BOUND LANE
WEST BOUND LANE

PLAT TO ACCOMPANY
ZONING PETITION - VARIANCE
PROPERTY OF

JOSEPH HRADSKY
15TH ELECT. DIST. - BALTO CO. MD
SCALE 1"=30' NOV 24, 1967

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

74-148-A
#87

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Napoleon N. and Vera Del Negro 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 238.2 (to allow a sideyard set-back of 10' 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)

Variance is sought in order to permit expansion of existing warehouse storage facilities which are part of a tool servicing and storage business now being operated on the premises. The expansion of these facilities has been made necessary by the growth of that business and is essential to its continued successful operation. Due to the small area of this parcel, the necessary expansion cannot be accomplished under existing setback requirements. Strict compliance with the zoning ordinance in this instance would create an unreasonable hardship and practical difficulty in using the property rendering the premises inadequate for its present use.

MAP:	40
DISCUSSION:	NE 3.7
D:	15
D:	1/23/74
TYP:	
BY:	2-21-74

see attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDER RECEIVED FOR FILING

DATE January 14, 1974

BY John E. Kratz

Contract purchaser
Address
John E. Kratz
Petitioner's Attorney
2000 First Maryland Bldg.
Address 25 S. Charles Street
Baltimore, Maryland 21201

Napoleon N. Del Negro
Vera Del Negro
Legal Owner
Address 8220 Pulaski Highway
Baltimore, Maryland 21237

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day

NOV 15 1973 November 15, 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of January, 1974 at 11:00 o'clock

☐ Ans
☐ C. & S.
☒ Chkd
TIME OF FILING

Eric R. Kenna
Zoning Commissioner of Baltimore County.

(over)

MICROFILMED

11:00A
1/2/74

NAPOLION DEL NEGRO
N/S of Pulaski Highway 450' E of
Baltimore Avenue Rd.
15th

#74-148-A
#87

ORDER RECEIVED FOR

DATE January 14, 1974
BY Charles R. Lacey, etc.

to the advertisement, posting of property, and public hearing on the above petition
stating that by reason of the following finding of facts due to the location of the
building and the irregular lot line, strict compliance with the Baltimore
County Zoning Regulations would result in practical difficulty and unreasonable
hardship upon the Petitioner

the above Variance should be had; and it further appearing that by reason of the granting of
the Variance requested not adversely affecting the health, safety and general
welfare of the community

to permit a side yard setback of ten feet instead of the
a Variance required 30 feet should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14TH
days of January, 1974, that the herein Petition for a Variance should be and the
same is granted, from and after the date of this order, subject to the approval of a site
plan by State Highway Administration, Department of Public Works and the
Office of Planning and Zoning.

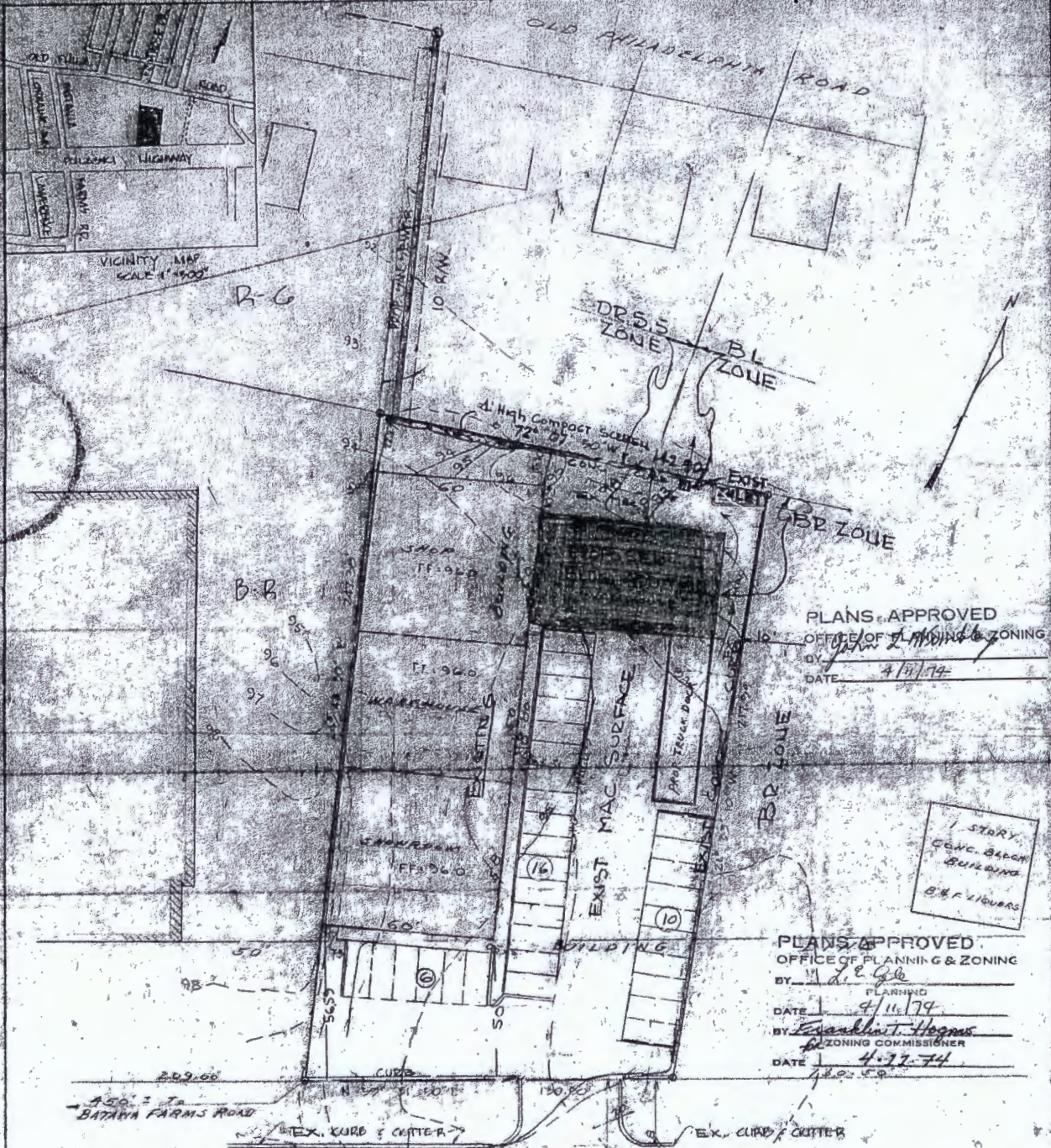
James E. Hahn
Deputy Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition
and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day
of _____, 197 __, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



MULLER RAPHAEL ASSOC. INC.
201 COURTLAND AVE.
TOWSON 4, MARYLAND

GENERAL NOTES

AREA OF PROPERTY - 0.723 ACRES
EXIST. USE OF PROPERTY - SALES & SERVICE
PROPOSED USE OF PROPERTY - SALES & SERVICE
EXIST. ZONING OF PROPERTY - B-C
PROPOSED ZONING OF PROPERTY - B-C

PARKING DATA

OFFICES - 15'x60' - 300 SQ. FT. @ 1 SPACE PER 300 SQ. FT. - 3 SPACES
SHOWROOM - 45'x60' - 2700 SQ. FT. @ 1 SPACE PER 200 SQ. FT. - 15 SPACES
SHOP - 60'x60' - 3600 SQ. FT. @ 1 SPACE PER 200 SQ. FT. - 12 SPACES
WAREHOUSE - 4 EMPLOYEES @ 1 SPACE PER EMPLOYEE = 5 SPACES
SPACES REQUIRED - 31
SPACES PROVIDED - 32

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY John L. Hoggins
PLANNING
DATE 4/11/74
BY Franklin T. Hoggins
ZONING COMMISSIONER
DATE 4/22/74

PLAT TO ACCOMPANY
PETITION FOR VARIANCE

PROPERTY OF
STATE SAW COMPANY

15' ELECT. DIST. - BALTO. CO. MD.
SCALE 1"=30' AUG 10 1975

Zoning File # 74-148

1077-B

1077-B

86-391-A

setback to the northeast property line and a 3.3-foot rear yard setback to the north property line are required.

The subject lot is oddly shaped and is not large enough to permit the needed expansion without variances. Any building smaller than that which is proposed would be financially and physically impractical for the required needs.

The Petitioners discussed the proposals with their neighbors, especially the owner of the property adjoining to the northeast, and were assured that there was no opposition.

The lot, presently vacant, is being used as a dumping ground, and the improvement will end that use and be a major aesthetic as well as physical improvement to the area.

The Petitioners seek relief from Section 238.2, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

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

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

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

ORDER RECEIVED FOR FILING

DATE

BY

- 2 -

ORDER RECEIVED FOR FILING

DATE

BY

[Signature]

14th

It is clear from the testimony that if the variances were use as proposed would not be contrary to the spirit of the BCZR result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented clear that a practical difficulty or unreasonable hardship would instant variances were not granted. It has been established quirement from which the Petitioners seek relief would unduly use of the land due to the special conditions unique to the parcel. In addition, the variances requested will not be detrimental to public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and filing on this Petition held, and for the reasons given above, variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County that the Petition for Zoning Variance filed on the 14th day of April, 1986, that the Petition for Zoning Variance for side and rear yard setbacks of 3.3 feet instead of the required 10 feet is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building 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 such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner
Baltimore County

- 3 -

25
91-A

PAGE 3F
 48
 5382
 15
 8-15-87
 10
 12

ZONING DESCRIPTION

Beginning on the northwest side of Pulaski Highway 150' wide at a distance of 452.4' from Batavia Farm Road and running the following courses and distances, north 25 degrees 34' 58", west 246.10'; thence north 71 degrees 10' 48", east 227.82'; thence south 18 degrees 40' 58", east 201.31' to the northwest right of way of Pulaski Highway; thence binding on the right of way, south 58 degrees 58' 02", west 202.93' to the point of beginning. Being known as 8220-8222 Pulaski Highway in the 15th election district. Containing 1.09 acres land.

PETITION FOR ZONING VARIANCES
 15th Election District

LOCATION: Northwest Side of Pulaski Highway, 452 feet Northeast of Batavia Farm Road (8220-8222 Pulaski Highway)

DATE AND TIME: Thursday, April 10, 1986, at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit a side yard setback of 3.3 feet in lieu of the required 30 feet and a rear yard setback of 3.3 feet in lieu of the required 30 feet

Being the property of Frank J. Frallicciardi, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

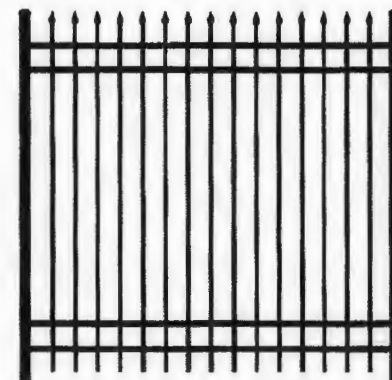
BY ORDER OF
 ARNOLD JARLOW
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

RETAIL
SALES
(TOOLS)

#8222

#8224

DETAIL
PROPOSED FENCE
(OR SIMILAR)



NOTE: THIS PLAN WILL BE
SUBMITTED AS PETITION'S EXHIBIT
IN ZONING CASE 1010-927-XA

PARTIAL LANDSCAPE PLAN
8220 PULASKI HIGHWAY, INC.

#8224 PULASKI HIGHWAY
Deed Ref: S.M. No. 13991 Folio 440, PARCEL 2
Tax Account No.: 15-25-450510
Zoned BR-AS, BL & DR 5.5; GIS Tile 089C3
Tax Map 89; Grid 23; Parcel 139
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: OCTOBER 11, 2010

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

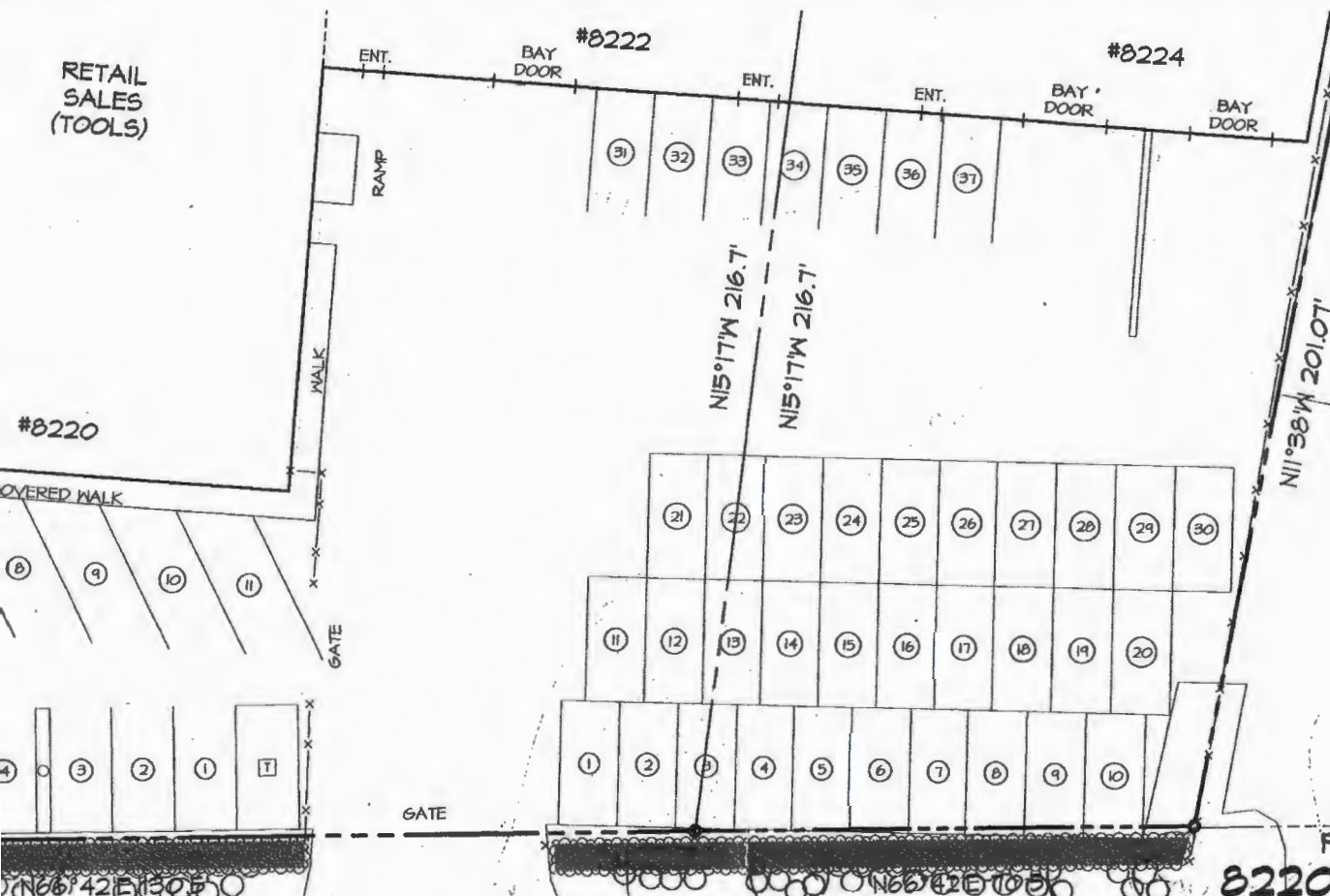
Suite 100
320 East Towson Town Boulevard
Towson, Maryland 21286
(410) 823-4470

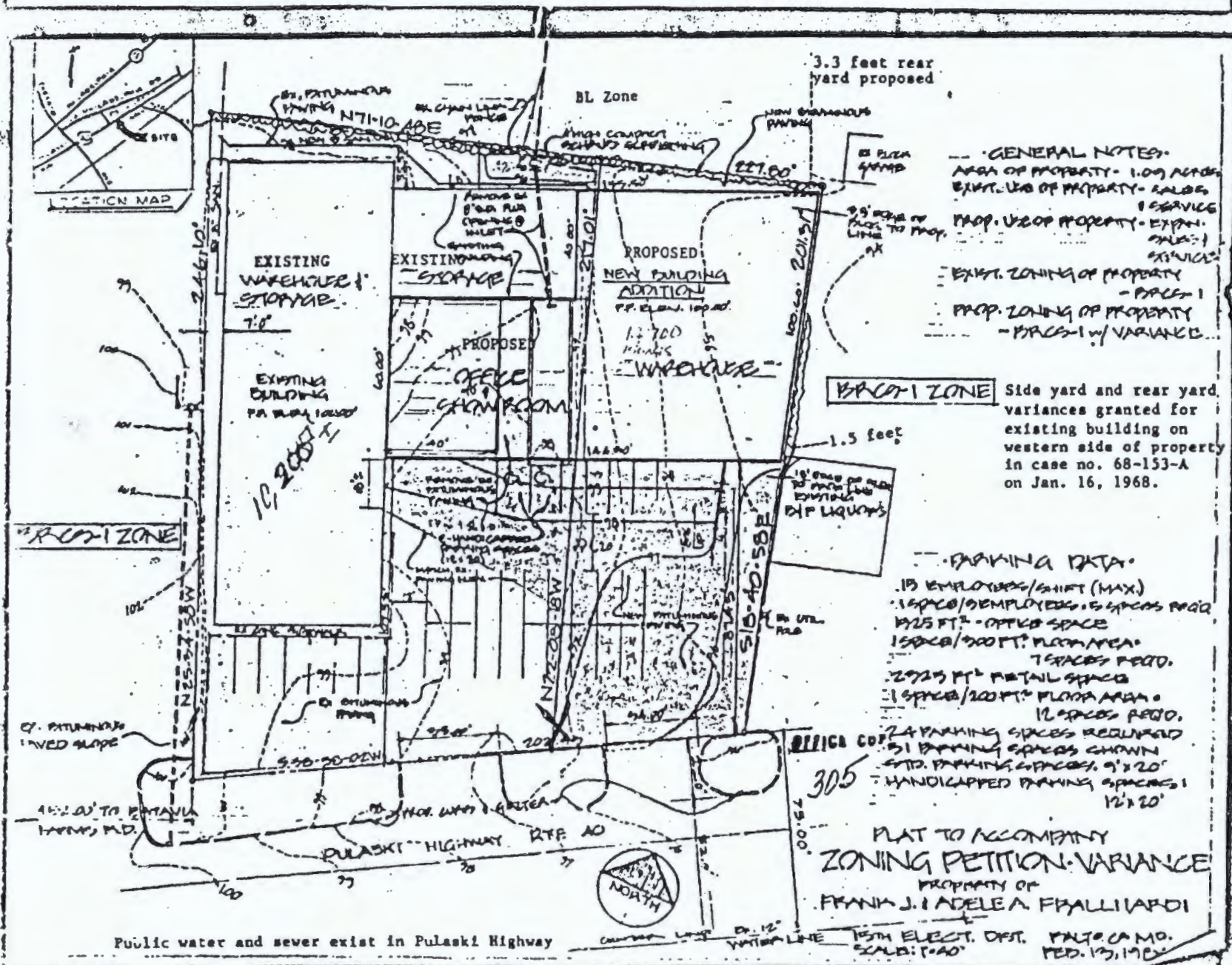
COMPUTED: DRAWN: SL CHECKED: BD FILE: X:\Valechen\LANDSCAPE.pro

PULASKI HIGHWAY U.S. ROUTE 40
MY BARDEN - 3 GALLON SIZE
ALOPICUOIDES - 2 GALLON SIZE

HEDGE TO BE PLANTED
THE SOUTHERN SIDE OF THE
BED DECORATIVE FENCE

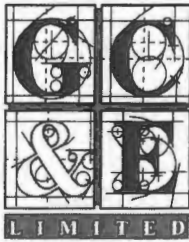
EXISTING 6' HIGH CHAIN LINK FENCE
TO BE REPLACED BY A 4' HIGH
DECORATIVE METAL FENCE (SEE DETAIL)





CASE NAME ALBERAIN Inter.
CASE NUMBER 2010- 0327- XA
DATE 7/23/10

[illegible]



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

TRANSMITTAL SHEET

TO:	Peter Zimmerman	FROM:	Bruce E. Doak
COMPANY:	People's Council	DATE:	12/02/10
RE:	Zoning Case 2010-327-XA	TOTAL NO. OF PAGES INCLUDING COVER:	
FAX NUMBER:		PHONE NUMBER:	

WE ARE TRANSMITTING:

☐ ATTACHED	☐ VIA MAIL	☒ VIA MESSENGER	☐ UNDER SEPARATE COVER	☐ FOR REVIEW
☐ PRINTS	☐ VIA FAX	☐ PROPOSAL	☐ DESCRIPTIONS	☐ LOCATION DRAWING
☐ PLEASE COMMENT		☐ PLEASE REPLY	☐ F.Y.I.	

QTY	DATE	ITEM	DESCRIPTION
1	12/02/10	print	Plat to Accompany... Pet. Exhibit #1 (amended)
1	11/16/10	print	Partial Landscape Plan

NOTES/COMMENTS:

These same plans are in the County's Zoning Case File and also provided to Deborah Dopkin.

Case No.: 2010-0327-XA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	plan to accompany photos	
2A-2	photographs	
No. 3	additional photographs	
No. 4	color coded plan to show various requests	
No. 5	aerial photo (shows area down the street where Mr. Topp also leases parking)	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2A-2

W.C.
CHAPMAN
& SONS, INC.



W.C.
CHAPMAN
& SONS, INC.

LANDMARK
RENTAL CENTER

18220



W.C.
CHAPMAN
& SONS, INC.

PARADE
2000
1000

8220















K





TAPP'S PERFORMANCE
HYDROJET TECHNOLOGY
AUTO BODY & COLLISION AUTOMOTIVE REPAIRS
443-969-4125

Nisell
PLUMBING HEATING & A/C
410-324-9900





TAPP'S PERFORMANCE
DYNOJET TECHNOLOGY
AUTO BODY & COLLISION - AUTOMOTIVE REPAIR
443-969-4125

TAPP'S PERFORMANCE
DYNOJET TECHNOLOGY



















YR





COMPETITIONER'S

EXHIBIT NO. 3











R-10:5

19512054

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1508790020

BL

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1800011456

8219

DR 5.5

1520661040

1508000310

1526000420

1508004260

8224

8226

1509391480

7 CD

NE 3-F

089C3

1525450510

BR AS

1504201211

8220

#8226

20020222

SUBJECT PROPERTY

19770204

19410211

1505000010

PL' ASKI

PL' ASKI

BR

1508300492

19543131

19680391
19740148
19680153
19501755

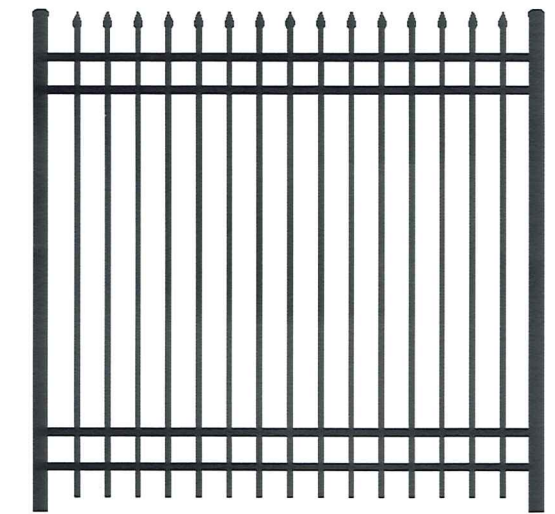
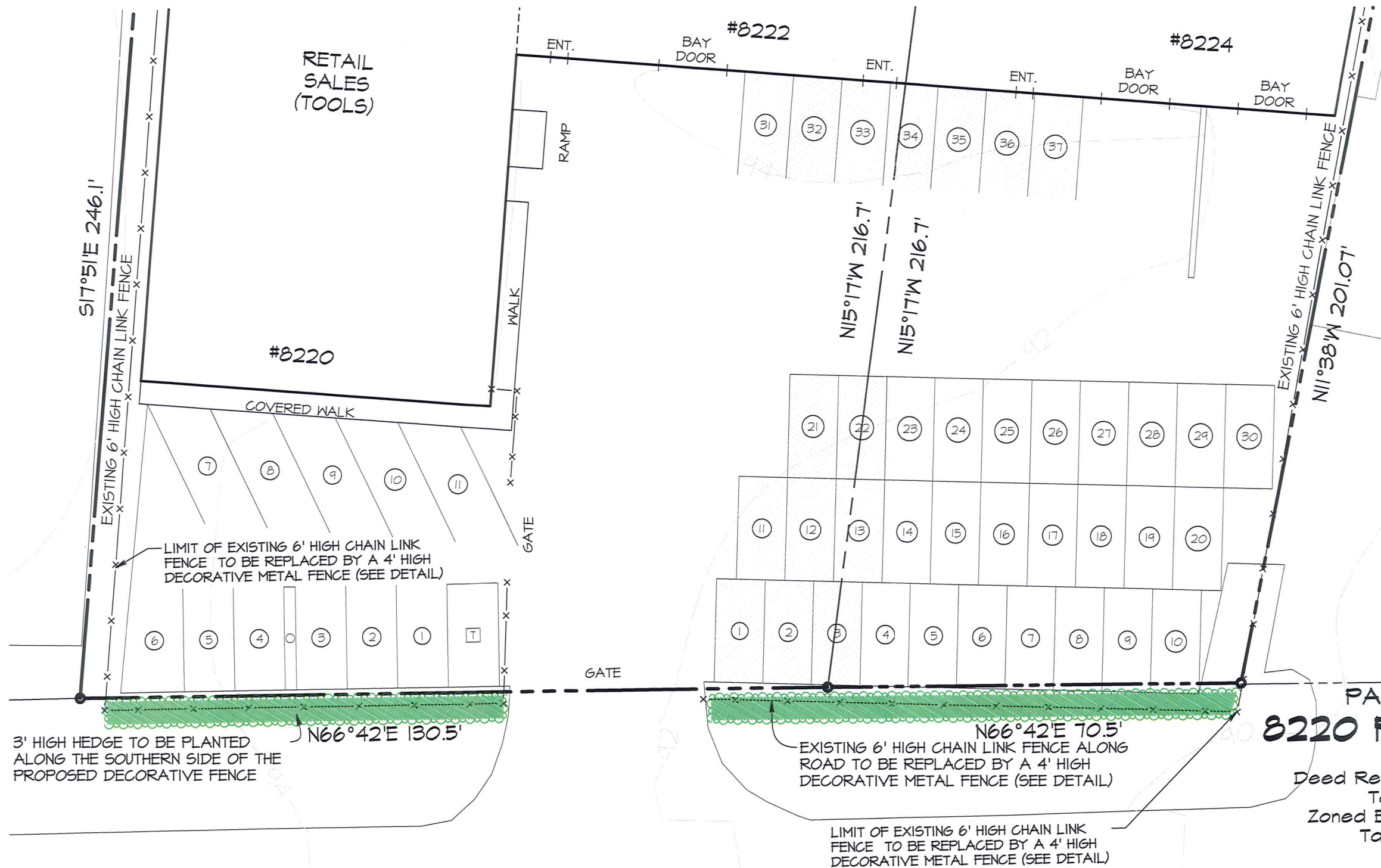
19650388

19512073

20000266

1516

MI AC



NOTE: THIS PLAN WILL BE
SUBMITTED AS PETITION'S EXHIBIT
IN ZONING CASE 1010-327-XA

**PARTIAL LANDSCAPE PLAN
8220 PULASKI HIGHWAY, INC.**

#8224 PULASKI HIGHWAY
Deed Ref: S.M. No. 13991 folio 440, PARCEL 2
Tax Account No.: 15-25-450510
Zoned BR-AS, BL & DR 5.5; GIS Tile 089C3
Tax Map 89; Grid 23; Parcel 739
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

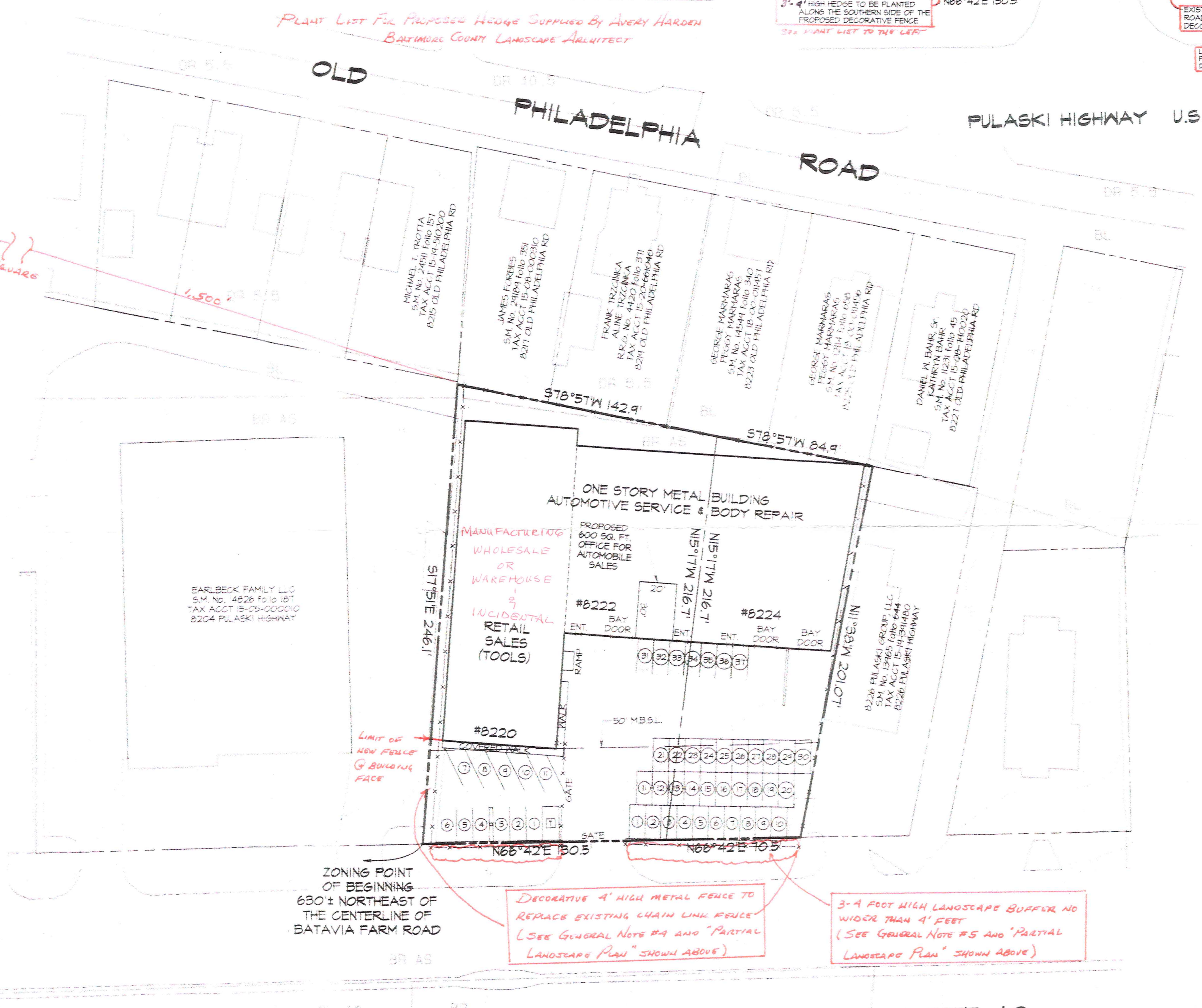
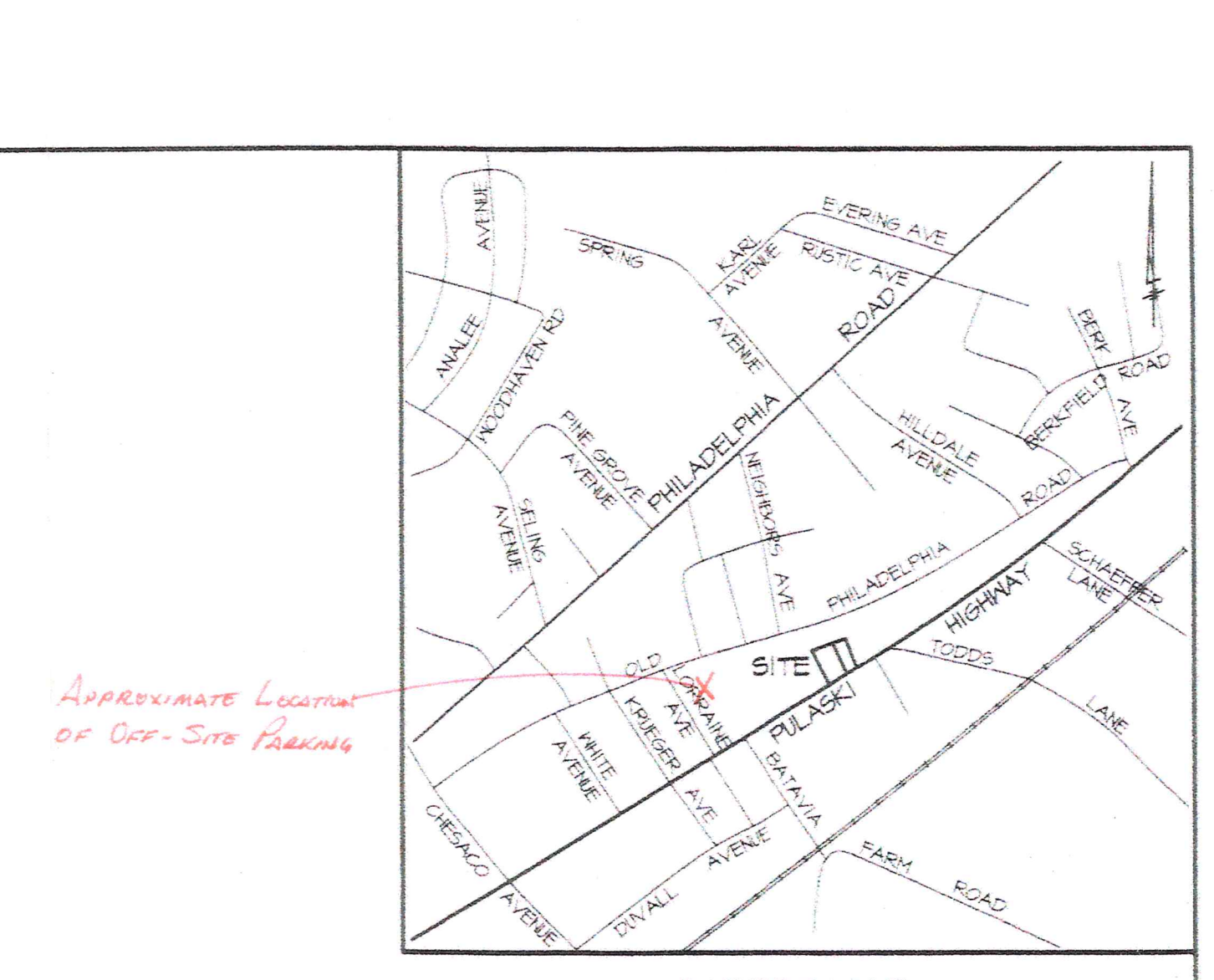
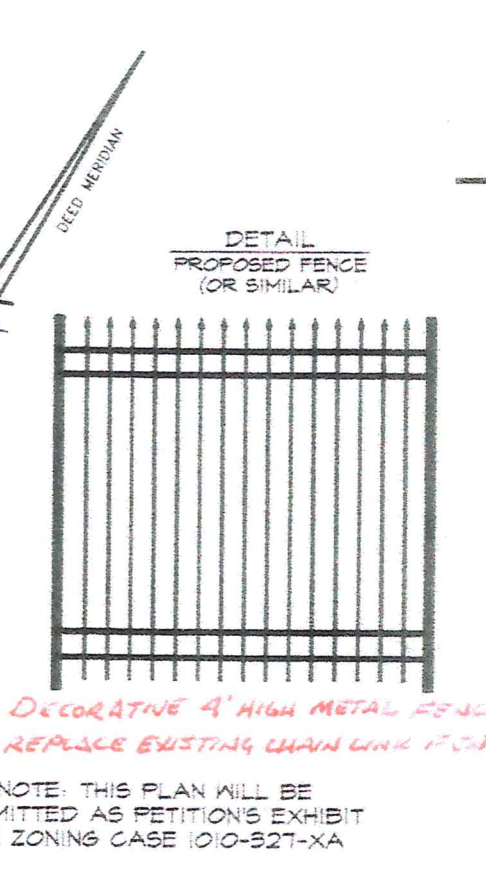
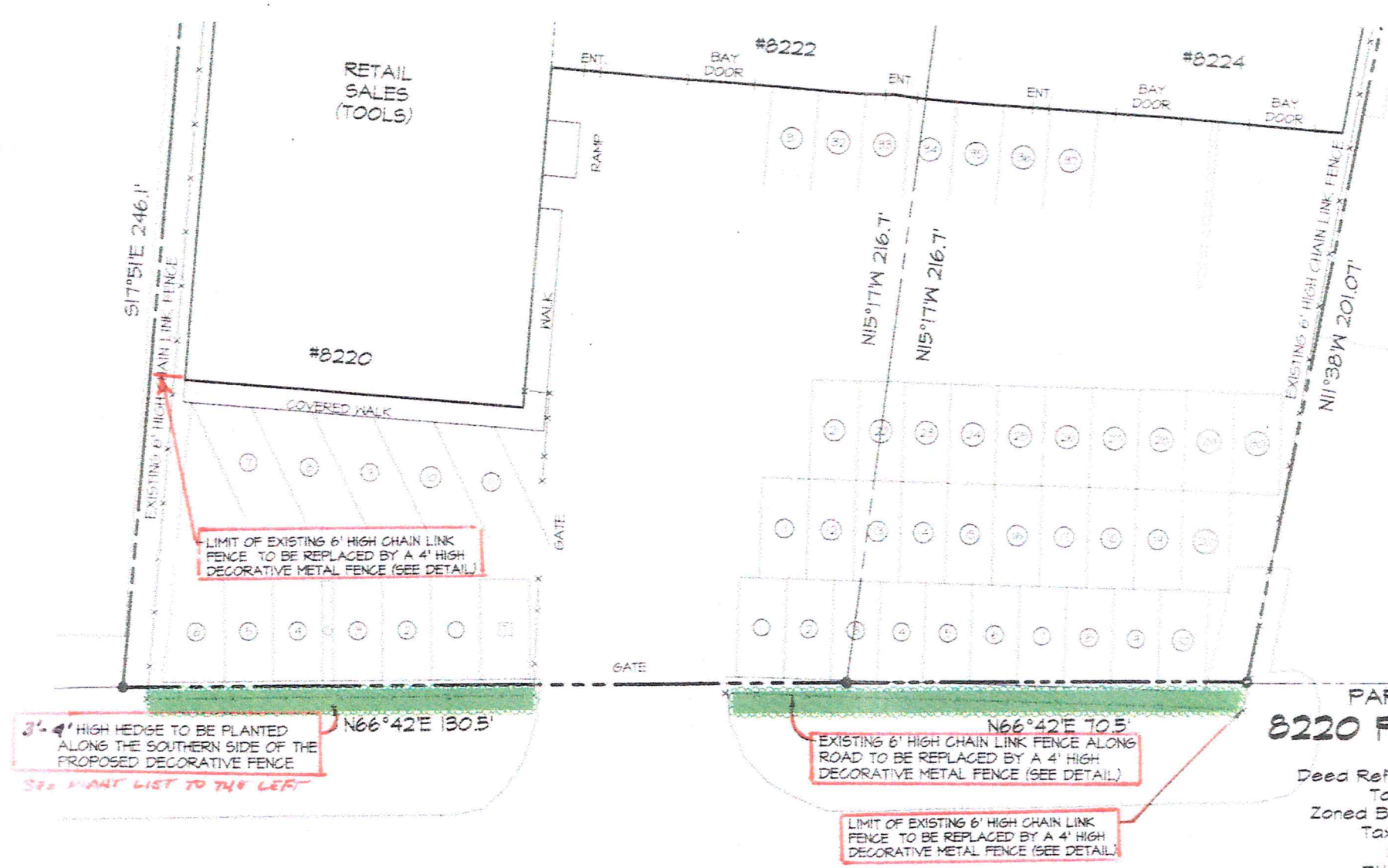
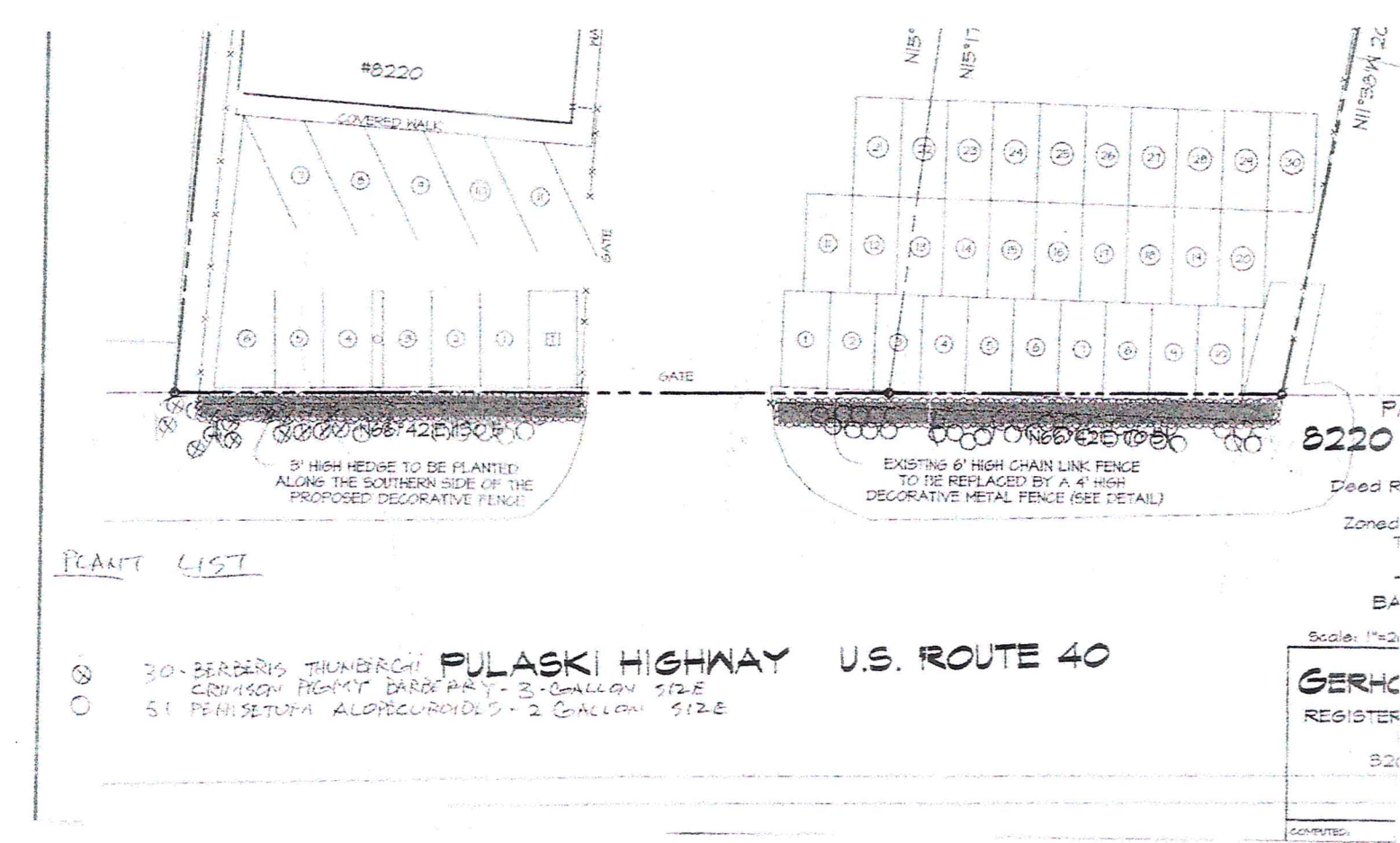
Date: NOVEMBER 16, 2010

PULASKI HIGHWAY U.S. ROUTE 40

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



- GENERAL NOTES (CONT.)**
4. New decorative 4' high metal fence shall be installed along the property line on Pulaski Highway, replacing the existing 6' high chain link fence.
 5. 3-4 foot high landscape buffer, no wider than 4 feet, shall be planted within the State Right of Way; Landscape Plan to be submitted to County Landscape Architect for review.
 6. 11,500 square feet of off-site parking shall be maintained in its entirety within 1500 feet of the property.
 7. No business located at 8220-8224 Pulaski Highway may utilize any public street for parking. In the event the Code Enforcement Hearing Officer finds that such parking is occurring, the Hearing Officer may vacate the Special Exception permitting the outdoor sales of used motor vehicles.
- SPECIAL EXCEPTION REQUESTED**
- TO ALLOW A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING PER SECTION 236.2, BCZR.

- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 089C3.
 3. CENSUS TRACT 450100 REGIONAL PLANNING DISTRICT 326
 4. WATER SERVICE AREA FIRST ZONE SEVERED
 5. SCHOOL DISTRICT ELEMENTARY - RED HOUSE RUN MIDDLE - GOLDEN RING, HIGH - OVERLEA A.D.C. MAP 4 GRID 36 H-7
- FLOOR AREA RATIO:** $\frac{47,754}{25,200} = 1.90$ $\frac{25,200}{47,754} = 0.53$
- ZONING HISTORY**
- CASE #68-155A: GRANTED SIDE YARD AND REAR YARD VARIANCES FOR EXISTING BUILDING ON WESTERN SIDE OF PROPERTY ON JANUARY 6, 1968
- CASE #68-391A: GRANTED SIDE YARD AND REAR YARD SETBACKS OF 33 FEET INSTEAD OF THE REQUIRED 30 FEET
- CASE #74-148A: GRANTED SIDE YARD SETBACK OF 10' IN LIEU OF REQUIRED 30'
- PARKING CALCULATIONS**
- #8220 PULASKI HIGHWAY (RETAIL SALES) 10,200 SQ. FT. 10.2 X 5 = 51 SPACES REQUIRED
- #8220 PULASKI HIGHWAY P.H. (MANUFACTURING WHOLESALE OR WAREHOUSE) 1 PER EMPLOYEE (LARGEST SHIFT) = 0 SPACES REQUIRED
- #8222 PULASKI HIGHWAY (AUTOMOBILE SALES) 600 SQ. FT. 0.6 X 5 = 3 SPACES REQUIRED
- #8222 PULASKI HIGHWAY (AUTOMOBILE SERVICE) 14,400 SQ. FT. 14.4 X 3.3 = 48 SPACES REQUIRED
- TOTAL PARKING SPACES REQUIRED: 102**
- TOTAL PARKING SPACES PROVIDED: 52** (INCLUDES 4 EXISTING BAYS)

- VARIANCES REQUESTED**
- 1) TO PERMIT STORAGE AND DISPLAY OF VEHICLES IN THE FRONT YARD 0 FEET FROM THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED 35 FEET PER SECTION 236.4, BCZR.
 - 2) TO PERMIT STORAGE AND DISPLAY OF VEHICLES MORE THAN 15 FEET AND AS MUCH AS 50 FEET IN FRONT OF REQUIRED FRONT BUILDING LINE PER SECTION 236.4, BCZR.
 - 3) TO PERMIT A MINIMUM PERMITTED AMENITY OPEN SPACE RATION OF 0.0 IN LIEU OF THE REQUIRED 0.2 PER SECTION 236.5.A, BCZR.
 - 4) TO PERMIT A DRIVEWAY OF 10 FEET WIDE FOR ONE WAY MOVEMENT IN LIEU OF THE REQUIRED 12 FEET PER SECTION 401.4.A, BCZR.
 - 5) TO PERMIT 52 PARKING SPACES IN LIEU OF THE 102 PARKING SPACES REQUIRED PER SECTION 401.6.A.2, BCZR.
 - 6) TO PERMIT 20 PARKING SPACES THAT DO NOT ADJOIN AND HAVE DIRECT ACCESS TO AISLE THAT WILL HAVE A PARKING ATTENDANT PER SECTION 401.6.B.1, BCZR.
 - 7) NOT TO REQUIRE DESIGN SCREENING OR LANDSCAPING ON THE SUBJECT PROPERTY AS PER SECTION 401.8.A, BCZR.
 - 8) TO PERMIT A PARKING SPACE IN A PARKING FACILITY TO BE 0 FEET FROM A RIGHT OF WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10 FEET PER SECTION 401.8.A.4, BCZR.
 - 9) TO PERMIT A DEAD END ISLE WITHOUT SUFFICIENT BACKUP AREA FOR THE END PARKING SPACES PER SECTION 401.8.A.6, BCZR.
 - 10) TO AFFIRM THE RELIEF GRANTED IN CASE NO. 68-155-A AND CASE NO. 68-391-A

PETITIONER'S

EXHIBIT NO.

AMENDED

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION AND VARIANCES

PROPERTY OF

8220 PULASKI HIGHWAY, INC.

#8220 - 8224 PULASKI HIGHWAY

Deed Ref: S.M. No. 13991 folio 440,

Parcel 1 31,700 Sq. Ft.

Tax Account No.: 15-04-201211

Parcel 2 16,439 Sq. Ft.

Tax Account No.: 15-25-450510

Zoned BR-AS, BL & DR 5.5; GIS Tile 089C3

Tax Map 89; Grid 23; Parcel 739

15th ELECTION DISTRICT

7th COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

Scale: 1"=40' Date: MAY 21, 2010



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REGISTERED PROFESSIONAL LAND SURVEYORS

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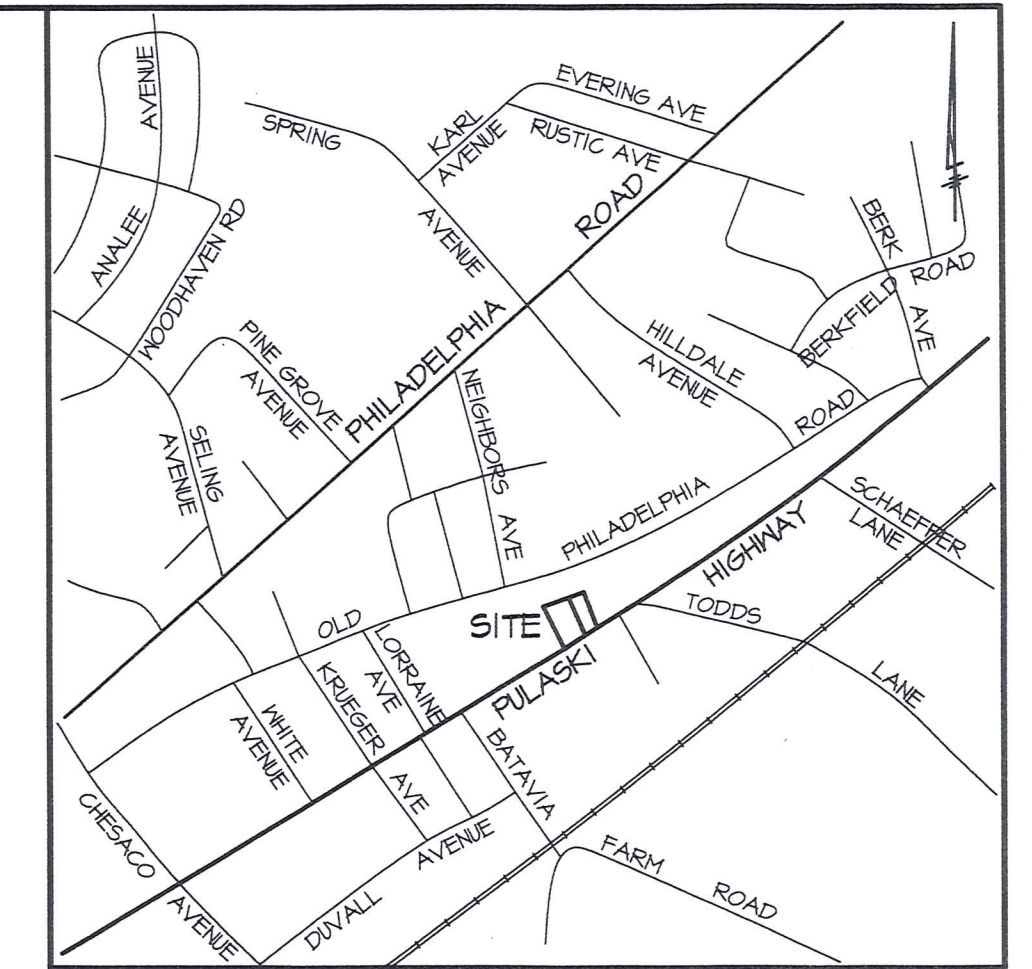
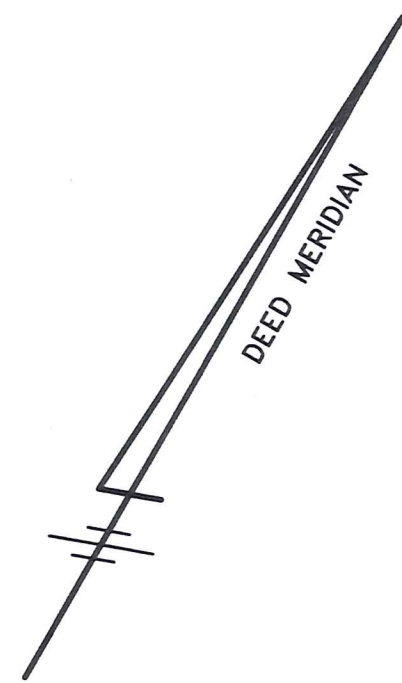
Plant List Sketch Approved 12/28/10

GERHOLD, CROSS & ETZEL, LTD. 12/28/10

LANDSCAPE PLANTING 12/28/10

AMENDMENTS IN RED (EXCEPT FOR ZONING HISTORY AMENDMENT) 12/28/10

REVISION	DATE	COMPUTED	DRAWN: SL	CHECKED: BD



VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 089C3.
3. CENSUS TRACT 450100 REGIONAL PLANNING DISTRICT 326
- WATER SERVICE AREA FIRST ZONE SEWERSHED 1
- SCHOOL DISTRICT: ELEMENTARY - RED HOUSE RUN; MIDDLE - GOLDEN RING; HIGH - OVERLEA
- A.D.C. MAP # GRID 36 H-1

FLOOR AREA RATIO: $\frac{47,754}{25,200} = 1.90$

ZONING HISTORY

CASE #68-153A: GRANTED SIDE YARD AND REAR YARD VARIANCES FOR EXISTING BUILDING ON WESTERN SIDE OF PROPERTY ON JANUARY 16, 1968

CASE #68-341A: GRANTED SIDE YARD AND REAR YARD SETBACKS OF 3.3 FEET INSTEAD OF THE REQUIRED 30 FEET

CASE #74-148A GRANTED SIDE YARD SETBACK OF 10' IN LIEU OF REQUIRED 30'

PARKING CALCULATIONS

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(INCLUDES 4 EXISTING BAYS)

SPECIAL EXCEPTION REQUESTED

TO ALLOW A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDINGS PER SECTION 236.2, BCZR

VARIANCES REQUESTED

- 1) TO PERMIT STORAGE AND DISPLAY OF VEHICLES IN THE FRONT YARD 0 FEET FROM THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED 35 FEET PER SECTION 236.4, BCZR
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- 4) TO PERMIT A DRIVEWAY OF 10 FEET WIDE FOR ONE WAY MOVEMENT IN LIEU OF THE REQUIRED 12 FEET PER SECTION 404.A.A, BCZR
- 5) TO PERMIT 52 PARKING SPACES IN LIEU OF THE 102 PARKING SPACES REQUIRED PER SECTION 404.B.A.2, BCZR
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- 7) NOT TO REQUIRE DESIGN, SCREENING OR LANDSCAPING ON THE SUBJECT PROPERTY AS PER SECTION 404.B.A.1, BCZR
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- 9) TO PERMIT A DEAD END ISLE WITHOUT SUFFICIENT BACKUP AREA FOR THE END PARKING SPACES PER SECTION 404.B.A.6, BCZR
- 10) TO AFFIRM THE RELIEF GRANTED IN CASE NO.68-153-A AND CASE NO. 86-391-A

PETITIONER'S

EXHIBIT NO. 1

PLAT TO ACCOMPANY A PETITION
FOR A SPECIAL EXCEPTION AND VARIANCES
PROPERTY OF

8220 PULASKI HIGHWAY, INC.

#8220 - 8224 PULASKI HIGHWAY
Deed Ref: S.M. No. 13991 folio 440,

Parcel 1 31,700 Sq. Ft.
Tax Account No.: 15-04-201211

Parcel 2 16,439 Sq. Ft.
Tax Account No.: 15-25-450510

Zoned BR-AS, BL & DR 5.5; GIS Tile 089C3
Tax Map 89; Grid 23; Parcel 739

15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=40'

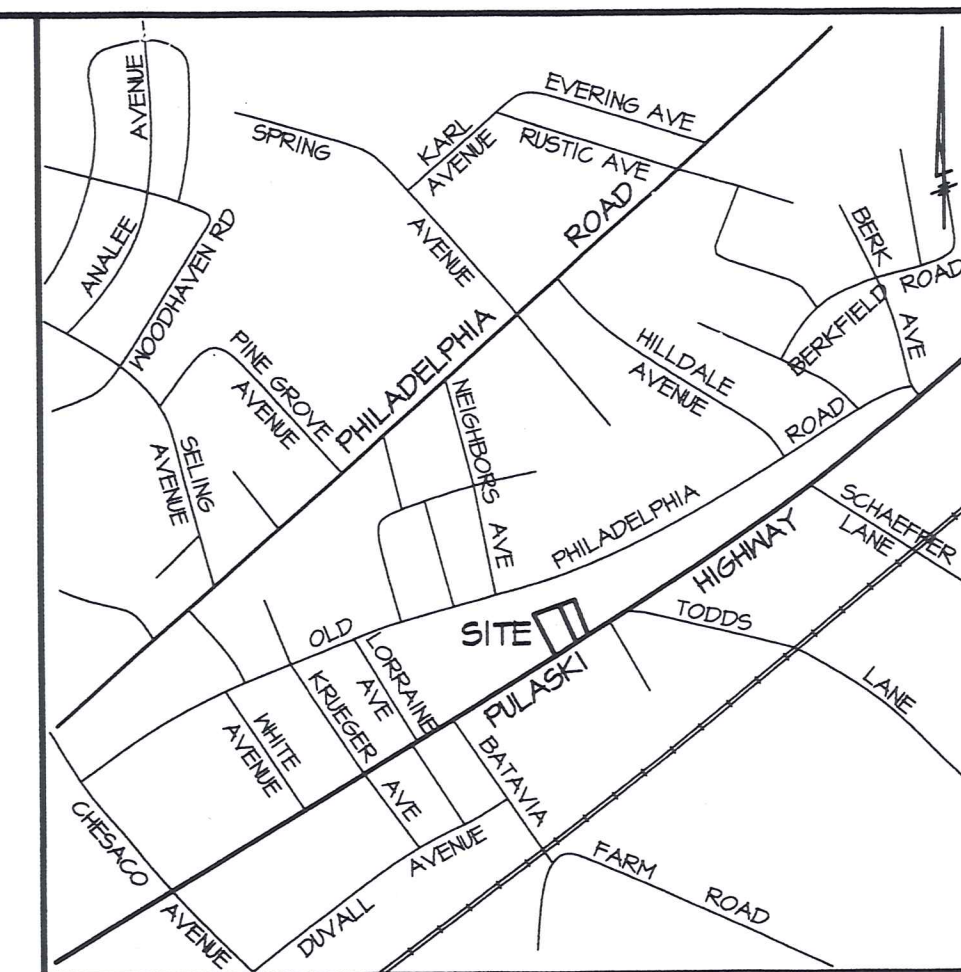
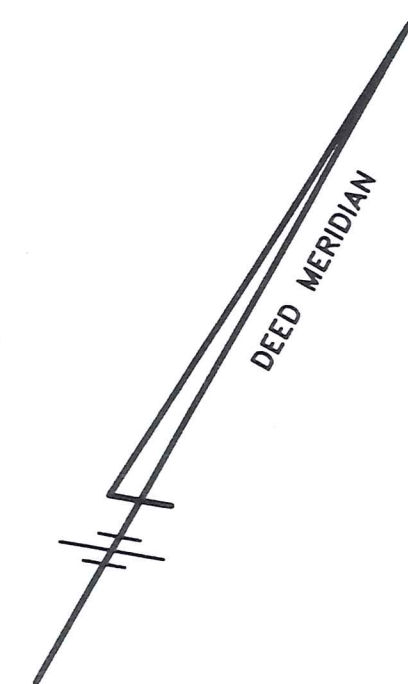
Date: MAY 21, 2010

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REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE

COMPUTED: DRAWN: BL CHECKED: BD



VICINITY MAP
1" = 1000'

GENERAL NOTES

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2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 089C3.
3. CENSUS TRACT: 450100 REGIONAL PLANNING DISTRICT: 326
4. WATER SERVICE AREA: FIRST ZONE SEVERSHED
5. SCHOOL DISTRICT: ELEMENTARY - RED HOUSE RUN; MIDDLE - GOLDEN RING; HIGH - OVERLEA A.D.C. MAP & GRID: 36 H-7

FLOOR AREA RATIO: $\frac{47,754}{25,200} = 1.90$

ZONING HISTORY

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- CASE #68-341A: GRANTED SIDE YARD AND REAR YARD SETBACKS OF 3.3 FEET INSTEAD OF THE REQUIRED 30 FEET

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TO ALLOW A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING PER SECTION 236.2, BCZR

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PETITIONER'S

EXHIBIT NO. 2

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION AND VARIANCES

PROPERTY OF

8220 PULASKI HIGHWAY, INC.

#8220 - 8224 PULASKI HIGHWAY
Deed Ref: S.M. No. 13991 folio 440,

Parcel 1 31,700 Sq. Ft.
Tax Account No.: 15-04-201211

Parcel 2 16,439 Sq. Ft.
Tax Account No.: 15-25-450510

Zoned BR-AS, BL & DR 5.5; GIS Tile 089C3
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Scale: 1"=40'

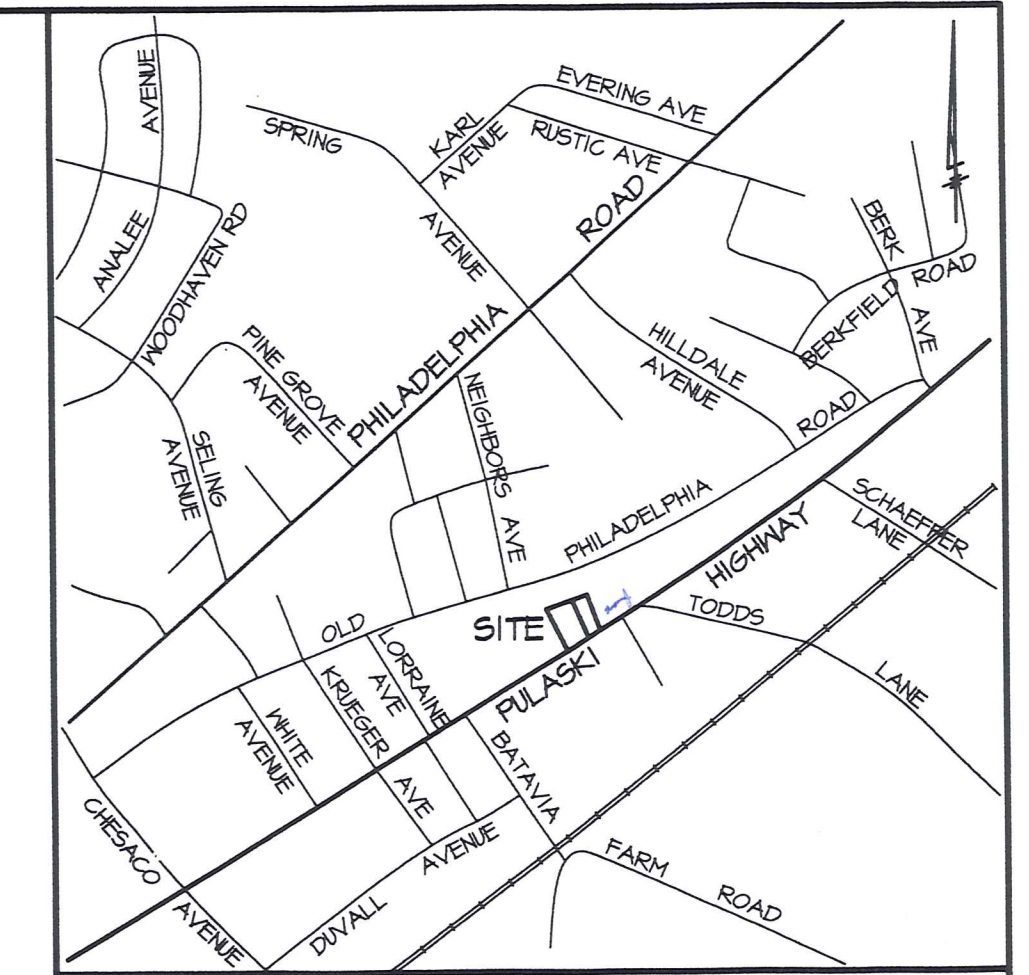
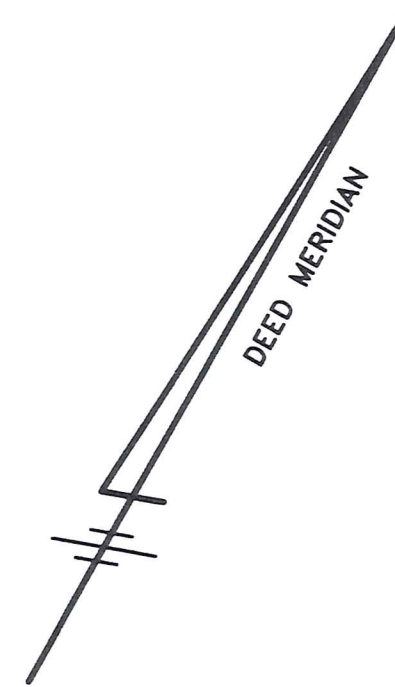
Date: MAY 21, 2010

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REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
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(410) 823-4470

REVISION	DATE	COMPUTED	DRAWN	CHECKED



VICINITY MAP
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GENERAL NOTES

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WATER SERVICE AREA FIRST ZONE SEWERSHED
SCHOOL DISTRICT: ELEMENTARY - RED HOUSE RUN; MIDDLE - GOLDEN RING; HIGH - OVERLEA
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FLOOR AREA RATIO: $\frac{47,754}{25,200} = 1.90$

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PETITIONER'S

EXHIBIT NO. 4

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PLAN SHOWING VARIANCES (COLOR CODED)

PLAT TO ACCOMPANY A PETITION
FOR A SPECIAL EXCEPTION AND VARIANCES
PROPERTY OF

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#8220 - 8224 PULASKI HIGHWAY
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