

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE**
S side of East Joppa Road, 473 feet
W of the c/line of Oakleigh Road
9th Election District
5th Councilmanic District
(1763 East Joppa Road)

Bahram R. Bagheri
Legal Owner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0005-XA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Exception and Variance filed by Deborah Dopkin, Esquire on behalf of Bahram R. Bagheri, legal property owner. The Special Exception is to permit a used motor vehicle outdoor sales area, separated from a sales agency building in accordance with Section 236.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and to terminate the previously granted Special Exception for Fuel Service Station in accordance with Section 405.7 of the B.C.Z.R. The Variance request is from Sections 238.1 and 303.2 of the B.C.Z.R., to permit a front yard of 57 feet in lieu of the required 70.5 feet and from Section 238.2 of the B.C.Z.R., to permit a rear yard of 8 feet in lieu of the required 30 feet.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing in support of the Special Exception and Variance requests were Petitioner Bahram R. Bagheri, the legal property owner, and Kenneth J. Colbert, P.E., with Colbert Matz Rosenfelt, Inc., the consulting firm who prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

ORDER RECEIVED FOR FILING

Date 8-26-11

Testimony and evidence revealed that the subject property is the former used car lot used by Schaefer & Strohminger. See Petitioner's Exhibits 5A-D. The site contains 11,950 square feet, and is presently vacant. The Petitioner proposes to resume the sale of used motor vehicles at the site, and he presently operates similar businesses. The property is zoned BR, with a very small portion of BM zoned land.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. There were no adverse comments received from any of the County reviewing agencies.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests, that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship, and that the variance request can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. See Trinity Assembly v. People's Counsel, 407 Md. 53 (2008). In this case, Mr. Colbert opined that the property is unique since the building presently exists on site, and the surrounding and adjoining structures -- which generated the need for variance relief -- were constructed after the building on the subject property.

As for the Special Exception, Mr. Colbert testified he was intimately familiar with the factors set forth in B.C.Z.R. § 502.1, as interpreted in Schultz v. Pritts, 291 Md. 1 (1981), and that the Petitioner's proposal satisfied each of the conditions set forth in the aforementioned regulation.

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 Petitioner's Special Exception and Variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 8.26.11

2

By [Signature]

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 26 day of August, 2011, that Petitioner's request for a Special Exception to permit a used motor vehicle outdoor sales area, separated from a sales agency building pursuant to Section 236.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), and to terminate the Special Exception for Fuel Service Station (granted in Case No. 4029-X (1957)) in accordance with Section 405.7 of the B.C.Z.R., be and is hereby GRANTED; and

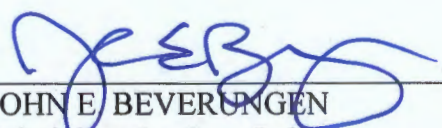
IT IS FURTHER ORDERED that Petitioner's Variance requests pursuant to Sections 238.1 and 303.2 of the B.C.Z.R., to permit a front yard of 57 feet in lieu of the required 70.5 feet and from Section 238.2 of the B.C.Z.R., to permit a rear yard of 8 feet in lieu of the required 30 feet, be and are hereby GRANTED.

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

1. Petitioner may apply for any permits required and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner may service only motor vehicles offered for sale at the subject property. No other motor vehicle repair and/or service is permitted on the subject property.

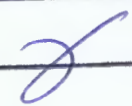
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB/pz


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 8-26-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

August 26, 2011

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

Re: Petition for Special Exception and Variance
Case No. 2012-0005-XA
Property: 1763 East Joppa Road

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 "JEB", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 1763 East Joppa Road

which is presently zoned BR

Deed Reference: 30638 / 370 Tax Account # 0901045138

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

For a used motor vehicle outdoor sales area, separated from a sales agency building in accordance with Section 236.2 and to terminate the Special Exception for Fuel Service Station in accordance with Section 405.7.

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print _____

Signature Deborah Dopkin

Company
409 Washington Avenue, Suite 1000 - 410-821-0200

Address _____ Telephone No. _____

Towson, MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Bahram R. Bagheri

Name - Type or Print _____

Signature Bahram R. Bagheri

Name - Type or Print _____

Signature _____

3609 Chapman Road

Address _____ Telephone No. _____

Kingsville, MD 21087

City _____ State _____ Zip Code _____

Representative to be Contacted:

Kenneth J. Colbert, P.E.

Name _____

Colbert Matz Rosenfelt, Inc.-2835 Smith Avenue, G

Address _____ Telephone No. _____

Baltimore, MD 21209 - 410-653-3838
City Ba 410-653-3838 State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. 2012-0005XA

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date 8.26.11

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1763 East Joppa Road
which is presently zoned BR

Deed Reference: 30638 / 370 Tax Account # 0910451383

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)

Section 238.1 and 303.2 to permit a front yard of 57 feet in lieu of the required 70.5 feet and to
Section 238.2 to permit a rear yard of 8 feet in lieu of the required 30 feet.

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

Reasons to be presented at the 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print

Signature

Company
409 Washington Avenue, Suite 1000 - 410-821-0200

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Bahram R. Bagheri

Name - Type or Print

Signature

Name - Type or Print

Signature

3609 Chapman Road

Address Telephone No.

Kingsville, MD 21087

City State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

Name

Colbert Matz Rosenfelt, 2835 Smith Avenue, G.

Address Telephone No.

Baltimore, MD 21209 - 410 - 653-3838

City State Zip Code

Case No. 2012-0005 XA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

ORDER RECEIVED FOR FILING

Reviewed by JCM Date 7.26.11

Date 8.26.11

By [Signature]

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 1763 East Joppa Road

Beginning at a point on the south side of East Joppa Road, which is 70 feet wide, at the distance of 473 feet, more or less, west of the centerline of Oakleigh Road. Thence the following courses and distances:

S 09° 47' 14" E 95.64 feet;
S 80° 12' 46" W 125.00 feet;
N 09° 47' 14" W 95.93 feet;
N 80° 06' 44" E 34.08 feet
by a curve to the left R = 5,764.58 feet, L = 90.92 feet
to the point of beginning.

As recorded in Deed Liber 30638, Folio 370 and containing 11,950 square feet (0.274 acres) more or less and located in the 9th Election District and 5th Councilmanic District.



Professional Certification: I hereby that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No: 9752

Expiration Date: 2-28-12

J:\2011\2011061\ZONING DESCRIPTION.doc

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0005-XA

1763 East Joppa Road

S/side of East Joppa Road, 473 feet +/- west of centerline of Oakleigh Road

9th Election District — 5th Councilmanic District

Legal Owner(s): Bahram Bagheri

Special Exception: for a used motor vehicle outdoor sales area, separated from a sales agency building in accordance with Section 236.2 and to terminate the Special Exception for Fuel Service Station in accordance with Section 405.7.

Variance: to permit a front yard of 57 feet in lieu of the required 70.5 feet and to permit a rear yard setback of 8 feet in lieu of the required 30 feet.

Hearing: Friday, August 19, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

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

156 August 4

283167

CERTIFICATE OF PUBLICATION

8/4/2011

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 8/4/2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 08/05/2011

Case Number: 2012-0005-XA

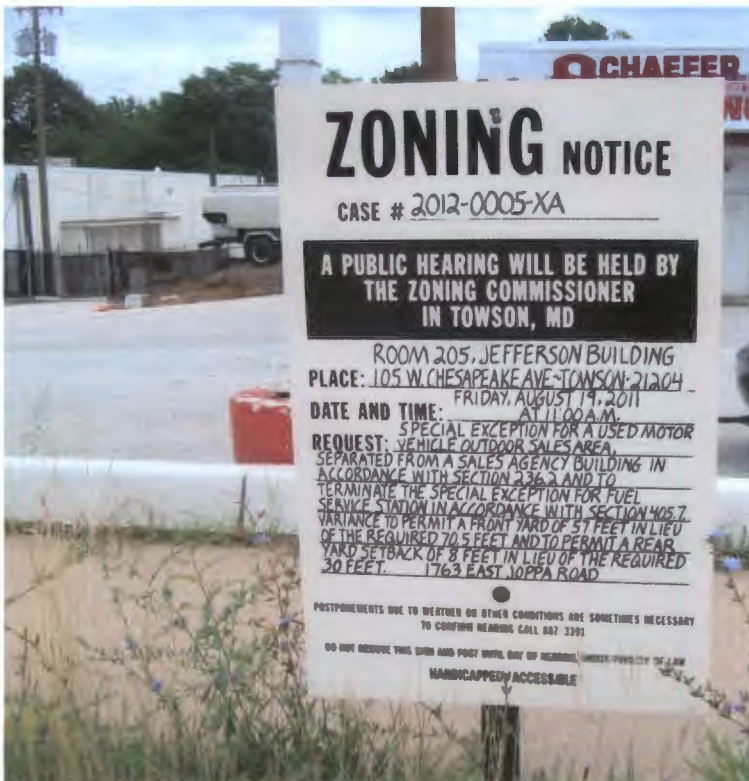
Petitioner / Developer: DEBORAH DOPKIN, ESQ.~

BAHRAM BAGHERI~KENNETH COLBERT

Date of Hearing (Closing): AUGUST 19, 2011

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1763 EAST JOPPA ROAD

The sign(s) were posted on: AUGUST 4, 2011



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 9, 2011

Bahram Bagheri
3609 Chapman Road
Kingsville, MD 21087

RE: Case Number 2012-0005-XA, 1763 East Joppa Road

Dear Mr. Bagheri,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 2011. 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. Caril Richards, Jr.", is written over the typed name.

W. Caril Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Kenneth Colbert, 2835 Smith Avenue, G, Baltimore, MD 21209
Deborah Dopkin, 409 Washington Avenue, Suite 100, Towson, MD 21204

JB 8/19
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: August 11, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1763 East Joppa road

RECEIVED

INFORMATION:

AUG 22 2011

Item Number: 12-005

Petitioner: Bahram R. Bagheri

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BR

Requested Action: Variance and Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office does not oppose the petitioner's request; the petitioner's proposal complements the existing uses in the surrounding area. Furthermore the use does not undermine the criteria listed in Section 502.1 BCZR, as it does not appear to compromise the health, safety and welfare of the surrounding community. The following conditions should be placed on any relief granted:

1. Most repairs (major and minor) done to vehicles being serviced should be conducted in the service bays.
2. Parked vehicles should not be located within 10-feet of the East Joppa Road right-of-way.
3. Upgrade the existing landscaping on the subject property. Submit a landscape plan to Avery Harden, Baltimore County Landscape Architect for review and approval prior to the application for any building permits.

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

Prepared by:

Division Chief:
JM/LL: CM



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 15, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **July 18, 2011**

Item No.:

Special Hearing: 2012 – 0003-SPHX, 2012 – 0007-SPH, 2012 – 0009-SPHA.

Special Exception: 2012 – 0003-SPHX, 2012 – 0005 – XA.

Administrative Variance: 2012 – 0002A, 2012 – 0004A, 2012 – 0006A, 2012 – 0010A.

Variance: 2012 – 0001A, 2012 – 0005 – XA, 2012 – 0003A, 2012 – 0009-SPHA.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7-21-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

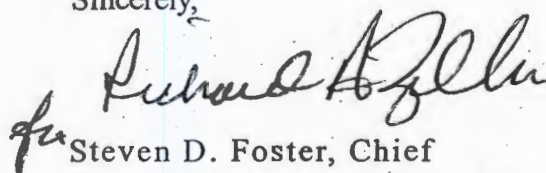
RE: Baltimore County
Item No. 2012-0005-XA
Variance Special Exception
Bahram Bagheri
1763 East Joppa Road

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0005-XA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

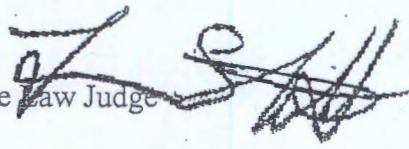

Steven D. Foster, Chief
Access Management Division

SDF/rz

MEMORANDUM

DATE: August 24, 2011

TO: Andrea Van Arsdale, Director
Office of Planning

FROM: Lawrence M. Stahl
Managing Administrative Law Judge 

SUBJECT: DEPS Comment for Case No. 2012-0005-XA

This comment was received after the close of the hearing record in this matter. It was not therefore included in the Opinion and Order issued; however, a copy, attached to this memo, is being retained in the file.

LMS:dlw
Attachment

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
1763 East Joppa Road; S/S East Joppa Road,	*	ADMINISTRATIVE LAW
473' W of c/line of Oakleigh Road		
9 th Election & 5 th Councilmanic Districts	*	JUDGE FOR
Legal Owner(s): Bahram Bagheri		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-005-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

JUL 25 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, Colbert, Matz & Rosenfelt, Inc, 2825 Smith Avenue, Suite G, Baltimore, MD 21209 and Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8-19-11

Case No.: 2012-0005-XA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Resume Colbert	
No. 2	Site Plan	
No. 3	BC Zoning Map	
No. 4	Color Aerial Photo	
No. 5 A-D	Photographs	
No. 6	Special Exception	
No. 7	BCZR chart	
No. 8	ZAG Comments	
No. 9	SDAT Record.	
No. 10		
No. 11		
No. 12		

RESUME

PROFESSIONAL BACKGROUND AND EXPERIENCE

KENNETH J. COLBERT
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209

PROFESSIONAL STATUS: Professional Engineer, Maryland, PE No. 9752

EDUCATION: University of Missouri-Rolla
Rolla, Missouri
B.S. in Civil Engineering - 1968

PROFESSIONAL BACKGROUND AND EXPERIENCE:

Mr. Colbert is a 1968 graduate of the University of Missouri with a Bachelor of Science in Civil Engineering. Has extensive experience in the field of Civil Engineering and Site Planning for residential, commercial, and other non-residential land development projects. He has prepared plans and has managed construction projects throughout central Maryland. Responsibilities include project coordination, project design, assisting in bid process, review of studies, reports and construction documents, and quality control.

Accepted as an expert in those areas, and testified before the following:

- Anne Arundel County Administrative Hearing Officer
- Anne Arundel County Board of Appeals
- City of Annapolis City Council
- City of Annapolis Planning Commission
- Baltimore County Board of Appeals
- Baltimore County Zoning Commissioner
- Baltimore City Board of Municipal Zoning Appeals
- Cecil County Board of Appeals
- City of Elkton Planning Board
- City of Elkton City Council
- City of Gaithersburg Planning Board
- City of Gaithersburg City Council
- Harford County Board of Appeals
- Howard County Hearing Examiner
- Howard County Board of Appeals
- Montgomery County Planning Board
- Montgomery County Hearing Examiner
- Montgomery County Board of Appeals
- City of Rockville Planning Commission
- City of Rockville Board of Appeals
- City of Westminster Planning Board

Testified as an expert witness in the field of Civil Engineering for Land Development in the District Courts of Baltimore County and Howard County.

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF

JOPPA ROAD, INC.

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Dec. 20, 1956.

For a Special Exception

To The Zoning Commissioner of Baltimore County

Joppa Road, Inc., 11 East Lexington Street, Baltimore 2, Md. Legal Owner

Shell Oil Company, 5831 York Road, Baltimore 12, Md. Contract Purchaser - Lessee

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for
a gasoline service station

"Beginning at a point on the southerly widening line of Joppa Road (as proposed to be widened 35 feet) which point is 620 feet, more or less, west along said widening line from the intersection of its projection with the projection of the centerline of Oakleigh Avenue, and running thence S⁹⁰47°14"E - 100 feet; thence N⁸⁰012°46"E - 125 feet to lands leased by the A & P Tea Co.; thence binding on lands of A & P Tea Co. N⁹⁰47°14"W - 100 feet to the southerly widening line of Joppa Road; thence along said widening line S⁸⁰012°46"W - 125 feet to point of beginning."

Shell Oil Company

Joppa Road, Inc.

By J. James Hartley Jr.
Contract Purchaser

Edmund P. ...
Legal Owner
Trade

This petition is submitted to correct erroneous description appearing in petition dated April _____ and approved _____, 1956.

DEVELOPER'S

EXHIBIT NO. 6

4029-X

SITE

JOPPA ROAD, INC.
S.E. of Joppa Rd. 620' N. of
centerline of Oakleigh Ave.
#1029-X
9th Dist.

4029-X

DEVELOPER' S

EXHIBIT NO. 7

Baltimore County Zoning Regulations
PC/Codebook for Windows

BALTIMORE COUNTY ZONING REGULATIONS 2011 Edition Updated 06-01-2011, v4 / THE REGULATIONS / ARTICLE 2, ELEVATOR-APARTMENT RESIDENCE ZONES, RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES, MANUFACTURING ZONES AND DISTRICTS EN / SCHEDULE OF SPECIAL EXCEPTIONS

USE	R.40 ³	R.20 ³	R.10 ³	R.6 ³	R.G. ³	R.A. ³	B.L.	B.M.	B.R.	M.L.	M.H.	M.L.R. ²
Public utility service center	S.E.	S.E.	S.E.	S.E.	S.E.	S.E.	--	--	--	--	--	
Public utility storage yard	S.E.	S.E.	S.E.	S.E.	S.E.	S.E.	S.E.	S.E.	--	--	--	
Racetrack, commercial	S.E.	S.E.	X	X	X	X	X	X	S.E.	X ⁵	X	
Radio studio	S.E.	S.E.	S.E.	S.E.	X	X	--	--	--	-- ⁴⁰	-- ⁴¹	
Residential art salon ⁶	S.E.	X ⁴²	X ⁴²	S.E.	X	X ⁴²	--	--	--	X	X	X
Riding stable, commercial	S.E.	S.E.	X	X	X	X	X	X	S.E.	X ⁵	X	
Rooming house	S.E.	S.E.	S.E.	S.E.	S.E.	S.E.	--	--	--	X	X	
Sanitary landfill	S.E.	S.E.	X ⁴³	X	X	X	X	X	S.E.	S.E.	--	
Shooting range	S.E.	S.E.	X	X	X	X	X	X	S.E.	S.E.	S.E.	
Signs, outdoor advertising	X	X	X	X	X	X	S.E.	S.E.	X ⁴⁴	S.E.	S.E.	
Storage of inflammable liquids and gases aboveground	X	X	X	X	X	X	X	X	S.E.	--	--	
Television studio	S.E.	S.E.	S.E.	S.E.	X ¹⁷	X ¹⁷	--	--	--	-- ⁴⁰	-- ⁴¹	
Theater, drive-in	S.E. ⁴⁵	S.E. ⁴⁵	X	X	X	X	X	X	S.E.	X	X	
Theater, excluding drive-in	X	X		X	X	X	S.E.	--	--	X	X	
Tourist home	S.E.	S.E.	S.E.	S.E.	X ¹⁷	X ¹⁷	--	--	--	X	X	
Trailer park	S.E.	S.E.	S.E.	X	X	X	X	X	S.E.	S.E. ⁷	S.E.	
Truck terminal	X	X	X	X	X	X	X	X	S.E.	S.E.	--	
Used motor vehicle sales area (separate from building)	X	X	X	X	X	X	X	X	S.E.	X ⁵	X	
Veterinarian's office ⁶	S.E.	S.E.	S.E.	S.E.	X ¹⁷	X ¹⁷	--	--	--	-- ⁴⁰	--	X
Veterinarian ⁶	S.E. ⁴⁵	S.E. ⁴⁵	S.E. ⁴⁵	S.E. ⁴⁵	X	X	--	--	--	-- ⁷	--	X



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 9, 2011

Bahram Bagheri
3609 Chapman Road
Kingsville, MD 21087

DEVELOPER' S

EXHIBIT NO. 8

RE: Case Number 2012-0005-XA, 1763 East Joppa Road

Dear Mr. Bagheri,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 2011. 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:mcn

Enclosures

c: People's Counsel
Kenneth Colbert, 2835 Smith Avenue, G, Baltimore, MD 21209
Deborah Dopkin, 409 Washington Avenue, Suite 100, Towson, MD 21204

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

Go Back
View Map
New Search
Ground Rent Redemption
Ground Rent Registration

Account Identifier: District - 09 Account Number - 0910451383

Owner Information

Owner Name: BAGHERI BAHRAM R Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 4212 RIDGE RD Deed Reference: 1) /30638/ 00370
BALTIMORE MD 21236-5725 2)

Location & Structure Information

Premises Address: 1763 E JOPPA RD 0-0000 Legal Description: .287 AC
1763 E JOPPA RD SS
450FT W OAKLEIGH RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0070	0012	0019		0000				2	Plat Ref:

Special Tax Areas: Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1972	1218	12,500 SF	20

Stories	Basement	Type	Exterior
		SERVICE GARAGE	

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	287,000	375,000		
Improvements:	51,100	45,800		
Total:	338,100	420,800	338,100	365,667
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
S & S AUTO PROPERTIES LLC	03/22/2011	\$355,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/30638/ 00370	
Seller:	Date:	Price:
S & S AUTO PROPERTIES LLP	06/22/2000	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/14544/ 00175	
Seller:	Date:	Price:
S & S ENTERPRISES	10/18/1996	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/11855/ 00716	

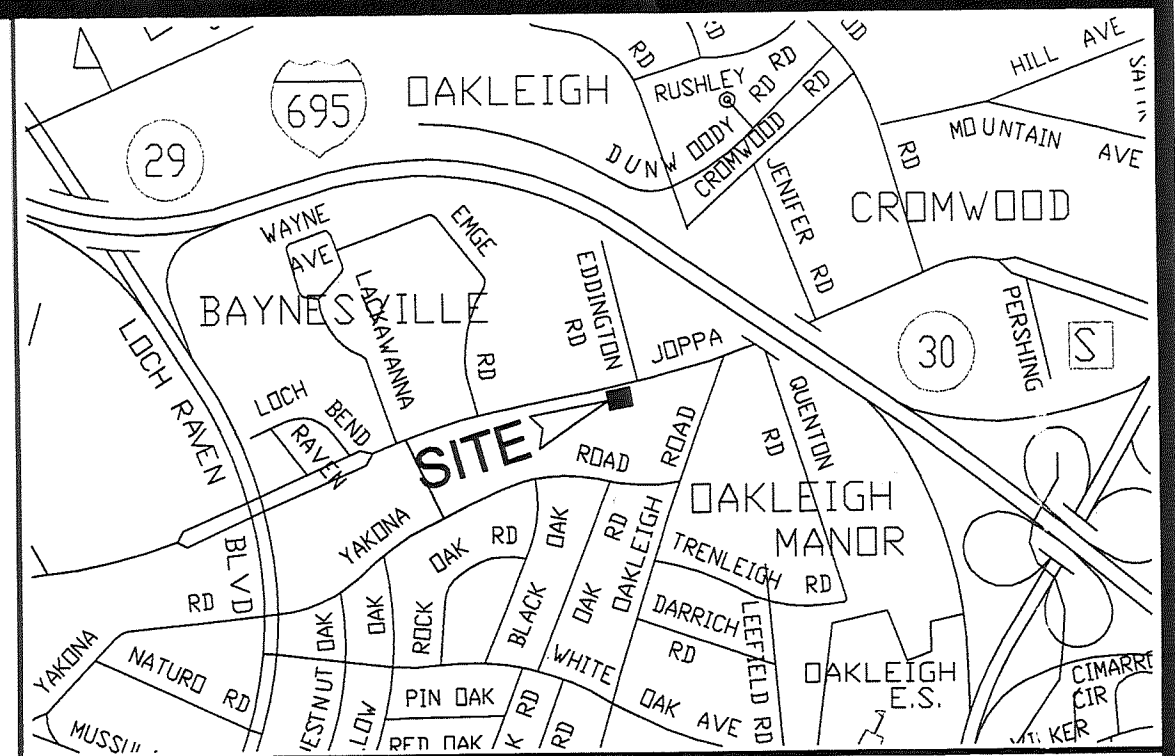
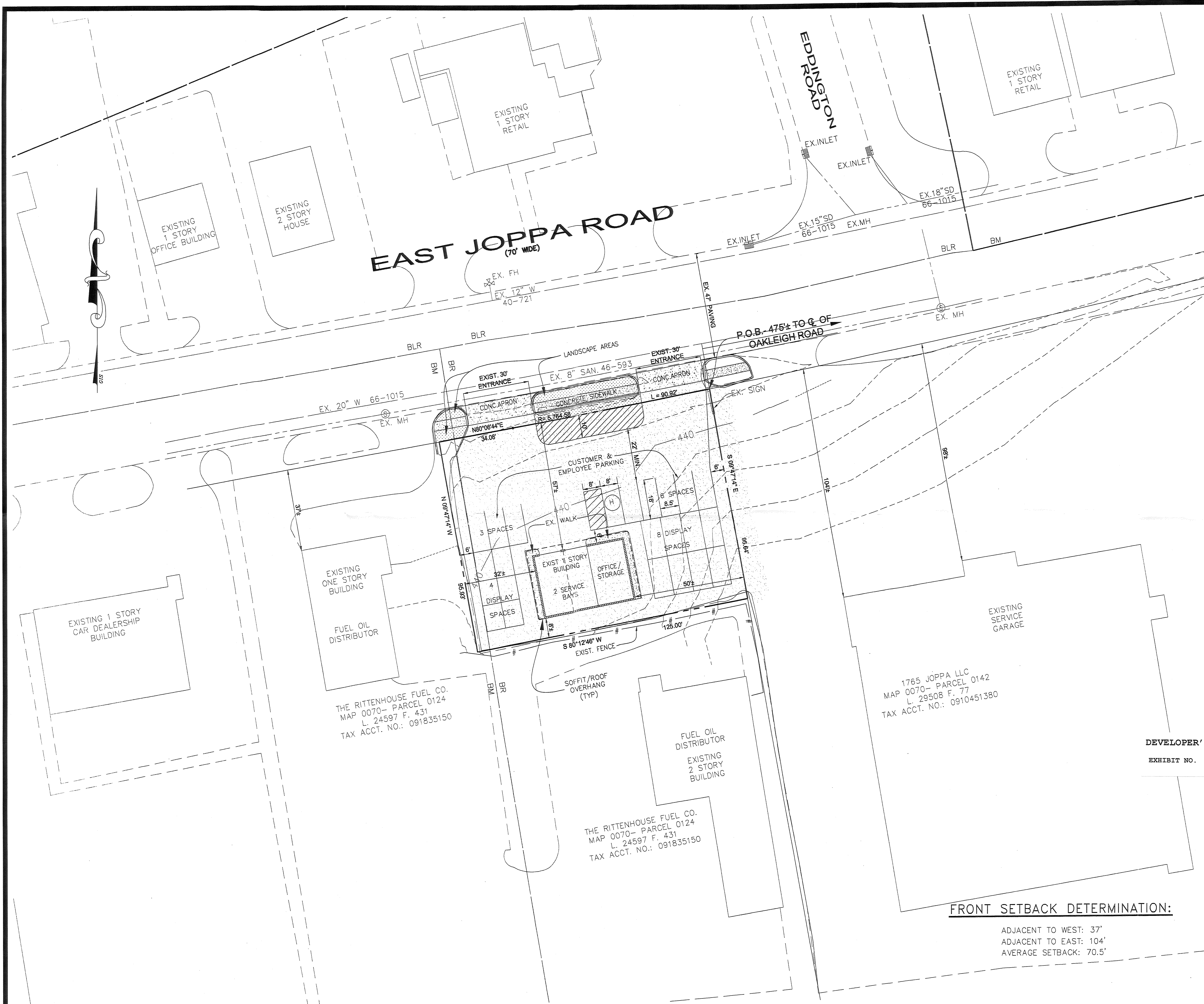
Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempts: Special Tax Exemptions: * NONE *

DEVELOPER' S

EXHIBIT NO. 9



VICINITY MAP
SCALE: 1"=1000'

- NOTES:
- DEVELOPER: BAGHERI, BAHAM R.
3609 CHAPMAN ROAD
KINGSVILLE, MD 21087
 - SITE DATA:
MAP 0070, PARCEL 0019
TAX ACCOUNT NO. 0910451383
DEED REFERENCE: 30638 / 370
SITE AREA: 11,950 SQ. FT. / 0.274 ACRES
EXISTING USE: VACANT
PROPOSED USE: USED MOTOR VEHICLE SALES
 - ZONING AND DEVELOPMENT HISTORY
CASE NO. 4029 - SPECIAL EXCEPTION FOR AN AUTOMOBILE SERVICE
STATION GRANTED JANUARY 21, 1997.
 - OFF STREET PARKING CALCULATIONS:

AUTOSERVICE - 712 SQ. FT. @ 3.3/1000 = 2.3 SPACES
OFFICE/STORAGE - 500 SQ. FT. @ 3.3/1000 = 1.6 SPACES
TOTAL PARKING REQUIRED - 3.9 SPACES (USE 4 SPACES)
TOTAL PARKING PROPOSED: 23 SPACES (INCLUDING 2 SERVICE BAYS)
 - SETBACKS

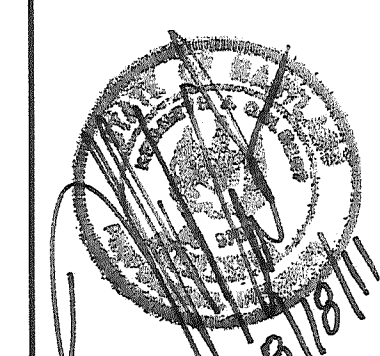
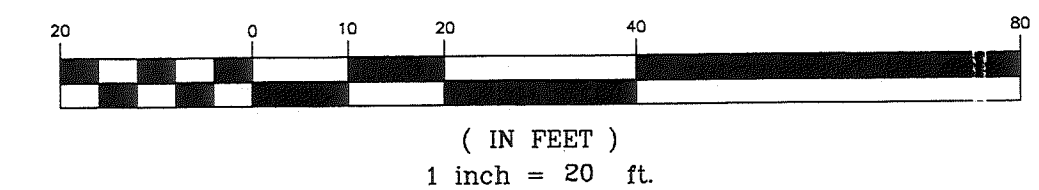
	REQUIRED	PROVIDED
FRONT	70.5'	57' (EXISTING)
SIDE	30'	32' (EXISTING)
REAR	30'	8' (EXISTING)
 - ZONING: BR
ZONING MAP NO.: 70-C2
 - F.A.R. CALCULATION -
BUILDING AREA: 1,212 SQ. FT.
SITE AREA: 11,950 SQ. FT.
PROPOSED FAR - 0.1
MAX. PERMITTED FAR - 2.0 (BR)
 - SITE IS NOT IN THE CRITICAL AREA, HAS NO HISTORIC BUILDINGS AND IS NOT IN A 100-YEAR FLOOD PLAIN.
 - PREVIOUS COMMERCIAL PERMITS: NO CURRENT COMMERCIAL PERMITS OF RECORD.
 - ALL SIGNS WILL COMPLY WITH THE REQUIREMENTS OF SECT. 450 OF THE BCZ.
 - ALL PARKING AND DRIVEWAY AREAS WILL BE DURABLE AND DUSTLESS SURFACES.
 - ALL PARKING SPACES WILL BE PERMANENTLY STRIPED.
 - BOUNDARY AND EXISTING SITE IMPROVEMENTS AREA TAKEN FROM DEEDS AND AVAILABLE RECORDS. THEY DO NOT REPRESENT A BOUNDARY OR LOCATION SURVEY.
 - THERE WILL BE NO OUTSIDE STORAGE OF DAMAGED OR DISABLED MOTOR VEHICLES ON SITE.
 - ALL LIGHTING SHALL BE PROVIDED IN A MANNER TO MINIMIZE GLARE AND LIGHT SPILLAGE ONTO ADJACENT PROPERTIES AND PUBLIC RIGHTS-OF-WAY.

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE

1763 E. JOPPA ROAD

DEVELOPER'S
EXHIBIT NO. **2**

9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE

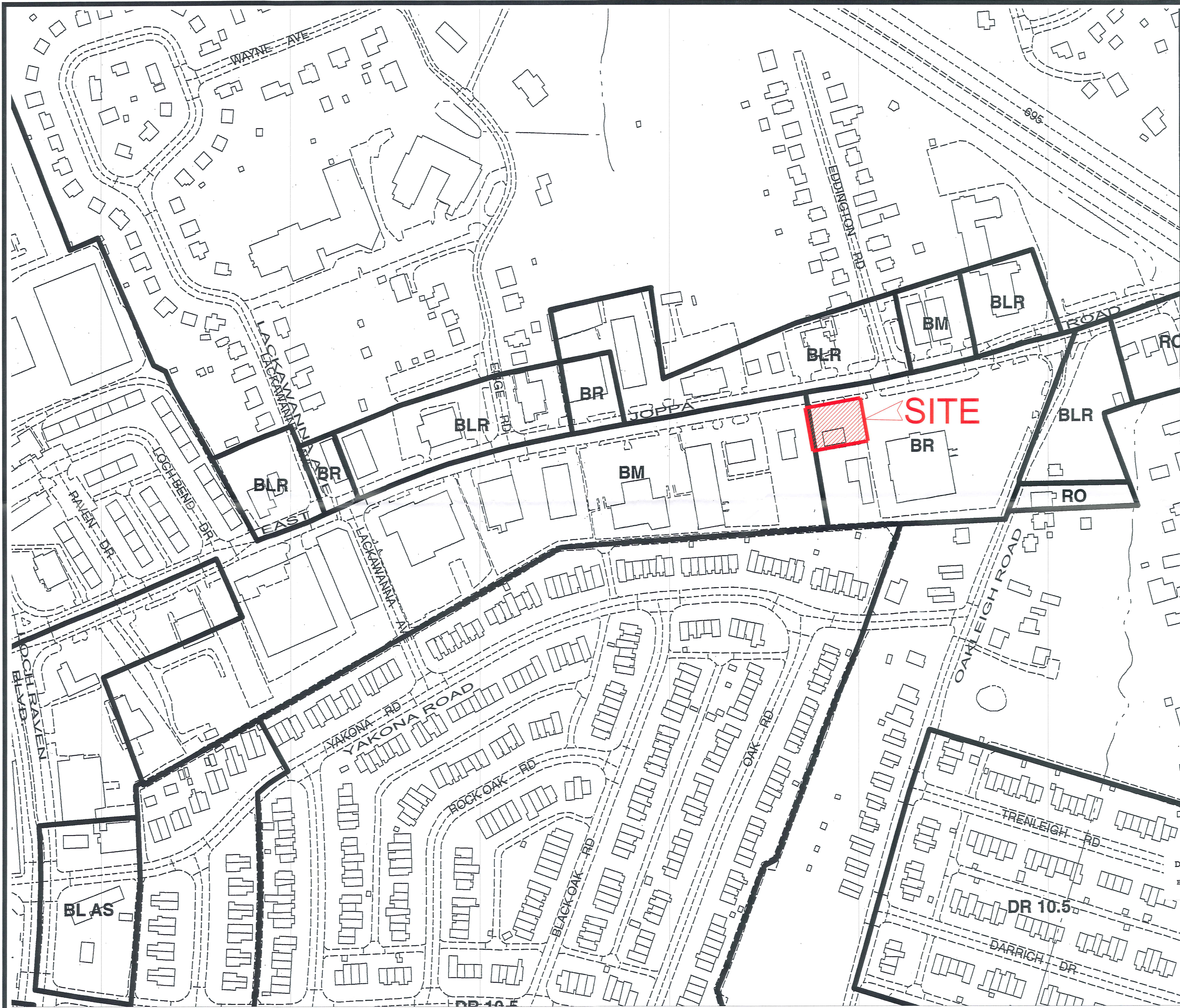


Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.		SCALE: 1"= 20'
License No. 9752	Expiration Date: 02-28-12	DATE: MAY 27, 2011
		JOB NO.: 2011-061
		DESIGNED: KJC
		DRAWN: AKC/ KJC
		CHECKED: KJC
		FILE: 2011061 ZONING.dwg
		DRAWING NUMBER: ZON-1
NO.	DATE	REVISIONS:
1	8/18/11	ADD NOTES 14 & 15. REMOVE SHOWROOM & ADJUST PARKING
		BY SHEET 1 OF 1

FRONT SETBACK DETERMINATION:

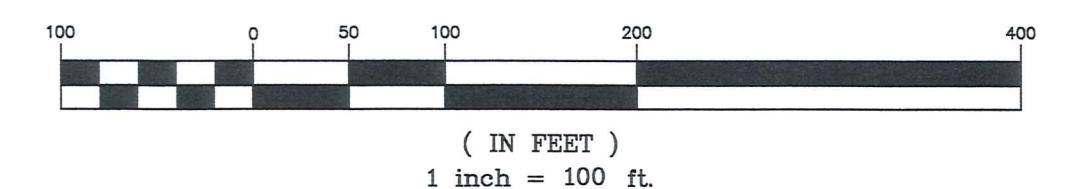
ADJACENT TO WEST: 37'
ADJACENT TO EAST: 104'
AVERAGE SETBACK: 70.5'



ZONING EXHIBIT

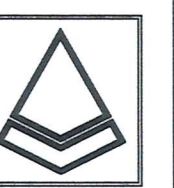
1763 E. JOPPA ROAD

9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE



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DEVELOPER'S
EXHIBIT NO. **3**

SCALE: 1"=100'
DATE: 08/17/11
JOB NO.: 2011-061
DESIGNED:
DRAWN: AKC
CHECKED: KJC
FILE: 2011061 ZONING EXHIBIT.dwg
DRAWING
NUMBER: ZON-EX

NO.	DATE	REVISIONS:	BY	SHEET	OF

DEVELOPER'S

EXHIBIT NO.

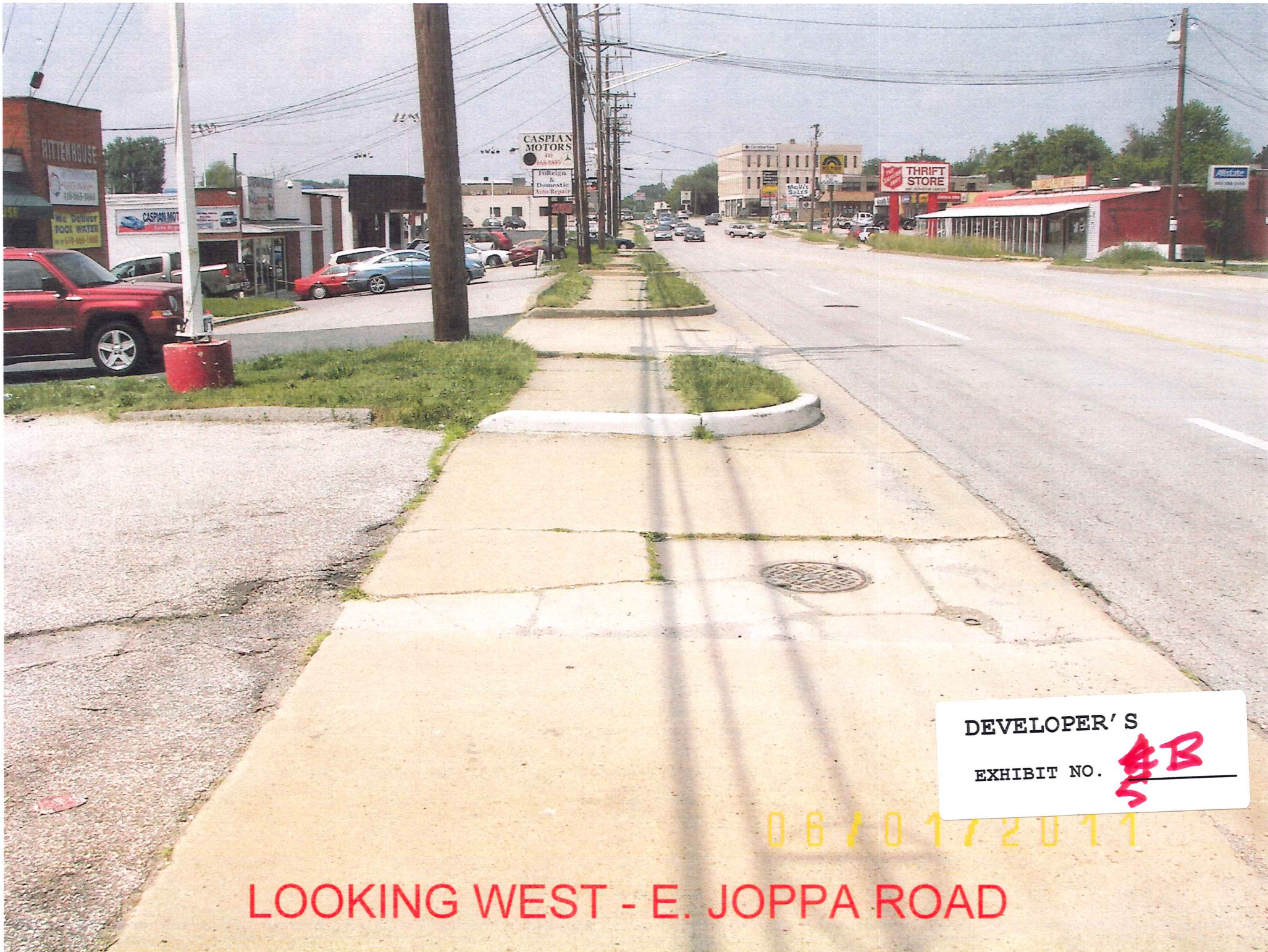
EA

SCHAEFER
Since 1917
TROHMINGER

1763 E. JOPPA ROAD

06/01/2011

06/01/2011



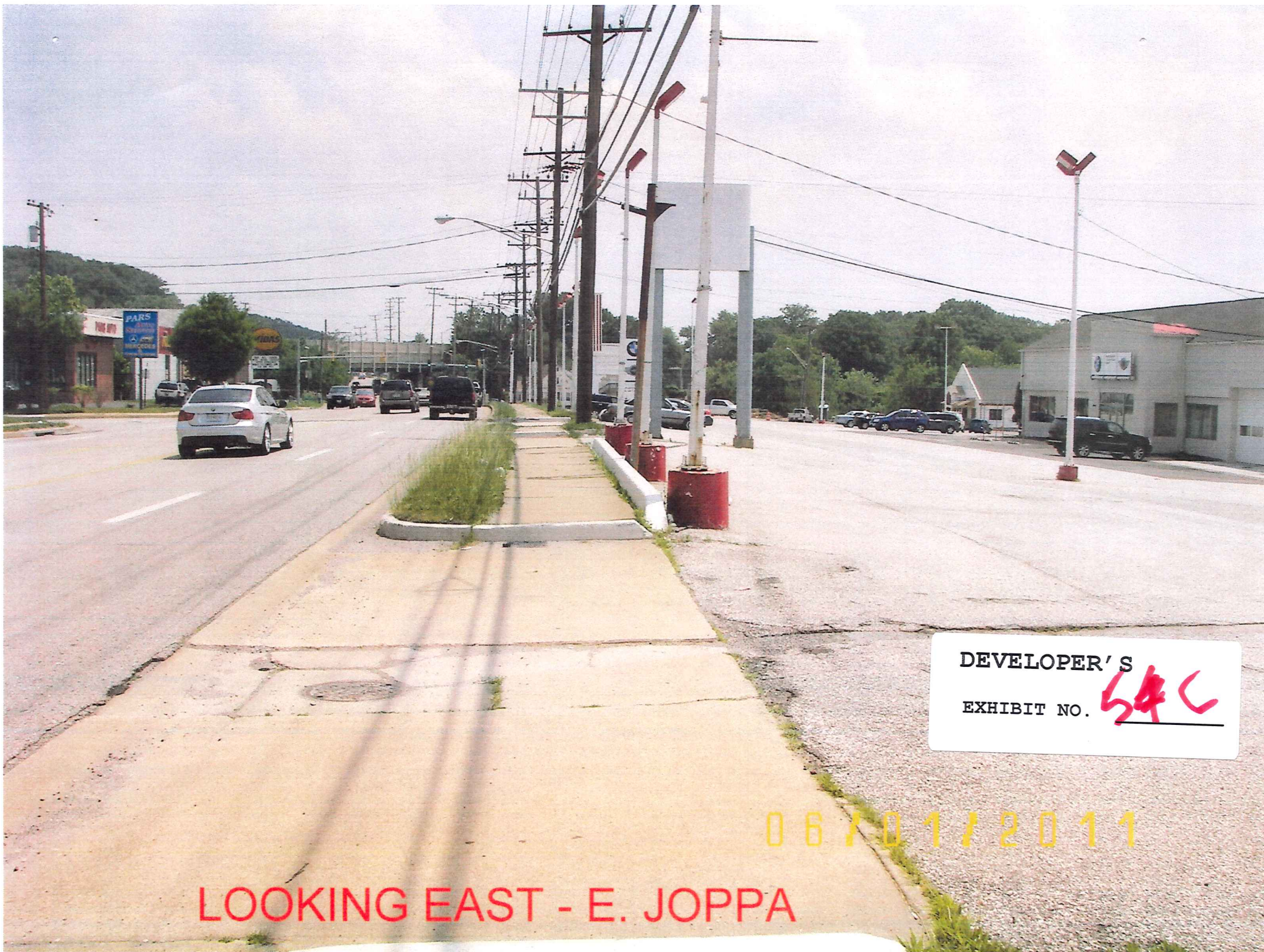
DEVELOPER'S

EXHIBIT NO.

5B

06/01/2011

LOOKING WEST - E. JOPPA ROAD



DEVELOPER'S

EXHIBIT NO.

64C

06/01/2011

LOOKING EAST - E. JOPPA



DEVELOPER' S

EXHIBIT NO 54D



Land Development Map

Created By
Baltimore County
My Neighborhood



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