

MEMORANDUM

DATE: November 29, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0047-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on November 28, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(8202 Pulaski Highway)
15th Election District
7th Council District
Fazal, LLC
*Legal Owner***

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2019-0047-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 8202 Pulaski Highway. The Petitions were filed on behalf of Fazal, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition seeks to allow a used motor vehicle outdoor sales area separated from sales agency building in a BR zone. The Petition for Variance seeks: (1) to permit a 0 ft. setback from the rear, side and front property lines for the parking in lieu of the required 10 ft. rear, side and front yard setbacks; and (2) to permit no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening and landscaping in accordance with the Landscape Manual. A site plan was marked as Petitioner's Exhibit 1.

Appearing in support of the petitions were Qaisar Shahzad and surveyor Bruce Doak. Russ Mirable appeared in opposition to the requests. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR").

The subject property is approximately 0.396 acres in size and zoned BR-AS. The property is improved with a one-story commercial building which until a few years ago housed a fast food

ORDER RECEIVED FOR FILING

Date 10/29/18
By sln

restaurant. The property is now vacant and Petitioner proposes to operate a used motor vehicle sales facility at the site, a use permitted by special exception in the BR-AS zone.

At the outset of the hearing Mr. Mirable raised the issue that the petitioner (a legal entity, or "person" under Maryland law per Md. R. 1-202(t)) was not represented by a lawyer. Mr. Doak assisted Petitioner, and while he is an experienced and knowledgeable surveyor, he is not a lawyer. Mr. Mirable correctly noted the "Zoning Checklist" prepared by the County expressly states a lawyer is required to represent an entity at a hearing before the Administrative Law Judge. Of course this is simply a restatement of long-existing Maryland law which states that an attorney is required to represent a corporation or other legal entity in a judicial or (as in this case) a quasi-judicial proceeding. *Lukas v. Bar Ass'n. of Montgomery County*, 35 Md. App. 442, 444-45 (1977); Md. Bus. Occ. & Prof. Code Ann. §10-206.

In light of the above I am obliged to dismiss the zoning petition. The dismissal will be without prejudice, which means Petitioner could obtain counsel and again seek zoning relief to operate a used car sales facility at the property without being barred by *res judicata* and/or collateral estoppel.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 29th day of **October, 2018**, that the Petition for Special Exception to allow a used motor vehicle outdoor sales area separated from sales agency building in a BR zone, be and is hereby DISMISSED WITHOUT PREJUDICE; and

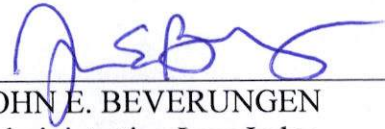
IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a 0 ft. setback from the rear, side and front property lines for the parking in lieu of the required 10 ft. rear, side and front yard setbacks; and (2) to permit no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening and landscaping in

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Date 10/29/18
By sln

accordance with the Landscape Manual, be and is hereby DISMISSED WITHOUT PREJUDICE.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 10/29/18

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8202 PULASKI HIGHWAY which is presently zoned BR-AS
 Deed References: 40210/49 10 Digit Tax Account # 1523003760
 Property Owner(s) Printed Name(s) FAZAL LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
SEE ATTACHED PAGE

3. ☒ a **Variance** from Section(s)
SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner: TO BE DETERMINED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

☒ KAISAR SHAHZAD PRES. OF FAZAL LLC
 Name #1 - Type or Print Name #2 - Type or Print

☒ Kaishazad
 Signature #1 Signature #2

☒ 9243 BELLECK ROAD PARKVILLE MO 21234
 Mailing Address City State

☒ 21234 / 443-794-0669 /
 Zip Code Telephone # Email Address

RINGTOWING1@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING
 Name - Type or Print

Bruce E Doak
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MO
 Mailing Address City State

21053 / 410-419-4906 /
 Zip Code Telephone # Email Address

BD@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2019-0047-XA Filing Date 8/13/18 Do Not Schedule Dates: Reviewer AT

Petitions Requested

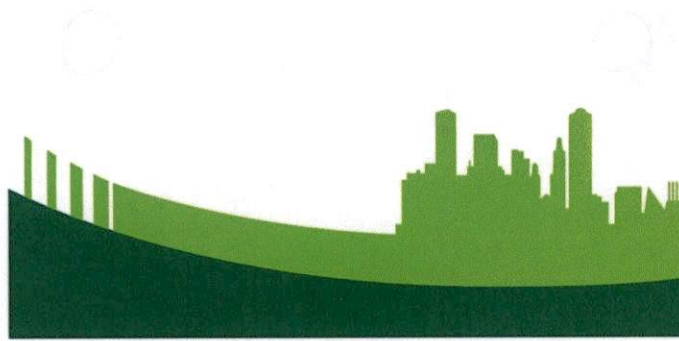
Case # 2019-0047-X4

Special Exception

Section 236.2 BCZR to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone.

Variances

- 1) To permit a 0 foot setback from the rear, side and front property lines for the parking in lieu of the required 10 foot rear, side and front yard setbacks per Section 238.2 BCZR
- 2) To permit no design, screening and landscaping along the ⁴⁴east side of the existing parking area and driveway in lieu of the required design, screening and landscaping in accordance with the Landscape Manual per Section 409.8.A.1 BCZR



Zoning Description

8202 Pulaski Highway
Fifteenth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at the northeast intersection of the northwest right of way line of Pulaski Highway and the northeast side of an alley (15' wide), thence leaving Pulaski Highway and running and binding on the northeast side of said alley and running with and binding on the outlines of the subject property, 1) North 38 degrees 39 minutes 47 seconds West 151.29 feet, thence leaving said alley and continuing to run with and bind on the outlines of the subject property, the two following courses and distances, viz. 2) North 58 degrees 57 minutes 13 seconds East 150.34 feet and 3) South 29 degrees 43 minutes 47 seconds East 150 feet to intersect the northwest right of way line of Pulaski Highway, thence running and binding on said right of way and continuing to run with and bind on the outlines of the subject property, 4) South 58 degrees 57 minutes 13 seconds West 127 feet to the point of beginning.

Containing 0.396 of an acre of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

10/5/2018

Order #: 11624619
Case #: 2019-0047-XA
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0047-XA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0047-XA

8202 Pulaski Highway

NE/s of Pulaski Highway, 250 ft. NW of the centerline of Lawrence Avenue
16th Election District - 7th Councilmanic District

Legal Owners: Qaisar Shalazad

Special Exception to allow a used motor vehicle outdoor sales area separated from sales agency building in a BR zone. Variance to permit a 0 ft. setback from the rear, side and front property lines for the parking in lieu of the required 10ft. rear, side and front yard setbacks. To permit no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening and landscaping in accordance with the Landscape Manual.

Hearing: Thursday, October 25, 2018 at 1:30 p.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

o5

Sherry Nuffer

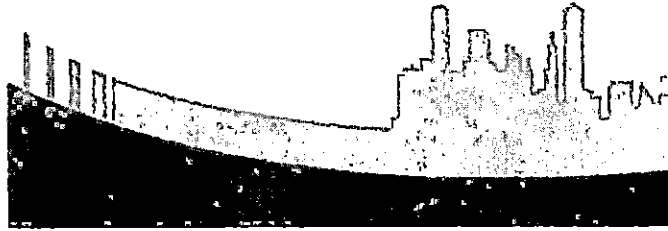
From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Wednesday, October 24, 2018 10:26 PM
To: Sherry Nuffer
Subject: Case #2019-0047-XA
Attachments: Sign Posting & Inspection Cert 10 24 18.pdf

Find enclosed the final sign certification.

Bruce

Bruce E. Doak Consulting
410-419-4906
bdoak@bruceedoakconsulting.com
3801 Baker Schoolhouse Road
Freeland, MD 21053





CERTIFICATE OF POSTING

October 4, 2018
October 24, 2018 amended for second inspection

Re:
Zoning Case No. 2019-0047-XA
Legal Owner: Qaisar Shahzad
Hearing date: October 25, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

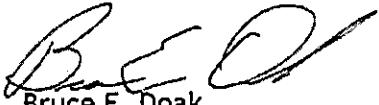
Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 8202 Pulaski Highway.

The signs were initially posted on October 3, 2018.

The subject property was also inspected on October 24, 2018.

Sincerely,


Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0047-XA

8202 Pulaski Highway

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Thursday October 25, 2018 1:30 PM

**SPECIAL EXCEPTION TO ALLOW A USED MOTOR VEHICLE OUTDOOR
SALES AREA SEPARATED FROM SALES AGENCY BUILDING IN A BR
ZONE.**

**VARIANCES 1) TO PERMIT A 0 FOOT SETBACK FROM THE REAR, SIDE &
FRONT PROPERTY LINES FOR THE PARKING IN LIEU OF THE REQUIRED
10 FOOT REAR, SIDE & FRONT YARD SETBACKS.
2) TO PERMIT NO DESIGN, SCREENING AND LANDSCAPING ALONG ALL
SIDES OF THE EXISTING PARKING AREA AND DRIVEWAY IN LIEU OF
THE REQUIRED DESIGN, SCREENING AND LANDSCAPING IN
ACCORDANCE WITH THE LANDSCAPE MANUAL.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

16012

ZONING NOTICE

CASE NO. 2019-0047-XA

8202 Pulaski Highway

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IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
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21204

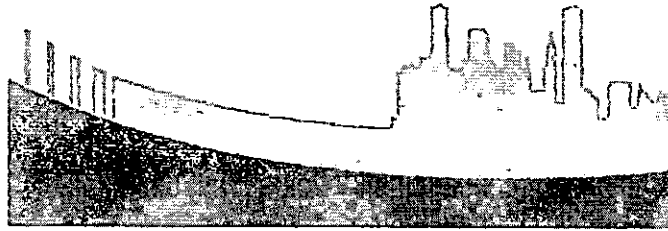
DATE & TIME: Thursday October 25, 2018 1:30 PM

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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-807-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

October 4, 2018

_____ amended for second inspection

Re:

Zoning Case No. 2019-0047-XA

Legal Owner: Qaisar Shahzad

Hearing date: October 25, 2018

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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The signs were initially posted on October 3, 2018.

The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

SIGN 1
ZONING NOTICE

CASE NO. 2019-0047-XA

8202 Pulaski Highway

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**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-587-3301.**

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PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

SIGN 2
ZONING NOTICE

CASE NO. 2019-0047-XA

8202 Pulaski Highway

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ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
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21204**

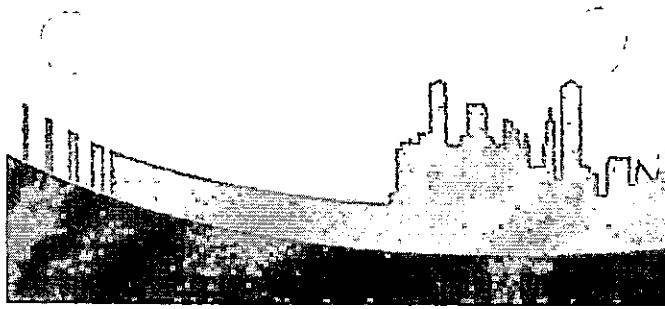
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CERTIFICATE OF POSTING

October 4, 2018

_____ amended for second inspection

Re:

Zoning Case No. 2019-0047-XA

Legal Owner: Qaisar Shahzad

Hearing date: October 25, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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The subject property was also inspected on _____.

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Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

SIGN 1
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**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
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THE HEARING IS HANDICAPPED ACCESSIBLE.**

SIGN 2
ZONING NOTICE

CASE NO. 2019-0047-XA

8202 Pulaski Highway

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THE HEARING IS HANDICAPPED ACCESSIBLE.**



DONALD I. MOHLER III
County Executive

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

September 19, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0047-XA

8202 Pulaski Highway

NE/s of Pulaski Highway, 250 ft. NW of the centerline of Lawrence Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Qaisar Shahzad

Special Exception to allow a used motor vehicle outdoor sales area separated from sales agency building in a BR zone. Variance to permit a 0 ft. setback from the rear, side and front property lines for the parking in lieu of the required 10 ft. rear, side and front yard setbacks. To permit no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening and landscaping in accordance with the Landscape Manual.

Hearing: Thursday, October 25, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Qaisar Shahzad, 9243 Bellbeck Road, Parkville 21234
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 5, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Friday, October 5, 2018

Please forward billing to:
Qaisar Shahzad
9243 Bellbeck Road
Parkville, MD 21234

443-794-0669

NOTICE OF ZONING HEARING

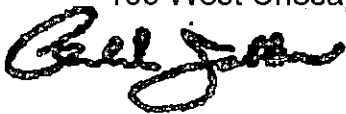
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
& VARIANCE
8202 Pulaski Highway; NE/S of Pulaski
Highway, 250' NW of c/line of Lawrence Ave.* OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts
Legal Owner(s): Qaizar Shahzad, * HEARINGS FOR
Pres. Of Fazal, LLC
Petitioner(s) * BALTIMORE COUNTY
* 2019-047-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
AUG 23 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0047-XA
Address 8202 Pulaski Highway
(Fazal, LLC Property)

Zoning Advisory Committee Meeting of **August 27, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2019-0047-XA
Property Address: 8202 PULASKI HIGHWAY
Property Description: NORTH SIDE OF PULASKI HIGHWAY, OPPOSITE OF
BATAVIA FARM ROAD
Legal Owners (Petitioners): FAZAL, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAISAR SHAHZAD
Company/Firm (if applicable): _____
Address: 9243 BELLBECK ROAD
PARKVILLE MO 21234

Telephone Number: 443-794-0669

Revised 5/20/2014

CASHIER'S VALIDATION



9, 2018

DONALD I. MOHLER III
County Executive

Qaiser Shahzad
9243 Bellbeck Rd
Parkville, MD 21234

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

Dear Mr. Shahzad :

RE: Case Number: 2019-0047XA, Address: 8202 Pulaski Hwy.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 13, 2018. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Bruce Doak 3801 Schoolhouse Rd. Freeland, MD 21053

10-25-18

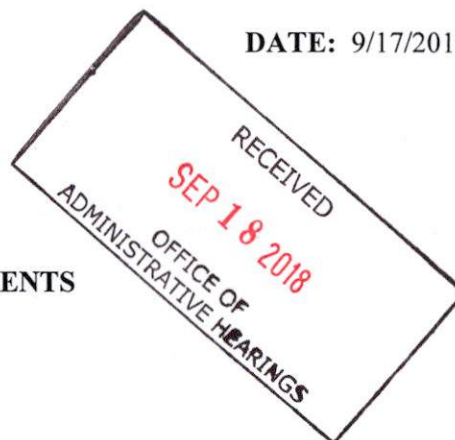
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 9/17/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-047



INFORMATION:

Property Address: 8202 Pulaski Highway
Petitioner: Fazal, LLC
Zoning: BR-AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property for a used motor vehicle outdoor sales area, separated from sales agency building and the petition for variance to permit parking at a 0' setback from the rear, side and front property lines with no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required 10' setback and design, screening and landscaping in accordance with the landscape manual respectively.

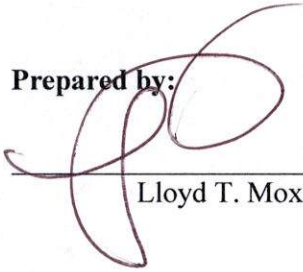
A site visit was conducted on September 12, 2018.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The special exception use shall be limited to that area shown as the property on the plan. No display of vehicles within the grassed areas along the Pulaski highway frontage.
- Investigate with the SHA opportunities to provide landscaping meeting the approval of the Baltimore County Landscape Architect within the grassed areas along the Pulaski Highway frontage.
- Stripe the parking lot to reflect the change of use pursuant to the requirements of BCZR§ 409. Indicate specifically what areas are dedicated to inventory display, employees and clientele.
- There shall be no working on nor storage of damaged and disabled vehicles on the site.
- There shall be no temporary signage, banners or advertising flags displayed on the property or on the grass area. All signage shall confirm with Section 450 of the BCZR.

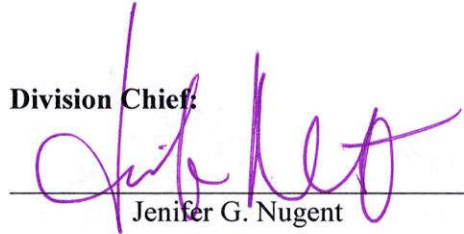
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 27 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
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DATE: August 27, 2018

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(Fazal, LLC Property)

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comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2018
Item No. 2019-0047-XA

DATE: September 11, 2018

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: cen
cc: file

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

RECEIVED
SEP 20 2018
DATE
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-047

INFORMATION:

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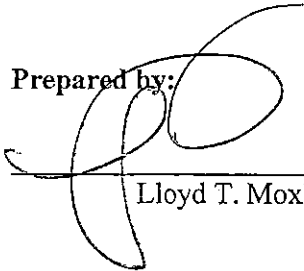
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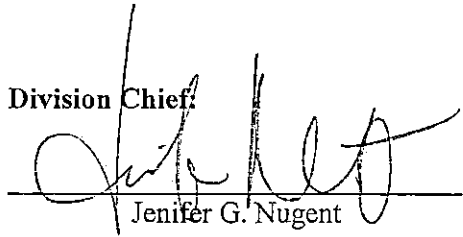
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Prepared by: 

Lloyd T. Moxley

Division Chief: 

Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 8/20/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 8/20/18. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Variance Case Number 2019-0047-XA.

Qaisar Shahzad, President of Fazal LLC
8202 Pulaski Highway
US40

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Case No.: 2019-0047-XA

Exhibit Sheet

Petitioner/Developer

LDW
11-29-18

Protestants

Sen
10/29/18

No. 1	Plan	
No. 2	Aerial photo	
No. 3	Plan to Accompany photos A-T	
No. 4	Map w/ surrounding uses	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

8202 Pulaski Highway



Legend

Parcels - Tax parcel



Red: Band_1



Green: Band_2



Blue: Band_3



House Numbers



Zoning



Property

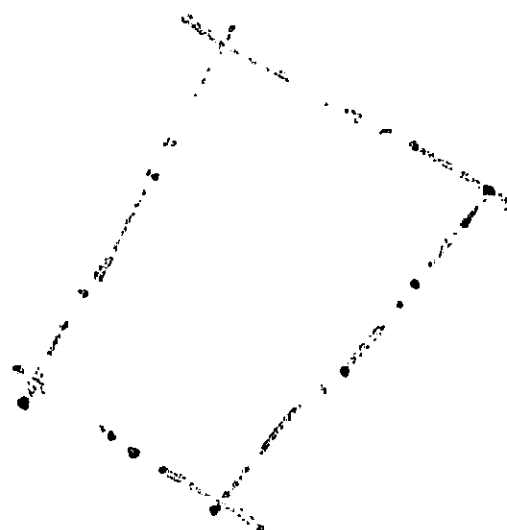


County Boundary

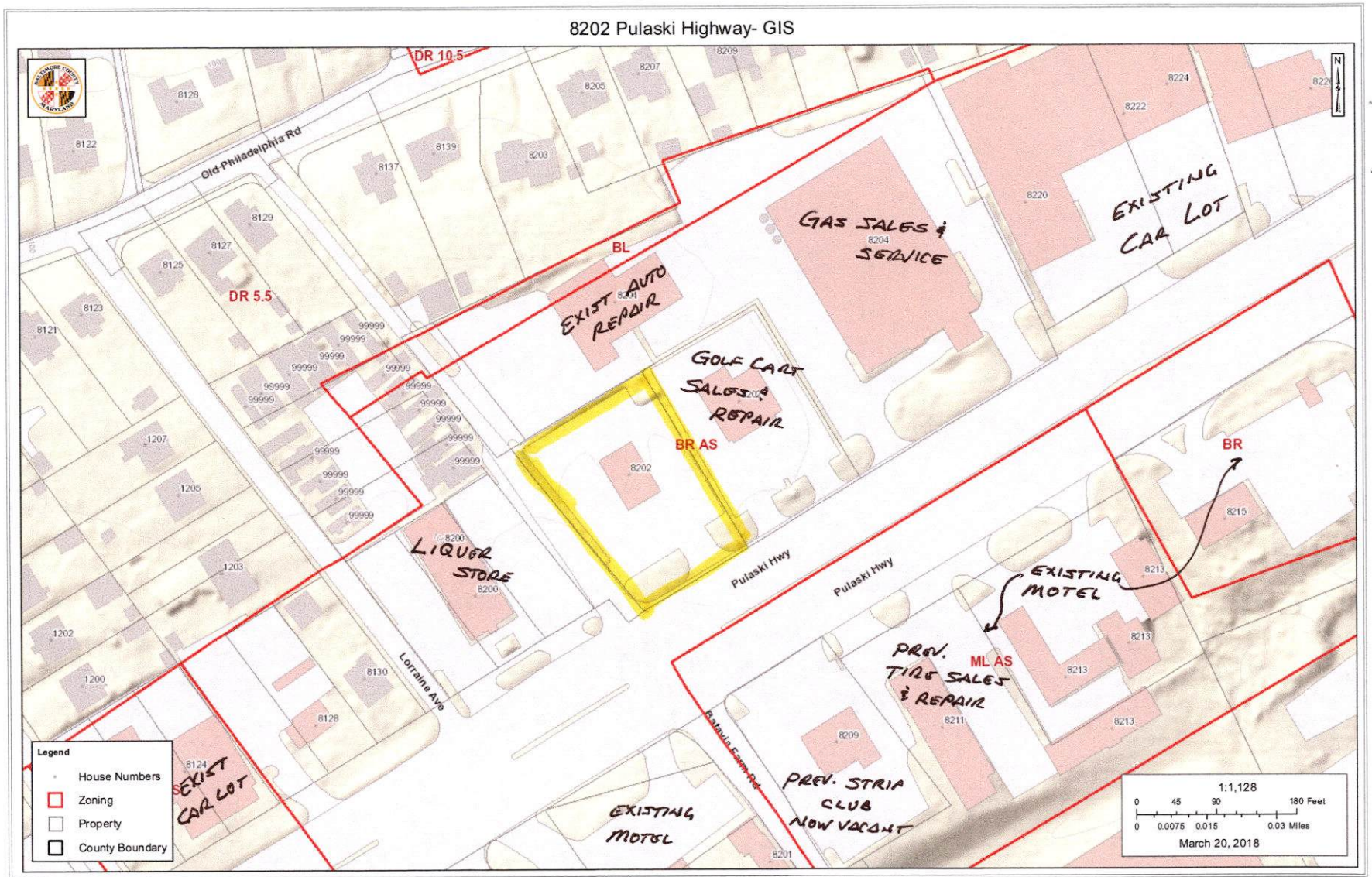
PETITIONER' S

EXHIBIT NO. 2





XX-7700-0105



AUTO
REPAIR

PETITIONER' S

EXHIBIT NO. 4

Rosedale Community Association



"Non Political Community Association"

7703 Brightside Ave.
Rosedale, MD 21237

Phone:
443-846-5399



Nazish Shazad
9243 Bell Beck Rd
Parkville, MD 21234

Certified Mail #
7018-0680 0000 5098 2309

Sir,

Hope you are well.

After our zoning hearing we discussed, briefly, another option for you intention. On my own, I visited the zoning office in Towson & was advised that address 8215 Pulaski Highway 21237, across from your location was zoned BR which allows used auto sales & repairs and is for sale.

Currently the premises are such used in compliance with the BR zoning.

Enclosed is a copy of zoning information I obtained from the Zoning Department for your review.

As mentioned in the Towson hearing, your property purchase sales contract could have a contingency clause, thus allowing you a current availability for your desires of business.

If I can be of any assistance please call, my services are free.

Respectfully,

A blue ink handwritten signature, appearing to be 'RM' or similar initials.

Russ Mirabile
President

CC: Judge John Beverungen (hand delivered)



Signs, outdoor advertising, subject to Section 450 [Bill No. 89-1997]⁵⁵

Sludge disposal facility — co-landfilling (Section 412A.2.A) [Bill No. 46-1982]

Sludge disposal facility — composting (Section 412A.2.B) [Bill No. 46-1982]

Sludge disposal facility — handling in general (Section 412A.2.C) [Bill No. 46-1982]

Sludge disposal facility — incineration (Section 412A.2.D) [Bill No. 46-1982]

Sludge disposal facility — landspreading (Section 412A.2.E) [Bill No. 46-1982]

Storage of inflammable liquids and gases aboveground (See Baltimore County Building Code for requirements.)

Striptease business [Bill No. 137-1990]

Theater, drive-in

Truck stops [Bill No. 18-1976]⁵⁶

Used motor vehicle outdoor sales area, separated from sales agency building

Wireless telecommunications towers, subject to Section 426 [Bill Nos. 61-1967; 85-1967; 64-1986; 30-1998]

55. Editor's Note: A previous entry for outdoor advertising signs was inserted in the draft of Bill No. 85-1967 through the copying of an apparently erroneous entry in a post-1955 edition of the zoning regulation. It is assumed, therefore, that the inclusion of the entry in the bill as enacted was inadvertent (No intent regarding the regulations of outdoor advertising signs is reflected in either the title of the bill or in any record pertaining to the bill.) Pursuant to Bill No. 212-1992, the deletion of outdoor advertising signs in the BR Zone shall not affect or apply to any special exception granted prior to the effective date of Bill No. 87-1991, or to any petition for special exception filed prior to the effective date of Bill No. 87-1991.

56. Editor's Note: "Truck terminal," which originally followed, was repealed by Bill No. 19-1976.

CASE NAME _____
CASE NUMBER 2019-0047-XA
DATE 10/25/2018

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME SHAWNEAO
CASE NUMBER 2019-0047-XA
DATE 10/25/18

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment9/11DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment8/27DEPS
(if not received, date e-mail sent _____)NO Comment9/17

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO Obj
W/CONDITION8/20/18

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 10/5/18SIGN POSTING (1st) Date: 10/3/18 by DeakSIGN POSTING (2nd) Date: 10/24/18 by DeakPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Account Identifier:			District - 15 Account Number - 1523003760						
Owner Information									
Owner Name:			FAZAL LLC			Use:		COMMERCIAL	
						Principal Residence:		NO	
Mailing Address:			9423 BELLBECK RD PARKVILLE MD 21234-			Deed Reference:		/40210/ 00049	
Location & Structure Information									
Premises Address:			8202 PULASKI HWY BALTIMORE 21237-			Legal Description:		.396 AC NS PULASKI H NE COR BATAVIA FARMS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0089	0023	0760		0000				2018	
Special Tax Areas:				Town:			NONE		
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1975		1600				17,249 SF		24	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		FAST FOOD							
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of		As of		As of
					01/01/2018		07/01/2018		07/01/2019
Land:			371,900		371,900				
Improvements			171,800		72,400				
Total:			543,700		444,300		444,300		444,300
Preferential Land:			0						0
Transfer Information									
Seller: MARTIN LEONARD C				Date: 05/02/2018			Price: \$450,000		
Type: ARMS LENGTH IMPROVED				Deed1: /40210/ 00049			Deed2:		
Seller: BONOMOLO VINCENT F				Date: 10/26/2017			Price: \$10,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /39561/ 00142			Deed2:		
Seller: MARTIN LEONARD				Date: 10/14/1988			Price: \$250,000		
Type: ARMS LENGTH IMPROVED				Deed1: /07999/ 00379			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

AJ

BALTIMORE COUNTY
DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS
DEVELOPMENT REVIEW COMMITTEE (DRC) AGENDA

MEETING LOCATION: COUNTY OFFICE BUILDING - ROOM 123
111 W CHESAPEAKE AVE TOWSON, MD 21204

DATE: 08/21/2018

TIME: 02:00PM

PROJECT: TRADEPOINT ATLANTIC-PROJECT SLATE (F.K.A
LOGISTICS CENTER X)

DRC NUMBER: 082118A

REQUEST: The request is to contemplates an approximately
1,508,400 s.f. building to contain a distribution
warehouse and offices.

PAI NUMBER:

LOCATION: 2001 Wharf Road

TRACKING NO.: DRC-2018-00121

ELECTION DISTRICT: 15 **ZIP CODE :** 21219

TYPE: Limited Exemption

COUNCIL DISTRICT: 7 **ACREAGE:** 999

ASKING FOR : a-1-vi

ANTENNA: **DRC ACTION:**

SHA REVIEW: ☐ Yes ☐ No









































GENERAL SITE INFORMATION

1. Ownership: FAZAL LLC
9423 Bell Beck Road Parkville, MD 21234
2. Address: 8202 Pulaski Highway Baltimore, MD 21237
3. Deed references: JLE 40210/ 49
4. Area: 0.396 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 89 / 760 / 15-23-003760
6. Election District: 15 Councilmanic District: 7
ADC Map: 4700J9 GIS title: 089C3 Position sheet: 9NE21
Census tract: 450100 Census block: 24005450100
Schools: Red House Run ES Golden Ring MS Overlea HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 089C3 and the information provided by Baltimore County on the internet.
8. Improvements: Single story office building & paved parking lot. The existing building and the paved parking lot will remain.

OFFICE OF ZONING

Zoning: BR AS There are no previous zoning cases on the subject lot.

Parking Calculations per Section 409.6.A.1 BCZR

Office	1.6 (1600 sq. ft.) x 5	=	8
Autos for sale		=	50
Total parking spaces required		=	58
Total parking spaces provided		=	60

Signage

A sign may be installed on the frontage of Pulaski Highway and will meet all zoning regulations.

BR AS Requirements per Section 238 BCZR

Front: 50 feet from the street right of way for a dual highway
Side / Rear: 30 feet from property line

Storage and display of vehicles in the front yard: not more than 15 feet in front of the required front building line (50' - 15' = 35')

Maximum permitted floor area ratio: 2.0

Existing floor area area ratio: 0.09 (based on SDAT info)

ENVIRONMENTAL IMPACT

Watershed: White Marsh URDL land type: 1

1. The existing building is currently served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Rosedale District Code: 326

Growth Tier: 1 (served by public sewer and inside URDL)

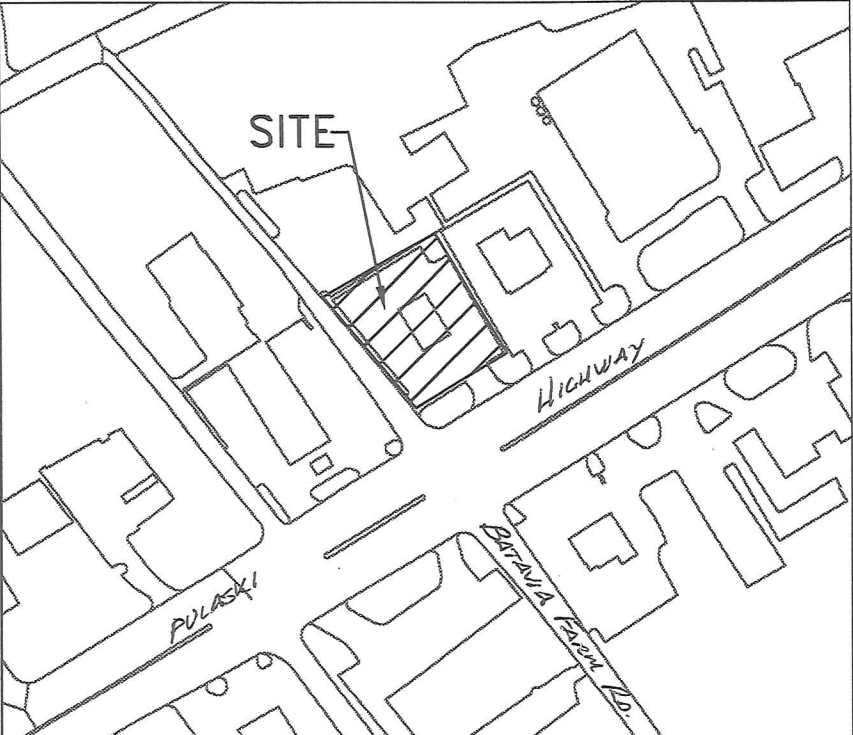
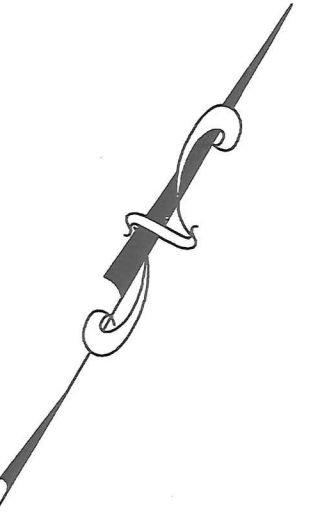
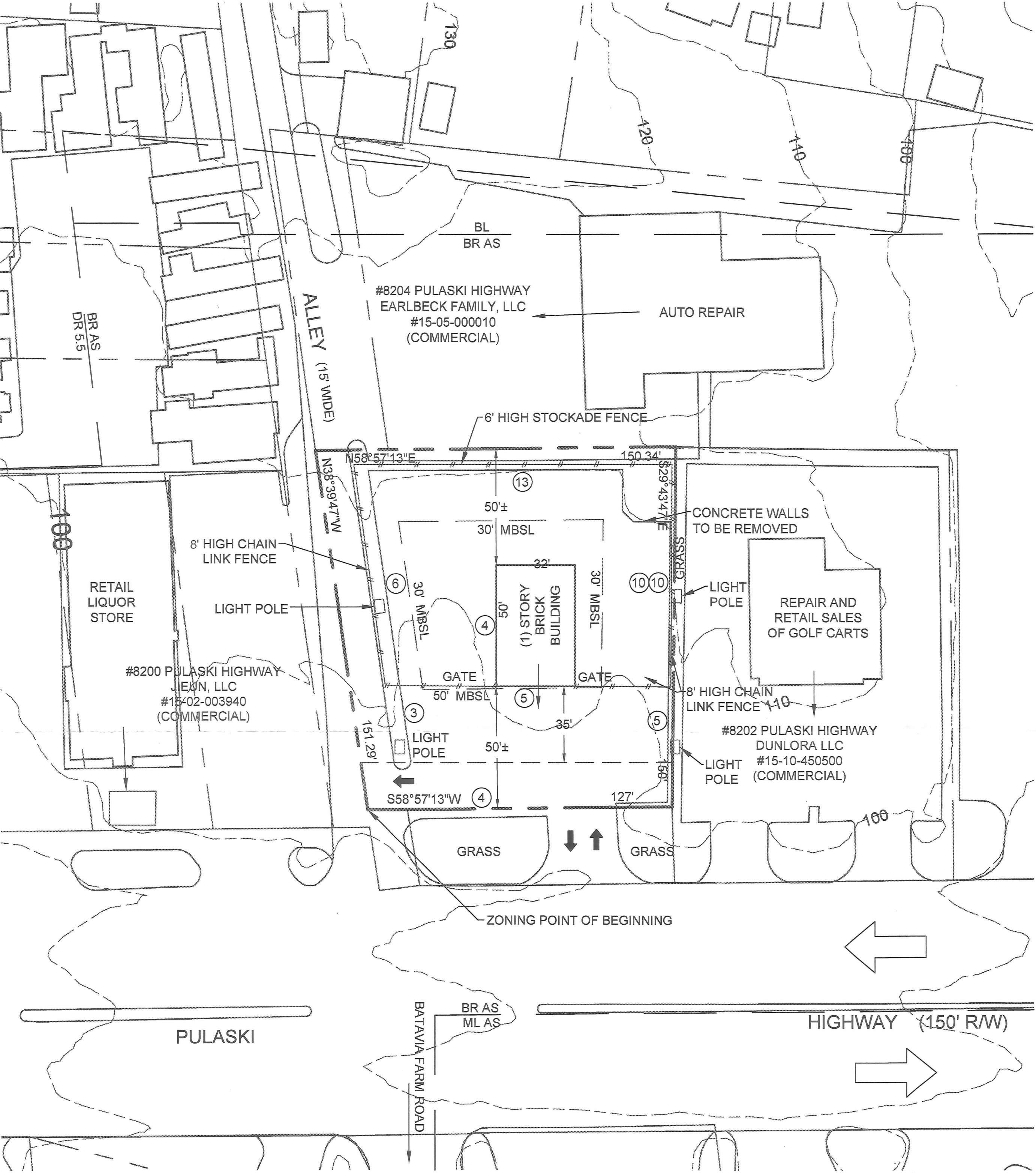
1. The existing building is not historic. The subject property is not in a historic district.

PUBLIC WORKS

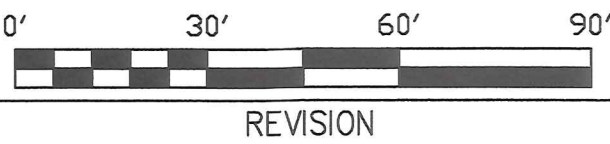
The utilities that serve the subject property are located in Pulaski Highway

PROPOSED DEVELOPMENT

Use the subject property and the existing building for used car sales and a towing business



Vicinity Map -- Scale: 1' = 200'



REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21068
o 410-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#8202 PULASKI HIGHWAY

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

Date: 8/11/2018
Scale: 1"= 30'



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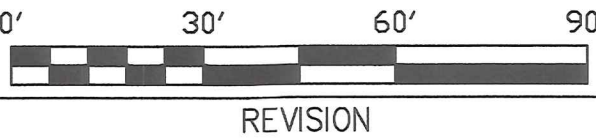
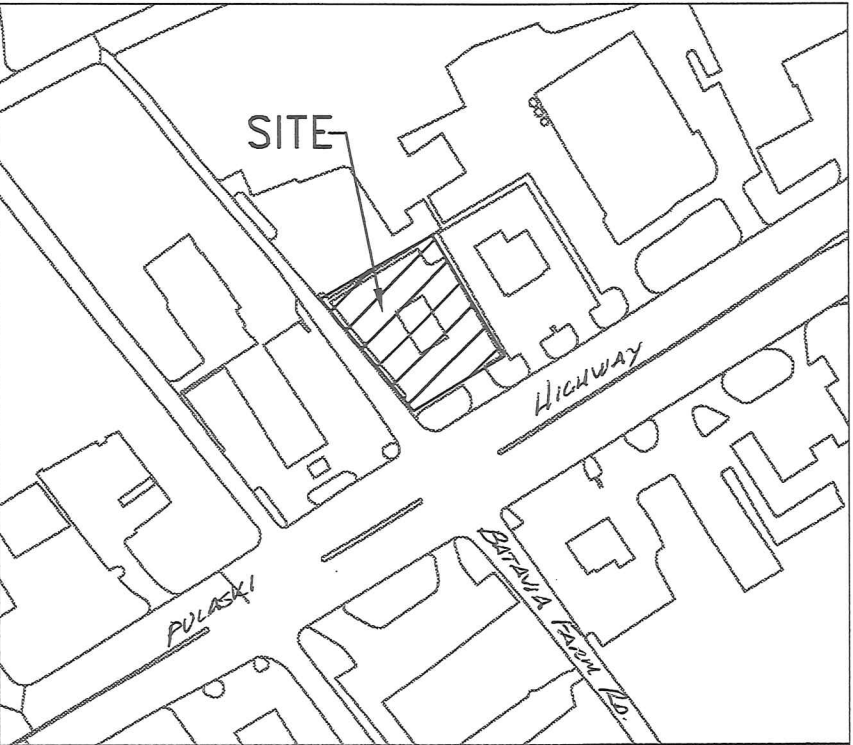
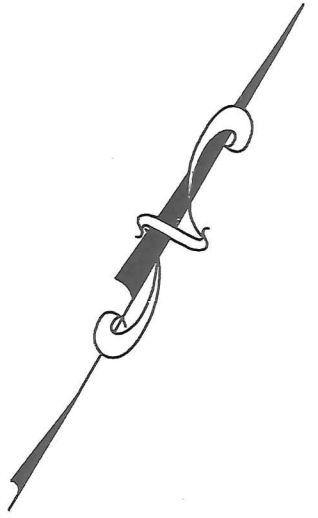
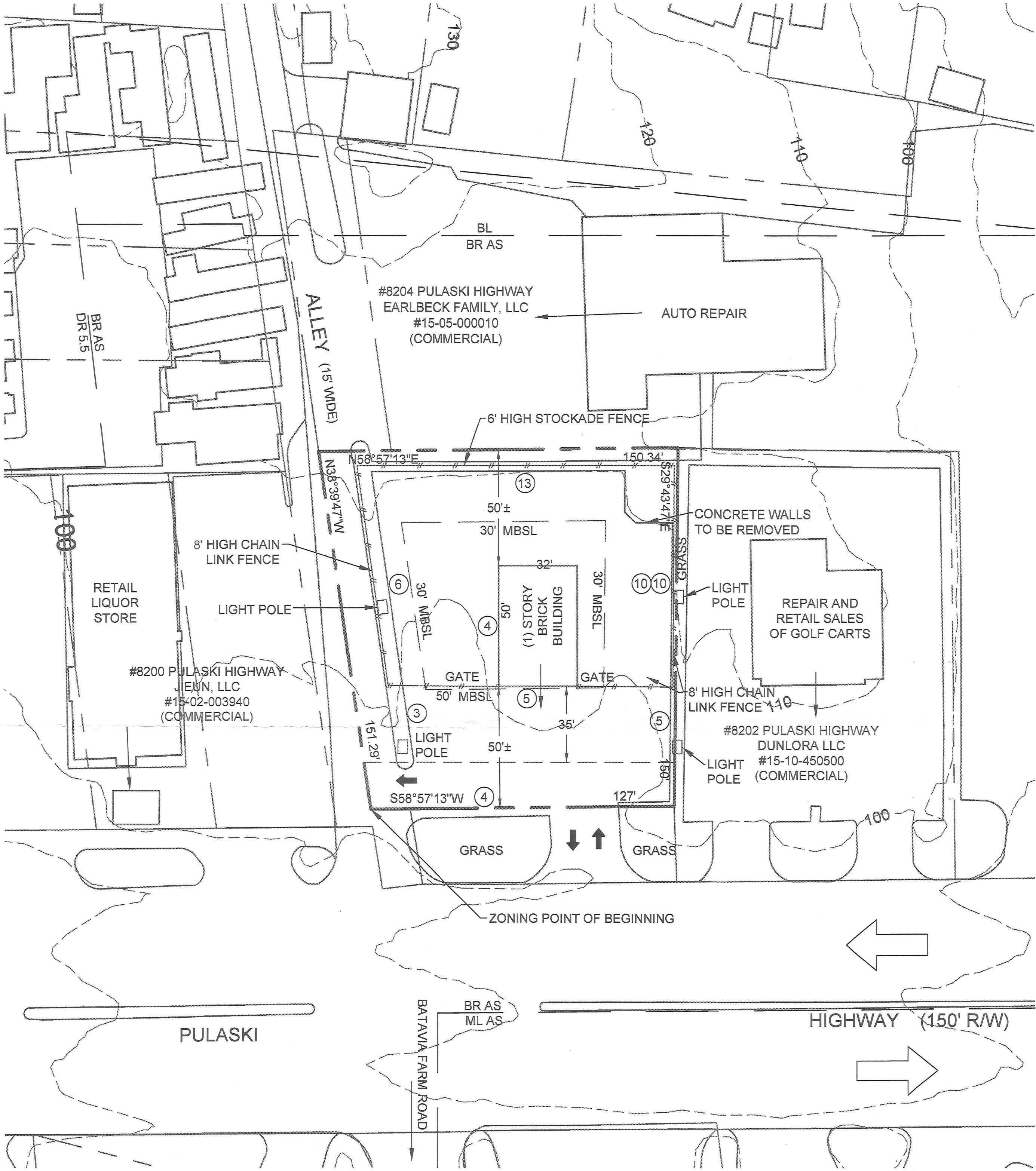
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Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
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PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#8202 PULASKI HIGHWAY

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



Date: 8/11/2018
Scale: 1" = 30'

PET. 1

2019-0047-XA 2019-0047-XA

1. Ownership: FAZAL LLC
9423 Bell Beck Road Parkville, MD 21234
2. Address: 8202 Pulaski Highway Baltimore, MD 21237
3. Deed references: JLE 40210/ 49
4. Area: 0.396 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 89 / 760 / 15-23-0037360
6. Election District: 15 Councilmanic District: 7
ADC Map: 470UJ9J GIS file: 089C3 Position sheet: 9NE21
Census tract: 4501010 Census block: 24005450100
Schools: Red House Run ES Golden Ring HS Overlea HS
7. The boundary shown here is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS file 089C3 and the information provided by Baltimore County on the Internet.
8. Improvements: Single story office building & paved parking lot. The existing building and the paved parking lot will remain.

Zoning: BR AS There are no previous zoning cases on the subject lot.

Parking Calculations per Section 409.6.A.1 BCZR

Office 1.6 (1600 sq. ft.) x 5	=	8
Autos for sale	=	50
Total parking spaces required	=	58
Total parking spaces provided	=	60

Signage

A sign may be installed on the frontage of Pulaski Highway and will meet all zoning regulations.

BR AS Requirements per Section 238 BCZR

Front: 50 feet from the street right of way for a dual highway
Side / Rear: 30 feet from property line

Storage and display of vehicles in the front yard: not more than 15 feet in front of the required front building line (50' - 15' = 35')

Maximum permitted floor area ratio: 2.0

Existing floor area area ratio: 0.09 (based on SDAT info)

Watershed: White Marsh URDL land type: 1

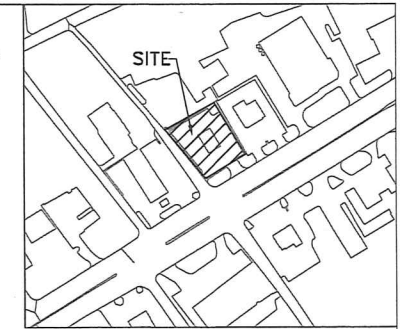
1. The existing building is currently served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

Regional Planning District: Rosedale District Code: 326

Growth Tier: 1 (served by public sewer and inside URDL)

The utilities that serve the subject property are located in Pulaski Highway

Use the subject property and the existing building for used car sales and a towing business



Vicinity Map - Scale: 1" = 200'

Plan to Accompany Photographs

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PETITIONER' S

EXHIBIT NO. 3
PHOTOS A-T

