

M E M O R A N D U M

DATE: March 22, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0170-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on March 21, 2019. 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 HEARING ***

AND VARIANCE

(9329 Liberty Road) *

2nd Election District *

2nd Council District *

Dennis Agboh, *Legal Owner*

Valerie Bonanjah *

Lessee

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0170-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Dennis Agboh, legal owner and Valerie Bonanjah, lessee (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to amend the previous Zoning Case Nos. 2003-0147-X and 2014-0239-SPHA and abandon the special exception for a used motor outdoor sales area. In addition, a Petition for Variance was filed pursuant to BCZR Sections 409.A.4, 409.4.C, 409.8.A.1 & 238.2 as follows: (1) to permit non-residential parking 4' from the right of way line of a public street in lieu of the required 10'; (2) to permit a one-way drive aisle 15' wide in lieu of the required 22' wide; (3) to permit a two-way drive aisle as wide 15' in lieu of the required 22'; (4) 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; and (5) to permit a 0' setback from the rear and side property lines for the parking in lieu of the required 10' rear, side, and front yard setbacks. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Valerie Bonanjah and surveyor Bruce Doak appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as

ORDER RECEIVED FOR FILING

Date 2/19/19

By sen

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").

SPECIAL HEARING

The Petition for special hearing seeks to abandon a special exception granted in a 2003 zoning case, which permitted a used auto sales lot at the property. The operation of that facility, especially in recent years, was problematic and Baltimore County cited the prior lessee with numerous zoning and code violations. As such, the community will benefit from the proposed change in use (used auto sales to restaurant). A petition for special hearing is the appropriate mechanism to abandon the special exception and the request will therefore be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The one story concrete building was constructed in 1964 and sits askew on the lot. This unique positioning generates the need for a variance relief. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to operate the proposed business. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County and/or community opposition.

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Both the DOP and DPR requested in their ZAC comments that landscaping be provided at the site. The problem is that the entire site is paved, and there is no area in which grass or other vegetation could be installed. Petitioners submitted an aerial photo (Ex. 2) and it appears nearly all of the other commercial properties in the vicinity are similarly situated and do not have landscaping. Petitioners would need to remove paving from the site in order to install landscaping, and I do not believe they should be required to do so. The lessee, who is from Cameroon, plans to open a small ethnic restaurant at the site, and providing landscaping would simply be too expensive and burdensome for this small business.

THEREFORE, IT IS ORDERED this 19th day of **February, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to amend the Orders in previous Zoning Case Nos. 2003-0147-X and 2014-0239-SPHA (to reflect the relief granted herein) and to abandon the special exception for a used motor outdoor sales area, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from BCZR Sections 409.A.4, 409.4.C, 409.8.A.1 and 238.2 as follows: (1) to permit non-residential parking 4' from the right of way line of a public street in lieu of the required 10'; (2) to permit one and two-way drive aisles 15' wide in lieu of the required 22' wide; and (3) 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, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

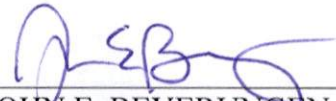
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed,

ORDER RECEIVED FOR FILING

Date 2/19/19
By sen

Petitioners would be required to return the subject property to its original condition.

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:slh

ORDER RECEIVED FOR FILING

Date 2/19/19

By slh



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 9329 LIBERTY ROAD which is presently zoned BR AS
 Deed References: 13748/682 10 Digit Tax Account # 0216000291
 Property Owner(s) Printed Name(s) DENNIS K AGBOH & ELIZABETH J. AGBOH

(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:

x Valerie Bonanjah
 Name- Type or Print

x [Signature]
 Signature

x 4652 Riverstone dr Owings Mills MD
 Mailing Address City State

x 2117 571-343-6938 valerie.bonanjah@yahoo.com
 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

CASE NUMBER 2019-0170-304A Filing Date 11/27/18

Legal Owners (Petitioners):

DENNIS K. AGBOH ELIZABETH J. AGBOH
 Name #1 - Type or Print Name #2 - Type or Print

x [Signature] x [Signature]
 Signature #1 Signature #2

116 NOB HILL PARK REISTERTOWN MD
 Mailing Address City State

21136 x 443-474-7657 x agbohdk@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

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

[Signature]
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State

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

BDCAK@BRUCEEDOAKCONSULTING.COM

Do Not Schedule Dates: Reviewer JK

ORDER RECEIVED FOR FILING

Date 2/19/19

By Den

REV. 10/4/11

9329 Liberty Road

Case# 2019-0170-SPHA

Partitions Requested

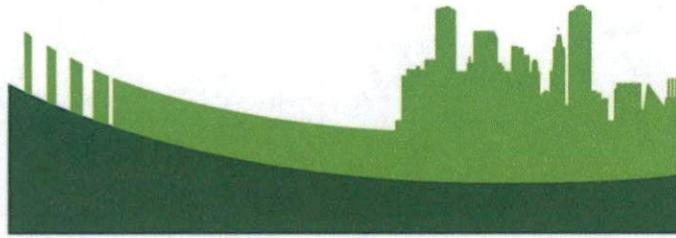
Special Hearing

To amend the previous zoning cases. - # 2003 - 0147-X AND # 2019- 0239- SPHA
AND ABANDON THE SPECIAL EXCEPTION FOR A USED MOTOR VEHICLE OUTDOOR
SALES AREA.

Variances

- 1) To permit non-residential parking 4 feet from the right of way line of a public street in lieu of the required 10 feet per Section 409.A.4 BCZR
- 2) To permit a one-way drive aisle 15 feet wide in lieu of the required 22 feet wide per Section 409.4.C (chart) BCZR
- 3) To permit a two-way drive aisle as wide 15 feet in lieu of the required 22 feet per Section 409.4.C (chart) BCZR
- 4) 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 per Section 409.8.A.1 BCZR
- 5) To permit a 0 foot setback from the rear and side property lines for the parking in lieu of the required 10 foot rear, side and front yard setbacks per Section ~~238.2~~ *05B*
BCZR *2-15-2019*

#2019-0170-SPHA



Zoning Description

9329 Liberty Road- 19,640 Sq. Ft. / 0.451 Acres
Second Election District Second Councilmanic District
Baltimore County, Maryland

Beginning at a point on the southwest right of way line of Liberty Road, being approximately 110 feet +- southeasterly of the centerline of Burmont Road and approximately 30 feet +- southwesterly from the center of Liberty Road, thence leaving Liberty Road and running on the outlines of the subject property, the three following courses and distances, viz 1) South 49 degrees 36 minutes West 200 feet, 2) South 51 degrees 17 1/2 minutes East 100 feet, and 3) North 49 degrees 36 minutes East 200 feet to the southwest right of way line of Liberty Road, thence running on the southwest right of way line of Liberty Road and continuing to run on the outlines of the subject property 4) North 51 degrees 17 1/2 minutes West 100 feet to the place of beginning.

Containing 19,640 square feet or 0.451 of an acre of land, more or less.

This description is part of a zoning hearing 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

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:

1/25/2019

Order #: 11674729
Case #: 2019-0170-SPHA
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0170-SPHA



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: 2019-0170-SPHA

9329 Liberty Road

S/s of Liberty Road, southeast of centerline of Burmont Road

2nd Election District - 2nd Councilmanic District

Legal Owners: Dennis & Elizabeth Agboh

Lessee: Valerie Bonanjan

Special Hearing to amend the previous zoning cases 2003-0147-X and 2014-0239-SPHA and abandon the Special Exception for a used motor vehicle outdoor sales area. Variance to permit non-residential parking 4 ft. from the right-of-way line of public street in lieu of the required 10 ft. To permit a one-way drive aisle 15 ft. wide in lieu of the required 22 ft. wide. To permit a two-way drive aisle as wide as 15 ft. in lieu of the required 22 ft. 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. To permit a 0 ft. setback from the rear and side property lines for the parking in lieu of the required 10ft. rear, side and front yard setbacks.

Hearing: Friday, February 15, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3863.

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

ja25

Sherry Nuffer

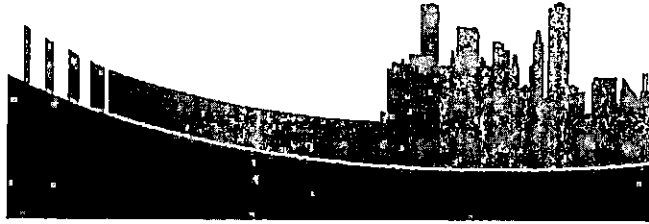
From: Bruce Doak <doakfarm@gmail.com>
Sent: Sunday, February 10, 2019 12:11 PM
To: Sherry Nuffer
Cc: Kristen L Lewis
Subject: Case #2019-0170-SPHA Sign Posting Certs
Attachments: Posting cert 1 26 19.pdf; Posting cert 2 10 19.pdf

I have enclosed the first sign posting certification. I can not find where it was submitted a couple weeks ago.

I have enclosed the final sign posting certification.

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





CERTIFICATE OF POSTING

January 26, 2019 (amended _____)

Re:

Zoning Case No. 2019-0170-SPHA

Legal Owner: Dennis & Elizabeth Agboh

Hearing date: February 15, 2019

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 **9329 Liberty Road**.

The signs were posted on **January 25, 2019**.

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

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. 2019-0170-SPHA

9329 Liberty Road

**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: Friday February 15, 2018 1:30 PM

**REQUESTS: SPECIAL HEARING TO AMEND THE PREVIOUS ZONING
CASES 2003-0147-X AND 2014-0239-SPHA AND ABANDON THE SPECIAL
EXCEPTION FOR A USED MOTOR VEHICLE OUTDOOR SALES AREA.**

**VARIANCES 1) TO PERMIT NON-RESIDENTIAL PARKING 4 FT. FROM
THE RIGHT-OF-WAY LINE OF PUBLIC STREET IN LIEU OF THE REQUIRED
10 FT. 2) TO PERMIT A ONE-WAY DRIVE AISLE 15 FT. WIDE IN LIEU OF
THE REQUIRED 22 FT. WIDE. 3. TO PERMIT A TWO-WAY DRIVE AISLE AS
WIDE AS 15 FT. IN LIEU OF THE REQUIRED 22 FT. 3) 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. 4) TO PERMIT A 0 FT. SETBACK FROM THE REAR
AND SIDE PROPERTY LINES FOR THE PARKING IN LIEU OF THE
REQUIRED 10 FT. REAR, SIDE AND FRONT YARD SETBACKS.**

**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

ZONING NOTICE

CASE NO. 2019-0170-SPHA

9329 Liberty Road

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CERTIFICATE OF POSTING

January 26, 2019 (amended February 10, 2019)

Re:

Zoning Case No. 2019-0170-SPHA

Legal Owner: Dennis & Elizabeth Agboh

Hearing date: February 15, 2019

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 **9329 Liberty Road**.

The signs were posted on January 25, 2019.

The signs were inspected again on February 10, 2019.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

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. 2019-0170-SPHA

9329 Liberty Road

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**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
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CASE NO. 2019-0170-SPHA

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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SO DETAILS
NECESSARY TO CONFIRM THE HEARING CALL 410-271-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
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THE HEARING IS HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

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Legal Owner: Dennis & Elizabeth Agboh
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THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2019-0170-SPHA

9329 Liberty Road

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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



CERTIFICATE OF POSTING

January 26, 2019 (amended _____)

Re:

Zoning Case No. 2019-0170-SPHA

Legal Owner: Dennis & Elizabeth Agboh

Hearing date: February 15, 2019

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 9329 Liberty Road.

The signs were posted on January 25, 2019.

The signs were inspected again on _____.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

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. 2019-0170-SPHA

9329 Liberty Road

**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: Friday February 15, 2018 1:30 PM

**REQUESTS: SPECIAL HEARING TO AMEND THE PREVIOUS ZONING
CASES 2003-0147-X AND 2014-0239-SPHA AND ABANDON THE SPECIAL
EXCEPTION FOR A USED MOTOR VEHICLE OUTDOOR SALES AREA.**

**VARIANCES 1) TO PERMIT NON-RESIDENTIAL PARKING 4 FT. FROM
THE RIGHT-OF-WAY LINE OF PUBLIC STREET IN LIEU OF THE REQUIRED
10 FT. 2) TO PERMIT A ONE-WAY DRIVE AISLE 15 FT. WIDE IN LIEU OF
THE REQUIRED 22 FT. WIDE. 3. TO PERMIT A TWO-WAY DRIVE AISLE AS
WIDE AS 15 FT. IN LIEU OF THE REQUIRED 22 FT. 3) 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. 4) TO PERMIT A 0 FT. SETBACK FROM THE REAR
AND SIDE PROPERTY LINES FOR THE PARKING IN LIEU OF THE
REQUIRED 10 FT. REAR, SIDE AND FRONT YARD SETBACKS.**

**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

ZONING NOTICE

CASE NO. 2019-0170-SPHA

9329 Liberty Road

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LAW JUDGE IN TOWSON MARYLAND**

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

DATE & TIME: Friday February 15, 2018 1:30 PM

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**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



JOHN A. OLSZEWSKI, JR.
County Executive

January 7, 2019

DIRECTOR
Department of Permits,
Approvals & Inspections

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: 2019-0170-SPHA

9329 Liberty Road

S/s of Liberty Road, southeast of centerline of Burmont Road

2nd Election District – 2nd Councilmanic District

Legal Owners: Dennis & Elizabeth Agboh

Lessee: Valerie Bonanjah

Special Hearing to amend the previous zoning cases 2003-0147-X and 2014-0239-SPHA and abandon the Special Exception for a used motor vehicle outdoor sales area. Variance to permit non-residential parking 4 ft. from the right-of-way line of public, street in lieu of the required 10 ft. To permit a one-way drive aisle 15 ft. wide in lieu of the required 22 ft. wide. To permit a two-way drive aisle as wide as 15 ft. in lieu of the required 22 ft. 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. To permit a 0 ft. setback from the rear and side property lines for the parking in lieu of the required 10 ft. rear, side and front yard setbacks.

Hearing: Friday, February 15, 2019 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 "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Valerie Bonanjah, 4652 Riverstone Dr., Owings Mills 21117
Mr. & Mrs. Agboh, 116 Nob Hill Park, Reisterstown 21136
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 SATURDAY, JANUARY 26, 2019.**
(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, January 25, 2019 - Issue

Please forward billing to:
Valerie Bonanjah
4652 Riverstone Drive
Owings Mills, MD 21117

646-637-4789

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: 2019-0170-SPHA

9329 Liberty Road

S/s of Liberty Road, southeast of centerline of Burmont Road

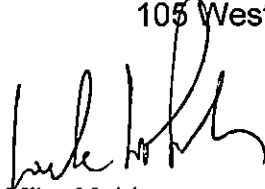
2nd Election District – 2nd Councilmanic District

Legal Owners: Dennis & Elizabeth Agboh

Lessee: Valerie Bonanjah

Special Hearing to amend the previous zoning cases 2003-0147-X and 2014-0239-SPHA and abandon the Special Exception for a used motor vehicle outdoor sales area. Variance to permit non-residential parking 4 ft. from the right-of-way line of public, street in lieu of the required 10 ft. To permit a one-way drive aisle 15 ft. wide in lieu of the required 22 ft. wide. To permit a two-way drive aisle as wide as 15 ft. in lieu of the required 22 ft. 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. To permit a 0 ft. setback from the rear and side property lines for the parking in lieu of the required 10 ft. rear, side and front yard setbacks.

Hearing: Friday, February 15, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
9329 Liberty Road; SW/S Liberty Road @	*	OF ADMINISTRATIVE
a distance of 100' SE of Burmount Avenue		
2 nd Election & 2 nd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Dennis & Elizabeth Agboh		
Contract Purchaser(s): Valerie Bonanjah	*	BALTIMORE COUNTY
Petitioner(s)	*	2019-170-SPHA

* * * * *

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.

RECEIVED

DEC 06 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 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

**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/neighbors 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: #2014-0170-SPHA
Property Address: 9329 LIBERTY ROAD
Property Description: SOUTHWEST SIDE OF LIBERTY ROAD - 110'± SE LY
OF CENTERLINE OF BURNMONT ROAD
Legal Owners (Petitioners): DENNIS K. AGGON & ELIZABETH J. AGGON
Contract Purchaser/Lessee: VALERIE BONANJAH

PLEASE FORWARD ADVERTISING BILL TO:

Name: VALERIE BONANJAH
Company/Firm (if applicable): _____
Address: 4652 RIVERSTONE DRIVE
APT 202
OWINGS MILLS MD 21117
Telephone Number: 646-637-4789

Revised 5/20/2014

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 13, 2019

Dennis K. & Elizabeth J. Agboh
116 Nob Hill Park
Reisterstown MD, 21136

RE: Case Number: 2019-0170-SPHA, 9329 Liberty Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 27, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Valerie Bonanjah 4652 Riverstone Drive Owings Mills MD 21117
Bruce E. Dark 3801 Baker Schoolhouse Road Freeland MD 21053

2-15-19

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director of Permits, Approvals and Inspections

DATE: 1/3/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-170



INFORMATION:

Property Address: 9329 Liberty Road
Petitioner: Dennis K. Agboh, Elizabeth J. Agboh
Zoning: BR AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception (hearing?) to amend the previous zoning cases, #2003-0147-X and #2014-0239-SPHA and abandon the special exception for a used motor vehicle outdoor sales area and the petition for variance relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on December 12, 2018. Staff observed the subject property to be in a distressed condition. The property has been the subject of multiple zoning cases the last being case no. 2014-0239-SPHA.

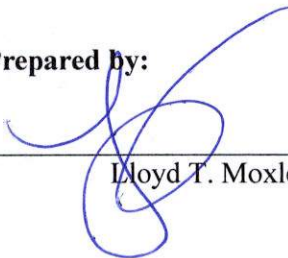
The Department has no objection to granting the petitioned zoning relief in part, but does not support granting other zoning relief, in part.

- The Department will concur with the Administrative Law Judge (ALJ) as to the appropriateness of granting zoning relief for variance requests no's. 1, 2, 3 and 5.
- The Department does not support granting the relief petitioned for in variance request no. 4 nor does the Department support amending prior zoning case no. 2014-0239-SPHA such that condition no. 4 so imposed in the ALJ's Opinion and Order in said case is modified in any way or deleted.

Date: 1/3/2019
Subject: ZAC # 19-170
Page 2

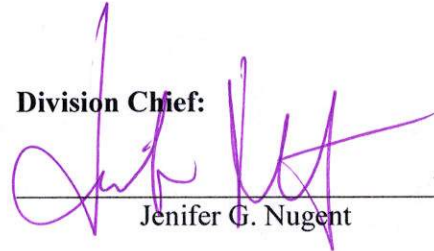
For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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Acting Director of Permits, Approvals and Inspections

DATE: 1/3/2019

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Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
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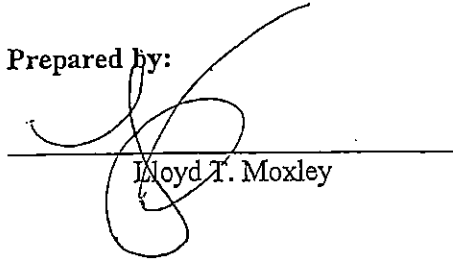
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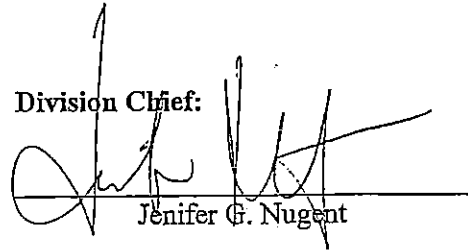
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Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Amy Mantay
Bruce E. Doak, Bruce E. Doak Consulting, LLC
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Office of the Administrative Hearings
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: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0170-SPHA
Address 9329 Liberty Road
(Agboh Property)

Zoning Advisory Committee Meeting of **December 10, 2018**.

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

Reviewer: Steve Ford

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: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0170-SPHA
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(Agboh Property)

Zoning Advisory Committee Meeting of **December 10, 2018.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals
And Inspections

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2018
Item No. 2019-0170-SPHA

DATE: January 10, 2019

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

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

All two-way drive isles must be a minimum of 22-feet wide.

It is recommended that the Engineer shall place protective bollards at the building corners where there is only 15-foot of available back-up space. Additionally, angled parking may make it easier to pull out of those parking spaces.

*

*

*

*

*

VKD: cen
cc: file

Date: 12/7/18

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

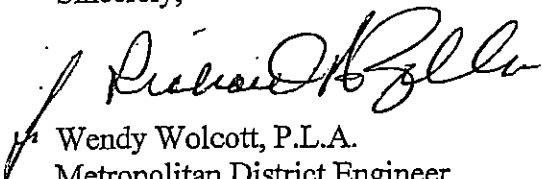
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 12/6/18. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing, Variance Case Number 2019-0170-SPLA

Dennis Agboh
9329 Liberty Road
MD26

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).

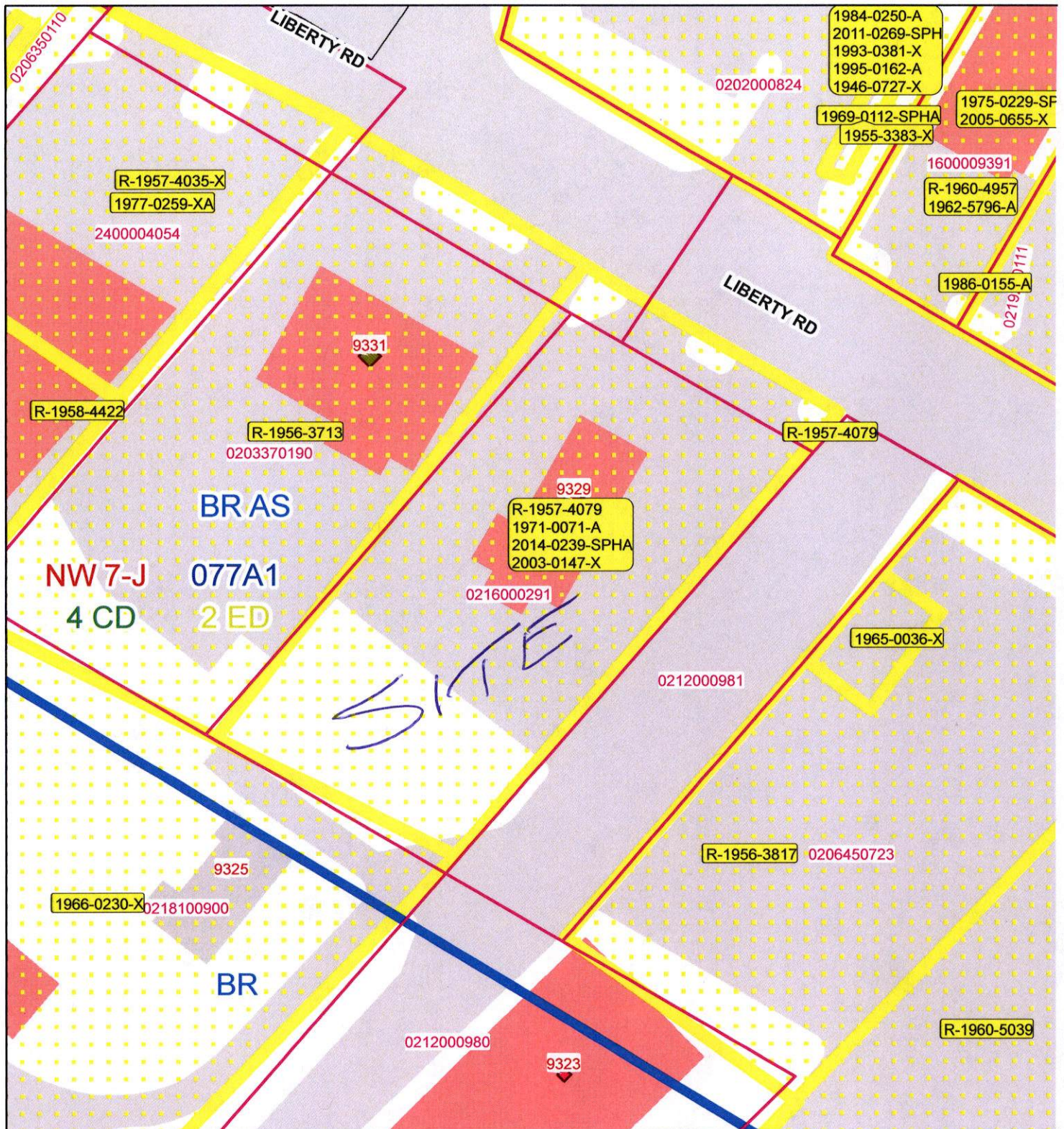
Sincerely,



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

WW/RAZ

9329 Liberty Road, Tax #02-10-000-291



Publication Date: 11/15/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.525 50 75 100 Feet

1 inch = 50 feet

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(9329 Liberty Road) *

2nd Election District *

4th Council District *

Dennis K. & Elizabeth J. Agboh *

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0239-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) permit fifty (50) vehicles on the subject property in lieu of the thirty (30) allowed per Case No. 03-147-X; and (2) to permit a 24 ft. x 24 ft. one (1) story metal garage building to be constructed and used for mechanical repair services to cars being sold from the subject property only. The variance petition seeks relief from B.C.Z.R. §§ 409.4.B.2, 409.C and 409.8.A.4 as follows: (1) to permit up to twenty (20) spaces for sales vehicles that do not have direct access to an aisle; (2) to permit one way directional drive aisles with a width of 15 ft. in lieu of the required 22 ft.; and (3) to allow parking spaces 1.0 ft. from a right-of-way of a public street, in lieu of the required 10 ft.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing at the public hearing in support of the requests was Dennis Agboh. Bruce E. Doak, from Bruce E. Doak Consulting, LLC (whose firm prepared the site plan) appeared on behalf of the Petitioners. John and Barb Ness, both of whom operate a business on property adjoining that owned by Petitioners, attended the hearing to express certain concerns regarding the operation of the Petitioners' business. The

Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) dated July 3, 2014 and the Bureau of Development Plans Review (DPR) dated June 2, 2014.

The petition for special hearing first seeks to permit 50 cars on the site, in lieu of the 30 as allowed in Case No. 03-147-X. In that case, special exception relief was granted for a "used motor vehicle outdoor sales area" on the B.R. zoned property, per B.C.Z.R. §236.2. What Petitioners seek is in fact an amendment to the special exception previously granted, which in my opinion would require a petition for special exception, which was not filed in this case.

In addition, I do not believe that it would be in the public interest to permit more than 30 vehicles on the site. The property contains only 20,000 square feet which is a small parcel on which to display for sale 50 vehicles, especially when taking into account the additional traffic generated by customers, suppliers, etc. The DOP also opposed the request. In fact, that agency opined in its ZAC comment that the 2003 special exception order "already allowed an over intensification of the site."

The second aspect of the petition for special hearing seeks to permit construction of a 24' x 24' building for mechanical repairs to cars being sold from the property. This would seem to be permitted by right in the B.R. zone, which permits all uses allowed in the B.M. zone per B.C.Z.R. §236.1.A. One such use is a service garage, per B.C.Z.R. §233.1.B. As such, I believe the building and proposed use are permitted by right (provided all B.R. zone height and area regulations are satisfied) at the subject property, although I will grant the petition for special hearing to prevent confusion on the point.

The final issue involves the "5 or less automobiles to be rented," as described on the site plan. A "neighborhood car rental agency" is a permitted use in the B.L. zone (B.C.Z.R.

§230.1.A.9), and is therefore permitted in the B.R. zone. While what Petitioners propose is actually the rental of motor vehicles as an accessory use, the regulations would nonetheless permit such rentals even if they were the "principal use of land." As such, this use is permitted on the property, and both the B.L. and B.M. zones (and therefore the B.R. zone as well) permit the "combination of uses" on the same property. B.C.Z.R. §§230.1.A.10 and 233.1.C.

Based upon the testimony and evidence presented, I will also grant the petition for variance, although on slightly different terms than requested in the original petition. The Petition sought approval for a 1 foot setback for parking spaces along the front (Liberty Road) of the site. The County's landscape architect requested that planter boxes with a vegetative buffer be installed along the front of the site, as shown on the revised site plan marked as Petitioners' Ex. No. 6. To accommodate this landscaping, the parking spaces will be situated at least 4 feet from the public street right-of-way.

To obtain variance relief a petitioner must show:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The Petitioners must contend with existing site conditions on a lot that is narrow and deep. As such the property is unique. Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to continue operating their business in its current configuration. Finally, I believe the relief can be granted without harm to the health, safety and welfare of the public.

THEREFORE, IT IS ORDERED this 3rd day of December, 2014, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County

Zoning Regulations ("B.C.Z.R) to permit fifty (50) vehicles on the subject property in lieu of the thirty (30) allowed per Case No. 03-147-X, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a 24 ft. x 24 ft. one (1) story metal garage building to be constructed and used for mechanical repair services to cars being sold from the subject property only, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §§ 409.4.B.2, 409.C and 409.8.A.4 as follows: (1) to permit up to twenty (20) spaces for sales vehicles that do not have direct access to an aisle; (2) to permit one way directional drive aisles with a width of 15 ft. in lieu of the required 22 ft.; and (3) to allow parking spaces 4.0 ft. from a right-of-way of a public street, in lieu of the required 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits 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 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.
2. Petitioners may keep on the premises no more than thirty (30) vehicles total, including those offered for sale, rent and/or awaiting repair.
3. Petitioners may store and display on site not more than five (5) vehicles offered for rental. These vehicles must be stored separately from the vehicles offered for sale, and must be clearly labeled "for rent" in a conspicuous manner. Petitioners must also comply with B.C.Z.R. §408A in conducting the car rental operation.
4. Petitioners must, prior to issuance of permits, construct a 6' high board stockade fence along the rear property line. Petitioners must also provide planter boxes with appropriate vegetation (as determined in the sole discretion of the Baltimore County landscape architect) along the Liberty Road frontage of the property.

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

A handwritten signature in black ink, appearing to read 'JEB', is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

CASE NAME AGBOU
CASE NUMBER 2019-0170-SP4A
DATE 2/15/19

[illegible]

1900

1901

1902

1903

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>1/10</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
<u>12/7</u>	DEPS (if not received, date e-mail sent _____)	<u>No Comment</u>
_____	FIRE DEPARTMENT	_____
<u>1/3/19</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comment</u>
<u>12/7</u>	STATE HIGHWAY ADMINISTRATION	<u>No Objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2014-0239-SPHA</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>1/25/19</u>	
SIGN POSTING (1 st)	Date: <u>1/25/19</u>	by <u>Doak</u>
SIGN POSTING (2 nd)	Date: <u>2/10/19</u>	by <u>Doak</u>
PEOPLE'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 - 02 Account Number - 0216000291						
Owner Information									
Owner Name:			AGBOH DENNIS K AGBOH ELIZABETH J				Use:		COMMERCIAL
Mailing Address:			116 NOB HILL PARK REISTERSTOWN MD 21136-4609				Principal Residence:		NO
							Deed Reference:		/13748/ 00682
Location & Structure Information									
Premises Address:			9329 LIBERTY RD 0-0000				Legal Description:		SWS LIBERTY RD 9329 LIBERTY RD W CHAPMAN RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0077	0007	0853		0000				2019	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built 1984			Above Grade Living Area 1786		Finished Basement Area		Property Land Area 20,000 SF		County Use 24
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		RETAIL STORE							
Value Information									
			Base Value		Value		Phase-In Assessments		
					As of		As of		As of
					01/01/2019		07/01/2018		07/01/2019
Land:			210,000		210,000				
Improvements			38,300		34,100				
Total:			246,300		244,100		246,300		244,100
Preferential Land:			0						0
Transfer Information									
Seller: GRIMM JOSEPH M,JR				Date: 05/14/1999			Price: \$175,000		
Type: ARMS LENGTH IMPROVED				Deed1: /13748/ 00682			Deed2:		
Seller: PARKS ANDREW C PARKS WM D,ET AL				Date: 12/16/1988			Price: \$252,000		
Type: ARMS LENGTH IMPROVED				Deed1: /08055/ 00412			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			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:									

JB
11-24-14

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(9329 Liberty Road) *

2nd Election District *

4th Council District *

Dennis K. & Elizabeth J. Agboh *

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0239-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for reconsideration, filed in a timely fashion by Baltimore County. Therein, the County requests that the Administrative Law Judge (ALJ) reconsider its Order granting zoning relief dated December 3, 2014.

In its motion, Baltimore County alleges that the Petitioner's "repeated noncompliance" with conditions imposed in a prior zoning Order has jeopardized the "public safety and welfare." Baltimore County also notes that a new code violation citation has been served on Petitioners, which is scheduled for hearing on January 28, 2015.

In these circumstances, it appears that the zoning relief in the December 3, 2014 Order was improvidently granted.

THEREFORE, IT IS ORDERED this 21st day of January, 2015, by this Administrative Law Judge, that the Special Hearing and Variance relief granted in the Order dated December 3, 2014, be and hereby is **RESCINDED**, and the Petitions for Special Hearing and Variance filed in the above case, be and hereby are **DENIED**.

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

JB
11-24-14

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(9329 Liberty Road) *

2nd Election District *

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Dennis K. & Elizabeth J. Agboh

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0239-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) permit fifty (50) vehicles on the subject property in lieu of the thirty (30) allowed per Case No. 03-147-X; and (2) to permit a 24 ft. x 24 ft. one (1) story metal garage building to be constructed and used for mechanical repair services to cars being sold from the subject property only. The variance petition seeks relief from B.C.Z.R. §§ 409.4.B.2, 409.C and 409.8.A.4 as follows: (1) to permit up to twenty (20) spaces for sales vehicles that do not have direct access to an aisle; (2) to permit one way directional drive aisles with a width of 15 ft. in lieu of the required 22 ft.; and (3) to allow parking spaces 1.0 ft. from a right-of-way of a public street, in lieu of the required 10 ft.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing at the public hearing in support of the requests was Dennis Agboh. Bruce E. Doak, from Bruce E. Doak Consulting, LLC (whose firm prepared the site plan) appeared on behalf of the Petitioners. John and Barb Ness, both of whom operate a business on property adjoining that owned by Petitioners, attended the hearing to express certain concerns regarding the operation of the Petitioners' business. The

Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) dated July 3, 2014 and the Bureau of Development Plans Review (DPR) dated June 2, 2014.

The petition for special hearing first seeks to permit 50 cars on the site, in lieu of the 30 as allowed in Case No. 03-147-X. In that case, special exception relief was granted for a "used motor vehicle outdoor sales area" on the B.R. zoned property, per B.C.Z.R. §236.2. What Petitioners seek is in fact an amendment to the special exception previously granted, which in my opinion would require a petition for special exception, which was not filed in this case.

In addition, I do not believe that it would be in the public interest to permit more than 30 vehicles on the site. The property contains only 20,000 square feet which is a small parcel on which to display for sale 50 vehicles, especially when taking into account the additional traffic generated by customers, suppliers, etc. The DOP also opposed the request. In fact, that agency opined in its ZAC comment that the 2003 special exception order "already allowed an over intensification of the site."

The second aspect of the petition for special hearing seeks to permit construction of a 24' x 24' building for mechanical repairs to cars being sold from the property. This would seem to be permitted by right in the B.R. zone, which permits all uses allowed in the B.M. zone per B.C.Z.R. §236.1.A. One such use is a service garage, per B.C.Z.R. §233.1.B. As such, I believe the building and proposed use are permitted by right (provided all B.R. zone height and area regulations are satisfied) at the subject property, although I will grant the petition for special hearing to prevent confusion on the point.

The final issue involves the "5 or less automobiles to be rented," as described on the site plan. A "neighborhood car rental agency" is a permitted use in the B.L. zone (B.C.Z.R.

§230.1.A.9), and is therefore permitted in the B.R. zone. While what Petitioners propose is actually the rental of motor vehicles as an accessory use, the regulations would nonetheless permit such rentals even if they were the "principal use of land." As such, this use is permitted on the property, and both the B.L. and B.M. zones (and therefore the B.R. zone as well) permit the "combination of uses" on the same property. B.C.Z.R. §§230.1.A.10 and 233.1.C.

Based upon the testimony and evidence presented, I will also grant the petition for variance, although on slightly different terms than requested in the original petition. The Petition sought approval for a 1 foot setback for parking spaces along the front (Liberty Road) of the site. The County's landscape architect requested that planter boxes with a vegetative buffer be installed along the front of the site, as shown on the revised site plan marked as Petitioners' Ex. No. 6. To accommodate this landscaping, the parking spaces will be situated at least 4 feet from the public street right-of-way.

To obtain variance relief a petitioner must show:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The Petitioners must contend with existing site conditions on a lot that is narrow and deep. As such the property is unique. Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to continue operating their business in its current configuration. Finally, I believe the relief can be granted without harm to the health, safety and welfare of the public.

THEREFORE, IT IS ORDERED this 3rd day of December, 2014, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County

Zoning Regulations ("B.C.Z.R) to permit fifty (50) vehicles on the subject property in lieu of the thirty (30) allowed per Case No. 03-147-X, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a 24 ft. x 24 ft. one (1) story metal garage building to be constructed and used for mechanical repair services to cars being sold from the subject property only, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §§ 409.4.B.2, 409.C and 409.8.A.4 as follows: (1) to permit up to twenty (20) spaces for sales vehicles that do not have direct access to an aisle; (2) to permit one way directional drive aisles with a width of 15 ft. in lieu of the required 22 ft.; and (3) to allow parking spaces 4.0 ft. from a right-of-way of a public street, in lieu of the required 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits 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 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.
2. Petitioners may keep on the premises no more than thirty (30) vehicles total, including those offered for sale, rent and/or awaiting repair.
3. Petitioners may store and display on site not more than five (5) vehicles offered for rental. These vehicles must be stored separately from the vehicles offered for sale, and must be clearly labeled "for rent" in a conspicuous manner. Petitioners must also comply with B.C.Z.R. §408A in conducting the car rental operation.
4. Petitioners must, prior to issuance of permits, construct a 6' high board stockade fence along the rear property line. Petitioners must also provide planter boxes with appropriate vegetation (as determined in the sole discretion of the Baltimore County landscape architect) along the Liberty Road frontage of the property.

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

Case No.:

2019-0170-SPTA

Exhibit Sheet

Petitioner/Developer

Protestant

DW
3-22-19

Sen
2-19-19

No. 1	Plan	
No. 2	My Neighborhood Aerial	
No. 3	Plan w/photos A-L	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



K





I





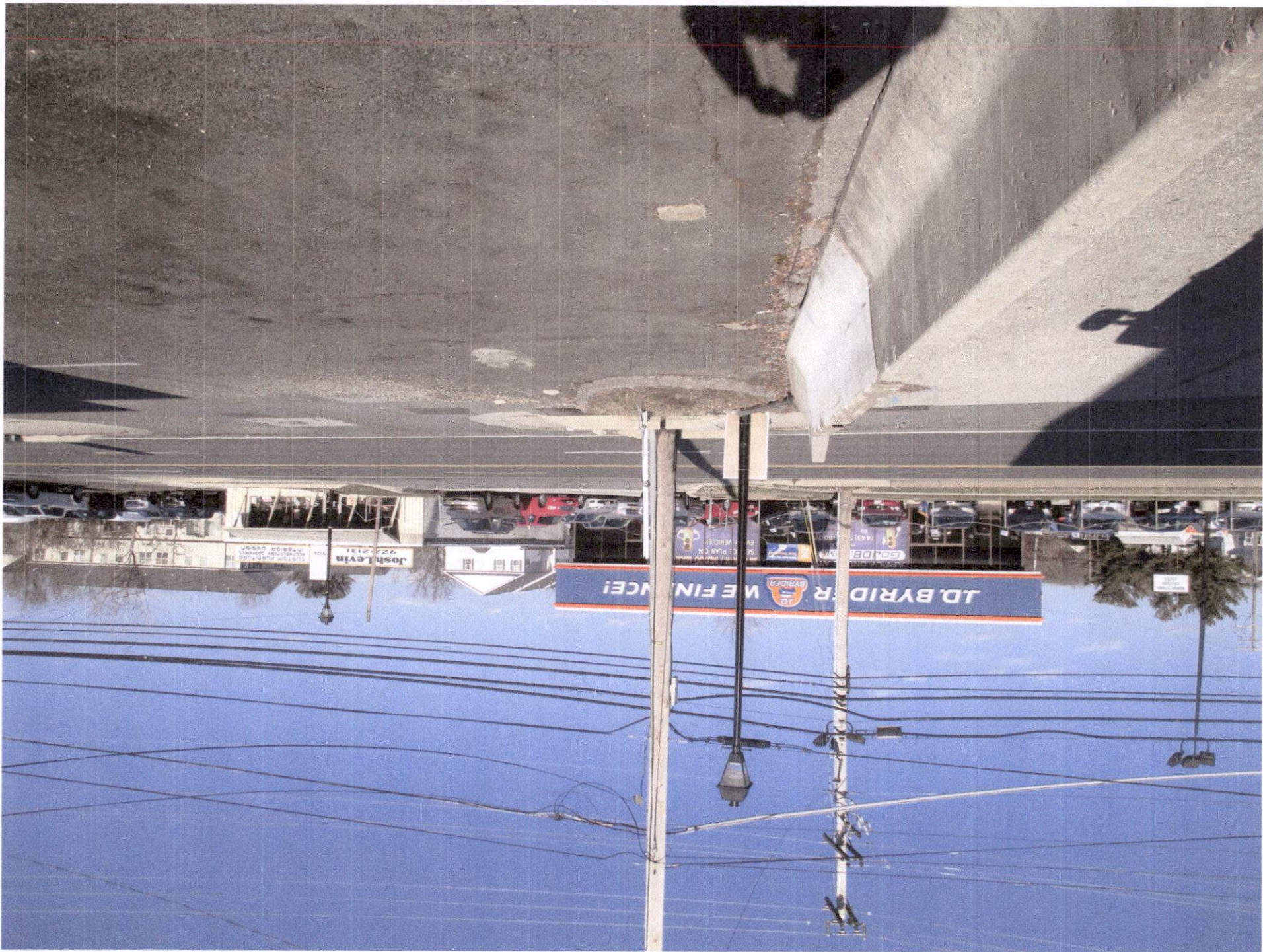












A



Baltimore County - My Neighborhood



- Legend
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - House Numbers
 - Zoning History Cases
 - Zoning
 - Property
 - County Boundary

1:1,128
0 45 90 180 Feet
0 0.0075 0.015 0.03 Miles
February 14, 2019

Sources: Esri, HERE, Garmin, Intermap, in
METI, Esri China (Hong Kong), swisstopo,

Baltimore County Government, Carroll County, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

PETITIONER' S

EXHIBIT NO. 2

GENERAL NOTES

1. Ownership: Dennis K. Agboh & Elizabeth J. Agboh
116 Nob Hill Park Reisterstown MD 21136
2. Address: 9329 Liberty Road
3. Deed references: SM 13748/ 682
4. Area: 20,000 sq. ft. (per SDAT)
5. Tax Map / Parcel / Tax account #: 77 / 853 / 02-16-000291
6. Election District: 2 Councilmanic District: 4
ADC Map: 469641 GIS tile: 077A1 Position sheet: 28NW37
Census tract: 402503 Census block: 24005402503
Schools: Randallstown ES Windsor MS Randallstown 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 077A1 and the information provided by Baltimore County on the Internet.
8. Improvements: Single story block building & parking lot. The existing building and parking lot will remain.

OFFICE OF ZONING

Zoning: BR AS
Zoning History:
R-1956-3713- Re-Classification
R-1957-4079- Re-Classification
1966-0230-X- Special Exception for Contractors Equipment Storage- granted
1971-0071-A- Variance for 29 parking spaces in lieu of 61 parking spaces- granted
2003-0147-X- Special Exception for a used motor vehicle sales area- granted
2014-0239-SPHA- 50 sales vehicles- denied/ garage- granted/ misc. parking items-granted

Parking Calculations

Gross building square footage: 2000 sq. ft.
Required parking spaces: 32
(16 parking spaces per 1000 square feet of gross floor area per section 409.6A-2 BCZR)
Parking spaces provided on site: 32

ENVIRONMENTAL IMPACT

- Watershed: Patapsco River URDL land type: 1
1. The existing building is served by public water and sewer lines in Liberty Road.
 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.

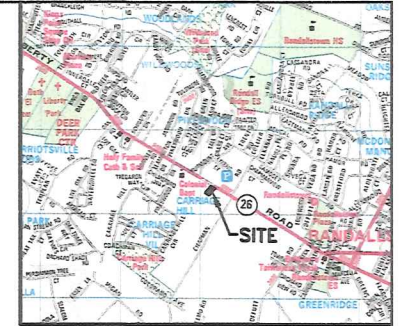
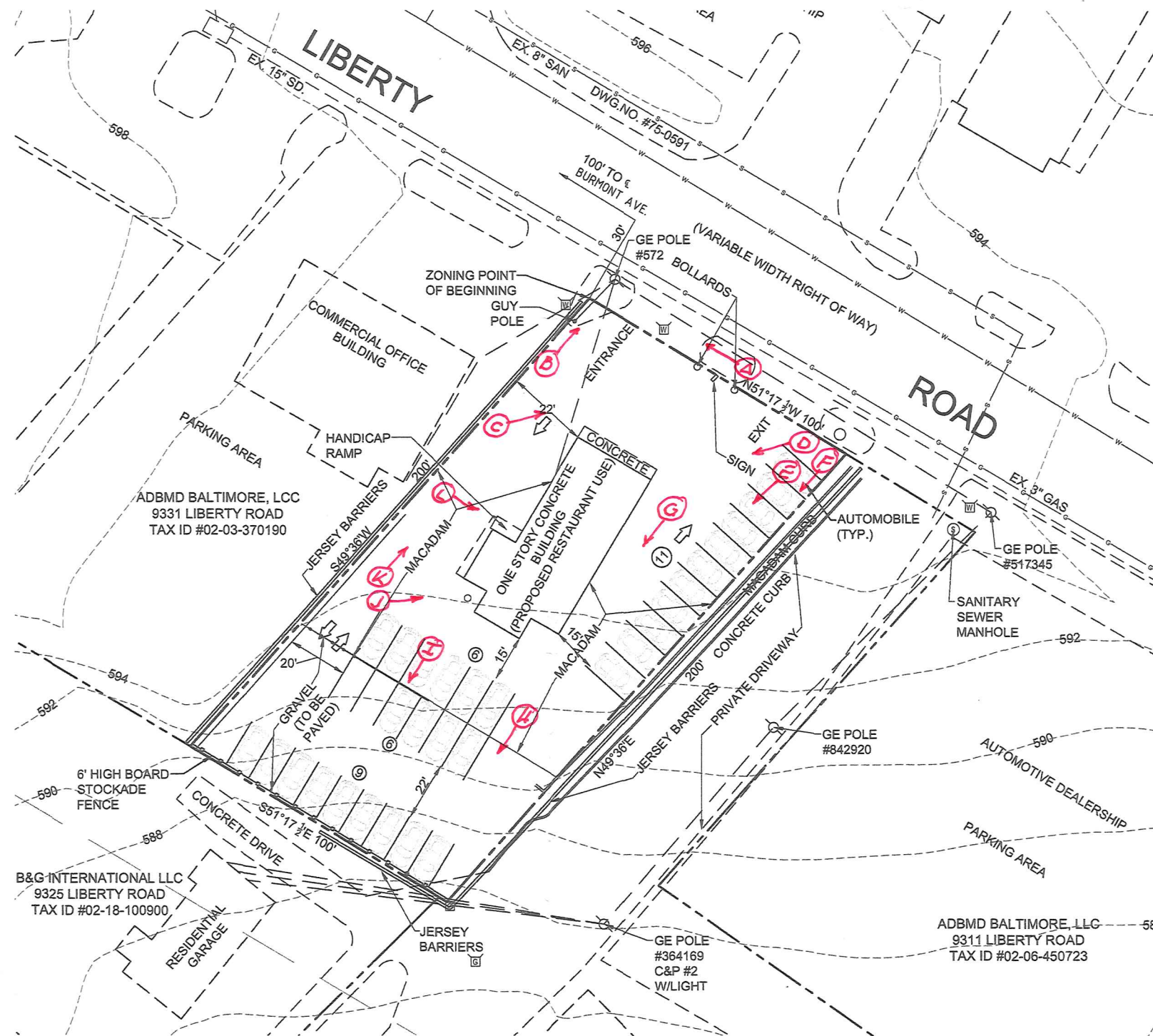
OFFICE OF PLANNING

Regional Planning District: Randallstown District Code: 312

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

PROPOSED DEVELOPMENT

To use the existing building as a restaurant



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A ZONING
PETITION
OF THE
AGBOH PROPERTY
9329 LIBERTY ROAD
2nd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



REVISION:

Date: 11/16/2014

Scale: 1"=20'

PETITIONER'S

EXHIBIT NO.

PHOTOS A-L

3

PLAN TO ACCOMPANY PHOTOGRAPHS

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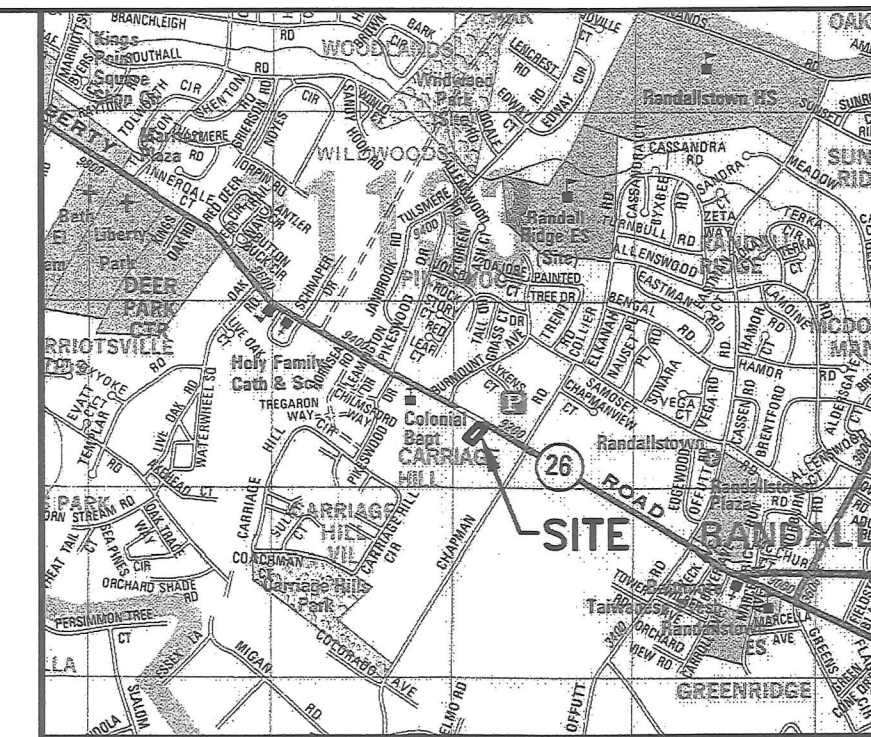
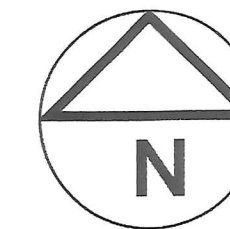
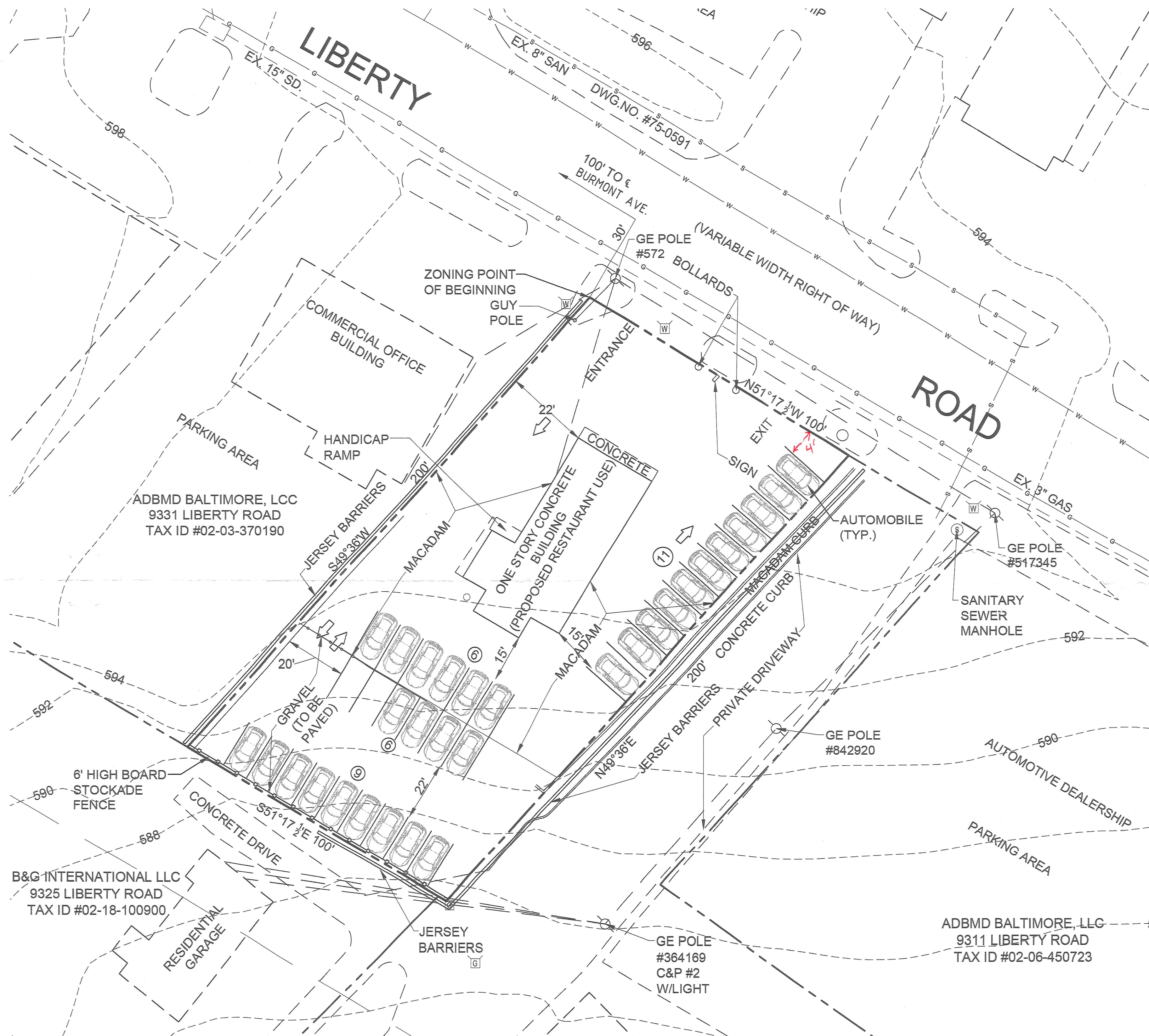
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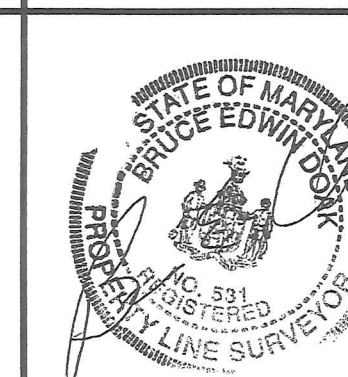
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ADC The Map People - Permitted Use # 20612205

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
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o 443-900-5535 m 410-418-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A ZONING
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BALTIMORE COUNTY, MARYLAND



Date: 11/16/2014
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REVISION:

#2019-0170-SPHA

21

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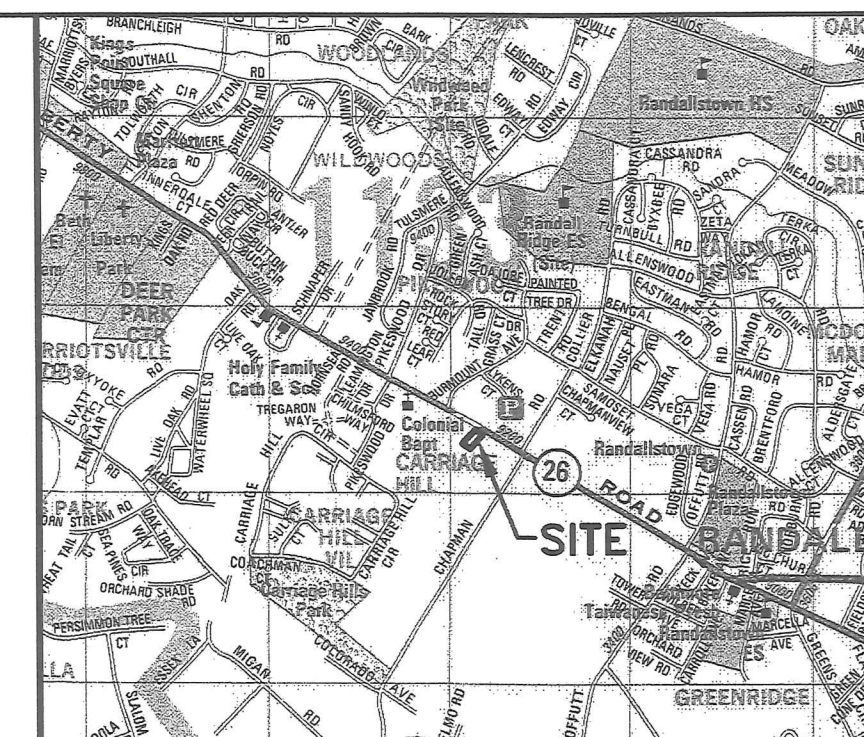
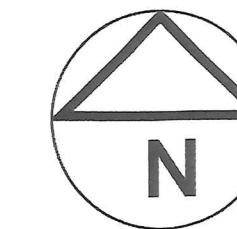
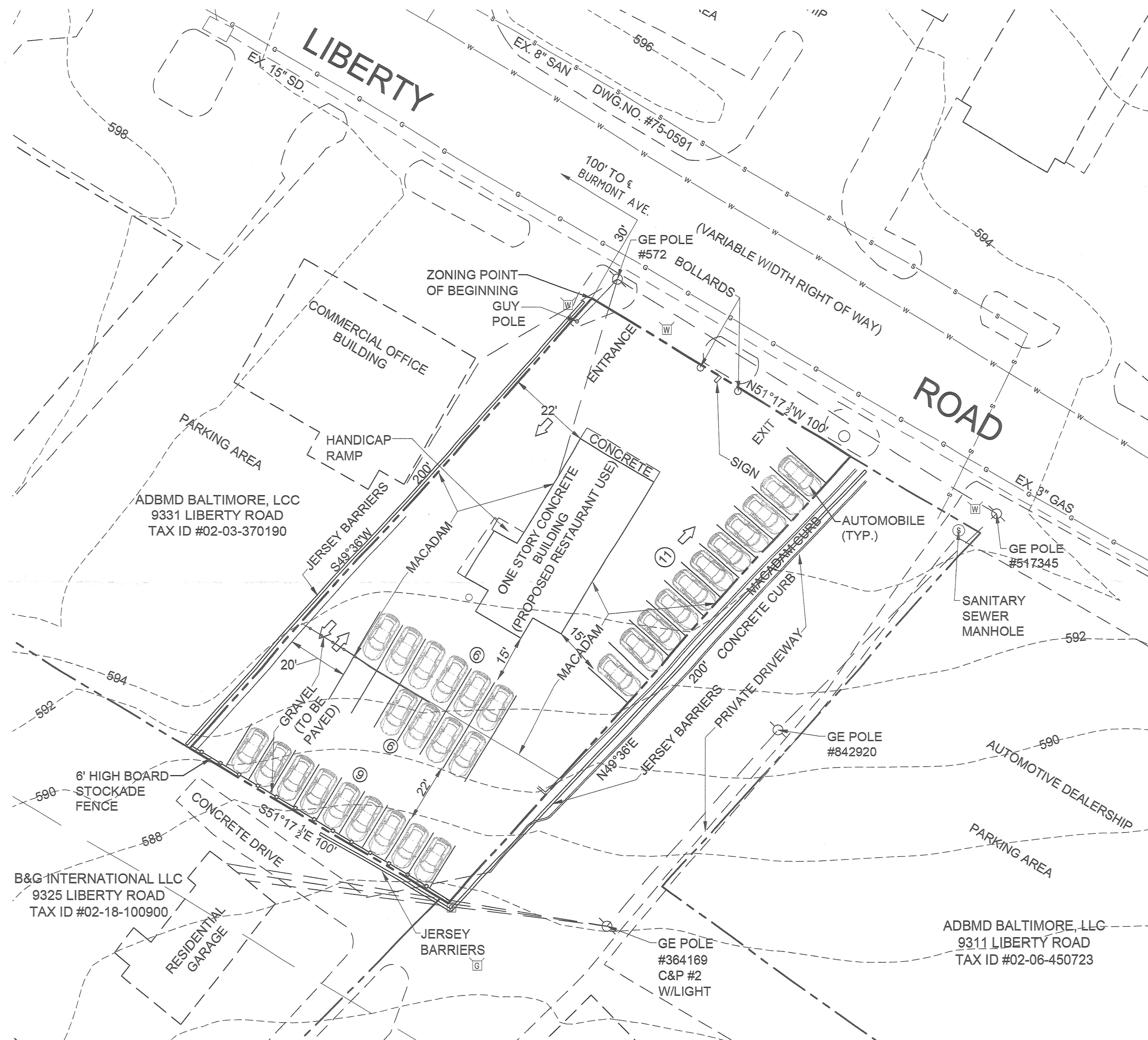
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BALTIMORE COUNTY, MARYLAND

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