

M E M O R A N D U M

DATE: April 1, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0171-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on March 29, 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
EXCEPTION AND VARIANCE
(8202 Pulaski Highway)
15th Election District
7th Council District
Fazal, LLC
*Legal Owner***

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2019-0171-XA**

Petitioner

* * * * *

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. The Petition for Variance seeks: **(1)** to permit a 0' setback from the rear, side, and front property lines for the parking in lieu of the required 10' 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 3.

Appearing in support of the petitions were Qaisar Shahzad and surveyor Bruce Doak. David Lynch, Esq. represented the Petitioner. Russ Mirable on behalf of the Rosedale Community Association 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"). Neither agency opposed the requests.

ORDER RECEIVED FOR FILING

Date

2/27/19

By

Sen

The subject property is approximately 0.396 acres in size and zoned BR-AS. The property is located along a heavily travelled stretch of Pulaski Highway, and neighboring uses are either commercial or industrial. The property is improved with a one story commercial building which previously operated as a fast food restaurant. Petitioner proposes to operate a used car facility at the site, a use permitted by special exception in the BR-AS zone.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Mr. Doak opined Petitioner satisfied the requirements of BCZR §502.1 and the Maryland case law interpreting that provision. As such the petition for special exception will be granted.

I am mindful of the concerns raised by Mr. Mirable; *i.e.*, that many of the other used care lots in the area are overcrowded and resemble junkyards more than auto dealerships. In an attempt to address this concern I have imposed in the order below a condition limiting to fifty the number of vehicles which may be displayed for sale on the property. And to a certain extent I believe the unsightly nature of a used car lot is one of the *inherent* detrimental impacts associated with this use. As such the petition cannot be denied on this basis. *Clarksville Residents Against Mortuary Defense Fund, Inc. v. Donaldson Properties*, 453 Md. 516, 543 (2017) (“there is a presumption that the [special exception] use is in the interest of the general welfare, a presumption that may

ORDER RECEIVED FOR FILING

Date

2/27/19

By

sen

only be overcome by probative evidence of unique adverse effects”). This issue is raised routinely in such cases, and the photos submitted in this case highlight the point.

In support of his argument the site would be overcrowded Mr. Mirable submitted a plan (Prot. Ex. 1) containing parking calculations for the proposed use. Mr. Mirable testified that BCZR Section 409 was applicable in this case, and the measurements and calculations shown on his plan were premised upon that assumption. While Section 409 is clearly applicable as concerns employee and customer parking, I do not believe the off-street parking regulations are applicable in the case of the used vehicle inventory displayed for sale. In a zoning case involving the Antwerpen automotive dealership on Route 40 in Catonsville, the undersigned determined that the new vehicle inventory maintained by that dealership was not subject to the provisions of BCZR Section 409. *See* Case No. 2016-0062-SPHA. I believe the same principle is applicable in this case.

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).

Mr. Doak testified the site was unique in that the commercial building is situated in the center of the lot, meaning that much of the inventory will be kept in the back of the property. He explained while this may have been ideal for a fast food restaurant which has a circular traffic flow around the site, a used car dealer prefers to display vehicle inventory towards the front of the lot so it is visible to passing motorists. In light of this testimony I find the property is unique. If the BCZR

ORDER RECEIVED FOR FILING

Date

2/27/19

By

Sen

were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to operate the used car facility at the site.

Finally, I find that the variances 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 agency opposition. In addition, Mr. Shahzad testified (and aerial photographs were submitted in support of the proposition—Pet. Ex. Nos. 2 & 4) there are at least six other automobile dealers and/or service garages in the immediate vicinity. As such, I do not believe granting the variances will be injurious to the community.

The Bureau of DPR indicated in its ZAC comment a landscape plan was required for this project. Mr. Doak testified the entire site is paved, and that there is really nowhere vegetation can be installed without excavation and significant time and expense. Perhaps more importantly, he submitted photos (Pet. Ex. No. 5) which clearly show none of the other commercial and industrial sites in this corridor have landscaping. In these circumstances I believe there is good cause to excuse this requirement.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 27th day of **February, 2019**, that the Petition for Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building, be and is hereby GRANTED.

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 off-street 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, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

ORDER RECEIVED FOR FILING

Date

2/27/19

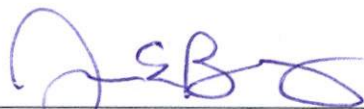
4

By

Den

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. No damaged and/or disabled motor vehicles may be kept on the premises.
3. Petitioner may display for sale on site no more than 50 motor vehicles at any one time.
4. Within 15 days of the date hereof Petitioner shall submit to Baltimore County a redlined site plan indicating where on the site vehicle inventory will be displayed. The plan must also be amended to reflect the location of customer and/or employee parking, which spaces must be striped as required by BCZR §409.
5. No temporary banners, signs or advertising flags shall be permitted on the subject property.

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



JOHNE. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date

2/27/19

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 POLASKI HIGHWAY which is presently zoned BRAS
 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

David S. Lynch, Esq.
 Name- Type or Print _____
David S. Lynch
 Signature _____
30 Office St. Bcl Air MD
 Mailing Address _____ City _____ State _____

21014 / 410-879-7222
 Zip Code _____ Telephone # _____ Email Address _____

DLYNCH@STARKANDKEENAN.COM

CASE NUMBER 2019-0175-XA Filing Date 11/27/18

Legal Owners (Petitioners):

☒ QAISAR SHAHZAD PRES. OF FAZAL, LLC
 Name #1 - Type or Print _____ Name #2 - Type or Print _____

☒ [Signature]
 Signature #1 _____ Signature #2 _____

☒ 9243 BELLECK ROAD PARKVILLE MO 21234
 Mailing Address _____ City _____ State _____

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

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING
 Name - Type or Print _____
[Signature]
 Signature _____

3801 BAKER SCHOOLHOUSE ROAD FREEHANO MO
 Mailing Address _____ City _____ State _____

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

BDOAK@BRUCEEDOAKCONSULTING.COM

Do Not Schedule Dates: SEC Reviewer JF

ORDER RECEIVED FOR FILING

Date 2/27/19
 By [Signature]

PETITION FOR ZONING HEARING(S)

To be filled with the Department of Planning, Approval and Inspection
 To the Office of Administrative Law of Baltimore County for the property located at
 Address: 6700 Newmarket Avenue
 City: Baltimore, Maryland 21212-1442
 County: Baltimore

I, the undersigned, being a person who is a party to the hearing(s) requested, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

I am requesting a Special Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a General Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Variance(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Special Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a General Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Variance(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Special Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a General Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Variance(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Special Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a General Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Variance(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Special Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a General Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Variance(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Special Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a General Hearing(s) on the following zoning regulation(s) of Baltimore County:

I am requesting a Variance(s) on the following zoning regulation(s) of Baltimore County:

Petitions Requested

Case # 2019 - 0171 - XA

Special Exception

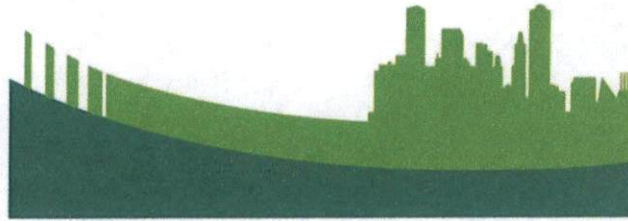
Section 236.2 BCZR to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone.

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 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

Do Not Schedule Dates

1. Dec. 31, 2018 – Jan. 4, 2019
2. Jan. 15, 2019
3. Jan. 18, 2019
4. Jan. 22 – 24, 2019
5. Jan. 28, 2019
6. Feb. 15 – 22, 2019



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:

2/5/2019

Order #: 11677766
Case #: 2019-0171-XA
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0171-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: 2019-0171-XA

8202 Pulaski Highway

N/s Pulaski Highway at 195 ft. N/e of Lorraine Avenue

16th Election District

Legal Owners: Fazal, LLC, Qaisar Shahzad, Pres.

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: Monday, February 25, 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 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.

15

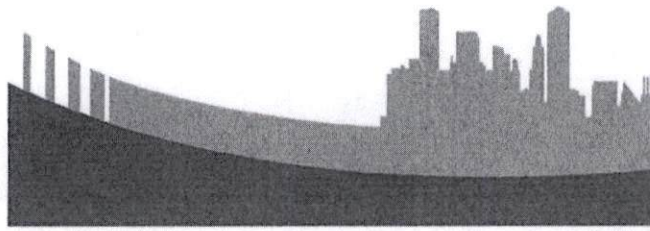
Sherry Nuffer

From: Bruce Doak <doakfarm@gmail.com>
Sent: Thursday, February 21, 2019 11:54 AM
To: Sherry Nuffer
Subject: Case 2019-0171-XA posting cert
Attachments: Posting Cert 2 21 19.pdf

Please find enclosed the recertification of the posting.

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





CERTIFICATE OF POSTING

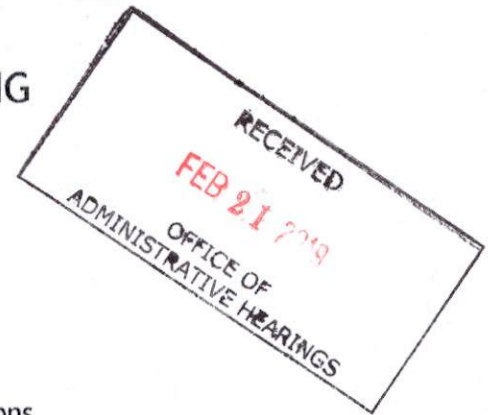
February 5, 2019 (amended February 21, 2019)

Re:

Zoning Case No. 2019-0171-XA

Legal Owner: Fazal LLC, Qaisar Shahzad, President

Hearing date: February 25, 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 **8202 Pulaski Highway**.

The signs were posted on **February 4, 2019**.

The signs were inspected again on **February 21, 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. 2019-0171-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: Monday February 25, 2019 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**

ZONING NOTICE

CASE NO. 2019-0171-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: Monday February 25, 2019 1:30 PM

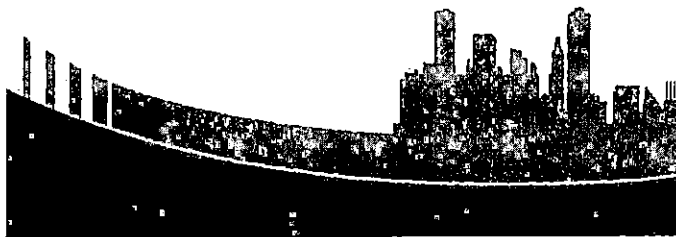
**SPECIAL EXCEPTION TO ALLOW A USED MOTOR VEHICLE OUTDOOR
SALES AREA, SEPARATED FROM SALES AGENCY BUILDING IN A BR
ZONE.**

**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**



CERTIFICATE OF POSTING

February 5, 2019 (amended _____)

Re:
Zoning Case No. 2019-0171-XA
Legal Owner: Fazal LLC, Qaisar Shahzad, President
Hearing date: February 25, 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 8202 Pulaski Highway.

The signs were posted on February 4, 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. 2019-0171-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: Monday February 25, 2019 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**

ZONING NOTICE

CASE NO. 2019-0171-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: Monday February 25, 2019 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**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, Director
Department of Permits,
Approvals & Inspections

January 9, 2019

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: 2019-0171-XA

8202 Pulaski Highway

N/s Pulaski Highway at 195 ft. N/e of Lorraine Avenue

15th Election District

Legal Owners: Fazal, LLC, Qaisar Shahzad, Pres.

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: Monday, February 25, 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: David S. Lynch, 30 Office Street, Belair 21014
Qaisar Shazad, 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 TUESDAY, FEBRUARY 5, 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
Tuesday, February 5, 2019 - Issue

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

443-794-0669

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: 2019-0171-XA

8202 Pulaski Highway
N/s Pulaski Highway at 195 ft. N/e of Lorraine Avenue
15th Election District
Legal Owners: Fazal, LLC, Qaisar Shahzad, Pres.

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: Monday, February 25, 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 EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
8202 Pulaski Highway; N/S Pulaski Highway, * OF ADMINISTRATIVE
@ 195' NE from Lorraine Avenue *
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner: Fazal, LLC by Qaisar Shahzad *
Petitioner(s) * BALTIMORE COUNTY
* 2019-171-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
DEC 06 2018

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 and David Lynch, Esquire, 30 Office Street, Bel Air, Maryland 21014, Attorney 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/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: 2019-0171-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 BELBECK ROAD
PARKVILLE MO 21234

Telephone Number: 443-794-0669

Revised 5/20/2014

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

No. 177714

Date: 11/22/18

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	500	5000		6150					1,000.00

Total: 1,000.00

Rec

From: QADAR SHAHZAD

For:

8202 Pulaski Hwy

Code # 2019-0171-XA

NO FEE

per BRUCE / CARL

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



JOHN A. OLSZEWSKI, JR.
County Executive

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

February 22, 2019

David S. Lynch
30 Office Street
Bel Air MD 21014

RE: Case Number: 2019-0171-XA, 8202 Pulaski Highway

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.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Bruce E. Doak Consulting 3801 Baker Schoolhouse Road Freeland MD 21053
Pars. Of Fazal LLC Attn: Qaisar Shahzad 9243 Bellbeck Road Parkville MD 21234

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 24, 2018
Item No. 2019-0171-XA

DATE: Jan 17, 2019

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

2-25-19

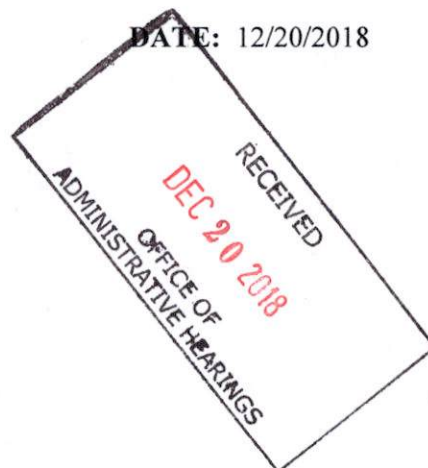
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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: 19-171

DATE: 12/20/2018



INFORMATION:

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

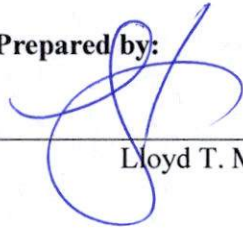
A site visit was conducted on September 12, 2018. The site was the subject of zoning case 2019-0047-XA which was dismissed without prejudice.

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.

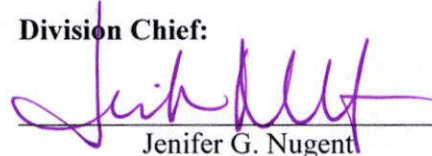
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

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

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

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

DATE: 12/20/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-171

INFORMATION:

Property Address: 8202 Pulaski Highway

Petitioner: Fazal, LLC

Zoning: BR-AS

Requested Action: Special Hearing, 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 site was the subject of zoning case 2019-0047-XA which was dismissed without prejudice.

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 conform with Section 450 of the BCZR.

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 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0171-XA *corrected*
Address 8202 Pulaski Highway
(Fazal, LLC Property)

Zoning Advisory Committee Meeting of **December 24, 2018.**

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

Reviewer: Steve Ford

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 US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Variance Case Number 2019-0171-XA

Qaisar Shahzad
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,

Richard Zeller

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

WW/RAZ

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 # 2019-0171-XA
Address 8202 Pulaski Highway
(Shahzad 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 # 2019-0171-XA
Address 8202 Pulaski Highway
(Shahzad 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

Rosedale Community Association



"Non Political Community Association"

7932 Oakdale Ave
Rosedale, MD 21237

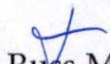
Phone:
443-846-5399

Kristen Lewis
Baltimore County Zoning Scheduler
111 West Chesapeake Ave.
Towson, MD 21204

Dear Kristen,

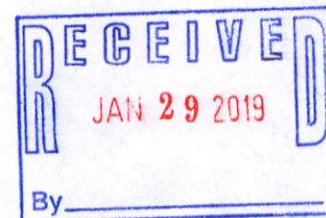
As President of the Rosedale Community Association, I would like to request a postponement of Case #2019-177, address 8202 Pulaski Highway, Rosedale, MD 21237.

Sincerely,


Russ Mirabile

Russ Mirabile

Russ Mirabile
President, Rosedale Community Association
443-846-5399



- ① No Hearing "Notice" Sign has been Posted as of 10:50 A.M.
② If possible a 30 day postpone date would be desired, due to Community Meeting date in March. 1.29-'19

*Thank You
Russ Mirabile Pres.*

PLEASANT

CASE NAME Fazal

DATE 2/25/19

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE _____

2019-171-X
2/25/2019

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1/17DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment12/27DEPS
(if not received, date e-mail sent _____)No Comment12/20

FIRE DEPARTMENT

NO OBJ
w/conditions12/7PLANNING
(if not received, date e-mail sent _____)No Objection

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2019-0047-XA)NEWSPAPER ADVERTISEMENT Date: 2/5/19SIGN POSTING (1st) Date: 2/4/19by DoakSIGN POSTING (2nd) Date: 2/2/19by DoakPEOPLE'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:			
								Principal Residence:			
Mailing Address:				9423 BELLBECK RD PARKVILLE MD 21234-				Dead Reference:			
								COMMERCIAL NO /40210/ 00049			
Location & Structure Information											
Premises Address:				8202 PULASKI HWY BALTIMORE 21237-				Legal Description:			
								.398 AC NS PULASKI H NE COR BATAVIA FARMS			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:		
0089	0023	0760		0000				2018	Plat Ref:		
Special Tax Areas:						Town:		NONE			
						Ad Valorem:					
						Tax Class:					
Primary Structure Built			Above Grade Living Area			Finished Basement Area			Property Land Area		
1975			1600						17,249 SF		
									County Use		
									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		
						01/01/2018			07/01/2018		
						371,900			As of		
Land:			371,900						07/01/2019		
Improvements			171,800			72,400					
Total:			543,700			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: /39581/ 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:											

RECORD & RETURN TO:
POWERHOUSE TITLE GROUP
C/O 11585 CHAPEL ROAD
CORDOVA MD 21625-2233

File No. 18-14399

Tax ID # (15) 15-23-003760

1
OF
2

This Deed is made this 16TH day of **MARCH, 2018**, by and between **LEONARD C. MARTIN, GRANTOR**, and **FAZAL, LLC**, a Maryland Limited Liability Company, **GRANTEE**.

~Witnesseth~

That for and in consideration of the sum of **FOUR HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$450,000.00)**, which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said **FAZAL, LLC**, its successors and assigns, in Fee Simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME ON THE NORTH SIDE OF PULASKI HIGHWAY, FORMERLY KNOWN AS GOVERNOR NICE HIGHWAY, SAID POINT BEING SITUATED SOUTH 58 DEGREES 57 MINUTES 13 SECONDS WEST 209 FEET ALONG THE NORTH SIDE OF SAID HIGHWAY FROM THE INTERSECTION OF THE NORTH SIDE OF PULASKI HIGHWAY WITH THE NORTH 22.5 DEGREES WEST PERCHES LINE OF THE LAND DESCRIBED IN DEED FROM MARGARETHA H. HEIMBUCH, WIDOW, TO HENRY HEIMBUCH AND WIFE DATED JUNE 12, 1913, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER WPC 412, FOLIO 142, AND RUNNING THENCE FROM SAID BEGINNING AND BINDING ALONG THE NORTH SIDE OF THE PULASKI HIGHWAY 150 FEET WIDE, REFERRING ALL COURSES TO THE TRUE MERIDIAN, SOUTH 58 DEGREES 57 MINUTES 13 SECONDS WEST 242 FEET TO THE CENTER OF A 30 FOOT ROAD AND TO THE EASTERNMOST OUTLINE OF THE PROPERTY NOW OR FORMERLY OWNED BY RAPHAEL HESSE AND WIFE AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER WPC 631, FOLIO 197; THENCE, LEAVING SAID HIGHWAY AND BINDING ALONG THE CENTER OF SAID 30 FOOT ROAD FOR THE USE IN COMMON AND ALONG THE EASTERNMOST OUTLINE ABOVE REFERRED TO, NORTH 38 DEGREES 39 MINUTES 47 SECONDS WEST 151.29 FEET; THENCE, RUNNING PARALLEL WITH THE PULASKI HIGHWAY, NORTH 58 DEGREES 57 MINUTES 13

Deed (w Taxes)
Recording only \$20.00
Name: Martin/Fazal
Ref: 66
Deed (with Taxes)
Liber Charge 40.00
Liber Used State
Transfer Tax 2,250.00
Reg Tax - 1kd
7,500.00
Subtotal: 9,810.00
05/02/2018 11:52
CC03-AN
18 CC0301 -
Baltimore
County/CC03.01.01 -
Register 01

PETITIONER'S

EXHIBIT NO. 1

SECONDS EAST 265.34 FEET; THENCE, SOUTH 29 DEGREES 43 MINUTES 47 SECONDS EAST 150 FEET TO THE PLACE OF BEGINNING.

SAVING AND EXCEPTING THEREFROM ALL THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH BY DEED DATED MARCH 31, 1953, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER GLB 2272, FOLIO 177, WAS GRANTED AND CONVEYED BY NICHOLAS SENNETT AND WIFE UNTO GARNET E. JONES AND WIFE.

THE IMPROVEMENTS THEREON NOW BEING KNOWN AND DESIGNATED AS 8202 PULASKI HIGHWAY, ROSEDALE, MARYLAND 21237.

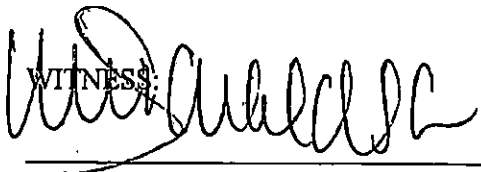
BEING THE SAME PROPERTY WHICH BY DEED DATED AUGUST 25, 2017 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, STATE OF MARYLAND, IN LIBER JLE 39561, FOLIO 142, WAS GRANTED AND CONVEYED BY CAROLYN J. NELSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF VINCENT F. BONOMOLO UNTO LEONARD C. MARTIN.

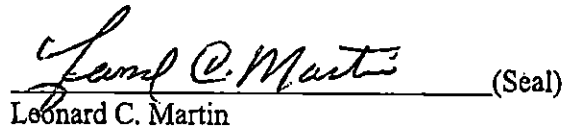
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Grantee, FAZAL, LLC, its successors and assigns, in Fee Simple, forever.

And the Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS: 

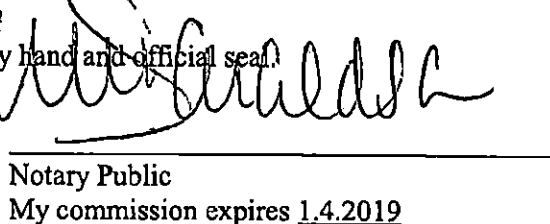
 (Seal)
Leonard C. Martin

STATE OF MARYLAND }
COUNTY OF BALTIMORE } ss

I HEREBY CERTIFY that on this 16th day of March, 2018, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Talbot, appeared **Leonard C. Martin**, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

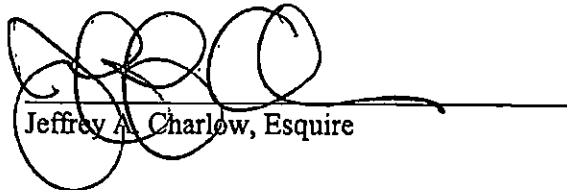
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.




Notary Public
My commission expires 1.4.2019

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Charlow Law Group, LLC


Jeffrey A. Charlow, Esquire

[] Baltimore City [XX] County: BALTIMORE
Information provided is for the use of the Clerk's Office and State Department of
Assessments and Taxation, and the County Finance Office only.
(Type or Print in Black Ink Only All Copies Must Be Legible)

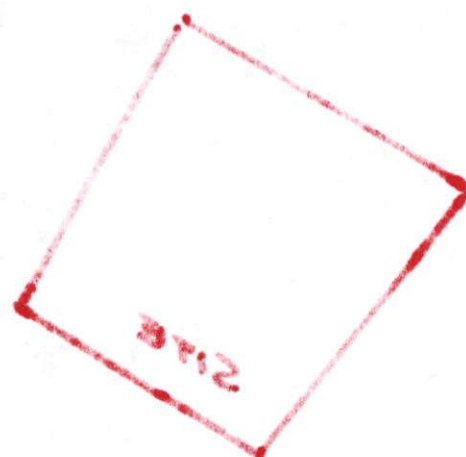
BUSINESS	ACTUAL	TIME
NEW WOODS	5/03/2018	5/07/2018 11:41:18
MIL IN CAN		
>>KEEPER B 7		
Receipt # 701		
RECONCILIATION TAXES		5/07/2018
ACCOUNT NO 15		
MARKS:		
\$9,000.00		
CX		
\$9,000.00		
CA		

8202 Pulaski Highway



PETITIONER' S

EXHIBIT NO. 7

















7

















F

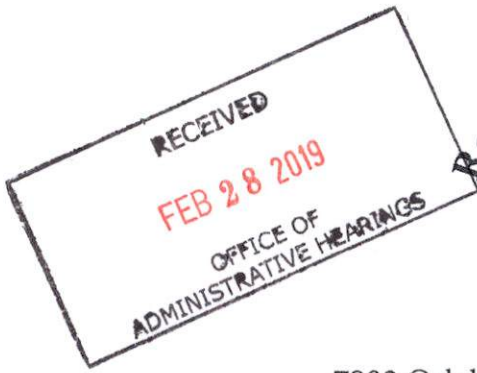












Rosedale Community Association



"Non Political Community Association"

7932 Oakdale Ave
Rosedale, MD 21237

Phone:
443-846-5399

Ref: 8202 Palanski Hwy.

7-7-19

Atty David Lynch,

Enclosed are Photos that will be sent
to Judge Bor. - (Spell) as stated on 2-25-19 hearing. (9 Photos)

Thank you for your professionalism @ the
hearing.

If I can be of any assistance in this matter,
or others, please do not hesitate to call. 443-846-5399.

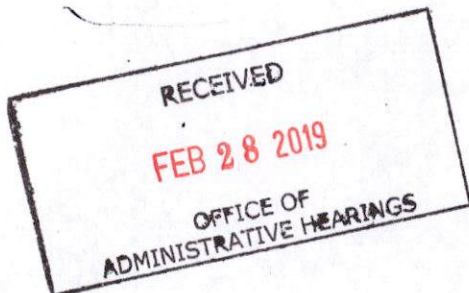
Thank You Again.

Russ Merrihew, Pres Rosedale Comm. Assn.

P.S.

Pardon the hand writing. Typist on Vacation.

Sent Atty Lynch 30 plus St. Bd. Sec,
2-28-19 2/28/19



=====

LOCH RAVEN
808 GLENEAGLES CT STE 1
TOWSON
MD
21286-2205
2304160015
02/28/2019 (800)275-8777 2:27 PM
=====

Product Description	Sale Qty	Final Price
First-Class Mail Large Envelope (Domestic) (BEL AIR, MD 21014) (Weight:0 Lb 2.20 Oz) (Estimated Delivery Date) (Saturday 03/02/2019)	1	\$1.30

Total	\$1.30
Cash	\$5.00
Change	(\$3.70)

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE @
www.informedelivery.com

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>
840-5210-0082-003-00029-51509-02

or scan this code with
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

10/29/18

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

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

Petitioner

* * * * *

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

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

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

[illegible]The seal of Baltimore County, Maryland, is a circular emblem. It features a black and white checkered pattern in the upper left and lower right quadrants, and a red and white cross pattern in the upper right and lower left quadrants. The words "BALTIMORE COUNTY" are written in a circle around the top, and "MARYLAND" is written around the bottom. There are five stars in the center, arranged in a cross pattern.

0 10 20 40 60 80 Feet

1 inch = 40 feet

✓ 5/22/14
AV

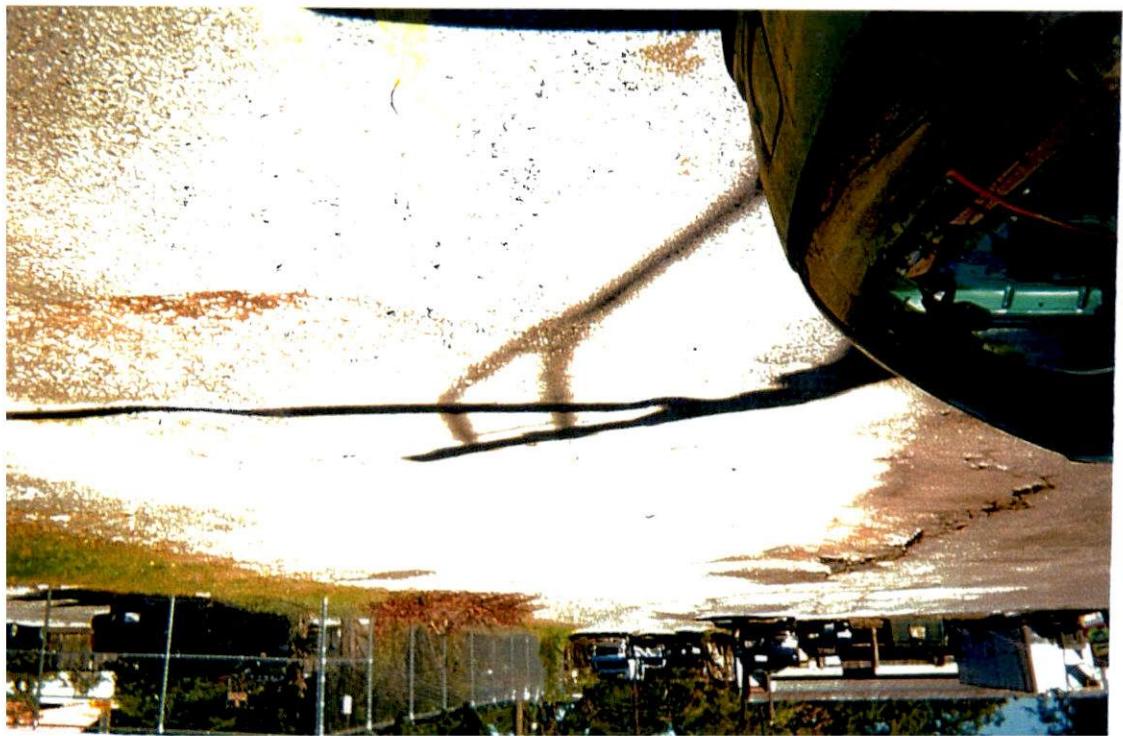
Real Property Data Search (w1)

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 - 1510450500			
Owner Information					
Owner Name:	DUNLORA LLC	Use:	COMMERCIAL		
		Principal Residence:	NO		
Mailing Address:	8204 PULASKI HIGHWAY BALTIMORE MD 21237-	Deed Reference:	/34062/ 00207		
Location & Structure Information					
Premises Address:	8202 PULASKI HWY 0-0000	Legal Description:	NS PULASKI HWY .396 AC 125 NE BATAVIA FARMS RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0089	0023	0643		0000	
Assessment Year:		Plat No: Plat Ref:			
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	
1980	2826		17,245 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		OFFICE BUILDING			
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	126,200	132,400			
Total:	498,100	504,300	500,167	502,233	
Preferential Land:	0			0	
Transfer Information					
Seller: DELFLORA GERALDINE HARRIS GRACE G		Date: 08/12/2013		Price: \$500,000	
Type: ARMS LENGTH IMPROVED		Deed1: /34062/ 00207		Deed2:	
Seller: STAMATACOS NICK		Date: 10/24/1990		Price: \$385,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08630/ 00628		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:			

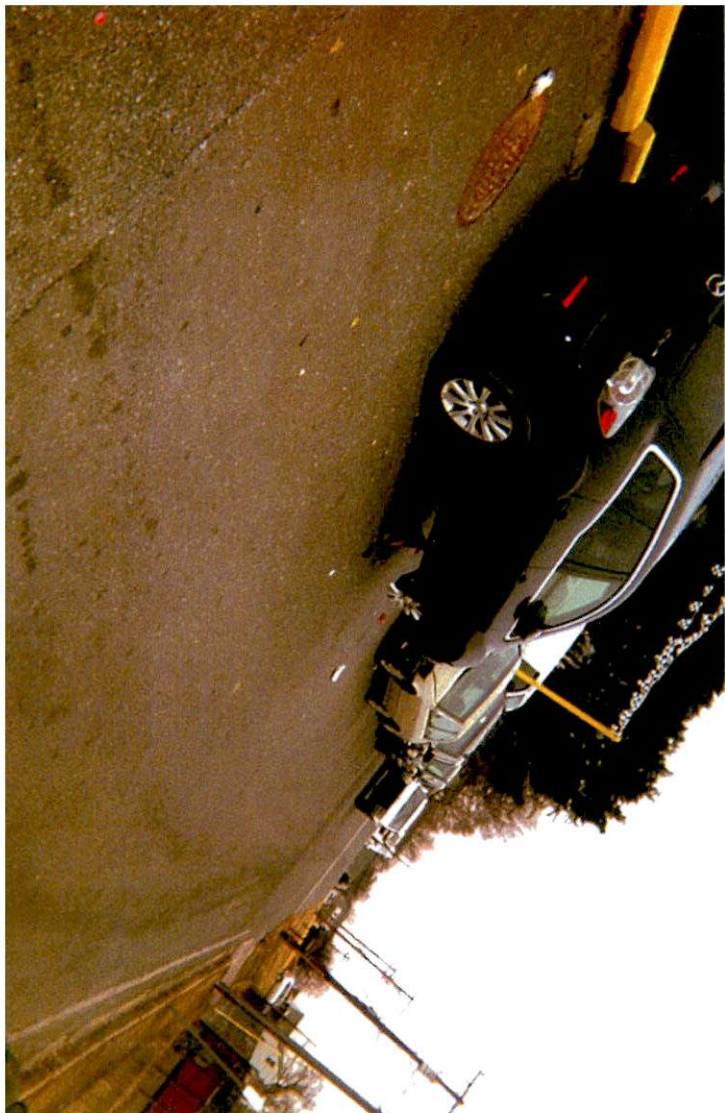


















8202 Pulaski Highway - Fazal, LLC



PET-2

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 tile: 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

- The existing building is currently served by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- 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)

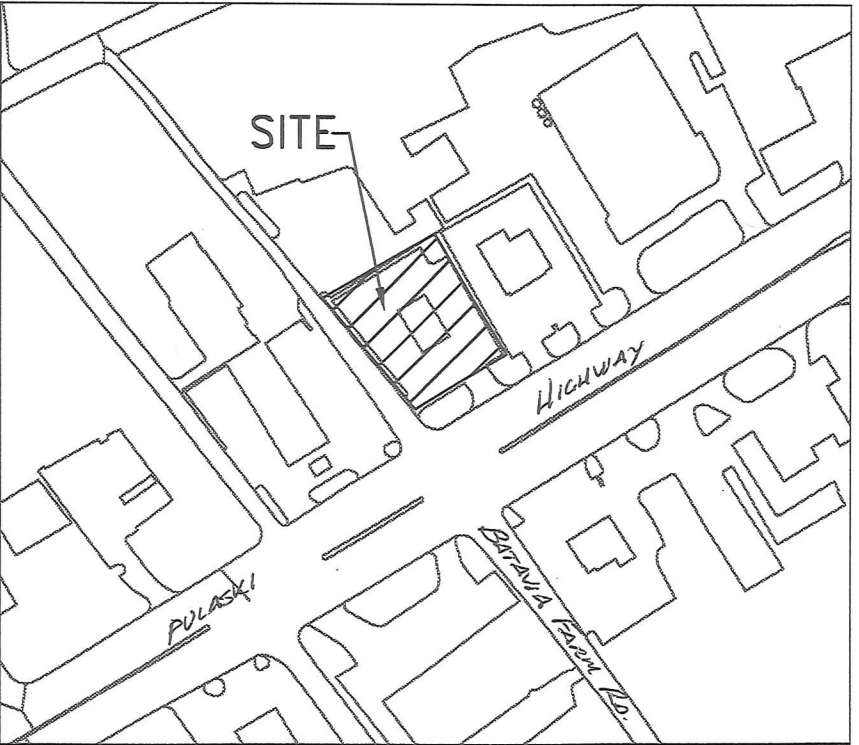
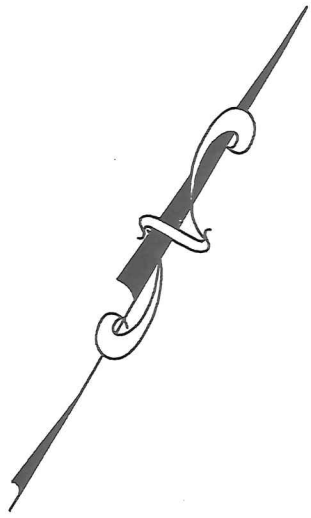
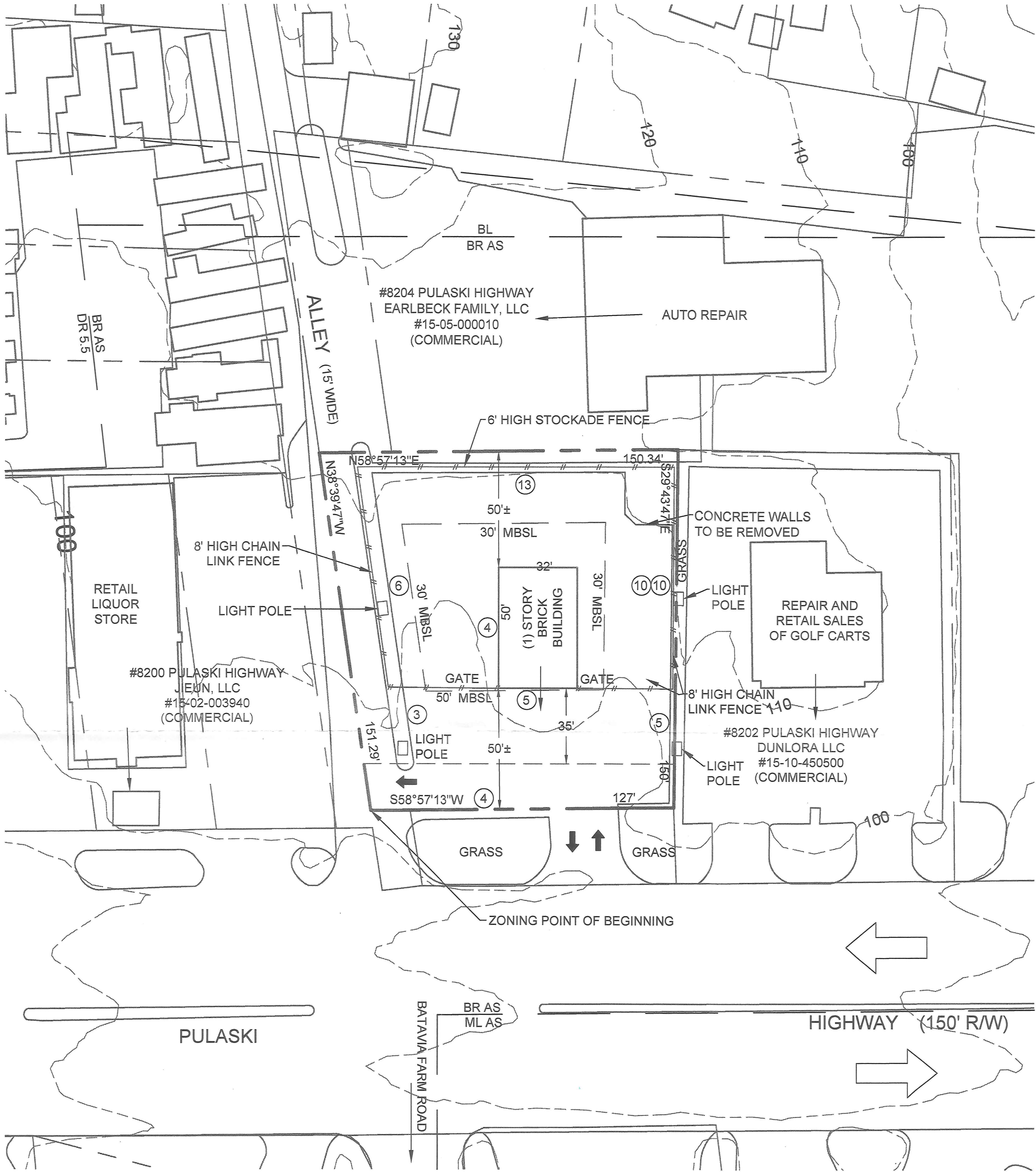
- The existing building is not historic. The subject property is not in a historic district.

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



0' 30' 60' 90'

REVISION

PETITIONER'S

EXHIBIT NO. 3

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Froeland, MD 21058
o 443-800-5835 m 410-419-4908
bdoak@brucedoakconsulting.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'

GENERAL SITE INFORMATION

- Ownership: FAZAL LLC
9423 Bell Beck Road Parkville, MD 21234
- Address: 8202 Pulaski Highway Baltimore, MD 21237
- Deed references: JLE 402101/49
- Area: 0.396 acre (per SDAT)
- Tax Map / Parcel / Tax account #: 89 / 760 / 15-23-003760
- 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
- 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 title 089C3 and the information provided by Baltimore County on the internet.
- 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 ratio: 0.09 (based on SDAT info)

ENVIRONMENTAL IMPACT

Watershed: White Marsh URDL land type: 1

- The existing building is currently served by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- 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)

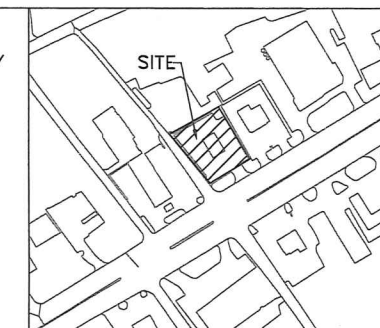
- The existing building is not historic. The subject property is not in a historic district.

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 21058
o 443-900-5535 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'

PETITIONER'S

EXHIBIT NO. 5

PLAN TO ACCOMPANY PHOTOGRAPHS

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 tile: 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)

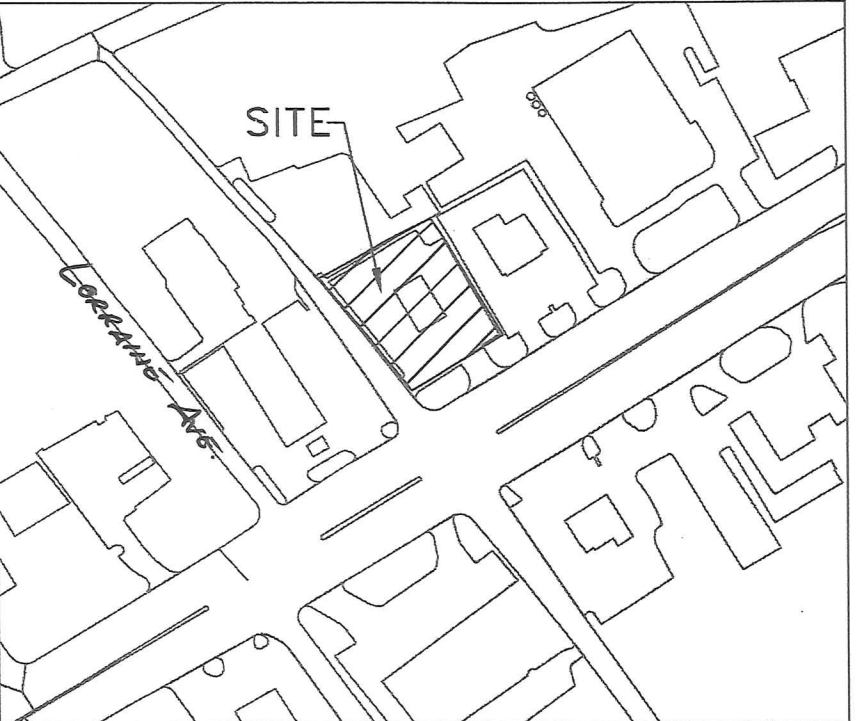
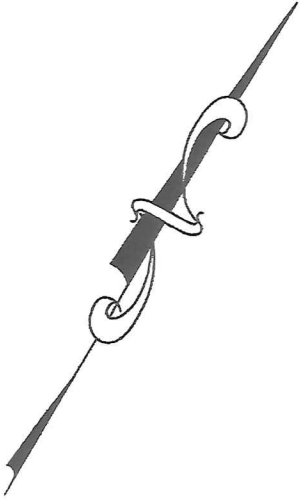
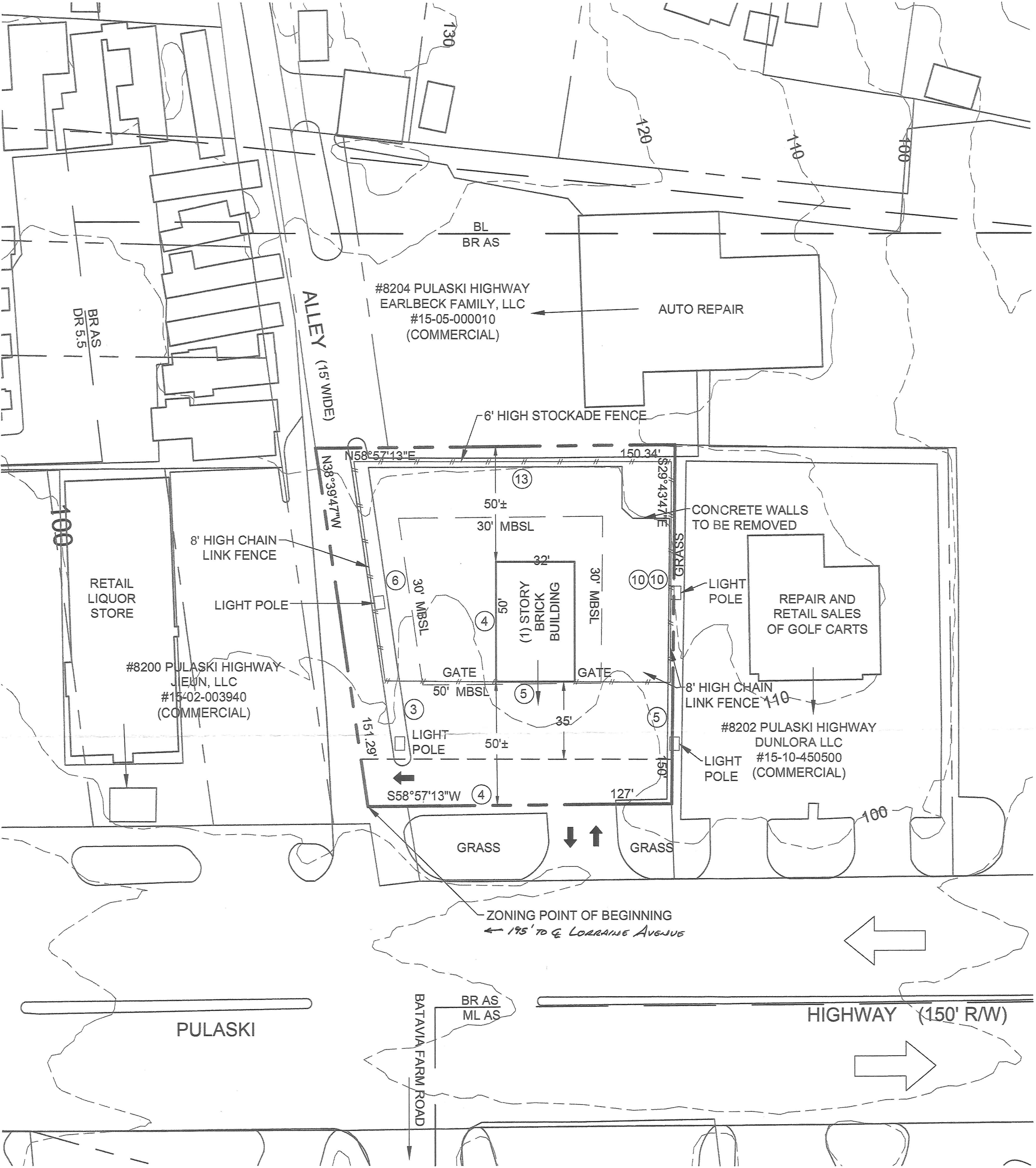
1. The existing building is not historic. The subject property is not in a historic district.

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' N

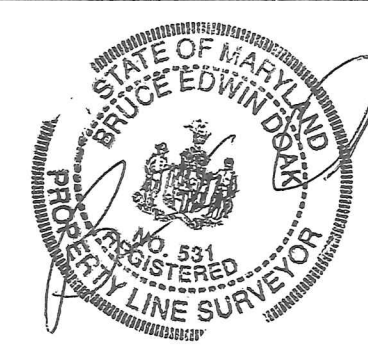
0' 30' 60' 90'
REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21063
o 443-900-5535 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'