

<b>IN RE: PETITIONS FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>AND SPECIAL EXCEPTION</b>		
<b>(8247 Eastern Avenue)</b>	*	OFFICE OF
15 <sup>th</sup> Election District		
7 <sup>th</sup> Council District	*	ADMINISTRATIVE HEARINGS
4 <sup>th</sup> Election District		
Fatmir Investment Properties, LLC	*	FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
<b>Petitioners</b>		
	*	<b>Case No. 2023-0240-SPHX</b>
* * * * *		

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing and Special Exception filed on behalf of Fatmir Investment Properties, LLC, legal owner (“Petitioner”) for the property located at 8247 Eastern Avenue, Baltimore County, Maryland. The Petition for Special Exception was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) §236.2 to permit a used motor vehicle outdoor sales area in a BR-IM zone. The Special Hearing request was filed pursuant to BCZR § 409.12.B to approve a modified parking plan.

A public hearing was conducted on July 22, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Mohammad Miraj appeared on behalf of Petitioner, Fatmir Investment Properties, LLC. Patrick Richardson of Richardson Engineering also appeared and prepared/sealed the Site Plan. Alfred L. Brennan, Jr., Esq., represented the Petitioner. Leah Biddinger from the Sussex Community Association appeared and provided testimony on behalf of the Association.

The following exhibits were received from Petitioner and admitted: (1) Revised Site Plan [“Zoning Plat”]; (2) Aerial photo Google Earth; (3) Photo 1 [main building front]; (4) Photo 2

[main building north side]; (5) Photo 3 [outside parking]; (6) Photo 4 [small building looking left]; (7) Photo 5 [small building looking right]; (8) Photo 6 [small building display]; (9) Photo 7 [small building right office]; (10) Photo 8 [detail shed]; and (11) Declaration of Restrictive Covenants.

The following Zoning Advisory Committee (“ZAC”) comments were received from County agencies and admitted into the record: (1) Department of Planning (“DOP”) comments; (2) Department of Environmental Protection Sustainability (“DEPS”) comments; and (3) Development Plans Review (“DPR”) comments. County agency reports provide recommendations but do not indicate objections to the relief requested.

The file contains a Motion to Dismiss filed by the Association but that motion was withdrawn at the hearing at the request of the Association.

### **Findings of Fact**

The Property constitutes two parcels with approximately .098 acres of total land area and is located in the Essex/Back River area. The site is a waterfront lot abutting Back River to the east and is immediately adjacent to the Eastern Avenue bridge to the north. The site is accessible from Old Eastern Avenue via Island Pointe Road via Eastern Avenue. The site is currently improved with a one-story commercial building, a storage building, a covered pavilion, and open-air pavilion and paved surface parking area previously authorized for use as a restaurant. The property is zoned BR-IM.

Mr. Miraj testified to his experience in the used automotive sales business and stated he would be relocating his business from Belair Road to this location. He further testified to the Declaration of Restrictive Covenants (“the Agreement”) with terms agreed to between Petitioner and the Sussex Community Association in working with the community. Mr. Miraj further stated that he has already made substantial improvements to the existing buildings on site. *See*

Petitioner's Exhibit 3-10.

Mr. Richardson testified to the general location of the property, surrounding uses, and the zoning relief requested under the Petition. A Revised Site Plan was submitted which addressed many of the issues identified by the Sussex Community Association from the original Petition. Mr. Richardson further addressed the special exception factors under BCZR § 502.1 and concluded that the Petition satisfies these factors. Mr. Richardson further testified that fifty (50) parking spaces are provided on site and the Site Plain identifies which spaces are reserved for customers and which spaces are for outdoor display of used vehicles for sale. *See* Petitioner's Exhibit 1.

Leah Biddinger testified on behalf of the Sussex Community Association ("the Association"). Ms. Biddinger stated that Petitioner and the Association agreed to and signed a Declaration of Restrictive Covenants ("the Declaration") with respect to the proposed use of the property as a used motor vehicle outdoor sales area and requested that the Declaration be incorporated but not merged into any approval of the Petition. The Agreement, among other things, restricts the property's use by prohibiting advertising flags and major automotive repairs on site, and requiring landscaping. *See* Petitioner's Exhibit 11. Ms. Biddinger confirmed that Petitioner has already made substantial improvements to the existing buildings.

### **Conclusions of Law**

#### **SPECIAL EXCEPTION**

Petitioner requests approval of a used motor vehicle sales area in a BR-IM zone which is designated under BCZR § 236.2 as a 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. “A special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity.” *Id.* at 285 (citing Schultz, 291 Md. at 11, 432 A.2d at 1325 (1981). “A special exception...is merely deemed *prima facie* compatible in a given zone. The special exception requires a case-by-case evaluation by an administrative zoning body or officer according to legislatively-defined standards. That case-by-case evaluation is what enables special exception uses to achieve some flexibility in an otherwise semi-rigid comprehensive legislative zoning scheme.” *People's Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 71–72, 956 A.2d 166, 176 (2008). In Baltimore County, Petitioners are further required to satisfy the special exception factors pursuant to BCZR § 502.1 and OAH is required to make affirmative findings in regard to these special exception factors as well as the prevailing common law.

I find by a preponderance of the evidence that the Petition and the testimony adduced at the hearing satisfy the BCZR § 502.1 factors. The proposed used motor vehicle sale area will not be detrimental to the health, safety or general welfare of the locality involved as there is no evidence in this record that the use will create detrimental impacts. The property is adjacent to other automotive uses and is isolated from other uses. The use will not tend to create congestion in roads, streets or alleys as the property’s isolated location and limited size will make traffic impacts *de minimis*. There is no evidence in this record that the use will create a potential hazard from fire, panic or other danger and the commercial nature and small size will not tend to overcrowd land and cause undue concentration of population. There is no evidence in this record

that the use will interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements or will interfere with adequate light and air as no expansion of existing buildings are proposed. Further, there is no evidence in this record to indicate that used auto sales would be inconsistent with the purposes of the property's zoning classification as the used auto sales business proposes no non-inherent aspects unique to the proposed operation of the business nor in any other way inconsistent with the spirit and intent of BCZR. No surface improvements are proposed and there is no evidence in this record to indicate that the use would not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations and landscaping will likely be required. Notwithstanding the property's BR-IM zoning, DEPS report does not indicate that the use will be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones. For all these reasons, the Petition satisfies the special exception factors under BCZR § 502.1. I further find that this record does not contain 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 in satisfaction of the *Schultz* standard.

#### SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to

determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Petitioner requests Special Hearing relief to approve a modified parking plan under BCZR § 409.12.B. I find that the parking plan as indicated in the Revised Site Plan constitutes a modified parking plan and meets the Special Hearing requirements of BCZR, §500.7. The proposed plan is compatible with the community and generally consistent with the spirit and intent of BCZR. The plan provides sufficient parking and safe access to the site.

THEREFORE, IT IS ORDERED this 29<sup>th</sup> day of **July, 2024**, by this Administrative Law Judge, that the Petition for Special Exception pursuant to BCZR §236.2, to permit a used motor vehicle out sales area in BR-IM zone, be and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Special Hearing from BCZR § 409.12.B to approve a modified parking plan it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

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 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, Petitioners would be required to return the subject property to its original condition; and

2. Petitioner must comply with DOP, DPR, and DEPS ZAC comments, copies of which are attached hereto and made a part thereof.

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



DEREK J. BAUMGARDNER  
Administrative Law Judge  
for Baltimore County

DJB:dlm

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** November 27, 2023

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 27, 2023  
Item No. 2023-0240-SPHX

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

DPW-T: N/C

DPR: N/C

Landscape: If Special Exception, Special Hearing, and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required. Please contact Mr. Jim Hermann to setup a meeting to discuss before the ZAC goes to the ALJ.

Rec & Parks: N/C & No Greenways affected

VKD: JK  
cc: file

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**TO:** Hon. Paul M. Mayhew; Managing Administrative Law Judge  
Office of Administrative Hearings

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

**DATE:** November 27, 2023

**SUBJECT:** DEPS Comment for Zoning Item # 2023-0240-SPHX  
Address: 8247 Eastern Ave.  
Legal Owner: Fatmir Investment Properties, LLC

Zoning Advisory Committee Meeting of November 27, 2023.

X  The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
  - a. Proposed work meets GWM regulations and policy.

Reviewer: Mia Lowery, L.E.H.S

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**TO:** Hon. Paul M. Mayhew; Managing Administrative Law Judge  
Office of Administrative Hearings

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

**DATE:** November 27, 2023

**SUBJECT:** DEPS Comment for Zoning Item # 2023-0240-SPHX  
Address: 8247 EASTERN AVE.  
Legal Owner: Fatmir Investment Properties, LLC

Zoning Advisory Committee Meeting of November 27, 2023.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This waterfront property is located within an Intensely Developed Area (IDA) and Modified Buffer Area (MBA) in the Chesapeake Bay Critical Area (CBCA). Use of the property as a used motor vehicle outdoor sales area with a modified parking plan can result in minimized adverse impacts to water quality provided that the applicant adheres to all Critical Area requirements. Any development activity on the property must comply with 10% pollutant reduction and MBA requirements.

2. Conserve fish, wildlife, and plant habitat;

Meeting 10% pollutant reduction and Modified Buffer Area requirements for any proposed development activity can help conserve fish, wildlife, and plant habitat.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The relief requested will be consistent with established land-use policies provided that the applicant meets all Critical Area requirements for any development on the property.

Paul Dennis; Environmental Impact Review

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald  
Director, Department of Permits, Approvals and Inspections

**DATE:** 11/27/2023

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2023-240-SPHX

**INFORMATION:**

**Property Address:** 8247 Eastern Avenue  
**Petitioner:** Fatmir Investment Properties LLC  
**Zoning:** BR IM  
**Requested Action:** Special Hearing, Special Exception

The Department of Planning has reviewed the petition for the following:

*Special Exception -*

1. Per Section 236.2 of the Baltimore County Zoning Regulations (BCZR) to allow a used motor vehicle outdoor sales area in the BR IM zone; and

*Special Hearing -*

2. To approve a modified parking plan pursuant to Section 409.12.B of the BCZR.

The subject site is comprised of two parcels totaling approximately 0.98 acre in the Essex/Back River area. It is located adjacent to Eastern Avenue, near the Eastern Avenue bridge into Essex. The site is currently improved with a one-story commercial building, a storage building, a covered pavilion, an open air pavilion, and paved area. The site is waterfront with Back River to its east. Per the site plan submitted with the petition, no new development is proposed, as all improvements to the site are existing.

Uses immediately surrounding the subject site include a used tire shop to the west, a Royal Farms gas station and convenience store to the northwest, and what appears to be a boatyard to the south, per aerial imagery from 2020 available to the Department of Planning. The Back River Waste Water Treatment Plant is located southwest of the subject site.

The subject site is within the boundaries of the Greater Dundalk-Edgemere Community Conservation Plan, adopted March 20<sup>th</sup>, 2000. The plan provides strengths and weaknesses for the plan area, and outlines recommendations related to economic development, the environment, physical development, and more. The plan encourages supporting industrial development and commercial revitalization efforts (page 57).

The Eastern Avenue bridge serves as a gateway to the Essex area, and efforts are ongoing to improve the quality of the community. Across the Eastern Avenue bridge is the Essex Design Review Panel (DRP)

area and the Essex Commercial Revitalization District (CRD). The goal of the DRP area is to encourage design excellence through the application of design guidelines contained in the Master Plan, the Comprehensive Manual of Development Policies, adopted community plans, and Section 260 of the Baltimore County Zoning Regulations, as applicable. The goal of the CRD area is to provide a range of services – including Architect on Call, the Building Improvement Loan Program, and Commercial Revitalization Tax Credit and Grant programs – aimed at maintaining the health and vitality of Baltimore County’s neighborhood commercial areas. While the subject site is outside of these designated areas, the site is highly visible from them and the Eastern Avenue bridge; as such, efforts should be made to improve the visual appearance of the site from Eastern Avenue and across Back River.

Because the proposed use is consistent with the immediate surroundings of the subject site, the Department of Planning has no objections to the requested Special Exception to allow a used motor vehicles outdoor sales area in the BR IM zone, subject to the following conditions:

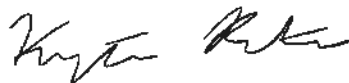
1. Enhanced landscaping shall be provided to screen the subject site from the Eastern Avenue bridge and Back River;
2. In keeping with community efforts in the Essex/Middle River area, the site shall be cleaned up and well maintained;
3. In efforts to reduce sign clutter in the Essex/Middle River area, no temporary signage shall be installed; and
4. There shall be no on site storage of vehicles that are damaged and/or in disrepair.

The Department feels that the aforementioned conditions work to balance the property owners needs and the communities ongoing efforts to improve their area.

The notes on the site plan submitted with the petition state that 30 parking spaced are required and 50 parking spaces are proposed. Because the site is providing sufficient parking for the proposed use and because the parking lot and buildings are existing, the Department of Planning has no objections to the requested Special Hearing to approve a modified parking plan.

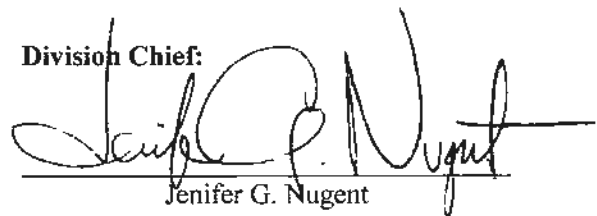
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

c: Patrick Richardson Jr., P.E.  
Maria Mougridis, Community Planner  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings  
People’s Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.  
County Executive

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
ANDREW M. BELT  
Administrative Law Judge  
DEREK J. BAUMGARDNER  
Administrative Law Judge

July 29, 2024

Alfred Brennan, Jr., Esquire – [alb@brennanlawyers.com](mailto:alb@brennanlawyers.com)  
825 Eastern Boulevard  
Baltimore, MD 21221

RE: Petitions for Special Hearing and Special Exception  
Case No. 2023-0114-SPHX  
Property: 78247 Eastern Avenue

Dear Mr. Brennan:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to be "Derek J. Baumgardner", is written over a faint circular stamp or watermark.

DEREK J. BAUMGARDNER  
Administrative Law Judge  
for Baltimore County

DJB:dln  
Enclosure

c: [Patrick Richardson – rick@richardsonengineering.net](mailto:rick@richardsonengineering.net)  
[Fatmir Investment Properties, LLC – carcaryessale@gmail.com](mailto:carcaryessale@gmail.com)  
[Leah Biddinger - leahmbiddinger@gmail.com](mailto:leahmbiddinger@gmail.com)



# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections  
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 8247 Eastern Avenue, Baltimore, Maryland 21222 rently Zoned BR IM

Deed Reference JLE / 46523 / 199 10 Digit Tax Account # 15/15-18-721330 & 15/18-00-004012

Owner(s) Printed Name(s): FATMIR INVESTMENT PROPERTIES LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

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

3.     a **Variance** from Section(s) § 32-4-409(b)(2)(iii)

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 HEARING

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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 \_\_\_\_\_

#### Legal Owners (Petitioners):

FATMIR INVESTMENT PROPERTIES LLC

Name #1 - Type or Print \_\_\_\_\_ Name #2 - Type or Print \_\_\_\_\_

Signature #1  Signature #2 \_\_\_\_\_

334 Townsend Road \_\_\_\_\_ BALTIMORE \_\_\_\_\_ MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

21221 / (443) 600-7461 / carcarvessale@gmail.com  
Zip Code Telephone #'s (Cell and Home) Email Address

#### Attorney for Petitioner:

ALFRED L. BRENNAN, JR.

Name - Type or Print \_\_\_\_\_

Signature  \_\_\_\_\_

825 Eastern Boulevard, \_\_\_\_\_ Baltimore, \_\_\_\_\_ MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

21221 / 410-687-3434 / alb@brennanlawyers.com  
Zip Code Telephone # Email Address

#### Representative to be contacted:

PATRICK RICHARDSON JR., P.E.

Name - Type or Print \_\_\_\_\_

Signature  \_\_\_\_\_

7 DENEISON STREET \_\_\_\_\_ TIMONIUM \_\_\_\_\_ MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

21093 / (410) 560-1502 / rick@richardsonengineering.net  
Zip Code Telephone # Email Address

CASE NUMBER 2023-0240-X Filing Date 11 / 15 / 2023 Do Not Schedule Dates \_\_\_\_\_ Reviewer msk  
3/2022

Zoning Relief for 8247 Eastern Avenue

Special Exception:

Per Section 236.2 to allow a used motor vehicle outdoor sales area in BR IM zone

8247 Eastern Avenue

Zoning Relief Requested:

Special Hearing:

To approve a modified parking plan pursuant to Section 409.12.B, BCZR



**ZONING PROPERTY DESCRIPTION FOR  
8247 EASTERN AVENUE  
15<sup>TH</sup> ELECTION DISTRICT  
7<sup>TH</sup> COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point 277 feet +/- east of the intersection of Old Eastern Avenue and Island Point Road thence the following bearings and distances: (1) North 59 degrees 00 minutes 00 seconds East 278.00 feet, (2) South 44 degrees 11 minutes 00 seconds East 36.50 feet, (3) South 25 degrees 34 minutes 00 seconds West 48.79 feet, (4) South 06 degrees 26 minutes 00 seconds East 93.88 feet (5) South 19 degrees 10 minutes 00 seconds West 68.70 feet (6) South 61 degrees 30 minutes 00 seconds West 27.20 feet, (7) South 32 degrees 16 minutes 00 seconds West 67.75 feet, (8) North 75 degrees 47 minutes 00 seconds West 5.50 feet, (9) North 55 degrees 18 minutes 00 seconds West 7.60 feet, (10) South 73 degrees 56 minutes 00 seconds West 60.00 feet, (11) North 63 degrees 32 minutes 00 seconds West 12.00 feet, (12) North 29 degrees 30 minutes 00 seconds West 185.00 feet, to the point of beginning.

Containing a net area of 46,596 square feet or 1.07 acres +/-.



**PROFESSIONAL CERTIFICATION:**

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 16597, EXPIRATION DATE: 08-15-2025

2023-0240-SPHX

**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 twenty (20) 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: 2023-0240-X<sup>SPH</sup>  
Property Address: 8247 OLD EASTERN AVE  
Legal Owners (Petitioners): FATMIR INVESTMENT PROPERTIES, LLC  
Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): CAR YES AUTO SALES, INC  
Address: 6229 BELAIR RD  
BALT MD 21206  
Telephone Number: 443-600-7461

\*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

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

No. 228972

Date: 11/7/2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
301	866	0000		6150					\$1,188

Total: \$1,188

Rec From: CAR YES AUTO SALES INC

For: Special Exceptional Special Hearing  
 8247 Eastern Avenue  
 2023-0240-SPHX

DISTRIBUTION

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

*MMK*

## Affidavit of Publication

To: Car Yes Auto Sales, Inc. -  
6229 Belair Road  
Baltimore, MD, 21206

Re: Legal Notice 2590735,  
CASE NUMBER: 2023-0240-SPHX

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 03/15/2024

By



Joy Hough  
Authorized Designee of the Publisher

### 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 virtual hearing on the property identified herein as follows:

**CASE NUMBER: 2023-0240-SPHX**

8247 Eastern Avenue

Southside of Old Eastern Avenue, 290 ft. east of centerline of Island Point Road  
15th Election District - 7th Councilmanic District

Legal Owners: Fatmir Investment Properties, LLC

Special Hearing to approve a modified parking plan pursuant to Section 409.12.B, BCZR. Special Exception per Section 236.2 to allow a used motor vehicle outdoor sales area in BR-IM zone.

Hearing: Friday, April 5, 2024 at 10:00 a.m.


For information on how to participate in the hearings please go to [www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

mh15 2590735



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**FROM:**  Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 27, 2023  
Item No. 2023-0240-SPHX

**DATE:** November 27, 2023

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

DPW-T: N/C

DPR: N/C

Landscape: If Special Exception, Special Hearing, and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required. Please contact Mr. Jim Hermann to setup a meeting to discuss before the ZAC goes to the ALJ.

Rec & Parks: N/C & No Greenways affected

VKD: JK  
cc: file

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald  
Director, Department of Permits, Approvals and Inspections

**DATE:** 11/27/2023

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2023-240-SPHX

**INFORMATION:**

**Property Address:** 8247 Eastern Avenue  
**Petitioner:** Fatmir Investment Properties LLC  
**Zoning:** BR IM  
**Requested Action:** Special Hearing, Special Exception

The Department of Planning has reviewed the petition for the following:

*Special Exception -*

1. Per Section 236.2 of the Baltimore County Zoning Regulations (BCZR) to allow a used motor vehicle outdoor sales area in the BR IM zone; and

*Special Hearing -*

2. To approve a modified parking plan pursuant to Section 409.12.B of the BCZR.

The subject site is comprised of two parcels totaling approximately 0.98 acre in the Essex/Back River area. It is located adjacent to Eastern Avenue, near the Eastern Avenue bridge into Essex. The site is currently improved with a one-story commercial building, a storage building, a covered pavilion, an open air pavilion, and paved area. The site is waterfront with Back River to its east. Per the site plan submitted with the petition, no new development is proposed, as all improvements to the site are existing.

Uses immediately surrounding the subject site include a used tire shop to the west, a Royal Farms gas station and convenience store to the northwest, and what appears to be a boatyard to the south, per aerial imagery from 2020 available to the Department of Planning. The Back River Waste Water Treatment Plant is located southwest of the subject site.

The subject site is within the boundaries of the Greater Dundalk-Edgemere Community Conservation Plan, adopted March 20<sup>th</sup>, 2000. The plan provides strengths and weaknesses for the plan area, and outlines recommendations related to economic development, the environment, physical development, and more. The plan encourages supporting industrial development and commercial revitalization efforts (page 57).

The Eastern Avenue bridge serves as a gateway to the Essex area, and efforts are ongoing to improve the quality of the community. Across the Eastern Avenue bridge is the Essex Design Review Panel (DRP)

area and the Essex Commercial Revitalization District (CRD). The goal of the DRP area is to encourage design excellence through the application of design guidelines contained in the Master Plan, the Comprehensive Manual of Development Policies, adopted community plans, and Section 260 of the Baltimore County Zoning Regulations, as applicable. The goal of the CRD area is to provide a range of services – including Architect on Call, the Building Improvement Loan Program, and Commercial Revitalization Tax Credit and Grant programs – aimed at maintaining the health and vitality of Baltimore County’s neighborhood commercial areas. While the subject site is outside of these designated areas, the site is highly visible from them and the Eastern Avenue bridge; as such, efforts should be made to improve the visual appearance of the site from Eastern Avenue and across Back River.

Because the proposed use is consistent with the immediate surroundings of the subject site, the Department of Planning has no objections to the requested Special Exception to allow a used motor vehicles outdoor sales area in the BR IM zone, subject to the following conditions:

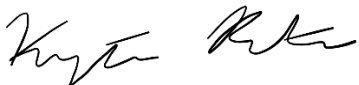
1. Enhanced landscaping shall be provided to screen the subject site from the Eastern Avenue bridge and Back River;
2. In keeping with community efforts in the Essex/Middle River area, the site shall be cleaned up and well maintained;
3. In efforts to reduce sign clutter in the Essex/Middle River area, no temporary signage shall be installed; and
4. There shall be no on site storage of vehicles that are damaged and/or in disrepair.

The Department feels that the aforementioned conditions work to balance the property owners needs and the communities ongoing efforts to improve their area.

The notes on the site plan submitted with the petition state that 30 parking spaced are required and 50 parking spaces are proposed. Because the site is providing sufficient parking for the proposed use and because the parking lot and buildings are existing, the Department of Planning has no objections to the requested Special Hearing to approve a modified parking plan.

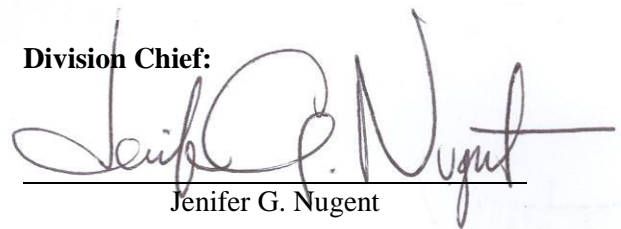
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

c: Patrick Richardson Jr., P.E.  
Maria Mougridis, Community Planner  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings  
People’s Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge  
Office of Administrative Hearings

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

DATE: November 27, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0240-SPHX  
Address: 8247 Eastern Ave.  
Legal Owner: Fatmir Investment Properties, LLC

Zoning Advisory Committee Meeting of November 27, 2023.

  X   The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
  - a. Proposed work meets GWM regulations and policy.

Reviewer: Mia Lowery, L.E.H.S

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge  
Office of Administrative Hearings

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

DATE: November 27, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0240-SPHX  
Address: 8247 EASTERN AVE.  
Legal Owner: Fatmir Investment Properties, LLC

Zoning Advisory Committee Meeting of November 27, 2023.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This waterfront property is located within an Intensely Developed Area (IDA) and Modified Buffer Area (MBA) in the Chesapeake Bay Critical Area (CBCA). Use of the property as a used motor vehicle outdoor sales area with a modified parking plan can result in minimized adverse impacts to water quality provided that the applicant adheres to all Critical Area requirements. Any development activity on the property must comply with 10% pollutant reduction and MBA requirements.

2. Conserve fish, wildlife, and plant habitat;

Meeting 10% pollutant reduction and Modified Buffer Area requirements for any proposed development activity can help conserve fish, wildlife, and plant habitat.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The relief requested will be consistent with established land-use policies provided that the applicant meets all Critical Area requirements for any development on the property.

Paul Dennis; Environmental Impact Review

[View Map](#)      [View GroundRent Redemption](#)      [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1518721330

**Owner Information**

Owner Name: FATMIR INVESTMENT PROPERTIES LLC Use: COMMERCIAL  
 Principal Residence: NO  
 Mailing Address: 334 TOWNSEND RD Deed Reference: /46523/ 00199  
 ESSEX MD 21221-

**Location & Structure Information**

Premises Address: 8247 EASTERN AVE Legal Description: .6881 AC  
 BALTIMORE 21224-3504  
 Waterfront SW COR EASTERN AV

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
 0097 0007 0017 31501.04 0000 2024 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	3,115 SF		29,973 SF	30

Stories Basement Type	Exterior Quality Full/Half Bath	Garage Last Notice of Major Improvements
RESTAURANT /	C2	

**Value Information**

	Base Value	Value		
		As of 01/01/2021	As of 07/01/2023	As of 07/01/2024
Land:	359,800	359,800		
Improvements	61,000	61,000		
Total:	420,800	420,800	420,800	
Preferential Land:	0			

**Transfer Information**

Seller: FATMIR INVESTMENT PROEPTRIES LLC	Date: 03/08/2022	Price: \$450,000
Type: NON-ARMS LENGTH OTHER	Deed1: /46523/ 00199	Deed2:
Seller: F & E LLC	Date: 10/13/2021	Price: \$450,000
Type: NON-ARMS LENGTH OTHER	Deed1: /45616/ 00392	Deed2:
Seller: SCHAEFFER RUSSELL M	Date: 10/13/2004	Price: \$687,500
Type: ARMS LENGTH MULTIPLE	Deed1: /20823/ 00054	Deed2:

**Exemption Information**

Partial Exempt Assessments:Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00  0.00

Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:

2023-0240-SPHX

[View Map](#)      [View GroundRent Redemption](#)      [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1800004012

**Owner Information**

Owner Name: FATMIR INVESTMENT PROPERTIES LLC Use: COMMERCIAL  
 Principal Residence: NO  
 Mailing Address: 334 TOWNSEND RD Deed Reference: /46523/ 00199  
 ESSEX MD 21221-

**Location & Structure Information**

Premises Address: OLD EASTERN AVE Legal Description: .30 AC  
 BALTIMORE 21224-3504 RSS OLD EASTERN AVE  
 GOLDENTREE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
 0097 0007 0017 31501.04 0000 2024 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			13,068 SF	30

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements

**Value Information**

	Base Value	Value		
		As of	Phase-in Assessments	
		01/01/2021	As of	As of
Land:	78,400	78,400	07/01/2023	07/01/2024
Improvements	0	0		
Total:	78,400	78,400	78,400	
Preferential Land:	0			

**Transfer Information**

Seller: FATMIR INVESTMENT PROEPTRIES LLC	Date: 03/08/2022	Price: \$450,000
Type: NON-ARMS LENGTH OTHER	Deed1: /46523/ 00199	Deed2:
Seller: F & E LLC	Date: 10/13/2021	Price: \$450,000
Type: NON-ARMS LENGTH OTHER	Deed1: /45616/ 00392	Deed2:
Seller: SCHAEFFER RUSSELL M	Date: 10/13/2004	Price: \$687,500
Type: ARMS LENGTH MULTIPLE	Deed1: /20823/ 00054	Deed2:

**Exemption Information**

Partial Exempt Assessments: Class		07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

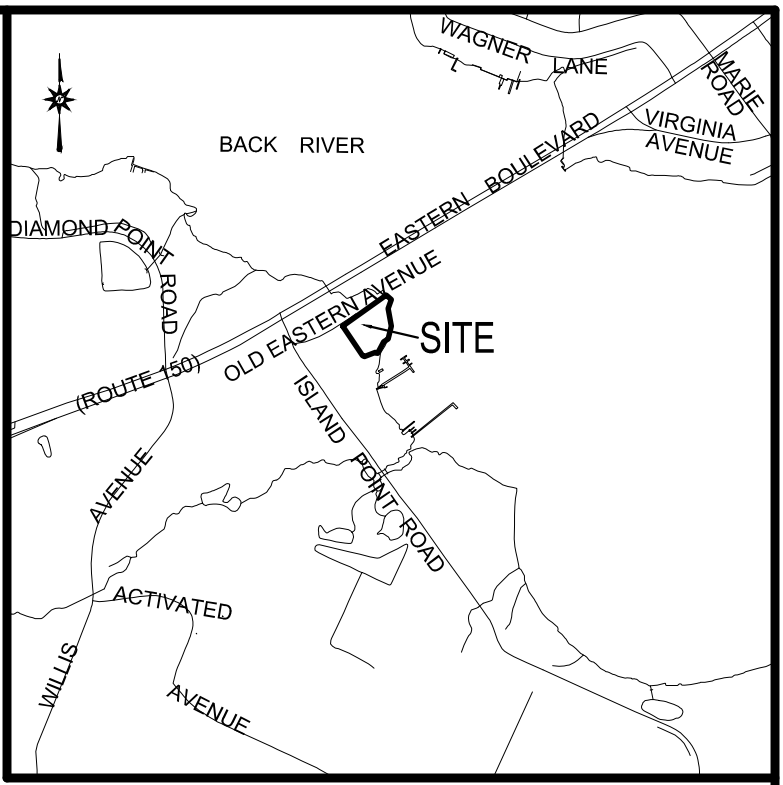
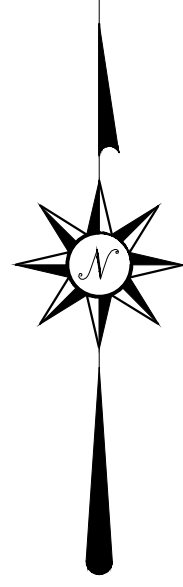
**Homestead Application Information**

Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application      Date:

2023-0240-SHA



VICINITY MAP  
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: FATMIR INVESTMENT PROPERTIES LLC  
8247 EASTERN AVE  
BALTIMORE 21224-3504
- SITE AREA:  
NET 46,596 SF OR 1.07 AC.±  
GROSS 49,376 SF OR 1.13 AC.±
- USES:  
EXISTING: RESTUARANT  
PROPOSED: USED CAR LOT
- UTILITIES:  
PUBLIC WATER & SEWER
- DEED REFERENCE: 46523/199
- TAX ACCOUNT #1518721330, 1800004012
- COUNCILMANIC DISTRICT: 7TH
- ELECTION DISTRICT: 15TH
- CENSUS TRACT: 4524
- ZONING: BR-IM (PER 200 SCALE GIS TILE #097C1)
- TAX MAP #97, GRID #7, PARCEL #17
- WATERSHED: BACK RIVER
- PRIOR PERMITS ON FILE:  
B976291 INSTALL BFT HIGH WIRE FENCE WITH TOTAL LENGTH OF 331FT ON FRONT AND TWO SIDES OF THE PROPERTY CBCA. ISSUED NOVEMBER 10, 2020.  
B719357 CONSTRUCT AN ELEVATED DECK ON FRONT PROPERTY 24'X32'=768SF. FLOOD ZONE AE. ISSUED AUGUST 5, 2010.  
B765101 CONSTRUCT ROOF OVER EXISTING DECK ON SIDE OF EX RESTAURANT. 26'X21'X13'=576SF. SEPARATE PERMIT REQUIRED FOR ANY ADDITIONAL WORK. ISSUED JULY 7, 2011.  
B782405 CONSTRUCT OPEN AIR PAVILLION 24'X21'X15'=504SF W/21'X7.5'=157SF WALKWAY ON SIDE OF PROPERTY. REPLACES EXPIRED PERMIT B719357-CHGE IN CONSTRUCTION. ISSUED MAY 11, 2012.  
B421051 CONST 1STY ADDITION ON EX SLAB ON FRONT OF WATERFRONT RESTAURANT. TO BE STORAGE ROOM. 30'X7'6"X23'=225SF. ISSUED JULY 25, 2000.  
B719358 CONTRACT OPEN AIR PAVILLION ON SIDE OF EXISTING RESTAURANT PROPERTY. FLOOD ZONE AE 22'X26'X15'=572SF. ISSUED AUGUST 5, 2010.
- PRIOR ZONING CASES ON FILE:  
2012-0161-SPHA VARIANCE PETITION REQUEST 1 TO PERMIT A WAIVER FOR WORKING WITHIN A TIDAL FLOOD PLAIN, PURSUANT TO 500.6 OF THE BCZR, BUILDING CODE 3112, AND ARTICLE 32-4-107 (A) (2). VARIANCE PETITION REQUEST 2 TO PERMIT A SIDE SETBACK FROM 30 FEET TO 20 FEET; AND ALSO FOR A PARKING VARIANCE FORM 155 SPACES TO 111 SPACES. GRANTED FEBRUARY 16, 2012.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC
- THE SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE LIES WITHIN FLOOD ZONES AE (EL 6) AND ZONE AE (EL 7) ACCORDING TO FEMA MAP 2400100400G MAY 5, 2014.
- THE SITE DOES NOT LIE WITHIN A TRAFFIC DEFICIENT AREA.
- BASIC SERVICE MAPS:  
TYPE DEFICIENT (Y/N) NOTE  
SEWER N  
WATER N  
TRANSPORTATION N
- SETBACKS FOR BR IM:  
TYPE REQUIRED PROVIDED  
FRONT 50' FROM C/L OF RD N/A  
SIDE 30' N/A  
REAR 30' N/A
- PARKING:  
REQUIRED: : 5,783 SQ.FT. @ 3.3 SPACES/1,000 SQ.FT. = 20 SPACES  
PROVIDED: 50 SPACES

BACK RIVER



3170 LEONARDTOWN ROAD LLC  
TAX ACCOUNT #1700002559  
MAP #96, GRID #12, PARCEL #121  
DEED REF: 4321424  
ZONING: BR IM  
USE: COMMERCIAL

GERALD LEE HARRIS  
DESIGN: MICHELLE HARRIS  
TAX ACCOUNT #1513400240  
MAP #96, GRID #12, PARCEL #55  
DEED REF: 14650/574  
ZONING: BR IM  
USE: COMMERCIAL/RESIDENTIAL



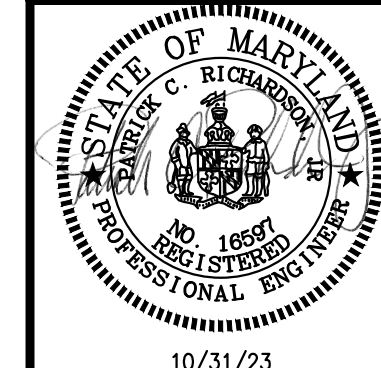
7 Deneison Street  
Timonium, Maryland 21093  
Phone: 410-560-1502, info@richardsonengineering.net  
rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION  
FOR  
FATMIR INVESTMENT  
PROPERTIES, LLC  
8247 EASTERN AVENUE

BALTIMORE COUNTY MARYLAND  
15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: LNR	CHECKED BY: PCR	SCALE: 1" = 20'
	DATE: 09-29-23	JOB NO.: 23125	SHEET NO.: 1 OF 1

PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 16597, EXPIRATION DATE: 08-15-2025



10/31/23

# Baltimore County - My Neighborhood

