

**IN RE: PETITIONS FOR SPECIAL EXCEPTION  
AND SPECIAL HEARING**

NE side of Main Street, 410 feet  
SE of Chartley Drive  
4<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
**(607-609 Main Street)**

WG Properties, LLC; Mordehai Gur, Member  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY

**CASE NO. 08-241-SPHX**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by Mordehai Gur, Member, on behalf of the legal owner of the subject property, Petitioner WG Properties, LLC. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an amendment to previously approved relief granted in Case No. 05-552-X for expansion of a service garage. The Special Exception is to allow a service garage, if necessary, pursuant to Section 230.13 of the B.C.Z.R. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing and Special Exception requests were Petitioner Mordehai Gur on behalf of WG Properties, LLC, and Sebastian A. Cross, attorney for the Petitioner. There were no Protestants or other interested persons present at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property containing approximately 2.06 acres of land zoned primarily B.L. with a small strip of D.R.3.5 towards the rear of the property. The property is located along the east side of

**NOT RECORDED FOR FILE**  
3-12-08  
[Signature]

Reisterstown Road, north of Walgrove Road, on the opposite side of Berrymans Lane. It is currently improved with an abandoned restaurant with a paved impermeable surface surrounding the structure, and an approximately 18,625 square foot structure that was approved by the Zoning Commissioner for use as an automobile service garage in Case Number 05-552-X. Petitioner submitted a copy of the Commissioner's Findings of Fact and Conclusions of Law in Case Number 05-552-X, which was marked and accepted into evidence as Petitioner's Exhibit 2. Petitioner also submitted a photograph depicting an aerial view of the property, which was marked and accepted into evidence as Petitioner's Exhibit 3.

The prior case involving this property, 05-552-X, deserves some discussion as it generated significant public interest. Petitioners purchased the property in 2005 and requested a Special Exception to redevelop the property to build the now existing auto body repair service garage in the northwest portion of the property. After hearing extensive testimony for and against the proposal, Zoning Commissioner William J. Wiseman, III determined that the construction of a service garage would not negatively impact the surrounding locale and the Special Exception was granted. Presently, Petitioner is requesting Special Hearing and Special Exception relief to extend the service area to the east to provide for parking, a dumpster, a long, thin structure for suspension work, and approximately seven service bays and an office.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated December 31, 2007 and the Office does not oppose Petitioner's request. The recommendation is based on a review of the petition, landscape plan, architectural elevations and discussion with the community. That Office would also like the five conditions placed on the relief granted in Case No. 05-552-X be made a part of any relief granted in this subject case.

3-12-08  
PB

Turning first to the Special Hearing request, I am persuaded by the testimony and evidence presented that the requested relief should be granted. While case number 05-552-X generated substantial public interest, there were no Protestants or other interested persons at the hearing in this case. Petitioners have been operating a service garage for over two years on the subject property, and there has been no evidence that the surrounding locale was negatively affected in any way. In fact, during the previous hearing in 2005, Protestants asserted a number of concerns, mostly revolving around safety issues, as well as concerns about broken-down cars stored on the property, dumpsters with automobile parts overflowing, traffic circulation problems, and concerns over the use of hazardous chemicals with potential runoff into the environment. However, as shown by the activities of the last two years and the lack of opposition at the hearing, those concerns have proven to be unfounded. In short, the relief requested in this case mirrors the relief requested and granted in 2005, and I am convinced that the relief requested in the instant matter should be granted. Further, it should be noted that the reason Petitioners waited two years from the prior hearing to request an amendment is that the abandoned restaurant had been leased by another tenant until recently. Otherwise, I believe the service garage could have been extended in the requested manner in the prior hearing without having any effect on the previous outcome.

Turning now to the petition for Special Exception, I am convinced that the request meets all of the customary special exception criteria contained in Section 502.1 of the B.C.Z.R. The larger existing structure on the property is already being used as a service garage, and I am persuaded that expanding the garage towards the area of the abandoned restaurant will not have any negative effect on the surrounding locale. Again, I believe that this relief could have been granted in the prior case if that portion of the property had not been leased by another tenant.

ORDER RECEIVED FOR FILING

3/20/08

*jm*

The requested relief will not pose any danger, the property already contains impervious surface for adequate parking, and the property is not located in a traffic deficient area. There is no evidence that the proposed facility will create any adverse impacts greater than or above and beyond those inherent with such a use regardless of its location in the B.L. or D.R.3.5 zone. I therefore find that Petitioners' special exception request can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to the public health, safety or general welfare of the locality.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's requests for special exception and special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED this 12<sup>th</sup> day of March, 2008 by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception to allow a service garage be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Special Hearing request filed pursuant to Section 500.7 of the B.C.Z.R. to approve an amendment to previously approved relief granted in Case No. 05-552-X for expansion of a service garage be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The following conditions which were set forth in Case No. 05-552-X shall be incorporated into this Order as follows:
  - a) The site plan (Exhibit No. 4) denoting a proposed 8' high chain link fence with slats surrounding the 40'x75' "Storage Area for Damaged Disabled Vehicles and Mechanical Area" be amended to show a minimum 6' high stockade "board on board" fence at the rear of this operation.

ORDER RECEIVED FOR FILING

3.12.08

87

- b) The hours of operation shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m., and Saturdays, 8:00 a.m. to 11:00 a.m.
- c) A Landscape Plan and Lighting Plan, with lighting directed away from residential property, must receive approval from the Office of Planning prior to the issuance of any building permits.
- d) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

  
\_\_\_\_\_  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

APR 11 2008  
3-12-08  
pz



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at <sup>609</sup> 607 Main Street (Reisterstown Rd.)  
which is presently zoned B.L./D.R.3.5 / R.O.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. Amendment to previously approved relief granted in Case No.: 05-552-X for expansion of a service garage
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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

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

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

### Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

Sebastian A. Cross  
Name - Type or Print \_\_\_\_\_ City \_\_\_\_\_  
Signature \_\_\_\_\_  
Gildea & Schmidt, LLC  
Company \_\_\_\_\_  
600 Washington Avenue, Suite 200 (410) 821-0070  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Towson MD 21204  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

WG Properties, LLC  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Mordehai Gur member  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
4113 Amos Avenue  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Baltimore MD 21215-3309  
State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC  
Name \_\_\_\_\_  
600 Washington Avenue, Suite 200 (410) 821-0070  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Towson MD 21204  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Case No. 08-241-SPHX

Reviewed By JNP Date 1/12/07

REV 9/15/98

COPIES RECEIVED FOR FILING  
3.12.08  
B3



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at <sup>609</sup>607 Main Street (Reisterstown Rd.)  
which is presently zoned B.L./D.R.3.5/R.O.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

1. A service garage as per BCZR Section 230.13, if necessary

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

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue Suite 200

410-821-0070

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

## Legal Owner(s):

WG Properties, LLC

Name - Type or Print

Signature

Mordehai Gur

Name - Type or Print

Signature

4113 Amos Avenue

Address

Telephone No.

Baltimore,

MD

21215-3309

State

Zip Code

## Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue Suite 200

410-821-0070

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By

JNP

Date

11/21/07

Case No.

08-241-SPHX

REV 09/15/98

SPCER RESERVED FOR FILING

3.12.08



## Description

To Accompany Zoning Petition

For An Area of Special Hearing

Meisel Capital Partners 605, LLC

Meisel Capital Partners 607, LLC

605 Main Street, 607 Main Street

Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the point of intersection of the centerline of Charley Drive with the centerline of Reisterstown Road (MD Route 140), (1) Southeasterly along the centerline of Reisterstown Road (MD Route 140) 410 feet, more or less, and thence (2) Northeasterly 33 feet, more or less, to the point of beginning, thence running for lines, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District: (1) North 45 degrees 42 minutes 15 seconds East 329.52 feet, thence (2) South 43 degrees 40 minutes 25 seconds East 253.00 feet, thence (3) South 46 degrees 22 minutes 19 seconds West 327.38 feet to intersect the northeast side of said Reisterstown Road, thence binding on the northeast side of said Reisterstown Road, (4) North 44 degrees 09 minute 40 seconds West 249.17 feet to the point of beginning; containing 1.893 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES  
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 20, 2007

Project No. 05040.C (05040.C)



*Michael D. Martin* 11/20/07

# NOTICE OF ZONING HEARING

The Zoning Commissioner 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: #08-241-SPHX

607-609 Main Street (Reisterstown Road)  
N/east side of Main Street (Reisterstown Road), 410 feet  
s/east of Chartley Drive  
4th Election District  
3rd Councilmanic District  
Legal Owner(s): WG Properties, LLC

**Special Hearing:** to approve an amendment to previously approved relief granted in Case No. 05-552-X for expansion of a service garage. **Special Exception:** for a service garage, if necessary.

**Hearing:** Thursday, January 31, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

43 Jan. 15

160494

# CERTIFICATE OF PUBLICATION

1/17/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/15/2008.

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

J. Wilkinson

LEGAL ADVERTISING

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

No. **06210**

Date: 11/21/07

**PAID RECEIPT**

| Fund | Agcy | Orgn | Sub<br>Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount |
|------|------|------|-------------|---------------|------------|--------------|------------|--------|
| 001  | 006  |      |             | 6150          |            |              |            | 705.00 |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |

Total: 705.00

Rec From: Gildea & Schmidt, LLC

For: Special Hearing/Special Exception  
08-241-SPHX (Gildea & Schmidt, LLC)

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BUSINESS ACTUAL TYPE PER  
 11/23/2007 11/21/2007 15:00:00 7  
 REG 02 MAIL JEVA JET  
 RECEIPT & SAVINGS 11/21/2007 0111  
 Dept 5 503 ZIRING VERIFICATION  
 106210  
 Rept Tot 8705.00  
 4705.00 GE 4.00 GA  
 Baltimore County, Maryland

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

RE: Case No.: 08-241-SPHX

Petitioner/Developer: W.C.

PROPERTIES, LLC

Date of Hearing/Closing: 1-31-08

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

607-609 MAIN STREET  
(REISTERSTOWN ROAD)

The sign(s) were posted on 1-16-08  
(Month, Day, Year)

Sincerely,

Robert Black 1-22-08  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**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 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 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.**

---

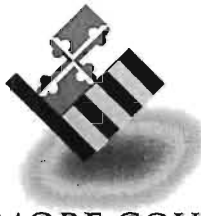
---

**For Newspaper Advertising:**

Item Number or Case Number: 08-241-SPHX  
Petitioner: WG Properties LLC  
Address or Location: 607 Main Street (Reisterstown Rd.)  
609

PLEASE FORWARD ADVERTISING BILL TO:

Name: G. Ilea & Schmidt LLC  
Address: 609 Washington Ave , Suite 200  
Towson MD 21204  
  
Telephone Number: 410 821-0070



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

December 18, 2007  
TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

**NOTICE OF ZONING HEARING**

The Zoning Commissioner 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: 08-241-SPHX**

607-609 Main Street (Reisterstown Road)

N/east side of Main Street (Reisterstown Road), 410 feet s/east of Chartley Drive

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: WG Properties, LLC

Special Hearing to approve an amendment to previously approved relief granted in Case No. 05-552-X for expansion of a service garage. Special Exception for a service garage, if necessary.

Hearing: Thursday, January 31, 2008 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204  
Mordehai Gur, WG Properties, 4113 Amos Avenue, Baltimore 21215

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 16, 2008**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, January 15, 2008 Issue - Jeffersonian

Please forward billing to:  
Gildea & Schmidt  
600 Washington Avenue, Ste. 200  
Towson, MD 21204

410-821-0070

---

## NOTICE OF ZONING HEARING

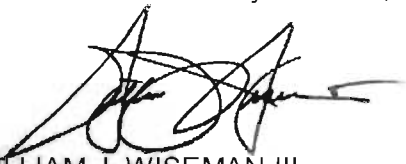
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 08-241-SPHX**

607-609 Main Street (Reisterstown Road)  
N/east side of Main Street (Reisterstown Road), 410 feet s/east of Chartley Drive  
4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: WG Properties, LLC

Special Hearing to approve an amendment to previously approved relief granted in Case No. 05-552-X for expansion of a service garage. Special Exception for a service garage, if necessary.

Hearing: Thursday, January 31, 2008 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

January 23, 2008

Sebastian A. Cross  
Gildea & Schmidt, LLC  
600 Washington Avenue, Suite 200  
Towson, MD 21204

Dear Mr. Cross:

RE: Case Number: 08-241-SPHX, 607-609 Main Street (Reisterstown Road)

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 2007. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel  
WG Properties, LLC Mordehai Gur, Member 4113 Amos Avenue Baltimore 21215-3309

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

**TO:** Timothy M. Kotroco, Director  
Department of Permits & Development  
Management

**DATE:** December 12, 2007

**FROM:** Dennis A. Kennedy, Supervisor <sup>DAK</sup>  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 10, 2007  
Item Nos. 08-235, 236, 237, 238, 239,  
241, 243, 244, 245, 246, 247 and 07-541

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw  
cc: File  
ZAC-NO COMMENTS-121207.doc



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

County Office Building, Room 111  
, 2007  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 3, 2007

Item Number: 223, 236, 237, 238, 239, 240, 241, 242, 244, 246, 247

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

. 1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4880 (C) 443-829-2946  
MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

FB 1/31  
9Am

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** December 31, 2007

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**RECEIVED**  
JAN 08 2008

**SUBJECT:** 607-609 Main Street

**BY:** .....

**INFORMATION:**

**Item Number:** 8-241

**Petitioner:** WG Properties, LLC

**Zoning:** BL, DR 3.5 and RO

**Requested Action:** Special Exception and Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request to permit a service garage (body shop) in the above-mentioned BL zone. This recommendation is based on a review of the petition, landscape plan, architectural elevations and discussion with the community.

Furthermore, this office would like the 5 conditions placed on the relief granted in case 5-552X be made part of any relief granted in this case.

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

**Prepared by:**

*Curtis Gussay*

**Division Chief:**  
AFK/LL: CM

*John Parker*

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
AND SPECIAL EXCEPTION \*  
607-609 Main Street; NE/S Main Street, \* ZONING COMMISSIONER  
410' SE of Chartley Drive \*  
4<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \* FOR  
Legal Owner(s): WG Properties, LLC \* BALTIMORE COUNTY  
Petitioner(s) \*  
\* 08-241-SPHX

\* \* \* \* \*

### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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/ 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  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of December, 2007, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

DEC 03 2007

Per.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CASE NAME \_\_\_\_\_  
CASE NUMBER 08-241-5PAX  
DATE 1-31-08

[illegible]

previous order

|                                         |   |                     |
|-----------------------------------------|---|---------------------|
| IN RE: PETITION FOR SPECIAL EXCEPITION  | * | BEFORE THE          |
| N/E side Main Street                    |   |                     |
| 370' NW Walgrove Road                   | * | ZONING COMMISSIONER |
| (607 Main Street)                       |   |                     |
| 4 <sup>th</sup> Election Districts      | * | FOR                 |
| 3 <sup>rd</sup> Council District        |   |                     |
|                                         | * | BALTIMORE COUNTY    |
| Meisel Capital Partners 607 LLC,        |   |                     |
| Legal Owners                            | * | Case No.: 05-552-X  |
| WG Properties, LLC, Contract Purchasers |   |                     |
| Petitioners                             | * |                     |

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the property, Meisel Capital Properties 607, LLC, and W.G. Properties, LLC, Contract Purchaser through their attorney, Sebastian A. Cross. The Petitioner requested a Special Exception to permit a service garage on the subject site, pursuant to Section 230.13 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner's Exhibit No. 4.

Appearing at the requisite public hearing in support of the request on behalf of W. G. Properties, LLC were Mordehai Gur and Jay Weinberg, managing members and owners/operators of Camden Body and Fender, and their attorney, Sebastian A. Cross. Testimony was also offered in support of the Petition from expert witnesses. These included Mitchell Kellman, a planner/zoning consultant with Daft-McCune-Walker, and Gregory H. Reed, the Professional Engineer who prepared the site plan for this property. Additionally, a letter supporting Petitioners development of this property was received from the Reisterstown, Owings Mills and Glyndon Chamber of Commerce and accepted as Petitioners Exhibit No. 8.

**PETITIONER' S**

**EXHIBIT NO.** 2

The issues presented in this case generated significant public interest and ten individuals from the Chartley Community appeared and/or testified in opposition to the request. They include David L. Powers, John W. Sloan, Salvatore and Catherine Vaccarino, Arthur D. and Lorraine A. Grodkiewicz, Carol Payne, Ha Nguyen, John D. Boblits and Jeffrey W. Spurrier. In addition, a written petition was presented requesting denial of the Special Exception for a service garage/body shop and marked as Protestants Exhibit No. 4. Also worthy of mentioning is County Councilman McIntire's support of the Chartley Community in this regard (see Protestants Exhibit No. 5). Appearing as spokesperson(s) for the group on behalf of the Chartley Homeowners' Association was George Vince, President of the organization and Milton Payne, an adjoining neighbor.

### **PROPERTY AND PROPOSAL**

Testimony and evidence was offered describing the subject property and proposal by Mordehai Gur, Jay Weinberg, Mitchell Kellman and Gregory Reed. The subject property is rectangular in shape and contains a site area of 2.06 acres, however, the area proposed for the service garage involves approximately 1.44 acres, (139' wide by 329' deep) located along the east side of Reisterstown Road, north of Walgrove Road opposite from Berrymans Lane and is zoned primarily B.L. with a small strip of D.R.3.5 towards the rear of the property, away from Reisterstown Road. The property currently contains the abandoned Canopy Restaurant with a paved impermeable surface surrounding this former use. The Petitioner proposes redevelopment of the north west portion of the site with an approximate 18,625 square foot service garage which will undertake auto body repair. The proposed building will encompass a one story structure with a second story mezzanine, less than 40 feet in height, measuring approximately 75' wide and 195' long. Elevations of the building were prepared by Greene Architecture and submitted

as Petitioners Exhibit No. 7. These elevations revealed a brick and metal facade along the sides of the building and a brick facade with several decorative windows facing Reisterstown Road, as well as the rear of the property. The Petitioner stated these elevations were commissioned and employed into the design with the intent of keeping the proposed development within the character of the Reisterstown Road corridor.

This site exists along the commercial corridor of Reisterstown Road, primarily surrounded by other business and office zoning classifications incorporating retail and service operations. Behind this strip of commercial uses along the east side of Reisterstown Road exists residential property primarily zoned D.R.3.5.. This portion of the Reisterstown Road corridor contains several other automobile service establishments encompassing the types of uses generally permitted with the operation of a service garage.

Mr. Gur is the owner/operator of Camden Body and Fender Company which currently runs an operation in Baltimore City. This operation is part of a family business dating back 80 years with the first establishment existing on what currently is Camden Yards in Baltimore City. This body shop moved several times through the years and currently operates at 4113 Amos Avenue in Baltimore. He explained the family history of owning and operating this body shop, as well as testifying as to the amicable relationship they have shared with their surrounding neighbors. Evidence of this positive relationship is contained in 13 letters received from current Amos Avenue property owners and introduced as Petitioners Exhibit No. 1. These neighbors describe Camden Body & Fender as a good neighbor and offer support of the new proposed operation along Reisterstown Road.

Mr. Gur stated the proposed body and fender shop would operate Monday through Friday from 8:00 a.m. to 5:00 p.m., and Saturday from 8:00 a.m. to 10:00 a.m. At his current operation

actual work on cars does not begin until 9:00 a.m., with no work on cars occurring on weekends. Rather, these weekend hours are provided merely as a convenience for customers to drop off and pick up their cars and/or to complete paperwork. He anticipates a mirror image of this operation at the proposed facility. In this regard he stated Camden Body & Fender employed approximately 20 employees at its current location and predicted a similar number at the proposed County site. The new development would contain an office/reception area along the frontage with Reisterstown Road, with the service bays being located in the main body of the building. These service bays will have doors opening along the side of the building facing commercially zoned property.. There will be a pedestrian door in the rear of the building to provide access to the storage lot, which will be screened with fencing and landscaping, where damaged and inoperable cars will be placed as well as dumpsters for the shop.

Mr. Gur highlighted the advances made through modernized machinery for auto body shops which, as a result, have reduced noise and noxious emissions to a level that would be undetectable to surrounding neighbors. Mr. Gur stated he has never had a violation from a city, county or state regulatory agency or a complaint from neighbors next to the Company's current operation, which has operated continuously for over 20 years. Of particular concern to the community were the paint booths on site. He explained there would be two booths, fully enclosed and equipped with air filtration systems which circulate air through three different filtering processes in order to maintain the air quality from the time it is drawn in until released. There are no fumes or odors and no emissions. This filtration system is monitored by state and county environmental agencies. He also stated any run-off materials from this painting operation would be collected through a grating system in the floor and disposed of regularly by an environmental specialty company. The contents and emissions of this runoff are regulated by

county and state agencies. Furthermore, all solvents and paints are stored inside the building in 55 gallon drums and located on container pallets in the event of a leak. Mr. Gur testified that the new modernized equipment is quiet and no longer produces air compressor noise. Also the air driven ratchets have been modernized and silenced. New technology coupled with modern automobile manufacturers trend to build light, thin-framed cars which no longer require the noisy processes, associated with body shops in the past. Most repair work is now spent removing replaceable damaged parts (panel units) without the need to pound and straighten.

Mr. Weinberg then testified as to the environmental licensing and monitoring needed to take place both for the paint booths, as well as other refuse from the body shop. He stated many of the unusable parts were to be disposed of in the dumpsters located towards the rear of the property and this dumpster would be hauled away approximately once per week. An additional dumpster for refuse traditionally encountered with any type of commercial operation would also be on-site and would be emptied from the site on a regular basis.

Mitchell Kellman accepted as an expert in the field of planning and zoning, then testified for the Petitioner stating the proposed building and outlying parking area met all applicable bulk regulations of Baltimore County. He pointed out this site had more buffer, both to the west of the building adjoining an O-3 zone, and towards the rear of the building adjoining residences in a D.R.3.5 zone than the county currently required. Mr. Kellman stated there is a required 20 ft. rear yard setback for the building under B.C.Z.R. and the proposed building contained 66 ft. of setback. Additionally, the fenced-in storage area contained a landscape buffering area of 12 ft. in conjunction with a 15 ft. vegetated, existing drainage and utility easement for a total of 27 ft. of screening adjoining the residential zone towards the rear of the property. Mr. Kellman also testified as to the mitigation of impacts incorporated with this development stating noise would

be reduced by the service bay openings facing away from the residential areas and towards a currently vacant commercial parcel to the east of the building. He stated the general public would only view the front brick facade of the building from Reisterstown Road, while the rear of the building would be almost completely screened from the neighborhood. He pointed out there would be ample parking and circulation upon the site, as well as an enhanced appearance to what currently exists for the abandoned Canopy Restaurant.

Mr. Kellman then went on to describe this corridor of Reisterstown Road and surrounding neighborhood as existing in a similar fashion to many commercial corridors in Baltimore County. These arterial corridors are characterized by commercial uses existing along the road frontage itself with residentially zoned property away from the commercial frontage. In particular, He pointed out this type of use was in keeping with this adjoining portion of the Reisterstown Road neighborhood, as there are several other service garages in the area similarly zoned B.L. Among these, Mr. Kellman pointed out ProCare Auto, Satellite Auto Glass, Reisterstown Car Center, Bransfield Motor Company and Jiffy Lube as examples of service garages existing in the area. Mr. Kellman stated most, if not all, of these uses were immediately adjoined by residentially zoned property. As such, Mr. Kellman stated the detrimental impact coming from this proposed development would not be as great and, in fact, would actually be less than these formerly listed uses due to a modernized building being required to satisfy today's more stringent building regulations and environmental code. Among some of these modern regulations, Mr. Kellman pointed to a higher requirement for buffering imposed upon uses of this type than service garages were subjected to previously, as well as the building itself being constructed of superior materials with modernized machinery reducing both emissions and noise upon the surrounding neighborhood.

Mr. Kellman testified this type of operation within a B.L. zone was indeed very similar to not only the Reisterstown Road neighborhood but also to Baltimore County, in general, as many commercial corridors are made up of commercially zoned property immediately adjacent to roadways with residential zoning existing behind commercial strips, away from the road. He testified the impacts from this use would be less than normally encountered with similar service garages due to the modernized regulations, the buffering incorporated into the site, the loading bays facing away from the residential property and the characteristics of modern body shops.

### **PROTESTANTS ISSUES**

Regarding the proposal and the development outlined by the Petitioner's consultants, most of the issues raised by the attending community members revolved around safety issues (traffic problems) and the idea that there was not need for another service garage in the area and that such a proposed use was not compatible with the revitalization of Reisterstown's main street. See Protestants Exhibits No. 1 thru 5 submitted and received into evidence.

George Vince of the Chartley Community Association cross-examined the Petitioner's witnesses focusing on the impacts this type of use would have on the neighboring community. Mr. Vince expressed concern about the storage of broken-down cars towards the rear of the property immediately adjoining the residential neighborhood, as well as dumpsters with automobile parts being located in this same area. He pointed to circulation problems that would be created when moving additional wrecked and inoperable vehicles into this area while contemporaneously trying to empty the dumpsters. He asked Mr. Gur whether these inoperable vehicles would leak noxious fluids in close proximity to the neighborhood. Mr. Vince also took issue with the proposed Landscape Plan (Petitioners Exhibit 5) and highlighted concern over the potential for Camden Body and Fender to eliminate the foliage currently existing on the 15 ft.

drainage and utility easement taking away much of the natural filtration for run-off water currently from this site. The effect of this loss would create a hazardous, flooding condition particularly for those immediate neighbors and generally for the neighborhood at large.

Mr. Milton Pyne echoed these concerns as his property lies immediately adjacent to the rear of this site. Mr. Pyne pointed out there are severe grades incorporated with this property which guides virtually all run-off water from this paved surface directly to the rear of the property, many times overflowing into his rear yard. Mr. Pyne stated the current storm water control devices, previously incorporated by the Canopy Restaurant, were not effective and stated a new development of this size would only increase these negative effects. Both of the previously listed opponents also testified there were at least six to seven other body shops in the immediate area as well as the Heritage and Len Stoler car dealerships and that development of yet another service garage would change the character of their neighborhood and damage Reisterstown as a whole. Questions were also raised about what type of storm water management facility would be employed upon this site.

In rebuttal to these questions and testimony, Petitioners engineer testified about storm water management controls Baltimore County had in place for any development plan. Mr. Reed stated in order for this development to gain approval, it would have to be expressly reviewed by the Department of Environmental Protection and Resource Management ("DEPRM") and satisfy standards as to both run-off water and storm water management in order to gain a building permit. Mr. Reed testified Camden Body and Fender was proposing a superior curb and gutter system towards the rear of the project than previously existed with the Canopy operation which utilized an asphalt ramp. Additionally, Mr. Reed stated a landscape plan would pass through a similar type of review by the Baltimore County Office of Planning. He stated typically when

conducting this landscape plan, all vegetation was not slated to be cleared but, rather, a tree study would be made in order to save as many trees as possible while removing dead and undesirable trees. In concluding, he pointed out that none of the County agencies that undertook a review of the proposal, including the architectural elevations and landscape plan, submitted a negative Zoning Advisory Comment (ZAC). Additional comments were then taken from the community, which are summarized as a belief that this use was not proper for this area of Reisterstown and a desire to see other types of businesses at this location that could service the community regardless of the ZAC comments.

### **APPLICABLE LAW**

Governmental regulation of land use is largely a local function. In Baltimore County, zoning requirements are set out in the B.C.Z.R. The Baltimore County Council adopts zoning maps for Baltimore County every four years, pursuant to the Comprehensive Zoning Map Process, and under those Maps, every property in Baltimore County is assigned one of the nearly 40 zoning classifications listed in the B.C.Z.R. These classifications range from RC (Resource Conservation zones) to MH (Manufacture Heavy) zones. Each zone contains its own specific regulations governing use of a property so zoned. For example, the restrictive RC zones promote agricultural and low density residential use. At the other end of the spectrum, the MH (Manufacturing Heavy) zone encourages manufacturing and heavy industrial use. As noted above, the subject property is B.L., which means "Business, Local." Of the three business zones in Baltimore County, the B.L. permits the least intensive uses.

In all zones, the B.C.Z.R. lists uses that are permitted as-of-right and uses that are prohibited altogether. As a middle ground, the B.C.Z.R. also identifies special exception uses. The term "special exception" is a misnomer, as the uses listed thereafter are neither special nor

exceptional. In other jurisdictions in Maryland, special exception uses are labeled “conditional” uses. This is a better description of such uses. Special Exception uses are those uses, which may be permitted in the B.L. zone; however, prior to establishing a special exception use, the property owner/applicant must petition the Zoning Commissioner for approval of the proposed use.

Although the current proposal meets all the “bulk” standards, i.e. size, height, distance, etc., the issues generated in this case are driven by the actual use. As noted above, this is a Special Exception use and is not permitted by right. Special Exception uses are regulated in the B.C.Z.R. under Section 502.1 thereof. Due to the importance of that Section, it will be recited here:

“Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A) be detrimental to the health, safety or general welfare of the locality involved;
- B) tend to create congestion in roads, streets, or alleys herein;
- C) create a potential hazard from fire, panic, or other danger;
- D) tend to overcrowd land and cause undue concentration of population;
- E) interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements;
- F) interfere with adequate light and air (Bill No. 45-1982);
- G) be inconsistent with the purposes of the property’s zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations (Bill No. 45-1982);
- H) be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations (Bill No. 45-1982); nor
- I) be detrimental to the environment and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in the RC-2, RC-4, RC-5, or RC-7 zone (Bill No. 74-2000).”

The highest courts of this State have reviewed the treatment of proposed special exception and conditional uses by various local zoning boards and commissions. The seminal case regarding special exceptions is Shultz vs. Pritts, 291 Md. 432, A.2d 1319 (1981). In that

case, the Court noted that a special exception use is part of the comprehensive zoning plan and thus, shares the legal presumption that it is in the interest of the general welfare and therefore valid. The Court noted that a special exception use is a valid zoning mechanism that delegates to an administrative board or body a limited authority to allow certain enumerated uses, which the legislature (in this case, the Baltimore County Council) has determined to be permissible, absent any facts or circumstances, which negate that presumption.

The Court further noted the applicant for a proposed special exception use does not have the burden of establishing affirmatively that the proposal would be of benefit to the community. The test is not whether another use is more preferable or whether the property could be used for a higher or better purpose, rather the test to be considered by the local administrative body is whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the underlying zoning scheme.

The Court of Appeals of Maryland further explained the special exception test in Mossberg vs., Montgomery Co., 29 Md. 494, 620 A.2d 886 (1993). In that case, an applicant sought approval for a solid waste transfer station in Montgomery County. That use was a conditional/special exception use under the Montgomery County Ordinance. In its written opinion, the Court noted there were certain inherent negative effects associated with any solid waste transfer station. For example, such a station would be expected to produce traffic, noise, dust, etc. Moreover, it could be presumed that such impacts would negatively affect surrounding properties. However, although such presumptions are valid, the Court emphasized the existence of these impacts did not provide a sufficient basis for the local administrative body to deny the Petition for Special Exception. Instead, the Court reasoned the local body must show those

impacts are greater at the subject location than would normally be associated with such use. That is, the criteria is not whether the proposed use carries with it adverse impacts as such adverse impacts are assumed in the first instance by designating the use a special exception rather than by right. Rather, the test is whether that impact at the subject property will produce effects above and beyond those normally inherent with such a use within the same zoning district. Therefore, in considering the present application, it is not enough to simply conclude the proposed service garage application will produce adverse effects on the neighborhood. It most certainly will, and such an effect is inherent in any service garage operation. The test is whether the adverse effects produced by the proposed operation will cause an impact at this location above and beyond such impact if proposed elsewhere in a B.L. zone.

### **DECISION**

As noted in the discussion above regarding all Special Exceptions, the undersigned is required to focus upon the impacts of the proposed use and how they particularly affect the locality involved. The undersigned has reviewed the proposal in that light and as a result finds the Special Exception request has meet the burden set out in Section 502.1 of the B.C.Z.R. The following are the factors that justify this conclusion.

The majority of the opposition to this request related to alleged negative impacts this service garage would have on the neighboring Chartley Community. These effects included noise and emissions from the shop as well as potential hazards of storing dumpsters and inoperable vehicles in the rear of the property. Also an issue was raised in regard to water and fluid runoff off affecting the adjacent properties in particular and the larger neighborhood in general.

Although some of these negative impacts may result from the proposed use upon this parcel, I am not convinced these negative effects would be above and beyond any of the other service garages in the area or services garages county wide located in a B.L. zone. In particular, substantial testimony was presented by Petitioner's experts that this service garage had mitigated potential adverse impacts through greater buffering and screening, compliance with heightened County review of storm water management, landscaping and environmental controls previously not required for older service garages. Also the Petitioners testified as to the modernized equipment and filtration systems that would be employed onsite. This equipment and these systems are monitored by County and State agencies, which formally had less stringent requirements for service garages. Testimony was received as to the planning involved in developing this site with the overall goal of providing a compatible but modern architecturally attractive building. The evidence presented relating to mitigating adverse factors for this development was substantial and convincing. Although the opposition in this case did raise concerns as to adverse impacts on the surrounding community, no evidence was presented proving these impacts would be greater than those generally encountered by service garages in the B.L. zone.

Similarly, much of the opposition stated their belief that too many of these automobile service uses existed in this neighborhood of Reisterstown and, as such, this use would not greatly benefit the community. This position, however, is in conflict with the Chamber of Commerce that supports the project and states that "it is in keeping with the commercial nature of Main Street... and, in fact, will improve upon the Canopy property in its current condition". Although these are genuine community concerns, as previously stated, the B.L. zoning allows for service garages as a special exception and these special exception uses have been deemed to be in the

interest of the general welfare and therefore valid. If a petitioner satisfies the burden of proof as to the effect of any adverse impacts on this use, these types of uses are presumed to be in harmony with the underlying zone. Not allowing an authorized use in an underlying zone simply due to a proliferation of similar operations in the area would be assuming the legislative role of providing for the comprehensive zoning of Baltimore County. As such, this Commissioner will not deny the Special Exception request based on these objections. I am persuaded that this use will not adversely affect the health, safety or welfare of the community nor the provisions of Section 502.1 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of July, 2005, that the Petition for Special Exception seeking relief pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a service garage (body shop), in accordance with Petitioners Exhibits 4,5,6 and 7, be and is hereby GRANTED, subject to the following conditions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) That the site plan (Exhibit No. 4) denoting a proposed 8' high chain link fence with slats surrounding the 40'x75' "Storage Area for Damaged Disabled Vehicles and Mechanical Area" be amended to show a minimum 6' high stockade "board on board" fence at the rear of this operation.
- 3) The hours of operation shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m., and Saturdays, 8:00 a.m. to 11:00 a.m.

- 4) A Landscape Plan and Lighting Plan, with lighting directed away from residential property, must receive approval from the Office of Planning prior to the issuance of any building permits.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within (30) days of the date hereof.

---

William J. Wiseman, III  
Zoning Commissioner  
for Baltimore County



PETITIONER'S

EXHIBIT NO.

3

08-24-SAX

GENERAL NOTES:

1. Owner Information:  
WG Properties LLC.  
4113 Amos Ave.  
Baltimore, MD 21215-3309  
Contract Purchaser/Applicant:  
WG Properties, LLC  
4113 Amos Avenue  
Baltimore, MD 21215  
Deed Reference/Tax Account Numbers:  
224221558 1900005193, 1900003338  
Tax Map No. 48 Parcel: 23 Parcels: 238, 239  
Zoning: BL, DR 3.5, R0  
Census Tract: 04045  
Watershed: 27  
Subwatershed: 67
2. Floor Area Ratio:  
Maximum 3.0  
Provided (16,625 SF adjusted gross floor area) + 3,136/1.44 AC = 0.3
3. Building Area:  
Total Building SF = 16,625 SF (Included 4000 SF mezzanine) (Existing)  
Tot. Bldg. SF = 3,136 SF (Proposed)
4. Minimum Setbacks: Pursuant to BCZR Sections 302 and 1B01.2.C.1.a  
Front = None Required  
per Section 303.2  
Side = 25'  
Rear = None Required
5. On-site lighting will be arranged to reflect light away from adjacent residential areas and public streets.
6. Case 73-48-R (Order dated 3/15/73): Petition for a reclassification of 1.3 acres from DR-3.5 and DR-16 to BR Zoning. Property rezoned BL to accommodate a clothing store.  
Case 74-186-R (Order dated 8/17/74): Petition to reclassify 0.3 acres from DR-3.5 and DR-16 to BL graded.  
Case No. R-83-69 (Order dated 3/16/83): Petition for 0.5 acres of R0 to be reclassified as BL denied.
7. Case 83-65-SF (Special hearing to allow existence of a non-conforming use for a produce stand. Right to continue graded, subject to non-restrictions. Board of Appeals: Zoning Commissioner order as to non-conforming use affirmed.  
Nine conditions of approval rescinded.
- Case No. 05-552-X (Order dated 7/8/05): Petition for Special Exception to permit a Service Garage (Body Shop). Granted subject to five conditions.
7. Parking for Existing Building: 16,625 SF (3.31/1,000) = 62 spaces  
Total = 62 spaces  
Provided = 62 spaces  
27 parking spaces (service bay) provided within building; 35 remaining spaces on-site (outside fenced area)  
Parking Required for Proposed Building (per BCZR 405.4.a.3.a)  
7 Bays x 3 Spaces/ Bay = 21 Spaces  
8 Employees on Largest Shift = 8 Spaces  
Total = 29 Spaces  
Provided = 30 Spaces  
7 Parking Spaces (Service Bay) provided within building;  
23 remaining spaces on-site (outside fenced area)
8. All proposed signage to conform to Section 450 BCZR.
9. Site Area:  
Gross Site Area = 2.066 AC = 89977 SF  
Net Site Area = 1.894 AC = 82502 SF  
Area of Special Exception = 1.894 AC = 82502 SF
10. Existing Use: 607 Main Street - Camden Body & Fender (Under Construction)  
609 Main Street - Abandoned Produce Shop (to be razed)  
Proposed Use: 609 Main Street  
Service Garage  
Existing and proposed water service: Public  
Existing and proposed sewer service: Public
11. A review of Baltimore County records shows the following permits for the subject Property:  
B619784, B613820, B634190, B624201, B6366648,  
B65077, B653601, B662604, B672967
12. There is no conflict with BCZR Section 303.2 as there are no adjacent commercial buildings which front on Main Street that lie within 100 feet of the proposed structure.
13. Pursuant to BCZR Section 1B01.1.5.1.a(1); the site is not subject to the R.T.A. requirements as there is no development within the DR Zone.
14. The proposed building height will not exceed 40 feet.
15. The proposed paving to be bituminous concrete.
16. Landscaping and screening will be provided in accordance with the latest Baltimore County Landscape Manual.
17. The property is not in a 100-year Floodplain or is not within the Chesapeake Bay Critical Area.
18. There are no historic structures on site and the site is not within a historic district.
19. The site is not within any traffic deficient zones pursuant to the 2007 Basic Safety Transportation Area Map.
20. The proposed use will not impact any pupil yields for schools in the area.
21. The DR 3.5 portion included within the Special Exception Area is for buffer purpose. There are no improvements within the DR 3.5 Zone.
22. On August 1, 2005, the DRC determined that this site met the requirements of a limited exemption under Section 32-4-106(a)(1)(v) for the purpose of constructing a Service Garage (Body Shop).

DRAINAGE EASEMENT FOR  
UNDERGROUND STORMWATER  
MANAGEMENT FACILITIES  
SEE EXC. No. 10

WATER QUALITY SUB AREA  
DA = 15,202 SF = 0.35 AC

WG PROPERTIES LLC  
04-0407047350  
22422/558

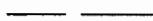
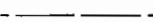
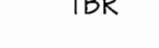
WG PROPERTIES LLC  
04-041900005193  
22422/558

EX. 18,625 SF  
(INCLUDING 4,000 SF MEZZANINE)  
SERVICE GARAGE  
(AUTO BODY REPAIR)  
1 STORY BLDG WITH  
PARTIAL MEZZANINE  
40' HGT MAX

WG PROPERTIES LLC  
04-041900003388  
22422/558

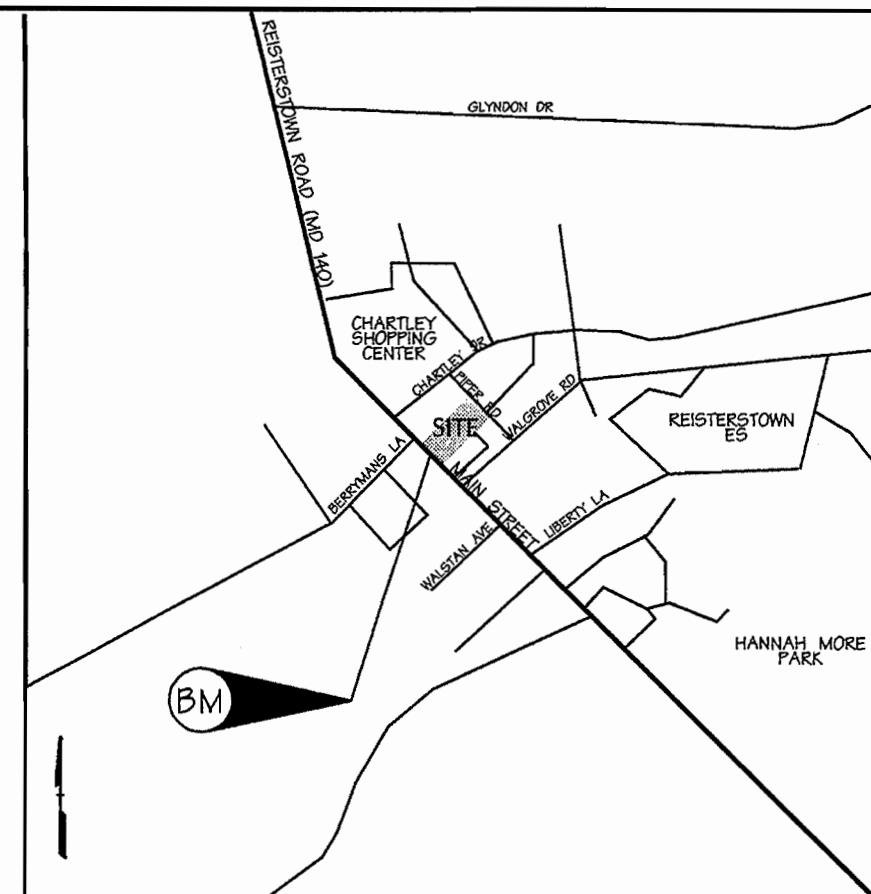
GEROLD JANEZIC  
LOT 9  
04-0406058320  
PLAT REF. 29/94  
CHARTLEY

## LEGEND

- |                                                                                     |                                        |
|-------------------------------------------------------------------------------------|----------------------------------------|
|  | Property Line                          |
|  | Zoning Line                            |
|  | Existing Contours                      |
|  | Edge of Pavement                       |
|  | Center Line of Road                    |
|  | Prop. Buildings                        |
|  | Ex. Buildings                          |
|  | Adjacent Property Line                 |
|  | Chain Link Fence                       |
|  | Existing Drainage                      |
|  | Existing Sewer Line                    |
|  | Existing Water Line                    |
|  | Existing Drainage and Utility Easement |
|  | Limit of Special Exception             |
| <b>TBR</b>                                                                          | To Be Removed                          |
|  | Retaining Wall                         |

RELIEF REQUEST:

1. A SERVICE GARAGE AS PER BCZR SECTION 230.13
2. AMENDMENT TO PREVIOUSLY APPROVED RELIEF GRANTED IN CASE: NO. 05-552-X FOR EXPANSION OF A SERVICE GARAGE
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER



## VICINITY MAP

 $1^H = 1000$ 

## BENCHMARK INFORMATION

THE BENCHMARK WAS ESTABLISHED BY GPS AND PROCESSED BY NGS-OPUS USING: GAITHERSBURG CORS, YORK CORS, AND ANNAPOLIS CORS, THE COORDINATES FOR THE POINT ARE: N 651158.037 AND E 1362255.547. ELEVATIONS ARE 737.62 (BCMD) AND 735.76 (NAVD 88) WOODEN HUB.

NOTE:  
Existing utility location information shown on these plans is for illustrative purposes only. While the information shown has been gathered from sources deemed to be reliable, the correctness or completeness of the information shown is not warranted or guaranteed.

DATA SOURCES:

Deeds: 20111/545  
Utility plans: 36-312, 81-0557, 63-625  
Baltimore County 2000 Zoning Map: 048c3  
TOPOGRAPHICAL SURVEY HEREON TAKEN FROM  
APR ASSOCIATES, INC., DATED NOVEMBER 10, 2005.  
PROPERTY BOUNDARY HEREON TAKEN FROM ALTA  
SURVEY BY APR ASSOCIATES INC., DATED AUGUST  
17, 2005.

# DMW

**Daft·McCune·Walker, Inc**

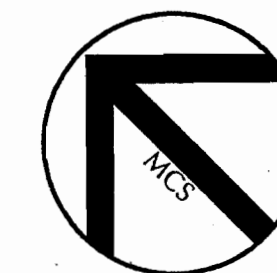
**A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals**

## Plan To Accompany Petition for Special Exception

CAMDEN BODY  
& FENDER

605, 607 & 609 MAIN STREET  
REISTERSTOWN, MD 21280

3rd COUNCILMANIC DISTRICT  
4th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



|                              |                 |                            |
|------------------------------|-----------------|----------------------------|
| <b>DATE</b>                  | <b>BY</b>       | <b>REVISIONS</b>           |
| 2/10/07                      | DWM             | ADDITIONAL BUILDING        |
|                              |                 |                            |
|                              |                 |                            |
|                              |                 |                            |
|                              |                 |                            |
|                              |                 |                            |
|                              |                 |                            |
|                              |                 |                            |
|                              |                 |                            |
|                              |                 |                            |
| <b>ISSUE DATES</b>           |                 | <b>BASE:</b> CTR           |
| <b>REVIEW:</b>               | 04-27-05        | <b>DRAWN:</b> CTR          |
| <b>BID:</b>                  | _____           | <b>DESIGNED:</b> JLB       |
| <b>PERMIT:</b>               | _____           | <b>CHECKED BY:</b> _____   |
| <b>CONSTRUCTION:</b>         | _____           | <b>DATE CHECKED:</b> _____ |
| <b>SCALE:</b> 1"=20'         | <b>DRAWING:</b> |                            |
| <b>PROJECT NO.:</b> 05040.CO |                 |                            |
|                              |                 | 1 of 1                     |

1 of 1

WALGROVE RD

PETITIONER'S  
EXHIBIT NO.

MAIN STREET (MD ROUTE 140)

66' R/W PAVING WIDTH VARIES  
BALTIMORE COUNTY R/W PLAT -

BALTIMORE COUNTY  
PT LOT 37  
04-1600005091  
PLAT REF. 18/95

EX. OFFICE BLDG

SOL GOLDMAN  
LOT 36 PT 37  
04-0403001357  
PLAT REF. 18/95  
PARK HILL MANOR

EX. OFFICE BLDG

WEERASAK LIMAWARARUT  
LOTS 34-35  
04-0418047327  
PLAT REF: 18/95  
PARK HILL MANOR

EX. OFFICE BLDG

RONALD JOHNSON, STEVEN JOHNSON  
CO PARTNERS T/A RS ASSOCIATES  
04-048047320  
7502/540

EX. OFFICE BLDG

MARBLE LLC  
04-0408004670  
17005/521

EX. OFFICE BLDG

ABDUL SAMIE  
04-0423017193  
15562/326