

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S side of German Hill Road; 543 feet E		
of the c/l of Lockford Road	*	DEPUTY ZONING
12 th Election District		
7 th Councilmanic District	*	COMMISSIONER
(7611 German Hill Road)		
	*	FOR BALTIMORE COUNTY
German Hill Limited Partnership		
<i>Legal Owner</i>	*	CASE NO. 2010-0308-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Tom E. Thompson, General Partner, on behalf of German Hill Limited Partnership, the legal property owner. Petitioner requests Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a nonconforming use for used car sales in a B.M. Zone. 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 requested special hearing relief were Tom E. Thompson, General Partner, on behalf of Petitioner German Hill Limited Partnership, and John B. Gontrum, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Rick Richardson with Richardson Engineering, LLC, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence in the case was presented by way of a proffer from Mr. Gontrum and revealed that the property is irregular-shaped and consists of approximately 0.52 acre, more or less, zoned B.M. The subject matter of the case also involves the property immediately adjacent

ORDER RECEIVED FOR FILING

Date 7-13-10

By JB

to the subject property to the east. This property is also irregular-shaped and consists of approximately 1.844 acres, more or less, zoned B.M. The properties are located on the south side of German Hill Road, just east of Merritt Boulevard, in the Dundalk area of Baltimore County. Petitioner acquired the subject property in 1986, as evidenced by the Deed that was marked and accepted into evidence as Petitioner's Exhibit 2. In 1987, not long after acquiring the property, Petitioner constructed the existing one-story 8,188 square foot building for a used automotive sales office, along with 14 service bays for vehicle repairs and service. In addition, due to the relative small size of the subject site, at that time, Petitioner also entered into a lease agreement with Baltimore Gas & Electric ("BG&E"), the owner of the adjacent property, and Petitioner utilized the cross-hatched 1.844 acre portion of that property shown on the site plan for outdoor parking and storage of used vehicle sales inventory and vehicles in line for service.

Mr. Gontrum further explained that the above-described use at the subject property consisting of used vehicle sales and service, as well as the leased use at the adjacent BGE property consisting of parking and storage of used vehicle inventory and vehicles in line for service, has been ongoing without interruption since 1987. In addition, Mr. Gontrum indicated that the appearance of the subject site and the leased premises, and the operation of the used car sales and service, is generally the same today as it was in 1986-87, and has been licensed by the State of Maryland since that time. At this juncture, Petitioner desires to confirm that the continued use is a valid nonconforming use as defined in Section 101 and set forth in Section 104 of the B.C.Z.R.

As referenced by Mr. Gontrum, a used car lot and building would not be permitted in the B.M. Zone in today's Regulations. Section 233.2 of the B.C.Z.R. allows as a permitted use in the B.M. zone: "New automobile sales facility and adjoining outdoor sales area, provided that dismantled or junked cars unfit for operation on the highways may not be stored outdoors."

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By PJG

Section 236 of the B.C.Z.R. permits as a special exception in the B.R. zone: "Used motor vehicle outdoor sales area, separated from sales agency building." A used car lot consequently would not be permitted under the current regulations. (emphasis added).

However, prior to a change in the Regulations with the enactment of Bill 71-2001, Section 233.2 of the B.C.Z.R. did not contain the word "new" as a limiting adjective on an automobile sales facility. Consequently, any automobile sales facility accompanied by an adjoining sales lot was a permitted use. The Court of Special Appeals of Maryland appears to have addressed this situation in ruling on whether a denial of an appeal of a special hearing allowed for the continued use of a used car facility in *Antwerpen v. Baltimore County*, 163 Md.App. 194, 877 A.2d 1166 (2005). In that case, the issue was whether the property owner had a vested right to a nonconforming use of a used car lot where the use had occurred for nine days prior to the effective date of Bill 71-2001 that generally prohibited used car sales in the B.M. Zone. The Court recognized that the change in the law effectively precluded the sales of used cars as a matter of right in a B.M. Zone, but ultimately held against the property owner on the issue of vesting, stating that "vested rights do not come into being until the completion of any litigation involving the zoning ordinance from which the vested right is claimed to have originated." *Id.* at 210, 1175, quoting *Powell v. Calvert County*, 368 Md. 400, 795 A.2d 96 (2002).

In *Antwerpen*, the property owner in that case effectively won the battles to a degree, but lost the war. Although then-Deputy Zoning Commissioner Timothy M. Kotroco ruled in the underlying zoning case that proposed used automobile sales was permitted in the B.M. Zone, and although the Court in *Antwerpen* recognized that the Board of Appeals had held in a separate case that a used car operation was allowed in the B.M. Zone, the property owner was doomed by the change in law as a result of Bill 71-2001. This was because there was no vesting of the used car

ORDER RECEIVED FOR FILING

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3

By [Signature]

operation and this, combined with the pending appeal of the Deputy Zoning Commissioner's ruling in that case, permitted the law as it was changed to be applied in that case, thereby prohibiting used car sales in the B.M. Zone for that property owner.

However, in the instant matter, Mr. Gontrum asserted that Petitioner in this case is not so constrained by the change in the law and the decision in *Antwerpen*. This is because much prior to the enactment of Bill 71-2001, Petitioner was lawfully operating a used car sales and service business on the subject property and the BG&E property. Unlike the property owner in *Antwerpen*, who was attempting to vest his nonconforming use during the period that litigation related to that use was still pending, Petitioner -- prior to the change in the law in 2001 -- was lawfully operating a used car business on the subject property and BG&E property for approximately 24 years, and was a conforming use thereon. With the change in the law in Bill 71-2001 and based on the proffered testimony and evidence presented, it may now be considered a legitimate nonconforming use.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated May 25, 2010 which indicates that they do not oppose the Petitioner's request; however, landscape screening at the intersection of German Hill Road and Lockford Road and along the west side of the sales building shall be provided. Comments were received from the Bureau of Development Plans Review dated May 18, 2010 that indicates if the request is approved, it is conditioned on this site being landscaped to the extent possible in accordance with the landscape manual. Given the fact that this is a non-conforming use on a relatively small site, this proposed landscaping does not appear to be economically feasible or justified. Moreover, by virtue of the nature of the relief being granted as a nonconforming use, I am constrained to impose conditions that would in any way

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By pad

alter or change the property. It is also noteworthy that Petitioner is not asking to expand on the existing non-conforming use.

Based on my review of the site plan, the case history and documentation offered as well as proffered testimony, I do find that the subject property is a legal, non-conforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 13th day of July, 2010 that Petitioner's request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a nonconforming use for used car sales in a B.M. Zone be and is hereby **GRANTED**, subject to the following:

1. Petitioner may apply for its permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

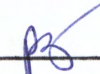
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 7-13-10

By  5



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 13, 2010

JOHN B. GONTRUM, ESQUIRE
WHITEFORD TAYLOR & PRESTON LLP
1 WEST PENNSYLVANIA AVENUE
SUITE 300
TOWSON MD 21204

Re: Petition for Special Hearing
Case No. 2010-0308-SPH
Property: 7611 German Hill Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Tom E. Thompson, General Partner, German Hill Limited Partnership, 1000 Merritt Blvd.,
Baltimore MD 21221
Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road #500, Timonium MD 21030



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7611 German Hill Road

which is presently zoned B.M.

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

A non-conforming use for used car sales in a B.M. zone.

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 bound 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

By

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John B. Gontum, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP

Company

1 West Pennsylvania Ave., St. 300 410-832-2055

Address

Telephone No.

Towson, Maryland 21204-5025

City

State

Zip Code

Legal Owner(s):

German Hill Limited Partnership

Name - Type or Print

By

Signature

Tom E. Thompson, General Partner

Name - Type or Print

Signature

1000 Merritt Blvd.

Address

Telephone No.

Baltimore, Maryland 21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2010-0308-SPH

REV 9/13/98

UNAVAILABLE FOR HEARING

Reviewed By DT.

Date 5/10/10

**ZONING DESCRIPTION FOR
7611 GERMAN HILL ROAD
12TH ELECTION DISTRICT
7TH COUNCILMANIC District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side right-of-way of German Hill Road (70 feet in width) thence binding on the south side of German Hill Road the following courses and distances; (1) S 71°08'57" E 40.00' to a point on the west side of a 205' wide BG&E right-of-way, said point also being a point on the west side of the lease premises thence, (2) S 71°08'57" E 246.54' to a point on the east side of a 205' wide BG&E right-of-way, said point also being the east side of the lease premises; thence leaving the south side of German Hill Road and binding on the lease premises the following courses and distances, (3) S 14°53'38" E 152.50', (4) N 71°08'57" W 108.24', (5) S 14°53'38" E 244.53', (6) S 75°06'22" W 113.67', (7) N 15°08'12" W 315.00', thence leaving the lease premises, (8) N 71°08'57" W 139.50' to a point on the east side of Lockford Road (60 feet in width) thence binding on the east side of Lockford Road the following courses and distances, (9) N 14°53'38" W 38.35', (10) thence by a curve to the right with a radius of 165.03' and an arc length of 97.2', (11) N 18°51'03" E 61.44', (12) N 63°51'03" E 21.21' to the point of beginning;

Containing a net area of 102,535 square feet, or 2.354 acres of land, more or less.



5/10/10

**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: 2010-0308-SPH
Petitioner: GERMAN HILL LTD. PARTNERSHIP
Address or Location: 7611 GERMAN HILL RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. TOM E. THOMPSON
Address: GERMAN HILL LTD. PARTNERSHIP
1000 MERRITT BLVD.
BALTO. MD 21221
Telephone Number: 410-832-2055 (JOHN GONTRUM, ESQUIRE)

Revised 7/11/05 - SCJ

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

No. **53921**

Date: **5/10/10**

PAY RECEIPT

OTHERS ACTION TIME
 5/10/10 5:00-2010 17:13:47
 BALTIMORE HEALTH CARE
 RECEIVED 5/10/10 5:00:00
 153021
 Dept for 855.00
 1530.00 of 1,000.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					325.00

Total: **325.00**

Rec From: **WHITEFORD TAYLOR + PRESTON LLP**

For: **2010-0308-SPH**
7611 GERMAN HILL RD.

D. THOMPSON

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: # 2010-0308-SPH

7611 German Hill Road
S/side of German Hill Road,
543 feet east of the
centerline of Lockford Road
12th Election District
7th Councilmanic District
Legal Owner(s): German Hill
Limited Partnership

Special Hearing: for a non-
conforming use for used
car sales in a B.M. zone.

**Hearing: Wednesday, July
7, 2010 at 2:00 p.m. in
Room 104, Jefferson
Building, 105 West Chesapeake
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 Of-
fice at (410) 887-4386.

(2) For Information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT 6/903 June 22 244565

CERTIFICATE OF PUBLICATION

6/24/, 2010

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 6/22/, 2010.

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



LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0308-SPH-A

RE: Case No.: _____

Petitioner/Developer: _____

German Hill Limited Partnership

July 7 2010

Date of Hearing/Closing: _____

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

Attn: Kristin Matthews

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: _____
7811 German Hill Road**

**The sign(s) were posted on _____ June21 2010
(Month, Day, Year)**

Sincerely,

***Robert Black* June24 2010
(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)

ZONING NOTICE

CASE # 2010-0308SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE Room 104, JEFFERSON BUILDING
105 WEST CHESTER AVE TOWSON 21204

DATE AND TIME WEDNESDAY, JULY 7, 2010 AT 2:00 P.M.

REQUEST SPECIAL HEARING FOR NON-CONFORMING USE FOR
USED CAR SALES IN A B.M. ZONE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SUBLIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 22, 2010 Issue - Jeffersonian

Please forward billing to:

Tom Thompson
German Hill Ltd. Partnership
1000 Merritt Blvd.
Baltimore, MD 21221

410-832-2055

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: 2010-0308-SPH

7611 German Hill Road

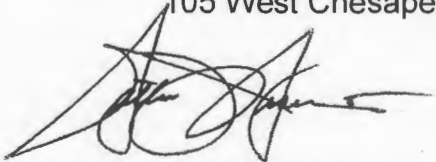
S/side of German Hill Road, 543 feet east of the centerline of Lockford Road

12th Election District – 7th Councilmanic District

Legal Owners: German Hill Limited Partnership

Special Hearing for a non-conforming use for used car sales in a B.M. zone.

Hearing: Wednesday, July 7, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake 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

June 3, 2010

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: 2010-0308-SPH

7611 German Hill Road

S/side of German Hill Road, 543 feet east of the centerline of Lockford Road

12th Election District – 7th Councilmanic District

Legal Owners: German Hill Limited Partnership

Special Hearing for a non-conforming use for used car sales in a B.M. zone.

Hearing: Wednesday, July 7, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: John Gontrum, 1 West Pennsylvania Avenue, Ste. 300, Towson 21204
Tom Thompson, 1000 Merritt Boulevard, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 22, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 2, 2010

John B. Gontrum
Whiteford, Taylor & Preston, LLP
1 West Pennsylvania Ave. Ste. 300
Towson, MD 21204

Dear: John B. Gontrum

RE: Case Number 2010-0308-SPH, 7611 German Hill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 2010. 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.

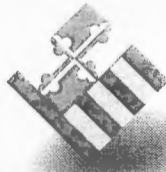
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Tom E. Thompson: German Hill Limited Partnership; 1000 Merritt Blvd.; Baltimore, MD 21221



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

308

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MAY 19, 2010

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2010-0308-SPH
7611 GERMAN HILL RD
GERMAN HILL WHITE PAPER
SPECIAL HEARING - NON
CONFORM USE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0308-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael P. Bailey".

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

TB 7-7-10 2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 25, 2010

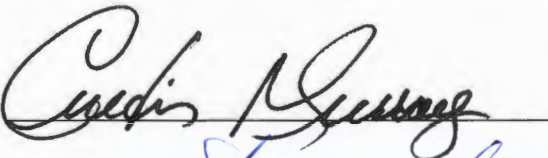
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-308- Special Hearing**

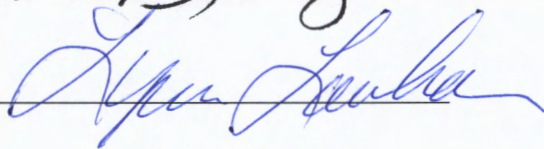
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. However, landscape screening at the intersection of German Hill Road and Lockford Road and along the west side of the sales building shall be provided.

For further questions or additional information concerning the matters stated herein, please contact John Alexander in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



RECEIVED

JUN 14 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 18, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2010
Item No.: 2010-308

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We request that, if the use is granted, it is conditioned on this site being landscaped to the extent possible, in accordance with the landscape manual.

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0308-05312010.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 11, 2010

SUBJECT: Zoning Item # 10-308-SPH
Address 7611 German hill Road
(German Hill Limited Partnership Property)

Zoning Advisory Committee Meeting of May 17, 2010.

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 6/11/10

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
7611 German Hill Road; S/S German Hill	*	ZONING COMMISSIONER
Road, 543' E of c/line Lockford Road	*	FOR
12 th Election & 7 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): German Hill Limited	*	10-308-SPH
Partnership		
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAY 21 2010



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, One W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment

<u> </u>	DEVELOPMENT PLANS REVIEW	<u>1 condition</u>
<u>6-11-10</u>	DEPRM	<u>nc</u>
<u>5-27-10</u>	FIRE DEPARTMENT	<u>nc</u>
<u>5-25-10</u>	PLANNING (if not received, date e-mail sent <u> </u>)	<u>1 condition</u>
<u>5-19-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
<u> </u>	TRAFFIC ENGINEERING	<u> </u>
<u> </u>	COMMUNITY ASSOCIATION	<u>-</u>
<u> </u>	ADJACENT PROPERTY OWNERS	<u>-</u>

ZONING VIOLATION (Case No.)PRIOR ZONING (Case No.)NEWSPAPER ADVERTISEMENT Date: 6-22-10SIGN POSTING Date: 6-21-10PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐Comments, if any:

CASE NAME GERMAN HILL LP
CASE NUMBER _____
DATE 7/7/10

[illegible]

Case No.: 2010 - 0308 - JPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	1986 Deed of Property	
No. 3	Aerial Photo/Zoning Map	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

PETITIONER'S

EXHIBIT NO. 2

This Deed, MADE THIS 29th day of December

in the year one thousand nine hundred and Eighty-Six

by and between

SHARON LEE MILLER and WILLIAM L. MOWLDS,

of Baltimore County, State of Maryland, parties

of the first part, and

GERMAN HILL LIMITED PARTNERSHIP, party

of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED THIRTY THOUSAND AND 00/100THS (\$130,000.00) DOLLARS, an dother good and valuable considerations, the receipt whereof is hereby acknowledged,

the said parties of the first part

RC/F 13.00
 B T TX 650.00
 B DOCS 650.00
 DEED 0 #
 SM CLERK 1313.00
 #05243 C004 R01 T12:21
 03/14/87

do grant and convey to the said party of the second part, their

~~persons and assigns~~ successors and assigns

, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say:

Beginning for the same at the beginning point of the land conveyed by John C. Miller and wife to Laurelwood Inc. by a Deed dated October 31, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3442, folio 295 etc. running thence and binding reversely on the last line in said Deed north 71 degrees 08 minutes 57 seconds west 139.50 feet thence binding reversely on a part of the thirteenth line therein and on all of the fourth line of the 0.059 of an acre parcel of land conveyed by Laurelwood Inc. to John C. Miller and wife by a Deed dated August 18, 1959, and recorded among said Land Records in Liber W.J.R. No. 3611, folio 454 etc. and on the easterly side of Lockford Road north 14 degrees 53 minutes 38 seconds west in all a distance of 38.35 feet thence binding on the fifth, sixth and seventh lines in the last mentioned Deed from Laurelwood Ins. to John C. Miller and wife and still binding on the easterly side of Lockford Road the following three courses and distances viz: by a line curving northerly toward the right having a radius of 165.03 feet a distance of 97.20 feet and north 18 degrees 51 minutes 03 seconds east 61.44 feet and north 63 degrees 51 minutes 03 seconds east 21.21 feet to the southwest side of German Hill Road heretofore laid out 70.00 feet wide and conveyed by John C. Miller and wife to County Commissioners of Baltimore County thence binding on the southwest side of German Hill Road south 71 degrees 08 minutes 57 seconds east 40.00 feet to intersect the second line of the land conveyed by John C. Miller and wife to Bankers Trust Company, et al, by a Deed dated September 30, 1955 and recorded among the aforesaid Land Records in Liber T.B.S. No. 1882, folio 526 etc. thence leaving the road and binding reversely a part of said second line south 14 degrees 53 minutes 38 seconds east 240.52 feet to place of beginning. Containing 0.52 of an acre of land more or less.

Being the same lot of ground described in a Deed dated September 24, 1980 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. 6253 folio 524 was granted and conveyed by The Equitable Trust Company and Gloria Barr Alecce, co-trustees under the Wills of John C. Miller and Ella Miller, unto Sharon Lee Miller and William L. Mowlds.

STATE DEPARTMENT OF
ASSESSES & TAXATION

B 914****208C00Da 2312A

AGRICULTURAL TRANSFER TAX
NOT APPLICABLESIGNATURE JR DATE 1-7-87

CLERK DATE

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, their

~~persons or representatives~~ successors
and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors

Test:

Sharon Lee Miller (SEAL)
SHARON LEE MILLER

William L. Mowlds (SEAL)
WILLIAM L. MOWLDS

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this 29th day of December, in the year one thousand nine hundred and Eighty-Six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared SHARON LEE MILLER and WILLIAM L. MOWLDS

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

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

My Commission expires:

July 1, 1990

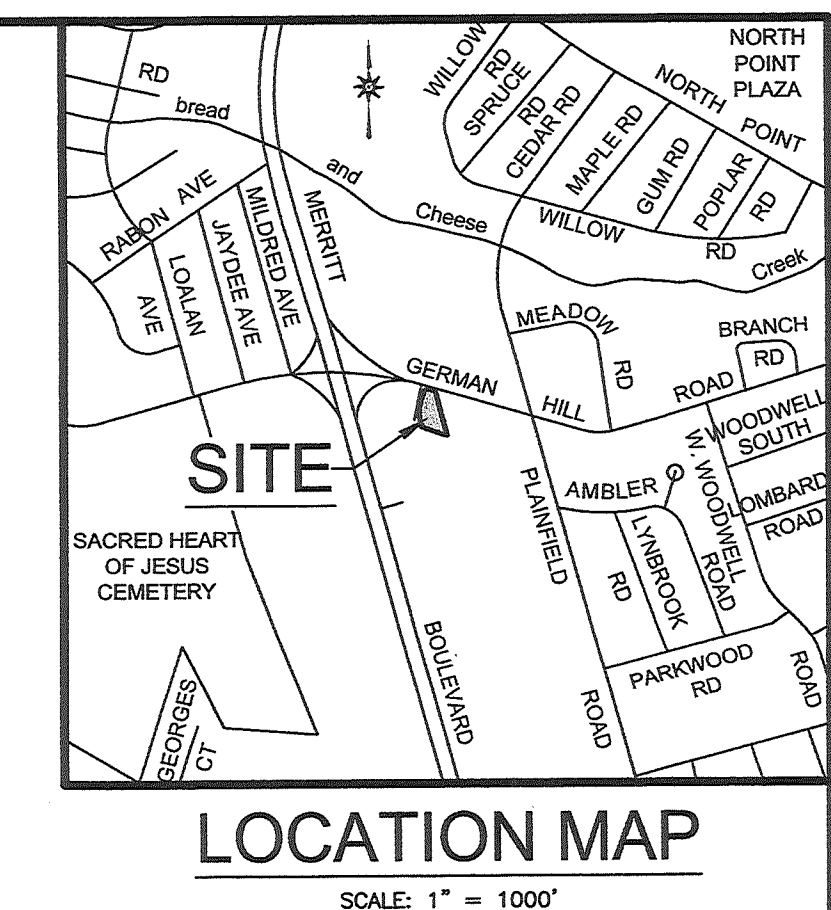
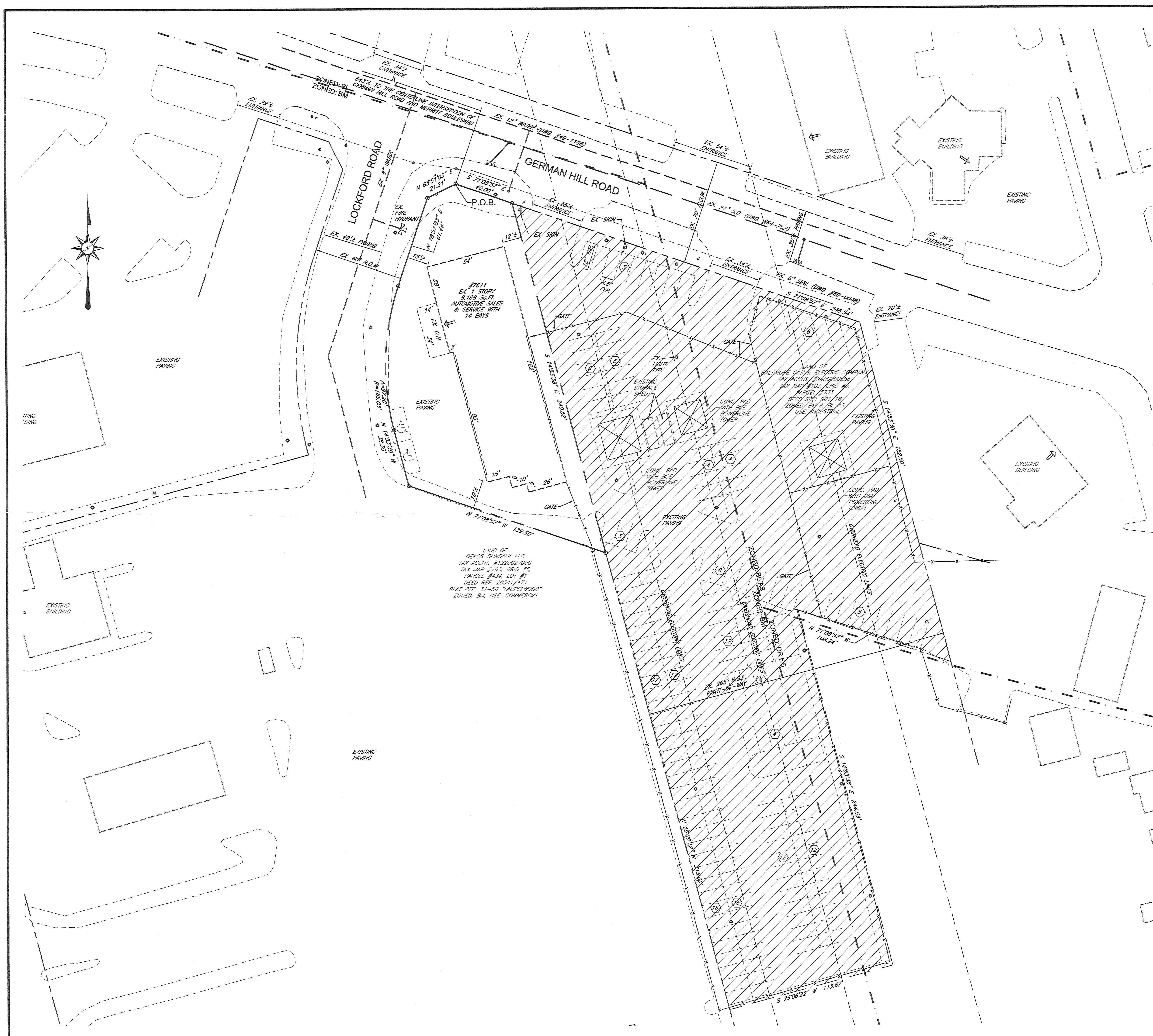




PETITIONER'S

EXHIBIT NO.

3



GENERAL NOTES:

1. OWNER: GERMAN HILL LIMITED PARTNERSHIP
1000 MERRITT BOULEVARD
BALTIMORE, MARYLAND 21222
2. SITE AREA:
GROSS: 30,888 Sq.Ft. or 0.709 Ac.±
NET: 22,233 Sq.Ft. or 0.510 Ac.±
LEASE AREA:
80,332 Sq.Ft. or 1.844 Ac.±
TOTAL AREA (NET SITE + LEASE):
102,535 Sq.Ft. or 2.354 Ac.±
3. BUILDING AREAS:
EXISTING: 8,188 Sq.Ft.
PROPOSED: NONE
4. UTILITIES:
PUBLIC WATER & PUBLIC SEWER
5. USES:
EXISTING: AUTOMOTIVE SALES & SERVICE
PROPOSED: AUTOMOTIVE SALES & SERVICE
(NO CHANGE)
6. PARKING:
REQUIRED:
8,188 Sq.Ft. @ 3.3/1000 = 28 SPACES
PROVIDED: 159 SPACES
7. SETBACKS: REQUIRED PROVIDED
FRONT 15' 15'±
SIDE NONE 19'±
REAR NONE 12'±
8. DEED REF: 7446/77
9. TAX ACCOUNT #1213056687
10. COUNCILMANIC DISTRICT: 7th
11. WATERSHED: BALTIMORE HARBOR
12. FLOOR AREA RATIO:
MAXIMUM PERMITTED: 4.0
PROVIDED: 8,188 ± 30,888 = .265
13. ZONING: BM, BL-AS & DR 5.5
(PER 1"=200' ZONING MAP 103C1)
14. TAX MAP #103 PARCEL #676
15. ANY PROPOSED SIGNS WILL BE IN ACCORDANCE WITH BCZR.
16. SITE LIES WITHIN ZONE "X" (OTHER AREAS) OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0420 F, PANEL 420 OF 580 DATED SEPT. 26, 2008. ZONE "X" (OTHER AREAS) IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
17. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
18. BUILDING HEIGHT: EX BUILDING IS 1 STORY
19. THE SITE NOR THE BUILDING ARE HISTORIC.
20. PREVIOUS PERMITS NOT ON FILE.
21. NO PREVIOUS ZONING CASES ON FILE.
22. NO PREVIOUS DRC OR CRG ON FILE.

DENOTES LEASE AREA

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: 08-15-2011



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY
ZONING PETITION
FOR
**GERMAN HILL
LIMITED PARTNERSHIP**
7611 GERMAN HILL ROAD
BALTIMORE, MARYLAND 21222

12TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISIONS	PETITIONER'S	DRAWN BY:	DESIGNED BY:	SCALE:
		CND	PCR	1" = 30'
	EXHIBIT NO. 1	DATE:	JOB NO.:	SHEET NO.:
		05-10-10	10033	1 OF 1