

3/14/12

**IN RE: PETITIONS FOR SPECIAL
HEARING, SPECIAL EXCEPTION &
VARIANCE**

Corner of NW side of Washington Blvd.
and SW side of South Street
(5230 Washington Boulevard)

13th Election District
1st Councilmanic District

Joann Garrity, *Legal Owner*
Martin Schwartz, *Contract Purchaser*
Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

Case No.: 2011-0258-SPHXA

* * * * *

OPINION & ORDER

This matter comes before the County Board of Appeals of Baltimore County (hereinafter "Board") for consideration of the appeal of the Administrative Law Judge Timothy M. Kotroco's Order and Opinion dated July 15, 2011 and Order on Motion for Reconsideration dated September 29, 2011. The appeal was filed by Vehicles for Change, Inc., Lessee and Joann Garrity, Legal Owner (hereinafter "Petitioners") of the subject property located at 5230 Washington Blvd. in the Relay/Halethorpe community of southwestern Baltimore County.

By his Order and Opinion, Administrative Law Judge Kotroco denied a Petition for Special Exception for the subject property to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with Baltimore County Zoning Regulations ("BCZR") Section 236.2. Associated zoning petitions for variance relief and special hearing relief in connection with the used car business operation were also denied. The subject property and requested relief are more fully described on the site plan of the subject property which was received into evidence and is part of the Administrative Law Judge's file.

This matter was scheduled for a public hearing to begin before the Board on February 7, 2012. As a preliminary matter before the hearing was opened, counsel for the Petitioners

(Lawrence E. Schmidt, Esquire) moved to dismiss the appeal with prejudice. In his remarks in open hearing, Mr. Schmidt noted that the Vehicles for Change, Inc. no longer desired to pursue approval of the use of the subject site for its operation. He further noted that Vehicles for Change, Inc. is a charitable organization, pursuant to Section 501(c)(3) of the Internal Revenue Code. The business for Vehicles for Change, Inc. is to obtain donated used vehicles. These vehicles are then repaired and refurbished and many are then sold at a discount price to eligible low income individuals and families. The nature of the business is to provide transportation for eligible individuals and families which could otherwise not afford their own vehicles. Under the BCZR, this use would be considered a "used car sales operation" and would thus require a special exception in the BR zone.

Although the Vehicles for Change, Inc. has operated at this site since 2005, the requisite special exception approval for a used car sales operation was never obtained. Moreover, additional variances and special hearing relief was required to legitimize the location of certain buildings, the parking layout and other applicable setbacks.

Mr. Schmidt advised that Vehicles for Change, Inc. has decided to abandon its business operation at this site and is relocating the business to Howard County. Thus, the business operation is being wound down and Vehicles for Change, Inc. will cease business operations at the site on or before May 15, 2012. People's Counsel also attended the hearing and noted the Petitioners right to dismiss its appeal pursuant to the Board's Rules of Practice and Procedure, specifically Rule 3.b.1. These Rules are found in Appendix H of the BCZR. Several interested citizens from the locale and David Thomas, Assistant to the Director of the Department of Public Works, all of whom opposed the relief also appeared at the hearing and did not voice any

objection to the dismissal. Thus, in accordance with the aforesaid Rule, the appeal is and shall hereby be dismissed.

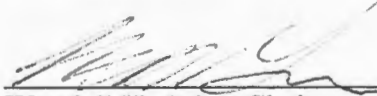
Upon the Motion to Dismiss, it is therefore, this 14th day of March, 2012, ORDERED, by the County Board of Appeals of Baltimore County, that the appeal is and shall hereby be DISMISSED, with prejudice, and,

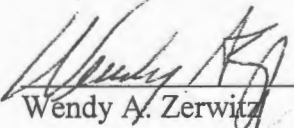
IT IS FURTHER ORDERED, that Vehicles for Change, Inc. or any other used car business operated under the authority of either Petitioner shall terminate and cease business operations at the subject location known as 5230 Washington Blvd. on or before May 15, 2012, and,

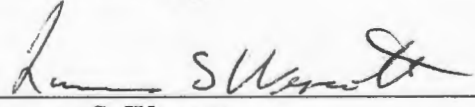
IT IS FURTHER ORDERED, that all assets belonging to Vehicles for Change, Inc. and Freedom Wheels Inc., including vehicles, trailers, signs and equipment, shall be removed from the property on or before May 15, 2012.

Any Petition for Judicial Review of this Opinion and Order must be made in accordance with Maryland Rules 7-201 through 7-210.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Chairman


Wendy A. Zerwitz


Lawrence S. Wescott



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 14, 2012

Jason T. Vettori, Esquire
Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Ave, Ste 200
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Joann Garrity – Legal Owner*
Martin Schwartz, Contract Purchaser
Case No.: 11-258-SPHXA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Joann Garrity
Paul Lee
J. Andrew Plitt
Bill and Faith Hermann
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/Permits, Approvals & Inspections
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

Martin Schwartz/Vehicles for Change
Greg Senkus and Kimberly Box
Theresa Lowry
Grant Kidd, PAI, MS #1009
Timothy M. Kotroco, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Dave Thomas, Department of Public Works

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
410-821-0070
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the **28th** day of **October, 2011**, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to:

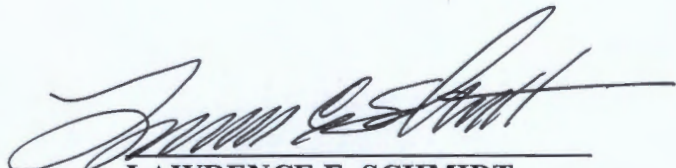
Theresa R. Shelton
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Kimberly Box & Greg Senkus
5171 Viaduct Avenue
Relay, MD 21227

J. Andrew Plitt
707 Woodland Drive
Relay, MD 21227

Theresa Lowry
2517 Hammonds Ferry Road
Baltimore, MD 21227

Bill & Faith Herman
5009 Hazel Avenue
Relay, MD 21227


LAWRENCE E. SCHMIDT

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

October 28, 2011

Sent via Hand Delivery

Director Arnold Jablon
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

RECEIVED

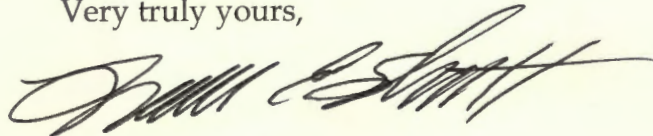
OCT 28 2011

Re: Vehicles for Change/5230 Washington Blvd.
Case No.: 2011-0258-SPHXA

Dear Mr. Kotroco:

Please find enclosed the Petitioners' Notice of Appeal and attached exhibits for filing in the above referenced matter. Additionally, I am enclosing our check for Six Hundred Fifty Dollars (\$650.00) for the filing of the Notice of Appeal. Thank you for your prompt attention to this most important matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

Enclosures

CC: Martin Schwartz, Vehicles for Change
Timothy M. Kotroco, Administrative Law Judge of Baltimore County
Theresa R. Shelton, Board of Appeals of Baltimore County
Attendees at hearing

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
corner NW Side of Washington Blvd. *
and SW side of South Street *
13th Election District *
1st Councilmanic District *
(5230 Washington Boulevard) *

Joann Garrity, *Legal Owner*
Martin Schwartz, *Contract Purchaser* *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

CASE NO. 2011-0258-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter came before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance filed by Joann Garrity, legal owner of the property, and Martin Schwartz, the lessee of the site. The original zoning relief involved property located at 5230 Washington Boulevard in the Halethorpe area of Baltimore County. The matter came before me on two separate occasions, the first of which was on April 4, 2011 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. Thereafter, a second hearing was held on June 13, 2011 at the same location where many residents of the surrounding community appeared and participated in the hearing. A decision was rendered on the matter, dated July 15, 2011, where the Applicant's request for Special Hearing, Special Exception and Variance were denied.

Thereafter, on or about August 15, 2011, Lawrence E. Schmidt, counsel for the Petitioner, filed a Motion for Reconsideration with this Office of Administrative Hearings. Among other things, the Motion for Reconsideration requested that the Petitioner, Martin Schwartz, have an opportunity to meet with his neighbors in order to work out a resolution of the issues raised at the hearing before me. Normally, these Motions are ruled upon within thirty

ORDER RECEIVED FOR FILING

Date

By

9-29-11

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(30) days of their submittal. However, I deemed it appropriate to extend that time limitation in order to afford the Applicant an opportunity to meet with his neighbors.

Several emails and letters followed the filing of the Motion of Reconsideration. For example three days after the filing of the Motion for Reconsideration, People's Counsel for Baltimore County submitted an email, dated August 18, 2011, objecting to the Motion for Reconsideration alleging that the Motion was not timely filed. The arguments of People's Counsel were contained within a two-page, single spaced email that was sent to my attention and copied to Mr. Schmidt as attorney for the Applicant as well as members of the surrounding community. The next day on August 19, 2011, another email was sent to this Office from the People's Counsel for Baltimore County indicating that his original objection to the timeliness of the filing was withdrawn after discussions with Lawrence E. Schmidt, Esq. concerning the law applicable to the filing of Motions for Reconsideration.

As stated previously, this Office afforded the Petitioner and the Protestants an opportunity to meet and discuss any solutions they may have regarding the use of the property occurring at 5230 Washington Boulevard. A few emails have gone back and forth between the parties, none of which have generated any meaningful attempts at resolving the issues relating to the activity occurring on this property. It does not even appear that the parties have scheduled a meeting to discuss the matter. In my judgment, enough time has passed in order to give the parties an opportunity to bring this matter to a resolution or at least set a meeting to discuss same. It has been 45 days since the filing of the Motion of Reconsideration, and I believe it is now appropriate to rule on this Motion as to whether my original decision, dated July 15, 2011, should be modified.

ORDER RECEIVED FOR FILING

Date

9-29-11

By

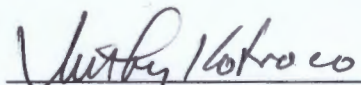
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In my judgment, there have been no meaningful discussions between the parties and no progress made toward a resolution of the differences between the parties. Accordingly, I shall deny the Motion for Reconsideration.

THEREFORE, IT IS THIS 29th day of September, 2011 by this Administrative Law Judge for Baltimore County, ORDERED that the Motion for Reconsideration filed August 15, 2011, requesting a hearing and/or reconsideration of my previous Order, dated July 15, 2011, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this case, which had been stayed by the filing of this Motion for Reconsideration, shall run from the date of this Order.

Any appeal of this case must be filed within thirty (30) days from the date of this Order on Motion for Reconsideration.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw

c: Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue,
Suite 200, Towson, MD 21204
Kimberly Box, 5171 Viaduct Avenue, Relay, MD 21227
J. Andrew Plitt, 707 Woodland Drive, Relay MD 21227
Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore MD 21227
Bill and Faith Herman, 5009 Hazel Avenue, Relay MD 21227
Greg Senkus, 5171 Viaduct Avenue, Relay MD 21227
Baltimore County Code Enforcement

ORDER RECEIVED FOR FILING

Date 9-29-11

By 103

SMITH, GILDEA & SCHMIDT LLC

TR
6-13-11
hearings

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

August 15, 2011

Honorable Timothy M. Kotroco
Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED

AUG 15 2011

OFFICE OF ADMINISTRATIVE HEARINGS

**Re: Vehicles for Change/5230 Washington Blvd
Case No. 2011-0258-SPHXA**

Dear Administrative Law Judge Kotroco:

Kindly accept this letter as a Motion for Reconsideration of the Opinion and Order issued by you in the above matter on July 15, 2011. This Motion is filed pursuant to Rule K of the Zoning Commissioner's Rules of Practice and Procedure (see Appendix G, Baltimore County Zoning Regulations).

Within your opinion, you cite a perceived "inventory control problem" as the reason for your denial of the Petition for Special Exception. Your opinion states that the Petitioner "does not have the ability to control the inventory" of vehicles on the property because they are donated, and not purchased; as is the case with other used car dealers. Respectfully, Vehicles for Change can most certainly control its inventory. The Petitioner can control the volume of vehicles on this property through a variety of business practices. As importantly, Vehicles for Change leases other property (outside of Baltimore County) where several vehicles can be stored or accepted. This alternate site allows the Petitioner to relocate cars to a second property if the subject property threatens to become overcrowded. In addition, the Petitioner is developing a process that will immediately deliver cars to be sold at auction to be taken directly to auction as opposed to being brought to the current location.

Most respectfully, it would seem to me to be most appropriate to address your concerns by other means, rather than denying the petitions outright. As you know, the Administrative Law Judge has the authority to impose reasonable restrictions and conditions upon the grant of any special exception. Therefore, you could, for example, limit the total number of vehicles on the property at any one time to a certain number. Additionally, you could require that

Honorable Timothy M. Kotroco

August 15, 2011

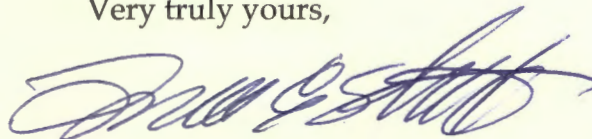
Page 2

vehicles which will not be sold to the public and/or distributed to a needy family be removed/relocated to another property within a certain time frame (e.g. vehicles that will not be re-sold must be moved within 48 hours). There may well be other alternatives to address your concerns.

Under the circumstances, I would request that you grant this Motion for Reconsideration and strike your prior order. This will provide my client and the neighbors with an opportunity to meet and discuss a maximum capacity and/or other methods which might be utilized to control the volume of vehicles on the property at any one time. If we can reach agreement, I will ask that the hearing be rescheduled so that the agreement can be placed "on the record" and a revised opinion and order issued in accordance therewith. If we are unable to reach agreement, then I will ask that you reschedule the hearing to consider our alternate proposal OR reinstate your prior order so that an appeal can be taken to the Board of Appeals. In other words, I would like the opportunity to address the issues that you have identified and attempt to reach agreement with the neighbors. If that agreement is not possible, I would like to preserve my client's right to appeal. I would also like to consult with Petitioner's engineer (his and my schedule have conflicted due to vacations) and obtain his input as to the storage capacity of the site.

Please advise whether you will grant this request for reconsideration in order to permit a discussion of the issues between the parties in the manner outlined above. As noted below, I have copied all of those who attended the hearing.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Lawrence E. Schmidt", with a stylized, cursive script.

Lawrence E. Schmidt

LES: jkl

CC: Marty Schwartz, Vehicles for Change
Jason T. Vettori, Esquire
Paul Lee, Century Engineering
Attendees at hearing

**IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE**

corner NW Side of Washington Blvd.
and SW side of South Street
13th Election District
1st Councilmanic District
(5230 Washington Boulevard)

Joann Garrity, *Legal Owner*
Martin Schwartz, *Contract Purchaser*
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* **CASE NO. 2011-0258-SPHXA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance for the property located a 5230 Washington Boulevard in Halethorpe. The Petitions were filed by Joann Garrity, legal owner, and Martin Schwartz, authorized representative for Vehicles for Change. Special Hearing relief is requested to approve a modified parking plan pursuant to Section 409.12 of the Baltimore County Zoning Regulations ("BCZR"); and, if necessary, a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR, and for such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Petitioners are also requesting Special Exception relief to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with BCZR Section 236.2, and for such other and further relief as may be required by the Administrative Law Judge. In addition, Petitioners are requesting Variance relief to allow the storage and display of vehicles within 0 feet of the front property line in lieu of the minimum permitted 10 feet (15 feet in front of the required building line [25 feet]), pursuant to BCZR Section 238.4; to allow existing buildings with front/rear/side yard setbacks of 4.5 feet

Date 7-15-11 sen
By [Signature]

between buildings (Building Nos. 1 and 2) in lieu of the minimum 60 feet required for front/rear/side yard setbacks, pursuant to BCZR Sections 238.1 and 238.2; to allow existing buildings with front/rear/side yard setbacks of 17.9 feet between buildings (Building Nos. 2 and 3) in lieu of the minimum 60 feet required for front/rear/side yard setbacks, pursuant to Sections 238.1 and 238.2; to allow existing building (Building No. 3) with a front/rear/side yard setback from the property line of 24 feet (and 4 feet from the zone division line) in lieu of the minimum required 30 feet for front/rear/side yard setbacks, pursuant to Sections 238.1 and 238.2; and for other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County. The subject property and requested relief are more particularly shown on the Plat to Accompany the Petition for Special Hearing, received into evidence as Petitioners' Exhibit 1.

It should be noted that this matter was originally set before this Administrative Law Judge on Monday, April 4, 2011, at 10:00 AM in Room 205 of the Jefferson Building in Towson, Maryland. Appearing at the hearing at that time were Marty Schwartz, a representative of Vehicles for Change, Paul Lee, a professional engineer with Century Engineering and Lawrence E. Schmidt, attorney at law representing the Petitioner. There were no Protestants in attendance. However, the morning of the hearing, a number of phone calls were received by the Office of Administrative Hearings relative to this case. Several residents from the surrounding community objected to the hearing indicating that signs that were posted on the property were not conspicuously posted and they were unable to see them in time to attend the hearing. Therefore, at the hearing on April 4, 2011, it was agreed that should these citizens continue to have objections regarding this zoning request, that the matter would be reset for a new hearing where the surrounding members of the community could attend. As a result, the matter came before me for a

Date 7-15-11

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second hearing on June 13, 2011, where several members of the surrounding community did appear and participate in the proceeding.

Appearing at the second hearing on behalf of the Applicant were Marty Schwartz, representing Vehicles for Change, Paul Lee, a professional engineer who prepared the site plans of the property, and Lawrence E. Schmidt, Esquire, representing the Applicant. Appearing in opposition to the request were those same citizens who showed concern over the hearing occurring in April, namely Kimberly Box, J. Andrew Plitt, Theresa Lowry, Bill and Faith Herman, and Greg Senkus.

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this request, consists of 1.48 acres the majority of which is zoned BR with a small strip of land located to the rear of the site zoned RC 2. The property is improved with several brick buildings and a newly placed 2,770 square feet office trailer. The property is the home of a business known as Vehicles for Change which Mr. Schwartz has operated on the property since 2005.

It should be noted that Vehicles for Change was awarded a conditional permit to open and operate their business back in 2005 by the undersigned in my former capacity as Director of Permits and Development Management. That permit was issued on condition that Vehicles for Change file a Petition with the Zoning Commissioner to have the property approved for the purpose of operating a used motor vehicle outdoor sales agency in accordance with Section 236.2 of the B.C.Z.R. It was agreed that the Petition would be filed in a timely manner so as to get the requisite formal approval to operate Vehicles for Change on this property. Now, approximately 5.5 years after conditional approval was given, the Applicant has finally made his request for special exception to operate his business on this property. It should also be noted that the Petition

for zoning relief filed at this time was filed as a result of a Code violation case brought against the owner by the Department of Permits, Approvals and Inspections. That violation involves constructing a 2,770 square foot sales office trailer on the property without the benefit of first obtaining a building permit for its placement. One has to question whether the zoning relief would have ever been filed for this property were it not for the Code violation case filed against the property owner by Glen Berry, Chief of the Division of Code Inspections and Enforcement for the Department of the Department of Permits, Approvals and Inspections. The violation case has called into question a floodplain that exists on the property and whether the new office trailer that has been constructed may be permitted to remain. However, it should be noted that the floodplain issue is not a matter that is pending before this Administrative Law Judge at this time. That matter will be dealt with by the Building Engineer of Baltimore County outside this hearing.

A brief explanation of the business that is operating on this property is in order. At the present time, Vehicles for Change leases the subject property from Joann Garrity, the owner of the property. Vehicles for Change is a 501c(3) charitable organization who is in the business of providing low cost automobiles to families in need of assistance. These families receive reliable transportation for work purposes and to assist them in transporting their children and family to various school and recreational related activities. Vehicles for Change operates in Carroll, Anne Arundel and Montgomery Counties as well as Baltimore City and surrounding areas. It is common to hear advertisements on local radio stations for Vehicles for Change soliciting donations of used vehicles from members of the public for the purpose of rehabilitating those vehicles and then awarding the refurbished vehicle to a family in need. The program has been very successful and many families have become owners of these vehicles and hopefully have improved their station in life.

Vehicles for Change works with surrounding service garages, automobile parts suppliers and other corporate partners who also assist in providing low cost transportation to these families. In addition to Vehicles for Change, a second type of sales operation has also grown out of this business. The Applicant also operates a business known as Freedom Wheels which sells automobiles from the subject property to members of the general public, not necessarily those families in need. By way of further explanation, Vehicles for Change takes the newer, more valuable vehicles that are donated by members of the public and sells them at fair market value to members of the general public. The proceeds from the sale of these new vehicles goes back into the charity and those funds are used to refurbish the vehicles that are sold to qualifying needy families. Freedom Wheels is a separate entity, but operates under the umbrella of Vehicles for Change.

What distinguishes this type of used motor vehicle sales operation from others typically found around Baltimore County is the manner by which this business obtains the cars they sell to the public. All of the inventory that is provided to Vehicles for Change are by way of charitable donations from members of the general public. These individuals arrange to drop off their used vehicles at this location, in return for which they receive a generous tax deduction from their personal income tax filings. Vehicles for Change also provides a towing service for those vehicles that are inoperable. The towing service is provided free of charge to the donor of the vehicle. This is very different from a typical used car sales operation in that the manager of a more typical used car lot would purchase their vehicles from a wholesale auction house or would acquire them from new car sales businesses after an individual has traded in a used vehicle. There is an important distinction to be made between these two types of businesses.

Date 7-15-11

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Vehicles for Change does not have the ability to control the inventory that is brought to their premises. Donations of vehicles from the general public are not turned away. Mr. Schwartz testified that they accept all donations from citizens and on any given day donations could amount to as many as 20 or 30 cars being brought to the property in one day. Donations of vehicles are even greater at the end of year when citizens are looking for tax deductions. Unlike other used car facilities, Vehicles for Change does not have control over how many members of the public decide to make donations of vehicles. According to the citizens who appeared in opposition to the request, this causes many cars to be dispersed about the property in a disorderly and hap-hazard fashion. Cars are even sometimes left out on South Street which is the residential road that leads back to their community.

A typical used car sales facility will limit the amount of inventory they purchase from a wholesale auction house by the general manager simply deciding that they have enough inventory offered for sale on the lot at any given time. Therefore, the general manager of a typical used car sales facility would wait until cars are sold and his inventory is reduced before he goes out and purchases more inventory to be sold. This does not occur with Vehicles for Change. They take what cars they can from the general public when they are willing to make the donation of those automobiles to Vehicles for Change.

Compounding this inventory control problem is the fact that the property, which is the subject of this special exception request, is only 1.48 acres in size with a limited area for vehicle storage. In fact, the rear portion of the property is zoned RC 2, the same as the adjacent Patapsco State Park property. Vehicles for Change has expanded into the RC 2 zoned portion of their property in order to gain much needed storage space. Part of the special hearing relief before me is to allow that storage of cars to continue to occur in that RC 2 area of the property. It should also

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Bv *js*

be noted that the State Highway Administration's right-of-way line for Washington Blvd. (US Route 1) also extends onto the area of the property used by Vehicles for Change. Prior to the filing of the Petition herein, Vehicles for Change was engaged in the practice of storing their automobiles for sale in the State right-of-way of US Route 1. A representative from the State Highway Administration visited the property and approached the business asking them to move these vehicles for display off of the State Highway property and onto the property leased by Vehicles for Change.

The Applicant is requesting a special exception to approve a used motor vehicle outdoor sales area on the subject property. In my 12 years as Deputy Zoning Commissioner prior to becoming Director of Permits and Development Management, I have approved many such special exception uses. However, the type of business being operated at this location is far more intense than a typical used car sales operation. In addition to being a used car sales lot, this property is also operates as a vehicle donation facility for those folks in the Baltimore metropolitan area who choose to donate and drop off their used, inoperable, and damaged vehicles for either resale on the property or for processing through automobile wholesale auctions or simply further transport to vehicle dismantling facilities or junkyards. There is simply too much occurring on this property for it to be able to continue without a detrimental impact on the surrounding community. The owner has no control over the amount of inventory that is brought to this property. In my opinion, the vehicle donation operation should occur on another parcel of land, separate and apart from this property and that this property should simply operate as a used car lot. However, that is not the request before me at this time. The request before me is a special exception to approve the use as is occurring on the property today. As the testimony before me demonstrated, the use is too intense for this property, it has extended into the RC 2 portion of the property adjacent to the

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7-15-11

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Patapsco State Park, and out into the right-of-way area for US Route 1. At certain times cars are stored out along South Street, the residential street leading back to the Patapsco State Park and the residential communities in this area.

I find that based on the totality of the evidence presented at the hearing that the use as it exists today would be detrimental to the health, safety or general welfare of the locality involved and the special exception request to approve that use should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this matter held, and after considering the testimony and evidence offered,

IT IS ORDERED this 15th day of July, 2011, by this Administrative Law Judge, that the Petition for Special Exception to approve a used motor vehicle outdoor sales area separated from a sales agency building, be and is hereby DENIED.

IT IS FURTHER ORDERED, having denied the Special Exception use, the Petition for Special Hearing to approve a modified parking plan pursuant to Section 409.12 of the Baltimore County Zoning Regulations ("BCZR"); and, if necessary, a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR, and for such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County, be and is hereby DENIED.

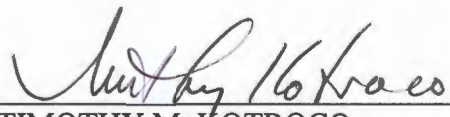
IT IS FURTHER ORDERED, having denied the Special Exception use, that the Petition for Variance to allow the storage and display of vehicles within 0 feet of the front property line in lieu of the minimum permitted 10 feet (15 feet in front of the required building line [25 feet]), pursuant to BCZR Section 238.4; to allow existing buildings with front/rear/side yard setbacks of 4.5 feet between buildings (Building Nos. 1 and 2) in lieu of the minimum 60 feet required for front/rear/side yard setbacks, pursuant to BCZR Sections 238.1 and 238.2; to allow existing

Date

By

buildings with front/rear/side yard setbacks of 17.9 feet between buildings (Building Nos. 2 and 3) in lieu of the minimum 60 feet required for front/rear/side yard setbacks, pursuant to Sections 238.1 and 238.2; to allow existing building (Building No. 3) with a front/rear/side yard setback from the property line of 24 feet (and 4 feet from the zone division line) in lieu of the minimum required 30 feet for front/rear/side yard setbacks, pursuant to Sections 238.1 and 238.2, be and is hereby DENIED.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date

7-15-11

By





KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 15, 2011

LAWRENCE E. SCHMIDT, ESQUIRE
SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing, Special Exception and Variance
Case No. 2011-0258-SPHXA
Property: 5230 Washington Boulevard

Dear Mr. Schmidt:

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, Approvals and Inspections. If you require additional information concerning filing an appeal, please feel free to contact the appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Kimberly Box, 5171 Viaduct Avenue, Relay MD 21227
J. Andrew Plitt, 707 Woodland Drive, Relay MD 21227
Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore MD 21227
Bill and Faith Herman, 5009 Hazel Avenue, Relay MD 21227
Greg Senkus, 5171 Viaduct Avenue, Relay MD 21227



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5230 Washington Blvd
which is presently zoned BR & RC 2

(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)

PLEASE SEE ATTACHED

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:

Martin Schwartz, Authorized Representative for Vehicles for Change

Name - Type or Print _____
Signature _____
5230 Washington Blvd (410) 242-9674
Address Telephone No.
Halethorpe MD 21227
City State Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print _____
Signature _____
Smith, Gildea & Schmidt, LLC
Company
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No.
TOWSON MD 21204
City State Zip Code

Date 7-15-11

By Jr

Case No. 2011-0258-SP4XA
REV 9/15/98

Legal Owner(s):

Joann Garrity
Name - Type or Print _____
Signature _____
Name - Type or Print _____

Signature _____
P.O. Box 125 (443) 244-2849
Address Telephone No.
Upperco MD 21155
City State Zip Code

Representative to be Contacted:

Jason T. Vettori, Smith, 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 JF Date 3/2/11

ATTACHMENT TO PETITION FOR SPECIAL HEARING

5230 Washington Boulevard

1. A modified parking plan per Section 409.12 of the Baltimore County Zoning Regulations (BCZR); and, if necessary,
2. A use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR; and
3. For such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 5230 Washington Blvd

which is presently zoned BR & RC 2

Deed Reference: 14158 / 329 Tax Account # 1600000843

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

PLEASE SEE ATTACHED

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:

Martin Schwartz, Authorized Representative for Vehicles for Change

Name - Type or Print

Signature

5230 Washington Blvd

(410) 242-9674

Address

Halethorpe

MD

Telephone No.

21227

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Smith, Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

Joann Garrity

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 125

(443) 244-2849

Address

Upperco

MD

Telephone No.

21155

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Towson

MD

21204

City

State

Zip Code

Case No. 2011-0258-JPHXA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF

Date 3/2/11

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

5230 Washington Boulevard

1. To approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with BCZR Section 236.2.
2. For such other and further relief as may be required by the Administrative Law Judge.



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 5230 Washington Blvd
which is presently zoned BR & RC 2

Deed Reference: 14158 / 329 Tax Account # 1600000843

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 Variance from Section(s)

PLEASE SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above Variance, 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:

Martin Schwartz, Authorized Representative for Vehicles for Change

Name - Type or Print

Signature

5230 Washington Blvd (410) 242-9674

Address Telephone No.

Halethorpe MD 21227

City State Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Smith, 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):

Joann Garrity

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 125 (443) 244-2849

Address Telephone No.

Upperco MD 21155

City State Zip Code

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200 (410) 821-0070

Address Telephone No.

Towson MD 21204

City State Zip Code

Case No. 2011-0258-SPHXA

Office Use Only

ORDER RECEIVED FOR FILING

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

Date 7-15-11

Reviewed by JF Date 8/2/11

By pm

ATTACHMENT TO PETITION FOR VARIANCE

5230 Washington Boulevard

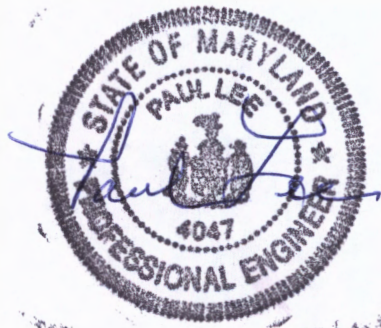
1. 238.4 of the BCZR to allow the storage and display of vehicles within 0 feet of the front property line in lieu of the minimum permitted 10 feet (15 feet in front of the required building line (25 feet)); and
2. 238.1 and 238.2 of the BCZR to allow existing buildings with front/rear/side yard setbacks of 4.5 feet between buildings (Building Nos. 1 and 2) in lieu of the minimum 60 feet required for front/rear/side yard setbacks; and
3. 238.1 and 238.2 of the BCZR to allow existing buildings with front/rear/side yard setbacks of 17.9 feet between buildings (Building Nos. 2 and 3) in lieu of the minimum 60 feet required for front/rear/side yard setbacks; and
4. 238.1 and 238.2 of the BCZR to allow existing building (Building No. 3) with a front/rear/side yard setback from the property line of 24 feet (and 4 feet from the zone division line) in lieu of the minimum required 30 feet for front/rear/side yard setbacks; and
5. For such other and further relief as deemed necessary by the Zoning Commissioner for Baltimore County.

DESCRIPTION**5230 WASHINGTON BLVD (U.S. ROUTE 1)****ELECT. DIST. 13 COUNCILMANIC DIST. 1**

Beginning for the sane at a point on the northwest side of the Baltimore-Washington Boulevard (U.S. Route 1) as shown on State Roads Commission Right of Way Plat #41306, said point being located 115 feet± southwesterly from the center of South Street thence leaving said point of beginning and running and binding on said right of way line ;

1. South 39° 35' 24" West 208'± to a State Roads Commission monument, thence leaving said SRC Monument and running and binding on SRC Right of Way Plat #13508 the 2 following courses and distances:
2. North 42° 38' 42" West 70.96 feet and
3. North 83° 43' 28" West 156.00 feet. Thence leaving said right of way line of through highway
4. North 40° 06' 45" East 361.00 feet± to intersect the southeasterly right of way line of Green Street as recorded on SRC Right of Way Plat #41306, thence running and binding on said southeast right of way line of Green Street, the 3 following courses and distances:
5. Southeasterly 39.02 feet± to Sta. 29+00 located on the southeast right of way of Green Street, thence continuing along said, right of way line
6. South 52° 06' 17" East 120.00 feet to a point at Sta. 30+20 on the southeast right of way line of Green Street thence leaving said point
7. Southwesterly 92.00 feet± to intersect the northwest side of Baltimore Washington Boulevard (U.S. Rte.1) and said point of beginning.

Containing 64,468 square feet or 1.48 acres of land, more or less.



0258

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

No. 647
 Date: 3/2/11

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	206	0000		6150					750.

Total: 750.

Rec From: Smith, Guiton & Schmitt LLC

For: Payment for various special Ex. & Special Asses.
0220 Washington Blvd.

2011-0205 - SPN X A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

10/28
Per Jen,
Knutson to
bring file
over.

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

No. **76084**

Date: 10/28/11

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
10/31/2011 10/28/2011 15:29:30 5

REC #503 WALKIN ROOS LRB
>> RECEIPT # 555712 10/28/2011 DFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 076084

Recpt Tot \$650.00
\$650.00 CK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$650.00

Total: \$650.00

Rec From:

For:

appeal - case # 2011-0258-SPHXA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING

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

Case: # 2011-0258-SPHXA
5230 Washington Boulevard
Corner N/West side of Washington Boulevard and
S/West side of South Street
13th Election District - 1st Councilmanic District
Legal Owner(s): Joann Garrity
Contract Purchaser: Martin Schwartz for Vehicles
for Change

Special Hearing: for a modified parking plan and if necessary, a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Sect. 409.6 of the BCZR, pursuant to Sect. 409.8 of the BCZR, and for such other and further relief as may be deemed necessary by the Administrative Law Judge. **Variance:** to allow the storage and display of vehicles within 0' of the front property line in lieu of the minimum permitted 10' (15' in front of the required building line (25'); and to allow existing buildings with front/rear/side yard setbacks of 4.5' between buildings (building nos. 1 & 2) in lieu of the minimum 60' required for front/rear/side yard setbacks; and to allow existing buildings with front/rear/side yard setbacks of 17.9' between buildings (building nos. 2 and 3) in lieu of the minimum 60' required for front/rear/side yard setbacks; and to allow existing building (building #3) with a front/rear/side yard set back from the property line of 24' (and 4' from the zone division line) in lieu of the minimum required 30' for front/rear/side yard setbacks; and for such other and further relief as deemed necessary by the Zoning Commissioner for Baltimore County. **Special Exception:** to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with Sect. 236.2; and for such other and further relief as may be deemed by the Administrative Law Judge.

Hearing: Monday, April 4, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

3/139 Mar. 17 269784

3.21, 2011

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 3.17, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0258-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Martin Schwartz for Vehicles for Change

April 4, 2011

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: Kristen 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: _____

5230 Washington Boulevard

March 19, 2011

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

Sincerely,

 **March 23, 2011**

(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 # 2011-0258 SPHXA

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

Room 205, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVE Towson 21204

DATE AND TIME: MONDAY, APRIL 4, 2011 AT 10:00 A.M.

REQUEST: SPECIAL HEARING FOR A MODIFIED PARKING PLAN
AND IF NECESSARY, A USE PERMIT FOR THE USE OF

LAND IN A RESIDENTIAL ZONE FOR PARKING FACILITIES TO MEET THE
REQUIREMENTS OF SECT. 109-6 OF THE BCZ, PURSUANT TO SECT
407B OF THE BCZ, AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY
BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. VARIANCE
TO ALLOW THE STORAGE AND DISPLAY OF VEHICLES WITHIN 0' OF THE FRONT
PROPERTY LINE IN LIEU OF THE MINIMUM PERMITTED 10' (15' IN FRONT
OF THE FRONT BUILDING LINE (25')), AND TO ALLOW EXISTING
BUILDINGS WITH FRONT/REAR/SIDE YARD SETBACKS OF 4.5' BETWEEN
BUILDINGS (BUILDING NOS 1 & 2) IN LIEU OF THE MINIMUM 60'
REQUIRED FOR FRONT/REAR/SIDE YARD SETBACKS, AND TO ALLOW
EXISTING BUILDINGS WITH FRONT/REAR/SIDE YARD SETBACKS OF 17.9' BETWEEN
BUILDINGS (BUILDING NOS.

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

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

ZONING NOTICE

CASE # 2011-0258-SPHXA

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

Room 205, JEFFERSON BUILDING 21204
105 WEST CHESAPEAKE AVENUE, TOWSON
PLACE

DATE AND TIME: MONDAY, APRIL 4, 2011 AT 10:00 A.M.

REQUEST: CONTINUED 2 AND 3) IN LIEU OF THE MINIMUM
60' REQUIRED FOR FRONT/REAR/SIDE YARD SETBACKS;

AND TO ALLOW EXISTING BUILDING (BUILDING #2) WITH A FRONT/REAR
SIDE YARD SET BACK FROM THE PROPERTY LINE OF 2.4' (AND 4' FROM
THE ZONE DIVISION LINE) IN LIEU OF THE MINIMUM REQUIRED 30'
FOR FRONT/REAR/SIDE YARD SETBACKS, AND FOR SUCH OTHER AND
FURTHER RELIEF AS DEEMED NECESSARY BY THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY. SPECIAL EXCEPTION TO APPROVE A USED
MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES
AGENCY BUILDING IN ACCORDANCE WITH SECT. 236-2, AND FOR
SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED BY THE
ADMINISTRATIVE LAW JUDGE.

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

2011-0258-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Martin Schwartz for Vehicles for Change

June 13, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

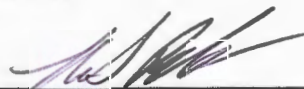
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

5230 Washington Blvd

May 31, 2011

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

Sincerely,



May 31, 2011

(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 #2011-0258-SPHXA

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

PLACE: ROOM 205 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, JUNE 13, 2011 AT 10:00 A.M.

REQUEST: SPECIAL HEARING FOR A MODIFIED PARKING PLAN AND
IN A RESIDENTIAL ZONE FOR PARKING FACILITIES TO MEET THE REQUIRE-
MENTS OF SECT. 409.6 OF THE BCZR PURSUANT TO SECT. 409.8
OF THE BCZR, AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY
BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.
VARIANCE TO ALLOW THE STORAGE AND DISPLAY OF VEHICLES
WITHIN 0' OF THE FRONT PROPERTY LINE IN LIEU OF THE MINIMUM
PERMITTED 10' (15' IN FRONT OF THE REQUIRED BUILDING LINE (22')
AND TO ALLOW EXISTING BUILDINGS WITH FRONT/SIDE/REAR YARD
SETBACKS OF 4.5' BETWEEN BUILDINGS (BUILDING NOS. 1 & 2) IN
YARD SETBACKS AND TO ALLOW () VEHICLES FOR FRONT/SIDE/REAR
EXISTING BUILDINGS WITH
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 807-3381

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

PL
DAT
REQ
OF 17.9'
THE MIN
- BACKS
FRONT/5'
1 AND 4'
REQUIRED
OTHER AND
LAW 300
OUTDOOR 5
REQUIRE
RELIEF AS
LAW JUDGE
POSTPONEMENT
DO NOT REMOVE

ZONING NOTICE

CASE # 2011-0258-SPHXA

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

ROOM 203 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21204

PLACE:

DATE AND TIME MONDAY, JUNE 13, 2011 AT 10:00 A.M.

REQUEST: CONTINUED FRONT/SIDE/REAR YARD SETBACKS
OF 17.9' BETWEEN BUILDINGS (BUILDING NOS 2 AND 3) IN LIEU OF
THE MINIMUM 60' REQUIRED FOR FRONT/SIDE/REAR YARD SET-
BACKS AND TO ALLOW EXISTING BUILDING (BUILDING NO 3) WITH
FRONT/SIDE/REAR YARD SETBACKS FROM THE PROPERTY LINE OF 24'
(AND 4' FROM THE ZONE DIVISION LINE) IN LIEU OF THE MINIMUM
REQUIRED 30' FOR FRONT/SIDE/REAR YARD SETBACKS AND FOR SUCH
OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ADMINISTRATIVE
LAW JUDGE. SPECIAL EXCEPTION TO APPROVE A USED MOTOR VEHICLE
OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING IN
ACCORDANCE WITH SEC 2-36.2. AND FOR SUCH OTHER AND FURTHER
RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE
LAW JUDGE.

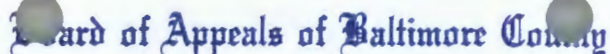
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

10:00 A.M.
THE PLAN AND
USE OF LAND
THE BEHIND
SECT. 409.8
LIE AS MAY
BE JUDGE
OF VEHICLES
BE MINIMUM
LIVING LINE (25)
IS/REAR YARD
NOS. 1+2, 3 IN
FRONT/SIDE/REAR
YARDS WITH
SOMETIMES NECESSARY.

BE PENALTY OF LAW



**Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue**

December 5, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-258-SPHXA IN THE MATTER OF: Joann Garrity - Legal Owner
5230 Washington Blvd / 13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing for

- 1) a modified parking plan;
- 2) a use permit for the use of land in a residential zone for parking facilities;

Petition for Special Exception to approve a used motor vehicle outdoor sales area, separated from sales agency building.

Petition for Variance to allow

- 1) the storage and display of vehicles within 0 feet of the front property line ilo min permitted 10 ft;
- 2) existing buildings with front/rear/side yard setbacks of 4.5 ft between buildings (1 and 2) ilo min 60 ft required;
- 3) existing buildings with front/rear/side yard setbacks of 17.9 ft between buildings (2 and 3) ilo min 60 ft required;
- 4) existing building (No 3) with a front/rear/side yard setback from the property line of 24 ft (and 4 ft from the zone division line) ilo min 30 ft required.

7/15/11 Opinion and Order issued by the Administrative Law Judge DENYING all requested relief.

8/15/11 Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of Petitioners

9/29/11 Order on Motion for Reconsideration issued by Administrative Law Judge DENYING said Motion.

ASSIGNED FOR: **TUESDAY, FEBRUARY 7, 2012, AT 10:00 A.M.;** (Day #1)
AND **WEDNESDAY, FEBRUARY 8, 2012, AT 10:00 A.M.;**
(Day #2, if needed)

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

PAGE 2

CASE #: 11-258-SPHXA IN THE MATTER OF: Joann Garrity - Legal Owner
5230 Washington Blvd / 13th Election District; 1st Councilmanic District

c: Counsel for Appellant/Legal Owner/Petitioner	: Lawrence E. Schmidt : Jason T. Vettori, Esquire Smith, Gildea & Schmidt, LLC
Appellant/Legal Owner/Petitioner	: Joann Garrity
Counsel for Appellant/Contract Purchaser/Petitioner	: Lawrence E. Schmidt : Jason T. Vettori, Esquire Smith, Gildea & Schmidt, LLC
Appellant/Contract Purchaser/Petitioner	: Martin Schwartz Vehicles for Change

Paul Lee
Greg Senkus and Kimberly Box
J. Andrew Plitt
Theresa Lowry
Bill and Faith Hermann

Office of People's Counsel
Grant Kidd, PAI, MS #1009
Lawrence M. Stahl, Managing Administrative Law Judge
Timothy M. Kotroco, Administrative Law Judge
Arnold Jablon, Director/Permits, Approvals & Inspections
Andrea Van Arsdale, Director/Department of Planning
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 17, 2011 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

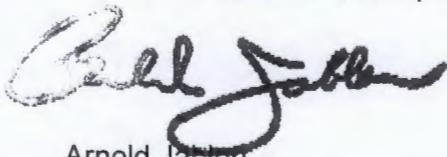
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0258-SPHXA

5230 Washington Boulevard
Corner N/west side of Washington Boulevard and S/west side of South Street
13th Election District – 1st Councilmanic District
Legal Owners: Joann Garrity
Contract Purchaser: Martin Schwartz for Vehicles for Change

Special Hearing for a modified parking plan and if necessary, a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Sect. 409.6 of the BCZR, pursuant to Sect. 409.8 of the BCZR, and for such other and further relief as may be deemed necessary by the Administrative Law Judge. Variance to allow the storage and display of vehicles within 0' of the front property line in lieu of the minimum permitted 10' (15' in front of the required building line (25')); and to allow existing buildings with front/rear/side yard setbacks of 4.5' between buildings (building nos. 1 & 2) in lieu of the minimum 60' required for front/rear/side yard setbacks; and to allow existing buildings with front/rear/side yard setbacks of 17.9' between buildings (building nos. 2 and 3) in lieu of the minimum 60' required for front/rear/side yard setbacks; and to allow existing building (building #3) with a front/rear/side yard set back from the property line of 24' (and 4' from the zone division line) in lieu of the minimum required 30' for front/rear/side yard setbacks; and for such other and further relief as deemed necessary by the Zoning Commissioner for Baltimore County. Special Exception to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with Sect. 236.2; and for such other and further relief as may be deemed by the Administrative Law Judge.

Hearing: Monday, April 4, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
March 7, 2011

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0258-SPHXA

5230 Washington Boulevard
Corner N/west side of Washington Boulevard and S/west side of South Street
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Legal Owners: Joann Garrity
Contract Purchaser: Martin Schwartz for Vehicles for Change

Special Hearing for a modified parking plan and if necessary, a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Sect. 409.6 of the BCZR, pursuant to Sect. 409.8 of the BCZR, and for such other and further relief as may be deemed necessary by the Administrative Law Judge. Variance to allow the storage and display of vehicles within 0' of the front property line in lieu of the minimum permitted 10' (15' in front of the required building line (25')); and to allow existing buildings with front/rear/side yard setbacks of 4.5' between buildings (building nos. 1 & 2) in lieu of the minimum 60' required for front/rear/side yard setbacks; and to allow existing buildings with front/rear/side yard setbacks of 17.9' between buildings (building nos. 2 and 3) in lieu of the minimum 60' required for front/rear/side yard setbacks; and to allow existing building (building #3) with a front/rear/side yard set back from the property line of 24' (and 4' from the zone division line) in lieu of the minimum required 30' for front/rear/side yard setbacks; and for such other and further relief as deemed necessary by the Zoning Commissioner for Baltimore County. Special Exception to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with Sect. 236.2; and for such other and further relief as may be deemed by the Administrative Law Judge.

Hearing: Monday, April 4, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Martin Schwartz, 5230 Washington Blvd., Halethorpe 21227
Joann Garrity, P.O. Box 125, Upperco 21155

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 19, 2011.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

**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: 2011 - 0258 - SPH X A
Petitioner: MARTIN SCHWARTZ - VEHICLES FOR CHARGE
Address or Location: 5230 WASHINGTON BLVD, HALETHORPE, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: SMITH, GILDEA & SCHMIDT, L.L.C. ATT. LAWRENCE E. SCHMIDT
Address: 600 WASHINGTON AVE, SUITE 200
TOWSON, MD. 21204

Telephone Number: 410-821-0700



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 30, 2011

Ms. Joann Garrity
P. O. Box 125
Upperco, MD 21155

RE: Case Number 2011-0258 SPHXA, 5230 Washington Blvd., Halethorpe, MD 21227

Dear Ms. Garrity,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 2, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Martin Schwartz, 5230 Washington Blvd, Halethorpe, MD 21227
Jason T. Vettori/Smith, Glidea & Schmidt, LLC. 600 Washington Avenue, Ste. 200,
Towson, MD 21204

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

TK 4-4 10AM
BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 18 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 17, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-258-SPHXA
Address 5230 Washington Boulevard
(Garrity Property)

Zoning Advisory Committee Meeting of March 7, 2011.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. Pursuant to Article 33, Title 6 of the Code, development of this site will require a forest buffer to be established 25 feet from the outer limit of the 100-year floodplain. Therefore, a forest buffer variance request must be submitted for the continued use of areas within the required forest buffer.

Reviewer: J. Russo; *Environmental Impact Review*



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 8, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **March 7, 2011**

Item No.:

Special Hearing: 2011-0255-SPH, 2011-0258-SPHXA (Buildings on the property)

Comments:

The proposed building changes and additions shall comply with the provisions of the Baltimore County Fire Prevention Code, County Bill No. 48-10 dated July 19, 2011.

Special Hearing: 2011-0258-SPHXA (Setbacks)

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Timothy M. Kotroco, Administrative Law Judge
Office of Administrative Hearings

From: David L. Thomas, Assistant to the Director *DLT*
Department of Public Works

Through: Edward C. Adams, Jr., Director *EC*
Department of Public Works

Date: April 11, 2011

Subject: Case No. 11-258-SPHXA
5230 Washington Blvd.

Our office has been advised by the petitioner's attorney, Jason Vettori of Smith, Gildea & Schmidt, and engineer, Paul Lee of Century Engineering, that the subject case was noted by the Office of Planning to involve areas in the 100-year floodplain. We were asked to provide information concerning floodplain at the subject property for your use in preparing the order.

Our research revealed a record of an inquiry by Robert Edelstein of Robnet, Inc (Industrial Fastener and Supply) on July 27, 2000, in which this office explained that the 100-year riverine flood elevation at the site is 44.3 (referenced to the NAVD 88 vertical datum). The ground elevation in the vicinity of the buildings on site at the time was 32, resulting in a flood depth exceeding twelve feet. The property owner at the time was Joann Garrity.

The source of this floodplain depth is the Patapsco River Basin Study of March 1980. After discussion with the engineer, we believe that the 100-year flood depth is still at least twelve feet at the site as it exists today.

If there are questions, please feel free to contact me at extension 3984.

DLT/s

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2011
Item Nos. 2011- 251, 252, 253, 254,
255, 256 and 258

DATE: March 8, 2011

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03142011 -NO COMMENTS.doc

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



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

Maryland Department of Transportation

March 8, 2011

Mr. Jun Fernando, Reviewer
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2011-0258-SPHXA
US 1 (Washington Blvd)
at South Street
Joann Garrity Property
5230 Washington Boulevard
Special Hearing Variance –
Special Exception -

Dear Mr. Fernando:

Thank you for the opportunity to review ZAC Agenda Item No. 2011-0258-SPHXA and the plat to accompany petition for Special Exception & Variance and Special Hearing associated with 5230 Washington Boulevard, which was received on March 7, 2011. It is my understanding that the aforementioned submission details to a request to modify the existing use to allow for the display and sale of used automobiles in a BR & RC2 zone as shown on the plan.

Based on a review and evaluation of existing conditions, the following comments are offered for your consideration:

- The subject property is accessible from US 1 (Washington Blvd) and South Street. Our State Highway Location reference Guide identifies US 1 (Washington Boulevard) as an urban arterial four lane undivided road, owner and maintained by the State Highway Administration (SHA). The Annual Average Daily Traffic volume on this section of US 1 is of 25,532 vehicle trips per day.
- We note that the site plan reflects a parking pattern for displaying vehicles offered for sale. It appears that the placement of these vehicles do not have the potential to impact existing ingress/egress points along the property fronting US 1.
- Periodically, the SHA conducts a review of the state highway system to ensure compliance with State and Federal laws of advertising. Federal regulations may be found in the Code of Federal Regulations, 23 CFR-Part 750, Intermodal Surface Transportation Efficiency Act, of 1991 (ISTEA), Highway Beautification Act of 1965 Federal/State Bonus Agreement, 1991 Surface Transportation Act, and Scenic Byway regulations. State Regulations are found in the Annotated Code of Maryland, Transportation, Section 8-701 through 8-749 and 21-205.
- Based on a visual inspection, some vehicles are displayed within the US 1 Right-of-Way. The placement of such vehicles is not permitted because of the potential conflict with the State's ability to maintain the US 1 corridor. (See attachment) The vehicles must be removed immediately. If violations continue, we will have no recourse but to turn the matter over to the District Four Engineer's Office for compliance.

In summation: The SHA recommends that Baltimore County Zoning Advisory Committee require the above as a condition of approval for 5230 Washington Boulevard Item No. 2011-02258-SPHXA. Please include our remarks in your staff report to the Zoning Hearing Officer.

My telephone number/toll-free number is _____

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

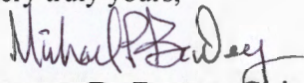
Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



Mr. Jun Fernando, Reviewer
Item: 2011-0258-SPHXA
5230 Washington Boulevard
Page 2

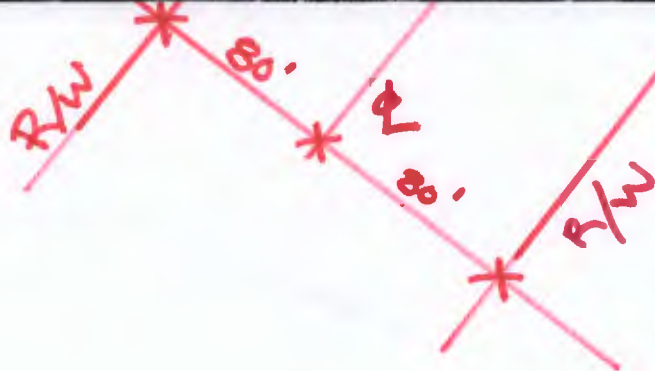
If you have any questions or need clarification regarding this matter, please contact Michael Bailey at 410-545-5593 or call our toll free number in Maryland only 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


for Steven D. Foster, Chief
Engineering Management Division

SDF/mb
Attachment

Cc: Ms. Joann Garrity, Owner
Mr. Dennis A. Kennedy, Development Plans Review, Baltimore County
Ms. Colleen M. Kelly, Development Manager, Baltimore County
Mr. Paul Lee, Engineer, Century Engineering
Mr. Joseph Merrey, Zoning Section, Baltimore County
Mr. John Murphy, Zoning Commissioner, Baltimore County
Mr. David Peake, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. Marvin Schwartz, Applicant



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: March 30, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 5230 Washington Boulevard

INFORMATION:

Item Number: 11-258

Petitioner: Joann Garrity

Zoning: BR & RC 2

Requested Action: Variance and Special Hearing

RECEIVED

APR 01 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

There are numerous issues regarding this property. See attached for the orthophoto and pictures. According to Baltimore County's GIS information, the entire site is located within a 100-year floodplain. The new mobile office building was placed on the site without a building permit. It isn't clear whether the new building is in compliance with the County's regulations for building in a floodplain.

As to the requested variance and special hearing, the Office of Planning objects to the storage and display of vehicles within 0' of the right-of-way line. The required 10' setback is both feasible and desirable. As to the other requested relief the Office of Planning does not object provided the following conditions are met:

1. If it is verified that the site is located within a floodplain, the new mobile office building should comply with all applicable regulations pertaining to building in a floodplain. If the office building is approved, erect an enclosure of compatible design and material around the entire base of the building.
2. Prohibit the parking/storage/display/drop-off of motor vehicles on unpaved areas.
3. Remove the gravel walkway that is located at the street corner.
4. Maintain all unpaved areas in good condition and protected with grass cover or other vegetative growth capable of preventing soil erosion and the emanation of dust.
5. Prohibit the parking/storage/display/drop-off of motor vehicles on access drives except where parking spaces are shown on an approved site plan.
6. Determine whether the roof-mounted sign is a lawfully existing sign.
7. Remove/prohibit all litter and debris.

8. Resurface all paved areas that are in poor condition.
9. Prohibit pennants, ribbons, streamers, balloons and similar objects.

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

Prepared by: _____

atm by JF.

Division Chief: _____

JM/LL: CM

Attachments

Lyman Jackson

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
5230 Washington Blvd.; NW/side of	*	ZONING COMMISSIONER
Washington Blvd. & SW/side of South Street		
13 th Election & 1 st Councilmanic Districts	*	FOR
Legal Owner(s): Joann Garrity		
Contract Purchaser: Martin Schwartz	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2011-0258-SPHXA

* * * * *

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Jason T. Vettori, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
5230 Washington Blvd.; NW/side of
Washington Blvd. & SW/side of South Street
13th Election & 1st Councilmanic Districts
Legal Owner(s): Joann Garrity
Contract Purchaser: Martin Schwartz
Petitioner(s)

* BEFORE THE COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* 2011-0258-SPHXA

* * * * *

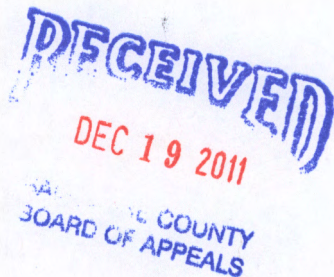
AFFIDAVIT OF SERVICE

I, the undersigned, certify that on December 19, 2011, I effected service of process by personally serving a Subpoena upon Dennis Wertz, Department of Planning, 105 W. Chesapeake Avenue, Suite 101, Towson, Maryland 21204, to appear before the County Board of Appeals for Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Name: Rebecca M. Wheatley
Firm: People's Counsel for Baltimore County
Address: The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204



RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
SPECIAL EXCEPTION & VARIANCE *
5230 Washington Blvd.; NW/side of * BOARD OF APPEALS
Washington Blvd. & SW/side of South Street *
13th Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Joann Garrity *
Contract Purchaser: Martin Schwartz * BALTIMORE COUNTY
Petitioner(s) * 2011-0258-SPHXA

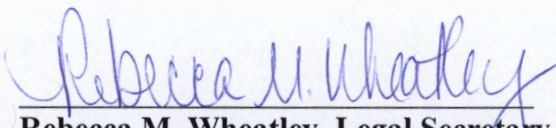
* * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on December 19, 2011, I effected service of process by personally serving a Subpoena upon David L. Thomas, Assistant to Director, Department of Public Works, 111 West Chesapeake Avenue, Room 307, Towson, Maryland 21204, to appear before the County Board of Appeals for Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.


Name: Rebecca M. Wheatley, Legal Secretary
Firm: People's Counsel for Baltimore County
Address: The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RECEIVED
DEC 19 2011
BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
SPECIAL EXCEPTION & VARIANCE *
5230 Washington Blvd.; NW/side of * BOARD OF APPEALS
Washington Blvd. & SW/side of South Street *
13th Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Joann Garrity *
Contract Purchaser: Martin Schwartz * BALTIMORE COUNTY
Petitioner(s) * 2011-0258-SPHXA

* * * * *

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Dennis Wertz, Planner
Department of Planning
105 West Chesapeake Avenue, Suite 101
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and/or objects only; (**X**) Personally appear and produce documents or objects; in Hearing Room 2, Second Floor, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on **February 7, 2012 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects (**for general purpose as stated**):

- Any and all office files and documents relating to your department's review of any zoning or floodplain issues with regard to this case.

SUBPOENA REQUESTED BY:

Peter Max Zimmerman, People's Counsel
Office of People's Counsel for Baltimore County
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204
(410) 887-2188

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests () the Sheriff, (**X**) Private Process Server, to issue the summons set forth herein.

Sunny Cannington
County Board of Appeals for Baltimore County

RECEIVED
DEC 19 2011

BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
SPECIAL EXCEPTION & VARIANCE *
5230 Washington Blvd.; NW/side of * BOARD OF APPEALS
Washington Blvd. & SW/side of South Street *
13th Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Joann Garrity *
Contract Purchaser: Martin Schwartz * BALTIMORE COUNTY
Petitioner(s) * 2011-0258-SPHXA

* * * * *

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) David L. Thomas, Assistant to Director
Department of Public Works
111 West Chesapeake Avenue
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and/or objects only; (X) Personally appear and produce documents or objects; in Hearing Room 2, Second Floor, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on **February 7, 2012 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):**

- Any and all office files and documents relating to your department's review of any zoning or floodplain issues with regard to this case.

SUBPOENA REQUESTED BY:

Peter Max Zimmerman, People's Counsel
Office of People's Counsel for Baltimore County
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204
(410) 887-2188

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests () the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

RECEIVED

DEC 19 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

Sunny Cannington
County Board of Appeals for Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

November 7, 2011

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Re: Case Number: 2012-0258-SPHXA
Location: 5230 Washington Boulevard



Dear Mr. Vettori:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 28, 2011. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director
Permits, Approvals and Inspections

AJ/sma

c: People's Counsel for Baltimore County
Board of Appeals

Lawrence M. Stahl, Managing Administrative Law Judge

— Kimberly Box, 5171 Viaduct Avenue, Relay, MD 21227

J. Andrew Plitt, 707 Woodland Drive, Relay, MD 21227

Theresa Lowry, 2517 Hammonds Ferry Rd., Baltimore, MD 21227

Bill and Faith Herman, 5009 Hazel Avenue, Relay, MD 21227

— Greg Senkus, 5171 Viaduct Avenue, Relay, MD 21227

Case File

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468

www.baltimorecountymd.gov

APPEAL

Petition for Special Hearing and Special Exception and Variance
5230 Washington Blvd.
NW/side of Washington Blvd., SW/side of South St.
13th Election – 1st Councilmanic Districts
Legal Owner(s): Joann Garrity

Case No.: 2011-0258-SPHXA

Petition for Special Hearing and Special Exception and Variance (March 02, 2011)

Zoning Description of Property

Notice of Zoning Hearing (March 7, 2011)

Certification of Publication (The Jeffersonian - March 17, 2011)

Certification of Posting (April 4, 2011) by SSG Robert Black

Entry of Appearance by People's Counsel (March 4, 2011)

Petitioner(s) Sign-In Sheet – One sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One sheet

Zoning Advisory Committee Comments

Petitioner's Exhibits: 1 - Site plan to accompany petitions
2 - Site Photos
3 - Prior Zoning Case

Protestant's Exhibits: 1 - Vehicles for change packet
2 - 7 - Photos

Miscellaneous: 1 - Active violation case documents
2 - Email dated 04/04/2011 from Faith Hermann
3 - Email dated 04/04/2011 from Kimberly Box
4 - Email dated 04/12/2011 from People's Council
5 - Letter dated 04/21/2011 from Kimberly Box
6 - Email dated 08/18/2011 from People's Council
7 - Email dated 08/19/2011 from People's Council
8 - Email dated 08/29/2011 from Kimberly box
9 - Email dated 08/29/2011 from Lawrence Schmidt
10 - Email dated 09/16/2011 from Martin Schwartz
11 - Photos with descriptions

Administrative Law Judge's Order (DENIED – July 15, 2011)

Letter of Motion for Reconsideration of the Opinion and Order -August 15, 2011

Order on Motion for Reconsideration (DENIED on September 29, 2011)

Notice of Appeal Received on October 28, 2011 filed by Lawrence Schmidt

c: People's Counsel for Baltimore County, MS #2010
Board of Appeals
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections
Kimberly Box, 5171 Viaduct Avenue, Relay, MD 21227
J. Andrew Plitt, 707 Woodland Drive, Relay, MD 21227
Theresa Lowry, 2517 Hammonds Ferry Rd., Baltimore, MD 21227
Bill and Faith Herman, 5009 Hazel Avenue, Relay, MD 21227
Greg Senkus, 5171 Viaduct Avenue, Relay, MD 21227

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS





PETITIONER'S

EXHIBIT NO. 2

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 8, 2011

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2011-0258 SPHXA
Legal Owner/Petitioner: Garrity, JoAnn
Contract Purchaser: N/A
Property Address: 5230 Washington Blvd.
Location Description: Corner N/W side of Washington Blvd & S/W
Side of South St.

VIOLATION INFORMATION: Case No. CO0087652 / FAO110339
Defendants: Garrity, JoAnn

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| X | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/gk
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

DATE: 12/14/10 INTAKE BY: Building Insp. CASE #: C0087652 INSPEC: B.K.00

FA0110339

COMPLAINT

LOCATION: 5230 WASHINGTON BLVD

ZIP CODE: 21227 DIST: 13

COMPLAINANT

NAME: ELECTRICAL INSPECTIONS PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: 21204

PROBLEM: UNAUTHORIZED BUILDINGS ON SITE W/O PERMITS.

ELECTRICAL PERMIT ON SITE FOR SUB-FEEDS, FOR OFFICE TRAILER

E-751647

OWNER/TENANT

INFORMATION: _____

TAX ACCOUNT #: 1600 000843

ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

DATE: 12/14/2010

STANDARD ASSESSMENT INQUIRY (1)

TIME: 06:21:06

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
16 00 000843	13	2-0	06-00	N	NO		11/03/10

GARRITY JOANN

DESC-1.. IMPSNWS WASHINGTON BLVD

DESC-2.. 450 SW COR SOUTH ST

PO BOX 125

PREMISE. 05230 WASHINGTON

BLVD

00000-0000

UPPERCO

MD 21155-0125 FORMER OWNER: EVERHART FREDERICK F, JR

----- FCV -----			----- PHASED IN -----		
	PRIOR	PROPOSED		CURR	PRIOR
LAND:	446,100	446,100		FCV	ASSESS
IMPV:	97,800	97,800	TOTAL..	543,900	543,900
TOTL:	543,900	543,900	PREF...	0	0
PREF:	0	0	CURT...	0	0
CURT:	0	0	EXEMPT.		0
DATE:	07/07	10/10			

---- TAXABLE BASIS ----		FM DATE
ASSESS:	543,900	10/02/10
ASSESS:	543,900	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 12/14/2010

STANDARD ASSESSMENT INQUIRY (2)

TIME: 06:21:23

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
16 00 000843	13	2-0	06-00	N	NO		11/03/10
LOT....		BOOK....	0000	MAP.....	0108	LOT WIDTH.....	247.58
BLOCK..		FOLIO...	0000	GRID....	0022	LOT DEPTH.....	.00
SECTION..				PARCEL..	0725	LAND AREA..	1.480 A
PLAT..						YEAR BUILT.....	70

-----TRANSFER DATA-----

NUMBER..... 177518
 DATE..... 11/17/99
 PURCHASE PRICE..... 325,000
 GROUND RENT..... 0
 DEED REF LIBER..... 14158
 DEED REF FOLIO..... 0329
 CONVEYED IND..... 1
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 16-00-000843

CRITICAL NEW CONST CARD

AREAS CODE YEAR NO
 04049

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE SQ. FEET
 1528

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 12/14/2010

STANDARD ASSESSMENT INQUIRY (3)

TIME: 06:21:30

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
16 00 000843	13	2-0	06-00	N	NO		11/03/10

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 10/23/92

81 NO C

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 10/02/10

LAST FM TYPE..... R

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 11/03/10

PRIOR LOAD DATE.. 06/10/10

STATE TAXABLE ASSESS

ASSESS: 543,900

ASSESS: 543,900

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF

TIME: 07:07:38 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 11/19/2010
DATE: 12/14/2010 GENERAL PERMIT APPLICATION DATA EDW 14:15:15

PERMIT #: E751647 PROPERTY ADDRESS
RECEIPT #: A631751 5230 WASHINGTON BLVD
MAP CORD: 41-J13
XREF #: E751647 TAX ACCOUNT #: DISTRICT/PRECINCT 13 00
OWNERS INFORMATION (LAST, FIRST)

FEE: 80.00 NAME: JO ANN GARRUTY

PAID: 80.00 ADDR:

PAID BY: APPL

DATES

APPLICANT INFORMATION

APPLIED: 11/19/2010 NAME: MC CUBBIN, PATRICK, L

ISSUED: 11/19/2010 COMPANY: 1ST ELECTRIC INC

OCCPNY: ADDR1: 02340 MONUMENTAL AVE

FINAL INSPECT: ADDR2: BALTIMORE MD 21227

INSPECTOR: 13B PHONE #: 410-242-0303 LICENSE #: MG1327

NOTES: CYM

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - .DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 07:07:48 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 11/19/2010
DATE: 12/14/2010 ELECTRIC DETAIL SCREEN 1 EDW 14:15:18

OCCUPANT INFORMATION (LAST, FIRST)

NAME: VEHICLES FOR CHANGE

ADDR:

PHONE

PERMITS: ELECTRIC: E751647

EXISTING METER:

STRUCTURE USE: C COMMERCIAL OR RESIDENTIAL (C/R)

BUILDING: O NEW OR OLD (N/O)

WORK DESCRIPTION: R RENOVATION OR ADDITION (N/O)

DETAIL OF WORK AND ADDITIONAL INFO

POWER CO NOTIFIED DATE:

INSTALL (4)-150A SUBFEEDS FOR OFFICE TRAILERS.

FEE 80.00

PASSWORD:

ENTER - NEXT DETAIL

PF7 - PREV. SCREEN PF9 - SAVE

PF1 - GENERAL PERMIT

PF3 - INSPECTIONS

PF8 - NEXT SCREEN

CLEAR - MENU

ENTER - NEXT DETAIL PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

30. WASHINGTON BLVD

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mschwartz

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[Create a filter](#)[Compose Mail](#)**Inbox (80)**[Starred](#)[Sent Mail](#)[Drafts \(1\)](#)[Spam \(1\)](#)[Trash](#)[iMap/Drafts](#)[iMap/Sent](#)[iMap/Trash \(327\)](#)[Accountant](#)[Atlanta \(1\)](#)[Banes](#)[Big D](#)[Commerdate](#)[Donations \(6\)](#)[Expansion](#)[Hebron Golf](#)[Heres](#)[Junkies 4 Jobs \(4\)](#)[Later](#)[Malcolm](#)[Marketing](#)[MH Lax \(3\)](#)[NCAA \(1\)](#)[PA](#)[Rehab Serv](#)[Rent Buy](#)[Saved \(1\)](#)[Training Contr](#)[more ▾](#)[Contacts](#)[Tasks](#)[Chat](#)

Search, add, or invite

[Martin Schwartz](#)[Set status here](#)[Office Processing](#)[bgillis](#)[Bill Wurzell](#)[easimpson21](#)[Kim Hernandez](#)[Sessy Hazzard](#)[Steve Sullivan](#)[bgreenhalgh](#)[Ischwartz](#)[Rick Sipes](#)[Options](#)[Add contact](#)

Top Rated Law Firm - www.murphyandersonlaw.com - Personal Injury, Product Liability, Malpractice and Business Litigation

[Back to inbox](#) [Archive](#) [Report spam](#) [Delete](#) [Move to](#) [Labels](#) [More actions](#)permits [Inbox](#) X**Martin Schwartz** Bill, Any progress on the permit front? Did you get my text yesterday about m...

William Greenhalgh to me

[show details](#) 9:38 AM (5)

Marty,

The permits are not going to be a simple process. I spoke to Paul and he indicated that we would need to have a verification survey done for him submit to the county. I am getting a price from our Survey Department. Additionally, in order to get the zoning correct, he indicated that we will ne recommended someone but we don't need that just yet. Paul will submit something to the county indicating that Century is representing VFC so th violation notice. This is going to take longer than 60 days.

This is going to cost VFC some money. Paul is sharp and knows the process so that is a benefit. Hopefully we will not have to move the trailer t regulations on its location. Wilnot should have known that and advised us on properly locating the trailer.

I'll keep you infirmed

William C. Greenhalgh

Principal

Century Engineering

10710 Gilroy Road

Hunt Valley, MD 21031

443-589-2438 - office

410-915-9148 - cell

From: Martin Schwartz [mailto:mschwartz@vehiclesforchange.org]

Sent: Tuesday, December 28, 2010 8:26 AM

To: bgreenhalgh@centuryeng.com

Subject: permits

- Show quoted text -

[Reply](#)[Forward](#)**Martin Schwartz** Thanks

Martin Schwartz to Long, Steve

[show details](#) 9:54 AM (3)

- Show quoted text -

[Reply](#)[Reply to all](#)[Forward](#)

Your message has been sent.

Martin Schwartz to William[show details](#) 10:33 AM (

Bill,

What is Paul's last name. BC is here now.

M

- Show quoted text -

[Reply](#)[Forward](#)[Back to inbox](#) [Archive](#) [Report spam](#) [Delete](#) [Move to](#) [Labels](#) [More actions](#)Automatically [forward](#) your Vehicles for Change Mail messages to another email account. [Learn](#)

You are currently using 716 MB (9%) of your 7628 MB.

Last account activity: 3 minutes ago at IP 174.252.113.205. [Details](#)Vehicles for Change Mail view: [standard](#) | [turn off chat](#) | [basic HTML](#) | [Learn more](#)©2010 Google - [Terms of Service](#) - [Privacy Policy](#) - [Program Policies](#) - [Google Home](#)

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Martin Schwartz



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

FA# 0110739

Citation Case No. 0087652	Property No. 16 00 000 843	Zoning: M1200 TO 2991 101
------------------------------	-------------------------------	------------------------------

Name(s):

GARNITY, JO ANN

Address:

P.O. Box 125, UPPERCO, MD 21155-0125

Violation
Location:

5230 WASHINGTON BLVD.

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

INTERNATIONAL BUILDING CODE 2009 SEC 105.110

① FAILURE TO OBTAIN BUILDING PERMIT(S) FOR
NEW INDUSTRIALIZED BUILDINGS.

② CALL FOR INSPECTION(S) WHEN PERMIT(S) ARE
ISSUED.

ANY QUESTIONS PLEASE CALL OFFICE HRS

7:30-8:00-3:00-30

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE:

DATE ISSUED:

12/14/10

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:

12/22/10

DATE ISSUED:

12/14/10

INSPECTOR:

Q NANT KIDO

UPDATE / MESSAGE FORM

Date: 12/28/10

Inspector: B. Kido

Case #: 00A7652

Address: 5270 WASHINGTON BLVD

Comments: 12/28/10 - VISITED SITE, SPOKE TO OWNER
MR. MARTIN SCHWARTZ. CENTURY ENGINEERING WILL BE
REPRESENTING VEHICLES FOR CHANGE, PAUL LEE
WILL BE SUBMITTING PAPERWORK TO THE COUNTY. OWNER
GAVE ME A COPY OF E-MAIL, IN FILE ABOUT RESULTS.
ELECT + PLUMBING WAS NOTIFIED R/C 2/25/11 M. Kido

Entered into Envision

us



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0087652

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0087652		Grant Kidd	12/14/2010		Karen Hopkins	12/14/2010	Open - Normal		41J13

Complaint Description: INDUSTRIALIZED BLDGS. ON SITE W/O PERMITS. ELEC. PERMIT ON SITE FOR SUB-FEEDS FOR OFFICE TRAILERS

Facility: FA0110339 PDM 1600000843 5230 WASHINGTON BLVD HALETHORPE, MD 21227	Owner: GARRITY JOANN PO BOX 125 UPPERCO MD 21155	Complainant: ELECTRICAL INSPECTIONS
---	--	---

Daily Activity Details - No Data

Violation Details - No Data

Comment Details - No Comments

Lien Information - None

12/14/10- VISITED SITE, ISSUED SWO FOR NEW INDUSTRIALIZED BUILDINGS ON SITE, W/O PERMITS.
GAVE COPY TO A WORKER IN OFFICE, OWNER WAS NOT PRESENT, AND WILL MAIL A COPY. SPOKE TO ED LENNER
ABOUT RESULTS. R/C 12/27/10 M. Kidd

ml



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 17, 2011

Peter Max Zimmerman
People's Counsel for
Baltimore County
200 Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste
Towson, MD 21204

RE: *In the Matter of: 5230 Washington Boulevard*
Case No. 11-258-SPHXA

Dear Counsel:

The office has received the appeal and file on the above referenced property.

In order to schedule a hearing before the Board of Appeals, without conflict; I am providing dates available on the docket. The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the middle of January 2012.

The following dates open for assignment, providing for a Day #2, if needed:

Tuesday, January 24, 2012 at 10:00 and Wednesday, January 25, 2012 at 10:00 (Day #2, if needed);
Tuesday, January 31, 2012 at 10:00 and Wednesday, February 2, 2012 at 10:00 (Day #2, if needed); and
Tuesday, February 7, 2012 at 10:00 and Wednesday, February 8, 2012 at 10:00 (Day #2, if needed);

Please contact this office upon receipt of this letter to confirm availability. The Notice of Assignment will be issued to all parties at the time an agreed date is established by Counsel.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script that reads "Theresa R. Shelton".
Theresa R. Shelton
Administrator

Duplicate Original

c: Joann Garrity
Martin Schwartz, Vehicles for Change
Kimberly L. Box, President, Relay Improvement Association



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 25, 2011

RECEIVED

AUG 25 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Timothy M. Kotroco, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Joann Garrity, Legal Owner & Martin Schwartz, Contract Purchaser
Case No.: 2011-258-SPHXA

Dear Judge Kotroco,

This is a response to Petitioners' motion for reconsideration communicated by the letter of Petitioners' attorney dated August 15, 2011. Based on our review of the record and an onsite visit, our office concurs with your thoughtful and carefully considered decision. Petitioners request the opportunity to discuss the case further with interested citizens in the Relay area. But there have already been discussions and communications, and there will be the opportunity for more discussions after Petitioners appeal your Order. Under all the circumstances, and given the background of this case, there is no reason to reconsider or alter your Order.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Lawrence Schmidt, Esquire, attorney for Petitioners
Kim Box and Greg Senkus
Faith and Bill Hermann
J. Andrew Plitt
Theresa Lowry

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

May 4, 2012

Director Arnold Jablon
Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Carole S. DeMilio, Esquire
Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson,, MD 21204

**Re: Vehicles for Change/4111 Washington Boulevard
Case No.: 2012-0257-X**

RECEIVED
MAY 7 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Arnold and Carole:

We respectfully request a brief extension of the deadline to vacate the premise in the above referenced matter.

As you will recall, the Board of Appeals, in a decision dated March 14, 2012, ordered that Vehicles for Change, Inc. shall terminate and cease business operations at the property known as 5230 Washington Boulevard on or before May 15, 2012. Furthermore, all assets belonging to Vehicles for Change, Inc. and Freedom Wheels, Inc., including vehicles, trailers, signs and equipment have been ordered to be removed from the property on or before May 15, 2012.

Please be aware that we have decided, contrary to what was anticipated in the Board of Appeals order, not to relocate to Howard County, but to another location in Baltimore County. The new location necessitates special exception relief. As you are aware, Vehicles for Change's operation can best be described as a used motor vehicles sales area, separated from sales agency building, in accordance with BCZR § 236.2. On or about April 16, 2012, we filed a Petition for Zoning Hearing requesting special exception relief to permit the proposed use at

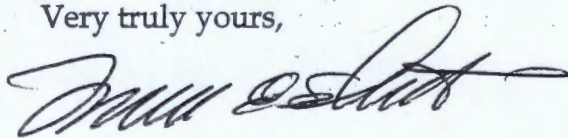
Arnold Jablon
Carole S. DeMilio, Esquire
May 4, 2012
Page 2

another location in Baltimore County. We have received notice that the hearing on the Special Exception has been scheduled before the Office of Administrative Hearings on Wednesday, May 30, 2012 at 10:00am. Therefore, Vehicles for Change will not have the anticipated approval for its new location by the deadline of May 15, 2012. A brief extension until the case is concluded would be appreciated.

As a result, we would like to request that you refrain from issuing a citation for the continuation of the use at 5230 Washington Boulevard until such time as we receive a decision regarding the request for zoning relief for 4111 Washington Boulevard in Case No. 2012-0257-X.

We will continue to keep you apprised of any updates regarding the hearing and the issuance of a decision.

Very truly yours,



Lawrence E. Schmidt

JTV: arg
Enclosure

CC: Theresa Shelton, Board of Appeals
Martin Schwartz, Vehicles for Change, Inc.
Paul Lee, Century Engineering, Inc.
Jason T. Vettori, Esquire

Approved and Deadline Extended Until _____

Director Arnold Jablon

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

February 29, 2012

Theresa R. Shelton, Administrator
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Vehicles for Change/5230 Washington Blvd.
Case No.: 2011-0258-SPHXA

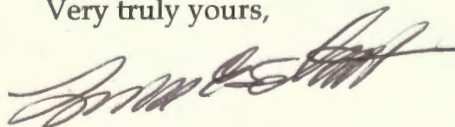
Dear Ms. Shelton:

Please find enclosed a proposed Opinion and Order for the above referenced matter. The parties appeared for a hearing at the Board of Appeals (hereinafter "Board") on this matter on February 7, 2012. At that hearing, I advised the Board panel members that my client, Vehicles for Change, Inc. (hereinafter "VFC"), wished to withdraw its appeal and dismiss the petitions at issue. Moreover, with the agreement of the Office of People's Counsel and certain interested persons from the locale; VFC will be vacating the premises and relocating its business operation on or before May 15, 2012.

At the direction of the Board, I have prepared the enclosed Opinion and Order outlining the agreement of the parties for the disposition of this matter. The proposed Opinion and Order has been reviewed and approved by the undersigned on behalf of VFC and also Carole DeMilio on behalf of the Office of People's Counsel. Ms. DeMilio has also reviewed the enclosed with the interested citizens who appeared at the hearing and verified their consent to the proposed Opinion and Order. Thus, the enclosed is presented to the Board with the request that it be executed so that this matter can be concluded as the parties have agreed.

Please do not hesitate to contact me should you have any questions regarding this matter. Thank you for your cooperation regarding this matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl
Enclosure

CC: Martin Schwartz, Vehicles for Change, Inc.
Carole S. DeMilio, Esquire, People's Counsel for Baltimore County

RECEIVED

MAR 1 2012

BALTIMORE COUNTY
BOARD OF APPEALS

**IN RE: PETITIONS FOR SPECIAL
HEARING, SPECIAL EXCEPTION &
VARIANCE**

Corner of NW side of Washington Blvd.
and SW side of South Street
(5230 Washington Boulevard)

13th Election District
1st Councilmanic District

Joann Garrity, *Legal Owner*
Martin Schwartz, *Contract Purchaser*
Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

Case No.: 2011-0258-SPHXA

* * * * *

OPINION & ORDER

This matter comes before the County Board of Appeals of Baltimore County (hereinafter "Board") for consideration of the appeal of the Administrative Law Judge Timothy M. Kotroco's Order and Opinion dated July 15, 2011 and Order on Motion for Reconsideration dated September 29, 2011. The appeal was filed by Vehicles for Change, Inc., Lessee and Joann Garrity, Legal Owner (hereinafter "Petitioners") of the subject property located at 5230 Washington Blvd. in the Relay/Halethorpe community of southwestern Baltimore County.

By his Order and Opinion, Administrative Law Judge Kotroco denied a Petition for Special Exception for the subject property to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with Baltimore County Zoning Regulations ("BCZR") Section 236.2. Associated zoning petitions for variance relief and special hearing relief in connection with the used car business operation were also denied. The subject property and requested relief are more fully described on the site plan of the subject property which was received into evidence and is part of the Administrative Law Judge's file.

This matter was scheduled for a public hearing to begin before the Board on February 7, 2012. As a preliminary matter before the hearing was opened, counsel for the Petitioners

IN-RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE

corner NW Side of Washington Blvd. *
and SW side of South Street *
13th Election District *
1st Councilmanic District *
(5230 Washington Boulevard) *

Joann Garrity, *Legal Owner* *
Martin Schwartz, *Contract Purchaser* *
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2011-0258-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter came before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance filed by Joann Garrity, legal owner of the property, and Martin Schwartz, the lessee of the site. The original zoning relief involved property located at 5230 Washington Boulevard in the Halethorpe area of Baltimore County. The matter came before me on two separate occasions, the first of which was on April 4, 2011 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. Thereafter, a second hearing was held on June 13, 2011 at the same location where many residents of the surrounding community appeared and participated in the hearing. A decision was rendered on the matter, dated July 15, 2011, where the Applicant's request for Special Hearing, Special Exception and Variance were denied.

Thereafter, on or about August 15, 2011, Lawrence E. Schmidt, counsel for the Petitioner, filed a Motion for Reconsideration with this Office of Administrative Hearings. Among other things, the Motion for Reconsideration requested that the Petitioner, Martin Schwartz, have an opportunity to meet with his neighbors in order to work out a resolution of the issues raised at the hearing before me. Normally, these Motions are ruled upon within thirty

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD



2/19/12
to wcr
for fill
LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

February 9, 2012

*Sent to Bd appeals
11/7/11*

Sent via Hand Delivery

Director Arnold Jablon
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

**Re: Vehicles for Change, Inc./5230 Washington Blvd.
Case No.: 2011-0258-SPHXA**

Dear Director Jablon:

This is to follow up my conversation with your office regarding the on-going use of the above property by my client; Vehicles for Change, Inc. As you know, Vehicles for Change, Inc. is an IRS 501(c)(3) organization that accepts donated vehicles, restores them; and then provides the donated vehicles to eligible low income families so that those individuals have a means of transportation.

Vehicles for Change, Inc. has been operating from the above location since 2005. Because the requisite zoning approvals for this use were not previously obtained, Vehicles for Change, Inc. retained me and filed a Petition for Special Exception (outdoor used car sales area) and other related zoning petitions. In view of heavy community opposition, the petitions were denied by Administrative Law Judge Timothy M. Kotroco and the matter appealed by Vehicles for Change, Inc. to the Board of Appeals ("Board").

Vehicles for Change, Inc. has decided not to fight the Office of People's Counsel and opposing neighbors, as it has neither the financial wherewithal or desire to continue the legal battle. Thus, they have located an alternate site where they will conduct their business. Arrangements for the acquisition of that property are well underway. I have been instructed to dismiss my client's appeal pending at the Board. The hearing on that matter was to commence on Feb 7, 2012.

Because its business office, repair facility and inventory will need be re-located, Vehicles for Change, Inc. has requested (and received from the Board) approval to continue operations on the subject property through May 15, 2012. This will give them time to wind

Director Arnold Jablon

February 9, 2012

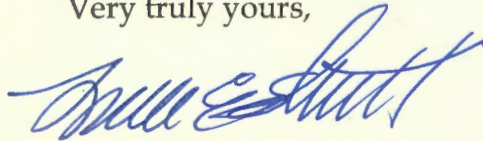
Page 2

down their affairs at the current location and move the business to the newly acquired site. An Order of Dismissal is expected to be issued by the Board shortly which will note that the case before the Board is withdrawn and that Vehicles for Change, Inc. will cease business operations at 5230 Washington Blvd. on or before May 15, 2012.

The purpose of this letter is to advise you of that action of the Board, which is consistent with your agreement that Baltimore County will not institute or pursue any Code Enforcement action occasioned by my client's use of the property for its business operation.

I appreciate your courtesy and agreement in this regard and will provide you with a copy of the Board's order, when received.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

CC: Marty Schwartz, President, Vehicles for Change, Inc.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

November 10, 2011

Lawrence M. Stahl, Esquire
Managing Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

NOV 14 2011

**Re: Ka-Boom Industries/New Bengies Road
Case No.: 2011-0258-SPHXA**

OFFICE OF ADMINISTRATIVE HEARINGS

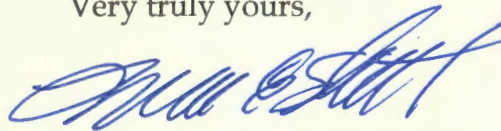
Dear Administrative Law Judge Stahl:

Thank you for your letter dated November 7, 2011 regarding the above matter. I apologize for not copying the interested citizens in this matter on my letter to you dated November 1, 2011. I will contact Mr. Allen Robertson, Mr. Ron Walper and Ms. Joyce Pekarek regarding the requested extension for this.

If they do not object to this request for an extension, will a Special Hearing still be necessary to grant the extension? My client has requested that I make every effort to reduce his costs in obtaining this extension.

I will contact you when I have spoken with Mr. Allen Robertson, Mr. Ron Walper and Ms. Joyce Pekarek.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

CC: Tim Fitch, Ka-Boom Industries

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
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MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

November 1, 2011

Lawrence M. Stahl, Esquire
Office of Administrative Hearings
Managing Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

NOV 03 2011

**Re: Ka-Boom Industries/New Bengies Road
Case No.: 2011-0258-SPHXA**

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Administrative Law Judge Stahl:

Kindly be advised that I represent Ka-Boom Industries, Petitioner and Contract Lessee in the above matter. This case came before Deputy Zoning Commissioner Thomas H. Bostwick for consideration of a Petition for Special Exception filed by my client. The Petition sought Special Exception approval for the storage and sale of explosive materials on the subject property pursuant to Baltimore County Zoning Regulation ("BCZR") § 256.2. By written Findings of Fact and Conclusions of Law and Order dated November 30, 2010, the Petition for Special Exception was granted, with restrictions. A copy of the written decision is attached hereto.

Pursuant to BCZR § 502.3, a special exception is valid for a period of two (2) years from the date of the final order granting same. In this case, no appeal was taken and therefore the date of Deputy Zoning Commissioner Bostwick's order is the operative date. If the special exception is not utilized within the two (2) year period beginning on November 30, 2010, it would become void. However, BCZR § 502.3 further provides that the Zoning Commissioner/Administrative Law Judge may grant an extension of time for utilization up to a total of five (5) years at any time prior to the expiration of the special exception.

In this case, my client has requested that I obtain from your office an extension of the utilization period to the maximum five (5) year term allowed. Currently, the date of the original order was less than one (1) year ago and there has been no change to the property or neighborhood in that time. The reason for the extension request is due solely to the market and other economic conditions. Although my client intends to move forward, financial

Lawrence M. Stahl, Esquire

November 1, 2011

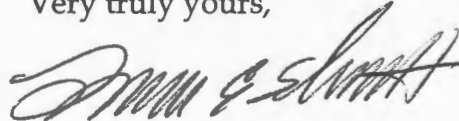
Page 2

considerations related to the build out (specifically because of the stringent Building Code requirements for a structure of this type) have delayed the project and resulted in additional negotiations with the property seller. Moreover, my client will be required to keep current with all of the Federal requirements and restrictions as to licensing which are referenced in Deputy Zoning Commissioner Bostwick's written decision.

Your consent to the extension as request to the extension as requested would be appreciated. Please confirm the same by executing this letter were indicated below and returning a copy to me. As always, please contact me should you have any questions.

Thank you for your cooperation on this matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

Enclosure

CC: Tim Fitch, Ka-Boom Industries

ACCEPTED & AGREED

SPECIAL EXCEPTION MUST BE UTILIZED ON OR BEFORE NOVEMBER 30, 2015

Lawrence M. Stahl

Managing Administrative Law Judge
of Baltimore County

- B. Tend to create congestion in roads, streets or alleys therein;
- 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, sewerage, 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; nor

[Bill No. 45-1982]

- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

[Bill No. 74-2000]

§ 502.2. Protection of surrounding properties; agreement governing special exception.

In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the Zoning Commissioner, or Board of Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County Commissioners of Baltimore County, *Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state."* stipulating the conditions, restrictions or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer.

§ 502.3. Time limit for utilization of special exception; extensions.

[Bill Nos. 42-1962; 85-1967; 68-1968; 172-1993] A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same. A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

October 28, 2011

Sent via Hand Delivery

Director Arnold Jablon
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

RECEIVED

OCT 28 2011

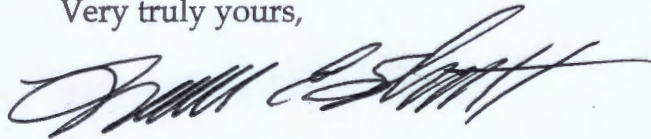
Re: Vehicles for Change/5230 Washington Blvd.
Case No.: 2011-0258-SPHXA

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Kotroco:

Please find enclosed the Petitioners' Notice of Appeal and attached exhibits for filing in the above referenced matter. Additionally, I am enclosing our check for Six Hundred Fifty Dollars (\$650.00) for the filing of the Notice of Appeal. Thank you for your prompt attention to this most important matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl
Enclosures

CC: Martin Schwartz, Vehicles for Change
Timothy M. Kotroco, Administrative Law Judge of Baltimore County
Theresa R. Shelton, Board of Appeals of Baltimore County
Attendees at hearing

**IN RE: PETITIONS FOR SPECIAL
HEARING, SPECIAL EXCEPTION &
VARIANCE**

Corner of NW side of Washington Blvd.
and SW side of South Street
(5230 Washington Boulevard)

13th Election District
1st Councilmanic District

Joann Garrity, *Legal Owner*
Martin Schwartz, *Contract Purchaser*
Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

Case No.: 2011-0258-SPHXA

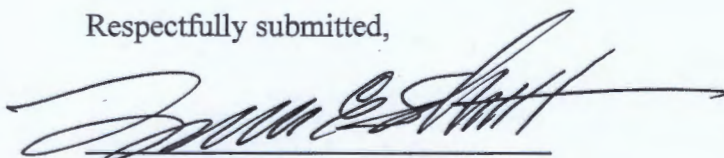
* * * * *

NOTICE OF APPEAL

Joann Garrity, Legal Owner, and Martin Schwartz, Contract Purchaser, Petitioners in the above-captioned case, by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, feeling aggrieved by the decisions of the Administrative Law Judge of Baltimore County in the Order and Opinion dated July 15, 2011 and Order on Motion for Reconsideration dated September 29, 2011, attached hereto and incorporated herein as Exhibit 1A and 1B, hereby appeals the aforementioned Oder and Opinion and Order on Motion for Reconsideration to the County Board of Appeals of Baltimore County.

Filed concurrently with this Notice of Appeal is Petitioners' check made payable to Baltimore County in full payment of the costs of the appeal. Petitioners were a party below and fully participated in the proceedings.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
410-821-0070
Attorney for Petitioners

Exhibit 1A

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
corner NW Side of Washington Blvd.
and SW side of South Street
13th Election District
1st Councilmanic District
(5230 Washington Boulevard)

Joann Garrity, *Legal Owner*
Martin Schwartz, *Contract Purchaser*
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* CASE NO. 2011-0258-SPHXA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance for the property located a 5230 Washington Boulevard in Halethorpe. The Petitions were filed by Joann Garrity, legal owner, and Martin Schwartz, authorized representative for Vehicles for Change. Special Hearing relief is requested to approve a modified parking plan pursuant to Section 409.12 of the Baltimore County Zoning Regulations ("BCZR"); and, if necessary, a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR, and for such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Petitioners are also requesting Special Exception relief to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with BCZR Section 236.2, and for such other and further relief as may be required by the Administrative Law Judge. In addition, Petitioners are requesting Variance relief to allow the storage and display of vehicles within 0 feet of the front property line in lieu of the minimum permitted 10 feet (15 feet in front of the required building line [25 feet]), pursuant to BCZR Section 238.4; to allow existing buildings with front/rear/side yard setbacks of 4.5 feet

Exhibit 10

IN-RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
corner NW Side of Washington Blvd. *	OFFICE OF
and SW side of South Street	
13 th Election District *	ADMINISTRATIVE HEARINGS
1 st Councilmanic District	
(5230 Washington Boulevard) *	FOR BALTIMORE COUNTY
Joann Garrity, <i>Legal Owner</i>	
Martin Schwartz, <i>Contract Purchaser</i> *	CASE NO. 2011-0258-SPHXA
Petitioners	

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter came before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing, Special Exception and Variance filed by Joann Garrity, legal owner of the property, and Martin Schwartz, the lessee of the site. The original zoning relief involved property located at 5230 Washington Boulevard in the Halethorpe area of Baltimore County. The matter came before me on two separate occasions, the first of which was on April 4, 2011 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. Thereafter, a second hearing was held on June 13, 2011 at the same location where many residents of the surrounding community appeared and participated in the hearing. A decision was rendered on the matter, dated July 15, 2011, where the Applicant's request for Special Hearing, Special Exception and Variance were denied.

Thereafter, on or about August 15, 2011, Lawrence E. Schmidt, counsel for the Petitioner, filed a Motion for Reconsideration with this Office of Administrative Hearings. Among other things, the Motion for Reconsideration requested that the Petitioner, Martin Schwartz, have an opportunity to meet with his neighbors in order to work out a resolution of the issues raised at the hearing before me. Normally, these Motions are ruled upon within thirty



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

November 7, 2011

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 600
Towson, Maryland 21204

Re: Ka-Boom Industries
Case No. 2011-0083-X
Property: New Bengies Road

Dear Mr. Schmidt:

I am in receipt of your letter of November 1, 2011, in which you request, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), a maximum extension to five (5) years of the utilization period for the special exception granted in the above-noted matter by Deputy Zoning Commissioner Bostwick on November 30, 2010.

My review of the file reveals that two (2) citizens, Mr. Allen Robertson and Ms. Joyce Pekarek, appeared at the original hearing and testified as to their concerns regarding the project. They do not appear to have been sent a copy of your November 1, 2011 letter. Taken with the serious nature of the Petitioner's proposed use, I believe exercising procedural care is the appropriate way to proceed.

Accordingly, a special hearing should be scheduled for consideration of the extension request, with appropriate notice to Mr. Robertson and Ms. Pekarek, along with standard advertising and posting of the property.

Please contact Kristen Lewis from the Office of Zoning Review to make arrangements for a new hearing date.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

Relay Improvement Association

1710 Arlington Avenue
Relay, MD 21227



April 21, 2011

Judge Timothy M. Kotroco
Administrative Law Judge
Office of Administrative Hearings
Baltimore County Government
Towson, Maryland 21204

Dear Judge Kotroco:

The Relay / St. Denis communities appreciate the opportunity to consider the zoning variances requested by Vehicles for Change at 5230 Washington Boulevard. For the reasons stated below, the Relay Improvement Association is opposed to the approval of these variances and requests a future hearing date at which we can present our concerns in person.

A community meeting was held on Friday, April 15, at which we discussed Vehicles for Change's history with the Relay Improvement Association (RIA), the poor signage related to the hearing, and the individual variance requests.

At the community meeting, we revisited the Relay Improvement Association's history with Vehicles for Change by reviewing the minutes of the September 2005 General Meeting of the Relay Improvement Association which stated: "Marty Schwartz then presented his proposal for adding an office trailer to the former Dr. Transmission site on South St/Washington Blvd. Schwartz was representing Vehicles for Change (VFC). VFC has been in existence since 1999 and provides vehicles to low income individuals / families. They award between 35-45 cars a month. An information packet was distributed to the members.

Schwartz was looking for community support of the addition of an office trailer on the lot they are renting. He provided the following information through a question and answer session:

- VFC qualifies as a "used car business" under zoning regulations.
- They are renting the lot and have a 5 year lease.
- Flood plain restrictions limit where they can place the office trailer.
- They are not affiliated with A&S Towing, located across the street in the old auto parts store.
- They have called four times to get the Planet Aid box removed – and will continue to call until it is removed.
- They plan on fixing the outdoor lights across the front of the building (none are currently working) and in the fenced in lot to deter vandalism.

- They are not planning on expanding the fenced in area and plan on tearing down the fence that currently protrudes into the front lot.
- They will not be paving the grass, they plan on trimming the bushes.
- They do not have guard dogs (that is A&S Towing).
- They would like to put the trailer in the front lot up against the building.
- They will consider becoming a member of RIA."

Many of those present at the community meeting had also been present at the General Meeting in September, 2005 and it was noted that:

- the fact that VFC also ran a for profit used car business was conspicuously missing from the presentation
- the presentation showed a much improved use of the property
- parking cars on the grass was never mentioned in the presentation
- VFC was presented as a not for profit supporting the local area versus the greater Washington Metropolitan area including northern Virginia.

The community also reviewed the three variance requests by VFC and Mr. Schmidt's email detailing the reasons for the request.

The community was appalled that VFC has not followed the permit process and noted that they have not maintained their membership in the RIA since 2005, feeling both actions speak to the character of the organization.

As to the specific requests, we feel they speak to the broader issue that VFC has outgrown the current site.

1) "Petition for Special Exception" – asked to approve the business operation as permitted and allowed under the County zoning law.

We believe the for profit used car business, Freedom Wheels, should have been disclosed to the community in 2005. The environmental impact of this type of business which is in close proximity to the Patapsco River and in a 100 year flood plain is unacceptable. Many questions were raised about who is monitoring the water quality of the Patapsco River at this site. Is the county? Is the state?

2) "A Petition for a Special Hearing" – to approve the parking layout on the site.

The community supports parking on durable and dustless surfaces and not allowing cars to be parked three deep. We do not believe gravel is the appropriate surface in an environmentally sensitive area.

Parking cars three deep will increase the number vehicles within a 100 year flood plain and, in turn, the damage that can be done by those vehicles during a flood.

Again, the request to park cars three deep is indicative that VFC has outgrown this location. Parking cars three deep as is done today means there is very little, if any, space for cars to be dropped off at the site. Frequently cars are unloaded on South Street and then moved onto the site. This causes a traffic hazard for vehicular traffic turning onto South Street from Washington Boulevard.

3) A Petition for Variance:

a) Certain buildings on the property are too close together.

The original proposal presented to the community was for one temporary building given the state of the existing facility. The community was never approached about the addition of another modular unit. The community would like to see the improvement of the existing facility rather the addition of another modular unit.

b) Right of Way.

The corner of South Street and Washington Boulevard is a very busy intersection. The line of sight is hampered by the curve of the road and the jersey wall looking South from South Street onto Washington Boulevard. For safety reasons, the community would like the right of way to remain at 25 feet from the curb at Washington Boulevard (15' for the State right of way plus 10' for the County right of way).

The community also reviewed the recommendations put forth by the Office of Planning. We strongly support all of the conditions put forth by the Office of Planning as these are the identical issues raised by members of our community.

Should you wish to speak to me directly regarding any of the above, please do not hesitate to call me at 410-303-8264 or email me at ria.email@comcast.net.

Regards,

Kimberly L. Box

Kimberly Box
President
Relay Improvement Association

Debra Wiley - Re: 2011-0258-SPHXA - Garrity / Vehicles for Change - Continuance Hearing

From: <ria.email@comcast.net>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 5/20/2011 2:58 PM
Subject: Re: 2011-0258-SPHXA - Garrity / Vehicles for Change - Continuance Hearing

Thanks very much for the update - Kim Box

----- Original Message -----

From: "Debra Wiley" <dwiley@baltimorecountymd.gov>
To: "Kristen Lewis" <klewis@baltimorecountymd.gov>, "Peter Zimmerman" <pzimmerman@baltimorecountymd.gov>, "Timothy Kotroco" <TKotroco@baltimorecountymd.gov>, fchermann@comcast.net, "ria email" <ria.email@comcast.net>, jlewis@gildeallc.com, lschmidt@gildeallc.com
Cc: "Donald Brand" <dbrand@baltimorecountymd.gov>, "David Thomas" <dthomas@baltimorecountymd.gov>, "Dennis Wertz" <dwertz@baltimorecountymd.gov>, "Lynn Lanham" <mlanham@baltimorecountymd.gov>, "Stephen Weber" <sweber@baltimorecountymd.gov>
Sent: Friday, May 20, 2011 11:28:45 AM
Subject: 2011-0258-SPHXA - Garrity / Vehicles for Change - Continuance Hearing

Good Morning,

This is to confirm that the above-referenced has been scheduled for continuance on Monday, June 13, 2011, at 10:00 A.M. in Room 205, of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland, 21204.

It is my understanding that only the zoning issues (variances, special exception & special hearing) will be discussed during this time. Also, Tim Kotroco has indicated that the property is to be re-posted.

Thanks for your cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - 2011-0258-SPHXA - Garrity / Vehicles for Change - Continuance Hearing

From: Debra Wiley
To: Kotroco, Timothy; Lewis, Kristen; Zimmerman, Peter; fchermann@comcast...
Date: 5/20/2011 11:28 AM
Subject: 2011-0258-SPHXA - Garrity / Vehicles for Change - Continuance Hearing
CC: Brand, Donald; Lanham, Lynn; Thomas, David; Weber, Stephen; Wertz, D...

Good Morning,

This is to confirm that the above-referenced has been scheduled for continuance on Monday, June 13, 2011, at 10:00 A.M. in Room 205, of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland, 21204.

It is my understanding that only the zoning issues (variances, special exception & special hearing) will be discussed during this time. Also, Tim Kotroco has indicated that the property is to be re-posted.

Thanks for your cooperation.

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410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Subject: 2011-0258-SPHXA - Garrity / Vehicles for Change - Continuance Hearing
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 5/20/2011 11:28 AM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
CC: David Thomas (dthomas@baltimorecountymd.gov)	Read	5/20/2011 11:35 AM	
CC: Dennis Wertz (dwertz@baltimorecountymd.gov)	Delivered	5/20/2011 11:28 AM	
CC: Donald Brand (dbrand@baltimorecountymd.gov)	Delivered	5/20/2011 11:28 AM	
To: fchermann@comcast.net (fchermann@comcast.net)	Transferred	5/20/2011 11:28 AM	Hermann, Faith + Bill
To: jlewis@gildeallc.com (jlewis@gildeallc.com)	Transferred	5/20/2011 11:28 AM	
To: Kristen Lewis (klewis@baltimorecountymd.gov)	Read	5/20/2011 11:34 AM	
To: lschmidt@gildeallc.com (lschmidt@gildeallc.com)	Transferred	5/20/2011 11:28 AM	
CC: Lynn Lanham (mlanham@baltimorecountymd.gov)	Delivered	5/20/2011 11:28 AM	
To: Peter Zimmerman (pzimmerman@baltimorecountymd.gov)	Read	5/20/2011 11:33 AM	
To: ria.email@comcast.net (ria.email@comcast.net)	Transferred	5/20/2011 11:28 AM	Kimberly Box
CC: Stephen Weber (sweber@baltimorecountymd.gov)	Delivered	5/20/2011 11:28 AM	
To: Timothy Kotroco (TKotroco@baltimorecountymd.gov)	Third-Party Downloaded	5/20/2011 11:28 AM	

Debra Wiley - 2011-0258-SPHXA - Garrity / Vehicles for Change

From: Debra Wiley
To: Lewis, Kristen
Date: 5/19/2011 2:00 PM
Subject: 2011-0258-SPHXA - Garrity / Vehicles for Change

Hi Kristen,

Tim has selected Monday, June 13th @ 10 AM (all day) to continue the above-referenced hearing. Can you advise what room so that I can notify all parties.

Thanks very much.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Page 1 of 1

Debra Wiley - Re: Fwd: 2011-0258-SPHXA - Garrity / Vehicles for Change

From: Kristen Lewis
To: Wiley, Debra
Date: 5/19/2011 2:07 PM
Subject: Re: Fwd: 2011-0258-SPHXA - Garrity / Vehicles for Change

Hi Debbie,

I reserved Room 205 on the 13th for this case for you (all day). Thanks for notifying so quickly.

>>> Debra Wiley 5/19/2011 2:04 PM >>>
Hi Jen,

It appears that the continuance hearing will proceed on Monday, June 13th @ 10 AM (entire day). As soon as I hear from Kristen Lewis, I will let you know which room this will take place.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

Debra Wiley - Fwd: 2011-0258-SPHXA - Garrity / Vehicles for Change

From: Debra Wiley
To: jlewis@gildeallc.com
Date: 5/19/2011 2:04 PM
Subject: Fwd: 2011-0258-SPHXA - Garrity / Vehicles for Change
CC: Lewis, Kristen; Zook, Patricia
Attachments: 2011-0258-SPHXA - Garrity / Vehicles for Change

Hi Jen,

It appears that the continuance hearing will proceed on Monday, June 13th @ 10 AM (entire day). As soon as I hear from Kristen Lewis, I will let you know which room this will take place.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - Re: 2011-0258-SPHXA - Garrity / Vehicles for Change

From: Kristen Lewis
To: Wiley, Debra
Date: 5/19/2011 9:46 AM
Subject: Re: 2011-0258-SPHXA - Garrity / Vehicles for Change

As per our conversation, the available full days available in June are June 10th, June 13th, and June 30th. I'll hold these dates until further notice. Thanks again.

>>> Debra Wiley 5/18/2011 3:13 PM >>>
Hi Kristen,

Tim Kotroco has indicated that the above-referenced case heard on April 4th will need to be continued. I have been in contact with Jen Lewis in Larry Schmidt's office, and Larry is pretty much available in June with the exception of June 9, 20-22 & 28. In speaking with Jen earlier, I indicated to her that we estimated the length of hearing for either a whole morning or afternoon. However, Tim has since indicated we should schedule an entire day. Tim is also advising that the property be re-posted.

Can you give me some available dates in June since other parties will need to be contacted as well. Thanks for your usual cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - 2011-0258-SPHXA - Garrity / Vehicles for Change

From: Debra Wiley
To: Lewis, Kristen
Date: 5/18/2011 3:13 PM
Subject: 2011-0258-SPHXA - Garrity / Vehicles for Change
CC: jlewis@gildeallc.com

Hi Kristen,

Tim Kotroco has indicated that the above-referenced case heard on April 4th will need to be continued. I have been in contact with Jen Lewis in Larry Schmidt's office, and Larry is pretty much available in June with the exception of June 9, 20-22 & 28. In speaking with Jen earlier, I indicated to her that we estimated the length of hearing for either a whole morning or afternoon. However, Tim has since indicated we should schedule an entire day. Tim is also advising that the property be re-posted.

Can you give me some available dates in June since other parties will need to be contacted as well. Thanks for your usual cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Larry Schmidt <lschmidt@sgs-law.com>
To: "tkotroco@baltimorecountymd.gov" <tkotroco@baltimorecountymd.gov>
Date: 5/3/2011 6:06 PM
Subject: various zoning matters

Mr. Kotroco: In cleaning up my desk today, I just wanted to touch base regarding a couple of outstanding cases and update you on their status.

1. On Vehicles for Change, I believe that you have decided to honor the request of the Relay Association to convene another hearing. If you need for me to work with Debbie/Patti to coordinate a new hearing date, please let me know. I doubt that the property need be posted as this is a continuation of the first hearing date and the parties can all be notified by e-mail or regular mail. Let me know if you need me to coordinate/provide anything on this, otherwise I'll wait to receive the hearing date and my client and I will appear at the hearing to address questions/concerns.
2. On the Spunk Fitness changeable copy sign case, I met with Carole DeMilio after the hearing and think I have persuaded her that this petition should be approved and not appealed. I went over the legal theories with her. I have drafted a proposed decision and sent it to her. I am hopeful of getting her edits shortly and will then submit to you a proposed "consent order" for this case; that will grant the relief but not generate an appeal by People's Counsel. As soon as I get a response from People's Counsel, I will let you know. Obviously, you will make whatever changes to the proposal you deem appropriate but I am hopeful of producing a document that reflects agreement between my office and People's Counsel.
3. Finally, I assume you've seen the Motion for Reconsideration on 7205 Fairbrook Avenue (Asst. Living Facility Class 1) that I have filed. I have talked to Lynn Lanham and Dennis Wertz and they are preparing a written compatibility recommendation. I should have it soon. I had asked that you reconvene that hearing and please let me know your inclination and whether you need me to coordinate dates.

Thanks, I just wanted to make sure that I wasn't dropping the ball and that you weren't waiting for any further (except as indicated above) from me on any of these matters.

Thanks.

Larry Schmidt

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

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From: Larry Schmidt <lschmidt@sgs-law.com>
To: "tkotroco@baltimorecountymd.gov" <tkotroco@baltimorecountymd.gov>
Date: 4/28/2011 5:51 PM
Subject: Vehicles for Change

Mr. Kotroco: Per our conversation, I understand that you are intending to schedule a follow up hearing for the above matter so that the Relay Improvement folks can air their concerns. My client and I have no objection and if you wish to call to conform calendars an pick and acceptable date, please let me know.

As we have discussed, this case has two components; i.e. 1. the zoning approvals (variances, special exception and special hearing) that we have sought and 2. the flood plain issue. I continue to attempt to resolve the flood plain issues administratively with Don Brand, Dave Thomas and the other appropriate individuals at Baltimore County. Insofar as the continued hearing, my understanding is that you agree that the flood plain issue should be addressed in the manner as described above and that the hearing will focus only on the zoning issues.

Please let me know if that is the case. I am not going to produce testimony or evidence relating to the flood plain to the hearing unless advised that it will be an issue which you wish to address.

Thank you for your ongoing cooperation and please advise if my understanding is correct.

Larry Schmidt

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
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lschmidt@sgs-law.com

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Patricia Zook - Case 2011-0258 SPHXA

From: Faith Hermann <fchermann@comcast.net>
To: <pzook@baltimorecountymd.gov>
Date: 4/4/2011 9:42 AM
Subject: Case 2011-0258 SPHXA

Dear Zoning Commissioner,

I am writing on behalf of the Relay Improvement Association which has only recently become aware of today's hearing at 10 a.m. regarding the property at 5230 Washington Boulevard. This property is a gateway to our community of Relay and Baltimore County coming from Howard County. Our concerns are as follows:

1. The community has received no notice about the hearing. We have checked the county's posted calendar on the website, the Community Update, and the county's newsletter.
2. Signs for the hearing were visible on Tuesday, March 29, 2011. They were posted parallel to Route 1 where traffic whizzes by at 40 mph with no shoulder to pull off and read.
Posting at the intersection of South Street and Route 1 would have made the signs visible to all who travel this route daily.
3. Community concerns are for traffic safety. The request for zero setback means traffic would not be visible when stopped at the stop sign. Photographs below will show how far beyond the stop sign we must pull out now. This is already incredibly dangerous and there have been accidents at the intersection. There would be no clear line of sight with cars parked on the front property line with no setback.
4. Photos showed how the cars are parked now. Moving them closer to Route 1 exacerbates the problem.

While the modular addition went up with no permits and no notice to residents, this latest request for variance (again with insufficient notice to residents) is a serious threat to everyone's safety in an already dangerous intersection. Time does not permit us to elaborate on the towing company which exists on the opposite corner and frequently impedes traffic so that only one lane is passable!

Time does not permit us to engage in a discussion of the environmental concerns of some neighbors.

Members of our community wished to attend this open, public hearing. Unfortunately, we all have to work for a living and could not rearrange our schedules on such late notice. We ask for your patience and forbearance in deciding on this issue. We are happy to supply any additional information and/or to attend a hearing in the future with 15 days' true notice.

Thank you for your consideration.

Sincerely,
Faith and Bill Hermann
5009 Hazel Avenue
Relay, MD 21227
410-242-4134

Lawrence Stahl - Case #2011-0258-SPHXA

From: <ria.email@comcast.net>
To: <lstahl@baltimorecountymd.gov>
Date: 4/4/2011 9:55 AM
Subject: Case #2011-0258-SPHXA

To whom it may concern:

The Relay Improvement Association is opposed to allowing approval for the variances being sought by Vehicles for Change.

Vehicles for Change posted the zoning variances signs facing Washington Blvd in such a way as they could not be seen from the corner of South Street and Washington Blvd. The only way they could be seen is if a passenger in a car travelling along Washington Blvd happened to look over at the business. This has not allowed the community an opportunity to thoroughly review the requested variances.

Vehicles for Change has made modifications to the site without input from the community or getting permits. This denotes a disregard for the community.

The community does not want to see the County set a precedent for changes to residential zoning for a business within our community.

Allowing cars to be stored or displayed on the property line will cause a hazardous condition at an intersection that is already difficult to navigate since there is no light.

The Relay Improvement Association requests the variance requests be denied.

Regards,

Kimberly Box
President
Relay Improvement Association

410-737-0230

From: People's Counsel
To: Kotroco, Timothy
CC: Brand, Donald; Thomas, David; Weber, Stephen; Wertz, Dennis; Ischmid...
Date: 4/12/2011 4:10 PM
Subject: Zoning Case 11-258-SPHXA, 5230 Washington Boulevard

Dear Judge Kotroco,

There has come to my attention several exchanges of e-mail concerning the above case. It appears that there are a number of problems. Under these circumstances, it seems appropriate and reasonable for this office to make some observations:

1. There is a question whether the posting of the property was located or oriented in such a way as to provide adequate notice to the public. As a result, the Administrative Law Judge has, at or after the hearing, required Petitioners to communicate with the Relay Improvement Association and/or citizens to see if there could be a resolution and has also indicated the potential for a renewal of the hearing process.
2. It appears that Petitioners initiated an outdoor used car use before obtaining any zoning (special exception and variance) approval. According to the Planning Office comment, there has also been constructed a new mobile office building without a permit. To the extent, there is an "existing use," it apparently has begun without regard to the legal process.
3. According to the March 30, 2011 Planning Office comment, and follow-up e-mails involving the Department of Public Works, there is a serious question as to whether the property is in a riverine floodplain. If so, this would appear to require a waiver for a new office building, "mobile" or not, and the eligibility for a waiver.
4. The existing use has already presented problems because of encroachment in the State right of way. To offset the encroachment there, Petitioners want a variance to encroach into the minimum setback area.
5. The application now is for a special exception (conditional use), and one which does not meet all the relevant conditions but rather involves a number of variances, involving unpaved areas, parking space dimensions and stacking, and the aforesaid setbacks. The Planning Office has raised concerns about the unpaved areas, litter and debris. All of this presents the question whether the property is situated and sized so that the proposed use fits at this location.
6. The Planning Office also raises the issue of a roof-mounted sign. Roof-mounted signs are generally prohibited.
7. In light of the notice issues, the concerns of the Relay Improvement Association, and diverse issues involving floodplain location, office building permit, State right-of-way encroachment, unpaved areas, litter, debris, signs, and assorted parking variances, it appears to me that another public hearing, with a re-posting of the property, is warranted to address all of these issues more fully and to provide the opportunity for all citizens to have notice and to have the opportunity to participate.

I hope you find this outline helpful as this case proceeds.

Peter Max Zimmerman
People's Counsel for Baltimore County

From: People's Counsel
To: Kotroco, Timothy
CC: lschmidt@sgs-law.com; ria.email@comcast.net; theresamarylowry@yahoo.com
Date: 8/18/2011 2:34 PM
Subject: Zoning Case No. 11-258-SPHXA, Joann Garrity, Martin Schwartz, Petitioners, 5230 Washington Blvd

Dear Judge Kotroco,

It has come to my attention today from interested citizen Theresa Lowry that Petitioners have filed a motion for reconsideration of your thoughtful, well-reasoned decision dated July 15, 2011. Ms. Lowry has kindly faxed us a copy, as we did not receive a copy directly from Petitioners. It is noteworthy that this office previously entered an appearance as a party and engaged in e-mail correspondence, and so the office is a party to the case although not in attendance at the hearing. See *Morris v. Howard Research & Development Corp.* 278 Md. 417, 423 (1976); *Maryland-Nat'l v. Smith* 333 Md. 3,10 (1993); *Sugarloaf Citizens v. MDE* 344 Md. 271, 286-87 (1996); *Dorsey v. Bethel AME Church* 375 Md. 59, 71-74 (2003).

Our copy of Petitioners' motion indicates that it is by letter from Petitioners' attorney, Lawrence Schmidt, dated August 15, 2011. The letter is also stamped as received by the Office of Administrative Hearings on August 15, 2011.

While our office believes that the July 15, 2011 decision has merit and does not warrant reconsideration in any event, it is also important to raise a threshold procedural problem relation to the timeliness of the motion. This shall be discussed below. There will be a subsequent communicate in about a week relating to the merits of the reconsideration issue.

The record discloses that the August 15, 2011 motion was filed 31 days after the July 15, 2011 decision, as there are 31 days in July (July 16-August 15 translates to 16 July days plus 15 August days = 31). Under Rule K of the Rules of Practice Before the Zoning Commissioner (now applicable to the Office of Administrative Hearings), a motion for reconsideration must be filed within 30 days of the date of the original order. The Rule states,

"A party may file a motion for reconsideration of an order issued by the Zoning Commissioner. Such a motion must be made in writing, within 30 days of the date of the original order."

There are no exceptions or extensions provided to this time limit.

Our office is aware that Maryland Rule 1-203 allows a weekend day to extend the computation of time when it is the last day of the period. this Rule also allows an extra three days after service by mail. But Title 1 of the Maryland Rules does not apply to county administrative hearings. It applies only to the courts. Maryland Rule 1-101. See *Replacement Rent-A-Cars v. Smith* 99 Md. App. 588, 593 (1994).

Analogously, in *Fallston Meadows Community Ass'n v. Board of Child Care* 122 Md. App. 683, 696-98, cert. denied 351 Md. 286 (1998), a very similar issue arose as to computation of time relating to an appeal from a decision of the Zoning Administrator to the County Board of Appeals under the Harford County Development Regulations. The Court of Special Appeals held that the Maryland Rule 1-203 allowances for computations which extend the time did not apply to the county administrative proceeding. It did not allow any extension based on the last day being a Sunday or based on the claim that an extra three days were allowed for mailing. As a result, the appeal came one day too late. The Court of Appeals denied a petition for writ of certiorari.

Our office has also reviewed other cases where the Court of Appeals has held in somewhat similar situations that the time for filing runs from the date of the order, not the date when it was received by

the Petitioner. Cf. Centre Insurance Co. v. J.T. W. 397 Md. 71, 78-88 (2007); Colao v. County Council for Prince George's County 346 Md. 342, 362-63 (1997). However, the Fallston Meadows case appears to be the closest in point, and it appears still to be good law. So far as research discloses, there is no appellate decision questioning it, modifying it, or overruling it.

The bottom line is that there is nothing in the Zoning Commissioner's Rules here, so far as we can tell, which authorizes an extension of the 30-day period for weekends, service by mail, or any other reason. Therefore, this Motion for Reconsideration comes one day too late.

As Rule K sets a virtually jurisdictional or mandatory time requirement, our office is obligated to take note of this problem. There does not appear to be any alternative to dismissal of the motion for reconsideration because it is untimely. Our office is alerting promptly the parties so that Petitioners' attorney and other parties have an ample opportunity to reply. In addition, this provides the administrative law judge an early opportunity to give this matter serious consideration before making a decision within the time frame set by Rule K

In any event, our office shall also respond to the motion on the merits, and anticipate filing such a response on or before August 25, 2011. This office's view at this time, even apart from the timeliness issue, is that there is no reason for the Administrative Law Judge to reconsider the merits of the July 15, 2011 decision, and this shall be elaborated upon in due course.

Sincerely, Peter Max Zimmerman, People's Counsel for Baltimore County

CC: Lawrence Schmidt, Esquire, Schmidt, Gildea & Schmidt; Kim Box, Theresa Lowry

From: People's Counsel
To: Kotroco, Timothy
CC: lschmidt@sgs-law.com; ria.email@comcast.net ; theresamaylowry@yahoo.com
Date: 8/19/2011 9:40 AM
Subject: Zoning Case No. 11-258-SPHXA, Joann Garrity, Martin Schwartz, Petitioners, 5230 Washington Boulevard

Dear Judge Kotroco,

I just received an e-mail from Lawrence Schmidt, Esq., attorney for Petitioners, who kindly pointed out to me that County Code Section 1-203 incorporates Maryland Rule 1-203. I was unfamiliar with that section. Therefore, Petitioner's Motion for Reconsideration is timely, and our office will review it carefully. Our office's initial position with respect to timeliness was in error, and I thank Mr. Schmidt for the correction and will keep this provision in mind for future cases.
Sincerely, Peter Max Zimmerman, People's Counsel

From: <ria.email@comcast.net>
To: <TKotroco@baltimorecountymd.gov>
CC: Larry Schmidt <lschmidt@sgs-law.com>, <theresamaylowry@yahoo.com>, Faith...
Date: 8/29/2011 10:51 AM
Subject: Case No. 2011-0258-SPHXA
Attachments: image001.jpg; image002.jpg; image003.jpg; image001.jpg; image002.jpg; image003.jpg; image001.jpg; image002.jpg; image003.jpg; image001.jpg; image002.jpg; image003.jpg

Dear Administrative Law Judge Kotroco:

The Relay Improvement Association is in receipt of the letter from Lawrence E. Schmidt in regards to Case No. 2011-0258-SPHXA. We note that Mr. Schmidt hand delivered a Motion for Reconsideration to you on the very last day in which an appeal could have been filed regarding this case and our copies arrived two days later via the USPS.

Please be advised that the Relay Improvement Association continues to support your decision dated July 15, 2011 in this case. Notwithstanding Mr. Schmidt's letter of future intentions, there is no new information in this request for reconsideration to dispute the agreed upon facts from the 13 June hearing. The community has seen very little evidence in the past 30 days that Vehicles for Change intends to respect the County's zoning regulations despite being placed on notice of their continued violations, and Petitioner's past practices create no confidence that Vehicles for Change intends to comply with county regulations.

Specifically:

- While there have been fewer cars on the front portion of the property, we were told at the hearing that this is Vehicles for Changes slowest time of the year and so this was to be expected. However, even during this slow period for Vehicles for Change, cars are still being parked outside of the gated area on South Street.
- During the past 30 days, the sign blocking the line of sight at the corner of South Street and Washington Boulevard has been moved back 10 feet. However, vehicles are still parked on the grass up to 10 feet (and occasionally less) of the property edge and not the required 25 feet as stated in the combined State and County code.
- During the past 30 days, none of the concerns raised by the Office of Planning have been addressed; the gravel walkway remains as do the pennants.

During the hearing, the community raised concerns over the manner in which Vehicles for Change obtains their vehicles and the small size and configuration of the lot. At that time, there was no mention of other property that was leased by Vehicles for Change and there was verbal agreement that they had no control over the number or type of vehicles that were donated within a given day. Mr. Schmidt notes that "the Petitioner is developing a process that will immediately deliver cars to be sold at auction to be taken directly to auction as opposed to being brought to the current location." The community has two concerns with this statement: (1) we were told that all vehicles are inspected to determine the disposition of the vehicle, how then will they know that a vehicle can be sold at auction before it is delivered and (2) given that it took a zoning violation and 5.5 years before they sought approval to run this operation, how long will it take them to "develop a process"?

Mr. Schmidt goes on to state that should you grant this Motion, "This will provide my client and the neighbors with an opportunity to meet and discuss a maximum capacity and/or other methods which might be utilized to control the volume of vehicles on the property at any one time". We do not believe it is the community's responsibility to develop methods to control the volume of vehicles on the property. Mr. Schmidt also is asking for more time to consult with Petitioner's engineer. Thirty-one days, even with vacations, seems ample time to find one afternoon to consult. It should be also noted that Mr. Schmidt's letter does not address any of the other variances sought and opposed by the community.

Most respectfully, we see no reason for you to accept this motion for reconsideration as the pattern of behavior by the Petitioner has been one of complete disrespect for the State and County regulations, the environment and the adjacent St Denis and Relay communities. Granting this motion would place an undue burden of policing this enterprise on the community where the Petitioner has now an extensive 5.5 year history of flagrant disregard for Baltimore County zoning and building codes.

Respectfully,

Kimberly Box

Attached please find photos showing continued usage of State and County right of ways on Washington Boulevard.

From: Lawrence Schmidt <lschmidt@sgs-law.com>
To: "ria.email@comcast.net" <ria.email@comcast.net>, "TKotroco@baltimorecoun...
CC: "theresamaylowry@yahoo.com" <theresamaylowry@yahoo.com>, Faith Hermann <...
Date: 8/29/2011 11:48 AM
Subject: RE: Case No. 2011-0258-SPHXA

Dear Ms. Box: Thank you for sending to me a copy of your e-mail to Mr. Kotroco.

As to the Motion For Reconsideration that I filed, my office typically hand delivers pleadings and filings to the Courts, Board of Appeals and administrative agencies (including the Office of Administrative Hearings). My office is located in central Towson, a short walk away from these departments and I would respectfully say that most lawyers do the same. I didn't hand deliver a copy to you as I don't know who might be home during the day to accept delivery and the distance involved. I made sure a copy was mailed to you. If there is some dis-satisfaction over my practice; I will e-mail you or fax you further pleadings and correspondence if you like. Let me know.

I have not been to the property recently and don't know what, if any, changes to the operation Vehicles for Change has made. However, it makes no sense for them to make a series of changes now, if they are no longer going to be able to operate at the property. Why would they, for example, resurface parking lots and spend funds needed to change/upgrade the property unless and until they have some assurance that they can do business there.

Mr. Kotroco denied the zoning approvals requested. As I read his decision, he did so because he thought the number of vehicles could not be controlled. That is not the case. I, and my client, had hoped that there might be some room for compromise, either by limiting the number of cars and/or making some site improvements and/or changes that the community might find acceptable. The purpose of the motion was to provide the parties an opportunity to explore that, ask Mr. Lee to do a capacity analysis, etc. I thought it worth the effort.

Mr. Schwartz wants to take the lead in discussing these matters with you. It is his business operation and he knows his business and needs far better than I. Moreover, the funds that would otherwise be spent on my attorney's fees can be better utilized in fulfilling the good work for the needy and charitable operation in which VFC is engaged. I have forwarded your e-mail on to him and ask that he respond to you directly. Ultimately, I suspect that he will instruct me to file an appeal or advise if some agreement can be reached. I will await his advice and that of Mr. Kotroco.

Respectfully;

Larry Schmidt

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 – fax
lschmidt@sgs-law.com<mailto:lschmidt@sgs-law.com>

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From: ria.email@comcast.net [mailto:ria.email@comcast.net]
Sent: Monday, August 29, 2011 10:50 AM
To: TKotroco@baltimorecountymd.gov

From: Martin Schwartz <mschwartz@vehiclesforchange.org>
To: <ria.email@comcast.net>, <bgreenhalgh@centuryeng.com>, <TKotroco@baltimo...>
Date: 9/16/2011 12 PM
Subject: Vehicles for Change

RIA Board,

Vehicles for Change would like to invite you to meet with us in an effort to come to a compromise, on the differences, in the organization of the site at the corner of South St. and 1.

Your testimony and that of our colleagues "representing the Relay neighborhood" was the deciding factor in VFC being denied the necessary permits and exception that is necessary to continue our mission at the current location. The service that is provided by Vehicles of Change is vital to the 400-500 low income families that are lucky enough to receive a car. It is our goal to continue providing that service.

Without the necessary permits and exception Vehicles for Change will be forced to either:

*
*

Relocate – an action that we are able to secure another location, will cost at least \$50,000 and disrupt the operation for several months. This action will result in at least low wage families the being denied the opportunity to obtain a car car they desperately need to gain or maintain employment and to provide for their children.

*
*

Go out of business – This will result in at least 500 families, in just the next year, who will lose the opportunity to gain transportation necessary to maintain or gain employment and provide for their children. This will result in 500 families potentially losing their job. That adds to unemployment, a decrease in the local tax base and decreased spending in the local economy.

In addition, VFC has three years left on its current lease of the South St. property. If VFC is able to secure another property the mobile office would be removed and the South Street location will become a storage lot for cars. At least the same number of cars will be stored on the lot with little or no supervision. VFC will have little incentive to maintain the property in its current groomed condition. The funds currently used for maintaining and grooming the South Street location will be used for the new location. The permits or special exception are not needed for "car storage" use of the property.

We hope to avoid any of these alternatives and continue the Vehicles for

Change program at the South Street location and maintain the property in a mutually acceptable manner.

It is our desire that you will reconsider your position and meet with us to come to a reasonable compromise.

Sincerely,

Martin Schwartz, President

--

Please note my new email address:

mschwartz@vehiclesforchange.org

Martin Schwartz
President
Vehicles for Change
5230 Washington Blvd.
Halethorpe, MD 21227
410-242-9674 (o)
410-242-9677 (f)
www.vehiclesforchange.org

RE: Vehicles for Change

✓ OK

Wendell:

FYI – Larry Schmidt wrote to Arnold Jablon and PC requesting an extension on the Board's Order.....

I think he just didn't want Code Enforcement to site his client; rather than the Board issue an Amended Order? It's the only reason I can think of for this letter.

We have not received a response from People's Counsel.

Just wanted to let you know.

Thank you.

T

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.3A)
BALTIMORE COUNTY

[Go Back](#)
[View All](#)
[New Searches](#)
[Ground Rent B](#)
[Ground Rent B](#)

Account Identifier: District - 13 Account Number - 1600000843

Owner Information			
Owner Name:	GARRITY JOANN	Use:	COMMERCIAL
Mailing Address:	PO BOX 125 UPPERCO MD 21155-0125	Principal Residence:	NO
		Deed Reference:	1)/14158/ 00329 2)

Location & Structure Information	
Premises Address 5230 WASHINGTON BLVD 0-0000	Legal Description NWS WASHINGTON BLVD 450 SW COR SOUTH ST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat
0108	0022	0725		0000				2	Plat

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1970	1,528 SF	1.4800 AC	06

Stories	Basement	Type	Exterior
		RETAIL STORE	

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2010	07/01/2011
Land	446,100	446,100		
Improvements:	97,800	96,500		
Total:	543,900	542,600	543,900	542,600
Preferential Land:	0			0

Transfer Information				
Seller:	EVERHART FREDERICK F, JR	Date:	11/17/1999	Price:
Type:	ARMS LENGTH IMPROVED	Deed1:	/14158/ 00329	Deed2:
Seller:	EVERHART ANIMAL HOSPITAL INC	Date:	03/24/1992	Price:
Type:	NON-ARMS LENGTH OTHER	Deed1:	/09108/ 00835	Deed2:
Seller:		Date:		Price:
Type:		Deed1:		Deed2:

Exemption Information			
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	* NONE *

5230 Washington Boulevard



Map prepared by:
Baltimore County Office of Planning
401 Bosley Avenue
Towson, MD
21204



0 25 50 100
Feet

RECEIVED

APR 01 2011





ZONING MAP 108B3

1"=200'

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: June 11, 2012

TO: Dave Duvall
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

<u>Case No:</u>	<u>Case Name:</u>	<u>Note:</u>
11-258-SPHXA	Joann Garrity Aka Vehicles for Change	Appeal dismissed
12-007-SPH	Putty Hill Investments, LLC McAvoy Enterprises, LLC	Appeal dismissed

c: Arnold Jablon, Director
Michael Field, County Attorney
Nancy West, Assistant County Attorney

CASE NAME Vehicles for change
CASE NUMBER 2011-258-4
DATE 6/13/11 SPHXA

[illegible]

CASE NAME 2011-0258-SPHXA
CASE NUMBER _____
DATE June 13, 2011

[illegible]

Case No.: 2011-0258-SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan to accompany Petitions	
No. 2	Photos of the site 17 photos	
No. 3	Prior zoning case	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



EX. 2



Ex. 2



Ex 2



Ex 2

1378

#1378-T

TEMP
PETITION FOR SPECIAL PERMITIN THE MATTER OF
Petition of
Chas. H. Wehland &
Margaret L. WehlandBEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTYTEMP
For A-Special Permit

To The Zoning Commissioner of Baltimore

MRS. CHARLES H. WEHLAND

Legal Owner

BELL ADV. CO. NY. INC. BY - WM. S. WELLSContract
Purchaser

TEMP
hereby petition for a ~~Special~~ Permit, under the Zoning Regulations
and Restrictions passed by the County Commissioners of Baltimore
County, agreeable to Chapter 377 of the Acts of the General Assem-
bly of Maryland of 1943, for a certain permit and use, as provided
under said Regulations and Act, as follows:

TEMP
A ~~Special~~ Permit to use the land (and improvements now
or be erected thereon) hereinafter described for

ADVERTISING STRUCTURE

Situate on west side of Washington Boulevard, in the 13th District
of Balto. Co., beginning 730' south of Suttan Ave. and thence south
on the west side of Washington Boulevard 50' with a rectangular
depth westerly of 100'

Bill Adv. Co. N.Y.
Contract Purchaser4 Park Ave. N.Y.C.
Address

By Wm. S. Wells
514 Duane St.
Edmonton, Ind.

Margaret L. WehlandMrs. Charles H. Wehland.
Legal Owner1546 Suttan Ave. St. Dimas, Ind.
Address

PETITIONER'S

EXHIBIT NO.

3

2/21/49

11 A M

71-81-A PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Humble Oil & Refining Co. legal owner 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 Variance from Section 423.5 d. to permit a sign fifty (50') feet in height instead of the required twenty-five (25') feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

This gas station property - 5230 Washington Blvd. is next to the Tunnel Exit and approach.
The Tunnel Exit ramp is 14'-0" high. It will be necessary to erect an Esso modular display 50'-0" high in order for it to be seen.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, 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.

Signature of Legal Owner: Edward D. Hardisty
Contract purchaser: _____
Address: 3601 Boston St.
Ba. Co. Mo. 21229
Petitioner's Attorney: _____
Protestant's Attorney: _____
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of July, 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of September, 1967, at 11:00 o'clock A. M.



(over) Edward D. Hardisty
Zoning Commissioner of Baltimore County.

11:00 A
9/13/70

HUMBLE OIL & REF. CO.
Reg. 1951 NW of Balto-Washington Blvd.
2851 SE of South St.
#71-81-A
13th

#71-81-A
#12

ORDER RECEIVED FOR FILING

DATE 9/3/70 - J. H. H. H. H. H.











ZONING ¹NOTICE

CASE # 2011-0258SPHXA

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

PLACE: ROOM 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY, APRIL 4, 2011 AT 10:00 A.M.

REQUEST: SPECIAL HEARING FOR A MODIFIED PARKING PLAN
AND IF NECESSARY, A USE PERMIT FOR THE USE OF
LAND IN A RESIDENTIAL ZONE FOR PARKING FACILITIES TO MEET THE
REQUIREMENTS OF SECT. 409.6 OF THE BCZR, PURSUANT TO SECT.
409.8 OF THE BCZR, AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY
BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. VARIANCE
TO ALLOW THE STORAGE AND DISPLAY OF VEHICLES WITHIN 0' OF THE FRONT
PROPERTY LINE IN LIEU OF THE MINIMUM PERMITTED 10' (15' IN FRONT
OF THE REQUIRED BUILDING LINE (25')), AND TO ALLOW EXISTING
BUILDINGS WITH FRONT/REAR/SIDE YARD SETBACKS OF 4.5' BETWEEN
BUILDINGS (BUILDING NOS. 1 & 2) IN LIEU OF THE MINIMUM 60'
REQUIRED FOR FRONT/REAR/SIDE YARD SETBACKS, AND TO ALLOW
EXISTING BUILDINGS WITH FRONT/REAR/SIDE YARD SETBACKS OF 17.9' BETWEEN
BUILDINGS (BUILDING NOS. 3 & 4).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 877-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Z
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AND TO ALL
SIDE YARD
THE ZONE
FOR FROM
FURTHER 1
FOR POST
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SUCH OTN
ADMINIST
POSTPONEM
DO NOT R











Case No.: 2011-0258-SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		Vehicles for change Packet
No. 2		Photos of site
No. 3		"
No. 4		"
No. 5		"
No. 6		"
No. 7		"
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PROTESTANT' S

EXHIBIT NO. 1

OBJECTIVES

- To help those who want to work become self sufficient and financially independent by addressing their need for transportation. To help them gain access to better jobs and salaries by having a car to get to less accessible places of employment.
- To help these recipients increase their sense of independence, self-confidence and self esteem.

CHANGING LIVES

Vehicles for Change (VFC) changes lives in Carroll, Anne Arundel and Montgomery Counties, Baltimore City, Northern Virginia, Lynchburg Virginia and the Richmond area via government funding. In addition to the government funding in Baltimore a private grant was received from the Abell Foundation. Over 1500 cars have been awarded in the past four years with 35 – 45 more cars awarded each month. Vehicles for Change is the largest program of its type in the country and is considered a "Best Practice" organization in a 2002 national study completed by the "National Economic Development and Law Center".

PARTNERS

A program of this nature cannot be successful without the help of many individuals and organizations. Firestone, BB&T, Lendmark Financial, AAA, Clear Channel Worldwide and Kunkel Auto Parts have joined VFC as corporate partners. In addition, over 10,000 individuals have donated their cars to help others and over 25 privately owned garages provided their services at a substantially reduced rate.

HOW IT WORKS

Donations

Car donations are solicited from the general public. Other sources of donations are PCW garages, corporate partners and new and used car dealers. Donations are the key component of the program. They provided the cars to be received by the recipients and by selling those cars not selected for use in the program they provide cash for operations.

Repairs

VFC determines if the donated car is repairable (keepers) based on an initial review of the general condition, mileage, year and make of the vehicle. Those deemed not repairable are wholesaled. Keepers are mechanically reviewed and repaired by partner garages in Maryland and Virginia. All cars are repaired to exceed the individual State Inspection requirements. Parts are purchased at cost.

Vehicles for Change is a non-profit organization.

(410) 590-1801 • 7060 Aviation Blvd. • Ferndale, MD 21061

www.vehiclesforchange.org

LANDSCAPING

PROTESTANT'S

EXHIBIT NO.

2



PROTESTANT'S
EXHIBIT NO. 3



1 - South Street at Rt 1 - Hearing Signs



2 - Rt 1 - Hearing Signs

PROTESTANT' S

EXHIBIT NO.

4

(4)



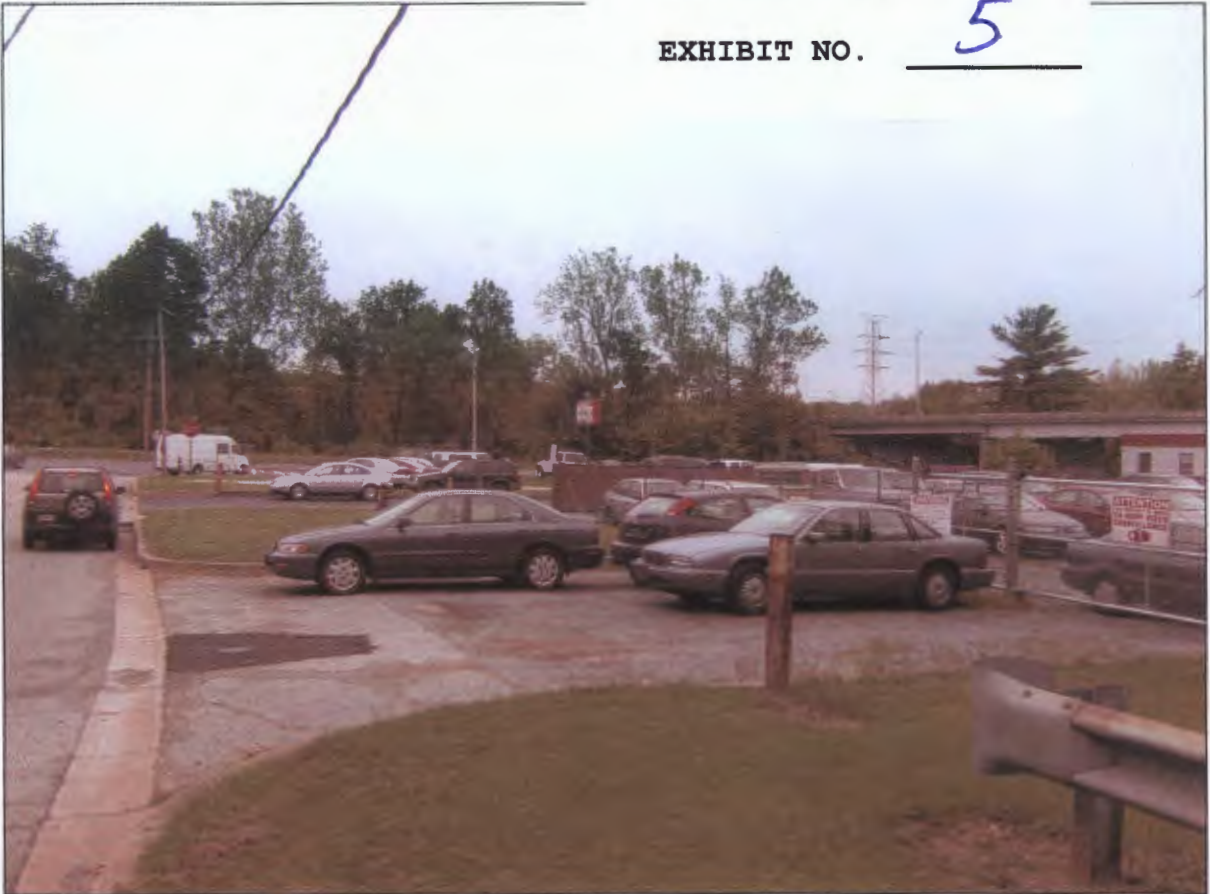
A - Arial Rt 1 and South Street

SOUTH STREET

PROTESTANT' S

EXHIBIT NO.

5



(6)

WASHINGTON BLVD

PROTESTANT'S

EXHIBIT NO.

6



(7)

LINE OF SIGHT - SOUTH ST ONTO RT 1

PROTESTANT'S

EXHIBIT NO.

7



TOW TRUCK STOPPED ON RT 1



STATE OF MARYLAND TO USE OF
DEPARTMENT OF NATURAL RESOURCES

5728/652

ACCT. #1600000842

EX. ZONING: RC2

TYPICAL PARKING SPACE
NO SCALE

LOCATION PLAN
SCALE: 1" = 500'

GENERAL NOTES:

- AREA OF PROPERTY = 1.48 AC±
- EXISTING ZONING OF PROPERTY = "BR" & "RC2"
- EXISTING USE OF PROPERTY = USED CAR SALES & SERVICE GARAGE
- PROPOSED ZONING OF PROPERTY = "BR" W/SPECIAL EXCEPTION
- PROPOSED USE OF PROPERTY = USED CAR SALES & SERVICE GARAGE
- REQUIRED OFFSTREET PARKING

A. EXISTING USED CAR SALES OFFICE (60.1' x 46.1') = 2,770.6 s.f. @ 3.3 p.s./1000	= 9.14 p.s.
B. EXISTING SERVICE GARAGE (3 BAY) = 1,929.14 s.f. @ 3.3 p.s./1000 (incl. 3 bay)	= 6.37 p.s.
C. EXISTING BRICK STORAGE SHED (7' X 20') 140 s.f. @ 3.3 p.s./1000	= 0.46 p.s.
D. TOTAL PARKING SPACES REQUIRED	= 15.97 p.s. = 16 p.s.
E. NO. OF PARKING SPACES SHOWN (8 1/2' X 18')	= 62 p.s. (INC 3 BAY) = 65
- PETITIONER: V.F.C. "VEHICLES FOR CHANGE" IS ONE, IF NOT THE ONLY NON PROFIT CAR DONATION SERVICES OR CHARITIES THE TAX LAW FAVORS FOR VEHICLE DONATIONS IN THE STATE OF MARYLAND AND VIRGINIA. VFC HAS BEEN IN OPERATION SINCE 1999 AND HAS BEEN LOCATED AT THE SUBJECT PROPERTY FOR 6 YEARS±.
- PETITION FOR SPECIAL HEARING

A. A MODIFIED PARKING PLAN PER SECTION 409.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR); AND, IF NECESSARY,
B. A USE PERMIT FOR THE USE OF LAND IN A RESIDENTIAL ZONE FOR PARKING FACILITIES TO MEET THE REQUIREMENTS OF SECTION 409.6 OF THE BCZR, PURSUANT TO SECTION 409.8 OF THE BCZR, (PARCEL 'A' = 7,090 S.F. ± (0.613 AC±), AND
C. FOR SUCH OTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
- PETITION FOR VARIANCE

A. 238.4 OF THE BCZR TO ALLOW THE STORAGE AND DISPLAY OF VEHICLES WITHIN 0 FEET OF THE FRONT PROPERTY LINE IN LIEU OF THE MINIMUM PERMITTED 10 FEET (15 FEET IN FRONT OF THE REQUIRED BUILDING LINE (25 FEET); AND
B. 238.1 AND 238.2 OF THE BCZR TO ALLOW EXISTING BUILDINGS WITH FRONT-REAR-SIDE YARD SETBACKS OF 4.5 FEET BETWEEN BUILDINGS (BUILDING NOS. 1 AND 2) IN LIEU OF THE MINIMUM 60 FEET REQUIRED FOR FRONT-REAR-SIDE YARD SETBACKS.
C. 238.1 AND 238.2 OF THE BCZR TO ALLOW EXISTING BUILDINGS WITH FRONT-REAR-SIDE YARD SETBACKS OF 17.9 FEET BETWEEN BUILDINGS (BUILDING NOS. 2 AND 3) IN LIEU OF THE MINIMUM 60 FEET REQUIRED FOR FRONT-REAR-SIDE YARD SETBACKS, AND
D. 238.1 AND 238.2 OF THE BCZR TO ALLOW EXISTING BUILDING (BUILDING NO. 3) WITH A FRONT-REAR-SIDE YARD SETBACK FROM THE PROPERTY LINE OF 24 FEET (AND 4 FEET FROM THE ZONE DIVISION LINE) IN LIEU OF THE MINIMUM REQUIRED 30 FEET FOR FRONT-REAR-SIDE YARD SETBACKS; AND
E. FOR SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION & VARIANCES AND SPECIAL HEARING VEHICLES FOR CHANGE-VFC

5230 WASHINGTON BOULEVARD-U.S. RTE.1
ELECT. DIST. 13C1
SCALE: 1" = 40'
BALTIMORE CO., MD.
FEB. 28, 2011

PETITIONER'S

EXHIBIT NO. 1

ENGINEER:

M CENTURY
ENGINEERING
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: (443) 589-2400 Fax: (443) 589-2401



OWNER:

JOANN GARRITY
P.O. BOX 125
UPPERCO, MARYLAND 21155