

IN RE: PETITION FOR SPECIAL HEARING *

NE side of Main Street, 99 feet NW
of Walgrove Road
4th Election District
3rd Council District
(605-619 Main)

WG Properties, LLC and Sambor, LLC
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0120-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge for consideration of a Petition for Zoning Hearing filed by the owners of the subject properties, WG Properties, LLC and Sambor, LLC, by Mordehai Gur, managing member of both owners, through their attorney, Jason T. Vettori, Esquire. The Petitioners request Special Hearing relief to permit an amendment to the previously approved relief granted in Case No. 10-146-SPH to permit rental of vehicles as a use incidental to the principal use, a service garage, and for such other and further relief as may be determined necessary by the Administrative Law Judge. The subject property and requested relief are more particularly described on the two page site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1A and 1B.

Appearing at the requisite public hearing in support of the requests were Mordehai Gur and Jay Weinberg on behalf of the property owners, Mitchell Kellman with Draft McCune Walker Inc., the zoning and land development consultants who prepared the site plan, and Jason T. Vettori, Esquire, with Smith, Gildea & Schmidt, LLC. No protestants or interested persons attended the public hearing. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date 12-28-11

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Testimony and evidence proffered revealed that the subject property is a rectangular shaped assemblage of four parcels of property (605, 607, 609 and 619 Main Street) containing approximately 4.29 acres of land split zoned BL, O-3 and RO with a small strip of D.R.3.5 towards the rear of the property. The property is located along the northeast side of Reisterstown Road (also known as Main Street), north of Walgrove Road, on the opposite side of Berrymans Lane. It is currently improved with an approximately 18,625 square foot structure that is used as a service garage, a much smaller structure which was previously used as a produce stand and associated parking.

The larger of the two existing structures was originally approved for use as an automobile service garage in Case No. 05-552-X. That case only involved one of the properties at issue in the instant request for relief, 607 Main Street. Thereafter, Petitioners also applied for and received approval for an expansion of this service garage use which involved tearing down the produce stand and replacing it with an approximate 3,136 sq. ft. building containing seven service bays and associated parking improvements. This proposal to have two separate service garage structures involved 607 and 609 Main Street and was approved in Case No. 08-241-SPHX. However, the improvements noted therein have never been constructed. Next, Petitioners applied for and received approval to construct a 12,457 sq. ft. building containing 13 service bays in lieu of the previously approved 3,136 sq. ft. building in Case No. 10-146-SPH. In addition to the 12,457 sq. ft. building, the request for zoning relief in Case No. 10-146-SPH, which included 605 and 619 Main Street as well as 607 and 609 Main Street, involved expanded parking facilities and

ORDER RECEIVED FOR FILING

Date 12-28-11

By [Signature]

landscaping.

Mr. Gur was called as a witness and testified that the recession has impacted his ability to expand in such a way that he is seeking to utilize the previously approved plan for the service garage without constructing the 12,457 sq. ft. building at this time. The Petitioners are proposing to construct certain improvements which were approved in Case No. 10-146-SPH, namely the parking lot on 605 Main Street at this time. Thereafter, he is proposing to utilize the existing produce stand and the previously approved parking lot on 605 Main Street to rent automobiles. Petitioners still intend to construct the 12,457 sq. ft. building as approved in Case No. 10-146-SPH at some point in the future. The improvements in Case No. 10-146-SPH were approved by William J. Wiseman, III on March 8, 2010. That decision was modified slightly by his Order on a Motion for Reconsideration dated March 31, 2010. Petitioners contend that construction of the aforementioned parking lot will amount to a utilization or vesting of the service garage approval in Case No. 10-146-SPH as provided in Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). In order to obtain a vested right in an existing zoning use, a valid building permit must be obtained, and additionally, there must be a manifest commencement of construction readily visible and recognizable on inspection of the property by a reasonable member of the general public. *Prince George's County v. Sunrise Development Ltd. P'Ship*, 330 Md. 297 (1993). In addition to the physical construction of the parking lot constituting utilization of the special exception, the use of the property to rent automobiles is within the spirit and intent of the prior service garage approvals.

Petitioners testified that the existing service garage use permits the rental of automobiles. Mr. Kellman, who proffered and was accepted as an expert witness, opined that the B.C.Z.R. and Zoning Commissioner's Policy Manual support this proposition. "Garage, service" is defined in

ORDER RECEIVED FOR FILING

Date 12-28-11 3

By 

B.C.Z.R. Section 101 as "[a] garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." The index and pages 1-17 and 2-37 from the Zoning Commissioner's Policy Manual were accepted into evidence and marked as Petitioners' Exhibit 2A, 2B and 2C, respectively. Exhibit 2B provides that a service garage "includes the use of land or enclosed building where motor vehicles are stored and repaired, pursuant to the operation of truck, car rental, or taxicab businesses." Exhibit 2C provides that a service garage "includes truck and car rental and taxicab businesses."

As previously indicated, the special hearing relief being requested is to permit rental of vehicles as a use incidental to the principal use, a service garage. I find that the rental of automobiles is included within the previously approved service garage use but required Petitioners to demonstrate that the temporary automobile rental use satisfies the special exception conditions provided in B.C.Z.R. Section 502.1.

Turning now to those special exception conditions, Mr. Kellman opined that it is clear the proposed use would not pose any danger to the surrounding locale as the footprint of the service garage use is only a fraction of the exact same area which was approved in Case No. 10-146-SPH. The rental of automobiles will involve considerably less noise and disruption than the repair of vehicles. I am convinced that the request meets all of the customary special exception criteria contained in B.C.Z.R. Section 502.1. The adjoining building is already being used as a service garage, and I am persuaded that granting special hearing relief for a use contemplated within the definition of the service garage use will not have any negative effect on the surrounding locale. The proposed layout was already found to satisfy the special exception criteria and the slight alteration of the use will have no discernable impact above and beyond those already considered in the previous cases. By way of example, infrastructure will not be noticeably impacted, adequate

ORDER RECEIVED FOR FILING

Date 12-28-11 4

By [Signature]

light and air will not be interfered with, there is no potential hazard from fire or other danger, there is adequate parking, and the property is not located in a traffic deficient area. There is no evidence that the proposed use will create adverse impacts greater than or above and beyond those inherent with such a use regardless of its location. Petitioners further testified that the incidental rental business would park no more than approximately 30 vehicles on the premises at any given time, would limit the hours of operation to approximately 7 a.m. to 7 p.m. Monday through Friday, 7 a.m. to 4 p.m. on Saturday and 8 a.m. to 2 p.m. on Sunday, and would add approximately four employees (in addition to the 25 presently employed by the existing service garage). I therefore find that the Petitioners' special hearing request can be granted in strict harmony with the spirit and intent of the regulations and in such manner as to grant relief without injury to the public health, safety or general welfare of the locality.

Pursuant to the advertisement, posting of the property, and public hearing on this matter held, and after considering the testimony and evidence offered, I find that Petitioners' request for Special Hearing relief should be granted.

THEREFORE, IT IS ORDERED by the undersigned Administrative Law Judge of Baltimore County, this 28th day of December, 2011, that the Petition for Special Hearing relief to permit rental of vehicles as a use incidental to the principal use, a service garage, be and is hereby GRANTED, as more particularly shown on Petitioners' Exhibit No. 1, the Plan to Accompany the Petition for Zoning Hearings; and,

IT IS FURTHER ORDERED by the Administrative Law Judge of Baltimore County that the Petition for Special Hearing approval of Petitioners' request for such other and further relief as may be determined necessary be and is hereby

ORDER RECEIVED FOR FILING

Date 12-28-11

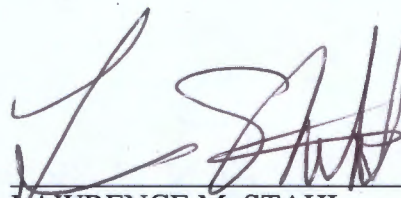
By [Signature]

GRANTED, in order to confirm that the construction of the parking lot and use of same as a service garage constitutes a utilization of the special exception approved in Case No. 10-146-SPH.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 12-28-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

December 28, 2011

JASON T. VETTORI, ESQUIRE
SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2012-0120-SPHA
Property: 605-619 Main

Dear Mr. Vettori:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the word "Sincerely,".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 605-619 Main Street (Map 48, Parcels 237, 238, 239 and 243) which is presently zoned See Attachment #1

Deed Reference See Attachment #1

10 Digit Tax Account # See Attachment #1

Property Owner(s) Printed Name(s) See Attachment #1

CASE NUMBER 2012-0120-SPH Filing Date 11/2/2011 Estimated Posting Date / / Reviewer JNP

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

PLEASE SEE ATTACHMENT #2

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

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

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

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address City State

(410) 821-0070

Zip Code Telephone # Email Address

Legal Owners:

Mordehai Gur, Authorized Representative of WG Properties, LLC and Sambor, LLC

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

Signature #1 Signature #2

607 Main Street, Reisterstown, MD 21136

Mailing Address City State

(410) 358-0393 mota@camdenbody.com

Zip Code Telephone # Email Address

Representative to be contacted:

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

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address City State

(410) 821-0070

Zip Code Telephone # Email Address

ATTACHMENT TO PETITION FOR SPECIAL HEARING

ATTACHMENT #1

605- 619 Main Street

(Map 48, Parcels 237, 238, 239 and 243)

4th Election District/3rd Councilmanic District

Address	Map/Parcel	Tax ID	Property Owner	Deed Reference
605 Main Street	48/237	0407047350	WG Properties, LLC	27718/00410
607 Main Street	48/238	1900005193	WG Properties, LLC	27718/00410
Reisterstown Road	48/239	1900003388	WG Properties, LLC	27718/00410
619 Main Street	48/243	0419033610	Sambor, LLC	27559/00447

ATTACHMENT TO PETITION FOR SPECIAL HEARING

ATTACHMENT #2

605- 619 Main Street

(Map 48, Parcels 237, 238, 239 and 243)

4th Election District/3rd Councilmanic District

1. An amendment to the previously approved relief granted in Case No.: 10-146-SPH to permit rental of vehicles as a use incidental to the principal use, a service garage; and
2. For such other and further relief as may be determined necessary by the Administrative Law Judge.



Description
To Accompany Petition
For A Special Hearing
Main Street (Md. Route 140)
Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Walgrove Road with the centerline of Main Street (Md Route 140), northwesterly 99 feet, more or less, thence Northeasterly 30 feet, more or less, to the point of beginning being situate on the northeastern right-of-way of said Main Street, thence leaving said point of beginning and running with and binding on a portion of Main Street, referring all courses of this description to the Maryland Coordinate System (NAD '83 - 1991), the following courses and distances: (1) North 44 degrees 24 minutes 58 seconds West 421.17 feet, thence (2) North 45 degrees 14 minutes 02 seconds East 331.00 feet, thence (3) South 43 degrees 55 minutes 43 seconds East 309.85 feet, thence (4) South 45 degrees 08 minutes 21 seconds West 120.07 feet, thence (5) South 43 degrees 10 minutes 41 seconds East 114.36 feet, and thence (6) South 46 degrees 07 minutes 01 second West 205.83 feet to the point of beginning; containing 125,539 square feet or 2.882 acres of land, more or less. THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Project No. 05040.C (L05040.C-1)



2012-0120-SPH

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

No. **74457**

Date: **11/2/2011**

PAID RECEIPT

ISSUED: ACTUAL: FINE: D/S:
 11/03/2011 11/02/2011 0012:25 2
 M/F: 002 P/L: JEN: JEE
 RECEIPT # 75222 11/02/2011 0012

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	206	0200		6150					285.00

Total: **285.00**

Rec From:

Smith, Gildea & Schmidt, LLC

For:

**Special Hearing - 605-619 Main Street
 2012-0120-SPH (Wig Properties, LLC / Smith & Co LLC)**

5. 531 201105 VERIFICATION
 CR #1: 074457
 Rept tot: 1305.00
 1305.00 CR 1.00 CR
 Baltimore County, Maryland

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2012-0120-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Mordehal Gur, WG Properties, LLC & Sambor, LLC

December 21, 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: _____

605-619 Main Street

December 6, 2011

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

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: # 2012-0120-SPH

605-619 Main Street
N/east side of Main Street, 99 feet n/west of Walgrove Road
4th Election District - 3rd Councilmanic District
Legal Owner(s): Mordehal Gur, WG Properties, LLC & Sambor, LLC

Special Hearing: to permit an amendment to the previously approved relief granted Case 10-146-SPH to permit rental of vehicles as a use incidental to the principal use, a service garage and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Wednesday, December 21, 2011 at 11:00 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.

JT/12/604 December 6 292341

CERTIFICATE OF PUBLICATION

12/8/2011

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 12/6/2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
November 22, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0120-SPH

605-619 Main Street

N/east side of Main Street, 99 feet n/west of Walgrove Road

4th Election District – 3rd Councilmanic District

Legal Owners: Mordehai Gur, WG Properties, LLC & Sambor, LLC

Special Hearing to permit an amendment to the previously approved relief granted Case 10-146-SPH to permit rental of vehicles as a use incidental to the principal use, a service garage and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Wednesday, December 21, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Mordehai Gur, 607 Main Street, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 6, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 6, 2011 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
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: 2012-0120-SPH

605-619 Main Street

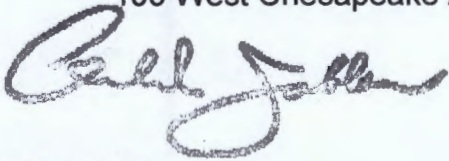
N/east side of Main Street, 99 feet n/west of Walgrove Road

4th Election District – 3rd Councilmanic District

Legal Owners: Mordehai Gur, WG Properties, LLC & Sambor, LLC

Special Hearing to permit an amendment to the previously approved relief granted Case 10-146-SPH to permit rental of vehicles as a use incidental to the principal use, a service garage and for such other and further relief as may be determined necessary by the Administrative Law Judge.

Hearing: Wednesday, December 21, 2011 at 11:00 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
605-619 Main Street; NE/S Main Street, * OF ADMINISTRATIVE
99' NW of Walgrove Road * HEARINGS FOR
4th Election & 3rd Councilmanic Districts *
Legal Owner(s): WG Properties, LLC *
& Sambor, LLC by Mordehai Gur *
Petitioner(s) * BALTIMORE COUNTY
* 2012-120-SPH

* * * * *

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.

RECEIVED

NOV 17 2011

.....

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 17th day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 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



KEVIN KAMENETZ
County Executive

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

December 13, 2011

WG Properities, LLC & Sambor, LLC
Mordehal Gur, Representative
607 Main Street
Reisterstown, MD 21135

RE: Case Number 2012-0120-SPH, 605-619 Main Street

To Whom It May Concern;

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 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 black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason Vettori, Smith, Gildea & Schmidt, LLC, 600 Washington Ave., Ste. 200, Towson, MD
21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 18, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For November 28, 2011
Item Nos. 2012-120, 122, 123, 124
And 125

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11282011 -NO COMMENTS.doc

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

Date: 11-14-11

Ms. Kristen Matthews,
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

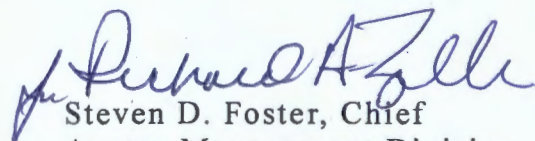
RE: Baltimore County
Item No. 2012-0120-SPH
Special Hearing
Mordehai Gur/WB Properties,
LLC and Sombor, LLC.
605-619 Main Street
MD140

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 11-14-11. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing. Case Number 2012-0120-SPH.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

MEMORANDUM

DATE: January 30, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0120-SPHA

The appeal period for the above-referenced case expired on January 27, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME _____
CASE NUMBER 2012-120-SPH
DATE 12/21/11

[illegible]

LS 12/21
11AM

Case No.: 2012-0120-SPH - Main Street

Exhibit Sheet

12/29/11
P3
1/30/12
RW

Petitioner/Developer

Protestants

No. 1	A THE PLANS TO ACCOMPANY PETITION FOR SPECIAL HEARING	
No. 2	A-INDEX-ZONING POLICY MANUAL B-DEFINITION-SEC 101 GARAGE C-PETITION SERVICE	
No. 3 No. 2	C POLICY MANUAL - SPECIAL EXCEPTION USES 230.13	
No. 3	N/A	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NE/S of Main Street (MD Route 140),		
240' S of the c/line of Chartley Drive	*	ZONING COMMISSIONER
(605-619 Main Street)		
4 th Election District	*	OF
3 rd Council District		
	*	BALTIMORE COUNTY
WG Properties, LLC		
Petitioner	*	Case No. 2010-0146-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, WG Properties, LLC, by Mordehai Gur, managing member, through their attorney, Sebastian A. Cross, Esquire. The Petitioner requests Special Hearing relief as follows: (1) to allow business parking in a residential zone pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) Section 409.8.B; (2) for an amendment to the previously approved Special Exception granted for a service garage in Case Nos. 05-552-X and 08-241-SPHX by amending the limits of the Special Exception area and amended building layout; (3) approval of a modified parking plan as per B.C.Z.R. Section 409.12.B, and (4) to permit accessory parking in adjoining O-3 zone. The subject property and requested relief are more particularly described on the three page colorized site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3A-3C.

Appearing at the requisite public hearing in support of the requests were Mordehai Gur and Jay Weinberg on behalf of WG Properties, LLC, property owner, t/a Camden Body and Fender, Jared Barnhart and Mitch Kellman with Draft McCune Walker Inc., the zoning and land development consultants who prepared the site plan and other exhibits, and Sebastian A. Cross, Esquire, with Gildea & Schmidt, LLC, representing the Petitioner. Attending as

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

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

WG Properties, LLC; Mordehai Gur, Member
Petitioner

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

CASE NO. 08-241-SPHX

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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



My Neighborhood Map

2012-0120-SPH

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 11/1/2011

1. Owner Information:
WG Properties LLC. Sabor, LLC.
4113 Amos Ave. 4113 Amos Ave.
Baltimore, MD 21215-3309 Baltimore, MD 21215-3309
Contract Purchaser/Applicant:
WG Properties, LLC
4113 Amos Avenue
Baltimore, MD 21215
Deed Reference/Tax Account Numbers:
224222555 1900005193, 1900003368, 0419033610, 0407047350
275691447
277181410
Tax Map No: 48 Grid: 23 Parcels: 237, 236, 239, 243
Zoning: BL, DR 3.5, R0, 03
Census Tract: 04045
Watershed: 27
Subwatershed: 67
2. Floor Area Ratio:
Maximum 3.0
Provided (31,082 SF adjusted gross floor area)/(11383 SF gross site area) = 0.28
3. Building Area:
Total Building SF = 18,625 SF (included 4000 SF mezzanine) (Existing)
Total Building SF = 12,457 SF (Proposed)
4. On-site lighting will be arranged to reflect light away from adjacent
residential areas and public streets.
5. Zoning History:
Case 73-48-R (Order dated 3/5/73): Petition for a reclassification of 1.3 acres from
DR-3.5 and DR-16 to BR Zoning. Property rezoned BL to accommodate a clothing store.
Case 74-186-R (Order dated 8/17/74): Petition to reclassify 0.3 acres from DR-3.5 and
DR-16 to BL granted.
Case R-83-69 (Order dated 3/16/83): Petition for 0.5 acres of R0 to be reclassified as
BL denied.
Case 83-85-SPH: Special hearing to allow existence of a non-conforming use for a produce
stand. Right to continue granted, subject to nine restrictions.
Board of Appeals: Zoning Commissioner order as to non-conforming use affirmed.
Nine conditions of approval rescinded.

1. The Petitioner is made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The site plan (Exhibit No. 4) denoting a proposed 8' high chain link fence with slats surrounding the site and the proposed 8' high chain link fence with slats and a "Damaged Vehicles and Mechanical Area" be amended to show a minimum 6' high stockade "board on board" fence at the rear of this operation.
3. The hours of operation shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m.; Saturday 8:00 a.m. to 11:00 a.m.
4. A Landscape Plan and Lighting Plan, with lighting directed away from residential property, must receive approval from the Office of Planning prior to the issuance of any building permits.
5. Wherever applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order. It is further ordered that any appeal of this decision must be entered within (30) days of the date hereof.

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The conditions which were set forth in Case No. 05-552-X shall be incorporated into this Order.

D. Existing Use: 605 Main Street - Vacant Lot
607 Main Street - Camden Body & Fender
609 Main Street - Abandoned Produce Shop (to be razed)
619 Main Street - Ex Residential
Proposed Use: 605 Main Street - Parking Lot, including parking for leased vehicles.
607 Main Street - Camden Body and Fender
609 Main Street - Service Garage
619 Main Street - Ex Residential and Commercial Parking

Recent Permits:
B624190 - Commercial Stormwater Management
B624201 - Grading,
B636646 - Retaining Wall
B650771 - Commercial Permit
B653601 - Sign
B662604 - Fire
B672967 - Fire
Archived Permits:
B054190 - Sign
B105601 - Commercial Permit
E054167 - Electrical,
E106969 - Electrical
P106517 - Plumbing

Archived permits are based upon a review of the files kept within the Building Inspection Office of PDM. Archived permits are from 1989 to 2005. Based upon our conversation with Permits and Licenses, current permits within the County data base go back 18 months from the current date.

10. There is no conflict with BCZR Section 303.2 as there are no adjacent commercial buildings which front on Main Street that lie within 100 feet of the joint-site property lines.
11. Pursuant to BCZR Section 1801.B.1(1)(i), the site is not subject to the R.T.A. requirements as there is no development within the DR zone.
12. The proposed building height will not exceed 40 feet.
13. The proposed paving to be bituminous concrete.
14. Landscaping and screening will be provided in accordance with the latest Baltimore County Landscape Manual.
15. The property is not in a 100-year floodplain or is not within the Chesapeake Bay Critical Area.
16. There are no historic structures on site and the site is not within a historic district.
17. The site is not within any traffic deficient zones pursuant to the 2010 Basic Services Transportation Area Map.
18. The proposed use will not impact any pupils/visitors for schools in the area.
19. The DR 3.5 portion included within the Special Exception Area is for buffer purposes only.
20. On August 1, 2005, the DRC #080105D;4C3 determined that this site met the requirements of a limited exemption under Section 32-4-106(a)(1)(vi) for the purpose of constructing a Service Garage (Body Shop).
- 20A. On August 29, 2005, the DRC #018105D;4C3 determined that the project meets the requirements of a limited exemption under Section 32-4-106(b)(5).

 $1^\circ = 500'$

*PARCEL 238 IS USED FOR CALCULATING FAR, AND WILL
CONTAIN ALL PARKING TO SUPPORT THE EXISTING AND
PROPOSED AUTO BODY SHOPS

AREA OF SPECIAL EXCEPTION
=68,520 SF ±
=1.573 AC±
AREA OF SPECIAL HEARING
=125,540 SF ±
=2.882 AC±

*PARCEL 238 IS USED FOR CALCULATING FAR, AND WILL
CONTAIN ALL PARKING TO SUPPORT THE EXISTING AND
PROPOSED AUTO BODY SHOPS

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of March 2010 that the Petition for Special Hearing seeking relief as follows: (1) to allow business parking in a residential zone pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) Section 409.8.B; (2) for an amendment to the previously approved Special Exception granted for a service garage in Case Nos. 05-552-X and 08-241-SPEIX by amending the limits of the Special Exception area and amended building layout; (3) approval of a modified parking plan as per B.C.Z.R. Section 409.12.B, and (4) to permit accessory parking in adjoining O-3 zone, in accordance with Petitioner's Exhibit 5A-3C, be and is hereby GRANTED, subject to the following conditions:

- 1) The Petitioner may apply for any necessary permits in conjunction with the approval granted; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this decision expires. If the appeal is denied and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The design elements submitted by Ford Greene marked as Exhibit 9 shall be incorporated into the design of the building.
- 3) The conditions outlined by Petitioner's agreement with the community marked as Exhibit 10 are incorporated by reference in this Order.
- 4) No repairs, including minor mechanical and body and fender work of any kind, shall be performed in the parking area adjacent to Walgrove Road (R-O zone) or Parcel 237 (R-O zone).
- 5) The property including compact dense evergreen screening shall be maintained in a neat and orderly condition at all times.

WJW:dlw

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM
A DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 36725, EXPIRATION DATE: 2/26/13

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

Utility plans: 36-312, 51-0557, 63-625
Baltimore County 2004 Zoning Map: 046c3
TOPOGRAPHICAL SURVEY AND PROPERTY BOUNDARY
HEREON TAKEN FROM APR ASSOCIATES, INC., DATED
MAY 15, 2009.

200 EAST PENNSYLVANIA AVENUE • TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

CAMDEN BODY
& FENDER

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

[illegible]

EXHIBIT NO.

ATES	BASE:	<u>AMP</u>
11-03-11	DRAWN:	CBH

REV:	11-05-11	DRAWN:	CRH
BID:		DESIGNED:	JLB/MK

PERMIT: _____	CHECKED BY: _____
CONSTRUCTION: _____	DATE CHECKED: _____

SCALE: AS SHOWN	DRAWING: 1 of 2
PROJECT NO: 05040 CO	

1 of 2

