

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

SE side of Washington Blvd., 262.17'
N of c/line of Old Washington Road
13th Election District
1st Councilmanic District
(4111 Washington Boulevard)

Hendricks Commercial Property, LLC
Legal Owner
Vehicles for Change
Contract Purchaser
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
*
* **Case No. 2012-0257-X**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings as a Petition for Special Exception filed for property located at 4111 Washington Boulevard. The Petition was filed by the legal owner of the subject property, Hendricks Commercial Property, LLC, and Martin Schwartz, authorized representative for Vehicles for Change ("Petitioners"). The Special Exception Petition seeks approval for a used motor vehicle outdoor sales area, separate from the sales agency building, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 236.4. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Martin Schwartz, authorized representative for Vehicles for Change, and Paul Lee with Century Engineering, the firm who prepared the site plan. Jason T. Vettori, Esquire with Smith, Gildea, & Schmidt, LLC, attended and represented the Petitioners. Two interested citizens, William and Faith Hermann, attended the hearing, but they were not opposed to the requested relief, and the file does not contain any letters of protest or opposition.

ORDER RECEIVED FOR FILING

Date 5-31-12

By ps

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning on May 10, 2012, which indicated that the proposed use has the potential to create significant adverse impacts to the residential community located south of the subject property on the opposite side of Old Washington Boulevard. In addition, that Department also set forth a list of proposed restrictions and conditions pertaining to the operation of the business.

Testimony and evidence revealed that the subject property is 2.047 acres and zoned BR. It is approximately two miles from the existing location of the business, which was the subject of a recent zoning case. (See 2011-0258-SPHXA). The operation of a used car dealership is permitted in the zone by special exception, and former Administrative Law Judge Kotroco in his previous Order provided a thorough description of the nature of Petitioner's business, and that will not be repeated here.

The uncontroverted testimony and evidence from Petitioners' engineer Paul Lee, indicates that the proposed use would not have any detrimental impacts on the B.C.Z.R. § 502 criteria. Therefore, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. See, *Schultz v. Pritts*, 291 Md. 1 (1981) and *People's Counsel v. Loyola College*, 406 Md. 54 (2008). Nor would the used car operation be detrimental to the nearby residential and commercial uses in its vicinity. In fact, the neighboring homeowners closest to the facility indicated by letter that they were supportive of this project. Exhibit 4B.

As noted earlier, the Department of Planning submitted an extensive list of proposed conditions for this operation. That Department's concerns were addressed individually by Petitioner's counsel and engineer, and while some have merit, others I believe are impractical

ORDER RECEIVED FOR FILING

Date 5-31-12 2

By [Signature]

and/or unsafe. For example, the suggestion that only Washington Blvd. be used for vehicular access would lead to dangerous traffic conditions along that road, and the citizens at the hearing concurred and explained that there is a limited sight distance at that point. In any event, I have incorporated certain of the Department of Planning's comments as conditions to this Order.

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

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 31 day of May, 2012 that Petitioners' request for Special Exception to approve a used motor vehicle outdoor sales area, separate from the sales agency building, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 236.4, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

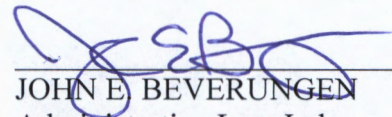
1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. All compressors that are used for vehicle service and repair should be contained within the building and designed to prevent adverse noise impacts on the residential community.
3. All dumpster and trash enclosures should be located away from Old Washington Boulevard, and shall be positioned as close to the building as is practicable.
4. The parking or display of motor vehicles along Washington Boulevard in front of the subject building and between Washington Boulevard and the existing fence at the northeast corner of the site shall not be permitted.

ORDER RECEIVED FOR FILING

Date 5-31-12 3

By pm

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 5-31-12

Ely 82



KEVIN KAMENETZ
County Executive

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

May 31, 2012

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

RE: Petition for Special Exception
Case No.: 2012-0257-X
Property: 4111 Washington Boulevard

Dear Mr. Vettori:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: William and Faith Hermann, 5009 Hazel Avenue, Relay MD 21227



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 4111 WASHINGTON BLVD. which is presently zoned BR
Deed References: 28639-283 10 Digit Tax Account # 1 3 1 9 0 7 0 8 5 0
Property Owner(s) Printed Name(s) DMH COMMERCIAL PROPERTIES LLC

(SELECT THE HEARING(S) BY MARKING ☒ 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
2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATE FROM SALES AGENCY BUILDING.
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 bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

MARTIN SCHWARTZ,
AUTHORIZED REP. FOR VEHICLES FOR CHANGE
Name- Type or Print

[Signature]
Signature

5230 WASHINGTON BLVD. HALETHORPE MD
Mailing Address City State

21227 / 410-242-9674 /
Zip Code Telephone # Email Address

Attorney for Petitioner:

JASON T. VETTORI
Name- Type or Print

[Signature]
Signature

600 WASHINGTON AVE.
SMITH GILDEA & SCHMIDT TOWSON MD
Mailing Address City State

21204 / 410-821-0070 /
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

HENDRICKS COMM. PROP. LLC LES BIRBAUM
Name #1 - Type or Print Name #2 - Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

655 3RD STREET BELOIT WI
Mailing Address City State Manager

53511 / 608-466-4770 / les.birbaum@hendricksprop.net
Zip Code Telephone # Email Address

Representative to be contacted:

JASON T. VETTORI, SMITH, GILDEA & SCHMIDT, LLC
Name - Type or Print

[Signature]
Signature

600 WASHINGTON AVE. TOWSON MD
Mailing Address City State

21204 / 410-821-0070 /
Zip Code Telephone # Email Address

CASE NUMBER 2012-0257-X Filing Date 4/16/12 Do Not Schedule Dates: _____ Reviewer JP

REV. 10/4/11

ORDER RECEIVED FOR FILING

Date 5-31-12

By [Signature]

10710 Gilroy Road
Hunt Valley, MD 21031

DESCRIPTION
4111 WASHINGTON BOULEVARD
ELECT. DIST. 13C1 BALTO. CO., MD

BEGINNING FOR THE SAME at a point on the southeast side of Washington Boulevard, said point also being located 262.17' northeasterly from its intersection with the northerly side of Old Washington Road, thence running with and binding on the southeast side of Washington Boulevard.

- 1) North 45° 25' 00" E – 400.00', thence leaving said point
- 2) South 48° 06' 00" E – 358.81' to the center of Old Washington Road, thence binding thereon
- 3) South 61° 19' 30" W – 20.01' and
- 4) South 71° 27' 10" W – 437.26' to a point, thence leaving said point of old Washington Road.
- 5) North 48° 06' 10" W – 161.05' to the southeast side of Washington Blvd. and place of beginning

Containing 2.407± acres of land and known as 4111 Washington Boulevard as recorded in 28639-283.



Item #

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

No. **82125**

Date: **4-16-12**

PAID RECEIPT

BUSINESS ADDRESS: 1100
 4/17/2012 4/16/2012 11:41:23 2
 REG NO. 002125 0000 0000 0000
 RECEIPT # 000000 4/16/2012 OFLH
 Dept 5 520 DRUG VERIFICATION
 CT NO. 002125
 Receipt 100 1000.00
 1000.00 00 1.00 00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	506	0000		6150						450.00

Total: **450.00**

Rec From: **VEHICLES FOR CHANGE, LLC**

For: **4111 Washington Blvd.**
Police, R. Special Exception
2012-0257-X

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2012-0257 X

Petitioner: MARTIN SCHWARTZ

Address or Location: 4111 WASHINGTON BLVD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARTIN SCHWARTZ

Address: 5230 WASHINGTON BLVD

BALTO, MD 21227

Telephone Number: 410-242-9674

CERTIFICATE OF POSTING

2012-0257-X

RE: Case No.: _____

Petitioner/Developer: _____

Vehicles for change, Martin Schwartz, auth rep

May 30, 2012

Date of Hearing/Closing: _____

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

NOTICE OF ZONING HEARING

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

Case: # 2012-0257-X

1111 Washington Boulevard
SE side of Washington Blvd.
at a distance of 262.17 ft.
N/O centerline of Old Wash-
ington Rd.

13th Election District

1st Councilmanic District

Legal Owner(s): Hendricks
Comm. Property, LLC, Les
Birbaum

Contract Purchaser: Vehi-
cles for Change, Martin
Schwartz, authorized rep

Special Exception: to per-
mit a used motor vehicle
outdoor sales area, sepa-
rate from sales agency
building.

Hearing: Wednesday,
May 30, 2012 at 10:00
a.m. in Room 205, Jeffer-
son 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 accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

IT 05/694 May 15 303234

CERTIFICATE OF PUBLICATION

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 5/15, 20 12.

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

S. Wilkinson

LEGAL ADVERTISING

Debra Wiley - Certificate of Posting

From: Jason Vettori <jvettori@sgs-law.com>
To: "dwiley@baltimorecountymd.gov" <dwiley@baltimorecountymd.gov>
Date: 5/29/2012 10:35 AM
Subject: Certificate of Posting
CC: Amy Gillespie <agillespie@sgs-law.com>, Lawrence Schmidt <lschmidt@sgs-l...
Attachments: Certificate of Posting 5.10.12.PDF

Debbie,

Thanks for the call. Attached is the Certificate of Posting for Vehicles for Change (Case No. 2012-0257-X). Sorry for not getting this to you sooner.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 15, 2012 Issue - Jeffersonian

Please forward billing to:
Martin Schwartz
5230 Washington Blvd.
Baltimore, MD 21227

410-242-9674

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: 2012-0257-X

4111 Washington Boulevard

SE side of Washington Blvd. at a distance of 262.17 ft. n/of centerline of Old Washington Rd.

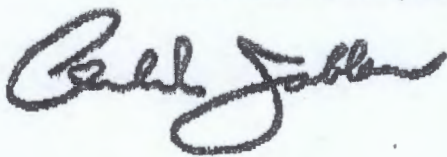
13th Election District – 1st Councilmanic District

Legal Owners: Hendricks Comm. Property, LLC, Les Birbaum

Contract Purchaser: Vehicles for Change, Martin Schwartz, authorized rep

Special Exception to permit a used motor vehicle outdoor sales area, separate from sales agency building.

Hearing: Wednesday, May 30, 2012 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

May 2, 2012

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: 2012-0257-X

4111 Washington Boulevard

SE side of Washington Blvd. at a distance of 262.17 ft. n/of centerline of Old Washington Rd.

13th Election District – 1st Councilmanic District

Legal Owners: Hendricks Comm. Property, LLC, Les Birbaum

Contract Purchaser: Vehicles for Change, Martin Schwartz, authorized rep

Special Exception to permit a used motor vehicle outdoor sales area, separate from sales agency building.

Hearing: Wednesday, May 30, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Towson 21204
Martin Schwartz, 5230 Washington Blvd., Halethorpe 21227
Les Birbaum, 655 3rd Street, Beloit WI 53511

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 15, 2012.**
- (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.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
4111 Washington Boulevard; SE of Washington
Blvd @ 262.17' N c/line Old Washington Rd* OF ADMINISTRATIVE
13th Election and 1st Councilmanic Districts
Legal Owner: Hendricks Commercial Properties* HEARINGS FOR
Contract Purchaser(s): Vehicles for Change
Petitioner(s) * BALTIMORE COUNTY
* 2012-257-X

* * * * *

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

APR 30 2012

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 30th day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

RECEIVED

MAY 14 2012

Smith, Gildea & Schmidt

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

PETITIONER' S

EXHIBIT NO. 6

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

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

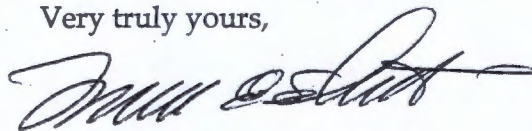
Arnold Jablon
Carole S. DeMilio, Esquire
May 4, 2012
Page 2

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,

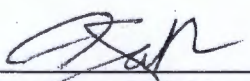


Lawrence E. Schmidt

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 6/30/12



Director Arnold Jablon

Vehicles for Change
At
4111 Washington Blvd.

WHO IS VEHICLES FOR CHANGE?

Vehicles for Change is a nonprofit organization repairing and providing donated cars to low income families for employment purposes. Vehicles for Change (VFC) exists so that low-income families can achieve financial and personal independence that comes from owning a vehicle.

CHANGING LIVES

VFC changes lives in Maryland and Virginia. Over 3,700 cars have been awarded and over 12,000 lives have been changed since 1999. 70% of the individuals receiving a car have obtained better jobs and taken their children to after-care, recreational and athletic activities never before possible.

New Location - 4111 Washington Blvd.

VFC is in the process of purchasing the ABC Roofing building and will operate the following programs from this location:

1. Car Awards - VFC will run its car award program from the new location which will involve a 6 bay garage and car awards where families will come and pick up their cars. VFC will also be cleaning cars and be receiving car donations and shipping cars from this location to auctions, programs in Virginia and other locations. This will all take place in the fenced lot behind the building.
2. Used Car Business - VFC also operates a used car business selling cars to the general public called Freedom Wheels. This is the major funding source for the VFC program. These cars will be displayed in an orderly fashion on the south side of the building. Cars are priced between \$3000 and \$7000 for the most part. All proceeds support the VFC program.
3. Training Center - VFC hope to also operate an automotive training center in collaboration with Baltimore County Community College and Goodwill. This program will train auto mechanics, detailers and other car related jobs.

Upgrades: Initially VFC intends to

1. Remove the fence in the front of the building along Rt 1 and landscape that area with trees and bushes.
2. Clean and landscape the area behind the building
3. Paint the building
4. Add signage and lights to the front of the building.
5. Create an open door policy with the community to meet with us on any new programs or operations to be started at this location. The new VFC community liaison Kim Hernandez will be an active member of the association.

PETITIONER' S

EXHIBIT NO. 3

Community Questions and Concerns

1. Are the flags for the dealership necessary?

There will be some recognition that this is a car dealership. We are more than willing to discuss what else may be available. The changes that VFC will be making to the road front of this building including removing the fence on the south side, adding landscaping and lighting will greatly enhance the visual image of that part of Wash Blvd and ultimately entice a potential buyer for the opposite side Poe's Sandwich shop now boarded up.

2. What are our plans to ensure the property does not look like a salvage yard?

The cars that will be ultimately going to our families or to the auction will be stored behind the building or to the north side. There will be wind screen placed on the fence that currently exists both behind the building and to the north side of the building. Unlike the current location the only cars that will be visible from the street will be those on the retail lot to the south side of the building.

The system we are implementing will assure that cars going to the auction do not sit on the lot for any longer than 7 days for the most part. This will be enhanced by having our own auto mechanic team on site. They will be able to process the cars much more quickly.

3. What exactly is the "special exception" and why is it needed? Is it because we are not supposed to have a dealership there?

The property is zoned BR which means basically any retail business can be located at this site. In the County in order to open a car retail business anywhere no matter the zoning a special exception is necessary. VFC needs this not only to sell cars to the general public but to provide the cars to our low income families. Without it the nonprofit cannot continue to operate.

4. How will the parking of the vehicles be situated on the lot? Where will the award cars, retail cars, wholesale cars and employee cars be parked?

This plan is obviously a work in progress until we get in the building. The current plan is the retail cars will be along the south side of the building and obviously in view of the street. Cars to be awarded will be stored along the north side and or behind the building, auction cars will be processed behind the building. Employee parking will also be behind the building. The only cars that will be visible from the street and that includes the street behind the building will be the retail cars. The public will not be able to see any other cars.

5. How will we ensure that wholesale cars will not sit on our lots for months on end? This makes the establishment look junky.

It is just as important to VFC that the organization does not look junky as it is to the neighborhood. The new shop and team of mechanics will allow us to process these cars much quicker.

6. Can we hold a community meeting at our new location for people interested in doing a walk through so we can actually show them our plans?

We not only want to invite the public to see our plans but invite them to be an ongoing part of the VFC program. That would mean to have community meeting at our location, volunteer to be a part of our planning committee and to volunteer to work with the nonprofit in providing this invaluable service to the families we serve.

This is our home now also. We obviously have a vested interest in increasing the value of the property we have purchased. It is our intention to dress up our location and entice new investment in that section of Wash Blvd. That will not only increase the value of our property but of the entire community. I feel we are in this together.

7. How many vehicles to we anticipate being on our lot on any given time?

I would expect that the retail lot will have 25-35 cars on the south side on an ongoing basis.

There will be approximately 25-60 to be awarded cars on the north side and behind the building and 20-30 auction cars in process behind the building NONE OF WHICH WILL BE VISIBLE BY THE PUBLIC.

Note that for the time period from Dec 27 to January 30 the number of to be awarded and auction cars are typically higher. VFC will again store these cars behind the building and out of site.

The main differences between 4111 Wash Blvd and our current location is that the current location is about 1/3 the size, has very little ability to keep the cars out of site and basically the entire lot sits on Wash Blvd.

At 4111 the entire lot is fenced and will be covered with screen, all the storage is basically behind a very large building, we will have a team of mechanics to help move cars more

quickly and we own this property and are now a permanent part of the community.
Investment in the property has a direct return to VFC not a landlord. Renters have much
less incentive to maintain their property!

PETITIONER'S

EXHIBIT NO.

4A



HALETHORPE IMPROVEMENT ASSOCIATION

P. O. Box 7306

Halethorpe, MD 21227

Halethorpe Improvement Assoc@verizon.net

To: Mr. Arnold Jablon
Deputy Administrator of Permits, Approvals, and Inspections

From: Michael McAuliffe
President
Halethorpe Improvement Association

Date: May 29, 2012

Subject: 4111 Washington Boulevard (Item #: 12-257)

In regard to Vehicles For Change (VFC) requesting a Special Exception for a non-conforming use, Case No. 2012-0257-X, Halethorpe Improvement Association Board of Directors offers no objection to this request.

At our March meeting, VFC representative, Kim Hernandez, spoke to our membership explaining the scope of their intended operation at 4111 Washington Blvd. and fielded questions from the membership during that time. Several days later Ms. Hernandez provided us with a written description of their intended operations in the form of a question and answer sheet titled Community Questions and Concerns. We have attached a copy for your reference. The 7 questions listed on this sheet are the ones of primary concern of HIA that we asked at this meeting, and we appreciate Ms. Hernandez getting back to us with these answers.

VFC has not shown us a site plan of their new location as we had expected, so therefore we offer neither support nor objection to what it may show, and therefore not knowing exactly how their business may impact the neighborhoods that surround it, we have not offered restrictions or limitations nor have we suggested alterations to their plans. We therefore are relying on the Baltimore County Planning Office to thoroughly evaluate VFC's site plan and appropriately recommend any necessary alterations,

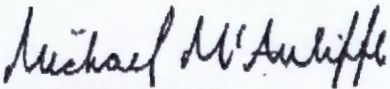
Subject: 4111 Washington Blvd. (Item #: 12-257)

May 29, 2012

restrictions and/or limitations to the business plan to help alleviate any negative impact to the adjacent neighborhoods.

HIA's main concern at this point is that the any part of this site that is visible to the passerby be kept in the neat orderly fashion, as described in their Community Questions and Concerns sheet, and that all Baltimore Co. noise and odor regulations be adhered to.

Based on the answers given in their Community Questions and Concerns sheet, HIA finds nothing objectionable to their plan as described. HIA realizes that VFC's plans are not finalized and will more than likely change slightly as they develop their operational model. We are aware of VFC's zoning issues that arose at their Relay location and feel that their new larger location may alleviate some of the spacial issues they experienced at their Relay location. We also anticipate an open dialogue with VFC and a cooperative resolution to any problems that may arise in their day-to-day operations.



Michael McAuliffe

President

Halethorpe Improvement Association

Halethorpe Civic League
1900 Northeast Ave
Halethorpe, MD 21227

PETITIONER' S

EXHIBIT NO.

4B

April 5, 2012

To Whom It May Concern:

This letter is a show of support from the Halethorpe Civic League for the relocation of Vehicles for Change (VFC) to 4111 Washington Blvd., Halethorpe, MD 21227.

I have met with Martin Schwartz, President of Vehicle for Change on several occasions. Mr. Schwartz has outlined his plan for the improvement of the property as well as the overall function of the VFC organization. It is our understanding that VFC will:

1. Operate their nonprofit organization of awarding cars to low income families which includes:
 - a. Storage of cars-maybe as many as 250 or more at any given time
 - b. Repair of cars
 - c. Orientation class and award of the cars to families

Also included will be:

2. The operation of their used car business Freedom Wheels
3. The potential of training of automotive personnel
4. Other activities necessary to operate or support the nonprofit car program

The building improvements include:

1. Removal of the fence along the road front of Washington Blvd at the south side of the building
2. Landscaping of the (Washington Blvd) of the building
3. Painting of the building

The Halethorpe Civic League (HCL) is excited to have Vehicles for Change as a new community partner and look forward to developing and maintaining a long standing and mutually beneficial relationship. The HCL would not oppose the approval of VFC receiving a special exception to obtain a license to sell used cars at this location.

Sincerely,



Otis Collins
President
Halethorpe Civic League
410-247-6792

March 26, 2012

PETITIONER'S

EXHIBIT NO.

4C

To Whom It May Concern:

This letter is to show the support of the Arbutus Business and Professional Association (ABPA) for the relocation of Vehicles for Change to 4111 Washington Blvd.; Halethorpe, MD 21227.

I have met with Martin Schwartz, President of Vehicles for Change (VFC), and Pat Long, Director of Freedom Wheels (the used car operation of VFC). Mr. Schwartz met with the ABPA at our March meeting and outlined their plan for the improvements of the property as well as the overall function of the VFC organization. It is our understanding that VFC will

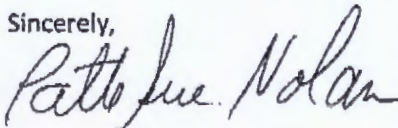
1. Operate their nonprofit organization of awarding cars to low income families which includes:
 - a. Storage of cars - may be as many as 250 or more at any given time
 - b. Repair of cars
 - c. Orientation class and award of the car to families
2. The operation of their used car business Freedom Wheels
3. The potential of training of automotive personnel
4. Other activities necessary to operate or support the nonprofit car program.

The building improvements include:

1. Removal of the fence along the road front of Washington Blvd. at the south side of the building.
2. Landscaping of the front (Washington Blvd side) of the building
3. Painting of the building

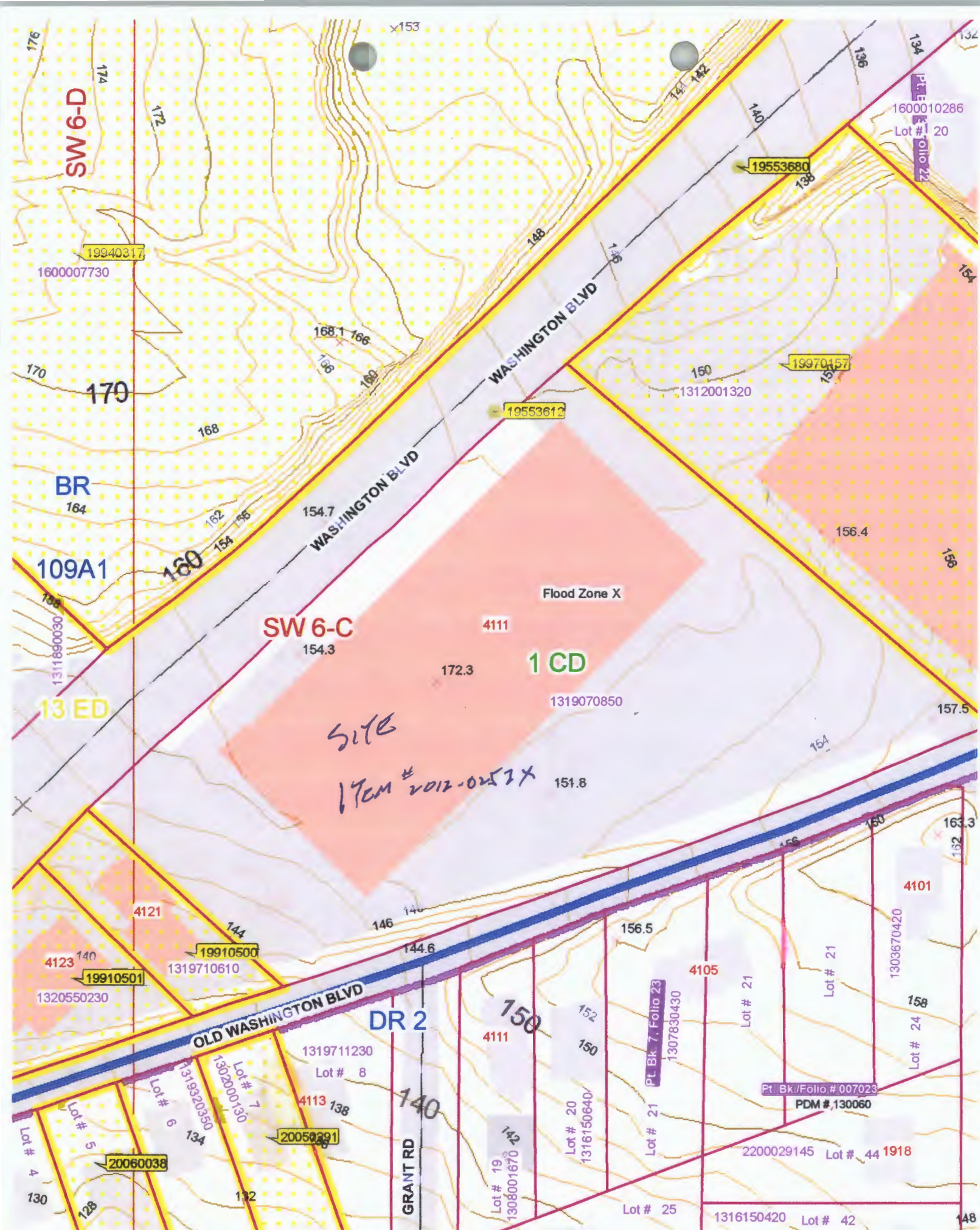
The ABPA is excited to have VFC as a member of and new business in the local community. Their rehab of the 4111 Washington Blvd. property will be a welcome upgrade to that portion of Washington Blvd and will hopefully spur new development in that area. The ABPA supports the approval of VFC receiving a special exception to obtain a license to sell used cars from this location.

Sincerely,



Patty Nolan

President, Arbutus Business and Professional Association



MEMORANDUM

DATE: July 10, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0260-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 21, 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

DATE MAY 30, 2012

[illegible]

Prior "Vehicles for Change" Order

**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**

TK 7-15-11

* * * * *

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

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

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.

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

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

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 15 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

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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>4-26</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>5-10</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>5-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>4-26</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT Date: <u>5-15-12</u>		
SIGN POSTING <u>Missing</u>	Date: <u>5-29-12</u> by <u>Black</u>	
<u>Sp. to Jason Veltman 5/29 9:06 re: Sign posting</u>		
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 13 Account Number - 1319070850

Owner Information

Owner Name: DMH COMMERCIAL PROPERTIES LLC Use: INDUSTRIAL
Principal Residence: NO
Mailing Address: ONE ABC PARKWAY Deed Reference: 1) /28639/ 00283
BELOIT WI 53511- 2)

Location & Structure Information

Premises Address Legal Description
4111 WASHINGTON BLVD 2.407 AC
0-0000 4111 WASHINGTON BLVD SS
262 NE OF OLD WASHINGTO

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0109	0007	0268		0000				2	
									<u>Plat Ref:</u>

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	33600	2.4000 AC	07

Stories Basement Type Exterior
STORAGE WAREHOUSE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
<u>Land</u>	720,000	720,000		
<u>Improvements:</u>	745,600	671,700		
<u>Total:</u>	1,465,600	1,391,700	1,391,700	1,391,700
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u>	HENDRICKS KENNETH	<u>Date:</u>	09/15/2009	<u>Price:</u>	\$0
<u>Type:</u>	NON-ARMS LENGTH OTHER	<u>Deed1:</u>	/28639/ 00283	<u>Deed2:</u>	
<u>Seller:</u>	BALTIMORE INVESTMENT GROUP	<u>Date:</u>	04/15/1993	<u>Price:</u>	\$833,000
<u>Type:</u>	ARMS LENGTH IMPROVED	<u>Deed1:</u>	/09711/ 00315	<u>Deed2:</u>	
<u>Seller:</u>	SCHMIDT BUILDING CO	<u>Date:</u>	07/31/1980	<u>Price:</u>	\$0
<u>Type:</u>	NON-ARMS LENGTH OTHER	<u>Deed1:</u>	/06189/ 00305	<u>Deed2:</u>	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

Tax Exempt: Special Tax Recapture:
Exempt Class: NONE

Homestead Application Information

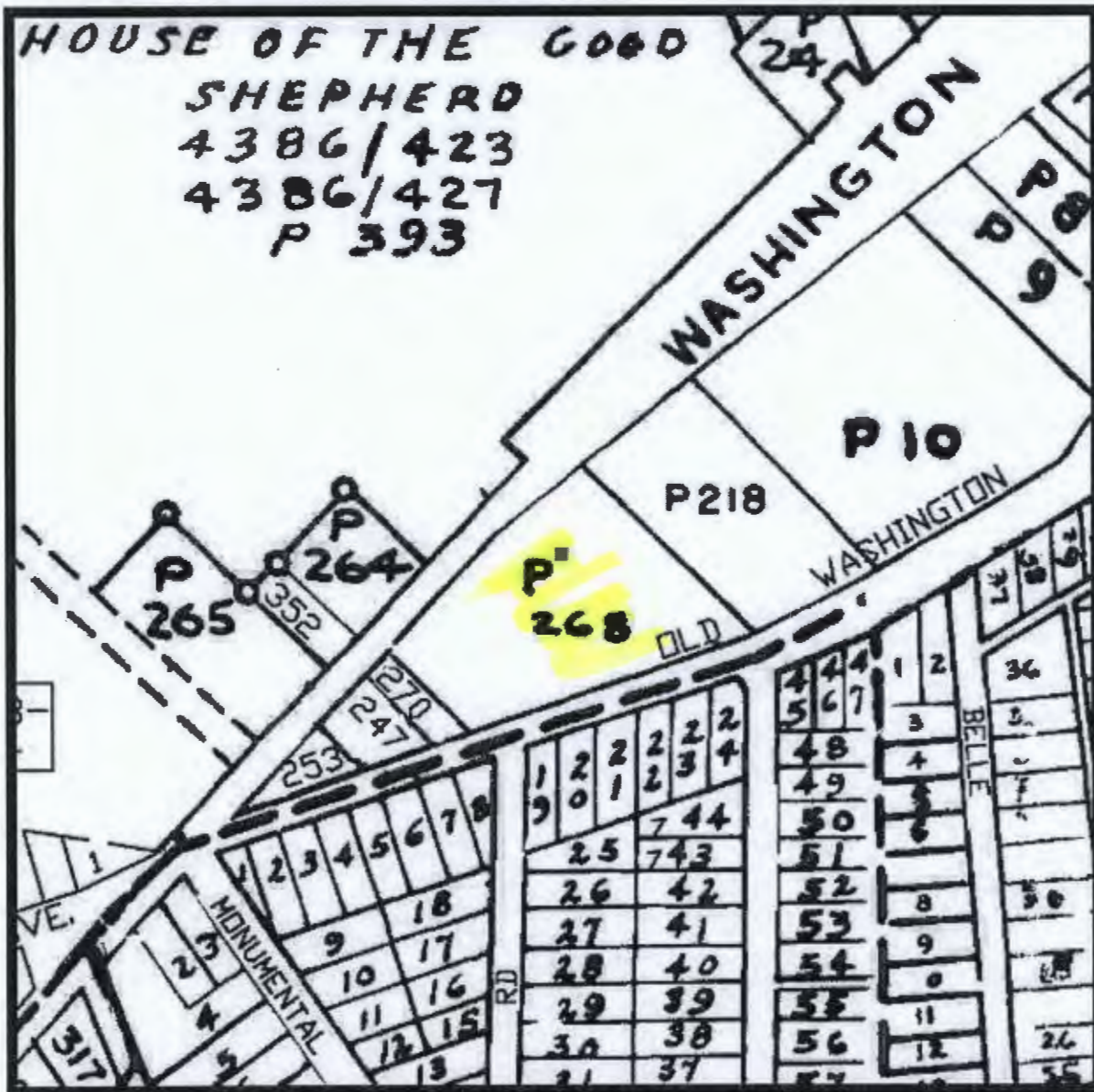
Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 13 Account Number - 1319070850



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 10, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0257-X
Address 4111 Washington Boulevard
(Hendricks Commercial Properties, LLC)

Zoning Advisory Committee Meeting of April 23, 2012.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAY 10 2012

OFFICE OF ADMINISTRATIVE HEARINGS

5-30 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 8, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4111 Washington Boulevard

RECEIVED

INFORMATION:

MAY 10 2012

Item Number: 12-257

Petitioner: Hendricks Commercial Property, LLC
Les Birbaum

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BR

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The proposed used motor vehicle outdoor sales area in conjunction with the proposed use has the potential to create significant adverse impacts to the residential community located south of the subject property on the opposite side of Old Washington Boulevard. The following conditions should be placed on any relief granted to mitigate the potential adverse impacts:

1. Prohibit outdoor vehicle cleaning, service, and repairs. Such activities should be wholly contained within the building.
2. All compressors that are used for vehicle service and repair should be contained within the building and designed to prevent adverse noise impacts on the residential community.
3. All doors and other openings in the back and west sides of the building that are likely to allow the passage of noise should be completely closed when service and repair activities are performed.
4. All barrels, tires, and other auto parts should be stored inside the building.
5. Prohibit direct vehicular access to and from Old Washington Boulevard. Close and landscape the two existing vehicle entrances/exits on Old Washington Boulevard.
6. Prepare a landscape plan that includes all outdoor lighting fixtures. The said plan shall be reviewed and approved by Jean Tansey, Baltimore County Landscape Architect. The proposed use shall be totally screened from Old Washington Boulevard.
7. All dumpster and trash enclosures should be located away from Old Washington Boulevard.
8. Prohibit the test-driving of motor vehicles on Old Washington Boulevard.

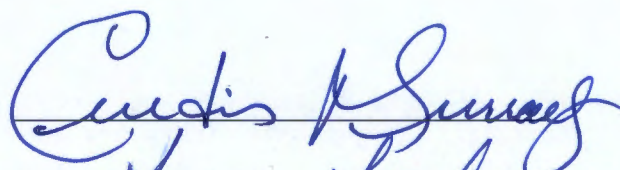
Furthermore, the parking or display of motor vehicles along Washington Boulevard in front of the subject building and between Washington Boulevard and the existing fence at the northeast corner of the site shall not be permitted. - agreed

All paved surfaces that are currently in poor condition shall be resurfaced. All outdoor parking, display, storage, and drop-off areas should be paved with a durable and dustless surface that is maintained in good condition. - currently

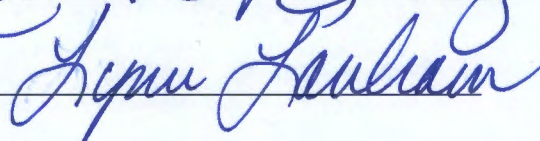
Lastly, the placement of pennants, streamers, balloons and similar objects on the subject site are opposed by the Department of Planning.

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

Prepared by:



Division Chief:
AVA/LL: CM



Debra Wiley - ZAC Comments - Distribution Mtg. of 4/23

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/23/2012 10:09 AM
Subject: ZAC Comments - Distribution Mtg. of 4/23

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0253-A - 1502 Walker Road
No hearing date assigned in data base as of today

2012-0254-A - 14006 Sunnybrook Road
Administrative Variance - Closing Date: 5/7/12

2012-0255-A - 31 Sproul Street
Administrative Variance - Closing Date: 5/7/12

2012-0256-SPHA - 6727 B Windsor Mill Road
No hearing date assigned in data base as of today

2012-0257-X - 4111 Washington Boulevard
No hearing date assigned in data base as of today

2012-0259-A - 11116 Bird River Grove Road - **CBCA / FLOODPLAIN**
No hearing date assigned in data base as of today

2012-0260-A - 3313 Lee Court
Administrative Variance - Closing Date: 5/14/12

2012-0261-XA - 9530 Philadelphia Road - **FLOODPLAIN**
No hearing date assigned in data base as of today

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



KEVIN KAMENETZ
County Executive

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

May 22, 2012

Hendricks Commercial Properties LLC
Les Birbaum, VP
655 3rd Street
Beloit WI 53511

RE: Case Number: 2012-0257-X, Address: 4111 Washington Boulevard

Dear Mr. Birbaum:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 16, 2012. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Jason T Vittori, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Towson MD 21204
Martin Schwartz, 5230 Washington Boulevard, Halethorpe MD 21227

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-26-12

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

RE: Baltimore County
Item No. 2012-0257-X
Special Exception

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4-24-12. A field inspection and internal review reveals that an entrance onto US1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception. Case Number 2012-0257-X.

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/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 26, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May7, 2012
Item Nos. 2012-0254, 0255, 0256, 0257, 0260,
And 0261

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-05072012-NO COMMENTS.doc

Stiller
Sowell



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 8, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4111 Washington Boulevard

INFORMATION:

Item Number: 12-257

Petitioner: Hendricks Commercial Property, LLC
Les Birbaum

Zoning: BR

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The proposed used motor vehicle outdoor sales area in conjunction with the proposed use has the potential to create significant adverse impacts to the residential community located south of the subject property on the opposite side of Old Washington Boulevard. The following conditions should be placed on any relief granted to mitigate the potential adverse impacts:

1. Prohibit outdoor vehicle cleaning, service, and repairs. Such activities should be wholly contained within the building.
2. All compressors that are used for vehicle service and repair should be contained within the building and designed to prevent adverse noise impacts on the residential community.
3. All doors and other openings in the back and west sides of the building that are likely to allow the passage of noise should be completely closed when service and repair activities are performed.
4. All barrels, tires, and other auto parts should be stored inside the building.
5. Prohibit direct vehicular access to and from Old Washington Boulevard. Close and landscape the two existing vehicle entrances/exits on Old Washington Boulevard.
6. Prepare a landscape plan that includes all outdoor lighting fixtures. The said plan shall be reviewed and approved by Jean Tansey, Baltimore County Landscape Architect. The proposed use shall be totally screened from Old Washington Boulevard.
7. All dumpster and trash enclosures should be located away from Old Washington Boulevard.
8. Prohibit the test-driving of motor vehicles on Old Washington Boulevard.

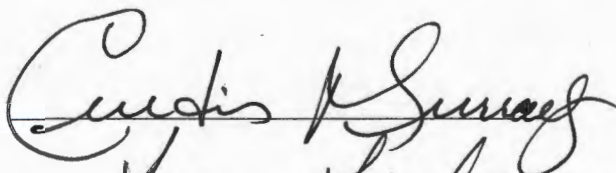
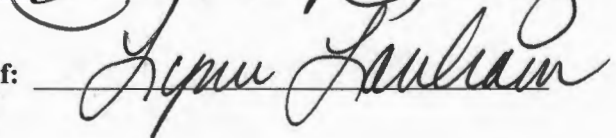
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Prepared by:

Division Chief:
AVA/LL: CM

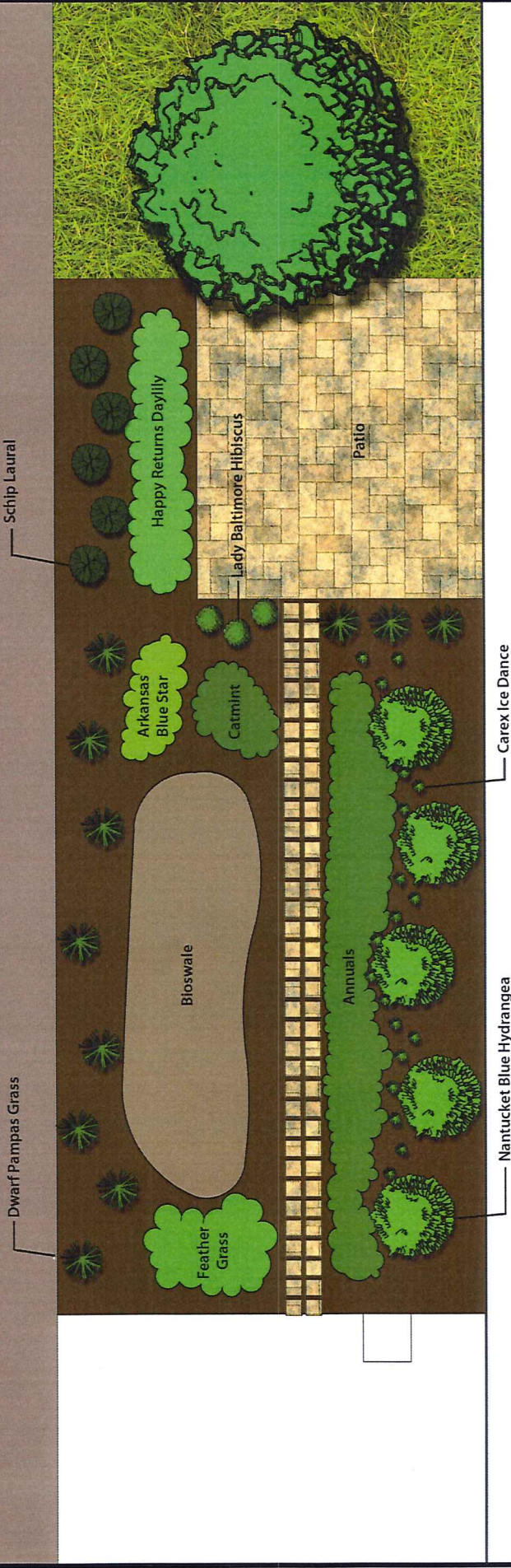


ITEM*
2011-0257X

BCZR-ZONING MAP 109A1



Washington Blvd



Building

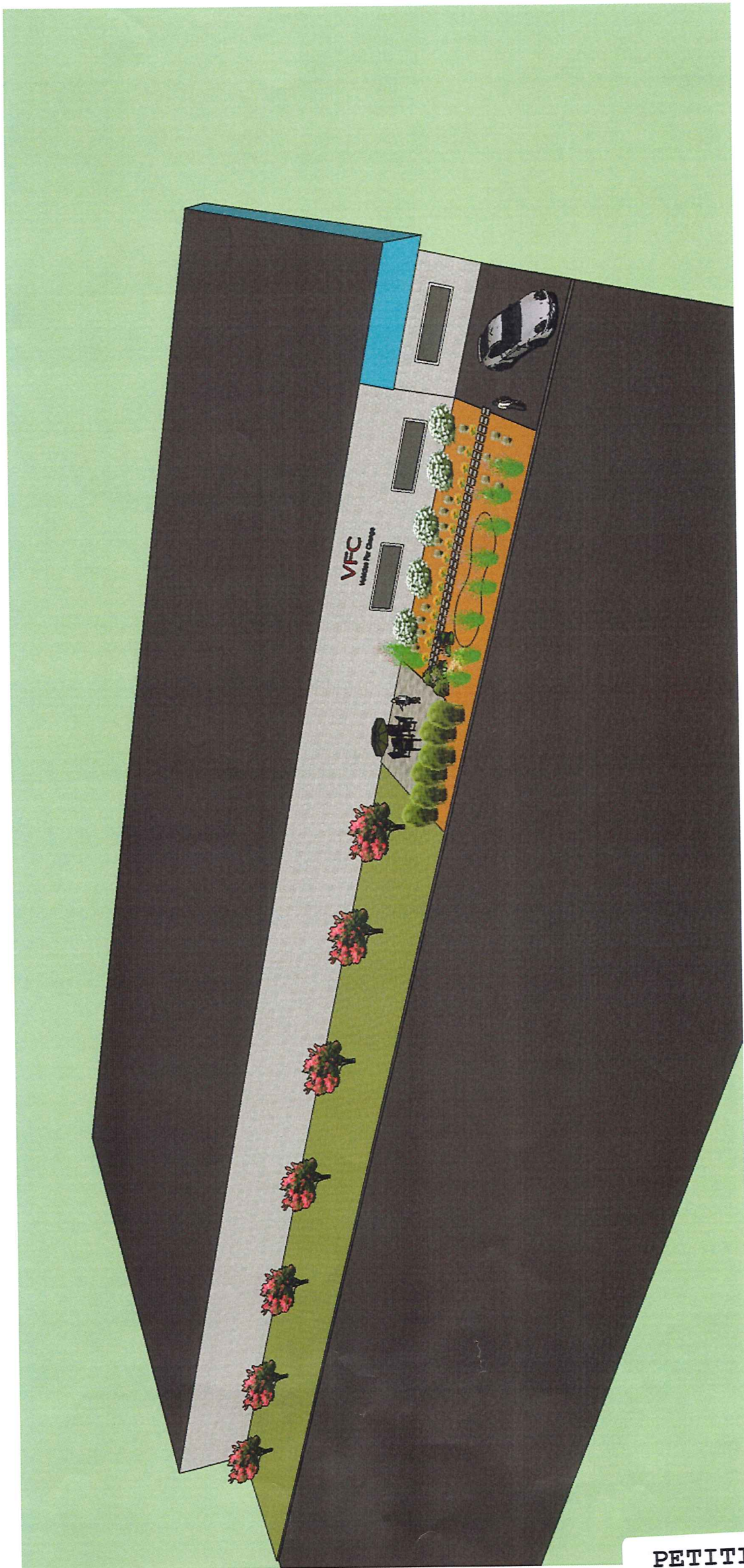


VFC Garden Plan

1/8" = 1'

PETITIONER'S

EXHIBIT NO. 5A



VFC Bird's Eye View

PETITIONER' S

EXHIBIT NO. 5B

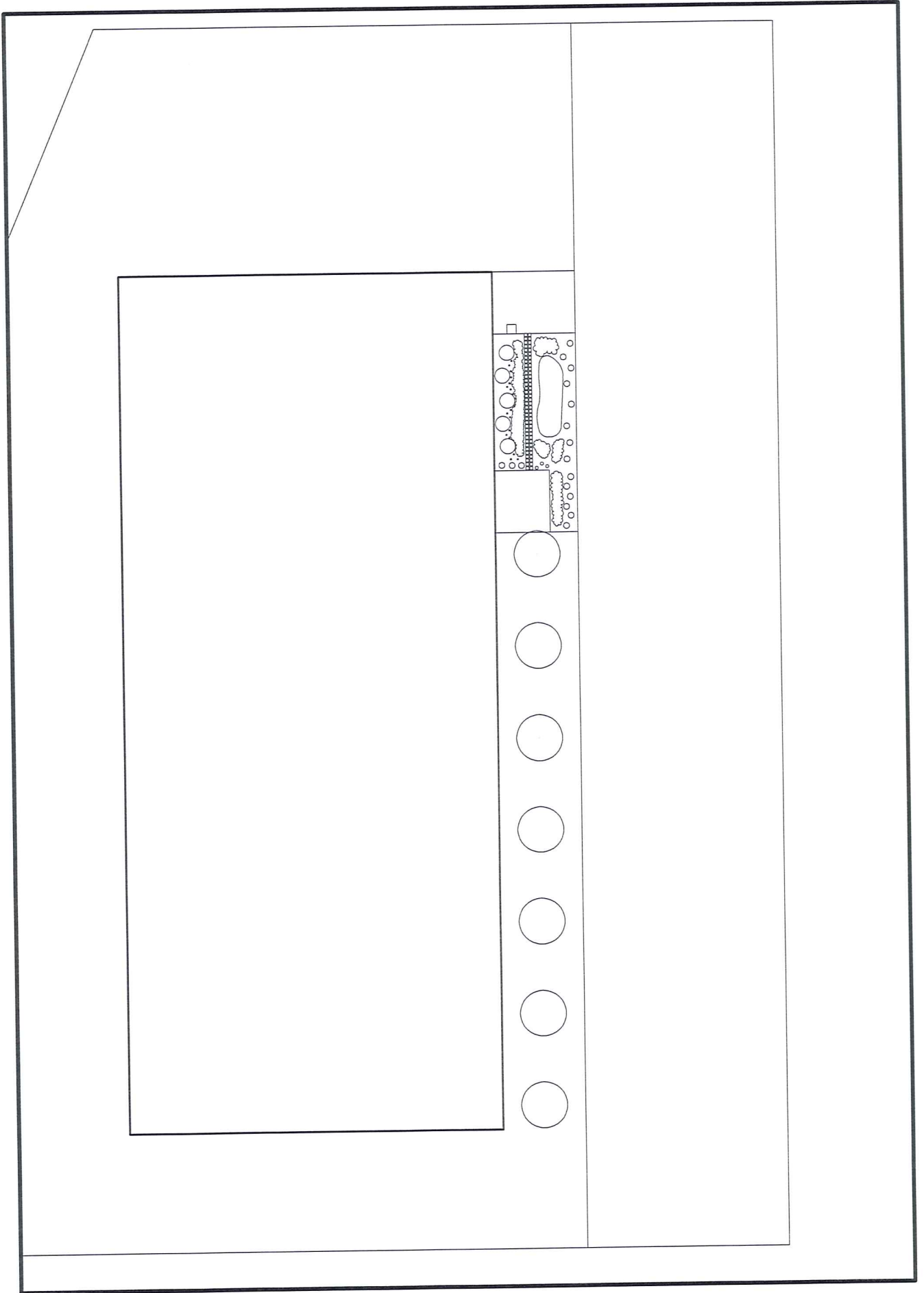


PETITIONER' S

EXHIBIT NO. 5C

VFC Side Garden Street View

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT



PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

PETITIONER'S

EXHIBIT NO. 57

JB 5-30
10 AM

Case No.: 2012-0257-X

Exhibit Sheet

6/1/12 B
7/10/12

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Google Earth	
No. 3	Vehicles for Change Fact Sheet	
No. 4	Letters of Support 4A, 4B + 4C	
No. 5	Landscape Drawings 5A, 5B, 5C, 5D	
No. 6	Letter from atty. Schmidt	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		