

IN RE: PETITION FOR SPECIAL EXCEPTION *

(4212 Ridge Road)
14th Election District
6th Councilman District
Max Real Estate, LLC
Legal Owner
National Motors, Inc.,
Lessee
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0111-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Exception filed for property located at 4212 Ridge Road. The Petition was filed by Timothy M. Kotroco, Esquire, on behalf of the legal owner of the subject property, Max Real Estate, LLC, and the lessee, National Motors, Inc., ("Petitioners"). The Special Exception Petition seeks relief pursuant to §236.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to use the herein property for used motor vehicle sales area, separated from sales agency building. 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 was Dean Hoover of Morris & Ritchie Associates, Inc., the firm that prepared the site plan. John Gontrum Esquire, with Whiteford, Taylor & Preston, LLP, attended and represented the Petitioners. There were no Protestants in attendance, nor does the file contain any correspondence opposing the project. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment was from the Department of Planning (DOP), which identified the need for additional landscaping at the site, among other concerns.

ORDER RECEIVED FOR FILING

Date

1/31/13

By

Sen

Testimony and evidence offered at the hearing revealed that the subject property is 91,630 square feet (2.10 acres) and is zoned BR. This is in fact the same property that was the subject of a recent hearing, where Special Exception relief was granted. See Exhibit 3 (opinion and case file in 2012-0155-X). The Petitioner in that case proposed to operate a contractor's storage yard, although those plans never materialized. The Petitioners propose to use the property to store and prepare for sale motor vehicles, although the primary sales operation for National Motors will continue to be the location on Joppa Road, shown in the photograph admitted as Exhibit 2.

SPECIAL EXCEPTION

As noted above, Petitioners seek special exception relief under §236.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to use the property for used motor vehicle sales area, separated from sales agency building. Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

No such showing was made in this case, and the used motor vehicle sales facility is a proper Special Exception use in the zone. In fact, the site is surrounded by other BR & BL zoned properties, and for over 50 years it was an automobile dealership (Shaefer & Strohminger), and is therefore well suited for the proposed use.

ORDER RECEIVED FOR FILING

Date 1/31/13

By Sen

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.

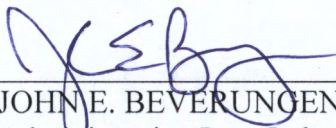
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 3rd day of January, 2013, that the Petition for Special Exception relief under §236.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to use the herein property for used motor vehicle sales area, separated from sales agency building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits 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. The special exception relief granted herein must be utilized within a period of two (2) years from the date hereof.
3. Petitioners must comply with the ZAC comments of DOP, attached as an Exhibit hereto.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

1/3/13

By

sln

JB 12-31 1:30 PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 12, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4212 Ridge Road

RECEIVED

INFORMATION:

DEC 12 2012

Item Number: 13-111

Petitioner: Meir Duke, Max Real Estate LLC

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 site has been used in the past and is currently being used for automotive purposes; as such, this use does not appear to be inconsistent. The impacts to the health, safety and welfare on the adjacent residential uses can be mitigated through additional landscape screening and limitations on signs.

This department does not oppose the petitioner's request subject to the following:

1. Installation of additional landscape screening along Bucks School House Road.
2. No temporary advertising signs along Ridge and Bucks School House Road should be permitted.
3. Prior to the issuance of any permits the Department of Planning requests the review of any proposed changes to the building elevation and signs.

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

Prepared by:

Division Chief:
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date

By



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 3, 2013

Timothy M. Kotroco, Esquire
John Gontrum, Esquire
One W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

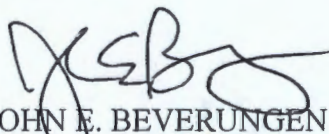
RE: Petition for Special Exception
Case No.: 2013-0111-X
Property: 4212 Ridge Road

Dear Mr. Kotroco and Mr. Gontrum:

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:slh
Enclosure

c: National Motors, Inc., Behrang Doroudian, Pres., 4129 E. Joppa Road, Baltimore, MD 21236
Meir Duke, Authorized Representative of Max Real Estate, LLC, 7-G Gwynns Mill Court,
Owings Mills, MD 21117



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 4212 Ridge Road

which is presently zoned BR

Deed References: 03084/369

10 Digit Tax Account # 18-00-006177

Property Owner(s) Printed Name(s) Max Real Estate, LLC

(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

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for used motor vehicle outdoor sales area, separated from sales agency building pursuant to § 236.2 of the BCZR; and for such other relief as may be necessary.

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).

Lessee:

National Motors, Inc.

Name - Type or Print

By:

Signature Behrang Doroudian, President

4129 E. Joppa Road, Baltimore, Md.

Mailing Address City State

21236 443-829-8783

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco, Esquire

Name- Type or Print

Signature

One W. Pennsylvania Ave., Suite 300, Towson, MD

Mailing Address City State
21204 410-832-2004 tkotroco@wtplaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2013-0111-X

Filing Date 11/13/12

Do Not Schedule Dates:

Date 1/3/13

Reviewer JS

REV. 10/4/11

Legal Owners (Petitioners):

Meir Duke, Authorized Representative of
Max Real Estate, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7-G Gwynns Mill Court, Owings Mills, Md.

Mailing Address City State

21117

Zip Code Telephone # Email Address

Representative to be contacted:

Timothy M. Kotroco, Whiteford, Taylor & Preston LLP

Name - Type or Print

Signature

One W. Pennsylvania Ave., St. 300, Towson, Md.

Mailing Address City State
21204 410-832-2004 tkotroco@wtplaw.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Date 1/3/13

By den



October 19, 2012

ZONING DESCRIPTION FOR SPECIAL EXCEPTION REQUEST

Beginning at a point 205.56 feet Southwesterly from the intersection of Bel Air Road (U.S. Route 1) and Ridge Road. Thence running North 40 degrees 21 minutes 53 seconds East, 200.06 feet; thence North 43 degrees 17 minutes 47 seconds West, 161.19 feet; thence North 39 degrees 07 minutes 30 seconds East, 32.78 feet; thence South 44 degrees 37 minutes 55 seconds East, 234.78 feet; thence South 72 degrees 02 minutes 38 seconds East, 239.40 feet; South 21 degrees 53 minutes 53 seconds West, 213.89 feet; North 86 degrees 48 minutes 27 seconds West, 227.27 feet; and North 43 degrees 17 minutes 02 seconds West, 183.61 feet to the point and place of beginning. Having an address of 4212 Ridge Road (formerly 8115 Bel Air Road) located on the northerly side of Ridge Road.

Containing 91,630 square feet or 2.10 acres of land, more or less and being located in the Fourteenth Election District, Sixth Councilmanic District, Baltimore County, Maryland.



(Current license expires 09-18-2014)

2013-0111-X

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ♦ Laurel, MD (410) 792-9792 ♦ Towson, MD (410) 821-1690 ♦ Georgetown, DE (302) 855-5734 ♦ Wilmington, DE (302) 326-2200 ♦ York, PA (717) 751-6073

**CASHIER'S
VALIDATION**

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: #2013-0111-X

4212 Ridge Road

Corner NE/s Ridge Road, N/s Bucks School House Road

14th Election District - 6th Councilmanic District

Legal Owner(s): Max Real Estate, LLC, Meir Duke

Contract Purchaser: National Motors, Inc.

Special Exception to use the herein property for used motor vehicle outdoor sales area, separated from sales agency building and for such other relief as may be necessary.

Hearing: Monday, December 31, 2012 at 1:30 p.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 12/635 December 11 892803



501 N. Calvert Street, Baltimore, MD 21278

December 13, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on December 11, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

2013-0111-X

RE: Case No.: _____

Petitioner/Developer: _____

National Motors, Inc

December 31, 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

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: _____

4212 Ridge Rd

December 8, 2012

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

Sincerely,

December 8, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 11, 2012 Issue - Jeffersonian

Please forward billing to:

Adam Baker
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2000

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: 2013-0111-X

4212 Ridge Road

Corner NE/s Ridge Road, N/s Bucks School House Road

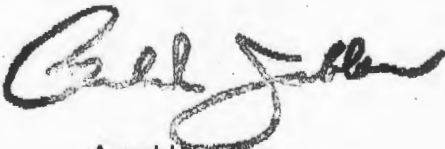
14th Election District – 6th Councilmanic District

Legal Owners: Max Real Estate, LLC, Meir Duke

Contract Purchaser: National Motors, Inc.

Special Exception to use the herein property for used motor vehicle outdoor sales area, separated from sales agency building and for such other relief as may be necessary.

Hearing: Monday, December 31, 2012 at 1:30 p.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 ADAMIISTRATIVE 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

November 27, 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: 2013-0111-X

4212 Ridge Road
Corner NE/s Ridge Road, N/s Bucks School House Road
14th Election District – 6th Councilmanic District
Legal Owners: Max Real Estate, LLC, Meir Duke
Contract Purchaser: National Motors, Inc.

Special Exception to use the herein property for used motor vehicle outdoor sales area, separated from sales agency building and for such other relief as may be necessary.

Hearing: Monday, December 31, 2012 at 1:30 p.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: Timothy Kotroco, One W. Pennsylvania Ave., Ste. 300, Towson 21204
Behrang Doroudian, 4129 E. Joppa Road, Baltimore 21236
Meir Duke, 7-G Gwynns Mill Court, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 11, 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.**

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: 2013-0111-X

Petitioner: MAX REAL ESTATE, LLC

Address or Location: 4212 RIDGE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM D. BAKER

Address: WHITEFORD TAYLOR & PRESTON

TOWSON COMMONS SUITE 300

1 W. PENNSYLVANIA AVE, TOWSON 21204

Telephone Number: 410-832-7000



KEVIN KAMENETZ
County Executive

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

December 28, 2012

Meir Duke, Rep. Max Real Estate LLC
7-G Gwynns Mill Court
Owings Mills MD 21117

RE: Case Number: 2013-0111 X, Address: 4212 Ridge Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 13, 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
Timothy M. Kotroco, One Pennsylvania Avenue, Suite 300, Towson MD 21204
National Motors, Inc., Behrang Doroudian, Pres., 4129 E. Joppa Road, Baltimore MD 21236

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-19-12

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

RE: Baltimore County
Item No 2013-0111-X
Special Exception
Max Real Estate LLC,
Meir Duke
4212 Ridge Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2013-0111-X

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller", is written over a light blue rectangular stamp. The stamp contains the text "Steven D. Foster, Chief" and "Access Management Division".

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: November 21, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2012
Item Nos. 2010-0295, 2013-0107, 0108,
0109, 0110, 0111 and 0112

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

DAK:CEN
cc: File

JB 12-31 1:30 PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 12, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4212 Ridge Road

RECEIVED

INFORMATION:

DEC 12 2012

Item Number: 13-111

Petitioner: Meir Duke, Max Real Estate LLC

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BR

Requested Action: Special Exception

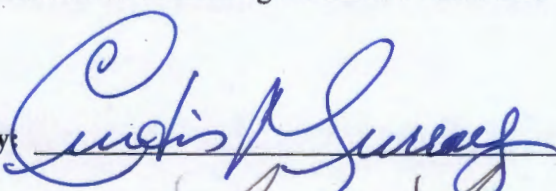
SUMMARY OF RECOMMENDATIONS:

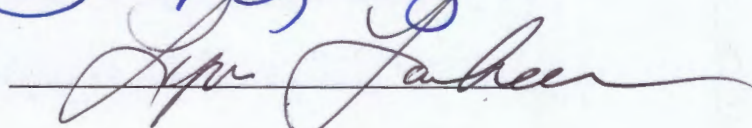
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The site has been used in the past and is currently being used for automotive purposes; as such, this use does not appear to be inconsistent. The impacts to the health, safety and welfare on the adjacent residential uses can be mitigated through additional landscape screening and limitations on signs.

This department does not oppose the petitioner's request subject to the following:

1. Installation of additional landscape screening along Bucks School House Road.
2. No temporary advertising signs along Ridge and Bucks School House Road should be permitted.
3. Prior to the issuance of any permits the Department of Planning requests the review of any proposed changes to the building elevation and signs.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
4212 Ridge Road; Corner NE/S Ridge Road *
N/S Bucks School House Road * OF ADMINISTRATIVE
14th Election & 6th Councilmanic Districts *
Legal Owner(s): Max Real Estate, LLC * HEARINGS FOR
Contract Purchaser(s): National Motors, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 2013-111-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

NOV 28 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2012, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 1 Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

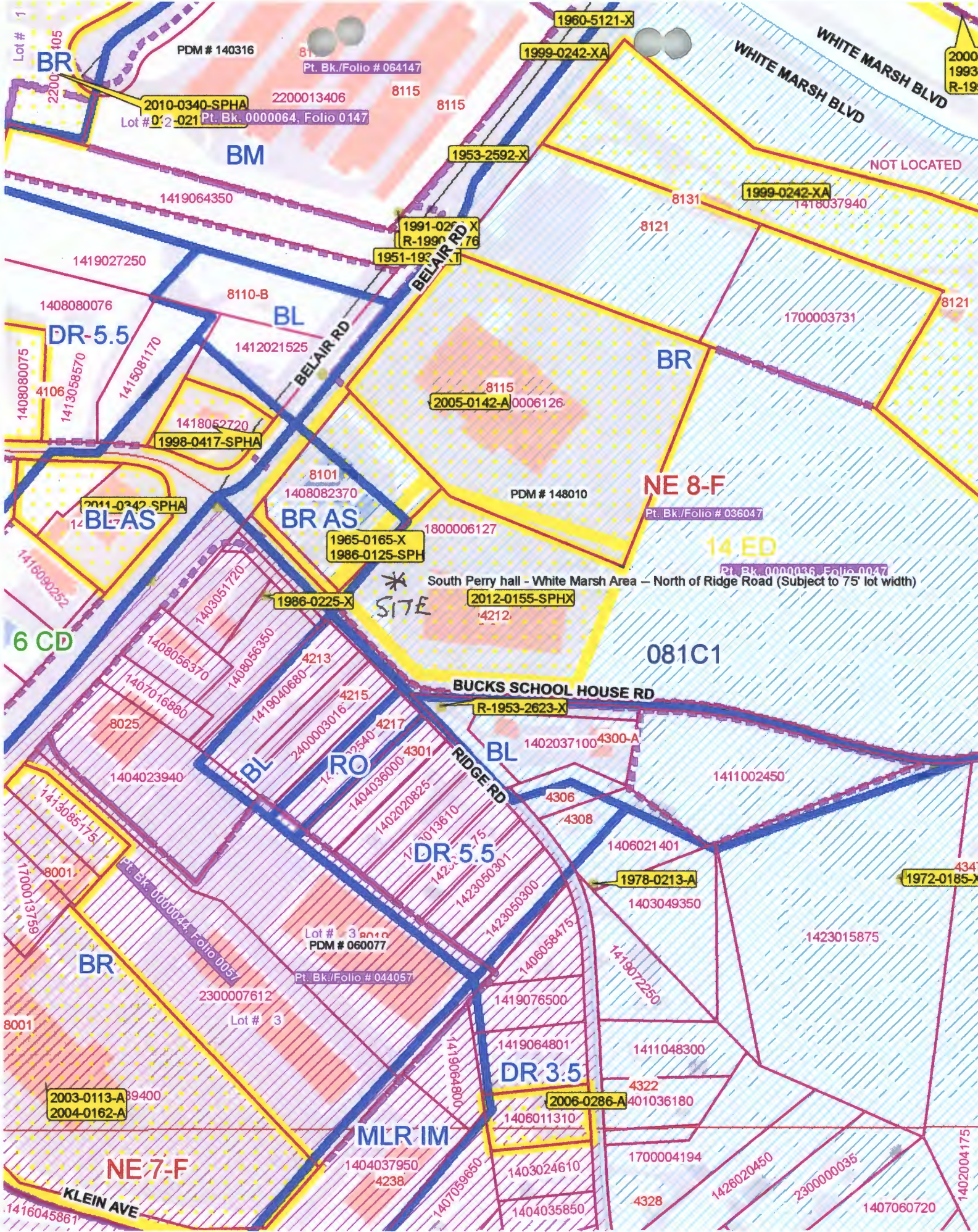
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: February 15, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0111-X - Appeal Period Expired

The appeal period for the above-referenced case expired on February 4, 2013. 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



SITE

South Perry hall - White Marsh Area - North of Ridge Road (Subject to 75' lot width)

BUCKS SCHOOL HOUSE RD

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

NE 7-F

MLR IM

081C1

14 ED

NE 8-F

DR-5.5

6 CD

BM

BR

BL

BR AS

BR

BL

BR

BL

RO

BL

DR 5.5

DR 3.5

Case No.:

2013-0111-X

1/3/13

An

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photo - National Motors	
No. 3	Opinion in #2012-0155-X	
No. 4	Photos of Site 4A-G	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR SPECIAL EXCEPTION*

N side of Ridge Road, 318' SE of the
c/line of Belair Road
14th Election District
6th Councilmanic District
(4212 Ridge Road)

Max Real Estate, LLC, *Legal Owner*
James Quarry, *Contract Purchaser/Lessee*
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2012-0155-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed by Max Real Estate, LLC, and RSC Equipment Rental. The Special Exception is filed pursuant to Section 502 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a contractor's equipment storage yard in accordance with Section 236.2 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 Petitioners' Exhibit 1.

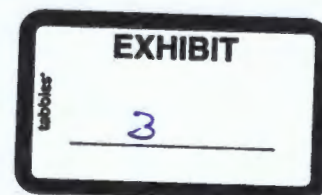
Appearing at the public hearing in support of the requests were David Porter and Bill Monk with Morris & Ritchie Associates, Inc., the professional engineer who prepared the site plan. Jason T. Vettori, Esquire, appeared as counsel and represented the Petitioners. There were no Protestants or other interested persons present at the hearing, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 2-10-12

By [Signature]



Perry Pak

PARTS CENTER



ZONING
MAY 1971



EXHIBIT
4 A-G

SCH EFER & HMINGER
SINCE 1912

Perry Hal

PARTS CENTER

4212

Parts & Accessories

PARTS & ACCESSORIES
Auto Parts & Accessories
Auto Parts & Accessories
Auto Parts & Accessories





SCH EFER & HUNINGER

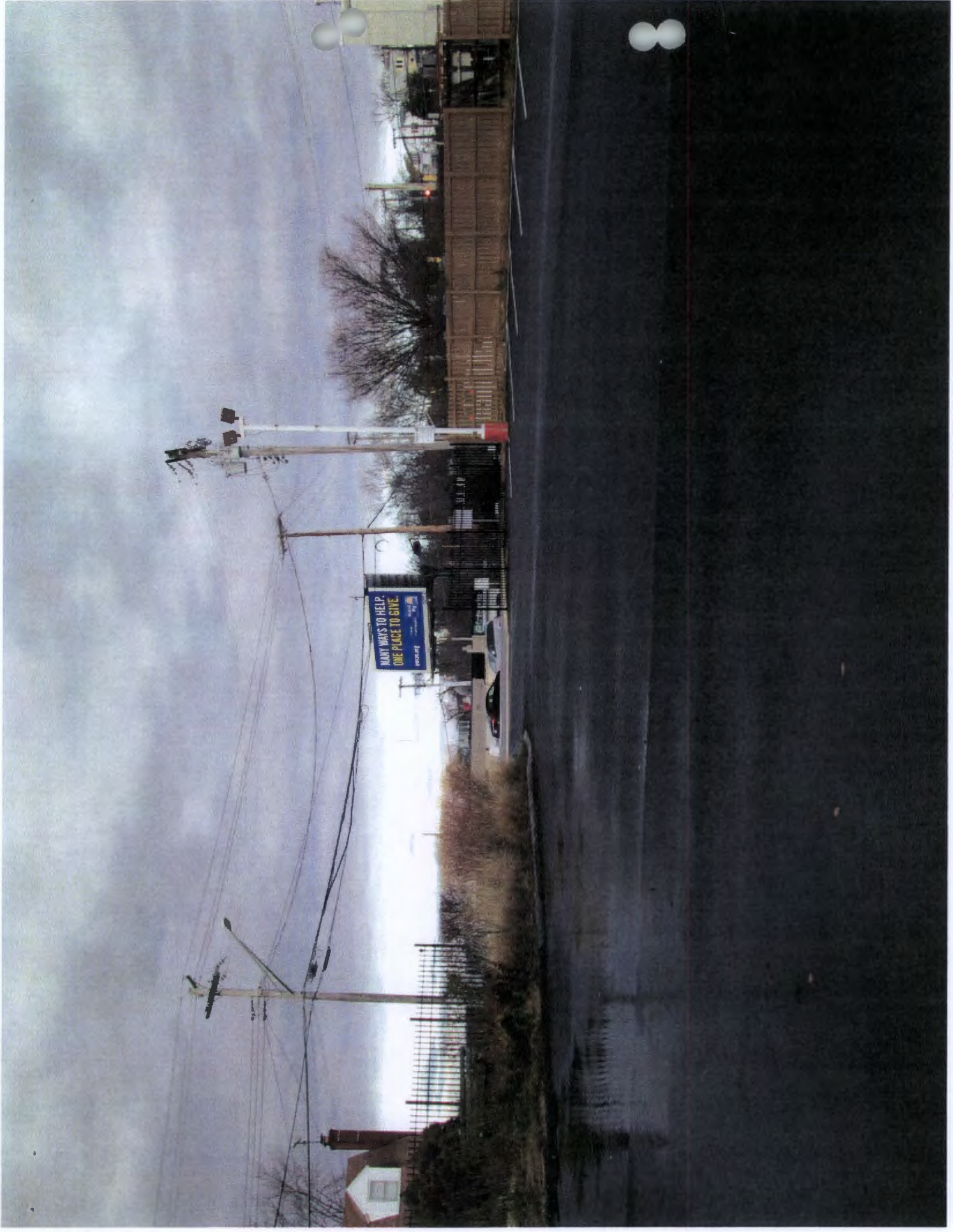
SERVICE

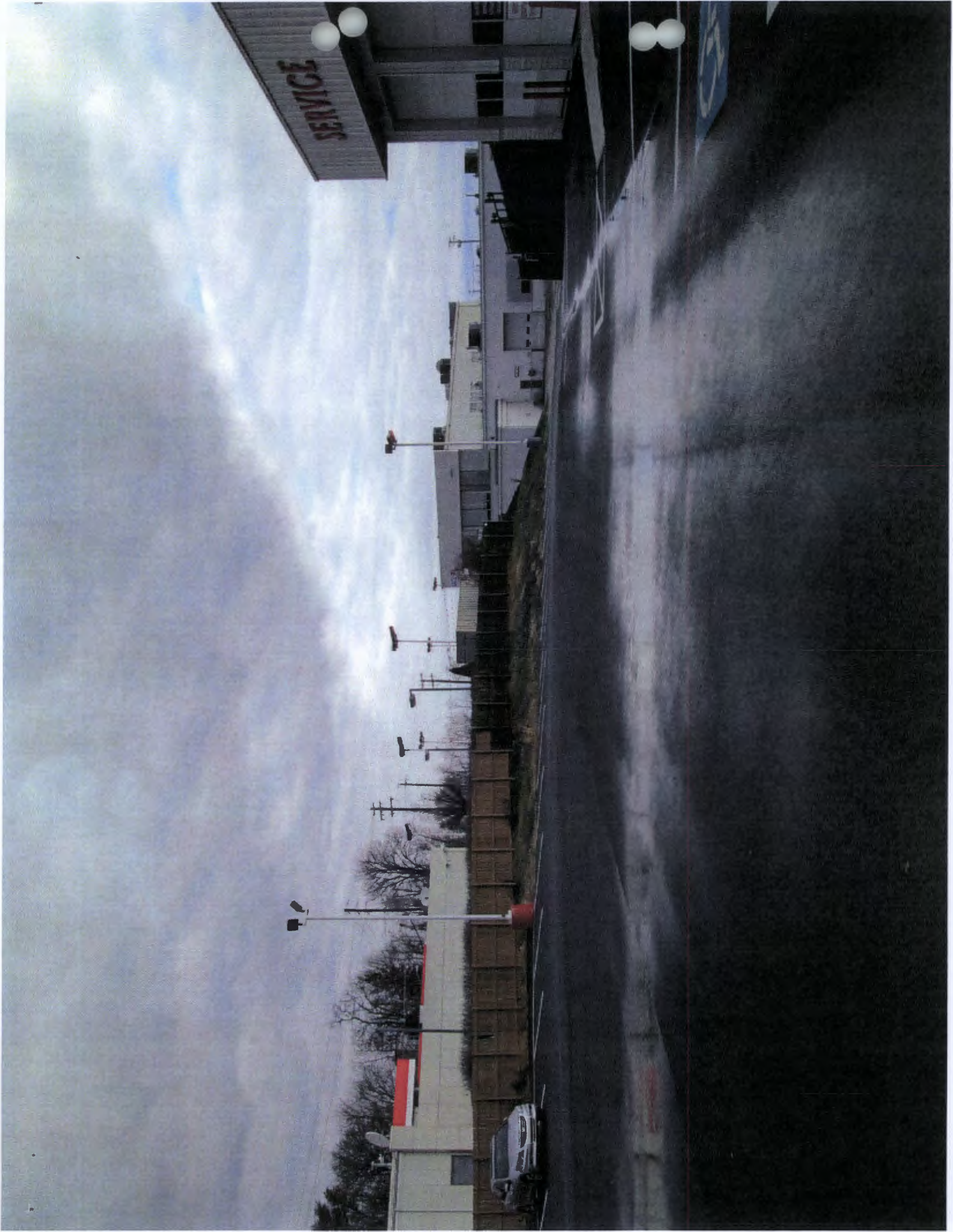
PAPER PARTS C

PAPER

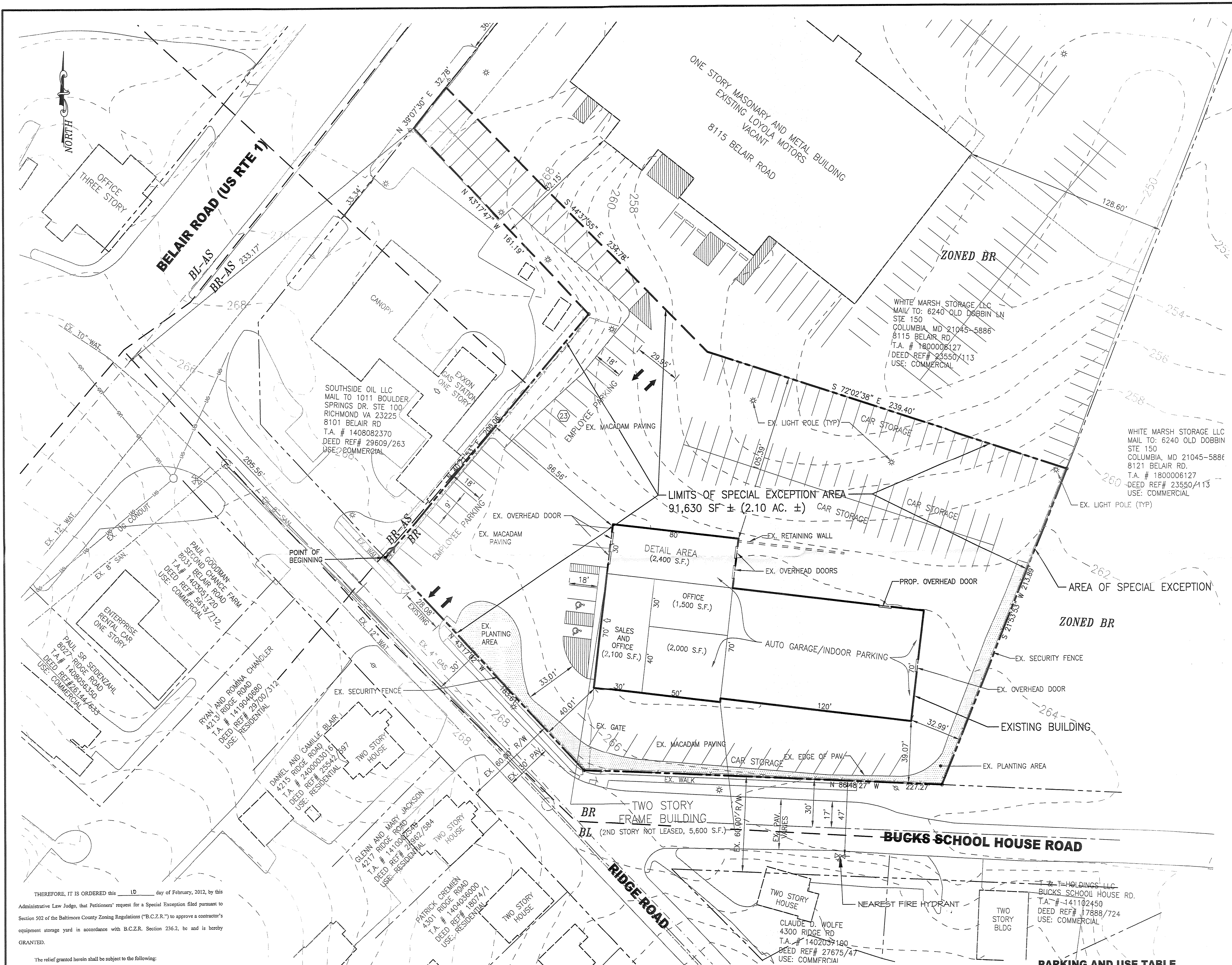
LOT
AVAILABLE
443-277-7006











GENERAL NOTES

- SITE LOCATION:
 - OWNER: MAX REAL ESTATE, LLC
7-G OWYNS MILL CT.
OWINGS MILLS, MD 21117
CONTACT: MEIR DUKE
 - APPLICANT / LESSEE: NATIONAL MOTORS, INC.
4129 EAST JOPPA ROAD
BALTIMORE, MD 21236
(443) 829-8783
ATTN: BEHRANG DOROUJAN, PRESIDENT
 - ENGINEER: MORRIS & RITCHIE ASSOCIATES, INC.
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MD 21286
(410) 821-1690
ATTN: BILL MONK
 - STREET ADDRESS: 4212 RIDGE ROAD (FORMERLY 8115 BELAIR RD.)
 - ELECTION DISTRICT: 14TH
 - COUNCILMANIC DISTRICT: 6TH
 - CENSUS TRACT: 4406.00
 - ADC MAP: MAP# 28, GRID H-10, J-10
 - ZONING AND TOPOGRAPHIC GRID # 081C1
 - WATER, SEWER DESIGNATION: W-1, S-1
 - TAX ACCOUNT#: 14-1800006126
 - DEED REFERENCE: 30842/369
- SITE DATA:
 - SPECIAL EXCEPTION/LEASE AREA: 2.10 AC ± (91,630 SF ±)
 - EXISTING ZONING: BR
 - EXISTING LAND USE: COMMERCIAL - AUTOMOTIVE REPAIR & SERVICE GARAGE - VACANT
 - PROPOSED USE: MOTOR VEHICLE OUTDOORS SALES AREA, SEPERATED FROM SALES AGENCY BUILDING
 - BUILDING AREA:

AREA TO BE LEASED	16,400 SF FIRST FLOOR
ADDITIONAL AREA	5,600 SF SECOND FLOOR
TOTAL	22,000 SF
 - BUILDING SETBACKS:

	REQUIRED	PROPOSED
FRONT	25'	40'±
SIDE	30'	33'±
REAR	30'	105'±
 - FAR: PERMITTED 2.0 PROVIDED 0.22 (SEE PARKING AND USE TABLE)
 - PARKING: REQUIRED: 27 PROVIDED: 27
- EXISTING SITE INFORMATION:
 - EXISTING TOPOGRAPHY TAKEN FROM BALTIMORE COUNTY GIS AND AN ALTA SURVEY FROM MCKEE ASSOC. DATED MAY 2ND 2011
 - THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
 - SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL UNLESS OTHERWISE NOTED.
 - THE SITE IS NOT IN A 100 YEAR FLOODPLAIN.
 - THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS WITHIN 100' OF THIS PROPERTY.
 - ANY FIXTURE USED TO ILLUMINATE AN OFF STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS OR PUBLIC STREETS.
 - ALL PROPOSED SIGNS SHALL CONFORM TO SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
 - SITE IS NOT LOCATED IN A FAILING BASIC SERVICE AREA.
- ZONING CASE HISTORY:
 - SPECIAL EXCEPTION TO PERMIT A CONTRACTORS EQUIPMENT STORAGE YARD APPROVED ON FEBRUARY 10, 2012. CASE NUMBER 2012-0155-X.

SPECIAL EXCEPTION

- USED MOTOR VEHICLE OUTDOORS SALES AREA, SEPERATED FROM SALES AGENCY BUILDING, PURSUANT TO BCZR SECTION 236.2
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3365, EXPIRATION DATE: 8/20/2014.



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

MRAGTA.COM

4212 RIDGE ROAD
BALTIMORE COUNTY, MARYLAND

PLAN TO ACCOMPANY SPECIAL EXCEPTION REQUEST

14TH ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.: 17344/17612
		SCALE: 1"= 30'
		DATE: 11/12/12
		DRAWN BY: MLE/MLR
		DESIGN BY:
		REVIEW BY: MAB
		SHEET: 1 OF 1

THEREFORE, IT IS ORDERED this 10 day of February, 2012, by this Administrative Law Judge, that Petitioners' request for a Special Exception filed pursuant to Section 502 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a contractor's equipment storage yard in accordance with B.C.Z.R. Section 236.2, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

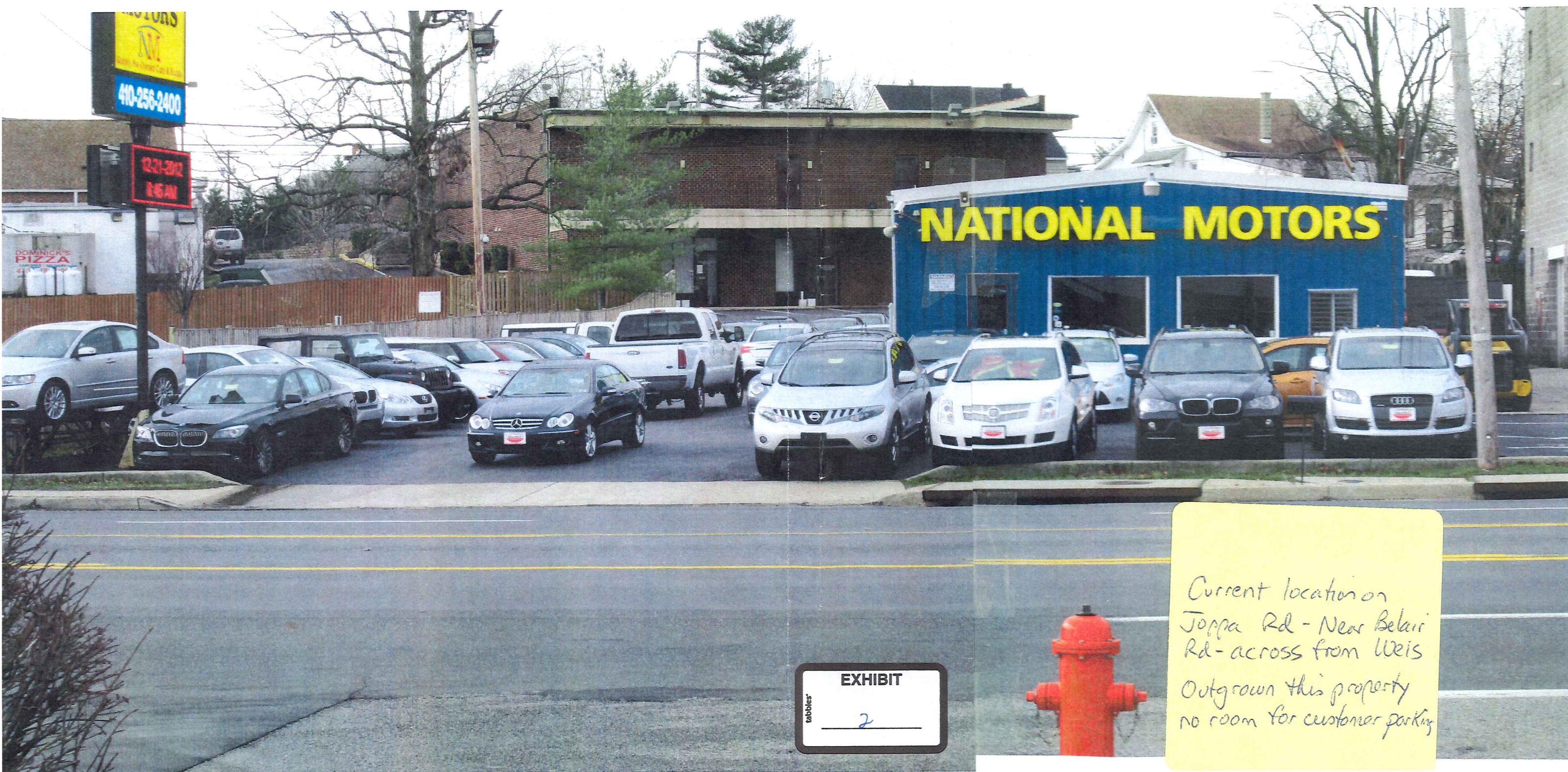
- Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order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

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

JOHN E. BEVERUNGER
Administrative Law Judge
for Baltimore County

PARKING AND USE TABLE

BUILDING AREA	SQ. FT.	PARKING REQUIRED
FIRST FLOOR		
OFFICE - GENERAL/SALES AREA	5,600	3.3 / 1000 SF = 19
DETAIL AREA	2,400	3.3 / 1000 SF = 8
SECOND FLOOR		
VACANT - NOT LEASED	5,600	0
PARKING REQUIRED		27
PARKING PROVIDED		27 (INCL. 2 HANDICAPPED SPACES)



MOTORS
410-256-2400

12-31-2012
2:54 PM

DOMINICK'S
PIZZA

NATIONAL MOTORS

EXHIBIT
2

Current location on
Joppa Rd - Near Belair
Rd - across from Weis
Outgrown this property
no room for customer parking