



KEVIN KAMENETZ
County Executive

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

March 14, 2013

Lawrence E. Schmidt, Esquire
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Special Hearing and Variance
Case No.: 2013-0155-SPHA
Property: 3318 Hollins Ferry Road

Dear Mr Schmidt:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bernadette Moskunas, 200 E. Joppa Road, Room 101, Towson, Maryland 21286
Theresa Lowry, Southwest Leadership Team, Inc., 2517 Hammonds Ferry Road,
Baltimore, Maryland 21227

-IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

13th Election District

1st Councilman District

(3318 Hollins Ferry Road)

3318 Hollins Ferry LLC

Legal Owner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0155-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Isaac Makings, Member on behalf of 3318 Hollins Ferry, LLC, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve: (1) A non-conforming use to permit the sale of motor vehicles; or in the alternative, permit the sale of motor vehicles as a component of the use of the property as a service garage; (2) Existing non-conforming improvements on the property (building and parking lot); and (3) Modified parking plan (non-durable and non-dustless). The Petition for Variance seeks the following relief: (1) to permit a non-durable and non-dustless parking lot surface in lieu of the required durable and dustless surface; and (2) to permit a front yard setback of 10 ft. in lieu of the required 15 ft. for the existing building. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Isaac Makings and Bernadette Moskunus. Lawrence E. Schmidt, Esquire represented the Petitioner. The file reveals that the Petition was properly posted and advertised as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance, and the file does not contain any letters of protest or opposition.

ORDER RECEIVED FOR FILING

Date

3/14/13

By

sen

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The Department of Planning (DOP) issued a comment supporting the petitions, while Bureau of Development Plans Review (DPR) expressed concern with the lack of a durable and dustless surface for the parking area.

The subject property is approximately 0.673 acres and is zoned predominately BM, with very small portions zoned CB and ML. Mr. Makings acquired the property in March 2012, and it continues to function as an auto service garage and body shop. The Petitioner would like to sell a limited number of used cars at the site (estimated at approximately 80 per year), as has been done at the property for many years. Indeed, the Petitioner presented motor vehicle dealer sales licenses issued by the State of Maryland (as far back as 1978) to the prior owner, Nolley Fisher. See exhibits 3A-3C. Apparently, Nolley Fisher (and his father) operated a service garage on this site since 1939, and it was a continually operated family business until last year, when Mr. Fisher (whose health is failing) sold the business to Petitioner.

As for the Special Hearing relief, I believe the sale of motor vehicles at the site is permitted as an aspect of a "service garage," which the B.C.Z.R. defines to include the "sale" of motor vehicles. B.C.Z.R. §101.1. In the alternative, the (limited) sale of motor vehicles is permitted as an accessory use to the service garage (which is permitted as of right in the BM zone).

Based upon the testimony and evidence presented, I will also grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

ORDER RECEIVED FOR FILING

Date

3/14/13

By

sln

The Petitioner has met this test. As shown on the site plan, the property is irregularly shaped and is therefore unique. In addition, the Petitioner (who is not proposing any improvements) must contend with existing conditions that have been in place for many years. The Petitioner would experience a practical difficulty if relief were denied, given it would be required to invest a large sum of money to reconfigure the building and parking lot to comply with the regulations. Specifically, and with regard to the lack of a durable and dustless parking surface, the Petitioner indicated the lot has been in its current state for many years, and that there have never been complaints from neighbors or the county. In these circumstances, I would be loathe to require a small business owner to install a macadam parking lot, when the existing facilities have functioned appropriately for over 70 years.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 14th day of March, 2013, by the Administrative Law Judge, that the Petition for Special Hearing seeking relief from § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to: (1) permit the sale of motor vehicles (a maximum of 80 vehicles a year) as a component of the use of the property as a service garage, be and is hereby GRANTED.

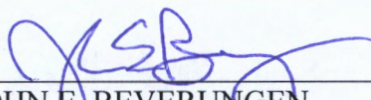
ORDER RECEIVED FOR FILING

Date 3/14/13

By den

IT IS FURTHER ORDERED that the Petition for Variance as follows: (1) to permit a non-durable and non-dustless parking lot surface in lieu of the required durable and dustless surface; and (2) to permit a front yard setback of 10 ft. in lieu of the required 15 ft. for the existing building, be and is hereby GRANTED.

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/sln

ORDER RECEIVED FOR FILING

Date 3/14/13

By sen



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 3318 Hollins Ferry Road which is presently zoned BM, CB and ML

Deed Reference 32069/00370 10 Digit Tax Account # 1306200125

Property Owner(s) Printed Name(s) 3318 Hollins Ferry LLC c/o Isaac Makings

CASE NUMBER 2013-0155-SPHA Filing Date 1/7/13 Estimated Posting Date 1/1/13 Reviewer AT

(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

Please see attached.

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

3. ☒ a Variance from Section(s)

Please see attached.

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204 , (410) 821-0070 , lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

3318 Hollins Ferry LLC By: Isaac Makings, Member

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

703 Wayne Avenue, Silver Springs, MD

Mailing Address

City

State

20910

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204 , (410) 821-0070 , lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Attachment to Petition for Special Hearing and Petition for Variance

A Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether the Zoning Commissioner should approve:

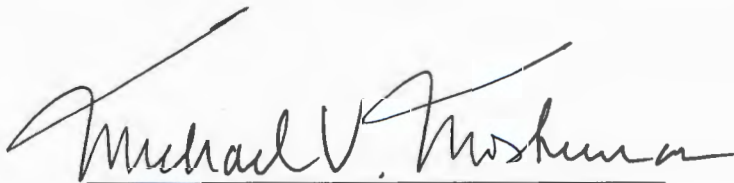
1. A non-confirming use to permit the sale of motor vehicles (See BCZR §104.1); or in the alternative, permit the sale of motor vehicles as a component of the use of the property as a service garage (See service garage definition BCZR §101.1);
2. Existing non-conforming improvements on the property (building and parking lot) (See BCZR §104.1);
3. Modified parking plan (See BCZR §409.12); (*NON DURABLE & NON DUSTLESS*)
4. For any such other and further relief as the Administrative Law Judge may deem necessary.

A Variance:

1. To permit a non-durable and non-dustless parking lot surface in lieu of the required durable and dustless surface pursuant to BCZR §409.8.A.2;
2. If determined necessary by the Administrative Law Judge, to permit a front yard setback of 10 feet in lieu of the required 15 feet for the existing building (See BCZR §235.1); and
3. For any such other and further relief as the Administrative Law Judge may deem necessary.

ZONING PROPERTY DESCRIPTION
#3318 HOLLINS FERRY ROAD

BEGINNING at a pointy on the west side of Hollins Ferry Road which is 40 feet wide at the distance of 400 feet south of Gehb Avenue which is 30 feet wide. Then the following courses and distances: South 07 degrees 46 minutes 16 seconds West, 45.90 feet; South 65 degrees 53 minutes 00 seconds West, 280.00, North 24 degrees 07 minutes 00 seconds West, 140.00 feet, North 65 degrees 53 minutes 00 seconds East, 137.06 feet, South 24 degrees 07 minutes 00 seconds East, 50.25 and South 82 degrees 13 minutes 44 seconds West, 162.42 feet to the Point of Beginning as recorded in Deed Liber 32069, folio 370, containing 0.673 acres, more or less. Located in the 13th Election District and 1st Councilmanic District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286

FILE: 3318 HOLLINS FERRY ROAD.DOC\2012 ZONING

2013-0155-SPHA

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

No. **88923**
 Date: **1/07/2013**

DUPLICATE PAID RECEIPT
 BUSINESS ADDRESS: 500 N. CALVERT ST., BALTIMORE, MD 21202-4209
 PHONE: (410) 396-1000
 FAX: (410) 396-1001
 E-MAIL: info@balco.org
 RECEIPT NO. 88923
 RECEIPT DATE 1/07/2013
 RECEIPT AMOUNT \$770.00
 RECEIPT FROM 3318 HOLLINS FERRY RD
 RECEIPT FOR 2013-0155-SPHA
 BALTIMORE COUNTY, MARYLAND

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$770.00

Total: **\$770.00**

Rec From:

For:

3318 HOLLINS FERRY RD
2013-0155-SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

MEMORANDUM

DATE: April 16, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0155-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on April 15, 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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 19, 2013 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

NOTICE OF ZONING HEARING

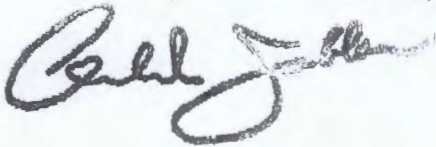
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0155-SPHA

3318 Hollins Ferry Road
W/s Hollins Ferry Road, 400 ft. S/of centerline of Gehb Avenue
13th Election District – 1st Councilmanic District
Legal Owners: 3318 Hollins Ferry Road, LLC

Special Hearing to approve a non-conforming uses to permit the sale of motor vehicles, or in the alternative, permit the sale of motor vehicles as a component of the use of the property as a service garage; for existing non-conforming improvements on the property (building and parking lot); for a modified parking plan (non-durable and non-dustless); and for any such other and further relief as the Administrative Law Judge (ALJ) may deem necessary. Variance to permit a non-durable and non-dustless parking lot surface in lieu of the required durable and dustless surface; if determined necessary by the ALJ, to permit a front yard setback of 10 feet in lieu of the required 15 feet for the existing building and for any such other and further relief as may be deemed necessary by the ALJ.

Hearing: Tuesday, March 12, 2013 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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
3318 Hollins Ferry Road; W/S Hollins Ferry	*	OF ADMINSTRATIVE
Road, 400' S of c/line Gehb Avenue		
13 th Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 3318 Hollins Ferry LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-155-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2013, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

RECEIVED

JAN 24 2013

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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/neighbor 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: 2013-0155-SPHA
Petitioner: 3318 HOLLINS FERRY LLC
Address or Location: 3318 HOLLINS FERRY RD BALTIMORE
MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: SMITH, GILDA & SCHMIDT
Address: 600 WASHINGTON AVE - Ste 200
TOWSON, MD 21204
ATTN: LAWRENCE E SCHMIDT
Telephone Number: 410-821-0070



KEVIN KAMENETZ
County Executive
February 11, 2013

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

NOTICE OF ZONING HEARING

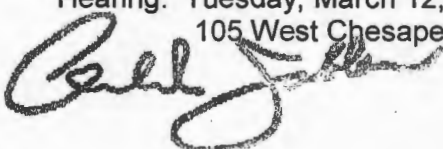
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CASE NUMBER: 2013-0155-SPHA

3318 Hollins Ferry Road
W/s Hollins Ferry Road, 400 ft. S/of centerline of Gehb Avenue
13th Election District – 1st Councilmanic District
Legal Owners: 3318 Hollins Ferry Road, LLC

Special Hearing to approve a non-conforming uses to permit the sale of motor vehicles, or in the alternative, permit the sale of motor vehicles as a component of the use of the property as a service garage; for existing non-conforming improvements on the property (building and parking lot); for a modified parking plan (non-durable and non-dustless); and for any such other and further relief as the Administrative Law Judge (ALJ) may deem necessary. Variance to permit a non-durable and non-dustless parking lot surface in lieu of the required durable and dustless surface; if determined necessary by the ALJ, to permit a front yard setback of 10 feet in lieu of the required 15 feet for the existing building and for any such other and further relief as may be deemed necessary by the ALJ.

Hearing: Tuesday, March 12, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Isaac Makings, 703 Wayne Avenue, Silver Spring 20910

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 20, 2013.**
- (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.

CERTIFICATE OF POSTING

2013-0155-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

3318 Hollins Ferry Road, LLC

March 12, 2013

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: _____

3318 Hollins Ferry Rd

February 19, 2013

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

Sincerely,



February 19, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

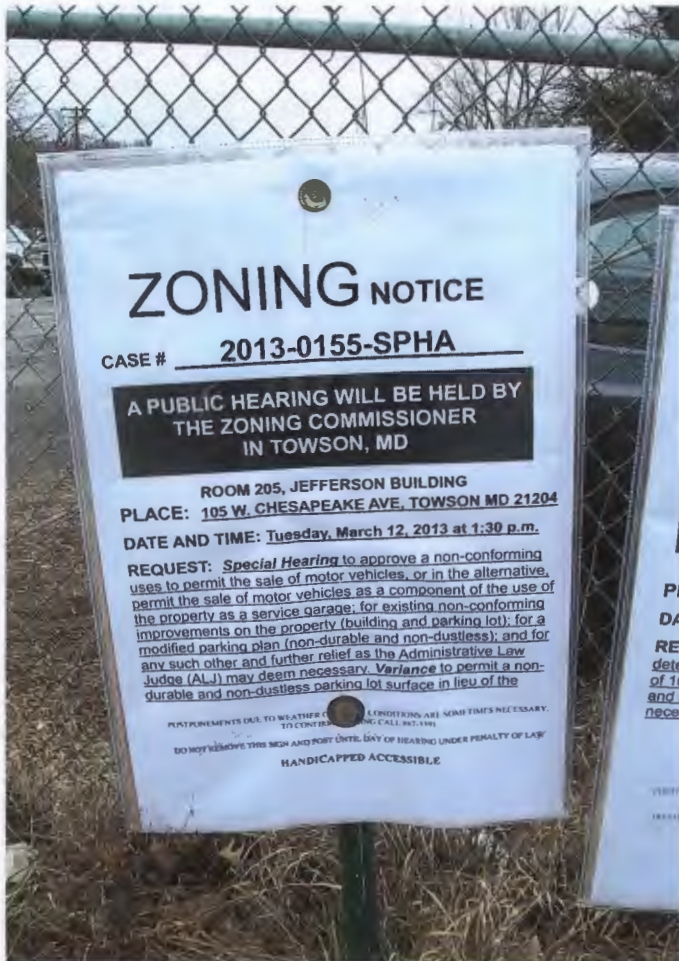
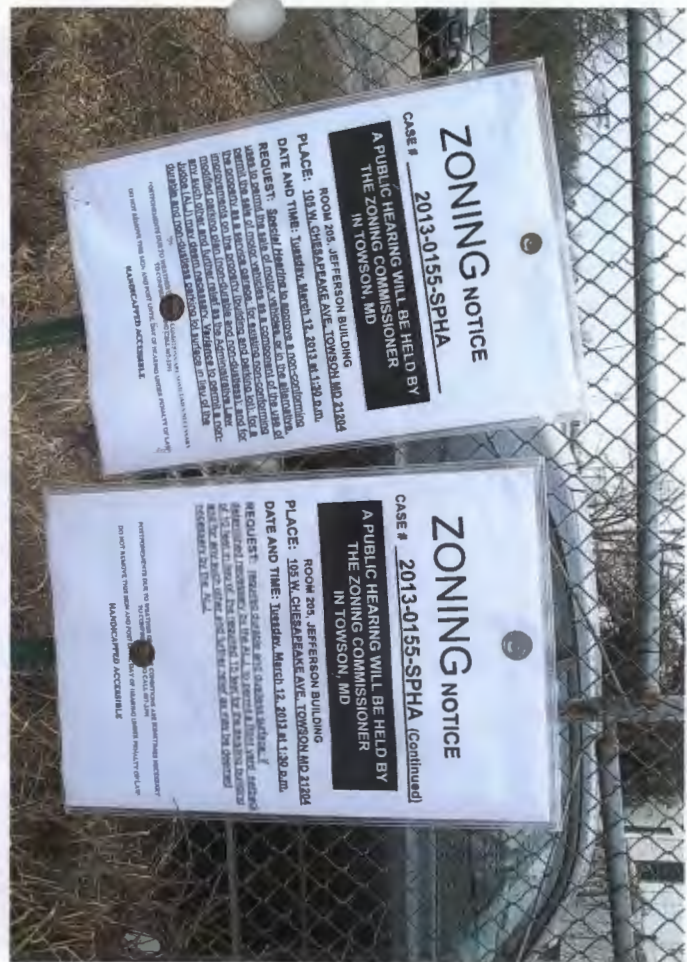
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: #2013-0155-SPMA

3318 Hollins Ferry Road
W/s Hollins Ferry Road, 400 ft. S/of centerline of
Gehb Avenue

13th Election District - 1st Councilmanic District
Legal Owner(s): 3318 Hollins Ferry Road, LLC

Special Hearing to approve a non-conforming uses to permit the sale of motor vehicles, or in the alternative, permit the sale of motor vehicles as a component of the use of the property as a service garage; for existing non-conforming improvements on the property (building and parking lot); for a modified parking plan (non-durable and non-dustless); and for any such other and further relief as the Administrative Law Judge (ALJ) may deem necessary. **Variance** to permit a non-durable and non-dustless parking lot surface in lieu of the required durable and dustless surface; if determined necessary by the ALJ, to permit a front yard setback of 10 feet in lieu of the required 15 feet for the existing building and for any such other and further relief as may be deemed necessary by the ALJ.

Hearing: Tuesday, March 12, 2013 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 02/674 February 19 905160-



501 N. Calvert Street, Baltimore, MD 21278

February 21, 2013

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 February 19, 2013.

- ☒ 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

CASE NAME 2013-155-SHA
CASE NUMBER 3318 Hollins
DATE 3/12/13 Leary
ET 12

[illegible]

CASE NO. 2013-0155-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
1/30/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
2/5/13	PLANNING (if not received, date e-mail sent _____)	C
1/24/13	STATE HIGHWAY ADMINISTRATION	NO Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 2/19/13	
SIGN POSTING	Date: 2/19/13 by Black	
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 (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 13 Account Number - 1306200125

Owner Information

Owner Name: 3318 HOLLINS FERRY LLC **Use:** COMMERCIAL
Mailing Address: 3318 HOLLINS FERRY RD **Principal Residence:** NO
BALTIMORE MD 21227- **Deed Reference:** 1) /32069/ 00370
2)

Location & Structure Information

Premises Address **Legal Description**
3318 HOLLINS FERRY RD .673 AC
0-0000 WS HOLLINS FERRY RD
520FT N OF FIRST AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0109	0004	0053		0000				2	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1981	5000	0.6700 AC	06

Stories **Basement** **Type** **Exterior**
SERVICE GARAGE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	168,200	168,200		
Improvements:	110,200	109,900		
Total:	278,400	278,100	278,100	278,100
Preferential Land:	0			0

Transfer Information

Seller: FISHER NOLLEY P SR	Date: 05/16/2012	Price: \$250,000
Type: ARMS LENGTH IMPROVED	Deed1: /32069/ 00370	Deed2:
Seller: FISHER ALBERTA A	Date: 02/02/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09584/ 00273	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00
Tax Exempt:		Special Tax Recapture:	
Exempt Class:		NONE	

Homestead Application Information

Homestead Application Status: No Application

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 5, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3318 Hollins Ferry Road

INFORMATION:

Item Number: 13-155
Petitioner: Issac Makings
Zoning: BM, CB and ML
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a multiple Special Hearing requests to allow the non-conforming use of motor vehicle sales as a component of the service garage, existing non-conforming building improvements to the property and a modified parking plan.

The petitioner is also seeking variance requests to permit a non-durable and non-dustless parking lot surface and to permit a front yard setback of 10 feet in lieu of the required 15 feet.

The existing land use is a service garage that occasionally sells cars from auction or customers who forfeit the vehicle. As such, this department does not oppose the special hearing request to allow vehicle sales provided that the building and site are cleaned up and any excess vehicles are removed. As shown on the site plan, the display of vehicles for sale shall be limited to 7, and located in the "display area" only. The proposed and existing operations of the subject site do not appear to negatively impact neighboring properties. Additionally, the Department of Planning does not oppose the petitioner's variance request for a non-paved parking lot or the existing building's setbacks.

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

Prepared by:

Division Chief:
AVA/LL: CM

RECEIVED

FEB 06 2013

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

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

March 6, 2013

3318 Hollins Ferry LLC
Issac Makings, Member
703 Wayne Avenue
Silver Spring MD 20910

RE: Case Number: 2013-0155 SPHA, Address: 3318 Hollins Ferry Road

Dear Mr. Makings:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 7, 2013. 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-24-13

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

RE: Baltimore County
Item No. 2013-0155-SPHA
Special Hearing Variance
3318 Hollins Ferry LLC,
Issac Making, Member
3318 Hollins Ferry 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. 2013-0155-SPHA.

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 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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 28, 2013
Item No. 2013-0155

DATE: January 30, 2013

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

The modified plan appears to be acceptable; however, we do not support using a non-durable and dustless surface. The abutting property on two sides of the site has durable and dustless and the grade of the entrance aisle is too steep (greater than 10%) for crusher run or gravel to be durable. With the site draining to adjacent pavement, a heavy rain would wash the fines from a non-durable surface, creating a nuisance for the neighbor. The same goes for dust during dry weather.

A grading permit is required for the parking lot pavement along with a landscape plan.

DAK:CEN

cc: file

ZAC-ITEM NO 13-0155-01282013.doc

2/12/13
WCK
file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 5, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3318 Hollins Ferry Road

INFORMATION:

Item Number: 13-155
Petitioner: Issac Makings
Zoning: BM, CB and ML
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

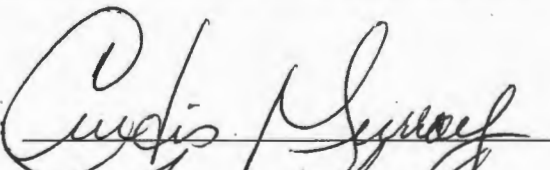
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a multiple Special Hearing requests to allow the non-conforming use of motor vehicle sales as a component of the service garage, existing non-conforming building improvements to the property and a modified parking plan.

The petitioner is also seeking variance requests to permit a non-durable and non-dustless parking lot surface and to permit a front yard setback of 10 feet in lieu of the required 15 feet.

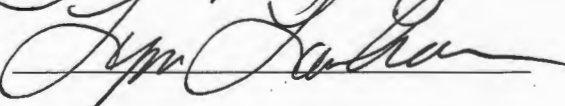
The existing land use is a service garage that occasionally sells cars from auction or customers who forfeit the vehicle. As such, this department does not oppose the special hearing request to allow vehicle sales provided that the building and site are cleaned up and any excess vehicles are removed. As shown on the site plan, the display of vehicles for sale shall be limited to 7, and located in the "display area" only. The proposed and existing operations of the subject site do not appear to negatively impact neighboring properties. Additionally, the Department of Planning does not oppose the petitioner's variance request for a non-paved parking lot or the existing building's setbacks.

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

Prepared by



Division Chief:
AVA/LL: CM



Case No.: 2013-0155-SPHA

Exhibit Sheet

190
A-14-13

SLN
314-13

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	2A-20 Aerial My Neighborhood Map - Photos	
No. 3	3A-3C MVA Dealer's License	
No. 4	Environmental Map	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

2A

Created By
Baltimore County
My Neighborhood



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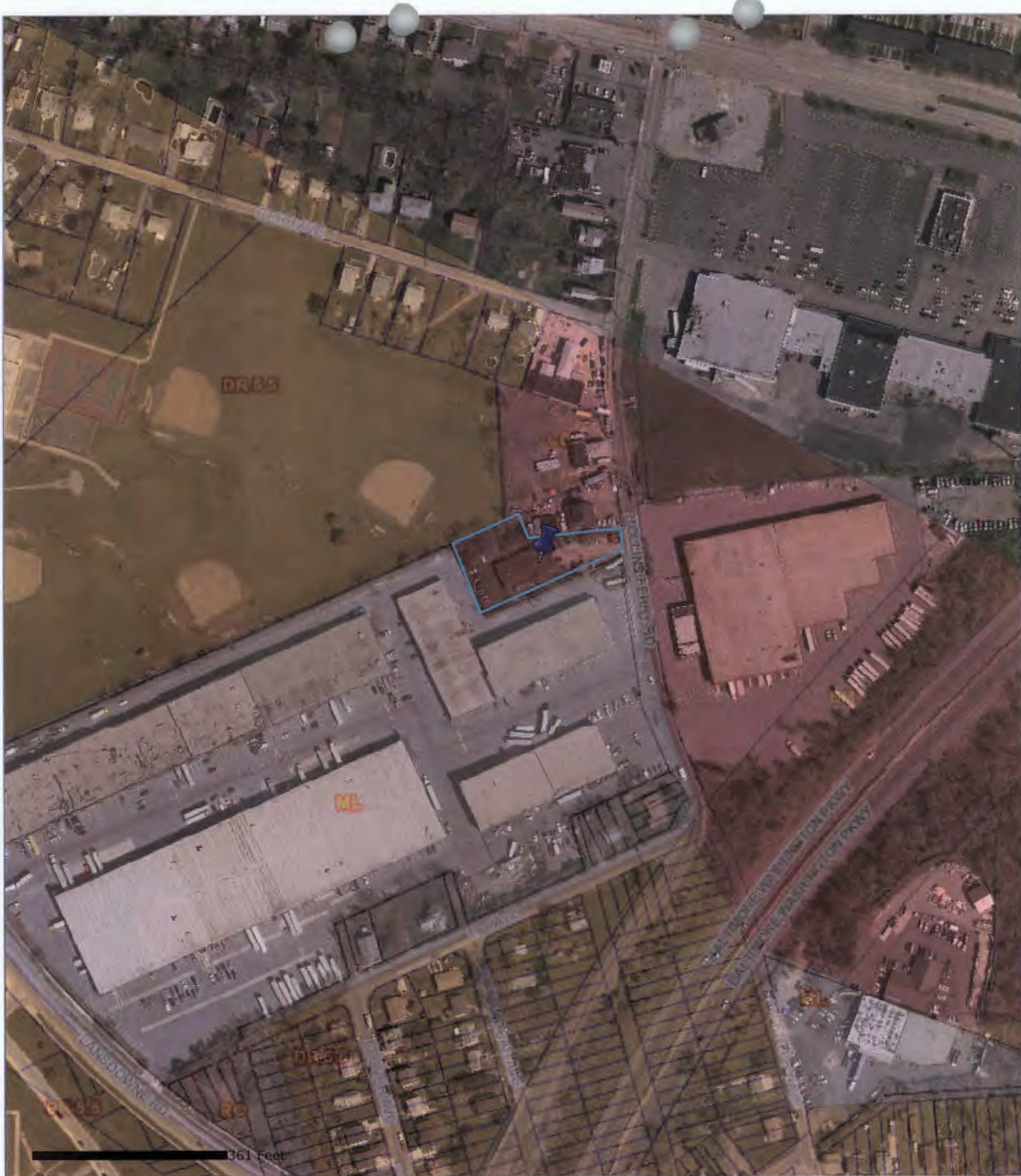


Google earth

feet 600
meters 100



2B



My Neighborhood Map

26

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Baltimore County
My Neighborhood



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My Neighborhood Map

2D

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Baltimore County
My Neighborhood



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Printed 3/12/2013

3A



Maryland Department of Transportation

MOTOR VEHICLE ADMINISTRATION
GLEN BURNIE, MARYLAND 21062
DIVISION OF CONSUMER SERVICES

DEALER'S NO.

U 0396

THIS LICENSE
EXPIRES
APRIL 30, 1978

USED CAR DEALER LICENSE

THIS IS TO CERTIFY THAT

NOLLEY P. FISHER, SR., ALBERTA A. FISHER,
HELEN T. FISHER, T/A
FISHER & SON
3318 HOLLINS FERRY RD.
BALTIMORE, MD. 21227

is hereby licensed as a "Motor Vehicle Dealer", in accordance with the applicable provisions of the Maryland Vehicle Laws, for the sale and resale of used motor vehicles.

THIS LICENSE MUST BE
DISPLAYED IN VIEW OF
THE PUBLIC


Administrator

CS-10 (11-76)

96375 APR 177

15.00 B-

3A

3B

TAG NUMBER D33709		STICKER NUMBER 4252730	
 Maryland Department of Transportation MOTOR VEHICLE ADMINISTRATION		WILLIAM T. SICKER ADMINISTRATOR	
1983-84 REGISTRATION CERTIFICATE			
TITLE NUMBER N/A		MAKE AND BODY STYLE OF VEHICLE DEALER	
YEAR NA	CLASS 1A	EXEMPTION N/A	VEHICLE IDENTIFICATION NUMBER INTERCHANGEABLE
GR. VEH. WT. N/A	GR. CUMUL. WT. N/A	USE SCHD	EXPIRATION DATE 04/30/84
OWNER'S DRIVER'S LICENSE/INDEX NUMBER X800005000396		CO-OWNER'S DRIVER'S LICENSE/INDEX NUMBER	
NAME AND ADDRESS OF REGISTERED OWNER FISHER AND SON 3318 HOLLINS FERRY RD BALTIMORE MD 21227			
167 APR 27		7.0000	
RETURN ENTIRE APPLICATION BY MAIL OR IN PERSON.			

SERVING THE PUBLIC

This certifies that

FISHER & SON

is a member in good standing of the
National Independent Automobile Dealers Association,
and serves the public through adherence to the
organization's Code of Ethics.

3C



CODE OF ETHICS

•
We will have a general duty of integrity, honor and fair dealing toward the general public.

•
We will comply with all city, county, state and federal laws and shall endeavor to keep ourselves informed of those laws governing our business.

•
We will not intentionally injure the business reputation of another member or competitor.

•
We will employ truth and accuracy in advertising and selling.

•
We will stand behind any guarantee given with sale of a motor vehicle.

•
We will not perform any act which would bring disrepute to the motor industry.

•
We will expose or halt, where found, any scheme designed to deceive or defraud the automobile buying public and aid in prosecuting those guilty of such acts.

•
We will constantly strive to improve business methods to the end that the public will be better served.

•
We will encourage the American system of free enterprise.

Robert A. Holloway
1988-89 NIADA President

NATIONAL INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION

102B3

1308300410

1700014908

1306450680

DR 5.5

1302570228

CB

1700003423

3310

3312
2000012791

3312

NOT LOCATED

P.O.B. 400'
SOUTH OF
E FOR GEHB
AVENUE

SW 5-B

109B1

13 ED

32

32

30

26

24

ML

20

18

1 CD

1306200125

BM

#3318

SITE

12

2100007503

8

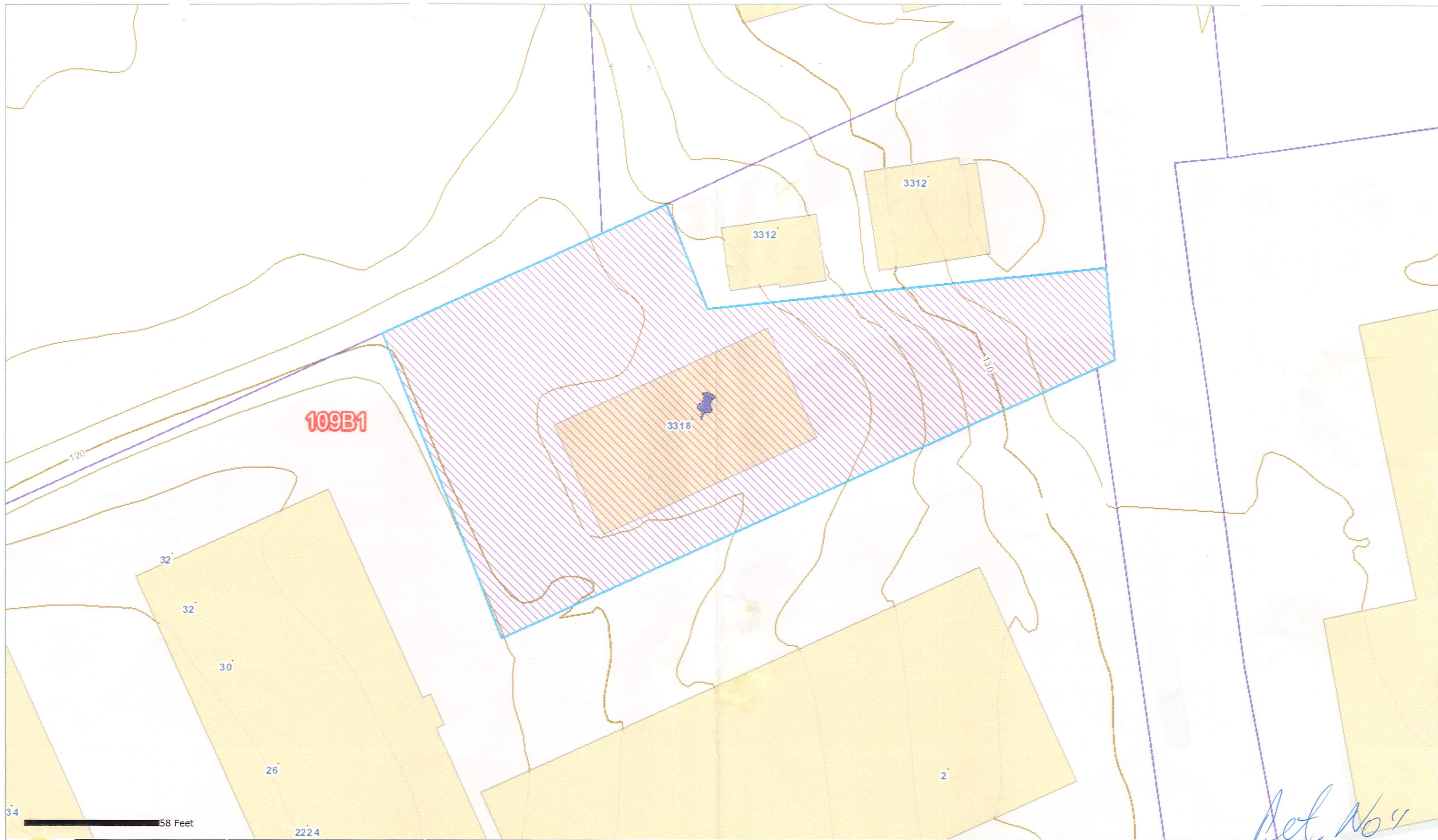
2

ALCO PL

HOLLINS FERRY RD

1311350190

2013-0155-SPHA



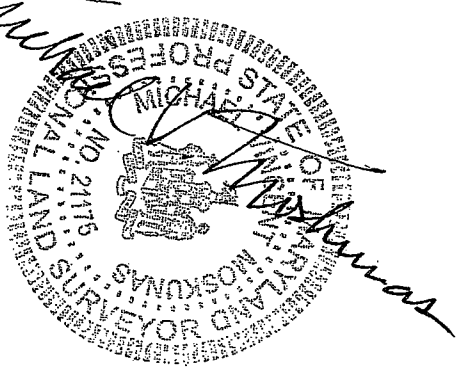
Environmental Map

Created By
Baltimore County
My Neighborhood

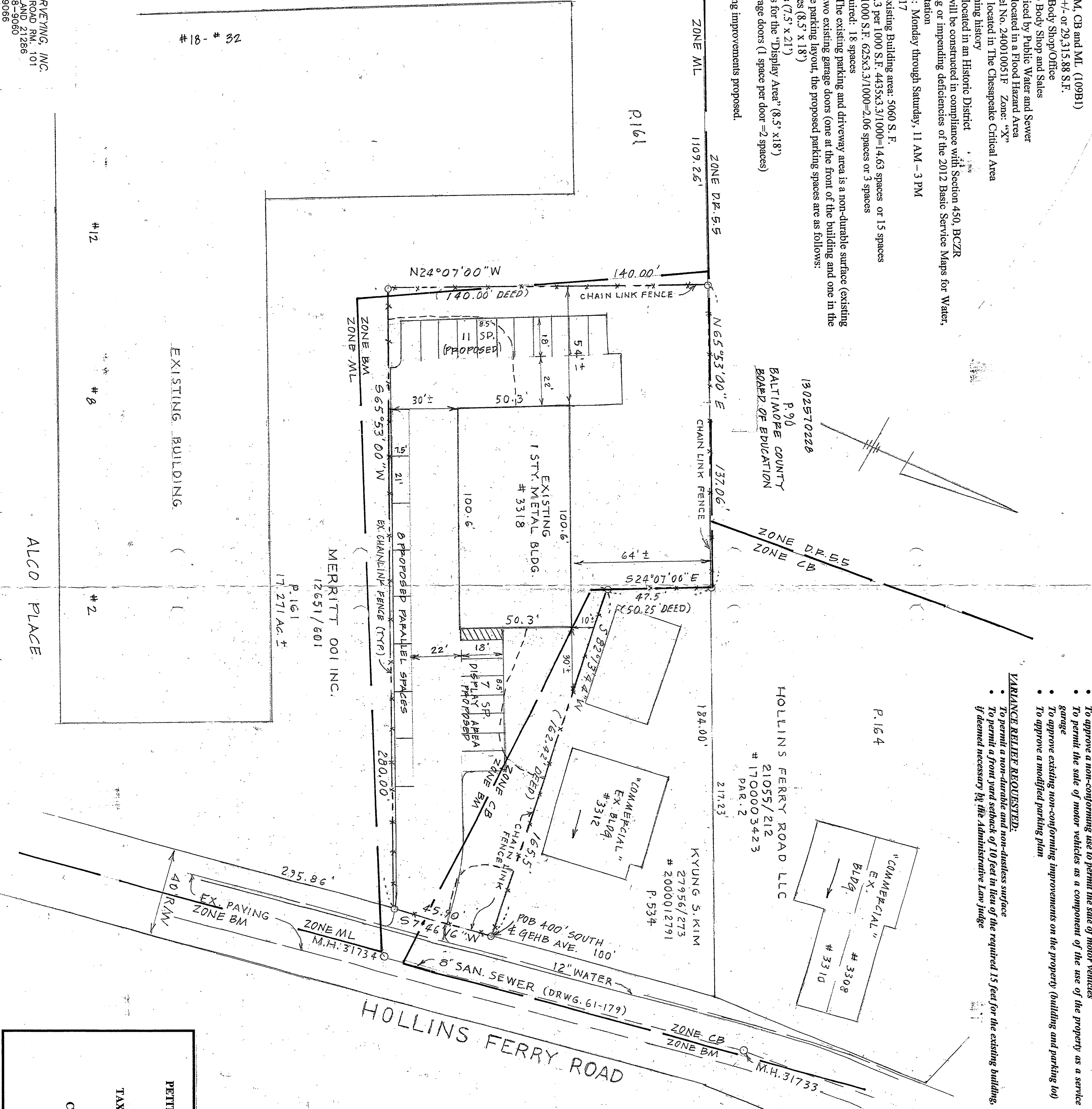


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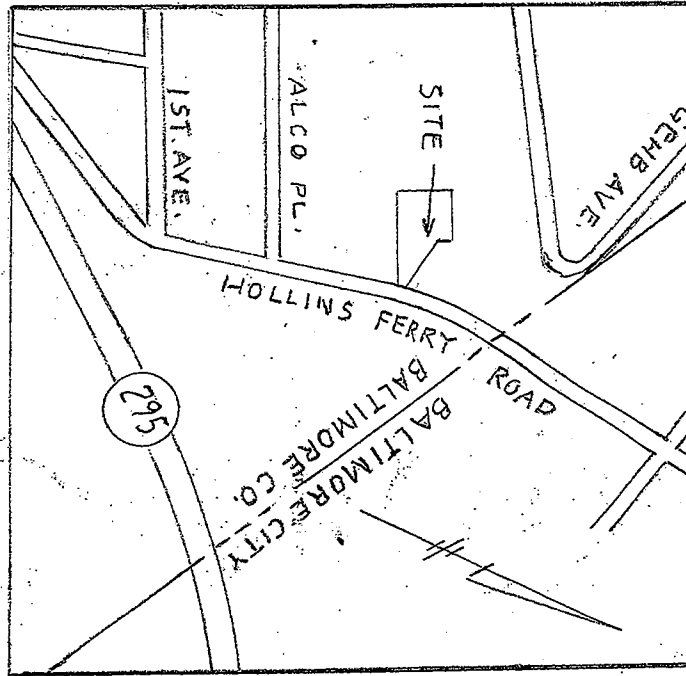


- GENERAL NOTES:**
1. Existing Zoning: BM, CB and ML (109B1)
 2. Lot Area: 0.673 Ac +/- or 29,315.88 S.F.
 3. Existing Use: Auto Body Shop/Office
 4. Proposed Use: Auto Body Shop and Sales
 5. This property is serviced by Public Water and Sewer
 6. This property is not located in a Flood Hazard Area
 7. Community Panel No. 240010051F Zone: "X"
 8. This property is not located in The Chesapeake Critical Area
 9. There is no prior zoning history
 10. Any proposed sign will be constructed in compliance with Section 450, BCZR
 11. There are no existing or impending deficiencies of the 2012 Basic Service Maps for Water, Sewer and Transportation
 12. Hours of Operations: Monday through Saturday, 11 AM - 3 PM
 13. Floor Area Ratio: 0.17
 14. Parking Required: Existing Building area: 5060 S.F.
Body Shop: 3.3 per 1000 S.F. 4435x3.3/1000=14.63 spaces or 15 spaces
Office: 3.3 per 1000 S.F. 625x3.3/1000=2.06 spaces or 3 spaces
Total spaces required: 18 spaces
 15. Parking Provided: The existing parking and driveway area is a non-durable surface (existing gravel). There are two existing garage doors (one at the front of the building and one in the rear). To modify the parking layout, the proposed parking spaces are as follows:
8 Parallel spaces (7.5' x 21')
7 Regular spaces for the "Display Area" (8.5' x 18')
Existing two garage doors (1 space per door = 2 spaces)
Total: 28 spaces
 16. There are no building improvements proposed.



- SPECIAL HEARING RELIEF REQUESTED:**
- To approve a non-conforming use to permit the sale of motor vehicles
 - To permit the sale of motor vehicles as a component of the use of the property as a service garage
 - To approve existing non-conforming improvements on the property (building and parking lot)
 - To approve a modified parking plan

- VARIANCE RELIEF REQUESTED:**
- To permit a non-durable and non-durable surface
 - To permit a front yard setback of 10 feet in lieu of the required 15 feet for the existing building, if deemed necessary by the Administrative Law Judge



OWNER: 3318 HOLLINS FERRY LLC
ISAAC MAKINGS
3318 HOLLINS FERRY ROAD
BALTIMORE MD 21227
(410) 821-0071

Petitioner's

**PLAN TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION and
SPECIAL HEARING**
"BEST WAY AUTO SALES"
#3318 HOLLINS FERRY ROAD
TAX MAP: 109 GRID: 4 PARCEL: 53
DEED REF.: 32069370
ELECTION DISTRICT NO. 13
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
NOVEMBER 14, 2012
JOB NO. 10130

GENERAL NOTES:

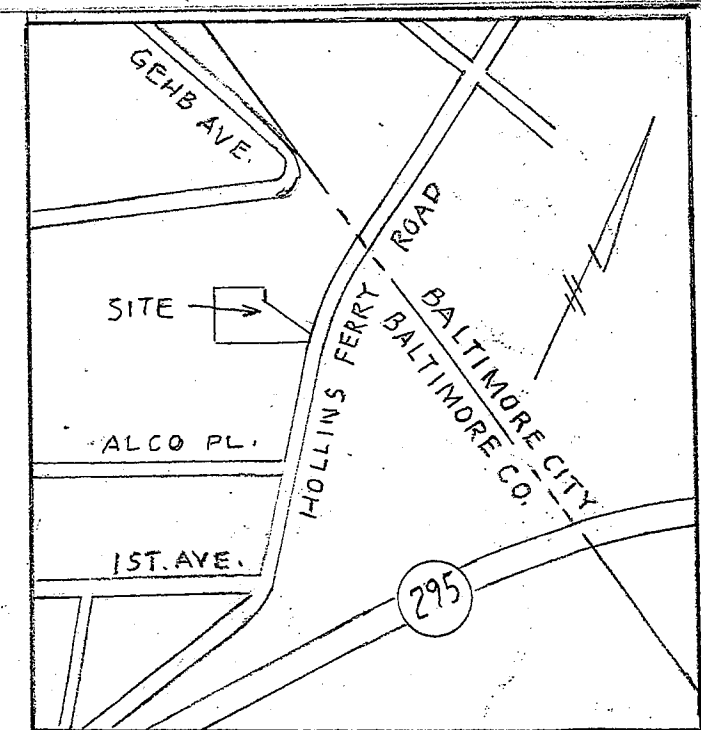
- Existing Zoning: BM, CB and ML (109B1)
- Lot Area: 0.673 Ac +/- or 29,315.88 S.F.
- Existing Use: Auto Body Shop/Office
Proposed Use: Auto Body Shop and Sales
- This property is serviced by Public Water and Sewer
- This property is not located in a Flood Hazard Area
Community Panel No. 240010051F Zone: "X"
- This property is not located in The Chesapeake Critical Area
- There is no prior zoning history
- This property is not located in an Historic District
- Any proposed sign will be constructed in compliance with Section 450, BCZR
- There are no existing or impending deficiencies of the 2012 Basic Service Maps for Water, Sewer and Transportation
- Hours of Operations: Monday through Saturday, 11 AM - 3 PM
- Floor Area Ratio: 0.17
- Parking Required: Existing Building area: 5060 S. F.
Body Shop: 3.3 per 1000 S.F. 4435x3.3/1000=14.63 spaces or 15 spaces
Office: 3.3 per 1000 S.F. 625x3.3/1000=2.06 spaces or 3 spaces
Total spaces required: 18 spaces
- Parking Provided: The existing parking and driveway area is a non-durable surface (existing gravel). There are two existing garage doors (one at the front of the building and one in the rear). To modify the parking layout, the proposed parking spaces are as follows:
11 Regular spaces (8.5' x 18')
8 Parallel spaces (7.5' x 21')
7 Regular spaces for the "Display Area" (8.5' x 18')
Existing two garage doors (1 space per door = 2 spaces)
Total: 28 spaces
- There are no building improvements proposed.

SPECIAL HEARING RELIEF REQUESTED:

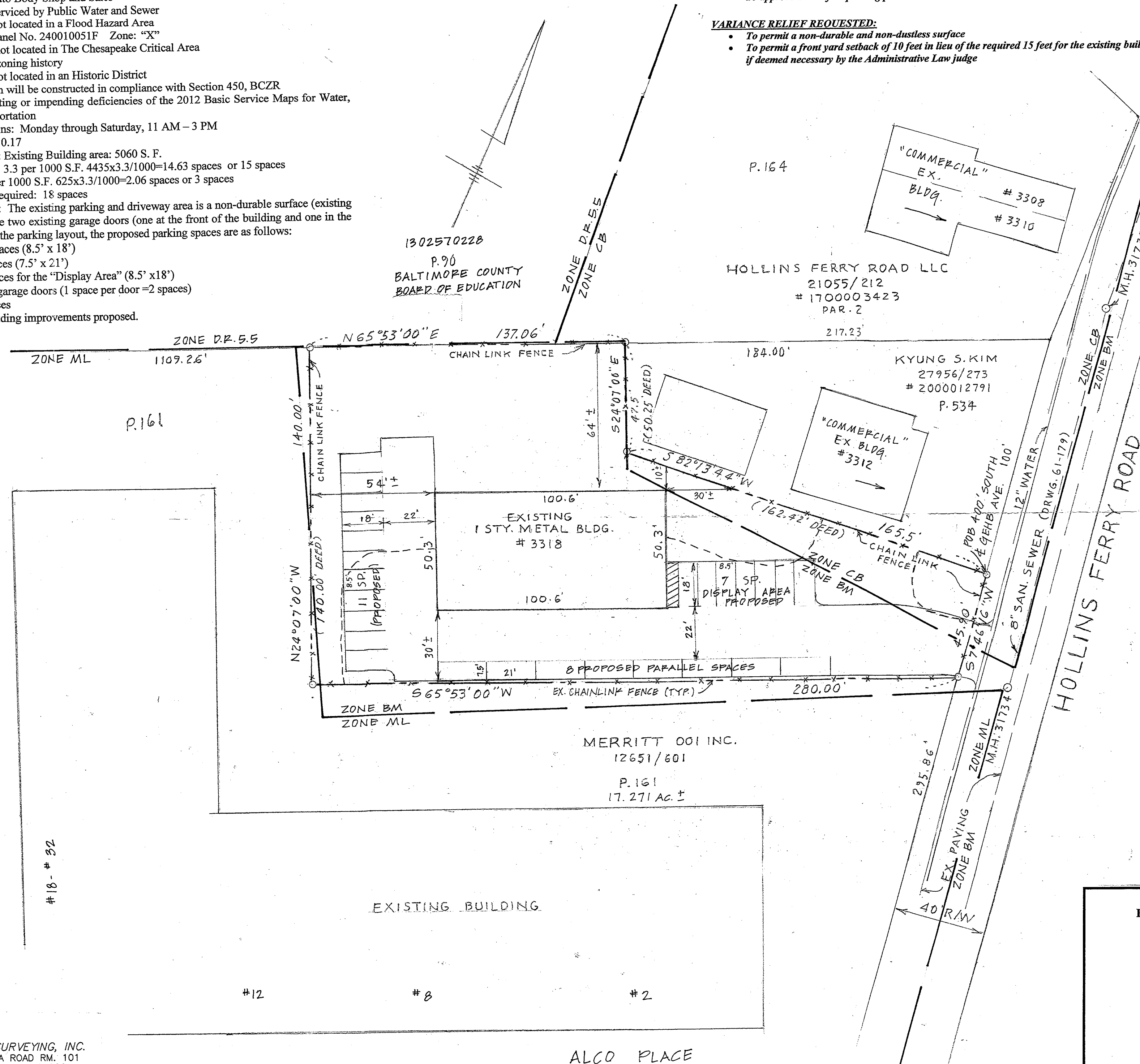
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- To approve existing non-conforming improvements on the property (building and parking lot)
- To approve a modified parking plan

VARIANCE RELIEF REQUESTED:

- To permit a non-durable and non-dustless surface
- To permit a front yard setback of 10 feet in lieu of the required 15 feet for the existing building, if deemed necessary by the Administrative Law judge



VICINITY MAP
SCALE: 1" = 500'



OWNER: 3318 HOLLINS FERRY LLC
ISAAC MAKINGS
3318 HOLLINS FERRY ROAD
BALTIMORE MD 21227
(410) 821-0071

PLAN TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION and
SPECIAL HEARING
"BEST WAY AUTO SALES"
#3318 HOLLINS FERRY ROAD
TAX MAP: 109 GRID: 4 PARCEL: 53
TAX ACCT. 1306200125
DEED REF.: 32069/370
ELECTION DISTRICT NO. 13
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
NOVEMBER 14, 2012
JOB NO. 10130



site rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066

#1

2013-0153-SPHA