

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(8545 Philadelphia Road) *

15th Election District *

7th Council District *

Stephen & Darlene Ramsey, *Legal Owners* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0040-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 John B. Gontrum, Esquire, of Whiteford, Taylor & Preston, LLP, on behalf of Stephen & Darlene Ramsey, the legal owners. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a non-conforming used car sales business in a BR zone. The Variance petition seeks relief from B.C.Z.R. as follows: (1) to allow macadam and gravel parking in lieu of required durable and dust free surface pursuant to §409.8.A.2; (2) to allow parking at the right of way line of Philadelphia Road in lieu of the required 10 feet setback pursuant to §409.8.A.4; (3) to allow parking without striping and curb stops pursuant to §409.8.A.6; (4) to allow an existing building a front yard setback of 26' from the center line in lieu of the required 50' and 20' from the property line in lieu of the required 25' pursuant to §238.1 ; (5) to allow an existing building to set back 20' from the right of way line in lieu of the average setback of 89' pursuant to §303.2; (6) to allow a side yard setbacks of 2.5' and 22' and of 0' and 11' in lieu of the required 30' for existing buildings pursuant to §238.2; and (7) to allow display of motor vehicles within 10' of a roadway and front building line pursuant to §238.4. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence by the Petitioners' Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

10/29/13

Sen

Appearing at the public hearing in support of the requests was Stephen Ramsey and C. Dudley Campbell, the surveyor whose firm prepared the site plan. John B. Gontrum, Esquire, of Whiteford, Taylor & Preston, LLP, appeared and represented the Petitioners. There were no interested citizens in attendance at the hearing. The file reveals that the Petition was advertised and the site was posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS), the Bureau of Development Plans Review (DPR) and the State Highway Administration (SHA). The DOP set forth a list of recommendations, and the Petitioners indicated they would satisfy each of the items listed. The DEPS offered no substantive comment, and the DPR objected to certain of the variances, discussed in greater detail below.

The subject property is 1.212 +/- acres in size and is zoned BR. The Petitioners (and their predecessors) have operated a used car sales and service facility on the site. At present, a new tenant is using the premises and Baltimore County has required the Petitioners to seek zoning relief before certifying to the Motor Vehicle Administration (MVA) that all zoning requirements are satisfied.

The petition for Special Hearing appears to be uncontroversial. Mr. Ramsey testified via proffer that a used car sales and service facility has operated on this site since the 1960s without interruption. Counsel for Petitioners noted that prior to 2001, a used car sales facility was permitted as of right in the BR zone. In Bill 71-2001, the County Council changed the law and required a Special Exception to operate such a business in the BR zone. As further evidence that such a business operated prior to the change in law, Petitioners submitted a document signed in 1994 by Mr. Jablon (who was at the time the Director of "ZADM") stating that the used car facility at the site satisfied "all local zoning requirements." Petitioners certify in these

ORDER RECEIVED FOR FILING

Date

10/29/13

By

Sen

circumstances, I believe Petitioners enjoy non-conforming use status permitting the operation of a used car sales business on the site, subject to the requirements and restrictions set forth in B.C.Z.R. §104.

Based upon the testimony and evidence presented, I will grant in part and deny in part the petition for variance. To obtain variance relief a petitioner must show:

- (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).

The Petitioners have met this test. The property is irregularly shaped and the Petitioners must contend with long existing site conditions. As such, it is unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to continue the business on site. But, based on the ZAC comments, I will deny certain aspects of the variance petition.

The Bureau of Development Plans Review (DPR), in a ZAC comment dated September 5, 2013, had no objection to variance numbers 4-6, but objected to variance numbers 1-3 & 7. Variance numbers 2 and 7, as shown on the plan, concern the display of the used vehicles for sale. Mr. Kennedy believes that, per the Landscape Manual, vehicle display should be at least 10' away from the adjacent roadway (Philadelphia Road) right-of-way line. I concur with Mr. Kennedy's comments, and believe the auto display area must comply with the regulations, which will improve the appearance of the site.

The Bureau of DPR also believed variance numbers 1 and 3 should be denied. These relate to the paving and striping of the parking lot. In response to the Department of Planning's (DOP) comment, the Petitioners have agreed to pave and stripe all areas between Philadelphia Road and the fence on site, which will ensure the most heavily travelled means of customer

ORDER RECEIVED FOR FILING

Date

10/29/13

By

Sen

ingress/egress are durable and dustless. But I do not believe the Petitioners should be required to pave the balance of the parking lot, most of which is located in the area of the service building at the rear of the site. This area will be used for vehicles awaiting repair, and I believe that paving would be expensive and unnecessary on this portion of the site, and it could also be easily damaged by tow trucks and similar vehicles used to bring disabled vehicles to the site. As such, I will grant variance numbers 1 and 3 with respect to this portion of the site.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing request should be granted, and the petition for variance should be granted in part, and denied in part.

THEREFORE, IT IS ORDERED this 29th day of October, 2013, by this Administrative Law Judge, that Petitioners' request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a non-conforming used car sales business in a B.R. zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioners' Variance requests (as numbered in the petition) pursuant to the B.C.Z.R. as follows: (1) to allow parking on macadam and gravel surface (other than with regard to the area between the Philadelphia Road sidewalk and chain link fence with green privacy slats, which shall be paved) in lieu of required durable and dust free surface pursuant to §409.8.A.2; (3) to allow parking without striping and curb stops (other than with regard to the area between the Philadelphia Road sidewalk and chain link fence with green privacy slats) pursuant to §409.8.A.6; (4) to allow an existing building front yard setback of 26' from the center line in lieu of the required 50' and 20' from the property line in lieu of the required 25' pursuant to §238.1 ; (5) to allow an existing building to set back 20' from the right of way line in lieu of the average setback of 89' pursuant to §303.2; and (6) to allow side yard setbacks of 2.5' and 22' and of 0' and 11' in lieu of the required 50' for existing buildings

ORDER RECEIVED FOR FILING

Date

10/29/13

By

Sen

pursuant to §238.2, be and are hereby GRANTED.

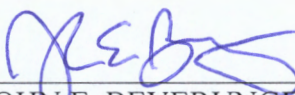
IT IS FURTHER ORDERED that Petitioners' variance requests (as numbered in the petition) pursuant to the B.C.Z.R. as follows: (2) to allow parking at the right of way line of Philadelphia Road in lieu of the required 10 feet setback pursuant to §409.8.A.4; and (7) to allow display of motor vehicles within 10' of a roadway and front building line pursuant to §238.4, be and are hereby DENIED.

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. Petitioners must comply with the ZAC comment dated September 30, 2013 submitted by the DOP.

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

10/29/13

By

sln

KEVIN KAMENETZ
County Executive



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

October 29, 2013

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
One W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 8545 Philadelphia Road
Case No.: 2014-0040-SPHA

Dear 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,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



PETITION FOR ZONING HEARING(S)

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

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

Address 8545 Philadelphia Road which is presently zoned B.R.

Deed References: 8624/767 10 Digit Tax Account # 1506000810, 1502201710 & 1502201711

Property Owner(s) Printed Name(s) Stephen Ramsey; Darlene L. Ramsey

(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

A non-conforming used car sales business in a B.R. zone.

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

A non-conforming used car sales business in a B.R. zone.

3. ☒ a **Variance** from Section(s)

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).

Lessee:

Name -- Type or Print

Signature

Mailing Address Date City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name- Type or Print

Signature

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

Mailing Address City State
21204 410-832-2055 jgontrum@wtplaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0040-SPHA Filing Date 8/19/13 // Do Not Schedule Dates:

Reviewer AT

REV. 10/4/11

Legal Owners (Petitioners):

Stephen Ramsey

Darlene L. Ramsey

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2260 Baldwin Mill Rd., Fallston, Md.

Mailing Address City State

21047 410-382-1966 steve.ramsey@chesapeakehd.

Zip Code Telephone # Email Address

Representative to be contacted:

John B. Gontrum, Whiteford, Taylor & Preston LLP

Name -- Type or Print

Signature

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

Mailing Address City State
21204 410-832-2055 jgontrum@wtplaw.com

Zip Code Telephone # Email Address

ZONING VARIANCES:

1. From B.C.Z.R. §409.8.A.2. to allow macadam and gravel parking in lieu of required durable and dust free surface.
2. From B.C.Z.R. §409.8.A.4 to allow parking at the right of way line of Philadelphia Road in lieu of the required 10 feet setback.
3. From B.C.Z.R. §409.8.A.6 to allow parking without striping and curb stops.
4. From B.C.Z.R. §238.1 to allow an existing building a front yard setback of 26' from the center line in lieu of the required 50' and 20' from the front property line in lieu of the required 25'.
5. From B.C.Z.R. §303.2 to allow an existing building to set back 20' from the right of way line in lieu of the average setback of 89'.
6. From B.C.Z.R. §238.2 to allow a side yard setbacks of 2.5' and 22' and of 0' and 11' in lieu of the required 30' for existing buildings.
7. From B.C.Z.R. §238.4 to allow display of motor vehicles within 10' of a roadway and front building line.

2014-0040-SPHA



BAY STATE LAND SERVICES

Engineers • Surveyors • Planners • Architects • Geotechnical Testing

Knowledge. Innovation. Results.

August 14, 2013

ZONING DESCRIPTION

1.21 ACRES

LAND OF STEPHEN AND DARLENE L. RAMSEY

TAX MAP #89-PARCELS #312 AND #633

ACCT.# 1502201710, 1502201711, 1502203870 & 1506000810

#8545 Philadelphia Road

Fifteenth Election District

Seventh Councilmanic District

Baltimore County, Maryland

Beginning for the **FIRST** at a point in Philadelphia Road, Maryland Route #7, said point being Southwesterly 290' +/- from the intersection of Golden Ring Road thence binding,

1. South 09 degrees 00 minutes 00 seconds East 22.00 feet to a point,
2. South 09 degrees 00 minutes 00 seconds East 130.00 feet to a point,
3. South 53 degrees 30 minutes 00 seconds West 46.25 feet to a point,
4. South 40 degrees 45 minutes 00 seconds East 31.09 feet to a point,
5. South 49 degrees 15 minutes 00 seconds West 150.00 feet to a point on the Northeasterly right-of-way line of Gettman Avenue (Unimproved), thence binding on the Northeasterly right-of-way line of Gettman Avenue (Unimproved) the following course and distance,
6. North 40 degrees 45 minutes 00 seconds West 164.40 feet to a point on the Southerly right-of-way line of Philadelphia Road, Maryland Route #7; Thence binding on the Southerly right-of-way line of Philadelphia Road, Maryland Route #7 the following course and distance,
7. North 54 degrees 44 minutes 01 seconds East 150.69 feet to a point; Thence binding,
8. North 40 degrees 45 minutes 00 seconds West 20.17 to a point in Philadelphia Road, Maryland Route #7; Thence binding in Philadelphia Road, Maryland Route #7 the following course and distance,
9. North 55 degrees 15 minutes 00 seconds East 126.80 feet to the place of beginning.

Containing 0.81 acres of land, more or less.

www.baystatelandservices.com

2014-0040-SPHA

Mailing Address

P.O. Box 853
Bel Air, Maryland 21014

Office Location

2012 Rock Spring Road
Forest Hill, Maryland 21050

Contact

tel 410.879.4747
fax 410.420.3949

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: 2014-0040-SPHA

Petitioner: STEPHAN RAMSEY, DONALD RAMSEY

Address or Location: 8545 Phil Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEVEN RAMSEY c/o Chesapeake Properties

Address: Chesapeake Harbor Davidson

1 Thunders Court

Doakington, Md. 21034

Telephone Number: 410-382-1966

No. 102555
Date: 8/19/13

PAID RECEIPT

BUSINESS	ACTUAL	TIME	TRK
8/19/2013	8/19/2013	09:16:40	2

REC-1002 WALKIN JENA JEE
 RECEIPT # 041308 8/19/2012 OFU

Dept 5 328 DRING VERIFICATION
 CR NO. 102775

Recpt tot \$1,000.00
\$1,000.00 CR 1.00 CA
Baltimore County, Maryland

[illegible]

Total: \$1,000

Rec
From WHITEFORD TAYLOR & PRESTON LLP

For: 8545 PHILADELPHIA RD

2014-0040-SPH A

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

October 2, 2013

Re:

Case Number: 2014- 0040-SPHA

Petitioner / Owner: Stephen & Darlene Ramsey

Date of Hearing: October 24, 2013

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

Attention: 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 **8545 Philadelphia Road**.

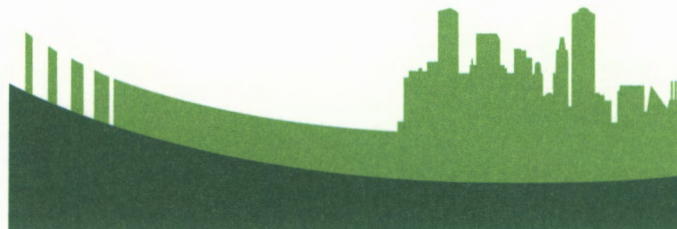
The sign(s) were posted on **October 1, 2013**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

October 3, 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 October 3, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0040-SPHA

8545 Philadelphia Road

S/east of Philadelphia Road, 290 ft. s/w of the centerline of Golden Ring Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Stephen & Darlene Ramsey

Special Hearing: to approve a non-conforming used car sales business in a B.R. zone. **Variance:** to allow a macadam and gravel parking in lieu of the required durable and dust free surface; to allow parking at the right of way line of Philadelphia Road in lieu of the required 10 feet setback; to allow parking without striping or curb stops; to allow an existing building a front yard setback of 26' from the centerline in lieu of the required 50' and 20' from the front property line in lieu of the required 25'; to allow an existing building to setback 20' from the right of way line in lieu of the average setback of 89'; to allow a side yard setback of 2.5' and 22' and of 0' and 11' in lieu of the required 30' for existing buildings; to allow display of motor vehicles within 10' of a roadway and front building line.

Hearing: Thursday, October 24, 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.
10/022 Oct. 3

950325



KEVIN KAMENETZ
County Executive

September 4, 2013

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

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: 2014-0040-SPHA

8545 Philadelphia Road

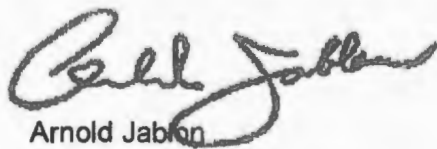
S/east of Philadelphia Road, 290 ft. s/w of the centerline of Golden Ring Road

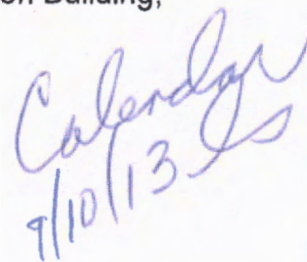
15th Election District – 7th Councilmanic District

Legal Owners: Stephen & Darlene Ramsey

Special Hearing to approve a non-conforming used car sales business in a B.R. zone. Variance to allow a macadam and gravel parking in lieu of the required durable and dust free surface; to allow parking at the right of way line of Philadelphia Road in lieu of the required 10 feet setback; to allow parking without striping or curb stops; to allow an existing building a front yard setback of 26' from the centerline in lieu of the required 50' and 20' from the front property line in lieu of the required 25'; to allow an existing building to setback 20' from the right of way line in lieu of the average setback of 89'; to allow a side yard setback of 2.5' and 22' and of 0' and 11' in lieu of the required 30' for existing buildings; to allow display of motor vehicles within 10' of a roadway and front building line.

Hearing: Thursday, October 24, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director


Calendar
7/10/13

AJ:kl

C: John Gontrum, One W. Pennsylvania Ave., Ste. 300, Towson 21204
Mr. & Mrs. Ramsey, 2260 Baldwin Mill Road, Fallston 21047

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 4, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 3, 2013 Issue - Jeffersonian

Please forward billing to:

Stephen Ramsey
Chesapeake Harley Davidson
1 Thunder Court
Dorlington, MD 21034

410-382-1966

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: 2014-0040-SPHA

8545 Philadelphia Road

S/east of Philadelphia Road, 290 ft. s/w of the centerline of Golden Ring Road

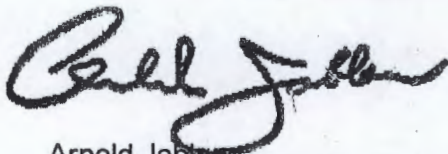
15th Election District – 7th Councilmanic District

Legal Owners: Stephen & Darlene Ramsey

Special Hearing to approve a non-conforming used car sales business in a B.R. zone.

Variance to allow a macadam and gravel parking in lieu of the required durable and dust free surface; to allow parking at the right of way line of Philadelphia Road in lieu of the required 10 feet setback; to allow parking without striping or curb stops; to allow an existing building a front yard setback of 26' from the centerline in lieu of the required 50' and 20' from the front property line in lieu of the required 25'; to allow an existing building to setback 20' from the right of way line in lieu of the average setback of 89'; to allow a side yard setback of 2.5' and 22' and of 0' and 11' in lieu of the required 30' for existing buildings; to allow display of motor vehicles within 10' of a roadway and front building line.

Hearing: Thursday, October 24, 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.

M E M O R A N D U M

DATE: December 2, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0040-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on November 28, 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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
8545 Philadelphia Road; SE Philadelphia * OF ADMINISTRATIVE
Road, 290' SW c/line Golden Ring Road * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Stephen & Darlene Ramsey *
Petitioner(s) *
* 2014-040-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.

RECEIVED

AUG 29 2013

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 29th day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9/5/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>9/13/13</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
<u>9/30/13</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>9/2/13</u>	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	<u>C</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: <u>10/3/13</u>	
SIGN POSTING	Date: <u>10/1/13</u> by <u>Doan</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

October 18, 2013

Stephen Ramsey
Darlene L Ramsey
2260 Baldwin Mill Road
Fallston MD 21047

RE: Case Number: 2014-0040, Address: 8545 Philadelphia Road

Dear Mr. & Ms. Ramsey:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 19, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
John B. Gontrum, Esquire, One W Pennsylvania Avenue, Suite 300, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

September 2, 2013

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0040-SPHA
Special Hearing Variance
Stephen & Darlene L. Ramsey
8545 Philadelphia Road
MD 7

Dear Ms. Lewis:

The State Highway Administration (SHA) has reviewed the site plan to accompany the petition for variance on the subject of the above captioned, which was received on August 29, 2013. We offer the following:

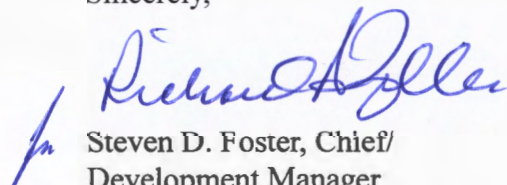
- SHA has an objection to allowing parking, and cars being displayed within 10' of the roadway as this creates a potential sight distance hazard for vehicles entering and exiting this site.
- The right-of-way line along MD 7 at the northeast end of this property extends to the centerline of the roadway. SHA requires that the roadway of MD 7 be entirely within SHA right-of-way. Therefore, we are requesting that the county require the dedication of this property frontage along MD 7 19' from the existing right-of-way line which will extend the right-of-way line that exists west of this section of the property to the eastern property line. Or at a minimum, we are requesting dedication of the property frontage that will place the right-of-way line at the back of the existing curb on MD 7 (approximately 14' from the existing right-of-way line). In either scenario, an SHA formatted plat and deed will need to be prepared. The design engineer should contact Ms. Pattianne Smith, SHA Plats & Surveys (410-545-8860) to coordinate plat preparation, and Ms. Jenny Archer, SHA Right-of-Way, Chief District 4 (410-229-2401). Copies of a revised plat reflecting the above requested right-of-way dedication should be submitted to the Access Management Division (AMD) for distribution to these offices initiating their review.

My telephone number/toll-free number is 410-545-5600
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Ms. Kristen Lewis
2014-0040-SPHA
September 2, 2013
Page 2

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 E-mail him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

cc: Bay State Land Services / P.O Box 853, Bel Air, MD 21014-0853
Mr. Stephen Ramsey & Ms. Darlene L. Ramsey / 2260 Baldwin Mill Road
Fallston, MD 21047-1336
Ms. Colleen M. Kelly / 111 West Chesapeake Avenue, Towson, MD 21204
Ms. Pattianne Smith, SHA Plats & Surveys **w/plat**
Ms. Jenny Archer, SHA District 4 Right-of-Way **w/plat**

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 13 2013



OFFICE OF ADMINISTRATIVE HEARINGS

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: September 13, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0040-SPHA
Address 8545 Philadelphia Road
(Ramsey Property)

Zoning Advisory Committee Meeting of August 26, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 2, 2013
Item No. 2014-0040

DATE: September 5, 2013

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

We have no objection to the continued use of this site as a used car sales business. We also have no objection to granting the requested variances numbered 4, 5 and 6.

We believe that the variances numbered 2 and 7 should be denied. The County Landscape Manual has specific regulations for Automotive Display Areas to which all dealerships are held. Those regulations state that, "display parking areas shall follow the setbacks for parking lots." and that "Automobiles shall not be placed or displayed within the landscape strip..." Baltimore County has many car dealerships with automobile display areas and we believe that allowing this request will set a poor precedent and violate the intent of planning, zoning and landscape regulations. Furthermore, the properties surrounding this site along Philadelphia Road are well kept and aesthetically acceptable while this property is not. Keeping parking spaces and display vehicles 10 feet away from the right-of-way line would allow for landscaping which would soften the visual impact immensely.

Variance number 1 should be denied because there is a residence abutting the lot which would receive the dust and the lot has a slope that is greater than 5% which is the upper limit we use for gravel and crusher run surfaces. As for variance number 3, if the spaces are not striped, it is difficult to determine compliance with parking regulations.

A Landscape Plan that meets the requirements of the Landscape Manual and the attendant checklists is required. The provided plan is not acceptable.

DAK: cen
cc:file

ZAC-ITEM NO 14-0040-09032013.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 30, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8545 Philadelphia Road

RECEIVED

INFORMATION:

OCT 01 2013

Item Number: 14-040

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Stephen Ramsey

Zoning: BR

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose requested variances 2, 4, 5, 6, and 7. Variances 1 and 3 are also not opposed, however this department has concerns with the proposal as it relates to the areas closest to and along Philadelphia Road.

The Department of Planning as stated above generally does not oppose the petitioner's requests. However, the relief should be conditioned upon the following:

1. Pave or repave and maintain in good condition a durable and dustless macadam surface on all areas of the site located between the Philadelphia Road sidewalk and the chain link fence with green privacy slats. No parked/displayed motor vehicles shall be permitted to extend over the adjacent curb and sidewalk.
2. Pave or repave, stripe, and maintain in good condition a durable and dustless macadam surface on the front yard and side yard parking areas for the 2,528 square foot used auto sales building.
3. Remove/prohibit all litter, debris, and unenclosed storage of junk tires on the entire premises.
4. Remove/prohibit the storage of derelict motor vehicles and equipment on the entire premises.
5. Remove the dilapidated light pole located at the northwest corner of the 4,992 square foot service garage building.
6. Replace the rotted wood siding and the damaged door on the 232 square foot mobile office trailer and paint/repaint all of the wood siding on the trailer.
7. Replace the dilapidated wood retaining wall for the 4-space parking area located in front of the 2,528 square foot used auto sales building.
8. Repair the damaged wall and replace the deteriorated door located on the west side of the 2,528 square foot used auto sales building.
9. All fencing shall be maintained in good condition.

ORDER RECEIVED FOR FILING

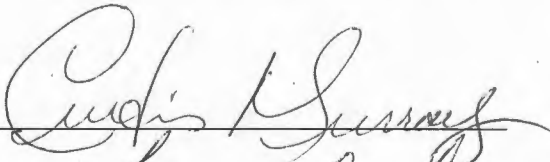
Date 10/29/13

By Sen

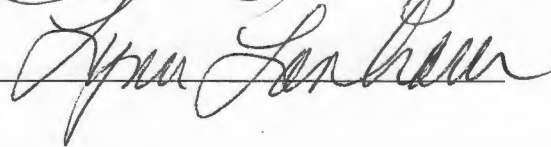
10. The petitioner's landscaping plan shall be submitted to Jean Tansey, Baltimore County Landscape Architect for review and approval. The Department of Planning does not support the 6 proposed planter boxes shown on the landscaping plan. They will not provide significant aesthetic or environmental benefits, and it is very possible the boxes may be damaged when used cars are maneuvered in and out of the display areas.
11. The applicant shall petition Baltimore County to close unimproved Gettman Avenue.

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

Prepared By:



Division Chief:
AVA/LL:cjm



ORDER RECEIVED FOR FILING

Date 10/29/13
By Sen

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 15 Account Number - 1506000810	
Owner Information		
Owner Name:	RAMSEY STEPHEN RAMSEY DARLENE L	Use: COMMERCIAL Principal Residence: NO
Mailing Address:	2260 BALDWIN MILL RD FALLSTON MD 21047-1336	Deed Reference: 1) /08624/ 00767 2)
Location & Structure Information		
Premises Address:	8545 PHILADELPHIA RD 0-0000	Legal Description: LT 19,20 SW COR GETT GETTMAN HE
Map: 0089	Grid: 0012	Parcel: 0633
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 19	Assessment Year: 2012
Plat No:	Plat Ref:	Town: NONE
Special Tax Areas:	Ad Valorem:	Tax Class:
Primary Structure Built 1971	Above Grade Enclosed Area 4920	Finished Basement Area 17,293 SF
Stories	Basement	Type SERVICE GARAGE
Exterior	Full/Half Bath	Garage
Last Major Ren		
Value Information		
	Base Value	Value
		As of 01/01/2012
Land:	202,900	202,900
Improvements	132,800	127,300
Total:	335,700	330,200
Preferential Land:	0	0
Transfer Information		
Seller: RAMSEY STEPHEN	Date: 10/18/1990	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /08624/ 00767	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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		

New Search (<http://sdat.resiusa.org/RealProperty>)

Order the **TAX MAP** [click here...](#)

(<http://imsweb05.mdp.state.md.us/website/mosp/>)

Loading... Please Wait.

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 15 Account Number - 1502201710	
Owner Information		
Owner Name:	RAMSEY STEPHEN RAMSEY DARLENE L	Use: COMMERCIAL
Mailing Address:	2260 BALDWIN MILL RD FALLSTON MD 21047-1336	Principal Residence: NO Deed Reference: 1) /08624/ 00767 2)
Location & Structure Information		
Premises Address:	8545 PHILADELPHIA RD BALTIMORE MD 21237-3014	Legal Description: LT SES PHILA E GETTMAN /
Map: 0089	Grid: 0012	Parcel: 0312
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built 1926	Above Grade Enclosed Area 2400	Finished Basement Area
		Property Land Area 11,881 SF
Stories	Basement	Type
		SERVICE GARAGE
Exterior	Full/Half Bath	Garage
Last Major Ren		
Value Information		
	Base Value	Value
		As of 01/01/2012
Land:	142,500	142,500
Improvements	40,600	46,900
Total:	183,100	189,400
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2013
		As of 07/01/2014
		187,300
		189,400
Transfer Information		
Seller: RAMSEY STEPHEN	Date: 10/18/1990	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /08624/ 00767	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1502201710**

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

-->

Case No.: 2014-0040-SPHA

Exhibit Sheet

Petitioner/Developer

DW
12-2-13

Protestants

SLV
10/29/13

No. 1	Site plan	
No. 2	Dudley Cambell resume	
No. 3	Aerial zoning map	
No. 4	Daed 8624/767	
No. 5	SA-SH Photos of Site	
No. 6	MVA - Zoning Approval Form	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Resume
C. DUDLEY CAMPBELL
Registered Property Line Surveyor
(40 Years' Experience)

EDUCATIONAL BACKGROUND:

Towson State University, Towson, Maryland
Harford Community College, Bel Air, Maryland

PROFESSIONAL LICENSES AND REGISTRATIONS:

Registered Property Line Surveyor, Maryland (#300)
Certified Environmental Inspector (#77290)

PROFESSIONAL SOCIETIES AND MEMBERSHIPS:

Maryland Society of Surveyors
National Society of Professional Surveyors
American Planning Association
Environmental Assessment Association
American Society of Civil Engineers

TECHNICAL TRAINING AND CERTIFICATIONS:

Traffic Institute, Northwestern University
Geometric Design Workshop, 1989
Survey and Boundary Disputes, MICPEL
University of Baltimore, 1990
Survey Problems and Curing Title Defects, MICPEL
University of Baltimore, 1991
Boundary Disputes, Northwestern University, 1992
Land Planning-Design Criteria, Northwestern University, 1994
Minimum Standards of Practice-Chesapeake College, 1995
Standards of A.L.T.A. Surveys, Maryland Society of Surveyors, 1997
Statutory Laws of Maryland, University of Maryland, 1999
Dispute Resolution, Maryland Society of Surveyors, 2003
Contracting for Surveying Services, Maryland Society of Surveyors, 2003



TECHNICAL TRAINING AND CERTIFICATIONS (Cont.)

Minimum Standards for ALTA/ACSM Surveys, Maryland Society of Surveyors, 2003
Condominium Law, Maryland Society of Surveyors, 2004
Minimum Standards of Practice, Maryland Society of Surveyors, 2005
Legal Topics for Surveying, Maryland Society of Surveyors, 2006
An Attorney's Angle on Surveying, Maryland Society of Surveyors, 2006
Technology Vs. The Law, Maryland Society of Surveyors, 2007
Drawing Fire, Maryland Society of Surveyors, 2007
Re-Engineering Surveyors and Survey Businesses, Maryland Society of Surveyors, 2008
Surveying: The Profession, Maryland Society of Surveyors, 2008
The Law of the Land Boundaries, Maryland Society of Surveyors, 2008
GIS for the Surveyor, Maryland Society of Surveyors, 2009
Professional Ethics for the Surveyor, Maryland Society of Surveyors, 2010
FEMA Technical Issues and Updates, 2011
Railroad Surveying, 2012
Laws of Maryland Relating to Surveyors, 2012

PROFESSIONAL HISTORY:

Bay State Land Services, Bel Air, Maryland

Registered Property Line Surveyor, Principal (2003 to Present)

Responsibilities include serving as: Company Principal, Surveyor-In Charge and Planner for development services related to residential, commercial, municipal, and industrial projects; Expert Testimony in zoning and building design and codes; Inspection services for financial and legal institutions;

Campbell & Nolan Associates, Inc., Bel Air, Maryland

Registered Property Line Surveyor, Principal (1993 to 2003)

Responsibilities include serving as Surveyor-In-Charge for development and inspection services related to design of residential, commercial, municipal, and industrial projects in Northern Maryland; Duties include planning and layout to meet municipal criteria, quality control review of services performed, serving as Designer and Principal-In-Charge of site design projects, inspections, and serving as the Surveyor of Record for preparing record plats, boundaries, metes and bounds descriptions, location surveys, etc;

Campbell Associates, Bel Air, Maryland

Registered Property Line Surveyor, President (1986 to 1993)

Served as Sole Proprietor of Land Surveying and Civil Engineering Firm providing services related to site development and design; Duties included all aspects of managing the Company and projects;

Harford County Government, Bel Air, Maryland

Chief of Surveys (1983 to 1991)

Served as Chief of Surveys for Harford County Government; Duties included serving as Surveyor-In-Charge of all government projects, managing in-house personnel, formulating County policy, inspection and adherence to County codes, and Administrator to consultant subcontractors;

Page Three
C. Dudley Campbell

G.W. Stephens and Associates, Bel Air, Maryland
Party Chief (1978 to 1983)

Served as a Party Chief for a three man crew; Duties included residential and construction stakeouts;

Harford Survey Associates, Bel Air, Maryland
Instrument Man (1975 to 1978)

Served as a Rodman and Instrument man; Duties included residential and construction stakeouts;

PROFESSIONAL APPEARANCES (Accepted as Land Planner and Land Surveyor):

Accepted as expert witness in:

Baltimore County Circuit Court (1993, 1995, 1997, 1998, 2002, 2006; 2008);

Harford County Circuit Court (1991, 1992, 1994, 1996, 1997, 1998, 1999, 2000, 2001, 2004, 2005; 2006
2007; 2010);

Harford County District Court (1990, 1992, 1994, 1995, 1996, 1997, 1998, 2001, 2002, 2004, 2005; 2007,
2009, 2010, 2011);

Baltimore County Zoning Commission (1992, 1994, 1995, 1997, 1999, 2001, 2002, 2005; 2006; 2007);

Harford County Board of Appeals (1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000,
2001, 2002, 2003, 2004, 2005, 2006; 2007, 2008, 2009, 2010, 2011, 2012, 2013);

State Highway Administration (1991, 1992, 1994, 1995, 1997, 1999, 2000, 2001, 2003, 2004, 2005; 2006;
2007, 2011, 2012);



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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

Printed 10/21/2013

8624 PAGE 67

THIS DEED is made this 20 day of August, 1990, by STEPHEN RAMSEY, of Baltimore County, State of Maryland, sometimes hereinafter referred to as the "Grantor," and DARLENE L. RAMSEY, his wife, sometimes hereinafter referred to as "Grantee".

WITNESSETH, that for and in consideration of the sum of ZERO DOLLARS (\$00.00) and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the said Grantor hereby grant and conveys unto STEPHEN RAMSEY AND DARLENE L. RAMSEY, his wife, as Tenants by the Entireties, their assigns, the survivor thereof and the heirs, personal representatives and assigns of the survivor, forever, in fee simple, all those lots or parcels of land situate and lying in Baltimore County, as more specifically described in Schedule "A", attached hereto, and incorporated by reference hereto.

BEING THE SAME AND ALL LAND AS conveyed by and described in a deed dated November 11, 1988 and recorded among the Land Records of Baltimore County in Liber 8032, folio 509, from Joseph H. Betz and Elizabeth Betz, also known as Betty Betz to the said Stephen Ramsey.

TOGETHER WITH the buildings and improvements thereon and all the rights, roads, ways, waters, privileges and appurtenances thereto belonging or in any manner appertaining.

TO HAVE AND TO HOLD the above granted and described lots of ground and premises to the said Stephen Ramsey and Darlene L. Ramsey, his wife, their assigns, the survivor thereof, and the heirs, personal representatives and assigns of the survivor, forever, in fee simple;

AND THE SAID Stephen Ramsey does hereby covenant to warrant specially the lands and premises hereby intended to be conveyed, and agrees to execute such other and further assurances thereof as may be requisite and necessary.

AS WITNESS the hands and seals of the above-named Grantor, the day and year first above written.

WITNESS:

Stephen Ramsey

Stephen Ramsey
Stephen Ramsey

STATE OF MARYLAND, HARFORD COUNTY, SCT.:

I HEREBY CERTIFY that on this 22 day of Aug., 1990, before me, the subscriber, a Notary Public of the State aforesaid, duly commissioned and qualified, personally appeared Stephen Ramsey, and he acknowledged the foregoing deed to be his act and that the actual consideration paid was Zero (\$0.00) Dollars.

AS WITNESS my hand and Notarial Seal.

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per *[Signature]*
Authorized Signature
Date *10-11-90* Sec. 11-85A

Stephen A. Murphy
Notary Public
My Commission expires: *1/1/93*
Harford Co. Md.

MAIL TO:

JACQUELINE A. MOORE, ESQ.
30 North Main Street
Bd. Apts. Maryland 21014
CR1 826-7100
CR1 879-8877

RECEIVED FOR TRANSFER
State of Maryland
Assessors Office
for Baltimore County

10-11-90

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE *[Signature]* DATE *10/12/90*



Parcel 1

BEING known and designated as Lot Nos. 19 and 20 as shown on a Plat entitled, "Gettman Heights" which said Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C., No. 7, folio 174 and as shown on the Plat of Gettman Heights which said Plat is recorded among the Land Records of Baltimore County in Liber W.N.H., No. 9, folio 27.

BEING the same 2 lots of ground which by Deed dated November 1, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.G., No. 5140, folio 257 was granted and conveyed by Clyde L. Fallin and Betty L. Fallin unto Joseph H. Betz, Jr. for and during the term of his natural life with full powers of disposition except by Last Will and Testament with remainder upon his death unto Kenneth J. Betz, in fee simple, which said powers are hereby intended to be exercised.

Parcel 2

BEING known and designated as Lot Nos. 2 and 3 as shown on a Plat entitled, "Gettman Heights" which said Plat is recorded among the Land Records of Baltimore County in Liber W.N.H., No. 9, folio 27 (also as shown on the Plat of Gettman Heights recorded among the Land Records of Baltimore County in Plat Book W.P.C., No. 7, folio 174).

BEING the same two lots of ground which by Deed dated October 2, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G., No. 4812, folio 385 was granted and conveyed by Clyde L. Fallin and Betty L. Fallin, his wife, unto Joseph H. Betz, Jr. and Betty Betz, his wife, in fee simple.

Parcel 3

BEGINNING for the same in the centre of the Philadelphia Road (formerly called the Baltimore Havre de Grace Turnpike Road) at the end of the first line of the whole parcel of land which by Deed dated May 29th, 1878 and recorded among the Land Records of Baltimore County in Liber J.B., No. 108, folio 304 etc. was conveyed by John I. Yellott, Trustee to Daniel Diegel, and running thence bounding on the second line thereof South forty and three-quarter (40-3/4) degrees East one hundred and thirty-nine (139) feet to an iron pin set in the ground, thence North fifty-three and one-half (53-1/2) degrees East sixty-six (66) feet and three (3) inches to an iron pin set in the ground, thence North nine (9) degrees West one hundred and thirty (130) feet to an iron pin set in the ground on the Southeast side of said

SM 8624 PAGE 769

Philadelphia Road, thence still North Nine (9) degrees West twenty-two (22) feet to the centre of said Philadelphia Road and thence bounding on the centre thereof South fifty-five and one-quarter (55-1/4) degrees West one hundred and twenty-six (126) feet to the place of beginning. Containing two hundred and seventy-five one thousands (275/1000) of an acre of land, more or less.

BEING the same lot of land which by Deed dated October 7, 1981 and recorded among the Land Records of Baltimore County in Liber E.N.K., Jr., No. 6337, folio 412 was granted and conveyed by Marie A. Betz, widow unto Joseph H. Betz, Jr. and Elizabeth J. Betz, his wife, in fee simple.

Parcel 4

BEING known and designated as Lot No. 1 as shown on a Plat entitled, "Gettman Heights" which said Plat is recorded among the Land Records of Baltimore County in Liber W.H.M., No. 9, folio 27 (also Plat of Gettman Heights recorded among the Land Records of Baltimore County in Plat Book W.P.C., No. 7, folio 174).

BEING the same lot of land which by Deed dated October 7, 1981 and recorded among the Land Records of Baltimore County in Liber E.N.K., Jr., No. 6337, folio 415 was granted and conveyed by Marie A. Betz, widow, unto Joseph H. Betz, Jr. and Elizabeth J. Betz, his wife, in fee simple.

A RC/F 15.00
DEED 0 #
SH CLERK 15.00
#07552 0003 R01 T09:07
10/18/90



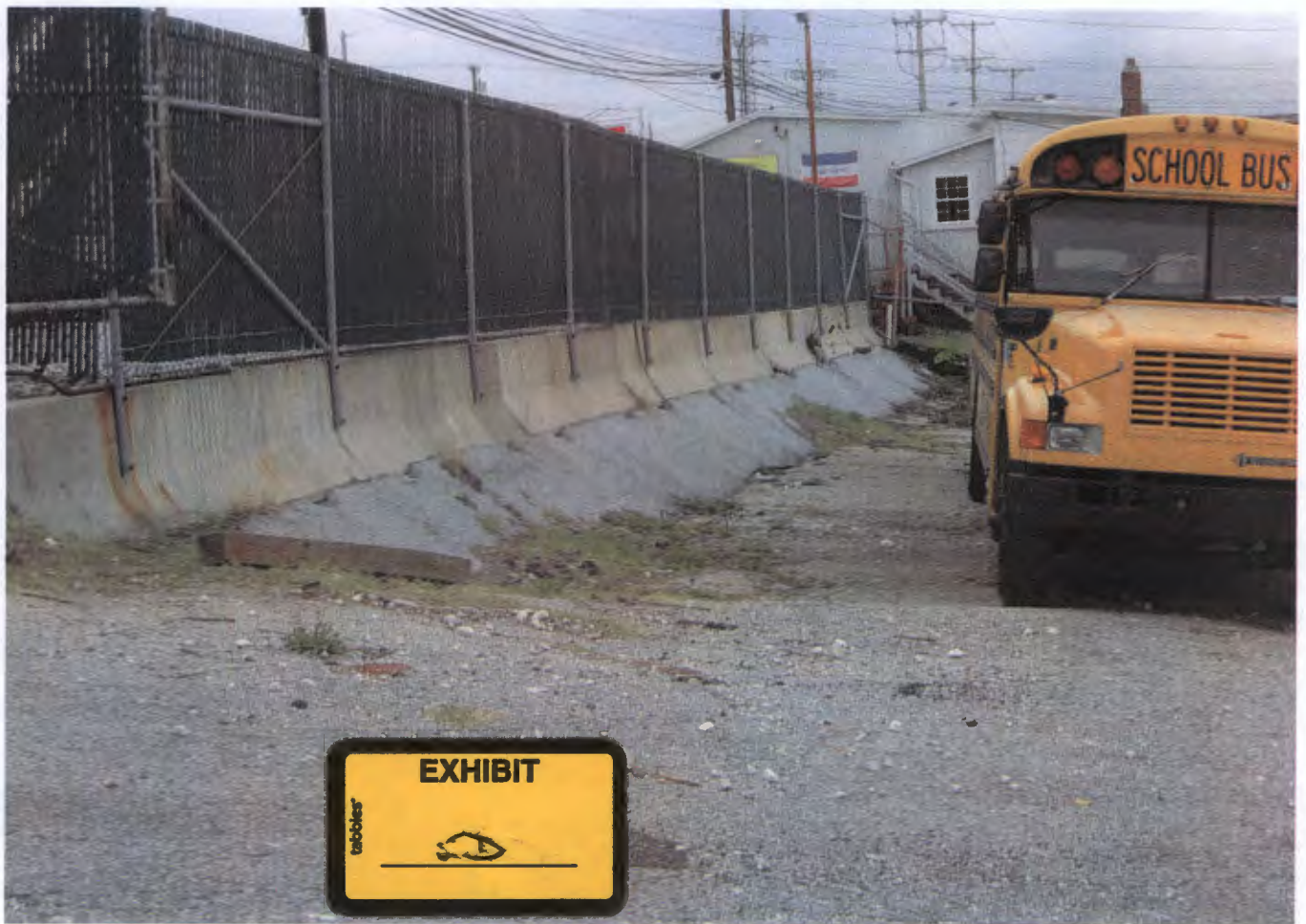


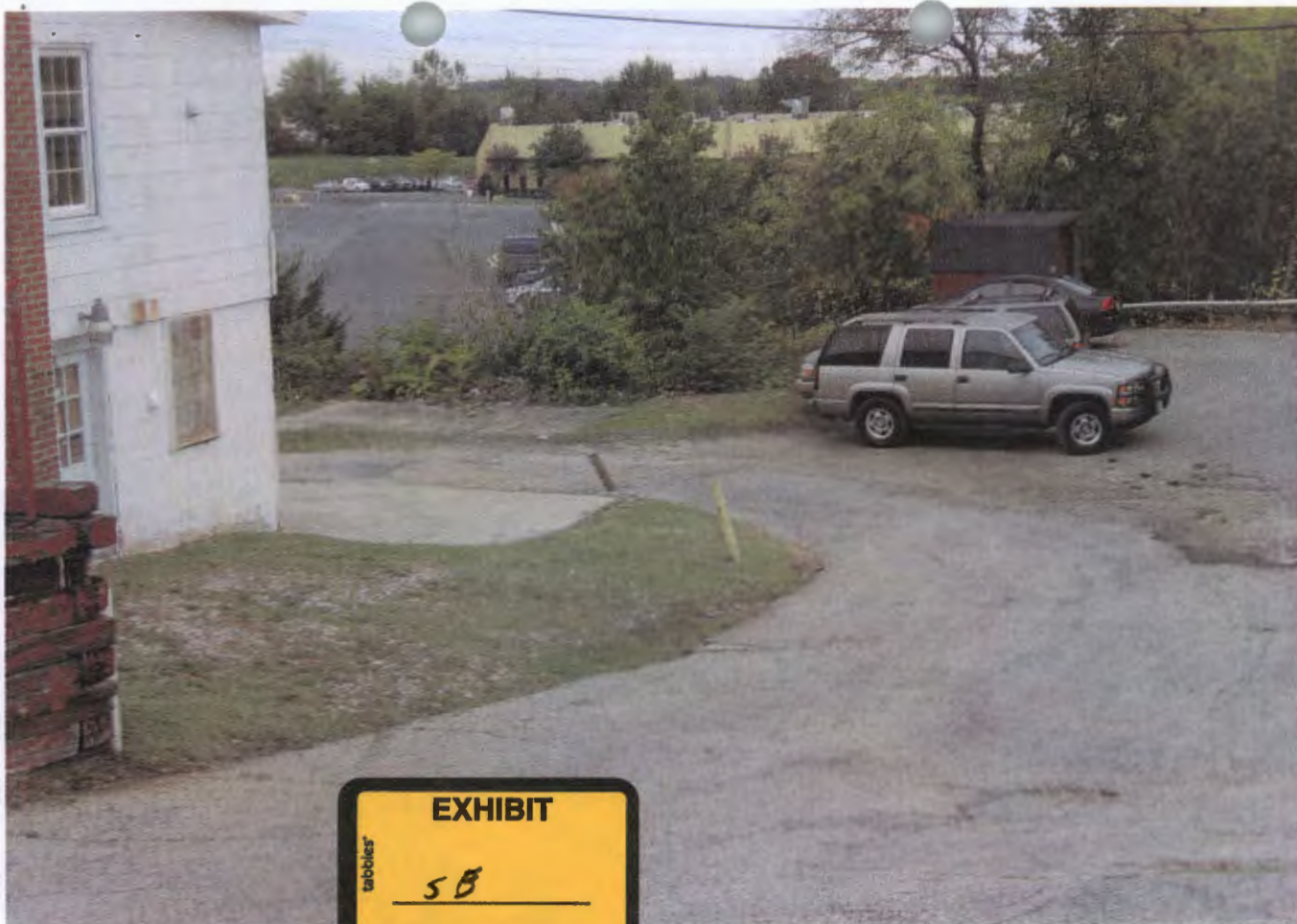
EXHIBIT

tabbler

513













Imagery Date: 8/29/2010 39°19'56.51" N 76°29'50.22" W elev: 139 ft eps: alt: 11.72 ft

Google earth

4 580



Maryland Department of Transportation
MOTOR VEHICLE ADMINISTRATION
4400 BITCHIE HIGHWAY, N.E.
GLEN BURNIE, MARYLAND 21042

LICENSING & CONSUMER
SERVICES DIVISION
(301) 765-7536

ZONING APPROVAL
FORM

TO BE COMPLETED BY APPLICANT AND PRESENTED FOR APPROVAL TO THE LOCAL ZONING AUTHORITIES.

SUBMIT WITH APPLICATION

COMPANY NAME (INCLUDING TRADE NAMES)			
Andrews Car & Truck			
BUSINESS OFFICE ADDRESS			
8545 Philadelphia Road			
Rosedale	Baltimore	Maryland	21237
CITY	COUNTY	STATE	ZIP CODE
Same			
NAME AND TYPE OF STORAGE LOCATION			
Same			
STREET ADDRESS	CITY OR COUNTY	STATE	ZIP CODE
Same			
NAME AND TYPE OF ANY ADDITIONAL STORAGE LOCATIONS			
STREET ADDRESS			
CITY OR COUNTY			
STATE			
ZIP CODE			

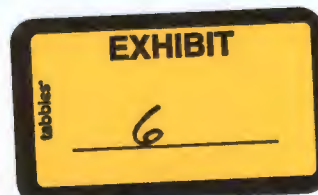
TYPE OF BUSINESS (CHECK APPROPRIATE BLOCK)	
VEHICLE DEALERS ☐ WHOLESALE ☐ NEW ☒ USED ☐ TRAILER ☐ MOTORCYCLE	TRANSPORTER OF VEHICLES ☐ INSPECTION STATION ☐ VEHICLE PAINTING ☐ REMODELING OF VEHICLES ☐ VEHICLE REPAIRS ☐ INSTALLATION OF EQUIPMENT ☐ OTHER _____

THIS SECTION TO BE COMPLETED BY ZONING OFFICIAL TO VERIFY APPLICANT HAS MET ALL LOCAL ZONING REQUIREMENTS TO CONDUCT THE TYPE OF BUSINESS SPECIFIED ABOVE.

I CERTIFY, THAT THE BUSINESS OF <u>USED CAR SALES</u>	
TYPE OF BUSINESS	
DOES ☒ DOES NOT _____	MEET ALL LOCAL ZONING REQUIREMENTS, INCLUDING THE ISSUANCE OF A USE AND OCCUPANCY PERMIT, IF REQUIRED.
<u>BR Zoning / R.T.</u> <u>on Traders License</u> <u>1-24-92</u> <u>5/4/93</u> <u>Per LCO - 1/2/93</u>	
SIGNED	<u>Carl J. Jallen / R.T.</u>
OFFICIAL CAPACITY	<u>Dir. of ADM</u>
TELEPHONE #	<u>857-3391</u>
DATE	<u>12/6/94</u>

CS-53 (9-88)

DEC 9 1994



Lexis®

[Switch Client](#) | [Preferences](#) | [Help](#) | [Sign Out](#)

Search	Get a Document	Shepard's®	More	History	Alerts
--------	----------------	------------	------	---------	--------

FOCUS™ Terms Search Within

[Advanced...](#)[View Tutorial](#)Source: **Legal > States Legal - U.S. > Maryland > Find Cases > MD State Cases, Combined** Terms: **antwerpen** (Suggest Terms for My Search | Feedback on Your Search)☒ Select for FOCUS™ or Delivery

*163 Md. App. 194, *; 877 A.2d 1166, **;
2005 Md. App. LEXIS 90, ****

JACK **ANTWERPEN**, ET AL. v. BALTIMORE COUNTY, MARYLAND

No. 696, September Term, 2004

COURT OF SPECIAL APPEALS OF MARYLAND

163 Md. App. 194; 877 A.2d 1166; 2005 Md. App. LEXIS 90

July 7, 2005, Filed

PRIOR HISTORY: Appeal from the Circuit Court for Baltimore County. Susan Souder, JUDGE.**DISPOSITION:** [***1] JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANTS.**CASE SUMMARY**

PROCEDURAL POSTURE: Plaintiffs, a used car dealership and its owner, appealed from a Circuit Court for Baltimore County (Maryland) affirmance of a decision of defendant county's Board of Appeals dismissing the dealership's request for a special hearing on the issue of whether it was entitled, under a theory of nonconforming use, to operate a used car lot on its property despite an amendment to Baltimore County, Md., Zoning Reg. § 233.2 that precluded such use.

OVERVIEW: A deputy zoning commissioner, possibly unaware of the pending amendment to the zoning regulations, approved the dealership's use of its property for a used car lot. To assure its entitlement to the use, the dealership in effect sought a declaratory judgment by seeking a special hearing before the Board, but the Board denied the hearing. On appeal, the dealership argued that its nonconforming use had vested during the nine days before the amendment took effect. The court held that this might well have been the case if the dealership had operated the lot under authority of a final order during those nine days, but since it had requested a special hearing and appeals from that request remained ongoing, no right to operate the lot had ever vested in the dealership, and its right to operate it on that site could have been terminated at any time by zoning law changes.

OUTCOME: The court affirmed the judgment.

CORE TERMS: zoning, zone, special exception, used car, used-car, vested right, special hearing, deputy, nonconforming use, outdoor, subject property, vested, selling, license, zoning ordinance, de novo, dealership, designated, garage, right to use, intense, adjoining, property owner, automobile dealership, right to operate, judicial review, non-conforming, completion, planned, invalid

LEXISNEXIS® HEADNOTES

[Hide](#)

Governments > Local Governments > Administrative Boards 

Real Property Law > Zoning & Land Use > Special Permits & Variances 

HN1  Former Baltimore County, Md., Zoning Reg. § 233.2 provided that the following was a permitted use in a Business Major Zone: Automobile sales room and adjoining outdoor sales area, provided that dismantled or junk cars unfit for operation on the highways shall not be stored outdoors. In the Business Roadside Zone, which allows more intense uses than the Business Major Zone, one can operate a used automobile vehicle outdoor sales area, separated from a sales agency building, only if a special exception is granted. Baltimore County, Md., Zoning Reg. § 236.4. The Baltimore, Maryland, County Council has created three business zones: Business Light, Business Major, and Business Roadside. The least intense is the Business Light Zone, and the most intense is the Business Roadside Zone. The Business Major Zone is medium density. The Business Roadside Zone allows all the uses permitted in the Business Major Zone, but not vice-versa. More Like This Headnote

Real Property Law > Zoning & Land Use > Planned Unit Developments 

Real Property Law > Zoning & Land Use > Special Permits & Variances 

HN2  Baltimore County, Md., Zoning Reg. § 233.2, as amended effective October 19, 2001, clarifies that new automobile sales facilities are permitted as a matter of right in the Business Major Zones of the county. Baltimore County, Md. Zoning Reg. § 440.4C, as amended at the same time, permits a used motor vehicle outdoor sales area in the Business Major Zones by special exception if it is part of a commercial planned unit development. More Like This Headnote | *Shepardize*: Restrict By Headnote

Administrative Law > Judicial Review > Standards of Review > General Overview 

Environmental Law > Litigation & Administrative Proceedings > Judicial Review 

HN3  In an administrative review, the Court of Special Appeals of Maryland reviews the decision of the agency, not the decision of the circuit court. More Like This Headnote | *Shepardize*: Restrict By Headnote

Administrative Law > Judicial Review > Reviewability > Final Order Requirement 

Environmental Law > Zoning & Land Use > Statutory & Equitable Limits 

Real Property Law > Zoning & Land Use > Nonconforming Uses 

HN4  Maryland case law holds that a vested right does not come into being until the completion of any litigation involving the zoning ordinance from which the vested right is claimed to have originated. It would seem to follow that an applicant for rezoning to a more intense use of his property, who has been successful before the zoning authorities and the circuit court, does not acquire a vested or substantive

right that may not be wiped out by legislation that takes effect during the pendency of an appeal. More Like This Headnote | *Shepardize*: Restrict By Headnote

Civil Procedure > Declaratory Judgment Actions > State Judgments > General Overview 

Real Property Law > Zoning & Land Use > General Overview 

HNS  A request for a special hearing before a zoning commissioner is, in legal effect, a request for a declaratory judgment. More Like This Headnote | *Shepardize*: Restrict By Headnote

COUNSEL: ARGUED BY: Nathan D. Alder (Neuberger, Quinn, Gielen, Rubin & Gibber, PA on the brief) all of Baltimore, MD. FOR APPELLANT.

ARGUED BY: Carole S. Demilio (Peter Max Zimmerman, People's Counsel on the brief) all of Towson, MD. FOR APPELLEE.

JUDGES: ARGUED BEFORE: Salmon, Eyler, Deborah S., Krauser, JJ.

OPINION BY: Salmon

OPINION

[*195] [****1167**] Opinion by Salmon, J.

This is a zoning case. The property affected by the zoning consists of approximately 2.5 acres zoned B.M. (Business Major) and is located on the northwest corner of the intersection of Brenbrook Drive and Church Lane in the Randallstown area of Baltimore County. It is improved with a large automobile dealership building. Adjoining the building is an outdoor sales area. The property is owned by Jack **Antwerpen** and Antbren, LLC (hereafter "**Antwerpen**"). [***196**] The selling of used automobiles is the business of 3636 LLC, D/B/A Prestige Imports ("Prestige"). **Antwerpen's** goal is to move Prestige's used-car operation lawfully onto the subject property. In preparing for the move, **Antwerpen** learned that the Baltimore County zoning office took the position that a used-automobile dealership was not permitted in the B.M. zone. **Antwerpen** took a contrary position, and on August 2, 2001, **Antwerpen** filed a petition for special hearing with the Baltimore County Department of Permits and Development Management.

The request for a "Special Hearing" was made pursuant to Section [*****2**] 500.7 of the zoning regulations of Baltimore County. **Antwerpen** asked for a determination of whether it was permissible in a B.M. zone to use the land for "the sale of used automobiles as a principal use in an automobile sales room and adjoining outdoor sales area"

At the time the petition for special hearing was filed, **HNI**  Baltimore County Zoning Regulation (BCZR) Section 233.2 provided that the following was a permitted use in a B.M. zone:

Automobile sales room and adjoining outdoor sales area, provided that dismantled or junk cars unfit for operation on the highways shall not be stored outdoors.

In the B.R. (Business Roadside) zone, which allows more intense uses than the B.M. zone, one can operate "a used automobile vehicle outdoor sales area, separated from a sales agency building," only if a special exception is granted. See Section 236.4 of the BCZR. ¹ Reading

Sections 233.2 and 236.4 in tandem, the Baltimore County zoning office had, for a number of years prior to **Antwerpen's** petition for a special hearing, taken the position that Section 233.2 permitted sales of new but not used automobiles in a B.M. zone.

FOOTNOTES

¹ The Baltimore County Council created three business zones - Business Light (B.L.), B.M., and B.R. The least intense is the B.L. zone, and the most intense is the B.R. zone. The B.M. zone is medium density. The B.R. zone allows all the uses permitted in the B.M. zone but not vice-versa.

*****3** ***197** The Baltimore County Zoning Commissioner's policy manual, which is authorized by Section 26-135 of the BCZR, permits the director of the zoning office to promulgate rules and policies as a guide to the application of zoning regulations. The policy manual includes a chart of permissible uses in various zones. That chart indicates that the use of property in a B.M. zone for used car sales is prohibited.

On September 4, 2001, the Baltimore County Council passed Bill 71-01. The purpose of that bill was to make it clear "that new car sales are permitted as of right in the B.M. zone but that used-car outdoor sales areas were permitted in the B.M. zone only by special exceptions as part of a commercial planned unit development ['PUD']. . . ." Bill 71-01 was to take effect on October 19, 2001.

****1168** The explanatory note accompanying Bill 71-01 reads as follows:

Bill 71-01 proposes to amend the Zoning Regulations in order to clarify the types of automobile sales facilities permitted in the business zones of the County.

Under current law, new automobile sales rooms are permitted in the BM (Business, Major) zones of the County as a matter of right, while used car sales are permitted *****4** by special exception in the BR (Business, Roadside) zones of the County. A recent decision by the County Board of Appeals has caused some confusion in this area. The Board has recently held that since there is no definition of the term "automobile sales room" in the Zoning Regulations, both new and used car facilities are permitted as a matter of right in the BM zones.

HN2 Bill 71-01 proposes to amend Section 233.2 of the Zoning Regulations (uses permitted by right in the BM zones of the County) by clarifying that new automobile sales facilities are permitted as a matter of right in the BM zones of the County.

The bill also amends Section 440.4.C. in order to permit a used motor vehicle outdoor sales area (currently permitted by special exception only in the BR zones) in the BM zones ***198** by special exception if it is part of a commercial planned unit development (PUD-C).

On September 11, 2001, which was exactly one week after Bill 71-01 was enacted, a hearing was held before Deputy Zoning Commissioner Timothy M. Kotroco to consider **Antwerpen's** request for hearing. The fact that the Baltimore County Council had passed Bill 71-01 was not brought to the deputy zoning commissioner's *****5** attention at the hearing. This lapse was possibly due to the absence of any opponents to **Antwerpen's** request.

On September 18, 2001, the deputy zoning commissioner filed a four-page "finding of fact and conclusion of law" in which he resolved the issue raised in the request for hearing. He said, in material part, as follows:

Historically, the Zoning Office (the Department of Permits and Development Management (DPDM)), has always construed . . . section [233.2] to be limited to only new vehicles. That construction is based on a use designated in Section 236.4 of the B.C.Z.R., which defines the special exceptions permitted in the B.R. zones. Therein, a designated use is "a used motor vehicle outdoor area, separated from a sales agency building." Since this use is identified in the B.C.Z.R., the Zoning Office has opined that, when these two uses are considered in conjunction with one another, that the use designated in Section 233.2 (i.e.,] automobile sales room and adjoining outdoor sales area. . .) is for new cars, only. The reasoning is that because the use defined in Section 236.4 designated used vehicles, the absence of such language in Section 233.2 must mean that the [***6] vehicles to be sold are new.

To say the least, this interpretation endorsed by DPDM is strained. Not only does the use designated in Section 233.2 not utilize either the words "new" or "used," but the uses described in Sections 233.2 and 236.4 above are clearly different. That is, certain restrictions on the use described in Section 236.4 relate only to an outdoor lot, without a [*199] building, whereas the use defined in Section 233.2 clearly requires some structure.

Complicating the issue is the definition of "service garage," as set out in Section 101 of the B.C.Z.R. The language therein defines that use as "a garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired or kept [**1169] for remuneration, hire or sale." (Emphasis added[.]) Thus, sale of motor driven vehicles is a primary component of the service garage use. Service garages are permitted by right in the B.M. zone.

In my judgment, the proper approach is to consider each petition on a case by case basis. In reviewing the record of this case, it is my judgment that the proposed use should be permitted.

(Emphasis added.)

The Office of People's Counsel for Baltimore [***7] County filed, on September 28, 2001, a notice of appeal from the ruling by the deputy commissioner. Also on September 28, 2001, the State of Maryland issued a license to Prestige to sell used automobiles on the subject property. Twelve days later, on October 10, 2001, Prestige began using the subject property for the sale of used cars. ²

FOOTNOTES

² The October 10, 2001, date was obtained from a letter found in the record extract from the Maryland Department of Motor Vehicles addressed to **Antwerpen's** counsel. The letter reads:

Pursuant to our telephone conversation regarding 3636 LLC T/A Prestige Imports (U4849), our records show the above dealership went into business on October 10, 2001. The zoning form was approved on September 25, 2001.

While the matter was pending before the Board of Appeals ("the Board"), the People's Counsel filed a motion to dismiss **Antwerpen's** petition for special hearing. The People's Counsel pointed out that (1) **Antwerpen's** appeal to the Board was *de novo*; (2) Bill 71-01 allowed [***8] used-car sales in a B.M. zone "only by a special exception and under [the] Planned Unit Development - Commercial (PUD-C)" zone; (3) Bill 71-01 [*200] became

effective on October 19, 2001; (4) **Antwerpen** had obtained no special exception; and (5) under principles set forth in *Powell v. Calvert County*, 368 Md. 400, 795 A.2d 96 (2002), the Board was required to apply the law as it presently stands. Penultimately, movant asserted that applying that current law, **Antwerpen** had no right to operate a used-car lot on the subject property without a special exception and therefore the request for special hearing should be dismissed.

At the hearing before the Board, counsel for **Antwerpen** argued: (1) at the time the petition for hearing was filed, operating a used-car lot in a B.M. zone was legal; (2) in the request for a special hearing, **Antwerpen** simply wanted the deputy zoning commissioner to confirm the fact that he had a right to operate the used-car lot in the B.M. zone; and (3) at the time Bill 71-01 went into effect, **Antwerpen** had already established a nonconforming use. Counsel for **Antwerpen** summarized his argument as follows:

What we were doing in this particular case [***9] was permitted as of right in a B.M. zone, and therefore, when the amendment [Bill 71-01] kicked in in this case, all it changed was it turned us from being a conforming use under the then-present zoning regulations to a non-conforming use under the present zoning regulations. .

In other words, **Antwerpen** contended that it had vested rights to continue using the property for used-car sales as of October 19, 2001, the effective date of the statute.

In its opinion, the Board said, in pertinent part:

In support of its position, [**Antwerpen**] cites, among other cases, a case decided by this Board *In The Matter Of The Application of G.C. & R.L., Ltd.*, Case No. 99-324-SPH, in which this Board held that a used car operation was allowed in a B.M. zone since the language of the [then] current legislation did not appear to restrict the automobile dealership [**1170] to a new car operation. That case was appealed by People's Counsel to the Circuit Court for Baltimore County in Civil Action No. 3-C-00-3846. The court returned the case to the Board for clarification. The Board [*201] affirmed its earlier decision on March 25, 2001, and the case is back before the circuit court.

* * * [***10]

Petitioners contend that they never sought a special exception but only a declaration by the deputy zoning commissioner that what they were proposing to do was in conformance with the law. They contend that as long as the Zoning Commissioner was right, that is, that the operation of a used automobile facility was in conformity with the zoning regulations as of the time that the use began, **Antwerpen's** use is permissible, even after the amendment to the zoning regulations, because it became a lawful nonconforming use. They cite *Mayor and City Council of Baltimore v. Dembo, Inc.*, 123 Md. App. 527, 531, 719 A.2d 1007 [(1998)], and *Lone v. Montgomery County*, 85 Md. App. 477, 496, 584 A.2d 142 (1991). These cases stand for the proposition that "a lawful nonconforming use is established if a property owner can demonstrate that before and at the time of the adoption of the zoning ordinance, he was using his land in a then-lawful manner for a use which by later legislation became non-permitted."

* * *

Decision

. . . While the Board did interpret § 233.2 of the BCZR to allow the operation of a used car dealership in a B.M. zone in the *G.D. [***11] & R.L.* case (Case No. 99-324-SPH), that decision was contrary to a long-standing interpretation of county

agencies. In addition, the decision was appealed by People's Counsel to the Circuit Court for Baltimore County and said appeal is still pending; therefore, the decision cannot be interpreted as being the law in effect at the time that the petitioners sought clarification before the Zoning Commissioner. It is the Board's understanding that the building at 36 Brenbrook Drive is still unoccupied, and therefore the petitioners cannot claim a nonconforming [*202] use since no utilization has been made of the building at this time for used car sales. However, even if the used car operation had been begun at the property, the Board would still find that the petitioners acted at their own risk, and that, because of the pending appeal, they had no vested right in the operation of a used car dealership at that site.

The Board relies on the decision of Judge Cathell in the *Powell* case (*supra*) and finds that the new law effective October 19, 2001, in which the Council amended § 233.3 and § 440.4, is controlling. The appeal of Deputy Zoning Commissioner Kotroco's decision by the People's [***12] Counsel brought the matter before the Board in a *de novo* posture. His ruling could not be effective pending the decision by this Board.

(Emphasis added.)

There was no support in the record for the Board's "understanding" that **Antwerpen's** building at 36 Brenbrook Drive (the subject property) was "still unoccupied." Moreover, the People's Counsel, in his argument to the Board, never even suggested that **Antwerpen** had not operated a used-car lot on the premises between the time of the deputy zoning commissioner's decision and October 19, 2001, the effective date of Bill 71-01.

Antwerpen filed, in the Circuit Court for Baltimore County, a petition for judicial [**1171] review of the Board's decision. The circuit court affirmed the Board's decision to grant People's Counsel's motion to dismiss. It did so on the basis that (1) **Antwerpen** had failed to show a nonconforming use and (2) therefore, because a reviewing court must apply the law in effect at the time of its decision, **Antwerpen** had no right to use the land in question for used-car sales at any time after October 19, 2001.

This timely appeal followed.

II. ANALYSIS

Antwerpen first argues that the circuit court erred [***13] when it affirmed the Board's grant of the motion to dismiss on [*203] the grounds that **Antwerpen** was not operating an automobile dealership on the subject property prior to October 19, 2001. In support of that argument, **Antwerpen** points out that the Board "ruled only on People's Counsel's motion to dismiss," and therefore there was "never any evidence heard by the [Board] at the hearing on the motion to dismiss." Appellants also point out, accurately, that their counsel clearly proffered to the Board that a used-car dealership was being operated on the subject property prior to the effective date of Bill 71-01.

We agree with **Antwerpen** that this case should not have been dismissed on the grounds that **Antwerpen** never utilized the property for used-car sales before October 19, 2001.

Prior to listening to argument by counsel at the hearing, the Board made it clear that it would consider only legal issues, i.e., those issues raised by the People's Counsel in its motion to dismiss. And, as mentioned *supra*, People's Counsel argued that the case should be dismissed for two intertwined reasons, viz: (1) **Antwerpen** has no vested right to use the property for used-car sales because the [***14] deputy zoning commissioner's ruling was never final inasmuch as it was the subject of a *de novo* appeal, and (2) the Board was required to apply the provisions of Bill No 71-01, which was the law that was in effect at the time the Board made

its ruling. Therefore, **Antwerpen** had no reason to put on evidence showing a pre-October 19, 2001, non-conforming use.³

FOOTNOTES

³ In his brief filed in this Court, People's Counsel does not contend that this case can be decided based on the issue of whether **Antwerpen** proved that the property was used for the sale of used cars prior to the effective date of Bill 71-01.

For the foregoing reasons, we shall assume, *arguendo*, that **Antwerpen's** counsel accurately represented to the Board that his client operated a used-car lot on the property prior to October 19, 2001. Therefore, the issue to be decided becomes: Did the Board err⁴ when it ruled, in the alternative, **[*204]** that appellants did not obtain vested rights in the property because the grant of the relief prayed for in the special **[***15]** hearing was on appeal as of the date appellants commenced using the property for the sale of used cars?

FOOTNOTES

⁴ ^{HN3} We review the decision of the agency, not the decision of the circuit court. *Abbey v. University of Maryland*, 126 Md. App. 46, 53, 727 A.2d 406 (1999); *Ahalt v. Montgomery County*, 113 Md. App. 14, 20, 686 A.2d 683 (1996).

The parties to this appeal agree that (1) the Board, when it reviewed the deputy zoning commissioner's decision, was obliged to follow the dictates of the Baltimore County Zoning Regulations (BCZR) that were in effect at the date of the hearing before the Board, and (2) as of the date of the hearing before the Board, Bill 71-01 was in effect. Where the parties part company concerns a narrow issue, *viz*: By operating a used-car lot on the premises between October 10 and October 19, 2001, did **Antwerpen** acquire a vested right **[**1172]** to continue operating a used-car lot there? Appellants request that we answer that question in the affirmative. More specifically, **[***16]** appellants claim that by using the property for approximately nine days prior to the effective date of Bill No. 71-01, they obtained a non-conforming use.

The Law Governing Nonconforming Use

One of the earliest Maryland cases discussing the right of a property owner with a legal use to continue that use after passage of a new zoning ordinance making the use non-permissible is *Amereihn v. Kotras*, 194 Md. 591, 71 A.2d 865 . . . (1950). In *Amereihn*, the Court of Appeals explained the rationale for recognizing nonconforming uses as follows:

If a property is used for a factory, and thereafter the neighborhood in which it is located is zoned residential, if such regulations applied to the factory it would cease to exist, and the zoning regulation would have the effect of confiscating such property and destroying a vested right therein of the owner. Manifestly this cannot be done, because it would amount to a confiscation of the property, **[*205]** and nonconforming use is a vested right and entitled to constitutional protection.

Id. at 601 Since 1950, Maryland courts have developed and refined the law regarding the respective **[***17]** rights of zoning authorities and owners of properties qualifying as nonconforming uses. *See, e.g., Board of Zoning Appeals v.*

Meyer, 207 Md. 389, 114 A.2d 626 (1955) (holding that when a property owner at time of adoption of last comprehensive zoning was using land for use which by new legislative action became non-permitted, the owner has a lawful nonconforming use); *County Comm'rs v. Zent*, 86 Md. App. 745, 587 A.2d 1205 (1991) (explaining permissible intensification of nonconforming use as compared to impermissible "extension"); *McKenny v. Baltimore County*, 39 Md. App. 257, 269-70, 385 A.2d 96 (1978) (defining four factors to determine whether current activity is within the scope of nonconforming use).

Mayor & City Council of Baltimore v. Dembo, 123 Md. App. 527, 537-38, 719 A.2d 1007 (1998).

Appellee contends that appellants did not obtain a vested right to use the property as a used-car lot at any time prior to October 19, 2001, because (1) appellants needed zoning approval to operate a used-car lot on the property; (2) although they obtained approval of the use from the deputy zoning commissioner prior to October 19, 2001, the zoning commissioner's decision was on appeal as of the effective date of Bill 71-01; and (3) therefore the rule enunciated in *Powell v. Calvert Co.*, 368 Md. 400, 795 A.2d 96 (2002), was applicable.

In *Powell*, one James Graner (respondent) owned a fourteen-acre parcel of land on which he operated an excavation business. *Id.* at 402-03. Graner began to store construction equipment and materials (such as topsoil and gravel) on the property. *Id.* It was thereafter determined that Graner needed a special exception to store such material legally. *Id.* Graner applied for and obtained a special exception from the Calvert County Board of Appeals to allow him to store equipment and material on the premises. *Id.* But [*206] Graner's neighbors filed a petition for judicial review of the Board's grant of the special exception. *Id.* at 404. The Circuit Court for Calvert County affirmed the Board's grant of the special exception. An appeal was then filed to this Court. *Id.* at 405. While the appeal was pending, a Calvert County zoning ordinance was amended so as to [**1173] disallow the use of the property for [***19] "outdoor storage in connection with commercial and/or industrial uses," including the storage of "machinery and equipment in connection with excavation and/or contracting business." *Id.* at 405.

A panel of this Court, in an unreported decision, remanded the case to the Board because the state of the record prevented the panel from deciding whether there was substantial evidence to support the grant of the special exception. *Id.* On remand, the Board once again approved the special exception, but, in doing so, failed to consider the change in the zoning ordinance. *Id.* at 406. The circuit court found that, although there had been a change in the applicable law, which meant that the special exception should not have been granted, the respondent nevertheless had obtained vested rights, which protected him from the change in the law. *Id.* The circuit court, however, remanded the case to the Board, due to the Board's (alleged) failure to properly consider whether a condition to the grant of the special exception had been met. *Id.* Petitioners, who were neighbors of the respondent, appealed to this Court. *Id.* at 407. We affirmed [***20] the Board's decision, holding that, because the special exception was validly granted prior to the effective date of the statute disallowing a special exception in like cases, the respondent had obtained vested rights to the use of the property in conformance with the rights conferred by the special exception. *Powell v. Calvert County*, 137 Md. App. 425, 440-42, 768 A.2d 750 (2001).

The Court of Appeals reversed our decision, saying:

We hold that respondent did not obtain a vested right to store his materials on his property because he never obtained [*207] a final, valid special exception, as he did not obtain a special exception that was free of all pending litigation.

Powell, 368 Md. at 416 (emphasis added).

In support of the foregoing holding, the Court of Appeals said:

The Court of Special Appeals opines that the special exception granted to petitioner by the Board was never declared "unlawful or invalid." It makes no difference. It was still in litigation. Even if the special exception was never "declared" invalid, it was never a final valid special exception, which would qualify respondent to begin to vest rights in a zoning **[***21]** approval. As stated, *supra*, upon the Board's original granting of the special exception to respondent, petitioners sought judicial review. Therefore, the "valid permit" never took final effect because the litigation dealing with the special exception had not reached its final conclusion. . . .

Id. at 415 (emphasis added).

Later in *Powell*, the Court made the following points:

We have held that^{HN4} a vested right does not come into being until the completion of any litigation involving the zoning ordinance from which the vested right is claimed to have originated. In *Ross v. Montgomery County*, 252 Md. 497, 250 A.2d 635 (1969), we stated that:

"The appellants have also interposed, as working in their favor, the theory of vested rights. Their contention being that, because of the high price they paid for the land based on its then authorized use for an apartment hotel, their expenditure for architect's fees and the cost incurred in site preparation, the zoning regulations which the County seeks to impose have been rendered inoperative.

In **[**1174]** *Mandel v. Bd. of County Comm'rs of Howard County*, 238 Md. 208, 208 A.2d 710 (1965), **[***22]** a change in zoning regulations was enacted while litigation was pending in respect to the use of the appellants' property under the former zoning regulations. The appellants contended that **[*208]** this violated their constitutional rights. Judge Oppenheimer, writing the opinion for this Court stated:

'* * * this case is to be determined under the law as it now exists, that the appellants had not secured a final decree establishing their rights to use their properties for the use permitted under the former classification, that they had no vested rights, and that the change in the regulations is not invalid because it eliminates the proposed use.' *Id.* at 215, 208 A.2d 710.

The Court in *Mandel* aptly termed the right acquired under the permit as 'inchoate' and followed the rationale of this Court in *Yorkdale v. Powell*, 237 Md. 121, 205 A.2d 269 (1964), wherein Judge Hammond (now Chief Judge), speaking for the Court said:

'It would seem to follow from the decisions in *Banner* [*v. Home Sales Co. D.*, 201 Md. 425, 94 A.2d 264. 201 Md. 425, 94 A.2d 264], *Lake Falls* [*Ass'n v. Board of Zoning Appeals of Baltimore County*, 209 Md. 561, 121 A.2d 809] **[***23]** and *Grau* [*v. Board of Zoning Appeals of Baltimore County*, 210 Md. 19, 122 A.2d 824,] that an applicant for rezoning to a more intense use of his property, who has been successful before the zoning authorities and the circuit court does not acquire a vested or substantive right which may not be wiped out by legislation which takes effect during the pendency in this Court of the appeal from the sections below.' *Id.* at 126, 205 A.2d 269."

Id. at 503, 250 A.2d at 638-39.

Id. at 412-13 (emphasis added).

In the case *sub judice*, the Board rejected appellants' vested rights argument based on the principles enunciated by the Court of Appeals in *Powell*. The Board took the position that appellants obtained no vested rights because, at the time appellants commenced using the property to sell used cars, the grant of the relief prayed for in the special hearing was on appeal.

[*209] Appellants contend that *Powell* is inapposite because, unlike *Powell*, here the landowner did not need the decision reached after a special hearing to start selling used cars on the property. This is true, according to appellants, because on the date they commenced *****24** selling used cars on the premises, Baltimore County zoning regulations permitted such a use. In other words, appellants take the position that in this case, unlike *Powell* and its progeny, no permission from any zoning official was needed to start selling used cars on the subject property.

Consideration of the validity of the foregoing argument makes it necessary to ask why appellants bothered to request a special hearing to decide their rights if, as they now contend, they had a right to start selling used cars without permission of the zoning office. Appellants answer that question by asserting: (1) to sell used cars they needed a license issued by the Maryland Department of Transportation ("DOT"); (2) to obtain the DOT license, they needed the zoning office to affirm that the property was zoned to allow the sale of used cars; (3) the Baltimore County zoning office would not so affirm because it held the view that used-car sales were prohibited in the B.M. zone; and (4) therefore, appellants needed the zoning commissioner to declare appellants' rights.

^{HNS}✦A request for special hearing is, in legal effect, a request for a declaratory judgment. The appellants asked the zoning commissioner *****25** to declare that they had a *****1175** right to operate a used-car lot on the property. The appellants needed this declaration not only to get a DOT license to sell used cars, but also to obtain an occupancy permit. Without a favorable decision on the request for special hearing, appellants could have obtained neither a license nor a permit. Therefore, appellants did need the zoning office's approval to sell used cars on the property. But, just as rights could not come into being while the grant of a request for special exception is on appeal, no right can be said to have vested that emanated from the deputy zoning commissioner's declaratory judgment, until that judgment becomes final.

[*210] We agree with the Board that *Powell* controls this case. In *Powell*, the Court of Appeals gave its imprimatur to the general rule that "vested rights [do] not come into being until the completion of any litigation involving the zoning ordinance from which the vested right is claimed to have originated." 368 Md. at 412. Here, the vested rights claimed by appellants were based on Section 233.2, which was amended prior to the completion of the subject litigation. At the time appellants claimed *****26** their rights vested (October 10, 2001, the date appellants commenced selling used cars on the premises), the decision of the zoning examiner had already been appealed. Thus, appellants knew that the favorable ruling by the deputy zoning commissioner, which they used to get a DOT license and an occupancy permit, was subject to reversal in a *de novo* appeal. By the time the *de novo* appeal was heard, the amended ordinance was in effect. Because the Board was required to apply the law in effect on the date it heard the case, *Mandel v. Board of County Commissioners of Howard County*, 238 Md. 208, 215, 208 A.2d 710 (1965), the Board had no choice but to reject the zoning commissioner's conclusion that used-car sales were permitted on the property.

JUDGMENT AFFIRMED;

COSTS TO BE PAID BY APPELLANTS.Source: **Legal > States Legal - U.S. > Maryland > Find Cases > MD State Cases, Combined** Terms: **antwerpen** (Suggest Terms for My Search | Feedback on Your Search)

View: Full

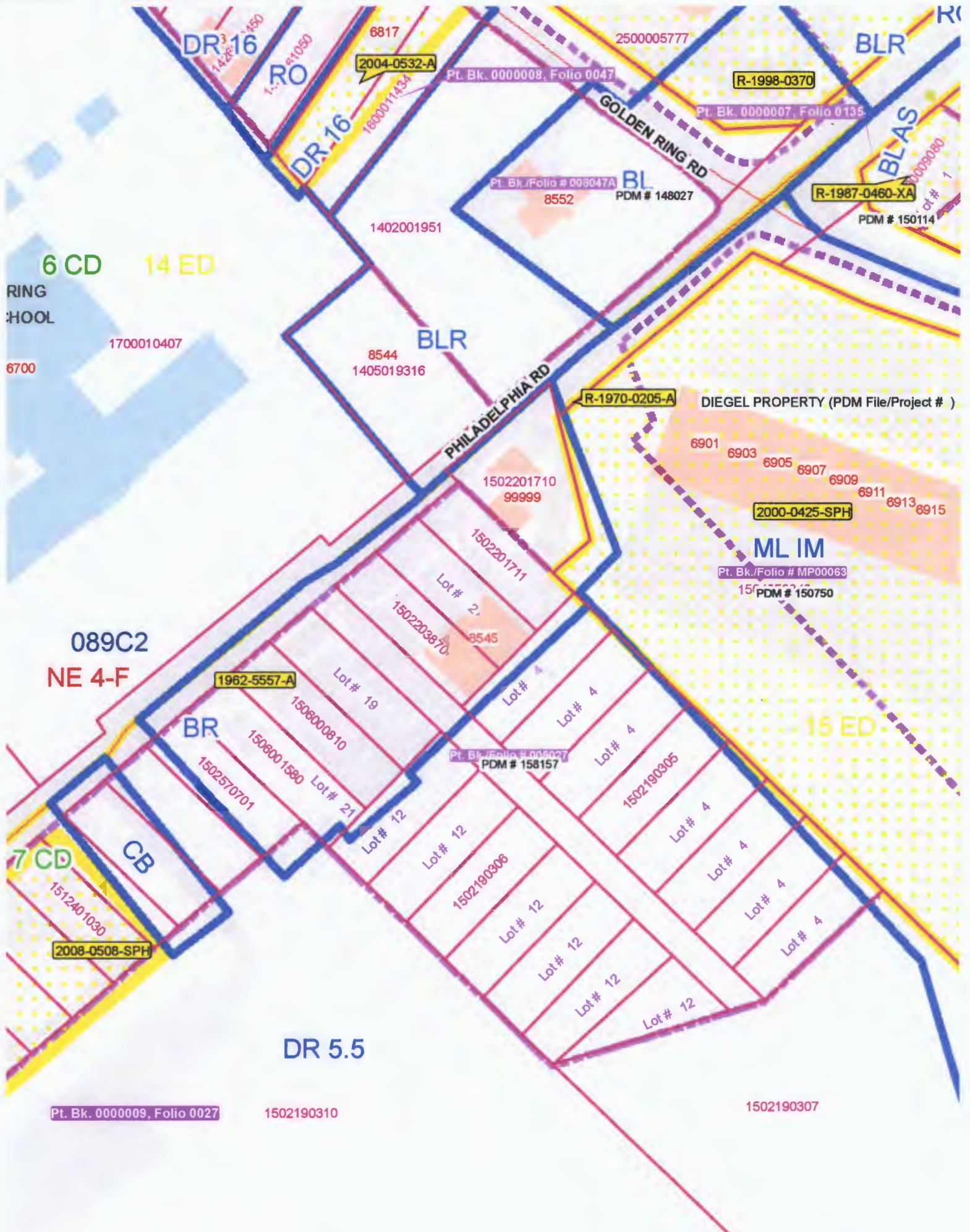
Date/Time: Monday, October 21, 2013 - 10:38 AM EDT

* Signal Legend:

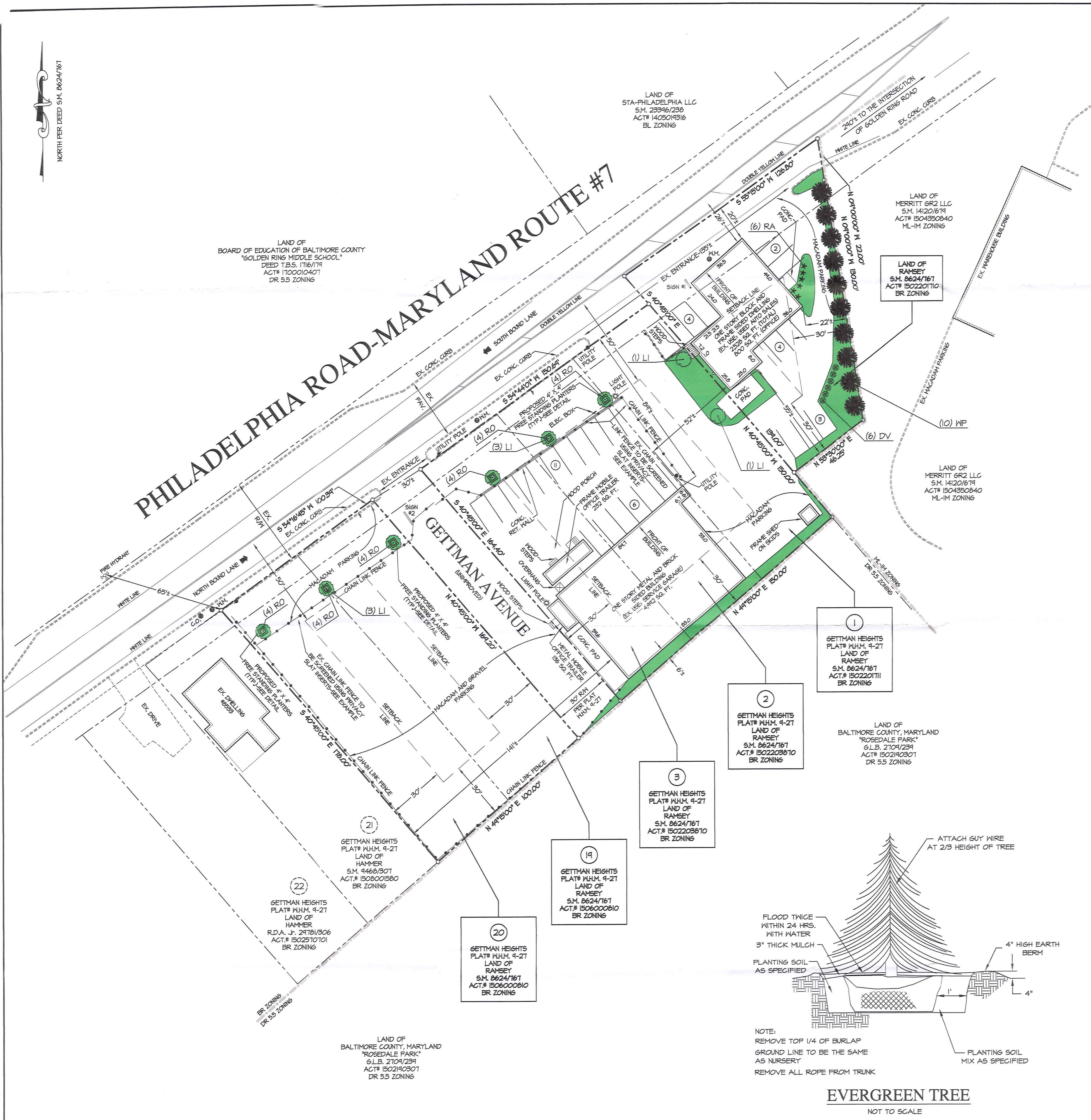
-  - Warning: Negative treatment is indicated
 -  - Questioned: Validity questioned by citing refs
 -  - Caution: Possible negative treatment
 -  - Positive treatment is indicated
 -  - Citing Refs. With Analysis Available
 -  - Citation information available
- * Click on any *Shepard's* signal to *Shepardize®* that case.

**LexisNexis®**[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)

Copyright © 2013 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.



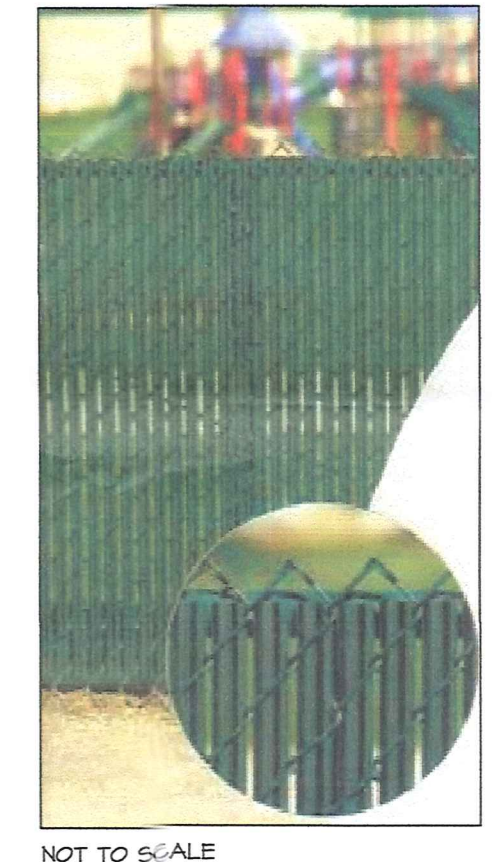
2014-0040-SPHA



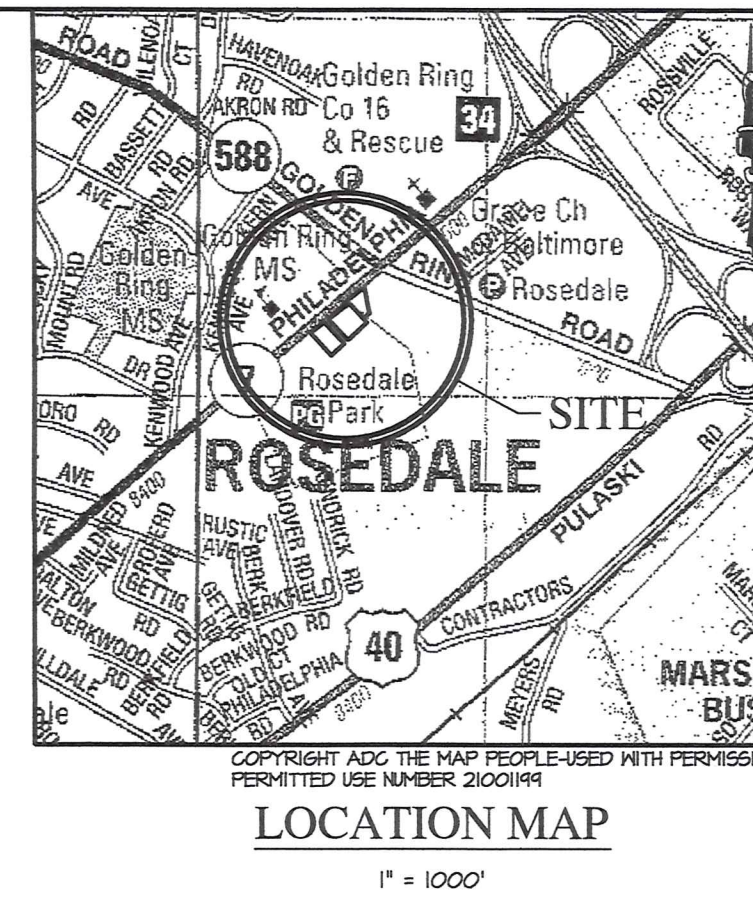
LANDSCAPING NOTES

1. THE LANDSCAPE PLAN IS FOR LANDSCAPING INFORMATION ONLY. PLEASE REFER TO THE SITE PLAN AND ACCESS PLANS FOR ALL OTHER INFORMATION.
2. THE LOCATIONS FOR PLANT MATERIAL ARE APPROXIMATE AND ARE SUBJECT TO FIELD ADJUSTMENT DUE TO SLOPE, VEGETATION, AND OTHER SITE FACTORS. PRIOR TO PLANTING THE CONTRACTOR SHALL ACCURATELY STAKE OUT THE LOCATIONS FOR ALL PLANTS. THE OWNER OR LANDSCAPE ARCHITECT SHALL APPROVE THE FIELD LOCATIONS OR ADJUSTMENTS OF THE PLANT MATERIAL.
3. COORDINATE PLANT MATERIAL LOCATIONS WITH SITE UTILITIES. SEE SITE PLAN AND GRADING UTILITIES FOR STORM, SANITARY, WATER AND GAS LINES. SEE LIGHTING PLAN FOR ELECTRICAL AND LIGHTING LAYOUT AND DETAILS. EXERCISE CARE WHEN DIGGING IN AREAS OF POTENTIAL CONFLICT WITH UNDERGROUND OR OVERHEAD UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE DUE TO CONTRACTOR'S NEGLIGENCE AND SHALL REPAIR OR REPLACE ANY DAMAGE AT CONTRACTOR'S EXPENSE.
4. ALL PLANTS SHALL CONFORM WITH THE MOST RECENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK OF THE AMERICAN ASSOCIATION OF NURSERMEN.
5. TREES AND SHRUBS SHALL BE TYPICAL OF THEIR SPECIES AND VARIETY; HAVE NORMAL GROWTH HABITS, WELL-DEVELOPED, DENSELY FOLIATED BRANCHES AND VIGOROUS, FIBROUS ROOT SYSTEMS.
6. TREES AND SHRUBS SHALL BE FREE FROM DEFECTS AND INJURIES AND CERTIFIED BY APPROPRIATE FEDERAL AND STATE AUTHORITIES TO BE FREE FROM DISEASES AND INSECT INFESTATIONS.
7. TREES AND SHRUBS SHALL BE FREELY DUG AND NURSERY GROWN. THEY SHALL HAVE BEEN GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN BALTIMORE COUNTY OR PROPERLY ACCLIMATED TO CONDITIONS OF THE COUNTY.
8. THE CONTRACTOR SHALL PROVIDE A ONE YEAR CARE AND REPLACEMENT WARRANTY FOR ALL PLANT MATERIALS. ANY TREE OR SHRUB WHICH DIES WITHIN THE ONE YEAR MAINTENANCE PERIOD SHALL BE REPLACED BY THE CONTRACTOR. ANY TREE OR SHRUB WHICH IS DEEMED, IN THE OPINION OF THE COUNTY, NOT TO HAVE SURVIVED OR GROWN IN A MANNER CHARACTERISTIC OF ITS TYPE SHALL BE REPLACED. SUBSTITUTIONS FOR CERTAIN SPECIES OF PLANTS MAY ONLY BE MADE WHEN APPROVED BY THE COUNTY. ANY PLANT MATERIAL WHICH IS STOLEN OR VANDALIZED SHALL BE REPLACED AT THE OWNER'S EXPENSE.
9. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ADEQUATELY AND PROPERLY MAINTAIN THE LANDSCAPED AREAS, WHICH RESPONSIBILITY SHALL INCLUDE WATERING, CLEANING OF WEEDS AND DEBRIS, PRUNING AND TRIMMING, REPLACEMENT OF DEAD OR DISEASED PLANTING AND FERTILIZING TO MAINTAIN HEALTHY GROWTH.
10. ALL DISTURBED AREAS NOT OTHERWISE DEVELOPED SHALL BE SEEDED WITH THE LAWN SEEDING MIXTURE.
11. PROPOSED PLANTING SHALL BE A MINIMUM OF 15' FROM THE TOE OF SWM POND EMBANKMENT AND SHALL NOT BE PLACED OVER WATER AND SEWER MAINS OR SERVICES.
12. SEEDING:
GENERAL:
1. SCOPE: PLANTING PERMANENT, LONG-LIVED VEGETATIVE COVER ON GRADED OR CLEARED AREAS.
2. STANDARDS: PERMANENT SEEDING SHALL CONFORM TO ALL REQUIREMENTS OF 1994 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL, PUBLISHED JOINTLY BY WATER MANAGEMENT ADMINISTRATION, SOIL CONSERVATION SERVICE, AND STATE SOIL CONSERVATION COMMITTEE.
3. SEED MIX: 80% TALL FESCUE 10% POA TRIVIALIS, 10% BIRDFOOT TREFOIL.
SPECIFICATIONS:
1. SITE PREPARATION
* PRIOR TO SEEDING INSTALL ALL REQUIRED SEDIMENT AND EROSION CONTROL MEASURES.
* FINAL GRADING REQUIRED FOR PERMANENT SEEDING.
2. SOIL AMENDMENTS
* FERTILIZER SHALL BE APPLIED AT THE RATE OF 1000 LBS/ACRE USING 10-10-10 OR EQUIVALENT.
* LIME SHALL BE APPLIED AT A RATE OF 2 TONS PER ACRE.
3. SEEDBED PREPARATION:
* SOIL SHALL BE LOOSENED TO A DEPTH OF 3 INCHES BY RAKING, DISCING, OR OTHER ACCEPTABLE MEANS PRIOR TO SEEDING.
* APPLY SEED UNIFORMLY WITH A CYCLONE SEEDER, DRILL, CULTIPACKER SEEDER OR HYDROSEEDER (SLURRY INCLUDES SEED AND FERTILIZER ON A FIRM, MOIST SEEDBED). MAXIMUM SEEDING DEPTH SHOULD BE 1/4 INCH ON CLAYEY SOILS AND 1/2 INCH ON SANDY SOILS, WHEN USING OTHER THAN HYDROSEEDER METHOD OF APPLICATION.
NOTE: IF HYDROSEEDING IS USED AND THE SEED AND FERTILIZER IS MIXED, THEY WILL BE MIXED ON SITE AND THE SEEDING SHALL BE IMMEDIATE WITHOUT INTERRUPTION.
TREES ARE NOT PERMITTED WITHIN TEN (10) FEET OF PUBLIC UTILITIES.
ALL REQUIRED LANDSCAPE MATERIAL, INDICATED ON APPROVED PLANS WILL BE REQUIRED THROUGH THE LIFE OF THE PROJECT AND MUST BE REPLACED IF REMOVED OR DEAD AFTER IMPLEMENTATION BY THE PROPERTY OWNER.
NO PLANT SUBSTITUTIONS, TYPE, SIZE, OR QUANTITY DEVIATIONS FROM THE APPROVED LANDSCAPE OF BUFFER PLANS SHALL BE MADE WITHOUT PRIOR APPROVAL FROM BALTIMORE COUNTY.

PRIVACY SLAT DETAIL



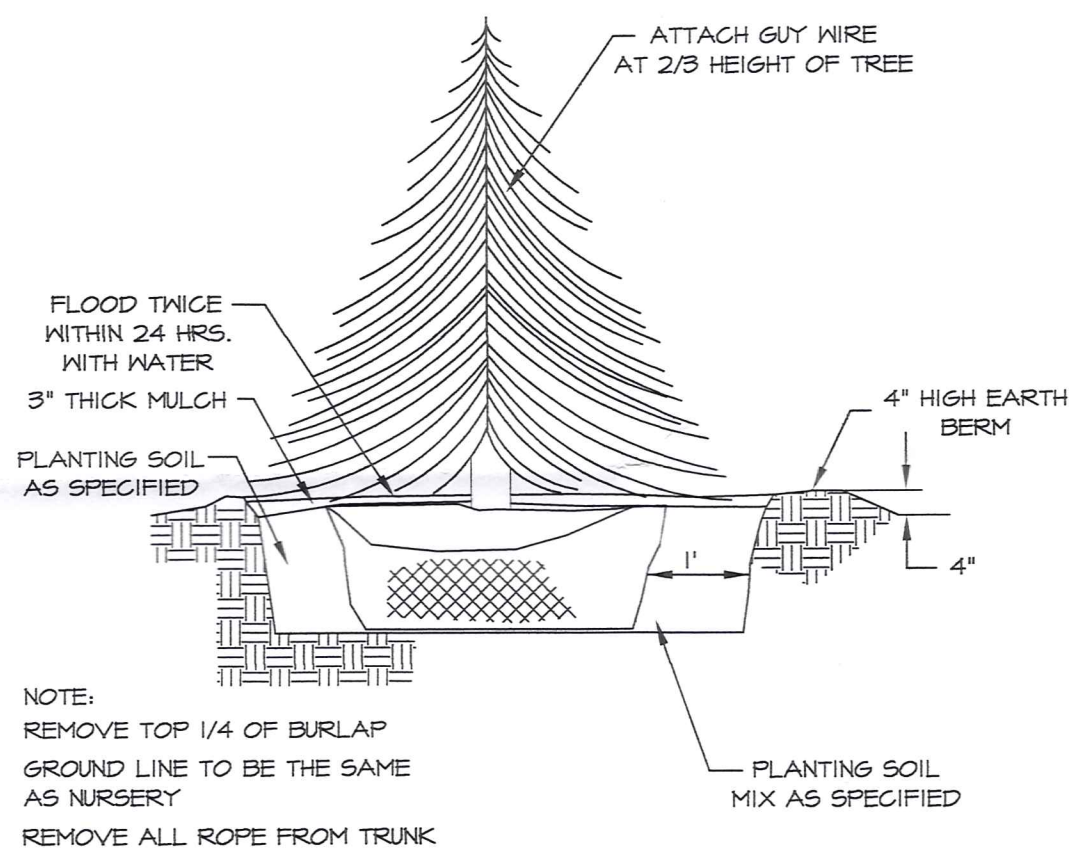
NOT TO SCALE



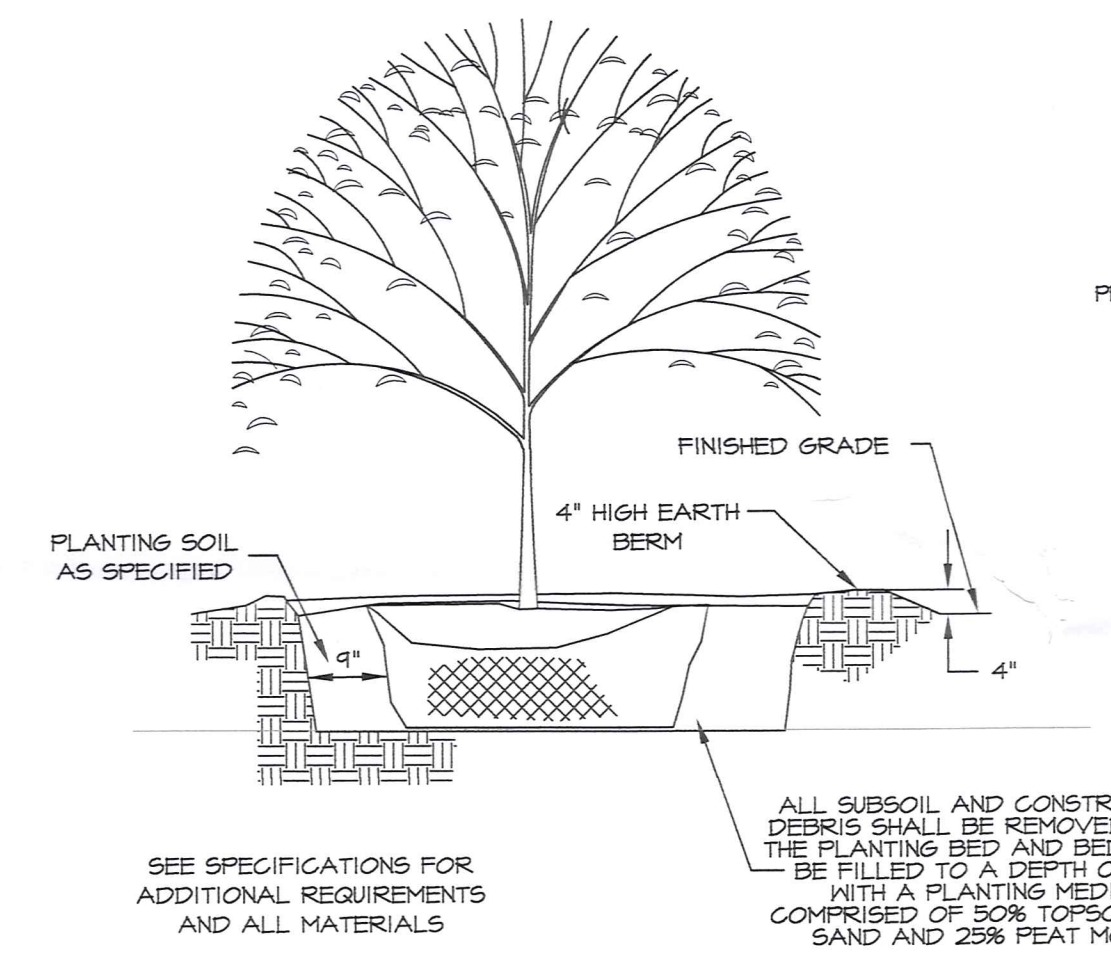
PLANTING SCHEDULE

SYMBOL		NAME	COMMON NAME	QTY.	SIZE
RO		ROSA "DRIFT"	GROUND COVER ROSE	24	3 GAL.
DV		DELAWARE VALLEY WHITE	WHITE AZALEA	6	3 GAL.
RA		RHUS "GRO-LOW"	SPREADING FRAGRANT SUMAC	6	3 GAL.
LI		LASERSTROEMIA INDICA	CREPE MYRTLE	8	15 GAL.
WP		PINUS STROBUS	EASTERN WHITE PINE	10	5'-6'

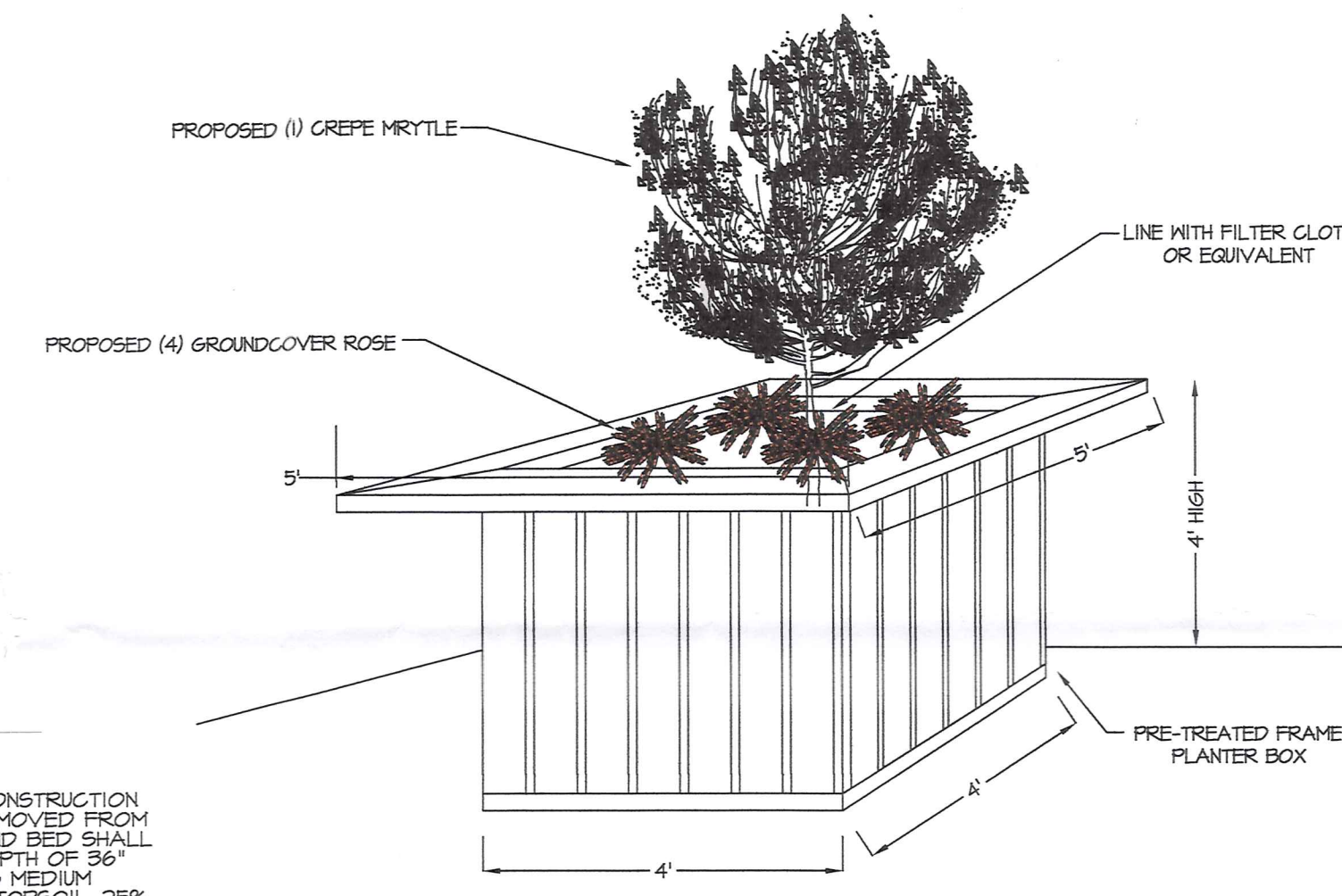
NOTE: SUBSTITUTES MAY BE MADE WITH THE PRIOR NOTIFICATION AND APPROVAL OF BALTIMORE COUNTY.



EVERGREEN TREE
NOT TO SCALE



DECIDUOUS SHRUB
NOT TO SCALE



PLANTER BOX DETAIL
NOT TO SCALE

REVISIONS		
NO.	DATE	DESCRIPTION

OWNERS:

STEPHEN RAMSEY
DARLENE L. RAMSEY
2260 BALDWIN MILL ROAD
FALLSTON, MARYLAND 21041-1336

BAY STATE LAND SERVICES
Engineers * Surveyors * Planners * Architects * Geotechnical Testing

P.O. Box 853, Bel Air, Maryland 21014
2012 Rock Spring Road, Forest Hill, Maryland 21050
Phone: (410) 879-4747 Fax: (410) 420-3949
www.baystatelandservices.com

DATE: 1-14-13
SCALE: 1"=30'
DESIGNED BY: JSC
DRAWN BY: JSC

DRAWING NO.: LP01
SHEET 1 OF 1
BSLS JOB NO.: 12097

LANDSCAPING PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCES FOR MOTOR VEHICLE SALES AND SERVICE GARAGE

#8545
PHILADELPHIA ROAD

SEVENTH COUNCILMANIC DISTRICT
FIFTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

2014-0040-GP

VARIANCE TABLE

1. FROM B.C.Z.R. SEC. 409.8.A.2 TO ALLOW MACADAM AND GRAVEL PARKING IN LIEU OF REQUIRED DURABLE AND DUST FREE SURFACE.
2. FROM B.C.Z.R. SEC. 409.8.A.4 TO ALLOW PARKING AT THE RIGHT-OF-WAY LINE OF PHILADELPHIA ROAD IN LIEU OF THE REQUIRED 10 FEET SETBACK.
3. FROM B.C.Z.R. SEC. 409.8.A.6 TO ALLOW PARKING WITHOUT STRIPING AND CURB STOPS.
4. FROM B.C.Z.R. SEC. 238.1 TO ALLOW AN EXISTING BUILDING A FRONT YARD SETBACK OF 26' FROM THE CENTER LINE IN LIEU OF THE REQUIRED 50' AND 20' FROM THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED 25'.
5. FROM B.C.Z.R. SEC. 303.2 TO ALLOW AN EXISTING BUILDING TO SET BACK 20' FROM THE RIGHT-OF-WAY LINE IN LIEU OF THE AVERAGE SETBACK OF 84'.
6. FROM B.C.Z.R. SEC. 238.2 TO ALLOW SIDE YARD SETBACKS OF 2.5' AND 22' AND OF 6' AND 11' IN LIEU OF THE REQUIRED 30' FOR EXISTING BUILDINGS.
7. FROM B.C.Z.R. SEC. 238.4 TO ALLOW DISPLAY OF MOTOR VEHICLES WITHIN 10' OF A ROADWAY AND FRONT BUILDING LINE.

LAND OF
BOARD OF EDUCATION OF BALTIMORE COUNTY
"GOLDEN RING MIDDLE SCHOOL"
DEED T.B.S. 1716/1719
ACT# 1100010407
DR 5.5 ZONING

LAND OF
STA-PHILADELPHIA LLC
S.M. 23346/238
ACT# 1405019316
BL ZONING

LAND OF
MERRITT GR2 LLC
S.M. 14120/679
ACT# 1504350840
ML-1M ZONING

LAND OF
RAMSEY
S.M. 8624/167
ACT# 1502201710
BR ZONING

LAND OF
MERRITT GR2 LLC
S.M. 14120/679
ACT# 1504350840
ML-1M ZONING

LAND OF
BALTIMORE COUNTY, MARYLAND
"ROSEDALE PARK"
G.L.B. 2104/234
ACT# 1502190301
DR 5.5 ZONING

LAND OF
BALTIMORE COUNTY, MARYLAND
"ROSEDALE PARK"
G.L.B. 2104/234
ACT# 1502190301
DR 5.5 ZONING

PHILADELPHIA ROAD-MARYLAND ROUTE #7

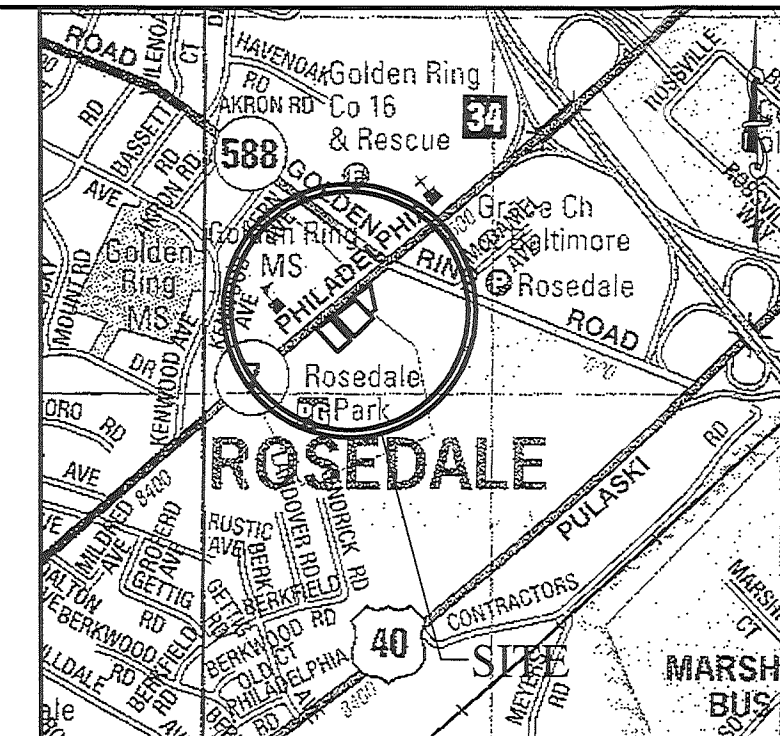
GETTMAN AVENUE
(IMPROVED)

NOTES

- OWNERS: STEPHEN RAMSEY
DARLENE L. RAMSEY
2260 BALDWIN MILL ROAD
FALLSTON, MARYLAND 21047-1336
- SITE ADDRESS: #8545 PHILADELPHIA ROAD
BALTIMORE, MARYLAND 21237-3014
- TAX MAP# 89-PARCELS #312 AND #633
- TAX ACCOUNTS: #1502201710, #1502201711, #1502203870, & #1506000810
- DEED REFERENCE: S.M. 8624/167
- PLAT REFERENCE: W.H.M. 9-27
- TOTAL SITE AREA: 1.212 AC.±
- CURRENT ZONING: BR
- EXISTING USE: USED AUTOMOBILE SALES AND SERVICE GARAGE
- REQUIRED SETBACKS: FRONT: 50' FROM CENTERLINE OF ROAD
SIDE: 30'
REAR: 30'
- BUILDING AREA: 7,888 SQ. FT. OR 15% OF TOTAL SITE.
- EXISTING SIGNS: SIGN #1- 15' HIGH
48" X 30"-DOUBLE SIDED (10 SQ. FT.)
UN-ILLUMINATED

SIGN #2- 10' HIGH
96" X 48"-DOUBLE SIDED (32 SQ. FT.)
UN-ILLUMINATED
- THERE ARE NO STREAMS, CREEKS, OR STORM WATER MANAGEMENT SYSTEMS WITHIN 50' OF THE PROPERTY LINES.
- THERE IS NO 100 YEAR FLOOD PLAIN ON THIS SITE.
- ALL BUILDINGS ON SITE ARE LESS THAN 35' HIGH.
- THIS SITE IS NOT LOCATED WITHIN A FAILED BASIC SERVICES MAP AREA
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORICAL FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- THERE ARE NO PRIOR COMMERCIAL PERMITS FOR THIS PROPERTY.
- COUNCILMANIC DISTRICT: 7TH
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- WATERSHED: BACK RIVER
- PARKING: AUTO SALES: REQUIRED: 5 SPACES PER 1,000 SQ. FT. GROSS FLOOR AREA
13 TOTAL SPACES REQUIRED
PROVIDED: 13 TOTAL SPACES PROVIDED ON SITE

SERVICE GARAGE: REQUIRED: 3.3 SPACES PER 1,000 SQ. FT. GROSS FLOOR AREA
17 TOTAL SPACES REQUIRED
PROVIDED: 17 TOTAL SPACES PROVIDED ON SITE
- UTILITIES: THIS SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.



LOCATION MAP

1" = 1000'

SURVEYOR'S

SEAL

8-15-13



David J. Taylor

SITE PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCES FOR
MOTOR VEHICLE SALES AND SERVICE GARAGE

#8545

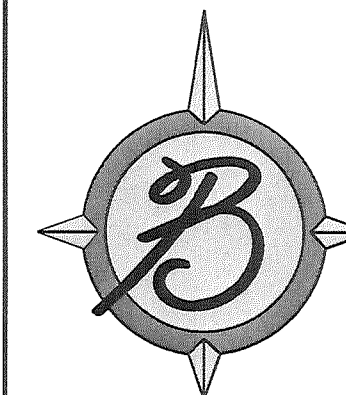
PHILADELPHIA ROAD

SEVENTH COUNCILMANIC DISTRICT
FIFTEENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BAY STATE
LAND SERVICES

ENGINEERS * SURVEYORS * LAND PLANNERS
ENVIRONMENTAL CONSULTANTS

P.O. BOX 853
BEL AIR, MARYLAND 21014-0853
PHONE: 410-819-4747 FAX: 410-420-3444



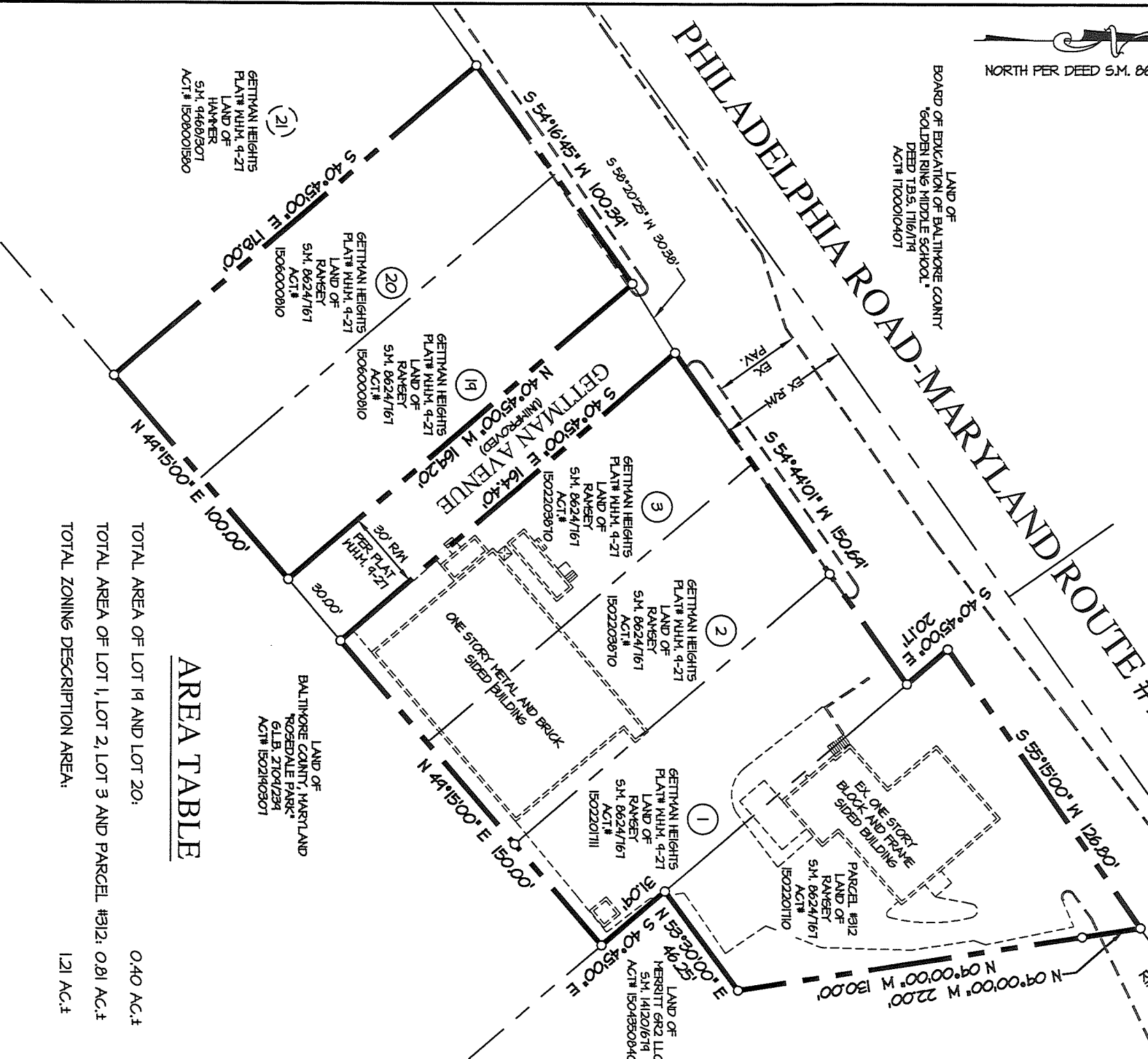
SCALE: 1"=30'	DATE: 8-14-13	SHEET 1 of 1
CHK. BY: CDC	JOB NO. 12097	

EXHIBIT

1



LAND OF
BOARD OF EDUCATION OF BALTIMORE COUNTY
"GOLDEN RING MIDDLE SCHOOL"
DEED T.B.S. T16/174
ACT# T00010401



SURVEYOR'S STATEMENT

THIS ZONING DESCRIPTION PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION ON AUGUST 14, 2013 AND WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS OF THE CODE OF MARYLAND REGULATIONS (09.13.09).

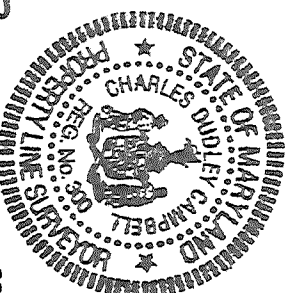
BAY STATE LAND SERVICES, INC.

CHARLES DUDLEY CAMPBELL

PROPERTY LINE SURVEYOR #300-LICENSE EXPIRATION: AUGUST 27, 2014

DATE,

8-15-13



OWNERS:

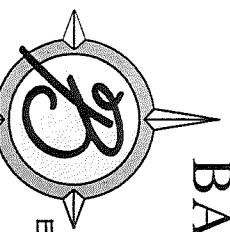
STEPHEN RAMSEY
DARLENE L. RAMSEY
2260 BALDWIN MILL ROAD
FALSTON, MARYLAND 21047-1336
DEED REF.: S.M. 8624/167

AREA TABLE

TOTAL AREA OF LOT 19 AND LOT 20:	0.40 AC.±
TOTAL AREA OF LOT 1, LOT 2, LOT 3 AND PARCEL #312: 0.81 AC.±	
TOTAL ZONING DESCRIPTION AREA:	1.21 AC.±

2014-0040-SPHA

BAY STATE LAND
SERVICES



ENGINEERS * SURVEYORS
LAND PLANNERS
ENVIRONMENTAL CONSULTANTS

#8545

ZONING DESCRIPTION PLAN
FOR

PHILADELPHIA ROAD

SEVENTH COUNCILMANIC DISTRICT