

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

Corner of NW side of Washington Blvd.
and SW side of South Street
(5230 Washington Boulevard)

13th Election District
1st Councilmanic District

Joann Garrity, *Legal Owner*
Martin Schwartz, *Contract Purchaser*
Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
*
* **Case No.: 2011-0258-SPHXA**

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OPINION & ORDER

This matter comes before the County Board of Appeals of Baltimore County (hereinafter “Board”) for consideration of the appeal of the Administrative Law Judge Timothy M. Kotroco’s Order and Opinion dated July 15, 2011 and Order on Motion for Reconsideration dated September 29, 2011. The appeal was filed by Vehicles for Change, Inc., Lessee and Joann Garrity, Legal Owner (hereinafter “Petitioners”) of the subject property located at 5230 Washington Blvd. in the Relay/Halethorpe community of southwestern Baltimore County.

By his Order and Opinion, Administrative Law Judge Kotroco denied a Petition for Special Exception for the subject property to approve a used motor vehicle outdoor sales area, separated from sales agency building in accordance with Baltimore County Zoning Regulations (“BCZR”) Section 236.2. Associated zoning petitions for variance relief and special hearing relief in connection with the used car business operation were also denied. The subject property and requested relief are more fully described on the site plan of the subject property which was received into evidence and is part of the Administrative Law Judge’s file.

This matter was scheduled for a public hearing to begin before the Board on February 7, 2012. As a preliminary matter before the hearing was opened, counsel for the Petitioners

(Lawrence E. Schmidt, Esquire) moved to dismiss the appeal with prejudice. In his remarks in open hearing, Mr. Schmidt noted that the Vehicles for Change, Inc. no longer desired to pursue approval of the use of the subject site for its operation. He further noted that Vehicles for Change, Inc. is a charitable organization, pursuant to Section 501(c)(3) of the Internal Revenue Code. The business for Vehicles for Change, Inc. is to obtain donated used vehicles. These vehicles are then repaired and refurbished and many are then sold at a discount price to eligible low income individuals and families. The nature of the business is to provide transportation for eligible individuals and families which could otherwise not afford their own vehicles. Under the BCZR, this use would be considered a “used car sales operation” and would thus require a special exception in the BR zone.

Although the Vehicles for Change, Inc. has operated at this site since 2005, the requisite special exception approval for a used car sales operation was never obtained. Moreover, additional variances and special hearing relief was required to legitimize the location of certain buildings, the parking layout and other applicable setbacks.

Mr. Schmidt advised that Vehicles for Change, Inc. has decided to abandon its business operation at this site and is relocating the business to Howard County. Thus, the business operation is being wound down and Vehicles for Change, Inc. will cease business operations at the site on or before May 15, 2012. People’s Counsel also attended the hearing and noted the Petitioners right to dismiss its appeal pursuant to the Board’s Rules of Practice and Procedure, specifically Rule 3.b.1. These Rules are found in Appendix H of the BCZR. Several interested citizens from the locale and David Thomas, Assistant to the Director of the Department of Public Works, all of whom opposed the relief also appeared at the hearing and did not voice any

objection to the dismissal. Thus, in accordance with the aforesaid Rule, the appeal is and shall hereby be dismissed.

Upon the Motion to Dismiss, it is therefore, this 14th day of March, 2012, ORDERED, by the County Board of Appeals of Baltimore County, that the appeal is and shall hereby be DISMISSED, with prejudice, and,

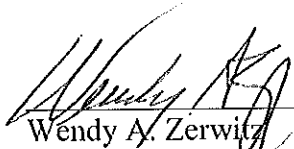
IT IS FURTHER ORDERED, that Vehicles for Change, Inc. or any other used car business operated under the authority of either Petitioner shall terminate and cease business operations at the subject location known as 5230 Washington Blvd. on or before May 15, 2012, and,

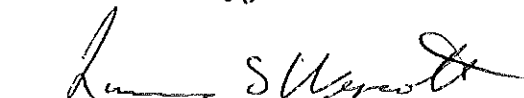
IT IS FURTHER ORDERED, that all assets belonging to Vehicles for Change, Inc. and Freedom Wheels Inc., including vehicles, trailers, signs and equipment, shall be removed from the property on or before May 15, 2012.

Any Petition for Judicial Review of this Opinion and Order must be made in accordance with Maryland Rules 7-201 through 7-210.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Chairman


Wendy A. Zerwitz


Lawrence S. Wescott