

**IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

W side of North Point Blvd. at intersection
with S side of Wise Avenue
15th Election District
7th Councilmanic District
(4401 North Point Boulevard)

307 Wise Ave. LLC
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0057-SPHX**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Special Exception filed by 307 Wise Ave. LLC, the legal property owner. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and to also allow the existing commercial structure and garages with the existing building setbacks. In addition, Petitioner requests Special Exception relief to permit used motor vehicle outdoor sales. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the requests were H. Sawhney, Paul Sawhney, and Gurpreet Sawhney for 307 Wise Ave. LLC and Joseph Larson of Bogart Technical Consultants, LLC, the firm who prepared the site plan. Neil Lanzi, Esquire appeared as counsel and represented the Petitioner. There were no Protestants or other interested persons present at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 3, 2011. The Office of Planning met with the applicant on September 29, 2011, to discuss preliminary

review comments. The Petitioner has submitted a rubricated Zoning Plat dated September 30, 2011. The plan shows a reorganization of the parking spaces with removal of 4 parking spaces in front of the building that were in the public right-of-way. The revised plan shows a total of 58 spaces required and proposed. The sidewalk has been extended to connect from the building entrance to the public sidewalk. The Office of Planning recommends approval of the rubricated plan subject to the following: Remove the paving and travel way associated with the 4 parking spaces shown to be removed and submit a Final Landscape Plan to Avery Harden for review and approval.

Testimony and evidence offered at the hearing revealed that the subject property is located at the intersection of Wise Avenue and North Point Boulevard, in the Dundalk area of Baltimore County. The property was the former site of the Thompson Lincoln Mercury Dealership, but the site has been vacant for the past many years. The owners have already invested \$1 million in repair and renovation costs and plan to spend another \$1 million towards the improvement of the site. The owners intend to open a used car business on site and in order to do so, the Special Hearing and Special Exception requests are necessary.

Testimony offered at the hearing demonstrated that the Petitioner has satisfied the 502.1 requirements as imposed by the B.C.Z.R. The site will function well as a used car facility and a community benefit will be derived in that an old vacant property will be given a new life.

In addition, the parking and design of the parking lot associated with this property will function well as a used car lot. Accordingly, the request to approve a modified parking plan should be granted.

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

THEREFORE, IT IS ORDERED this ___18th ___ day of October, 2011, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and to also allow the existing commercial structure and garages with the existing building setbacks, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Special Exception request to permit used motor vehicle outdoor sales, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Remove the paving and travel way associated with the 4 parking spaces shown to be removed and submit a Final Landscape Plan to Avery Harden, Baltimore County Landscape Architect, for review and approval.

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

Signed _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/dlw