

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S side of Pulaski Highway, 412' NE		
of c/l of Ebenezer Road	*	OFFICE OF ADMINISTRATIVE
(10815 Pulaski Highway)		
11 th Election District	*	HEARINGS FOR
5 th Council District		
	*	BALTIMORE COUNTY
10815 LLC		
Petitioner	*	CASE NO. 2012-0264-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by John B. Gontrum, Esquire, on behalf of the legal owner of the subject property, 10815 LLC. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve a window tinting business (including motor vehicle glass) in a ML zone. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing held for this case were Wes Gray of 10815 LLC and John B. Gontrum, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Rick Richardson, professional engineer with Richardson Engineering, LLC, the firm that prepared the site plan. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning on May 22, 2012, indicating the following:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner currently operates a business known as D&L Window Tinting at an adjacent property. The Department of Planning supports the petitioner's special hearing requests. As a condition to any relief granted as part of the subject petition, the petitioner shall maintain the existing pattern of landscaping consistent with neighboring businesses along this portion of Pulaski Highway.

Testimony and evidence revealed that the subject property is 0.87 acres and is zoned ML. The Petitioner operates a glass tinting business started by his family in 1992. Petitioner explained that the majority of his work does not involve motor vehicles, but involves application of tinting films and materials to commercial buildings for energy conservation and security purposes. As an example, Petitioner is scheduled to provide tinting materials to windows in the County's "Old Courthouse," for security purposes.

At present, the Petitioner leases space in the adjacent building at 10811 Pulaski, and proposes to construct a one story building (6,580 square feet) next door at 10815 Pulaski Hwy. In processing the plans for this project, the Zoning Office instructed Petitioner to obtain special hearing relief for a determination that the proposed activities are a permissible use in the ML zone.

Petitioner's Counsel contends that the uses are permissible (as of right) under B.C.Z.R. § 253.1.A.8 (cellophane processing-restricted production), A. 20 (glass products processing-restricted production) and/or A. 39 (plastic products processing). I agree.

Under the B.C.Z.R., "restricted production" of the referenced materials (i.e., cellophane, glass and plastic) involves the "light processing or treatment of such articles." B.C.Z.R. § 253.3. This describes exactly what the Petitioner proposes to do at the site. He will receive shipments of the various coatings and cellophane products, and his staff will then cut, shape and design the finished product for the customer. The services range from "shrink wrapping" boats and

watercraft to providing elaborate computer graphics for mass transit vehicles. In my opinion, this equates to the “light processing” or “treatment” of these articles, and as such is permitted as of right in the ML zone.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 20 day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a window tinting business (including motor vehicle glass) in a ML zone, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for its building permits and may be granted same upon receipt of this Order; however the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner is required to return and be responsible for returning said property to its original condition.
2. Petitioner must comply with the ZAC comments submitted by the Department of Planning; a copy of which is attached and made a part hereof.

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

JEB:pz

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County