

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1510 Serpentine Road)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Councilmanic District		
Christopher and Josias Cromwell	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2013-0099-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, on behalf of Christopher and Josias Cromwell, Legal Owners. The Petitioners are 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: (1) A Special Hearing to confirm that the existing office, manufacturing, assembly and sale of products to assist individuals with restricted mobility is permitted at the subject site, (2) For any such other and further relief as the Administrative Law Judge may deem necessary. 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 was Christopher Cromwell, and Kenneth J. Wells, Professional Line Surveyor with kj Wells, Inc., the consulting firm that prepared the site plan. Lawrence E. Schmidt, Esquire appeared and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

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 (DOP) on November 7, 2012, indicating their support of the Petitioner's request along with a recommendation of a general site clean up.

Testimony and evidence revealed that the subject property is 1.467 acres and is zoned ML. The site is located in the Bare Hills area off of Falls Road, and is improved with a one-story building, the dimensions of which are 50' x 100'. The Petitioners use the front portion of the building for office and administration functions, while the rear of the building is used for manufacturing and/or assembly of the various products and devices sold by Petitioners.

The Petitioners' business, Bedco Mobility, was started in 1912, and Petitioners' father acquired the business about 50 years ago. There are 3 facets to the operation: (1) sales and service of wheelchairs, walkers, and similar devices; (2) equipping customer's homes with mobility devices such as ramps, chair lifts, etc; and (3) equipping motor vehicles to accommodate the disabled. The Petitioners retrofit and sell approximately 50 vehicles a year to disabled clientele, and the State of Maryland indicated Petitioners must acquire a license to do so, which is contingent upon local government zoning approval. As such, the Petitioners filed this special hearing petition.

As noted at the outset, the site is zoned ML, and it is located within a pocket of similarly zoned parcels and uses, as shown on the photos admitted as Exhibits 3A-3K. There are no residentially zoned or used parcels in the vicinity of the subject property. This zoning classification permits (as of right) "assembly" of automobiles, "metal products manufacture or processing," "offices," "plastic products manufacture" and "other manufacture of articles" using permitted materials and processes, among other uses. B.C.Z.R. § 253.1.A.2, 31, 34, 39 + 56. The regulations also indicate that "combinations of the uses listed above" are permitted in the ML

zone.

As described at the hearing, I believe that the Petitioners business is engaged in industrial/manufacturing activities which are permitted and appropriate in the zone and at this particular site, which as noted sits well off of Falls Road within a business/industrial park of sorts. The Petitioners conduct office and administrative activities at the site, as permitted under B.C.Z.R. § 253.1.A.34. In addition, they design and manufacture mobility devices for customers' homes, based on the specific dimensions and floor plan of the particular dwelling. Given that these items are fabricated from metal and/or plastic, I believe they are encompassed by B.C.Z.R. § 253.1.A.31 + 39 and are permitted uses at the subject property

The final activity concerns the manufacture and assembly of specialty motor vehicles to accommodate the disabled. Mr. Cromwell indicated his is the only outlet for such vehicles in the Baltimore area, and he noted that within the industry operations such as his are referred to as "second stage manufacturers." Automobile assembly is expressly permitted in the zone (§ 253.1.A.2), and the sales by the Petitioners of these "finished" vehicles is an ancillary or accessory use to the assembly and manufacture of the vehicles. In addition, to the extent sheet metal and plastic materials are used in the assembly of these specialized automobiles, B.C.Z.R. §§ 253.1.A. 31 + 39 would be applicable. Mr. Cromwell indicated that he sells approximately 40-50 minivan conversions every year, and the Petitioners' submitted a color brochure depicting the types of minivans equipped and sold at the location. See Exhibit 4.

While the Petitioners' business is unique and defies a precise, categorical description and classification within the ML regulations, when viewed in the aggregate I believe the Petitioners' business is a manufacturing and industrial operation which is permitted and appropriate in the zone.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner Special Hearing request should be **GRANTED**.

THEREFORE, IT IS ORDERED, this **20th** day of December, 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 determine whether or not the Administrative Law Judge should approve: (1) A Special Hearing to confirm that the existing office, manufacturing, assembly and sale of products to assist individuals with restricted mobility is permitted at the subject site, (2) For any such other and further relief as the Administrative law Judge may deem necessary, be and is hereby **GRANTED**.

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

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln