

IN THE MATTER OF
TTV PROPERTIES, III, LLC
(aka Bill Kidd's Volvo Dealership)
10630 York Road

DRC # 042214A

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-14-039

* * * * *

ORDER

This matter comes before this Board on appeal filed by J. Carroll Holzer, Esquire on behalf of Protestants/Appellants, Becky Gerber, Jim and Lisa McBean, John and Amy Spencer, Mitchell and Nancy Williams, Mary Slafkosky, and Chris Bowman, from the decision letter dated May 12, 2014 from Arnold Jablon, Director or the Department of Permits, Approvals and Inspections, wherein he adopted the recommendations of the Development Review Committee (DRC) who determined that the proposed project met the requirements of a limited exemption under Section 32-4-106(b)(8) which allows for a minor development.

The Board convened for a hearing on September 11, 2014. Lawrence E. Schmidt, Esquire appeared on behalf of TTV Properties, III, LLC, Legal Owner. J. Carroll Holzer, Esquire appeared on behalf of the above listed Protestants, and People's Counsel for Baltimore County was represented by Carole S. Demilio, Deputy People's Counsel.

TTV Properties, III, LLC acquired the subject property with the intention of removing the existing carwash and proposing to build a 4,500 square feet commercial building to be used for the Volvo dealership.

TTV Properties, III, LLC applied for a Limited Exemption under Baltimore County Code Section 32-4-106(a)(1)(vi) which would allow for exemption from the development review and

approval process to permit the construction of a minor commercial structure. The County approved a Limited Exemption under Baltimore County Code Section 32-4-106(b)(8) which allows for exemption from community input meetings and Hearing Officer's hearing.

To date, a development plan has not been filed.

The Legal Owners argue that the primary issue is whether his clients are eligible under 32-4-106(a)(1)(vi) or 32-4-106(b)(8). The Protestants argue that the primary issues are regarding the property's split-zoning and the entire development plan. People's Counsel argues that the primary issues are with regard to the split-zoning and statutory application to the zoning, the constitutionality of a bill passed by the County Council. People's Counsel argues that the BM zone is incorrectly on a sliver of the property. The Petitioners argues that if the BM zone is on a portion of the property, they can use the entire property for uses allowed in the BM zone. People's Counsel says that in a split-zone, one can only use the portions of the property for uses allowed by the zoning in place on those portions of the property.

The Petitioners remind the Board that a development plan has yet to be filed and argues that the only part of the case currently on appeal is the question of: under which process is the development plan to proceed?

We heard testimony from William Kidd, President of Bill Kidd's Toyota and Volvo. Mr. Kidd is also a member of the LLC which purchased the subject property in March 2014. Mr. Kidd testified that it is the intention of the Petitioner to cease the use of the property as a twenty-four hour carwash and instead use the property as the Volvo dealership. Mr. Kidd testified that Toyota and Volvo are each insisting that the sales area be separated.

For the reasons set forth herein, we will stay this matter until the Petitioner has completed

all necessary development review by the County and has a final development plan approved, or will simultaneously request this Board to review the final development plan after an ALJ opinion approving or denying the plan has been rendered. In the interest of judicial economy, the case will also be stayed pending all other county approvals which may be needed including, by way of example and not by limitation, all requests for zoning relief such as a request for special exception or other variance relief which may be required, if at all. The Board will then consolidate this matter with the final development plan approval (if any) and all other zoning relief (if any) and conduct a single hearing on the proposed project.

The Petitioner agrees to provide a copy of the final development plan decision, as well as information pertaining to any other necessary relief, to the Protestants and People's Counsel within three (3) days of receipt.

ORDER

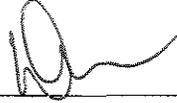
IT IS THIS 23rd day of September, 2014, by the Board of Appeals of Baltimore County

ORDERED, that the appeal of letter of Arnold Jablon, Director of the Department of Permits, Approvals and Inspections is hereby **STAYED** until such time as the Petitioner has a final development plan approved, or one that this Board can approve, and has filed for all other zoning relief and approvals, if any, which are necessary for consideration by this Board of the development issues pertaining to all renovation, and redevelopment of the subject property in order that this Board shall conduct a single hearing on all the requested relief; and it is further,

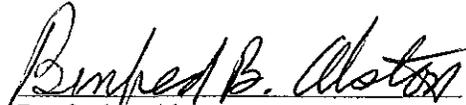
ORDERED, that a final Opinion will be issued by this Board after a hearing on the merits

and a public deliberation, with no further action to be taken on this Ruling until such time as the Board's final decision is issued.

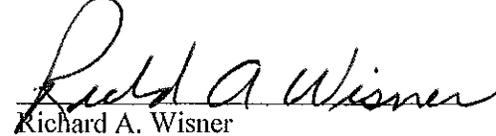
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



David L. Thurston, Chairman



Benfred B. Alston



Richard A. Wisner



Board of Appeals of Baltimore County

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September 23, 2014

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

RE: *In the Matter of: TTV Properties, III, LLC – Petitioner*
Case No.: CBA-14-039

Dear Counsel:

Enclosed please find a copy of the Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Pursuant to the enclosed, this Order is not final decision of the Board of Appeals for Baltimore County and does not constitute an appealable event at this time. This matter will be held open on the Board's docket until such time as a final opinion can be issued.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: TTV Properties, III, LLC
Benjamin Kulp/Site Resources, Inc.
Becky Gerber
Richard A. Zeller/State Highway Administration
Office of People's Counsel
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Colleen Kelly, Project Manager/PAI
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

Mitchell and Nancy Williams
Jim and Lisa McBean
Jim and Amy Spencer
Mary Slafkosky
Chris Bowman