

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
NE/S of Main Street (MD Route 140),		
240' S of the c/line of Chartley Drive	*	ZONING COMMISSIONER
<b>(605-619 Main Street)</b>		
4 <sup>th</sup> Election District	*	OF
3 <sup>rd</sup> Council District		
	*	BALTIMORE COUNTY
WG Properties, LLC		
Petitioner	*	<b>Case No. 2010-0146-SPH</b>

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, WG Properties, LLC, by Mordehai Gur, managing member, through their attorney, Sebastian A. Cross, Esquire. The Petitioner requests Special Hearing relief as follows: **(1)** to allow business parking in a residential zone pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) Section 409.8.B; **(2)** for an amendment to the previously approved Special Exception granted for a service garage in Case Nos. 05-552-X and 08-241-SPHX by amending the limits of the Special Exception area and amended building layout; **(3)** approval of a modified parking plan as per B.C.Z.R. Section 409.12.B, and **(4)** to permit accessory parking in adjoining O-3 zone. The subject property and requested relief are more particularly described on the three page colorized site plan submitted which was accepted into evidence and marked as Petitioner’s Exhibit 3A-3C.

Appearing at the requisite public hearing in support of the requests were Mordehai Gur and Jay Weinberg on behalf of WG Properties, LLC, property owner, t/a Camden Body and Fender, Jared Barnhart and Mitch Kellman with Draft McCune Walker Inc., the zoning and land development consultants who prepared the site plan and other exhibits, and Sebastian A. Cross, Esquire, with Gildea & Schmidt, LLC, representing the Petitioner. Attending as

Protestants/interested community leaders were Mary Molinaro, past President of the Chartley Homeowners Association and current President of the Reisterstown-Owings Mills-Glyndon (ROG) Coordinating Council and George Harman, ROG's past President and that organization's current Zoning Committee Chairman. Also in attendance and participating in the proceedings was Rick Cobert, with the Baltimore County's Department of Economic Development.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped assemblage of four (4) parcels (Tax Map 48 – Nos. 237, 238, 239 and 243) containing approximately 4.29 acres of land zoned primarily B.L. with a small strip of D.R.3.5 towards the rear of the property and R-O along the eastern boundary. As will be discussed below, a newly acquired unimproved lot (Parcel 238 – 1.457 acres) is zoned O-3 (Office Park)<sup>1</sup>. The property is located along the northeast side of Reisterstown Road, between Walgrove Road and Chartley Drive and opposite from Berrymans Lane in Reisterstown. It is currently improved with an approximate 18,625 square foot structure that was approved by the undersigned Zoning Commissioner for use as an automobile service garage in Case Nos. 05-552-X. Petitioner submitted a copy of that Order as Petitioner's Exhibit 4A. Next, the Petitioner applied for and received approval to expand the service garage use with an approximate 3,136 square foot addition containing seven (7) new service bays. This proposal was approved in Case No. 08-241-SPHX by Deputy Zoning Commissioner Thomas H. Bostwick. A copy of his Order, dated March 12, 2008, was marked and accepted into evidence as Petitioner's Exhibit 4B. The current Petition is to modify this previous expansion with a currently proposed 12,457 square foot building containing 13 service bays, as illustrated on the site plan (Exhibit 3). Although the

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<sup>1</sup> The O-3 zone is controlled by B.C.Z.R. Section 207 established to provide *office park development* with the intent that no residential uses shall be permitted. This lot is not part of, nor can it be used for Camden's service garage operations.

special exception approval remains in place for this area of expansion, Petitioner believes the building dimensions and bays will be altered in such a manner as to warrant the requested hearing to amend the previous approval granted in Case No. 08-241-SPHX.

Additionally, Petitioner makes a request to allow business parking in a residential zone for the R-O portion of the property in the eastern corner of the site as well as to approve a modified parking plan for six (6) parking spaces which are 8 feet wide in lieu of the 8.5 feet. Similarly, approval is also sought for accessory parking on the northwestern portion of the O-3 property adjacent to Main Street. The building layout, as well as, the proposed parking plan are shown on the landscape plan (Exhibit 8A) and site plan (Exhibit 3).

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning, dated January 4, 2010, and the Office does not oppose Petitioner's request. The recommendation is based on a review of the petition, landscape plan, architectural elevations and discussion with the community.

As referenced in the previous orders, this property generated significant public interest when it was first introduced through Case No. 05-552-X. This original request was approved and a Special Exception granted although representatives from the community expressed concerns over the operation. After this approval and upon operating onsite for approximately two (2) years, Petitioner received a second approval for expansion of the previous Special Exception through Case No. 08-241-SPHX. At this 2008 hearing, community opposition was not present and as noted in the decision there was no evidence the surrounding neighborhood was negatively affected by the operation onsite since 1997. The current case before me now seeks to modify previous orders by adding additional building and parking space areas.

Members of the community were present and expressed concerns mainly regarding the design treatments incorporated into the proposed front façade facing Reisterstown Road. As a result of these concerns, the undersigned held open the record of this case while negotiations were commenced between the Petitioner and the relevant community groups. As a result of these negotiations, a modified façade treatment has been agreed to by both Petitioner and members of the community. Submitted now as Petitioner's Exhibit 9 is the new design, which has been signed and sealed by Ford Greene a registered architect. Also, submitted and made a part of the record of this case is an agreement originally drafted after the 2005 decision outlining restrictions incorporated into the auto-body operation which was agreed to by Petitioner and presented as Exhibit 10.

Upon receipt of this agreement, letters received from the community withdrawing opposition, and the modified building elevations and in consideration of the testimony and evidence presented at the public hearing, the requests will be approved. As stated in the 2008 decision and reiterated here, the current existing use has operated without incident and this modification of the former approval as well as the proposed parking is proper for this site. The site plan is labeled to prevent placement of damaged or disabled vehicles in the O-3 and R-0 zoned portions of the site. I am convinced that the relief requested in the instant matter is proper and should be granted. The relief requested will not pose any danger nor create any adverse impacts normally inherit with a service garage. Furthermore, the expansion of parking will alleviate existing congestion and allow for car parking to be placed further away from Reisterstown Road allowing for substantial screening of the parking from all adjoining roads and the neighborhood. The proposed landscaping will further enhance this screening as demonstrated

on the landscaping plan submitted as Exhibit 3. Furthermore, granting this additional parking will increase circulation and capacity for cars.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8<sup>th</sup> day of March 2010 that the Petition for Special Hearing seeking relief as follows: **(1)** to allow business parking in a residential zone pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) Section 409.8.B; **(2)** for an amendment to the previously approved Special Exception granted for a service garage in Case Nos. 05-552-X and 08-241-SPHX by amending the limits of the Special Exception area and amended building layout; **(3)** approval of a modified parking plan as per B.C.Z.R. Section 409.12.B, and **(4)** to permit accessory parking in adjoining O-3 zone, in accordance with Petitioner's Exhibit 3A-3C, be and is hereby GRANTED, subject to the following conditions:

- 1) The Petitioner may apply for any necessary permits in conjunction with the approval granted; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The design elements submitted by Ford Greene marked as Exhibit 9 shall be incorporated into the design of the building.
- 3) The conditions outlined by Petitioner's agreement with the community marked as Exhibit 10 are incorporated by reference in this Order.
- 4) No repairs, including minor mechanical and body and fender work of any kind, shall be performed in the parking areas adjacent to Walgrove Road (R-O zone) or on Parcel 237 east of MD Rt. 140 (O-3 zone).
- 5) The property including compact dense evergreen screening shall be maintained in a neat and orderly condition at all times.

Any appeal of this decision shall be taken in accordance with the Baltimore County Code Section 32-3-401.

WJW:dlw

\_\_\_\_SIGNED\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County