

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(7021 Reisterstown Road)		
3 rd Election District	*	OFFICE OF
2 nd Councilmanic District		
Yossef Shavi	*	ADMINISTRATIVE HEARINGS
Petitioner		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2013-0282-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Yossef Shavi, the legal owner of the subject property. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to approve a modification to previously approved Case No. 91-505-X, and to add another service bay to existing service garage. 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 in support of the requests was Yossef Shavi and Rick Richardson, from Richardson Engineering, LLC, the firm that prepared the site plan. Two community members - - Michael Pierce and Mark Sapp - - attended the hearing to learn more about the proposal. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is 17,860 sq. ft. in size and is zoned BL. The Petitioner has for many years operated an automobile service garage at the property. Indeed, records show that since December 9, 1951 the property has been used as a gasoline service station. The Petitioner now proposes to add an additional service bay to the operation, to provide better customer

service and meet increased demand for such work. County officials required the Petitioner to request Special Hearing relief to amend a 1991 Order granting Special Exception relief for the operation of a service garage.

Mr. Richardson testified the additional service bay will be constructed at the rear of the property. The addition will be 70' x 14', and will actually be positioned in a location where the Petitioner now stores inventory and supplies in shipping/cargo containers. As such, the improvements will enhance the appearance of the site, and will in no way jeopardize the health, safety and welfare of the community. Mr. Sapp indicated that his Association wanted to ensure that no additional signage was proposed, and that the Petitioner would install parking/wheel stops and a planter with a vegetative buffer, as shown on the plan. The Petitioner indicated he would make such improvements, and that no additional signage was proposed.

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

THEREFORE, IT IS ORDERED this 5th day of August 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a modification to previously approved Case No. 91-505-X - - by adding another service bay to the existing service garage- - be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.
- No additional signage may be installed and/or posted on the premises.
- The Petitioner must install the planter and wheel stops as shown on the site plan (Exhibit 1).

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