

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1107 Lawrence Avenue)		
15 th Election District	*	OFFICE OF
7 th Councilmanic District		
1107 Lawrence LLP, <i>Legal Owner</i>	*	ADMINISTRATIVE HEARINGS
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0209-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Howard L. Alderman, Jr., Esquire on behalf of 1107 Lawrence LLP, (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) for the approval of the continued use of the towing and storage of damaged or disabled vehicles.

Appearing at the public hearing in support of the requests was Blake Kerley, William Cochran and surveyor Scott Lindgren, whose firm prepared the site plan. Howard L. Alderman, Jr., Esquire with Levin & Gann, PA represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing. The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP) dated May 2, 2014, which did not oppose the relief.

The subject property is 11,000 square feet and is split-zoned BR-AS and DR 5.5. The property is improved with a small one (1) story office/garage building, which was constructed in 1940. The towing business was recently sold, and the purchaser’s lender required conformation of the lawful nonconforming status of the site. As such, this petition was filed.

Mr. Kerley testified his father acquired the business over 50 years ago, and he stated that he has been personally involved in the operation for over 40 years. He stated that the business is licensed by both the State and Baltimore County to perform police-initiated accident towing.

The Petitioner also submitted notarized affidavits of Matilda Mae Knauff (D.O.B. 1929) and Howard G. Gebhardt (D.O.B. 1921). Both affiants state that the subject property has since 1940 been used for vehicle/truck parking and storage. Petitioner's Exhibits 3A & 3B. In these circumstances, I believe Petitioner has established that the towing and storage business has been conducted at the site since before the adoption of the B.C.Z.R. As such, the Petitioner enjoys lawful nonconforming use status with respect to the operation.

THEREFORE, IT IS ORDERED this 9th day of June 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) for the approval of the continued use of the towing and storage of damaged or disabled vehicles, 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 its 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.
- There shall be no automobile or vehicle sales on the property.

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