

<b>IN RE: PETITIONS FOR SPECIAL HEARING,</b>	*	BEFORE THE
<b>SPECIAL EXCEPTION &amp; VARIANCE</b>		
<b>(520 Reisterstown Road)</b>	*	OFFICE OF
3 <sup>rd</sup> Election District		
2 <sup>nd</sup> Council District	*	ADMINISTRATIVE HEARINGS
University BP, LLC, <i>Legal Owner</i>		
Isaac Yair, <i>Lessee</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	<b>Case No. 2018-0234-SPHXA</b>

\* \* \* \* \*

**ORDER OF DISMISSAL**

This matter comes before the Office of Administrative Hearings (“OAH”) by Order of Remand from the Board of Appeals of Baltimore County, dated May 3, 2019, with instructions for the OAH to, in turn, remand the matter to the County’s Design Review Panel (“DRP”) for it to consider the issues presented, in accordance with the Baltimore County Code. The Petitions for Special Hearing, Special Exception and Variance were filed on behalf of University BP, LLC, Legal Owner, and Isaac Yair, Lessee (“Petitioners”).

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) seeking to leave in place the previous approvals granted in Case 2008-0212-SPHXA. In addition, a Petition for Special Exception was filed to allow a used motor vehicle outdoor sales area, separated from a sales agency building in a BR zone. Finally, a Petition for Variance sought approval as follows: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and, (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback.

On April 8, 2020, a Motion to Withdraw Appearance of Counsel was filed by J. Neil Lanzi, Esq., counsel for Isaac Yair, the lessee of the subject property, one of the Petitioners. Attached to the motion, as Exhibits A and B, respectively, were letters from Mr. Lanzi to Mr. Yair and to Larry Strauss, Esq., counsel for the other Petitioner, the property owner, University BP, LLC. In these letters, Mr. Lanzi stated his intention to withdraw from this representation and advised Mr. Yair of the need for him to either retain other counsel or inform the OAH of his intention to proceed *pro se*. The Motion to Withdraw Appearance of Counsel remained unopposed. In fact, Mr. Yair has not had any contact with OAH since he was advised to do so by Mr. Lanzi. The Motion to Withdraw Appearance of Counsel was granted on June 23, 2020.

The undersigned forwarded correspondence, dated June 23, 2020, to Petitioners Isaac Yair and Larry Strauss, Esq. directing them to contact the Department of Planning (“DOP”) within 30 days of said letter in order to get on the DRP’s schedule. In addition, it was indicated that if documentation of such contact with DOP was not received, a dismissal of the petitions in this case for failure to prosecute would be entertained.

Having received no response within the 30-day timeframe, OAH contacted DOP on August 6, 2020 to inquire whether this item was scheduled to come before the DPR’s schedule. On August 7, 2020, DOP confirmed that they have not been contacted by either Isaac Yair or Larry Strauss, Esq.

THEREFORE, IT IS ORDERED this 12<sup>th</sup> day of **August, 2020**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to leave in place the previous approvals granted in Case 2008-0212-SPHXA, be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a used motor vehicle outdoor sales area, separated from sales agency building in a BR zone, be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Petition for Variance seeking approval as follows: (1) to permit an 8 ft. side setback and a 10 ft. rear setback for a proposed sales trailer in lieu of the required 30 ft. rear setback, respectively; (2) to permit a 10 ft. side street setback double frontage for a proposed sales trailer in lieu of the required 25 ft. setback; and, (3) to permit a 35 ft. side street centerline setback (double frontage) for a proposed sales trailer in lieu of the required 50 ft. setback, be and is hereby DISMISSED WITHOUT PREJUDICE.

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

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Signed  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:dlw