

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, ALBERT Q. SEW AND JEAN SEW legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an B.L. and D.R. 3.5 zone to an B.R. zone; for the following reasons:

- A. In classifying the property B.L. and D.R. 3.5, the Council committed mistakes and errors as set forth in the attached exhibit and incorporated herein; and
- B. The owners reserve their right to raise the issues of changes in the neighborhood at such time as that ground for zoning reclassification can be available.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for new car, used car, truck and other motor vehicle sale, lease and leasing. Used car lot.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Albert Q. Sew Legal Owners
Jean Sew

Address: 8341 Seelye Level Road
Baltimore, Maryland 21208

Protestant's Attorney: Julius W. Lichter
302 W. Chesapeake Avenue, Ste. 113
Towson, Maryland 21204
221-8600

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 408, County Office Building in Towson, Baltimore County, on the _____ day of _____, 197____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County.

(over)

ALBERT Q. SEW, et ux, Petitioners
 8341 Seelye Level Rd.
 4th District
 R-79-2-X
 (R-79-191-X)

POINTS OF ERROR AND CHANGE CONCERNING ALBERT Q. SEW AND JEAN SEW PROPERTY REISTERSTOWN ROAD (Fourth Election District-Baltimore County)

The Petitioners, Albert Q. Sew and Jean Sew, by their attorneys, Julius W. Lichter and Steinberg, Lichter, Coleman & Rogers, state that the County Council committed error in classifying the subject property B.L. and D.R. 3.5 in that:

1. The property is zoned B.R. in part, B.L. in part and, in part, D.R. 3.5, and should have been classified entirely in a B.R. zone as was the property directly across the Reisterstown Road.
2. There is insufficient B.R. zoning for business in the area to adequately serve the community.
3. The D.R. 3.5 zoning placed on the rear of the parcel is not usable and is confiscatory in its application and it was error for the Council to assign this zone to the property.
4. Due to the size, configuration, location and topography of the property, it is better suited for use as an automobile dealership property or other B.L. use and it was error for the Council to fail to recognize these potentials.
5. The adjoining property on the east is zoned B.R. as is the property on the north side of Reisterstown Road.
6. B.R. zone uses will not increase trip densities on Reisterstown Road and the motor vehicle dealership use would, in fact, lessen the number of trips generated from the property by its current zoning classification.
7. For such other and further reasons as may be disclosed upon more detailed review during the pendency of this Petition, and further error by the Council is hereby assigned and will be presented at the time of the hearing.

The Petitioners reserve their right to raise "changes in the neighborhood," where applicable, as a basis of this Petition at such time as that basis will again be available as a foundation for reclassification.

Respectfully submitted
Julius W. Lichter
 STEINBERG, LICHTER, COLEMAN & ROGERS
 Julius W. Lichter

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
 from B.L. & D.R. 3.5 to B.R. :
 PETITION FOR SPECIAL EXCEPTION : OF BALTIMORE COUNTY
 for used car lot. :
 SW/S Reisterstown Rd. 110' :
 NW of Highfalcon Rd., 4th District :
 ALBERT Q. SEW, et ux, Petitioners : Case No. R-79-2-X (Item 15, Cycle IV)

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524, 1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman John W. Hession III
 Peter Max Zimmerman, Deputy People's Counsel John W. Hession, III, People's Counsel
 County Office Building
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 15th day of May, 1979, a copy of the foregoing Order was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hession III
 John W. Hession, III

Rec'd 5-17-79
 2:30 PM

RE: PETITION FOR RECLASSIFICATION : BEFORE
 from B.L. and D.R. 3.5 to B.R. zone : COUNTY BOARD OF APPEALS
 and SPECIAL EXCEPTION for a : OF
 Used Car Lot : BALTIMORE COUNTY
 SW/S Reisterstown Road 110' :
 NW of Highfalcon Road :
 4th District :
 Albert Q. and Jean Sew : No. R-79-2-X
 Petitioners :

SUPPLEMENTAL ORDER

Whereas, the Board of Appeals is desirous of clarifying one of the restrictions that apply to the special exception and use permit previously granted by this Board's Order dated July 11, 1979, the following Restriction #3 is hereby amended as follows:

3. All light standards to be erected on the residentially zoned portion of the subject property shall not exceed ten (10) feet in height, and all light standards, wherever erected on the subject property, shall be so located and constructed so as to direct light away from the residentially zoned land in the Cedarmere development.

Any appeal from this decision must be in accordance with Rules B-1 thru 5-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, Jr. Chairman
William R. Haskins
 William R. Haskins
John A. Miller
 John A. Miller

Dated: July 24, 1979

DEVELOPMENT DESIGN GROUP, LTD.

216 WASHINGTON AVENUE
 TOWSON, MARYLAND 21204

RICHARD B. WILLIAMS, A.S.P.O.
 PRESIDENT
 PETER H. WAELCHLI, R.S.

September 28, 1978

DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION OF ZONING FROM B.L. ZONE TO B.R. ZONE WITH A SPECIAL EXCEPTION FOR USED MOTOR VEHICLE SALES AREA - SEYMOUR CHEVROLET - 0.59 ACRES

Beginning for the same at a point on the southwesternmost side of Reisterstown Road, 66 feet wide, at a distance of 110 feet more or less, measured northwesterly along the southwesternmost side of said Reisterstown Road from the prolonged centerline intersection with Highfalcon Road; thence binding on the existing zoning line between B.R.-C.N.S. Zone and B.L.-C.N.S. Zone South 51° 34' 45" West 204.07 feet to intersect the southernmost property line of the whole tract of land of which this parcel is a portion; thence binding on the existing zoning line between B.L.-C.N.S. Zone and D.R.-3.5 Zone the two following courses and distances:

- 1) North 27° 22' 48" West 96.52 feet and
- 2) North 38° 25' 15" West 54.34 feet to intersect the northernmost property line of the aforesaid whole tract of land; thence binding thereon North 61° 46' 10" East 190.00 feet to the southwesternmost side of Reisterstown Road previously referred to; thence binding on the southwesternmost side of said Reisterstown

(Description of 0.59 Acre Parcel- Seymour Chevrolet)

town Road South 38° 25' 15" East 115.72 feet to the place of beginning.

Containing 0.59 Acres of Land, more or less.



DEVELOPMENT DESIGN GROUP, LTD.

216 WASHINGTON AVENUE
 TOWSON, MARYLAND 21204

RICHARD B. WILLIAMS, A.S.P.O.
 PRESIDENT
 PETER H. WAELCHLI, R.S.

September 28, 1978

DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION OF ZONING FROM D.R.-3.5 ZONE TO B.R. ZONE WITH A SPECIAL EXCEPTION FOR USED MOTOR VEHICLE SALES AREA - SEYMOUR CHEVROLET - 2.43 ACRES

Beginning for the same at a point on the existing zoning line between B.R.-C.N.S. Zone and D.R.-3.5 Zone as located South 51° 34' 45" West 204.07 feet from the southwesternmost side of Reisterstown Road, 110 feet northwesterly measured along said Reisterstown Road from the prolonged centerline intersection of Highfalcon Road; thence binding on the southernmost property line of the whole tract of land of which this parcel is a portion South 61° 46' 10" West 16.10 feet; thence still binding on the property outline the six following courses and distances:

- 1) South 35° 49' 40" East 100.00 feet;
- 2) South 63° 40' 30" West 459.55 feet;
- 3) North 33° 06' 00" West 175.36 feet;
- 4) North 54° 11' 58" East 424.06 feet;
- 5) North 35° 48' 02" West 20.29 feet and
- 6) North 61° 46' 10" East 90.17 feet to intersect the zoning line previously mentioned herein; thence binding thereon, the

OFFICE COPY



RE: PETITION FOR RECLASSIFICATION	:	BEFORE
from B.L. and D.R. 3.5 to B.R. zone	:	
and SPECIAL EXCEPTION for a	:	COUNTY BOARD OF APPEALS
Used Car Lot	:	
SW/S Reisterstown Road 110'	:	OF
NW of Highfalcon Road	:	
4th District	:	BALTIMORE COUNTY
Albert Q. and Jean Sew	:	No. R-79-2-X
Petitioners	:	

: : : : :

SUPPLEMENTAL ORDER

Whereas, the Board of Appeals is desirous of clarifying one of the restrictions that apply to the special exception and use permit previously granted by this Board's Order dated July 11, 1979, the following Restriction #3 is hereby amended as follows:

3. All light standards to be erected on the residentially zoned portion of the subject property shall not exceed ten (10) feet in height, and all light standards, wherever erected on the subject property, shall be so located and constructed so as to direct light away from the residentially zoned land in the Cedormere development.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hockett

William T. Hockett

John A. Miller

John A. Miller

Dated: July 24, 1979

RE: PETITION FOR RECLASSIFICATION from B.L. and D.R. 3.5 to B.R. and SPECIAL EXCEPTION for a Used Car Lot SW/S Reisterstown Road 110' NW of Highfalcon Road 4th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-79-2-X

Albert Q. and Jean Sew Petitioners

OPINION

The subject property is located in the Fourth Election District, on the southwest side of Reisterstown Road approximately 110 feet northwest of Highfalcon Road. The subject property contains 3.1 acres and is now zoned in part in three different classifications; i.e., B.R., B.L. and D.R. 3.5. During the course of the hearing the Petitioner revised his request and the specifics of the petition are set out on a revised plat dated June 20, 1979. This plat is in evidence as Petitioner's Exhibit #7. The Petitioner now seeks to reclassify all of the front portion of the subject property to B.R. (approximately 1.45 acres) and a portion of the rear of the subject property to D.R. 16 zoning (approximately 1.02 acres). The balance of the subject lot (approximately 0.54 acres) is proposed to remain D.R. 3.5. The petition, as now requested, is clearly delineated on Petitioner's Exhibit #7. In this case, Petitioner also seeks a special exception for the display and sale of used vehicles in the proposed B.R. zone, and a special use permit for parking and storage of new and used cars in the D.R. 16 zone.

Henry F. LeBrun, a well recognized real estate expert, testified for the Petitioner in this case and in detail described the subject property and its environs to this Board. This witness noted the topography of the subject property as it relates to the residential development of Cedarmere, which lies to the rear of the subject tract. Mr. LeBrun also pointed out to the Board the existing stream which borders the southeast side of the subject property. It was noted that there is no residential type access to the rear of the subject property which is, in fact, now zoned residential. In the judgment of this witness, the County Council erred when they zoned the subject property three different zoning classifications and, most particularly, the rear of this property in a D.R. 3.5 zoning classification when, in fact, because of the physical characteristics of

the area, said land could not be used without orienting itself to the commercial Reisterstown Road frontage. Mr. LeBrun noted that the shallow depths of the existing commercial zoning at the subject property is not sufficient for any modern type commercial usage. This witness was of the opinion that the County Council really did not specifically consider each property along this section of the Reisterstown Road when some was comprehensively reclassified in 1976, but instead some recognition was attempted for the existing uses and no real planning study was given to the potential modern demands for utilization of business zoning classifications.

Morton K. Sugar, a local commercial real estate broker, described for the Board his specific experience in attempting to market the subject property. This witness has been specifically familiar with the subject property since 1972. For many of the same reasons as outlined by Mr. LeBrun, Mr. Sugar felt that the existing zoning of the subject property was in error and, in fact, the proper zoning for this parcel was that as now proposed in this petition. Mr. Sugar also reviewed for the Board Section 502.1 of the Zoning Regulations, and specifically described how, in his judgment, if the special exception requested herein is granted, none of the tenets of Section 502.1 would be violated.

John W. Erdman, a traffic engineer and expert, testified on behalf of the Petitioner and described to the Board how the utilization of the subject property, as proposed in this petition, would affect the existing traffic on Reisterstown Road. In his judgment, because of the particular shape of the subject property, it would not be logical to assume that there would be any use of this parcel in the proposed zoning classification that could be a major generator of new traffic. Mr. Erdman did not disagree with the traffic figures as promulgated by the Baltimore County Department of Traffic Engineering, however, he felt that for specific and particular reasons unique to the subject property, these figures should be interpreted differently and he explained his particular judgments concerning these potential traffic generation statistics. Mr. Erdman felt that the limited frontage (less than 150 feet) would definitely prevent a large potential traffic generation from the subject site.

Three neighborhood property owners testified in this case. Each expressed concern that any utilization of the subject property should be restricted and oriented to the Reisterstown Road, and that they were most concerned about commercial encroachment toward their residential development of Cedarmere. Each neighborhood property owner felt that it was extremely important that if the subject property were to be intensified in its commercial utilization that the existing stand of trees remain so that some would serve as a noise and light buffer zone between the Reisterstown Road commercial uses and their residential community of Cedarmere. Mrs. Mulligan and Mrs. Bartell specifically noted potential storm water management problems that could possibly exist at the subject property and sought assurances that these potential problems would be professionally treated if any intensified commercial utilization of the subject property was to take place.

James Hoswell, a recognized land planner and a member of the Planning staff of Baltimore County, offered the Board his judgments of the proposed petition. Mr. Hoswell noted that the Planning Board was initially opposed to the reclassification of the rear of the subject property to B.R. The Petitioner's amended plat modified their original request and the proposed reclassification for the rear land of the subject property is now not B.R. but D.R. 16. Mr. Hoswell carefully reviewed this new amended plat, which is in evidence as Petitioner's Exhibit #7, and noted that he could now look with favor on some aspects of this plan as now amended and proposed. Mr. Hoswell thought that it was good planning to minimize the requested B.R. zoning classification and that this would tend to cause any additional commercial buildings to be located on the front portion of the subject property and closer to the Reisterstown Road. Mr. Hoswell noted that the proposed D.R. 16 zoning, with the special use permit, would give a uniform commercial use for the entire property as some is oriented to the Reisterstown Road, but would keep all buildings and substantial improvements off of the rear of the land and more towards the frontage on the Reisterstown Road.

The proposal of this Petitioner to maintain a strip of D.R. 3.5 zoning around the perimeter of the rear of the subject property, and to retain the natural stand of trees and vegetation on this D.R. 3.5 strip would clarify and affirm that no additional extension of

any sort of commercial utilization toward the Cedarmere community should take place now or in the future. These tenets would also hold true for any additional petition or comprehensive rezoning considerations for other properties along the basically strip commercial sections of this particular portion of the Reisterstown Road. The amended plat, which is Petitioner's Exhibit #7, would show a deliberate plan and intention to limit the commercial utilizations to those particular lands that would be oriented to the Reisterstown Road and not to extend any commercial use deep into the residential communities, such as Cedarmere, which lie generally behind the strip commercial utilizations along this particular section of Reisterstown Road.

Without further detailing the testimony and evidence offered in this case, the Board is satisfied that the Petitioner has proven error and that the portions of the subject property as set out on Petitioner's Exhibit #7 should, in fact, be reclassified from their existing zoning classifications to those zoning classifications as specifically set out on this new amended plat of the subject property. The comments and conclusions of Mr. LeBrun, Mr. Sugar, Mr. Erdman and Mr. Hoswell, when each specifically studied the subject property in light of the amended petition herein generally reflect that the Council, in fact, did err in 1976, and that the tenets of good planning would be served if the subject property was, in fact, reclassified as per the amended petition in the subject instance. The Board has carefully reviewed the testimony and evidence and is satisfied that the provisions of Section 502.1 can be satisfied if the requested special exception and special use permit as proposed herein are granted, subject to a series of restrictions which will be imposed in the Order, and further, provided that these restrictions so imposed are strictly followed. An Order granting the requested reclassifications, special exception and use permit, subject to certain restrictions follows hereafter:

ORDER

For the reason set forth in the foregoing Opinion, it is this 11th day of July, 1979, by the County Board of Appeals, ORDERED that the reclassifications as specifically requested and noted on a plat of the subject property in evidence before this

Board as Petitioner's Exhibit #7 shall be GRANTED, and

IT IS FURTHER ORDERED that the requested special exception for display and sale of used vehicles in the proposed B.R. zone is hereby GRANTED, subject to a series of restrictions which follow hereafter, and

IT IS FURTHER ORDERED that the requested special use permit for parking and storage of new and used cars in the D.R. 16 zone is hereby GRANTED, also subject to the series of restrictions which follow hereafter.

The special exception and use permit shall be subject to the following restrictions:

- All existing trees and vegetation shall remain on all of the subject property which is in the D.R. 3.5 zoning classification.
- A screening and security type fence shall be built within or immediately adjacent to all the remaining D.R. 3.5 zoned land so as to separate this D.R. 3.5 zoned land from all lands of the subject property rezoned by this Order to D.R. 16 and B.R.
- All light standards to be erected on the subject property shall not exceed ten (10) feet in height and shall be so located and constructed so as to direct light away from the residentially zoned land in the Cedarmere development.
- No building shall be constructed on any portion of this subject property that shall exceed twenty (20) feet in height above finished grade.
- All development on the subject site shall be subject to and strictly adhere to all of the existing Baltimore County regulations concerning storm water management.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

BOARD OF APPEALS
BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hockett

John A. Miller

July 11, 1979

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, Md. 21204

Re: Case No. R-79-2-X
Albert Q. and Jean Sew

Dear Mr. Lichter:

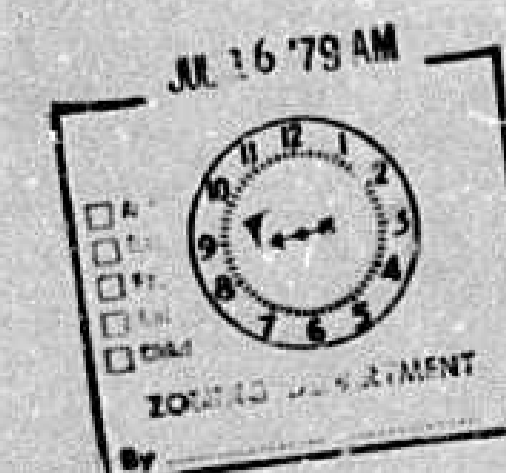
Enclosed herewith is a copy of the Opinion and Order passed today in the above entitled case by the County Board of Appeals.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: John W. Heslan, Esquire
Mrs. P. Lazelle
Mr. Paul A. Wright
Ms. Ruby M. Parks
Mrs. Elizabeth B. Bartell
Mrs. Jean Mulligan
Mr. Albert Q. Sew
Mr. Louis A. Cohen
Mr. J. Dyer
Mr. W. E. Hammond
Mr. L. H. Grant
Mr. J. Hoswell
Board of Education



July 24, 1979

Julius W. Lichter, Esq.
305 W. Chesapeake Avenue
Towson, Maryland 21204

Re: File No. R-79-2-X
Albert Q. Sew, et ux

Dear Mr. Lichter:

Enclosed herewith is a copy of the Supplemental Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Muriel E. Buddemeyer

Encl.

cc: John W. Heslan, III, Esq.
Mrs. P. Lazelle
Mr. Paul A. Wright
Ms. Ruby M. Parks
Mrs. Elizabeth B. Bartell
Mrs. Jean Mulligan
Mr. Albert Q. Sew
Mr. Louis A. Cohen
Mr. J. Dyer
Mr. W. E. Hammond
Mr. John Seyffert
Mr. James Hoswell
Board of Education

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing as of the
30th day of January, 1979

Eric DiNenna

S. ERIC DINENNA
Zoning Commissioner

Petitioner: Albert Q. Sew
Petitioner's Attorney: Lichter

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

Julius W. Lichter, Esquire
305 W. Chesapeake Ave., Suite 113
Towson, Maryland 21204

cc: Development Design Group, Ltd.
216 Washington Avenue
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

October 31, 1978

ooo
Nicholas B. Commodari
Chairman

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Item No. 15
Petitioner - Albert Q. Sew
Reclassification and Special
Exception Petitions

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the southwest side of Reisterstown Road, northwest of its intersection with Highfalcon Road, in the 4th Election District, the subject property is improved with an abandoned restaurant in the front and vacant wooded land in the rear. This latter property is currently zoned D.R. 3, 5 and was the subject of a previous zoning hearing (Case No. 74-39-SPH) in which a Special Hearing to allow off-street parking on this property for the proposed expansion to existing restaurant was granted. Surrounding properties to the north and south and fronting Reisterstown Road are improved with commercial use, while residential properties exist to the northwest, west and southwest.

Because of your clients' proposal to utilize this entire property for the sale of used cars, this Reclassification/Special Exception is required. For your information, a similar request to rezone property to a B.R. zone for a car dealership has been filed for property to the southeast of this site along Reisterstown Road between Kingsley Road and Richman Drive.

Albert Q. Sew
Page 2
October 31, 1978

The submitted site plan should be revised to indicate the location of the customer parking and display areas and the closing of the southerly entrance, as indicated in the comments of the State Highway Administration. These plans should also indicate the proposed zoning.

This petition for Reclassification/Special Exception will be accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to December 1, 1978 in order to allow time for final Committee review and advertising. All changes must be accompanied by a cover letter indicating these corrections. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1979 and April 15, 1979 will be forwarded to you well in advance.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/st

cc: Development Design Group, Ltd.
216 Washington Avenue
Towson, Maryland 21204

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

November 1, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #15 Cycle IV (Oct. 1978-April 1979)
Property Owner: Albert Q. & Jean Sew
S/W Reisterstown Rd. 110' N/W Highfalcon Rd.
Existing Zoning: B.L. & D.R. 3,5
Proposed Zoning: B.R. with a Special Exception for a used car lot.
Acres: 3.02 District: 4th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this property for Item 218 (1972-1973), 74-39 SPH, remain valid and applicable to this Item 15 of Zoning Cycle IV (October 1978-April 1979), and are referred to for your consideration.

Very truly yours,

Ellsworth N. Diver, P.E.
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM: FWR: ss

cc: W. Munchel

T-W Key Sheet
51 & 52 NW 36 Pos. Sheets
NW 13 I Topo
58 Tax Map

Maryland Department of Transportation

State Highway Administration

Hermann K. Intemann
Secretary
M. S. Catrider
Administrator

October 16, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: Zoning Cycle IV, October 1978
Item: 15
Property Owner: Albert Q & Jean Sew
Location: SW/S Reisterstown Road
(Rte. 140) 110' NW Highfalcon
Road
Existing Zoning: B.L. & D.R. 3,5
Proposed Zoning: B.R. with a Special
Exception for a used
car lot
Acres: 3.02
District: 4th

Attention: Mr. N. Commodari

Dear Mr. DiNenna:

The site is presently served by two, 30' wide entrances. This far exceeds what is needed to serve the proposed used car lot. In an effort to eliminate a point of conflict in the vicinity of the intersection of Highfalcon Road, the south entrance should be closed by replacing the paving with standard curb sections and a grass area.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:dj

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 496-3211

LESLIE H. GRAEF
DIRECTOR

October 31, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 15, Zoning Cycle IV, October, 1978, are as follows:

Property Owner: Albert Q. and Jean Sew
Location: SW/S Reisterstown Road 110' NW Highfalcon Road
Existing Zoning: B.L. and D.R. 3,5
Proposed Zoning: B.R. with a Special Exception for a used car lot
Acres: 3.02
District: 4th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The site plan should clearly indicate the proposed zoning.

The southernmost driveway should be eliminated.

All customer parking spaces and display spaces must be shown on the site plan.

Landscaping should be provided.

The screening and design of the parking area near the residential properties should be designed to lessen the impact on these properties.

Lighting should be of the cut-off design.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

October 17, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #15, Zoning Advisory Committee Meeting for
Cycle IV, are as follows:

Property Owner: Albert Q. & Jean Sew
Location: SW/S Reisterstown Rd. 110' NW Highfalcon Rd.
Existing Zoning: B.L. & D.R. 3,5
Proposed Zoning: B.R. with a Special Exception for a used car lot
Acres: 3.02
District: 4th

Metropolitan water and sewer exist. Therefore, no health hazards are anticipated.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 104-3775, to obtain requirements for such installation/s before work begins.

A Permit to Construct from the Division of Air Pollution Control is required for each steam or paint spray process, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which vents into the atmosphere.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TMD/JSP/rdh

cc: V. L. Phillips

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3650

STEPHEN E. COLLINS
DIRECTOR

October 16, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 15 - ZAC - Meeting for Cycle IV
Property Owner: Albert Q. & Jean Sew
Location: SW/S Reisterstown Rd. 110' NW Highfalcon Rd.
Existing Zoning: B.L. & D.R. 3,5
Proposed Zoning: B.R. with a Special Exception for a used car lot.

Acres: 3.02
District: 4th

Dear Mr. DiNenna:

This site as presently zoned will generate approximately 440 trips per day. The proposed zoning will generate approximately 1550 trips per day.

Any increase in traffic in this area is undesirable in view of the existing traffic congestion along Reisterstown Road.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/mjn

October 6, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21284

Dear Mr. DiNenna:
 Comments on Item # Zoning Advisory Committee Meeting, CYCLE IV
 are as follows:

Property Owner: Albert Q. & Jean Sew - Seymour Chevrolet
 Location: SW Reisterstown Road 110' NW Highfalcon Road
 Existing Zoning: B.L. & D.R. 3.5
 Proposed Zoning: B.R. with a Special Exception for a used car lot

Area: 3.02
 District: 4th

- The items checked below are applicable:
- A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
 - B. A building permit shall be required before construction can begin.
 - C. Additional Change of occupancy & other permits shall be required.
 - D. Building shall be upgraded to new use - requires alteration permit.
 - E. Three sets of construction drawings will be required to file an application for a building permit.
 - F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
 - G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
 - H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
 - I. No Comment.
 - J. Comments: What was the previous use of existing structure if other than business is listed on tax records, Items A,C,D,F are applicable's.

Very truly yours,
Charles E. Burbanck
 Charles E. Burbanck
 Plans Review Chief

**BOARD OF EDUCATION
 OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: October 24, 1978

Mr. S. Eric DiNenna
 Zoning Commissioner
 Baltimore County Office Building
 Towson, Maryland 21204

Z.A.C. Meeting of: Cycle IV

RE: Item No:
 Property Owner: Albert Q. & Jean Sew
 Location: SW/S Reisterstown Rd. 110' NW Highfalcon Rd.
 Present Zoning: B.L. & D.R. 3.5
 Proposed Zoning: B.R. with a Special Exception for a used car lot

District: 4th
 No. Acres: 3.02

Dear Mr. DiNenna:
 No hearing on student population.

Very truly yours,
W. Nick Petrovich
 W. Nick Petrovich,
 Field Representative

JOSEPH H. MCGOWAN, PRESIDENT
 T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
 MARCUS M. ROTHSCHILD
 THOMAS H. BAYER
 MRS. LORRAINE F. CHURCH
 ROGER B. HAYDEN
 ROBERT V. DURZEL, SUPERINTENDENT
 ALVIN LORECK
 MRS. MILTON B. SMITH, JR.
 RICHARD W. TRACEY, D.V.M.

October 15, 1978

Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21284

Attention: **N. Commodari, Chairman**
 Zoning Advisory Committee

Re: Property Owner: **Albert Q. & Jean Sew**
 Location: **SW/S Reisterstown Rd. 110' NW Highfalcon Rd.**
 Item No. **15**
 Zoning Agenda **Cycle IV**

Gentlemen:
 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- (*) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (*) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (*) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Carl J. Kelly* 10-17-78
 Planning Group
 Special Inspection Division
 Noted and Approved: *George M. Wagonoff*
 Fire Prevention Bureau

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21284

MEMBERS
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

December 18, 1978

Julius W. Lichter, Esquire
 305 W. Chesapeake Avenue
 Suite 113
 Towson, Maryland 21204

RE: Item No. 15
 Petitioner - Albert Q. Sew
 Reclassification and Special
 Exception Petitions

Dear Mr. Lichter:

Please be advised that the acceptance certificate for the above petition, dated January 30, 1979, was incorrect. Enclosed is verification that the correct date of acceptance was December 14, 1978. This should replace the previous certificate.

Very truly yours,
Nicholas B. Commodari
 NICHOLAS B. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

NBC/sf
 enclosure
 cc: Development Design Group, Ltd.
 216 Washington Avenue
 Towson, Maryland 21204

MICHAEL B. SAUER
 ATTORNEY AT LAW

11102 EQUITABLE TOWSON BUILDING, TOWSON, MD 21284
 301 296-2151

June 4, 1979

Baltimore County Board of Appeals
 Old Court House
 Towson, Maryland 21204

Re: Case No.: R-79-2-X

Gentlemen:

This office represents Kenneth Fung, Fung Kun Lun, Fung Choy, and Richard P. Fung who are owners of Two (2) Lots of Ground situated on the Westside of Reisterstown Road in the Fourth Election District of Baltimore County, Maryland which Lots are presently being considered for reclassification before you on June 5, 1979.

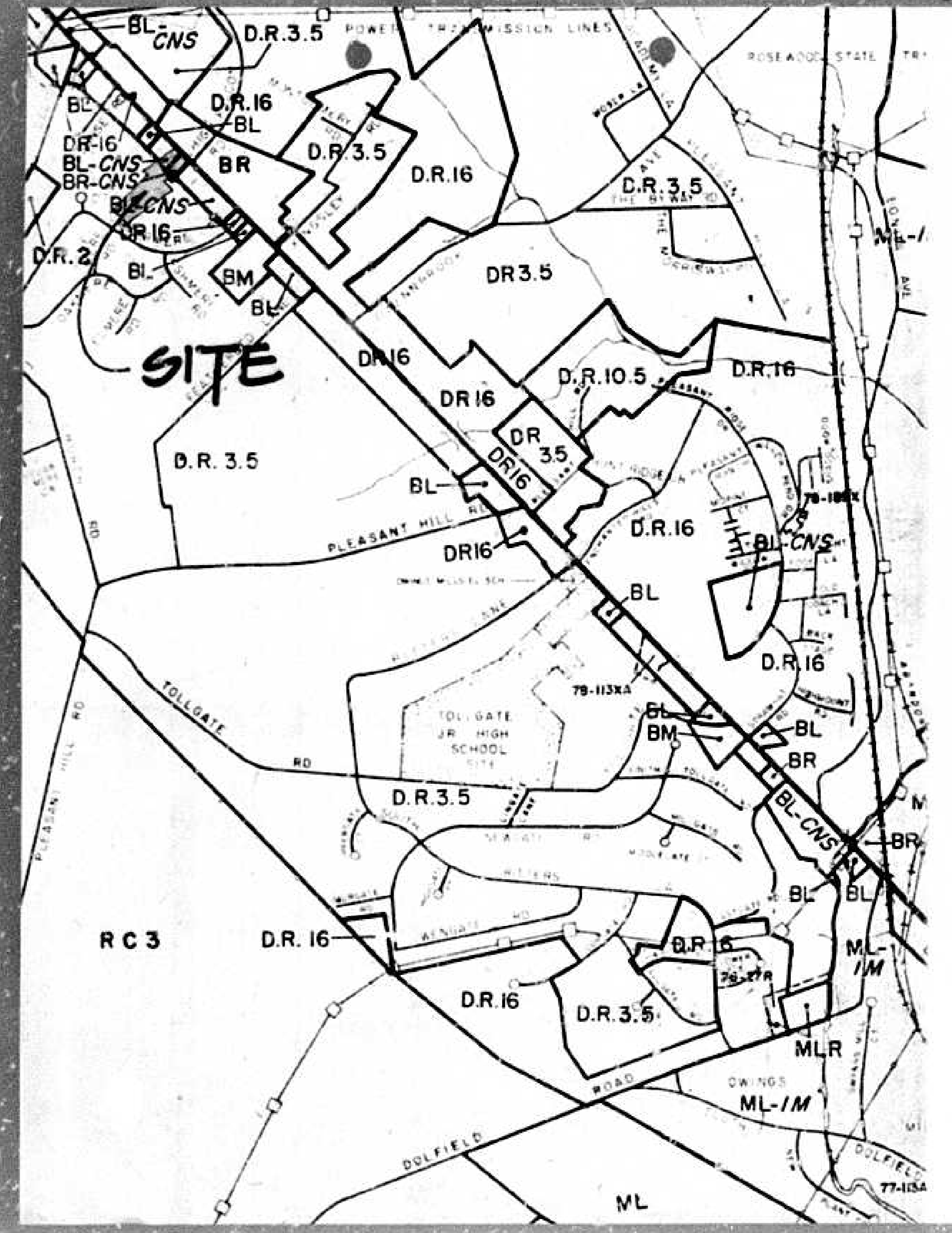
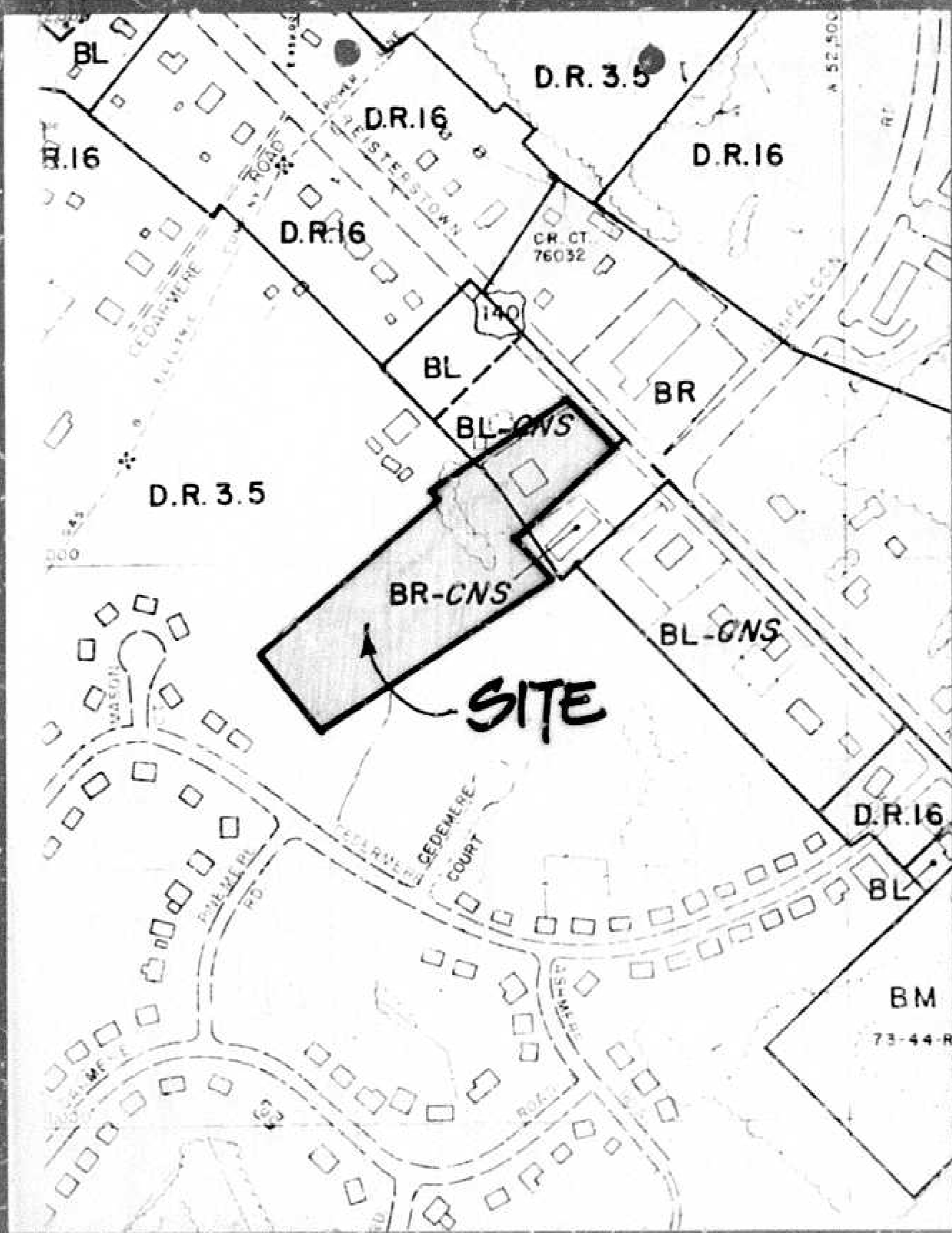
The previous owners of the above property are Albert and Jean Sew who conveyed the property to my clients on May 17, 1979.

You are advised that my clients are aware of the existence of the Petition filed before your Board, requesting that the subject property be reclassified from its present classification of BL and DR 3.5 to BR Zoning with a Special Exception for the sale of used cars.

As successors in interest in the above property, my clients hereby authorized Julius Lichter, Esquire to proceed with the present Petition for reclassification on their behalf as owners of the property.

Very truly yours,
Michael B. Sauer
 Michael B. Sauer

RECEIVED
 BALTIMORE COUNTY
 BOARD OF APPEALS
 MBS/sf
 6-3-79 4:08 PM '79
 Albert & Jean Sew



PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION 4th DISTRICT

ZONING: Petition for Reclassification from a R.L. & D.R. 2.5 Zone to a R.R. Zone with a Special Exception for a used car lot.
LOCATION: Southwest side of Reisterstown Road, 110 feet Northwest of Highfalcon Road.
DATE & TIME: Tuesday, June 5, 1979 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Md.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:
Present Zoning: R.L. & D.R. 2.5 Zone
Proposed Zoning: R.R. Zone with a Special Exception for a used car lot.
 A) That parcel of land in the Fourth District of Baltimore County described as follows:
DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION OF ZONING FROM D.R.-2.5 ZONE TO R.R. ZONE WITH A SPECIAL EXCEPTION FOR USED MOTOR VEHICLE SALES AREA - SEYMOUR CHEVROLET - 2.43 ACRES

Beginning for the same at a point on the existing zoning line between B.R.-C.N.R. Zone and D.R.-2.5 Zone as located South 51° 21' 45" West 204.07 feet from the southwesternmost side of Reisterstown Road from the proposed centerline intersection of Highfalcon Road; thence ending on the southernmost property line of the whole tract of land of which this parcel is a portion South 61° 40' 10" West 14.10 feet; thence still being on the property outline the six following courses and distances:
 1) South 35° 49' 40" East 100.00 feet;
 2) South 61° 40' 10" West 492.55 feet;
 3) North 31° 06' 00" West 178.36 feet;
 4) North 54° 11' 28" East 424.08 feet;
 5) North 35° 48' 02" West 20.29 feet and
 6) North 41° 42' 19" East 96.17 feet to intersect the zoning line previously mentioned herein; thence ending thereon, the two following courses and distances:
 1) South 35° 25' 15" East 54.31 feet and
 2) South 27° 22' 48" East 96.21 feet to the place of beginning.

Containing 2.43 Acres of Land, more or less.
 Description to accompany Petition for Reclassification of Zoning from R.L. Zone to R.R. Zone with a Special Exception for Used Motor Vehicle Sales Area - Seymour Chevrolet - 0.89 Acres

Beginning for the same at a point on the southwesternmost side of Reisterstown Road, 66 feet wide, at a distance of 110 feet more or less, measured northwesterly along the southwesternmost side of said Reisterstown Road from the proposed centerline intersection with Highfalcon Road; thence ending on the existing zoning line between R.R.-C.N.R. Zone and R.L.-C.N.R. Zone South 51° 21' 45" West 204.07 feet to intersect the southernmost property line of the whole tract of land of which this parcel is a portion; thence ending on the existing zoning line between R.R.-C.N.R. Zone and D.R.-2.5 Zone the two following courses and distances:
 1) North 27° 22' 48" West 96.22 feet and
 2) North 35° 25' 15" West 54.31 feet to intersect the northernmost property line of the aforesaid whole tract of land; thence ending thereon North 61° 40' 10" East 195.00 feet to the southwesternmost side of Reisterstown Road previously referred to; thence ending on the southwesternmost side of said Reisterstown Road South 30° 22' 15" East 115.72 feet to the place of beginning.

Containing 0.89 Acres of Land, more or less.
 Being the property of Albert Q. & Jean Sew, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, June 5, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Md. 21204.

By order of
WALTER A. REITER, JR.
 Chairman,
 County Board of Appeals
 of Baltimore County
 May 17.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 17, 1979
 THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time successive weeks before the 5th day of June, 1979, the 17th publication appearing on the 17th day of May, 1979.

THE JEFFERSONIAN,
G. Frank Strickland
 Manager.

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION 4th District

ZONING: Petition for Reclassification from a R.L. & D.R. 2.5 Zone to a R.R. Zone with a Special Exception for a used car lot.
LOCATION: Southwest side of Reisterstown Road, 110 feet Northwest of Highfalcon Road.
DATE & TIME: Tuesday, June 5, 1979 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland.

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:
Present Zoning: R.L. & D.R. 2.5 Zone
Proposed Zoning: R.R. Zone with a Special Exception for a used car lot.
 A) That parcel of land in the Fourth District of Baltimore County described as follows:
DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION OF ZONING FROM D.R.-2.5 ZONE TO R.R. ZONE WITH A SPECIAL EXCEPTION FOR USED MOTOR VEHICLE SALES AREA - SEYMOUR CHEVROLET - 2.43 ACRES

Beginning for the same at a point on the existing zoning line between B.R.-C.N.R. Zone and D.R.-2.5 Zone as located South 51° 21' 45" West 204.07 feet from the southwesternmost side of Reisterstown Road from the proposed centerline intersection of Highfalcon Road; thence ending on the southernmost property line of the whole tract of land of which this parcel is a portion South 61° 40' 10" West 14.10 feet; thence still being on the property outline the six following courses and distances:
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 2) South 61° 40' 10" West 492.55 feet;
 3) North 31° 06' 00" West 178.36 feet;
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Containing 0.89 Acres of Land, more or less.
 Being the property of Albert Q. & Jean Sew, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, June 5, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland.

By order of
WALTER A. REITER, JR.
 Chairman,
 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
 Comm. May 17, 1979.



TOWSON, MD. 21204 May 17 1979

THIS IS TO CERTIFY that the annexed advertisement of Petition for Reclassification & Special Exception - Albert Q. Sew, et ux was inserted in the following:

- Catonsville Times
- Dundalk Times
- Essex Times
- Suburban Times East
- Towson Times
- Arbutus Times
- Community Times
- Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 18th day of May 1979, that is to say, the same was inserted in the issues of May 17, 1979.

STROMBERG PUBLICATIONS, INC.
 BY *Esther Berger*

R-79-2

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 4th Date of Posting MAY 18, 1979
 Posted for: PETITIONS FOR RECLASSIFICATION & SPECIAL EXCEPTION
 Petitioner: ALBERT Q. SEW, ET UX
 Location of property: SW/S REISTERSTOWN RD 110' NW OF HIGHFALCON RD
 Location of Signs: SW/S REISTERSTOWN RD 200' or NW OF HIGHFALCON RD
 Remarks:
 Posted by: Thomas L. Retamal Date of return: MAY 25, 1979
 Signature

2-SIGNS

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>WAL</u>										
Previous case: <u>74-39-5PH</u>										

Revised Plans:
 Change in outline or description Yes ___ No ___
 Map # _____

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

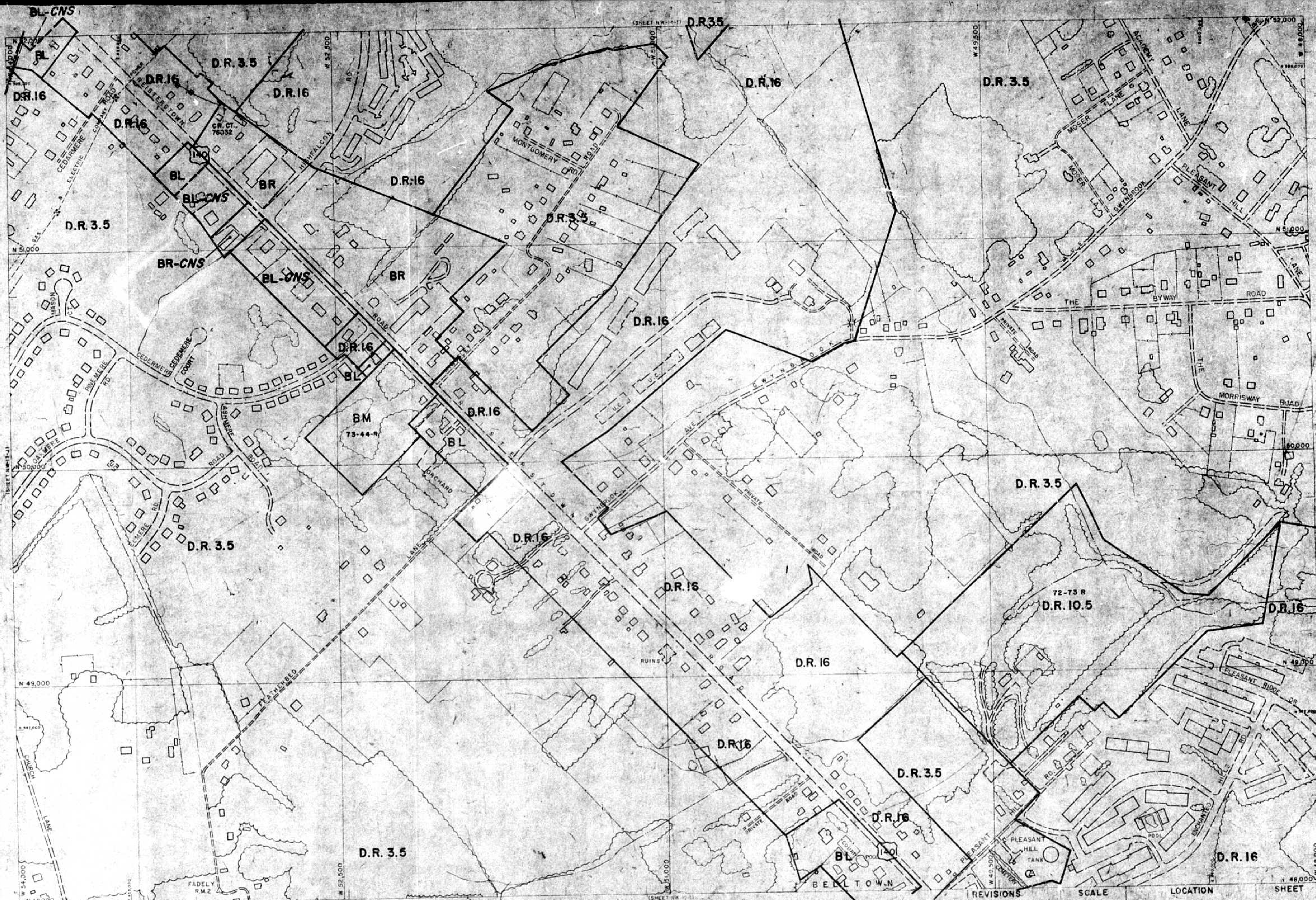
Your Petition has been received * this 24 day of Sept. 1978. Filing Fee \$ 50. Received Cash Other

S. Eric DiNenna
 S. Eric DiNenna,
 Zoning Commissioner

Petitioner SEW Submitted by J. LICHTER
 Petitioner's Attorney LICHTER Reviewed by WAL

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND No. 78662
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE: May 10, 1979 ACCOUNT: 01-662
 AMOUNT: \$50.00
 RECEIVED FROM: Steinberg, Lichter, Coleman & Rogers
 FOR: Filing Fee for Case No. R79-2-X Albert Sew, et ux
 823 6286 10 50.00 NSL
 VALIDATION OR SIGNATURE OF CASHIER



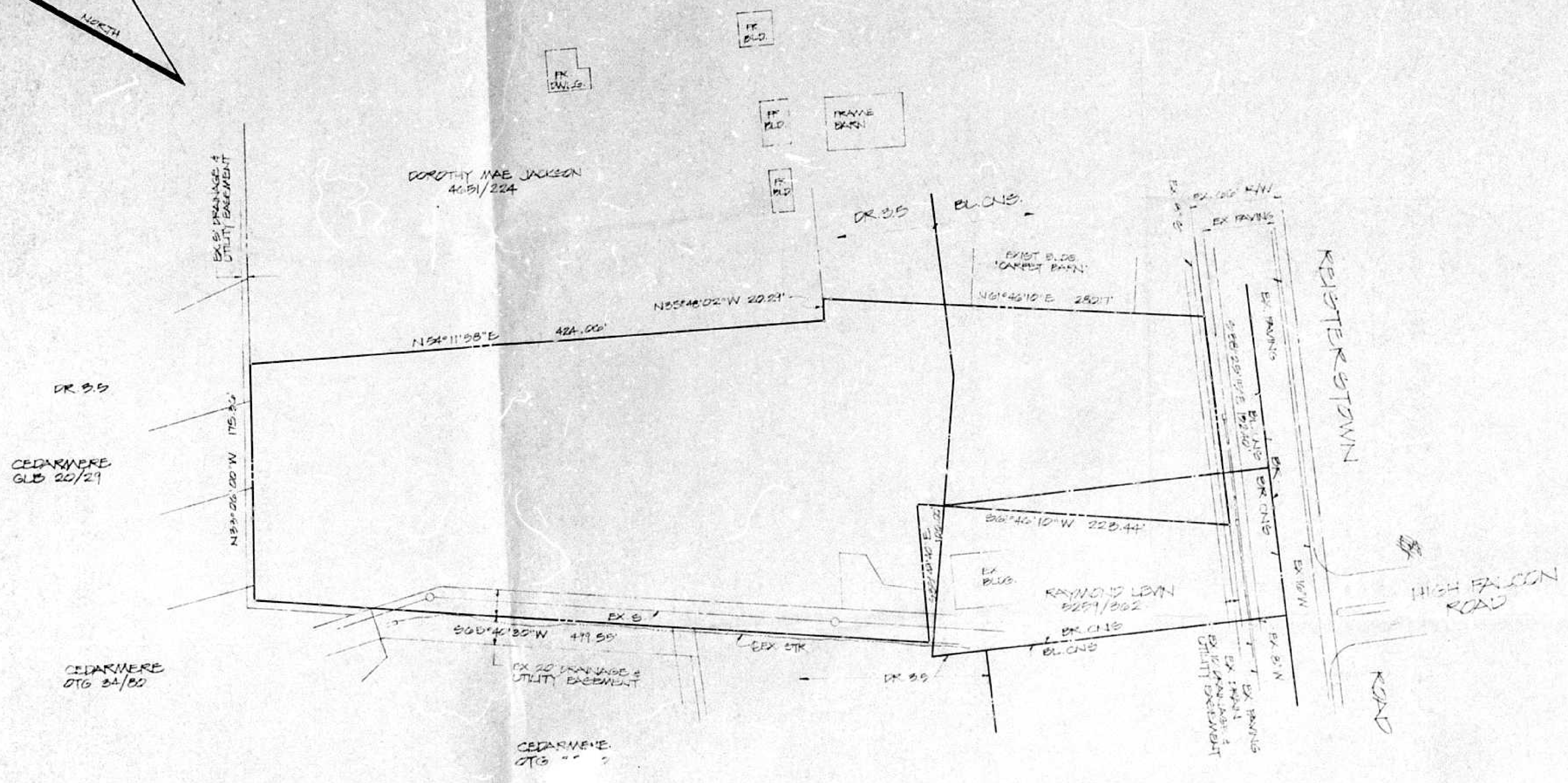
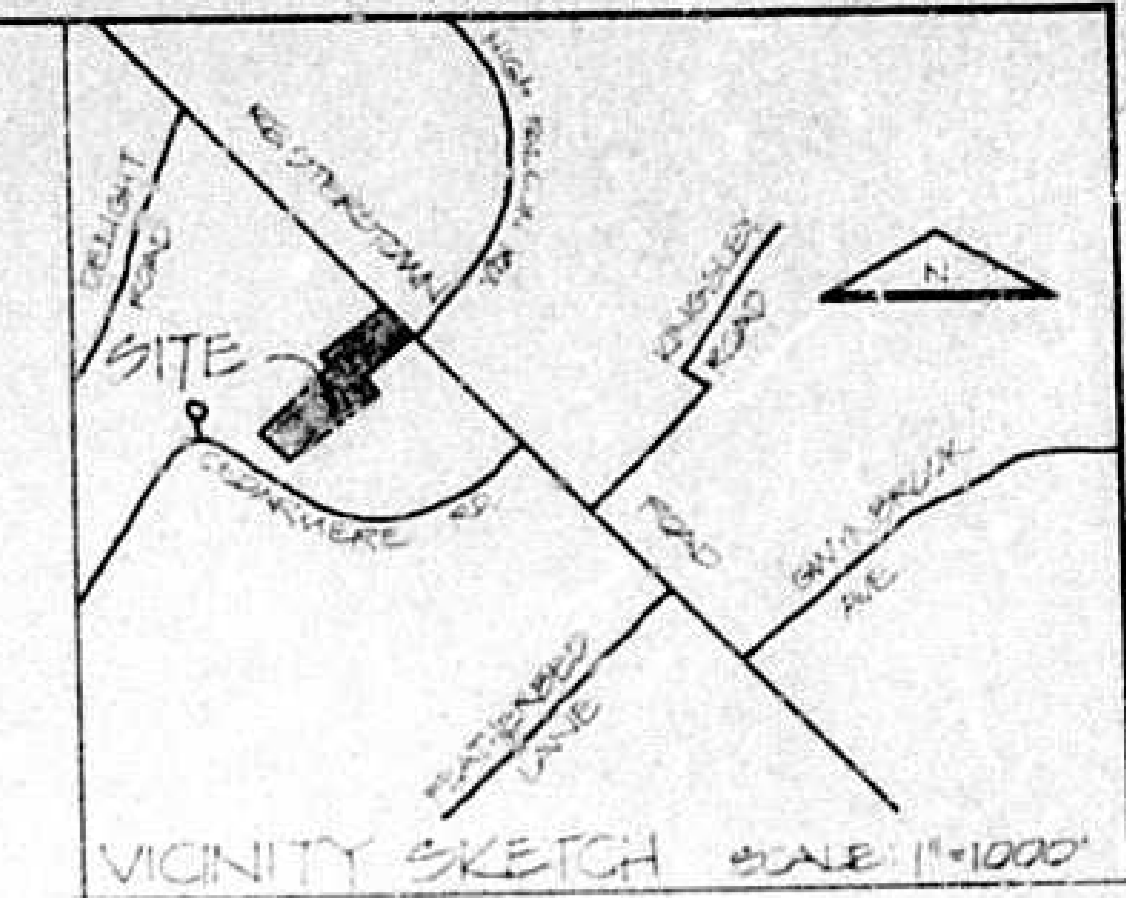
PHOTOGAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

THE BALTIMORE COUNTY METROPOLITAN AREA
ADOPTED BY THE
BALTIMORE COUNTY COMMISSION
17 1976 & 1977
4 NUS 108 76, 109 76
12 16 113 76 and 114 76

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	BELLTOWN	NW
Photometric	MAPS, 4-20-67			
Planimetric	MAPS, INC. 4-11-70	DATE OF PHOTOGRAPHY		
		APRIL 1953		13-I
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.				



T-NW



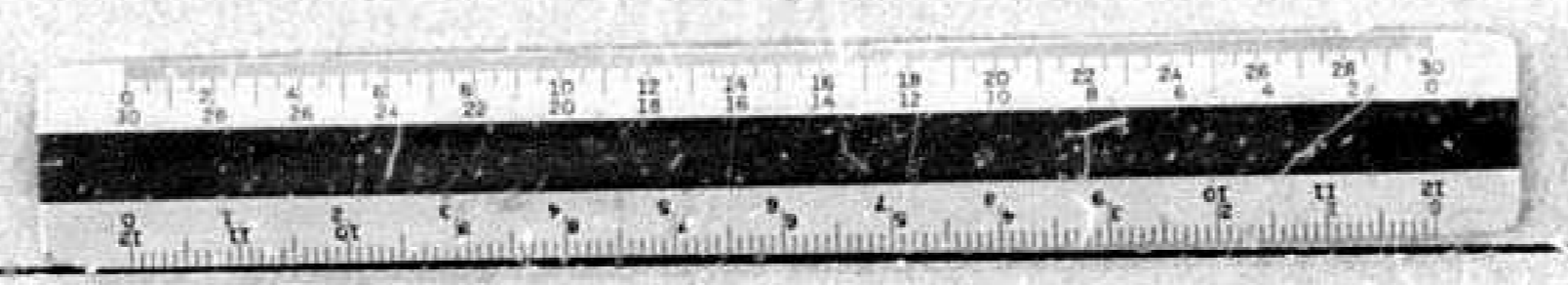
DENSITY CALCULATIONS:

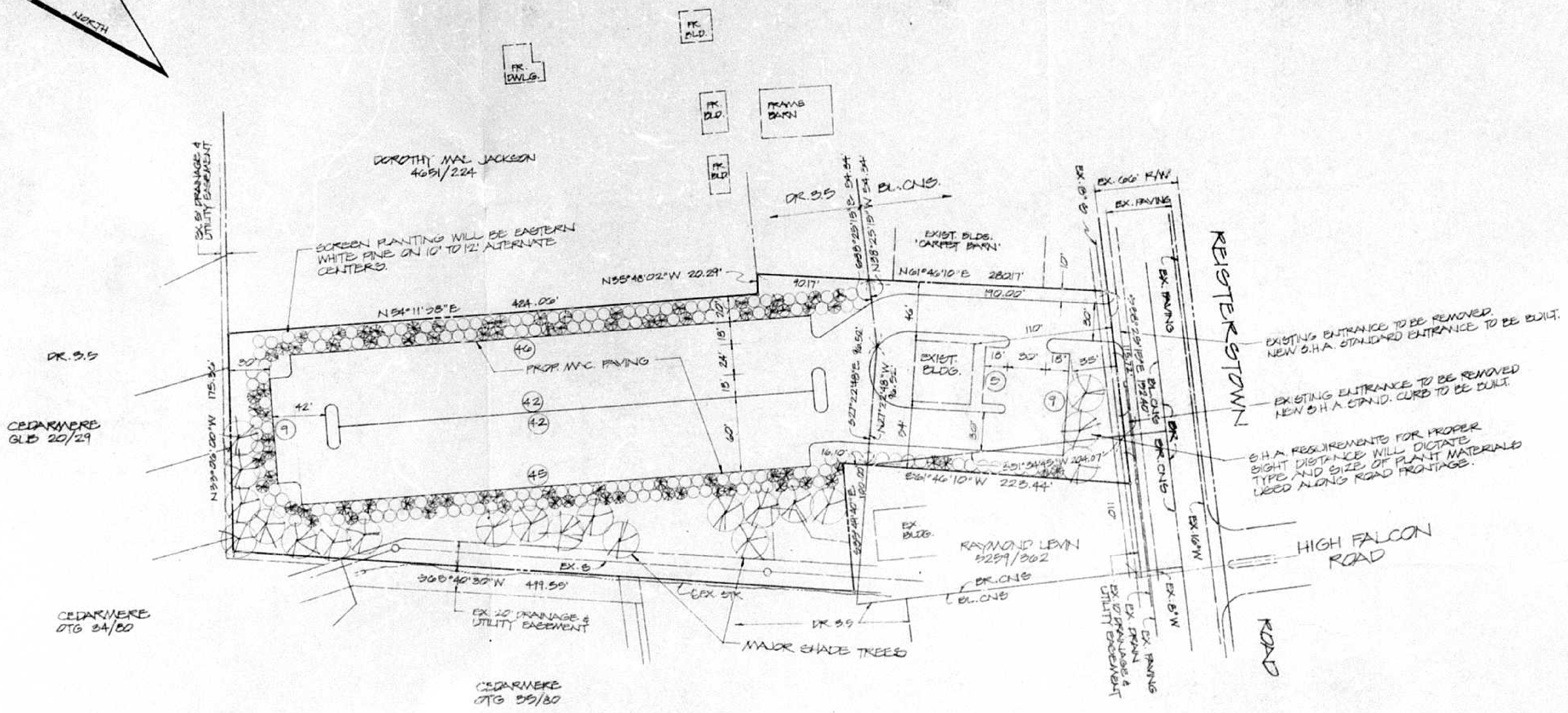
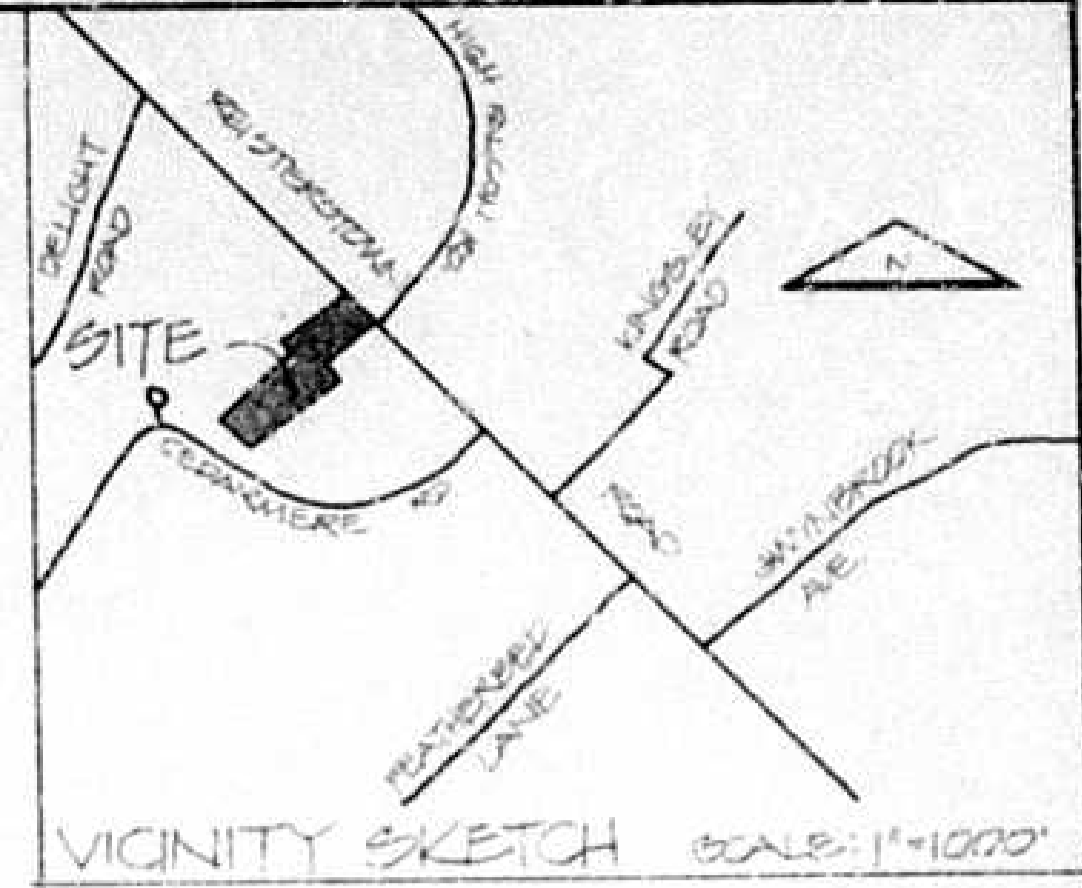
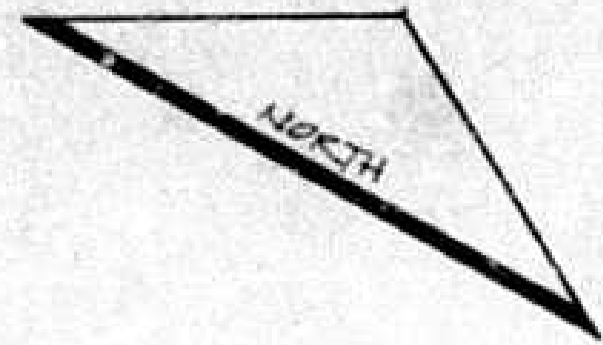
TOTAL AREA OF TRACT	0.10 AC ±
EXISTING ZONING	DR, DL, & DR 0.5
AREA IN DR 0.5	0.09 AC
DL 0.5	0.57
DR 0.5	2.44
EXISTING USE	VACANT
PROPOSED ZONING	DR

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION AND SPECIAL EXCEPTION CASE NO R-79-2-X

SOUTHWEST SIDE OF REISTERSTOWN ROAD - 110' ± NORTHWEST OF HIGH FALCON ROAD.
 4th ELEC. DISTRICT
 SCALE: 1" = 50'
 BALTIMORE CO., MD.
 DATE: MAY 20, 1979

BOARD OF APPEALS 6/5/79
PETITIONER'S EXHIBIT 3





DENSITY CALCULATIONS:

TOTAL AREA OF TRACT	5.10 AC ±
EXISTING ZONING	DR, BL & DR, B3
AREA IN BR C19	0.09 AC
BL C19	0.57
DR, B3	2.44
EXISTING USE	VACANT
PROPOSED ZONING	BR
PROPOSED USE	NEW & USED CAR SALES
PARKING:	
AREA OF BLDG.	2250 #
(104' x 45' x 50')	
PARKING REQ'D.	11.25 SPACES
(2250 # @ 100/200 #)	
PARKING PROPOSED	
CUSTOMER	12
STORAGE AND/OR DISPLAY	180
TOTAL PROPOSED	198

GENERAL NOTES:

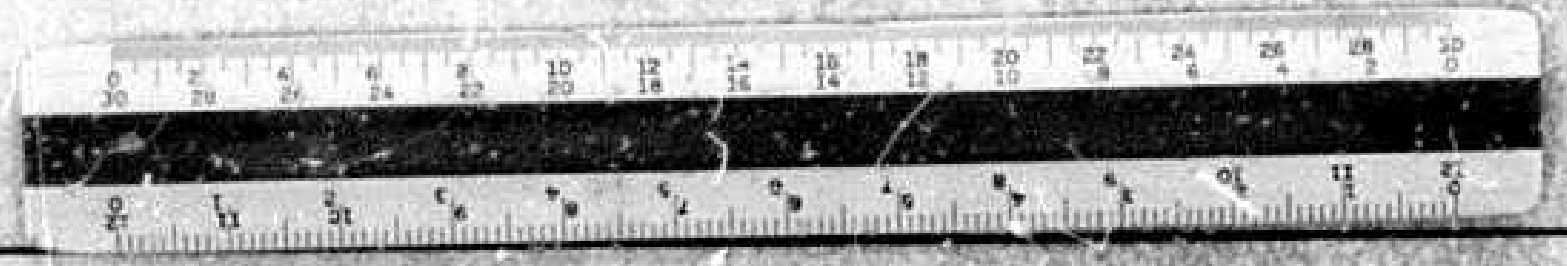
- 1) EXISTING BUILDING TO BE USED FOR RETAIL SALES.
- 2) LIGHT STANDARDS WILL BE 12' HIGH, WILL BE LOCATED AND DIRECTED AWAY FROM RESIDENTIAL AREAS AND WILL BE OF THE CUT-OFF DESIGN TYPE.
- 3) 6" CURB WILL BE PROVIDED AROUND ENTIRE PARKING LOT.
- 4) ALL PARKING SPACES WILL BE 9' x 18'

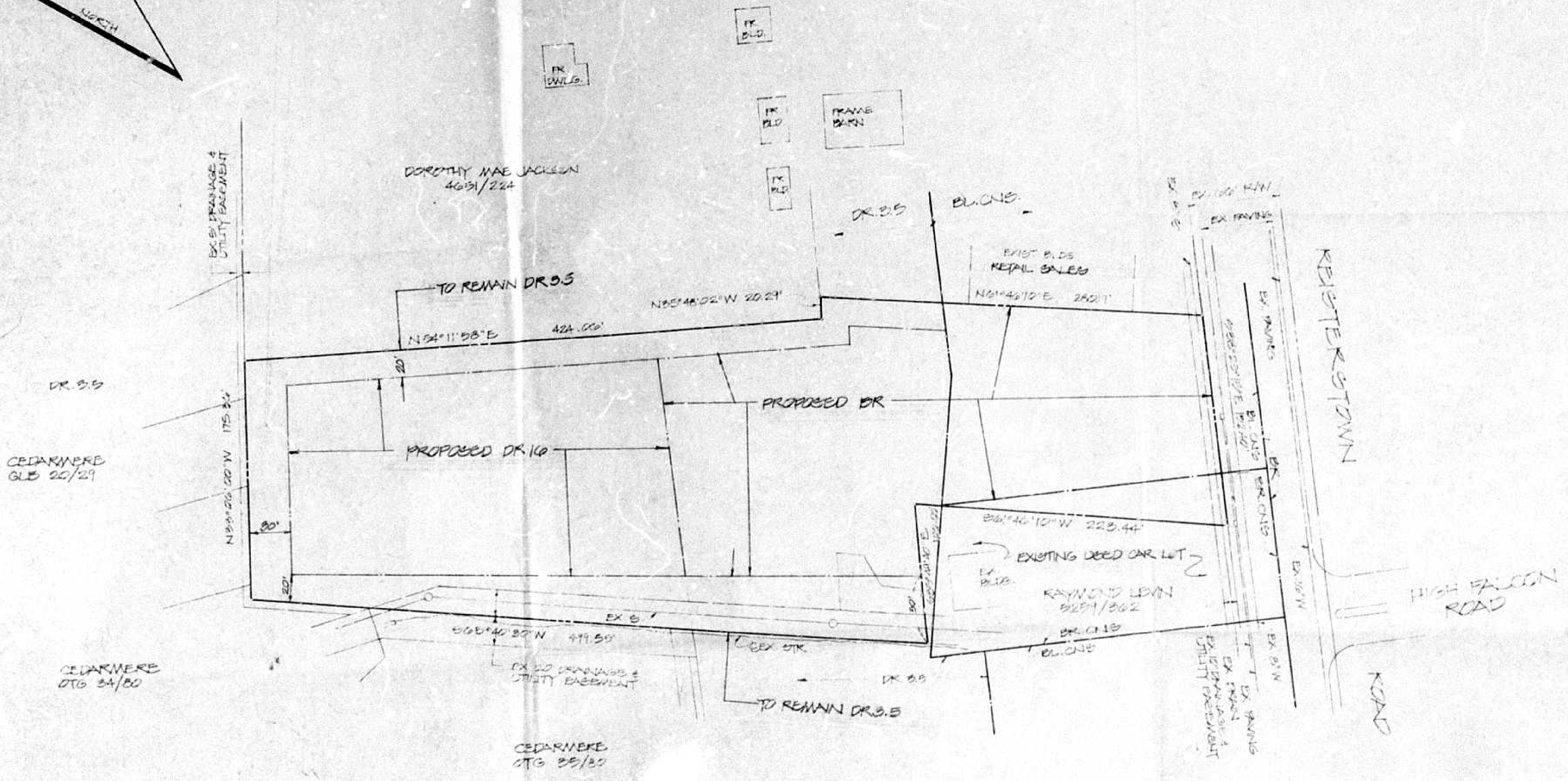
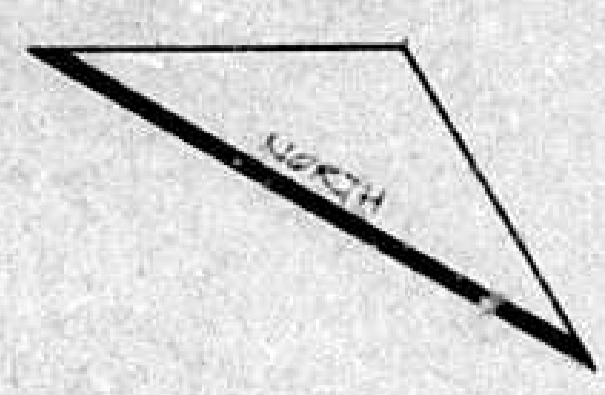
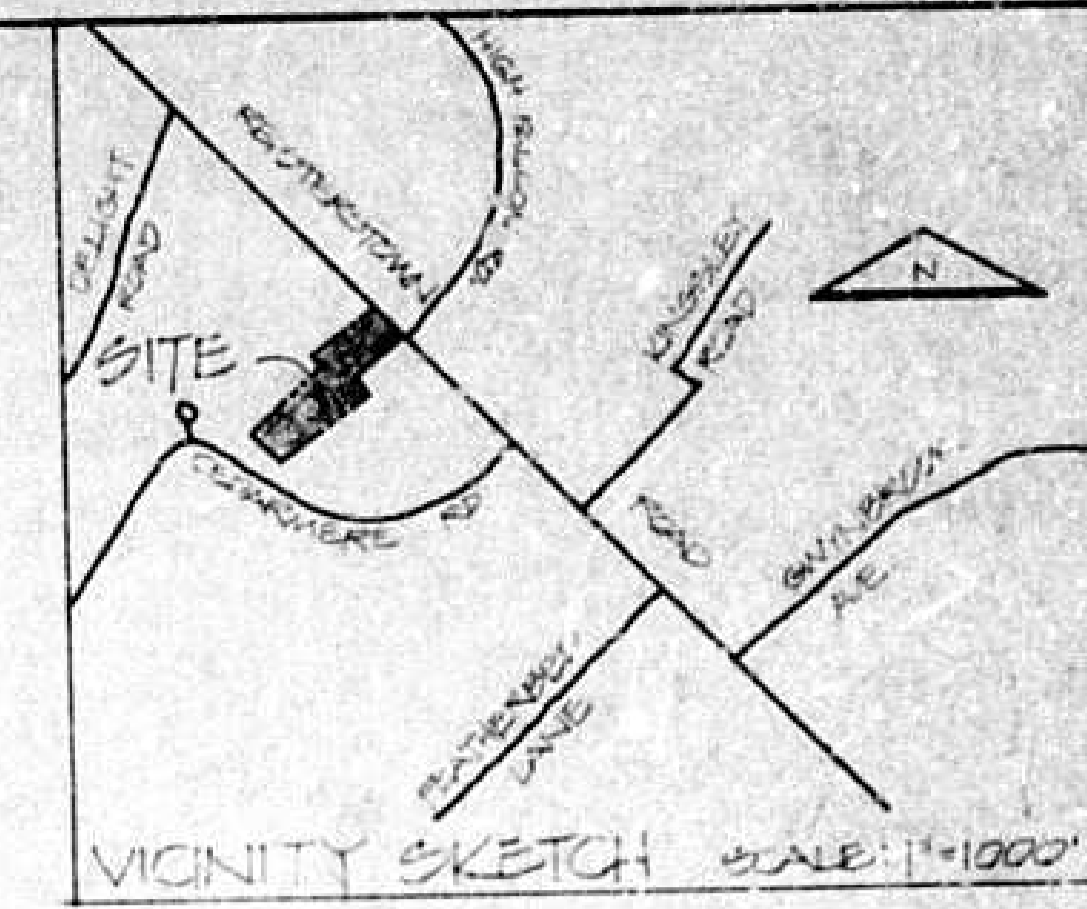
PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION AND SPECIAL EXCEPTION
SEYMOUR CHEVROLET
 4TH ELEC. DISTRICT BALTIMORE, CO, MD
 SCALE: 1"=50' DATE: 12.15.70

REVISED PLANS



DEVELOPMENT DESIGN GROUP, LTD.
 210 WASHINGTON AVE. TOWSON, MD 21204





DENSITY CALCULATIONS:

TOTAL AREA OF TRACT	3.10 AC ±
EXISTING ZONING	DR, DL & DR 3.5
AREA IN DR 0.1B	6.09 AC
DR 0.1E	0.97
DR 3.5	2.44
EXISTING USE	VACANT
PROPOSED ZONING	DR (1.15 AC ±)
DR 16	(1.02 AC ±)
AREA TO REMAIN IN DR 3.5	0.84 AC ±

GENERAL NOTES:

- 1) EXISTING VEGETATION TO REMAIN IN THE REMAINING DR 3.5 ZONE.
- 2) SCREEN & SECURITY FENCE TO BE BUILT WITHIN OR ADJACENT TO THE REMAINING DR 3.5 ZONE.
- 3) SPECIAL EXCEPTION TO 15' R DISPLAY AND SALE OF USED VEHICLES IN THE PROPOSED DR ZONE.
- 4) LIGHT STANDARDS WILL BE 12' HIGH AND WILL BE LOCATED AND DIRECTED AWAY FROM RESIDENTIAL AREAS.
- 5) CARS WILL BE PROVIDED AROUND ENTIRE PARKING LOT.
- 6) ALL PARKING SPACES WILL BE 9' X 10'.
- 7) THE OWNERS RECEIVE ALL RIGHTS AND PRIVILEGES INURE TO THEIR BENEFIT INCLUDING THE USE OF THE PROPERTY ZONED DL FOR A RESTAURANT AND OFFICES AND THE PROPERTY ZONED RESIDENTIAL FOR PARKING USE AS GRANTED IN CASE NO 74-01-07H.
- 8) ANY BUILDING CONSTRUCTED WILL BE NO HIGHER THAN 20' ABOVE FINISHED GRADE.

**BOARD OF APPEALS
PETITIONER'S
EXHIBIT 7**

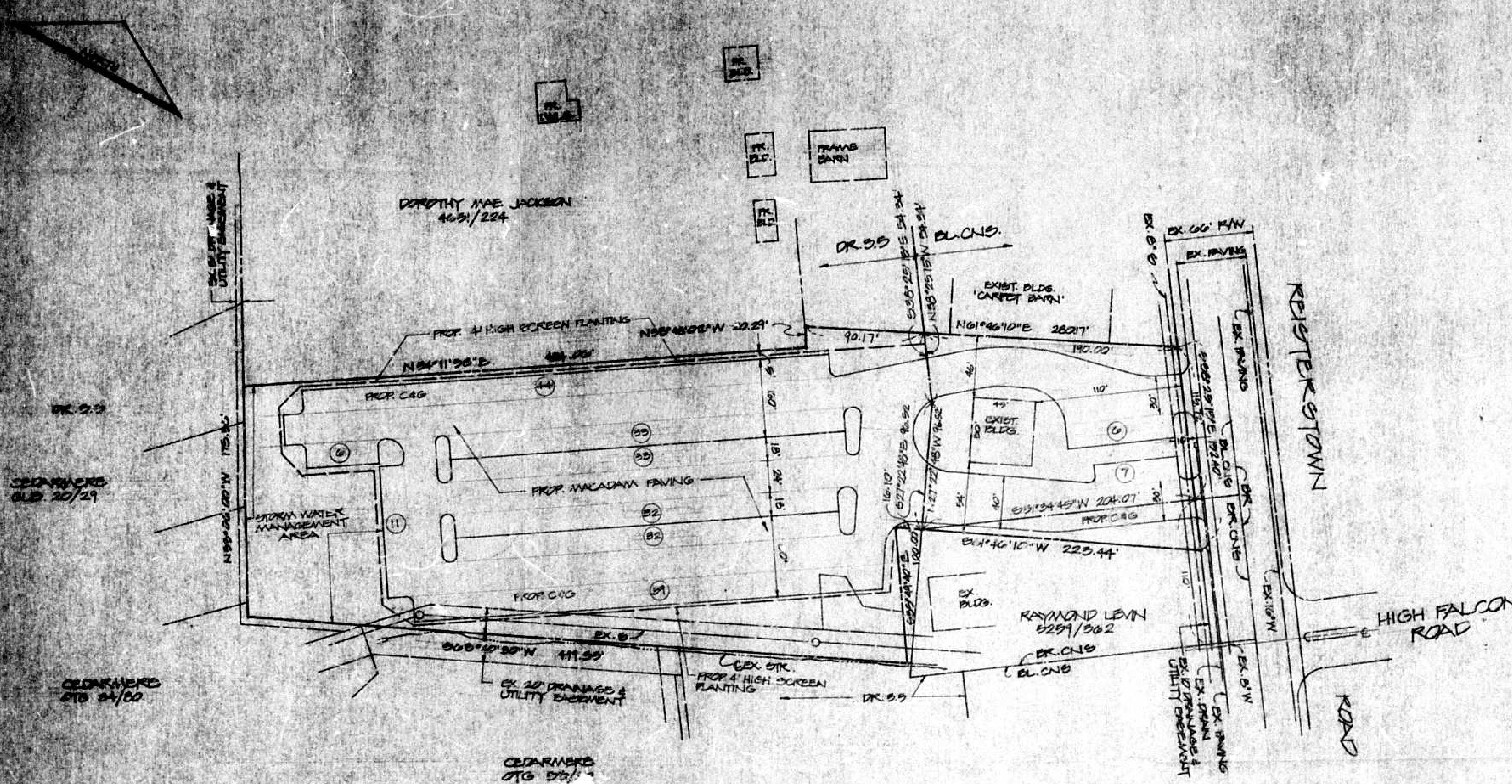
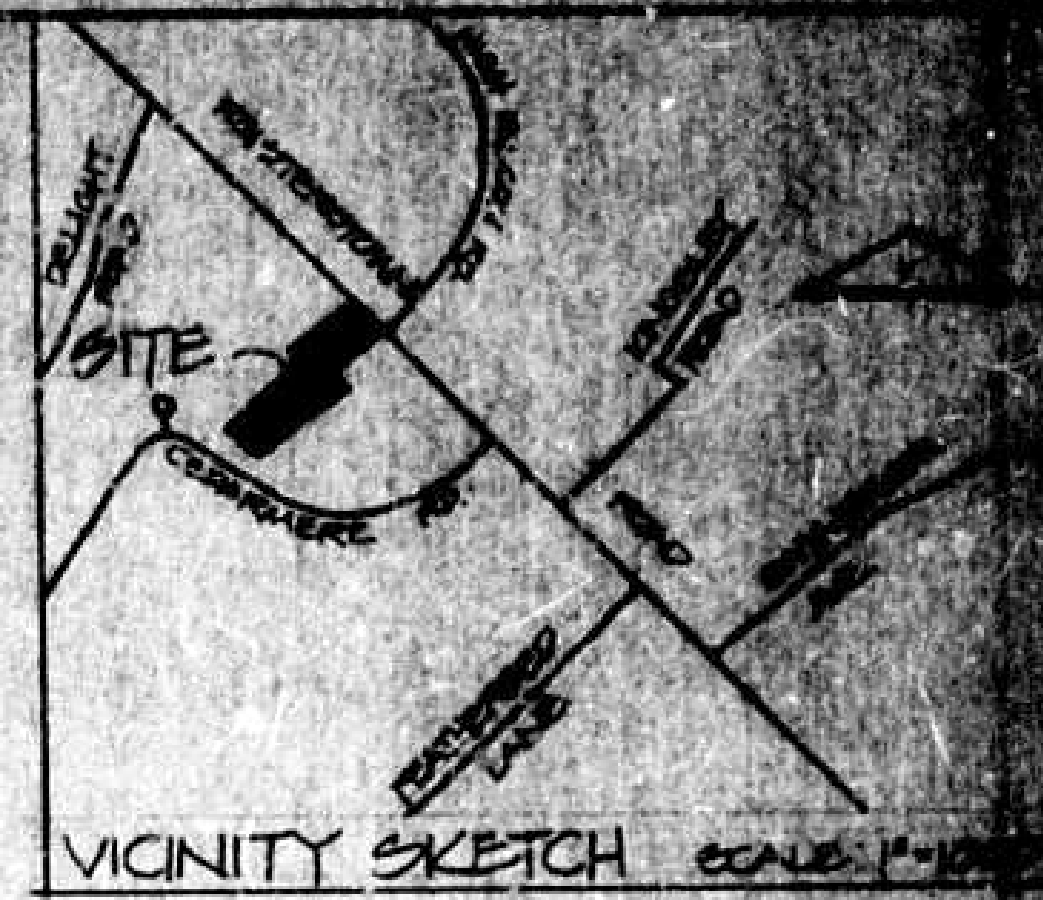
~~**BOARD OF APPEALS
PROTESTANT'S
EXHIBIT**~~

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION, SPECIAL EXCEPTION AND USE PERMIT FOR PARKING & STORAGE OF NEW & USED CARS IN A DR16 ZONE.

CASE NO R-79-2-X

SOUTHWEST SIDE OF REGISTERSTOWN ROAD - 110' ± NORTHWEST OF HIGH FALCON ROAD.
4th ELEC. DISTRICT
SCALE: 1"=50'
BALTIMORE CO., MD.
DATE: MAY 29, 1979
REVISED: JUNE 20, 1979.





DENSITY CALCULATIONS:

TOTAL AREA OF TRACT	0.10 AC.
EXISTING ZONING	BR. BL. + DR. B.S.
AREA IN BR. BLS	0.09 AC.
DR. B.S.	0.01 AC.
EXISTING USE	VACANT
PROPOSED ZONING	NEW & USED CAR SALES
PROPOSED USE	
PARKING:	
AREA OF BUILDING	2250 #
(10% - 45' x 50')	
PARKING REQ'D.	11.25 SPACES
(2250 # @ 200 #)	
PARKING PROVIDED	246

GENERAL NOTES:

- 1) EXISTING BUILDING TO BE USED FOR RETAIL SALES.
- 2) LIGHT STANDARDS WILL BE 12' HIGH AND WILL BE LOCATED AND DIRECTED AWAY FROM RESIDENTIAL AREAS.
- 3) 6" CURB WILL BE PROVIDED AROUND ENTIRE PARKING LOT.
- 4) ALL PARKING SPACES WILL BE 9' x 18'.

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION AND SPECIAL EXCEPTION

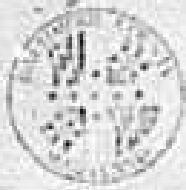
SEYMOUR CHEVROLET
 4TH ELEC. DISTRICT BALTIMORE CO., MD
 SCALE: 1"=50' DATE: 9/26/78

DATE	26
TIME	11:00
BY	✓
SCALE	1"=50'
DATE	10/10/78
BY	✓
SCALE	1"=50'
DATE	10/10/78
BY	✓



MICROFILMED





BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 8, 1981

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Status of Case No. R-79-2-X
(R-79-191-X)
11404 Reisterstown Road
4th Election District

Dear Mr. Lichter:

The Zoning Commissioner has referred your letter of May 28, 1981, to me for reply. You have requested information regarding the status of the special exception and the use permit granted in the referenced case.


Please be advised that it is my opinion that the use of the subject property, insofar as it is related to the special exception, is vested in accordance with Section 502.3 of the Baltimore County Zoning Regulations. This opinion is based upon the issuance of a change of occupancy permit (No. 37337) and the assumption that the property has been utilized for used car sales since the issuance of this permit on July 7, 1981.

It should be noted that the area being utilized for used car sales represents only a portion of the overall area granted in the special exception as a result of the aforementioned case. The site plan indicates that the present sales area is to be expanded and that the existing building and parking layout, as represented on said plan, may be revised in accordance with their future expansion and relocation of the building and automobile display area.

Concerning the use permit for parking in the Density, Residential (D.R. 16) Zone, please be advised that it is my opinion, as well as the opinion of the Zoning Commissioner, that there is no time limit for utilization of that area.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,


JAMES E. DYER
Zoning Supervisor

JED:nr

cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner

Case file

91-2867
Dec - Pat 3/6

Rec'd. by
JED on
12-28-81

THE LAW OFFICES OF
STEINBERG, LICHTER COLEMAN & ROGERS

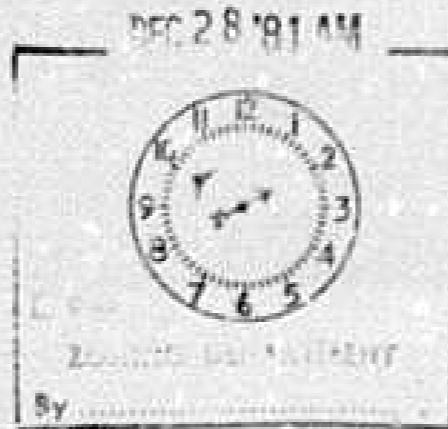
305 W. CHESAPEAKE AVENUE, TOWSON, MD. 21204 (301) 321-0600

MELVIN A. STEINBERG
JULIUS W. LICHTER
EDWARD L. COLEMAN
DONALD E. ROGERS
JAY B. SHUSTER

*For Nick -
everything was
referred to
J. Lichter -
no answer
required*

December 28, 1981

IN REPLY REFER TO:



Mr. James E. Dyer
Zoning Supervisor
Office of Planning & Zoning
Towson, Maryland 21204

Re: Petition for Extension of Special Exception
For Display and Sale of Used Cars in BR Zone
by Order in Case No. R-79-191-X (R-79-2-X)
Property: 11404 Reisterstown Road **ARCEAT Q. SEW**
4th Election District

Dear Mr. Dyer:

Item 10 FONG KUN LUN

I hereby request that you withdraw the above captioned
Petition for the following reasons:

1. Your letter dated July 8, 1981, a copy of which is attached hereto;
2. The Change of Occupancy Permit No. 37337 dated July 9, 1981;
3. The approved plan accompanying the Application for Change of Occupancy signed by the Planning Department on July 6, 1981 and by you on behalf of the Zoning Commissioner on July 1, 1981.

This letter should now clear your records with regard to this matter.

Very truly yours,

Julius W. Lichter
Julius W. Lichter

JWL:lsp

Enclosure

cc: Mr. Nicholas B. Commodari

HAND DELIVERED



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 8, 1981

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

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(R-79-191-X)
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4th Election District

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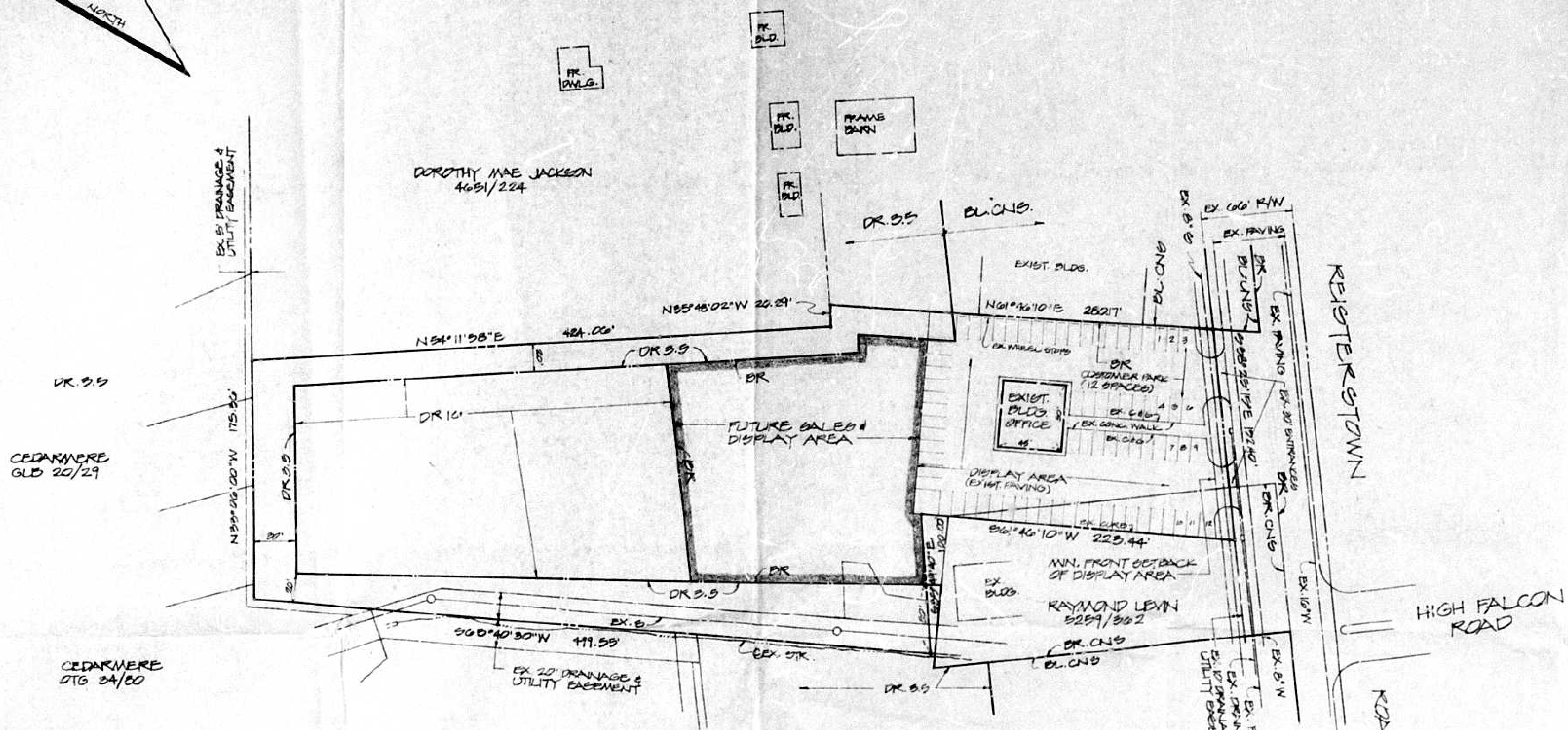
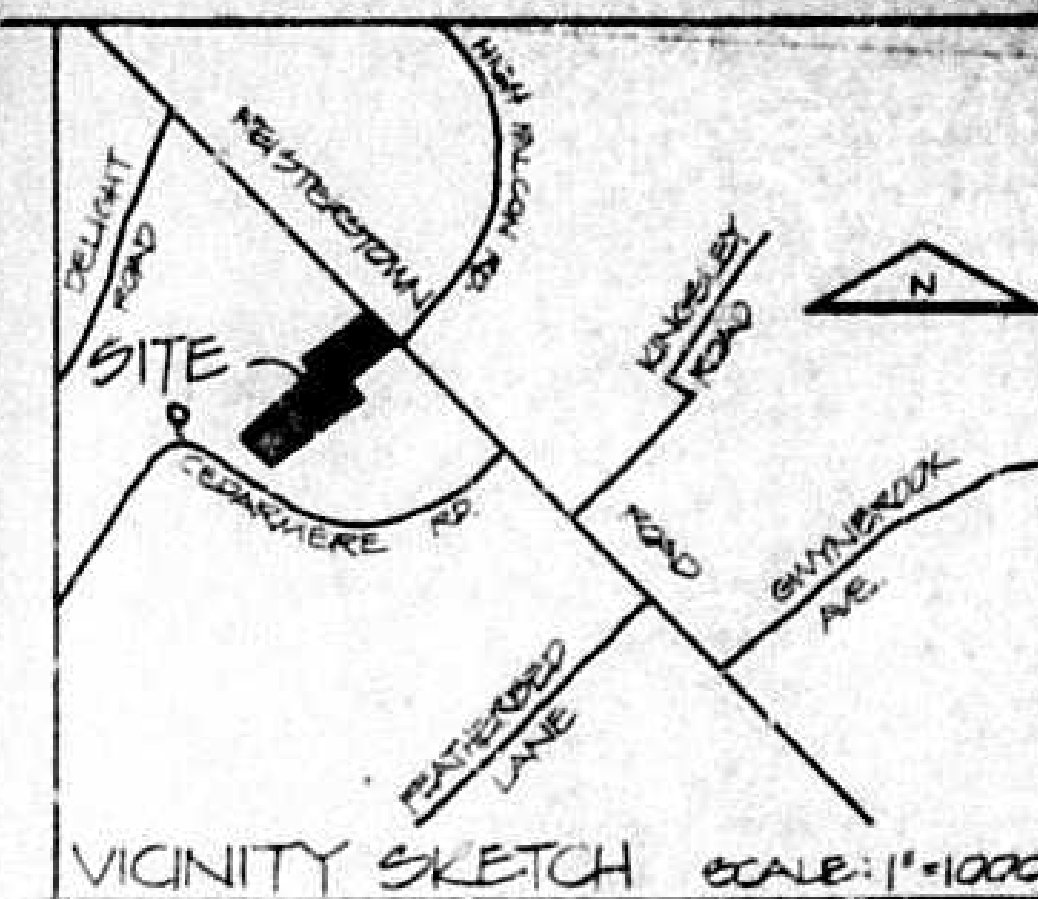
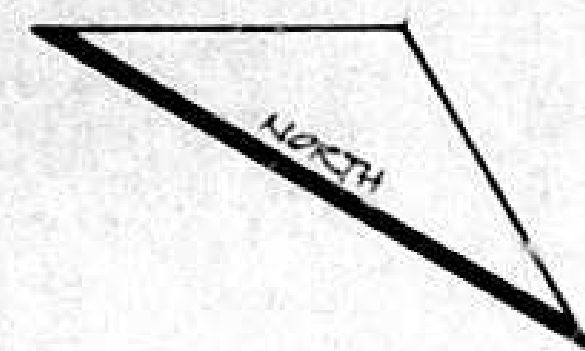
If you have any further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED:nr

cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner



- GENERAL NOTES:**
- 1) SHADED AREA REPRESENTS FUTURE SALES AND DISPLAY AREA.
 - 2) FUTURE DEVELOPMENT MAY BE SUBJECT TO REMOVAL OF EXISTING BLDGS. AND COMPLETE REDESIGN OF EXIST. AREA.

- RESTRICTIONS AS PER ORDER NO R-79-2-X:**
- 1 ALL EXISTING TREES AND VEGETATION SHALL REMAIN ON ALL OF THE SUBJECT PROPERTY WHICH IS IN THE DR 3.5 ZONING CLASSIFICATION.
 - 2 A SCREENING AND SECURITY TYPE FENCE SHALL BE BUILT WITHIN OR IMMEDIATELY ADJACENT TO ALL THE REMAINING DR 3.5 ZONED LAND SO AS TO SEPARATE THIS DR 3.5 ZONED LAND FROM ALL LANDS OF THE SUBJECT PROPERTY REZONED BY THIS ORDER TO DR 10 AND BR.
 - 3 ALL LIGHT STANDARDS TO BE ERECTED ON THE RESIDENTIALLY ZONED PORTION OF THE SUBJECT PROPERTY SHALL NOT EXCEED TEN (10) FEET IN HEIGHT, AND ALL LIGHT STANDARDS, WHEREVER ERECTED ON THE SUBJECT PROPERTY SHALL BE SO LOCATED AND CONSTRUCTED SO AS TO DIRECT LIGHT AWAY FROM THE RESIDENTIALLY ZONED LAND IN THE CEDARWIRE DEVELOPMENT.
 - 4 NO BUILDING SHALL BE CONSTRUCTED ON ANY PORTION OF THIS SUBJECT PROPERTY THAT SHALL EXCEED TWENTY (20) FEET IN HEIGHT ABOVE FINISHED GRADE.
 - 5 ALL DEVELOPMENT ON THE SUBJECT SITE SHALL BE SUBJECT TO AND STRICTLY ADHERE TO ALL OF THE EXISTING BALTIMORE COUNTY REGULATIONS CONCERNING STORM WATER MANAGEMENT.

PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY: [Signature]
 DATE: 7/13/81
 ZONING COMMISSIONER
 DATE: 7/1/81
 79-191-X
 C-897-81

CEDARWIRE
 DTG 35/80

DENSITY CALCULATIONS

ACREAGE OF SITE	3.10 AC.
EXISTING ZONING AREA IN DR 3.5	DR 3.5, DR 10, BR-CNB & BR
DR 3.5	0.84 AC.
DR 10	1.02
BR-CNB	0.07
BR	1.43
FLOOR AREA OF BLDG. (1 SP. / 206 #)	2230 #
CUSTOMER PARKING REQ'D. PROPOSED	12 SPACES / 12

PLAT TO ACCOMPANY CHANGE OF OCCUPANCY PERMIT TO OFFICES, DISPLAY & SALE OF USED CARS ABC CHEVROLET - ZONING ORDER NO R-79-2-X
 4th ELECTION DISTRICT BALTIMORE CO. MD.
 SCALE: 1"=50' DATE: JUNE 24, 1981



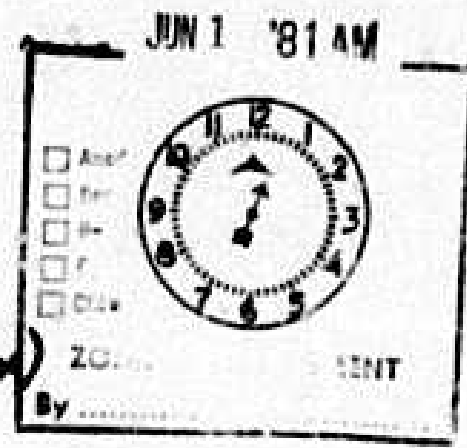
81-1186
W

THE LAW OFFICES OF
STEINBERG, LICHTER, COLEMAN & ROGERS
305 W. CHESAPEAKE AVENUE, TOWSON, MD. 21284 (301) 331-0600

MELVIN A. STEINBERG
RILEUS W. LICHTER
EDWARD L. COLEMAN
DONALD F. ROGERS
BRYAN I. ARMAN

May 28, 1981

BY REPLY REFER TO



Honorable William Hammond
Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

Re: *Notes of Case No. R-79-2-X (R-79-11-X)*
11404 Reisterstown Road

Dear Mr. Hammond:

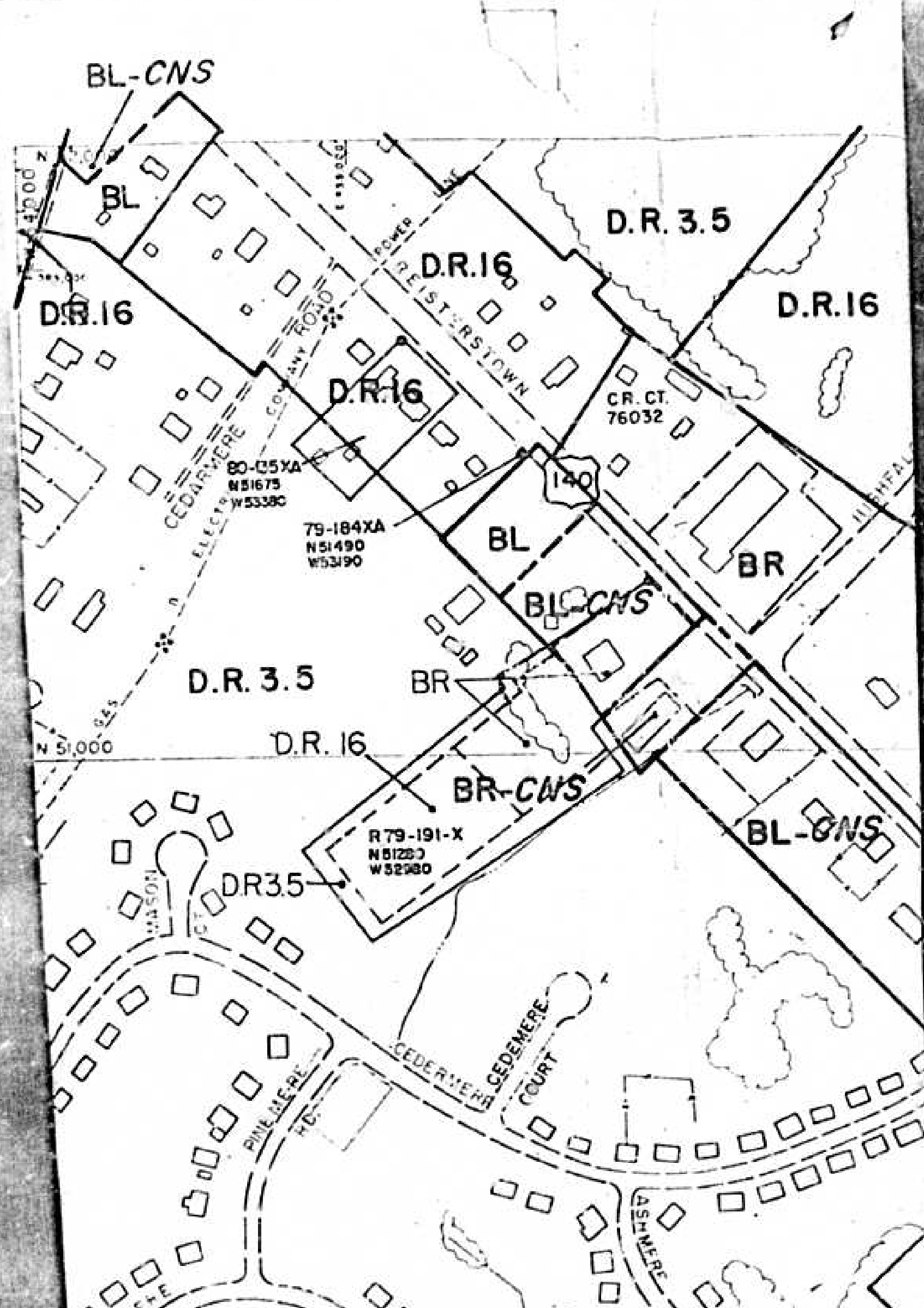
I am writing this letter to you pursuant to my inquiry this week concerning the status of the special exception for the display and sale of used vehicles in the BR zone and the Special Use Permit for parking and storage for new and used cars in the D.R. 16 zone covering the above captioned property.

I have been unable to speak with my client concerning the matter to obtain the exact pertinent facts and am writing this letter to you based upon information available to me at this time.

I represented the Petitioner, Albert Q. Sew and wife, requesting a reclassification of the property which was heard before the County Board of Appeals and is contained in File No. R-79-2-X. By Order dated July 11, 1979, the Board of Appeals ordered that the property in part be reclassified to BR and D.R. 16 and D.R. 3.5. The Special Exception was granted in the BR zone and the Special Use Permit for parking and storage of new and used cars was granted in the D.R. 16 zone. The aforesaid zoning was continued on the 1980 Comprehensive Zoning Map. Prior to the granting of the change in zoning and the grant of the Special Exception and the Use Permit by the Board of Appeals, the Zoning Commissioner had granted temporary change of occupancy for remodeling of the existing structure for use as offices and for the temporary use for storage of new automobiles on property

June 26, 1981
Per Mr. Dyer: Written answer not required--
Had meeting: Lichter, Hammond, Dyer.
Mr. Lichter will file change of occupancy
permit prior to Special Exception
Expiration.

*Written ans. not required, had meeting - Lichter, Hammond, Dyer -
Mr. Lichter will file change of occ. permit prior to SPX expir.*



Honorable William Hammond
Zoning Commissioner for
Baltimore County

Page 2
May 28, 1981

Re: 11404 Reisterstown Road

then zoned BL pending the final disposition in the reclassification case. The remodeling of the building was completed and the building is now being used for office purposes. It is my understanding that the paved area now surrounding the building is now being used for the storage and display of new and used vehicles, all within the BR zone. I am attempting to determine whether there has been an official Occupancy Permit granted. The Department of Permits and the Zoning Office are examining their records and will get back to me next week.

The Order of the Board of Appeals and the current Comprehensive Map (a copy of a portion of which is enclosed herewith) depicts the areas which are zoned and indicates the location of the structure which existed on the property prior to the change in zoning and which now exists on the property. The property, as it was developed before the Board of Appeals decision, is in the same status today from information available to me. The change that has taken place is that the property is now being used for the sale and display of new and used cars and an office use being made of the improvements.

My client had intended to further develop the site by using the special Exception in the rear area of the BR zone and to develop the D.R. 16 portion of the property for the storage of vehicles. Due to extremely unfavorable financial conditions, further development of the site has not occurred as of this date. My client is desirous of insuring that he will be able to continue his development plan when economic conditions permit and requests that I advise him as to the status of the authority granted by the Order of the Board of Appeals as to the Special Exception and the Use Permit for parking. I believe that my client's utilization of the property pursuant to the reclassification of the property and the Special Exception has vested the right to continue the uses permitted within the BR zone with the Special Exception as granted by the Board. I also believe that the Use Permit for parking continues to be valid and will not be affected by any time limitation which may relate to Special Exceptions.

As you may well realize, I must advise my client promptly as to the status of these items at the earliest possible date and request that you give me advice as to the status of the Special Exception and the Use Permit for parking. I enclose herewith a copy of the Board of Appeals Order for your information and review and would ask that you contact me at your earliest possible convenience.

Very truly yours,

Julius W. Lichter
Julius W. Lichter

JWL:lsp
Enclosures

RE: PETITION FOR RECLASSIFICATION : BEFORE
from B.L. and D.R. 3.5 to B.R. zone : COUNTY BOARD OF APPEALS
and SPECIAL EXCEPTION for a :
Used Car Lot : OF
SW/S Reisterstown Road 110' :
T.W of Highfalcon Road : BALTIMORE COUNTY
4th District :
Albert Q. and Jean Sew : No. R-79-2-X
Petitioners :
: : : : :
: : : : :

SUPPLEMENTAL ORDER

Whereas, the Board of Appeals is desirous of clarifying one of the restrictions that apply to the special exception and use permit previously granted by this Board's Order dated July 11, 1979, the following Restriction #3 is hereby amended as follows:

- 3. All light standards to be erected on the residentially zoned portion of the subject property shall not exceed ten (10) feet in height, and all light standards, wherever erected on the subject property, shall be so located and constructed so as to direct light away from the residentially zoned land in the Cedarmerc development.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hackett

John A. Miller

Dated: July 24, 1979