

IN THE MATTER OF
THE APPLICATION OF
9610 REISTERSTOWN ROAD LTD PARTNERSHIP
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE SOUTHWEST SIDE OF
REISTERSTOWN ROAD, 220' NORTHWEST
THE CENTERLINE OF TOBIN LANE
(9610 REISTERSTOWN ROAD)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-268-A

ORDER OF DISMISSAL

This is an appeal from a decision of the Zoning Commissioner dated March 12, 1990 which granted with restrictions the Petition for Variance on property located on the southwest side of Reisterstown Road, 220 feet northwest of the centerline of Tobin Lane known as 9610 Reisterstown Road, in the Third Election District of Baltimore County.

WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed May 21, 1990 (a copy of which is attached hereto and made a part hereof) from Counsel for Appellant/Petitioner in the above-entitled case; and

WHEREAS, said Counsel for said Appellant/Petitioner requests that the appeal filed on behalf of said Appellant/Petitioner be dismissed as of May 21, 1990,

IT IS HEREBY ORDERED this 23rd day of May, 1990 that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lynn B. Moreland
Lynn B. Moreland

Michael B. Sauer
Michael B. Sauer

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 882-3800

10227 WHICOMM CIRCLE
COLUMBIA, MARYLAND 21044
(301) 730-8477

7700 LEESBURG PIKE
TYSONS CORNER, VIRGINIA 22043
(703) 833-6510

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 821-3100

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CABLE: FRANKSGP
TELEX: 879326

118 WEST CHURCH STREET
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(301) 823-4333

6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8385

WRITER'S DIRECT NUMBER
821-3103

May 21, 1990

Baltimore County Board of Appeals
County Office Building
Room 315
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 220' NW
of the c/l of Tobin Lane
(9610 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
9610 Reisterstown Road Ltd. Part. - Petitioner
Case No. 90-268-A

Dear Sirs:

Please be advised that this firm represents the Appellant, 9610 Reisterstown Road Limited Partnership, in all matters arising out of the Appeal noted by our letter of April 10, 1990 to J. Robert Haines, Zoning Commissioner.

By this letter, on behalf of our client, we would kindly request that the above-noted Appeal currently pending before the County Board of Appeals be dismissed.

Thanking you in advance for your courtesies, should their be any difficulties with this request, I would kindly ask that you please telephone me immediately.

Sincerely,

Stuart D. Kaplow

SDK:cc

cc: J. Robert Haines, Zoning Commissioner
Mr. William Kifferly
Mr. James O'Connell

IN RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 220'
NW of the c/l of Tobin Lane
(9610 Reisterstown Road)
3rd Election District
3rd Councilmanic District
9610 Reisterstown Rd. Ltd. Part.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-268-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a second, other business sign of 234 sq.ft. total (117 sq.ft. per face) yielding a total of 544 sq.ft. of signage for the subject site in lieu of the maximum permitted 100 sq.ft. and to permit a height above street level of 45 feet in lieu of the maximum permitted 25 feet as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by William Ketterly, appeared, testified, and was represented by Stuart D. Kaplow, Esquire. Also appearing on behalf of the Petition was Richard Truelove, Engineer with APR Associates, Inc. There were no Protestants.

At the onset of the hearing, Petitioner requested an amendment to the Petition to reduce the size of the proposed second, other business sign from the requested 234 sq.ft. to 122 sq.ft., thereby resulting in a total signage for the site of 432 sq.ft.

Testimony indicated that the subject property, known as 9610 Reisterstown Road, consists of 3.65 acres split zoned B.M. and B.R.-I.M., and is the site of the Koons Lincoln, Mercury/Mercur automobile dealership. Said property was the subject matter of a previous zoning Case No. 88-162-A in which Petitioner was granted a variance for a freestanding sign of 155 sq.ft. (77.6 sq.ft. per side). Testimony indicated the Petitioner

ORDER RECEIVED FOR FILING
Date 5/23/90
By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2.f. to allow a second, other business sign of 234 square feet (117 per face) yielding a total of 544 square feet in lieu of the permitted 100 square feet (see Case 88-162-A) and 413.5.d. to allow a total height above street level of 45 feet in lieu of the maximum 25 feet of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
That strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose and render conformance unnecessarily burdensome; that the grant would do substantial injustice to petitioner as well as other property owners in district and a lesser relaxation than that applied for would not give substantial relief; and, that relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
9610 Reisterstown Road Limited Partnership
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Stuart D. Kaplow
300 E. Lombard St. (301) 625-3775
Baltimore, MD 21202
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of May, 1990, 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 106, County Office Building in Towson, Baltimore County, on the 9 day of Jan, 1990, at 2:30 o'clock P.M.

ESTIMATED LENGTH OF HEARING - 1/2 HR. (over)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: 7276 DATE 9/24/91

tioner has added a new line of cars to its dealership and is desirous of erecting an identification sign advertising that it is now a Volvo dealer. Petitioner testified the Merkur franchise is no longer active and that the existing sign for that line of automobile will be removed. The sign proposed will replace the Merkur sign and will be the same height as the other business sign advertising Ford Lincoln/Mercury. Testimony indicated the relief requested will not result in any detriment to the surrounding uses or the health, safety or general welfare of the public.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, in part, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. In the opinion of the Zoning Commissioner, the relief requested in the Petition is excessive and shall be modified in accordance with the relief set forth below.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Zoning Variance shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of March, 1990 that the Petition for Zoning Variance to permit a second, other business sign of 234 sq.ft. total (117 sq.ft. per face) yielding a total of 544 sq.ft. of signage for the subject site in lieu of the maximum permitted 100 sq.ft. and to permit a height for said sign of 45 feet above street level in lieu of the maximum permitted 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that a variance to permit a second, other business sign of 122 sq.ft. total (61 sq.ft. per face) yielding a total of 432 sq.ft. of signage for the subject site in lieu of the maximum permitted 100 sq.ft. and a height for said sign of 30 feet in lieu of the maximum permitted 25 feet, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its sign permit 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner for inclusion in the case file.

ORDER RECEIVED FOR FILING
Date 3/24/90
By [Signature]

3) The Merkur sign currently existing on the subject site shall be removed within twenty (20) days of the erection of the Volvo sign at issue herein.

4) Petitioner shall perform, construct and provide any street side improvements requested by the Deputy Director of the Office of Planning and Zoning for the Reisterstown Road improvements as shown in the Baltimore County Community Plans.

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

6) Petitioner shall comply with all requirements as set forth in the Zoning Plans Advisory Committee comments which have been adopted in their entirety and made a part of this Order.

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 3/24/90
By [Signature]

DESCRIPTION OF PROPERTY
9610 REISTERSTOWN ROAD
THIRD ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the Southwest side of Reisterstown Road, 66 feet wide, and at the beginning of the first line of a parcel of land which by Deed dated March 3, 1978 and recorded among the Land Records of Baltimore County in Liber 5863, page 467 was conveyed by Morris Lindenbaum and wife to Kenneth M. Sprafkin and Susan C. Sprafkin, his wife, and Paul Lichtenstein and Phyllis T. Lichtenstein, his wife; thence running from said point of beginning along the Southwest side of Reisterstown Road and binding along said first line and continuing the same course along the last line of a parcel of land described in Exhibit "A", in the Declaration of Restriction, by Morris Lindenbaum and Rebecca Lindenbaum, his wife, dated March 3, 1978 and recorded in Liber 5863, page 556; in all, South 48 degrees 51 minutes 05 seconds East 310.00 feet; thence leaving Reisterstown Road and binding along the first and second lines in said Exhibit "A", South 41 degrees 08 minutes 55 seconds West 150.00 feet and South 48 degrees 51 minutes 05 seconds East 40.03 feet to intersect the Northerly side of 30 foot wide private road known as Tobin Lane; thence binding thereon the following four courses and distances: (1) South 87 degrees 54 minutes 55 seconds West 139.87 feet (2) South 76 degrees 35 minutes

7427 harford road ballmore, md. 21234 tel: 301 444 4312

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

MEMORANDUM

TO: J. Robert Haines
FROM: Stuart D. Kaplow
RE: Koons Volvo Signage
Case No. 90-268-A
DATE: May 21, 1990

With respect to certain difficulties that have arisen with respect to erecting the proposed Volvo sign at the Koons Volvo location known as 9610 Reisterstown Road, Baltimore County, Maryland, please be advised:

1. That on Friday, May 1st, 1990, I met with Pat Keller with respect to the issues surrounding landscaping and specifically, Pat agreed to certain language to be affixed to the face of the landscape plan prepared by William F. Kervin, Inc. (Note: I have attached an original landscape plan initialed by Pat both on the face of the plan and on the language affixed thereto).
2. I have this date transmitted to Avery Hardin a separate original copy of the landscape plan with the language approved by Pat Keller affixed.
3. I have earlier this date hand filed with the County Board of Appeals a letter dismissing the Appeal that I noted on behalf of my client with respect to Case No. 90-268-A. I have attached a copy of that Letter of Dismissal.
4. It is my intention to file today a Petition for Special Hearing asking that you approve the modifications of certain conditions and restriction imposed in Case No. 90-268-A in the Order of March 12, 1990. I have attached three (3) original Petitions and the requisite number of copies of a plat to accompany the Petition, a set of and bounds description of the property, and a 200 scale zoning map depicting the property.
5. It is my understanding that I will be able to obtain today the "zoning office approval" necessary for issuance of the permit for the Volvo sign that is the subject of these Petitions. (Note: that despite it a typographical error on the face of the earlier Order, resulting in an inconsistency between the number of square feet described in the Order and



90-268

APPEAL

Petition for Zoning Variance
SW/S Reisterstown Road, 220' NW of the c/l of Tobin Lane
(9610 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
9610 Reisterstown Road Limited Partnership - Petitioner
Case No. 90-268-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1. Plat to accompany Variance Petition
2. Drawing of Sign
3. Two photographs of Volvo Sign
4. Tax Map
5. & 6. Photographs of signs

Zoning Commissioner's Order dated March 12, 1990 (Granted with restrictions)

Notice of Appeal received April 10, 1990 from Stuart D. Kaplow, Attorney on behalf of the Petitioner

cc: James Koons - 9610 Reisterstown Road Ltd. Partnership
6701 Rockledge Drive, Bethesda, Maryland 20817

William Ketterly - 9610 Reisterstown Road, Baltimore, MD 21117

Richard Truelove, APR Associates Inc.
7427 Harford Road, Baltimore, MD 21234

Stuart D. Kaplow - Frank, Bernstein, Conaway & Goldman
Suite 630, 210 West Pennsylvania Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
RM 304, County Office Bldg., Towson, Md. 21204

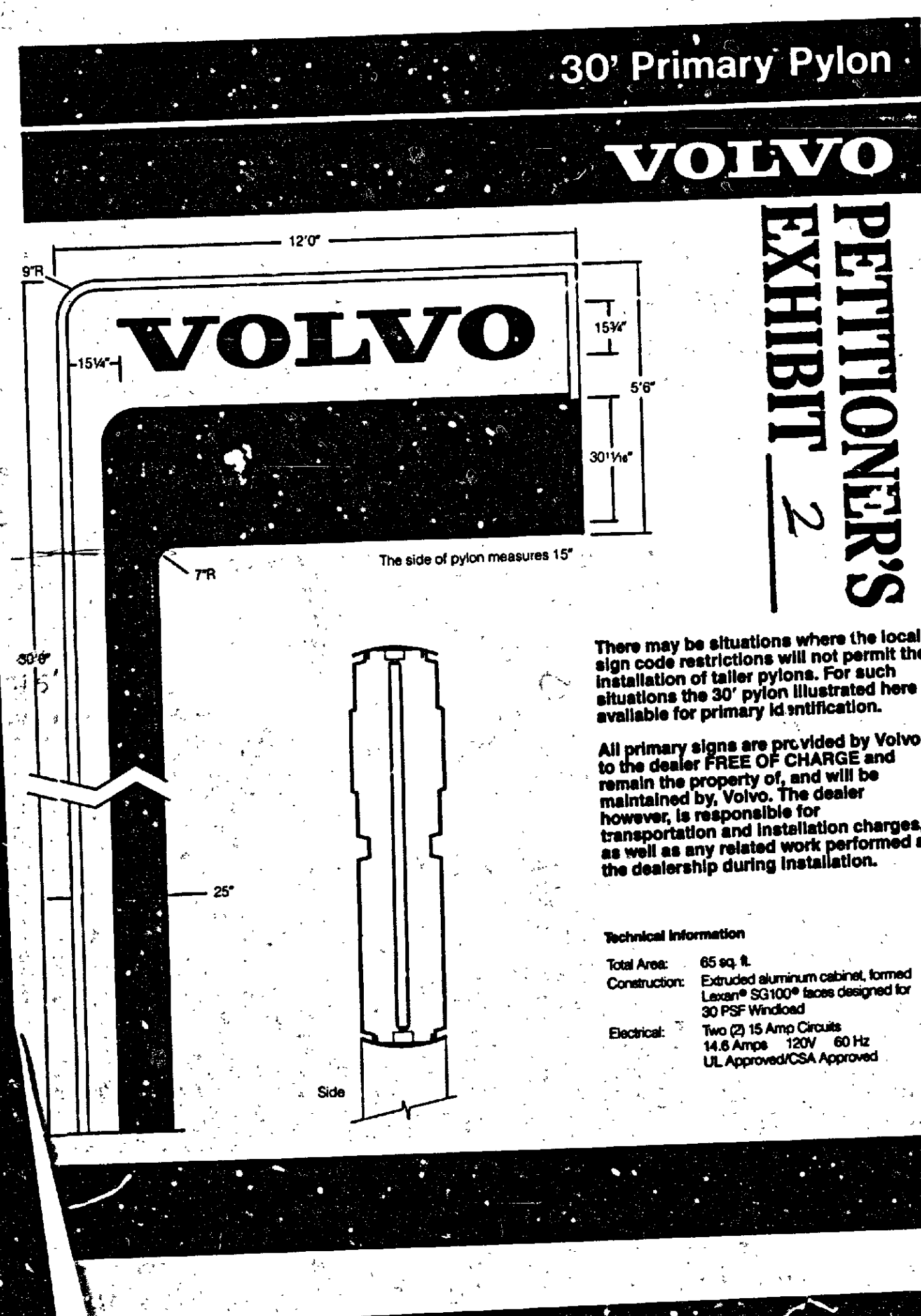
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Mastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Sablon, County Attorney

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

Petitioner's Exhibit 2 which is expressly referenced, the proposed sign both in the Plat submitted to accompany the Permit application and in the plat to accompany the Petition for Special Exception are photo reproductions of the relevant portions Petitioner's Exhibit 2 depicting the sign.)

It is my intention to physically walk the Permit Application through such that I might obtain the Permit for the sign later today. Should there be any difficulties with the tasks outlined above or should such not be acceptable to you, I would kindly request that you please telephone my office immediately.

SDK



There may be situations where the local sign code restrictions will not permit the installation of taller pylons. For such situations the 30' pylon illustrated here is available for primary identification.

All primary signs are provided by Volvo to the dealer FREE OF CHARGE and remain the property of, and will be maintained by, Volvo. The dealer, however, is responsible for transportation and installation charges, as well as any related work performed at the dealership during installation.

Technical Information
Total Area: 65 sq. ft.
Construction: Extruded aluminum cabinet, formed Laser® 5010P face designed for 30 PSF Windload
Electrical: Two (2) 15 Amp Circuits
14.4 Amps - 120V - 60 Hz
UL Approved/CSA Approved

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No 2122

Date: 4/13/90
Account: R-001-6150
Number
APPEAL FEES
140 - OF ALL OTHER ORDERS 1 X \$125.00
150 - POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$150.00
LAST NAME OF OWNER: NINETY-SIX TEN

Customer Validation: 8 047*****150001a 5138F
Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd
Posted for: Appeal Date of Posting: April 30, 1990
Petitioner: 9610 Reisterstown Road Limited Partnership
Location of property: SW/S Reisterstown Road, 220' NW of c/l of Tobin Lane (9610 Reisterstown Road)
Location of Sign: In front of subject property 9610 Reisterstown Road
Remarks: Posted by: S.J. Rosta Date of return: May 3, 1990
Number of Signs: 1

Plasti-Line, Inc.

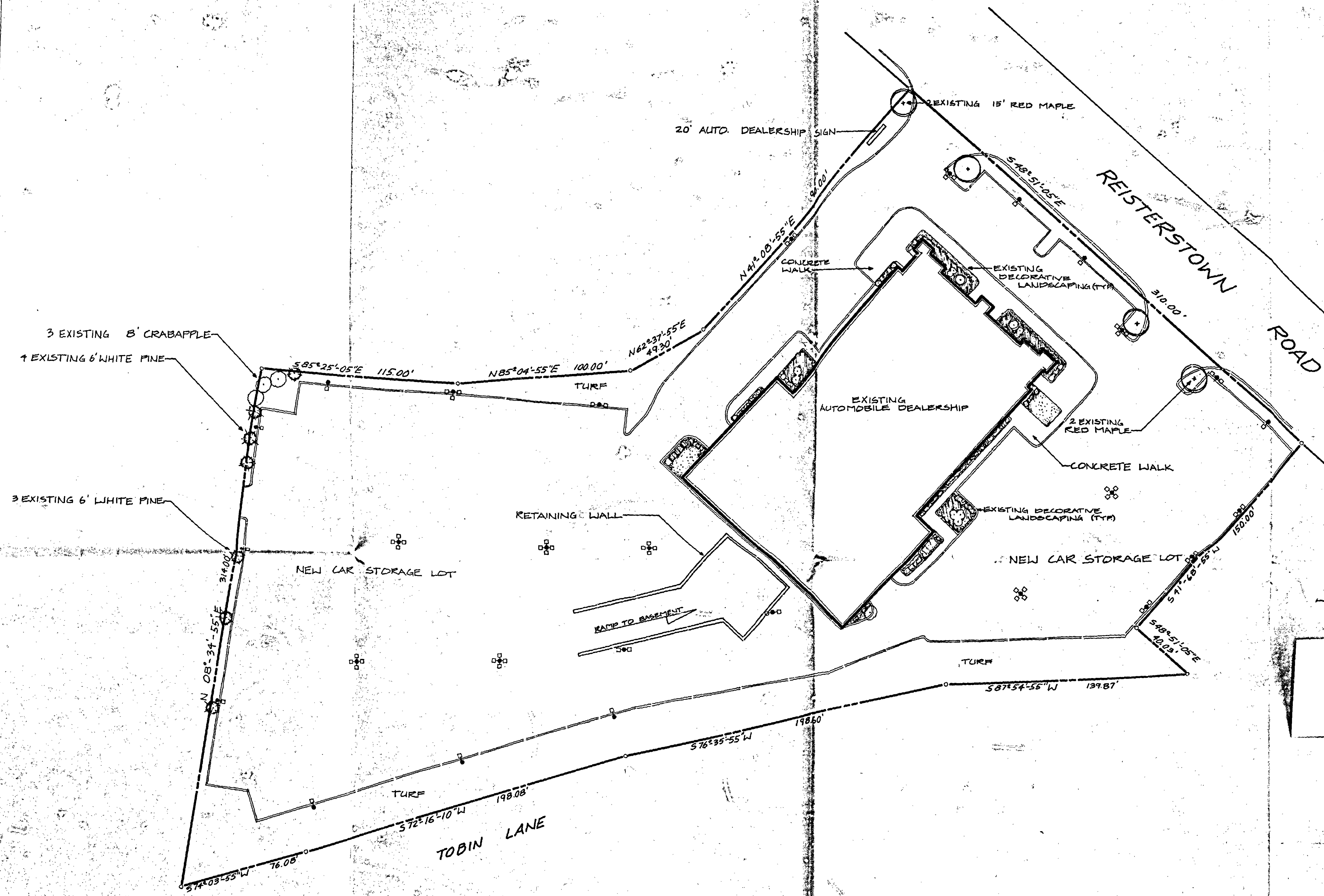
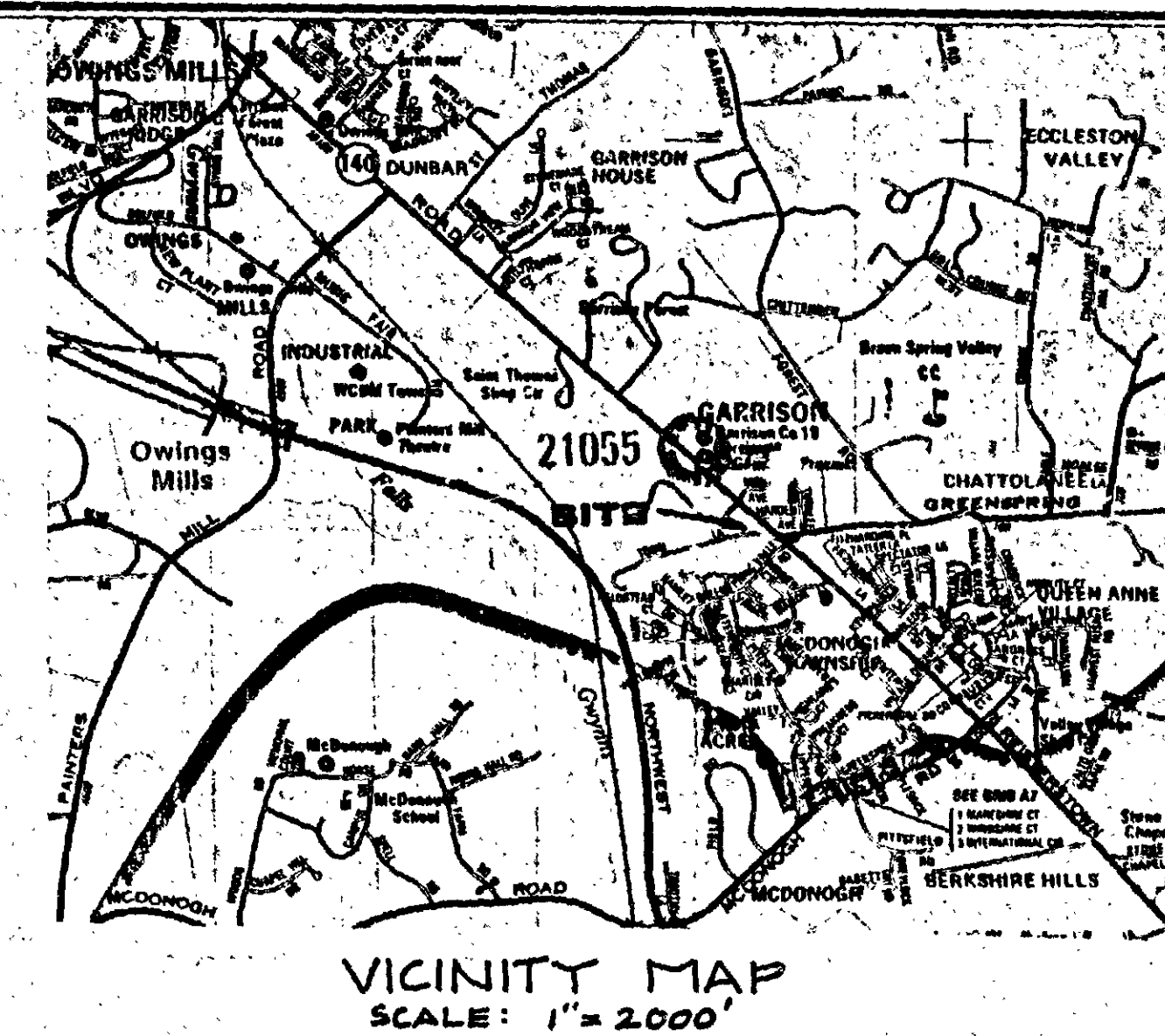
Photo Card

623 E. Emory Road
Post Office Box 5005
Knoxville, Tennessee 37928-0005
(615) 526-1511

Customer
Street Address
City / State



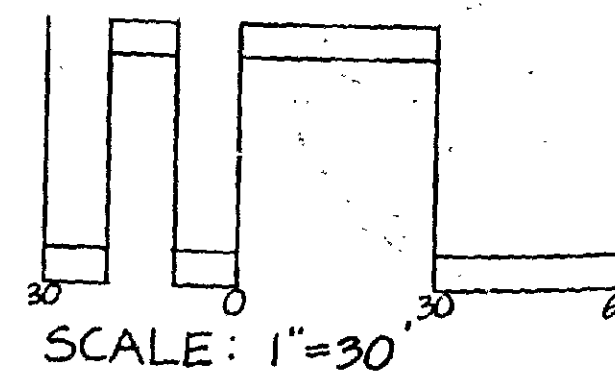
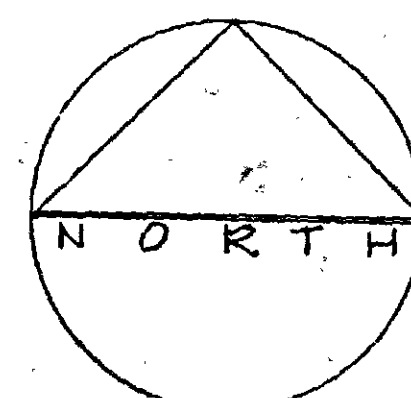
PETITIONER'S
EXHIBIT 3



CASE NO. 90-268-A

Incident to the granting of the variance to permit a business other sign of one hundred thirty (130) square feet (65 square feet per face) for the subject property, the Petitioner has agreed that at such time as a streetscape plan is adopted for the planned Middle Reisterstown Road Corridor Study, the Petitioner shall provide such landscaping improvements on the subject property as may be required by the Deputy Director of the Office of Planning and Zoning in compliance with that streetscape plan.

OK AFB 5/18/90
OK AFB 5/18/90
[Signature]
ATTEST: REISTERSTOWN

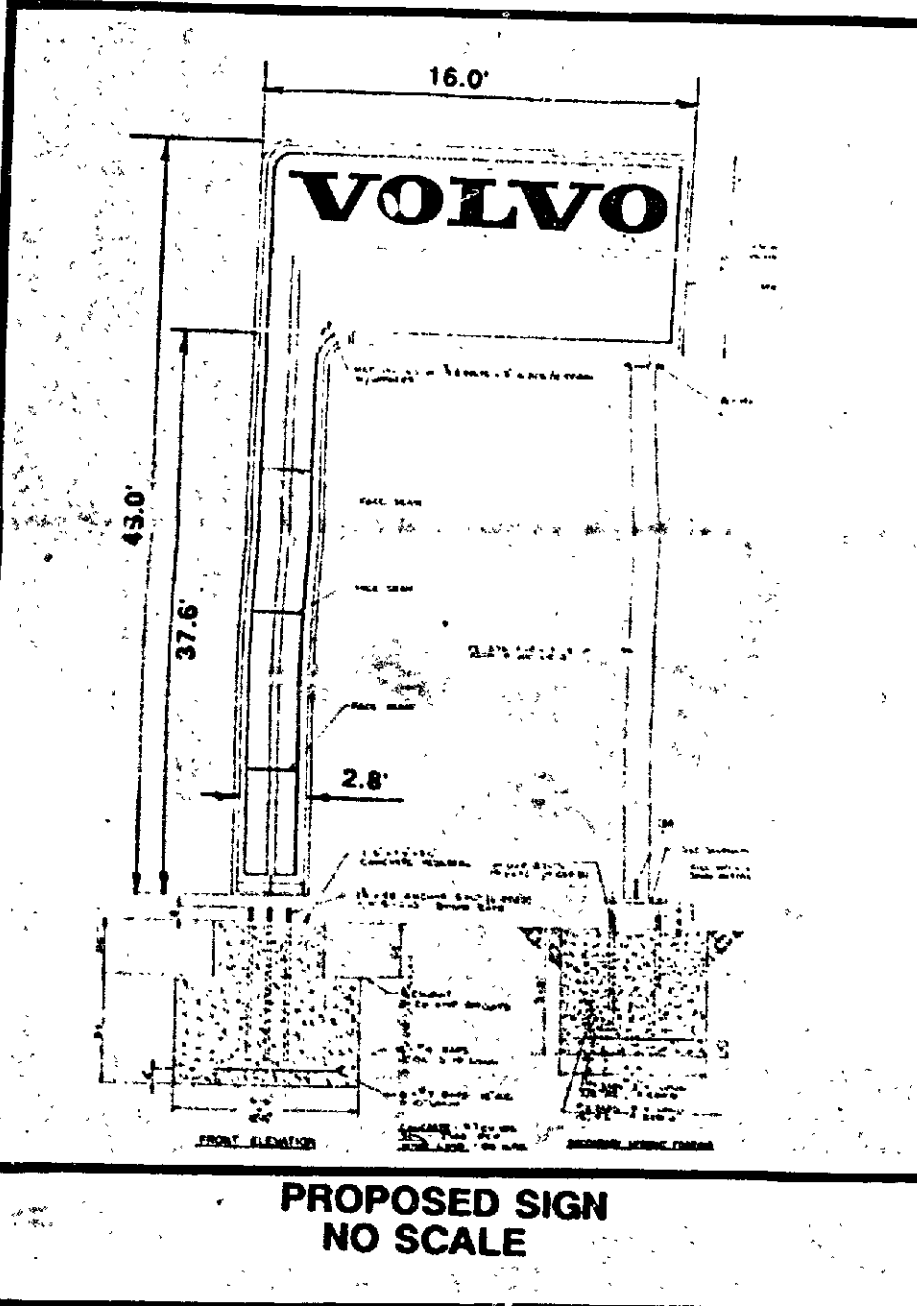
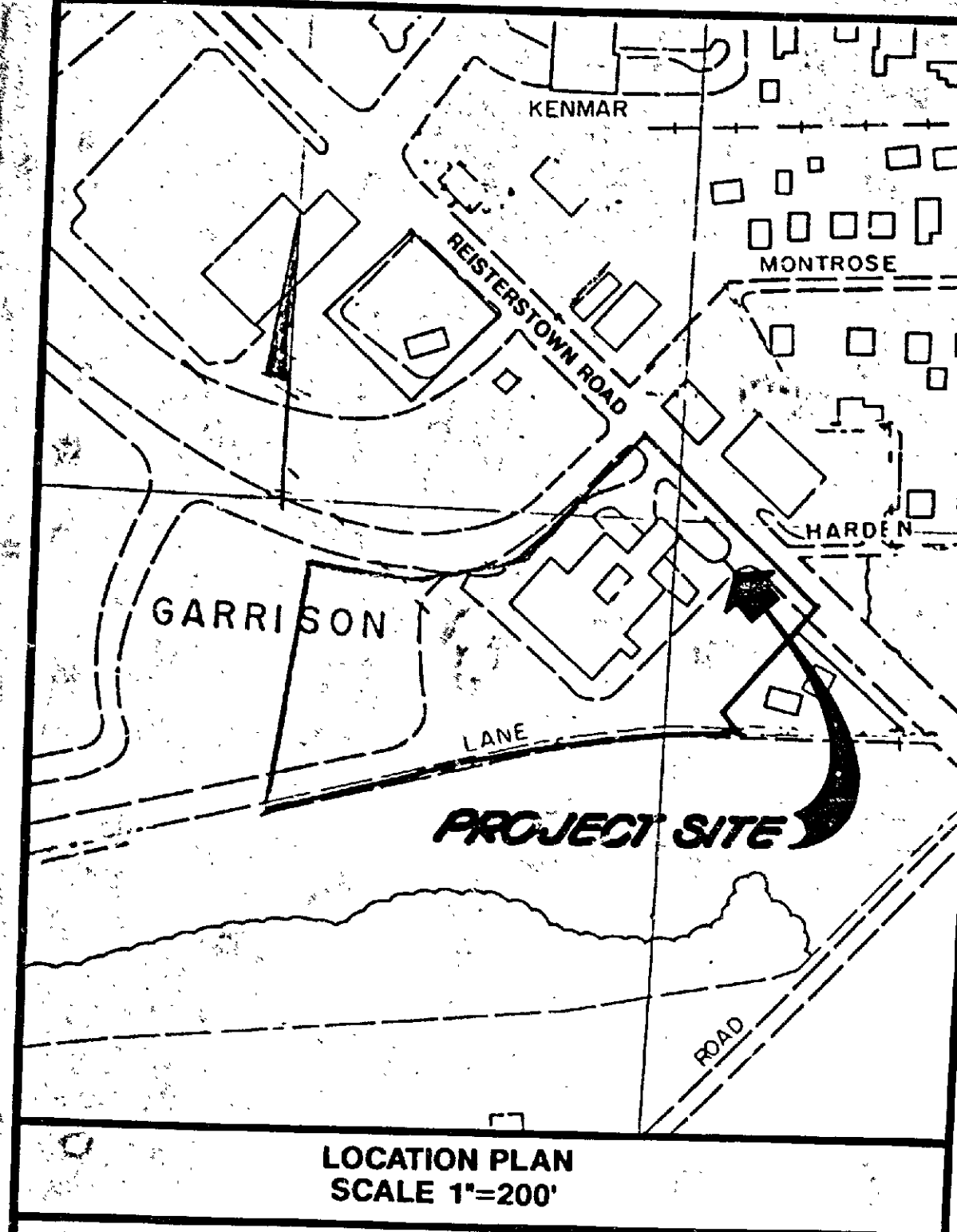


KOONS LINCOLN-MERCURY

9610 REISTERSTOWN ROAD

THIRD ELECTION DISTRICT, BALTIMORE COUNTY MARYLAND

WFK WILLIAM F. KIRWIN, INC.
Land Planning/Landscape Architecture
28 E. Susquehanna Avenue
Towson, MD 21204
Phone 301/337-0075



GENERAL NOTES

1. Site Zoning: BM, BR-IM
2. Site Area: 3.65 Acres ±
3. Offstreet Parking Data:

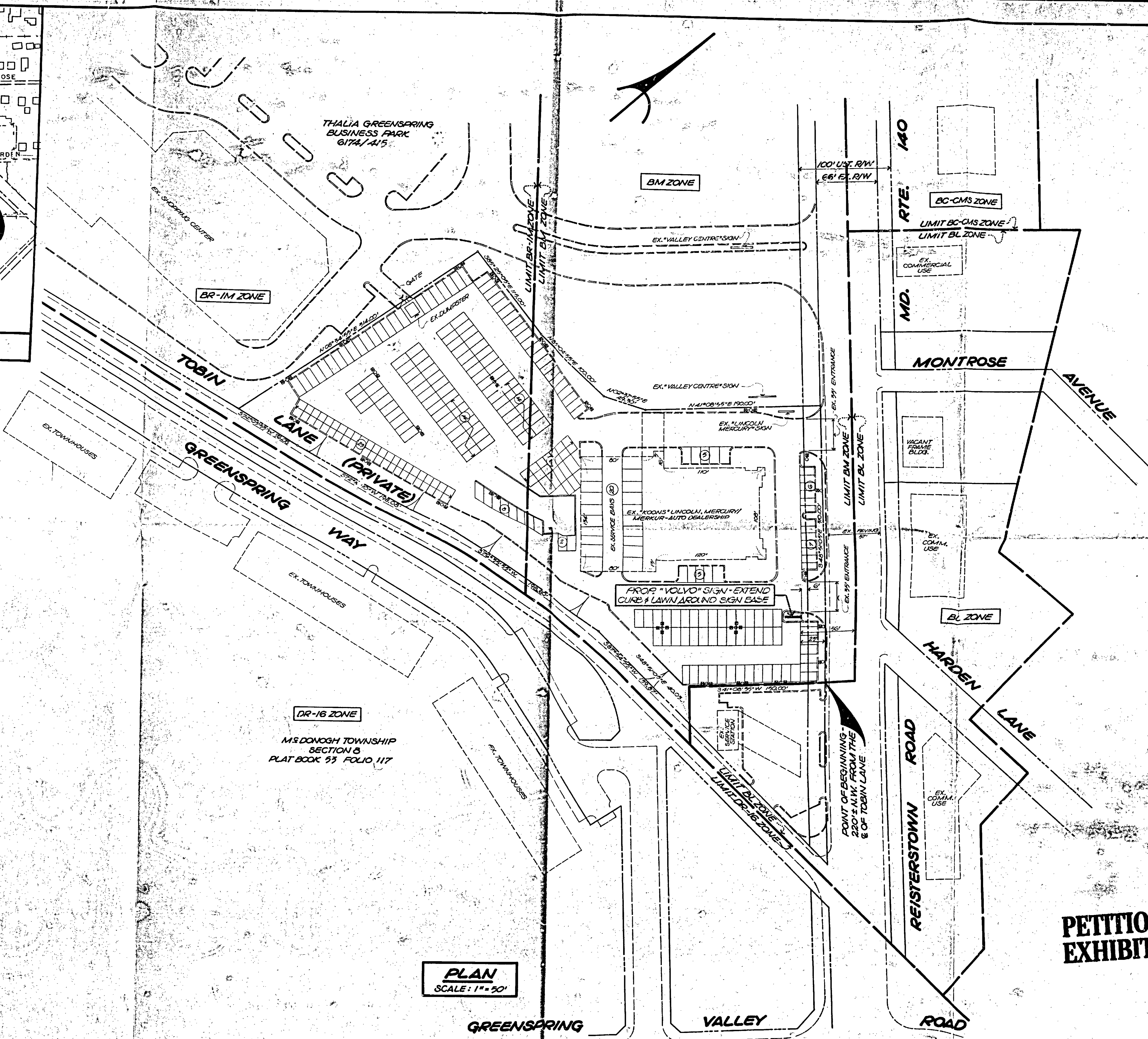
REQUIRED	PROVIDED
Showroom: 4370 sq. ft. @ 5/1000 = 21.6 spaces	Mon-blocked spaces: 91
Sales Offices: 2442 sq. ft. @ 5/1000 = 12.2 spaces	Outside: 20
Parts: 4380 sq. ft. @ 5/1000 = 21.9 spaces	Service Bays: 111
Business Offices: 7265 sq. ft. @ 3.3/1000 = 24.0 spaces	
Shop Area: 9450 sq. ft. @ 3.3/1000 = 28.6 spaces	
	Required Parking = 111 spaces

All paved surfaces are bituminous concrete.

Denotes site lighting - 25' sized poles with 1.7, or 4 square down lights on each pole.

Denotes number of non-blocked customer parking spaces.

4. All paved areas are surrounded by existing curb.
5. All utilities are existing.
6. Fire hydrant spacing meets the requirements of the Baltimore County Design Manual.
7. Screening conforms with the approved Site Development Plan.
8. Previous zoning variance: 88-162 A to allow a sign 15' s.f. per side and 35' in height.



PLAN
SCALE: 1"=50'

PETITIONER'S EXHIBIT 1

90-268-A
114

PLAT TO ACCOMPANY VARIANCE PETITION
KOONS LINCOLN MERCURY / MERKUR
9310 REISTERSTOWN ROAD
THIRD ELECTION DISTRICT, THIRD COUNCILMANIC DISTRICT, BALTIMORE COUNTY, MARYLAND
SCALE AS SHOWN
SEPTEMBER 11, 1989

APR
APR ASSOCIATES, INC.
107 HANOVER ST., BALTIMORE, MD 21201
707 HANOVER ST., BALTIMORE, MD 21201

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: Pat Keller, Deputy Director, Office of Planning and Zoning
SUBJECT: 9610 Reisterstown Road Limited Partnership, Item 114
Zoning Petition No. 90-268

DATE: January 8, 1990

Staff has met with Stuart Kaplow to discuss the office's comment regarding the above-referenced property. Mr. Kaplow agreed that his client would be willing to modify the size of the requested sign. Staff has reviewed specifications for three standard Volvo signs and finds the small-faced 30' primary pylon to be the most acceptable sign.

Based on the additional information provided, staff supports the petitioner's request for a Variance subject to the following:

- The sign shall be limited to the small-faced 30' primary pylon sign. (See attached)
- The petitioner shall submit a landscape plan for approval to the Director of the Office of Planning and Zoning prior to the issuance of any future building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat
90268.SUP/ZAC1

LAW OFFICES
FRANK, BERNSTEIN, CONAWAY & GOLDMAN

300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21204
(301) 828-3200
1007 WINDMILL CIRCLE
COLUMBIA, MARYLAND 21046
(301) 700-8877
3700 LEEBURN PIKE
TYSONS CORNER, VIRGINIA 22043
(703) 893-4870

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 821-3100
FACSIMILE: (301) 821-3118
CABLE: FRANKSG
TELE: 87939

18 WEST CHURCH STREET
FREDERICK, MARYLAND 21701
(301) 483-3333
6701 DEMOCRACY BOULEVARD
BETHESDA, MARYLAND 20817
(301) 897-8555

WRITER'S DIRECT NUMBER
821-3103

April 10, 1990

J. Robert Haines, Zoning Commissioner
Office of Planning and Zoning
111 W. Chesapeake Avenue
TOWSON, MD 21204

Re: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Road, 220' NW
of the c/l of Tobin Lane
(9610 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
9610 Reisterstown Road Ltd. Part. - Petitioner
Case No. 90-268-A

Dear Commissioner Haines:

Please note an appeal on behalf of 9610 Reisterstown Road Limited Partnership, the Petitioner, of the "restrictions and conditions precedent" to the relief granted only, in the decision on the Petition for Zoning Variance in the above-captioned matter, as determined in a decision dated March 12, 1990. (This appeal is not of the decision with respect to the granting of the Variance, but only with respect to the issue of the restrictions and conditions precedent to the relief granted.)

Find enclosed my check payable to Baltimore County, Maryland in the amount of One Hundred Fifty Dollars (\$150.00) as payment of the appeal fee and assignment fee. I would ask that you please forward the file and all requisite papers to the Baltimore County Board of Appeals.

Thanking you in advance for your courtesies, should there be any difficulty with this request, I would kindly request that you please telephone me immediately.

Very truly yours,

Stuart D. Kaplow

SDK:cc
cc: Baltimore County Board of Appeals

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
11th day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Stuart D. Kaplow
Chairman,
Zoning Plans Advisory Committee

Petitioner: 9610 Reisterstown Road Ltd Partnership, et al
Petitioner's Attorney: Stuart D. Kaplow

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: Pat Keller, Deputy Director, Office of Planning and Zoning
SUBJECT: 9610 Reisterstown Road Limited Partnership, Item 114
Zoning Petition No. 90-268

DATE: December 27, 1989

The Petitioner requests a Variance to permit a second other business sign of 234 sq. ft. (117 per face) yielding a total of 544 sq. ft. in lieu of the permitted 100 sq. ft. (see Case 88-624); and 413.5 sq. ft. to allow a total height above street level of 45 ft. in lieu of the maximum.

In reference to this request, staff provides the following information:

- A field inspection of this site revealed that clear and sufficient visibility is available to this site from both directions along Reisterstown Road.
- The proposed sign in terms of area and height is clearly excessive.
- Staff receives frequent complaints concerning excessive signage along principle arterials and believes the instant case would further exacerbate the visual clutter on Reisterstown Road.

Based on the site inspection and the information provided, staff recommends the Petitioner's request be denied because the current circumstances provide for more than adequate signage in most circumstances.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 25, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S Reisterstown Road, 220' NW of the c/l of Tobin Lane
(9610 Reisterstown Road)
3rd Election District, 3rd Councilmanic District
9610 Reisterstown Road Ltd. Partnership - Petitioner
Case No. 90-268-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 10, 1990 by Stuart D. Kaplow. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: James Koons - 9610 Reisterstown Road Ltd. Partnership
6701 Rockledge Drive, Bethesda, Maryland 20817

William Ketterly - 9610 Reisterstown Road, Baltimore, MD 21117

Richard Truelove, AFR Associates Inc.
7427 Harford Road, Baltimore, MD 21234

Stuart D. Kaplow - Frank, Bernstein, Conaway & Goldman
Suite 630, 210 West Pennsylvania Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 28, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
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

Stuart D. Kaplow, Esquire
Frank, Bernstein, Conaway & Goldman
300 E. Lombard Street, Suite 1700
Baltimore, MD 21202

RE: Item No. 114, Case No. 90-268-A
Petitioner: 9610 Reisterstown Road Ltd, et al
Petition for Zoning Variance

Dear Mr. Kaplow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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 of plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman,
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Jim Koons
9610 Reisterstown Road Ltd Partnership
6701 Rockledge Drive
Bethesda, MD 20817

SHA
Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 16, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Baltimore County
Koons Lincoln Mercury
Zoning meeting 10/10/89
S/S Reisterstown Road
MD 140
220' west of Tobin
Lane
Item #114

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a second business sign of 234 square feet (117 per face), yielding a total of 544 square feet in lieu of the permitted 100 square feet, and to allow a total height above street level of 45' in lieu of the maximum 25', we have forwarded this plan to our Highway Beautification Section c/o Mary Benner (333-1642), for all comments relative to zoning.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: APR Associates Inc.
Mr. J. Ogle
Ms. Mary Benner w/att.

RECEIVED
OCT 19 1989

ZONING OFFICE

My telephone number is (301) 333-1350

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-C717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RECEIVED
NOV 16 1989

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 110, 111, 112, 113, 114, 115, 116, 117, and 118.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2036
(301) 887-4500

OCTOBER 10, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Property Owner: 9610 REISTERSTOWN ROAD LIMITED PARTN.
Location: SW/S OF REISTERSTOWN ROAD
Item No.: 114 Zoning Agenda: OCTOBER 10, 1989

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Ch. [Signature]* Noted and Approved
Planning Group *Ch. [Signature]* Fire Prevention Bureau
Special Inspection Division

JK/KEK

OCT 10 1989

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353

November 30, 1989

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-268-1
SW/S of Reisterstown, 220' W c/l of Robin Lane
9610 Reisterstown Road
3rd Election District - 3th Councilmanic
Petitioner(s): 9610 Reisterstown Road
HEARING SCHEDULED: TUESDAY, JANUARY 9, 1990 at 9:30 a.m.

Variance to allow a second, other business sign of 234 square feet (117 per face) yielding a total of 544 square feet in lieu of the permitted 100 square feet (see case 88-162-3) and to allow a total height above street level of 45 feet in lieu of the maximum 25.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: 9610 Reisterstown Road LTD Part.
Stuart D. Kaplow, Esq.
File



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353

DEC 12 1989

DATE:

9610 Reisterstown Road Limited Partnership
6701 Rockledge Drive
Baltimore, Maryland 21217



Dennis F. Rasmussen
County Executive

Re:
Petition for Zoning Variance
CASE NUMBER: 90-268-1
SW/S of Reisterstown, 220' W c/l of Robin Lane
9610 Reisterstown Road
3rd Election District - 3th Councilmanic
Petitioner(s): 9610 Reisterstown Road
HEARING SCHEDULED: TUESDAY, JANUARY 9, 1990 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that 1/02/90 is due for advertising and posting of the above captioned property.

THE FEE MUST BE PAID AND THE SIGNING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE CASE SHALL BE FORFEIT. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post sign(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 105, Towson, Md., and fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Stuart D. Kaplow, Esq.
File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 8, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: 9610 Reisterstown Road Limited Partnership, Item 114
Zoning Petition No. 90-1-8

Staff has met with Stuart Kaplow to discuss the office's comment regarding the above-referenced property. Mr. Kaplow agreed that his client would be willing to modify the size of the requested sign. Staff has reviewed specifications for three standard Volvo signs and finds the small-faced 30' primary pylon to be the most acceptable sign.

Based on the additional information provided, staff supports the petitioner's request for a Variance subject to the following:

The sign shall be limited to the small-faced 30' primary pylon sign. (see attached)

The petitioner shall submit a landscape plan for approval to the Director of the Office of Planning and Zoning prior to the issuance of any future building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

90268.SUP/2AC1

