

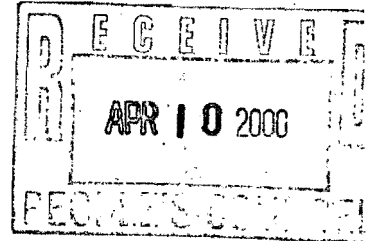
4/4/00

IN RE: PETITION FOR VARIANCE
SW/S Reisterstown Road 236' +/- NW
centerline High Falcon Road
4th Election District
3rd Councilmanic District
(11406 Reisterstown Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* CASE NO. 00-338-A

Joel Gorman & Donald Gorman
Petitioners



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Joel Gorman and Donald Gorman. The variance request is for property located at 11406 Reisterstown Road, which property is zoned BM. The variance is from Section 450.4.5.d of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a wall mounted sign of 70 sq. ft. on a wall without a customer entrance in lieu of the permitted 0 sq. ft. and to permit a canopy sign of 70 sq. ft. on a wall without a customer entrance in lieu of the 0 sq. ft. sign.

Appearing at the hearing on behalf of the variance request were Paul Lee, professional engineer, who prepared the site plan of the property, Drew Salvo, appearing on behalf of Salvo Auto Parts and Patricia Malone and David Karceski, attorneys at law, with Venable, Baetjer & Howard.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.2297 acres, more or less, zoned BM. The subject property is the site of a small retail strip shopping center located on the south side of Reisterstown Road, south of Nicodemus Road. Salvo Auto Parts operates a retail auto parts store at this location, located within a 7,200 sq. ft. building. At the present time, they have no signage on the building itself. It is their intention to add a canopy around the front and north side of the subject building itself.

DATE 4/4/00
BY J.R. Gorman

On the outside of the canopy will exist a "Salvo Auto Parts" sign consisting of 70 sq. ft., with one located on the front side of the building and one on the north side of the building. On the south side of the building, the Petitioner proposes to install on the building itself a "Salvo Auto Parts" sign, which will consist of 200 sq. ft. The size of these signs themselves are permitted by the Zoning Regulations, however, they must be situated on a façade that contains a customer entrance. There is no customer entrance on the north side of the retail building and only a customer emergency exit on the south side of the retail building. Therefore, while the size of the signs are appropriate, the requested relief is generated because there is no customer entrance on either of those building façades. The signs will help to identify this particular building as home to the Salvo Auto Parts, and will assist customers in finding this location.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will

4/4/00
R. J. [Signature]

unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 4th day of April, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 450.4.5.d of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a wall mounted sign of 70 sq. ft. on a wall without a customer entrance in lieu of the permitted 0 sq. ft. and to permit a canopy sign of 70 sq. ft. on a wall without a customer entrance in lieu of the 0 sq. ft. sign, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date 4/4/00
By J.R. [Signature]

TMK:raj



Petition for Variance

CD/PMZ
review

to the Zoning Commissioner of Baltimore County

for the property located at 11406 Reisterstown Road

which is presently zoned BM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, 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 for a Variance from Section(s)

variance from B.C.Z.R. Section 450.4.5.d to permit a wall-mounted sign of 70 square feet on a wall without a customer entrance in lieu of the permitted 0 square foot sign, and to permit a canopy sign of 70 square feet on a wall without a customer entrance in lieu of the permitted 0 square foot sign.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

to be determined at the hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Joel Gorman

Name - Type or Print

Signature

Donald Gorman

Name - Type or Print

Signature

112 Sherwood Avenue 410-484-2289

Address Telephone No.

Baltimore MD 21208

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hrs.

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 2-15-00

Case No. 00-338-A



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

March 1, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED MAR 03 2000

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 28, 2000

Item No.: See Below

Dear Ms. Stephens:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

343, 344, 345 (LOT 700 8c), 341, 342, 339, 340, 338, 336, AND 347

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: March 8, 2000
SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 28, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
333	Owings Park Apartments
334	8757 Mylander Lane
335	Liberty Road/Offut Road
338	11406 Reisterstown Road
339	12423 Eastern Avenue
340	6,8,14,16 Al-Hannah Circle
346	2749 Rolling Road
347	1055 West Joppa Road
320	14-28 Melrose Avenue



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 3.1.00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 338 JJS

RECEIVED MAR 06 2000

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

in Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
11406 Reisterstown Road (Salvo Auto Parts), SW/S
Reisterstown Rd, 236' +/- NW of c/l High Falcon Rd
4th Election District, 3rd Councilmanic

Legal Owner: Joel Gorman and Donald Gorman
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
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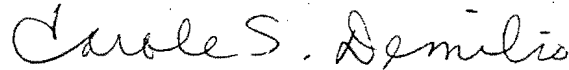
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN