IN RE: PETITIONS FOR SPECIAL,
EXCEPTION AND HEARING
W/S York Road, 1640' NW
of Industry Lane
8th Election District
3rd Councilmanic District
(10260 York Road, Lot 1)
and
(10240 York Road, Lot 2)

Frankel Cadillac Land Rover Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NOS. 01-288-SPHX and 01-289-SPH

ጥ

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of combined Petitions for a Special Hearing and a Special Exception filed by the legal owner of the two adjacent properties, Frankel Cadillac Land Rover, which petitions were filed by Robert A. Hoffman, attorney at law, representing the owner of the property. In Case No. 01-288-SPHX, the Petitioner is requesting a special exception to permit a service garage in a ML zone, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). That special exception relief involves property with a street address of 10260 York Road (Lot 1). In Case No. 01-289-SPH, the Petitioner is requesting a special hearing to amend the previously approved site plan which was approved in Case No. 99-350-SPHA. That case involves property located at 10240 York Road (Lot 2). Both properties are adjacent to one another and are owned by the same owner. The relief requested and the improvements to be made to the properties are more particularly shown on the site plans which were submitted into evidence in each respective case.

Appearing at the public hearing concerning these requests were Robert Giroux, Executive Vice-President of Frankel Automotive Group, Dean Hoover, professional engineer with Morris & Ritchie Associates, Inc., the engineering firm who prepared the site plans of the property and

3/5/01 3/5/01 David Karceski, attorney at law, appearing on behalf of Robert A. Hoffman. There were no others in attendance.

Testimony and evidence indicated that the properties, which are the subject of these hearing requests, came before Zoning Commissioner Schmidt in Case Nos. 99-349-SPHXA and 99-350-SPHA. Commissioner Schmidt approved the relief requested in those cases to allow the Petitioner, Frankel Cadillac Land Rover to develop the properties as they exist today. The marketing plans of Frankel Cadillac Land Rover have been amended and the Petitioner wishes to alter the development of the two lots in accordance with the site plans that were filed in these cases before me. In short, the Petitioner proposes to replace the used car dealership that is currently operating on Lot 1 with a proposed new Land Rover dealership. The details of this modification are shown on the site plan submitted into evidence. On Lot 2, the Petitioner proposes to remove the existing sales trailer on that lot and replace it with a 5,512 sq. ft. addition which is to be constructed and attached to the existing automobile dealership on Lot 2. The details of those modifications are shown on the site plan submitted into evidence. In order to proceed with the modifications to this automobile sales facility, the special hearing relief is necessary to approve the modifications and the special exception request to allow a service garage on properties zoned ML-IM for Lot 1 is also necessary.

As to the special hearing relief, I find that the Petitioner's request to modify the previously approved site plans should be granted. After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this

particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

y or general wellars, and mosts the spirit and mont of the B.C.Z.N.

As to the special exception request to allow a service garage use on property zoned ML-IM, I find that the Petitioner's request should also be granted. The testimony and evidence demonstrated that the Petitioner not only has satisfied the requirements of Section 502.1 of the

B.C.Z.R., but also Section 253.2.B.3. Therefore, the special exception shall be approved.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _/5 day of March, 2001, that the special hearing relief to amend the previously approved site plan in Case No. 99-349-SPHXA for property located at 10260 York Road (Lot 1), be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the special exception to permit a service garage in the ML-IM zone, pursuant to Section 253.2.B.3 of the B.C.Z.R., for property located at 10260 York Road (Lot 1), be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the special hearing relief to amend the previously approved site plan in Case No. 99-350-SPHA, for property located at 10240 York Road (Lot 2), be and is hereby APPROVED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

March 15, 2001

Robert A. Hoffman, Esquire David Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

> RE: Petitions for Special Exception & Hearing Case No. 01-288-SPHX & 01-289-SPH Property: 10240 & 10260 York Road

Dear Messrs. Hoffman & Karceski:

Enclosed please find the decision rendered in the above-captioned cases. The Petitions for Special Exception and Special Hearing have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Auntly Hotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

C: Richard L. Giroux, Executive Vice-President Frankel Cadillac Land Rover 201 Reisterstown Road Baltimore, MD 21208

Dean Hoover, P.E. Morris & Ritchie Associates, Inc. 110 West Road Towson, MD 21204



Census 2000



For You, For Baltimore County



Census 2000





HUR ROGNED FOR FILMS

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	10240	York	Road	(Lot	2)		
which is presently zoned BR							

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the site plan previously approved in Case No. $99-350-\mathrm{SPH}\,\text{A.}$

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

I, or we, agree to pay expenses of above Special Hearing, 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 de perjury, that I/we are is the subject of this	the legal owne	, under th r(s) of the	e penalties of property which
Contract Purchase	er/Lessee:		Legal Owner(s):			
			Frankel Cadill	ac Land Ro	ver	
Name - Type or Print			Name - Type or Print			
			By:			
Signature			Signature Richard	L. Giroux,	Execu	tive V-P
				<u> </u>	Franke	el Automotive
Address		Telephone No.	Name - Type or Print		Group	
City	State	Zip Code	Signature			
Attornev For Petiti	oner:		201 Reistersto	wn Road	(410)	484-8800
Robert A. Hoffma			Address Baltimore,	MD		Telephone No. 21208
Name - Type or Printy		_	City		State	Zip Code
Signature Signature			<u>Representative</u>	to be Conta	cted:	
Venable, Baetje	r and Howard, LL	P	Robert A. Hofn	nan		
Company			Name			
210 Allegheny A	venue (410) 4	94-6200	210 Allegheny	Avenue	410-	494-6200
Address		Telephone No.				Telephone No.
Towson,	MD	21204	Towson,	MD		21204
Gity 7	State	Zip Code	City		State	Zip Code
4			<u>OF</u>	FICE USE C	NLY	
100			ESTIMATED LEN	IGTH OF HE	ARING	
Care No. 0 -	289-SPH		UNAVAILABLE F	OD HEADTN	G	
	777			A14 [PL1149] 4		2/01
R80 9115198			Reviewed By \\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Date	<u>- 119</u>	<u>a/0/</u>
14						

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS. AND LANDSCAPE ARCHITECTS



Zoning Description Chesapeake Jaguar 10240-10250 York Road **Eighth Election District** Baltimore County, Maryland

Beginning for the same at a point on the west side of York Road, Maryland Route 45, the said point designated as No. 46 on a plat entitled, "3rd Amended Subdivision of AAI Corporation", recorded in the Land Records of Baltimore County, Maryland in Plat Book S.M. 70, folio 43, the said point being the northeast corner of Lot 2, and the southeast corner of an access easement into the AAI property, the said point being 1,640' ± from the intersection of Industry Lane, thence from the POINT OF BEGINNING so fixed, and binding on the outlines of Lot 2 the following nine courses and distances, viz:

- 1. South 18°28' 05" East, 454.38 feet,
- 2. South 74°28' 58" West, 220.06 feet,
- 3. North 16°51' 05" West, 32.79 feet,
- 4. North 19°39' 44" West, 106.97 feet,
- 5. North 17°46' 28" West, 148.43 feet,
- 6. North 15°16' 21" West, 98.11 feet,
- 7. 149.78 feet along the arc of a curve to the right, having a radius of 120,00 feet and being subtended by a chord of North 35°46' 31" East, 140.24 feet,
- 8. North 71°31' 55" East, 75.00 feet,
- 9. South 63°28' 05" East, 35.36 feet to the POINT OF BEGINNING.

^{■ 410-821-1690 ■} FAX 410-821-1748

^{■ 410-792-9792 ■} FAX 410-792-7395

Containing 2.308 acres of land more or less.

BEING all of Lot 2, as shown on a plat entitled "3rd Amended Subdivision of AAI Corporation" recorded in the Land Records of Baltimore County, Maryland in Plat Book S.M. 70, folio 43.

TO 305 HARMAN AND SOLUTION OF MARKET COMMENTS OF SOLUTION OF SOLUT

Robert D. Capalongo, RLA

Licensed Landscape Architect #3037

BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT No.	7410 REELT 1 1 1 1 1 1 1 1 1
AMOUNT \$ 350,00 RECEIVED Venable Bartier & Howard, LLP	PET DAY CASHIER DES LAB DROMER De t 5 520 Juhle PETERICATION Rectief P 168351 FELD DR WE. 070652 Petert Tot 250.00 250.00 FK
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	01-289-SPH

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson.

Maryland on the property identified herein as follows:

Case: #01-289-SPH 10240 York Road (Lot 2) W/S York Road, 1640' NW of Industry Lane 8th Election District 3rd Councilmanic District Legal Owner(s): Frankel Cadillac Land Rover Special Hearing: to approve an amendment to the site plan previously approved in case number 99-350-SPH. Hearing: Tuesday, March 13, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/27752 Feb. 27 C453097

CERTIFICATE OF PUBLICATION

		~1.1		
TOWSON,	MD,	311		, 20 <u>01</u>
THIS IS TO CER	RTIFY, that t	the annexed a	dvertis	sement was
oublished in THE JEFI	FERSONIAN,	a weekly news	spaper j	oublished in
Towson, Baltimore Cou	nty, Md., once	e in each of	1	_successive
weeks, the first publica	tion appearing	g on	27	, 20 <u>01</u> .
	TH	EJEFFERS	ONIA	N,
). <i>[/</i>	Jamy	82	
	LEG	AL ADVERT	risine	}
			•	

CERTIFICATE OF POSTING

Baltimore County Department of

111 West Chesapeake Avenue

Towson, MD 21204

Ladies and Gentlemen.

Permits and Development Management County Office Building, Room 111

Attention Ms. Gwendolyn Stephens

图 /

Th W The sign(s) were posted on _ 01-289-587 VBH 18240 YORK - FRESKEL

3/13/01

RE Case No 01-289-5PH
Petitioner/Developer FRANKEL, ETAL VENABLE
Date of Hearing/Closing $\frac{3/13/0/}{}$

of pages ▶ Post-it® Fax Note 7671 From Phone # Fax # 82 -014

•	
his letter is to certify under the penalties of perjury that the necessary sign(s) required by law	v '
ere posted conspicuously on the property located at #10240 YORK PD.	

(Month, Day, Year)

Sincerely,

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE (Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666:5366; CELL. 410.905.8571 (Telephone Number)

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
10260 York Road (Lot 2), W/S York Rd,
1640' NW of Industry Ln
8th Election District, 3rd Councilmanic

Legal Owner: Frankel Cadillac Land Rover Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-289-SPHX

* * * * * * * * * *

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

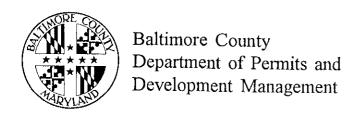
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2001 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).

ETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

February 7, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-289-SPH 10240 York Road (Lot 2)

W/S York Road, 1640' NW of Industry Lane 8th Election District – 3rd Councilmanic District Legal Owner: Frankel Cadillac Land Rover

Special Hearing to approve an amendment to the site plan previously approved in case number 99-350-SPH.

HEARING: Tuesday, March 13, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

C: Robert A. Hoffman, Venable, Baetjer and Howard LLP, 210 Allegheny Avenue, Towson 21204

Richard L. Giroux, Executive VP, Frankel Cadillac Land Rover, 201 Reisterstown Road, Baltimore 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY FEBRUARY 26, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 27, 2001 Issue - Jeffersonian

Please forward billing to:

Amy Dontell
210 Allegheny Avenue
Towson MD 21204

410 494-6201

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-289-SPH 10240 York Road (Lot 2) W/S York Road, 1640' NW of Industry Lane 8th Election District – 3rd Councilmanic District Legal Owner: Frankel Cadillac Land Rover

Special Hearing to approve an amendment to the site plan previously approved in case number 99-350-SPH.

HEARING: Tuesday, March 13, 2001 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

GDZ

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

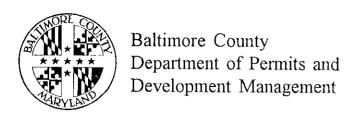
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

March 9, 2001

Robert A Hoffman Esquire Venable Baetjer & Howard LLP 210 Allegheny Avenue Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 01-289-SPH, 10240 York Road (Lot 2)

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 22, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. C.) C Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Richard L Giroux, EVP, Frankel Cadillac Land Rover, 201 Reisterstown Rd, Baltimore 21208
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 6, 2001

TO: Arnold Jablon, Director

Department of Permits & Development Mgmt.

FROM: 👌

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 12, 2001

Item Nos. 288, 289, 290, 291, 293, 295, 297, 298, 299, 300, 301, 302, 303, 304,

and 308

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

February 8, 2001

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

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 5, 2001

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.

ITEMS #'S REFERENCED PERTAIN TO THE FOLLOWING COMMENT:

288, 289, AND 301,

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, 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 My

DATE:

March 19, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of February 5, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
288	10260 York Road
289	10240 York Road
290	2522 Venetian Road
291	5126 Edmondson Avenue
293	998 Rohe Farm Lane
295	Gwynnbrook Property
296	1909 Halethorpe Avenue
297	2707-2709 Rolling Road
298	326 Stone Castle Avenue
299	2127 York Road
300	2127 York Road
301	3916 Old North Point Road
302	7605 Curving Lane
303	703 Main Street
308	104 McCormick Avenue

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 8, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 01-288, 01-289, 01-298, 01-303, and 01-

304

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



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

Date: 2.7.01

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

RE: Baltimore County

Item No. 289

JNP

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

4. J. Dolla

do

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID KARCESKI	210 ALLESITENY AVENUE 212
Rich Gisone	
DEAN HOOVER	10 you Your Rd. 21030 110 WEST ROAD 2120
	,
,	

