IN RE: PETITION FOR VARIANCE SE/S Pulaski Highway, 1935' SW of Mohrs Lane 15th Election District 8th Councilmanic District (9801 Pulaski Highway) Packer Realty III, LLC Petitioners	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 02-420-A

* * * * * * * * * * * * * *

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, Packer Realty III, LLC. The variance request involves property located at 9801 Pulaski Highway. The subject property is the site of an Al Packer Ford New & Used Car Sales facility.

Appearing at the hearing on behalf of the variance request were Elliott Packer, appearing on behalf of the owner of the property, Richard Sherry, Martin Cammiso, Wayne Zinn, Mitch Kellman and Marvin I. Singer, attorney at law, representing the Petitioners. There were no protestants or others in attendance.

The variance request is to permit two freestanding signs on the subject property containing a square footage of 226 sq. ft. in lieu of the permitted 50 sq. ft. and one sign to contain a height of 35.5 ft. in lieu of the maximum permitted 25 ft.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 21.05 acres, more or less, split-zoned BR-IM, BR-AS and ML-AS. The subject property is improved with a newly constructed Ford Automotive Dealership building and automotive service building. The site is located on the south side of Pulaski Highway in White Marsh. The property is developed in the fashion depicted on Petitioners' Exhibit No. 1, the site plan submitted into evidence.

ORDER RECEIVED FOR FILING
Date 5/30/02
By

As stated previously, the site has recently been redeveloped by the Al Packer Automotive Family into a new Ford Automobile Dealership. The dealership buildings themselves are situated approximately 500 ft. back from Pulaski Highway. As a result of the topography of the property surrounding the subject site, motorists traveling east and west bound on Pulaski Highway encounter difficulty in identifying the site as a Ford Automobile Dealership. Accordingly, the Petitioners propose to install the two freestanding signs in the area depicted on the site plan submitted into evidence. The signs themselves will be constructed as represented on Petitioners' Exhibit Nos. 2A and 2B, the architectural renderings of the signs themselves. In order to proceed with the placement of these signs on this new dealership property, the variance requests are necessary.

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

5/30/02

is the subject of this request and that the requirements from which the Petitioners seek relief will 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.

THEREFORE, IT IS ORDERED this 30th day of May, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 450.5(g) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two freestanding signs on the subject property containing a square footage of 226 sq. ft. in lieu of the permitted 50 sq. ft. and one sign to contain a height of 35.5 ft. in lieu of the maximum permitted 25 ft., 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 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

TMK:raj

5/30/02

IN THE MATTER OF THE APPLICATION OF PACKER REALTY III – LEGAL OWNER /PETITIONER FOR VARIANCE ON PROPERTY LOCATED ON THE SE/s OF PULASKI HIGHWAY, 1935' SW OF MOHRS LANE (9801 PULASKI HWY) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 02-420-A

* * * * * * * * *

OPINION

This is an appeal by the Office of People's Counsel from a decision of the Deputy Zoning Commissioner granting variances to Packer Realty III for property located at 9801 Pulaski Highway in the Fifteenth Election District of Baltimore County. The property is split-zoned B.R.-I.M., B.R.-A.S., and M.L.-A.S. The variances granted were from § 450.5(g) of the *Baltimore County Zoning Regulations* (BCZR) to permit two double-faced, illuminated freestanding signs containing a total square footage of 226 square feet in lieu of the permitted 50 square feet, and one of those signs to be a height of 35.5 feet in lieu of the permitted maximum of 25 feet.

The property which is the subject of the variance request consists of approximately 21.05 acres and is located on the southeast side of Pulaski Highway in the White Marsh area of Baltimore County. The property is improved with a newly constructed Ford automotive dealership building and service building for the Al Packer Ford Dealership, with a total cost of approximately $7,000,000.00.

Evidence and testimony from Mitchell Kellman of Daft-McCune-Walker, Inc., and Richard Sherry, General Manager of Al Packer Ford, indicated that, due to site and topographical conditions of the property, the larger of the two buildings is located 525 feet from the property

line on Pulaski Highway, and the second building is located 808 feet from the property line. The unusual setback of the buildings is attributable to the presence of wetlands and wetland buffers to the front of the site, and also a stormwater management facility located at the very front of the property. The location of the buildings was further constricted by the presence of a stream and forest conservation easement on the site. Structures and the topography of properties on both sides of the site serve to screen the business from view, resulting in motorists traveling eastbound and westbound on Pulaski Highway encountering difficulty in identifying the location of the dealership.

Prior to the hearing before the Board, the parties to this appeal entered into a stipulation reducing the requested size and height of the principal sign, and seeking to permit the erection of two freestanding signs. Specifically, that agreement provides for a brand identification sign of 92.18 square feet (as computed in accordance with § 450.3 of the BCZR defining "area" as within the perimeter of a rectangle enclosing the face of a sign; the sign here at issue is actually an oval with an area of approximately 73 square feet), the height of that sign to be reduced to 20 feet. The second sign ("Pre-Owned Vehicles") has an area of 33 square feet and a height of 8 feet. Petitioner has amended its request before the Board in conformance with that stipulation.

The initial requirement for the granting of a variance is that the property must be considered unique under the decision of *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995). Once such special circumstances or conditions are found to exist, if practical difficulty or unreasonable hardship would result upon strict compliance with the zoning regulations, a variance may be granted. § 307.1, BCZR; *McLean v. Soley*, 270 Md. 208, 213 (1973). The Board is satisfied from the

testimony and evidence before it that the conditions existing on the property, as well as the nature and location of adjoining properties, and the structures thereon, combine to render the site in question unique, as that term has been defined by the Court of Special Appeals:

> ..."Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... *Cromwell v. Ward,* 102 Md.App. at 710.

So too, the buildings of the dealership, located as they are, well removed back from Pulaski Highway, cannot serve as identification for the dealership for vehicles coming from either direction on the highway.

Thus, because of the conditions associated with the property in question, the Board is convinced that the zoning provision limiting the size and number of signs would impact disproportionately upon this specific site. The Board is of the further opinion that the requested variances, as amended and agreed to by the parties, would be in harmony with the spirit and intent of the BCZR, and would not be injurious to the public health, safety, and general welfare.

Finally, the Board notes the lack of opposition by any other parties or property owners.

ORDER

THEREFORE, IT IS THIS 8th day of November, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variances from § 450.5(g) of the *Baltimore County Zoning Regulations* is **GRANTED**, so as to allow two double-faced, illuminated

freestanding signs, one of 92.18 square feet per side and a height of 20 feet, and a second of 33 square feet per side and a height of 8 feet.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Melissa Moyer Adams

Margaret Worrall

Baltimore County
Zoning Commissioner

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

June 5, 2002

Ellen F. Jackson, Secretary
Essex-Middle River Civic Council, Inc.
P. O. Box 5013
Middle River, Maryland 21220

Re: Petition for Variance
Case No. 02-420-A
Property: 9801 Pulaski Highway

Dear Ms. Jackson:

I am in receipt of your letter dated May 23, 2002, which was received in my office on May 31, 2002. Inasmuch as your correspondence was not received prior to the hearing date (5/28/02), the hearing was held and the order granting the Petitioner's request was issued on May 30, 2002.

Enclosed you will find a copy of the order and correspondence concerning this matter. Please note that the second paragraph of the letter advises you how to appeal a decision made by this office.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Baltimore County
Zoning Commissioner

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

May 30, 2002

Marvin I. Singer, Esquire
10 E. Baltimore Street, Suite 901
Baltimore, Maryland 21202

Re: Petition for Variance
Case No. 02-420-A
Property: 9801 Pulaski Highway

Dear Mr. Singer:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has 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 Department 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
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copies to:

Elliott Lee Packer
Richard Sherry
9801 Pulaski Hwy
White Marsh MD 21220

Martin A Cammiso
14104 Newbrook Dr
Chantilly VA 20151

Wayne Zinn
821-P Oregon Ave
Linthicum MD 21090

Mitch Kellman
Daft, McCune & Walker
200 E. Pennsylvania Ave
Towson MD 21204

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9801 Pulaski Highway

which is presently zoned BR - IM/BR-AS/ML-AS

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) 450.4.5(g), BCZR,

to permit two (2) signs in lieu of the maximum one (1) sign, both freestanding, with a total sign area of 161 square feet (33 and 128 sq ft) in lieu of 50 feet and a 32½ foot sign height in lieu of the maximum 25 feet height, for the second sign.

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

See attached statement.

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:

Marvin I. Singer
Name - Type or Print

Signature

Company

10 E. Baltimore St. Suite 901
Address — Telephone No.

Baltimore, Md. — 21202
City — State — Zip Code

Legal Owner(s):

PACKER REALTY III, LLC
Name - Type or Print

By: Marvin I. Singer, Attorney
Signature

Marvin I. Singer, Attorney
Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Representative to be Contacted:

Marvin I. Singer
Name

10 E. Baltimore St. — 410-685-1111
Address — Telephone No.

Baltimore, Md. — 21202
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 3/28/02

Case No. 02-420-A

REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9801 Pulaski Highway mdl

which is presently zoned BR - IM/BR-AS/ML-AS

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) 450.4.5(g), BCZR, 226 sq. ft

to permit two (2) signs in lieu of the maximum one (1) sign, both free standing, with a total sign area of ~~[illegible]~~ square feet (~~[illegible]~~ and 166 60 — ~~[illegible]~~ sq ft) in lieu of 50 feet and a ~~[illegible]~~ foot sign height in lieu of the maximum 25 feet height for the second sign. 35'5"

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

See attached statement.

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

Legal Owner(s):

PACKER REALTY III, LLC
Name - Type or Print

By: [signature]
Signature

Marvin I. Singer, Attorney
Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Marvin I. Singer
Name - Type or Print

[signature]
Signature

Company

10 E. Baltimore St. Suite 901
Address — Telephone No.

Baltimore, Md. 21202
City — State — Zip Code

Representative to be Contacted:

Marvin I. Singer
Name

10 E. Baltimore St. 410-685-1111
Address — Telephone No.

Baltimore, Md. 21202
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By JNP **Date** 3/28/02

Case No. 02-420-A

RZU 9/15/98

5/30/02

ORDER RECEIVED FOR FILING
Date
By

MEMORANDUM IN SUPPORT OF PETITION FOR VARIANCE

Variances are requested from the provisions of Sec.450.4 o f the Baltimore County Zoning Regulations, to permit two (2) signs; one of 33 square feet, and the second of 128 square feet with a height of 32 1/2 feet.

The variances are required in order to permit erection of standardized signs in the format required by the manufacturer, identifying the sale of new and previously owned vehicles. These are of a type that may readily be seen and identified by brand, giving due consideration to the nature and topography of the site and of Pulaski Highway. Such variances are required in order to afford relief from hardship and practical difficulty in the utilization of the site. A brand identification sign is required by applicable State regulations; the absence of which precludes the sale of the identified make of automobile from the subject premises.

02-420-A

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Description

To Accompany Petition for Variance

21.05 Acre Parcel

Al Packer Ford Property

Southeast Side of Pulaski Highway

Southwest of Mohrs Lane

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Mohrs Lane with the centerline of Pulaski Highway (U.S. Route 40) (150 feet wide) (1) Southwesterly 1935 feet, more or less, and thence (2) Southeasterly 75 feet, more or less, thence running with the southeast side of said Pulaski Highway (1) North 40 degrees 41 minutes 28 seconds East 634.75 feet, thence running for the four following courses and distances, viz: (2) South 67 degrees 57 minutes 22 seconds East 1182.43 feet, thence (3) South 33 degrees 54 minutes 38 seconds West 980.78 feet, thence (4) North 47 degrees 51 minutes 02 seconds West 1215.61 feet, and thence (5) South 57 degrees 22 minutes 27 seconds West 72.90 feet to the point of beginning; containing 21.05 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

March 28, 2002

Project No. 96111.JO (L96111.JO)

STATE OF MARYLAND ANTHONY JOSEPH ... PROFESSIONAL LAND SURVEYOR

3/28/02

02-420-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 11150

DATE 3/28/02 ACCOUNT R-001-006-6150

AMOUNT $ 250.00

RECEIVED FROM: Marvin I. Singer, Attorney @ Law

FOR: Sign Variance (Packer Realty III, LLC)
02-420-A (9901 Pulaski Highway)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
3/29/2002	3/28/2002	15:31:52

REG WENDY HALL JENA JOE DRAWER 2
>>RECEIPT # 232491 3/28/2002 CFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 011150
Recpt Tot $250.00
250.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #02-420-A
9801 Pulaski Highway
SE/S of Pulaski Highway, 1935' SW of Mohrs Lane
15th Election District - 8th Councilmanic District
Legal Owner(s): Packer Realty III, Marvin I. Singer, Attorney

Variance: to permit two signs in lieu of the maximum permitted one sign, both freestanding, with a total sign area of 161 square feet and 128 square feet in lieu of 50-feet and a 32½ foot sign height in lieu of the maximum 25 feet height for the second sign.

Hearing: Tuesday, May 28, 2002 at 11:00 a.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/5/680 May 14 C538393

CERTIFICATE OF PUBLICATION

5/16/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/14/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-~~240~~ 420-A

Packer Realty III - LEGAL OWNERS

9801 Pulaski Highway

15th ELECTION DISTRICT APPEALED: 6/14/01

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

CERTIFICATE OF POSTING

RE: Case No.: 02-420-A

Petitioner/Developer: PACKER, ETAL

MR. SINGER

Date of Hearing/Closing: 5/28/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens/
MR. GEORGE ZAHNER

it® Fax Note 7671	Date	# of pages ▶
To ROBIN/BETTY	From O'KEEFE	
Co./Dept. ZONING COMM.	Co.	
Phone # 887 4386	Phone # 666-5366	
Fax # 887-3468	Fax # 666-0929	

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #9804 PULASKI-HWY.

The sign(s) were posted on 5/10/02
(Month, Day, Year)

Sincerely,

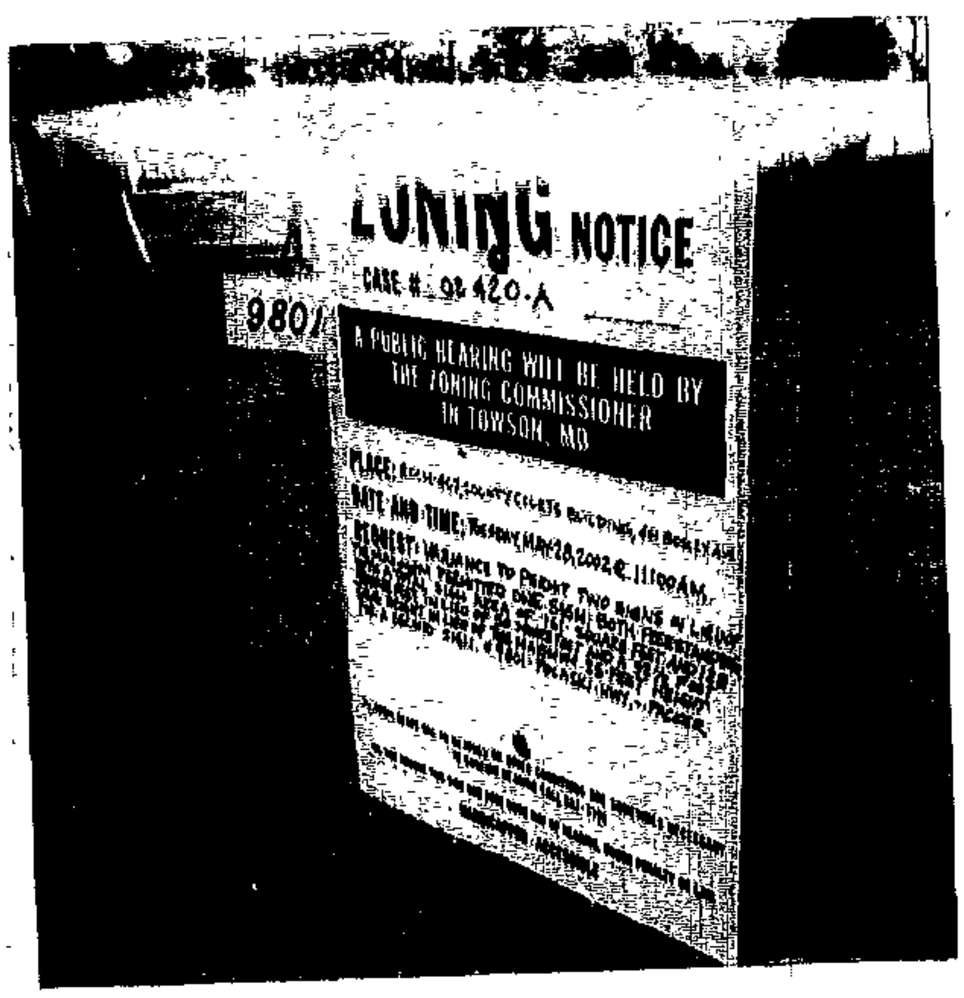
5/14/02
(Signature of Sign Poster and Date)

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)



02-420-A

5/28

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-[redacted]-A
420

Packer Realty III - LEGAL OWNERS

9801 Pulaski Highway

15th ELECTION DISTRICT APPEALED: 6/14/01

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 02-420-A

Petitioner/Developer:

PACKER REALTY

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

_____

The sign was posted on 7/16, 2002

By: _____
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

For Newspaper Advertising:

Item Number or Case Number: 02-420-A

Petitioner: PACKER REALTY III, LLC

Address or Location: 9801 PULASKI HIGHWAY

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marvin I. Singer

Address: 10 E. Balto. St., Suite 901
Balto. MD 21202

Telephone Number: (410) 685-1111

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 14, 2002 Issue – Jeffersonian

Please forward billing to:
Marvin I Singer
10 E Baltimore Street
Suite 901
Baltimore MD 21202

410 685-1111

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: 02-420-A
9801 Pulaski Highway
SE/S of Pulaski Highway, 1935' SW of Mohrs Lane
15th Election District – 8th Councilmanic District
Legal Owner: Packer Realty III, Marvin I Singer, Attorney

Variance to permit two signs in lieu of the maximum permitted one sign, both freestanding, with a total sign area of 161 square feet and 128 square feet in lieu of 50-feet and a 32 ½ foot sign height in lieu of the maximum 25 feet height for the second sign.

HEARING: Tuesday, May 28, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GPZ
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.

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

April 24, 2002

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: 02-420-A
9801 Pulaski Highway
SE/S of Pulaski Highway, 1935' SW of Mohrs Lane
15th Election District – 8th Councilmanic District
Legal Owner: Packer Realty III, Marvin I Singer, Attorney

Variance to permit two signs in lieu of the maximum permitted one sign, both freestanding, with a total sign area of 161 square feet and 128 square feet in lieu of 50-feet and a 32 ½ foot sign height in lieu of the maximum 25 feet height for the second sign.

HEARING: Tuesday, May 28, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: Marvin I Singer, 10 E Baltimore Street, Suite 901, Baltimore 21202

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 13, 2002.**
(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.

L M W
2 6 3

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

August 12, 2002

NOTICE OF ASSIGNMENT

CASE #: 02-420-A **IN THE MATTER OF: PACKER REALTY III –Legal Owner**
9801 Pulaski Highway
15th Election District; 5th Councilmanic District

5/30/02 – D.Z.'s Order in which requested relief was GRANTED.

ASSIGNED FOR: THURSDAY, SEPTEMBER 12, 2002 at 10:00 a.m.

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : People's Counsel for Baltimore County

Counsel for /Petitioner : Marvin I. Singer, Esquire
Petitioner : Packer Realty III c/o Marvin Singer, Esquire

Elliott Lee Packer
Richard Sherry

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

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on Recycled Paper

wcl

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

*** **HEARING ROOM** – *Room 48* ***
Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF **SEPTEMBER 9, 2002**

TUESDAY 9/10 NO HEARINGS

WEDNESDAY 9/11 NO HEARINGS

THURSDAY 9/12 10:00 am Case No.: 02-420-A /HEARING

In the Matter of:
Packer Realty III – Legal Owner
9801 Pulaski Highway
15th Election District; 5th Councilmanic

RE: VAR – to permit 2 freestanding signs containing 222 sq. ft. ilo permitted 50 sq. ft. and one sign to contain height of 35.5' ilo 25'

---

c:

Executive Office	People's Counsel	County Council
Law Office	Planning Office	Board Members
Director /PDM	Court Info. Desk	Court Reporter

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 24, 2002

Mr. Marvin I. Singer Esquire
Packer Realty III LLC
10 E. Baltimore St. Suite 901
Baltimore MD 21202

Dear Mr. Singer:

RE: Case Number: 02-420-A, 9801 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 3/28/02.

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./mx

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:

Enclosures
c: People's Counsel

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on Recycled Paper

Baltimore County
Fire Department

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

April 12,2002

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
401, 402, 404-417,419-425

420

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

cc: File
COUNTY REVIEW GROUP MEETING{PRIVATE }

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on Recycled Paper

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.12.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 420 JNP

Dear Mr. Zahner:

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 40.
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,

for 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 16, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 9801 Pulaski Highway

INFORMATION:

Item Number: 02-420

Petitioner: Packer Realty III, LLC

Zoning: ML-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning **does not** support the petitioner's request to allow two (2) freestanding signs in lieu of the maximum of one (1) that is currently permitted. This office also **opposes** the request to permit a total sign area of 161 square feet (33 sq. ft. and 128 sq. ft.) in lieu of the maximum permitted 50 square feet, and to permit a height of 32 ½ feet in lieu of the maximum permitted height of 25 feet. This office has determined that there is no justification that would warrant the granting of the aforementioned variance requests.

One of the objectives of the sign regulations is to minimize sign clutter, which this department has worked for decades to achieve via various revisions of the Baltimore County Zoning Regulations. The revisions were prepared in consultation with representatives of the sign industry who found the final revised regulations to be acceptable.

Prepared by: Martha A Cummings

Section Chief: Jeffrey W. Long

AFK/LL:MAC

W:\DEVREV\ZAC\02-420.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

DATE: May 1, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 2002
Item Nos. 401, 402, 404, 405, 406, 407, 408, 409, 410, 411, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423 and 425

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

RWB:CEN:cab

cc: File

ZAC-4-8-2002-NO COMMENT ITEMS-05012002.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: May 1, 2002

Zoning Advisory Committee Meeting of April 8, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

401, 404, 405, 406, 407, 410, 412, 413, 414, 417,418, 420, 421, 423

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 18, 2002

Mr. Marvin I Singer
10 E Baltimore Street
Suite 901
Baltimore MD 21202

Dear Mr. Singer:

RE: Case No. 02-420-A, 9801 Pulaski Highway

Please be advised that an appeal of the above-referenced case was filed in this office on June 14, 2001 by Peter M Zimmerman, People's Counsel for Baltimore County, Baltimore County, Maryland. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ: gdz

c: Packer Reality, III, 9801 Pulaski Highway, Baltimore MD 21220
People's Counsel

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on Recycled Paper

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 14, 2002

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE
9801 Pulaski Highway, SE/S Pulaski Hwy
1935' SW of Mohrs Ln
15th Election Dist., 8th Councilmanic
Packer Realty III, LLC, Petitioner
Case No.: 02-420-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated May 30, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Marvin I. Singer, Esq., 10 E. Baltimore Street, Suite 901, Baltimore, MD 21202
Attorney for Petitioner

RECEIVED
JUN 14 2002
By GDZ

02 JUN 18 PM 3:04

APPEAL

Petition For Variance
9801 Pulaski Highway
SE/S of Pulaski Highway, 1935' SW of Mohrs Lane
15th Election District – 5th Councilmanic District
Packer Realty III - Legal Owner
Case No.: 02-420-A

✓ Petition for Variance (dated 03/28/02)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (dated 04/24/02)

✓ Certification of Publication (The Jeffersonian issue dated 05/14/02)

✓ Certificate of Posting (Patrick M O'Keefe posted dated 05/10/02)

✓ Entry of Appearance by People's Counsel (dated 04/17/02)

✓ Petitioner(s) Sign-In Sheet (1 page)

✓ Protestant(s) Sign-In Sheet (None)

✓ Citizen(s) Sign-In Sheet (None)

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibits:
1. ✓ Plan To Accompany Petition For Zoning Variance (dated 03/27/02)
2. ✓ A & B Architectural Renderings of the Signs
3. ✓ Al Packer Sign Variance (dated January 1986)

✓ Protestants' Exhibits:
(None)

✓ Miscellaneous (Not Marked as Exhibits):
(None)

✓ Deputy Zoning Commissioner's Order (dated 05/30/02 - GRANTED)

✓ Notice of Appeal received on 06/14/02 from Peter M Zimmerman, People's Counsel For Baltimore County, Baltimore County, Maryland

c: Mr. Marvin I Singer, 10 E Baltimore Street, Suite 901, Baltimore 21202
✱ People's Counsel of Baltimore County, MS #2010 - APPELLANT
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Marvin I. Singer, Esq.
10 East Baltimore Street
Suite 901
Baltimore, MD 21202
Attorney for Petitioner/Respondent

Packer Realty III
c/o Marvin I. Singer, Esq.
10 East Baltimore Street
Suite 901
Baltimore, MD 21202

Elliott Lee Packer
9801 Pulaski Highway
White Marsh, MD 21220

Richard Sherry
9801 Pulaski Highway
White Marsh, MD 21220

VE

Case No. 02-420-A

In the Matter of: Packer Realty III – Legal Owner /Petitioner

VAR –To permit two freestanding signs on the subject property containing a square footage of 226 sf ilo permitted 50 sf and one sign to contain a height of 35.5' ilo maximum permitted 25'.

5/30/02 –D.Z.C.'s Order in which Petition for Variance was GRANTED.

6/28/02 – Letter from Marvin I. Singer, Esquire, requesting accelerated hearing; safety /access issue; cannot install sign pending appeal for economic reasons.

8/12/02 -Notice of Assignment sent to following; assigned for hearing on Thursday, September 12, 2002 at 10 a.m.:

People's Counsel for Baltimore County
Marvin I. Singer, Esquire
Packer Realty III c/o Marvin Singer, Esquire
Elliott Lee Packer
Richard Sherry
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

9/12/02 – Board convened for hearing (Stahl, Adams, Worrall); evidence and testimony proffered by parties; public deliberation took place at conclusion of hearing; unanimous decision – burden met by Petitioner; will grant relief requested. Proposed Order submitted by Counsel for Petitioner; to be issued upon review and execution.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Packer Realty III – Legal Owner Case No. 02-420-A	
DATE :	Thursday, September 12, 2002	
BOARD /PANEL :	Lawrence M. Stahl Melissa Moyer Adams Margaret Worrall	(LMS) (MMA) (MW)
SECRETARY :	Kathleen C Bianco /Administrator	

PURPOSE: To deliberate Case No. 02-420-A /Petition for Variance /signs /appeal from grant by Deputy Zoning Commissioner.

- Looked at renderings, plat and proffer
  - Difficulties in visibility
  - Concerns due to 55 m.p.h. speed limit
  - Need for reasonable warning
  - Layout of land and all other factors:
    - ✓ clearly unique
    - ✓ practical difficulty – letting people know of business in a safe way
    - ✓ spirit and intent – Petitioner willing: to recognize meaning of sign legislation
      to amend so signs serve purpose but are not outrageous

Final Decision: Upon review of evidence and testimony proffered, unanimous finding by the Board that Petitioner meets requirements for grant of variance relief requested as proferred. Written Opinion and Order to be issued; appellate period to run from date of written Order and not today's date.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted

Kathleen C. Bianco

Kathleen C. Bianco, **Administrator**
County Board of Appeals

FILE

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: February 5, 2003

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
01-025-SPH	***01-025-SPH***	Jeanette R. and William F. Clark	2900 Taylor Avenue
03-047-A	***03-047-A***	Harry Delair (Patio Enclosures, Inc)	9322 Sea Point Road
02-420-A	***02-420-A***	Packer Realty III	9801 Pulaski Highway

Attachment: SUBJECT FILE(S) ATTACHED

RE: PETITION FOR VARIANCE 9801 Pulaski Highway, SE/S Pulaski Hwy, 1935' SW of Mohrs Ln 15th Election District, 8th Councilmanic Legal Owner: Packer Realty III, LLC Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No. 02-420-A

* * * * * * * * * * * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 17th day of April, 2002 a copy of the foregoing Entry of Appearance was mailed to Marvin I. Singer, Esq., 10 E. Baltimore Street, Suite 901, Baltimore, MD 21202, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Essex-Middle River Civic Council, Inc.

P. O. Box 5013
Middle River, MD 21220

May 23, 2002

Zoning Commissioner
Baltimore County
111 Chesapeake Avenue
Towson, MD 21204

MAY 31 ...

Re: case #02-420-A
9801 Pulaski Highway

Dear Sir:

At the regular monthly Board meeting Council on Wednesday, May 22, 2002, of the Essex-Middle River Civic Council, a discussion was held concerning the request for a variance to permit "two signs in lieu of the maximum permitted one, both freestanding, with a total sign area of 161 sq. ft. and 128 sq. ft. in lieu of 50 ft. and 32 ½ sign height in lieu of the maximum 25 ft. height for the second sign."

A motion to oppose this requested variance was made, seconded and unanimously passed for the following reasons:

- The amount of light generated by the huge sign will be a distraction to traffic
- The oversized signs will be unsightly
- The additional size is not necessary in order for the sign to be easily read from the road
- Granting this variance will contribute to a precedence for oversized signs in the area

The Essex-Middle River Civic Council requests that you adhere to the county sign regulations on this request. These regulations were developed for good reasons and help communities control the negative aspects of signage if they are adhered to.

Thank you for your consideration.

Sincerely,

Ellen F. Jackson, Secretary
Essex-Middle River Civic Council, Inc.
Ellenjack1@msn.com
410-335-2484

LAW OFFICES
MARVIN I. SINGER
SUITE 901
10 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(410) 685-1111
FACSIMILE
(410) 685-2372

June 27, 2002

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Packer Realty, III
9801 Pulaski Highway
Case No. 02-420-A

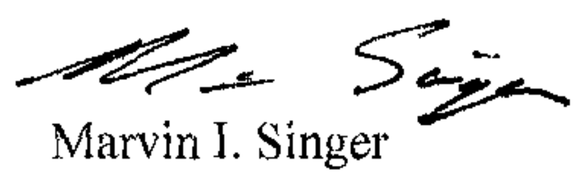
Gentlemen:

An appeal was filed by People's Counsel in the above-entitled case on June 14, 2002. The site is the location of a new Packer Ford automobile dealership, and a variance was granted by the Deputy Zoning Commissioner for a larger commercial brand identification sign. This letter is to respectfully request an acceleration of the hearing in this case for the following reasons.

The dealership buildings are located over 500 feet back from Pulaski Highway due to the wetlands, a stream and buffers on the property, and there is a storm water retention pond at the front of the property near the highway. The sightlines for traffic coming from both directions are obstructed due to a building on one side and a stand of trees on the other side. As a result, it is extremely difficult to safely identify the site as a Ford Automobile Dealership in a timely manner. The dealership represents a significant investment in capital improvements, but also provides a substantial number of new jobs. At the present time, the business has no adequate sign identifying it, and because of the cost involved it is not economically feasible to erect a temporary sign that conforms with the manufacturer's requirements, pending further action on the requested variance.

No protestants appeared at the original hearing, and it is not anticipated that the hearing before the Board would be an extensive one. Thank you for your consideration of this request.

Yours very truly,



Marvin I. Singer

Copies to: Elliott Packer
Peter Max Zimmerman, Esq. and
Carole S. Demilio, Esq.

Recd 6/28/02 KDS

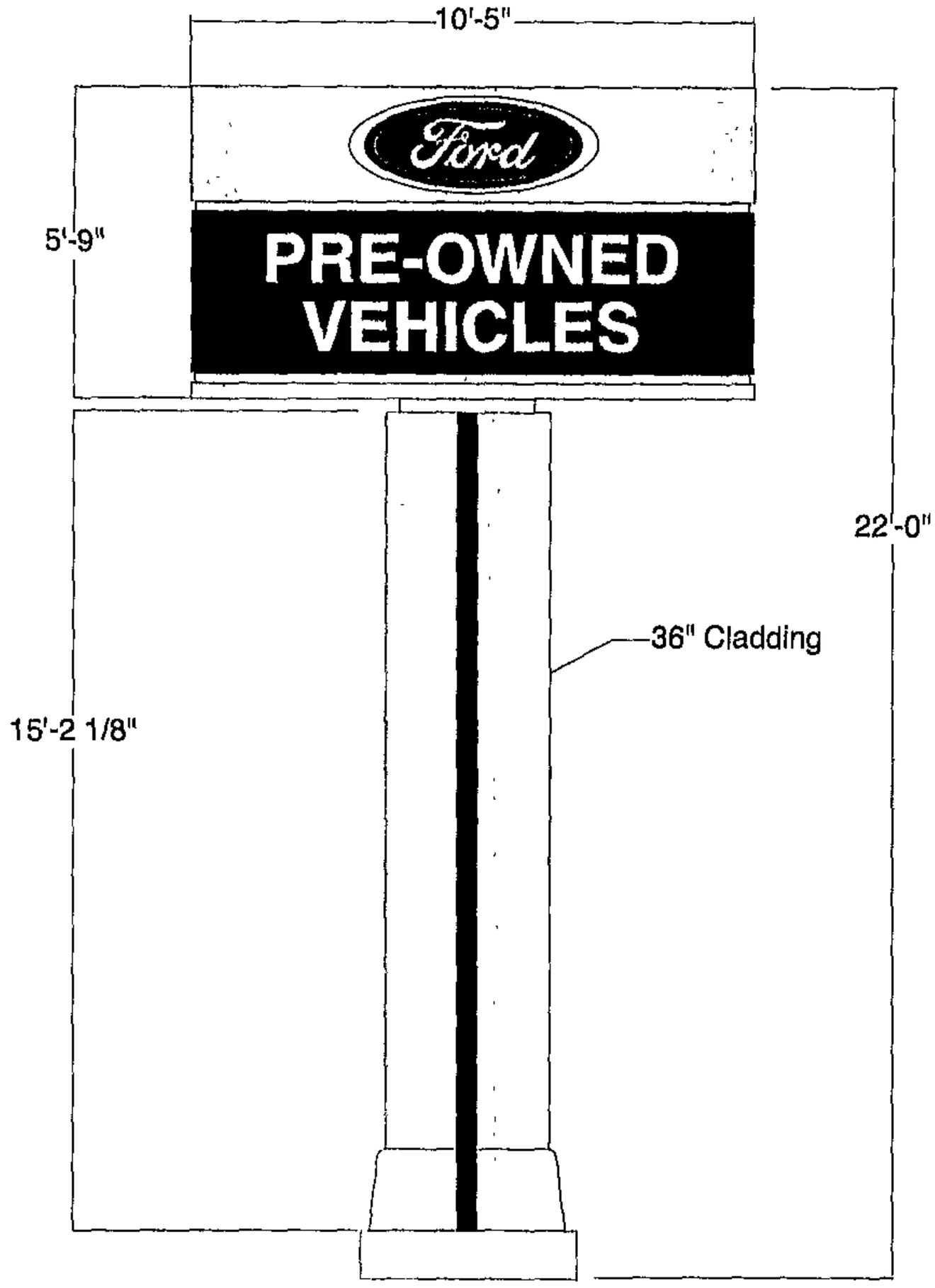
Case Number 02-420-A

PLEASE *PRINT* LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Elliott Lee Packer	9801 Pulaski Highway White Marsh, MD. 21220	White Marsh Maryland	21220
Richard Sherry	as above	as above	
Martin A. Cammiso	14104 Newbrook Dr. Chantilly, VA 20151	Chantilly VA	20151
Wayne Zinn	821-P Oregon Ave. Linthicum, MD. 21090	Linthicum MD.	21090
Mitch Kellman	200 E. Pennsylvania Ave	Towson MD	21286

FO U-60
P-18



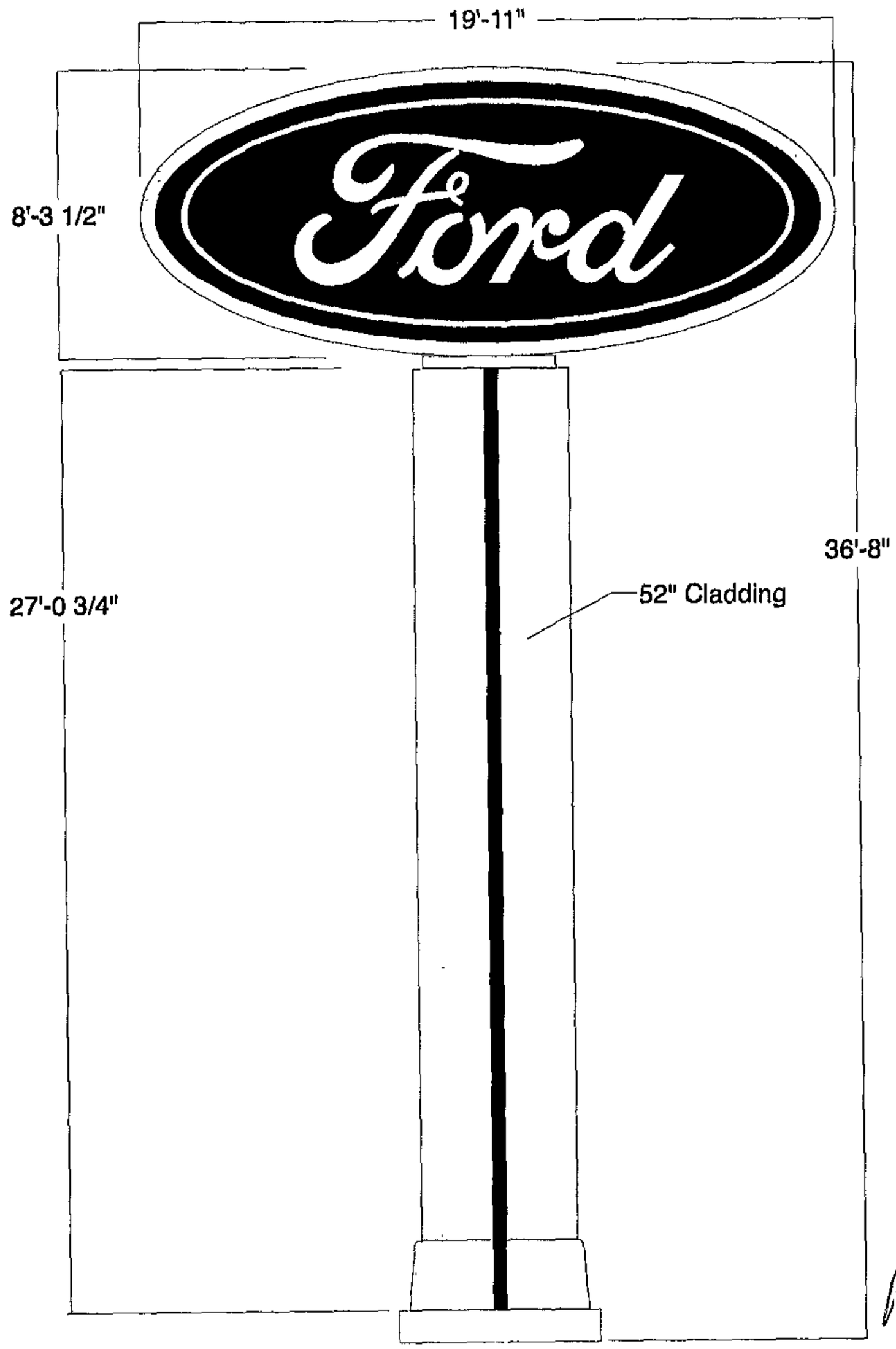
Pet Ex #2B

Plasti-Line, Inc.

Property of Plasti-Line, Inc. Not to be duplicated

File Name: FO UC-60 NEW IMAGE
Scale: 1:48 **Approved By:**
Date: 14 August 2000 **Date:**

FO F-130
P-30



Pet Ex 2A

Plasti-Line, Inc.

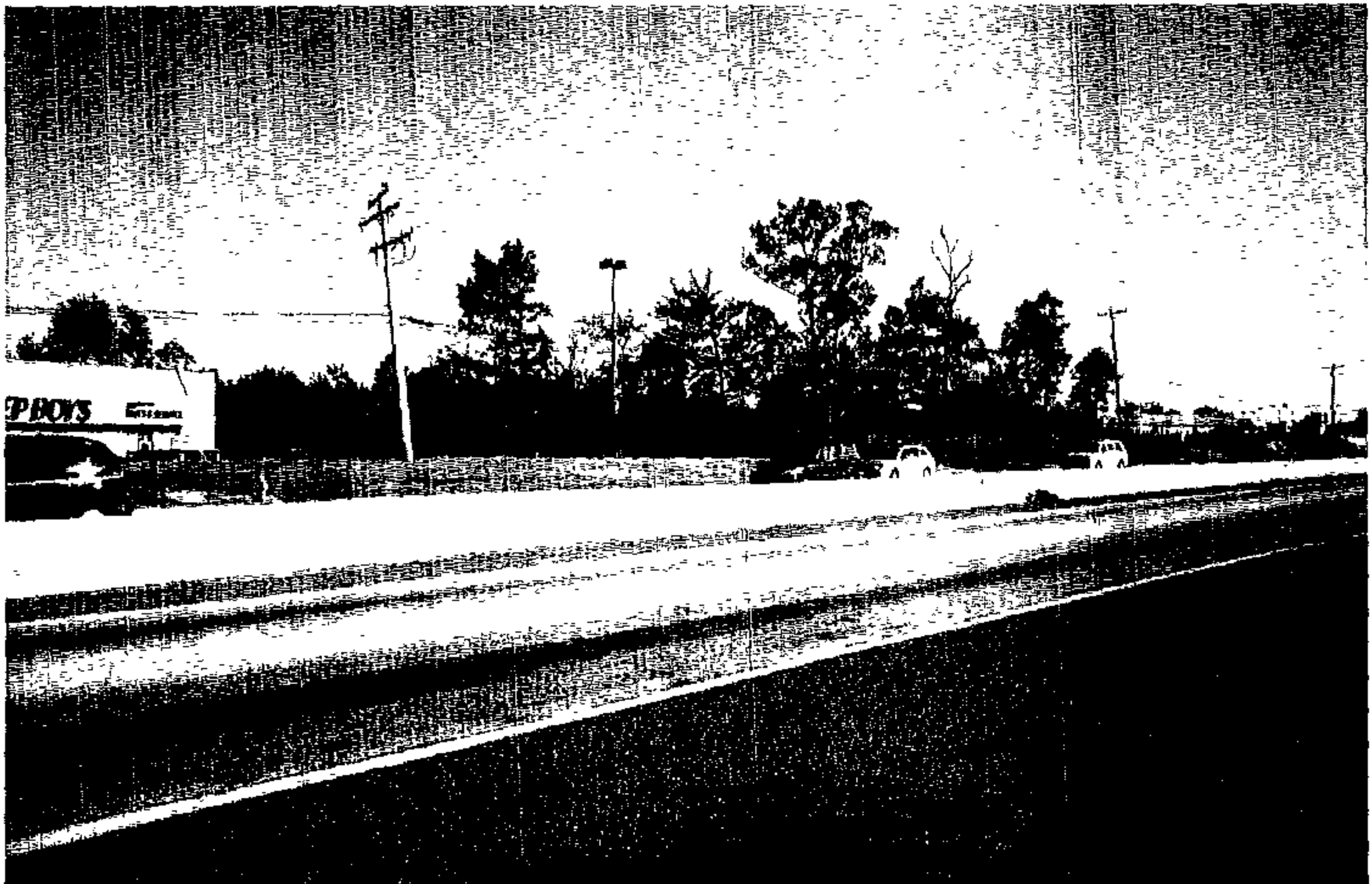
Property of Plasti-Line, Inc. Not to be duplicated

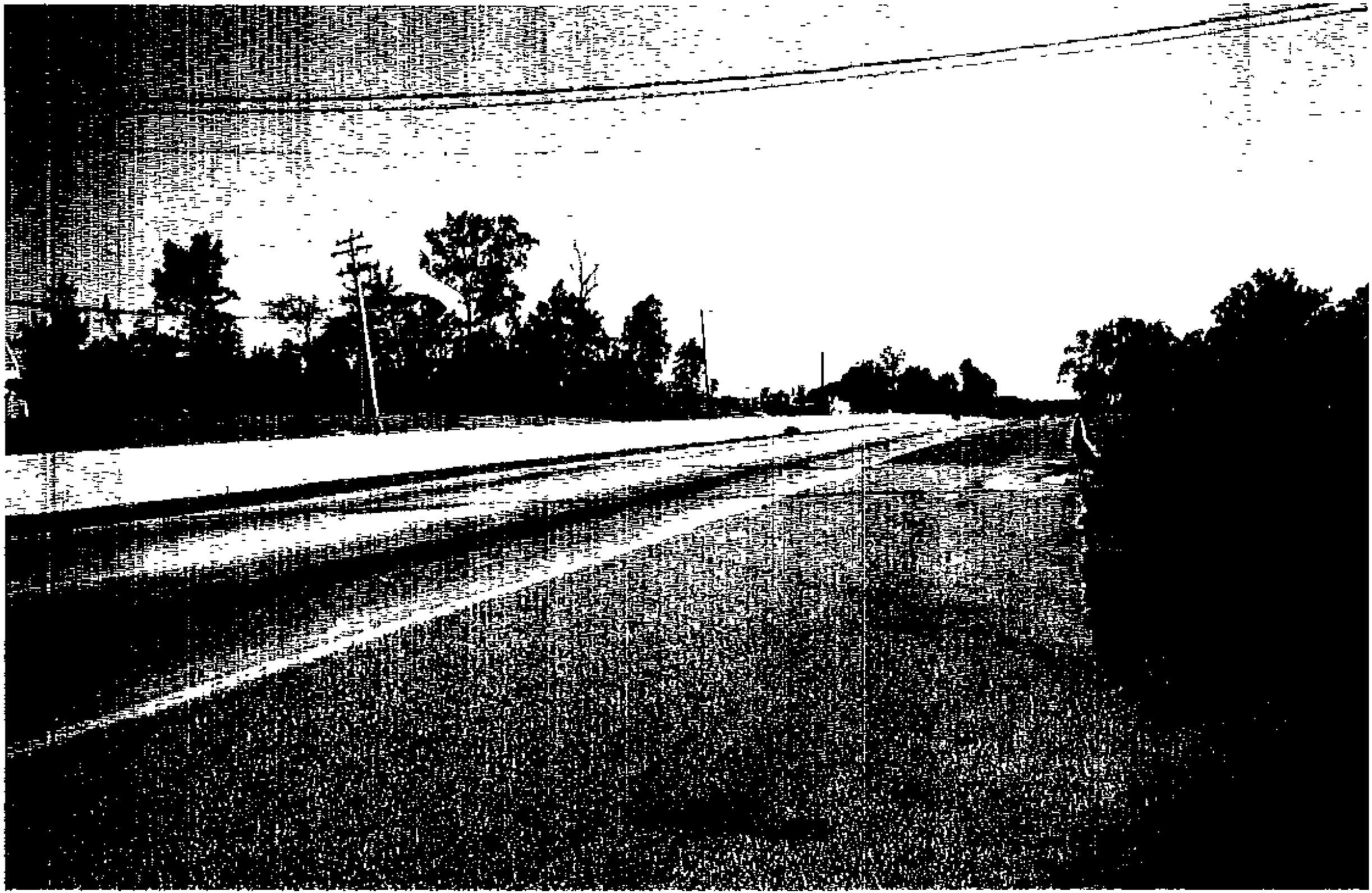
File Name: FO F-130 Pylon
Scale: 1:64 **Approved By:**
Date: 14 AUG 00 **Date:**

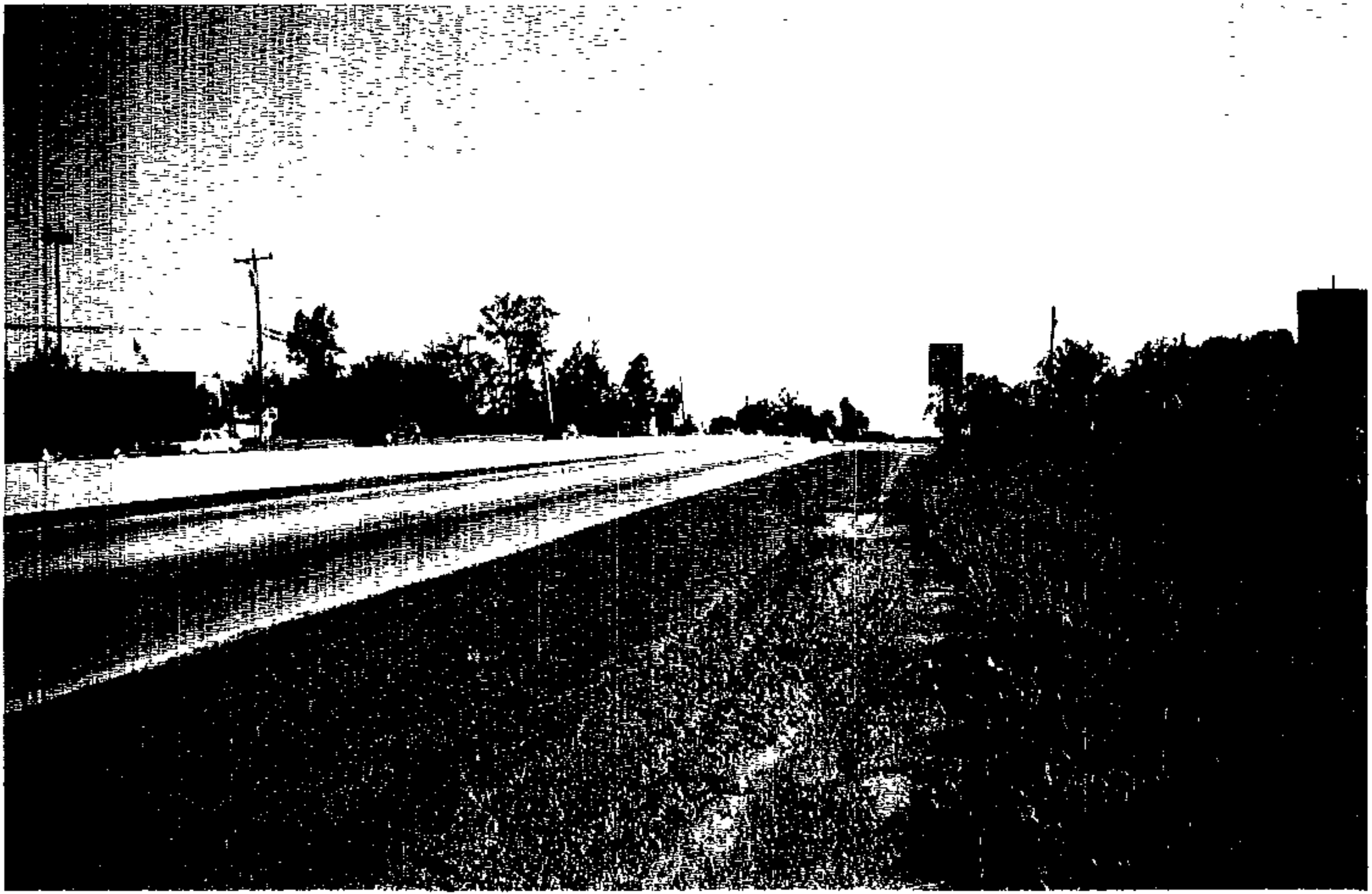
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

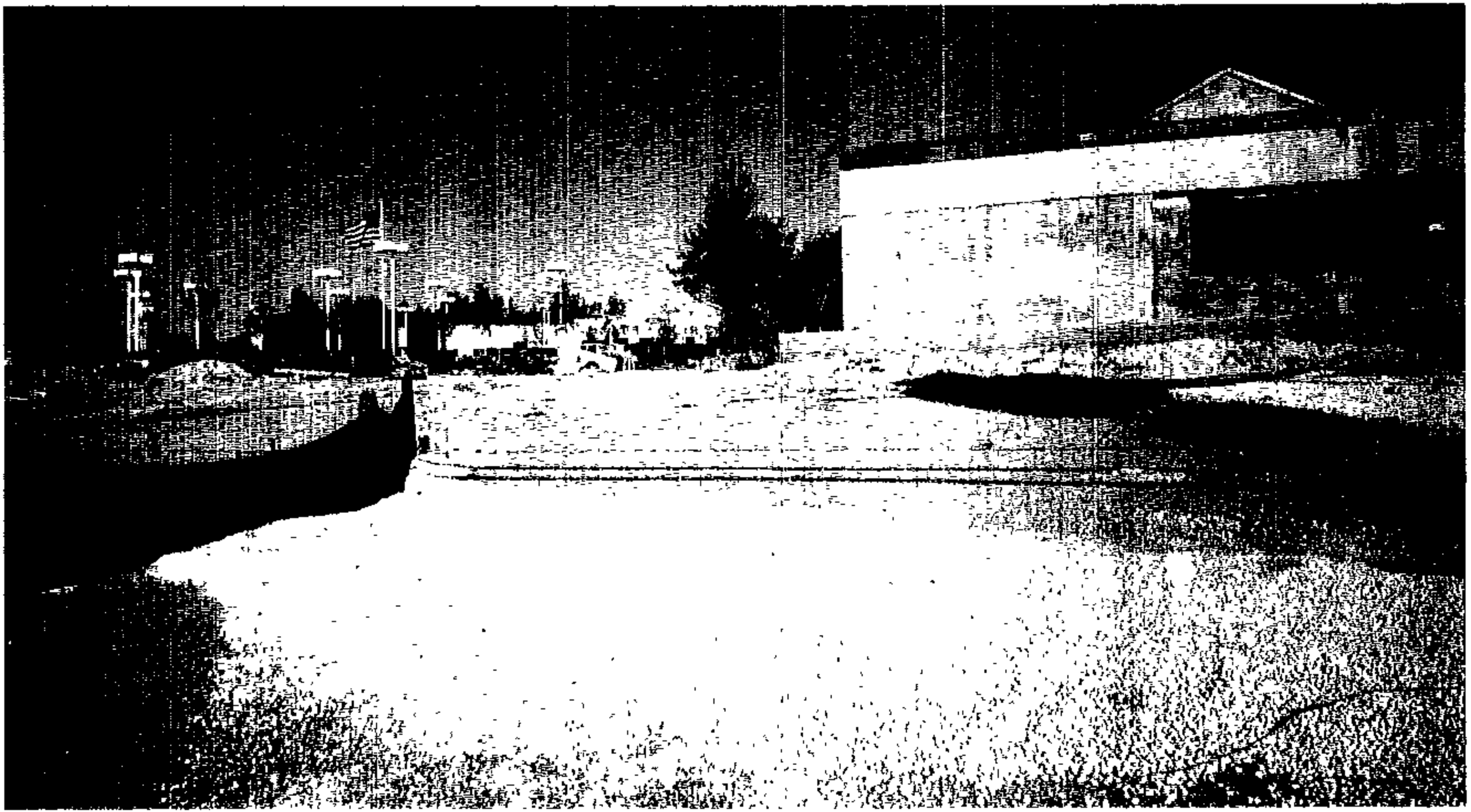
#02-420-A
Photographs

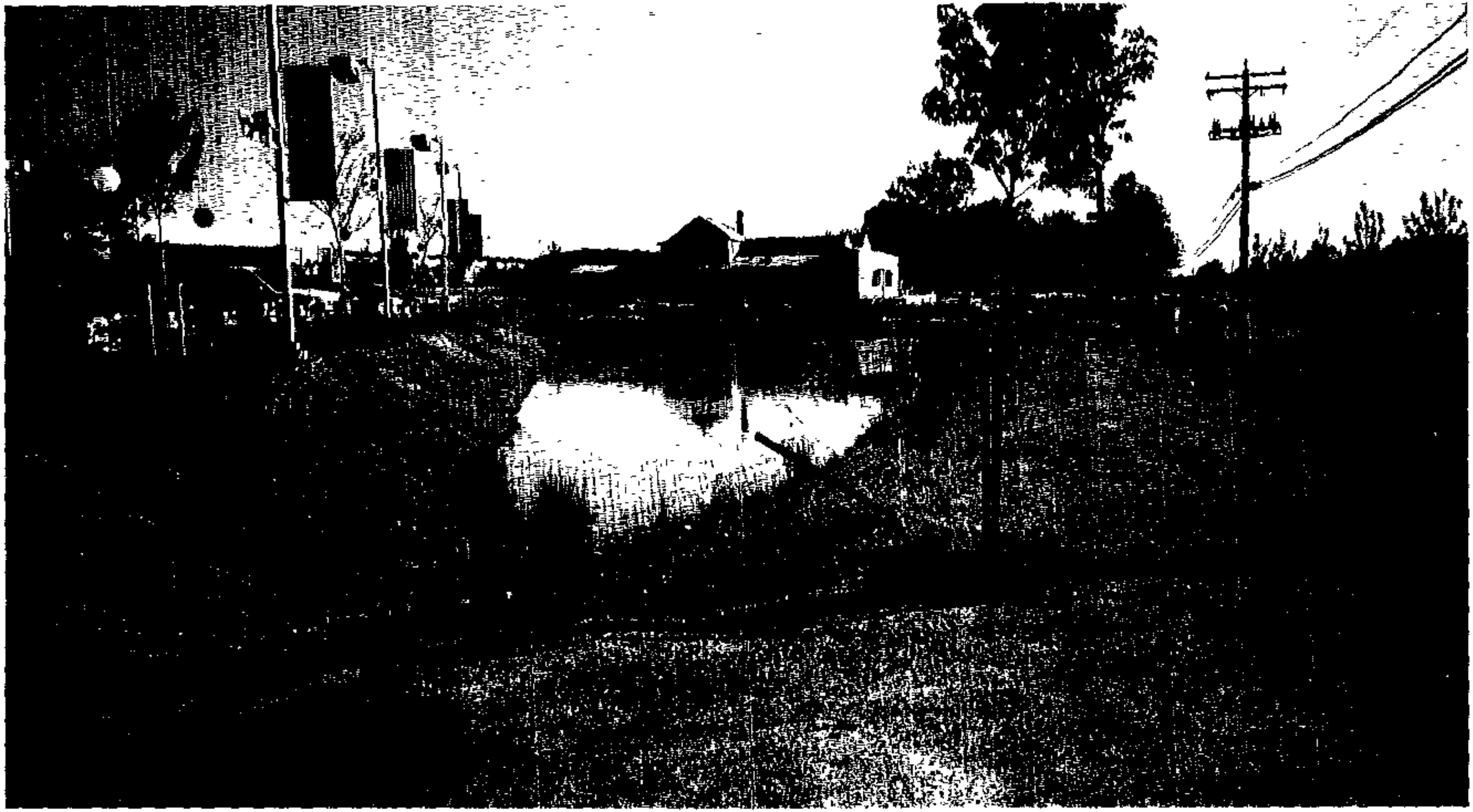
Printed with Soybean Ink

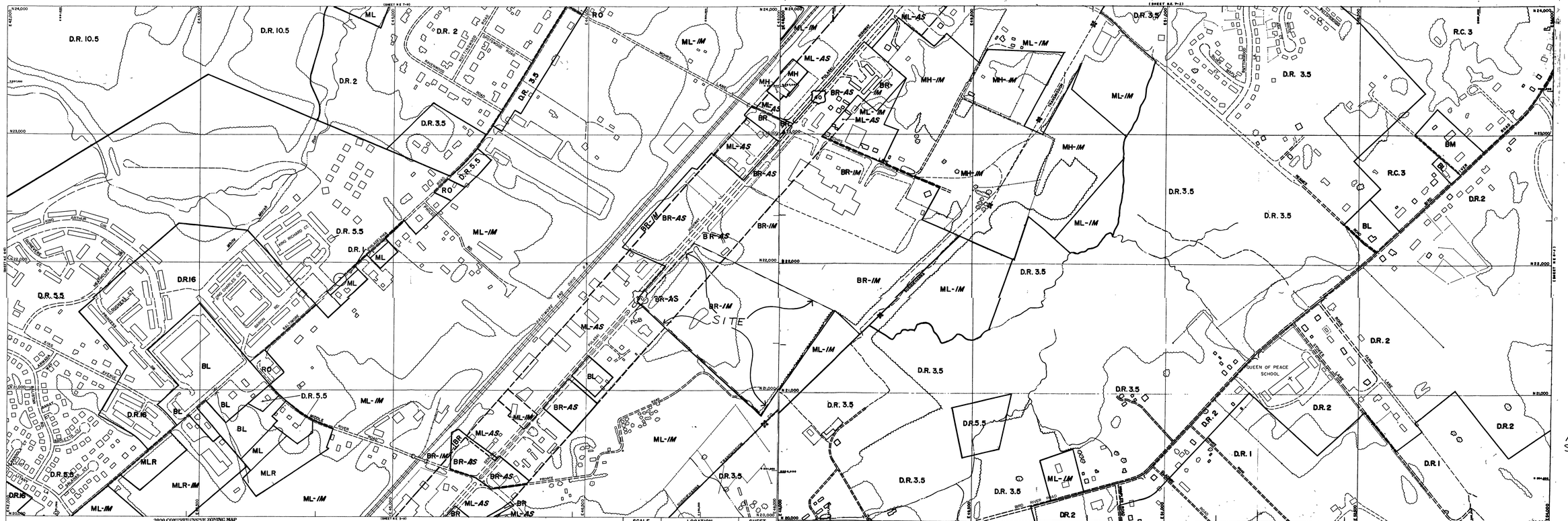

PBOYS











M - SW M - SE
I - NW I - NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Joseph Bertoldi
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	POPLAR	N.E. 6-H
DATE OF PHOTOGRAPHY JANUARY 1986		

M - SE
I - NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Joseph Bertoldi
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	MIDDLE RIVER VICINITY	N.E. 9-I
DATE OF PHOTOGRAPHY JANUARY 1986		

Al Packer
Sign Variance

NE 6 I

02-420-A

General Notes

1 OWNER | DEVELOPER PACKER REALTY III LLC
5665 BELAIR ROAD
BALTIMORE, MARYLAND 21206

2. PREPARED BY DAFT-McCUNE-WALKER, INC (DMW)
200 EAST PENNSYLVANIA AVENUE
TOWSON MARYLAND 21286
(410) 296-3333

3 PROPERTY ADDRESS 9801 PULASKI HIGHWAY

4 TAX INFORMATION TAX MAP 82, GRID 17 PARCEL 269, ACCOUNT No 2300007172

5 ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 5 CENSUS TRACT No 4917.01
PLANNING DISTRICT

6 WATERSHED
SUB-SEWERSHED WATER-SEWERSHED-

7 ALL PARKING SPACES WILL BE A MINIMUM 8.5' x 18' (EXCEPT FOR HANDICAPPED SPACES WHICH WILL MEET ADA STANDARDS) PAVED WITH A DURABLE DUSTLESS SURFACE AND STRIPED

8 ALL LIGHTING TO BE DESIGNED BY OTHERS DESIGN TO BE APPROVED BY OFFICE OF PLANNING AND ZONING

ALL LIGHTING WILL BE FROM CONCEALED SOURCE TYPE FIXTURES WHEN LOCATED WITHIN 500' OF PULASKI HWY. ALL OTHER FIXTURES FOR PARKING AREAS SHALL BE ARRANGED SO AS TO REFLECT LIGHT AWAY FROM THE THE ADJACENT RESIDENTIAL AREAS AND PUBLIC STREETS

9 LOCAL OPEN SPACE | AMENITY OPEN SPACE NONE REQUIRED

10 FOREST BUFFER | FOREST CONSERVATION EASEMENT NOTES

STANDARD NON-DISTURBANCE NOTE

THERE SHALL BE NO CLEARING GRADING CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER | FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

PROTECTIVE COVENANTS NOTE

ANY FOREST BUFFER | FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS

ACCESS NOTE

ACCESS TO THE FOREST BUFFER AND FOREST CONSERVATION EASEMENTS SHALL BE VIA A 10FT WIDE BALTIMORE COUNTY ACCESS EASEMENT EXTENDING ALONG THE NORTHERN PROPERTY BOUNDARY FROM PULASKI HIGHWAY TO THE AREA IN FOREST BUFFER AND FOREST CONSERVATION EASEMENTS

11 STORMWATER MANAGEMENT QUALITY AND QUANTITY WILL BE MANAGED IN TWO (2) ABOVE GROUND FACILITIES, AS SHOWN ON THE PLAN

12 NO PORTION OF THIS SITE IS LOCATED WITHIN A DESIGNATED AREA OF CRITICAL STATE CONCERN AND NO PORTION OF THE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

13 THERE ARE NO KNOWN HISTORIC STRUCTURES IN EXISTENCE ON THIS SITE PER THE LANDMARKS PRESERVATION COMMISSION AND THE MARYLAND HISTORIC TRUST INVENTORY

14 THERE ARE NO KNOWN SIGNIFICANT GEOLOGIC FORMATIONS, ARCHEOLOGICAL SITES, OR ENDANGERED SPECIES HABITATS ON THE SITE

15 THERE ARE NO SIGNIFICANT VIEWS ON THIS SITE

16 REFUSE CONTAINERS AND COLLECTION POINTS WILL BE AT LOCATIONS (TRASH) SHOWN ON PLAN REFUSE COLLECTION SHALL BE BY A PRIVATE COMPANY

17 THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE. A PHASE 1 ENVIRONMENTAL ASSESSMENT HAS BEEN CONDUCTED FOR THIS SITE.

18 THERE ARE NO KNOWN SEPTIC SYSTEMS ON OR WITHIN 100 FEET OF THE PROPERTY ADJACENT PROPERTIES, EXCEPT TO WEST, ARE SERVED BY PUBLIC WATER AND SEWER. THERE ARE NO KNOWN EXISTING WELLS ON SITE.

19 ALL PROPOSED NEW DEVELOPMENT WILL BE LOCATED WITHIN THE BR-IM ZONE. ALL NEW DEVELOPMENT WILL BE SERVED BY PUBLIC WATER AND SEWER.

20 THERE ARE NO CURRENT LIMITATIONS ESTABLISHED BY THE COURTS COUNTY BOARD OF APPEALS PLANNING BOARD AND / OR ZONING COMMISSIONER OR RESTRICTIVE COVENANTS RECORDED WITH INDIVIDUALS OR GROUPS WHICH WOULD LIMIT THE PROPOSED DEVELOPMENT OF THE PROPERTY

21 THE PROPOSED AREA OF DISTURBANCE IS APPROXIMATELY 699,550 SQUARE FEET OR 16.06 ACRES

22. HANDICAP PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND ADA STANDARDS HANDICAP RAMPS SHALL BE PROVIDED AT SITE ENTRANCE

23. SITE LAYOUT AND ARCHITECTURAL ELEVATIONS FOR THE BUILDINGS SHALL BE SUBMITTED TO THE OFFICE OF PLANNING FOR REVIEW PRIOR TO THE ISSUANCE OF BUILDING PERMITS PLANS AND ARCHITECTURAL ELEVATIONS SHALL CONFORM TO THE OFFICE GUIDELINES SECTION OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

24 MARYLAND COORDINATE SYSTEM (MCS) AND NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) WILL BE USED FOR HORIZONTAL AND VERTICAL DATUM

25 ALL DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH "BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION"

26 ALL IMPROVEMENTS AFFECTING PULASKI HIGHWAY, MD ROUTE 40, ARE SUBJECT TO THE STANDARDS AND SPECIFICATIONS OF THE MARYLAND STATE HIGHWAY ADMINISTRATION IN ADDITION TO THOSE OF BALTIMORE COUNTY

27 OFFSITE MITIGATION FOR PERMANENT IMPACTS TO WETLANDS AND FOREST BUFFER SHALL BE PROVIDED ON THE ADJACENT FISCHER PROPERTY

28 THE FOREST BUFFER EASEMENT SHALL BE PERMANENTLY FENCED

29 THE REQUIRED FOREST BUFFER MITIGATION WILL BE SATISFIED THROUGH A COMBINATION OF OFF-SITE REFORESTATION AND A FEE PAID TO BALTIMORE COUNTY DEPRM

30 THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA

Site Development Data

Phase	1
Dev Schedule	
Zone	BR-IM Area / BR-AS / ML-AS 21.05 ± Acres
Net Area of Site	21.05 ± Acres
Gross Area of Site	22.15 ± Acres
Open Space Required	N/A in BR-IM Zone
Proposed Development Use	Car Dealership - Sales and Repairs
Total Building Area Proposed	45,838 S F ±
Max Building Height Proposed	23' ± < 40' Allowed
FAR	.049 < 2.0 Allowed (See Below)
Parking Required	167 PS (See Below)
Parking Proposed	332 PS (Includes HDCP)
HDCP Parking Proposed	4 PS
ADTs	1486

Parking Calculations:
1) Show Room Sales Parts (5 ps /1000 s.f.) = 8,800 s.f
8.8 x 5 = 44.0, Use 44
2) Shop & Business (3.3 ps /1000 s.f.) = 37,038 s.f
37.04 x 3.3 = 122.23, Use 123

Total Required = 167 ps.

FAR Calculations
Total Fl Area = 45,838 s.f
Total Gross Lot Area = 22.15 Ac.(964,854 s.f.)
FAR = 45,838 ÷ 964,854 = .048

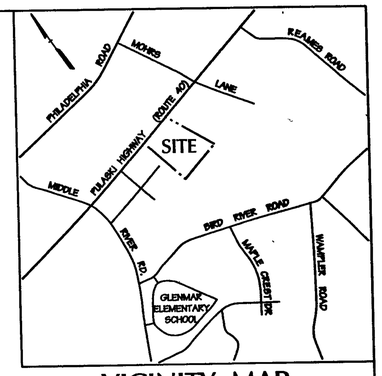
Amenity Open Space - N/A

* There is no zoning history on this site.

Commercial Permits on Property
B429368
B429371
B449316
B457376
B470077
B476633
B471948

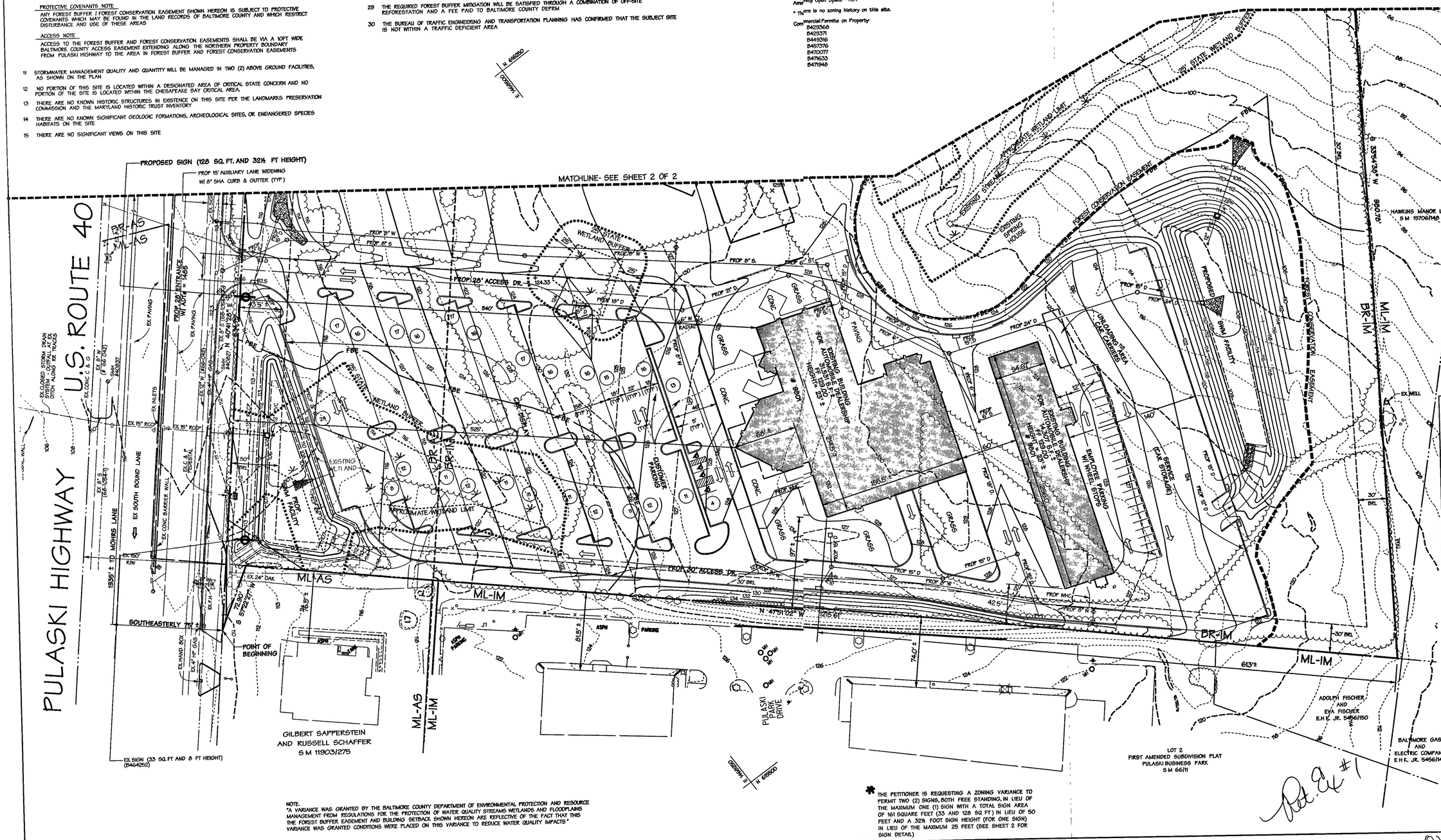
LEGEND

110	Existing Contour	Mkb (B)	Soils
108	Proposed Contour		Wetlands
EX 15" D	Existing Utilities		Stream Center Line
PROP 15" D	Proposed Utilities		Forest Edge
	Existing Building		Scrub / Shrub
	Proposed Building	FBE	Forest Buffer Easement
	Existing Curb		State Wetland Buffer
	Proposed Curb		Forest Conservation Easement
	Proposed Sidewalk		Sign



VICINITY MAP

SCALE. 1" = 2000'



NOTE.
"A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY STREAMS WETLANDS AND FLOODPLAINS THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS"

* THE PETITIONER IS REQUESTING A ZONING VARIANCE TO PERMIT TWO (2) SIGNS, BOTH FREE STANDING, IN LIEU OF THE MAXIMUM ONE (1) SIGN WITH A TOTAL SIGN AREA OF 161 SQUARE FEET (33 AND 128 SQ FT) IN LIEU OF 50 FEET AND A 32½ FOOT SIGN HEIGHT (FOR ONE SIGN) IN LIEU OF THE MAXIMUM 25 FEET (SEE SHEET 2 FOR SIGN DETAIL)

NOTE:
THIS PROJECT WAS GRANTED A LIMITED EXEMPTION (V-9) BY THE DEVELOPMENT REVIEW COMMITTEE (DRC) #052496, ON JUNE 7 1999 THE PLAN COMPLIES WITH ALL COUNTY COMMENTS RECEIVED SUBSEQUENT TO THE DRC ACTION

THE DEVELOPMENT PLAN SIGNED 101100 (W-756)
1ST AMENDED DEVELOPMENT PLAN SIGNED 7125101
DRC #070201L
2ND AMENDED DEVELOPMENT PLAN SIGNED 214102
DRC #111307G

DATA SOURCES
THE LOCATION OF STREAMS, NONTIDAL WETLANDS WERE APPROVED IN FIELD BY COE AND MDE ON 12-2-99

THE INFORMATION SHOWN HEREON WAS OBTAINED FROM DEEDS, PLATS AND FIELD RUN TOPOGRAPHY

TOPOGRAPHY SHOWN HEREON WAS COMPILED FROM AERIAL PHOTOGRAPHY DATED 2-26-96 BY AIR SURVEY CORP.

BOUNDARY SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PREPARED BY DMW INC. DATED AUGUST 23, 1999.

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

AL PACKER FORD PROPERTY

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

15th Election District — Baltimore County, Maryland

STATE OF MARYLAND — MICHAEL J. KNOTT — PROFESSIONAL ENGINEER — No. 19824

DATE	BY	REVISIONS
02/21/02	MJK	AMEND PLAN FOR VARIANCE REQUEST

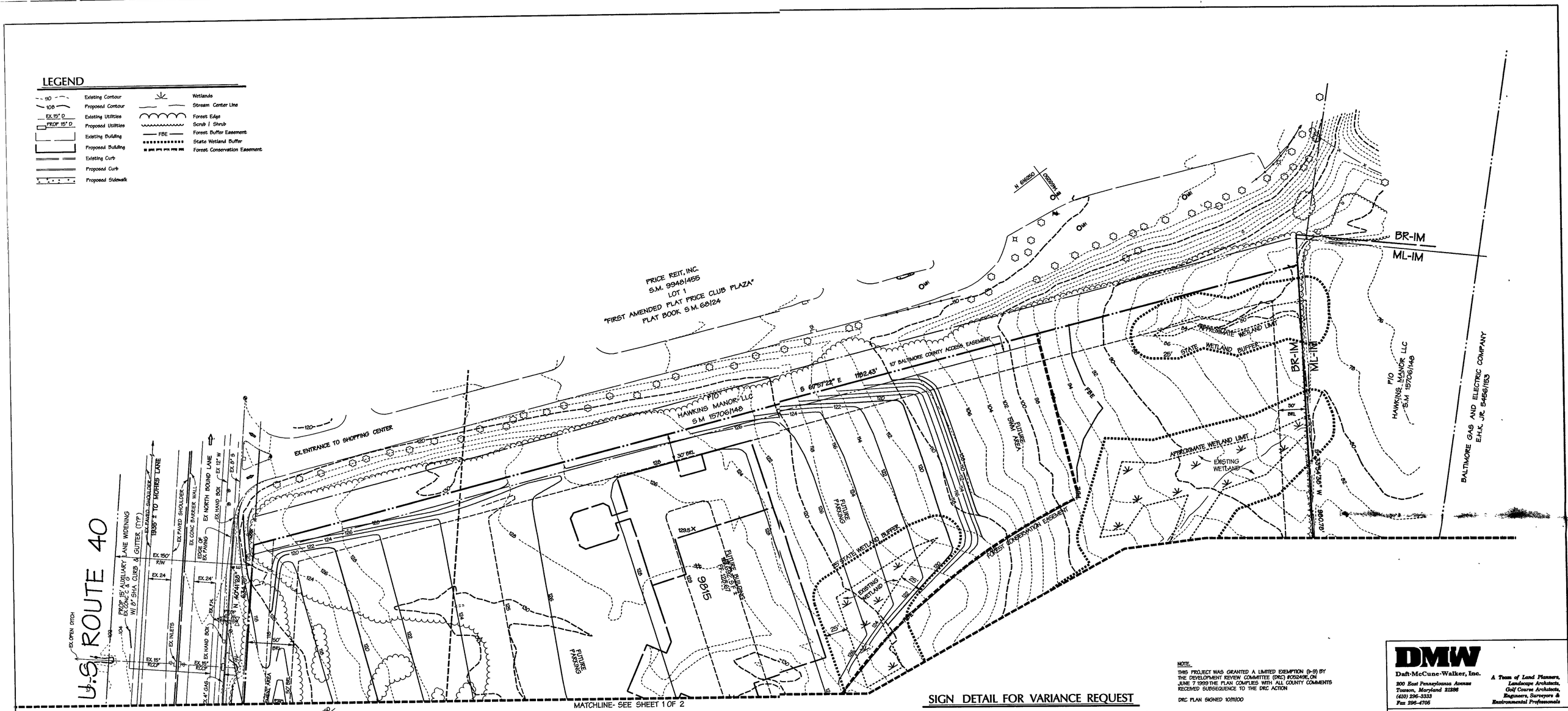
ISSUE DATES			
REVIEW		BASE	
BID		DRAWN	MEA
PERMIT		DESIGNED	MJK
CONSTRUCTION		CHECKED BY	ASV
SCALE	1"=50'	DATE CHECKED	3/26/02
PROJECT NO	96111.J0	DRAWING	1 of 2

Pet. Ex #1

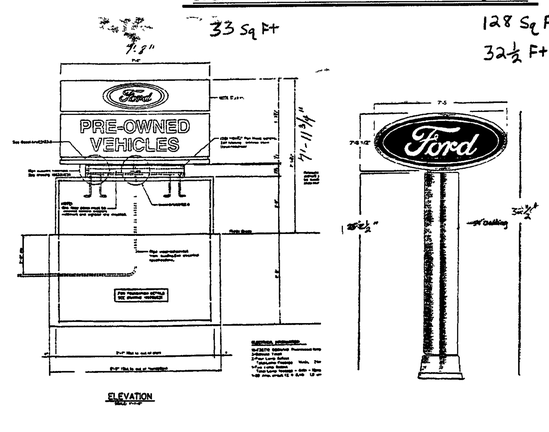
02-420-A

LEGEND

- Existing Contour
- Proposed Contour
- Existing Utilities
- Proposed Utilities
- Existing Building
- Proposed Building
- Existing Curb
- Proposed Curb
- Proposed Sidewalk
- Wetlands
- Stream Center Line
- Forest Edge
- Scrub / Shrub
- Forest Buffer Easement
- State Wetland Buffer
- Forest Conservation Easement



SIGN DETAIL FOR VARIANCE REQUEST



NOTE:

THIS PROJECT WAS GRANTED A LIMITED EXEMPTION (I-3) BY THE DEVELOPMENT REVIEW COMMITTEE (DRC) #052499E, ON JUNE 7 1999 THE PLAN COMPLIES WITH ALL COUNTY COMMENTS RECEIVED SUBSEQUENCE TO THE DRC ACTION

DRC PLAN SIGNED 10/11/00

DATA SOURCES

THE LOCATION OF STREAMS, NONTIDAL WETLANDS WERE APPROVED IN FIELD BY COE AND MDE ON 12-2-99

THE INFORMATION SHOWN HEREON WAS OBTAINED FROM DEEDS, PLATS AND FIELD RUN TOPOGRAPHY

TOPOGRAPHY SHOWN HEREON WAS COMPILED FROM AERIAL PHOTOGRAPHY DATED 2-26-96 BY AIR SURVEY CORP

BOUNDARY SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PREPARED BY DMW, INC. DATED AUGUST 23, 1999.

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AL PACKER FORD PROPERTY

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

15th Election District — Baltimore County, Maryland

STATE OF MARYLAND — MICHAEL J. KOLODZIEJ — No. 21177 — PROFESSIONAL ENGINEER — PROFESSIONAL LAND SURVEYOR — 3/6/02

DATE	BY	REVISIONS
02/21/02	MJK	AMEND PLAN FOR VARIANCE REQUEST

ISSUE DATES			
REVIEW		BASE	
BID		DRAWN	MEA
PERMIT		DESIGNED	MJK
CONSTRUCTION		CHECKED BY	AJV
SCALE	1"=50'	DATE CHECKED	3/6/02
PROJECT NO	96111.J0	DRAWING	2 of 2