IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE – SE/S Pulaski Highway,

785.15' SW of Rossville Boulevard

(8655 Pulaski Highway)

15th Election District 7th Council District

8655 Pulaski Joint Venture, LLC Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-295-XA

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Exception and Variance filed by the owners of the subject property, 8655 Pulaski Joint Venture, LLC, and the Contract Lessee, RDA, Inc., through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a used motor vehicles outdoor sales area on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from the B.C.Z.R. as follows: From Section 409.6 to permit 213 parking spaces in lieu of the required 281; from Section 409.8.A.4 to permit parking spaces a minimum of 8 feet from the street right-of-way in lieu of the required 10 feet; and, from Section 238.4 to permit the storage and display of vehicles 37 feet in front of the front building line in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Patrick Franklin, with Merritt Management Corporation, agent for 8655 Pulaski Joint Venture, LLC, property owners; Larry Peranski with RDA, Inc., Contract Lessees; and David Karceski, Esquire, attorney for the Petitioners. Also appearing on behalf of the Petitioners were David Martin, on behalf of G. W. Stephens, Jr. & Associates, Inc., the consultants who prepared the site plan for this property, and David Bavar, of Bavar Properties, Inc. There were no Protestants or other interested persons present.

At the onset of the hearing, the Petitioners submitted an amended plan and altered the relief requested. Under the original plan, relief was requested for an irregular shaped parcel which contained 5.15

Date 2004

Cade Accepted for the Date By

acres in area and was previously used and occupied by a Hechinger's store. However, at the hearing, the Petitioners advised that they recently acquired an abutting lot, which was formerly occupied by a McDonald's restaurant. The Petitioners have combined the two parcels and now seek relief to redevelop the entire tract. Additionally, the indoor display area was previously shown as 45,280 sq.ft.; however, is now shown as 44,735 sq.ft. Moreover, by acquisition of the McDonald's lot, the Petitioners now propose to provide 309 parking spaces, which is in excess of the 308 parking spaces required. Thus, Variance Request #1 is no longer necessary and has been withdrawn.

As shown on the amended site plan, the property is located on the southeast side of Pulaski Highway, between the Baltimore Beltway (I-695) and Rossville Boulevard. The overall tract contains a gross area of 6.07 acres, more or less, zoned B.R., and as noted above, was formerly occupied by a Hechinger's home improvement store and a McDonald's restaurant, and related parking field. The Hechinger's store has been vacant for approximately 4 years and the McDonald's restaurant has been closed for approximately 1 year. The Petitioners propose a redevelopment of the site as a used automotive sales dealership, to be operated by RDA, Inc., which trades as Eastern Automotive.

On behalf of RDA, Inc., Mr. Peranski testified about the nature of the proposed use, which is to sell used cars. However, unlike the typical used car operation, Eastern Automotive offers a regional network to serve its customers. Typically, individuals interested in purchasing a used car, call a toll free number at the business's corporate headquarters. Through maintenance of a computer inventory, the customer is then directed to a particular Eastern Automotive site where that car in which the customer has an interest might be located. Thus, there is not as much drive-by/walk-up traffic. Presently, Eastern Automotive operates sales facilities in the Waldorf and Laurel communities in southern Maryland, and the Washington Metropolitan Area. The proposed use is the first such facility designated for Baltimore County.

The existing buildings formerly occupied by Hechinger's and McDonald's will be retained. The McDonald's building will be converted for use as sales offices and the Hechinger's building will serve as a combination showroom/reconditioning facility. There will be no additions to the building; however, a significant interior renovation is proposed. A portion of the building (14,950 sq.ft.) will be designated for use as a reconditioning shop. This shop will perform cosmetic repairs and detail vehicles; however, there

will be no mechanical work performed on the site. Testimony was proffered on behalf of Mr. Peranski of RDA, Inc., and David Martin, the Landscape Architect.

Based upon the testimony and evidence presented, I am easily persuaded that special exception relief should be granted. This is a highly commercial retail area and the proposed use is compatible with the locale. I easily find that the standards set forth in Section 502.1 of the B.C.Z.R. have been met and there is no evidence that the proposed use will be detrimental to the health, safety and general welfare of the locale.

As noted above, one of the variance requests have been withdrawn; however, there are two remaining. One variance is to allow the storage and display of vehicles 37 feet in front of the front building line in lieu of the maximum allowed 15 feet. This variance is driven by the location of the former McDonald's building, and as is typical with used car operations, the proposed display of vehicles will be immediately adjacent to that right-of-way to increase visibility. Thus, the requested variance is necessary. It is also to be noted that the proposed display areas in the front of the site immediately adjacent to Pulaski Highway will not block sight distance and will not be within the right-of-way.

The second variance is to allow parking spaces a minimum of 8 feet from the street right-of-way in lieu of the required 10 feet. Again, this variance is necessary to accommodate the front row display area, which is in an area formerly used by Hechinger's and McDonald's for parking. I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that the proposed use is an appropriate adaptive reuse of the subject property.

Although there were no Protestants or other interested persons present, a Zoning Advisory Committee (ZAC) comment was submitted by the Office of Planning, requesting that certain conditions be attached to any approval. Specifically, the Office of Planning has requested that a landscape and lighting plan be submitted, as well as architectural elevation drawings of the proposed renovations. The comment also suggests that no vehicles be displayed in the right-of-way and indeed, the site plan shows that they will be setback a minimum of 8 feet from the right-of-way line. The Petitioners indicated that an attachment of these conditions as restrictions to the requested relief was acceptable and it appears appropriate for the redevelopment of this site.

OR FILING OKUPER RECEIVE Date.

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Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of February 2004 that the Petition for Special Exception to permit a used motor vehicles outdoor sales area on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces a minimum of 8 feet from the street right-of-way in lieu of the required 10 feet, and, from Section 238.4 of the B.C.Z.R. to permit the storage and display of vehicles 37 feet in front of the front building line in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comment submitted by the Office of Planning dated January 27, 2004, a copy of which is attached hereto and made a part hereof.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the B.C.Z.R. to permit 213 parking spaces in lieu of the required 281 be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

February 17, 2004

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

PETITIONS FOR SPECIAL EXCEPTION & VARIANCE RE: SE/S Pulaski Highway, 785.15' SW of Rossville Boulevard (8655 Pulaski Highway) 15th Election District – 7th Council District 8655 Pulaski Joint Venture, LLC - Petitioners Case No. 04-295-XA

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Mr. Robb Merritt, Merritt Properties, LLC cc: 2066 Lord Baltimore Drive, Baltimore, Md. 21244

Messrs. Robert S. Bassam, Patrick Franklin & Larry Peranski, RDA, Inc.

1650 Tysons Boulevard, Suite 600, McLean, Va. 22102

Mr. David Martin, G. W. Stephens, Jr. & Assoc., Inc.

1020 Cromwell Bridge Road, Towson, Md. 21286

Mr. David Bavar, 1966 Greenspring Drive, Timonium, Md. 21093

Office of Planning; People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



ORDER (

Date

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for	the	property	located at	8655	Pulaski	Highway
	_					

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lec owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto as made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the time of the property for

SEE ATTACHED

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by t zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Pu	urchaser/Less	ee:		Legal Owner	(s):
RDA, Inc.				8655 Pulask	
Name - Type or	Print		· +	C/O Merritt Name - Type of Pr	
				White	,
1650 Tysons	Robert S. 3 Boulevard	-	03) 790-1000	Signature	
Address Suite		(/ /	Telephone No.	Robb Merrit	
McLean,	Virgini	a 27	2102	Name / Type or Pr	Int //
City	····	State	Zip Code	Signature	
Attorney Fo	r Petitioner:			2066 Lord B	altimo
Robert A. H	Hoffman			Address	
		- 13	····	Baltimore,	Ma
Petres	rint 1. 1/3 (Fan.	- ISAL	•	City	
Signature				Representati	ve to b
Venable LL	2			Robert A. H	offman
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perjury, that I/we are is the subject of this	the legal owr	m, unde ner(s) of	r the pen the prope	alties of erty which
Legal Owner(s): 8655 Pulaski C c/o Merritt Pi	Toint Vent	ure L	LC by Mervit	Mongene
C/O Merritt Property Print	· · · · · · · · · · · · · · · · · · ·		Corp, 1	toent
Robb Merritt, Name/Type or Print/	Vice Pres	ident	MerrH	Managene
Signature	/ 			
2066 Lord Balt	imore Dri	.ve (410) 29	
Address Baltimore,	Maryland	!	Te 21244	lephone No.
City		State		Zip Code
Representative	to be Cont	acted:		
Robert A. Hoff	iman .			
Name 210 Allegheny	Avenue	(410)	494-62	00
Address Towson,	Maryland	2:	Tele 1.204	phone No.
City		State		Zip Code
	FICE USE			الاند
ESTIMATED LEN	GTH OF HE	EARIN	321	hos?

Date 12-18-03

PETITION FOR SPECIAL EXCEPTION 8655 Pulaski Highway

Special Exception to permit a used motor vehicles outdoor sales area pursuant to Section 236.4 of the Baltimore County Zoning Regulations.

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ORDER REGENVED FOR FILING
By

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8655 Pulaski Highway 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 Variance from Section(s)

SEE ATTACHED

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 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.

Contract Purchaser/Lessee:

RDA, Inc.

Name - Type or Pringry: Robert S. Bassam, CEO

Signature

1650 Tysons Boulevard (703)790-1000Address Suite 600 Telephone No. McLean, Virginia 22102

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable LLP

Company

FILING

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CHOER

Allegheny Avenue (410)494-6200 Addless

Towson,

Telephone No. Maryland 21204

City

State Zip Code

Case No. 04 - 295-X4

REV 9/15/98

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IWe 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.

Legal Owner(s):

8655 Pulaski Joint Venture, LLC, c/o Merritt Properties, LLC

Name - Type or Print

Signature

By: Merritt Management Corp., Agent

Name - Type or Print/

Signature Robb Merritt, Vice President

2066 Lord Baltimore Drive (410) 298-2600

Address

Baltimore, Maryland

Telephone No. 21244

City

State Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue

494-6200 (410)

Address

Towson,

Maryland

Telephone No. 21204

City

State

Zip Code

OFFICE USE ONLY

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UNAVAILABLE FOR HEARING Reviewed By

Date 12-18-03

Petition for Variance 8655 Pulaski Highway

Variance from Section 409.6 of the Baltimore County Zoning Regulations ("BCZR") to allow 213 parking spaces in lieu of the required 281 parking spaces.

Variance from BCZR Section 238.4 to allow storage and display of vehicles 37 feet IN FRONT OF the front building line in lieu of the permitted 15 feet.

Variance from BCZR Section 409.8.A.4 to allow parking spaces a minimum of 8 feet from the street right-of-way in lieu of the permitted 10 feet.

295

ORDER REGENVED FOR FILING

Date

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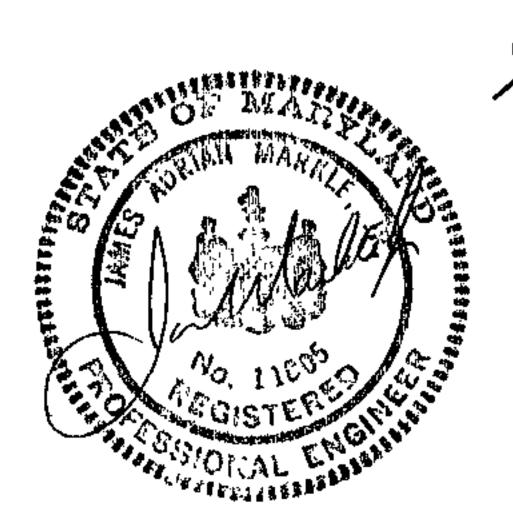
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DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCES

8655 PULASKI HIGHWAY

Beginning for the same at a point on the southeast side of Pulaski Highway (150-feet wide) south 39° 38' 50" west 785.15-feet from the intersection of Pulaski Highway and Rossville Boulevard, running thence the fourteen following courses:

- 1. Leaving the east side of Pulaski Highway south 45° 04' 33" east 40.00-feet
- 2. North 44° 55' 27" east 48.00-feet
- 3. South 48° 12' 39" east 210.33-feet
- 4. South 66° 28' 33" east 84.12-feet
- 5. South 20° 15' 33" east 46.80-feet
- 6. South 38° 07' 27" west 58.20-feet
- 7. South 74° 03' 27" west 85.00-feet
- 8. South 16° 24' 33" east 90.00-feet
- 9. South 65° 06' 33" east 55.00-feet
- 10. South 47° 23' 07" west 469.17-feet
- 11. North 45° 00' 01" west 271.82-feet
- 12. North 44° 55' 27" east 230.00-feet
- 13. North 45° 00' 01" west 175.00-feet; to the southeast side of Pulaski Highway, running thence along said southeast side
- 14. North 44° 55' 27" east 323.97-feet to the place of beginning



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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE	
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NOTICE OF ZONING HEATING

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: #04-295-XA
8656 Pulaski Highway
S/east side Pulaski Highway, 785.18 feet southwest of Rossville Blvd.

-15th Election District -- 6th Councilmanic District --Legal Owner(s): 8655 Pulaski Joint Venture, LLC, C/o Merritt Properties, LLC

Contract Purchaser: RDA, Inc.

Variance: to allow 213 parking spaces in lieu of the required 281 parking spaces. To allow storage and display 37 feet in front of the front building line in lieu of the permitted 15 feet. To allow parking spaces a minimum of 8 feet from the street right-of-way in lieu of the required feet. Special Exception: to permit a used motor vehicles outdoor sales area.

Magninus Thursday January 20 2000 at 14.00 a motor vehicles

Hearing: Thursday, January 29, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Boxley 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.

1/335 Jan. 22 1/335 Jan. 22

CERTIFICATE OF PUBLICATION

1/22,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 122,2004.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
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LEGAL ADVERTISING

CERTIFICATE OF POSTING

And the second s	RE: Case No.: 99-295
30111 V	IENTURE LEtitioner/Developer: 8655
	- MERRITT
Dallimana Carretta III	Date of Hearing/Closing: 1/2
Baltimore County Department of Permits and Development Managemen County Office Building, Room 111 111 West Chesapcake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
	* * *
This letter is to certify under the penalti posted conspicuously on the property lo	ies of perjury that the necessary sign(s) required by law wel
8655	
	FOLMSKI HWY
· · · · · · · · · · · · · · · · · · ·	
he sign(s) were posted on	1/13/04
he sign(s) were posted on	(Month, Day, Year)
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he sign(s) were posted on	Sincerely,
he sign(s) were posted on	Sincerely,
The sign(s) were posted on	Sincerely,
he sign(s) were posted on	Sincerely, (Signature of Charles)
The sign(s) were posted on	Sincerely, (Signature of Sign Poster) (Date)
The sign(s) were posted on	Sincerely, (Signature of Sign Poster) (Date) SSG Robert Black
The sign(s) were posted on	Sincerely, (Signature of Sign Poster) (Date) SSG Robert Black (Print Name)
The sign(s) were posted on	Sincerely, (Signature of Sign Poster) (Date) SSG Robert Black (Print Name) 1508 Leslie Road (Address)
The sign(s) were posted on	Sincerely, (Signature of Sign Poster) (Date) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222
The sign(s) were posted on	Sincerely, (Signature of Sign Poster) (Date) SSG Robert Black (Print Name) 1508 Leslie Road (Address)

Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

January 6, 2004

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: 04-295-XA

8655 Pulaski Highway

S/east side Pulaski Highway, 785.15 feet southwest of Rossville Blvd.

15th Election District – 6th Councilmanic District

Legal Owner: 8655 Pulaski Joint Venture, LLC, C/o Merritt Properties, LLC

Contract Purchaser: RDA, Inc.

Variance to allow 213 parking spaces in lieu of the required 281 parking spaces. To allow storage and display 37 feet in front of the front building line in lieu of the permitted 15 feet. To allow parking spaces a minimum of 8 feet from the street right-of-way in lieu of the required feet.

Special Exception to permit a used motor vehicles outdoor sales area.

Hearing:

Thursday, January 29, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley

Avenue

Timothy Kotroco

Director

TK:rlh

C: 8655 Pulaski Highway Joint Venture, C/o of Merritt Properties, Robb Merritt, Vice President, 2066 Lord Baltimore Drive, Baltimore 21244
Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson 21204
RDA, Inc., 1650 Tysons Boulevard, McClean, Virginia 22102

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 29, 2004.

- (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

Thursday, January 22, 2004 Issue - Jeffersonian

Please forward billing to:

Amy Dontel

410-494-6244

Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204

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: 04-295-XA

8655 Pulaski Highway

S/east side Pulaski Highway, 785.15 feet southwest of Rossville Blvd.

15th Election District – 6th Councilmanic District

Legal Owner: 8655 Pulaski Joint Venture, LLC, C/o Merritt Properties, LLC

Contract Purchaser: RDA, Inc.

Variance to allow 213 parking spaces in lieu of the required 281 parking spaces. To allow storage and display 37 feet in front of the front building line in lieu of the permitted 15 feet. To allow parking spaces a minimum of 8 feet from the street right-of-way in lieu of the required feet.

Special Exception to permit a used motor vehicles outdoor sales area.

Hearing:

Thursday, January 29, 2004 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

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.

tem Number or Cas	se Number:	4-295-X	7	
Petitioner: 36		Toint Ve	mae - 1	. C
Address or Location	-	pulaski		1
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PLEASE FORWARD	D ADVERTISING B	ILL TO:	•	
Name:	wet the	2- Any	Dont	<u> </u>
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Address:	- TIPESME			

Department of Permits and Development Management

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



Baltimore County

James T Smith, Jr., County Executive Timothy M Kotroco, Director

January 23, 2004

Robert Hoffman Venable, LLP 210 Allegheny Avenue Baltimore, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 04-295-XA, 8655 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 18, 2003.

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. Supervisor, Zoning Review

U. Callinal D.

WCR:klm

Enclosures

C: People's Counsel Merritt Properties, LLC, Robb Merritt, 2066 Lord Baltimore Dr., Baltimore 21244 RDA, Inc., Robert Bassam, 1650 Tysons Blvd., Ste. 600, McLean VA 22102



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 January 7, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 5, 2004

295

Item No.:

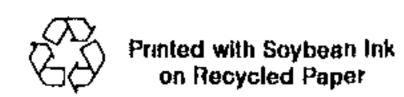
294-298

Dear Ms. Hart:

6. The Fire Marshal's Office has no comments at this time.

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

cc: File





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

January 5, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: December 29, 2003

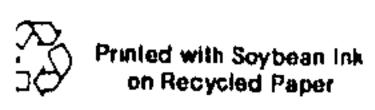
295

Item No.: 280-285, 287-299

6. The Fire Marshal's Office has no comments at this time.

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

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1.8.04

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

RE: Baltimore County

Dear Ms. Hart:

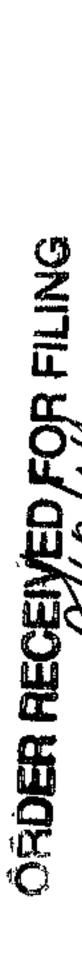
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We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 40. are acceptable to the State Highway Administration (SHA) and this development is not affected by any 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,

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



DATE: January 27, 2004

RECEIVED

JAN 2 7 2004
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

8655 Pulaski Highway

INFORMATION:

Item Number:

04-295

Petitioner:

8655 Pulaski Joint Venture, LLC

Zoning:

BR

Requested Action:

Special Exception and Variances

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request subject to the following conditions:

- 1. Provide a landscape plan that conforms to the landscape manual for automotive uses.
- 2. Submit a plan, with the locations and details of the proposed lighting and a computerized lighting design with point-by-point calculations that conforms with the Illuminating Engineering Society of North America (IESNA) standards, for review and approval by Avery Harden, Development Plans Review, in conjunction with the Final Landscape Plan.
- Provide architectural elevations of the façade renovations to the Office of Planning for review and approval.

4. No vehicles shall be displayed in the right of way.

Section Chief:

AFK/LL:MAC:

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BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

January 16, 2004

SUBJECT:

Zoning Item # See List Below

Zoning Advisory Committee Meeting of January 5, 2004

X_ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-294

04-295

04-297

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

RE: PETITION FOR SPECIAL EXCEPTION **BEFORE THE** AND VARIANCE 8655 Pulaski Highway; SE/side Pulaski ZONING COMMISSIONER Highway, 785.15' SW Rossville Blvd 15th Election & 6th Councilmanic Districts FOR Legal Owner(s): 8655 Pulaski Highway Joint Venture, LLC c/o Merritt Properties, LLC **BALTIMORE COUNTY** Contract Purchaser(s): RDA, Inc; Robert S. Bassam, CEO 04-295-XA Petitioner(s)

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 8th day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

*

JAN 08 2004

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 Telephone 410-494-6200 Facsimile 410-821-0147

www.venable.com

(410) 494-6285

dhkarceski@venable.com

December 23, 2003

HAND-DELIVERED

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
County Office Building - Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re:

Case No. 04-295-XA

8655 Pulaski Highway

Dear Mr. Kotroco:

I am writing to request your assistance in obtaining an accelerated hearing date for the above-referenced property to the extent possible. We filed Petitions for Special Exception and Variance on behalf of Merritt Properties, LLC on Thursday, December 18, 2003.

The project involves the proposed improvement of this vacant property to allow for a car dealership. Due to the urgency relating to completion of the project, any assistance you can offer in setting this hearing date as soon as possible would be greatly appreciated.

Very truly yours,

David H. Karceski

DHK/bl

TO1DOCS1/DHK01/#175291 v1

RECEIVED

DEC 26 2003

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

PLEASE PRINT CLEARLY

CASE NAME # 04-208-XA CASE NUMBER DATE 1/29/64

PETITIONER'S SIGN-IN SHEET

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NAME	DAVID WARCESEN	+ Jahlill Frankly	THUD WARTIN	DAULD BAUAR				75/20/ 135 % / OUN 135 %								

