RE:	**PETITION FOR SPECIAL HEARING and VARIANCE** - SE/S Merritt Blvd, 650′ SW of Old North Point Rd. and 561′ S North Point Blvd. **(901 Merritt Blvd & 1123 Old North Point Road)** 12th Election District 7th Council Districts	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY
	George R. Norris, Inc., Legal Owners/Petitioner(s)	*	**99-512-SPHA**

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

RE:	**PETITIONS FOR SPECIAL HEARING and VARIANCE** - NE/side Merritt Boulevard, 2000′ N German Hill Road **(901 Merritt Boulevard)** 12th Election District 7th Council District	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY
	David N. Cook, VP Norris Ford, Legal Owners; David N. Cook, President, Norris Colonial, LLC d/b/a Norris Honda, Contract Purchasers/Petitioner(s)	*	**05-447-SPHA**

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

ORDER ON BOARD OF APPEALS REMAND

Case No. 05-447-SPHA comes before this Zoning Commissioner as a remand from the Board of Appeals for previously filed Petitions for Variance and Special Hearing by George R. Norris, Inc., legal owner, and Norris Colonial, LLC, doing business as Norris Honda, contract purchaser, the Petitioners. The Petitioners requested variance relief for a new Honda dealership on the property to be located at 901 Merritt Boulevard in eastern Baltimore County. The original variance relief requested from the Baltimore County Zoning Regulations (B.C.Z.R.) is as follows: 1) from Section 450.4.5.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow two freestanding enterprise signs with sign face areas of 100 sq. ft. (Sign 1) and 71.5 sq. ft. (Sign 2) in lieu of the allowed one sign of 50 sq. ft.; 2) from Section 450.4.5.g to allow a freestanding enterprise sign height of 31 feet (Sign 1) in lieu of the maximum allowed 25 feet; 3)

from Section 450.4.3 to allow directional signage with sign face areas of 12 sq. ft. (Sign 3), 66 sq. ft. (Sign A), and 16 sq. ft. (Signs B, C, D, E, F, and G) in lieu of the permitted 8 sq. ft.; and 4) from Section 450.4.5.a to allow a total of three wall-mounted enterprise signs (Signs 7, 8, and 9) on the front (west) façade, in lieu of the two permitted wall-mounted enterprise signs. By way of the Petition for Special Hearing, Petitioners requested an amendment to the site plan approved in prior Case No. 99-512-SPHA.

Case No. 99-512-SPHA comes before this Zoning Commissioner as a remand from the Board of Appeals for previously filed Petitions for Variance and Special Hearing by George R. Norris, Inc., legal owner/Petitioner. The Petitioner requested variance relief for an existing Ford dealership and a used car facility located at 901 Merritt Boulevard and 1123 Old North Point Road to accommodate three freestanding signs with a total sign face area of 207.75 square feet in lieu of the one (1) sign of 50 square feet and to permit a sign height of 36 feet, 4 inches in lieu of the maximum allowed 25 feet. By way of the Petition for Special Hearing, Petitioner also requested an amendment to the site plan approved in prior Case No. 97-445-A.

Petitioners' requests for variances and special hearing relief were granted by the Zoning Commissioner on August 20, 1999, in Case No. 99-512-SPHA and on June 9, 2005, in Case No. 05-447-SPHA. Thereafter, the cases were appealed to the Board of Appeals by the Office of People's Counsel. The Board had granted a request for postponement made by Petitioner in Case No. 99-512-SPHA, which case was, therefore, still pending before the Board. Prior to the hearings before the Board, the Petitioners and People's Counsel agreed that the Petitioners would modify the request for variances in Case No. 05-447-SPHA, withdraw their request for variances in Case No. 99-512-SPHA, and People's Counsel would not continue its appeals before the Board in Case Nos. 05-447-SPHA and 99-512-SPHA. The Board of Appeals remanded both cases to this Commission for resolution.

The terms of the agreement are as follows:

The Petition for Variance in Case No. **05-447-SPHA** shall be amended to revise the request as follows for the Merritt Boulevard property:

a) A variance for a single freestanding enterprise sign accessory to the Honda dealership, with an area of 64 sq. ft. in lieu of the permitted 50 sq.ft.; Petitioner agrees to comply with the height limitation of 25 ft. in BCZR 450.4.5.(g).

b) A variance for directional signage with sign face areas of 12 square feet, 66 square feet and 16 square feet in lieu of the permitted 8 square feet per sign.

c) A variance for three wall-mounted enterprise Honda signs on the front façade in lieu of two wall-mounted enterprise signs.

d) Petitioner agrees to withdraw the three variances for two freestanding signs with face areas of 100 sq. ft and 71.5 sq. ft., and for a height for variance of 31 ft.

Petitioners further agree the two existing Ford freestanding signs and any other existing Ford dealership signs on the Merritt Boulevard property are nonconforming and subject to BCZR 450, including but not limited to the abatement provisions in BCZR 450.8.D., and that no variances are being requested or granted for these signs.

People's Counsel does not take a position on the variances for directional signage in paragraph (b) as not being in the public interest in this case.

People's Counsel cannot consent to the variances for the wall-mounted signs requested in paragraph (c) in light of the Circuit Court decision in Case No. 03-C-04-3662, pending before the Court of Special Appeals.

Upon further review and discussions, Petitioner's attorney and People's Counsel agree that the Petitions in **Case No. 99-512-SPHA** shall be amended to revise the request as follows:

a) The Petition for Variance for the three freestanding signs shall be withdrawn; the two Ford freestanding signs are nonconforming and have been addressed in paragraph 6; the third freestanding sign is addressed in paragraph 9c below.

b) The Petitioner agrees to promptly apply for a special exception to operate a used car dealership for 1123 Old North Point Road for a Budget Used Car dealership, under BCZR 236.4.

c) Petitioner agrees the freestanding sign presently located on the aforesaid Old North Point Road property, and any other existing signs on this property, are nonconforming, and subject to BCZR 450, including but not limited to the abatement provisions in BCZR 450.8.D, and that no variances are being requested or granted for these signs.

d) The Petition for Special Hearing to amend Case No. 97-445-A shall be granted to the extent necessary to comport with the relief requested in this Joint Motion to Remand.

Petitioner further agrees to amend its site plan in Case No. 05-447-SPHA in accordance with this Motion and to submit the same to the Zoning Commissioner.

People's Counsel is satisfied that the revised petition and site plan in Case No. 05-447-SPHA will be in the public's interest.

The most efficient way to present the revised petition for review is to present it to the Zoning Commissioner, who is familiar with the case, for a hearing and for an Amended Order.

The Board remanded the cases to this Commission for further hearing, which was conducted on November 23, 2005. Appearing at the hearing on behalf of the variance and special hearing requests was David H. Karceski, Esquire representing the Petitioners. David N. Cook and Mitchell J. Kellman were also in attendance on behalf of Petitioners. People's Counsel, Peter Max Zimmerman, did not appear at the remand hearing in view of the outlined understandings.

The Petitioners, by way of testimony and evidence, submitted a redlined two-page amended site plan in Case No. 05-447-SPHA, which incorporates the terms of the agreement entered into by the Petitioners and People's Counsel, set forth above. This new site plan marked as Petitioners' Exhibit No. 5 calls for the removal of the "freestanding Certified Used Cars" sign and specifies the amended dimensions of the freestanding "Honda New Cars" sign, as required by the agreement. No other changes to the requested signage in Case No. 05-447-SPHA are necessary, pursuant to the Joint Motion to Remand. In Case No. 99-512-SPHA, all existing signage, pursuant to the Joint Motion for Remand, associated with the existing Ford dealership

and separately operated used car operation located at 901 Merritt Boulevard and 1123 Old North Point Road are subject to the sign abatement provisions of Section 450 of the Zoning Regulations.

Findings of Fact and Conclusions of Law

I find that the amended site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit No. 5 in Case No. 05-447-SPHA, incorporates the terms and conditions of the agreement between People's Counsel and the Petitioners as provided for in the Joint Motion Remand Order to the Board of Appeals, which was granted. The request for two freestanding signs having been withdrawn, the amended freestanding signage request before this Commission is for a variance to allow a 64 sq. ft. sign in lieu of the permitted 50 sq. ft. from Section 450.4.I.5(g);

As noted previously in this Commission's Order of June 9, 2005, I found that variance relief was appropriate for the reasons given (Case No. 05-447-SPHA). I determined that special circumstances or conditions exist that are peculiar to the land or structure supporting the variance request as the property is unique from a zoning standpoint. I also concluded that the Petitioners would suffer hardship if the regulations were strictly enforced. Indeed, the national Honda campaign requires these signs.

Finally, I decided that the variance can be granted within the spirit and intent of the regulations and there is no adverse impact on the community for the signs.

Pursuant to the hearing held on the Petitions in Case Nos. 05-447-SPHA and 99-512-SPHA, and after considering the testimony and evidence offered, I find that Petitioners' amended Petition for Variance and Petition for Special Hearing should be GRANTED in Case No. 05-447-SPHA and Petitioner's Petition for Special Hearing should be granted in Case No. 99-512-SPHA.

THEREFORE, IT IS ORDERED, in Case No. 05-447-SPHA, by the Zoning Commissioner for Baltimore County this 16th day of December, 2005, that the Petition for Special Hearing seeking approval of an amendment to the site plan approved in prior Case No. 99-512-SPHA, in accordance with and as indicated on Petitioners' Exhibit 5, be and is hereby GRANTED; and

IT IS FURTHER ORDERED in Case No. 05-447-SPHA that the amended Petition for Variance seeking relief as follows: 1) from Section 450.4.5.g of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow one freestanding enterprise sign with a sign face area of 64 sq. ft. (Sign 1) in lieu of the allowed 50 sq.ft. not to exceed 25 feet in height; 2) from Section 450.4.3 to allow directional signage with sign face areas of 12 sq. ft. (Sign 3), 66 sq.ft. (Sign A), and 16 sq.ft. (Signs, B, C, D, E, F, and G) in lieu of the maximum permitted 8 sq.ft. per sign; and 3) from Section 450.4.5.a to allow a total of three wall-mounted enterprise signs (Signs 7, 8, and 9) on the front (west) façade, in lieu of the two permitted wall mounted enterprise signs, in accordance with and as indicated on Petitioners' Exhibit 5, be and is hereby GRANTED; and

IT IS FURTHER ORDERED in Case No. 99-512-SPHA that the Petition for Variance filed is hereby WITHDRAWN; and

IT IS FURTHER ORDERED in Case No. 99-512-SPHA that the Petition for Special Hearing for an amendment to the site plan approved in Case No. 97-445-A is hereby GRANTED.

WILLIAM J. WISEMAN, III,
Zoning Commissioner for Baltimore County

cc: Robert A. Hoffman, Esquire and David H. Karceski, Esquire
Venable, LLP, 210 Allegheny Ave., Towson, Md. 21204
Mr. David N. Cook, V.P., George R. Norris, Inc.
901 Merritt Boulevard, Baltimore, Md. 21222
Peter Max Zimmerman, Esquire, Office of People's Counsel; Case File

RE:	PETITION FOR SPEICAL HEARING AND VARIANCE 901 Merritt Blvd & 1123 Old North Point Road SE/S Merritt Blvd, 650' SW c/l Old North Point Rd and 561' S North Point Boulevard 12th Election & 7th Councilmanic Districts Legal Owner(s): George R Norris, Inc Petitioner(s)	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY 99-512-SPHA

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

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE 901 Merritt Boulevard; NE/side Merritt Boulevard, 2000' N German Hill Road 12th Election & 7th Councilmanic Districts Legal Owner(s): David N. Cook, VP Norris Ford Contract Purchaser(s): David N. Cook, President Norris Colonial, LLC d/b/a Norris Honda Petitioner(s)	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY 05-447-SPHA

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

REMAND ORDER TO ZONING COMMISSIONER

This matter comes before this Board on appeal in two cases filed by the People's Counsel for Baltimore County from decisions of the Zoning Commissioner dated June 9, 2005 and August 20, 1999 in which the subject request for variances and special hearings were approved. In both cases, People's Counsel filed timely appeals to this Board.

On November 18, 2005 the parties submitted a Joint Motion for Remand. The purpose of the Motion is to afford the Zoning Commissioner the opportunity to consider a revised site plan and specified conditions in both cases.

Upon consideration of said request for REMAND, therefore, it is this 23rd day of November, 2005, by the Board of Appeals of Baltimore County

ORDERED that said request be and is hereby GRANTED; and it is further

ORDERED that the above captioned cases are REMANDED to the Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purposes stated in the Joint Motion for Remand.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Mike Mohler

Margaret Brassil, Ph.D.

County Board of Appeals of Baltimore County

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

November 23, 2005

Carole S. Demilio
Deputy People's Counsel for Baltimore County
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Robert A. Hoffman, Esquire
David H. Karceski, Esquire
VENABLE BAETJER & HOWARD LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: George R. Norris, Inc.*
by David Cook, Vice President /Petitioner
Case No. 99-512-SPHA and Case No. 05-447-SPHA

Dear Counsel:

Enclosed please find a copy of the Board's Remand Order issued this date in the subject matter.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: David N. Cook /George R. Norris, Inc.
Pat Keller, Planning Director
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Case No. 05-447-SPHA

In the Matter of: David N. Cook, VP Norris Ford – Legal Owner; Norris Colonial LLC d/b/a Norris Honda -Petitioner

SPH -To approve amendment to previously approved site plan in 99-512-SPHA and VAR relief: freestanding signs; height; face area; 3 wall-mounted signs
(Reference: Case No. 99-512-SPHA)

6/09/2005 –D.Z.C.'s decision in which Petitions for Special Hearing and Variance were GRANTED.

11/18/05 – Joint Motion to Remand filed by C. Demilio on behalf of People's Counsel and R. Hoffman and David Karceski, Esquire on behalf of Petitioner; to be remanded to Zoning Commissioner for revised petition and site plan; hearing and amended order. Proposed Order submitted with Joint Motion. Prepared for signature. With Case No. 99-512-SPHA

RE:	PETITION FOR SPEICAL HEARING AND VARIANCE	*	BEFORE THE COUNTY
	901 Merritt Blvd & 1123 Old North Point Road	*	BOARD OF APPEALS
	SE/S Merritt Blvd, 650' SW c/l Old North Point Rd and 561' S North Point Boulevard	*	FOR
	12th Election & 7th Councilmanic Districts		
	Legal Owner(s): George R. Norris, Inc	*	BALTIMORE COUNTY
	Petitioner(s)		
		*	99-512-SPHA

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

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE COUNTY
	901 Merritt Boulevard; NE/side Merritt Boulevard, 2000' N German Hill Road	*	BOARD OF APPEALS
	12th Election & 7th Councilmanic Districts	*	FOR
	Legal Owner(s): David N. Cook, VP Norris Ford		
	Contract Purchaser(s): David N. Cook, President Norris Colonial, LLC d/b/a Norris Honda	*	BALTIMORE COUNTY
	Petitioner(s)	*	05-447-SPHA

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

JOINT MOTION TO REMAND

People's Counsel for Baltimore County and Petitioners, by their attorneys Robert A. Hoffman and David H. Karceski and Venable, LLP, move to remand this case to the Zoning Commissioner, and state as follows:

1. People's Counsel appealed the June 9, 2005 approval of the sign variances in Case 05-447-SPHA. The sign request is in conjunction with a proposed new car Honda dealership, and a proposed special exception for an existing used car dealership, in addition to the existing Ford new car dealership

2. There is pending before the County Board of Appeals Case 99-512-SPHA for sign variances for the same site. At that time, a new car Ford dealership was operating at the site; Petitioner sought a postponement in order to seek rezoning to Business Roadside (B.R.) for 1123 Old North Point Road, which was granted in the Comprehensive Zoning Map Process in 2000 as Issue # 7-039.

3. The parties desire to address both pending cases in this remand.

4. The site consists of two separate parcels, 901 Merritt Boulevard which is split zoned BL/BM, on which the new car Ford and Honda dealerships will operate, and 1123 Old North Point Road, zoned BR, on which a Budget Used Car dealership operates and for which a special exception will be requested.

5. Upon further review and discussions, Petitioners' attorney and People's Counsel agree that the Petition for Variance in **Case 05-447 SPHA** shall be amended to revise the request as follows for the Merritt Boulevard property:

   (a) A variance for a single freestanding enterprise sign accessory to the Honda dealership, with an area of 64 sq. ft in lieu of the permitted 50 sq. ft.; Petitioner agrees to comply with the height limitation of 25 ft. in BCZR 450.4.5.(g).

   (b) A variance for directional signage with sign face areas of 12 square feet, 66 square feet and 16 square feet in lieu of the permitted 8 square feet per sign.

   (c) A variance for three wall-mounted enterprise Honda signs on the front façade in lieu of two wall-mounted enterprise signs.

   (d) Petitioner agrees to withdraw the three variances for two freestanding signs with face areas of 100 sq. ft. and 71.5 sq. ft, and for a height for variance of 31 ft.

6. Petitioner agrees the two existing Ford freestanding signs and any other existing signs on the Merritt Boulevard property are nonconforming and subject to BCZR 450, including but not limited to the abatement provisions in BCZR 450.8. D., and that no variances are being requested or granted for these signs.

7. People's Counsel does not take a position on the variances for directional signage in paragraph 5 (b) as not being in the public interest in this case.

8. People's Counsel cannot consent to the variances for the wall-mounted signs requested in paragraph 5 (c) in light of the Circuit Court decision in Case 03-C-04-3662, attached hereto, pending before the Court of Special Appeals.

9. Upon further review and discussions, Petitioners' attorney and People's Counsel agree that the Petitions in **Case 99-512 SPHA** shall be amended to revise the request as follows:

   (a) The Petition for Variance for the three freestanding signs shall be withdrawn; the two Ford freestanding signs are nonconforming and have been addressed in paragraph 6; the third freestanding sign is addressed in paragraph 9c below.

   (b) The Petitioner agrees to promptly apply for a special exception to operate a used car dealership for 1123 Old North Point Road for a Budget Used Car dealership, under BCZR 236.4.

(c) Petitioner agrees the freestanding sign presently located on the aforesaid Old North Point Road property, and any other existing signs on this property, are nonconforming, and subject to BCZR 450, including but not limited to the abatement provisions in BCZR 450.8. D., and that no variances are being requested or granted for these signs.

(d) The Petition for Special Hearing to amend Case 97-445-A shall be granted to the extent necessary to comport with the relief requested in this Joint Motion to Remand.

10. Petitioner agrees to amend its site plan in accordance with this Motion and to submit the same to the Zoning Commissioner if the Joint Order to Remand is approved by the CBA.

11. People's Counsel is satisfied that the revised petition and site plan will be in the public interest.

12. The most efficient way to present the revised petition for review is to present it to the Zoning Commissioner, who is familiar with the case, for a hearing and for an Amended Order.

WHEREFORE, People's Counsel and Petitioner request that the case be remanded to the Zoning Commissioner for further proceedings consistent with this Motion.

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County

Carole S. Demilio, Esquire
Deputy People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Towson, Maryland 21204
410-887-2188

David H. Karceski, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204
Attorney for Petitioners

Robert A. Hoffman, Esquire

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 18, 2005

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: In the Matter of: George R. Norris, Inc by David Cook,
Vice President, Petitioner
Case Nos.: 99-512-SPHA & 05-447-SPHA

Dear Ms. Bianco:

Enclosed please find a Joint Motion to Remand for filing with regard the above-referenced case, along with a proposed order.

Thank you for your consideration.

Sincerely,

Carole S. Demilio
Deputy People's Counsel for Baltimore County

CSD\rmw
Enclosures

cc: David Karceski, Esquire

From: "Karceski, David H." <DKarceski@Venable.com>
To: "People's Counsel" <peoplescounsel@co.ba.md.us>
Date: 10/26/2005 10:22 AM
Subject: RE: Revision to 99-512-SPHA & 05-447-SPHA

Carole, I did not receive the attachment. Would you please send again?
Thanks

-----Original Message-----
From: People's Counsel [mailto:peoplescounsel@co.ba.md.us]
Sent: Tuesday, October 25, 2005 2:39 PM
To: Karceski, David H.
Subject: Revision to 99-512-SPHA & 05-447-SPHA

David,

I added one change. See number 8 of the Joint Motion to Remand.
If you have any questions, please call.

Carole Demilio

Return-path: <DKarceski@venable.com>
Received: from smtpgw.co.ba.md.us
([10.254.254.131])
by inet_gw.co.ba.md.us; Wed, 26 Oct 2005 10:21:35 -0400
Received: from bamim01.VENABLE.COM (unverified [208.200.215.66]) by smtpgw.co.ba.md.us
(Vircom SMTPRS 4.0.346.0) with ESMTP id <B0011280006@smtpgw.co.ba.md.us> for
<peoplescounsel@co.ba.md.us>;
Wed, 26 Oct 2005 10:21:35 -0400
Received: from vbsmt.venable.com (unverified) by bamim01.VENABLE.COM
(Content Technologies SMTPRS 4.3.12) with ESMTP id
<T7438de4841d0c8d742a74@bamim01.VENABLE.COM> for
<peoplescounsel@co.ba.md.us>; Wed, 26 Oct 2005 10:24:57 -0400
Received: from VMAILN02.venable.com ([172.29.100.63]) by vbsmt.venable.com
with Microsoft SMTPSVC (6.0.3790.1830); Wed, 26 Oct 2005 10:21:34 -0400
X-MimeOLE: Produced By Microsoft Exchange V6.5.7226.0
Content-class: urn:content-classes:message
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="----_=_NextPart_001_01C5DA38.91012410"
Subject: RE: Revision to 99-512-SPHA & 05-447-SPHA
Date: Wed, 26 Oct 2005 10:21:33 -0400
Message-ID: <9FCF3FC0B78BF94BBC0F7CB8BBE8B1FA1140D4@VMAILN02.venable.com>
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Revision to 99-512-SPHA & 05-447-SPHA
Thread-Index: AcXZk4HIK1sK6NuYTGuqbWBkQtKamwApP9bw
From: "Karceski, David H." <DKarceski@Venable.com>
To: "People's Counsel" <peoplescounsel@co.ba.md.us>
Return-Path: DKarceski@Venable.com
X-OriginalArrivalTime: 26 Oct 2005 14:21:34.0153 (UTC)
FILETIME=[9159C390:01C5DA38]

This is a multi-part message in MIME format.

------_=_NextPart_001_01C5DA38.91012410
Content-Type: text/plain; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable

Carole, I did not receive the attachment. Would you please send again?
Thanks

-----Original Message-----
From: People's Counsel [mailto:peoplescounsel@co.ba.md.us]
Sent: Tuesday, October 25, 2005 2:39 PM
To: Karceski, David H.
Subject: Revision to 99-512-SPHA & 05-447-SPHA

David,

I added one change. See number 8 of the Joint Motion to Remand.
If you have any questions, please call.

Carole Demilio

Carole, I did not receive the attachment. Would you please send again? Thanks -----Original Message-----
From: People's Counsel [mailto:peoplescounsel@co.ba.md.us]
Sent: Tuesday, October 25, 2005 2:39 PM
To: Karceski, David H.
Subject: Revision to 99-512-SPHA & 05-447-SPHA

David, I added one change. See number 8 of the Joint Motion to Remand. If you have any questions, please call. Carole Demilio

****
******
U.S. Treasury Circular 230 Notice: Any tax advice contained in this commun
ication (including any attachments) was not intended or written to be used,
and cannot be used, for the purpose of (a) avoiding penalties that may be
imposed under the Internal Revenue Code or by any other applicable tax auth
ority; or (b) promoting, marketing or recommending to another party any tax
-related matter addressed herein. We provide this disclosure on all outbou
nd e-mails to assure compliance with new standards of professional practice
, pursuant to which certain tax advice must satisfy requirements as to form
and substance.
****
****
****
****
This electronic mail transmission may contain confidential or privileged in
formation. If you believe you have received this message in error, please
notify the sender by reply transmission and delete the message without copy
ing or disclosing it.
****
****

------_=_NextPart_001_01C5DA38.91012410
Content-Type: text/html; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable

<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">
<HTML><HEAD><TITLE>Message</TITLE>
<META http-equiv=Content-Type content="text/html; charset=us-ascii">
<META content="MSHTML 6.00.2900.2769" name=GENERATOR></HEAD>
<BODY style="MARGIN-TOP: 2px; FONT: 12pt Times New Roman; MARGIN-LEFT: 2p
x">
<DIV><SPAN class=955062114-26102005>Carole, I did not receive the
attachment. Would you please send again? Thanks</SPAN></DIV>
<BLOCKQUOTE dir=ltr style="MARGIN-RIGHT: 0px">
<DIV></DIV>
<DIV class=OutlookMessageHeader lang=en-us dir=ltr align=left><FO
NT
face=Tahoma size=2>-----Original Message-----
<B>From:</B> People'
s Counsel
[mailto:peoplescounsel@co.ba.md.us]
<B>Sent:</B> Tuesday, October 25,
2005
2:39 PM
<B>To:</B> Karceski, David H.
<B>Subject:</B> Revision to
99-512-SPHA & 05-447-SPHA

</FONT></DIV>
<DIV>David,</DIV>
<DIV> </DIV>
<DIV>I added one change. See number 8 of the Joint Motion to Remand. If y
ou
have any questions, please call. </DIV>
<DIV> </DIV>
<DIV>Carole Demilio</DIV></BLOCKQUOTE><FONT SIZE=3>

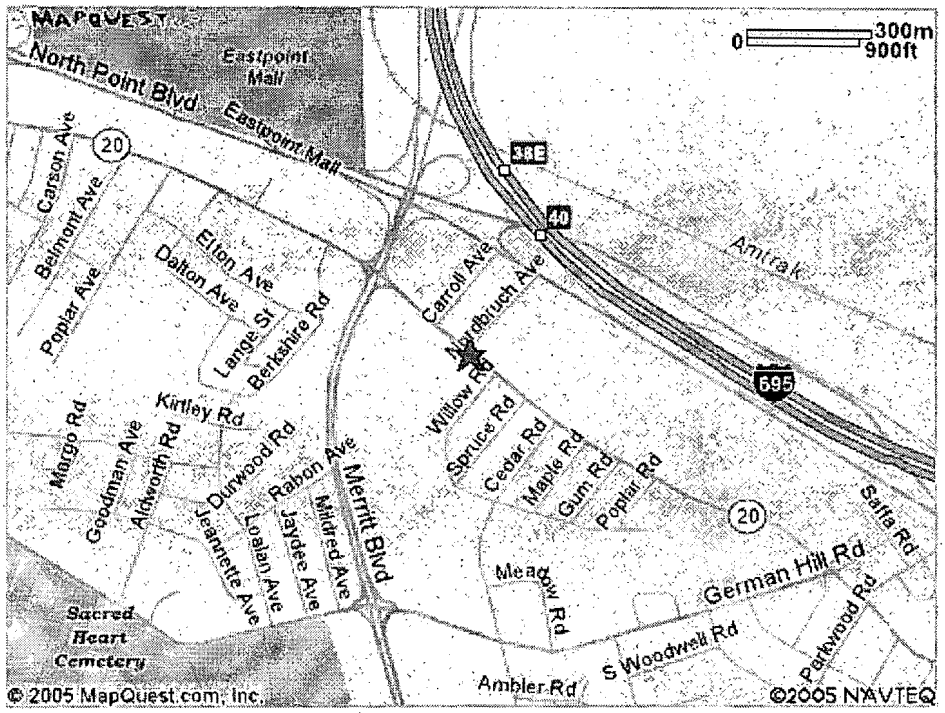
****
******

U.S. Treasury Circular 230 Notice: Any tax advice contained in this commun
ication (including any attachments) was not intended or written to be used,
and cannot be used, for the purpose of (a) avoiding penalties that may be
imposed under the Internal Revenue Code or by any other applicable tax auth
ority; or (b) promoting, marketing or recommending to another party any tax
-related matter addressed herein. We provide this disclosure on all outbou
nd e-mails to assure compliance with new standards of professional practice
, pursuant to which certain tax advice must satisfy requirements as to form
and substance.
****
****
****
****
This electronic mail transmission may contain confidential or privileged in
formation. If you believe you have received this message in error, please
notify the sender by reply transmission and delete the message without copy
ing or disclosing it.
****
****
</FONT>
</BODY></HTML>

------_=_NextPart_001_01C5DA38.91012410--

MAPQUEST

1123 N Point Rd Dundalk, MD 21222-1413, US



IN THE MATTER OF HIGH FALCON REALTY CORPORATION FOR A VARIANCE ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF REISTERSTOWN AND HIGH FALCON ROADS (11317 REISTERSTOWN ROAD)	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
	*	CASE NO. 03-C-02-5291

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

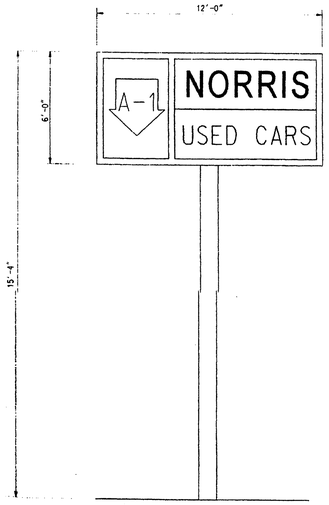
OPINION AND ORDER

This matter is before the Court on High Falcon Realty Corporation's (High Falcon) petition for judicial review of the decision of the County Board of Appeals of Baltimore County (CBA) denying a variance from §450.4.5 (g) of the Baltimore County Zoning Regulations (BCZR) for property located at 11317 Reisterstown Road[1].

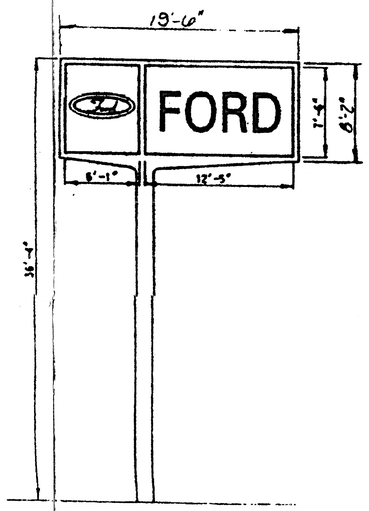
On June 29, 2000, High Falcon Realty filed a petition for a variance from §450.4.5(g) of the BCZR, seeking permission to erect a 25 foot high double-faced illuminated free-standing commercial identification sign with an area of 96.9 square feet per side in lieu of the maximum 50 square feet permitted by §450.4.5(g). On September 8, 2000, the Deputy Zoning Commissioner for Baltimore County granted Petitioner's request for variance from §450.4.5(g) of the BCZR. Subsequent to the Commissioner's decision, Petitioner erected its sign. On September 29, 2000, The People's Counsel for Baltimore County appealed the Deputy Zoning Commissioner's decision to grant the variance. A de novo hearing was held on October 10, 2001, and a public deliberation was held on November 16, 2001. On April 18, 2002, the CBA issued its decision denying Petitioner's request for variance. For the reasons set out below the Court affirms the CBA's decision.

[1] High Falcon, a corporation owned and operated by Leonard Stoler, holds title to 11317 Reisterstown Road.

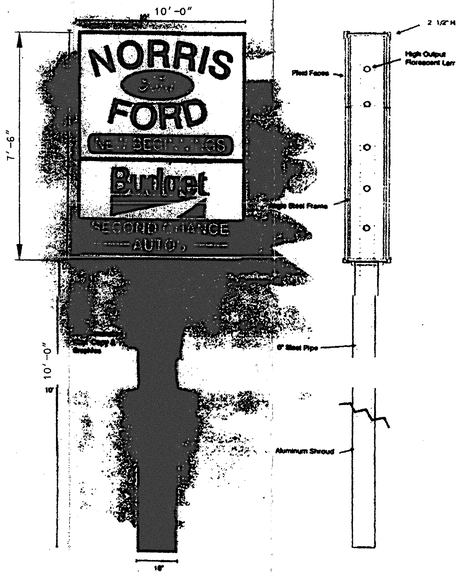
EXHIBIT - different case



EXISTING FREE-STANDING
SIGN (SIGN #4 - RELOCATED)
APPROXIMATELY 72 SQ. FT.

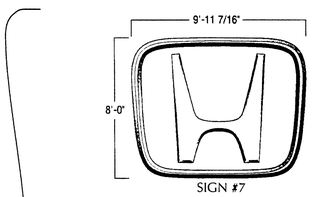


EXISTING FREE-STANDING
SIGN (SIGN #5)
APPROXIMATELY 135.75 SQ. FT.

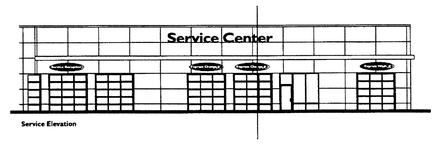


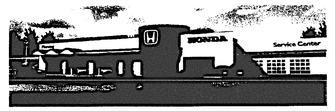
EXISTING FREE-STANDING
SIGN (SIGN #6)
APPROXIMATELY 75.00 SQ. FT.

PROPOSED
WALL-MOUNTED
SIGNAGE



SIGN #7

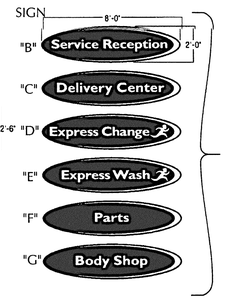




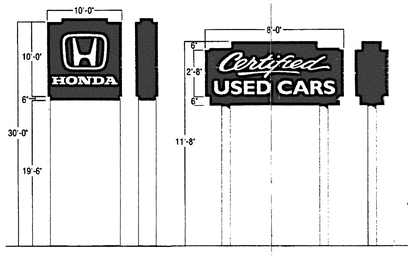
SIGN #8

Graphic Elements. Honda "H" logo, logotype, dealership name SIGN #9

Graphic Elements. Service identification SIGN #A



PROPOSED
WALL-MOUNTED
DIRECTIONAL
SIGNAGE



PROPOSED FREE-STANDING
SIGN (SIGN #1)
100 SQ. FT.

PROPOSED FREE-STANDING
SIGN (SIGN #2)
71.5 SQ. FT.

PROPOSED FREE-STANDING
DIRECTIONAL SIGN (SIGN #3)
12 SQ. FT.

THE PETITIONER IS REQUESTING THE FOLLOWING ZONING RELIEF:

1. VARIANCE FROM SECTION 450.4.5.a OF THE BCZR TO ALLOW 2 FREE-STANDING ENTERPRISE SIGNS WITH SIGN FACE AREAS OF 100 SQ. FT. (SIGN #1) AND 71.5 SQ. FT. (SIGN #2) IN LIEU OF THE ONE PERMITTED 50 SQ. FT. FREE-STANDING ENTERPRISE SIGN.

2. VARIANCE FROM BCZR SECTION 450.4.5.a TO ALLOW A FREE-STANDING ENTERPRISE SIGN HEIGHT OF 31 FEET IN LIEU OF THE PERMITTED 25 FEET (SIGN #1).

3. VARIANCE FROM BCZR SECTION 450.4.3 TO ALLOW DIRECTIONAL SIGNAGE WITH SIGN FACE AREAS OF 12 SQ. FT. (SIGN #3), 66 SQ. FT. (SIGN "A"), AND 16 SQ. FT. (SIGNS "B" "C," "D," "E," "F" AND "G"), IN LIEU OF THE PERMITTED 8 SQ. FT.

4. VARIANCE FROM BCZR SECTION 450.4.5.a TO ALLOW A TOTAL OF THREE WALL-MOUNTED ENTERPRISE SIGNS (SIGN #7, #8, AND #9) ON THE FRONT (WEST) FACADE IN LIEU OF THE TWO PERMITTED WALL-MOUNTED ENTERPRISE SIGNS

AN AMENDMENT TO THE SITE PLAN APPROVED IN CASE 99-512-SPHA.

DATA SOURCES:

ALL EXISTING PLANIMETRIC INFORMATION SHOWN HEREON IS TAKEN FROM THE VARIANCE PLAN DATED 6/14/1999, PRODUCED BY FREDERICK WARD ASSOCIATES, INC.

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

PLAN TO ACCOMPANY PETITION FOR
ZONING VARIANCE AND SPECIAL HEARING

NORRIS HONDA
NEW CAR SHOWROOM

901 MERRITT BOULEVARD
DUNDALK, MARYLAND 21222

12th ELECTION DISTRICT | 7th COUNCILMANIC DISTRICT | BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS

ISSUE DATES
REVIEW: 01/19/05
BID:
PERMIT:
CONSTRUCTION:

BASE: ABA
DRAWN: ABA
DESIGNED: TJR III
CHECKED BY:
DATE CHECKED:
SCALE: N.T.S.
PROJECT NO.: 00100.B
DRAWING: 2 of 2

APPEAL

Petition for Special Hearing & Variance
901 Merritt Boulevard
12th Election District – 7th Councilmanic District
Legal Owners: George R. Norris, Inc.
Contract Purchaser: Norris Colonial, LLC

Case No.: 05-447-SPHA

Petition for Special Hearing & Variance (March 11, 2005)

Zoning Description of Property

Notice of Zoning Hearing (March 18, 2005)

Certification of Publication (The Jeffersonian – April 5, 2005)

Certificate of Posting (April 4, 2005) by SSG Robert Black

Entry of Appearance by People's Counsel (March 28, 2005)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. (A) Site Plan
   (B) Site Plan
2. (A) 200' Scale Map
   (B) Aerial Overlay – Denotes Zone Lines
   (C) Aerial
3. Economic Development Letter – David Iannucci
4. (A) Landscape Plan
   (B) Photograph
   (C) Photograph
   (D) Photograph of 695 Interchange – Ingress & Egress
   (E) Photo of Honda Site & BGE 40' Easement

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit) - None

Deputy Zoning Commissioner's/Zoning Commissioner's Order (GRANTED – June 9, 2005)

Notice of Appeal received on June 16, 2005 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Robert Hoffman, 210 Allegheny Avenue, Towson 21204
David N. Cook, 901 Merritt Blvd., Baltimore 21222

date sent July 20, 2005, klm

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

Baltimore County

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

July 19, 2005

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

Dear Messrs. Hoffman & Karceski:

RE: Case: 05-447-SPHA, 901 Merritt Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on June 16, 2005 by People's Counsel of Baltimore County. 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,

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
David N. Cook, George R. Norris, Inc., 901 Merritt Blvd., Baltimore 21222

BALTIMORE COUNTY, MARYLAND

INTEROFFICE MEMORANDUM

TO: JOHN OLSZEWSKI, SR., 7TH DISTRICT COUNCILMAN

FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL PMZ

SUBJECT: GEORGE NORRIS, INC, OWNERS & NORRIS COLONIAL LLC, LESSEES
CASE NO 05-447-SPHA

DATE: JUNE 16, 2005

For your information, our office has found it necessary to file an appeal of the enclosed Zoning Commissioner's decision to approve sign variances for the new Honda dealership on Merritt Boulevard.

We are sympathetic to the interest in business development in the area. Nevertheless, the signs proposed far exceed the allowed limits (in number, size and height). This office has consistently challenged excessive signs proposed by car dealerships. Enclosed are Circuit Court decisions concerning the Hyundai dealership on Reisterstown Road and the Honda dealership on Harford Road/East Avenue. The Honda case was recently the subject of argument in the Court of Special Appeals. We recently challenged an excessive free-standing sign proposed for the Lexus dealership on York Road in Towson, after which the proposal was withdrawn. Currently, there is another case pending with Schaefer & Strohminger on Belair Road. In addition, other car dealers have agreed to substantially modify their sign proposals after we filed an appeal from the Zoning Commissioner's decision.

It appears that many car dealerships want very large signs which exceed the legislative allowance. Nevertheless, they can function successfully within the statutory framework. It is simply not that difficult to find these dealerships. The larger signs function as advertisements, and they are in general not in accord with the letter and spirit of the sign law.

The proposal here substantially exceeds the sign law limits, with greater deviations than those challenged and denied in other cases. This office is familiar with the Merritt Boulevard location. There is no justification for the variances here. We are confident that Honda can and will be successful while abiding with the sign law.

If you have any questions or need any further information, please call me.

PMZ/rmw

Enclosure

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE NE/S Merritt Boulevard 2000' N of German Hill Road **(901 Merritt Boulevard)** 12th Election District 7th Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-447-SPHA
George R. Norris, Inc., Legal Owner Norris Colonial LLC, Contract Purchaser *Petitioners*	*	

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, George R. Norris, Inc., doing business as Norris Ford, and the Contract Lessee, Norris Colonial LLC, doing business as Norris Honda. The Petitioners request a special hearing to approve an amendment to the site plan approved in prior Case No. 99-512-SPHA and variance relief as follows: 1) From Section 450.4.5.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow two freestanding enterprise signs with sign face areas of 100 sq.ft. (Sign 1) and 71.5 sq.ft. (Sign 2) in lieu of the allowed one sign of 50 sq.ft.; 2) from Section 450.4.5.g to allow a freestanding enterprise sign height of 31 feet (Sign 1) in lieu of the maximum allowed 25 feet; 3) from Section 450.4.3 to allow directional signage with sign face areas of 12 sq.ft. (Sign 3), 66 sq.ft. (Sign A), and 16 sq.ft. (Signs B, C, D, E, F, and G) in lieu of the permitted 8 sq.ft.; and 4) from Section 450.4.5.a to allow a total of three wall-mounted enterprise signs (Signs 7, 8, and 9) on the front (west) façade, in lieu of the two permitted wall mounted enterprise signs. The subject property and requested relief are more particularly described on the redlined site plan and the schematic sign elevation drawings accepted into evidence as Petitioners' Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the requested relief were David Norris Cook on behalf of Petitioners and Mitchell Kellman, land planner and zoning specialist with Daft McCune Walker, Inc., who supervised preparation of the site plan filed in the case. David H. Karceski, Esquire, with Venable, LLP, entered his appearance as attorney for Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property, which is comprised of approximately 11.57 acres, split zoned BL, BM and BR, is an irregular-shaped parcel located on the east side of Merritt Boulevard, a major commercial corridor in the Dundalk area of Baltimore County. The site is south of and in close proximity to the Baltimore Beltway (I-695) and it should be mentioned, is without access from the outer loop of I-695 onto Merritt Boulevard. A review of Petitioner's Exhibit 1A indicates that the property is bifurcated by a 45'-wide Baltimore Gas & Electric easement area and 160'-wide transmission line right-of-way. Additionally, the landscape/topographic site plan for the property approved by Baltimore County and photographs of the subject site and Merritt Boulevard, accepted into evidence as Petitioners' Exhibit Nos. 4A, 4B, and 4C, show that the site is not level but, rather, located on the downslope of a natural swale. As a result, that section of the property adjacent to Merritt Boulevard is subject to a steep change in grade and significant curvature around the site.

Presently, the Petitioners operate a Ford new and used car dealership on a portion of the site that fronts on Merritt Boulevard. The instant Petition for Variance relates to signage for a proposed Honda new car dealership and used car business the Petitioners intend to relocate to Baltimore County from Perryville, Maryland. By way of the Petition for Special Hearing filed in the case, Petitioners request approval to relocate an existing Ford dealership sign closer to the "use area" for that dealership's building and vehicular entrance.

Mr. Karceski explained and presented evidence detailing the improvements Petitioners intend to make in order to accommodate relocation of the dealership to the subject site. Specifically, an approximately 41,040 sq.ft. Honda dealership building will be constructed on the southern portion of the property, west of the transmission lines. The dealership building will include a new car showroom, parts and service departments, a delivery center station for customer pick-up of purchased vehicles, and certain vehicle servicing facilities. Areas for display of new and used cars and customer parking areas will be located in front of and on the south side of the dealership building. An existing entrance on Merritt Boulevard will serve as access to the site. All of these improvements are shown on the site plan.

David Cook testified that the signage proposed to accommodate the dealership is consistent with the signage typically associated with other Honda dealerships located in Baltimore County. It is, however, important to note that this particular dealership requires less signage than such dealerships, as there is no body shop associated with it, and, therefore, no signage is necessary to accommodate that use. Specifically, the three wall-mounted enterprise signs will display the "HONDA" car brand and the Honda "H" symbol on the front façade of the building as well as indicate the dealership name. Directional signage will aid in the control of on-site traffic and assist customers in locating various vehicle services throughout the property. Two free-standing enterprise signs are also proposed. Mr. Cook testified that Honda does not offer its dealerships a combination new and used car free-standing sign. For that reason, Petitioners' Petition for Variance requests two free-standing enterprise signs, one for its new car dealership and one for its certified used car business. Such a request is not uncommon in the industry, and, in fact, a dealership located opposite the subject property on Merritt Boulevard is improved with two such free-standing signs, one for new and one for used cars.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. David Iannucci, Director of the Department of Economic Development, submitted on April 18, 2005, a memorandum to Timothy M. Kotroco, Director of the Department of Permits and Development Management, which was accepted into evidence as Petitioners' Exhibit No. 3. The letter indicates Economic Development's support for the Petitioners' requests. Again, no County reviewing agency objected to the requested relief.

After due consideration of the testimony and evidence presented, it is clear that the signage, as shown on Petitioner's Exhibit 1B, is appropriate in the locations proposed. Thus, I am persuaded to grant the special hearing and variance relief. I find that circumstances exist that support a grant of the variance and that there will be no detriment to the health, safety or general welfare of the surrounding local. Specifically, I find the 11.57 + acre parcel is unique by virtue of its irregular shape and topographic features. These unique features of the site, along with an adjacent, off-site commercial building located at 1099 Merritt Boulevard, severely limit sight lines into the property for oncoming motorists traveling on Merritt Boulevard. Additionally, the power transmission lines that bifurcate the property and its close proximity to I-695, without an outer loop exit onto Merritt Boulevard, contribute to motorists' difficulty in locating the site. Thus, I find that strict compliance would result in a practical difficulty and unreasonable hardship upon Petitioners and potential customers in locating the property and the various services provided. Again, the signage proposed is reasonable given the nature and number of customer services provided on site.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of June 2005, that the Petition for Special Hearing seeking approval of an amendment

to the site plan approved in prior Case No. 99-512-SPHA, in accordance with and as indicated on Petitioners' Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: 1) From Section 450.4.5.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow two freestanding enterprise signs with sign face areas of 100 sq.ft. (Sign 1) and 71.5 sq.ft. (Sign 2) in lieu of the allowed one sign of 50 sq.ft.; 2) from Section 450.4.5.g to allow a freestanding enterprise sign height of 31 feet (Sign 1) in lieu of the maximum allowed height of 25 feet; 3) from Section 450.4.3 to allow directional signage with sign face areas of 12 sq.ft. (Sign 3), 66 sq.ft. (Sign A), and 16 sq.ft. (Signs B, C, D, E, F, and G) in lieu of the maximum permitted 8 sq.ft.; and 4) from Section 450.4.5.a to allow a total of three wall-mounted enterprise signs (Signs 7, 8, and 9) on the front (west) façade, in lieu of the two permitted wall mounted enterprise signs, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building/sign permits 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.

WILLIAM J. WISEMAN, III,
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 11/9/16
By

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
William J. Wiseman III, Zoning Commissioner

June 9, 2005

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

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Merritt Boulevard, 200' N of the c/l German Hill Road
(901 Merritt Boulevard)
12th Election District – 7th Council District
George R. Norris, Inc., Owners; Norris Colonial LLC, Lessees - Petitioners
Case No. 05-447-SPHA

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. David N. Cook, V.P., George R. Norris, Inc.
901 Merritt Boulevard, Baltimore, Md. 21222
People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 901 Merritt Boulevard

which is presently zoned BL, BM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the site plan approved in Case No. 99-512-SPHA.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly 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:

Norris Colonial LLC, d/b/a Norris Honda
Name - Type or Print By: David N. Cook, President

Signature

901 Merritt Boulevard (410) 285-0200
Address Telephone No.

Baltimore, Maryland 21222
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman/David H. Karceski
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue (410)494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

George R. Norris, Inc., d/b/a Norris Ford
Name - Type or Print

Signature

David N. Cook, Vice-President
Name - Type or Print

Signature

901 Merritt Boulevard (410) 285-0200
Address Telephone No.

Baltimore, Maryland 21222
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 05-447-SPHA

Reviewed By D.T. Date 3/11/05

REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 901 Merritt Boulevard

which is presently zoned BL, BM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

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.

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:

Norris Colonial LLC, d/b/a Norris Honda
Name - Type or Print By: David N. Cook, President

Signature

901 Merritt Boulevard (410) 285-0200
Address Telephone No.

Baltimore, Maryland 21222
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman/David H. Karceski
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

George R. Norris, Inc., d/b/a Norris Ford
Name - Type or Print

Signature

David N. Cook, Vice-President
Name - Type or Print

Signature

901 Merritt Boulevard (410) 285-0200
Address Telephone No.

Baltimore, Maryland 21222
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By D.T. Date 3/9/05

Case No. 05-447-SPHA

REV 9/15/98

Petition for Variance
901 Merritt Boulevard

1. Variance from Section 450.4.5.g of the Baltimore County Zoning Regulations ("BCZR") to allow two free-standing enterprise signs with sign face areas of 100 square feet (Sign No. 1) and 71.5 square feet (Sign No. 2) in lieu of the one permitted 50 square foot free-standing enterprise sign.

2. Variance from BCZR Section 450.4.5.g to allow a free-standing enterprise sign height of 31 feet in lieu of the permitted 25 feet (Sign No. 1).

3. Variance from BCZR Section 450.4.3 to allow directional signage with sign face areas of 12 square feet (Sign No. 3), 66 square feet (Sign A), and 16 square feet (Signs B, C, D, E, F, G) in lieu of the permitted 8 square feet.

4. Variance from BCZR Section 450.4.5.a to allow a total of three wall-mounted enterprise signs (Sign Nos. 7, 8, 9) on the front (west) façade in lieu of the two permitted wall-mounted enterprise signs.

05-447-SPHA

Description

To Accompany Zoning Petition

For Variance and Special Hearing

George R. Norris, Inc.

Baltimore County, Maryland

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

Beginning for the same at a point being approximately 2,000 feet northeasterly from the point formed by the intersection of the centerline of Merritt Boulevard with the centerline of German Hill Road, said point being the beginning of the first line as described in a deed from Leo J. Chassagne and May R. Chassagne, his wife, to George R. Norris, Inc., and recorded among the Land Records of Baltimore County, Maryland, in Liber 4374, Folio 202, said point also being on the east right-of-way line of Merritt Boulevard as laid out on Baltimore County Bureau of Land Acquisition drawing HRW No. 55-014-4, thence leaving said right-of-way and binding on and running with all of the fourth through first lines of said deed, reversely thereof, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, the four following courses and distances: (1) South 73 degrees 22 minutes 40 seconds East 525.43 feet, thence (2) North 14 degrees 53 minutes 38 seconds West 1075.25 feet to a point at the end of said second line of the aforementioned deed, said point being on the southeast side of a 30-foot road, thence binding on the southeast side of said road, thence (3) South 39 degrees 04 minutes 20 seconds West 210.29 feet to the east right-of-way line of said Merritt Boulevard, and thence binding on and running with said east right-of-way line of Merritt Boulevard, (4) Southwesterly by a line curving to

05-447-SPHA

the left, having a radius of 1849.86, for a distance of 736.56 feet (the arc of said curve being subtended by a chord bearing South 07 degrees 23 minutes 49 seconds West 731.70 feet) to the point of beginning; containing 6.865 acres of land, more or less, as now surveyed by Daft-McCune-Walker, Inc., in January 2005.

Being and comprising of all of that land as described in a deed from Leo J. Chassagne and May R. Chassagne, his wife, to George R. Norris, Inc., and recorded among the Land Records of Baltimore County, Maryland, in Liber 4374, Folio 202.

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

March 11, 2005

Project No. 00100.B (L00100.B)

3/11/05

05-447-SPHA

AUTO PROPERTIES LLC	*	IN THE
Petitioner	*	CIRCUIT COURT
V.		
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	FOR
Respondent	*	BALTIMORE
IN THE MATTER OF AUTO PROPERTIES LLC FOR SIGN VARIANCES AT EAST AVENUE AND HARFORD ROAD, ON APPEAL FROM THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY	*	COUNTY
	*	CASE NO.
	*	3-C-04-003662 AE
	*	

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

OPINION AND ORDER OF COURT

Petitioner is the owner of a property comprising some 4.162 acres, located the northeast corner of Harford Road and I-695 Exit 31B, on which is a Honda motor vehicle dealership trading as Heritage Honda. Vehicular access to the dealership is not available directly from Harford Road due to the parcel's proximity to the exit ramp of I-695; motorists must turn easterly into East Avenue from Harford Road to approach the dealership at 3001 East Avenue. Having relocated the former Griffith Honda from York Road in Towson to the new site, Petitioner filed on April 25, 2002 a Petition for Variance with the Zoning Commissioner of Baltimore County, requesting the following variances:

> 1. "[T]o permit a double-faced illuminated freestanding enterprise sign with a height of 30 feet in lieu of the maximum height of 25 feet, and to permit an area/face of 100 square feet in lieu of the maximum area/face of 50 square feet. (Total area for both faces is 200 square

feet);"

2. "and to permit frontage on a highway without pedestrian or vehicular access;"

3. "and ...to permit the continued use of three (3) existing illuminated wall-mounted enterprise signs (accessory to a new vehicle dealership), in lieu of the maximum 0 signs permited." *(sic)*

The purpose of the second request is not clear to the Court, nor is it clear that it is the proper subject of a variance request, but it seems likely to be based upon the language contained in the table of sign regulations in Section 450 of the Baltimore County Zoning Regulations ("BCZR") pertaining to free-standing signs in the B.M. and other zones, permitting such signs of 100 square feet "if the premises has more than 300 feet of frontage". "Frontage" is defined in Section 450.3 as follows: "A lot line of a premises which is co-terminous with a right-of-way line of a highway to which the premises has or would be allowed pedestrian or vehicular access." This request appears not to have been pursued before the Deputy Zoning Commissioner, and was not mentioned by him in his ruling, in which he granted the other requested variances.

On December 2, 2003, a hearing was conducted by the County Board of Appeals ("CBA"), and on March 8, 2004, after public deliberations were held on January 27, the CBA entered an Opinion unanimously denying all of the requests, giving rise to the Petitioner's application for Judicial Review. Counsel appeared in this Court on August 11, 2004 to argue the matter.

SCOPE OF REVIEW

The scope of judicial review is narrow. The Court must affirm the decision of

the administrative agency where it is fairly debatable with respect to the agency's findings of fact and inferences drawn therefrom. See *Board of Physicians Quality Assurance v. Banks*, 354 Md. 59 (1999); *Board of County Commissioners v. Holbrook*, 314 Md. 210 (1988); *Eger v. Stone*, 253 Md. 533 (1969); *Snowden v. City of Baltimore*, 224 Md. 443 (1961).

The scope of review is likewise narrow with respect to the application of law to the facts and/or to mixed questions of law and fact. *Stover v. Prince Georges County*, 132 Md. App. 373 (2000); *Caucus Distributors v. Maryland Sec. Comm'r*, 105 Md. App. 25 (1995); *Maryland State Police v. Lindsey*, 318 Md. 325 (1990); *Baltimore Lutheran H. S. v. Employment Security Admin.*, 302 Md 649 (1985); *Ramsay, Scarlett & Co. v. Comptroller*, 302 Md. 825 (1985). Even with regard to matters of legal interpretation, the scope of review remains narrow. In *Banks, supra*, the Court focused on matters of legal interpretation. Judge Eldridge wrote:

> "Even with regard to some legal issues, a degree of deference should often be accorded the position of the administrative agency. Thus, an administrative agency's interpretation and application of the statute which the agency administers should ordinarily be given considerable weight by reviewing courts... Furthermore, the expertise of the agency in its own field should be respected...(legislative delegations of authority to administrative agencies will often include the authority to make 'significant discretionary policy determinations.')...." 354 Md. at 69. (Citations omitted).

Accordingly, where there is room for interpretation, the courts "ordinarily give some weight" to agency construction of the statute. *Magan v. Medical Mutual Liab. Ins. Co.*, 331 Md. 535 (1993). In *Magan*, Judge McAuliffe wrote:

> "The degree of weight to be given an administrative interpretation varies according to a number of factors, including whether the interpretation has resulted in a contested adversary proceeding or rule-making process, whether the interpretation has been publicly established, and the consistency and

length of the administrative interpretation or practice. *Comptroller v. John C. Louis Co.*, 285 Md. 527, 544-45 (1979)."

In administrative proceedings in Maryland concerning the grant of a variance or special exception, the "substantial evidence" and "fairly debatable" standard is applicable. e.g., *Schultz v. Pritts*, 291 Md. 1 (1981); *Turner v. Hammond*, 270 Md. 41 (1973). The "fairly debatable" standard was defined in *Eger, supra*:

> "If the issue before an administrative body is 'fairly debatable,' that is, that its determination involved testimony from which a reasonable man could come to different conclusions, the Court will not substitute its judgment for that of the administrative body,... even if the administrative body came to a conclusion which [the Court] probably would not have reached on the evidence."

See also *Germenko v. County Board of Appeals of Baltimore County*, 257 Md. 706 (1970). Accord, *Ginn v. Farley*, 43 Md. App. 229 (1979); *Board of County Comm'rs for Prince Georges County v. Meltzer*, 239 Md. 144 (1965).

In *Prince Georges County v. Meininger*, 264 Md. 148, 152 (1972), it was held that the "substantial evidence" requirement in a case of denial was satisfied by little more than a "scintilla of evidence" because the burden of proof is on the appellant. The zoning agency's decision should be affirmed unless there is "no evidence at all" to support the decision. *Rockville Fuel & Feed Co. v. Board of Appeals*, 257 Md. 183,193 (1970). These and other cases indicate that an administrative appellant has a very heavy burden to demonstrate as arbitrary an agency finding that the applicant did, or, especially, did not, sufficiently prove his case. In *Pollard's Towing v. Berman's Towing*, 137 Md. App. 277 (2001), Judge Moylan discussed the function of the reviewing court when an agency is simply not persuaded by the petitioner. He wrote:

"In this case, all that was required was that the Board be not persuaded that there was a need for additional towing service. To the extent that its finding was weightier than that, the incremental weight was surplusage. Far less is required to support a merely negative instance of non-persuasion than is required to support an affirmative instance of actually being persuaded of something." 137 Md. App. at 289.

Judge Moylan also quoted *Starke v. Starke*, 134 Md. App. 663 (2000), at 137 Md. App. 290:

"[I]t is far easier to sustain as not clearly erroneous the decisional phenomenon of not being persuaded than it is to sustain the very different decisional phenomenon of being persuaded... Mere non-persuasions... require nothing but a state of honest doubt. It is virtually, albeit perhaps not totally, impossible to find reversible error in that regard."

DISCUSSION

The Court has had an opportunity to review and consider the transcript of the CBA hearing of December 3, 2003, the exhibits in evidence before it, the minutes of the public deliberation, and its Opinion of March 8, 2004. The Court has also carefully considered the thorough memoranda filed by the Petitioner and Respondent, and the oral arguments of counsel presented at the hearing on August 11. The CBA's Opinion accurately summarizes the evidence before it, and the Court will not reiterate it here. It appears to the Court that substantial evidence exists in the record which could support the granting of the free-standing sign variance, had the CBA decided to do so. It, of course, did not.

Before discussing the propriety of failure to grant that variance, however, the Court believes it appropriate to deal with Petitioner's argument that its third request, to retain the three wall-mounted illuminated signs presently being

displayed, was unnecessary and should not have been part of its Petition. Respondent argues, first, that Petitioner is estopped from taking this position once having requested this variance and pled the need for it, and, second, that BCZR Section 450.4.5.(g) controls and limits a vehicle dealership to one sign only; thus if a free-standing sign is erected, no other signs of any category are permitted that dealership.

As to Respondent's first argument, the Court is not persuaded that estoppel by pleading bars Petitioner from seeking to correct what it perceives to be a legal error. Clearly, it did not bar the Court of Appeals from remanding to the CBA the variance requested by Baltimore Gas & Electric Company in *Friends of the Ridge v. BG&E,* 352 Md. 645 (1999), having found it legally unnecessary, with instructions to vacate the rulings thereupon. In the case *sub judice,* Petitioner obtained new counsel after the matter was decided by the CBA, who, on review of the BCZR, concluded that the third request for variance was legally unnecessary. Under the circumstances, Petitioner should not be barred from seeking to correct an apparent misunderstanding of the requirements of the BCZR by his engineer or trial counsel.

As to Respondent's second argument that Section 450.4.5.(g) of the BCZR controls the wall-mounted signs, this Court reluctantly agrees. The plain language of the ordinance and its included table seem to indicate that the provision limiting automobile dealerships to one sign for each franchise, refers solely to free-standing enterprise signs. Section 450.4.5.(a) permits in the B.M. and certain other zones up to three wall-mounted enterprise signs, with no more than two on a facade, with a Use Permit only. Section 450.4.5.(a) dies not appear in any way limited or controlled by Section 450.4.5.(g). However, a separate provision of the ordinance, BCZR Section 450.4.F., although not a model of legislative clarity or logic, appears

to make the limitation of one sign per franchise set forth in column VI of 450.4.5.(g), and the Additional Limitations of Column IX thereof, override all other Sections, including 450.4.5.(a). Section 450.4.F explains column VI:

> F. Maximum No./Premises (VI): The entries in this column establish the maximum number of separate signs in a given class, [here the "Enterprise" class] or the formula for determining the maximum number, which may be displayed on a single premises. Unless otherwise provided, the maximum number of signs applies to any combination of signs included in each separate lettered paragraph under Column II....

Column IX of 450.4.5.(g) reads:

> A new motor vehicle dealership may display one sign not to exceed 50 square feet.

Section 450.4.I explains Column IX:

> I. Additional Limitations (IX): The entries in this column indicate additional limitations or identify cross-references to applicable sign provisions elsewhere in Section 450.

Accordingly, the BCZR seem to provide that, should an automobile dealership choose to erect a free-standing enterprise sign on its premises, it can display no other enterprise signs of any type, even one which would identify its franchise brand or dealership name upon the building itself. In the case *sub judice*, if Petitioner is permitted a sign such as that which it has erected, which displays only the franchise brand and its logo, it cannot continue to display its own trade name, Heritage Honda, upon the structure of the building, but must function for all intents and purposes anonymously, as an unidentified Honda dealership. If this interpretation is what the Baltimore County Council intended, then most County

automobile dealerships are probably in violation of Section 450, and potentially face prosecution accordingly. If this is not the Council's intent, the BCZR should be redrafted and clarified.

With respect to the issue of Petitioner's first requested variance, for the free-standing sign to exceed permitted height and face area, the CBA was, quite simply, not persuaded from the evidence that the Petitioner's property is unique, or that such uniqueness, if found to exist, creates practical difficulty. The grant of a variance is a two-step process, with the first step being concerned only with whether the site is unique. Judge Cathell, then a member of the Court of Special Appeals, wrote for that Court in *Cromwell v. Ward,* 102 Md. App. 691 (1995):

> "We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been – a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinances's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists..."

Here, although there is, as previously noted, substantial evidence in the record on the issue of uniqueness, that evidence failed to persuade the CBA. This Court cannot substitute its judgment for that of the CBA even if that evidence would be persuasive to the Court. In this scenario, the Petitioner's burden is nearly, if not totally insurmountable, as discussed by Judge Moylan in *Pollard's Towing, supra.* The CBA cannot be found to have erred because it rejected, did not believe, or was unpersuaded by the evidence before it. Accordingly, the essential lynchpin of the structure supporting the grant of the variance sought, does not exist, and the request must fail.

The denial by the CBA of the variances requested by Petitioner must be, and it is hereby, AFFIRMED, and it is SO ORDERED, this 16th Day of August, 2004.

/s/

Christian M. Kahl, Judge

cc: Carole S. Demilio, Esquire
John H. Zink, III, Esquire
Kathleen C. Bianco, Administrator, CBA
Chairman, Baltimore County Council

ORDERED that the above captioned cases are REMANDED to the Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purposes stated in the Joint Motion for Remand.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

_____

_____

_____

PLEASE PRINT CLEARLY

CASE NAME George R. Norris, Inc
CASE NUMBER 05-447-SPHA
DATE 4/19/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
David Norris Cook,	901 Merritt Blvd.	Dundalk, MD 21222	DCook@NorrisAutoGroup.com
David Karcoski	210 Allegheny Avenue	Towson, MD 21204	dhkarcoski@venable.com
Mitch Kellman	200 E. Pennsylvania Ave	Towson, MD 21286	MKellman@DMW.com

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	901 Merritt Boulevard; NE/side Merritt Boulevard, 2000' N German Hill Road	*	ZONING COMMISSIONER
	12th Election & 7th Councilmanic Districts	*	FOR
	Legal Owner(s): David N. Cook, VP Norris Ford Contract Purchaser(s): David N. Cook, Pres, Norris Colonial, LLC d/b/a Norris Honda	*	BALTIMORE COUNTY
	Petitioenr(s)	*	05-447-SPHA

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

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

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 28th day of March, 2005, 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
MAR 2 8 2005
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

Baltimore County

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

March 18, 2005

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: 05-447-SPHA
901 Merritt Boulevard
N/east side of Merritt Blvd., 2000 feet north of German Hill Road
12th Election District – 7th Councilmanic District
Legal Owners: George R. Norris, Inc., Norris Ford, David N. Cook, V.P.
Contract Purchaser: Norris Colonial, LLC, Norris Honda, David N. Cook, Pres.

Special Hearing to approve an amendment to the site plan approved in Case No. 99-512-SPHA. Variance to allow two freestanding enterprise signs with face areas of 100 sq. ft. (Sign No. 1) and 71.5 sq. ft. (Sign No. 2) in lieu of the one permitted 50 sq. ft. free-standing enterprise sign. To allow directional signage with sign face area of 12 sq. ft. (Sign No. 3), 66 sq. ft. (Sign A), and 16 sq. ft. (Signs B, C, D, E, F, G) in lieu of the permitted 8 sq. ft. To allow a total of three wall-mounted enterprise signs (Sign Nos. 7,8,9) on the front (west) façade in lieu of the two permitted wall mounted enterprise signs.

Hearing: Tuesday, April 19, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, 210 Allegheny Avenue, Towson 21204
David N. Cook, 901 Merritt Blvd., Baltimore 21222

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 4, 2005.**
(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.

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 16, 2005

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

RECEIVED
JUN 16 2005
Per...KM

Hand-delivered

Re: PETITION FOR SPECIAL HEARING AND VARIANCE
NE/S Merritt Boulevard, 200' N of the c/l German Hill Road
(901 Merritt Boulevard)
12th Election District; 7th Council District
George R. Norris, Inc., Owners; Norris Colonial LLC, Lessees - Petitioners
Case No.: 05-447-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 9, 2005 by the Baltimore County 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
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Robert A Hoffman, Esquire
David Karceski, Esquire

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

April 12, 2005

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

Dear Mr. Hoffman:

RE: Case Number: 05-447-SPHA, 901 Merritt Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 2005.

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

WCR: clb

Enclosures

c: People's Counsel
David H. Karceski Venable, LLP. 210 Allegheny Avenue Towson 21204
George R. Norris, Inc. David N. Cook 901 Merritt Blvd. Baltimore 21222

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 21, 2005

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

05-446
05-447
05-450
05-451
05-452
05-453
05-456
05-457

Reviewers: Sue Farinetti, Dave Lykens

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

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

SHA State Highway Administration — Driven to Excel

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

Maryland Department of Transportation

Date: 3.18.05

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

RE: Baltimore County
Item No. 447 DT

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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,

S. J. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 21, 2005

Item No.: 444, 445, 446, (447), 448, 449, 450, 451, 452, 453, 454, 455,457, 461, 462.

Pursuant to your request, the referenced plan(s) have been reviewed 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.

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O)410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: April 6, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 28, 2005
Item No. 444, 446, 447, 448, 449
450, 451, 452, 453, 454 and 455

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

DAK:CEN:clw
cc: file

BW 4/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 15, 2005

RECEIVED

APR 15 2005

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-447**

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

Prepared By: Mark A Cunningham

Division Chief: Lynn Lanham

MAC/LL

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

MEMORANDUM

To: Tim Kotroco

From: David Iannucci

Date: April 18, 2005

Re: Norris Honda Variance Request

Tim:

Our department is assisting Norris Honda with an expansion of the Norris dealerships located at 901 Merritt Boulevard in Dundalk. Norris Honda is opening their new Honda dealership adjacent to the existing Norris Ford facility.

Norris Honda's case number is 05-447A, and they require a variance for signage at the BL zoned facility. They have requested our support for additional signage at the facility. David Karceski at Venable represents Norris Honda.

DED supports the Norris Honda project for this site and their additional signage variance request. The capital investment exceeds $5,700,000, and 75 jobs will be transferred and created at the facility over the next year.

We appreciate any assistance your department can provide in this matter.

PETITIONER'S
EXHIBIT NO. 3

APPEAL SIGN POSTING REQUEST

CASE NO. 05-447-SPHA

44-H1

901 MERRITT BOULEVARD
NORRIS COLONIAL, LLC

12th ELECTION DISTRICT APPEALED: 6/16/2005

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, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 05-447-SPHA

LEGAL OWNER: GEORGE R. NORRIS, INC.
NORRIS COLONIAL, LLC

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

901 MERRITT BOULEVARD

The sign was posted on 9-27-05, 2005

By: _____
(Signature of Sign Poster)

JASON SEIDELMAN
(Print Name)

Case No.: 05-447 SPH A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	1A - SITE PLAN - RED LINE CHANGE 8' FOOTAGE NEW DEALERSHIP 1B - " " - " " " BODY SHOP SIGN DELETION	
No. 2	2A - 200' SCALE ZONING MAP 2B - AERIAL OVERLAY - DENOTES ZONE LINES 2C - AERIAL (RED LOT PETITIONERS HONDA - FORD DEALERSHIP WEST OF HONDA	- BLUE OUTLINE 1099 MERRITT - WEENY WORLD
No. 3	ECONOMIC DEV. LETTER DAVID IANNUCCI - SUPPORT	
No. 4	4A - LANDSCAPE PLAN - APPROVED BY AVERY HARDING 4B - PHOTOGRAPH - PROPOSAL LOCATION - NOTE ELEVATION GOES 4C - PHOTOGRAPH - FORD DEALERSHIP - NOTE BGE TRANSMISSION LINES	
No. 5	4D - 695 INTERCHANGE - LIMITATIONS INGRESS + EGRESS FROM SITE 4E - PHOTO OF HONDA SITE AND BGE 40' EASEMENT	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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: #05-447-SPHA
901 Merritt Boulevard
N/east side of Merritt Blvd., 2000 feet north of German Hill Road
12th Election District – 7th Councilmanic District
Legal Owner(s): George R. Norris, Inc., Norris Ford, David N. Cook, V.P.
Contract Purchaser: Norris Colonial, LLC, Norris Honda, David N. Cook, Pres.

Special Hearing: to approve an amendment to the site plan approved in Case No. 99-512-SPHA. **Variance:** to allow two freestanding enterprise signs with face areas of 100 sq. ft. (Sign No. 1) and 71.5 sq. ft. (Sign No. 2) in lieu of the one permitted 150 sq. ft. free-standing enterprise sign. To allow directional signage with sign face area of 12 sq. ft. (Sign No. 3), 66 sq. ft. (Sign A), and 16 sq. ft. (Signs B, C, D, E, F, G) in lieu of the permitted 8 sq. ft. To allow a total of three wall-mounted enterprise signs (Sign Nos. 7, 8, 9) on the front (west) facade in lieu of the two permitted wall mounted enterprise signs.

Hearing: Tuesday, April 19, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
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 4/612 April 5 45524

CERTIFICATE OF PUBLICATION

4/6, 2005

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 4/5, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-447-SPHA

Petitioner/Developer: MORRIS COLONIAL, LLC, MORRIS HONDA DAVID N. COOK PRES

Date of Hearing/Closing: APRIL 19, 2005

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

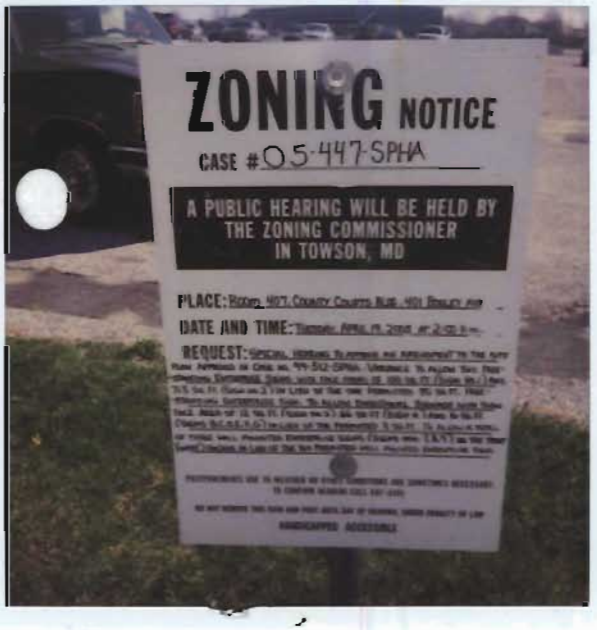
ATTN: Kristen Matthews {(410) 887-3394}

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: 901 MERRITT BLVD

The sign(s) were posted on APRIL 4, 2005
(Month, Day, Year)

Sincerely,



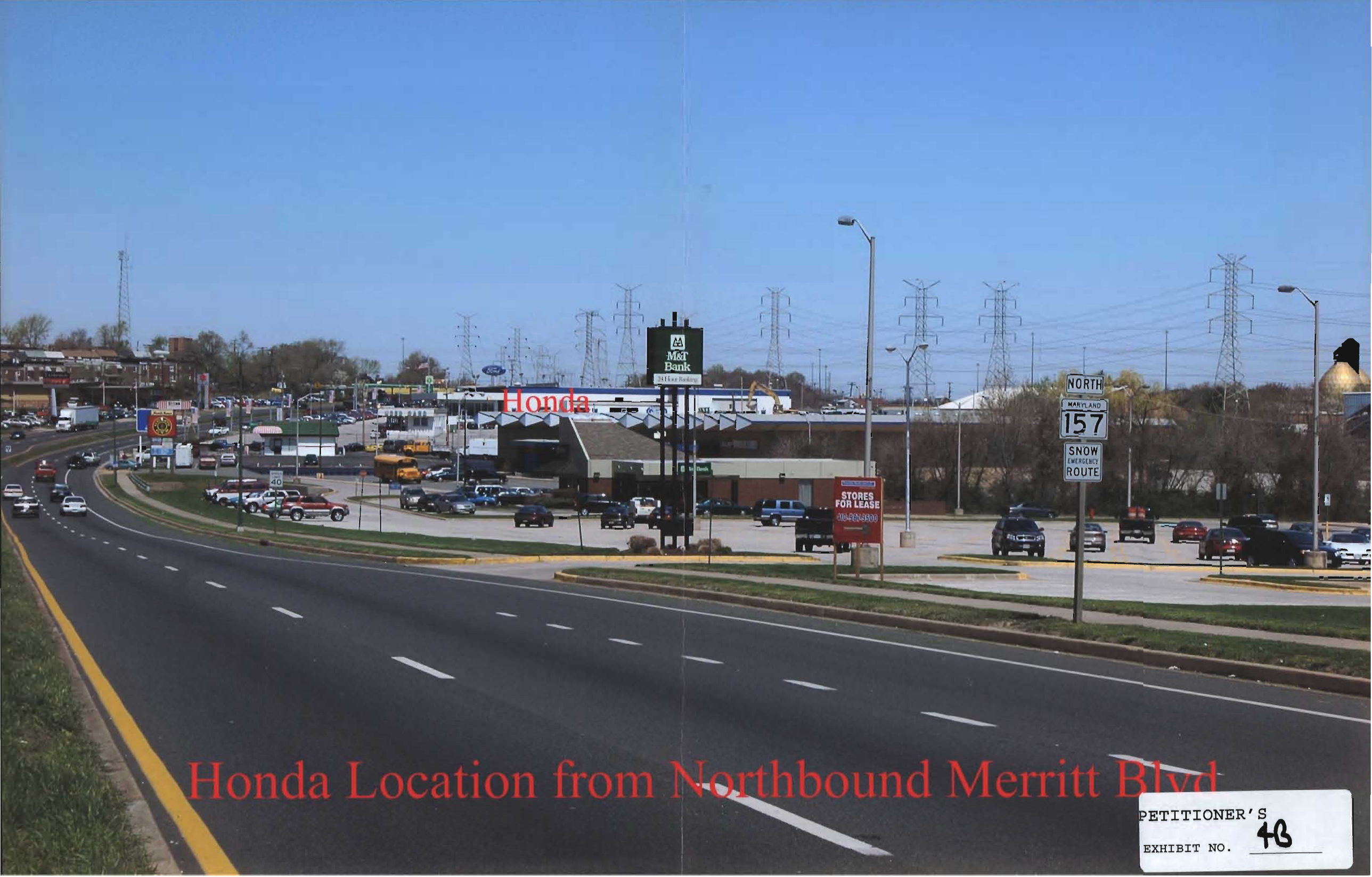
Robert Black 4/5/05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



Honda Location from Northbound Merritt Blvd

PETITIONER'S
EXHIBIT NO. 4B

PETITIONER'S

EXHIBIT NO. 4C

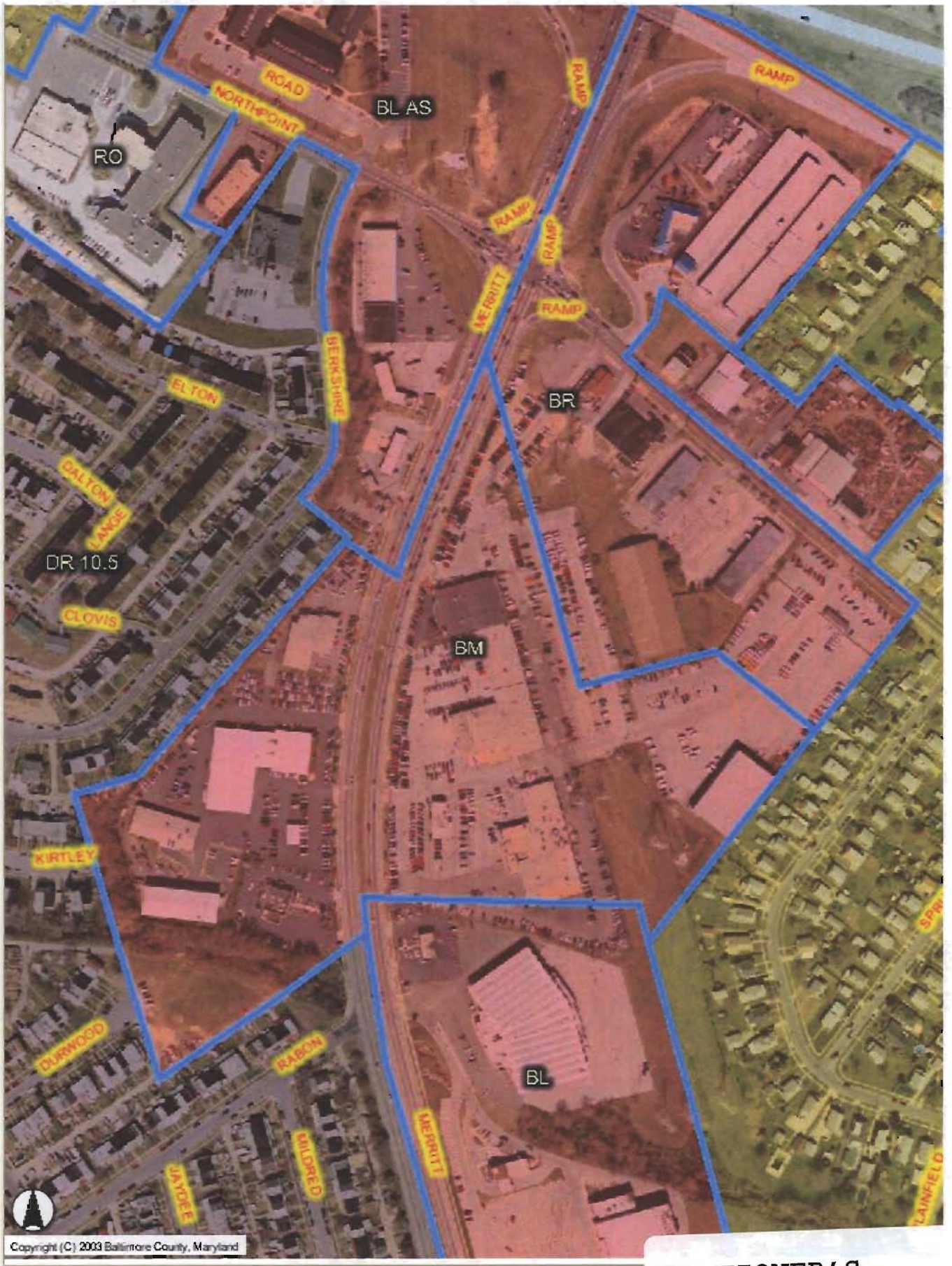
PETITIONER'S

EXHIBIT NO. 4D

Honda

View of demolishd Body Shop area

PETITIONER'S
EXHIBIT NO. 4E



PETITIONER'S
EXHIBIT NO. 2B

PETITIONER'S
EXHIBIT NO. 2C

Plan Sheet: ***096C3***

Note:
Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September 3, 2004.

Legend

Zoning — Streams — Vegetation

Buildings — Roads

Baltimore County
Office of Planning and Zoning
Official Zoning Map

	096B2	096C2	097A2	097B2
	096B3	096C3	097A3	097B3
	103B1	103C1	104A1	104B1

Scale

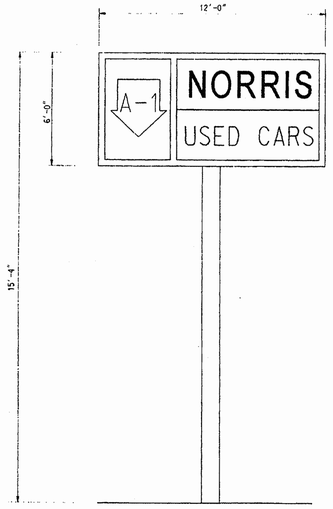
1" = 200'

0 100 200 400 Feet

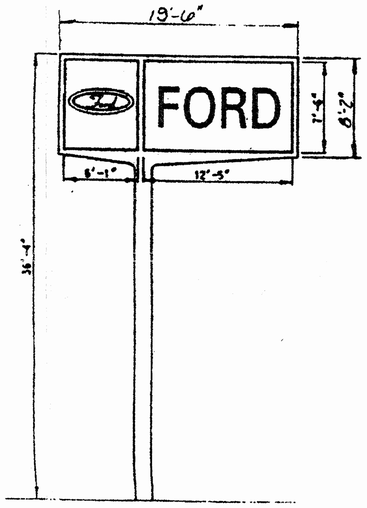
1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

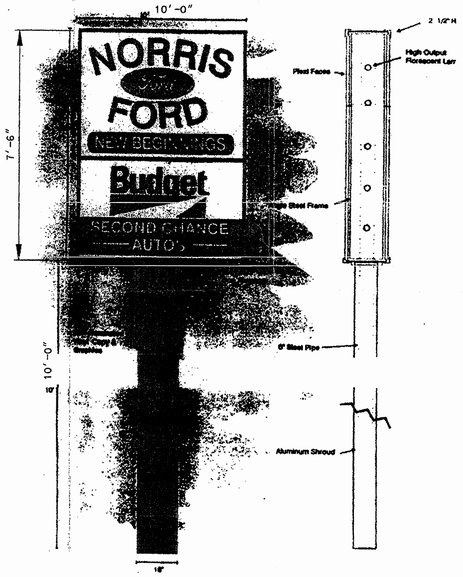
PETITIONER'S
EXHIBIT NO. 2A



EXISTING FREE-STANDING
SIGN (SIGN #4 - RELOCATED)
APPROXIMATELY 72 SQ. FT.

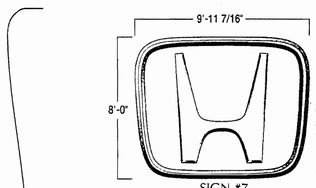


EXISTING FREE-STANDING
SIGN (SIGN #5)
APPROXIMATELY 135.75 SQ. FT.

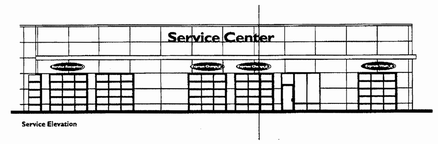


EXISTING FREE-STANDING
SIGN (SIGN #6)
APPROXIMATELY 75.00 SQ. FT.

PROPOSED
WALL-MOUNTED
SIGNAGE



SIGN #7

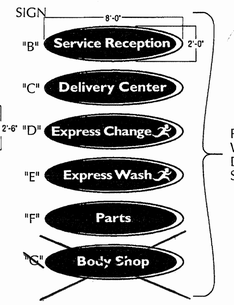


SIGN #8

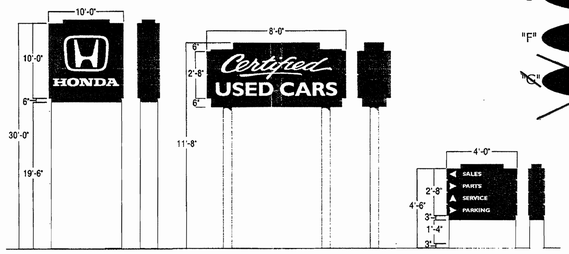
Graphic Elements. Honda "H" logo, logotype, dealership name SIGN #9

Graphic Elements. Service identification SIGN #A

SIGN
8'-0"



PROPOSED
WALL-MOUNTED
DIRECTIONAL
SIGNAGE



PROPOSED FREE-STANDING
SIGN (SIGN #1)
100 SQ. FT.

PROPOSED FREE-STANDING
SIGN (SIGN #2)
71.5 SQ. FT.

PROPOSED FREE-STANDING
DIRECTIONAL SIGN (SIGN #3)
12 SQ. FT.

DATA SOURCES:

ALL EXISTING PLANIMETRIC INFORMATION SHOWN HEREON IS TAKEN FROM THE VARIANCE PLAN DATED 6/14/1999, PRODUCED BY FREDERICK WARD ASSOCIATES, INC.

THE PETITIONER IS REQUESTING THE FOLLOWING ZONING RELIEF:

1. VARIANCE FROM SECTION 450.4.5.g OF THE BCZR TO ALLOW 2 FREE-STANDING ENTERPRISE SIGNS WITH SIGN FACE AREAS OF 100 SQ. FT. (SIGN #1) AND 71.5 SQ. FT. (SIGN #2) IN LIEU OF THE ONE PERMITTED 50 SQ. FT. FREE-STANDING ENTERPRISE SIGN.

2. VARIANCE FROM BCZR SECTION 450.4.5.g TO ALLOW A FREE-STANDING ENTERPRISE SIGN HEIGHT OF 31 FEET IN LIEU OF THE PERMITTED 25 FEET (SIGN #1).

3. VARIANCE FROM BCZR SECTION 450.4.3 TO ALLOW DIRECTIONAL SIGNAGE WITH SIGN FACE AREAS OF 12 SQ. FT. (SIGN #3), 66 SQ. FT. (SIGN "A"), AND 16 SQ. FT. (SIGNS "B" "C," "D," "E," "F" ~~AND "G"~~), IN LIEU OF THE PERMITTED 8 SQ. FT.

4. VARIANCE FROM BCZR SECTION 450.4.5.a TO ALLOW A TOTAL OF THREE WALL-MOUNTED ENTERPRISE SIGNS (SIGN #7, #8, AND #9) ON THE FRONT (WEST) FACADE IN LIEU OF THE TWO PERMITTED WALL-MOUNTED ENTERPRISE SIGNS

AN AMENDMENT TO THE SITE PLAN APPROVED IN CASE 99-512-SPHA.

Exhibit 1A w/ Revised Sign photos

PETITIONER'S
EXHIBIT NO. 1B

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

PLAN TO ACCOMPANY PETITION FOR
ZONING VARIANCE AND SPECIAL HEARING

NORRIS HONDA NEW CAR SHOWROOM

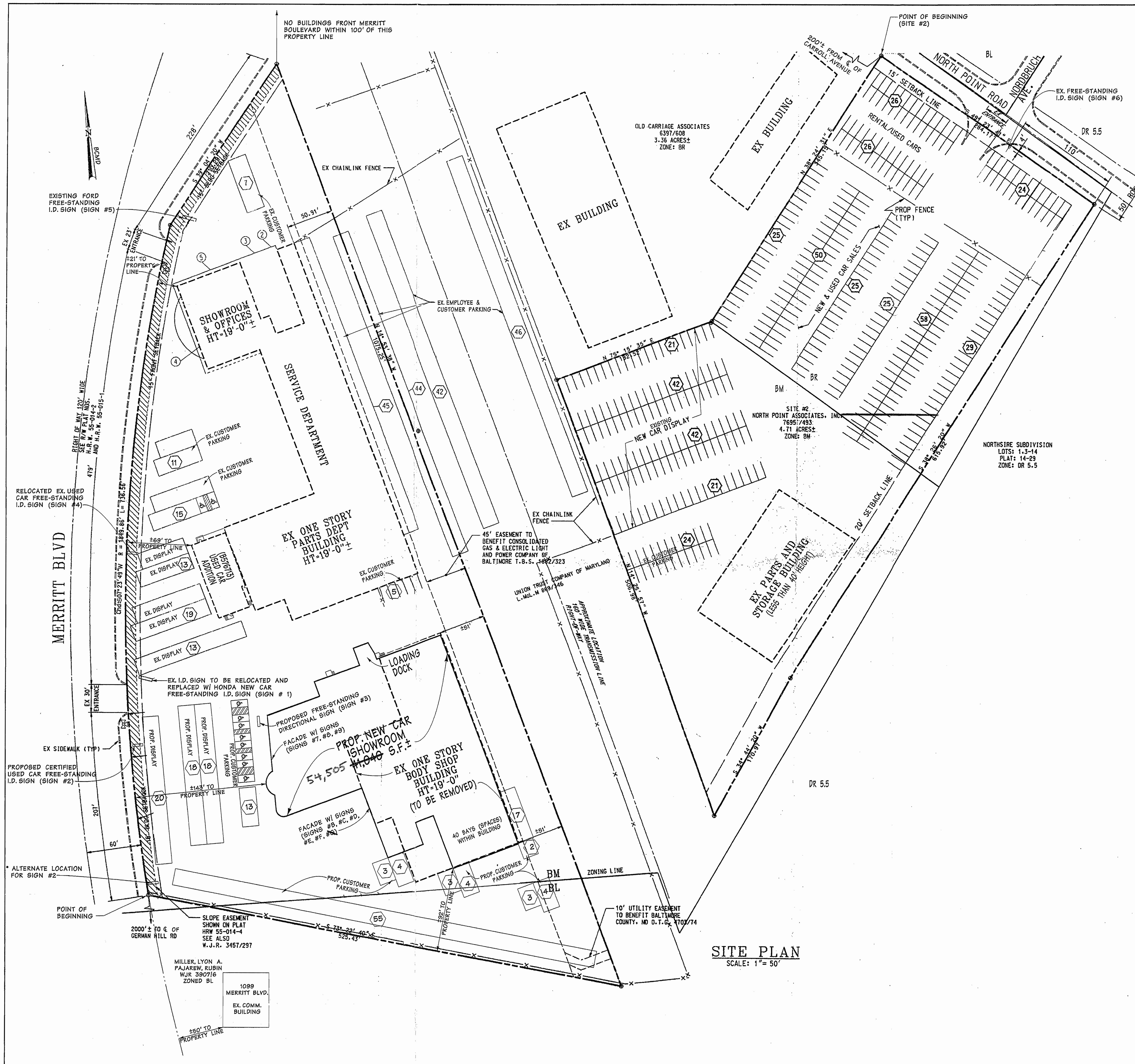
901 MERRITT BOULEVARD
DUNDALK, MARYLAND 21222

12th ELECTION DISTRICT | 7th COUNCILMANIC DISTRICT | BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS

ISSUE DATES
REVIEW: 01/19/05
BID:
PERMIT:
CONSTRUCTION:

BASE: ABA
DRAWN: ABA
DESIGNED: TJR III
CHECKED BY:
DATE CHECKED:
SCALE: N.T.S.
PROJECT NO.: 00100.B
DRAWING: 2 of 2



SITE PLAN
SCALE: 1"= 50'

GENERAL NOTES:

1. PROPERTY OWNER — GEORGE R. NORRIS, INC. D/B/A NORRIS FORD 901 MERRITT BOULEVARD BALTIMORE, MARYLAND 21222

   CONTRACT PURCHASER/ LESSEE — NORRIS COLONIAL LLC D/B/A NORRIS HONDA 901 MERRITT BOULEVARD BALTIMORE, MARYLAND 21222 ATTENTION: MR. DAVID COOK
2. ELECTION DISTRICT: 12
3. COUNCILMANIC DISTRICT: 7
4. PROPERTY TAX ACCOUNT NUMBERS: 1214067270, 2100001076
5. SITE AREA: 503,989 SQ. FT./11.57 ACRES
6. ZONING HISTORY:
   - A. CASE 2964: RE-CLASS FROM "A" RESIDENTIAL ZONE TO "F" ZONE DENIED ON APRIL 20, 1953.
   - B. CASE 4140: RE-CLASS FROM "BL" ZONE TO "BM" ZONE GRANTED ON MAY 31, 1957.
   - C. CASE 64-205R: RE-CLASS FROM "R-6" ZONE TO "BM" ZONE GRANTED ON JULY 20, 1964.
   - D. CASE 84-117-X: SPECIAL EXCEPTION GRANTED FOR SERVICE GARAGE ON NOVEMBER 9, 1983.
   - E. CASE 97-445-A: VARIANCE TO PERMIT A REPLACEMENT SIGN OF 135 SQUARE FEET IN-LIEU-OF 100 AND A SIGN HEIGHT OF 36'-4" IN-LIEU-OF 25-FEET GRANTED ON JUNE 3, 1997.
   - F. CASE 99-512-SPHA: VARIANCE TO PERMIT 3 FREE-STANDING SIGNS TOTALING 207.75 SQ. FT. IN-LIEU-OF ONE 50 SQ. FT. SIGN AND TO PERMIT A SIGN HEIGHT OF 36'-4" IN-LIEU-OF THE MAXIMUM 25', AND A SPECIAL HEARING TO AMEND THE SITE PLAN IN CASE #97-445-A GRANTED ON AUGUST 20, 1999 SUBJECT TO 30-DAY APPEAL PERIOD.
7. ZONING: BL, BM & BR
8. MAXIMUM BUILDING HEIGHT: 30' MAX. PROPOSED
9. BASED ON THE FILES WITHIN THE BALTIMORE COUNTY ZONING REVIEW OFFICE, THERE HAVE BEEN NO BUILDING PERMITS ISSUED WITHIN THE LAST 5 YEARS, EXCEPT FOR THE APPLICATION FOR THE USED CAR ADDITION (B576713).
10. THIS PROJECT OBTAINED A LIMITED EXEMPTION PURSUANT TO SECTION 26-171(A)(7) AND (A)(10). THE DRC NUMBER IS 060104 I. THE DRC RECOMMENDED THIS ON JUME 1, 2004 AND A LETTER FROM TIMOTHY KOTROKO, DIRECTOR FOLLOWED. HIS LETTER WAS DATED JUNE 14, 2004.
11. PARKING AREA AROUND THE NEW SHOWROOM IS EXISTING (OMITTED FOR CLARITY) AND WILL BE STRIPED AS SHOWN.
12. ALL SIGNS WILL COMPLY WITH SECTION 450, WITH THE EXCEPTION OF SIGNS EXISTING AND APPROVED BY THE REFERENCED ZONING VARIANCE. ANY ADDITIONAL SIGNS THAT DO NOT COMPLY WITH SECTION 450 WILL BE APPROVED BY A ZONING VARIANCE.
13. AMENITY OPEN SPACE IS NOT REQUIRED FOR THIS SITE.
14. THIS SITE IS NOT SUBJECT TO RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS.
15. THIS PROPERTY IS NOT LOCATED WITHIN A FLOODPLAIN.
16. ANY LIGHTING FIXTURES USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
17. FLOOR AREA RATIO:

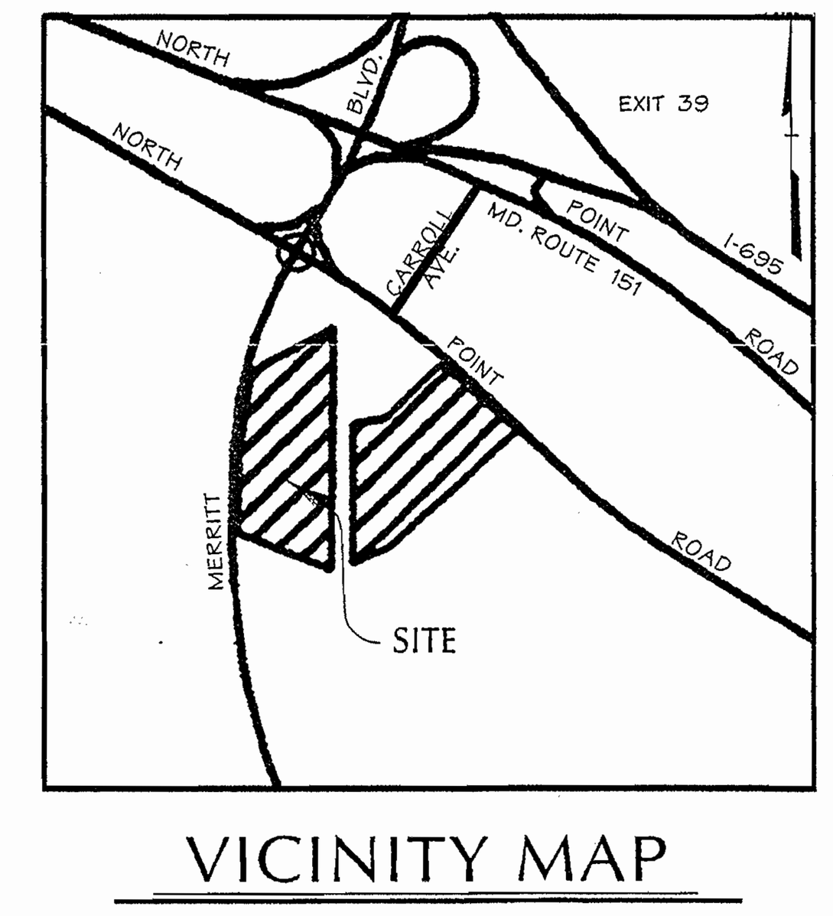
    EXISTING BUILDING AREA: 67,900 SQ. FT.*
    PROPOSED BUILDING: 54,505 SQ. FT.
    TOTAL: 122,405 SQ. FT.
    122,405 / 503,989 (LOT AREA) = .243 FAR
18. PARKING:

SHOWROOM (EXISTING):	6,000 SQ. FT. @ 5/1000 = 30 SPACES
SALES OFFICE (EXISTING):	1,125 SQ. FT. @ 5/1000 = 6 SPACES
PARTS (EXISTING):	21,125 SQ. FT. @ 5/1000 = 106 SPACES
SALES AND TRAILERS (EXISTING):	2,025 SQ. FT. @ 5/1000 = 11 SPACES
SHOP AREA AND BUSINESS OFFICE (EXISTING)*:	14,625 SQ. FT. @ 5/1000 = 49 SPACES
USED CAR SALES OFFICE (EXISTING):	3,400 SQ. FT. @ 5/1000 = 17 SPACES
PROPOSED NEW DEALERSHIP BUILDING:	54,505 SQ. FT.
SHOWROOM (PROPOSED):	13,874 SQ. FT. @ 5/1000 = 70 SPACES
BUSINESS OFFICES (PROPOSED):	14,294 SQ. FT. @ 3.3/1000 = 48 SPACES
SERVICE & SHOP (PROPOSED):	26,337 SQ. FT. @ 3.3/1000 = 87 SPACES

TOTAL REQUIRED: 424 SPACES (9 HANDICAPPED)
TOTAL PROVIDED: 892 SPACES (INCLUDING 40 SERVICE BAYS) (10 HANDICAPPED)

* THE SQUARE FOOTAGE OF THE EXISTING SHOP AREA AND BUSINESS OFFICE HAS BEEN REDUCED FROM THE PREVIOUS BUILDING PERMIT (B576713) DUE TO THE REMOVAL OF THE EXISTING FREESTANDING BODY SHOP BUILDING.

ALL EXISTING AND PROPOSED PARKING SPACES WILL BE A MINIMUM OF 8'-6" x 18'.



VICINITY MAP
SCALE: 1"=1000'

DATA SOURCES:

ALL EXISTING PLANIMETRIC INFORMATION SHOWN HEREON IS TAKEN FROM THE VARIANCE PLAN DATED 6/14/1999, PRODUCED BY FREDERICK WARD ASSOCIATES, INC.

THE PETITIONER IS REQUESTING THE FOLLOWING ZONING RELIEF:

1. VARIANCE FROM SECTION 450.4.5.g OF THE BCZR TO ALLOW 2 FREE-STANDING ENTERPRISE SIGNS WITH SIGN FACE AREAS OF 100 SQ. FT. (SIGN #1) AND 71.5 SQ. FT. (SIGN #2) IN LIEU OF THE ONE PERMITTED 50 SQ. FT. FREE-STANDING ENTERPRISE SIGN.
2. VARIANCE FROM BCZR SECTION 450.4.5.g TO ALLOW A FREE-STANDING ENTERPRISE SIGN HEIGHT OF 31 FEET IN LIEU OF THE PERMITTED 25 FEET (SIGN #1).
3. VARIANCE FROM BCZR SECTION 450.4.3 TO ALLOW DIRECTIONAL SIGNAGE WITH SIGN FACE AREAS OF 12 SQ. FT. (SIGN #3), 66 SQ. FT. (SIGN "A"), AND 16 SQ. FT. (SIGNS "B" "C," "D," "E," "F" ~~AND "G"~~), IN LIEU OF THE PERMITTED 8 SQ. FT.
4. VARIANCE FROM BCZR SECTION 450.4.5.a TO ALLOW A TOTAL OF THREE WALL-MOUNTED ENTERPRISE SIGNS (SIGN #7, #8, AND #9) ON THE FRONT (WEST) FACADE IN LIEU OF THE TWO PERMITTED WALL-MOUNTED ENTERPRISE SIGNS

AN AMENDMENT TO THE SITE PLAN APPROVED IN CASE 99-512-SPHA.

PETITIONER'S EXHIBIT NO. 1A

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

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING

NORRIS HONDA NEW CAR SHOWROOM

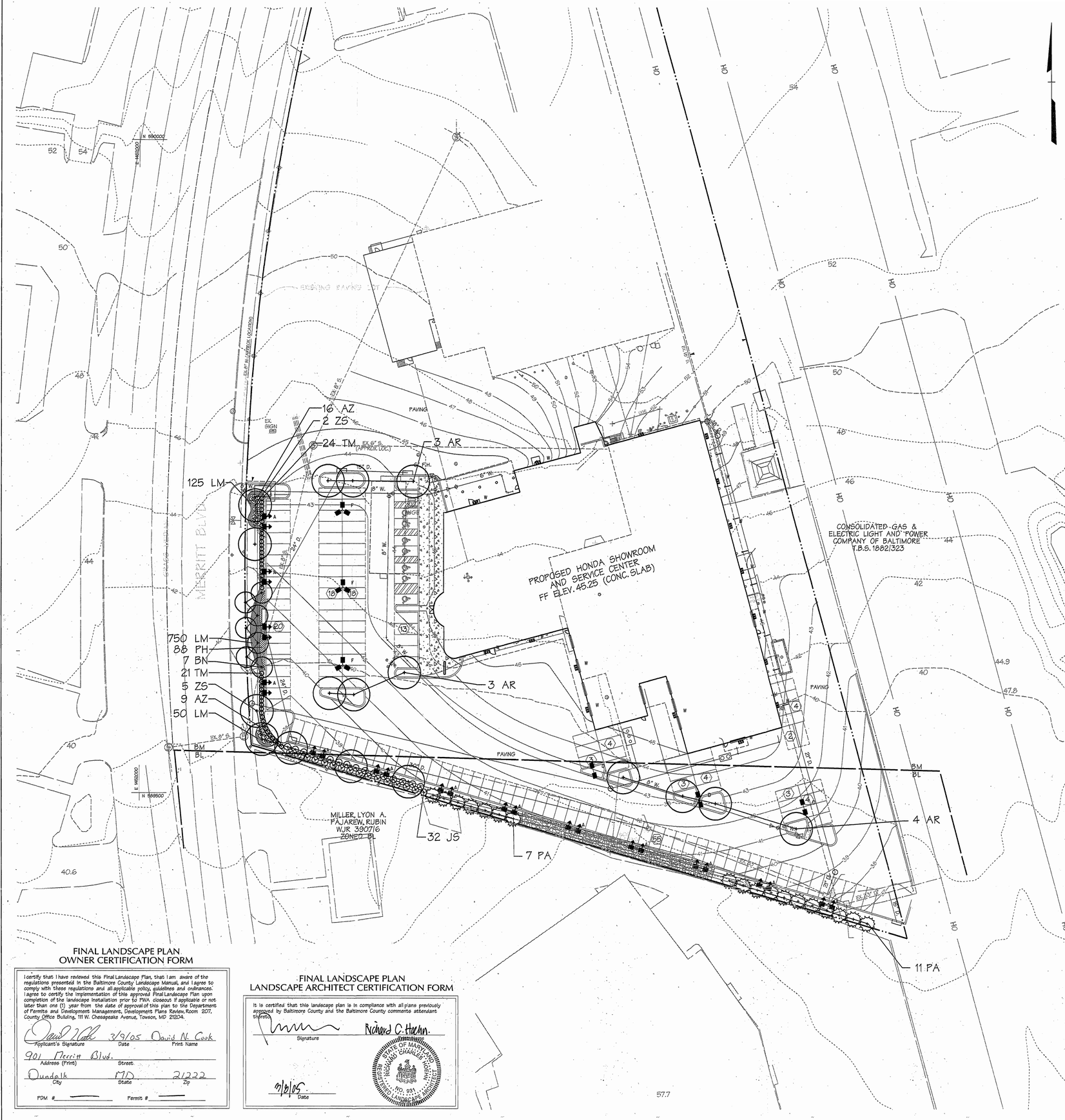
901 MERRITT BOULEVARD
DUNDALK, MARYLAND 21222

12th ELECTION DISTRICT — 7th COUNCILMANIC DISTRICT — BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — JOHN W. RANOCCHIA SR — No. 10551 — REGISTERED PROFESSIONAL ENGINEER — 3/11/05

DATE	BY	REVISIONS

ISSUE DATES	
REVIEW:	01/19/05
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	ABA
DRAWN:	ABA
DESIGNED:	TJR III
CHECKED BY:	
DATE CHECKED:	
SCALE:	1"=50'
PROJECT NO.:	00100.B
DRAWING:	1 of 2

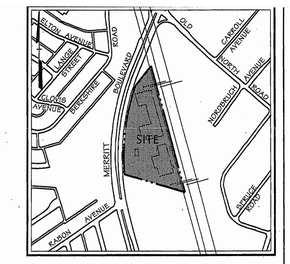


LANDSCAPE REQUIREMENTS

LANDSCAPING TABULATION		PLANTING UNITS
AUTOMOTIVE DISPLAY AREA @ 1 P.U./10 L.F.	200 L.F.	20
PARKING LOT INTERIOR @ 1 P.U./ 12 SPACES	98 SP.	8
PARKING LOT PERIMETER @ 1 P.U./ 20 L.F.	217 L.F.	26
ADJACENT ROAD @ 1 P.U./ 40 L.F.	525 L.F.	5.4
TOTAL		59.4
LANDSCAPING PROVIDED		
OVERSTORY TREES	17	17
EVERGREEN TREES	18	9
ORNAMENTAL TREES	7	3.5
SHRUBS	102	20.4
PERENNIALS (TOWARD CLASS D SCREEN)	88	8.8
GROUNDCOVER	356 SF	0.7
TOTAL		59.4

Plant List

QTY	SYM	BOTANICAL NAME/COMMON NAME	SIZE	REMARKS
SHADE TREES				
10	AR	ACER RUBRUM 'RED SUNSET' RED SUNSET MAPLE	2 1/2" - 3" CAL. 12'-14' HT	B & B FULL HEAD
7	ZS	ZELKOVA SERRATA 'GREEN VASE' GREEN VASE JAPANESE ZLKOVA	2 1/2" - 3" CAL. 12'-14' HT	B & B FULL HEAD
EVERGREEN TREES				
18	PA	PICEA ABIES NORWAY SPRUCE	6'-8' HT.	B & B HEAVY /UNSHEARED
ORNAMENTAL TREES				
75	BN	BETULA NIGRA 'HERITAGE' HERITAGE RIVER BIRCH	2" CAL.	B & B FULL CROWN, MATCHED SPECIMENS
SHRUBS /GROUNDCOVERS				
25	AZ	AZALEA 'DELAWARE VALLEY WHITE' DELAWARE VALLEY WHITE AZALEA	18" HT.	B & B /CONT. PLANT 3' O.C.
32	JS	JUNIPERUS CHINENSIS 'SARGENTII' SARGENT JUNIPER	30" HT.	B & B /CONT. PLANT 5' O.C.
925	LM	LIRIOPE MUSCARI 'BIG BLUE' BIG BLUE LILYTURF	1 PT.	CONT. PLANT 8" O.C.
88	PH	PENNISETUM ALOPECUROIDES 'HAMELN' DWARF FOUNTAIN GRASS	1 GAL.	CONT. PLANT 18" O.C.
45	TM	TAXUS x MEDIA 'DENSIFORMIS' DENSE YEW	30" HT.	B & B /CONT. PLANT 3' O.C.



VICINITY MAP

SCALE: 1"=500'

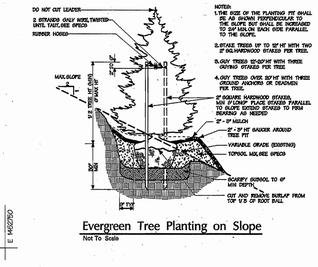
BENCHMARK

DESIGNATION	ELEVATION	PID
GI511	143.94	AC7694

MARK IS SET IN THE TOP OF A 10" DIAMETER CONCRETE MONUMENT, SET FLUSH WITH THE GROUND. IT IS 20.38' SOUTHEAST OF THE ℄ OF LENNINGS LANE, 50.82' NORTHWEST OF THE CENTERLINE OF LENNINGS AVENUE, AND 21.80' NORTHEAST OF A FIRE HYDRANT.

PLANTING NOTES:

1. Plant material substitutions will not be accepted without approval of the landscape architect.
2. Plant material shall be tagged at the source by the landscape architect or pictures provided with scale reference unless this requirement is specifically waived.
3. The landscape contractor shall stake all material located on the site for review and possible adjustments by the landscape architect prior to planting.
4. All shrubs and groundcover areas shall be planted in continuous prepared planting beds.
5. All shrub beds shall be mulched with hardwood mulch as detailed and specified except where noted on plans.
6. Maintain positive drainage out of planting beds at a minimum two percent slope.
7. Plant quantities are provided for the convenience of the contractor. If discrepancies exist between quantities shown on plan and those shown on the plant list, the quantities on the plan shall take precedence.
8. All areas within contract limits disturbed during or prior to construction not designated to receive plantings and mulch shall be fine graded and seeded in accordance with planting and construction specifications.
9. The contractor shall notify Miss Utility (800-257-7777) a minimum of three working days prior to planting and construction.
10. All plant material shall be nursery grown and shall conform to American Nurserymen Association standards.
11. All planting procedures shall conform to Landscape Contractors Association (LCA) specification guidelines for Baltimore / Washington metropolitan area (latest edition). LCA Landscape Specification Guidelines (4th Ed.) section 1.16, replacement and conditions, "Item F. Plant losses due to abnormal weather" does not apply.



Evergreen Tree Planting on Slope

Not To Scale

Less Than 3" Cal. Tree Planting

Not To Scale

LEGEND

- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- EX. WATER
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. GAS
- EX. EDGE OF ROAD
- 24" R.C.P. (EX.) — PROPOSED STORM DRAIN
- PROP. CURB AND GUTTER
- 60 — PROPOSED CONTOUR
- PROPERTY LINE
- PROPOSED BUILDING
- FOREST BUFFER
- EX. TREE LINE
- FOREST BUFFER RESERVE
- PROP. WOODS LINE
- PROPOSED MAJOR TREE
- PROPOSED MINOR TREE
- PROPOSED SHRUBS
- PROPOSED EVERGREEN TREE
- PAB (PROPOSED STREET TREE)
- STREET LIGHT LOCATION (6 TYPES) SEE LIGHTING PLAN FOR DETAILS

FINAL LANDSCAPE PLAN OWNER CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to PWA closeout. If applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review Room 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

David Cook — 3/9/05 — David N. Cook
Applicant's Signature — Date — Print Name

901 Merritt Blvd.
Address (Print) — Street

Dundalk — MD — 21222
City — State — Zip

PDM # _____ Permit # _____

FINAL LANDSCAPE PLAN LANDSCAPE ARCHITECT CERTIFICATION FORM

It is certified that this landscape plan is in compliance with all plans previously approved by Baltimore County and the Baltimore County comments attendant thereto.

Richard C. Hachn.
Signature

STATE OF MARYLAND — RICHARD CHARLES HOEHN — REGISTERED LANDSCAPE ARCHITECT — NO. 991

3/8/05
Date

BALTIMORE COUNTY
DEPT. OF PERMITS & DEV. MGMT.
LANDSCAPE PLAN APPROVED

E. Avery Harden
E. Avery Harden Date: 3-11-05
County Landscape Architect

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

LANDSCAPE PLAN

NORRIS HONDA NEW CAR SHOWROOM

901 MERRITT BOULEVARD
DUNDALK, MARYLAND 21222

12th ELECTION DISTRICT — 7th COUNCILMANIC DISTRICT — BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — RICHARD CHARLES HOEHN — REGISTERED LANDSCAPE ARCHITECT — NO. 991

DATE	BY	REVISIONS

ISSUE DATES
REVIEW:
BID:
PERMIT:
CONSTRUCTION:

BASE: CH
DRAWN: JLT
DESIGNED: JLT/MJP
CHECKED BY:
DATE CHECKED: 3/8/05
SCALE: 1"=30'
PROJECT NO.: 00100.B0
DRAWING:

PETITIONER'S EXHIBIT NO. 4A

1 of 1

Tue Mar 8 08:08:50 2005