8/26/05

IN RE: PETITION FOR VARIANCE

E/S of York Road, 250 ft. SE

centerline of Warren Road

8th Election District

2nd Councilmanic District

(10401 York Road)

TTV Properties, Bill Kidd, Legal Owner

and

Bill Kidd's Toyota/Volvo, Lessee

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

CASE NO. 05-550-A

ORDER ON BOARD OF APPEALS REMAND

This matter comes before this Deputy Zoning Commissioner as a remand from the Board of Appeals for a previously filed Petition for Variance by TTV Properties, by Bill Kidd, the legal owner and Bill Kidd's Toyota/Volvo, Lessee, the Petitioners. The Petitioners requested variance relief for property located at 10401 York Road in northern 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.I.5.(g), to allow three freestanding signs in lieu of the permitted two; and
- 2. from Section 450.4.I.5.(g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.;

Petitioner's request for variance was granted by this Commission on June 10 2005. Thereafter the case was appealed to the Board of Appeals by the Office of Peoples Counsel and prior to the hearing before the Board, the Petitioner and Peoples Counsel agreed that the Petitioner would modify the request for variances and Peoples Counsel would not continue its appeal before the Board.

The terms of the agreement are as follows:

- 1. Petitioner withdraws its Petition for Variance from Section 450.4.I.5 (g) to allow three freestanding signs in lieu of permitted two.
- 2. Petitioner amends its Petition for Variance to request a single variance from Section 450.4.I.5 (g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.

8/24

- 3. No variance is sought or permitted for the existing Volvo freestanding sign, which remains subject to B.C.Z.R. §450.8 D. 1-5, and the provisions of B.C.Z.R. 450.4; Petitioner agrees to provide the dimensions of the area and height of this sign on the amended site plan.
- 4. The Petitioner will submit to the Zoning Commissioner and People's Counsel an amended site plan that includes:
 - a. The dimensions of the sign described in paragraphs 2 and 3 above.
 - b. Specific language to withdraw the variance in paragraph 1 above;
 - c. Specific language for removal of the existing freestanding sign relating to the sale of used cars within thirty (30) days of the date of the erection of the sign referred to above in paragraph 2.

The Board remanded the case to this Commission for further hearing, which was conducted on August 24, 2005.

Interested Persons

Appearing at the hearing on behalf of the variance request was Sebastian A. Cross, Esquire representing the Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, did not appear at the remand hearing under the circumstances.

Testimony and Evidence

The Petitioner submitted an amended site plan, which incorporates the terms of the agreement entered into by the Petitioner and Peoples Counsel as set forth above. The new site plan marked as Petitioner's Exhibit 1-R calls for the removal of the "Pre-Owned Vehicles" sign and specifies the dimensions of the "Volvo" sign as required by the agreement. The site plan also notes that the Petitioner withdraws the request for variance to be allowed three freestanding signs again as agreed.

Findings of fact and conclusions of law

I find that the revised site plan marked as Petitioner's Exhibit 1-R incorporates the terms and conditions of the agreement between Peoples Counsel and the Petitioner given in the July 28, 2005 Remand Order of the Board of Appeals. The request for three freestanding signs having been

withdrawn, the remaining request is for a variance to allow a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft. from Section 450.4.I.5.(g);

As previously reflected in this Commission's June 10, 2005 Order, I find that a variance is required for this request for the reasons given in the June 10, 2005 Order. I further find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request. In short, I find the property unique from a zoning standpoint again for the reason given previously. I also find that the Petitioner would suffer hardship if the regulations were strictly enforced. The national Toyota campaign requires these signs. The Petitioner indicated that he would be penalized if the new signs could not be erected because the franchise requires compliance to the national campaign.

Finally, I find that the variances can be granted within the spirit and intent of the regulations and there is no adverse impact on the community for the larger sign.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance requests should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>Ab</u> day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) from Section 450.4.I.5.(g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft. as shown in the Petitioner's exhibit 1 R be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN/V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

7/28/05

RE: PETITION FOR VARIANCE

10401 York Road; E/side York Road,

250' SE c/line Warren Road

8th Election & 2nd Councilmanic Districts

Legal Owner(s): TTV Properties, Bill Kidd

Contract Purchaser(s): Bill Kidds Toyota/

Volvo, Bill Kidd, President

Petitioner(s)

BEFORE THE COUNTY

BOARD OF APPEALS

FOR

BALTIMORE COUNTY

BOARD OF APPEALS

05-550-A

REMAND ORDER TO ZONING COMMISSIONER

Petitioner filed a Petition for Variances for assorted signs at its automobile dealership at 10401 York Road. In an Order dated June 10, 2005, the Zoning Commissioner granted the variances. On June 22, 2005, a timely appeal by People's Counsel for Baltimore County of the Order of the Zoning Commissioner granting the sign variances was noted to this Board.

Prior to the scheduled hearing in this matter, Petitioner's Counsel and People's Counsel engaged in discussions. Petitioner agreed to amend its request for variances by way of a joint request for remand of this matter to the Zoning Commissioner for public hearing and further Order to include the following terms and conditions:

- 1. Petitioner withdraws its Petition for a Variance from Section 450.4.I.5. (g) to allow three free-standing signs in lieu of permitted two.
- 2. Petitioner amends its Petition for Variance to request a single variance from Section 450.4.I.5 (g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.
- 3. No variance is sought or permitted for the existing Volvo freestanding sign, which remains subject to BCZR 450.8 D. 1-5, and the provisions of BCZR 450.4; Petitioner agrees to provide the dimensions of the area and height of this sign on the amended site plan.
- 4. Petitioner will submit to the Zoning Commissioner and People's Counsel an amended site plan that includes:

- a. The dimensions of the signs described in paragraphs 2 and 3 above.
- b. Specific language to withdraw the variance in paragraph 1 above.
- c. Specific language for removal of the existing freestanding sign relating to the sale of used cars within thirty (30) days of the date of the erection of the sign referred to above in paragraph 2.

In order to reduce visual clutter caused by excessive signage, People's Counsel agrees to withdraw its appeal of this matter provided the Zoning Commissioner issues an Order in substantial compliance with the provisions in this Order to Remand. In light of the amended relief requested by Petitioner, People's Counsel believes it would not be in the public interest to pursue the appeal.

WHEREFORE, upon consideration of said request for REMAND, it is this 38th day of Appeals of Baltimore County

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

ORDERED that the above captioned case is REMANDED to the Zoning Commissioner for Baltimore County as agreed by all parties thereto, and in accordance with the terms of this Remand Order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY



County Board of Appeals of Baltimore County

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

July 28, 2005

Carole S. Demilio Deputy People's Counsel for Baltimore County Room 48, Old Courthouse 400 Washington Avenue Towson, MD 21204 Sebastian Cross, Esquire GILDEA & SCHMIDT LLC 300 E. Lombard Street Suite 1440 Baltimore, MD 21202-3228

RE:

In the Matter of: TTV Properties, Bill Kidd Case No. 05-550-A /Remand by Agreement

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

Enclosure ·

c:

William E. Kidd
Andrew Ferretti
Pat Keller, Planning Director
William J. Wiseman III, Zoning Commissioner
Timothy M. Kotroco, Director /PDM





Printed with Soybean Ink on Recycled Paper

Altimore 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

July 26, 2005

Kathleen Bianco, Administrator County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204 JUL 2 6 2005

BALTIMORE COUNTY

BOARD OF APPEALS

Re: TTV Properties, Bill Kidd – Legal Owner

Bill Kidds Toyota/Volvo, Bill Kidd, President, Contract Purchaser

Case No.: 05-550-A

Dear Mrs. Bianco:

Our office appealed the aforesaid sign variances granted by the Zoning Commissioner. Subsequently, our office held discussions with Mr. Sebastian Cross, attorney for Petitioner. Mr. Cross agreed to amend his requested relief and remand to the Zoning Commissioner for hearing in accordance with the terms of the enclosed proposed Remand Order. Our office has agreed, provided the relief remanded to the Zoning Commissioner complies with our understanding as set forth in the proposed Order.

We would appreciate the Board reviewing the same and executing an Order containing the substance of our mutual understanding of the terms for remand.

Mr. Cross has reviewed the enclosed proposed Order and has advised me of his approval in a telephone conversation.

Thank you for your consideration of this matter.

Very truly yours.

Peter Max Zimmerman People's Counsel

Carole S. Demilio

Deputy People's Counsel

Department of Permits and Development Management

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





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

July 20, 2005

Sebastian Cross, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

Dear Mr. Cross:

RE: Case: 05-550-A, 10401 York Road

Please be advised that an appeal of the above-referenced case was filed in this office on June 22, 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

William J. Wiseman, III, Zoning Commissioner
 Timothy Kotroco, Director of PDM
 People's Counsel
 William E. Kidd, Bill Kidd Toyota, 10401 York Road, Cockeysville 21030
 Andrew Ferretti, D.S. Thaler & Assoc., 7115 Ambassador Road, Baltimore 21244



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

APPEAL

Petition for Variance
10401 York Road
E/S York Road, 250 ft. SE c/line of Warren Road
8th Election District – 2nd Councilmanic District
Legal Owners: TTV Properties, Bill Kidd

Case No.: 05-550-A

Petition for Variance (April 26, 2005)

Zoning Description of Property

Notice of Zoning Hearing (May 9, 2005)

Certification of Publication (The Jeffersonian – May 24, 2005)

Certificate of Posting (May 23, 2005) by SSG Robert Black

Entry of Appearance by People's Counsel (May 10, 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. Photograph
- 2. Photograph
- Photograph

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit) - None

Deputy Zoning Commissioner's Order (GRANTED – June 10, 2005)

Notice of Appeal received on June 22, 2005 by People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM

Arry Penriouer Sebastian Cross, 300 E. Lombard Street, Ste. 1440, Baltimore 21202-3228

William E. Kidd, 10401 York Road, Cockeysville 21030 Andrew Ferretti, 7115 Ambassador Rd., Baltimore 21244

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BALTIMORE COUNTY BOARD OF APPEALS





PETER MAX ZIMMERMAN People's Counsel

OFFICE OF PEOPLE'S COUNSEL

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

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

> > CAROLE S. DEMILIO
> > Deputy People's Counsel

June 22, 2005

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

JUN 222113 Por CLX

Hand-delivered

Re:

PETITION FOR VARIANCE

TTV Properties, Bill Kidd, Legal Owner and Bill Kidd's Toyota/Volvo, Lessee, Petitioners E/S York Road, 250' SE c/line Warren Road

(10401 York Road) Case No.: 05-550-A

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 and Order dated June 10, 2005 by the Baltimore County Deputy Zoning Commissioner in the above-entitled case

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

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Sebastian A. Cross, Esquire

6/10/05

IN RE: PETITION FOR VARIANCE E/S of York Road, 250 ft. SE

centerline of Warren Road

8th Election District

2nd Councilmanic District

(10401 York Road)

TTV Properties, Bill Kidd, Legal Owner and

Bill Kidd's Toyota/Volvo, Lessee

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

CASE NO. 05-550-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by TTV Properties, by Bill Kidd, the legal owner and Bill Kidd's Toyota/Volvo, Lessee, the Petitioners. The Petitioners are requesting variance relief for property located at 10401 York Road in northern Baltimore County. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 450.4.I.5.(g), to allow three freestanding signs in lieu of the permitted two;
- 2. from Section 450.4.I.5.(g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.;

The property was posted with Notice of Hearing on May 23, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on May 24, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as

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a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated April 12, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Andrew Ferretti and Bill Kidd for the corporate Petitioner. Sebastian A. Cross, Esquire represented the Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property is improved by the Bill Kidd Toyota and Volvo Dealerships on York Road. Mr. Cross proffered that the these two dealerships are located in a section of York Road that includes Acura, Chrysler, Cadillac, Buick, Porsche, and Audi dealerships in the immediate vicinity. All have identification signs on York Road.

Mr. Cross proffered that the Petitioner has had three signs at this location for the past 30 years. However, the Toyota Corporation is conducting a nationwide campaign to upgrade its signs. Consequently, the Petitioner would like to replace the existing Toyota sign shown on Petitioner's Exhibit Nos. 1, 2 and 3 with the new national sign shown on Petitioner's Exhibit 4. The existing sign is 48 sq. ft. The new sign has three panels with inscriptions. These include a Toyota symbol, the word "Toyota", a "swoosh" symbol and a Scion symbol. All together these three panels occupy

6/10/05

94.96 sq. feet as interpreted by the Zoning Office. Thus, the need arises for a size variance since the regulations allow 50 sq. feet.

However, Mr. Cross points out that the actual wording of the sign occupies only 39.53 sq. feet. Consequently, he argues that the sign meets the regulations and does not need a variance. He bases these arguments on the definitions of Section 450.3 of the B.C.Z.R. "Area" is defined as "The number of square feet within the perimeter of one continuous rectangle enclosing the face of a sign. Except in the case of a wall-mounted sign, "area" includes the surface of all integral color, framing or other design feature by which the sign is differentiated from the structure supporting it or upon which it is erected. "Area" does not include:

A. Any structural, supporting or decorative features which are not part of the message of the sign;

He argues that we are not to include any part of the sign that does not include the message or, said another way, only the size of the actual text of the message should be included in the calculation. In this case that size is 39.53 sq. feet which he argues meets the regulations without a variance.

In the alternative, if a variance is required, he notes that the Petitioner's property is bordered on the south by a wooded property with trees coming out to the York Road right-of- way blocking travelers' from the south ability to see the Petitioner's franchises. He observed that the speed limit on this section of York Road is 40 mph. Again, see Petitioner's Exhibit 1. In addition, he notes that the State has taken frontage along the Petitioner's property for a right- turn-only lane for the intersection of York and Warren Roads. This pushes the identification sign further off the traveled portion of the road making it more difficult to see the existing signs. He notes that none of the other dealers along this section of York Road suffer with this problem. Finally, he indicated that York Road has a relatively steep grade at this location which again limits travelers ability to find the Petitioner's franchises.

6/10/05

Mr. Cross proffered that his client would suffer hardship if the new sign could not be erected as proposed, since this would violate the Petitioner's franchise agreement and trigger penalties for the Petitioner. Finally, he noted that the Office of Planning does not oppose the requested relief and that the Greater Timonium Coordinating Council does not oppose the relief either as evidenced that no one from that organization attended the hearing.

Findings of fact and conclusions of law

In regard to the first argument that no variance is required, I agree with the Zoning Office that Section 450.3 definitions clearly specify that the area of a sign is "The a variance is required. number of square feet within the perimeter of one continuous rectangle enclosing the face of a sign. "area" includes the surface of all integral color, framing or other design feature by which the sign is differentiated from the structure supporting it or upon which it is erected. This says to me that the regulations include the white or background area of a sign and not just the actual letters or symbols. I am not persuaded that the exception for structural, supporting or decorative features which are not part of the message of the sign" means that only the actual area of the letters or symbols is to be calculated. A sign is the text on a background. To argue otherwise would be contrary to the language of the regulations but in my view a sign is a message on a contrasting background. The background makes the sign readable. One has to include the size of the overall package of message and background to judge the visual impact of a sign. In addition the regulations clearly specify the "area" includes the surface of the sign as opposed to the supporting structure.

Having found the need for a variance, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In short, I find the property unique from a zoning standpoint. A literal reading of *Cromwell v Ward*, 102 Md App 691 (1995) indicates that there must be something unique about the property before a zoning variance can be granted. The Court in Cromwell indicated that the subject property must be peculiar, unique

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or unusual when compared to other properties in the neighborhood such that the regulations impact the subject property differently than the regulation impacts other properties in the neighborhood. As examples of this situation, the Court indicated that the subject property have inherent characteristics not shared by other properties in the neighborhood, such as shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or similar restrictions (emphasis supplied). So the unusual condition does not have to be on site but rather can be on abutting properties. Obstructions are specific examples of off-site circumstances or conditions, which show uniqueness.

In the case before me, the Petitioner's evidence indicates that there is an adjacent woods that extends to the York Road right-of-way which blocks the northbound traveler's view of the subject property. The great number of car dealerships in the area, each with their own signs on York Road, are another example of the practical restrictions imposed by abutting properties (such as obstructions) which make it difficult for the traveler to pick out this dealership among all those on the highway. Finally, the Petitioner had to give up frontage to the SHA for the right-turn-only lane along York Road, which pushes the Petitioner's signs back off the highway unlike any other dealership on the road. This is one of the few examples one could imagine of features of on site limitations that make a property unique from a zoning standpoint in a sign case.

I also find that the Petitioner would suffer hardship if the regulations were strictly enforced. The national Toyota campaign requires these signs. The Petitioner indicated that he would be penalized if the new signs could not be erected as the franchise requires compliance to the national campaign.

Finally, I find that the variances can be granted within the spirit and intent of the regulations. Section 450.1 which introduces the sign regulations acknowledges that signs convey information which is essential for protecting the safety of citizens. However they express concern of that the

amount of signage is excessive or poorly designed. In this case, in addition to announcing the Toyota dealership, the new sign will tell the public where to find Scion vehicles. Given the setting among so many car dealerships, I find that the proposed signs are the minimum needed to help the public find the dealerships and are attractive identification signs as such signs go.

Finally, I note that there have been three signs at this location for the past 30 years as indicated by the Petitioner. This proposal is to replace one sign and slightly relocate it to the south while keeping the other two signs. There is no adverse impact on the community.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance requests should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>10</u> day of June, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 450.4.I.5.(g), to allow three freestanding signs in lieu of the permitted two; and
- 2. from Section 450.4.I.5.(g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.; be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OH V. MURPHY

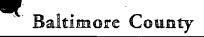
DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Zoning Commissioner

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





James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

June 8, 2005

Sebastian Cross, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

> Re: Petition for Variance Case No. 05-550-A Property: 10401 York Road

Dear Mr. Cross:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: William E. Kidd, Bill Kidd Toyota, 10401 York Road, Cockeysville, MD 21030 Andrew Ferretti, D.S. Thaler & Assoc., Inc., 7115 Ambassador Road, Baltimore, MD 21244



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

RE:	PETITION FOR VARIANCE	•
	10401 York Road; E/side York Road,	
	250' SE c/line Warren Road	,
٠	8 th Election & 2 nd Councilmanic Districts	
*	Legal Owner(s): TTV Properties, Bill Kidd	,
•	Contract Purchaser(s): Bill Kidds Toyota/	
	Volvo, Bill Kidd, President	,
	Petitioner(s)	

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Per.....

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-550-A

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 and all documentation filed in the case.

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

People's Counsel for Baltimore County



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10401 York Road

which is presently zoned _BR-AS

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

Please see attached sheet.

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 presented 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.

RECORDED FOR ELLER

REV 9/15/98

Contract Purchaser/Lessee:	Legal Owner(s):	
Bill Kidd's Toyota/Volvo	TTV Properties	
William EKidd Pars.	Type or Print Signafura Makika m Kakika	ι
Signature Bill Kidd 10401 York Road 410-666-8900	Signature Bill Hidd - Aus	Thorred menher
Address Telephone No. Cockeysville, MD 21030	Name - Type or Print	•
City State Zip Code	Signature	
Attorney For Petitioner:	3302 Belmont Road	410-666-89
Sebastian A. Cross	Address Glyndon, MD	Telephone No. 21071
Name - Type or Print City	State	Zip Code
Signature	Representative to be Contact	ed:
Gildea & Schmidt, LLC	Sebastian A. Cross	
Company	Name	
300 E. Lombard St, Suite 1440	300 E. Lombard St. St	ite 1440
Address Telephone No.	Address	Telephone No.
Baltimore, MD 21202	Baltimore, MD	21202
City State Zip Code	City	tale Zip Code
410-234-0070	OFFICE USE ONLY	
Case No. 05-550-A	ESTIMATED LENGTH OF HEARING	

PETITIONS FOR VARIANCE:

- 1. Variance from Section 450.4.I.5.(g) to allow three free-standing signs in lieu of the permitted two.
- 2. Variance from Section 450.4.I.5.(g) for a 94.96 s.f. sign in lieu of the permitted 50 s.f.
- 3. For such other zoning relief as the zoning commissioner may deem appropriate.

April 22, 2005

ZONING DESCRIPTION

BILL KIDD TOYOTA

Beginning for the same on the easterly side of York Road (66'wide) at a point approximately 250 feet southeasterly from the center of Warren Road, thence running for the following courses and distances:

- 1. North 83°34'37" East 186.38 feet, more or less, to a point; thence,
- 2. North 18°36'40" West 185.00 feet, more or less, to a point; thence,
- 3. South 84°58'30" East 38.27 feet, more or less, to a point; thence,
- 4. South 18°36'40" East 735.27 feet, more or less, to a point; thence,
- 5. South 71°23'20" West 217.00 feet, more or less, to a point; thence,
- 6. North 18°36'40" West 604.91 feet to the point of beginning.

Containing 3.044 acres, more or less and known as 10401 York Road in the Eighth Election District of Baltimore County, Maryland.

H;\CCRRESPONDENCE: PROTECTS\Bill Kids Toyota\Zoning Description Bill Kids Toyota BPL gf 04 22 05 doc

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 <u>Towson, Maryland</u> on the property identified herein as follows:

Case: #05-550-A

10401 York Road E/side of York Road, 250 feet s/east from centerline of Warren Road

8th Election District — 2nd Councilmanic District

Legal Owner(s): TTV Properties

Towson 21204.

Contract Purchaser: Bill Kidd's Toyota/Volvo Variance: to allow three free-standing signs in lieu of the permitted two, to permit a 94.96 square feet sign in lieu of the permitted 50 square feet and for such zoning relief, as the Zoning Commissioner may deem appropriate. Hearing: Tuesday, June 7, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM J. WISEMAN, III

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 5/749 May 24 52301

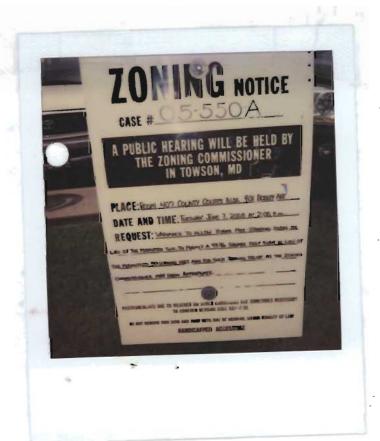
CERTIFICATE OF PUBLICATION

5 26 , 2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 524,2005.
The Jeffersonian '
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Sincerely,



Robert Black (Signature of Sign Poster) SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

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

May 9, 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: 05-550-A

10401 York Road

E/side of York Road, 250 feet s/east from centerline of Warren Road

8th Election District – 2nd Councilmanic District

Legal Owners: TTV Properties

Contract Purchaser: Bill Kidd's Toyota/Volvo

Kotroco

<u>Variance</u> to allow free three-standing signs in lieu of the permitted two, to permit a 94.96 square feet sign in lieu of the permitted 50 square feet and for such zoning relief as the Zoning Commissioner may deem appropriate.

Hearing: Tuesday, June 7, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202 Bill Kidd, TTV Properties, 3302 Belmont Road, Glyndon 21070 Bill Kidd, 10401 York Road, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 23, 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.

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

May 31, 2005

Sebastian A. Cross Gildea & Schmidt, LLC. 300 E. Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Cross:

RE: Case Number: 05-550-A, 10401 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 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.

U. Call Richall D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
TTV Properties Bill Kidd 3302 Belmont Road Glyndon 21071
Bill Kidd's Toyota/Volvo 10401 York Road Cockeysville 21093



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



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

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

Maryland Department of Transportation

Date: 5.4.05

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

RE:

Baltimore County

Item No. 550 JCM

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,

Steven D. Foster, Chief

f. f. Hell

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 16, 2005

Department of Permits & Development

Management

FROM:

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

SUBJECT:

Zoning Advisory Committee Meeting

For May 16, 2005

Item No. 542, 543, 545, 550, 552, 553, 554, 555, 563

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

Dak:CEN:clw xcc: file.

ZAC-NO COMMENTS-05162005.doc



TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

May 24, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 9, 2005

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

05-543

05-546

05-550

05-551

05-552

05-554

05-555

Reviewers:

Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-55

DATE: April 12, 2005

It is incumbent upon the petitioner to demonstrate to the Zoning Commissioner that there are special circumstances or conditions existing on the subject site that are peculiar to the subject land or structure where strict compliance of the BCZR would result in practical difficulty and unreasonable hardship.

Division Chief:

MAC/LL

GILDEA & SCHMIDT, LLC

. 300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeallc.com TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057



September 6, 2005

DAVID K. GILDEA DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E SCHMIDT LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

JASON T. VETTORI JVETTORIØGILDEALLC.COM

Carole DeMilio, Esquire People's Counsel 400 Washington Ave., Room. 47 Towson, MD 21204

Re: Bill Kidd's Toyota/10401 York Road

Case No.: 05-550-A

Dear Ms. DeMilio:

Enclosed please find the Order on Board of Appeals Remand handed down in the above referenced case from the Deputy Zoning Commissioner John V. Murphy. Thank you for working with us for a final resolution in this matter.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC: dls

CC: William E. Kidd, Bill Kidd's Toyota

Lawrence E. Schmidt, Esquire

BALTIMORE COUNTY, MARYLAND
Office of People's Counsel
FAX COVER SHEET

	DATE: JULY 191200
то: Sebastian CROS, Esq	FAX : 410-234-0072
	TELEPHONE: 410-231-0070
FROM: (and S. Dem 10, Esquire Office of People's Counsel	FAX : 410-823-4236
for Baltimore County	TELEPHONE : 410-887-2188
RE: TTV Paperties / B	ill Kidd Toyota
Case No.: 05-550-A	
MESSAGE: Enclosed Please -	find a Proposed
Remand Order P	base let me know
your thoughts	,
J .	

DAVIDGILDEA & GILDEALLC.COM

LECHDODY GILDRALLC.COM

DAVID R.GILDIA

LAWRENCE E. SCHMIDT

JOSEPH R. WOOLMAN, III JWOOLMANGGILDEALLC.COM

Sebastian a oross Scrobsegildeallc.com

D.DUBKY HOLMAN DHOLMAN OGILDEALLC.COM

JASON T. VETTORI JVETTORIGOILDEALLC.COM GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE MARYLAND 21202

TELEPHONE 410-854-0070 FACSIMILE 410-934-0078

www.glidealic.com

redo with changes-

Towson, MD Office 890 Bobley Avenue Towson, Maryland 81804 Telephone 410-837-7087

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	LE COVER SHEET
TO:	FROM:
Carole DeMilio	Sebastian A. Cross
•	
	DATE: 7-21-05
	DATE: 7-21-03
·	
* .	
FAX #: (410) 823-4236	NO. OF PAGES: 3
	(INCLUDING COVER)
	,
REGARDING:	
Bill Kidd's Toyota	
Case No.: 05-550-A	
Case No.: 05-550-A	
•	

This facsimile contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The informatic the intended recipient, be a prohibited. If you have recommendately.

If you have recommendately.

I'll do letter to Kathy That Sebastean & Dagree on this Order

* redo with changes

CASE NAME 10401 YORK PA CASE NUMBER 05-550-A DATE 6/7/05

PETITIONER'S SIGN-IN SHEET

	•		
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sebastion Cross	Balt Md 21202		Sciossegildealle Con
ANDREW FERRETTI	7115 AMBASSADOR RD	BALTIMORE ND 21244	AFERRETTIC DSTHALER.CO
WILLIAM E. KIDD	10401 YORK RD.	COCKEYS VILLE MD 2103	bill Kidd @ bill Kidds.
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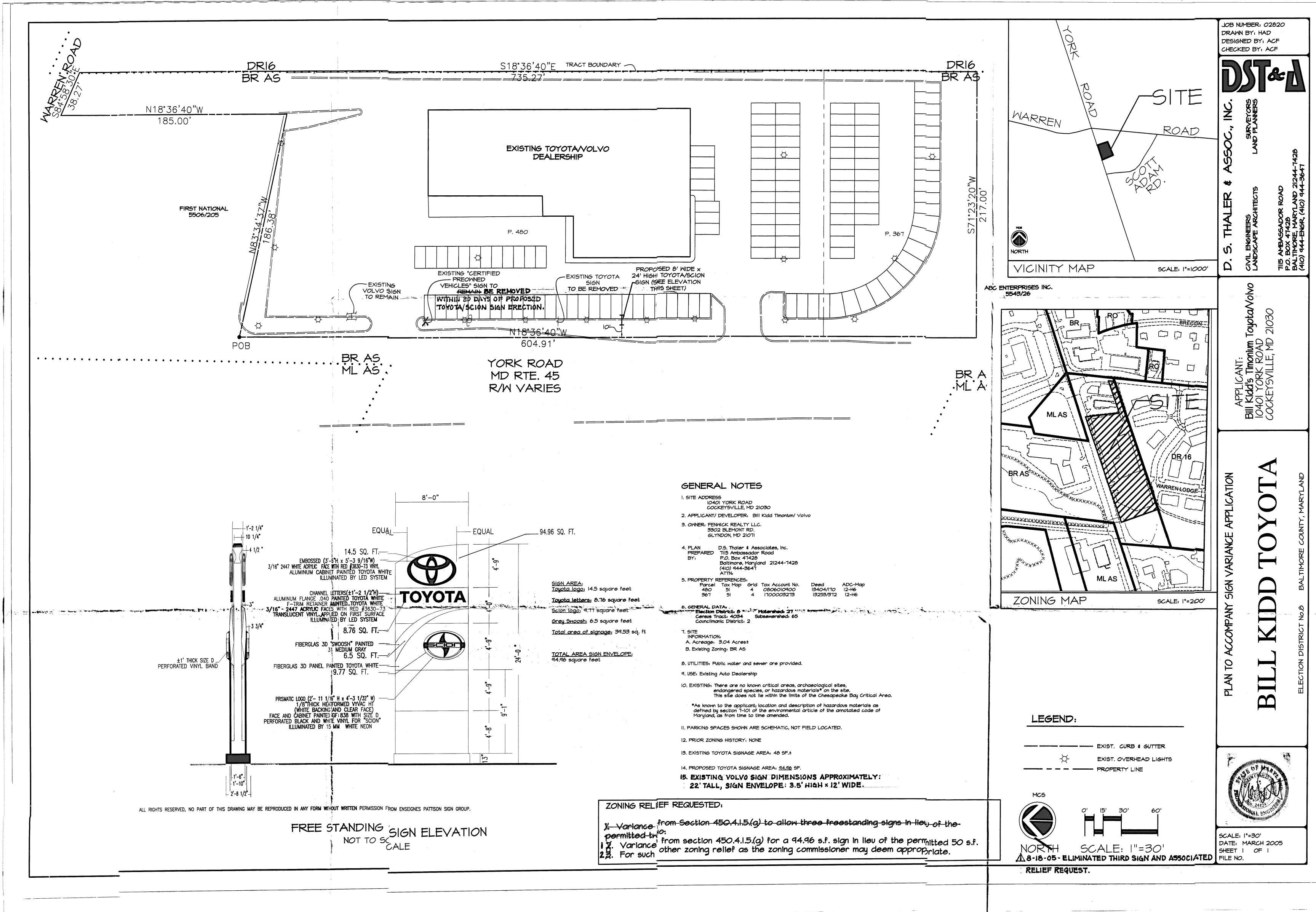
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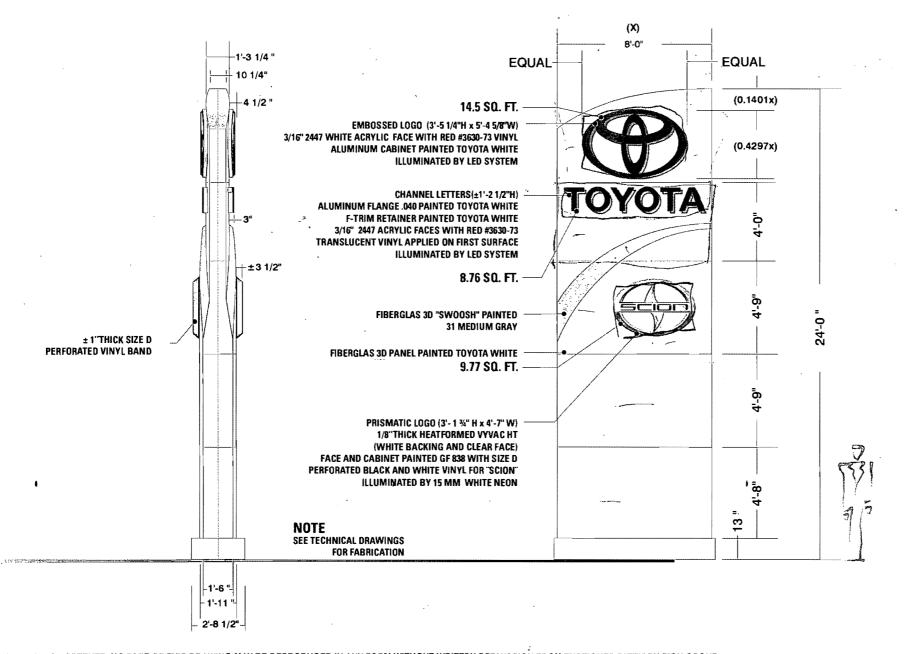
Ex2



Ex3

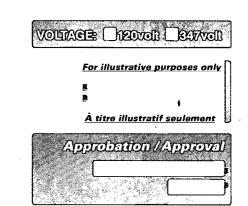


Se bastar Cross





IT IS AGREED THAT THE CLIENT IS ENTIRELY RESPONSIBLE TO INSTALL THE CONCRETE BASE AS PER ENSEIGNES PATTISON SIGN GROUP TECHNICAL ORAWINGS OR THE EQUIVALENT. WHERE AN EXISTING BASE IS USED, THE CLIENT AGREES TO CHECK IF THE CONCRETE BASE CAN SUPPORT THE SIGN AS SUPPLIED BY ENSEIGNES PATTISON SIGN GROUP. ENSEIGNES PATTISON SIGN GROUP. ENSEIGNES PATTISON SIGN GROUP.



Details of the case of	TOYOTA	
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8	824sc	