

2/14/08
IN THE MATTER OF
THE APPLICATION OF
THE RUSSELS, LLC -LEGAL OWNER /
PETITIONER FOR SPECIAL HEARING ON
PROPERTY LOCATED ON THE N/S POWERS
LN, 180' W OF DLONG ROAD
(2224 POWERS LANE)

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 06-522-SPH

* * * * *

OPINION

This case comes before the Baltimore County Board of Appeals on appeal of the Deputy Zoning Commissioner's order dated June 19, 2006 granting, with conditions, Petitioner's request for special hearing relief to allow commercial parking in a residential zone pursuant to § 409.8B of the Baltimore County Zoning Regulations (BCZR). Appellants /Protestants were represented by J. Carroll Holzer, Esquire, and the Petitioner was represented by Leslie M. Pittler, Esquire. A public, de novo hearing was held on October 10, 2007 at 10 a.m., and a public deliberation was held on December 19, 2007. Mr. Holzer and Mr. Pittler agreed to submit memorandum in lieu of final argument.

Background

On March 8, 2004, the Petitioner, The Russels, LLC, purchased a dwelling and lot containing 0.358 acre located at 2224 Powers Lane in the 1st Election District, 1st Councilmanic District of Baltimore County. The property is zoned D.R. 16. The purchase was made to provide parking for Russel employees who work in the various divisions of the Russel Motor Car Company along Route 40. The Petitioner razed the dwelling in 2006 and is presently parking approximately 28 cars of its employees on the lot. The Petitioner requested special hearing relief for the property to allow commercial parking in a residential zone pursuant to § 409.8B of the BCZR. The relief was granted by the Deputy Zoning Commissioner with conditions on June 19,

2006. The Order of the Deputy Zoning Commissioner was appealed by the Protestants on July 18, 2006.

Issues

1. Does the Petitioner meet the requirements of § 409.8B of the BCZR to allow commercial parking in a residential zone?

Protestants contend that the Petitioner could not meet the requirements of BCZR 409.8B because there was no testimony to indicate that the Petitioner could meet the requirements of § 409.6 of the BCZR; that the Russel motor company did not have any other available parking for its employees.

Testimony and Evidence

Kenneth Colbert, a Civil Engineer with Colbert, Matz, Rosenfelt, Inc., who prepared the site plan of the property, testified for the Petitioner. Mr. Colbert has testified before the Zoning Commissioner and the Board of Appeals on previous occasions, and was accepted as an expert witness. The site plan was submitted as Petitioner's Exhibit No. 1. Mr. Colbert testified that the subject property is approximately 15,600 sq. ft. in size and is surrounded on three sides by vegetation. There is no residential housing except for the Westerlee Apartments adjacent to the site. The property is on Powers Lane, a private road, and is across from Russel Motor Cars. Powers Lane is a dead-end road with one single-family home. Mr. Colbert testified that, without the availability of the lot, employees were parking along Powers Lane. Mr. Colbert testified that the parking lot will be enclosed by a 6-foot high wooden fence and would be open from 9 a.m. to 9 p.m. He further stated that lights would be installed on the lot and would be turned off when the business is closed; that the lot will have a gate, which would be locked when not in use; and that it will be used for passenger vehicles owned by Russell Motor Cars employees only. There will be no trucks or buses or commercial vehicles. Under cross-

examination, he testified that he does not know the total number of employees of Russel Motor Company; only the number that park on the proposed lot, which is 28.

Mr. Colbert testified that stormwater management is not an issue, having been waived by the Baltimore County Department of Environmental Protection & Resource Management. In his testimony, Mr. Colbert detailed each requirement set forth in § 409.8 and testified that each of those requirements had been satisfied.

The Petitioner also submitted a site plan with three photographs of the property as Petitioner's Exhibit No. 2, and an aerial photograph of the site as Petitioner's Exhibit No. 3.

Under cross-examination, Mr. Colbert was asked if there was any reason why the 28 cars could not be parked on other property belonging to Russel Motor Company. He testified that the cars are parking along Powers Lane.

Testifying on behalf of the Protestants was Kathy Drixel, 8 Poolside Court, who is employed as project manager by the Westerlee Apartments. The Westerlee Apartments are adjacent to the subject property. Ms. Drixel testified that she had authority to testify on behalf of the Westerlee Apartments. Ms. Drixel testified that she was concerned about the closeness of the baby pool of the apartments to the subject property. She was also concerned about the drainage from the proposed parking lot. She testified that there is not a great deal of vegetation on the side of the parking lot facing the pool. She contends that there are other parking spaces available, that the lot would detract from the community, and that vandalism could occur when the lot was not occupied.

Under cross-examination, she testified that she is not a member of the Westview Community Association and did not attend the Deputy Zoning Commissioner's hearing. Under cross-examination Mr. Colbert had testified that the proposed lot would be 80 feet from the baby

pool and 120 feet from the sunning area of the Westerlee Apartments.

Also testifying was the Appellant /Protestant, Steve Whisler, President of the Westview Park Improvement and Civic Association. Mr. Holzer submitted as Protestants' Exhibit No. 1 the Rule 8 papers for Mr. Whisler. Mr. Whisler testified that he lives 1-½ miles from the subject property and drives the area frequently. He testified that the subject property is not within the Westview Association's boundaries. He stated that he was concerned about a precedent being set if the Petition is approved and could be copied by other businesses in the area. He further stated that he became involved because of the Westerlee Apartments. Mr. Whisler also testified that he is concerned about the impact on residential values in the neighborhood, excess lighting, exhaust fumes, noise, and traffic on Powers Lane.

Under cross-examination by Mr. Pittler, Mr. Whisler concurred that Russel Motor Company is meeting the criteria of § 409.8, and even though they are, he would oppose the Petition. He acknowledged that Powers Lane is a private street.

Decision

The issue here is does the Petitioner satisfy the requirements of § 409.8B of the BCZR. Mr. Colbert in his lengthy testimony for the Petitioner addressed each item of the requirements of 409.8B, and his testimony was uncontested on each point. Mr. Holzer contends that Mr. Colbert failed to testify that the Petitioner could not meet the requirements of Baltimore County Zoning Regulations, § 409.6. Section 409.6 is titled, "Required Number of Parking Spaces." Section 409.6A states:

General Requirements. The standard set forth below shall apply to all zones unless otherwise noted. When the required number of off-street parking spaces is not set forth for a particular type of use, the director of the department of environmental protection and resource management shall determine the basis for the number of spaces to be provided.

Employee parking in a residential zone is not listed in § 409.6. Therefore, the question of

whether Russel Motor Company has other facilities available to accommodate the employees' 28 cars is not material. Testimony was presented that if the lot were not available the 28 cars would park along Powers Lane, the same as they were prior to the purchase of the lot.

As to the concerns of Ms. Drixel and Mr. Whisler, the Board believes that Mr. Colbert clearly addressed them in his testimony. Ms. Drixel was concerned about the closeness of the lot to the baby pool of the apartments. Mr. Colbert testified that the lot is 80 feet from the baby pool and 120 feet from the sunning area. If the cars were parked on Powers Lane, they would be no further away from the pool than the lot. Ms. Drixel was concerned about drainage from the lot. Mr. Colbert testified that this is not an issue, having been waived by DEPRM. Ms. Drixel stated that there was not a great deal of vegetation on the side of the parking lot facing the pool. Petitioner's Exhibit No. 1 shows vegetation on all sides of the lot except the side facing Powers Lane. She contended that other parking spaces are available. There was no testimony presented that other parking spaces are available except on Powers Lane. She said that the lot would detract from the community and that vandalism may occur when the lot is not occupied. Mr. Colbert testified that the lot would be enclosed by a 6-foot high fence and locked when not in use.

Mr. Whisler testified that he is concerned that a precedent would be set for other businesses in the area to copy, if the petition were approved. The Board does not consider this an issue in determining whether or not to approve the Petition. He also expressed concerns about the impact on the residential values in the neighborhood, excess lighting, exhaust fumes, noise, and traffic on Powers Lane. All of these issues were addressed either by Mr. Colbert's testimony or the conditions placed on the approval of the Petition by the Zoning Commissioner.

After reviewing all the testimony and exhibits presented, it is the unanimous decision of

this Board that Petitioner's request for special hearing relief to allow commercial parking in a residential zone pursuant to § 409.8B of the BCZR is granted with conditions, and the Board will so order.

ORDER

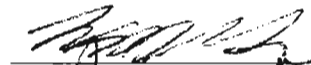
THEREFORE, IT IS THIS 14th day of February, 2008 by the
County Board of Appeals of Baltimore County

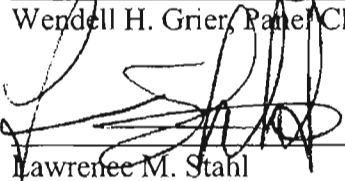
ORDERED that, for the reasons stated in the foregoing Opinion, Petitioner's request for special hearing relief to allow commercial parking on 2224 Powers Lane in Baltimore County is **GRANTED**, with the following conditions:

1. Only passenger vehicles of employees shall be parked on the proposed parking lot;
2. The use of said parking lot for vehicles offered for sale or lease shall be prohibited; and
3. The proposed landscaping, fencing, and lighting shall be reviewed and approved by Avery Hardin, Baltimore County's Landscape Architect.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Panel Chairman


Lawrence M. Stahl


Robert W. Witt

11/21/07

IN THE MATTER OF:
THE RUSSELLS, LLC

PETITION FOR SPECIAL HEARING
N/S OF POWERS LANE
180 Feet West of Dlong Road
(2224 Powers Lane)

1st Election District
1st Councilmanic District

The Russells, LLC
Legal Owner

* BEFORE THE
* COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No.: 06-522-SPH
*

* * * * *

MEMORANDUM OF PROTESTANTS

Westview Park Improvement and Civic Association, *Steve Whisler*, President, and
Steve Whisler, Individual, by and through their attorney, *J. Carroll Holzer, Esquire*,
Holzer & Lee, hereby submits this Memorandum in Lieu of Final Argument and says:

I.

STATEMENT OF THE CASE

This matter came before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the Legal Owners of the subject property, The Russells, LLC. The Petitioners requested Special Hearing relief for property owned at 2224 Powers Lane in the Catonsville area of Baltimore County to allow commercial parking in a residential zone, pursuant to §409.8.B of the Baltimore County Zoning Regulations.

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
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The Westview Park Community Association and Steve Whisler participated before the Deputy Zoning Commissioner who, after public hearing, on June 19, 2006, granted the Special Hearing with conditions. He limited the use to passenger vehicles of employees, prohibited the use of the parking lot for sale or lease of vehicles and requested Avery Harden to review proposed landscaping, fencing and lighting.

The case was heard before this Board on Wednesday, October 10, 2007, with testimony being taken *de novo*.

Memorandums are due on Wednesday, November 21, 2007, with deliberation scheduled for Wednesday, December 19, 2007.

II.

STATEMENT OF FACTS

A. Petitioner's Case.

The Petitioners first and only witness was Ken Colbert of Colbert & Matz Engineering. He testified that he is a civil engineer who prepared the Site Plan for the Petitioner. He presented as Petitioners Exhibit #1, the Site Plan, Exhibit #2, the Site Plan and three (3) photographs taken on June 5, 2006 and Petitioners Exhibit #3, an aerial photograph of the neighborhood from the Baltimore County GIS Map. The property consisting of .358 acres is zoned D.R. 16 and was improved by a single-family dwelling which the Petitioner removed. The Petitioner proposed to construct a parking lot for employees on which lot would provide twenty-eight (28) parking spaces and only passenger vehicles would be permitted. Colbert acknowledged that the subject site is bordered on the west, north and east by the Westerly Apartment Complex which operates

an adjacent lot, swimming pool and community building. The proposed parking lot is approximately eighty (80) feet from the existing residential swimming pool for the apartment complex. The Petitioner acquired the subject site in March 2004 and removed the residential home during 2006.

While testifying that the subject site would be used for employee parking only, he failed to testify that the Petitioner could not meet the requirements of Baltimore County Zoning Regulations §409.6. Furthermore, in response to cross-examination he acknowledged that the Petitioner owns approximately nineteen (19) acres of adjacent and adjoining commercially zoned property with the multiple lots to which he testified before the Board.

Colbert testified that there would be no parking after 9:00 p.m. on the subject site.

When questioned on cross-examination as to why the Petitioner could not find twenty-eight (28) spaces for employee parking on its other commercially zoned nineteen (19) acres, he could not answer the question and referred the question to the Petitioners representative.

It should be noted that no other representative of Petitioner who could testify to the operations of Russell Toyota, the number of employees that are employed there, and the current number of employee parking spaces available to employees was presented to the Board of Appeals to testify. Petitioner chose to rely on the testimony of Colbert and his inability to explain the number of employees that are employed by the Petitioner, the number of parking spaces that are available to the employees and why they are unable to locate twenty-eight (28) spaces on the nineteen (19) acres.

This deficiency places this case directly on all fours with In the Matter of the Application of: Auto Properties, LLC, 11th Election District, 6th Councilmanic District, Case No.: 03-360-SPHA and Case No.: 06-109-SPHA, in which this Board found that §409.8.B.1 allows the Zoning Commissioner to issue a permit for the use of land in a residential zone for parking facilities “to meet the requirements of §409.6 of the Baltimore County Zoning Regulations.” In that case the Board determined, “there has been no evidence presented that the Petitioner could not meet the requirements under §409.6 since there is ample parking for employees and customers.” That case is dispositive of the instant case.

B. Protestant’s Case.

1. Kathy Drexell.

Kathy Drexell of Tri-Star Management, Inc. testified that she represented the adjacent property owners who own the apartments and the pool that is adjacent to the subject site. She testified as to her concerns if this “use permit” is granted as the following:

“Concerns about traffic in and out in the middle of a residential area; lighting distracting to tenants and detrimental to the apartment dwellers;

Concerns about exhaust fumes;

Concerns about the community pool and baby pool within fifty (50) to eighty (80) feet of a parking lot;

And finally, concerns about storm water management waters drained to her property from the subject site.”

2. Steve Whisler.

Steve Whisler testified on behalf of himself and Westview Park Community Association. The Association was concerned about the precedent of continued intrusion into residential zones by the commercial activities along Route 40 including that of the Petitioner. He testified that Petitioner owns 19.8 acres zoned commercial, while three (3) acres are zoned residential. Whisler testified that Russell Toyota should be able to accommodate employee parking on their nineteen (19) acres of commercial property consisting of nine (9) parcels. He raised the question of the number of workers of employees that needed to park and he commented upon the failure of the Petitioner to articulate the percentage of their property allocated for employee parking at the present time. Petitioner failed to indicate the number of employees it has working for it and the deficiency of spaces needed.

Further, he expressed concerns about the impact of this continued erosion of residential property and the impact on residential property values. He likewise was concerned about the environmental impact such as lighting, exhaust fumes and noise. He testified that the Powers Lane cannot and should not accommodate additional traffic for twenty-eight (28) spaces.

III.

QUESTION PRESENTED

1. Should the Board grant a ““use permit”” to the Petitioner for the parking of twenty-eight (28) employee parking spaces?

IV.

LEGAL ARGUMENT

This case should be governed by the Baltimore County Zoning Regulations, §409.8.B and §409.6.

Section 409.8.B.1 permits the Zoning Commissioner to issue a ““use permit”” in a residential zone for parking facilities to meet the requirements of §409.6.

The Zoning Commissioner and/or the Board may either deny or grant a “use permit” conditioned on the character of the surrounding community; the anticipated impact on that Community, and any additional requirements to ensure that the health, safety and welfare of the Community. Petitioner is also required to satisfy §502.1 of the Baltimore County Zoning Regulations. In §409.8.B.2, it sets forth in A through G, the conditions necessary to attach to any grant.

In this particular case, it is clear that the ““use permit”” may only be utilized to meet the requirements of §409.6. Section 409.6 pertains only to accessory parking provided for employees and customers and evidence must be presented that the Petitioner could not meet the requirements under §409.6 in order for this Board to grant a “use permit”. See, The Application of Auto Properties, LLC (Case No.: 03-360-SPH and Case No.: 06-109-SPH). This Board has established the requirements of a grant for a ““use permit”.” In this case, testimony of Mr. Colbert specifically failed to address the issue of employee parking, the number of employees, the number of available spaces for employee parking and the reason why on nineteen (19) acres of Petitioner’s commercially zoned property, sufficient space could not be found to accommodate an additional twenty-eight (28) parking spaces for employees.

Thus, the Petitioner here, before the Board has failed to meet the standard required by this Board in previous cases to establish that Petitioner lacked ample parking for its employees and customers.

One of the very first questions Counsel for Protestants asked of Mr. Colbert was how many employees worked for the Petitioner and how many parking spaces are provided for him on the nineteen (19) acres of commercial property owned by the Petitioners. He deferred answering that question and the Petitioner failed to produce any other witness to testify as to the inadequacies of the current employee parking, thus failing to meet the requirement set forth by the Board in §409.6 of the Baltimore County Zoning Regulations.

V.

CONCLUSION

WHEREFORE, Protestants submit that based upon a lack of evidence and testimony in this case to support and to establish the need pursuant to §409.6 of the Baltimore County Zoning Regulations, the request for a ““use permit”” must fail as being legally insufficient under the evidence of this case.

Respectfully submitted,



J. CARROLL HOLZER, Esquire

Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of November, 2007, a copy of the foregoing Memo of Protestants was mailed first class, postage pre-paid to the following:
Leslie Pittler, Esquire, 25 Wandsworth Bridge Way, Lutherville, Maryland 21093; County Board of Appeals, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 and Nikglaus Philipsen, 2018 Cedar Circle Drive, Catonsville, Maryland 21228.


J. CARROLL HOLZER, Esquire

11/21/07

IN RE:	PETITION FOR SPECIAL HEARING	*	BEFORE THE
	N/S of Powers Lane, 180 feet West	*	BALTIMORE COUNTY
	of Dlong Road (2224 Powers Lane)	*	
	1st Election District	*	BOARD OF APPEALS
	1st Councilmanic District	*	
		*	
	THE RUSSELS, LLC	*	Case No.: 06-522-SPH
	Legal Owner	*	

* * * * *

MEMORANDUM OF LAW

The Russels, LLC, by its attorney, Leslie M. Pittler, hereby files this Memorandum in support of its Petition for Special Hearing, and in support thereof, states as follows:

INTRODUCTION

This matter came before the County Board of Appeals upon a filing of appeal by the Westview Park Improvement and Civil Association (hereafter "Westview") and individually by Steve Whisler, who also happens to be Westview's President. It was clear from the evidence that Westview's boundaries do not include the subject site.

The appeal to the Board was from the granting by the Deputy Zoning Commissioner of the Petitioner's request by Special Hearing, to allow commercial parking in a residential zone pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (BCZR). By his opinion and Order dated the 19th day of June 2006, the relief was granted with certain conditions.

STATEMENT OF THE CASE

The Petition in this case, in order to provide parking for its employees who work in the various divisions of the Russel Motor Car Company, purchased a dwelling at 2224 Powers Lane, containing 0.358 acres and zoned DR-16, which dwelling Russel has raised and is parking approximately 28 cars of its employees. This lot is being used for passenger vehicles only. The use permit granted by the Deputy Zoning Commissioner would have to comply with the following provisions of Section 409.8.B of the BCZR.

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:

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BOARD OF APPEALS

a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.

b. Within the fifteen-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.

c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.

d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.

e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

- (1) His findings following the public hearing;
- (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
- (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
- (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

(a) The land so used must adjoin or be across an alley or street from the business or industry involved.

(b) Only passenger vehicles, excluding buses, may use the parking facility.

(c) No loading, service or any use other than parking shall be permitted.

(d) Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.

(e) A satisfactory plan showing parking arrangement and vehicular access **must be** provided.

(f) Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.

(g) Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

TESTIMONY

The Petitioner had Ken Colbert, a qualified and accepted expert as a civil engineer and one with knowledge, understanding and expertise as related to the BCZR, testify on its behalf.

Mr. Colbert testified as to each and every factor set forth in Section 409.8.B.1, as set forth in 409.8.B.1(e) 1-4. There were exhibits setting forth the surrounding community and he testified to the absolute lack of any adverse impact to the community. Powers Lane, in the vicinity of the site, is a dead-end street with only one single family home. Mr. Colbert's testimony was complete and uncontradicted. He also reviewed each and every criteria of Section 502.1, and on cross-examination each facet of his testimony withstood the scrutiny of opposing counsel.

Mr. Colbert's testimony in regard to 409.8.B.2 was uncontroverted; this site adjoins the business of Russel Motor Cars and is across Powers Lane from Russel Motor Cars, where only passenger vehicles are and will use the site; no use other than parking will take place on the site; a lighting plan will be approved by Mr. Harden of Baltimore County Government; a plan has been provided showing the parking arrangement as well as

vehicular access; Russel shall maintain the operation and hours shall be limited to the hours of the employees' workday.

The appealing party, Mr. Whisler, argued the following:

(a) A variance was needed for the Residential Transition Area Buffer. However, as the Deputy Zoning Commissioner correctly pointed out in his decision, there are no residential zones adjacent to the site which would trigger RTA. Thus RTA is not applicable.

(b) That there were run-off problems. DEPRM disagreed because they already waived stormwater management.

(c) That Russel has 19 +/- acres and their conscience should persuade them to not use this site for employee parking. There is no requirement whatsoever in the BCZR which says this is a factor. Russel has many dealerships with parking requirements which are substantial and there is not, in their business judgment, an area for this parking or they would not have purchased this Powers Lane site.

(d) Mr. Whisler said he drives this area frequently. Unless one is going to this area to visit Russel Motor Cars or the one single family residence, there is no reason to venture down this part of Powers Lane.

The bottom line is that Mr. Whisler does not approve of this section of the BCZR. His remedy is to have the County Council change the regulations, not the County Board of Appeals.

Once again, Mr. Colbert testified that stormwater management is not an issue, having been waived by the Baltimore County Department of Environmental Protection and Resource Management. In addition, a grading permit has been issued by Baltimore County. In sum, the only expert to testify in this case proved every single element of the appropriate section of the BCZR.

As Deputy Zoning Commissioner Murphy stated on page 6 of his opinion, "On balance I find the proposed use will not adversely affect the community and may in fact actually improve the neighborhood by taking employee vehicles parked on public streets onto a secure parking lot." Query, why the owner of the only single family home on Powers Lane as well as not one single person from the adjacent neighborhood association

appeared at the hearing before the Board of Appeals. The reason, is the statement referred to above by the Deputy Zoning Commissioner. The granting of the Petition is, actually, beneficial to the surrounding community.

APPLICABLE LAW

The pertinent BCZR has been previously cited. It is clear under Hoffmeister, et al. v. The Frank Realty Company, 35 Md. App. 691 (1977), that the Zoning Commissioner has the authority to issue use permits, and also carefully describes the distinction between special exceptions authorized under Article 5 of the BCZR and the use permit for parking authorized by Section 409 of the BCZR. See attached Office of Law Memo to former Zoning Commissioner DiNenna.

In addition, Marek v. Baltimore Co. Bd. of App., 218 Md. 351 (1958), read in conjunction with Hoffmeister, clearly establishes that under the BCZR, the Zoning Commissioner and the Baltimore County Board of Appeals has the authority to issue use permits for off-street business parking in residential zones.

One can also review Jacobs v. County Board of Appeals for Baltimore County, 234 Md. 242 (1964), reaffirming the rule that use permits can be granted under Section 409 and they are not special exceptions.

Therefore, upon satisfying the criteria as Russel Motor Cars has in Section 409.8.B, there is no requisite to satisfy Section 502.1 of the BCZR, but the Petitioner nevertheless has satisfied that criteria by uncontradicted and uncontroverted testimony.

The Board of Appeals should also keep in mind its own language it used in the Petition of Auto Properties, LLC, Case No. 06-109 SPH, wherein the Board clearly indicated that a Petition filed for commercial parking in a residential zone for employee and/or customer parking is an accessory use and if the requirements of the Section are met, the Board would grant such a petition. That unequivocally is the case here.

Section 101, Definitions [BCZR, 1955] - ACCESSORY USE OR STRUCTURE - - A use - - which: (a) is customarily incident and subordinate to and serves a principal use...; (b) is subordinate in area, extent or purpose to the principal use...; (c) is located on the same lot as the principal use... served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use... served; except that,

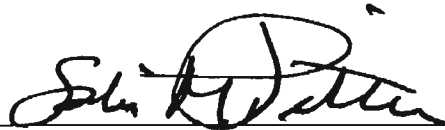
where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot.

I have attached Deputy Zoning Commissioner Murphy's opinion in this case wherein he quite aptly cites the question presented, the pertinent regulations under the BCZR and his succinct decision. I see no reason to reinvent the wheel where the Deputy Commissioner's opinion answered all of the Protestants questions and correctly interpreted the regulations as applied to this Petition.

In conclusion, the Petitioner clearly met its burden of proof under the applicable Sections of the BCZR; the applicable case law makes it clear that the Zoning Commissioner and the Board of Appeals has the right to grant the relief requested; that the Protestants objections had no merit whatsoever; that no one appeared from the neighborhood association adjacent to the site or the one single family resident; in fact the granting of the Petition will have a positive affect on the surrounding neighborhood by removing passenger cars from parking on Dlong and Powers Lane; and, as is their right, the Petitioner's employees have been parking on the site in question without one complaint from anyone.

Thus, there is no reason to derogate from the Deputy Zoning Commissioner's granting the Petition and I would urge the Board of Appeals to grant the relief requested.

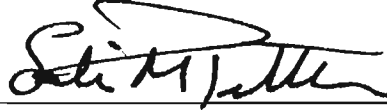
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leslie M. Pittler", written over a horizontal line.

Leslie M. Pittler
25 Wandsworth Bridge Way
Lutherville, Maryland 21093
410-823-4455

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 21st day of November 2007, a copy of the foregoing "Memorandum of Law" was hand-delivered to the office of J. Carroll Holzer at 508 Fairmount Avenue, Towson, Maryland 21286.

A handwritten signature in black ink, appearing to read "Leslie M. Pittler", is written over a horizontal line.

Leslie M. Pittler

7/18/06

IN RE: PETITION FOR SPECIAL HEARING
N/S of Powers Lane, 180 feet West
Of Dlong Road
(2224 Powers Lane)

1st Election District
1st Councilmanic District

The Russells, LLC
Legal Owner

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No.: 06-522-SPH

* * * * *

NOTICE OF APPEAL

WESTVIEW PARK IMPROVEMENT & CIVIC ASSOCIATION, STEVE WHISLER,
PRESIDENT, 6400 BALTIMORE NATIONAL PIKE, BOX 537, CATONSVILLE, MD 21228,
and individual STEVE WHISLER, 6124 MOOREFIELD ROAD, CATONSVILLE, MD 21228,
Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and
Holzer and Lee, feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case
No. 06-522-SPH, hereby note an appeal to the County Board of Appeals from Findings of Fact
and Conclusions of Law of the Deputy Zoning Commissioner of Baltimore County dated June
19, 2006 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to
Baltimore County to cover the costs of the appeal. Appellants were parties below and fully
participated in the proceedings.

RECEIVED

JUL 18 2006

Per. *[Signature]*

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

Respectfully submitted,


J. CARROLL HOLZER, Esquire

Holzer & Lee

508 Fairmount Avenue

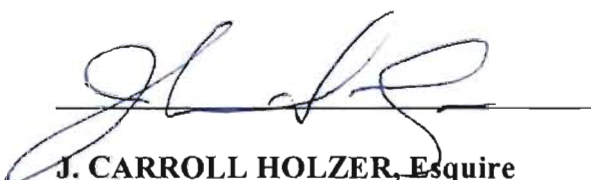
Towson, Maryland 21286

410-825-6961

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of July, 2006, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Leslie Pittler, Esq., 25 Wandsworth Bridge Way, Lutherville MD 21093; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204; and Niklaus Philipsen, 2018 Cedar Circle Drive, Catonsville, MD 21228.


J. CARROLL HOLZER, Esquire

6/19/06
IN RE: PETITION FOR SPECIAL HEARING
N/S of Powers Lane, 180 feet west
of Dlong Road
1st Election District
1st Councilmanic District
(2224 Powers Lane)

The Russels, LLC
Legal Owner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 06-522-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, The Russels, LLC. The Petitioners are requesting special hearing relief for property owned at 2224 Powers Lane in the Catonsville area of Baltimore County. The special hearing request is filed to allow commercial parking in a residential zone pursuant to Section 409.8B of the Baltimore County Zoning Regulations (B.C.Z.R.).

The property was posted with Notice of Hearing on May 27, 2006, 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 25, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee 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 May 26, 2006, which contains two restrictions.

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Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Robert Branson, Mike Diskin and Ken Colbert, professional engineer who prepared the site plan. Leslie M. Pittler, Esquire, represented the corporate Petitioner. Nikglaus Philipsen, representing the Westerlee Improvement Association, and Steve Whisler, representing the Westview Park Community Association attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioner would like to provide parking on a secure lot for its employees who work in the many divisions of the Russell Motor Car Company along Route 40. See aerial photograph of area with Russell operations outlined in pink, exhibit 1. These operations include a Russell Toyota dealership which the Petitioner intends to move from the property south of the subject property to its newly acquired property near Rolling Road, again as shown in pink. Mr. Pittler explained that presently many employees park on public streets such as Powers Lane and Dlong Road which he indicated was not desirable.

To accomplish its goal of a secure parking lot for employees, Russell recently purchased a dwelling at 2224 Powers Lane. This property contains 0.358 acres, is zoned DR 16 and is improved by a single family dwelling which the Petitioner intends to raze. Thereafter the Petitioner proposes to construct a parking lot for employees as shown on exhibit 2. The lot would provide 28 parking spaces in a landscaped setting. Only passenger vehicles would be parked on the new lot. However as the lot is located in a residential zone, the plan would have to be approved pursuant to Section 409.8 B of the BCZR.

Mr. Colbert, professional engineer, noted that the subject site is served by Powers Lane, is bordered on the west, north and east by the Westerlee Apartment complex which at this location operates a parking lot, swimming pool and community building. He further noted that all property

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to the south is owned by the Petitioner and zoned BR reflecting the heavy commercial uses along the north side of Rt. 40. There is one residence to the west of the property owned by Mr. Geppi who still uses Powers Lane for access. When Russell's new Toyota facility is ready near Rolling Road, the traffic on Powers Lane will be reduced. He opined on questioning that the nearest home is 200 feet away from the proposed parking lot on Chantilla Road.

He noted that the proposed parking lot will be heavily landscaped saving all existing trees but one. There will be no structures on the lot. He pointed out that there already is a heavy growth of evergreens which screen the proposed lot from the Westerlee pool complex. He agreed to have a landscape plan submitted to the Baltimore County Landscape Architect for review, that no vehicles would be sold or leased from the lot and lighting for the lot will be turned off when the lot is no longer in use. He opined that the proposed use meets each criteria of Section 502.1 of the BCZR and would not detrimentally impact the community.

Mr. Pittler indicated that he met with the Westerlee Community Association in this regard who after reviewing the Petitioner's plans, sent a letter agreeing to the proposed use with certain conditions. See citizens exhibit 1. Mr. Pittler indicated that the Petitioner agreed to each term of the letter except that it objected to committing that the Petitioner would not expand further north of Powers Lane. He indicated that although Russell had no plans for such expansion north of Powers Lane and owned no land capable of supporting expansion, he could not commit to "never" expanding north of this street. Again he emphasized that the Petitioner agreed to landscape the lot and discontinue employee parking on public streets if the request were approved as requested by the Association.

In regard to Powers Lane Mr. Pittler noted that although the County maintains Powers Lane to some extent, it is a private road which is owned to the centerline by adjacent property owners. He pointed this out in discussing the request by Plans Review that the Petitioner widen Powers Lane from Dlong Road west to the entrance of the existing parking lot. Mr. Pittler noted that while the

Petitioner owned some of both sides of Powers Lane, the Westerlee Apartments owned some of the north side of the Lane as well. Mr. Colbert noted that there is 350 feet from the intersection of Dlong Road and the entrance to the Petitioner's existing parking lot along Powers Lane.

Mr. Philipsen, president of the Westerlee Community Association, indicated that a prior Board of Directors sent the letter introduced as Citizens exhibit 1 agreeing to the request with certain conditions. However the present Board added two more conditions that the lots be closed after hours and to maintain the trees on site. The Petitioner agreed to close the lot after hours and to save the existing trees with the exception that one tree has to be removed as above. Mr. Philipsen also expressed concern that widening Powers Lane will only increase the speed of traffic now using the road. He also noted that even with the landscaping, replacing the existing home with a parking lot will have a visual impact on the community. Mr. Pittler promised to send him a landscape and lighting plan.

Mr. Whisler, representing the Westview Park Community Association and several private citizens, objected to the request as one more example of ever increasing commercial use of residential property. He opined that the variance was self imposed based on *Cromwell v Ward*, this commercial use is inconsistent with the spirit and intent of the residential regulations, the community has suffered many such uses recently, paving this site is inconsistent with the impervious surface requirements of Section 502.1 which will increase storm water runoff and flooding, the use is subject to RTA regulations and the problem to be solved of employee parking is really a failure of Russell to manage its operations.

Findings of Fact and Conclusions of Law

Perhaps it would be helpful to quickly review what is being requested. The Petitioner would like to park vehicles from its business operations (employee vehicles) in a residential zone pursuant to Section 409.8 B of the BCZR. This regulation is as follows:

Business or industrial parking in residential zones.

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:

- a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.
- b. Within the fifteen-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
- c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.
- d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
- e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

- (1) His findings following the public hearing;
- (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
- (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
- (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

- a. The land so used must adjoin or be across an alley or street from the business or industry involved.
- b. Only passenger vehicles, excluding buses, may use the parking facility.
- c. No loading, service or any use other than parking shall be permitted.
- d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
- e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
- f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required
- g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

As can be seen this regulation is significantly different from a regular variance. Thus this request is not subject to the five part test of Section 307 of the BCZR nor the many appellate cases such as *Cromwell v Ward* which interpret Section 307. Section 409.8.B is essentially a special

exception whose list of considerations is given in Section 502.1. As such it is presumed to be a favored use but subject to public hearing and review to be sure the use will not adversely affect the community. Granting the use permit for parking in a residential zone does not change the zoning in the area. There are no DR 1, DR 2, DR 3.5, DR 5.5 or RC zones adjacent to the property which would trigger a Residential Transition Area buffer under Section 1B1b.

This property is surrounded by commercial uses on the south and apartment uses everywhere else reflective of the DR 16 zoning. Those apartment uses however are not residences but parking lot, swimming pool, community building, etc. The nearest residence is 200 feet away. There is only one house on this portion of Powers Lane which appears to be 1000 feet away to the west. This parking lot along with the Petitioner moving the Toyota Dealership toward Rolling Road will mean less vehicles on Powers Lane and hopefully all employee parking off Powers Lane and Dlong Road. The landscape, lighting and fencing will be subject to careful and expert review by the Baltimore County Landscape Architect. The site will meet the criteria of Section 502.1 of the BCZR.

Against this array of facts and law in its favor, I have to weigh the important concerns of some citizens that granting the use permit will encourage commercial uses in residential zones, violate impervious regulations or otherwise adversely affect the community. On balance I find the proposed use will not adversely affect the community and may in fact actually improve the neighborhood by taking employee vehicles parked on public streets onto a secure parking lot.

In regard to the ZAC comments, the Petitioner agrees to the Planning Office comments but has some legitimate concerns about widening Powers Lane to 18 feet of paving from Dlong Road to the entrance to the existing parking lot. I understand that Powers Lane is a private road even if maintained to some extent by the County. I also understand that certain portions of Powers Lane in this area are owned by someone who is not a party to this case. Clearly I have no way to order a stranger to this case to give up frontage on Powers Lane. All I can do to is to ask the Petitioner in good faith to contact Westerlee Apartments to see if they would agree to give up sufficient frontage

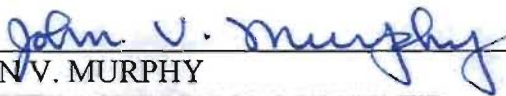
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PZ

on Powers Lane to make such a widening as requested by Plans Review effective. Said another way it would not make sense to widen just the portion of Powers Lane owned by the Petitioner.

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 Petitioners' special hearing request should be granted subject to conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19th day of June, 2006, that the Petitioners' request for special hearing relief filed to allow commercial parking in a residential zone pursuant to Section 408.8B of the Baltimore County Zoning Regulations (B.C.Z.R.) be and is hereby GRANTED subject to the following conditions:

1. Only passenger vehicles of employees shall be parked on the proposed parking lot.
2. The use of the said parking lot for vehicles offered for sale or lease shall be prohibited.
3. The proposed landscaping, fencing and lighting shall be reviewed and approved by Avery Harden, Baltimore County Landscape Architect.
4. The Petitioner shall contact Westerlee Apartments to determine in good faith if they would agree to give up sufficient frontage to allow widening of Powers Lane as requested by Plans Review. If Westerlee agrees, the Petitioner shall meet the conditions of the May 5, 2006 comment by Development Plans Review. If Westerlee does not agree, the Petitioner shall have no further obligation in this regard. Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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6-19-06
pz



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 2224 POWERS LANE

which is presently zoned DR-16

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

COMMERCIAL PARKING IN A RESIDENTIAL ZONE PURSUANT TO SECTION 409.8.B

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:

Name - Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

LESLIE M. PITTLER

Name - Type or Print

Signature

Company

25 WANDSWORTH BRIDGE WAY

410-823-4455

Address

Telephone No.

LUTHERVILLE

MD 21093

City

State Zip Code

Legal Owner(s):

THE RUSSELS, LLC

Name - Type or Print

Signature

F. STEVEN RUSSEL

Member

Name - Type or Print

Signature

6700 BALTIMORE NATIONAL PIKE

410-788-8400

Address.

Telephone No.

BALTIMORE

MD 21228

City

State Zip Code

Representative to be Contacted:

KENNETH J. COLBERT

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Cor

Case No. 06-522-SPH

ORDER RECEIVED FOR FILING

6-19-06

10/2

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hr

UNAVAILABLE FOR HEARING 6-2-06

Reviewed By [Signature]

Date 4-18-06



ZONING DESCRIPTION 2224 POWERS LANE

Beginning at a point on the north side of Powers Lane, which is a 24-foot use-in-common right-of-way, at a distance of 180 feet, more or less, west of the intersection of Dlong Road, which is of varying width, thence the following courses and distances:

N 73°50'49" W, 125.00 ft.;
N 19°24'11" E, 125.00 ft.;
S 73°50'49" E, 125.00 ft., thence
S 19°24'11" W, 125.00 ft.,

to the Point of Beginning.

As recorded in Deed Liber 19703, folio 619 and containing 15,600 square feet (0.358 acres) more or less. Also known as 2224 Powers Lane and located in the 1st Election District.



J:\99\99186.6\99186.6zoningdesc

522

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 5/30/06

Case Number: 06-522-SPH

Petitioner/Developer: LESLIE PITLER ESQ.--STEVEN RUSSEL--KENNETH COLBERT

Date of Hearing (Closing): 06/12/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2224 POWERS LANE

The sign(s) were posted on: 5/27/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

**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: #06-522-SPH

2224 Powers Lane
North side of Powers Lane,
180 feet west of Diong Road
1st Election District
1st Councilmanic District
Legal Owner(s): The
Russels, LLC, F. Steven
Russel, Member

Special Hearing: to permit
commercial parking in a
residential zone.

**Hearing: Monday, June
12, 2006 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

5/275 May 25 96467

CERTIFICATE OF PUBLICATION

5/25/2006

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 5/25/2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 5986
06-522 SPH

DATE 4-18-06 ACCOUNT R-001-006-6150

AMOUNT \$ 325.⁰⁰

RECEIVED FROM: L.V.C.M. P. HILL P.A.

FOR: Commercial Land Hearing Fee for
2224 Powers Land.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTIV	TIME	DATE
4/19/2006	4/18/2006	16:04:24	2
REG WOOD	MARKER	DOCK	DOCK
>>RECEIPT # 340519 4/18/2006 OFLN			
Dept 5 520 FUNDING VERIFICATION			
CR NO. 005904			
Receipt Tot		325.00	
325.00 CR		1.00 CR	
Baltimore County, Maryland			

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO. 06-522-SPH

2224 POWERS LANE

1st ELECTION DISTRICT

APPEALED: 7/18/2006

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

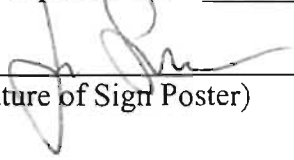
CASE NO.: 06-522-SPH

LEGAL OWNER: THE RUSSELLS, LLC

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

2224 POWERS LANE

The sign was posted on 1-25-07, 2006.

By: 
(Signature of Sign Poster)

JASON SEIDENMAN
(Print Name)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-522 SPH

Petitioner: THE RUSSELL LLC

Address or Location: 2224 Powers Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kenneth J. Colbert (per Les P. Allen)

Address: 2835 Smith Ave, Suite G
Baltimore, Md, 21209

Telephone Number: 410-653-3838

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

May 1, 2006

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: 06-522-SPH

2224 Powers Lane

North side of Powers Lane, 180 feet west of Dlong Road

1st Election District – 1st Councilmanic District

Legal Owners: The Russels, LLC, F. Steven Russel, Member

Special Hearing to permit commercial parking in a residential zone.

Hearing: Monday, June 12, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Leslie Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
F. Steven Russel, 6700 Baltimore National Pike, Baltimore 21228
Kenneth Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 27, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 25, 2006 Issue - Jeffersonian

Please forward billing to:

Kenneth J. Colbert
2835 Smith Avenue, Ste. G
Baltimore, MD 21209

410-653-3838

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: 06-522-SPH

2224 Powers Lane

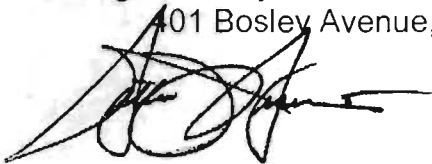
North side of Powers Lane, 180 feet west of Dlong Road

1st Election District – 1st Councilmanic District

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401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

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

*PP'd @ reg. of
Petitioner
10/10/07.*

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 19, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-522-SPH

IN THE MATTER OF: THE RUSSELS, LLC – Legal Owner /Petitioner
2224 Powers Lane 1st Election District; 1st Councilmanic District

6/19/06 –D.Z.C.'s decision in which requested relief was GRANTED
with restrictions.

ASSIGNED FOR:

THURSDAY, JUNE 14, 2007 at 10:00 a.m.

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

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

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

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

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants
Appellants /Protestants

: J. Carroll Holzer, Esquire
: Westview Park Improvement & Civic Assn.
Steve Whisler, President and
Steve Whisler, Individually

Niklaus Philipsen /Westerlee Improvement Assn.
Westerlee Apartments /Attn: Kathy Drixel
Tony Geppi
Jason Kerpelman

Counsel for Petitioner
Petitioner
Ken Colbert /Colbert Matz Rosenfelt Inc.
Mike Diskin
Robert Brannson

: Leslie M. Pittler, Esquire
: The Russels, LLC

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



Leslie M Pittler P.A.

Attorney at Law

25 Wandsworth Bridge Way
Lutherville, Maryland 21093

May 8, 2007

Telephone: 410-823-4455

Fax: 410-296-4461

Kathleen C. Bianco
Administrator
County Board of Appeals
Towson, Maryland 21204
[Hand Delivered]

**Re: Case # 06-522-SPH
In the Matter of : The Russel's
LLC, 224 Powers Lane**

Dear Ms. Bianco:

This is to confirm our recent discussion postponing the above-captioned case, which had been scheduled for June 14, 2007 at 10:00 AM.

Due to my witnesses having previous commitments for this time period, it would be my request that if possible, it would be appreciated having this matter rescheduled subsequent to August 31, 2007.

Should you have any questions please feel free to be in touch with me. Thank you for your kind assistance in this matter.

Sincerely,



Leslie M. Pittler

Cc: J. Carrol Holtzer, Esq.

RECEIVED

MAY - 8 2007

**BALTIMORE COUNTY
BOARD OF APPEALS**

pp 40 10/10/07



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 14, 2007

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-522-SPH

IN THE MATTER OF: THE RUSSELS, LLC – Legal Owner /Petitioner
2224 Powers Lane 1st Election District; 1st Councilmanic District

6/19/06 –D.Z.C.'s decision in which requested relief was GRANTED
with restrictions.

which was scheduled to be heard on 6/14/07 has been POSTPONED at the request of Counsel for Petitioner due to
witness schedule conflict; and has been

REASSIGNED FOR:

WEDNESDAY, OCTOBER 10, 2007 at 10:00 a.m.

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

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

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

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

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants
Appellants /Protestants

: J. Carroll Holzer, Esquire
: Westview Park Improvement & Civic Assn.
Steve Whisler, President and
Steve Whisler, Individually

Niklaus Philipsen /Westerlee Improvement Assn.
Westerlee Apartments /Attn: Kathy Drixel
Tony Geppi
Jason Kerpelman

Counsel for Petitioner
Petitioner
Ken Colbert /Colbert Matz Rosenfelt Inc.
Mike Diskin
Robert Brannson

: Leslie M. Pittler, Esquire
: The Russels, LLC

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

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

October 24, 2007

NOTICE OF DELIBERATION

IN THE MATTER OF:

THE RUSSELS, LLC – Legal Owner /Petitioner
Case No. 06-522-SPH

Having heard this matter on 10/10/07, public deliberation has been scheduled for the following date and time:

DATE AND TIME : WEDNESDAY, DECEMBER 19, 2007 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due on Wednesday, November 21, 2007
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Westview Park Improvement & Civic Assn.
Steve Whisler, President and
Steve Whisler, Individually

Niklaus Philipsen /Westerlee Improvement Assn.
Westerlee Apartments /Attn: Kathy Drixel
Tony Geppi
Jason Kerpelman

Counsel for Petitioner : Leslie M. Pittler, Esquire
Petitioner : The Russels, LLC
Ken Colbert /Colbert Matz Rosenfelt Inc.
Mike Diskin
Robert Brannson

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Copy to: 2-4-6



**Department of Permits and
Development Management**



Baltimore County

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

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

June 9, 2006

Leslie M. Pittler
25 Wandsworth Bridge Way.
Lutherville, MD, 21093

Dear: Mrs. Pittler,

RE: Case Number: 06-522-SPH; 2224 Powers Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 18, 2006.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel
The Russels LLC, 6700 Baltimore National Pike, Baltimore, MD, 21228
Kenneth J. Colbert, 2835 Smith Ave, Suite G, Baltimore, MD, 21209

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



jm
6/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 26, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-522- Special Hearing**

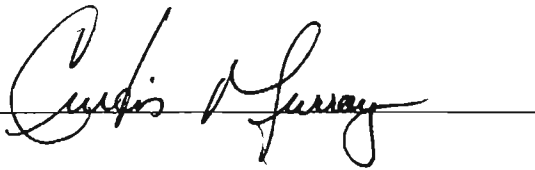
SUMMARY OF RECOMMENDATIONS:

If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the Office of Planning requests that the following conditions be placed on the special hearing relief:

1. Only passenger vehicles of employees shall be parked on the proposed parking lot. The use of the said parking lot for vehicles offered for sale or lease shall be prohibited.
2. The proposed landscaping, fencing and lighting shall be reviewed and approved by Avery Harden, Baltimore County Landscape Architect.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUN 07 2006

ZONING COMMISSIONER

NEVER RECEIVED FOR FILING
6-19-06
PS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 5, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2006
Item No. 522

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The county maintains this portion of Powers Lane. It is only 12 or 13 feet wide. As part of this approval, we recommend that the petitioner be required to widen Powers Lane to be at least 18-feet wide from Dlong Road west to the entrance to the existing parking lot.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 522-05032006.doc

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



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

Maryland Department of Transportation

Date: 4.28.06

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

RE: Baltimore County
Item No. 522 JJS

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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
111 West Chesapeake Avenue
Towson, Maryland 21204

May 2, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: May 1, 2006

Item No.: 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530,
531, 532, 533, 534, 535, 536.

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
Fire Marshal's Office
Phone (O) 410-887-4881
Mail Stop - 1102F

cc: File

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
2224 Powers Lane; N/S Powers Lane, *
180' W of Dlong Road * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner(s): The Russels, LLC * FOR
by F. Steven Russel, Member *
Petitioner(s) * BALTIMORE COUNTY
* 06-522-SPH

* * * * *

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
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 3rd day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Leslie Pittler, Esquire, 25 Wandsworth Bridge Way, Lutherville, MD 21093, Attorney for Petitioner(s).

RECEIVED

MAY 03 2006

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*

August 17, 2006

The Russels, LLC
F. Steven Russel
6700 Baltimore National Pike
Baltimore, MD 21228

Dear Mr. Russel:

RE: Case: 06-522-SPH, 2224 Powers Lane

Please be advised that an appeal of the above-referenced case was filed in this office on July 18, 2006 by J. Carroll Holzer on behalf of Westview Park Improvement & Civic Association. 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,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK: klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Leslie Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Ken Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209
Mike Diskin, 2520 Bear Run, Taneytown 21787
Robert Bransom, 316 Cockeysville Road, Reisterstown 21136
Niklaus Philpsen, 2018 Cedar Circle Drive, Catonsville 21228
Steve Whisler, 6124 Moorefield Road, Catonsville 21228
Tony Geppi, 2318 Powers Lane, Baltimore 21228

RECEIVED

AUG 1 / 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

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



APPEAL

Petition for Special Hearing
2224 Powers Lane
N/s Powers Lane, 180 feet west of Dlong Road
1st Election District – 1st Councilmanic District
Legal Owners: The Russels, LLC

Case No.: 06-522-SPH

✓ Petition for Special Hearing (April 18, 2006)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (May 1, 2006)

✓ Certification of Publication (May 25, 2006 – The Jeffersonian)

✓ Certificate of Posting (May 27, 2006) by Linda O'Keefe

✓ Entry of Appearance by People's Counsel (May 3, 2006)

✓ Petitioner(s) Sign-In Sheet – One Sheet

• Protestant(s) Sign-In Sheet - None

✓ Citizen(s) Sign-In Sheet – One Sheet

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Aerial Photograph
- ✓ 2. Plan to accompany Special Hearing
- ✓ 3. Official Baltimore County Zoning Map

Protestants' Exhibits

• None

Citizen's Exhibits

- ✓ 1. Document dated May 25, 2006 from ArchPhips (Mr. Klaus)
- ✓ 2. Letter dated June 2, 2006 from Robert Branson

✓ Deputy Zoning Commissioner's Order (June 19, 2006 – GRANTED w/restrictions)

✓ Notice of Appeal received on July 18, 2006 from J. Carroll Holzer on behalf of the Westview Park Improvement & Civic Association

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Leslie Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Ken Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209
Mike Diskin, 2520 Bear Run, Taneytown 21787
Robert Bransom, 316 Cockeysville Road, Reisterstown 21136
Niklaus Philpsen, 2018 Cedar Circle Drive, Catonsville 21228
Steve Whisler, 6124 Moorefield Road, Catonsville 21228
Tony Geppi, 2318 Powers Lane, Baltimore 21228

RECEIVED
AUG 17 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Kerpelman, Jason
B Hickory Ridge Ct.
21228

CASE #: 06-522-SPH

IN THE MATTER OF: THE RUSSELS, LLC – Legal Owner /Petitioner
2224 Powers Lane 1st Election District; 1st Councilmanic District

SPH – To allow commercial parking in a residential zone pursuant to § 409.8B of the BCZR

6/19/06 – D.Z.C.'s decision in which requested zoning relief was GRANTED with restrictions.

4/19/07 --Notice of Assignment sent to following; assigned for hearing on Thursday, June 14, 2007 at 10 a.m.:

J. Carroll Holzer, Esquire
Westview Park Improvement & Civic Assn.
Steve Whisler, President and
Steve Whisler, Individually
Niklaus Philipsen /Westerlee Improvement Assn.
Westerlee Apartments /Attn: Kathy Drixel
Tony Geppi
Jason Kerpelman
Leslie M. Pittler, Esquire
The Russels, LLC
Ken Colbert /Colbert Matz Rosenfelt Inc.
Mike Diskin
Robert Branson
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

5/08/07 – Request for postponement filed by Leslie M. Pittler, Esquire, counsel for Petitioner – witness has previously scheduled conflict with hearing date; also requests that matter be scheduled after 8/31/07 if possible. (Confirming 5/02/07 verbal notice that postponement would be requested in this matter due to schedule conflict.)

5/14/07 – Notice of PP and Reassignment sent to parties; case reassigned to Wednesday, October 10, 2007 at 10:00 a.m.

10/10/07 – Board convened for hearing (Stahl, Grier, Witt); concluded hearing this date; memos to be filed 11/21/07; deliberation to be scheduled.

10/24/07 – Notice of Deliberation sent to parties; public deliberation assigned for Wednesday, December 19, 2007 at 9:00 a.m. FYI copy to 2-4-6.

11/21/07 – Memorandum of Law filed by Leslie M. Pittler, Esquire, on behalf of The Russels, LLC, Petitioner.
-- Memorandum of Protestants filed by J. Carroll Holzer, Esquire, on behalf of Westview Park Improvement and Civic Association, Steve Whisler, President; and Steve Whisler, Individual.
-- Copies of above memos sent to Stahl, Grier and Witt.

12/19/07 – Board convened for public deliberation (Stahl, Grier, Witt); unanimous decision that special hearing request is GRANTED; parking to be permitted. Written opinion and order to be issued; appellate period to run from date of written Order. (6)

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:

THE RUSSELLS, LLC
N/S of Powers Lane
(2224 Powers Lane)
1st E; 1st C

06-522-SPH

DATE: December 19, 2007

COPY

BOARD/PANEL: Lawrence M. Stahl
Wendell H. Grier
Robert W. Witt

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate a Special Hearing to allow commercial parking in a residential zone pursuant to Sec. 409.8B of the BCZR.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- 1) 409.6 of the BCZR
- 2) 409.8 of the BCZR
- 3) 502.1 of the BCZR
- 4) Various other discussions from their notes of the hearing.

STANDING

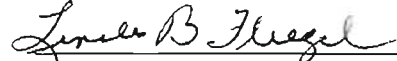
- Good faith effort made by Russel's LLC.
- Russel's attempted to reach an agreement with the community and they were successful.
- Cars would enter and leave the area in the morning and after working hours.
- Allowing this request would help to free up the parking/traffic situation on Powers Lane.
- This case is not like that of Auto Properties whereby cars were being stored.
- This would be used for employee parking and not for inventory purposes like with the Auto Property case.
- The property would be well lighted and properly secured.

DECISION BY BOARD MEMBERS: The Board expressed that Petitioner's request could only benefit the community.

FINAL DECISION: After a thorough review of the facts, testimony, and law in the matter, the Board unanimously decided to *GRANT* Petitioner's request to allow parking in a residential zone.

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

Respectfully Submitted



Linda B. Fliegel
County Board of Appeals

CASE NAME 06-522-SPA
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Subj: **Russel Lot on Powers Lane**
Date: 5/25/06 7:55:39 A.M. Eastern Daylight Time
From: ArchPhips
To: johnk@simply-funds.com, ChuckSprag, ReIgray, Hastry, JimBethelman, scsmith655@yahoo.com,
DORNBURLEY, bgray@coldwellbankermove.com, sjs@westray.net, mtmaxwell@comcast.net,
s.g.haines@comcast.net

Board members,

Please be advised that I received notice that a zoning hearing has been scheduled to allow commercial zoning in a residential area for the lot at Powers Lane as previously discussed.
The hearing is on Monday 6/12 at 11:00 am, County Courts Building, Room 407.

Since Russel did not provide us with any additional information it appears as if the conditions we had established for consent have not been met at this point. Please advise how you would like this matter be handled.

Klaus

Attachment: Our letter to Russel after we met with them.

WESTERLEE COMMUNITY, Inc.

BOARD OF DIRECTORS:

Klaus Philipsen, President
Shirley Smith, Vice-President
Marilyn Maxwell, Past President
Jim Holman, Treasurer
Ed Hastry
Bettye Gray

John Kelly
Ron Matthews
Bernard McClelland
George Simon
Charles Sprague
Dorn Wagner
Charles Yingling

~~January~~
Sunday, ~~June~~ 04, 2006

Russell Automotive
Jim Branson
6624 Baltimore National Pike
Catonsville MD 21228

Gentlemen,

Pursuant to your presentation during our Board Meeting on 11/17/05 regarding your desire to install a employee parking lot on the lot north of Powers Lane near the intersection with Dlong we discussed the matter in our first Board Meeting of 2006 on 1-12-06 and made the following decision by majority vote of the board members present:

1. Approval in principle of Russel's intent of installing an employee parking lot for 25-30 employees on the above mentioned lot under the following conditions:
 - a. Russel agrees to not further expand their operations on the north side of Powers Lane including further parking lots and not use the lot for any other purpose than employee parking.
 - b. Russel agrees to landscape and screen the lot to minimize visibility from Dlong (keeping existing trees)
 - c. Russel agrees to discontinue employee parking along Dlong when lot is completed.

The above is contingent upon receiving construction and design documents for review that show at a minimum:

1. Property lines
2. Current and proposed landscaping
3. Lighting if any
4. Fencing if any
5. Size of curbcut
6. Paving details and curbs etc.

The Board will review the design and construction documents and approve them if they essentially represent the intentions expressed by Russel in the presentation to our board and might make suggestions for modifications if deemed necessary to fulfill those intentions. The conditions mentioned above would become part of the zoning application.

C# 1

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member
of the (Board of Directors) (Zoning Committee) of the
WESTVIEW PARK IMPROVEMENT & CIVIC ASSN. Association.

ATTEST:

WESTVIEW PARK IMPROVEMENT & CIVIC ASSN. Association

Marisol Grady
Secretary MARISOL GRADY

Stephen D. Whisler
President STEPHEN D. WHISLER

DATE: 10/1/07

CBA
PRO-EXH
NO. 1

WESTVIEW PARK IMPROVEMENT & CIVIC ASSOCIATION

RESOLVED: That at the SEMI-ANNUAL meeting of the
WESTVIEW PARK IMPROVEMENT & CIVIC Association held on
MAY 15, 2007 [DATE], it was decided by the Association that
responsibility for review and action on all zoning matters for the period
2007 - 2008 CALENDAR YEARS be placed in the (Board of Directors)
(Zoning Committee) consisting of the following members, each of whom is hereby
authorized to testify on behalf of the Association before the County Board of Appeals or
other duly constituted zoning agency, body, or commission:

STEPHEN D. WHISLER - PRESIDENT
GANIYU A. RASI - BOARD MEMBER
MARY BRELAND - BOARD MEMBER
LAURIE WILLIAMS - BOARD MEMBER

AS WITNESS OUR HANDS AND SEAL THIS 1ST day of
OCTOBER, 2007

ATTEST:

WESTVIEW PARK IMPROVEMENT AND CIVIC Association
A

Marisol Grapp
Secretary MARISOL GRAPP

Stephen D. Whisler
President STEPHEN D. WHISLER

WESTVIEW PARK IMPROVEMENT & CIVIC ASSOCIATION

RESOLVED: That the position of the WESTVIEW PARK IMPROVEMENT
AND CIVIC Association as adopted by the (Board of Directors)

(Zoning Committee) on the zoning matter known as:

APPEAL OF 06-522 SP4

is that:

AGAINST COMMERCIAL-LIKE USE (TO INCLUDE EMPLOYEE PARKING)
OF RESIDENTIAL PROPERTY.

AS WITNESS OUR HANDS AND SEAL THIS 15th day of
OCTOBER, 2007.

ATTEST:

CIVIC
WESTVIEW PARK IMPROVEMENT AND A Association

Marisol Grapp
Secretary
MARISOL GRAPP

Stephen D. Whisler
President
STEPHEN D. WHISLER



June 2, 2006

Klaus Philipsen,

In response to your letter dated May 25, 2006:

We agree with the conditions set forth in Para 1.

In reference to Para 1A, Russel will not expand on the north side of Powers Lane without consultation with the Community Association.

Enclosed is the site plan that shows the design of the lot.

Sincerely,

Robert J. Branson
General Manager
Russel Automotive



TOYOTA

6700 Baltimore National Pike
Baltimore, Maryland 21228
(410) 788-8400



SUBARU

6624 Baltimore National Pike
Baltimore, Maryland 21228
(410) 744-2300



VOLKSWAGEN

6624 Baltimore National Pike
Baltimore, Maryland 21228
(410) 744-2300

mazda®

MAZDA

6624 Baltimore National Pike
Baltimore, Maryland 21228
(410) 744-2300



BMW

6616 Baltimore National Pike
Baltimore, Maryland 21228
(410) 744-2000

www.russelautomotive.com

C #2

518
d 3-7-78
Law Office
File

409.4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna
Zoning Commissioner

Date March 7, 1978

FROM Office of Law

SUBJECT Opinion - Applicability of Interim Development
Control Act (Bill No. 12-77) to Issuance
of "Use Permits" for off-street parking
in residential zones as regulated by Section
409.4 of the Baltimore County Zoning Regulations

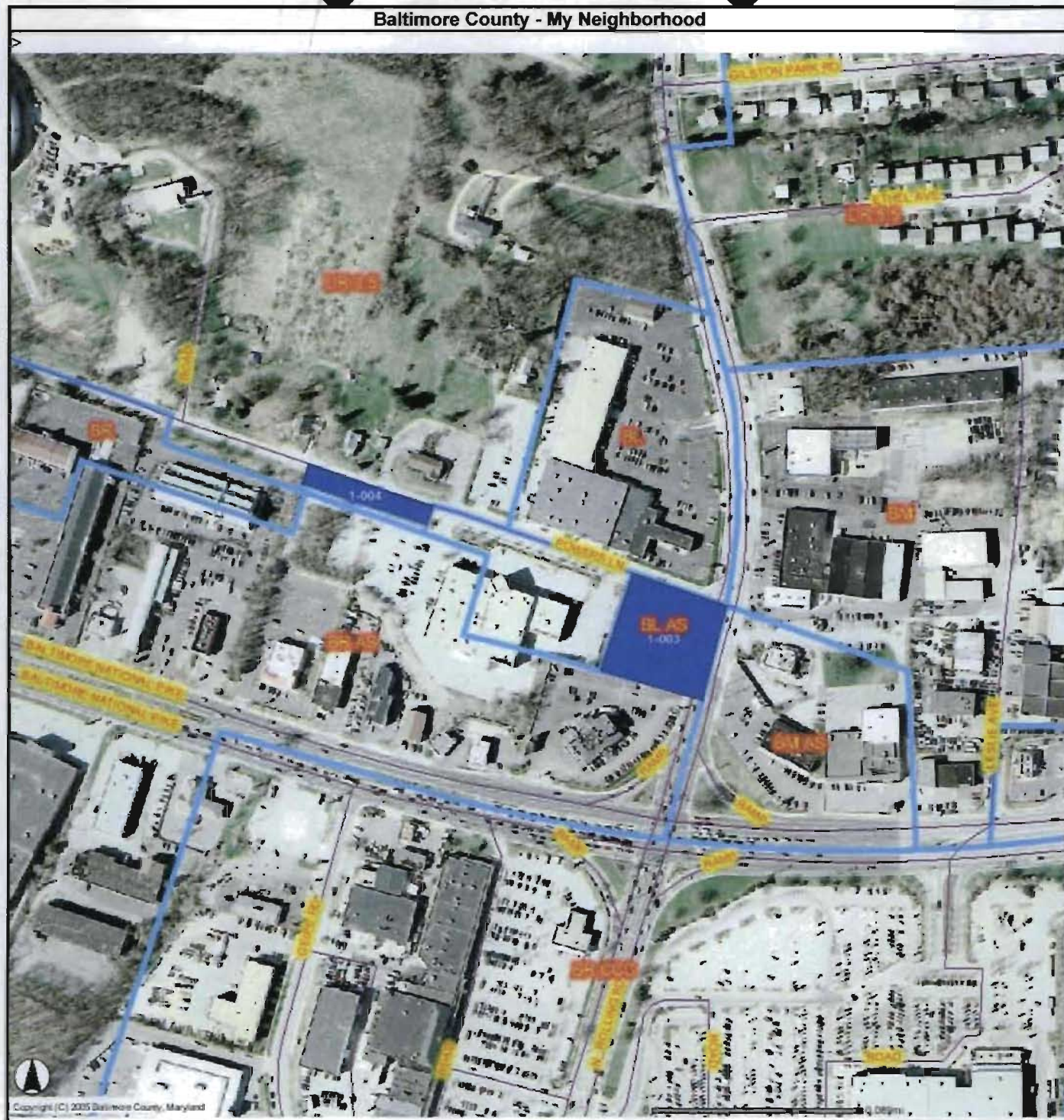
This office previously declined to render an opinion in response to your request due to the pendency of the administrative review in Case No. 77-255-SH which case prompted the request. We have again received a request from you dated January 25, 1978 to respond to your request for an opinion in that the resolution of this issue is necessary to properly address other such applications for use permits.

The Interim Development Control Act which took effect on April 16, 1977 provides in its title that the provisions of the Act amending Title 22 of the County Code are intended to regulate building permits, special permits authorized by Section 430.1B3 referred to in the Act as special permits, special exceptions, etc. Your inquiry in essence asks whether "Use Permits" authorized by Section 409.4 are either special permits or special exceptions subject to the requirements of the I. D. C. A.

The language of the I. D. C. A. unmistakably specifies the Special Permit to be regulated for the interim period. Special Permits subjected to the requirements of the Act are limited to those permits authorized under 430.1B3 of the regulations which regulate unit developments and do not encompass use permits covered by Section 409.4.

You are familiar with the decision of the Court of Special Appeals in the case of John Hoffmeister, et al v. The Frank Realty Company, 35 Md. App. 691 (1977) wherein the Court was asked to rule upon the authority of the Zoning Commissioner to grant "Use Permits" for off-street parking in residential zones. Judge Moylan on behalf of the Court very carefully reviewed the legislative history supporting the Zoning Commissioner's authority to issue such permits and concluded that while the delegation, under the language of current legislation is not specific, the delegation is unmistakable as a part of the authority delegated to the Zoning Commissioner to grant special exceptions. The Court in deciding that the Zoning Commissioner has the authority to issue "use permits", likewise, carefully describes, most pointedly, the distinction between "special exceptions" authorized by Article 5 of the regulations and the "use permit" for parking authorized by Section 409.4.

Baltimore County - My Neighborhood



1-003 • RECENTLY ACQUIRED PROPERTY

- NOW USED FOR NEW CAR DISPLAY
- 1.1 ACRES COMMERCIAL PROPERTY

CBA
Prot 2A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 01 Account Number - 0105150270

Owner Information

Owner Name: RUSSEL FAMILY LLC **Use:** COMMERCIAL
Mailing Address: C/O RUSSEL MOTOR CARS INC **Principal Residence:** NO
 6700 BALTIMORE NATIONAL PIKE **Deed Reference:** 1) /26040/ 30
 BALTIMORE MD 21228-3909 2)

Location & Structure Information

Premises Address **Legal Description**
 1000 N ROLLING RD .754 AC
 BALTIMORE MD 21228-3824 1000 N ROLLING RD NWS
 COR POWERS LA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	24	276						3	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1967	1,568 SF	32,844.00 SF	20

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	312,800	412,800		
Improvements:	126,900	143,900		
Total:	439,700	556,700	517,700	556,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: SMO REALTY LLC	Date: 08/13/2007	Price: \$2,000,000
Type: IMPROVED ARMS-LENGTH	Deed1: /26040/ 30	Deed2:
Seller: SHELL OIL COMPANY	Date: 12/12/2000	Price: \$510,435
Type: NOT ARMS-LENGTH	Deed1: /14860/ 336	Deed2:
Seller: ATLANTIC RICHFIE LD	Date: 11/06/1985	Price: \$162,668
Type: IMPROVED ARMS-LENGTH	Deed1: / 7029/ 363	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

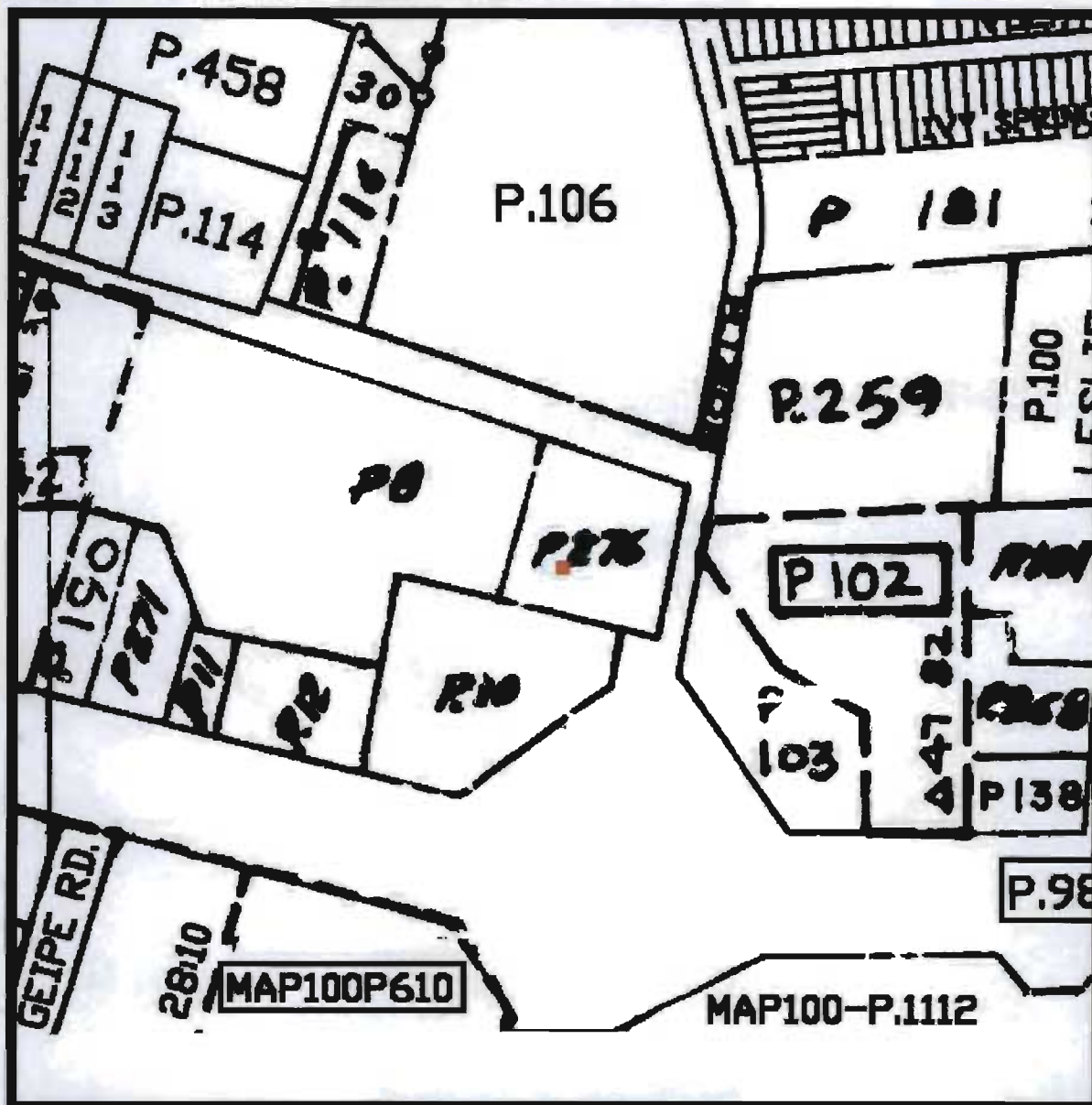
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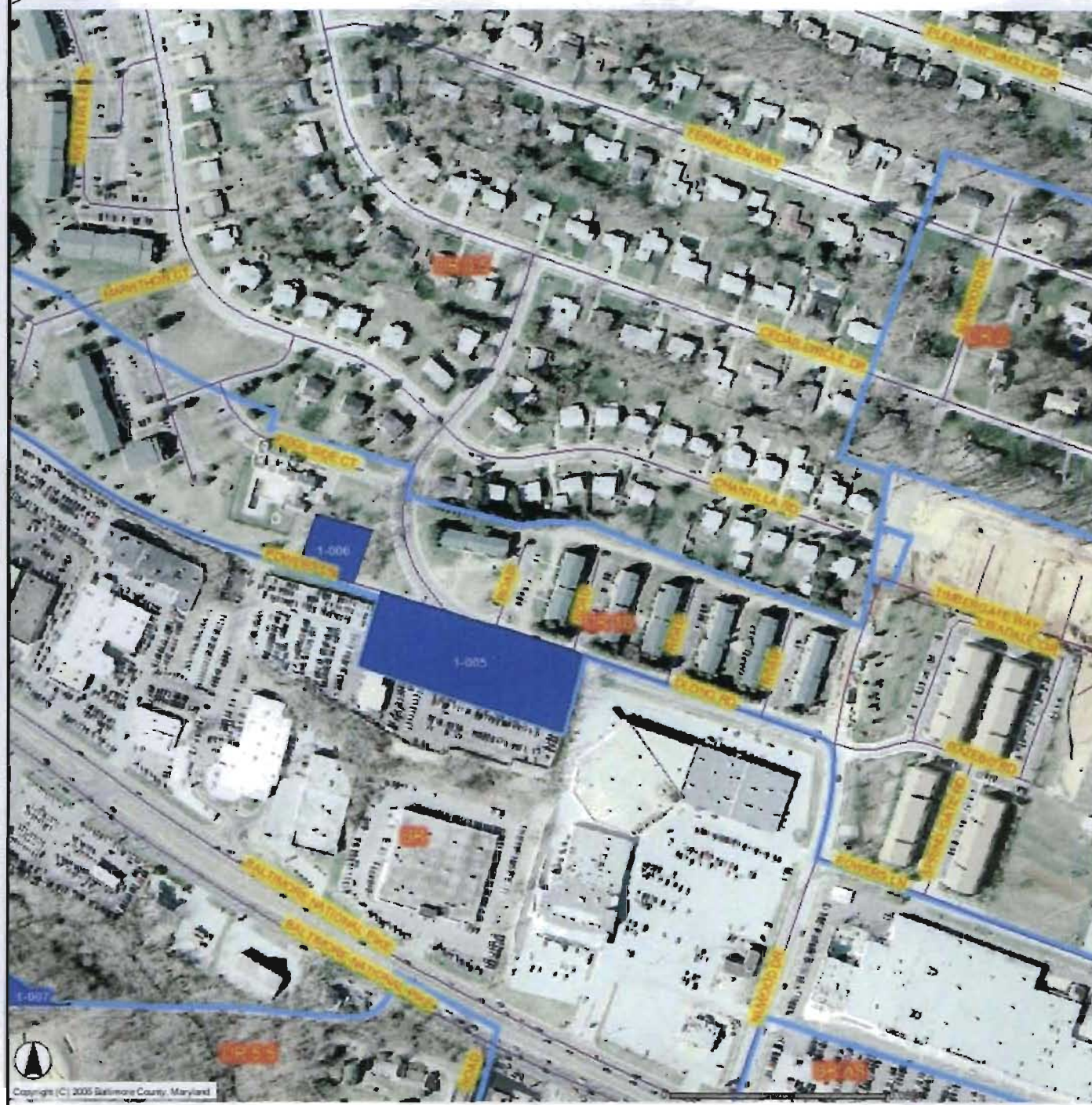
District - 01 Account Number - 0105150270



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Account Identifier: District - 01 **Account Number -** 0102652700

Owner Information

Owner Name:	RUSSELS LLC	Use:	RESIDENTIAL
Mailing Address:	C/O RUSSEL MOTOR CARS 6700 BALTO NATL PIK BALTIMORE MD 21228-3909	Principal Residence:	NO
		Deed Reference:	1) /19703/ 619 2)

Location & Structure Information

Premises Address
2224 POWERS LN

Legal Description

.358 AC NES
2224 POWERS LN
4050FT W OF ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
94	22	214						1	

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		15,625.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2007	07/01/2008
Land	45,650	98,150		
Improvements:	0	0		
Total:	45,650	98,150	63,150	80,650
Preferential Land:	0	0	0	0

Transfer Information

Seller: HUMPHRIES RORY A	Date: 03/08/2004	Price: \$80,000
Type: IMPROVED ARMS-LENGTH	Deed1: /19703/ 619	Deed2:
Seller: BROWN ROLLINS	Date: 04/29/1999	Price: \$80,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13707/ 629	Deed2:
Seller: BRISCOE ROBERT	Date: 09/22/1981	Price: \$6,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6329/ 692	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

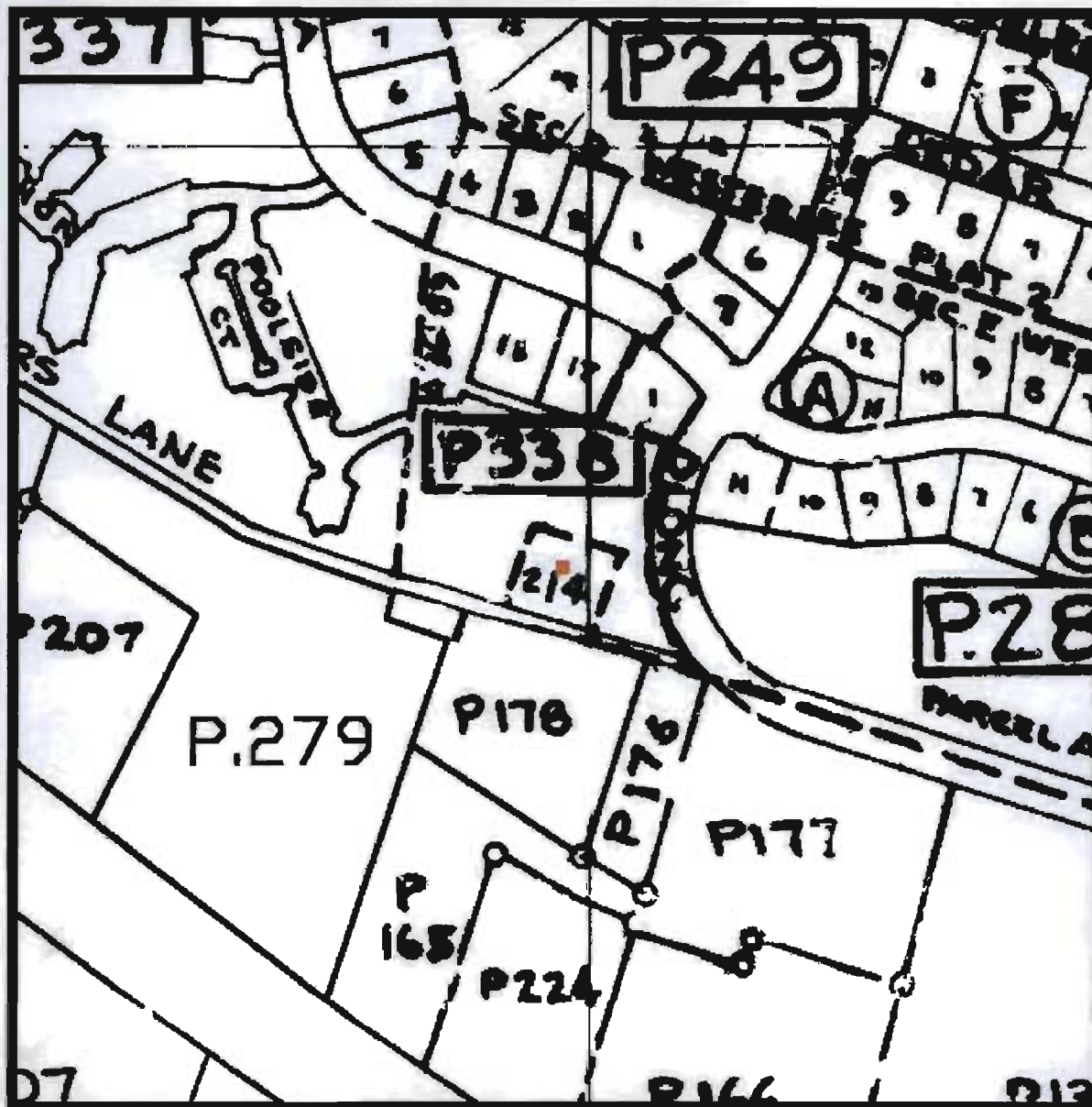
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District - 01 Account Number - 0102652700



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Account Identifier: District - 01 Account Number - 0102202220

Owner Information

Owner Name:	RUSSEL MOTOR CARS INC C/O MARGOLIS PRITZKER EPSTEIN & BL	Use:	COMMERCIAL
Mailing Address:	110 WEST ROAD SUITE 222 TOWSON MD 21204-2341	Principal Residence:	NO
		Deed Reference:	1) /15250/ 199 2)

Location & Structure Information

Premises Address
2217 POWERS LA

Legal Description

2217 POWERS LN
3960 W ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
94	23	177						3	

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		2.40 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	149,700	514,400		
Improvements:	0	0		
Total:	149,700	514,400	392,832	514,400
Preferential Land:	0	0	0	0

Transfer Information

Seller: CLARKE KENNETH	Date: 05/31/2001	Price: \$925,000
Type: IMPROVED ARMS-LENGTH	Deed1: /15250/ 199	Deed2:
Seller: BEZOLD URSULA M TRUSTEE	Date: 08/12/1997	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12322/ 653	Deed2:
Seller: BEZOLD URSULA M, ET AL	Date: 07/28/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10672/ 750	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

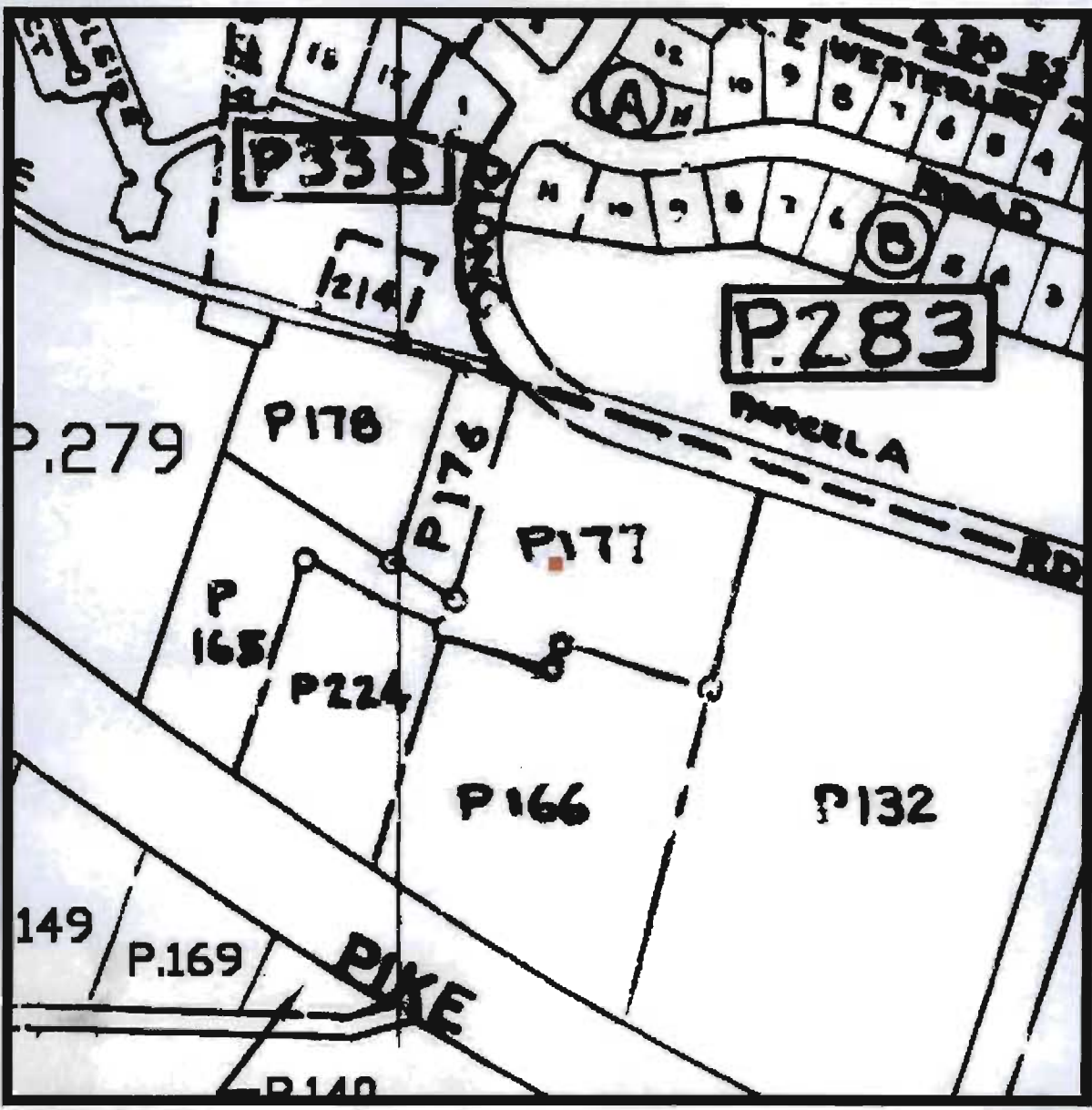
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District - 01Account Number - 0102202220



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Account Identifier: District - 01 Account Number - 0102202211

Owner Information

Owner Name: RUSSEL MOTOR CARS INC **Use:** COMMERCIAL
Mailing Address: 6616 BALTIMORE NATIONAL PIKE **Principal Residence:** NO
 BALTIMORE MD 21228-3907 **Deed Reference:** 1) / 7319/ 298
 2)

Location & Structure Information

Premises Address **Legal Description**
 POWERS LA 1.4773 AC SWS POWERS
 3960 W ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	22	178						3	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.48 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2007	07/01/2008	
Land	102,800	334,300			
Improvements:	62,400	64,300			
Total:	165,200	398,600	320,800	398,600	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: BEZOLD JOHN C,SR	Date: 11/07/1986	Price: \$49,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7319/ 298	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

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District - 01 Account Number - 0102202211



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Account Identifier: District - 01 Account Number - 0115370230

Owner Information

Owner Name:	RUSSEL MOTOR CARS INC C/O MARGOLIS PRITZKER EPSTEIN & BL	Use:	COMMERCIAL
Mailing Address:	110 WEST ROAD SUITE 222 TOWSON MD 21204-2341	Principal Residence:	NO
		Deed Reference:	1) /14434/ 614 2)

Location & Structure Information

Premises Address	Legal Description
6616 BALTO NATL PIKE	1.619 AC 6616 BALTO NATL PIKE NES 3960 FT W OF ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	22	165						3	Plat Ref: 1/ 619

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1970	21,070 SF	1.62 AC	06

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	258,400	333,400		
Improvements:	2,023,200	1,769,800		
Total:	2,281,600	2,103,200	2,103,200	2,103,200
Preferential Land:	0	0	0	0

Transfer Information

Seller: OLMAR CORP LEASED TO	Date: 04/27/2000	Price: \$1,700,000
Type: NOT ARMS-LENGTH	Deed1: /14434/ 614	Deed2:
Seller: OLMAR CORP	Date: 11/25/1987	Price: \$324,450
Type: IMPROVED ARMS-LENGTH	Deed1: / 7733/ 813	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

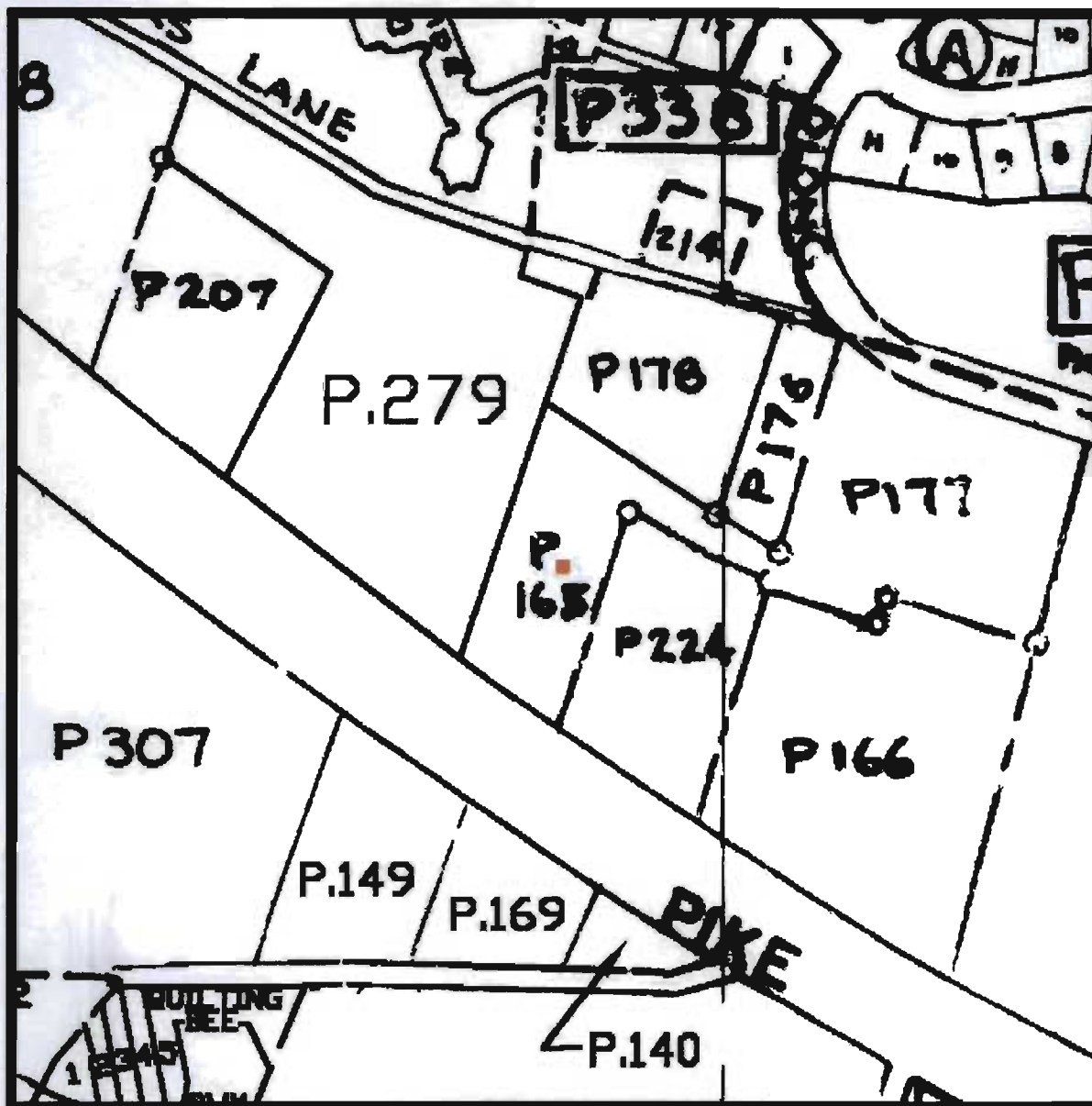
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District - 01 Account Number - 0115370230



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Account Identifier: District - 01 Account Number - 1600000064

Owner Information

Owner Name: RUSSEL MOTOR CARS INC **Use:** COMMERCIAL
Mailing Address: 6700 BALTIMORE NATIONAL PIKE **Principal Residence:** NO
 BALTIMORE MD 21228-3909 **Deed Reference:** 1) / 5314/ 367
 2)

Location & Structure Information

Premises Address **Legal Description**
 6700 BALTO NATL PIKE 4.887 ACRES NS
 5.131 AC
 5150 NW ROLLING ROAD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	22	118						3	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1999	34,275 SF	4.88 AC	22

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	666,200	1,130,400		
Improvements:	2,508,100	2,755,000		
Total:	3,174,300	3,885,400	3,648,366	3,885,400
Preferential Land:	0	0	0	0

Transfer Information

Seller: TOYOTA WEST INC	Date: 04/21/1988	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5314/ 367	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO **Special Tax Recapture:**
Exempt Class: * NONE *

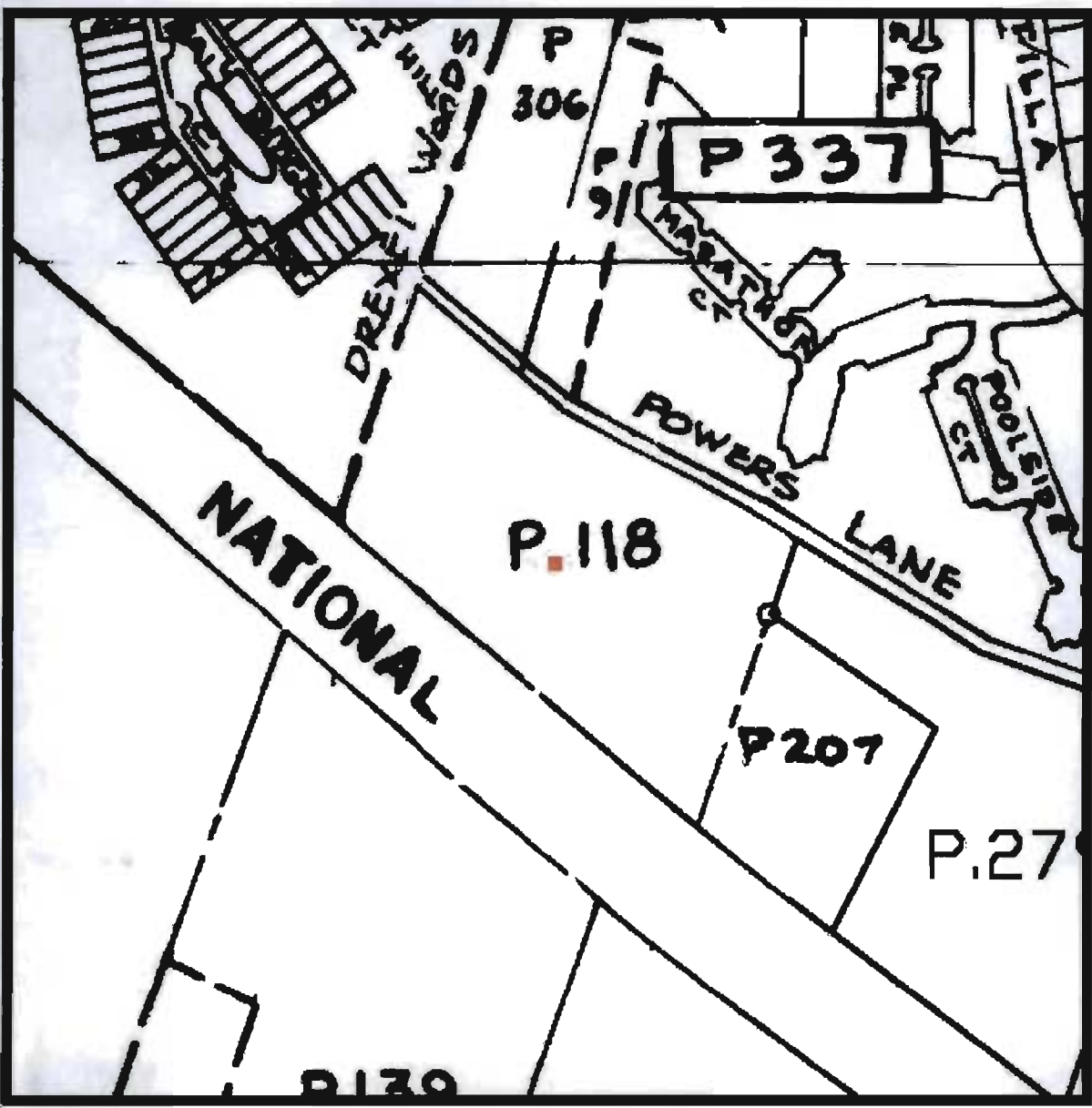
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District - 01 Account Number - 1600000064



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Account Identifier: District - 01 Account Number - 2200021359

Owner Information

Owner Name:	RUSSELS LLC	Use:	COMMERCIAL
Mailing Address:	C/O RUSSEL MOTOR CARS INC 6700 BALTIMORE NATL PIKE BALTIMORE MD 21228-3909	Principal Residence:	NO
		Deed Reference:	1) /10743/ 516 2)

Location & Structure Information

Premises Address	Legal Description
6624 BALTO NATL PIKE	4.8043 AC NS BALTIMORE NATL PIKE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	22	279						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	45,345 SF	4.80 AC	22
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	941,600	1,255,400		
Improvements:	1,924,600	2,063,600		
Total:	2,866,200	3,319,000	3,168,066	3,319,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: JBMLH LLC	Date: 07/10/1995	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10743/ 516	Deed2:
Seller: FORTY WEST VOLKSWAGEN INC	Date: 09/09/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10743/ 516	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

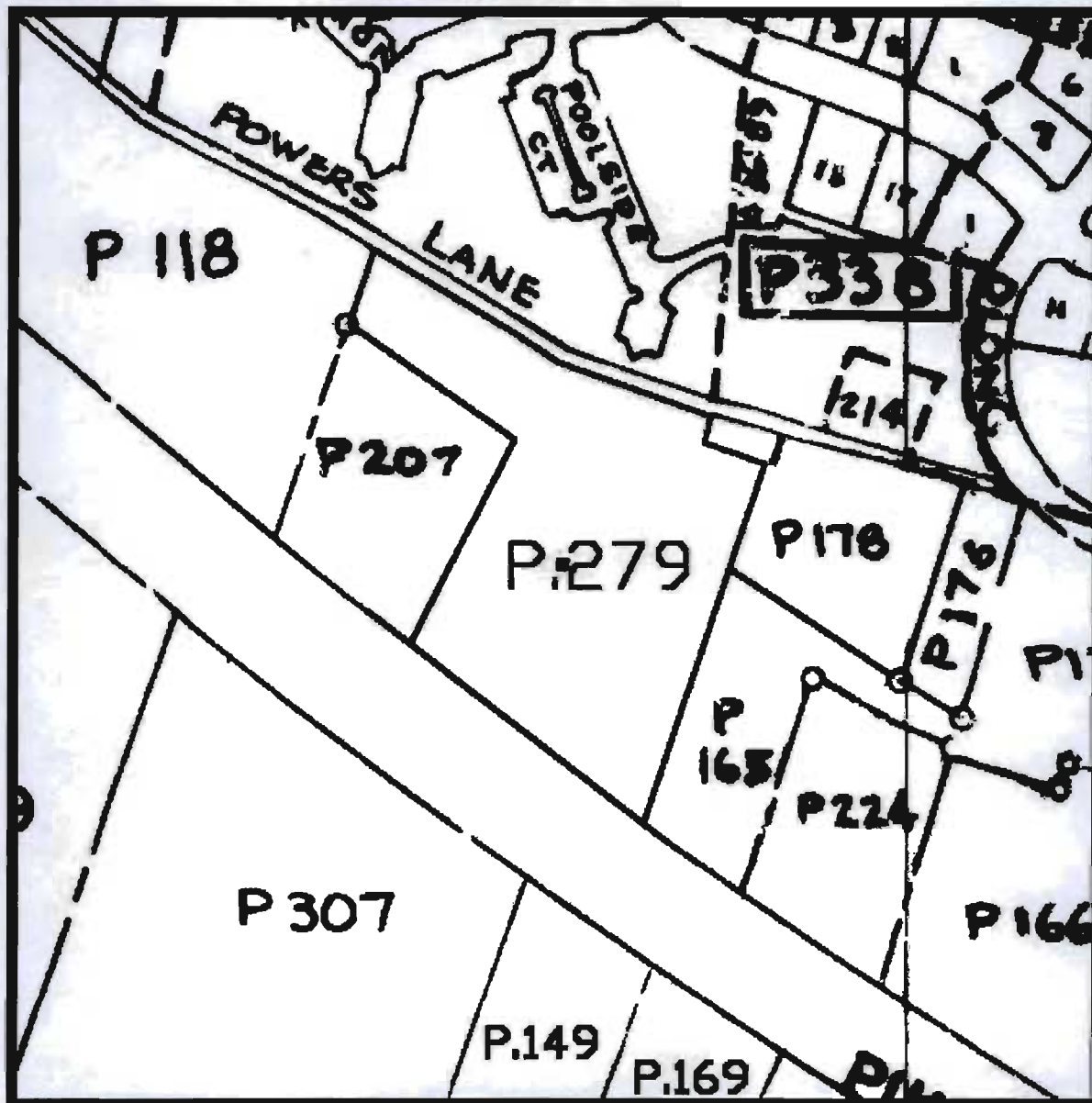
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Account Identifier: District - 01 Account Number - 2100001182

Owner Information

Owner Name:	RUSSEL FAMILY,LLC	Use:	COMMERCIAL
Mailing Address:	C/O RUSSEL MOTOR CARS,INC 6700 BALTIMORE NATIONAL PK BALTIMORE MD 21228-3909	Principal Residence:	NO
		Deed Reference:	1) /20465/ 222 2)

Location & Structure Information

Premises Address	Legal Description
1917 POWERS LN	4.0878 AC SWS POWERS LN 200FT SW ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	24	8						3	Plat Ref:

Special Tax Areas

Town

Ad Valorem

Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2007	52,822 SF	4.09 AC	06

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	723,100	1,227,000		
Improvements:	3,682,200	4,071,600		
Total:	4,405,300	5,298,600	5,000,832	5,298,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: POWERS LANE LLC	Date: 07/29/2004	Price: \$4,800,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /20465/ 222	Deed2:
Seller: C C BALTIMORE ASSOCIATES	Date: 08/06/2003	Price: \$3,250,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /18529/ 245	Deed2:
Seller: CIRCUIT CITY STO RES INC	Date: 12/14/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7747/ 792	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

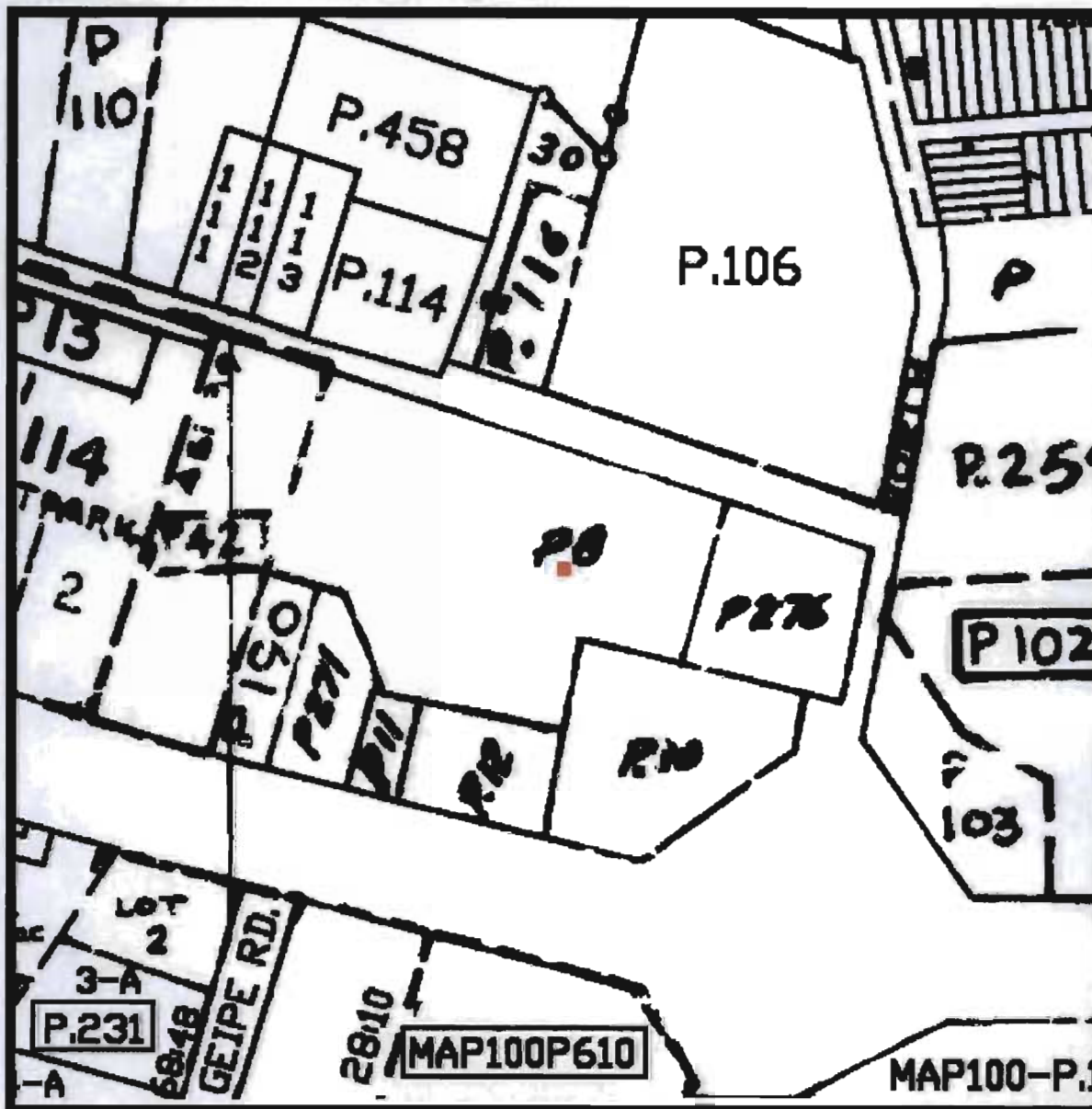
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District - 01 Account Number - 2100001182



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Account Identifier: District - 01 **Account Number -** 1900012116

Owner Information

Owner Name:	RUSSEL FAMILY LLC C/O MARGOLIS PRITZKER EPSTEIN & BL	Use:	COMMERCIAL
Mailing Address:	110 WEST ROAD SUITE 222 TOWSON MD 21204-2341	Principal Residence:	NO
		Deed Reference:	1) /20465/ 222 2)

Location & Structure Information

Premises Address	Legal Description
1931 POWERS LA	PAR C LEWIS PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	23	42						3	Plat Ref: 51/ 39

Special Tax Areas	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		.42 AC	06

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	193,600	126,000		
Improvements:	0	0		
Total:	193,600	126,000	126,000	126,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: POWERS LANE LLC	Date: 07/29/2004	Price: \$4,800,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /20465/ 222	Deed2:
Seller: C C BALTIMORE ASSOCIATES	Date: 08/06/2003	Price: \$3,250,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /18529/ 245	Deed2:
Seller: CIRCUIT CITY STO RES INC	Date: 12/14/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7747/ 792	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

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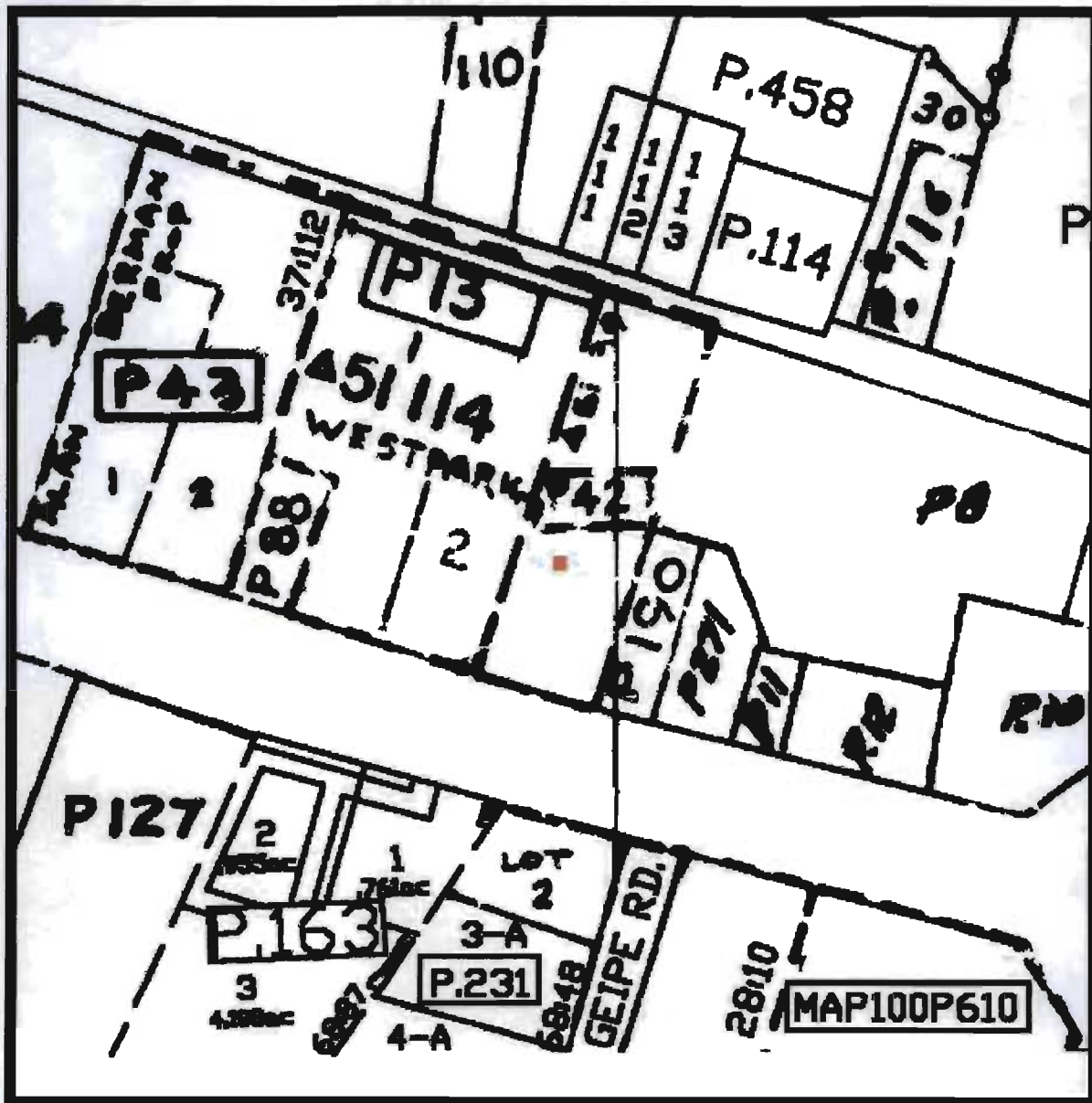
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District - 01 Account Number - 1900012116



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Account Identifier: District - 01 Account Number - 0102202210

Owner Information

Owner Name: RUSSEL MOTOR CARS INC **Use:** COMMERCIAL
Mailing Address: 6700 BALTIMORE NATIONAL PIKE **Principal Residence:** NO
BALTIMORE MD 21228-3909 **Deed Reference:** 1) /11613/ 592
2)

Location & Structure Information

Premises Address
2219 POWERS LA

Legal Description
LT SWS POWERS LA
POWERS LA
2640 NW OF ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	23	176						3	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1999	3,938 SF	.68 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	152,700	203,700		
Improvements:	267,700	290,900		
Total:	420,400	494,600	469,866	494,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: BEZOLD HELEN V	Date: 05/31/1996	Price: \$210,000
Type: NOT ARMS-LENGTH	Deed1: /11613/ 592	Deed2:
Seller: BEZOLD JOHN C	Date: 07/31/1959	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 3571/ 198	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

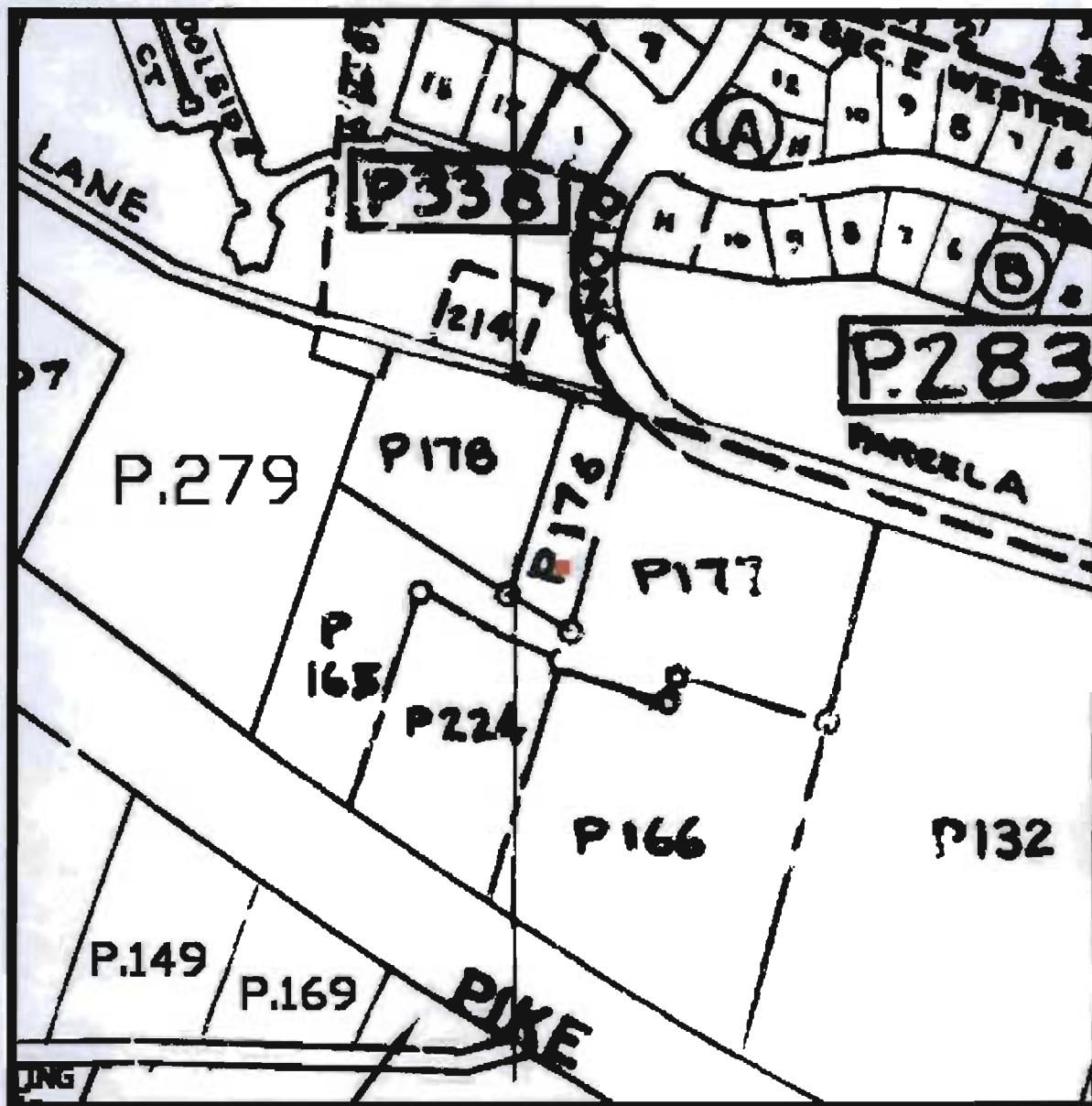
CBA
Pro. 20



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 01 Account Number - 0102202210



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 site at www.mdp.state.md.us/webcom/index.html

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

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Account Identifier: District - 01 **Account Number -** 1900012115

Owner Information

Owner Name:	RUSSEL FAMILY LLC C/O MARGOLIS PRITZKER EPSTEIN & BL	Use:	COMMERCIAL
Mailing Address:	110 WEST ROAD SUITE 222 TOWSON MD 21204-2341	Principal Residence:	NO
		Deed Reference:	1) /20465/ 222 2)

Location & Structure Information

Premises Address	Legal Description
6338 BALTO NATL PIKE	PAR B LEWIS PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	23	42						3	Plat Ref: 51/ 39

Special Tax Areas	Town Ad Valorem Tax Class
--------------------------	--

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		.38 AC	06
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	184,900	114,000		
Improvements:	0	0		
Total:	184,900	114,000	114,000	114,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: POWERS LANE LLC	Date: 07/29/2004	Price: \$4,800,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /20465/ 222	Deed2:
Seller: C C BALTIMORE ASSOCIATES	Date: 08/06/2003	Price: \$3,250,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /18529/ 245	Deed2:
Seller: CIRCUIT CITY STO RES INC	Date: 12/14/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7747/ 792	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

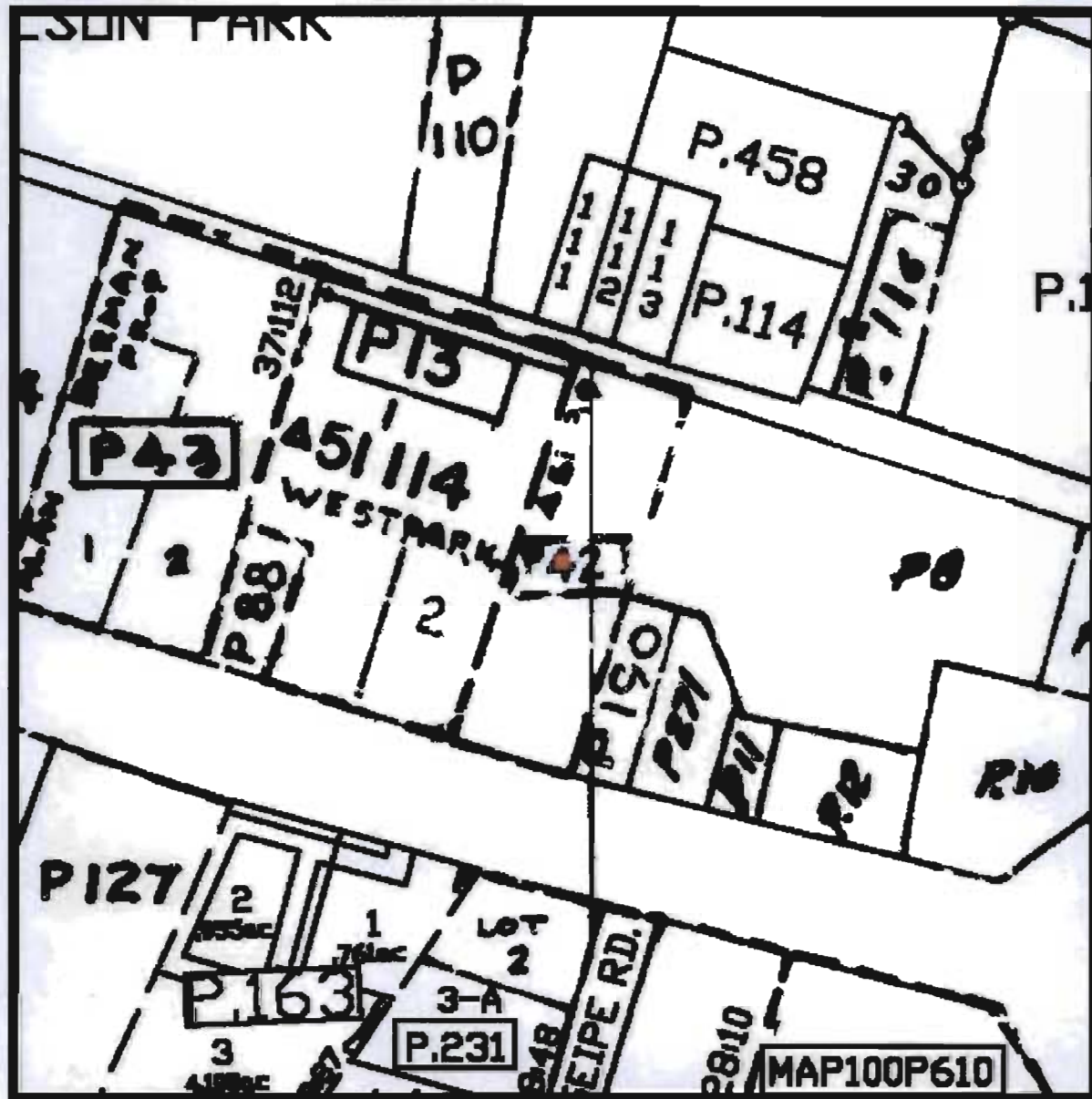
CBA
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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[New Search](#)

District - 01 Account Number - 1900012115



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CBA
p. 27



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

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[New Search](#)

Account Identifier: District - 01 **Account Number -** 0112400460

Owner Information

Owner Name:	RUSSEL FAMILY LLC C/O MARGOLIS PRITZKER EPSTEIN & BL	Use:	COMMERCIAL
Mailing Address:	110 WEST ROAD SUITE 222 TOWSON MD 21204-2341	Principal Residence:	NO
		Deed Reference:	1) /22023/ 350 2)

Location & Structure Information

Premises Address	Legal Description
6324 BALTO NATL PIKE	.6162 AC 6324 BALTO NATL PIKE NR ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
94	24	12						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		.61 AC	20
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	227,300	183,000		
Improvements:	0	0		
Total:	227,300	183,000	183,000	183,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: SUN OIL CO OF PENNSYLVANIA	Date: 06/13/2005	Price: \$1,600,000
Type: IMPROVED ARMS-LENGTH	Deed1: /22023/ 350	Deed2:
Seller: LINCOLN NATL LIFE INSURANCE CO	Date: 04/17/1979	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6009/ 704	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0
Tax Exempt: NO	Special Tax Recapture:		
Exempt Class:	* NONE *		

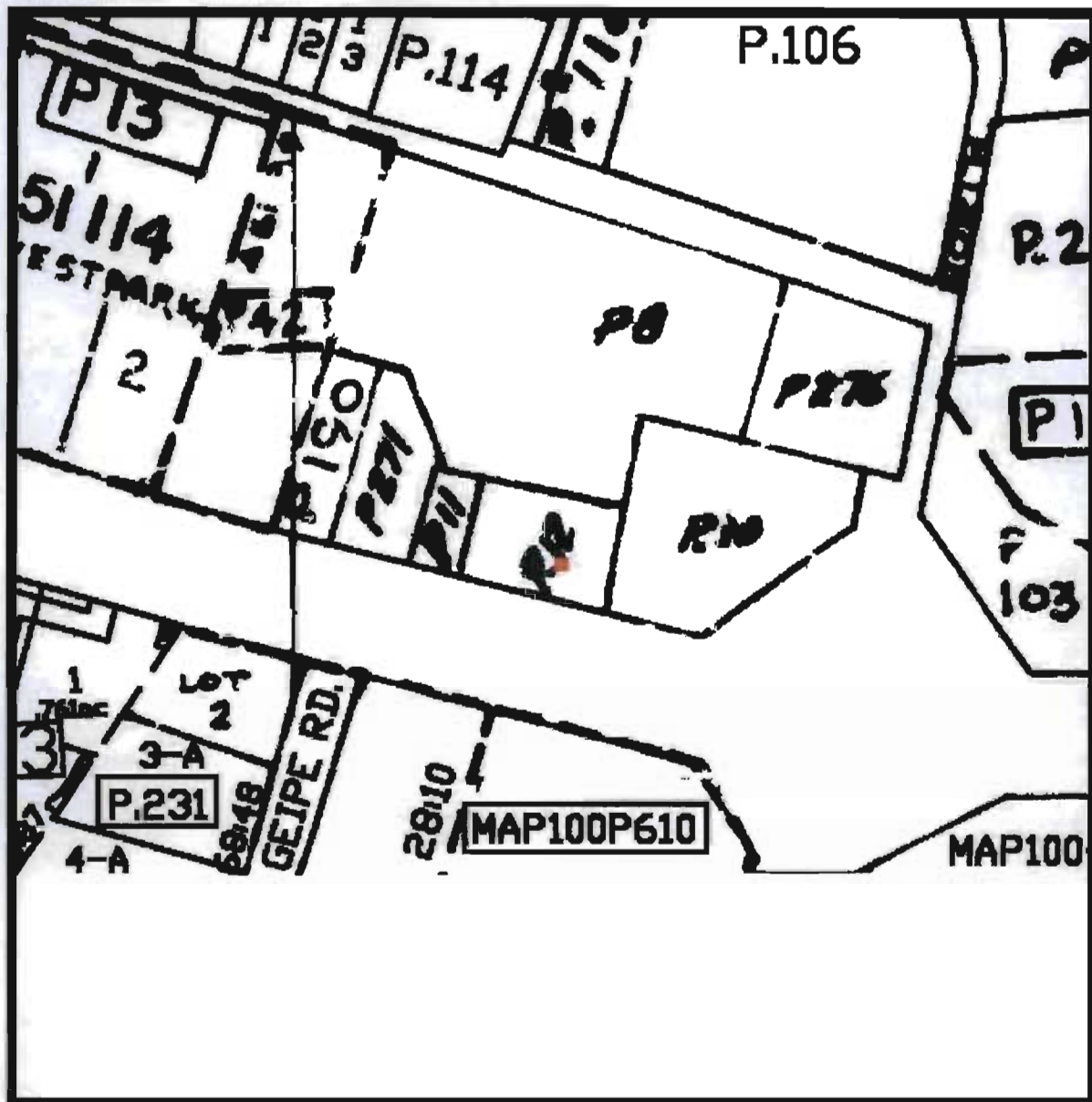
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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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District - 01 Account Number - 0112400460



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CBA
Prv. 22

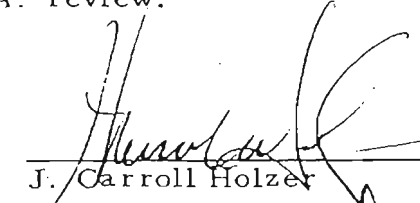
S. Eric DiNenna

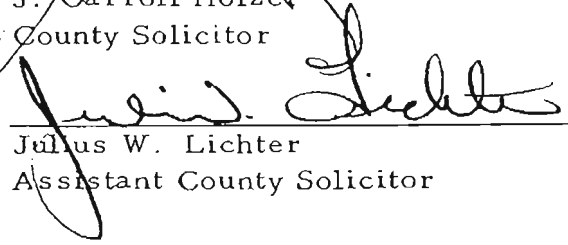
Page -2-

March 7, 1978

While the decision in Hoffmeister, et al v. Frank Realty confirms the authority of the Zoning Commissioner to issue "use permits" for parking in residential zones by virtue of the delegated authority to him to grant special exceptions, the decision also confirms the separate and distinct existence of these permits as opposed to the "Special Exception". The court has merely outlined the delegation of authority to issue use permits and the procedural mechanism whereby such permits may be processed. The legislative history and the language of the I. D. C. A. does not support a position which would require an application for a "Use permit" to be subjected to the requirements of the I. D. C. A. The use of the term "Special Exception" in the act subjects the authority to grant special exceptions pursuant to Article V of the regulations to the requirements of the Act and does not subject the "Use Permit" for parking in residential zones to such requirements. I have consulted with Robert Freilich, Baltimore County's Consultant, with regard to the question raised and he is in complete agreement with this opinion.

Therefore, applications for Use Permits pursuant to Section 409.4 of the regulations should not require prior I. D. C. A. review.



J. Carroll Holzer
County Solicitor

Julius W. Lichter
Assistant County Solicitor

JCH:JWL:bbr

Thank you for providing our association with the opportunity to voice our concerns ahead of your zoning application.

Sincerely,

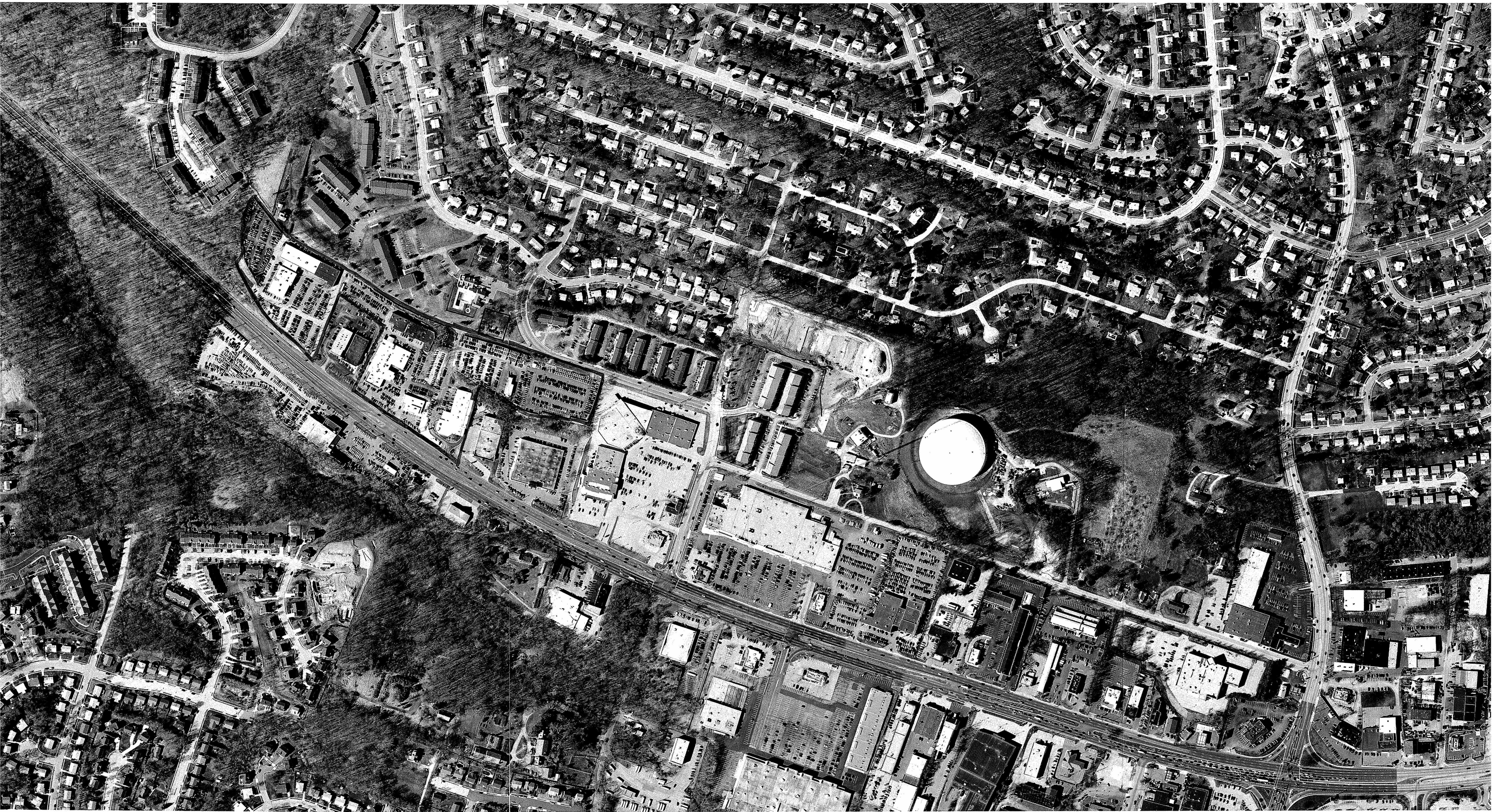
Klaus Philipsen,
President Westerlee Community Association

ADDITIONAL CONDITIONS PER BOARD MEETING
6/8/06

1. CLOSE & SECURE LOT AFTER BUSINESS HOURS
AND TURN LIGHTS OFF AFTER BUSINESS HOURS
2. MAINTAIN ALL EXISTING TREES DURING & AFTER
CONSTRUCTION.

Klaus Philipsen

PET #1

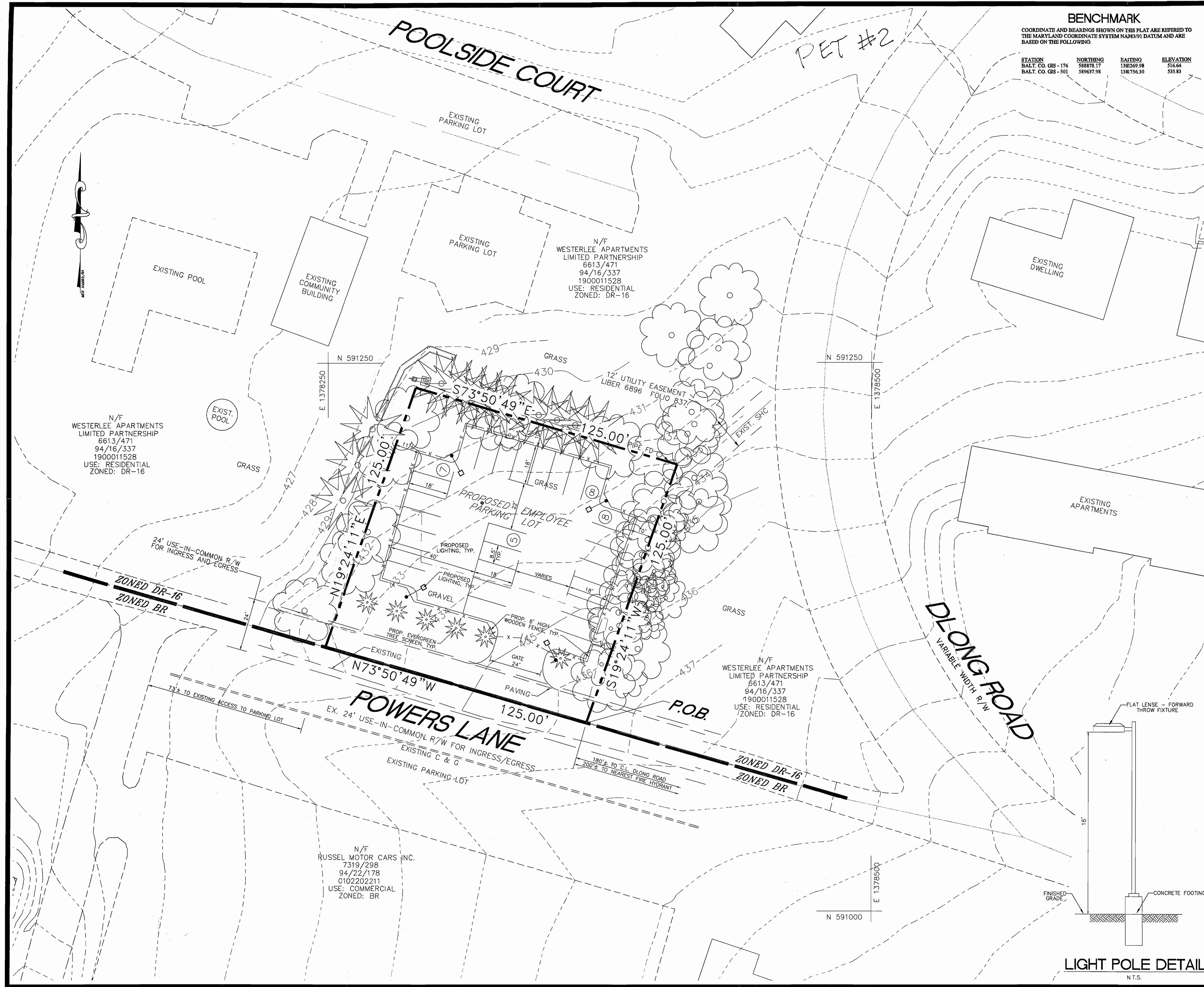


094B3

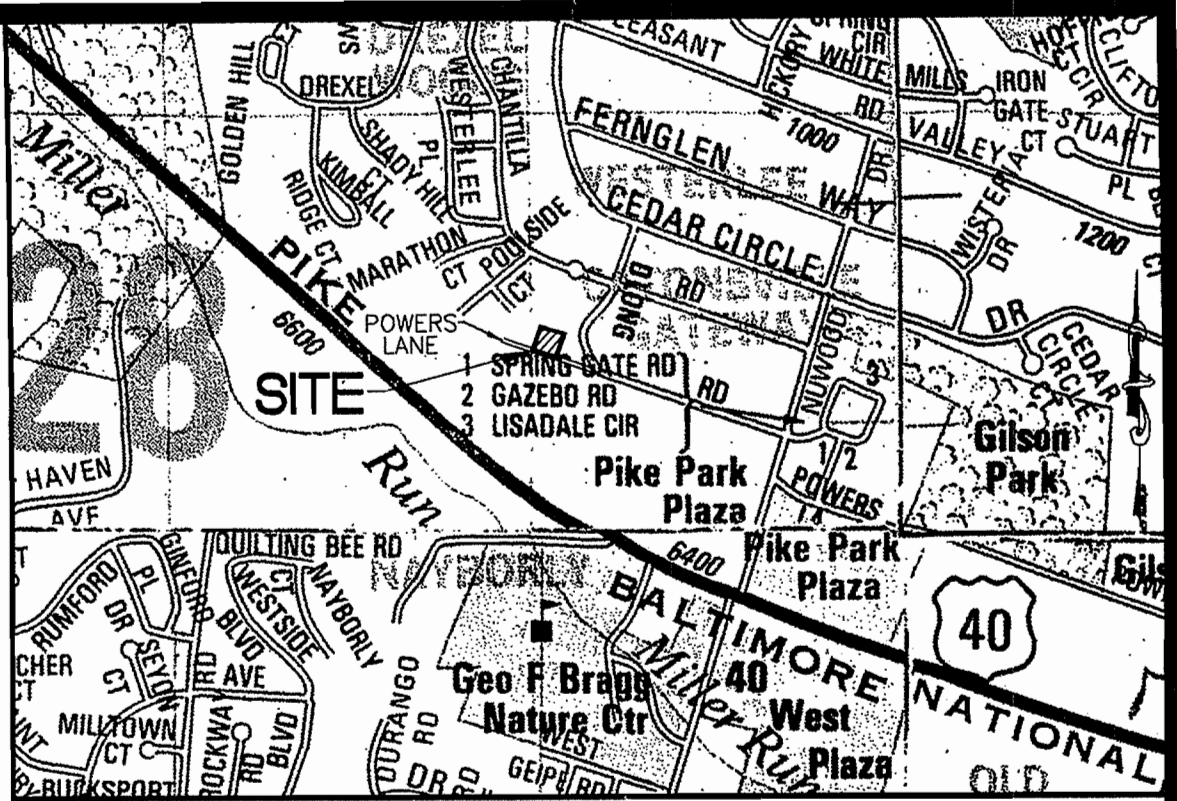
Map Produced By Baltimore County GIS Services
Date of Imagery: 2005

1 inch equals 200 feet

PET #1



BENCHMARK			
COORDINATE AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NAD83/91 DATUM AND ARE BASED ON THE FOLLOWING:			
STATION	NORTHING	EASTING	ELEVATION
BALT. CO. GIS - 176	588878.17	138269.98	516.64
BALT. CO. GIS - 501	589637.98	1381756.30	535.83



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES:

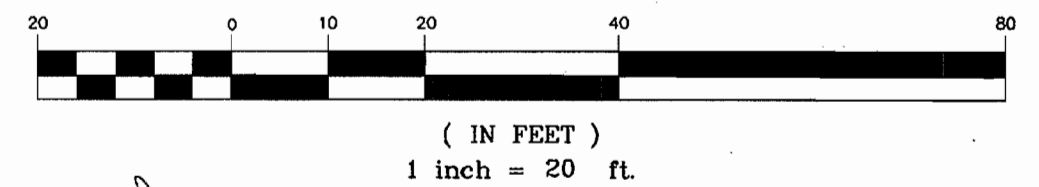
1. OWNER/APPLICANT:
THE RUSSELLS, LLC
c/o RUSSEL MOTOR CARS
6700 BALTO. NAT'L PIKE
BALTIMORE, MARYLAND 21228-3909
2. SITE DATA:
TAX MAP 94 GRID 22 PARCEL 214
TAX ACCOUNT NO.: 01-0102652700
DEED REFERENCE: 19703/619
PLAT REFERENCE: N/A
SITE AREA: 0.358 AC.± OR 15,600. SQ.FT.±
3. SITE ZONED: DR-16 (BALTO. CO. 200-SCALE ZONING MAP SW-1H)
4. EXISTING USE: RESIDENTIAL - VACANT
PROPOSED USE: PARKING LOT
5. THE SITE IS NOT SITUATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THERE ARE NO 100-YEAR FLOODPLAINS ON THIS SITE. SEE FIRM PANEL NO.: 240008 0007 C.
7. ALL PARKING AREAS ARE AND SHALL BE DURABLE, DUST-FREE SURFACES AND SHALL BE PERMANENTLY STRIPED.
8. THERE ARE NO HISTORIC SITES OR BUILDINGS ON THIS PROPERTY, TO THE BEST OF OUR KNOWLEDGE.
9. PARKING TABULATION:
REQUIRED: N/A
PROPOSED: 28 SPACES
10. TO THE BEST OF OUR KNOWLEDGE, THE SUBJECT SITE HAS HAD NO PREVIOUS COMMERCIAL PERMITS OR ZONING HISTORY.
11. THE BOUNDARY SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC., DATED 2/2006. THE TOPOGRAPHY SHOWN HEREON IS A COMPILED OF A FIELD RUN SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC., DATED 2/2006 & AVAILABLE BALTIMORE COUNTY GIS DATA.

SPECIAL HEARING TO PERMIT COMMERCIAL PARKING
IN A RESIDENTIAL ZONE PURSUANT TO SECTION
409.8.B OF THE B.C.Z.R.

PLAN TO ACCOMPANY SPECIAL HEARING
RUSSEL MOTOR CARS

2224 POWERS LANE
FIRST ELECTION DISTRICT
FIRST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.

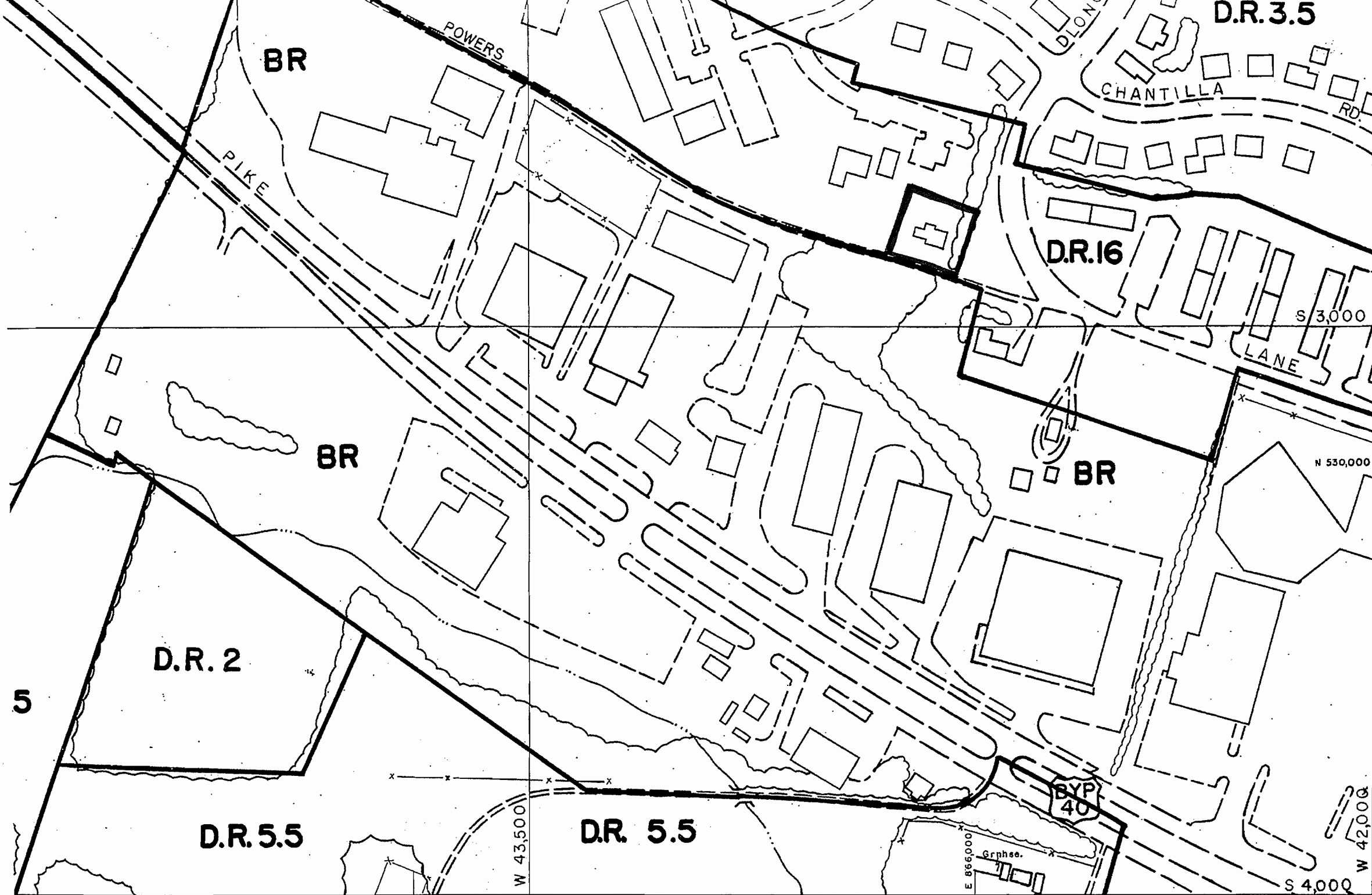
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



NO.	DATE	REVISIONS:	BY	SHEET	1 OF 1
Plotted 3/24/2006 SLD					

LIGHT POLE DETAIL
N.T.S.

Pet #2

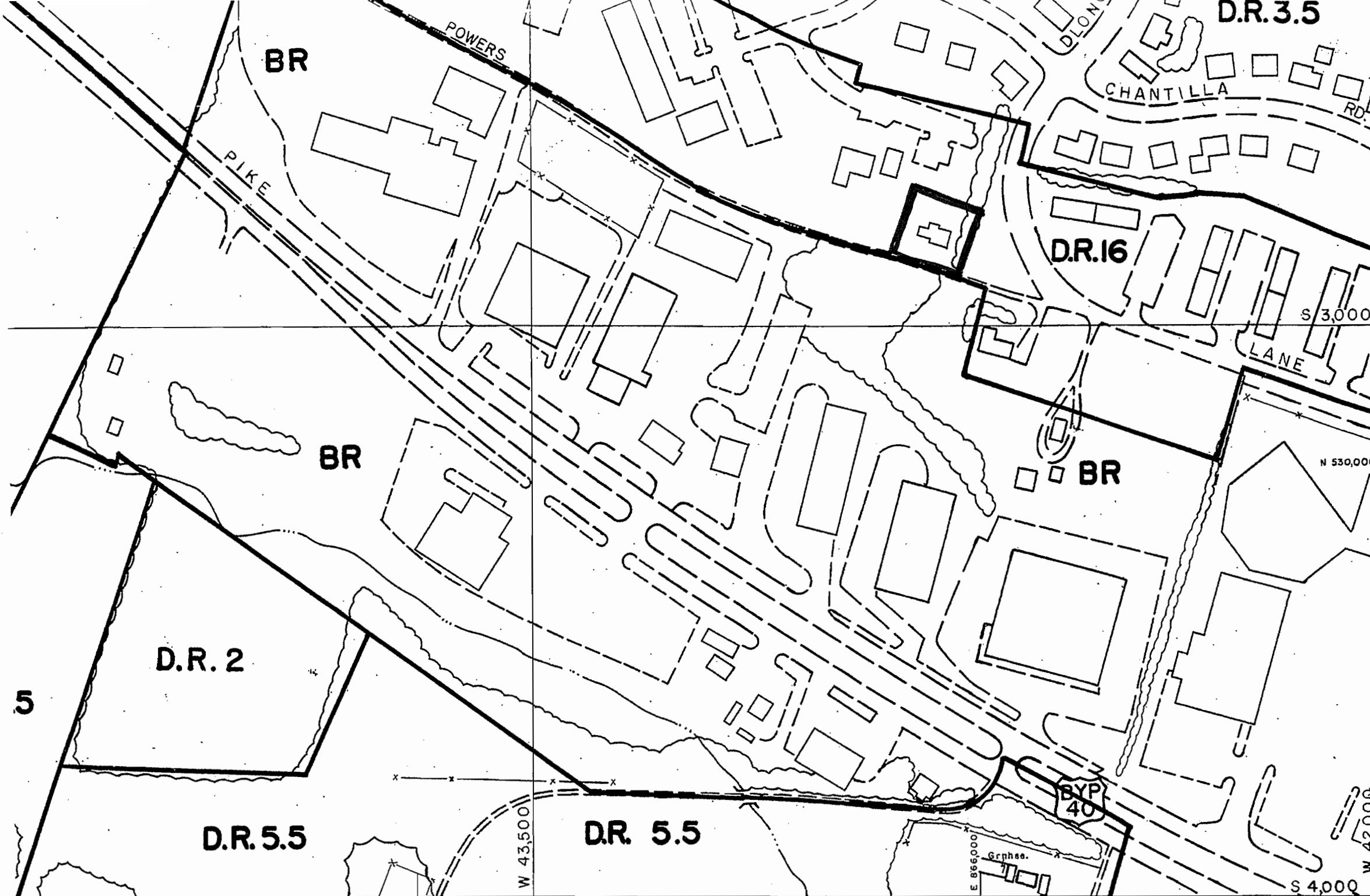


ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE AREA	S.W. I-H
DATE OF PHOTOGRAPHY JANUARY 1986		

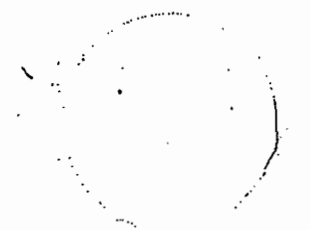
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991867, .6



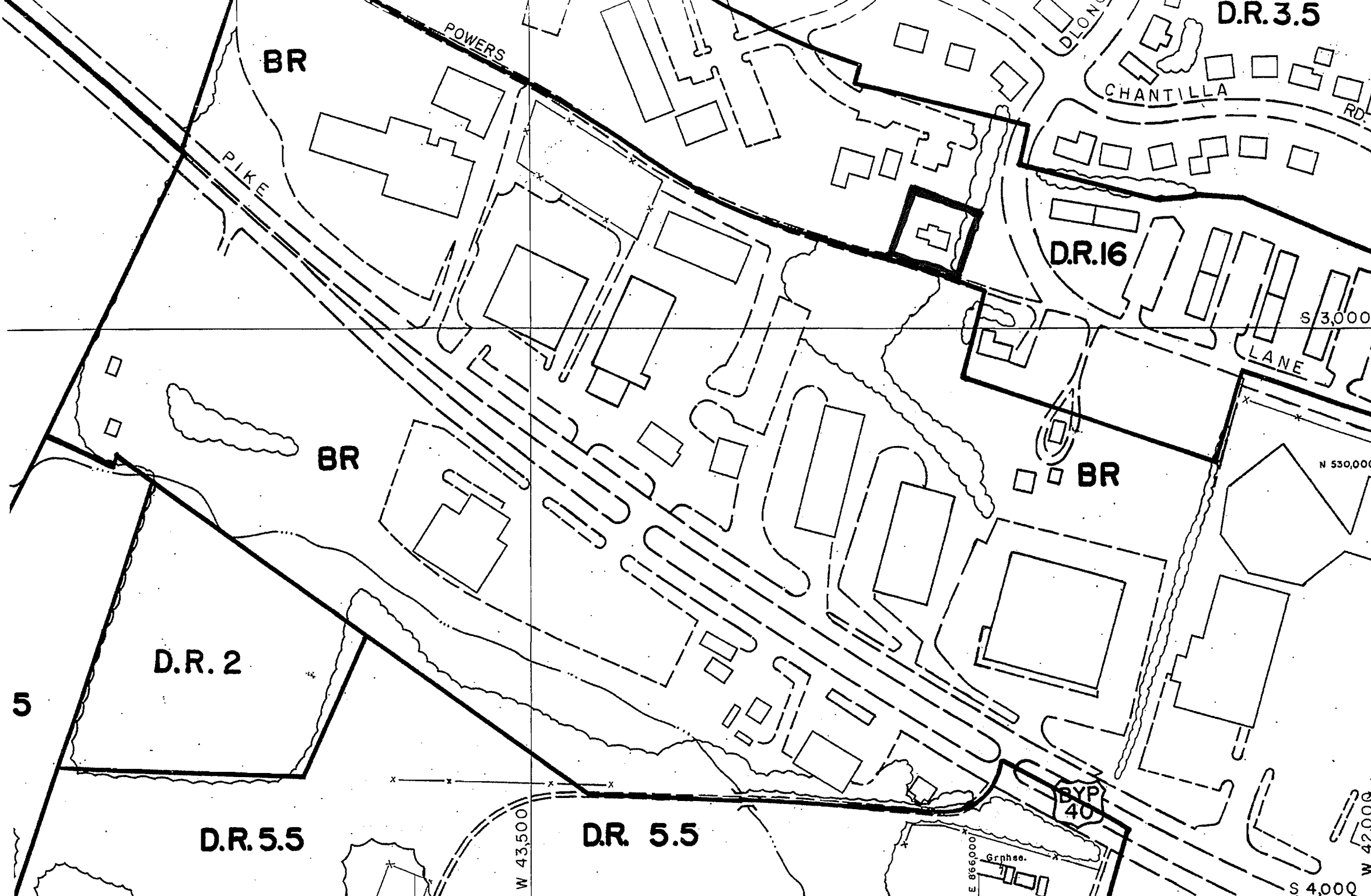
ZONING MAP

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SW 1 H

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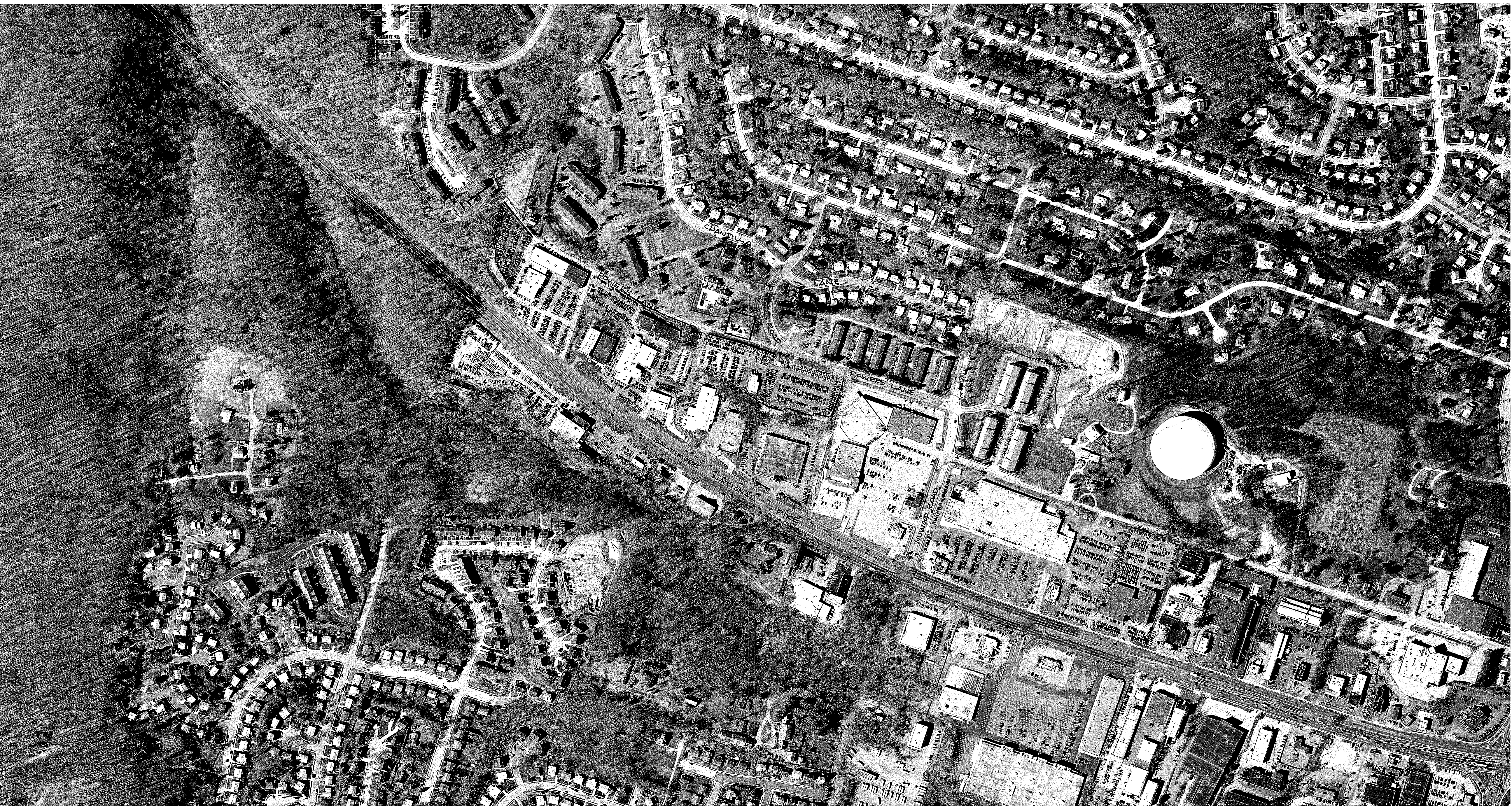
ZONING MAP

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DATE OF PHOTOGRAPHY JANUARY 1986		

SW 1 H

522

991867, B



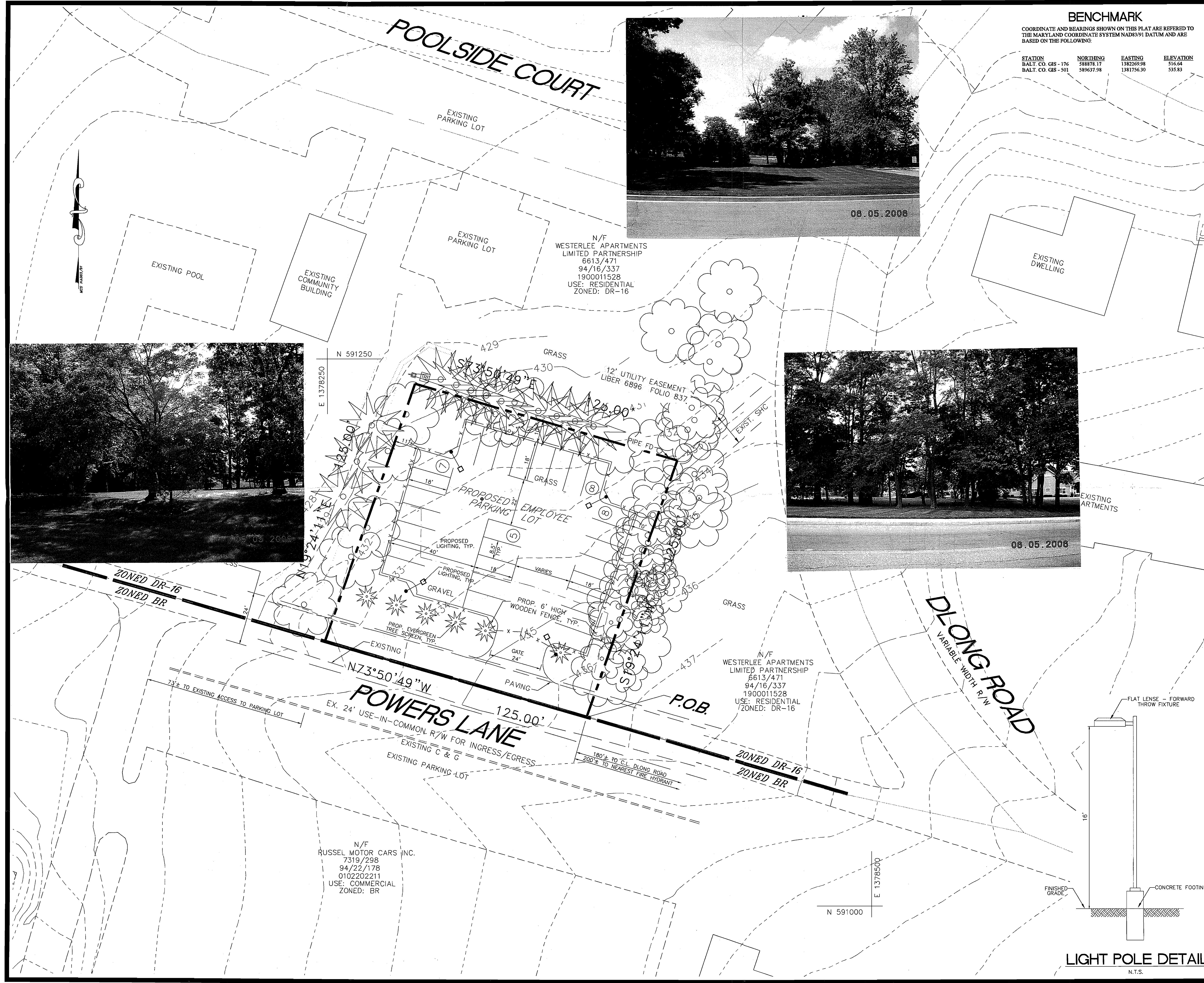
1 inch equals 200 feet

094B3

Map Produced By Baltimore County GIS Services
Date of Imagery: April 2005

1 inch equals 200 feet

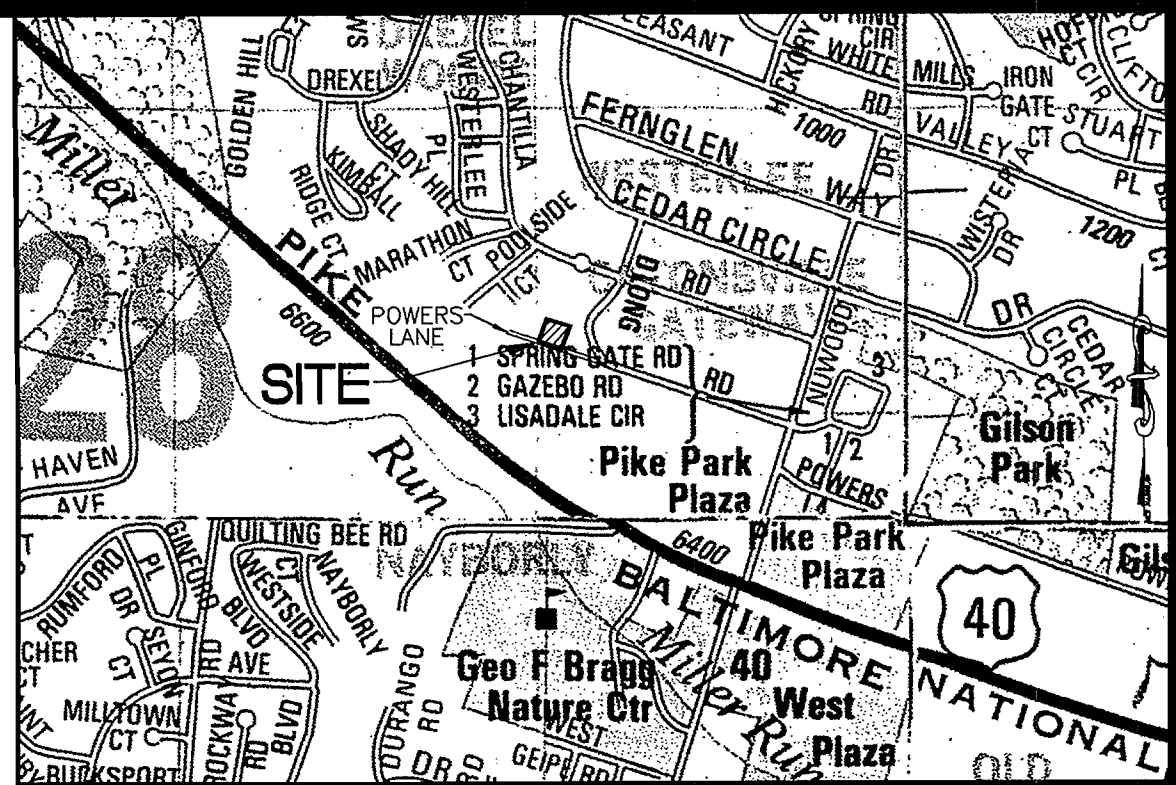
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Page #3



BENCHMARK

COORDINATE AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NAD83/91 DATUM AND ARE BASED ON THE FOLLOWING:

STATION	NORTHING	EASTING	ELEVATION
BALT. CO. GIS - 176	588878.17	1382269.98	516.64
BALT. CO. GIS - 501	589637.98	1381756.30	535.83



GENERAL NOTES:

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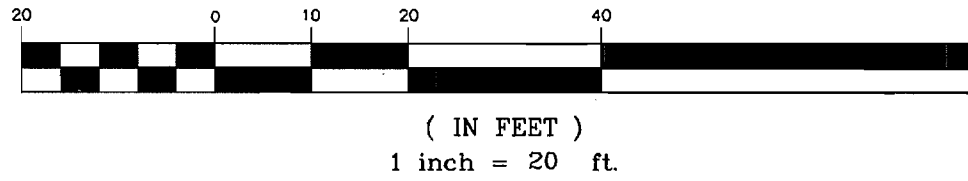
SPECIAL HEARING TO PERMIT COMMERCIAL PARKING
IN A RESIDENTIAL ZONE PURSUANT TO SECTION
409.8.B OF THE B.C.Z.R.

PLAN TO ACCOMPANY SPECIAL HEARING RUSSEL MOTOR CARS

2224 POWERS LANE

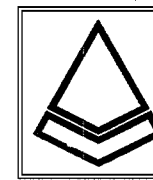
FIRST ELECTION DISTRICT
FIRST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



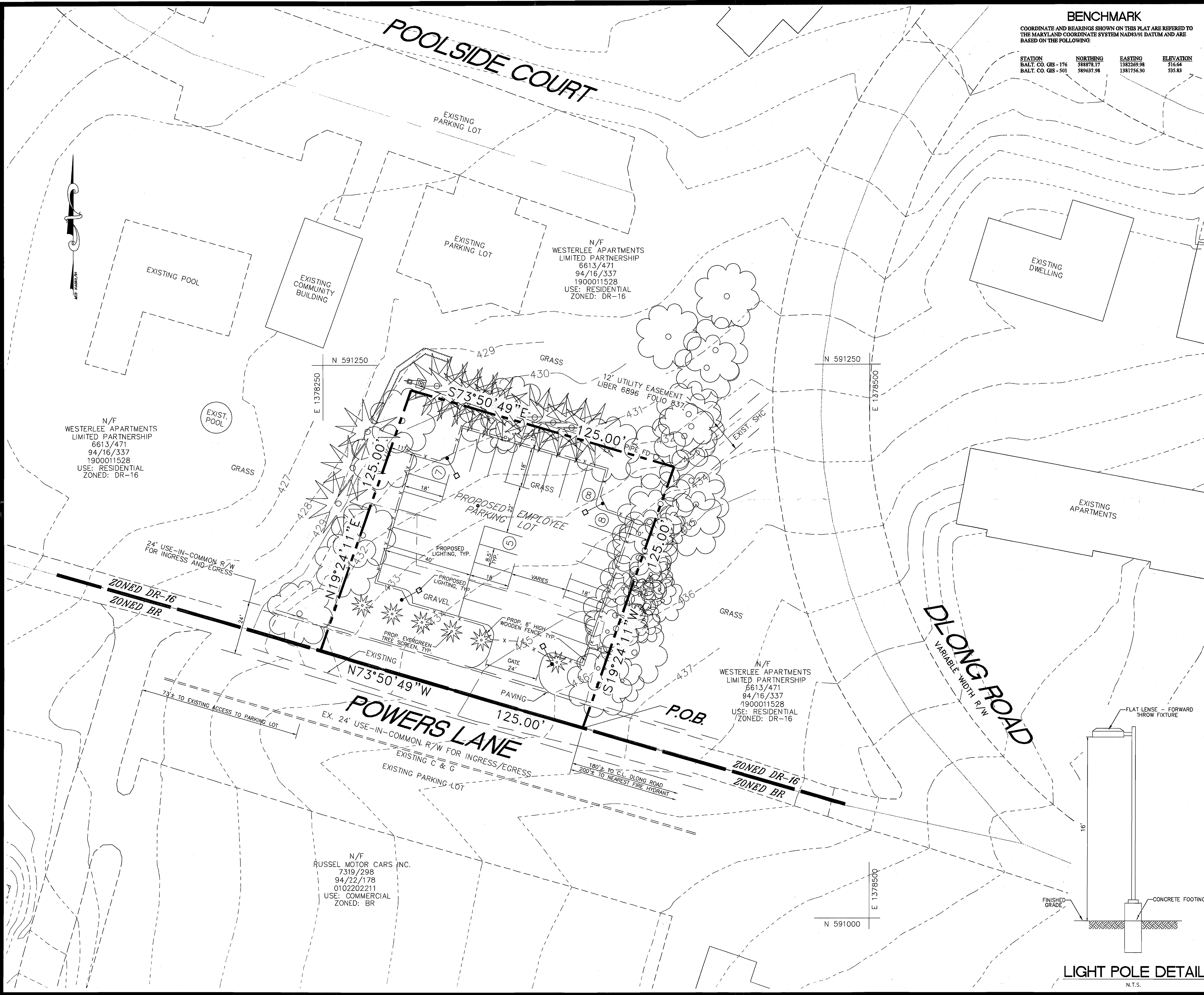
Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



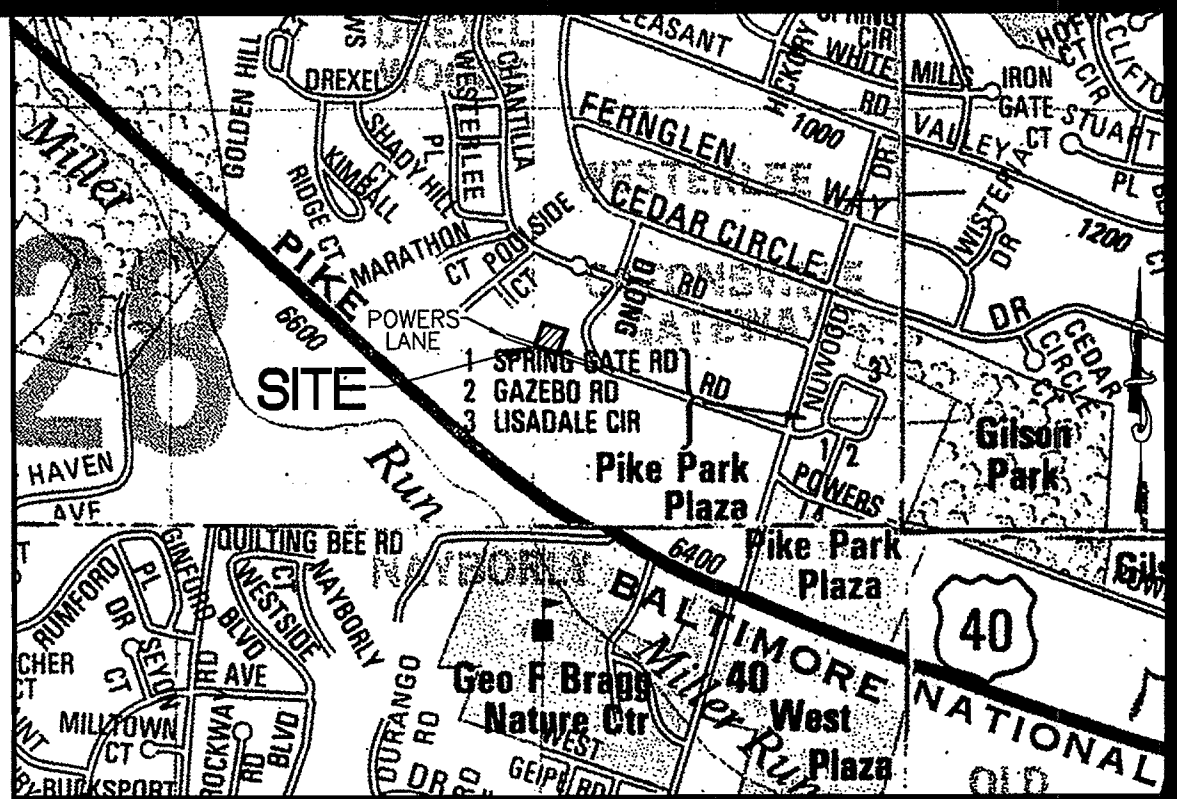
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DESIGNED: SLD/KJC
DRAWN: TRB/SLD
CHECKED: JMW/KJC
FILE: 99186_6 Zoning.dwg
DRAWING NUMBER: ZON-1

NO. DATE REVISIONS: BY SHEET 1 OF 1



BENCHMARK
COORDINATE AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE MARYLAND COORDINATE SYSTEM NAD83/91 DATUM AND ARE BASED ON THE FOLLOWING:

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BALT. CO. GIS - 501	589637.98	1381756.30	535.83



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES:

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c/o RUSSEL MOTOR CARS
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BALTIMORE, MARYLAND 21228-3909
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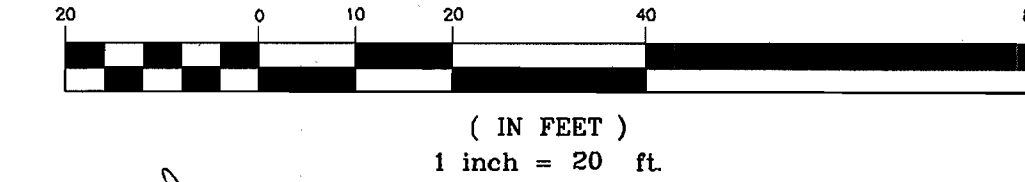
CBA
PET #1

SPECIAL HEARING TO PERMIT COMMERCIAL PARKING IN A RESIDENTIAL ZONE PURSUANT TO SECTION 409.8.B OF THE B.C.Z.R.

**PLAN TO ACCOMPANY SPECIAL HEARING
RUSSEL MOTOR CARS**

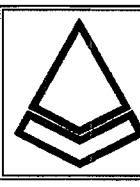
2224 POWERS LANE
FIRST ELECTION DISTRICT
FIRST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



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Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1"= 20'
DATE: 03/16/06
JOB NO.: 99186.6
DESIGNED: SLD/KJC
DRAWN: TRS/SLD
CHECKED: JMW/KJC
FILE: 99186_6 Zoning.dwg
DRAWING NUMBER: ZON-1

LIGHT POLE DETAIL

N.T.S.

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1
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