IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

NE/S of Reisterstown Road, 47 feet NW of

Kenmar Road

3<sup>rd</sup> Election District

2<sup>nd</sup> Councilmanic District

(9701 Reisterstown Road)

\* BEFORE THE

DEPUTY ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

Investment Properties, LLC by Edward Dreiband, Member

**Petitioners** 

\* CASE NO. 06-649-SPHA

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Investment Properties, LLC by Edward Dreiband, Member. The Petitioners are requesting special hearing relief for property owned at 9701 Reisterstown Road. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that a new vehicle dealership can be permitted to have wall mounted category enterprise signs and to amend the previously approved plan in zoning Case No. 03-406-SPHA. The variance is to allow seven (7) wall mounted signs on one (1) facade in lieu of the permitted two (2) signs on one (1) facade with a total sign area of 320.41 square feet in lieu of the allowed 360 square feet. To allow a total of seven (7) wall mounted signs per premise in lieu of the permitted total of three (3) wall mounted signs.

The property was posted with Notice of Hearing on July 29, 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 July 27, 2006, to notify any interested persons of the scheduled hearing date.

27t20

### **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.

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comment letter from the Office of Planning dated July 13, 2006. That office supports the requested variances and special hearing in accordance with the sign package as shown on sheet 1 and 2 of the site plan dated 6/14/2006 prepared by Thomas J. Hoff, Inc.

### **Interested Persons**

Appearing at the hearing on behalf of the requested special hearing and variance relief were Tom Hoff and Edward Drieband, Member, Investment Properties, LLC, the legal owner. Anthony DiPaula represented the Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### **Testimony and Evidence**

The subject property is the site of the Northwest Honda Dealership on Reisterstown Road and consists of 3.98 acres, more or less, split-zoned BM and D.R.3.5. This property had been the subject of Case No. 03-406-SPHA. The property had been proposed to be developed by Northwest Honda as a new and used retail sales service and parts Honda Dealership. Northwest Honda is currently located on the south side of Reisterstown Road, opposite this property. Mr. Dreiband, who appeared on behalf of Northwest Honda, indicated that he now has occupancy permits for the new building and expects to open next week. Mr. Dreiband noted that the new building has a "green" roof on which plants growing on the roof will filter storm water before discharge into the storm water system. Mr. DiPaula indicated that DPDM issued temporary sign permits to allow the facility to open.

In addition to the construction of a new building, the Petitioners also will provide customer parking, as well as storage areas for new and used car inventory. This caused some anxiety in Case No. 03-406-SPHA which ultimately resulted in an agreement between the Petitioner, the Valleys Planning Council and adjacent property owners as to the manner in which the property will be developed and operated. That agreement was incorporated into the Order of Case No. 03-406-SPHA. Mr. DiPaula indicated that the terms of that agreement have been

needed by the public, there is no apparent reason the Council would want to treat car dealerships differently from other businesses which are allowed wall mounted signs. For example, Wal Mart has wall mounted signs to direct customers to its garden department, service facilities and the like. This is a help to Wal Mart customers to know where to go for products and service. Car dealerships have the same problem as evidenced in this case. I see no reason the Council would treat Wal Mart differently from car dealerships under the circumstances. Consequently I will deny the Petitioner's request for special hearing as the relief is not necessary under the regulations.

In regard to the request for variance for the number of wall mounted signs, I find the property unique in a zoning sense in that the building will have separate functions for which customers need direction. This is the kind of peculiar circumstance that Section 307.1 envisions when it notes that structures as well as land can be considered for variances.

I further find the Petitioner would suffer practical difficulty if the regulations are strictly enforced. Finally I find the relief requested can be granted within the spirit and intent of the regulations and will not adversely affect the community. In fact these directional signs will aid safety and convenience of the public.

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 Petitioners, I find that the Petitioners' special hearing request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14<sup>th</sup> day of August, 2006, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations

(B.C.Z.R.), to confirm that a new vehicle dealership can be permitted to have wall mounted category enterprise signs be and is hereby DENIED as unnecessary as vehicle dealerships are

allowed to have wall mounted signs pursuant to Section 450.4.5.(a); and

IT IS FURTHER ORDERED, that the Petitioner's request for variance to allow seven (7)

wall mounted signs on one (1) facade in lieu of the permitted two (2) signs on one (1) facade

with a total sign area of 320.41 square feet in lieu of the allowed 360 square feet and to allow a

total of seven (7) wall mounted signs per premise in lieu of the permitted total of three (3) wall

mounted signs be and is hereby GRANTED, and

IT IS FURTHER ORDERED that the Petitioner's request for special hearing pursuant to

Section 500.7 of the BCZR to amend the previously approved plan in zoning Case No. 03-406-

SPHA is hereby GRANTED, subject, however, to the following restrictions which are conditions

precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

OHX V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

6



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 14, 2005

ANTHONY DIPAULA DIPAULA & SULLIVAN LLC 34 SOUTH MAIN STREET BEL AIR MD 21014

Re: Petition for Special Hearing and Variance

Case No. 06-649-SPHA

Property: 9701 Reisterstown Road

Dear Mr. DiPaula:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been granted with restrictions in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Edward Dreiband, Investment Properties, LLC, 2507 Velvet Valley Way, Owings Mills MD 21117 Tony Hoff, 406 West Pennsylvania Avenue, Towson, MD 21204



# AND SPECIAL HEARING Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9701 REIGIERSTOWN 120.

which is presently zoned BM # OR 3.5

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

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### is the subject of this Petition. Legal Owner(s): INNESTMENT PROPERTIES, LLC EDWARD ORELIDAND, MEMBER Contract Purchaser/Lessee: BY: EDWARD Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print Zip Code City State Signature 9700 REISTERSTOWN RD. 410-363-8700 **Attorney For Petitioner:** Telephone No. Address OWINGS MILLS ANTHONY DIPAULA Zip Code Name - Type or Print? City State Representative to be Contacted: Signature **SULLIVAN** ANTHONY クロヤムしし DIPAULA Company Name MAN M. 410.893.4255 SOUTH Address Telephone No. Address Telephone No. BELDER MD 21014 Zip Code City Zip Code State State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No.

Reviewed By

UNAVAILABLE FOR HEARING

 NORTHWEST HONDA – SIGN VARIANCES 9701 REISTERSTOWN ROAD June 14, 2006

ZONING RELIEF REQUESTED

### **VARIANCES:**

- 1) SECTION 450.4.5(a) TO ALLOW SEVEN (7) WALL MOUNTED SIGNS ON ONE (1) FAÇADE IN LIEU OF THE PERMITTED TWO (2) SIGNS ON ONE (1) FAÇADE WITH A TOTAL SIGN AREA OF 320.41 SQUARE FEET IN LIEU OF THE ALLOWED 360 SQUARE FEET.
- 2) SECTION 450.4.5(a) TO ALLOW A TOTAL OF SEVEN (7) WALL MOUNTED SIGNS PER PREMISE IN LIEU OF THE PERMITTED TOTAL OF THREE (3) WALL MOUNTED SIGNS.

### REASONS FOR VARIANCES:

THE REQUESTED SIGNS ARE MORE DIRECTIONAL IN NATURE, DESIGNATING WHICH PORTIONS OF THE BUILDING SERVE WHICH PURPOSES. THE NUMBER OF SIGNS IS GREATER THAN ALLOWED BUT THE TOTAL SQUARE FOOTAGE IS LESS THAN THE MAXIMUM ALLOWED.

SPECIAL HEARING TO CONFIRM THAT A NEW VEHICLE DEALER SHIP CAN BE PERMITTED TO HAVE WALL MOUNTED CATEGORY ENTERPRISE SIGNS, AND TO AMEND THE PREVIOUSLY APPROVED PLAN IN ZONING CASE 03.406-SPHA IF NECESSARY

06-649-SPHA

### THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

June 14, 2006

### Description of 9701 Reisterstown Road, to Accompany Petition for Sign Variances.

**BEGINNING FOR THE SAME** at a point on the northeast side of Reisterstown Road (66' R/W) said point being at the intersection of the Right of Way line of Reisterstown Road and the northwest Right of Way line of Kenmar Avenue as shown on the First Amended Final Subdivision Plat of Garrison Precinct, as recorded in the land records of Baltimore County, Plat Reference SM 74/100.

Thence binding on the northeast Right of Way line of Reisterstown Road,

- 1) North 48 degrees 56 minutes 28 seconds West 296.65 feet, thence leaving the Right of Way of Reisterstown Road.
- 2) North 40 degrees 18 minutes 32 seconds East 366.70 feet, thence
- 3) South 35 degrees 16 minutes 28 seconds East 57.42 feet, thence
- 4) North 78 degrees 12 minutes 28 seconds East 251.77, thence
- 5) South 41 degrees 07 minutes 32 seconds East 251.20, thence
- 6) North 78 degrees 12 minutes 28 seconds East 30.30, thence
- 7) South 04 degrees 12 minutes 04 seconds East 93.54, thence binding on the Right of Way of Kenmar Avenue
- 8) South 85 degrees 49 minutes 04 seconds West 74.55, thence
- 9) By a curve to the right having a radius of 455.41 feet and a length of 192.37 feet, subtended by the chord, North 82 degrees 04 minutes 52 seconds West 190.94 feet, thence
- 10) North 71 degrees 36 minutes 04 seconds West 75.25, thence
- 11) By a curve to the right having a radius of 808.00 feet and a length of 95.29 feet, subtended by the chord, South 21 degrees 46 minutes 39 seconds West 95.24 feet, thence
- 12) By a curve to the right having a radius of 695.78 feet and a length of 145.32 feet, subtended by the chord, South 31 degrees 08 minutes 22 seconds West 145.06 feet, thence
- 13) South 37 degrees 07 minutes 22 seconds West 28.61 feet, thence
- 14) By a curve to the right having a radius of 32.03 feet and a length of 36.48 feet, subtended by the chord, South 69 degrees 44 minutes 43 seconds West 34.54 feet, to the place of beginning.

Containing 3.98 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

CAPE ARCHIOLOGICAL CONTRACTOR OF THE ARCHIOLOGICAL CONTRACTOR

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimors County by authority of the Zoning Act and Regulations of Baltimors County will hold a public hearing in Towson, Maryland on the property identified herein as follows.

Case: #08-649-SPHA

9701 Reisterstown Road
Northeast side of Reisterstown Road; 47 feet northwest of Kenmar Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): investment Properties, LLC,
Edward Dreiband, Member,
Variance: to allow seven wall-mounted signs on one facade with a total sign area of 320.41 square feet in lieu of the allowed 360 square feet. To allow a total of seven wall-mounted signs per premise in lieu of the permitted total of three wall-mounted signs. Special Hearing: to confirm that new vehicle dealership can be permitted to have wall-mounted catergory enterprise signs and to amend the previously approved plan in zoning case 03-403-SPHA.
Hearing: Monday, August 14, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

WILLIAM J. WISEMAN, III
Zohing Commissioner for Baltimore Gounty
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Confact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Confact the Zoning Review Office at (410) 887-3391.

7/277 July 27

# CERTIFICATE OF PUBLICATION

7/27/, 20.06	
THIS IS TO CERTIFY, that the annexed advertisement was p	ublished
n the following weekly newspaper published in Baltimore Coun	ty, Md.,
once in each ofsuccessive weeks, the first publication ap	pearing
$\frac{1}{2}$ ,2006.	
The Jeffersonian	
Arbutus Times	 
☐ Catonsville Times	ļ
☐ Towson Times	
Owings Mills Times	
□ NE Booster/Reporter	
☐ North County News	
Pallenson	i i
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LEGAL ADVERTISING

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## CERTIFICATE OF POSTING

RE: Case No: 06-649-5PHA

	Petitioner/Developer: INVESTMENT
	PROPERTIES, LLC, EDWARS DEEIBAND MEMBER
	Date Of Hearing/Closing: 8/14/06
Dalkina and Canada Danamaka	<b>^</b>
Baltimore County Department of Permits and Development Mana	agement
County Office Building, Room 111 West Chesapeake Avenue	111
Attention:	
Ladies and Gentlemen:	
	e penalties of perjury that the necessary
sign(s) required by law were poat	sted conspicuously on the property
This sign(s) were posted on	Mela 20 2006
	(Month, Day, Year)
	Sincerely,
	(Signature of sign Poster and Date)
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)
	AND A STATE OF THE

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24 activ Of 7/29/06

### 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

June 27, 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: 06-649-SPHA

9701 Reisterstown Road

Northeast side of Reisterstown Road, 47 feet northwest of Kenmar Road

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Investment Properties, LLC, Edward Dreiband, Member

<u>Variance</u> to allow seven wall-mounted signs on one façade in lieu of the permitted two signs on one façade with a total sign area of 320.41 square feet in lieu of the allowed 360 square feet. To allow a total of seven wall-mounted signs per premise in lieu of the permitted total of three wall-mounted signs. <u>Special Hearing</u> to confirm that new vehicle dealership can be permitted to have wall-mounted category enterprise signs and to amend the previously approved plan in zoning case 03-403-SPHA.

Hearing: Monday, August 14, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Anthony DiPaula, 34 South Main Street, Bel Air 21014 Edward Dreiband, 9700 Reisterstown Road, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 29, 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, July 27, 2006 Issue - Jeffersonian

Please forward billing to:

Edward Dreiband Northwest Honda 9700 Reisterstown Road Owings Mills, MD 21117 410-363-8700

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Hearing: Monday, August 14, 2006 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 06-649-SPHA  Petitioner: Investment Properties, LLC
Petitioner: Investment Properties, LLC
Address or Location: 9701 Reistenstown Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: EDWARD DREIBAND
Address: NORTHWEST HONDA
9700 REISTERSTOWN RD.
DWINGS MUS, MD. 2117
Telephone Number: 410-363-8700



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Anthony DiPaula DiPaula & Sullivan, LLC 34 South Main Street Bel Air, MD 21014

Dear Mr. DiPaula:

RE: Case Number: 06-649-SPHA, 9701 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Investment Properties, LLC Edward Dreiband, Member 9700 Reisterstown Road Owings Mills, MD 21117



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

64C

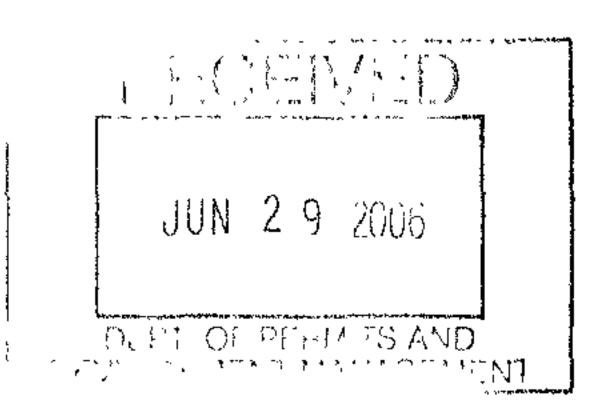
Item Number(s): 644 through 656

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 28, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 3, 2006

Item Nos. 647, 648, 649, 650, 651, 652,

653, 654, 655, and 656

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-06282006.doc



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

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

### Maryland Department of Transportation

Date: 6.27.06

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

RE:

Baltimore County

Item No. 649

JAP

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/DS 14D. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

- 8/14 9AN

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 13, 2006

RECEIVED

JUL 1 4 2006

ZONING COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

9701 Reisterstown Road

**INFORMATION:** 

Item Number:

6-649

Petitioner:

Investment Properties LLC

Zoning:

BM and DR 3.5

Requested Action: S1

Special Hearing and Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested variances and special hearing in accordance with the sign package as shown on sheet 1 and 2 of the site plan dated 6/14/2006 prepared by Thomas J. Hoff Inc.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

W:\DEVREV\ZAC\6-649.doc

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

9701 Reisterstown Road; NE/S Reisterstown

Road, 47' NW Kenmar Road

3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): Investment Properties,

LLC by Edward Dreiband, Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\* 06-649-SPHA

### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed Anthony DiPaula, Esquire, Dipaula & Sullivan, LLC, 34 South Main Street, Bel Air, MD 21014, Attorney for Petitioner(s).

RECEIVED

JUM 2 7 2006

PETER MAX ZIMMERMAN

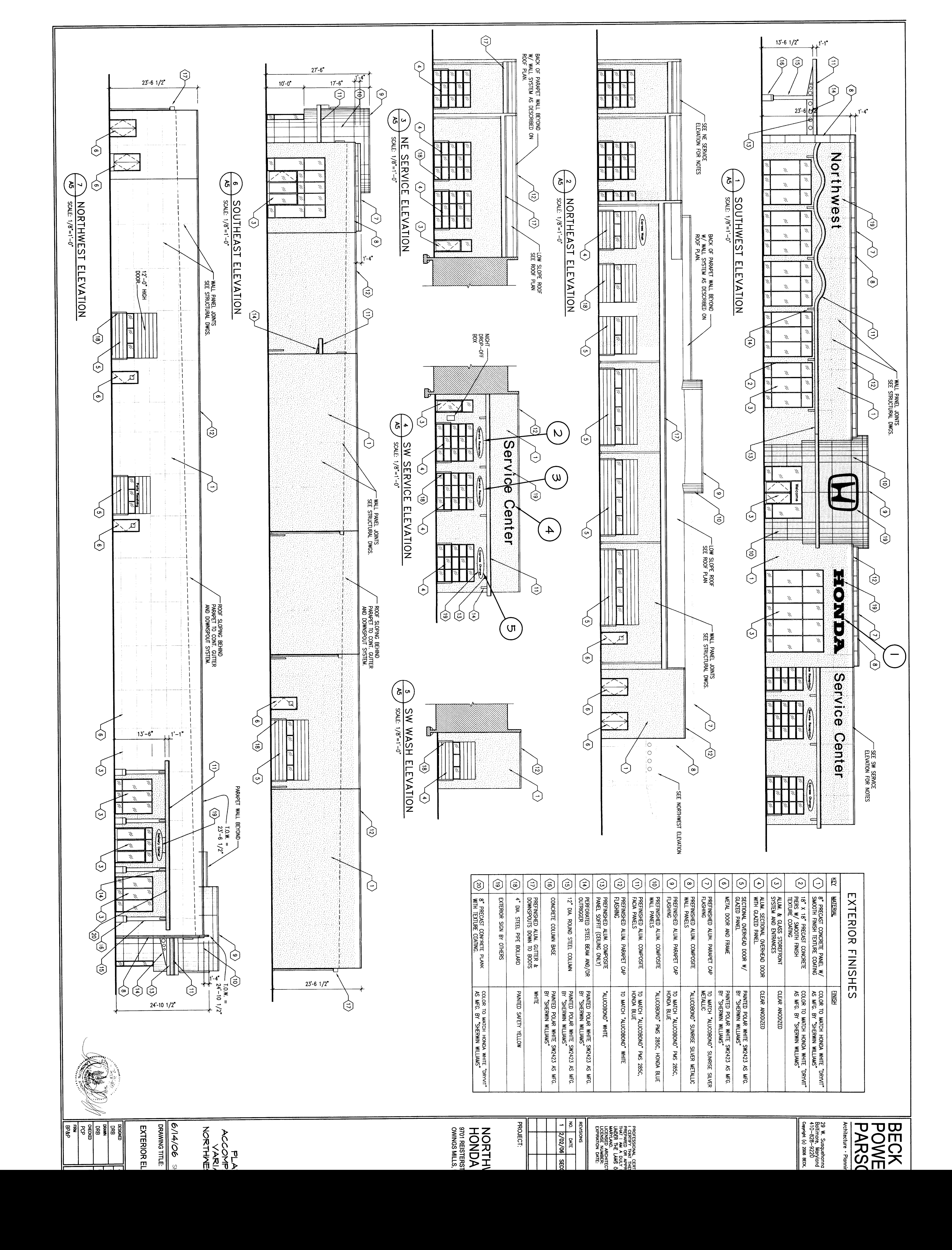
People's Counsel for Baltimore County

Per....

	CASEN	CASEN
ì	NUMBER	NAME

# PETITIONER'S SIGN-IN SHEET

	•						5	Tom Hotel	Ed Dreiband	<b>3</b>	NAME
								400 W. POWSTCHANIA AUG.	2507 Vellet Valley Way	34 S. Main Ss.	ADDRESS
								Towson No. 21204	2	BOLAIR MD 21014	CITY, STATE, ZIP
								asultor.	eddreiband 2 49 hoosem	ATOCOIPAULIS WILLIVAN, COM	E-MAIL



carried out to the community's satisfaction. A variance was granted in this prior case to allow a larger free standing identification sign.

Mr. DiPaula indicated that the requests in this case are for essentially directional signs to tell customers where to go for service, etc., as shown on exhibit 1 and 2. These are all wall mounted signs which in addition to identifying the dealership, give customers the location of the service center and then which bay to approach depending on their needs. While the number of signs is greater than allowed by the regulations, the square footage is less than permitted. The Planning Office supports granting the variances for the number of signs under the circumstances.

In regard to the special hearing Mr. DiPaula indicated that the Zoning Office raised a question when the variance request was filed as to whether car dealerships are allowed to have wall mounted enterprise signs. The Zoning Office is concerned that Section 450.4.5 g limits new or used vehicle dealerships to free standing signs only. The Petitioner contends that Section 450.4.5 (a) applies to car dealerships as well as to the general business community.

# Findings of Fact and Conclusions of Law

This is an extension of the previously granted relief for the new Honda dealership building. The prior case granted the Petitioner variance relief for the free standing sign. This request is for more wall mounted signs than allowed under the regulations. While the number exceed the number of wall mounted signs allowed, the signs cumulatively have less than the allowed square foot area. The signs will tell customers where to go for various service and clearly are aids to the safety and convenience of the public.

In regard to the special hearing, while I appreciate the caution expressed by the Zoning Office, I have no reason to believe that the Council by enacting the sign regulations wanted somehow to restrict wall mounted signs for car dealerships. Beside the fact these signs are

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