IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE

N side of Pulaski Hwy, 532 feet E of

C/l of Rosedale Avenue

15<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District

(7916 and 7926 Pulaski Highway)

**BEFORE THE** 

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Seyed Robert Bassam, SRB Properties LLC Legal Owner

CASE NO. 07-197-XA

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance filed by Seyed Robert Bassam, SRB Properties LLC, Legal Owner. The requests are for property located at 7916 and 7926 Pulaski Highway. The Special Exception is to permit a used motor vehicle outdoor sales area, separate from the sales agency building as per Baltimore County Zoning Regulations (B.C.Z.R.) Section 236.4. The Variance request is to allow a total of 5 wall-mounted building signs in lieu of the permitted 3 and 3 per façade in lieu of the permitted 2.

The property was posted with a notice of the public hearing date and time on December 20, 2006, and notice given to the general public by publication in the *Jeffersonian* Newspaper on December 19, 2006.

### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Seyed Robert Bassam, Legal Owner, as well as Matthew T. Allen, with Bohler Engineering, PC, who prepared the site plan, and Omar Azero and Larry Peranski, with Easterns Automotive Group, developers. Lawrence E. Schmidt, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

### Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated November 29, 2006 and contains restrictions; the Department of Environmental Protection and Resource Management dated December 13, 2006 and contains restrictions; and the Maryland State Highway Administration dated November 9, 2006. Copies are incorporated herein and made a part hereof the file.

### Applicable Law

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

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

Section 502.1 of the B.C.Z.R. - Special Exceptions.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]

- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

### **Testimony and Evidence**

The subject property contains approximately 2 acres, is primarily zoned BR-AS with a small portion of the property ML and is improved by an existing abandoned dwelling. The property has substantial frontage on Pulaski Highway and is bounded by Red House Run stream in the rear as shown in the redline site plan, exhibit 5...

Mr. Schmidt indicated that the Easterns Automotive Group operates a used car dealership on the adjacent lot to the west, recently purchased the subject property and would like to sell used cars from the subject site. They propose to raze all structures on the site and erect an 80 x 102 foot building which will function as an office, and showroom. In addition to vehicles in the showroom the Petitioner will also display used vehicles on the parking lot as shown. The parking area has more than enough spaces for display, customers and employees with 102 spaces whereas 28 spaces are required.

Mr. Schmidt observed that the site is located in a commercial area of Rosedale close to the City line with many similar uses along both sides of the highway. To the west is the existing used car sales business. To the east is the business known a Cycle World which sells motor cycles known as dirt bikes. Across Pulaski Highway is a junk yard operation.

He noted that "used motor vehicle outdoor sales area, separate from sales agency building" is a use allowed by special exception in BR zoned areas by Section 236.4 of the BCZR. He opined that this regulation started many years ago in response to sale of used cars from trailer offices. There will be no auction sales at this location. All sales will be to the

public, on Monday through Saturday, 9 AM to 8 PM. There will be one public address system speaker directed to the industrial park across Red House Run.

He proffered that Mr. Allen would testify that the proposed use at this location meets the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the BR AS regulations and will not adversely affect the community. He particularly noted that the site plan shows vehicles for sale setback the full 10 feet from the right of way of the roadway unlike many other car dealerships.

In regard to the sign variance he noted that Pulaski Highway is divided in this area by a center barrier wall which means that many motorist traveling along Pulaski Highway and trying to find this business must make a U turn to return to the site. Therefore he opined that signs are needed on each side of the building for the convenience and safety of the public. The proposed signs are shown on Petitioner's exhibit 2 and photographs of the site in exhibits 3 and 4. Mr. Schmidt pointed out that the total area of the proposed signs meets the area regulations and only the number of signs is in question including a directional sign denoting the location of service office.

In regard to comments from DEPRM, Mr. Schmidt noted that Red House Run is the rear boundary of the site and as such uses close to the stream would violate the forest buffer regulations which protect streams. He acknowledged that his client is requesting a forest buffer variance from DEPRM and the ZAC comments from DEPRM are appropriate as conditions of approval. The proposed plan presents less impervious surface and moves no closer to the stream than the prior uses.

In regard to ZAC comments from the Planning Office, he indicated that there is room on the property to provide sidewalks and pedestrian access requested by Planning which have been

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incorporated by redline change as shown on exhibit 5. This plan also includes a landscape plan and lighting plan on the second and third pages of the exhibit.

Finally with regard to the State Highway Administration comments, he noted representatives of SHA met on site with the Petitioners, and that SHA did not realize that there is an existing curb cut at this location when they issued their comments. While SHA will require an access permit, they understand they will be able to use the existing curb cut for their entrance.

In regard to impact on residences in the area, Mr. Schmidt noted that the Spivey Industrial Park is to the rear so that the nearest residents live in the junk yard area across Pulaski Highway more than 400 feet away.

### Findings of Fact and Conclusions of Law

### **Variances**

The request for sign variance arises from the Petitioner's desire to have the building identified by drivers on either side of Pulaski Highway. Consequently the Petitioner proposes to erect identification signs on the east, south and west facades of the building. The total area of all signage meets the regulations. Only the total number of signs and number of signs per façade are at issue. Considering the safety and convenience of the public in locating this business, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Consequently I will approve the requested variances.

### Special Exception

Having approved the variance, I also find that the proposed use meets the criteria of Section 502.1 of the BCZR, meets the spirit and intent of the regulations and will not adversely affect the community. The area is heavy commercial with many similar auto focused uses. The nearest residence is 400 feet away across Pulaski Highway and should not be affected by this

5

use. The Petitioner will provide the sidewalks requested of him by the Planning Office as shown on the redline plan, exhibit 5.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested special hearing and variance should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_ day of January, 2007, that the Variance request to allow a total of 5 wall-mounted building signs in lieu of the permitted 3 and 3 per façade in lieu of the permitted 2 be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's Special Exception request to permit a used motor vehicle outdoor sales area, separate from sales agency building as per Baltimore County Zoning Regulations (B.C.Z.R.) Section 236.4 pursuant to Petitioner's exhibit 5, is hereby GRANTED, subject, however, to the following conditions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 3. Development of the property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

January 10, 2007

LAWRENCE E. SCHMIDT, ESQUIRE GILDEA & SCHMIDT, LLC 300 E. LOMBARD STREET, STE. 1440 **BALTIMORE, MD 21202-3228** 

Re: Petitions for Special Exception & Variance

Case No. 07-197-XA

Property: 7916 and 7926 Pulaski Highway

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special exception and variance have been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz Enclosure

Sayed Robert Bassam, SRB Properties LLC, 1650 Tysons Blvd., Suite 600, Mclean VA. 22101-4878 c: Omar Azero, Easterns Automotive Group, 1650 Tysons Blvd., Suite 600, Mclean VA 22101-4878 Larry Peranski, Easterns Automotive Group, 1650 Tysons Blvd., Suite 600, Mclean VA 22101-4878 Matthew Allen, Bohler Engineering PC, 810 Gleneagles Court, Suite 300, Towson MD 21286

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468 www.baltimorecountymd.gov



### Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 7916 & 7926 Pulaski Highway

which is presently zoned: BR-AS

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

450.I.5.a of the BCZR to allow a total of five wall mounted building signs in lieu of the permitted three. and 3 per facade.

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

To be presented at hearing.

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

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

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

### Contract Purchaser/Lessee:

### <u>Legal Owner(s):</u>

				Seyed Robert Bassam, M	lemb <del>e</del> r	
Name - Type or Print			Name -	Type or Print		<u> </u>
Signature			- C	Signature		
Address		Telephone No.	- ,	SRB Properties, LLC Name - Type or Print		<u> </u>
				Traine - type of trink	$\leq$	
City	State	Zip Code	_	Signature		<u> </u>
<b>Attorney For Petitioner</b>	<u>"</u>			1650 Tysons Blvd., Suite	e 600	703-790-1000
en a .a . eu				Address		Telephone No.
Sebastian A. Cross			<b>-</b>	Mc Clean, Va 22102-487	78 Va	22102
Name - Type or Print	A		City		State	Zip Code
<u> </u>	19 C		<del></del>	Representative to b	e Contacted:	
Signature Gildea & Schmidt, LLC				Sebastian A. Cross		
Company			-	Name	·	
300 East Lombard Street, Suit	te 1440	(410) 234-0070		300 East Lombard Street	, Suite 1440	(410) 234-0070
Address		Telephone No.	_	Address		Telephone No.
Baltimore	MD	21202		Baltimore	MD	21202
City	State	Zip Code	<del></del>	City	State	Zip Code
				<u>OFFICE</u>	USE ONLY	
Case No	7. XA			ESTIMATED LENGTH OF HE	ARING	<del></del> -
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### Petition for Special Exception

to the Zoning Commissioner of Baltimore County

<u>Legal\_Owner(s):</u>

for the property located at 7916 & 7926 Pulaski Highway

which is presently zoned BR-AS

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

a used motor vehicle outdoor sales area, seperate from sales agengy building as per BCZR Section 236.4.

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by 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.

### Name - Type or Print Name -Signature **Address** Telephone No. City State Zip Code Attorney For Petitioner: Sebastian A. Cross Name - Type of Print City Signature Gildea & Schmidt LLC Company 300 East Lombard Street, Suite 1440 410-234-0070 **Address** Telephone No. Baltimore MD 21202 City State Zip Code

pe or Print-		
Signature		
SRB Properties, LLC		
Name Type or Print		,
	λ	
Signature		
1650 Tysons Blvd., Suite 600		703-790-1000
Address		Telephone No
Mc Clean, Va 22102-4878 V	<sup>7</sup> a	22102
Stat	<del></del>	Zip Code
Representative to be Co	ontacted:	
Sebastian A. Cross, Gildea &	Schmidt LL	C
Name		
300 East Lombard Street, Suit	e 1440	410-234-0070
Address		Telephone No
Baltimore	MD	21202

OFFICE USE ONLY

Date 10-30-06

ESTIMATED LENGTH OF HEARING

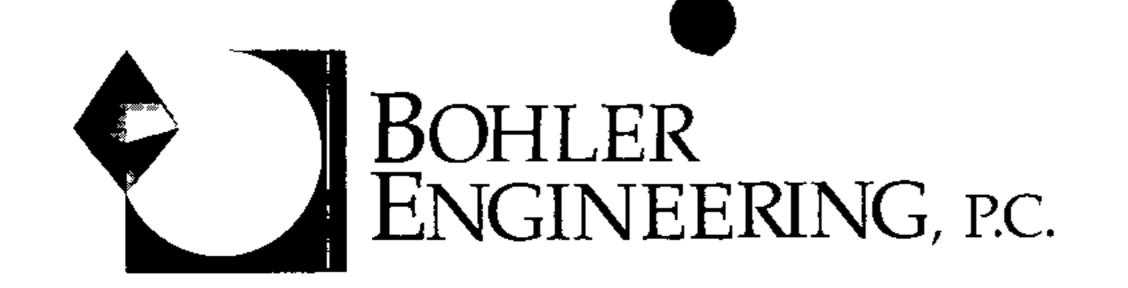
UNAVAILABLE FOR HEARING

Case No. 07-197-XA

Contract Purchaser/Lessee:

REV 09/15/98

1-11-D1



810 Gleneagles Court, Suite 300 Towson, MD 21286 410.821.7900 410.821.7987 fax md@bohlereng.com

October 30, 2006

ZONING DESCRIPTION
OF PART OF THE LANDS KNOWN AS
TAX MAP 96, PARCEL 190, LOT 193, GRID 5 WITH DEED
REFERENCE 23920/14 AND 239\$20/1
AND

TAX MAP 96, PARCEL 190, LOT 191, GRID 5 WITH DEED
REFERENCE 23920/18 AND 23920/7
NORTHEAST OF THE INTERSECTION OF
ROSEDALE AVENUE AND PULASKI HIGHWAY (US ROUTE 40)
AS RECORDED IN THE LAND RECORDS OF
BALTIMORE COUNTY, MARYLAND
15<sup>TH</sup> DISTRICT

BEGINNING AT A POINT ON THE NORTH SIDE OF PULASKI HIGHWAY WITH A 150' WIDE RIGHT-OF-WAY, 75' FROM THE CENTERLINE AT THE DISTANCE OF 532' EAST OF THE CENTERLINE OF THE NEARSET IMPROVED INTERSECTING STREET ROSEDALE AVENUE.

- 1. NORTH 36 DEGREES 31 MINUTES 35 SECONDS WEST; 117.89 FEET TO A POINT.
- 2. NORTH 25 DEGREES 41 MINUTES 24 SECONDS EAST; 56.69 FEET TO A POINT.
- 3. NORTH 39 DEGREES 53 MINUTES 46 SECONDS EAST; 91.55 FEET TO A POINT.
- 4. NORTH 38 DEGREES 41 MINUTES 51 SECONDS EAST; 66.84 FEET TO A POINT.
- 5. NORTH 16 DEGREES 05 MINUTES 02 SECONDS EAST; 85.44 FEET TO A POINT.
- 6. NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST; 65.01 FEET TO A POINT.
- 7. NORTH 03 DEGREES 35 MINUTES 47 SECONDS WEST; 51.09 FEET TO A POINT.
- 8. NORTH 01 DEGREES 25 MINUTES 49 SECONDS EAST; 69.03 FEET TO A POINT.
- 9. NORTH 04 DEGREES 53 MINUTES 18 SECONDS WEST; 38.96 FEET TO A POINT.
- 10. SOUTH 36 DEGREES 31 MINUTES 35 SECONDS EAST, 454.95 FEET TO A POINT.
- 11. SOUTH 58 DEGREES 43 MINUTES 23 SECONDS WEST, 401.69 FEET TO A POINT, TO THE POINT OF BEGINNING

BEING ALSO KNOWN AS PARCEL 190, LOT 193, AS RECORDED IN BALTIMORE COUNTY LIBER 23920 FOLIO 14 AND LIBER 23920 FOLIO 1, PARCEL 190, LOT 191 AS RECORDED IN BALTIMORE COUNTY LIBER 23920 FOLIO 18 AND LIBER 23920 FOLIO 7, CONTAINING IN ALL 2.181 ACRES OF LAND MORE OR LESS.

Prepared by: TAC Reviewed by: MTA

Other Office Locations:

■ Watchung, NJ 908.668.8300

■ North Wales, PA 215.393.8300

■ Melville, NY 516.872.2000

■ Sterling, VA 703.709.9500

S = ENVIRONMENTAL ENGINEERS

Civil & Consulting Engineers • Surveyors • Traffic Consultants • Environmen www.bohlereng.com

07-197-XA

Albany, NY

518.438.9900

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### 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: # 07-197-XA

7916 & 7926 Pulaski Highway
Niside of Pulaski Highway, 532 feet east of centerline of Rosedale Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s): Seyed Robert Bassam, SRB
Properites, LLC
Special Exception: to permit a used motor vehicle outdoor sales area, separate from sales agency building as per BCZR Section 236.4. Variance to allow a total of five and three per facade in lieu of the permitted three and three per facade in lieu of the permitted two.
Hearing: Thursday, January 4, 2007 at 9:00 a.m. In Room 407, County County County County County County County Section 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3891.

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

JT 12/682 Dec. 19

# E OF PUBLICATION

IFY, that the annexed advertisement was published \_successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., 0 THIS IS TO CERT once in each of 00

The Jeffersonian

Arbutus Times

Catonsville Times

Times Towson

NE Booster/Reporter Mills Times Owings

ounty News North C

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LEGAL ADVERTISING

### CERTIFICATE OF POSTING

	RE: Case No.: 07-197-XA	
gen.	Petitioner/Developer: SRB	~
	PROPERTIES	
AT MEGALE.	Date of Hearing/Closing: 1-4-07	
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
ATTN: Kristen Matthews {(410) 887-3394}		•
Ladies and Gentlemen:		
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were	•
7916 + 7926	PULASKI HWY	
The sign(s) were posted on	12 - 20 - 06 (Month, Day, Year)	Age of
	Sincerely,	
ZONING NOTICE  CINE O 1-197-XA	Signature of Sign Poster) (Date)  SSG Robert Black	-06
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	(Print Name)	<del>-</del> - <del></del> ·
Prom 401 COUNTY COURTS BUILDING	1508 Leslie Road	<b>-</b> -
DATE AND TIME THURSDAY JAMMAY 4, 2001 AT 900.  REQUEST: OPECIAL EXCEPTION TO PENAIT A USES  REQUEST: OPECIAL EXCEPTION TO PENAIT A USES.	(Address)	•
See TS. NATION ATTENNED TO FIVE WALL PROPERTY BARRIES.	Dundalk, Maryland 21222	
THE CHARLES OF SAME AND PART AND PART OF THE PART OF T	(City, State, Zip Code)	
	(410) 282-7940	
	(Telephone Number)	

PETITION FOR SPECIAL EXCEPTION RE:

AND VARIANCE

1610 Mussula Road; N/S Mussula Road,

245' E c/line Pleasant Plains Road

15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts

Legal Owner(s): Seyed Robert Bassam,

SRB Properties, LLC

FOR

BALTIMORE COUNTY

**ZONING COMMISSIONER** 

Petitioner(s)

07-197**-**XA

**BEFORE THE** 

### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

NOV 1 3 2006

R Max Summerman

People's Counsel for Baltimore County

Tuesday, December 19, 2006 Jacus, Jefferson

Tuesday, December 19, 2006 Issue - Jeffersonian

Please forward billing to:

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

410-234-0070

### **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: 07-197-XA 7916 & 7926 Pulaski Highway

N/side of Pulaski Highway, 532 feet east of centerline of Rosedale Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Seyed Robert Bassam, SRB Properties, LLC

Special Exception to permit a used motor vehicle outdoor sales area, separate from sales agency building as per BCZR Section 236.4. Variance to allow a total of five wall-mounted building signs in lieu of the permitted three and three per façade in lieu of the permitted two.

Hearing: Thursday, January 4, 2007 at 9:00 a.m. in Room 407, County Courts Building, 4Q1 Bosley Avenue, Towson 21204

WILLIAM J. WISEMĀN 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.

### 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

November 17, 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: 07-197-XA 7916 & 7926 Pulaski Highway

N/side of Pulaski Highway, 532 feet east of centerline of Rosedale Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Seyed Robert Bassam, SRB Properties, LLC

Special Exception to permit a used motor vehicle outdoor sales area, separate from sales agency building as per BCZR Section 236.4. Variance to allow a total of five wall-mounted building signs in lieu of the permitted three and three per façade in lieu of the permitted two.

Hearing: Thursday, January 4, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste. 1440, Baltimore 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 20, 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.

### 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: D7-197-X.A
Petitioner: SRB Coperties LLC
Address or Location: 79/6 + 7926 Palash: Hwy
PLEASE FORWARD ADVERTISING BILL TO:
Name: Sebistian Grass
Address: Gillen & Schmidt LLC
300 E. Combard 54. Svile 1440
Baltimore Md 21202
Telephone Number: 410 234-00-20

Revised 7/11/05 - SCJ

07-197-XA



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director > Department of Permits and Development Management

December 28, 2006

Sebastian A. Cross Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Cross:

RE: Case Number: 07-197-XA, 7916 & 7926 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 31, 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

U. Callibal)

WCR:amf

Enclosures

c: People's Counsel Seyed Robert Bassam, Member SRB Properties, LLC 1650 Tysons Blvd., Suite 600 Mc Clean, VA 22102-4878

### Fire Department

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



### **Baltimore County**

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

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

November 9,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

197

Item Number(s): 193 through 201

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

1-4-07 JM

### **Inter-Office Correspondence**

DEC 3 2003



TO:	Timothy M. K	otroco		
FROM:	Dave Lykens,	DEPRM - Development Coo	rdinatio	n JWL
DATE:	December 13,	2006		
SUBJECT:	Zoning Item Address	# 07-197-XA 7916 & 7926 Pulaski Highw (SRB Properties, Inc.)	ay	
Zoning	g Advisory Con	nmittee Meeting of Novembe	r 6, 200	6
	•	nvironmental Protection and I ve-referenced zoning item.	Resource	e Management has no
	_	nvironmental Protection and I nts on the above-referenced z		
<u>X</u>	Protection of	of the property must comply Water Quality, Streams, Wetl ugh 33-3-120 of the Baltimor	ands and	d Floodplains (Section
<u>X</u>	•	of this property must comply Regulations (Sections 33-6-1- unty Code).		
	Critical Area	of this property must comply Regulations (Sections 33-2-10 s, of the Baltimore County Co	01 throu	-
<u>Additi</u>	onal Comments	<u>s:</u>		
Reviev	ver: Kevin	Brittingham	Date:	December 13, 2006

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 7-197- Variance

The Office of Planning has reviewed the above referenced case(s) and requests that the sidewalks shown along the frontage of the subject property be within the public right-of-way. Additionally this office requests a sidewalk connection be provided to the building entrance.

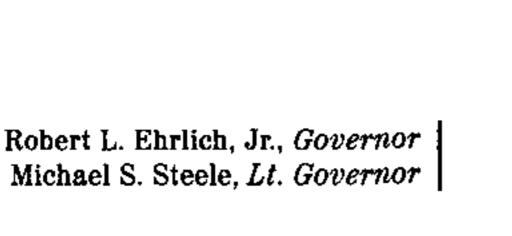
For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

**Division Chief:** 

CM/LL

DATE: November 29, 2006

DEC 6 4 2000





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

### MARYLAND DEPARTMENT OF TRANSPORTATION

November 9, 2006

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

RE: Baltimore County

Item No. 07-197-XA US 40 (Pulaski Highway) 523 east of Rosedale Avenue

Special Exception and

Variance

Mile Post 14.93

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Plan 07-197-XA on the subject of the above captioned, which was received on November 6<sup>th</sup>. The plan illustrates proposal for an automotive dealership with surface parking for customers and vehicle inventory storage.

We have completed a cursory review of the site plan as well as existing field conditions. The following Comments are offered for your consideration:

- The subject property is located on the northeast side of US 40 (Pulaski Highway). Our State Highway Location reference indicates that US 40 (Pulaski Highway) is principle arterial divide highway. The Annual Average Daily Traffic volume on this section of US 40 is 36,825 vehicle trips per day.
- Based on the proposed use the entrances shown on the plan are inconsistent with State
  Highway Access Manual guidelines. The western most access way needs to be a rightin/right out directional entrance. The eastern most access needs to be design with wider
  radii to accommodate large trucks.
- Other improvements associated with this site such as pavement wideing and storm drain upgrades maybe required.

In conclusion- We request that the above comments be a condition of Eastern Automotive Group Item No. 07-197-XA approval. Please include our remarks in your staff report to the Zoning Hearing Examiner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<a href="mailey@sha.state.md.us">mbailey@sha.state.md.us</a>). Thank you for your attention.

Very truly yours,

Engineering Access Permits

Division

My telephone number/toll-free number is

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Ms. Kristen Matthews November 9, 2006 Item No. 07-197-XA

### SDF/MB

Cc: Mr. Matthew T. Allen, P.E., Consultant Engineer, Bohler Engineering, P.C.

Mr. T. Brien Haigley, Applicant, Easterns Automotive Group

Mr. David Malkowski, District Engineer, SHA Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. Randall Scott, ADE-Traffic, SHA

### RESUME

### Matthew T. Allen, P.E. Project Manager

### **EDUCATION:**

- M.B.A. Finance, The Pennsylvania State University, Middletown, PA
- B.S. Civil Engineering, The Pennsylvania State University, University Park, PA

### LICENSE:

- Delaware Professional Engineer, #13499
- District of Columbia Professional Engineer, #PE900965
- Maryland Professional Engineer, #28567
- Pennsylvania Professional Engineer, #PE061707
- Virginia Professional Engineer, #040239979

### PROJECT TESTIMONY:

Testified on behalf of Bohler Engineering, P.C. in numerous municipalities before Planning Commissions, Board of Supervisors, Zoning Hearing Boards and related municipal entities in Delaware, Maryland, and Pennsylvania.

### **EXPERIENCE:**

Currently serves as a Project Manager in Bohler Engineering, P.C.'s Towson, Maryland Office. Experience includes seven years of design and project management. Primarily responsible for client and project management for various commercial, residential and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, lighting photometric studies/design, signage compliance, landscaping design, vehicular circulation design, oversight of expediting and application approvals, and related services. Expertise includes supermarkets, service stations, maintenance facilities, restaurants, shopping centers, retail centers, car washes and other related projects in municipalities in Maryland, Virginia, District of Columbia, Delaware, and Pennsylvania.

### PROFESSIONAL AFFILIATIONS:

- National Society of Professional Engineers
- Maryland Society of Professional Engineers

PETITIONER'S

EXHIBIT NO

6\_\_\_

### PLEASE PRINT CLEARLY


CASE NAME FASTEMEN AND ONLOWED

CASE NUMBER 07-197-XA

DATE 15/07

## PETITIONER'S SIGN-IN SHEET

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Baldo IND 2002  Alchem, VA 22102  Thuson UD 212fc							
ADDRESS  ADDRESS  (650 Tysous Blud Ste 600 (650 Tysous Blud Ste 600 Clo 6 legendes GLUS Tool							
LAWRENCE ESCHWALTI							

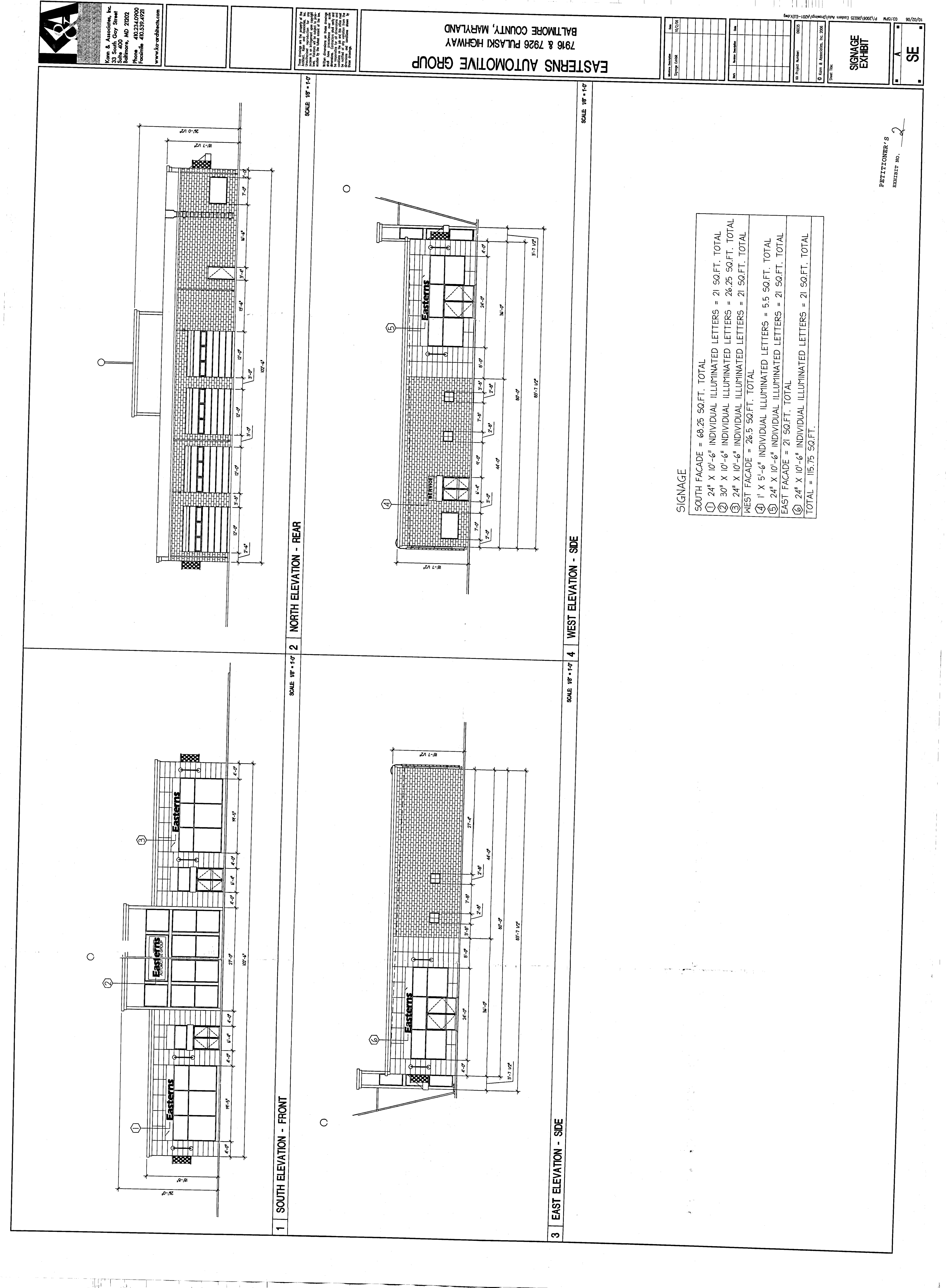



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
PLANT UNITS: ONE PLANT UNIT EQUALS:

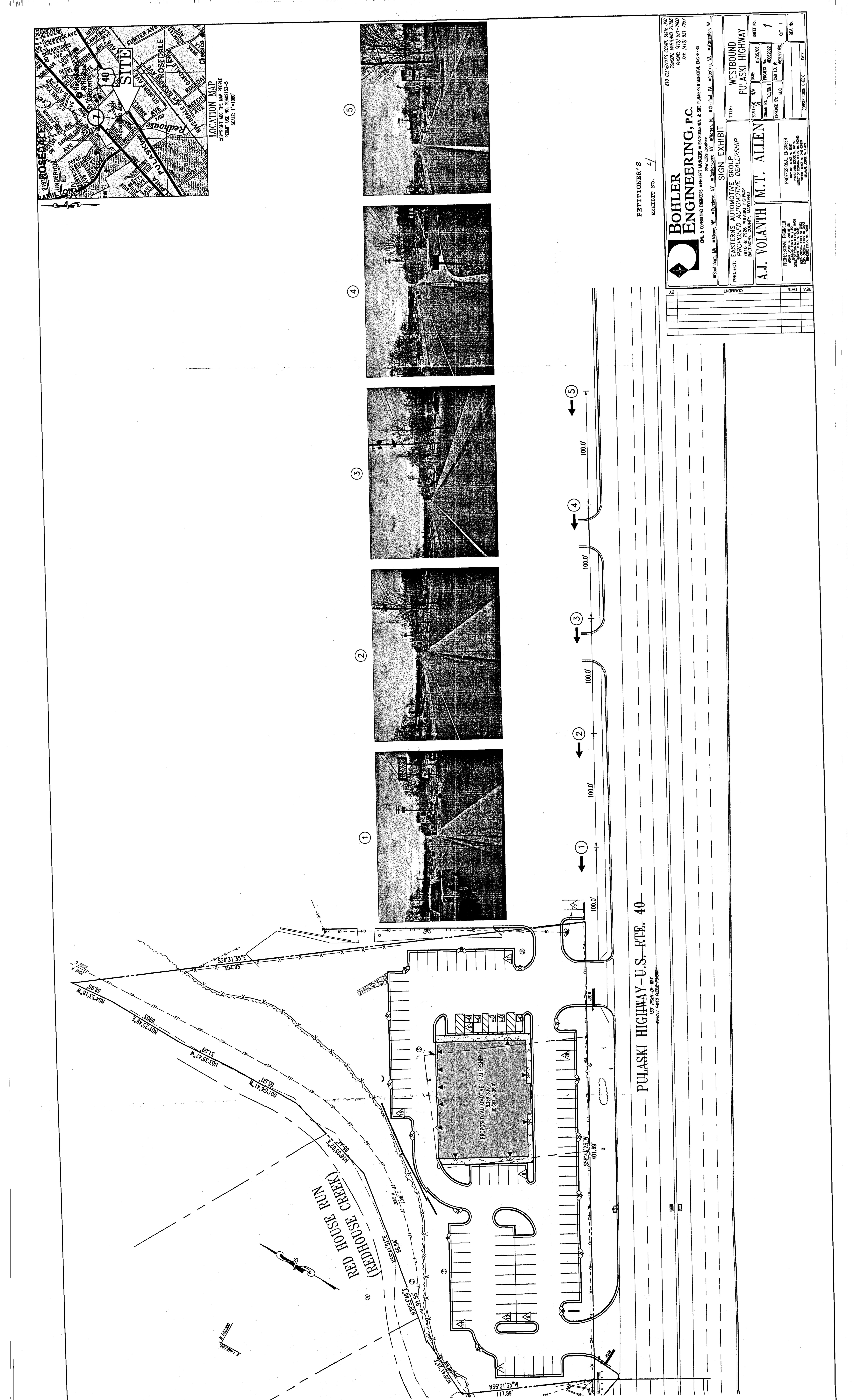
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
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












LOT 3
SPIVEY INDUSTRIAL PARK
P.B. 35 FOLIO 76 LANDS N/F
INTEGRITY INDUSTRIES LLC LIBER 10869 FOLIO 73 MAP 89 GRID 22 PARCEL 908 TAX NO. 1600007444 ZONE: ML USE: INDUSTRIAL PART OF LOTS PART OF LOT 2 SPIVEY INDUSTRIAL PARK P.B. 3 FOLIO 90 P.B. 35 FOLIO 76 LANDS N/F SRB PROPERTIES LLC RONALD G & JOAN C. LANGIS LIBER 5613 FOLIO 50 LIBER 7005 FOLIO 121 MAP 89 GRID 22 PARCEL 908 TAX NO. 1600007443 ZONE: BR-AS / ML / TAX NO. 2000006919 USE: INDUSTRIAL USE: COMMERCIAL SPIVEY INDUSTRIAL PARK P.B. 35 FOLIO 76 PART OF LOTS 195, 196, 200 & 201 ROSEDALE TERRACE P.B. 3 FOLIO 90 TAX NO. 1600007269 BERNARD O. JEFFERS MAP 96 GRID 5 USE: COMMERCIAL 'RROP. HANDICAP RAMP-LANDSCAPE SCHEDULE 150' RIGHT-OF-WAY ASPHALT PAVED PUBLIC ROADWAY COMMON NAME BOTANICAL NAME AMERICAN SYCAMORE PIN OAK WILLOW OAK 2 1/2-3" CAL. 2 1/2-3" CAL. 2 1/2-3" CAL. PLATANUS OCCIDENTALIS QUERCUS PALUSTRIS QUERCUS PHELLOS MISS UTILITY ORNAMENTAL TREE(S) MULTI STEM RIVER BIRCH **BETULA NIGRA** EVERGREEN TREE(S) X CUPRESSOCYPARIS LEYLANDII LEYLAND CYPRESS 6-7' GRAPHIC SCALE DECIDUOUS SHRUB(S) BEFORE YOU DIG CALL
1-800-257-7777
PROTECT YOURSELF, GIVE TWO
WORKING DAYS NOTICE CRIMSON PYGMY RED BARBERRY BERBERIS THUNBERGII 'CRIMSON PYGMY' EVERGREEN SHRUB(S) THIS DRAWING DOES NOT INCLUDE NECESSARY MANHATTAN SPREADING EUONYMUS EUONYMUS KIAUTSCHOVICUS 'MANHATTAN COMPONENTS FOR CONSTRUCTION SAFETY. ALL
CONSTRUCTION MUST BE DONE IN COMPLIANCE
WITH THE OCCUPATIONAL SAFETY AND HEALTH (IN FEET)1 inch = 30 ft. IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN IN THE PLAN AND THE PLANT LIST, THE PLAN SHALL DICTATE. THE CONTRACTOR TO CALL MISS UTILITY
HAVE ALL EXISTING UTILITIES MARKED A
HOURS PRIOR TO ANY CONSTRUCTION.

<u>PLANT UNITS:</u> ONE PLANT UNIT EQUALS:

> 1 MAJOR DECIDUOUS TREE 2 MINOR DECIDUOUS TREE(S) 2 EVERGREEN TREE(S) 5 SHRUBS 500 S.F. OF GROUNDCOVER

### COMPLIANCE CHAR'S

\_\_\_\_

SECTION	REQUIREMENTS	RE COUNTY, MD  CALCULATIONS/PROPOSED	COMPLIA			
	1. PLACEMENT OF PLANT MATERIALS SHALL CONFORM TO THE GUIDELINES AND OBJECTIVES CONTAINED IN THE LANDSCAPE MANUAL AND FOLLOW THE COMMUNITY AND REVITALIZATION PLANS AND ARTERIAL STREETSCAPE POLICIES.	REQUIRED: 1 PLANT UNIT PER 40 L.F. OF STREET FRONTAGE  PULASKI HIGHWAY: 401 L.F.  401 L.F./40 = 10 PLANTING UNITS.  PROVIDED: 10 P.U. (10 PLO)				
COMPITION A.	2. STREET TREE PLANTINGS IN THE PUBLIC R.O.W. SHALL COMPLY WITH BALTIMORE COUNTY PUBLIC WORKS STANDARDS AND DETAILS.	">" INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	COMPLIE			
CONDITION A: STREET FRONTAGE	3. FOR THE PURPOSE OF ESTABLISHING THE MINIMUM QUANTITY OF TREES REQUIRED, THE FOLLOWING FORMULA SHALL BE USED.	REQUIRED: 1 PLANT UNIT PER 20 L.F. OF INTERIOR ROADWAYS  INTERIOR ROADWAYS: 170 L.F.  170 L.F./20 = 8.5 OR 9 PLANTING UNITS.				
	1 P.U. PER 40 FEET OF ADJACENT ROADWAYS 1 P.U. PER 20 FEET OF INTERIOR ROADWAYS	PROVIDED: 9 P.U. (8 BN, 4 CLY, 15 EKM)  "~" INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	<u></u>			
		REQUIRED: 1 PLANT UNIT PER 20 L.F. OF PARKING PERIMETER  NORTH PARKING PERIMETER: 128.5 L.F.  128.5 / 20 = 6.4 OR 6 P.U.	COMPL			
		PROVIDED: 6 P.U. (2 QP, 20 EKM) "+" INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	COMPLI			
	1. PERIMETER SCREENING	REQUIRED: 1 PLANT UNIT PER 20 L.F. OF PARKING PERIMETER  EAST PARKING PERIMETER: 94.5 L.F.  94.5 / 20 = 4.7 OR 5 P.U.				
	B. ADJACENT TO COMMERCIAL PROPERTIES, A SIX-FOOT LANDSCAPE STRIP BETWEEN PAVED SURFACES AND LOT LINES OR LEASE LINES ADJACENT TO COMMERCIAL USES OR ZONES IS	PROVIDED: 5 P.U. (3 QP, 10 EKM) "O" INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT				
	REQUIRED.  ONE P.U. PER 20 L.F. OF PARKING PERIMETER	REQUIRED: 1 PLANT UNIT PER 20 L.F. OF PARKING PERIMETER  NORTHWEST PARKING PERIMETER: 94.5 L.F.  94.5 / 20 = 4.7 OR 5 P.U.				
CONDITION B: PARKING LOTS		PROVIDED: 5 P.U. (2 QP, 15 EKM)  *** INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT				
		REQUIRED: 1 PLANT UNIT PER 20 L.F. OF PARKING PERIMETER  WEST PARKING PERIMETER: 60.5 L.F.  60.5 / 20 = 3 P.U.				
		PROVIDED: 3 P.U. (1 QP, 10 EKM) "x" INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT				
•	2. INTERIOR PARKING RESERVE 7% OF THE PARKING LOT AREA FOR INTERIOR LANDSCAPING.	TOTAL PAVED AREA: 37,328 S.F. 37,328 S.F. X .07 = 2,613 S.F. PROPOSED: 3,220 S.F. (8.3%)	COMPLI			
	ONE PLANT UNIT PER 12 PARKING SPACES.	TOTAL NUMBER OF PARKING SPACES (PROPOSED) = 10				
		104 PARKING SPACES/12 = 8.6 OR 9 P.U.  PROVIDED: 9 P.U. (9 QPH)	COMPLI			
		"^" INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT				
CONDITION C:	PROVIDE A "CLASS D" SCREEN IN THE LANDSCAPE STRIP OF DISPLAY AREAS.  THE FUNCTION OF "CLASS D" IS TO PROVIDE LOW	REQUIRED: 1 PLANT UNIT PER 10 L.F. OF FRONTAGE  PULASKI HIGHWAY: 327 L.F.  327 L.F./ 10 = 32.7 OR 33 P.U.				
AUTOMOTIVE DISPLAY AREAS	LEVEL PLANTING TO GIVE VISUAL RELIEF FROM	PROVIDED: 40 P.U. (115 JCSJ, 84 BTCP)  *#" INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	COMPLI			
	ONE P.U. PER 10 L.F. OF DISPLAY AREA ADJACENT TO PUBLIC R.OW.					
			!			

THIS PLAN IS TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY

