

IN RE: PETITION FOR VARIANCE

NE side of York Road, 380 feet +/- NW
of c/l of Bosley Avenue
9th Election District
5th Councilmanic District
(909 York Road)

Ferdinand H. Onnen Jr., *Legal Owner*
Brooks Huff Tire Company of Towson, Inc.,
Lessee

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR
BALTIMORE COUNTY
CASE NO. 2008-0593-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Ferdinand H. Onnen Jr., and the lessee, Brooks Huff Tire Company of Towson, Inc. Variance relief is requested from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total number of six wall mounted signs with as many as three signs on a single façade in lieu of the maximum allowed three signs on the premises and no more than two signs on a façade. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Todd Huff, Operations Manager, on behalf of Petitioner Brooks Huff Tire Company of Towson, Inc. John A. Austin, Esquire, appeared and represented Petitioner. Also appearing in support of the requested relief was Thomas Church with Development Engineering Consultants, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

RECEIVED FOR FILING
Date 10-15-08
By [Signature]

Testimony and evidence offered revealed that the subject property is a square-shaped property consisting of a net area of approximately 31,350 square feet or 0.72 acre, more or less, zoned B.R. The property is located on the west side of York Road, just north of the Towson Bypass (Bosley Avenue) and south of Fairmount Avenue in the Towson area of Baltimore County. The property is situated in a commercial corridor of York Road in the northwest Towson area, with retail stores, fuel service stations, automotive service stations, a car wash, fast food restaurant, a liquor store, and dry cleaner. The property also backs up to a residentially zoned (D.R.10.5) area consisting of a mature row house neighborhood, as well as newer infill development consisting of apartment and condominium buildings. The subject property is improved with a commercial style building and parking areas.

Petitioner has been in the tire and automotive repair service business for a number of years. Petitioner previously operated in Towson at 937 York Road, just a few doors north of their present location. Recently, Petitioner acquired a lease for the subject property that was previously the location of the Towson Ford Service Department. Photographs that were marked and accepted into evidence as Petitioner's Exhibits 5A through 5C show the building when it was occupied by Towson Ford. They depict a one-story concrete block structure with available overflow parking on the roof. The style and appearance of the building is rather drab and unremarkable. It is painted white with blue trim, with several signs advertising "Towson Ford Service" and "Ford Parts." Since Petitioner has taken over occupancy of the location, Mr. Huff indicated that the company has invested approximately \$800,000.00 in renovating and upgrading the site. This has included interior renovations with state-of-the-art diagnostic and repair equipment and an exterior facelift. As shown in the photographs that were marked and accepted into evidence as Petitioner's Exhibits 2A through 2C, Petitioner has painted the exterior a darker

ORIGINAL FILED FOR FILING
Date 10-15-08
By [signature]

tan color and has accented the exterior with a decorative upper façade with molding and also an attractive stone front from ground level to approximately four feet in height around the building.

Presently, Petitioner has virtually no signage on the property. There is one free-standing illuminated sign along York Road, but no signage on the building. In order to advertise its business as before at its prior location and in order to put its visibility on par with its nearby competitors, including Merchants Tire and Midas, Petitioner desires to erect several signs on the exterior façades of the building that could be seen by the various vantage points of traffic traveling on York Road. Marked and accepted into evidence as Petitioner's Exhibit 3 are sign measurements and elevation drawings of the proposed signs. When viewed in concert with exterior photographs that were marked and accepted into evidence as Petitioner's Exhibit 4, it can be ascertained exactly where the signs will be mounted and how they will look on the building.

In viewing Petitioner's Exhibit 4 photographs and Exhibit 3 elevation drawings, they show the following proposed sign placements: sign "A" indicating "Brooks-Huff Tire & Auto Centers" would be affixed to the long front façade along York Road facing west; sign "B" indicating "Good Year" would be affixed to the shorter front façade along York Road facing west; sign "C" indicating "Dunlop," "Gemini," and Kelly Tires" would be affixed to the shorter interior façade facing south, and sign "D" indicating "Good Year" would be affixed to the façade facing north, and would be visible above the existing Carousel Cleaners building next door.

In support of the variance request, Petitioner's engineer, Mr. Church, pointed out several unusual characteristics of the property. The building was constructed in 1960 and has remained largely unchanged during the ensuing 45 years until Towson Ford recently closed its service doors. On the other hand, Petitioner has invested substantially in the property and has

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Date 10-15-08
By [Signature]

transformed it into a more modern aesthetically pleasing structure that is in keeping with the Towson renaissance. In addition, the property has an atypical parking configuration in that overflow parking is set up on the roof of the building, with access from a one-way alley behind the property. The property itself is also unique in that it has access by way of the front and the rear and borders a residential DR.10.5 Zone. This proximity limits the commercial improvements that can be made to the property. Mr. Church also noted that none of the proposed signs would face or have any visibility from the adjacent residential community. All would either face York Road or have visibility from York Road only.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Considering of all the testimony and evidence presented, I find special circumstances or conditions exist as mentioned above by Mr. Church that are peculiar to the land or structure which is the subject of the variance request. Hence, I find the property unique in a zoning sense. I also find that the signs proposed by Petitioner will not have a negative impact on this commercial area of York Road. In fact, in my judgment, the signs will be in keeping with the signage already in place for businesses in this particular area, without overcrowding or overwhelming the subject property or the surrounding area.

Finally, 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.

RECEIVED FOR FILING
Date 10-15-08
By [signature]

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

THEREFORE, IT IS ORDERED this 15th day of October, 2008 by this Deputy Zoning Commissioner, that Petitioner's Variance request from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total number of six wall mounted signs with as many as three signs on a single façade in lieu of the maximum allowed three signs on the premises and no more than two signs on a façade, be and is hereby GRANTED. The relief granted herein shall be subject to the following:

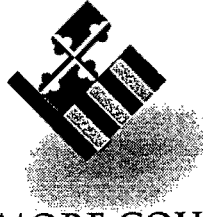
1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING
Date 10-15-08
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 15, 2008

John A. Austin, Esquire
29 West Susquehanna Avenue, #200
Towson, Maryland 21204

Re: PETITION FOR VARIANCE

NE side of York Road, 380 feet +/- NW of c/l of Bosley Avenue
9th Election District – 5th Council District
(909 York Road)

Ferdinand H. Onnen Jr., *Legal Owner*; Brooks Huff Tire Company of
Towson, Inc., *Lessee – Petitioners*

Case No. 2008-0593-A

Dear Mr. Austin:

Enclosed please find the decision rendered in the above-captioned case.

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: Todd Huff, Operations Manager, Brooks Huff Tire & Auto Centers, 909 York Road,
Towson, MD 21204
Thomas Church, P.E., Development Engineering Consultants, Inc., 6603 York Road,
Baltimore, MD 21212
People's Counsel; Office of Planning

ORIGINAL



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 909 York Road, Towson, MD 21204
which is presently zoned BR

Deed Reference: 25317 / 339 Tax Account # 0920550510

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) 450.4.5. (2) BCZR

~~450.3.5.6~~ TO PERMIT A TOTAL NUMBER OF 6 WALL MOUNTED SIGNS WITH AS MANY AS 3 SIGNS ON A SINGLE FACADE IN LIEU OF THE MAXIMUM ALLOWED 3 SIGNS ON THE PREMISES AND NO MORE THAN 2 SIGNS ON A FACADE

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

~~See attached.~~

BE
TO BE DETERMINED AT HEARING.

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

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

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

Contract Purchaser/Lessee:

Brooks Huff Tire Company of Towson, Inc.

Name - Type or Print John A. Huff Jr. (PRES.)
Signature _____
909 York Road 410-527-1000
Address Telephone No.
Towson MD 21204
City State Zip Code

Attorney For Petitioner:

John A. Austin

Name - Type or Print _____
Signature John A. Austin
Company
29 West Susquehanna Avenue #200
Address Telephone No.
Towson MD 21204 410-821-9632
City State Zip Code

Legal Owner(s):

909 York Business Trust

Name - Type or Print _____
Signature _____
Ferdinand H. Onnen Jr. (PRES.)
Name - Type or Print _____
Signature _____
909 York Road 410-375-4154
Address Telephone No.
Towson MD 21204
City State Zip Code

Representative to be Contacted:

John A. Austin

Name
29 W. Susquehanna Avenue #200
Address Telephone No.
Towson MD 21204 410-821-9632
City State Zip Code

Case No. 2008-0593-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

ORDER RECEIVED FOR FILING
Date 10-15-08
By [Signature]

Reviewed by [Signature] Date 6-27-08

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

FOR

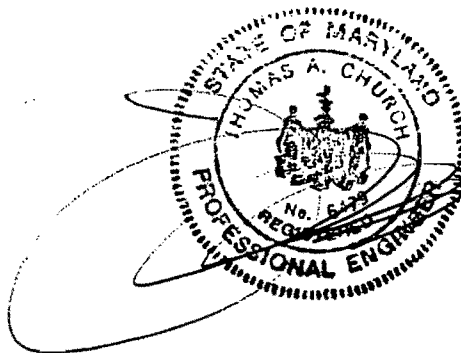
909 YORK ROAD

BEGINNING FOR THE SAME at a point on the northeast side of York Road, 66 feet wide, said point being 380 feet more or less northwest of the centerline of Bosley Avenue, 96 feet wide. Thence the following courses and distances: 1) North 31 degrees 41 minutes 44 seconds West, 190.00 feet, 2) North 57 degrees 45 minutes 41 seconds East 165.00 feet, 3) South 31 degrees, 41 minutes, 44 seconds East, 190.00 feet, 4) South 57 degrees 45 minutes 41 seconds West, 165.00 feet to the place of beginning.

Containing 31,350 square feet or 0.72 acres of land, more or less.

Being the same parcel of land described in a deed dated March 8, 2007, and recorded in the Land Records of Baltimore County in Liber 25317, Folio 339.

Also being known as 909 York Road, located in the 9th Election District, Baltimore County, Maryland.



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: #2008-0593-A

909 York Road

N/east side of York Road, 308 feet +/- n/west of centerline of Bosley Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): 909 York Business Trust, Ferdinand H. Onnen, Jr.

Contract Purchaser: Brooks Huff Tire Company of Towson, Inc., John Huff

Variance: to permit a total number of 6 wall mounted signs with as many as 3 signs on a single facade in lieu of the maximum-allowed 3 signs on the premises and no more than 2 signs on a facade.

Hearing: Wednesday, August 27, 2008 at 2:00 p.m. in Hearing Room 1, Jefferson Building, 105 West Chesapeake Avenue, Towson 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) 887-4386.

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

JT/8/641 Aug. 12

180660

CERTIFICATE OF PUBLICATION

8/14/2008

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 8/12/2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **17575**

PAID RECEIPT

Date:

6-27-09

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325-

Total: **325-**

Rec
From:

J. Austin, Esq.

For:

2009-0593-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BUSINESS ACTUAL TIME DPM
 6/27/2009 6/27/2009 11:26:47 2
 DEPT 4000 HAD JUNE DEF
 RECEIPT # 505487 6/27/2009 DELD

5 520 ZFRING VERIFICATION

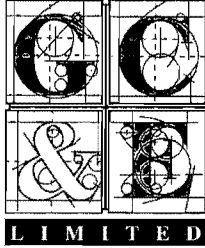
017595

Receipt Tot \$325.00

\$325.00 OK \$.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2008-0593-A
OWNER/DEVELOPER:
909 York Business Trust, Ferdinand
H. Onnen, Jr.
CONTRACT PURCHASER:
Brooks Huff Tire Company of
Towson, Inc., John Huff
DATE OF HEARING: 9/17/2008

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:
909 York Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 9/02/08

ZONING NOTICE

CASE # :2008-0593-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.**

PLACE: Room 104 Jefferson Building
TIME & 105 W. Chesapeake Avenue, Towson, MD
DATE : 2:00 pm Wednesday September 17, 2008

Variance: to permit a total number of 6 wall mounted signs with as many as 3 signs on a single facade in lieu of the maximum allowed 3 signs on the premises and no more than 2 signs on a facade.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-887-3381 THE DAY BEFORE THE SCHEDULED HEARING DATE.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



ZONING NOTICE

CASE # 2008-0593-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 104 Jefferson Building
105 W. Chesapeake Avenue, Towson, MD

TIME & DATE: 2:00 pm Wednesday September 17, 2008

Variance to permit a total number of 3 wall mounted signs with as many as 2 signs on a single facade. The maximum allowed 2 signs on the premises and no more than 2 signs on a facade.

HEARINGS



**BALTIMORE COUNTY**

MARYLAND

JAMES T. SMITH, JR.
County Executive

~~AUGUST 22, 2008~~
TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

NEW 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: 2008-0593-A

909 York Road

N/east side of York Road, 380 feet +/- n/west of centerline of Bosley Avenue

9th Election District – 5th Councilmanic District

Legal Owners: 909 York Business Trust, Ferdinand H. Onnen, Jr.

Contract Purchaser: Brooks Huff Tire Company of Towson, Inc., John Huff

Variance to permit a total number of 6 wall mounted signs with as many as 3 signs on a single façade in lieu of the maximum allowed 3 signs on the premises and no more than 2 signs on a façade.

Hearing: Wednesday, September 17, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: John Austin, 29 W. Susquehanna Avenue, #200, Towson 21204

Brooks Huff, 909 York Road, Towson 21204

Ferdinand Onnen, 909 York Road, Towson 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 3, 2008.
- (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.

COPY

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 2, 2008 Issue - Jeffersonian

Please forward billing to:

John Austin
29 W. Susquehanna Avenue, Ste. 200
Towson, MD 21204

410-821-9632

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: 2008-0593-A

909 York Road

N/east side of York Road, 380 feet +/- n/west of centerline of Bosley Avenue

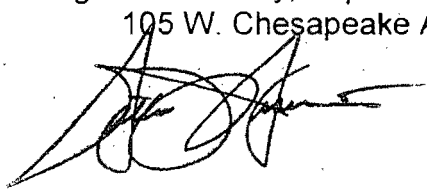
9th Election District – 5th Councilmanic District

Legal Owners: 909 York Business Trust, Ferdinand H. Onnen, Jr.

Contract Purchaser: Brooks Huff Tire Company of Towson, Inc., John Huff

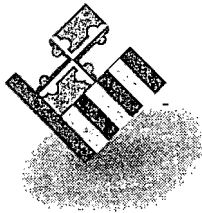
Variance to permit a total number of 6 wall mounted signs with as many as 3 signs on a single façade in lieu of the maximum allowed 3 signs on the premises and no more than 2 signs on a façade.

Hearing: Wednesday, September 17, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 W. Chesapeake 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 14, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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Variance to permit a total number of 6 wall mounted signs with as many as 3 signs on a single façade in lieu of the maximum allowed 3 signs on the premises and no more than 2 signs on a façade.

Hearing: Wednesday, August 27, 2008 at 2:00 p.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy M. Kotroco in black ink.
Timothy Kotroco
Director

TK:klm

C: John Austin, 29 W. Susquehanna Avenue, #200, Towson 21204

Brooks Huff, 909 York Road, Towson 21204

Ferdinand Onnen, 909 York Road, Towson 21204 ✓

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 12, 2008.**
- (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
Tuesday, August 12, 2008 Issue - Jeffersonian

Please forward billing to:

John Austin
29 W. Susquehanna Avenue, Ste. 200
Towson, MD 21204

410-821-9632

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:

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909 York Road

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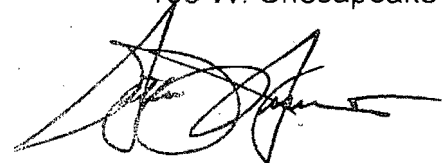
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Hearing: Wednesday, August 27, 2008 at 2:00 p.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204



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.

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.

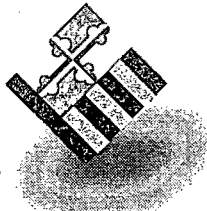
For Newspaper Advertising:

Item Number or Case Number: 0593
Petitioner: BROOKS HUFF TIRE Co.
Address or Location: 909 YORK Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN A. AUSTIN, ESQ.
Address: 29 W. SUSQUEHANNA Ave. Suite 200
TOWSON, Md. 21204
Telephone Number: 410-821-9632

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 11, 2008

John A. Austin
29 West Susquehanna Ave. #200
Towson, MD 21204

Dear: John A. Austin

RE: Case Number 2008-593-A, 909 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 27, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
909 York Business Trust, 909 York Rd., Towson, MD 21204
Brooks Huff Tire Company of Towson, INC., 909 York Rd., Towson, MD 21204

TB 8/27
2 PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2008

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

SUBJECT: 909 York Road

INFORMATION:

Item Number: 8-593

Petitioner: 909 York Business Trust

Zoning: BR

Requested Action: Variance

RECEIVED
JUL 24 2008

BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office has no comment on the requested relief.

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

Prepared by:

Curtis Murray

Division Chief:

AFK/LL: CM

John Luban

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

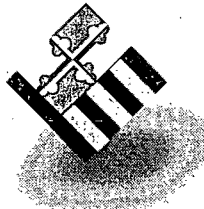
SUBJECT: Zoning Advisory Committee Meeting
For July 14, 2008
Item Nos. 08-0519, 0520, 0581, 0583,
0585, 0587, 0589, 0590, 0592, and ~~0593~~

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

DAK:CEN:lrk

cc: File

ZAC-07082008-NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 7, 2008.

Item Number: 0519a, 0520a, 0583, 0584, 0585, 0587, 0589, 0590, 0591, 0592, 0593

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 11, 2008

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

RE: Baltimore County
Item No. 2008-05073-A
909 York Road
MD45
Brooks Huff Tire Co.
OF Towson, Inc.
VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 7/8/08. A field inspection and internal review reveals that the existing entrance onto MD45 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 2008-05073-A, Case Number approval.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR VARIANCE * BEFORE THE
909 York Road; NE/S York Road, 380' NW *
of c/line Bosley Avenue * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Ferdinand Onnen, Jr. * FOR
Contract Purchaser(s): Brooks Huff Tire *
Company of Towson, Inc * BALTIMORE COUNTY
Petitioner(s) * 08-593-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUL 11 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to John Austin, Esquire, 29 W. Susquehanna Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JOHN A. AUSTIN
ATTORNEY AND COUNSELOR AT LAW

29 WEST SUSQUEHANNA AVENUE SUITE 302
TOWSON, MARYLAND 21204

(410) 821-9532
FAX (410) 494-8067

August 20, 2008

8/20/08
Postponement Granted.
TMK

Baltimore County Zoning Review Office
111 West Chesapeake Avenue Room 111
Towson MD 21204

Attention: Kristen

Re: Case No. 2008-0593-A
909 York Road

Dear Sir/Madam:

The above-referenced matter is scheduled for a hearing on Wednesday, August 27, 2008 at 2:00 p.m. in connection with a variance petition filed on behalf of Brooks Huff Tire Company who is represented by this office. Due to a breakdown in communication regarding the posting of the sign, the property has not be posted in advance of the scheduled hearing. Accordingly, I would ask that this matter be rescheduled for the next available date so that the advertisement and posting requirements can be properly handled. The dates that I am unavailable in the month of September are as follows:

September 9, 11, 12, 15, 18, 23, 24, 26, 29 and 30

If anything additional is needed in connection with this matter, please do not hesitate this office and we will respond as required.

Very truly yours,


John A. Austin

JAA/as

cc: Pete Zimmerman, People's Counsel for Baltimore County
Tom Church
Todd Huff



BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
JEFFERSON BUILDING, SUITE 103
105 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

F A X C O V E R S H E E T

DATE: 9-17-08

NO. OF PAGES INCLUDING COVER SHEET: 6

TO:

Tom Church

FROM:

Patti

PHONE:

FAX NO.: 410 377 2625

MESSAGE:

Case # 2008-0593-A

REMARKS: ☐ URGENT ☒ FOR REVIEW ☐ REPLY ASAP ☐ PLEASE COMMENT

☐ PLEASE REPLY ☐ PLEASE RECYCLE

CASE NAME ~~THE~~ THE YORK ROAD
CASE NUMBER 2008-0593-A
DATE 7/27/08

[illegible]

TODD HUFF
OPERATIONS MANAGER

410-527-1000
Cell: 410-790-0070

of the
GOOD YEAR KELLY'S TIRES  **DUNLOP**
TIRES

GOOD YEAR **KELLY** **STILES** **DUNLOP**
Tires

TIRE & AUTO CENTERS

Est 1943



BROOKS-HUFF

THE BELL
PERFORMANCE
NETWORK.

HONESTY - INTEGRITY - PRIDE

Gemini
TELEPHONE SYSTEMS

HONESTY - INTEGRITY - PRIDE

Case No.: 7008-0593 - A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2 A-C	Photos of present site	
No. 3	elevations of proposed signs	
No. 4	photos of site showing where signs will be	
No. 5 A-C	photos of old Towne Ford	
No. 6	Aerial Photo	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

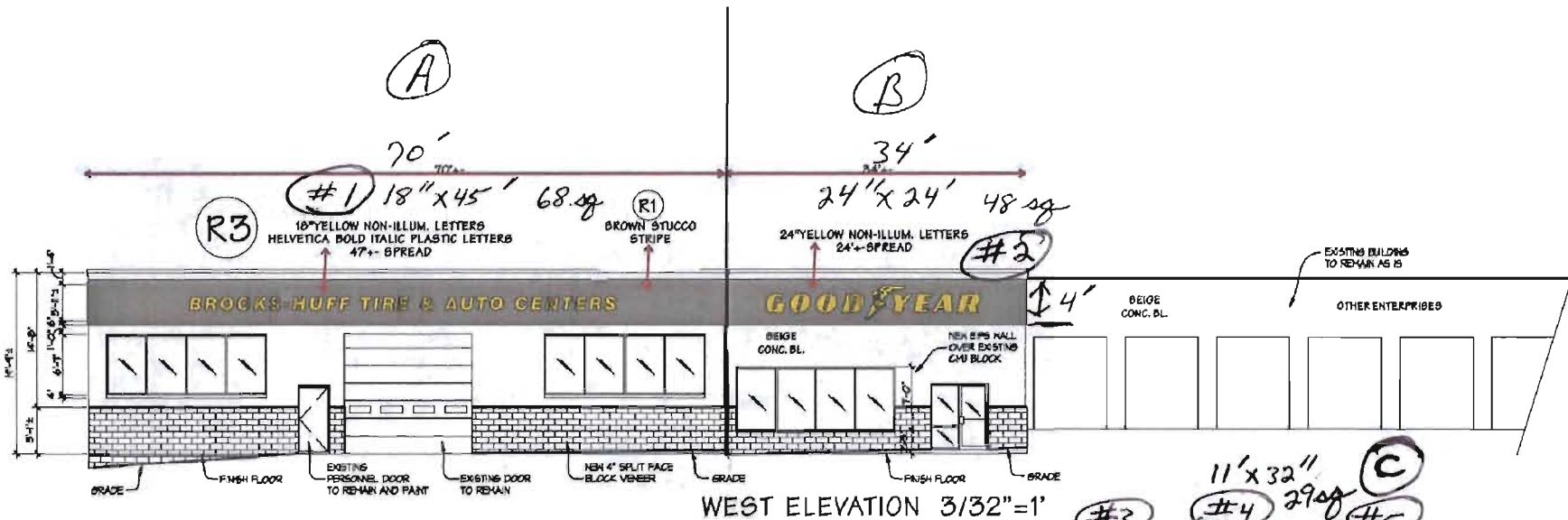


PETITIONER'S

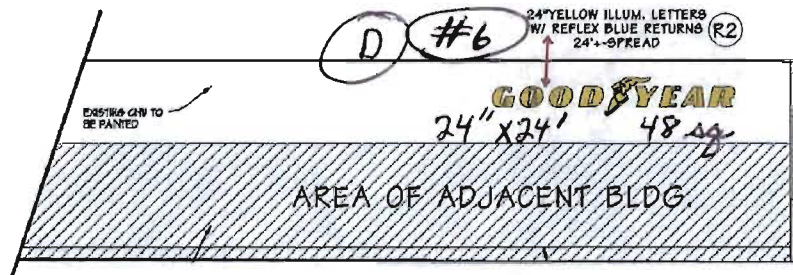
EXHIBIT NO. 2A-C



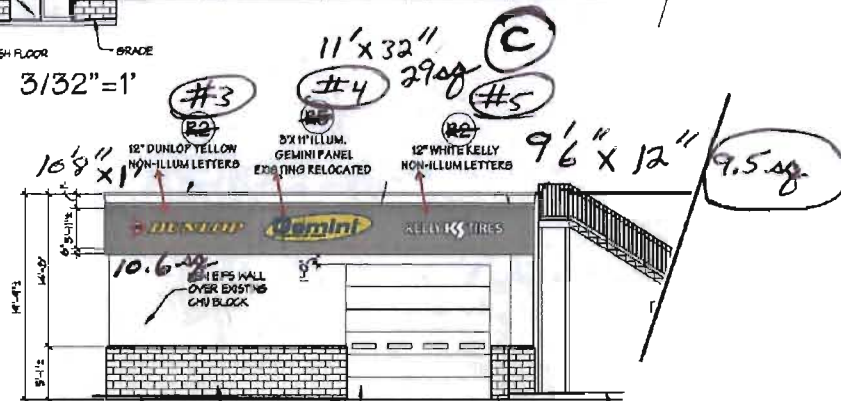




WEST ELEVATION 3/32"=1'



PARTIAL NORTH ELEVATION 3/32"=1'



PARTIAL SOUTH ELEVATION 3/32"=1'



POLE SIGN BY OTHERS
14' X 8' - GOODYEAR FACES TO BE
SUPPLIED BY GOODYEAR
3/32"=1'

R4

PETITIONER'S

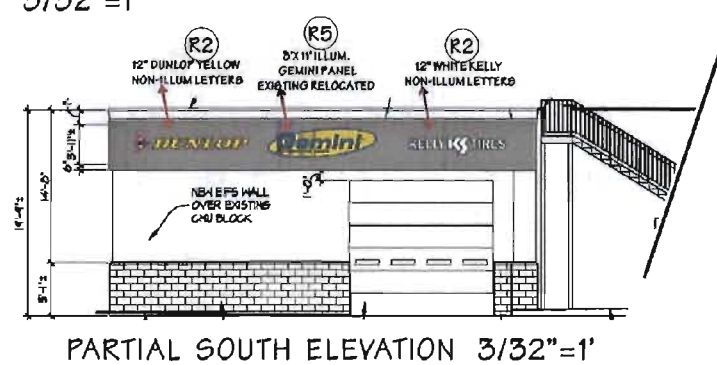
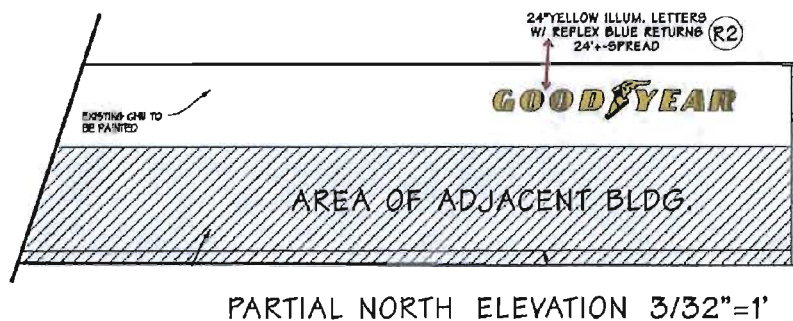
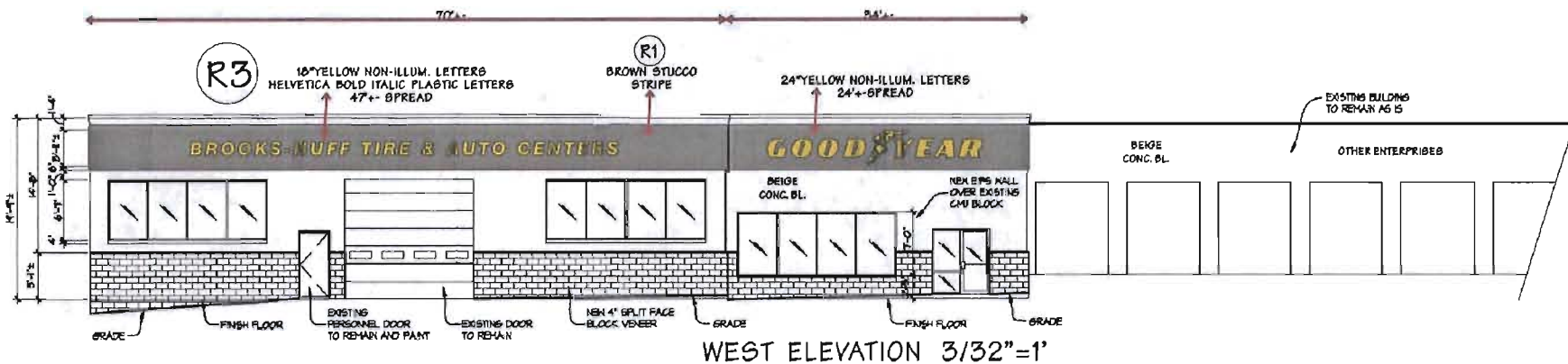
EXHIBIT NO.

3

CS-102507-GEMINI ADDED. BLDG COLOR KEY. R2-118103-NORTH & SOUTH ID ADDED. HY-20 ELIM. R3-121003-DEALER TRADESTYLE REVISED. GUY LOGO
ELIM. FROM ADDED POLE SIGN. R4-123403-SOUTH GEMINI KEY TO 3X11". BETWEEN GUY PANEL TO POLE SIGN. R5-21403-ILLUM. GEMINI RELOCATED

GOODYEAR 1144 EAST MARKET STREET AKRON, OH. 44316-0001 IDENTIFICATION DEPARTMENT	IDENTIFICATION PROPOSAL FOR:	JOB: 154-07 DRAWN BY: RSK 12/2/07 SCALE (APPROX.) AS NOTED ON 11"X17" FORMAT
	BROOKS-HUFF	
	TIRE & AUTO CENTERS	
	909 YORK ROAD TOWSON, MD.	

A



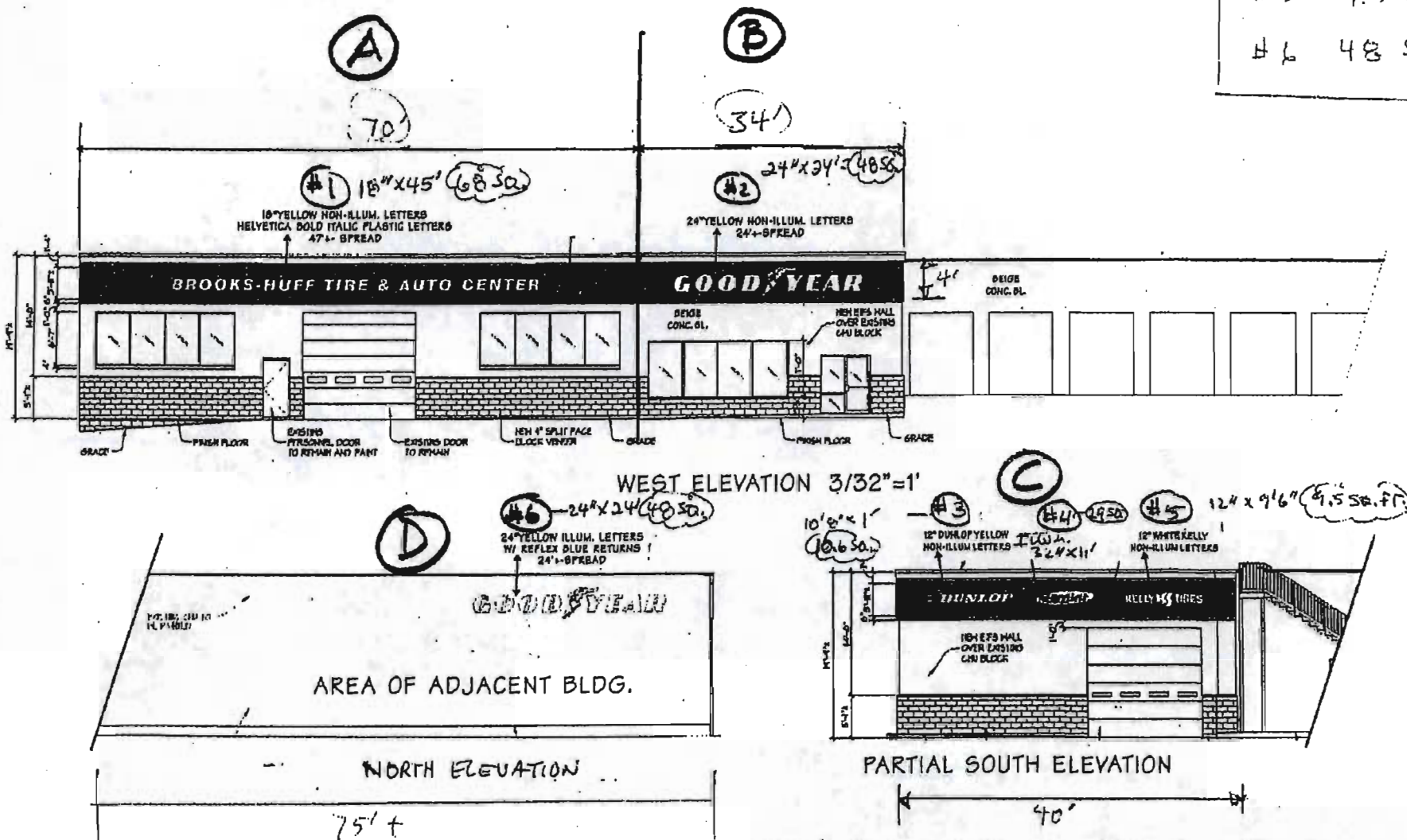
POLE SIGN BY OTHERS
14" X 8'-0" GOODYEAR FACES TO BE
SUPPLIED BY GOODYEAR
3/52"=1'

R4

R1-12/2/07-GEMINI ADDED, BLDG COLOR KEY, R2-1/16/08-NORTH & SOUTH ID ADDED, H1-2/0 ELBA, R3-1/2/10-DEALER TRADESTYLE REVISED, OPTIC LOGO
ELBA FROM ADDED POLE SIGN, R4-1/22/10-SOUTH GEMINI KEY, TO 37' 11", REPLICATE GOY. PANEL TO POLE SIGN, R5-2/1/08-ILLUM. GEMINI RELOCATED

GOODYEAR 1144 EAST MARKET STREET AKRON, OH. 44316-0001 IDENTIFICATION DEPARTMENT	IDENTIFICATION PROPOSAL FOR: BROOKS-HUFF TIRE & AUTO CENTERS 909 YORK ROAD TOWSON, MD.	JOB# 154-07 DRAWN BY REK DATE 12/2/07 SCALE (APPROX.) AS NOTED ON 11"X17" FORMAT
---	---	---

#2 48 SG
#3 10.6 SG
#4 29 SG
#5 3.5 SG
#6 48 SG



R1-12/3/07-GEWIN ADDED, BLDG COLOR KEY. R2-1/18/08-NORTH & SOUTH ID ADDED, HR-20 ELEM.

GOOD YEAR 1144 EAST MARKET STREET AKRON, OH. 44316-0001 IDENTIFICATION DEPARTMENT	IDENTIFICATION DEPARTMENT BROOKS-HUFF TIRE & AUTO CENTER 909 YORK ROAD TOWSON, MD.	154-07 DRAWN BY RSK 12/2/07 SCALE (APPROX.) AS NOTED ON 11"X17" FORMAT
---	--	---

909 York Rd., Towson, MD

TAX ACCT# 094 0550510

OWNER Jay Huff

PLOT# PAGE 072



PETITIONER'S

EXHIBIT NO.

4



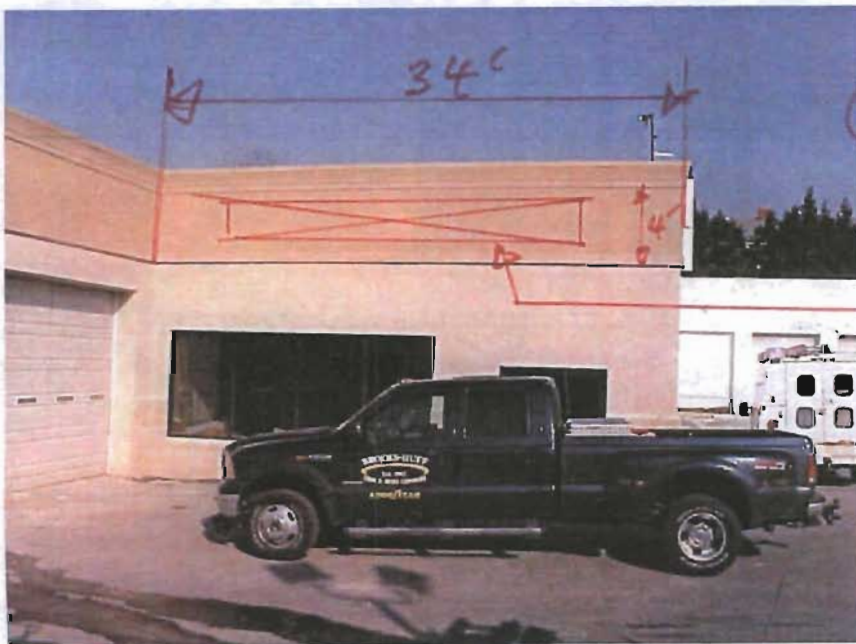
(A)

Sign #1



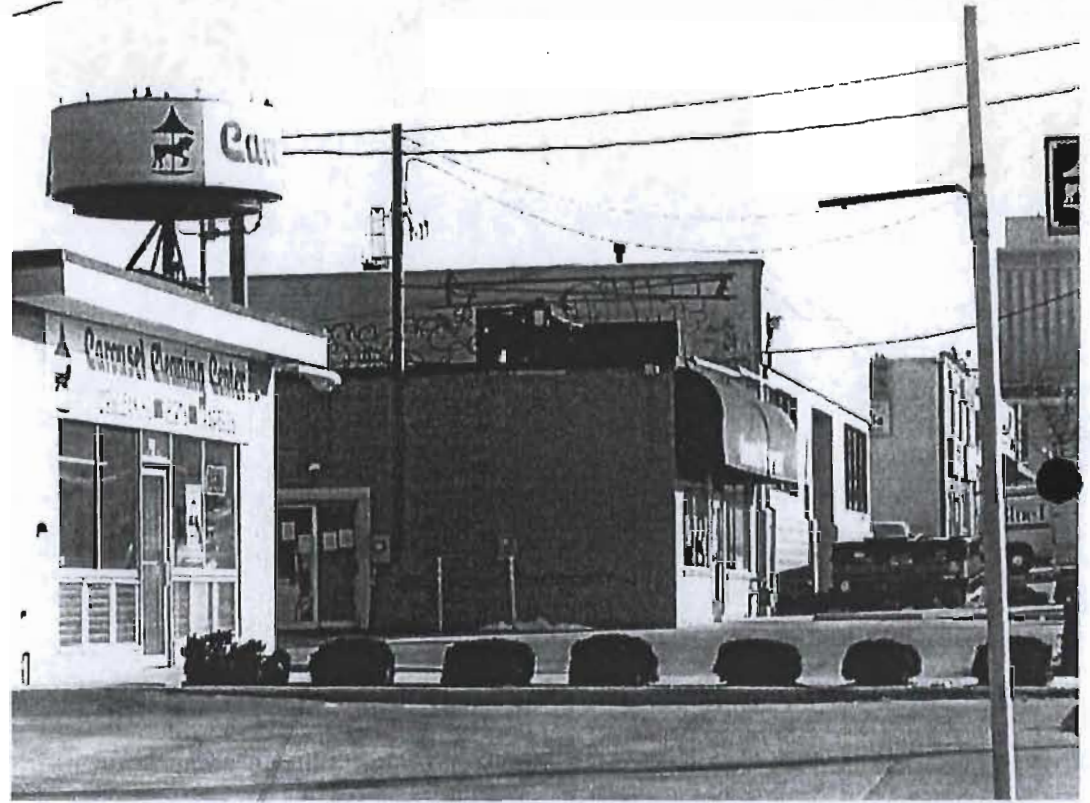
(C)

Sign #3
Sign #4
Sign #5



(B)

Sign #2



(D)

LOCATE
Syn
#6





PETITIONER'S

EXHIBIT NO.

5A-c

SERVICE

Ford
PARTS

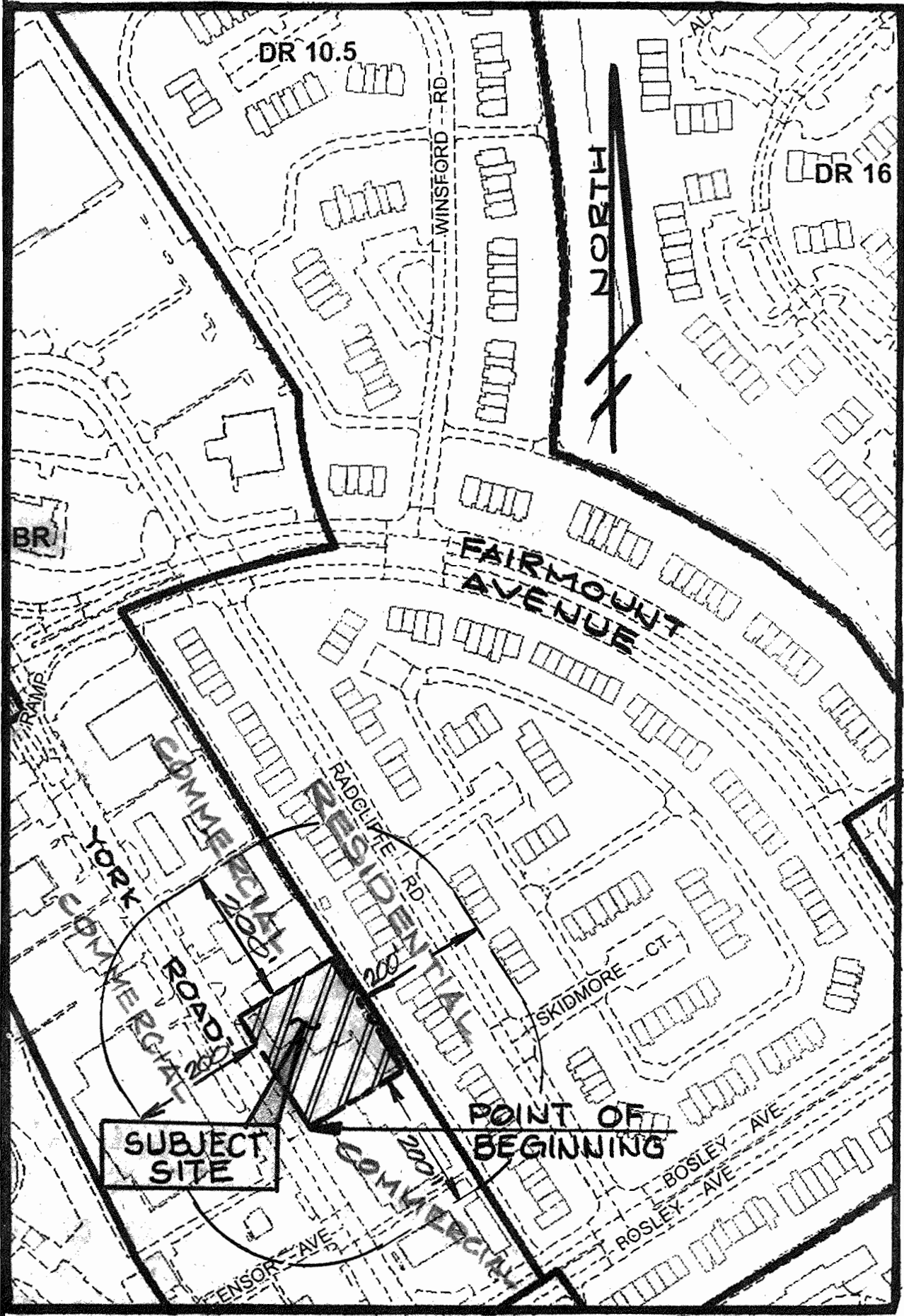
BROOKS-HUFF
Est. 1943
TIRE & AUTO CENTERS
GOODYEAR





PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ VARIANCE, ☐ SPECIAL HEARING

CASE NO: 2008-0593-A



ZONING MAP (REF. MAP 07041)
SCALE: 1"=200'

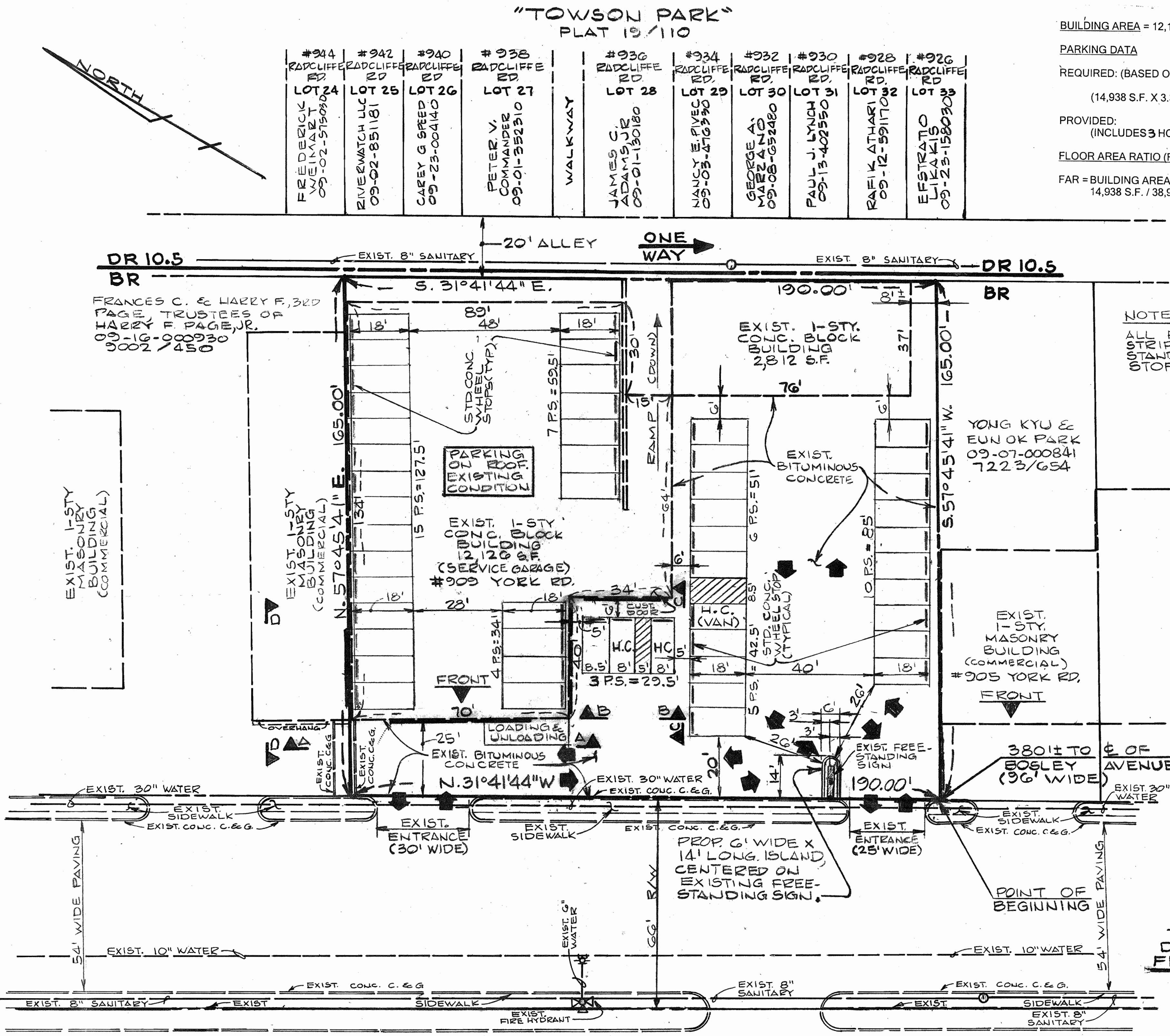
CASE # 3882-X
DECISION

ORDERED BY the Zoning Commissioner of Baltimore County this 7th day of July, 1966, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 8th day of August, 1966, at 2:30 o'clock P.M.

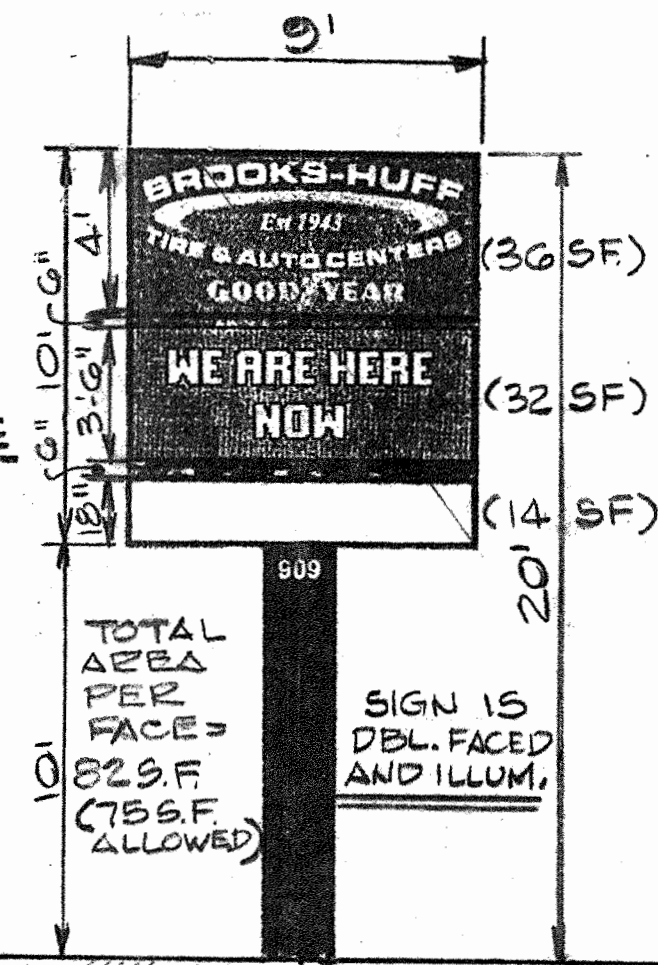
Pursuant to advertising, posting and public hearing on the above petition for a special exception to use said property for the erection of two 25' Advertising Structures, and it appearing that by reason of location being in a "B-1" Zone, the safety, health and the general welfare of the community not being detrimentally affected, the said petition should be granted, therefore:

It is this 21st day of January, 1967, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception, be and the same is hereby granted.

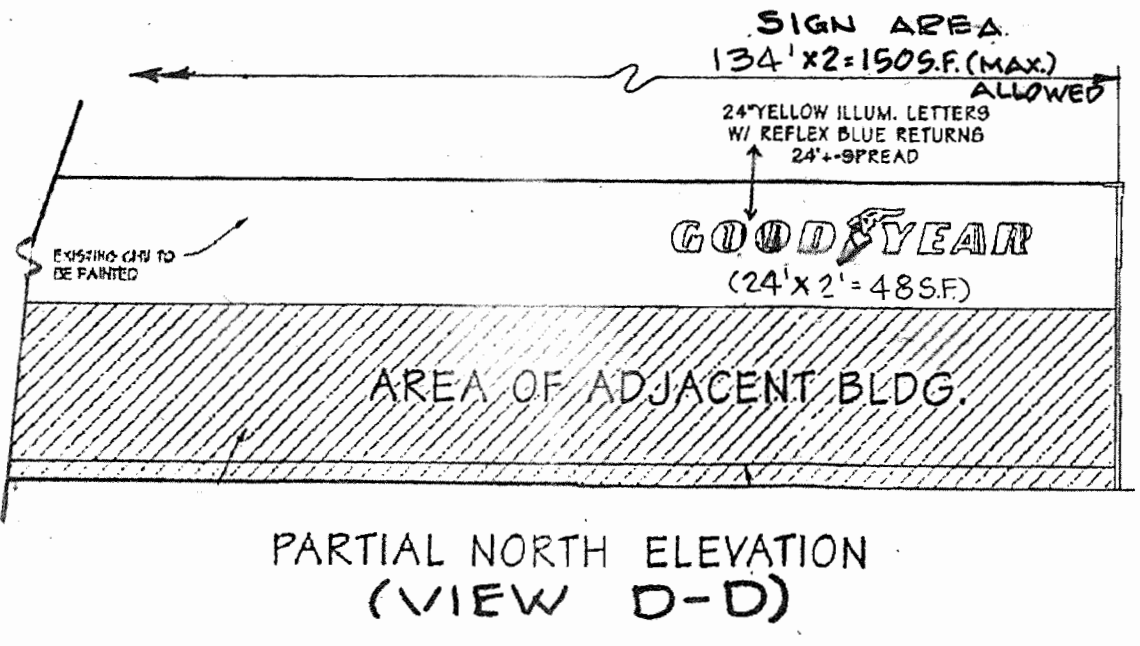
William S. Adams
Zoning Commissioner
of Baltimore County



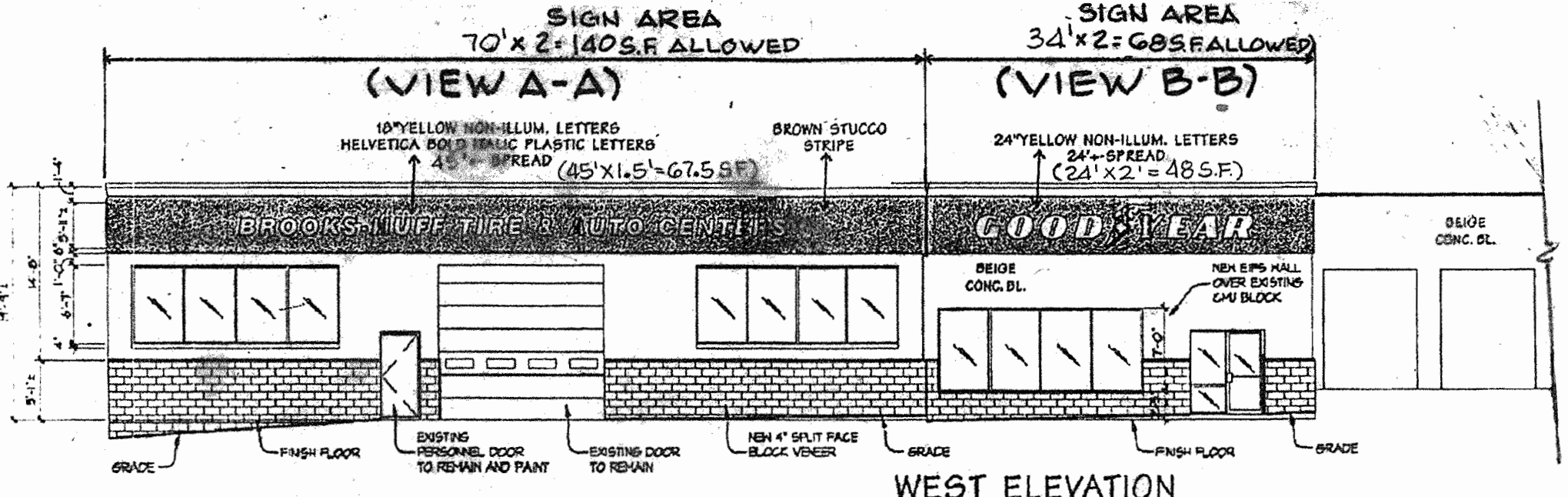
NOTES:
ALL PARKING SPACES TO BE STRIPED AND PAVED WITH STANDARD CONCRETE WHEEL STOPS.



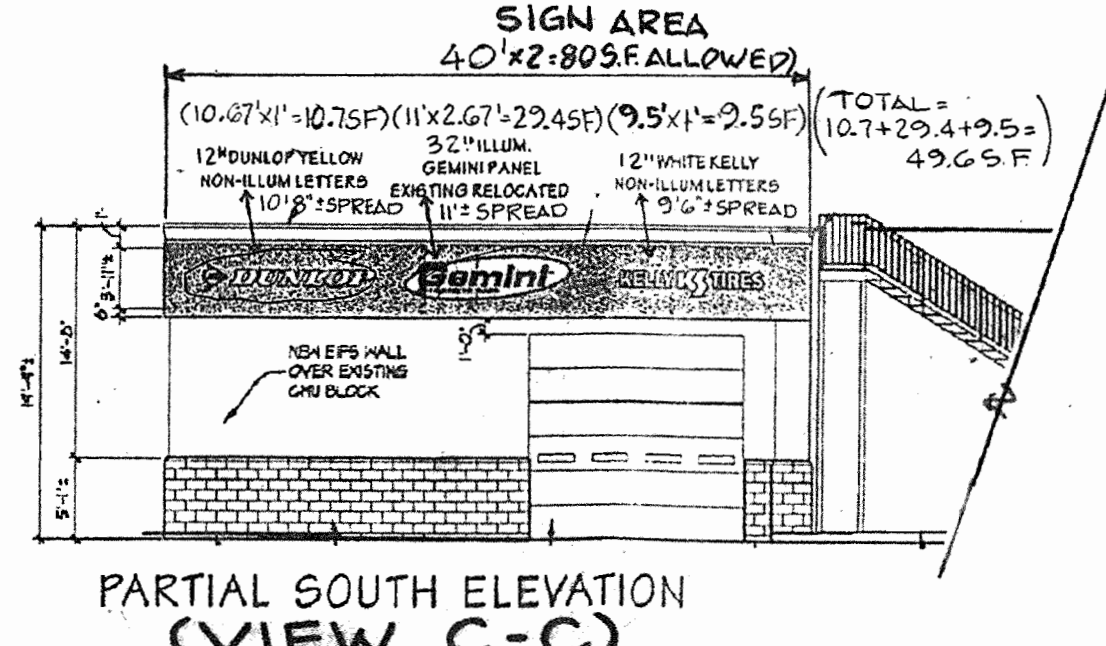
DETAIL OF EXISTING FREE-STANDING SIGN
NOT TO SCALE



PARTIAL NORTH ELEVATION
(VIEW D-D)

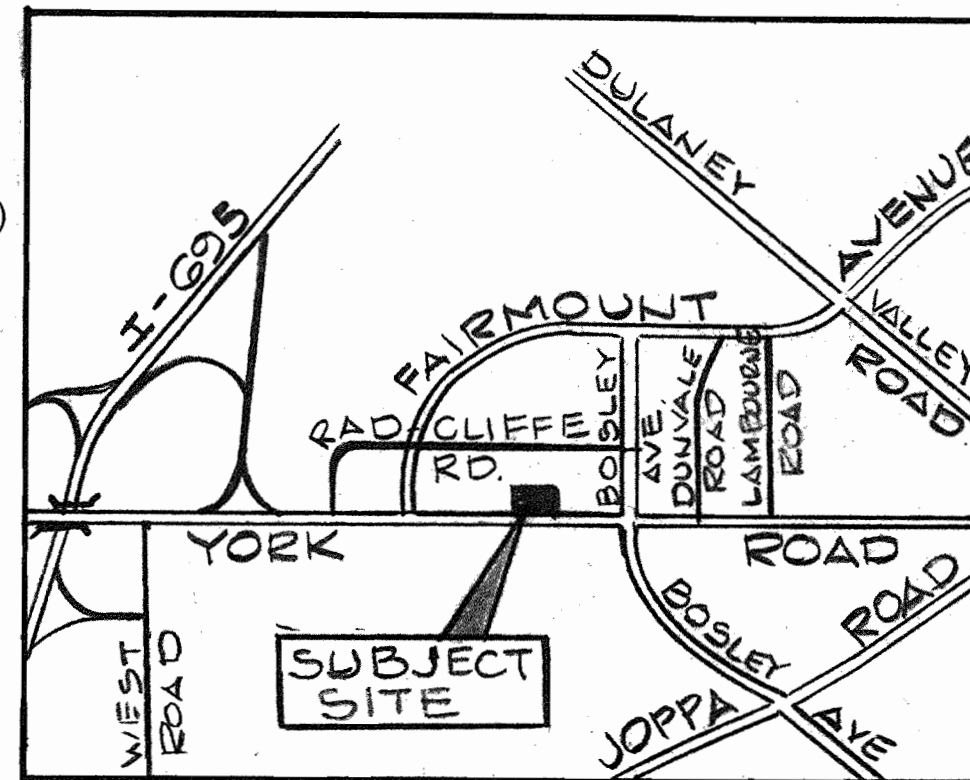


WEST ELEVATION
DETAILS OF PROPOSED WALL SIGNS (NOT TO SCALE)



PARTIAL SOUTH ELEVATION
(VIEW C-C)

BUILDING AREA = 12,126 S.F. + 2,812 S.F. = 14,938 S.F.
PARKING DATA
REQUIRED: (BASED ON SERVICE GARAGE / OFFICE = 3.3 / 1,000 S.F.)
(14,938 S.F. X 3.3) / 1,000 = 49.3 P.S. (USE 50 P.S.)
PROVIDED: 50
(INCLUDES 3 H.C. P.S. W/ 1 BEING A VAN ACCESSIBLE P.S.)
FLOOR AREA RATIO (FAR)
FAR = BUILDING AREA / GROSS AREA OF PARCEL
14,938 S.F. / 38,950 S.F. = 0.38



VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 9TH
COUNCILMANIC DISTRICT NO.: 5TH
ZONING: BR
(REFERENCE MAP(S): 07041)
AREA OF SITE:
NET= 31,350 S.F. = 0.72 AC±
GROSS= 38,350 S.F. = 0.89 AC±
PUBLIC PRIVATE
SEWER ☒ ☐
WATER ☒ ☐
YES NO
CHESAPEAKE AREA CRITICAL AREA ☐ ☒
AREA DESIGNATION: N/A
100 YEAR FLOODPLAIN ☐ ☒
HISTORIC PROPERTY / BUILDING ☐ ☒
PRIOR ZONING HEARINGS: CASE # 3882-X (SEE DECISION THIS SHEET)
PREVIOUS COMMERCIAL PERMITS:

ZONING OFFICE USE ONLY

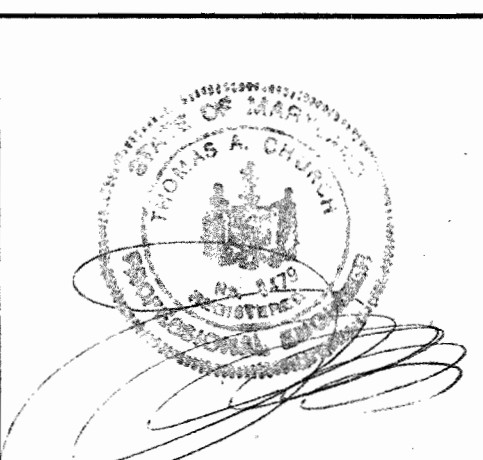
REVIEWED BY ITEM # CASE #

PROPERTY INFORMATION
OWNER: 909 YORK BUSINESS TRUST
ADDRESS: 909 YORK ROAD
BALTIMORE, MD, 21204

PHONE NO.
TAX ACCT. NO. 09-20-550510
DEED REFERENCE: 25317/339
PLAT REFERENCE: N/A

NOTE: THE TWO BILLBOARD SIGNS (ADVERTISING STRUCTURES) APPROVED BY CASE NO. 3882-X HAVE BEEN REMOVED FROM THE PROPERTY.

PETITIONER'S
EXHIBIT NO. 1



Drafting	T.L.B.
Check	T.A.C.
Design	5/27/08
Check	DATE

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

APPLICANT
BROOKS HUFF TIRE & AUTO CENTER
909 YORK ROAD
BALTIMORE, MD, 21204

PLAT TO ACCOMPANY PETITION FOR ZONING
VARIANCE
909 YORK ROAD (BROOKS HUFF TIRE AND AUTO)
ELECTION DISTRICT 09 COUNCILMANIC DISTRICT 5 BALTIMORE COUNTY, MARYLAND

SHEET 1 OF 1
DATE APR 23, 2008
REV. 05-27-08
SCALE 1"=20'
CONTRACT NUMBER 08-110



Copyright (C) 2008 Baltimore County, Maryland

08-110/909 YORK ROAD
AERIAL PHOTOGRAPH
4/4/2008

PETITIONER'S

EXHIBIT NO. 6