

IN RE: PETITION FOR VARIANCE

S side of Powers Lane; 58 feet W of
the c/l of North Rolling Road

1st Election District

1st Councilmanic District

(6324 Baltimore National Pike,

1917 Powers Lane, 1000 North Rolling Road) *

* BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

FOR BALTIMORE COUNTY

Russel Family, LLC

Petitioner

*

* **CASE NO. 2010-0202-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 F. Steven Russel, Member, on behalf of the legal owner of the subject property, Russel Family, LLC. Petitioner is requesting Variance relief from Section 450.4.F.5.g of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit two (2) freestanding signs for each franchise agreement held by a vehicle dealership in lieu of one (1) freestanding sign for each franchise permitted. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Wade Sterry on behalf of Petitioner Russel Family, LLC, and Leslie Pittler, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Ken Colbert with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance.

Initially, Mr. Pittler moved to amend the Petition to also include a request for a total sign area consisting of 69 square feet in lieu of the permitted 50 square feet for both the existing

ORDER RECEIVED FOR FILING

Date 4.14.10

By [Signature]

"Toyota/Scion" sign at the Baltimore National Pike entrance and the proposed sign that is the subject of the instant hearing. The undersigned permitted the amendment without objection. Testimony and evidence in the case proceeded by way of a proffer by Mr. Pittler and revealed that the subject property is irregular in shape and consists of several parcels with a total area of approximately 6.28 acres, more or less, zoned B.M., B.R., B.R.-A.S., and a small area of D.R.5.5. The property is located near the northwest corner of Rolling Road and Baltimore National Pike (U.S. 40), west of Interstate 695, in the Catonsville area of Baltimore County. The property has frontage along Rolling Road and Baltimore National Pike, but is not located directly at the corner; the property is notched at the corner where a separate property is located and contains a diner/restaurant. The subject property also has frontage to the north along Powers Lane. The property is home to the Toyota/Scion car dealership owned and operated by Russel Motor Cars, Inc. and is improved with an existing one-story building that contains areas for the vehicle showroom, vehicle service and parts, and retail sales. There is also an existing two level parking deck located on the western-most side of the property. The property also contains a number of open parking areas for storage of vehicle inventory, vehicles being serviced, and customer parking.

Additional proffered testimony by Mr. Pittler indicated that the property is located in a large commercial corridor of Baltimore National Pike with significant business and commercial zoning. An aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2 is also labeled and shows the various commercial uses surrounding the property, including retail offices, auto service garages, restaurants, several retail shopping centers, and stand alone retail buildings. Beyond these areas to the north, south, and east are D.R. zoned residential areas.

ORDER RECEIVED FOR FILING

Date 4-14-10 2

By ps

Presently, as shown on the site plan, Petitioner has a sign at the main Baltimore National Pike entrance. The sign detail is also depicted on the site plan. Petitioner has recently proceeded through a substantial and costly renovation and building program for their dealerships. This has included the subject property and has involved a multimillion-dollar project at Russel Toyota/Scion. Petitioner had operated at the subject location since March 2007. The site was previously home to a Circuit City store until the store closed. At this juncture, Petitioner desires to add another freestanding sign to the entrance at Rolling Road and Powers Lane that would be identical to the aforementioned sign at Baltimore National Pike.

In support of the requested relief, Mr. Colbert was offered and accepted as an expert in engineering, land use and site development, and interpretation of the Zoning Regulations. He indicated that the subject property has some natural limitations that drive the need for the sign variance, due to the property's size and topography, as well as the configuration of the property and the nearby traffic patterns. Specifically, as shown on the site plan, the property has a very unusual shape due to its combination of parcels. It also has frontage on three separate public roads. In addition, the location of improvements was essentially predetermined with the presence of the existing Circuit City building when Petitioner acquired the property, creating more limitations. Moreover, due to the presence of the diner/restaurant at the corner, which indents into the subject property and is obviously unrelated to Petitioner's business, it is difficult for customers to know exactly where the dealership is located, and more particularly where the entrances are located -- both on Baltimore National Pike and especially on Powers Lane.

The topography of the property also presents challenges. Mr. Colbert indicated there is a 30 foot increase in elevation from the entrance on Baltimore National Pike to the Powers Lane side of the site. In Mr. Colbert's expert opinion, all of these factors adversely affect the visibility

ORDER RECEIVED FOR FILING

Date 4.14.10 3

By [Signature]

that passersby might have of the site and cause customers traveling south on Rolling Road to unknowingly pass the dealership and cross Baltimore National Pike, and then have to backtrack to return to the dealership. The situation is depicted in the photo exhibit that was marked and accepted into evidence as Petitioner's Exhibit 3. Mr. Colbert also offered his opinion that the proposed sign would alleviate this problem, with no adverse impacts on the community. The proposed sign would also be consistent with other signage in the area, in terms of overall square footage and height, as particularly compared with the nearby McDonald's, 7-11, and Double T Diner signage.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 23, 2010 which states the property is located within the Baltimore National Pike Commercial Revitalization District. The Planning Office does not oppose the Petitioner's request to construct an additional freestanding enterprise sign as the existing sign along Baltimore National Pike is not visible from Rolling Road and Powers Lane. However, the Planning Office requests that the proposed sign that is roughly 4 feet wide by 24 feet high be reduced in height to 15 feet maximum. Signage of this reduced height would clearly identify the establishment to the audience traveling on Rolling Road.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In this instance, I agree with the testimony of Mr. Colbert, Petitioner's consulting engineer, that the unusual size and shape of the property, its frontage on three public roads, and the substantial difference in elevation from one side of the property to the other, render the property unique in a zoning sense and drive the need

ORDER RECEIVED FOR FILING

Date 4.14.10 4

By [Signature]

for the variance from the signage regulations. I also find that Petitioner would suffer practical difficulty and unreasonable hardship if the variance were denied.

Finally, I find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. Indeed, the photo exhibit shows the proposed sign superimposed on one of the photographs at the corner of Powers Lane and Rolling Road. The sign is identical to the one presently on Baltimore National Pike, creating uniformity, and it does not appear that the sign will overwhelm the site or create any sight issues for traffic traveling south on Rolling Road. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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 14th day of April, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance request from Section 450.4.F.5.g of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit two (2) freestanding signs for each franchise agreement held by a vehicle dealership in lieu of one (1) freestanding sign for each franchise permitted, and to permit a total sign area of 69 square feet in lieu of the permitted 50 square feet for the existing "Toyota/Scion" sign at the Baltimore National Pike entrance and the proposed sign, as shown on the site plan and the photo exhibit, be and are hereby **GRANTED**.

The relief granted herein shall be subject to the following:

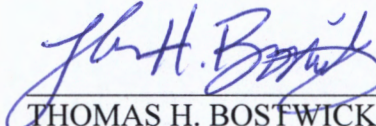
ORDER RECEIVED FOR FILING

Date 4.14.10

By [signature]

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.

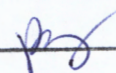


THOMAS H. BOSWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 4-14-10

By 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 14, 2010

LESLIE PITTLER, ESQUIRE
25 WANDSWORTH BRIDGE WAY
LUTHERVILLE MD 21093

Re: Petition for Variance
Case No. 2010-0202-A
Property: 6324 Baltimore National Pike, 1917 Powers Lane, 1000 North
Rolling Road

Dear Mr. Pittler:

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,

Handwritten signature of Thomas H. Bostwick in cursive.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Wade Sterry, 13606 Foxstream Way, West Friendship MD 21294
Ken Colbert, Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore MD 21209

Note to file: 2010-0202-A

1/27/10

JCM contacted engineer (Mr. Matz) and requested existing sign detail exhibit for inclusion to file. This exhibit is in light of request for the second franchise signs.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1917 Powers Lane, 1000 N. Rolling Road, 6324 Baltimore National Pike
which is presently zoned BR, BM, BR-AS and DR-3.5

Deed Reference 18529/245, 20465/222, 22023/350, 26040/30

Tax Account # 2100001182, 1900012115, 1900012116, 0105150270, 0112400460

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

See Attached.

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

Reasons to be presented at the hearing.

Property 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:

Name - Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Leslie Pittler, Esq.

Name - Type or Print

Signature

Leslie Pittler, Esq.

Company

25 Wandsworth Bridge Way

410-823-4455

Address

Telephone No.

Lutherville

MD 21093

City

State Zip Code

Legal Owner(s):

Russel Family, LLC

F. Steven Russel, Member

Name - Type or Print

Signature

Name - Type or Print

Signature

6700 Baltimore National Pike

410-788-8400

Address.

Telephone No.

Baltimore

MD 21228

City

State Zip Code

Representative to be Contacted:

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date 1.22.10

Case No.

2010-0202-A
ORDER RECEIVED FOR FILING

Date

4.14.10

By

pr

**ATTACHMENT TO VARIANCE PETITION
1917 POWERS LANE**

Variance from Section 450.4.F.5.g, BCZR, to permit two (2) freestanding signs for each franchise agreement held by a vehicle dealership in lieu of one (1) freestanding sign for each franchise permitted.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION
6324 BALTIMORE NATIONAL PIKE, 1000 N. ROLLING ROAD
AND 1917 POWERS LANE

Beginning at a point on the south side of Powers Lane, at a distance of 58 feet, more or less, west of the centerline of North Rolling Road, thence the following courses and distances:

S 19°02'58" E, 33.08 ft.;
S 16°02'14" W, 150.52 ft.;
N 77°09'03" W, 185.42 ft.;
N 77°09'03" W, 136.61 ft.;
S 13°22'12" W, 140.13 ft.;
S 13°22'12" W, 129.75 ft.;
By a curve to the right with a Length 204.96 ft., Radius 3744.72 ft.;
N 13°22'12" E, 130.34 ft.;
N 76°37'48" W, 68.00 ft.;
N 15°13'11" E, 22.18 ft.;
N 19°51'37" W, 123.56 ft.;
N 72°00'10" W, 116.75 ft.;
N 18°00'17" E, 50.26 ft.;
N 71°59'43" W, 170.00 ft.;
N 18°00'19" E, 212.93 ft.;
S 71°04'18" E, 170.02 ft.;
S 71°01'05" E, 598.32 ft.;
S 71°04'36" E, 151.80 ft. to the Point of Beginning

As recorded in the Baltimore County Land Records at Liber 18529, folio 245; Liber 20465, folio 222; Liber 22023, folio 350 and Liber 26040, folio 30 and containing 273,728 sq. ft. (6.28 acres), more or less. Also known as 6324 Baltimore National Pike, 1000 N. Rolling Road and 1917 Powers Lane, and located in the 1st Election District, 1st Councilmanic District.

J:\99\99186.7\Sign Variance-Rolling Road\99186.7 zoning description 012210.doc



**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: 2010-0202-A
Petitioner: Russel Family, LLC
Address or Location: 1917 Powers Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steven Russel
Address: Russel Motel Cars
6700 Baltimore National Pike
Baltimore Md 21228
Telephone Number: 410-788-8400

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2010-0202-A

1917 Powers Lane, 1000 N. Rolling Road, and 6324 Baltimore National Pike

S/side of Powers Lane, 58 ft. +/- west of the centerline of North Rolling Road

1st Election District — 1st Councilmanic District

Legal Owner(s): Russel Family, LLC, F. Steven Russel, Member

Variance: to permit two (2) freestanding signs for each franchise agreement held by a vehicle dealership in lieu of one (1) freestanding sign for each franchise permitted.

Hearing: Monday, March 15, 2010 at 10:00 a.m. in Room 104, 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.
2/4/23 February 25 230810

CERTIFICATE OF PUBLICATION

2/25/2010

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 2/25/2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 02/27/2010

Case Number: 2010-0202-A

Petitioner / Developer: LESLIE PITLER, ESQ.~RUSSEL FAMILY, LLC, F.
STEVEN RUSSEL~COLBERT, MATZ & ROSENFELT, INC.

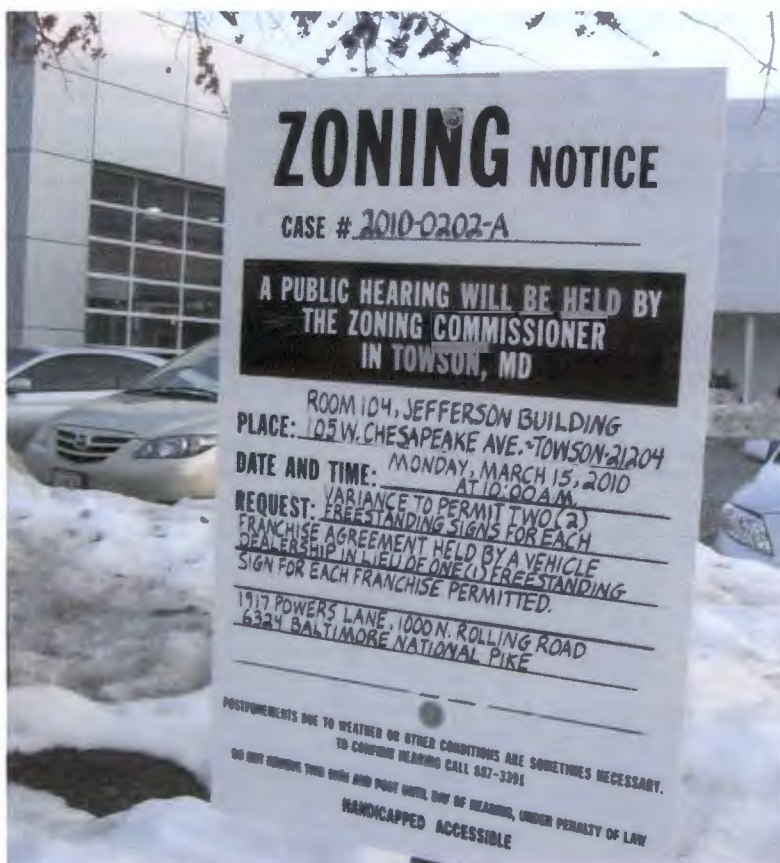
Date of Hearing (Closing): MARCH 15, 2010

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

(1) @ 1917 POWERS LANE ~ (1) @ 1000 N. ROLLING ROAD ~

(1) @ 6324 BALTIMORE NATIONAL PIKE

The sign(s) were posted on: 02/27/2010



1917 POWERS LANE

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



1000 N. ROLLING ROAD



6324 BALTIMORE NATIONAL PIKE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 16, 2010

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:

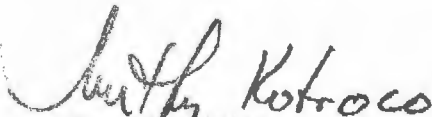
CASE NUMBER: 2010-0202-A

1917 Powers Lane, 1000 N. Rolling Road, and 6324 Baltimore National Pike
S/side of Powers Lane, 58 ft. +/- west of the centerline of North Rolling Road
1st Election District – 1st Councilmanic District

Legal Owners: Russel Family, LLC, F. Steven Russel, Member

Variance to permit two (2) freestanding signs for each franchise agreement held by a vehicle dealership in lieu of one (1) freestanding sign for each franchise permitted.

Hearing: Monday, March 15, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Leslie Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Russel Family, LLC, F. Steven Russel, 6700 Baltimore National Pike, Baltimore 21228
Colbert, Matz, Rosenfelt, 2835 Smith Ave., Ste. G., Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 27, 2010**
(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, February 25, 2010 Issue - Jeffersonian

Please forward billing to:

Steven Russel
Russel Family, LLC
6700 Baltimore National Pike
Baltimore, MD 21228

410-788-8400

NOTICE OF ZONING HEARING

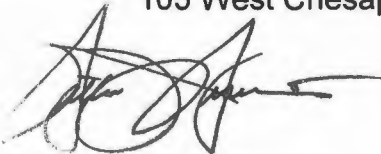
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0202-A

1917 Powers Lane, 1000 N. Rolling Road, and 6324 Baltimore National Pike
S/side of Powers Lane, 58 ft. +/- west of the centerline of North Rolling Road
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Hearing: Monday, March 15, 2010 at 10:00 a.m. in Room 104, 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 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

March 11, 2010

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

Dear: Leslie Pittler, Esq.

RE: Case Number 2010-0202-A, 1917 Powers Lane; 1000 N. Rolling Road; 6324 Baltimore National Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 22, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
F. Steven Russel; Russel Family, LLC; 6700 Baltimore National Pike; Baltimore, MD 21228
Colberts Matz Rosenfelt, Inc.; 2835 Smith Ave. Ste. G; Baltimore, MD 21209

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 3, 2010

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 15, 2010
Item Nos. 2010-0201, 202, 203 and
204

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-02152010 -NO COMMENTS.doc

TB 3/15 10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 23, 2010

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

SUBJECT: 1917 Powers Lane, 1000 N. Rolling Road and 6324 Baltimore National Pike

INFORMATION:

Item Number: 10-202

RECEIVED

Petitioner: Russel Family, LLC

Zoning: BR, BM, BR-AS and DR 3.5

MAR 01 2010

Requested Action: Variance

ZONING COMMISSIONER

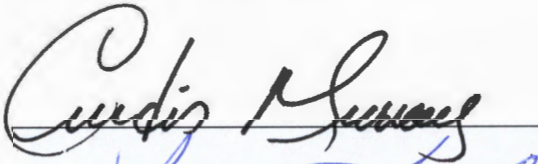
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The subject property is located within the Baltimore National Pike Commercial Revitalization District. The Office of Planning does not oppose the petitioner's request to construct an additional freestanding enterprise sign, as the existing sign along Baltimore National Pike is not visible from Rolling Road and Powers Lane. However, the Office of Planning requests the following:

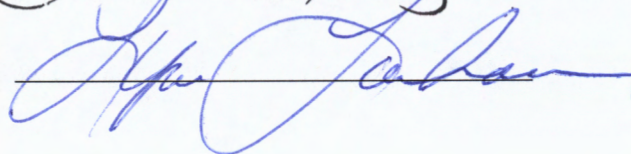
The proposed sign is roughly 8' x 24'. This office request that the sign be reduced in height to a 15-foot maximum. Signage of this reduced height would clearly identify the establishment to the audience traveling on Rolling Road.

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

Prepared by:



Division Chief:
AFK/LL: CM





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

June 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 0202

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

February 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 01, 2010

Item Numbers: 0201, 0202, 0203, 0204

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

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: FEB. 22, 2010

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

RE: Baltimore County
Item No. 2010-0202A
S/S POWERS LANE
RUSSELL FAMILY PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0202-A.

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 (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael Bailey".

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 08 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: March 8, 2010

SUBJECT: Zoning Item # 10-202-A
Address 1917 Powers Ln, 1000 North Rolling Rd, 6324 Baltimore National Pike
(Russel Family Property/ Russel Motor Cars)

Zoning Advisory Committee Meeting of February 1, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: J. Russo

Date: 2/19/10

RE: PETITION FOR VARIANCE	*	BEFORE THE
1917 Powers Lane; 1000 N. Rolling Road,	*	ZONING COMMISSIONER
6324 Baltimore National Pike; S/S Powers	*	FOR
Lane, 58' W c/line of North Rolling Road	*	BALTIMORE COUNTY
1 st Election & 1 st Councilmanic Districts	*	10-202-A
Legal Owner(s): Russel Family LLC		
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

FEB 16 2010

.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2010, a copy of the foregoing Entry of Appearance was mailed to Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Leslie Pittler, Esquire, 25 Wandsworth Bridge Way, Lutherville, MD 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Case No.:

2010-0202-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	Aerial photograph of area w/ property	
No. 3	photos of area + property + sign location	
No. 4	Zoning Map	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



ROLLING ROAD LOOKING SOUTH AT PROPOSED SIGN LOCATION



ROLLING ROAD LOOKING SOUTH AT PROPOSED SIGN LOCATION



ROLLING ROAD LOOKING NORTH AT PROPOSED SIGN LOCATION



ROLLING ROAD LOOKING NORTH AT PROPOSED SIGN LOCATION



EXISTING SIGN AT BALTIMORE NATIONAL PIKE ENTRANCE



ROLLING ROAD LOOKING WEST AT PROPOSED SIGN LOCATION

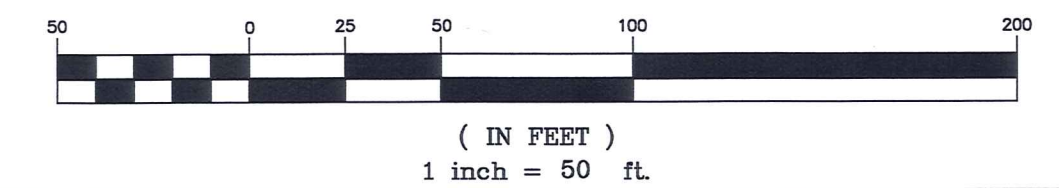


ROLLING ROAD LOOKING SOUTH AT PROPOSED SIGN LOCATION
w/ PROPOSED SIGN "SUPERIMPOSED"

PETITIONER'S
EXHIBIT NO. 3

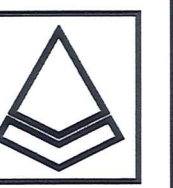
PHOTO EXHIBIT
RUSSEL MOTORS CARS, INC.

6324 BALTIMORE NATIONAL PIKE,
1917 POWERS LANE, AND 1000 N. ROLLING ROAD
TAX MAP 94- PARCEL 8, 12, 276 & 42 PARCELS "B" AND "C"
FIRST ELECTION DISTRICT FIRST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE

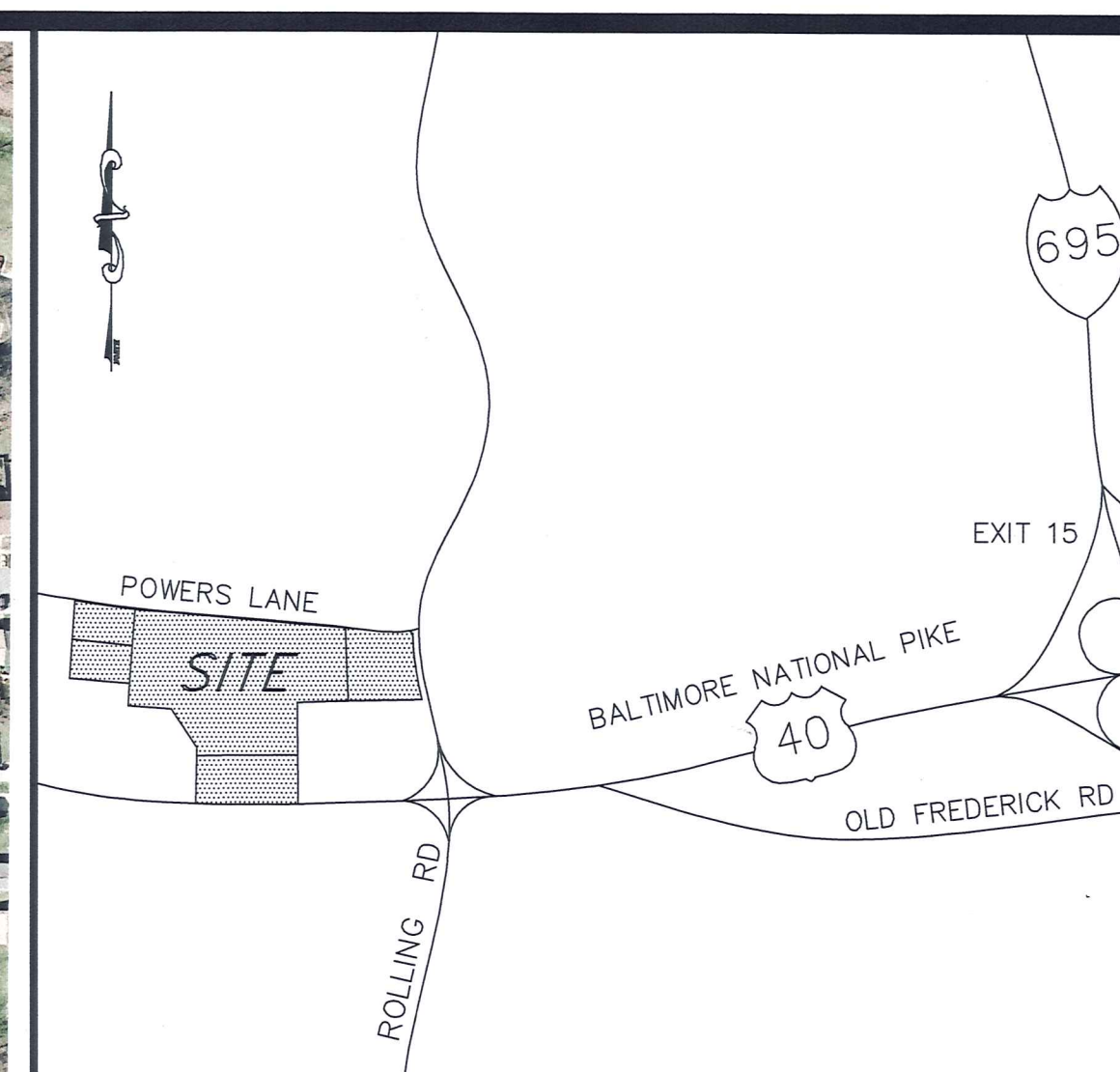
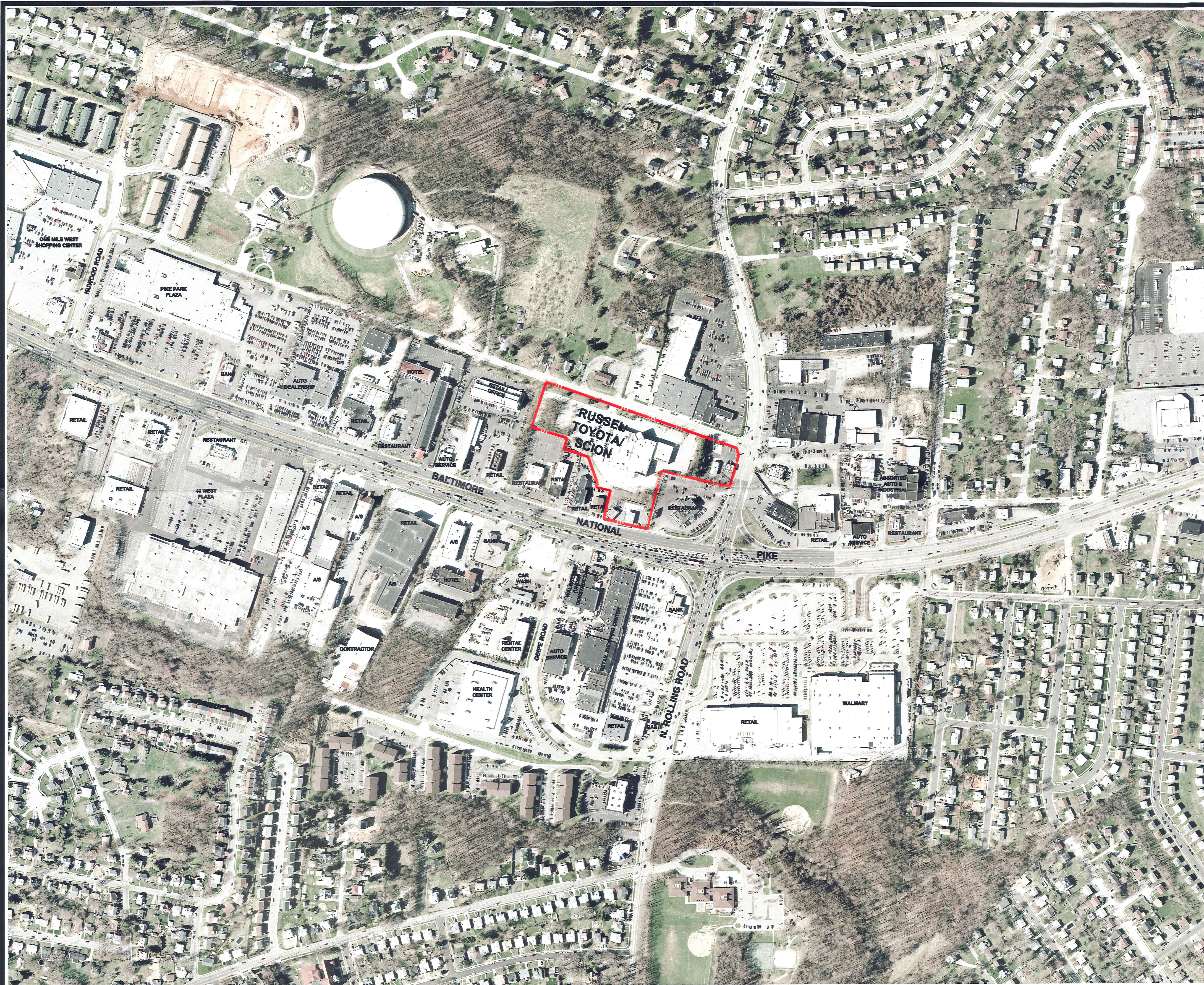


Colbert Matz Rosenfelt, Inc.

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



			SCALE: 1"= 200'
			DATE: MARCH 11, 2010
			JOB NO.: 99186.7
			DESIGNED: CMR
			DRAWN: AKC
			CHECKED: KJC
			FILE: PHOTO EXHIBIT.dwg
			DRAWING NUMBER: PHOTO-1
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1

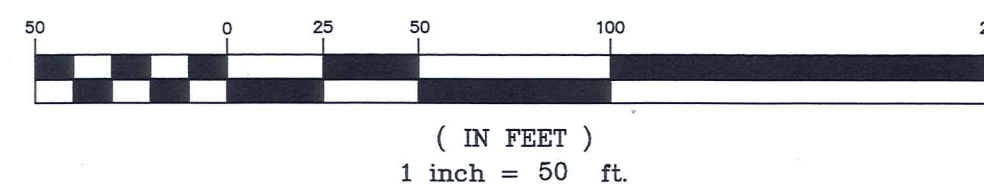


VICINITY MAP
SCALE: 1"=1000'

PETITIONER'S
EXHIBIT NO. 2

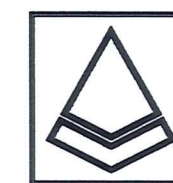
AERIAL PHOTO EXHIBIT #1
RUSSEL MOTORS CARS, INC.

6324 BALTIMORE NATIONAL PIKE,
1917 POWERS LANE, AND 1000 N. ROLLING ROAD
TAX MAP 94- PARCEL 8, 12, 276 & 42 PARCELS "B" AND "C"
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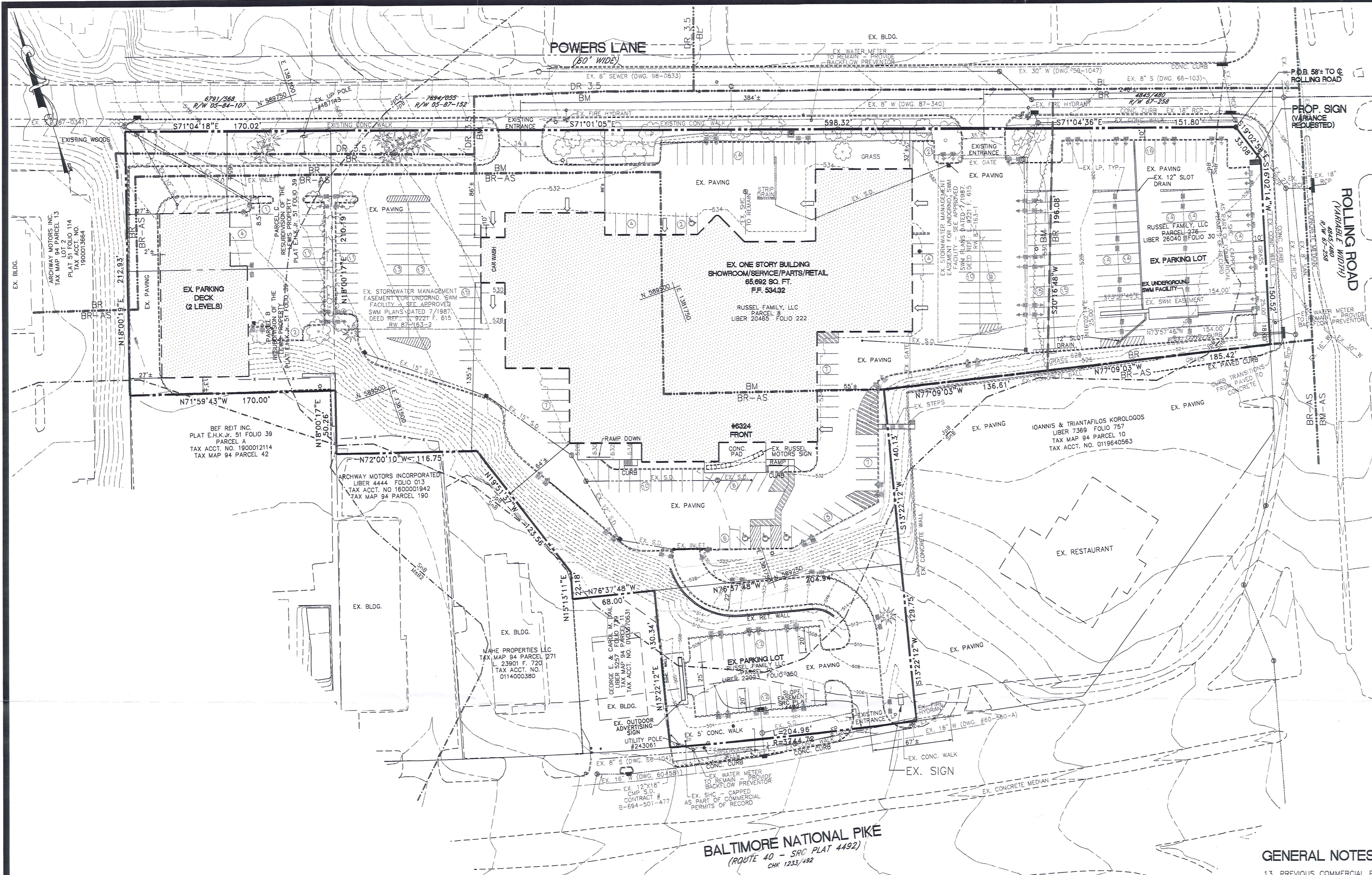


				SCALE: 1"= 200'
				DATE: MARCH 11, 2010
				JOB NO.: 99186.7
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				CHECKED: KJC
				FILE: AERIAL PHOTO EXHIBIT.dwg
				DRAWING NUMBER: AER-1
NO.	DATE	REVISIONS:	BY	SHEET 1 OF 2



Baltimore County Department of Planning and Zoning

094A2	094B2	094C2	095A
	094B3	094C3	095A



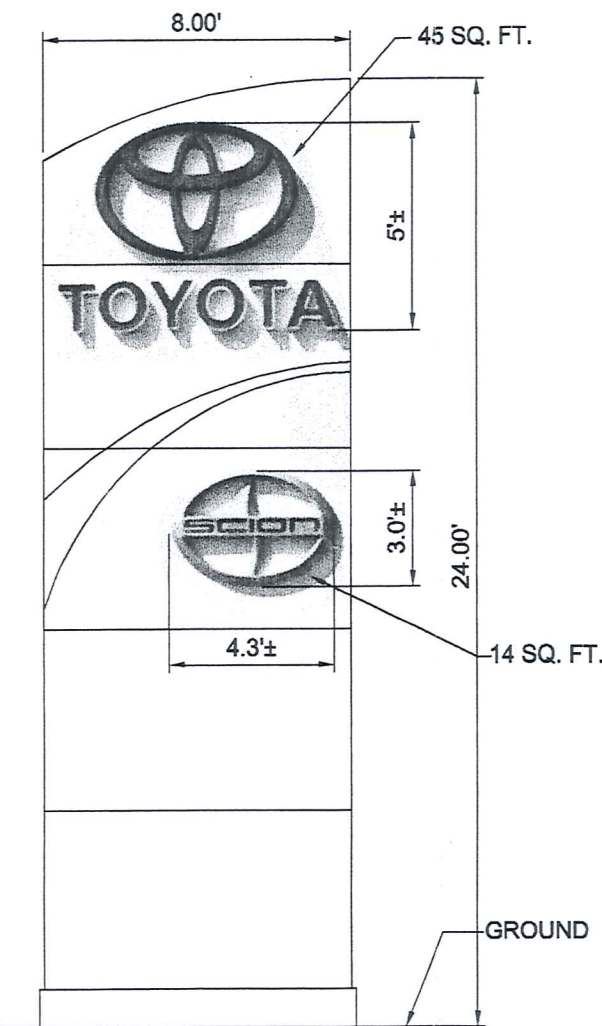
BENCHMARK

COORDINATE AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE MCS NAD83/91 DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS

STATION	NORTHING	EASTING	ELEVATION
GIS#176	588878.1694	1382269.9880	516.843
CONCRETE MONUMENT WITH BRASS DISC STAMPED DIS 176			
50' ± EAST OF INTERSECTION ROLLING ROAD & RTE. 40			
5' SOUTH OF WALK ON SOUTH SIDE OF RTE. 40			
589637.9800	1381756.3000	535.83	
R/R SPIKE IN SEAM OF WALK ON SOUTH SIDE OF POWER LANE, WEST OF ROLLING ROAD, 50.70' EAST OF F.H. IN FRONT OF RUSSEL MOTORS.			

LEGEND

PROPERTY LINE
CONTOURS
ZONING LINE
CURB AND GUTTER
GIS PAVING
SOIL BOUNDARY
SANITARY SEWER
STORM DRAIN
WATER
SITE LIGHTING



PROPOSED SIGN DETAIL

SCALE: 1"=5'
TOTAL SIGN AREA = 69 SQ. FT.

GENERAL NOTES:

- OWNER/DEVELOPER: RUSSEL FAMILY, LLC
TAX MAP 94 GRID 24 PARCEL 8, 12, 276 & 42 PARCELS "B" AND "C"
TAX ACCOUNT NOS.: 2100001182, 1900012115, 1900012116, 0105150270, 0112400460
DEED REFERENCES: 18529/245, 20465/222, 22023/350 & 26040/30
PLAT REFERENCE: 1239 (FOR PARCELS "B" & "C")
SITE AREA: 273,728 SQ. FT. ± OR 6.28 AC. ±
- PROPERTY INFORMATION:
TAX MAP 94 GRID 24 PARCEL 8, 12, 276 & 42 PARCELS "B" AND "C"
TAX ACCOUNT NOS.: 2100001182, 1900012115, 1900012116, 0105150270, 0112400460
DEED REFERENCES: 18529/245, 20465/222, 22023/350 & 26040/30
PLAT REFERENCE: 1239 (FOR PARCELS "B" & "C")
SITE AREA: 273,728 SQ. FT. ± OR 6.28 AC. ±
- ZONING: BM, BR, BR-AS, & D.R. 3.5 (BALTO. CO. 200-SCALE ZONING MAP 94-C3)
EXISTING USE: AUTOMOBILE DEALERSHIP
PROPOSED USE: AUTOMOBILE DEALERSHIP
- THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO SEPTIC SYSTEMS OR WELLS ON THIS SITE.
- THIS AREA SERVICED BY PUBLIC WATER AND SEWER SYSTEMS.
- A FOREST CONSERVATION WAIVER HAS BEEN GRANTED IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, NATURAL RESOURCES ARTICLE, SECTION 5-1603 BY LETTER DATED FEBRUARY 2, 2009.
- THERE ARE NO 100-YEAR FLOODPLAINS, STREAMS, OR WETLANDS ON THE SITE. SEE FIRM PANEL NO.: 240008 0007 C.
- THE SUBJECT SITE DOES NOT HAVE AN AMENITY OPEN SPACE REQUIREMENT.
- THERE ARE NO HISTORIC STRUCTURES OR AREAS OF CRITICAL STATE CONCERN WITHIN THIS PROPERTY.
- NO HAZARDOUS MATERIALS ON THIS PROPERTY.
- ZONING HISTORY:
IN CASE NO. R-87-89, ON SEPTEMBER 10, 1986, THE BOARD OF APPEALS APPROVED A REQUEST TO REZONE THE SUBJECT PROPERTY FROM DR-3.5 AND DR-16 TO BR-CSA AND BL-CSA.
IN CASE NO. 90-105-X, ON OCTOBER 19TH, 1989, THE DEPUTY ZONING COMMISSIONER APPROVED A PETITION FOR SPECIAL EXCEPTION FOR A SERVICE GARAGE, SUBJECT TO RESTRICTIONS.
IN CASE NO. 01-312-A, ON MARCH 26TH, THE DEPUTY ZONING COMMISSIONER APPROVED A PETITION FOR VARIANCES FOR SIGNAGE & TO AMEND THE PREVIOUSLY APPROVED VARIANCE IN CASE NO.: 67-27-A.
IN CASE NO. 07-127-A, ON NOVEMBER 20TH, 2006, THE ZONING COMMISSIONER APPROVED A PETITION FOR VARIANCE TO PERMIT A SIDE YARD OF 26' IN LIEU OF 30' AND A REAR YARD OF 13' IN LIEU OF 30' IN ACCORDANCE WITH THE EXHIBIT, SUBJECT TO RESTRICTIONS.
IN CASE NO. 04-569-X, WITHDRAWN.
IN CASE NO. 07-355-XA, ON MAY 31ST, 2007, THE ZONING COMMISSIONER APPROVED A PETITION FOR SPECIAL EXCEPTION TO ALLOW THE USE OF THE PROPERTY FOR AN OUTDOOR ADVERTISING SIGN.

GENERAL NOTES (CONT.):

- PREVIOUS COMMERCIAL PERMITS: B 625701, B606361, B 613298, B 603100, B 647086, B 647087, B 704889, B704890.
- THE BOUNDARY SHOWN HEREON IS BASED ON A FIELD RUN SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC., DATED 6/2005. THE TOPOGRAPHY SHOWN HEREON IS BASED ON FIELD RUN SURVEYS PREPARED BY COLBERT MATZ ROSENFELT, INC., DATED 6/2005, 11/2006 & 3/2007.
- ALL PARKING AREAS ARE PAVED WITH A DURABLE DUST-FREE SURFACE AND ARE PERMANENTLY STRIPED.
- CRG HISTORY:
CRG PLAN- 11/13/86
1ST AMENDED CRG PLAN- 1/24/07
2ND AMENDED CRG PLAN- 8/22/08
- DRC HISTORY:
071105A (8/12/05)
071006A (12/15/06)
090208E (9/15/08)

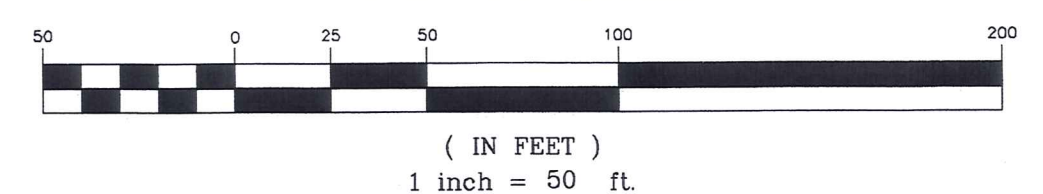
PETITIONER'S

EXHIBIT NO. **1** PDM FILE NO.: 01-559

PLAN TO ACCOMPANY VARIANCE PETITION

RUSSEL MOTORS CARS, INC.

6324 BALTIMORE NATIONAL PIKE,
1917 POWERS LANE, AND 1000 N. ROLLING ROAD
TAX MAP 94- PARCEL 8, 12, 276 & 42 PARCELS "B" AND "C"
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Facsimile: (410) 653-7953

Professional Certification

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

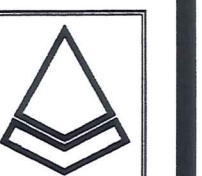
License No. 9752 Expiration Date: 02-28-12

CHECKED: KJC

FILE: 99186.7 SIGN VAR 2010.dwg

DRAWING NUMBER:

NO. DATE REVISIONS: BY SHEET 1 OF 1



SCALE: 1"= 50'

DATE: JAN. 22, 2010

JOB NO.: 99186.7

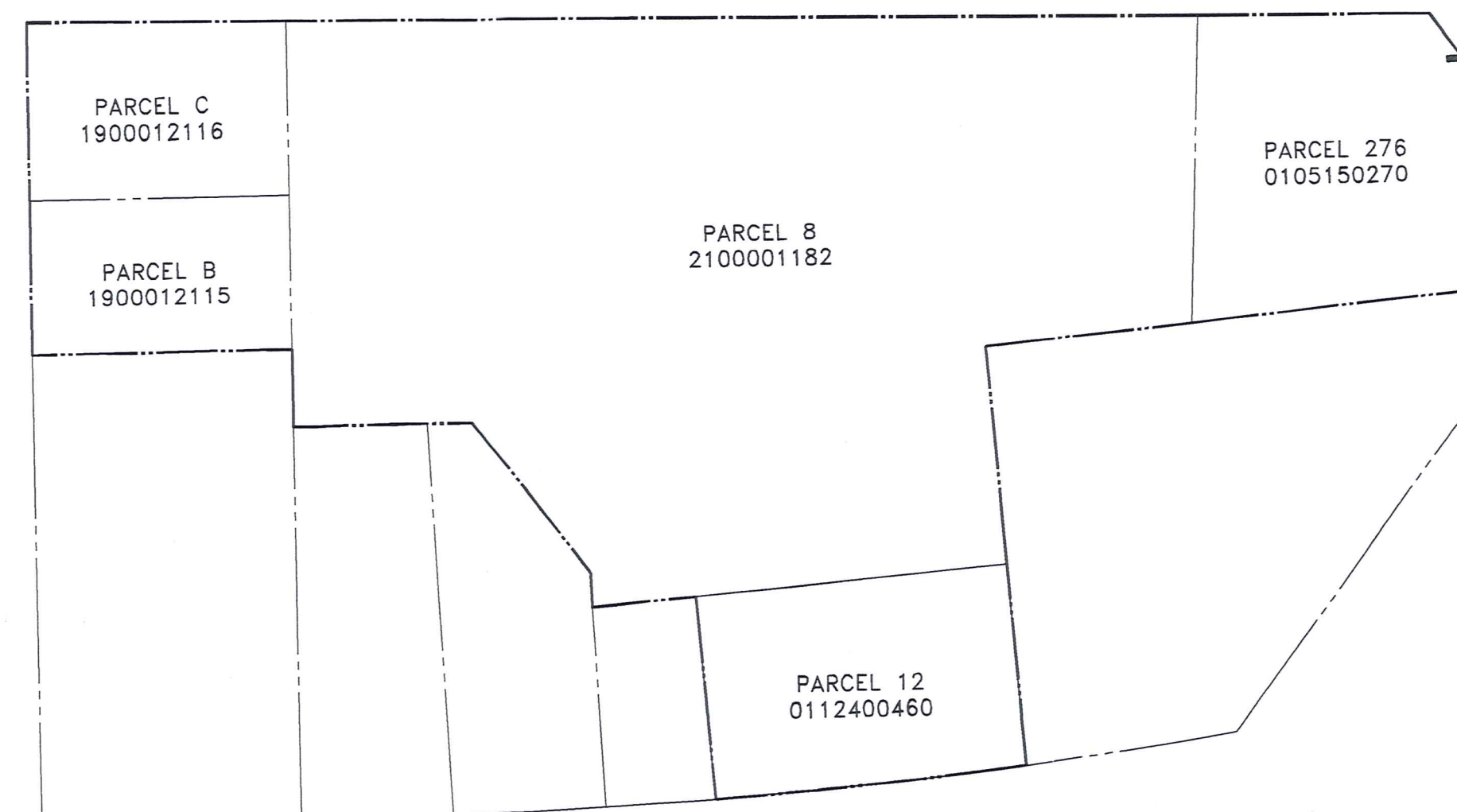
DESIGNED: CMC

CHECKED: KJC

FILE: 99186.7 SIGN VAR 2010.dwg

DRAWING NUMBER:

ZON-1



PROPERTY LAYOUT

SCALE: 1"=100'