

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION**

N/side of Baltimore National Pike,
1,170' W of c/line of Nuwood Drive
1st Election District
1st Councilmanic District
(6616 Baltimore National Pike)

Russel Motor Cars, Inc.
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2012-0003-SPHX

* * * * *

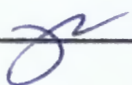
OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Special Exception filed by Leslie M. Pittler, Esquire on behalf of the legal property owner, Russel Motor Cars, Inc. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the Variance granted in Case No. 87-484-SPHA to recompute the front averaged required setback, in accordance with Sections 238.1 and 303.2 of the B.C.Z.R. In addition, Petitioner requests Special Exception relief, pursuant to Section 236.2 of the B.C.Z.R., to permit a used motor vehicle outdoor sales area, separated from the sales agency building. The subject property and requested relief are more fully described 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 requests was Kenneth Colbert with Colbert Matz Rosenfelt, Inc., the consulting firm who prepared the site plan. Leslie M. Pittler, Esquire appeared as counsel and represented the Petitioner. There were no Protestants or other interested persons present at the hearing.

ORDER RECEIVED FOR FILING

Date 8-24-11

By 

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Testimony and evidence offered at the hearing revealed that the subject property comprises 3.93 acres more or less and is zoned BR with a small sliver of land along Powers Lane zoned DR 16. The property is located on the north side of Baltimore National Pike west of its intersection with Nuwood Drive. The property is part of the Russel automotive dealerships that exist at this location. It is improved with a 24,043 square feet used car sales building which formerly housed a BMW new car sales facility. BMW has relocated and now the owner wishes to operate a Toyota used car sales facility. In order to sell used cars, the special exception request is necessary. Furthermore, the Applicant wishes to adjust the front average setback for the building in question, in that the building to the west of this property has had some additions constructed to it. That building now sits closer to Baltimore National Pike thereby altering the required front average setback for this building. The setback request is now 51 feet in lieu of the required 56 feet.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Special Hearing requests should be granted.

THEREFORE, IT IS ORDERED this 24 day of August, 2011, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the Variance granted in Case No. 87-484-SPHA to recompute the front averaged required setback, in accordance with Sections 238.1 and 303.2 of the B.C.Z.R., be and is hereby GRANTED; and

ORDER RECEIVED FOR FILING

Date 8.24-11

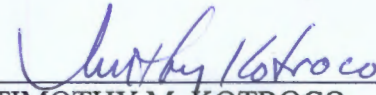
By 

IT IS FURTHER ORDERED that Petitioner's Special Exception request, pursuant to Section 236.2 of the B.C.Z.R., to permit a used motor vehicle outdoor sales area, separated from the sales agency building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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 their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 8-24-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

August 24, 2011

LESLIE M. PITTLER, ESQUIRE
25 WANDSWORTH BRIDGE ROAD
LUTHERVILLE MD 21093

Re: Petition for Special Hearing and Special Exception
Case No. 2012-0003-SPHX
Property: 6616 Baltimore National Pike

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.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6616 Baltimore National Pike

which is presently zoned BR & DR 16

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

Special Hearing to amend the Variance granted in Case No. 87-484SPHA to recompute the front averaged required setback, in accordance with Section 238.1 and 303.2.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Leslie M. Pittler

Name - Type or Print

Signature

Company

25 Wandsworth Bridge Road - 443-831-9204

Address

Telephone No.

Lutherville, MD 21093

City

State

Zip Code

Legal Owner(s):

Russel Motor Cars Inc.

Name - Type or Print

Signature

Name - Type or Print

Signature

6700 Baltimore National Pike

Address

Telephone No.

Baltimore, MD 21228 - 410-788-8400

City

State

Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

Name

Colbert Matz Rosenfelt, 2835 Smith Avenue, G.

Address

Telephone No.

Baltimore, MD 21209 - 410 - 653-3838

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2012-0003-SPHX

REV 9/15/08

ORDER RECEIVED FOR FILING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 7/7/11

Date

8-24-11

By

[Signature]



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 6616 Baltimore National Pike

which is presently zoned BR 2 DR 16

Deed Reference: 14434 / 614 Tax Account # 0115370230

11613 / 00592; 07319 / 00298#0102202210; #0102202211

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

Used motor vehicle outdoor sales area, separated from sales agency building, per Section 236.2.

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Leslie M. Pittler

Name - Type or Print

Signature

Company

25 Wandsworth Bridge Road - 443-831-9204

Address

Telephone No.

Lutherville, MD 21093

City

State

Zip Code

Legal Owner(s):

Russel Motor Cars Inc.

Name - Type or Print

Signature

ROBERT J. BRANSON

Name - Type or Print

Signature

6700 Baltimore National Pike

Address

Telephone No.

Baltimore, MD 21228 - 410-788-8400

City

State

Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

Name

Colbert Matz Rosenfelt, 2835 Smith Avenue, G.

Address

Telephone No.

Baltimore, MD 21209 - 410-653-3838

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

D.T.

Date

7/7/11

REV 07/27/2007

ORDER RECEIVED FOR FILING

Date

8-24-11

By

[Signature]

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

RUSSEL MOTOR CARS, INC.
6616 Baltimore National Pike

Beginning at a point on the north side of Baltimore National Pike, variable width, at the distance of 1,170 feet more or less west of the centerline of Nuwood Drive, 70 feet wide. Thence the following courses and distances:

By a curve to right with $R = 7,564.44$ and $L = 210.91$

N $18^{\circ} 25' 40''$ E, 547.66'

S $74^{\circ} 04' 20''$ E, 214.50'

S $71^{\circ} 21' 00''$ E, 185.50'

S $15^{\circ} 50' 00''$ W, 319.03'

N $74^{\circ} 10' 00''$ W, 33.31'

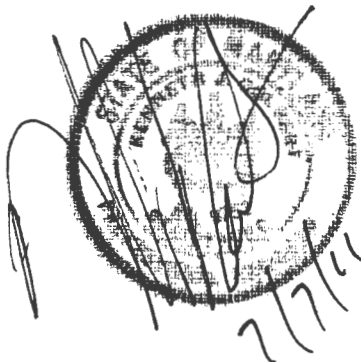
N $5^{\circ} 50' 00''$ E, 31.00'

N $58^{\circ} 08' 40''$ W, 197.63'

S $15^{\circ} 50' 00''$ W, 367.02'

To the point of beginning.

As recorded in Deeds Liber 14434, folio 614; Liber 11613, folio 592 and Liber 7319, folio 298 and containing 171,189 square feet or 3.93 acres of land, more or less, and located in the 1st Election District and the 1st Councilmanic District.



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: 2-28-12

J:\99\99186.2\Special Exception\Zoning Description 6616 Baltimore National Pike

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0003-SPHX

6616 Baltimore National Pike
N/side of Baltimore National Pike, 1,170 feet west of centerline of Nuwood Drive
1st Election District — 1st Councilmanic District
Legal Owner(s): Russel Motor Cars, Inc.

Special Exception: to permit used motor vehicle outdoor sales area, separated from sales agency building.

Special Hearing to amend the variance granted in case 87-484-SPHA to recompute the front averaged required setback, in accordance with section 238.1 and 303.2.

Hearing: Monday, August 15, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
07/249 July 28 282604

CERTIFICATE OF PUBLICATION

7/28/ 2011

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 7/28/ 2011.

- ☒ 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 LEWIS

DATE: 08/01/2011

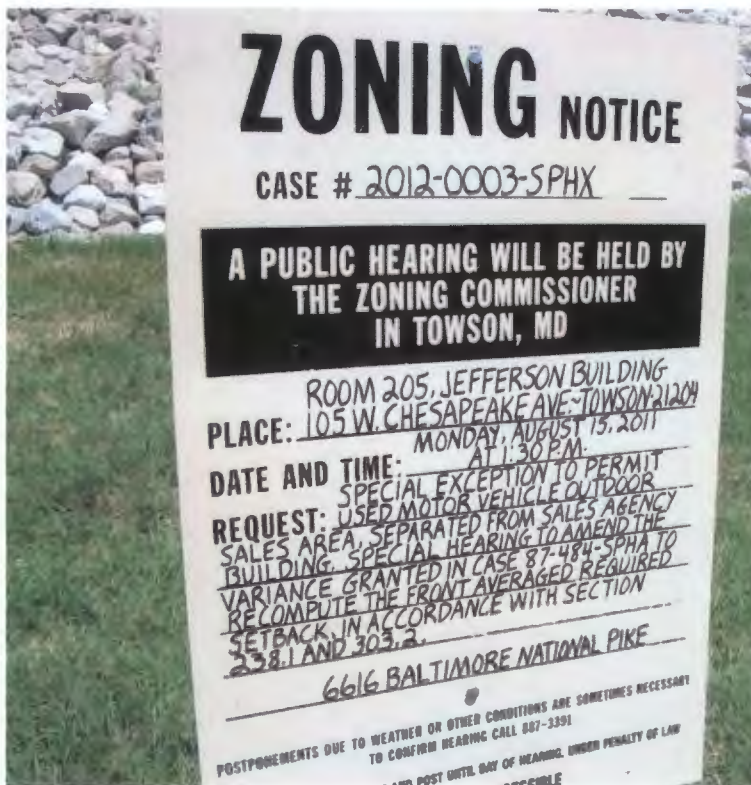
Case Number: 2012-0003-SPHX

Petitioner / Developer: LESLIE PITTLER, ESQ.~ROBERT BRANSON~KENNETH COLBERT

Date of Hearing (Closing): AUGUST 15, 2011

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:
6616 BALTIMORE NATIONAL PIKE

The sign(s) were posted on: JULY 30, 2011



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)

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 28, 2011 Issue - Jeffersonian

Please forward billing to:
Russel Motor Cars, Inc.
6700 Baltimore National Pike
Baltimore, MD 21228

410-788-8400

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0003-SPHX

6616 Baltimore National Pike
N/side of Baltimore National Pike, 1,170 feet west of centerline of Nuwood Drive
1st Election District – 1st Councilmanic District
Legal Owners: Russel Motor Cars, Inc.

Special Exception to permit used motor vehicle outdoor sales area, separated from sales agency building. Special Hearing to amend the variance granted in case 87-484-SPHA to recompute the front averaged required setback, in accordance with section 238.1 and 303.2.

Hearing: Monday, August 15, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 26, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0003-SPHX

6616 Baltimore National Pike

N/side of Baltimore National Pike, 1,170 feet west of centerline of Nuwood Drive

1st Election District – 1st Councilmanic District

Legal Owners: Russel Motor Cars, Inc.

Special Exception to permit used motor vehicle outdoor sales area, separated from sales agency building. Special Hearing to amend the variance granted in case 87-484-SPHA to recompute the front averaged required setback, in accordance with section 238.1 and 303.2.

Hearing: Monday, August 15, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Leslie Pittler, 25 Wandsworth Bridge Road, Lutherville 21093
Robert Branson, 6700 Baltimore National Pike, Baltimore 21228
Kenneth Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 30, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (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 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: 2012-0003-SPHX
Petitioner: RUSSEL MOTOR CARS, INC
Address or Location: 6616 BALTIMORE NATIONAL PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: RUSSEL MOTOR CARS, INC
Address: 6700 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228

Telephone Number: 410-788-8400

Revised 2/20/98 - SCJ



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

August 9, 2011

Russel Motor Cars, Inc.
Robert J. Branson
6700 Baltimore National Pike
Baltimore, MD 21228

RE: Case Number 2012-0003-SPHX, 6616 Baltimore National Pike

Dear Mr. Branson,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 7, 2011. 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:mcn

Enclosures

c: People's Counsel
Kenneth Colbert, P.E., 2835 Smith Avenue, G, Baltimore, MD 21208
Leslie M. Pittler, 25 Wandsworth Bridge Road, Lutherville, MD 21093

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For August 1, 2011
Item Nos. 2012-001, 002, 003, 004, 005, 006,
And 007.

DATE: July 22, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08012011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 15, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **July 18, 2011**

Item No.:

Special Hearing: 2012 – 0003-SPHX, 2012 – 0007-SPH, 2012 – 0009-SPHA.

Special Exception: 2012 – 0003-SPHX, 2012 – 0005 – XA.

Administrative Variance: 2012 – 0002A, 2012 – 0004A, 2012 – 0006A, 2012 – 0010A.

Variance: 2012 – 0001A, 2012 – 0005 – XA, 2012 – 0008A, 2012 – 0009-SPHA.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7-21-11

Ms. Kristen Matthews,
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

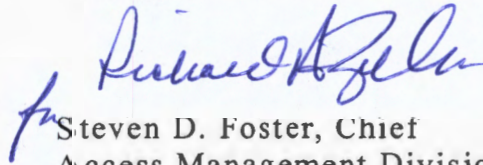
RE: Baltimore County
Item No. 2012-0003-SPHX
Special Hearing Special Exception
Russell Motor Cars, Inc.
6616 Baltimore National Pike
US 40.

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 7-20-11. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception Case Number 2012-0003-SPHX.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

8/15 1:30
205

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JUL 29 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: July 29, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-003-SPHX
Address 6616 Baltimore National Pike
(Russell Motor Cars, Inc. Property)

Zoning Advisory Committee Meeting of July 18, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
6626 Baltimore National Pike; N/S Baltimore * ADMINISTRATIVE LAW
National Pike, 1,170' E of c/line Nuwood Drive *
1st Election & 1st Councilmanic Districts * JUDGE FOR
Legal Owner(s): Russell Motor Cars, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 2012-003-SPHX

* * * * *

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.

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

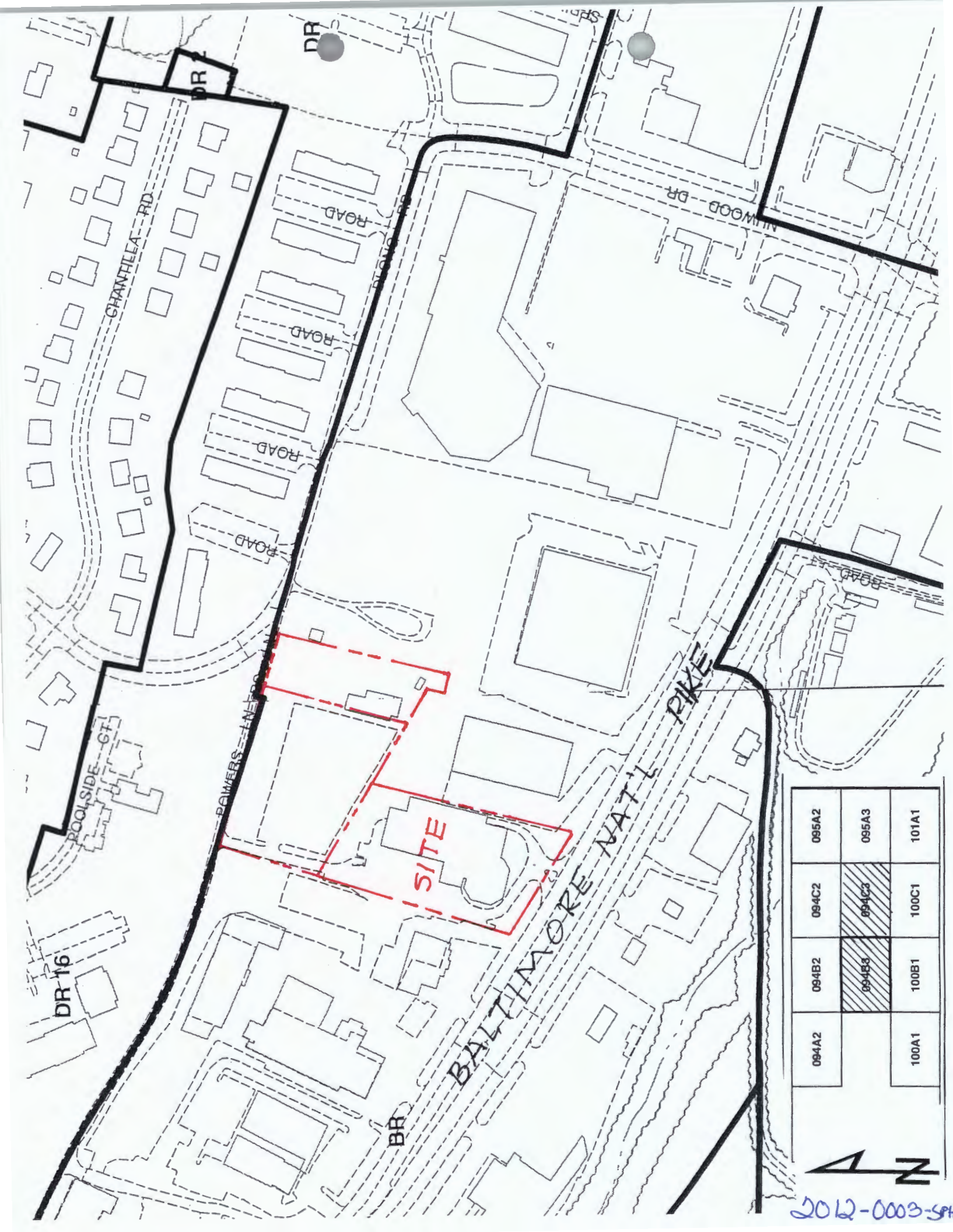
JUL 25 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, Colbert, Matz & Rosenfelt, Inc, 2825 Smith Avenue, Suite G, Baltimore, MD 21209 and Leslie Pittler, Esquire, 25 Wandsworth Bridge Road, Lutherville, Maryland 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

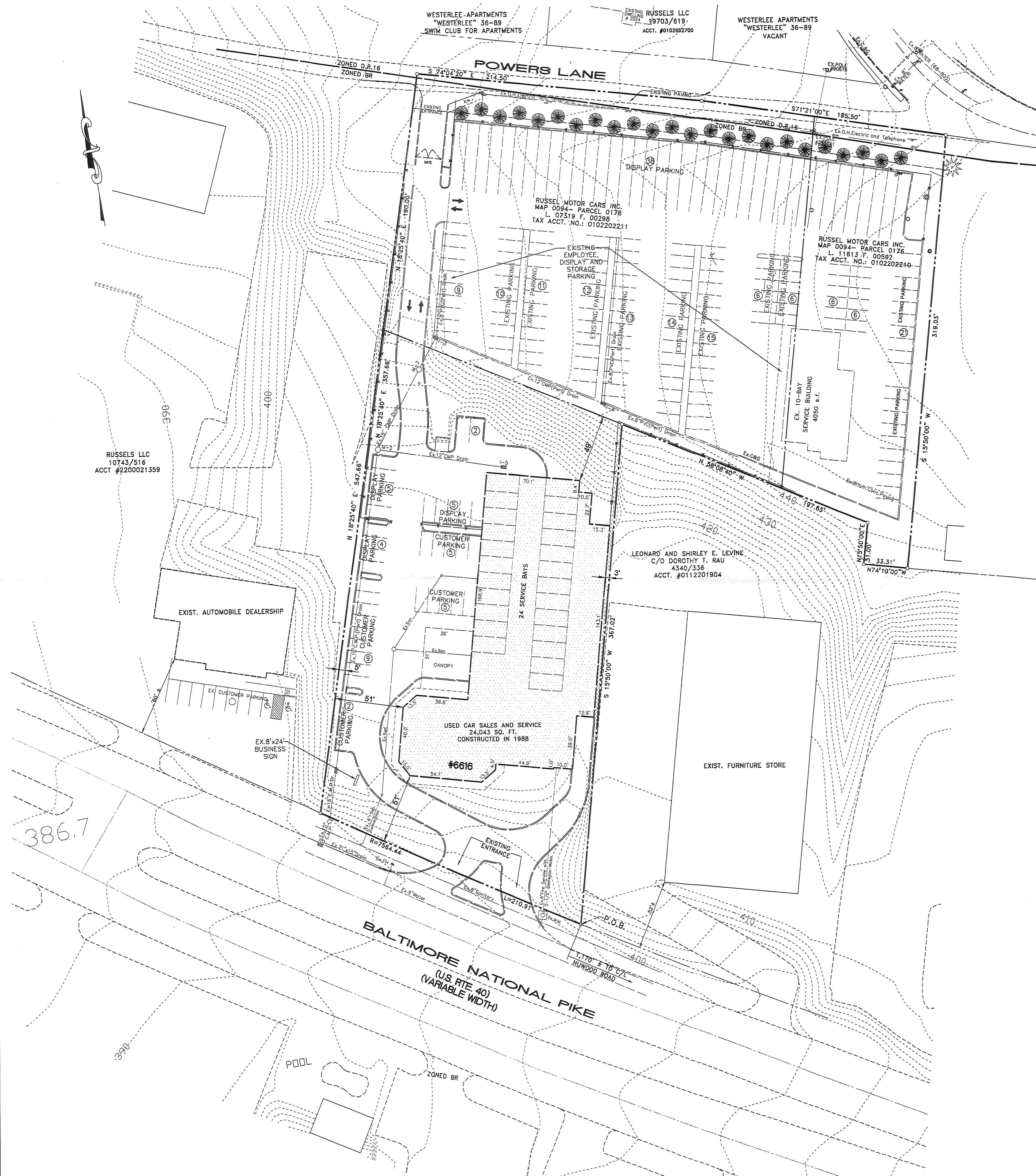
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



094A2	094B2	094C2	095A2
100A1	100B1	100C1	101A1
	094B3	094C3	095A3



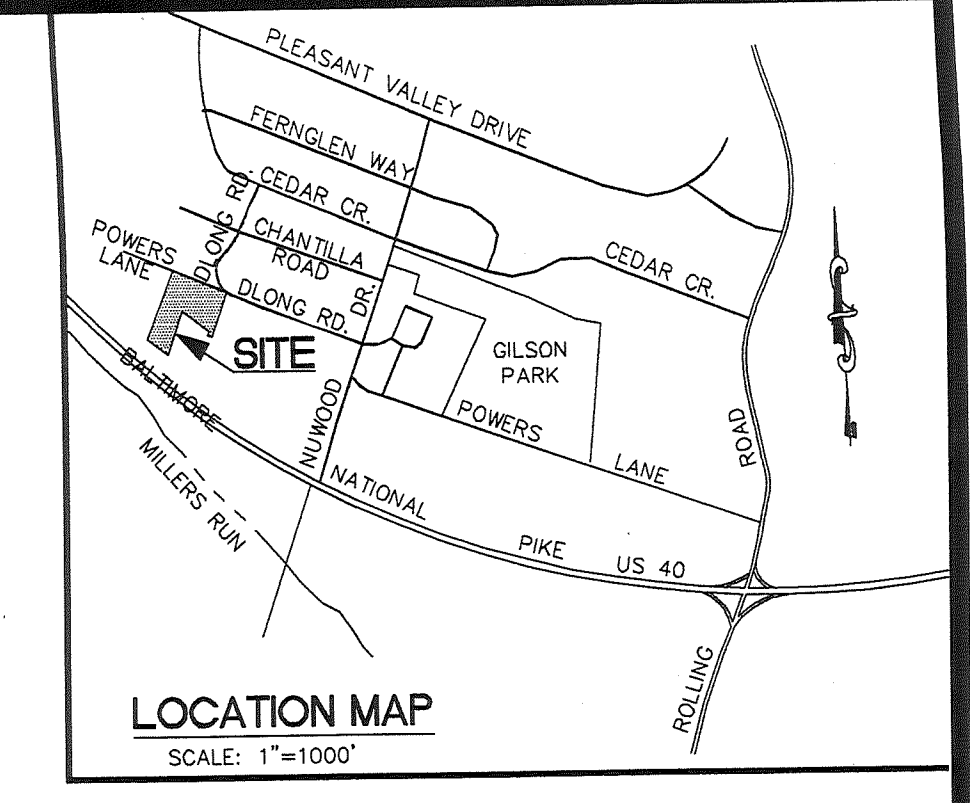
2012-0003-SH



GENERAL NOTES

- OWNER/DEVELOPER:
RUSSEL MOTOR CARS INC.
6700 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228-3909
- ELECTION DISTRICT: 1ST
COUNCILMANIC DISTRICT: 1ST
CENSUS TRACT: 4015.04
- TRACT AREA:
PARCEL 0168: 70,626 SQUARE FEET OR 1.62 ACRES
PARCEL 0176: 29,411 SQUARE FEET OR 0.67 ACRES
PARCEL 0178: 71,152 SQUARE FEET OR 1.63 ACRES
TOTAL: 171,189 SQUARE FEET OR 3.93 ACRES
- EXISTING ZONING: BR & DR 16 (ZONING MAP 094B3 & 094C2)
- DEED REFERENCE:
PARCEL 0168: 14434 / 00614
PARCEL 0176: 11613 / 00592
PARCEL 0178: 07319 / 00298
- TAX ACCOUNT NUMBERS:
PARCEL 0168: 0115370230
PARCEL 0176: 0102202210
PARCEL 0178: 0102202211
- EXISTING USE: USED MOTOR VEHICLE OUTDOOR SALES AREA,
SEPARATED FROM SALES AGENCY BUILDING
- PROPOSED USE: USED MOTOR VEHICLE OUTDOOR SALES AREA,
SEPARATED FROM SALES AGENCY BUILDING
- EXISTING WATER AND SEWER SERVICE IS PUBLIC AND WILL BE
MAINTAINED. THE EXISTING WATER AND SEWER HOUSE
CONNECTIONS WILL BE UTILIZED.
- DRC HISTORY: DRC# 08318A APPROVED LIMITED EXEMPTION PER
B.C.Z.R. SECTION 26-171(A)(7).
- ZONING HISTORY:
- IN CASE NO. 87-484-SPHA APPROVED BUSINESS PARKING IN THE
DR 16 ZONE AND VARIANCES TO PERMIT SIDE SETBACKS OF 3
FEET AND 5 FEET FOR PARKING, A FRONT SETBACK OF 51 FEET
AND A BUSINESS SIGN TOTALING 384 SQ. FT.
- CASE NO. 96-518-SPH SPECIAL EXCEPTION TO APPROVE PARKING
IN A RESIDENTIAL ZONE, APPROVED ON AUGUST 7, 1996.
- CASE NO. 01-482-SPH TO AMEND CASE NO. 96-518-SPH TO PERMIT
ADDITIONAL STORAGE AND DISPLAY AREA TO BE CONSTRUCTED
ON THE PROPERTY WITH A LANDSCAPE BUFFER OF 5 FEET
ADJACENT TO A HIGHWAY WIDENING RESERVATION AND TO
MODIFY A PREVIOUS RESTRICTION IMPOSED IN CASE NO.
96-518-SPH TO ALLOW THE REAR GATE OF THE PROPERTY TO BE
USED BY EMPLOYEES AND CUSTOMERS.
- PREVIOUS COMMERCIAL PERMITS:
B688199, B697187, B698917, B700827, B701081, B703084, B711101
- SETBACKS:

	REQUIRED	PROVIDED
FRONT (AVERAGING):	56 FEET	51 FEET
INTERIOR SIDE:	30 FEET	3 FEET
REAR:	30 FEET	49 FEET
- SITE IS NOT IN THE CRITICAL AREA, HAS NO HISTORIC BUILDINGS
AND IS NOT IN A 100-YEAR FLOOD PLAIN.
- NO NEW SIGNAGE PROPOSED WITH THIS PLAN. ALL NEW
SIGNAGE WILL COMPLY WITH THE REQUIREMENTS OF SECTION
450, OF THE BCZR.
- FAR: PERMITTED = 2.0 / PROVIDED 0.08
- ALL PARKING SPACES WILL BE PERMANENTLY STRIPED, ALL
PARKING AND DRIVEWAY AREAS WILL BE DURABLE AND DUSTLESS
SURFACES.
- EXISTING TOPOGRAPHY, BOUNDARY, AND LOCATION SHOWN
HEREON IS FROM DEEDS AND AVAILABLE RECORDS. THEY DO
NOT REPRESENT A BOUNDARY, TOPOGRAPHICAL, OR LOCATION
SURVEY.



PETITIONER'S
EXHIBIT NO. 1

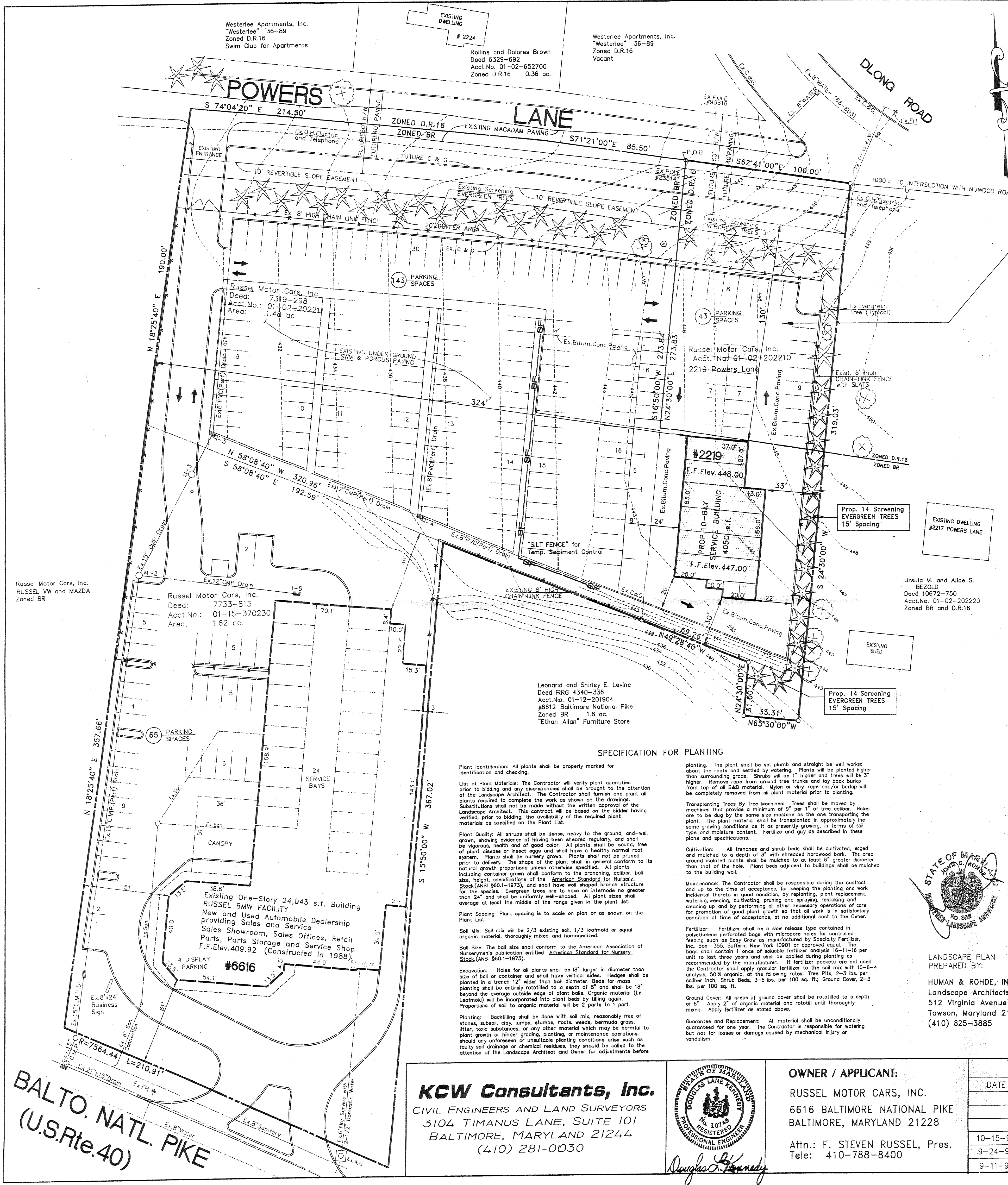
PLAN TO ACCOMPANY
SPECIAL EXCEPTION & SPECIAL HEARING
RUSSEL MOTOR CARS, INC.
#6616 BALTIMORE NATIONAL PIKE
1ST ELECTION DISTRICT - 1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

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

FRONT SETBACK DETERMINATION:
ADJACENT TO WEST: 60 FEET
ADJACENT TO EAST: 52 FEET
AVERAGE SETBACK: 56 FEET

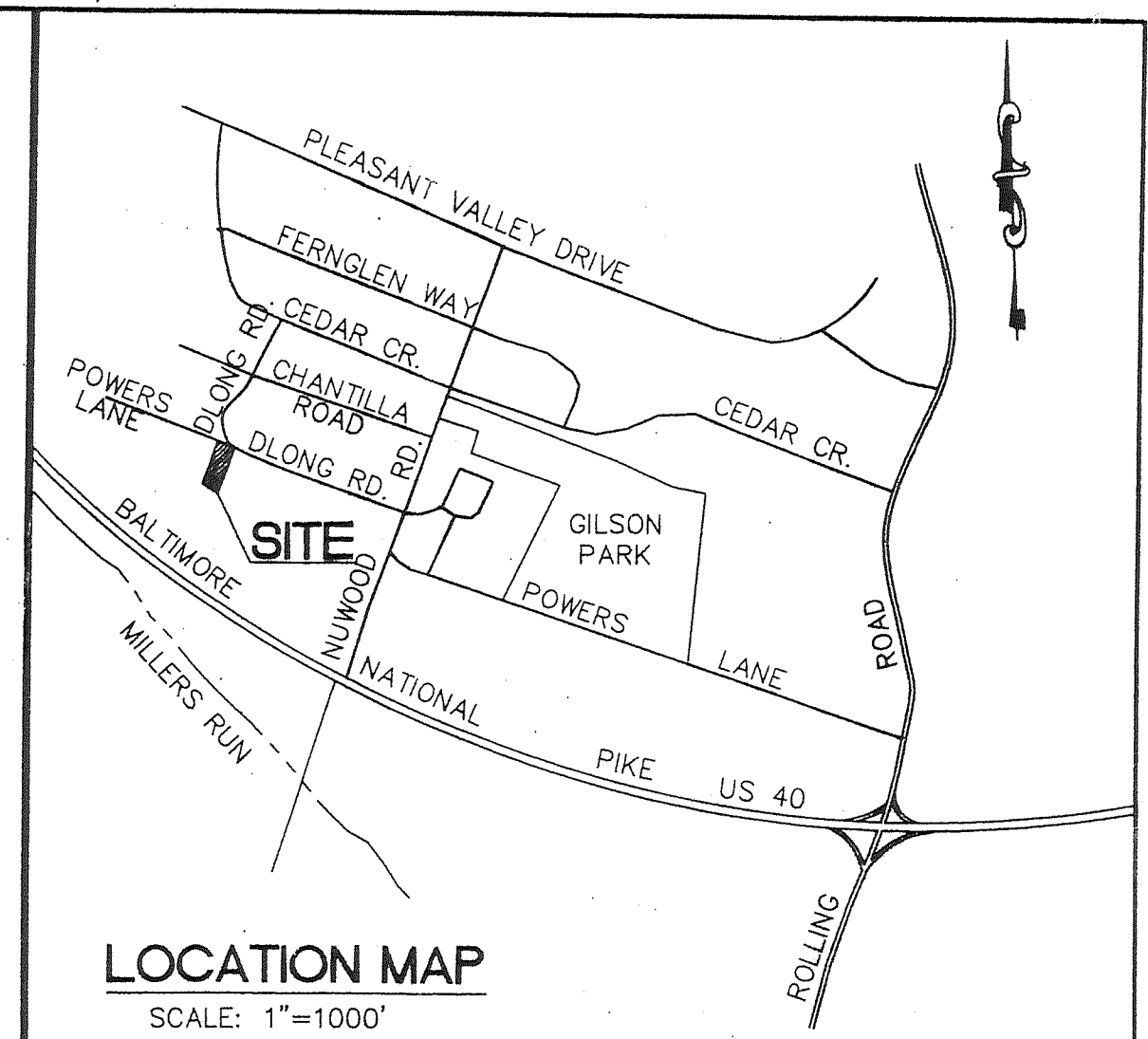
PARKING TABULATION:
EXISTING OFFICE AREA: 3.3 PER 1,000 SQUARE FEET OF FLOOR AREA
OR 4140/1000 x 3.3= 13.6 OR 14 SPACES
EXISTING AUTO SERVICE AREA: 3.3 PER 1,000 SQUARE FEET OF FLOOR
AREA OR 20,249/1000 x 3.3= 66.8 OR 69 SPACES
EXISTING SHOWROOM/SALES AREA: 5 PER 1000 SQUARE FEET OF
FLOOR AREA OR 3705/1000 x 5= 18.5 OR 19 SPACES
TOTAL PARKING SPACES REQUIRED: 102 SPACES
TOTAL PARKING SPACES PROVIDED: 204 SPACES

Professional Certification		SCALE: 1"= 40'	
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.		DATE: 06/27/11	
License No. 9752		JOB NO.: 99186.2	
Expiration Date: 02-28-12		DESIGNED: CMR	
		DRAWN: AKC	
		CHECKED: KJC	
		FILE: 99186.2 ZONING.dwg	
		DRAWING NUMBER: ZON-1	
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1



REQUESTS granted per Case # 96-518 SPH (8-7-96).
Use permitted for business parking in residential zone pursuant to BCZR Section 409.8.B.

RESTRICTIONS per Case # 96-518 SPH (8-7-96).
1. The Petitioner shall be required to discontinue the use of the crusher run parking lot to the rear of the property.
2. The Petitioner shall be required to fence and landscape the subject property as shown on the site plan. The Petitioner shall make additional efforts to screen the entire lot and maintain such screening.
3. The Petitioner shall continue to keep the rear gate closed, except in emergencies. Regular use of the rear access is discouraged, and the gate should continue to be kept locked.



GENERAL NOTES:

- OWNER / APPLICANT: Russel Motor Cars, Inc.
F. Steven Russel, Pres.
6616 Baltimore National Pike
Baltimore, Maryland 21228
Tele: 410-788-8400
- PROPERTY ADDRESS: 2219 Powers Lane (1000 ft. West of Nuwood Rd.)
TAX ACCOUNT NO: 01-02-202210
- AREA: Net Area 0.64 ac.
Future Roadway Widening 0.07 ac.
Gross Area of Parcel 0.71 ac.
- ELECTION DISTRICT: 1
COUNCILMANIC DISTRICT: C-1
CENSUS TRACT: 4015.04
REGIONAL PLANNING DISTRICT: 323A
WATERSHED: Patapsco
SUBSEWERSHED: 78
- ZONING: BR (0.31ac.) 1"=200' Scale Zoning Map S.W. I-H
D.R.16 (0.37ac.)
- EXISTING LAND USE: Vehicle Parking Lot
- PROPOSED LAND USE: Vehicle Parking Lot with addition of a one-story masonry building for service of new and used vehicles.
- BUILDING AREA: 4050 s.f.
- FLOOR AREA RATIO: 4050 / 27878 = 0.15 < 2.0
- BUILDING SETBACKS: Minir. m Proposed
Front: 25' 130 ft.
Rear: 30' 30 ft.
Side: 30' 33 ft.
- PARKING REQUIRED: 4050 sf x 3.3 ps per 1000 sf = 14 ps
PARKING PROVIDED: 14 ps (including 10 service bays)
27 ps additional
41 ps total parking spaces on-site
- HOURS OF OPERATION: Monday-Friday 8 A.M. to 9 P.M.
Saturday 8 A.M. to 5 P.M.
- NUMBER OF EMPLOYEES: 10
- LIGHTING: Lighting shall not be directed toward residential properties or public rights-of-way.
- SIGNS: Any Signs shall comply with BCZR Section 413 and all Zoning Policies for BR zoning.
- ENTRANCES: All deliveries of automobiles, parts, or other supplies and equipment shall be through the existing parking lot.
- STORMWATER MANAGEMENT: Underground stone SWM facility exists. Proposed building will displace existing impervious parking area. Proposed building will not increase stormwater runoff.
- UTILITIES: Domestic water service and sanitary connection are proposed from exist. services at existing on-site services.
- LANDSCAPING: Additional landscape screening is proposed along the eastern property line outside of the existing fence.
- There are no streams, wetlands, bodies of water, springs, flood plains, critical areas, forest buffers, archaeological sites, endangered species habitats, hazardous materials sites, or historical buildings on this site.
- PREVIOUS COMMERCIAL BUILDING PERMIT: Permit # B-286195 for Parking Lot.
- PREVIOUS ZONING HEARINGS: Case #96-518-SPH Aug. 7, 1996
Granted use for business parking in a D.R. zone.
- DEVELOPMENT REVIEW COMMITTEE: D.R.C.#08318A approved Limited Exemption per B.C.D.R. Section 26-171(A)(7).
Additional landscape screening required along East property line.

- ### LANDSCAPE NOTES:
- Contractor is to notify Miss Utility a minimum of 72 hours prior to digging. Telephone: 1-800-257-7777
 - The Landscape Architect is to be notified 48 hours before planting begins. The location of all plant material is to be approved in the field by the Landscape Architect.
 - This plan is to be used for planting only.
 - No tree or shrub planting pits are to be left open or unattended.
 - Shrubs are to be grouped into mulched beds. Beds are to be edged and the grass is to be killed or removed prior to mulching.

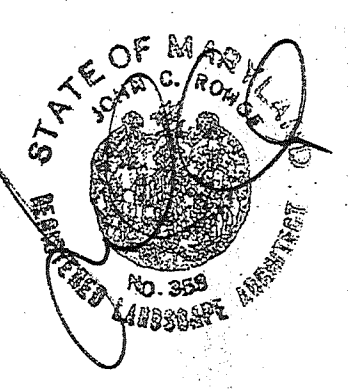
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
Development Plans Review

OWNER'S SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan; that I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, County Office Building, Room 211, Towson, MD 21204.

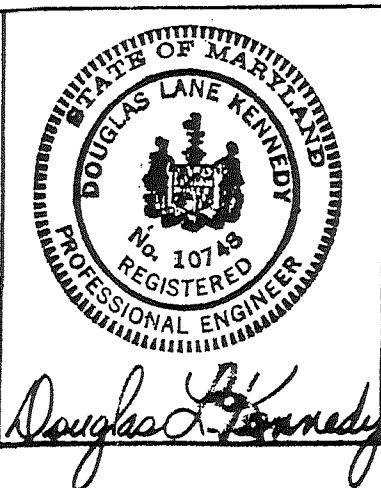
[Signature]
RUSSEL MOTOR CARS, Inc. 410-788-8400
6616 Baltimore National Pike, Baltimore, MD 21228
Tele. #

PADM # BUILDING PERMIT # B-354226



LANDSCAPE PLAN
PREPARED BY:
HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Avenue
Towson, Maryland 21286
(410) 825-3885

KCW Consultants, Inc.
CIVIL ENGINEERS AND LAND SURVEYORS
3104 TIMANUS LANE, SUITE 101
BALTIMORE, MARYLAND 21244
(410) 281-0030



OWNER / APPLICANT:
RUSSEL MOTOR CARS, INC.
6616 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
Attn.: F. STEVEN RUSSEL, Pres.
Tele: 410-788-8400

REVISIONS		KCW J.O. 98637
DATE	DESCRIPTION	SCALE: 1"= 30'
		DESIGNED: DLK
		DRAWN: Codd
		CHECKED: DLK
10-15-98	ADDED LANDSCAPE CERTIFICATIONS	DATE: Sept. 1, 1998
9-24-98	APPLICATION FOR COMMERCIAL BUILDING PERMIT.	DWG.NO.: C-101
9-11-98	DRC#08318A APPROVED 26-171(A)(7) LIMITED EXEMPT.	

**PLAT TO ACCOMPANY APPLICATION
FOR COMMERCIAL BUILDING PERMIT**

RUSSEL MOTOR CARS, Inc.
RUSSEL BMW
#2219 Powers Lane
(1000 ft. West of Nuwood Road)
ELECTION DISTRICT 1, C-1 BALTIMORE COUNTY, MARYLAND

BUILDING PERMIT #B-354226



AERIAL PHOTO EXHIBIT

RUSSEL MOTOR CARS, INC.
6616 BALTIMORE NATIONAL PIKE

1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE

100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

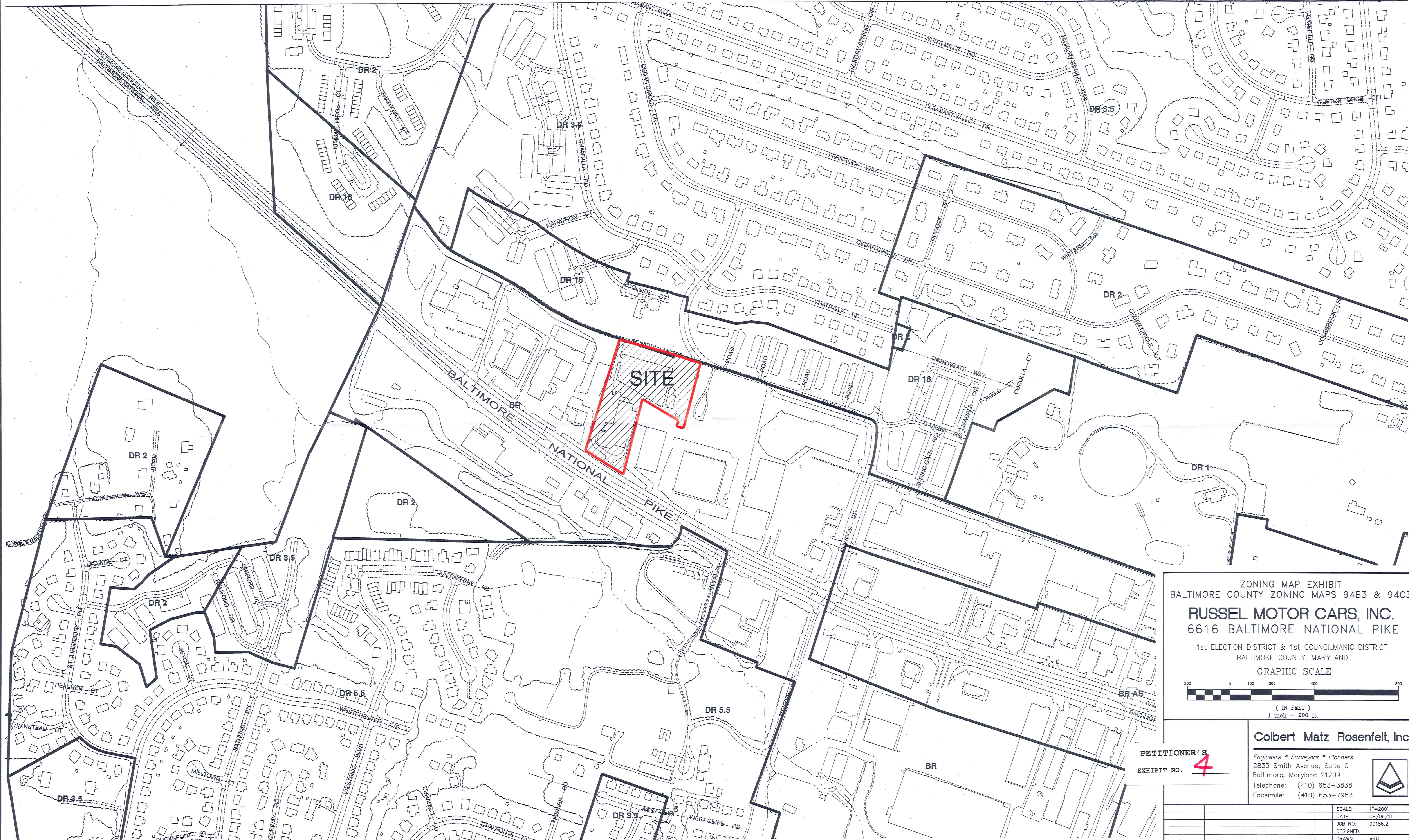
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Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

PETITIONER'S
EXHIBIT NO. **3**

NO.	DATE	REVISIONS:	BY	SHEET
				1 OF 1

SCALE: 1"= 100'
DATE: 08/09/11
JOB NO.: 99186.2
DESIGNED:
DRAWN: AKC
CHECKED: KJC
FILE: 99186.2 AERIAL.dwg
DRAWING NUMBER: AER-1

N:\2012\proj\6509186.2\Project\Drawings\CMR\Concept\Plan\Zoning\6509186.2 AERIAL.dwg, 8/12/2011 7:18:15 AM, A:\mfrd



ZONING MAP EXHIBIT
BALTIMORE COUNTY ZONING MAPS 94B3 & 94C3
RUSSEL MOTOR CARS, INC.
6616 BALTIMORE NATIONAL PIKE
1st ELECTION DISTRICT & 1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

PETITIONER'S
EXHIBIT NO. **4**

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: 08/09/11
					JOB NO.: 99186.2
					DESIGNED:
					DRAWN: AKC
					CHECKED: KJC
					FILE: 99186.2 ZONING EXHIBIT.dwg
					DRAWING NUMBER:
NO.	DATE	REVISIONS:	BY	SHEET	1 OF 1