

IN RE: PETITION FOR VARIANCE

N/E side of Music Fair Road, 400' SE
of c/line of Painters Mill Road
3rd Election District
2nd Council District
(15 Music Fair Road)

Aaron Margolis, Trustee, under the
Will of Ronnie Russel, *Legal Owners*
R & H Toyota, *Contract Purchaser/Lessee*
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0270-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by Jeffrey N. Pritzker, Esquire with Margolis, Pritzker, Epstein & Blatt, PA, on behalf of the legal owner, Aaron Margolis, Trustee under the Will of Ronnie H. Russel, and the contract purchaser/lessee, R & H Toyota, ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), Section 450.4 Attachment 1.5 (a) and (g), as follows:

- To permit four (4) wall-mounted signs in lieu of the permitted two (2) signs;
- To permit four (4) signs in lieu of three (3) signs on the building, and
- To permit a 108 square foot freestanding sign in lieu of the 50 square foot sign for one franchise.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request was Robert Russel, President of R&H Motors. Jeffrey N. Pritzker, Esquire attended and represented Petitioners. The

ORDER RECEIVED FOR FILING

Date 6-19-12

By PM

Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of protest or objection.

There were no ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 11.6274 acres and zoned B.M. – I.M. The property is improved with a large service garage, and services Toyota and Scion brands. Mr. Russel explained the service garage is located far off of Music Fair Road, and that the signage variances were necessary to properly identify the structure as a service facility rather than a new car sales facility. R&H has a new car dealership located on Reisterstown Road (about one mile from the subject property), and sign variances were sought for that location in a related case (2012-0271-A).

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

Petitioners have met this test.

Petitioners' property is a large parcel (11.6 acres) and it has a very unusual, almost elliptical shape. It is also located far off the road, which makes it harder for passing motorists (i.e., customers) to locate. Thus, it is unique in a zoning sense. Petitioners would suffer a practical difficulty if relief were denied, in that the service facility – which is over 63,000 square feet – would be restricted to two signs, which is simply not sufficient for an enterprise of this magnitude. Finally, the grant of the variance relief will have virtually no impact upon the community. The

ORDER RECEIVED FOR FILING

Date

6-19-12

2

By

PM

four wall mounted signs are modest in size (See Exhibit 1) and the free-standing sign was erected over four years ago with a permit from Baltimore County. Counsel explained that zoning officials told him the Toyota "swoosh" (which is barely visible, as seen on Sign #3, Exhibit 1) should also be counted in the face area calculation, and hence the variance was sought to "legitimize" the current free-standing sign, which will not be changed in any way.

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

THEREFORE, IT IS ORDERED, this 19 day of June, 2012, by this Administrative Law Judge, that Petitioners' Variance request from the Baltimore County Zoning Regulations (B.C.Z.R.), Section 450.4 Attachment 1.5 (a) and (g), as follows:

- To permit four (4) wall-mounted signs in lieu of the permitted two (2) signs;
- To permit four (4) signs in lieu of three (3) signs on the building, and
- To permit a 108 square foot freestanding sign in lieu of the 50 square foot sign for one franchise,

be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

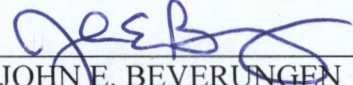
1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

ORDER RECEIVED FOR FILING

Date 6-19-12

By B3

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 6-19-10

By B



KEVIN KAMENETZ
County Executive

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

June 19, 2012

JEFFREY N. PRITZKER, ESQUIRE
110 WEST ROAD, SUITE 222
TOWSON MD 21204

RE: Petition for Variance
Case No.: 2012-0270-A
Property: 15 Music Fair Road

Dear Mr. Pritzker:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

FLOOD RAIN



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 15 Music Fair Road which is presently zoned BM
Deed References: 24740/0197 10 Digit Tax Account # 2 5 0 0 0 0 1 4 2 7
Property Owner(s) Printed Name(s) Russel Family Owings Mills, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s)

450.4 Attachment 1.5 (a)

450.4 Attachment 1.5 (g)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) To permit four (4) wall-mounted signs in lieu of the permitted two (2) signs on the wall; to permit four (4) signs in lieu of three (3) signs on the building. TO BE PRESENTED AT HEARING.

SEE ATTACHMENT

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

R&H TOYOTA
David Russel, General Manager

Name- Type or Print

Signature

9801 Reisterstown Rd., Owings Mills, MD

Mailing Address City State

21117 / 410-363-2000

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jeffrey N. Pritzker

Name- Type or Print

Signature

110 West Rd., Ste. 222, Towson, MD

Mailing Address City State

21204 / 410-823-2222

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

AARON MARGOLIS, Trustee

Under The Will of Ronnie H. Russel

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jeffrey N. Pritzker

Name- Type or Print

Signature

110 West Rd., Ste. 222, Towson, MD

Mailing Address

City

State

21204 / 410-823-2222

Zip Code Telephone # Email Address

CASE NUMBER 2012-0270-A Filing Date 4/26/12

Do Not Schedule Dates:

Reviewer Th

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date

6-19-12

ATTACHMENT

To permit a 108 square foot free-standing sign in lieu of the
50 square foot sign for one franchise.

William K. Woody, L.S.
President and CEO

Douglas L. Kennedy, P.E.
Senior Vice President

J. Peter McDonnell
Executive Vice President

Melissa M. Walker
Vice President, CFO



Kimberly M. Groves, P.E.
Vice President, Engineering

Kevin C. Anderson, Jr., P.E.
Vice President, Dir. of Land Development

Reginald C. Roberts
Associate, Dry Utilities Specialist

ZONING DESCRIPTION

PROPERTY of RUSSEL FAMILY OWINGS MILLS, LLC 15 MUSIC FAIR ROAD

Beginning at a point on the southwest side of Music Fair Road, variable width right-of-way, at the distance of 400', more or less, southeast of the centerline of Painters Mill Road, 80' wide right-of-way, thence the following courses and distances:

- | | | | |
|-----|------------------|-----------|---------------------------|
| 1. | S 53°08'02" E | 1207.08' | |
| 2. | S 36°51'58" W | 5.00' | |
| 3. | S 53°08'02" E | 49.07' | |
| 4. | Arc to the right | R=440.00' | L=111.77' |
| 5. | S 38°34'44" E | 161.37' | |
| 6. | S 38°34'44" E | 76.16' | |
| 7. | N 76°17'24" W | 51.17' | |
| 8. | Arc to the right | R=450.00' | L=296.72' |
| 9. | N 52°50'00" W | 559.47' | |
| 10. | N 56°44'02" W | 429.59' | |
| 11. | N 45°36'12" W | 259.49' | |
| 12. | N 29 ° 49'29" W | 375.37' | |
| 13. | N 06°51'13" W | 94.73' | |
| 14. | N 07°13'03" E | 90.85' | |
| 15. | N 36°51'58" E | 42.20' | to the place of beginning |

2012-0270-A

as recorded in Deed Liber 25783, Folio 686. Being Lot #1 in the subdivision of WWLG Property as recorded in Baltimore County Plat Book S.M. 78, Folio 108. Containing 11.6274 acres of land, more or less. Also known as 15 Music Fair Road and located in the 3rd Election District of Baltimore County, MD.

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. 33351.

Expiration Date 06-30-2012.



Mark Tatlak
02-24-2012

KCW Engineering Technologies, Inc.

810 Landmark Drive, Suite 215 • Glen Burnie, MD 21061 • Phone: 410.768.7700 • Fax: 410.768.0200 • www.kcw-et.com

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0270-A
Petitioner: R+H Toyota (Aaron Margolis) Trustee
Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEFFREY N. PRITZKER
Address: 110 WEST RD. SUITE 222
TOWSON MD 21204

Telephone Number: 410 823 2222

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

No. **82044**

Date: **4/26/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/27/2012 4/26/2012 12:00:16 5
 REG W903 WALKIN R805 LR8
 > RECEIPT # 587200 4/26/2012 OFLN
 Dept 5 528 ZONING VERIFICATION
 LA NO. 082044
 Recpt Tot \$385.00
 \$770.00 CK \$.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					385.00

Total: **385.00**

Rec From: **R&H Photos**

For: **15 Music Fair Rd.**

2012-0270-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 24, 2012 Issue - Jeffersonian

Please forward billing to:

Jeffrey Pritzker
110 West Road, Ste. 222
Towson, MD 21204

410-823-2222

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0270-A

15 Music Fair Road

N/east side of Music Fair Road, 400 feet S/e of centerline of Painters Mill Road

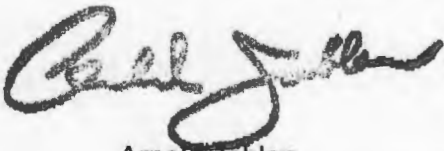
3rd Election District – 2nd Councilmanic District

Legal Owners: Aaron Margolis, Trustee, under the Will of Ronnie Russel

Contract Purchaser: R & H Toyota, David Russel, General Manager

Variance to permit four wall-mounted signs in lieu of the permitted two signs on the wall; to permit four signs in lieu of three signs on the building; to permit a 108 square foot free-standing sign in lieu of the 50 square foot for one franchise.

Hearing: Friday, June 15, 2012 at 10:00 a.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 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

May 17, 2012

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: 2012-0270-A

15 Music Fair Road

N/east side of Music Fair Road, 400 feet S/e of centerline of Painters Mill Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Aaron Margolis, Trustee, under the Will of Ronnie Russel

Contract Purchaser: R & H Toyota, David Russel, General Manager

Variance to permit four wall-mounted signs in lieu of the permitted two signs on the wall; to permit four signs in lieu of three signs on the building; to permit a 108 square foot free-standing sign in lieu of the 50 square foot for one franchise.

Hearing: Friday, June 15, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Jeffrey Pritzker, 110 West Road, Ste. 222, Towson 21204
David Russel, 9801 Reisterstown Road, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 26, 2012.**
- (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.**

Certificate of Posting

RE: Case NO. 2012-0270-A

Petitioner/Developer _____

David Russell

Date of Hearing/Closing 6/15/12

**Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204**

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

9801 Reisterstown Rd.

The sign(s) were posted on 5/26/12
(Month, Day, Year)

Sincerely,

(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

**See Attached
Photograph**

Certificate of Posting
Photograph Attachment

Re: 2012-0271-A

Petitioner/Developer: _____

David Russell

Date of Hearing/Closing: 6/15/12



9801 Reisterstown Road

Posting Date: 5/26/12

(Signature and date of sign poster)

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: #2012-0270-A

15 Music Fair Road

N/east side of Music Fair Road, 400 feet S/e of centerline of Painters Mill Road

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Aaron Margolis, Trustee, under the Will of Ronnie Russel

Contract Purchaser: R & H Toyota, David Russel, General Manager

Variance: to permit four wall-mounted signs in lieu of the permitted two signs on the wall; to permit four signs in lieu of three signs on the building; to permit a 108 square foot free-standing sign in lieu of the 50 square foot for one franchise.

Hearing: Friday, June 15, 2012 at 10:00 a.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.

05/375 May 24

303645

CERTIFICATE OF PUBLICATION

5/24/, 2012

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 5/24/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

6-15 10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 22, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0270-A
Address 15 Music fair Road
(Margolis Property)

Zoning Advisory Committee Meeting of May 7, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAY 23 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley - ZAC Comments - Distribution Mtg. of 5/7

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/7/2012 11:59 AM
Subject: ZAC Comments - Distribution Mtg. of 5/7

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0266-SPHA - 9401 Groveton Circle
No hearing date assigned in data base as of today

2012-0270-A - 15 Music Fair Road - **FLOODPLAIN**
No hearing date assigned in data base as of today

2012-0271-A - 9801 Reisterstown Road
No hearing date assigned in data base as of today

2012-0272-XA - 5616 Old Court Road
No hearing date assigned in data base as of today

2012-0273-A - 518 Education Way
Administrative Variance - Closing Date: 5/21

2012-0274-SPH - 2422 Lightfoot Drive
No hearing date assigned in data base as of today

2012-0275-A - 3901 Schroeder Avenue
Administrative Variance - Closing Date: 5/28

2012-0276-SPHA - 3914 Glenhurst Road - **CRITICAL AREA & FLOODPLAIN**
No hearing date assigned in data base as of today

2012-0277-A - 502 Dogwood Lane
Administrative Variance - Closing Date: 5/28

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

June 5, 2012

Aaron Margolis
9801 Reisterstown Road
Owings Mills, MD 21117

RE: Case Number: 2012-0270-A, Address: 15 Music Fair Road

Dear Mr. Margolis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 26, 2012. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
R & H Toyota, David Russell, 9801 Reisterstown Road, Owings Mills, MD 21117
Jeffrey Pritzker, 110 West Road, Suite 222, Towson, MD 21204

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 5-7-12

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

RE: Baltimore County
Item No 2012-0270-A
Variance
Aaron Margolis
15 Music Fair Road

Dear Ms. Lewis:

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. 2012-0270-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 14, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May 21, 2012
Item Nos. 2012-0270, 0271, 0273, 0274, 0275, 0276
And 0277.

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-05212012-NO COMMENTS.doc

M E M O R A N D U M

DATE: July 20, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0270-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 19, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Prior Zoning
05-352-
SPHX gm 3/1

IN RE: PETITIONS FOR SPECIAL HEARING, & SPECIAL EXCEPTION S/S of Music Fair Road, 2,266 ft. +/- from centerline of Painters Mill Road 3rd Election District 2nd Councilmanic District (11 Music Fair Road)	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY
Nicholas B. Mangione & Louis Mangione Legal Owners and R & H Motor Cars, Ltd., Lessee Petitioners	* * *	CASE NO. 05-352-SPHX
* * * * *		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception filed by the legal owners of the property, Nicholas B. Mangione and Louis Mangione and R & H Motor Cars, Ltd., lessee. The property, which is the subject of this request, is located at 11 Music Fair Road in Baltimore County. The Petitioners are requesting a special exception to allow a service garage use pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R). In addition, the Petitioners are requesting special hearing relief for a waiver pursuant to Section 500.6 of the B.C.Z.R.; from Section 517.2 (510.2) of the Building Code; and from Sections 32-4-414, 32-8-303 and 32-4-107 of the Baltimore County Code, to grade and construct a paved parking area, access driveway, and stormwater management facility in a riverine floodplain.

The property was posted with Notice of Hearing on February 19, 2005, for 15 days prior to the hearing in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on February 17, 2005, to notify any interested persons of the scheduled hearing date.

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5-14

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

NC5-22

DEPS

(if not received, date e-mail sent _____)

NO

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

5-7

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 05-352-SPHX Granted) 3-16-05
1200-5 Specie Permit - Denied

NEWSPAPER ADVERTISEMENT

Date: 5-24-12

SIGN POSTING

missing
6/6Date: 05-

by _____

Spoken in City of 4/6 2:47 pm

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐Dave R. Orr
for #

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 03 Account Number - 2500001427

Owner Information			
Owner Name:	RUSSEL FAMILY OWINGS MILLS LLC	Use:	COMMERCIAL
Mailing Address:	9727 REISTERSTOWN RD OWINGS MILLS MD 21117-4122	Principal Residence:	NO
		Deed Reference:	1) /25783/ 00686 2)

Location & Structure Information	
Premises Address 15 MUSIC FAIR RD OWINGS MILLS MD 21117-3602	Legal Description 11.6274 AC 15 MUSIC FAIR RD SWS WWLG PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0067	0004	0041		0000			1	1	
									Plat Ref: 0078/0108

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2008	63976	11.6300 AC	06

Stories	Basement	Type	Exterior
		COMPLETE AUTOMOBILE DEALERSHIP	

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	3,710,600	3,710,600		
Improvements:	8,148,700	7,781,400		
Total:	11,859,300	11,492,000	11,492,000	11,492,000
Preferential Land:	0			0

Transfer Information				
Seller:	RUSSELL FAMILY OWINGS MILLS LLC	Date:	06/13/2007	Price: \$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/25783/ 00686	Deed2:
Seller:	MANGIONE NICHOLAS B	Date:	11/08/2006	Price: \$6,038,582
Type:	NON-ARMS LENGTH OTHER	Deed1:	/24740/ 00197	Deed2:
Seller:		Date:		Price:
Type:		Deed1:		Deed2:

Exemption Information			
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

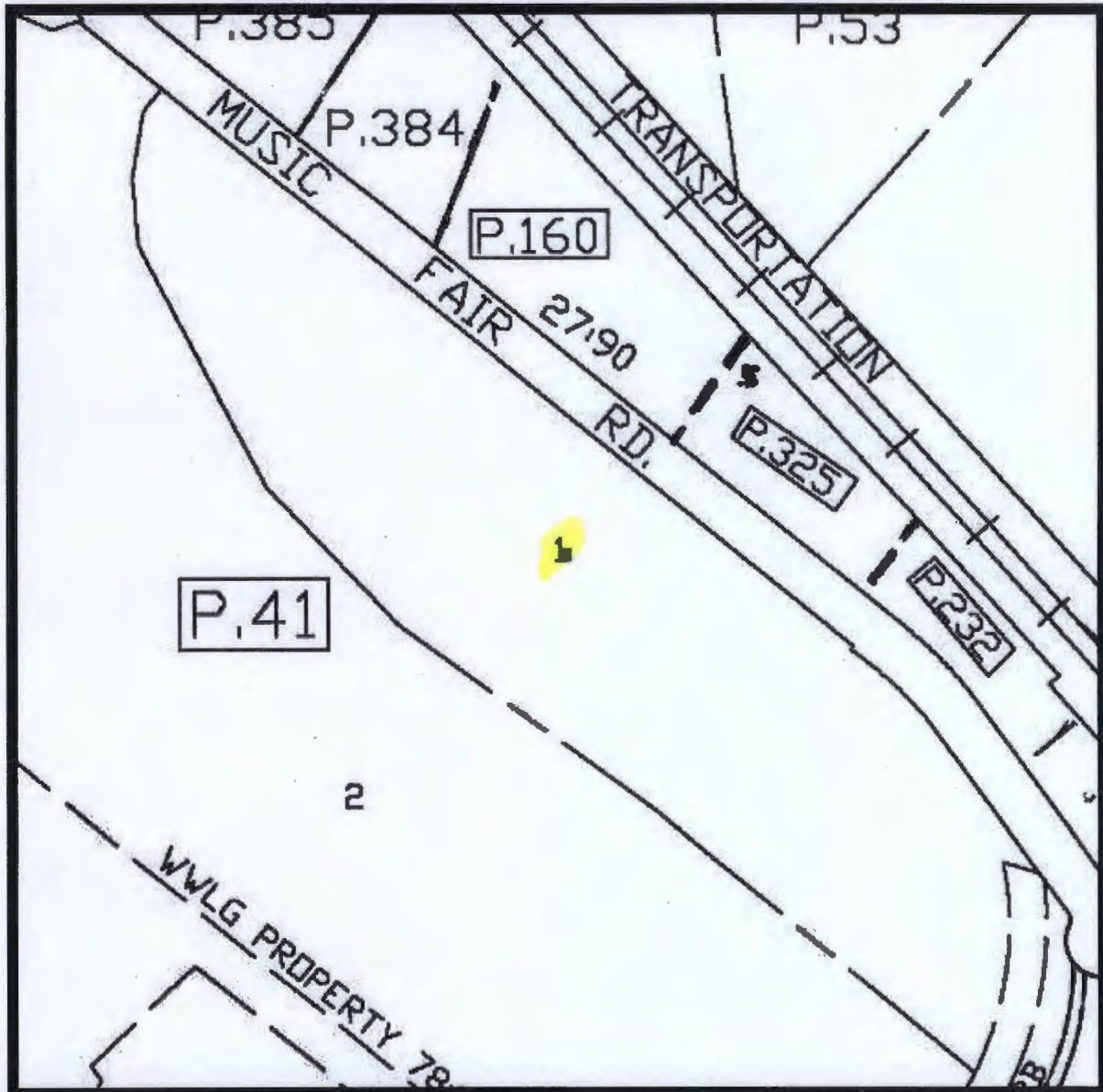
Homestead Application Information	
Homestead Application Status:	No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 03 Account Number - 2500001427



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Case No.:

2012-0270-A

7/20/12
DW

6/19/12
PB

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
15 Music Fair Road; NE/S of Music Fair Road, *
400' SE of c/line Painters Mill Road * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): Aaron Margolis, Trustee * HEARINGS FOR
under the will of Ronnie Russel *
Contract Purchaser(s): R&H Toyota * BALTIMORE COUNTY
Petitioner(s) *
2012-270-A

* * * * *

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

MAY 17 2012

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Jeffrey Pritzer, Esquire, 110 West Road, Suite 222, Towson, Maryland 21204, Attorney for Petitioner(s).

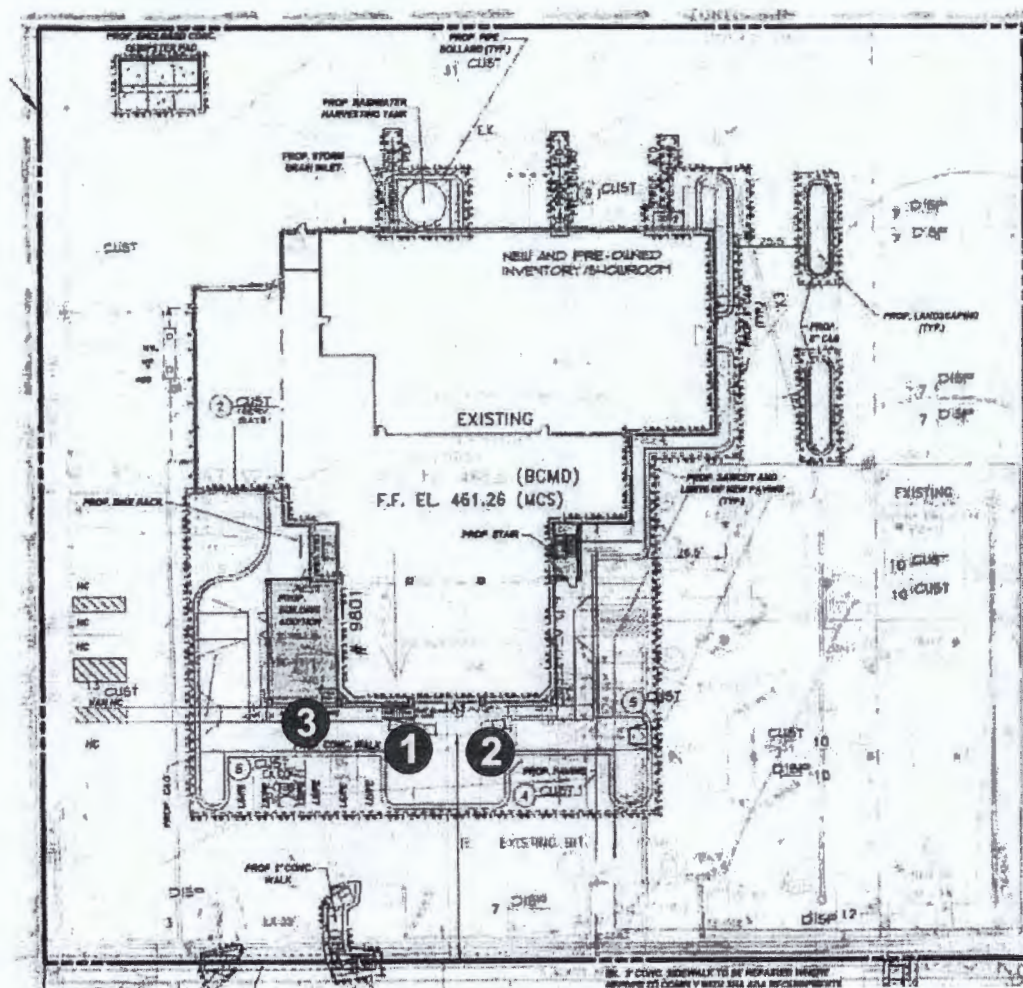
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

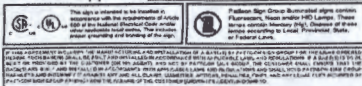
TA-23016

SITE PLAN

- 1 SL72
- 2 PDNN21
- 3 SBL15



Date: _____
Customer Approval: _____



ISO 9001:2008 Certified Enterprise

1994-1995



ENSEIGNES
PATTISON
SIGN GROUP

•Tel (506) 735-5506 •Fax (877) 737-1734 •Toll Free 1-800-561-9798

Client:	R & H TOYOTA		
Site:	OWINGS MILLS, MD		
Consultant:	TANYA ANDERSEN		
Draftsman:	ANDRE CHARETTE	Date:	04.13.2011
Page:	4/4	Scale:	1/16" = 1'-0"

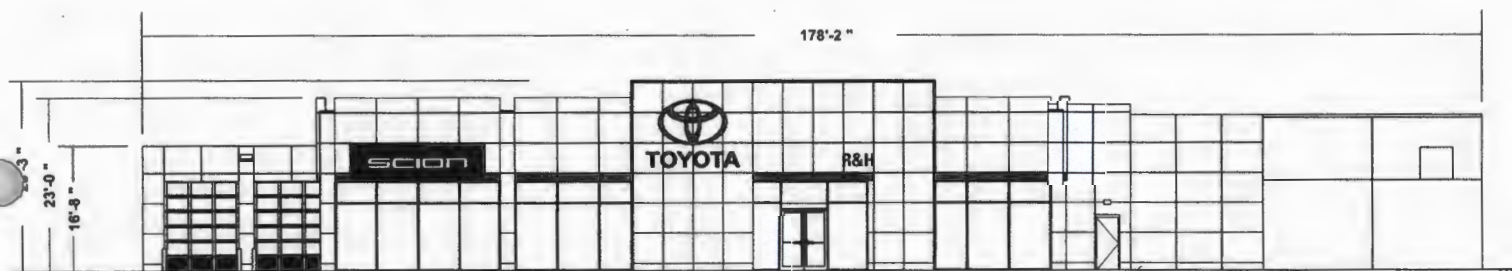
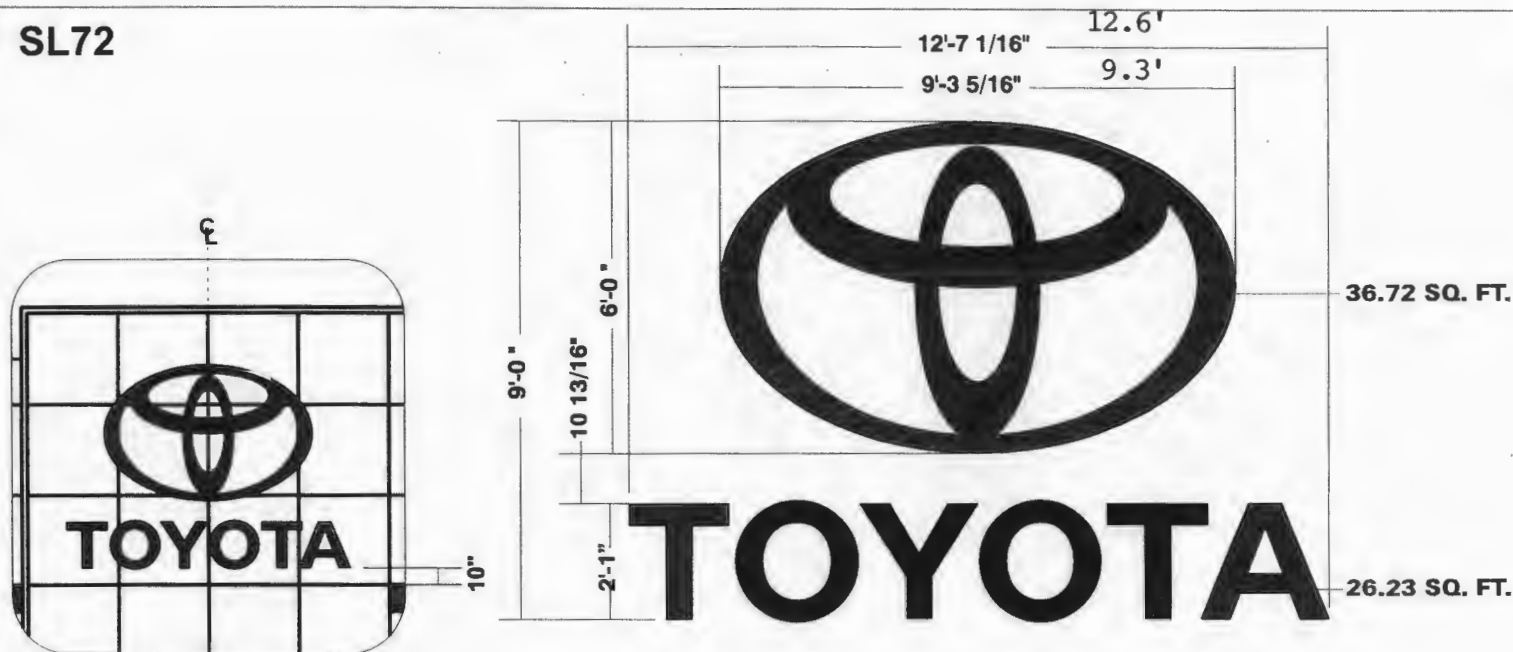
www.pattisonsign.com

2012-0270-A

TA-23016

ELEVATION DRAWING

1 SL72



Date: / /
Customer Approval:

ISO 9001:2008 Certified Enterprise Patison Sign Group is a certified ISO 9001:2008 enterprise. This means that we have a system in place to ensure that we consistently deliver the highest quality signs and graphics to our customers. We are committed to continuous improvement and to providing the best service possible to our customers.	Patison Sign Group Patison Sign Group is a certified ISO 9001:2008 enterprise. This means that we have a system in place to ensure that we consistently deliver the highest quality signs and graphics to our customers. We are committed to continuous improvement and to providing the best service possible to our customers.
---	---

ENSEIGNES PATTISON SIGN GROUP

Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798

Client:	R & H TOYOTA
Site:	OWINGS MILLS, MD
Consultant:	TANYA ANDERSEN
Draftsman:	ANDRE CHARETTE
Page:	1/4
Scale:	1/16" = 1'-0"
Date:	04.13.2011

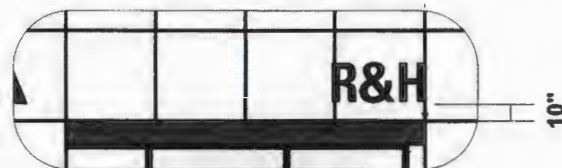
www.pattisonsign.com

2012-0270-A

2 PDNN21

4.15'
4'-1 5/8"
1'-9"
R&H
7.24 SQ/FT

ALIGN TO RED BAND



Date: / /
Customer Approval:

This sign is intended to be installed in accordance with the International Building Code (IBC) and the International Fire Code (IFC). The sign is intended to be installed in accordance with the International Building Code (IBC) and the International Fire Code (IFC). The sign is intended to be installed in accordance with the International Building Code (IBC) and the International Fire Code (IFC).

ISO 9001:2008 Certified Enterprise

ENSEIGNES
PATTISON
SIGN GROUP

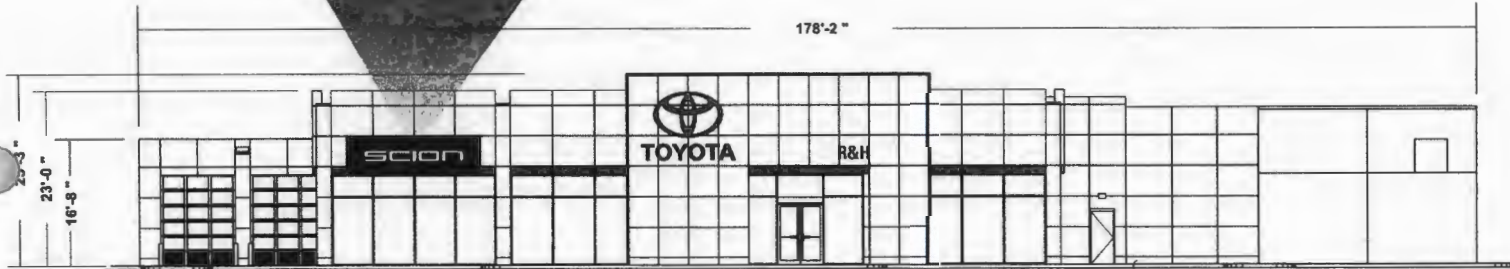
Tel (506) 735-5505 Fax (877) 737-1734 Toll Free 1-800-561-8738

Client:	R & H TOYOTA
Site:	OWINGS MILLS, MD
Consultant:	TANYA ANDERSEN
Draftsman:	ANDRE CHARETTE
Page:	2/4
Scale:	1/16" = 1'-0"
Date:	04.13.2011

www.pattisonsign.com

2012-0270-A

ELEVATION DRAWING

[illegible]

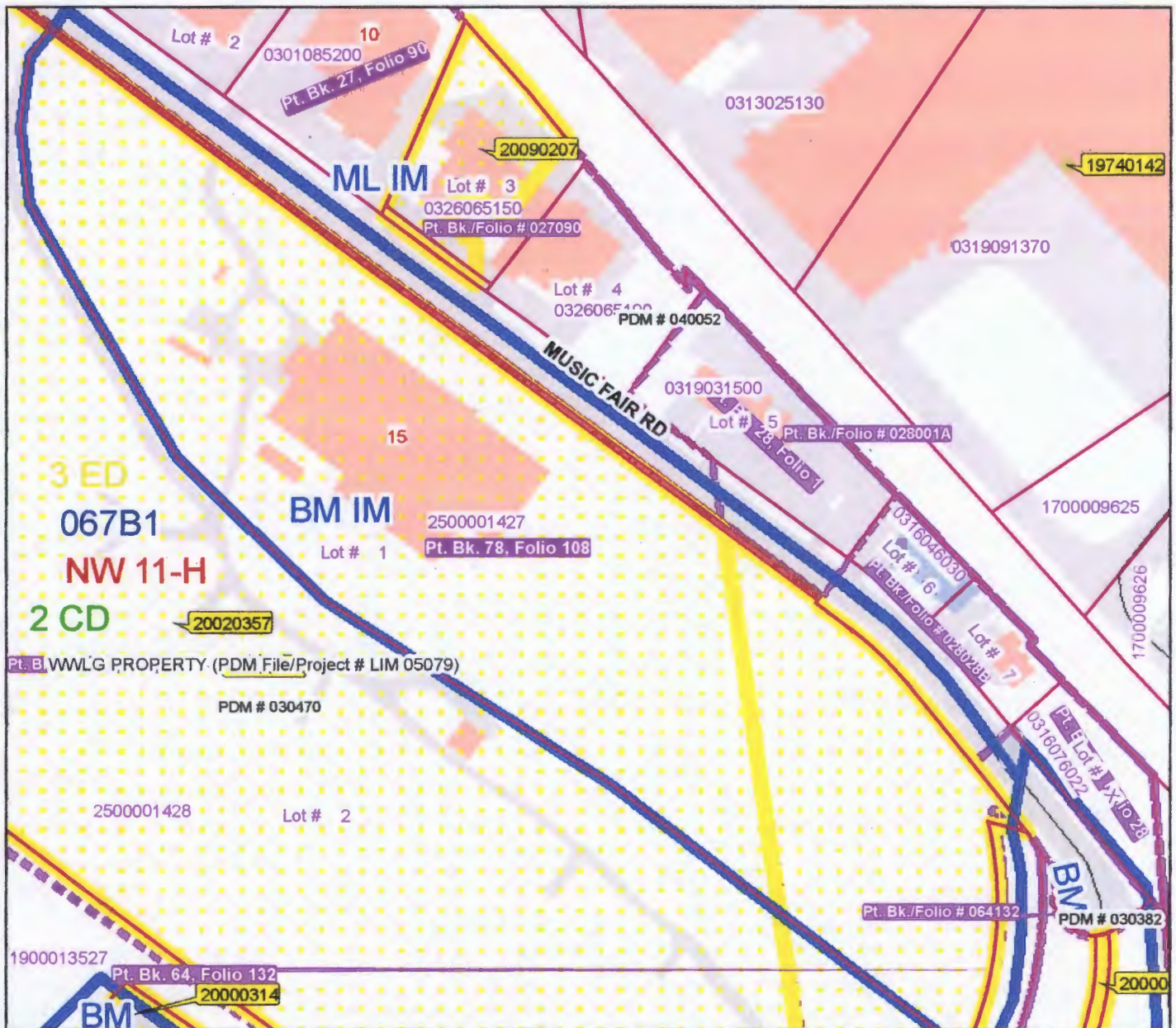
ISO 9001:2008 Certified Enterprise

Client:	R & H TOYOTA		
Site:	OWINGS MILLS, MD		
Consultant:	TANYA ANDERSEN		
Draftsman:	ANDRE CHARETTE	Date:	04.13.2011
Page:	3/4	Scale:	1/16" = 1'-0"

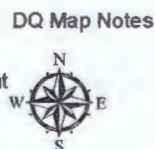
www.pattisonsign.com

2012-0270-A

2012-0270-A

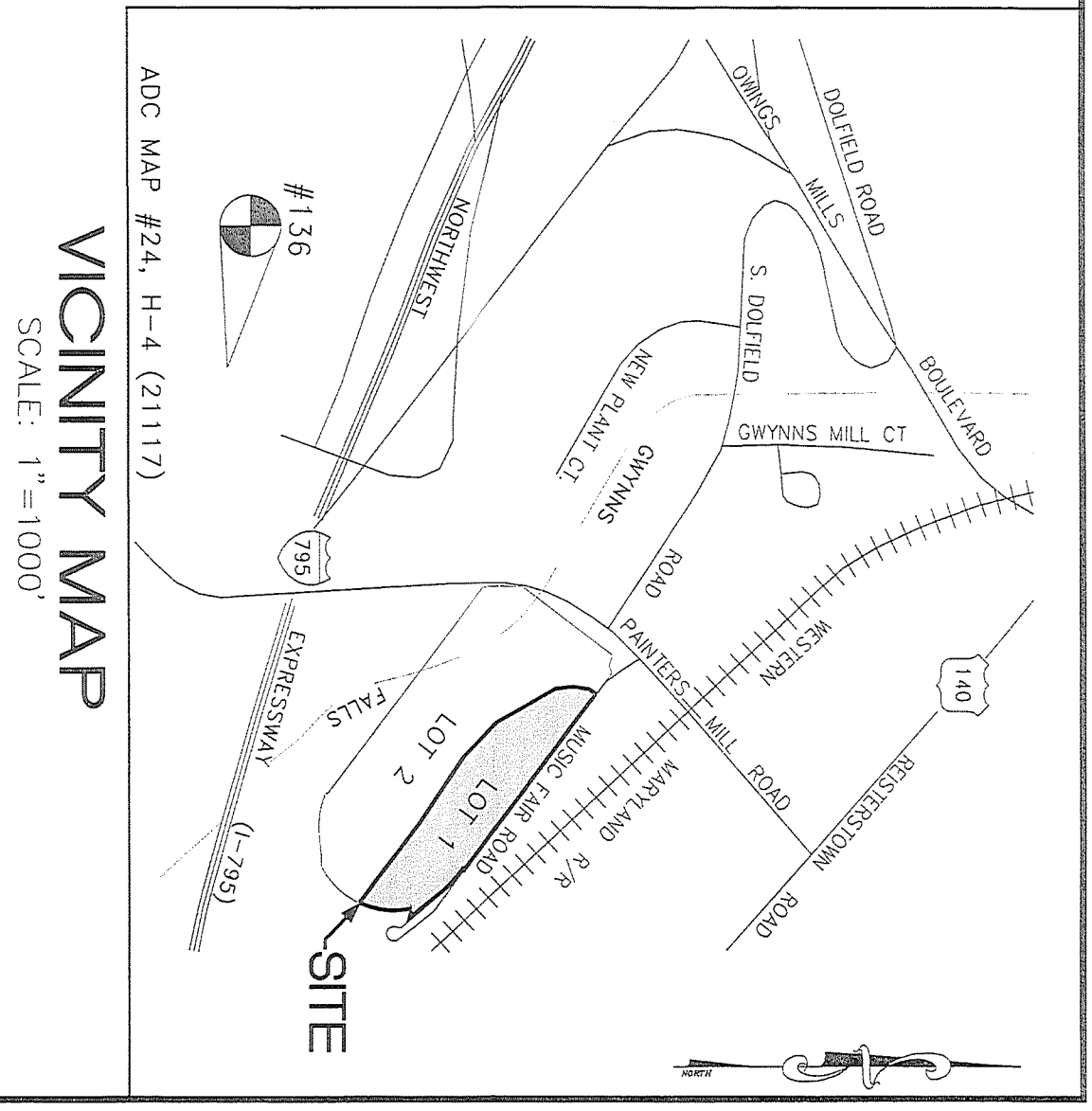
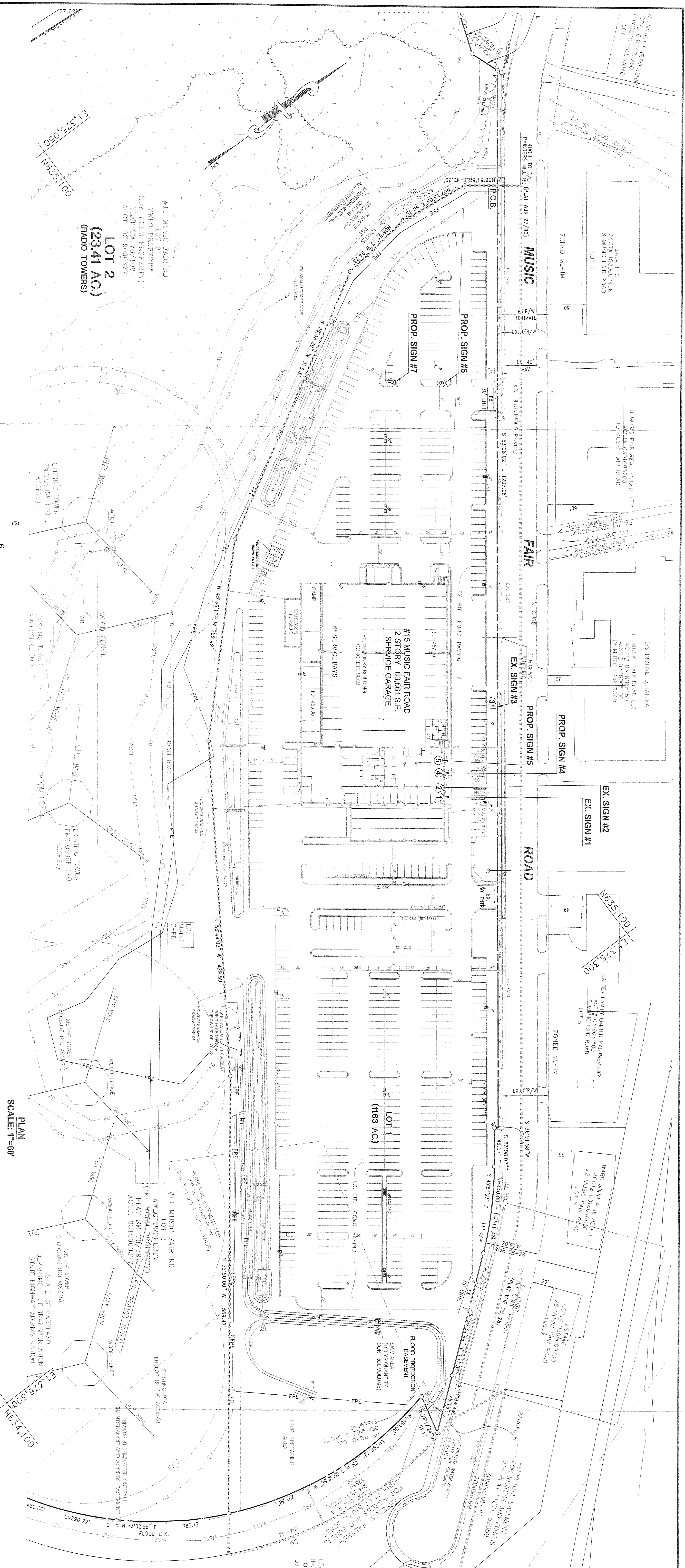


Publication Date: April 26, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 200 400 Feet

1 inch = 200 feet

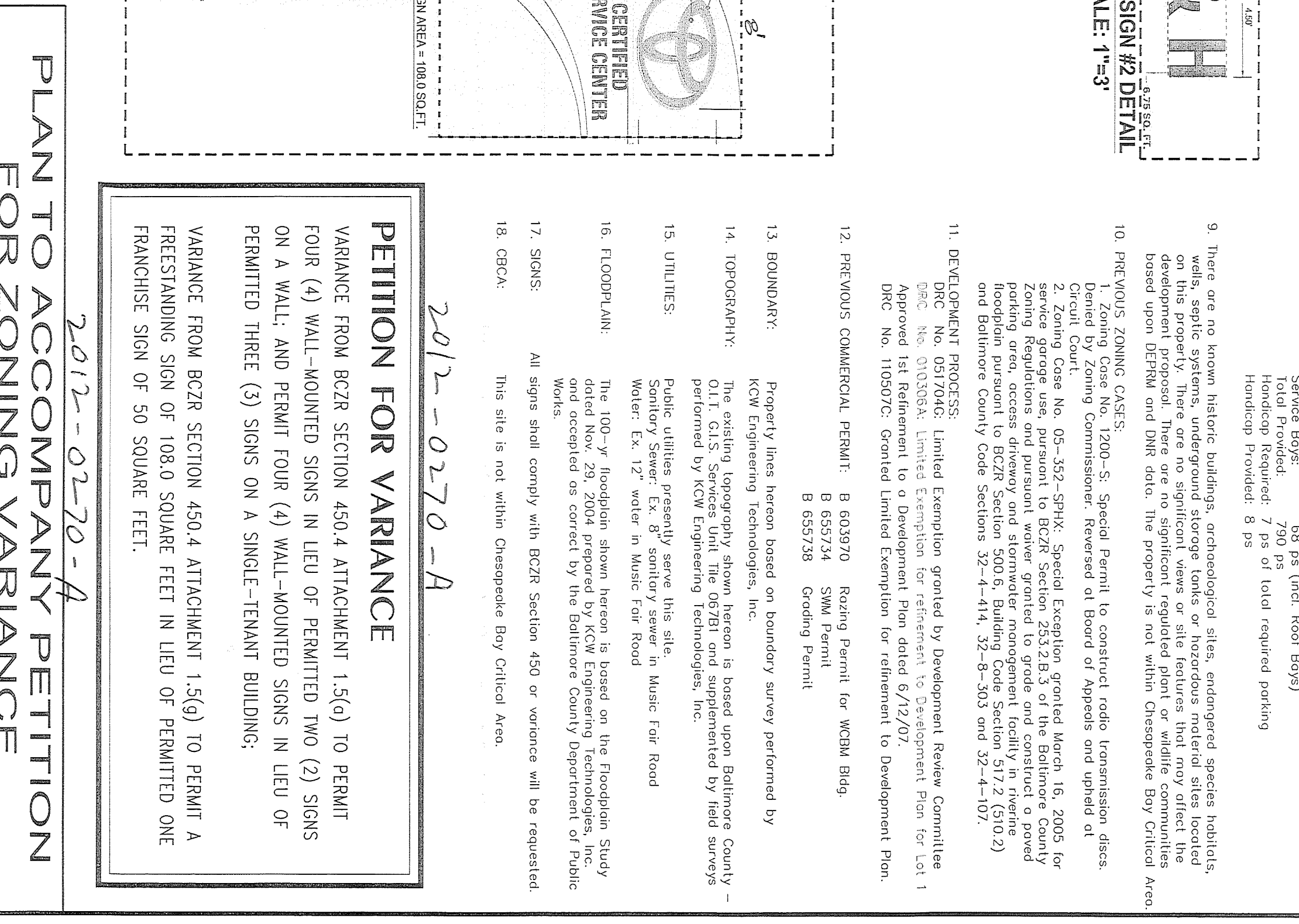
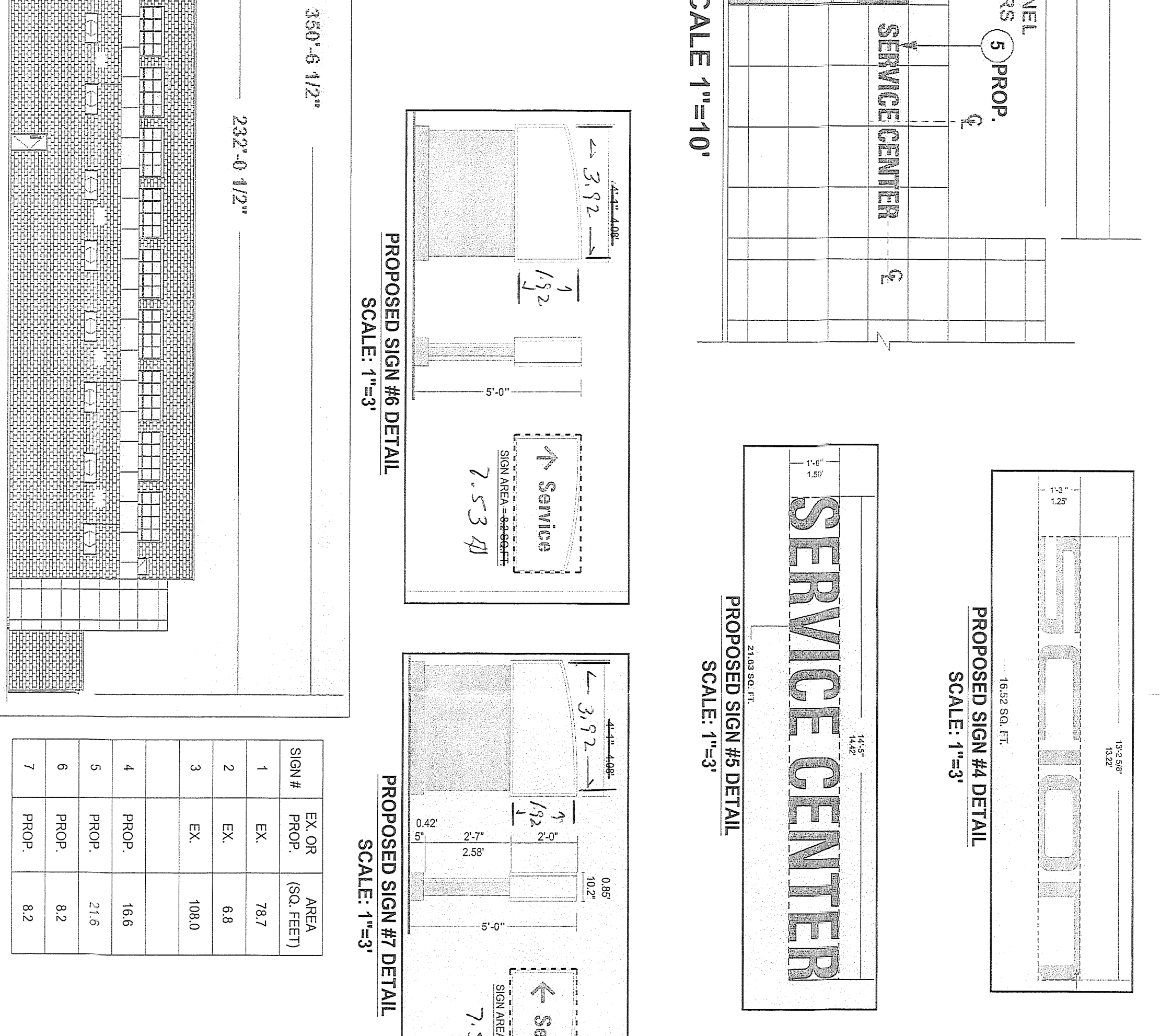
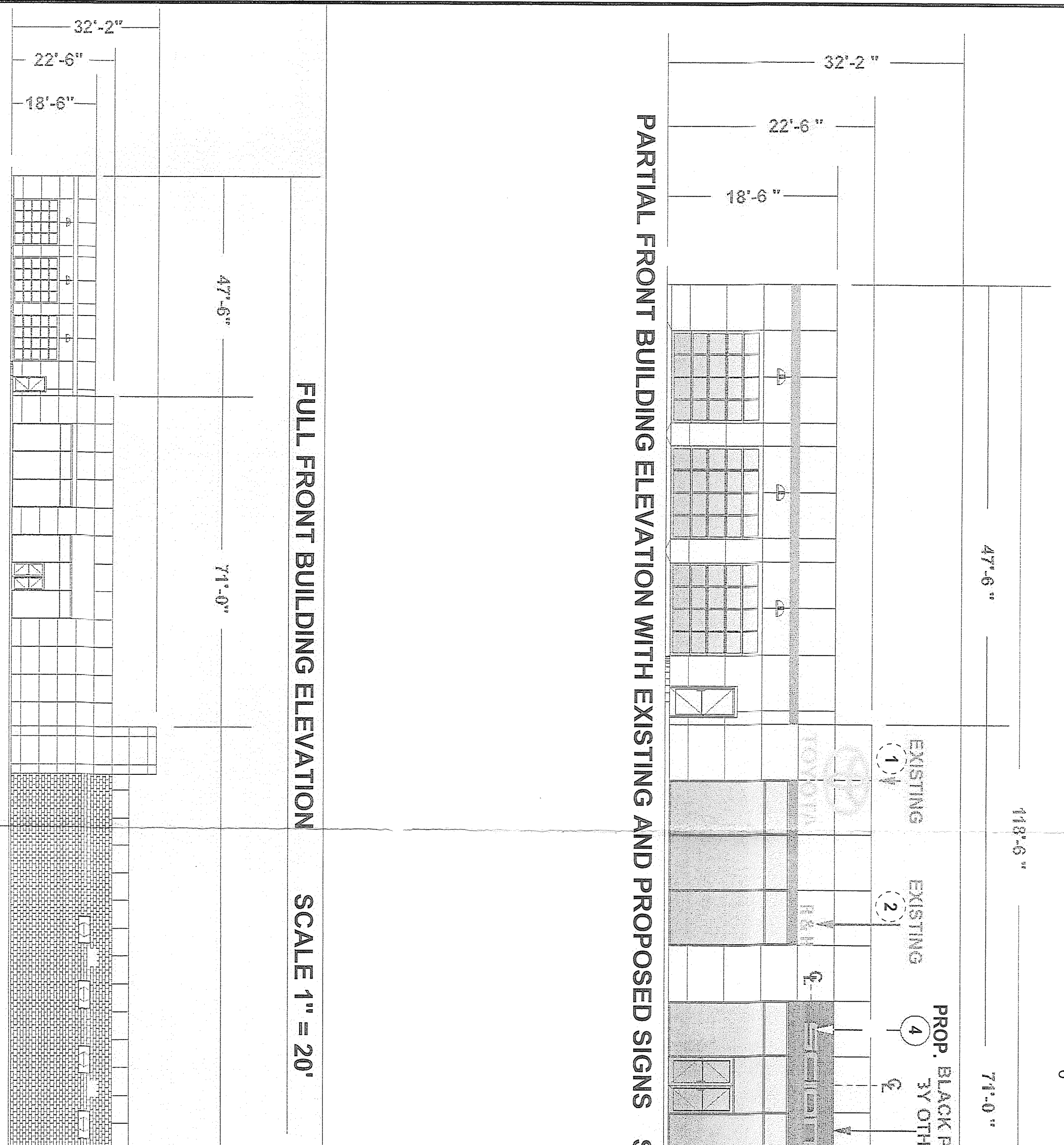


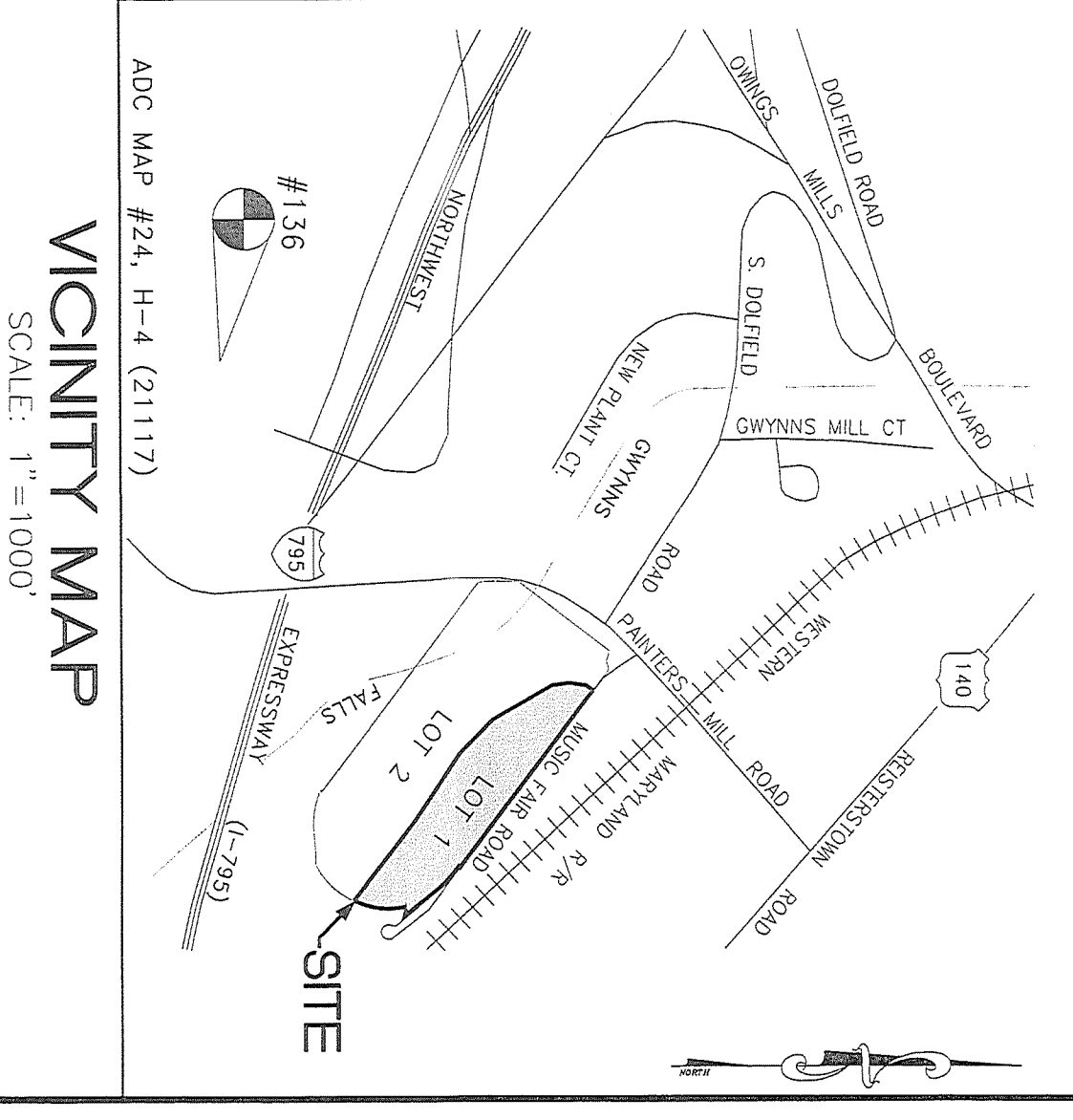
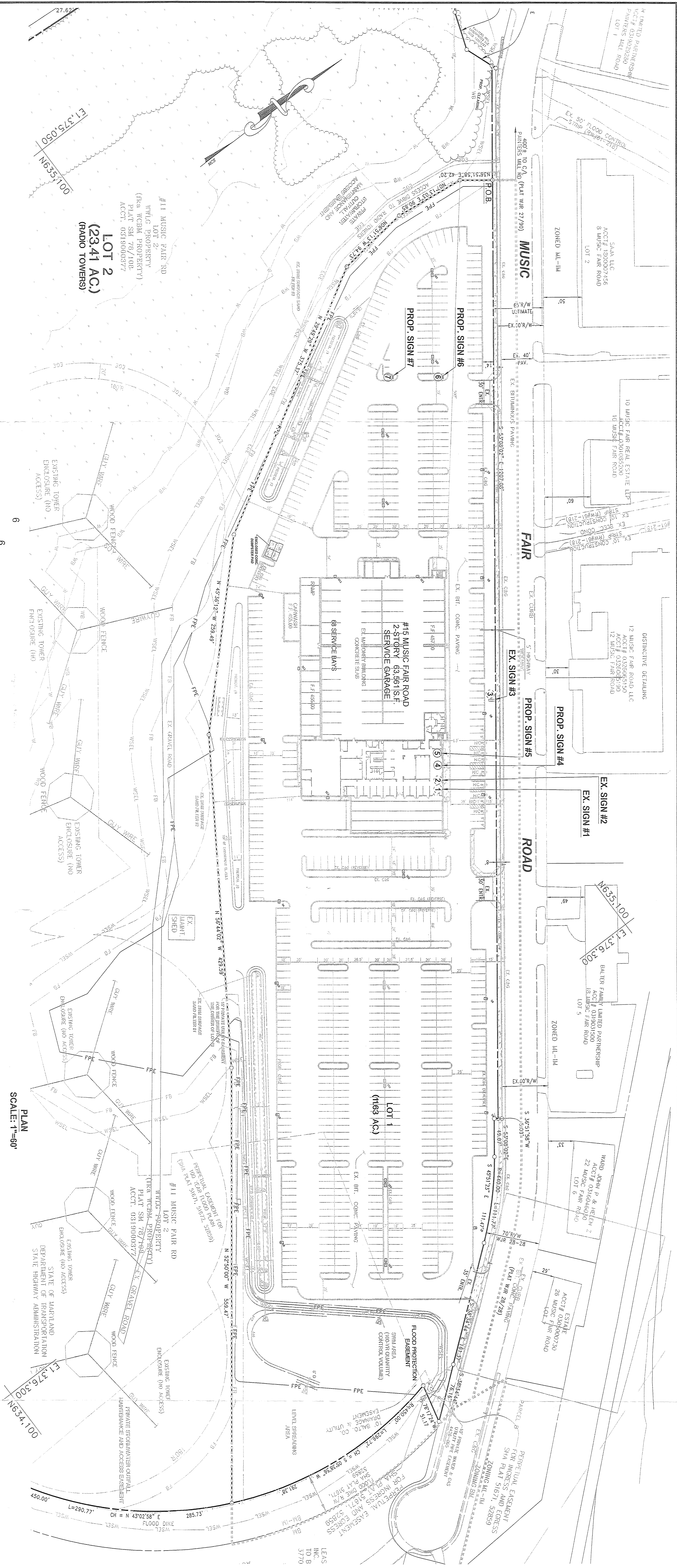
- BENCHMARK:**
BALTIMORE COUNTY GEODETIC CONTROL
GCS #1356
NORTH: 635511.876 EAST: 1373642.436 ELEV. 471.16
27.88AS DISC. IN GALVANIZED PIPE IN EAST END OF LANDSCAPE ISLAND ON
LOT A, BETWEEN LINES 586 AND 748, MIA PARKING LOT.

- [illegible]

- [illegible]

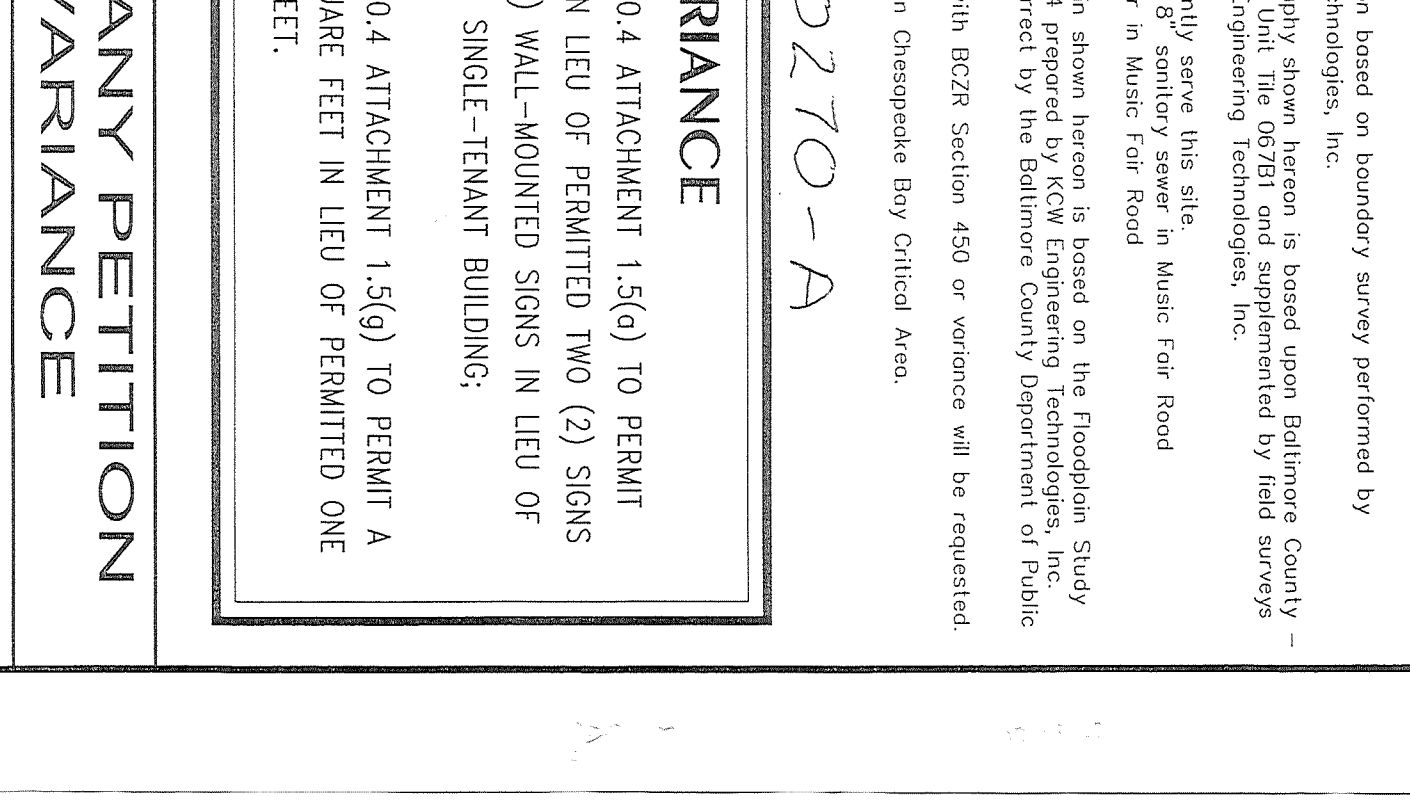
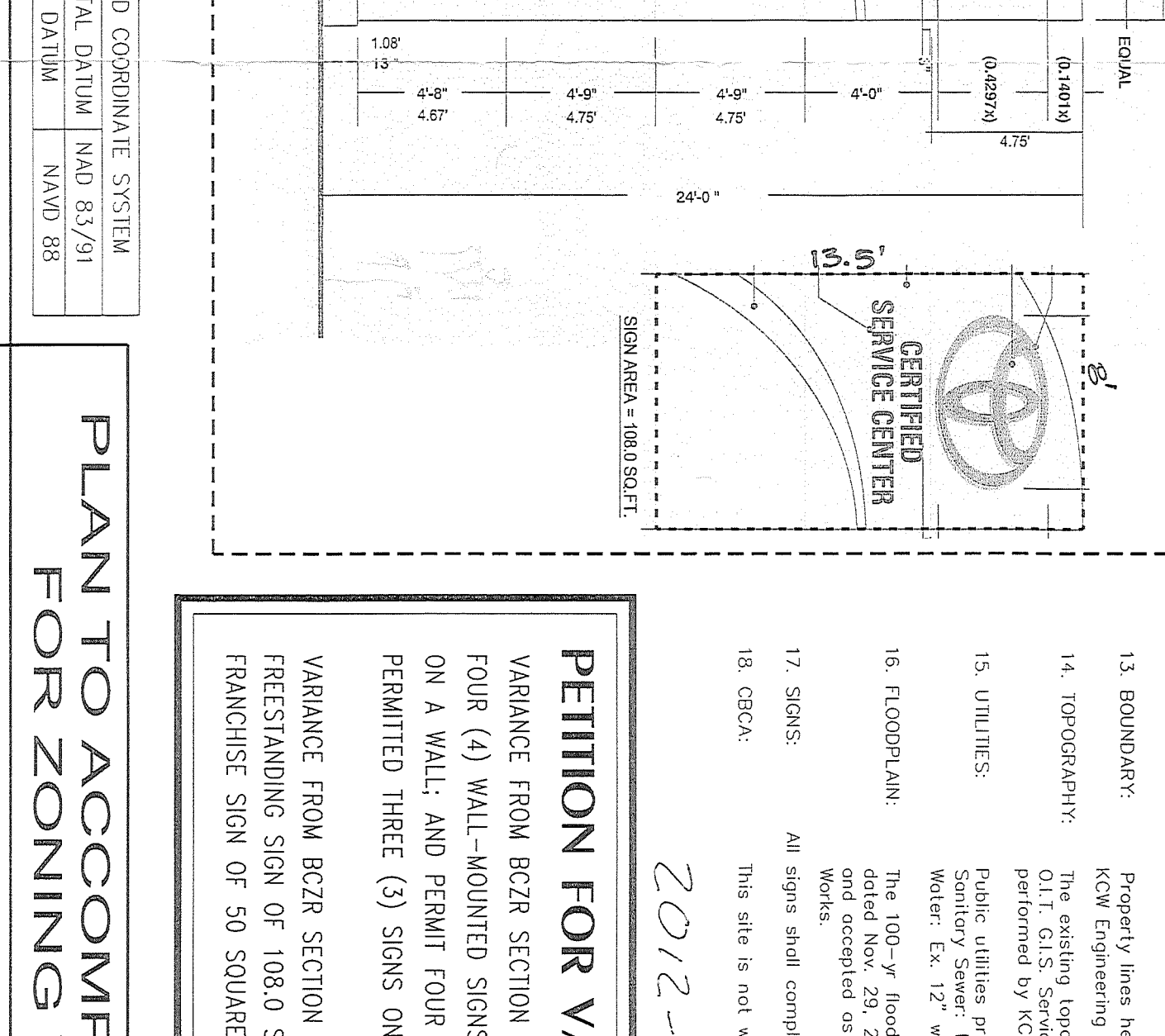
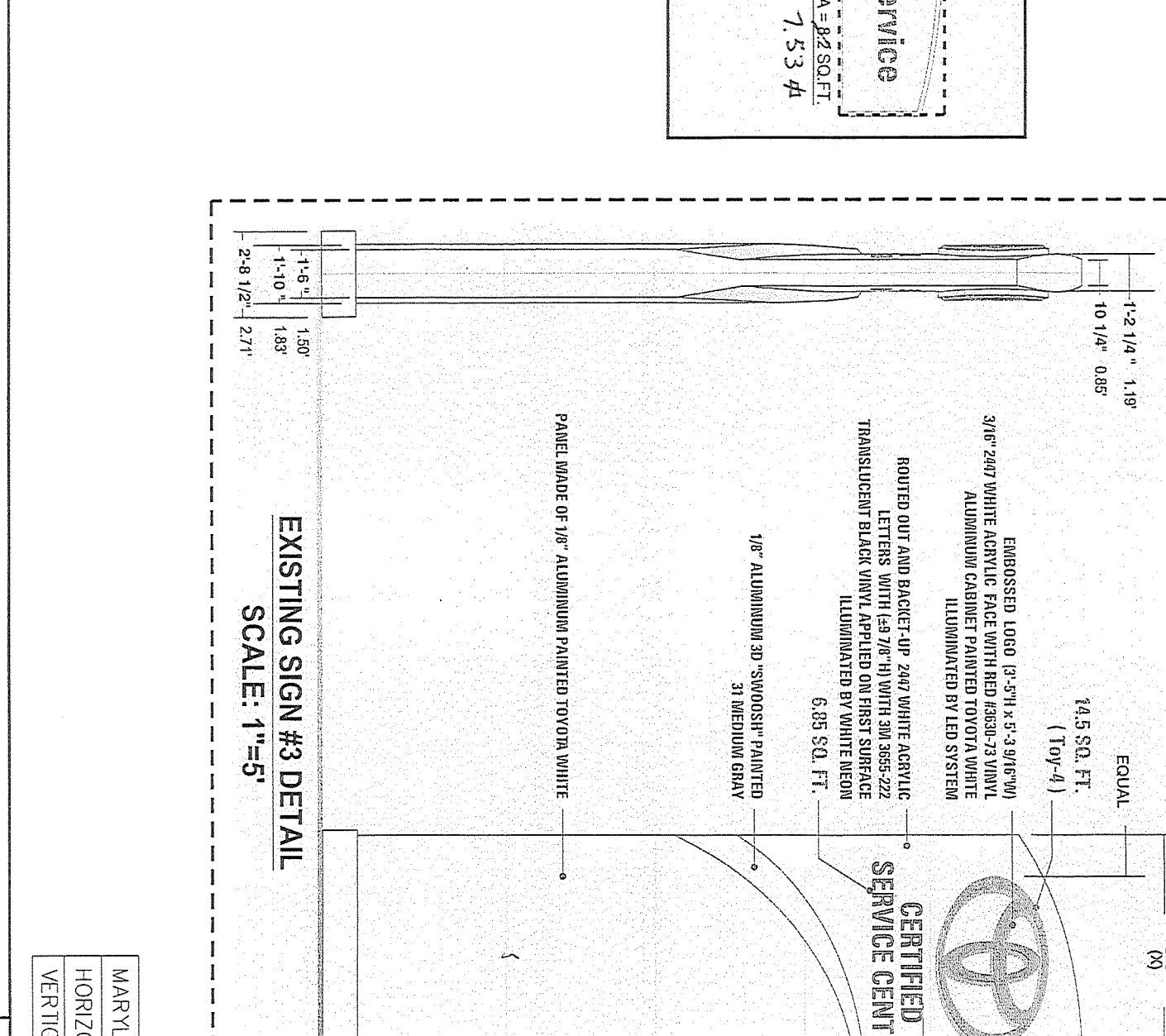
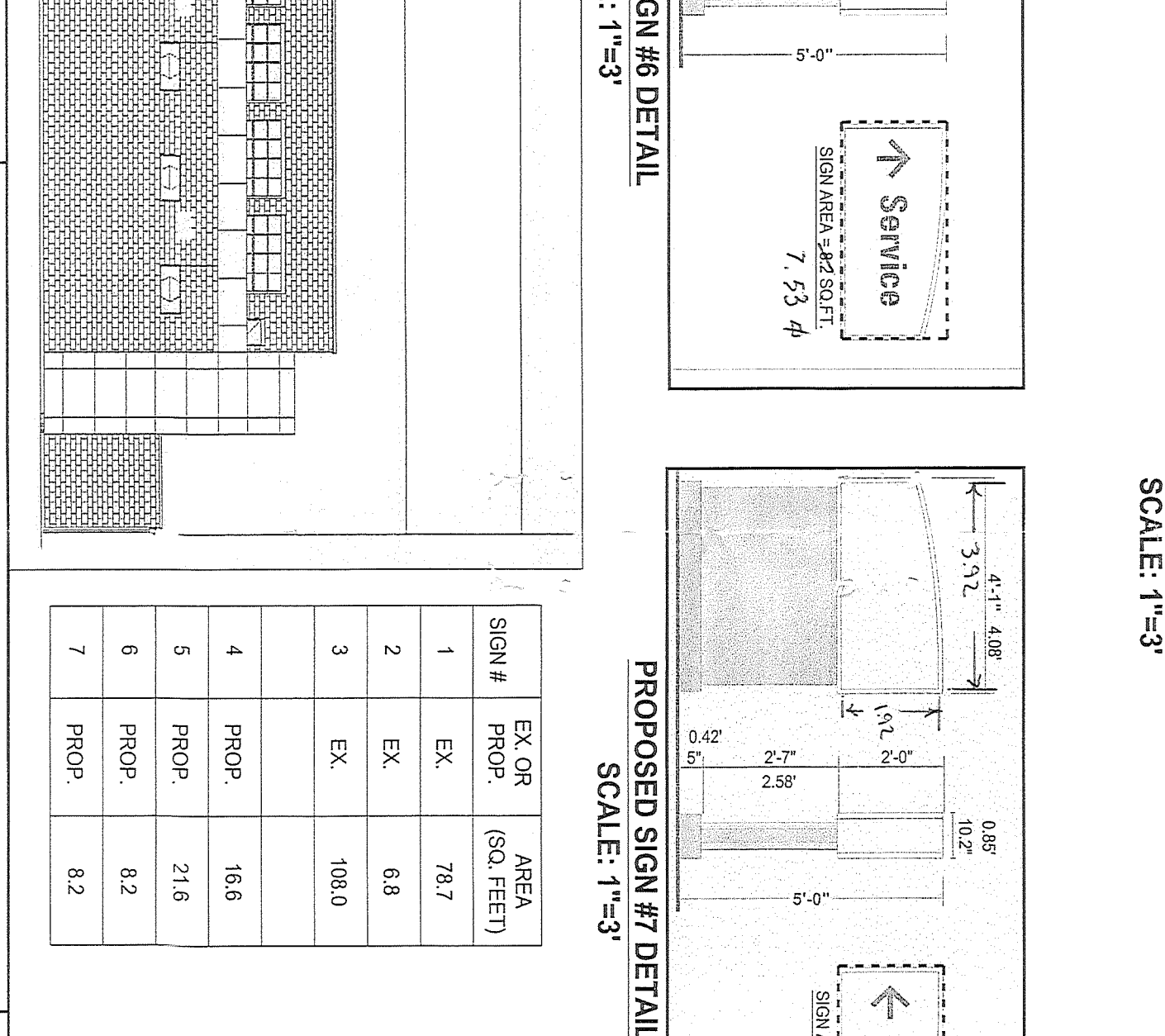
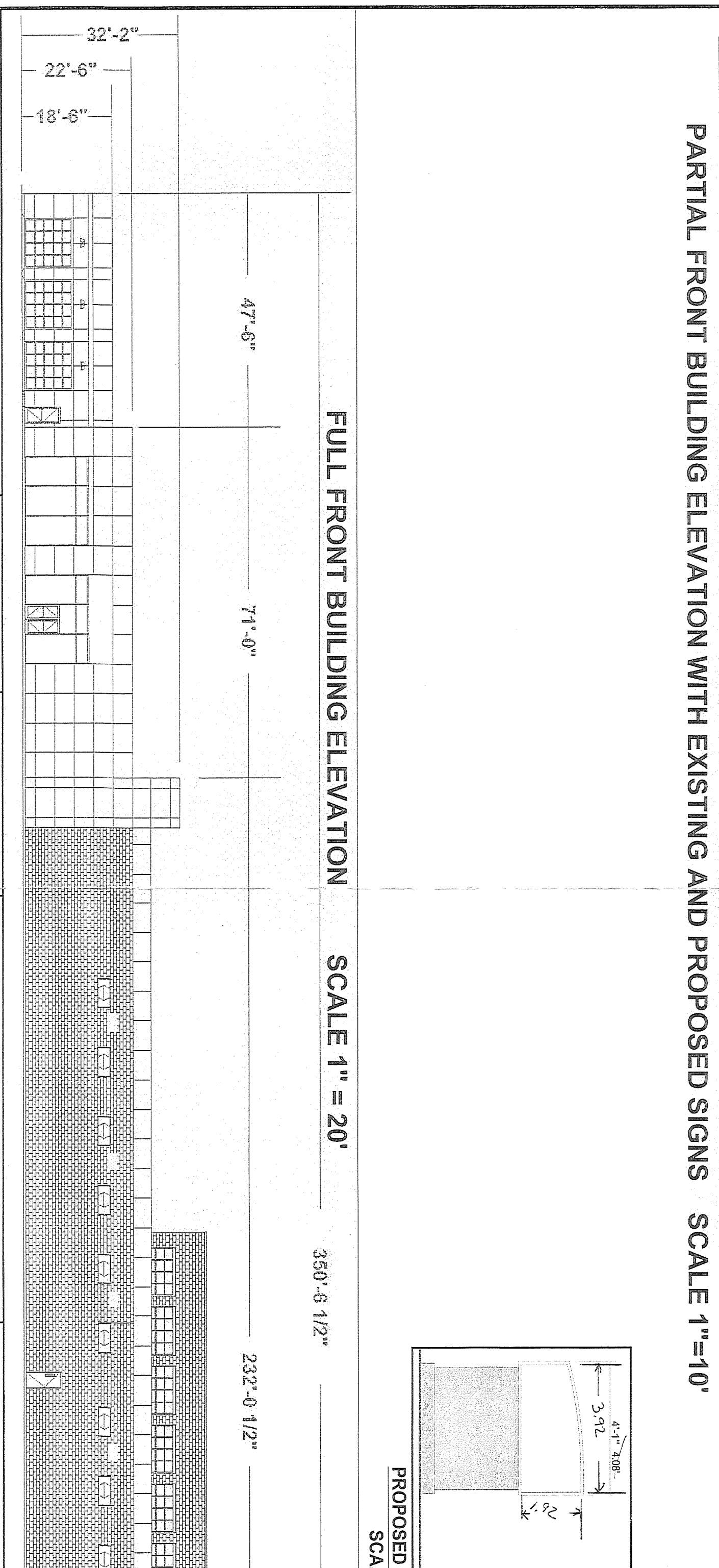
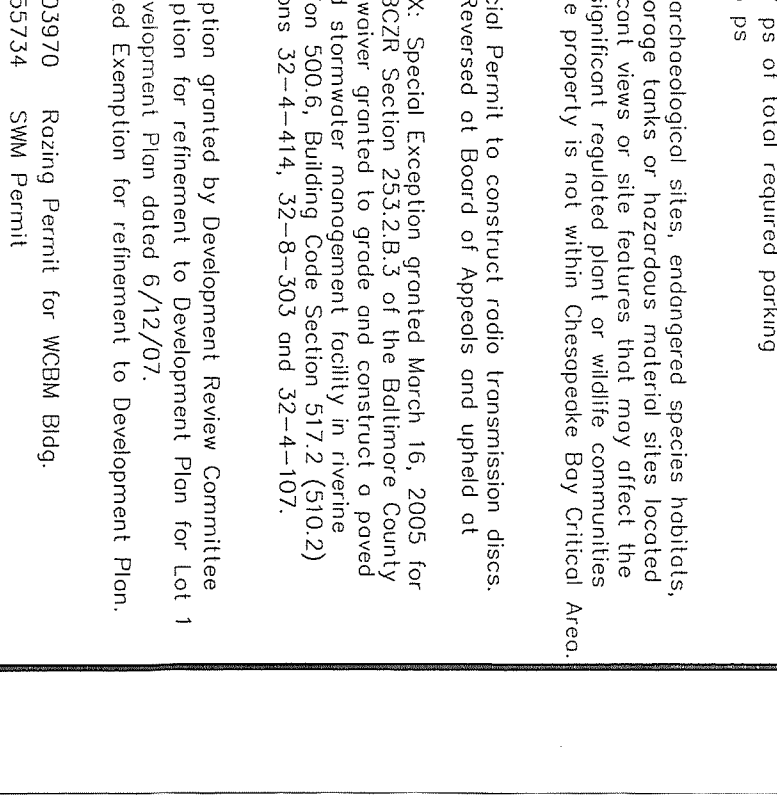
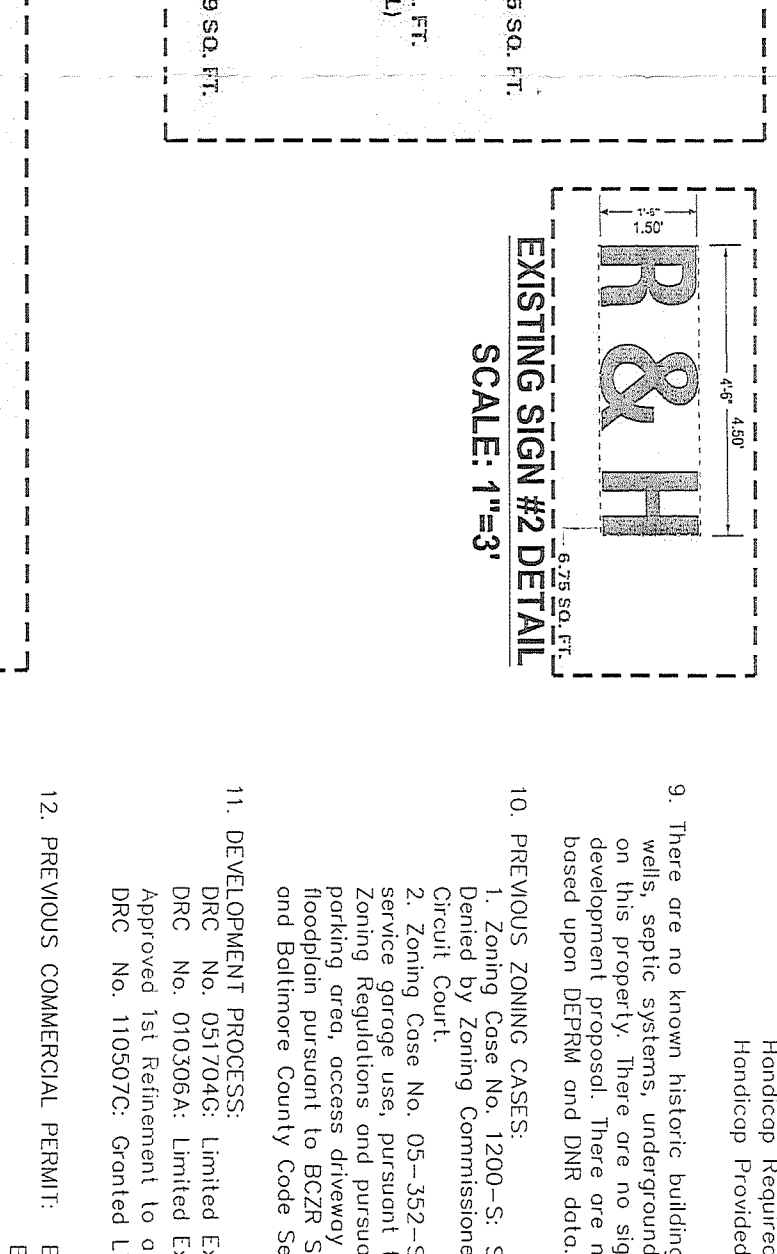
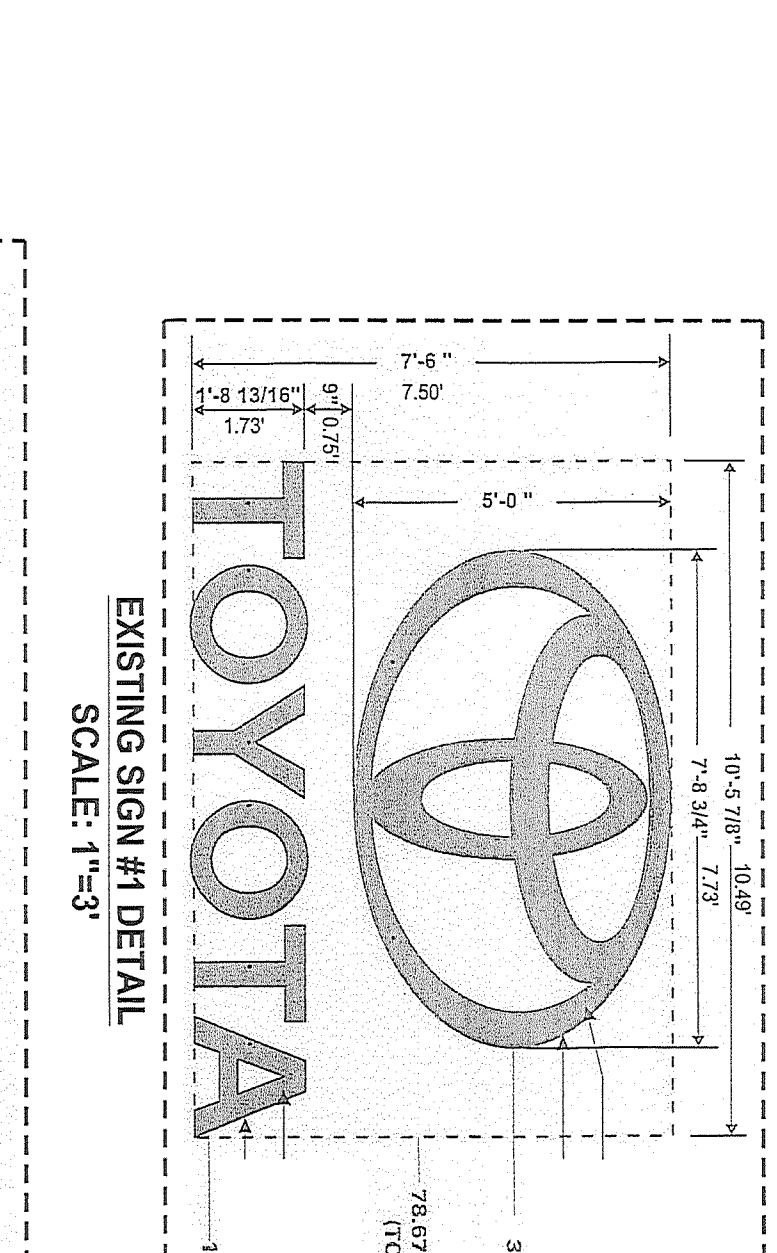
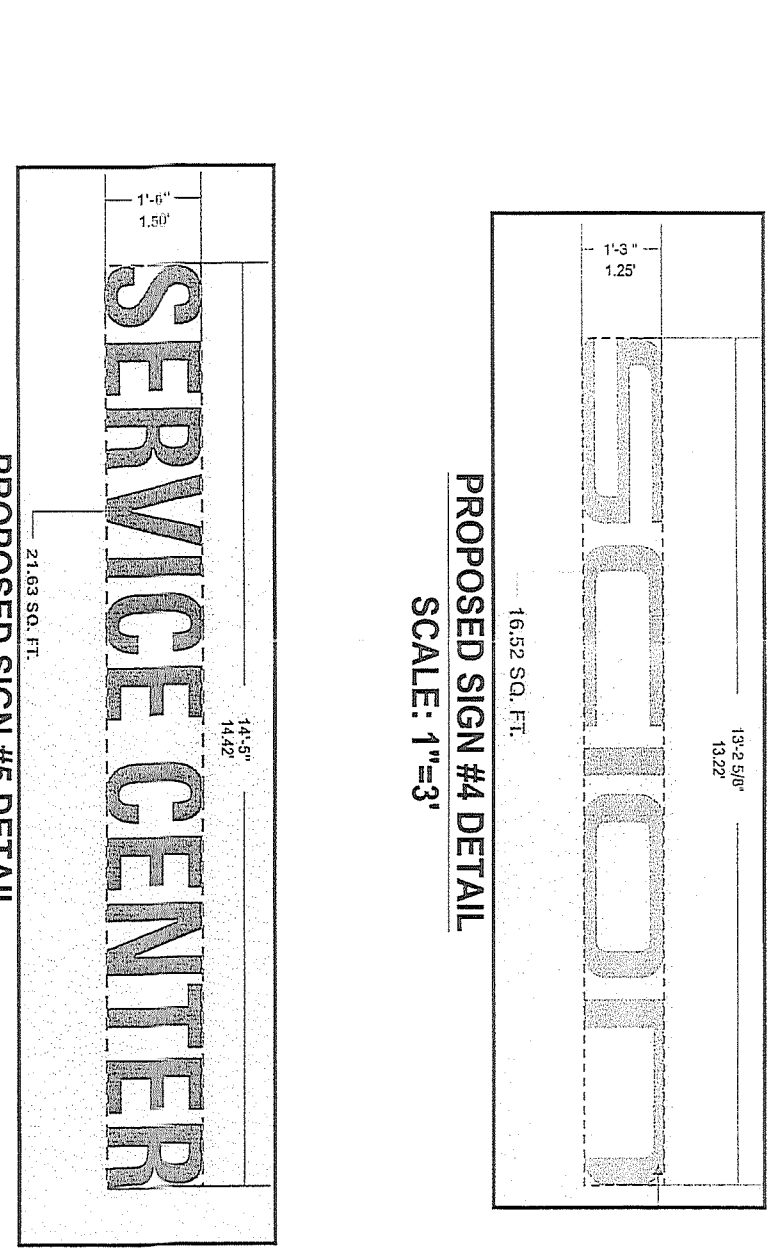
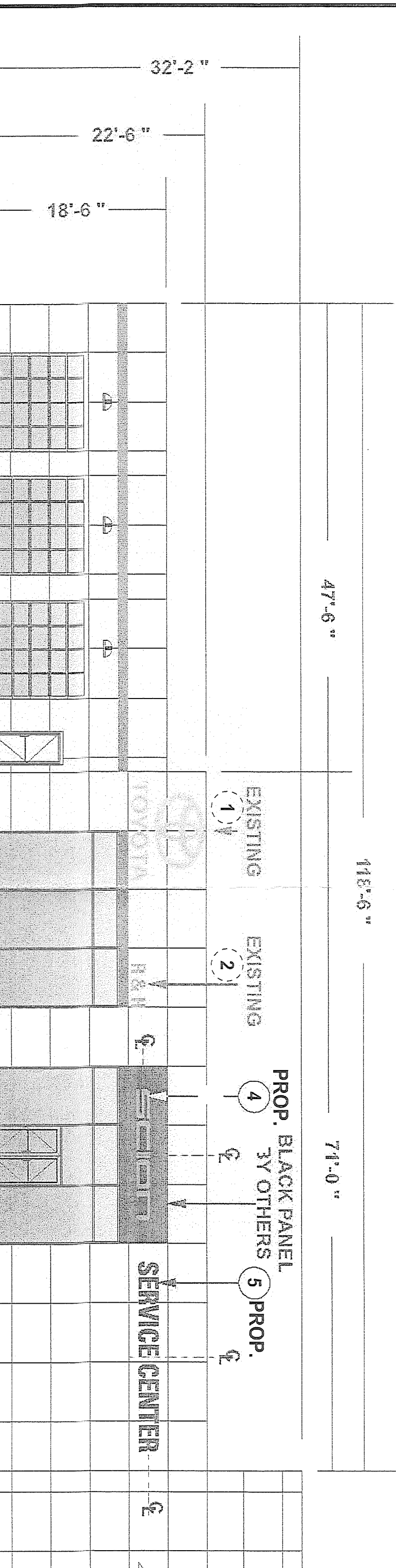
- BOOKMARK:** Property lines hereon based on boundary survey performed by K&W Engineering Technologies, Inc.
- TOPOGRAHY:** The existing topography shown herein is based upon a balance County performed by K&W Engineering Technologies, Inc.
- UTILITIES:** Public utilities presently serve this site.
- ENVIRONMENTAL:** The site is not on any flood plain or flood hazard area.
- LOCAL ORDINANCES:** The 100' - 100'00" minimum storm drainage is based on the Franklin County Code No. 200-2004 approved by K&W Engineering Technologies, Inc. and is not restricted or control by the Balance County Department of Public Works.
- NOTES:** All signs and comply with GCRS Section 550 or otherwise will be requested. This site is not within Chazyville Bay Critical Area.





GENERAL NOTES

1. APPLICANT: R&H MOTOR CARS, LTD.
2. LOCATION: 15 MUSIC FAIR ROAD, OWINGS MILLS, MD 21117
3. PROPERTY INFORMATION:
OWNER: RUSSEL FAMILY OWINGS MILLS, LLC
ADDRESS: 9727 REISTERSTOWN ROAD, OWINGS MILLS, MD 21117
TELE: (410)363-3900
4. ELECTION DISTRICT: 03
5. ZONING: 6M-1M (see Zoning Map 06/78)
6. EXISTING LAND USE: AUTOMOTIVE SERVICE GARAGE
7. BUILDING SETBACKS: (M-L-M) Min. Req.
Front: 25 ft
Side: 25 ft
Rear: 30 ft
8. HEIGHT RESTRICTIONS: Unlimited
9. FLOOD HAZARD: FLOOD ZONE 1 (see Flood Map 06/78)
10. ELECTION DISTRICT: 03
11. COUNCILMANIC DIST: C-2
12. SEWER DESIGNATION: W-1
13. CONVEYANCE: 5-1
14. CONVEYANCE: 5-1
15. CONVEYANCE: 5-1
16. CONVEYANCE: 5-1
17. CONVEYANCE: 5-1
18. CONVEYANCE: 5-1
19. CONVEYANCE: 5-1
20. CONVEYANCE: 5-1



KCM Engineering Technologies, Inc.
810 Landmark Drive, Suite 215
Glen Burnie, MD 21061
Phone: 410.768.2700
Fax: 410.768.0200
WWW.KCM-ET.COM

Professional Certification
I hereby certify that these plans were prepared by me, and that I am a duly Licensed Professional Engineer under the laws of the State of Maryland.
Expiration Date: 06-30-2012

OWNER:
RUSSEL FAMILY OWINGS MILLS, LLC
9727 REISTERSTOWN ROAD
OWINGS MILLS, MD 21117
ATTN: ROBERT C. RUSSEL
TELE: (410)363-3900

DEVELOPER:
R&H MOTOR CARS, LTD.
9727 REISTERSTOWN ROAD
OWINGS MILLS, MD 21117
ATTN: ROBERT C. RUSSEL
TELE: (410)363-3900

GRAPHIC SCALE
(1 IN FEET)
1 inch = 50 ft

DATE: _____
DESCRIPTION: _____

REVISIONS:
DATE: _____
DESCRIPTION: _____

KCM J.D.: 20/03/2012
SCALE: 1" = 60'
DESIGNED: MT
DRAWN: MT
CHECKED: MT
DATE: APRIL 24, 2012
DWG. NO.: **C-301**

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

R&H TOYOTA SERVICE GARAGE

15 MUSIC FAIR ROAD

P' 1

ELECTION DISTRICT - 03
BALTIMORE COUNTY, MARYLAND

COUNCILMANIC DISTRICT C-2