

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 19, 2013

David H. Karceski, Esquire 210 W. Pennsylvania Avenue Suite 500 Towson, Maryland 21204

RE:

Petitions for Variance

Case No.: 2013-0276-A Property: 801 York Road

Dear Mr. Karceski:

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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

c: Scott Fader, 1 Olympic Place, Suite 1200, Towson, Maryland 21204 Tom Church, 6603 York Road, Baltimore, Maryland 21203 Paul Hartman, 18 ½ Cedar Avenue, Baltimore, Maryland 21286 IN RE: PETITION FOR VARIANCE
(801 York Road)

9<sup>th</sup> Election District
5<sup>th</sup> Councilman District
CARS-DB4, L.P., Legal Owner
Heritage of Towson, II, Inc.
Lessee

Petitioners

BEFORE THE OFFICE
OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2013-0276-A

#### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David H. Karceski, Esquire, on behalf of the legal owner, CARS-DB4, L.P. and lessee Heritage of Towson, II, Inc.. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") §§ 450.4 Attachment 1.5(a) and 450.4 Attachment 1.5(g): (1) to allow a total of five (5) wall-mounted enterprise signs with no more than three such signs on a single façade of the building in lieu of the permitted three wall-mounted enterprise signs with no more than two (2) on a single façade; and (2) to allow a freestanding enterprise sign with a sign area/face of 146 sq. ft. and height of 26 ft. in lieu of the permitted 50 sq. ft. of sign area/face and height of 25 ft. The subject property and requested relief is more fully depicted on the amended site plan that was marked and accepted into evidence as Petitioners' Exhibits 1A & 1B.

Appearing at the public hearing in support of the requests was Scott Fader and Tom Church. David H. Karceski, Esquire appeared as counsel and represented the Petitioners. Paul Hartman, president of the Greater Towson Council of Community Associations (GTCCA), attended the hearing and indicated that, after reviewing the exhibits, his association did not object

Date 1119113

At the hearing, Petitioner filed an amended petition, reflecting that the height variance was no longer sought; i.e., the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height, as permitted by the proposed sign will not exceed 25' in height and the proposed sign will not exceed 25' in height and the proposed sign will not exceed 25' in height and the proposed sign will not exceed a sign will not exceed 25' in height and the proposed sign will not exceed a sign will not exceed a sign will not exceed 25' in height and the proposed sign will not exceed a sign will not exceed a sign will not exceed a sign will not exceed 25' in height a sign will not exceed a sig

to the petition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP), which did not oppose the relief.

Testimony and evidence revealed that the subject property is approximately 1.563 acres and zoned BR-AS. The site is improved with a Hyundai new car dealership. The dealership is modernizing its signs on site, and requires variance relief to do so.

Based upon the testimony and evidence presented, I will 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. Mr. Church, a professional engineer accepted as an expert, testified via proffer that the site is unique because it occupies a corner lot bound on three sides by public roads, and because there is a significant topographical change through the property. I agree.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to install the proposed signs, which are mandated by its franchise agreement with the manufacturer. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by absence of County and/or community opposition.

2

ORDER RECEIVED FOR FILING

Date 7 19 13

By \_\_\_\_ DUO

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 19th day of July, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") §§ 450.4 Attachment 1.5(a) and 450.4 Attachment 1.5(g): (1) to allow a total of five (5) wall-mounted enterprise signs with no more than three such signs on a single façade of the building in lieu of the permitted three wall-mounted enterprise signs with no more than two (2) on a single façade; and (2) to allow a freestanding enterprise sign with a sign area/face of 146 sq. ft. in lieu of the permitted 50 sq. ft. of sign area/face, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt
  of this Order; however, Petitioners are 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, Petitioners
  would be required to return, and be responsible for returning, said property to its
  original condition.
- The variance granted herein shall not be transferrable to a future tenant and/or owners of the premises; i.e., it shall not "run with the land." Any change whatsoever to the signage approved herein will require a public hearing before the Office of Administrative Hearings (OAH).
- The Petitioners shall not install on the premises a freestanding sign advertising used or pre-owned vehicles for sale.

ORDER RECEIVED FOR FILING

Date 119113

By

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: sln

ORDER RECEIVED FOR FILING

Date\_

By.



## Amendea 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 801 York Road which is presently zoned BR-AS Deed References: 20520-507 10 Digit Tax Account # 1 6 0 0 0 0 2 0 Property Owner(s) Printed Name(s) CARS-DB4 (SELECT THE HEARING(S) BY MARKING X 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: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a Variance from Section(s) SEE ATTACHED SHEET 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 BE PRESENTED AT HEARING Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above 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: Heritage of Towson II, Inc. Legal Owners (Petitioners): CARS-DB4, L.P. By: Lonnie L. Swiger, Vice President Name #1 - Type or Print Name- Type or Print Name #2 - Type or Print SEE ATTACHED Signature #1 Signature # 2 1 Olympic Place, Suite 1100, Towson, MD Mailing Address City State Mailing Address State 21204 (410) 415-0510 Zip Code Telephone # Email Address

#### Representative to be contacted:

dhkarceski@venable.com

**Email Address** 

Zip Code	Telephone #	Email Add	iress
Attorney fo	or Petitioner:		
David H. Karo	eski, Esq.		
Name- Type of	Print		
Signature			
210 W. Penns	sylvania Avenue, Ste. 500	Towson	MD
Mailing Addres	ss Cit	у	State

(410) 494-6285

2217-77/

21204 Zip Code

Signature				
210 W. Pe	nnsylvania Ave., Ste. 5	00 To	wson	MD
Mailing Add	ress	City		State
21204	/ (410) 494-6285	/	dhkarce	ski@venable.com
Zip Code	Telephone #		Email	Address

CASE NUMBER	wis	LT6-	Filing Date_		Do Not Schedule Dates:		Reviewer
-------------	-----	------	--------------	--	------------------------	--	----------

David H. Karceski Name - Type or Pi

#### Attachment to **Petition for Variance**

#### 801 York Road

#### LEGAL OWNER/PETITIONER

CARS-DB4, L.P.

By: CARS-DBSPE4, INC., a Delaware corporation, its General Partner

John m. Weaver Name:

Chief Risk Officer & Heneral Counsel Title:

McLean, VA 22102 Address:

703-288-3015 Phone:

# Attachment to Petition for Variance

#### 801 York Road

- 1. Variance from BCZR Section 450.4. Attachment 1.5(a) to allow a total of five wall-mounted enterprise signs with no more than three such signs of a single façade of the building, in lieu of the permitted three wall-mounted enterprise signs, with no more than two on a single façade.
- 2. Variance from BCZR Section 450.4 Attachment 1.5(g) to allow a freestanding enterprise sign with a sign area/face of 146 square feet and height of 26 feet in-lieu of the permitted 50 square feet of sign area/face and height of 25 feet.

DK



VENABLE LLP • 210 West Pennsylvania Ave Suite 500 • Towson, MD 21204

T 600229

05/22/13 \$385.00 (DHK)

125276:346528 - AGI Graphics Incorporated/801 York Road

Baltimore County, MD

Filing fee for Petition for Variance

₩ M&T Bank Baltimore, MD 21201

VENABLE

T 600229

**Towson Operating Account** 210 West Pennsylvania Ave. Suite 500

Towson, MD 21204

CHECK NO. 600229

**AMOUNT** \$385.00

DATE 05/22/13

Three hundred eighty-five dollars and no cents

Baltimore County, MD

CINO SIGNATURES REQUIRED OVER \$25,000

#### DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

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

#### **ZONING DESCRIPTION**

#### FOR

#### #801 YORK ROAD

BEGINNING for the same at a point on the northeast side of York Road, 66 feet wide more or less, said point being 20 feet, more or less, from the centerline of Dunvale Road, 40 feet wide, more or less, thence running and binding along the following courses and distances:

- 1. North 31 degrees, 41 minutes, 44 seconds West, 246.17 feet,
- 2. North 57 degrees, 45 minutes, 41 seconds East, 1.50 feet,
- 3. Thence along a curve to the left with a radius of 38.00 feet and an arc length of 59.33 feet, thence continuing with the following:
- 4. North 57 degrees, 45 minutes, 41 seconds East, 145.86 feet,
- 5. South 31 degrees, 41 minutes, 44 seconds East, 123.81 feet,
- 6. North 57 degrees, 45 minutes, 41 seconds East, 15.00 feet,
- 7. South 31 degrees, 41 minutes, 44 seconds East, 160.00 feet, and
- 8. South 57 degrees, 45 minutes, 41 seconds West, 200.00 feet to the place of beginning.

CONTAINING 54,537 square feet or 1.252 acres, more or less.

BEING the same parcel of land described in a Deed, dated August 10, 2004, and recorded in the Land Records of Baltimore County in Liber 20520, folio 507.

ALSO known as #801 York Road, and located in the 9th Election District of Baltimore

County.

5 Hi Counsil District

Contract No. 13-103 April 1, 2013

Item #0276

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2013 - 0276 - A  Petitioner: CARS-DB4, L.P.
Address or Location: 801 York Road
PLEASE FORWARD ADVERTISING BILL TO:  Name: Barbara Lukasevich
Address: Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204
Telephone Number:

MISCE			D FINANC RECEIPT		Sub	No. Date:	099	2/,	BUSINESS ACTUAL TIME 1 1/24/2013 5/24/2013 09:47:34 REB WS04 WALKIN SHIT, SAH
Elina	Dont	Mait	Cub I Init	Source/	Rev/	Dont Ohi	DC Acet	Amount	Dept 5 528 ZONING VERIFICATION
Fund	806	Unit	Sub Unit	Obj G/20	Sub Obj	Dept Obj	BS ACCI	Amount	<del></del>
	000	0000		13 1 3 30				7 303	Recpt Tot \$385.00
									#305.00 CK \$.00 CA Baltimore County, Haryland
			David Mary		100				A WANTED THE PARTY OF THE PARTY
V 354	T. S.		25 40 30				SE LAS C		
		- V - 194				Total:	\$ 38	5 ==	
Rec									
From:			4 F 1	A STATE OF					
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		1			#	-			
		ind N	caring	- C	ase A	2013	- 02	76 - A	
For:	Zon		SILL PROPERTY.	Table Carles		Market State			
For:	ZON								
For:	Zon								
For:	Zou								CASHIEDIS
For:									CASHIER'S VALIDATION

## **CERTIFICATE OF POSTING**

	DE Cos No	2013-0276-4
	Petitioner/Developer:	
	Heritage of	Towson, II, LLC
	Date of Heaving/Clasing	July 18, 201
	Date of Hearing/Closing:	The Man Control
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penalties of per posted conspicuously on the property located at:		quired by law were
801 York Rd		
	1 27.3	
1	une 28, 2013	
The sign(s) were posted on	une 20, 2013	
	Month, Day, Year)	
Since	erely,	
	MILLE	June 28, 2013
	(Signature of Sign Poster)	(Date)
ZONING NOTICE	SSG Robert Bla	nck
CASE 2013-0276-A  A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER	(Print Name)	
IN TOWSON, MD  PLACE: 192 W, CHESHOON BULDING PLACE: 192 W, CHESHOEANE, TOWSON IND 21284  DATE AND TIME: Thurshop, July 13, 297 34 195 95 a.m.	1508 Leslie Ro	ad
REQUEST: Perlance to allow, a total of fire a nall prompted citizens's usage with no rows about these works itsus of a await fierance of the same of the contract of the contr	(Address)	
fiscade, to allow a finestimeling enterprise also with a sequential free of the day. An also make of 2.0 h. in free profile permissed 50 ps. 0. of sign move/free and height of 25 ft. in finestimeling the day of the permissed 50 ps. 0. of sign move/free and height of 25 ft.  **Red Annual Control of the day o	Dundalk, Maryland	21222
BANDEC-APPER ACTIONNE E	(City, State, Zip C	Code)
	(410) 282-794	0
	(Telephone Num	har



Baltimore, Maryland 21278-0001

June 28, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on June 27, 2013

K	The Jeffersonian
	Arbutus Times
	Catonsville Times
	Towson Times
	Owings Mills Times
	NE Booster/Reporter
	North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

#### 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: #2013-0276-A

Case: #2013-0276-A
801 York Road
NE/s York Road, 50 ft. from centerline of Bosley Avenue
9th Election District - 5th Councilmanic District
Legal Owner(s): Cars-DB4, L.P.
Contract Purchaser/Lessee: Heritage of Towson, II, LLC
Variance: to allow a total of five wall-mounted enterprise
signs with no more than three such signs of a single facade
of the building, in lieu of the permitted three wall-mounted
enterprise signs, with no more than two on a single facade;
to allow a freestanding enterprise sign with a sign area/face
of 146 sq. ft. and height of 26 ft. in lieu of the permitted 50
sq. ft. of sign area/face and height of 25 ft.
Hearing: Thursday, July 18, 2013 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. 930454 06/337 June 27



KEVIN KAMENETZ County Executive

June 10, 2013

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

#### 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: 2013-0276-A

801 York Road

NE/s York Road, 50 ft. from centerline of Bosley Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Cars-DB4, L.P.

Contract Purchaser/Lessee: Heritage of Towson, II, LLC

Variance to allow a total of five wall-mounted enterprise signs with no more than three such signs of a single façade of the building, in lieu of the permitted three wall-mounted enterprise signs, with no more than two on a single façade; to allow a freestanding enterprise sign with a sign area/face of 146 sq. ft. and height of 26 ft. in lieu of the permitted 50 sq. ft. of sign area/face and height of 25 ft.

Hearing: Thursday, July 18, 2013 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jahlon Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204 Lonnie Swiger, Heritage, 1 Olympic Place, Ste. 1100, Towson 21204 John Weaver, Cars-DB4, 8720 Greensboro Dr., Ste. 950, McLean VA 22102

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 28, 2013.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, June 27, 2013 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich Venable, LLP 210 W. Pennsyvlania Ave., Ste. 500 Towson, MD 21204 410-494-6200

#### 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: 2013-0276-A

801 York Road

NE/s York Road, 50 ft. from centerline of Bosley Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Cars-DB4, L.P.

Contract Purchaser/Lessee: Heritage of Towson, II, LLC

Variance to allow a total of five wall-mounted enterprise signs with no more than three such signs of a single façade of the building, in lieu of the permitted three wall-mounted enterprise signs, with no more than two on a single façade; to allow a freestanding enterprise sign with a sign area/face of 146 sq. ft. and height of 26 ft. in lieu of the permitted 50 sq. ft. of sign area/face and height of 25 ft.

Hearing: Thursday, July 18, 2013 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 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.

#### MEMORANDUM

DATE:

August 20, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0276-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 19, 2013. 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

**RE: PETITION FOR VARIANCE** 801 York Road; NE/S York Road, 50' c/line Bosley Avenue 9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts Legal Owner(s): CARS-DB4, L.P. Contract Purchasers: Heritage of Towson II, Inc.

Petitioner(s)

OF ADMINSTRATIVE

BEFORE THE OFFICE

HEARINGS FOR

BALTIMORE COUNTY

2013-276-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 Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

RECEIVED

JUN 03 2013

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 3rd day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

### CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
6/7/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
6/25/13	DEPS (if not received, date e-mail sent)	NIC
6/5/13	PLANNING (if not received, date e-mail sent)  STATE HIGHWAY ADMINISTRATION  TRAFFIC ENGINEERING	No obj
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
ZONING VIOLAT		
PRIOR ZONING	(Case No.	
NEWSPAPER AD SIGN POSTING	VERTISEMENT Date: 02113 Date: 02113	by Black
	SEL APPEARANCE Yes No D SEL COMMENT LETTER Yes No D	
Comments, if any:		
	·	•

#### **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:

June 25, 2013

SUBJECT:

DEPS Comment for Zoning Item

# 2013-0276-A

Address

801 York Road

(CARS-DB4, LP Property)

Zoning Advisory Committee Meeting of June 3, 2013.

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

Reviewer:

Jeff Livingston - Development Coordination

RECEIVED

JUN 2 5 2013

OFFICE OF ADMINISTRATIVE HEARINGS

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

**DATE:** June 17, 2013

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

**SUBJECT:** 

801 York Road

**INFORMATION:** 

**Item Number:** 

13-276

Petitioner:

John Weaver - Cars - DB4.

Zoning:

**BR-AS** 

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a variance under Section 450.4 in the BCZR. This property is located in the Towson Commercial Revitalization District.

With regards to the request to allow a total of five wall-mounted enterprise signs with not more than three on a single façade of the building, in lieu of the three wall mounted-signs with no more than two on a single façade, the Department of Planning has no comment due to the fact that many of the signs are replacing existing signs at existing locations.

The petitioner proposes two additional signs for the entrances. The small directional type signs do not appear to be inappropriate, and will aid in directing vehicle circulation throughout the site.

With regards to the freestanding sign at the corner, the Department of Planning has no comment. The mentioned freestanding sign will replace an existing sign on the subject site.

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

Prepared By:

RECEIVED

Division Chief:

AVA/LL:cjm

.IUN **1 9** 2013

OFFICE OF ADMINISTRATIVE HEARINGS

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 07, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 10, 2013

Item Nos. 2013-0273, 0274, 0275,

0276,0277,0279,0281,0282,0283,0284,0285,0286,0287 and 0288.

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

DAK:CEN Cc: file



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-5-13

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

RE: **Baltimore County** 

Item No. 2013-0276-A

Varrance CARS-BB4, LP, John M. Weaver

801 Yor KROad

MD 45

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 6-3-13. A field inspection and internal review reveals that an entrance onto Mb45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2013-0276-A

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/raz



KEVIN KAMENETZ County Executive

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

July 9, 2013

CARS-DB4 LP John M. Weaver Chief Risk Officer & General Counsel 8270 Greensboro Drive Suite 950 McLean VA 22102

RE: Case Number: 2013-0276 A, Address: 801 York Road

Dear Mr. Kahn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 22, 2013. 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,

U. Cal Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel David H. Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21208 Lonnie L. Swiger, V.P., 1 Olympic Place, Suite 1100, Towson MD 21204 PLEASE PRINT CLEARLY

CASE NAME	80/	York Racel
CASE NUMBER	R 13-	276-A
DATE 7/18	13	

## PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
David Kaecexi	210 W. Pennsylvania Avenue	Towson MD 21204	Shkarceskia verable.com
Switt Fader	Suite 500' 1 Olympic Plan Ste 1200	· 1/1 // //	Swfadr emikone. wm
Tom Church	6603 York Rd	Butto, Md. 2120,	
		·	
	<u> </u>		

CASE NAME 80) York Rd CASE NUMBER ZD13 - OZTGA DATE 7/18/13

## CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Pacel Hartman	18/2 Cedar Ave	Belt, MD 21286	paul @gtcca.org
	·		
			. (

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

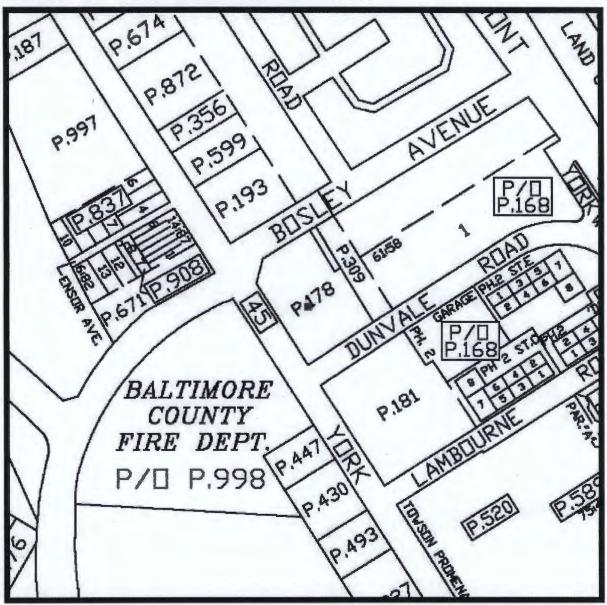
Mailing   Address   C/O AUTO PROPERTIES LLC   1 OLVMPIC PLACE STE 1000				Owner Infor	mation			
County   C	Owner Name: Mailing Address:	C/O AUT	O PROPERTIES L		Princip		1	NO 1) /20520/ 00507
1.49   AC   NES YORK RD   NES YORK RD   SE COR BOSLEY AVE			Locat	tion & Structu	re Information	1		
Primary Structure Built   Face   F	Premises Address 801 YORK RD 0-0000			1.2 NE	491 AC S YORK RD			
Primary Structure Built   Fax Class   Property Land Area   Property Land Area   County Use   1856   54,429 SF   County Use   22				sion Sect	tion Blo			
Primary Structure Built   Fax Class   Property Land Area   Property Land Area   County Use   1856   54,429 SF   County Use   22   23   249   25   249   249   25   249   24	070A 0002 017			2702			2	Plat Ref
1856    54,429 SF   22	Special Tax Areas		Ad Valorem	NO	4E			
AUTO SHOWROOM		t		<u>a</u>		Land Area		ounty Use
Base Value	Stories Basement							
As Of				Value Infor	mation			
Total:	Land		As Of 01/01/2011	As Of	As Of			
Seller: AUTO PROPERTIES LLC   Date: 08/10/2004   Price: \$5,375,000	Improvements: Total:	530,700 2,163,500	529,300	2,249,700		)		
Seller:         AUTO PROPERTIES LLC         Date:         08/10/2004         Price:         \$5,375,000           Type:         NON-ARMS LENGTH OTHER         Deed1:         /20520/00507         Deed2:         \$1,193,666           Seller:         GRIFFITH BARBARA A         Date:         08/12/1999         Price:         \$1,193,666           Type:         ARMS LENGTH IMPROVED         Deed1:         /13956/00489         Deed2:         \$800,000           Type:         ARMS LENGTH IMPROVED         Deed1:         /06436/00032         Price:         \$800,000           Type:         ARMS LENGTH IMPROVED         Deed1:         /06436/00032         Deed2:         *07/01/2012         07/01/2013           Exemption Information           Partial Exempt Assessments         Class         07/01/2012         07/01/2013           County         O00         0.00	Preferential Land:	0		Transfer Info				
Type:         ARMS LENGTH IMPROVED         Deed1:         /13956/00489         Deed2:           Seller:         FENWICK CHARLES C         Date:         09/21/1982         Price:         \$800,000           Type:         ARMS LENGTH IMPROVED         Deed1:         /06436/00032         Deed2:           Exemption Information           Partial Exempt Assessments         Class         07/01/2012         07/01/2013           County         000         0.00				Transier into	Date:			\$5,375,000
Type:         ARMS LENGTH IMPROVED         Deed1:         /06436/00032         Deed2:           Exemption Information           Partial Exempt Assessments         Class         07/01/2012         07/01/2013           County         000         0.00					***			\$1,193,666
Partial Exempt Assessments         Class         07/01/2012         07/01/2013           County         000         0.00								\$800,000
County 000 0.00				Exemption Inf	ormation			
Municipal 000 0.00 0.00	County State	nents			000	0.00 0.00	2012	
Tax Exempt:  Exempt Class:  Special Tax Recapture: NONE				W 10				



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

Go Back View Map New Search

District - 09 Account Number - 1600002023



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.

_		
Case	$N_{\Delta}$	
Casc	180	

2013-276-A

#### Exhibit Sheet

Petitioner/Developer

Protestant 7-19-13

No. 1	1A > 2 sheet plan	
No. 2	Pylon sign exhibit	
No. 3	Aerial photo	
No. 4	4A-40 Color photo	
No. 5	Color photo Amended Zoning Petition	
No. 6		
No. 7		
No. 8	· · ·	
No. 9		
No. 10		
No. 11		
No. 12	-	

### PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: legal owner\_of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 2382 Side Yard - To permit a sideyard setback of 12 feet instead of the required 30 feet of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) See attached description Property is to be posted and advertised as prescribed by Zoning Regulations. I, of we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Balimore County adopted pursuant to the Zoning Law For Baltimore County. Contract purchaser Petitioner's Attorney Protestant's Attorney ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of January....., 196-9, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore day of February 1969 at 10:30 clock County, on the

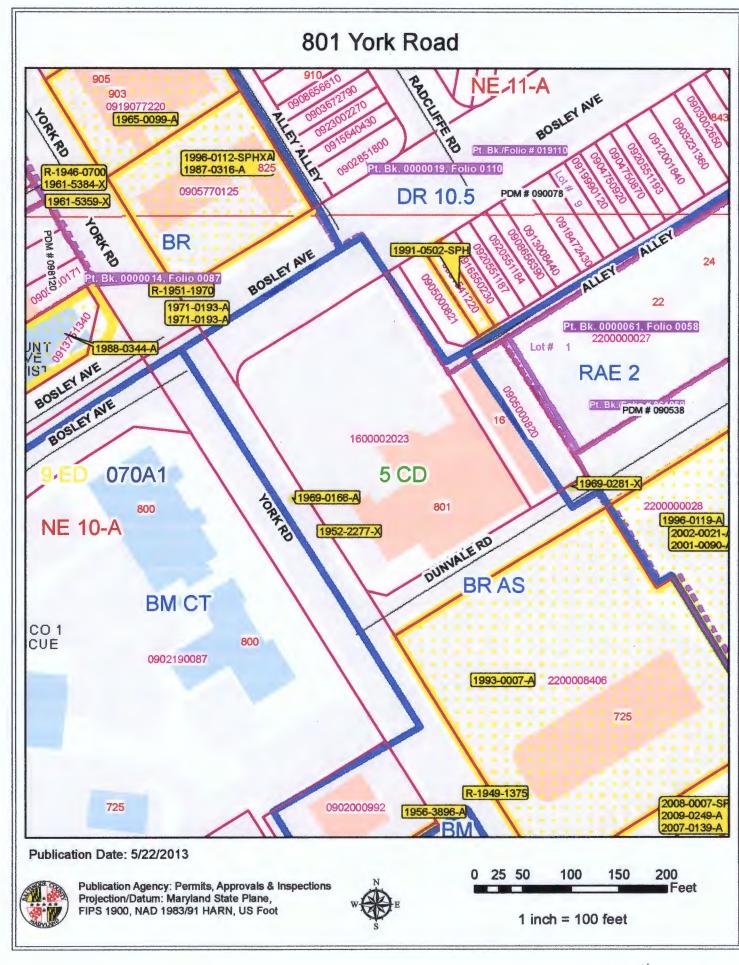
(over)

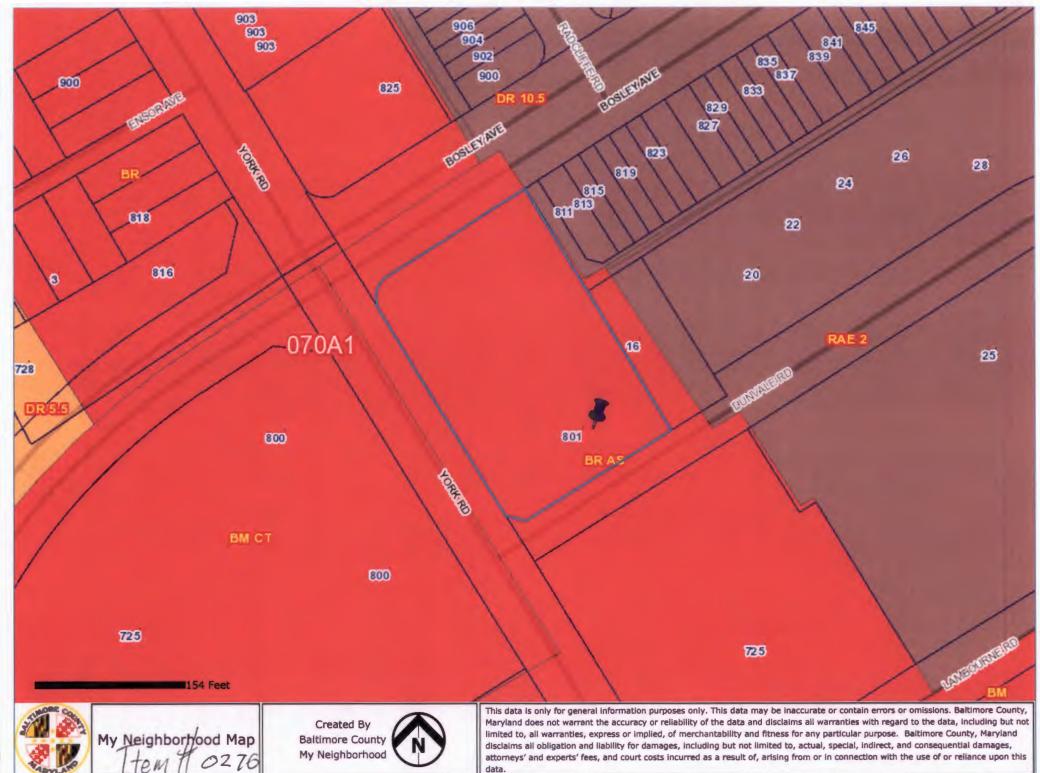
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR PILIN

Pursua	ant to the adverti	ment, posting of	of property, a	ud public hair	ing on the abo	ve polition
and it appe	earing that by rea	son of the follow	ving finding o	facts that s	strict compli	ance with the
Baltimot	e County Zon	ing Regulati	ons would i	esult in pra	ctical difficu	ilty and warea
hardship	and the reque	sted variance	would giv	e relief with	out substanti	al injury to t
public he	alth, safety c	r general we	lfare			
and the second of the second of	والمراد والمحاجوب والمادان والمستديدون	a san ay ay ah in ga ahayad san asa ah san dar ya ah	ang mili di mga antara and mili ang ang ang			
the above	Variance should	be had; and itste	uxbbex suppears	nersed shelt san	800×0£×××××	***********
			nag mengenagan and mengenagan dan dalah salah	en an all an ten an		
	na mana ming antak pang and Mangalan pang ana ana ming garanda may a an ing ang ang ang ang ang ang ang ang ang a	ar kaka ngan unga kaka dikil man matu taka mapa dan man man man man Mangalan salah mangalan salah lang salah	and special control of the state of the stat	aprilan san ant ant ana ana ang a si san asa sip san at Baran an ang ang barran ang an ang an ang an an	the contract and contract are the first plant and contract are an in-	
a Variance	to permit a.	side yard set	back of 12'.	instead of th	required 3	
IT IS	ORDERED by the	Zoning Commis	sioner of Bal	imore County	this	4
day of	February	, 196 9, th	at the heroin	Petition for a	Variance should	be and the
same is gr	anted, from and f the required	after the date of	of this order.	to permit	a side yard s	etback of 12
Roads C	commission,	Bureau of Pul	blic	roval of the	Sile plan by	Zine prate
Service Zoning	s and Office o	f Planning an	d Z	oning Commiss	sioner of Baltim	ore County
B Tolling!	A. C.					
Pursu	ant to the advert	sement, posting	of property a	nd public hear	ing on the abo	ve petition
						Or state of
and it app	earing that by rea	son of	ar han son and hyperade are troy out one out who has	etiline om de misson de nin an de ser se se sejosi.		
9				÷		
7	\$		e ar not use also contains that the nor the nor one		ب الله المعادد المراجه الدراجة الله الإدارة المداحة الله المدا	المهاجر فيقد كالمحادث
8	~		e			
					net an ing tip dipastina da para da antina bar ya	and the second s
H 1						
3 G	. 9 .		. 4,	,		
	aller delt der verschell der des mit von des sein an der den		at was any that was pulpose that were the first side of	an india an an anna in ja sa sa sa sa sa	de un de de la reconstruit del	e are no programming any president programming
the above	Variance should	NOT BE GRA	NTED.			
IT IS	ORDERED by the	e Lining Commis	ssioner of Bal	timore County,	this	day
of		196 that the	e above Varia	nce be and the	e same is herel	DENIED.
				•	1,000,000	
And the second						

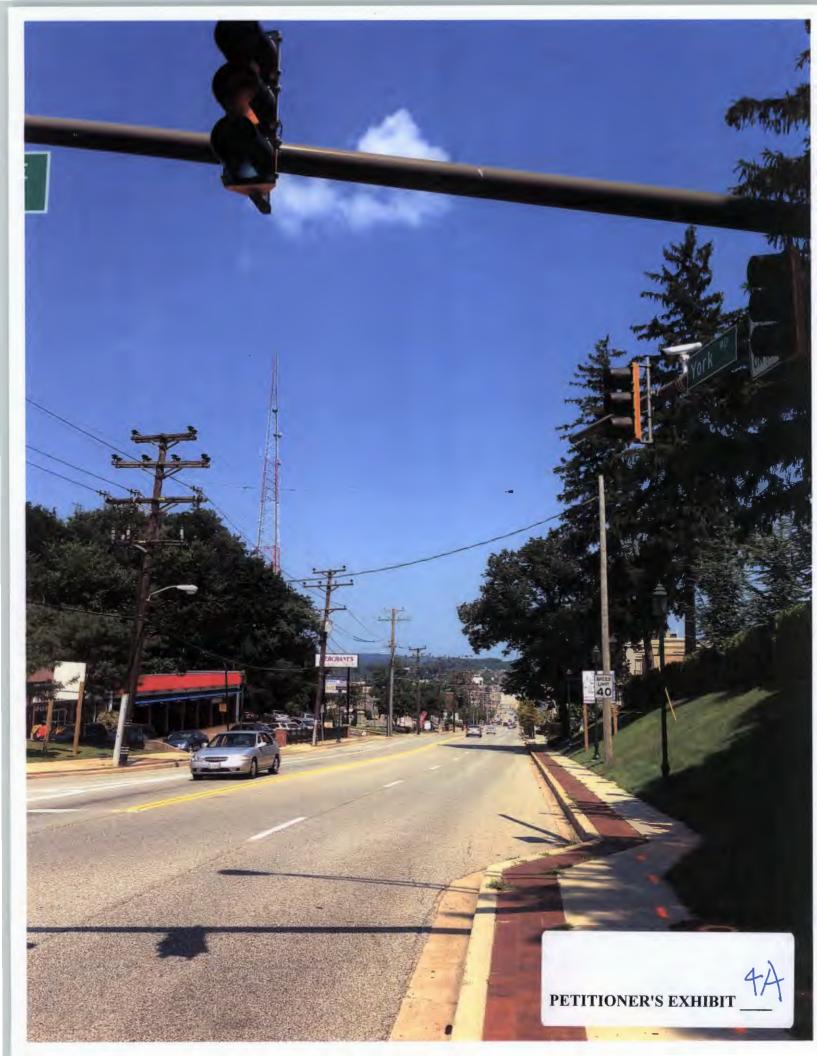
Zoning Commissioner of Baltimore County



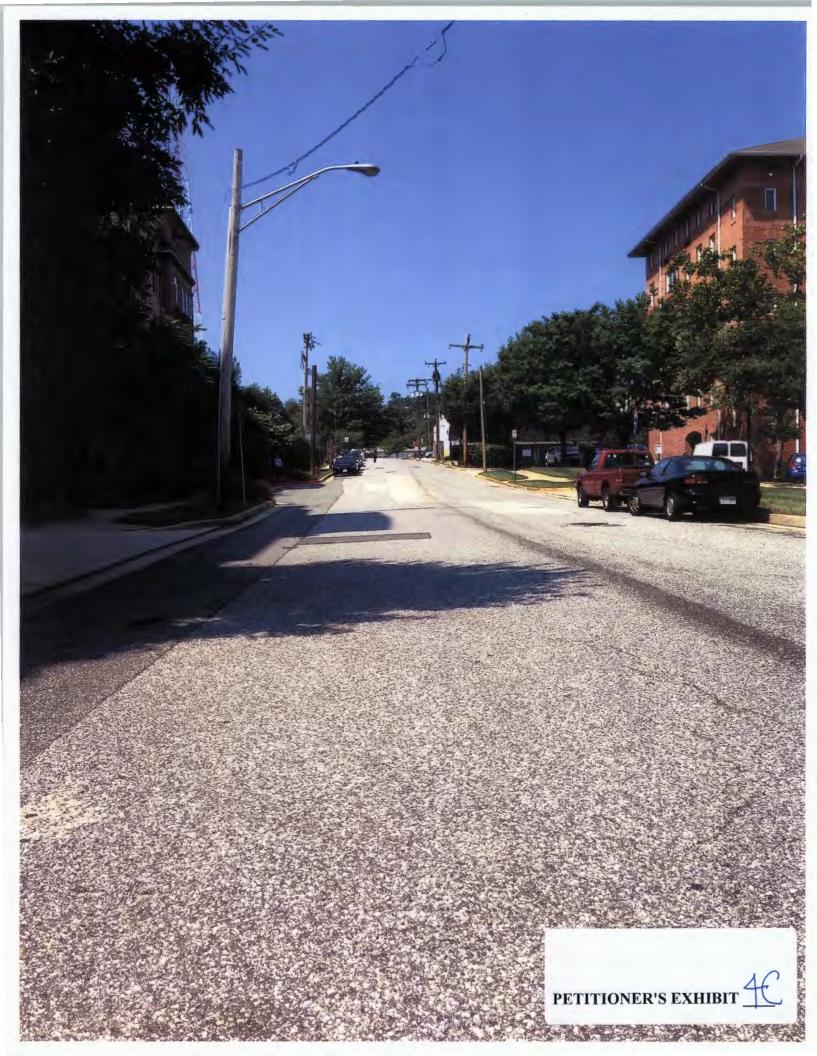




data.



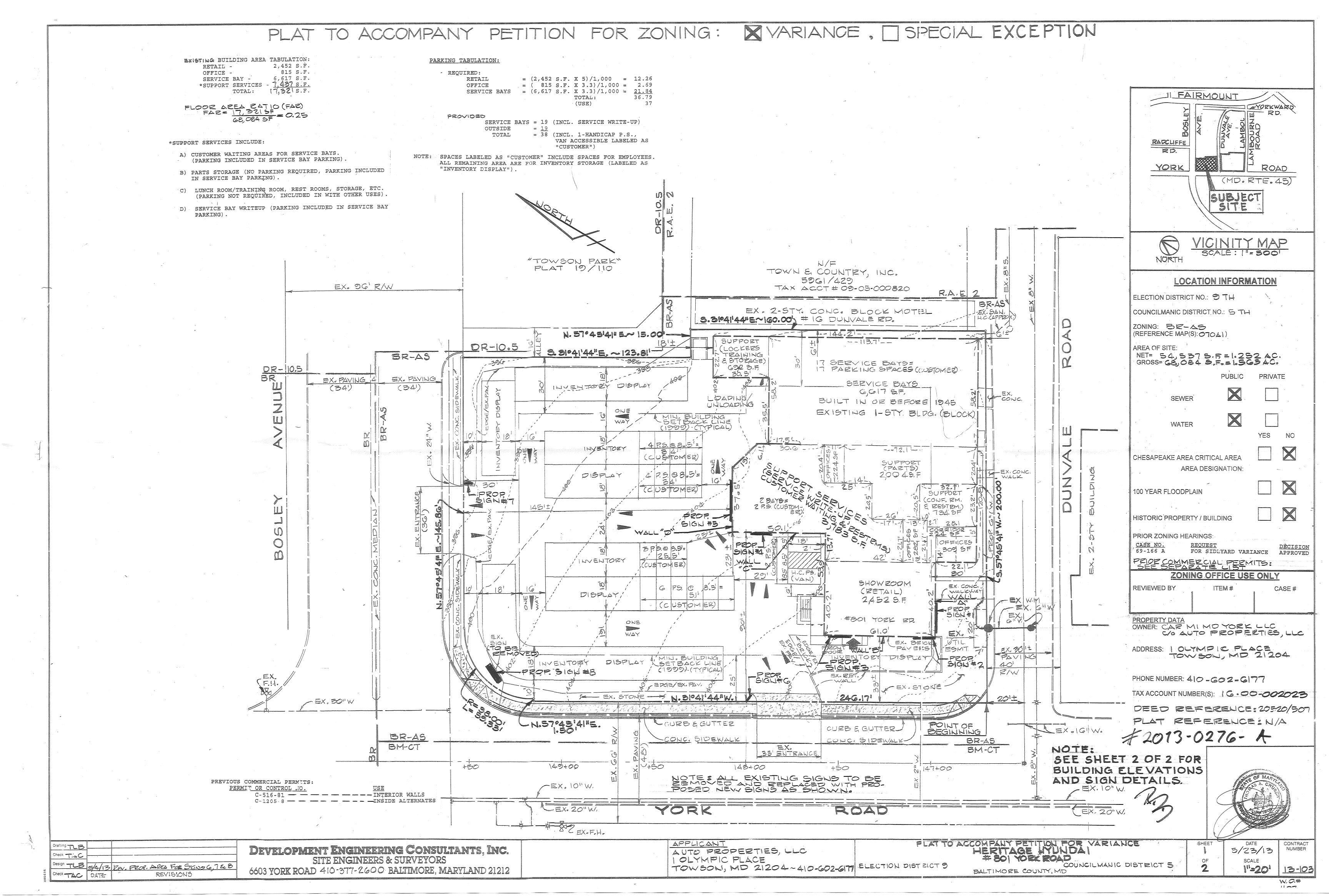


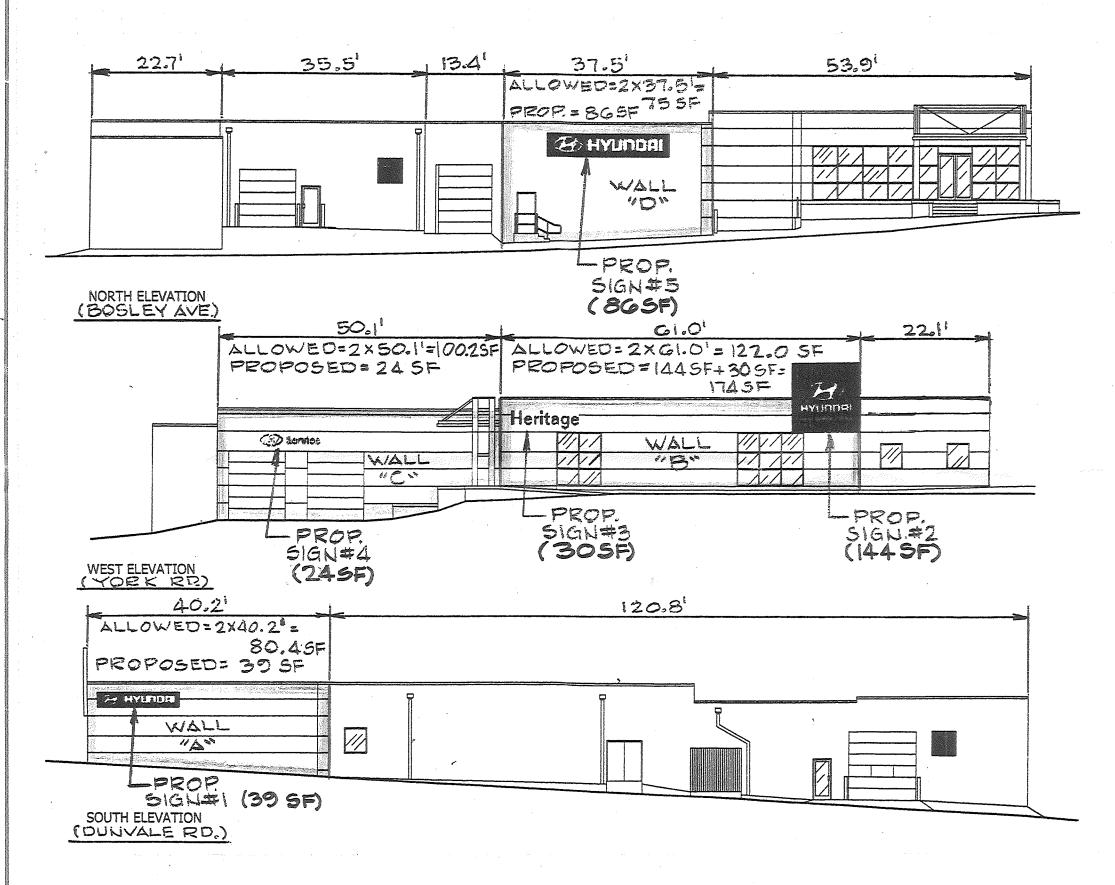




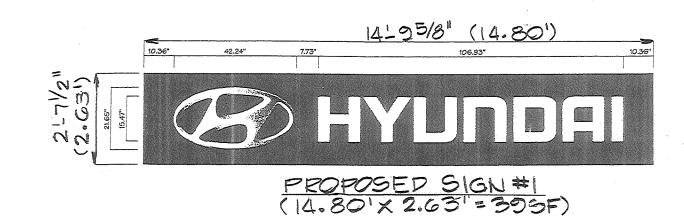
DUNYALE ROAD LOOKING NORTHEAST FROM YORK ROAD INTERSECTION

7/9/2013

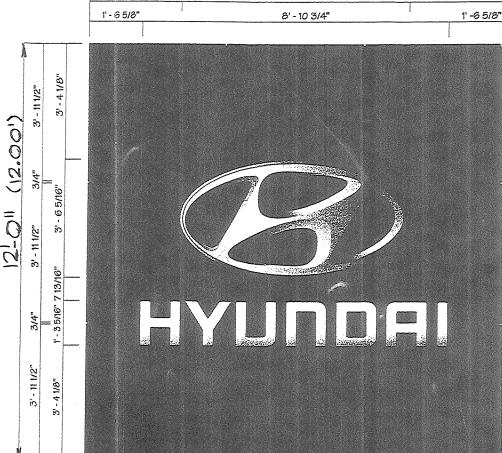




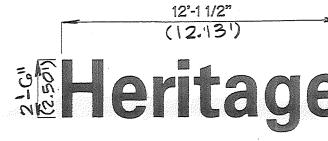
BUILDING ELEVATIONS
(NOT TO SCALE) TOTAL WALL SIGNS ALLOWED = 3 TOTAL WALL SIGNS PROPOSED = 5



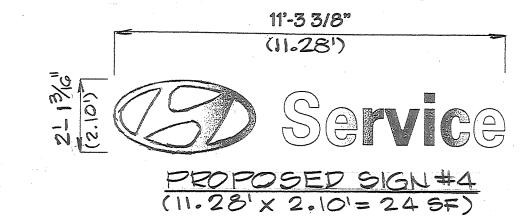
12-0" (12.00') 6' - 71/2"



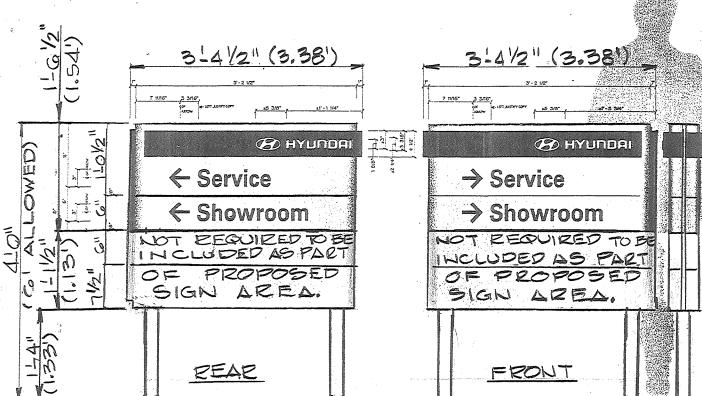
PROPOSED SIGN #2 (12.00' × 12.00' = 1445F)



PROPOSED SIGN #3  $(12.13) \times 2.50 = 305F$ 

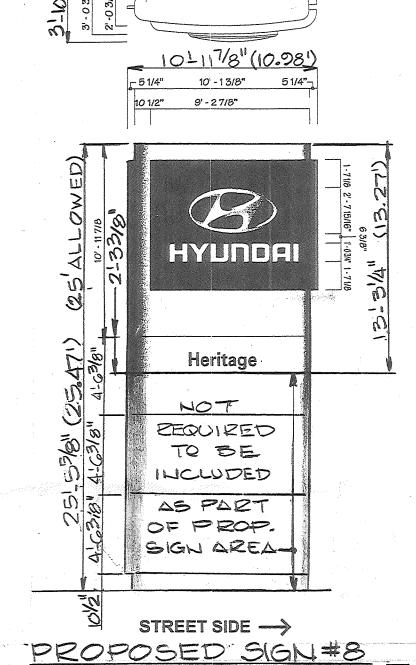






TYPICAL SIDE VIEW

PROPOSED SIGNS #6 & #7
(3.381 × 1.541= 65F) PER
(8 5.F. ALLOWED) FACE



FREESTANDING SIGNS

(13, 27' × 10,98'= 14G SF) PER (50 S.F. ALLOWED) FACE (SIDE)



PPOPOSED SIGN#5 (21.85' X 3.94' = 86 6F)

WALL SIGNS (SEE BUILDING ELEVATIONS
THIS SHEET FOR LOCATION)

DETAILS OF PROPOSED SIGNS NOT TO SCALE



Cheğk TAC Design TLB 5/4/13 REV. PROP. DREA FOR SIGNS 6, 7 & 8.

Check TAC DATE REVISIONS

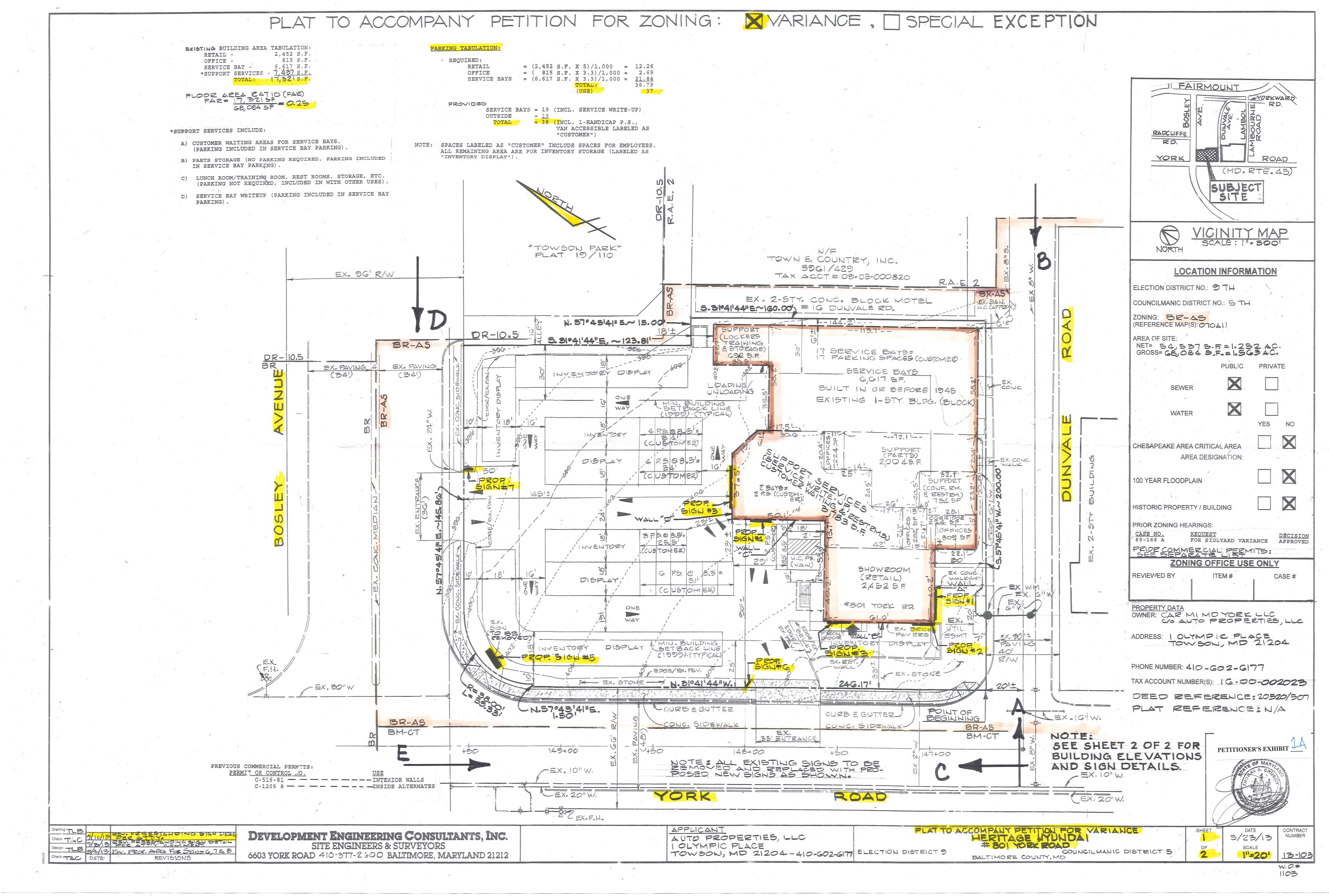
DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS 6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212 APPLICANT AUTO PROPERTIES, LLC I OLYMPIC PLACE TOWSON, MD 21204 ~410-602-617 ELECTION DISTRICT 9

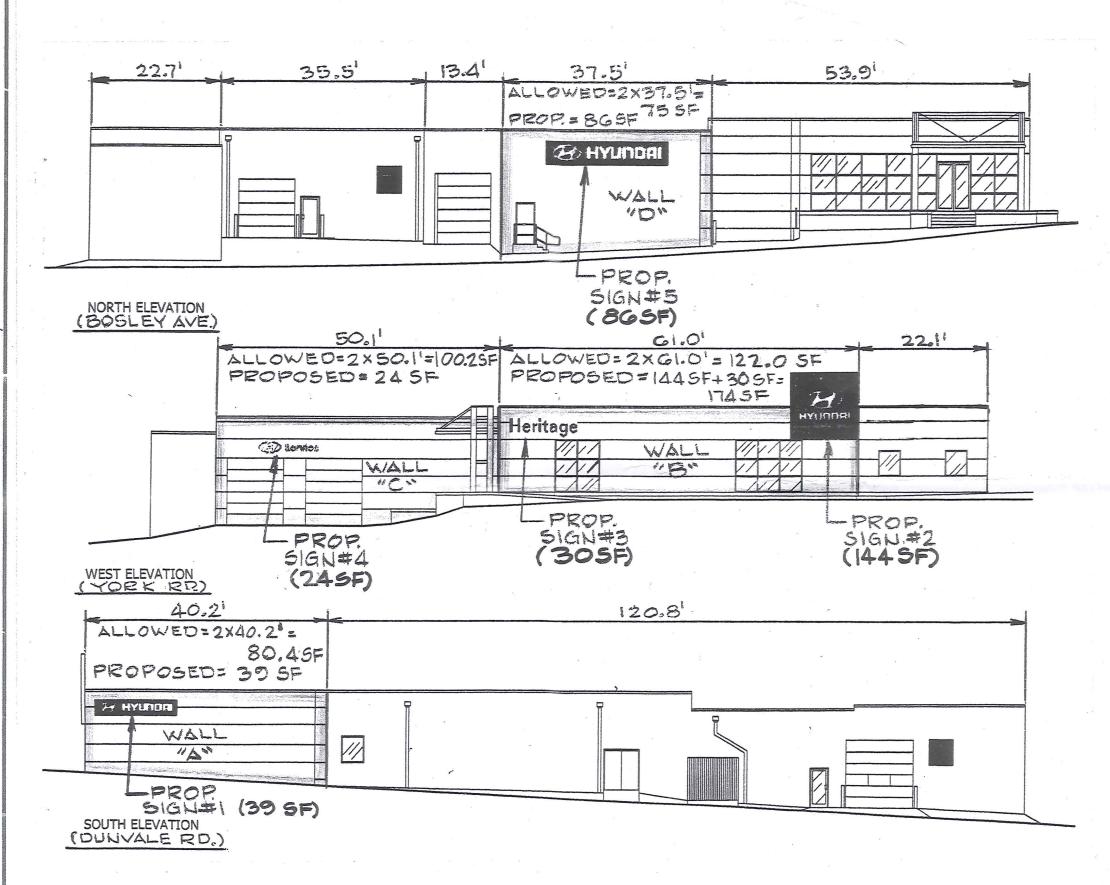
AGE HYUNDAI YORK ROAD COUNCILMANIC DISTRICT 5

BALTIMURE COUNTY, MD

SHEET 2 5/23/13 2

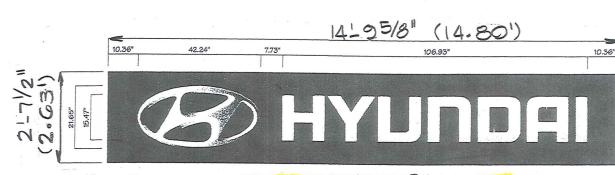
CONTRACT NUMBER ASSHOWN 13-103



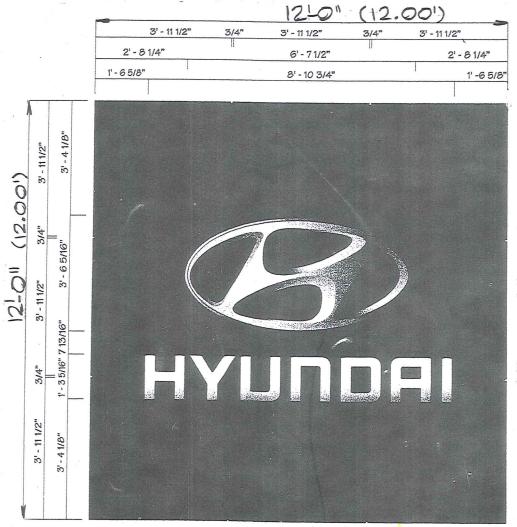


BUILDING ELEVATIONS
(NOT TO SCALE) TOTAL WALL SIGNS ALLOWED = 3 TO TAL WALL SIGNS PROPOSED = 5

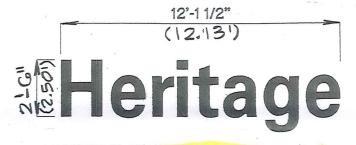
Design TLB 5/4/13 REV. PROP. AREA FOR SIGNS 6,7 & 8
Check TAC DATE REVISIONS



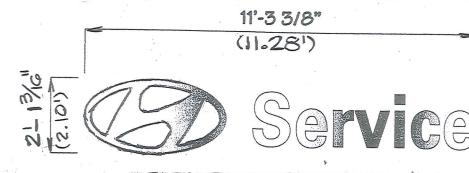
PROPOSED SIGN#1 (14.80'x 2.63"=395F)



PROPOSED SIGN #2 (12.00 × 12.00 = 1445F)



PROPOSED SIGN #3 (12.131 × 2.501 = 305F)



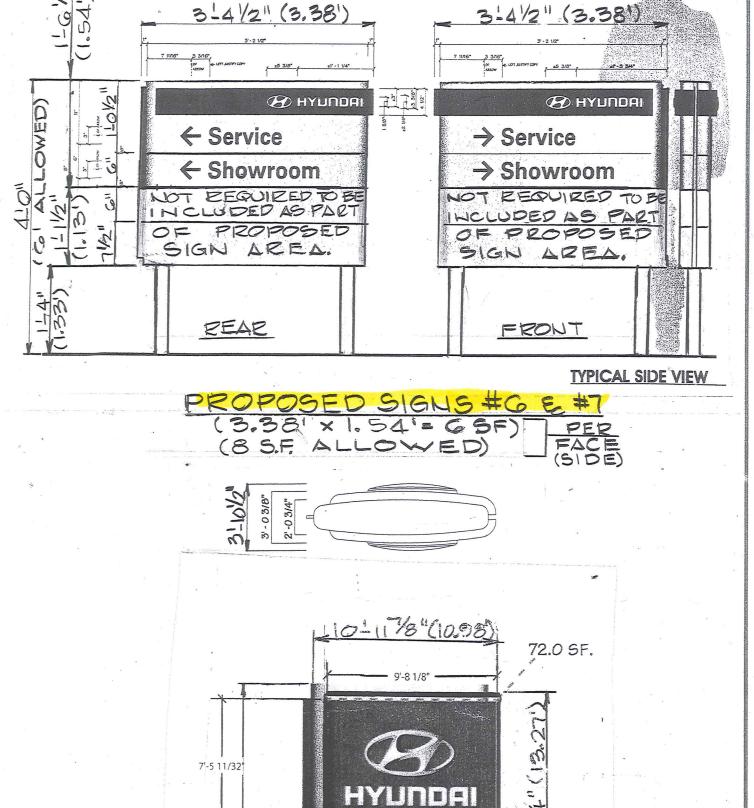
PROPOSED SIGN#4 (11.28' x 2.10' = 24 5F)



PROPOSED SIGN#5 (21.85' X 3.94' = 86 6F)

WALL SIGNS (SEE BUILDING ELEVATIONS THIS SHEET FOR LOCATION)

DETAILS OF PROPOSED SIGNS NOT TO SCALE



STREET SIDE -> PROPOSED SIGN#8 (13.27' X 10.98' = 14GS.F.) (50 S.F. ALLOWED)

Heritage

3.13 SF.

1' Base Plate

FREESTANDING SIGNS





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

APPLICANT AUTO PROPERTIES, LLC TOWSON, MD 21204 ~410-GOZ-GITT ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5 BALTIMURE COUNTY, MD

SHEET 2 ASSHOWN 13-103

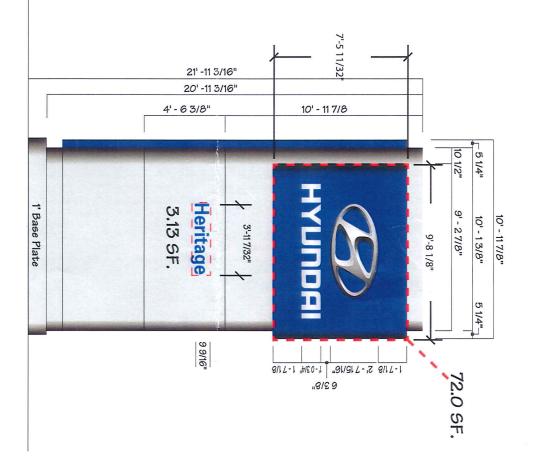
W.O.#

# **PYLONS**

Dealer Name Text will vary.

HP-72-21

72.04 sq ft



# STREET SIDE - $\downarrow$

The final sign location is to be determined by the authority having jurisdiction.
The approved location may vary from what is depicted in the rendering.

Site ID: Hyundai MD042 180



AGI Rep: JWB

Scale: 3/16"=1"

Date: 6/13/13

Drawn by: MAR

Craphics, Inc., and all design manufacturing, exposeduction, use and sale rights repanding the same are expressly forbidden. It is unfailted under a confidential relationship, for all special purpose, and are depined by exceptiful, and decrement assumes a cause of the same and the same as the same are produced in whole or in part, not its contents revealed in uny manner or to any parted accept for the purpose for whole it was tendered, nor any special relatives peculiar to this design be incorporated in other projects.

Architectural Graphics, Inc. 

2655 International Pkwy., Virginia Beach, VA 23452 PHONE: (757) 427-1900 - Fax (757) 430-1297 www.AGISign.com

