

IN RE: PETITION FOR VARIANCE
(11275 Reisterstown Road)
4th Election District
2nd Councilman District
Stoler Properties, LLC
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0120-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Marvin I. Singer, Esquire on behalf of Stoler Properties, LLC, the legal owner of the subject property. The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) to permit a free-standing sign (Hyundai #1) of 87.5 sq. ft. in lieu of the permitted 50 sq. ft., pursuant to §450.4(5)(g)IX; (2) to permit three free-standing signs (#1, #5 & #6) in lieu of the permitted two, pursuant to §450.4(f)(g)VI; (3) to replace two of the four existing wall-mounted signs and to permit four wall-mounted signs (#2, #3 & #7 two signs), pursuant to §450.4(5)(a)VI; (4) to permit one of the wall-mounted signs (Hyundai #2) on the Reisterstown Road façade to extend 1.4 feet below the wall, pursuant to §450.5.B.3.b; (5) to permit the existing Ford free-standing sign (#5) of 133 sq. ft. to remain in lieu of the permitted 50 sq. ft., pursuant to §450.4(5)(g)IX; (6) to permit the existing "Used Car Superstore" free-standing sign (#6) of 103.6 sq. ft. to remain in lieu of the permitted 50 sq. ft., pursuant to §450.4(5)(g)IX; and

ORDER RECEIVED FOR FILING

Date

1/13/14

By

Sen

(7) to permit replacement of the existing wall-mounted directional service sign (#4) with a sign of 23.75 sq. ft. (approximately the same size as the existing sign) in lieu of the permitted 8 sq. ft.; pursuant to §450.4¹. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Albert Sholz, facilities manager for Petitioner. Marvin I. Singer, Esquire, appeared and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A neighboring owner (Dennis Orr) attended the hearing and opposed the petition. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 5.05± acres, and is zoned BR. Several auto dealerships are operated at the location, although this case concerns just the Hyundai dealership. The Hyundai company has embarked upon a nationwide "rebranding" campaign, and all franchised dealers - - including Petitioner - - are obliged by contract to install updated signage. Variance relief is required in order for the Petitioner to erect the proposed signs shown on the plan.

Based upon the testimony and evidence presented, I will grant the petition for variance.

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).

¹ At the hearing, the petition was amended, such that Petitioner no longer seeks approval for sign nos. 5, 6, & 7, as shown on the plan. The Order which follows will therefore address only sign nos. 1, 2 & 4, pertaining to the Hyundai dealership.

ORDER RECEIVED FOR FILING

Date 1/13/14
By sen

Petitioner has met this test. The property is irregularly shaped and is situated along Reisterstown Road. The Petitioner noted the property sits at a "low point" between two hills on that roadway. As such, the property is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given it would be unable to sufficiently identify its dealership along a busy and crowded commercial corridor. 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.

Mr. Orr, who has lived in the area for 27 years, indicated that his community has had somewhat of a tenuous relationship with Stoler through the years. Mr. Orr is resigned to the fact that the area is now commercialized, but he stated he was concerned with this stretch of Reisterstown Road turning into an "ugly corridor" similar to Ritchie Highway. He presented photos (Citizens Exhibit #1) showing that the fencing along Kingsley Road is in disrepair, and also noted that the dealership frequently parks vehicles for sale immediately along the roadway (see photos, Citizens Exhibit #3), a practice about which his community has complained for many years.

Petitioner's counsel noted the parcels situated along Kingsley Road may in fact be owned by a corporate entity other than Petitioner. While that may be, I do not believe the corporate organization of Stoler's dealerships is the decisive factor. As an initial matter, it seems clear that each of the automobile dealerships is owned and/or operated by Stoler or entities under its control, and they may in that sense be corporate "alter egos."

In any event, courts have indicated that it is permissible to require an owner to make "off site" improvements in exchange for development/zoning approvals, provided there exists a

ORDER RECEIVED FOR FILING

Date

1/13/14

By

Den

"reasonable nexus" between the cost imposed and the impacts upon the locality. Howard County v. JJM, Inc., 301 Md. 256, 279 (1984). The Supreme Court recently decided a case where it found that requiring a developer to make improvements to land "several miles away" from its project lacked a "reasonable nexus" to the impact of the proposed construction. Koontz v. St. Johns Water Mngmt. Dist., 133 S. Ct. 2586 (2013). This is not such a case. In addition, BCZR § 502.2 grants to the Zoning Commissioner discretion to impose conditions upon the grant of special exception relief for "the protection of surrounding and neighboring properties."

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 with respect to the **Hyundai signs only**. The other signs shown on the plan (Petitioner's Ex. # 1) will be marked with an "X," (as requested by the zoning office) to indicate they were not approved in this case.

THEREFORE, IT IS ORDERED, this 13th day of January, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief as follows: (1) to permit a free-standing sign (Hyundai #1) of 87.5 sq. ft. in lieu of the permitted 50 sq. ft., pursuant to §450.4(5)(g)IX; (2) to permit one of the wall-mounted signs (Hyundai #2) on the Reisterstown Road façade to extend 1.4 feet below the wall, pursuant to §450.5.B.3.b; and (3) to permit replacement of the existing wall-mounted directional service sign (Hyundai #4) with a sign of 23.75 sq. ft. (approximately the same size as the existing sign) in lieu of the permitted 8 sq. ft.; pursuant to §450.4, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petition for Variance with respect to Sign Nos. 5, 6 & 7 as shown on the Plan (Petitioner's Ex. # 1), be and is hereby DISMISSED WITHOUT PREJUDICE.

ORDER RECEIVED FOR FILING

Date

1/13/14

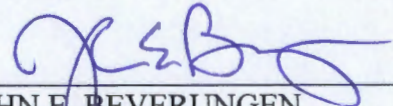
By

Sen

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner must, prior to the issuance of permits, submit for approval by the County's landscape architect a plan detailing sufficient screening (to include fencing and vegetative buffers) of the subject property along Kingsley Road.
- The Petitioner shall not at any time display for sale/lease vehicles immediately adjacent to the roadways and/or sidewalks which border the site.

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 1/13/14
By sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 13, 2014

Marvin I. Singer, Esquire
10 E. Baltimore Street
Suite 901
Baltimore, Maryland 21202

RE: Petition for Variance
Property: 11275 Reisterstown Road
Case No.: 2014-0120-A

Dear Mr. Singer:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



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 11275 Reisterstown Rd. which is presently zoned BR
Deed References: 13589/289 10 Digit Tax Account # 0 4 0 6 0 4 6 2 0 0
Property Owner(s) Printed Name(s) STOLER PROPERTIES, LLC

(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:

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. xx a **Variance** from Section(s)

See attached statement

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:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

MARVIN I. SINGER

Name- Type or Print

Signature

10 E. Baltimore St. #901 Balto. 21202

Mailing Address

City

State

21202 / 410-685-1111 / MISlaw1@yahoo.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

STOLER PROPERTIES, LLC

Name #1- Type or Print

Name #2 - Type or Print

Signature #1

Member

Signature #2

11275 Reisterstown Rd. Owings Mills, MD

Mailing Address

City

State

21117 / 410-356-7000

Zip Code

Telephone #

Email Address

Representative to be contacted:

MARVIN I. SINGER

Name - Type or Print

Signature

Same as for attorney

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2014-0120-A

Filing Date

11/15/2013

Do Not Schedule Dates:

Reviewer

3. Petition Statement-Re: 11275 Reisterstown Road

- a) To permit a free-standing sign (Hyundai #1) of 87.5 sq. ft. in lieu of the permitted 50 sq. ft. Sec. 450.4(5)(g)IX
- b) To permit three free-standing signs (#1, #5 & #6) in lieu of the permitted two. Sec. 450.4(f)(g)VI
- c) To replace two of the four existing wall-mounted signs and to permit four wall-mounted signs (#2, #3, & #7) ^{two signs} on the Reisterstown Road façade in lieu of the permitted two. Sec. 450.4(5)(a)VI
- d) To permit one of the wall-mounted signs (Hyundai #2) on the Reisterstown Road façade to extend 1.4 feet below the wall. Sec. ~~450.6A.4~~ ^{450.5.B.3.6}
- e) To permit the existing Ford free-standing sign (#5) of 133 sq. ft. to remain in lieu of the permitted 50 sq. ft. Sec. 450.4(5)(g)IX
- f) To permit the existing "Used Car Superstore" free-standing sign (#6) of 103.6 sq. ft. to remain in lieu of the permitted 50 sq. ft. Sec. 450.4(5)(g)IX
- g) To permit replacement of the existing wall-mounted directional service sign (#4) with a sign of 23.75 sq. ft. (approximately the same size as the existing sign) in lieu of the permitted 8 sq. ft. Sec. 450.4

NOTE: Numbered references of signs are to the designations on the plat.

References a) through g) above, except d), are to the Attachment.

0120-A



**ZONING DESCRIPTION OF
11275 REISTERSTOWN ROAD, BALTIMORE MARYLAND
PROPERTY OF
STOLER PROPERTIES, LLC
4TH ELECTION DISTRICT
BALTIMORE COUNTY MARYLAND**

BEGINNING at point on the North side of a Reisterstown Road (66' Right-of-Way) which is at a distance of 540' $\pm$ Southeasterly of intersection of Reisterstown Road with Highfalcon Road (70' Right-of-Way). Thence leaving said North side of Reisterstown Road the following courses and distances:

1. North 46 degrees 21 minutes 10 seconds East 537.14 feet,
2. South 66 degrees 54 minutes 20 seconds East 364.13 feet,
3. South 43 degrees 54 minutes 20 seconds West 322.75 feet,
4. South 46 degrees 25 minutes 00 seconds East 196.89 feet,
5. South 45 degrees 57 minutes 00 seconds West 25.02 feet,
6. North 46 degrees 25 minutes 00 seconds West 132.00 feet,
7. North 46 degrees 25 minutes 00 seconds West 69.50 feet,
8. South 45 degrees 22 minutes 00 seconds West 330.38 feet, and
9. North 44 degrees 07 minutes 20 seconds West 349.60 feet to the place of beginning.

Containing 5.05 acres of land, more or less.

As recorded in Deed Liber 13589, folio 289.

The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the minimum standards of practice as established in Title 9, Subtitle 13, Chapter 6.09 of the Annotated Code of Maryland as enacted and amended.


William K. Woody
Professional Land Surveyor
Maryland Registration No. 10724
My registration expires Jan 11, 2014

Date: 9/12/2013

2014-0120-A

**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: 2014-0120-A

Petitioner: Stoler Properties, LLC

Address or Location: 11275 Reisterstown Rd. Owings Mills, MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marvin I. Singer, Esq.

Address: 10 East Baltimore St. Suite 901

Baltimore, MD 21202

Telephone Number: (410) 685-1111

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

No. **105027**

Date: **11/15/13**

PAID RECEIPT

BUSINESS ACTUAL TIME 11/15/2013 11:15:00 AM 2
 RECEIPT # 105027 11/15/2013
 RECEIPT 105027 11/15/2013
 5 10.00 10.00
 Receipt for 1000.00
 \$500.00 10.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					500.00

Total: **500.00**

Rec From:

For:

Len Stoller Properties
11275 Reisterstown Rd

2014-0120-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/20/2013

Case Number: 2014-0120-A

Petitioner / Developer: MARVIN I. SINGER, ESQ.

Date of Hearing (Closing): JANUARY 9, 2014

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:
11275 REISTERSTOWN ROAD

The sign(s) were posted on: DECEMBER 20, 2013



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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

December 19, 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 December 19, 2013

☐ The Jeffersonian

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: #2014-0120-A

11275 Reisterstown Road

N/s of Reisterstown Road, 540 ft. +/- SE of Highland Road

4th Election District - 2nd Councilmanic District

Legal Owner(s): Stoler Properties, LLC

Variance: to permit a free-standing sign (Hyundai #1) of 87.5 sq. ft. in lieu of the permitted 50 sq. ft.; to permit three freestanding signs (#1, #5, & #6) in lieu of the permitted two; to replace two of the four existing wall-mounted signs and to permit four wall-mounted signs (#2, #3 & #7 two signs) on the Reisterstown Road facade in lieu of the permitted two; to permit one of the wall-mounted signs (Hyundai #2) on the Reisterstown Road facade to extend 1.4 feet below the wall; to permit the existing Ford freestanding sign (#5) of 133 sq. ft. to remain in lieu of the permitted 50 sq. ft.; to permit the existing "Used Car Superstore" freestanding sign (#6) of 103.6 sq. ft. to remain in lieu of the permitted 50 sq. ft.; to permit replacement of the existing wall-mounted directional service sign (#4) with a sign of 23.75 sq. ft. (approximately the same size as the existing sign) in lieu of the permitted 8 sq. ft.

Hearing: Thursday, January 9, 2014 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.
12/26/2013 December 19 962570



KEVIN KAMENETZ
County Executive

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

December 11, 2013

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: 2014-0120-A

11275 Reisterstown Road
N/s of Reisterstown Road, 540 ft. +/- SE of Highland Road
4th Election District – 2nd Councilmanic District
Legal Owners: Stoler Properties, LLC

Variance to permit a free-standing sign (Hyundai #1) of 87.5 sq. ft. in lieu of the permitted 50 sq. ft.; to permit three freestanding signs (#1, #5, & #6) in lieu of the permitted two; to replace two of the four existing wall-mounted signs and to permit four wall-mounted signs (#2, #3 & #7 two signs) on the Reisterstown Road façade in lieu of the permitted two; to permit one of the wall-mounted signs (Hyundai #2) on the Reisterstown road façade to extend 1.4 feet below the wall; to permit the existing Ford free-standing sign (#5) of 133 sq. ft. to remain in lieu of the permitted 50 sq. ft.; to permit the existing "Used Car Superstore" freestanding sign (#6) of 103.6 sq. ft. to remain in lieu of the permitted 50 sq. ft.; to permit replacement of the existing wall-mounted directional service sign (#4) with a sign of 23.75 sq. ft. (approximately the same size as the existing sign) in lieu of the permitted 8 sq. ft.

Hearing: Thursday, January 9, 2014 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: Marvin Singer, 10 E. Baltimore Street, #901, Baltimore 21202

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 20, 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, December 19, 2013 Issue - Jeffersonian

Please forward billing to:

Marvin Singer
10 East Baltimore Street, Ste. 901
Baltimore, MD 21202

410-685-1111

NOTICE OF ZONING HEARING

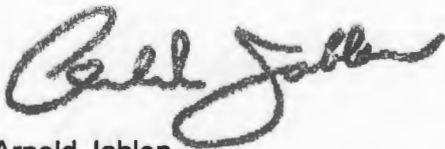
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0120-A

11275 Reisterstown Road
N/s of Reisterstown Road, 540 ft. +/- SE of Highland Road
4th Election District – 2nd Councilmanic District
Legal Owners: Stoler Properties, LLC

Variance to permit a free-standing sign (Hyundai #1) of 87.5 sq. ft. in lieu of the permitted 50 sq. ft.; to permit three freestanding signs (#1, #5, & #6) in lieu of the permitted two; to replace two of the four existing wall-mounted signs and to permit four wall-mounted signs (#2, #3 & #7 two signs) on the Reisterstown Road façade in lieu of the permitted two; to permit one of the wall-mounted signs (Hyundai #2) on the Reisterstown road façade to extend 1.4 feet below the wall; to permit the existing Ford free-standing sign (#5) of 133 sq. ft. to remain in lieu of the permitted 50 sq. ft.; to permit the existing "Used Car Superstore" freestanding sign (#6) of 103.6 sq. ft. to remain in lieu of the permitted 50 sq. ft.; to permit replacement of the existing wall-mounted directional service sign (#4) with a sign of 23.75 sq. ft. (approximately the same size as the existing sign) in lieu of the permitted 8 sq. ft.

Hearing: Thursday, January 9, 2014 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: February 14, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0120-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 12, 2014. 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
11275 Reisterstown Road; N/S Reisterstown
Road, 540' SE of Highland Road
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Stoler Properties, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-120-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.

RECEIVED

DEC 06 2013

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2013, a copy of the foregoing Entry of Appearance was mailed to Marvin Singer, Esquire, 10 East Baltimore Street, Suite 901, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

11/29

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

N/C

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

FIRE DEPARTMENT

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

11/27

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/19/13

SIGN POSTING

Date:

12/29/13

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

STATEMENT IN SUPPORT OF APPLICATION FOR VARIANCE
BY STOLER PROPERTIES LLC

The present request for variance is associated with the change in the signage mandated by Hyundai North American, as a part of its national program. The dealership is located at 11275 Reisterstown Road in Owings Mills, south of High Falcon Road, and is zoned BR.

A variance is requested to replace the existing free-standing Hyundai sign of 96 sq. ft. and a height of 25'4", with a new sign of ~~93.87~~^{87.5} sq. ft., with a height of 25'. Other variances are also requested as set forth in the attachment to the Petition for Variance.

Considering Reisterstown Road to be oriented generally in a north-south direction, the dealership has existed in its present location for a number of years, and is situated just south of the intersection with High Falcon Road. The site is located at the low point between two hills along Reisterstown Road, thereby limiting sight lines along that major artery. In addition to the topography, there exist other obstructing features, due to the heavy concentration of commercial uses along that road. Notably, there is a prominent Goodwill Store sign, located to the north of the site across High Falcon Road, on the same side. That sign is at a higher elevation and is located closer to the road than the Hyundai site, effectively creating an obstruction to being able to locate the dealership in a timely and safe manner by those motorists coming from the north.

Moreover, there are numerous commercial signs competing for visual attention along that portion of Reisterstown Road, some of which, but not all, are associated with automobile dealerships. Some of those are associated with Stoler entities.

As stated in other cases, the Motor Vehicle Administration has established requirements for signage with respect to automobile dealerships. The provisions of COMAR 11.12.01.02 N Signs, provide as follows:

- (1) Appropriate dealership signs shall be permanently affixed.
- (2) The signs shall be of a size to make them reasonably legible from the street or highway.
- (3) The sign shall clearly identify the business conducted at the dealership and shall adequately direct the customers to the dealership office.

It is well-known that the signage of an automobile dealership is an important factor in providing adequate and safe visibility to the motoring public, as well as being essential to the economic viability of Petitioner's business.

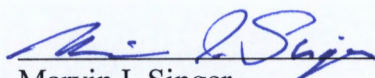
This request is similar to other requests that have recently been filed, in that it is triggered by the manufacturer's change in the brand signs which are a part of its national signage program. Equally well-known is the fact that the franchise agreement between the dealer and the manufacturer mandates that the dealer install and maintain such conforming signs.

The variance is requested from the restrictions of Sec. 450.4 of the Zoning Regulations. The nature of the roadway and the commercial signage in the area serve to establish the unique and distinct characteristics of the property in conformity with the holding in *Cromwell v. Ward*, 102 Md. App. 710 (1955) and its progeny. Approval is required in order to afford relief from unnecessary hardship and practical difficulty in complying strictly with the provisions of the Zoning Regulations.

There are no historical, architectural or aesthetic characteristics which need to be considered, and the property is not located in the Chesapeake Bay Critical Area. The requested relief will be in harmony with the spirit of the sign regulations, and will promote safe access to the dealership by prospective customers. Given the nature of the area in which the property is located, it being heavily commercial, the granting of the petition herein will not have a detrimental effect upon other

properties in the area, nor will it generate injury to the public health, safety or general welfare.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Marvin I. Singer", is written over a horizontal line.

Marvin I. Singer
Attorney for Petitioner

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 29, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For December 2, 2013
Item No. 2014- 0120, 0121, 0122, 0123, 0124 and 0125

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\ZAC12022013 -.doc



KEVIN KAMENETZ
County Executive

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

December 31, 2013

Stoler Properties LLC
11275 Reisterstown Road
Owings Mills MD 21117

RE: Case Number: 2014-0120 A, Address: 11275 Reisterstown Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 15, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Marvin I Singer, Esquire, 10 E Baltimore Street, Suite 901, Baltimore MD 21202

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 11/27/13

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

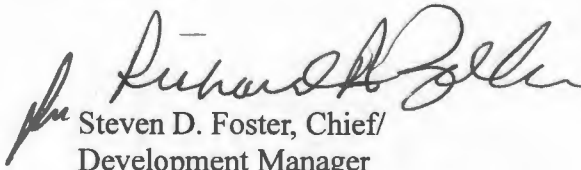
RE: Baltimore County
Item No. 2014-0120-A
Variance
Stolar Properties LLC
11275 Reisterstown Road
MD 140

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 11/25/13. A field inspection and internal review reveals that an entrance onto MD 140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2014-0120-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/
Development Manager
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

John Beverungen - Re: Case #2014-12-A Petition of Stoler Properties

From: John Beverungen
To: Dennis R. Orr
Date: 1/22/2014 12:29 PM
Subject: Re: Case #2014-12-A Petition of Stoler Properties
CC: Debra Wiley; Sherry Nuffer

Mr. Orr,

Thanks for your email. The language you reference is frequently used in zoning orders, and requires the Petitioner to submit, and have the Dept. of Planning approve, the referenced plans. Assuming that was done, and the Petitioner failed to follow through with the improvements, a complaint could be filed with the code enforcement bureau of the County, which under the law has the authority to enforce "Orders of the Zoning Commissioner," and to impose civil penalties. Balto. Co. Code, section 32-3-602.

I hope this has been responsive to your inquiry. I cannot advise you concerning whether to file an appeal, although you can contact this Office if you have further questions regarding the procedure for doing so.

John Beverungen
ALJ

>>> "Dennis R. Orr" <tresorrs@verizon.net> 1/17/2014 9:28 AM >>>

Dear Judge Beverungen,

Thank you for your decision regarding the above-referenced case and the sensitivity you have shown towards the community's concerns. While I am pleased with the stipulation contained in your decision that the Stoler franchise submit for approval a vegetative buffer and screening plan to the county architect, I don't see any language there requiring them to actually install the screening and landscaping. Is my concern justified? I am considering appealing the decision.

Best Regards,
Dennis Robert Orr
410-802-7084
tresorrs@verizon.net

Send copy
to
Dennis
Orr@
tresorrs@
verizon.net

LAW OFFICES
MARVIN I. SINGER
SUITE 901
10 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202

(410) 685-1111

FACSIMILE
(410-) 685-2372

TELECOPY COVER SHEET

DATE: Jan. 16, 2014

PLEASE DELIVER TO:

NAME Judge John E. Beverungen

NAME OF FIRM: Office of Administrative Hearings

TELECOPIER NUMBER: (410) 887-3468

FILE NAME/NUMBER: Stoler Properties, LLC Case # 2014-0120-A

COMMENTS: Letter this date

FROM:

NAME: MARVIN I. SINGER, ESQUIRE

NUMBER OF PAGES INCLUDING COVER SHEET: 2

(If you do not receive all pages, please notify sender as soon as possible at
410-685-1111.)

CONFIDENTIALITY NOTICE

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEPHONIC
COMMUNICATION COULD BE A VIOLATION OF FEDERAL & MARYLAND LAW

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN
CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS
LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE
OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE
INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE,
COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON
THE CONTENTS OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU
HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US
BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL DOCUMENTS TO
US.

LAW OFFICES
MARVIN I. SINGER
SUITE 901
10 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202

(410) 685-1111

FACSIMILE
(410) 685-2372

January 16, 2014

Judge John E. Beverungen
Office of Administrative Hearings
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

VIA FAX ONLY - (410) 887-3468

Re: Petition of Stoler Properties, LLC
Case No. 2014-0120-A

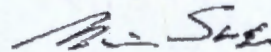
Dear Judge Beverungen:

Thank you for your letter dated January 15, 2014. For purposes of clarification, the drawing of the proposed free-standing sign from which I was working had dimensions which were different than those appearing on the plat, which led to my error. I apologize for the confusion.

Also, when I first met with Len Wasilewski, I was advised that the area of the sign was to be calculated to include the area between the logo and the dealer's name. I believe the recent interpretation is more reasonable and practical.

Thank you for your advice and consideration.

Respectfully,



Marvin I. Singer

Cc: People's Counsel

MIS/m

John Beverungen - Case No. 2014-120-A

From: John Beverungen
To: Marvin Singer Esq.
Date: 1/15/2014 2:55 PM
Subject: Case No. 2014-120-A
CC: Leonard Wasilewski; Peter Zimmerman; Sherry Nuffer

Mr. Singer,

Thank you for your letter dated January 14, 2014, in regard to the captioned matter. I had already sent out an order (approving the Hyundai signs) by the time I received this correspondence.

You indicated that you had incorrectly calculated the size of the free-standing Hyundai sign, which should be 93.27 SF rather than 87.5 SF, as listed in the Petition. Having reviewed the file, I am not sure that you in fact incorrectly stated the size. The Plan shows that your engineer drew a box around the entire area of the Hyundai logo and the "Len Stoler" name below, which included the blank space in between. In a recent discussion with Mr. Wasilewski on another case, he noted that he believes the regulations allow a Petitioner to measure and calculate separately the logo area and the dealership name area, without including in the area calculation the blank space in between.

As such, unless Mr. Wasilewski advises me otherwise, I think the variance approval for 87.5 SF will be more than sufficient for the free-standing Hyundai sign.

John Beverungen
ALJ

MODE = MEMORY TRANSMISSION

START=JAN-15 14:55

END=JAN-15 14:56

FILE NO.=108

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		94106852372	001/001	00:00:14

-ADMINHEARINGS-

- ***** -

410 887 3468- *****

John Beverungen - Case No. 2014-120-A

From: John Beverungen
To: Marvin Singer Esq.
Date: 1/15/2014 2:55 PM
Subject: Case No. 2014-120-A
CC: Leonard Wasilewski; Peter Zimmerman; Sherry Nuffer

Mr. Singer,

Thank you for your letter dated January 14, 2014, in regard to the captioned matter. I had already sent out an order (approving the Hyundai signs) by the time I received this correspondence.

You indicated that you had incorrectly calculated the size of the free-standing Hyundai sign, which should be 93.27 SF rather than 87.5 SF, as listed in the Petition. Having reviewed the file, I am not sure that you in fact incorrectly stated the size. The Plan shows that your engineer drew a box around the entire area of the Hyundai logo and the "Len Stoler" name below, which included the blank space in between. In a recent discussion with Mr. Wasilewski on another case, he noted that he believes the regulations allow a Petitioner to measure and calculate separately the logo area and the dealership name area, without including in the area calculation the blank space in between.

As such, unless Mr. Wasilewski advises me otherwise, I think the variance approval for 87.5 SF will be more than sufficient for the free-standing Hyundai sign.

John Beverungen
 AU

LAW OFFICES
MARVIN I. SINGER
SUITE 901
10 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202

(410) 685-1111

FACSIMILE
(410-) 685-2372

TELECOPY COVER SHEET

DATE: Jan. 14, 2014

PLEASE DELIVER TO:

NAME Judge John E. Beverungen

NAME OF FIRM: Office of Administrative Hearings

TELECOPIER NUMBER: (410) 887-3468

FILE NAME/NUMBER: Case No. 2014-0120-A

COMMENTS: Letter this date

FROM:

NAME: MARVIN I. SINGER, ESQUIRE

NUMBER OF PAGES INCLUDING COVER SHEET: -2-

(If you do not receive all pages, please notify sender as soon as possible at
410-685-1111.)

CONFIDENTIALITY NOTICE

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEPHONIC
COMMUNICATION COULD BE A VIOLATION OF FEDERAL & MARYLAND LAW

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN
CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS
LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE
OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE
INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE,
COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON
THE CONTENTS OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU
HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US
BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL DOCUMENTS TO
US.

LAW OFFICES
MARVIN I. SINGER
SUITE 901
10 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202

(410) 685-1111

FACSIMILE
(410) 685-2372

January 14, 2014

Judge John E. Beverungen
Office of Administrative Hearings
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

VIA FAX ONLY - (410)887-3468

Re: Petition of Stoler Properties, LLC
Case No. 2014-0120-A

Dear Judge Beverungen:

In response to the issue which arose at the hearing, I have been advised that the properties along Kingsley Road are owned by Stoler Properties, LLC. I have since also reviewed the calculation of the size of the free-standing Hyundai sign, and find that I had incorrectly stated the size. The correct size is 93.27 square feet, with a height of 25', and I respectfully request that the petition be amended accordingly.

If any further information is needed I shall be happy to furnish it.

Respectfully,



Marvin I. Singer

Cc: Dennis Orr
Peoples' Counsel

MIS/m

Sherry Nuffer - 2014-0120-A

From: Sherry Nuffer
To: Tresorrs@verizon.net
Date: 1/13/2014 2:58 PM
Subject: 2014-0120-A

Per Judge Beverungen, enclosed please find a copy of the Opinion and Order in reference to the above case.

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 04 Account Number - 0406046200	
Owner Information		
Owner Name:	STOLER PROPERTIES LLC	Use: COMMERCIAL
	C/O LEN STOLER INC	Principal Residence: NO
Mailing Address:	11275 REISTERSTOWN RD	Deed Reference: 1) /13589/ 00289
	OWINGS MILLS MD 21117-1906	2)
Location & Structure Information		
Premises Address:	11275 REISTERSTOWN RD 0-0000	Legal Description: 5.0466 AC NES REISTERSTOWN RD 340 NW KINGSLEY RD
Map: 0058	Grid: 0007	Parcel: 0623
Sub District:	Subdivision: 0000	Section:
		Block:
		Lot:
		Assessment Year: 2014
		Plat No:
		Plat Ref:
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built 1977	Above Grade Enclosed Area 69946	Finished Basement Area
		Property Land Area 5.0400 AC
		County Use 22
Stories	Basement	Type
		SERVICE GARAGE
Exterior	Full/Half Bath	Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2014
Land:	1,928,900	1,928,900
Improvements	3,314,600	4,244,300
Total:	5,243,500	6,173,200
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
		5,243,500
		5,553,400
Transfer Information		
Seller: STOLER LEONARD	Date: 03/12/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13589/ 00289	Deed2:
Seller: FORD LEASING DEV ELOPMENT COMPANY	Date: 08/17/1973	Price: \$175,671
Type: ARMS LENGTH IMPROVED	Deed1: /05381/ 00486	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

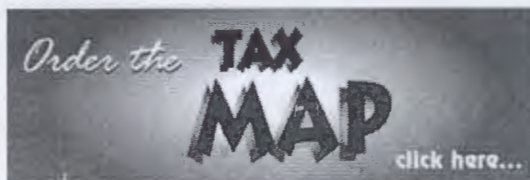
New Search (<http://sdat.resiusa.org/RealProperty>)District: **04** Account Number: **0406046200**

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

-->

CASE NAME _____
CASE NUMBER 2014-120-A
DATE 1-9-14

[illegible]

CASE NAME _____
CASE NUMBER 2014-120-A
DATE 1-9-14

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]











JB 1/9
10 AM

Case No.: 2014-0120-A

Exhibit Sheet

SN
1-13-14

Petitioner/Developer

DW
2-14-14

Respondent Citizen

No. 1	Plan	Photos - fencing around dealership
No. 2	Photos (2A-2N)	Photo - Heritage Sign
No. 3		Photos - illegally parked veh.
No. 4		Letters to County officials
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Sent from my iPhone

Citizen #1

"tresorrs@verizon.net" <tresorrs@verizon.net> 
To: Orr Dennis R <tresorrs@verizon.net>
Lenny 2

January 9, 2014 8:02 AM

4 Attachments, 12.7 MB



"tresorrs@verizon.net" <tresorrs@verizon.net> 
To: Orr Dennis R <tresorrs@verizon.net>
Lenny

January 9, 2014 8:01 AM

3 Attachments, 6.9 MB



Citizen 2

youcanemailme <youcanemailme@verizon.net> 

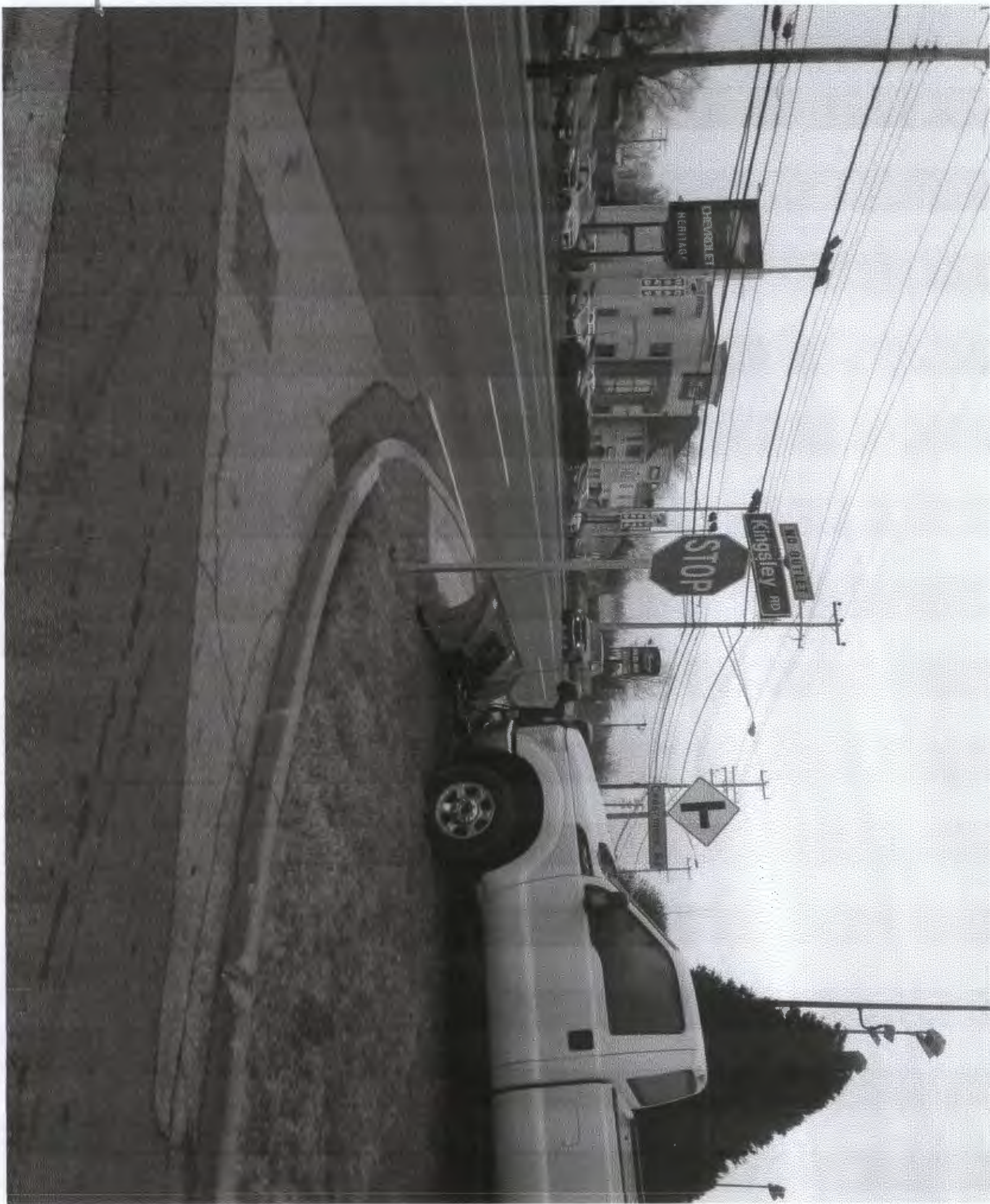
To: tresorrs@verizon.net

(No Subject)

Sent from my Verizon Wireless 4G LTE Smartphone



Citizen #3



February 1, 2009

Zoning Dept.
401 Bosely Ave.
Towson, Md. 21204

Re: N.E. Corner of Kingsley Rd. & Reisterstown Rd.

Dear Zoning Enforcement Officer,

I am writing to request action be taken on a long-standing zoning violation (see enclosed letters.) The Len Stoler car dealership at the 11000 block of Reisterstown Rd. is parking employee's cars on the grass along the north side of residential Kingsley Rd. The daily parking of 15-20 cars and trucks has turned what was, by covenant, to be an area landscaped by the dealership, into a muddy, trashy mess. The dealership continues to display cars on the corner, obstructing driver's view of oncoming cars and pedestrians. This area is also a school bus stop.

The areas on both sides of the street (the south side is the responsibility of the Frankel dealership) need to be reseeded and landscaped to stop the muddy run-off and soil compaction taking place, and the screening fences appearance and function restored. Further, the Stoler dealership has dumped concrete rubble and old rolls of chain link fencing (there since 2005) on the residential lot it owns at 22-24 Kingsley Rd., and this debris must be removed.

Please help our community with the enforcement of the applicable laws. Thank you for your attention to this matter.

Sincerely,



Dennis R Orr

Kingsley Rd. Community Association

Cc: Hon. Kevin Kamenetz

S. Rusby-Shepardson

Lauren Marcus

Citizen #4

FILE COPY

October 29, 2007

Zoning Dept.
401 Bosely Ave
Towson, Md. 21204

Re: zoning violations at dealerships @11000 block Reisterstown Rd.

Dear Zoning Enforcement Officer,

Please advise me as to what action, if any, has been taken with regard to the attached letter of complaint and the issues contained therein. I have seen no response whatsoever.

We now have 13 to 15 car dealer employee's cars parking on our street in the area of the bus stop. Please help our community with the enforcement of the applicable zoning laws. Thank you for your attention to this matter.

Sincerely,

Dennis R. Orr
Kingsley Road Community Association

Cc: Hon. Kevin Kamenetz
S. Rusby-Shepardson

ZONING PARKING NO COMPLAINT. WPS

August 22, 2007

Zoning Dept.
401 Bosely Ave
Towson, Md. 21204

Re: zoning violations at dealerships @11000 block Reisterstown Rd.

Dear Zoning Enforcement Officer,

The car dealerships located in the 11000 block of Reisterstown Road are increasingly in the practice of parking cars on the grass right-of ways between the road and their parking lots.. The most egregious example of this is visible at the N/W corner of Reisterstown Rd. and Dolfield Boulevard., where the Heritage dealership has parked cars right up to and even hanging over the curb. The Frankel and Stoler dealerships have vehicles parked on the north and south corners at Kingsley Rd. and Reisterstown Rd., as well as farther north along the east side of Reisterstown Rd..

This practice not only blocks lines-of-sight for drivers; it also forces pedestrians to, in some areas, walk on the road.(By the way, I believe the developer of the Heritage property still owes the community sidewalks in this area.) Phones complaints to the dealers and/or County Police have resulted in temporary results at best.

Another long-standing problem is that the Stoler and Frankel dealership employees are once again parking on the grass along Kingsley Rd.--there were ten cars there tonight when I came home tonight. *This area is also the local school bus stop.*

Please help our community with the enforcement of the applicable zoning laws. Thank you for your attention to this matter.

Best Regards,

Dennis R. Orr
Kingsley Road Community Association

Cc: Hon. Kevin Kamenetz
S. Rusby-Shepardson



DENNIS ROBERT ORR

TALL CASE CLOCKS & FINE CABINETRY

May 29, 2005

Mr. Denver Hoffman
Len Stoler Ford
11275 Reisterstown Rd.
Owings Mills, MD 21117

Re: Kingsley Road

Mr. Hoffman:

Sadly, we must once again, bring to your attention the lack of lawn and shrubbery care of your lot on Kingsley Road. I remember an incident last year where a car barely missed hitting a child on a bicycle rounding the corner, because the hedge was so high and overgrown that one could not see over it or around the curve. Why is it that your lawn service begins manicuring your frontage on Reisterstown Road in early April, but the Kingsley lot is ignored until you receive a complaint from your neighbors? Perhaps you might consider including this property in future lawn service maintenance agreements, ensuring that it is cut and trimmed as well as the rest of your property.

I'd also like to mention the roll of chain link fencing that was dumped on your lot. It's been there for about a year now, and is rather unsightly with grass growing up through it.

Thank you for your prompt attention.

Carolyn Orr
28 Kingsley Rd.

p.s. There is quite a lot of poison ivy in the hedge. One should use caution (and perhaps some weed killer).



DENNIS ROBERT ORR
TALL CASE CLOCKS & FINE CABINETRY

April 18, 2005

Ms. Diane Itter
401 Bosely Ave
Towson, Md. 21204

COPY

Re: Light and noise problems-Stoler dealerships @11275 Reisterstown Rd.

Dear Ms. Itter,

I hope this letter finds you well. I enjoyed meeting you during the most-recent rezoning wars.

I am writing to register a complaint regarding the incredible amount of light pollution spilling onto my property from the Stoler car dealerships located in the 11275 block of Reisterstown Road. This long-standing problem has really come to a head with the addition of the Stoler dealership's carwash close to the property line behind their Ford agency. My wife Carolyn and several other neighbors attended the variance meeting for this project on 4/04 to voice our concerns regarding adding to the existing noise- and light-pollution problems. After the meeting, she filed a complaint in order to seek some relief from these problems. To date, we have had no response.

Unfortunately, since the completion /start-up of the carwash, our concerns have become reality. The noise from the machinery, as well as from the employees and their radios, has been very intrusive. Worst of all, however, has been the addition of more of the offending "Wall-Pak"-style floodlights. These have been installed shining onto our backyard with no shielding-- and no consideration. Walking into our backyard now is like walking onto a stage, and our view of the stars has been further dimmed. The loudspeakers and car alarms continue their intrusion as well.

Carolyn and I never heard any response to her filed complaint. Can you help us with these long-standing problems?

Best Regards,

Dennis R. Orr

cc: KEVIN KAMENETZ

February 3, 2004

Councilman Kevin Kamenetz
Old Courthouse
400 Washington Ave.
Towson, Md. 21204

Re: Rezoning Issue 2-029 & 2-030

Honorable Kamenetz,

I am writing to you to express my strong opposition to the above-referenced rezoning requests. The properties involved are residential, and the request is to change them to business usage. There is quite a bit of history behind these requests, and I'll be as brief as I can in sharing some of it and in explaining my opposition to the requests.

Our community consists of Kingsley and Montgomery Roads. Because it's a dead-end, and so old (most all the houses are circa 1920) it has a very rural tranquility. We all know each other, help each other, and look out for each other. There are only 25 homes left on our street now. Back in 1988, six houses were bought by the Len Stoler and Heritage car dealerships, who then sought to rezone them for commercial use. Our community organized in opposition. However, then-Councilman Ruppertsberger assured us the rezoning was going to be granted, and that we should cut the best deal we could with the dealers via covenants on the properties. Somewhat in desperation, an agreement was drawn up which included provision for extensive landscape buffers, lighting and noise restrictions, and even the rerouting of Kingsley Rd. The Baltimore County Planning & Zoning Office lent assistance.

Unfortunately for us, the whole agreement(written by the dealerships' attorneys) fell thru after the rezoning was granted. Six houses fell to the wreckers. A huge hole was dug out on one side of the street, and a new dealership put there. Fencing, floodlights, paving and product were pushed right up against our street and against our houses. Subsequent expansions of both facilities have encroached further. Indeed, a carwash is being built right now next to my neighbor, Mrs. Fadely. She's lived here for over 75 years, and has put up the longest with the intrusions. Car alarms/horns are constantly being set off, often deliberately (it's easier for a salesperson to find a particular vehicle that way.) Floodlights shine 24/7 in our windows, and rob us of the stars. Bodyshop paint fumes plague us. Loudspeakers blare-and I mean blare-'til 9 p.m., despite restrictions. Fencing, installed to screen the view of all the cars, is a bit of a joke--in one instance held 3 ft. off the ground and in another only 3 ft. high. Even what screening vegetation that was planted is pruned unmercifully, negating its purpose. We know now that the only way to prevent further intrusion is to stop further rezoning of our community.

In 1996 , Len Stoler's conglomerate purchased # 22 Kingsley Rd., a property in the center of our neighborhood, and sought variances to allow business parking on the residential lot. His plans showed more floodlights and loudspeakers, and the entire lot paved over, with a high fence and a "7 ft. deep forest buffer"(!!!) erected right up to a blind curve. Heaven forbid children continue to ride their bikes on the street, as they've been able to do for the past 80+ years...

Stoler was denied his request and two subsequent appeals; our community spent thousands fighting him, as well as countless hours marching in protest in front of his establishments. Despite his loss, Stoler tore down #22, the oldest home on our street, and in doing so surrounded on three sides the home of another elderly widow, Mrs. Arlene Clifton @ # 16 Kingsley Rd. This is the other property that Stoler is trying to rezone/acquire. Needless to say, she is under some pressure-who's going to buy her house when it's surrounded by cars, except Stoler? Then, of course, if that happens, the people across the street will be facing a car lot, and who's going to want to buy their houses, except perhaps you-know-who? And so on.

Enough. Having more commercial intrusion into our neighborhood will devalue our homes, threaten our tiny community's unity, and endanger our children and ourselves. Buffer zones between commercial and residential properties need to be preserved. Our homes have been here for almost a century--not so, these car dealers. The dealerships have other options, such as the off-site storage currently being done. We cannot move our neighborhood. Mr. Stoler has chosen to gobble-up cheap residential properties in a domino fashion, and passed by available commercial frontage along Reisterstown Rd. Let him sleep in the bed he has made.

Please help us in our fight to preserve our community. I ask for your assistance in preventing further commercial intrusion into our neighborhood, and that the above-referenced zoning requests will not be granted.

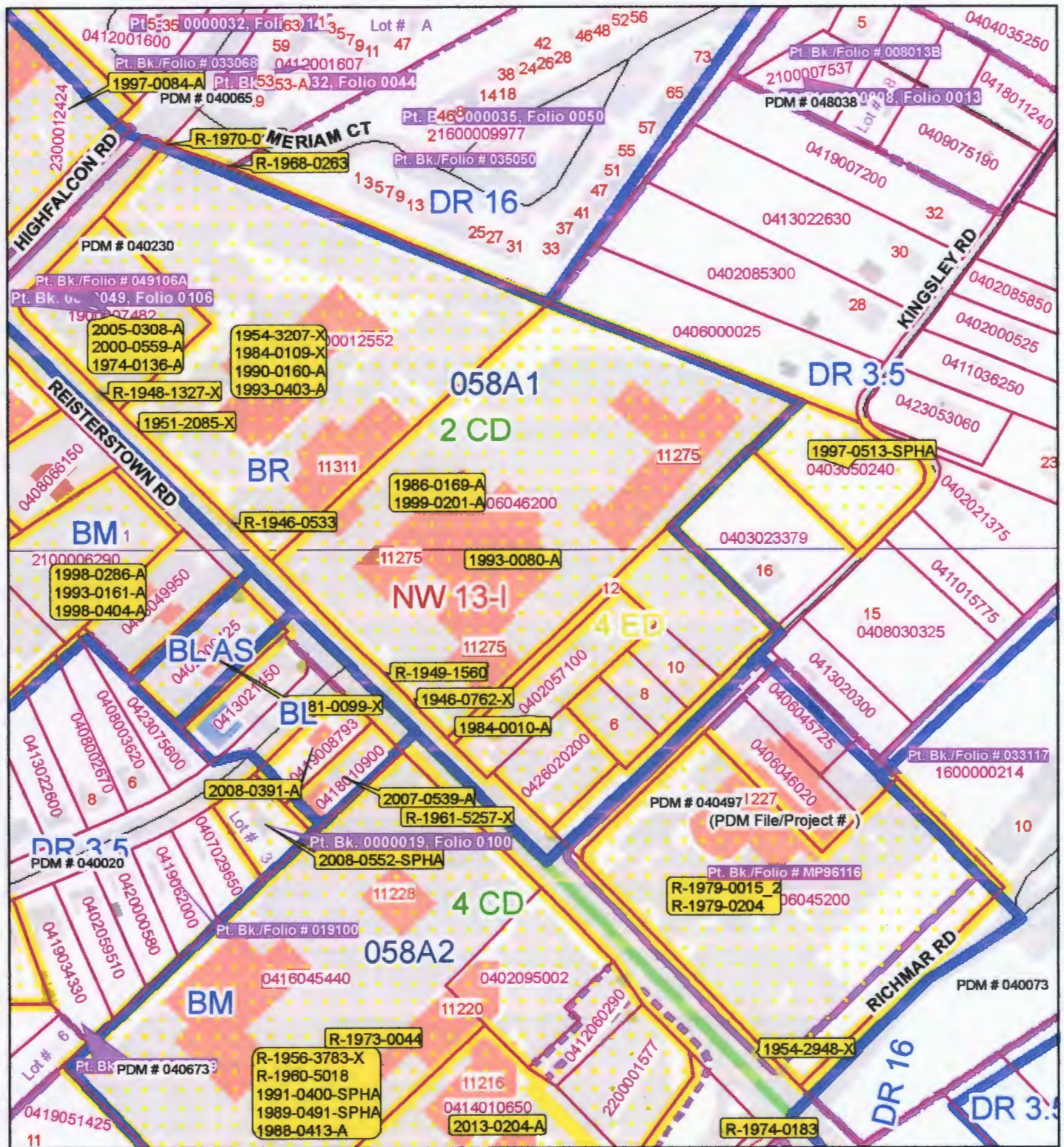
Thank you in advance for your consideration.

Best Regards,

Dennis R. Orr
Kingsley Rd. Community Assoc.

CC: Diane Itter
J. Carroll Holzer, P.A.

11275 Reisterstown Road 2014-0120-A



Publication Date: 11/15/2013



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100 200 300 400
 Feet

1 inch = 200 feet

