



KEVIN KAMENETZ
County Executive

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

February 17, 2015

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petition for Special Hearing and Variance
Property: 9801 Pulaski Highway
Case No. 2015-0137-A

Dear Mr. Schmidt:

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

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
(9801 Pulaski Highway) *	OFFICE OF
15 th Election District	
6 th Council District *	ADMINISTRATIVE HEARINGS
Packer Realty III, LLC	
Legal Owner *	FOR BALTIMORE COUNTY
Petitioner *	Case No. 2015-0137-SPHA
* * * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to identify the classification (enterprise or directory) and location of proposed signs and to permit a sign package for proposed renovations to an existing automobile dealership as more particularly shown on the attached site plan; (2) to confirm and modify the zoning approvals previously granted in Case No. 02-42; (3) to determine and confirm the area of the wall/façade on which proposed wall mounted signs are proposed; and (4) to determine if certain proposed wall mounted enterprise “signs” are “visible” from any adjacent “highway” and thus subject to regulation.

In addition, a Petition for Variance seeks the following: (1) to permit three free standing enterprise signs (shown as existing signs 1, 2 & 3) with a total square footage of 254 sq. ft. in lieu of the permitted two free standing enterprise signs with a total of 126 sq. ft. in Case 02-420-A and B.C.Z.R. §§450.3.5.b and 450.3.5.g; (2) if necessary, to permit seven wall mounted enterprise signs in lieu of the three maximum permitted per premises; (3) if necessary, to permit three wall mounted signs (signs 1, 2, & 3) on a single façade in lieu of the maximum two permitted; (4) if necessary, to permit as many as four wall mounted enterprise signs (signs 4, 5, 6 & 7) on a single

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Date 2/17/15
By Sen

façade in lieu of the maximum two permitted; (5) in the alternative to variances 2, 3, and 4 to allow directory signs with lettering greater than 2" in height; and (6) if necessary, to permit buildings with a side/rear setback of less than 30 ft.

A redlined site plan was marked and accepted into evidence as Petitioner's Exhibit 1. Appearing at the public hearing in support of the requests was Donald Huebel and Steven Broyles, a licensed professional engineer whose firm prepared the plans. Lawrence E. Schmidt, Esq. appeared on behalf of the Petitioner. There were no Protestants or interested citizens in attendance.

The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review.

The subject property is approximately 22 acres and the site is split zoned; the majority of the site is zoned BR-IM. The Al Packer Ford dealership operates on the property. At present, the dealership is expanding and in connection therewith, the signage will be updated. Petitioner submitted elevation drawings of the proposed signs, marked as Exhibit Nos. 4A & 4B. In addition, the Petitioner submitted a series of photos showing existing site conditions, including several directional signs on the premises for which no zoning relief is sought/required.

At the outset, counsel indicated that the special hearing and variance requests were made in the alternative, and that if the variances were granted the petition for special hearing (which would require the undersigned to determine, among other things, whether certain proposed signs would be "visible" from the "highway") would be moot. While the petition for special hearing appears to have merit (i.e., the DOP's ZAC comment indicated certain signs may not be visible from Pulaski Highway) I believe it is preferable to consider only the petition for variance, especially since variances were previously granted for this property, a point discussed below.

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Sen

The only variance not related to signage is request number 6 in the Petition, which references side yard setback relief for certain buildings. Counsel explained the buildings in question are existing and are located to the rear of the site. They are both minor structures (one is identified as “upholstery and storage” and the other “auto detail”), and their orientation is such that the “front” of the buildings faces south, and not towards the front of the site at Pulaski Highway. As such, side yard setback relief is required under B.C.Z.R. § 238.2 to legitimize this existing condition.

To obtain variance relief a petitioner must show:

- (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).

Petitioner has met this test. The site is large (approximately 22 acres), features topographical changes, and has irregular dimensions; Mr. Broyles described it as “trapezoidal.” As such, it is unique. A similar finding was made by the County Board of Appeals in Case No. 02-420-A, a case also involving this property wherein Packer was granted variance relief for signs installed at the (what was then) newly-constructed dealership. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioner would be unable to install the signs required by its franchise agreements. Finally, I find that the variances 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 the absence of county and/or community opposition.

The DOP's ZAC comment identified three issues pertaining to the display, parking and storage of vehicles on the site. The Petitioner submitted photographs showing that vehicles for sale are no longer displayed along Pulaski Highway, and a condition to that effect will be included in

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Date

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By

Sen

the Order below. In addition, Mr. Broyles testified that Petitioner is installing a porous block product in the "large unimproved field" area identified in the DOP comment, and the site plan was redlined to show that this area is to be used for storage of vehicle inventory, not customer or employee parking. Finally, the plan was also revised to address DOP's comment regarding the parallel parking of vehicles on the access drive. The access drive area will be used for (and is so labelled on the revised site plan) "overflow inventory storage," and employee or customer parking will not be permitted in this area.

Since the requested relief will be granted pursuant to the petition for variance, the petition for special hearing will be dismissed without prejudice.

THEREFORE, IT IS ORDERED this 17th day of February, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to identify the classification (enterprise or directory) and location of proposed signs and to permit a sign package for proposed renovations to an existing automobile dealership as more particularly shown on the attached site plan; (2) to confirm and modify the zoning approvals previously granted in Case No.: 02-42; (3) to determine and confirm the area of the wall/façade on which proposed wall mounted signs are proposed; and (4) to determine if certain proposed wall mounted enterprise "signs" are "visible" from any adjacent "highway" and thus subject to regulation, be and is hereby DISMISSED WITHOUT PREJUDICE;

IT IS FURTHER ORDERED that the Petition for Variance as follows: (1) to permit three free standing enterprise signs (shown as existing signs 1, 2 & 3) with a total square footage of 254 sq. ft. in lieu of the permitted two free standing enterprise signs with a total of 126 sq. ft. in Case No. 02-420-A and B.C.Z.R. §§450.3.5.b and 450.3.5.g; (2) to permit seven wall mounted enterprise signs (proposed signs 1-7) in lieu of the three maximum permitted per premises; (3) to

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Date

2/17/15

By

sln

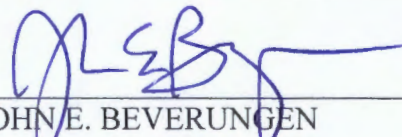
• permit three wall mounted enterprise signs (proposed signs 1, 2, & 3) on a single façade in lieu of the maximum two permitted; (4) to permit as many as four wall mounted enterprise signs (proposed signs 4, 5, 6 & 7) on a single façade in lieu of the maximum two permitted; (5) to permit a wall mounted enterprise sign (proposed sign 3) of 107 sq. ft. in lieu of the permitted 80 sq. ft.; and (6) to permit buildings (located at the rear of the site adjacent to the storm water management pond) with a side setback of less than 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner shall not park, store or display vehicles along the front of the site within the State Highway Administration (SHA) right of way for Pulaski Highway.
3. Prior to issuance of permits, Petitioner must submit for approval by Baltimore County a landscape and lighting plan for the property.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

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Date 2/17/15
By sln



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 9801 Pulaski Highway which is presently zoned BR IM, ML AS, BR AS & ML IM
Deed References: 14067/00274 10 Digit Tax Account # 2300007172
Property Owner(s) Printed Name(s) Packer Realty III, LLC

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

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

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

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 City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

DONALD HUEBEL Authorized Representative of Packer Realty III, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9801 Pulaski Highway Baltimore MD

Mailing Address City State

21220 443-777-5065 DHUEBEL@PAC

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2015-0137-SPA

Filing Date 12/14/14

Do Not Schedule Dates

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Reviewer

Date 2/17/15

REV. 10/4/11

By Sen

Attachment to Petition for Special Hearing and Variance
9801 Pulaski Highway
15th Election District
6th Councilmanic District

Special Hearing:

1. To identify the classification (enterprise or directory) and location of proposed signs and to permit a sign package for proposed renovations to an existing automobile dealership as more particularly shown on the attached site plan;
2. To confirm and modify the zoning approvals previously granted in Case No. 02-420-A;
3. To determine and confirm the area of the wall/façade on which proposed wall mounted signs are proposed;
4. To determine if certain proposed wall mounted enterprise "signs" are "visible" from any adjacent "highway" and thus subject to regulation pursuant to BCZR §§ 450.2.C.1 and 450.3; and
5. For such other and further relief as may be required by the Administrative Law Judge.

Variance:

1. To permit three free standing enterprise signs (shown as existing signs 1, 2 & 3) with a total square footage of 254 square feet in lieu of the permitted two free standing enterprise signs with a total of 126 square feet in Case 02-420-A and BCZR §§ 450.3.5.b and 450.3.5.g;
2. If necessary, to permit seven wall mounted enterprise signs in lieu of the three maximum permitted per premises pursuant to BCZR § 450.3.5(vi);
3. If necessary, to permit three wall mounted signs (signs 1, 2 & 3) on a single façade in lieu of the maximum two permitted pursuant to BCZR § 450.3.5(a)vi;
4. If necessary, to permit as many as four wall mounted enterprise signs (signs 4, 5, 6 & 7) on a single façade in lieu of the maximum two permitted pursuant to BCZR § 450.3.5(a)vi;
5. In the alternative to variances 2, 3, and 4, to allow directory signs with lettering greater than two inches in height pursuant to BCZR § 450.7.A.1;

Attachment to Petition for Special Hearing and Variance
9801 Pulaski Highway
15th Election District
6th Councilmanic District

6. If necessary, to permit buildings with a side/rear setback of less than 30 feet; and
7. For such other and further relief as may be required by the Administrative Law Judge.

STEVEN K. BROYLES & ASSOCIATES

ENGINEERS - LAND PLANNERS - SURVEYORS

2022 Brown Road - Finksburg, Maryland 21048

Phone 410-747-5500 - email stevenkbroyles@gmail.com

ZONING DESCRIPTION FOR

Al Packer Ford

9801 Pulaski Highway; Middle River, Maryland 21220

December 18, 2014

Beginning for the same at a point on the south east side of Pulaski Highway, US Route 40 right-of-way 150 ft wide, said point also being S40°41'28"W 1,336.16 ft distant from the centerline of Mohrs Lane right-of-way 60 ft wide, said point of beginning POB having the Maryland State Coordinates 616,445.56 ft. North, 1,468,322.10 ft. East referenced to the North American Datum NAD1983/1991, thence leaving said Pulaski Highway running and binding along the southern side of an unimproved 30 ft wide private road the five following courses and distances:

1. S67°57'22"E 1,182.43 ft. to a point, thence
2. S33°54'38"W 980.78 ft. to a point, thence
3. N47°51'20"W 1,215.61 ft to appoint, thence
4. S57°22'27"W 72.90 ft to appoint on the south east side of Pulaski Highway, US Route 40 right-of-way 150 ft wide, thence running and binding on the aforesaid south east side of Pulaski Highway 40 right-of-way 150 ft wide,
5. N40°41'28"W 634.75 ft. to the point of beginning containing 916,938 sf. or 21.05 acres of land more or less.

Being the same parcel of land described in Deed dated September 30, 1999 and recorded in the Land Records of Baltimore County, Maryland in Liber 14067, Folio 274, which was granted and conveyed from Irvin F. Hawkins and Janet E Terry to Packer Realty III, LLC.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland, License No.10860, Expiration Date: April 16, 2016.

Steven K. Broyles PE, LS



2015-0137-SPHA

**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: 2015-0137-SPMA
Petitioner: Al Packer Ford
Address or Location: 9801 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire
Address: Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

Revised 2/20/98 - SCJ

January 14, 2015

KEVIN KAMENETZ
County Executive



NOTICE OF ZONING HEARING

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

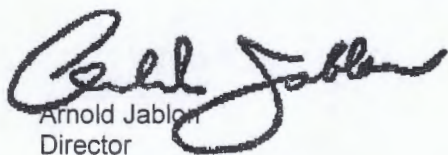
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0137-SPHA

9801 Pulaski Highway
SE/s Pulaski Highway, 2000 ft. SW of Mohrs Lane
15th Election District – 6th Councilmanic District
Legal Owners: Donald Huebel

Special Hearing 1. To identify the classification (enterprise or directory) and location of proposed signs and to permit a sign package for proposed renovations to an existing automobile dealership as more particularly shown on the attached site plan; 2. To confirm and modify the zoning approvals previously granted in Case No. 02-42. 3. To determine and confirm the area of the wall/façade on which proposed wall mounted signs are proposed; 4. To determine if certain proposed wall mounted enterprise "signs" are "visible" from any adjacent "highway" and thus subject to regulation; 5. For such other and further relief as may be required by the Administrative Law Judge. **Variance 1.** To permit three free standing enterprise signs (shown as existing signs 1, 2 & 3) with a total square footage of 254 sq. ft. in lieu of the permitted two free standing enterprise signs with a total of 126 sq. ft. in Case 02-420-A and BCZR sections 450.3.5.b and 450.3.5.g; 2. If necessary, to permit seven wall mounted enterprise signs in lieu of the three maximum permitted per premises; 3. If necessary, to permit three wall mounted signs (signs 1, 2 & 3) on a single façade in lieu of the maximum two permitted; 4. If necessary, to permit as many as four wall mounted enterprise signs (signs 4, 5, 6 & 7) on a single façade in lieu of the maximum two permitted; 5. In the alternative to variances 2, 3 and 4 to allow directory signs with lettering greater than two in. in height; 6. If necessary, to permit buildings with a side/rear setback of less than 30 ft.; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Thursday, February 12, 2015 at 11:00 a.m., Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Donald Huebel, 9801 Pulaski Highway, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 23, 2015.**
(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, January 22, 2015 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

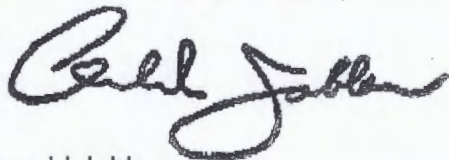
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9801 Pulaski Highway
SE/s Pulaski Highway, 2000 ft. SW of Mohrs Lane
15th Election District – 6th Councilmanic District
Legal Owners: Donald Huebel

Special Hearing 1. To identify the classification (enterprise or directory) and location of proposed signs and to permit a sign package for proposed renovations to an existing automobile dealership as more particularly shown on the attached site plan; 2. To confirm and modify the zoning approvals previously granted in Case No. 02-42. 3. To determine and confirm the area of the wall/façade on which proposed wall mounted signs are proposed; 4. To determine if certain proposed wall mounted enterprise "signs" are "visible" from any adjacent "highway" and thus subject to regulation; 5. For such other and further relief as may be required by the Administrative Law Judge. **Variance** 1. To permit three free standing enterprise signs (shown as existing signs 1, 2 & 3) with a total square footage of 254 sq. ft. in lieu of the permitted two free standing enterprise signs with a total of 126 sq. ft. in Case 02-420-A and BCZR sections 450.3.5.b and 450.3.5.g; 2. If necessary, to permit seven wall mounted enterprise signs in lieu of the three maximum permitted per premises; 3. If necessary, to permit three wall mounted signs (signs 1, 2 & 3) on a single façade in lieu of the maximum two permitted; 4. If necessary, to permit as many as four wall mounted enterprise signs (signs 4, 5, 6 & 7) on a single façade in lieu of the maximum two permitted; 5. In the alternative to variances 2, 3 and 4 to allow directory signs with lettering greater than two in. in height; 6. If necessary, to permit buildings with a side/rear setback of less than 30 ft.; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Thursday, February 12, 2015 at 11:00 a.m., Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

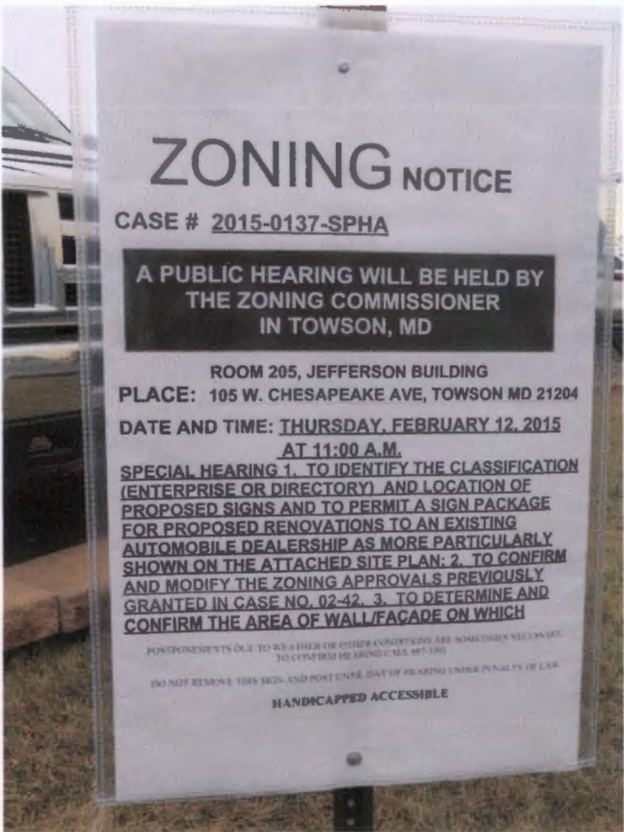
- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 1/23/2015
Case Number: 2015-0137-SPHA
Petitioner / Developer: LAWRENCE SCHMIDT of SMITH, GILDEA & SCHMIDT LLC ~ DONALD HUEBEL
Date of Hearing (Closing): FEBRUARY 12, 2015

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:
9801 PULASKI HIGHWAY

The sign(s) were posted on: JANUARY 23, 2015



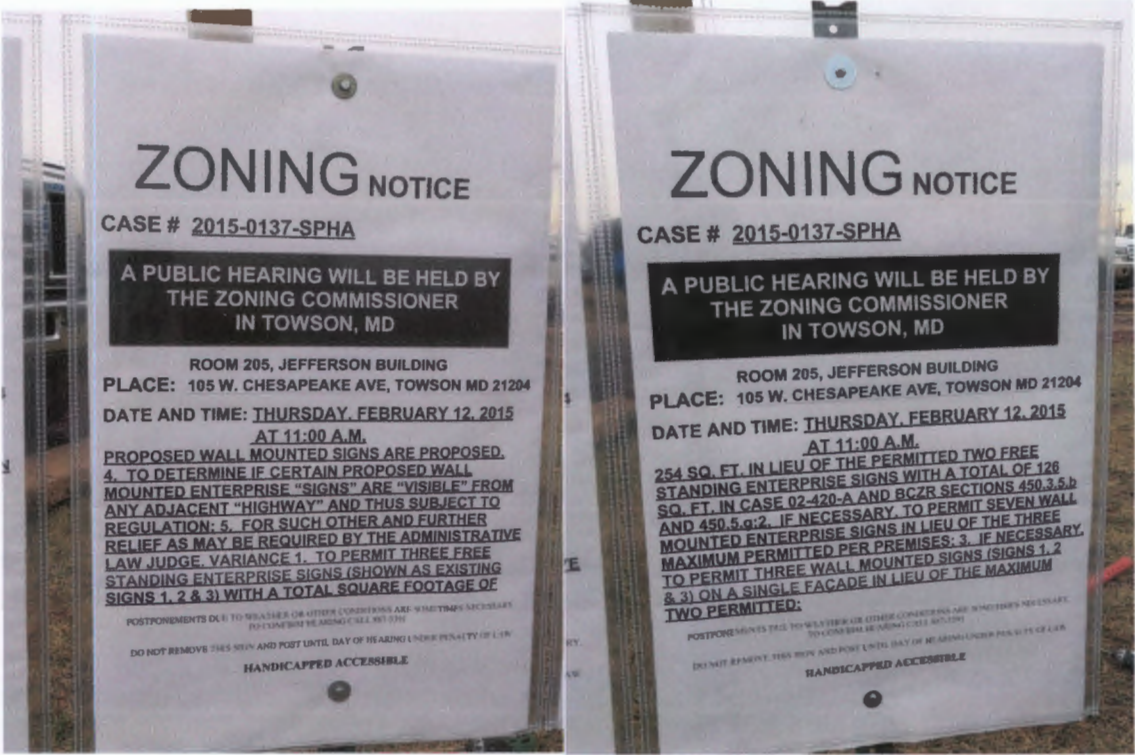
Linda O'Keefe
(Signature of Sign Poster)

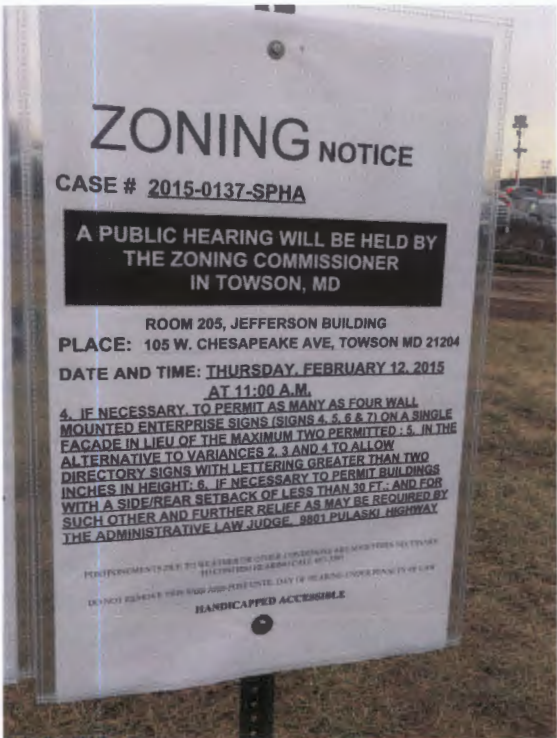
Linda O'Keefe
(Printed Name of Sign Poster)

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)





9801 Pulaski Highway



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
9801 Pulaski Highway; SE/S Pulaski Highway,*	*	OF ADMINISTRATIVE
2000' SW of Mohr's Lane		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Packer Realty III, LLC by		
Donald Huebel		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2015-137-SPHA

* * * * *

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

JAN 14 2015



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 14th day of January, 2015, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: March 20, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0137-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on March 19, 2015. 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

Case No.:

2015-0137-SPHA

Exhibit Sheet

9801 Pulaski Hwy

Petitioner/Developer

DW
3-20-15

Protestants

SEN
2-17-15

No. 1	Site plan (redline)	
No. 2	Panoramic Photo	
No. 3	Photos of Signs/Site	
No. 4	4A > Proposed Wall-Mounted 4B	
No. 5	Aerial Photo	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLEASE PRINT CLEARLY

CASE NAME 2015-137-SVHA
CASE NUMBER A1 PACKED FAND
DATE 2/2/15

PETITIONER'S SIGN-IN SHEET

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
1/14/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
1/28/15	PLANNING (if not received, date e-mail sent _____)	C
1/14/15	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. 2002-0420-A 1992-0042-X)		
NEWSPAPER ADVERTISEMENT	Date: 1/22/15	The Daily Record
SIGN POSTING	Date: 1/23/15	by O'Keefe
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

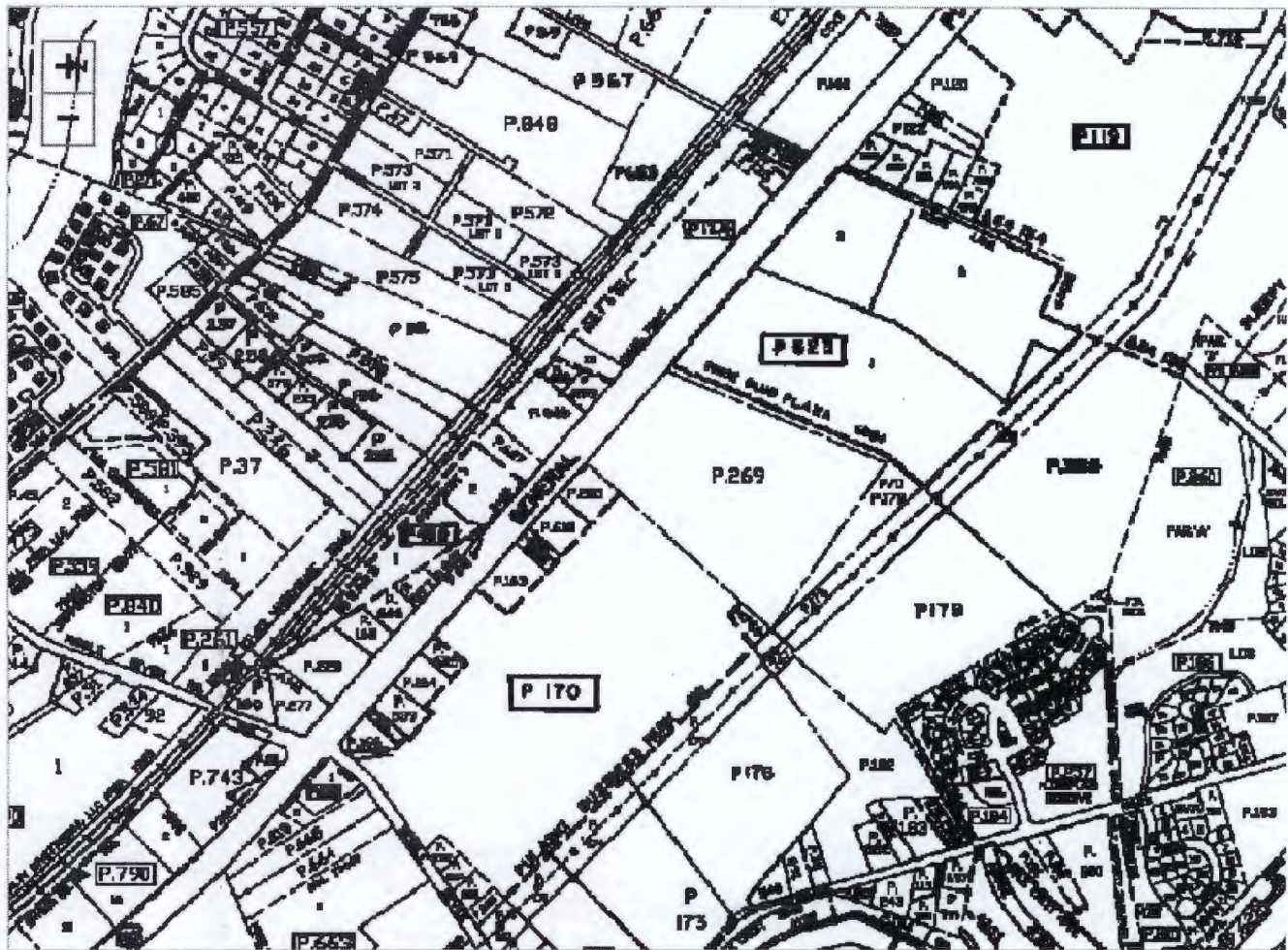
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 2300007172							
Owner Information									
Owner Name:		PACKER REALTY III LLC				Use:		COMMERCIAL NO	
Mailing Address:		9801 PULASLI HWY BALTIMORE MD 21220				Principal Residence:		Deed Reference: /14067/ 00274	
Location & Structure Information									
Premises Address:		9801 PULASKI HWY 0-0000				Legal Description:		21.052 AC SES PULASKI HWY 1300 FT SW MOHRS LN	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0082	0017	0269		0000				2015	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed		Finished Basement Area		Property Land Area		County Use	
2002		44394				21.0500 AC		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		AUTO SHOWROOM					2001		
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2014		07/01/2015	
Land:		4,515,200		4,515,200					
Improvements		4,471,700		4,735,600					
Total:		8,986,900		9,250,800		8,986,900		9,074,867	
Preferential Land:		0						0	
Transfer Information									
Seller:		Date: 10/05/1999				Price: \$1,400,000			
Type: ARMS LENGTH VACANT		Deed1: /14067/ 00274				Deed2:			
Seller:		Date:				Price:			
Type:		Deed1:				Deed2:			
Seller:		Date:				Price:			
Type:		Deed1:				Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)

District: **15** Account Number: **2300007172**



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>).



[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)

Loading... Please Wait. Loading... Please Wait.

IN THE MATTER OF	* BEFORE THE
THE APPLICATION OF	
<u>PACKER REALTY III - LEGAL</u>	* COUNTY BOARD OF APPEALS
<u>OWNER / PETITIONER FOR VARIANCE</u>	
ON PROPERTY LOCATED ON THE SE/s	* OF
OF PULASKI HIGHWAY, 1935' SW OF	
MOHRS LANE (9801 PULASKI HWY)	* BALTIMORE COUNTY
15 TH ELECTION DISTRICT	
5 TH COUNCILMANIC DISTRICT	* CASE NO. 02-420-A

* * * * *

OPINION

This is an appeal by the Office of People's Counsel from a decision of the Deputy Zoning Commissioner granting variances to Packer Realty III for property located at 9801 Pulaski Highway in the Fifteenth Election District of Baltimore County. The property is split-zoned B.R.-I.M., B.R.-A.S., and M.L.-A.S. The variances granted were from § 450.5(g) of the *Baltimore County Zoning Regulations* (BCZR) to permit two double-faced, illuminated freestanding signs containing a total square footage of 226 square feet in lieu of the permitted 50 square feet, ^{each sign} and one of those signs to be a height of 35.5 feet in lieu of the permitted maximum of 25 feet.

The property which is the subject of the variance request consists of approximately 21.05 acres and is located on the southeast side of Pulaski Highway in the White Marsh area of Baltimore County. The property is improved with a newly constructed Ford automotive dealership building and service building for the Al Packer Ford Dealership, with a total cost of approximately \$7,000,000.00.

Evidence and testimony from Mitchell Kellman of Daft-McCune-Walker, Inc., and Richard Sherry, General Manager of Al Packer Ford, indicated that, due to site and topographical conditions of the property, the larger of the two buildings is located 525 feet from the property

line on Pulaski Highway, and the second building is located 808 feet from the property line. The unusual setback of the buildings is attributable to the presence of wetlands and wetland buffers to the front of the site, and also a stormwater management facility located at the very front of the property. The location of the buildings was further constricted by the presence of a stream and forest conservation easement on the site. Structures and the topography of properties on both sides of the site serve to screen the business from view, resulting in motorists traveling eastbound and westbound on Pulaski Highway encountering difficulty in identifying the location of the dealership.

Prior to the hearing before the Board, the parties to this appeal entered into a stipulation reducing the requested size and height of the principal sign, and seeking to permit the erection of two freestanding signs. Specifically, that agreement provides for a brand identification sign of 92.18 square feet (as computed in accordance with § 450.3 of the BCZR defining "area" as within the perimeter of a rectangle enclosing the face of a sign; the sign here at issue is actually an oval with an area of approximately 73 square feet), the height of that sign to be reduced to 20 feet. The second sign ("Pre-Owned Vehicles") has an area of 33 square feet and a height of 8 feet. Petitioner has amended its request before the Board in conformance with that stipulation.

The initial requirement for the granting of a variance is that the property must be considered unique under the decision of *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995). Once such special circumstances or conditions are found to exist, if practical difficulty or unreasonable hardship would result upon strict compliance with the zoning regulations, a variance may be granted. § 307.1, BCZR; *McLean v. Soley*, 270 Md. 208, 213 (1973). The Board is satisfied from the

testimony and evidence before it that the conditions existing on the property, as well as the nature and location of adjoining properties, and the structures thereon, combine to render the site in question unique, as that term has been defined by the Court of Special Appeals:

..."Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions....
Cromwell v. Ward, 102 Md.App. at 710.

So too, the buildings of the dealership, located as they are, well removed back from Pulaski Highway, cannot serve as identification for the dealership for vehicles coming from either direction on the highway.

Thus, because of the conditions associated with the property in question, the Board is convinced that the zoning provision limiting the size and number of signs would impact disproportionately upon this specific site. The Board is of the further opinion that the requested variances, as amended and agreed to by the parties, would be in harmony with the spirit and intent of the BCZR, and would not be injurious to the public health, safety, and general welfare.

Finally, the Board notes the lack of opposition by any other parties or property owners.

ORDER

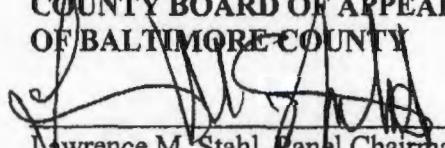
THEREFORE, IT IS THIS 8th day of November, 2002 by the County Board of Appeals of Baltimore County

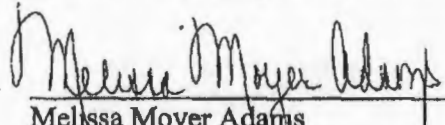
ORDERED that the Petitioner's request for variances from § 450.5(g) of the *Baltimore County Zoning Regulations* is **GRANTED**, so as to allow two double-faced, illuminated

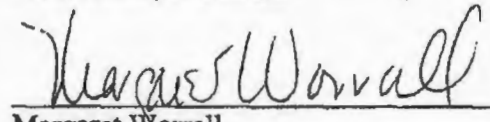
freestanding signs, one of 92.18 square feet per side and a height of 20 feet, and a second of 33 square feet per side and a height of 8 feet.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Panel Chairman


Melissa Moyer Adams


Margaret Worrall

IN THE MATTER OF
THE APPLICATION OF
PACKER REALTY III - LEGAL
OWNER / PETITIONER FOR VARIANCE
ON PROPERTY LOCATED ON THE SE/s
OF PULASKI HIGHWAY, 1935' SW OF
MOHRS LANE (9801 PULASKI HWY)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 02-420-A

* * * * *

OPINION

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2015-0137-SPHA

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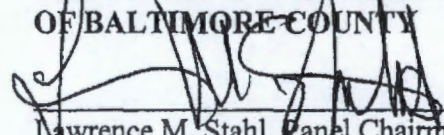
Board of Appeals of Baltimore County

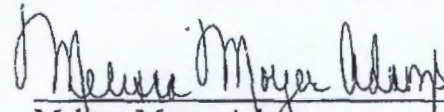
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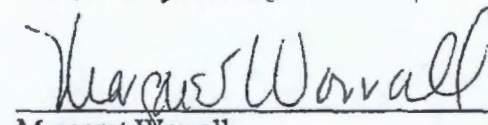
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**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Panel Chairman


Melissa Moyer Adams


Margaret Worrall



KEVIN KAMENETZ
County Executive

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

February 5, 2015

Donald Huebel
9801 Pulaski Highway
Baltimore MD 21220

RE: Case Number: 2015-0137 SPHA, Address: 9801 Pulaski Highway

Dear Mr. Huebel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 19, 2014. 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: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



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

Date: 1/14/15

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

RE: Baltimore County
Item No. 2015-0137-SPHA,
Special Hearing Variance
Donald Huebel
9801 Palaski Highway
US40

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 1/14/15. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2015-0137-SPHA.

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,

A handwritten signature in dark ink, appearing to read "Richard Zeller".
Steven D. Foster, Chief/
Development Manager
Access Management Division

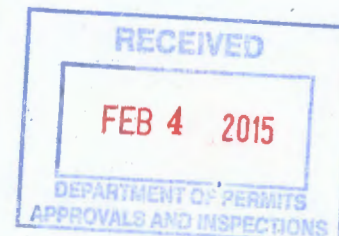
SDF/raz

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 28, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9801 Pulaski Highway

INFORMATION:

Item Number: 15-137

Petitioner: Donald Huebel

Zoning: BR AS, BR IM, ML AS & ML IM

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and does not have any objections to the proposed wall mounted signs. The distances of the existing buildings and the proposed service area building from Pulaski Highway are exceptional. The closest existing and proposed buildings to Pulaski Highway are located at least 500 feet from the Pulaski Highway curb line. As a result, the proposed wall mounted signs will not be very visible from the highway.

The freestanding sign #3 does not appear to be necessary for this site but also doesn't appear to be excessive for this particular site.

Department of Planning staff observed during site visits problems regarding vehicle parking/storage/display. Numerous (perhaps hundreds of) motor vehicles for sale are parked/stored/displayed on areas of the site that are not shown for this use on the petitioner's site plan. This practice impacts three areas of the site.

First, vehicles are displayed on grassed and gravel areas along Pulaski Highway. It appears that these vehicles extend into the highway right-of-way. Some of the vehicles displayed along the highway block the visibility of freestanding sign #1.

Second, vehicles are being maneuvered and parked/stored on the large unimproved field located to the north of the existing building and the existing paved parking area. This practice has created large areas of bare soil and tire ruts.

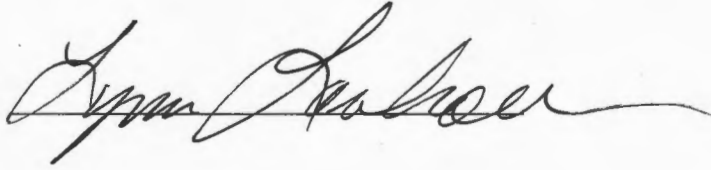
Third, vehicles are parallel parked/stored on the access drive located along the south side of the property.

Staff met with the petitioner's attorney and engineer who agreed that the outdoor parking, storage, and display of vehicles on this site should be required to comply with the approved site plan or an amended site plan. Department of Planning recommends that approval be conditioned

upon removal of vehicles from undesignated areas and areas not allowed for display or parking (within the right of way) or that the plan be amended to show additional areas for designated for vehicles. Also, that all unpaved areas should be maintained in good condition and protected with grass cover or other suitable ground cover.

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

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 28, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

FEB 03 2015

SUBJECT: 9801 Pulaski Highway

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Item Number: 15-137
Petitioner: Donald Huebel
Zoning: BR AS, BR IM, ML AS & ML IM
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Division Chief: _____
AVA/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 14, 2015

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 19, 2015
Item No. 2015-0137

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Landscape and Photometric Lighting Plans, cost estimates and security are required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0137-01192015.doc



PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/22/2015

Order #: 10672483

Case #:

Description:

Case Number: 2015-0137-SPHA - Notice of Zoning Hearing

Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2015-0137-SPHA

9801 Pulaski Highway

SE/s Pulaski Highway, 2000 ft. SW of Mohrs Lane

15th Election District- 6th Councilmanic District

Legal Owners: Donald Huebel

Special Hearing 1. To identify the classification (enterprise or directory) and location of proposed signs and to permit a sign package for proposed renovations to an existing automobile dealership as more particularly shown on the attached site plan; 2. To confirm and modify the zoning approvals previously granted in Case No. 02-42. 3. To determine and confirm the area of the wall/facade on which proposed wall mounted signs are proposed; 4. To determine if certain proposed wall mounted enterprise "signs" are "visible" from any adjacent "highway" and thus subject to regulation; 5. For such other and further relief as may be required by the Administrative Law Judge. **Variance 1.** To permit three free standing enterprise signs (shown as existing signs 1, 2 & 3) with a total square footage of 254 sq. ft. in lieu of the permitted two free standing enterprise signs with a total of 126 sq. ft. in Case 02-420-A and BCZR sections 450.3.5.b and 450.3.5.g; 2. If necessary, to permit seven wall mounted enterprise signs in lieu of the three maximum permitted per premises; 3. If necessary, to permit three wall mounted signs (signs 1, 2 & 3) on a single facade in lieu of the maximum two permitted; 4. If necessary, to permit as many as four wall mounted enterprise signs (signs 4, 5, 6 & 7) on a single facade in lieu of the maximum two permitted; 5. In the alternative to variances 2, 3 and 4 to allow directory signs with lettering greater than two in. in height; 6. If necessary, to permit buildings with a side/rear setback of less than 30 ft.; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: February 12, 2015 at 11:00 a.m., in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

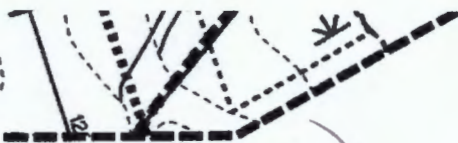
ARNOLD JABLON,
Director of Permits,

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.

ja22



4.30' x 7.66' = 33

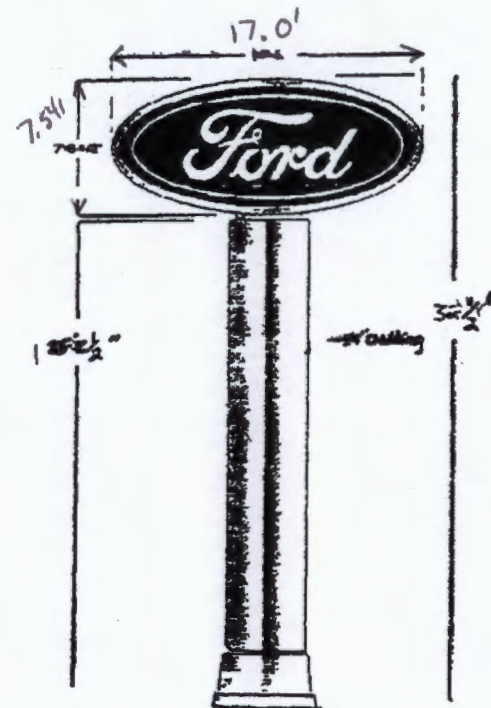
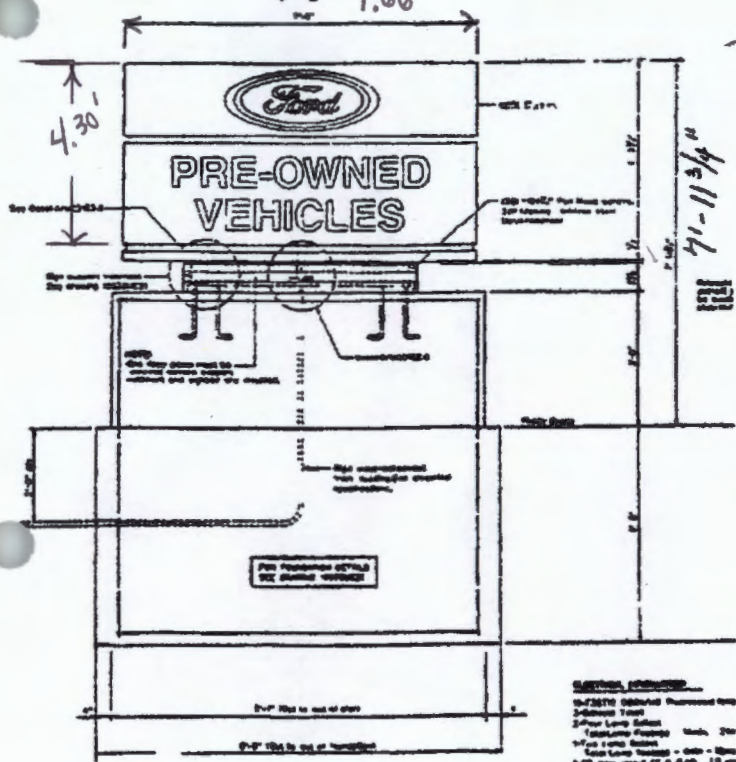
SIGN DETAIL FOR VARIANCE REQUEST

33 Sq Ft

128 Sq Ft

32 1/2 Ft Hgt

7.54' x 17' = 128.197



ELEVATION

NOTE

THIS PROJECT WAS GRANTED A LIMITED EXEMPTION (b-9) BY THE DEVELOPMENT REVIEW COMMITTEE (DRC) #05249E, ON JUNE 7 1999 THE PLAN COMPLIES WITH ALL COUNTY COMMENTS RECEIVED SUBSEQUENCE TO THE DRC ACTION

DRC PLAN SIGNED 10/11/00

DATA SOURCES

THE LOCATION OF STREAMS, NONTIDAL WETLANDS WERE APPROVED IN FIELD BY COE AND MDE ON 12-2-99

THE INFORMATION SHOWN HEREON WAS OBTAINED FROM DEEDS, PLATS AND FIELD RUN TOPOGRAPHY

TOPOGRAPHY SHOWN HEREON WAS COMPILED FROM AERIAL PHOTOGRAPHY DATED 2-26-96 BY AIR SURVEY CORP

BOUNDARY SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PREPARED BY DMW, INC. DATED AUGUST 23, 1998.

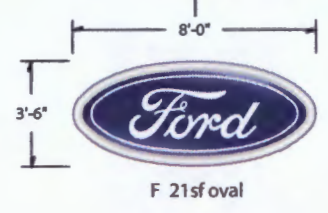
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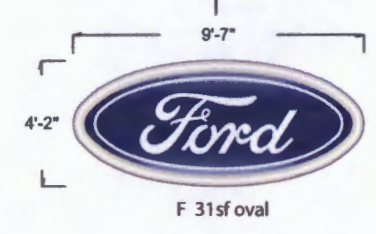
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Revisions to Sign Numbering by
Steven K. Broyles PE 12/2/2014

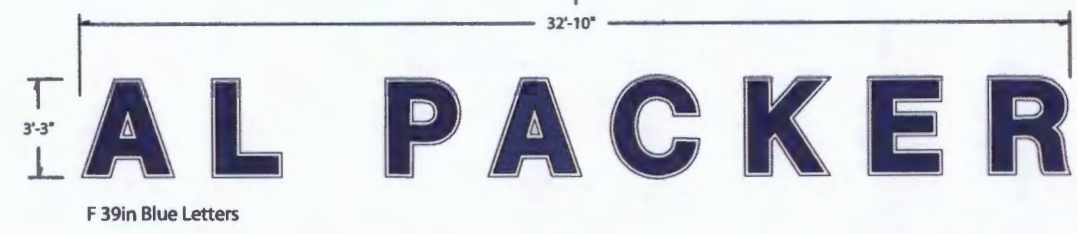
① Prop Sign 1



② Prop Sign 2



③ Prop Sign 3

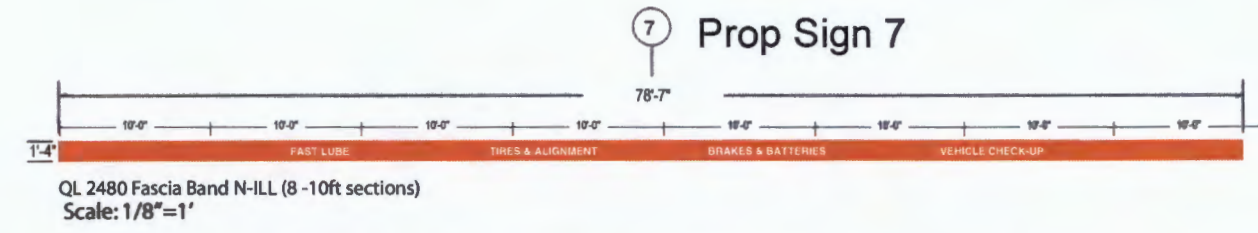
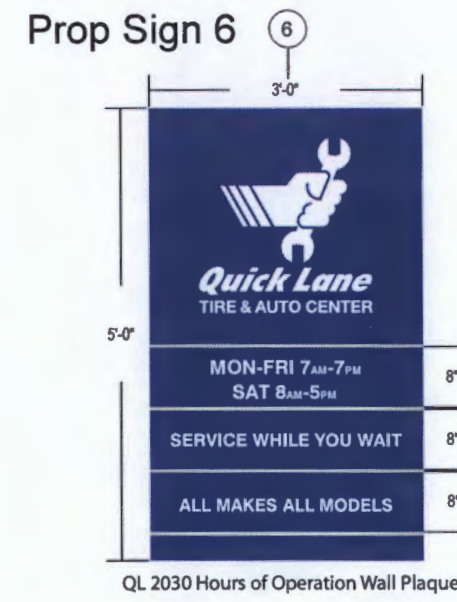
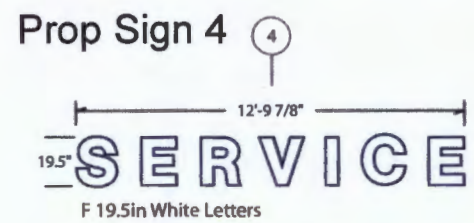


Dealer Code# F27027	Dealership Name: Al Packer	File Name: Al Packer_Elev F27027	Approved by: Name _____ Date _____	 YOUR IMAGE. OUR PRIORITY.
	City, State: Middle River MD	Scale: Elevation: 1/16=1' (11x17 paper) Signs: 1/4=1' unless otherwise noted		
	Date: 6/24/14	Drawn by: J Brigham	Rev 1: _____ Rev 2: _____ Rev 3: _____ Rev 4: _____	Sheet No. 1

Ex 413



Revisions to Sign Numbering by
Steven K. Broyles PE 12/2/2014



Dealer Code# F27027	Dealership Name: Al Packer	File Name: Al Packer_Elev F27027	Approved by: Name _____ Date _____	YOUR IMAGE. OUR PRIORITY.	Sheet No. 2
	City, State: Middle River MD	Scale: Elevation: 1/16=1' (11x17 paper) Signs: 1/4=1' unless otherwise noted	Rev 1: _____ Rev 2: _____ Rev 3: _____ Rev 4: _____		
	Date: 6/24/14	Drawn by: J Brigham			





6x79





EX 30





35





3M



3rd









34 i



Quick Lane

TIRE & AUTO CENTER

- NO APPOINTMENT NECESSARY
- ALL MAKES & MODELS
- SERVICE WHILE YOU WAIT

● *Oil Change* ● *Brakes* ● *Tires*

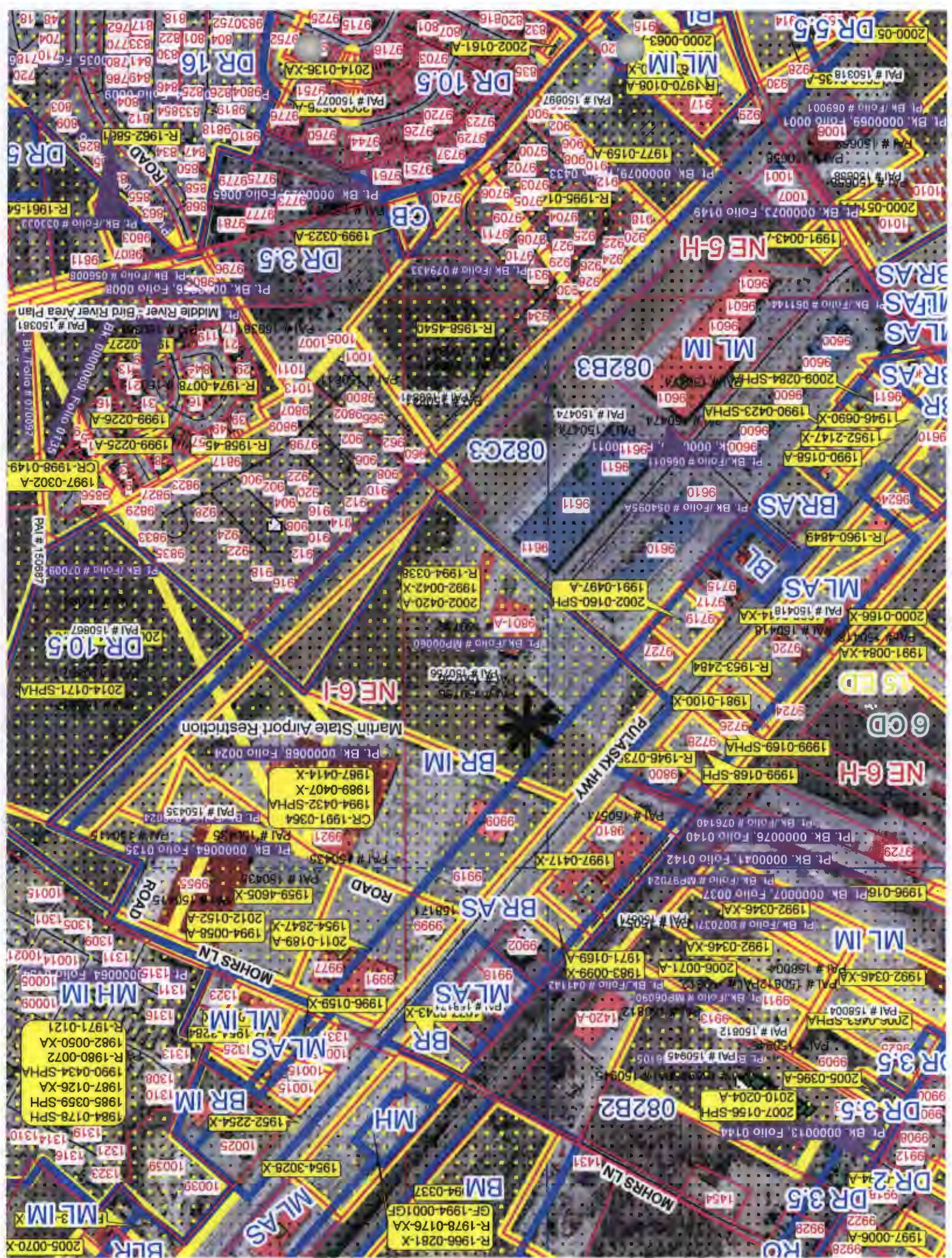
WWW.ALPACKER.COM

36





3I.







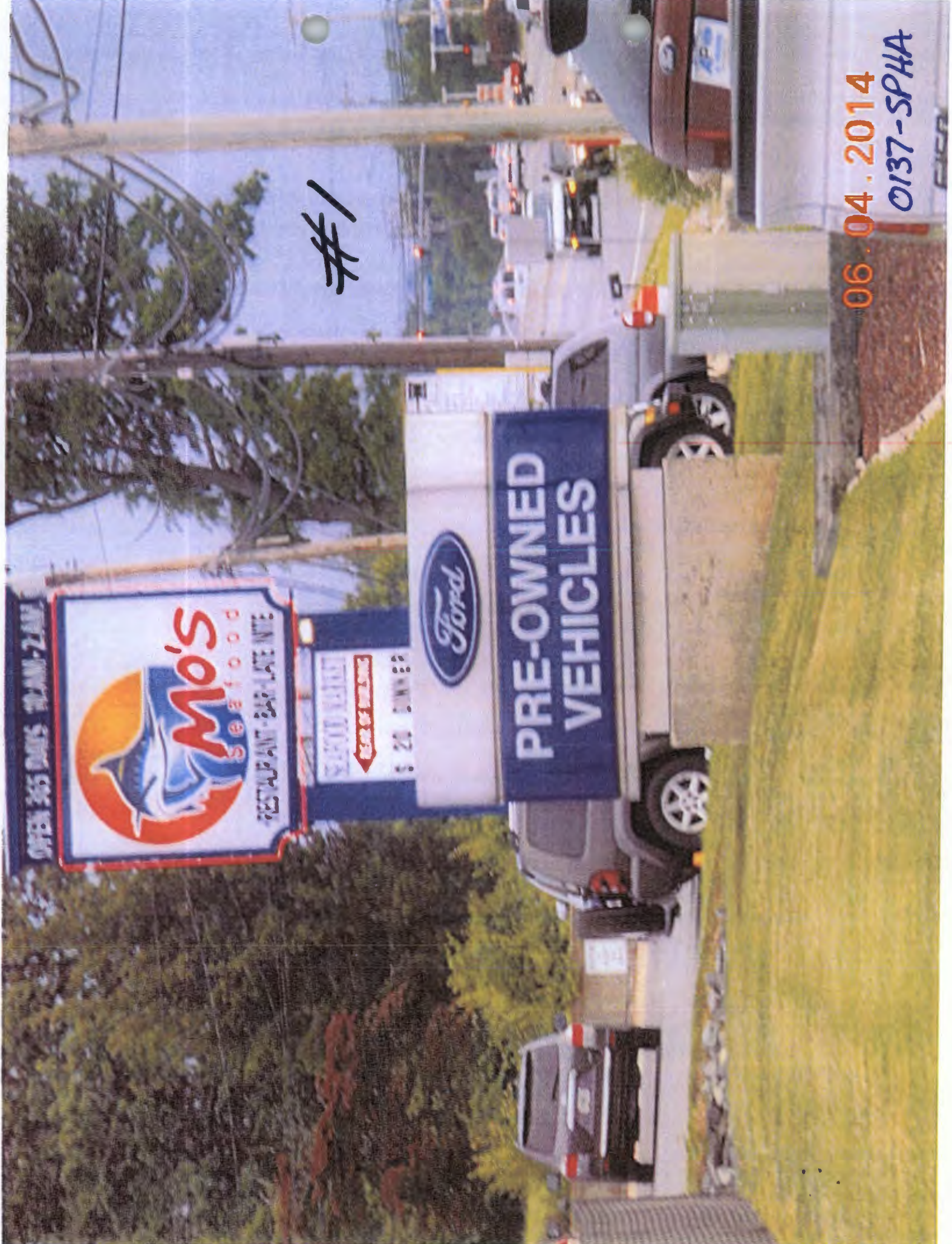
Existing/Proposed Signage

9801 Pulaski Highway

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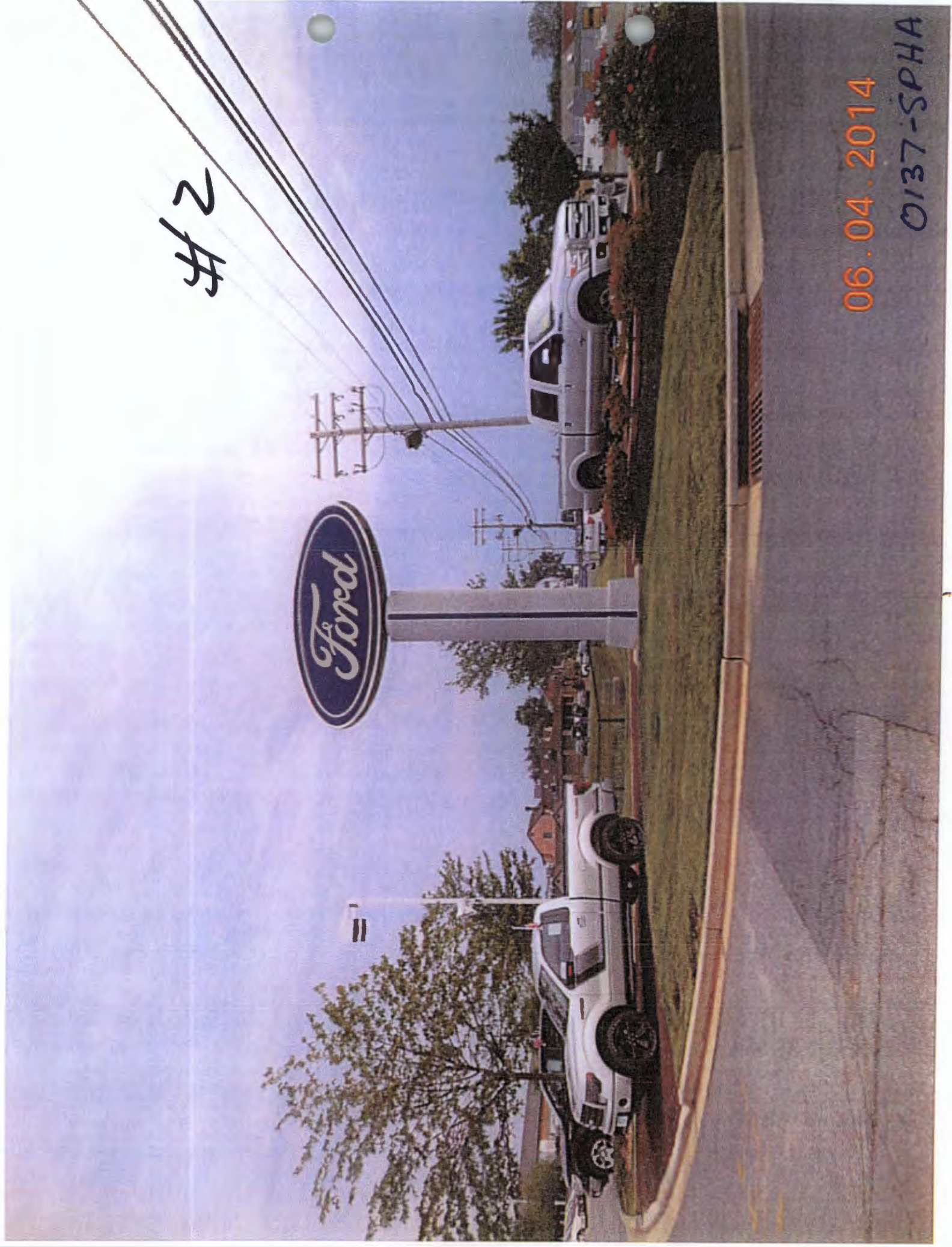
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2. Existing Freestanding Sign ~~B~~²-permitted under Case No.: 02-420-A
3. Existing Freestanding Sign ~~C~~³-approval requested
4. Proposed Wall Mounted Signs 1, 2 & 3
5. Proposed Wall Mounted Signs 4, 6 & 7
6. Existing Wall Mounted Sign 5

0137-SPHA



#1

06.04.2014
0137-SPHA



#2

06.04.2014
0137-SPHA

#3

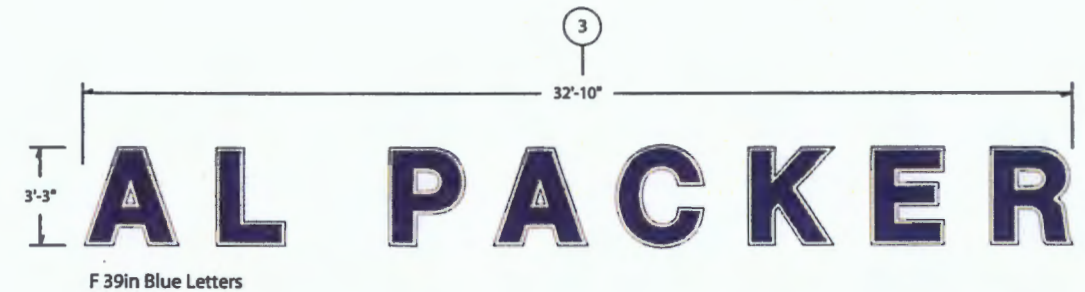
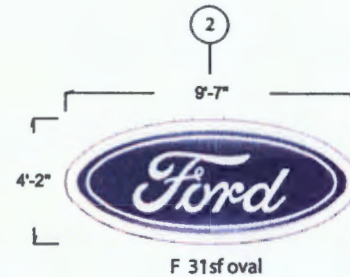
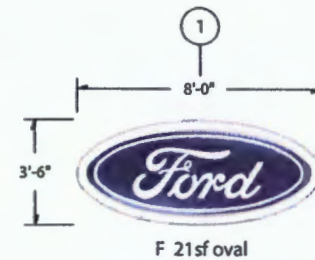


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0137-SPHA

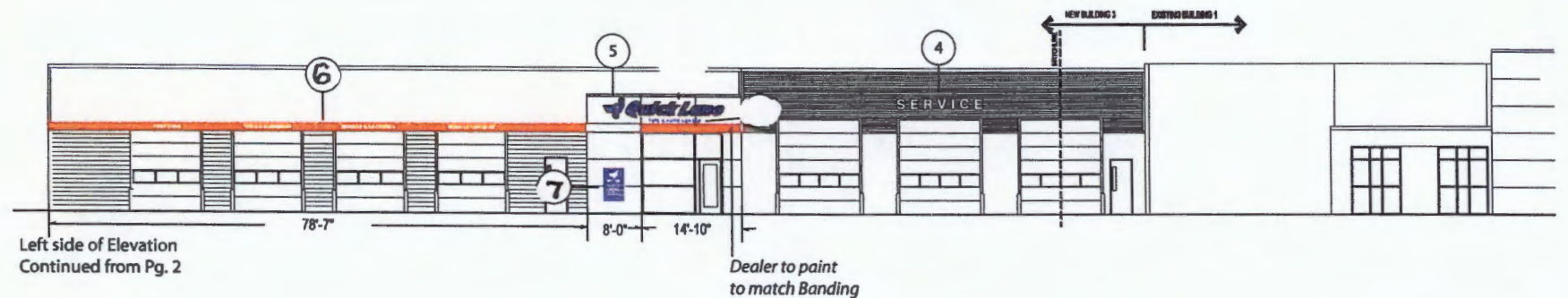


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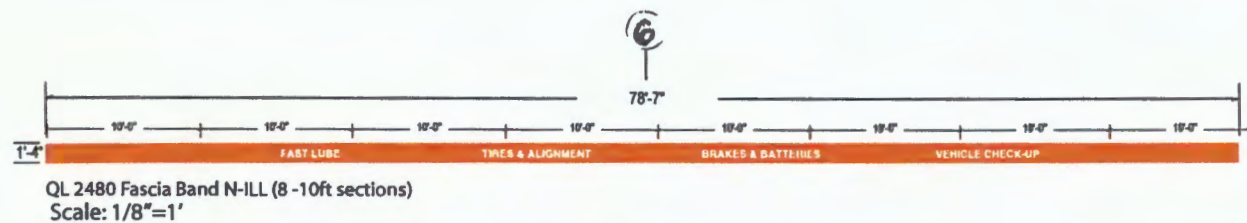
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	Date: 6/24/14	Drawn by: J Brigham		Sheet No. 1

0137-SPHA



12'-9 7/8"
19.5"
SERVICE
F 19.5in White Letters

EXISTING QL 2230 3ft ILL Hand Symbol
EXISTING QL 2420 "Quick Lane" 24in blue ILL Letter Set
EXISTING QL 2420-T "Tire & Auto Center" 6in blue N-ILL Letter Set



Dealer Code# F27027	Dealership Name: AI Packer	File Name: AI Packer_Elev F27027	Approved by: Name _____ Date _____		Sheet No. 2
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0137-SPHA

Existing/Proposed Signage

9801 Pulaski Highway

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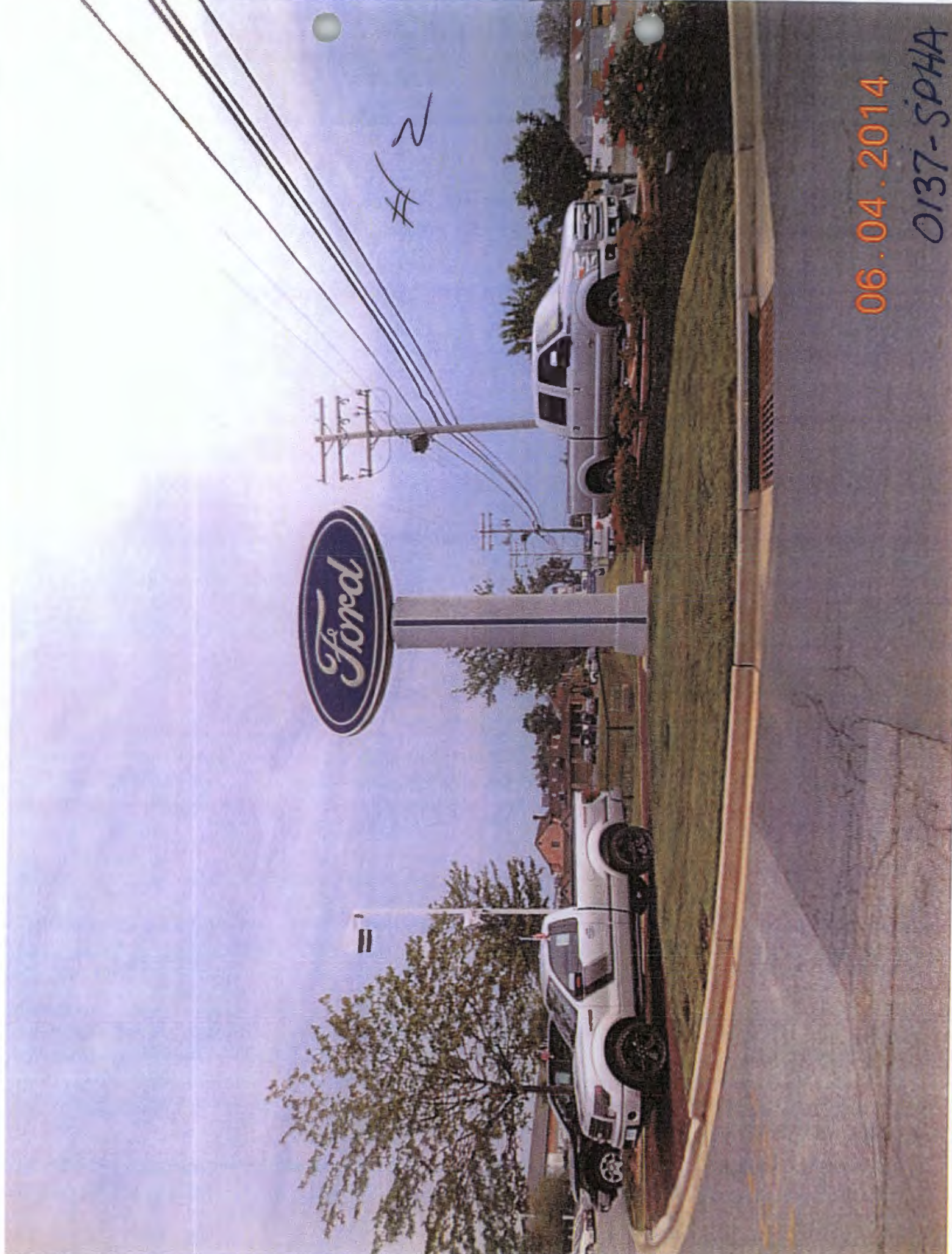
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0137-SPHA



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06.04.2014
0137-SPHA



#2

06.04.2014
0137-SPHA

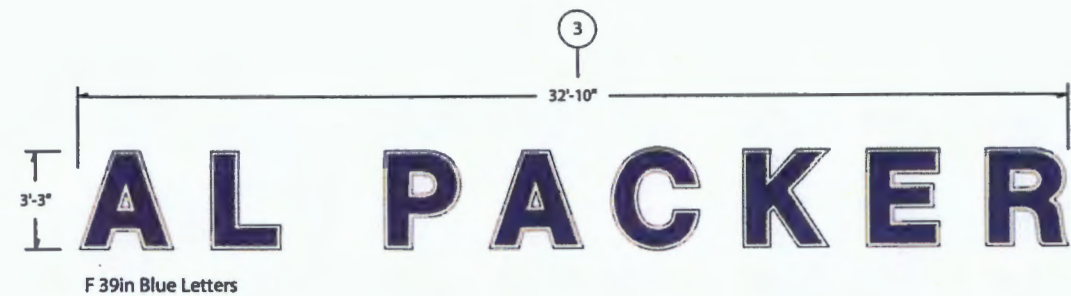
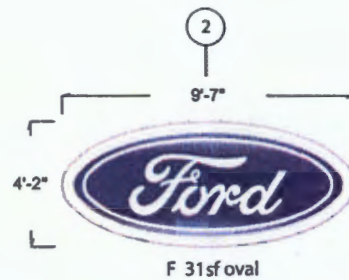
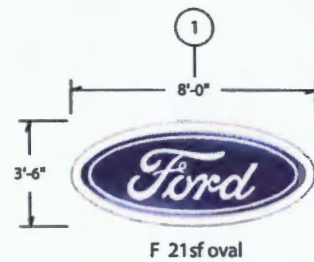


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0137-SPHA

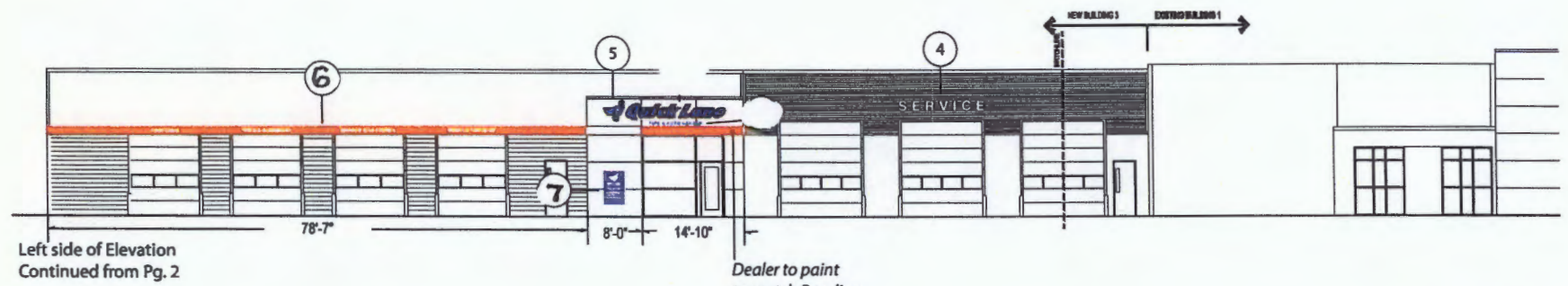


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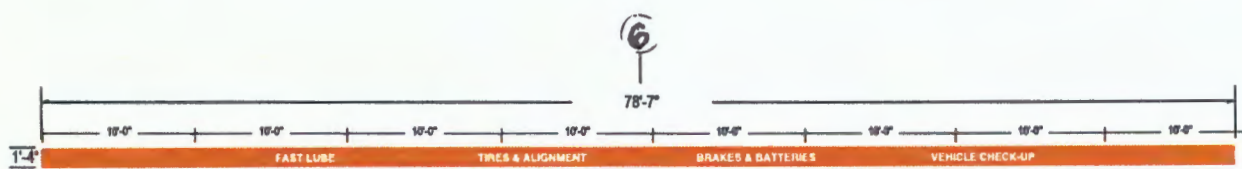
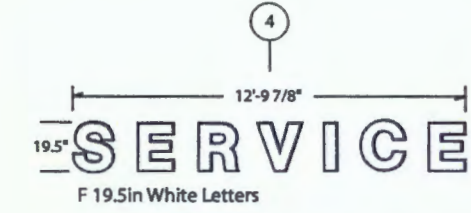


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	Date: 6/24/14	Drawn by: J Brigham			

0137-SPHA



Left side of Elevation
Continued from Pg. 2



QL 2480 Fascia Band N-ILL (8 -10ft sections)
Scale: 1/8"=1'



QL 2030 Hours of Operation Wall Plaque

Dealer Code# F27027	Dealership Name: Al Packer	File Name: Al Packer_Elev F27027	Approved by: Name _____ Date _____	AGI YOUR IMAGE. OUR PRIORITY.	Sheet No. 2
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0137-SPHA

Existing/Proposed Signage

9801 Pulaski Highway

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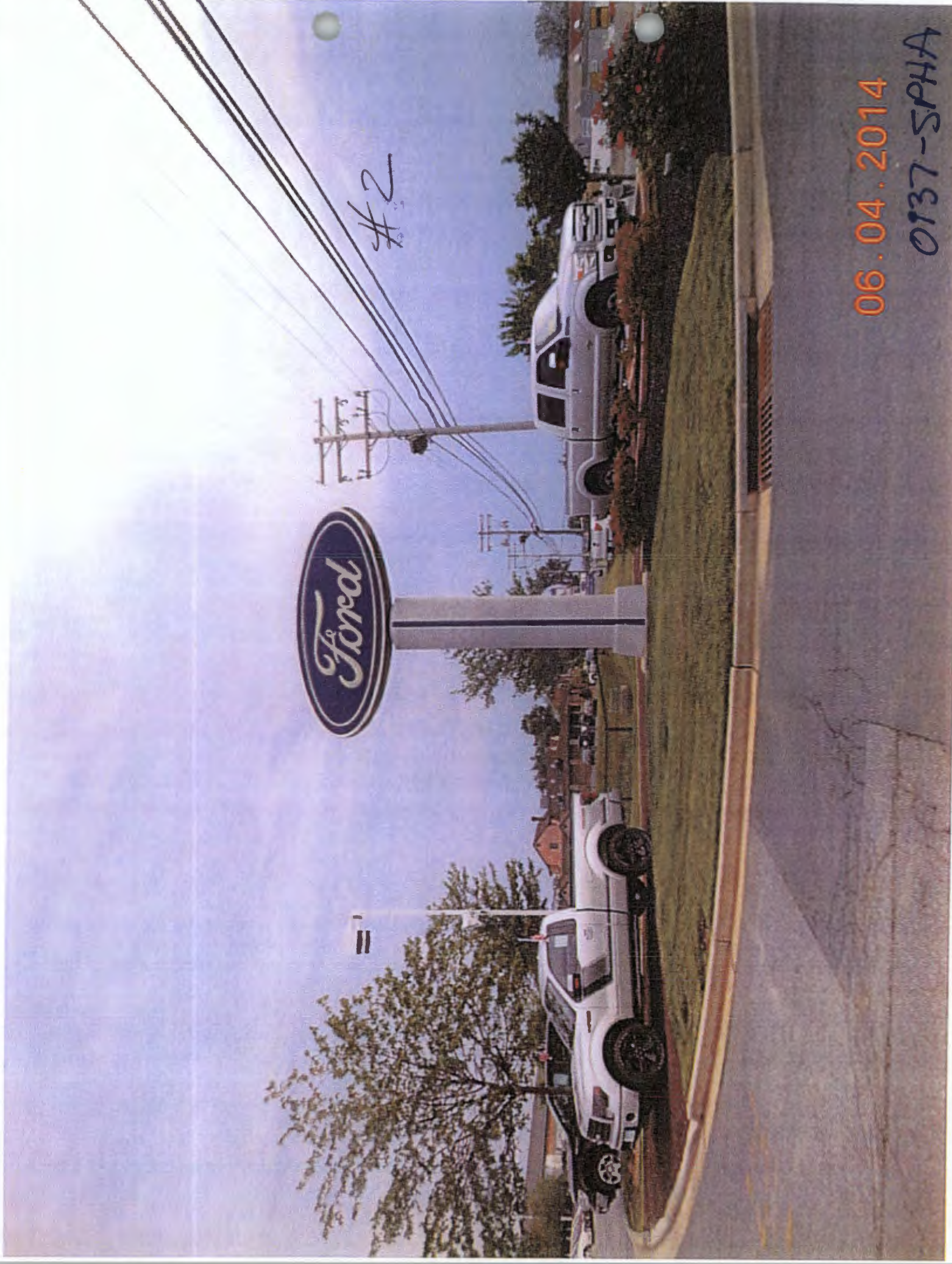
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0137-SPHA



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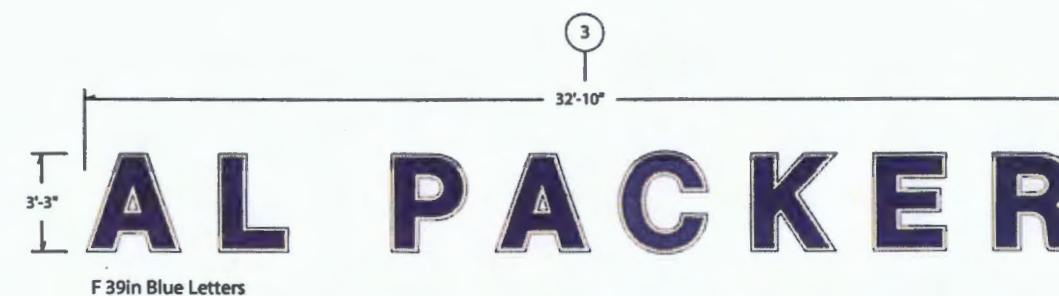
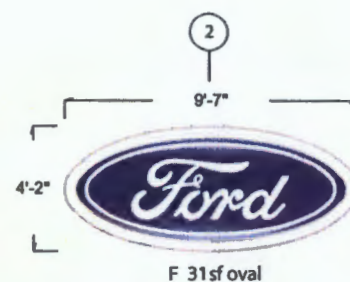
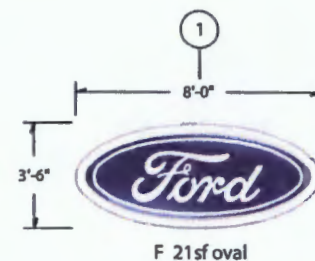


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06.04.2014
0137-SPHA

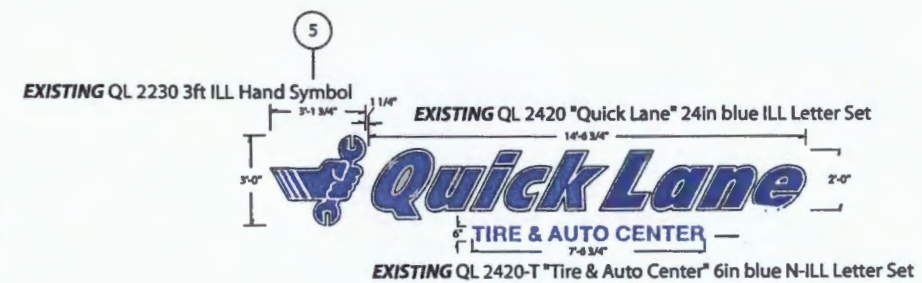
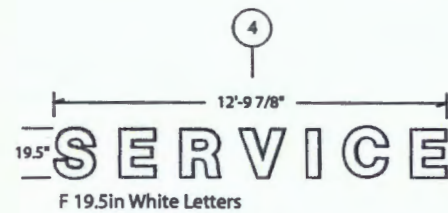
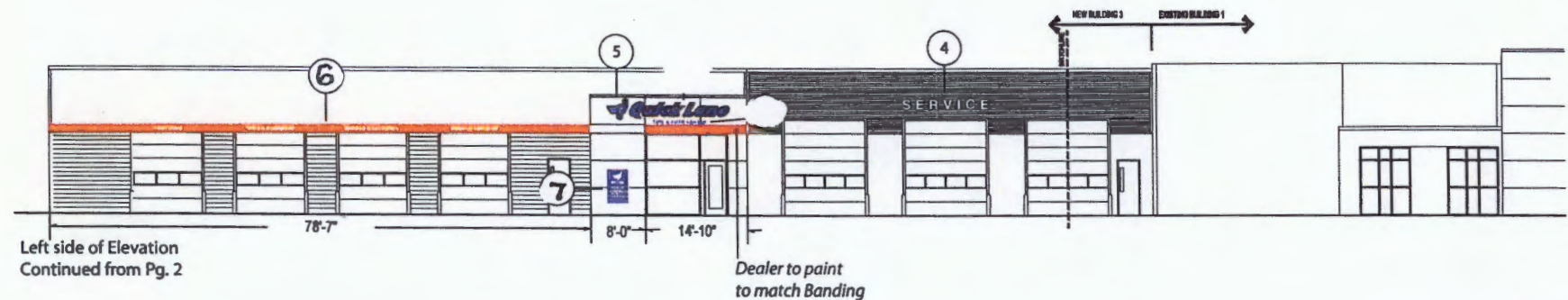


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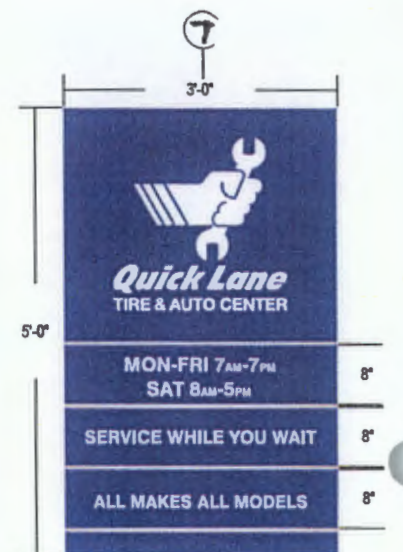


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0137-SPHA



QL 2480 Fascia Band N-ILL (8 -10ft sections)
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QL 2030 Hours of Operation Wall Plaque

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	Date: 6/24/14	Drawn by: J Brigham			

0137-SPHA

IN RE: PETITION FOR SPECIAL EXCEPTION
SE/8 Pulaski Highway, 1280' SW
of the c/l of Mohr Lane
(9800 Pulaski Highway)
15th Election District
6th Councilmanic District
Irvin F. Hawkins, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-42-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to use the subject property for a sports center, including golf driving range, baseball batting range and miniature golf courses. All as more particularly described on Petitioner's Exhibits 1, 2 and 3.

The Contract Purchasers, Anthony S. and John E. Sala, appeared, testified and were represented by Lee M. Sachs, Esquire. Also appearing but not testifying were Irvin F. and Dorothy Hawkins, owners of the subject property. David S. Thaler and Alan Scoll, with D. S. Thaler and Associates, Engineering and Landscape Architects, also appeared on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, known as 9800 Pulaski Highway, consists of 21.42 acres more or less (split zoned B.R.-C.S.-1, B.R.-I.M., M.L.-I.M., and M.L.-E.S.-1, and is presently unimproved. Petitioners are desirous of constructing an 1800 sq.ft. building for use as office and retail space, with associated recreational uses, on the B.R.-C.S.-1 and B.R.-I.M. zoned portion of the site. Petitioners also desire to construct batting cages, a lighted driving range, miniature golf courses and associated uses. At the time of the hearing, Petitioners had not received CRU approval for the proposed facility. Accordingly, Petitioners submitted three different site plans for the proposed use, marked Petition-

er's Exhibits 1, 2 and 3. The proposed 40-tee driving range is an "interim use" proposed for the property until such time as public water and sewer facilities become available to the site. This involves the 17.84 acres to the rear of the subject site, zoned M.L.-I.M., which is designated as an "Interim Use Area" on Petitioner's Exhibits 1, 2, and 3. Testimony indicated the uses proposed are permitted in the M.L. zones, pursuant to the granting of this special exception; however, such interim uses shall be discontinued and the special exception, if granted, shall expire within one (1) year after such time as public water and sewer facilities become available to the site. To support their request, Petitioners submitted a letter from Gene L. Neff, Director of the Baltimore County Department of Public Works, dated August 19, 1991, which indicates that such public facilities are not planned for this site within the next six years. Said letter has been marked Petitioner's Exhibit 4. The testimony and evidence presented satisfied all the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) which are a predicate to granting the relief requested.

It is clear that the B.C.Z.R. permits the use proposed in the B.R.-C.S.-1, B.R.-I.M. and M.L.-C.S.-1 zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Fritz, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14 day of October, 1991 that the Petition for Special Exception to use the subject property for a sports center, including golf driving range, baseball batting range and miniature golf courses, as described on Petitioner's Exhibits 1, 2 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioners shall satisfy and comply with all CRU comments and shall provide written proof of compliance to the Zoning Commissioner's Office for review and inclusion in the case file prior to the issuance of any permits.

3) Petitioners shall satisfy and comply with all Zoning Plans Advisory Committee comments submitted hereto and incorporated herein as part of the record prior to the issuance of any permits.

4) Petitioners shall provide adequate barriers to prevent any golf balls from travelling onto any adjoining property.

5) All lighting on the subject property shall be directed away from any residential property in the surrounding area.

6) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

7) The Petitioner has thirty (30) days from the date of this Order to take an appeal of this Decision. In the event that the Petitioner does not appeal this Decision, then by virtue of no appeal being taken, the Petitioner hereby consents and agrees to be bound by the restrictions stated above.

IT IS FURTHER ORDERED that the special exception granted herein for the 17.84 acres to the rear of the subject site, zoned M.L.-I.M. and identified as "Interim Use Area" on Petitioner's Exhibits 1, 2 and 3, shall cease and terminate within one (1) year of the date that public water and sewer facilities become available to this particular parcel. Until such time as this special exception expires, said parcel shall comply with any and all restrictions imposed herein.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for SPORTS CENTER, INCLUDING GOLF DRIVING RANGE, BASEBALL BATTING RANGE AND MINIAURE GOLF COURSES, IN A 98.00 ACRES, AND IN 15th ELECTION DISTRICT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser(s):

ANTHONY S. SALA

(Type or Print Name)

Signature

2309 Weatherstone Road

Address

Baltimore, Maryland 21234

City and State

Attorney for Petitioner:

LEE M. SACHS, ESQUIRE

(Type or Print Name)

Signature

341 N. Calvert Street

Address

Baltimore, Maryland 21202

City and State

Attorney's Telephone No.:

(301)685-0111

Legal Owner(s):

IRVIN F. HAWKINS

(Type or Print Name)

Signature

DOROTHY E. HAWKINS

Address

910 Middle River Road

Baltimore, Maryland 21220

City and State

Neer, address and phone number of legal owner, contract purchaser or representative to be contacted

LEE M. SACHS, ESQUIRE

Name

341 N. Calvert Street

Baltimore, MD 21202

City and State

Phone No.

(301)685-0111

Address

ORDER RECEIVED FOR FILING

Date

By

By

By

By

By

By

By

By

By

By

By

By

By

By

By

By

By

By

By

July 8, 1991

ZONING DESCRIPTION

Drive, Bat 'n' Putt Family Sports Center
Beginning at a point on the southeast side of Pulaski Highway (150 feet wide), 1280 feet from its intersection with the centerline of Mohr Lane, said beginning point having BCMD coordinate values of North 22066, East 47314; thence, running the following courses and distances:

1. South 67 degrees 32 minutes 37 seconds East 1183.62 feet, thence,
2. South 34 degrees 10 minutes 28 seconds West 977.84 feet, thence,
3. North 47 degrees 35 minutes 40 seconds West 1215.12 feet, thence,
4. South 57 degrees 39 minutes 20 seconds West 73.03 feet, thence,
5. North 40 degrees 55 minutes 42 seconds East 635.62 feet to the point of beginning.

Containing 915,609 square feet or 21.0195 acres of land, more or less. Located in the 15th Election District.



48

Baltimore County Government
Department of Public Works

11 West Chesapeake Avenue
Towson, MD 21204

August 19, 1991

Mr. Lee M. Sachs
Harcourt, Gransky, Blbaum & Simons, P.A.
341 North Calvert Street
Baltimore, Maryland 21202

Subject: 9800 Pulaski Highway

Dear Mr. Sachs:

Reference is made to your August 2, 1991 correspondence relative to public sewerage and water supply facilities to the ML Zone at 9800 Pulaski Highway.

This correspondence is to confirm that public sewer facilities are not planned nor included in the six-year Capital Program.

There is a 12" public water main along the frontage of this property as shown on the site plan you provided with your letter. A fire flow over 2500 GPM is available at this location.

Very truly yours,

Gene L. Neff
Director of Public Works

GIN:FVR:CLW:bjk

PETITIONER'S
EXHIBIT 4

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

October 9, 1991

887-3353

Lee M. Sachs, Esquire
341 N. Calvert Street
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
SE/8 Pulaski Highway, 1280' SW of the c/l of Mohr Lane
(9800 Pulaski Highway)
15th Election District - 6th Councilmanic District
Irvin F. Hawkins, et ux - Petitioners
Case No. 92-42-X

Dear Mr. Sachs:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

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 Ms. Charlotte Rodcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: Mr. Anthony S. Sala

Mr. John E. Sala
2309 Weatherstone Road, Baltimore, Md. 21234

People's Counsel

File

Mr. & Mrs. Irvin F. Hawkins
230 Middle River Road, Baltimore, Md. 21220



PETITIONER'S

EXHIBIT NO. No 2



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

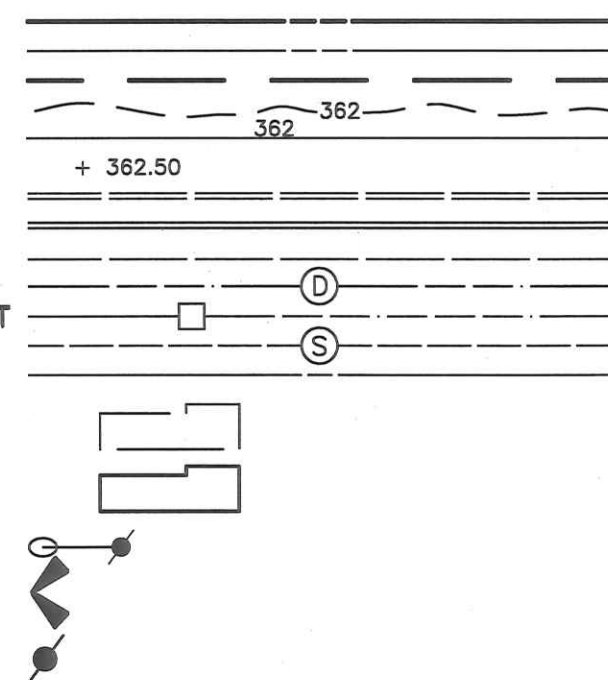


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Printed 2/11/2015

LEGEND

PROPERTY LINE - SITE
PROPERTY LINE - OFFSITE
ZONING LINE
EXISTING TOPOGRAPHY
PROPOSED CONTOUR
SPOT ELEVATIONS
EXISTING CURB
PROPOSED CURB
EXISTING PAVING LIMIT
EXISTING STORM DRAIN
EXISTING STORM DRAIN INLET
EXISTING SANITARY SEWER
EXISTING WATER MAIN
EXISTING STRUCTURE
PROPOSED STRUCTURE
EXISTING LIGHT POLE
EXISTING WALL LIGHTS
EXISTING UTILITY POLE

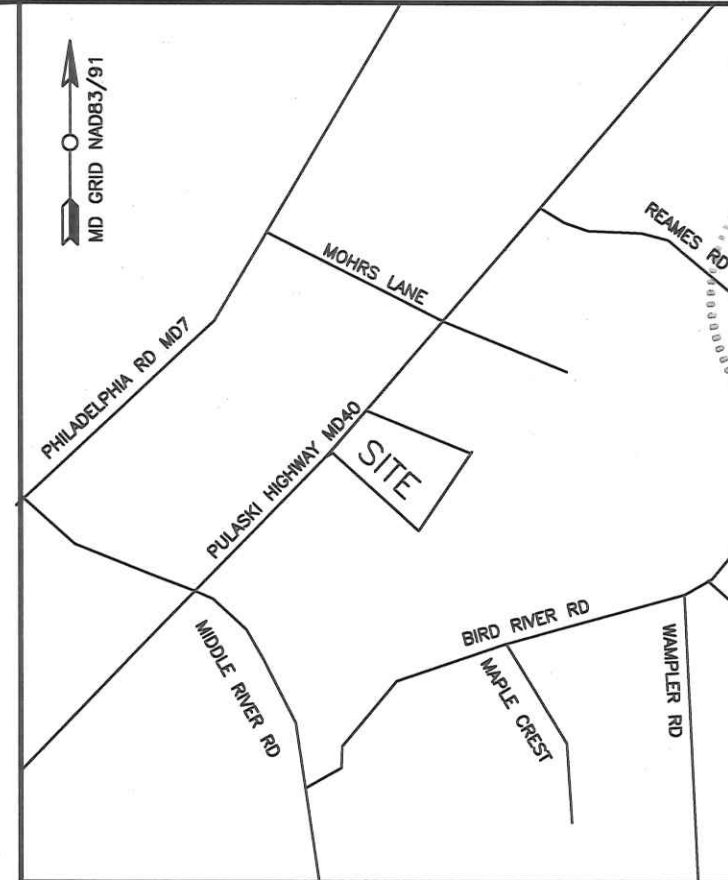
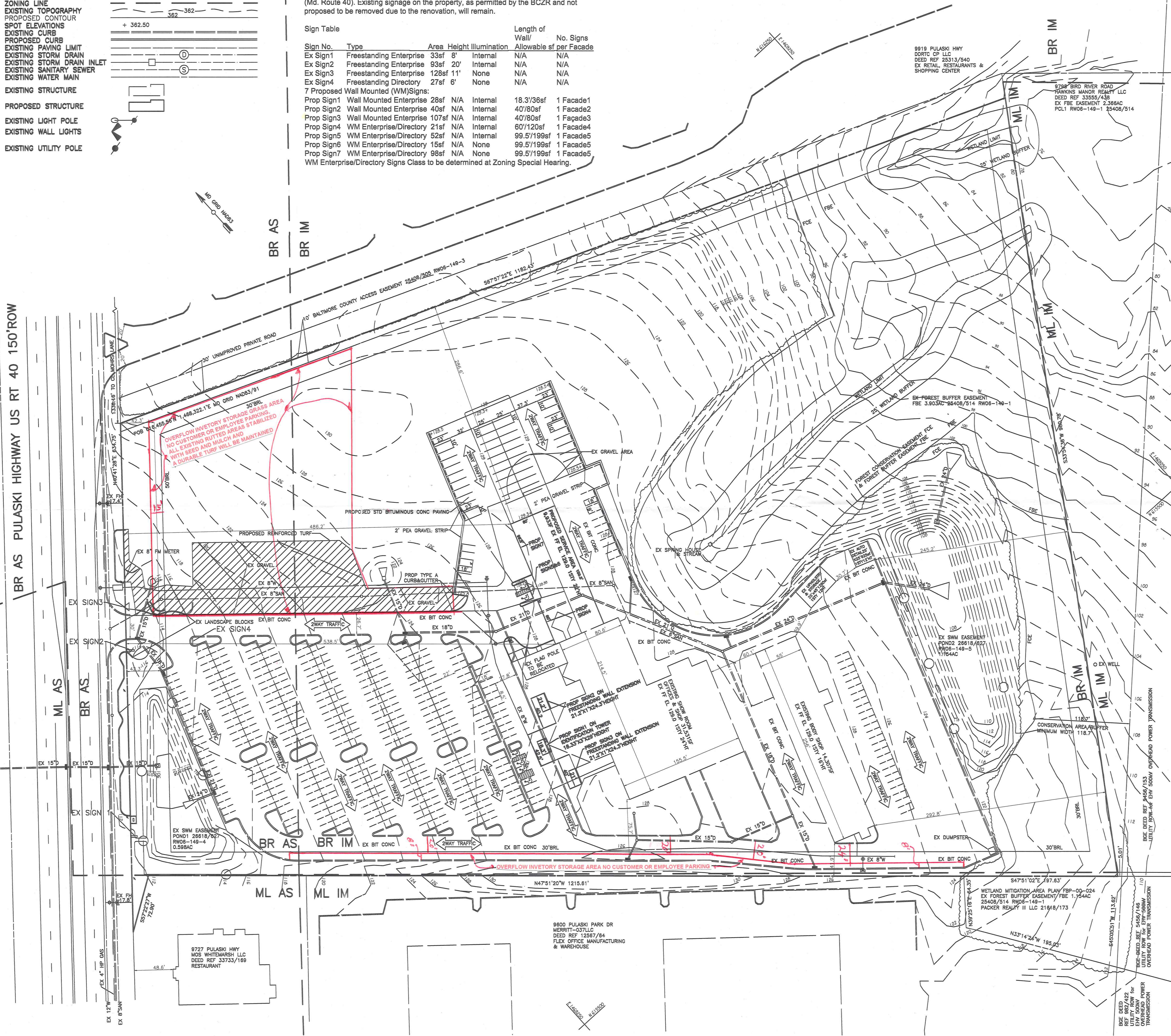


ZONING RELIEF REQUESTED IN ZONING VARIANCE AND SPECIAL HEARING:
The relief requested herein relates to the sign package for the proposed building addition/renovation as shown hereon and the freestanding signage adjacent to Pulaski Hwy. (Md. Route 40). Existing signage on the property, as permitted by the BCZR and not proposed to be removed due to the renovation, will remain.

Sign No.	Type	Area	Height	Illumination	Length of Wall/Allowable sf per Facade	No. Signs
Ex Sign1	Freestanding Enterprise	33sf	8'	Internal	N/A	N/A
Ex Sign2	Freestanding Enterprise	93sf	20'	Internal	N/A	N/A
Ex Sign3	Freestanding Enterprise	128sf	11'	None	N/A	N/A
Ex Sign4	Freestanding Directory	27sf	6'	None	N/A	N/A
7 Proposed Wall Mounted (WM) Signs:						
Prop Sign1	Wall Mounted Enterprise	28sf	N/A	Internal	18.3/36sf	1 Facade1
Prop Sign2	Wall Mounted Enterprise	40sf	N/A	Internal	40/80sf	1 Facade2
Prop Sign3	Wall Mounted Enterprise	107sf	N/A	Internal	40/80sf	1 Facade3
Prop Sign4	WM Enterprise/Directory	21sf	N/A	Internal	60/120sf	1 Facade4
Prop Sign5	WM Enterprise/Directory	52sf	N/A	Internal	99.5/199sf	1 Facade5
Prop Sign6	WM Enterprise/Directory	15sf	N/A	None	99.5/199sf	1 Facade5
Prop Sign7	WM Enterprise/Directory	98sf	N/A	None	99.5/199sf	1 Facade5

WM Enterprise/Directory Signs Class to be determined at Zoning Special Hearing.

BR AS PULASKI HIGHWAY US RT 40 150'ROW



VICINITY MAP
SCALE: 1"=2000'

SITE DATA
1. NET SITE AREA= 21.05ac
GROSS SITE AREA= 22.15ac
PROP DISTURBED AREA LOD 2.89ac
2. CURRENT ZONING: BR AS, BR IM, ML AS & ML IM
ZONING MAP NUMBERS: 082B3 & 082C3
ALL PROPOSED NEW DEVELOPMENT SHALL BE IN THE BR-IM ZONE
3. OWNER: PACKER REALTY III LLC
9801 PULASKI HIGHWAY;
MIDDLE RIVER, MD 21220
9801 PULASKI HIGHWAY
MIDDLE RIVER, MD 21220
14067/274; TAX MAP 82, PARCEL 269
2300007172
PROPERTY ADDRESS:
4. DEED REFERENCE: 45,838sf
TAX ACCOUNT NO.: 0.048
5. EXISTING USE: CAR DEALERSHIP SALES AND REPAIRS
PROPOSED USE: CAR DEALERSHIP SALES, REPAIRS AND PROPOSED 9,933sf SERVICE ADDITION
EXISTING BUILDING AREA= 45,838sf
EXISTING FLOOR AREA RATIO= 0.048
PROPOSED BUILDING AREA= 55,771sf
PROPOSED FLOOR AREA RATIO= 0.0578
6. PARKING CALCULATION:
EX SHOW ROOM AREA 8,800sf X 5 SPACES = 44 SPACES
EX SHOP & BUSINESS AREA 38,923sf X 3.3 SPACES = 129 SPACES
PROP SERVICE AREA 9,933sf X 3.3 SPACES = 33 SPACES
PARKING REQUIRED = 208 SPACES
EXISTING PARKING PROVIDED = 326 SPACES
PROPOSED PARKING PROVIDED= 55 SPACES
TOTAL PARKING PROVIDED= 381 SPACES
EXISTING PARKING LOT A DUSTLESS DURABLE SURFACE OF BITUMINOUS CONCRETE AND IS PERMANENTLY STRIPED AS PER BCZR409.
7. ALL LIGHTING WILL BE CONCEALED SOURCE WITHIN 500' OF PULASKI HIGHWAY
ALL OTHER LIGHTING SHALL BE REFLECTED AWAY FROM EXISTING RESIDENTIAL AREAS AND PUBLIC STREETS

GENERAL NOTES
1. 15th ELECTION DISTRICT, 6th COUNTY COUNCIL DISTRICT, CENSUS TRACT 451701.
2. COORDINATE SYSTEM IS NORTH AMERICAN DATUM NAD 83 AND VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM NAVD 88.
3. WATERSHED: BIRD RIVER, SUBSHED WHITEMARSH RUN (CLASS IV), RIVERBASIN: GUNPOWDER, SUB BASIN: 02-13-08 GUNPOWDER RIVER AREA THERE ARE NO TIER II STREAMS OR WATERWAYS IN THIS WATERSHED
4. SITE HAS EXISTING PUBLIC WATER AND PUBLIC SEWER THERE ARE NO SEPTIC SYSTEMS ON OR WITHIN 100' OF THIS SITE. ADJACENT PROPERTIES ARE SERVED BY PUBLIC WATER AND PUBLIC SEWER EXCEPT THE SITE TO THE WEST THAT HAS AN EXISTING WELL.
5. THERE ARE 2 EXISTING FIRE HYDRANTS LOCATED ALONG PULASKI HIGHWAY
6. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.
7. THIS SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
8. THERE ARE NO KNOWN HISTORIC BUILDINGS, SIGNIFICANT VIEWS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, SIGNIFICANT GEOLOGIC FORMATIONS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES ON THIS SITE.
9. THE FOREST BUFFER EASEMENT SHALL BE PERMANENTLY FENCED.

ZONING, DEVELOPMENT AND BUILDING PERMIT HISTORY:
10. ZONING VARIANCE CASE NO. 02-420-A TO PERMIT TWO FREESTANDING SIGNS CONTAINING 226SF IN LIEU OF THE PERMITTED 50SF AND ONE SIGN TO HAVE A HEIGHT OF 35.5' IN LIEU OF THE MAXIMUM PERMITTED 25' HEIGHT. GRANTED May 30, 2002.

11. BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 02-420-A APPEAL BY THE OFFICE OF PEOPLES COUNCIL, OF VARIANCE TO PERMIT TWO FREESTANDING SIGNS CONTAINING 226SF IN LIEU OF THE PERMITTED 50SF AND ONE SIGN TO HAVE A HEIGHT OF 35.5' IN LIEU OF THE MAXIMUM PERMITTED 25' HEIGHT. PETITIONER AND APPEALANT ENTERED INTO A STIPULATION REDUCING THE REQUESTED SIZE AND HEIGHT OF THE PRINCIPAL SIGN AND PERMITTING THE ERECTION OF 2 FREESTANDING SIGNS; PERMITTING A BRAND IDENTIFICATION SIGN OF 92.18SF WITH A HEIGHT OF 20' AND A SECOND FREESTANDING SIGN OF 33SF AND 8' HEIGHT GRANTED NOVEMBER 8, 2002.

12. A LIMITED EXEMPTION BY THE DEVELOPMENT REVIEW COMMITTEE (DRC) #05249E ON 6/2/1999 AND THE DRC PLAN WAS SIGNED ON 10/11/2000.
13. PREVIOUS COMMERCIAL BUILDING PERMITS: B429368, B429371, B449316, B457376, B470077, B471633 AND B471948 EX BUILDING BUILT 2002

NOTE: THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY OR PHASE I ENVIRONMENTAL SITE ASSESSMENT

PETITIONER'S
EXHIBIT NO. 1

Steven K. Broyles & Associates,
Engineers * Land Planners * Surveyors
2022 BROWN ROAD, FINKSBURG, MARYLAND. 21048
PHONE (410) 747-5500 E-Mail stevenkbroyles@gmail.com

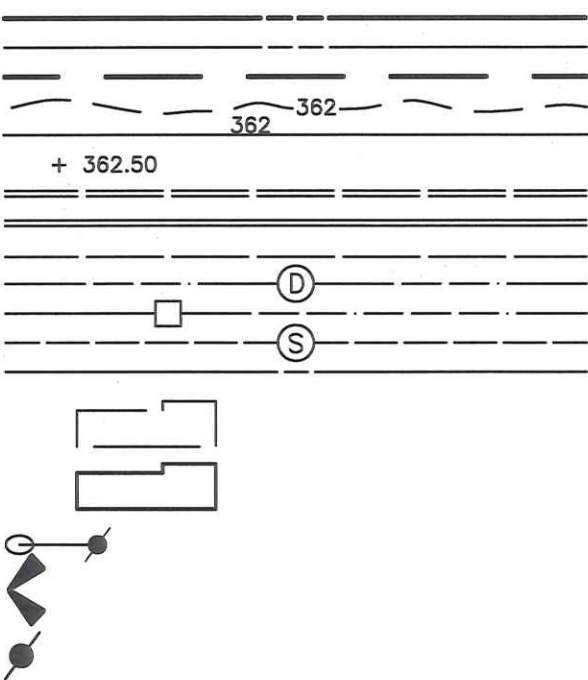
AL PACKER FORD
9801PULASKI HWY; MIDDLE RIVER, MD 21220
SITE PLAN TO ACCOMPANY ZONING VARIANCE
AND ZONING SPECIAL HEARING

SITE PLAN
ZON-01

NO.	DATE	REVISIONS	DESCRIPTION
8			
7			
6			
5			
4			
3			
2			
1	2/12/2005	PLANNING, ZONING COMMENTS	

LEGEND

PROPERTY LINE - SITE
PROPERTY LINE - OFFSITE
ZONING LINE
EXISTING TOPOGRAPHY
PROPOSED CONTOUR
SPOT ELEVATIONS
EXISTING CURB
PROPOSED CURB
EXISTING PAVING LIMIT
EXISTING STORM DRAIN
EXISTING STORM DRAIN INLET
EXISTING SANITARY SEWER
EXISTING WATER MAIN
EXISTING STRUCTURE
PROPOSED STRUCTURE
EXISTING LIGHT POLE
EXISTING WALL LIGHTS
EXISTING UTILITY POLE

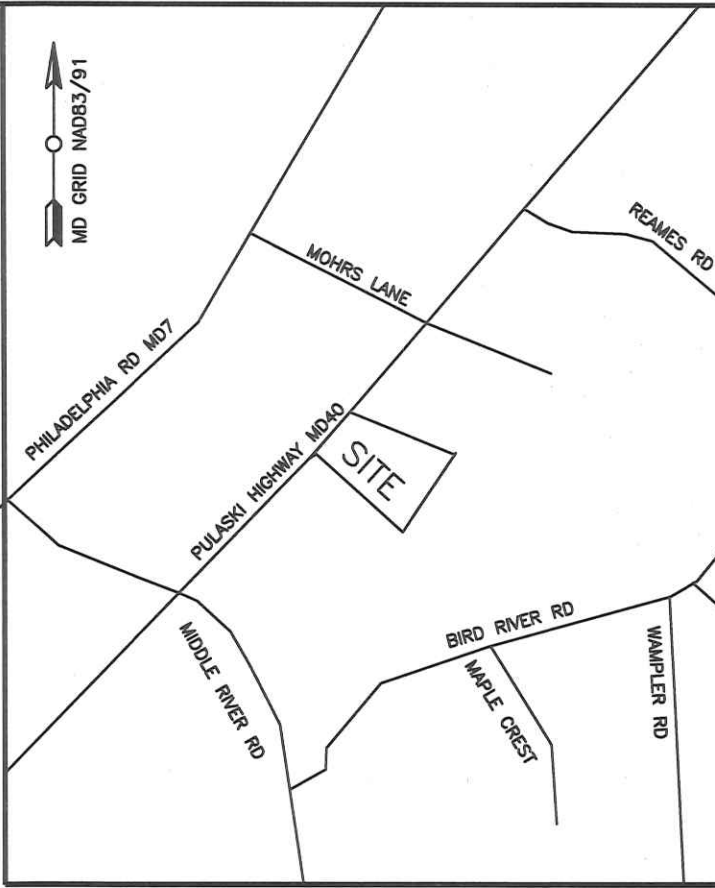
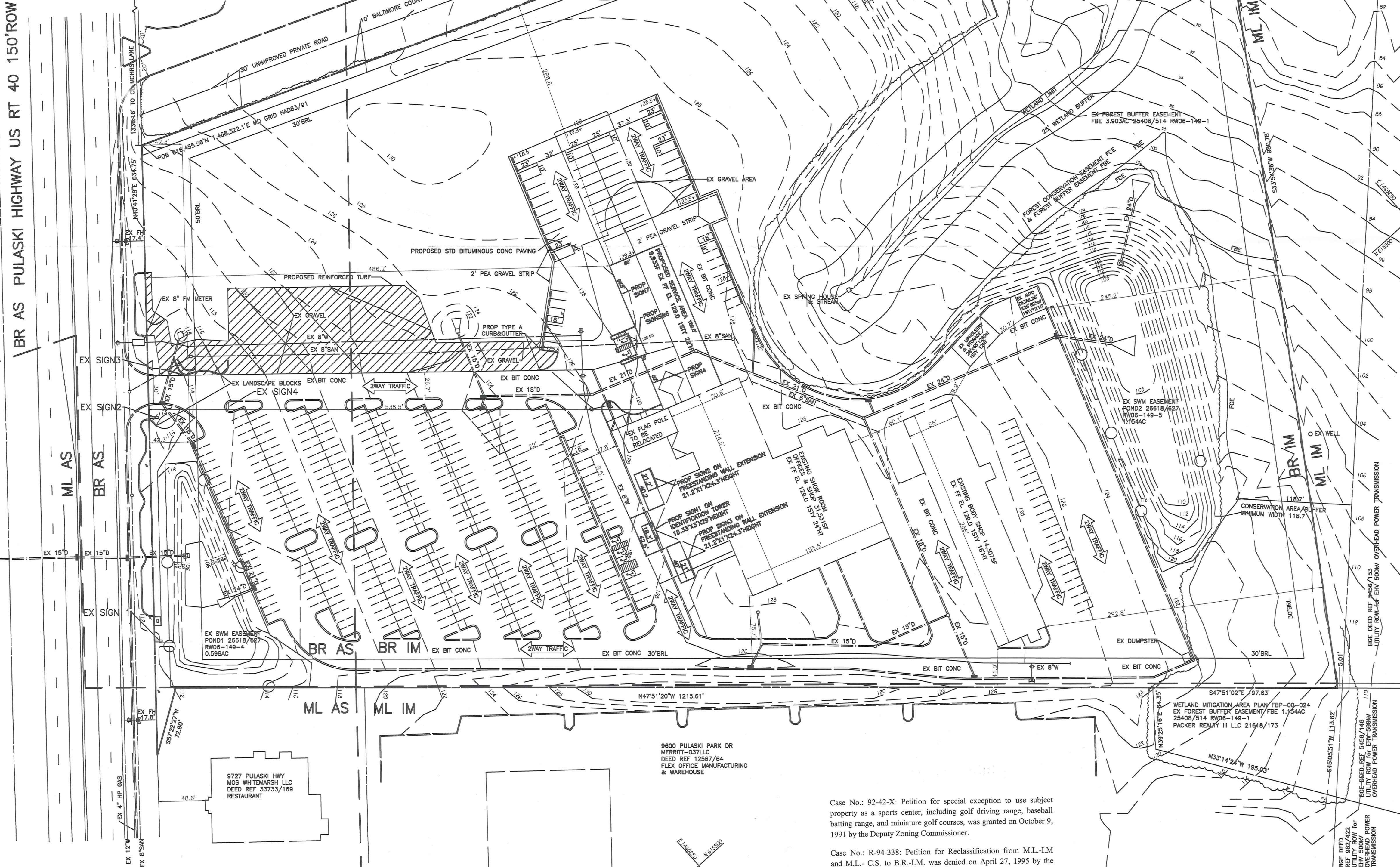


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2015-0137-SPHA

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SITE PLAN TO ACCOMPANY ZONING VARIANCE
AND ZONING SPECIAL HEARING

SITE PLAN
ZON-01

Case No.: 92-42-X: Petition for special exception to use subject property as a sports center, including golf driving range, baseball batting range, and miniature golf courses, was granted on October 9, 1991 by the Deputy Zoning Commissioner.

Case No.: R-94-338: Petition for Reclassification from M.L.-I.M. and M.L.- C.S. to B.R.-I.M. was denied on April 27, 1995 by the Board of Appeals.