

MEMORANDUM

DATE: June 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0205-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 4, 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

IN RE: PETITION FOR VARIANCE

(10401 York Road)

8th Election District

3rd Council District

Fenwick Realty, LLC

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0205-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 to permit three (3) wall-mounted enterprise signs on the front façade in lieu of the permitted two (2) such signs per façade. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioner's Exhibit 1.

Bill Kidd and landscape architect Kevin Riley appeared in support of the petition. Jason Vettori, Esq. represented the Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. The only substantive Zoning Advisory Committee (ZAC) comment received was from the Department of Planning (DOP). That comment is discussed below.

The subject property is approximately 2.9 acres and is zoned BR, AS & DR 16. The Bill Kidd's Toyota dealership (which has been in operation at this location since 1972) is undergoing renovations, including installation of a sign package required by the manufacturer; i.e., Toyota. Petitioner requires variance relief with respect to the number of wall-mounted enterprise signs. Sheet 2 of the site plan contains color elevation drawings of each of the proposed signs, which are

ORDER RECEIVED FOR FILING

Date 5/5/15

By sln

similar to those in place at numerous automobile dealerships throughout Baltimore County.

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).

Petitioner has met this test. The property is irregularly shaped (like a panhandle) and is therefore unique. A similar finding was made in a prior case (No. 2005-0550-A). If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would be unable to install the signs mandated by its franchise agreements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

The DOP's ZAC comment indicated that agency did not oppose the request, subject to two conditions. The first concerned removing an existing freestanding sign referenced in Case No. 2005-0550-A. Counsel indicated that the sign (for certified pre-owned vehicles) has in fact been removed from the premises. Even so, the site plan shows three (3) freestanding signs at the site are "to remain."

The second comment concerned parking/displaying vehicles on a grassy area between the sidewalk and parking areas for the dealership. Petitioner was not sure whether or not the State Highway Administration (SHA) has a right-of-way (ROW) or easement in the area (located along York Road), but the strip is maintained by Petitioner. According to the site plan, York Road has a 75' paving width and 85' ROW width. Thus, it would not appear as if the State's ROW includes the area in question. Unless the displayed vehicles are located within a public right of way or

ORDER RECEIVED FOR FILING

present an obstruction or danger to motorists or pedestrians, I do not believe the Order should be conditioned upon such a prohibition.

THEREFORE, IT IS ORDERED, this 5th day of May, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §450.4 to permit three (3) wall-mounted enterprise signs on the front façade in lieu of the permitted two (2) such signs per façade, 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 within 15 days of the date hereof submit a redline site plan indicating which of the three (3) freestanding signs at the site has been removed.

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

ORDER RECEIVED FOR FILING

Date

5/5/15

By

sln



KEVIN KAMENETZ
County Executive

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

May 5, 2015

Jason Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

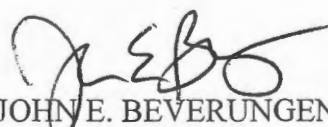
RE: Petition for Variance
Property: 10401 York Road
Case No.: 2015-0205-A

Dear Mr. Vettori:

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,


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 10401 York Road which is presently zoned BR AS & DR 16
Deed References: 13404/00170 10 Digit Tax Account # 0806010900
Property Owner(s) Printed Name(s) Fenwick Realty, LLC

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

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

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

Please see attached.

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 Lawrence E. Schmidt
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):

Peter R. Fenwick, Authorized Representative of Fenwick Realty, LLC
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 Peter R. Fenwick Signature #2 _____
2315 Geist Road Glyndon MD
Mailing Address _____ City _____ State _____
21071 (410) 666-7777 pfenwick@valleymotors.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print _____
Signature Lawrence E. Schmidt
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 2015-0205-A Filing Date 3/19/2015

Do Not Schedule Dates 5/5/15 Reviewer W
Date 5/5/15 REV. 10/4/11
By Den

ORDER RECEIVED FOR FILING

ATTACHMENT TO PETITION FOR ZONING HEARING

10401 York Road
8th Election District
3rd Councilmanic District

Variance from Section(s):

1. BCZR § 450.4 Attachment 1.5(a)(vi) to permit three (3) wall-mounted enterprise signs on the front facade in lieu of the permitted two (2) such signs per facade; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2015-0205-A

April 22, 2005

ZONING DESCRIPTION

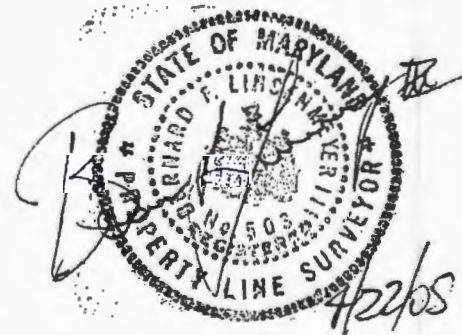
BILL KIDD TOYOTA

Beginning for the same on the easterly side of York Road (66'wide) at a point approximately 250 feet southeasterly from the center of Warren Road, thence running for the following courses and distances:

1. North 83°34'37" East 186.38 feet, more or less, to a point; thence,
2. North 18°36'40" West 185.00 feet, more or less, to a point; thence,
3. South 84°58'30" East 38.27 feet, more or less, to a point; thence,
4. South 18°36'40" East 735.27 feet, more or less, to a point; thence,
5. South 71°23'20" West 217.00 feet, more or less, to a point; thence,
6. North 18°36'40" West 604.91 feet to the point of beginning.

Containing 3.044 acres, more or less and known as 10401 York Road in the Eighth Election District of Baltimore County, Maryland.

H:\CORRESPONDENCE\PROJECTS\Bill Kidd Toyota\Zoning Description Bill Kidd Toyota BPL of 04 22 05.doc



2015-0205-A

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 legal owner/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 legal owner/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:

Case Number: 2015-0205-A

Property Address: 10401 York Road

Property Description: _____

Legal Owners (Petitioners): Peter Fenwick

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T Vetter

Company/Firm (if applicable): Smith Gilden & Schmidt, LLC

Address: 600 Washington Ave, Suite 200
Towson, MD 21204

Telephone Number: 410 821 0070

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

No. **123576**

Date: **3/19/15**

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: **Smith, Gildea & Schmitt, LLC**

For: **10401 York Rd**

2015-0205-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Case No.: 2015-0205-A

Exhibit Sheet

Petitioner/Developer

DW
6-10-15

Protestant

SEN
5-5-15

No. 1	Site plan (2 sheets)	
No. 2	Kevin Riley CV	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Kevin P. Riley, PLA, LEED AP BD+C
Project Manager



Mr. Riley is a Project Manager with Site Resources. He takes a collaborative approach to providing clients with creative, knowledgeable, cost effective and environmentally sensitive design solutions. He has applied his landscape architectural talents to every phase of site design, from feasibility studies, master planning and site-specific design, through preparation of contract documents and construction period oversight.

His experience illustrates successful coordination of very detailed projects involving strong emphasis on the integration of landscape architecture and civil engineering. He has a well rounded base of experience in preparing site plans as a landscape architect, coupled with significant additional experience in the engineering aspects of land development, including grading, drainage, stormwater management, roadway design, utility design, and sediment and erosion control.

Mr. Riley is familiar with Baltimore County design criteria and review and approval processes.

Professional History

Site Resources, Inc.
Land Planners/Landscape Architects/Civil Engineers
Phoenix, Maryland
Project Manager, 2008-present
Project Landscape Architect, 2004-2008

Pennoni Associates
Consulting Engineers
Philadelphia, Pennsylvania
Staff Landscape Architect, 2000-2004

Greenman-Pedersen
Architects/Planners/Engineers
Laurel, Maryland
Landscape Designer, 1997-2000

Professional Registration

- Landscape Architect - Maryland, No. 3231
- Landscape Architect - Pennsylvania, No. LA001742
- Landscape Architect - New Jersey, No. 21AS00090600
- LEED AP BD+C
- OSHA 10 Hour Construction Industry Outreach, No. 1923349

Education

- B. Landscape Architecture, University of Maryland, 1998

Professional Associations

- U.S. Green Building Council

Representative Projects

- Westside Homeless Shelter, Baltimore County, MD
- Bill Kidd's Toyota Service Lot, Cockeysville, MD
- Bill Kidd's Toyota Sales Building, Cockeysville, MD
- Bill Kidd's Volvo Sales Building, Cockeysville, MD
- Lake Roland Education Center, Baltimore County, MD
- Marshy Point Trail, Baltimore County, MD
- Sweet Air Park, Phoenix, MD
- Sheppard Pratt Replacement Hospital, Baltimore, MD
- Site & Safety, Phase II, Towson University, Towson, MD
- Five Farms Tennis Complex, Baltimore Country Club, Lutherville, MD
- Welcome House, Baltimore Country Club, Lutherville, MD
- Cambridge Community Renovation, University of Maryland College Park, MD
- Morgan Commons, Morgan State University, Baltimore, MD
- Earl S. Richardson Library, Morgan State University, Baltimore, MD
- Troy Park Regional Sports Complex, Howard County, MD
- Academic Building for the Schools of Nursing & Education, Notre Dame of Maryland University, Baltimore, MD
- City Arts Apartments, Baltimore, MD
- Oliver Townhouses, Baltimore, MD

PETITIONER'S

EXHIBIT NO. 2



JB 5-1-15 2:30 PM
14315 Jarrettsville Pike
P.O. Box 249
Phoenix, MD 21131-0249
(410) 683-3388

Transmittal

To: Baltimore County Department of PAI
Office of Zoning Review
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Attn: Arnold Jablon, Director
Phone: 410-887-3391
Re: Case No. 2015-0205-A

Date: May 18, 2015
SRI Project #: 10106
SRI Billing Group: C.3
SRI Phase: Profser

We are sending the following items:

COPIES	DESCRIPTION
1	Redlined Plan to Accompany Sign Variance

These are transmitted: ☐ For Approval ☐ For Review & Comment ☐ For your use ☒ As Requested

Remarks:
The enclosed redlined plan is submitted per the conditional approval of Case No. 2015-0205-A. Please contact Rebekah Wolf with any questions or concerns at 443-689-0442 or rwolf@siteresourcesinc.com.

RECEIVED

MAY 18 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Cc: File Signed: Rebekah Wolf
Rebekah Wolf

Delivery Method: ☐ Same Day Courier ☐ Next Day ☐ AM ☐ PM ☐ 2nd Day ☐ U.S. Mail ☐ UPS ☐ In House by
Same Day Drop-off Time Needed:

CONFIDENTIALITY NOTICE: The information herein is confidential and is intended for the use of the individual to whom this cover is addressed. Any use of this information by other than the addressee is prohibited. If you receive this transmission in error, please contact us immediately to arrange the return of this material.

2.30

CASE NAME 10401 York Rd
CASE NUMBER 2015-0205-A
DATE 5/1/15

[illegible]

CASE NO. 2015-0205-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
3/25/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
4/16/15	PLANNING (if not received, date e-mail sent _____)	C
3/23/15	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: 4/9/15	
SIGN POSTING	Date: 4/11/15 by O'Heefe	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

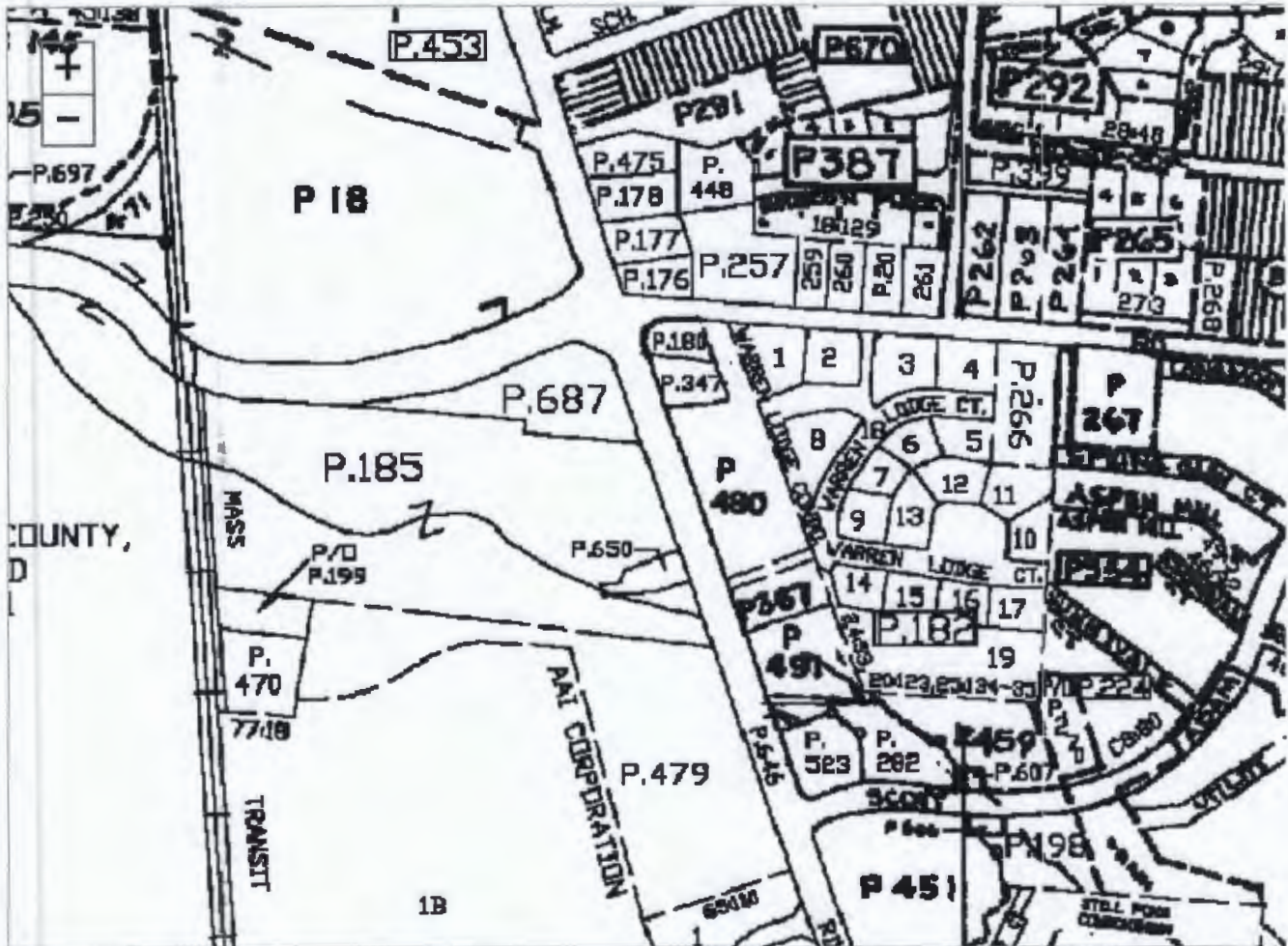
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Account Identifier:		District - 08 Account Number - 0806010900							
Owner Information									
Owner Name:		FENWICK REALTY LLC			Use:		COMMERCIAL		
Mailing Address:		9800 YORK ROAD COCKEYSVILLE MD 21030-			Principal Residence:		NO		
					Deed Reference:		/13404/ 00170		
Location & Structure Information									
Premises Address:		10401 YORK RD 0-0000			Legal Description:		2.293 AC ES YORK RD 240 FT S WARREN RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0051	0004	0480		0000				2014	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use
1972		20168					2.2900 AC		22
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		AUTO SHOWROOM						2001	
Value Information									
		Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2014		As of 07/01/2015	
Land:		2,175,500		2,175,500					
Improvements		1,050,700		1,300,200					
Total:		3,226,200		3,475,700		3,309,367		3,392,533	
Preferential Land:		0						0	
Transfer Information									
Seller: FENWICK CHARLES C				Date: 12/28/1998			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /13404/ 00170			Deed2:		
Seller: PARK MANOR INC				Date: 06/21/1968			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /04889/ 00102			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>)District: **08** Account Number: **0806010900**

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 Wait. Loading... Please Wait.

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gm
8/24

IN RE: PETITION FOR VARIANCE
E/S of York Road, 250 ft. SE
centerline of Warren Road
8th Election District
2nd Councilmanic District
(10401 York Road)

TTV Properties, Bill Kidd, Legal Owner
and
Bill Kidd's Toyota/Volvo, Lessee
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
CASE NO. 05-550-A
*

* * * * *

ORDER ON BOARD OF APPEALS REMAND

This matter comes before this Deputy Zoning Commissioner as a remand from the Board of Appeals for a previously filed Petition for Variance by TTV Properties, by Bill Kidd, the legal owner and Bill Kidd's Toyota/Volvo, Lessee, the Petitioners. The Petitioners requested variance relief for property located at 10401 York Road in northern Baltimore County. The original variance relief requested from the Baltimore County Zoning Regulations (B.C.Z.R.) is as follows:

1. from Section 450.4.I.5.(g), to allow three freestanding signs in lieu of the permitted two; and
2. from Section 450.4.I.5.(g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.;

Petitioner's request for variance was granted by this Commission on June 10 2005. Thereafter the case was appealed to the Board of Appeals by the Office of Peoples Counsel and prior to the hearing before the Board, the Petitioner and Peoples Counsel agreed that the Petitioner would modify the request for variances and Peoples Counsel would not continue its appeal before the Board.

The terms of the agreement are as follows:

1. Petitioner withdraws its Petition for Variance from Section 450.4.I.5 (g) to allow three freestanding signs in lieu of permitted two.
2. Petitioner amends its Petition for Variance to request a single variance from Section 450.4.I.5 (g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.

withdrawn, the remaining request is for a variance to allow a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft. from Section 450.4.I.5.(g);

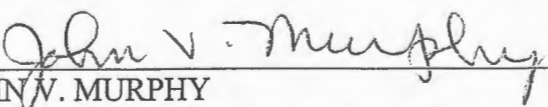
As previously reflected in this Commission's June 10, 2005 Order, I find that a variance is required for this request for the reasons given in the June 10, 2005 Order. I further find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request. In short, I find the property unique from a zoning standpoint again for the reason given previously. I also find that the Petitioner would suffer hardship if the regulations were strictly enforced. The national Toyota campaign requires these signs. The Petitioner indicated that he would be penalized if the new signs could not be erected because the franchise requires compliance to the national campaign.

Finally, I find that the variances can be granted within the spirit and intent of the regulations and there is no adverse impact on the community for the larger sign.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance requests should be GRANTED.

THEREFORE, IT IS ORDERED, this 26 day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) from Section 450.4.I.5.(g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft. as shown in the Petitioner's exhibit 1 R be and is hereby GRANTED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

IN RE: PETITION FOR VARIANCE
E/S of York Road, 250 ft. SE
centerline of Warren Road
8th Election District
2nd Councilmanic District
(10401 York Road)

TTV Properties, Bill Kidd, Legal Owner
and
Bill Kidd's Toyota/Volvo, Lessee
Petitioners

gm
6/7

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
CASE NO. 05-550-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by TTV Properties, by Bill Kidd, the legal owner and Bill Kidd's Toyota/Volvo, Lessee, the Petitioners. The Petitioners are requesting variance relief for property located at 10401 York Road in northern Baltimore County. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. from Section 450.4.I.5.(g), to allow three freestanding signs in lieu of the permitted two; and
2. from Section 450.4.I.5.(g) for a 94.96 sq. ft. sign in lieu of the permitted 50 sq. ft.;

The property was posted with Notice of Hearing on May 23, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on May 24, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as

94.96 sq. feet as interpreted by the Zoning Office. Thus, the need arises for a size variance since the regulations allow 50 sq. feet.

However, Mr. Cross points out that the actual wording of the sign occupies only 39.53 sq. feet. Consequently, he argues that the sign meets the regulations and does not need a variance. He bases these arguments on the definitions of Section 450.3 of the B.C.Z.R. "Area" is defined as "The number of square feet within the perimeter of one continuous rectangle enclosing the face of a sign. Except in the case of a wall-mounted sign, "area" includes the surface of all integral color, framing or other design feature by which the sign is differentiated from the structure supporting it or upon which it is erected. "Area" does not include:

- A. Any structural, supporting or decorative features which are not part of the message of the sign;

He argues that we are not to include any part of the sign that does not include the message or, said another way, only the size of the actual text of the message should be included in the calculation. In this case that size is 39.53 sq. feet which he argues meets the regulations without a variance.

In the alternative, if a variance is required, he notes that the Petitioner's property is bordered on the south by a wooded property with trees coming out to the York Road right-of- way blocking travelers' from the south ability to see the Petitioner's franchises. He observed that the speed limit on this section of York Road is 40 mph. Again, see Petitioner's Exhibit 1. In addition, he notes that the State has taken frontage along the Petitioner's property for a right- turn-only lane for the intersection of York and Warren Roads. This pushes the identification sign further off the traveled portion of the road making it more difficult to see the existing signs. He notes that none of the other dealers along this section of York Road suffer with this problem. Finally, he indicated that York Road has a relatively steep grade at this location which again limits travelers ability to find the Petitioner's franchises.

or unusual when compared to other properties in the neighborhood such that the regulations impact the subject property differently than the regulation impacts other properties in the neighborhood. As examples of this situation, the Court indicated that the subject property have inherent characteristics not shared by other properties in the neighborhood, such as 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 similar restrictions (emphasis supplied). So the unusual condition does not have to be on site but rather can be on abutting properties. Obstructions are specific examples of off-site circumstances or conditions, which show uniqueness.

In the case before me, the Petitioner's evidence indicates that there is an adjacent woods that extends to the York Road right-of-way which blocks the northbound traveler's view of the subject property. The great number of car dealerships in the area, each with their own signs on York Road, are another example of the practical restrictions imposed by abutting properties (such as obstructions) which make it difficult for the traveler to pick out this dealership among all those on the highway. Finally, the Petitioner had to give up frontage to the SHA for the right- turn-only lane along York Road, which pushes the Petitioner's signs back off the highway unlike any other dealership on the road. This is one of the few examples one could imagine of features of on site limitations that make a property unique from a zoning standpoint in a sign case.

I also find that the Petitioner would suffer hardship if the regulations were strictly enforced. The national Toyota campaign requires these signs. The Petitioner indicated that he would be penalized if the new signs could not be erected as the franchise requires compliance to the national campaign.

Finally, I find that the variances can be granted within the spirit and intent of the regulations. Section 450.1 which introduces the sign regulations acknowledges that signs convey information which is essential for protecting the safety of citizens. However they express concern of that the



KEVIN KAMENETZ
County Executive

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

April 21, 2015

Peter Fenwick
2315 Geist Road
Glyndon MD 21071

RE: Case Number: 2015-0205 A, Address: 10401 York Road

Dear Mr. Fenwick:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 19, 2015. 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.", is positioned below the "Very truly yours," text.

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

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 3/23/15

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

RE: Baltimore County
Item No. 2015-0205-A
Variance
Peter R. Fenwick
10401 Youth Road
MD 45

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3/23/15. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2015-0205A.

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 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 16, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10401 York Road

INFORMATION:

Item Number: 15-205

Petitioner: Peter Fenwick

Zoning: BR-AS, DR-16

Requested Action: Variance

RECEIVED

APR 16 2015

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petition and accompanying site plan requesting a variance to permit three wall-mounted enterprise signs on the front facade in lieu of the two permitted signs. There are currently three freestanding signs on the property.

The Hunt Valley/Timonium Master Plan on page 28 identifies as an issue "Improving the Visual Quality of the York Road Corridor." It identifies signage clutter and other issues including lack of landscaping as causes of the poor appearance.

The Department of Planning has no objection to granting the requested relief subject to the following conditions:

- Remove one of the existing three freestanding signs pursuant to the conditions set forth in zoning case No. 05-550.
- Prohibit the display and parking of vehicles in the grassed landscape area between the sidewalk and parking areas.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott at 410-887-3480.

Division Chief:
AVA/KS

Katmy Schlabach

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2015
Item No. 2015-0203, 0204 and 0205

DATE: March 25, 2015

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\ZAC03302015.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 16, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10401 York Road

INFORMATION:

Item Number: 15-205

Petitioner: Peter Fenwick

Zoning: BR-AS, DR-16

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petition and accompanying site plan requesting a variance to permit three wall-mounted enterprise signs on the front facade in lieu of the two permitted signs. There are currently three freestanding signs on the property.

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For further information concerning the matters stated here in, please contact Wallace S. Lippincott at 410-887-3480.

Division Chief:
AVA/KS

Katmy Schlabach



KEVIN KAMENETZ
County Executive

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

March 24, 2015

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: 2015-0205-A

10401 York Road
E/s York Road, 250 ft. s/e of Warren Road
8th Election District – 3rd Councilmanic District
Legal Owners: Fenwick Realty, LLC, Peter Fenwick

Variance to permit three wall-mounted enterprise signs on the front façade in lieu of the permitted two such signs per façade; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, May 1, 2015 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Peter Fenwick, 2315 Giest Road, Glyndon 21071

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 11, 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, April 9, 2015 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

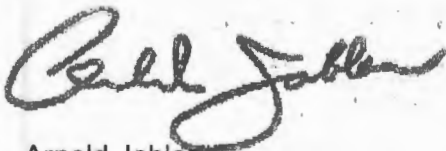
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410-821-0070

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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.

RE: PETITION FOR VARIANCE
10401 York Road; E/S York Road, 250' SE
of c/line Warren Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Peter R. Fenwick
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2015-205-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

MAR 24 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 24th day of March, 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



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3182898

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
Towson, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
Towson, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 09, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

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: # 2015-0205-A

10401 York Road

E/s York Road, 250 ft. s/e of Warren Road

8th Election District - 3rd Councilmanic District

Legal Owner(s) Fenwick Realty, LLC, Peter Fenwick

Variance: to permit three wall-mounted enterprise signs on the front facade in lieu of the permitted such signs per facade; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, May 1, 2015 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

4/149 April 9

3182898

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/13/2014

Case Number: 2015-0205-A

Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~
PETER FENWICK

Date of Hearing (Closing): MAY 1, 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:
10401 YORK ROAD

The sign(s) were posted on: APRIL 11, 2015



Linda O'Keefe
(Signature of Sign Poster)

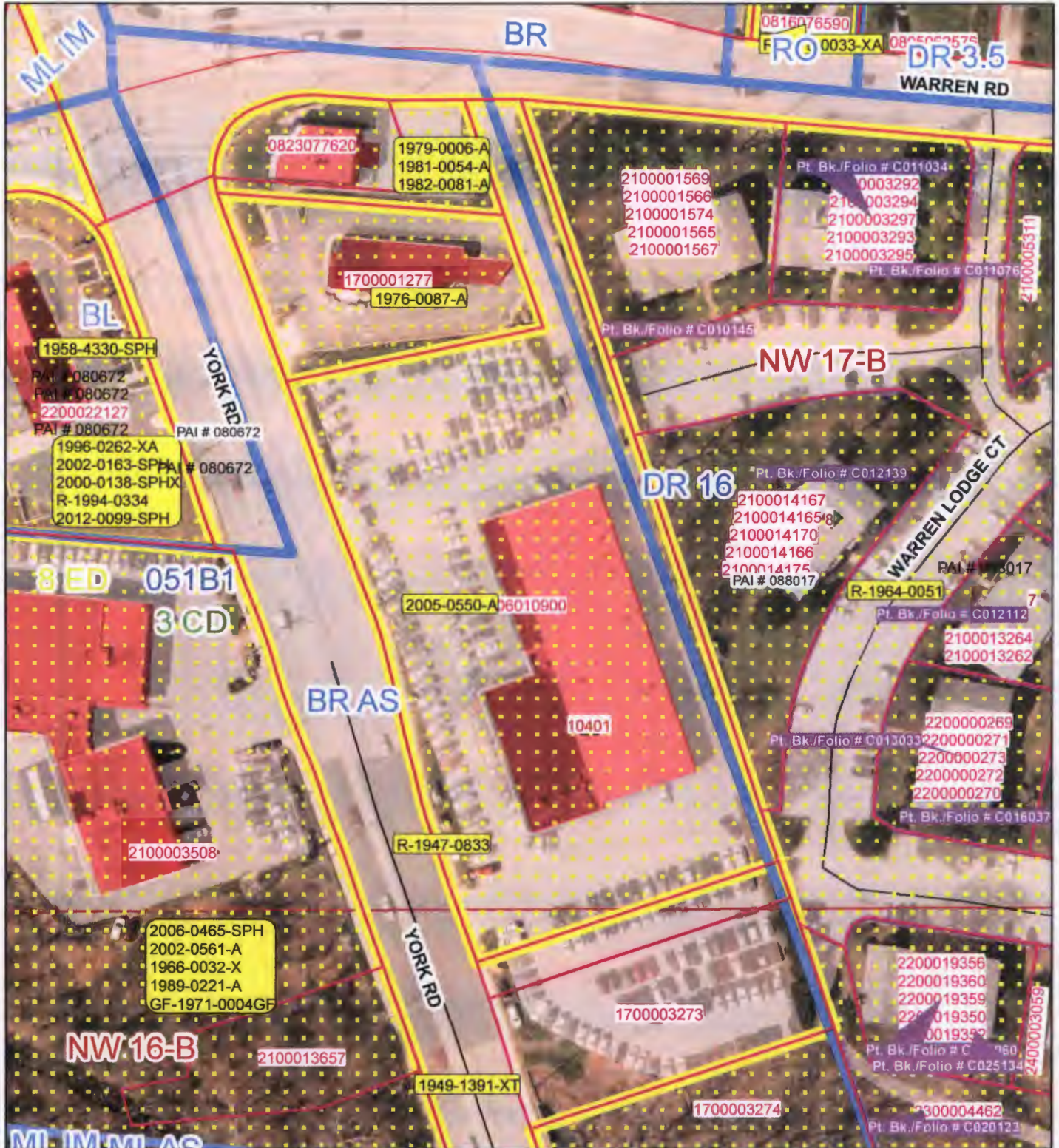
Linda O'Keefe
(Printed Name of Sign Poster)

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)

10401 York Road 2015-0205-A



Publication Date: 3/19/2015



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



0 25 50 100 150 200 Feet

1 inch = 100 feet



My Neighborhood Map

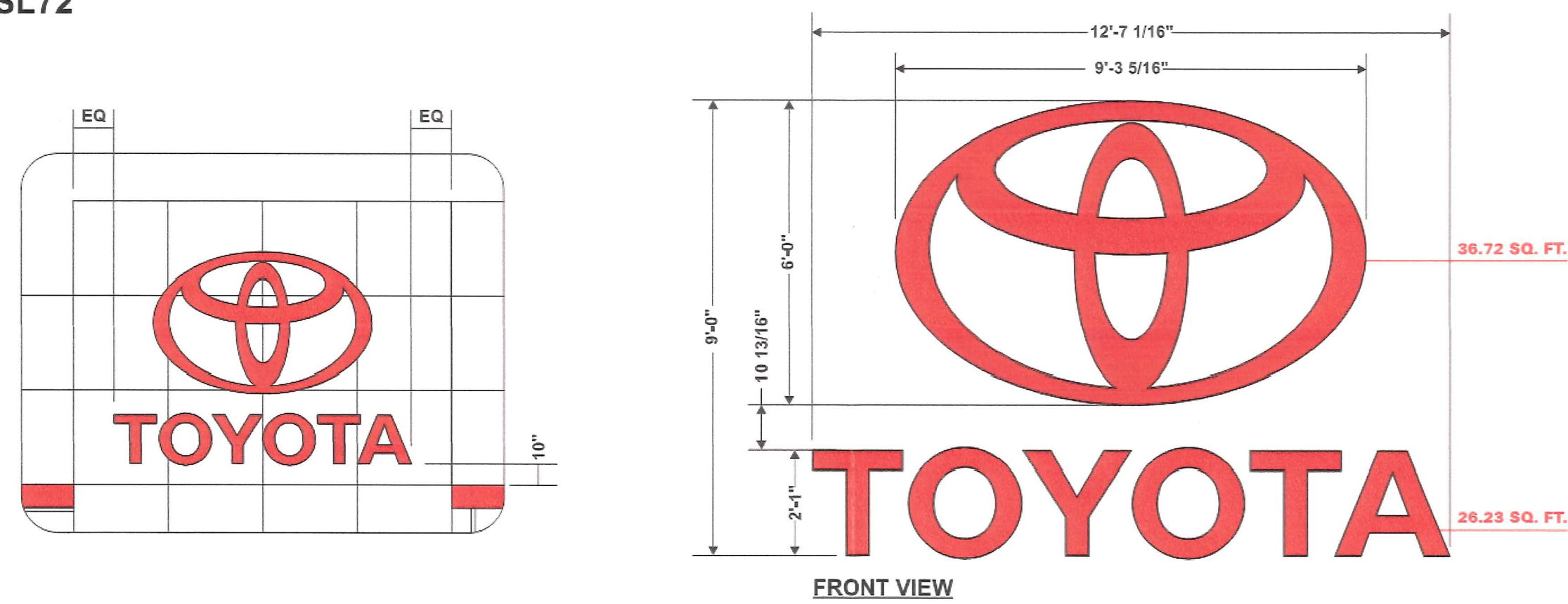
Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/19/2015

1 SL72



LD-22616

ELEVATION

Installation: ☐ Interior: ☒ Exterior:

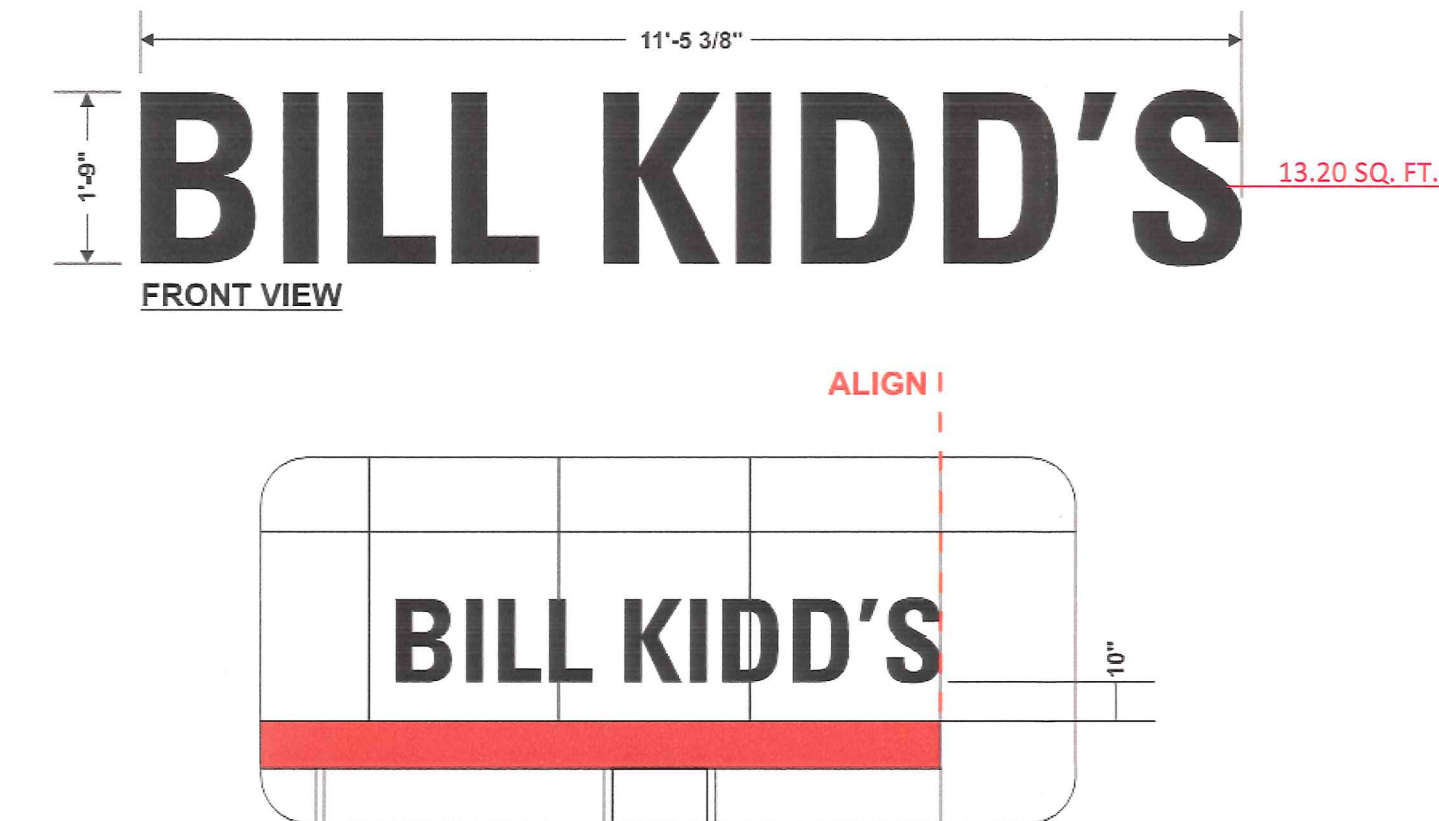
Date:
Customer Approval:
ISO 9001:2008 Certified Enterprise

ENSEIGNES
PATTISON
SIGN GROUP

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

Client: TOYOTA S/S 19021
Site: COCKEYSVILLE, MD
Consultant: LUC DUGUAY
Draftsman: SAM THERIAULT Date: 04.27.2014
Page: 1/14 Scale: 3/32\" = 1'-0\"

2 PDNN21



Date:
Customer Approval:
ISO 9001:2008 Certified Enterprise

LD-22616

ELEVATION

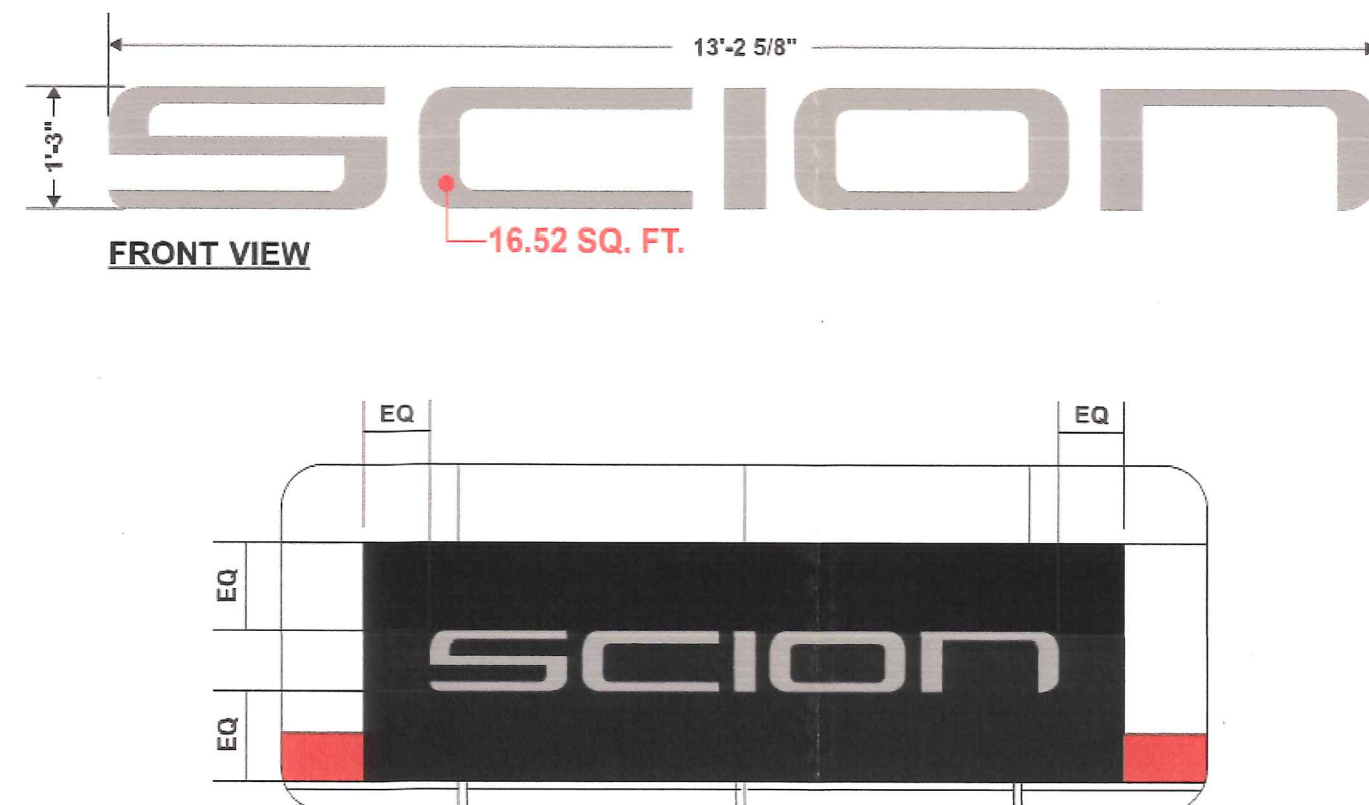
Installation: ☐ Interior: ☒ Exterior:

ENSEIGNES
PATTISON
SIGN GROUP

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

Client: TOYOTA S/S 19021
Site: COCKEYSVILLE, MD
Consultant: LUC DUGUAY
Draftsman: SAM THERIAULT Date: 04.27.2014
Page: 2/14 Scale: 3/32\" = 1'-0\"

3 SBL15



LD-22616

ELEVATION

Installation: ☐ Interior: ☒ Exterior:

Date:
Customer Approval:
ISO 9001:2008 Certified Enterprise

ENSEIGNES
PATTISON
SIGN GROUP

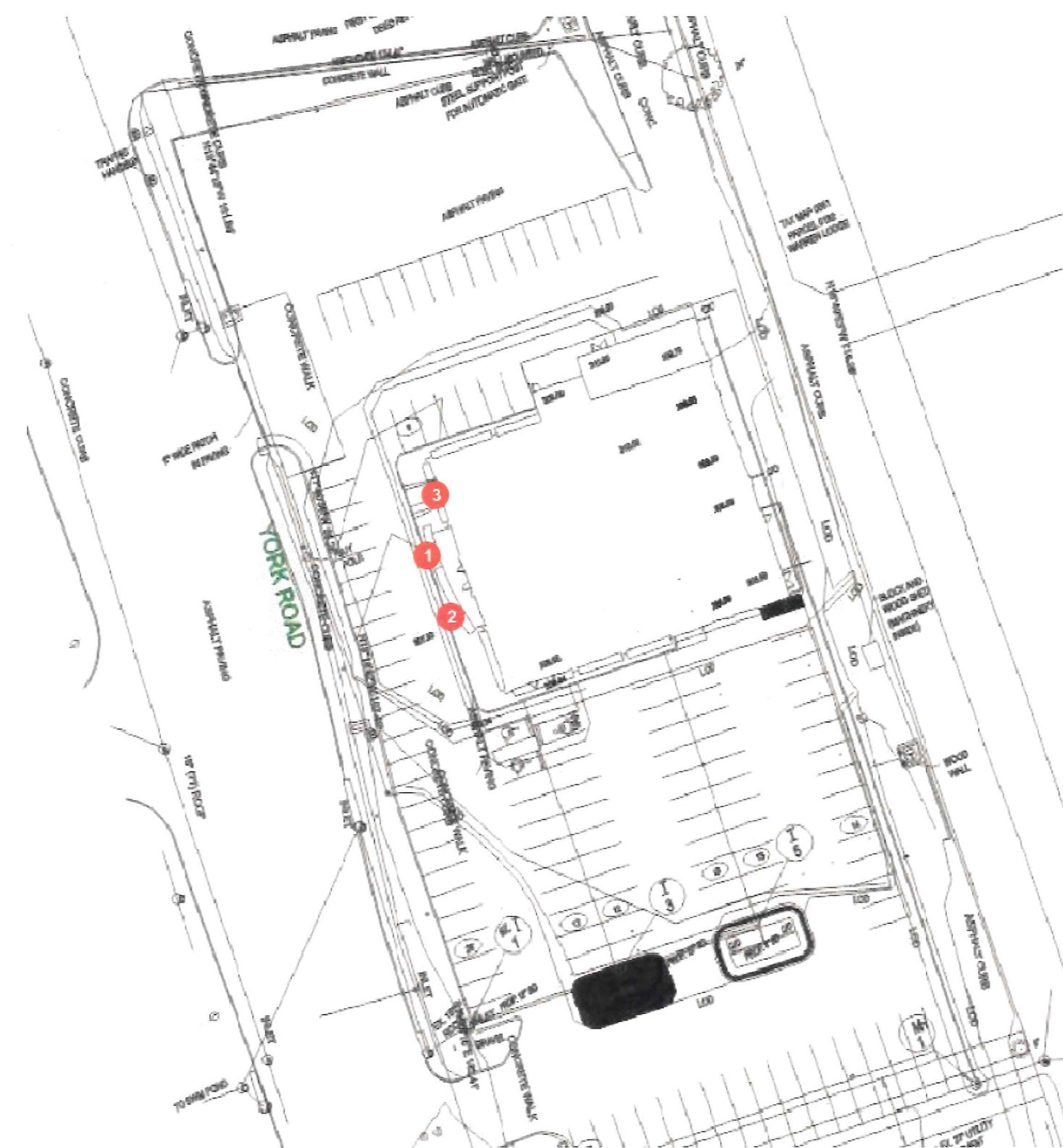
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1 SL72

2 PDNN21

3 SBL15

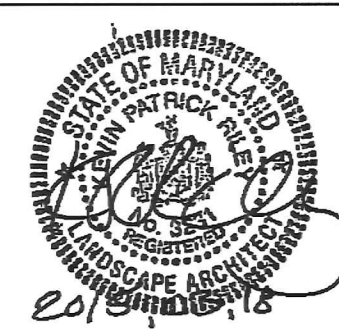


PLAN TO ACCOMPANY SIGN VARIANCE REQUEST

BILL KIDD'S TOYOTA

PROPERTY OF
Fenwick Realty, LLC
10401 York Road
8th ELECTION DIST, 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD

REVISIONS
1/14/15 REVISED CONTRACT SET
2/20/15 REVISED STORM DRAIN



THIS PLAN IS SEALED & CERTIFIED
AS BEING IN ACCORDANCE WITH
THE APPROVED DEVELOPMENT PLAN

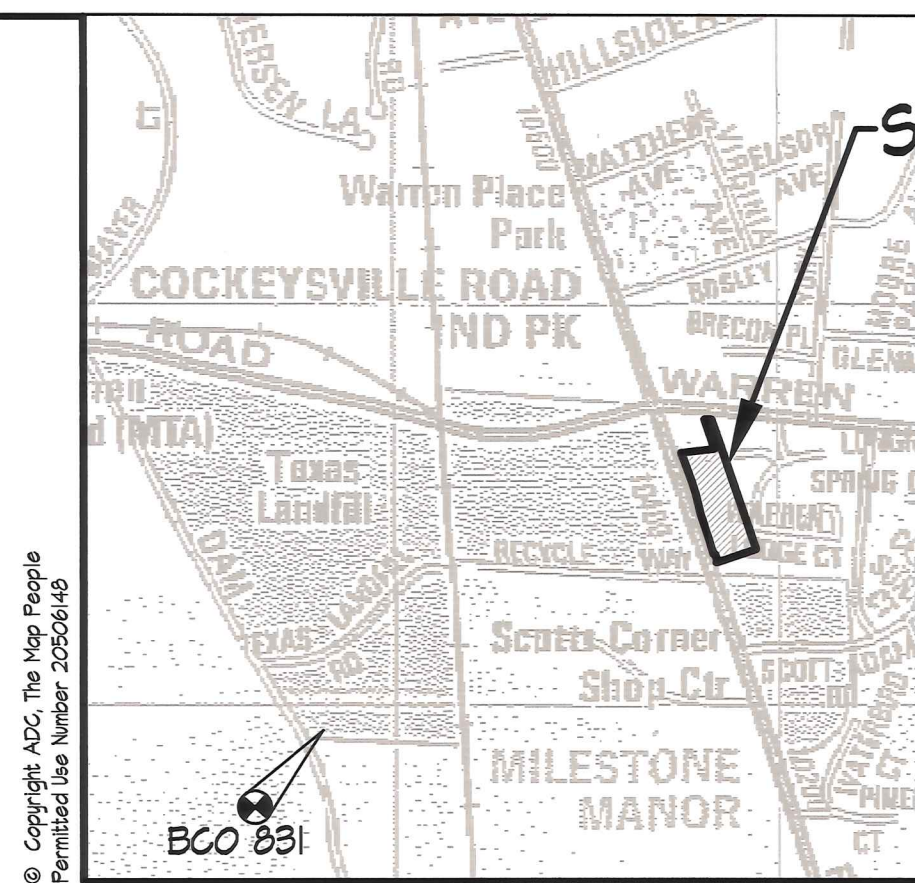
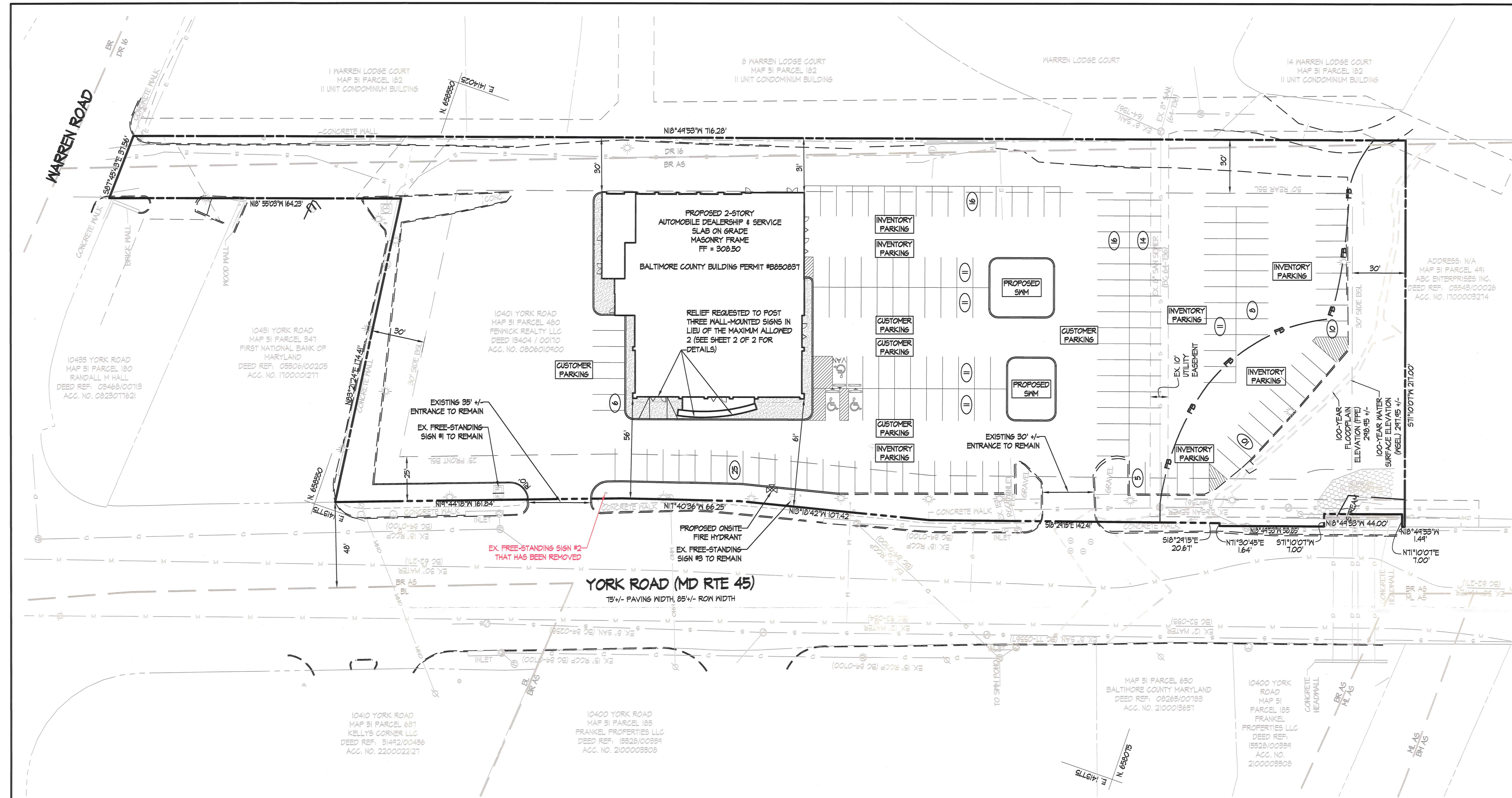
DRAWN BY: RSW
DESIGNED BY: KPR, RSW
CHECKED BY: KPR
DATE: MARCH 18, 2015



14315 Jarrettsville Pike • Phoenix, Maryland 21131
(410) 683-3388 • fax (410) 683-3389

CONTRACT NO.:
SCALE: AS NOTED
SRI PROJECT NO: 10106
SHEET 2 OF 2

2015-0205-A



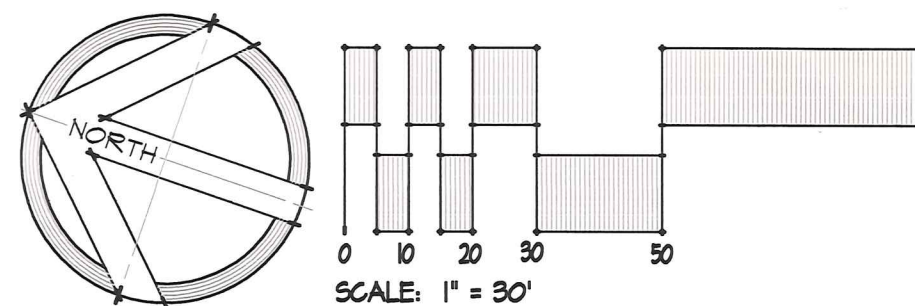
VICINITY MAP

A BOUNDARY SURVEY WAS PERFORMED BY GERHOLD, CROSS & ETZEL WITHOUT THE BENEFIT OF A TITLE REPORT.

BENCHMARK: COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND COORDINATE SYSTEM NAD 83/91 AND WERE ESTABLISHED GPS OBSERVATION. THE ELEVATIONS AND THE CONTOURS SHOWN HEREON ARE BASED ON NAVD 88 VERTICAL DATUM AND WERE ESTABLISHED GPS OBSERVATION. BOTH HORIZONTAL AND VERTICAL DATUMS ARE REFERRED TO THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL STATION:

NO.	NORTHING	EASTING	ELEV.	DESC.
BCO 831	651042.52	141194.84	326.90	CAPP

ALL VISIBLE UTILITIES HAVE BEEN LOCATED. NO COMPARISON TO ANY HAS BEEN MADE. PIPE SIZE, TYPE AND DIRECTION MUST BE VERIFIED IN CONSTRUCTION.



VARIANCE NOTE:

A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FROM THE LAND FOR PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAIN. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONTOURS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACT.

GENERAL NOTES

- OWNER:
FENWICK REALTY LLC
1800 YORK ROAD
COCKEYSVILLE, MD 21030
- SITE ADDRESS:
10401 YORK ROAD
COCKEYSVILLE, MD 21030
8TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT
- TAX MAP 51, GRID 4, PARCEL 480
TAX ACCOUNT # 08 0806010900
DEED: 13404 / 00110
TOTAL SITE AREA: 121300 S.F. (2.92 AC.)
PROPOSED USE: AUTOMOTIVE DEALERSHIP & SERVICE
PROPOSED BUILDING HEIGHT: 28'-0"
PROPOSED BUILDING AREA: 12,000 S.F.
- COMMERCIAL PERMITS:
EXISTING BUILDING PERMIT (1472): RECORDS UNAVAILABLE PRIOR TO 1988
PROPOSED BUILDING PERMIT: B850837
- WATER & SEWER: SITE IS SERVED BY PUBLIC WATER AND SEWER; NO WELLS OR SEPTIC SYSTEMS ARE PRESENT.
- THE SITE DOES NOT LIE WITHIN ANY DEFICIENT AREAS ON THE BASIC SERVICES MAPS.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.

SETBACK ANALYSIS

SUBJECT PROPERTY IS ZONED BR-AS & DR-16

	REQUIRED	PROVIDED
FRONT -	25' or 50' from E of road	MIN. 56'-4"
SIDES -	30'	MIN. 110'-4"
REAR -	30'	MIN. 30'-4"

FLOOR AREA RATIO

PROPOSED BUILDING AREA	12,000 S.F.
TOTAL SITE AREA:	121,300 S.F.
FLOOR AREA RATIO:	0.014
MAXIMUM ALLOWABLE FAR:	2.0 (BCZR & 230.5)

PARKING TABULATION

PARKING REQUIRED:	RETAIL (SHOWROOM), PARTS SERVICE, AND SALES OFFICES 9 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA (8,800 S.F.) REQUIRED - 44 SPACES
SERVICE	3.3 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA (3,200 S.F.) REQUIRED - 11 SPACES
TOTAL REQUIRED - 55 SPACES	TOTAL PROVIDED - 165 SPACES 55 CUSTOMER PARKING SPACES (3 HANDICAPPED) 110 INVENTORY PARKING SPACES
HANDICAPPED PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUILDING CODE FOR THE HANDICAPPED, CODE OF MARYLAND REGULATIONS 05.01.01 OR AS AMENDED.	

ZONING HISTORY

CASE NO. 2005-0580-A: ON AUGUST 26, 2005, VARIANCE RELIEF FROM BCZR § 450.4.1.5(6) TO PERMIT A FREESTANDING ENTERPRISE SIGN WITH A FACE AREA OF 94.96 SQUARE FEET IN LIEU OF THE MAXIMUM PERMITTED 50 S.F. WAS GRANTED.

CASE NO. 1982-0081-A: ON SEPTEMBER 3, 1981, VARIANCE RELIEF TO PERMIT REAR AND FRONT YARD SETBACKS OF 6 FEET AND 20 FT. IN LIEU OF THE REQUIRED 30 FT. AND 25 FT., RESPECTIVELY, AND TO ALLOW PARKING 3 FT. FROM YORK RD. IN LIEU OF THE REQUIRED 8 FT. WAS GRANTED.

CASE NO. 1981-0054-A: ON SEPTEMBER 24, 1980, VARIANCE RELIEF TO PERMIT REAR AND FRONT YARD SETBACKS OF 6 FEET AND 20 FT. IN LIEU OF THE REQUIRED 30 FT. AND 25 FT., RESPECTIVELY, AND TO ALLOW PARKING 3 FT. FROM YORK RD. IN LIEU OF THE REQUIRED 8 FT. WAS GRANTED.

CASE NO. 1974-0006-A: ON SEPTEMBER 8, 1978, VARIANCE RELIEF TO PERMIT A SIDE YARD SETBACK OF 6 FEET IN LIEU OF THE REQUIRED 30 FT. WAS GRANTED.

CASE NO. 1976-0081-A: ON OCTOBER 21, 1975, VARIANCE RELIEF TO PERMIT REAR YARD SETBACKS OF 0.83 FEET AND 12.86 FEET IN LIEU OF THE REQUIRED 22.5 FT. WAS GRANTED.

CASE NO. R-1964-0051: ON MARCH 5, 1964, A 15 ACRE SITE WAS RECLASSIFIED FROM R-20 AND R-10 TO BR (PARCEL A) AND RA (PARCEL B).

FOREST CONSERVATION NOTE

THE FOREST BUFFER EASEMENT, WHERE IT ADJOINS THE EDGE OF THE PARKING LOT, SHALL BE PERMANENTLY POSTED AT APPROXIMATE 15 FOOT INTERVALS AND SIGNIFICANT TURNING POINTS WITH "FOREST BUFFER - DO NOT DISTURB" SIGNS.

EXISTING SIGNAGE INFORMATION

EXISTING SIGN #1:	HEIGHT SQUARE FOOTAGE ILLUMINATION SETBACK FROM EXISTING RIGHT-OF-WAY SINGLE OR DOUBLE FACED	22 S.F. +/- 42'-4" YES 1' +/- DOUBLE
EXISTING SIGN #2:	HEIGHT SQUARE FOOTAGE ILLUMINATION SETBACK FROM EXISTING RIGHT-OF-WAY SINGLE OR DOUBLE FACED	12 S.F. +/- 30'-4" YES 3' +/- DOUBLE
EXISTING SIGN #3:	HEIGHT SQUARE FOOTAGE ILLUMINATION SETBACK FROM EXISTING RIGHT-OF-WAY SINGLE OR DOUBLE FACED	24'-4" 44.96 S.F. +/- YES 1' +/- DOUBLE

REFER TO SHEET 2 OF 2 FOR PROPOSED WALL-MOUNTED SIGN INFORMATION.

PLAN TO ACCOMPANY SIGN VARIANCE REQUEST

BILL KIDD'S TOYOTA

PROPERTY OF
Fenwick Realty, LLC
10401 York Road
8th ELECTION DIST, 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD

REVISIONS
1/14/15 REVISED CONTRACT SET
2/20/15 REVISED STORM DRAIN

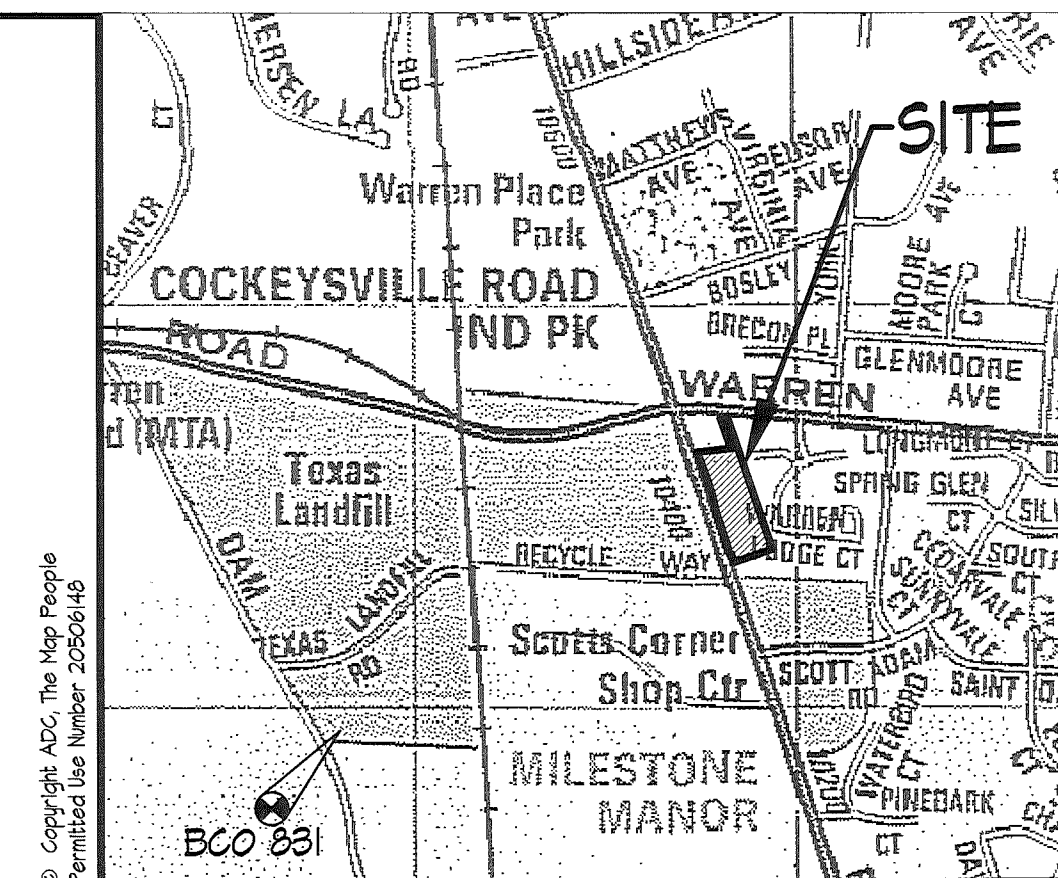
THIS PLAN IS SEALED & CERTIFIED
AS BEING IN ACCORDANCE WITH
THE APPROVED DEVELOPMENT PLAN

DRAWN BY: RSW	CONTRACT NO.:
DESIGNED BY: KPR, RSW	SCALE: AS NOTED
CHECKED BY: KPR	SRI PROJECT NO: 10106
DATE: MAY 15, 2015	SHEET 1 OF 2

SITE RESOURCES
incorporated
Comprehensive Land Planning & Site Design

14315 Jannettville Pike • Phoenix, MD
(410) 883-3888 • fax (410) 883-3889

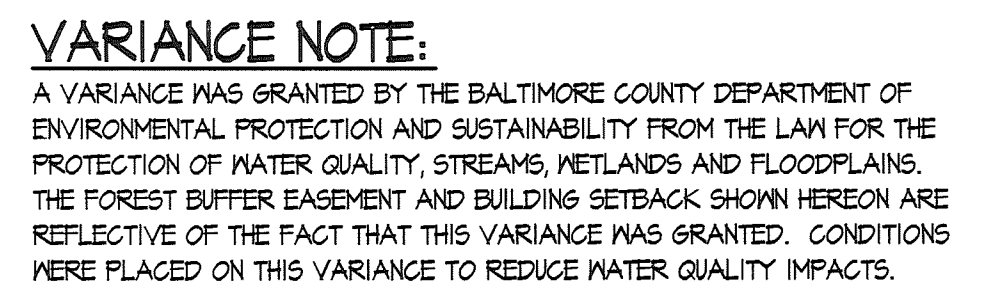
DRAWINGS ARE BASED ON THE MARYLAND COORDINATE SYSTEM
AND NAD 83(1911) WITH ELEVATIONS BASED ON NAVD 88.



BENCHMARK: COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND COORDINATE SYSTEM NAD 83/91 AND WERE ESTABLISHED BY GPS OBSERVATION, THE ELEVATIONS AND THE CONTOURS SHOWN HEREON ARE BASED ON NAVD 88 VERTICAL DATUM AND WERE ESTABLISHED BY GPS OBSERVATION. BOTH HORIZONTAL AND VERTICAL DATUMS ARE REFERRED TO THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL STATION:

ALL VISIBLE UTILITIES HAVE BEEN LOCATED. NO COMPARISON TO ANY PLANS HAS BEEN MADE. PIPE SIZE, TYPE AND DIRECTION MUST BE VERIFIED BEFORE CONSTRUCTION.

ALL VISIBLE UTILITIES HAVE BEEN LOCATED. NO COMPARISON TO ANY PLANS HAS BEEN MADE. PIPE SIZE, TYPE AND DIRECTION MUST BE VERIFIED BEFORE CONSTRUCTION.



1. OWNER:
FENWICK REALTY LLC
9800 YORK ROAD
COCKEYSVILLE, MD 21030
2. SITE ADDRESS:
10401 YORK ROAD
COCKEYSVILLE, MD 21030
8TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT
3. TAX MAP 51, GRID 4, PARCEL 480
TAX ACCOUNT # 08 0806010400
DEED: 1B404 / 00110
TOTAL SITE AREA: 127300 S.F. (2.92 AC.)
4. PROPOSED USE: AUTOMOTIVE DEALERSHIP & SERVICE
5. PROPOSED BUILDING HEIGHT: 28'-0"
6. PROPOSED BUILDING AREA: 12,000 S.F.
7. COMMERCIAL PERMITS:
EXISTING BUILDING PERMIT (1912): RECORDS UNAVAILABLE PRIOR TO 1988
PROPOSED BUILDING PERMIT: B050237
8. WATER & SEWER: SITE IS SERVED BY PUBLIC WATER AND SEWER, NO WELLS OR SEPTIC SYSTEMS ARE PRESENT.
9. THE SITE DOES NOT LIE WITHIN ANY DEFICIENT AREAS ON THE BASIC SERVICES MAPS.
10. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
11. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.

SUBJECT PROPERTY IS ZONED BR-AS & DR-16

PROPOSED BUILDING AREA	12,000 S.F.
TOTAL SITE AREA:	127,300 S.F.
FLOOR AREA RATIO:	0.094
MAXIMUM ALLOWABLE FAR:	2.0 (BCZR § 238.5)

PARKING REQUIRED:

RETAIL (SHOWROOM), PARTS SERVICE, AND SALES OFFICES
5 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA
(8,000 S.F.)
REQUIRED - 44 SPACES

SERVICE
3.3 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA
(3,200 S.F.)
REQUIRED - 11 SPACES

SERVICE
3.3 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA
(3,200 S.F.)
REQUIRED - 11 SPACES

TOTAL REQUIRED - 55 SPACES
TOTAL PROVIDED - 165 SPACES
55 CUSTOMER PARKING SPACES (3 HANDICAPPED)
110 INVENTORY PARKING SPACES

HANDICAPPED PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUILDING CODE FOR THE HANDICAPPED, CODE OF MARYLAND REGULATIONS 05.01.07 OR AS AMENDED.

CASE NO. 2005-0550-A: ON AUGUST 26, 2005, VARIANCE RELIEF FROM BCZR § 450.4.15(G) TO PERMIT A FREESTANDING ENTERPRISE SIGN WITH A FACE AREA OF 94.96 SQUARE FEET IN LIEU OF THE MAXIMUM PERMITTED 50 S.F. WAS GRANTED.

CASE NO. 1982-0081-A: ON SEPTEMBER 3, 1981, VARIANCE RELIEF TO PERMIT REAR AND FRONT YARD SETBACKS OF 6 FEET AND 20 FT. IN LIEU OF THE REQUIRED 30 FT. AND 25 FT., RESPECTIVELY, AND TO ALLOW PARKING 3 FT. FROM YORK RD. IN LIEU OF THE REQUIRED 8 FT. WAS GRANTED.

CASE NO. 198-0054-A: ON SEPTEMBER 24, 1980, VARIANCE RELIEF TO PERMIT REAR AND FRONT YARD SETBACKS OF 6 FEET AND 20 FT. IN LIEU OF THE REQUIRED 30 FT. AND 25 FT., RESPECTIVELY, AND TO ALLOW PARKING 3 FT. FROM YORK RD. IN LIEU OF THE REQUIRED 8 FT. WAS GRANTED.

CASE NO. 1979-0006-A: ON SEPTEMBER 8, 1978, VARIANCE RELIEF TO PERMIT A SIDE YARD SETBACK OF 6 FEET IN LIEU OF THE REQUIRED 30 FT WAS GRANTED.

CASE NO. 1976-0087-A: ON OCTOBER 21, 1975, VARIANCE RELIEF TO PERMIT REAR YARD SETBACKS OF 2.83 FEET AND 12.86 FEET IN LIEU OF THE REQUIRED 22.5 FT. WAS GRANTED.

CASE NO. R-1964-0051: ON MARCH 5, 1964, A 15 ACRE SITE WAS RECLASSIFIED FROM R-20 AND R-10 TO BR (PARCEL A) AND RA (PARCEL B)

THE FOREST BUFFER EASEMENT, WHERE IT ADJOINS THE EDGE OF THE PARKING LOT, SHALL BE PERMANENTLY POSTED AT APPROXIMATE 75 FOOT INTERVALS AND SIGNIFICANT TURNING POINTS WITH "FOREST BUFFER - DO NOT DISTURB" SIGNS.

EXISTING SIGN #1:	
HEIGHT	22 S.F. +/-
SQUARE FOOTAGE	42 +/-
ILLUMINATION	YES
SETBACK FROM EXISTING RIGHT-OF-WAY	1' +/-
SINGLE OR DOUBLE FACED	DOUBLE
EXISTING SIGN #2:	
HEIGHT	12 S.F. +/-
SQUARE FOOTAGE	30 +/-
ILLUMINATION	YES
SETBACK FROM EXISTING RIGHT-OF-WAY	3' +/-
SINGLE OR DOUBLE FACED	DOUBLE
EXISTING SIGN #3:	
HEIGHT	24 +/-
SQUARE FOOTAGE	94.96 S.F. +/-
ILLUMINATION	YES
SETBACK FROM EXISTING RIGHT-OF-WAY	1' +/-
SINGLE OR DOUBLE FACED	DOUBLE

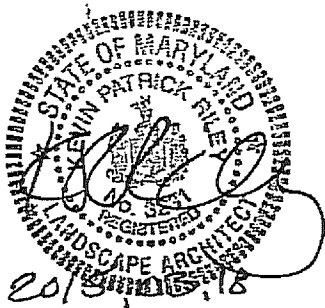
REFER TO SHEET 2 OF 2 FOR PROPOSED WALL-MOUNTED SIGN INFORMATION

PETITIONER'S

EXHIBIT NO. 1

2015-0205-A

DRAWINGS ARE BASED ON THE MARYLAND COORDINATE SYSTEM
AND NAD 83(1991) WITH ELEVATIONS BASED ON NAVD 88.

PLAN AND ACCOMPANY SIGN VARIANCE REQUEST					
BILL KIDD'S TOYOTA PROPERTY OF Fennick Realty, LLC 10401 York Road 8th ELECTION DIST, 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MD					
REVISIONS <table><tr><td>1/14/15</td><td>REVISED CONTRACT SET</td></tr><tr><td>2/20/15</td><td>REVISED STORM DRAIN</td></tr></table>		1/14/15	REVISED CONTRACT SET	2/20/15	REVISED STORM DRAIN
1/14/15	REVISED CONTRACT SET				
2/20/15	REVISED STORM DRAIN				
 THIS PLAN IS SEALED & CERTIFIED AS BEING IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PLAN	 SITE RESOURCES Incorporated Comprehensive Area Planning & Site Design Services 14315 Jarrettsville Pike • Phoenix, Maryland 21151 (410) 683-5388 • fax (410) 683-5389				
DRAWN BY: RSM DESIGNED BY: KPR, RSM CHECKED BY: KPR DATE: MARCH 18, 2015	CONTRACT NO.: SCALE: AS NOTED SRI PROJECT NO: 10106 SHEET 1 OF 2				