

M E M O R A N D U M

DATE: September 22, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0096-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 2017. 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

(8555 Pulaski Highway)

15th Election District

7th Council District

Joseph George Bell, Jr., *Legal Owner*

Mike Berkson, T/A That Mattress Store,
Lessee

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0096-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed for property located at 8555 Pulaski Highway. The Petition was filed by Timothy M. Kotroco, Esq., on behalf of the legal owner of the subject property, Joseph George Bell, Jr. and the contract purchaser, Mike Berkson, t/a That Mattress Store ("Petitioners"). The Variance petition seeks relief pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to approve the continued use of a second 4 ft. x 25 ft. (100 sq. ft.) illuminated freestanding joint identification sign in accordance with § 450.4 attachment 1, number 7(b) of the B.C.Z.R., in lieu of the permitted one per frontage and 100 sq. ft.; and (2) from § 450.4, attachment 1, number 3 to allow three illuminated directional signs, each of which are 22 sq. ft. in lieu of the permitted 8 sq. ft. with a height of 13.5 ft. in lieu of the permitted 6 ft., displaying a company name comprising 64% of the sign face in lieu of the permitted 30%, and for such other further relief as the nature of this cause may require.

Although the initial public hearing was scheduled for December 8, 2016, it was postponed by agreement of all parties and there had not been any activity in this case. On August 21, 2017, the undersigned received a letter from Petitioner's counsel requesting to withdraw and dismiss the petition. Under the Zoning Commissioner's Rules, a zoning petition may be withdrawn by the

ORDER RECEIVED FOR FILING

Date 8-22-17

By 19w

Petitioner. B.C.Z.R. Appendix G, Rule 4F.

THEREFORE, IT IS ORDERED, this 22nd day of **August, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance filed in the above case, be and is hereby DISMISSED without prejudice.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 8-22-17

By dlw



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 8555 Pulaski Highway which is presently zoned BR-IM
Deed References: 22089/00565 & 22089/00560 10 Digit Tax Account # 1800014228 & 1519715390
Property Owner(s) Printed Name(s) Joseph Bell, Sr., Trustee of the Kathleen Bell Residuary Trust

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

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

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

SEE ATTACHED

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

SEE ATTACHED

3. X a **Variance** from Section(s)

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)

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:

Mike Berkson, T/A That Mattress Store

Name- Type or Print

Signature

8555 Pulaski Highway Rosedale MD
Mailing Address City State

21237 / 410-336-3294 / mberks26@yahoo.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue, Suite 502, Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Joseph George Bell, Jr.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

37474 Leisure Drive Selbyville DE
Mailing Address City State

19975 / /
Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

/ /
Zip Code Telephone # Email Address

CASE NUMBER 2017-0096-A Filing Date 10/5/2016

Do Not Schedule Dates: Reviewer [Signature]

ATTACHMENT TO VARIANCE PETITION

To approve the continued use of a second 4' x 25' (100 square feet) illuminated freestanding joint identification sign in accordance with section 450.4 attachment 1, number 7(b) of the BCZR, in lieu of the permitted one per frontage and 100 square feet, and

From section 450.4, attachment 1, number 3 to allow three illuminated directional signs, each of which are 22 sq. ft. in lieu of the permitted 8 sq. ft.; with a height of 13.5 ft. in lieu of the permitted 6 ft.; Displaying a company name comprising 64% of the sign face in lieu of the permitted 30%, and

For such other and further relief as the nature of this cause may require.

Property Description

Tax Acct No. 15 19715390

BEGINNING for the first on the southeast side of the right of way of the Philadelphia Dual Highway at a point distant 165 feet southwesterly from the intersection of the southeast side of said highway with the centre line of the Golden ring Road which point of beginning is at the end of the first line of the lot of ground which by deed dated 5/6/83, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr., No. 1047, folio 121, was demised and leased by Joseph P. Evering and wife to the Gulf Oil Company and running thence southwesterly binding on the southeast side of said right of way 100 feet, thence southeast at right angles to said right of way 125 feet, thence northeasterly parallel with said highway 100 feet, thence northwest, parallel with the second line of this description to the end of the second line of the lot leased as aforesaid to the Gulf Oil Company and continuing in the same direction and binding on said second line reversely in all 125 feet to the place of beginning. The improvements thereon now being known as 8555 Pulaski Highway.

Tax Acct No. 18 00014228

BEGINNING for the same at a point in the southeasterly right of way line and right of way line of through highway of Ramp "G" (Baltimore Beltway), leading from Pulaski Highway to the Baltimore Beltway, said point of beginning being the intersection of the aforementioned southeasterly right of way line and right of way line of through highway (Ramp "G" - Baltimore Beltway) and the second (2nd) or S 40 degrees 21' 30" E 95.17 foot line of a deed from Gulf Oil Corporation to the State of Maryland to the use of the State Roads Commission of Maryland and recorded September 15, 1971, among the Land Records of Baltimore County in Liber O.T.G. No. 5217, folio 638.

SAID POINT OF BEGINNING being situated 43 feet measured radially to right of station 0+01 more or less of the base line of right of way (Ramp "G" - Baltimore Beltway), as said base line of right of way is delineated on the State Highway Administration - State Roads Commission of Maryland's plat numbered 41665 (Revised 7/12/77); running thence and binding along the aforesaid southeasterly right of way line and right of way line of through highway in a northeasterly direction 151 feet more or less to intersect the third (3rd) or N 23 degrees 40' E 190.22 foot line of aforementioned deed, running thence and binding thereon, reversed, in a southwesterly direction 165 feet more or less to intersect the end of the aforesaid second (2nd) or S 40 degrees 21' 30" E 95.17 foot line of the aforementioned deed, running thence and binding on said second (2nd) line, reversed, in a northwesterly direction 94 feet more or less to the place of beginning.

CONTAINING 0.16 of an acre plus or minus.

2017-0096-A



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 4596516

Sold To:

Timothy Kotroco - CU00421252
305 Washington Avenue
#502
Towson, MD 21204

Bill To:

Timothy Kotroco - CU00421252
305 Washington Avenue
#502
Towson, MD 21204

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

Nov 17, 2016

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: # 2017-0096-A

8555 Pulaski Highway
SE/s Pulaski Highway at the south corner of Contractors Road

15th Election District - 7th Councilmanic District

Legal Owner(s) Joseph George Bell, Jr.

Contract Purchaser(s): That Mattress Store, Mike Berkson

Variance: 1. To approve the continued use of a second 4'X25' (100 sq. ft.) illuminated freestanding joint identification sign in accordance with Section 450.4 attachment 1, number 7(b) of the BCZR in lieu of the permitted one per frontage and 100 sq. ft.; and 2. From section 450.4, attachment 1, number 3 to allow three illuminated directional signs each of which are 22 sq. ft. in lieu of the permitted 8 sq. ft. with a height of 13.5 ft. in lieu of the permitted 6 ft., displaying a company name comprising 64% of the sign face in lieu of the permitted 30%; and 3. For such other and further relief as the nature of this cause may require.

Hearing: Thursday, December 8, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
11/123 November 17

4596516

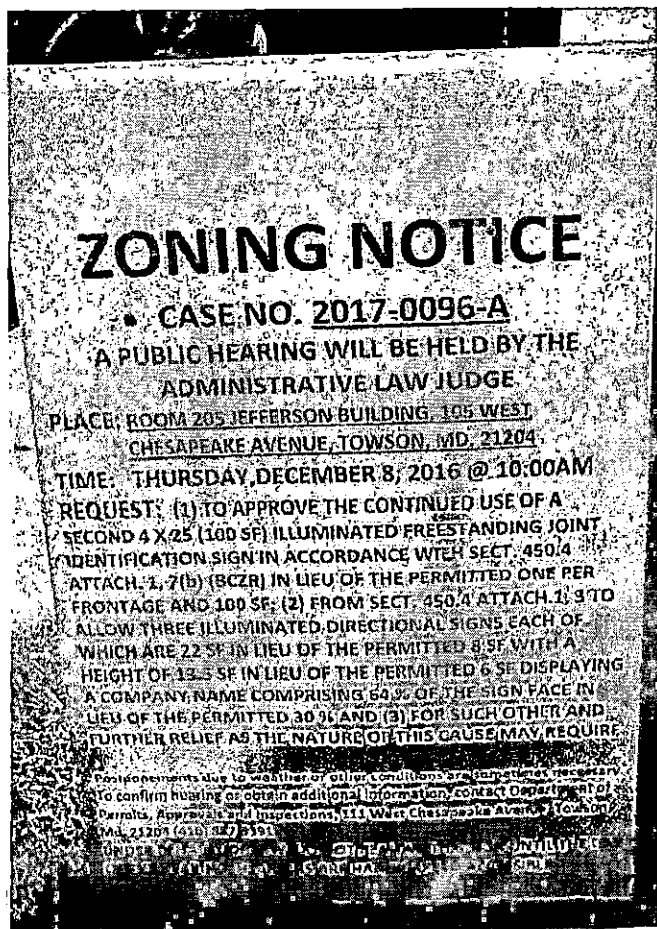
CERTIFICATE OF POSTING

Date: NOVEMBER 18, 2016

RE: Project Name: 8555 PULASKI HIGHWAY
Case Number /PAI Number: 2017-0096-A
Petitioner/Developer: THAT MATTRESS STORE, MIKE BERKSON
Date of Hearing/Closing: DECEMBER 8, 2016

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 8555 PULASKI HIGHWAY

The sign(s) were posted on NOVEMBER 18, 2016
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

November 14, 2016

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

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SE/s Pulaski Highway at the south corner of Contractors Road

15th Election District – 7th Councilmanic District

Legal Owners: Joseph George Bell, Jr.

Contract Purchaser: That Mattress Store, Mike Berkson

Variance 1. To approve the continued use of a second 4'X25' (100 sq. ft.) illuminated freestanding joint identification sign in accordance with Section 450.4 attachment 1, number 7(b) of the BCZR in lieu of the permitted one per frontage and 100 sq. ft.; and 2. From section 450.4, attachment 1, number 3 to allow three illuminated directional signs each of which are 22 sq. ft. in lieu of the permitted 8 sq. ft. with a height of 13.5 ft. in lieu of the permitted 6 ft., displaying a company name comprising 64 % of the sign face in lieu of the permitted 30 %; and 3. For such other and further relief as the nature of this cause may require.

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Mike Berkson, 8555 Pulaski Highway, Rosedale 21237
Joseph Bell, Jr., 37474 Leisure Drive, Selbyville DE 19975

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 18, 2016.**
- (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 - Jeffersonian
Thursday, November 17, 2016 Issue

Please forward billing to:

Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

NOTICE OF ZONING HEARING

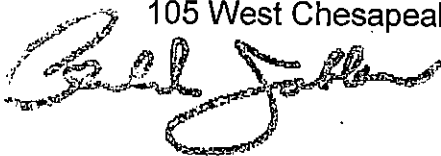
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8555 Pulaski Highway
SE/s Pulaski Highway at the south corner of Contractors Road
15th Election District – 7th Councilmanic District
Legal Owners: Joseph George Bell, Jr.
Contract Purchaser: That Mattress Store, Mike Berkson

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Hearing: Thursday, December 8, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
8555 Pulaski Highway; SE/S Pulaski Highway, *
S corner of Contractors Road * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Joseph George Bell, Jr. *
Contract Purchaser(s): That Mattress Store *
Petitioner(s) * 2017-096--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

NOV 14 2016

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 November, 2016, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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/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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) 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: 2017-0096-A
Property Address: 8555 Pulaski Hwy
Property Description: BR-IM

Legal Owners (Petitioners): Joseph Bell Sr. Trustee of the
Contract Purchaser/Lessee: Kathleen Bell Residuary Trust

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco
Company/Firm (if applicable): _____
Address: 305 Washington Ave
Suite 502
Towson MD 21204
Telephone Number: 410-299-2943

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

No. 141424

Date: 10/5/16

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
10/06/2016 10/05/2016 15:17:01 1

RJG #301 WALKIN LJR
X RECEIPT # 684712 10/05/2016 OFLN

Dept 5 528 ZONING VERIFICATION
CH 141424

Recpt Tot \$500.00
\$500.00 CK \$1.00 CA
Baltimore County, Maryland

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

Total: 500.00

Rec From: Timothy Kotroco

For: 8555 Polaski Hwy

2017-0096-A

Check # 1331

DISTRIBUTION

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

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

November 29, 2016

Joseph George Bell Jr
37474 Leisure Drive
Selbyville Delaware 19975

RE: Case Number: 2017-0096 A, Address: 8555 Pulaski Highway

Dear Mr. Bell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 5, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Mike Berkson, The Mattress Store, 8555 Pulaski Highway, Baltimore MD 21237
Timothy M Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
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W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Mike Berkson, The Mattress Store, 8555 Pulaski Highway, Baltimore MD 21237
Timothy M Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/11/16

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/11/16. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0096-A.

Joseph George Bell Jr.
8555 Palaski Highway
US 40

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X.2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Wolcott".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

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Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/1/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-096



INFORMATION:

Property Address: 8555 Pulaski Highway
Petitioner: Joseph George Bell, Jr.
Zoning: BR-IM
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow the continued use of a second 4' X 25' (100 square feet) illuminated freestanding joint identification sign in lieu of the permitted one per frontage and 100 square feet and to allow three illuminated directional signs being 22 square feet with a height of 13.5 feet and displaying a company name comprising 64% of the sign face in lieu of the required 8 square feet, 6 foot height and 30% respectively.

A site visit was conducted on October 20, 2016. There was no indication as to the material the proposed signs will be composed of or specific details beyond one dimensional renderings.

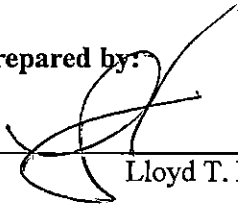
BCZR § 450.1 states as a policy that excessive and incompatible signage is contrary to the goals County Master Plan and lists as a goal the improved quality of commercial corridors, including signage. To achieve the stated goals all signs are subject to BCZR§ 450.1.G.1 which seeks to *"eliminate and restrict signs which constitute an actual or potential distraction or other hazard to the safe operation of motor vehicles or the safe passage of pedestrians."* The Department objects to granting the petitioned zoning relief as requested for the following reason:

- There is a pedestrian crosswalk at the northeast point of the subject property which traverses the exit ramp from Pulaski Highway onto I-695, the Beltway. Drivers must be able to see and comprehend critical official signage while being alert for pedestrians within the said crosswalk. Pursuant to BZCR § 450.6.A.1 and to ensure safety and the goals of the Master Plan, the Department supports directional signs meeting the requirements of BCZR§ 450.4, Attachment I.3(b) and located along the property frontage immediately situated in front of the 8555 Pulaski Highway address.
- Upon review of the materials submitted in support of the petition, the second fence-mounted "joint identification" sign more closely meets the definition of an "enterprise sign" although the Department is unclear as to whether a sign mounted on a fence qualifies as a freestanding sign under the structural description in BCZR § 450.5. That notwithstanding, for the same Master Plan determinations discussed above, the Department does not support the continued use of the fence-mounted sign. If it is the determination of the Administrative Law Judge to allow the sign to remain, the Department recommends it not be illuminated for the purposes of ensuring safety.

The Department recommends as a condition of any zoning relief granted that the petitioner comply with the requirements of BCZR § 450.6.A.5.

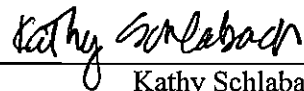
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Timothy M. Kotroco, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 17, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2016
Item No. 2017-0093, 0094, 0095, 0096 and 0098

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\ZAC10172016.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

OCT 13 2016

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 13, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0096-A
Address 8555 Pulaski Highway
(Bell Property)

Zoning Advisory Committee Meeting of **October 17, 2016**.

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

Reviewer: Steve Ford Date: 10-13-2016

CASE NO. 2017-

0096-A

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

10/17

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

No Comment

10/13

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

No Comment

FIRE DEPARTMENT

12/1

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

Objects

10/11

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/17/16

SIGN POSTING

Date:

11/18/16

by

Billingsley

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



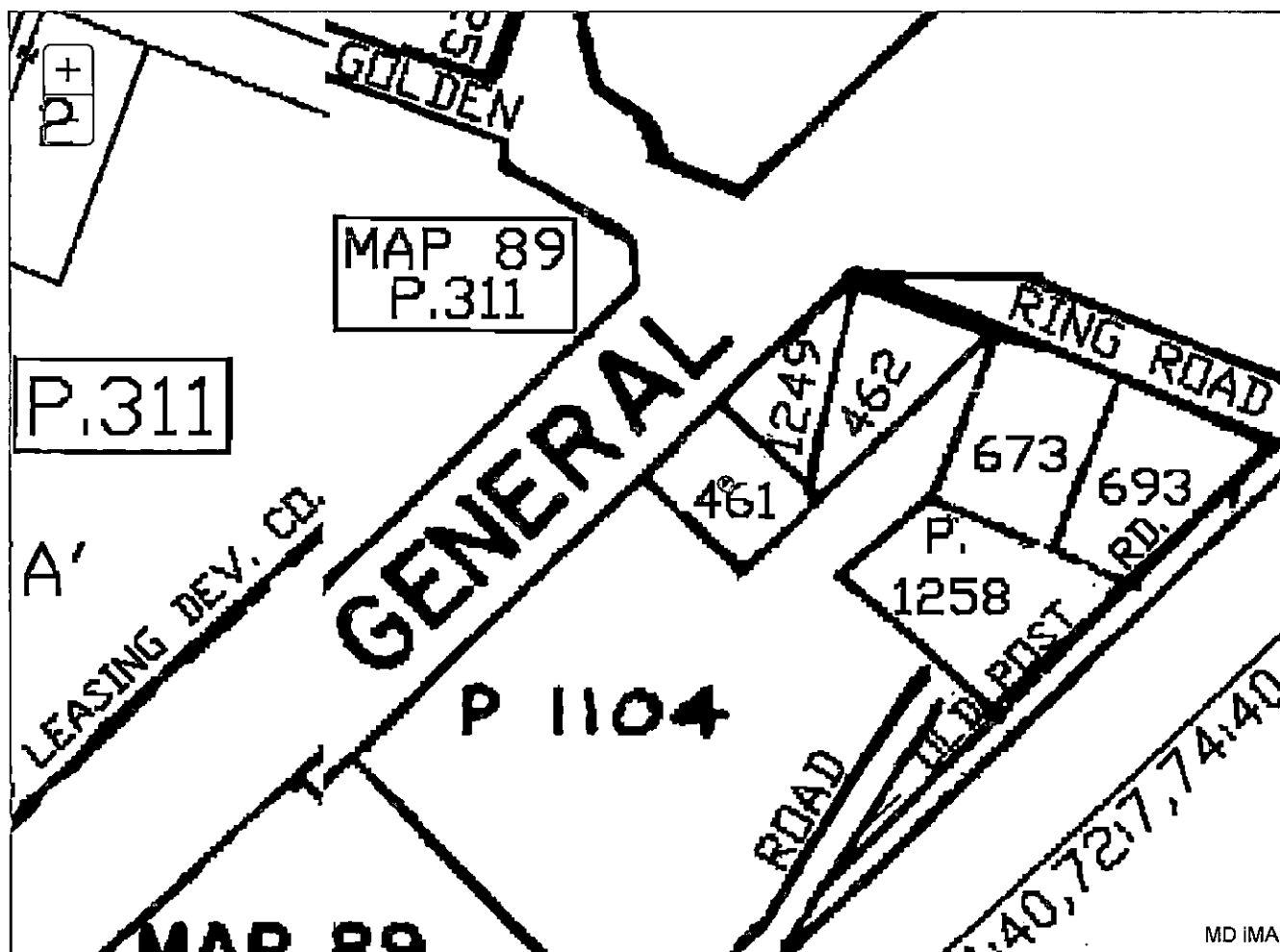
Comments, if any: _____

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1519715390							
Owner Information									
Owner Name:		BELL JOSEPH GEORGE SR TRUSTEE				Use: Principal Residence:		COMMERCIAL NO	
Mailing Address:		37474 LEISURE DR SELBYVILLE DE 19975-				Deed Reference:		/22089/ 00565	
Location & Structure Information									
Premises Address:		8555 PULASKI HWY 0-0000				Legal Description:		8555 PULASKI HWY ES 165 SW OF GOLDEN RING R	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0090	0013	0461		0000				2015	Plat Ref:
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
2012		4372				12,500 SF		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		RETAIL STORE							
Value Information									
			Base Value		Value As of 01/01/2015		Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:			345,000		345,000				
Improvements			350,300		360,300				
Total:			695,300		705,300		701,967		705,300
Preferential Land:			0						0
Transfer Information									
Seller: BELL JOSEPH GEORGE,SR				Date: 06/23/2005			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /22089/ 00565			Deed2:		
Seller: BELL JOSEPH GEORGE,SR				Date: 11/24/1998			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /13323/ 00446			Deed2:		
Seller: FOUR-T INC				Date: 10/13/1983			Price: \$168,000		
Type: ARMS LENGTH IMPROVED				Deed1: /06606/ 00371			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class				07/01/2016		07/01/2017	
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.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1519715390**

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.

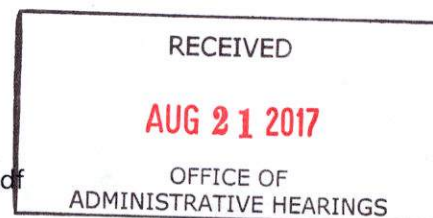
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

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>).

Debra Wiley

From: Timothy M. Kotroco <tkotroco@gmail.com>
Sent: Monday, August 21, 2017 12:20 PM
To: John E. Beverungen; KotrocoTowsonPrinter
Cc: Debra Wiley; Mike berkson
Subject: Re: Case # 2017-0096-A
Attachments: Berkson- Letter to withdraw Petition for Variance.pdf



Dear Judge Beverungen,

You had written to me regarding the above referenced case. I was able to contact my client and he has instructed me to withdraw and dismiss the variance petition that is currently pending before your office. Please see the attached letter authorizing same.

My client would like to reserve the right to file this matter in the future should it be warranted. Thank you for your attention to this matter. I trust this will resolve this case at this time.

Regards,

Tim K.
Timothy M. Kotroco, Esquire
305 Washington Ave., Suite 502
Towson, Maryland 21204
410-299-2943

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

From: John Beverungen <jbeverungen@baltimorecountymd.gov>
Date: Wednesday, August 16, 2017 at 2:35 PM
To: Timothy Kotroco <tkotroco@gmail.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Case # 2017-0096-A

Mr. Kotroco,

The petition in this case was filed on October 5, 2016, and as I am sure you recall a hearing scheduled for December 8, 2016 was postponed by agreement of all parties. There has not been any activity in this case and our office would like to close the file. Or, if you would prefer, you can withdraw in writing the petition which was filed in this case, as permitted

by the Zoning Commissioner's Rules. In either event, the petition would be dismissed without prejudice, so your client could refile the petition at a later date if he decided to do so.

Can you at your earliest convenience please let Ms. Wiley know how you would like to proceed.

Thank you.

John Beverungen

ALJ



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502

Towson, Maryland 21204

410-299-2943

Tkotreco@gmail.com

August 21, 2017

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

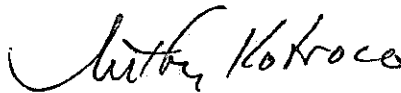
Re: Case No. 2017-0096-A
Request for withdrawal of petition

Dear Judge Beverungen:

The applicants in the above-referenced case, Mike Berkson T/A That Mattress Store and Joseph Bell, Jr., wish to withdraw and dismiss their petition for variance that is pending before your office. The matter came in for a hearing but was postponed indefinitely. My clients wish to withdraw and dismiss their petition at this time but would like to reserve the right to re-file this case in the future.

Thank you for your attention to this request.

Very truly yours,



Timothy M. Kotroco

TMK/eak

Debra Wiley

From: John E. Beverungen
Sent: Wednesday, August 16, 2017 2:35 PM
To: Tim Kotroco
Cc: Debra Wiley
Subject: Case # 2017-0096-A

Mr. Kotroco,

The petition in this case was filed on October 5, 2016, and as I am sure you recall a hearing scheduled for December 8, 2016 was postponed by agreement of all parties. There has not been any activity in this case and our office would like to close the file. Or, if you would prefer, you can withdraw in writing the petition which was filed in this case, as permitted by the Zoning Commissioner's Rules. In either event, the petition would be dismissed without prejudice, so your client could refile the petition at a later date if he decided to do so.

Can you at your earliest convenience please let Ms. Wiley know how you would like to proceed.

Thank you.

John Beverungen
ALJ

Time 5/4

12/8

Debra Wiley

8555 (week 11/12)

From: John E. Beverungen
Sent: Thursday, December 08, 2016 10:12 AM
To: Debra Wiley; Sherry Nuffer; Kristen L Lewis; hb3@hb3law.com; Timothy M. Kotroco
Subject: Case # 2017-0096

The above zoning case was scheduled for hearing on December 8, 2016. Mr. Kotroco and Mr. Burgunder appeared on behalf of Petitioner and protestants, respectively. A joint request for continuance was granted, and Mr. Kotroco will obtain a new date for the hearing after consulting with Mr. Burgunder. A discussion took place regarding the sign posting; specifically, whether the wind had blown the sign over necessitating reposting. Assuming the sign will be reposted, that would of course need to reflect the new date for the hearing. No further newspaper advertisement shall be required.

John Beverungen
AU

OAH has
free -
Ticket for
5/4

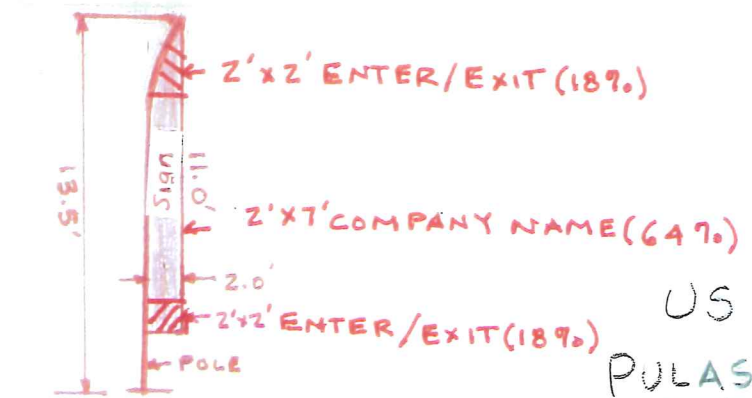
- Not on Jan. cal.
- 1/23 K. has not heard from Kotroco
- 2/3 Deb Sp. to Tim - Ticked 90 days = 5/4
(Emailed Tim on 5-4)
- 5/4 Ticked 90 days - Req'd update
- 5/5 K. not sure - will contact client + get back to us
- 6/8 Update yet?
- " "
- 8/4 K. not spoken to client. Will call + see if we can dismiss.
- 8/6

Debra Wiley

From: John E. Beverungen
Sent: Thursday, December 08, 2016 10:12 AM
To: Debra Wiley; Sherry Nuffer; Kristen L Lewis; hb3@hb3law.com; Timothy M. Kotroco
Subject: Case # 2017-0096

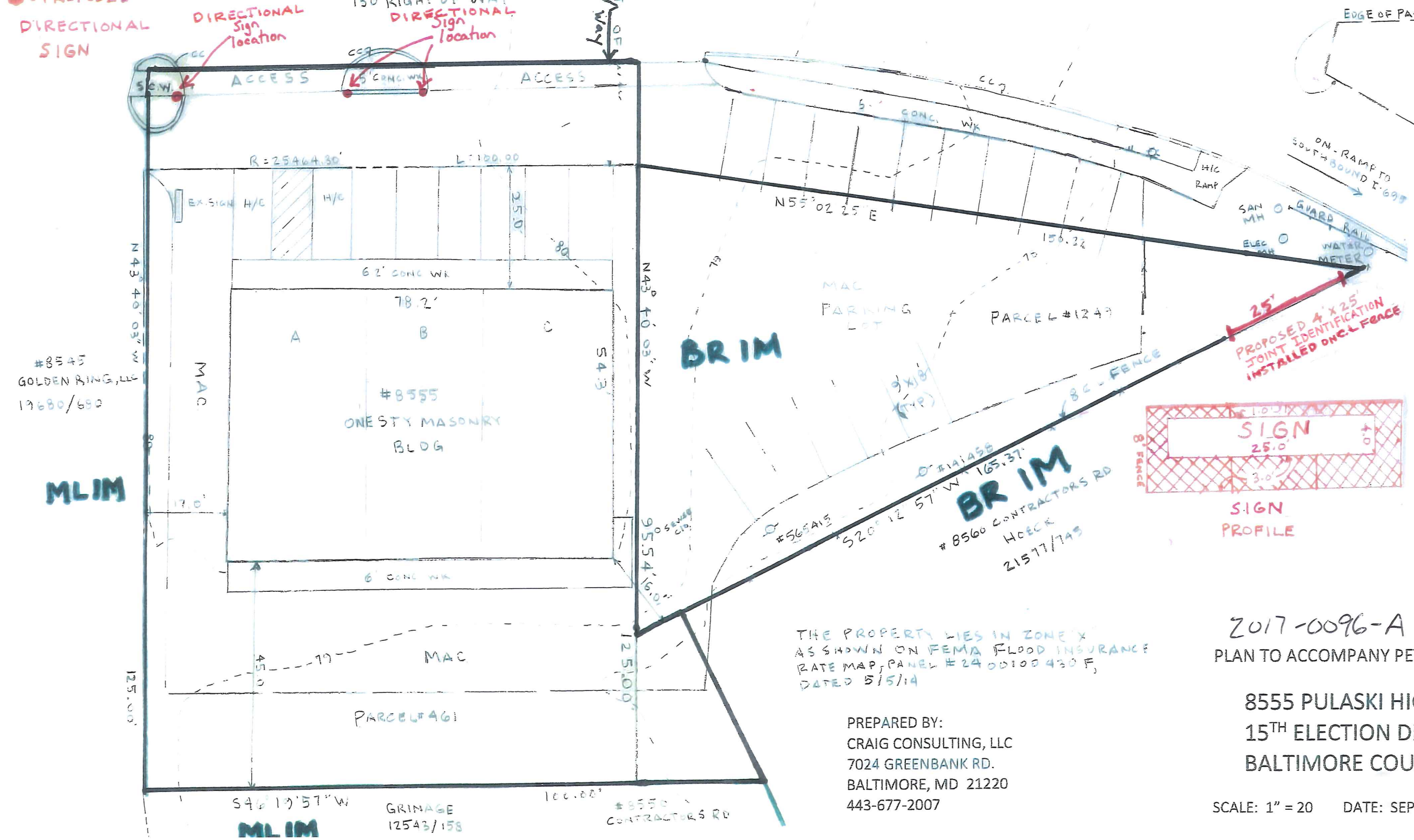
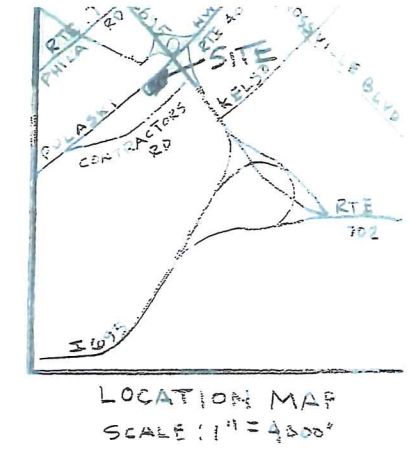
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John Beverungen
ALJ

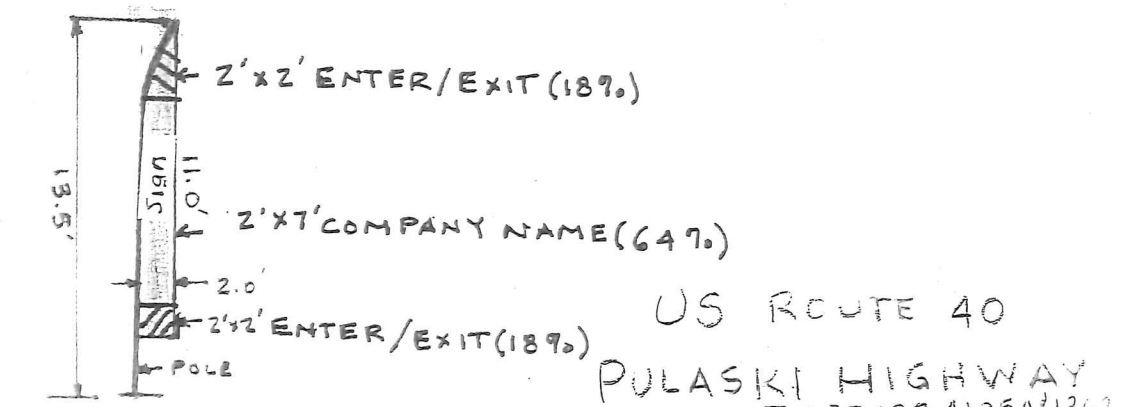


● = PROPOSED
DIRECTIONAL
SIGN

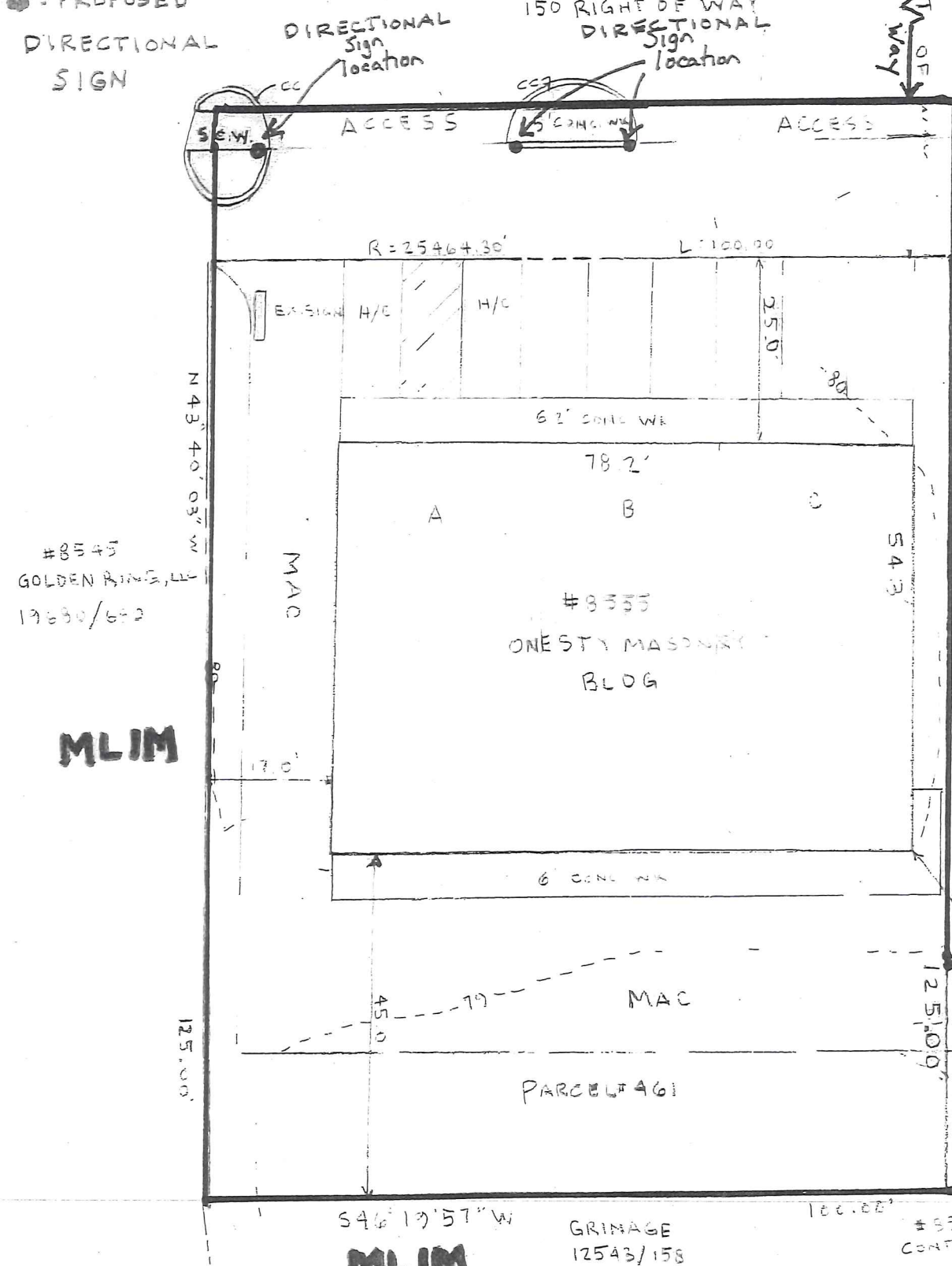
US ROUTE 40
PULASKI HIGHWAY
SRC PLAT #37827, 41954 & 1362
150' RIGHT OF WAY



- GENERAL NOTES:**
- OWNER:
JOSEPH GEORGE BELL, JR.
37474 LEISURE DRIVE
SELBYVILLE, DE 19975
 - SITE AREA:
PARCEL #461 = 0.287 AC. ±
PARCEL #1249 = 0.163 AC. ±
TOTAL = 0.450 AC. ±
 - ZONING MAP NO. 090A2
 - UTILITIES: PUBLIC WATER & SEWER
 - PARKING CALCULATIONS:
REQ: 4247 S.F. @ 2.5/1000 = 11 SPACES
PROVIDED: 13 SPACES (2 H/C, 11 REGULAR)
 - DEED REF: 22089/565, 22089/560
 - TA NOS: 1519715390, 1800014228
 - COUNCILMANIC DISTRICT NO. 7
 - ZONING: BR IM
 - T.M. NO. 90, PARCEL NOS. 461, 1249
 - CBCA - NO
 - HISTORIC - NO
 - PRIOR ZONING HEARINGS 21955-34308
TO PERMIT A NEON SIGN



● = PROPOSED
DIRECTIONAL
SIGN



#8545
GOLDEN RINGS, LLC
17680/652

MLIM

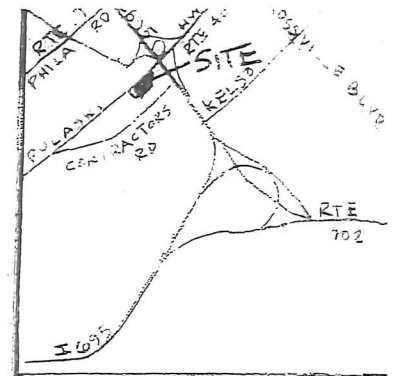
EAST BLVD LINED

BRIM

BRIM
#8560 CONTRACTORS RD
HOECK
21577/745

THE PROPERTY LIES IN ZONE X
AS SHOWN ON FEMA FLOOD INSURANCE
RATE MAP, PANEL # 24 00100 430 F,
DATED 5/5/14

PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220
443-677-2007



LOCATION MAP
SCALE: 1" = 4000'

GENERAL NOTES:

- OWNER:
JOSEPH GEORGE BELL, JR.
37474 LEISURE DRIVE
SELBYVILLE, DE 19975
- SITE AREA:
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- TA NOS: 1519715390, 1800014228
- COUNCILMANIC DISTRICT NO. 7
- ZONING: BR IM
- T.M. NO. 90, PARCEL NOS. 461, 1249
- CBCA - NO
- HISTORIC - NO
- PRIOR ZONING HEARINGS 2/19/55-3/4/30%
TO PERMIT AN ECOM SIGN



SIGN
PROFILE

2017-0096-A

PLAN TO ACCOMPANY PETITION FOR VARIANCE FOR:

8555 PULASKI HIGHWAY
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

SCALE: 1" = 20' DATE: SEPTEMBER 1, 2016