

MEMORANDUM

DATE: November 10, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0117-SPHA- Appeal Period Expired

The appeal period for the above-referenced cases expired on November 9, 2020. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(11309-11311 Reisterstown Road) *

4th Election District *

2nd Council District *

Colonial Stoler LLC *

Legal Owner *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2020-0117-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Colonial Stoner, LLC, legal owner (“Petitioner”). The Special Hearing is requested under § 450.4 of the Baltimore County Zoning Regulations (“BCZR”) (Table of Sign Regulations) 5(g) (Sign E), to confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 sq. ft. In addition, a Petition for Variance was filed under BCZR § 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one facade in lieu of the permitted three enterprise signs, with no more than two on a single facade (Sign B, C, D); and from BCZR § 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 sq. ft. in lieu of the permitted 8 sq. ft. (Sign A); and from BCZR § 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 sq. ft. and a height of 19 ft. in lieu of the permitted 50 sq. ft. and 25 ft. in height, if necessary (Sign E).

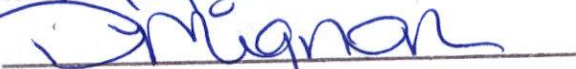
Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

ORDER RECEIVED FOR FILING

Date

10/8/20

By



Barry Stoler appeared in support of the requests. Dick Matz, of the Cobert Matz Rosenfelt, engineering firm also appeared and was accepted as an expert. David H. Karceski, Esq. represented the Petitioner. There were no protestants or interested persons in attendance. However, People's Counsel did submit a letter opposing the requested relief on the grounds that it was barred, at least in part, by the doctrine of *res judicata*.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") dated June 24, 2020. They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.

The property is approximately 4.03 acres and is zoned BR and D.R. 16. At the outset of the hearing Mr. Karceski submitted and Amended Petition (admitted as Petitioner's Exhibit 1A) that abandoned the variance relief requested in paragraph 3 of the original Petition, which had sought an area variance for a freestanding enterprise sign at the entrance to the property. This is the aspect of the Petition that People's Counsel had urged was barred by *res judicata* – a position I agree with. The Special Hearing relief was also abandoned as it too related to the enterprise sign.

Therefore, Mr. Karceski explained that the only relief they are now seeking relates to the wall mounted signage. Mr. Karceski explained that the subject property is unique because there is a significant north-south grade change along Reisterstown Road, as well as a 23 foot grade change from Reisterstown Road down to where the buildings are sited. Further, the lot is irregularly shaped and the buildings are sited far back from the road. These unique features necessitate the variance relief - one additional sign on the Reisterstown façade, and a 26 sq. ft. directional sign in lieu of the permitted 8 sq. ft. sign.¹

¹ At the hearing the undersigned pointed out that People's Counsel had noted that the property had been found *not* unique in Case No. 2017-0023-SPHA. Mr. Karceski could not explain the basis for that ruling since the property

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Date 10/8/20

By [Signature]

Variance

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As detailed above, the property is unique in several respects. The significant grade changes and the substantial setbacks of the buildings from the road necessitate the requested sign variances. If these variances are not granted the petitioner would suffer harm and practical difficulty because their clients would have difficulty identifying their business and finding the service department. I find that the relief can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety or welfare.

THEREFORE, IT IS ORDERED this **8th** day of **October, 2020**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief pursuant to § 450.4 of the Baltimore County Zoning Regulations ("BCZR") (Table of Sign Regulations) 5(g) (Sign E), to confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 sq. ft. of the Baltimore County Zoning Regulations ("BCZR") is hereby DISMISSED, WITH PREJUDICE.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief pursuant BCZR § 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one facade in lieu of the permitted three enterprise signs, with no more than two on a single facade (Sign B, C,

was found to be unique in a more recent case (Case No. 2018-0150-A). And in that case the ALJ had noted that "the property was found to be unique in at least four prior zoning cases dating back to 1974."

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Date

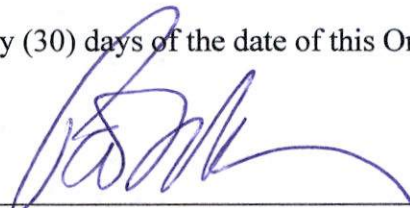
By

D); and from BCZR § 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 sq. ft. in lieu of the permitted 8 sq. ft. (Sign A); and from BCZR § 450.4 (Table of Sign Regulations) be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 their 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.
- Petitioner shall expeditiously remove the existing non-conforming free standing enterprise sign on Reisterstown Road and replace it with a conforming free standing enterprise sign.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING

Date

10/8/20

By





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 11309 and 11311 Reisterstown Road which is presently zoned BR, DR3.5, DR16
Deed References: 19598-93 10 Digit Tax Account # 2 1 0 0 1 2 5 5 2
Property Owner(s) Printed Name(s) Colonial Stoler 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

SEE ATTACHED SHEET

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

3. ☒ a Variance from Section(s)

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Colonial Stoler LLC

By: Barni Stoler

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11275 Reisterstown Road, Owings Mills, MD

Mailing Address

City

State

21117-1906, 410-773-9613

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0117-SOHA

Filing Date 5/13/20

Do Not Schedule Dates:

Reviewer gh

11309 and 11311 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR VARIANCE

1. Variance from B.C.Z.R. Section 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one façade in lieu of the permitted three enterprise signs, with no more than two on a single façade (Signs B, C, D).
2. Variance from B.C.Z.R. Section 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A).
3. Variance from B.C.Z.R. Section 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E).

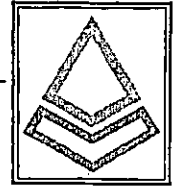
11309 and 11311 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR SPECIAL HEARING

Special Hearing to confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 square feet and, therefore, does not require a variance from B.C.Z.R. Section 450.4 (Table of Sign Regulations) 5(g)(Sign E).

Colbert Matz Rosenfelt

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 11309 & 11311 Reisterstown Road Baltimore, Maryland

Beginning at a point on the North side of Reisterstown Road (66' R/W) at a distance of 266'+/- from the center of Highfalcon Road. (70' R/W), and thence leaving said Reisterstown Road and running with and binding on the land of the herein petitioner,

- 1.. North 46 degrees 00 minutes 20 seconds East 200.00 feet,
2. North 45 degrees 36 minutes 50 seconds West 238.11 feet,
3. North 44 degrees 23 minutes 10 seconds East 116.74 feet,
4. South 70 degrees 00 minutes 20 seconds East 95.05 feet
5. South 66 degrees 48 minutes 25 seconds East 482.73 feet
6. South 46 degrees 15 minutes 12 seconds west 537.67 feet
7. North 44 degrees 13 minutes 22 seconds West 286.76 feet back to the point of beginning.

Containing 4.03 acres more or less.

Located in the 4th Election District and 2nd Councilmanic District. Known as 11309 & 11311 Reisterstown Road.



CERTIFICATE OF POSTING

CORRECTED COPY

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

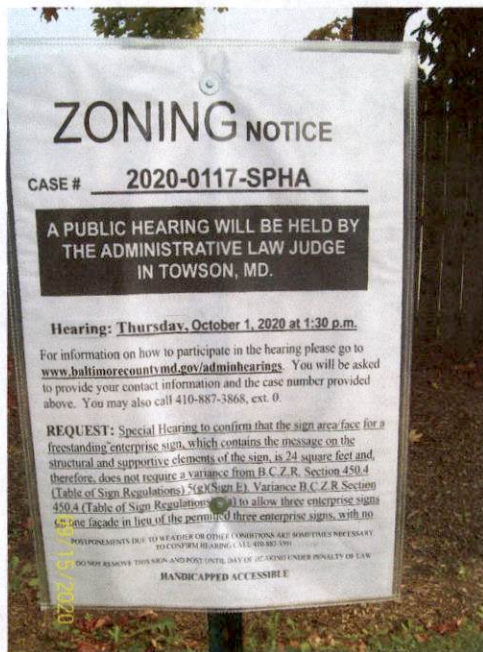
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11309 & 11311 Reisterstown Road

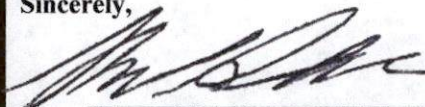
SIGN 1

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 15, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11309 & 11311 Reisterstown Road Recertification Groups 1 & 2

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

September 26, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

11309 & 11311 Reisterstown Road SIGN 1 Recertification

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

~~September 26, 2020~~

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

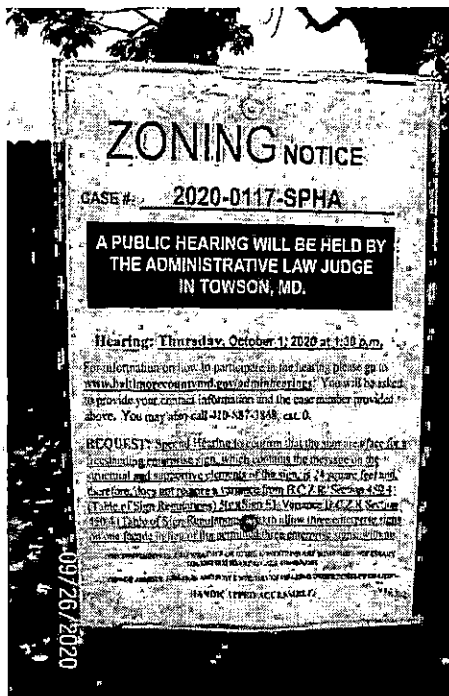
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

11309 & 11311 Reisterstown Road SIGN 2 Recertification

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 September 26, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

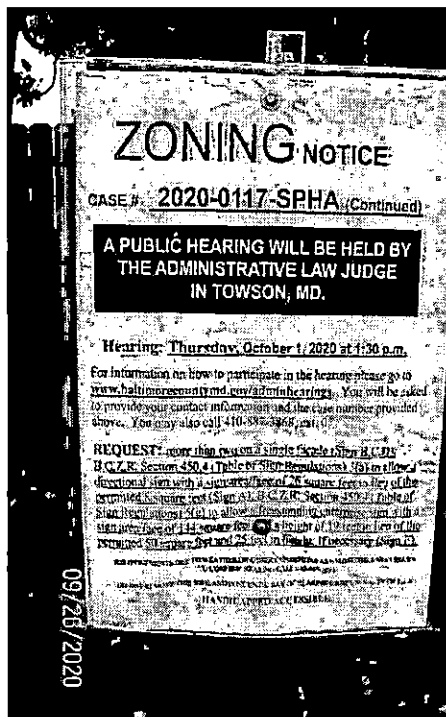
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020.

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

11309 & 11311 Reisterstown Road SIGN 3 Recertification

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

~~September 26, 2020~~

(Signature of Sign Poster) _____ (Date) _____

SSG Robert Black

(Print Name)

1508 Leslie Road

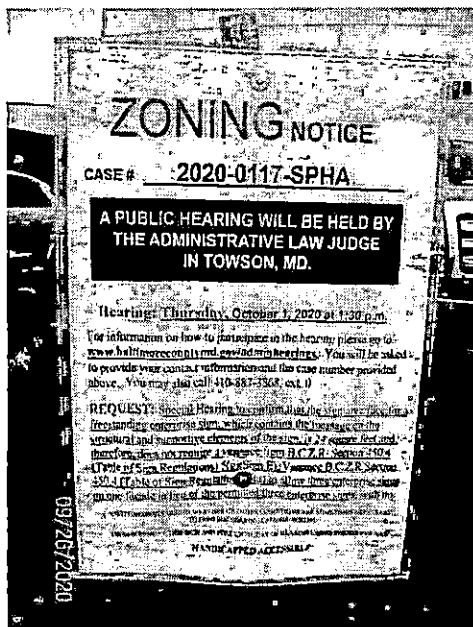
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Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

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Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

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County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11309 & 11311 Reisterstown Road **SIGN 4 Recertification**

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

September 26, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

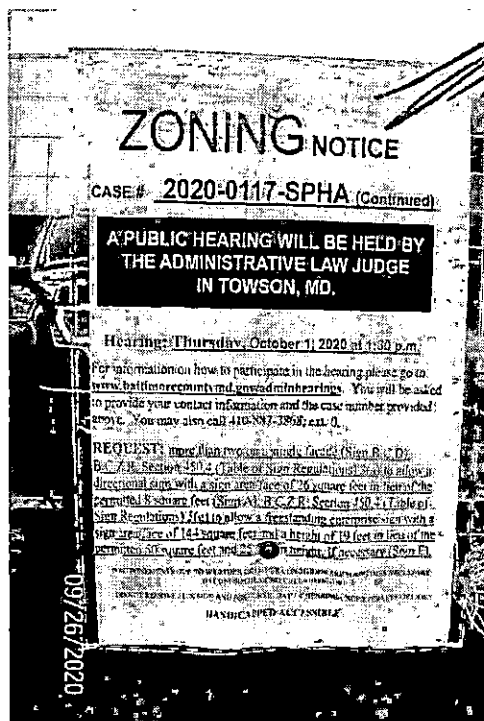
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, September 28, 2020 12:49 AM
To: Barbara Lukasevich; CARobinson@Venable.com; DKarceski@Venable.com;
Administrative Hearings
Subject: Recertification's For 2020-0117-SPHA
Attachments: Re-Cert 1 2020-0117-SPHA.doc; Re-Cert 2 2020-0117-SPHA.doc; Re-Cert 3 2020-0117-SPHA.doc; Re-Cert 4 2020-0117-SPHA.doc; Re-Cert Groups 1 & 2 2020-0117-SPHA.doc

CAUTION: This message from 1opie@comcast.net originated from a non-Baltimore County Government or non-BCPL email system.
Hover over any links before clicking and use caution opening attachments.

Recertification's for 11309 & 11311 Reisterstown Road. Thanks.

ZAC AGENDA

Case Number: 2020-0117-SPHA **Reviewer:** Gary Hucik
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: Colonial Stoler LLC
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 4 **Council Dist:** 2

Property Address: 11309 11311 REISTERSTOWN

Location: North side of Reisterstown Road (66' R/W) at distance of 266' from the center line of Highfalcon Road.

Existing Zoning: BR, DR 3.5, DR 16 **Area:** 4.03 AC

Proposed Zoning:

SPECIAL HEARING:

To confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 square feet and, therefore, does not require a variance from B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g)(Sign E).

VARIANCE:

B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one facade in lieu of the permitted three enterprise signs, with no more than two on a single facade (Sign B,C,D).

B.C.Z.R Section 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A).

B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E).

Attorney: David H. Karceski

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:



September 8, 2020
JEROME A. LEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0117-SPHA

11309 & 11311 Reisterstown Road

North side of Reisterstown Road, 266 ft. from centerline of Highfalcon Road

4th Election District – 2nd Councilmanic District

Legal Owners: Colonial Stoler, LLC

Special Hearing to confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 square feet and, therefore, does not require a variance from B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g)(Sign E). Variance B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one facade in lieu of the permitted three enterprise signs, with no more than two on a single facade (Sign B,C,D). B.C.Z.R Section 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A). B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E).

Hearing: Thursday, October 1, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Colonial Stoler, 11275 Reisterstown Road, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 11, 202



September 8, 2020
JANUSZ A. ZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

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11309 & 11311 Reisterstown Road

North side of Reisterstown Road, 266 ft. from centerline of Highfalcon Road

4th Election District – 2nd Councilmanic District

Legal Owners: Colonial Stoler, LLC

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A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Colonial Stoler, 11275 Reisterstown Road, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 11, 2020

TO: THE DAILY RECORD
Friday, September 11, 2020 - Issue

Please forward billing to:

Barb Lukasevich

410-494-6352

Venable

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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11309 & 11311 Reisterstown Road

North side of Reisterstown Road, 266 ft. from centerline of Highfalcon Road

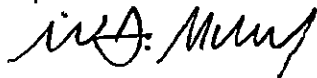
4th Election District – 2nd Councilmanic District

Legal Owners: Colonial Stoler, LLC

Special Hearing to confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 square feet and, therefore, does not require a variance from B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g)(Sign E). Variance B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one facade in lieu of the permitted three enterprise signs, with no more than two on a single facade (Sign B,C,D). B.C.Z.R Section 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A). B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E).

Hearing: Thursday, October 1, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.



Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11916865
Case #: 2020-0117-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0117-SPHA

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

9/11/2020



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0117-SPHA

11309 & 11311 Reisterstown Road
North side of Reisterstown Road, 266 ft. from centerline of Highfalcon Road
4th Election District - 2nd Councilmanic District
Legal Owners: Colonial Stoler, LLC

Special Hearing to confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 square feet and, therefore, does not require a variance from B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g)(Sign E). Variance B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one facade in lieu of the permitted three enterprise signs, with no more than two on a single facade (Sign B,C,D). B.C.Z.R Section 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 20 square feet in lieu of the permitted 8 square feet (Sign A). B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E).

Hearing: Thursday, October 1, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3863, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

s11

CERTIFICATE OF POSTING

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

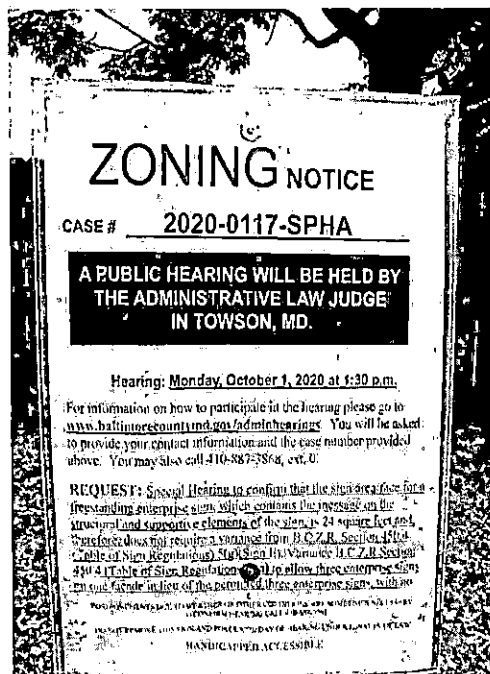
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11309 & 11311 Reisterstown Road

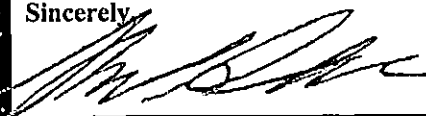
SIGN 1

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 11, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
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County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

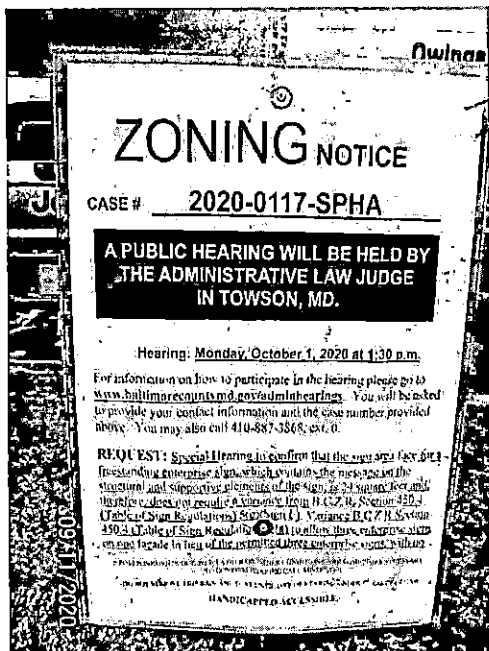
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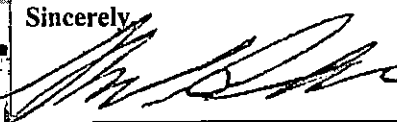
SIGN 3

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 11, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

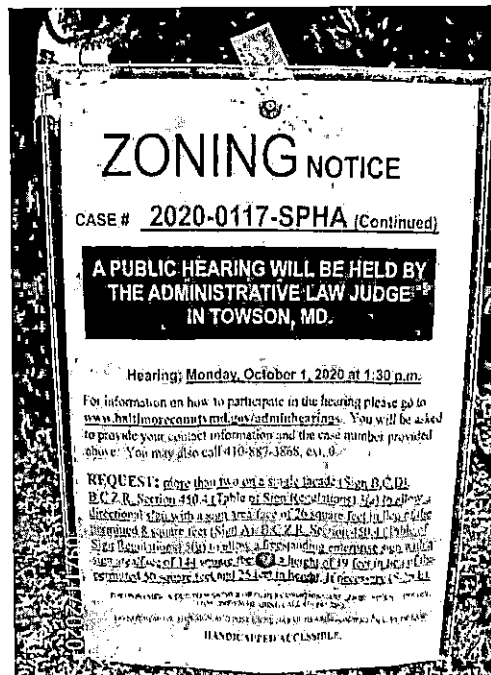
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11309 & 11311 Reisterstown Road

SIGN 2

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 11, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

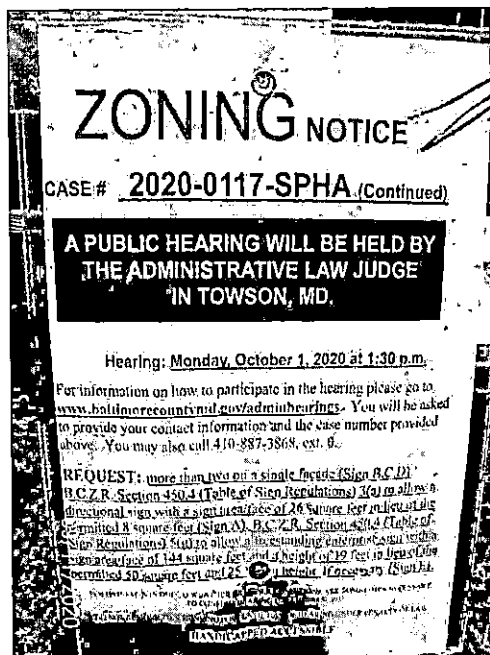
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11309 & 11311 Reisterstown Road

SIGN 4

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 11, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POST 3

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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11309 & 11311 Reisterstown Road

GROUPS 1 & 2

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 11, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**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: 2020-0117-SPHA

Property Address: 11309, 11311 Reisterstown Rd.

Property Description: See description

Legal Owners (Petitioners): Colonial Stolen LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Beth Lukasevich

Company/Firm (if applicable): Venable LLP

Address: 210 W. Pennsylvania Ave.

Suite 500

Towson, MD 21204

Telephone Number: 410 494 6352

13

May 8, 2020

T 410.494.6279
F 410.821.0147
CARobinson@Venable.com

Attention: W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing and Variance
Petitioner: Colonial Stoler LLC

Dear Mr. Richards:

Due to the current health crisis, I am drop filing the enclosed Petition for Special Hearing and Variance for the properties listed in the Petition for Zoning Hearings. I do not know of any violations of any zoning laws on the property. With this letter, I have enclosed the following documents:

1. Petition for Variance (3)
2. Zoning Description (3)
3. Site Plans (12)
4. Newspaper advertising form (1)
5. Check in the amount of \$1,000.00

If you have any questions or concerns regarding this filing, please contact me.

Sincerely,



C. Andrew Robinson Jr.

Enclosures

2020-0117-SP+VA

CERTIFICATE OF POSTING

CORRECTED COPY

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11309 & 11311 Reisterstown Road

GROUPS 1 & 2

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 September 15, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

CORRECTED COPY

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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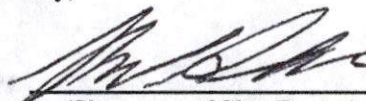
11309 & 11311 Reisterstown Road

SIGN 2

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 September 15, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

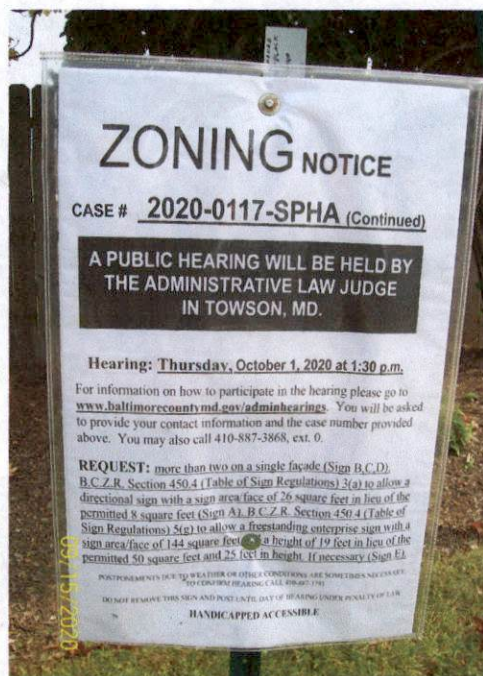
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

CORRECTED COPY

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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11309 & 11311 Reisterstown Road

SIGN 3

September 11, 2020

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(Month, Day, Year)

Sincerely,

 September 15, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

CORRECTED COPY

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

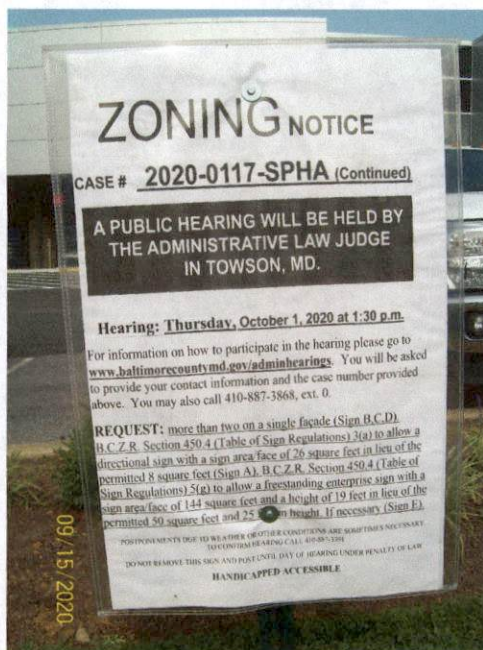
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11309 & 11311 Reisterstown Road

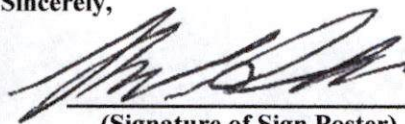
SIGN 4

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 15, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

Date of Hearing/Closing: October 1, 2020

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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11309 & 11311 Reisterstown Road

GROUPS 1 & 2

September 11, 2020

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(Month, Day, Year)



Sincerely,

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(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

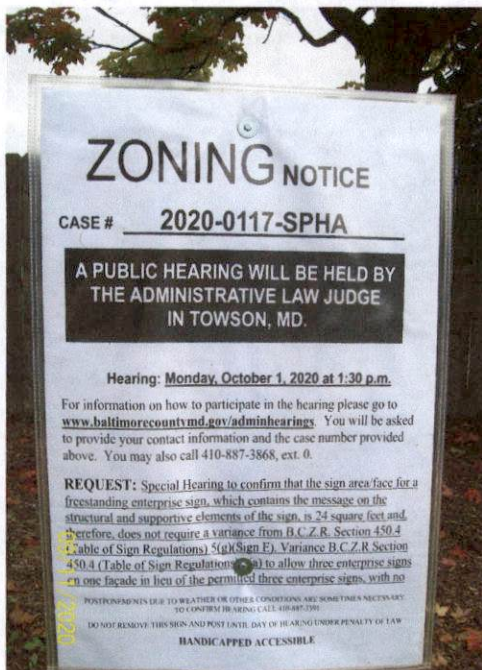
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11309 & 11311 Reisterstown Road

SIGN 1

September 11, 2020

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(Month, Day, Year)



Sincerely,

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(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

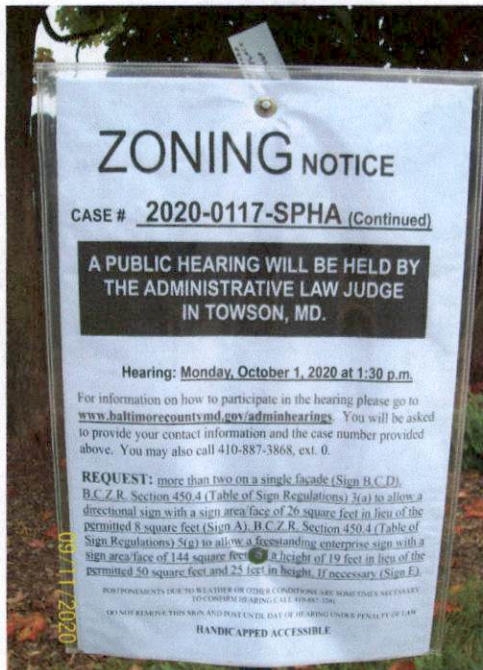
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11309 & 11311 Reisterstown Road

SIGN 2

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 11, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0117-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
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Attn: Kristen Lewis:

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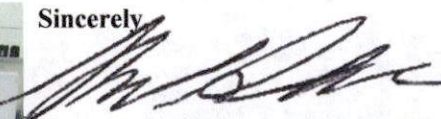
11309 & 11311 Reisterstown Road

SIGN 3

September 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 September 11, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

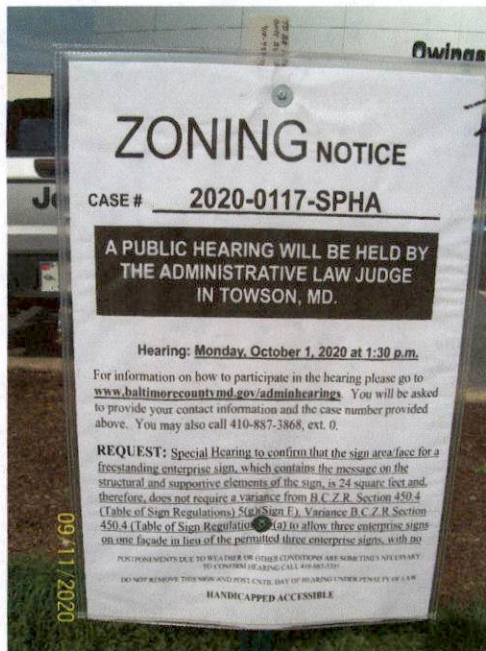
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0117-SPHA

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Petitioner/Developer: _____

Colonial Stoler, LLC

October 1, 2020

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
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Attn: Kristen Lewis:

Ladies and Gentlemen:

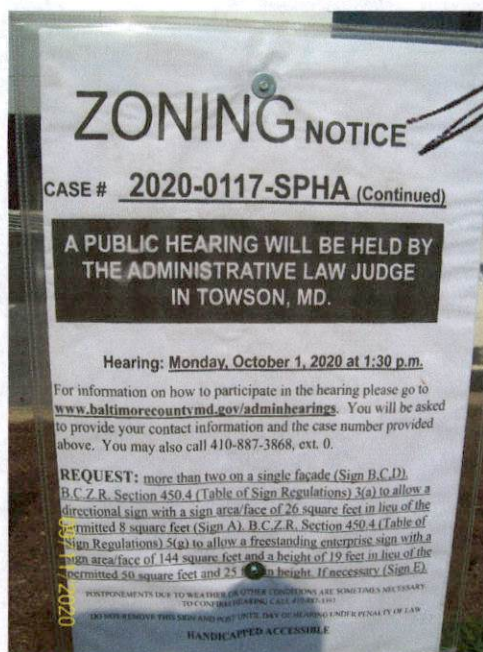
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11309 & 11311 Reisterstown Road

SIGN 4

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(Month, Day, Year)



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(Signature of Sign Poster)

September 11, 2020

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 21, 2020

David H. Karceski,
210 W. Pennsylvania Ave Ste 500
Towson MD 21204

RE: Case Number: 2020-0117-SPHA, 11309 & 11311 Reisterstown Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 13, 2020. 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over the "Very truly yours," text.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

Date: May 29, 2020

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany the petition for variance on the subject of the Case number referenced below, which was received on **5/28/20**. A field inspection and internal review reveals that an entrance onto **MD 140** consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for **Special Hearing, Variance**, Case Number **2020-0117-SPHA**.

Colonial Stoler, LLC
11309-11311 Reisterstown Road
MD 140

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@mdot.maryland.gov).

Sincerely,



For Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 6/24/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-117

INFORMATION:

Property Address: 11309 & 11311 Reisterstown Road
Petitioner: Barry Stoler, Colonial Stoler, LLC
Zoning: BR, DR 3.5, DR 16
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for the following:

Variance:

1. From Section 450.4 (Table of Sign Regulations) 5(a) of the Baltimore County Zoning Regulations, BCZR, to allow three enterprise signs on one façade in lieu of the permitted three enterprise signs, with no more than two on a single façade (Signs B, C, D)
2. From Section 450.4 (Table of Sign Regulations) 3(2) of the BCZR, to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A)
3. From Section 450.4 (Table of Sign Regulations) 5(g) of the BCZR, to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E)

Special Hearing – To confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 square feet and, therefore, does not require a Variance from BCZR Section 450.4 (Table of Sign Regulations) 5(g) (Sign E).

A site visit was conducted on June 19, 2020.

It should be noted that a sign similar to the proposed Sign 'E' was subject to Case #17-023. In the previous hearing, the request to permit a 225 square foot sign in lieu of the permitted 50 square foot sign was denied. In this case (20-117), the petitioner seeks relief for a sign that is 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 square feet in height.

The Department of Planning has no objections to the requested relief and shall concur with the administrative law judge on the decision(s) rendered for Sign 'E'.



For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480 or
County Executive Department of Permits,
Approvals & Inspections

Prepared by:

A handwritten signature in black ink, appearing to read "Krystle Patchak".

Krystle Patchak

Division Chief:

A handwritten signature in black ink, appearing to read "Jennifer G. Nugent".

Jenifer G. Nugent

CPG/JGN/kma/

c: Bill Skibinski
David Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: May 28, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0117-SPHA
Address 11309-11311 Reisterstown Road
(Colonial Stoler, LLC Property)

Zoning Advisory Committee Meeting of **June 1, 2020**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 6/24/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-117

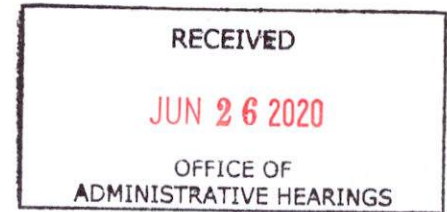
INFORMATION:

Property Address: 11309 & 11311 Reisterstown Road

Petitioner: Barry Stoler, Colonial Stoler, LLC

Zoning: BR, DR 3.5, DR 16

Requested Action: Special Hearing, Variance



The Department of Planning has reviewed the petition for the following:

Variance:

1. From Section 450.4 (Table of Sign Regulations) 5(a) of the Baltimore County Zoning Regulations, BCZR, to allow three enterprise signs on one façade in lieu of the permitted three enterprise signs, with no more than two on a single façade (Signs B, C, D)
2. From Section 450.4 (Table of Sign Regulations) 3(2) of the BCZR, to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A)
3. From Section 450.4 (Table of Sign Regulations) 5(g) of the BCZR, to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E)

Special Hearing – To confirm that the sign area/face for a freestanding enterprise sign, which contains the message on the structural and supportive elements of the sign, is 24 square feet and, therefore, does not require a Variance from BCZR Section 450.4 (Table of Sign Regulations) 5(g) (Sign E).

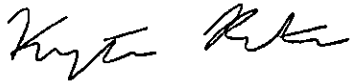
A site visit was conducted on June 19, 2020.

It should be noted that a sign similar to the proposed Sign 'E' was subject to Case #17-023. In the previous hearing, the request to permit a 225 square foot sign in lieu of the permitted 50 square foot sign was denied. In this case (20-117), the petitioner seeks relief for a sign that is 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 square feet in height.

The Department of Planning has no objections to the requested relief and shall concur with the administrative law judge on the decision(s) rendered for Sign 'E'.

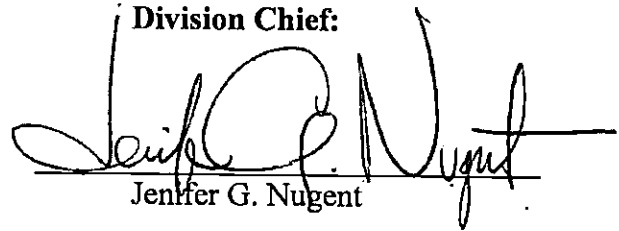
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

CPG/JGN/kma/

c: Bill Skibinski
David Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: May 28, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0117-SPHA
Address 11309-11311 Reisterstown Road
(Colonial Stoler, LLC Property)

Zoning Advisory Committee Meeting of **June 1, 2020**.

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

Reviewer: Steve Ford

Kristen L Lewis

From: Karceski, David H. <DKarceski@Venable.com>
Sent: Tuesday, September 08, 2020 12:44 PM
To: Kristen L Lewis
Cc: Robinson, Drew
Subject: Zoning Hearing for 11311 Reisterstown Road

Importance: High

CAUTION: This message from DKarceski@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Kristen

The owner of the property is Colonial Stoler LLC

You said that October 1st at 1:30 p.m. is an available date/time. This date does work for the petitioner.

The Participants will be -

David Karceski
dhkarceski@venable.com

Drew Robinson
carobinson@venable.com

Maira Zaheer, Project Manager for Pattison Sign Group (the owner's sign company)
mzaheer@pattisonsign.com

Dick Matz, Professional Engineer – Colbert Matz and Rosenfeld
dmatz@cmrengineers.com

Thank you,

David

This electronic mail transmission may contain confidential or privileged information. If
you believe you have received this message in error, please notify the sender by reply
transmission and delete the message without copying or disclosing it.

10/1
1:30

Debra Wiley

From: Karceski, David H. <DKarceski@Venable.com>
Sent: Wednesday, September 9, 2020 11:32 AM
To: Kristen L Lewis
Cc: Robinson, Drew; Debra Wiley
Subject: Case # 2020-117 RE: Zoning Hearing for 11311 Reisterstown Road

CAUTION: This message from DKarceski@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Kristen

Would you please add this person as an additional presenter for this public hearing?

Albert Scholz ✓ 9-9
Chief Engineer, Stoler
AScholz@lenstoler.com
11275 Reisterstown Road
Owings Mills MD, 21117

Thank you,

David

From: Karceski, David H.
Sent: Tuesday, September 8, 2020 12:44 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: Robinson, Drew <CARobinson@Venable.com>
Subject: Zoning Hearing for 11311 Reisterstown Road
Importance: High

Hi Kristen

The owner of the property is Colonial Stoler LLC

You said that October 1st at 1:30 p.m. is an available date/time. This date does work for the petitioner.

The Participants will be -

David Karceski
dhkarceski@venable.com

Drew Robinson
carobinson@venable.com

Maira Zaheer, Project Manager for Pattison Sign Group (the owner's sign company)
mzaheer@pattisonsign.com

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
9/9 Albert Scholz	ascholz@lenstoler.com	1-	New York Time	English	U.S.
David Karceski	dhkarceski@venable.com	1-	New York Time	English	U.S.
Dick Matz	dmatz@cmrengineers.com	1-	New York Time	English	U.S.
Drew Robinson	carobinson@venable.com	1-	New York Time	English	U.S.
Maira Zaheer	mzaheer@pattisonsign.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(11311 Reisterstown Road) *
4th Election District *
2nd Council District *
Colonial Stoler, LLC *
Owner *
Petitioner *

JB 9-23-16
BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0023-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Petitioner in the above case sought variance and special hearing relief in connection with a proposed freestanding sign at a Lexus automobile dealership. Both requests were denied in an Order dated September 29, 2016. Petitioner seeks reconsideration of the ruling on the petition for special hearing, which pertains to the calculation of the sign area.

Petitioner's primary argument is that the Administrative Law Judge should not defer to the zoning office's interpretation of the regulations concerning the "area" of a sign. Petitioner's expert agreed the zoning office adhered in this case to its longstanding pattern and practice in calculating the sign area. The zoning office determined the entire face of the sign (rather than just the 45 sq. ft. rectangle containing the "Lexus" lettering and logo) must be included in the area calculation since the color and design of the structure constituted part of the sign's message.

Petitioner contends this interpretation disregards "exclusion A" found in the definition of "area" at B.C.Z.R. § 450.3. I respectfully disagree. That provision would exclude from the calculation any support structures or features which "are not part of the message of the sign." *Id.* (emphasis added). For example, a structural support pole on which a sign was located would not be included in the area calculation. But the zoning office here determined the color and design

of the sign face was integral to the message (i.e., "Lexus") and so should be part of the sign "area."

The Zoning Commissioner's Policy Manual, at p. 4-69.9 (a copy of which is attached hereto), Example 5, shows how the area of a Volvo automobile dealership sign is calculated, and I believe the zoning office's interpretation is consistent with this example.

WHEREFORE, IT IS ORDERED this 14th day of **October, 2016**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

TABLE-DEFINITION OF COLUMNS- The following table specifies the allowable combinations of sign classes and sign types, along with locational, dimensional and other pertinent conditions, as follows:

Column:

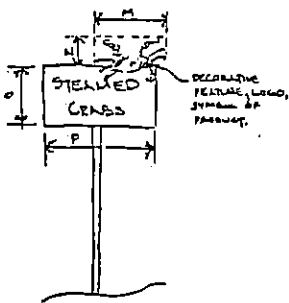
- A. Class - Refers to the overall purpose and general character of the entire sign.
- B. Structural Type - Identifies the structural type(s) that may be used to display signs of the given class, subject to the requirements in the succeeding columns. (See definitions of types on Page 4.)
- C. Zone or Use - Defines the zone(s) wherein signs of the class and type combination(s) may be displayed. In certain cases, the permissibility is granted for a sign in conjunction with a particular type of land use, as identified in this column, in whichever zone(s) such use is permitted.
- D. Permit Required - A "Bldg." entry indicates that a Building Permit must be obtained for each sign. A "None" entry indicates that a Building Permit is not required, provided that the sign complies with all other applicable provisions of these Regulations. An "SE" indicates that each such sign is permitted only as a Special Exception use authorized pursuant to Section 502. A "Use" entry indicates that a permit pursuant to Section 500.4 must be obtained for each such sign.

If the proposed sign(s) will be accessory to a structure, use or development that otherwise is required to obtain a building or use permit or development approval, all pertinent information regarding the sign(s) must be included as part of the otherwise-required application(s).

- E. Maximum Area or Face - Defines the maximum number of square feet, or the rule for calculating the maximum number, that may be included within the face of any single permitted sign of the given class, regardless of the type; the number is not to be interpreted as a separate limit for each type identified in Column B, but the maximum area may be divided among more than one sign to the extent permitted in Column F. Subject to the limit in Column F regarding the maximum number of signs, compliance with the maximum area is determined by the following rules:

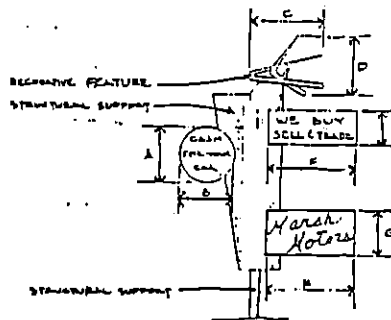
DETERMINING AREA - EXAMPLES

EXAMPLE 1



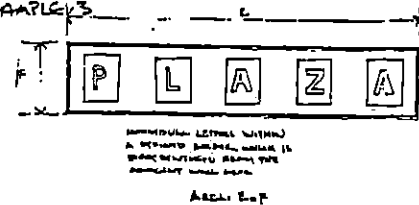
$$\text{AREA} = (M \times N) + (P \times Q)$$

EXAMPLE 2



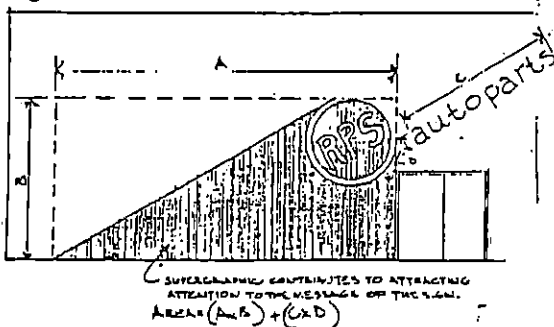
$$\text{AREA} = (A \times B) + (C \times D) + (E \times F) + (G \times H)$$

EXAMPLE 3



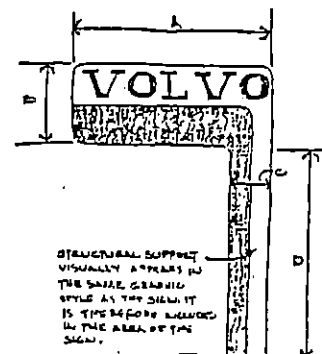
$$\text{AREA} = E \times F$$

EXAMPLE 4



$$\text{AREA} = (A \times B) + (C \times D)$$

EXAMPLE 5



$$\text{AREA} = (A \times B) + (C \times D)$$

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(11311 Reisterstown Road) *
4th Election District *
2nd Council District *
Colonial Stoler, LLC *
Owner *
Petitioner *

MS 9-23-16
BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0023-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Colonial Stoler, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a sign of 45 sq. ft. in lieu of the 225 sq. ft. as determined under the County's interpretation of the required area which includes the entire structure. In the alternative, a Petition for Variance seeks to permit a sign of 225 sq. ft. in lieu of the 50 sq. ft. permitted. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests were Barry Stoler and Mitchell Kellman. Marvin I. Singer, Esq. represented the Petitioner. George Harmon, on behalf of the Reisterstown-Owings Mills-Glyndon Coordinating Council, opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), concerning landscaping and lighting requirements.

The subject property is 4.085 acres in size and is zoned BR. A Lexus automobile dealership ("Len Stoler Lexus") is operated at the property. Counsel indicated the manufacturer

has adopted new branding and logos, and that the applicable agreements require franchisees to install new signage at the dealership.

SPECIAL HEARING

Petitioner's counsel and Mr. Kellman met with County zoning staff to discuss the petition. The County determined - - in keeping with its long-standing policy - - the sign area included the entire 9' x 25' structure shown on the plan. Petitioner contends the sign area should only include the approximate 45 sq. ft. rectangle containing the "Lexus" script and logo, and the special hearing request seeks confirmation of this interpretation.

The resolution of this issue involves several definitions found in the sign regulations, including: "area," "face," "message," and "sign." B.C.Z.R. §450.3. The determination of a sign's "area" involves drawing a rectangle around the "face" of the sign. The face is the flat surface containing the "message of the sign." Under the Regulations the "message" includes not only "written words" and "symbols," but also "colors, illumination or theme comprising the face of a sign." According to Mr. Kellman, County staff believed the color, design and theme of the sign were integral to the message it delivered; i.e., the "Lexus" brand.

While there are reasonable arguments on both sides, I believe under Maryland law I am obliged to defer to the zoning staff's long-standing interpretation of the sign regulations. Mr. Kellman confirmed the calculation of the sign area in this case was consistent with the agency's procedure and determination in similar cases. As Maryland's highest court has held, the "interpretation of a statute by the agency charged with its administration is entitled to great deference, especially when the interpretation has been applied consistently and for a long period of time." *BGE v. Public Service Comm'n.*, 305 Md. 145, 161 (1986).

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

While the dimensions of the property are somewhat irregular, the site does not have any truly inherent characteristics (i.e., size, shape, topography, etc.) that would render it unique under Maryland law. The petitioner must establish the property is unique or peculiar in a way that is unlike other properties in the neighborhood. In a contested case requiring a rigorous application of the variance standard, the petitioner faces an uphill battle. In fact, I was unable to locate a Maryland appellate court opinion from the last twenty years which upheld the grant of a variance. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699.

THEREFORE, IT IS ORDERED this 29th day of September, 2016, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to permit a sign of 45 sq. ft. in lieu of the 225 sq. ft. under the County's interpretation of the required area which includes the entire structure, be and is hereby DENIED.

IT IS FURTHER ORDERED the petition for variance to permit a sign of 225 sq. ft. in lieu of the 50 sq. ft. permitted, be and is hereby DENIED.

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

A handwritten signature in black ink, appearing to read 'JEB', is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

Debra Wiley

From: Debra Wiley
Sent: Wednesday, September 9, 2020 8:09 AM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: Link - Zoning Hearing - 11309 & 11311 Reisterstown Road - Case No. 2020-0117-SPHA - Colonial Stoler, LLC

Event: Zoning Hearing - 11309 & 11311 Reisterstown Road
Type: Listed Event

Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e83a7fe>

Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e748ab5>

Date and time: Thursday, October 1, 2020 1:30 pm
Eastern Daylight Time (New York, GMT-04:00)

Duration: 1 hour

Description: Zoning Hearing
11309 & 11311 Reisterstown Road
Case No. 2020-0117-SPHA
Colonial Stoler, LLC

Event number: 172 318 3435

Event password: 1234

Host key: 189211

Alternate Host: Donna Mignon, Henry Ayakwah

Panelist Info:

Panelist password:

Panelist numeric password: 930707

Video Address: 1723183435@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 172 318 3435

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
David Karceski	dhkarceski@venable.com	1-	New York Time	English	U.S.
Dick Matz	dmatz@cmreengineers.com	1-	New York Time	English	U.S.
Drew Robinson	carobinson@venable.com	1-	New York Time	English	U.S.
Maira Zaheer	mzaheer@pattisonsign.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

Kristen L Lewis

From: Karceski, David H. <DKarceski@Venable.com>
Sent: Tuesday, September 08, 2020 12:44 PM
To: Kristen L Lewis
Cc: Robinson, Drew
Subject: Zoning Hearing for 11311 Reisterstown Road

Importance: High

CAUTION: This message from DKarceski@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Kristen

The owner of the property is Colonial Stoler LLC

You said that October 1st at 1:30 p.m. is an available date/time. This date does work for the petitioner.

The Participants will be -

David Karceski
dhkarceski@venable.com ✓

Drew Robinson
carobinson@venable.com ✓

Maira Zaheer, Project Manager for Pattison Sign Group (the owner's sign company)
mzaheer@pattisonsign.com ✓

Dick Matz, Professional Engineer -- Colbert Matz and Rosenfeld
dmatz@cmrengineers.com ✓

Thank you,

David

This electronic mail transmission may contain confidential or privileged information. If
you believe you have received this message in error, please notify the sender by reply
transmission and delete the message without copying or disclosing it.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 04 Account Number - 2100012552			
Owner Information					
Owner Name:		COLONIAL STOLER LLC		Use:	COMMERCIAL
Mailing Address:		11275 REISTERSTOWN RD OWINGS MILLS MD 21117-1906		Principal Residence:	NO
				Deed Reference:	/19598/ 00093
Location & Structure Information					
Premises Address:		11311 REISTERSTOWN RD 0-0000		Legal Description:	4.0316 AC NES REISTERSTOWN RD 183 SE HIGHFALCON RD
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0058	0007	0369	20000.04	0000	
				Block:	Lot:
				Assessment Year:	Plat No:
				2020	Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1990		35,939 SF		4.0300 AC	
Property Land Area		County Use			
4.0300 AC		06			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		AUTO SHOWROOM	/	C4	
Garage		Last Notice of Major Improvements			
		2001			
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2020		07/01/2020	
				As of	
				07/01/2021	
Land:	1,119,400	1,119,400			
Improvements	4,349,500	4,394,100			
Total:	5,468,900	5,513,500		5,483,767	5,498,633
Preferential Land:	0				0
Transfer Information					
Seller: COLONIAL STOLLER PARTNERSHIP		Date: 02/12/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /19598/ 00093		Deed2:	
Seller: COLONIAL STOLLER PARTNERSHIP		Date: 06/29/1989		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08214/ 00267		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2020		07/01/2021	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

10-1 @ 1:30 pm
2020-11-7-SHA

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Albert Scholz	ascholz@lenstoler.com	1-	New York Time	English	U.S.
David Karceski	dhkarceski@venable.com	1-	New York Time	English	U.S.
Dick Matz	dmatz@cmengineers.com	1-	New York Time	English	U.S.
Drew Robinson	carobinson@venable.com	1-	New York Time	English	U.S.
Lorette Fiore	lfiore@pattisonsign.com	1-	New York Time	English	U.S.
Maira Zaheer	mzaheer@pattisonsign.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Shelley Bereznicki	sbereznicki@pattisonsign.com	1-	New York Time	English	U.S.

OK

Debra Wiley

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Wednesday, September 30, 2020 12:47 PM
To: Debra Wiley
Cc: Donna Mignon
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

CAUTION: This message from CARobinson@venable.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Debbie,

Thanks, but he cannot locate it. I asked the speakers to save the email shortly after it was received and today I gave them the date and time it came but no luck. Is it possible to have it resent? Thanks.

Drew

From: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Wednesday, September 30, 2020 12:32 PM
To: Robinson, Drew <CARobinson@Venable.com>
Cc: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

Caution: External Email

Drew,

Please tell him to check junk or spam email. The email would be coming from my name at the county address and it was delivered on September 9th.

Thanks.

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Wednesday, September 30, 2020 12:21 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Donna Mignon <dmignon@baltimorecountymd.gov>; Karceski, David H. <DKarceski@Venable.com>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

CAUTION: This message from CARobinson@venable.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Debbie,

Please also send one to Albert Scholz, who cannot locate his invite:

Albert Scholz
AScholz@lenstoler.com

I apologize for the redundancy.

Drew

From: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Wednesday, September 30, 2020 12:19 PM
To: Robinson, Drew <CARobinson@Venable.com>
Cc: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: FW: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

Caution: External Email

Hi Drew,

In reference to the above matter, 4 of the 6 speakers listed from your email were previously forwarded WebEx invitations. I will send new invites to Lorette Fiore and Shelley Bereznicki.

Thanks.

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Wednesday, September 30, 2020 12:15 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: FW: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

See Below from Drew.
Thank you

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Wednesday, September 30, 2020 12:08 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

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Thank you!

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Wednesday, September 30, 2020 12:07 PM
To: Robinson, Drew <CARobinson@Venable.com>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

Caution: External Email

Hi Drew,
I did not create this webex, Debbie did, so I will have her invite the below. Thank you.

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Wednesday, September 30, 2020 12:02 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Karceski, David H. <DKarceski@Venable.com>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

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Donna,

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We had to add some speakers for the hearing due to turnover, so could you please (re)send invites to the following:

Lorette Fiore
lfiore@pattisonsign.com

Albert Scholz
AScholz@lenstoler.com

Shelley Bereznicki
sbereznicki@pattisonsign.com

David Karceski
dhkarceski@venable.com

Drew Robinson
carobinson@venable.com

Dick Matz
dmatz@cmrengineers.com

Thanks,

Drew

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, September 28, 2020 1:10 PM
To: Robinson, Drew <CARobinson@Venable.com>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

Caution: External Email

You are welcome. Have a great day.

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Thank you Donna!

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, September 28, 2020 1:06 PM
To: Robinson, Drew <CARobinson@Venable.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

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Hi Drew,
I spoke to ALJ Mayhew and he indicated that was fine. Please make sure we have them by Wednesday.

Thank you.

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To: 'Robinson, Drew' <CARobinson@Venable.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

Drew, I have forwarded your email to ALJ Mayhew and I am waiting to hear from him. Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Monday, September 28, 2020 12:51 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Karceski, David H. <DKarceski@Venable.com>
Subject: RE: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

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Drew

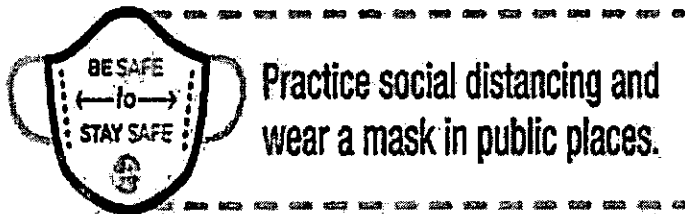
From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, September 28, 2020 10:57 AM
To: Robinson, Drew <CARobinson@Venable.com>
Subject: 11309-11311 Reisterstown Road - Hearing 10/1/2020 at 1:30 p.m.

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Good Morning Drew,
I am working on the webex hearing files this week and just a reminder we need the exhibits emailed to us 48 hours prior to the hearing date.

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2020-0115-A

10/1

1:30

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Albert Scholz	ascholz@lenstoler.com	1-	New York Time	English	U.S.
David Karceski	dhkarceski@venable.com	1-	New York Time	English	U.S.
Dick Matz	dmatz@cmrengineers.com	1-	New York Time	English	U.S.
Drew Robinson	carobinson@venable.com	1-	New York Time	English	U.S.
✓ Lorette Fiore	lfiore@pattisonsign.com	1-	New York Time	English	U.S.
Maira Zaheer	mzaheer@pattisonsign.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
✓ Shelley Bereznicki	sbereznicki@pattisonsign.com	1-	New York Time	English	U.S.

OK

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David Karceski	dhkarceski@venable.com	1-	New York Time	English	U.S.
Dick Matz	dmatz@cmrengineers.com	1-	New York Time	English	U.S.
Drew Robinson	carobinson@venable.com	1-	New York Time	English	U.S.
Maira Zaheer	mzaheer@pattisonsign.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.



Donna Mignon

2020-0115-A

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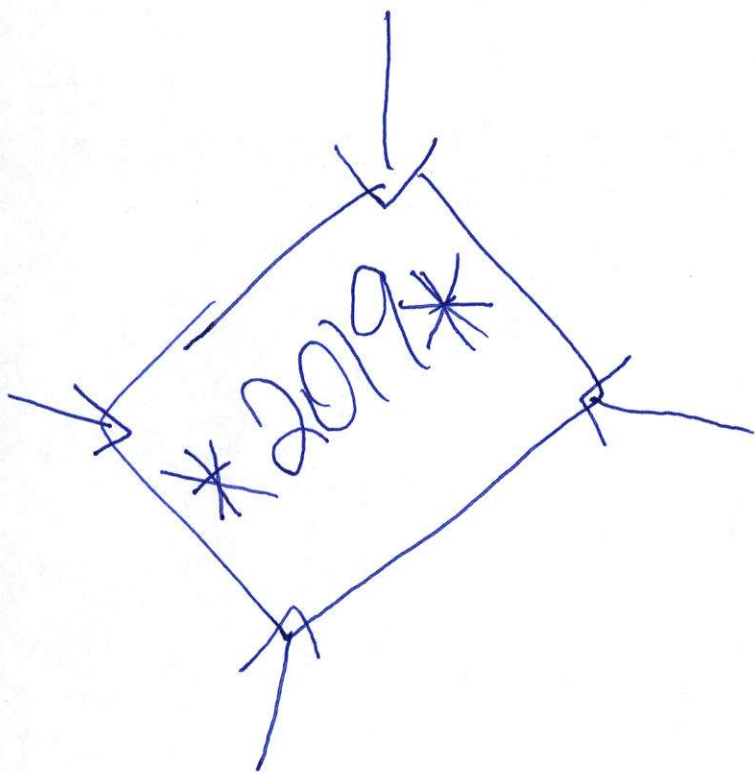
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Practice social distancing and
wear a mask in public places.



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Donna Mignon

From: Peoples Counsel
Sent: Tuesday, September 22, 2020 1:02 PM
To: Paul Mayhew; Administrative Hearings
Cc: Karceski, David H.; Rosenblatt, Adam M.; Debra Wiley; Donna Mignon; 'mpierce1@aol.com'; 'George Harman'
Subject: Ltr to Mayhew Colonial Stoler - 11309 Reisterstown Rd - Case No. 2020-117-SPHA
Attachments: Ltr to Mayhew Colonial Stoler 11309 Reisterstown Rd with Attachments -Case No 2020-117-SPHA.pdf; Colonial Stoler Opinions - Case No 2017-023-SPHA.pdf

Judge Mayhew:

Attached for filing is a letter from our office relating to the above-mentioned case.

Given that hearings are held remotely, in the event you may not have the prior Orders, we provide the following to you.

- Opinion and Order by Judge Beverungen dated September 29, 2016. (Denied)
- Order on Motion for Reconsideration by Judge Beverungen dated October 14, 2016. (Denied)
- Opinion (unanimous) of the Board of Appeals of Baltimore County dated June 9, 2017. (Denied)
- Order of the Circuit Court for Baltimore County by Judge H. Patrick Stringer dated January 19, 2018. (Denial of the CBA affirmed)

Thank you for your consideration.

Rebecca Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 Office



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 22, 2020

SENT VIA EMAIL

Paul M. Mayhew, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Colonial Stoler
11309 and 11311 Reisterstown Road
Case No. 2020-117-SPHA

Dear Judge Mayhew,

A hearing is scheduled in the aforementioned case on October 1, 2020. Our office feels compelled to present our position to the Administrative Law Judge in the aforementioned case, having litigated the same sign for the same petitioner less than 3 years ago. Moreover, the Department of Planning recognized the prior case in 2017 for a freestanding sign by the same Petitioner at the same location. Planning rightly deferred to the ALJ on this legal issue. We respectfully wish to convey our position on *res judicata* and variance law.

The petitioner, Colonial Stoler LLC, filed a special hearing petition in 2017 for the free standing sign that is the subject of a special hearing and a variance petition in this case. In 2017 Petitioner claimed the area did not exceed the perimeter around the word Lexus although the face of the sign measured 225 square feet. Petitioner contended the integral color and design of a Lexus key fob within the area should not be considered as part of the sign's size limitation of 50 square feet under BCZR 450.6 (g). (See attached BCZR page 4:189).

The special hearing relief in the 2017 case was denied by the ALJ, denied on reconsideration by the ALJ, denied by the CBA and affirmed by the CC. The opinions rejected Petitioner's claim that the design is excluded from the definition of area in BCZR

450. The CBA denied the variances and held the site was not unique and the decision was upheld in the Circuit Court.

The Circuit Court Order was issued January 19, 2018. Just two years and 4 months later Petitioner has returned for relief for the same sign and virtually the same relief. This is a blatant case of *res judicata*.

The 2017 Petition requested the following:

"Variance Request – Section 450.4 Attachment 1 #5(g)

To request a variance permitting a sign of 225 sq. ft. in lieu of the 50 sq. ft. permitted by Sec. 450.4 or,

Special Hearing

In the alternative, permitting a sign of 45 sq. ft. in lieu of the 225 sq. ft. under the County's interpretation of the required area including the entire structure, which is the subject of the requested Special Hearing, as set forth herein"

The current Petition states:

"1. B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one facade in lieu of the permitted three enterprise signs, with no more than two on a single facade (Sign B,C,D).

2. Variance from B.C.Z.R Section 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A).

3. Variance from B.C.Z.R Section 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary (Sign E)."

Variance #3 and the Special Hearing pertain to the same freestanding sign as in the 2017 case and are barred by *res judicata*. Variance #1 and #2 require a finding of uniqueness and practical difficulty. The 2017 opinions held the site is not unique for sign relief, thus barring variance relief in the instant case.

The sign illustrations are attached. Clearly, it is the same sign in terms of logo, language, color. Under BCZR the sign still exceeds the area requirements. Petitioner is just taking another stab at securing zoning approval despite a final order denying the same sign; this is exactly what *res judicata* prohibits and is the purpose of this long standing legal principle.

"The law, in dispensing even-handed justice to all, has wisely taken care 'ut sit finis litium,' and if matters, which have been once solemnly decided, could be again drawn into controversy, there would be no end of litigation. Mr. Greenleaf has happily said, 'justice requires that every cause be once fairly and impartially tried; but the public tranquility demands that having been once so tried, all litigation of that question and between the same parties should be closed forever.'" McKinzie v. Baltimore & O.R. Co. 28 Md. 161, 168 (1868).

It is well-settled that *res judicata* applies to administrative cases, including zoning matters. Batson v. Shiflett 325 Md.684 (1992). Whittle v. Board of Zoning Appeals of Baltimore County 211 Md. 36(1956). More recently, and to the point in the instant case, Judge Meredith in CSA's Seminary v. Dulaney Valley 192 Md. App. 719,732 (2010) held that the legal theory to support a parking variance advanced in the second case "... could have been advanced in the first case." The CSA denied all relief requested in the second case based on *res judicata*.

Likewise here Petitioner seeks to circumvent the plain language of the area definition and the 50 sq. foot limit on freestanding signs for new car dealers with yet another bogus theory as similarly vacuous as the 2017 case. The Petitioner is basing approval on the same theory – only the written word should be the measuring barometer and not anything else within the four corners of the sign area. How many times must we be faced with these petitions claiming yet another reason to permit a clearly illegal sign?

The sign legislation in BCZR 450 is particularly detailed, both in the definitions and the chart. There is no ambiguity. Moreover, the County Council specifically included design, symbols, and color scheme as part of the message in determining the sign's size. If these factors are to be excluded as Petitioner again proposes it is up to the legislature, not the parties and, respectfully, not the Administrative Judge (s). But given that many, if not most, establishments incorporate symbols, color schemes, logos in lieu of words for branding and advertisements, it is only reasonable that such features should be part of the sign face; otherwise a size limitation is meaningless.

An agency may not bypass or usurp a legislative prescription. The Court of Special Appeals recently reiterated in Montgomery County v. Rios 244 Md. App. 629, 639 (2020):

"... the Commission's regulations 'cannot override the plain meaning of the statute or extend its provisions beyond the clear import of the language employed,' quoting Vest v. Giant Food Stores, Inc., 329 Md. 461, 476, 620 A.2d 340 (1993))."

The legislature has wide discretion to make judgments and draw lines. Lonaconing Trap Club v. Maryland Department of Environment 410 Md. 326 (2009). The law must be implemented as written and intended, with the legislature available to make modifications in any direction. We are dealing with legislation and the rule of law.

It is up to legislative judgment and prerogative whether to expand or contract the permitted sign sizes and particulars of measurement. If the County Council wishes to amend the sign regulation, it may do so. They have not done it.

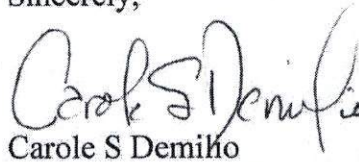
Robert Bolt gave voice to Thomas More in Man For All Seasons (1960), the focus must be on what is legal, not what a property owner or developer happens to think is "right," a very elusive and subjective inquiry.

On the variances, in its June 9, 2017 Opinion, the CBA stated on page 5: "A basic requirement is that the proponent of the variance demonstrate that the lot is unique and the "uniqueness" creates a practical difficulty in the use of the lot without the grant of a variance. In this matter, there is absolutely nothing about Stoler's lot that makes it unique." (emphasis added). There has been no change or alternation at the site, let alone any change meeting the uniqueness standards under Cromwell v. Ward, 102 Md. App. 691 (1995) and BCZR 307.1.

For these reasons the Petition for Variances and the Petition for Special Hearing must be denied.

Thank you for your consideration.

Sincerely,



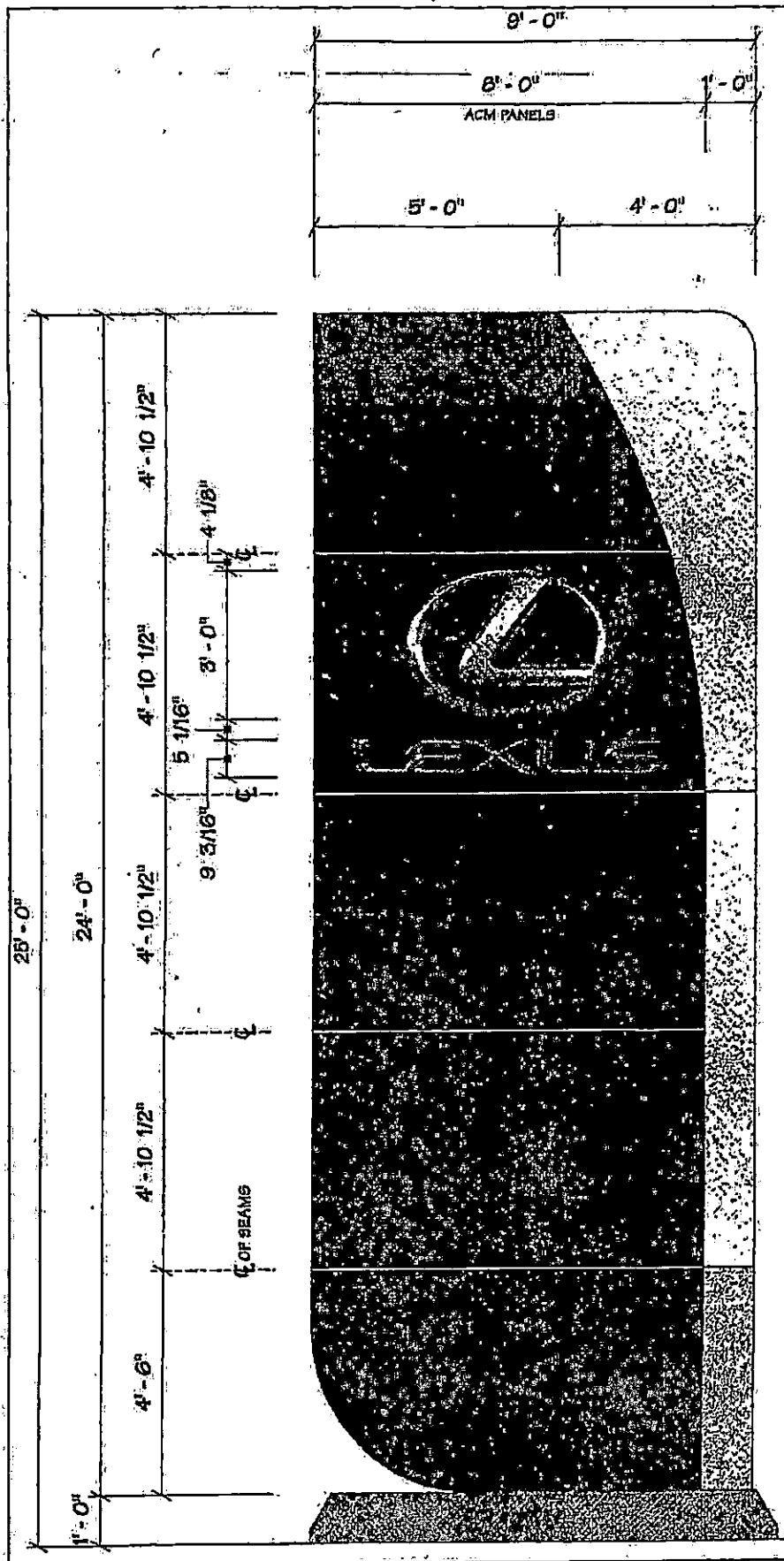
Carole S Demilio

Deputy People's Counsel for Baltimore County

cc: David Karceski, Esquire, Attorney for Petitioners, sent via email
Adam Rosenblatt, Esquire, Attorney for Petitioners, sent via email
George Harmon, sent via email
Michael Pearce, sent via email

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Required	Maximum Area/Face	Maximum No./Premises	Height	Illumination	Additional Limitations
ENTERPRISE, (continued)	(d) Wall-mounted; canopy	On multi-tenant office, retail or industrial building, accessory to separate commercial entity with exterior customer entrance	Use	Two times the length of the wall containing the exterior entrance and defining the space occupied by the separate commercial entity	Entity with separate exterior customer entrance may erect one canopy and one wall-mounted sign	Not applicable	Yes, but in C.B. only when use to which sign is accessory is open	In C.B., area shall not exceed 100 square feet. Canopy signs may extend 2½ feet above the face of the canopy. A canopy sign may extend more than 2½ feet with a finding by the Director of Planning that all components of the sign are compatible with the architectural elements of the building.
	(e) Service station canopy	Fuel service station	Use	25 square feet per canopy sign	Six	Not applicable	Yes	Permanent signage under the canopy on pumps or supports shall not be counted towards the canopy, freestanding or wall-mounted signage limits. Except for windows, commercial special events signs shall not be permitted on the premises.
	(f) Freestanding wall-mounted; projecting	Order board, ancillary to drive-through lanes for pickup of food and beverages	Use	50 square feet per order board	Two	6 feet	Yes	Location according to approved development plan
	(g) Freestanding	Accessory to new or used vehicle dealership	Use	50 square feet. Each sign may be increased to 75 square feet if combined on the same structure. Total sign area on any one structure not to exceed 300 square feet	One for each franchise agreement held by the dealership	25 feet	Yes	A new motor vehicle dealership may display one sign not to exceed 50 square feet.

AM16022U16022.001ENGR/CAD FILES/SHEET FILES/6022_Z_OLDWG "MON, JUL 25, 2016"



ZONING HIST

1. 70-177-R-PROP
DECEMBER 19, '95
2. 90-160-A-ZONING
SIGN HEIGHT OF
RIGHT-OF-WAY

A. THAT ALL
LIGHTING

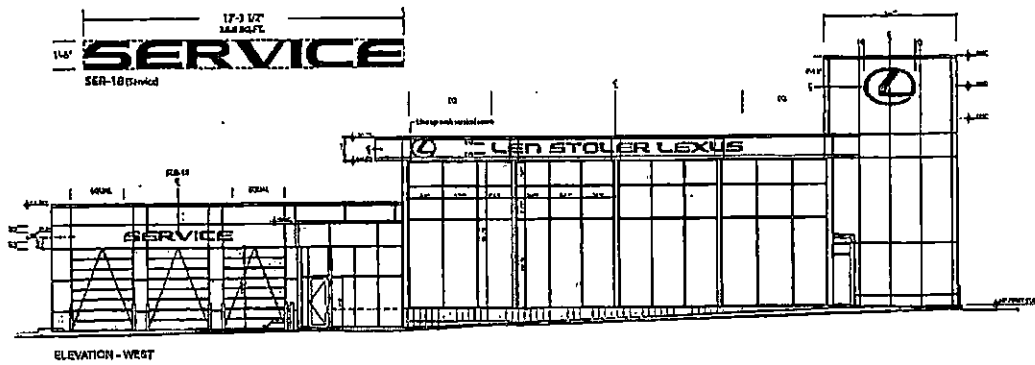
B. PAGING E
MORE TH

ON MAY 15, 1995
VARIANCE.
3. 93-403-A-ZONING
REQUIRED 30 FT
ON JULY 20, 1995
LANDSCAPE ARC
4. 99-201-A-ZONING
ZONING COMM

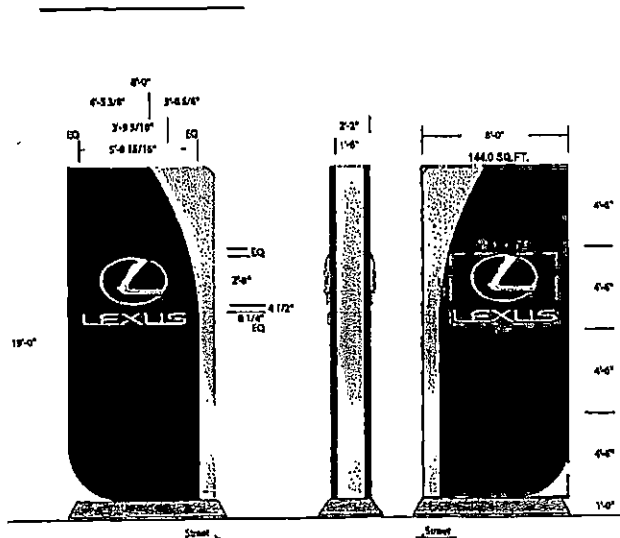
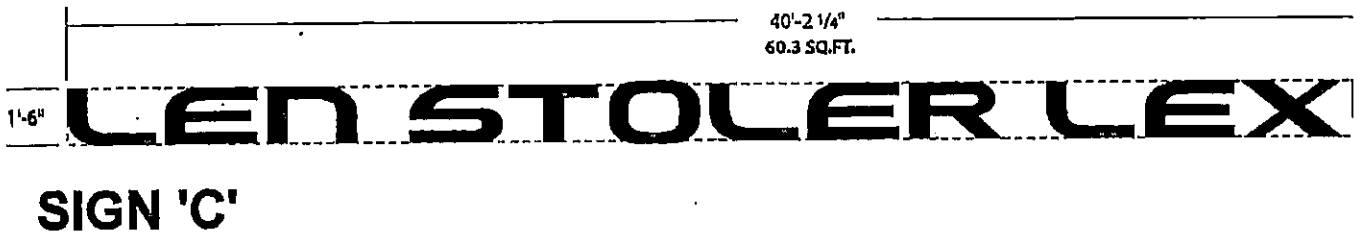
FRONT ELEVATION - NEW AUTO

SCALE 1" = 50'

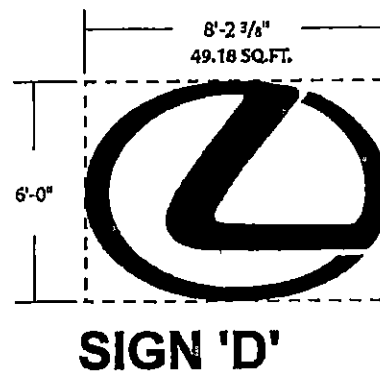
2017-0023-SPHA



PROPOSED BUILDING SIGNAGE



SIGN 'E'



PREVIC
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2020-117-SPHA

FALCON CREST
HOUSING LLC
32765 / 238
EX ACCT. 0412001607

MERIAM COURT

2-STY
APARTMENTS

EX. 30° SD (72-0077)
S66°-48'

EX UTILITY EASEMENT

9/29/16

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
(11311 Reisterstown Road) *	OFFICE OF
4 th Election District	
2 nd Council District *	ADMINISTRATIVE HEARINGS
Colonial Stoler, LLC	
Owner *	FOR BALTIMORE COUNTY
Petitioner *	Case No. 2017-0023-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Colonial Stoler, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to permit a sign of 45 sq. ft. in lieu of the 225 sq. ft. as determined under the County's interpretation of the required area which includes the entire structure. In the alternative, a Petition for Variance seeks to permit a sign of 225 sq. ft. in lieu of the 50 sq. ft. permitted. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests were Barry Stoler and Mitchell Kellman. Marvin I. Singer, Esq. represented the Petitioner. George Harmon, on behalf of the Reisterstown-Owings Mills-Glyndon Coordinating Council, opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), concerning landscaping and lighting requirements.

The subject property is 4.085 acres in size and is zoned BR. A Lexus automobile dealership ("Len Stoler Lexus") is operated at the property. Counsel indicated the manufacturer

has adopted new branding and logos, and that the applicable agreements require franchisees to install new signage at the dealership.

SPECIAL HEARING

Petitioner's counsel and Mr. Kellman met with County zoning staff to discuss the petition. The County determined - - in keeping with its long-standing policy - - the sign area included the entire 9' x 25' structure shown on the plan. Petitioner contends the sign area should only include the approximate 45 sq. ft. rectangle containing the "Lexus" script and logo, and the special hearing request seeks confirmation of this interpretation.

The resolution of this issue involves several definitions found in the sign regulations, including: "area," "face," "message," and "sign." B.C.Z.R. §450.3. The determination of a sign's "area" involves drawing a rectangle around the "face" of the sign. The face is the flat surface containing the "message of the sign." Under the Regulations the "message" includes not only "written words" and "symbols," but also "colors, illumination or theme comprising the face of a sign." According to Mr. Kellman, County staff believed the color, design and theme of the sign were integral to the message it delivered; i.e., the "Lexus" brand.

While there are reasonable arguments on both sides, I believe under Maryland law I am obliged to defer to the zoning staff's long-standing interpretation of the sign regulations. Mr. Kellman confirmed the calculation of the sign area in this case was consistent with the agency's procedure and determination in similar cases. As Maryland's highest court has held, the "interpretation of a statute by the agency charged with its administration is entitled to great deference, especially when the interpretation has been applied consistently and for a long period of time." *BGE v. Public Service Comm'n.*, 305 Md. 145, 161 (1986).

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

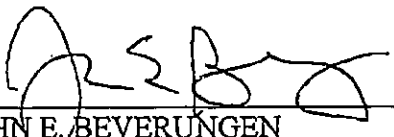
Cromwell v. Ward, 102 Md. App. 691 (1995).

While the dimensions of the property are somewhat irregular, the site does not have any truly inherent characteristics (i.e., size, shape, topography, etc.) that would render it unique under Maryland law. The petitioner must establish the property is unique or peculiar in a way that is unlike other properties in the neighborhood. In a contested case requiring a rigorous application of the variance standard, the petitioner faces an uphill battle. In fact, I was unable to locate a Maryland appellate court opinion from the last twenty years which upheld the grant of a variance. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ... which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699.

THEREFORE, IT IS ORDERED this 29th day of September, 2016, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a sign of 45 sq. ft. in lieu of the 225 sq. ft. under the County's interpretation of the required area which includes the entire structure, be and is hereby DENIED.

IT IS FURTHER ORDERED the petition for variance to permit a sign of 225 sq. ft. in lieu of the 50 sq. ft. permitted, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

10-14-16

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
(11311 Reisterstown Road) *	OFFICE OF
4 th Election District	
2 nd Council District *	ADMINISTRATIVE HEARINGS
Colonial Stoler, LLC	
Owner *	FOR BALTIMORE COUNTY
Petitioner *	Case No. 2017-0023-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Petitioner in the above case sought variance and special hearing relief in connection with a proposed freestanding sign at a Lexus automobile dealership. Both requests were denied in an Order dated September 29, 2016. Petitioner seeks reconsideration of the ruling on the petition for special hearing, which pertains to the calculation of the sign area.

Petitioner's primary argument is that the Administrative Law Judge should not defer to the zoning office's interpretation of the regulations concerning the "area" of a sign. Petitioner's expert agreed the zoning office adhered in this case to its longstanding pattern and practice in calculating the sign area. The zoning office determined the entire face of the sign (rather than just the 45 sq. ft. rectangle containing the "Lexus" lettering and logo) must be included in the area calculation since the color and design of the structure constituted part of the sign's message.

Petitioner contends this interpretation disregards "exclusion A" found in the definition of "area" at B.C.Z.R. § 450.3. I respectfully disagree. That provision would exclude from the calculation any support structures or features which "are not part of the message of the sign." *Id.* (emphasis added). For example, a structural support pole on which a sign was located would not be included in the area calculation. But the zoning office here determined the color and design

of the sign face was integral to the message (i.e., "Lexus") and so should be part of the sign "area."

The Zoning Commissioner's Policy Manual, at p. 4-69.9 (a copy of which is attached hereto), Example 5, shows how the area of a Volvo automobile dealership sign is calculated, and I believe the zoning office's interpretation is consistent with this example.

WHEREFORE, IT IS ORDERED this 14th day of October, 2016, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

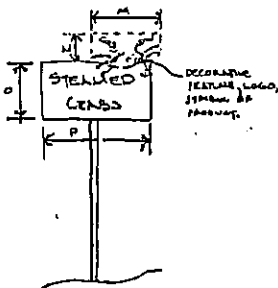
TABLE-DEFINITION OF COLUMNS- The following table specifies the allowable combinations of sign classes and sign types, along with locational, dimensional and other pertinent conditions, as follows:

Column:

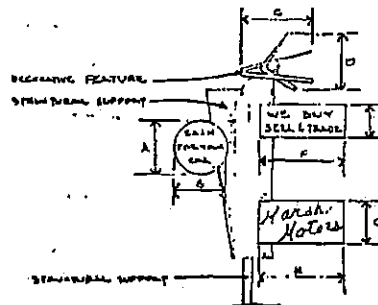
- A. **Class** - Refers to the overall purpose and general character of the entire sign.
- B. **Structural Type** - Identifies the structural type(s) that may be used to display signs of the given class, subject to the requirements in the succeeding columns. (See definitions of types on Page 4.)
- C. **Zone or Use** - Defines the zone(s) wherein signs of the class and type combination(s) may be displayed. In certain cases, the permissibility is granted for a sign in conjunction with a particular type of land use, as identified in this column, in whichever zone(s) such use is permitted.
- D. **Permit Required** - A "Bldg." entry indicates that a Building Permit must be obtained for each sign. A "None" entry indicates that a Building Permit is not required, provided that the sign complies with all other applicable provisions of these Regulations. An "SE" indicates that each such sign is permitted only as a Special Exception use authorized pursuant to Section 502. A "Use" entry indicates that a permit pursuant to Section 500.4 must be obtained for each such sign.

If the proposed sign(s) will be accessory to a structure, use or development that otherwise is required to obtain a building or use permit or development approval, all pertinent information regarding the sign(s) must be included as part of the otherwise-required application(s).

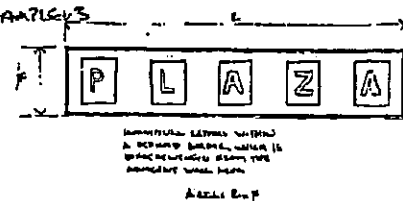
- E. **Maximum Area or Face** - Defines the maximum number of square feet, or the rule for calculating the maximum number, that may be included within the face of any single permitted sign of the given class, regardless of the type; the number is not to be interpreted as a separate limit for each type identified in Column B, but the maximum area may be divided among more than one sign to the extent permitted in Column F. Subject to the limit in Column F regarding the maximum number of signs, compliance with the maximum area is determined by the following rules:

DETERMINING AREA - EXAMPLES**EXAMPLE 1**

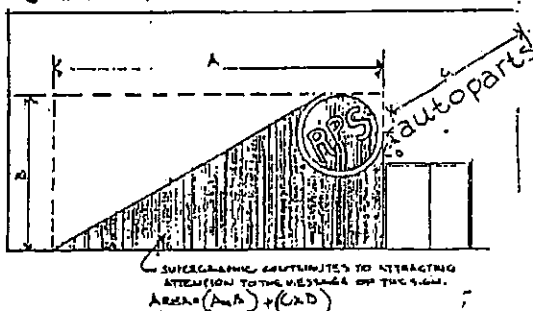
$$\text{Area} = (M \times N) + (Q \times P)$$

EXAMPLE 2

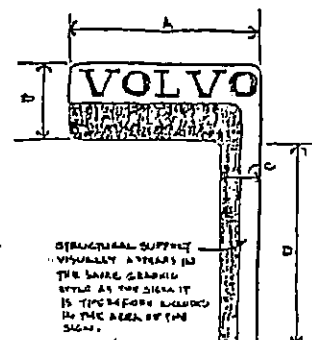
$$\text{Area} = (M \times N) + (Q \times P) + (Q \times N)$$

EXAMPLE 3

Area = $M \times N$

EXAMPLE 4

$$\text{Area} = (M \times N) + (Q \times P)$$

EXAMPLE 5

$$\text{Area} = (M \times N) + (Q \times P)$$

IN THE MATTER OF	*	BEFORE THE
COLONIAL STOLER, LLC -LEGAL OWNERS	*	BOARD OF APPEALS
AND PETITIONERS FOR SPECIAL HEARING	*	
AND VARIANCE FOR THE PROPERTY	*	OF
LOCATED AT 11311 REISTERSTOWN ROAD	*	
4 TH ELECTION DISTRICT	*	BALTIMORE COUNTY
2 ND COUNCILMANIC DISTRICT	*	CASE NO. 17-023-SPHA

* * * * *

OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as a *de novo* appeal from an original hearing before Administrative Law Judge John E. Beverungen. The Petitioner (hereinafter "Stoler") seeks permission to replace its sign at its Lexus dealership on Reisterstown Road. As an initial matter, Stoler sought a ruling that the definition of sign size in the BCZR means that its proposed new sign is permitted by right. Assuming, however, that the proposed sign is not permitted by right under the current regulations, Stoler alternatively seeks a variance from the zoning regulations to allow the construction of its proposed sign. Judge Beverungen found that the County's standing interpretation of the definitions of "area", "face", "message", and "sign" in BCZR § 450.3 precludes the Stoler sign. In addition, he found that Stoler's request for a variance does not meet the requirements under *Cromwell v. Ward*, 102 Md. App. 691 (1995). Stoler thereafter noted a timely appeal to the Board of Appeals.

A *de novo* hearing before the Board was held on January 19, 2017. As an initial matter, Stoler sought to amend its request for a variance to include a request for a variance for its present sign, which is much smaller than Stoler's proposed new sign, but which is presently nonconforming. People's Counsel objected on procedural grounds. We determined that Stoler's amended request for variance relief is simply a "lesser included" version of its original variance

request. As such, we held that it is not the kind of amendment which constitutes a substantive change, requiring separate notice, petition, and hearing at the ALJ level. *See e.g. McLean v. Soley*, 270 Md. 208 (1973). Accordingly, we allowed Stoler to pursue its additional variance request at the Board of Appeals level.

Stoler's counsel made an excellent presentation, and if this were simply a matter of aesthetics, the Board would rule in Stoler's favor. Further, as Stoler's counsel pointed out, there are a number of automobile dealership signs on Reisterstown Road which are similar in size and appearance to the sign Stoler seeks in this case, lending a level of equitable appeal to Stoler's position. Nonetheless, the Board believes that the law clearly requires it to rule against Stoler on all three substantive grounds for relief sought in its Petition.

Stoler called two witnesses, Mitchell Kellman and Michael Meagher. Mr. Kellman is Director of Zoning Services for Daft-McCune-Walker, Inc, an entity which provides support services to businesses seeking zoning relief. In brief, Mr. Kellman established that the present Lexus sign was erected in 1992. It stands 27 feet high and, under the prevailing size definition in the BCZR, it is 70 square feet. Today's zoning requirements limit such signs to 50 square feet. BCZR § 450.5(g). Because the zoning requirements limiting the size of signs, like Stoler's, to 50 square feet came into effect in 1997, the Stoler sign was pre-existing and nonconforming. The BCZR provides a 15-year grace period for businesses to bring their signs into compliance. Since Stoler erected its sign in 1992, it has not altered the sign, and the BCZR grace period expired in 2012.

In his testimony, Mr. Kellman described Stoler's proposed new sign. It is to be a large solid structure in the shape of the Lexus device used in the automobile in place of the ignition key (hereinafter referred to as "key"). The proposed "key sign" is 25 ft. high and 9 ft. wide, amounting

to 225 square feet. In the middle of the proposed key sign, in white letters, is to be the word "Lexus". If one were to draw a perimeter around the portion of the sign that contained only the word "Lexus", the area inside that perimeter would be 45 square feet. Later testimony by Mr. Meagher, the general manager of the Stoler dealership on Reisterstown Road, established that this key shape is, in effect, a Lexus icon or insignia and the branding symbol by which Stoler's customers, and any possible Lexus customer nationwide, could identify this, or any, Lexus dealership.

The BCZR § 450.3 defines the "area" of sign as "[t]he number of square feet within the perimeter of one contiguous rectangle enclosing the face of the sign". The definition further states that the "area" is "... differentiated from the structure supporting it or upon which it is erected." The "face" is the flat surface "within a continuous perimeter enclosing the outer limits of the message of a sign." The sign's message is "[a] communication, statement or display of information or ideas through written words, letters, numerals, images, illumination or theme comprising the face of the sign". The definition further indicates that the message is "distinguishable" from the structure and the supporting apparatus of the sign. Finally, for our purposes, a "sign" is "[a]ny structure or other object, or part thereof, which displays any word, illustration, decoration or other symbolic representation which: A. Is used or intended to inform, advertise or otherwise attract attention or convey a message regarding a . . . commercial . . . place . . ."

Clearly, the entirety of proposed structure is a "sign." More to the point, under the County interpretation, the proposed new sign would be 225 square feet instead of the permitted 50 square feet, because, in this instance, the entire structure itself is the "message". The entire sign is in the symbolic shape of a Lexus key. It is the icon by which Lexus is to be identified nationwide. As

such, in this instance, the “face” and the “message” are the same. Thus, according to the County, the new sign was not permitted.

Stoler argued that only the word Lexus on this new sign was the “message”. An imaginary perimeter could be drawn around that word, and the area inside that perimeter is only 45 square feet. Thus, according to Stoler, its proposed sign is permitted by right because it is less than the 50 square feet maximum allowed by law. According to Stoler, the balance of the edifice – namely, the Lexus key-shaped object upon which the word “Lexus” was imposed – was simply a “supportive element” without message content or meaning.

Stoler’s position is incorrect. The testimony from Stoler’s own witnesses established, without question, that the entire piece was intentionally shaped like the Lexus key so that the sign in its entirety would be, and become, the symbolic representation of the Lexus brand. There is, according to the testimony, a nationwide Lexus effort to make the shape of this entire sign into a symbolic representation of the Lexus brand. On this issue, Mr. Meagher stated: “[The sign’s purpose is] the branding... There is a difference between advertising and branding . . . The car key that you get is that sign...” This testimony established that under any definition of area, face, and message, the entire Lexus sign – in the shape of the Lexus key – is the message; it is the symbol being communicated. Thus, the testimony established beyond all doubt that the entire edifice is the sign, and not simply the small area created by a perimeter around the word Lexus. As a result, any claim that there is ambiguity in the definition of “area”, “size”, “message” or the application of those definitions is irrelevant. Even if one were to accept the Stoler interpretation on the critical definitions – and this Board does not – the proposed sign is unpermitted because, as established factually by the Stoler testimony, the entire edifice is the message rather than it being a supporting structure for the single word “Lexus”.

As an alternative, Stoler has requested a variance that would permit construction of the sign. Again, if this were solely a question of aesthetics, the Board would happily grant a variance. Unfortunately, the Board is required to apply the variance principles as stated in *Cromwell v. Ward*, 102 Md. App. 691 (1995) and codified in BCZR § 307.1. A basic requirement is that the proponent of the variance demonstrate that the lot is unique and the “uniqueness” creates a practical difficulty in the use of the lot without the grant of a variance. In this matter, there is absolutely nothing about Stoler’s lot that makes it unique. Further, the testimony established that Stoler’s customers have had no difficulty in finding the Stoler Lexus dealership and there has been no apparent impediment to its business (even if financial hardship could satisfy the practical difficulty requirement, which, under *Cromwell*, it cannot). See *Cromwell*, 102 Md. App. at 703-21. The Board thus concludes that Stoler has failed to carry its burden of proof to show uniqueness and practical difficulty that are requirements for variance relief.

Finally, as indicated above, Stoler has requested a more limited variance for its present sign. This variance would allow for Stoler to continue to use a sign, as it has since 1992, which is 70 square feet in size, rather than the permitted 50 square feet, and which is 27 feet high in lieu of the permitted 25 foot height. Again, however, Stoler cannot show that its site is unique and that that uniqueness causes a practical difficulty, as required under *Cromwell*. Accordingly, the amended request for a variance must also be denied.

ORDER

THEREFORE, IT IS THIS 9th day of June, 2017 by the
County Board of Appeals of Baltimore County

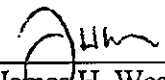
ORDERED that the Petition for Special Hearing pursuant to BCZR § 500.7 to permit a sign of 45 square feet in lieu of the 225 square feet as determined by the County is hereby **DENIED**; and it is further

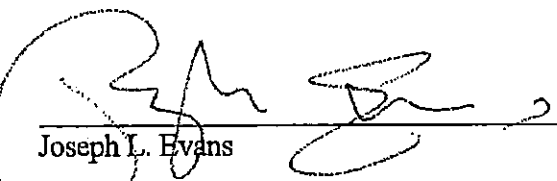
ORDERED that the Petition for Variance to permit erection of the aforementioned 225 square feet sign in lieu of the 50 square feet permitted is **DENIED**; and it is further

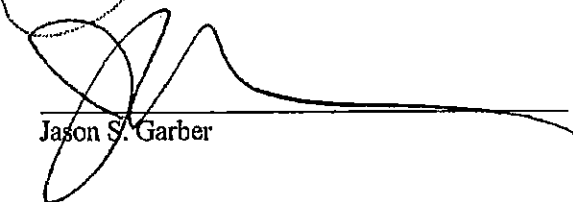
ORDERED that the oral amendment requesting a Variance to permit a sign that is 70 square feet in lieu of the permitted 50 square feet and that is 27 feet high in lieu of the 25 feet permitted, is **DENIED**.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


James H. West, Panel Chairman


Joseph L. Evans


Jason S. Garber

PETITION OF COLONIAL STOLER, LLC
FOR JUDICIAL REVIEW OF THE
DECISION OF THE BOARD OF
APPEALS FOR BALTIMORE COUNTY

IN THE

CIRCUIT COURT

FOR

IN THE MATTER OF COLONIAL SOLER, LLC

BALTIMORE COUNTY

4th Election District,
2nd Councilmanic District

Case No. 2017-023 SPHA
Before the County Board of Appeals

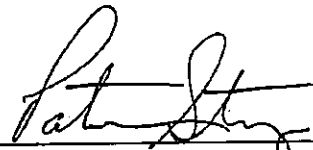
Case:03-C-17-006561

* * * * *

ORDER

This matter came before the Court for a hearing on the *Petition for Judicial Review* filed by Colonial Stoler, LLC, Petitioner. Upon consideration of the record, the Petitioner's *Memorandum in Support of Petition for Judicial Review*, and arguments of Counsel, for the reasons stated on the record in open court, it is this 19th day of January, 2018, by the Circuit Court for Baltimore County, hereby

ORDERED, that the Order of the Board of Appeals of Baltimore County dated June 9, 2017 is AFFIRMED.



H. Patrick Stringer, Judge

Copies were sent to: Marvin Singer, Esq.
Carole DeMilio, Esq.

> Shelley ~~the~~ Rozwilk

> DAVID KARLOSKI

> 2018-150-A - Bevern's case

found unique in 4 prior rulings

'74, '90, '97, '99 cases grant
various

→ Narrow frontage of on Rustersham

> Irregularly shaped

> Frontage on 2 public roads

> 2 grade changes - Stanley North & Rustersham
Rustersham → rear of property

23 foot change

Only 2 allowed - need 3

→ so need all signs on Rustersham Rd

grade changes ~~require~~ cause need for
larger signs

* Existing signs will be taken down

79' ROW to closest facade

and ~~100'~~ the Service entrance is @ 40-50'
needs look - Per Matri - Front two customers need
it

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Case No.: 2020-0117-SPHA – 11309-11311 Reisterstown Road – October 1, 2020 @ 1:30 P.M

Exhibit Sheet

Petitioner/Developer

Protestants

10/8/20
D. Wignou

No. 1	Site Plan	
1A	Amended Petition	
No. 2	CV – Resume – Dick Matz	
No. 3	Aerial	
No. 4	Road Perspective Photos	
No. 5	Site Photos and Map	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



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 11309 and 11311 Reisterstown Road which is presently zoned BR, DR3.5, DR16

Deed References: 19598-93 10 Digit Tax Account # 2100012552

Property Owner(s) Printed Name(s) Colonial Stoler 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

SEE ATTACHED SHEET

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

3. ☒ a Variance from Section(s)

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Colonial Stoler LLC

By: *[Signature]*

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11275 Reisterstown Road, Owings Mills, MD

Mailing Address City State

21117-1906 410-773-9613

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER Filing Date Do Not Schedule Dates: Reviewer

REV. 10/4/11

Petitioner's
EXHIBIT 1A

11309 and 11311 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR VARIANCE

1. Variance from B.C.Z.R. Section 450.4 (Table of Sign Regulations) 5(a) to allow three enterprise signs on one façade in lieu of the permitted three enterprise signs, with no more than two on a single façade (Signs B, C, D).
2. Variance from B.C.Z.R. Section 450.4 (Table of Sign Regulations) 3(a) to allow a directional sign with a sign area/face of 26 square feet in lieu of the permitted 8 square feet (Sign A).

~~3. Variance from B.C.Z.R. Section 450.4 (Table of Sign Regulations) 5(g) to allow a freestanding enterprise sign with a sign area/face of 144 square feet and a height of 19 feet in lieu of the permitted 50 square feet and 25 feet in height, if necessary. (Sign E).~~

11309 and 11311 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR SPECIAL HEARING

~~Special Hearing to confirm that the sign area/face for a freestanding enterprise
sign, which contains the message on the structural and supportive elements of the
sign, is 24 square feet and, therefore, does not require a variance from B.C.Z.R.
Section 450.4 (Table of Sign Regulations) 5(g) (Sign E).~~

Colbert Matz Rosenfelt

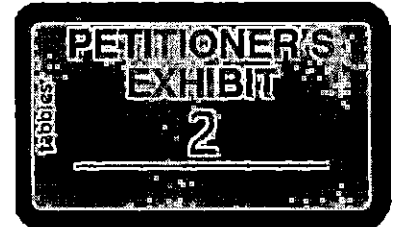
Civil Engineers • Surveyors • Planners



RESUME

PROFESSIONAL BACKGROUND AND EXPERIENCE

RICHARD E. MATZ
Vice President
Colbert Matz Rosenfelt



PROFESSIONAL STATUS: Professional Engineer, Maryland, PE No. 13203

PROFESSIONAL ASSOCIATION: Life Member – American Society of Civil Engineers
Member - Baltimore County Engineering Association

EDUCATION: University of Colorado
Boulder, Colorado
B.S. in Civil and Environmental Engineering - 1973

PROFESSIONAL EXPERIENCE:

- 12/92 – Present Colbert Matz Rosenfelt
Consulting Engineers, Planners & Surveyors
Baltimore, Maryland
- Vice president and Project Manager of industrial, institutional and residential land development projects. In charge of managing projects on a day-to-day basis and processing plans through the Development Process. Has experience in hundreds of land development projects. Numerous expert testimonies in zoning and civil engineering engagements.
- 11/86 - 4/91 Harris, Smariga, Matz, Inc.
Consulting Engineers & Surveyors
Baltimore, Maryland
- President of mid-sized Civil Engineering, Land Planning and Surveying Company specializing in Baltimore County Land Development and Public Works engineering. Responsible for all facets of business including client development, proposals, planning, office management, scheduling, quality control, personnel, engineering review and sealing of land development drawings.
- 1984 - 1986 Kidde Consultants, Inc. (Now KCI Technologies, Inc.)
Consulting Engineers and Surveyors
Baltimore, Maryland
Senior Associate, Project Manager
- Urban Planning & Development Division
Project Manager for residential, commercial and industrial projects.

Colbert Matz Rosenfelt

Civil Engineers • Surveyors • Planners



Richard E. Matz

Page - 2 -

1981 - 1984

Kidde Consultants, Inc. (KCI Technologies)
Associate

Special Projects Division

Specialized in the environmental and solid waste related fields. Involved in every aspect of large resource recovery and landfill projects. Prepared CPM planning and construction schedules, procurement contracts, specifications, site drawings, projects included in the Delaware Reclamation project in Wilmington, the Sussex County landfill in Delaware, Harford County Resource Recovery Facility at Aberdeen Proving Ground, the Main Energy Recovery Company Plan in Saco-Biddeford, Maine.

1980 - 1981

Kidde Consultants, Inc. (KCI Technologies)
Design Engineer

Land Development Division

Prepared construction drawings, cost estimates, stormwater management plans.

1/78 - 11/79

Israel Defence Forces

Non-Commissioned Officer - Transport Logistics - Quartermaster Corps.

7/74 - 1/78

Goldberger & Pressburger
Consulting Engineers
Beer Sheva, Israel

Design and supervisory work in small multi-service civil engineering company; including design of roads, water supply and irrigation, pumping stations, sewerage and sewage treatment. Work also included earthwork calculations, surveying, development planning, plumbing design in buildings, specification preparation and client contact.

Summer 1973

MCA Engineering Corporation
(Now KCI Technologies)
Baltimore, Maryland

Design - sanitary sewerage, roads, reports and specifications.

Summer 1972

MCA Engineering Corporation
(Now KCI Technologies)
Bridge Construction

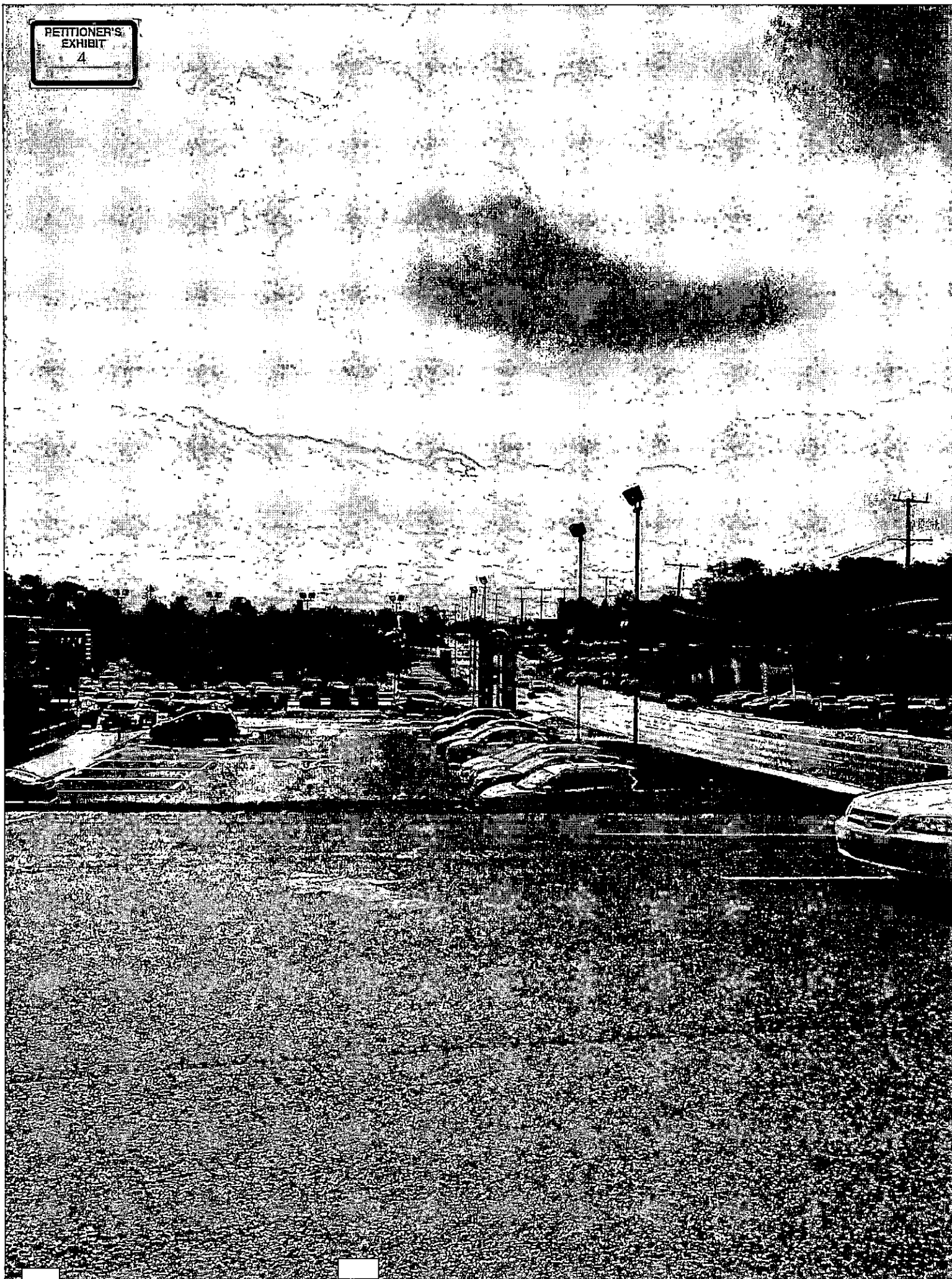
Construction Supervision and Land Surveying.

**PETITIONER'S
EXHIBIT**
3



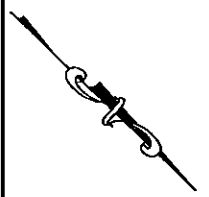
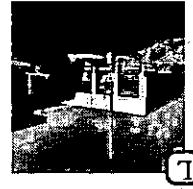
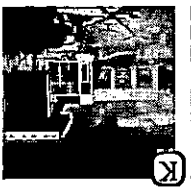
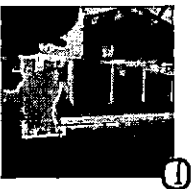
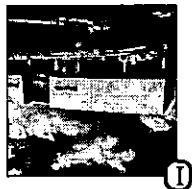
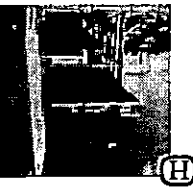
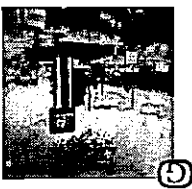
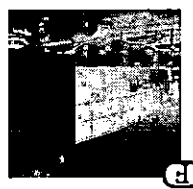
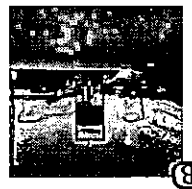
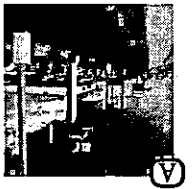
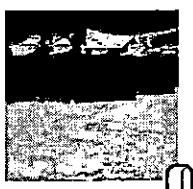
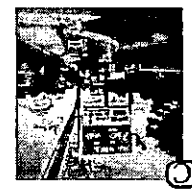
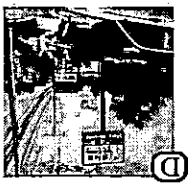
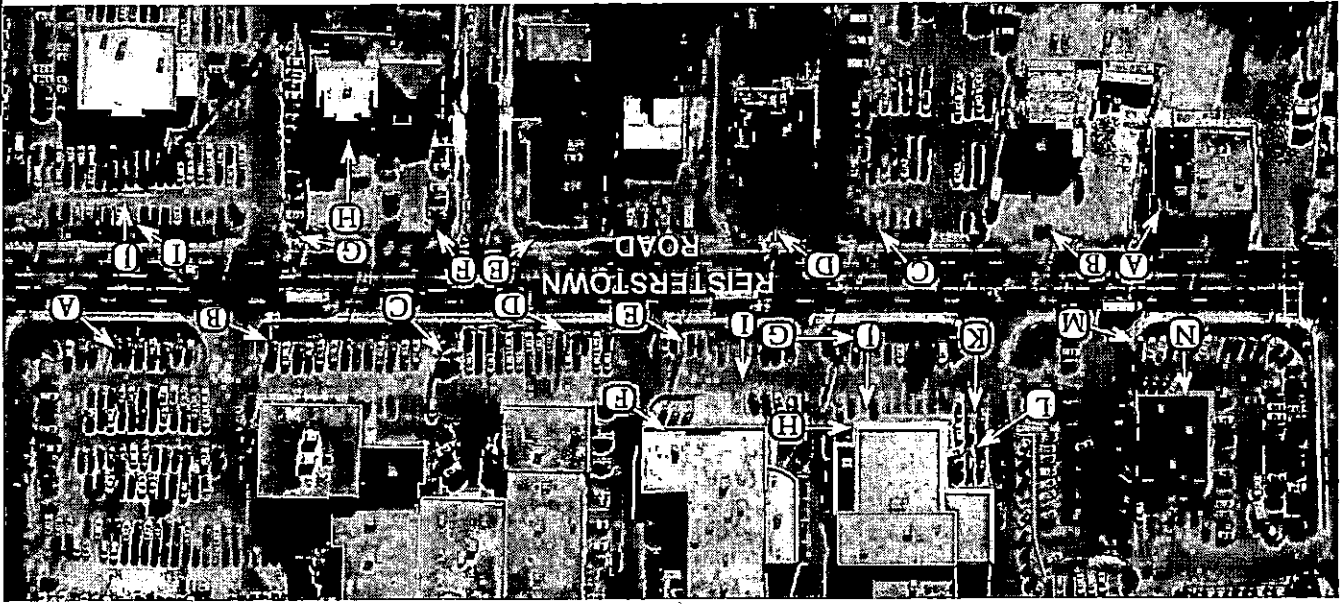
PETITIONER'S
EXHIBIT

4





NO. DATE		REVISIONS	BY	SHEET 1 OF 1
PROJECT		ZP-1		
DRAWN BY		J. A. ROSENDELL		
CHECKED BY		J. A. ROSENDELL		
DATE		1968-10-10		
PROJECT NO.		11309 AND 11311		
PROJECT NAME		OWINGS MILLS, MARYLAND, 21117		
PROJECT LOCATION		4TH ELECTION DISTRICT AND COUNCILMAN DISTRICT		
PROJECT DESCRIPTION		REISTERSTOWN ROAD		
PROJECT OWNER		COBERT MATZ ROSENDELL		
PROJECT ENGINEER		COBERT MATZ ROSENDELL		
PROJECT ARCHITECT		COBERT MATZ ROSENDELL		
PROJECT CONSULTANT		COBERT MATZ ROSENDELL		
PROJECT CONTRACTOR		COBERT MATZ ROSENDELL		
PROJECT SUBMITTER		COBERT MATZ ROSENDELL		
PROJECT REVIEWER		COBERT MATZ ROSENDELL		
PROJECT APPROVER		COBERT MATZ ROSENDELL		
PROJECT SIGNATURE		COBERT MATZ ROSENDELL		
PROJECT DATE		1968-10-10		
PROJECT SCALE		1" = 100'		
PROJECT SHEET		1 OF 1		



Donna Mignon

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Wednesday, September 30, 2020 12:17 PM
To: Administrative Hearings
Cc: Karceski, David H.; Debra Wiley; Donna Mignon
Subject: Petitioner's Exhibits - 2020-117-SPHA
Attachments: Exhibit 1 - Site Plan.pdf; Exhibit 2 - R Matz Resume.pdf; Exhibit 3 - Aerial.pdf; Exhibit 4 - Road Perspective Photos.pdf; Exhibit 5 - Site Photos and Map.pdf

CAUTION: This message from CARobinson@venable.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna/Debbie,

Attached please find the Petitioner's exhibits for the hearing tomorrow, Case No. 2020-117-SPHA. They are:

1. Site Plan
2. Dick Matz Resume
3. Aerial
4. Road Perspective Photos
5. Site Photos and Map

Could you also please send any ZAC comments or correspondence that have been received recently? We currently have comments from SHA/MDOT, Planning, and DEPS. Thanks!

Drew

C. Andrew Robinson, Esq. | Venable LLP
t 410.494.6279 | f 410.821.0147 | m 443.600.0302
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

CARobinson@Venable.com | www.Venable.com

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Donna Mignon

From: Karceski, David H. <DKarceski@Venable.com>
Sent: Thursday, October 1, 2020 11:35 AM
To: Donna Mignon; Debra Wiley; Administrative Hearings
Cc: Carole Demilio; Robinson, Drew
Subject: Case No. 2020-117-SPHA (11311 Reisterstown Road)
Attachments: revised petition.pdf

Case today 1:30 PM @ Dem

CAUTION: This message from DKarceski@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good Morning

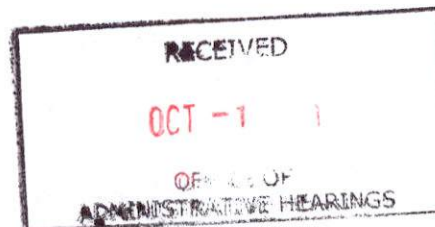
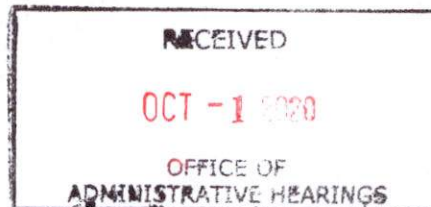
Attached is an amended zoning petition, dated October 1, 2020, for the above-referenced case. This revised petition no longer includes any zoning relief for a new freestanding enterprise sign. The zoning petition now includes requested relief for new wall-mounted signage only.

Thank you,

David

David Karceski, Esq. | Venable LLP
t 410.494.6285 | f 410.821.0147 | m 443.956.7425
Towson: 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204
Baltimore: 750 East Pratt Street, Ste. 900, Baltimore, MD 21201

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		Colbert Maiz Rosenberg "Robert" - Robert 2033 South Avenue, Suite 6 Boulder, Maryland 21208 Telephone: (410) 551-2038 Facsimile: (410) 551-7955 SSN: 1-12-76	
This document contains neither recommendations nor conclusions of the NSA. It is the property of the NSA and is loaned to your agency; it and its contents are not to be distributed outside your agency.		NSA Form 104-1 (Rev. 7-75) GROUP 1 Excluded from automatic downgrading and declassification	
DATE		CLASSIFICATION	GROUP 1
EXTENSION		REASONING	OTHER
01	SHEET 1	OF 1	ZP-1 DOWNGRADING AUTHORITY REASONING

Debra Wiley

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Thursday, October 1, 2020 2:07 PM
To: Paul Mayhew; Administrative Hearings
Cc: Karceski, David H.; Debra Wiley
Subject: Case No. 2018-150-A
Attachments: Order 2018-150-A.pdf; 2018-150-A Site Plan.pdf

CAUTION: This message from CARobinson@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Judge Mayhew,

Good afternoon. Attached as requested in our hearing today (for Case No. 2020-117-SPHA) are the order and site plan from Case No. 2018-150-A. Please let us know if you require anything further.

Thanks,

Drew Robinson

C. Andrew Robinson, Esq. | Venable LLP
t 410.494.6279 | f 410.821.0147 | m 443.600.0302
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

CARobinson@Venable.com | www.Venable.com

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IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(11309 Reisterstown Road)		
4 th Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Colonial Stoler, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2018-0150-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Colonial Stoler, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from Section 238.2 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a 13 ft. side yard setback in lieu of the required 30 ft. setback. A site plan was marked as Petitioner’s Exhibit 1.

Professional Engineer Richard Matz appeared in support of the petition. Timothy M. Kotroco, 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. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the County reviewing agencies.

The site is approximately 4.03 acres in size and zoned BR. A Lexus automobile dealership is operated at the property. The request in this case pertains to the service area of the dealership. At present, customers drive their vehicles under a carport to register for service and repairs. Petitioner would like to enclose this space so customers would be sheltered from the elements. Mr. Matz noted the variance request is in fact from an internal lot line, since Petitioner (or a related entity) also owns the adjoining lot at 11317 Reisterstown Road.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property is irregularly shaped and is therefore unique. In addition, the property was found to be unique in at least four prior zoning cases dating back to 1974. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to complete the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 2nd day of **February, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §238.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 13 ft. side yard setback in lieu of the required 30 ft. setback, be and is hereby GRANTED.

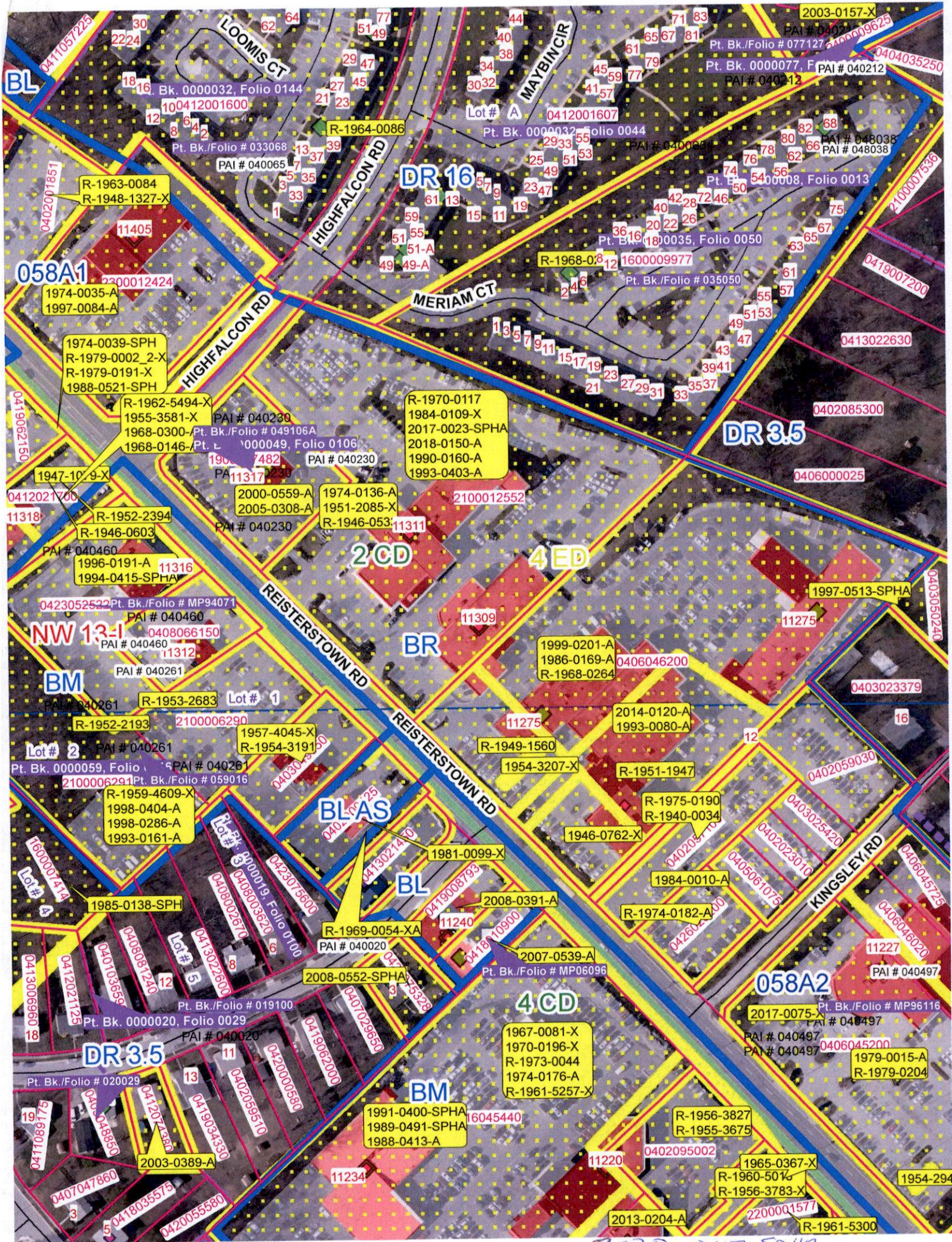
The relief granted herein shall be subject to the following:

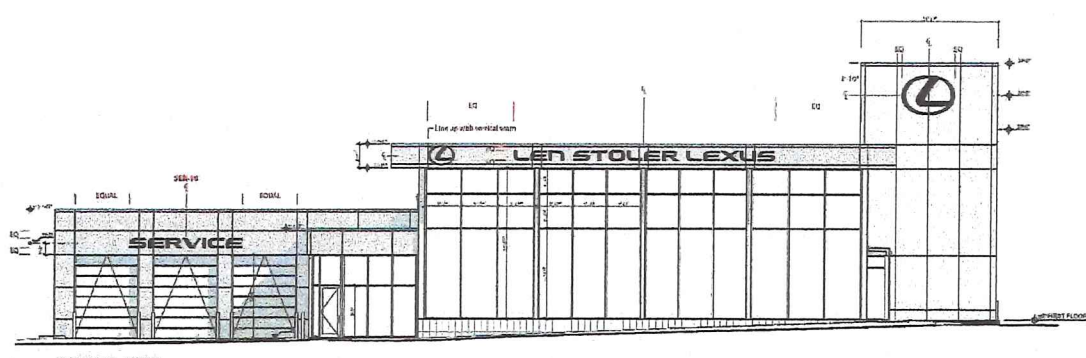
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln





PROPOSED BUILDING SIGNAGE

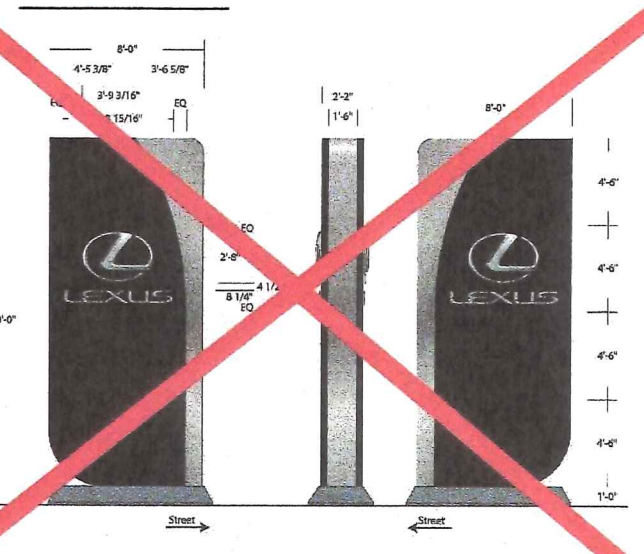


SIGN 'A'

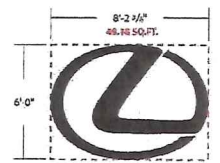


SIGN 'B'

SIGN 'C'



SIGN 'E'



SIGN 'D'

PREVIOUS ZONING CASES

- 11309 - 11311 REISTERSTOWN ROAD
 - R-1948-0533, JANUARY 17, 1945, RECLASSIFICATION FROM "A" ZONE TO "E" ZONE
 - R-1949-1550, OCTOBER 28, 1949, RECLASSIFICATION FROM "A" RESIDENCE ZONE TO "E" COMMERCIAL ZONE.
 - 1951-2085-X, JANUARY 17, 1952, SPECIAL PERMIT FOR CABIN CAMP DENIED
 - R-1970-0117, DECEMBER 19, 1969, RECLASSIFICATION FROM R-10 ZONE TO B-R ZONE.
 - 1974-0136-A, JANUARY 28, 1974, TO ALLOW SIDE YARD OF 2 FEET IN LIEU OF REQUIRED 30 FEET AND A FRONT YARD OF 0.75 FEET IN LIEU OF REQUIRED 25 FEET.
 - 1984-0109-X, NOVEMBER 26, 1984, SPECIAL EXCEPTION TO ALLOW ONE, 12' X 25' DBL. FACED ILLUMINATED OUTDOOR ADVERTISING STRUCTURE GRANTED BY CIRCUIT COURT.
 - 1990-0180-A, MAY 15, 1992, VARIANCE FOR REDUCED SETBACK, VARIANCES SIGN HEIGHT OF 27'-10" AND SIGN AREA OF 139 S.F. THE VARIANCE FOR REDUCED SETBACK TO DISPLAY PARKING WAS GRANTED, BUT OVERTURNED ON MAY 15, 1992 (SEE ORDER).
 - 1998-0201-A, JANUARY 14, 1999, TO ALLOW SIDE YARD SETBACK OF 0 FEET 10 LIEU OF REQUIRED 30 FEET FOR A PROPOSED 52'X13' ADDITION. (NOTE ENCROACHMENT OF EXISTING PORSCHE BUILDING ONTO 11275).
 - 1993-0403-A, JULY 20, 1993, TO ALLOW AN OPEN PROJECTION TO ENCRACH INTO THE SIDE YARD 25 FEET IN LIEU OF THE ALLOWED 7.5 FEET GRANTED.
 - 2017-0023-SPHA, SEPTEMBER 29, 2016, VARIANCE TO ALLOW A SIGN 255 S.F. IN LIEU OF THE ALLOWED 50 S.F. DENIED.
 - 2018-0150A, FEBRUARY 2, 2018, VARIANCE TO PERMIT A 13 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30 FOOT SETBACK GRANTED.

PREVIOUS COMMERCIAL PERMITS

- 11309 - 11311 REISTERSTOWN ROAD
 - PERMIT: B035436
 - DESCRIPTION: CONSTRUCT CAR DEALER SHOW ROOM & SERVICE AREA
 - PERMIT: B100330
 - DESCRIPTION: CONSTRUCT AUTO DEALERSHIP, 65'X117'X20'=7,605SFZONING
 - PERMIT: B425807
 - DESCRIPTION: CONST A 1 STY ADDITION TO REAR OF EX BLDG. 98'X70'X20'=5665SF. FOR AUTO SALES & SVC.
 - PERMIT: B556825
 - DESCRIPTION: CONST 3 ADDITIONS TO REAR & SIDES OF EX BLDG PER PLANS, TO BE SHOP EXTENSION 65'X42'; SHOW RM EXT 35'X53'; & SERVICE DRIVE-THRU (2) 25'X12' TOTAL SF= 5,349SF ALSO, USING 04-08-046200 5.05AC (SIDE ADD)

PARKING TABULATION			
11309 (PORSCHE DEALERSHIP)			
REQUIRED PARKING (BASED ON PROPOSED AREA OF BUILDING)	USE	AREA	PARKING PER 1000
	SHOWROOM	5651 SF	5
	STORAGE AREA / SERVICE	11491 SF	3.3
	TOTAL	17142 SF	66.2
	USE		67
PROPOSED CUSTOMER PARKING (SEE NOTE BELOW)			
	SERVICE BAYS (INCLUDES SERVICE WRITE-UP)		14
	ON-SITE (UNBLOCKED)		55
	TOTAL (INCLUDES 3 HANDICAP PARKING SPACES)		69

11311 (LEXUS DEALERSHIP)			
REQUIRED PARKING (BASED ON PROPOSED AREA OF BUILDING)	USE	AREA	PARKING PER 1000
	SHOWROOM	6387 SF	5
	STORAGE AREA / SERVICE	18943 SF	3.3
	TOTAL	25330 SF	94.4
	USE		95
PROPOSED CUSTOMER PARKING (SEE NOTE BELOW)			
	SERVICE BAYS (INCLUDES SERVICE WRITE-UP)		29
	ON-SITE (UNBLOCKED)		68
	TOTAL (INCLUDES 3 HANDICAP PARKING SPACES)		97

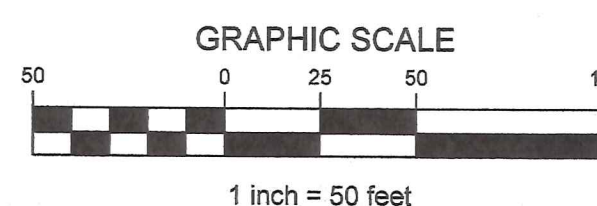
NOTE: ALL PARKING SPACES INTENDED FOR CUSTOMER USE ARE LABELED AS "PARKING FOR CUSTOMERS"



VICINITY MAP
SCALE: 1"=500'

- OWNER:
11309 - 11311 REISTERSTOWN ROAD
COLONIAL STOLER LLC
11275 REISTERSTOWN ROAD
OWINGS MILLS, MD 21117
410-356-7000
 - SITE DATA:
11309 - 11311 REISTERSTOWN ROAD
TAX ACCOUNT NUMBER: 0212740050
DEED REFERENCE: LIBER 38881 FOLIO 186
PLAT REFERENCE: N/A
SITE AREA: 4.03+ ACRES
TAX MAP: 058
GRID: 007
PARCEL: 369
 - CENSUS TRACT: 4042.01
 - WATERSHED: GWYNNS FALLS
 - SITE ZONING:
11309 - 11311 REISTERSTOWN ROAD; BR AND D.R.16 (200 SCALE MAP No. 058A1)
 - EXISTING USE: AUTOMOBILE DEALERSHIP
PROPOSED USE: AUTOMOBILE DEALERSHIP
 - REQUIRED BUILDING SETBACKS IN THE BR ZONE
- | | REQUIRED | EXISTING |
|-------------|----------|----------------------|
| FRONT YARD: | 50' | 75' |
| SIDE YARD: | 30' | # 11311 = 14' (LEFT) |
| REAR YARD: | 30' | # 11311 = 95' |
- OFF-STREET PARKING CALCULATIONS: SEE SEPARATE TABULATION.
 - ZONING HISTORY: SEE SEPARATE LISTS.
 - PREVIOUS COMMERCIAL PERMITS: SEE SEPARATE LISTS.
 - THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
 - THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
 - THERE ARE NO STRUCTURES LOCATED ON SITE INCLUDED IN THE MARYLAND INVENTORY OF HISTORIC PROPERTIES OR THE BALTIMORE COUNTY FINAL LANDMARKS LIST.
 - TOPOGRAPHIC INFORMATION WITHIN THE AREA LABELED "LIMIT OF FIELD RUN TOPOGRAPHY" SHOWN HEREON IS BASED UPON A FIELD RUN SURVEY PERFORMED BY COLBERT MATZ ROSENFELT, INC., DATED JULY 28, 2017. TOPOGRAPHIC INFORMATION OUTSIDE THE AREA LABELED AS "LIMIT OF FIELD RUN TOPOGRAPHY" IS BASED ON DIGITAL G.I.S. INFORMATION OBTAINED FROM BALTIMORE COUNTY.
 - BOUNDARY INFORMATION FOR THE SUBJECT SITES IS BASED ON THE MOST CURRENT RECORDED DEED FOR THE PROPERTY AND DOES NOT REPRESENT A FIELD RUN BOUNDARY SURVEY. BOUNDARY INFORMATION FOR ADJACENT PROPERTIES IS BASED ON DIGITAL G.I.S. INFORMATION OBTAINED FROM BALTIMORE COUNTY.
 - D.R.C. 102417E - DETERMINED SITE PROVISIONALLY MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 32-4-106(a)(1)(vi), GRANTED OCTOBER 30, 2017.
 - THERE ARE NO FAILED BASIC SERVICES FOR WATER, SEWER OR TRANSPORTATION PER THE BASIC SERVICES MAPS ADOPTED APRIL 1, 2019.
 - FLOOR AREA RATIO (FAR) CALCULATION:
GROSS SITE AREA = 175,548 SQUARE FEET
ADJUSTED GROSS FLOOR AREA = 42,472 SQUARE FEET
42,472/175,548 = FAR OF 0.25
MAXIMUM PERMITTED FAR = 2.0
 - ACCORDING TO THE BALTIMORE COUNTY CODE ENFORCEMENT DATABASE THERE ARE NO EXISTING ZONING VIOLATIONS AS OF 4/29/2020.

SITE PLAN TO ACCOMPANY VARIANCE PETITION
11309 AND 11311
REISTERSTOWN ROAD
OWINGS MILLS, MARYLAND, 21117
4TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



RECEIVED
OCT - 2 2020
DEPARTMENT OF PLANNING

Colbert Matz Rosenfelt

Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 13203 Expiration Date: 11-02-22

SCALE: NTS	
DATE:	SEP 30, 2020
JOB NO.:	2016-252
DESIGNED:	M.C.
DRAWN:	M.C.
CHECKED:	C.M.R.
FILE:	2016252-SITE PLAN
DRAWING NUMBER:	ZP-1

NO.	DATE	REVISIONS:	BY	SHEET	1	OF	1
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2020-0117-SPHA