



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

March 8, 2023

David Karceski, Esquire – dhkarceski@venable.com
Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: CORRECTED OPINION AND ORDER

Petition for Variance
Case No. 2023-0011-A
Property: 9808 Reisterstown Road

Dear Mr. Karceski and Mr. Rosenblatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: Aliza Hertzmark – ahertzmark@bohlereng.com
Brandon Rowe – browe@bohlereng.com
Joe Heisler – jheisler@ahsarch.com
Scott Fader – swfader@mileone.com
Sabrina Sauer – sabrina.sauer@mileone.com

IN RE: PETITION FOR VARIANCE

(9808 Reisterstown Road)

3rd Election District

2nd Council District

GFU, LLC

Legal Owner

Lisa Olivieri

Contract Purchaser/Lessee

Petitioners

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BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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Case No: 2023-0011-A

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CORRECTED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by GFV, LLC, legal owner, and Heritage Imports, Inc., lessee (“Petitioners”) for property located at 9808 Reisterstown Road, Owings Mills (the “Property”). Petitioners filed an amended Petition for Variance from the Baltimore County Zoning Regulations (“BCZR”): (1) §450.4. Table of Sign Regulations.5(a) to allow a total of 3 wall-mounted enterprise signs on one façade of a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one facade (Sign Nos. 3, 4, 5);¹ and (2) §450.4. Table of Sign Regulations .3 to allow a wall-mounted directional sign with a sign area/face of 16 sf in lieu of the permitted 8 sf (Sign No. 6).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Sabrina Sauer, authorized representative for Mile One on behalf of Heritage Imports, Inc., appeared in support of the Petition along with Brandon Rowe, PE of Bohler Engineering, who prepared and sealed an amended site plan (the “Redlined Site Plan”). (Pet. Ex. 1A. 1B). David Karceski, Esquire, Adam Rosenblatt, Esquire of Venable, LLP represented the Petitioners. There were no Protestants or interested citizens who attended the

¹ The original Opinion and Order dated March 6, 2023 inadvertently omitted the language provided in the Amended Attachment to Petition for Variance for Signs 3, 4, 5.

hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief. State Highway Administration (“SHA”) provided a comment on February 26, 2023 that a right of way dedication will be required because the Property line extends to the center of MD 140. Development Plans Review (“DPR”), in conjunction with Department of Public Works & Transportation (“DPWT”) provided an initial comment dated January 30, 2023 wherein DPR requested that a Landscape Plan and a Lighting Plan be filed. In that comment, DPWT stated:

A) Engineering Records drawing number 1964-0730 shows an existing 10-foot Drainage & Utility Easement surrounding a sewer main on the property. The plan submitted with the application does not show the easement. The plan must be revised to show the Drainage & Utility Easement.

B) The plan submitted with the application shows the existing sewer manholes, but does not show the pipe. The plan must be revised to show the existing sewer main.

C) It appears that the proposed signs 1 & 2 look like they are located in the easement as well as over top of the existing sewer main. The signs must be moved from on top of the sewer main and a minimum of 10 feet from the easement boundary.

DPR/DPWT then provided a revised ZAC comment dated February 24, 2023 (the “Revised DPR/DPWT ZAC comment”) which requested the following:

A) Engineering Records drawing number 1964-0730 shows an existing 10-foot Drainage & Utility Easement surrounding a sewer main on the property. The plan submitted with the application does not show the easement. The plan must be revised to show the Drainage & Utility Easement.

B) The plan submitted with the application shows the existing sewer manholes, but does not show the pipe. The plan must be revised to show the existing sewer main.

C) Existing sign #1 is to be removed from the site and is a non-issue.

D) It appears that proposed sign #2 is located in the easement as well as over top of the existing sewer main. Sign #2 must be relocated from over top of the sewer main to a minimum of 11-feet from the centerline of the existing sewer pipe.

The case proceeded by way of proffer by Mr. Karceski. Mr. Rowe and Ms. Hertzmark were accepted as experts in the field of civil engineering, and specifically in the BCZR. (Pet. Exs. 2, 3). The Property consists of two (2) parcels: Parcel 158 which is 2.553 acres +/- (111, 204.88 sf); and Parcel 303 which is 0.731 acres +/- (31,862.57 sf). The Property is triangular in shape and is improved with a 29,497 sf building located on Parcel 158. (Pet. Ex. 4). Otherwise, Parcel 303, and the remainder of Parcel 158 is paved with striped parking spaces. The Property is split-zoned Business, Roadside (BR), and Business, Roadside with an Industrial, Major District overlay (BR-IM). The Petitioner operates a Subaru automotive dealership on the Property and this use will continue.

Using the Site Photo exhibit which she prepared, Ms. Hertzmark described the triangular shape of the Property and steep topography changes. (Pet. Ex. 6). She agreed that there was a 20 ft. grade change from the northern end to the southern end, and an 18 ft. change between the northern corner of the Property to the building. (Pet. Ex. 5). Because of these unique features, the requested signs are needed for visibility purposes when traveling along Reisterstown Rd. She testified that the Petitioners would face a practical difficulty if the requested signs are not permitted as proposed in terms of both their proposed location and size, in order to direct customers to the Property and then internally, orient the customer to the service department or to sales department.

In this case, Petitioner is not proposing any development or improvement to the Property other than changing/upgrading the signage. Currently, there are two (2) freestanding signs (Sign 1 and Sign 2) along the Reisterstown Rd. frontage. Sign 1 will be removed. Sign 2 is permitted by right and does not need Variance relief; it will be repaneled. (Pet. Ex. 1B). At the hearing, in response to DPR/DPWT comment to relocate Sign 2 outside of the easement, Mr. Rowe stated that the County Engineering Records (drawing number 1964-0730) as referenced in the ZAC comment were out dated. Mr. Rowe acknowledged that a survey was performed by Boehler. That survey located the underground sewer and the sign is outside of that easement. Accordingly, Mr. Rowe opined that the sign should not be moved.

As shown on the Redlined Site Plan, existing wall-mounted Sign 3 and Sign 4 on the front of the building facing Reisterstown Rd. (eastern side) will remain but will be refaced. On the same building front, a 'Heritage' sign is proposed to be installed. (Pet. Ex: 1A, 1B). For the 'Heritage' sign, Variance relief is sought because, while the Petitioner is entitled to three (3) enterprise signs, BCZR, §450.4 Table of Sign Regulations .5(a) only permits 2 enterprise signs on a building face.

Petitioner also seeks to install 2 directional signs on the side of the building over the service entrance which is shown by 2 garage doors. Ms. Sauer explained that vehicles with longer service time needs will enter the through the door under a 'Service' sign, and vehicles with service appointments which are faster will proceed through the overhead door under an 'Express' sign. While the Petitioner is entitled to 2 directional signs on the same façade, the proposed 'Service' sign (Sign 6) needs Variance relief because it is larger than permitted.

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 was previously adjudicated to be unique in Case No.1992-0464-A. As a result, that factual finding is applicable to this case under the doctrine of collateral estoppel. *Garrity v. Maryland State Bd. of Plumbing*, 447 Md. 359, 368 (2016). (See also *Colandrea v. Wilde Lake Community Ass'n, Inc.*, 361 Md. 391 (2000); *Washington Suburban Sanitary Commission v. TKU Associates*, 281 Md. 1, 18-19 (1977)). Additionally, Ms. Hertzmark described the unique features of the Property including its triangular shape and steep topography. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed location of Signs 3, 4, 5 on the front of the building, and the size of Sign 6 for the 'Service' garage entrance were not granted because it is important for both safety and efficiency purposes to direct customers not only to the business from Reisterstown Rd., but also interiorly, to have clear, large signs to identify that the service department is separate from sales, and that the Express service has a different entrance than the regular service. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 8th day of **March, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §450.4. Table of Sign Regulations.5(a) to allow a total of 3 wall-mounted enterprise signs on one façade of a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one facade (Sign Nos. 3, 4, 5), be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Petition for Variance from §450.4. Table of Sign Regulations .3 to allow a wall-mounted directional sign with a sign area/face of 16 sf in lieu of the

permitted 8 sf (Sign No. 6) be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

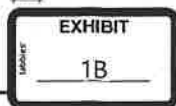
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Redlined Site Plan (Pet. Ex. 1A, 1B) is attached hereto and incorporated herein in its entirety.
3. Petitioner shall provide DPWT with the field survey conducted by Boehler which confirms the current location of Sign 2. In the event that Sign 2 is still located in the easement area and/or overtop of the existing sewer main, as specified in the Revised DPR/DPWT ZAC comment, a copy of which is attached hereto and incorporated herein in its entirety, Petitioner agrees to work with DWPT in regard to relocating Sign 2.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm



ENTERPRISE - WALL MOUNTED / CANOPY (BCCR 450.4 ATTACHMENT 1, 5(A))					
SMALL TENANT RETAIL					
FRONT FACADE			Sides		Remarks: Signage for the 1st floor is not required. Signage for the 2nd floor is required. The sign is to be placed on the side of the building.
NO	Location	Size (sq. ft.)	Material	Color	
1001.1	ENTERPRISE (1001.1) (1001.1)	1001.1	11.0	2.00	11.0
1001.2	ENTERPRISE (1001.2) (1001.2)	1001.2	11.0	2.00	11.0
1001.3	ENTERPRISE (1001.3) (1001.3)	1001.3	11.0	2.00	11.0
1001.4	ENTERPRISE (1001.4) (1001.4)	1001.4	11.0	2.00	11.0
1001.5	ENTERPRISE (1001.5) (1001.5)	1001.5	11.0	2.00	11.0
1001.6	ENTERPRISE (1001.6) (1001.6)	1001.6	11.0	2.00	11.0
1001.7	ENTERPRISE (1001.7) (1001.7)	1001.7	11.0	2.00	11.0
1001.8	ENTERPRISE (1001.8) (1001.8)	1001.8	11.0	2.00	11.0
1001.9	ENTERPRISE (1001.9) (1001.9)	1001.9	11.0	2.00	11.0
1001.10	ENTERPRISE (1001.10) (1001.10)	1001.10	11.0	2.00	11.0
1001.11	ENTERPRISE (1001.11) (1001.11)	1001.11	11.0	2.00	11.0
1001.12	ENTERPRISE (1001.12) (1001.12)	1001.12	11.0	2.00	11.0
1001.13	ENTERPRISE (1001.13) (1001.13)	1001.13	11.0	2.00	11.0
1001.14	ENTERPRISE (1001.14) (1001.14)	1001.14	11.0	2.00	11.0
1001.15	ENTERPRISE (1001.15) (1001.15)	1001.15	11.0	2.00	11.0
1001.16	ENTERPRISE (1001.16) (1001.16)	1001.16	11.0	2.00	11.0
1001.17	ENTERPRISE (1001.17) (1001.17)	1001.17	11.0	2.00	11.0
1001.18	ENTERPRISE (1001.18) (1001.18)	1001.18	11.0	2.00	11.0
1001.19	ENTERPRISE (1001.19) (1001.19)	1001.19	11.0	2.00	11.0
1001.20	ENTERPRISE (1001.20) (1001.20)	1001.20	11.0	2.00	11.0
1001.21	ENTERPRISE (1001.21) (1001.21)	1001.21	11.0	2.00	11.0
1001.22	ENTERPRISE (1001.22) (1001.22)	1001.22	11.0	2.00	11.0
1001.23	ENTERPRISE (1001.23) (1001.23)	1001.23	11.0	2.00	11.0
1001.24	ENTERPRISE (1001.24) (1001.24)	1001.24	11.0	2.00	11.0
1001.25	ENTERPRISE (1001.25) (1001.25)	1001.25	11.0	2.00	11.0
1001.26	ENTERPRISE (1001.26) (1001.26)	1001.26	11.0	2.00	11.0
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1001.28	ENTERPRISE (1001.28) (1001.28)	1001.28	11.0	2.00	11.0
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1001.30	ENTERPRISE (1001.30) (1001.30)	1001.30	11.0	2.00	11.0
1001.31	ENTERPRISE (1001.31) (1001.31)	1001.31	11.0	2.00	11.0
1001.32	ENTERPRISE (1001.32) (1001.32)	1001.32	11.0	2.00	11.0
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1002.39	ENTERPRISE (1002.39) (1002.39)	1002.39	11.0	2.00	11.0
1002.40	ENTERPRISE (1002.40) (1002.40)	1002.40	11.0	2.00	11.0
1002.41	ENTERPRISE (1002.41) (1002.41)	1002.41	11.0	2.00	11.0
1002.42	ENTERPRISE (1002.42) (1002.42)	1002.42	11.0	2.00	11.0
1002.43	ENTERPRISE (1002.43) (1002.43)	1002.43	11.0	2.00	11.0
1002.44	ENTERPRISE (1002.44) (1002.44)	1002.44	11.0	2.00	11.0
1002.45	ENTERPRISE (1002.45) (1002.45)	1002.45	11.0	2.00	11.0
1002.46	ENTERPRISE (1002.46) (1002.46)	1002.46	11.0	2.00	11.0
1002.47	ENTERPRISE (1002.47) (1002.47)	1002.47	11.0	2.00	11.0
1002.48	ENTERPRISE (1002.48) (1002.48)	1002.48	11.0	2.00	11.0
1002.49	ENTERPRISE (1002.49) (1002.49)	1002.49	11.0	2.00	11.0
1002.50	ENTERPRISE (1002.50) (1002.50)	1002.50	11.0	2.00	11.0
1002.51	ENTERPRISE (1002.51) (1002.51)	1002.51	11.0	2.00	11.0
1002.52	ENTERPRISE (1002.52) (1002.52)	1002.52	11.0	2.00	11.0
1002.53	ENTERPRISE (1002.53) (1002.53)	1002.53	11.0	2.00	11.0
10					

DIRECTIONAL - WALL-MOUNTED / FREESTANDING (BCZR 450-A ATTACHMENT 1, 3(A))						
SINGLE TENANT RETAIL						
SIDE FACADE		Lot #	Minimum Garage Size Per Section 21.1	Minimum Garage Size Per Section 21.1	Minimum Garage Size Per Section 21.1	Minimum Garage Size Per Section 21.1
NO.	Tenant	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1001	1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: February 24, 2023

SUBJECT: Zoning Advisory Committee Meeting
For January 30, 2023
Item No. 2023-0011-A **(REVISED)**

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

If Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

DPWT Comments:

- A. Engineering Records drawing number 1964-0730 shows an existing 10-foot Drainage & Utility Easement surrounding a sewer main on the property. The plan submitted with the application does not show the easement. The plan must be revised to show the Drainage & Utility Easement.
- B. The plan submitted with the application shows the existing sewer manholes, but does not show the pipe. The plan must be revised to show the existing sewer main.
- C. Existing sign #1 is to be removed from the site and is a non-issue.
- D. It appears that proposed sign #2 is located in the easement as well as over top of the existing sewer main. Sign #2 must be relocated from over top of the sewer main to a minimum of 11-feet from the centerline of the existing sewer pipe.

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*

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*

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VKD: cen
cc: file

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(9808 Reisterstown Road)		
3rd Election District	*	OFFICE OF ADMINISTRATIVE
2nd Council District		
GFU, LLC	*	HEARINGS OF
<i>Legal Owner</i>		
Lisa Olivieri	*	BALTIMORE COUNTY
Contract Purchaser/Lessee		
	*	Case No: 2023-0011-A
Petitioners		
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by GFV, LLC, legal owner, and Heritage Imports, Inc., lessee (“Petitioners”) for property located at 9808 Reisterstown Road, Owings Mills (the “Property”). Petitioners filed an amended Petition for Variance from the Baltimore County Zoning Regulations (“BCZR”): (1) §450.4. Table of Sign Regulations.5(a) to allow a total of 3 wall-mounted enterprise signs in a single tenant building with no more than 2 signs on any one facade (Sign Nos. 3, 4, 5); and (2) §450.4. Table of Sign Regulations .3 to allow a wall-mounted directional sign with a sign area/face of 16 sf in lieu of the permitted 8 sf (Sign No. 6).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Sabrina Sauer, authorized representative for Mile One on behalf of Heritage Imports, Inc., appeared in support of the Petition along with Brandon Rowe, PE of Bohler Engineering, who prepared and sealed an amended site plan (the “Redlined Site Plan”). (Pet. Ex. 1A. 1B). David Karceski, Esquire, Adam Rosenblatt, Esquire of Venable, LLP represented the Petitioners. There were no Protestants or interested citizens who attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief. State Highway Administration (“SHA”) provided a comment on February 26, 2023 that a right of way dedication will be required because the Property line extends to the center of MD 140. Development Plans Review (“DPR”), in conjunction with Department of Public Works & Transportation (“DPWT”) provided an initial comment dated January 30, 2023 wherein DPR requested that a Landscape Plan and a Lighting Plan be filed. In that comment, DPWT stated:

A) Engineering Records drawing number 1964-0730 shows an existing 10-foot Drainage & Utility Easement surrounding a sewer main on the property. The plan submitted with the application does not show the easement. The plan must be revised to show the Drainage & Utility Easement.

B) The plan submitted with the application shows the existing sewer manholes, but does not show the pipe. The plan must be revised to show the existing sewer main.

C) It appears that the proposed signs 1 & 2 look like they are located in the easement as well as over top of the existing sewer main. The signs must be moved from on top of the sewer main and a minimum of 10 feet from the easement boundary.

DPR/DPWT then provided a revised ZAC comment dated February 24, 2023 (the “Revised DPR/DPWT ZAC comment”) which requested the following:

A) Engineering Records drawing number 1964-0730 shows an existing 10-foot Drainage & Utility Easement surrounding a sewer main on the property. The plan submitted with the application does not show the easement. The plan must be revised to show the Drainage & Utility Easement.

B) The plan submitted with the application shows the existing sewer manholes, but does not show the pipe. The plan must be revised to show the existing sewer main.

C) Existing sign #1 is to be removed from the site and is a non-issue.

D) It appears that proposed sign #2 is located in the easement as well as over top of the existing sewer main. Sign #2 must be relocated from over top of the sewer main to a minimum of 11-feet from the centerline of the existing sewer pipe.

The case proceeded by way of proffer by Mr. Karceski. Mr. Rowe and Ms. Hertzmark were accepted as experts in the field of civil engineering, and specifically in the BCZR. (Pet. Exs. 2, 3). The Property consists of two (2) parcels: Parcel 158 which is 2.553 acres +/- (111, 204.88 sf); and Parcel 303 which is 0.731 acres +/- (31,862.57 sf). The Property is triangular in shape and is improved with a 29,497 sf building located on Parcel 158. (Pet. Ex. 4). Otherwise, Parcel 303, and the remainder of Parcel 158 is paved with striped parking spaces. The Property is split-zoned Business, Roadside (BR), and Business, Roadside with an Industrial, Major District overlay (BR-IM). The Petitioner operates a Subaru automotive dealership on the Property and this use will continue.

Using the Site Photo exhibit which she prepared, Ms. Hertzmark described the triangular shape of the Property and steep topography changes. (Pet. Ex. 6). She agreed that there was a 20 ft. grade change from the northern end to the southern end, and an 18 ft. change between the northern corner of the Property to the building. (Pet. Ex. 5). Because of these unique features, the requested signs are needed for visibility purposes when traveling along Reisterstown Rd. She testified that the Petitioners would face a practical difficulty if the requested signs are not permitted as proposed in terms of both their proposed location and size, in order to direct customers to the Property and then internally, orient the customer to the service department or to sales department.

In this case, Petitioner is not proposing any development or improvement to the Property other than changing/upgrading the signage. Currently, there are two (2) freestanding signs (Sign

1 and Sign 2) along the Reisterstown Rd. frontage. Sign 1 will be removed. Sign 2 is permitted by right and does not need Variance relief; it will be repainted. (Pet. Ex. 1B). At the hearing, in response to DPR/DPWT comment to relocate Sign 2 outside of the easement, Mr. Rowe stated that the County Engineering Records (drawing number 1964-0730) as referenced in the ZAC comment were out dated. Mr. Rowe acknowledged that a survey was performed by Boehler. That survey located the underground sewer and the sign is outside of that easement. Accordingly, Mr. Rowe opined that the sign should not be moved.

As shown on the Redlined Site Plan, existing wall-mounted Sign 3 and Sign 4 on the front of the building facing Reisterstown Rd. (eastern side) will remain but will be refaced. On the same building front, a 'Heritage' sign is proposed to be installed. (Pet. Ex: 1A, 1B). For the 'Heritage' sign, Variance relief is sought because, while the Petitioner is entitled to three (3) enterprise signs, BCZR, §450.4 Table of Sign Regulations .5(a) only permits 2 enterprise signs on a building face.

Petitioner also seeks to install 2 directional signs on the side of the building over the service entrance which is shown by 2 garage doors. Ms. Sauer explained that vehicles with longer service time needs will enter the through the door under a 'Service' sign, and vehicles with service appointments which are faster will proceed through the overhead door under an 'Express' sign. While the Petitioner is entitled to 2 directional signs on the same façade, the proposed 'Service' sign (Sign 6) needs Variance relief because it is larger than permitted.

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 was previously adjudicated to be unique in Case No.1992-0464-A. As a result, that factual finding is applicable to this case under the doctrine of collateral estoppel. *Garrity v. Maryland State Bd. of Plumbing*, 447 Md. 359, 368 (2016). (See also *Colandrea v. Wilde Lake Community Ass'n, Inc.*, 361 Md. 391 (2000); *Washington Suburban Sanitary Commission v. TKU Associates*, 281 Md. 1, 18-19 (1977)). Additionally, Ms. Hertzmark described the unique features of the Property including its triangular shape and steep topography. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed location of Signs 3, 4, 5 on the front of the building, and the size of Sign 6 for the 'Service' garage entrance were not granted because it is important for both safety and efficiency purposes to direct customers not only to the business from Reisterstown Rd., but also interiorly, to have clear, large signs to identify that the service department is separate from sales, and that the Express service has a different entrance than the regular service. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 6th day of **March, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §450.4. Table of Sign Regulations .5(a) to allow a total of 3 wall-mounted enterprise signs in a single tenant building with no more than 2 signs on any one facade (Sign Nos. 3, 4, 5), be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Petition for Variance from §450.4. Table of Sign Regulations .3 to allow a wall-mounted directional sign with a sign area/face of 16 sf in lieu of the permitted 8 sf (Sign No. 6) be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are 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, Petitioners would be required to return the subject property to its original condition.

2. The Redlined Site Plan (Pet. Ex. 1A, 1B) is attached hereto and incorporated herein in its entirety.

3. Petitioner shall provide DPWT with the field survey conducted by Boehler which confirms the current location of Sign 2. In the event that Sign 2 is still located in the easement area and/or overtop of the existing sewer main, as specified in the Revised DPR/DPWT ZAC comment, a copy of which is attached hereto and incorporated herein in its entirety, Petitioner agrees to work with DWPT in regard to relocating Sign 2.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

March 7, 2023

David Karceski, Esquire – dhkarceski@venable.com
Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: Petition for Variance
Case No. 2023-0011-A
Property: 9808 Reisterstown Road

Dear Mr. Karceski and Mr. Rosenblatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Aliza Hertzmark – ahertzmark@bohlereng.com
Brandon Rowe – browe@bohlereng.com
Joe Heisler – jheisler@ahsarch.com
Scott Fader – swfader@mileone.com
Sabrina Sauer – sabrina.sauer@mileone.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: February 24, 2023

SUBJECT: Zoning Advisory Committee Meeting
For January 30, 2023
Item No. 2023-0011-A **(REVISED)**

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

If Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

DPWT Comments:

- A. Engineering Records drawing number 1964-0730 shows an existing 10-foot Drainage & Utility Easement surrounding a sewer main on the property. The plan submitted with the application does not show the easement. The plan must be revised to show the Drainage & Utility Easement.
- B. The plan submitted with the application shows the existing sewer manholes, but does not show the pipe. The plan must be revised to show the existing sewer main.
- C. Existing sign #1 is to be removed from the site and is a non-issue.
- D. It appears that proposed sign #2 is located in the easement as well as over top of the existing sewer main. Sign #2 must be relocated from over top of the sewer main to a minimum of 11-feet from the centerline of the existing sewer pipe.

*

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*

*

VKD: cen
cc: file

tabbies®

EXHIBIT

1A



E 178200' N 634200'

LANDS N/F
HD DEVELOPMENT OF MARYLAND, INC.
HOME DEPOT USA, INC.
LIBER 14364 FOLIO 655
TM: 67 G:04 P:145

N03°54'43"E (M) 727.38' (M)
N11°45'E (R) 737.37' (R) (TOTAL)

LANDS N/F
GFV, LLC
LIBER 31908 FOLIO 209
PARCEL TWO
TM: 67 G:05 P:303
AREA - 31,862.57 SF OR 0.731 AC.

LANDS N/F
HD DEVELOPMENT OF MARYLAND, INC.
LIBER 14364 FOLIO 655
TM: 67 G:04 P:145

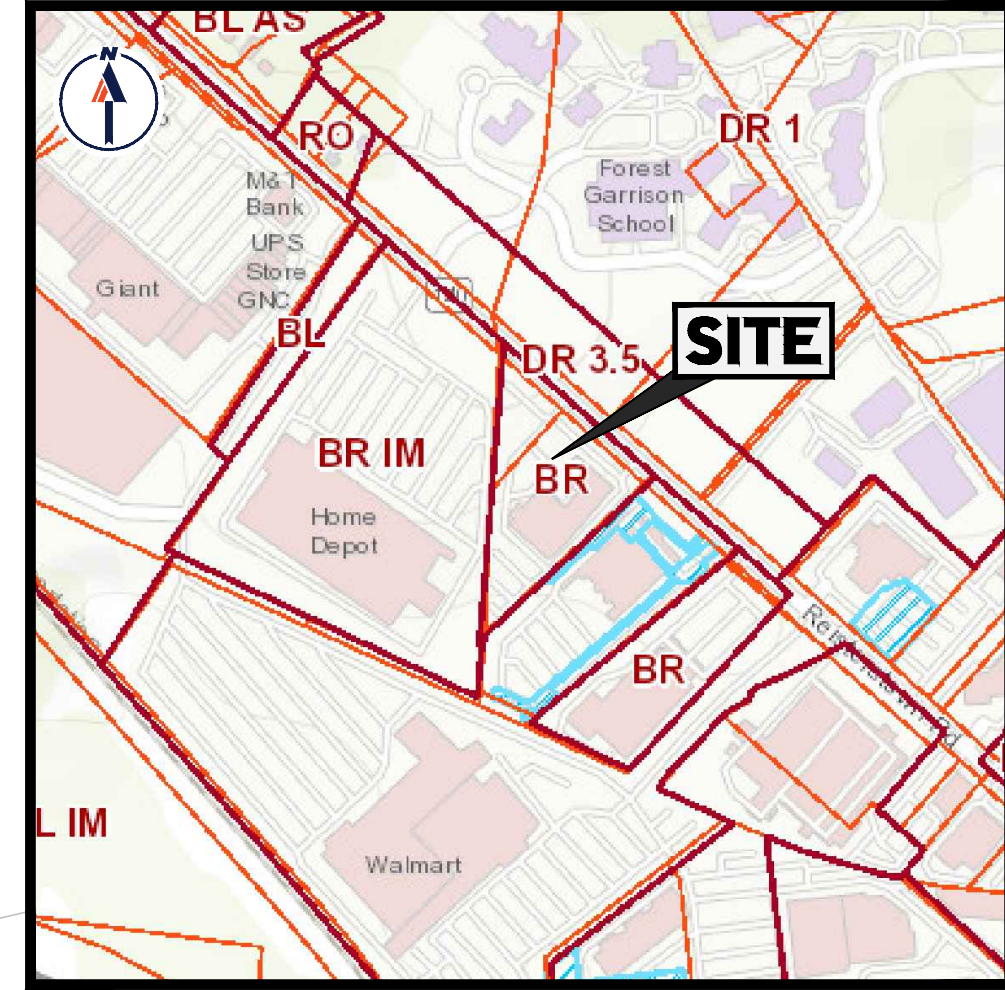
LANDS N/F
GFV, LLC
LIBER 31908 FOLIO 209
PARCEL ONE
TM: 67 G:05 P:158
AREA - 111,204.88 SF OR 2.553 AC.
OVERALL AREA=143,067 S.F. OR 3.284 AC.

N46°41'40"E (M) 584.72' (R&M)
S54°35'W (R)

LANDS N/F
8804 RR, LLC
LIBER 26751 FOLIO 680
TM: 67 G:05 P:122

N46°41'40"E (M) 584.72' (R&M)
S54°35'W (R)

LANDS N/F
8804 RR, LLC
LIBER 26751 FOLIO 680
TM: 67 G:05 P:122



ZONING MAP
SCALE: 1" = 500'



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- SITE AREA: PARCEL 158: 111,204.88 S.F. OR 2.553 AC
PARCEL 303: 31,862.57 S.F. OR 0.731 AC
- OWNER: (PARCELS 158 & 303)
GFV LLC
C/O FRIEDMAN & FRIEDMAN LLP
400 WASHINGTON AVE
TOWSON, MD 21204
- APPLICANT / LESSEE:
HERITAGE IMPORTS, INC.
1 OLYMPIC PLACE, SUITE 1200
TOWSON, MD 21204
- COUNTY INFORMATION PARCELS 158 & 303
CENSUS TRACT: 4037.2
WATERSHED: GWYNNS FALLS
SUBSEWERED: GWYNNS FALLS
COUNTY COUNCIL DISTRICT: 02
ELECTION DISTRICT: 03
- TAX ACCOUNT NO.:
PARCEL 158: 1600014913
PARCEL 303: 0307062640
- EXISTING USE: PARCEL 158: COMMERCIAL, AUTOMOBILE DEALERSHIP
PARCEL 303: COMMERCIAL, AUTOMOBILE DEALERSHIP
PROPOSED USE: UNCHANGED
- ZONE: BR (BUSINESS ROADSIDE) MAP NO. 0067
- THIS PLAN IS NOT LOCATED IN ANY FLOOD HAZARDOUS ZONES PER PLAN FEMA MAP 2400100220D, DATED AUGUST 2, 2011.
- THERE ARE NO KNOWN WETLANDS LOCATED WITHIN THE SITE BOUNDARY.
- BUILDING AREA:
EXISTING - APPROX. 29,497 S.F.
- BULK REQUIREMENTS

	REQUIRED	PROVIDED* (EXISTING TO REMAIN)
MINIMUM SETBACK		
FRONT	50'	62± (ROW)
SIDE/REAR (WEST)	30'	32±
SIDE (EAST)	30'	30±

*SETBACK DISTANCES PROVIDED IN THIS CHART ARE AS SHOWN ON THE SITE PLAN APPROVED IN ZONING CASE NO. 1992-464
- OFF-STREET PARKING SPACES:
THERE ARE NO CHANGES PROPOSED TO THE EXISTING OFF-STREET PARKING SPACES PROVIDED ON THE PROPERTY AND THE CONFIGURATION OF THE EXISTING PARKING SPACES.
- FLOOR AREA RATIO
FLOOR AREA RATIO PERMITTED: 2.0
EXISTING FLOOR AREA RATIO: 29,497 S.F. / 143,067 S.F. = 0.21
- SITE IS SERVED BY PUBLIC WATER AND SEWER.
- ALL EXISTING AND PROPOSED SIGNAGE WILL COMPLY WITH SECTION 450 OF THE BCZR OR A VARIANCE/S WILL BE REQUESTED BY WAY OF THE ZONING PETITION TO ACCOMPANY THIS SITE PLAN.
- LIGHTING ON SITE IS EXISTING TO REMAIN.
- SITE IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES MAP AREAS PER 2021 BASIC SERVICES MAPS FOR WATER, SEWER, AND TRANSPORTATION.

COMMERCIAL PERMIT HISTORY

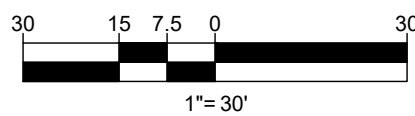
- B791520, B746259, B111931, B781664

ZONING HISTORY

- 1965-0080-SPH: PETITION TO CONSTRUCT A BUILDING IN A M.R. ZONE ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD, 2700 FT. MORE OR LESS, SOUTH OF PAINTERS MILL ROAD.
- R-1972-0067: PETITION FOR REZONING RECLASSIFICATION FROM M.L.R. AND M.L. TO A B.R. ZONE. APPROVED FEBRUARY 7TH, 1972. GRANTED - 2-6-1972
- 1978-0141-X: PETITION FOR SPECIAL EXCEPTION TO USE THE PROPERTY FOR A USED CAR LOT. APPROVED JANUARY 18TH, 1977. GRANTED - 1-17-1978
- 1992-0464-A: PETITION TO REQUEST RELIEF TO PERMIT THREE BUSINESS SIGNS TOTALING 704.42 S.F. IN LIEU OF THE PERMITTED 100 S.F. FOR EXISTING SIGN 1 OF 282.2 S.F., PROPOSED SIGN 2 OF 187.88 S.F., AND PROPOSED SIGN 3 OF 234.54 S.F. THE PETITIONERS ALSO REQUEST A VARIANCE TO PERMIT SIGNS 1 AND 2 WITH THE HEIGHT OF 28.8 FT AND 30 FT, RESPECTIVELY, IN LIEU OF THE PERMITTED 25 FT FOR EACH. GRANTED - 7-17-1992

PLAN REFERENCES

- PLAN ENTITLED, "6" SANITARY SEWER, SOUTH SIDE REISTERSTOWN ROAD - ALONG 10' UTILITY EASEMENT", PUBLIC PLAN DWG# 1964-0730.
- PLAN ENTITLED, "6" DETECTOR CHECK W/ 5/8" METER, REISTERSTOWN ROAD", PUBLIC PLAN DWG# 2002-0252 DATED 3/15/2002.
- PLAN ENTITLED, "SITE PLAN, PROPERTY OF SAMUEL FUNK & DAVID H. GRANT, EXHIBIT OF WAIVER REQUEST #19720067.



BOHLER

SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY



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PROJECT No.: MDA220040.01
DRAWN BY: AVG
CHECKED BY: ASHBRR
DATE: 01/12/2023
CAD ID: SVAR-0

PROJECT:

VARIANCE PLAN

FOR

SUBARU OWINGS MILLS

9808 & 9814 REISTERSTOWN ROAD
BALTIMORE COUNTY, MD 21117
ELECTION DISTRICT: 03
COUNCILMANIC DISTRICT: 02
MAP 67, GRID 5, PARCELS 158 & 303

BOHLER

901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7967
MD@BohlerEng.com



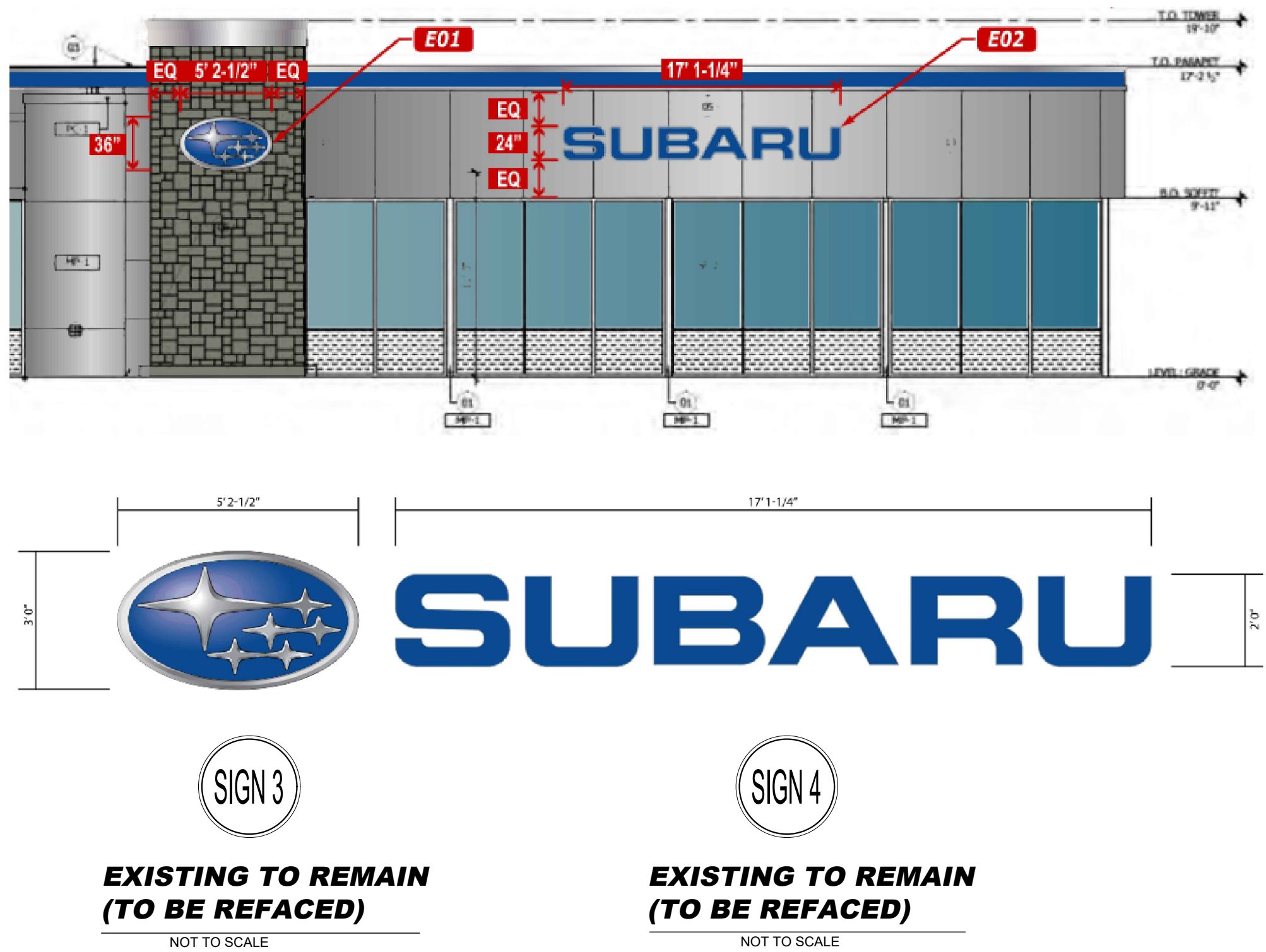
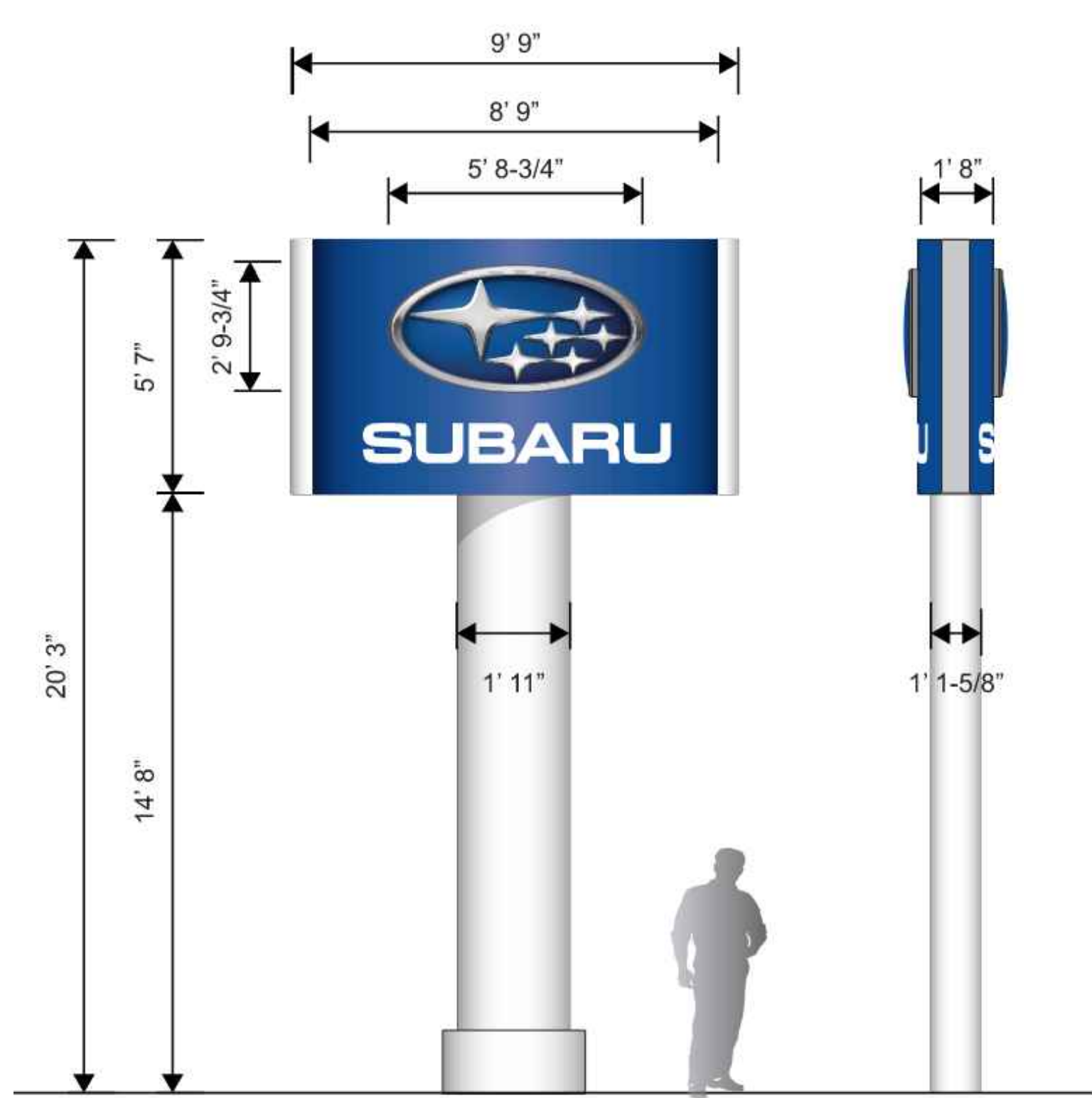
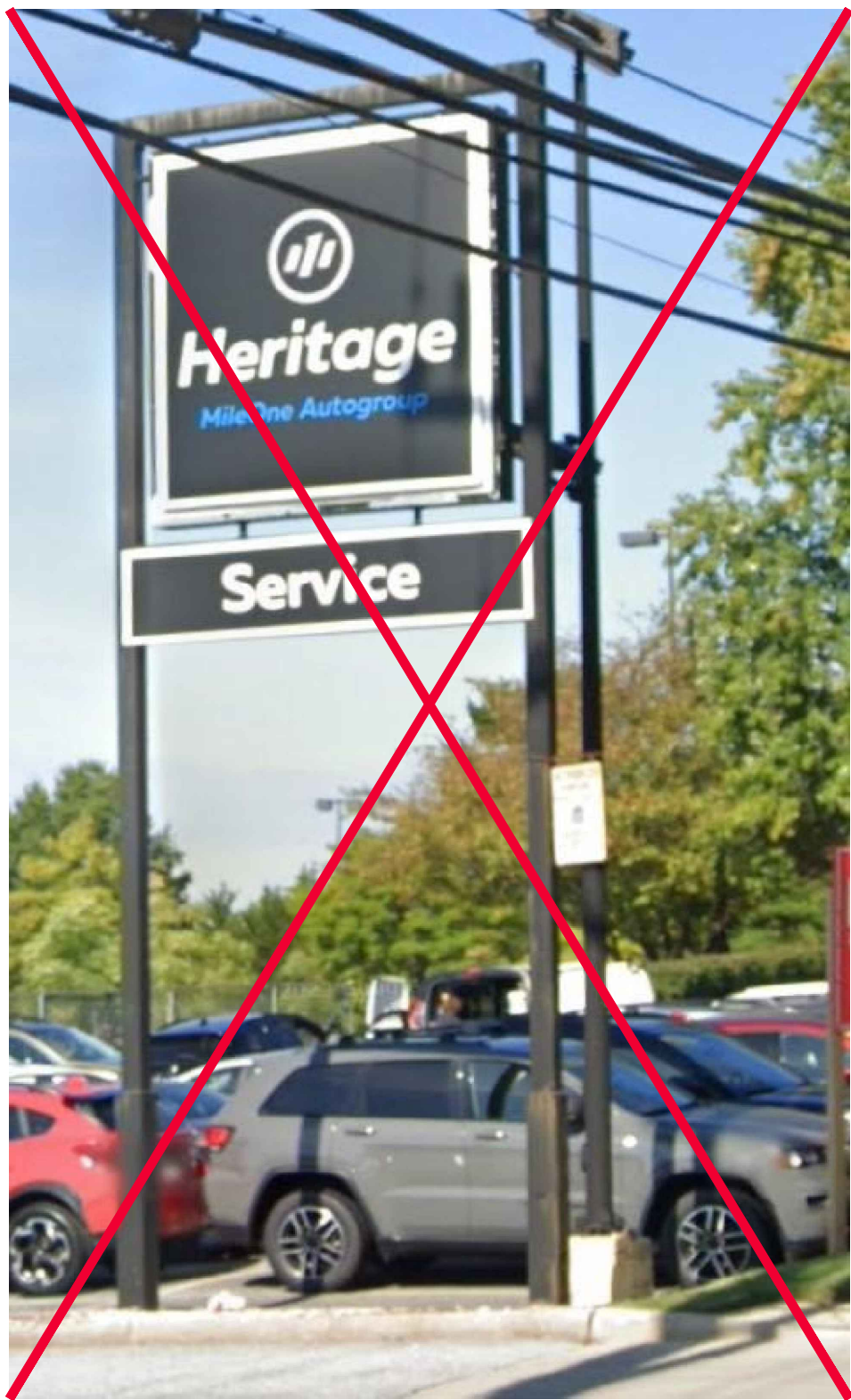
SHEET TITLE:

PLAN TO ACCOMPANY SIGN VARIANCE

SHEET NUMBER:

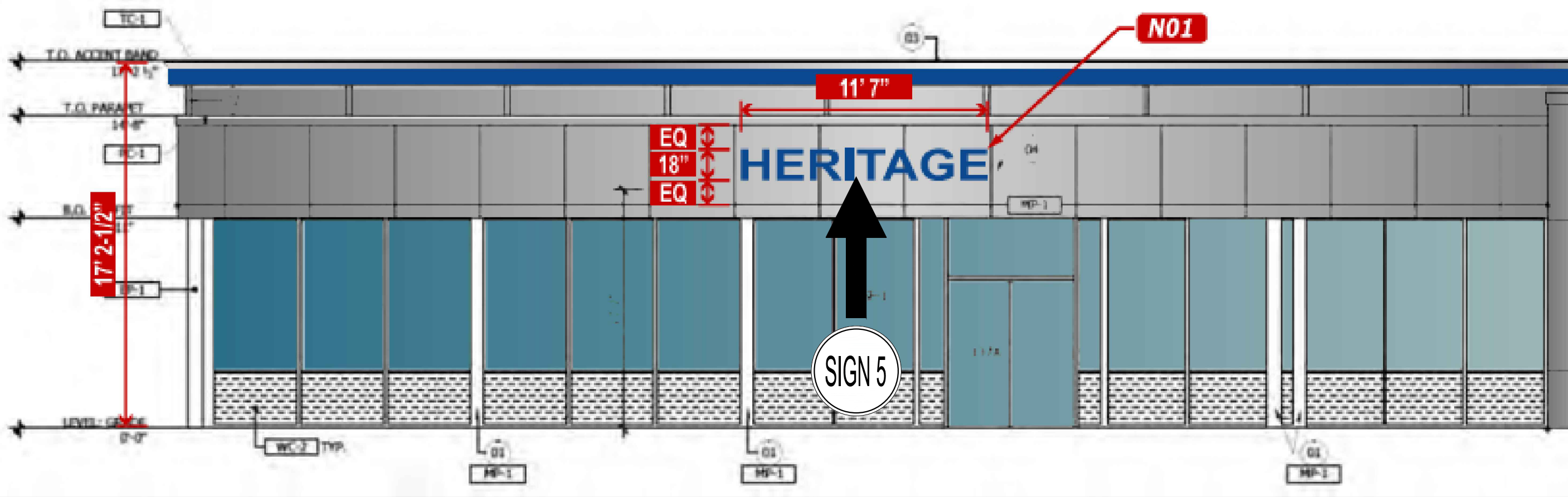
1 of 2

ORG. DATE - 01/12/2023

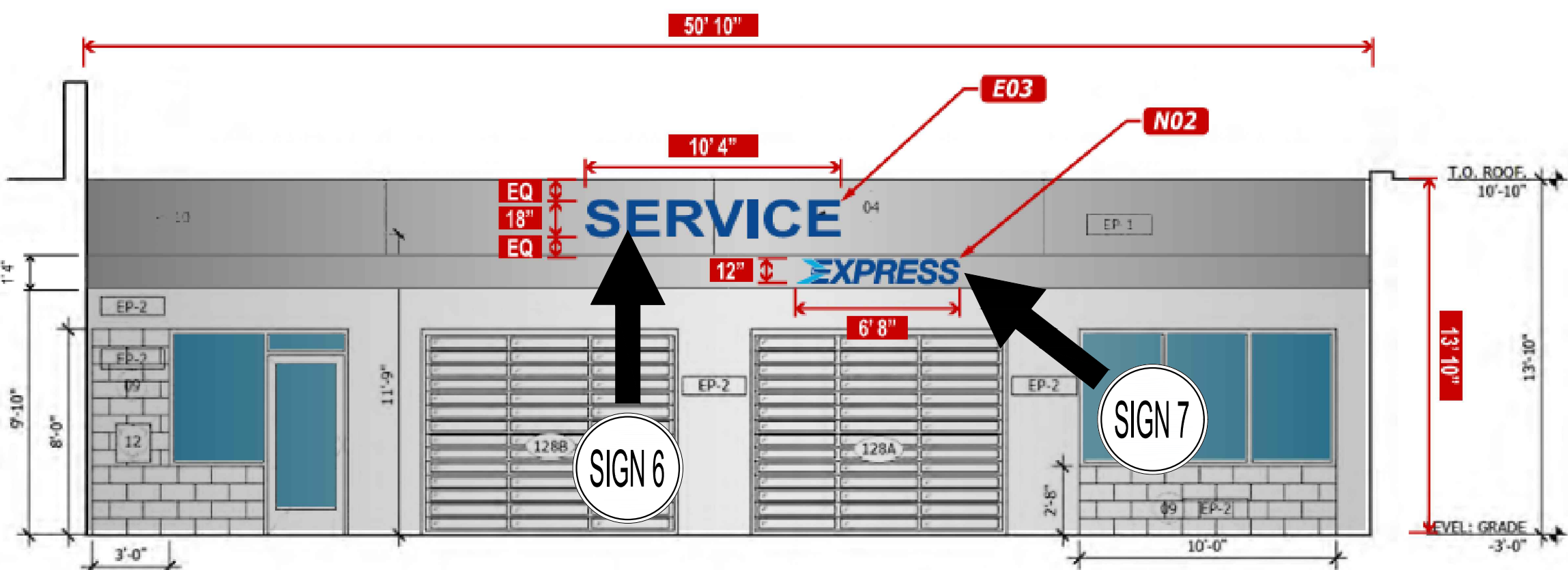


SIGN 1 **EXISTING SIGN TO BE REMOVED**
NOT TO SCALE

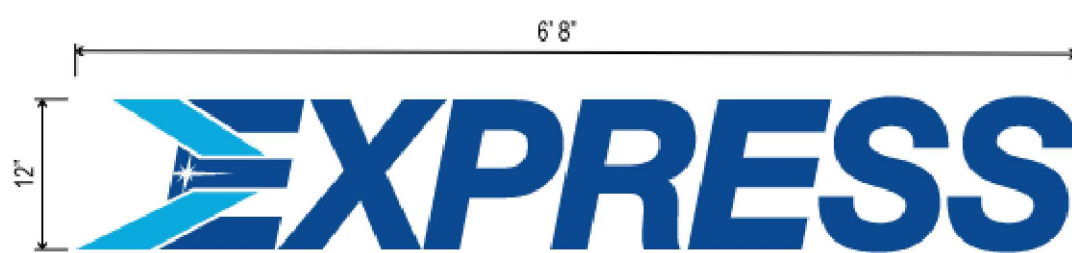
SIGN 2 **EXISTING TO REMAIN (TO BE REFACED)**
NOT TO SCALE



SIGN 5 **PROPOSED SIGN**
NOT TO SCALE



SIGN 6 **PROPOSED DIRECTIONAL SIGN**
NOT TO SCALE



SIGN 7 **PROPOSED SIGN**
NOT TO SCALE

ENTERPRISE - FREESTANDING (BCZR 450.4 ATTACHMENT 1, 5(B, G))								
SINGLE-TENANT RETAIL								
ID	Tenant		Existing Signage			Allowable Signage Area Per Code (SF.)	Existing Signage Height From Ground (FT.)	Allowable Signage Height Per Code (FT.)
			Width (FT.)	Height (FT.)	Area (SF.)			
SIGN 1	SUBARU OWINGS MILLS	TO BE REMOVED	-	-	-	-	-	-
SIGN 2	SUBARU OWINGS MILLS	TO REMAIN	8'-9"	5'-7"	48.9 ±	50	20.25 ± TO TOP OF SIGN	25

ENTERPRISE - WALL-MOUNTED / CANOPY (BCZR 450.4 ATTACHMENT 1, 5(A))								
SINGLE-TENANT RETAIL								
FRONT FACADE			Signage			Store Front Width (LF.)	Allowable Signage Area Per Code (SF.) (MAXIMUM AREA / FACE = TWICE THE LENGTH OF THE WALL TO WHICH THE SIGNS ARE AFFIXED)	
ID	Tenant		Width (FT.)	Height (FT.)	Area (SF.)			
SIGN 3	SUBARU OWINGS MILLS	EXISTING	5.19	3.00	15.57	124±	248.00	
SIGN 4	SUBARU OWINGS MILLS	EXISTING	17.10	2.00	34.20			
SIGN 5	SUBARU OWINGS MILLS	PROPOSED	11.60	1.50	17.40			
			TOTAL SIGN AREA PER FACADE			67.17		
SIDE FACADE			Signage			Store Front Width (LF.)	Allowable Signage Area Per Code (SF.) (MAXIMUM AREA / FACE = TWICE THE LENGTH OF THE WALL TO WHICH THE SIGNS ARE AFFIXED)	
ID	Tenant		Width (FT.)	Height (FT.)	Area (SF.)			
SIGN 7	SUBARU OWINGS MILLS	PROPOSED	6.67	1.00	6.67	50±	100±	
			TOTAL SIGN AREA PER FACADE			6.67		

DIRECTIONAL - WALL-MOUNTED / FREESTANDING (BCZR 450.4 ATTACHMENT 1, 3(A))								
SINGLE-TENANT RETAIL								
SIDE FACADE			Signage			Allowable Signage Area Per Code (SF.)	Signage Height From Ground (FT.)	Allowable Signage Height Per Code (FT.)
ID	Tenant		Width (FT.)	Height (FT.)	Area (SF.)	(MAXIMUM AREA / FACE)		
SIGN 6	SUBARU OWINGS MILLS	PROPOSED	10.33	1.50	15.50	8.00	13.5 ± TO TOP OF SIGN	6 FT. IN NONRESIDENTIAL ZONES
			TOTAL SIGN AREA PER FACADE			15.50		

REVISIONS				
REV	DATE	COMMENT	DRAWN BY / CHECKED BY	

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PROJECT No.: MD A220040.01
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VARIANCE PLAN
FOR
SUBARU OWINGS MILLS

9808 & 9814 REISTERSTOWN ROAD
BALTIMORE COUNTY, MD 21117
ELECTION DISTRICT: 03
COUNCILMANIC DISTRICT: 02
MAP 67, GRID 5, PARCELS 158 & 303

BOHLER
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

ASHERTZMARK
REGISTERED PROFESSIONAL ENGINEER
STATE OF MARYLAND
LICENSE NO. 12266/EXPIRATION DATE: 12-06-23

SHEET TITLE:
PLAN TO ACCOMPANY SIGN VARIANCE

SHEET NUMBER:
2 of 2

ORG. DATE - 01/12/2023

February 26, 2023

Mr. Lloyd Moxley
Development Manager
Development/Management/Permits
Inspections & Approvals
County Office Building-Room 123
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Moxley:

Thank you for the opportunity to review the Variance Plan for Subaru Owings Mills located at 9808 & 9814 Reisterstown Road, MD 140, in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plan for the project listed below and is pleased to respond:

Subaru Owings Mills
9808 & 9814 Reisterstown Road, MD 140
County Number DRC 2023-0011-A
Baltimore County

The MDOT SHA has reviewed the Variance Plan and we have the following comments:

1. It appears that the existing property line extends to the center of MD 140. A right of way dedication will be required. MDOT SHA requires that any right-of-way or easement donation (dedication) be platted to MDOT SHA standards. Go to: <https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=106> then follow the link to Developer Donation Plat Standards. Please contact Mr. Robert Hammond Bey, Chief, Records & Research Section, Office of Real Estate: 410-545-0358 RHammondbey@mdot.maryland.gov for existing right-of-way information. Note that any plats produced for the MDOT SHA shall be on NAD83/91 datum. Please contact Mr. Erik Donald of the Plats & Surveys Division (PSD): 410-545-8976 EDonald@mdot.maryland.gov for SHA-GPS control location and information. All plats must be submitted for review, checking and final issuance. **All subdivision plats that will be showing donated area must be approved by PSD prior to recordation at the County level.**

Again, utilize the Salesforce link as previously mentioned to submit your plat. Subsequent plat submissions shall be made directly to the Plats and Surveys Division. Please contact Mr. Matthew Bloedorn PLS, Assistant Division Chief, Plats & Surveys Division (PSD): 410-545-8916 MBloedorn@mdot.maryland.gov for additional information about the Donation Plat review process. Additionally, contact Mr. Robertallen Webb, Chief, District 4 Right-of-Way:

Mr. Lloyd Moxley
February 26, 2023

410-229-2401 RWebb@mdot.maryland.gov for information about the Donation Deed requirements and procedures. **The deed, description, plat, and appropriate title documentation must be approved by the MDOT SHA, and evidence of the deed recordation shall be provided prior to the issuance of the Access Permit.**

If there are any questions, please contact Ms. Teresa Eller at 410-229-2424, or toll free (in Maryland only) at 1-800-735-2258 (x2424), or via email at teller@mdot.maryland.gov

Sincerely,

Teresa Eller for,

Sutapa Samanta, P.E.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 Baltimore and Harford Counties

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: February 24, 2023

SUBJECT: Zoning Advisory Committee Meeting
For January 30, 2023
Item No. 2023-0011-A **(REVISED)**

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

If Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

DPWT Comments:

- A. Engineering Records drawing number 1964-0730 shows an existing 10-foot Drainage & Utility Easement surrounding a sewer main on the property. The plan submitted with the application does not show the easement. The plan must be revised to show the Drainage & Utility Easement.
- B. The plan submitted with the application shows the existing sewer manholes, but does not show the pipe. The plan must be revised to show the existing sewer main.
- C. Existing sign #1 is to be removed from the site and is a non-issue.
- D. It appears that proposed sign #2 is located in the easement as well as over top of the existing sewer main. Sign #2 must be relocated from over top of the sewer main to a minimum of 11-feet from the centerline of the existing sewer pipe.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

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Department of Permits, Approvals
EFC for VKD
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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

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Department of Permits, Approvals
EFC for VKD
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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/7/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0011-A

INFORMATION:

Property Address: 9808 Reisterstown Road

Petitioner: GFV LLC

Zoning: BR, BR-IM

Requested Action: Variance

The Department of Planning has reviewed the petition for 9808 Reisterstown Road for the following request:

1. Variance from Section 450.4. Table of Sign Regulations 5(a) of the Baltimore County Zoning Regulations (BCZR) to allow a total of 4 wall mounted enterprise signs on a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one façade (Sign Nos. 3, 4, 5, and 7).
2. Variance from Section 450.4. Table of Sign Regulations 3 of the BCZR to allow a wall mounted directional sign with a sign area/face of 16 square feet in lieu of the permitted 8 square feet (Sign No. 6).

The proposed site is a 3.284 acre property zoned BR. It is surrounded by commercial uses and Garrison Forest private school. The current existing use is commercial, automobile dealership. The applicant proposes a total of 4 wall mounted enterprise signs on a single tenant building and a wall mounted directional sign with a sign area/face of 16 square feet.

The proposed signage and their locations help achieve branding visibility and clear directional indication for users accessing the site. Per indication by the applicant, it is understood that an existing freestanding sign on the property will be removed and only one freestanding enterprise sign will be on site that does not require a variance. The above variance relief request does not negatively impact the health, safety and well-being of vehicular and pedestrian traffic or create signage clutter and visual nuisance.

The Department has no objections in granting the relief so long as the site complies with all other signage regulations outlined in Section 450 of the Baltimore County Zoning Regulations and the plan meets all additional conditions as required by the Administrative Law Judge.

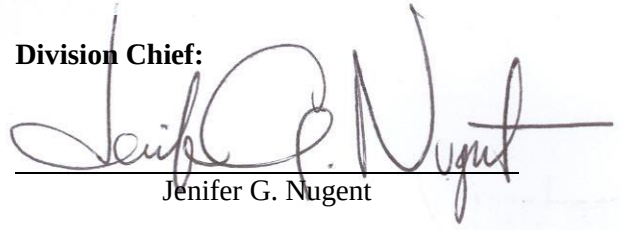
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Brett M. Williams

Division Chief:



Jenifer G. Nugent

SL/JGN

c: David H. Karceski
Alexandra Laham
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2023-0011-A

RE: Case No.: _____

Petitioner/Developer: _____

GFV, LLC.
Heritage Imports, Inc.

February 27, 2023

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:

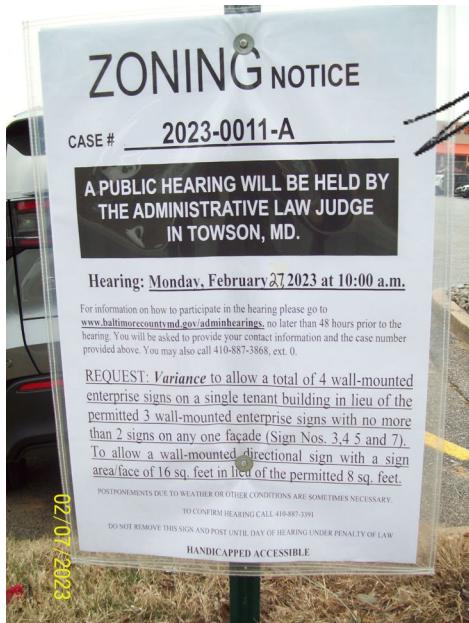
Ladies and Gentlemen:

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: _____

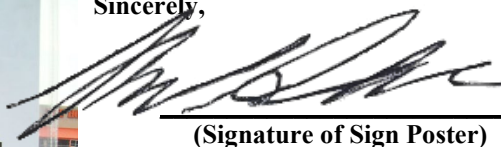
9808 Reisterstown Road ***SIGN 1***

February 7, 2023

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



Sincerely,

 February 7, 2023
(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

2023-0011-A

RE: Case No.: _____

Petitioner/Developer: _____

GFV, LLC.
Heritage Imports, Inc.

February 27, 2023

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:

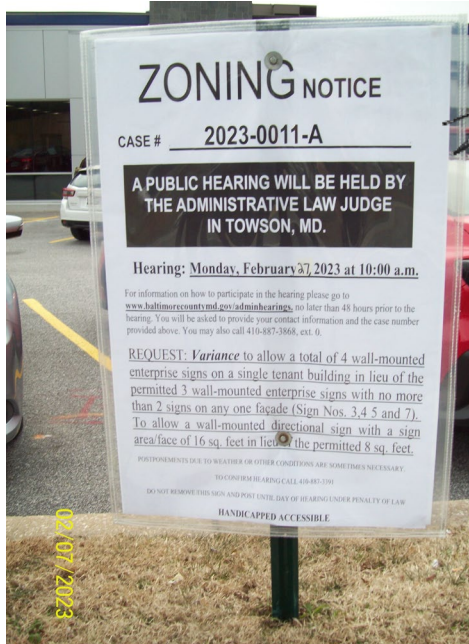
Ladies and Gentlemen:

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: _____

9808 Reisterstown Road ***SIGN 2***

February 7, 2023

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



Sincerely,

 February 7, 2023
(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)

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: January 26, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0011-A
Address: 9808 Reisterstown Rd
Legal Owner: Lisa Olivieri

Zoning Advisory Committee Meeting of January 30, 2023.

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

Reviewer: Earl D. Wrenn

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
106 Mount Carmel Road; N/S of Mount	*	OF ADMINISTRATIVE
Carmel Road, W 800' to c/line of York Road		
7 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Joseph Dwyer		
Contract Purchaser(s): Robert & Ann Gattuso	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2023-006-SPHX

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, BDoak@bruceedoakconsulting.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
515 Owings Avenue & 534 -536 Reisterstown	*	OF ADMINISTRATIVE
Road; SW/S of Reisterstown Road, 115' NW		
c/line of Chartley Drive		
4 th Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 534 Reisterstown Road LLC &		
Craig & Mary Whitecraft	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2023-007-SPHXA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to Jennifer Busse, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, JBusse@wtplaw.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
19925 Grave Run Road; W/S of Grave Run	*	OF ADMINISTRATIVE
Road, S 886' to c/line of Church Road		
6 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Blair & Heidi Darsch		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2023-009-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw
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People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, gilliss@rmmr.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
9808 Reisterstown Road; S/S of Reisterstown		
Road, 3159' SW of Painters Mill Road	*	OF ADMINISTRATIVE
3 rd Election & 2 nd Councilmanic Districts		
Legal Owner(s): GFV, LLC	*	HEARINGS FOR
Contract Purchaser(s): Heritage Imports Inc		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2023-011-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, dhkarceski@venable.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
3613-3615 East Joppa Road; Corner of S/S of *
Joppa Road, E/S of Hervesy Court * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts HEARINGS FOR
Legal Owner(s): Joppa Road Commercial LLC*
Contract Purchaser: PB&J's Grill & Game LLC
Petitioner(s) * BALTIMORE COUNTY
* 2023-012-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

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Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

23-0030 CP

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: 2023-0011-A
Property Address: 9808 Reiststown Road
Legal Owners (Petitioners): GFV LLC
Contract Purchaser/Lessee: Heritage Imports, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP
Address: David H. Karceski
210 West Pennsylvania Avenue, Suite 500
Towson, Maryland 21204
Telephone Number: (410) 494-6285
dhkarceski@venable.com

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 03 Account Number - 1600014913	
Owner Information		
Owner Name:	GFV LLC	Use: COMMERCIAL
Mailing Address:	C/O FRIEDMAN & FRIEDMAN 409 WASHINGTON AVE TOWSON MD 21204-	Principal Residence: NO
		Deed Reference: /31908/ 00209
Location & Structure Information		
Premises Address:	9808 REISTERSTOWN RD OWINGS MILLS 21117-	Legal Description: 2.9 AC WS REISTERSTOWN RD 2700 N GREENSPRING VALLE
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	0067 0005 0158 10000.04 0000 2022 Plat Ref:	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
	29,799 SF	2.9000 AC
Property Land Area	County Use	
2.9000 AC	06	
Stories Basement Type	Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements	
AUTO SHOWROOM /	C3	2002
Value Information		
	Base Value	Value
		As of
		01/01/2022
Land:	1,305,000	1,305,000
Improvements	1,373,500	1,424,600
Total:	2,678,500	2,729,600
Preferential Land:	0	0
		2,695,533
		2,712,567
Transfer Information		
Seller: FUNK SAMUEL FUNK FANNY	Date: 04/05/2012	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /31908/ 00209	Deed2:
Seller: GRANAT DAVID H	Date: 11/04/1983	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06619/ 00407	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	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:		

2023-0011-A

Date: 1-18-2023

Date: 1-18-2023

[illegible]

Total: 500.00

Rec
From: 9808 Re: Sierstown RD

For: 2023-0011-A

BR; BR-ITM

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

23-0030

VENABLE LLP • 750 E. Pratt Street Suite 900 • Baltimore, Maryland 21202

F 536726

Baltimore County, Maryland

01/09/2023

Vendor #: 3094

Ref. #	Invoice. #	Invoice Date	Description	Amount Paid
David H. Karceski	10922DHK	01/09/2023	Mile One/9808 Reisterstown Rd. - Filing fee for Petition for Variance.	500.00

Check Total:	500.00
--------------	--------



PNC, N.A. Bank 040
Maryland

VENABLE^{LLP}

750 E. Pratt Street Suite 900
Baltimore, Maryland 21202

Operating Account

F 536726

15-3
540

DATE _____

January 09, 2023

AMOUNT

\$500.00

*****FIVE HUNDRED AND 00/100

**Baltimore County, Maryland
Office of Budget and Finance
400 Washington Avenue, Room 152
Towson, MD 21204-4665**

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE
(TWO SIGNATURES REQUIRED OVER \$25,000)

VOID AFTER 180 DAYS

PAY
TO THE
ORDER
OF



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 9808 Reisterstown Road

which is presently zoned BR, BR-IM

Deed References: 31908-209

10 Digit Tax Account # 1600014913

Property Owner(s) Printed Name(s) GFV LLC

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

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

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

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

3. ☒ a Variance from Section(s)

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:

SEE ATTACHED SHEET

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner/Lessee

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):

SEE ATTACHED SHEET /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

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 2023-0011-A Filing Date 1/18/2023 Do Not Schedule Dates: _____ Reviewer CS

REV. 10/4/11

9808 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR VARIANCE

1. Variance from Section 450.4. Table of Sign Regulations.5(a) of the Baltimore County Zoning Regulations (BCZR) to allow a total of 4 wall-mounted enterprise signs on a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one facade (Sign Nos. 3, 4, 5, 7).
2. Variance from Section 450.4. Table of Sign Regulations.3 of the BCZR to allow a wall-mounted directional sign with a sign area/face of 16 square feet in lieu of the permitted 8 square feet (Sign No. 6).

JAN 03 2023

9808 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR VARIANCE

1. Variance from Section 450.4. Table of Sign Regulations.5(a) of the Baltimore County Zoning Regulations (BCZR) to allow a total of 4 wall-mounted enterprise signs on a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one facade (Sign Nos. 3, 4, 5, 7).
2. Variance from Section 450.4. Table of Sign Regulations.3 of the BCZR to allow a wall-mounted directional sign with a sign area/face of 16 square feet in lieu of the permitted 8 square feet (Sign No. 6).



9808 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR VARIANCE

LEGAL OWNER:

GFV LLC
c/o Morris Funk
11877 Winged Foot Terrace
Coral Springs, Florida 33071

By: Morris Funk

Name: MORRIS FUNK

Title: AUTHORIZED MEMBER

Phone Number: 954.646-4365



9808 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR VARIANCE

CONTRACT LESSEE:

Heritage Imports, Inc.
1 Olympic Place, Suite 1200
Towson, MD 21204

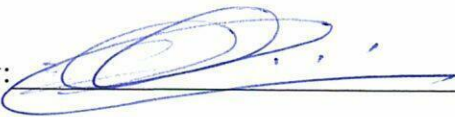
2023-0011-A

9808 REISTERSTOWN ROAD

ATTACHMENT TO PETITION FOR VARIANCE

CONTRACT LESSEE:

Heritage Imports, Inc.
1 Olympic Place, Suite 1200
Towson, MD 21204

By: 

Name: Lisa Olivieri

Title: Vice President and General Counsel

Phone Number: 443-872-0738

ZONING PROPERTY DESCRIPTION FOR

9808 Reisterstown Rd

Beginning at a point on the South West side of Reisterstown Rd which is 66 feet wide at a distance of 3,159 feet South East of the centerline of the nearest improved intersecting street, Painters Mill Rd which is 84 feet wide.

2023-0011-A

ZONING DESCRIPTION
TAX MAP 67, PARCEL 158 AND 303
LANDS N/F GFV, LLC
LIBER 31908 FOLIO 209
BALTIMORE COUNTY, MD
9808 AND 9814 REISTERSTOWN ROAD

BEING PART OF THE PROPERTY OWNED BY GFV, LLC, BY DEED DATED JULY 06, 2011 AS RECORDED IN LIBER 31908 FOLIO 209, AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT A POINT SOUTH 49 DEGREES 11 MINUTES 04 SECONDS EAST 216.39 FEET FROM THE INTERSECT OF THE WESTERLY RIGHT OF WAY LIMITS OF RESISTERSTOWN ROAD (VARIABLE WIDTH RIGHT OF WAY), WITH THE DIVISION LINE BETWEEN LANDS OF GFV, LLC (LIBER 31908 FOLIO 209) AND LANDS OF HD DEVELOPMENT OF MARYLAND, INC. HOME DEPOT USA, INC. (LIBER 14364 FOLIO 655), AND RUNNING:

1. SOUTH 49 DEGREES 11 MINUTES 04 SECONDS EAST, 280.27 FEET, THENCE
2. SOUTH 46 DEGREES 41 MINUTES 40 SECONDS WEST, 584.72 FEET, THENCE
3. NORTH 03 DEGREES 54 MINUTES 43 SECONDS EAST, 350.78 FEET, THENCE
4. NORTH 38 DEGREES 57 MINUTES 43 SECONDS EAST, 301.30 FEET, THENCE TO THE PLACE OF BEGINNING.

CONTAINING 111,205 SQUARE FEET OR 2.553 ACRES

PARCEL 2

BEGINNING AT THE INTERSECT OF THE WESTERLY RIGHT OF WAY LIMITS OF RESISTERSTOWN ROAD (VARIABLE WIDTH RIGHT OF WAY), WITH THE DIVISION LINE BETWEEN LANDS OF GFV, LLC (LIBER 31908 FOLIO 209) AND LANDS OF HD DEVELOPMENT OF MARYLAND, INC. HOME DEPOT USA, INC. (LIBER 14364 FOLIO 655), AND RUNNING:

1. SOUTH 49 DEGREES 11 MINUTES 04 SECONDS EAST, 216.39 FEET, THENCE
2. SOUTH 38 DEGREES 57 MINUTES 43 SECONDS WEST, 301.30 FEET, THENCE
3. NORTH 03 DEGREES 54 MINUTES 43 SECONDS EAST, 376.60 FEET, THENCE TO THE PLACE OF BEGINNING.

CONTAINING 31,863 SQUARE FEET OR 0.731 ACRES



20230011-A

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING January 23, 2023
FORMAL OR INFORMAL RESPONSE DUE AT January 30, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovement@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
* tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0006-SPHX **Reviewer:** Gary Hucik
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING, SPECIAL EXCEPTION
Legal Owner: Joseph Dwyer
Contract Purchaser: Robert & Ann Gahuso

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 106 MT CARMEL RD

Location: Property located on the North side of Mt. Carmel Rd. West 800 feet to centerline of York Rd.

Existing Zoning: RC 5 CR **Area:** .615 ACRES

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To allow the variances granted in Case 2014-0194-A to remain in place for the new proposed use being requested.

SPECIAL EXCEPTION:

BCZR 259.3.B.2: To permit a doctors office and medical clinic in an existing building on a lot within a RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of Section 259.3.C.1.

Attorney: Not Available

Prior Zoning Cases: 2014-0194-A

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2023-0007-SPHXA **Reviewer:** Mitchell Kellman
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: VARIANCE, SPECIAL EXCEPTION, SPECIAL HEARING
Legal Owner: 534 Reisterstown Road LLC. Craig Mary Whitecraft
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 515 OWINGS AVE

Location: Property located Southwest side of Reisterstown Rd., 115 feet Northwest centerline of Chartley Dr.

Existing Zoning: DR 3.5; BR; BR-AS

Area:

Proposed Zoning:

VARIANCE:

534 Reisterstown Rd

- 1.) BCZR 238.2: To permit a side yard setback for adjacent commercial building of 0 feet in lieu of the 30 feet.
- 2.) BCZR 238.2: To a rear yard setback for accessory structures of 0 feet in lieu of 30 feet.
- 3.) BCZR 307; 409.8.A.1 & 504.1; BCC 32-4-404; and page 19 of the Landscape Manual: To permit 0% of the parking lot area for interior landscaping in lieu of the otherwise required 7% accordance.

ZAC AGENDA

536 Reisterstown Rd.

- 1.) BCZR 238.2: To permit a side yard setback of 0 feet in lieu of 30 feet.

515 Owings Ave.

- 1.) BCZR 238.2: To a rear yard setback for accessory structures of 0 feet in lieu of 30 feet.

SPECIAL EXCEPTION:

534 Reisterstown Rd.

BCZR 236.2: To permit a used motor vehicle outdoor sales area separated from a sales agency building.

SPECIAL HEARING:

534 Reisterstown Rd.

- 1.) To extinguish previously approved Special Exception in Case No. 66-98-X.
- 2.) To allow existing buildings to straddle existing property lines where the subject properties have not merged.

Attorney: Jennifer Busse

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

3 addresses. 515 Owings Ave. %34-536 Reisterstown Rd. (Main Street)

ZAC AGENDA

Case Number: 2023-0009-SPHA **Reviewer:** Gary Hucik

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: SPECIAL HEARING, VARIANCE

Legal Owner: Blair and Heidi Darsch

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 6 **Council Dist:** 3

Property Address: 19925 GRAVE RUN RD

Location: Property located West side of Grave Run Rd. South 886 feet to centerline of Church Rd.

Existing Zoning: RC 5/ RC 2

Area: 1 ACRE

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To permit a proposed accessory building (garage) with a building footprint (2,448 square feet) which is larger than the principal dwelling (1,120 square feet).

VARIANCE:

BCZR 400.3: To permit a proposed accessory building (garage) with a height of 28 feet in lieu of the maximum height of 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0010-A **Reviewer:** Jason Seidelman

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Glenn Mason

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: 10803 LAKESPRING DR

Location: Property located on Southeast side of Lakespring Dr. (60 feet) 137 feet Northeast of intersection with Staffordshire Rd. (50 feet).

Existing Zoning: DR 3.5

Area: 9052 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B01.2.c.1.b: To permit a side yard dwelling addition (garage) with a side setback of 3 feet and combined sum of side yard setbacks of 21 feet in lieu of the required 10 feet and 25 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 02/13/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0011-A **Reviewer:** Christina Frink
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: VARIANCE
Legal Owner: GFU, LLC.
Contract Purchaser: Lisa Olivieri

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 9808 REISTERSTOWN RD

Location: Property located on the South side of Reisterstown Rd.; 3159 feet Southeast of Paintersmill Rd.

Existing Zoning: BR; BR-Im **Area:** 2.9 ACRES

Proposed Zoning:

VARIANCE:

1.) BCZR 450.4.Table of Sign Regulations5(a): To allow a total of 4 wall-mounted enterprise signs in a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one facade (Sign Nos. 3,4,5,7)

2.) BCZR 450.4.Table of Sign Regulations3: To allow a wall-mounted directional sign with a sign area/face of 16 square feet in lieu of the permitted 8 square feet (Sign No. 6)

Attorney: David Karceski

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0012-SPH **Reviewer:** Mitchell Kellman
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING
Legal Owner: Joppa Road Commercial, LLC.
Contract Purchaser: PB & J's Grill & Games, LLC.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 3613 3615 JOPPA RD E

Location: Property located corner of South side of Joppa Rd., East side of Hervesy Court.

Existing Zoning: BLR/ DR 5.5 **Area:** 8,672 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

To amend the order approved in Zoning Case No. 2008-0553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 to the Order, and to remove Condition No. 4 and the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space.

Attorney: David Karceski

Prior Zoning Cases: 2008-0553-X

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2023-0013-A **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Frederick John Dillon
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 8622 TALL OAKS RD

Location: Property located beginning at East side of Tall Oaks Rd., which is about 20 feet in width, at a distance of 219 feet North of Shore Rd.

Existing Zoning: DR 5.5 **Area:** 1.08 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1: To approve an accessory structure (shed) in side yard in lieu of the required rear yard only.

Attorney: Not Available

Prior Zoning Cases: None

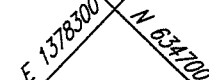
Concurrent Cases: None

Violation Cases: None

Closing Date: 02/13/2023

Miscellaneous Notes:





CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

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ALWAYS CALL 811

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY
REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION
DOCUMENT UNLESS INDICATED OTHERWISE.

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PROJECT No.:	MDA220040.0
DRAWN BY:	AVG
CHECKED BY:	ASH/BRF
DATE:	01/12/2023
CAD I.D.:	SVAR-0

PROJECT

FOF

— FOR

**SUBARU
OWINGS MILLS**

9808 & 9814 REISTERSTOWN ROAD
BALTIMORE COUNTY, MD 21117
ELECTION DISTRICT: 03
COUNCILMANIC DISTRICT: 02
MAP 67, GRID 5, PARCELS 158 & 303

901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

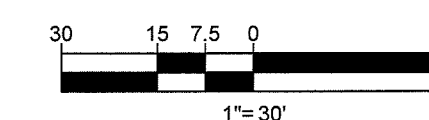
ZONING HISTORY

- 1 B791520 B746259 B111931 B781664

ZONING HISTORY

- 1985-0080-SPH: PETITION TO CONSTRUCT A BUILDING IN A M.R. ZONE ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD, 2700 FT. MORE OR LESS, SOUTH OF PAINTERS MILL ROAD.
- R-1972-0067: PETITION FOR REZONING RECLASSIFICATION FROM M.L.R. AND M.L. TO A B.R. ZONE. APPROVED FEBRUARY 7TH, 1972. GRANTED - 2-6-1972
- 1978-0141-X: PETITION FOR SPECIAL EXCEPTION TO USE THE PROPERTY FOR A USED CAR LOT. APPROVED JANUARY 18TH, 1977. GRANTED - 1-17-1978
- 1992-0464-A: PETITION TO REQUEST LEASE TO PERMIT THREE BUSINESS SIGNS TOTALING 704.42 S.F. IN LIEU OF THE PERMITTED 100 S.F. FOR EXISTING SIGN 1 OF 282.2 S.F. PROPOSED SIGN 2 OF 187.68 S.F. AND PROPOSED SIGN 3 OF 234.54 S.F. THE PETITIONERS ALSO REQUESTED A VARIANCE TO PERMIT SIGNS 1 AND 2 WITH THE HEIGHT OF 28.8 FT AND 30 FT. RESPECTIVELY, IN LIEU OF THE PERMITTED 25 FT FOR EACH. GRANTED - 7-17-1992

1. PLAN ENTITLED: "8" SANITARY SEWER, SOUTH SIDE REISTERSTOWN ROAD - ALONG 10' UTILITY EASEMENT", PUBLIC PLAN DWG# 1954-0730.
2. PLAN ENTITLED: "6" DETECTOR CHECK W/ 5/8" METER, REISTERSTOWN ROAD", PUBLIC PLAN DWG# 2002-0252 DATED 3/15/2002.
3. PLAN ENTITLED: "SITE PLAN, PROPERTY OF SAMUEL FUNK & DAVID H. GRANT, EXHIBIT OF WAIVER REQUEST #19720067.



SHEET TITLE:

SHEET NUMBER

1 of 2

ORG. DATE - 01/12/2023

