

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

February 1, 2024

Arnold Jablon, Esquire – <u>ajablon@comcast.net</u> 3717 Lanamer Road Randallstown, MD 21133

RE:

Petition for Variance

Case No. 2023-0243-A Property: 1040 York Road

Dear Mr. Jablon:

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,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlm Enclosure

c: PGA Partnership, LLC -

Matthew Sichel – <u>matthew.sichel@kci.com</u>
George Perdikakis, Sr. – <u>georgep@kci.com</u>
Dwayne Van Horn – <u>dwaynevh@levinbrown.com</u>

Gregg Dehoff - gregg.dehoff@exeloncorp.com

IN RE: PETITION FOR VARIANCE (1040 York Road)

9th Election District 6th Council District PGA Partnership, LLC Legal Owner

Petitioner

* BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS OF

* BALTIMORE COUNTY

* Case No: 2023-0243-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by PGA Partnership, LLC ("Petitioner") for property located at 1040 York Road, Towson (the "Property"). The Petitioner filed a Petition for Variance from the Baltimore County Zoning Regulations ("BCZR"), §§ 307.1 and 450.4.E.3 to permit a wall-mounted directional sign with a sign face area of 26 sq. ft., of the permitted 8 sq. ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Civil Engineer, Matthew Sichel of KCI Technologies, Inc. and Architect, Dwayne Van Horn of Levin Brown Architects attended on behalf the Petitioners. Arnold Jablon, Esquire represented the Petitioner. Nearby resident, Gregg DeHoff, was also in attendance.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Department of Plans Review ("DPR"), and Department of Environmental Protection and Sustainability ("DEPS"), which agencies did not oppose the requested relief.

The case proceeded by way of proffer by Mr. Jablon. The Property is approximately 5 acres at the signalized intersection of York Road and West Road in the Lutherville area. It is improved with a building surface parking and is used as a car dealership known as Lexus of

Towson. The proposed directional sign will be used to clearly identify the three "Service" bays that face West Road. (Pet. Ex. 7B-D) This sign will be located on the façade of the building, directly above the service bay entrance. Due to the property's unique "T" shape and the fact that Petitioners' business enterprise at this location includes both sales and service, appropriate signage is required to inform patrons as to where they are to enter for service-related visits. (Pet. Ex. 1) Due to the large size of the Petitioner's building and the fact that the West Road side of the building is partially obstructed by trees, a larger sign is necessary to clearly identify the service portion of the property. (Pet. Ex. 7N) The Petitioner's building has recently undergone renovation and a directional sign previously existed in the same location as the proposed sign.

After hearing the Petitioner's presentation regarding the proposed sign, nearby resident, Gregg DeHoff, testified that he was not opposed to the proposed variance relief.

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 previously outlined above, the subject sight is unique in its shape, configuration and visibility from the road. Additionally, the Petitioner would suffer a practical difficulty and unreasonable hardship if the proposed sign was not granted. Finally, 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 <u>1st</u> day of **February**, **2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR, §§ 307.1 and

450.4.E.3 to permit a wall-mounted directional sign with a sign face area of 26 sq. ft., of the permitted 8 sq. ft. be, and it 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 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.
- 2. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein in its entirety.

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

ANDREW M. BELT Administrative Law Judge

for Baltimore County

AMB/dlm



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 1040 York Road, Towson, Maryland 21204 which is presently zoned BM

Deed References 78/442

10 Digit Tax Account # 09-200005128

Property Owner(s) Printed Name(s) PGA Partnership LLC

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

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

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

To permit accessory structure larger than the principal structure and to confirm the rear of the property is the road side

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

3. XX a Variance from Section(s)

CASE NUMBER 2023 - 0243 - A

SEE ATTACHED

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

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

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

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

Petitioners:	Legal Owners:
Name- Type or Print Signature 11275 Reisterstown Road, Owings Mills, Md	PGA Partnership LLC Name #1 Type or Print Signature #1 Signature #2 11275 Reisterstown Road, Owings, Mills, Md
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address Attorney for Petitioner: Arnold Jablon Name- Type or Print	Zip Code Telephone # Email Address Representative to be contacted: Arnold Jablon Name – Type or Print
Signature 3717 Lanamer Road, Randallstown, Md	Signature 3717 Lanamer Road, Randallstown, Md
Mailing Address City State	Mailing Address City State
21133/ 443 250 6455 /ajablon@comcast.net/ Zip Code Telephone # Email Address	21133 /443 250 6455 ajablon@comcast.net Zip Code Telephone # Email Address

Filing Date 11 12712020 Do Not Schedule Dates:

AFFIDAVIT IN SUPPORT OF VARIANCE

Attachment 1

This Petition for Variance is filed pursuant to §§307.1 and 450.4.E.3 of the Baltimore County Zoning Regulations.

The subject property of this Petition is located at 1040 York Road, Towson, Maryland 21204. The Petitioner, the owner of the subject property, operates a new car dealership. The Petitioner is requesting a variance to permit a wall-mounted directional sign with a sign face area of 26 square feet in lieu of the permitted 8 square feet.

Attachment 2

General Notes

- 1. Area of property: 5.011 Acres
- 2. existing Zoning of Property: BM
- 3. Existing Use of Property: commercial auto dealership
- 4. Proposed zoning of property: BM
- 5. Proposed Use of Property: auto dealership
- 6. Property served by public water and sewer
- 7. Petitioner's requesting variance to approve directional sign of 26 SF in lieu of the permitted 8 SF, see §450.4.E.3 and §307, BCZR
- 8. Existing property's zoning history: see site plan



936 Ridgebrook Road • Sparks, MD 21152 • Phone 410-316-7800 • Fax 410-316-7853

THE ZONING HEARING PROPERTY DESCRIPTION

ZONING PROPERTY DESCRIPTION FOR 1040 York Road

Beginning at a point on the southeastern side of West Road which has a width of 65', at the distance of 650' northeast of the centerline of the nearest improved intersecting street York Rd., which is 66' wide. Thence following the following courses and distances: (1st Point of Call-"POC") N. 56 07' 42" E. 558.20', (2nd POC) N. 64 32' 04" E. 32.29', (3rd POC) S. 70 49' 58" E. 52.77', (4th POC) S. 32 05' 29" E. 223.55', (5th POC) S. 57 57' 21" W. 217.59', (6th POC) S. 32 09' 24" E. 180.60', (7th POC) S. 56 18' 37" W. 13.99', (8th POC) S. 34 35' 54" E. 100.00', (9th POC) S. 55 24' 06" W. 208.00', (10th POC) N. 34 42' 31" W. 301.41', (11th POC) S. 56 15' 07" W. 187.86', (12th POC) N. 32 09' 39" W. 107.13', (13th POC) 35 09' 39" W. 138.09' back to the point of beginning as recorded in Deed Liber JLE 11076, Folio 532, containing 5.011 acres. Located in the 9th Election District and the 6th Councilmanic District.



2023-0243-A

Leading through Excellence WWW . KCI .COM Employee-Owned Since 1988

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

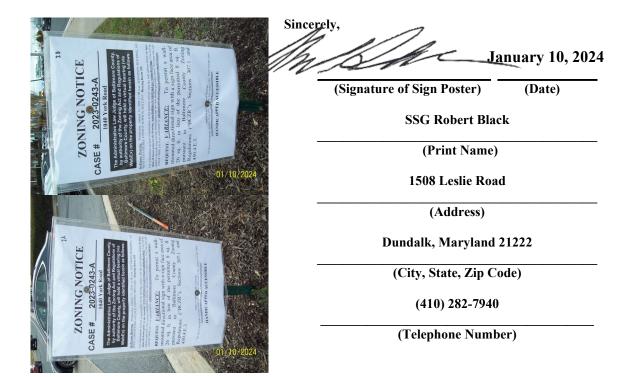
For Newspaper Advertising:
Item Number or Case Number: 2023-0243-4
Petitioner: PGA Partnership LLC
Address or Location: 1040 York Road, Towson 21204
PLEASE FORWARD ADVERTISING BILL TO:
Name: Arnold Jablon
Address: 3717 Lanamer Road
Randalistown, Maryland, 21133
Telephone Number: 443 250-6455

OFF	TIMORE OF BU CELLANEO	JDGET AN	D FINANC	EE -	C. L	No.	2289	999 /2023			
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CERTIFICATE OF POSTING

2023-0243-A

	RE: Case No.:
	Petitioner/Developer:
	PGA Partnership, LLC
	Date of Hearing/Closing: January 31, 2024
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Jeff Perlow: Ladies and Gentlemen:	
This letter is to certify under the penalties of pe posted conspicuously on the property located at	erjury that the necessary sign(s) required by law were
1040 York Road SIGN	N 1A & 1B
	January 10, 2024
The sign(s) were posted on(Month, Day, Year)



CERTIFICATE OF POSTING

2023-0243-A
RE: Case No.:
Petitioner/Developer:
PGA Partnership, LLC
January 31, 2024 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: Jeff Perlow: 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:
1040 York Road
January 10, 2024 The sign(s) were posted on
(Month, Day, Year)





Sincerely,

January 10, 2024

(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

INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: December 12, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 12, 2023 Item No. 2023-0243-A

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

DPW&T: N/C.

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

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: December 7, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0243-A

Address: 1040 YORK RD Legal Owner: PGA Partnership, LLC

Zoning Advisory Committee Meeting of December 12, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 12/6/2023

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-243-A

INFORMATION:

Property Address: 1040 York Road **Petitioner:** PGA Partnership, LLC

Zoning: BM **Requested Action:** Variance

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

Variance -

1. To permit a wall-mounted directional sign with a sign face area of 26 square feet in lieu of the permitted 8 square feet pursuant to Section 307.1 and 450.4.E.3 of the Baltimore County Zoning Regulations.

The subject site is an approximately 5 acre parcel at the signalized intersection of York Road and West Road in the Lutherville area. It is improved with a building and surface parking and is used as a car dealership known as Lexus of Towson. The building is used as both the showroom and the service department. Per the petition, the petitioner wishes to install two signs on the north elevation of the building – one that reads "Lexus" near the north entrance to the showroom, and one that reads "Service", centered over the three service garage doors; the latter is the subject of this Variance request.

Based on past permits for the subject site and Google Streetview imagery from July 2019, May 2022, October 2022, and October 2023, the subject site has undergone significant façade improvements in the past year and a half. Based on Permit C22-02220, which was issued in April of 2022, work included the construction of an addition, recladding the exterior material at the front half of the building, and interior renovations to the dealership showroom, lounges, and drive-thru. Based on Google Streetview imagery from July 2019, prior to the façade improvements, the north elevation had signs similar to those currently proposed. The previous signs were similar to the currently proposed ones in terms of design, location, and size.

The subject site is within the boundaries of the Towson Community Plan, adopted February 3rd, 1992, and the Kenilworth Drive Corridor Plan, adopted May 6th, 2002. Both plans provide information on the plan area boundaries, as well as major issues and recommended solutions for the areas. The Towson Community Plan outlines issues and recommended improvements in regards to land use, urban design, transportation, and community conservation. The Plan provides guidance on Variance requests; however, it is specific to residentially zoned land within the Plan boundary area. The Kenilworth Drive Corridor

Plan outlines issues and recommended improvements in regards to traffic management, pedestrian safety, land use, and zoning. Neither adopted community plan provides guidance specific to the petition at hand.

The Department of Planning has no objections to the requested relief. The proposed "Service" sign is similar to the previously existing one, and is consistent with the updated, improved façade of the dealership.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Division Chief:

Prepared by:

Krystle Patchak

SL/JGN/KP

c: Arnold Jablon
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search () Search Result for BALTIMORE COUNTY View Map View GroundRent Redemption Special Tax Recapture: None Account Identifier: District - 09 Account Number - 2500005128 PGA PARTNERSHIP LLC Owner Name: 11275 REISTERSTOWN RD Mailing Address: OWINGS MILLS MD 21117-1906 1040 YORK RD Premises Address: TOWSON MD 21204-2515 Map: Grid: Parcel: Neighborhood: Subdivision: 0070 0001 1127 20000.04 0000 Town: None Above Grade Living Area **Primary Structure Built** 46,428 SF 2004 StoriesBasementType COMPLETE AUTOMOBILE DEALERSHIP/

View GroundRent Registration

Owner Information

Use: Principal Residence: COMMERCIAL

Deed Reference:

Location & Structure Information

Legal Description:

4.995 AC

1040 YORK RD WS YORK AND WEST

Plat No: Section: Block: Lot: Assessment Year:

2023

Plat Ref: 0078/0442

Finished Basement Area

Property Land Area

County Use

5.0000 AC

06

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments		
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024	
Land:	5,000,000	5,000,000			
Improvements	5,200,000	6,623,400			
Total:	10,200,000	11,623,400	10,674,467	11,148,933	
Preferential Land:	0	0			

Transfer Information

Seller: Type: Seller: Type: Seller: Type:

Date: Deed1: Date:

Deed1: Date: Deed1: Price: Deed2: Price:

Price:

Deed2:

Deed2:

Exemption Information

Partial Exempt Assessments: County: State: Municipal:

07/01/2023 0.00 0.00 0.00|0.00

07/01/2024

0.00|0.00

Special Tax Recapture: None

Homestead Application Information

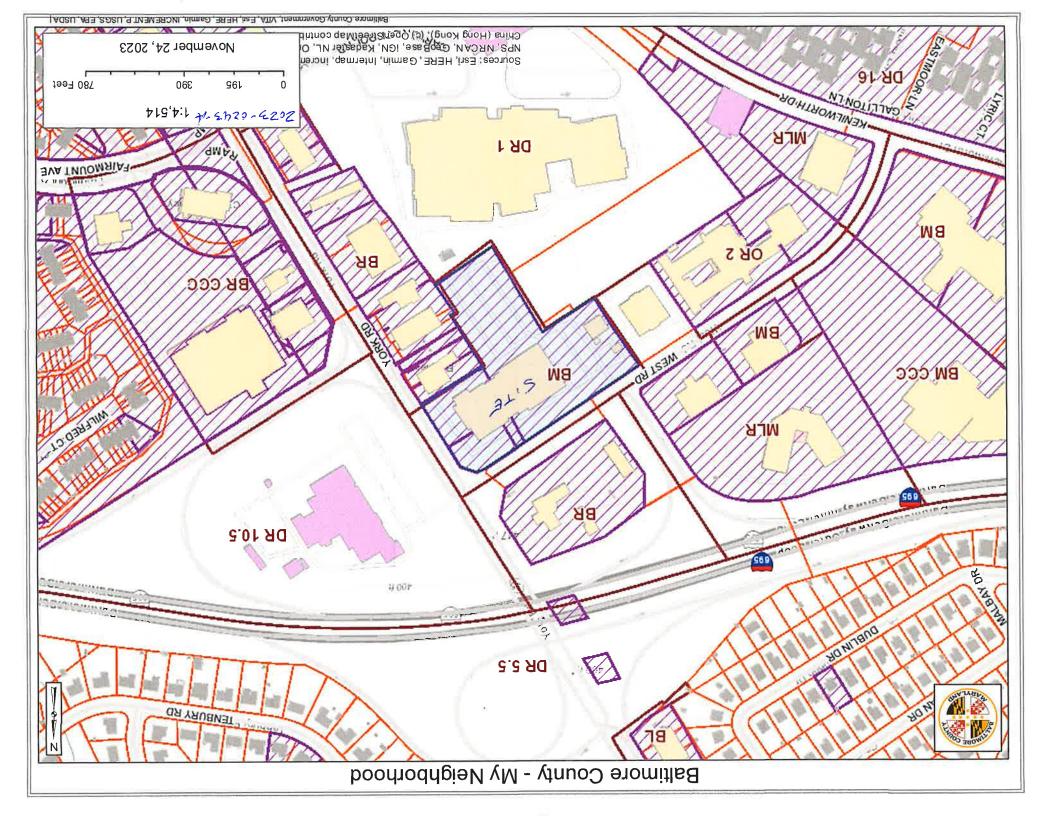
Homestead Application Status: No Application

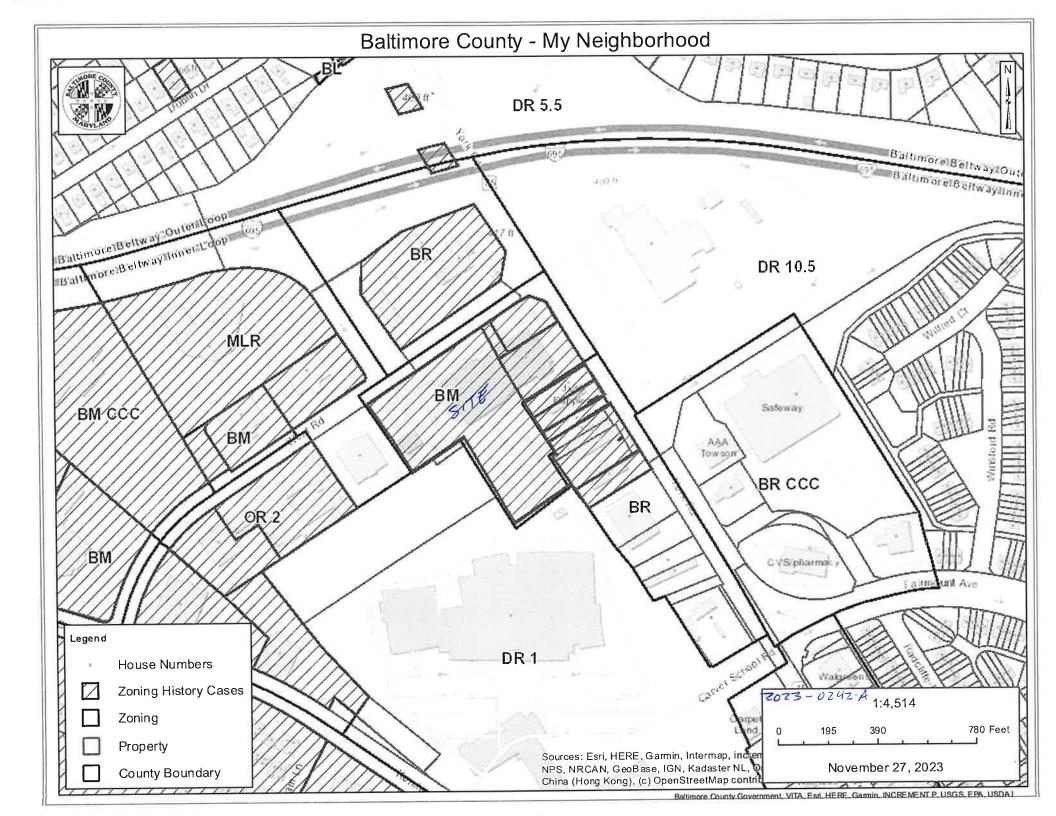
Homeowners' Tax Credit Application Information

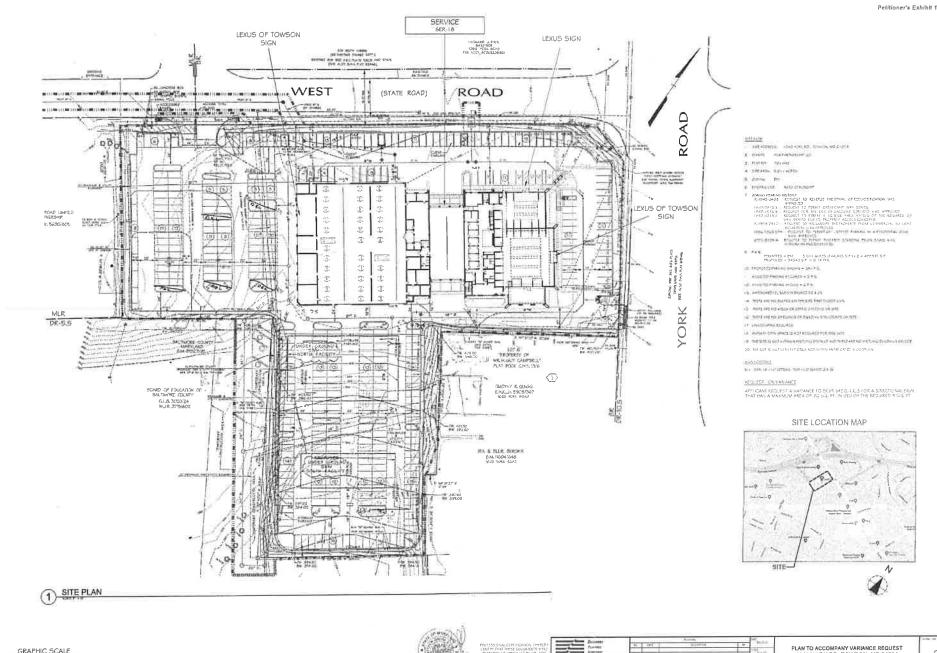
Homeowners' Tax Credit Application Status: No Application

Date:

2023-6243-A









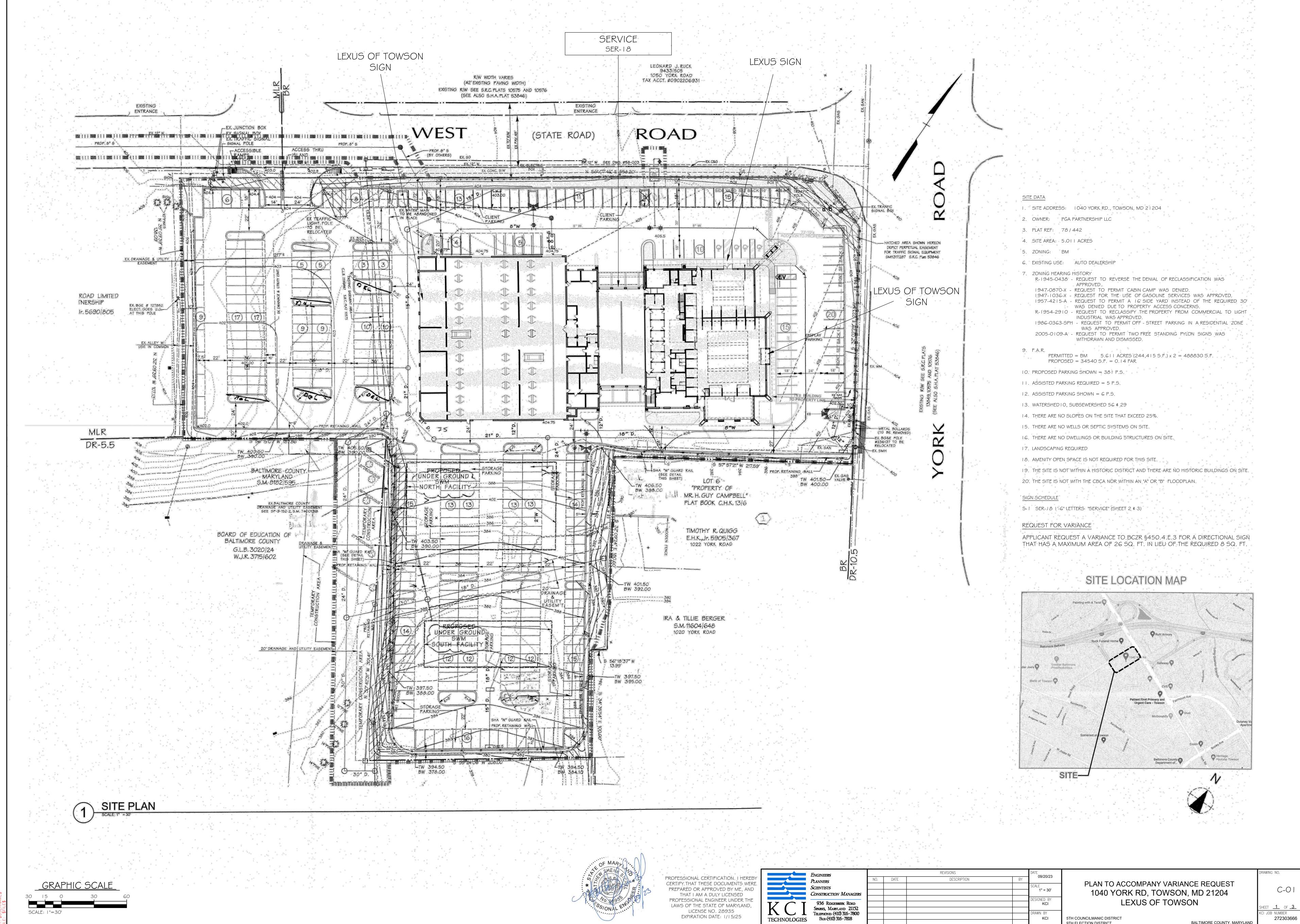






1040 YORK RD, TOWSON, MD 21204 LEXUS OF TOWSON

C-01



BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY FILE NO. B770363

9TH ELECTION DISTRICT

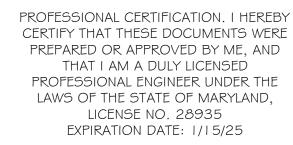
Lexus Exterior Building Signage **Variance Submission**



Illuminated Lexus Logos & Letters Signage Specifications:

- Aluminum cabinets & F-Trim black
- #2447 white acrylic faces with a #2074 gray acrylic overlay
- Illuminated white LED
- Electrical hook-up supplied by others







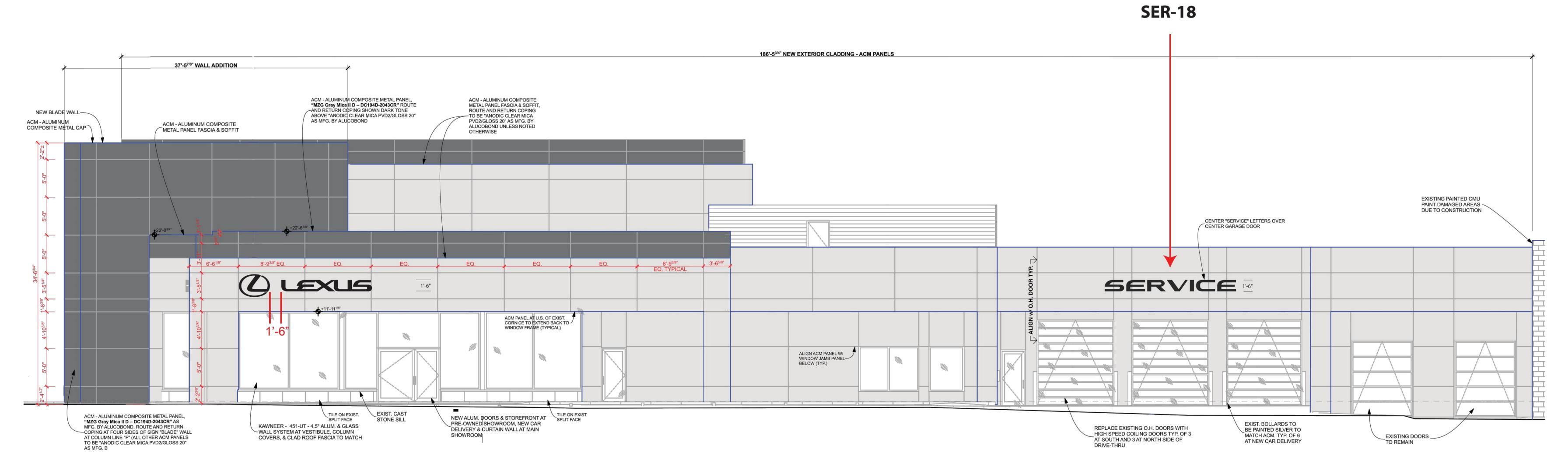
	IVENISIONS					
	NO.	DATE	DESCRIPTION	Е		
NAGERS						
Road 21152						
21152 5-7800						
3-1600 818						

PLAN TO ACCOMPANY ZONING REQUEST 1040 YORK RD, TOWSON, MD 21204 LEXUS OF TOWSON

JOB NUMBER 272303666

BALTIMORE COUNTY, MARYLAND

North Elevations Variance Submission



NORTH ELEVATION



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. 28935
EXPIRATION DATE: 1/15/25

Y = -		Engineers Planners Scientists Construction Manage
	KCI TECHNOLOGIES	936 RIDGEBROOK ROAI SPARKS, MARYLAND 211: TELEPHONE: (410) 316-78 FAX:(410) 316-7818

DESCRIPTION

PLAN TO ACCOMPANY ZONING REQUEST 1040 YORK RD, TOWSON, MD 21204 LEXUS OF TOWSON 5TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT

C-02 I JOB NUMBER 272303666

BALTIMORE COUNTY FILE NO. B770363

BALTIMORE COUNTY, MARYLAND