IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NE/S Reisterstown Rd., 280 ft.
SE of High Falcon Road * ZONING COMMISSIONER
11309-11311 Reisterstown Rd.
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
* Case Nos. 93-403-A
Leonard Stoler
Petitioner *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 11309-11311 Reisterstown Road, near Owings Mills section of Baltimore County. The Petitioner seeks relief from the strict application of Sections 102.2, 238 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed open projection (canopy) to encroach 25 ft. into the required 30 ft. side yard, in lieu of the permitted 25% maximum encroachment of 7.5 ft. The relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was James E. Berg, on behalf of the Petitioner. Leonard Stoler. Also appearing on behalf of the Petitioner was Edwin S. Howe from KCW Consultants, Inc., the engineer who prepared the site plan. The Petitioner was represented by Marvin I. Singer, Esquire. There were no Protestants present.

Testimony and evidence offered was that the subject property is approximately 4 acres in area and is split zoned B.R. and D.R.16. The predominant portion of the property is zoned B.R. The property fronts Reisterstown Road and has been developed as a new car dealership. Presently, both the Chrysler Motors Corporation Dealership and Lexus Dealership exist on the site.

ORDER RECEIVED FOR FILING
Date 7/20/93
By M. [signature]

However, testimony and evidence offered was that the Chrysler franchise is to be moved. As a result of this relocation, the canopy attached to the existing showroom building is to be enlarged. The canopy will be expanded so as to provide an area where customers may enter and depart from their vehicles free from inclement weather. The existing building which will be converted to house the automobile service area of the business.

It is to be noted that the requested variance and the proposed side yard setback are measured from an internal lot line. That is, the Petitioner and his business occupy lots on both sides of the relevant internal lot line. Thus, it is clear that this internal setback variance will not adversely affect any of the surrounding properties.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Notwithstanding my decision to approve this variance, certain comments from the Baltimore County Zoning Plans Advisory Committee are to be noted. Specifically, a comment was received from the Department of Public Works which suggests that the Developer revise the approved landscape plan in order to provide supplemental tree plantings to compensate for the loss of the 60" caliper white oak tree. Further, a letter received from the

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Date 7/20/93
By M. [signature]

Project Engineer proposes the planting of additional trees along Reisterstown Road to replace the white oak tree which was apparently lost in a storm approximately 3 years ago. The Petitioner's suggestion in this respect has been reviewed and approved by the Baltimore County's Landscape Architect, as well as the Office of Planning and Zoning. Therefore, based on this agreement, I am persuaded to incorporate, as a condition herein, that the Developer implement the proposed plantings. Further, it should be noted that this proposed landscaping shall relieve the Petitioner of any further obligation for this tree. That is, the Petitioner's engineer testified that the loss of the white oak tree has been a source of ongoing contention between the property owner and the surrounding residential community and the Petitioner's agreement to replace same shall be considered a final end to that controversy.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1993 that a variance from Sections 102.2, 238 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed open projection (canopy) to encroach 25 ft. into the required 30 ft. side yard, in lieu of the permitted 25% maximum encroachment of 7.5 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for

ORDER RECEIVED FOR FILING
Date 7/20/93
By M. [signature]

returning, said property to its original condition.

2. The Petitioner shall implement additional landscaping on the subject property as more fully set forth in correspondence from KCW Consultants, Inc. to the Department of Public Works dated June 23, 1993. Said correspondence has been reviewed and approved by E. Avery Harden, Baltimore County Landscape Architect and Arnold F. (Pat) Keller, Deputy Director of the Office of Planning and Zoning.

[signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 7/20/93
By M. [signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386

July 20, 1993

Marvin I. Singer, Esquire
343 N. Charles Street
Baltimore, Maryland 21201-4361

RE: Case No. 93-403-A
Petition for Variance
Property: 11309-11311 Reisterstown Rd.
Leonard Stoler, Petitioner

Dear Mr. Singer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. James E. Berg
Mr. Edwin S. Howe

Printed on Recycled Paper

PETITION FOR ZONING VARIANCE #A15

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 93-403-A

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

Variance from Section SEE ATTACHED ADDENDUM

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED ADDENDUM

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do 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 Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Leonard Stoler
(Type or Print Name)
[signature]
Signature
(Type or Print Name)
Signature
Address Phone No.
City and State

Attorney for Petitioner:
Marvin I. Singer
(Type or Print Name)
[signature]
Signature
343 North Charles Street
Address
Baltimore, Maryland 21201-4361
City and State
Attorney's Telephone No.: 410-727-4700

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
MARVIN SINGER (ATTORNEY)
Name
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this ______ day of ______, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ______ day of ______, 19___, at ______ o'clock ______M.

______
Zoning Commissioner of Baltimore County.

(over)

ADDENDUM TO PETITION FOR ZONING VARIANCE

93-403-A

Variances Requested:

1) A variance is requested to allow the proposed open projection canopy to encroach 25' into the required 30' side yard in lieu of the permitted 25% maximum encroachment of 7.5' as per BCZR 102.2, 238 and 301.1.A.

The variance is requested in order to construct a canopy for service check-in and vehicle drop-offs.

#A15

93-403-A

Douglas L. Kennedy, P.E.
William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commercentre, Suite 175
Baltimore, Maryland 21208
(301) 484-0894 / 484-0963

John M. Cosaraquis, L.S. (Ret.)

May 30, 1989

PROPERTY OF COLONIAL-STOLER PARTNERSHIP
LIBER 8030, FOLIO 43 AND
LIBER 8067, FOLIO 367
BALTIMORE COUNTY, MARYLAND
DESCRIPTION TO ACCOMPANY
APPLICATION FOR ZONING VARIANCE

BEGINNING FOR THE SAME at a point on the Northeast side of Reisterstown Road (Md. Rte. 140), 66 foot wide, distant 270 feet more or less Southeasterly from the center of High Falcon Road, said point being the Southernmost corner of Parcel "A", plat of "Gus Pappas et.al. Property" dated February 10, 1982 and recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 49, Folio 106, running thence, binding on said Parcel "A";

1. North 46 degrees 00 minutes 20 seconds East 200.00 feet; thence,
2. North 45 degrees 36 minutes 50 seconds West 238.11 feet to a point on the Northeast side of High Falcon Road; thence binding on the Northeast side of High Falcon Road,
3. North 44 degrees 23 minutes 10 seconds East 116.74 feet to a point; thence leaving High Falcon Road and running with and binding on said Parcel "B" and Parcel "C" of the said plat,
4. South 70 degrees 00 minutes 20 seconds East 95.05 feet; thence,

93-403-A

5. South 66 degrees 48 minutes 25 seconds East 217.94 feet; thence leaving said Parcel "C" and running with and binding on the property of Colonial-Stoler Partnership by Deed S.M. 8030/43,
6. South 66 degrees 47 minutes 30 seconds East 264.79 feet; thence,
7. South 47 degrees 10 minutes 25 seconds West 537.64 feet to the Northeast side of Reisterstown Road (Md. Rte. 140), 66 foot right-of-way; thence running with and binding on said road,
8. North 44 degrees 14 minutes 13 seconds West 278.16 feet to the point of beginning.

Containing 4.04 acres of land more or less.

BEING Parcel "B" and Parcel "C" plat of "Gus Pappas et.al. Property", dated February 10, 1982, and recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 49, Folio 106, conveyed to Colonial-Stoler Partnership by Deed S.M. 8067/367 and the property of Colonial-Stoler Partnership by Deed S.M. 8030/43.

STATE OF MARYLAND
WILLIAM KENNETH WOODY
No. 10724
REGISTERED
LAND SURVEYOR

93-403-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th — Date of Posting 5/26/93

Posted for: Variance

Petitioner: Leonard Stoler

Location of property: 11309-11311 Reisterstown Rd. - NE/S

Location of Signs: Facing roadway on property to be posted

Remarks:

Posted by [signature] Signature — Date of return: 5/28/93

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 93-403-A
(Item 415)
11309 - 11311 Reisterstown Road - Stoler Lexus and Chrysler
NE/S Reisterstown Road
270' SE of High Falcon Road
4th Election District
3rd Councilmanic
Petitioner(s): Leonard Stoler
HEARING: WEDNESDAY, JUNE 16, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance: to allow the proposed open projection canopy to encroach 25 feet into the required 30 foot side yard in lieu of the permitted 25% maximum encroachment of 7.5 feet.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

5/341 May 27

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/27, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/27, 1993.

THE JEFFERSONIAN,

S. Zeke Orlans — Publisher

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-403-A

Account: R-001-6150

Date 5/14/93 — Number 415

By John L.

(1) NON RES. ZONING VAR FILING	CODE 020 :	$250.00
(1) SIGN POSTING	CODE 080 :	35.00
	TOTAL	285.00

NAME LEN STOLER
LOC. 11309-11311

03A03#0062MICHRC
BA C002:35PM05-14-93 $285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

93-403-A

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 415

Petitioner: LEN STOLER

Location: 11300 REISTERSTOWN RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LEN STOLER CHRYSLER

ADDRESS: 11300 REISTERSTOWN RD.

PHONE NUMBER: 410-356-1000

AJ:ggs

(Revised 04/09/93)

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
5/27/93 Issue - Jeffersonian

Please forward billing to:

Leonard Stoler
Stoler Lexus and Chrysler
11309 Reisterstown Road
Owings Mills, Maryland 21117
(401) 356-7000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-403-A (Item 415)
11309 - 11311 Reisterstown Road - Stoler Lexus and Chrysler
NE/S Reisterstown Road, 270' SE of High Falcon Road
4th Election District - 3rd Councilmanic
Petitioner(s): Leonard Stoler
HEARING: WEDNESDAY, JUNE 16, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to allow the proposed open projection canopy to encroach 25 feet into the required 30 foot side yard in lieu of the permitted 25% maximum encroachment of 7.5 feet.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

Case postponed on record PAB 6/16/93

Case to be postponed per Singer, request to be on the record at hearing PAB 6/15/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAY 20 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-403-A (Item 415)
11309 - 11311 Reisterstown Road - Stoler Lexus and Chrysler
NE/S Reisterstown Road, 270' SE of High Falcon Road
4th Election District - 3rd Councilmanic
Petitioner(s): Leonard Stoler
HEARING: WEDNESDAY, JUNE 16, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to allow the proposed open projection canopy to encroach 25 feet into the required 30 foot side yard in lieu of the permitted 25% maximum encroachment of 7.5 feet.

Arnold Jablon
Director

cc: Stoler Lexus and Chrysler
Marvin I. Singer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 11, 1993

Marvin I. Singer, Esquire
343 North Charles Street
Baltimore, MD 21201-4361

RE: Case No. 93-403-A, Item No. 413
Petitioner: Leonard Stoler
Petition for Variance

Dear Mr. Singer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Department of Public Works

111 West Chesapeake Avenue
Towson, MD 21204-4604

August 30, 1993

Mr. Marvin I. Singer
Hooper, Kiefer & Cornell
343 North Charles Street
Baltimore, MD 21201-4361

RE: Stoler Zoning Variance, Case #93-403-A

Dear Mr. Singer:

We are in receipt of your letter and enclosure.

Because there was so much community sentiment for the large White Oak tree that was lost in front of Stoler's, we feel it is worth the trouble to do what it takes to replace it.

The White Oak is not available in the nurseries during the fall season because it does not survive transplanting well in the fall. It will be readily available in the spring and should be installed in early spring.

The landscaper should pick out well branched specimens that meet A.A.N. standards. The required installation size is 2 1/2" caliper. Larger sizes of White Oaks do not survive well.

I will recommend to the Zoning Commissioner that this later installation date be acceptable.

Respectfully yours,

E. Avery Harden
E. Avery Harden
Landscape Coordinator
Development Plan Review

RECEIVED
30 1993
ZONING COMMISSIONER

EAH:pab

cc: Arnold F. (Pat) Keller
Leonard Stoler
Edwin S. Howe, KCW Consultants
Zoning Commissioner
File

ZON93403/PB_WEMO4

pull this file PAB

COPY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 21, 1993

(410) 887-4386

Marvin I. Singer, Esquire
Hooper, Kiefer and Cornell
343 North Charles Street
Baltimore, Maryland 21201-4361

RE: Stoler Zoning Variance, Case No. 93-403-A
Property: 11309 Reisterstown Road

Dear Mr. Singer:

I am in receipt of a copy of E. Avery Harden's letter to you dated August 30, 1993 regarding the above matter.

I have reviewed, again, my decision issued in this case and note that, although I required additional landscaping, no timetable was established for the implementation of same. Mr. Harden's letter, as it relates to the timing of the planting, appears appropriate in order to ensure that the proposed trees survive. Thus, I believe the planting, in accordance with that schedule, is wholly consistent with my decision. I have placed a copy of this letter within the zoning file.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Arnold F. (Pat) Keller
E. Avery Harden
Leonard Stoler
Edwin S. Howe, KCW Consultants
File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 28, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer RWB/DAK
Development Plan Review

RE: Zoning Advisory Committee Meeting
For June 1, 1993
Item No. 415

The Development Plan Review Section has reviewed the subject zoning item. The Developer should revise the approved landscape plan, in order to provide supplemental tree planting to compensate for the loss of the 60 inch caliper white oak tree.

RWB:DAK:

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-20-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 415 (JLL)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: June 2, 1993

SUBJECT: 11309-11311 Reisterstown Road

INFORMATION:

Item Number: 415

Petitioner: Leonard Stoler

Property Size:

Zoning: B.R. and D.R. 16

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, this office recommends that the owner of the subject property or his representative meet with staff to discuss the placement of additional landscaping along Reisterstown Road.

Prepared by: Jeffrey W. Long
Division Chief: Carl L. Kess

PK/JL:lw

415.ZAC/ZAC1 Pg. 1

BALTIMORE COUNTY, MARYLAND 5/27/93 8 5-27-93 HK

INTER-OFFICE CORRESPONDENCE

TO Zoning Advisory Committee Date May 26, 1993

FROM Captain Jerry Pfeifer
Fire Department

SUBJECT Comments for 06/01/93 Meeting

Item 371	No Comments
Item 406	No Comments
Item 407	No Comments
Item 408	No Comments
Item 409	No Comments
Item 410	Building shall be built in accordance with the 1991 Life Safety Code.
Item 411	No Comments
Item 412	No Comments
Item 413	No Comments
Item 415	If the building the canopy is attached to is sprinklered and the area under the canopy is to be used for storage, then the canopy would have to be sprinklered.

JP/dmc

RECEIVED
MAY 27 1993
ZADM

6/1/93 5707-93 CAS

RE: PETITION FOR VARIANCE
NE/S Reisterstown Rd., 270' SE of High Falcon Rd. (11309-11311 Reisterstown Rd. - Stoler Lexus and Chrysler), 4th Election Dist., 3rd Councilmanic Dist.

LEONARD STOLER, Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 93-403-A

: : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 23rd day of June, 1993, a copy of the foregoing Entry of Appearance was mailed to Marvin I. Singer, Esquire, 343 N. Charles St., Baltimore, MD 21201-4361, Attorney for Petitioner.

RECEIVED
JUN 24 1993
ZADM

Peter Max Zimmerman
Peter Max Zimmerman

H.O. 93-403-A #415

Ned Howe (engineer) filed pet / advised that atty's signature needed & be original (not copy). He desired it pet. expedited (warned of possible problems.) He said atty would sign as soon as possible.

(P.S. atty not needed for individual so it didn't see too much difficulty here.)

SBA 5/13/93

Sophie

→ No address or phone # for Len Stoler. All correspondence to go to atty for Ned Howe.

EXPEDITED HEARING REQUEST

Item # 415

TO WHOM IT MAY CONCERN:

AN EXPEDITED HEARING FOR THIS VARIANCE IS NEEDED DUE TO THE BUILDING BEING CORRECTLY UNDER CONSTRUCTION. THIS WORK SHOULD BE TIED IN WITH THE BUILDING CONSTRUCTION FOR OBVIOUS REASONS.

RESPECTFULLY
Edwin S. Howe
EDWIN S. HOWE
KCW CONSULTANTS, INC.
410-281-0033

William K. Woody, L.S. Douglas L. Kennedy, P.E.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
3104 Timanus Lane, Suite 101 / Baltimore, Maryland 21244
(410) 281-0030 / 281-0033 / Fax (410) 298-0604

June 23, 1993

RECEIVED
JUL 2 1993
OFFICE OF PLANNING & ZONING

Robert W. Bowling, P.E., Chief
Development Plan Review Section
111 West Chesapeake Avenue, Room 211
Towson, Maryland 21204

RECEIVED
JUN 28 1993
DEVELOPMENT PLANNING & MONITORING

Attention: Avery Harden

Reference: Len Stoler "Chrysler"
Canopy Variance
Case No. 93-403A

Gentlemen:

The Colonial Stoler Parnership is currently seeking a variance to allow a canopy attachment to the proposed "Chrysler" Building. In this process, comments have been issued from your section as well as the Planning Office requesting that additional landscaping be provided in conjunction with this variance. This landscaping has been requested to compensate for the loss of a previously existing 60" White Oak that fronted the property along Reisterstown Road. During the initial development process of this property all efforts were made, including redesign, to save the tree despite corings which indicated that the tree was essentially hollow and dying. The tree was felled approximately 3 years ago during a storm through no fault of anyone yet every time Len Stoler proposes activities subject to County review it becomes an issue.

In an effort to address your comments as well as put to rest any further requests pertaining to the 60" oak tree a meeting was held on June 22, 1993 with the County Landscaper. In this meeting it was agreed that Len Stoler would plant one 3" to 3 1/2" caliper specimen White Oak along Reisterstown Road in the approximate location where the 60" Oak previously existed as well as two 2' to 2 1/2" caliper White Oaks within the adjacent sloped area between Len Stoler Lexus and Hardee's (see attached sketch).

RECEIVED
- 6 1993
ZONING COMMISSIONER

To further expedite the variance process we ask that your section initial this letter as well as someone from the Office of Planning and Zoning, so that it can be submitted as an addendum to the previous comments.

Should you have any questions or concerns please contact me at (410) 281-0033.

Respectfully,
KCW Consultants, Inc.

Edwin S. Howe
Project Engineer

E. Avery Harden
Development Plan Review

Pat Keller 7/6/93
Office of Planning and Zoning

ESH/dke
J.O.88235cv.let

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Matthew J. Stokes, Atty.	342 N. Charles St. #1201
James E. Berg	5 Stream Ct. Owings Mills Md. 21117
EDWIN S. HOWE	108 SHERWOOD RD. HOLTVILLE MD 21030

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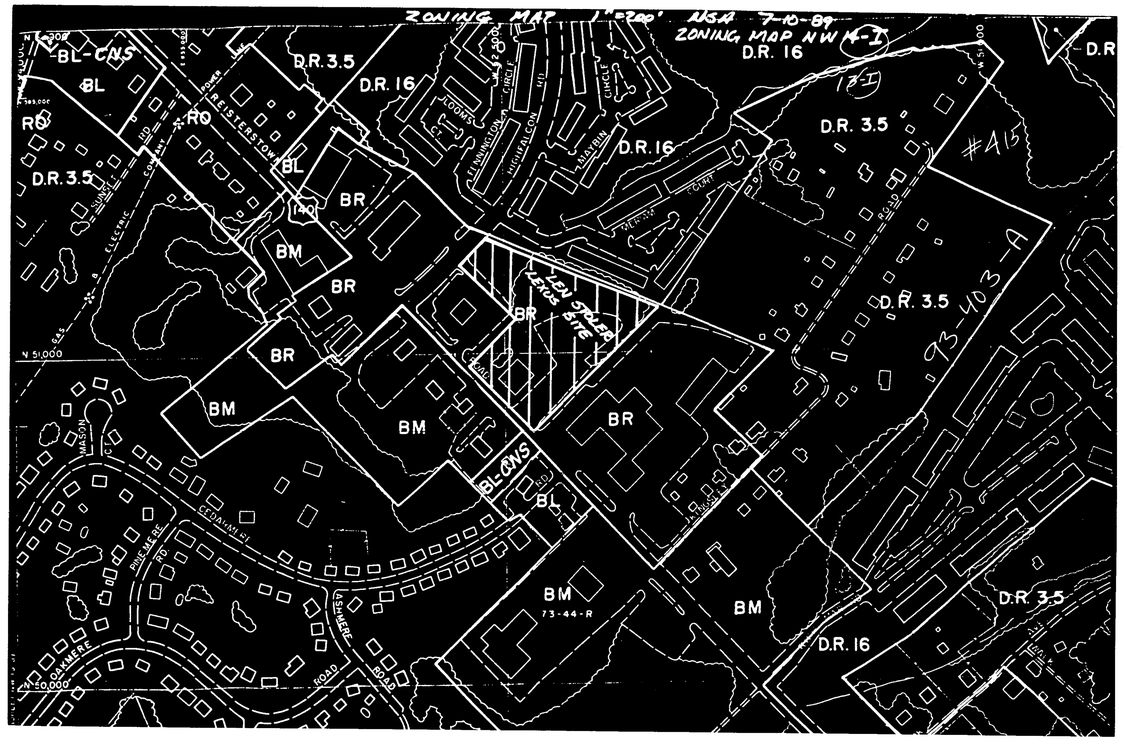
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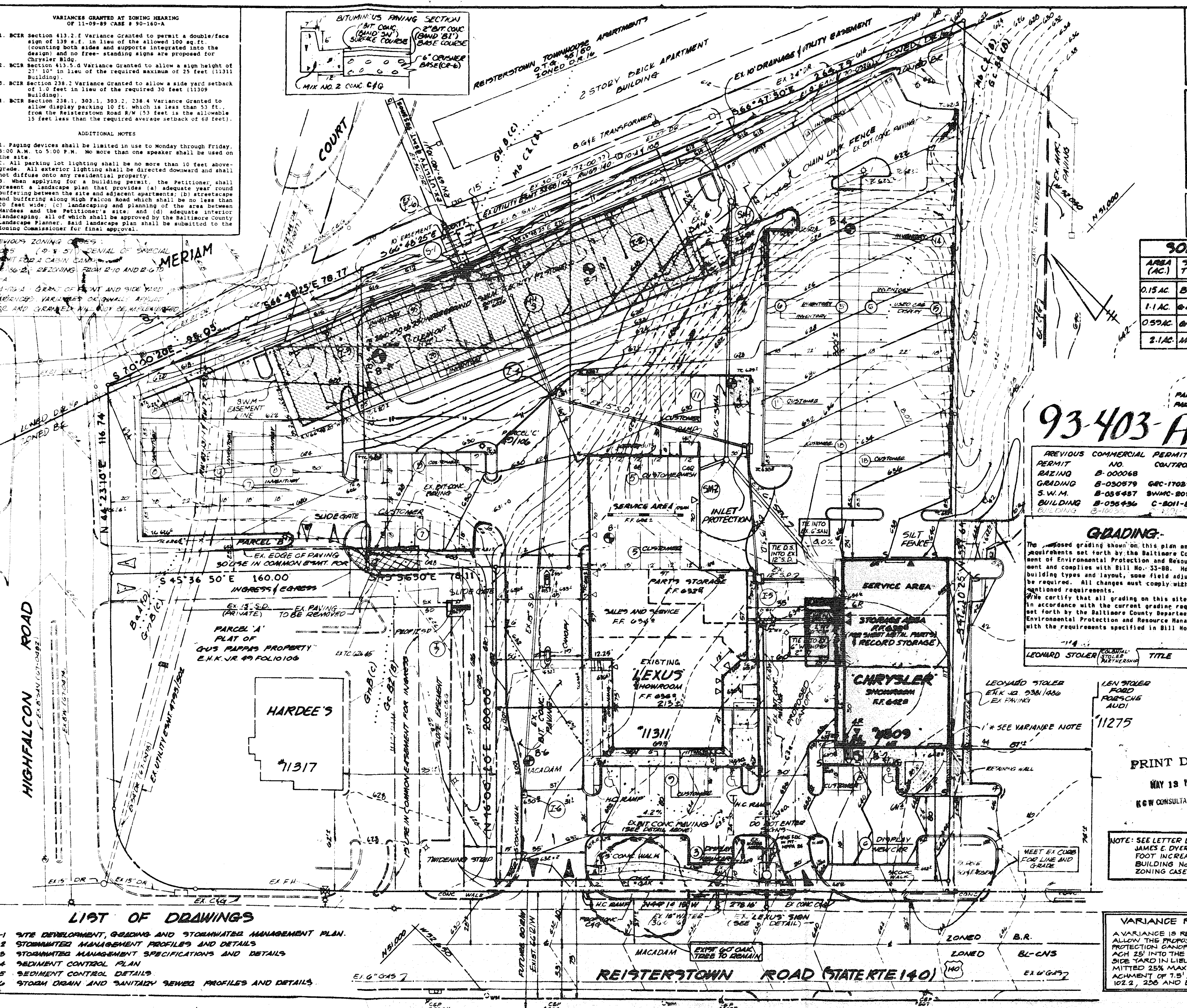
VARIANCES GRANTED AT ZONING HEARING OF 11-09-89 CASE # 90-160-A

1. BCZR Section 413.2.f Variance Granted to permit a double/face sign of 139 s.f. in lieu of the allowed 100 sq.ft. (counting both sides and supports integrated into the design) and no free- standing signs are proposed for Chrysler Bldg.
2. BCZR Section 413.5.d Variance Granted to allow a sign height of 27' 10" in lieu of the required maximum of 25 feet (11311 Building).
3. BCZR Section 238.2 Variance Granted to allow a side yard setback of 1.0 feet in lieu of the required 30 feet (11309 Building).
4. BCZR Section 238.1, 303.1, 303.2, 238.4 Variance Granted to allow display parking 10 ft. which is less than 53 ft., from the Reisterstown Road R/W (53 feet is the allowable 15 feet less than the required average setback of 68 feet).

ADDITIONAL NOTES

1. Paging devices shall be limited in use to Monday through Friday, 8:00 A.M. to 5:00 P.M. No more than one speaker shall be used on the site.
2. All parking lot lighting shall be no more than 10 feet above-grade. All exterior lighting shall be directed downward and shall not diffuse onto any residential property.
3. When applying for a building permit, the Petitioner shall present a landscape plan that provides (a) adequate year round buffering between the site and adjacent apartments; (b) streetscape and buffering along High Falcon Road which shall be no less than 20 feet wide; (c) landscaping and planning of the area between Hardees and the Petitioner's site; and (d) adequate interior landscaping, all of which shall be approved by the Baltimore County Landscape Planner. Said landscape plan shall be submitted to the Zoning Commissioner for final approval.

PREVIOUS ZONING CASES:
1) 2085 (9-7-51) DENIAL OF SPECIAL PERMIT FOR A CABIN CAMP
2) 64-86-R REZONING FROM R-10 AND R-6 TO R-A
3) 74-136-A GRANT OF FRONT AND SIDE YARD VARIANCES. VARIANCES ORIGINALLY APPLIED FOR AND GRANTED WILL NOT BE IMPLEMENTED.



93-403-A

PREVIOUS COMMERCIAL PERMITS			
PERMIT	NO.	CONTROL	DATE
RAZING	B-000068		1-89
GRADING	B-030579	GEC-1702-89	9-89
S.W.M.	B-035487	SWMC-8012-89	9-89
BUILDING	B-035436	C-8011-89	12-89

GRADING:-

The proposed grading shown on this plan meets the requirements set forth by the Baltimore County Department of Environmental Protection and Resource Management and complies with Bill No. 33-88. However, due to building types and layout, some field adjustments may be required. All changes must comply with the above mentioned requirements.

I/We certify that all grading on this site will be done in accordance with the current grading requirements as set forth by the Baltimore County Department of Environmental Protection and Resource Management and with the requirements specified in Bill No. 33-88.

LEONARD STOLER	COLONIAL-STOLER PARTNERSHIP	TITLE	DATE

NOTE: SEE LETTER DATED 7-23-91 BY JAMES E. DYER APPROVING 17 FOOT INCREASE IN LENGTH OF BUILDING No. 11309 FILED IN ZONING CASE FILE #90-160-A

PRINT DATE

MAY 13 1993

KCW CONSULTANTS, INC.

VARIANCE REQUESTED

A VARIANCE IS REQUESTED TO ALLOW THE PROPOSED OPEN PROTECTION CANOPY TO ENCROACH 25' INTO THE REQUIRED 30' SIDE YARD IN LIEU OF THE PERMITTED 25% MAXIMUM ENCROACHMENT OF 7.5' AS PER BCZR 102.2, 238 AND 301.1.A.

BENCH MARK

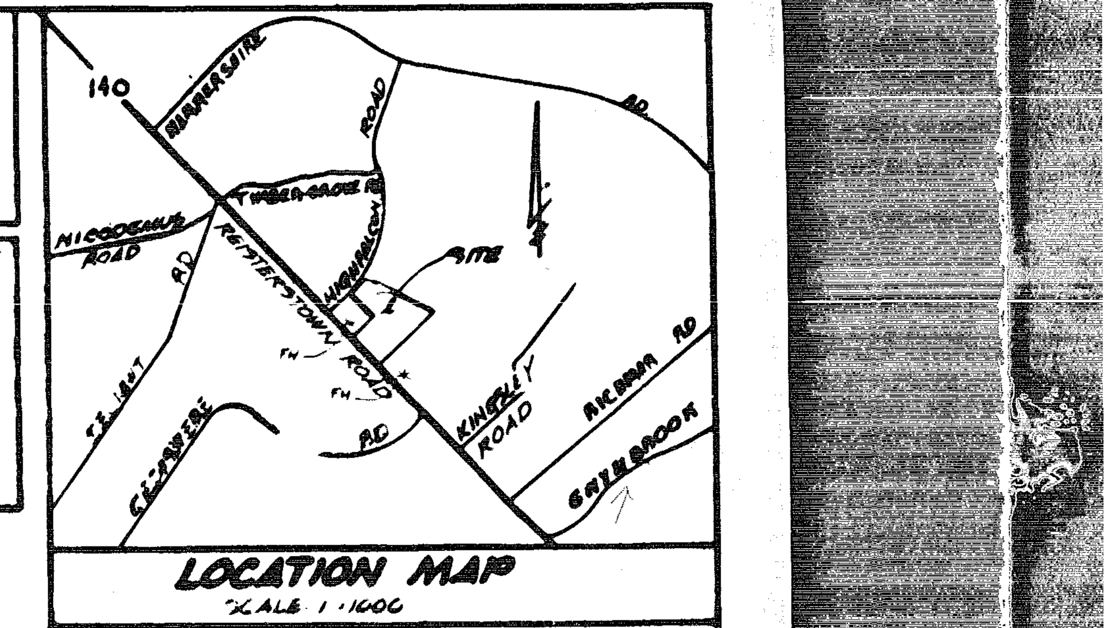
BALTO. CO. HUB NO. 19288 ELEV. 687.97 N 51138.47 W 528377.5. R.R. SPIKE IN MACADAM ON SOUTH-WEST SIDE OF REISTERSTOWN ROAD OFF HIGH-FALCON ROAD AT DRIVEWAY TO FAIRWAY MOTORS.

RECOMENDED SEVERE SOIL CONDITION MITIGATIVE MEASURES

SEVERE SLOPES PROPOSED MASS GRADING WILL REDUCE SLOPES TO NON-ERODABLE LEVELS.

SEVERE HIGH WATER TABLE ANY GROUNDWATER CONDITION ENCOUNTERED WILL BE INTERCEPTED BY UNDERDRAIN SYSTEM CONNECTED TO PROP CLOSED STORM DRAIN SYSTEM

PREVIOUS ZONING CASES:
2085 (9-7-51)
64-86-R (3-13-64)
74-136A (6-05-74)



LOCATION MAP

SCALE 1" = 1600'

SOIL TYPES & LIMITATIONS (BALTIMORE COUNTY SOIL SURVEY MAP NO 26)

AREA (AC.)	SOIL TYPE	SOIL TYPE	HYDRO SOIL GROUP	BLDG. WITH NO BASEMENT	STREETS & PARKING LOTS
0.15 AC.	BaA	BAILE SILT LOAM	D	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE
1.1 AC.	GcB2	GLENELG LOAM	B	SLIGHT	MODERATE: SLOPE
0.59 AC.	GnB	GLENVILLE SILT LOAM	C	MODERATE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
2.1 AC.	MbC2	MANOR LOAM	B	MODERATE: SLOPE	SEVERE: SLOPE

GENERAL NOTES

1. AREA: ~~S.M. 8056/43 2.89 ac+~~ Tax Acct ~~# 04 19 040100~~ (S.M. 8214/267 4.04 AC± #21 00 012552)
   ~~PARCEL 'B' E.H.K. JR. 49/106 S.M. 8067/367 0.56 ac+~~ Tax Acct ~~# 04 19 007483~~
   ~~PARCEL 'C' E.H.K. JR. 49/106 S.M. 8067/367 0.61 ac+~~ Tax Acct ~~# 04 19 007484~~
   Gross Area 4.04 ac+
   Highway Widening Area 0.04 ac+
   Net Area 4.00 ac+
2. ELECTION DISTRICT: 4
   COUNCILMATIC DISTRICT: C-3
   CENSUS TRACT: 4042.01
   REGIONAL PLANNING DISTRICT: 306B
   WATERSHED: Gwynns Falls
   SUBSEWERSHED:
3. ZONING: BR & DR 16
4. EXISTING LAND USE: One parcel was improved with the "Colonial Inn" building and associated parking areas. Parcels 'B' and 'C' of the "Gus Pappas Etal Property" are unimproved (woods and grass).
5. PROPOSED USE: New and used automobile dealerships providing sales and service.
6. BUILDING SETBACKS:

	Required	Proposed
#11311 BUILDING:		
Front Yard Average (62'+74')/2=	68'	81'
Side Yard	30'	51'/30'
Rear Yard	30'	156'
#11309 BUILDING:		
Front Yard Average	68'	81'
Side Yard	30'	30'/1' *
Rear Yard	30'	292'

* Variance from BCZR 238.2 requested to permit a side yard setback of 1' in lieu of the required 30'.

7. REQUIRED CUSTOMER PARKING:

#11311 BUILDING			
Showroom	5000 s.f.	x 5/1000	= 25 p.s.
Sales & Service Offices	2500 s.f.	x 5/1000	= 13 p.s.
Retail Parts	100 s.f.	x 5/1000	= 1 p.s.
Shop Area	4750 s.f.	x 3.3/1000	= 16 p.s.
Business Offices	2600 s.f.	x 3.3/1000	= 9 p.s.
Parts Storage	1850 s.f.	x 3.3/1000	= 6 p.s.
	16,800 S.F.	Total	= 70 p.s.
#11309 BUILDING			
Showroom	3250 s.f.	x 5/1000	= 17 p.s.
Storage Area/Service Records & Service	4355 s.f.	x 3.3/1000	= 15 p.s.
	7605 S.F.	Total	= 32 p.s.
TOTAL NUMBER OF REQUIRED PARKING SPACES			= 102 p.s.

8. PROPOSED CUSTOMER PARKING:
   #11311 BUILDING:
   Shop Area SERVICE BAYS 10 bays
   On-site (NON-BLOCKED) 60 ps (INCL 2 H.C.)
   #11309 BUILDING:
   Service Bays 6 Bays
   On-site (NON-BLOCKED) 28 ps (INCL 1 H.C.)
   TOTAL CUSTOMER PARKING SPACES = 104 ps
9. OTHER PROPOSED PARKING:
   New Car Display 18 ps (9 INSIDE + 9 OUTSIDE)
   Used Car Display 15 ps
   Inventory Parking 145 ps
   SUBTOTAL OTHER PARKING SPACES = 178 ps
   TOTAL ON-SITE PARKING = 104 CUSTOMER 188 OTHER 282 PS
10. FLOOR AREA RATIO: 24,405 sf ÷ 174,200 sf = 0.14 (2.0)
11. PROPOSED NUMBER OF EMPLOYEES: 40
12. HOURS OF OPERATION: Monday - Friday 8:00 am to 9:00 pm; Saturday 8:00 am to 5:00 pm
13. UTILITIES: Public utilities exist adjacent to the site to serve the proposed improvements.
    Ex. 16" Water (Dwg. No. 36-0806)
    Ex. 8" Sanitary Sewer (Dwg. No. 70-0326)
    Ex. 36" Storm Drain (Dwg. No. 72-0077)
14. LANDSCAPING: A formal Landscape Plan shall be approved by the Office of Planning in accordance with the Landscape Manual.
15. TOPOGRAPHY: Existing topography shown hereon based upon field-run survey by KCW Consultants, Inc., Feb. 1989.
16. There are no existing streams, bodies of water, springs, or 100-year flood-plains located on this site.
17. There are no known historic buildings, archaeologic sites or endangered species habitats located on property.
18. There are no known well or septic areas existing on site.
19. Hydric Soils, BaA, are mapped on this site and a wetland area has been shown hereon. Baltimore County DEPRM has determined these to be "unregulated wetlands".
20. SIGNS: Any signs shall comply with BCZR Section 413 and Zoning Signs Policies for BR zoning. See variances requested
21. LIGHTING: Free-standing (⌖) and attached on-buildings (△) are as shown hereon. Lighting shall not be directed towards residential properties and public rights-of-way
22. STORMWATER MANAGEMENT and WATER QUALITY MANAGEMENT: A privately maintained underground storage facility is proposed to provide quantity and quality control for the 2, 10 and 100-year storms (Gwynns Falls Watershed)
23. THERE ARE NO KNOWN HAZARDOUS MATERIAL SITES LOCATED ON THIS PROPERTY.
24. ESTIMATED ADT:
    RETAIL: 10,900 S.F. × 30/1000 S.F. = 545
    SERVICE: 6805 S.F. × 30/1000 S.F. = 204
    TOTAL ESTIMATED A.D.T. = 749
25. NO LEASE LINES BETWEEN "LEXUS" AND "CHRYSLER" DEALERSHIP ARE PROPOSED.
26. NO DISPLAY OF AUTOMOBILES BANNERS TEMP. SIGNS, ETC., SHALL BE ALLOWED IN ANY LANDSCAPED AREAS ADJACENT TO THE PUBLIC RIGHTS-OF-WAY.
27. ALL DAMAGED OR DISABLED VEHICLES AND PARTS WILL BE KEPT INSIDE OF BUILDINGS.
28. CRG # 89084 APPROVED MAY 25, 1989 THIS PLAN IS CONSISTENT WITH THE APPROVED PLAN.

... COUNTY ... ENVIRONMENTAL PROTECTION ... RESOURCE MANAGEMENT
APPROVED FOR GRADING
[signature] 9/3/89
Date

CORPS OF ENGINEERS PERMIT NO.
NABOP BAY 89-1967-9
MD DEPT. OF ENVIRONMENT
WATER QUALITY CERTIFICATION
89-WQ-0569

A15

APPROVED. [signature] Chief
Storm Water Management Division
BALTO. CO. DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

93-403-A

LIST OF DRAWINGS

- G-1 SITE DEVELOPMENT, GRADING AND STORMWATER MANAGEMENT PLAN.
- G-2 STORMWATER MANAGEMENT PROFILES AND DETAILS
- G-3 STORMWATER MANAGEMENT SPECIFICATIONS AND DETAILS
- G-4 SEDIMENT CONTROL PLAN
- G-5 SEDIMENT CONTROL DETAILS
- G-6 STORM DRAIN AND SANITARY SEWER PROFILES AND DETAILS

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
3104 Timanus Lane, Suite 101
Baltimore Maryland 21244
(410) 281-0030 / 281-0033

DESIGNED BY: ESH
DRAWN BY: KBS
CHECKED BY: DLK

STATE OF MARYLAND DOUGLAS LANE KENNEDY No. 10748 REGISTERED PROFESSIONAL ENGINEER
5-12-93 [signature]

REVISIONS

DATE	DESCRIPTION
7-23-91	REV. FOR CHRYSLER BUILDING PERMIT APPLICATION
[illegible]	REVISE [illegible]
[illegible] 26 89	REVISE [illegible]
11-15-89	[illegible]
10-24-89	LEXUS BLDG. DIMENSIONS PER ARCH PLAN
8-25-89	ADD HARDEE'S SLOPE EASEMENT
6-19-89	ADD SWM DESIGN DETAILS
5-25-89	REVISED PER C.R.G. COMMENTS DATED 5-23-89
5-19-89	[illegible]

OWNER / DEVELOPER:
COLONIAL-STOLER PARTNERSHIP
11275 REISTERSTOWN ROAD
OWINGS MILLS MARYLAND
ATTN: LEONARD STOLER
PHONE: 301 356-7000

LEXUS

CHRYSLER Plymouth

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

STOLER "LEXUS" AND "CHRYSLER"
11309-11311 REISTERSTOWN ROAD (STATE RTE. 140)
4TH ELECTION DISTRICT BALTIMORE CO., MARYLAND
(PARCELS 'B' AND 'C' - SUBDIVISION OF THE "GUS PAPPAS PROPERTY", E.H.K. JR. 49/106)
CRG PLAN APPROVED 5-25-89

PUBLIC SERVICES CRG. NO 89084		PLANNING NO.
SCALE: 1"=30'	MARCH 13, 1989	DWG. NO. G-1