

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, LEWIS M. HESS, Jr., legal owner 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 413.5 (g) to permit a sign of 35' in height instead of required 25' and 413.5 (e) to permit a sign of 260 square feet instead of required 150 square feet.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

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.

ORDER RECEIVED FOR FILING DATE May 14 1973 BY [Signature]

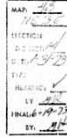
PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, LEWIS M. HESS, Jr., legal owner 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 413.5 (g) to permit a sign of 35' in height instead of required 25' and 413.5 (e) to permit a sign of 260 square feet instead of required 150 square feet.

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 resume See attached description



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.

LEWIS M. HESS, Jr. Legal Owner Address: 3519 Burton Oaks Road Baltimore, Maryland 21208

ORDER RECEIVED FOR FILING DATE May 14 1973 BY [Signature]

RE: PETITION FOR VARIANCE AND SPECIAL HEARING NE/S of Chesaco Avenue, 433' NW of Weyburn Road - 14th District Lewis M. Hess - Petitioner NO. 73-273-ASPH (Item No. 148) BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioner is requesting a Variance to a sign regulation to permit a sign height of 35 feet with an area of 260 square feet instead of the permitted height and area of 25 feet and 150 square feet, respectively. They are also herewith Petitioning for a Special Hearing to determine if a free standing identification sign should be permitted to front on a street that is not zoned commercially at a point opposite the sign.

The shopping center in question is located at the northeast intersection of Chesaco Avenue and Weyburn Road. The site is also bounded at the rear and westernmost sides by Horst Avenue and the John F. Kennedy Expressway.

Testimony indicated that the site is surrounded by residentially zoned properties, and that a strict interpretation of the Zoning Regulations would prohibit any free standing identification signs even though the site is surrounded by four roads. Normally commercial shopping centers or groups of integrated stores are permitted two identification signs providing they have frontage on two roads.

The Petitioner feels that proper identification is paramount to the operation of their shopping center. They feel that one identification sign is acceptable and sufficient to identify the center and have indicated a willingness to have the site restricted to one such sign.

Ninety percent of all stores in the center have been leased with 60% occupancy at the present time. With the exception of three major tenants,

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who are to be identified in the requested sign, all occupants excepting the service station have been restricted from erecting any free standing signs on the shopping center site. The requested height and area Variance is considered necessary due to the self-imposed restriction to one identification sign, and to provide an aesthetically balanced sign with ample site distance at the base, i.e., 12 feet clearance between sign and ground.

After reviewing the above testimony and the regulations in question, it is the opinion of the Deputy Zoning Commissioner that the sign regulations were not intended and/or should not restrict a shopping center from having identification signs.

The Petitioner is also faced with a practical difficulty in erecting an aesthetically balanced sign that incorporates the name of the center and three major stores while preserving clear site distance for vehicles entering or leaving the center.

The fact that the sign is proposed to be located on the major thoroughfare (Chesaco Avenue) directly opposite a large D.R. 16 zoned tract that is presently vacant, also tends to indicate that a sign should be permitted and that a Variance can be granted without being detrimental to the health, safety and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 14th day of May 1973, that the herein Petition for a Variance to permit a sign of 35 feet in height instead of the required 25 feet and a sign area of 260 square feet instead of the required 150 square feet should be Granted subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Insofar as the Special Hearing is concerned, it is further ORDERED that one free standing identification sign fronting on a street that is not commercially zoned at a point on the opposite side of the street should be permitted and said use is hereby Granted.

Deputy Zoning Commissioner of Baltimore County

- 2 -

DATE May 14 1973 BY [Signature]

ORDER RECEIVED FOR FILING DATE May 14 1973 BY [Signature]

ORDER RECEIVED FOR FILING DATE May 14 1973 BY [Signature]

ORDER RECEIVED FOR FILING DATE May 14 1973 BY [Signature]

The subject property being located in a residential area, the Owner has imposed the following restrictions on the center:

- a) The Owner is entitled to erect two (2) shopping center signs under the zoning laws of Baltimore County, one on Chesaco Avenue and the other one on Weyburn Road; however, the Owner has elected to install one (1) sign. b) Required the major tenants, except the service station, to place their roadside advertising sign on the Owner's pylon sign advertising the name of the shopping center. The Owner anticipates three (3) major tenants (presently two major tenants have signed leases).

In order to effectively accomplish the above this variance for an additional ten (10) feet in height is being requested for the following reasons:

- a) To construct the sign as planned within the permitted twenty-five (25) foot height, would create a violation of Section 413.5 (c) and (e) as the lower sign would be two (2) feet from the ground level. b) Reduce the total square foot of signs in the residential area (permitted 300 square feet, signs as planned, 260 square feet). c) Reduce the total number of signs in a residential area.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 197 Legislative Day No. 5

RESOLUTION NO. 8-73

Mr. Bartenfelder, Councilman

By the County Council, May 7, 1973

WHEREAS, Lewis M. Hess, Jr., a member of the Planning Board of Baltimore County, is the reversionary owner of a certain parcel of land under the provision of a ground lease dated June 9, 1971. Said land is shown on a Plat entitled "Rosedale Plaza Shopping Center", being recorded among the Land Records of Baltimore County in Plat Book 35, folio 58; and

WHEREAS, a Petition for a Variance has been filed with the Office of Zoning to permit the erection of a pylon sign at the said shopping center; and

WHEREAS, pursuant to section 100(b) of the Baltimore County Charter, Lewis M. Hess, Jr. has by this resolution, made a full public disclosure of all pertinent facts to the members of the County Council of Baltimore County, Maryland:

BE IT RESOLVED by the County Council of Baltimore County, Maryland That, in accordance with section 100(b) of the Baltimore County Charter, the reversionary interest of Lewis M. Hess, Jr. in the aforesaid property which is the subject matter of a Petition for Variance does not violate the public interest.



MATE, CHILDS & ASSOCIATES, INC. CONSULTING ENGINEERS 1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301/823-0900

Lester Matz, John C. Childs, Associates: Ronald W. Broyles, Robert W. Craber, William E. Frankovich, Edmund P. Hale, Norman P. Harman, Bernard B. Hyatt, Jr., Paul Lee, Fred P. Meriman, Paul G. Swetson

DESCRIPTION

10 FOOT BY 30 FOOT PARCEL, NORTHEAST SIDE OF CHESACO AVENUE, 433 FEET MORE OR LESS NORTHWEST OF WEYBURN ROAD "ROSEDALE SHOPPING CENTER", BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR SIGN VARIANCE

Beginning for the same at a point on the northeast side of Chesaco Avenue, 70 feet wide, said point being distant 433 feet more or less, as measured northwesterly along said northeast side of Chesaco Avenue, from the center of Weyburn Road, 60 feet wide, running thence binding on the northeast side of said Chesaco Avenue (1) N 78° 04' 38" W 10 feet, thence three courses (2) N 11° 55' 22" E 30 feet, (3) S 78° 04' 38" E 10 feet and (4) S 11° 55' 22" W 30 feet to the place of beginning.

Containing 300 square feet of land.

RWB:ejq J.O.# 7005-Z June 8, 1973



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. DiIanni, Zoning Commissioner Date: May 8, 1973

FROM: William D. Fromm, Director

SUBJECT: Petition #73-273-ASPH. Northeast side of Chesaco Avenue 433 feet, more or less, Northwest side of Weyburn Road

Petition for Variance for a sign. Petition for Special Hearing for location and installation of a pylon sign in a Business-local C.N.S. District. Petitioner - Lewis M. Hess

14th District

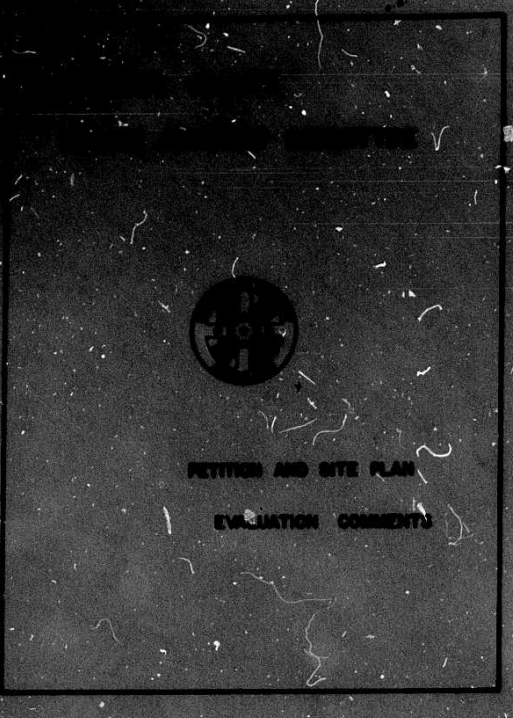
HEARING: Tuesday, May 8, 1973 (10:00 A.M.)

The staff of the Office of Planning and Zoning will offer no comments on this petition at this time.

William D. Fromm, Director

WDF:NEG:rw





John A. Pryor, Esq.
1600 First National Bank Building
Baltimore, Maryland 21202

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 16th day of March 1973

[Signature]
ERIC DIMENNA
Zoning Commissioner

Petitioner: Lewis H. Hess
Petitioner's Attorney: John A. Pryor
and Childs & Associates, Inc.
1020 Cromwell Bridge Road (B1204)

Reviewed by: *[Signature]*
Zoning Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

April 27, 1973

John A. Pryor, Esq.,
1600 First National Bank Building
Baltimore, Maryland 21202

RE: Variance Petition
Item 148
Lewis Hess - Petitioner

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Dear Mr. Pryor:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northeast corner of Horat Road and Chesaco Road, in the 14th District of Baltimore County. The petitioner is requesting a variance to permit a sign of 35 feet in height instead of the required 25 feet, and to permit a sign area of 260 square feet instead of the required 150 square feet. Also, a Special Hearing to permit the location and installation of a pylon sign in a Business Local zone that conflicts with the requirement of Section 413.2, which prohibits signs from being located across the street from a residential zone.

The petitioner's sign as described in this petition would be located at the center entrance along Chesaco Avenue and would face residential DR 16 property on the south side of Chesaco Avenue which is currently undeveloped. There are existing dwellings located further to the east and the subdivision of Wayburn Park is located to the north of the shopping center. The center itself is located in a very prominent location that borders the John F. Kennedy Expressway. The shopping center itself is almost complete insofar as its construction is concerned and some stores have already begun occupancy. Curb and gutter exists along Chesaco Road at this location.

John A. Pryor, Esq.
Item 148
Page 2

April 27, 1973

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
[Signature]
JOHN A. DILLON, JR.
Chairman, Zoning Advisory Committee

JJD:JD
(Enclosure)

cc: Metz, Childs & Associates, Inc.
1020 Cromwell Bridge Road
Baltimore, Md. 21204

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DYER, P. E. CHIEF

February 26, 1973

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #118 (1972-1973)
Property Owner: Lewis Hess
N/S Chesaco Avenue, 433' N/W of Wayburn Road
Present Zoning: B.L.
Proposed Zoning: Variance from Section 413.5 (d) to permit a sign in height of 35', instead of required 25' and 413. (e) to permit a sign of 260 sq. ft. instead of required 150 sq. ft.
District: 14th No. Acres: 300 sq. ft.

Dear Mr. DiMenna:

Baltimore County utilities and highway improvements, although not involved, are as secured by Public Works Agreement #116906, executed in conjunction with the development of "Rosedale Plaza Shopping Center and Residential Area".

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #118 (1972-1973).

Very truly yours,
[Signature]
ELLSWORTH N. DYER, P.E.
Chief, Bureau of Engineering

END:EMM:PNR:LS
cc: Paul M. Koch
J-NE Key Sheet
12 NE 15 Position Sheet
NE 2, E Topo
65 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. CHIEF
Wm. T. MELFAR DEPUTY TRAFFIC ENGINEER

March 6, 1973

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 148 - ZAC - February 13, 1973
Property Owner: Lewis Hess
Chesaco Avenue NW of Wayburn Road
Variance from Section 413.5 (d) to permit a sign in height of 35' instead of req. 25' and 413. (e) to permit a sign of 260 sq. ft. instead of req. 150 sq. ft. - District 14

Dear Mr. DiMenna:

No major traffic problems are anticipated by the requested variance for a sign.

Very truly yours,
[Signature]
Michael S. Flanigan
Traffic Engineer Associate

MSF:MC

Baltimore County Fire Department

J. Austin Deltz
Chief

Towson, Maryland 21204
812-7316

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. *[Signature]*, Chairman
Zoning Advisory Committee

Re: Property Owner: Lewis Hess
Location: NE/S Chesaco Avenue, 433' N/W of Wayburn Road
Item No. 148
Zoning Agenda Tues. Feb. 13, 1973

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead-end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved:
[Signature]
Planning Group
Special Inspection Division

Deputy Chief
Fire Prevention Bureau

ms
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

February 15, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

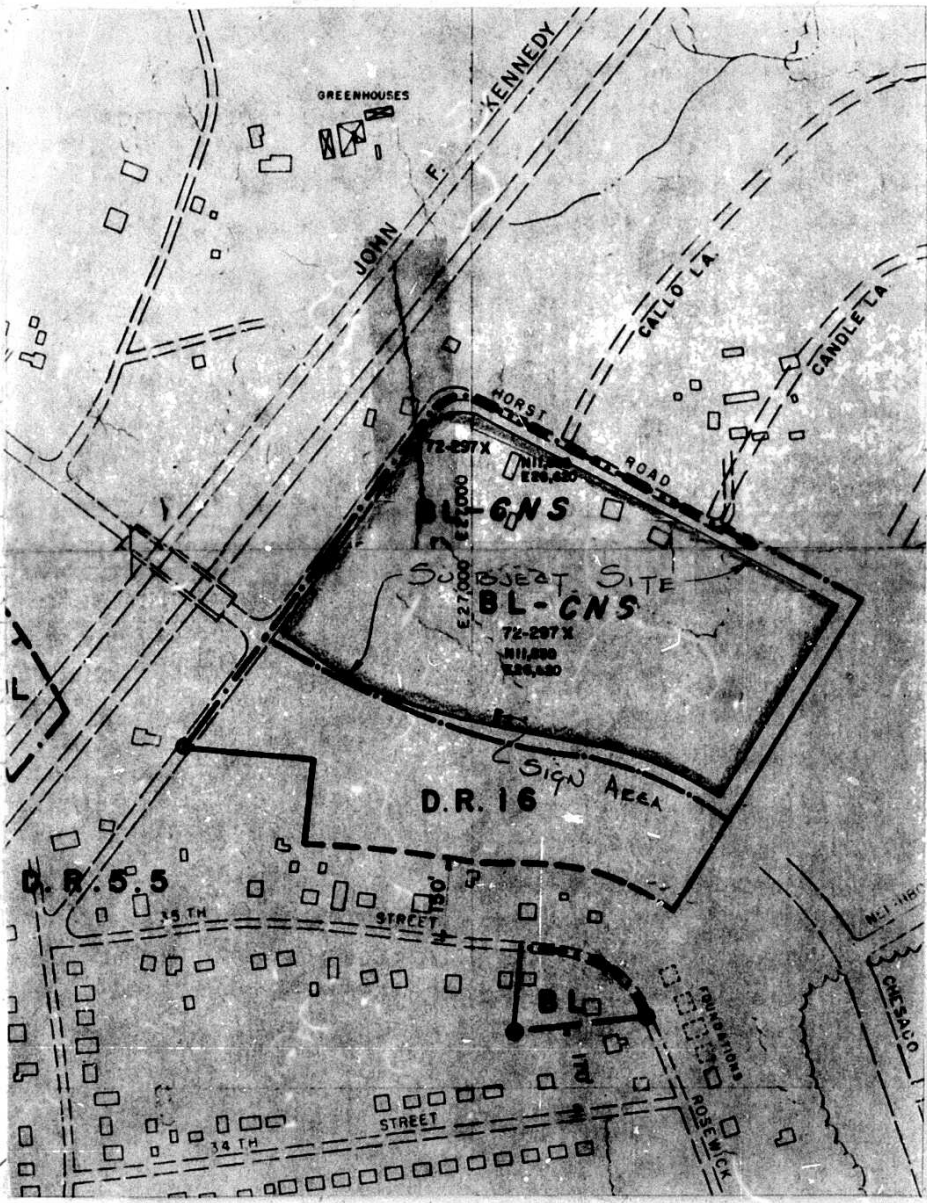
Comments on Item 148, Zoning Advisory Committee Meeting, February 13, 1973, are as follows:

Property Owner: Lewis Hess
Location: NE/S Chesaco Avenue, 433' N/W of Wayburn Road
Present Zoning: B.L.
Proposed Zoning: Variance from Section 413.5(d) to permit a sign height of 35' instead of required 25', and 413.(e) to permit a sign of 260 sq.ft. instead of required 150 sq.ft.
District: 14
No. Acres: 300 sq.ft.

Since this is a variance for a sign, no health hazard is anticipated.

Very truly yours,
[Signature]
THOMAS H. DEWITT, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mn



GREENHOUSES

JOHN F. KENNEDY

CALLO LA

CANDLE LA

HORST ROAD

72-297 X

BL-GNS

E27,000

SUBJECT SITE

BL-GNS

72-297 X

111,000

100,000

D.R. 16 SIGN AREA

D.R. 5.5

35 TH

STREET

34 TH

STREET

ROSE WICK

M.I. TRCO

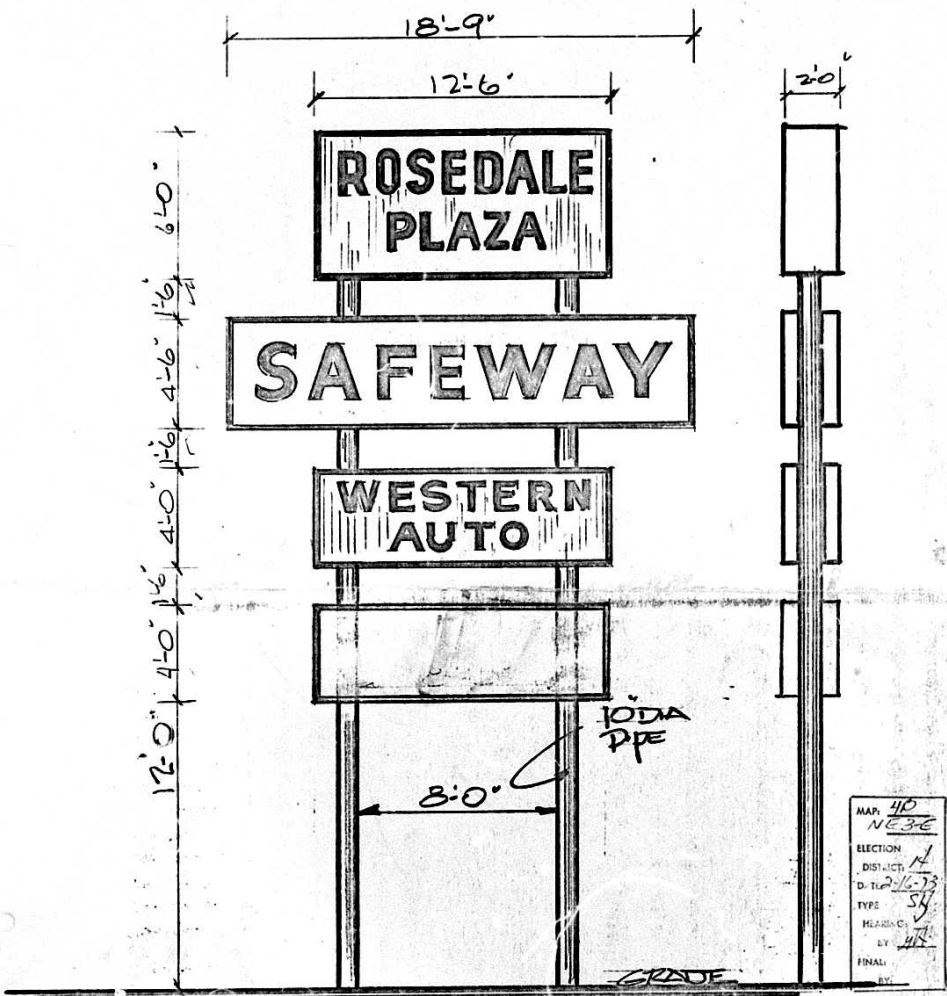
ONEIADO

**TRIANGLE
SIGN & SERVICE**

822 CENTRAL AVE.
LINTHICUM, MD. 21090
PHONE: 636-3666



DESIGNED FOR: ROSEDALE PLAZA
DATE: 10-31-72 NO: 12156B SCALE: 3/4"=1'-0"



MAP:	410
	NE 3-6
ELECTION	
DISTRICT	1
D. TR.	2-16-73
TYPE	57
HEARD BY	
BY	
FINAL	
BY	

NOTES:

ROSEDALE PLAZA
22" PLEX. LETTERS
LAMINATED TO
1/3 CORR. WHITE PLEX.

SAFEWAY
SIGNS FURNISHED AND
INSTALLED BY OTHERS.

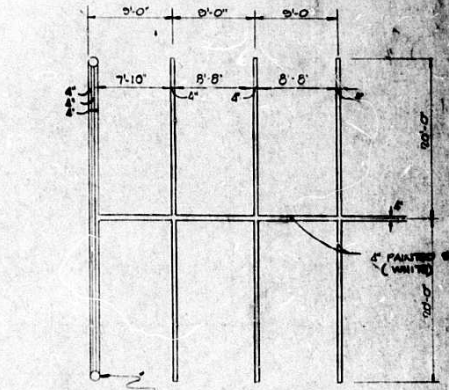
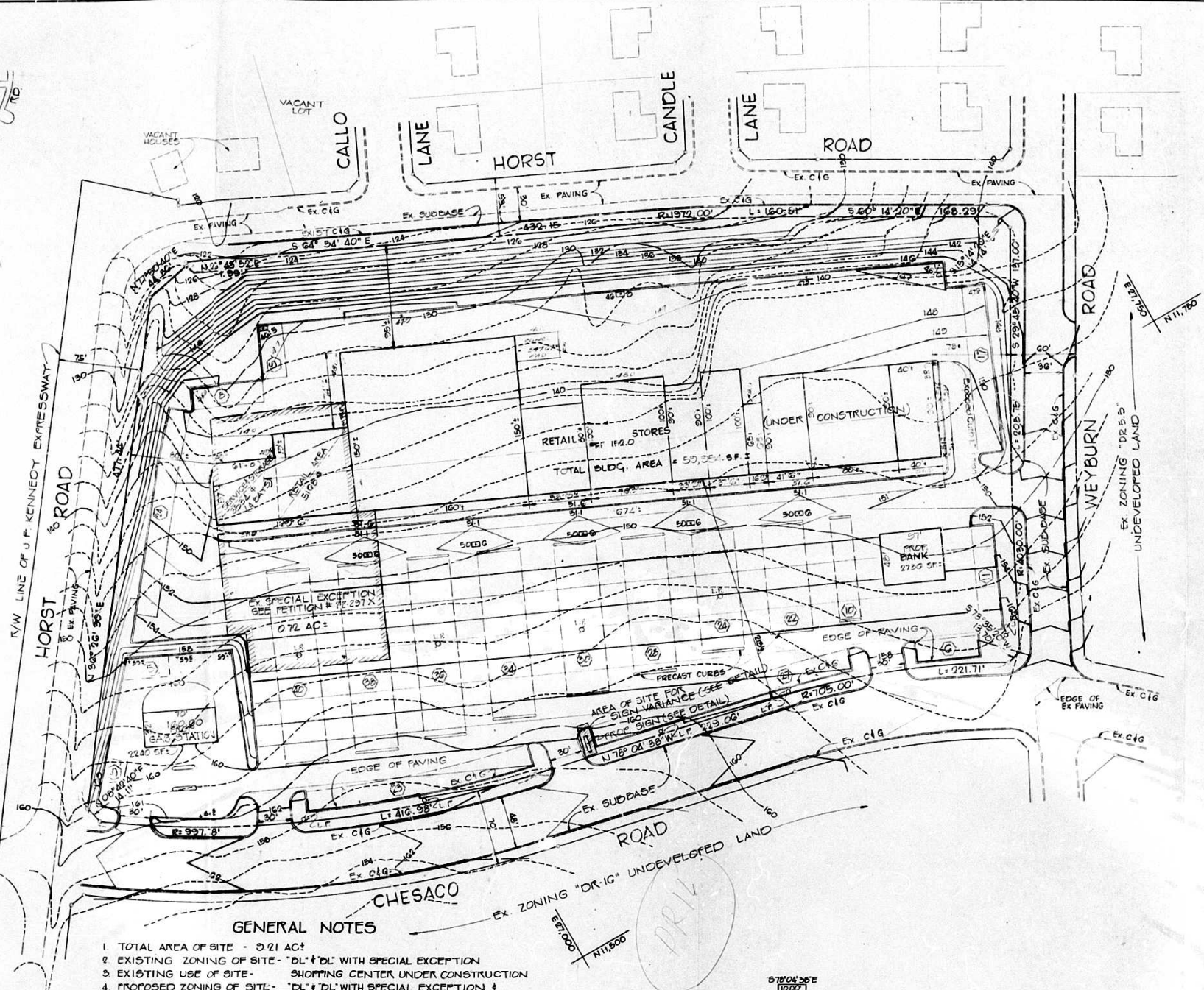
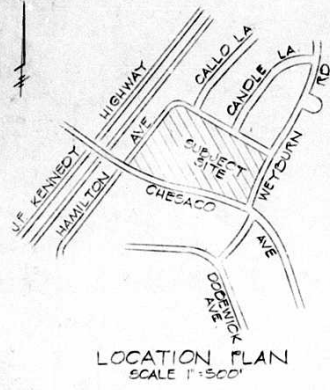
WESTERN AUTO
HGT. OF LETTERS = 15" RED PLEX.
FACE - 1/3 WHITE PLEX.



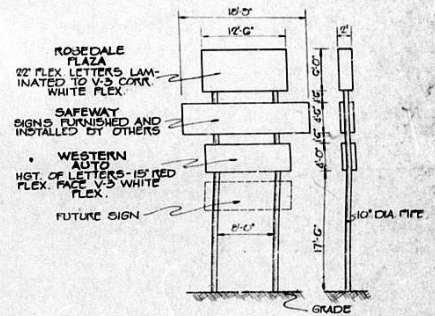
REVISED PLANS

#148
Lewis Ness





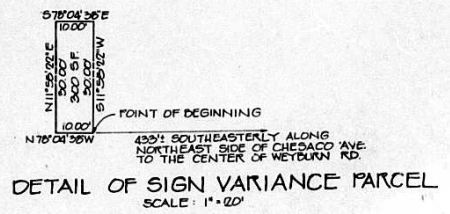
TYPICAL DOUBLE ROW
PARKING STALL LAYOUT
NO SCALE



OFFICE COPY

GENERAL NOTES

1. TOTAL AREA OF SITE - 0.21 AC±
2. EXISTING ZONING OF SITE - "DL" ± "DL" WITH SPECIAL EXCEPTION
3. EXISTING USE OF SITE - SHOPPING CENTER UNDER CONSTRUCTION
4. PROPOSED ZONING OF SITE - "DL" ± "DL" WITH SPECIAL EXCEPTION ± "DL" WITH SIGN VARIANCES
5. PROPOSED USE OF SITE - "NEIGHBORHOOD SHOPPING CENTER"
6. OFF-STREET PARKING DATA:
 - A. TOTAL FLOOR AREA 50,054 SF
 - D. REQUIRED PARKING 303 FS
 - C. PROPOSED PARKING 303 FS
7. AREA OF SITE REQUESTING SIGN VARIANCE - 300 SF = 0.007 AC±
8. PETITIONER IS REQUESTING A VARIANCE TO SECTION 413.5 (d) OF THE ZONING CODE TO PERMIT A TOTAL SIGN HEIGHT OF 35' INSTEAD OF THE ALLOWED 25'
9. PETITIONER IS REQUESTING A VARIANCE TO SECTION 413.2 (c) OF THE ZONING CODE TO PERMIT A TOTAL SIGN AREA PER EACH SIDE OF THE SIGN OF 200 SQUARE FEET INSTEAD OF THE ALLOWED 150 SQUARE FEET
10. SITE HAS EXISTING PUBLIC WATER AND SEWER FACILITIES



PLAT TO ACCOMPANY PETITION
FOR
SIGN VARIANCE
AT
ROSEDALE PLAZA SHOPPING CENTER
14TH ELECTION DISTRICT BALTIMORE CO, MD
SCALE: 1"=50' JAN. 3, 1973



MCA □ □ □
MATZ, GONDA & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1027 Central Bridge Rd. Baltimore, Md.

