

7-7-78 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, Mr. Perry E. Darby, 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 113-1.9.10.11.12.13.14.15.16 an illuminated sign in 113-1.9.10.11.12.13.14.15.16 in lieu of the required non-illuminated sign

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
 An illuminated sign is needed to assist clients to find the location of my office.
 The lighting in the immediate area is poor and it is difficult to see in the dark the office or house numbers or a sign not illuminated.

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

DATE October 11, 1978
 Mr. Perry E. Darby
 Contract purchaser
 Address: 8309 Philadelphia Road
Baltimore, Maryland 21237
 Petitioner's Attorney
 Protester's Attorney
 Address: 676-1310

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of July, 1978, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 27th day of September, 1978, at 10:15 o'clock A.
 Deputy Zoning Commissioner of Baltimore County
 (over)

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

Your Petition has been received and accepted for filing this 11th day of Oct, 1978.

Eric D. Hanna
 Zoning Commissioner

Petitioner Mr. Perry E. Darby Reviewed by Nicholas B. Commodari
 Petitioner's Attorney
 Chairman, Zoning Plans
 Advisory Committee

Mr. Perry E. Darby
 8309 Philadelphia Road
 Baltimore, Maryland 21237

cc: Mr. Frank Lee
 1277 Neighbors Avenue
 Baltimore, Maryland 21237

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Mr. Perry E. Darby
 8309 Philadelphia Road
 Baltimore, Maryland 21237

Mr. Perry E. Darby
 8309 Philadelphia Road
 Baltimore, Maryland 21237

September 11, 1978

RE: Variance Petition
 Item No. 5
 Petitioner - Darby

Dear Mr. Darby:

The Zoning Plans 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 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 suitability of the requested zoning.

This Variance is necessitated by your proposal to locate an illuminated sign on the subject property, which was granted a Special Exception for office use as a result of Case No. 78-217-RX. If this petition is granted and at the time of application for the necessary building permit, the site plan must be revised to reflect the proposed 70' right-of-way on Philadelphia Road, as indicated in the comments of the State Highway Administration, and the sign must be located outside of said right-of-way.

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,

Nicholas B. Commodari
 NICHOLAS B. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

Mr. Perry E. Darby
 Page 2
 September 11, 1978

Enclosure

cc: Mr. Frank S. Lee
 1277 Neighbors Avenue
 Baltimore, Maryland 21237

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
 DIRECTOR

August 8, 1978

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

Re: Item #5 (1978-1979)
 Property Owner: Perry E. Darby
 N/E cor. Philadelphia Rd. & Hilldale Rd.
 Existing zoning: DR 16
 proposed zoning: Variance to permit an illuminated sign in a DR 16 zone.
 Acres: 0.22 District: 15th

Dear Mr. Dikenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied for this property in connection with Item #20 Zoning Cycle VIII (Oct. 1974 - Apr. 1975) are referred to for your consideration.

Baltimore County highway and utility improvements are not directly involved. Additional fire hydrant protection is required in the vicinity.

Very truly yours,

Ellsworth N. Dwyer, P.E.
 Chief, Bureau of Engineering

cc: J. Somers
 W. Munchal

Attachment

1-Way Key Sheet
 11 & 12 NW 21 & 22 Pos. Sheets
 MS 3 F Topo
 89 Tax Map

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

October 22, 1978

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

Re: Item #20 (Cycle VIII - October 1974 - April 1975)
 Property Owner: Perry E. & Andrea T. Darby
 Intersection of 8/25 of Philadelphia Rd. & 8/25 of Hilldale Rd.
 Existing Zoning: S.M. 5.5
 Proposed Zoning: D.M. 15 Special Exception for offices
 No. of Acres: 0.22 District: 15th

Dear Mr. Dikenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Philadelphia Road is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Hilldale Road is an existing road which shall ultimately be improved as a 30-foot curb and gutter street cross-section on a 50-foot right-of-way.

Storm Drainage:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, causing private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Item #20 (Cycle VIII - October 1974 - April 1975)
 Property Owner: Perry E. & Andrea T. Darby
 Item 2
 October 22, 1978

Water and Sanitary Sewers

Public water and sanitary sewer exist within Hilldale Road.

Very truly yours,

Ellsworth N. Dwyer
 ELLSWORTH N. DWYER, P.E.
 Chief, Bureau of Engineering

ENCLOSURES

1-Way Key Sheet
 11 NW 22 Pos. Sheet
 MS 3 F Topo
 89 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts

the above Variance should be had; and it further appearing that by reason of

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 1977, that the herein Petition for

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to show practical difficulty or unreasonable hardship, the Variance to permit an illuminated sign in a D.R. 16 Zone in lieu of the required non-illuminated sign should NOT BE GRANTED.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of October, 1977, that the above Variance be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE October 11, 1977

John P. Collins
CLERK

July 21, 1978

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

Item No. 5 - SAC - July 11, 1978
Property Owner: Perry E. Darby
Location: SE/C Philadelphia Rd. & Hilldale Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit an illuminated sign in a D.R. 16 zone.
Acres: 0.22
District: 15th

Dear Mr. DiNenna:

The requested variance to permit an illuminated sign is not expected to cause any traffic problems.

Very truly yours,

Stephen E. Weber
Stephen E. Weber
Engineer I

SEM/tmc

Maryland Department of Transportation
State Highway Administration

Barbara R. Stinson
Secretary
M. S. Calver
Administrator

July 17, 1978

Mr. George J. Martinak
Deputy Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: Z.A.C. Meeting, July 11, 1978
Item: 5
Property Owner: Perry E. Darby
Location: SE/C Philadelphia Rd. & Hilldale Road (Route 7)
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit an illuminated sign in a D.R. 16 zone.
Acres: 0.22
District: 15th

Attention: Mr. N. Commodari

Dear Mr. Martinak:

The plan indicates the right of way line of Philadelphia Road as being 50'. The State Highway Administration records indicate that this width is 60'. The proposed right of way is 70'.

the plan must be revised prior to the hearing.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Meyers

CLJEM:...

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County
Department of Health
TOWSON, MARYLAND 21204
(301) 484-3211

Paul H. Reinecke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson

Attention: Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Perry E. Darby

Location: SE/C Philadelphia Rd. & Hilldale Rd.

Item No. 5 Zoning Agenda Meeting of 07/11/78

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 or 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 load and condition shown at

XXXXXX 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 N. 101 "Life Safety Code", 1970 Edition prior to occupancy.

6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

APPROVED: George M. Heynath
Planning Group 2
Special Inspection Division
Noted and Approved: George M. Heynath
Fire Prevention Bureau

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-3211
LESLIE H. GRAY
DIRECTOR

August 25, 1978

Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #5, Zoning Advisory Committee Meeting, July 11, 1978, are as follows:

Property Owner: Perry E. Darby
Location: SE/C Philadelphia Road and Hilldale Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit an illuminated sign in a D.R. 16 zone
Acres: 0.22
District: 15th

This office has reviewed the subject petition and office, the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

Baltimore County
Department of Health
TOWSON, MARYLAND 21204
GONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

August 28, 1978

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

Dear Mr. DiNenna:

Comments on Item #5, Zoning Advisory Committee Meeting of July 11, 1978, are as follows:

Property Owner: Perry E. Darby
Location: SE/C Philadelphia Rd. & Hilldale Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit an illuminated sign in a D.R. 16 zone.
Acres: 0.22
District: 15th

Metropolitan water and sewer exist, therefore the proposed variance should not pose any health hazards.

Very truly yours,

Thomas R. Devlin
Thomas R. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED/JER/tbh

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 10, 1978

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

Z.A.C. Meeting of: July 11, 1978

RE: Item No. 5
Property Owner: Perry E. Darby
Location: SE/C Philadelphia Rd. & Hilldale Rd.
Present Zoning: D.R. 16
Proposed Zoning: Variance to permit an illuminated sign in a D.R. 16 zone.

District: 15th
No. Acres: 0.22

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

WGP/bp

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 484-3011
JOHN D. SEVIER
DIRECTOR

August 15, 1978

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

Dear Mr. DiNenna:

Comments on Item # 5 Zoning Advisory Committee Meeting: July 11, 1978 are as follows:

Property Owner: Perry E. Darby
Location: SE/C Philadelphia Road & Hilldale Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit an illuminated sign in a D.R. 16 zone.

Acres: 0.22
District: 15th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Decelerated and aged and other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Additional _____ permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'-0" of a property line. Contact Building Department if distance is between 3'-0" and 6'-0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- I. No Comment.
- J. Comment:

Very truly yours,

Charles E. Burman
Charles E. Burman
Plans Review Chief

CEB:lj

RE: PETITION FOR VARIANCE
from Section 413.1e of the
Baltimore County Zoning
Regulations
SE corner Philadelphia and
Hilldale Roads
15th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Perry E. Darby, Petitioner

Zoning Case No. 79-71-A

Misc. Docket No. 12

Folio No. 359

File No. 7309

People's Counsel for
Baltimore County,
Protestant-Appellant

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure; Walter A. Reiter, Jr., John A. Miller and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Perry E. Darby, Esquire, 8309 Philadelphia Road, Baltimore, Maryland 21237, Petitioner, and John W. Hession, Esquire, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Perry E. Darby, Esquire, 8309 Philadelphia Road, Baltimore, Maryland 21237, Petitioner, and John W. Hession, Esquire, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, on this 10th day of October, 1980.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Zoning, S. Jones
Planning, J. Howell

Case No. 7309
John W. Hession, III
Peter Max Zimmerman

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
from Section 413.1e of the
Baltimore County Zoning Regulations
SE corner Philadelphia and Hilldale Roads
15th District

Perry E. Darby, Petitioner

COURTY LOANED OF APPEALS
WALTER A. REITER, JR.
JOHN A. MILLER
LEROY B. SPURRIER

ADVANCE COSTS

Plaintiff's Atty.
Clerk
Sheriff
Paid
Per
Receipt No.
AMOUNTSAL COSTS
Def't's Atty.
Clerk
Sheriff

BILLED SEP 1980

- (1) Oct. 8, 1980 - People's Counsel for Baltimore County Order for Appeal from decision of County Board of Appeals fd.
- (2) Oct. 8, 1980 - Petition for Appeal fd.
- (3) Oct. 10, 1980 - Certificate of Notice fd.
- (4) Nov. 3, 1980 - Certified Copies of Proceedings before the Zoning Commissioner and Board of Appeals of Baltimore County fd.

True Copy Test
ELMER H. KAHUNE, JR., Clerk
Per Assistant Clerk

MISCELLANEOUS DOCKET No. 12 PAGE 359 CASE No. 7309

RE: PETITION FOR VARIANCE
from Section 413.1e of the
Baltimore County Zoning
Regulations
SE corner Philadelphia and
Hilldale Roads
15th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Perry E. Darby, Petitioner

Zoning File No. 79-71-A

Misc. Docket No. 12

Folio No. 359

File No. 7309

John W. Hession, III,
People's Counsel,
Appellant

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., John A. Miller and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the rec'd of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 79-71-A

- July 11, 1978 Petition of Perry E. Darby for a variance from Section 413.1e to permit an illuminated sign in a DR-16 zone in lieu of the required non-illuminated sign, on property located on the southeast corner of Philadelphia and Hilldale Roads, 15th District - filed
- July 11, " Order of Deputy Zoning Commissioner directing advertisement and posting of property - date of hearing set for September 27, 1978, at 10:15 a.m.
- September 7 " Certificate of Publication in newspaper - filed
- " " Posting of property - filed

cc: Perry E. Darby, Esquire
John W. Hession, III, Esquire

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

RE: PETITION FOR VARIANCE FROM SECTION
413.1E OF THE BALTIMORE COUNTY ZONING
REGULATIONS SE CORNER PHILADELPHIA AND
HILLDALE ROADS-15TH DISTRICT

Perry E. Darby Petitioner
Zoning Case No. 79-71-A

Docket No. 12 Folio No. 359
Case No. 7309
LAW-EXETER

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

No proceedings of record in the above-styled action having been taken within a period of 12 months, Counsel of record or the parties herein are hereby notified, as provided by Maryland Rule 530, that this proceeding will be "DISMISSED FOR WANT OF JURISDICTION OR PROSECUTION WITHOUT PREJUDICE". Thirty (30) days after service of this notice, (commenced according to Section C 3 of Rule 300), unless prior to that time a motion for the suspension of the "good cause" for the delay. Costs thereafter shall be assessed against the plaintiff.

Copy of notice mailed to:

John W. Hession III Esq.
8309 Philadelphia Road
Baltimore Maryland 21204

Perry E. Darby Esq.
8309 Philadelphia Road
Baltimore Maryland 21237

Courty Board of Appeals
Rm. 219 Court House
Towson Maryland 21204

by regular mail, postage prepaid, this 22nd day of August, 1983.

RE: PETITION FOR VARIANCE
from Section 413.1e of the
Baltimore County Zoning
Regulations
SE corner Philadelphia and
Hilldale Roads
15th District

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

Perry E. Darby, Petitioner

Zoning Case No. 79-71-A

Misc. Docket No. 12

Folio No. 359

File No. 7309

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed an Order for Appeal from the Opinion of the County Board of Appeals dated September 9, 1980 in the above-entitled case, in compliance with Maryland Rule 8-2(e), files this Petition on Appeal setting forth the grounds upon which this appeal is taken, viz:

1. That the Order of the County Board of Appeals was arbitrary, capricious, and clearly in error.
 2. That the Petitioner failed to meet his burden of proof relating to undue hardship or practical difficulty.
 3. That the subject variance is not permitted because it involves advertising in violation of Section 413.1(e) of the Baltimore County Zoning Regulations.
 4. That the subject variance is not permitted because it involves a use variance (for illumination) in violation of Section 22-25 of the Baltimore County Code (1978).
- WHEREFORE, Appellant prays that the Order of the County Board of Appeals dated September 9, 1980 be reversed, and the Order of the Deputy Zoning Commissioner dated October 11, 1978 be affirmed.

Respectfully submitted,

John W. Hession, III
John W. Hession, III
County Board of Appeals of Baltimore County

RE: PETITION FOR VARIANCE
from Section 413.1e of the
Baltimore County Zoning
Regulations
SE corner Philadelphia and
Hilldale Roads
15th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Perry E. Darby, Petitioner

Zoning Case No. 79-71-A

Misc. Docket No. 12

Folio No. 359

File No. 7309

People's Counsel for
Baltimore County,
Protestant-Appellant

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure; Walter A. Reiter, Jr., John A. Miller and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Perry E. Darby, Esquire, 8309 Philadelphia Road, Baltimore, Maryland 21237, Petitioner, and John W. Hession, Esquire, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Perry E. Darby, Esquire, 8309 Philadelphia Road, Baltimore, Maryland 21237, Petitioner, and John W. Hession, Esquire, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, on this 10th day of October, 1980.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Zoning, S. Jones
Planning, J. Howell

- 2 -

I HEREBY CERTIFY that on this 8th day of October, 1980, a copy of the foregoing Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Rm. 219, Court House, Towson, Maryland 21204 and a copy thereof was mailed to Perry E. Darby, Esquire, 8309 Philadelphia Road, Baltimore, Maryland 21237, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

RE: PETITION FOR VARIANCE : IN THE CIRCUIT COURT
from Section 412.1 e of the : FOR BALTIMORE COUNTY
Baltimore County :
Zoning Regulations : AT LAW
SE corner Philadelphia and :
Hilldale Roads : Misc. Docket No. 12
15th District :
Perry E. Darby, Petitioner : Folio No. 359
Zoning Case No. 79-71-A : File No. 7309

ORDER FOR APPEAL

Mr. Clerk:

Please note an appeal on behalf of the People's Counsel for Baltimore County to the Circuit Court for Baltimore County from the Opinion of the County Board of Appeals dated September 9, 1980 in the above-entitled case.

John W. Heslin, III
John W. Heslin, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, County House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 5th day of October, 1980, a copy of the foregoing Order for Appeal was delivered to the Administrative Secretary, County Board of Appeals, Rm. 219, Court House, Towson, Maryland 21204 and a copy thereof was mailed to Perry E. Darby, Esquire, 8309 Philadelphia Road, Baltimore, Maryland 21237, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR VARIANCE : BEFORE
from Section 412.1 e of the : COUNTY BOARD OF APPEALS
Baltimore County :
Zoning Regulations : OF
SE corner Philadelphia and :
Hilldale Roads : BALTIMORE COUNTY
15th District :
Perry E. Darby :
Petitioner : No. 79-71-A

OPINION

The subject case reached the Board on appeal from a decision concerning a requested variance to illuminate a real estate office sign in an existing D.R. 16 zone. The subject property is located at the southeast corner of Philadelphia and Hilldale Roads, in the Fifteenth Election District of Baltimore County.

One witness testified for the Petitioner; there were no Protestants, and the People's Counsel offered no witnesses. Legal arguments were presented by the Petitioner and the People's Counsel concerning whether or not the testimony and evidence was sufficient to prove practical difficulty and/or unreasonable hardship sufficient to grant the requested variance. One member of the Board visited the subject property and the neighborhood.

In summary, it should be noted that the subject property is on Philadelphia Road, which is a very heavily travelled arterial roadway. Despite the traffic volume, it is but a single lane roadway in each direction. Within sight of the subject property there are many signs advertising commercial and office uses. The majority of these signs are lighted. The apparent residential use that abuts the subject property is well screened from the subject property by a heavy growth of natural shrubbery. The existing sign at the subject property is a very large sign but does have a Baltimore County sign permit and hence, must comply with the sign regulations for this D.R. 16 zone and use.

After reviewing the testimony and evidence presented, and considering the inspection of the subject property and the surrounding neighborhood, the Board is satisfied that the Petitioner has evidenced at least sufficient practical difficulty to warrant the

Perry E. Darby - 79-71-A

granting of the requested variance, subject to a restriction concerning the time that the sign may be illuminated. The Order of the Board which follows hereafter shall restrict the time of illumination from dusk to 10 p.m. The imposition of the restriction minimizes the requested variance and hence, the burden of proof required. With the restriction, the Board is satisfied that the burden of proof of "practical difficulty" has been proven, and the Board is likewise confident that the granting of this variance, subject to the restriction, will have absolutely no adverse effect or impact on any abutting or nearby property. An Order to this effect is set out below.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of September, 1980, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby GRANTED, subject to the following restriction:

The time period during which this sign may be illuminated shall be limited from dusk to 10 p.m.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

John A. Miller

Leroy R. Spurrer

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
October 25, 1979

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 79-71-A (Item #5)

PERRY E. DARBY

Variance - for Illuminated Sign in D.R. 16 zone
SE corner of Philadelphia and Hilldale Roads
15th District

ASSIGNED FOR:

WEDNESDAY, DECEMBER 26, 1979, at 11 a.m.

cc: Perry E. Darby, Esquire
John W. Heslin, III, Esq.
James E. Dyer
William Hammond
John Seyffert
Board of Education
Mrs. Carol Beresh

Petitioner
People's Counsel
Zoning
Planning

June Holmen
County Board of Appeals

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE corner of Philadelphia Rd. and :
Hilldale Rd., 15th District : OF BALTIMORE COUNTY
PERRY E. DARBY, Petitioner : Case No. 79-71-A

ORDER TO ENTER APPEARANCE

Ms. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Heslin, III
John W. Heslin, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of August, 1978, a copy of the foregoing Order was mailed to Mr. Perry E. Darby, 8309 Philadelphia Road, Baltimore, Maryland 21237, Petitioner.

John W. Heslin, III
John W. Heslin, III

Perry E. Darby, Esq.,
8309 Philadelphia Road
Baltimore, Md. 21237

Re: Case No. 79-71-A
Perry E. Darby

Dear Mr. Darby:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: John W. Heslin, III, Esquire
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. Howell

PETITION FOR VARIANCE

15th District

ZONING: Petition for Variance for illuminated sign
LOCATION: Southeast corner of Philadelphia Road and Hilldale Road
DATE & TIME: Wednesday, September 27, 1978 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit an illuminated sign in a D.R. 16 Zone in lieu of the required non-illuminated

The Zoning Regulation to be excepted as follows:

Section 413.1e - non-illuminated sign in a residential zone

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Perry E. Darby, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, September 27, 1978 at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC H. KENNA, ZONING COMMISSIONER
AND
GRACE J. MARSHALL, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
12/11/84-2251

PIC DINIENA
COMMISSIONER

Mr. Perry E. Darby
8309 Philadelphia Rd.
Baltimore, Md. 21237

September 22, 1978

RE: Petition for Variance
SE corner of Philadelphia Rd. & Hilldale Rd.
15th District
Perry E. Darby - Petitioner
No. 79-71-A

Dear Sir:

This is to advise you that 12/27 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Campese, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

S. Eric H. Kenna
Zoning Commissioner

SEE/MS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric Dinenna
Zoning Commissioner
TO: _____
FROM: Leila H. Giesel
SUBJECT: Petition for Variance for Illuminated sign

Date: September 5, 1978

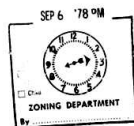
Petition # 79-71-A, Item #5
Southeast corner of Philadelphia Road and Hilldale Road
Petitioner - Perry E. Darby
15th District

HEARING: Wednesday, September 27, 1978 (10:15 A.M.)

This office is opposed to the granting of this petition. Residential properties abut both sides and the rear of the subject property.

Leila H. Giesel
Leila H. Giesel
Director of Planning

LHG-JGf:rw



Perry E. Darby, Esquire
8309 Philadelphia Rd.
Baltimore, Md. 21237

NOTICE OF HEARING

RE: Petition for Variance, SE/corner Philadelphia Rd. & Hilldale Rd. - 15th District,
Case No. 79-71-A

TIME: 10:15 A.M.

DATE: Wednesday, September 27, 1978

PLACE: ROOM 306 COUNTY OFFICE BUILDING, 311 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

Eric Dinenna
ERIC DINENNA
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3363

S. ERIC DINENNA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

October 11, 1978

Mr. Perry E. Darby
8309 Philadelphia Road
Baltimore, Maryland 21237

RE: Petition for Variance
SE/corner of Philadelphia
and Hilldale Roads -
15th Election District
Perry E. Darby - Petitioner
No. 79-71-A (Item No. 5)

Dear Mr. Darby:

I have this date passed my Order in the above referenced matter,
in accordance with the attached.

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM:mr

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3363

S. ERIC DINENNA
ZONING COMMISSIONER

November 16, 1978

John W. Hession, III, Esquire
People's Counsel
County Office Building
Towson, Maryland 21204

RE: Petition for Variance
SE/corner of Philadelphia and Hilldale Roads
15th Election District
Perry E. Darby - Petitioner
No. 79-71-A (Item No. 5)

Dear Mr. Hession:

Please be advised that an appeal has been filed by Perry E. Darby in his own
behalf, from the decision rendered by the Deputy Zoning Commissioner of Baltimore
County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is
scheduled by the Baltimore County Board of Appeals.

Very truly yours,

Eric Dinenna
ERIC DINENNA
Zoning Commissioner

SJD/sac

LAW OFFICES
Perry E. Darby

Baltimore, Maryland 21237

November 8, 1978

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Variance - 8309 Philadelphia Road
No. 79-71-A (Item No. 5)

Dear Sir:

Please consider this letter as an appeal from the decision of the Deputy
Zoning Commissioner, dated October 11, 1978 in the above captioned case in which
I was the petitioner.

Attached you will find my check for \$35.00.

Very truly yours,

Perry E. Darby
Perry E. Darby

FED:sac



October 10, 1980

Perry E. Darby, Esquire
8309 Philadelphia Road
Baltimore, Md. 21237

Re: Case No. 79-71-A
Perry E. Darby

Dear Mr. Darby:

Edith T. Elsenhart
Edith T. Elsenhart, Adm. Secretary

October 10, 1980

John W. Hession, III, Esquire
People's Counsel for Baltimore County
Courthouse
Towson, Md. 21204

Re: Case No. 79-71-A
Perry E. Darby

Dear Mr. Hession:

Perry E. Darby, Esquire
8309 Philadelphia Road
Baltimore, Md. 21237

Re: Case No. 79-71-A
Perry E. Darby

Dear Mr. Darby:

Enclosed herewith is a copy of the Opinion and Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Elsenhart
Edith T. Elsenhart, Adm. Secretary

Encd.

cc: John W. Hession, III, Esquire
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. Howell

Edith T. Elsenhart
Edith T. Elsenhart, Adm. Secretary

10/25/79 - Notified the following of appeal hearing scheduled for WEDNESDAY, Dec. 26, 1979 at 11 a.m.

Perry E. Darby, Esq.
John W. Heslin, III, Esq.
James E. Dyer
Wm. Hammond

John Seyffert
Ad. of Education
Carol Beresh

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 12/16
Posted for: Board of Appeals
Petitioner: Perry E. Darby
Location of property: 56 Haven Philadelphia Rd. & Hilldale Rd.
Location of Sign: front of property (8300 Philadelphia Rd.)
Remarks: See Coleman
Posted by: John Coleman Date of return: 12/17/78

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: Sept. 9, 1978
Posted for: Variances to permit a 100% residential use of the property
Petitioner: Perry E. Darby
Location of property: 56 Haven Philadelphia Rd. & Hilldale Rd.
Location of Sign: 8300 Philadelphia Rd.
Remarks: See Coleman
Posted by: John Coleman Date of return: 10/19/78

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: August 30, 1978 ACCOUNT: 71-662
AMOUNT: \$55.00
RECEIVED FROM: Perry E. Darby, Raylene
FOR: Filing Fee For Case No. 79-71-A
BALANCE DUE: 25.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: Sept. 27, 1978 ACCOUNT: 01-662
AMOUNT: \$10.00
RECEIVED FROM: Perry E. Darby, Raylene
FOR: Filing Fee For Case No. 79-71-A
BALANCE DUE: 4.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: November 16, 1978 ACCOUNT: 01-662
AMOUNT: \$10.00
RECEIVED FROM: Perry E. Darby
FOR: Copy of Appeal Case No. 79-71-A
BALANCE DUE: 4.00

LAW OFFICES
Perry E. Darby

2127 NEIGHBORS AVE. - BALTIMORE, MD. 21207

November 8, 1978

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Variance - 8300 Philadelphia Road
No. 79-71-A (Item No. 3)

Dear Sir:

Please consider this letter as an appeal from the decision of the Deputy Zoning Commissioner, dated October 11, 1978 in the above captioned case in which I was the petitioner.

Attached you will find my check for \$35.00.

Very truly yours,
Perry E. Darby
Perry E. Darby

FEDISON



CERTIFICATE OF PUBLICATION

TOWSON, MD. September 7, 1978

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing on the 7th day of September, 1978, the first publication appearing on the 7th day of September, 1978.

THE JEFFERSONIAN
S. L. Smith
S. L. Smith, Publisher

Cost of Advertisement, \$.

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21207

August 27, 1978

Southeast corner of Philadelphia Road and Hilldale Road
15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the south side of Philadelphia Road with the east side of Hilldale Road, and thence running and binding on the south side of Philadelphia Road North 56 degrees 13 minutes East 60.42 feet, thence leaving Philadelphia Road for two lines of division as follows: South 30 degrees 12 minutes East 115.93 feet and South 51 degrees 40 minutes West 60.18 feet, to the east side of Hilldale Road, and thence running and binding on the east side of Hilldale Road North 30 degrees 12 minutes West 122.07 feet to the place of beginning.

Containing 0.22 acres of land more or less.

79-71-A

1st Sheet

SE cor. Philadelphia and Hilldale Rds.

Perry E. Darby

1 SIGN



TOWSON, MD. 21204 September 7 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Perry E. Darby was inserted in the following:

- ☐ Catonsville Times
- ☐ Dundalk Times
- ☐ Essex Times
- ☐ Suburban Times East
- ☐ Towson Times
- ☐ Arbutus Times
- ☐ Community Times
- ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive week before the 8th day of September, 1978, that is to say, the same was inserted in the issues of September 7, 1978.

STROMBERG PUBLICATIONS, INC.

BY *E. B. Breyer*

PETITION MAPPING PROGRESS SHEET

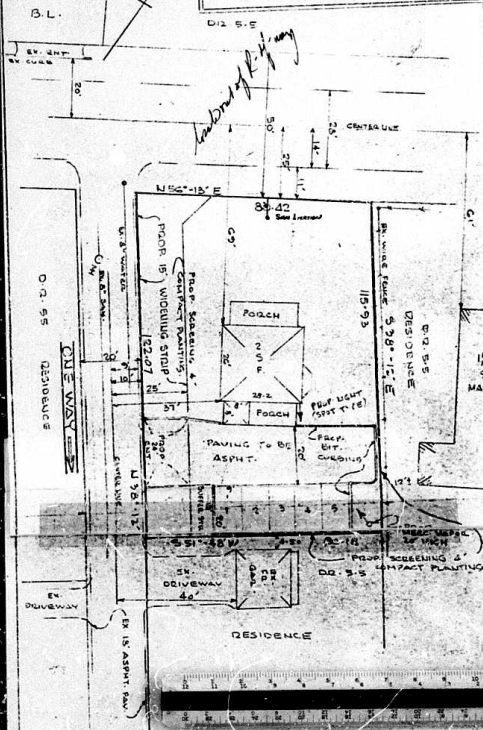
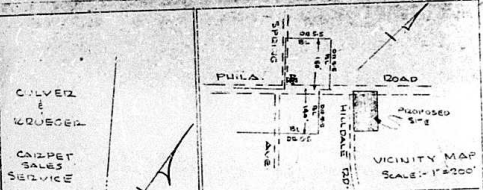
FUNCTION	Wall Map		Original		Duplicate		Tracing		500 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map					6/26	AD				
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>AD</i>			Revised Plans: Change in outline or description				Yes			
Previous case: <u>75-217 RX</u>			Map # <u>NE3E</u>				No			

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 27 day of June 1978. Filing Fee \$ 25.00 Received ☒ Cash ☐ Other

Petitioner *Perry E. Darby*
Submitted by *Perry E. Darby*
Petitioner's Attorney *Perry E. Darby*
Reviewed by *AD*
* this is not to be interpreted as acceptance of the petition for assignment of a hearing date.

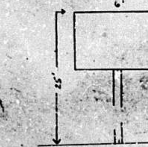


15th DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

EX. USE - RESIDENCE
FLOOR USE - RESIDENCE & OFFICES
EX. ZONING - D-2 S-5
PROP. ZONING - D-2 S-5, WITH A SPECIAL EXCEPTION FOR OFFICES.
AREA OF LOT - 0.22 AC.
AREA OF BLDG. - 1ST FLOOR - 800 SQ. FT.

PARKING DATA

No. of SPACES (REQ. (1/300 SQ. FT. - 800 SQ. FT. 1ST FLOOR) - 3 SPACES
No. of SPACES (REQ. (1 PER APT) - 1 SPACE
TOTAL 4 SPACES
No. of SPACES PROVIDED - 5 SPACES



FRANK S. LEE
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21207