

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Aren Midgeley Bealty Co. Inc. 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_413.3a_to_allow_a_double-face__custom____ built sign of 500 square feet in lieu of the permitted single

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

We suggest that it would be in the public interest. to avoid the blank side of the sign being expored.

Baltimore, Maryland 21211 235-8820 Petitioner's Attorney

FILING

RECEIVED

ORDER

Milton Schwaber, Pres. mutt fueu PKES Address 910 Seis erstown Boad Baltimore, Haryland 21208

ORDERED By The Zoning Commissioner of Baltimore County, this ______4th ______day

197 9, that the subject matter of this petition be advertised, as required by the Zoning Law of Raltimore 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 1980 at 9130 o'clock

RIAGELET REACTY CO. INC.

PE: PETITION FOR SPECIAL EXCEPTION for double-face advertising structure and Variance for double-face sign

West side of York Road,

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY 535 feet North of Ridgely Road * NO. 80-112-XA

ENTRY OF APPEARANCE

Please enter our appearance as counsel for Petitioner.

MELNICOVE, KAUFMAN & WFINER, P.A 36 South Charles Street-Suite 600 Baltimore, Maryland 21201 (301) 332-8500

Attorneys for the Petitioner.

PETITION OR ZONING RE-CLA SIFICATION 12-14 AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I. or w. Ridgley Realty Company _ segal 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 (1) that the roning status of the harein described property be re-classified, pursuant



and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for double face custom built illuminated advertising structure of 500 square feet

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising,

Righty REALITY CO. Jus. 23588 20ddress 910 ReisTexSTe in 20 Bottomore M.D. 21208 Protestant's Attorney Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day 1979., 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 19 x80 at 9130 o'clock A. M

Zaing Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION

for double-face advertising structure and Variance for double-face sign

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

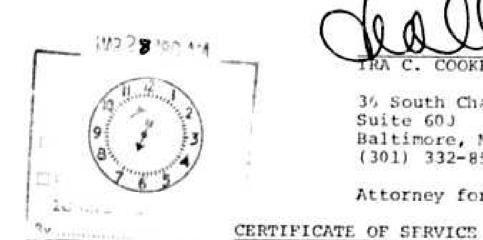
West side of York Road, 535 feet North of Ridgely Road

NO. 80-142-XA

NOTICE OF APPEAL

Mr. Commissioner:

On behalf of the Petitioner, Rigely Realty Company, Inc., please enter an appeal in the above-captioned matter to the County Board of Appeals from the Order dated March 5, 1980, denying the requested Special Exception for (one) 1 double-faccustom built Illuminated Advertising Structure of 500 square feet on the subject tract.



3% South Charles Street Baltimore, Maryland 21271 (301) 332-8540

Attorney for the Petitioner.

I HEREBY CERTIFY, that on this 27 day of March, 1990, a copy of the Notice of Appeal was mailed, postage prepaid, to Mr. William J. Katsafanas, 211 Medbury Road, Timonium, MD 21093 and John W. Hessian, III, Esquire, People's Counsel, 102 West Pennslyvania Avenue, Towson, Maryland 21204.



RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE W/S of York Rd., 535'

N of Ridgely Rd., 14th District

BEFORE THE ZONING COMMI"SICNER

OF BALTIMORE COUNTY

Case No. 80-142-XA

RIDGELY REALTY CO., INC.,

111111

ORDER TO ENTUR APPEARANCE

Mr. Commissioner:

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 the efore, and of the passage of any preliminary or final Order in connection therewith,

Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counsel for Baltimore County County Office Building Towson, Maryland 21204 494-2138

I HEREBY CERTIFY that on this 7th day of January, 1980, a copy of the foregoing Order was mailed to Mr. Milton Schwaber, President, Ridgely Realty Company, Inc., 910 Reisterstown Road, Baltimore, Maryland 21208, Petitioner; and Foster & Kleiser, 3001 Remington Avenue, Baltimore, Maryland 21211, Attention: W. R. Walker, Contract

John W. Hessian, III

494-3180

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

April 25, 1980

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 POTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULE HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 80-142-XA

RIDGELY REALTY CO., INC.

SE-for double-face advertising structure Var. -for double-face sign

W/S York Rd., 535' N of Ridgely Road

8th District

3/5/80 - ZC (Hammond) DENIED Special Exception and Variance

ASSIGNED FOR:

THURSDAY, JUNE 12, 1980, at 10 a.m.

cc: Ira C. Cooke, Esq. Ridgel / Realty Co., Inc.

Counsel for Petitioner Petitioner

Lessee

Foster & Kleiser

Mr. W. J. Katsafanas Protestant

John W. Hessian, Esq. People's Counsel J. E. Dyer Zoning Office

W. Hammond

June Holmen, Secry.

PE: PETITION FOR SPECIAL EXCEPTION

dou' le-face sign

0' NY

 BEFORE THE ZONING COMMISSIONER for double-face advertising structure and Variance for

West side of York Road. 535 feet North of Ridgely Road . No. 80-142-XA

OF BALTIMORE COUNTY

WITHDRAWAL OF APPEARANCE

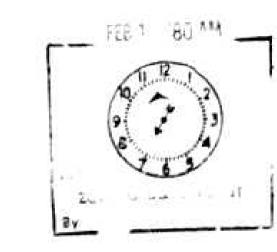
Please withdraw and strike my appearance in this matter, having unchanged the appearance of Ira C. Cooks for the Petitioner.

MELNICOVE, KAUFMAN & WEINER, P.A.

Attorneys for the Petitioner.

(301) 332-8500

Baltimore, Maryland 21201



RE: PETITION FOR SPECIAL EXCEPTION for double-face advertising structure and Variance for double-face sign

West side of York Road,

535 feet North of

Ridgely Road

BEFORE THE ZONING COMMISSIONER

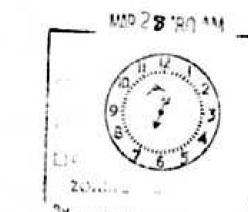
OF BALTIMORE COUNTY

NO. 80-142-XA

NOTICE OF APPEAL

Mr. Commissioner:

On behalf of the Petitioner, Ridgely Realty Company, Inc., please enter an appeal in the above-captioned matter to the County Board of Appeals from the Order dated March 5, 1980, denying the requested Special Exception for (one) 1 double-face custom built Illuminated Advertising Structure of 500 square fac. on the subject tract.



36 South Charles Street Suite 600 Baltimore, Maryland 21201 (301) 332-8540

Attorney for the Petitioner. CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 27 day of March, 1980, a copy of the Notice of Appeal was mailed, postage prepaid to Mr. William J. Katsafanas, 211 Medbury Road, Timonium, MD 21093 and John W. Hessian, III, Esquire, People's Counsel, 102 West Pennslyvania Avenue, Towson, Maryland 21204.



APR 29 532

| Pursuant to the advertisement, posting of property, and public hearing on |
|----------------------------------------------------------------------------------|
| the Petition and it appearing that by reason of the following finding of facts |
| that strict compliance with the Baltimore County Zoning Regulations would result |
| in practical difficulty and unreasonable hardship upon the petitioner(s), the |
| Variance(s) should be had; and it further appearing that by reason of the grant- |
| ing of the Variance(s) requested not adversely affecting the health, safety, and |
| general welfare of the community, the Variance(s) should be granted. |

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the herein Petition for the Variance(s) to permit

Zoning Commissioner of Baltimore County

Pursuant to the adverticement, posting of property, and public hearing on the Fetition and it appearing that by reason of failure to meet the requirements of Section 413.3a. of the Baltimore County Zoning Regulations and by reason of the denial of the Petition for Special Exception, the Variance to permit a double Sace custom built sign of 500 square feet in lieu of the permitted single face unit hould not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of March, 1980, that the herein Petition for Variance to permit double face custom built sign or 500 square feet in lieu of the permitted single face

unit be and the same is hereby DENIED.

Illian John Zoning Commissioner of **Baltimore County**

RE: PETITION FOR SPECIAL EXCEPTION for double-face advertising structure and VARIAN 2E from Section 413.3a of the Baltimore County Zoning Regulations W/S York Road 535' N. of Ridgely Road 8th District

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FOR BALTIMORE COUNTY AT LAW

IN THE CIRCUIT COURT

Misc. 12/355/7305

Ridgely Realty Co., Inc. Petitioner Zoning File No. 80-142-XA

ANSWER TO PETITION FOR APPEAL

......

John W. Hessian, III, People's Counsel for Baltimore County, Appellee, answers the Petition for Appeal filed in the above-entitled care as follows:

- 1. Appellee admits Paragraphs 1 through 4 of the Petition.
- 2. With reference to Paragraph 5 of the Petition, Appellee admits that the Roard of Appeals for Baltimore County on September 3, 1980, denied the Special Exception request. and further states that the Opinion of the Board of Appeals speaks for itself as to the grounds there stated.
 - 3. Appellee denies the allegations of Paragraphs 6 through 8 of the Petition.
- 4. In further answering, Appellee states that the record contains substantial and probative evidence to support the decision of the County Board of Appeals. It is fairly debatable upon the record that the proposed sign was out of character with the neighborhood, involved significant creation of traffic hazard, and was generally inconsistent with the public safety, health, and welfare.
- 5. Under these circumstances, the Court may not substitute its judgment for the administrative body entrusted to review and decide zoning petitions. It is necessary merely that the decision be a reasonable one, and not necessarily the "right" one, in order for the Court to affirm.
- 6. The Complaint of the Appellant, both in its petition and in its memorandum, amounts in substance to no more than an argument that the Board of Appeals did not make the "right" decision. Since the Court, upon appeal from an administrative decision, is not a forum for repetition of debate over "rightness," the decision of the Board of Appeals must be offirmed.

Pursuant to the advertisement, posting of preperty, and public hearing on the above petition and the above Reclassification should be had; and it further appearing that by reason of...... IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of ______ 197 __, till the herein described property or area should be and zone, and/or a Special Exception for a ______should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Purrant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations and failure to show practical difficulty r unreasonable hardship, the Special Exception for a double face custom Quit illuminated advertising structure of 500 square feet should not be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore Counday of March, 1980, that the herein Petition for Special Excentron for a double face custom built illuminated advertising structure of 500 square feet be and the same is hereby DENIED.

> Zoning Commissioner of Paltimore County

case be deried and that the Order of the County Board of Appeals dated September 3, 1980 be attirmed.

- 2 -

Hin W. Hessian, III People's Counsel for Baltimore County

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

RECEIVED TINORE COUNTY TI II 42 MM 'BIT

DATE

WHEREFORE, Appellae prays that the Petition for Appeal filed in the above-entitled

mount

Ht. M. Limener

I HEREBY CERTIFY that a copy of the aforegoing Answer to Petition for Appeal was mailed this 31 day of 1 feet, and , 1980, to Ira C. Cocke, Esquire, and Melnicove, Kaufman & Weiner, P. A., 36 S. Charles Street, 6th Floor, Baltimore, Maryland 21201, Attorney for the Petitioner.

Peter Max Zimmerman

RE: PETITION FOR SPECIAL EXCEPTION IN THE for double face advertising structure of 500 sq. ft., and CIRCUIT COURT PETITION FOR VARIANCE from Sec. 413.3a to allow a double-face : FOR sign of 500 sq. ft. BALTIMORE COUNTY West side of York Road, 535' north of Ridgely Road 8th District AT LAW Ridgely Realty Co., Inc., Misc. Docket No. 12 Petitioner-Appellant Zoning File 89-142-XA CERTIFIED COPIES OF PROCEEDINGS BEFORE THE COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT

And now come Walter A. Reiter, Jr., William T. Hackett, and Patricia Millhouser, 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 record 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. 80-142-XA

December 4, 1979 Petitions of Ridgely Realty Co., Inc., for special exception for double face advertising structure of 500 sq. ft. and variance from Sec. 413.3a to allow a double-face sign of 500 sq. ft., on property located on the west side of York Road, 535' north of Riagely Road, 8th District - filed

December 4, 1979 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for January 24, 1980, at .30 a.m.

Certificate of posting of property - filed

Certificate of publication in newspaper - filed January 10, 1980

IN THE IN THE MATTER OF THE APPLICA-TION OF RIDGELY REALTY, INC. CIRCUIT COURT FOR REZONING OF WEST SIDE OF * YORF ROAD - 535 FEET NORTH OF RIDGELY ROAD - 8th ELECTION DISTRICT. BALTIMORE COUNTY Misc. Docket: 12 Polio: 355, File: 7305

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF APPELLANT'S APPEAL

The sign at issue in the instant case does not present either a menace or an endangerment to the public health, security, and/or general welfare of the community. This view is clearly and unequivocally supported by the testimony of Mr. Wilbur R. - lker before the Board of Appeals. Trial Testimony, Jure 12, 1980, at 13. Mr. Walker was qualified and recognized by both the Zoning Commissioner and the County Board of Appeals and by the parties herein as an expert in the field of outdoor advertising, especially billboard sign advertising. Mr. Walker agreed with the Baltimore County Zoning Planning Advisory Committee report that the sign in question would not present any traffic problems in the area. Id. Moreover, the sign would not create any congestion in roads, streets, or alleys. Id. Further, the sign would "in no respect" interfere with adequate provisions for schools, parks, water, sewage, transportation, or other public requirements, conveniences, or improvements. Id. at 14. The erection of the sign will cause no over crowding of land nor any undue concentration of population. Id. The sign would not create potential hazards for fire, panic, or other dangers. Id. In Mr. Walker's professional opinion, the sign would not in any way interfere with adequate light and air. Id. Neither would the sign be an

Ridgely Realty Co., Inc. Zoning File 80-142-XA

January 10, 1980 Comments of Baltimore County Zoning Plans Advisory Committee - filed 10, 1980 Comments of Baltimore County Director of Planning - filed January 24, 1980 At 9:30 a.m. hearing held on petitions by Zoning Commissioner

Order of Zoning Commissioner denying special exception and variance Order of Appeal to County Board of Appeals from Order of Zoning

Hearing on appeal before County Board of Appeals

September 3, 1980 Order of County Board of Appeals denying special exception and variance October 3, 1980 Order for Appeal filed in the Circuit Court for Baltimore County by ira C. Cooke, Esq., on behalf of Petitioner

" 3, 1980 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

October 7, 1980 Certificate of Notice sent to al! interested parties

November 3, 1980 Transcript of testimony filed - I volume Petitioner's Exhibit No. ia & 1b - Pictures

" 2 - Sketch and site plan of area

November 3, 1980 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Cider was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on these petitions, or whenever directed to do so by this Court.

Respectfully submitted,

County Board of Appeals of Baltimore County

ac: Ira C. Cooke, Esq. John W. Hessian, Esq.

interruption of any persons' view of the area. Id. at 12. In his testimony Mr. Walker further stated that he was cognizant that the County had concluded that there would be no health hazards presented by the erection of the sign. Further, Mr. Walker stated that the alleged presence of residences in the area is not considered to have any relevancy pursuant to the request for Special Exception, the hearing, or the Zoning Department as far as what is required pursuant to making a judgment in this matter.

The Baltimore County Department Director of the Office of Planning and Zoning, Mr. Norman Gerber, admitted that he only knew of residentially appearing "residences". He had no knowledge of whether the buildings alleged to be residences were actually used as residences. Id. at 37-38. He further admitted that there was no resident opposition to the placement of a billboard articulated at the hearing before the County Board of Appeals. Id. at 40. Although concerned about the visual impact of the billboard, he admitted that such concern was aesthetic only, and he was not sure of the exact distance between the billboard and any offices or residences in the area, nor of the exact distance at which the sign would be visible. Not only is his testimony insufficient to justify a finding that the sign would menace an endanger the public health, security, general welfare and morals, but the testimony of Mr. Walker would appear to mandate the grant of the Special Exception. Clearly, there was not substantial evidence upon which the Board could have made its findings. The Board's decision was arbitrary and capricious and should be overturned.

- 2 -

Por the reasons stated herein, and those in Appellant's original Memorandum in Support of Appellant's Appeal, the Appellant asks this Court to reverse the order of the County Board of Appeals of Baltimore County and to grant the Appellant its requested Special Exception and variance.

Respectfully submitted,

IRA C. COOKE

MEINICOVE, KAUPMAN & WEINER, P.A.
36 South Charles Street, 6th Flr.
Baltimore, Maryland 21201
(301) 332-8540

Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of January,

1981. a copy of this Supplemental Memorandum in Support of

Appellant's Appeal was mailed, postage prepaid, to the County

Board of Appeals for Baltimore County, Room 219, Courthouse,

Towson, Maryland 21204, and John W. Hessian, Esquire, 102 West

Pennsylvania Avenue, Towson, Maryland 21204.



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a visual point of view to maintain the kind of character that we have managed to — the County has managed to establish in that area, and the maintaining of a good solid area that has not been subjected to encroachment of strip commercial zoning and strip ommercial uses."

P. 29, 1. 15 – 31, 1. 7.

-4-

- 3 -

The above testimony constituted probative evidence, upon which the County

Board of Appeals was entitled to rely, to support the denial of the special exception under

Section 502.1 of the Baltimore Baltimore County Zoning Regulations, particularly

subsections a and b thereof, involving the public safety, health, and welfare, and traffic
safety or congestion. This finding entirely agrees with the prevailing law as stated in

Man > Swartz.

It is necessary to underline, of course, that the role of the court in reviewing the administrative denial of a special exception is limited.

"The (administrative) decision is not to be overturned if it is supported by competent material and substantial evidence in the record. If the issue is fairly debutable... the decision will be affirmed... This test applies to applications for a zoning change as well as a special exception." Entzian v. Prince George's County, 32 Md. App. 256, 257, 360 A.2d 6 (1976).

Here, the test is more than satisfied.

IV. FAILURE TO FILE THE SURVEYOR'S PLAT

The Rules of Practice and Procedure of the Zaning Commissioner of Baltimore County require the filing of a surveyor's plat (Rule 4), drawn at an engineering scale, which is appropriate in relation to the area covered and includes various specified types of information; names of adjoining streets, right of way widths, etc. (Rule 5) It is undisputed that Petitioner failed to satisfy this requirement. (Tr. 23-26)

Moreover, this igilure resulted in serious confusion on the part of the Petitione.'s main witness as to the existence of streets and intersections (such as North Hampton Road) and the approximate location of nearby properties. (ir. 16-26) This further made it impossible properly to evaluate the polition in terms of the requirements of Baltimore County Zoning Regulations Sec. 413.3b and d pertaining to limitations on distance from intersections.

RE: PETITION FOR SPECIAL EXCEPTION : IN THE CIRCUIT COURT for double face advertising structure of 500 sq. ft., and : FOR BALTIMORE COUNTY PETITION FOR VARIANCE from Sec. 413.3a to allow a double- : AT LAW face sign of 500 sq. ft.

West side of York Road, 535' north : Misc. 12/355/7305 of Ridgely Road

8th District :

Ridgely Realty Co., Inc., Petitioner-Appellant Zoning File #80-142-XA

MEMORANDUM IN OPPOSITION TO APPEAL PETITION

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People's Counsel for Baltimore County, Appellee, files this memorandum:

The County Board of Appeals was correct to deny the proposed sign special exception on the following grounds:

- There was substantial evidence that the sign would have an adverse effect an traffic safety or congestion. Baltimore County Zoning Regulation 501.1b.
- There was substantial evidence that the sign would have an adverse effect on the character of the neighborhood. Baltimore County Zoning Regulation 502, la.:
- 3. The Petitioner failed to file a surveyor's plat to indicate, among other things, distance from the nearest intersection and location of nearby properties. As a result, Petitioner violated the Zoning Commissioner's Rules and was unable to satisfy the requirements of a special exception for a sign under Baltimore County Zoning Regulation 413.3.

In City of Baltimore v. Mano Swartz, 268 Md. 79, 209 A.2d 823 (1973), the

Court of Appeals defined the authority of a local government to enforce a zoning ordinance governing the location, size, and design of signs. There, the Court rejected a law devot desclusively to cesthetics, but stated clearly that regulation of signs intended otherwise to promote public welfare would be sustained. For example, the "elimination of signs or pennants which distracted motorists" would be a valid objective. 268 Md., at 87.

V. CONCLUSION

-5-

Petitioner's argument amounts to no more than the tired debate and rehath of the same points already made to the Board of Appeals. Petitioner conveniently omits the substantial evidence to support the Board's denial, on grounds of traffic safety and destruction of the character of the neighborhood. Petitioner conveniently omits the Mano Swartz analysis as well.

Practice and Procedure of the Zoning Commissioner and its significant detriment to the Joility of the Board of Appeals to consider the case.

are virtually required to approve sign special exceptions in B.L. districts. This, of course, bears no resemblance to the law. Similarly, Petitione,'s argumentative description of the case bears no resemblance to the record of what actually went on at the Board of Appeals.

Upon a careful review of the entire record, we submit that the Court will find it necessary and appropriate to affirm the decision of the Board of Appeals.

ALTIMORE COUNTY

SOLVEY BEARD

OF APPEALS

T. LEAD

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

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

I HEREBY CERTIFY that on this 28th day of August, 1981, a copy of the aforegoing Memorandum in Opposition to Appeal Petition was mailed to the County Board of Appeals, Rm. 200, Court House, Towson, Marykaid 21204; and Ira C. Cooke, Esquire, 36 S. Charles Street, Suite 600, Baltimore, Maryland 21201.

Peter Max Zimmerman

Otherwise stated,

"... The mere funt that the adoption of a zoning ordinance reflects a desire to achieve aesthetic ends should not invalidate an otherwise valid ordinance. Thus, if the challenged restriction is reasonably related to promoting the general welfare of the community or any other legitimate police-power objective, the fact that aesthetic considerations are a significant factor in motivating its adoption cannot justify holding it unconstitutional."

263 Md., at 90 (footnote 2).

II. REGULATION OF SIGNS TO PRESERVE THE CHARACTER OF THE NEIGHBORHOOD

-2-

The Court in Mano Swartz also said that "...the police power may rightly be exercised to preserve an area which is generally regarded by the public to be pleasing to the eye...." 268 Md., at 91. This approach is particularly relevant where residential areas are affected. Accordingly, "[1]t is not irrational for those who must live in a community from day to day to plan their physical surroundings in such a way that unsightliness is minimized." 268 Md., at 90. (footnote 3)

III. APPLICATION OF THE MANO SWARTZ DOCTRINE TO THE PRESENT CASE.

At the hearing, Norman Gerber, Director of the Office of Planning and Zoning,
testified to the adverse effect of the proposed sign both on traffic and the character of the
neighborhood.

As to traffic, he stated from personal observation:

"I think that York Road is a road that carries a high volume of traffic.

I think expansion of the commercial zoning and commercial uses into those houses, and perhaps even into the buildings now zoned M.R., would be very detrimental from a safety point of view.

I think it would add many, many more trips in and out from the side roads which I feel are — adds to congestion, which in turn can add to safety problems; and I think it has worked very well with the current configuration of the roads and the kind of land uses that have developed in the area, a mixture of, on one side of the road some residences and some very tightly controlled offices; on the other side of the road industrial area which has been very tightly controlled, which there is no access of the roads.

LAW Docket

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CIRCUIT COURT FOR BALTIMORE COUNTY

IN THE MATTER OF THE
APPLICATION OF RIDGLEY REALTY, INC.
FOR REZONING OF WEST SIDE OF
YORK ROAD,
535 Feet North of Ridgely Road,
8th District

Ira C. Cooke 36 S. Chas. St.-6th F1 (1) 332-8540

BOARD OF APPEALS OF BALLTMORE

PEOTLES COUNSEL ! SALTIMORE COUNTY

No.

John W. Hessian III Petc. Yax Zirmorman Rr. & 3 Court House Towaca Md. 21204 494-2188

| DATE | CLERK'S MEMORANDUM | HO. |
|----------|-----------------------------------------------------------------------|-----|
| 10/5/80 | Appellant's Appeal from decision of Board of Appeals of Baltimore | |
| | County fd. | 1 |
| 10/3/80 | Appellant's Petition, Memorandum in Support & Exhibits fd. | 2 |
| 10/7/80 | Certificate of Notice fd. | 3 |
| 10/31/80 | Appelless (PROPIES COUNSEL FOR BALTITORE COUNTY) Answer to | 14 |
| 11/3/80 | Certified coaples of Proceedings before the Zoning Commission | |
| | and Board of Appeals of Baltimore County and Transcript of Record fd. | 5 |
| 1/29/81 | Appellant's Supplemental Memorandum In Support of Appellants | 6 |
| 2/2/81 | Correspondence from Ira C. Cooke requesting trial date fd. | 7 |
| 8/28/81 | Appelies's (PEOPLE'S COUNSEL FOR MATTMORE COUNTY) Memorandum | |
| | in Opposition to Appeal Petition fd. | 8 |
| 9/1/80 | How Hw. B. Hensing And Opinion To be Filed | |
| | Continued Inside | |

Because of the frontage requirements in the M.R. zone we have had this very limited amount of access to York Road in that area.

- 3 -

I am concerned about the visual impact of the billboard, which I think it is going to be visible for a very long distance from the north at locations to the -- I am not sure of the exact distance, but the hill that I always refer to as by the Fair Grounds pro, arty.

The top of the hill is going to be visible. From that point of view that distance -- I think it has to have a detrimental effect visually.

It is going to influence decisions by people using those offices or houses. It is going to affect that kind of decision as to whether to stay there, or new people wanting to come in and build offices or convert some of the remaining houses to offices."

P. 33, I. 4 - P. 34, I. 13.

As to the character of the neighborhood, he added,

"As far as the office is concerned, if I may proceed in answering it, it is the impact of the billboard on the properties to the north of the property primarily.

We believe it is going a impact in an undesirable way the strip of land and development contained in that land from the top of the hill where the commercial property stops as you go north of Ridgely Road back to the commercial property in Timonium.

We have on the west side of York Road a very tightly restricted industrial zone, Manufacturing Restricted, which limits the kind of appearance that can be presented on York Road. It is an area that prohibits storage of materials in the front, limits signage, and also is required by the zoning regulations to have comments presented to the Zoning Commissioner or the Board of Appeals, depending on the case that's being heard as to the actual uses and layout of the property across the street.

On the east side of York Road in the strip we have residential properties, and in fact many of them were residential when they were constructed.

Some of them are still being used as residential property. The property is zoned D.R. 16 and has over the last four, five years had some of the buildings now enjoying, I guest, special exceptions for affice use; but they are also rather tightly controlled so that the residential character and appearance is being maintained along that strip.

We are concerned that this sign will be -- provide a detrimental effect to that because it will then visually bring the encroachment of commercial development into that strip and make it less desirable from

No. 7305 LAW Docket 12 Fulio 355

CLERK'S MEMORANDUM

9/3/81 Object of the Court that the order of the County Board of Appeals of Majore the Special Except on & Variance is affirmed fd. (AWS)

IN THE CIRCUIT COURT BALTIMORE COUNTY

12/355/7305

AT LAW Ridgely Realty Co., Inc. Petitioner

Zoning File No. 80-142-XA

OPINION AND ORDER

* * * * * *

The Petition of Ridgely Realty, Inc. for a Special Exception and variance to erect a double faced custom built sign of 500 square feet in lieu of a single faced unit, on the West side of York Road, 535 feet north of Ridgely Road was denied by the County Board of Appeals for Baltimore County on September 3,

Appellant contends it met all the requirements of Section 502.1 of the Baltimore County Zoning Regulations and the action of the Board was arbitrary, capricious and against the weight of the evidence and should be reversed on appeal.

The review by this Court of the action of the County Board of Appeals is narrow and if the Court finds substantial evidence to support the decision, even if debatable, it must affirm.

The opinion of the Board in its finding of a traffic hazard based on Petitioner's Exhibit 1B is not supported by any testimony of a traffic expert. The photograph, however, could be evidence for the Board to reach its decision. City of Balto. v. Mano Swartz, 268 Md. 79 at p. 87.

所ED SEP 3 1981

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE West side of York Road, 535' North of Ridgely Road 8th District Ridgely Realty Co., Inc.,

BEFORE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY No. 80-142-XA

OPINION

This case comes before this Board on appeal from a decision by the Zoning Commissioner danying the requested Special Exception and accompanying Variance. The case was heard in its entirety, "De Novo", on June 12, 1980.

Petitioner's case first described the proposed sign and the area adjacent to it. Proposed sign is a standard "Billboard" type structure on property zoned BL on the west side of York Road, 535 ft. north of Ridgely Road. The variance requested to allow a two faced sign so it would be readable from both directions rather than having a blank side. Petitioner testified that all requirements of Section 502. I have been satisfied and that said Special Exception and Variance should be granted.

Baltimore County representatives opposed the granting of this special exception for several reasons. There was much discussion at to the distance from the proposed sign to the nearest residences. No firm distance was established but it is clear to this Board that some residences do exist along this section of York Road. Mr. Norman Gerber, from the Baltimore County Planning Department, testified that the Planning Department opposes this request and feels it to be out of character with the general area and would be a bad impact on said area. He also noted that the property directly to the north on the west side of York Road was zoned MR, a highly restrictive zoning classification, and that directly across from this MR was DR 16 zoning.

After consideration of all the testimony and exhibits presented this case, the Board is of the upinion that the Zoning Commissioner's decision to deny this request was in fact correct. Several facts buttress this opinion.

Most importantly, however, Section 502.la must be satisfied by Petitioner, sic:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R., 1955.] a. Be detrimental to the health, safety, or general walfare of the locality involved; [B.C.Z.R., 1955.]..."

There was substantial evidence, at least debatable, before the Board in the testimony of Norman Gerber, Director of the Office of Planning and Zoning of Baltimore County, that the proposed sign is out of character with the surrounding area thus generally being adverse to the general welfare of the community.

Therefore, it is this 2nd day of September, 1981, by the Circuit Court for Baltimore County, ORDERED, that the order of the County Board of Appeals of Baltimore County denying the Special Exception and Variance is affirmed.

Copies sent to:

Ira C. Cooke, Esquire John W. Hessian, III, Esquire Peter Max Zimmerman, Esquire

Ser B

Ridgely Realty Co., Inc. Case No. 80-142-XA

The sign as proposed would surely be visible from the DR 16 zoned area to the north. Also, a crose examination of Petitioner's Exhibit 18 shows the sign to be directly grop a rise in York Road with autos disappearing directly past the sign down the hill toward Ridgely Road. The Board is of the opinion that this would in fact create a distraction to motorists at this point and would increase the traffic hazards at now exist along York Road. For these reasons the Board is of the opinion that the Order of the Zoning Commissioner dated March 5, 1980, is correct and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 3rd day of , 1980, by the County Bourd of Appeals, ORDERED that the Order of the Zoning Commissioner, dated March 5, 1980, be affirmed and the Special Exception request be DENIED. The requested Variance becomes most upon the denial of the Special Exception and is therefore also DENIED.

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

> **COUNTY BOARD OF APPEALS** OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION for double-face advertising structure and VARIANCE from Section 413.3a of the Baltimore County Zoning Regulations W/S York Road 535'

CIRCUIT COURT FOR BALTIMORE COUNTY

IN THE

N. of Ridgely Road 8th District AT LAW Ridgely Realty Co., Inc.

Misc. Docket No. 12 Zoning File No. 80-142-XA File No. 7305

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2 (d) of the Maryland Rules of Procedure: Walter A. Reiter, Jr., William T. Hackett and Mrs. Patricia Millhouser, 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, Ira C. Cooke, Esquire, 36 South Charles Street, Suite 600, Baltimore, Maryland 21201, Attorney for the Petitioner, and Mr. Milton Schwaber, President, Ridgely Realty Company, Inc., 910 Ruisterstown Road, Baltimore, Maryland 21208, Petitioner, and Foster and Kleiser, 3001 Remington Avenue, Baltimore, Maryland 21211, Lessee, and Mr. William J. Katsafanas, 211 Medbury Road, Timonium, Maryland 21093, Protestant, and John W. Hessian, III, Esquire, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

> Editt The sentents Edith T. Eisenhart, Administrative Secretary County Board of Appeals of Baltimore County Room 219, Courthouse, Towson, Md. 21204

I hereby certify that a copy of one aforegoing Certifice of Notice has been mailed to Ir C. Cooke, Esquire, 36 South Charles Street, Suite 600, Baltimore, Maryland 21201, Attorney for the Petitioner, and Mr. Milton Schwaber, President, Ridgely Realty Company, Inc., 910 Reisterstown Road, Baltimore, Maryland 21208, Petitioner, and

IN THE MATTER OF THE APPLICATION OF RIDGELY REALTY, INC. FOR REZONING OF WEST SIDE OF YORK ROAD 535 Feet North of Didgely Road 8th Listrict

BEFORE THE

COUNTY BOARD OF APPEALS BALTIMORE COUNTY

ORDER FOR APPEAL BY RIDGELY REALTY, INC.

Mr. Clerk:

Please enter an appeal on behalf of Ridgely Realty, Inc., Applicant, from the Order of the Board of Appeals of Baltimore County, passed in the above case on September 3, 1980.

> 36 S. Charles Street, 6th Ploor Baltimore, Maryland 21201 (301) 332-8540 Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 3 day of October, 1980, a copy of this Order For Appeal by Ridgely Realty, Inc. was mailed postage prepaid to the County Board of Appeals for Baltimore County, Room 219, Courthouse, Towson, Maryland 21204, John Hessian, Esq., People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Ridgely Realty Co., Inc. - 12/355/7365

Foster and Kleiser, 3001 Remington Avenue, Baltimore, Maryland 21211, Lessee, and Mr. William J. Katsufanas, 211 Medbury Road, Timonium, Maryland 21093, Protestant, and John W. Hessian, III, Esquire, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, on this 7th day of October, 1980.

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

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

> IN THE IN THE MATTER OF THE APPLICATION CIRCUIT COURT OF RIDGELY REALTY, INC. FOR REZONING OF WEST SIDE OF YORK ROAD 535 Feet North of Ridge'y Road BALTIMORE COUNTY 8th District

APPEAL PETITION

Petitioner, Ridgely Realty, Inc., by his attorney Ira C. Coo'e, and Melnicove, Kaufman & Jeiner, P.A., represent:

- 1. That on December 4, 1979, Petitioner, Ridgely Realty, Inc., applied to the Zoning Commissioner of Baltimore County for a Special Exception and variance to erect a double faced custom built sign of 500 square feet in lieu of a single faced unit, on the West side of York Road, 535 feet north of Ridgely Road
- 2. That on March 5, 1980 the petitions for a Special Exception and variance were denied by the Zoning Commissioner of Baltimore County by reason of allegedly failing to meet the requirements of Sections 502.1 and 413.3a of the Baltimore County Zoning regulations, respectively.
- 3. That on March 27, 1980 Petitioner did timely file for appeal of the decision of Zoning Commissioner of Baltimore County to the County Board of Appeals for Baltimore county.
- 4. That on June 12, 1980, the County Board of Appeals for Baltimore County did hear the appeal "de novo" of the Petitioner, Ridgely Realty, Inc.
- 5. That on September 3, 1980 the County Board of Appeals for Baltimore County affirmed the Orde: of the Coning Commissioner, and denied the Special Exception request. All ged visibility of the sign from a DR 16 zoned area to the north and alleged creation of a traffic hazard to motorists were the bases upon which the Special Exception was denied. The requested

variance was denied as moot upon the denial of the Special Exception. A copy of said Order of the Zoning Commissioner, the Order of the County Board of Appeals of Baltimore County and the opinion accompanying said order is attached hereto as Exhibits 1 and 2, respectively.

- 6. That the Zoning Commissioner and the County Board of Appeals of Paltimore County misconstrued the law and facts amplicable to the said case.
- 7. That the decision of the County Board of Appeals for Baltimore County is arbitrary, capricious and against the weight of the evidence.
- 8. That the Petitioner is entitled to the grant of the Special Exception and variance pursuant to Sections 230.13, 413.3, 413.5 and 502.1 of the Baltimore County Zoning Regulations.

WHEREFORE, Petitioner respectfully prays the Court to review this case and to find that the County Board of Appeals for Baltimore County erred in its findings and Order and, pending a hearing and trial on the merits in this case, that the Court grant the Special Exception and variance pursuant to Baltimore County Zoning regulations.

> 36 S. Charles Street, 6th Floor Baltimore, Maryland 21201 (301) 332-8540 Attorney for the Petitione"

CERTIFICATE OF SERVICE

I MEREBY CERTIFY, that on this 3 -day of October, 1980 a copy of this Appeal Petition was mailed postage prepaid to the County Board of Appeals for Baltimore County, Room 219, Courthouse, Towson, Maryland 21204; John Hessian, Esq., People's Counsel, 102 W. Pennsylvania Averue, Towson, Maryland 21204.

- 2 -

This testimony is not sufficient to justify a finding about the dire consequences foreseen by the [Board], is not great enough to forbid that the sign would "menace and endanger the public health, generally the use of property to accommodate them. Id." security, general welfare and morals." Gilmor, supra. There Because there was not substantial evidence upon which the Board could have based its finding, the Boards decision was

IN THE MATTER

8th District

OF THE APPLICATION

SIDE OF YORK ROAD

OF RIDGELY REALTY, INC.

535 Feet North of Ridgely Road

FOR REZONING OF WEST

IN THE

MEMORANDUM IN SUPPORT OF APPELLANTS APPEAL

County for a Special Exception and variance to erect a double-

faced custom built sign of 500 square feet, in lieu of a single

Ridgely Road. This location is in a BL district (local business),

On September 3, 1980, the Board disapproved the

facel unit, on the west side of York Road, 535 feet north of

and pursuant to Baltimore County zoning regulations, \$230.13,

corditional use, if approved by the Board.

\$413.3, \$413.5 and \$502.1, the proposed sign is permitted as a

application of Special Exception or variance for the sign. The

Board cited several reasons: "no firm distance was established

but...some residences do exist along this section of York Road."

testimony that the billboard "would be cut of character with the

general area and would be a bad impact." He also noted that the

property directly north on the west side of York Road was zoned

the MR area was DR16 zoning. The Board's reasons for denial of

would create a distraction to motorists and increase the traffic

NR (manufacturing restricted), and that directly across from

the application appear to be that the sign as proposed would

be visable from the DR16 area to the north; that the sign

hazards that now exist along York Road.

Opinion of the Board at p. 1; a Baltimore County Planner's

Realty, Inc. appealed to the County Board of Appeals of Baltimore

On March 27, 1980, Appellant (Petitioner below) Ridgely

CIRCUIT COURT

BALTIMORE COUNTY

arbitrary and capricious and should be overturned. Secondly, the Board noted that a basis for its denial of the Appellant's application for an exception and variance was that the erection of the oillboard at the proposed sight would create a distraction to motorists and increase the traffic hazards that now exist along Tork Road. Opinion of Board at p. 2. While it has been held by the Maryland Court of Appeals that legitimate zoning ordinace objectives include elimination of signs which distract motorists, Grosman v. Prince Georges County, 41 Md. App. 429, 397 A.2d 630 (1979), the basis for this assertion was, in the particular case, an ordinance specifically prohibiting such signs, Kenyon Peck Inc. v. Kennedy, 168 SE.2d 117 (1969). In the instant case, the zoning regulations of Baltimore County do not include such an ordinance.

Further, there appears to have been no evidence upon which the Foard could have made its determination. The only evidence cited by the Board is Fetitioner's Exhibit 1B which "shows the sign to be directly atop a rise in York Road with autos disappearing past the sign down the hill toward Ridgely Road." Opinion of Board at 2. Without more, this statement does not indicate the existence of a distraction to motorists sufficient to constitute "a traffic hazard." Moreover, the report filed by the Department of Traffic Engineering with the Poards states, in its entirety as follows "(n)o traffic problems are anticipated by the requested special exception for an advertising structure." Report dated November 26, 1979, Planigan, Michael, Traffic Engineering Associate II.

LEGAL ANALYSIS

The Special Exception

The proposed billboard complies with \$230.13, \$413.3 and 413.5. Appellant is appealing the Board's determination under \$502.1. There being no statutory prohibition to the erection of the sign, the question becomes whether there was substantial evidence to support the findings and conclusions of the Board. In Aaron v. City of Baltimore, 207 Md. 401, 426 (1955), the Court stated:

> "It is well settled by many decisions in this state that the court will not substitute its discretion for that of the Board in zoning cases. The duty of the Board is to exercise the discretion of experts. The court although it may not arrive at the same conclusions will not disturb a decision of the Board on review, if the Board has complied with all legal requirements of notice and hearing and the record shows substantial evidence to sustain the finding. (emp.asis supplied.)

As noted, a billboard of the type proposed here is permitted under the applicable zoning ordinance, at the locations requested, as a conditional use.

In Gilmor v. Mayor & City Council, 205 Md. 557, 564, 109 A.2d 739, 743 (1954) the Court stated:

> These cases recognize first, the proposition that an applicant for a billboard in a first or second commercial use district, or industrial use district, is entitled to a permit unless the Board finds from the evidence produced before it, or on investigation, that the proposed use would endanger the public health, safety, security or morals; and, second, that the action of the Board, affirmative or negative, is entitled to such respect by the courts, that it will be set aside only if the attacker meets "the heavy burden of overcoming the presumption of constitutionality of legislative action", by showing that the action of the Board in the exercise of its original jurisdiction was arbitrary, capricious or illegal.

Against this standard, the findings of the Board and the evidence, if any, in support of them, must be mea- .ed.

- 2 -

II. The Variance

Similarly under the Baltimore County zoning statute on variances, a variance may be granted if in "strict harmony with the spirit and intent" of the regulations and in such a manner as to grant relief without substantial injury to public health, safety and general welfare. A variance from sign regulations may be granted where strice possiliance with the zoning regulations for Baltimor County would result in practical difficulty or unreasonable hardshir, \$307. In the instant case, there has been no showing of injury to public health, safety and general welfare. Further neighborhood detriment, as such, is not a citerion under a zoning statute authorizing variances where strict application of the regulation would result in exceptional and undue hardship on the owner. Salsberg v. D.C. Board of Zoning Adjustment, 318 A.2d 894 (1974)

For these reasons, the Appellant asks the Court to reverse the Order of the County Board of Appeals of Baltimore County and to grant Appellant its requested Special Exception and variance.

> 36 S. Charles Street, 6th Floor Baltimore, Maryland 21201 (301) 332-8540 Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 3 -day of October, 1980 a copy of this Memorandum in Support of Appellants Appeal was mailed postage prepaid to the County Board of Appeals for Balt more County, Room 219, Courthouse, Towson, Maryland 21204; John Hessian, Esq., People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

At least one court has stated:

"that the conditional use or special exception, as it is generally called, is a part of the comprehensive zoning plan sharing the presumption that as such it is in the interest of the general welfare and, therefore, valid. Rockville Fuel and Feed Co. v. Board of Appeals of City of Gaithersburg, 257 Md. 183, 187, 262 A.2d 499 (1970). The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses the legislature has determined can be allowed ... absent any fact or circumstance negating the presumption." Turner v. Harmond, 210 Md. 41, 310 A.2d 543, 550-551 (1973).

All the Appellant need show is that:

"to the satisfaction of the Board, the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest... The extent of any harm or disturbance to the neighboring area and uses is, of course, material but if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan, a denial of an application for a special exception is arbitrary, capricious and illegal. Rockville, supra. (emphasis supplied). Turner, supra at 551.

The evidence before the Board from which the findings were drawn, consisted of the following:

- 1. Testimony of the Petitioner (Appellant, here) that all requirements of \$502.1 have been satisfied and that said Special Exception and va. ance should be granted.
- 2. Testimony of Mr. Norman Gerber, Jaltimore County Planning Department, opposing the sign because he feels it to be "out of character" with the general area. He noted that property to the north on the west side of York Road was zoned MR, and directly across from the restricted manufacturing area was DR16 zoning. "No firm distance was established but...some residences do exist along this section of York Road." Opinion of Board at 1.

- 3 -

FYHIRIT "II"

RE: PETITION FOR SPECIAL EXCEPTION BEFCILE PETITION FOR VARIANCE West side of York Road, 535' North of COUNTY BOARD OF AFPEALS Ridgely Road 8th District Ridgely Realty Co., Inc., BALTIMORE COUNTY

> No. 80-142-XA

> > OPINION

This case comes before this Board on appeal from a decision by the Zuning Commissioner denying the requested Special Exception and accompanying Variance. The case was heard in its entirety, "De Novo", on June 12, 1980.

Patitioner's case first described the proposed sign and the area adjacent to it. Proposed sign is a standard "Billboard" type structure on property zoned BL on the west side of York Road, 535 ft. north of Ridgely Road. The variance requested to allow a two faced sign so it would be readable from both directions rather than having a blank side. Petitioner testified that all requirements of Section 502. I have been satisfied and that said Special Exception and Variance should be granted.

Baltimore County representatives opposed the granting of this special exception for several reasons. There was much discussion as to the distance from the proposed sign to the nearest residences. No firm distance was established but it is clear to this Board that some residences do exist along this section of York Road. Mr. Norman Gerber, from time Baltimore County Planning Department, testified that the Planning Department opposes this request and feels it to be out of character with the general area and would be a bad impact on soid area. Fie also noted that the property directly to the north on the west side of York Road was zoned MR, a highly restrictive zoning classification, and that directly across from this MR was DR 16 zoning.

After consideration of all the testimony and exhibits presented this case, the Board is of the opinion that the Zering Commissioner's decision to deny this request was in fact correct. Several facts buttress this opinion.

is no credible evidence to that effect. Opposition to the signs is based solely on the vague and unsupported contention that the billboard might be visible to some residences an undetermined distance away from the erection site. As Judge Wilner stated in Foster & Kleiser v. Mayor & City Council of Baltimore, (Docket 24 P; Folios 126 and 148; File #2 - 102513 and #9-102927) (Memorandum Opinion August 1, 1979). "That a sign will be visible is hardly a reason to ban its visibility, indeed, it is the whole purpose of the sign", Memorandum Opinion at 6. In the absence of any probative evidence to sustain the opposition, such statements are not a proper reason to deny a use the legislature has said is a proper one. See Rockville Fuel & Feed Co. v. Board of App als of the City of Gaithersburg 257 Md. 183, 262 A.2d 499 (1970). In the instant case, this view is especially convincing given that the sign is sought to be eracted in a local business district next to an MR area, or restricted manufacturing district. The argument that the sign as proposed would be visible from the DR16 zoned area to the north, in which there are residences, is an argument that billboards should not be permitted at all in or near a district

743 (1954). "The legislative branch of the government, in allowing billboards to be erected in such areas, has said, in affect, that the likelihood that their presence will bring

in which there are residences or substantial and attractive

businesses, although it is zoned business local. Whatever the

to the legislature or Baltimore County Council. Gilmore v. Mayor

merits of this argument, it is one which should be addressed

& City Council of Baltimore, 205 Md. 557, 564, 109 A.2d 739,

- 4 -

- 5 -

Ridgely Realty Co., Inc. Cose No. 80-142-XA

, :. 3

The sign as proposed would surely be visible from the DR 16 zoned area to the north. Also, a close examination of Petitioner's Exhibit 1B shows the sign to be directly atop a rise in York Road with autos disappearing directly past the sign down the hill toward Ridgely Road. The Board is of the opinion that this would in fact create a distraction to motorists at this point and would increase the traffic hazards as now exist along York Road. For these reasons the Board is of the opinion that the Order of the Zoning Commissioner dated March 5, 1980 is correct and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 3rd day of , 1980, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated March 5, 1980, be affirmed and the Special Exception request be DENIED. The requested Variance becomes most upon the denial of the Special Exception and is therefore also DENIED.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Welter A. Reiter, Chairman /-

William T Hackett William T. Hackett

1 Made lower Patricia Millhouser

- Persuant to the advocatement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner(a), the Variance(s) should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the herein Petition for the Variance(s) to permit

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to meet the requirements of Section 413 3a. of the Baltimure County Zoning Regulations and by reason of the denial of the Petition for Special Exception, the Variance to permit a double face custom built sign of 500 square feet in lieu of the permitted single face unit should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of March, 1930, that the herein Petition for Variance to permit a double face custom built sign of 500 square feet in lieu of the permitted single face unit be and the same is hereby DENIED.

> Zoning Commissioner of Baltimore County

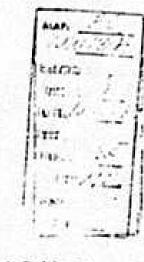
PETITION OR ZONING RE-CLIQ HICATION-12-14 AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

EXHIBIT "I"

1, or we Ridgley Realty Company _:egal 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 (1) that the zoning status of the herein described property be re-classified, pursuant

to the Zoning Law of Baltimore County, from an account to an zone; for the following reasons:



and 22 for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for double face custom built illuminated advertising structure of 500 square foot

Property is to no posted and adverced as prescribed by Zoning Regulations. 1, or we, agree to pay expenses of above re-classification and/or Special Exception advertising. posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of that theory County adopted pursuant to the Zoning Law for Baltimore County. -30 C/Remodeline Are Valler trace. Com Bis

Bolfinger, Md. 21211 PLTER SCHORBER Ligal Owner Address ______ Z3557 ZAddress _ 210 ReisTeasTeas Zo_____

. Beltunger M.D. 21208

Protestant's Astorney Petitional's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this hth day required by the Zoning Law of Bullimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zening Commissioner of Baltimere County in Room 106, County Office Building in Towson, Baltimere County, on the 24th day of January 19780, at 9:30 o'clock

RIMGOLD! KENELL CO, INC.

PETITION FOR SPICIAL

EXCEPTION

for double-face advertising structure and Variance for double-face sign

 ZONING COMMISSIONER * OF BALTIMOPE COUNTY

West side of York Road,

535 feet North of Ridgely Road *

NO. 80-142-XA

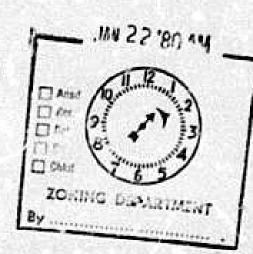
* BEFORE THE

ENTRY OF APPEARANCE

Please enter our appearance as counsel for Petitioner.

MELNICOVE, KAUFMAN & VFINER, P.A. 36 South Charles Street-Suite 600 Baltimore, Maryland 21201 (301) 332-8500

Attorneys for the Petitioner.



Pursuant to the advertisement, posting of preperty, and public hearing on the above petition and it appearing that by reason of ______ the above Reclassification should be had; and it further appearing that by reason of ______ IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... the same is hereby reclassified, from azone to a zone, and/or a Special Exception for ashould be and the same is

granted, from and after the date of this order.

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 meet the requirements of Section 502_1 of the Baltimore County Zoning Regulations and failure to show practical difficulty and/or unreasonable hardship, the Special Exception for a double face custom built illuminated advertising structure of 500 square feet should not be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5 1/2 day of March, 1980, that the herein Petition for Special Exception for a double face custom built illuminated advertising structure of 500 square feet be and the same is hereby DENIED.

> Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALT, MORE COUNTY:

disor we: Ridgele Realty Co. .. Inc. .. legal owner .. or 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_413.3a to allow a double-face, custom____ built sign of 500 square feet in lieu of the permitted single of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

following reasons: (indicate hardship or practical difficulty)

We suggest that it would be in the public interest. to avoid the blank side of the sign being exposed.

Property is to be posted and advertised as prescribed by Zoning Regulations. Lisse 1, 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 Balimore County adopted pursuant to the Zoning Law For Baltimore County.

| | Tidaaley Tealty Co., Inc. |
|---------------------------------|-----------------------------------|
| MALLE COM | mutchine |
| Address 3001 Contract purchaser | Address SAO _Doints_navers _ load |
| Address | Address |

Ealtimore, Paryland 21211 Baltimore, Maryland 21208 235-83 10 Protestant's Atturney Petitioner's Attorney

of December 197 2, that the subject matter of this petition be advertised as required by the Zoning Law of Bultimore 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 24th day of Jamuary 15,30 at 2:30 o'clock

BALTIMORE COUNTY ZON'NG PLANS ADVISORY COMMITTEE

January 10, 1980

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

HEMSTRE

Bureau of

Nicholas B. Commodari

____A.M.

Engineering

Ridgley Realty Company

910 Reisterstown Road

Department of State Roads Commission Puresu of Fire Prevention

Health Department Project Planning Building Department Board of Education Joning Administration Industrial Dave Lopment

Baltimore, Maryland 21208 RE: Item 84

Petitioner - Ridgley Realty Company Special Exception and Variance Petitions

TTENTION: Mr. Milton Schwaber

Dear Mr. Schwaber:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The follwoing 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.

Because of your proposal to locate a hand-painted custom-built outdoor advertising sign of 500 square feet on this vacant parcel of lard, which is located on the west i ide of York Road north of Ridgley Road in the 8th Election, this Special Exception Hearing is required. In addition, a Variance to allow a double-faced structure in lieu of the allowable single-faced structure is also included with this request.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. less than 30 nor more than 90 days after the date on the filing certificate,

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 will be forwarded to you in the near future.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

Very truly yours,

NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Mr. W. R. Walker 3001 Remington Avenue Baltimore, Maryland 21211

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

Re: Item #84 (1979-1980) Property Owner: Ridgely Realty Co. W/S York Rd. 535' N. Ridgely Rd. Existing Zoning: BL Proposed Zoning: Special Exception for a single faced illuminated advertising structure. Acres: 1,375 sq. fc. District: 8th

Dear Mr. Hammond:

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.

December 11, 1979

General:

Comments were supplied for an overall larger property, of which this site is a part, in conjunction with the Zoning Advisory Committee review for Item 29 (1969-1970),

Baltimore County highway and utility improvements are not directly involved for this specific proposed illuminated advertising structure. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 84 (1979-1980).

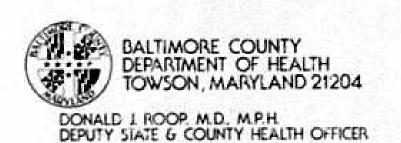
Very truly yours,

Ellewet H Diviction ELLSWORTH N. DIVER, P.E. Chief, Bureau of Engineering

END: EAM: FWR: 88

S-SE Key Sheet 49 NW 2 Pos. Sheet NW 13 A Topo 60 Tax Map

80-142 XA



December 3, 1979

Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #84, Zoning Advisory Committee Meeting of October 23, 1979, are as follows:

> Property Owners Location: Existing Zoning: Proposed Zoning:

Ridgely Realty W/S York Rd. 535' N Ridgely Rd. Special Exception for a single faced illuminated advertising structure

Aorest District:

1375 sq. ft.

Very truly pours,

The proposed advertising structure should not present any health hazards.

> mu. Isn J. Proprest, Director BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/ith6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date November 2, 1979

To William E. Hammond Office of Planning and Zoning

Fire Prevention Surenu

SUBJECT Zoning Advisory Cordittee Heeting of October 23, 1979

Attention: Nick Commodari, Chairman Zoning Flans Advisory Cormittee

Property Owner: Melvin A. & Anna C. Grueninger Location: S/S Loreley Beach Rd. 5250' S & W Allender Rd. ITEM # 80 No Comments

Property Cwner: William S. Hendricks ITEM # 8: Location: N/S Chestnut Ridge Rd. 179.21' W Fallswood Terr.

No Comments

Property Owner: FIJI, Inc. Location: W/S York Rd. 175' N Pennsylvania Ave. ITEM # 83 No Comments

Property Owner: Radgely Realty Co. Location: W/S York Rd. 535' N Ridgely Rd. No Comments

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D SEYFFERT DIRECTOR

November 5, 1979

Mr. William Hammund, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

battimore county

(301) 494-3610

JOHN D. SEVEFERT

di partment of permits and licenses

Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building

Property Owner: Ridgely Realty Co

The items checked below are applicable:

1375 sq. ft.

an application for a building permit.

of property line.

I. No Comment.

Comments on Item # 81 Zoning Advisory Committee Meeting, October 23, 1979

W/S York Road 535' No Hidgely Road

Proposed Zoning: Special Exception for a single faced illuminated

XA. Structure shall conform to Baltimore County Building Code (B.O.G.A.) 1970 Edition and the 1971 Supplement.

x 3. A building permit shall be required before construction can begin.

D. Building shall be vegraded to new une - 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 priginal seal will be required to file

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"

NOTE: These comments reflect caly on the information provided by the drawing submitted to the office of Planning and Zoning and are not

H. Requested setback variance conflicts with the Beltimore County

to be construed as the full extent of any permit.

Building Code. See Section

- and other applicable codes.

advertibing structure.

XC. Additional electr' l Permits shall be required.

TOWSON, MARYLAND 21204

Towson, Maryland 21204

Dear Mr. Hammond:

Existing Zoning: B

are as follows:

Comments on Item #84, Zoning Advisory Committee Meeting, October 23, 1979, are as follows:

Property Owner: Ridgely Realty Co. Location: W/S York Road 535' N. Ridgely Road Existing Zoning: B.L. Proposed Zoning: Special Exception for a single faced illuminated advertising structure Acres: 1375 sq. ft. District: 8th

This office has reviewed the subject petition and offers 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,

October 26, 1979

John Hermbley Planner III

Current Planning and Development

baltimore county department of traffic engineering TOWSON, MARYLAND 21204

STEPHEN E. COLLINS

Sovember 26, 1979

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

> Location: Existing Zoning: B.L.

Property Owner: Ridgely Realty Co. Meeting of October 23, 1979 W/S York Rd. 535' N Ridgely Rd.

Proposed Zoning: Special Exception for a single faced illuminated advertising structure.

Agrest Districts

1375 sq. ft.

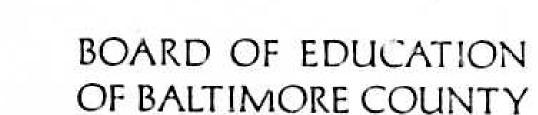
Dear Mr. Hammond

No traffic problems are anticipated by the requested special exception for an advertising structure.

> Very truly yours. Thechaeld How si

Michael S. Flanigan Traffic Engineering Associate II

MSF/mim



TOWSON, MARYLAND - 21204

Date: October 31, 1979

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

Z.A.C. Meeting of: October 23, 1979

RE: Item No: 79, 80, 81, 82, 83, 84 Property Owner: Location: Present Zoning: Proposed Zoning:

District: No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

V. Wich Letwork

W. Nick Petrovich.

Field Representative

WNP/bp

JOSEPH N. MEGGWAN, PHENDENT T. BAYARD WILLIAMS JR. VICE-PRESIDEN

THOMAS H. BOYER MRE LORRAINE F. CHACUS ROGER B. HAYDEN

ALVIN LORECK MRS. MILTON R. SMITH. JR. RICHARD W. THACEY, D.V.M.

MARCUS M. BOTHARIS

ROBERT Y. DUREL SUPERINTENDENT

CEBIET

Charles E. Burnham, Chief

Plans Review

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

14th District

ZONING:

Petition for Special Exception for double-face advertising structure and Variance for louble-face sign

West side of York Road, 535 feet North of Ridgley Road LOCATION:

Thursday, January 24, 1980 at 9:30 A.M. DATE & TIME:

FUBLIC 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 hearings

Petition for Special Exception for double-face custom built illuminated advertising structure of 500 square feet and Variance to allow a double-face custom built sign of 500 square feet in lieu of the permitted single face unit only

The Zoning Regulation to be excepted as follows:

Section 413.3a - outdoor advertising signs

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

Being the property of Rideeley Realty Co., Inc., as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, January 24, 1980 at 9:30 A.M. Public Hearing: Room 106, County Office Building, 1:1 W. Chesapeake Avenue, Towson, Maryland

> BY ORDER OF WILLIAM E. HANMOND ZONING CONCISSIONER OF BALTIMORE COUNTY

Property Description

York Road

Beginning at a point located on the westside of York Road (66 feet wide), 35 feet from the right of way line and 68 feet from the centerline of York Road, 535 feet north of Ridgely Road (70 feet wide), and thence running the following courses and distances: 1) Northwesterly a distance of 25 feet to a point; thence 2) southwesterly a distance of 55 feet to a point; thence 3) southeasterly a distance of 25 feet to a point; thence 4) northeasterly a distance of 55 feet to the point of beginning.

Located in the 8th election district of Baltimore County, Maryland.

8/79

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E HAMMOND ZONING COMMISSIONER

January 11, 1980

Ridgeley Realty Co., Inc. o/o Milton Schumber, Procident 910 Reisterstown Road Baltimore, Maryland 21208

> HE: Petition for Special Emception and Variance - V/S York Rd., 535' N of Ridgley Road - Case No. 80-142-XA

Dear Sir:

is due for

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 2120h, before the hearing.

Zoning Commestoner

oos Foster & Eleiser

DEFICE OF PLANNING ZONING TOWSON MARYLAND 21204

WILLIAM E HAMMOND ZONING COMMISSIONER

March 5, 1980

Melnicove, Kaufman & Weiner, P.A. 36 South Charles Street, Suite 600 Baltimore, Maryland 21201

Attention: Ira C. Cocke, Esquire

RE: Petitions for Special Exception and Variance W/S of York Road, 5.5' N of Ridgely Road - 14th Election District Ridgeley Realty Co., Inc. - Petitioner NO. 80-142-XA (Item No. 84)

Dear Mr. Cooke:

I have this date passed my O-ders in the above referenced matter in accordance with the attached.

Very truly yours.

WILLIAM E. HAMMOND Zoning Commissioner

WEH/srl

Attachments

cc: Mr. William J. Katsafanas 211 Medbury Road Timonium, Maryland 21093

John W. Hessian, III, Esquire People's Counsel

Ridgeley Sealty Co., Inc. 910 Reisterstein Read Baltimore, Maryland 21208

NOTICE OF HEARING

His Potition for Special Reception and Variance - V/S York Road, 535' H of Ridgley Road - Once No. 80-142-XA

DATE: Thursday, January 24, 1980 PIACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

> ZONING COMMISSIONER OF BALTIMORE COUNTY

oo: Foster and Kleiser c/o V.A. Walker 3001 Remington Avenue Baltimore, Maryland 21211

POSTPONEMENTS WITHIN 15 DANS OF TRIAL: ALL REQUESTS FOR PO MADE TO THE DIRECTOR OF THE ASSIGNMENT OFFICE—MRS. ORAVETZ

2 = 2

TOWSON, MARYLAND

JOSEPH S. KAUPMAN

FRANKLIN GOLDSTEIN

ISAAC M HEUBENGER

ARNOLD . WEINER

HOBERT E CAHILL

LOUIS B. PRICE

DAVID L. SNIDER

A CHARD V PALCON

GARY I STRAUSBERG

GERARD P MARTIN

LAW OFFICES OF

36 SOUTH CHARLES STREET SIXTH FACOR BALTIMORE MARYLAND 21201

October 13, 1980

GLENN E BUSHEL IRA L COOKE JAMES D. NEILSON PHYLLIS W. BHOWN STANLEY A. SNIDER AICHARD BUBIN HARRY C STORM ROBERT C. FOWLER

BEHNARD & MELNICOVE

190 1971

Ms. Edith T. Eisenhart Administrative Secretary County Board of Appeals Room 219, Court House Towson, Maryland 21204

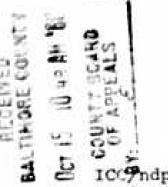
Re: Case No. 80-142-XA

Dear Ms. Eisenhart:

I am in receipt of the Certificate of Notice dated October 7, 1980, a bill dated the same

Enclosed please find a check in the amount of \$17.00 for the cost of certified copies of documents filed in the above referenced case.

However, I have not received any cost pro-jections for the transcript. Of course, regardless of cost, I am unable to pay the entire cost of the



January 10, 1980

Petition for Special Exception for double-tace advertising structure and Variance for double-face sign West side of York Road, 535 feet North of Ridgely Road

BAIMMORE COUNTY, MARYIND

INTER-OFFICE CORRESPONDENCE

Fourteenth District

Mr. W. E. Hammond

Zoning Commissioner TO John D. Seyt en; Director

Office of Planning and Zoning

Petion No. 80-142-XA

SUBJECT....

HEARING: Thursday, January 24, 1980 (9:30 A.M.)

This affice is apposed to the granting of the requested Special exception and variance. It's our opinion that if constructed, because of its location at the top of the hill, it would be out of character with the industrial and office residence development north of the site. It should be noted that the industrial area is zoned MR, the most restrictive manufacturing zone that exists in Baltimore County. It is this offices opinion that the erection of this sign as proposed could be detrimental to the general welfare of the locality. Finally, it should be noted that no billboards along the York Road frontage, oriented to York Road, exist from the Baltimore Beltway to Timonium Road.

Office of Planning and Zoning

JDS:JGH:acb

MELNICOVE KAUFMAN & NEINER P. A.

____ (30) 232-8500

> WHITCH'S DIRECT DIAL NO. (301) 332-8540

Ridgely Realty Co., Inc.

date for \$17.00, and an accompanying letter.

transcript until I know what it will be. Nevertheless, on October 8, 1980, I forwarded a deposit in the amount of \$100.00 for the initial cost of the transcript. If after receipt of this letter you need any further funds please do not hesitate to contact October 7, 1980

Ira C. Cooke, Esquire 36 S. Charles Street BILLED TO: Sulte 600 Baltimore, Md. 21201

Cost of certified copies of documents

Ridgely Realty Co., Inc. W/S York Rd. 535' N. of Ridgely Rd. 8th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO:

County Board of Appeals of Baltimore County Room 219 - Court ouse Towson, Maryland 21304

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 October 7, 1980

Ire C. Cooke, Esquire 36 S. Charles Street Suite 600 Bultimore, Md. 21201

> Res Case No. 80-142-KA Ridgely Rasity Co., Inc.

Dear Ne. Cookes

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the Courty Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Walter Reiter TO_Chairman_Board_of Appeals

Date June 20, 1980

Norman E. Gerber FROM Deputy Director Office of Planning and Zon'ng

SUBJECT Zoning Commissioner's Rules of Procudure

At the hearing of Thursday, June 21, 1980, you asked me to investigate the current practice of the Zoning Commissioner's Office relative to requiring plats accompanying petitions for special exceptions for outdoor advertising signs.

Mr. James Dyer, of the Zaning Office, has informed me that Commissioner John B. Rose exempted petitions for special exceptions for autdoor advertising signs from having to include a plat which bears the seal of a registered surveyor. He did so, according to Mr. Dyer's understanding, sometime in the late 50's or very early

If you have any additional questions, I suggest that you contact the current Zoning Commissioner, Mr. William Hammond.

Deputy Director Office of Planning and Zoning

NEG/moc

cc: Mr. William Hammond Mr. James Dyer

Mr. John Seyffert Mr. Jim Hoswell

4/25/30-Notified the following of hearing she scheduled for THURS., JUNE 12, at 10 a.m.:

Ira C. Cooke, Esq. Ridgely Realty Co., I. : Foster & Kleiser W. J. Katsafanas J. Hessian J. E. Dyer

W. Hammond

Counsel for petitioner Petitioner Lessee Protestant Zoning

People's counsel Date & Time: HURSDAY, SANSJARY 24, 1990 AT 920 A.M. Public Hearing Room 104. County Office Building, 111 W. or double-face custom built structure of 500 square feet and Variance to allow a double-face custom built sign of 500 square feet in lies of the permitted single face unit only.
The Zoning Regulation to be expected as follows:
Section 413.20 - outdoor

October 7, 1980

John W. Hessian, III, Esquire People's Counsel for Baltimore County Towson, Maryland 21204

> Re: Cose No. 60-142-XA Ridgel; Realty Co., Inc.

Dear Mr. Hessian:

Edith T. Elsenhart, Adm. Secretary

car Mr. William J. Katsafanas

THE ESSEX TIMES, INC. 812 EASTERN BLVD. BALTIMORE, MD. 21221 656 feet North of Ride published in Harford County, once odvestising signs.
All that purced of least in the Fourteenth District of Bullimero County.

Bugir sing at a point located on the upstable of 1 ark road 100 feet wide, 26 feet from the right of way like and 60 feet from the centerine of York read, 536 feet zorth of Ridgely read (70 feet wide, and thence running the following course and distance:

(1) Mertinesterly a distance of 25 feet to a point; thence (2) eachwesterly a distance of 25 feet to a point; thence (4) northwesterly a distance of 45 feet to a point; thence (4) northwesterly a distance of 45 feet to the point of heginning.

Buting the property of Ridgely Realty Co., Inc., or shown on plot plan filed with the Zoning Department. BALTIMORE COUNTY, MARYLAND No. 83589 OFFICE OF FINANCE REVENUE DIVISION MISCELLAN US CASH RECEIPT DATE JARMARY 16, 1980 ACCOUNT 01-662 Department,
Houring Date: Thursday,
Jamesy S4, 1980 at 0:30 A.M.
Public Hearing: Room 100,
County Office Building, 111 W.
Chasaprake avenue, Townen,
Maryland. AMOUNT \$57.88 FROM Poster & Kleiser ron Advertising and Posting for Case No. 80-112-74 BY ORDER OF WILLIAM E. HAMMOND 289 4 59 M 17 5788W

VALIES HON OR EIGNATURE OF CASHIER

MELNICOVE, KAUFMAN & WEINER, P. A.

36 SOUTH CHARLES STREET

SIATH FLOOR BALTIMORE, MARYLAND 21201

(30) 332-8500

THE COOPE JAMES D. NEILBON PARLLIS W. BROWN July 22, 1930 STANLEY A SNYDER RICHARD HUBIN HARRY C STORM

> WHITER & DIRECT DIAL NO. (301) 332-8540

AGREST : FOWLER

BERNARD S MEENICOVE

10-11-10-71

Mr. Walter Reits County Board of Appeals Room 219 Court House Towson, Maryland 21204

> Re: Case No. 80-142-XA Ridgely Realty Co., Inc.

Dear Mr. Reits:

JOSEPH S. KAUFMAN

ARNOLD M WEINER

MOBERT E. CAHILL FRANKLIN GOLDSTEIN

LOUIS D. PRICE ISAAC M. NEUBERGER

DAVID L. BNYCER N CHAND V FALCON

GARY L STRAUSBERG

GERARD P. MARTIN

On Thursday, June 12, 1980, I had the privilege of appearing before the Board in regard to the above referenced matter.

At that time the Board did not render a decision on our request, but rather decided to seek further information from the Zoning Office of Baltimore County.

It has now been five weeks since the Hearing, and I have not received copies of any communications between the Zoning Office and the Board of Appeals. This matter has been in the County deliberative process since late in 1979 or early in 1980.

I would appreciate any comment you could make to me concerning when a decision will be rendered. Looking forward to hearing from you the near future. I remain.

cc: John W. Hessian, Esq.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

| Your Petition has | been received this _ | // day of | Oct 197 | |
|--------------------|----------------------|------------------|--------------------------|----|
| | ing Fee \$_50 | Receiveu: _ | Check | |
| | | F 241 | Cash | |
| | \wedge | 1 - | Other | |
| | (04) | Li | X-1- | ., |
| | (3) | William E. Hamm | nond, Zoning Commissione | |
| Petitioner & L | le Latty Cron | Submitted by_ | <i>Y</i> | |
| Petitioner's Attor | 1 / / / | Reviewed by | <u> </u> | _ |
| | | | | |

This is not to be interpreted as acceptance of the Petition for assignment of a

Ridgley Bealty Company c/o hir. Milton Schwaber 110 Relateratowa Road Beltimore, Maryland 21208 serfector & Kleiner e/o My, William Walker 3001 Remington Avenue Beltimore, Maryland 21211

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

WILLIAM E. HAMMOND Zoning Commissioner

PetitionerRidgley Realty Company

Petitioner's Attorney

Reviewed by:// Nicholas B. Commodari Chairman, Zoning Plans

| PETITION | M | \PPI | NG | PRC | GRE | SS | SHE | ET . | | 911 |
|-------------------------------------------------|----------|-------------|----------|-----------------|-----------|----|---------|---------|-----------|---------------|
| PUNCTION | Wall Map | | Original | | Duplicate | | Trocing | | 200 Sheet | |
| FUNCTION | date | by | date | by | date | by | date | by | date | by |
| Descriptions checked and outline plotted on map | | | | | | | | | | |
| Petition number added to outline | | | | | | | | | | |
| Denied | | | | 2000 0410710 | | | | | | |
| Granted by ZC, Ba, CC, CA | | | | | | | | | | |
| Reviewed by: | | | | | ed Pla | | or des | c ripti | | TANKS IN SEC. |
| Previous case: | | | Map #No | | | | | | | |

1-5,6N

CERTIFICATE OF POSTING 200000 DEPARTMENT OF BALTIMORE COUNTY

| District. Sth. Posted for: APPEAL | Date of Posting APRIL 18,1930 |
|------------------------------------|-------------------------------------------|
| Posted for: AFFEAL | |
| Petitioner: RIDGELY REHLTY | COMPANY, INC. 1, 535' N OF RIDGELY RJ. |
| Location of property: W/S YORK R | 1. 535' N OF RIDGELY RI |
| | |
| Location of Signs: W/S YORK Pd. | 550 ton-NoF RIEGELY Rd |
| | |
| Remarks: | |
| Posted by Lleonas 5. Rolo | and Date of return: APRIL 25, 1980 |

CERTIFICATE OF PUBLICATION

TOWSON, MD January 19.50 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in sech of one time _____ eucrossive weeks before the _____ algebe _____ appearing on the ____day of ____lawary-----19_20.

L. Lesuk Suitan.



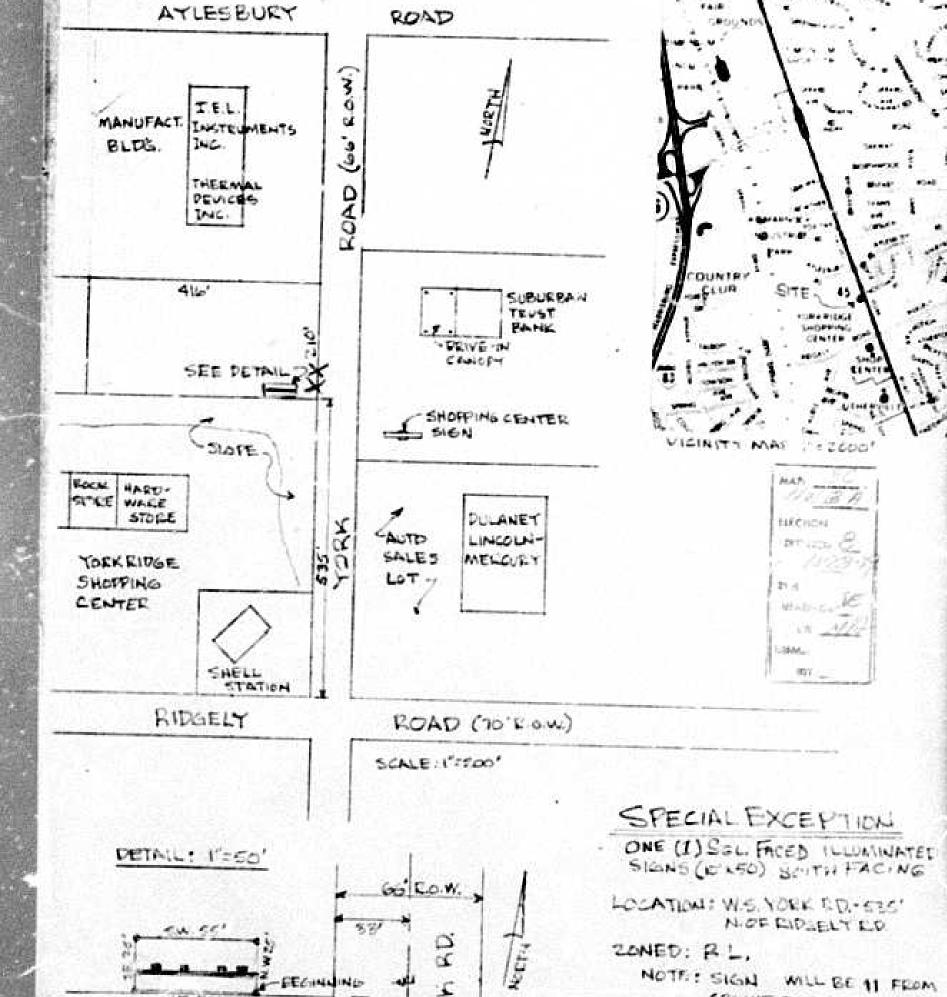
80-142-XA

80-112-XA

CERTIFICATE OF POSTING

PETITION FOR SPECIAL EXCEPTION AND VARIABLE District 14th Petitioner: RIDGELEY REHLTY CO., INC.

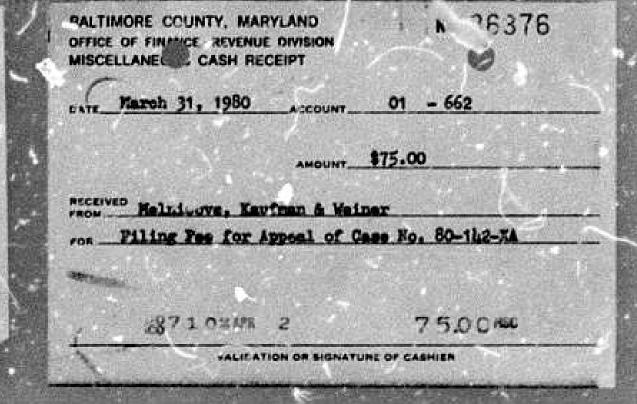
Location of property: W/S YERK ROND, 535'N CF RIDGELEY BORD Posted by Florings & Beland Date of reum TAN. 11, 1980 2-5,6NS



| BALTIMORE COUNTY, MARYLAND OFFICE OF FRANCE-REVENUE WINSION MISCELLAND AS GASH RECEIPT | No. 83298 |
|----------------------------------------------------------------------------------------------|---------------------------------------------------|
| DATE DECEMBER 17, 1979 ACCOUNT | 01-662 |
| AMOUN | - 150.00 |
| PROM. Poster & Eleteer | |
| ron. Filing Fee for Case No. | 80-41/2-74 |
| 2821 1200 19 | 50,00% |
| VALIDATION OR SIGNA | 一、数十四条件 中央工程、数百分至60条件。并20条件的设计。 |

| BALTIMORE COUNTY, MARYLAND OFFIC. OF FINANCE REVENUE DIVISION MISCELLANEOU CASH RECEIPT | No. 85062 |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE Oct. 15, 1990 ACCOUNT_ | 01.712 / |
| AMOUNT | \$17.00 |
| PROBLEM Bra C. Cooks, Esq., 36 S. C | THE RESIDENCE OF THE PROPERTY OF THE PARTY O |
| (for certified copies of do sum | ly Realty Co., Inc. ents from Zonling filts) |
| 3/9275F00115 | 17,00% |

VALIDATION OR SIGNATURE OF CASHIER



GROUND TO BASE OF SIGN 25' OVERALL HEIGHT ELECTION DISTRICT -8 CHAITMAN, TTHOOS SHOWITHAS 1 4535' TO NORTHSIDE