

85-1520
LAW OFFICES
CHARLES J. BALINT

Case # 85-10-ASP

NE/S Liberty Rd., 330' NW of Rolling Rd.

8312 LIBERTY RD.
BALTIMORE, MARYLAND 21207
TELEPHONE (301) 922-0630

January 24, 1985

JAN 25 9:4

Mr. Arnold Jablan, Esquire
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablan:

Please be advised that I have removed my 24sq.foot sign in conformance with the Order of the Circuit of Baltimore County.

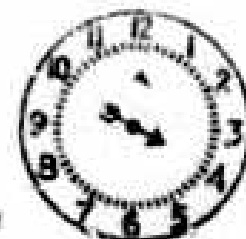
I now have an eight square foot sign attached to my building.

Very truly yours,

Charles J. Balint
Charles J. Balint

CJB/jb

cc: Michael Swerdlow
Assistant to Councilman Gary Huddles



☐ Dtd

ZONING DEPARTMENT

By _____

83 1520
LAW OFFICES
CHARLES J. BALINT

Case # 83-10-ASP

NE/S Liberty Rd., 330' NW of Rolling Rd.

1/26/85
TO E.H. - flc
8312 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
TELEPHONE (301) 922-0900

January 24, 1985

JAN 25 0:14

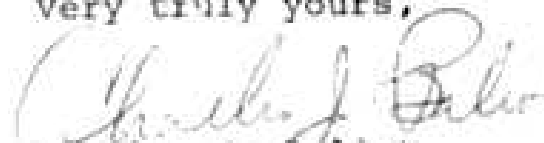
Mr. Arnold Jablan, Esquire
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablan:

Please be advised that I have removed my 24sq. foot sign in conformance with the Order of the Circuit of Baltimore County.

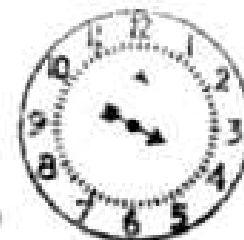
I now have an eight square foot sign attached to my building.

Very truly yours,


Charles J. Balint

CJB/jb

cc: Michael Sverdlov
Assistant to Councilman Gary Huddles



☐ CHD

ZONING DEPARTMENT

By

OPINION

The Appellant purchased the property in March, 1981 and promptly erected the sign in question. A violation was charged against Appellant, who subsequently requested a variance to permit the sign. A hearing was held on the Petition for Special Hearing to determine whether Section 203.3(c) of

Upon review of the record, the Appellant has not established that strict compliance with the Regulations would result in a practical difficulty or undue hardship as required by Section 307 of the Regulations. Because "a reasoning mind reasonably could have reached the factual conclusion the agency reached" this court believes that the Board did not err in concluding

-5-

Review of the record in these proceedings leads the court

-2-

• • • •

• • • •

Appellant's final argument is that the Board's decision is an unconstitutional infringement on Appellant's right to free speech. This court believes that it is clearly within

-6-

-3-

[Signature]
J. WILLIAM HINKEL
JUDGE

Thomas Bollinger, Esq.
Assistant County Attorney

RECEIVED
COUNTY BOARD OF APPEALS
NEW DEC - 6 P 1:08

-7-

HOWARD M. GROSSFELD, ET AL
83-10-ASPH and
82-189-V
NE/side of Liberty Rd., 330' NW of
Rolling Rd. and known as 8312 Liberty Rd.
2nd District
Var.-Free standing sign; sign requirements
ZV-Sign

Case No. 82-189-V
Nov. 6, 1981 RFA from Mr. H. Fauter
June 3, 1983 Z.C.'s Order - sign must be removed
June 10, " Order for appeal filed by Charles Balint
Nov. 1, " Hearing before the Board
Nov. 15, " Order of the Board ordering that the enforcement
of the alleged zoning violation be stayed

Case No. 83-10-ASPH
June 8, 1982 Petition filed
July 13, " Hearing held on petition by Zoning Commissioner
May 17, 1983 Order of Z.C. denying variance and special hearing
June 14, " Order for appeal to C.B. of A. by Charles J. Balint
Nov. 1, " Hearing before the Board
Nov. 15, " Order of the Board that case be remanded to Zoning
Commissioner
Jan. 10, 1984 Order of Z.C. that the CRG need not approve a plan
and/or use before the Z.C. can act in the same matter
and that there may be simultaneous action taken at the
option of the Petitioner

BOTH CASES
April 18, 1984 Hearing before the Board on both cases
April 26, " Order of the Board denying variance and special
hearing; sign in violation of B.C.Z.R. and must be
removed
June 1, " Order for appeal filed in Cir. Ct. by Richard Bolan, Esq.,
on behalf of appellant
June 8, " Motion to Dismiss Appeal and Strike Order for Stay of
Decision and Request for Hearing filed in Cir. Ct. by
People's Counsel
June 11, " Certificate of Notice sent to interested parties
Aug. 20, " Record of proceeding filed in the Cir. Ct. for
Baltimore City.
Dec. 5 Judge J. Wm. Hinkel ORDERED Board AFFIRMED

Howard M. Grossfeld, et al
Case No. 83-10-ASPH and
No. 82-189-V

ORDER

For the reasons set forth in the foregoing Opinion, it is this 24th day
of April, 1984, by the County Board of Appeals, ORDERED that the variance and special
hearing petitioned for, be and the same are hereby DENIED, and
IT IS FURTHER ORDERED that the sign that is the subject of this case
is in violation of the Baltimore County Zoning Regulations, and
IT IS FURTHER ORDERED that said sign be removed within 45 days
from the date of this Order.
Any appeal from this decision must be in accordance with Rules B-1
thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Suder, Acting Chairman
Diana K. Vincent
William R. Evans

Case No. 83-10-ASPH
Item No. 180
Date: June 14, 1983
Var.-Free standing sign; sign requirements
NE/S of Liberty Rd., 330' NW of
Rolling Road - 2nd Election District
Howard M. Grossfeld, et al - Petitioners

1. Copy of Petition
2. Copy of Description of Property
3. Copy of Certificate of Posting
4. Copy of Certificates of Publication
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance
9. Copy of Order - Zoning/Commissioner-5/17/83-DENIED
10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits to
17. Petitioners' Exhibits 1a to 1e PHOTO
18. Letter of Appeal; 4/14/83 by Charles Balint, Esq. on his behalf.
19. Memorandum dated April 8, 1982 addressed to Jack Wimbley
of Planning Office

Charles J. Balint, Esquire
8312 Liberty Road
Baltimore, Maryland 21207
Attorney and Petitioner

Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204
Protestant
Phyllis G. Friedman
John W. Heslian, III, Esquire
James E. Dyer
Vernon E. Hammond, A.E. Johnson
Norman E. Gerler
James Howell
Request Notification
Request Notification
Request Notification

Richard T. Bolan, Esq.
1432 Shaw Street
Baltimore, MD 21408
96 BALINT
Counsel for Appellant-
(Balint) Petitioner

JVE

IN THE MATTER OF THE APPLICATION OF
HOWARD M. GROSSFELD, ET AL
FOR VARIANCE AND
SPECIAL HEARING
NE/S of LIBERTY ROAD 330
NW of ROLLING ROAD
2nd DISTRICT
and
ALLEGED ZONING VIOLATION
8312 LIBERTY ROAD
2nd DISTRICT
IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 16
File No. 83-10-ASPH
and
File No. 82-189-V
Charles J. Balint
Plaintiff (Appellant)

AMENDED ANSWER

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Joanne L. Suder, Diana K. Vincent and William R. Evans,
constituting the County Board of Appeals of Baltimore County in these cases,
and in ANSWER to the Order for Appeal directed against them herewith enclose
exhibits which were entered at the hearing before the Board but inadvertently
not included when filed in the Circuit Court for Baltimore County on August 20,
1984:

Petitioner's Exhibit No. 1 - Photos - A thru F
" " " 2 - File #83-10-ASPH

People's Counsel's Exhibit No. 1 - West Towne Community
Assoc. authorization

Petitioner's Exhibit No. 2 is also in the file as certified documents.

October 17, 1984 Record of additional exhibits filed in the Circuit Court
for Baltimore County.

Respectfully submitted

Edith F. Eisenhart
Edith F. Eisenhart, Esq. Secretary
County Board of Appeals of Baltimore County

cc: Charles J. Balint
Thomas J. Bollinger, Esq.
Phyllis Cole Friedman

IN THE MATTER OF
HOWARD M. GROSSFELD, ET AL
RE VARIANCE, SPECIAL HEARING,
and VIOLATION
ON PROPERTY LOCATED ON THE
NORTHEAST SIDE OF LIBERTY RD.,
330' NORTHWEST OF ROLLING RD.
AND KNOWN AS 8312 LIBERTY RD.
2nd DISTRICT
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 83-10-ASPH and
No. 82-189-V

OPINION

This matter comes before this Board on appeal from a decision by the
Zoning Commissioner of Baltimore County denying Petitioner's request for a variance and a
special hearing, and a finding that a zoning violation exists. The subject of this appeal
concerns a free standing sign located in the front lot of premises known as 8312 Liberty
Road, located in the 2nd Election District of Baltimore County. The subject premises
are currently zoned R.O. At issue is Petitioner's request to continue maintaining a sign
of the dimensions of 24 sq. ft. in lieu of the permitted 8 sq. ft.

THE SPECIAL HEARING

People's Counsel contends that Section 203.3 of the Baltimore County
Zoning Regulations preclude this Board from entertaining requests for variances for signs not
specifically covered in Section 203.3.C.

The Board does not agree with the position asserted by People's Counsel
because to so hold would mean that such requests would by their very nature be use variances
as opposed to area variances. This Board is of the opinion that requests for variances
concerning the size of signs could be classified as area variances. Accordingly, the
request for a special hearing is hereby denied.

1. Section 203.3 - Use Regulations.

C. Signs and Display. In addition to signs permitted under Subsection 413.1,
1 stationary outside identification sign is permitted, provided that the
sign is not illuminated, does not project more than 6 inches from the
building, and does not have a surface area exceeding 8 square feet.
No other signs or displays of any kind visible from outside the building
are permitted. (Bill No. 13, 1980.)

CHARLES J. BALINT
8312 Liberty Road
Baltimore, Maryland 21207
Appellant

vs.
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
Room 206
Courthouse
Towson, Maryland 21204
Serve On: William Hackett
Chairman
Appellees

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY
In The Matter Of
Howard M. Grossfeld, et al
Re Variance, Special Hearing,
and Violation
On Property Located On The
Northeast Side Of Liberty Rd.
and Known As 8312 Liberty Rd.
2nd. District
Before
County Board of Appeals
of
Baltimore County
No: 83-10-ASPH and
No: 82-189-V

ORDER FOR STAY OF DECISION

Pursuant to Maryland Rule 26, it is this 14th day of
June, 1984, by the Circuit Court of Baltimore County
ORDERED, that the Decision of the County Board of Appeals
of Baltimore County in the Variance, Special Hearing and Violation
Hearing of Howard M. Grossfeld, et al, requiring Appellant to
remove a sign at 8312 Liberty Road is hereby stayed, pendente
lite.

True Copy Test
CARMER H. NAHLING, JR., Clerk
Deputy Clerk

FILED JUN 4 1984

Howard M. Grossfeld, et al
Case No. 83-10-ASPH and
No. 82-189-V

THE VARIANCE REQUEST

In order to obtain a variance, a Petitioner must show that a practical
difficulty or an unreasonable hardship does exist. The Petitioner concedes and the Board
agrees that an unreasonable hardship does not exist. Therefore, the issue to be resolved
is whether or not a practical difficulty exists. In describing the property, the Petitioner
explained that the house, now an office (R.O.) is set back from Liberty Road 70+ feet.
The sign measures 6 ft. by 4 ft. and is set close to and clearly visible from Liberty Road.
Accordingly, to the testimony, Petitioner states that his clients would have considerable
difficulty in finding his office if the sign were to be removed. Petitioner testified that he
purchased the property in March, 1981, and that it was zoned R.O. at the time of purchase.
He further testified that he promptly erected the 24 square foot sign without investigating
the Zoning Regulations governing signs in R.O. zones. He further stated that the sign in
question is the only sign he has ever had at this location. Petitioner admitted that he has
not experimented with smaller signs such as those that would be in compliance with
Section 203.3.C of the Baltimore County Zoning Regulations.

Since Petitioner failed to check the appropriate provisions of the
Baltimore County Zoning Regulations prior to the erection of his sign, and since he has not
experimented with signs of the allowable size, the Board is of the opinion that a practical
difficulty does not exist.

THE ZONING VIOLATION

Since an oversized sign currently is situated on the premises, and since
this Board had this date denied Petitioner's request for a special hearing and a variance,
a zoning violation does exist.

IN THE MATTER OF
THE APPLICATION OF
HOWARD M. GROSSFELD, ET AL
FOR VARIANCE AND SPECIAL
HEARING
On property located on the northeast
side of Liberty Rd., 330' northwest
of Rolling Road - 2nd District
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 83-10-ASPH

ORDER FOR REMAND

This matter has come before this Board on appeal from a decision of the
Zoning Commissioner denying Petitioner's request for a variance to permit a free-standing
illuminated sign consisting of 24 sq. ft. in lieu of the permitted 8 sq. feet.
Mr. John W. Heslian, People's Counsel for Baltimore County, made a
motion to dismiss, alleging that this Board was without authority to make a ruling concerning
this variance for reason of Petitioner's failure to comply with Section 203.3 of the
Baltimore County Zoning Regulations.

It was stipulated between Petitioners, Office of Law, and People's
Counsel, that the development plans and use permits had been approved by the Office of
Zoning Enforcement, but not by the County Review Group.

Accordingly, this Board will remand this case back to the Zoning
Commissioner of Baltimore County for his determination as to whether or not the CRG Group
must approve a use prior to his making a determination of a development plan in an R.O. zone.

1. 203.5 - Plan. The use or development of any property in an R-O zone may not be
changed from that existing on the effective date of the classification's application
to that property, except in accordance with a plan approved by the County Review
Group as provided in Title 22, Article IV of the Baltimore County Code, unless
the change in use is confined to a change in the number of dwelling units in
accordance with the provisions of Section 402. (Bill No. 13, 1980; No. 56, 1982.)
(Bill No. 56, 1982 repealed former subsections 203.5.A.8 and C. in their
entirety. Similar provisions detailing the content of development plans are
now contained in Title 22 of the Baltimore County Code, 1978, as amended.)

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of November, 1983, by the County Board of Appeals, ORDERED that the above captioned matter be REMANDED to the Zoning Commissioner for a determination as to whether or not the CRG Group must approve a use prior to his making a determination of a development plan in an R.O. zone.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Suder, Acting Chairman

Diana K. Vincent

William R. Evans

RE: PETITIONS FOR VARIANCE AND SPECIAL HEARING
NE/S of Liberty Road, 330' NW of Rolling Road - 2nd Election District
Howard M. Grossfeld, et al - Petitioners
NO. 83-10-ASPH (Item No. 189)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The petitioners herein seek a variance to permit a free-standing sign, illuminated by spotlights, of 24 square feet in lieu of the maximum permitted 8 square feet attached to a building and, additionally, a special hearing to determine if a variance to the sign regulations should be approved in an R-O (Residential-Office) Zone.

Charles J. Balint, one of the petitioners, testified that the area surrounding the subject site is predominately used as offices and that most, if not all, have signs. He further stated that the sign in front of their office, even with spotlights, would not change the appearance or character of the area and that if required to be placed on the building, the sign would not be visible to persons traveling by automobile.

Section 203.3.C. reads as follows:

"Signs and Display. In addition to signs permitted under Subsection 413.1, 1 stationary outside identification sign is permitted, provided that the sign is not illuminated, does not project more than 6 inches from the building, and does not have a surface area exceeding 8 square feet. No other signs or displays of any kind visible from outside the building are permitted."

Section 413.1 affords little, if any, additional benefit since the sign is generally larger than provided for, contains advertising aspects, and is illuminated.

Although the Zoning Commissioner is empowered to grant variances from sign regulations when adherence to such regulations would result in practical difficulty or unreasonable hardship, the variance may be granted only if in strict harmony with the spirit and intent of the regulations and then only in such a manner as to grant relief without substantial injury to the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of May, 1984, that the Petition for Variance to permit a free-standing sign, illuminated by spotlights, of 24 square feet in lieu of the maximum permitted 8 square feet attached to a building is hereby DENIED.

It is FURTHER ORDERED that, by reason of the denial of the requested variance, the Petition for Special Hearing to determine if a variance to the sign regulations should be approved in an R-O Zone is hereby DENIED.

Zoning Commissioner of
Baltimore County

IN THE MATTER OF
HOWARD M. GROSSFELD, ET AL
RE VARIANCE, SPECIAL HEARING,
and VIOLATION
ON PROPERTY LOCATED ON THE
NORTHEAST SIDE OF LIBERTY RD.,
330' NORTHWEST OF ROLLING RD.
AND KNOWN AS 8312 LIBERTY RD.
2nd DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 83-10-ASPH and
No. 82-189-V

OPINION

This matter comes before this Board on appeal from a decision by the Zoning Commissioner of Baltimore County denying Petitioner's request for a variance and a special hearing, and a finding that a zoning violation exists. The subject of this appeal concerns a free standing sign located in the front lot of premises known as 8312 Liberty Road, located in the 2nd Election District of Baltimore County. The subject premises are currently zoned R.C. At issue is Petitioner's request to continue maintaining a sign of the dimensions of 24 sq. ft. in lieu of the permitted 8 sq. ft.

THE SPECIAL HEARING

People's Counsel contends that Section 203.3 of the Baltimore County Zoning Regulations preclude this Board from entertaining requests for variances for signs not specifically covered in Section 203.3.C.

The Board does not agree with the position asserted by People's Counsel because to so hold would mean that such requests would by their very nature be use variances as opposed to area variances. This Board is of the opinion that requests for variances concerning the size of signs could be classified as area variances. Accordingly, the request for a special hearing is hereby denied.

1. Section 203.3 - Use Regulations.
C. Signs and Display. In addition to signs permitted under Subsection 413.1, 1 stationary outside identification sign is permitted, provided that the sign is not illuminated, does not project more than 6 inches from the building, and does not have a surface area exceeding 8 square feet. No other signs or displays of any kind visible from outside the building are permitted. (Bill No. 12, 1980.)

IN THE MATTER OF
HOWARD M. GROSSFELD, ET AL
RE VARIANCE, SPECIAL HEARING,
and VIOLATION
ON PROPERTY LOCATED ON THE
NORTHEAST SIDE OF LIBERTY RD.,
330' NORTHWEST OF ROLLING RD.
AND KNOWN AS 8312 LIBERTY RD.
2nd DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

CHARLES J. BALINT, APPELLANT
Misc. Doc. No. 16
File No. 83-10-ASPH and
82-189-V
Folio No. 256
File No. 84-M-201

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 3-2(d) of the Maryland Rules of Procedure, Joanne L. Suder, Diana K. Vincent, and William R. Evans, 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, Howard M. Grossfeld and Charles J. Balint, 8312 Liberty Rd., Baltimore, Md. 21207. Petitioners; Mary Ginn, 606 Homcrest Rd., Towson, Md. 21204, Protestants; Richard T. Balon, Suite 200, Blaustein Bldg., Charles and Fayette Sts., Baltimore, Md. 21201, Counsel for Appellant-Petitioner; Dr. Harold Fauter, 8306 Liberty Rd., Baltimore, Md. 21207, Complainant; Mrs. Berkeley Matthews, 612 W. Joppa Rd., Towson, Md. 21204; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County; and Thomas J. Bollinger, Esq., Court House, Towson, Md. 21204, Assistant County Attorney for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Em. 200, Court House, Towson, Md. 21204
454-3180

THE VARIANCE REQUEST

In order to obtain a variance, a Petitioner must show that a practical difficulty or an unreasonable hardship does exist. The Petitioner concedes and the Board agrees that an unreasonable hardship does not exist. Therefore, the issue to be resolved is whether or not a practical difficulty exists. In describing the property, the Petitioner explained that the house, now an office (R.O.) is set back from Liberty Road 70' feet. The sign measures 6 ft. by 4 ft. and is set close to and clearly visible from Liberty Road. Accordingly, to the testimony, Petitioner states that his clients would have considerable difficulty in finding his office if the sign were to be removed. Petitioner testified that he purchased the property in March, 1981, and that it was zoned R.O. at the time of purchase. He further testified that he promptly erected the 24 square foot sign without investigating the Zoning Regulations governing signs in R.O. zones. He further stated that the sign in question is the only sign he has ever had at this location. Petitioner admitted that he has not experimented with smaller signs such as those that would be in compliance with Section 203.3.C of the Baltimore County Zoning Regulations.

Since Petitioner failed to check the appropriate provisions of the Baltimore County Zoning Regulations prior to the erection of his sign, and since he has not experimented with signs of the allowable size, the Board is of the opinion that a practical difficulty does not exist.

THE ZONING VIOLATION

Since an oversized sign currently is situated on the premises, and since this Board has this date denied Petitioner's request for a special hearing and a variance, a zoning violation does exist.

HEREBY CERTIFY that a copy of the foregoing Certificate of Notice

has been mailed to Howard M. Grossfeld and Charles J. Balint, 8312 Liberty Rd., Baltimore, Md. 21207, Petitioners; Mary Ginn, 606 Homcrest Rd., Towson, Md. 21204, Protestants; Richard T. Balon, Suite 200, Blaustein Bldg., Charles and Fayette Sts., Baltimore, Md. 21201, Counsel for Appellant-Petitioner; Dr. Harold Fauter, 8306 Liberty Rd., Baltimore, Md. 21207, Complainant; Mrs. Berkeley Matthews, 612 W. Joppa Rd., Towson, Md. 21204; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County; and Thomas J. Bollinger, Esq., Court House, Towson, Md. 21204, Assistant County Attorney for Baltimore County, on this 11th day of June, 1984.

June Holmen
County Board of Appeals of Baltimore County

ORDER

For the reasons set forth in the foregoing Opinion, it is this 26th day of April, 1984, by the County Board of Appeals, ORDERED that the variance and special hearing petitioned for, be and the same are hereby DENIED, and

IT IS FURTHER ORDERED that the sign that is the subject of this case is in violation of the Baltimore County Zoning Regulations, and

IT IS FURTHER ORDERED that said sign be removed within 45 days from the date of this Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Suder, Acting Chairman

Diana K. Vincent

William R. Evans

CHARLES J. BALINT

Appellant

v.

WILLIAM E. HAMMOND,
ZONING COMMISSIONER

and

BALTIMORE COUNTY OFFICE OF
PLANNING AND ZONING

Appellees

BOARD OF APPEALS

FOR

BALTIMORE COUNTY

82-189-V

C-12-341

No. 83-10-ASPH (Sub. 189)

NOTICE OF APPEARANCE

Please note the appearance of Richard T. Balon as counsel for Charles J. Balint in the above captioned matter.

Richard T. Balon
1127 Short Street
Annapolis, Maryland 21401
301-269-0806

County Board of Appeals

Room 200, Court House
Towson, Maryland 21204
July 28, 1983

(Hearing Room #218)

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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

CASE NO. 82-189-V HOWARD M. GROSSFELD and CHARLES J. BALINT
ZV - Sign
8312 Liberty Road
2nd District
6/3/83 - Z.C. found VIOLATION EXISTS

CASE NO. 82-10-ASPH HOWARD M. GROSSFELD, ET AL
Variance - Free standing sign, sign requirements
NE/S Liberty Rd. 330' NW of Rolling Rd.
2nd District
5/17/83 - Z.C. DENIED

Scheduled for hearing on Tuesday, August 9, 1983 at 10 a.m. has been POSTPONED at the request of the Defendant (Balint) - in court - and has been

REASSIGNED FOR: TUESDAY, NOVEMBER 1, 1983 at 10 a.m.

cc: Howard M. Grossfeld Defendant
Charles J. Balint " and Counsel for Petitioners
Dr. Harold Fauter Complainant
Mrs. Mary Ginn Protestants
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. G. Hoswell
Mr. Gary C. Frund
Mr. James H. Thompson
John W. Hession, III, Esq. People's Counsel
Thomas J. Bollinger, Esq. Office of Law

Edith T. Eisenhart, Adm. Secretary

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting June 22, 1983
Posted for: Appeal
Petitioner: Howard M. Grossfeld et al
Location of property: NE/S of Liberty Road, 330' NW of Rolling Road
Location of Sign: NE/S of Liberty Road, approx. 300' NW of Rolling Road
Remarks: Original sign removed
Posted by: R.G. Smith Date of return: June 22, 1983
Number of Signs: 1

#83-10-ASPH 2nd District
NE/S Liberty Rd., 330' NW of Rolling Rd.
Howard M. Grossfeld, et al
2 SIGNS

IN THE MATTER OF HOWARD M. GROSSFELD, ET AL
RE: VARIANCE, SPECIAL HEARING, and VIOLATION
ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF LIBERTY RD., 330' NORTHWEST OF ROLLING RD. AND KNOWN AS 8312 LIBERTY RD. 2ND DISTRICT

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
AT LAW

CHARLES J. BALINT, APPELLANT Misc. Doc. No. 16
File No. 83-10-ASPH and 82-189-V Folio No. 256
File No. 84-M-201

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Joanne L. Suder, Diana K. Vincent, and William R. Evans, 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 and 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

Case No. 82-189-V

November 6, 1981 RFA from Dr. Harold Fauter
November 19, " Inspection Record of Zoning Violation
November 24, " Correction Notice
June 3, 1983 Z.C.'s Order - Sign must be removed
June 10, " Order for Appeal to C.B. of A. filed by Charles J. Balint
November 1, " Hearing before the Board
November 15, " Order of the Board ordering that the enforcement of his alleged zoning violation be stayed pending decision in Case #83-10-ASPH

Howard M. Grossfeld, et al
Case No. 83-10-ASPH and 82-189-V

Case No. 83-10-ASPH

June 8, 1982 Petition filed - Howard M. Grossfeld, for special hearing to approve a determination of whether a variance to the sign requirements for R.O. zones can be granted, and for variance from Sec. 203.3.C to permit a free-standing sign with spotlights of 24 sq. ft. in lieu of the maximum permitted sign of 8 sq. ft. attached to the building.

June 8, " Order of the Zoning Commissioner directing advertisement and posting of property - date of hearing set for July 13, 1982, at 10:15 a.m.

June 18, " Comments of Baltimore County Director of Planning - filed

June 24, " Certificate of Publication in newspaper - filed

June 26, " Certificate of Posting of property - filed

July 6, " Comments of Baltimore County Zoning Plans Advisory Committee - filed

July 13, " At 10:15 a.m. hearing held on petition by Zoning Commissioner

May 17, 1983 Order of Zoning Commissioner denying variance and special hearing

June 14, " Order for Appeal to the County Board of Appeals filed by Charles J. Balint

November 1, " Hearing on appeal before County Board of Appeals

November 15, " Order of the Board that the case be remanded to the Zoning Commissioner

January 10, 1984 Order of Zoning Commissioner in response to the Order for Remand that the CRG need not approve a plan and/or use before a Zoning Commissioner can act in the same matter and that there may be simultaneous action taken at the option of the Petitioner.

Case No. 83-10-ASPH & 82-189-V

April 18, 1984 Hearing before the Board of Appeals on both cases.

April 26, " Order of the Board ordering that the variance and special hearing petitioned for be DENIED and that the sign is in violation of Baltimore County Zoning Regulations, and sign must be removed

June 1, 1984 Order for Appeal filed in the Circuit Ct. for Baltimore County by Richard T. Bolan, Esq., on behalf of Appellant

June 6, " Petition to accompany Order for Appeal filed in the Circuit Ct.

June 8, " Motion to Dismiss Appeal and Strike Order for Stay of Decision and Request for Hearing filed in Circuit Court by People's Counsel.

IN THE MATTER OF HOWARD M. GROSSFELD, ET AL
RE: VARIANCE, SPECIAL HEARING, and VIOLATION
ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF LIBERTY RD., 330' NORTHWEST OF ROLLING RD. AND KNOWN AS 8312 LIBERTY RD. 2ND DISTRICT

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
AT LAW

CHARLES J. BALINT, APPELLANT Misc. Doc. No. 16
File No. 83-10-ASPH and 82-189-V Folio No. 256
File No. 84-M-201

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Joanne L. Suder, Diana K. Vincent, and William R. Evans, 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, Howard M. Grossfeld and Charles J. Balint, 8312 Liberty Rd., Baltimore, Md. 21207, Petitioners; Mary Ginn, 606 Homestead Rd., Towson, Md. 21204, Protestants; Richard T. Bolan, Suite 200, Blaustein Bldg., Charles and Fayette Sts., Baltimore, Md. 21201, Counsel for Appellant-Petitioner; Dr. Harold Fauter, 8306 Liberty Rd., Baltimore, Md. 21207, Complainant; Mrs. Berkeley Matthews, 612 W. Joppa Rd., Towson, Md. 21204; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County; and Thomas J. Bollinger, Esq., Court House, Towson, Md. 21204, Assistant County Attorney for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Joanne Holman
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Howard M. Grossfeld, et al
Case No. 83-10-ASPH and 82-189-V

June 11, 1984 Certificate of Notice sent to interested parties

August 20, " Transcript of testimony filed

Petitioner's Exhibit 1 - 2 A.B.C., photos (marked at Zoning Commissioner's hearing as Exhibit 1a to 1e)

People's Counsel's Exhibit 1 - Affidavit of M. Ginn (not in file)

" " 2 - Letter from Wm. T. Hackett to M. Ginn

August 20, " Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, 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 whenever directed to do so by this Court.

Respectfully submitted,

Joanne Holman
County Board of Appeals of Baltimore County

cc: Charles J. Balint, Esq.
Richard T. Bolan, Esq.
T. J. Bollinger, Esq.
People's Counsel
Mrs. Mary Ginn
Dr. Harold Fauter

Howard M. Grossfeld, et al
Case No. 83-10-ASPH & 82-189-V

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice

has been mailed to Howard M. Grossfeld and Charles J. Balint, 8312 Liberty Rd., Baltimore, Md. 21207, Petitioners; Mary Ginn, 606 Homestead Rd., Towson, Md. 21204, Protestants; Richard T. Bolan, Suite 200, Blaustein Bldg., Charles and Fayette Sts., Baltimore, Md. 21201, Counsel for Appellant-Petitioner; Dr. Harold Fauter, 8306 Liberty Rd., Baltimore, Md. 21207, Complainant; Mrs. Berkeley Matthews, 612 W. Joppa Rd., Towson, Md. 21204; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County; and Thomas J. Bollinger, Esq., Court House, Towson, Md. 21204, Assistant County Attorney for Baltimore County, on this 11th day of June, 1984.

Joanne Holman
County Board of Appeals of Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY
LAW

DOCKET 16 PAGE 256 CASE NO. 83-10-201 CATEGORY APPEAL

CHARLES J. BALINT

In the Matter of Howard M. Grossfeld et al
Re: Variance, Special Hearing and Violation
on Property Located on the Northeast Side of
Liberty Rd. and known as 8312 Liberty Rd.
2nd District

Richard T. Bolan
Jerome and Block
200 Blaustein Bldg.
1 N. Charles St. (01)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Peter Max Zimmerman
Rm. 223, Courthouse
(04) 434-2188

- (1) June 1, 1984 - Appellant's Order for Appeal from the Decision of the Co. Bd. of Appeals and Petition for Appeal fd.
- (2) June 1, 1984 - Appellant's Motion for Stay of Decision fd.
- (3) June 4, 1984 - Order of Court granting Order for Stay of Decision fd. (BAM)
- (4) June 5, 1984 - Plaintiff's Correspondence fd.
- (5) June 8, 1984 - App. of Peter Max Zimmerman as atty for People's Counsel for Baltimore County and Same Day Motion to Dismiss Appeal and Strike Order for Stay of Decision and Request for Hearing fd.
- (6) June 11, 1984 - Certificate of Notice fd.
- (7) June 14, 1984 - Appellant's Request for Hearing and Affidavit fd.
- (8) June 26, 1984 - Appellant's Motion to Change Time for Record Transmittal and Order of Court Granting Same until Aug. 29, 1984 fd. (JSS)
- (9) July 25, 1984 - Correspondence fd.
- (10) July 26, 1984 - Affidavit of June Carter fd.
- (11) July 26, 1984 - Motion for Leave to appear as Amicus Curiae and Order Denied in open Court fd. (BAM)

DOCKET 16 PAGE 256 CASE NO. 84-M-201

84 M 201
August 3, 1984 - Def't's (PEOPLE'S COUNSEL FOR BALTIMORE COUNTY) Answer to Petition on Appeal fd.
Aug. 20, 1984 - Transcript of Record fd.
Aug. 20, 1984 - Notice of Filing of Record fd. Copy sent.
Sept. 19, 1984 - Appellant's Memorandum & Exhibits fd.
Oct. 3, 1984 - People's Counsel's Hearing Memorandum fd.
Oct. 17, 1984 - County Bd. of Appeals of Balto. Co.'s Amended Answer fd./& Exhibits .
Oct. 22, 1984 - Appellant's Reply Memorandum fd.
(19) Dec. 5, 1984 - Opinion & Order of Court the Decision of the Board is hereby Affirmed fd. (JMB)

LAW OFFICES
CHARLES J. BALINT

8312 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
TELEPHONE (301) 922-0900

June 14, 1983

Mary Campagna
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: 82-189-V, C-82-341
83-10-ASPH (Item No. 180)

Dear Ms. Campagna:

Please be advised that I wish to appeal the above entitled matters. The appeal is on my own behalf.

Thank you for your cooperation in this matter.

Very truly yours,

Charles J. Balint
Charles J. Balint

CJB/mcb

HAROLD H. FAUTER, M.D., P.A.
Otolaryngologist - Otorhinolaryngologist
8312 LIBERTY ROAD
BALTIMORE, MD. 21207
Telephone: 673-5885

October 28, 1983

County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Re: Charles J. Balint, BV sign
8312 Liberty Rd.
2nd District

Gentlemen:

I will be unable to attend the hearing regarding the above-captioned sign due to my performing surgery on November 1, 1983.

I would like to state that I have no objections to this sign.

Very truly yours

Harold H. Fauter
HAROLD H. FAUTER, M.D.

HNF/lm

Petitioner's Ex. #2



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
November 15, 1983

Charles J. Balint, Esq.
8312 Liberty Rd.
Baltimore, Md. 21207

Dear Mr. Balint:

Re: Case No. 83-10-ASPH
Howard M. Grossfeld, et al

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

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: Mrs. Mary Ginn
Mrs. Berkeley Matthews
Richard T. Bolan, Esq.
J. W. Heslop, Esq.
T. J. Bollinger, Esq.
J. Dyer
A. Jablon
N. Gerber
J. Hoswell
J. Jung
G. Freund
J. Thompson

LAW OFFICES
CHARLES J. BALINT

8312 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
TELEPHONE (301) 922-0900

February 6, 1984

Clerk
County Board of Appeals of
Baltimore County
Room 200 Court House
Towson, Maryland 21204

Re: Case No: 83-10-ASPH
Howard M. Grossfeld, et al

Dear Clerk:

A hearing has been scheduled in the above entitled case for Wednesday, April 11, 1984 at 10:00 a.m. Please be advised that I already am scheduled in the District Court of Maryland, Wilkens & Walker Avenues, Catonsville, Maryland 21228 in State v. Ambrose, case number Citation CA063424 at the same date and time. Please postpone the above entitled case.

Thank you for your cooperation in this matter.

Very truly yours,

Charles J. Balint
Charles J. Balint

CJB/mcb



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
February 7, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 83-10-ASPH HOWARD M. GROSSFELD, ET AL
NE's Liberty Rd., 330' NW of Rolling Rd.
2nd District
Variance-Free standing sign; sign requirements
5/17/83 - Z.C.'s Order - DENIED
WEDNESDAY, APRIL 11, 1984, at 10 a.m.

ASSIGNED FOR:

cc: Charles J. Balint, Esq. Attorney and Petitioner
Mrs. Mary Ginn Protestant
Richard T. Bolan, Esq. Counsel for Appellant-(Balint) Petitioner
Mrs. Berkeley Matthews
Phyllis Friedman People's Counsel
T. J. Bollinger, Esq. Office of Law
J. E. Dyer
A. E. Jablon
N. E. Gerber
J. Hoswell
J. Jung
Mr. Freund
J. Thompson

June Holmen, Secy.

7/19/83 - Following were notified of hearing set for Tues. Aug. 9, 1983, at 10 a.m.:

Howard Grossfeld and Charles Balint
Dr. H. Fauter
Mrs. Mary Ginn
J. Heslop
T. Bollinger
J. Dyer
W. Grossfeld
N. Gerber
J. Hoswell
G. Freund
J. Thompson

Postponed 7-25-83

7/28/83 - Above notified of POSTPONEMENT and REASSIGNMENT for TUESDAY, NOV. 1, 1983 at 10 am

Not case scheduled

2/1/84 - Following were notified of hearing set for Wed. April 11, 1984, at 10 a.m.:

Charles Balint, Esq.
Mrs. Mary Ginn
P. Friedman
T. Bollinger
J. Dyer
A. Jablon
N. Gerber
J. Hoswell
J. Jung
Mr. Freund
J. Thompson
Mrs. B. Matthews
Richard Bolan, Esq.

Postponed 2/8/84

2/8/84 - Above notified of POSTPONEMENT and REASSIGNMENT for WEDNESDAY, APRIL 18, 1984 at 10 am

County Board of Appeals

Room 200, Court House
Towson, Maryland 21204

(Hearing Room #218)

February 8, 1984

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POST-ONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #106

CASE NO. 83-10-ASPH

HOWARD M. GROSSFELD, ET AL

FOR VARIANCE - FREE STANDING SIGN, ETC.

NE/S LIBERTY ROAD 330' NW ROLLING ROAD

2nd DISTRICT

5/17/83 - Z.C. DENIED PETITION

Scheduled for hearing on Wednesday, April 11, 1984 at 10 a.m. has been POSTPONED at the request of Petitioner (in court), and has been

REASSIGNED FOR:

WEDNESDAY, APRIL 18, 1984 at 10 a.m.

cc: Charles J. Balint, Esquire

Petitioner

Richard T. Bolan, Esquire

Counsel for Petitioner-Appellant

Mrs. Mary Ginn

Protestant

Phyllis C. Friedman

People's Counsel

Thomas J. Bollinger, Esquire

Office of Law

A. Jablon

J. E. Dyer

J. Jung

M. E. Gerber

J. G. Howell

G. Freund

J. Thompson

Edith T. Eisenhart, Adm. Secretary



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

April 26, 1984

Charles J. Balint, Esq.
8312 Liberty Rd.
Baltimore, Md. 21204

Re: Case No. 83-10-ASPH and
82-189-V

Dear Mr. Balint:

Howard M. Grossfeld, et al

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

Very truly yours,

John Holman
John Holman, Secretary

Encl.

cc: Howard M. Grossfeld
Mrs. Mary Ginn
Richard T. Bolan, Esq.
Dr. Harold Fauter
Mrs. Berkeley Matthews
Phyllis C. Friedman
T. J. Bollinger, Esq.
J. Dyer
A. Jablon
G. Freund
J. Thompson
N. Gerber
J. Howell
J. Jung

13-2000
Appealed
Transferred to Board of Appeals
9/24/83

September 27, 1983

Board of Zoning Appeals
County Office Building
Baltimore, Maryland 21204

Dear Sirs:

Re Case no. 83-10-ASPH

This is a request for a variance to permit a free-standing sign in front of a building on Liberty Road. Greater Towson fears that granting such a variance in one part of the county will set a precedent for the entire county. We are most anxious that our RO zone retain its residential appearance, and we oppose granting any such variance.

Sincerely yours,
Carl E. Bruff
Carl E. Bruff, President

Carl E. Bruff
15 N. Middle Ave.
Towson, MD 21204
(301) 823-1445

RECEIVED
COUNTY BOARD OF APPEALS
APR 26 1984

JENKINS & BLOCK
COUNSELLORS AT LAW
SUITE 200 - BLAUSTEIN BUILDING
CHAPLIN AND FAYETTE STREETS
BALTIMORE, MARYLAND 21201
EST. 1922 June 4, 1984

Robert A. Jenkins
Bruce D. Block

Clerk
Circuit Court for Baltimore County
Court House
Towson, Maryland 21204

Re: Balint v. County Board of Appeals
84 M 201
16/256

Dear Mr. Clerk:

Please amend the dates indicated in the Certificates of Service in my Petition on Appeal and Motion for Stay of Decision to read June 4, 1984.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,
Richard T. Bolan
Richard T. Bolan

RTB/jc

cc: William Hackett, Chairman
County Board of Appeals of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
APR 26 1984

CHARLES J. BALINT
8312 Liberty Road
Baltimore, Maryland 21204

Appellant

vs.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Room 200
Courthouse
Towson, Maryland 21204

Serve On: William Hackett
Chairman

Appellees

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY

In The Matter Of
Howard M. Grossfeld, et al
Re Variance, Special Hearing,
and Violation
On Property Located On The
Northeast Side of Liberty Rd.
and Known As 8312 Liberty Rd.
2nd. District

Before
County Board of Appeals
Of
Baltimore County

No. 83-10-ASPH and
No. 82-189-V

PETITION ON APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Charles J. Balint, through his attorney, Richard T. Bolan, pursuant to Maryland Rules B1 through B12, respectfully represents that on April 26, 1984, the County Board Of Appeals Of Baltimore County denied the Appellant a variance to permit him to have a sign measuring 6 foot by 4 foot on his property at 8312 Liberty Road and that this decision of the County Board Of Appeals was

1. Against the weight of the competent, material and substantial evidence in view of the entire record.
2. Arbitrary, capricious and erroneous in that the County Board Of Appeals Of Baltimore County based their decision on a misapplication of the law concerning what constitutes a practical difficulty and did not consider all relevant facts and

for other reasons to be shown at the hearing herein.

3. Made upon unlawful procedure including remanding only part of the case to the Zoning Commissioner.
4. Affected by other error of law including misinterpretation of the Agency's Rules, Policy, and Procedures.
5. For such other reasons to be shown at the hearing herein.

WHEREFORE, Appellant prays:

- A. That this Honorable Court reverse the decision of the County Board Of Appeals Of Baltimore County and to grant a variance permitting Appellant to keep his present sign.
- B. That this Honorable Court grant such other and further relief as the nature of the cause may require.

Richard T. Bolan
Richard T. Bolan
Jenkins and Block
210 Blaustein Building
1 N. Charles Street
Baltimore, Maryland 21201
Attorney for Appellant

I HEREBY CERTIFY that on this 26th day of May, 1984, a copy of the foregoing Petition On Appeal and the annexed Order thereto were mailed to William Hackett, Chairman, County Board Of Appeals Of Baltimore County, Room 200, Old Courthouse, Towson, Maryland 21204, Appellee.

Richard T. Bolan
Richard T. Bolan

RECEIVED
COUNTY BOARD OF APPEALS
APR 26 1984

CHARLES J. BALINT
8312 Liberty Road
Baltimore, Maryland 21204

Appellant

vs.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Room 200
Courthouse
Towson, Maryland 21204

Serve On: William Hackett
Chairman

Appellees

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY

In The Matter Of
Howard M. Grossfeld, et al
Re Variance, Special Hearing,
and Violation
On Property Located On The
Northeast Side of Liberty Rd.
and Known As 8312 Liberty Rd.
2nd. District

Before
County Board Of Appeals
Of
Baltimore County

No. 83-10-ASPH and
No. 82-189-V

ORDER FOR APPEAL

Please note an Appeal (Pursuant to Maryland Rules B1 through B12) on behalf of the Appellant, Charles J. Balint, from the County Board Of Appeals Of Baltimore County's Decision of the Variance, Special Hearing and Violation hearing of Howard M. Grossfeld, et al, dated April 26, 1984.

Richard T. Bolan
Richard T. Bolan, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
APR 26 1984

CHARLES J. BALINT
8312 Liberty Road
Baltimore, Maryland 21204

Appellant

vs.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Room 200
Courthouse
Towson, Maryland 21204

Serve On: William Hackett
Chairman

Appellees

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY

In The Matter Of
Howard M. Grossfeld, et al
Re Variance, Special Hearing,
and Violation
On Property Located On The
Northeast Side of Liberty Rd.
and Known As 8312 Liberty Rd.
2nd. District

Before
County Board of Appeals
Of
Baltimore County

No. 83-10-ASPH and
No. 82-189-V

MOTION FOR STAY OF DECISION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now comes, Charles J. Balint, by Richard T. Bolan, Pursuant to Maryland Rule B6 and respectfully represents as follows:

1. That Appellant was denied a variance to permit him to have a 6 foot by 4 foot sign in front of his property at 8312 Liberty Road on April 26, 1984.
2. That pursuant to said denial Appellant was ordered to remove said sign within 45 days of the date of the order (April 26, 1984) as being in violation of the Baltimore County Zoning Regulations.
3. That it is a great hardship on the Appellant since clients would not be able to locate his office and approximately 30 percent of his business originates from said sign.

4. That no great or permanent harm would come to Appellee by allowing said sign to remain standing pendente lite.

WHEREFORE, Appellant prays:

a). That this Honorable Court stay the Order requiring the sign to be removed from its present location pendente lite.

Richard T. Bolan, Esquire
Jenkins and Block
200 Blaustein Building
1 N. Charles Street
Baltimore, Maryland 21201

Attorney for Appellant

I HEREBY CERTIFY that on this 4th day of June, 1984, a copy of the foregoing Motion For Stay Of Decision and the annexed Order thereto were mailed, postage prepaid, to William Hackett, Chairman, County Board of Appeals Of Baltimore County, Room 200, Old Courthouse, Towson, Maryland 21204, Appellee.

Richard T. Bolan

RECEIVED
COUNTY BOARD OF APPEALS
JUN 16 4 12

- 2 -

CHARLES J. BALINT
8312 Liberty Road
Baltimore, Maryland 21207

Appellant

vs.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
Room 200
Courthouse
Towson, Maryland 21204

Serve On: William Hackett
Chairman

Appellees

IN THE

CIRCUIT COURT

OF

BALTIMORE COUNTY

In The Matter Of
Howard M. Grossfeld, et al
Re Variance, Special Hearing,
and Violation
On Property Located On The
Northeast Side Of Liberty Rd.
and Known As 8312 Liberty Rd.
2nd. District

Before

County Board of Appeals

Of

Baltimore County

No: 83-10-ASPH and
No: 82-189-V

ORDER FOR STAY OF DECISION

Pursuant to Maryland Rule B6, it is this day of

, 1984, by the Circuit Court of Baltimore County

ORDERED, that the Decision of the County Board Of Appeals Of Baltimore County in the Variance, Special Hearing and Violation Hearing of Howard M. Grossfeld, et al, requiring Appellant to remove a sign at 8312 Liberty Road is hereby stayed, pendente lite.

JUDGE

RECEIVED
COUNTY BOARD OF APPEALS
JUN 16 4 12

CHARLES J. BALINT
Appellant
vs.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY,
et al.,
Appellees

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

AT LAW

Misc. #84 M 201

10/356

MOTION TO DISMISS APPEAL AND STRIKE ORDER FOR STAY OF DECISION AND
REQUEST FOR HEARING

People's Counsel for Baltimore County, Appellee, moves to dismiss the appeal and strike the Order for Stay of Decision, on the following grounds:

1. The Order of the County Board of Appeals is dated April 26, 1984.
2. This appeal to the Circuit Court was docketed June 1, 1984, more than thirty (30) days after the administrative decision.
3. Moreover, Appellants failed to mail a copy of the appeal to the County Board of Appeals until June 4, 1984, which was received by the Board on June 6, 1984.
4. Maryland Rule B4 requires that the appeal of the decision of an administrative agency be filed within thirty (30) days (B4.a).
5. Maryland Rule B2 provides that the appellant shall serve a copy of the appeal on the agency prior to filing it in court.
6. Despite the untimeliness of the appeal, and the failure to serve the Board of Appeals or notify any other parties, the Appellant obtained on June 4, 1984, ex parte, an Order staying the administrative decision. This Order is invalid not only because of the untimeliness and irregularity of the appeal, but also because no opportunity was given to other parties to respond to the motion requesting the Order, in violation of Maryland Rule 321.

- 2 -

7. In any event, pursuant to Maryland Rule 35, the failure to timely file the appeal is jurisdictional and requires dismissal.
WHEREFORE, People's Counsel moves that the appeal be dismissed and the Order for Stay of Decision stricken and requests a hearing in connection therewith.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

Statement of Facts and Authorities:

1. Maryland Rules B2, B4, B5, B6, and 321.
2. Volk v. Tugatch, 262 Md. 80, 277 A.2d 17 (1971); Border v. Croome, 267 Md. 100, 297 A.2d 81 (1972); Salisbury Board of Zoning Appeals v. Boundy, 240 Md. 347, 214 A.2d 810 (1965).

I HEREBY CERTIFY that on this 8th day of June, 1984, a copy of the foregoing Motion to Dismiss Appeal and Strike Order for Stay of Decision and Request for Hearing was mailed to Richard T. Bolan, Esquire, Jenkins & Block Suite 200, Blaustein Bldg., Charles & Fayette Sts., Baltimore, MD 21201; and Thomas Bollinger, Esquire, Assistant County Attorney, Mezzanine, Court House, Towson, MD 21204.

Peter Max Zimmerman



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 11, 1984

Phyllis C. Friedman
People's Counsel
Court House
Towson, Md. 21204

Dear Mrs. Friedman:

Re: Case No. 83-10-ASPH & 82-189-V
Howard M. Grossfeld, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

John Holmen, Secretary

Encl.
cc: Mary Ginn
T. J. Bollinger, Esq.
Dr. Harold Fauter
Mrs. Berkeley Matthews
J. Dyer
A. Jablon
N. Gerber
J. Howell
J. Jung
G. Freund
J. Thompson

June 11, 1984

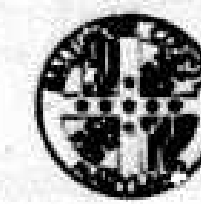
BILLED TO: Richard T. Bolan, Esq.
Suite 200, Blaustein Bldg.
Charles and Fayette Sts.
Baltimore, Md. 21201

Cost of documents in Case No. 83-10-ASPH and
" " 82-189-V \$39.00
Howard M. Grossfeld, et al
NE 1/4 of Liberty Rd., 330' NW of Rolling Rd.
2nd District

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
6m, 209, Court House
Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 85150
DATE June 12, 1984 ACCOUNT 01.712
AMOUNT \$39.00
RECEIVED BY Charles Bolan, 8312 Liberty Rd., Baltimore, Md. 21207
FOR Certified documents in Case 83-10-ASPH & 82-189-V,
Howard M. Grossfeld, et al
B 80454-00003390018 8188F
VALIDATION SIGNATURE OF CASHIER



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 11, 1984

Richard T. Bolan, Esq.
Suite 200, Blaustein Bldg.
Charles and Fayette Sts.
Baltimore, Md. 21201

Dear Mr. Bolan:

Re: Case No. 83-10-ASPH & 82-189-V
Howard M. Grossfeld, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County 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 this 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 may 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,

John Holmen, Secretary

Encl.
cc: Howard Grossfeld & Charles Balint

CHARLES J. BALINT
8312 Liberty Road
Baltimore, Maryland 21207

Appellant

vs.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
Room 200
Courthouse
Towson, Maryland 21204

Serve On: William Hackett
Chairman

Appellees

IN THE

CIRCUIT COURT

OF

BALTIMORE COUNTY

In The Matter Of
Howard M. Grossfeld, et al
Re Variance, Special Hearing,
and Violation
On Property Located On The
Northeast Side of Liberty Rd.
and Known As 8312 Liberty Rd.
2nd. District

Before

County Board of Appeals

Of

Baltimore County

No: 83-10-ASPH and
No: 82-189-V

REQUEST FOR HEARING

Appellant, Charles J. Balint, by his attorney, Richard T. Bolan, opposes the People's Counsel for Baltimore County's Motion to Dismiss Appeal And Strike Order For Stay Of Decision and for reasons say:

1. Maryland Rule B 5 states that where cause to the contrary is shown, the Court is not required to dismiss the appeal where the appellant fails to file his order for appeal within the time prescribed by Rule B4 or B2e.
2. Appellant failed to file his order for appeal within the time prescribed by Rule B4 or B2e due to neglect and negligence of counsel. Appellant timely notified his counsel of the need for appeal, and rechecked with counsel within the appeal period to make sure the appeal had been filed and was assured

that it had been filed in a timely manner. Due to his counsel's neglect and negligence, caused by members of his counsel's staff, the appeal was not filed in a timely manner.

3. When his counsel discovered on June 1, 1984, that the appeal appeared not to have been filed, he hand delivered the appeal to the court and had it docketed immediately, and informed Appellant, who had no knowledge that the matter had not been timely filed. On June 4, 1984, after counsel was able to verify with his staff that the appeal had not been filed until hand delivered and filed by counsel on June 1, counsel corrected the Court's file to reflect certification to the Board of Appeals on June 4, 1984, and served the Board of Appeals.

4. Appellant denies that the failure to timely file the appeal is jurisdictional and requires dismissal, and asserts that the innocent client, Appellant, should not be penalized for the negligence of his counsel, where the client has demonstrated due diligence and is wholly without fault.

5. That the Appellant has a meritorious claim in that the agency has acted in an arbitrary and capricious manner in denying the use variance.

6. That the Court acted properly in granting a stay pending a hearing on the matter.

7. The accompanying Affidavit is hereby made a part hereof.

Richard T. Bolan
Richard T. Bolan
Jenkins & Block
Suite 200 - Blaustein Building
One North Charles Street
Baltimore, Maryland 21201
Attorney for Appellant

- 2 -

Statement Of Points and Authorities

1. Md. Rules B2, B4, B5, B6.
2. Renehan v. Public Service Commission, 231 Md. 59, 188 A 2d 566(1963); Aberle v. Mayor and City Council of Baltimore, 228 Md. 542, 186 A2d 836(1962); Herrimack Park v. County Board of Appeals, 228 Md 184, 179 A 2d 345(1962)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13th day of June, 1984, a copy of the foregoing Request For Hearing was mailed, postage prepaid, to Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204 and Thomas Bollinger, Esquire, Assistant County Attorney, Mezzanine, Court House, Towson, Maryland 21204.

Richard T. Bolan
Richard T. Bolan

- 3 -

CHARLES J. BALINT
8312 Liberty Road
Baltimore, Maryland 21207

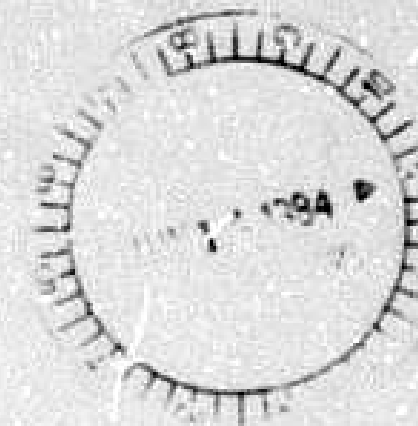
Appellant

vs.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
Room 200
Courthouse
Towson, Maryland 21204

Serve On: William Hackett
Chairman

Appellees



IN THE

CIRCUIT COURT

OF

BALTIMORE COUNTY

In The Matter Of
Howard M. Grossfeld, et al
Re: Variance, Special Hearing,
and Violation
On Property Located On The
Northeast Side Of Liberty Rd.
and Known As 8312 Liberty Rd.
2nd. District

Before

County Board of Appeals
Of

Baltimore County

No: 83-10-ASPH and
No: 82-189-V

AFFIDAVIT

I HEREBY CERTIFY, that on this 13th day of June, 1984, before me, the subscriber, a Notary Public of the State of Maryland, in and for Anne Arundel County aforesaid, personally appeared RICHARD BOLAN, and made oath in due form of law, as follows:

1. I am counsel for the Appellant and was so during all pertinent times regarding to this matter.
2. I was notified by Appellant to file an appeal on or about May 15, 1984.
3. I received the appeals forms meeting the Appellant's approval on May 21, 1984.
4. On May 21, 1984, I signed the Petition and Order and entrusted it to a legal secretary who has worked for the firm of

Jenkins and Block for approximately 10 years and unequivacally instructed her to send it out that day.

5. I received a call from Appellant on or about May 23, 1984, before the filing deadline and checked with the secretary who assured me that the matter had been taken care of. This was the standard procedure in my office and had not failed to that date.

6. Conditions within the office had been unsettled due to a secretary leaving and being replaced by a temporary who could not handle the position.

7. It was not until June 1, 1984, that I discovered the appeal on the secretary's desk on a day on which she was out of town.

8. I immediately filed the appeal, hand carrying to Towson, uncertain as to whether or not it had previously been filed.

9. On June 4, 1984, after questioning the secretary, I discovered that it had not been filed and then mailed a copy of the Petition and Order to the agency and corrected the Court record.

10. Appellant has acted with the utmost diligence and is without fault in the late filing.

11. I acted in good faith, was aware of the rule, and failed to comply with the rule due to the secretary's failure to

- 2 -

follow my explicit instruction.

Richard T. Bolan
Richard T. Bolan
Jenkins & Block
Suite 200 - Blaustein Building
One North Charles Street
Baltimore, Maryland 21201
Attorney for Appellant

SUBSCRIBED AND SWORN to before me this 13th day of June, 1984.



My Commission Expires
7-1-86

Michael Balint
NOTARY PUBLIC

- 3 -

Kathy Rushon - 494-2440
Assignment - Jury - Motion
Maryle Penwell
Assistant Clerk Typist

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
431 Bayley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
June 13, 1984.



Richard T. Bolan, Esq.
Counsel /for Memorandum, Reg.

Thursday, August 2, 1984, @ 10:30 a.m.

ALL APPEARANCES IN THIS CASE
IF YOU DESIRE TO SUBMIT, PLEASE CONTACT CIVIL ASSIGNMENT.

HEARING DATE:
ON THE FOLLOWING:

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Clerk of not receiving notice will not constitute excuse for postponement.
POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Civil Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved.
SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

Kathy Rushon - 494-2440
Assignment - Jury - Motion
Maryle Penwell
Assistant Clerk Typist

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
431 Bayley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
June 21, 1984.

Richard T. Bolan, Esq.
County Board of Appeals of Baltimore Co.
Peter Max Zimmerman, Esq.
Deputy People's Counsel, Reg.

Thursday, July 26, 1984, @ 9:30 a.m., corrected copies of an agreed date.

ALL OPEN MOTIONS IN THIS CASE
IF YOU DESIRE TO SUBMIT, PLEASE CONTACT CIVIL ASSIGNMENT.

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Clerk of not receiving notice will not constitute excuse for postponement.
POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Civil Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved.
SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

In the matter of
Howard M. Grossfeld, et al
vs.
Charles J. Balint
NOTICE OF FILING OF RECORD
TO: Richard T. Bolan
200 Blaustein Bldg.
1 N. Charles St.
Baltimore, Md. 21201
Peter Max Zimmerman
Rm. 223, Courthouse
Towson, Md. 21204
June Holman
County Bd. of
Appeals
Mail Stop 2205

In accordance with Maryland Rule of Procedure 812, you are notified that the record in the above entitled case was filed on AUG. 20, 1984.

James H. Hollis Jr.
Clerk

FILED AUG 20 1984

RECEIVED
COUNTY BOARD OF APPEALS
MAY SEP 14 A 953

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Boley Avenue
P.O. Box 8754
Towson, Maryland 21204-0754
August 31, 1984

TO: Richard T. Bolan (pt)
County Board of Appeals of Baltimore Co.
Circuit Court Building, 401 Boley Ave.

FROM: Charles J. Balint, Jr.
8312 Liberty Road
Baltimore, Maryland 21234-1894
August 31, 1984

RE: JUNE 27 - 84 M 201 - CHARLES J. BALINT, JR. VS. COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

HEARING DATE: Tuesday, November 20, 1984, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 1 hour

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice with not constitute reason for postponement.

PARTICIPANTS: If the above date is not agreeable to any, counsel must request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Jaye Grimm - 494-9397.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CICHONE. Please direct all inquiries to the attention of John A. Cook.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on record in the order of satisfaction as filed prior to trial.

CHARLES J. BALINT, : IN THE
APPELLANT : CIRCUIT COURT
VS. : FOR
COUNTY BOARD OF APPEALS : BALTIMORE COUNTY
OF BALTIMORE COUNTY :
APPELLEE : CASE NO. 82-M-201
: 73-10-ASPH 7-82-189-V

OPINION

The Appellant, Charles J. Balint, is the owner of property located at 8312 Liberty Road in Baltimore County. The one-third (1/3) acre lot, currently zoned R.O., is occupied by a residential building converted to office use. The building is set back approximately seventy (70) feet from Liberty Road. A tree is located in the front of the lot. Appellant erected an illuminated free standing twenty-four (24) square foot sign in front of the tree, close to Liberty Road. This sign is the subject of appeal. At issue is Appellant's request to continue maintaining this sign in lieu of the permitted eight (8) square foot sign attached to his building.

The Appellant purchased the property in March, 1981 and promptly erected the sign in question. A violation was charged against Appellant, who subsequently requested a variance to permit the sign. A hearing was held on the Petition for Special Hearing to determine whether Section 203.3(c) of

the Baltimore County Zoning Regulations precludes the Board from entertaining requests for variances for signs not specifically covered in Section 203.3(c), and on the Petition for a Variance to allow the Appellant to maintain his sign. On May 17, 1982 the Zoning Commissioner (hereinafter "Commissioner") issued a decision denying both requests. A timely appeal was filed, and a hearing was held before the County Board of Appeals for Baltimore County (hereinafter "Board"). The Board filed an Order on April 26, 1984 in which it affirmed the Order of the Commissioner denying both Petitions. Additionally, the Board held that the sign was in violation of Baltimore County Zoning Regulations and must be removed. An Order for a Stay of the Decision was issued on June 4, 1984.

Appellant appealed the Board's decision to this court, which held a hearing on November 20, 1984. Appellant contends that the Board's decision was arbitrary, capricious and erroneous. Appellant urges this court to reverse the Board's decision.

The test to be applied by this court in review of the action by the Board was succinctly expressed by the Court of Appeals in Supervisor of Assessments of Montgomery County v. Ely, 272 Md. 77, 84 (1974):

The common denominator for testing judicial review of an act of an administrative agency . . . has been defined as whether a reasoning mind reasonably could have reached the factual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of judicial judgment for agency judgment.

Review of the record in these proceedings leads the court

MICROFILMED

to the conclusion that the decision of the Board is proper and cannot be overturned by this court.

The Board determined that it did have the power to grant the requested variance. This decision is consistent with Baltimore County Zoning Regulations Section 307 which allows variances from sign regulations in all zones when strict compliance with the Regulations would result in practical difficulty or unreasonable hardship. The Petitioner concedes, and the Board agrees, that an unreasonable hardship does not exist. Therefore, the issue the Board resolved was whether a practical difficulty existed. In McLean v. Soley, 270 Md. 208, 214, 310 A.2d 783 (1973) the Court of Appeals defined the standard of "practical difficulty" under Section 307:

1) Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The first criteria, concerning the use of the property, is whether compliance with the Regulation would prevent the

owner from using the property or would render conformity with such restrictions unnecessarily burdensome. Appellant's law firm occupies the building. Appellant does not contend that his law firm could not function without the sign, but rather that his clients would have difficulty in finding his office if the sign were to be removed. No evidence was presented to show that Appellant's visitors experience more difficulty in locating his office than visitors would normally experience in locating any other building for the first time.

Appellant further testified that the variance for a larger sign is necessary because of a tree which creates an obstruction on the property. Appellant contends that the tree cannot be removed because of a drainage problem. This testimony is inconclusive because no evidence was presented to the Board, or to this court, to support this contention. In fact, Appellant conceded in argument before this court that no such evidence exists.

The second prong of the "practical difficulty" test has two parts. The first part is whether the variance would do substantial justice to the applicant as well as to other property owners in the district. The subject property is zoned R.O. in recognition of its location between a residential and non-residential area. Due to the transitional nature of R.O. zones, the restriction is designed to be in keeping with the residential elements of the surrounding area. It is reasonable in such a neighborhood to impose some moderation on office use,

including the restriction on sign size. Accordingly, the sign regulation is reasonably consistent with the character of the neighborhood.

The second part of the second prong of the "practical difficulty" test is whether a lesser relaxation would give substantial relief to the owner of the property involved and be more consistent with justice to the other property owners. Because Appellant admits that he has not experimented with other sized signs, the Board did not pursue this avenue of relief.

The third criteria is whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. At the hearing before the Board, James Hoswell, County Planner, testified regarding the particular legislative intent underlying R.O. zones involving compatibility with nearby residential areas. The spirit of the ordinance is to promote land use by allowing certain houses to be converted to office buildings. A restriction on sign size is a reasonable means to maintain compatibility with nearby residential areas.

Upon review of the record, the Appellant has not established that strict compliance with the Regulations would result in a practical difficulty or undue hardship as required by Section 307 of the Regulations. Because "a reasoning mind reasonably could have reached the factual conclusion the agency reached" this court believes that the Board did not err in concluding

that a practical difficulty or unreasonable hardship does not exist.

Appellant next contends that his sign is informational and directional, therefore it is covered by Section 413.1, which provides in pertinent part:

The following signs are permitted in any zone, . . . if illuminated they shall be of an enclosed lamp design, non-flashing, containing no colored illumination, and may also be of the reflector type:

e. Directional or informational signs of a public or quasi public nature, not exceeding 15 square feet in area. Such signs shall contain no advertising matter, and shall not be illuminated, but may be of the beaded reflector type. They may state:

(3) Signs - directional, informational or warning in character, involving no advertising aspect, and each not exceeding 25 square feet in area.

Appellant testified that his sign is directional in that it is necessary to locate his property. Appellant's sign, however, is not public or quasi public in nature and therefore does not come within Section 413.1(e)(3). Furthermore, Appellant's sign is illuminated and arguably contains advertising matters. Thus, the Board did not err in concluding that Appellant's sign is not permitted under Section 413.1(e)(3).

Appellant's final argument is that the Board's decision is an unconstitutional infringement on Appellant's right to free speech. This court believes that it is clearly within

the county's police power to control and regulate the use of property in this fashion. The sign regulation is not a restriction on lawyer advertising, but merely an attempt to maintain compatibility with nearby residential areas.

For all of the above reasons, the decision of the Board is hereby affirmed.

W. WIGGINTON HINKEL
JUDGE

DATED: 12/5/84

CC: Richard T. Bolan, Esq.
Attorney for Appellant
Mr. William Nockett, Chairman
County Board of Appeals of
Baltimore County
Appellee
Peter Max Zimmerman, Esq.
Deputy People's Counsel
Thomas Bollinger, Esq.
Assistant County Attorney

RECEIVED
COUNTY BOARD OF APPEALS
MAY DEC 14 P 1 08

MICROFILMED

The Honorable Ronald B. Hickernell
Chairman, County Council

March 13, 1984

Arnold Jablon
Zoning Commissioner

Case No. 83-10-ASPH
Howard M. Grossfeld, et ux, Petitioners

Please be advised that I met with Messrs. Spicer, Morton, and Bober and that the County Attorney's Office is presently drafting legislation to hopefully correct the inconsistencies I found.

AJ/srl

79
84-344
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon
Zoning Commissioner

Date March 7, 1984

FROM Ronald B. Hickernell
Chairman, County Council

HOWARD M. GROSSFELD
SUBJECT: Re: Grossfeld Case - 83-10-ASPH

May I assume that legislation correcting the current conflict in the law as shown by the Grossfeld case is progressing toward a conclusion.

Your advice will be appreciated.

RBH:cb



PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 203.3.C to permit a free-standing sign with spot-lights of 14 square feet in lieu of the maximum permitted sign of 8 square feet attached to the building.

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

Building site far off of highway making visibility limited.
Free-standing sign exists and is in conformity with many other business signs nearby.

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

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

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

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

Legal Owner(s):
Howard M. Grossfeld
(Type or Print Name)
Signature
Charles J. Balint
(Type or Print Name)
Signature

Attorney for Petitioner:
Charles J. Balint, Esquire
(Type or Print Name)
Signature
Address
City and State

8312 Liberty Road
Baltimore, Maryland 21207

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles J. Balint
Address
8312 Liberty Road (21207) 922-0900
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of June, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of July, 1982, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve determination of whether a variance to the sign requirements for R.O. zones can be granted.

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

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

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

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

Legal Owner(s):
Howard M. Grossfeld
(Type or Print Name)
Signature
Charles J. Balint
(Type or Print Name)
Signature

Attorney for Petitioner:
Charles J. Balint, Esquire
(Type or Print Name)
Signature
Address
City and State

8312 Liberty Road
Baltimore, Maryland 21207

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles J. Balint
Address
8312 Liberty Road (21207) 922-0900
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of June, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of July, 1982, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve determination of whether a variance to the sign requirements for R.O. zones can be granted.

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

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

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

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

Legal Owner(s):
Howard M. Grossfeld
(Type or Print Name)
Signature
Charles J. Balint
(Type or Print Name)
Signature

Attorney for Petitioner:
Charles J. Balint, Esquire
(Type or Print Name)
Signature
Address
City and State

8312 Liberty Road
Baltimore, Maryland 21207

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Charles J. Balint
Address
8312 Liberty Road (21207) 922-0900
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of November, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of December, 1982, at 11:15 o'clock A.M.

Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
N/E of Liberty Rd., 330' NW of
Rolling Rd., 2nd District

HOWARD M. GROSSFELD, : Case No. 83-10-ASPH
et al., Petitioner:

ORDER TO ENTER 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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of June, 1982, a copy of the foregoing Order was mailed to Charles J. Balint, Esquire, 8312 Liberty Road, Baltimore, Maryland 21207, Attorney for Petitioner.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 13th day of July, 1982.

William E. Halderson
Planning Commissioner

Reviewed by: [Signature]
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 6, 1982

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

Chairman
Nicholas B. Corns

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Charles J. Balint, Esquire
8312 Liberty Road
Baltimore, Maryland 21207

RE: Item No. 180
Petitioner - Howard M. Grossfeld, et al
Special Hearing in Variance Petition

Dear Mr. Balint:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to legalize the sign, located to the front of the subject property, this combination hearing is required. The site plan submitted with this petition and incorporated herein, was approved by the Planning Board on 8, 1982.

Particular attention should be afforded to the comments of the Department of Permits and Licenses and if any further explanation is required you may contact Mr. Charles Burnham at 494-3937.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Corns
NICHOLAS B. CORNS, Chairman
Zoning Plans Advisory Committee

ENC: bcc

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. KESTER, III
DIRECTOR

April 27, 1982

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

RE: Item #180 (1981-1982)
Property Owner: Howard M. Grossfeld, et al
N/E of Liberty Road, 330' N/W from centerline of
Rolling Rd.
Acres: 15,486 sq. ft. District: 2nd

Dear Mr. Halderson:

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

General:

Baltimore County highway and utility improvements are not directly involved.

Liberty Road (Md. 26) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

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

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

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 180 (1981-1982).

Very truly yours,

Robert A. Horton, P.E., Chief
Bureau of Public Services

RAM:RAM:ram

Key Sheet 22 NW 79 Pgs. 1 sheet
A. G. R. Topo 77 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

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

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:

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:



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

May 10, 1982

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

Re: ZAC MEETING OF MARCH 16, 1982

Dear Mr. Hammond:

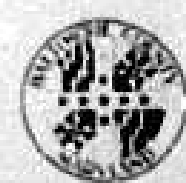
The Department of Traffic Engineering has no comment for Items #173, 174, 175, 177, 178, 179, and 180.

Very truly yours,

C. K. Moore
C. K. Moore
Assistant Traffic Engineer
Planning & Design

CRN/bza

cc - Mr. Jack Wimbley
Current Planning



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

NORMAN E. GENDER
DIRECTOR

July 7, 1982

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

Dear Mr. Hammond:

Comments on Item # 180, Zoning Advisory Committee Meeting, March 16, 1982 are as follows:

Property Owner: Howard M. Grossfeld, et al
Location: NE/S Liberty Road 330' N/W from centerline of Rolling Road
Acres: 15,486 sq. ft.
District: 2nd

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 was approved by the Baltimore County Planning Board, June 17, 1982.

Very truly yours,

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning

Date: March 26, 1982

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item #155 - James & Deborah M. Anderson, Jr.
- Item #160 - Samuel L. Castrock
- Item #162 - Raymond J. & Arlene M. Cannoles
- Item #163 - Matthews & Matthews, Inc.
- Item #164 - Clarence A. & Maggie G. Cox
- Item #166 - Lawrence R. & Sharon A. King
- Item #167 - Carl D. & Dorothy C. McKinney, Sr.
- Item #168 - Frances M. Frane
- Item #170 - Erin V. & Frieda Holmirk
- Item #175 - John Shavers
- Item #177 - Agnes A. Stem
- Item #179 - Howard M. Grossfeld, et al.
- Item #181 - Charles & Loretta Gain, Jr.
- Item #182 - Curtis M. & Betty Johnson
- Item #187 - Donald L. & Lee J. Weston, Jr.
- Item #189 - Oliver E. & Jean J. Deardon

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

137/2th



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

April 26, 1982

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

Attention: Nick Comodari, Chairman
Zoning Plan Advisory Committee

RE: Property Owner: Howard M. Grossfeld, et al

Location: NE/S Liberty Road 330' N/W from centerline of Rolling Road

Item No.: 180

Zoning Agency Meeting of March 16, 1982

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards - published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *George M. McGinnis*
Planning Group
Special Inspection Division

Noted and Approved: *George M. McGinnis*
Fire Prevention Bureau

JX/mb/cm

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 15, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: March 16, 1982

RE: Item No: 173, 174, 175, 176, 177, 178, 179, 180
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wick Petrovich
Wick Petrovich, Assistant
Department of Planning

WEP/tp

RE: PETITIONS FOR VARIANCE AND :
SPECIAL HEARING :
NE 1/4 of Liberty Road, 330' NW of :
Rolling Road - 2nd Election District :
Howard M. Grossfeld, et al - :
Petitioners :
NO. 83-10-ASPH (Item No. 180) :
: : : :
: : : :
BEFORE THE :
ZONING COMMISSIONER :
OF :
BALTIMORE COUNTY

The petitioners herein seek a variance to permit a free-standing sign, illuminated by spotlights, of 24 square feet in lieu of the maximum permitted 8 square feet attached to a building and, additionally, a special hearing to determine if a variance to the sign regulations should be approved in an R-O (Residential-Office) Zone.

Charles J. Baint, one of the petitioners, testified that the area surrounding the subject site is predominately used as offices and that most, if not all, have signs. He further stated that the sign in front of their office, even with spotlights, would not change the appearance or character of the area and that if required to be placed on the building, the sign would not be visible to persons traveling by automobile.

Section 203.3.C. reads as follows:

"Signs and Display. In addition to signs permitted under Subsection 413.1, 1 stationary outside identification sign is permitted, provided that the sign is not illuminated, does not project more than 6 inches from the building, and does not have a surface area exceeding 8 square feet. No other signs or displays of any kind visible from outside the building are permitted."

Section 413.1 affords little, if any, additional benefit since the sign is generally larger than provided for, contains advertising aspects, and/or is illuminated.

Although the Zoning Commissioner is empowered to grant variances from sign regulations when adherence to such regulations would result in practical difficulty or unreasonable hardship, the variance may be granted only if in strict harmony with the spirit and intent of the regulations and then only in such a manner as to grant relief without substantial injury to the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of May, 1983, that the Petition for Variance to permit a free-standing sign, illuminated by spotlights, of 24 square feet in lieu of the maximum permitted 8 square feet attached to a building is hereby DENIED.

It is FURTHER ORDERED that, by reason of the denial of the requested variance, the Petition for Special Hearing to determine if a variance to the sign regulations should be approved in an R-O Zone is hereby DENIED.

Zoning Commissioner of
Baltimore County

IN THE MATTER OF :
THE APPLICATION OF :
HOWARD M. GROSSFELD, ET AL :
FOR VARIANCE AND SPECIAL :
HEARING :
On property located on the northeast :
side of Liberty Rd., 330' northwest :
of Rolling Road - 2nd District :
: : : :
: : : :
BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 83-10-ASPH

ORDER FOR REMAND

This matter has come before this Board on appeal from a decision of the Zoning Commissioner denying Petitioners' request for a variance to permit a free-standing illuminated sign consisting of 24 sq. ft. in lieu of the permitted 8 sq. feet.

Mr. John W. Hesian, People's Counsel for Baltimore County, made a motion to dismiss, alleging that this Board was without authority to make a ruling concerning this variance for reason of Petitioners' failure to comply with Section 203.5 of the Baltimore County Zoning Regulations.

It was stipulated between Petitioners, Office of Law, and People's Counsel, that the development plans and use permits had been approved by the Office of Zoning Enforcement, but not by the County Review Group.

Accordingly, this Board will remand this case back to the Zoning Commissioner of Baltimore County for his determination as to whether or not the CRG Group must approve a use prior to his making a determination of a development plan in an R.O. zone.

1. 203.5 - Plan. The use or development of any property in an R-O zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a plan approved by the County Review Group as provided in Title 22, Article IV of the Baltimore County Code, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402. (Bill No. 13, 1980; No. 55, 1982) (Bill No. 56, 1982 repealed former subsections 203.5.A.8 and C. in their entirety. Similar provisions detailing the content of development plans are now contained in Title 22 of the Baltimore County Code, 1978, as amended.)

Howard M. Grossfeld, et al
Case No. 83-10-ASPH

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of November, 1983, by the County Board of Appeals, ORDERED that the above captioned matter be REMANDED to the Zoning Commissioner for a determination as to whether or not the CRG Group must approve a use prior to his making a determination of a development plan in an R.O. zone.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

James L. Suder, Acting Chairman

Diana K. Vincent

William R. Evans

How does the CRG determine comparability in the R.O., O-1 and O-2 zones?

They review the following information which is provided on the plan and on elevation drawings.

1. The uses on the surrounding properties, both existing and proposed uses.
2. Site planning factors:
 - a. Size and scale of building; i.e., its bulk, length, width and height.
 - b. Proposed grading of the site.
 - c. Orientation of the building and parking lot and entrance vis-a-vis adjacent homes.
 - d. Amenity open space and landscaping its location and how well parking lot areas and building are screened from off-site residences.
 - e. Architecture - style, types of materials used, does the style bear any relationship to residences.
3. Whether variances to floor area ratio, amenity open space, height and/or parking have been requested (tend to look dimly upon these variances and more favorable to sites which meet minimum requirements).
4. Whether a special hearing for parking in a D.R. zone is accompanying this plan, tend to look dimly upon this, feel it is a result of overbuilding on the site and that parking should be provided for the use in the R.O. zone itself.
5. Many of the site planning factors relate to how the building will appear when viewed from homes that are adjacent to or across the street from the office building. Grading, landscaping, scale and bulk of the building all function together so that a building which has been designed to make use of grades to give the appearance of a lower building is more likely to be viewed as compatible with the neighborhood. The entrance location and parking lot is an activity center and if it is on a portion of the site which is farther away from neighboring homes with the building itself closer to those homes, this is more likely to be viewed as compatible.

See Bosley building for an example of what has been viewed as incompatible and disapproved.
See office building Greenside Drive for an example of what has been viewed as compatible and approved.

From: Report of the Baltimore County Planning Board
Adopted Oct. 1, 1981 "Development Regulations of Baltimore County" Ex 2

I. Goals and Objectives

The Baltimore County Council, when adopting the Master Plan in 1975, recognized the need for comprehensive revision of subdivision rules and regulations. Extensive discussions involving the Planning Board, County officials and a number of interested citizens have resulted in the legislation proposed in this report.

The revised regulations are intended to accomplish several objectives. The first is to clarify and simplify review of development proposals and reduce the length of time it takes to process a plan. Time limits for agency review of proposed plans have been recommended to further this objective.

Another objective of the regulations is to involve citizens in the review process in a more meaningful way at the inception of a proposal. To accomplish this, property proposed for development will be posted (as in zoning cases) to inform the public. Interested citizens will be invited to comment on the proposal at the review meeting and for a ten (10) day period following the meeting.

The third major objective is to involve the Planning Board in the review and approval of plans only in those instances when the Board has discretion over the plans. Plans will be referred to the Planning Board only if a potential conflict with the Master Plan exists, a road location is disputed, or a plan involves a historical or archeological site. The Planning Board will continue to review development plans required for research facilities, unit developments, office zones, elevator-apartment and certain industrial zones as well as proposed amendments to previously approved development plans for sites in Resource Conservation (R.C.) or Density Residential (D.R.) zones.

This change in review procedure will permit the Board to devote its attention to the formulation of policy and other recommendations designed to improve the overall quality of development in the County. One part of this legislation, requires that all new or revised development control policies or regulations be submitted to the Board for its review before final adoption. The Board will serve as a clearinghouse and sounding board for all proposed changes to policies and regulations dealing with land-use and development to assure conformance with the County Master Plan.

Because the Planning Board agrees with other critics of the current subdivision regulations that there is a general need for better design of development sites throughout the County, the recommendations in this report are intended to encourage better site design by improving the standards that govern development. The Planning Board favors an approach to regulating development that would incorporate only general guidelines or objectives, with the specific standards for achieving those goals to be set forth in a manual of development standards.

The Board recommends that development standards should apply equally to all types and sizes of development, whether they are residential, commercial or industrial. The standards included will provide the framework for promulgating rules relating to the development of land and will be used as a guide for the review of site development proposals.

New standards or modifications of existing standards have been recommended in several areas. The Board has recommended stricter control over the amount and type of development permitted in floodplains and wetlands. It has also proposed requirements for landscaping all developments. Council resolution 36-61 asked the Planning Board to study the propriety of allowing the developer to build private streets and utilities. The Council wishes to avoid the County being burdened by public assumption of ownership of private streets and utilities. The Board agrees that the County will be faced increasingly with requests from Homeowner or Condominium Associations to "take over" ownership maintenance of such streets and utilities. These regulations provide that all streets and utilities, whether private or public, shall be built to adequate public standards.

Additional work related to the presently recommended legislation is also underway or expected to begin very soon. A task force has been considering alternatives to Baltimore County's current policies regarding stormwater management for approximately eighteen months. Work has begun on the identification of incentives which would encourage development in the specified areas of the County.

Finally, the Planning Board and staff of the Office of Planning and Zoning and other County agencies intend, after final action on these regulations relating to subdivision and other development, to begin work on revision of the Baltimore County Zoning Regulations. Additional work is also anticipated to revise the open space regulations and to recommend landscaping standards. The staff will also update the Developers guide (C.M.D.P.). The Board feels that completion of these projects in addition to the presently recommended legislation, will constitute significant improvements in the County's overall approach to land-use regulations.

II. Major Issues

The Planning Board devoted many hours and held numerous meetings to discuss all aspects of the revisions proposed to the development regulations. Many recommendations were logical outgrowths of the desire to shorten and simplify the process and provide more meaningful public as well as Planning Board consideration. Some proposals and aspects were controversial or complex.

There were approximately twenty issues considered "major issues" due to their nature, impact or complexity. Some are not easily discussed as distinct items.

The discussion which follows attempts to present the issues separately, but some issues are logical extensions of other issues and are discussed as such.

One of the most difficult questions considered was what type of development should be within the scope of the regulations. The Board agreed that all development regardless of whether a subdivision of land is proposed must conform to the same standards. However, not all development will be required to have a plat approved. The Board does not intend that an ordinary building permit applicant apply for plat approval. However, a shopping center or industrial site should be subject to a formal review procedure. The Planning Board suggests that the Director of Planning and Zoning be given the authority to waive certain developments from the formal review process if it can be demonstrated that the intent of the regulations has been fulfilled. Those situations under which a waiver may be granted include: lot line adjustments, a will, conveyance of a record lot, amendments to approved plats, a development is a minor development and hardship.

Interim Development Control Legislation, enacted in April 1977, deemed recorded plats to have lapsed after five years. This five-year plat provision was reconfirmed with the enactment of the growth management legislation, but again emerged as an issue in discussion of the development regulations. The Planning Board is concerned that five years is not a sufficient period of time for subdivisions to be protected considering the development costs involved with required public improvements. After lengthy discussions, the Planning Board has recommended that subdivisions for which a Public Works Agreement is required should have a ten year plat life. Subdivisions for which Public Works Agreements are not required will continue to lapse after five years if not developed.

The Planning Board has recommended that any application which has not received tentative approval prior to the effective date of these development regulations must conform to the process and standards adopted as part of these regulations. Tentative approval is the first formal approval and is, therefore, a logical cut-off point.

The Board decided that criminal and civil penalties are not appropriate to the implementation of development regulations in cases of illegal conveyance of property. However, the transferee of any illegality conveyed lot or parcel should have the right to seek relief through the circuit court. The Board feels that the County can control illegal conveyances through the County's ability to deny the issuance of building or occupancy permits.

One of the primary purposes of revising the development regulations was to provide the applicant an assurance that his plat would be reviewed promptly by County agencies. To this end, time limits for plat review have been prescribed in the legislation. The process does provide for extension of the review time where mutually agreeable to the applicant and the County. In an extraordinary situation, the Administrative Office shall be informed if an application cannot be reviewed within the required time limits. Applications of this nature shall also be designated to receive priority processing or review.

A great deal of discussion took place concerning which proposals should be reviewed by the Planning Board. The Board agreed that it could better serve the County by limiting the type of proposals reviewed. By restricting its review of plans to situations over which the Board has some discretion, the time freed from plat review could be spent studying land-use policies and proposing revisions where appropriate. The Board would be removed from hearing a protest about a development or proposal under the false assumption that the Board had the authority to deny the plan.

The Board will review plans under the following situations: (a) the plat indicates a potential conflict with the Master Plan, (b) a planned unit development proposal is submitted, (c) a road location is disputed or (d) the plan involves certain historical or archeological sites.

The situation in which a plan will be forwarded to the Planning Board in the event that a historical or archeological site is located on the plan has raised some controversy since the Board has discretion only where "official" lists have been adopted. These lists are very limited in scope and several groups have suggested that plans affecting any site be sent to the Planning Board to review. Although the Board is sympathetic to this position, it feels that legal authority to alter a plan must come from an adopted list. However, the procedure will ensure that all potential sites will be given consideration.

Another issue of importance to the revision of the process of plat approval is designation of someone to approve plans in place of the Planning Board. In cases which do not require Planning Board review and approval, the Director of Planning and Zoning and the Director of Public Works must agree to a plan's conformance to the regulations before it can be approved. In the rare instance where the two directors can not agree as to the requirements, the applicant can ask the County Administrative Officer to resolve the conflict. If an applicant or any person disagrees with any approval authority's decision concerning a tentative plan, the appeal may be taken to the Board of Appeals.

Criticism has been directed toward the County because the public is often unaware of development proposals until the plans are well along in the approval process. Much time and frustration could be avoided if the public were informed early. To accomplish this, the Board has recommended posting property with the time and date of the meeting to review the proposal. The public would be invited to comment at this formal review and to submit written comments up to ten days afterward. It is anticipated that all relevant issues will be articulated and resolved early in the process.

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While the proposed legislation does not include detailed standards, generalized standards which have been included will serve as the framework for promulgating rules and regulations and will also serve as a guide for reviewing development proposals. In some cases, such as with paths, standards are not included but the Board anticipates recommending guidelines at a later date. The Board recognizes the need to revise the open space provisions and wishes to proceed with recommended changes at the earliest possible date. The need for landscaping standards has also been recognized and these will also be among the first standards developed.

The Board has taken a strong position concerning any construction or alteration of floodplains. Floodplains will not be altered except where the approval authority has found that the bridge, culvert or drainage facility proposed is necessary. Other alterations will not be permitted.

The Planning Board recognizes that noise pollution can be a factor in certain development locations. The Board, however, does not feel that it is appropriate to require a developer to mitigate noise which is caused by a situation which he did not create or have control over. The Board has recommended that noise assessment guidelines not be included in the development regulations.

The general standards proposed in the development regulations are to apply to all development. The regulations, however, can only control those developments which fall within the scope of the legislation. The regulations cannot and should not attempt to require improvements which occur at the building permit stage. However, since the Planning Board desires to have all development conform to the standards, it has recommended that separate legislation be enacted giving the Department of Permits and Licenses the power to request bonds to assure that lot improvements are completed in the spirit and intent of the development regulations.

RECOMMENDATION: The Planning Board recommends that Article IV, SUBDIVISION CONTROL GENERALLY, of Title 22 of the Baltimore County Code, 1978, as amended, be deleted and the following new Article IV, DEVELOPMENT REGULATIONS OF BALTIMORE COUNTY, be enacted.



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

ARNOLD JABLON
ZONING COMMISSIONER

November 23, 1983

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

Thomas J. Bollinger, Esquire
Assistant County Attorney

Mr. Eugene A. Bober, Chief
Current Planning & Development Division

RE: Case No. 83-10-ASPH
Howard M. Grossfeld, et al.,
Petitioners

Gentlemen:

Pursuant to the Remand to me by the County Board of Appeals of the above-referenced matter, please be advised that a hearing has been scheduled for December 21, 1983, at 11:15 a.m. I am requesting that each of you appear and provide me with your perception of the cause requiring the Remand. I attach a copy of the Remand Order for your information.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachment

LOV OFFICES
CHARLES J. BALINT

8312 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
TELEPHONE (301) 522-0800

December 27, 1983

Arnold Jablon, Esquire
Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Howard M. Grossfeld, et al., Petitioners
Zoning Case No. 83-10-ASPH

Dear Mr. Jablon:

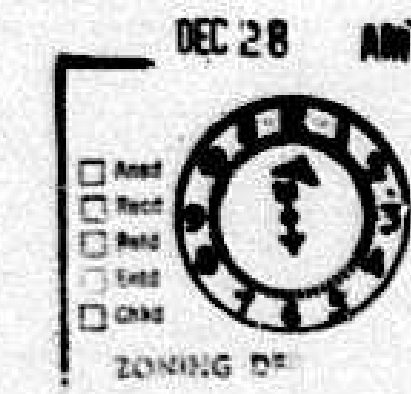
In consideration of the fact that the County Review Group was not created until after the R-O development plan in this case had been presented to zoning, a lengthy memorandum should not be necessary. It is petitioner's position that application to County Review Group was impossible and further not necessary.

The Zoning Commissioner has authority of all use other than that of a developmental nature and the County Review Group now has authority over all development. Development has been defined in the only definition remotely relevant to the case at bar as "the improvement of property for any purpose involving building." The only use in which County Review Group is properly involved is a developmental use such as clearing a wooded lot for a parking lot.

The legislative history also strongly indicates that County Review Group's purpose was to oversee development in the county. Nowhere in the legislative history is it suggested that County Review Group has jurisdiction over use.

Confusion sets in when Section 203.5 of the Baltimore County Zoning Regulations is misinterpreted. As worded "The use or development of any property in an R-O Zone may not be changed...except in accordance with a plan approved by the County Review Group as provided in Title 22...." one might say any use must be approved. This would cut against the grain of legislative intent and further could send the applicant off on a merry chase trying to find what use is provided in Title 22.

Whenever a piece of legislation could be read in more than one way, one of which is incompatible to other legislation, the proper practice is to read the legislation in a compatible manner. In addition,



- 2 -

Arnold Jablon, Esquire
Zoning Commissioner

December 27, 1983

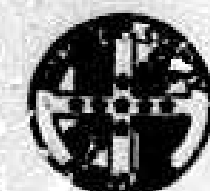
The Council enacted Section 206, at the same time with wording that very clearly provides a building cannot be converted to an office unless a plan has first been submitted to the County Review Group. If it was the intent of the Council to require this same approval for R-O zones, then it would have very clearly stated this in Section 203.5 as well.

In summation, it is our position that there is no overlap between Zoning and County Review Group, that petitioners have met all requirements and it is not necessary to submit any proposals to County Review Group and that petitioner cannot now be required to submit proposals to County Review Group since it was not in existence at the time of application.

Very truly yours,

Charles J. Balint

CJB/mab



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204

JOHN W. HESSIAN, III
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

TEL. 494-2188

December 14, 1983

Arnold Jablon, Esquire
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
County Office Building
Towson, Maryland 21204

RE: Howard M. Grossfeld, et al., Petitioners
Zoning Case No. 83-10-ASPH

Dear Mr. Jablon:

Since it may be that I will be unable to attend the hearing that you have scheduled in this matter for December 21st at 11:15 a.m., I thought that it would be appropriate to submit some general thoughts with regard to the issue involved so that you might have them at the time of your hearing.

As I remarked to Mr. Bober recently, a "Charter" county acting through its legislative body can repose the authority and responsibility for a zoning determination in any of its officials; to use an analogy to illustrate, the County Council could if it desired vest the authority to grant special exceptions in the Chief of Police. Therefore, I would make no claim that the County Review Group could not validly and exclusively pass certain matters to the exclusion of the Zoning Commissioner if that is the result that the Council desires. The point is that it would appear that we have two tribunals, the County Review Group and the Zoning Commissioner and Deputy dealing with the same questions in two separate proceedings, sometimes with diverse results, and if my view is correct, then we have a legal aberration which certainly ought not, and perhaps cannot, continue.

Section 22-104 of Title 22 of the County Code, dealing with development in R-O, O-1 and O-2 zones, requires, with regard to R-O, that the County Review Group make certain that the development is "designed to achieve compatibility of the proposed development with surrounding uses," while with regard to O-1 or O-2, that the development will have no "significant adverse impact" on nearby areas.

- 2 -

Arnold Jablon, Esquire
Zoning Commissioner

December 14, 1983

The terms "compatibility" or "significant adverse impact," or other such terms found in Section 22-104 are not further explained. However, subsection 4. of Section 22-104 demands that a finding be made that the proposed use or development will be in "accordance" with the purpose of the zone, and will be in "accordance" with the purposes of the Zoning Regulations in general. Please note that Section 206 appears to require County Review Group approval as a condition precedent to the granting of any special exception in the O-1 and O-2 zones.

As suggested, there is no definitional guidance provided with regard to the findings that the County Review Group must make. However, I submit that it would be difficult to define terms such as "compatibility" or "adverse impact" without utilizing the concepts expressed in the preamble of Section 502 of the Zoning Regulations, which of course applies to the requirements for the consideration of special exceptions. Note, for instance, the following: "(O)ne's, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings." Further: "[A]ll the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal." I have that a reading of the entire paragraph, and of the requirement under Section 502, raises the concept that both tribunals are dealing with, certainly essentially, and probably exactly, the same questions. I believe that some resolution of this matter is appropriate. Protecting or interested citizens of this county ought not to be placed in the position of having to attend and participate in two separate hearing procedures dealing essentially with the same question. We also have a pending matter in which the County Review Group ruled that a proposal was not "compatible" with the surrounding area, while your office, considering the matter under Section 502 of the Zoning Regulations, found that it was.

I therefore suggest that some determination ought to be made to determine whether the two tribunals are dealing with the same matters of inquiry: if they are, then a determination as to which produces the sovereign finding would be appropriate. Should it be determined that despite the apparent similarity in their inquiry, there is actually a distinction and a difference, a statement for the guidance of all would be appropriate. Finally, if the determination is that both tribunals are investigating and deciding essentially the same question, and each possesses effective authority in the area of inquiry, then and in that event the proposition should appropriately be stated and a legislative review to determine the advisability of continuing that format might be suggested.

Very truly yours,

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

JWHsh

- 3 -

Arnold Jablon, Esquire
Zoning Commissioner

December 14, 1983

cc: Thomas J. Bollinger, Esquire, Assistant County Attorney
Eugene A. Bober, Chief, Current Planning and Development Section
Richard T. Bolan, Esquire
Mrs. Mary Ginn
Mrs. Berkeley Matthews

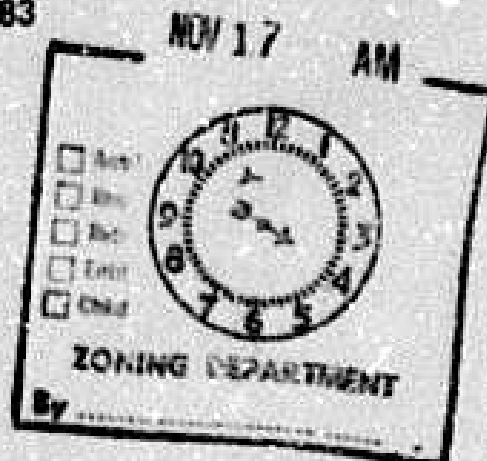


County Board of Appeals of Baltimore County

Room 206 Court House
Columbia, Maryland 21204

(301) 494-3100

November 15, 1983



Charles J. Balint, Esq.
8312 Liberty Rd.
Baltimore, Md. 21207

Re: Case No. 83-10-ASPH
Howard M. Grosfeld, et al

Dear Mr. Balint:

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

Very truly yours,

June Holmen, Secretary

Encl

cc: Mrs. Mary Ginn
Mrs. Buckley Matthews
Richard T. Bolan, esq.
J. W. Hession, Esq.
T. J. Bollinger, Esq.
J. Dyer
A. Jablon
M. Garber
J. Howell
J. Jung
G. Freund
J. Thompson

Counsel for the Petitioners argued that, in effect, the remand should reopen all issues and could not limit the Commissioner's scope of review, i.e., he should first rehear the variance denied by Commissioner William E. Hammond. This Commissioner agrees in principle but, for reasons of practicality, shall limit his review to the issue governing the authority of the CRG and how it relates to the authority of the Zoning Commissioner. Since the variance is still before the Board and is de novo, it will be resolved there.

Section 203.5 of the Baltimore County Zoning Regulations (BCZR) requires that a change in use or development of any property in an R-O Zone be approved by the CRG unless the change in use is confined to the number of dwelling units in accordance with the provisions of Section 402, BCZR. Nothing in the BCZR requires approval by the CRG before the Zoning Commissioner can act, either by approval of a building permit or a change in a use permit or by request and hearing for a variance or special exception.

Section 22-57 of the Baltimore County Code (BCC) defines the CRG. Section 22-58, et. seq., BCC, delineates its authority and responsibility. Section 22-26, BCC, sets out the authority of the Zoning Commissioner to provide for special exceptions and variances.

After a thorough reading of the appropriate statutes and regulations, it would appear that ambiguities exist in the language employed defining the authority of the CRG and the Zoning Commissioner. The Commissioner's authority to grant variances and special exceptions is long-standing, since the first zoning regulations were adopted in Baltimore County in 1945. That authority, as limited by Sections 307 and 502.1, BCZR, has been further defined by case law; therefore, the authority is not unlimited. Any reasonable reading and interpretation of the BCZR and the appropriate case law reveals unequivocal authority to review "compatibility" of any proposed use and its adverse impact on the community. There seems to lie the conflict.

- 2 -

The CRG was created in 1982 by the Baltimore County Council (Council) to review all development plans (although there are exceptions) submitted to the County and to approve them pursuant to Section 22-34, BCC. Section 22-104, BCC, requires that the CRG assure that the development of property in an R-O Zone "be designed to achieve compatibility of the proposed development with the surrounding uses..." It further requires that the CRG insure that a development in an O-1 or O-2 Zone have no "significant adverse environmental effects" or "significant adverse impact" on nearby areas. The terms employed to describe this authority, i.e., "compatibility" and "significant adverse effect or impact" and other such terms found in Section 22-104, are not further defined. However, Section 22-104(b)(4) requires that the use or development will be in "accordance" with the purposes of the zone and in "accordance" with the BCZR.

Certainly, the language creating the CRG is confusing and ambiguous, notwithstanding the obvious intent of the Council to afford public participation in the development scheme. It is, however, the employment of the terms "compatible" and "significant adverse impact" that create the issue presented herein. Equally important to the enforcement of the intent of the law creating the CRG is the apparent result of the Council to share the authority to interpret the BCZR with the Zoning Commissioner. Section 22-104(b)(4).

People's Counsel, recognizing the latter, has enumerated several areas of concern, which can be summarized as follows:

1. there is no definitional guidance provided with regard to the findings that the CRG must make;
2. the BCZR provide the Zoning Commissioner with the authority to grant special exceptions and variances, and the BCZR delineate certain precepts and conditions which bind the Zoning Commissioner when so determining; in fact, these precepts and conditions, as expressed specifically in Sections 502 and 502.1 define "compatibility" and "significant adverse impact", whereas nowhere in the law creating the CRG can definitions be found;

- 3 -

3. a reading of Section 502 and 502.1, and more specifically Section 502.1.g., raises the concept that both the CRG and the Zoning Commissioner are dealing with the same questions; and
4. a conflict can occur, and has, that one will find a proposal not compatible with the surrounding area while the other finds that it is.

Mr. Bober, as Chairman, stated that the CRG reviews development plans and elevation drawings submitted and determines approval based on the following factors:

1. uses on surrounding properties, both existing and proposed;
2. site planning factors:
 - a. size and scale of building, i.e., its bulk, length, width, and height (for potential conflict with the BCZR and the authority of the Zoning Commissioner, see Section 101, Definitions, Office building, Class B and Class C);
 - b. proposed grading of the site;
 - c. orientation of the building and parking lot and entrance as they may concern adjacent homes;
 - d. amenity open space and landscaping its location and how well parking lot areas and buildings are screened from off-site residences (for potential conflict with the BCZR and the authority of the Zoning Commissioner, see Section 101, Definitions, Office building, Class B and Class C, and Section 203.4);
 - e. architecture - style, types of materials used - does the style bear any relationship to residences; and
 - f. signage - location and size (for potential conflict with the BCZR and the authority of the Zoning Commissioner, see Section 413);
3. whether variances to floor area ratio, amenity open space, height, and/or parking have been requested;
4. whether a special hearing for parking in a D.R. Zone is accompanying the development plan (for potential

- 4 -

conflict with the BCZR and the authority of the Zoning Commissioner, see Section 402.4; and

5. many of the site planning factors relate to how the building will appear when viewed from homes that are adjacent to or across the street from the office building--grading, landscaping, and scale and bulk of the building all function together so that a building which has been designed to make use of grades to give the appearance of a lower building is more likely to be viewed as compatible with the neighborhood--entrance location and parking lot is an activity center and if it is on a portion of the site which is farther away from neighboring homes with buildings itself closer to those homes, this is more likely to be viewed as compatible.

When asked about his definition of "compatibility", Mr. Bober stated he used the term from the viewpoint of aesthetics and that he is very conscious of overstepping the boundaries of the CRG into the provincial domain of the Zoning Commissioner.

No matter how careful the CRG may be, there indeed exists an area traversed by both authorities and the potential, if not the reality, exists to conclude with conflicting and confusing decisions, both seemingly based on the same set of facts and circumstances.

It is clear that the CRG was created by the Council, at the suggestion and advice of the Baltimore County Planning Board (Planning Board), to relieve the Planning Board of the responsibility of approving development plans, a time consuming and detailed job. Its purpose is clearly development oriented, not use oriented. Development is defined in Section 22-39, BCC, as meaning (1) the improvement of property for any purpose involving building; (2) subdivision; (3) combination of any two or more lots, tracts, or parcels of property for any purpose; (4) subjecting property to the provisions of the Maryland Condominium Act; and (5) preparation of and for any of the purposes listed in 1 through 4. The legislative history strongly indicates that the purpose of the CRG was to oversee development in the County, and there seems to be no suggestion that

jurisdiction over actual use would be conferred. Section 22-104(b)(4), for the first time, includes the concept of "use" and is the particular Section which causes the conflict with Sections 203.5 and 206.7, BCZR. Although the terms "compatible" and "significant adverse impact" are not utilized, the language found in Section 22-104(b)(4) certainly implies that there be compatibility and no adverse impact, in conformity with the BCZR.

A perusal of the authority of the Zoning Commissioner and of the BCZR in general leaves the authority to "edge" uses other than that of a developmental nature to the Zoning Commissioner; however, it appears that the language encapsulated in Section 22-104(b)(4) and rephrased in both Sections 203.5 and 206 requires a sharing of that authority with the CRG. From the legislative history of the law, it would not seem that this was the intended result.

Certainly, the Zoning Office has input at CRG, and the concerns and importunings of this office are heard and considered. However, if the CRG disagrees with the interpretations of the Zoning Commissioner (the exclusivity of which is empowered by Sections 500.6 and 500.7, BCZR), does it have the authority to reject those interpretations and act contrary to them? Section 22-104(b)(4) certainly implies that power. However, the law creating the CRG in no way provides the due process protection to the public and the citizenry of the County that the BCC mandates the Zoning Commissioner observe. Confusing and conflicting situations have been the end result which have provided both authorities the power to consider and decide the same issues, one after holding an adversarial quasi-judicial hearing and the other after holding a meeting allowing public input.

Section 203.5 requires approval of the CRG, but of what? If the definition of development is used, then it is clear and convincing that the Council intended that only development involving building construction be approved, but when no construction is to occur and the only change is one of use.

- 5 -

When a residence in an R-O Zone was converted into office use without any exterior change and with no physical alteration, did the Council intend that such changes of use be approved by CRG? In the same circumstance, when the only alteration to the site would be a request for a bigger sign than otherwise permitted, did the Council intend that the CRG would be required to approve the requested larger sign? Do not the BCZR authorize the Zoning Commissioner to grant variances to sign size and to interpret said Regulations. Is it not only in the BCZR that limitations on sign size can be found? This syllogism is not as clearly delineated as it ought to be. If the chain is to be broken, which the Council has the right to do, it should be more particularly stated.

Section 206 appears to require the CRG to approve a site plan as a condition precedent to the granting of any special exception in an O-1 or O-2 Zone. This Section strongly implies that any physical alteration to a building forces CRG approval, i.e., "...no building may be converted to an office building and no office building may be constructed or altered..." (emphasis added). If a building is to be converted to an office but no construction or alteration is contemplated, must there be CRG approval? When CRG approval is required, it is clear that such approval is a condition precedent to the granting of a permit or special exception.

The language found in Sections 203.6 and 206 is easily open to misinterpretation and/or varied interpretations.

The night may be no less dark, the stars no less distant, the human outcome no less uncertain, the voices that advise us in forgotten tongues no less incomprehensible. But we have made a little place in the forest that we may regard as our own. We have sniffed about, recognized a few of its potential resources, found a hiding place or two that seem secure. We have marked out as well as we could the boundaries of our new domain and deposited scent on this tree trunk, that bush, to inform intruders that someone is home.

Robert Ardrey, The Territorial Imperative, p. 326.

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It is well stated that the construction of an ambiguous provision of an ordinance is a question of law and that the proper inquiry is the ascertainment of the intent of the enacting body. See Trotter v. City of Lehigh, 370 A.2d 275 (N.H., 1977). There is no question that criteria contained in the BCZR must be as reasonably precise as the subject matter requires and as reasonably adequate and sufficient to guide the Zoning Commissioner and to enable those affected to know their rights and obligations. See American Power and Light Co. v. SFC, 329 US 90 (1946). Although it is unrealistic to demand detailed standards which are impracticable or impossible, a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess its meaning and differ as to its application violates the first essential of due process of law and that is no less true of a municipal ordinance or regulation. Powers v. Common Council, 222 A.2d 337 (Conn., 1966). The enacting body must spell out its policies in sufficient detail so that the determination of the rights provided will not be left to the purely arbitrary discretion of the administrator. Fitzhides v. Crowley, 467 A.2d 168 (Me., 1983). The law establishing the CRG appears to be in contradiction to these basic precepts and would thus be in conflict with legislative intent.

However, the Zoning Commissioner does not have authority to define the CRG's responsibilities or inherent authority. It is the responsibility of the Council, not the Zoning Commissioner, to clarify the ambiguities. The Commissioner, however, implores the Council to do so in order that the public can be better served and protected.

There is no question that the authority of the Zoning Commissioner to grant a special exception or variance in an R-O Zone need not be stayed or continued pending CRG approval. Both the Commissioner and the CRG are two distinct and separate entities created by legislative mandate. Each operate separate and

- 7 -

apart and can, and indeed should, coexist and operate simultaneously. The Petitioner has a choice to submit his plan to the CRG and simultaneously to the Zoning Commissioner, when necessary, or the Petitioner can present his plan to the CRG first and await approval before petitioning the Commissioner. Conversely, the Petitioner can request the special exception or variance first and then go to the CRG. The choice lies with the Petitioner. When both are required to approve, the Petitioner cannot build without the approval of both. The CRG must not necessarily approve a use prior to the Zoning Commissioner acting.

When the Council enacted Section 206 the wording therein was significantly different. The wording provides that a building cannot be converted unless the plan is first submitted to the CRG. If it was the intent of the Council to require the same for R-O Zones, then the Council would have so stated in Section 203.5 as well.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of January, 1984, that the CRG need not approve a plan and/or use before the Zoning Commissioner can act in the same matter and that there may be simultaneous action taken at the option of the Petitioner.

[Signature]
Zoning Commissioner of
Baltimore County

IN RE: PETITIONS ZONING VARIANCE AND
SPECIAL HEARING
NE/S of Liberty Road, 330' NW
of Rolling Road - 2nd Election
District
Howard M. Grossfeld, et al.,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 83-10-ASPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter has been remanded to the Zoning Commissioner by the County Board of Appeals (Board) for the expressed purpose of having him determine whether the County Review Group (CRG) must approve a use or development plan in an R-O Zone prior to approval by the Zoning Commissioner. It appears this would require the Commissioner to interpret and apply the appropriate law as it affects the CRG and the Zoning Commissioner.

This matter originally was heard by the then Zoning Commissioner in July, 1982, and a decision rendered on May 17, 1983, and involved a Petition for Variance to permit a free-standing sign illuminated by spotlights, of 24 square feet instead of the maximum allowed eight square feet attached to a building and, additionally, a Petition for Special Hearing to determine if a variance to the sign regulations should be approved in an R-O Zone. Both requests were denied and subsequently were appealed to the Board. In its Order of November 15, 1983, the Board remanded the case to the Zoning Commissioner for the afore-stated reasons.

The Petitioner, Howard M. Grossfeld, appeared and was represented by Counsel. Also appearing were Thomas J. Bollinger, Esquire, Assistant County Attorney, and Eugene A. Boher, Office of Planning and Zoning. John W. Hessian, III, Esquire, People's Counsel, could not appear but prepared a letter dated December 14, 1983 which stated his perspective of the issue.

PETITION FOR SPECIAL HEARING

2nd Election District

ZONING: Petition for Special Hearing
LOCATION: Northeast side of Liberty Road, 330 ft. Northwest of Rolling Road
DATE & TIME: Wednesday, December 21, 1983 at 11:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner will determine whether the County Review Group (CRG) must approve a use prior to the Zoning Commissioner making a determination of a development plan in an R.O. zone

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

Being the property of Howard M. Grossfeld, et al. as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR VARIANCE AND SPECIAL HEARING

2nd Election District

ZONING: Petition for Variance and Special Hearing
LOCATION: Northeast side of Liberty Road, 330 ft. Northwest of Rolling Road
DATE & TIME: Tuesday, July 13, 1982 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Variance to permit a free-standing sign with spotlights of 24 square feet in lieu of the maximum permitted sign of 8 square feet attached to the building; Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a determination of whether a variance to the sign requirements for R.O. zones can be granted.

The Zoning Regulations to be excepted as follows:
Section 203.3.C - signs permitted in R.O. zones

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

Being the property of Howard M. Grossfeld, et al. as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, July 13, 1982 at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

November 22, 1983

Charles J. Balint, Esquire
8312 Liberty Road
Baltimore, Maryland 21207

NOTICE OF HEARING

Re: Petition for Special Hearing
NE/S of Liberty Rd., 330' NW
of Rolling Road
Howard M. Grossfeld, et al - Petitioners
Case No. 83-10-ASPH

TIME: 11:15 A.M.

DATE: Wednesday, December 21, 1983 at

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: Richard T. Bolan, Esquire, 1127 Short Street, Annapolis, Maryland 21401
Mrs. Mary Ginn, 606 Horncrest Road, Towson, Maryland 21204
Mrs. Berkley Matthews, 612 E. Joppa Road, Towson, Maryland 21204
John W. Hessian, III, Esquire, People's Counsel
Y. J. Bollinger, Esquire, Law Office

[Signature]
Zoning Commissioner
of Baltimore County

June 15, 1982

Charles J. Balint, Esquire
8312 Liberty Road
Baltimore, Maryland 21207

NOTICE OF HEARING

Re: Petition for Variance and Special Hearing
NE/S of Liberty Rd., 330' NW of Rolling Rd.
Howard M. Grossfeld, et al - Petitioners
Case #83-10-ASPH

TIME: 10:15 A.M.

DATE: Tuesday, July 13, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition No. 83-10-ASPH
SUBJECT: Petitioner: Howard M. Grossfeld, et al

The portion of the regulations governing development in an R.O. zone that this petition requests a variance from is listed under "Section 203.3 Use Regulations". This office is of the opinion that the requested variances cannot be granted. Further, the R.O. zoning classification is a most recent amendment to the Baltimore County Zoning Regulations (County Council Bill No. 13-80). This new classification clearly intended that signs not exceed a certain size and not be illuminated. This office is of the opinion that the sign proposed by the petitioner, three times the area provided for in the regulations, would be excessive.

[Signature]
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:dme



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

ARNOLD JABLON
ZONING COMMISSIONER

January 10, 1984

County Board of Appeals
of Baltimore County
Room 200, Court House
Towson, Maryland 21204

IN RE: Petitions Zoning Variance and
Special Hearing
NE/S of Liberty Road, 330' NW
of Rolling Road - 2nd Election
District
Howard M. Grossfeld, et al,
Petitioners
Case No. 83-10-ASPH

Ladies and Gentlemen:

I have this date passed my Order in the above-referenced matter in accordance with the attached, pursuant to the Board's Remand Order of November 15, 1983.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: Charles J. Balint, Esquire and
Howard M. Grossfeld, Esquire
8312 Liberty Road
Baltimore, Maryland 21207

Thomas J. Bollinger, Esquire
People's Counsel

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

Mr. Norman E. Gerber, Director
Office of Planning and Zoning

Mr. Eugene A. Boher, Chief
Current Planning and Development Division

Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 15, 1983

Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

Re: Petitions for Variance & Special Hearing
NE/S Liberty Rd., 330' NW of Rolling Rd.
Howard M. Grossfeld, et al - Petitioners
Case No. 83-10-ASPH

Dear Mrs. Ginn:

Please be advised that an appeal has been filed by Charles J. Balint, Esquire and petitioner, from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

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

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEH:aj

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

LAW OFFICES
CHARLES J. BALINT

8312 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
TELEPHONE (301) 822-0800

June 10, 1983

Ms. Eileen Hennigan
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Notice of Appeal
82-189-V, C-82-341
83-10-ASPH (Item No. 180)

Dear Ms. Hennigan:

Enclosed please find two checks, one in the amount of \$75.00, the other \$55.00. The only numbers I could find regarding the Orders dated May 17, 1983 and June 3, 1983 was 83-10-ASPH (Item No. 180) and 82-189-V, C-82-341 respectively. This appears to be the only actions involved in the aforementioned orders. Please note that one of the violations was dismissed and is not being appealed.

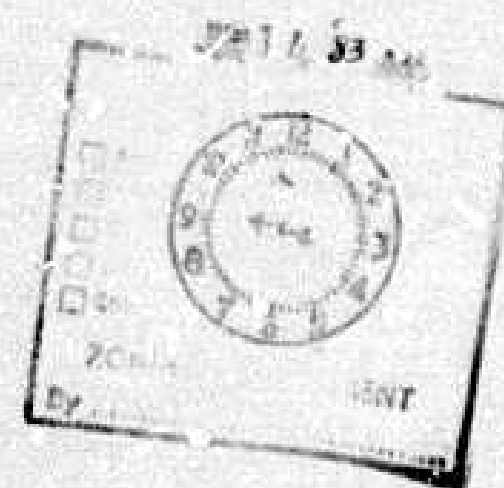
It is my intention to appeal the entire Order of May 17, 1983, as well as the violation. If you agree that this constitutes two appeals please return my check. If you disagree keep the check and explain why.

Very truly yours,

Charles J. Balint
Charles J. Balint

CJB/mcb

enclosure



LAW OFFICES
CHARLES J. BALINT

8312 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
TELEPHONE (301) 822-0800

June 14, 1983

Mary Campagna
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: 82-189-V, C-82-341
83-10-ASPH (Item No. 180)

Dear Ms. Campagna:

Please be advised that I wish to appeal the above entitled matters. The appeal is on my own behalf.

Thank you for your cooperation in this matter.

Very truly yours,

Charles J. Balint
Charles J. Balint

CJB/mcb

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 17, 1983

Charles J. Balint, Esquire
8312 Liberty Road
Baltimore, Maryland 21207

RE: Petitions for Variance and Special Hearing
NE/S of Liberty Road, 330' NW of Rolling
Road - 2nd Election District
Howard M. Grossfeld, et al - Petitioners
NO. 83-10-ASPH (Item No. 180)

Dear Mr. Balint:

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Mrs. Mary Ginn
606 Horncrest Road
Towson, Maryland 21204

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Jack Wisbey Date: April 8, 1982

FROM: G. E. Bucher

SUBJECT: E. O. Item #180
Howard M. Grossfeld, et al
N.E.S. Liberty Road

- Interior stairway enclosure shall comply with Section 816.9.3 and 809.3.
- Should there be more than one tenant, a one hour tenant separation shall be provided and each tenant shall have access to an approved exit without passing thru another tenant's space.
- Should the structure not be able to comply with Table 809.3, the exits shall comply with Sections 807.3, Section 809.2, Section 810.0 and Section 816.0, as may be applicable.
- Storage areas, furnace rooms, etc., shall have domestic sprinkler heads. See Section 1702.12 and 1705.
- Comply with the State Handicapped Code and 205A, Section 515.
- A review of Table 303.2 will provide a complete check list of Business use Code requirements.
An alteration permit and a change of occupancy permit shall be required.
- The floor shall be capable of supporting the live and dead loads required by the Code.

CEB:es



Associates, Inc.
surveyors-engineers

ALEXANDER R. PATYCH, PRINC. S.E.
RICHARD J. TRULOVE, P.E.

ZONING DESCRIPTION
8312 LIBERTY ROAD
SECOND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the Northeastly side of Liberty Road at the distance of 330 feet more or less, measured in the Northwestly direction from the centerline of Rolling Road and being Lot 7 on Plat No. 2 of George's Park, recorded among the Land Records of Baltimore County in Plat Book M.P.C.5, folio 50; being also known as 8312 Liberty Road.

1/25/1982



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 1, 1982

Charles J. Balint, Esquire
8312 Liberty Road
Baltimore, Maryland 21207

Re: Petition for Special Hearing & Variance
NE/S Liberty Rd., 330' NW of Rolling Rd.
Howard M. Grossfeld, et al - Petitioners
Case 83-10-ASPH Item #180

Dear Mr. Balint:

This is to advise you that \$62.94 is due for advertising and posting of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 108813
DATE 7/13/83 ACCOUNT 61-662
AMOUNT \$62.94
RECEIVED Grossfeld and Balint
Advertising & Posting Case 83-10-ASPH
(Howard M. Grossfeld, et al)
\$ 629-0000-000000 813884
VALIDATION OF SIGNATURE OF OFFICER

CERTIFICATE OF PUBLICATION
50143

Pikesville, Md., Nov. 30 19 83

This is TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 21st day of Dec. 19 83

the first publication appearing on the 30th day of Nov. 19 83

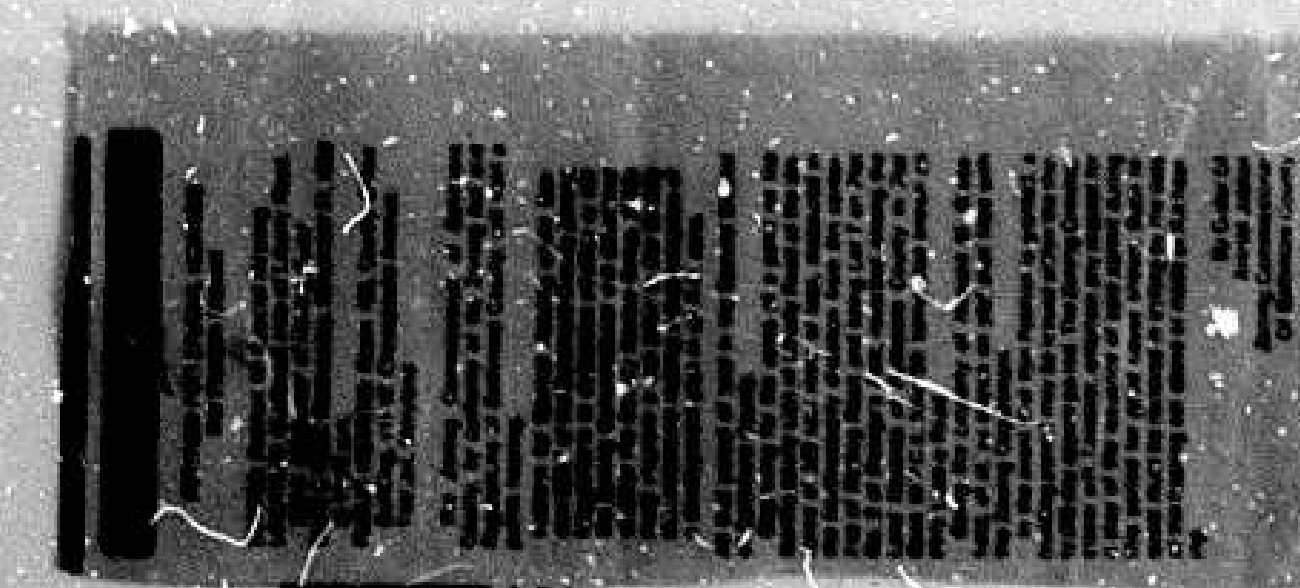
the second publication appearing on the day of 19

the third publication appearing on the day of 19

THE NORTHWEST STAR

William E. Hammond
Manager

Cost of Advertisement \$28.00



CERTIFICATE OF PUBLICATION

35113

Pikesville, Md., June 23 1982

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 13th day of July 1982

the first publication appearing on the 23rd day of June 1982

the second publication appearing on the day of 1982

the third publication appearing on the day of 1982

THE NORTHWEST STAR

Philip Kibbey
Manager

Cost of Advertisement \$31.20

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 24 1982

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., before the 13th day of July 1982, the first publication appearing on the 24th day of June 1982

THE JEFFERSONIAN
L. Frank Smith
Manager

Cost of Advertisement, \$22.75

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 4 day of March 1982

Filing Fee \$ 25.00 Received: ☒ Check ☐ Cash ☐ Other

Item #180
Receipt #104863

William E. Hammond
William E. Hammond, Zoning Commissioner

Petitioner *Howard M. Grossfeld* Submitted by *Charles J. Balint*

Petitioner's Attorney *Charles J. Balint* Reviewed by *WJA*

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

83-10-ASP

District *2nd* Date of Posting *Dec 2-83*

Posted for: *Special Hearing*

Petitioner: *Howard M. Grossfeld et al*

Location of property: *NE/S of Liberty Road, 330' NW of Rolling Rd.*

Location of Signs: *NE/S of Liberty Road in front of 8312 Liberty Rd.*

Remarks:

Posted by *A. J. Brata* Date of return: *Dec 9-83*

Number of Signs: *1*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

83-10-ASP

Date of Posting *Jan 24 1982*

District *2nd*

Posted for: *Special Hearing*

Petitioner: *Howard M. Grossfeld et al*

Location of property: *NE/S of Liberty Road 330' NW of Rolling Rd.*

Location of Signs: *NE/S of Liberty Road in front of 8312 Liberty Rd.*

Remarks:

Posted by *A. J. Brata* Date of return: *July 2 1982*

Number of Signs: *2*

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 104863

DATE *3/4/82* ACCOUNT *01-662*

AMOUNT \$ 25.00

RECEIVED FROM *Grossfeld + Balint*

FOR *Eligible fee for SH + Ven for Howard M. Grossfeld*

25.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 117646

DATE *6/14/83* ACCOUNT *R-01-615-000*

AMOUNT \$155.00

RECEIVED FROM *Charles J. Balint, Esquire*

FOR *Appeal fee on Case 83-10-ASP (Howard M. Grossfeld, et al)*

155.00

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., before the 21st day of December 1983, the first publication appearing on the 1st day of December 1983

THE JEFFERSONIAN

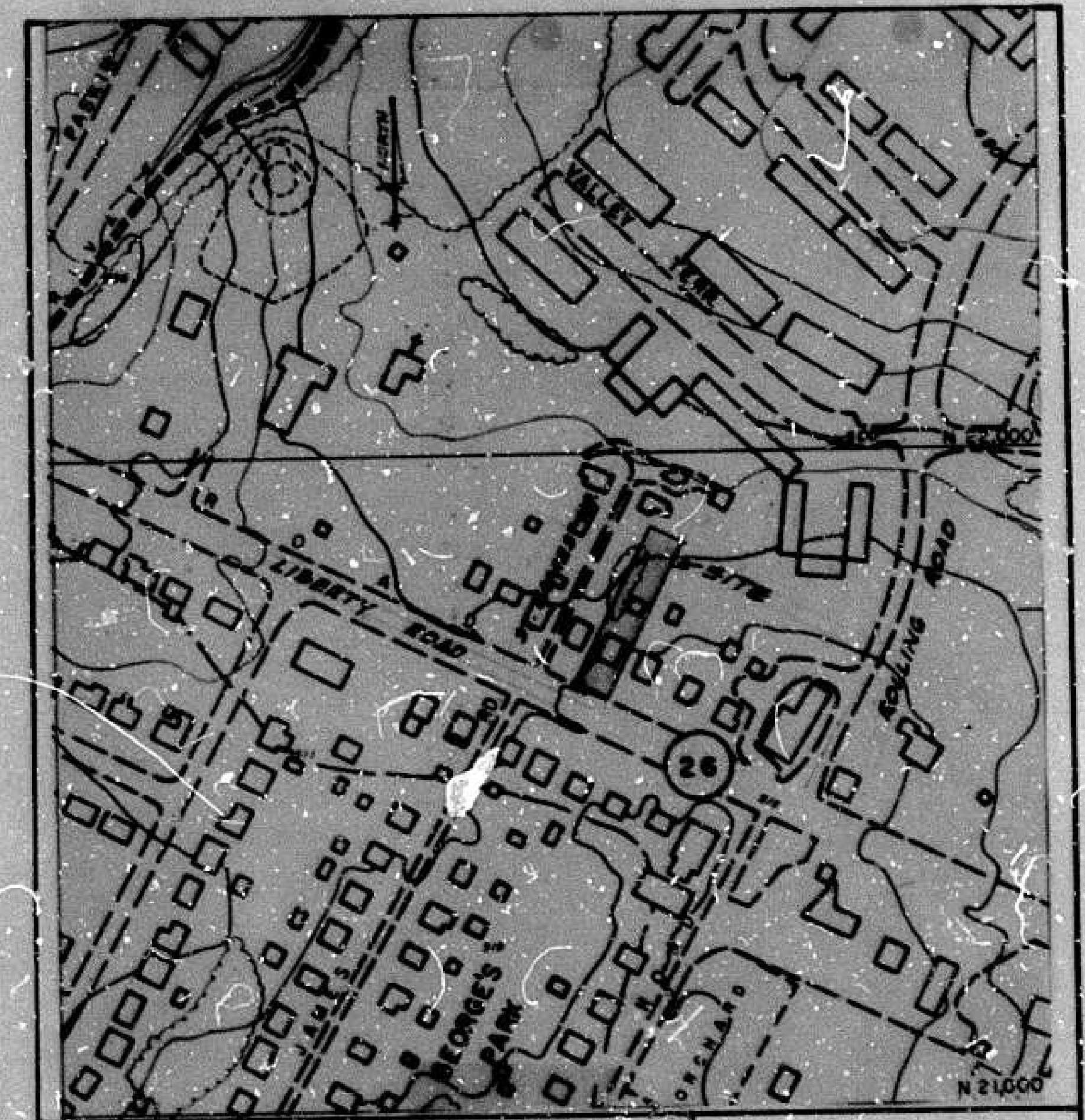
L. Frank Smith
Manager

Cost of Advertisement, \$22.75

CHARLES J. BALINT
ATTORNEY AT LAW

8312 LIBERTY ROAD
BALTIMORE, MD. 21207
822-0900

313 E. FORT AVENUE
BALTIMORE, MD. 21204
332-0999



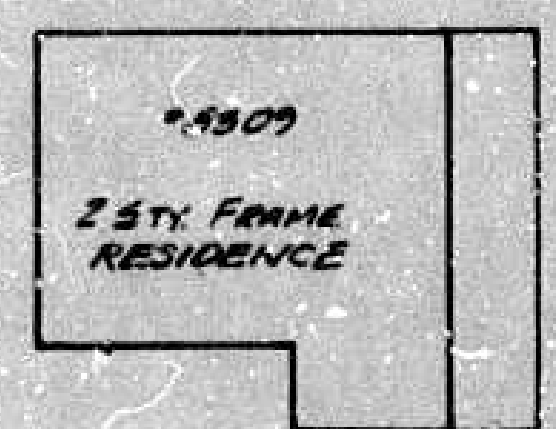
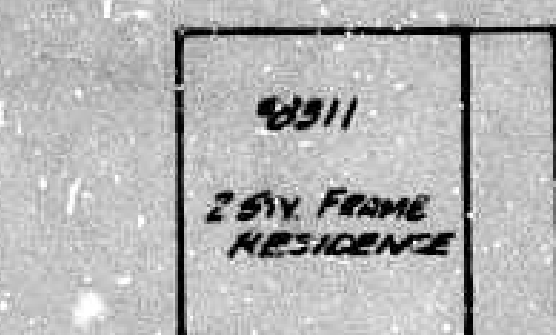
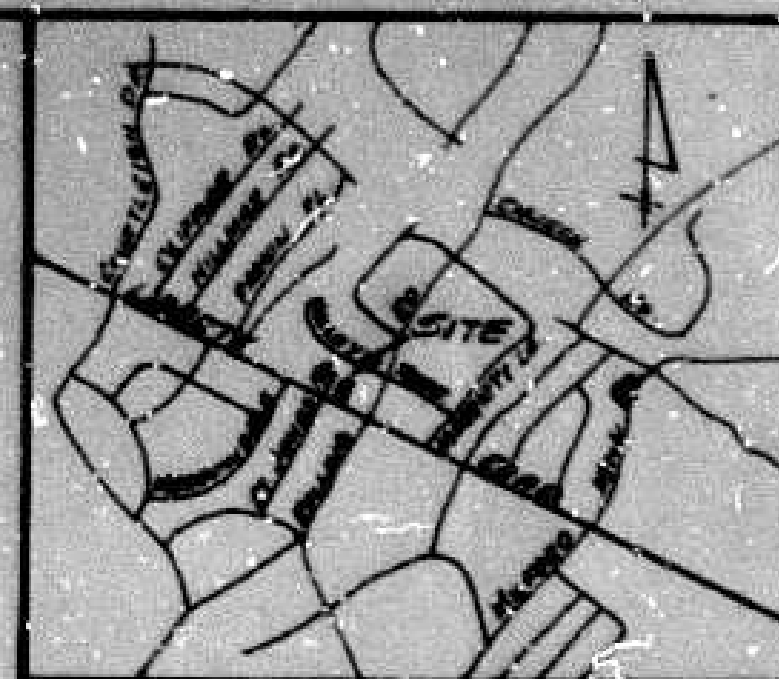
apr associates, inc.
surveyors-engineers

270-22 E. MAIN STREET
JALTON, MD. 21081
PHONE 326-7700

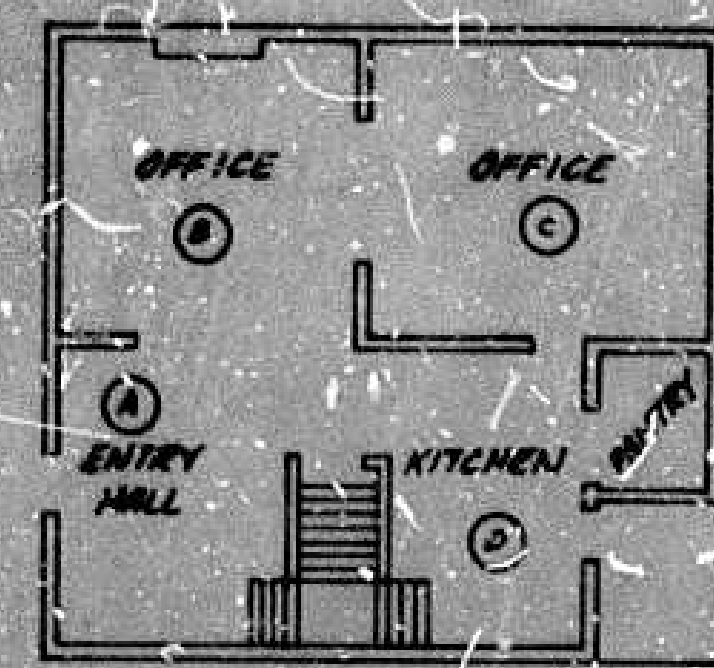
1427 HANFORD ROAD
JALTON, MD. 21084
PHONE 644-9312

8312 LIBERTY RD
2ND ELECTION DIST.
BALTIMORE CO. MD.
SCALE: 1"=200' 1-25-82

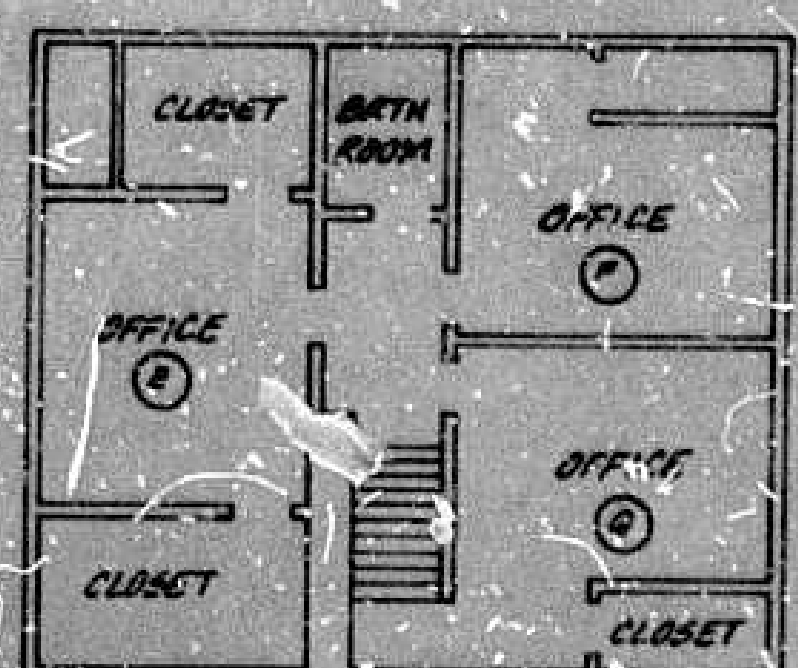




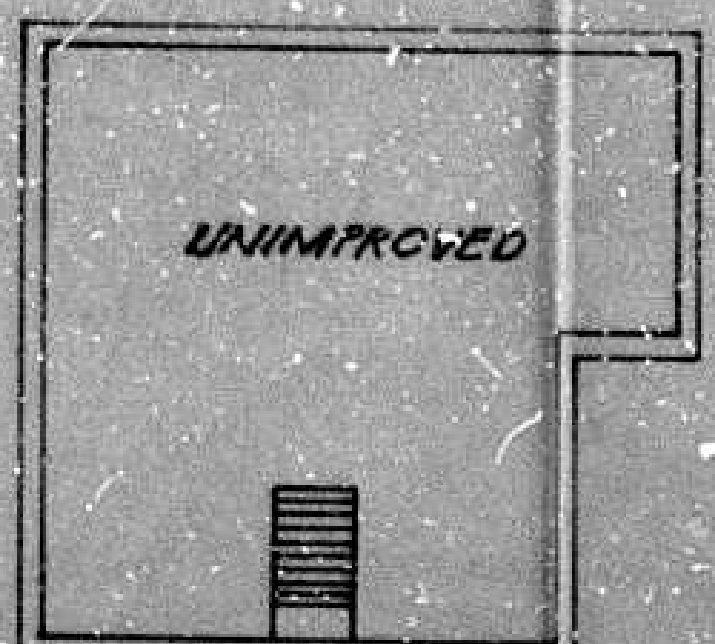
O.R. S.S. ZONE



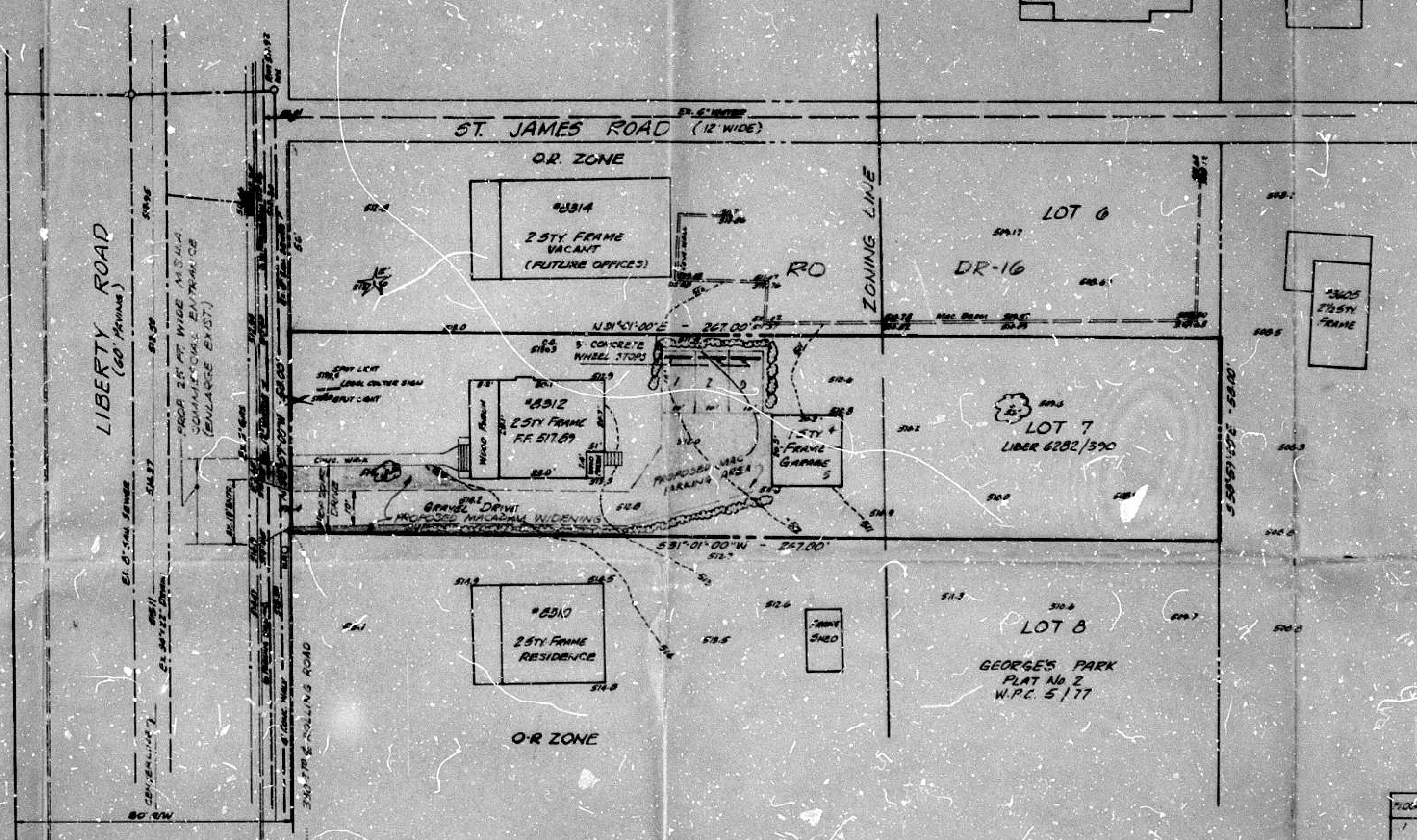
FIRST FLOOR
SCALE: 1/4" = 1'-0"



SECOND FLOOR
SCALE: 1/4" = 1'-0"



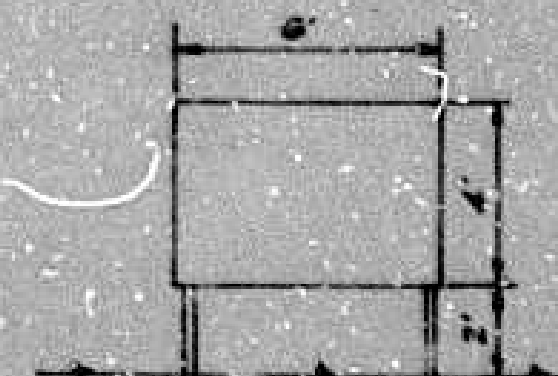
BASEMENT
SCALE: 1/4" = 1'-0"



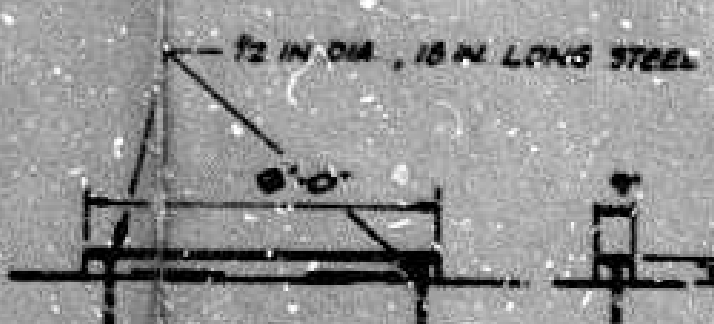
NOTES:

- 1) ZONING R-O ME DR-16
- 2) AREA IN R-O ZONE 9860 SF
- AREA IN DR-16 ZONE 5626 SF
- TOTAL NET AREA 15486 SF
- TOTAL GROSS AREA 17226 SF
- 3) PARKING
 - 1ST FLOOR 840 - 500 = 3 SPACES
 - 2ND FLOOR 616 - 500 = 2 SPACES
 - 5 SPACES REQUIRED
 - 5 PARKING SPACES PROVIDED
- 4) TOPOGRAPHY NO CHANGE IN EXISTING GRADE
- 5) HOURS OF OPERATION: 9:00AM TO 5:30PM
- 6) EXISTING BUILDING: FRAME
- 7) 60' DENOTES MIN 4 FT HIGH SCREENING WHITE PINE PLANTED 6' 1/2' OR ARBOR VITAE PLANTED 5' 1/2'
- 8) THERE ARE NO PORCH ENCLOSURES, EXTENSIONS, SIDING, OR EXTERNAL CHANGES

FLOOR	NO.	USE	ALTERNATE USE	MAX. NO. EMPLOYEES
1	A	ENTRY HALL	ENTRY HALL	0
	B	SEC. 9 RECF	SEC. 9 RECF	1
	C	SEC. 9 COPY	LIBRARY & COPY	1
	D	KITCHEN	SEC. 9 COPY	0
2	E	ATTORNEY	ATTORNEY	1
	F	ATTORNEY	ATTORNEY	1
	G	ATTORNEY	ATTORNEY	1
TOTAL - 5				



LEGAL CENTER SIGN DETAIL
SCALE: 1/4" = 1'-0"



CONC. WHEEL STOP DETAIL
SCALE: 1/4" = 1'-0"

OWNERS AND DEVELOPERS
CHARLES J. BALINT AND
HOWARD M. GROSSFELD
ATTORNEYS AND COUNSELLORS AT LAW
6312 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
TEL. 922-0907

BALTIMORE COUNTY PLANNING BOARD
SUBMITTED: *Wanda E. Loebe* 6/8/82
DATE
DIRECTOR OF PLANNING

PR Associates, Inc.
PLANNERS-ENGINEERS

1000 N. WOOD STREET
BALTIMORE, MD 21201
PHONE: 955-7000

PLAT TO ACCOMPANY PETITION
FOR VARIANCE FOR SIGN
AND DEVELOPMENT PLAN
FOR R-O ZONE

6312 LIBERTY ROAD

SECOND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'
JANUARY 25, 1982

REV. 1/25/82