

# 8C-140-A # 24 8C-140-A # 24

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 413.2.f to allow the addition of a multi-face business sign (Color Tile) 8'1" wide and 2' high (32.4 square feet) to existing pylon, increasing the total square footage from 112 square feet to 144.4 square feet, counting each side of the multi-face sign, all for identification of another major tenant of the shopping center doing business on the subject property.

of the zoning regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (Indicate hardship or practical difficulty) Additional identification is needed because of the location of the Color Tile Store at the end of the group of stores. Identification needed as evidenced by failure in business of last three occupants of that building because of lack of identification in center and failure otherwise to see same. Grant of variance in harmony with the spirit and intent of the sign regulations and will result in no injury to public health, safety or general welfare.

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 of 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: Legal Owner(s):  
(Type or Print Name) PADONIA VILLAGE, INC.  
(Type or Print Name)  
Signature Signature James Keely, III, Vice President  
Address (Type or Print Name)  
City and State  
Attorney for Petitioner: c/o Eugene P. Smith  
1400 Equitable Bank Center  
100 South Charles Street  
Baltimore, Maryland 21201  
Address Phone No. 332-8713  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address Phone No.

Attorney's Telephone No.: (301) 332-8713

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day of August, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of October, 1985, at 2:30 o'clock p.m.

By *Carl J. Smith*  
Zoning Commissioner of Baltimore County.

(over)

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of October, 1985, that the Petition for Zoning Variance to permit an additional 32.4 square foot multi-faced business sign to increase the total square feet of signage to 144.4 square feet instead of the allowed 112 square feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however,

IN RE: PETITION ZONING VARIANCE  
SE/corner of York and  
Padonia Roads (Padonia  
Village Shopping Center) -  
8th Election District  
Padonia Village, Inc.  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 86-140-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit the addition of a 32.4 square foot multi-faced business sign to an existing pylon, thereby increasing the total square footage of the signs on the pylon from 112 square feet to 144.4 square feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by James Keely, III, its Vice President, appeared and was represented by Counsel. Testifying on behalf of the Petitioner were Leon Reeves, Vice President for Real Estate of Color Tile stores; Bert Sommer of Triangle Sign; and George Badders of James Keely & Company, Inc. Mary Ginn appeared on behalf of the Association of Baltimore County Community Councils (Association) and testified in opposition. There were no other Protestants.

Testimony indicated that the Petitioner owns Padonia Village Shopping Center, located on Padonia and York Roads and zoned B.L. In Case No. 70-195-A, the center was granted a variance to permit a 312 square foot identification (ID) sign instead of the allowed 150 square feet. Subsequent thereto, a variance to permit the ID sign to contain 334 square feet instead of the allowed 312 square feet was granted in Case No. 86-17-A. The shopping center ID sign located on Padonia Road, which contained five individual multi-faced signs, was permitted to include another sign identifying Color Tile, a new tenant in the center as of April, 1985. Section 413.2.e, Baltimore County Zoning Regulations (BCZR), specifically permits multi-faced ID signs to be counted as one.

Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

By *Carl J. Smith*  
Zoning Commissioner of Baltimore County

Attest:  
cc: Eugene P. Smith, Esquire  
Mrs. Mary Ginn  
People's Counsel

Presently, two other signs attached to another pylon are located at the entrance to the center on York Road, and the Petitioner wishes to add a third, 8'1" x 2' (32.4 square feet total for both sides) sign identifying Color Tile. Section 413.2.f, BCZR, permits a maximum of three "other business signs" totaling 100 square feet in a B.L. Zone.

According to the witnesses, this additional sign for Color Tile is needed due to the lack of visibility of the store in the center. It was indicated that prior businesses located in the store used by Color Tile failed partly due to a lack of appropriate signage at the entrances to the center. All agreed that there is a definite need for Color Tile to have the sign and that a correlation between the failure of the other businesses and the lack of signs exists. Mr. Reeves testified that the monthly revenues generated thus far have been dismal and have failed to meet the company's expectations based on its experience with other similar stores. He associates this failure to a lack of signs allowing for customer identification.

Mrs. Ginn expressed the Association's position in opposing sign variances and stated the opinion that the Petitioner had enough signage.

The Petitioner seeks relief from Section 413.2.f, pursuant to Section 307, BCZR.

When the two business signs attached to the pylon on York Road were originally erected, it was the policy of the Zoning Office to consider multi-faced signs as one, regardless of the applicable section of the BCZR. Therefore, the Petitioner was under the belief that the addition of the Color Tile sign would add only approximately 16 square feet to the existing total of 56 square feet if only one side of each sign were counted pursuant to the old policy. However, that policy has been changed.

For many years, a Zoning Office policy permitted both sides of a multi-faced business sign to be computed as one for the purpose of determining the

size permitted. If a business sign such as the multi-faced, free-standing sign proposed here was computed to be 98 square feet on each side, past policy would have counted only one side. Section 413.2.f, BCZR, permits other business signs if limited to a total area of 100 square feet, and therefore, a sign such as described above would be permitted as a matter of right without the need for a variance. Of course, if both sides were counted for a total of 196 square feet, a variance would be required.

This interpretation does not comport to either the language or the intent of the BCZR. By their inherent nature, policies facilitate and improve the implementation of procedures, but they are equally subject to alteration, modification, or revision in accordance with the authority under which they are initially adopted. They may be used to interpret and/or to construe the law out cannot supplant or contradict the law. Official administrative interpretations of statutes in the form of policy that have long-continued and unvaried application should not be disregarded except for the strongest reason. Hofmeister v. Frank Realty Co., 373 A.2d 273, 281 (1977). As long as the rules and regulations adopted by the administrative official are reasonable and consistent with the statute, they should be applied. Farber's Inc. v. Comptroller of the Treasury of the State of Maryland, 266 Md. 44 (1972).

The Petitioner should not be negatively impacted by a change in policy which occurred in mid-stream. The business signs were erected pursuant to Section 413.2.f and with the belief that 44 square feet was still available. It was discovered that a variance is needed for the new tenant's sign. Under these particular circumstances and facts, a variance is warranted.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

## PETITION FOR VARIANCE 8TH Election District

LOCATION: Southeast corner of York and Padonia Roads  
(Padonia Village Shopping Center)  
DATE AND TIME: Wednesday, October 2, 1985 at 2:30 p.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West 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 from Section 413.2.f to allow the addition of a multi-face business sign (Color Tile) 8'1" wide and 2' high (32.4 sq.ft.) to existing pylon, increasing the total square footage from 112 sq.ft. to 144.4 sq.ft., counting each side of the multi-face sign, all for identification of another major tenant of the shopping center doing business on the subject site.

Being the property of Padonia Village, Inc., as shown on the plat filed with the Zoning Office.

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

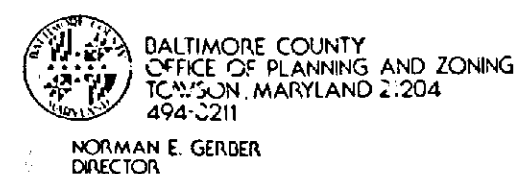
## DESCRIPTION OF PADONIA VILLAGE SHOPPING CENTER

Beginning from the same at a point on the east side of York Road, as shown on the accompanying Outline Plat of Padonia Village Shopping Center, and running thence and binding on the east side of York Road the five following courses and distances: (1) N 18° 07' 45" W 114.05 feet, (2) N 15° 03' 41" W 216.78 feet, (3) N 60° 22' 01" E 39.04 feet, (4) N 71° 48' 11" E 32.85 feet, (5) N 18° 11' 49" W 69.43 feet, to intersect the south side of Padonia Road; running thence and binding on the south side of Padonia Road the two following courses and distances: (6) N 71° 48' 11" E 277.54 feet, (7) by a line curving to the right with a radius of 822.47 feet, for a distance of 90.93 feet, said curve being subtended by a chord bearing N 74° 58' 13" E 90.88 feet, thence leaving the south side of Padonia Road, and binding on the outline of the above mentioned plat the three following courses and distances: (8) S 6° 39' 49" E 77.14 feet, (9) N 89° 46' 03" E 150.00 feet, (10) N 6° 39' 49" W 93.93 feet, to intersect the south side of Padonia Road; running thence and binding on the south side of Padonia Road the seven following courses and distances: (11) by a line curving to the right with a radius of 822.47 feet, for a distance of 54.50 feet, said curve being subtended by a chord bearing S 89° 33' 59" E 54.49 feet, (12) by a line curving to the right with a radius of 1,105.92 feet, for a distance of 447.25 feet, said curve being subtended by a chord bearing S 76° 04' 57" E 444.21 feet, (13) S 64° 29' 49" E 46.00 feet, (14) S 34° 30' 11" W 60.00 feet, (15) S 64° 29' 49" E 39.39 feet, (16) N 48° 22' 35" E 64.32 feet, (17) S 64° 29' 49" E 150.00 feet, thence leaving the south side of Padonia Road, and binding on the outline of the above mentioned plat the three following courses and distances: (18) S 25° 30' 11" W 104.59 feet, (19) by a line curving to the right with a radius of 300.00 feet, for a distance of 243.23 feet, said curve being subtended by a chord bearing S 48° 43' 48" W 236.62 feet, (20) S 71° 57' 25" W 19.32 feet, to intersect the end of Denelson Street, running thence and binding on the north side of Denelson Street the three following courses and distances: (21) by a line curving to the left with a radius of 40.00 feet, for a distance of 91.74 feet, said curve being subtended by a chord bearing N 83° 44' 53" W 72.92 feet, (22) by a line curving to the right with a radius of 19.98 feet, for a distance of 14.44 feet, said curve being subtended by a chord bearing S 51° 15' 41" W 14.13 feet, (23) S 71° 57' 25" W 231.41 feet, thence leaving the north side of Denelson Street and binding on the outline of the above mentioned plat the two following courses and distances: (24) N 18° 02' 35" W 195.00 feet, (25) S 71° 57' 25" W 425.00 feet to the point of beginning.









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

SEPTEMBER 9, 1985

Re: Zoning Advisory Meeting of July 30, 1985  
Item # 24  
Property Owner: PADONIA VILLAGE, INC.  
Location: SE CORNER YORK AND PADONIA RDs.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: \_\_\_\_\_

cc: James Huswell

Eugene A. Boher  
Chief, Current Planning and Development



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

STEPHEN E. COLLINS  
DIRECTOR

July 31, 1985

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

Item No. 23(24)25,26, and 27 ZAC- Meeting of July 30, 1985  
Property Owner: \_\_\_\_\_  
Location: \_\_\_\_\_  
Existing Zoning: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_

Acres: \_\_\_\_\_  
District: \_\_\_\_\_

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments to item numbers 23, 24, 25, 26, and 27.

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineering Assoc. II

MSF/ccm



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204 2586  
494-4500

PAUL H. REINCKE  
CHIEF

August 6, 1985

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

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Padonia Village, Inc.

Location: S/E corner York and Padonia Roads

Item No.: 24

Zoning Agenda: Meeting of 7/30/85

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 as published by the Department of Public Works.

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

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

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

REVIEWER: *Carl J. Kelly* Noted and Approved: *Roy W. Kemmer*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

August 26, 1985

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 24, Zoning Advisory Committee Meeting are as follows:

Property Owner: Padonia Village, Inc.  
Location: S/E Corner York and Padonia Roads  
District: 8th.

APPLICABLE ITEMS ARE CIRCLED

(A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 612-85, the Maryland Code for the Handicapped and Aged (A.M.D.A. #117-1 - 1980) and other applicable Codes and Standards.

(A) A building and other miscellaneous permits shall be required before the start of any construction.

(C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.

(D) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

(E) All the Group except B-1, Single Family Detached dwellings require a minimum of 1 hour fire rating for exterior walls closer than 3'-0" to an interior lot line. B-1, Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 102, Section 1007, Section 1006.1 and Table 1007. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

(F) The structure does not appear to comply with Table 505 for permissible heights/areas. Apply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

(G) The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.

(H) When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the code requirements for the new use. See Table 1006.1 and 1006.2. See Table 1006.1 and 1006.2. See Table 1006.1 and 1006.2. See Table 1006.1 and 1006.2.

(I) The proposed project appears to be located in a Flood Plain, Flood/Elevation. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill 612-85. Site plans shall show the correct elevation above sea level for the lot and the finish floor levels including basement.

(C) Comments: Signs shall comply with Article 19, and its amendments in Council Bill 617-85.

(L) These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

*Charles E. Humber*  
C. E. Humber, Chief  
Building Plans Review

L/27/85

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 86-140-A

Date: September 25, 1985

There are no comprehensive planning factors requiring comment on this petition.

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

NEG:JCH:alm



Maryland Department of Transportation

State Highway Administration

William K. Holmann  
Secretary  
Hal Kassoff  
Administrator

August 5, 1985

Mr. A. Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #24  
Property Owner: Padonia Village, Inc.  
Location: S/E corner York (Route 45) and Padonia Roads  
Existing Zoning: B.L. CCC  
Proposed Zoning: Var. to allow the addition of a multi-face business sign (color tile) 8' 1" wide & 2" high (32.4 sq. ft) to existing pylon, increasing the total sq/ footage from 112 sq. ft. to 144.4 sq. ft. counting each side of the multi-face sign  
District: 8th

Dear Mr. Jablon:

We are referring the subject plan to Mr. Morris Stein, Chief of State Highway Administration Outdoor Advertising. He will review and respond directly to you.

Very truly yours,

*Charles Lee*  
Charles Lee, Chief  
Bureau of Engr. Access Permits

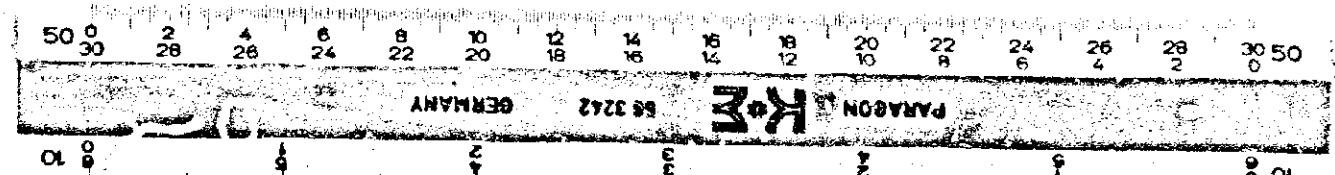
By: John Meyers

CL-JM:es

cc: Morris Stein w/plan  
G. Wittman

My telephone number is 301-659-1150  
Teletypewriter for Impaired Hearing or Speech  
303 7555 Baltimore Metro - 565-0421 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717





PLAT FOR SIGN VARIANCE  
PADONIA VILLAGE SHOPPING CENTER  
BALTIMORE Co. MD. ELECTION DISTRICT No. 8  
SCALE: 1" = 50' APRIL 3, 1985

H.P. 3D  
 NW-15-A  
 REGION  
 DISTRICT 8TH  
 DATE 3/3/86  
 TIME  
 READING: A  
 BY BE  
 FROM  
 BY: \_\_\_\_\_