

MEMORANDUM OPINION AND ORDER

Appellant, D.K.A. Associates, Limited Partnership, argues that the County Board of Appeals had no legally sufficient evidence upon which to base its decision, and its decision is arbitrary, illegal and capricious. Specifically, Appellant asserts:

955 FILED JUN - 1 1987
pam

1) Robert Fisher demonstrated that the billboard structure would block out his site, cause hazardous sight distance conditions for access, and create a serious security concern.

-2-

Standard of Review

It must first be noted that "the special exception use is a part of the Comprehensive Zoning Plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid." *Schultz*, 291 Md. at 11.

-3-

The standard to determine whether a special exception would have an adverse effect and should be denied is set forth in Schultz, 291 Md. at 22:

-4-

The Board's Decision

...infringement on the

Review of the Board's Decision

Although Mr. Jones testified to the possible impedance to delivery trucks, this court notes that Mr. Jones had only been at the site once at 8:00 in the morning when no trucks were there. (Tr. 37-38). Ms. Zorn and Ms. LeGrand testified to the proliferation of signs in the area. However, the only evidence that was before the Board was Ms. Zorn's testimony of a double billboard on the other side of the street approximately one and a half miles away (Tr.43), and Ms. LeGrand's calculation of six billboard signs within a two mile radius from the railroad bridge (just below Strawhat Road) to the carwash (just above Cherry Valley Road) (Tr.56). Two of these signs face northbound and four face southbound. In contrast, Mr.

-6-

Although Mr. Fisher testified that the sign would block

-2

It is this 28 day of May, 1987, by the Circuit Court for Baltimore County, ORDERED that the decision of the County Board of Appeals be reversed, and Baltimore County is hereby ORDERED to grant the Special Exception.

JWH/19

PETITION FOR SPECIAL EXCEPTION

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for two (2) illuminated 12' x 25' advertising structures... (signs).

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

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

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

Contract Purchaser: Lessee: Legal Owner(s):
 Foster & Kleiser, D.K.A. Associates, Limited Partnership
 3001 Remington Avenue, Baltimore, Maryland 21211
 Attorney for Petitioner: M. Albert Figinski, Esquire
 6229 N. Charles St., Baltimore, Maryland 21212
 Attorney's Telephone No.: 235-8820

ORDERED BY The Zoning Commissioner of Baltimore County, this 24th day of September, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of October, 1985, at 11:15 o'clock.

Bel Jahn
 Zoning Commissioner of Baltimore County.

RE: PETITION FOR SPECIAL EXCEPTION
 S/S Reisterstown Road, 235' N
 of the N/S of Nicodemus Road &
 58' W of the centerline of
 Reisterstown Road -
 4th Election District
 D.K.A. Associates, Limited
 Partnership - Petitioner

The Petitioner herein requests a special exception for two 12' x 25' advertising structures.

Testimony on behalf of the Petitioner indicated that the lessee proposes to locate the two signs side-by-side on a ten-foot slope near the southern boundary of the Cherry Valley Plaza as shown on the site plan marked Petitioner's Exhibit 1. The signs will be visible only to those traveling south on Reisterstown Road and each will be supported by a single column. There is no other outdoor advertising sign within one-half mile and no other along the west side of Reisterstown Road for eight to nine miles. The proposed 12' x 25' size is the national standard used by national advertisers.

Representatives of the area coordinating council and the Alliance of Baltimore County Community Councils, Inc. spoke in protest. They expressed the opinion that the proposed signs in the requested sizes would be visual pollution in an area in which there is little signage and would overpower the existing commercial buildings and their signs. Therefore, they were of the opinion that the proposed signs, in the instant case, would be detrimental to the public welfare. They propose smaller sized outdoor advertising signs for the site. After due consideration of all the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the proposed two 12' x 25' illuminated outdoor advertising signs are excessive in size for the proposed location and would, within the spirit and intent of the Baltimore County Zoning Regulations (BCZR), be detrimental to the general welfare of the locality in-

Case No. 86-188-X
 Item No. 52
 Date: January 8, 1986
 S/S Reisterstown Rd., 235' N of
 N/S Nicodemus Rd., & 58' W of c/l
 of Reisterstown Rd. - 4th Elec. Dist.
 D.K.A. Associates, Limited Partnership - Petitioner

- 1. Copy of Petition
- 2. Copy of Description of Property
- 3. Copy of Certificate of Posting (1 Sign)
- 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/Deputy Zoning Commissioner
- 10. Copy of Plat of Property (Petitioner's Exhibit 1)
- 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 1 to Plat of Property
- 18. Letter of Appeal

R. S. Armiger, General Partner
 D.K.A. Associates, Limited Partnership
 6229 N. Charles Street
 Baltimore, Maryland 21212
 M. Albert Figinski, Esquire
 36 S. Charles Street
 Baltimore, Maryland 21201
 W. R. Walker, Foster & Kleiser
 3001 Remington Avenue
 Baltimore, Maryland 21211
 Ms. Alice LeGrand
 25 Olive Lane
 Owings Mills, Maryland 21117
 Ms. Mary Ginn
 606 Horncrest Road
 Towson, Maryland 21204
 Phyllis C. Friedman, Esquire
 Norman E. Gerber
 James Howell
 Arnold Jablon
 Jean M. H. Jung
 James E. Dyer

resolved if permitted to the full extent of the size (300 square feet each) requested in the Petition.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of December, 1985, that the herein Petition for Variance to permit two 12' x 25' advertising structures, in accordance with the plan submitted and filed herein marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- Each of the two proposed single-faced advertising structures shall not exceed 150 square feet.
- Illumination shall be cut off at 11:00 p.m.

John M. H. Jung
 Deputy Zoning Commissioner
 of Baltimore County

FROM THE DOCKET

81-161-SPH SE/S North Point Creek, 209.30' NE of S. Cove Road 1st
 2/9/81 Petition for Special Hearing of Robert W. Love, Sr., et ux \$80.75 costs paid
 2/9/81 Hearing Date set for 3/17/81 at 9:30 A.M.
 2/26/81 Certificate of Publication filed
 2/28/81 Certificate of Posting filed
 7/29/83 Ordered by Zoning Commissioner of Baltimore County that Special Hearing be
 8/11/83 Appealed by petitioners' attys., Romadka & Gontrum \$85.00 costs paid
 9/20/85 Ordered by the Board of Appeals that the nonconforming use for a marina is not approved and that the existing piers cannot be replaced, nor is any marina use approved and further Ordered that the nonconforming use for a residence is approved. Therefore, the petition for a Special Hearing is hereby GRANTED IN PART and DENIED IN PART.
 10/18/85 Notice of Appeal of Petitioner to the Circuit Court for Baltimore County.
 4/9/86 Ordered by Judge John E. Raine, Jr., Circuit Court for Baltimore County, that the Opinion and decision of the County Board of Appeals is reversed and the subject enjoys a nonconforming use for a marina and shall not expand beyond 25% of the 1 footage of the piers, existing as of the date of the hearing before the County Board of Appeals.
 81-162-A SW/C of Silver Spring Road and Cottenington Road
 2/4/81 Petition for Variance of Charles C. Wilson, et ux
 2/4/81 Hearing Date set for 3/20/81 at 1:30 P.M.
 2/26/81 Certificate of Publication filed
 2/28/81 Certificate of Posting filed
 3/24/81 Order for Variance GRANTED by the Deputy Zoning Commissioner

RE: PETITION FOR SPECIAL EXCEPTION
 S/S Reisterstown Road, 235' N
 of the N/S of Nicodemus Road &
 58' W of the centerline of
 Reisterstown Road -
 4th Election District
 D.K.A. Associates, Limited
 Partnership - Petitioner

AMENDED ORDER

It is hereby ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of January, 1986, that the Order passed in this matter, dated December 23, 1985, is hereby AMENDED, to replace the wording in the last paragraph on page two from "...herein Petition for Variance..." to read "...herein Petition for Special Exception..."

John M. H. Jung
 Zoning Commissioner of
 Baltimore County

cc: M. Albert Figinski, Esquire
 Mr. W. R. Walker
 Ms. Alice LeGrand
 Ms. Mary Ginn
 People's Counsel

IN THE MATTER OF
 THE APPLICATION OF
 D.K.A. ASSOCIATES,
 LIMITED PARTNERSHIP
 FOR SPECIAL EXCEPTION FOR
 TWO ILLUMINATED 12' x 25'
 ADVERTISING STRUCTURES
 S/S REISTERSTOWN RD., 235'
 N OF N/S NICODEMUS RD. &
 58' W OF REISTERSTOWN RD.
 4TH DISTRICT

BEFORE
 COUNTY BOARD OF APPEALS
 OF
 BALTIMORE COUNTY
 NO. 86-188-X

OPINION

This case comes before the Board of Appeals on appeal from the decision of the Deputy Zoning Commissioner granting the Petitioner, with restrictions, a special exception for outdoor advertising signs. The granting of two outdoor signs with restrictions of 150 square feet each and illumination of signs to 11 P.M., rather than 300 square feet and 12 P.M., were reasons for the Petitioner's appeal.

The Board heard testimony from Mr. W. R. Walker, representing the contract purchaser, describing the location and specific dimensions of the two signs, designed to stand side-by-side at the north property line of the Cherry Valley Plaza Shopping Center.

Mr. Walker testified that the industry standard dimension for outdoor signs is 300 square feet and reviewed the purpose and objective of these nationwide standards. Mr. Walker also offered his opinion that the requested exemption was consistent with the conditions of §502.1 of the Baltimore County Zoning Regulations (BCZR) governing special exceptions.

Mr. Brian Friedman, Director of Public Affairs for Foster & Kleiser, the contract lessee, also testified to the merits of the exemption requested, and as to the local value of the intended advertisements.

D.K.A. ASSOCIATES - #86-188-X

In testimony, People's Counsel called five witnesses. Mr. Greg Jones of the Office of Traffic Engineering testified as to the possible impedence to delivery trucks as they negotiate an alley between the proposed sign and a building of the shopping center.

Ms. Cathy Zorn and Ms. Alice LeGrand represented the Reisterstown-Owings Mills-Glyndon Coordinating Council in voicing objections to the proliferation of signs in the area, expressed the opinion that the proposed signs in the requested sizes would be of no value to local residents and would infringe on existing commercial buildings and their signs. The local community Council is also very concerned about the safety and welfare of the public along a heavily travelled road.

Mr. James Howell of the County Office of Planning expressed opposition to the petition for a special exemption citing a growing area traffic problem, over saturation of signs, and the domino effect possible.

The witness before the Board most personally concerned with the Petitioner's request was Mr. David Fisher, proprietor of an auto body shop immediately adjacent to the proposed location of the signs. Mr. Fisher was emphatic in his description of the slope on which the sign would be located, being much greater than the 10 feet indicated by the Petitioner. Consequently, Mr. Fisher was concerned that the large signs would block visibility of his business, would make his fenced property accessible for acts of theft, and would necessitate a larger sign on his building.

After careful consideration of the testimony presented, it is the opinion of this Board that the request for a special exception be denied, based primarily on the conditions stipulated in §502.1 of the BCZR. To not

D.K.A. ASSOCIATES - #86-188-X

3.

do so, would result in difficulty for the adjacent business and have a detrimental effect on the general welfare of the locality involved.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of July, 1986, by the County Board of Appeals, ORDERED that the special exception petitioned for, for two illuminated 12' x 25' advertising structures, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

Lawrence E. Schmidt
Lawrence E. Schmidt

IN THE MATTER OF
THE APPLICATION OF
D.K.A. ASSOCIATES
LIMITED PARTNERSHIP
FOR SPECIAL EXCEPTION FOR
TWO ILLUMINATED 12' x 25'
ADVERTISING STRUCTURES
S/S REISTERSTOWN RD. 235'
N. OF N/S NICODEMUS RD. &
58' W. OF REISTERSTOWN RD.
4th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 86-188-X

DISSENTING OPINION

I hereby DISSENT from the Majority Opinion and Order in this case.

A review of the Deputy Zoning Commissioner's file clearly indicates the merit of the requested special exception. A further review of said file, in my opinion, fails to justify a reduction in the size of the requested billboard.

As this matter comes before this Board de novo, I am compelled to state that I believe the commercial nature of the area, the existence of similar signs and the proposed location lends itself to the granting of the special exception.

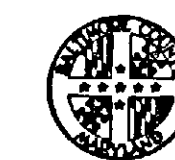
Except for the comments of the adjacent property owner, which I believe to be unsubstantiated, I do not believe that the community is adversely impacted. Furthermore, the lack of a substantiated investigation on behalf of the Traffic Engineering Department demonstrates, in my view, a tentative investigation at best. I am persuaded that the proposed location of the sign will create no hazard to the health, safety and general welfare of the community. Therefore, I would grant this petition for a special exception.

William R. Evans
William R. Evans, Acting Chairman

Date: July 11, 1986

PROPERTY DESCRIPTION

BEGINNING AT A POINT LOCATED ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD (66 FEET WIDE), 235 FEET NORTH OF THE NORTH SIDE OF NICODEMUS ROAD (20 FEET WIDE) AND 58 FEET FROM THE CENTERLINE OF REISTERSTOWN ROAD AND THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES: 1.) NORTHWESTERLY AND PARALLEL TO REISTERSTOWN ROAD A DISTANCE OF 10 FEET TO A POINT, THENCE 2.) SOUTHWESTERLY AT A RIGHT ANGLE A DISTANCE OF 55 FEET TO A POINT, THENCE 3.) SOUTHEASTERLY AT A RIGHT ANGLE A DISTANCE OF 10 FEET TO A POINT, THENCE 4.) NORTHEASTERLY AT A RIGHT ANGLE A DISTANCE OF 55 FEET TO THE BEGINNING POINT.



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

December 23, 1985

M. Albert Figinski, Esquire
36 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION
S/S Reisterstown Rd., 235' N
of the N/S Nicodemus Road and
58' W of the centerline of
Reisterstown Road -
4th Election District
D.K.A. Associates, Limited
Partnership - Petitioner
Case No. 86-188-X

Dear Mr. Figinski:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Ms. Alice LeGrand
25 Olive Lane
Owings Mills, Md. 21117

Ms. Mary Ginn
Baltimore County Community Councils, Inc.
606 Horncrest Road
Towson, Md. 21204

PETITION FOR SPECIAL EXCEPTION

4th Election District

LOCATION: South side of Reisterstown Road, 235' North of the North side of Nicodemus Road & 58' West of the centerline of Reisterstown Road

DATE AND TIME: Tuesday, October 29, 1985 at 1:15 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 Special Exception for two (2) illuminated 12' x 25' advertising structures (signs).

Being the property of D.K.A. Associates, Limited Partnership 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

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
S/S of Reisterstown Rd., 235' :
N of N/S Nicodemus Rd., & 58' : OF BALTIMORE COUNTY
W of Centerline of Reisterstown :
Rd., 4th District :

DKA ASSOCIATES, LIMITED : Case No. 86-188-X
PARTNERSHIP, Petitioner :
: : : : : :

ENTRY OF APPEARANCE

Please enter the People's Counsel's appearance in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

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

I HEREBY CERTIFY that on this 2nd day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to M. Albert Figinski, Esquire, 36 S. Charles St., Baltimore, MD 21201, Attorney for Petitioner; and Mr. W. R. Walker, Foster & Kleiser, 3001 Remington Ave., Baltimore, MD 21211, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman



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

ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1985

M. Albert Figinski, Esquire
36 S. Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Exception
S/S Reisterstown Rd., 235' N of N/S
of c/l Nicodemus Rd. & 58' W/c/l of
Reisterstown Road - 4th Elec. Dist.
D.K.A. Associates, Ltd. Partnership -
Petitioners
Case No. 86-188-X

Dear Mr. Figinski:

This is to advise you that \$57.51 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

BALTIMORE COUNTY, MARYLAND		No. 012441	
OFFICE OF FINANCE - REVENUE DIVISION		erely,	
MISCELLANEOUS CASH RECEIPT		<i>Arnold Jablon</i>	
DATE: 10-23-85	ACCOUNT: R-01-615-000	LD JABLON,	
AMOUNT: \$ 57.51		Zoning Commissioner	
RECEIVED FROM: Foster and Kleiser			
FOR: Advertising and Posting 86-188-X			
Baltimore County 05*****575112 23165			
VALIDATION OR SIGNATURE OF CASHIER			

M. Albert Figinski, Esquire
36 S. Charles Street
Baltimore, Maryland 21201

September 27, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
S/S Reisterstown Rd., 235' N of N/S
of c/l Nicodemus Rd. & 58' W/c/l of
Reisterstown Road - 4th Elec. Dist.
D.K.A. Associates, Ltd. Partnership -
Petitioners
Case No. 86-188-X

TIME: 1:15 p.m.

DATE: Tuesday, October 29, 1985

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

BALTIMORE COUNTY, MARYLAND		No. 008651	
OFFICE OF FINANCE - REVENUE DIVISION		Commissioner	
MISCELLANEOUS CASH RECEIPT		Towson County	
DATE: 9/16/85	ACCOUNT: R-01-615-000		
AMOUNT: \$ 100.00			
RECEIVED FROM: FOSTER & KLEISER			
FOR: FILING FEE FOR ITEM 52 (QASH)			
Baltimore County 05*****100001 23165			
VALIDATION OR SIGNATURE OF CASHIER			



January 8, 1986

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mrs. Jung:

Please enter an appeal to the Board of Appeals in the matter of
Petition for Special Exception: Case No. 86-188-X (S/S Reisterstown
Road, 235' North of the N/S Nicodemus Road and 58' W of the centerline
of Reisterstown Rd. - 4th Election District) The referenced Petition
was denied by the Deputy Commissioner's Order dated December 27, 1985.

We are enclosing herewith our check for \$105.00 to cover filing fee
and posting of the premises.

Sincerely,
W. R. Walker
Real Estate Dev. Manager

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
DATE: 1/17/86	ACCOUNT: M-01-615-000
AMOUNT: \$ 105.00	
RECEIVED FROM: W. R. Walker, Foster & Kleiser	
FOR: Appeal Fee for Case No. 86-188-X	
B 8074****10500a 2138F	
VALIDATION OR SIGNATURE OF CASHIER	

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: October 22, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-188-X

This office is opposed to the granting of the subject
request. Arterial roads in Baltimore County already are over-
saturated with signage of all shapes, sizes and colors. The
subject proposal would add to the existing visual chaos along
our highways.

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

NEG:JCH:alm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 7, 1985

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

M. Albert Figinski, Esquire
36 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 52 - Cave No. 86-188-X
Petitioner - D.K.A. Associates,
Limited Partnership
Special Exception Petition

Dear Mr. Figinski:

The Zoning Plans Advisory Committee has reviewed the plans sub-
mitted 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.

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 infor-
mative 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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

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



William K. Hoffmann
Secretary
Hal Kassoff
Administrator

September 4, 1985

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

Re: ZAC Meeting of August 20, 1985
ITEM: #52
Property Owner: D.K.A. Assoc.,
Limited Partnership
Location: S/W Side of
Reisterstown Road, Route 140,
236' N of Nicodemus Road
Existing Zoning: Special
Exception for two illuminated
12' x 25' advertising structures
(signs)
Acres: .013 Acres
District: 4th Election District

Dear Mr. Jablon:

On review of the submittal for Special Exception of
two proposed illuminated poster panels, Zoning Item #52 has
been forwarded to the State Highway Administration Beautification
Section c/o Mr. Morris Stein (659-1642) for all comments relative
to zoning.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

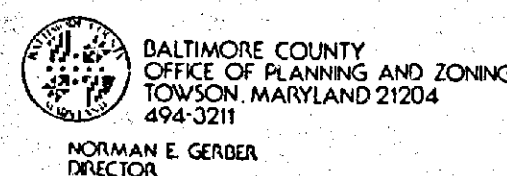
By: George Wittman

CL:GW:maw

cc: Mr. J. Ogilvie
Mr. M. Stein (w-attachment)

My telephone number is (301) 659-1350

Typesetter for Improved Hearing or Speech
383-7505 Baltimore Metro - 500-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717



OCTOBER 7, 1985

Re: Zoning Advisory Meeting of August 20, 1985
Item # 52
Property Owner: D.K.A. ASSOC. LIMITED PART.
Location: S/W Side of Reisterstown Rd. 236'
N. of Nicodemus Rd.

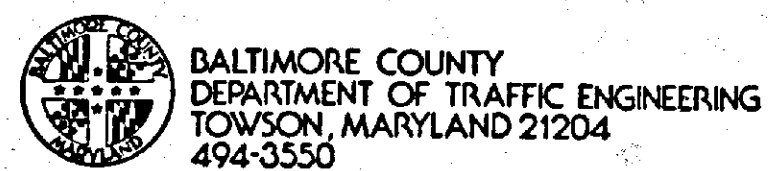
Dear Mr. Jablon:

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

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () 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,
B111 178-79. No building permit may be issued until a Design
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 F111 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 Hoswell

Eugene A. Robor
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

August 26, 1985

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

Item No. 52 -ZAC- Meeting of August 20, 1985
Property Owner: D.K.A. Associates, Limited Partnership
Location: S/W side of Reisterstown Road, 236' N. of Nicodemus Road
Existing Zoning: S.L.
Proposed Zoning: Special Exception for two illuminated 12' x 25'
advertising structures (signs)

Acres: .013 acres
District: 4th Election District

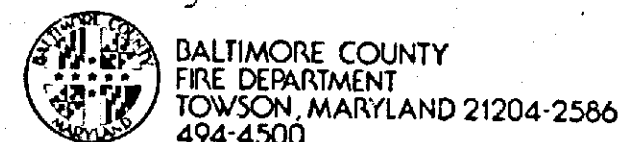
Dear Mr. Jablon:

The Department of Traffic Engineering has no comment on
this particular item.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate II

MSF/lca



PAUL H. REINCKE
CHIEF

August 20, 1985

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: D.K.A. Associates, Limited Partnership
Location: S/W side of Reisterstown Road, 236' N of Nicodemus Road

Item No.: 52 Zoning Agenda: Meeting of August 20, 1985

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.

- (X) 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.

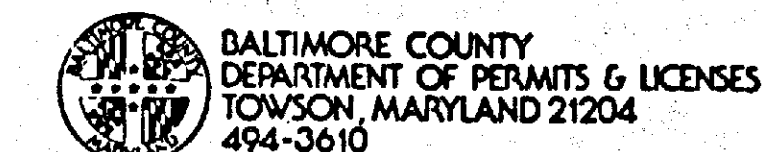
- () 5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Protection
Association Standard No. 101 "Life Safety Code", 1976 edition prior
to occupancy.

- () 6. Site plans are approved, as drawn.

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

REVIEWER: *Ray W. Kemmer* Noted and Approved: *Ray W. Kemmer*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mh



TED ZALESKI, JR.
DIRECTOR

September 10, 1985

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

Dear Mr. Jablon:

Comments on Item # 52 Zoning Advisory Committee Meeting are as follows:
Property Owner: D.K.A. Associates, Ltd. Part.
Location: S/W side of Reisterstown Road, 236' N of Nicodemus Road
District: 4th.

APPLICABLE ITEMS ARE CIRCLED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 111-85,
the Maryland Code for the Building and Code (A.S.I. 111-1 - 1985) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a
registered in Maryland architect or Engineer 10/10 not required on plans and technical data.
- () Commercial: Three sets of construction drawings needed - a stamped by a registered in Maryland Architect
or Engineer shall be required to file with a permit application. Registered seals are not acceptable.
- () All the Group except B-4 Single Family Detached Buildings require a minimum of 1 inch fire rating for
exterior walls above 6'-0" to an interior lot line. B-4 Single Family Detached Buildings require a one hour wall of above
than 3'-0" to an interior lot line. And wall built on an interior lot line shall require a fire or party
wall. See Table 101, Section 107, Section 106.1 and Table 1102. No openings are permitted in an
exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the proposed
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.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore
County Building Code.
- () When filing for a request for Change of Use/Accessory Permit, an alternate permit application shall also
be filed along with three sets of construction drawings indicating how the existing structure is
to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or
Engineer seals are usually required. The change - see Section 112 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Flood Zone. Please see the attached
copy of Section 116.1 of the Building Code as adopted by Bill 111-85. Site plans shall show the correct
boundaries above are level for the lot and the Flood Plain levels including basement.
- () Comments: Signs shall comply with Article 19 and its amendments
by Council Bill #17-85.
- () These observations 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 112 of the County Office Building at 111
W. Chesapeake Avenue, Towson, Maryland 21204.

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

10/2/85

District: 4th Date of Posting: October 9, 1985

Posted for: Special Exception

Petitioner: D. K. & Associates, Ltd. Partnership

Location of property: 515 Reisterstown Rd., 235' N. of the E 1/4 of Nicodemus Rd. + 58' W. of E 1/4 of Reisterstown Rd.

Location of Signs: South side of Reisterstown Rd. approx. 250' north of the E 1/4 of Nicodemus Rd.

Remarks:

Posted by: S. J. Grata Date of return: October 18, 1985

Signature

Number of Signs: 1

**PETITION FOR SPECIAL
EXCISE TAX
4th Election District**

LOCATION: South side of Reisterstown Road, 33rd North of the North side of Nicholson Road & 36th West of the centerline of Reisterstown Road

DATE AND TIME: Tuesday, October 29, 1935, at 1:15 P.m.

PUBLIC HEARING: Room 166, 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 for the purpose of Special Excise Tax for two (2) lots, to-wit: 17 & 25th adjoining structures (signs).

Being the property of D.A.A. Associates, Limited Partnership as shown on tax map 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 no 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 on above matter at the hearing.

By Order Of
ARNOLD JARLON,
Zoning Commissioner
of Baltimore County

OK.

TOWSON, MD., _____ October 10th - 19th 85

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on _____ October 10th - 19th 85

THE JEFFERSONIAN,
18 Venetian

Publisher
Cost of Advertising
24.75

minster, Md., Oct. 10, 1985.....
that the annexed Reg. #183441 P.O. #70201
1)..... ~~successive~~ days previous
..... October....., 1985....., in the
y Times, a daily newspaper published
in Westminster, Carroll County, Maryland.
News, a weekly newspaper published
in Baltimore County, Maryland.
Times, a weekly newspaper published
in Baltimore County, Maryland.
Y NEWSPAPERS OF MARYLAND, INC.
Per..... *[Signature]*.....

PETITION FOR SPECIAL EXCEPTION
4th Election District

LOCATION: South side of Redstone Road, 235' North of the North side of Noddens Road & 58' West of the centerline of the Redstone Road.

DATE AND TIME: Tuesday, October 28, 1965 at 1:15 p.m.

PUBLIC MEETING: Room 108, 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 for Petition for Special Exception for two (2) furnished 12' x 25' advertising structures (signs).

Being the property of D.K.A. Associates, Limited Partnership as shown on the plat filed with the Zoning Office.

In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain and require 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 above or made at the hearing.

BY ORDER OF
ARCHIBALD J. ABRAHAMSON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 86-188-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

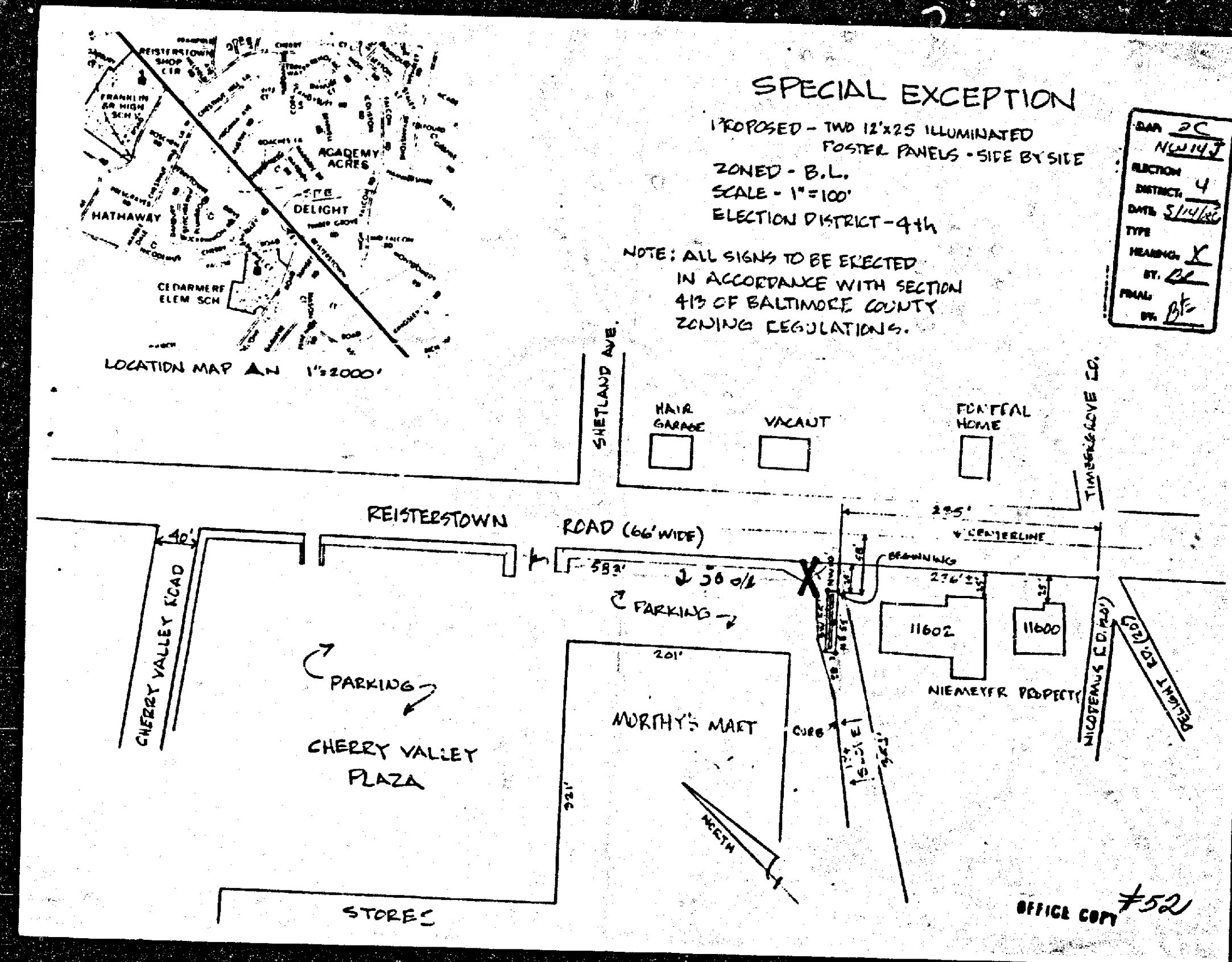
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of September, 1983.

Petitioner D. K. A. Associates,
Petitioner's Limited Partnership
Attorney M. Albert Figinaki, Esquire


ARNOLD JABLON
Zoning Commissioner

Received by: James E. Dyer
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee



CC: Stuart R. Berger, Esq.
200 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Peter Max Zimmerman, Esq.
People's Counsel for Baltimore Co.
Room 223, Court House
Towson, Maryland 21204

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

RECEIVED
COUNTY BOARD OF APPEALS
1201 JAN -2 P 12 38

-9-

IN THE MATTER OF :
THE APPLICATION OF :
D.K.A. ASSOCIATES, :
LIMITED PARTNERSHIP :
FOR SPECIAL EXCEPTION FOR :
TWO ILLUMINATED 12' x 25' :
ADVERTISING STRUCTURES :
S/S REISTERSTOWN RD. 235' :
N. OF N/S NICODEMUS RD. & :
58' W. OF REISTERSTOWN RD. :
4TH DISTRICT :

BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
NO. 86-188-X :

OPINION

This case comes before the Board of Appeals on appeal from the decision of the Deputy Zoning Commissioner granting the Petitioner, with restrictions, a special exception for outdoor advertising signs. The granting of two outdoor signs with restrictions of 150 square feet each and illumination of signs to 11 P.M., rather than 300 square feet and 12 P.M., were reasons for the Petitioner's appeal.

The Board heard testimony from Mr. W. R. Walker, representing the contract purchaser, describing the location and specific dimensions of the two signs, designed to stand side-by-side at the north property line of the Cherry Valley Plaza Shopping Center.

Mr. Walker testified that the industry standard dimension for outdoor signs is 300 square feet and reviewed the purpose and objective of these nationwide standards. Mr. Walker also offered his opinion that the requested exemption was consistent with the conditions of §502.1 of the Baltimore County Zoning Regulations (BCZR) governing special exceptions.

Mr. Brian Friedman, Director of Public Affairs for Foster & Kleiser, the contract lessee, also testified to the merits of the exemption requested, and as to the local value of the intended advertisements.

IN THE MATTER OF :
THE APPLICATION OF :
D.K.A. ASSOCIATES :
LIMITED PARTNERSHIP :
FOR SPECIAL EXCEPTION FOR :
TWO ILLUMINATED 12' x 25' :
ADVERTISING STRUCTURES :
S/S REISTERSTOWN RD. 235' :
N. OF N/S NICODEMUS RD. & :
58' W. OF REISTERSTOWN RD. :
4TH DISTRICT :

BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
NO. 86-188-X :

DISSENTING OPINION

I hereby DISSENT from the Majority Opinion and Order in this case.

A review of the Deputy Zoning Commissioner's file clearly indicates the merit of the requested special exception. A further review of said file, in my opinion, fails to justify a reduction in the size of the requested billboard.

As this matter comes before this Board de novo, I am compelled to state that I believe the commercial nature of the area, the existence of similar signs and the proposed location lends itself to the granting of the special exception.

Except for the comments of the adjacent property owner, which I believe to be unsubstantiated, I do not believe that the community is adversely impacted. Furthermore, the lack of a substantiated investigation on behalf of the Traffic Engineering Department demonstrates, in my view, a tentative investigation at best. I am persuaded that the proposed location of the sign will create no hazard to the health, safety and general welfare of the community. Therefore, I would grant this petition for a special exception.

William R. Evans, Acting Chairman

Date: July 11, 1986

RE: PETITION FOR SPECIAL EXCEPTION
S/S Reisterstown Road, 235' N
of the N/S of Nicodemus Road &
58' W of the centerline of
Reisterstown Road
4th Election District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-188-X

The Petitioner herein requests a special exception for two 12' x 25' advertising structures.

Testimony on behalf of the Petitioner indicated that the lessee proposes to locate the two signs side-by-side on a ten-foot slope near the southern boundary of the Cherry Valley Plaza as shown on the site plan marked Petitioner's Exhibit 1. The signs will be visible only to those traveling south on Reisterstown Road and each will be supported by a single column. There is no other outdoor advertising sign within one-half mile and no other along the west side of Reisterstown Road for eight to nine miles. The proposed 12' x 25' size is the national standard used by national advertisers.

Representatives of the area coordinating council and the Alliance of Baltimore County Community Councils, Inc. spoke in protest. They expressed the opinion that the proposed signs in the requested sites would be visual pollution in an area in which there is little signage and would overpower the existing commercial buildings and their signs. Therefore, they were of the opinion that the proposed signs, in the instant case, would be detrimental to the public welfare. They propose smaller sized outdoor advertising signs for the site.

After due consideration of all the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the proposed two 12' x 25' illuminated outdoor advertising signs are excessive in size for the proposed location and would, within the spirit and intent of the Baltimore County Zoning Regulations (BCZR), be detrimental to the general welfare of the locality in-

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BY [Signature]

D.K.A. ASSOCIATES - #86-188-X

In testimony, People's Counsel called five witnesses. Mr. Greg Jones of the Office of Traffic Engineering testified as to the possible impedance to delivery trucks as they negotiate an alley between the proposed sign and a building of the shopping center.

Ms. Cathy Zorn and Ms. Alice LeGrand represented the Reisterstown-Owings Mills-Glyndon Coordinating Council in voicing objections to the proliferation of signs in the area, expressed the opinion that the proposed signs in the requested sites would be of no value to local residents and would infringe on existing commercial buildings and their signs. The local community Council is also very concerned about the safety and welfare of the public along a heavily travelled road.

Mr. James Hoswell of the County Office of Planning expressed opposition to the petition for a special exemption citing a growing area traffic problem, over saturation of signs, and the domino effect possible.

The witness before the Board most personally concerned with the Petitioner's request was Mr. David Fisher, proprietor of an auto body shop immediately adjacent to the proposed location of the signs. Mr. Fisher was emphatic in his description of the slope on which the sign would be located as being much greater than the 10 feet indicated by the Petitioner. Consequently, Mr. Fisher was concerned that the large signs would block visibility of his business, would make his fenced property accessible for acts of theft, and would necessitate a larger sign on his building.

After careful consideration of the testimony presented, it is the opinion of this Board that the request for a special exception be denied, based primarily on the conditions stipulated in §502.1 of the BCZR. To not

involved if permitted to the full extent of the size (300 square feet each) requested in the Petition.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of December, 1985, that the herein Petition for Variance to permit two 12' x 25' advertising structures, in accordance with the plan submitted and filed herein marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- Each of the two proposed single-faced advertising structures shall not exceed 150 square feet.
- Illumination shall be cut off at 11:00 p.m.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

JWHJ:bg

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DATE 7/23/86
BY [Signature]

D.K.A. ASSOCIATES - #86-188-X

do so, would result in difficulty for the adjacent business and have a detrimental effect on the general welfare of the locality involved.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of July, 1986, by the County Board of Appeals, ORDERED that the special exception petitioned for, for two illuminated 12' x 25' advertising structures, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
Harry E. Suchmeister, Jr.

[Signature]
Lawrence E. Schmidt

RE: PETITION FOR SPECIAL EXCEPTION
S/S Reisterstown Road, 235' N
of the N/S of Nicodemus Road &
58' W of the centerline of
Reisterstown Road
4th Election District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-188-X

AMENDED ORDER

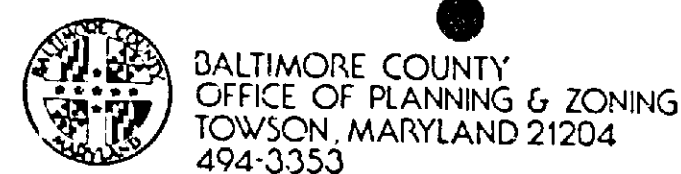
It is hereby ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of January, 1986, that the Order passed in this matter, dated December 23, 1985, is hereby AMENDED, to replace the wording in the last paragraph on page two from "...herein Petition for Variance..." to read "...herein Petition for Special Exception..."

[Signature]
Zoning Commissioner of
Baltimore County

Adjtg

cc: M. Albert Figinski, Esquire
Mr. W. R. Walker
Ms. Alice LeGrand
Ms. Mary Ginn
People's Counsel

RECEIVED FOR FILE
DATE 7/23/86
BY [Signature]



ARNOLD JABLON
ZONING COMMISSIONER

December 23, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

M. Albert Figinski, Esquire
36 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION
S/S Reisterstown Rd., 235' N
of the N/S Nicodemus Road and
58' W of the centerline of
Reisterstown Road -
4th Election District
D.K.A. Associates, Limited
Partnership - Petitioner
Case No. 86-188-X

Dear Mr. Figinski:

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

Very truly yours,

JEAN M. H. JUNG
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:dg

Attachments

cc: People's Counsel

Ms. Alice LeGrand
25 Olive Lane
Owings Mills, Md. 21117

Ms. Mary Ginn
Baltimore County Community Councils, Inc.
606 Horncrest Road
Towson, Md. 21204

D. K. A. ASSOCIATES

No. 86-188-X

S/S Reisterstown Rd., 235' N of
N/S Nicodemus Rd. & 58' W of c/l
of Reisterstown Rd.

4th District

Signs

Sept. 24, 1985	Petition filed
Oct. 29	Hearing held on petition by D.Z.C.
Dec. 23	Order of Dep. Zon. Commissioner that the Petition for Variance to permit 2 - 12' x 25' advertising structures, is GRANTED sub. to restrictions.
Jan. 3, 1986	Amended Order of the Zon. Commissioner
Jan. 10	Order for Appeal from W. R. Walker, Contract Lessee.
June 17	Hearing before the Board
July 11	Order of the Board (2 members) denying special exception
July 11	Dissenting Opinion of the Board granting special exception
Aug. 8	Order for Appeal filed in the Cir. Ct. by Albert Figinski, Esq. and Stuart R. Berger, Esq., counsel for petitioner
Aug. 11	Certificate of Notice sent to all parties
Sept. 8, 1986	Record of proceedings filed in the Circuit Ct. for Balto. County.
April 30, 1987	Hearing had in CCT (Hon. J. William Hinkel).
June 1	Board REVERSED; Balto Co ordered to grant SE. (JWH)

UPON RECEIPT OF THIS NOTICE

Counsel shall contact each other to confirm calendar for the above date. Claim of not receiving notice will not constitute reason for postponement.

RE: Non-Jury 86-CG-3008 D.K.A. Associates, Limited Partnership
HEARING DATE: Monday, March 9, 1987, @ 9:30 a.m.
ON THE FOLLOWING: Appeal, 1 hour
Note: Corrected notice of an agreed counsel date.

M. Albert Figinski, Esq.
Stuart R. Berger, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.
County Board of Appeals
of Baltimore County

John Adams - 494-2860
Commissioner
Baltimore County
Main Building - 494-2862
Medical Records
Medical Records Unit

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bayview Avenue
PO Box 6734
Towson, Maryland 21204
December 23, 1985

Kathy Ralston - 494-2860
County Clerk
Main Building - 494-2860
Medical Records
Medical Records Unit
Towson, Maryland 21204
December 23, 1985

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COUNTY BOARD OF APPEALS
DEC 23 11:23

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 30 PAGE 128 CASE NO. 86-CG-3008 CATEGORY APPEAL

ATTORNEYS

IN THE MATTER OF THE PETITION FOR SPECIAL
EXCEPTION FOR TWO ILLUMINATED
12' x 25' ADVERTISING STRUCTURES
S/S REISTERSTOWN ROAD 235' N
OF N/S NICODEMUS ROAD & 58'
W OF REISTERSTOWN ROAD
4th DISTRICT

M. Albert Figinski
Stuart R. Berger
200 Charles Center South
36 S. Charles St. (01)-3060 332-8500

D.K.A. ASSOCIATES, LIMITED PARTNERSHIP
zoning File no: 86-188-X
THE PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Phyllis Cole Friedman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House (4) 494-2188

- (1) Aug. 8, 1986 - Notice of Appeal from the Opinion & Order rendered by the Board of Appeals of Baltimore County & Petition fd.
(2) Aug. 11, 1986 - Certificate of Notice fd.
(3) Aug. 25, 1986 - App of Phyllis Cole Friedman and Peter Max Zimmerman for the Appellee (People's Counsel for Baltimore County) and Same Day Answer to Petition on Appeal fd.
(4) Sept. 8, 1986 - Transcript of Record fd.
(5) Sept. 8, 1986 - Notice of Filing of Record fd. Copies sent.
(6) Oct. 8, 1986 - Appellant's Memorandum of Law fd.
(7) Oct 30, 1986 - Appellee's (People's Counsel's) Memorandum fd.
(8) Feb 18, 1987 - Appellant's (DKA) Reply Memorandum fd.
April 30, 1987 Hon. J. William Hinkel. Hearing had. case held Sub Curia. Opinion to be filed.
(9) June 1, 1987 - Memorandum Opinion and Order of Court that the decision of the Co. Bd. of Appeals be reversed and Balto. Co. is Ordered to grant the Special Exception fd. (JWH)

COSTS
CV GEN 63308 #
CV CLK 70.00
B LBY 5.00
POST 2.00
CHECK TL 77.00
#37215 0001 R02 T15145
08/08/86

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COUNTY BOARD OF APPEALS
DEC 23 11:23

DOCKET 30 PAGE 128 CASE NO. 86CG3008

IN THE MATTER OF THE PETITION
FOR SPECIAL EXCEPTION FOR TWO
ILLUMINATED 12' x 25'
ADVERTISING STRUCTURES
S/S Reisterstown Rd. 235' N
of N/S Nicodemus Rd. & 58'
W of Reisterstown Rd.,
4th District

Case No. 86-CG-3008

D.K.A. ASSOCIATES, LIMITED
PARTNERSHIP, Petitioner/Appellant
Zoning File No. 86-188-X

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and
Appellee herein, answers the Petition on Appeal herebefore filed by the
Appellant, viz:

1. That the Appellee denies the allegations made and contained in Paragraphs 1 and 2 and each and every unnumbered paragraph of said Petition.
2. That the decision of the Board of Appeals herein was proper and justified by the evidence before it and that the decision of the Board should therefore be sustained as being properly and legally made.

AND AS IN DUTY BOUND, etc.,

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

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

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COUNTY BOARD OF APPEALS
DEC 23 11:23

IN THE MATTER OF THE APPLICATION OF D. K. A. ASSOCIATES, LIMITED PARTNERSHIP FOR SPECIAL EXCEPTION FOR TWO ILLUMINATED 12' x 25' ADVERTISING STRUCTURES S/S REISTERSTOWN RD. 235' N OF N/S NICODEMUS RD. & 58' W OF REISTERSTOWN RD. 4th DISTRICT

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

CG Doc. No. 30

Folio No. 128

File No. 86-CG-3008

D. K. A. ASSOCIATES, LIMITED PARTNERSHIP, PETITIONER-PLAINTIFF

ZONING FILE NO. 86-188-X

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 William R. Evans, Lawrence E. Schmidt, and Harry R. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

No. 86-188-X

September 24, 1985	Petition of D.K.A. Associates Limited Partnership for a special exception for two (2) illuminated 12' x 25' advertising structures (signs), on property located on the south side of Reisterstown Rd., 235' N of the north side of Nicodemus Rd. & 58' west of the center line of Reisterstown Rd., in the 4th District
September 24	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for Oct. 29, 1985, at 1:15 p.m.
October 9	Certificate of Posting of property - filed
October 10	Certificate of Publication in newspaper - filed

D. K. A. Associates, Limited Partnership

October 7, 1985	Comments of Baltimore County Zoning Plans Advisory Committee - filed
October 22	Comments of Baltimore County Director of Planning - filed
October 29	At 1:15 p.m. hearing held on petition by Deputy Zoning Commissioner
December 23	Order of Deputy Zoning Commissioner that the Petition for Variance to permit two 12' x 25' advertising structures, is GRANTED subject to restrictions.
January 3, 1986	Amended Order of the Zoning Commissioner stating that the Order passed in this matter, dated Dec. 23, 1985, is hereby Amended to replace the wording in the last paragraph on page two from "... herein Petition for variance ..." to read "... herein Petition for Special Exception ..."
January 10, 1986	Order for Appeal to the C.B. of A. from W. R. Walker, Real Estate Dev. Manager, Foster & Kleiser, Contract Lessee.
June 17	Hearing on appeal before County Board of Appeals
July 11	Order of County Board of Appeals (two members) that the special exception petitioned for, for two illuminated 12' x 25' advertising structures, be and the same is denied.
July 11	Dissenting Opinion of the County Board of Appeals stating that the petition for special exception should be granted.
August 8	Order for Appeal filed in the Circuit Ct. for Baltimore County by M. Albert Figinski, Esq. and Stuart R. Berger, Esq., counsel for Petitioner.
August 8	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
August 11	Certificate of Notice sent to interested parties
September 8	Transcript of testimony filed
	Petitioner's Exhibit No. 1 - Plat of site w/location map
	" " " 2 - Property legal description
	People's Counsel's Exhibit No. 1A, 1B, 1C - Authorizing documents
	" " " 2 - Memo to Arnold Jablon from Norman Gerber, 10/22/85
September 8, 1986	Record of proceedings filed in the Circuit Court for Baltimore County

D. K. A. Associates, Limited Partnership

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,

John Holmen
John Holmen
County Board of Appeals of Baltimore County

cc: M. Albert Figinski, Esq.
W. R. Walker, Foster & Kleiser
Phyllis C. Friedman
Stuart R. Berger, Esq.

I HEREBY CERTIFY that on this 25th day of August, 1986, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Rm. 200, Court House, Towson, MD 21204; and a copy mailed to M. Albert Figinski, Esquire, and Stuart R. Berger, Esquire, Mainicove, Kaufman, Weiner, Smouse & Garbis, P.A., 200 Charles Center South, 36 South Charles St., Baltimore, MD 21201-3060.

Peter Max Zimmerman
Peter Max Zimmerman

IN THE MATTER OF THE APPLICATION OF D. K. A. ASSOCIATES, LIMITED PARTNERSHIP FOR SPECIAL EXCEPTION FOR TWO ILLUMINATED 12' x 25' ADVERTISING STRUCTURES S/S REISTERSTOWN RD. 235' N of N/S NICODEMUS RD. & 58' W OF REISTERSTOWN RD. 4th DISTRICT

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

CG Doc. No. 30

Folio No. 128

File No. 86-CG-3008

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William R. Evans, Lawrence E. Schmidt, and Harry E. Buchheister, Jr., 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, R. S. Armiger, General Partner, D. K. A. Associates, Limited Partnership, 6229 N. Charles Street, Baltimore, Md. 21212, Petitioner; M. Albert Figinski, Esq. and Stuart R. Berger, Esq., 36 S. Charles St., Balto., Md. 21201, Counsel for Petitioner; W. R. Walker, Foster & Kleiser, 3001 Remington Ave., Baltimore, Md. 21211, Contract Lessee; Alice LeGrand, 25 Olive Lane, Owings Mills, Md. 21117, Protestant; Mary Ginn, 606 Horncrest Rd., Towson, Md. 21204, Protestant; Cathy Zorn, Asst. Zoning Chairman, Reisterstown-Owings Mills-Glyndon C. C., 123 Sacred Heart Lane, Reisterstown, Md. 21136, and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

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

D. K. A. ASSOCIATES, LIMITED PARTNERSHIP

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to R. S. Armiger, General Partner, D. K. A. Associates, Limited Partnership, 6229 N. Charles St., Baltimore, Md. 21212, Petitioner; M. Albert Figinski, Esq. and Stuart R. Berger, Esq., 36 S. Charles St., Balto., Md. 21201, Counsel for Petitioner; W. R. Walker, Foster & Kleiser, 3001 Remington Ave., Baltimore, Md. 21211, Contract Lessee; Alice LeGrand, 25 Olive Lane, Owings Mills, Md. 21117, Protestant; Mary Ginn, 606 Horncrest Rd., Towson, Md. 21204, Protestant; Cathy Zorn, Asst. Zoning Chairman, Reisterstown-Owings Mills-Glyndon C. C., 123 Sacred Heart Lane, Reisterstown, Md. 21136, and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 11th day of August, 1986.

Jane Holmen
Jane Holmen
County Board of Appeals of Baltimore County



County Board of Appeals of Baltimore County

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

August 11, 1986

M. Albert Figinski, Esq.
Stuart R. Berger, Esq.
36 S. Charles St.
Baltimore, Md. 21201

Gentlemen:

Re: Case No. 86-188-X

D. K. A. Associates, Ltd. Partnership

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 appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

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

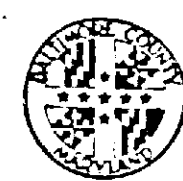
The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Enclosures
cc: R. S. Armiger, Gen. Partner
D. K. A. Associates, Ltd. Partnership



County Board of Appeals of Baltimore County

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

August 11, 1986

W. R. Walker
Foster & Kleiser
3001 Remington Ave.
Baltimore, Md. 21211

Re: Case No. 86-188-X

D.K.A. Associates, Ltd. Partnership

Dear Mr. Walker:

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 App. is rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Enclosures
cc: Alice LeGrand
Mary Ginn
Cathy Zorn
Phyllis C. Friedman
Norman E. Gerber
James Howell
Arnold Jablon
Jean Jung
James E. Dyer

IN THE MATTER OF THE PETITION FOR SPECIAL EXCEPTION FOR TWO ILLUMINATED 12' x 25' ADVERTISING STRUCTURES S/S Reisterstown Road 235' N of N/S Nicodemus Road & 58' W of Reisterstown Road 4th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

CASE NO.: 86CG 3008

Docket No. 30

Folio No. 128

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order rendered by the Board of Appeals of Baltimore County on July 11, 1986.

M. Albert Figinski
M. ALBERT FIGINSKI

Stuart R. Berger
STUART R. BERGER

MELNICOVE, KAUFMAN, WEINER, SMOUSE & GARBIS, P.A.
200 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201-3060
301-332-8500

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1986, a copy of the foregoing Notice of Appeal was hand-delivered to

LAW OFFICES OF
MELNICOVE, KAUFMAN,
WEINER, SMOUSE
& GARBIS, P.A.
200 CHARLES STREET
BALTIMORE, MD
21201-3060

LAW OFFICES OF
MELNICOVE, KAUFMAN,
WEINER, SMOUSE
& GARBIS, P.A.
200 CHARLES STREET
BALTIMORE, MD
21201-3060

the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy was mailed, first class postage prepaid, to Phyllis Cole Friedman, Esquire, Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Stuart R. Berger
STUART R. BERGER

3377E

RECEIVED
COUNTY BOARD OF APPEALS
AUG 13 1986
J. D. B. 203
Chief of Clerk

IN THE MATTER OF THE PETITION FOR SPECIAL EXCEPTION FOR TWO ILLUMINATED 12' x 25' ADVERTISING STRUCTURES S/S Reisterstown Road 235' N of N/S Nicodemus Road & 58' W of Reisterstown Road 4th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

CASE NO.: 86CG

Docket No. _____

Folio No. _____

PETITION FOR APPEAL

D.K.A. Associates, Limited Partnership, by M. Albert Figinski, Stuart R. Berger and Melnicove, Kaufman, Weiner, Smouse & Garbis, P.A., its attorneys, having heretofore filed a Notice of Appeal from the Opinion and Order of the Board of Appeals of Baltimore County, dated July 11, 1986, pursuant to Maryland Rule B2e, files the within Petition for Appeal setting forth the grounds upon which this appeal is taken:

1. That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the Petition for Special Exception be denied.
2. That the Opinion and Order dated July 11, 1986, is arbitrary, illegal, and capricious.

Further, the Appellants are aggrieved parties whose property interests are affected adversely by the Board of Appeals' Opinion and Order.

LAW OFFICES OF
MELNICOVE, KAUFMAN,
WEINER, SMOUSE
& GARBIS, P.A.
200 CHARLES STREET
BALTIMORE, MD
21201-3060

RECEIVED
COUNTY BOARD OF APPEALS
163 RD-8 P 3-03
Post to Board

WHEREFORE, the Appellant respectfully requests that the Order of the County Board of Appeals, dated July 11, 1986, be reversed, and the decision granting the Petition for Special Exception rendered by the Deputy Zoning Commissioner, dated December 23, 1985, be affirmed without any restrictions imposed on the Petitioner.

Albert Figinski
ALBERT FIGINSKI

Stuart R. Berger
STUART R. BERGER

MELNICOVE, KAUFMAN, WEINER, SMOUSE
& GARBIS, P.A.
200 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201-3060
301-332-8500

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1986, a copy of the foregoing Petition for Appeal was hand-delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy was mailed, first class postage prepaid, to Phyllis Cole Friedman, Esquire, Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Stuart R. Berger
STUART R. BERGER

3378f

- 2 -



County Board of Appeals of Baltimore County

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

July 11, 1986

W. R. Walker
Foster & Kleiser
3001 Remington Avenue
Baltimore, MD 21211

Re: Case No. 86-188-X
D.K.A. Associates

Dear Mr. Walker:

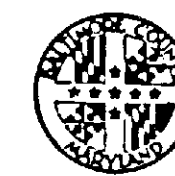
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case. Also, enclosed is a copy of the Dissenting Opinion by Mr. Evans.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: R. S. Armiger
M. Albert Figinski, Esquire
Stuart R. Berger, Esquire
Ms. Alice LeGrand
Ms. Mary Ginn
Ms. Cathy Zorn
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

March 7, 1986

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. 86-188-X

D. K. A. ASSOCIATES, LTD. PARTNERSHIP

S/S Reisterstown Rd., 235' N of N/S
Nicodemus Rd. & 58' W of c/l of
Reisterstown Rd.

4th District

SS-Two illuminated 12' x 25' advertising
structures. (signs)

12/23/85 - DZC's Order - Granted w/restrictions

ASSIGNED FOR:

TUESDAY, JUNE 17, 1986, at 10 a.m.

cc: R. S. Armiger
D.K.A. Associates

Petitioner

M. Albert Figinski, Esq. Counsel for Petitioner

W. R. Walker Contract Lessee

Alice LeGrand Protestant

Mary Ginn "

Phyllis C. Friedman People's Counsel

Norman Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

3/7/86 - Following were notified of hearing set for Tues. June 17, 1986, at 10 a.m.:

R. S. Armiger
Albert Figinski
W. R. Walker
Alice LeGrand
Mary Ginn
Phyllis Friedman
Norman Gerber, J. Hoswell
A. Jablon, J. Jung, J. Dyer

FOSTER AND KLEISER

A METROMEDIA COMPANY
3001 REMINGTON AVENUE
BALTIMORE, MARYLAND 21211
(301) 222-8820

January 8, 1986

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mrs. Jung:

Please enter an appeal to the Board of Appeals in the matter of Petition for Special Exception: Case No. 86-188-X (S/S Reisterstown Road, 235' North of the N/S of Nicodemus Road and 58' W of the centerline of Reisterstown Rd. - 4th Election District) The referenced Petition was denied by the Deputy Commissioner's Order dated December 27, 1985.

We are enclosing herewith our check for \$105.00 to cover filing fee and posting of the premises.

Sincerely,

W. R. Walker
W. R. Walker
Real Estate Dev. Manager

WJ/kg

Enclosure

cc: M. Albert Figinski, Esq.
Phyllis C. Friedman, Esq.
People's Counsel

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Reisterstown Road, 235' N * DEPUTY ZONING COMMISSIONER
of the N/S of Nicodemus Road & * OF BALTIMORE COUNTY
58' W of the centerline of *
Reisterstown Road - *
4th Election District *
D.K.A. Associates, Limited * Case No. 86-188-X
Partnership - Petitioner *

AMENDED ORDER

It is hereby ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of January, 1986, that the Order passed in this matter, dated December 23, 1985, is hereby AMENDED, to replace the wording in the last paragraph on page two from "...herein Petition for Variance..." to read "...herein Petition for Special Exception..."

John H. Jung
John H. Jung
Zoning Commissioner of
Baltimore County

AJ:bg

cc: M. Albert Figinski, Esquire
Mr. W. R. Walker
Ms. Alice LeGrand
Ms. Mary Ginn
People's Counsel

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Reisterstown Road, 235' N * DEPUTY ZONING COMMISSIONER
of the N/S of Nicodemus Road & * OF BALTIMORE COUNTY
58' W of the centerline of *
Reisterstown Road - *
4th Election District *
D.K.A. Associates, Limited * Case No. 86-188-X
Partnership - Petitioner *

The Petitioner herein requests a special exception for two 12' x 25' advertising structures.

Testimony on behalf of the Petitioner indicated that the lessee proposes to locate the two signs side-by-side on a ten-foot slope near the southern boundary of the Cherry Valley Plaza as shown on the site plan marked Petitioner's Exhibit 1. The signs will be visible only to those traveling south on Reisterstown Road and each will be supported by a single column. There is no other outdoor advertising sign within one-half mile and no other along the west side of Reisterstown Road for eight to nine miles. The proposed 12' x 25' size is the national standard used by national advertisers.

Representatives of the area coordinating council and the Alliance of Baltimore County Community Councils, Inc. spoke in protest. They expressed the opinion that the proposed signs in the requested sizes would be visual pollution in an area in which there is little signage and would overpower the existing commercial buildings and their signs. Therefore, they were of the opinion that the proposed signs, in the instant case, would be detrimental to the public welfare. They propose smaller sized outdoor advertising signs for the site.

After due consideration of all the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the proposed two 12' x 25' illuminated outdoor advertising signs are excessive in size for the proposed location and would, within the spirit and intent of the Baltimore County Zoning Regulations (BCZR), be detrimental to the general welfare of the locality in-

involved if permitted to the full extent of the size (300 square feet each) requested in the Petition.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of December, 1985, that the herein Petition for Variance to permit two 12' x 25' advertising structures, in accordance with the plan submitted and filed herein marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Each of the two proposed single-faced advertising structures shall not exceed 150 square feet.
2. Illumination shall be cut off at 11:00 p.m.

John H. Jung
John H. Jung
Deputy Zoning Commissioner
of Baltimore County

JHJ:bg

PETITION FOR SPECIAL EXCEPTION

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for two (2) illuminated 12' x 25' advertising structures (signs).

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

I, we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of 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: Lessee: Foster & Kleiser, Inc. 3001 Remington Avenue, Baltimore, Maryland 21211

Legal Owner(s): D.K.A. Associates, Limited Partnership, 36 S. Charles Street, Baltimore, Maryland 21201

Attorney for Petitioner: M. Albert Figinski, 36 S. Charles Street, Baltimore, Maryland 21201

Attorney's Telephone No.: 235-8820

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of September, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of October, 1985, at 1:15 o'clock.

By: [Signature] Zoning Commissioner of Baltimore County.

BAITMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204-2566 494-4300

PAUL H. REINCKE, CHIEF

August 20, 1985

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

Attention: Nick Comodari, Chairman, Zoning Plans Advisory Committee

Re: Property Owner: D.K.A. Associates, Limited Partnership, Location: S/W side of Reisterstown Road, 236' N of Nicodemus Road, Item No.: 52, Zoning Agenda Meeting of August 20, 1985

Gentlemen:

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

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of 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.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: [Signature] Fire Prevention Bureau

PROPERTY DESCRIPTION

BEGINNING AT A POINT LOCATED ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD (66 FEET WIDE), 235 FEET NORTH OF THE NORTH SIDE OF NICODEMUS ROAD (20 FEET WIDE) AND 58 FEET FROM THE CENTER-LINE OF REISTERSTOWN ROAD AND THENCE FOLLING THE FOLLOWING COURSES AND DISTANCES: 1.) NORTHWESTERLY AND PARALLEL TO REISTERSTOWN ROAD A DISTANCE OF 10 FEET TO A POINT, THENCE 2.) SOUTHWESTERLY AT A RIGHT ANGLE A DISTANCE OF 55 FEET TO A POINT, THENCE 3.) SOUTH-EASTERLY AT A RIGHT ANGLE A DISTANCE OF 10 FEET TO A POINT, THENCE 4.) NORTHEASTERLY AT A RIGHT ANGLE A DISTANCE OF 55 FEET TO THE BEGINNING POINT.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 7, 1985

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

M. Albert Figinski, Esquire, 36 South Charles Street, Baltimore, Maryland 21201

RE: Item No. 52 - Caw No. 86-188-X, Petitioner - D.K.A. Associates, Limited Partnership, Special Exception Petition

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

Dear Mr. Figinski:

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.

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,

[Signature] JAMES E. DYER, Chairman, Zoning Plans Advisory Committee

JED:nr

Enclosures

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



Maryland Department of Transportation, State Highway Administration

William K. Hellmann, Secretary, Hal Kassoff, Administrator

September 4, 1985

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

Att: Mr. James E. Dyer

Re: ZAC Meeting of August 20, 1985, ITEM: #52, Property Owner: D.K.A. Assoc. Limited Partnership, Location: S/W Side of Reisterstown Road, Route 140, 236' N of Nicodemus Road, Existing Zoning: Special Exception for two illuminated 12' x 25' advertising structures (signs), Acres: .013 Acres, District: 4th Election District

Dear Mr. Jablon:

On review of the submittal for Special Exception of two proposed illuminated poster panels, Zoning Item #52 has been forwarded to the State Highway Administration Beautification Section c/o Mr. Morris Stein (659-1642) for all comments relative to zoning.

Very truly yours,

[Signature] Charles Lee, Chief, Bureau of Engineering Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle, Mr. H. Stein (w-attachment)

My telephone number is (301) 659-1350

363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717

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

September 10, 1985

TED ZALESKI, JR., DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 52 Zoning Advisory Committee Meeting are as follows:

Property Owner: D.K.A. Associates, Ltd. Part., Location: S/W side of Reisterstown Road, 236' N of Nicodemus Road, District: 4th.

APPLICABLE CODES AND COMMENTS:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Building Code and Act (A.S.D.I. #121-1 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
4. 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.
5. All One Group except Full Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. For One Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall within 25' of an exterior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply 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 401 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Accessory Permit, an alteration permit application shall also be filed along with these sets of acceptable construction plans indicating how the existing structure in Engineer's walls are usually required. The change of Use Group are from the _____ to the _____ or to Mixed Use _____ See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 310.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the ground floor level including basement.
10. Comments: Signs shall comply with Article 19 and its amendments by Council Bill #17-85.
11. 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 review 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.

[Signature] Building Plans Section

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

STEPHEN E. COLLINS, DIRECTOR

August 26, 1985

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

Item No. 52 - ZAC Meeting of August 20, 1985, Property Owner: D.K.A. Associates, Limited Partnership, Location: S/W side of Reisterstown Road, 236' N. of Nicodemus Road, Existing Zoning: B.L., Proposed Zoning: Special Exception for two illuminated 12' x 25' advertising structures (signs)

Acres: .013 acres, District: 4th Election District

Dear Mr. Jablon:

The Department of Traffic Engineering has no comment on this particular item.

Very truly yours,

[Signature] Michael S. Flanigan, Traffic Engineering Associate II

SEF/bza

BALTIMORE COUNTY DEPARTMENT OF PLANNING AND ZONING TOWSON, MARYLAND 21204 494-3500

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

OCTOBER 7, 1985

Re: Zoning Advisory Meeting of August 20, 1985, Item # 52, Property Owner: D.K.A. ASSOC. LIMITED PARTN., Location: S/W side of REISTERSTOWN RD. 236' N. OF NICODEMUS RD.

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:

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

cc: James Hovell

Eugene A. Ruter, Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
10. Zoning Commissioner
Norman E. Gerber, Director
FROM Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-188-X
Date: October 22, 1985

This office is opposed to the granting of the subject request. Arterial roads in Baltimore County already are over-saturated with signage of all shapes, sizes and colors. The subject proposal would add to the existing visual chaos along our highways.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:slm

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th
Posted for: Special Exception
Petitioner: D.K.A. Associates, Ltd. Partnership
Location of property: S/S Reisterstown Rd., 235' N of the centerline of Reisterstown Rd., 4th Election District
Location of signs: South side of Reisterstown Rd., 235' N of the centerline of Reisterstown Rd., 4th Election District
Remarks: See map
Posted by: J. Walker
Number of signs: 1
Date of Posting: October 9, 1985
Date of return: October 18, 1985

FOSTER AND KLEI

A METROMEDIA COMPANY
3001 REMINGTON AVENUE
BALTIMORE, MARYLAND 21201
301-228-6620

January 8, 1986

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mrs. Jung:

Please enter an appeal to the Board of Appeals in the matter of Petition for Special Exception: Case No. 86-188-X (S/S Reisterstown Road, 235' North of the N/S Nicodemus Road and 58' W of the centerline of Reisterstown Rd., 4th Election District). The referenced Petition was denied by the Deputy Commissioner's Order dated December 27, 1985.

We are enclosing herewith our check for \$105.00 to cover filing fee and posting of the premises.

Sincerely,

J. Walker
Real Estate Dev. Manager

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

No. 016184

DATE: _____ ACCOUNT: _____

AMOUNT \$ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER: _____

IN PAYMENT OF
F&K Lease# 2088
Appeal of Special Exception

CHECK FOR PAYMENT
DATE: _____ CASH: _____
DATE: _____ CASH: _____

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
S/S of Reisterstown Rd., 235' : OF BALTIMORE COUNTY
N of N/S Nicodemus Rd., & 58' :
W of Centerline of Reisterstown :
Rd., 4th District :
DRA ASSOCIATES, LIMITED : Case No. 86-188-X
PARTNERSHIP, Petitioner

ENTRY OF APPEARANCE

Please enter the People's Counsel's appearance in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
434-2188

I HEREBY CERTIFY that on this 2nd day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to M. Albert Figinski, Esquire, 36 S. Charles St., Baltimore, MD 21201, Attorney for Petitioner; and Mr. W. R. Walker, Foster & Kleiser, 3001 Remington Ave., Baltimore, MD 21211, Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION
4th Election District

LOCATION: South side of Reisterstown Road, 235' North of the North side of Nicodemus Road & 58' West of the centerline of Reisterstown Road
DATE AND TIME: Tuesday, October 29, 1985 at 1:15 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 Special Exception for two (2) illuminated 12' x 25' advertising structures (signs).

Being the property of D.K.A. Associates, Limited Partnership 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

PETITION FOR SPECIAL EXCEPTION
4th Election District

LOCATION: South side of Reisterstown Road, 235' North of the North side of Nicodemus Road & 58' West of the centerline of Reisterstown Road, 4th Election District. Tuesday, October 29, 1985 at 1:15 p.m.

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

Being the property of D.K.A. Associates, Limited Partnership 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

NEWSPAPERS OF MARYLAND, INC.

minster, Md., Oct. 10, 1985

that the annexed Reg. #183441, E.O. #70201

1) October 19, 1985, in the

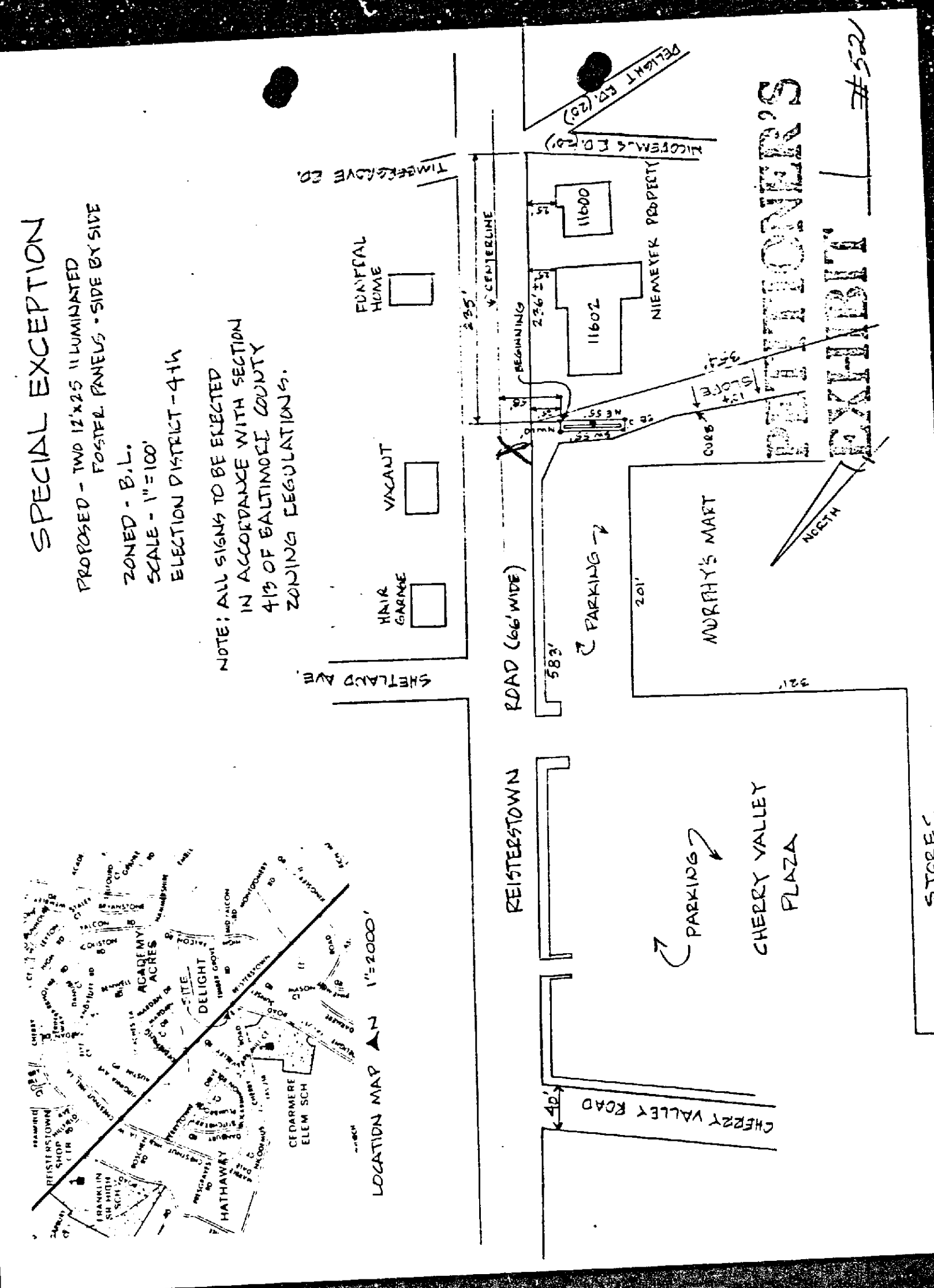
y Times, a daily newspaper published in Westminster, Carroll County, Maryland.

News, a weekly newspaper published in Baltimore County, Maryland.

Times, a weekly newspaper published in Baltimore County, Maryland.

Y NEWSPAPERS OF MARYLAND, INC.

Per: [Signature]



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
434-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1985

M. Albert Figinski, Esquire
36 S. Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Exception
S/S Reisterstown Rd., 235' N of N/S
of c/l Nicodemus Rd. & 58' W/c/l of
Reisterstown Road - 4th Election Dist.
D.K.A. Associates, Ltd. Partnership -
Petitioners
Case No. 86-188-X

Dear Mr. Figinski:

This is to advise you that \$57.51 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 01244

DATE: _____ ACCOUNT: _____

AMOUNT \$ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER

Case No. 86-188-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
24th day of September, 1985.

Petitioner: D.K.A. Associates,
Limited Partnership
Petitioner's Attorney: M. Albert Figinski, Esquire

Received by:
ARNOLD JABLON
Zoning Commissioner

THOMAS E. DYER, Chairman
Zoning Plan Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 10, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 10, 1985.

THE JEFFERSONIAN,

13 Kenton
Publisher

Cost of Advertising

24.75

M. Albert Figinski, Esquire
36 S. Charles Street
Baltimore, Maryland 21201

September 27, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
S/S Reisterstown Rd., 235' N of N/S
of c/l Nicodemus Rd. & 58' W/c/l of
Reisterstown Road - 4th Elec. Dist.
D.K.A. Associates, Ltd. Partnership -
Petitioners
Case No. 86-188-X

TIME: 1:15 p.m.

DATE: Tuesday, October 29, 1985

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

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

No. 01244

DATE: _____ ACCOUNT: _____

AMOUNT \$ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER