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RECEIVED COUNTY BOARD OF APPEALS

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THE APPLICATION OF

JOSEPH R. RUDICK

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 87-CG-1038

.........

MEMORANDUM OPINION & ORDER

This appeal concerns the granting of a zoning variance by the County Board of Appeals of Baltimore County (Board) to allow two illuminated signs, each 8 feet high by 30 feet wide with letters 6 feet in height, to be placed on the roof of a building-located at the southwest side of Interstate 695 (Beltway) and the northwest side of the B. & O. Railroad tracks. The building is approximately 500 to 600 feet from the Beltway and the sign is to rise above the roof line 16 feet. On August 5, 1986, the Zoning Commissioner granted the variance with restrictions. On March 3, 1987, the Board affirmed the variance with restrictions.

Appellant, People's Counsel for Baltimore County, argues that the Board had no legally sufficient evidence before it upon which to base its decision and that the decision was therefore illegal, arbitrary and capricious. Appellant asserts as specific factors that the Appellee Joseph R. Rudick and his tenant, the Maryland Bedding Co. (Sealy) 1, made no effort for a less extreme

^{1.} The Petition for Zoning Variance lists Joseph R. Rudick as the owner and Sealy of Maryland and Virginia, Inc., as the tenant. Photographic evidence introduced at the hearing identifies the tenant as Maryland Bedding Co.

remedy such as giving maps to truck drivers or placing other signs closer to the property.

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Appellee argues in its Memorandum, as reasons for affirming the Board's grant of the variance, that Sealy suffered practical difficulty or unreasonable hardship. In particular, delivery people, prospective employees, retail customers and sales seminar participants all had experienced difficulty in locating the plant. Appellee asserts that because the plant is not visible from the Beltway or Washington Boulevard, a sign is necessary to help persons locate the building and to help expedite the delivery process.

The property in question is a manufacturing and distribution center. There is a show-room on the premises used to display products for retailers, and sales seminars are held on the premises for retail sales people. Sealy does not sell directly to the public from this facility.

Section 307 of the Baltimore County Zoning Regulations provides in pertinent part:

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, are hereby given the power to grant variances from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. . . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said. . . . sign regulation, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare.

STANDARD OF REVIEW

Therefore, in reviewing the ruling of the Board, it must be kept in mind that "[t]he standard for granting a variance . . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley, 270 Md. 208, 213 (1973).

The scope of judicial review for this court in an appeal asking to restrict or withdraw a variance is limited.

"... Where a legislative body, or a board of county officials pursuant to authority conferred upon it, has granted a rezoning of property, the question on judicial review is whether or not such action is arbitrary and discriminatory or fairly debatable." Boyce v. Sembly, 25 Md. App. 43 (1975), citing Stratakis v. Beauchamp, 268 Md. 643, 652-53 (1973).

In limiting the scope of inquiry to whether the decision of the Board is fairly debatable, this Court "may not substitute its judgment for that of the Board. The Court is to determine only whether a reasoning mind could have reached the conclusion reached by the Board." Cicala v. Disability Review Board, 288 Md. 254, 260 (1980).

The question therefore is whether it was fairly debatable that the evidence shows that strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

REVIEW OF DECISION OF COUNTY BOARD OF APPEALS

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Appellee argues that there exists an unreasonable business hardship because drivers making deliveries and others find it difficult to locate Sealy, and that because of this hardship they are in need of a variance in order to erect a sign near the Baltimore Beltway. Appellee asserts that the sign is solely for directional purposes. After carefully scrutinizing both the arguments and the record, it is the view of this Court that there exists no practical difficulty or unreasonable hardship that makes it necessary to issue a variance, and that the issue is not fairly debatable.

The proposed signs to be located atop the building a few hundred feet from the Beltway near Exit 10, are intended to be landmarks that will help drivers recognize just where the plant is and just where to exit the Beltway. However, this Court is not at all convinced that the signs, as stated, will in any way achieve the very purpose for which the variance is requested. The signs are to display the word "SEALY". No directions at all are to be posted on the signs. Even with these signs, directions will still need to be given. Direction to a visitor to simply "follow the sign" is ludicrous.

There was testimony in the record that when exiting the Belt-way, one would at some point lose sight of the signs. The proposed signs are not a beacon that would lead one through a maze of road-ways to the building without specific directions. Testimony was also given by Sealy's General Manager as to specific instructions that were customarily given to visitors. It is obvious that with

this proposed sign, those directions would not change. It would still be necessary to give visitors an exit number and specific directions just as before.

While the Appellee has complained of experienced hardships with respect to employment recruiting, delivery delays and other delays with drivers in finding the plant because of the non-visibility of the plant, Appellee has failed to put these complaints into quantitative terms. How many patrons have gotten lost or have been delayed in the twenty (20) year existence of this plant? How many deliveries have been delayed? Approximately how long have the delays been? Are those drivers going to the plant for the first time? Approximately what percentage of the total patrons or deliverers have been delayed or lost even with specific instructions? How much money, if any, has been lost weekly, monthly, or annually by the delays? These and other pertinent points have not been answered in any way, which makes it impossible to judge the severity of the asserted hardship. They are nothing more than generalized complaints.

While it is understandable that there is a degree of difficulty in finding a facility located off of a secondary road, near to but not clearly visible from a major highway, the purposes for variances are when those practical difficulties or unreasonable hardships . . .

"are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree and severity that their existence amounts to a substantial and unnecessary injustice to the applicant. Exceptions . . . should

not be made except where the burden of the general rule upon the individual property would not, because of its unique situation, and the singular circumstances, serve the essential legislative policy . . . McLean v. Soley, 270 Md. 208, 213 (1973) citing Carney v. City of Baltimore, 201 Md. 130, 137, 93 A.2d 74 (1952).

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Applying this asserted difficulty to out-ot-state truckers who are trying to locate the facility for the first time, this still does not present a unique problem. There are, doubtless, numerous businesses in much the same situation as Sealy that are located very near but not visible from the Beltway. There is nothing unique and particular about Sealy's situation when compared with most other businesses. There are certainly many more businesses which are as difficult or more difficult to gain access to than Sealy.

In answering the question of whether it was fairly debatable that strict compliance with the regulations would result in an unreasonable hardship, it helps to use a little common sense. While the company manufactures and sells Sealy mattresses, the name of the company is not Sealy. Yet the sign is to display "Sealy". The sign has no directional markers leading patrons to the plant. Most probably the name "Sealy" would itself instinctively trigger in the mind of drivers on the Beltway, "A mattress! Do I need a new one?" The number of travelers on the Beltway looking for Sealy is puny when compared to all other users of that heavily traveled roadway.

The sign is to be illuminated 24 hours each day of the year, yet business hours are approximately 7:30 a.m. to 5:30 p.m. With the possible exception of the half hour from 5:00-5:30 in Winter

and a part-time night shift depending on seasonal needs, it is not necessary that the sign be illuminated. In fact the record does not reveal that deliveries are made during darkness. The sole purpose of illumination then seems to be for advertising purposes. The sign is also located in such a place that it is very likely for a driver coming from the north side of the Beltway not to see the sign until he is past the exit, which argues against its directional use. The sighting of the sign would in no way indicate which exit to take. One must be told the exit number and if the exit is thus known, what need is there for the sign?

The Board must not have been convinced that the proposed signs were primarily for directional purposes, as evidenced by the last paragraph of its Opinion.

The testimony of Mr. Rudick is that this is an identification sign and not an advertising sign. As such, the Board feels if Sealy Manufacturing Company were to leave this premises, the sign should be removed and any continued use of the sign structure by the new tenants would require a renewed petition for variance.

If Sealy leaves and another tenant moves in, would not the premises be just as difficult to locate?

I am persuaded that there is no unreasonable hardship nor practical difficulty and that this situation is not unique to Appellee. The purpose for the proposed sign is advertising not directional. The issue is not fairly debatable.

Therefore, it is this ______ day of August, 1987,

ORDERED that the decision of the County Board of Appeals

is reversed and the case is remanded with direction to the

Board to deny the Petition for Zoning Variance.

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. WILLIAM HINKEL

JUDGE

JWH/lg

cc: Peter Max Zimmerman, Esquire
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204

Linda M. Richards, Esquire Frank, Bernstein, Conaway & Goldman 300 East Lombard Street Baltimore, Maryland 21202

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

RECEIVED COUNTY BOARD OF APPEALS 1987 AUG II AII: II

IN THE MATTER OF THE APPLICATION OF JOSEPH R. RUDICK

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CASE NO. 87-CG-1038

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MEMORANDUM OPINION & ORDER

This appeal concerns the granting of a zoning variance by the County Board of Appeals of Baltimore County (Board) to allow two illuminated signs, each 8 feet high by 30 feet wide with letters 6 feet in height, to be placed on the roof of a building located at the southwest side of Interstate 695 (Beltway) and the northwest side of the B. & O. Railroad tracks. The building is approximately 500 to 600 feet from the Beltway and the sign is to rise above the roof line 16 feet. On August 5, 1986, the Zoning Commissioner granted the variance with restrictions. On March 3, 1987, the Board affirmed the variance with restrictions.

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remedy such as giving maps to truck drivers or placing other signs closer to the property.

Appellee argues in its Memorandum, as reasons for affirming the Board's grant of the variance, that Sealy suffered practical difficulty or unreasonable hardship. In particular, delivery people, prospective employees, retail customers and sales seminar participants all had experienced difficulty in locating the plant. Appellee asserts that because the plant is not visible from the Beltway or Washington Boulevard, a sign is necessary to help persons locate the building and to help expedite the delivery process.

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REVIEW OF DECISION OF COUNTY BOARD OF APPEALS

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The proposed signs to be located atop the building a few hundred feet from the Beltway near Exit 10, are intended to be landmarks that will help drivers recognize just where the plant is and just where to exit the Beltway. However, this Court is not at all convinced that the signs, as stated, will in any way achieve the very purpose for which the variance is requested. The signs are to display the word "SEALY". No directions at all are to be posted on the signs. Even with these signs, directions will still need to be given. Direction to a visitor to simply "follow the sign" is ludicrous.

There was testimony in the record that when exiting the Beltway, one would at some point lose sight of the signs. The proposed signs are not a beacon that would lead one through a maze of roadways to the building without specific directions. Testimony was also given by Sealy's General Manager as to specific instructions that were customarily given to visitors. It is obvious that with

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If Sealy leaves and another tenant moves in, would not the premises be just as difficult to locate?

I am persuaded that there is no unreasonable hardship nor practical difficulty and that this situation is not unique to Appellee. The purpose for the proposed sign is advertising not directional. The issue is not fairly debatable.

Therefore, it is this ______ ORDERED that the decision of the County Board of Appeals is reversed and the case is remanded with direction to the Board to deny the Petition for Zoning Variance.

JWH/lg

cc: Peter Max Zimmerman, Esquire Deputy People's Counsel Room 223, Court House Towson, Maryland 21204

Towson, Maryland 21204

Linda M. Richards, Esquire Frank, Bernstein, Conaway & Goldman 300 East Lombard Street Baltimore, Maryland 21202 County Board of Appeals Room 200, Court House

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/wouldkmot 57-35-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of 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 the variance requested will/will not adversely affect the health, safety, and general welfare of Variance from Section _413.6.a.2 so as to permit two (2) signs to extend the community, the variance should /shouldx not be granted. above the roof line of the building. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of ____August_____, 19_86__, that the Petition for Zoning Variance to permit two signs to extend above the roof line of the building be and is hereby of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the GRANTED, from and after the date of this Order, subject to the following which following reasons: (indicate hardship or practical difficulty) Tenant's manufacturing plant is not located at or near a public are conditions precedent to the relief granted herein: throughway having direct access to the subject property. Thus, Tenant's signs must be visible from Baltimore Beltway, so that Tenant's suppliers, invitees and customers are able to locate the plant. Signs on the wall of the plant are not visible from the Boltimore Beltway, because of trees, growth and the topography of the surrounding land. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County, I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Sealy of Maryland and Nirginia, Inc. Joseph R. Rudick (Owner) By: Bernard Reiss (Type or Print Name) (Type or Print Name) Literary Land cc: Howard S. Klein, Esquire (Type or Print Name) People's Counsel Baltimore, Maryland 21227 S 21,550 Attorney for Petitioner: Gail H. Stern W15,250 3901 Washington Blvd/247-1400 Howard S. Klein Baltimore, Maryland 21227 Signature Frank, Bernstein, Conaway City and State & Goldman 300 E. Lombard Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted Gail M. Stern _Baltimore, Maryland 21202____ Name Frank, Bernstein, Conaway & Goldman Attorney's Telephone No.: 625-3500 300 E. Lombard Street/625-3500 Address Phone No.
Baltimore, Maryland 21202 ORDERED By The Zoning Commissioner of Baltimore County, this ____24th_____ day 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 County Science of Baltimore County in Room 106, County Office Building in Towson, Baltimore ~ 87-35-A 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 day of ______, 1986. Zoning Commissioner Received by: James E. Dyer Chairman, Zoning Plans Petitioner's Cait M. Stern. Esquire Advisory Committee CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 87-35-A BYO Railroad 13601 Medicator Blod) Location of Signs: Ane. Organ SE Commer of account Road and Old

Therefor Blod of I sign wat ride of access Bord affort 175 from

1. The Petitioner may apply for his sign permit and be

granted same upon receipt of this Order; however, Peti-

tioner is hereby made aware that proceeding at this

time is at his own risk until such time as the applica-

ble appellate process from this Order has expired. If,

for whatever reason, this Order is reversed, the Peti-

tioner would be required to return, and be responsible

for returning, said property to its original condition.

2. The existing identification sign on the building shall

When the premises are vacated by the existing tenant,

be covered so as not to be utilized.

the roof signs shall be removed.

IN THE MATTER OF

THE APPLICATION OF

ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE

OF I-695 AND NORTHWEST SIDE

BLVD.) - 13th DISTRICT

OF THE B & O RR (3901 WASHINGTON

in the 13th District of Baltimore County.

covered with dense shrubs and trees.

plan which has been reviewed and considered by the Board.

County Board of Appeals of Baltimore Cour Room 200 Court House

> Towson, Maryland 21204 (301) 494-3180 March 3, 1987

ZONING OFFICE

Phyllis C. Friedman People's Counsel for Baltimore County Court House

Towson, Md. 21204

Dear Mrs. Friedman:

Re: Case No. 87-35-A Joseph R. Rudick

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

> Line Holmen oune Holmen, Secretary

cc: Mr. Joseph R. Rudick Howard S. Klein, Esq. Mr. Bernard Reiss Norman E. Gerber James Hoswell Arnold Jablon Jean Jung James E. Dyer Margaret E. duBois

IN THE MATTER OF THE APPLICATION OF JOSEPH R. RUDICK FOR ZONING VARIANCE ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE OF I-695 AND NORTHWEST SIDE OF THE B & O RR (3901 WASHINGTON BLVD.) - 13th DISTRICT

COUNTY BOARD OF APPEALS BALTIMORE COUNTY CASE NO. 87-35-A

OPINION

This matter was heard by the Board of Appeals of Baltimore County and an Opinion and Order issued on March 3, 1987 whereby the Board ordered that the variance for a sign be granted.

A timely appeal was taken by People's Counsel to the Circuit Court for Baltimore County and after argument and memorandum, the Circuit Court, Hinkel, Judge, reversed this Board as follows:

> "Therefore, it is this 7 day of August, 1987, ORDERED that the decision of the County Board of Appeals is reversed and the case is remanded with direction to the Board to deny the Petition for Zoning Variance."

In view of this remand and direction by the Circuit Court, the

Petition for Zoning Variance will be denied.

ORDER

For the reasons set forth above, it is this 17th day of September, 1987 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Variance be and the same is hereby DENIED.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Jacke W. Villiam

Joseph R. Rudick Case No. 87-35-A

Bottling Company.

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BEFORE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 87-35-A

the Zoning Commissioner granting the Petitioner a variance with restrictions,

for a business sign above the roofline. This request is for a business sign,

16 feet high, 30 feet wide, with letters 6 feet in height. The sign will be

illuminated and be placed on the property at the corner of the southwest side

of I-695 and the northwest side of the B & O Railroad (3901 Washington Blvd.),

engineer, that the above described sign will be located on the property of the

Sealy Manufacturing Company and is approximately 1/2 mile from Washington Blvd.

ard 500 to 600 feet from the Beltway. The present building is not seen from

the Beltway or Washington Blvd. because of the topography and the steep hill

of the Sealy Manufacturing and Distribution Plant. They employ between 150

and 250 people, have a manufacturing and distribution center, showroom and

normally operate from 7:30 a.m. to 5:30 p.m., with a partial nightshift and

not visible from the Beltway or Washington Blvd. and they have experienced

truck deliveries on the average of three (3) trucks per day. The building is

hardships with respect to employment recruiting and delays of deliveries, which

This case comes before the Board on appeal from the decision of

The Board heard testimony from Mr. Harvey Silberman, an expert

Mr. James Sank of the Arundel Sign Company, submitted a sign

Mr. Wayne B. Rudick testified that he is the General Manager

OPINION

offset manufacturing scheduling as a result of the nonvisibility of the plant. There are no residential dwellings within 300 to 400 yards of the plant and noted no Protestants to the proposed sign.

People's Counsel, who appealed the decision of the Zoning Commissioner, presented Mr. James Hoswell, an expert planner with Baltimore County, who testified that his office was in opposition to the requested variance because he believed that a precedent would be established whereby any business or manufacturing site adjacent to any expressway would argue accordingly for similar variances, resulting in a plethora of signs along our expressways. He also brought to the Board's attention the decision of the Board in the matter of Carpenter Realty Corporation, Case No. 85-273-A, dated November 25, 1985, where the Board denied the requested variance for 7-Up

The Board has considered all of the above stated testimony and exhibits and reviewed its opinion in the "7-Up Bottling Company" case. The Board is of the opinion that the requested variance in the instant case is in direct antithesis to the 7-Up Bottling case. Unlike the "7-Up Bottling Company", the instant case has no Protestants. The sign is much smaller in size. The topography and trees make the building completely unidentifiable from the surrounding highways.

The Board has considered the Court of Appeals Opinion in McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1973) which states the following criteria:

"1) Whether compliance with the strict letter of the restrictions would unreasonably prevent use of the property for a permitted purpose;

2) Whether substantial justice would be done consistent with interests of other property owners in the neighbor-

3) Whether the spirit of the ordinance will be observed

Joseph R. Rudick Case No. 87-35-A

The Board finds that the Petitioner has met the above standards Strict compliance with Section 307 of the Baltimore County Zoning Regulations (BCZR) does create a hardship and restrict and substantially impair the use because of the present lack of identification of the plant.

There is substantial evidence for the Board to conclude that denial of the requested variance would result in a practical difficulty or reasonable hardship because of the aforementioned delays of delivery, recruiting employment situations, alteration of manufacturing schedules and the other problems alluded to in the testimony because of the present hidden location of the plant.

The testimony of Mr. Rudick is that this is an identification sign and not an advertising sign. As such, the Board feels if Sealy Manufacturing Company were to leave this premises, the sign should be removed and any continued use of the sign structure by the new tenants would require a renewed petition for variance.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this , 1987, by the County Board of Appeals, ORDERED 3rd day of March that the variance petitioned for, be and the same is hereby GRANTED with the restriction above stated.

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

William T Hackett, Chairman

Very_truly yours,

COUNTY BOARD OF AFPEALS OF BALTIMORE COUNTY

hood; and

and the public safety and welfare secured."

INTHE , IN THE MATTER OF THE APPLICATION OF CIRCUIT COURT JOSEPH R. RUDICK FOR ZONING VARIANCE FOR ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE BALTIMORE COUNTY OF I-695 AND NORTHWEST SIDE OF THE B & O RR (3901 WASHINGTON AT LAW BLVD.) - 13th DISTRICT CG Doc. No. PHYLLIS C. FRIEDMAN, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF File No. 87-CG-1038 ZONING FILE NO. 87-35-A CERTIFICATE OF NOTICE Mr. Clerk: Pursuant to the provisions of Ruls B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Thomas J. Bollinger and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by moil of the filing of the appeal to the representative of every party to the proceedings before it; namely, Joseph R. Rudick, 3901 Washington Blvd., Baltimore, Md. 21227, Petitioner; Howard S. Klein, Esq., 300 E. Lombard St., Baltimore, Md. 21202, Counsel for Petitioner; Bernard Reiss, President, Sealy of Maryland and Virginia, Inc., 3901 Washington Blvd., Baltimore, Md. 21227; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County-Plaintiff, a copy of which Notice is attached hereto and prayed that it may be made a part thereof. County Board of Appeals of Baltimore

Sanda Sanda

Joseph R. Rudick Case No. 87-35-A

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Joseph R. Rudick, 3901 Washington Blvd., Baltimore, Md. 21227, Petitioner; Howard S. Klein, Esq., 300 E. Lombard St., Baltimore, Md. 21202, Counsel for Petitioner; Bernard Reiss, President, Sealy of Maryland and Virginia, Inc., 3901 Washington Blvd., Baltimore, Md. 21227; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County-Plaintiff, on this 27th day of March, 1987.

County Board of Appeals of Baltimore

Mr. Armold Japion Zoning Commissioner Councy Office Building Towson, Maryland 22204

July 11, 1986

Res Zoning Advisory "eeting of May 27,1986 Property Server: JOSEPH R. RUDICK LOCALIDATICOR.OF SW/S UF I-CASAL Dear Mr. Jablon: HW/S OF BLUR.R. The Division of Correct Planning and Cavelorment has reviewed the subject petition and offers the following comments. The Items checked below are

(X)There are no site planning factors requiring comment.
(A County Review Group Meeting is required.
(B) County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore 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 insche the control of a pullbing permit.)The circulation on this site is not satisfictory. 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 promibited. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Requisitions.
()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)Landscaping: "ust comply with Baltimore County Landscape Manual.
)The property is located in a deficient service area as defined by Bill 173-79. No building parmit hay be issued until a Reserve Capacity Use Certificate has been issued. The deficient service () The presenty is rocated in a charric area controlled by a "0" level intersection as defined by 3:11 172-73, and as conditions change traffic Capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council)Additional communits:

CC: Justas doswell

Eurone A. gober Chier, Current Planning and Govelopment

July 9, 1986

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO David Creen
Zoning Enforcement September 29, 1987 FROM Ann M. Nastarowicz

Deputy Zoning Commissioner SUBJECT 3901 Washington Boulevard
Corner of SW/S of I-695 and NW/S

of B & O Railroad Owner: Joseph R. Rudick; Tenant: Sealy of Maryland & Virginia, Inc. Petition for Zoning Variance - Case No. 87-35-A

Please inspect the subject site to determine if any signs have been placed above the roof line of the building and advise me of any additional signs

The property was the subject of a hearing held on August 4, 1987 for a Petition for Zoning Variance to permit two (2) signs to extend above the roof line of the building. On August 5, 1987, Arnold Jablon granted the Petitioner's request with the right to apply for sign permits at his own risk, subject to the outcome of any appeal filed. The Petitioner was advised he would be required to return said property to its original condition if the Zoning Commissioner's

An appeal was filed by the People's Counsel to the Board of Appeals and on March 3, 1987, the Board affirmed Mr. Jablon's Order. The People's Counsel then filed an appeal to the Circuit Court. On August 7, 1987, the Honorable J. William Hinkel ordered the decision of the County Board of Appeals be reversed and remanded the case with direction to the Board to deny the Petition for Zoning Variance. On September 17, 1987, pursuant to the Circuit Court's instructions, the Board of Appeals issued an order denying the Petition for Zoning

In view of the above, our office must verify the Petitioner is in compliance with the Order. Please check to see if a building permit was ever issued and inspect the property to see what signs, if any, are on the property. For a better idea of the exact location, you should check the zoning petition

If you have any questions on the subject, please don't hesitate to ask.

Thank you, ann ANN M. NASTAROWICZ

June 3, 1986

AMN:bjs

cc: J. Robert Haines James H. Thompson

Deputy Zoning Commissioner

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner

Date July 18, 1986

/ County, Rm. 200, Court House, Towson, Md

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

SUBJECT Zoning Petition No. 87-35-A

This office is opposed to the granting of the subject request. It is this office's opinion that the granting of this request would establish a precedent whereby any business or manufacturing site adjacent to any expressway would be able to argue accordingly for similar variances, resulting in a plethora of signange along our expressways.

This office cannot believe that such signage would provide a better means of finding the petitioner's plant than by providing his "suppliers, invitees, and customers" with the Exit No. from the Expressway.

NEG: JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1986

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

Chairman

MEMBERS Bureau of Engineering Department of Traffic Engineering

State Roads Commission Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

Industrial

Development

Gain M. Stern, Esquire Frank, Bernstein, Conaway & Goldman 300 E. Lombard Street Baltimore, Maryland 21202

RE: Item No. 428 - Case No. 87-35-A Petitioner: Joseph R. Rudick Petition for Zoning Variance

Dear Ms. Stern:

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,

JAMES E. DYER

Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: Silbermann and Associates 1703 East Joppa Road Baltimore, Maryland 21234

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

TED ZALESKI, JR. DIRECTOR

APPLICABLE ITES ARE CIRCLED:

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204 Dear Mr. Jablons Comments on Item # 428 Zoning Advisory Committee Meeting are as follows: Property Owner: Joseph R. Rudick (Tenant - Sealy) Corner SW/S I-695 and NW/S B & O RR Districts 13th.

A.) All structures shall comform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 = 1980) and other applicable codes and Standards. (B.) A building and other miscellaneous permits shall be required before the start of any construction.

TO THE PROPERTY OF THE PROPERT

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

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable. E. All Use Groups except R-4 Single Pamily Detached Duellings require a minimum of 1 hour fire rating for exterior walls closer than 6-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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.

G. The requested variance appears to conflict with Section(s)

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 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 finish floor levels including basement.

J. comments: Signs shall comply with Article 19 as amended. Roof top signs shall be designed by a structural engineer registered in Maryland to assure it does not create structural problems with the roof supports.

N. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office BY: C. E. Burnhan, Chief

Building Direction

FIRE DEPARTMENT TOWSON, MARYLAND 2120 1-2586

PAUL H. REINCKE

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner:

Joseph R. Rudick (tenant - Sealy) Location: Corner SW/S I-695 & NW/S B & O RR

Item No.: Zoning Agenda: Meeting of May 27, 1986

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.

() I. 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. Size plans are approved, as drawn.

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

REVIEWER: Catt Decit Kill, 6.4-16 Approved: Planning Group #ire Prevention Bureau Special Inspection Division

/mb

CPS+GO8

County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180 September 17, 1987



County Board of Appeals of Paltimore County Room 200 Court House Towson, Maryland 21204 (301)494-3180 March 27, 1987

Phyllis Cole Friedman People's Counsel for Baltimore County Room 223, Courthouse Towson, MD 21204

> Re: Case No. 87-35-A Joseph R. Rudick

Dear Ms. Friedman:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals in accordance with the Circuit Court Order dated August 7, 1987.

Sincerely,

Kathleen C. Weidenhammer Administrative Secretary

Encl.

cc: Peter Max Zimmerman, Esquire Mr. Joseph R. Rudick Gail M. Stern, Esquire Mr. Bernard Reiss Norman E. Gerber Frank H. Fisher J. Robert Haines Ann M. Nastarowicz James E. Dyer Margaret E. du Bois

Phyllis C. Friedman People's Counsel for Baltimore County Court House

Towson, Md. 21204 Dear Mrs. Friedman:

Joseph R. Rudick 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

Re: Case No. 87-35-A

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

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

Very truly yours,

June Holmen, Secretary

Enclosures

APPLICATION OF JOSEPH R. RUDICK : FOR BALTIMORE COUNTY FOR ZONING VARIANCE ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE OF I-695 AND NORTHWEST SIDE : Docket No. OF THE B & O RR (3901 WASHINGTON : Folio No. BLVD.), 13th District : File No. Zoning File No. 87-35-A :::::: PETITION ON APPEAL

IN THE MATTER OF THE

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of March 3, 1987, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this appeal is taken, viz:

: IN THE CIRCUIT COURT

That the County Board of Appeals had no legally sufficient evidence upon which to base its Opinion and Order and therefore their Order passed herein is illegal, arbitrary, and capricious.

WHEREFORE, Appellant prays that the Opinion and Order of the Board of Appeals be reversed, and the above-captioned petition be denied by the Circuit Court for Baltimore County.

> Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 24th day of March, 1987, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Gail M. Stern, Esquire, and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard St., Baltimore, MD 21202.

- 2 -

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

March 27, 1987

Howard S. Klein, Esq. 300 E. Lombard St. Baltimore, Md. 21202

Dear Mr. Klein:

Re: Case No. 87-35-A Joseph R. Rudick

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen, Secretary

cc: Joseph R. Rudick Bernard Reiss Norman E. Gerber James Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. du Bois

County Board of Appeals of Baltimore County Room 208 Court House Towson, Maryland 21204 (301) 494-3180

October 23, 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. 87-35-A

JOSEPH R. RUDICK COR. OF SW/S OF I-695 AND NW/S OF B & O RAILROAD (3901 WASHINGTON BOULEVARD)

13th DISTRICT

RE: PETITION FOR ZONING VARIANCE \$413.6.a.2 - TWO SIGNS TO EXTEND ABOVE ROOF LINE

8/5/86 - Z.C. GRANTED VARIANCE W/RESTRICTIONS

ASSIGNED FOR:

TUESDAY, FEBRUARY 24, 1987 at 10 a.m.

Appellee/Tenant

cc: Phyllis Cole Friedman, Esq. Peter Max Zimmermann, Esq. Mr. Joseph Rudick Howard S. Klein, Esquire Mr. Bernard Reiss

Norman E. Gerber James Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer

Appellant/People's Counsel Appellee/Petitioner Counsel for Appellee/Tenant

Margaret E. duBois /

Kathi C. Weidenhammer Administrative Secretary

IN THE MATTER OF THE APPLICATION OF JOSEPH R. RUDICK FOR ZONING VARIANCE ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE OF I-695 AND NORTHWEST SIDE

: IN THE CIRCUIT COURT : FOR BALTIMORE COUNTY AT LAW

: Docket No. <u>37</u> OF THE B & O RR (3901 WASHINGTON : Folio No. <u>58</u> BLVD.), 13th District : File No. 87CG1038

> :::::: NOTICE OF AFPEAL

Please note an appeal from the Opinion and Order of the County Board of Appeals, under date of March 3, 1987, to the Circuit Court for Baltimore County.

> Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 24th day of March, 1987, a copy of the foregoing Notice of Appeal was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Gail M. Stern, Esquire, and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard St., Baltimore, MD 21202.

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

8300 GREENSBORD DRIVE MCLEAN, VIRGINIA 22102 (703) 893-4670

300 EAST LOMBARD STREET BALTIMORE, MARYLAND 21202 (301) 625-3500 (203) 556-9675 TELECOPIER. (301) 625-3702

AMERICAN CITY BUILDING COLUMBIA, MARYLAND 21044 (301) 730-9477

WRITER'S DIRECT NUMBER (301) 525 3733

BY MESSENGER

May 15, 1986

CABLE FRASKOP

TELEX 67939

Mr. Carl Richards Department of Zoning Room 113 County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Petition for Variance for 3901 Washington Boulevard

Dear Mr. Richards:

Thank you for reviewing materials prepared for filing a petition for zoning variance at 3901 Washington Avenue to permit two (2) signs to extend above the roof line of the building.

Enclosed please find three (3) fully-executed petitions, three (3) property descriptions, and ten (10) plats, copies of which you have already reviewed and found satisfactory. Also enclosed please find a check for \$100.00 to cover the filing

Please file the enclosed at the earliest opportunity. Again, we greatly appreciate your taking the time to review this matter with us, both last month and again chis week. If you have any questions or problems, please do not hesitate to contact me.

HSK:djw Enclosures cc: Mr. Bernard Reiss Gail M. Stern, Esquire

Joseph R. Rudick Case No. 87-35-A IN THE MATTER OF IN THE APPLICATION OF JOSEPH R. RUDICK CIRCUIT FOR ZONING VARIANCE At 10:35 a.m. hearing held on petition by Zoning Commissioner ON PROPERTY LOCATED AT THE FOR CORNER OF THE SOUTHWEST SIDE PETITION FOR ZONING VARIANCE August 5 Order of Zoning Commissioner that the Petition for Zoning OF I-695 AND NORTHWEST SIDE Cor. of SW/S of I-695 and NW/S of BALTIMORE COUNTY Variance to permit two signs to extend above the roof line OF THE B & O RR (3901 WASHINGTON B & O RR (3901 Washington Blvd.) of the building be GRANTED, subject to restrictions. BLVD.) - 13th DISTRICT 13th Election District Joseph R. Rudick - Petitioner Order for Appeal to the C.B. of A. from Phyllis C. Friedman, Case No. 87-35-A PHYLLIS C. FRIEDMAN, PEOPLE'S CG Duc. No. People's Counsel for Baltimore County. DATE APPEALED: 8/28/36 COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF Folio No. ____ 58 February 24, 1987 Hearing on appeal before the County Board of Appeals Petition for Zoning Variance/Order of Zoning Commissioner ZONING FILE NO. 87-35-A File No. 87-CG-1038 Order of the Board ordering that the variance petitioned for March 3 be GRANTED with restriction. Description of Property CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING March 24 Order for Appeal filed in the Circuit Ct. for Baltimore County Certificate of Posting hoto-shows "Rental Tools" by Phyllis C. Friedman, People's Counsel for Baltimore County COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE Certificates of Publication Petition to accompany Order for Appeal filed in the Circuit March 24 can shours signs Court for Baltimore County Zoning Advisory Committee Comments TO THE HONORABLE, THE JUDGE OF SAID COURT: Certificate of Notice sent to interested parties March 26 Comments from the Director of Planning And now come William T. Hackett, Thomas J. Bollinger and April 23 Transcript of testimony filed Order to Enter Appearance Patricia Phipps, constituting the County Board of Appeals of Baltimore County, Petitioner's Exhibit No. 1 - Plat of subj. property, 1986 Notice of Appeal filed by People's Counsel on 8/28/86 and in answer to the Order for Appeal directed against them in this case, " " 2 thru 12 - Photos and plan Original Plat, dated 12/5/85 herewith return the record of proceedings had in the above entitled matter, People's Counsel's Exhbit No. 1 thru 8 - Photos Petitioner's Exhibit No. 1 - Revised Plans, dated 7/29/86 consisting of the following certified copies or original papers on file in the " " 9 - Memo, July 1986, from Petitioner's Exhibit No. 2a - 2i (9 Black and White Polaroid Photos) office of the Zoning Department of Baltimore County: Planning Director to Zoning Commissioner Plat of Property of Gunther R. Borris, Trustee " " 10 - Board of Appeals Opinion -No. 87-35-A "7-Up" (Carpenter Realty Corp.) Plat of 7.501 Acre Tract of Maryland Bedding Company, dated 4/21/86 June 24, 1986 Petition of Joseph R. Rudick for a variance from Section Kunning Ulrector to April 23, 1987 Record of proceedings filed in the Circuit Court for Balti-Letter to all parties from Zoning Commissioner, dated 9/2/86, 413.6.a.2 so as to permit two (2) signs to extend above the advising of the filing of an appeal by People's Counsel more County roof line of the building. Record of proceedings pursuant to which said Order was Order of Zoning Commissioner directing advertisement and June 24 **Appellant** posting of property - date of hearing set for August 4, Phyllis Cole Friedman, Esquire entered and said Board acted are permanent records of the Zoning Department of People's Counsel for Baltimore 1986, at 10:15 a.m. Baltimore County, and your respondents respectively suggest that it would be July 8 Certificate of Posting of property - filed Peter Max Zimmerman, Esquire Deputy People's Counsel inconvenient and inappropriate to file the same in this proceeding, but your Room 223, Court House July 17 Certificate of Publication of property - filed Towson, Maryland 21204 July 15 respondents will produce any and all such rules and regulations whenever Comments of Baltimore County Zoning Plans Advisory Committee -(494-2188) directed to do so by this Court. Mr. Joseph R. Rudick Appellee/Petitioner/Owner July 18 3901 Washington Boulevard Comments of Baltimore County Director of Planning - filed Respectfully submitted, Baltimore, Maryland 21227 (247-1400)Attorney for Appellee/Tenant Howard S. Klein, Esquire Frank, Bernstein, Conaway & 300 East Lombard Street Baltimore, Maryland 21202 and an artistic and the second of the second (625-3500)Appellee/Tenant CASE NO. 37/58/87-CG-1038 AT LAW Mr. Bernard Reiss S. People's Counsel of President, Sealy of Maryland and #87-35-A JOSEPH R. RUDICK Virginia, Inc. County Board of Appeals of Baltimore County Joseph R. Rudick 3901 Washington Boulevard Cor. SW/s of I-695 and NW/s #87-35-# of B & O RR (3901 Washington Blvd.) 13th District Baltimore, Maryland 21227 13th District RECEIVED FROM THE COUNTY BOARD OF APPEALS, Room 200 Court House Variance-Two signs to extend above roof line Norman E. Gerber Request Notification EXHIBITS, BOARD'S ANSWER & TRANSCRIPT FILED Corner of SM/S of I-695 and RM/S of James Hoswell IN THE ABOVE ENTITLED CASE, AND ZONING Comson, Maryland 21204 B & O RR (3901 Washington Blvd.) Arnold Jablon COMMISSIONER'S FILE & EXHIBITS. (301) 494-3180 Jean M. H. Jung Petitioned filed June 24, 1986 Joseph R. Bullak, Petitioner James E. Dyer Margaret E. du Bois, Appeals Clerk October 23, 1986 Hearing held on petition by Zoning Aug. 4 Commissioner 1 - SIGH NOTICE OF ASSIGNMENT Date: Apr. 23, 1987 Z.C. Order, that the variance to permit two Aug. 5 signs to extend above the roof line NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND of the building be GRANTED IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO Order for Appeal to C.B. of A. by People's POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF Aug. 28 SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY Counsel Hearing before the Board Feb. 24, 1987 CIRCUIT COURT FOR BALTIMORE COUNTY CASE NO. 87-35-A Kathy Rushton — 494-2660 Order of the Board GRANTING the variance Jobi Adams -- 494-2660 JOSEPH R. RUDICK March 3 Civil Assignment Commissioner Settlement Court Assignment — Jury - - Motions ASSIGNMENT OFFICE petitioned for COR. OF SW/S OF I-695 AND NW/S OF Marcia Fennell CERTIFICATE OF PUBLICATION **COUNTY COURTS BUILDING** B & O RAILROAD (3901 WASHINGTON BOULEVARD) Order for Appeal filed in the Cir. Ct. by Assistant Clerk Typist Mrrch 24 Maria Ercolano — 494-2662 401 Bosley Avenue People's Counsel for Balto. Cty. PETITION FOR ZONING Masters Assignment Clerk Medical Records 13th DISTRICT P.O. Box 6754 Irene Summers - 494-2661 Certificate of Notice sent out TOWSON, MD., July 17, 19 86 Towson, Maryland, 21285-6764 RE: PETITION FOR ZONING VARIANCE March 26 Assignment - Non-Jury - Motions Freddie Grove \$413.6.a.2 - TWO SIGNS TO EXTEND ABOVE Record of proceedings filed in the Circuit LOCATION: Corner of Southwe May 22, 1987. April 23, 1987 Side of I-695 and Northwest Sac of B & O Railroad (3901 Washin Assistant Clerk Typist THIS IS TO CERTIFY, that the annexed advertisement was ROOF LINE Phyllis Cole Friedman, Esq. Ct. for Baltimore County ton Boulevard)
DATE AND TIME: Monday, Augus Peter Max Zimmerman, Esq. 8/5/86 - Z.C. GRANTED VARIANCE W/RESTRICTIONS published in THE JEFFERSONIAN, a weekly newspaper printed Hearing held in Circuit Court (J. William 4, 1986, at 10:15 a.m. PUBLIC HEARING: Room 10 July 23 Board of Appeals of Balto Co. County Office Building, 111 V Chesapeake Avenue, Towson Hinkel) ASSIGNED FOR: TUESDAY, FEBRUARY 24, 1987 at 10 a.m. and published in Towson, Baltimore County, Md., appearing on C.B. of A. REVERSED; case remanded "with Gail M. Sterns, Esq. cc: Phyllis Cole Friedman, Esq. The Zoning Commissioner of Balti-more County, by authority of the Zon-August 7 direction to the Board to deny the Petition ____July_17___, 19__86 Appellant/People's Counsel Howard S. Klein, Esq. Peter Max Zimmermann, Esq. ing Act and Regulations of Baltimore County, will hold a public hearing. Petition for Zoning Variance to per-mit two ages to extend above the roof for Zoning VAriance." (Judge JWH) Mr. Joseph Rudick Appellee/Petitioner Order of the Board DENYING variance in une of the building

Being the property of Joseph R. Ru-Howard S. Klein, Esquire Sept 17 THE JEFFERSONIAN Counsel for Appellee/Tenant accordance with remand and direction of dick, as shown on plat plan filed with Mr. Bernard Reiss In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner Circuit Court. Appellee/Tenant Norman E. Gerber James Hoswell 🗸 NON JURY - 870G 1038 - IN THE MATTER OF THE APPLICATION OF JOSEPH R. HUDICK LT AL will, however, entertain any request for a stay of the issuance of said permit Arnold Jablon during this period for good cause shown. Such request murt be received in writing by the date of the hearing so Jean M. H. Jung HEARING DATE: Cost of Advertising Thursday, July 23, 1987, @ 9:30 a.m. bove or made at the houring. By Order Of ARNOLD JABLON, Zoning Commissioner of Baltimore County James E. Dyer ON THE FOLLOWING: Appeal: 15 to 30 minutes Margaret E. duBois Please see the below notations. UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not Kathi C. Weidenhammer Administrative Secretary If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. <u>POSTPONEMENTS PRIOR TO 15 DAYS OF TRIAL</u> should be directed to the attention of Jobi Adams. <u>POSTPONEMENTS WITHIN 15 DAYS OF TRIAL</u> must be made to the attention of the Director of Central Assignments – Joyce Grimm – 494-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put

on the record if no order of satisfaction is filed prior to trial.

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RE: PETITION FOR VARIANCE Corner of SW/S of I-695 & NW/S of B & O RR (390) Washington Blvd.)

13th District

OF BALTIMORE COUZONING OFFICE

JOSEPH R. RUDICK, Petitioner : Case No. 87-35-A

NOTICE OF APPEAL

::::::

Please note an appeal from your decision in the above-captioned matter, under date of August 5, 1986, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

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

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

I HEREBY CERTIFY that on this 28th day of August, 1986, a copy of the foregoing Notice of Appeal was mailed to Gail M. Stern, Esquire, and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard St., Baltimore, MD 21202, Attorneys for Petitioner.

Peter Max Zimmerman

Gail M. Stern, Esquire Howard S. Klein, Esquire 300 East Lombard Street Baltimore, Maryland 21202

June 27, 1986

NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE Cor. of SW/S of I-695 and NW/S of B & O RR (3901 Washington Blvd.) 13th Election District Joseph R. Rudick - Petitioner Case No. 87-35-A

10:15 a.m. TIME: Monday, August 4, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

of Baltimore County

AJ:med

cc: Mr. Joseph R. Rudick Mr. Bernard Reiss, Sealy of Maryland and Virginia, Inc. 3901 Washington Boulevard Baltimore, Maryland 21227

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

61-615-000

AMOUNT \$ 100.00

1) union co

d 8080*****130, Cta 110aF

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONII
TOWSON, MARYLAND 21204 OFFICE OF PLANNING & ZONING

ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COM/AISSIONER

July 29, 1986

Gail M. Stern, Esquire Roward S. Xleir . Esquire 300 East Lombard Street Baltimore, Maryland 21202

> RE: PETITION FOR ZONING VARIANCE Cor. of SW/S of I-695 and NW/S of B & O RR (3901 Washington Blvd.) 13th Election District Joseph R. Rudick - Petitioner Case No. 87-35-A

Dear Ms. Stern and Mr. Klein:

This is to advise you that \$74.00 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

Sincerely.

AJ:med

MISCELLANEOUS CASH RECEIPT Zoning Commissioner RECEIVED FRANCE Elizabeth advo voles. 37-35.4 In the matter of Joseph R. Rudick

IN THE CIRCUIT COURT

Phyllis C. Friedman, People's Counsel for Balto. Co. BALTIMORE COUNTY

RECEIVED

NOTICE OF FILING OF RECORD

June Holmen Mail Stop 2205 Phyllis Cole Friedman Peter Max Zimmerman Mail Stop 2206

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on

FILED APR2 3 1987

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

September 2, 1986

Mr. Joseph R. Rudick 3901 Washington Boulevard Baltimore, Maryland 21227 Howard S. Klein, Esquire Frank, Bernstein, Conaway &

Mr. Bernard Reiss President, Sealy of Maryland and Virginia, Inc. 3901 Washington Boulevard Baltimore, Maryland 21227

300 East Lombard Street Baltimore, Maryland 21202 RE: PETITION FOR ZONING VARIANCE

Cor. of SW/S of I-695 and NW/S of B & O RR (3901 Washington Blvd.) 13th Election District Joseph R. Rudick - Petitioner Case No. 87-35-A

Gentlemen:

Go1dman

Please be advised that on August 28, 1986, an appeal was filed by Appellant, People's Counsel for Baltimore County, from the decision rendered by me in the above-captioned matter.

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

Very truly yours,

SILBERMANN & ASSOCIATES, INC

Engineers • Planners • Surveyors

1703 EAST JOPPA ROAD

(301) 661-5888

APRIL 24,1986

AS #3901 WASHINGTON BOULEVARD, BALTIMORE COUNTY .MARYLAND.

BALTIMORE, MARYLAND 21234

DESCRIPTION OF A PARCEL OF LAND OWNED BY THE MARYLAND BEDDING COMPANY , KNOWN

NORTHWESTERN RIGHT OF WAY OF THE BALTIMORE AND OHIO RAILROAD WITH THE WEST

RIGHT OF WAY LINE OF THE BALTIMORE COUNTY BELTWAY; SAID PLACE OF BEGINNING

CENTERLINE OF THE BRIDGE AND TRACKS OF THE BALTIMORE AND OHIO RAILROAD AND

BEING ALSO SOUTH 50° 28' 30" WEST 350 FEET FROM THE INTERSECTION OF THE

THE CENTERLINE OF THE BALTIMORE COUNTY BELTWAY AT THE SAID BRIDGE;

3. SOUTH 46° 53' 47" WEST 44.71 FEET

4. SOUTH 88° 43' 00" WEST 214.43 FEET

5. NORTH 00° 11' 12" WEST 379.61 FEET

7. NORTH 90° 11' 12" WEST 86.60 FEET

9. NORTH 09° 11' 00 " WEST 182.17 FEET

11. NORTH 89° 48' 48" FAST 457.46 FEET

1. SOUTH 41° 08' 53" WEST

2. SOUTH 54° 31' 27" WEST

THENCE , AROUND THE PROPERTY :

WIDE EASEMENT:

LENGTH OF 41.47 FEET

AN ARC LENGTH OF 19.52 FEET

OF THE BALTIMORE AND OHIO RAILROAD FOR THE THREE FOLLOWING COURSES AND

BEGINNING FOR THE SAME AT A POINT OF INTERSECTION OF THE

THENCE, RUNNING AND BINDING ALONG THE NORTHWESTERN RIGHT OF WAY

6. NORTHEASTERLY, WITH THE ARC OF 38.05 FEET AND A RADIUS OF

8. CURVE TO THEAWITH A RADIUS OF 264.06 FEET AND AN ARC

10. BY A CURVE TO THE RICHT WITH A RADIUS OF 300.00 FEET AND

RIGHT OF WAY OF THE SAID BALTIMORE COUNTY BELTWAY;

TO THE SOUTHWESTERN RIGHT OF WAY OF THE BALTIMORE COUNTY BELTWAY; THENCE . RUNNING AND BINDING ON THE SAID SOUTHWESTERN AND WESTERN

50.00 FEET ALONG THE CUL-DE-SAC AT THE END OF A FIFTY FOOT

125.26 FEET

199.78 FEET

Zoning Commissioner

No. 021634 AJ:med

DISTANCES:

ccs: Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire Office of People's Counsel for Baltimore County

Baltimore County Board of Appeals

DESCRIPTION OF 7,501 ACRE TRACT 3901 WASHING O QVD.

: ELFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

SILBERMANN & ASSOCIATES, INC. Engineers • Planners • Surveyors

1703 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234 (301) 661-5888

12. SOUTH 18° 18' 08" EAST 194.37 FEET 13. SOUTH 17° 39' 54" WEST

15.69 FEET 14. SOUTH 00° 01' 32" WEST 297.76 FEET TO THE PLACE OF BEGINNING.

CONTAINING 7.501 ACRES , MORE OR LESS. BEING THE SOUTHEASTERN PART OF THE ENTIRE TRACT DESCRIBED IN A DEED FROM MARC-JEFF INC., A BODY CORPORATE OF THE STATE OF MARYLAND, TO GUNTHER R. BORRIS, TRUSTEE , DATED SEPTEMBER 1,1966. AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 4692, FOLIO 258.

1. LIBER 4469 FOLIO 271 -MARC -JEFF INC. TO RUDICK REALTY , INC. 7.250 ACRES , MORE OR LESS; 2. LIBER 4603 FOLIO 143 -BALTINCRE & OHIO RAILROAD TO JOSEPH R.RUDICK - 0.501 ACRES, MORE OR LESS.

HIS WIFE, TO GUNTHER R. BORRIS, TRUSTEE ET AL. - 0.246 ACRES ,MORE OR LESS.

HARVEY SILBERMANN.P.E. PROFESSIONAL ENGINEER MARYLAND P.E. # 4240

E. Lombard Street, Baltimore, MD 21202, Attorneys for Petitioner.

RE: PETITION FOR VARIANCE

13th District

or final Order.

& NW/S of B & O RR

Corner of SW/S of I-695

(3901 Washington Blvd.)

JOSEPH R. RUDICK, Petitioner : Case No. 87-35-A

:::::::

ENTRY OF APPEARANCE

above-captioned matter. Notices should be sent of any hearing dates or

other proceedings in this matter and of the passage of any preliminary

Phyllis Cole Friedman

Peter Max Zimmerman

Deputy People's Counsel

I HEREBY CERTIFY that on this 3rd day of July, 1986, a copy

Room 223, Court House Towson, MD 21204

of the foregoing Entry of Appearance was mailed to Gail M. Stern, Esquire,

Peter Max Zimmerman

and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300

494-2188

People's Counsel for Baltimore County

Please enter the appearance of the People's Counsel in the

APRIL 24,1986

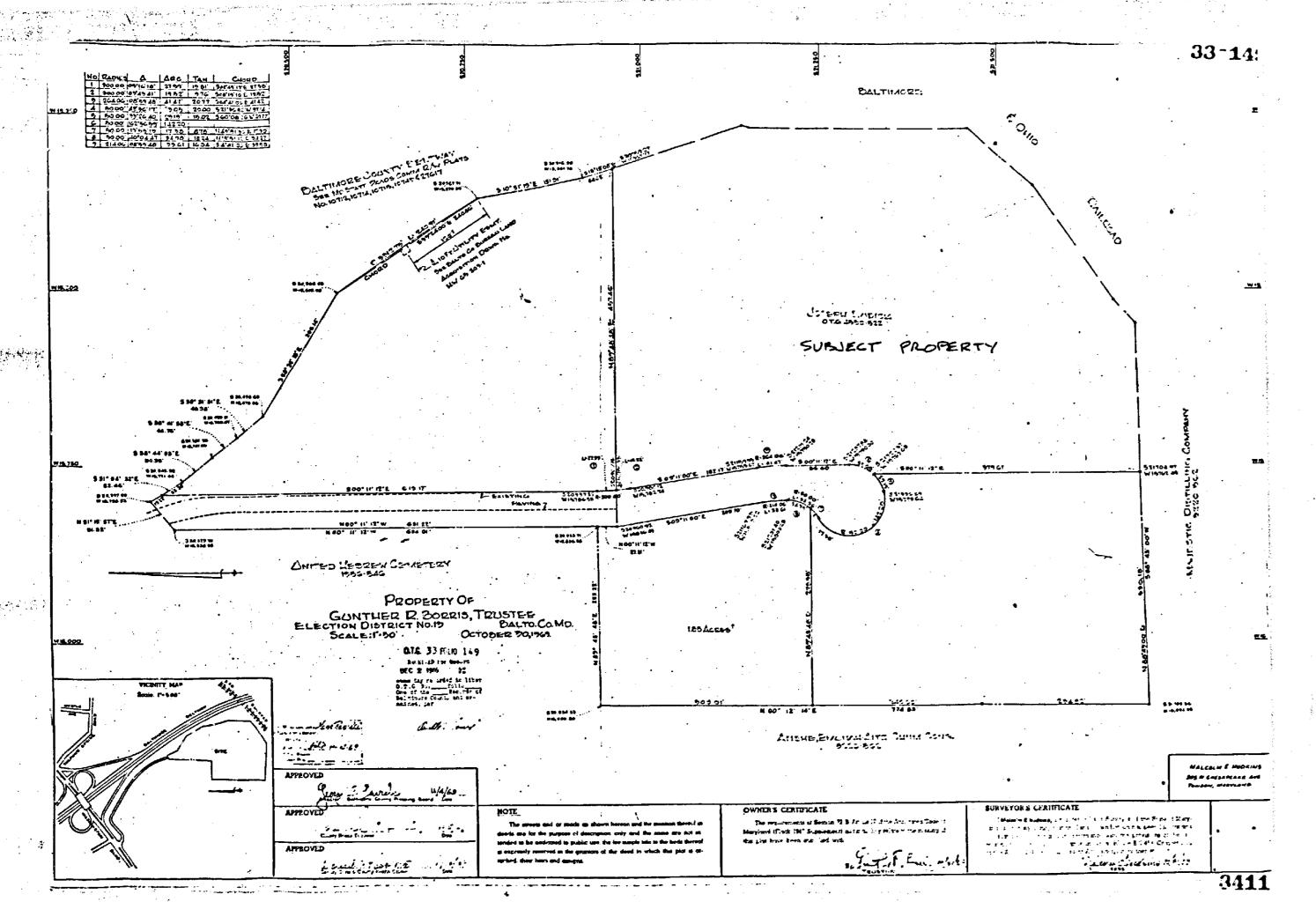
THE TRACT IS DEFINED IN THE FOLLOWING THREE DEEDS:

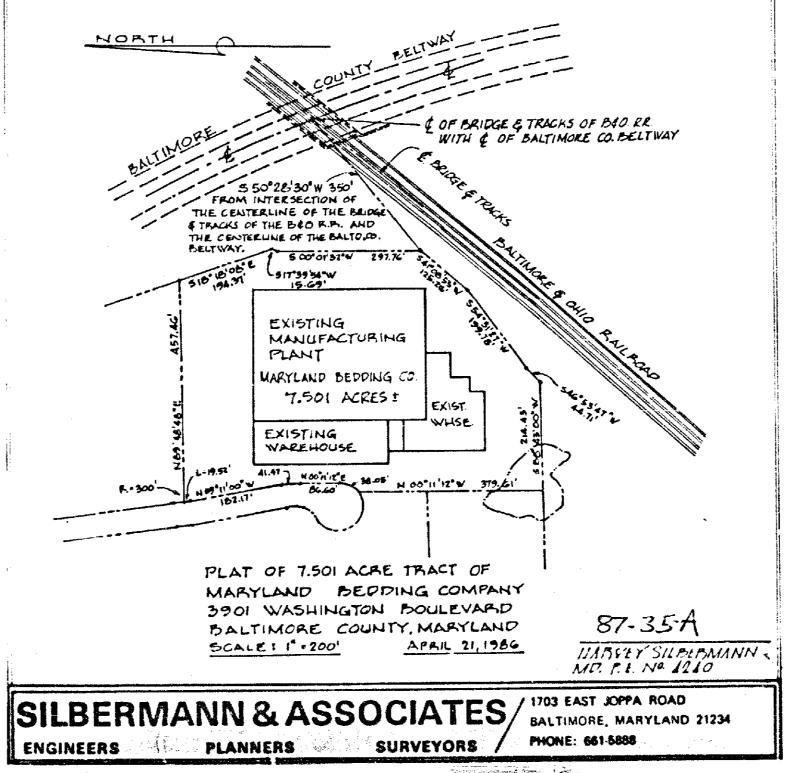
3. LIBER 5050 FOLIO 251 - JOSEPH R. RUDICK & RUTH S. RUDICK,

VALIDATION OR SIGNATURE OF CASHIER

No. 025832

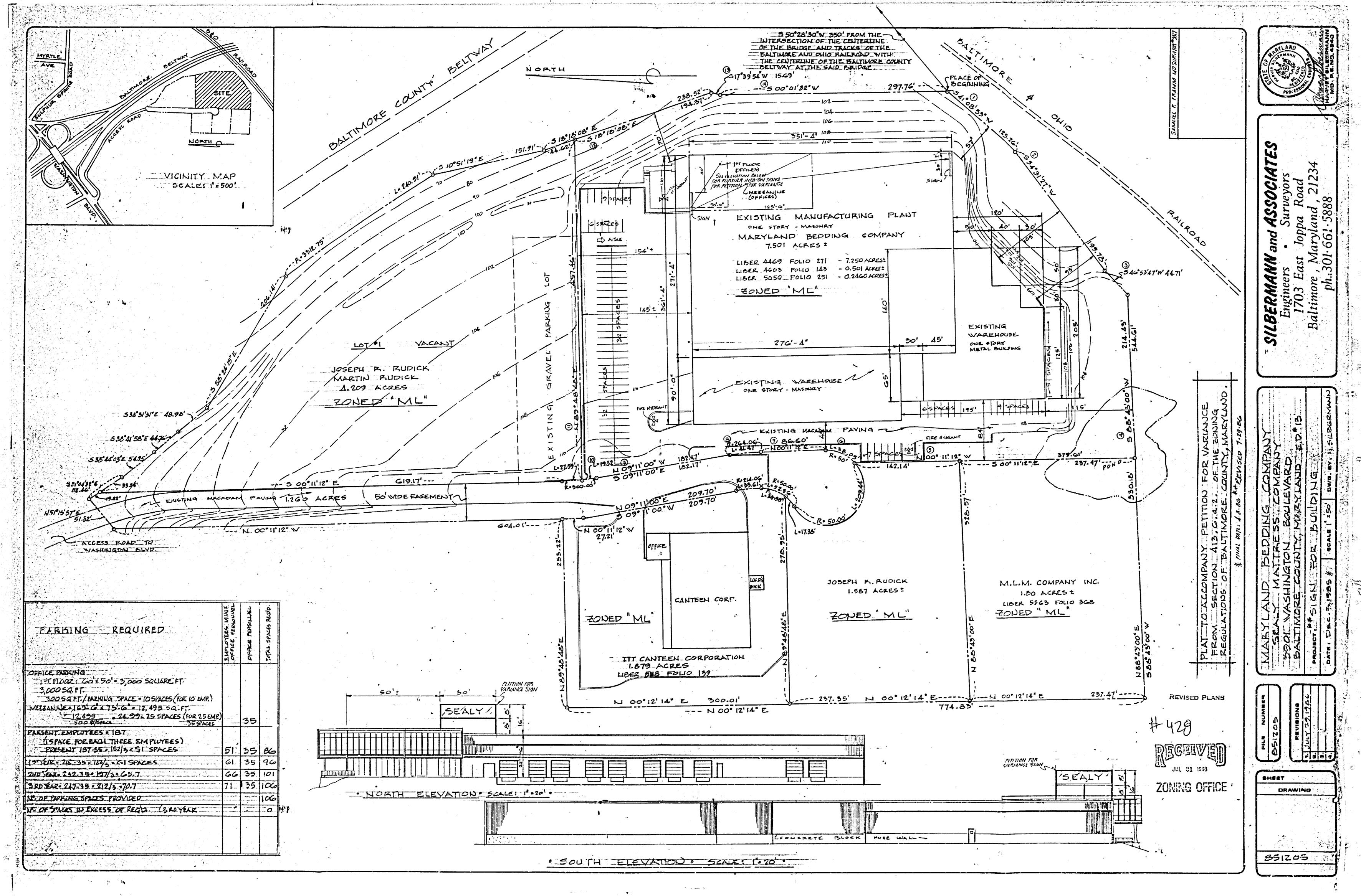
B | B124******7400:a 3075





CERTIFICATE OF POSTING CONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 13 th	Date of Posting July 5, 1986
Posted for: Lariance	
Petitioner: Juseph R. Rulick	
Petitioner: Juseph R. Ruclicke Location of property: Cor. of Sn/S of 1-693 (3961 Washington (BR)	and Rolls of PAC RIP
(3901 Washington Blod.	
Location of Signs: Location . 21 of accepts Location of Signs: Location . 21 of accepts Location of Signs: Location . 21 of accepts Remarks:	cornered access road- 320.
2 garance sign E/s of accept	cod approl 175 Trong 111 /non
	77
Posted by S. J. Mata. Signature	Date of return: July 8 1956
Number of Signs:	
-	



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/wouldkmot 57-35-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of 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 the variance requested will/will not adversely affect the health, safety, and general welfare of Variance from Section _413.6.a.2 so as to permit two (2) signs to extend the community, the variance should /shouldx root be granted. above the roof line of the building. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of ____August_____, 19_86__, that the Petition for Zoning Variance to permit two signs to extend above the roof line of the building be and is hereby of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the GRANTED, from and after the date of this Order, subject to the following which following reasons: (indicate hardship or practical difficulty) Tenant's manufacturing plant is not located at or near a public are conditions precedent to the relief granted herein: throughway having direct access to the subject property. Thus, Tenant's signs must be visible from Baltimore Beltway, so that Tenant's suppliers, invitees and customers are able to locate the plant. Signs on the wall of the plant are not visible from the Boltimore Beltway, because of trees, growth and the topography of the surrounding land. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County, I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Sealy of Maryland and Nirginia, Inc. Joseph R. Rudick (Owner) By: Bernard Reiss (Type or Print Name) (Type or Print Name) Literary Land cc: Howard S. Klein, Esquire (Type or Print Name) People's Counsel Baltimore, Maryland 21227 S 21,550 Attorney for Petitioner: Gail H. Stern W15,250 3901 Washington Blvd/247-1400 Howard S. Klein Baltimore, Maryland 21227 Signature Frank, Bernstein, Conaway City and State & Goldman 300 E. Lombard Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted Gail M. Stern _Baltimore, Maryland 21202____ Name Frank, Bernstein, Conaway & Goldman Attorney's Telephone No.: 625-3500 300 E. Lombard Street/625-3500 Address Phone No.
Baltimore, Maryland 21202 ORDERED By The Zoning Commissioner of Baltimore County, this ____24th_____ day 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 County Science of Baltimore County in Room 106, County Office Building in Towson, Baltimore ~ 87-35-A 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 day of ______, 1986. Zoning Commissioner Received by: James E. Dyer Chairman, Zoning Plans Petitioner's Cait M. Stern. Esquire Advisory Committee CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 87-35-A BYO Railroad 13601 Medicator Blod) Location of Signs: Ane. Organ SE Commer of account Road and Old

Therefor Blod of I sign wat ride of access Bord affort 175 from

1. The Petitioner may apply for his sign permit and be

granted same upon receipt of this Order; however, Peti-

tioner is hereby made aware that proceeding at this

time is at his own risk until such time as the applica-

ble appellate process from this Order has expired. If,

for whatever reason, this Order is reversed, the Peti-

tioner would be required to return, and be responsible

for returning, said property to its original condition.

2. The existing identification sign on the building shall

When the premises are vacated by the existing tenant,

be covered so as not to be utilized.

the roof signs shall be removed.

IN THE MATTER OF

THE APPLICATION OF

ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE

OF I-695 AND NORTHWEST SIDE

BLVD.) - 13th DISTRICT

OF THE B & O RR (3901 WASHINGTON

in the 13th District of Baltimore County.

covered with dense shrubs and trees.

plan which has been reviewed and considered by the Board.

County Board of Appeals of Baltimore Cour Room 200 Court House

> Towson, Maryland 21204 (301) 494-3180 March 3, 1987

ZONING OFFICE

Phyllis C. Friedman People's Counsel for Baltimore County Court House

Towson, Md. 21204

Dear Mrs. Friedman:

Re: Case No. 87-35-A Joseph R. Rudick

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

> Line Holmen oune Holmen, Secretary

cc: Mr. Joseph R. Rudick Howard S. Klein, Esq. Mr. Bernard Reiss Norman E. Gerber James Hoswell Arnold Jablon Jean Jung James E. Dyer Margaret E. duBois

IN THE MATTER OF THE APPLICATION OF JOSEPH R. RUDICK FOR ZONING VARIANCE ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE OF I-695 AND NORTHWEST SIDE OF THE B & O RR (3901 WASHINGTON BLVD.) - 13th DISTRICT

COUNTY BOARD OF APPEALS BALTIMORE COUNTY CASE NO. 87-35-A

OPINION

This matter was heard by the Board of Appeals of Baltimore County and an Opinion and Order issued on March 3, 1987 whereby the Board ordered that the variance for a sign be granted.

A timely appeal was taken by People's Counsel to the Circuit Court for Baltimore County and after argument and memorandum, the Circuit Court, Hinkel, Judge, reversed this Board as follows:

> "Therefore, it is this 7 day of August, 1987, ORDERED that the decision of the County Board of Appeals is reversed and the case is remanded with direction to the Board to deny the Petition for Zoning Variance."

In view of this remand and direction by the Circuit Court, the

Petition for Zoning Variance will be denied.

ORDER

For the reasons set forth above, it is this 17th day of September, 1987 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Variance be and the same is hereby DENIED.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Jacke W. Villiam

Joseph R. Rudick Case No. 87-35-A

Bottling Company.

, ()

BEFORE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 87-35-A

the Zoning Commissioner granting the Petitioner a variance with restrictions,

for a business sign above the roofline. This request is for a business sign,

16 feet high, 30 feet wide, with letters 6 feet in height. The sign will be

illuminated and be placed on the property at the corner of the southwest side

of I-695 and the northwest side of the B & O Railroad (3901 Washington Blvd.),

engineer, that the above described sign will be located on the property of the

Sealy Manufacturing Company and is approximately 1/2 mile from Washington Blvd.

ard 500 to 600 feet from the Beltway. The present building is not seen from

the Beltway or Washington Blvd. because of the topography and the steep hill

of the Sealy Manufacturing and Distribution Plant. They employ between 150

and 250 people, have a manufacturing and distribution center, showroom and

normally operate from 7:30 a.m. to 5:30 p.m., with a partial nightshift and

not visible from the Beltway or Washington Blvd. and they have experienced

truck deliveries on the average of three (3) trucks per day. The building is

hardships with respect to employment recruiting and delays of deliveries, which

This case comes before the Board on appeal from the decision of

The Board heard testimony from Mr. Harvey Silberman, an expert

Mr. James Sank of the Arundel Sign Company, submitted a sign

Mr. Wayne B. Rudick testified that he is the General Manager

OPINION

offset manufacturing scheduling as a result of the nonvisibility of the plant. There are no residential dwellings within 300 to 400 yards of the plant and noted no Protestants to the proposed sign.

People's Counsel, who appealed the decision of the Zoning Commissioner, presented Mr. James Hoswell, an expert planner with Baltimore County, who testified that his office was in opposition to the requested variance because he believed that a precedent would be established whereby any business or manufacturing site adjacent to any expressway would argue accordingly for similar variances, resulting in a plethora of signs along our expressways. He also brought to the Board's attention the decision of the Board in the matter of Carpenter Realty Corporation, Case No. 85-273-A, dated November 25, 1985, where the Board denied the requested variance for 7-Up

The Board has considered all of the above stated testimony and exhibits and reviewed its opinion in the "7-Up Bottling Company" case. The Board is of the opinion that the requested variance in the instant case is in direct antithesis to the 7-Up Bottling case. Unlike the "7-Up Bottling Company", the instant case has no Protestants. The sign is much smaller in size. The topography and trees make the building completely unidentifiable from the surrounding highways.

The Board has considered the Court of Appeals Opinion in McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1973) which states the following criteria:

"1) Whether compliance with the strict letter of the restrictions would unreasonably prevent use of the property for a permitted purpose;

2) Whether substantial justice would be done consistent with interests of other property owners in the neighbor-

3) Whether the spirit of the ordinance will be observed

Joseph R. Rudick Case No. 87-35-A

The Board finds that the Petitioner has met the above standards Strict compliance with Section 307 of the Baltimore County Zoning Regulations (BCZR) does create a hardship and restrict and substantially impair the use because of the present lack of identification of the plant.

There is substantial evidence for the Board to conclude that denial of the requested variance would result in a practical difficulty or reasonable hardship because of the aforementioned delays of delivery, recruiting employment situations, alteration of manufacturing schedules and the other problems alluded to in the testimony because of the present hidden location of the plant.

The testimony of Mr. Rudick is that this is an identification sign and not an advertising sign. As such, the Board feels if Sealy Manufacturing Company were to leave this premises, the sign should be removed and any continued use of the sign structure by the new tenants would require a renewed petition for variance.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this , 1987, by the County Board of Appeals, ORDERED 3rd day of March that the variance petitioned for, be and the same is hereby GRANTED with the restriction above stated.

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

William T Hackett, Chairman

Very_truly yours,

COUNTY BOARD OF AFPEALS OF BALTIMORE COUNTY

hood; and

and the public safety and welfare secured."

RECEIVED COUNTY BOARD OF APPEALS 1987 AUG II AII: II

IN THE MATTER OF THE APPLICATION OF JOSEPH R. RUDICK

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CASE NO. 87-CG-1038

::::::::

MEMORANDUM OPINION & ORDER

This appeal concerns the granting of a zoning variance by the County Board of Appeals of Baltimore County (Board) to allow two illuminated signs, each 8 feet high by 30 feet wide with letters 6 feet in height, to be placed on the roof of a building located at the southwest side of Interstate 695 (Beltway) and the northwest side of the B. & O. Railroad tracks. The building is approximately 500 to 600 feet from the Beltway and the sign is to rise above the roof line 16 feet. On August 5, 1986, the Zoning Commissioner granted the variance with restrictions. On March 3, 1987, the Board affirmed the variance with restrictions.

Appellant, People's Counsel for Baltimore County, argues that the Board had no legally sufficient evidence before it upon which to base its decision and that the decision was therefore illegal, arbitrary and capricious. Appellant asserts as specific factors that the Appellee Joseph R. Rudick and his tenant, the Maryland Bedding Co. (Sealy) , made no effort for a less extreme

1. The Petition for Zoning Variance lists Joseph R. Rudick as the owner and Sealy of Maryland and Virginia, Inc., as the tenant. Photographic evidence introduced at the hearing identifies the tenant as Haryland Bedding Co.

remedy such as giving maps to truck drivers or placing other signs closer to the property.

Appellee argues in its Memorandum, as reasons for affirming the Board's grant of the variance, that Sealy suffered practical difficulty or unreasonable hardship. In particular, delivery people, prospective employees, retail customers and sales seminar participants all had experienced difficulty in locating the plant. Appellee asserts that because the plant is not visible from the Beltway or Washington Boulevard, a sign is necessary to help persons locate the building and to help expedite the delivery process.

The property in question is a manufacturing and distribution center. There is a show-room on the premises used to display products for retailers, and sales seminars are held on the premises for retail sales people. Sealy does not sell directly to the public from this facility.

Section 307 of the Baltimore County Zoning Regulations provides in pertinent part:

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, are hereby given the power to grant variances from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said. . . . sign regulation, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare.

STANDARD OF REVIEW

Therefore, in reviewing the ruling of the Board, it must be kept in mind that "[t]he standard for granting a variance . . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley, 270 Md. 208, 213 (1973).

The scope of judicial review for this court in an appeal asking to restrict or withdraw a variance is limited.

". . . Where a legislative body, or a board of county officials pursuant to authority conferred upon it, has granted a rezoning of property, the question on judicial review is whether or not such action is arbitrary and discriminatory or fairly debatable." Boyce v. Sembly, 25 Md. App. 43 (1975), citing Stratakis v. Beauchamp, 268 Md. 643, 652-53 (1973).

In limiting the scope of inquiry to whether the decision of the Board is fairly debatable, this Court "may not substitute its judgment for that of the Board. The Court is to determine only whether a reasoning mind could have reached the conclusion reached by the Board." Cicala v. Disability Review Board, 283 Md. 254, 260 (1980).

The question therefore is whether it was fairly debatable that the evidence shows that strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

-3-

REVIEW OF DECISION OF COUNTY BOARD OF APPEALS

Land Bridge Broke Bill and March 18 18 18 18 18 18 18 18

Appellee argues that there exists an unreasonable business hardship because drivers making deliveries and others find it difficult to locate Sealy, and that because of this hardship they are in need of a variance in order to erect a sign near the Baltimore Beltway. Appellee asserts that the sign is solely for directional purposes. After carefully scrutinizing both the arguments and the record, it is the view of this Court that there exists no practical difficulty or unreasonable hardship that makes it necessary to issue a variance, and that the issue is not fairly debatable.

The proposed signs to be located atop the building a few hundred feet from the Beltway near Exit 10, are intended to be landmarks that will help drivers recognize just where the plant is and just where to exit the Beltway. However, this Court is not at all convinced that the signs, as stated, will in any way achieve the very purpose for which the variance is requested. The signs are to display the word "SEALY". No directions at all are to be posted on the signs. Even with these signs, directions will still need to be given. Direction to a visitor to simply "follow the sign" is ludicrous.

There was testimony in the record that when exiting the Beltway, one would at some point lose sight of the signs. The proposed signs are not a beacon that would lead one through a maze of roadways to the building without specific directions. Testimony was also given by Sealy's General Manager as to specific instructions that were customarily given to visitors. It is obvious that with

C

this proposed sign, those directions would not change. It would still be necessary to give visitors an exit number and specific directions just as before.

While the Appellee has complained of experienced hardships with respect to employment recruiting, delivery delays and other delays with drivers in finding the plant because of the non-visibility of the plant, Appellee has failed to put these complaints into quantitative terms. How many patrons have gotten lost or have been delayed in the twenty (20) year existence of this plant? How many deliveries have been delayed? Approximately how long have the delays been? Are those drivers going to the plant for the first time? Approximately what percentage of the total patrons or deliverers have been delayed or lost even with specific instructions? How much money, if any, has been lost weekly, monthly, or annually by the delays? These and other pertinent points have not been answered in any way, which makes it impossible to judge the severity of the asserted hardship. They are nothing more than generalized complaints.

While it is understandable that there is a degree of difficulty in finding a facility located off of a secondary road, near to but not clearly visible from a major highway, the purposes for variances are when those practical difficulties or unreasonable hardships . . .

"are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree and severity that their existence amounts to a substantial and unnecessary injustice to the applicant. Exceptions . . . slould

not be made except where the burden of the general rule upon the individual property would not, because of its unique situation, and the singular circumstances, serve the essential legislative policy . . . " McLean v. Soley, 270 Md. 208, 213 (1973) citing Carney v. City of Baltimore, 201 Md. 130, 137, 93 A.2d 74 (1952).

Applying this asserted difficulty to out-ot-state truckers who are trying to locate the facility for the first time, this still does not present a unique problem. There are, doubtless, numerous businesses in much the same situation as Sealy that are located very near but not visible from the Beltway. There is nothing unique and particular about Sealy's situation when compared with most other businesses. There are certainly many more businesses which are as difficult or more difficult to gain access to than Sealy.

In answering the question of whether it was fairly debatable that strict compliance with the regulations would result in an unreasonable hardship, it helps to use a little common sense. While the company manufactures and sells Sealy mattresses, the name of the company is not Sealy. Yet the sign is to display "Sealy". The sign has no directional markers leading patrons to the plant. Most probably the name "Sealy" would itself instinctively trigger in the mind of drivers on the Beltway, "A mattress! Do I need a new one?" The number of travelers on the Beltway looking for Sealy is puny when compared to all other users of that heavily traveled roadway.

The sign is to be illuminated 24 hours each day of the year, yet business hours are approximately 7:30 a.m. to 5:30 p.m. With the possible exception of the half hour from 5:00-5:30 in Winter

and a part-time night shift depending on seasonal needs, it is not necessary that the sign be illuminated. In fact the record does not reveal that deliveries are made during darkness. The sole purpose of illumination then seems to be for advertising purposes. The sign is also located in such a place that it is very likely for a driver coming from the north side of the Beltway not to see the sign until he is past the exit, which argues against its directional use. The sighting of the sign would in no way indicate which exit to take. One must be told the exit number and if the exit is thus known, what need is there for the sign?

The Board must not have been convinced that the proposed signs were primarily for directional purposes, as evidenced by the last paragraph of its Opinion.

The testimony of Mr. Rudick is that this is an identification sign and not an advertising sign. As such, the Board feels if Sealy Manufacturing Company were to leave this premises, the sign should be removed and any continued use of the sign structure by the new tenants would require a renewed petition for variance.

If Sealy leaves and another tenant moves in, would not the premises be just as difficult to locate?

I am persuaded that there is no unreasonable hardship nor practical difficulty and that this situation is not unique to Appellee. The purpose for the proposed sign is advertising not directional. The issue is not fairly debatable.

Therefore, it is this ______ ORDERED that the decision of the County Board of Appeals is reversed and the case is remanded with direction to the Board to deny the Petition for Zoning Variance.

JWH/lg

cc: Peter Max Zimmerman, Esquire Deputy People's Counsel Room 223, Court House Towson, Maryland 21204

Towson, Maryland 21204

Linda M. Richards, Esquire Frank, Bernstein, Conaway & Goldman 300 East Lombard Street Baltimore, Maryland 21202 County Board of Appeals Room 200, Court House

.. ..

INTHE , IN THE MATTER OF THE APPLICATION OF CIRCUIT COURT JOSEPH R. RUDICK FOR ZONING VARIANCE FOR ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE BALTIMORE COUNTY OF I-695 AND NORTHWEST SIDE OF THE B & O RR (3901 WASHINGTON AT LAW BLVD.) - 13th DISTRICT CG Doc. No. PHYLLIS C. FRIEDMAN, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF File No. 87-CG-1038 ZONING FILE NO. 87-35-A CERTIFICATE OF NOTICE Mr. Clerk: Pursuant to the provisions of Ruls B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Thomas J. Bollinger and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by moil of the filing of the appeal to the representative of every party to the proceedings before it; namely, Joseph R. Rudick, 3901 Washington Blvd., Baltimore, Md. 21227, Petitioner; Howard S. Klein, Esq., 300 E. Lombard St., Baltimore, Md. 21202, Counsel for Petitioner; Bernard Reiss, President, Sealy of Maryland and Virginia, Inc., 3901 Washington Blvd., Baltimore, Md. 21227; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County-Plaintiff, a copy of which Notice is attached hereto and prayed that it may be made a part thereof. County Board of Appeals of Baltimore

Sanda Sanda

Joseph R. Rudick Case No. 87-35-A

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Joseph R. Rudick, 3901 Washington Blvd., Baltimore, Md. 21227, Petitioner; Howard S. Klein, Esq., 300 E. Lombard St., Baltimore, Md. 21202, Counsel for Petitioner; Bernard Reiss, President, Sealy of Maryland and Virginia, Inc., 3901 Washington Blvd., Baltimore, Md. 21227; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County-Plaintiff, on this 27th day of March, 1987.

County Board of Appeals of Baltimore

Mr. Armold Japion Zoning Commissioner Councy Office Building Towson, Maryland 22204

July 11, 1986

Res Zoning Advisory "eeting of May 27,1986 Property Server: JOSEPH R. RUDICK LOCALIDATICOR.OF SW/S UF I-CASAL Dear Mr. Jablon: HW/S OF BLUR.R. The Division of Correct Planning and Cavelorment has reviewed the subject petition and offers the following comments. The Items checked below are

(X)There are no site planning factors requiring comment.
(A County Review Group Meeting is required.
(B) County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore 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 insche the control of a pullbing permit.)The circulation on this site is not satisfictory. 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 promibited. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Requisitions.
()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)Landscaping: "ust comply with Baltimore County Landscape Manual.
)The property is located in a deficient service area as defined by Bill 173-79. No building parmit hay be issued until a Reserve Capacity Use Certificate has been issued. The deficient service () The presenty is rocated in a charric area controlled by a "0" level intersection as defined by 3:11 172-73, and as conditions change traffic Capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council)Additional communits:

CC: Justas doswell

Eurone A. gober Chier, Current Planning and Govelopment

July 9, 1986

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO David Creen
Zoning Enforcement September 29, 1987 FROM Ann M. Nastarowicz

Deputy Zoning Commissioner SUBJECT 3901 Washington Boulevard
Corner of SW/S of I-695 and NW/S

of B & O Railroad Owner: Joseph R. Rudick; Tenant: Sealy of Maryland & Virginia, Inc. Petition for Zoning Variance - Case No. 87-35-A

Please inspect the subject site to determine if any signs have been placed above the roof line of the building and advise me of any additional signs

The property was the subject of a hearing held on August 4, 1987 for a Petition for Zoning Variance to permit two (2) signs to extend above the roof line of the building. On August 5, 1987, Arnold Jablon granted the Petitioner's request with the right to apply for sign permits at his own risk, subject to the outcome of any appeal filed. The Petitioner was advised he would be required to return said property to its original condition if the Zoning Commissioner's

An appeal was filed by the People's Counsel to the Board of Appeals and on March 3, 1987, the Board affirmed Mr. Jablon's Order. The People's Counsel then filed an appeal to the Circuit Court. On August 7, 1987, the Honorable J. William Hinkel ordered the decision of the County Board of Appeals be reversed and remanded the case with direction to the Board to deny the Petition for Zoning Variance. On September 17, 1987, pursuant to the Circuit Court's instructions, the Board of Appeals issued an order denying the Petition for Zoning

In view of the above, our office must verify the Petitioner is in compliance with the Order. Please check to see if a building permit was ever issued and inspect the property to see what signs, if any, are on the property. For a better idea of the exact location, you should check the zoning petition

If you have any questions on the subject, please don't hesitate to ask.

Thank you, ann ANN M. NASTAROWICZ

AMN:bjs

cc: J. Robert Haines James H. Thompson

Deputy Zoning Commissioner

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner

Date July 18, 1986

/ County, Rm. 200, Court House, Towson, Md

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

SUBJECT Zoning Petition No. 87-35-A

This office is opposed to the granting of the subject request. It is this office's opinion that the granting of this request would establish a precedent whereby any business or manufacturing site adjacent to any expressway would be able to argue accordingly for similar variances, resulting in a plethora of signange along our expressways.

This office cannot believe that such signage would provide a better means of finding the petitioner's plant than by providing his "suppliers, invitees, and customers" with the Exit No. from the Expressway.

NEG: JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1986

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

Chairman

MEMBERS Bureau of Engineering Department of Traffic Engineering

State Roads Commission Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

Industrial

Development

Gain M. Stern, Esquire Frank, Bernstein, Conaway & Goldman 300 E. Lombard Street Baltimore, Maryland 21202

RE: Item No. 428 - Case No. 87-35-A Petitioner: Joseph R. Rudick Petition for Zoning Variance

Dear Ms. Stern:

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,

JAMES E. DYER

Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: Silbermann and Associates 1703 East Joppa Road Baltimore, Maryland 21234

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

TED ZALESKI, JR. DIRECTOR

APPLICABLE ITES ARE CIRCLED:

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204 Dear Mr. Jablons Comments on Item # 428 Zoning Advisory Committee Meeting are as follows: Property Owner: Joseph R. Rudick (Tenant - Sealy) Corner SW/S I-695 and NW/S B & O RR Districts 13th.

A.) All structures shall comform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 = 1980) and other applicable codes and Standards. (B.) A building and other miscellaneous permits shall be required before the start of any construction.

TO THE PROPERTY OF THE PROPERT

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

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable. E. All Use Groups except R-4 Single Pamily Detached Duellings require a minimum of 1 hour fire rating for exterior walls closer than 6-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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.

G. The requested variance appears to conflict with Section(s)

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516,0 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 finish floor levels including basement.

J. comments: Signs shall comply with Article 19 as amended. Roof top signs shall be designed by a structural engineer registered in Maryland to assure it does not create structural problems with the roof supports.

N. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office BY: C. E. Burnhan, Chief

Building Direction

FIRE DEPARTMENT TOWSON, MARYLAND 2120 1-2586

PAUL H. REINCKE

June 3, 1986

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

Joseph R. Rudick (tenant - Sealy) RE: Property Owner:

Location: Corner SW/S I-695 & NW/S B & O RR

Item No.: Zoning Agenda: Meeting of May 27, 1986

Gentlemen:

/mb

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.

() I. 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. Size plans are approved, as drawn.

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

REVIEWER: Catt Decit Kill, 6.4-16 Approved: Planning Group #ire Prevention Bureau

Special Inspection Division

CPS+GO8

County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180 September 17, 1987



County Board of Appeals of Paltimore County Room 200 Court House Towson, Maryland 21204 (301)494-3180 March 27, 1987

Phyllis Cole Friedman People's Counsel for Baltimore County Room 223, Courthouse Towson, MD 21204

> Re: Case No. 87-35-A Joseph R. Rudick

Dear Ms. Friedman:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals in accordance with the Circuit Court Order dated August 7, 1987.

Sincerely,

Kathleen C. Weidenhammer Administrative Secretary

Encl.

cc: Peter Max Zimmerman, Esquire Mr. Joseph R. Rudick Gail M. Stern, Esquire Mr. Bernard Reiss Norman E. Gerber Frank H. Fisher J. Robert Haines Ann M. Nastarowicz James E. Dyer Margaret E. du Bois

Phyllis C. Friedman People's Counsel for Baltimore County Court House

Towson, Md. 21204 Dear Mrs. Friedman:

Joseph R. Rudick 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

Re: Case No. 87-35-A

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

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

Very truly yours,

June Holmen, Secretary

Enclosures

APPLICATION OF JOSEPH R. RUDICK : FOR BALTIMORE COUNTY FOR ZONING VARIANCE ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE OF I-695 AND NORTHWEST SIDE : Docket No. OF THE B & O RR (3901 WASHINGTON : Folio No. BLVD.), 13th District : File No. Zoning File No. 87-35-A :::::: PETITION ON APPEAL

IN THE MATTER OF THE

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of March 3, 1987, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this appeal is taken, viz:

: IN THE CIRCUIT COURT

That the County Board of Appeals had no legally sufficient evidence upon which to base its Opinion and Order and therefore their Order passed herein is illegal, arbitrary, and capricious.

WHEREFORE, Appellant prays that the Opinion and Order of the Board of Appeals be reversed, and the above-captioned petition be denied by the Circuit Court for Baltimore County.

> Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 24th day of March, 1987, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Gail M. Stern, Esquire, and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard St., Baltimore, MD 21202.

- 2 -

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

March 27, 1987

Howard S. Klein, Esq. 300 E. Lombard St. Baltimore, Md. 21202

Dear Mr. Klein:

Re: Case No. 87-35-A Joseph R. Rudick

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen, Secretary

cc: Joseph R. Rudick Bernard Reiss Norman E. Gerber James Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. du Bois

County Board of Appeals of Baltimore County Room 208 Court House Towson, Maryland 21204 (301) 494-3180

October 23, 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. 87-35-A

JOSEPH R. RUDICK COR. OF SW/S OF I-695 AND NW/S OF B & O RAILROAD (3901 WASHINGTON BOULEVARD)

13th DISTRICT

RE: PETITION FOR ZONING VARIANCE \$413.6.a.2 - TWO SIGNS TO EXTEND ABOVE ROOF LINE

8/5/86 - Z.C. GRANTED VARIANCE W/RESTRICTIONS

ASSIGNED FOR:

TUESDAY, FEBRUARY 24, 1987 at 10 a.m.

Appellee/Tenant

cc: Phyllis Cole Friedman, Esq. Peter Max Zimmermann, Esq. Mr. Joseph Rudick Howard S. Klein, Esquire Mr. Bernard Reiss

Norman E. Gerber James Hoswell

Appellant/People's Counsel Appellee/Petitioner Counsel for Appellee/Tenant

Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. duBois /

> Kathi C. Weidenhammer Administrative Secretary

IN THE MATTER OF THE APPLICATION OF JOSEPH R. RUDICK FOR ZONING VARIANCE ON PROPERTY LOCATED AT THE CORNER OF THE SOUTHWEST SIDE OF I-695 AND NORTHWEST SIDE OF THE B & O RR (3901 WASHINGTON

County.

: IN THE CIRCUIT COURT : FOR BALTIMORE COUNTY AT LAW

: Docket No. <u>37</u> : Folio No. <u>58</u> BLVD.), 13th District : File No. 87CG1038

> :::::: NOTICE OF AFPEAL

Please note an appeal from the Opinion and Order of the County Board of Appeals, under date of March 3, 1987, to the Circuit Court for Baltimore

> Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 24th day of March, 1987, a copy of the foregoing Notice of Appeal was served on the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Gail M. Stern, Esquire, and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard St., Baltimore, MD 21202.

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

8300 GREENSBORD DRIVE MCLEAN, VIRGINIA 22102 (703) 893-4670

300 EAST LOMBARD STREET BALTIMORE, MARYLAND 21202 (301) 625-3500 (203) 556-9675 TELECOPIER. (301) 625-3702

AMERICAN CITY BUILDING COLUMBIA, MARYLAND 21044 (301) 730-9477

WRITER'S DIRECT NUMBER (301) 525 3733

BY MESSENGER

May 15, 1986

CABLE FRASKOP

TELEX 67939

Mr. Carl Richards Department of Zoning Room 113 County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Petition for Variance for 3901 Washington Boulevard

Dear Mr. Richards:

Thank you for reviewing materials prepared for filing a petition for zoning variance at 3901 Washington Avenue to permit two (2) signs to extend above the roof line of the building.

Enclosed please find three (3) fully-executed petitions, three (3) property descriptions, and ten (10) plats, copies of which you have already reviewed and found satisfactory. Also enclosed please find a check for \$100.00 to cover the filing

Please file the enclosed at the earliest opportunity. Again, we greatly appreciate your taking the time to review this matter with us, both last month and again chis week. If you have any questions or problems, please do not hesitate to contact me.

HSK:djw Enclosures cc: Mr. Bernard Reiss Gail M. Stern, Esquire

Joseph R. Rudick Case No. 87-35-A IN THE MATTER OF IN THE APPLICATION OF JOSEPH R. RUDICK CIRCUIT FOR ZONING VARIANCE At 10:35 a.m. hearing held on petition by Zoning Commissioner ON PROPERTY LOCATED AT THE FOR CORNER OF THE SOUTHWEST SIDE PETITION FOR ZONING VARIANCE August 5 Order of Zoning Commissioner that the Petition for Zoning OF I-695 AND NORTHWEST SIDE Cor. of SW/S of I-695 and NW/S of BALTIMORE COUNTY Variance to permit two signs to extend above the roof line OF THE B & O RR (3901 WASHINGTON B & O RR (3901 Washington Blvd.) of the building be GRANTED, subject to restrictions. BLVD.) - 13th DISTRICT 13th Election District Joseph R. Rudick - Petitioner Order for Appeal to the C.B. of A. from Phyllis C. Friedman, Case No. 87-35-A PHYLLIS C. FRIEDMAN, PEOPLE'S CG Duc. No. People's Counsel for Baltimore County. DATE APPEALED: 8/28/36 COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF Folio No. ____ 58 February 24, 1987 Hearing on appeal before the County Board of Appeals Petition for Zoning Variance/Order of Zoning Commissioner ZONING FILE NO. 87-35-A File No. 87-CG-1038 Order of the Board ordering that the variance petitioned for March 3 be GRANTED with restriction. Description of Property CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING March 24 Order for Appeal filed in the Circuit Ct. for Baltimore County Certificate of Posting hoto-shows "Rental Tools" by Phyllis C. Friedman, People's Counsel for Baltimore County COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE Certificates of Publication Petition to accompany Order for Appeal filed in the Circuit March 24 can shours signs Court for Baltimore County Zoning Advisory Committee Comments TO THE HONORABLE, THE JUDGE OF SAID COURT: Certificate of Notice sent to interested parties March 26 Comments from the Director of Planning And now come William T. Hackett, Thomas J. Bollinger and April 23 Transcript of testimony filed Order to Enter Appearance Patricia Phipps, constituting the County Board of Appeals of Baltimore County, Petitioner's Exhibit No. 1 - Plat of subj. property, 1986 Notice of Appeal filed by People's Counsel on 8/28/86 and in answer to the Order for Appeal directed against them in this case, " " 2 thru 12 - Photos and plan Original Plat, dated 12/5/85 herewith return the record of proceedings had in the above entitled matter, People's Counsel's Exhbit No. 1 thru 8 - Photos Petitioner's Exhibit No. 1 - Revised Plans, dated 7/29/86 consisting of the following certified copies or original papers on file in the " " 9 - Memo, July 1986, from Petitioner's Exhibit No. 2a - 2i (9 Black and White Polaroid Photos) office of the Zoning Department of Baltimore County: Planning Director to Zoning Commissioner Plat of Property of Gunther R. Borris, Trustee " " 10 - Board of Appeals Opinion -No. 87-35-A "7-Up" (Carpenter Realty Corp.) Plat of 7.501 Acre Tract of Maryland Bedding Company, dated 4/21/86 June 24, 1986 Petition of Joseph R. Rudick for a variance from Section Kunning Ulrector to April 23, 1987 Record of proceedings filed in the Circuit Court for Balti-Letter to all parties from Zoning Commissioner, dated 9/2/86, 413.6.a.2 so as to permit two (2) signs to extend above the advising of the filing of an appeal by People's Counsel more County roof line of the building. Record of proceedings pursuant to which said Order was Order of Zoning Commissioner directing advertisement and June 24 **Appellant** posting of property - date of hearing set for August 4, Phyllis Cole Friedman, Esquire entered and said Board acted are permanent records of the Zoning Department of People's Counsel for Baltimore 1986, at 10:15 a.m. Baltimore County, and your respondents respectively suggest that it would be July 8 Certificate of Posting of property - filed Peter Max Zimmerman, Esquire Deputy People's Counsel inconvenient and inappropriate to file the same in this proceeding, but your Room 223, Court House July 17 Certificate of Publication of property - filed Towson, Maryland 21204 July 15 respondents will produce any and all such rules and regulations whenever Comments of Baltimore County Zoning Plans Advisory Committee -(494-2188) directed to do so by this Court. Mr. Joseph R. Rudick Appellee/Petitioner/Owner July 18 3901 Washington Boulevard Comments of Baltimore County Director of Planning - filed Respectfully submitted, Baltimore, Maryland 21227 (247-1400)Attorney for Appellee/Tenant Howard S. Klein, Esquire Frank, Bernstein, Conaway & 300 East Lombard Street Baltimore, Maryland 21202 and an artistic and the second of the second (625-3500)Appellee/Tenant CASE NO. 37/58/87-CG-1038 AT LAW Mr. Bernard Reiss S. People's Counsel of President, Sealy of Maryland and #87-35-A JOSEPH R. RUDICK Virginia, Inc. County Board of Appeals of Baltimore County Joseph R. Rudick 3901 Washington Boulevard Cor. SW/s of I-695 and NW/s #87-35-# of B & O RR (3901 Washington Blvd.) 13th District Baltimore, Maryland 21227 13th District RECEIVED FROM THE COUNTY BOARD OF APPEALS, Room 200 Court House Variance-Two signs to extend above roof line Norman E. Gerber Request Notification EXHIBITS, BOARD'S ANSWER & TRANSCRIPT FILED Corner of SM/S of I-695 and RM/S of James Hoswell IN THE ABOVE ENTITLED CASE, AND ZONING Comson, Maryland 21204 B & O RR (3901 Washington Blvd.) Arnold Jablon COMMISSIONER'S FILE & EXHIBITS. (301) 494-3180 Jean M. H. Jung Petitioned filed June 24, 1986 Joseph R. Bullak, Petitioner James E. Dyer Margaret E. du Bois, Appeals Clerk October 23, 1986 Hearing held on petition by Zoning Aug. 4 Commissioner 1 - SIGH NOTICE OF ASSIGNMENT Date: Apr. 23, 1987 Z.C. Order, that the variance to permit two Aug. 5 signs to extend above the roof line NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND of the building be GRANTED IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO Order for Appeal to C.B. of A. by People's POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF Aug. 28 SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY Counsel Hearing before the Board Feb. 24, 1987 CIRCUIT COURT FOR BALTIMORE COUNTY CASE NO. 87-35-A Kathy Rushton — 494-2660 Order of the Board GRANTING the variance Jobi Adams -- 494-2660 JOSEPH R. RUDICK March 3 Civil Assignment Commissioner Settlement Court Assignment — Jury - - Motions ASSIGNMENT OFFICE petitioned for COR. OF SW/S OF I-695 AND NW/S OF Marcia Fennell CERTIFICATE OF PUBLICATION **COUNTY COURTS BUILDING** B & O RAILROAD (3901 WASHINGTON BOULEVARD) Order for Appeal filed in the Cir. Ct. by Assistant Clerk Typist Mrrch 24 Maria Ercolano — 494-2662 401 Bosley Avenue People's Counsel for Balto. Cty. PETITION FOR ZONING Masters Assignment Clerk Medical Records 13th DISTRICT P.O. Box 6754 Irene Summers - 494-2661 Certificate of Notice sent out TOWSON, MD., July 17, 19 86 Towson, Maryland, 21285-6764 RE: PETITION FOR ZONING VARIANCE March 26 Assignment - Non-Jury - Motions Freddie Grove \$413.6.a.2 - TWO SIGNS TO EXTEND ABOVE Record of proceedings filed in the Circuit LOCATION: Corner of Southwe May 22, 1987. April 23, 1987 Side of I-695 and Northwest Sac of B & O Railroad (3901 Washin Assistant Clerk Typist THIS IS TO CERTIFY, that the annexed advertisement was ROOF LINE Phyllis Cole Friedman, Esq. Ct. for Baltimore County ton Boulevard)
DATE AND TIME: Monday, Augus Peter Max Zimmerman, Esq. 8/5/86 - Z.C. GRANTED VARIANCE W/RESTRICTIONS published in THE JEFFERSONIAN, a weekly newspaper printed Hearing held in Circuit Court (J. William 4, 1986, at 10:15 a.m. PUBLIC HEARING: Room 10 July 23 Board of Appeals of Balto Co. County Office Building, 111 V Chesapeake Avenue, Towson Hinkel) ASSIGNED FOR: TUESDAY, FEBRUARY 24, 1987 at 10 a.m. and published in Towson, Baltimore County, Md., appearing on C.B. of A. REVERSED; case remanded "with Gail M. Sterns, Esq. cc: Phyllis Cole Friedman, Esq. The Zoning Commissioner of Balti-more County, by authority of the Zon-August 7 direction to the Board to deny the Petition ____July_17___, 19__86 Appellant/People's Counsel Howard S. Klein, Esq. Peter Max Zimmermann, Esq. ing Act and Regulations of Baltimore County, will hold a public hearing. Petition for Zoning Variance to per-mit two ages to extend above the roof for Zoning VAriance." (Judge JWH) Mr. Joseph Rudick Appellee/Petitioner Order of the Board DENYING variance in une of the building

Being the property of Joseph R. Ru-Howard S. Klein, Esquire Sept 17 THE JEFFERSONIAN, Counsel for Appellee/Tenant accordance with remand and direction of dick, as shown on plat plan filed with Mr. Bernard Reiss In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner Circuit Court. Appellee/Tenant Norman E. Gerber James Hoswell 🗸 NON JURY - 870G 1038 - IN THE MATTER OF THE APPLICATION OF JOSEPH R. HUDICK LT AL will, however, entertain any request for a stay of the issuance of said permit Arnold Jablon during this period for good cause shown. Such request murt be received in writing by the date of the hearing so Jean M. H. Jung HEARING DATE: Cost of Advertising Thursday, July 23, 1987, @ 9:30 a.m. bove or made at the houring. By Order Of ARNOLD JABLON, Zoning Commissioner of Baltimore County James E. Dyer ON THE FOLLOWING: Appeal: 15 to 30 minutes Margaret E. duBois Please see the below notations. UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not Kathi C. Weidenhammer Administrative Secretary If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. <u>POSTPONEMENTS PRIOR TO 15 DAYS OF TRIAL</u> should be directed to the attention of Jobi Adams. <u>POSTPONEMENTS WITHIN 15 DAYS OF TRIAL</u> must be made to the attention of the Director of Central Assignments – Joyce Grimm – 494-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put

on the record if no order of satisfaction is filed prior to trial.

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et en la companya de la companya de

RE: PETITION FOR VARIANCE Corner of SW/S of I-695 & NW/S of B & O RR (390) Washington Blvd.)

13th District

OF BALTIMORE COUZONING OFFICE

JOSEPH R. RUDICK, Petitioner : Case No. 87-35-A

NOTICE OF APPEAL

::::::

Please note an appeal from your decision in the above-captioned matter, under date of August 5, 1986, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

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

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

I HEREBY CERTIFY that on this 28th day of August, 1986, a copy of the foregoing Notice of Appeal was mailed to Gail M. Stern, Esquire, and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard St., Baltimore, MD 21202, Attorneys for Petitioner.

Peter Max Zimmerman

Gail M. Stern, Esquire Howard S. Klein, Esquire 300 East Lombard Street Baltimore, Maryland 21202

June 27, 1986

NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE Cor. of SW/S of I-695 and NW/S of B & O RR (3901 Washington Blvd.) 13th Election District Joseph R. Rudick - Petitioner Case No. 87-35-A

10:15 a.m. TIME: Monday, August 4, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

of Baltimore County

AJ:med

cc: Mr. Joseph R. Rudick Mr. Bernard Reiss, Sealy of Maryland and Virginia, Inc. 3901 Washington Boulevard Baltimore, Maryland 21227

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

61-615-000

AMOUNT \$ 100.00

1) union co

d 8080*****130, Cta 110aF

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONII
TOWSON, MARYLAND 21204 OFFICE OF PLANNING & ZONING

ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COM/AISSIONER

July 29, 1986

Gail M. Stern, Esquire Roward S. Xleir . Esquire 300 East Lombard Street Baltimore, Maryland 21202

> RE: PETITION FOR ZONING VARIANCE Cor. of SW/S of I-695 and NW/S of B & O RR (3901 Washington Blvd.) 13th Election District Joseph R. Rudick - Petitioner Case No. 87-35-A

Dear Ms. Stern and Mr. Klein:

This is to advise you that \$74.00 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

Sincerely.

AJ:med

MISCELLANEOUS CASH RECEIPT Zoning Commissioner RECEIVED FRANCE Elizabeth advo voles. 37-35.4

B | B124******7400:a 3075

VALIDATION OR SIGNATURE OF CASHIER

No. 025832

In the matter of Joseph R. Rudick

IN THE CIRCUIT COURT

Phyllis C. Friedman, People's Counsel for Balto. Co. BALTIMORE COUNTY

RECEIVED

NOTICE OF FILING OF RECORD

June Holmen Mail Stop 2205 Phyllis Cole Friedman Peter Max Zimmerman Mail Stop 2206

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on

FILED APR2 3 1987

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

September 2, 1986

Mr. Joseph R. Rudick 3901 Washington Boulevard Baltimore, Maryland 21227 Howard S. Klein, Esquire Frank, Bernstein, Conaway &

Mr. Bernard Reiss President, Sealy of Maryland and Virginia, Inc. 3901 Washington Boulevard Baltimore, Maryland 21227

300 East Lombard Street Baltimore, Maryland 21202 RE: PETITION FOR ZONING VARIANCE

Cor. of SW/S of I-695 and NW/S of B & O RR (3901 Washington Blvd.) 13th Election District Joseph R. Rudick - Petitioner Case No. 87-35-A

Gentlemen:

Go1dman

Please be advised that on August 28, 1986, an appeal was filed by Appellant, People's Counsel for Baltimore County, from the decision rendered by me in the above-captioned matter.

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

Very truly yours,

Zoning Commissioner

No. 021634 AJ:med

ccs: Phyllis Cole Friedman, Esquire Peter Max Zimmerman, Esquire Office of People's Counsel for Baltimore County

Baltimore County Board of Appeals

SILBERMANN & ASSOCIATES, INC Engineers • Planners • Surveyors

1703 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234 (301) 661-5888 APRIL 24,1986

DESCRIPTION OF A PARCEL OF LAND OWNED BY THE MARYLAND BEDDING COMPANY , KNOWN AS #3901 WASHINGTON BOULEVARD, BALTIMORE COUNTY .MARYLAND.

BEGINNING FOR THE SAME AT A POINT OF INTERSECTION OF THE NORTHWESTERN RIGHT OF WAY OF THE BALTIMORE AND OHIO RAILROAD WITH THE WEST RIGHT OF WAY LINE OF THE BALTIMORE COUNTY BELTWAY; SAID PLACE OF BEGINNING BEING ALSO SOUTH 50° 28' 30" WEST 350 FEET FROM THE INTERSECTION OF THE CENTERLINE OF THE BRIDGE AND TRACKS OF THE BALTIMORE AND OHIO RAILROAD AND THE CENTERLINE OF THE BALTIMORE COUNTY BELTWAY AT THE SAID BRIDGE;

THENCE, RUNNING AND BINDING ALONG THE NORTHWESTERN RIGHT OF WAY OF THE BALTIMORE AND OHIO RAILROAD FOR THE THREE FOLLOWING COURSES AND DISTANCES:

> 1. SOUTH 41° 08' 53" WEST 125.26 FEET 2. SOUTH 54° 31' 27" WEST 199.78 FEET

3. SOUTH 46° 53' 47" WEST 44.71 FEET THENCE , AROUND THE PROPERTY :

4. SOUTH 88° 43' 00" WEST 214.43 FEET 5. NORTH 00° 11' 12" WEST 379.61 FEET

6. NORTHEASTERLY, WITH THE ARC OF 38.05 FEET AND A RADIUS OF 50.00 FEET ALONG THE CUL-DE-SAC AT THE END OF A FIFTY FOOT WIDE EASEMENT:

7. NORTH 90° 11' 12" WEST 86.60 FEET

8. CURVE TO THEAWITH A RADIUS OF 264.06 FEET AND AN ARC LENGTH OF 41.47 FEET

9. NORTH 09° 11' 00 " WEST 182.17 FEET 10. BY A CURVE TO THE RICHT WITH A RADIUS OF 300.00 FEET AND AN ARC LENGTH OF 19.52 FEET

11. NORTH 89° 48' 48" FAST 457.46 FEET

TO THE SOUTHWESTERN RIGHT OF WAY OF THE BALTIMORE COUNTY BELTWAY; THENCE . RUNNING AND BINDING ON THE SAID SOUTHWESTERN AND WESTERN RIGHT OF WAY OF THE SAID BALTIMORE COUNTY BELTWAY;

APRIL 24,1986

DESCRIPTION OF 7,501 ACRE TRACT

SILBERMANN & ASSOCIATES, INC. Engineers • Planners • Surveyors

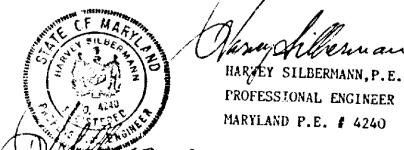
12. SOUTH 18° 18' 08" EAST 194.37 FEET 13. SOUTH 17° 39' 54" WEST 15.69 FEET

TO THE PLACE OF BEGINNING.

CONTAINING 7.501 ACRES , MORE OR LESS.

IN LIBER 4692, FOLIO 258. THE TRACT IS DEFINED IN THE FOLLOWING THREE DEEDS: 1. LIBER 4469 FOLIO 271 -MARC -JEFF INC. TO RUDICK REALTY , INC. 7.250 ACRES , MORE OR LESS;

3. LIBER 5050 FOLIO 251 - JOSEPH R. RUDICK & RUTH S. RUDICK, HIS WIFE, TO GUNTHER R. BORRIS, TRUSTEE ET AL. - 0.246 ACRES ,MORE OR LESS.



RE: PETITION FOR VARIANCE Corner of SW/S of I-695 & NW/S of B & O RR

: ELFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

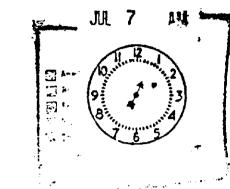
JOSEPH R. RUDICK, Petitioner : Case No. 87-35-A

(3901 Washington Blvd.)

13th District

::::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel 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 People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 3rd day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Gail M. Stern, Esquire, and Howard S. Klein, Esquire, Frank, Bernstein, Conaway & Goldman, 300 E. Lombard Street, Baltimore, MD 21202, Attorneys for Petitioner.

Peter Max Zimmerman

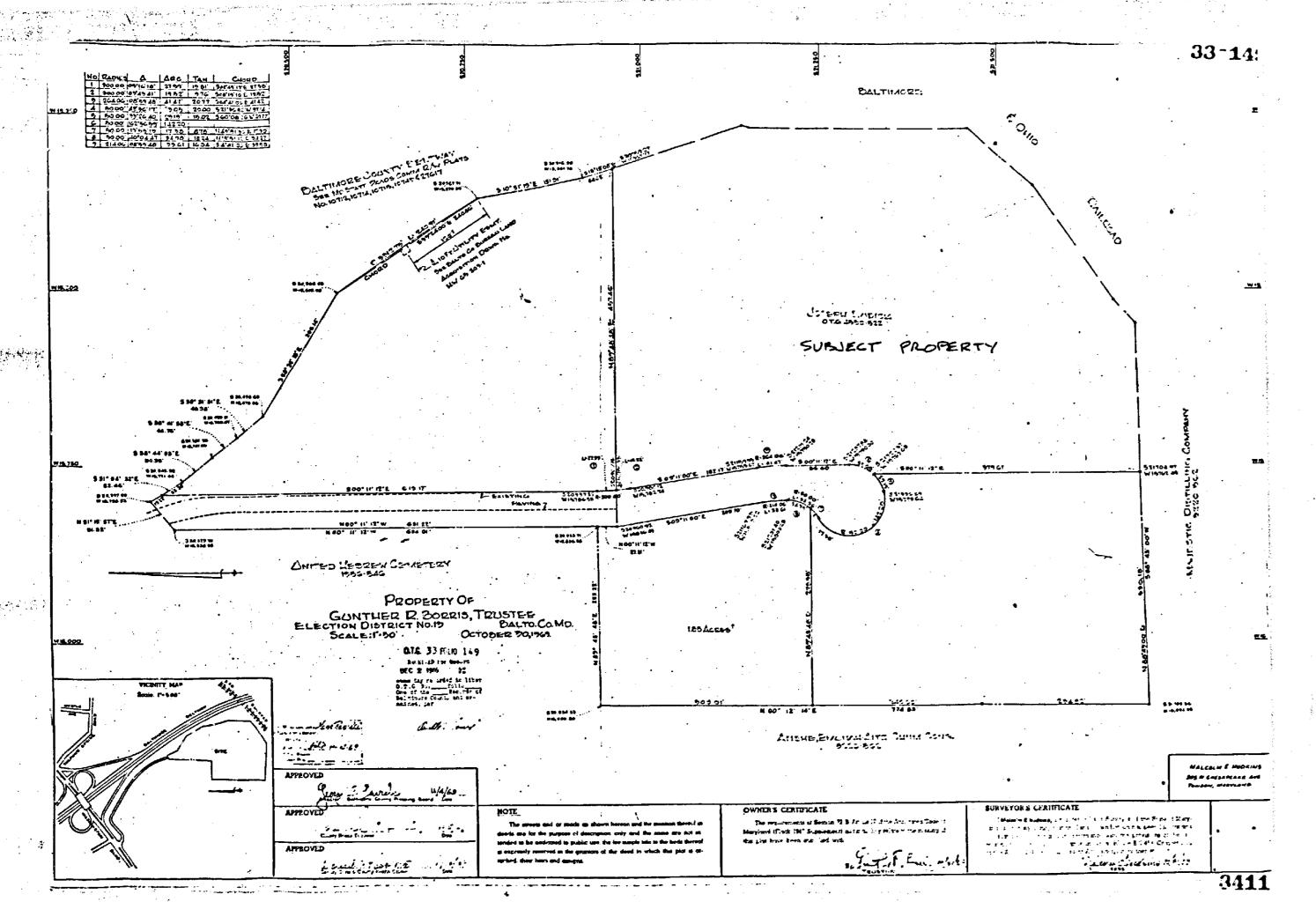
3901 WASHING O QVD.

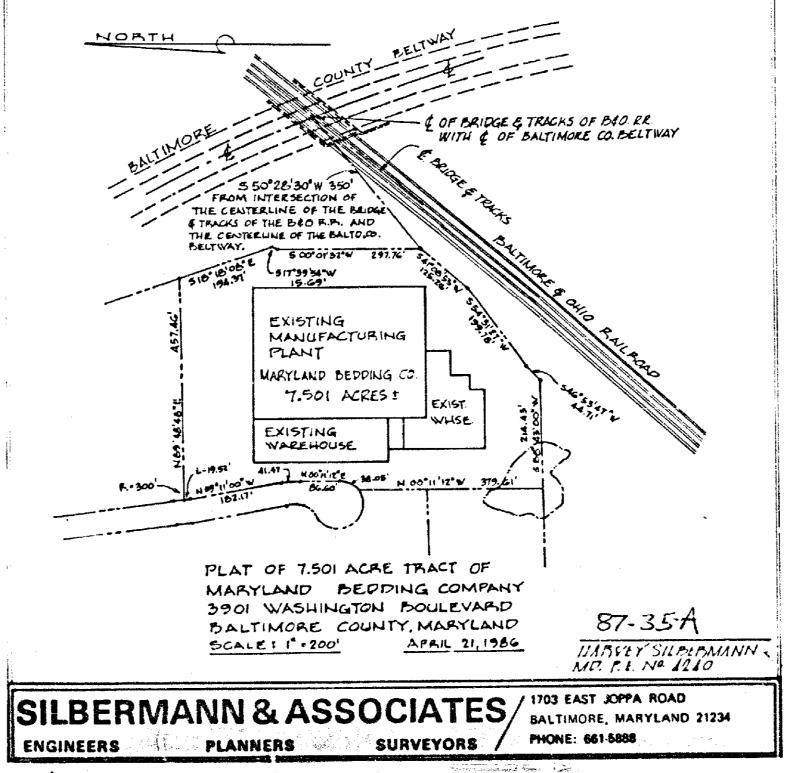
1703 EAST JOPPA ROAD BALTIMORE, MARYLAND 21234 (301) 661-5888

14. SOUTH 00° 01' 32" WEST 297.76 FEET

BEING THE SOUTHEASTERN PART OF THE ENTIRE TRACT DESCRIBED IN A DEED FROM MARC-JEFF INC., A BODY CORPORATE OF THE STATE OF MARYLAND, TO GUNTHER R. BORRIS, TRUSTEE , DATED SEPTEMBER 1,1966. AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY

2. LIBER 4603 FOLIO 143 -BALTINCRE & OHIO RAILROAD TO JOSEPH R.RUDICK - 0.501 ACRES, MORE OR LESS.





CERTIFICATE OF POSTING CONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 13 th	Date of Posting July 5, 1986
Posted for: Lanance	
Location of property: Cot. of 511/5 of 1-695	
Location of property: Cov. of 511/5 of 1-695	and Rolls of Para RP
(3901 Washington Blod.	
Location of Signs: Location sign - S/E of accepts of subject sundang Remarks:	ornsuet access real-granuft
Logaranew sign E/s of access re	od approl 175 Sien III Ven
	9
Posted by S. J. Wata	Date of return: July 8, 1956
Number of Signe:	J. J
	

