PETITION FOR SPECIAL EXCEPTION + SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the

outdoor advertising sign (existing) and herein described property for \_an\_ a determination that an outdoor advertising sign may be granted by a special exception in a BR-IM zone via S. 413.3 (B.C.Z.R.)

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

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

503

PERMANENT EASEMENT OWNER:  XXWXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Legal Owner(s): Shoney's, Inc. (Type on Print Name)	MAP <u>NW 2F</u> 2B
(Type or Print Name)	Signature Project Manager	DATE 2-10-16
Signature	, /	
10 Parks Ave.  Address Timonium, Maryland 21093	(Type or Print Name)	200 <u>&amp; F.</u> 1000 <u>B F.</u>
City and State TEL: 666-0020 Attorney for Petitioner:	Signature	N-5,220 W-35,380
Teresa A. Bryce (Type or Print Name)	Address Phone No.	
Signature Signature	City and State	
36 S. Charles St., 13th Floor	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
Baltimore, Maryland 21201 City and State	Russell L. Rhodes  Name 8411 Baymeadows Way, Suite 4  Lacksonville, FL 32216 (904)	_733-1107

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_13th\_\_\_\_\_ day of \_\_\_\_August\_\_\_\_, 19\_87\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the \_\_\_\_\_ day of \_\_September\_\_\_\_, 19\_87\_, at 10:00 o'clock

ESTIMATED LENGTH OF HEARING ( -1/2HR.) AVAILABLE FOR HEARING-MON./TUES./WED. - NEXT TWO MONTH'S

Attorney's Telephone No.: \_\_\_576-1819\_\_\_\_

Special Exception requires reference back to Section 413.3 which affords regulations for the requested "Sign-Outdoor Movertising".

Therefore, the Petitioners can proceed, pursuant to Section 236.4 (B.C.Z.R.). The expert testimony presented seems to fulfill the requirements to Section 502.1 (B.C.Z.R.).

Pursuant to the advertisement, posting of the property and the public hear on the Petition and it appearing that by reason of the satisfying of 502.1 of the B.C.Z.R., the Petitioner should be granted the relief in the Petition for Special Exception.

From the evidence and the testimony, it appears that the strict compliance with the zoning regulations for Baltimore County would result in a practical difficulty for the Petitioner. There will be no increase in density and the sign for the "Hilltop Inn" is in strict harmony with the spirit and intent of the zoning regulations. There is no harm to the public health, safety and/or general welfare.

Pursuant to the advertising, posting of the property and the public hearing on this Petition held, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County 3/Stay of December, 1987 that the outdoor advertising sign that rrently exists for the Hilltop Ian which is the subject of the Petition for

> 1. To permit an existing outdoor advertising sign to be within 25 feet of the right of way of a controlled access-type highway in lieu of the required 250 feet and within 25 feet of the right-of-way of a dual lane highway in lieu of the required 100 feet per section 413.3b.

TO THE ZONING COMMISSIONER OF BAUTIMORE COUNTY:

The undersigned, legal owner(s) of the proper's situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section \_ 413.3.b to permit an outdoor advertising sign to front on, face on, and be within 25 ft. of a controlled access-type highway in lieu of the required 250 ft. setback. and 413.3.0 (238.1) to be located within 25 ft. of a front street property line in lieu of the required 50 ft. setback. and within 23 ft. of a street property line in lieu of the required 25 ft. setback. and 413.3.d to be located within 23 ft. of a street intersection involving a dual highway in lieu of the required 100 ft. distance. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1) Sign is already constructed and existing due to an exsement granted by a previous owner in 1968. A requirement to alter the sign could create legal problems for Shoney's, Inc.

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. PERMANENT EASEMENT OWNER: Legal Owner(s): Shoney's, Inc. Whitehead Court Realty and Co. (Type or Print Name) (Type or Print Name) Frozer Manager 10 Parks Ave. Timonium, Maryland 21093 City and State Attorney for Petitioner Teresa A. Bryce (Type or Print Name) Deresa a. Bryce 36 S. Charles St., 13th Floor Name, address and phone number of legal owner, contract purchaser or representative to be contacted Russell L. Rhodes Baltimore, Maryland 21201 City and State Name 8411 Baymeadows Way, Suite 4 Jacksonville, FL 32216 (904) 733-1107 Attorney's Telephone No.: 576-1819 ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_13th\_\_\_\_\_ day of \_\_\_August\_\_\_\_\_, 19\_87\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore day of \_\_\_September

ESTIMATED LENGTH OF HEARING ( -1/2HR.) AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
OTHER

2. To permit an existing outdoor advertising sign with a front yard setback of 25 feet in lieu of 50 feet on a dual 1 and, a front yard setback of 23' in lieu of 25' per

3. To permit an existing outdoor advertising sign to be located 25 feet from a street intersection involving a dual lane highway in lieu of the required 100 feet per Section

be and is hereby GRANTED, from and after the date of this Order.

FOR BALTIMORE COUNTY

cc: Peoples Counsel cc: Teresa A. Bryce, Attorney

REVIEWED BY: um DATE 6/3

96-116-XEPNA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

been received and accepted for filing this:

IN RE: PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES SW/cor. Whitehead Court and Security Boulevard (1658 Whitehead Court) 1st Elec. 2nd Councilmanic Shoney's, Inc., et al Petitioners

ZONING COMMISSIONER OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a Petition for Special Exception to permit an outdoor advertising sign and to determine that the outdoor advertising sign may be granted by special exception in a B.R-I.M. zone, and a Petition for Zoning Variances for the following:

> 1. To permit an existing outdoor advertising sign to be within 25 feet of the right of way of a controlled access-type highway in lieu of the required 250 feet and within 25 feet of the right-of-way of a dual lane highway in lieu of the required 100 feet per section 413.3b.

2. To permit an existing outdoor advertising sign with a front yard setback of 25 feet in lieu of 50 feet on a dual 1 and, a front yard setback of 23' in lieu of 25' per Section 413.3c.

3. To permit an existing outdoor advertising sign to be located 25 feet from a street intersection involving a dual lane highway in lieu of the required 100 feet per Section

refall of which are also more particularly described on Petitioner's Exhibit 1. Petitioner was present and represented by counsel. Petitioner and Petitioner's engineer testified on his behalf. There were no Protestants.

Testimony indicates that the Petitioner wishes to maintain an outdoor advertising sign in the B.R.-I.M. zone for the Hilltop Inn as described in detail "B" on Petitioner's Exhibit 1. Testimony indicates that the property on which the sign was originally constructed, was once owned by the Petitioner's predecessor in title, however, the property has been sold during the last few years. The Petitioner indicated that the sign has been maintained in exactly the same form and location for, at least, the past 25 years. That the sign is being proposed to be maintained at the same location and in the same manner as in the past.

The Petilioner is seeking several variances in reference to the existing outdoor advertising sign. All the variances relate to the sign's actual placement on the same location, but results from the change in ownership of the particular parcel on which the sign actually exists at this time. From the outset of the hearing on this matter, there was a great deal of confusion as to the exact nature of the Petitioner's request. The Petition states a "Petition for Special Exception and Special Hearing". During questioning by the Zoning Commissioner, the Petitioner could not clearly state the purpose of the Special Hearing.

Attorney for the Petitioner moved to dismiss the Petition for Special Hearing and the motion was accepted. The hearing then continued on the issue of a Special Exception for an outdoor advertising sign in the B.R.-I.M. zone. Section 413.3 Section 413.3 (B.C.Z.R.) is very limited in scope. NB.C.Z.R.) allows an "Outdoor Advertising Sign. . . " only in the B.L., B.M., L., and M.H. Zones as Special Exception." Therefore, outdoor advertising igns are not permitted in any other zone, including the B.R.-I.M. zone.

If this were the end of the story, then the Petition for Special Exception would have to be denied because there are no permitted "Outdoor Advertising Signs" allowed in the B.R.-I.M. zone. Arguably, the Petitioner's dismissal of the Petition for Special Hearing closed that avenue of correction of this matter. However, the Petitioner can be saved by the fact that Section 236.4(B.C.Z.R.) allows "Signs-Outdoor Advertising" as a Special Exception. The

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. **ENGINEERS** 303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany a Petition for a Zoning Variance and Special Exception.

RE: Shoney's 1658 Whitehead Court

direction: 1) South 05° 27' 21" West, 15.93 feet:,

Point of beginning being located at the intersection of the south side of

Security Boulevard with the west side of Whitshead Court thence running in a clockwise

2) southwesterly by a curve to the left having a radius of 380.00 feets and a length of 6.67 feett, 3) North 84° 32' 39" West, 36.73 feett,

4) North 05° 27' 21" East, 26.00 feett,

5) South 84° 32' 39" East, 36.64 feet; and

6) southwesterly by a curve to the right having a radius of 25.00 feet and a length of 3.41 feet to the place of beginning.

Containing 0.022 acres of land more or less.

Being the same piece of land described in a deed dated January 5, 1968 and recorded in the Land Records of Baltimore County, Maryland as Liber 4868, Page

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



Juna 5, 1987

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines



Dennis F. Rasmussen

December 31,1987

Teresa A. Bryce, Attorney 13th floor, 36 South Charles St. Baltimore, Maryland 21201

Re: Petition for Zoning Variance, etc. Case No. 88-116XSPNA Shoney's, Inc., Petitioners

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for Zoning Variance, Special Hearing and Special Exception has been Granted.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,,

ZONING COMMISSIONER

JRH:man enclosure (2)

Baltimore County Fire Department 494-4500 Paul H. Reincke Chief Mr. Armold Jablon Zoning Commissioner Towson, MD 21204 to be corrected or incorporated into the final plans for the property,

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 2120

Bureau of

Department of

Bureau of Fire Prevention

Project P

Building

Board of

Zoning Age

Industrial

Development

Health Department

State Roads Commissio

Towson, Maryland 21204-2586 June 18, 1987 Office of Planning and Zoning Baltimore County Office Building Re: Property Owner: Shoney's, Inc. Dennis F. Rasmussen Location: SW/C Security Blvd., and Whitehead Court Zoning Agenda: Meeting of 6/16/87 Item No.: 503

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

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code." 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Teresa A. Bryce, Esquire

Paltimore, Maryland 21201

Dear Ms. Bryce:

36 S. Charles Street, 13th Floor

ability of the requested zoning.

scheduled accordingly.

September 16, 1987

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 suit-

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

RE: Item No. 503 - Case No. 88-116-XSPHA

Hearing and Special Exception

Zoning Plans Advisory Committee

Petitioner: Shoney's, Inc., et al

Petitions for Zoning Variance, Special

RICHARD H. TRAINOR Secretary HAL KASSOFF Administrator

June 29, 1987

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

ITEM: #503. Property Owner: Shoney's Inc. Location: SW/C Security Blvd and Whitehead Court Existing Zoning: B.R. - IM
Proposed Zoning: Special
Exception and Special Hearing for
an outdoor advertising sign (existing) and a determination that an outdoor advertising sign may be granted by a special exception in a B.R. - IM zone and a Variance to permit an outdoor advertising sign to front on, face on, and be within 25 feet of a controlled access-type highway in lieu of the required 250 foot setback and to be located within foot setback and within 23 feet of a street property line in lieu 100 feet Area: 0.022 acres District: 1st Election District

Dear Mr. Jablon:

On review of the submittal for variance of a business sign, the submittal has been forwarded to the State Highway



Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toil Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Maryland Department of Transportation State Highway Administration

Re: ZAC Meeting of 6-16-87 Attention: Mr. James Dyer

25 feet of a front street property line in lieu of the required 50 of the required 25 foot setback and to be located within 23 feet of a street intersection involving a dual highway in lieu of the required

My telephone number is (301) 333-135ZONING OFFICE

00

Mr. A. Jablon

Administration Beautification Section, s/o Morris Stein (333-1642) for all comments relative to zoning.

Very truly yours,

Circles Lee - J. M.

Charles Lee, Chief

By: George Wittman

Access Permits

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Potitioner: Shorey's Mc: et al.

Location of property: Stylea: Whitehead Ct: and Security Rhed:

[1685 Whilehead Ct:)

Location of Signer West side of Whitehead Ct. approprie 160 South

of Security Blod.

St. Special Exception, Special Hearing, Variances

Bureau of Engineering

Page -2-June 29, 1987

CL:GW:maw

cc: Mr. J. Ogle

Mr. M. Stein (w-attachment)

**a** 0

88-116- XSPHA

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER PETITION FOR SPECIAL HEARING PETITION FOR VARIANCES OF BALTIMORE COUNTY SW Corner of Whitehead CT. and Security Blvd. (1658 Whitehead : Case No. 88-116-XSP4A Ct.), 1st District

SHONEY'S, INC., et al., Petitioners :::::::

ENTRY OF APPEARANCE

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

> Phyllic Cole Fredoman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 923, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 31st day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to lerge A. Bryce, Esquire, 36 S. Charles St., 13th Floor, Baltimore, MD 21201, Attorney for Petitioners.

Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner Norman E. Gerber, AICP

FROM Director of Planning and Zoning

SUBJECT Zoning Petition 88-116-XSPHA

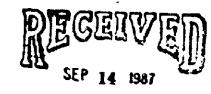
This office is opposed to the granting of the subject request. Such a sign is not, in our opinion, necessary for directional purposes, and from our experience, reader boards tend to distract and cause attention problems for drivers. Further, this office is opposed to the posting of additional signage that would be visible along the interstate highway system.

Norman E. Gerber, AICP

September 3, 1987

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



ZONING OFFICE

00

CPS-008

BALTIMORE CUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 J. ROBERT HAINES ZONING COMMISSIONER September 15, 1987

Teresa A. Bryce, Esquire 13th Floor 36 South Charles Street Baltimore, Maryland 21201

> RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES SW/cor. Whitehead Ct. and Security Blvd. (1658 Whitehead Ct.) 1st Election District - 2nd Councilmanic District Shoney's, Inc., et al - Petitioners Case No. 88-116-XSPHA

Dear Ms. Bryce:

This is to advise you that \$125.26 is due for advertising and posting of the above property. This fee must be paid before an \_\_is due for advertising

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

MISCELLANEOUS CASH RECEIPT

OFFICE OF FINANCE - REVENUE DIVISION

Sincerely, k. Robert Haines J. ROBERT HAINES Zoning Commissioner

MAM RETURNED AMOUNT \$ 125.26 Shoney's, 1727 Lim Hill Pike, Nashville, ADVERTISING & POSTING COSTS RE CASE 188-115-XSITIA

8 8025\*\*\*\*\*12526:4 823

JED:kkb Enclosures 303 Allegheny Avenue Towson, Maryland 21204 00

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND

1st Election District - 2nd Councilmanic District Case No. 88-116-XSPHA

LOCATION:

Southwest Corner of Whitehead Court and Security Boulevard (1658 Whitehead Court)

DATE AND TIME: Wednesday, September 23, 1987, at 10:00 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

sign may be granted by a special exception in a B.R.-I.M. Zone

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

Petition for Special Exception for an outdoor advertising sign (existing) Petition for Special Hearing to determine whether or not an outdoor advertising

Petition for Zoning Variances to permit an outdoor advertising sign to front on, face on, and be within 25 feet of a controlled access-type highway in lieu of the required 250 feet setback and to be located within 25 feet of a front steet property line in lieu of the required 50 foot setback, and within 23 feet of a street property line in lieu of the required 25 feet setback and to be located within 23 feet of a street intersection involving a dual highway in lieu of the required 100 foot distance

Being the property of Shoney's. Inc., et al plan filed with the Zoning Office. . as shown on plat

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 will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 37896

