

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NW/8 Eastern Avenue, 143' NE of the C/1 of Rolling Mill Road (7900 Eastern Avenue) 15th Election District 7th Councilmanic District The Park Circle Motor Co. - Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-386-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the erection of a multi-faced illuminated identification sign, pursuant to Section 413.2e of the Baltimore County Zoning Regulations (B.C.Z.R.), of 150 sq.ft., not including the base or support area, for an integrated group of buildings, and if said identification sign is not approved, variances to permit an identification sign, pursuant to Section 413.2f, to have a total sign area of 384.4 sq.ft. (192.2 sq.ft. per side) in lieu of the maximum permitted 100 sq.ft. total for both sides; or in the alternative, to permit a multi-faced illuminated identification sign pursuant to Section 413.2e of 192.2 sq.ft. per side in lieu of the maximum permitted 150 sq.ft. per side, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by R. L. Giroux, Manager, appeared, testified, and was represented by Eugene Smith, Esquire. Also appearing on behalf of the Petition was Bert Sommer with Triangle Signs. Mary Ginn for the Alliance of Baltimore County Community Councils (ABCs) appeared and testified as a Protestant.

Testimony indicated that the subject property, zoned B.M.-C.S.A., consists of 5.84 acres and is located in the 7900 Block of Eastern Avenue. The subject property consists of an integrated group of commercial buildings. Specifically, there are two buildings on the subject property, the first an existing retail sales and service building, and the second a used car sales building. The Petitioner, by its Counsel, initially argued that the proposed sign as de-

icted on Petitioner's Exhibit 1 should be permitted as a matter of right pursuant to Section 413.2e of the B.C.Z.R. Petitioner's attorney argued that the Zoning Office has improperly calculated the size of the sign by including the support frame for the size in its computation of the square footage. Petitioner's attorney further argued that if only the face of the sign was counted, the sign would be 150 sq.ft. per side. He argued that in this instance, a 150 sq.ft. sign was permitted pursuant to Section 413.2e of the B.C.Z.R. due to the fact that there is an integrated group of commercial buildings on the property. Specifically, there is the used car sales building and the retail sales building with the attached service area.

The Petitioner's request that the proposed sign be approved as an identification sign, not exceeding 150 sq.ft. in area, for an integrated group of buildings must be denied. In the opinion of the Deputy Zoning Commissioner, the computing of the base or support area of the sign must be included, pursuant to Policy SI-18. Thus the proposed sign consists of 192.2 sq.ft. per side and as such, this size is larger than minimum structural requirements for containing or supporting the sign. There was no testimony presented by the Petitioner that the double-based frame and support was necessary for supporting the sign. In addition, the testimony presented did not meet the criteria set forth in Policy SI-1C which requires a minimum of three separate and distinct commercial buildings. Therefore, we must examine the Petitioner's request for variances pursuant to Section 413.2f.

The Petitioner contends that the variances are needed due to the location of the property, the terrain, the speed limit along Eastern Avenue and the development of the surrounding properties. Petitioner's testimony was very detailed and clear as to the existing site conditions and the practical difficulty and unreasonable hardship it would suffer if strict compliance was required.

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a multi-faced illuminated identification sign of 150 sq.ft. not including the base or support area for identification of the Legum Chevrolet and Nissan Auto-Mobile Dealership, situate in Baltimore County, Maryland, as permitted under Section 413.2e, same being an identification sign, not exceeding 150 feet in area, for an integrated group of buildings.

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

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

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

Legal Owner(s): THE PARK CIRCLE MOTOR COMPANY (Type or Print Name) BY: Jeffrey A. Legum (Signature) DATE: 12/10/87 (DATE) 253-27 BF (ADDRESS) Jeffrey A. Legum, Vice President (Type or Print Name) Signature Address City and State

Attorney for Petitioner: Eugene P. Smith (Type or Print Name) Signature Address City and State

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

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1988, 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 30th day of March, 1988, at 2 o'clock P.M.

J. Robert Hines
Zoning Commissioner of Baltimore County.

The property is not far from I-695 and I-95. Further, Petitioner introduced numerous pictures marked Petitioner's Exhibits 3A through 3H which depict the area and support their request for the need of a variance, although not as large as requested.

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

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

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variances were granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

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

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2f, to allow the erection of a multi-faced illuminated identification sign of 384.4 sq. ft. (192.2 sq. ft. per side) in lieu of the allowed 100 sq. ft. total for both sides, or in the alternative section 413.2e to permit a 192.2 sq. ft. multi-faced, illuminated identification sign in lieu of the allowed 150 sq. ft.

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. 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. 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.

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Legal Owner(s): THE PARK CIRCLE MOTOR COMPANY (Type or Print Name) BY: Jeffrey A. Legum (Signature) DATE: 12/10/87 (DATE) 253-27 BF (ADDRESS) Jeffrey A. Legum, Vice President (Type or Print Name) Signature Address City and State

Attorney for Petitioner: Eugene P. Smith (Type or Print Name) Signature Address City and State

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

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of January, 1988, 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 30th day of March, 1988, at 2 o'clock P.M.

J. Robert Hines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING 1 1/2 HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS (over) ALL OTHER DATE 12/10/87 REVIEWED BY: JCR

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of May, 1988 that the Petition for Special Hearing to approve the erection of a multi-faced illuminated identification sign of 150 sq.ft., not including the base or support area, for an integrated group of buildings, and a variance to permit a multi-faced illuminated identification sign of 192.2 sq.ft. in lieu of the maximum permitted 150 sq.ft. per side, be and are hereby DENIED; and,

IT IS FURTHER ORDERED that a variance to permit a multi-faced illuminated identification sign of 276 sq.ft. (counting both sides) be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The face of the permitted sign shall not exceed 100 sq.ft. per side, with the supporting frame not exceeding 38 sq.ft. per side.
- 3) The sign shall be similar to that set forth in Petitioner's Exhibit 1.
- 4) The Petitioner shall submit for approval by the Zoning Office a revised drawing of the permitted sign prior to the issuance of any permits.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

KIDDE CONSULTANTS, INC.

DESCRIPTION
0.011 ACRE + PARCEL
PROPERTY OF LEGUM CHEVROLET
WEST SIDE OF EASTERN AVENUE
NORTH OF ROLLING MILL ROAD
ELECTION DISTRICT 15
BALTIMORE COUNTY, MARYLAND

This description is for a Sign Variance in a "BM-CSA" zone. BEGINNING FOR THE SAME at a point on the West side of Eastern Avenue, said point of beginning being North 70 degrees 13 minutes 20 seconds East 143 feet, more or less from the centerline of Rolling Mill Road where said centerline of Rolling Mill Road intersects the West right of way line of Eastern Avenue, thence the three following courses and distances (1) North 29 degrees 46 minutes 40 seconds West 25.00 feet, (2) North 70 degrees 13 minutes 20 seconds East 20.00 feet, (3) South 29 degrees 46 minutes 40 seconds East 25.00 feet to intersect the said West right of way line of Eastern Avenue, thence binding on said line (4) South 70 degrees 13 minutes 20 seconds West 20.00 feet to the place of beginning. CONTAINING 500 square feet of land, more or less, or 0.011 acres of land, more or less.

RLS/pok KCI Job Order No. 01-66348 October 8, 1987



RECEIVED
MAY 8 1988
ZONING OFFICE

RE: PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES OF BALTIMORE COUNTY
NW/S Eastern Ave., 143' NE C/L
Rolling Mill Rd. (7900 Eastern
Ave.), 15th Election District
7th Councilmanic District
THE PARK CIRCLE MOTOR COMPANY, Case No. 88-386-SPHA
Petitioner

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
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 7th day of March, 1988, a copy of the foregoing Entry of Appearance was mailed to Eugene P. Smith, Esquire, 1400 Equitable Bank Center, 100 S. Charles St., Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS

442 Eastern Blvd.
Balto., Md. 21221

MARCH 10, 1988

THIS IS TO CERTIFY, that the annexed advertisement of
PO# 98055 REQ# M11780 TO ADVERTISE PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE, CASE# 88-386-SPHA, NW/S EASTERN AVE., 143' NE C/L ROLLING MILL RD. (7900 EASTERN AVE) 15th E.D. 7TH COUNCILMANIC DISTRICT. PETITIONER: THE PARK CIRCLE MOTOR CO. HEARING SCHEDULED: WEDNESDAY, MARCH 30, 1988 at 9:00 am
112 lines at \$61.60

was inserted in **The Avenue News** a weekly newspaper published in Baltimore County, Maryland once a week for one successive week(s) before the 11th day of March 1988; that is to say, the same was inserted in the issues of 3/10/ 1988.

The Avenue Inc.

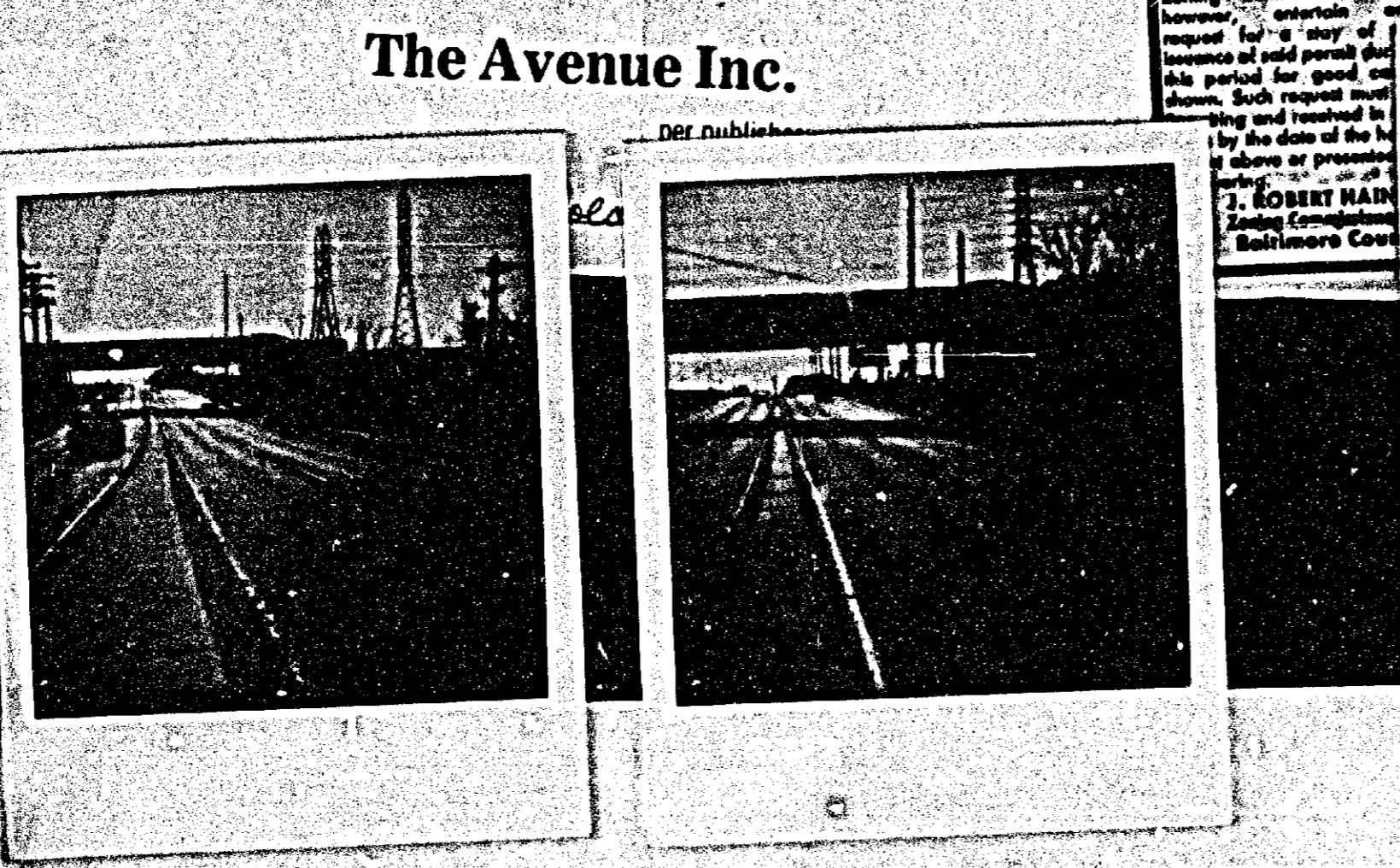
"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. March 10, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in **THE JEFFERSONIAN**, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 10, 1988.

THE JEFFERSONIAN,
Susan Suedel Obrutt
Publisher

548.75



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1521 Date of Posting: 3/12/88

Posted for: Special Hearing & Variance

Petitioner: The Park Circle Motor Company

Location of property: NW/S Eastern Ave., 143' NE C/L Rolling Mill Rd.

Location of Sign: Corner intersection of Eastern Ave. & Rolling Mill Rd., approx. 200' N. of intersection of Rolling Mill Rd. & Eastern Ave.

Remarks: 112 lines

Posted by: *M. Haines* Date of return: 3/12/88

Number of Signs: 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 3/23/88

Eugene P. Smith, Esq.
1400 Equitable Bank Center
100 South Charles Street
Baltimore, Maryland 21201

Re: Petitions for Special Hearing and Zoning Variance
Case number: 88-386-SPHA
NW/S Eastern Avenue, 143' NE c/l Rolling Mill Road
(7900 Eastern Avenue)
15th Election District - 7th Councilmanic District
Petitioner: The Park Circle Motor Company

Dear Mr. Smith:

Please be advised that \$140.35 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

FEES MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

JAN 28 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance
Case number: 88-386-SPHA
NW/S Eastern Avenue, 143' NE c/l Rolling Mill Road
(7900 Eastern Avenue)
15th Election District - 7th Councilmanic District
Petitioner: The Park Circle Motor Company
HEARING SCHEDULED: WEDNESDAY, MARCH 30, 1988 at 9:00 a.m.

Special Hearing: A multi-faced illuminated identification sign of 150 sq. ft. not including the base or supports area for identification of the Logan Chevrolet and Nissan Automobile Dealership selling new and used motor vehicles, permitted under §213.2e, same being an identification sign, not exceeding 150 feet in area, for an integrated group of buildings. Variance to allow the erection of a multi-faced illuminated identification sign of 384 sq. ft. (192 sq. ft. per side) in lieu of the allowed 150 sq. ft. total for both sides, or in the alternative, §413.2e, to permit a 192.2 sq. ft. multi-faced, illuminated identification sign in lieu of the allowed 150 sq. ft.

A permit may be issued within 10 days of the date of the hearing, however, entertainers will, however, entertain during this period for good cause shown in this office by the date of the hearing.

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 7th day of January, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: The Park Circle Motor Co. Received by: *J. Robert Haines*
Petitioner's Attorney: Eugene P. Smith, Esq. Chairman, Zoning Plans Advisory Committee

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

No. 50567

DATE: 3/30/88 ACCOUNT: 01-615-000

AMOUNT: \$ 140.35

RECEIVED BY: *Eugene P. Smith*

FOR: *Spl't Var # 223*

VALIDATION OR SIGNATURE OF CARRIER

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

No. 45776

DATE: 12/10/87 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED BY: *Logan Chevrolet*

FOR: *Spl't Var # 223*

VALIDATION OR SIGNATURE OF CARRIER

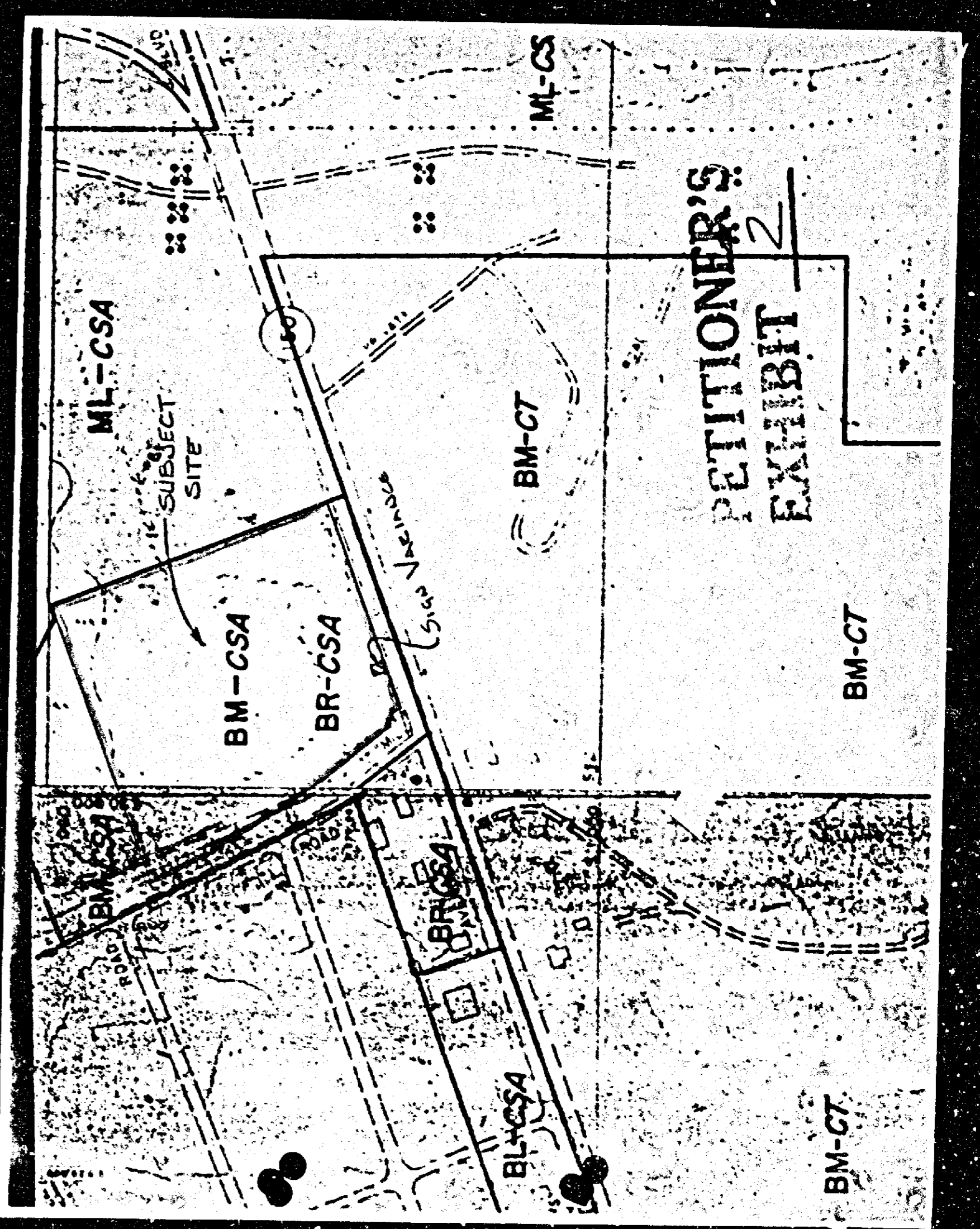


PETITIONER'S EXHIBIT 1

DATE: OCT 7 1987
SHEET: 1 OF 1

SITE PLAN
EGUM CHEVROLET
15th AVENUE BALTO. COUNTY, MARYLAND

6 PETITIONER'S EXHIBIT 1 VARIANCE TO SECTION 413.2 F. OF THE ZONING REGULATIONS TO ALLOW A BUSINESS IDENTIFICATION SIGN TO HAVE A TOTAL SIGN AREA OF 384 SQUARE FEET INSTEAD OF THE 150 SQUARE FEET ALLOWED. A VARIANCE OF 284.4 SQUARE FEET = 384 SQUARE FEET - 150 SQUARE FEET = 234 SQUARE FEET. AREA OF SITE REQUESTING THE SIGN VARIANCE EQUALS 300 SQ. FT. (ROLLING MILL RD.)



Baltimore County
Fire Department
Townson, Maryland 21204-2536
494-4500

January 11, 1988

Paul H. Rebeck
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Townson, MD 21204



Re: Property Owner: The Park Circle Motor Company

Dennis F. Raamussen
County Executive

Location: NW/S Eastern Avenue, 143' NE of c/1 of Rolling Mill Road

Item No. 223 Zoning Agenda Meeting of 12/22/87

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

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

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

Noted and Approved: *John F. O'Neill*
REVIEWER: *John F. O'Neill* 1-11-88
Planning Group Fire Prevention Bureau
Special Inspection Division

7/1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
March 16, 1988

COUNTY OFFICE HEAD
111 W. Chesapeake Ave.
Towson, Maryland 21286

Eugene P. Smith
1400 Equitable Bank Center
100 South Charles Street
Baltimore, Maryland 21201

Item No. 223 - Case No. 88-386-SPHA
Petitioner: The Park Circle Motor Co.
Petitions for Zoning Variance and
Special Hearing

Dear Mr. Smith:

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. Dier
JAMES E. DIER
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: Kilde Consultants, Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21204

SHA Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Assistant

December 28, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Townson, Maryland 21204

Re: ZAC Meeting of 12-22-87
ITEM: #223
Property Owner: The Park Circle Motor Company

Att: Mr. James Dyer



Location: NW/S Eastern Ave., Route 150, 143 feet NE of the centerline of Rolling Mill Road
Existing Zoning: B.M.-CSA
Proposed Zoning: Special Hearing to approve the erection of a multi-faceted illuminated sign of 150 square feet not including the base or supports area and for identification of the Legum Chevrolet and Nissan Dealership selling new and used motor vehicles, same being an identification sign, not exceeding 150 feet in area for an integrated group of buildings and a variance to allow the erection of a multi-faceted illuminated identification sign of 384.4 sq. ft. (192.2 sq. ft. each side) in lieu of the allowed 100 sq. ft. total for both sides, or in the alternative to permit a 192.2 sq. ft. multi-faceted illuminated identification sign in lieu of the allowed 150 sq. ft.
Area: 500 sq. ft.
District: 15th Election District

My telephone number is (301) 333-1350

383-7855 Baltimore Metro - 488-6113 D.C. Metro - 1-800-485-8145 Stenowide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. R. Haines
Page -2-
Dec. 28, 1987

Dear Mr. Haines:

After reviewing the submittal for a variance for a business sign, the State Highway Administration Bureau of Engineering Access Permits offers the following comment.

The submittal for variance of a business sign has been forwarded to the State Highway Administration Beautification Section, c/o Morris Stein (333-1642), for all comments relative to zoning.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,
Creston J. Mills, Jr.
Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. J. Ogle
Mr. M. Stein (w-attachment)
Kilde Consultants, Inc.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Townson, Maryland 21204
494-3554

January 7, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Townson, Maryland 21204



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 217, 218, 219, 220, 221, 222, and 223.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:sh

BALTIMORE COUNTY, MARYLAND

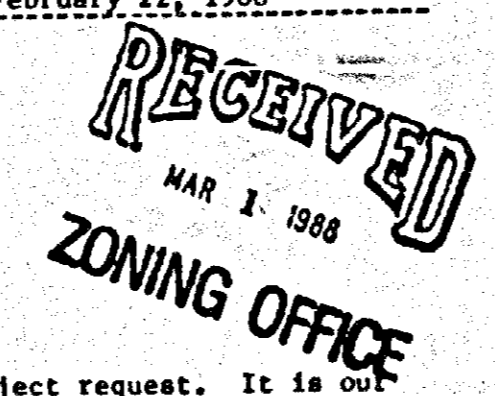
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: February 22, 1988

P. David Fields
FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-386-SPHA



This office is opposed to the granting of the subject request. It is our opinion that the standards set forth in the Baltimore County Zoning Regulations provide for adequate signage.

P. David Fields
P. David Fields
Director

PDF:dm

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

cc: Eugene P. Smith, Esq.
3/23/88

APPEAL
Petition for Special Hearing and Zoning Variance
Case No. 88-386-SPHA
Page 2

Eugene P. Smith, Attorney, 1400 Equitable Bank Center
100 South Charles Street, Baltimore, Md. 21201

Ms. Mary Ginn, ABCs, 606 Horncrest Road, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Howell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nasterowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Tackett Clerk

APPEAL

Petitions for Special Hearing and Zoning Variance
Eastern Avenue, 143' NE of the c/1 of Rolling Mill Road
(7900 Eastern Avenue)
15th Election District - 7th Councilmanic District
THE PARK CIRCLE MOTOR CO. - Petitioner
Case No. 88-386-SPHA

Petition for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (None submitted)

Petitioner's Exhibits: Site Plan of location

Deputy Zoning Commissioner's Order dated May 2, 1988 (Denied)

Notice of Appeal received May 27, 1988 from Eugene P. Smith,
Attorney for Petitioner and Appellant

IN THE MATTER OF THE APPLICATION OF THE PARK CIRCLE MOTOR COMPANY FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON EASTERN AVE. 143' NE OF THE CENTERLINE OF ROLLING MILL ROAD (7900 EASTERN AVENUE) 15TH ELECTION DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. 88-386-SPHA

OPINION

This matter comes before the Board as an appeal from the decision of the Deputy Zoning Commissioner which denied the Petitioner's request for a variance to permit an illuminated identification sign as more fully depicted in Petitioner's Exhibits No. 1 and No. 2. In lieu thereof, the Deputy Zoning Commissioner ordered that a variance to permit a multi-faced illuminated sign of 276 square feet (counting both sides) be granted.

The facts of the case are simple and beyond dispute. The Petitioner, The Park Circle Motor Company, owns and operates the Legum Chevrolet/Nissan dealership located in the commercial/industrial area along Eastern Avenue in the 15th Election District of the County. It seeks to erect a free-standing two-faced illuminated identification sign to identify its site. The size of the sign is computed differently by the Petitioner and the Deputy Zoning Commissioner; however, the request is as depicted in Petitioner's Exhibits No. 1 and No. 2.

Prior to addressing the merits of the requested variance, the Board was asked to consider three issues which, contingent upon their determination, could render the Petition for Variance moot.

The first issue for the Board's consideration was a determination of the section of the Baltimore County Zoning Regulations (B.C.Z.R.) from which the variance was sought. The Petitioner argues that Section 413.2(e) is controlling. To paraphrase, this section allows for a 150-square-foot multi-

Case No. 88-386-SPHA
The Park Circle Motor Company

2. faced sign for sites containing a shopping center or other integrated group of stores or commercial buildings. The Petitioner argues that the dealership is multifaceted; to wit, that it contains a service area, a new car area, and a used car area. Additionally, two brands of automobile are sold, Nissan and Chevrolet, thus the Petitioner maintains that up to six separate commercial industries are contained upon the site. We reject this reasoning. Clearly, the business on site is of the nature to sell and service automobiles. To reduce this activity to its component parts and identify each as a separate business entity is contrary to the spirit and intent of the B.C.Z.R. By analogy, an argument could be offered that a Sears store constitutes more than a single retail business establishment. That is, that the store services, in selling paint, furniture, clothing, etc., are individual and distinct. Clearly this is not the intent of the language of 413.2(e). Therefore, this Board will hold that the property is subject to Section 413.2(f) of the B.C.Z.R.

In deciding this issue, the Board can then turn to the second issue raised by the Petitioner, that is, how to compute the size of the sign. More specifically, is the area of the base of the sign to be added to the face area in determining total area requirements or does the measurement of the face area stand alone. In arguing for the latter interpretation, the Petitioner urges us to reject the Zoning Commissioner's policy as contained in Section SI-1 of the Policy Manual. Specifically, in subsection B thereof, the Zoning Commissioner has determined that the supports, framing and other appurtenances of the sign may be included in determining the permitted square footage if the total structure is larger than the minimum structural requirements for supporting the face. On this issue, the Board received only the testimony from Mr. Bert Sommer, an employee of Triangle Sign & Service, the company retained by the Petitioner to

Case No. 88-386-SPHA
The Park Circle Motor Company

3. construct this sign. Mr. Sommer testified that the sign must be structurally supported by double columns. There was no testimony to the contrary. In that the Board will accept this testimony, we need not address the propriety of the Zoning Commissioner's policy in that the supports, framing and appurtenances in this case are not larger than the minimum structural requirement to support the face of the sign.

Turning to the third issue, the Board is again called upon to interpret the intent of 413.2(f). It was the long-standing policy of the Zoning Commissioner's office to count both sides of a double-faced sign as one. However, when Commissioner Jablon was appointed to that position, this policy was changed so that each face was counted separately. Notwithstanding the Zoning Commissioner's position, this Board continued to construe 413.2(f) in a manner consistent with the former interpretation. The resulting confusion has caused at least two appeals to the Circuit Court to which this Board looks for direction. Under Circuit Court Case No. 86-CG-2001 (Sign Contractors Association of Maryland, Inc., et al v. Baltimore County), Judge Jacobson, by Order of December 30, 1986, agreed with the Board's interpretation of 413.2(f). After this decision was handed down, the Board continued its rulings in a manner consistent with Judge Jacobson's Opinion. However, in Case No. 87-CG-47, the issue has again been addressed by Judge Hinkel in "In the Matter of Kimmel Tire Company." Within Judge Hinkel's Order, the Court states "the 'total area' in this provision [413.2(f)] suggests the total surface area of all the faces of a multi-faced sign is limited to 100 square feet." Receiving these conflicting signals from the Circuit Court requires the Board to use its best judgement. Although we are appreciative of Judge Hinkel's proposed scenario with multi-faced signs, we believe the best standard for a double-faced sign is to allow 100 square feet per side.

Case No. 88-386-SPHA
The Park Circle Motor Company

4. Notwithstanding our interpretation, the point is moot in that the proposal seeks a sign in excess of the permitted size under 413.2(f) no matter how the dimensions are calculated. Therefore, the Board is compelled to address the variance issue. As is well settled, the Board must consider the variance issue under the practical hardship standard as set forth in McLean v. Soley, 270 Md. 208 (1973) and Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). The Board received testimony from Mr. Sommer and Mr. Giroux, the Executive Vice President and General Manager of Legum Chevrolet. There were no protestants present. Mr. Giroux' testimony was uncontradicted as to the need for this sign because of poor site visibility. The photographic exhibits supported his testimony. The Board is therefore persuaded as a matter of fact that the Petitioner has met his burden and that the petitioned variance should be granted.

ORDER

For the reasons as set forth in the foregoing Opinion, it is this 18th day of October, 1988 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variance from Section 413.2(f) for a sign as depicted in Petitioner's Exhibit No. 2 be and is hereby GRANTED subject to the following restrictions:

1. The sign shall be located and in appearance as depicted in Petitioner's Exhibits No. 1 and No. 2.
2. The current directional free-standing sign on the property shall be removed.

Case No. 88-386-SPHA
The Park Circle Motor Company

3. The movable, temporary sign currently mounted on the rear of a flat-bed vehicle and other temporary and movable signs (if any) shall be removed.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Lawrence E. Schmidt
Lawrence E. Schmidt, Acting Chairman
Arnold G. Foreman
Arnold G. Foreman
Lynn B. Moreland
Lynn B. Moreland

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NWS Eastern Avenue, 143' NE of the c/l of Rolling Mill Road (7900 Eastern Avenue) 15th Election District 7th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 88-386-SPHA

The Park Circle Motor Co. - Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the erection of a multi-faced illuminated identification sign, pursuant to Section 413.2e of the Baltimore County Zoning Regulations (B.C.Z.R.), of 150 sq.ft., not including the base or support area, for an integrated group of buildings, and if said identification sign is not approved, variances to permit an identification sign, pursuant to Section 413.2f, to have a total sign area of 384.4 sq.ft. (192.2 sq.ft. per side) in lieu of the maximum permitted 100 sq.ft. total for both sides; or in the alternative, to permit a multi-faced illuminated identification sign pursuant to Section 413.2e of 192.2 sq.ft. per side in lieu of the maximum permitted 150 sq.ft. per side, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by R. L. Giroux, Manager, appeared, testified, and was represented by Eugene Smith, Esquire. Also appearing on behalf of the Petition was Bert Sommer with Triangle Signs. Mary Ginn for the Alliance of Baltimore County Community Councils (ABCC) appeared and testified as a Protestants.

Testimony indicated that the subject property, zoned B.M.-C.S.A., consists of 5.84 acres and is located in the 7900 Block of Eastern Avenue. The subject property consists of an integrated group of commercial buildings. Specifically, there are two buildings on the subject property, the first an existing retail sales and service building, and the second a used car sales building. The Petitioner, by its Counsel, initially argued that the proposed sign as de-

icted on Petitioner's Exhibit 1 should be permitted as a matter of right pursuant to Section 413.2e of the B.C.Z.R. Petitioner's attorney argued that the Zoning Office has improperly calculated the size of the sign by including the support frame for the size in its computation of the square footage. Petitioner's attorney further argued that if only the face of the sign was counted, the sign would be 150 sq.ft. per side. He argued that in this instance, a 150 sq.ft. sign was permitted pursuant to Section 413.2e of the B.C.Z.R. due to the fact that there is an integrated group of commercial buildings on the property. Specifically, there is the used car sales building and the retail sales building with the attached service area.

The Petitioner's request that the proposed sign be approved as an identification sign, not exceeding 150 sq.ft. in area, for an integrated group of buildings must be denied. In the opinion of the Deputy Zoning Commissioner, the computing of the base or support area of the sign must be included, pursuant to Policy SI-1B. Thus the proposed sign consists of 192.2 sq.ft. per side and as such, this size is larger than minimum structural requirements for containing or supporting the sign. There was no testimony presented by the Petitioner that the double-based frame and support was necessary for supporting the sign. In addition, the testimony presented did not meet the criteria set forth in Policy SI-1C which requires a minimum of three separate and distinct commercial buildings. Therefore, we must examine the Petitioner's request for variances pursuant to Section 413.2f.

The Petitioner contends that the variances are needed due to the location of the property, the terrain, the speed limit along Eastern Avenue and the development of the surrounding properties. Petitioner's testimony was very detailed and clear as to the existing site conditions and the practical difficulty and unreasonable hardship it would suffer if strict compliance was required.

MICROFILMED

The property is not far from I-695 and I-95. Further, Petitioner introduced numerous pictures marked Petitioner's Exhibits 3A through 3H which depict the area and support their request for the need of a variance, although not as large as requested.

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

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

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

It is clear from the testimony that if the variances were granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

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

MICROFILMED

ORDER RECEIVED FOR FILING
Date 5/9/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/9/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/9/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/9/88
By [Signature]

APPEAL

Petitions for Special Hearing and Zoning Variance
Eastern Avenue, 143' NE of the c/l of Rolling Mill Road
(7900 Eastern Avenue)
15th Election District - 7th Councilmanic District
THE PARK CIRCLE MOTOR CO. - Petitioner
Case No. 88-386-SPHA

Var.-Multi-faced illuminated identification sign
SPH-Multi-faced ill. ident. sign for identification of Legum Chev.
and Nissan Auto. Dealership.

Petition for Special Hearing and Zoning Variance

Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (None submitted)
Petitioner's Exhibits: Site Plan of location
Deputy Zoning Commissioner's Order dated May 2, 1988 (Denied)
Notice of appeal received May 27, 1988 from Eugene P. Smith,
Attorney for Petition and Appellant

Eugene P. Smith, Attorney, 1400 Equitable Bank Center
100 South Charles Street, Baltimore, Md. 21201

Ms. Mary Ginn, ABCs, 606 Horncrest Road, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk
Robert J. ...

Jeffrey A. Legum, President
The Park Circle Motor Co.
c/o Eugene Smith, Esq.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

October 18, 1988

Eugene P. Smith, Esquire
1400 Equitable Bank Center
100 S. Charles Street
Baltimore, MD 21201

RE: Case No. 88-386-SPHA
The Park Circle Motor Co.

Dear Mr. Smith:

Enclosed is a copy of the final Opinion and Order
issued this date by the County Board of Appeals in the subject
case.

Sincerely,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Ms. Mary Ginn
Jeffrey A. Legum, President
Park Circle Motor Co.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney
copy: Bert Sommer (Triangle Sign & Service)

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

September 27, 1988

Mr. Bert Sommer
Triangle Sign & Service
3343 Washington Boulevard
P.O. Box 24186
Baltimore, MD 21227

Dear Mr. Sommer:

At the conclusion of today's hearing, Mr. Schmidt
asked me to forward to you a copy of the Circuit Court's recent
Opinion and Order in the case of the Kimmel Tire Company, which
copy is enclosed.

Sincerely,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

September 27, 1988

Eugene P. Smith, Esquire
1400 Equitable Bank Center
100 S. Charles Street
Baltimore, MD 21201

Dear Mr. Smith:

At the conclusion of today's hearing, Mr. Schmidt
asked me to forward to you copies of two Circuit Court Opinions
and Orders relative to sign cases (Sign Contractors Association
of Maryland, Inc. and Kimmel Tire Company). These copies are
enclosed for your information.

Sincerely,
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

IN THE MATTER OF : IN THE CIRCUIT COURT
THE APPLICATION OF : FOR BALTIMORE COUNTY
KIMMEL TIRE COMPANY : FOR REPLACEMENT SIGNS
FOR REPLACEMENT SIGNS : AT VARIOUS LOCATIONS
CASE NO. 87-CG-47

MEMORANDUM OPINION AND ORDER

This case is before the Court on appeal from the deci-
sion of the County Board of Appeals of Baltimore County (the
Board) ordering the Baltimore County Department of Permits
and Licenses to accept for approval the several permit appli-
cations for replacing free-standing, double-faced signs made
on behalf of Kimmel Retail Outlets. Oral argument was heard
on September 15, 1988 from Michael J. McMahon, Esq., Assistant
County Attorney, on behalf of Baltimore County, Maryland
(Appellant) and from Richard T. Rombro, Esq., on behalf of the
Kimmel Tire Company (Appellee).

On July 1, 1986, the Department of Licenses and Permits
denied the applications submitted by the Appellee for permits
allowing replacement of existing free-standing, double-faced
signs with new 5'5" x 16' free-standing, double-faced signs.
The case was heard as an appeal in case number CBA-86-127 on
December 30, 1986 wherein the Board ordered the Department of
Permits and Licenses to accept for approval the permit appli-
cations submitted by the Appellee. In rendering its Order,
the Board relied on the rationale of a similar case, CBA-85-
132, that held there was no compelling reason to depart from
the longstanding administrative policy of permitting one
side of a multi-faced business sign to be determinative for the

County Board of Appeals of Baltimore County
Room 208 Court House
Towson, Maryland 21204
(301) 494-3180
August 15, 1988
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). NO POSTPONEMENTS
WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING
DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL
BILL NO. 59-79.

CASE NO. 88-386-SPHA THE PARK CIRCLE MOTOR CO.
Eastern Ave., NE c/l Rolling Mill Rd.
15th E. District
Var.-Multi-faced illuminated ident. sign
SPH-Multi-faced ill. ident. sign for
identification of Legum Chev. and Nissan
Auto. Dealership

ASSIGNED FOR: TUESDAY, SEPT. 27, 1988, at 10 a.m.

cc: Eugene Smith, Esq. Counsel for Petitioner
Jeffrey A. Legum Petitioner
Mary Ginn
People's Counsel
David Fields Office of Planning
James Hoswell " " "
J. Robert Haines Zoning Office
Ann Nastarowicz " " "
James Dyer " " "
Docket Clerk " " "
Arnold Jablon, County Attorney

June Holmen, Secy.

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

SUBJECT: POLICY MANUAL
DATE: 9/20/85

This POLICY MANUAL is a compilation of legislative, executive, and administrative
public policies. These policies are promulgated by the Zoning Commissioner of
Baltimore County, pursuant to the Baltimore County Charter, §522.1, and the
Baltimore County Zoning Regulations, §500.8. The principles enunciated herein
have the limited purposes of facilitating and improving the implementation of
procedures throughout the Baltimore County Department of Planning & Zoning
Administrative Offices.

The policies organized here are subject to alteration, modification, or
revision in accordance with the authority under which they are initially adopted.
As such, the policies have no binding effect within a Court of law, although they
may be utilized by the Courts to interpret and construe pertinent zoning regulations.
Hofmeister v. Frank Realty Co., Inc., 373 A 2d 273 (1977); Farber's, Inc. v. Comptroller
of the Treasury of the State of Maryland, 266 Md 44 (1972).

This Manual could not have been prepared without the experience and knowledge
of James Dyer, Zoning Supervisor; Diana Itter; Douglas Swan; and Nicholas Commodari,
Zoning Coordinator; and especially without the time, effort and ability of Carl Richards.

88-386-SPHA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1524 Date of Posting: 7/18/88

Posted for: Appeal

Petitioner: The Park Circle Motor Co.

Location of property: 143' NE of Rolling Mill Rd. 7900 Eastern Ave.

Location of Signs: 7900 Eastern Ave. Baltimore, Md.

Remarks: SPH-Multi-faced ill. ident. sign for identification of Legum Chev. and Nissan Auto. Dealership

Posted by: [Signature] Date of return: 7/18/88

Number of Signs: 1

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

BALTIMORE: (301) 332-8600
WASHINGTON AREA: 470-7400

TELECOPIERS
(301) 332-8662
(301) 332-8663

WRITER'S DIRECT DIAL NUMBER

May 26, 1988

(301) 332-8713

6029.228

Hon. J. Robert Haines,
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petitions for Special Hearing and Zoning Variance
NW/S Eastern Avenue, 143' NE of the c/l of Rolling
Mill Road (7900 Eastern Avenue)
15th Election District; 7th Councilmanic District
The Park Circle Motor Company - Petitioner
Case No. 88-386-SPHA

Dear Mr. Haines, Zoning Commissioner:

Please enter an appeal to the County Board of Appeals
from the Order of the Deputy Zoning Commissioner of Baltimore
County, entered by her in the above entitled case on May 2, 1988,
insofar as said Order:

1. Denied, under the Petition for
Special Hearing, the Petitioner's right to
erect a multi-faced illuminated identification
sign of 150 sq.ft., on each side, not including
the base or support areas, for an integrated
group of buildings; and

2. Denied to Petitioner, the variance to
permit a multi-faced illuminated identification
sign of 150 sq.ft., each side, supported by a
base with an area of 42.2 sq.ft., each side,
computed by the Deputy Zoning Commissioner to
be a sign of 192.2 sq.ft., each side, in lieu
of the maximum permitted by law, per side.

No appeal is entered from so much of said Order as grants to the
Petitioner, the variance to permit the multi-faced illuminated
identification sign of 276 sq.ft., counting both sides - not
exceeding 100 sq.ft. per side, with the supporting frame not

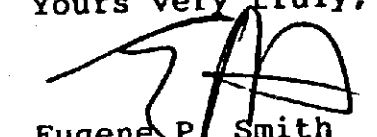
EINBERG AND GREEN

Hon. J. Robert Haines, Zoning
Commissioner
May 26, 1988
Page 2

exceeding 38 sq.ft. per side, which sign, Petitioners contend is
permitted by law as a matter of right, all subject to the
restrictions contained in the Order, copy of which is attached
hereto and made part hereof.

Check in the amount of \$150.00 is enclosed herewith to
cover the cost of the appeal, as determined by your office.

Yours very truly,


Eugene P. Smith
Attorney for Petitioner and Appellant
1400 Equitable Bank Center
100 South Charles Street
Baltimore, Maryland 21201

(301) 332-8713

119/hlb

Enclosure

c.c. Ms. Mary Ginn
ABCs
606 Horncrest Road
Towson, Maryland 21204

c.c. Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223
Court House
Towson, Maryland 21204

8/15/88 - Following notified of hear. set for Tues. Sept. 27, 1988, at 10 a.m.:

Eugene Smith
Mary Ginn
Jeffrey A. Legum
People's Counsel
D. Fields, J. Hoswell *Amice Javelon*
Robt. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 29, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204


RE: Petition for Special Hearing and Zoning Variance
Eastern Avenue, 143' NE of the c/l of Rolling Mill Road
(7900 Eastern Avenue)
15th Election District, 7th Councilmanic District
THE PARK CIRCLE MOTOR CO. - Petitioner
Case No. 88-386-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on May 27, 1988 by Eugene P. Smith, Attorney for
Petition and Appellant. All materials relative to the case are being
forwarded herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,


J. ROBERT HAINES
Zoning Commissioner

JRH:cer

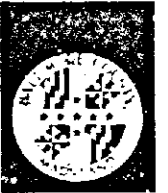
Enclosures

cc: Eugene P. Smith, Attorney, 1400 Equitable Bank Center
100 South Charles Street, Baltimore, Md. 21201

Ms. Mary Ginn, ABCs, 606 Horncrest Road, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21204

File



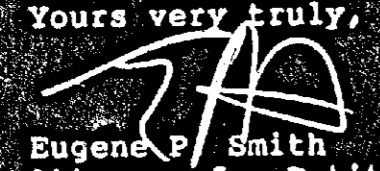
Dennis F. Rasmussen
County Executive

WEINBERG AND GREEN
 Attorneys at Law
 100 South Charles Street
 Baltimore, Maryland 21201-2773

Hon. J. Robert Haines, Zoning Commissioner
 May 26, 1988
 Page 2

exceeding 38 sq. ft. per side, which sign Petitioners contend is permitted by law as a matter of right, all subject to the restrictions contained in the Order, copy of which is attached hereto and made part hereof.

Check in the amount of \$150.00 is enclosed herewith to cover the cost of the appeal, as determined by your office.


Yours very truly,

 Eugene P. Smith
 Attorney for Petitioner and Appellant
 1400 Equitable Bank Center
 100 South Charles Street
 Baltimore, Maryland 21201
 (301) 332-8713

119/hlb
 Enclosure
 c.c. Ms. Mary Ginn
 ABCs
 606 Horncrest Road
 Towson, Maryland 21204
 c.c. Phyllis Cole Friedman
 People's Counsel for Baltimore County
 Room 223
 Court House
 Towson, Maryland 21204

Baltimore County
 Zoning Commission
 Office of Planning & Zoning
 Towson, Maryland 21284
 404633

J. Robert Haines
 Zoning Commissioner

June 29, 1988


 Dennis F. Rasmussen
 County Administrator

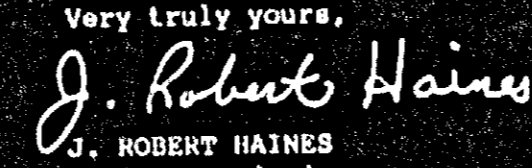
Baltimore County Board of Appeals
 Old Courthouse, Room #205
 Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
 Eastern Avenue, 143' NE of the c/1 of Rolling Mill Road
 (7900 Eastern Avenue)
 15th Election District, 7th Councilmanic District
 THE PARK CIRCLE MOTOR CO. - Petitioner
 Case No. 88-386-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 27, 1988 by Eugene P. Smith, Attorney for Petitioner and Appellant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

 J. ROBERT HAINES
 Zoning Commissioner

JRH:icz
 Enclosures

cc: Eugene P. Smith, Attorney, 1400 Equitable Bank Center
 100 South Charles Street, Baltimore, Md. 21201
 Ms. Mary Ginn, ABCs, 606 Horncrest Road, Towson, Md. 21204
 People's Counsel of Baltimore County
 Rm. 223, Old Courthouse, Towson, Md. 21204
 File

WEINBERG AND GREEN
 ATTORNEYS AT LAW
 100 SOUTH CHARLES STREET
 BALTIMORE, MARYLAND 21201-2773

BALTIMORE (301) 332-8700
 WASHINGTON AREA (301) 740-7400
 TELECOPIERS
 301 332-8888
 301 332-8882
 WRITER'S DIRECT DIAL NUMBER

1980 LITTLE PATRIOT PARKWAY
 SUITE 200
 COLUMBIA, MARYLAND 21046-2008
 (301) 740-8800
 FILE NUMBER

May 26, 1988

(301) 332-8713

6029.228

RECEIVED ZONING OFFICE
 DATE: 5/27/88

Hon. J. Robert Haines,
 Zoning Commissioner,
 County Office Building
 Towson, Maryland 21204

Re: Petitions for Special Hearing and Zoning Variance
 NW/S Eastern Avenue, 143' NE of the c/1 of Rolling
 Mill Road (7900 Eastern Avenue)
 15th Election District; 7th Councilmanic District
 The Park Circle Motor Company - Petitioner
 Case No. 88-386-SPHA

Dear Mr. Haines, Zoning Commissioner:

Please enter an appeal to the County Board of Appeals from the Order of the Deputy Zoning Commissioner of Baltimore County, entered by her in the above entitled case on May 2, 1988, insofar as said Order:

1. Denied, under the Petition for Special Hearing, the Petitioner's right to erect a multi-faceted identification sign of the type described, not including an integrated

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

DATE 5-31-88 ACCOUNT R-01-615-000

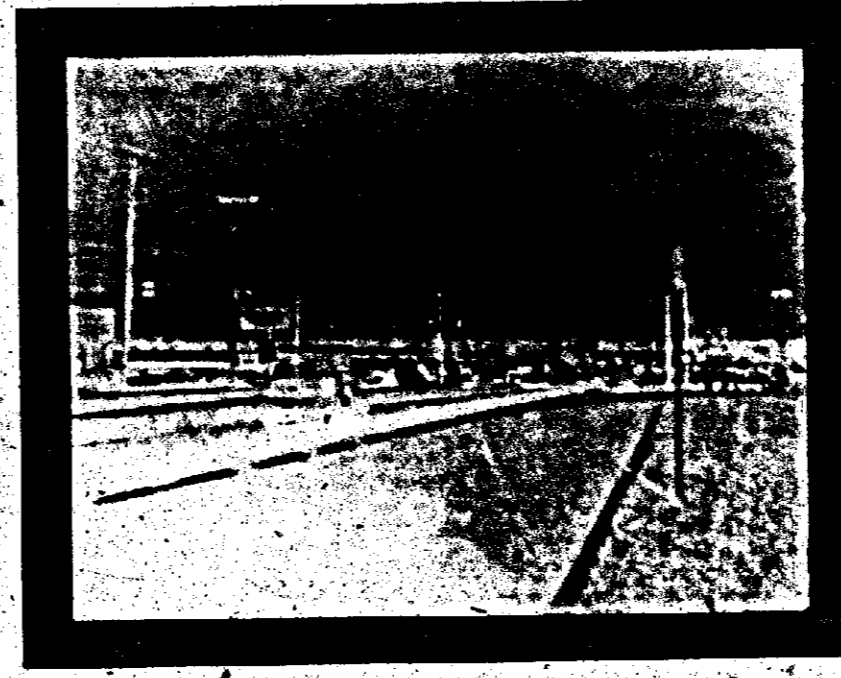
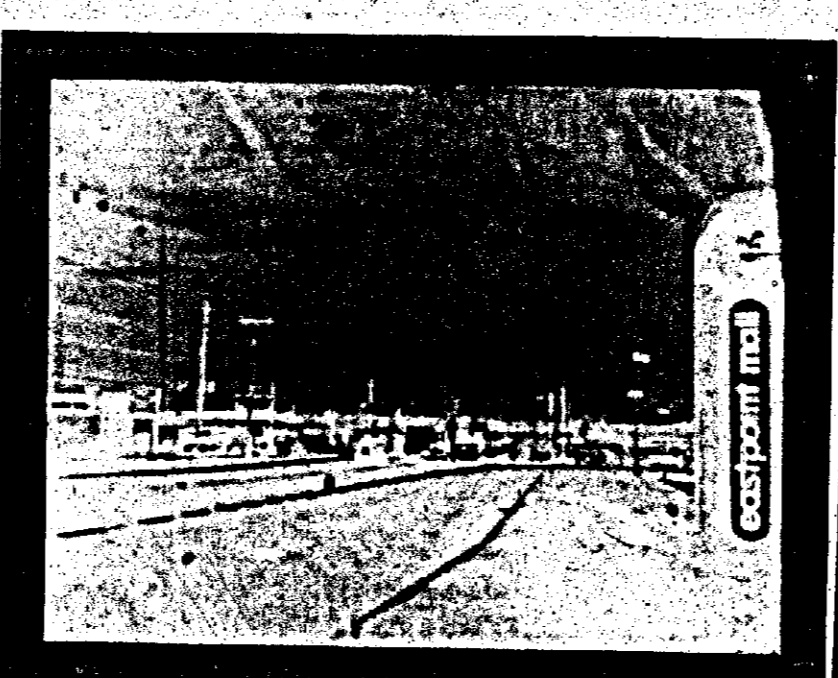
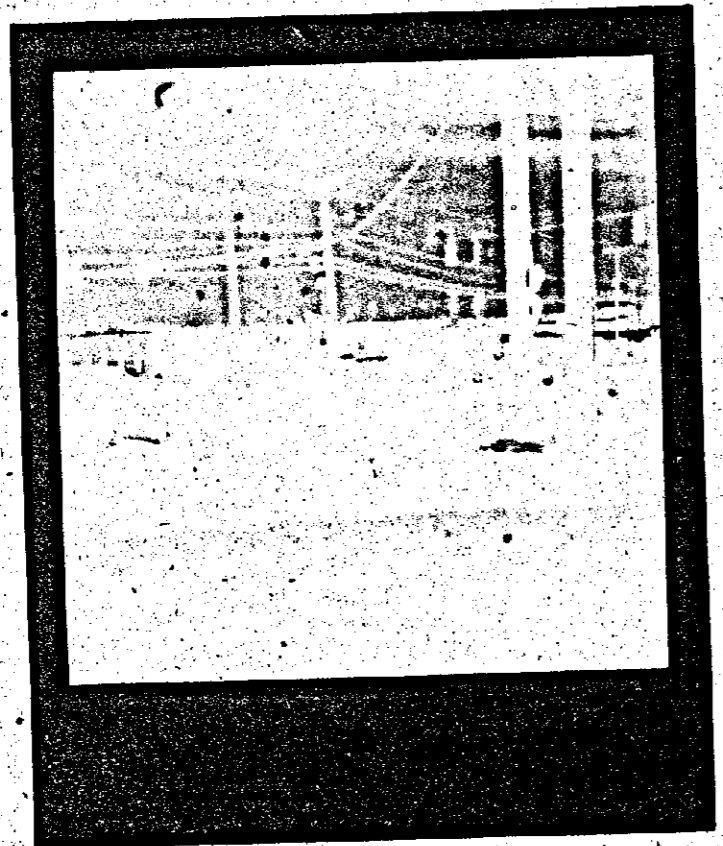
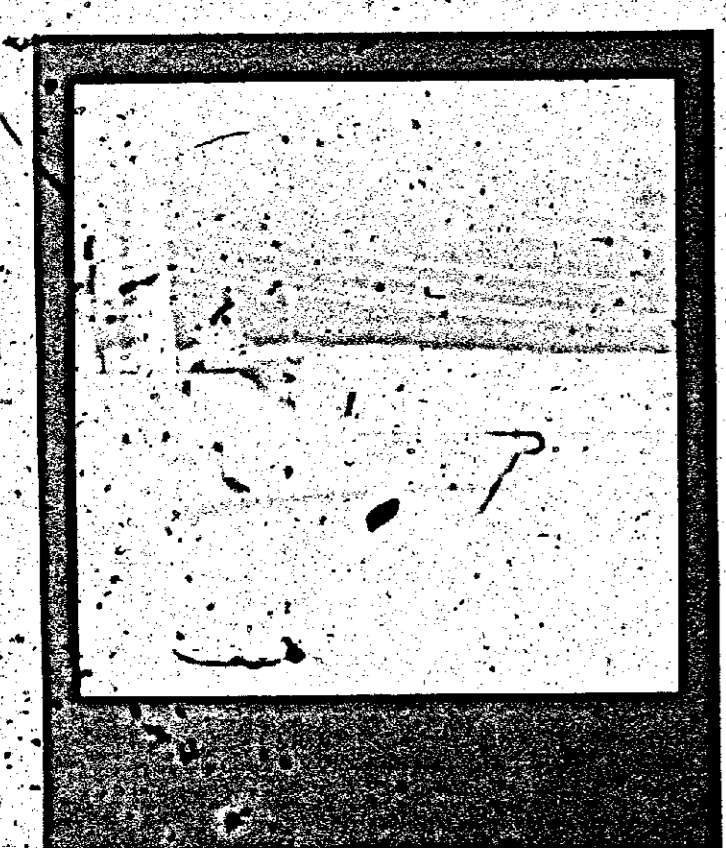
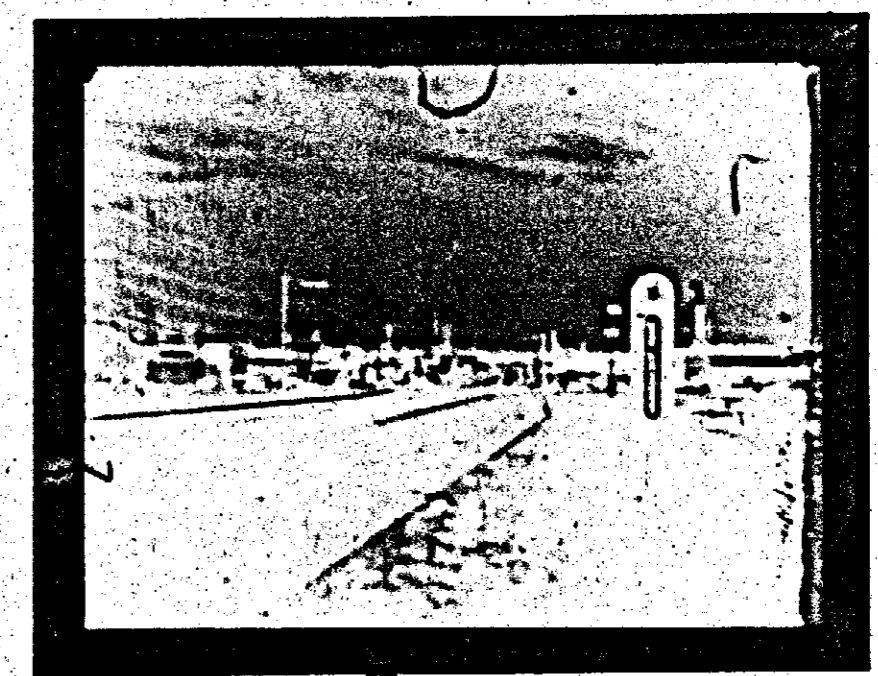
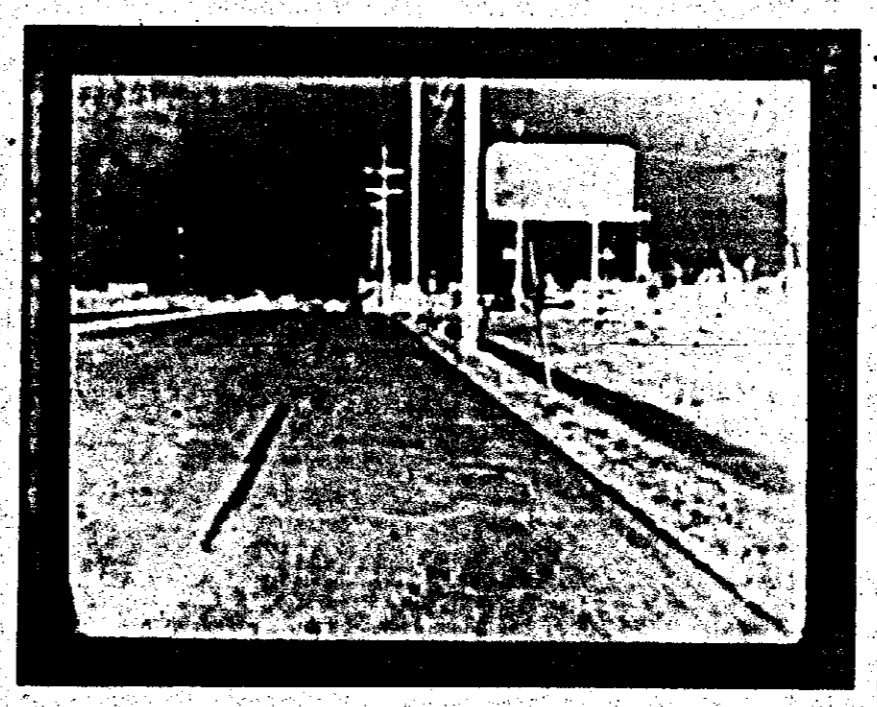
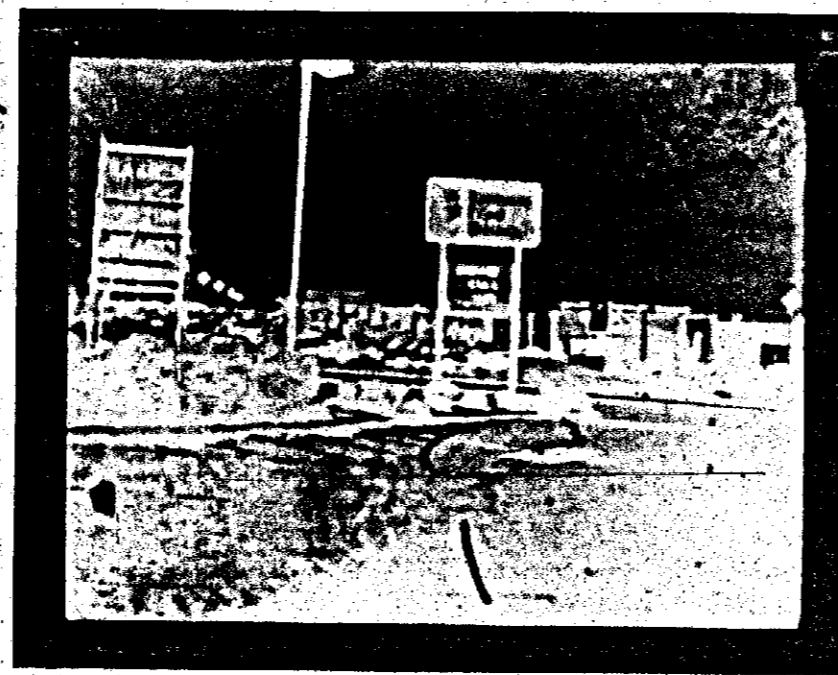
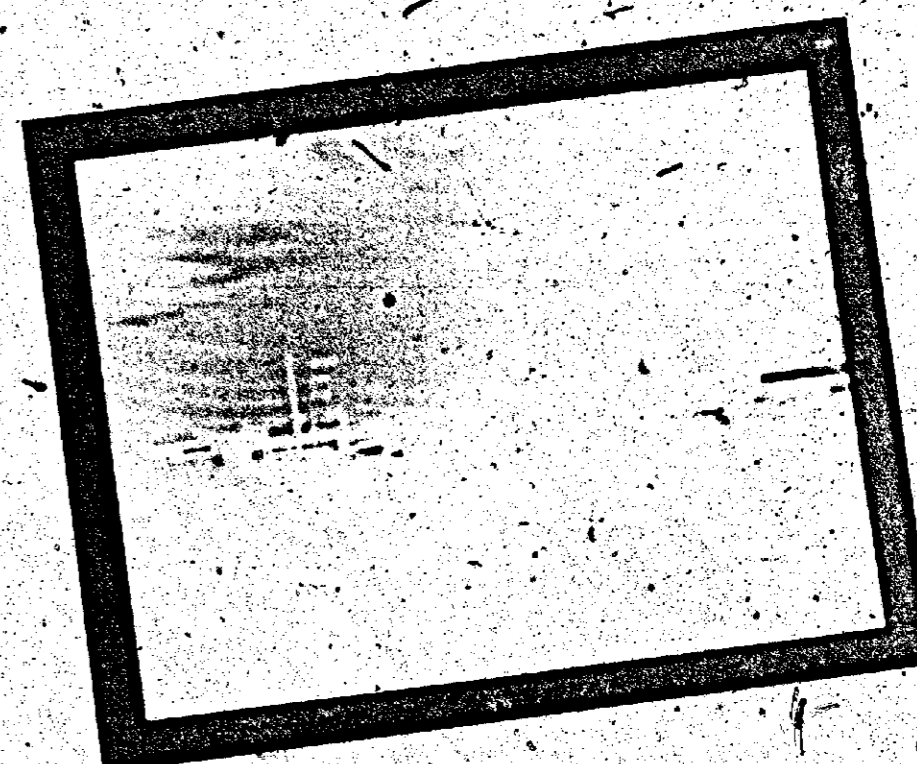
AMOUNT \$ 200

RECEIVED 100 S. CHARLES STREET, BALTIMORE, MD. 21201
 FROM EUGENE P. SMITH, ATT. FOR PETITIONER
 FOR: SPECIAL HEARING - CASE # 88-386-SPHA
 THE PARK CIRCLE MOTOR CO. - PETITIONER
 \$ 133 *****300018 6014F

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE, MD 21201 59789

CHECK TOTAL 150.00





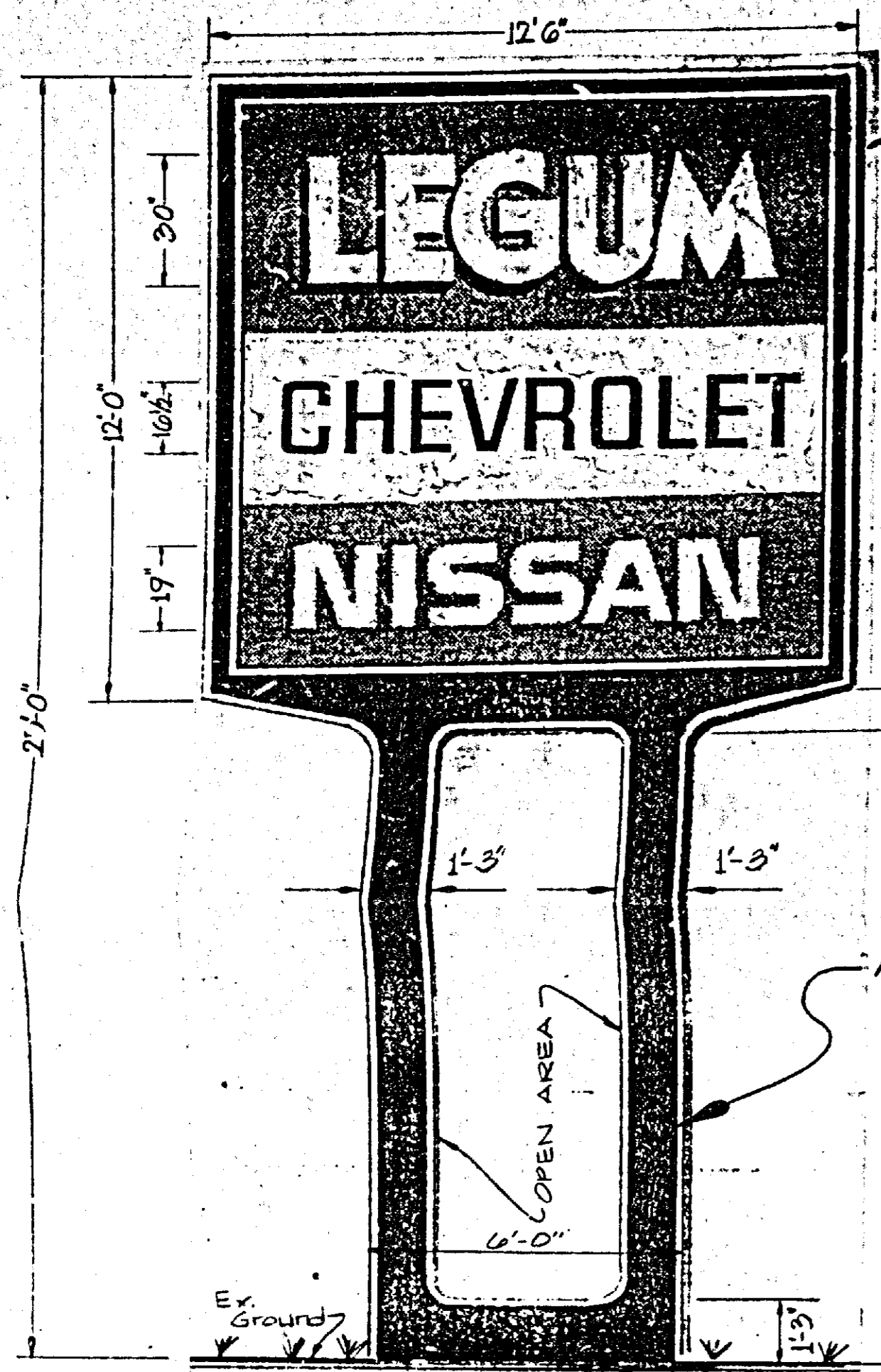
DEC. 15, 1987

1984 COMPREHENSIVE ZONING MAP
 ADOPTED BY BALTIMORE COUNTY COUNCIL
 NOV 15, 1984
 BILL NO. 133-84, 134-84, 135-84

1988
 COMPREHENSIVE ZONING ISSUE MAPS
 Baltimore County, Maryland

1982 S.A.A. AIRPORT NOISE ZONES

ESSEX-MIDDLE RIVER



ELEVATION OF PROPOSED SIGN
 SCALE 3/8" = 1'-0"

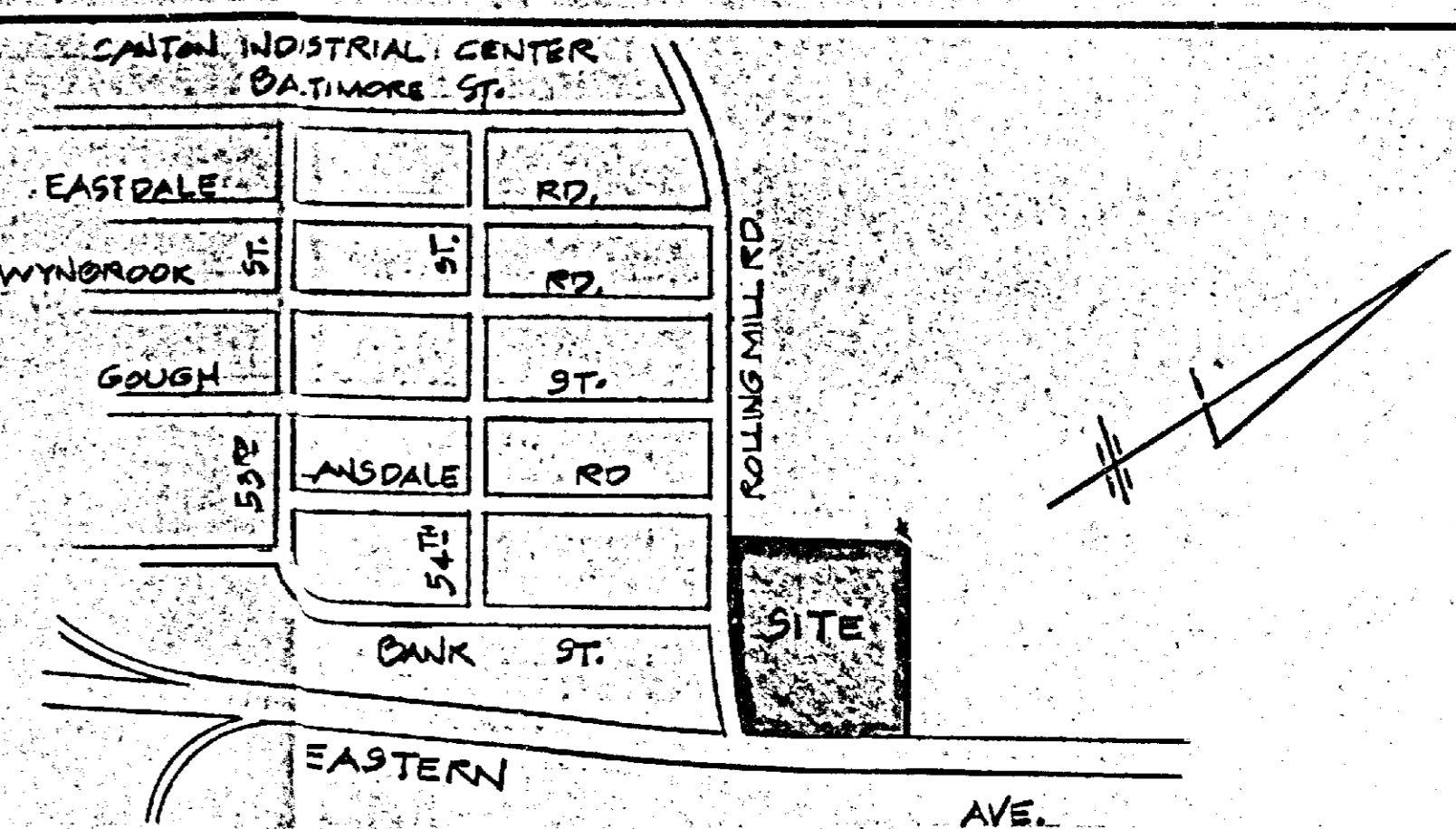
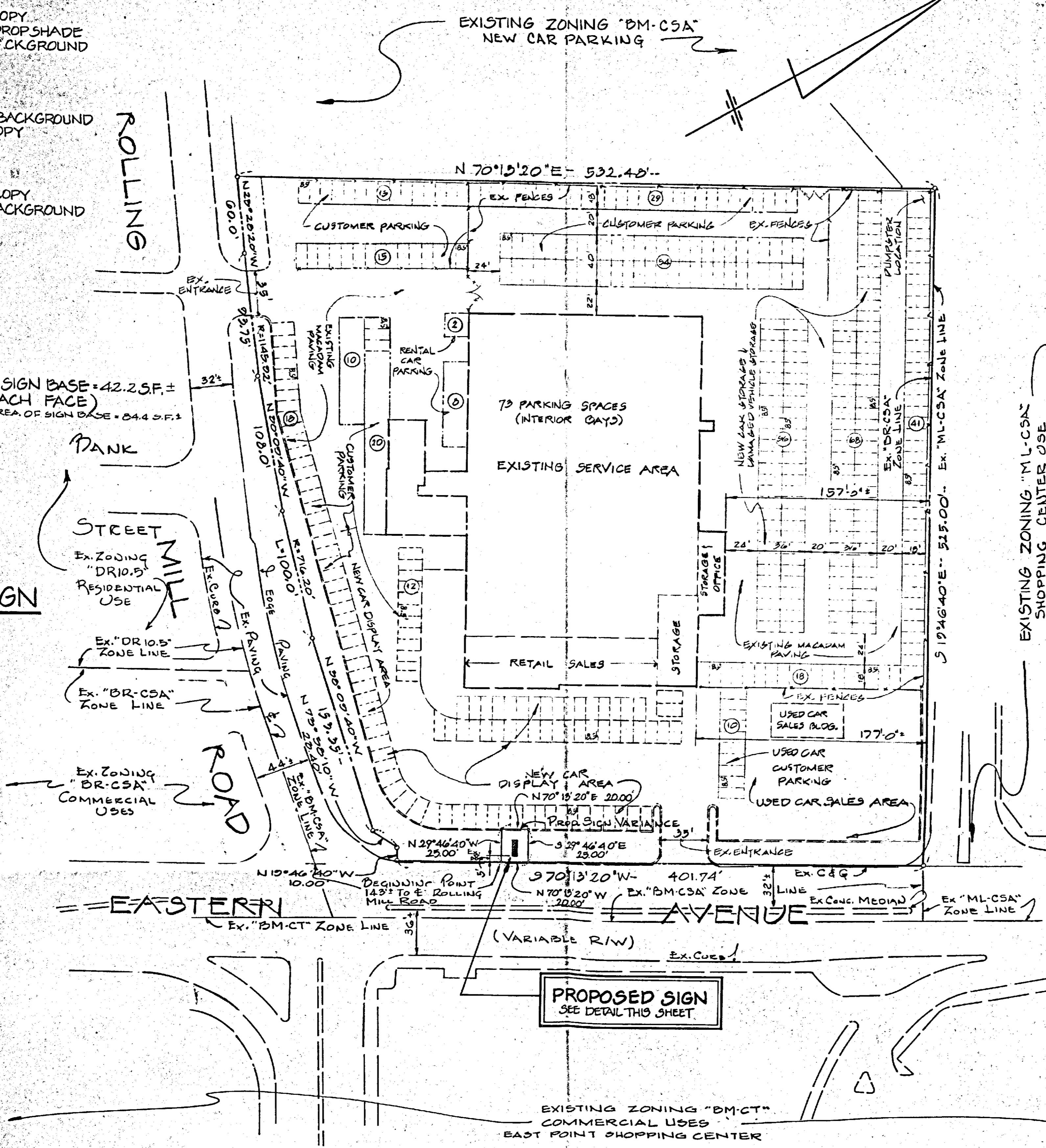
AREA OF SIGN = 150.0 SF ± (EACH FACE)
 TOTAL SIGN AREA = 300 SQ. FT. ±

WHITE COPY
 BLACK DROP SHADE
 BLUE BACKGROUND

WHITE BACKGROUND
 BLUE COPY

WHITE COPY
 BLUE BACKGROUND

AREA OF SIGN BASE = 42.25 SF ± (EACH FACE)
 TOTAL AREA OF SIGN BASE = 84.5 SF ±



LOCATION PLAN
 SCALE = 1" = 500'

GENERAL NOTES

1. AREA OF SITE = 5.8423 AC (254,401 SF ±)
2. EXISTING ZONING OF SITE = DM-CTA
3. EXISTING USE OF SITE = NEW CAR SALES & SERVICE AGENCY
4. OFF-STREET PARKING DATA:
 - A. RETAIL SALES AREA = 5175 SF REQUIRING 250 SPACES (1/2000)
 - B. OFFICE, PARTS & SERVICE AREA = 50,210 SF REQUIRING 167.4 SPACES (1/3000)
 - C. TOTAL SPACES REQUIRED = 193.3 = 194
 - D. TOTAL SPACES EXISTING INCLUDING 73 SPACES IN THE SERVICE AREA = 246
5. PUBLIC UTILITIES EXIST AT THE SITE
6. PETITIONER IS REQUESTING A VARIANCE TO SECTION 413.2.F OF THE BCZR TO ALLOW A BUSINESS IDENTIFICATION SIGN TO HAVE A TOTAL SIGN AREA OF 304.4 SQUARE FEET ± INSTEAD OF THE 100 SQUARE FEET ALLOWED. A VARIANCE OF 204.4 SQUARE FEET ±
7. AREA OF SITE REQUESTING THE SIGN VARIANCE EQUALS 300 S.F. (0.011AC)

PETITIONER'S EXHIBIT 1

DRAWING NO.	DATE	REVISIONS
Check RLS		
Design		
Check		

KIDDE CONSULTANTS, INC.
 ENGINEERS • SURVEYORS • PLANNERS
 1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204, 301-321-5500

DEED REF. 5713-667
 ACCT. NO. 15-09-650060
 COUNCILMANIC DISTRICT NO. 7
 ELECTION DISTRICT NO. 15
 CONSENSUS TRACT 4523

OWNER
 THE PARK CIRCLE MOTOR COMPANY
 7900 EASTERN BOULEVARD
 BALTIMORE, MARYLAND 21224, 288-2800

SITE PLAN
LEGUM CHEVROLET
 7900 EASTERN AVENUE BALTO. COUNTY, MARYLAND

SHEET	DATE	JOB NUMBER
1 OF 1	OCT. 7, 1987	K.C.1
	SCALE 1" = 50'	01-26348

