IN RE: PETITION FOR ZONING VARIANCE SE/S Belair Road, 446' SW of c/l Raab Avenue 8715 Belair Road 11th Election District

6th Councilmanic District

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY

Stephen L. Miles, et al Petitioners

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

* Case No. 89-465 A

The Petitioners herein request a variance from Section 203.3.C.1 to permit a freestanding, double-faced illuminated sign along a principal arterial and adjacent to residentially used property, totalling 32 square feat per side in lieu of the 15 square feet p side, as is more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by F. Vernon Boozer, Esquire. Also appearing on behalf of the Petitioners were Randy J. Hoffer, a professional surveyor and Harry Sommer, a professional sign manufacturer. Mrs. Bernard E. Kraus appeared and testified as a Protes-

Testimony indicated that the subject property is R.O. zoned and is currently improved with an existing two story dwelling which has been converted to office use.

Mrs. Kraus testified that she is not necessarily opposed to the requested sign variance, provided adequate steps are taken to prevent excess light diffusion from illuminating her bedroom which is located adjacent to the proposed sign location.

In response to the Protestant's concerns, the Petitioner testified that he would have an electronic timing device installed on the proposed sign which would shut off the sign no later than 10:30 P.M., Monday through Friday.

Based upon the testimony and evidence presented at the hearing, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the _ wject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner in that the Petitioner stated that his clients have had difficulty locating his law office with the existing signage in view of the high density traffic at this location on Route 1 (Belair Road).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14" day of 11116, 1989 that the request for a zoning variance to permit a freestanding, double-faced illuminated sign along a principal arterial and adjacent to residentially used property, total 'ng 32 square feet per side in lieu of the 15 square feet per side, as more particularly described on Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject, however, to the following restrictions:

 The Petitioner may apply for his sign permit and be granted same upon receipt of this Order;

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-465-A 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 203 3.C. 1 to allow a sign area of 32 sq. ft. per side in lieu of the peruitted 15 sq. ft. per side for an additional freestanding sign in an RO zone along a principal arterial where there is no adjacent residentially used or zoned frontage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The larger sign is necessary because the surrounding properties are all commercial, and the normal sign would not be visible enough to the public traveling Route 1 (Belair Road). That road being a major artery, now five (5) lanes, traffic looking for the office for a scheduled appointment would have to impede other traffic to adequately locate the office. to adequately locate the office.

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. Other Owner: Legal Owner(s): CHOCKER PHINDXSEX: Stephen L. Miles Paula A. Miles (Type or Print Name) (Type or Print Name) Scott J. Miles City and State

£ 36, 315 11 E. Biddle Street 685-8444 PRIOR Attorney for Petitioner Baltimore, Maryland 21202 City and State 614 Bosley Avenue Name, address and phone number of legal owner, contract purchaser or fepresentative to be contacted F. Vernon Boozer Towson, Maryland 21204

614 Bosley Avenue Attorney's Telephone No.: 828-9441 Address Towson, FD 21204Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

Zoning Commissioner of Baltimore County.

ZUNING DESCRIPTION lith ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point in the center of Belair Road at a distance of 446 feet, more or less, measured southwesterly from the center of Raab Avenue, thence leaving the center of Belair Road and running the three (3) following courses and distances:

(I) South 44° 30' East 175 f et, more or less;

(2) South 450 30' West IOO feet and

(3) North 440 30' West 175 feet to the center of Belair

Road, thence with Belair Road:

(4) North 45° 30' East 100 feet to the place of

Containing 17,500 square feet or 0.402 of an acre of land, more or less. This description is intended for zoning purposes only

and not for the conveyance of title. Junell D. 1 Lleys. Russell R. klages Registered Land Surveyor

Maryland #8685 February 6, 1989

(Tax Map No. 72, Parcel No. 376)



however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day 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

2. The proposed sign shall be illuminated only as an enclosed lamp design, non-flashing and contain no color illumination. The sign shall not be illuminated from 10:30 P.M. until 7:00 A.M. Monday through Thursday and, further, the sign shall not be illuminated from 10:30 P.M. Friday through 7:00 A.M. Monday morning. The design and placement of the sign shall conform to Petitioner's Exhibit 1. Any change in design or placement shall only be permitted pursuant to a Special Hearing to amend the relief granted herein. There shall be no other business or outdoor advertising signs permitted.

> ROBERT HAINES Zoning Commissioner ✓ for Baltimore County

cc: Peoples Counsel

cc: Stephen L. Miles, Esquire, 11 E. Biddle Street, Baltimore, Md. 21202

cc: F. Vernon Boozer, Esquire, 614 Bosley Avenue, Towson, Md. 21204

cc: Mr. Harry Sommer, 3101 Shelbourne Road, Baltimore, Maryland 21208

cc: Mr. Randy Hoffer, 3477 Howell Court, Abingdon, Maryland 21009 cc: Mrs. Bernard E. Kraus, 8711 Belair Road, Baltimore, Maryland 21236

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Dennis F. Pasmussen

F. Vernon Boozer, Esquire 614 Bosley Avenue Towson, Maryland 21204

> RE: Petition for Zoning Variance Case No. 89-465-A Stephen L. Miles, et al

Dear Mr. Boozer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

JRH:mmn

cc: Peoples Counsel

cc: Stephen L. Miles, Esquire, 11 E. Biddle Street, Baltimore, Md. 21202

cc: Mr. Harry Sommer, 3101 Shelbourne Road, Baltimore, Maryland 21208

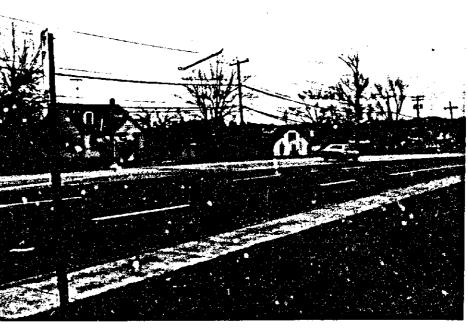
cc: Mr. Randy Hoffer, 3477 Howell Court, Abingdon, Maryland 21009 cc: Mrs. Bernard E. Kraus, 8711 Belair Road, Baltimore, Maryland 21236

PETITIONER(S) EXHIBIT (





PETITIONER(S) EXHIBIT (





PETITIONER(S) EXHIBIT (5

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

Date: _______ 4.25 -89

Stephen L. Miles, et al 11 E. Biddle Street

Baltimore, Maryland 21202 Petition for Zoning Variance CASE NUMBER: 89-465-A

SE/S Belair Road, 446 SW of c/l Raab Avenue 8715 Belair Road 11th Election District - 6th Councilmanic Petitioner(s): Stephen L. Miles, et al HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 11:00 a.m.

Dear Petitioner(s):

WHITE - CASHER PINK - AGENCY VELOW - CLISTOMER

Please be advised that $\frac{93.60}{1}$ is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office unit1 the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen ites before your hearing is scheduled to before your hearing is scheduled to be the comments of the comments o

(15) minutes before your nearing	18 SCHEIN AND THE TOTAL AND TH	Ŋ
RALTIMORE COUNTY, MARYLAND	No. 037979	ill be an addi
MISCELLANEOUS CASH RECEIPT MATERIAL STATE DATE DATE	P.01-615-000	A CLEAN MAN CONTRACTOR OF THE PROPERTY OF THE
AMOUNT	\$ 93.60	
RECEIVED Stephen & mile	- 89-465-A	Joline
POR: Pr. A for 5/16/59 hearing 8 B 338 *****		e min pallatera di senteri canife
VALIDATION OR SIG	INATURE OF CASHIER	} }

89-465 A SV

PROTESTANT(S) SIGN-IN SHEET PLEASE PRINT CLEARLY MRS BERNARD E. KRAUS 8711 BELAIR RD BALTO: MD. 2/236. 89-465A

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 3101 Shellome Al Belto, Me. 21208 3477 HOWELL G. AdiMUDIN, MD 21009

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

> > April 5, 1989

NOTICE OF HEARING



Dennis F. Rasmussen

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, 10 ated at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-465-A SE/S Belair Road, 446 SW of c/l Raab Avenue 8715 Belair Road 11th Election District - 6th Councilmanic Petitioner(s): Stephen L. Miles, et al HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 11:00 a.m.

Variance to allow a sign area of 32 sq. ft. per side in lieu of the permitted 15 sq. ft. per side for an additional freestanding sign in an RO zone along a principal arterial where there is no adjacent residentially used or zoned frontage.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. 1. Polit flaires

J. ROBERT HAINES Zoning Commissioner of Baltimore County Stephen L. Miles, et al F. Vernon Boozer, Esq.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner DATE: May 15, 1989

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-465-A Item No. 378

Re: Stephen L. Miles, et al

The Petitioner requests a variance to allow a freestanding sign containing 32 square feet per side in lieu of the permitted 15 square foot per side. In reference to this request, staff offers the following

This office feels that any sign larger than the 15 square feet per side permitted by Bill No. 151-88 would be out of character with the present building and community. A sign attached to the building would be preferred, especially in view of the State Highway Administration's proposed right of way line, as shown on the letter to Mr. Haines dated May 8, 1989.

If the Commissioner grants a variance, this office would require a landscape plan emphasizing parking lot buffers and streetscape treatment for Belair Road to be reviewed and approved by the County landscape planner.

A:51689.txt Pg.7

89-465-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 ______, 19 .

Petitioner's Stephen L. Miles et Attorney F. Vernon Boozer al Chairman, Zoning Plans Advisory Committee

CERTIFICATE CF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting 11/12/89 Posted for: 1970 1000

Petitioner: 5/25/25 15/5 15/6/2 Rd H46' SuifRosh Hya

1715 Delar Rd

Location of Signs: facing Color Rd, copper 13' Fr Vardury or

fro forly of filtien-Posted by Date of return: 5/5/89 Signature
Number of Signat /

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Babimore County, by authority of the Zoning Act and Regulations of Babimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, forcated at 111 W. Chesapeake Avenue in Towson, Maryland 21204

Petition for Zoning Variance Case number: 89-465-A SE/S Belair Road, 446' SW of c/ Raab Avenue 8715 Belair Road 11th Election District Variance: to allow a sign area of 32 sq. ft. per side in lieu of the permitted 15 sq. ft. per side for an additional free-standing sign in an RO zone along a principal arterial where there is no adjacent residentially used or zoned frontage. In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the isany request for a say of the re-suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

TOWSON, MD., 4/20 , 19 89

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

79-465-1

in Towson, Baltimore County, Md., once in each of ___ successive weeks, the first publication appearing on 4/20, 19 89.

> NORTHEAST TIMES THE JEFFERSONIAN
> THE JEFFERSONIAN.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 1, 1989

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

F. Vernon Boozer, Esquire 614 Bosley Avenue Towson, MD 21204

RE: Item No. 378, Case No. 89-465-A Petitioner: Stephen L. Miles, et al Petition for Zoning Variance

State Roads Commission Bureau of Fire Prevention

Health Department Project Planning Building Department Board of Education Zoning Administration Dear Mr. Boozer:

The Zoning Plans Advisory Committee has reviewed the plans The conting rians 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. Director of prais that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

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 your petition. It similar comments from the remaining members are received, I will forward them to you. Otherwise, any 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

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN TT WOULD BE APPRECIATED IF YOU WOULD RETURN TOOK WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Stephen L. Miles 11 E. Biddle Street Baltimore, MD 21204



Richard H. Trainor Secretary Hal Kassoff Administrator

ZONING OFFICE3, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Re: Baltimore County Stephen. L. Miles Property Zoning meeting 3/21/89 E/S Belair Road US 1-N 446' south of centerline of Raab Avenue Item # 378

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a sign area of 32 square feet per side in lieu of the permitted 15 square feet per side, for an additional freestanding sign in an R.O. Zone, along a principal arterial where there is no adjacent residentially used or zoned frontage, we offer the following:

We have forwarded this plan to our Highway Beautification Section (333-1642), for all comments relative to zoning.

We will require two additional copies be submitted to this office by the engineer for review by our Planning Department concerning our future right-of-way requirements for Belair Road.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours, Creston f. mills - J. h.

Creston J. Mills, Jr. Chief Bureau of Engineering Access Permits

LB/es

cc: Stephen L. Miles Ms. Mary Benner w/att. Mr. J. Ogle

My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 21, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381,

Very truly yours,

Michael S. Flung -Michael S. Flanigan Traffic Engineer Assoc. II



ZONING OFFICE

5/16/89 89-465-A



Richard H. Trainor Hal Kassoff Administrator

May 8, 1989

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

Re: Baltimore County Stephen L. Miles Property Zoning Meeting of 3-21-89 E/S Belair Road Route 1-N 446' South of Raab Avenue (Item #378)

Dear Mr. Haines:

This is a follow up to our letter dated March 23, 1989 concerning future right of way on Belair Road.

Enclosed is a revised plan showing our future right of way requirements on Belair Road.

It is requested the development plan be revised to show the future right of way prior to a hearing date being set.

Also, a State Highway access permit must be issued for in order to construct the entrance onto Belair Road and must be applied for prior to issuance of building permits.

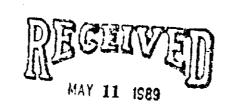
If you have any questions, please call Larry Brocato at 333-1350.

Very truly yours,

Creston J. Mills, Jr., Chief Engineering Access Permits

LB:maw

cc: Stephen L. Miles (w-attachment



ZONING OFFICE

My telephone number is (301) 333-1350

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

Baltimore County Fire Department Towson, Maryland 21204 2586 494-4500 Paul H. Reincke

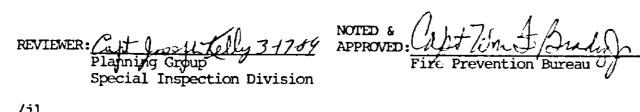
J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

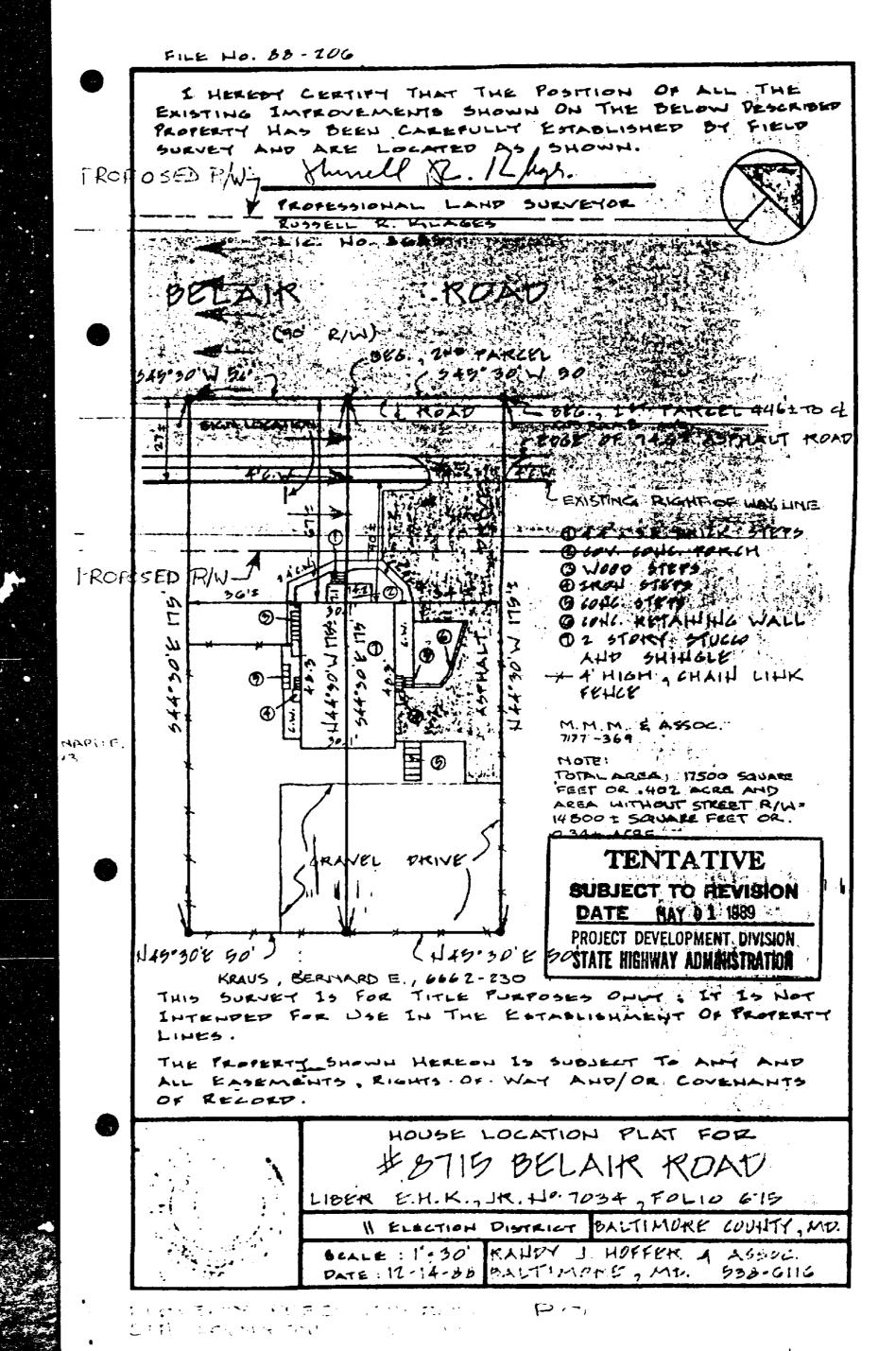
Re: Property Owner: Stephen ' Miles; Scott J. Miles; & Paula A. Miles

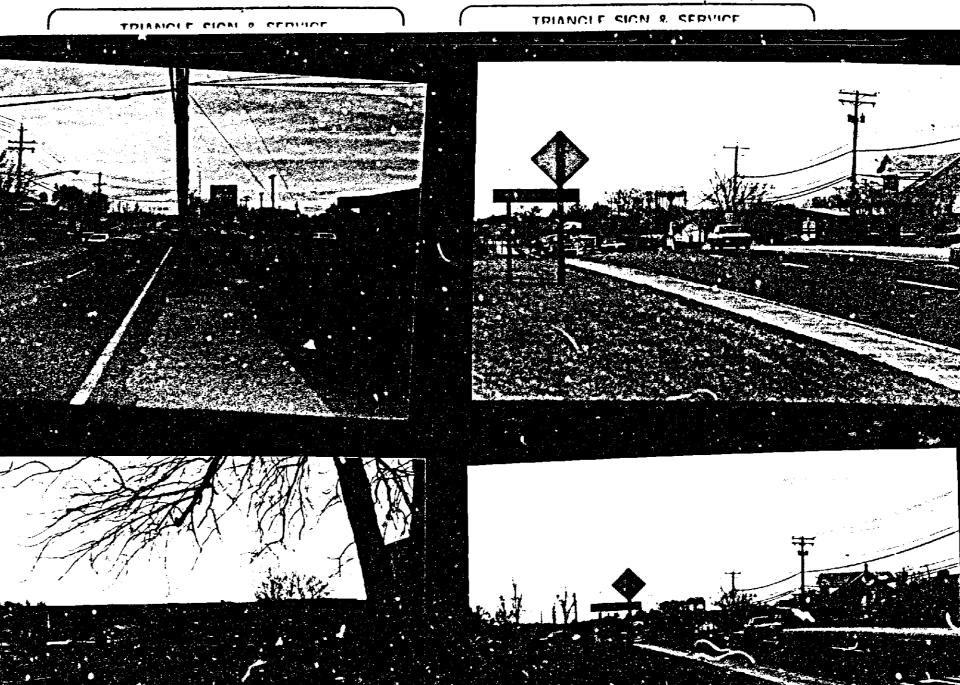
Location: SE/S of Belair Road, 446' SW of centerline of Raab AV. Dennis F. Rasmussen Item No.: 378 Zoning Acenda: March 21, 1989

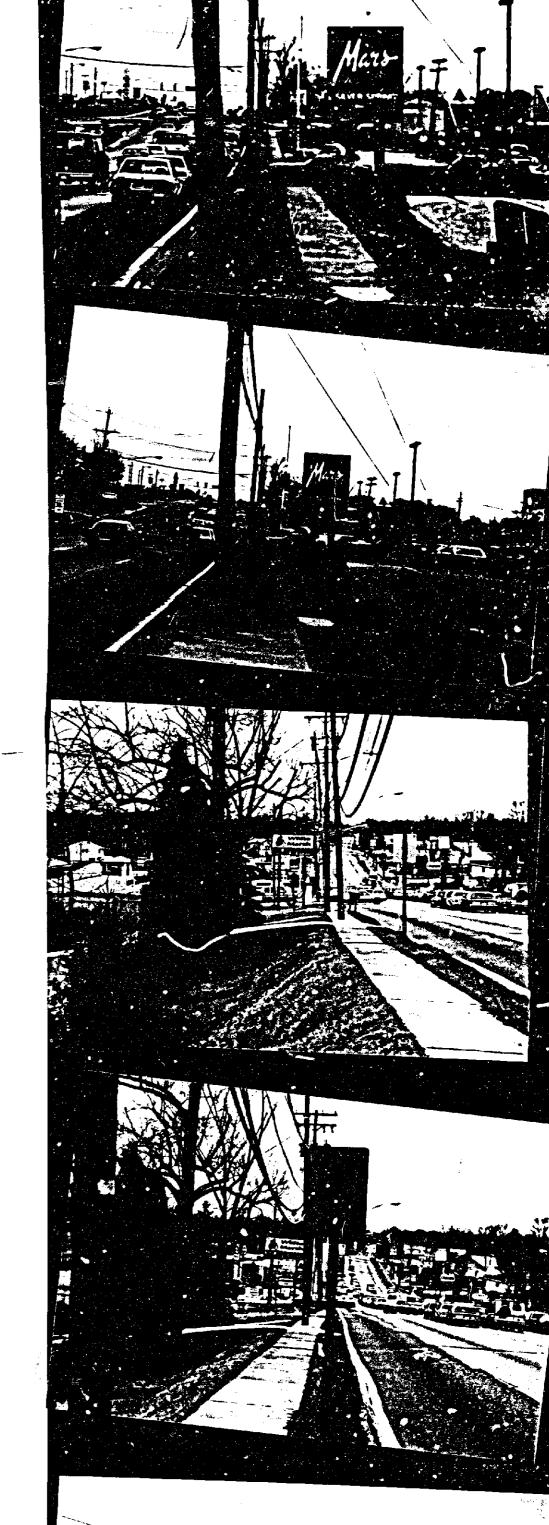
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at
 - EXCEEDS the maximum allowed by the Fire Department.
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.



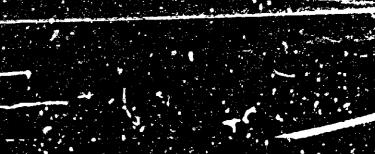




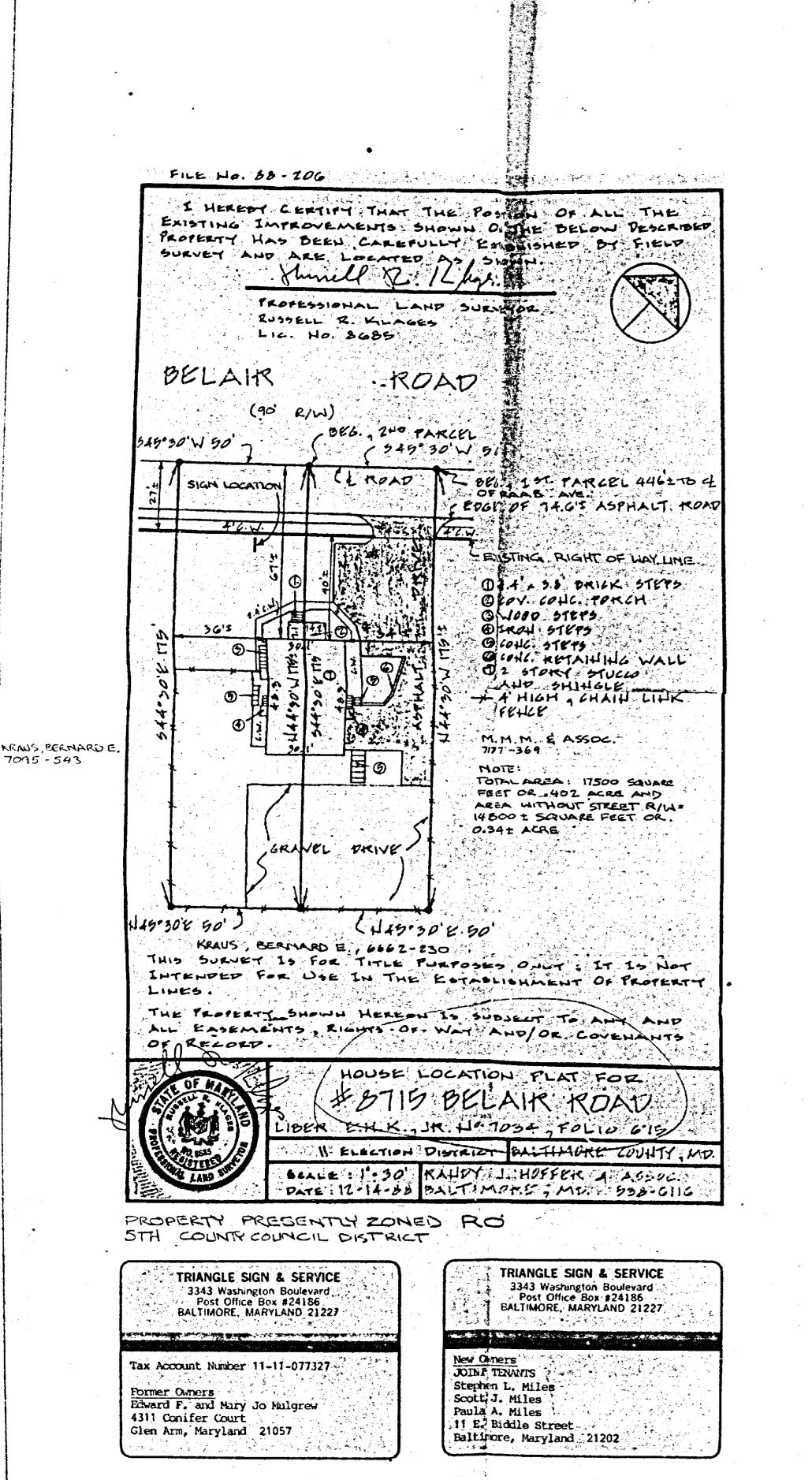












LAW OFFICES seale: 1"=1000 STEPHEN L. MILES 685-8444 TOF SIGNEX ON E SOURCE ERONZE

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INTERMALLY ILUMINATED. PLEYSCHAS! I DIF INT. ILLUMINATED FREE STANDING SIGN. SCALC 3/8" , 1'-0" THE TOTAL AND THE P. IS CO. PAP 71-

SIGN & SERVICE 3343 Weehington Bivd. Beltimore: MD. 21227 (301) 247-5300

STEPHEN L. MILES.

3715 BELAIR RD:

BALTIMORE, MD

Date __12-1-88

Scale 3/2 -1'-0

Drawing No. <u>88637</u>

APPROVAL

Location

Balesman

Drawn by

Tenent

HS.

PROFERTIES 935,493 & P.526 ALONG WITH HIGH LIGHTED LOCATION 376 ARE PRESENTLY ZONED RO