

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE
NW Side Reisterstown Rd. W. of
of Craddock Lane • ZONING COMMISSIONER
(Lot 1-A, McDonogh Crossroads) • OF BALTIMORE COUNTY
3rd Election District •
3rd Councilmanic District •
Legal Owner: McDonogh J.V. • Case No. 90-134-A
Ltd. Partnership •
Tenant: 1st American Bank of Md •
Petitioners •

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 205.3.C.2.g to allow two stationary business signs for an accessory commercial use, in lieu of the permitted single sign, and a total sign area of 36.75 square feet in lieu of the permitted 25 square feet, as more particularly described on Petitioners' Exhibits 1 and 2.

The Petitioner-Tenant, F.A. American Bank of Maryland, by Jonathan Chudnoff, Esquire, appeared and testified. Mr. Blaine J. Gerber, Manager of First American appeared and testified on behalf of the Petitioner-Tenant. Also appearing on behalf of the Petitioner-Tenant was James Matis.

Testimony indicated that the subject property known as Lot 1A, McDonogh Crossroads, consists of 6.49 acres +/-, zoned O-2 and is currently improved with the mixed-use office/retail complex identified on Petitioners' Exhibits 1 and 2.

Testimony indicated that the Petitioners desire to place signage as indicated on Petitioners' Exhibit No. 2 in the building currently being occupied by Petitioner-Tenant (First American Bank of Maryland). Testimony indicated the size, style and color scheme of the proposed sign will be identical to the existing signage, specifically, sign "C" designated on Petitioner's Exhibit No. 1.

The Petitioners testified that the requested signage will only be visible once on site and, therefore, will have no visual impact on the community located across Reisterstown Road.

Mr. Gerber, testifying on behalf of First American Bank, stated that it is a daily occurrence for the bank's customers to complain about the difficulty in locating the bank once on the subject site, which is expansive.

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 variance is granted, 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. It has been established that the requirements from which the Petitioner seeks relief would unreasonably restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

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 13th day of Nov, 1989 that the Petition for a Zoning Variance from Section 205.3.C.2.g to allow two stationary business signs for an accessory commercial use, in lieu of the permitted single sign, and a total sign area of 36.75 square feet in lieu of the permitted 25 square feet, in accordance with Petitioners' Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioners may apply for its building permit and be granted same upon receipt of this Order, however, Petitioners are hereby made aware that proceeding at this time is at its 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

cc: Jonathan Chudnoff, 11921 Rockville Pike, Suite #300, Rockville,

Maryland 20852

cc: Mr. Blaine J. Berger, Manager, First American Bank of Md., 25 Crossroads Drive, Suite 10, Owings Mills, Maryland 21117

cc: Mr. James Matis, 303 Allegheny Avenue, Towson, Maryland 21204

ORDER RECEIVED FOR FILING
Date 11/13/89
By J. Robert Haines

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Date 11/13/89
By J. Robert Haines

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

J. Robert Haines
Zoning Commissioner

November 9, 1989

Dennis F. Hammann
County Executive

Jonathan Chudnoff, Esquire
11921 Rockville Pike, Suite 300
Rockville, Maryland 20852

RE: Petition for Zoning Variance
Case #90-134-A
Legal Owner: McDonogh J.V. Ltd. Partnership
Tenant: 1st American Bank of Md.

Dear Mr. Chudnoff:

Enclosed please find the decision rendered on 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.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att: Peoples Counsel

cc: Mr. Blaine J. Berger, Manager, First American Bank of Md.
25 Crossroads Drive, Suite 10, Owings Mills, Maryland 21117
cc: Mr. James Matis, 303 Allegheny Avenue, Towson, Maryland 21204

PETITION FOR ZONING VARIANCE 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 Variance from Section 205.3.C.2.g (to allow two stationary business signs for an accessory commercial use, in lieu of the permitted single sign and a total sign area of 36.75 square feet in lieu of the permitted 25 square feet).

The undersigned, legal owner(s) of the property situate in Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
The limitation of one sign maximum of 25 SF has adversely impacted both the operations of the bank and its customers due to the fact that the bank has two functions facing different directions: 1) the drive-through facility on the east side of the building with the one permitted sign, and 2) the bank office accessible from north side of the building but lacking signage to distinguish the bank entrance from other entrances to the building, causing continuing confusion to bank users. The restriction on a second sign and limitation on square footage has resulted in both practical difficulty in servicing the community at this location and hardship for the bank and its customers 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.

Legal Owner(s):
American Bank of Maryland
(Type or Print Name)
Jonathan Chudnoff
Signature
11921 Rockville Pike
Rockville, Md. 20852
City and State

Legal Owner(s):
McDonogh Crossroads, Limited Partnership
(Type or Print Name)
McDonogh Crossroads, Limited Partnership
Signature
11921 Rockville Pike
Rockville, Md. 20852
City and State

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Rockville, Md. 20852
City and State

Legal Owner(s):
McDonogh Crossroads, Limited Partnership
(Type or Print Name)
McDonogh Crossroads, Limited Partnership
Signature
11921 Rockville Pike
Rockville, Md. 20852
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of November, 1989, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the 11th day of November, 1989, at 1:00 p.m.

Attest:
J. Robert Haines
Zoning Commissioner of Baltimore County

FILED BY J. Robert Haines 11/13/89
any time or date (hearing 1 HR. TIME)

(over)

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

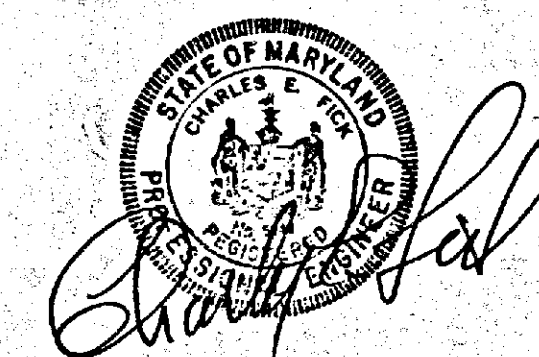
February 21, 1989
Sheet 1 of 2

Description of Lot 1-A
McDonogh Crossroads
To Accompany Zoning Petition,
5.503 Acres.

Beginning for the same at the beginning of the cutoff leading from Reisterstown Road to McDonogh Road, said point being distant North 87° 53' 12" West 70.96' from the intersection of the centerlines of Reisterstown Road and McDonogh Road thence binding on said cutoff

- 1) South 01° 38' 01" West 14.06' to the north side of McDonogh Road thence binding on the north side of McDonogh Road the three following courses, viz:
2) South 47° 18' 45" West 262.51'
3) by a curve to the right having a radius of 721.57 feet for an arc distance of 292.82' and
4) South 70° 33' 50" West 61.97' to the beginning of the cutoff leading from McDonogh Road to the east side of Crossroads Drive thence binding on said cutoff
5) North 64° 26' 10" West 21.21' to the east side of Crossroads Drive thence binding on the east side of Crossroads Drive the three following courses, viz:
6) North 19° 26' 10" West 41.57'
7) by a curve to the left having a radius of 227.16 feet for an arc distance of 100.28' and
8) North 44° 43' 44" West 169.01' thence leaving said east side of Crossroads Drive
9) North 45° 16' 16" East 585.70' to the west side of Reisterstown Road thence binding along the west side of Reisterstown Road the two following courses, viz:
10) South 44° 19' 43" East 178.94' and
11) South 43° 22' 43" East 239.65' to the place of beginning.
Containing 5.503 acres.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY.



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

May 22, 1989

Description to Accompany Zoning
Petition for Variance in an Existing
O-2 Zone.
First American Bank @ McDonogh Crossroads
Sign Variance Area.

Beginning for the same at the northernmost corner of an existing building said place of beginning being distant North 66° 31' 10" West 474.2' from the intersection of the centerlines of McDonogh Road and Reisterstown Road, running thence and binding along the northern face of said building

- 1) South 45° 16' 16" West 32' to a point thence leaving said building face and running the three following courses, viz:
2) North 44° 43' 44" West 1'
3) North 45° 16' 16" East 32' and
4) South 44° 43' 44" East 1' to the place of beginning.
Containing 32 square feet of land more or less.

This description is intended for zoning purposes only and not for use in conveyance of land.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 27, 1989

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

Nancy P. Regelin, Esquire
11921 Rockville Pike #300
Rockville, MD 20852

RE: Item No. 587, Case No. 90-134-A
Petitioner: McDonogh J. V. Lmt'd Prtshp
Petition for Zoning Variance

Dear Mr. Regelin:

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. 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.

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

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: McDonogh J.V. Limited Prtshp
First American Bank of Maryland

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
12th day of July, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: McDonogh J. V. Lmt'd Prtshp, et al
Petitioner's Attorney: Nancy P. Regelin

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: October 5, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: McDonogh Limited Partnership, Item 587
Zoning Petition No. 90-134A

The petitioner requests a Variance to allow two stationary business signs for an accessory commercial use, in lieu of the permitted single sign, and a total sign area of 36.75 square feet.

In reference to this request staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

Rec Late -> 11/16/89

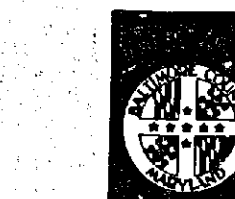
OCT - 5 1989

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reicks
Chief

JULY 19, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Property Owner: MCDONOGH J.V. LIMITED PARTN.
Location: NW SIDE REISTERSTOWN ROAD
Item No.: 587 Zoning Agenda: JULY 11, 1989

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jeffrey Kelly 7-20-89*
Planning Group
Special Inspection Division

Noted and Approved *Capt. Tom Brady*
Fire Prevention Bureau

JK/KEK

Vogge's Cleaners
EX SIGN 'E'
PERMITTED COMMERCIAL
24.75 SF

Nino's Hair Fashion
EX SIGN 'G'
PERMITTED COMMERCIAL
24.75 SF

EX SIGN 'C'
PERMITTED COMMERCIAL
22.5 SF

OTHER EXISTING COMMERCIAL SIGNAGE

PAGNET
EX SIGN 'B'
PERMITTED BUSINESS
13.12 SF

J.S.A. Bank
EX SIGN 'A'
PERMITTED BUSINESS 49 SF

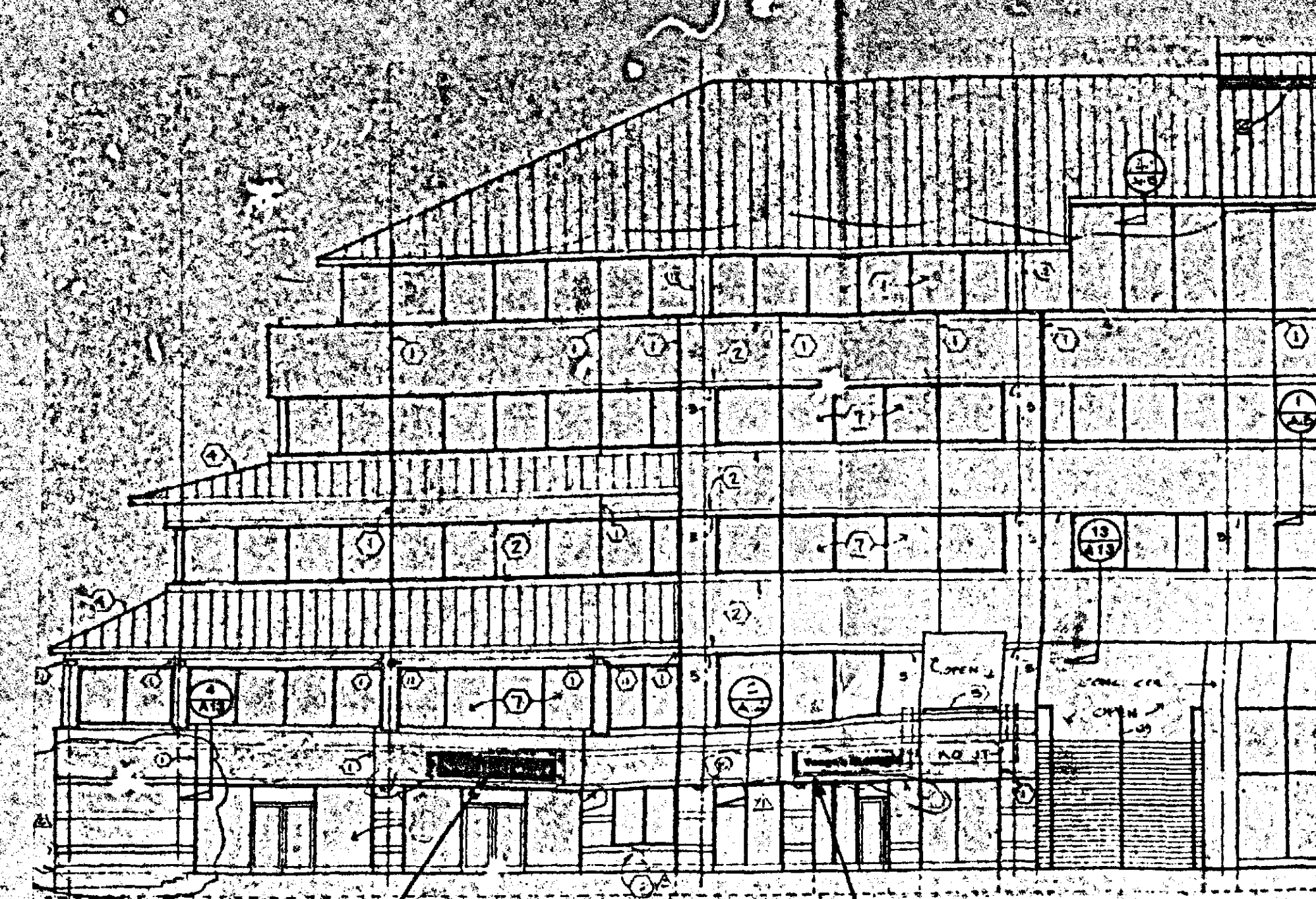
EXISTING BUSINESS SIGNAGE

PROPOSED SIGNS J, K, H, B, I
29 SF EACH BUSINESS SIGNS

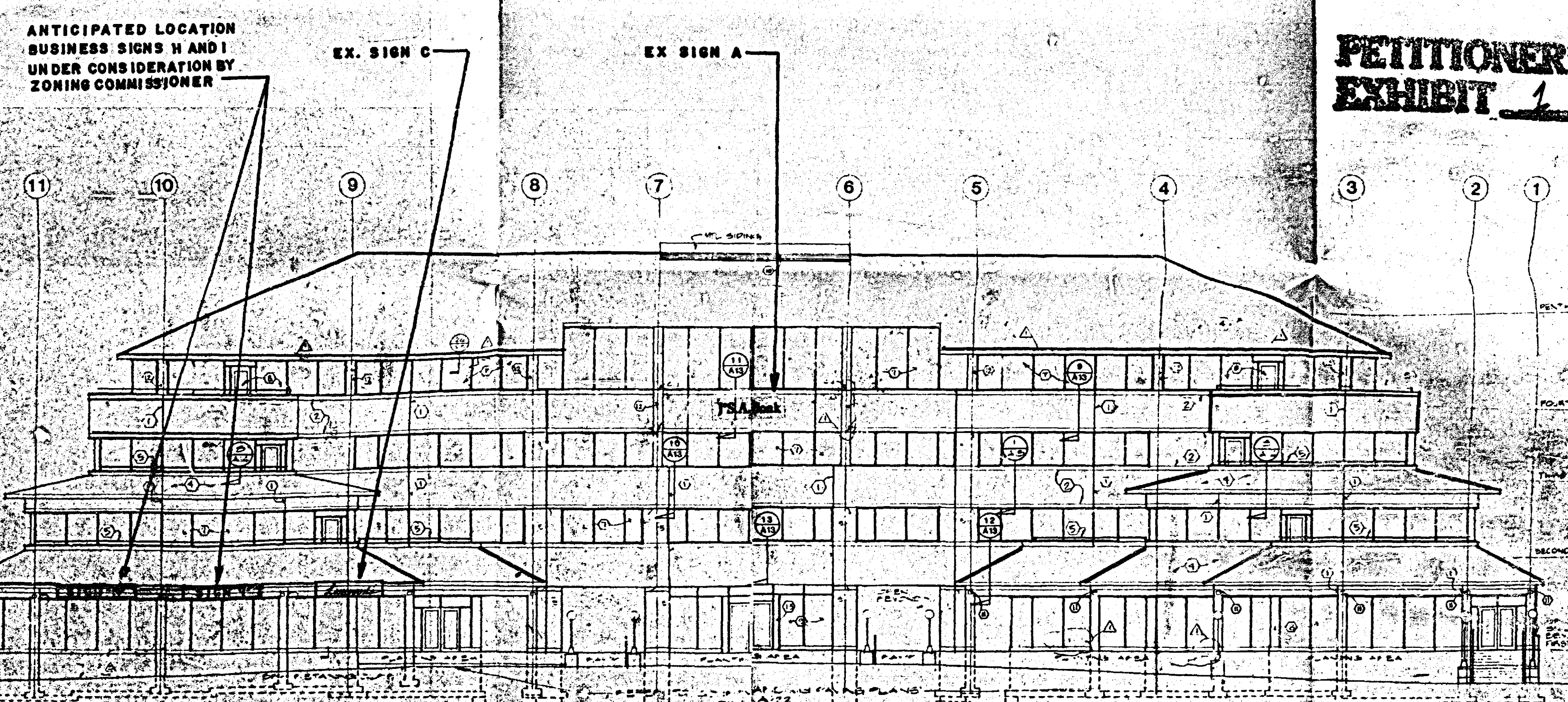
PROPOSED BUSINESS SIGNAGE UNDER CONSIDERATION BY ZONING

COMMISSIONER
CASE NO 89-442 A

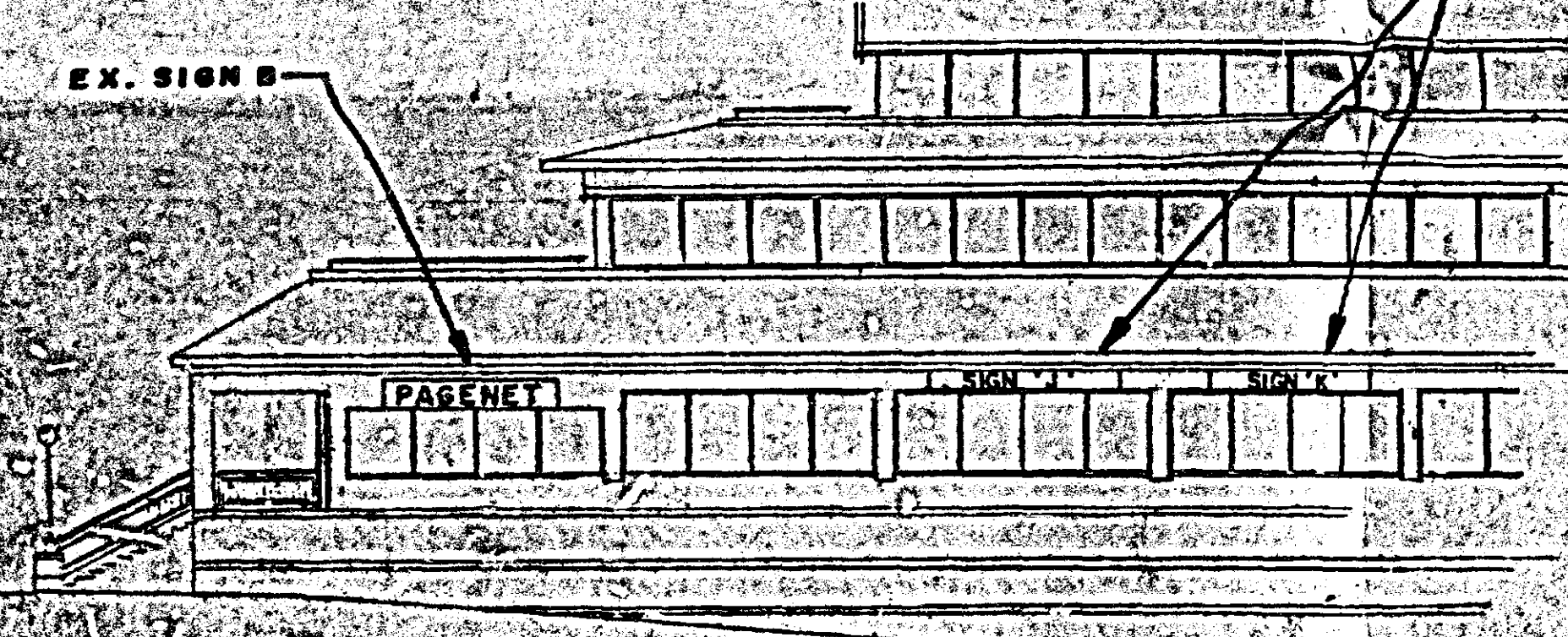
ANTICIPATED LOCATION BUSINESS SIGNS J AND K UNDER CONSIDERATION BY ZONING COMMISSIONER



PARTIAL NORTHWEST ELEVATION
NO SCALE



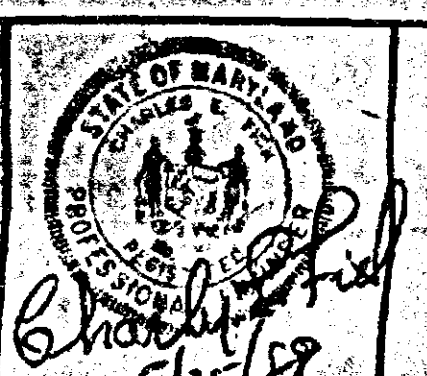
SOUTHEAST ELEVATION
NO SCALE



PARTIAL NORTH-EAST ELEVATION
NO SCALE

PETITIONER'S EXHIBIT 1

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-6500

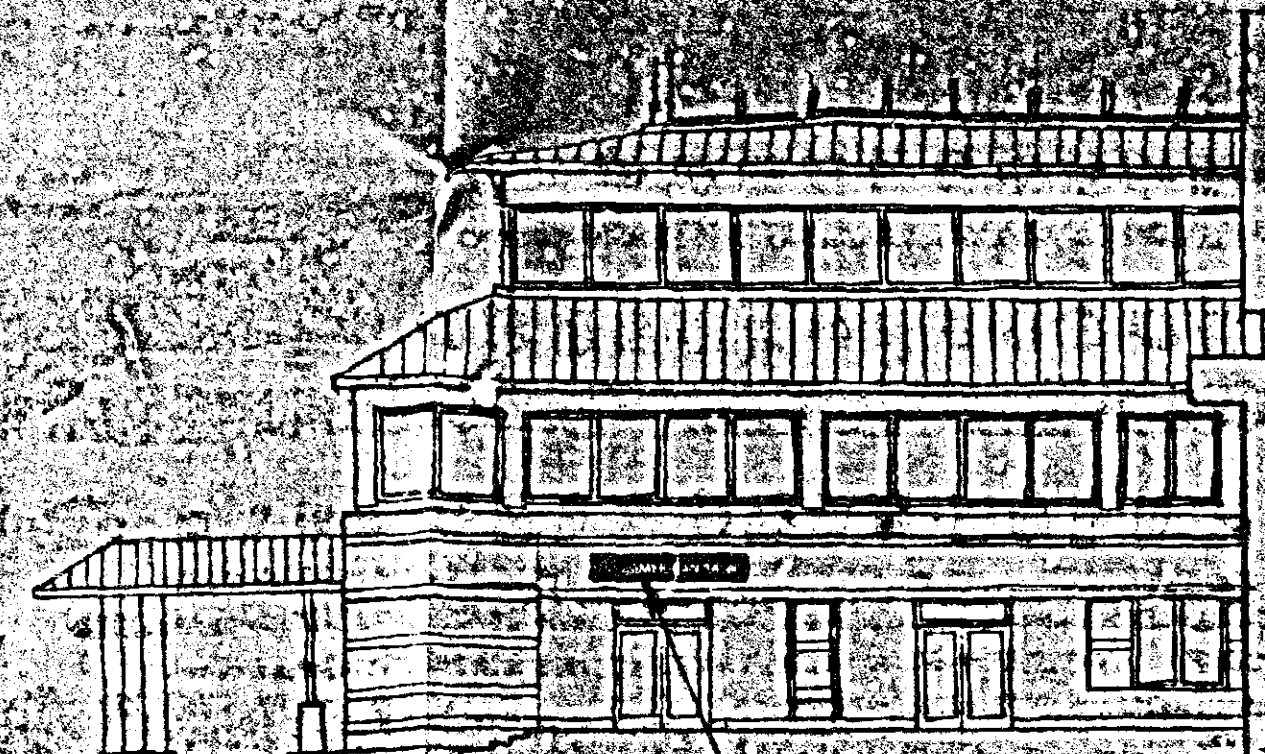


PETITIONER/LESSEES
FIRST AMERICAN BANK OF MARYLAND
8401 COLESVILLE ROAD
SILVER SPRING, MD 20910

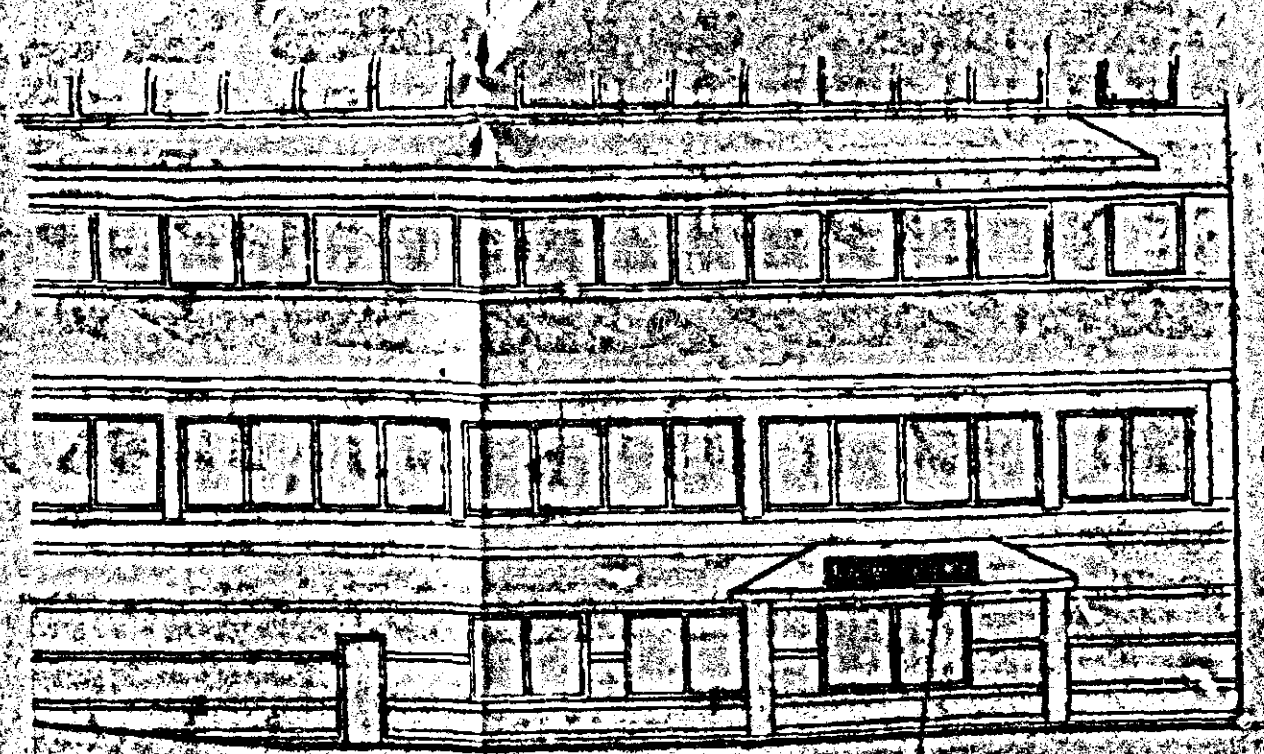
OWNER
MADENOSH J.V. LTD PARTNERSHIP
160 MARENZIE LANE
2320 W. JOPPA RD
LUTHERVILLE, MD 21093

PLAT TO ACCOMPANY ZONING PETITION FOR VARIANCE IN AN EXISTING O-2 ZONE
LOT 1A McDONOUGH CROSSROADS
ELECTION DISTRICT #3
BALTIMORE COUNTY, MARYLAND

- 1) South 45' x 115' 0" lot
- 2) South 45' x 115' 0" lot
- 3) South 45' x 115' 0" lot
- 4) South 45' x 115' 0" lot



PARTIAL NORTHWEST ELEVATION
NO SCALE



PARTIAL NORTHEAST ELEVATION
NO SCALE

1ST AMERICAN BANK

SIGN DETAIL NO SCALE

EXIST. SIGN "A"
PROJ. SIGN "B" (VARIANCE REQUEST)
SIGN "A" ARE SINGLE FACED
ARE 18.38 SF EACH
DO NOT PROJECT MORE THAN 12" FROM BUILDING
ARE INTERNALLY ILLUMINATED

REFERENCE IS DIRECTED TO ZONING CASE NO. 89-442A NOW UNDER THE CONSIDERATION OF THE ZONING COMMISSIONER TO PERMIT A VARIANCE TO ALLOW A TOTAL OF SIX STATIONARY BUSINESS SIGNS WITH A CUMULATIVE AREA OF 158.5 SF IN LIEU OF THE TWO PERMITTED STATIONARY BUSINESS SIGNS WITH A CUMULATIVE AREA OF 202 SF.

PETITIONER/LESSOR: 1ST AMERICAN BANK OF MARYLAND
8401 DIXIEVILLE ROAD
SILVER SPRING, MARYLAND 20910
OWNER: MCDONOUGH J.V. LTD. PARTNERSHIP
2028 WEST JOPPA ROAD
DUELL, MARYLAND 21034
LUTHERVILLE, MARYLAND 21093



GEORGE WILLIAM STEPHENS JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGANY AVENUE
TOWSON, MARYLAND 21204
410-252-9201



**PLAT TO ACCOMPANY
ZONING PETITION FOR VARIANCE
IN AN EXISTING O-2 ZONE**

LOT 1A MCDONOUGH CROSSROADS

ELECTION DISTRICT #3
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'
DATE: 11/29/90
SHEET 1 OF 2

**PETITIONER'S
EXHIBIT 2**

VARIANCE IS REQUESTED TO SECTION 205.3C.2.3 - TO PERMIT TWO (2) STATIONARY BUSINESS SIGNS IN LIEU OF THE PERMITTED ONE (1) STATIONARY BUSINESS SIGN.

LOCATION MAP
SCALE: 1" = 100'
NEIGHBORHOOD MAP
SCALE: 1" = 100'

LOT 1A BUILDING A

FLOOR	AREA (SF)	USE	REQUIREMENT (SF)	PROVIDED (SF)
1ST FLOOR	25,000	OFFICE	18,750	25,000
2ND FLOOR	14,334	OFFICE	10,750	14,334
3RD FLOOR	14,334	OFFICE	10,750	14,334
4TH FLOOR	14,334	OFFICE	10,750	14,334
5TH FLOOR	14,334	OFFICE	10,750	14,334
TOTAL	82,336		61,750	82,336

TYPICAL PARKING SPACES (18.5' x 10')
TYPICAL PARKING SPACES (18.5' x 10')
TYPICAL PARKING SPACES (18.5' x 10')



VILLAGE OF QUEEN ANNE
RURST. ZONING - DEIG
EXIST USE - TOWNHOMES



SIGNS: ARE SINGLE FACED
ARE 18.38 SF EACH
DO NOT PROJECT MORE THAN 12" FROM BUILDING
ARE INTERNALLY ILLUMINATED

EXISTING ZONING ~ O-2
PRESENT USE OFFICE BLDG
MID-RANGE GREENHOUSES - LOTS

PN 00294
SHEET 1 OF 2