

IN RE: PETITION FOR ZONING VARIANCE
NW/Corner Security Boulevard
and Rolling Road
(1717 N. Rolling Road)
1st Election District
1st Councilmanic District
Security Square Associates
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-301-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two dual faced freestanding signs of 880 sq.ft. total (220 sq.ft. per face) in lieu of the maximum permitted 100 sq.ft. total, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Wayne M. Bohl, General Manager, appeared, testified and was represented by Judson H. Lipowitz, Esquire. Also appearing on behalf of the Petition were Walter M. Miles, Division Manager for General Cinemas, and Bert Sommer, with Triangulum Signs. There were no Protestants.

Testimony indicated that the subject property, known as 1717 North Rolling Road, consists of 90.28 acres primarily zoned E.M.-C.T. with a small portion zoned B.L. Said property is the site of the Security Square Mall in which there are approximately 125 tenants. Petitioners are desirous of installing two new freestanding signs, one of which will identify the mall and its tenants, and the other will identify the General Cinema theaters to the rear of the site. Testimony indicated that since its purchase of the property in 1984, Petitioners have made numerous improvements and modifications to the site in order to effectively compete with the newer, more modern shopping malls in the vicinity. In 1986, General Cinemas relocated the movie theatres that were originally inside

the mall to a separate building constructed to the rear of the mall off of Rolling Road, as depicted in Petitioner's Exhibit 1. Petitioners testified that the proposed signage is necessary to provide increased visibility to the site and in particular, the existence of the movie theaters to the rear of the property which are not easily identifiable from Rolling Road and Security Boulevard. Petitioners testified the proposed signage will be located off of Rolling Road and Security Boulevard in the area noted in Petitioner's Exhibit A, a modified site plan submitted by Petitioners subsequent to the hearing to correct minor inaccuracies noted by Petitioners after filing the Petition. Testimony indicated the relief requested will not result in any detriment to the public health, safety or general welfare.

In support of Petitioner's request, Counsel for Petitioners introduced Petitioner's Exhibit 4, a video tape depicting the improvements on the subject property and the surrounding area. The evidence presented therein would indicate that the granting of the variance in this instance is within the spirit and intent of the zoning regulations and will not result in any detriment to the health, safety or general welfare of the surrounding community. Testimony and evidence presented indicated that the Petitioners have taken into consideration the number of signs existing on the site and has selected a design which is aesthetically pleasing and complimentary to the overall renovation plans. The landscaping of the property is extensive and, in fact, effectively screens both the existing signs and those proposed in such a manner that they are not offensive and create an eyesore. Testimony and evidence presented by Petitioners indicated that a sizable portion of the proposed square footage of signage for both the existing and proposed signs is attributed to the structure itself

and does not contain the actual lettering. As Petitioners are aware, the Zoning Commissioner's policy requires that in calculating the dimensions of a sign, the square footage shall include the support structure, unless the sign is mounted on a single or double columnar pole. Petitioners have agreed that if the variance is granted, the square footage for lettering will be limited to the area as set forth in Petitioner's Exhibit 5. Further, Petitioners agreed that no additional signage will be placed on the property without requesting another hearing to insure that the goals of the Petitioners, as expressed at the hearing, are maintained and the site is not later cluttered with other freestanding signs permitted as of right. Petitioners were requested to submit an exhibit the square footage of the message board for the two existing signs. Said exhibit was produced and identified as Petitioner's Exhibit 6.

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 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of March, 1990 that the Petition for Zoning Variance to permit two dual faced freestanding signs of 880 sq.ft. total (220 sq.ft. per face) in lieu of the maximum permitted 100 sq.ft. total, in accordance with Petitioner's Exhibits 1, 2 and 5, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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.
- 2) Petitioners shall not place any additional freestanding signs on the property other than the four (4) depicted in Petitioner's Exhibit A, which includes the two existing signs and the two proposed signs, without a public hearing.
- 3) The lettering and signage for the two existing signs shall not exceed the message board area of 4'6" x 5'6" as depicted in Petitioner's Exhibits 2A, 2B and 6. The area identifying the name of the center shall not exceed the 3'8" x 5'6" area depicted in the same exhibits and shall at all times identify the name of the shopping center only.
- 4) The lettering and signage for the two proposed signs shall be as designed and shall not exceed the

ORDER RECEIVED FOR FILING
Date 3/14/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/14/90
By [Signature]

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Date 3/14/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/14/90
By [Signature]

area set forth in Petitioner's Exhibit 5 and at no time expand beyond the 9'1" x 11" area designated therein.

- 5) Petitioners shall submit a landscaping plan depicting the existing landscaping along Security Boulevard and Rolling Road. Said landscaping shall be maintained at all times by Petitioner.
- 6) When applying for the sign permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363

J. Robert Haines
Zoning Commissioner

March 7, 1990

Judson H. Lipowitz, Esquire
401 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/Corner Security Boulevard and Rolling Road
(1717 N. Rolling Road)
1st Election District - 1st Councilmanic District
Security Square Associates - Petitioners
Case No. 90-301-A

Dear Mr. Lipowitz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

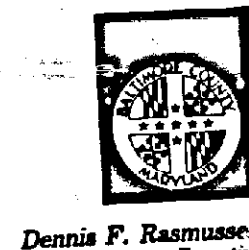
Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 A13.2.1.2. to allow 2 dual faced freestanding signs with a total of 880 sq.ft. (220 sq. ft. per face) in lieu of the permitted 100 sq. ft.

General Cinema Theatres is located in the rear of Security Square Shopping Center. Without the proposed signage, General Cinema Theatres is inaccessible from Rolling Road and Security Boulevard. The proposed signage is necessary to reasonably identify the theatres and attract patrons.

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.

Contract Purchaser:

(Type or Print Name)

By: JMB Property Management Co., as Agent

(Type or Print Name)

By: Joseph M. Shrader

(Type or Print Name)

Its: Executive Vice President

Signature

Address

City and State

Attorney for Petitioner:

ANNE, Carr and Franz

(Type or Print Name)

Address

City and State

Attorney's Telephone No.: 821-6800

Name

Address

City and State

Attorney's Telephone No.: 821-6800

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City and State

Attorney's Telephone No.: 821-6800

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Address

City and State

Attorney's Telephone No.: 821-6800

Name

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 18, 1990

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

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Judson H. Lipowitz, Esquire
Jared, Gann and Franz
Suite 502, 401 Washington Avenue
Towson, MD 21204

RE: Item No. 159, Case No. 90-301-A
Petitioner: JNB Property Mgmt. Co.
Petition for Zoning Variance

Dear Mr. Lipowitz:

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: Mr. Joseph M. Shrader
JNB Property Mgmt. Co.

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

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 15th day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: JNB Property Mgmt. Co.

Petitioner's Attorney: Judson H. Lipowitz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 16, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Security Square Associates, Item 159
Zoning Petition No. 90-301

The Petitioner requests a Variance to permit two (2) dual faced freestanding signs with a total of 880 sq. ft. (220 sq. ft. per face X 2 sides X 2 signs) in lieu of the permitted 100 sq. ft.

In reference to the Petitioner's request, staff offers the following information:

- Staff has difficulty commenting on the appropriateness of this request since no information has been provided regarding the amount of existing signage. Staff recommends that prior to consideration of this request, a plan should be filed which indicates existing sign calculations and locations at the Security Square Mall.

- A review of the Petitioner's plat reveals that the mall property is subdivided into numerous parcels. The movie theater has been developed on a parcel separate from the parcels where the requested signs are to be located.

Section 413.2F of the Baltimore County Zoning Regulations (B.C.Z.R.) states: "Other business signs not exceeding three on any premises may be used if limited to a total area of 100 square feet in business zones, and 200 square feet in M.H. zones." In the opinion of staff, this section is applicable to this case; however, we are concerned because the section mentions nothing about separately deeded parcels. In the matter of Cohen Berger Partnership, et al., Case No. 88-413, Julius Lichter, Esquire, who represented the Petitioner, argued that technically a property could be subdivided and thus permitting signs to be located on each parcel as a matter of right. It would appear that the Deputy Zoning Commissioner agreed with Mr. Lichter's position in that case.

In this case, since the proposed signs are not to be located on the same parcel as the theater, conclusions made in Case NO. 88-413A would not, in the opinion of staff, apply to this case. Unless the signs are located on parcels where the uses occur, it appears to staff

that these signs would meet the definition of an outdoor advertising sign, which is defined in Section 101 of the B.C.Z.R. as follows:

"A sign that calls attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located."

In addition to information regarding existing signage at Security Square Mall, staff recommends that the Petitioner submit information regarding how sign treatments are addressed at other malls in the region. Golden Ring Mall may be a good location for comparison purposes since it is located in Baltimore County, has access to several major roads, and has a similar sized theater.

Based on the analysis conducted and the information provided, staff recommends denial of the Petitioner's request unless additional information is provided for review.

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/cmm

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

November 29, 1989



Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 144, 150, 151, 152, 153, 154, 155, 156, 158, & 159.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSE/lw

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

Paul H. Reincke
Chief

December 1, 1989



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: SECURITY SQUARE ASSOCIATES
Location: #1717 ROLLING ROAD
Item No.: 159 Zoning Agenda: NOVEMBER 14, 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: *Paul H. Reincke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: December 19, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for November 14, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 144, 150, 153, 154, 155, 156, 158 and 159.

For Item 151, the creation of this lot leaves the 4.939 acre parcel without frontage. Plat 44/08 had previously eliminated frontage of lots east of the panhandle. It appears that a subdivision plat should be prepared for any subsequent division of this tract.

For Item 152, record plat 60/95 identifies Hillside Drive as Hillside Drive.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



DEVELOPMENT DATA *

STATISTICAL DATA				
Floor Area of Building				
		Gross	Deduction	Floor Area
		Per S.F.	Per S.F.	
J.C. PENNEY	Total	171,627 sqft	7,076 sqft	164,551 sqft
SEARS	(Initial)	209,812 sqft	21,578 sqft	188,233 sqft
	(Expansion)	40,113 sqft		40,113 sqft
	Total	249,925 sqft		228,346 sqft
METTLER'S	(Initial)	143,252 sqft	5,113 sqft	138,139 sqft
	(Expansion)	81,324 sqft		81,324 sqft
	Total	224,576 sqft		220,063 sqft
HECHT'S (WMT CO.)	(Initial)	150,000 sqft		150,000 sqft
	(Bank)	1,000 sqft		1,000 sqft
	(Expansion)	25,000 sqft		25,000 sqft
	Total	176,000 sqft		176,000 sqft
DEVELOPER	(Net)	456,133 sqft	128,521 sqft	327,612 sqft
	(Crane)	33,816 sqft		33,816 sqft
	Total	490,949 sqft		361,428 sqft
RECAP OF TOTALS				
	Pennney	171,627 sqft	7,076 sqft	164,551 sqft
	Sears	249,825 sqft	21,578 sqft	228,066 sqft
	Mettler	224,576 sqft	5,113 sqft	220,063 sqft
	Developer	490,949 sqft	128,521 sqft	361,428 sqft
GRAND TOTAL		1,316,637 sqft	189,288 sqft	1,152,348 sqft
PARKING RATIO				
Parking Required:		5.0 Parking Spaces	per 1,000 sqft	Floor Area
	Floor Area	Parking Req'd.		Spaces/Parcel
Access Road	2.41 Acres	164,551 sqft	823	1391
Pennney Parcel	12.00 Acres	228,066 sqft	1140	1892
Sears Parcel	16.03 Acres	229,063 sqft	1145	1897
Mettler Parcel	11.98 Acres	220,063 sqft	1102	957
Hecht's Parcel	29.96 Acres	253,888 sqft	1269	1800
Developer Parcel			5819	
TOTALS		1,152,348 sqft	5762 spaces	6041 spaces

* DEVELOPMENT DATA NOT VERIFIED
BY CENTURY ENGINEERING
JULY 7, 1989

LEGAL DESCRIPTION

[illegible]

CENTURY ENGINEERING, INC.
CONSULTING ENGINEERS ••• PLANNERS

PLAT
FOR
SIGN VARIANCE
JULY 7, 1989

PLAT
FOR
VARIA
JULY 7, 1989

159
90-301-A

PROPERTY MANAGEMENT CORPORATION
875 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60611

SECURITY SQUARE MALL
6901 SECURITY BOULEVARD
BALTIMORE COUNTY, MARYLAND 21207

QSS, INC.
ARCHITECTS/ENGINEERS/CONSTRUCTION MANAGERS
38306 DEEP CREEK DRIVE - PROSPECT, KENTUCKY - 40059 502-228-3317
5983 ELLENVIEW AVENUE - WOODLAND HILLS, CA - 91387 818-992-6732
1285 SENEY STREET - NAUVOO, ILLINOIS - 63358 217-453-2445

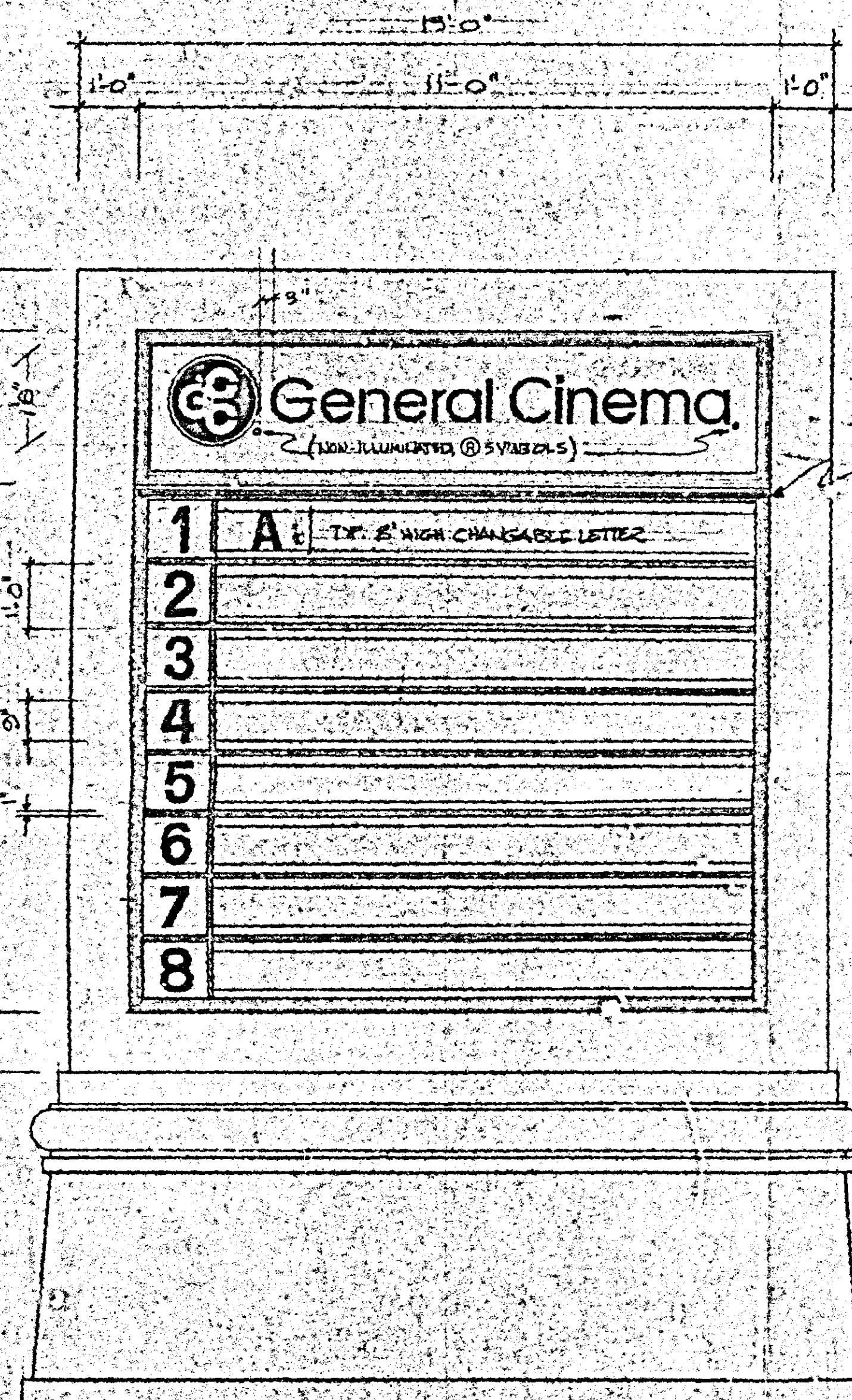
REVISIONS

ISSUE
DATE 1/4/8

PREL. ' _____
1st SUB. _____
CHANGES 110

SECRET

OF SHEETS



3" (MIN.) MOLDING PROJECTION FOR FACE REMOVAL & SERVICE

1/4" PIPE LADDER RAIL PROJECTING 6"

PIER & FOUNDATION DETAIL & COLOR TYPICAL

SIGN CABINET: .063" ALUMINUM W/ ANGLE IRON FRAME. 3" WIDE FACE MOLDING. FINISH MATTE BLACK.

FACES (TOP): 1.750" THICK CLEAR POLYCARBONATE W/ SPRAYED ACRYLIC FINISH ON 2ND SURFACE.

BACKGROUND: MATTE BLACK.

LETTERS: WHITE.

LOGO BKGD: TO MATCH P.M.S. #293 BLUE.

LETTERS/STRIPS: WHITE.

FACES (BOTTOM): 1.750" THICK, WHITE PIGMENTED, POLYCARBONATE.

1" WIDE, MATTE BLACK ALUMINUM DIVIDER STRIPS.

AUDITORIUM NUMERALS: F/C/O 7/16" THICK #2283 RED PLEXIGLAS. 9" HIGH.

CHANGABLE LETTER & TRACK SYSTEM 8" HIGH, PRONTO, BLACK, MODERN. STYLE BY BEVENTE/ADLER CO.

INTERNAL ILLUMINATION - 120 VAC, 800MA, T-12, FLUORESCENT LAMPS & GENERAL ELECTRIC BALLASTS AS REQUIRED.

NOTE: ONLY 277 VOLT ELECT. SERVICE AVAILABLE

PETITIONER'S EXHIBIT 5

ELEVATION - DOUBLE FACED, INTERNALLY ILLUMINATED, FREE STANDING SIGN
SCALE 1/2" = 1'-0"

#159
90-301-A

CINEMA 8, SECURITY SQUARE MALL	
BALTIMORE, MD.	
SCALE 1/2" = 1'-0"	APPROVED BY J.E.
DATE 8-22-84	REMARKS
IDENTIFICATION/ATTRACTION SIGN	
TOM HUGHES CO., INC. 2140 STRAFELLO DR., LYONS, MASS. 02354	SCALE 1/2" = 1'-0"

Scotch
EG
T-120



MIS
Made in USA

PETITIONER'S EXHIBIT
CASE 90-301-A