

IN RE: PETITION FOR VARIANCE
 NW/S Silver Spring Road, 218'
 W of Belair Road
 (Perry Hall Crossing Shopping Ctr.)
 11th Election District
 5th Councilmanic District

* BEFORE THE
 * DEPUTY ZONING COMMISSIONER
 * OF BALTIMORE COUNTY

Case No. 94-25-A

Silver Bell Assoc., a Maryland
 Partnership - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Silver Bell Associates, a Maryland Partnership, by Robert C. Levin, a General Partner, through their attorney, Benjamin Bronstein, Esquire. The Petitioners request relief from Section 413.2.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two double-faced signs of 180 sq.ft. per face in lieu of the maximum permitted 150 sq.ft. per face, and from Section 413.5.d of the B.C.Z.R. to permit a sign height of 29.3 feet in lieu of the permitted 25 feet, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Robert C. Levin, General Partner of Silver Bell Associates, James Kline, a Professional Engineer with George W. Stephens, Jr. & Associates, and Al Nathan, a representative of the sign company who will be making the proposed improvements. There were no Protestants.

Testimony indicated that the subject property is split zoned B.L. and D.R. 16 and is the site of the Perry Hall Crossing Shopping Center. Said property is located on Belair Road at its intersection with Silver Spring Road. The Petitioners are desirous of upgrading existing signage on the property to accommodate three new tenants. Testimony indicated the

variance request was necessitated by the closing of the Channel Hardware Store. The Petitioners have secured three new tenants to occupy the space previously occupied by the Channel store and additional signage is needed to accommodate the new tenants. Further testimony indicated that the proposed signage will improve visibility to passing motorists. The Petitioners testified that an existing landscape berm along the front property line on Belair Road has prevented motorists from seeing the signs.

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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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 23rd day of August, 1993 that the Petition for Variance requesting relief from Section 413.2.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two double faced signs of 180 sq.ft. each in lieu of the maximum permitted 150 sq.ft. and from Section 413.5.d of the B.C.Z.R. to permit a sign height of 29.3 feet in lieu of the permitted 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign permits 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 relief granted shall be rescinded.

Timothy M. Katroc
 TIMOTHY M. KATROCK
 Deputy Zoning Commissioner
 for Baltimore County

TWK:bjs



Suite 113, Courthouse
 400 Washington Avenue
 Towson, MD 21284

(410) 887.4386

August 23, 1993

Benjamin Bronstein, Esquire
 29 W. Susquehanna Avenue, Suite 205
 Towson, Maryland 21204

RE: PETITION FOR VARIANCE
 NW/S Silver Spring Road, 218' W of Belair Road
 (Perry Hall Crossing Shopping Center)
 11th Election District - 5th Councilmanic District
 Silver Bell Associates - Petitioners
 Case No. 94-25-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Katroc
 TIMOTHY M. KATROCK
 Deputy Zoning Commissioner
 for Baltimore County

TWK:bjs

cc: People's Counsel
 file

ORDER RECEIVED FOR FILING
 Date 8/23/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 8/23/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 8/23/93
 By [Signature]

Petition for Variance
 94-25-A
 to the Zoning Commissioner of Baltimore County
 for the property located at Northwest corner of intersection of Belair Road and Silver Spring Road which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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(s) 413.2.e to permit 2 double face signs of 180 sq. ft. each in lieu of the permitted 150 sq. ft. and from Section 413.5.d to permit a height of 29 ft 3 in in lieu of 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Configuration of site
2. Topography of site
3. And such other and further reasons as may be demonstrated at time of hearing

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, and

Contract Purchaser/Lessee: _____
 Type or Print Name: _____
 Signature: _____
 Address: _____
 City: _____ State: _____ Zipcode: _____

Attorney for Petitioner: Benjamin Bronstein
 Evans, George and Bronstein
 Type or Print Name: _____
 Signature: _____
 Address: _____
 City: _____ State: _____ Zipcode: _____

23 W. Susquehanna Ave., Ste. 205 296-0200
 Towson Maryland 21204

G.W. Stephens & Associates
 Name: _____
 Address: 658 Kenilworth Drive, Towson, MD 21204
 Phone No. 825-8120

OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: _____
 the following date: _____
 ALL OTHER: _____
 REVIEWED BY: R.T. DATE 7-15-93

ITEM # 26

FROM THE OFFICE OF
 GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
 ENGINEERS
 658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany
 A Petition for Sign Variance. June 25, 1993

RE: Perry Hall Crossing Shopping Center
 I.D. Signs

Sign #1
 Beginning at a point located North 04° 40' West 218 feet from the point of intersection of the center lines of Belair Road and Silver Spring Road thence in a clockwise direction:
 1 - North 47° 52' West 23 feet
 2 - North 42° 08' East 30 feet
 3 - South 47° 52' East 23 feet and
 4 - South 42° 08' West 30 feet to the place of beginning.
 Containing 690 square feet of land more or less.

Sign #2
 Beginning at a point located North 70° 20' East 720 feet from the point of intersection of the center lines of Belair Road and Silver Spring Road thence in a clockwise direction:
 1 - North 47° 52' West 23 feet
 2 - North 42° 08' East 30 feet
 3 - South 47° 52' East 23 feet and
 4 - South 42° 08' West 30 feet to the place of beginning.
 Containing 690 square feet of land more or less.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS OF LAND.



ITEM # 26

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

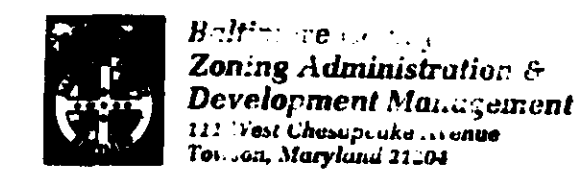
District: 11th Date of Posting: 7/30/93
 Posted for: Variance
 Petitioner: Silver Bell Assoc.
 Location of property: NW/S Silver Spring Rd, 218' W of Belair Rd
N/W Belair Rd, 700' W of Silver Spring Rd
 Location of Signs: Belair Rd, 29 ft 3 in high, 2 signs
 Remarks: _____
 Posted by: [Signature] Date of return: 7/31/93
 Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 29, 1993
 THIS IS TO CERTIFY, that the attached advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 29, 1993

THE JEFFERSONIAN,
A. Henikson
 LEGAL AD. - TOWSON

94-25-A



Date: 7-15-93
 SILVER BELL ASSOC. & MD. PARTNERSHIP
 STE 1102 ONE NORTH CHARLES ST
 BALTO. MD. 21201

020 - VARIANCE - \$ 250.00
 080 - SIGN - \$ 35.00
 TOTAL - \$ 285.00

Account: R-001-6190

Number # 26
 R.T.

0340380461M|CHRC \$285.00
 BA C010132AM07-15-93
 Please Make Checks Payable To: Baltimore County

Cashier Validation

ORDER RECEIVED FOR FILING
 Date 8/23/93
 By [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

JUL 27 1993 (410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-25-A (Item 26)
Perry Hall Crossing Shopping Center
NE/S Silver Spring Road, 218'-0" from C/L Belair Rd
NE/S Belair Road, 720' from C/L Intersection Belair Road and Silver Spring Road
11th Election District - 5th Councilmanic
HEARING: THURSDAY, AUGUST 19, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit two double-face signs of 180 square feet in lieu of the permitted 150 square feet; and to permit a height of 29 feet, 3 inches in lieu of 25 feet.

Arnold Jablon
Director

cc: Silver Bell Associates
G. W. Stephens & Associates
Benjamin Bronstein, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

August 10, 1993 (410) 887-3353

Benjamin Bronstein, Esquire
Evans, George and Bronstein
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: Case No. 94-25-A, Item No. 26
Petitioner: Silver Bell Associates
Petition for Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 July 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

7 22 93

Ms. Helene Kehring and
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-25-A (17)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 29, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

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 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Gary L. Kerns

PK/JL:lw

ZAC 9/ZAC1

6677-93

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
Sign #1: NW/S Silver Spring Rd. : OF BALTIMORE COUNTY
218'-0" from C/L Belair Rd. :
Sign #2: NE/S Belair Rd., 720' : Case No. 94-25-A
NE from C/L Intersection Belair :
Rd. & Silver Spring Rd. - Perry :
Hall Crossing Shopping Center, :
5th Election District. :
11th Councilmanic District. :
SILVER BELL ASSOCIATES, A :
MARYLAND PARTNERSHIP, :
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.

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Dewillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 29th day of July, 1993,
a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein,
Esquire, Evans, George & Bronstein, 29 W. Susquehanna Ave., Ste. 205, Towson,
MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
JUL 30 1993
ZADM

94-25-A

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING INSPECTOR
TOWSON, MARYLAND 21204

PROPERTY ADDRESS: 8218 BELAIR RD. HISTORIC DISTRICT/BLDG. YES [] NO []

DEA: 444/015

PERMIT # 8173878 CONTROL # 1800-7 SURVIV: NW/S Silver Spring Rd. TAX ACCOUNT # 361600944

APPLICANT INFORMATION: NAME: Silver Bell Associates ADDRESS: 1100 Blenheim Blvd, Towson, MD 21286 PHONE: 410-271-1000

INSPECTOR: I HAVE CAREFULLY READ THIS APPLICATION AND WHEN THE WORK IS COMPLETED AND THE WORK IS DONE THIS USE ALL PROVISIONS OF THE BALTIMORE COUNTY ZONING AND APPLICABLE STATE REGULATIONS WILL BE COMPLIED WITH. I HAVE BEEN SPECIFIC OR NOT AND WILL REQUEST ALL REQUIRED INFORMATION.

TYPE OF USE: RESIDENTIAL
01 - ONE FAMILY
02 - TWO FAMILY
03 - THREE AND FOUR FAMILY
04 - FIVE OR MORE FAMILY (ENTER NO. UNITS)
05 - SWIMMING POOL
06 - GARAGE
07 - OTHER

TYPE OF CONSTRUCTION: 1 - BRICK 2 - CONCRETE 3 - NONE

APPROVAL SIGNATURES: [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Provisional Approval
Permit No. B173878 DATE: 8/19/93

LOCATION: 8218 Belair Rd

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions: (Please check appropriate boxes)

Owner has filed for a public hearing, Item # 73 26

Owner must file for a public hearing within _____ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.

Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within _____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

[Signature]
DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not _____
[Signature]
Owner Contract Purchaser

Name Silver Bell Associates
Address 1100 Blenheim Blvd,
Towson, MD 21286
Home Phone # 410-271-1000

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 887-0200
FAX (410) 296-3719

July 14, 1993

Arnold Jablon, Director
Department of Zoning Administration
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Silver Bell Associates Sign Variance

Dear Mr. Jablon:

In reference to the above entitled matter I have enclosed the following:

1. Petition for Variance in triplicate.
2. Twelve copies of the Plat to Accompany the Petition for Variance including the 200 scale zoning map. (INSET)
3. Three sealed copies of the description.
4. A check for costs.

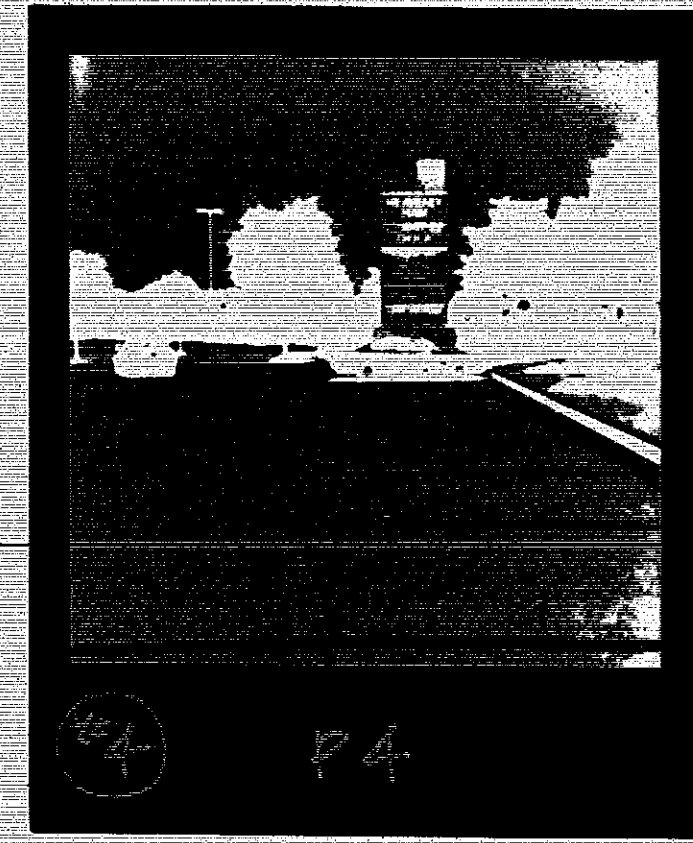
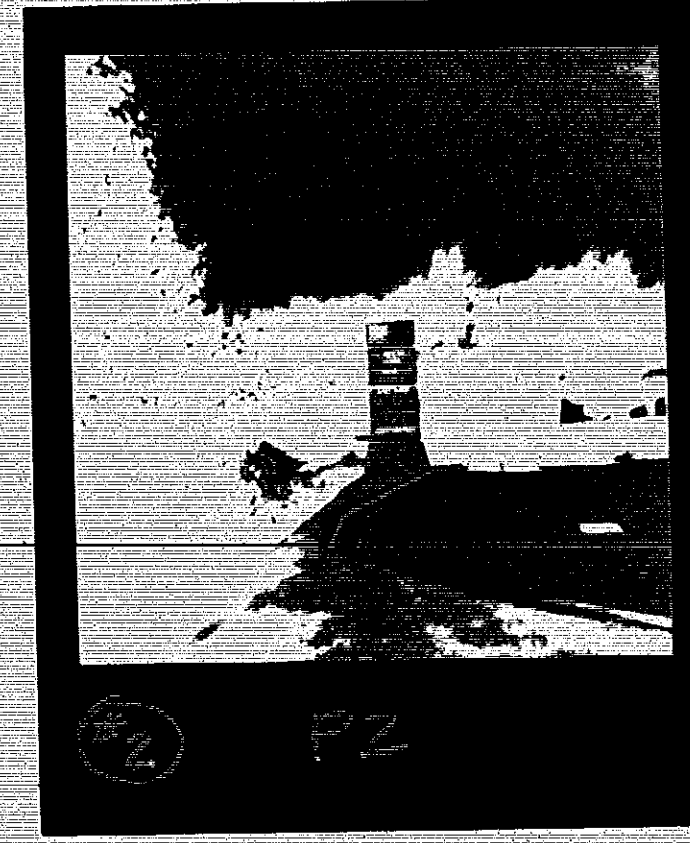
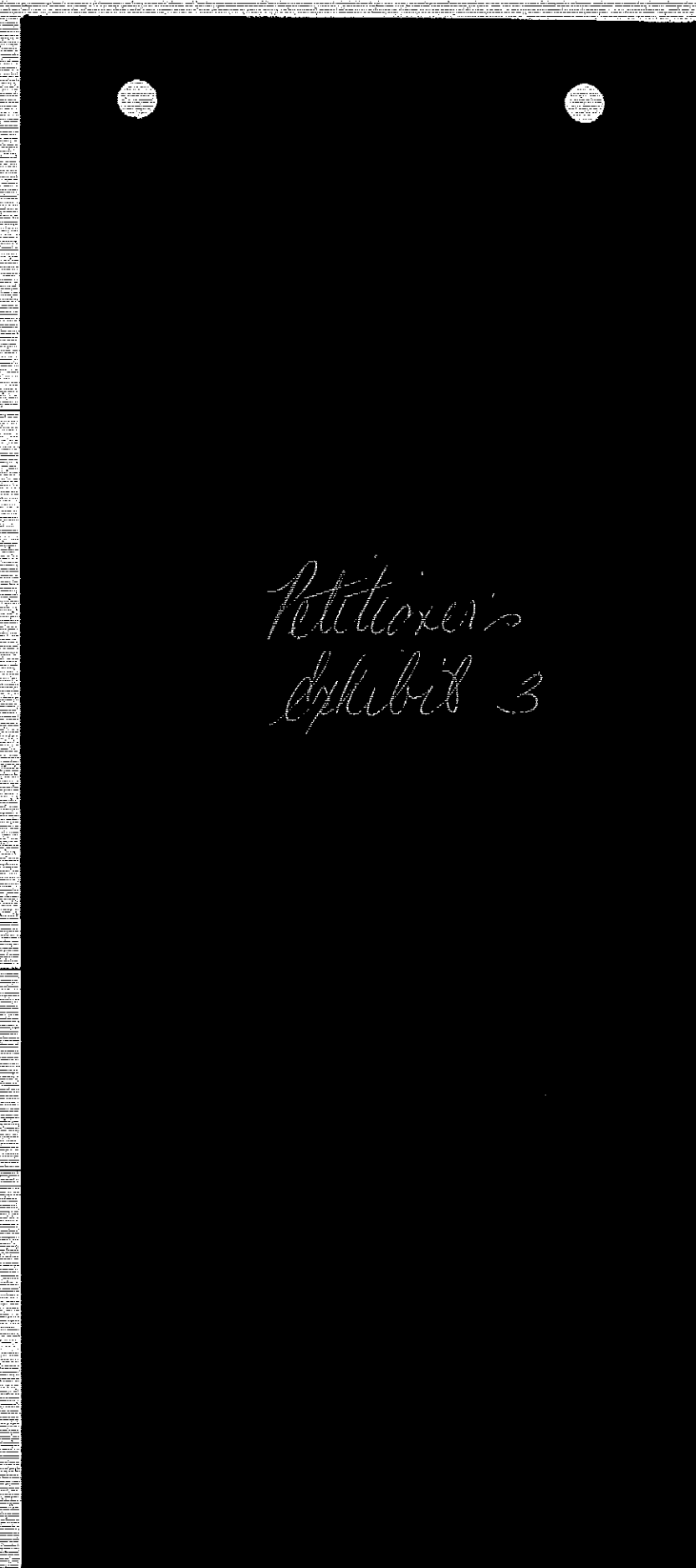
Please enter my appearance on behalf of the Petitioner. I would appreciate if this case can be given consideration for an expedited hearing.

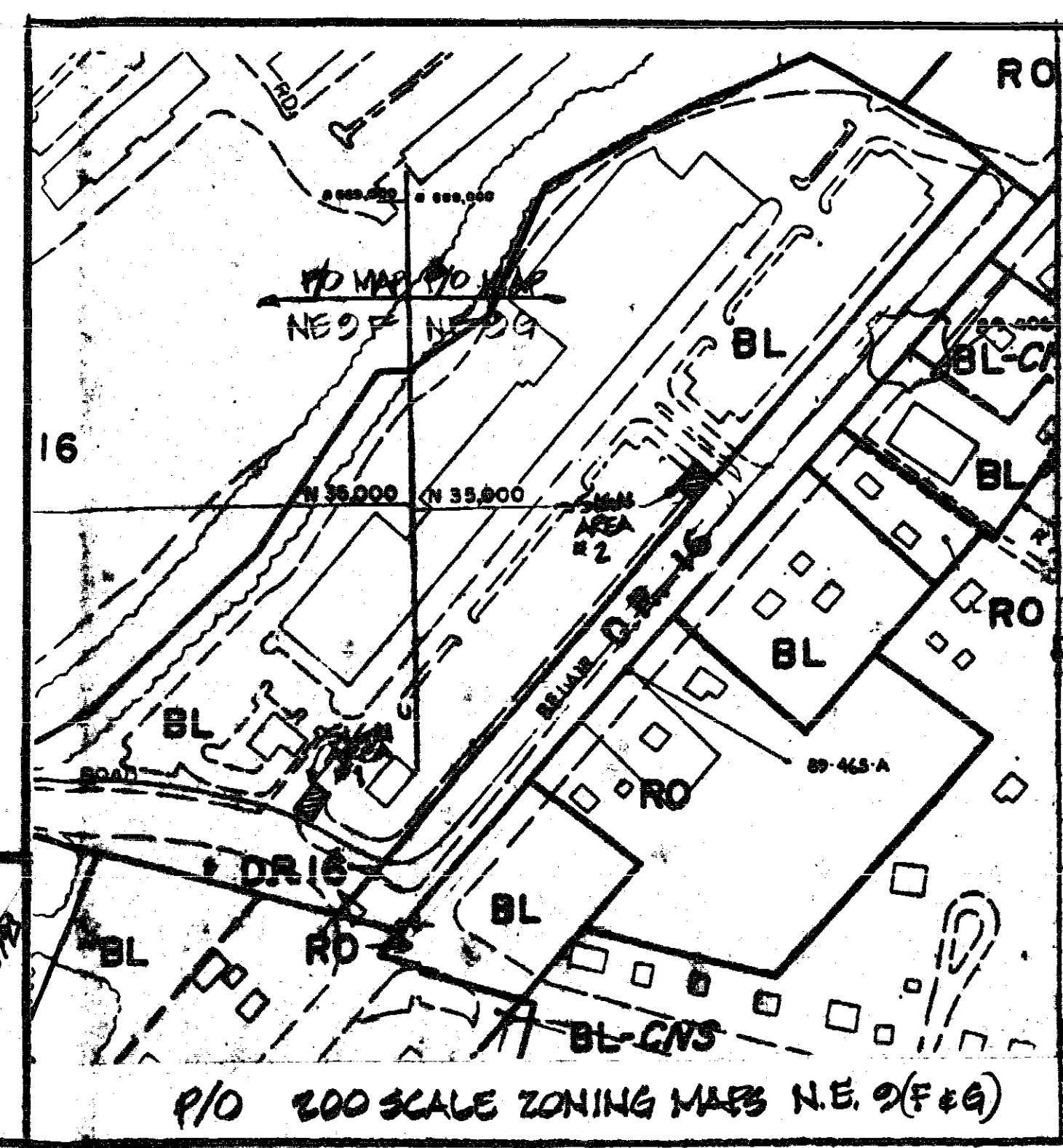
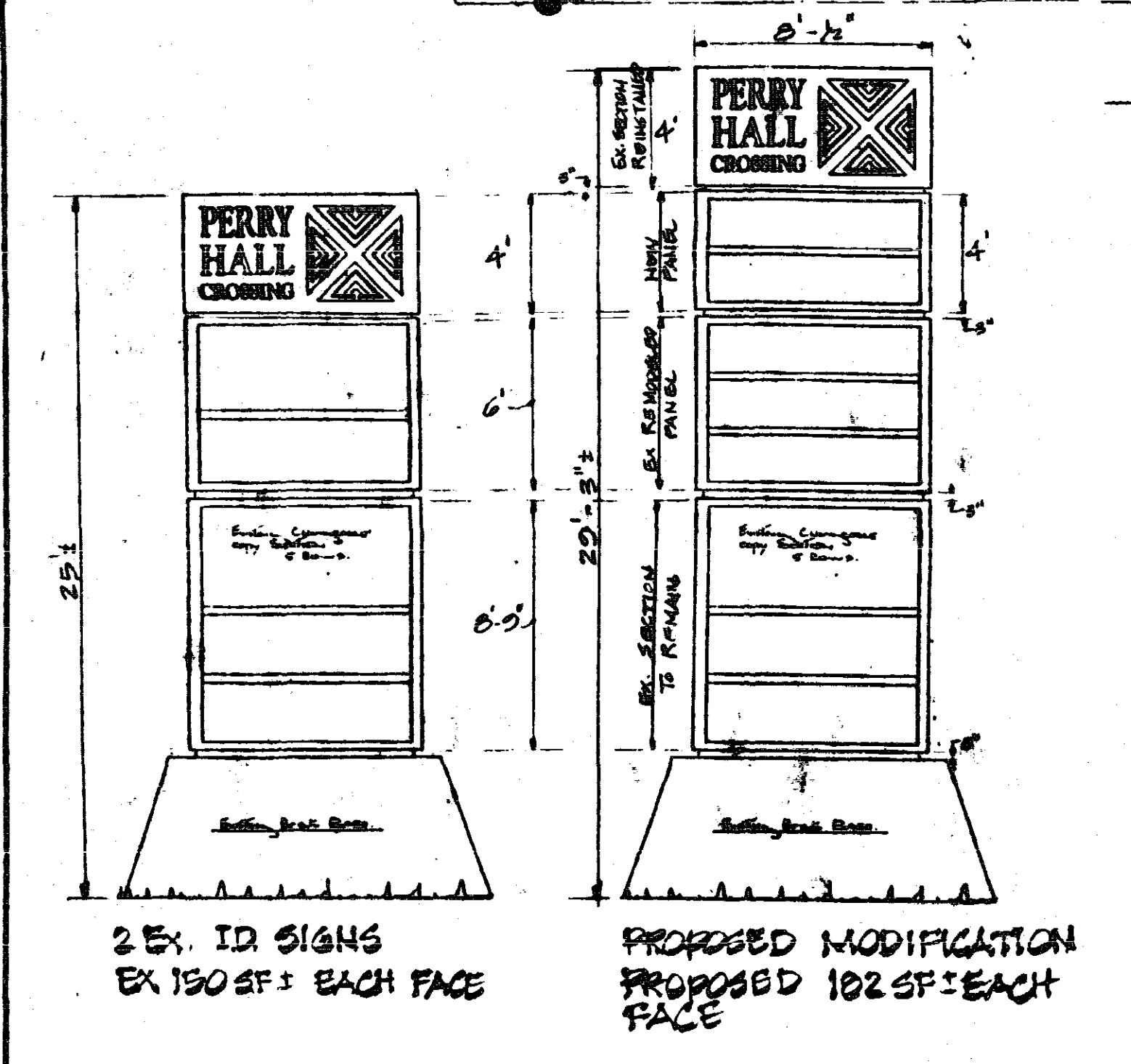
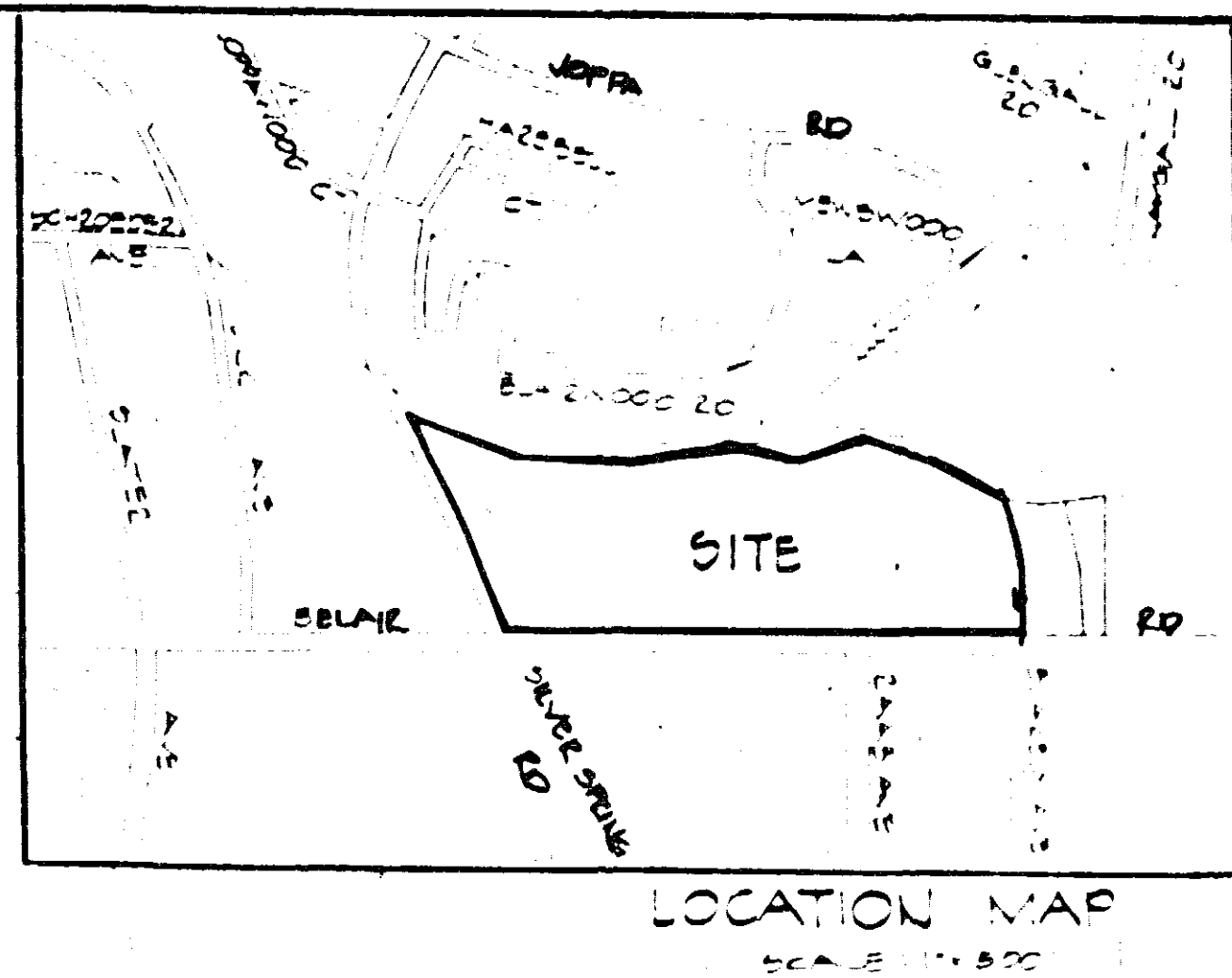
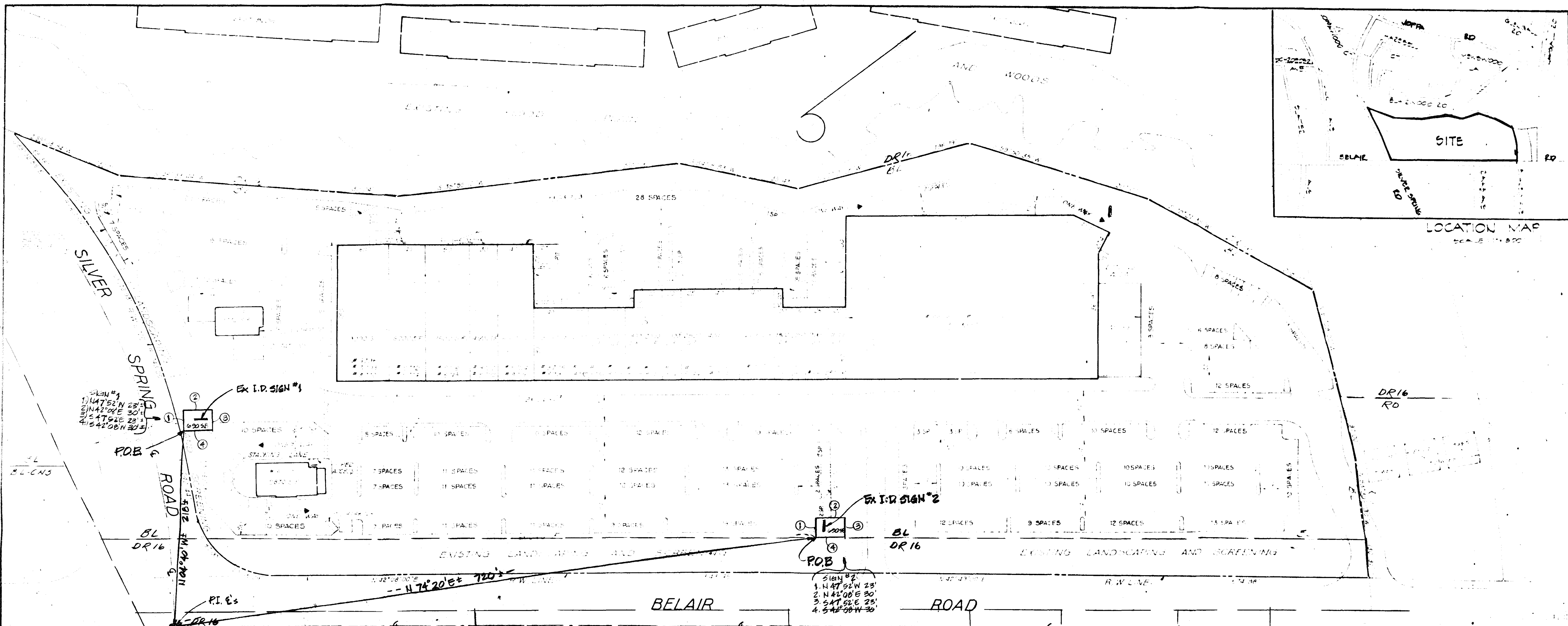
Thank you for your kind attention to this matter.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein

BB/mlg
Enclosures

ITEM# 26





413.2--Business signs as defined in Section 101 are permitted in business and industrial zones under the following conditions, as limited by Section 413.5; however, for business signs in the M.L.R. and M.L. zones, the provisions of subsection 413.6 shall apply: [B.C.Z.R., 1955; Bill No. 7, 1984]

E. An identification sign for a shopping center or other integrated group of stores or commercial buildings; not exceeding 150 square feet in area. Bulk-faced signs shall be considered as one sign. If the commercial center has access from more than one street, one such identification sign may be allowed for each street provided the letter is officially recognized as a thoroughfare; and provided that no such identification signs shall be located within 100 feet of any existing principal building or adjoining residential premises on the same side of the street. No such sign, however, shall be permitted unless the land on the opposite side of such thoroughfare is some commercial from the corner to a point opposite any portion of such sign. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

413.5--All business or outdoor advertising signs shall be subject to the following conditions: [B.C.Z.R., 1955.]

F. No sign erected on ground shall exceed 25 feet in height. No sign erected on ground below the level of the street which it abuts shall extend more than 25 feet above the level of the street which it abuts, except that in no case shall the total height of the structure exceed 35 feet. [B.C.Z.R., 1955.]

94-25-A

PETITIONER'S EXHIBIT NO.

PLAT TO ACCOMPANY A PETITION FOR SIGN VARIANCES

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 656 KENILWORTH DRIVE
 TOWSON, MARYLAND 21204
 (301) 825-8120

OWNER
SILVER BELL ASSOCIATES
 SUITE 1100
 ONE NORTH CHARLES STREET
 BALTIMORE, MARYLAND 21201
 Phone (301) 727-8300

PERRYHALL CROSSING SHOPPING CENTER
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 30'
 ELECTION DISTRICT #11C5
 DATE: JUNE 25, 1993
 FOR JULY 13, 1993
 ITEM # 26

JAMES E. KLINE
 PN 7285