

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
OF/ Eastern Blvd., 15 ft. SW
OF/ East Avenue
2201 Eastern Boulevard
15th Election District
5th Councilmanic District
Legal Owner: Howard and Rosalind Snyder
Lessee: Penn Advertising
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commission as a Petitioner for Special Exception and Petition for Zoning Variance for a proposed sign to be located at the property known as 2201 Eastern Boulevard in the Middle River section of Baltimore County. The Petitions are filed by Howard and Rosalind Snyder, property owners, and Penn Advertising of Baltimore, Inc., Lessee. Special Exception relief is requested to permit one 12 ft. x 25 ft. illuminated single face roof mounted side by side advertising sign structure pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). Variance relief is requested from Section 303.2 of the B.C.Z.R. to permit a front setback of 31 ft., in lieu of the required 41 ft. The subject property and relief requested are all marked as shown on the site plan, to accompany the Petitions for Special Exception and Variance, submitted as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Donna H. Lorber, the Real Estate Manager of Penn Advertising of Baltimore, Inc. That company was represented by Fred M. Lauer, Esquire. Jeffrey Long, from the Office of Planning and Zoning, appeared in opposition. There were no other Protestants or interested persons present.

Ms. Lorber testified and presented the site plan and described the proposed sign. She noted that she has been employed with Penn Advertising

for several years as that company's real estate manager. Her duties include finding new sites in the Baltimore Metropolitan area for Penn Advertising to construct outdoor advertising signs. Penn Advertising is the preeminent company in Baltimore County in the outdoor advertising sign business.

Ms. Lorber testified that this site had been selected for improvement with a 12 ft. x 25 ft. single face advertising sign. The site was selected in that the property abuts Eastern Boulevard, a commercial corridor through eastern Baltimore County. The site is approximately .469 gross acres in area and is zoned B.L.-C.N.S. The B.L. zoning permits an outdoor advertising sign by special exception. The property is presently improved with a one story masonry building which houses a number of commercial uses. These include a chiropractor's office, a golf shop, and a fast food operation. The site lies adjacent to a fast food restaurant on the southwest side and a law office on the northeast side. Across Eastern Boulevard are other commercial uses, although many are in old houses which have been converted to offices. Other residential areas lie to the interior of the side streets which feed into Eastern Boulevard.

Ms. Lorber noted that the proposed sign would face eastbound traffic only on Eastern Boulevard. Her company has entered into a 10 year lease with the property owner contingent on obtaining zoning approval. Ms. Lorber described how this site satisfies the standards set forth in Section 413.3 and 413.5 of the B.C.Z.R. Those sections regulate development of outdoor advertising signs and mandate a number of requirements which must be satisfied in order for this sign to be erected. The record of this case will reflect Ms. Lorber's testimony that the signs satisfy each of those requirements. It is of particular note that, although the signs will be

illuminated, such lighting will be directed only on to the face of the sign so as not to reflect on adjoining properties.

In opposition to the sign, testimony was received from Mr. Jeffrey Long from the Office of Planning and Zoning. He noted that there were single family homes and residential communities in the vicinity, as well as a school not far away. He did acknowledge that the lack of Protestants at the hearing reflected the fact that the proposed sign would not be directly visible from any of these residential signs. The Zoning Plans Advisory Committee comment from the Office of Planning and Zoning (O/P) was also received. That comment reflects opposition to the proposed sign in that same would not be allowed under the sign regulations presently proposed and pending before the Baltimore County Council. However, as Mr. Lauer observed, the pending regulations have not been adopted and are subject to amendment. I can assign no evidentiary weight to these regulations but must adjudge this request based on the existing law.

As to the special exception request, same must be adjudged in accordance with the standards set forth in Section 502.1 of the B.C.Z.R. There is a series of tests are listed which the Petitioner must satisfy in order for this sign to be approved. Those tests all relate to whether the sign will detrimentally affect the health, safety and general welfare of the locale. In applying these tests to the present case, I am persuaded that the Petitioner has satisfied its burden. I am appreciative of O/P's comment but cannot follow same. Indeed, Eastern Boulevard is a highly commercial corridor which serves eastern Baltimore County. Moreover, I am additionally persuaded by Mr. Long's admission that the sign is not visible from any residential use. Signs, by their very nature, are among the least favored land uses permitted by the B.C.Z.R. Nonetheless, the current statute allows for signs in a B.L. district assuming that same can be erected

and utilized without harm to the surrounding locale. In this case, I am persuaded that the Petitioner has met the burden imposed by law and thus will grant the Petition for Special Exception.

As to the variance request, same relates to the front setback of this building and sign from Eastern Boulevard. Specifically, the Petitioner requests approval of a front yard setback of 31 ft. in lieu of the required 41 ft. In this respect, Ms. Lorber's testimony was that the setback was necessary in order for the sign to be structurally sound and properly located on the building. As noted above, the sign will be pivoted so as to face eastbound traffic only on Eastern Boulevard. Ms. Lorber testified that her company's engineers had determined that the sign must be located where proposed so that same is safely affixed to the building. That is, the structural supports within the building must be attached to the base of the sign to ensure that same does not cause damage to the public during inclement weather and/or high winds. Thus, these reasons were offered as a basis to satisfy the test for variance to be considered set forth under Section 307 of the B.C.Z.R. As is well known, the test requires that the Petitioner demonstrate that it will suffer a practical difficulty or unreasonable hardship if the variance relief is denied. In this case, I am, likewise, persuaded that the Petitioner has satisfied its burden for the reasons set forth above. Therefore, variance relief will, likewise, be granted.

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

THEFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of March, 1994 that, pursuant to the Petition for Special Exception, approval to permit one 12 ft. x 25 ft. illuminated single face roof mounted side by side advertising sign structure, pursuant to Section

413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 303.2 of the B.C.Z.R. to permit a front setback of 31 ft., in lieu of the required 41 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day reprieve 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.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 14, 1994

Fred M. Lauer, Esquire
c/o Penn Advertising of Baltimore, Inc.
3001 Remington Avenue
Baltimore, Maryland 21211

RE: Case No. 94-299-XA
Petitions for Special Exception and Variance
Legal Owner: Howard and Rosalind Snyder
Lessee: Penn Advertising of Baltimore, Inc.
Location: 2201 Eastern Boulevard

Dear Mr. Lauer:

Enclosed please find the Decision rendered in the above captioned case. The Petitions for Special Exception and Variance have 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 867-2391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:am
encl.:
cc: Ms. Donna H. Lorber
cc: Mr. and Mrs. Howard Snyder

Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 2201 EASTERN BOULEVARD
which is presently zoned B.-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property located in Baltimore County and subject to the description and plat attached hereto and hereby a proposed, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for ONE (1) 12' x 25' ILLUMINATED SINGLE-FACE; ROOFTOP MOUNTED SIDE-BY-SIDE ADVERTISING SIGN STRUCTURE, PER SECTION 413.3 B.C.Z.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, the undersigned, legal owner of the property located in Baltimore County and subject to the description and plat attached hereto and hereby a proposed, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for ONE (1) 12' x 25' ILLUMINATED SINGLE-FACE; ROOFTOP MOUNTED SIDE-BY-SIDE ADVERTISING SIGN STRUCTURE, PER SECTION 413.3 B.C.Z.

Current Address: 2201 EASTERN BOULEVARD
Legal Owner: HOWARD SNYDER
Lessee: Penn Advertising of Baltimore, Inc.
3001 REMINGTON AVENUE
BALTIMORE, MD 21211
Address: 2201 EASTERN BOULEVARD
BALTIMORE, MD 21208
Address: 3001 REMINGTON AVENUE 235-8820
BALTIMORE, MD 21211

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 2201 EASTERN BOULEVARD
which is presently zoned B.-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property located in Baltimore County and subject to the description and plat attached hereto and hereby a proposed, hereby petition for a Variance from Baltimore County Zoning Regulations, 303.2 TO PERMIT A FRONT SETBACK OF 31' IN LIEU OF THE REQUIRED 41'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate whether or not the reasons are substantial.)
COMPLY WITH THE REQUIRED SETBACK, PER THE AVERAGING PROVISION, WOULD PLACE THE PROPOSED SIGN IN A POSITION ON THE ROOF WITHOUT A MEANS OF STRUCTURAL SUPPORT.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, the undersigned, legal owner of the property located in Baltimore County and subject to the description and plat attached hereto and hereby a proposed, hereby petition for a Variance from Baltimore County Zoning Regulations, 303.2 TO PERMIT A FRONT SETBACK OF 31' IN LIEU OF THE REQUIRED 41'.

Current Address: 2201 EASTERN BOULEVARD
Legal Owner: HOWARD SNYDER
Lessee: Penn Advertising of Baltimore, Inc.
3001 REMINGTON AVENUE
BALTIMORE, MD 21211
Address: 2201 EASTERN BOULEVARD
BALTIMORE, MD 21208
Address: 3001 REMINGTON AVENUE 235-8820
BALTIMORE, MD 21211

ORDER RECEIVED FOR FILING
Date: 3/14/94
By: [Signature]



(410) 887-3353

February 28, 1994

Fred K. Lauer, Esquire
3001 Remington Avenue
Baltimore, Maryland 21211

RE: Case No. 94-299-XA, Item No. 301
Petitioner: Howard Supper, et al.
Petitions for Variance and Special Exception

Dear Mr. Lauer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from submitted with the above referenced 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 February 2, 1994, 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

Re: BALTIMORE COUNTY
Item No. 301 (MJK)

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

Dear Ms. Minton:

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 project.

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,
Bob Small
for *DAVID M. RAMSEY, ACTING CHIEF*
John Combs, Chief
Engineering Access Permits
Division

BS/

My telephone "hot line" is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 TOLL FREE
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21203

700 East Joppa Road Suite 901
Towson, MD 21286-5500

Baltimore County Government
Fire Department



(410) 887-4500

DATE: 01/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
PHIL STAP-1105

RE: Property Owners: SEE BELOW

LOCATION:

Item No. 301 SEE BELOW

Zoning Agenda

Comments:

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, AUGUST THE FOLLOWING ITEM NUMBERS: 299, 300, 301, 302 AND 303.

REVIEWER: LT. ROBERT P. DAUERWALD
Fire Prevention, PHONE 887-4881, HS-1102F

cc: File



RECEIVED
FEB 15 PM
ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: February 24, 1994

SUBJECT: 2201 Eastern Boulevard

INFORMATION:

Item Number: 301

Petitioner: Snyder Property

Property Size:

Zoning: R.L.-C.H.S.

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comment:

The petitioner requests a Special Exception for an illuminated 12' X 25' outdoor advertising sign.

This office recognizes that high standards for signs enhance the aesthetic appearance of the community and the ability of the commercial sector to thrive in an attractive environment.

Staff believes the control of outdoor advertising signs is essential in protecting the health, safety and welfare of the citizens of Baltimore County. In certain locations, the unique scale and design of outdoor advertising signs clearly compromise public safety, since these signs are distracting. The very purpose of an outdoor advertising sign is to attract the attention of motor vehicle operators in order to convey a commercial message.

The problem of competitive waste is of concern to staff. Excessively large signs serve to encourage some business people to increase signage in order to compete for the attention of passersby.

ZAC-301/PZ00NE/ZAC1

Page 1

The Baltimore County Master Plan makes several references to the importance of controlling signage. On page 74, the following issue is identified:

"The sign regulations need to be completely updated and revised. The regulations should distinguish between new and existing signs, as well as public and private signage. Inactive for ... phasing out nonconforming uses should be evaluated. Compliance with adopted local community plans should also be considered."

The Planning Office recently submitted a staff report to the Planning Board on proposed sign amendments to the Baltimore County Zoning Regulations. This report was developed with the help of an advisory group and input received from a wide spectrum of interest groups. The report, itself, is a direct response to the goals of the Master Plan. On February 17, 1994 the Planning Board forwarded to the County Council staff's August 24, 1993 report as amended by the January 14, and February 17, 1994 supplements.

The report addresses the location of outdoor advertising signs. Restrictions contained within the report in Section 450.4B10 and 450.4C14 would specifically preclude the erection of an outdoor advertising sign at the subject site since the sign would be located within 200 feet of a residential zone, and roof signs are meant to be prohibited.

The Office of Planning and Zoning recommends that the applicant's request be denied for the reasons as follows:

- The location of an outdoor advertising sign at the subject location would constitute over development of the property as no suitable ground surface location exists, so the sign could only be placed on the roof.

- As the property is located directly across the boulevard from high density residential zoned and used land, the sign would have a negative visual impact on the Eastern Boulevard corridor.

Prepared by:

Division Chief:

PR/JLL:lw

111 West Chesapeake Avenue
Towson, MD 21204

March 7, 1994

(410) 887-3353

Mr. Fred M. Lauer, Esquire
3001 Remington Avenue
Baltimore, Maryland 21211

RE: Case No. 94-299-XA, Item No. 301
2201 Eastern Boulevard
Petitioner: For Variance and Special Exception

Dear Mr. Lauer:

Enclosed are copies of comments received from the Office of Planning and Zoning on March 7, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure



PETITIONER(S) SIGN-IN SHEET

NAME: Denna H. Loebner ADDRESS: 7016 Heathfield Road



