

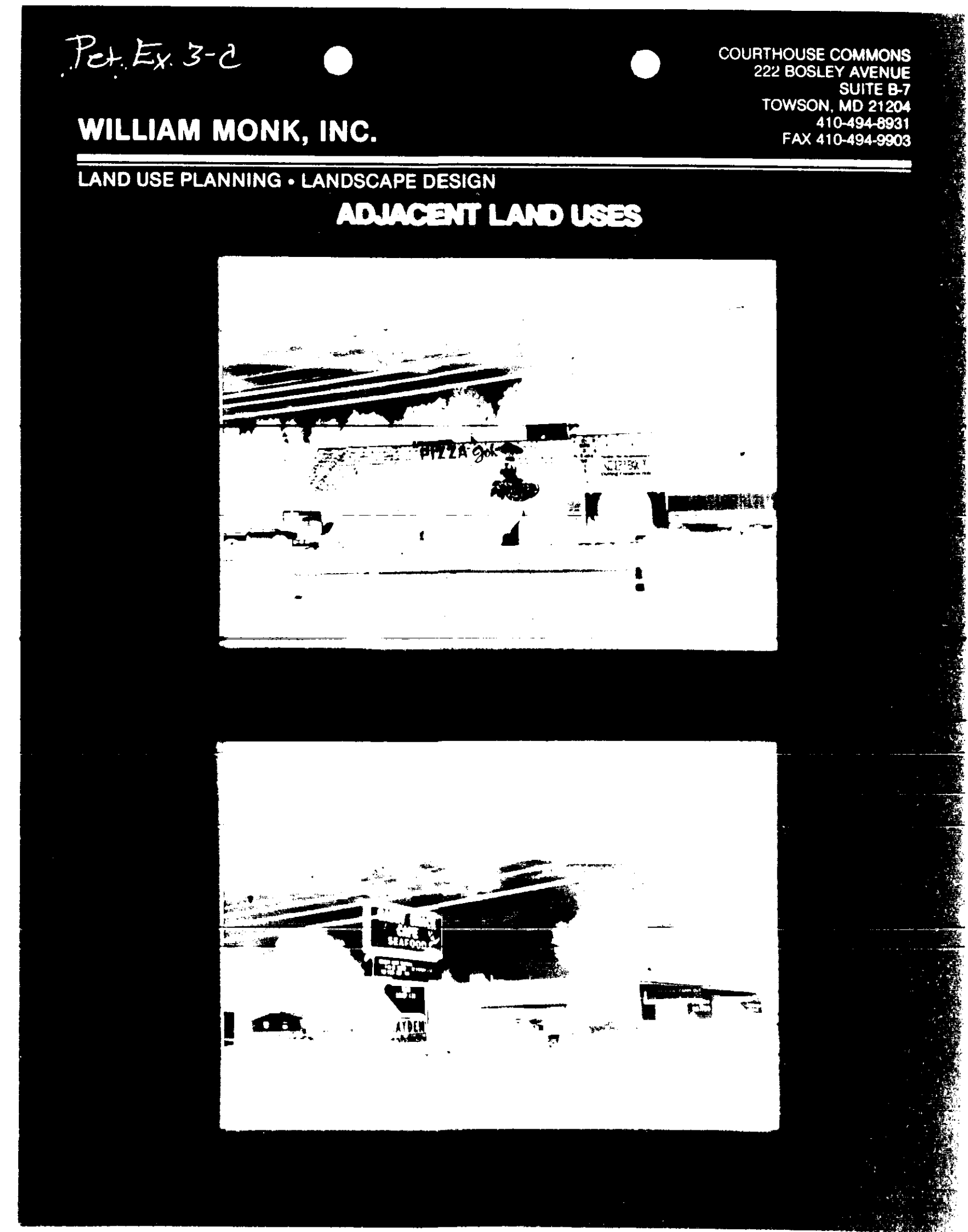
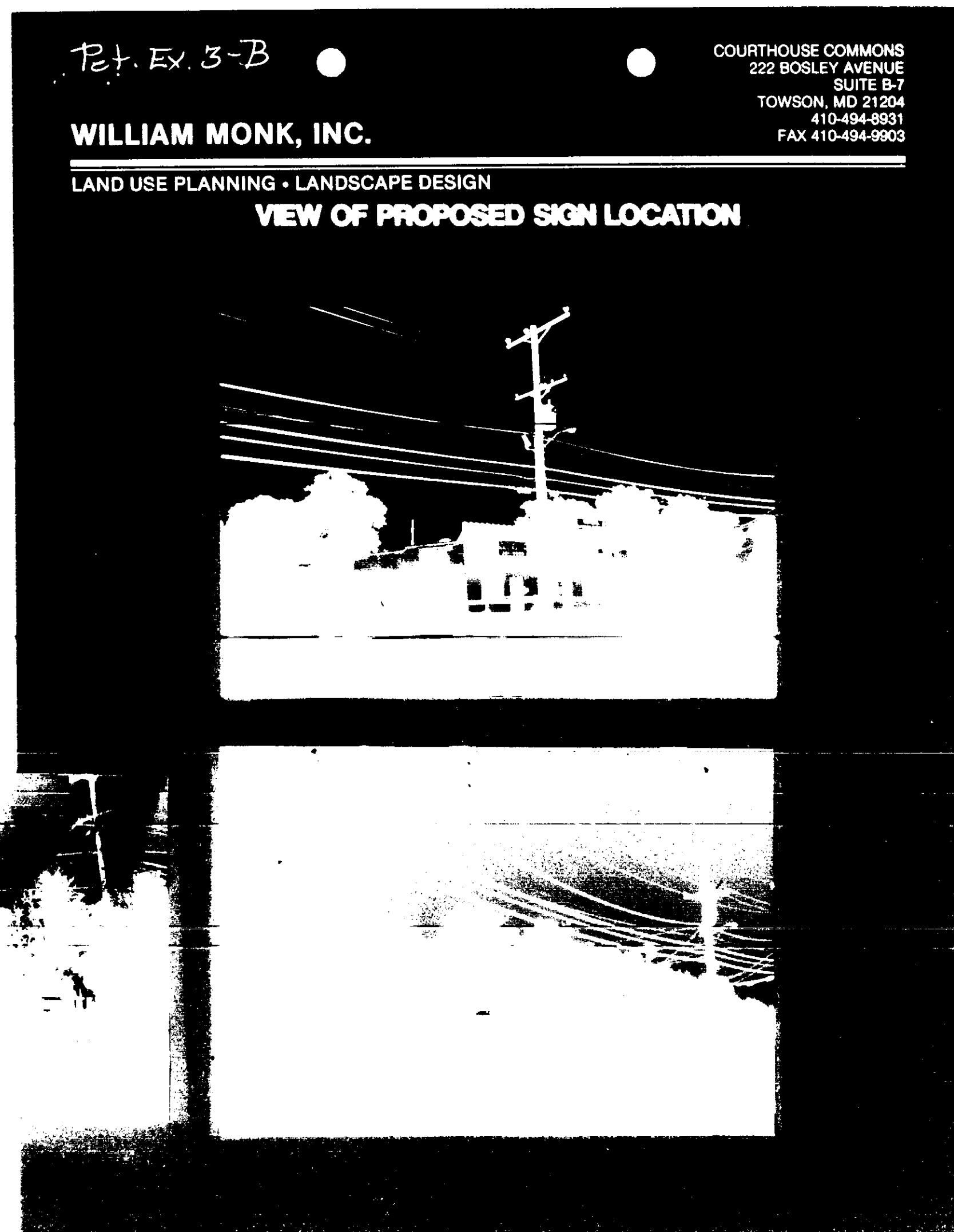
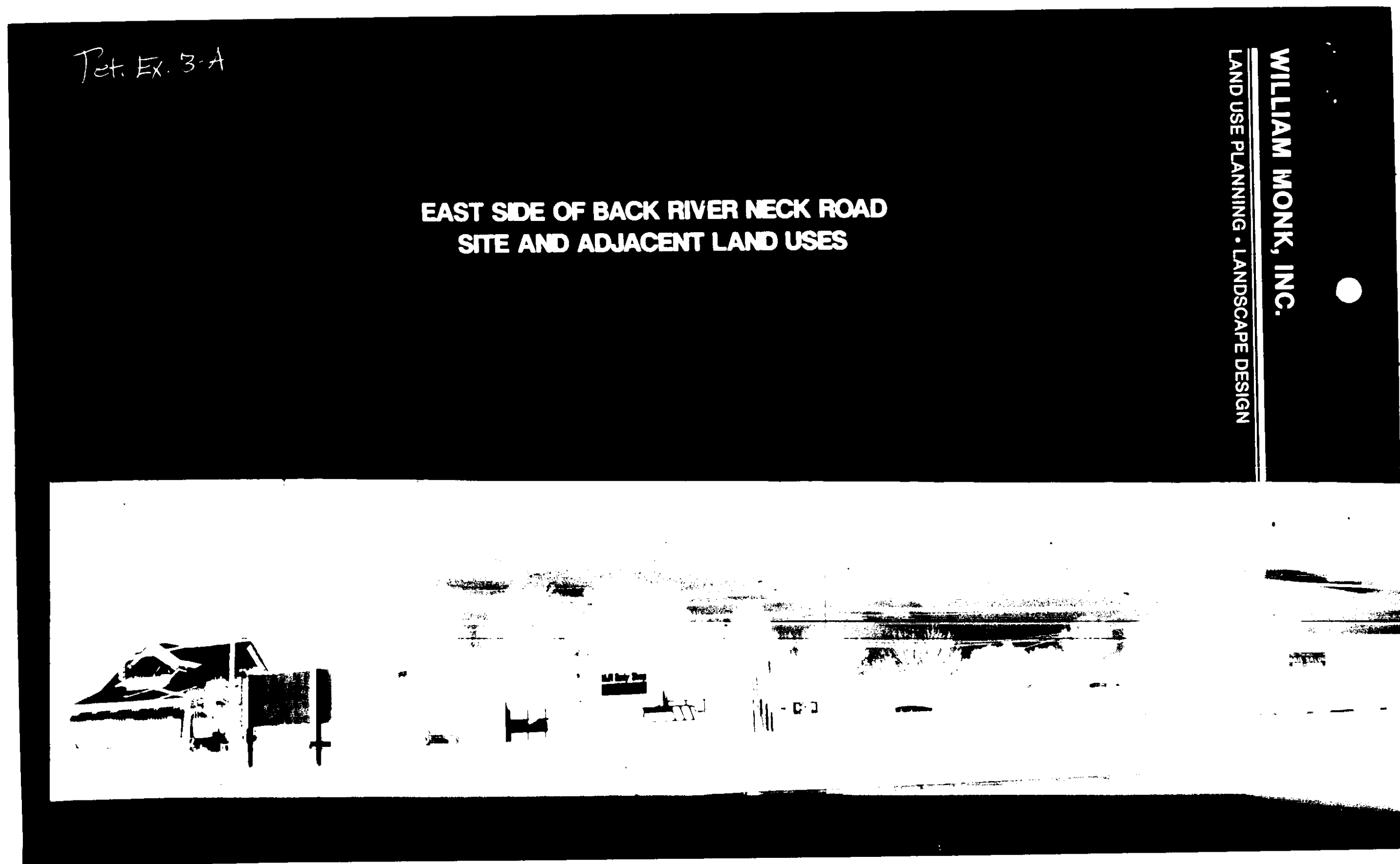
PETITIONER(S) SIGN-IN SHEET
 NAME: Donna L. Gordon ADDRESS: 7016 Heathfield Rd
 DATE: May 4, 1994
 SUBJECT: 129-135 Back River Neck Road

WILLIAM MONK, INC.
 PLANNING • LANDSCAPE DESIGN
 222 BOSLEY AVENUE, SUITE 57
 TOWSON, MD 21204
 410-494-8931
 FAX 410-494-9903

County Board of Appeals of Baltimore County
 Room 400 Old Courthouse
 Towson, Maryland 21204
 410-494-8931
 FAX 410-494-9903

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: May 4, 1994
 SUBJECT: 129-135 Back River Neck Road
 INFORMATION:
 Item Number: 378
 Petitioner: Snyder Property
 Property Size: _____
 Zoning: B.L.-C.S.-2
 Requested Action: _____
 Hearing Date: _____
 SUMMARY OF RECOMMENDATIONS:
 Based upon a review of the information provided, staff offers the following comments.
 The petitioner requests a Special Exception for an illuminated 12'x25' outdoor advertising sign, and a Variance to permit a front setback of 40 feet in lieu of the required 65.5 ft.
 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 compromises 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.

Petitioner's
 Exhibit 2A-20



PETITION FOR SPECIAL EXCEPTION : BEFORE THE
PETITION FOR VARIANCE : ZONING COMMISSIONER
E/S Back River Neck Road, 43' N of :
c/o French Avenue, 129 - 135 Back :
River Neck Road, 15th Floor Dist. : OF BALTIMORE COUNTY
5th Councilmanic Dist. :
PETITIONER : CASE NO. 94-392-XA
HOWARD SNYDER :
ROSEMARY SNYDER :

ENTRY OF APPEARANCE

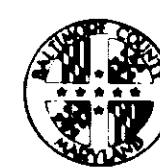
Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY THAT on this day of , 1994, a copy of the foregoing Entry of Appearance was mailed to Fred M. Lauer, Esq., 400 Washington Avenue, Baltimore, MD 21211, Attorney for Petitioners.

Peter Max Zimmerman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
September 6, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 55-79.

CASE NO. 94-392-XA HOWARD SNYDER, ET UX
E/S Back River Neck Road, 43' N of the c/1
French Avenue
15th Election District
5th Councilmanic District

SE - Illuminated single-faced advertising sign;
VAR - Front setback of 40' in lieu of required
65.5'

5/23/94 - D.Z.C.'s Order in which Petitions
were DENIED.

ASSIGNED FOR: WEDNESDAY, NOVEMBER 16, 1994 at 10:00 a.m.

cc: Fred M. Lauer, Esquire Counsel for Appellant /Petitioner
Mr. & Mrs. Howard Snyder Appellants /Petitioners

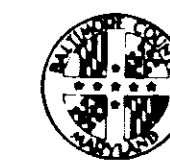
People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

Printed with Soy-based Ink
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 7, 1994

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-392-XA
Howard Snyder, et ux

Dear Mr. Zimmerman:

The Board is in receipt of your letter dated December 6, 1994 wherein you have requested that the Board reconsider its decision issued December 2, 1994 in the subject case.

Upon review of this matter, the Board's position in this regard remains as it was on November 16, 1994, and, therefore, your request for reconsideration is denied.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

cc: Fred M. Lauer, Esquire
Jean & Gerald Roberson
Michael & Ruby Krug
Elaine V. Albrecht
Louise & Warren Tuckmantel
Dave & Bonnie Rogers
Edwin & Dagmar Fetterman

Printed with Soy-based Ink
on Recycled Paper



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

December 6, 1994

12
CAROLE S. DEMILIO
Deputy People's Counsel

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petitions for Special Exception and
Variance - HOWARD SNYDER, et ux.,
Petitioners, Case No. 94-392-XA

Dear Chairman Hackett:

At the hearing on November 16, it was agreed that there was no zoning sign present on the property for at least two weeks prior to the hearing. The Petitioner found no sign on or about the day of the hearing. The Petitioner's expert did not see any sign upon his last visit to the site.

Despite our request for a continuance, the Board proceeded with the hearing.

Upon our further review, it appears that the citizens in the neighborhood were not aware of the hearing. We attach a letter dated December 4, 1994 sent from various residents on French Avenue. Based on the evidence in the case and the attached correspondence, it appears that the sign, even if posted in July, somehow was not present on the site in such a way as to give adequate notice of the hearing.

Under these circumstances, we are obligated to request that the Board reconsider the matter, withdraw the December 2, 1994 Opinion granting the sign, and hold a new hearing on the merits of this case.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
December 6, 1994
Page Two

PMZ/coaf
Enclosure

cc: Fred M. Lauer, Esquire

Jean & Gerald Roberson, 1609 French Avenue, Baltimore, MD 21221
Edwin & Dagmar Fetterman, 1608 French Avenue
Michael & Ruby Krug, 1613 French Avenue
Elaine V. Albrecht, 1615 French Avenue
Louise & Warren Tuckmantel, 1651 French Avenue
Dave & Bonnie Rogers, 1653 French Avenue

DEC-06-94 WED 08:53 HIGHS 871

P. 01

December 9, 1994

William T. Hackett, Chairman
County Board of Appeals, Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Dear Sir:

It has just been brought to our attention in the last few days, that placement of a large billboard at the corner of French Avenue and Back River Neck Road on the Snyder property is to be carried out.

We, the undersigned, residents of French Avenue, would like the ruling reconsidered as we were unaware of the hearing due to the lack of proper posting, and feel that we should have a chance to be heard.

Jean & Gerald Roberson (Roberson) 1609 French Ave
Edwin & Dagmar Fetterman (FETTERMAN) 1608 FRENCH AVE
Michael & Ruby Krug (Krug) 1613 French Ave
Elaine V. Albrecht (ALBRECHT) 1615 FRENCH AVE
Louise & Warren Tuckmantel (TUCKMANTEL) 1651 French Ave
Dave & Bonnie Rogers (Rogers) 1653 French Ave

cc: Mr. Peter Zimmerman

Penn Adv.

PENN ADVERTISING OF BALTIMORE, INC.

June 22, 1994

Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
Baltimore County Government
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 94-392-XA

Dear Mr. Jablon,

On behalf of Penn Advertising of Baltimore, Inc. (contract lessee) and Mr. and Mrs. Howard Snyder (property owners), I would like to inform you that we are hereby filing an appeal of the decision of the Deputy Zoning Commissioner dated May 23, 1994 in the above mentioned case. Enclosed is a check for \$460.00 which should cover the administrative costs for this appeal.

Please let me know if you need further information at this time.

Very truly yours,

Fred M. Lauer
Fred M. Lauer, esq.

Enclosure

cc: Mr. & Mrs. Howard Snyder
James W. Fisher, II

"Billboards - Signs of Economic Vitality"
P.O. Box 4868, Baltimore, MD 21211 Shipping: 2930 Remington Ave., Baltimore, MD 21211 (410) 235-8820

December 9, 1994

William T. Hackett, Chairman
County Board of Appeals, Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Dear Sir:

It has just been brought to our attention in the last few days, that placement of a large billboard at the corner of French Avenue and Back River Neck Road on the Snyder property is to be carried out.

We, the undersigned, residents of French Avenue, would like the ruling reconsidered as we were unaware of the hearing due to the lack of proper posting, and feel that we should have a chance to be heard.

Jean & Gerald Roberson (Roberson) 1609 French Ave
Edwin & Dagmar Fetterman (FETTERMAN) 1608 FRENCH AVE
Michael & Ruby Krug (Krug) 1613 French Ave
Elaine V. Albrecht (ALBRECHT) 1615 FRENCH AVE
Louise & Warren Tuckmantel (TUCKMANTEL) 1651 French Ave
Dave & Bonnie Rogers (Rogers) 1653 French Ave

cc: Mr. Peter Zimmerman

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: May 5, 1994

SUBJECT: 129-135 Back River Neck Road

INFORMATION:

Item Number: 378

Petitioner: Snyder Property

Property Size: _____

Zoning: B.L.-C.S.-2

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments.

The petitioner requests a Special Exception for an illuminated 12'x25' outdoor advertising sign, and a Variance to permit a front setback of 40 feet in lieu of the required 65.5 ft.

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 compromises 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.

The Office of Planning and Zoning recommends that the applicant's request be denied for the following reason:

The location of an outdoor advertising sign at the subject location would constitute over development of the property due to the need for a Variance. A Variance would not necessarily be unreasonable in instances where such relief is necessary to facilitate a primary use of commercial property. Therefore, staff can find no justification, in the instant case, to indicate hardship or practical difficulty.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol Kinn*
PK/JL:lw

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

June 23, 1994

Mr. Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
P.O. Box 4868
Baltimore, MD 21211

RE: Petition for Special Exception and Variance
E/S Back River Neck Road, 43 ft. N of the c/l
of French Avenue
(129-135 Back River Neck Road)
15th Election District
5th Councilmanic District
Howard Snyder, et ux-Petitioner
Case No. 94-392-XA

Dear Mr. Lauer:

Please be advised that an appeal of the above-referenced case was filed in this office on June 22, 1994 and all materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. & Mrs. Howard Snyder
People's Counsel

APPEAL

Petition for Special Exception and Variance
E/S Back River Neck Road, 43 ft. N
of the c/l French Avenue
(129-135 Back River Neck Road)
15th Election District - 5th Councilmanic District
Howard Snyder, et ux-PETITIONER
Case No. 94-392-XA

Petition(s) for Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) Plan-In Sheets

Petitioner's Exhibits: 1 - Plan to Accompany Special Exception and Variance
2 - Four photographs

Deputy Zoning Commissioner's Order dated May 23, 1994 (Denied)

Notice of Appeal received on June 22, 1994 from Fred M. Lauer, Esquire on behalf Mr. and Mrs. Howard Snyder.

c: Fred M. Lauer, Esquire, Penn Advertising of Baltimore, Inc.,
3001 Remington Avenue, Baltimore, MD 21211
Mr. & Mrs. Howard Snyder, 129-135 Back River Neck Road,
Baltimore, MD 21221
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Manager
Docket Clerk
Arnold Jablon, Director of ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 1, 1995

Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
P.O. Box 4868
Baltimore, MD 21211

RE: Case No. 94-392-XA
HOWARD SNYDER, ET UX

Dear Mr. Lauer:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Mr. & Mrs. Howard Snyder
People's Counsel for Baltimore County

9/06/94 -Notice of Assignment for hearing scheduled for Wednesday, November 16, 1994 at 10:00 a.m. sent to the following:

Fred M. Lauer, Esquire
Mr. & Mrs. Howard Snyder
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

11/16/94 -Hearing concluded before Board (H.C.M.) Matter deliberated at conclusion of hearing. Petition for Special Exception /sign and Petition for Variance to be GRANTED. Written Opinion and Order to be issued by Board; appellate period to run from date of written Order.

12/02/94 -Order issued by the Board in accordance with above decision.

12/06/94 -Letter from Peter Zimmerman attached FAX copy of letter from several residents of French Avenue -- requesting reconsideration of Board's 12/02/94 decision.

12/07/94 -Letter from WTH to Mr. Zimmerman -- request for reconsideration DENIED; Board's position regarding posting of property remains as stated on November 16, 1994.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Howard Snyder, et ux
Case No. 94-392-XA

DATE: November 16, 1994 /at conclusion of hearing

BOARD /PANEL: William T. Hackett, Chairman (WTH)
C. William Clark (CWC)
S. Diane Levero (SDL)

SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Those present included Fred M. Lauer, Esquire, Counsel for Petitioner; and Peter Max Zimmerman, People's County for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --to deliberate issues and matter of petitions for special exception and variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett included recitation of case number, name and subject of petitions filed.

CWC: Prepared to grant Petition for Special Exception and Variance; that principal problem posed by the proposal is with variance and not with special exception. Indicated there was no testimony that adverse effects are inherent with proposed use that are worse here than anywhere else in the zone; cited *Schultz v. Pritz*; special exception would not be prohibited if not for problem with variance; in his opinion, circumstance exists which is unique or peculiar to site; discussed relationship of Caddyshack Restaurant to Back River Neck Road; of auto body repair shop to Back River Neck Road; and resultant need for variance; no indication from testimony that owner of site had anything to do with location restaurant. Judgement in deciding variances - whether or not there are unique and peculiar circumstances to site or structure on site which would cause practical difficulty or undue hardship; reviewed location of sign if average setback required; under circumstances there is practical difficulty; would approve the variance; finds that section 502.1 has been met; 413.3 and 413.5 have been met. Also reviewed testimony of Bill Monk; long strip of commercial uses along Back River Neck Road; notwithstanding two houses apparently used as residences

Minutes of Deliberation /Howard Snyder, et ux /94-392-XA

within block north of Back River Neck Road, clearly zoned commercial; regarding size and mass of sign, not longer than building which will sit adjacent to it; it is to be 25 feet high; noted that existing sign on site is 23 feet high; appears that sign across street for shopping center is equally as high; this proposal being 2 feet higher is not unreasonable.

Summary: Finds no reason to deny sign or use as proposed, and would grant the special exception and variance as requested.

SDL: Concurred with CWC; would grant special exception and variance; would also note that there was no community opposition; that it is not visible by any of residences; and is a commercial area.

Summary: Would concur with Mr. Clark to grant special exception and variance.

WTH: Also concurred with other two members, making the decision unanimous.

Summary: Petitions to be granted; Board will issue a written Opinion and Order, and any appeal will run from the date of the Order and not from today's date.

Respectfully submitted,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 378

Petitioner: Penn Advertising of Baltimore, Inc.

Location: 129-135 Back River Neck Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Penn Advertising

ADDRESS: 3001 Remington Ave

Baltimore, MD. 21211

PHONE NUMBER: 235-8820

MUST BE SUPPLIED

Item Number: 378
Planner: HJK
Date Filed: 4-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acresage
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCDZ section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired
- ZONING ON PETITION SAYS "BL-CS-Z"

PET-FLAG (TXTSOPH)
11/17/93

TO: PETERSON PUBLISHING COMPANY
April 21, 1994 Issue - Jeffersonian

Please forward billing to:

Penn Advertising of Baltimore, Inc.
3001 Remington Avenue
Baltimore, Maryland 21211
235-8820

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: 94-392-2A (Item 378)

129 - 135 Back River Neck Road

6/8 Back River Neck Road, 43' W of c/l French Avenue

15th Election District - 5th Councilmanic

Legal Owner(s): Howard Snyder and Rosalind Snyder

Contract Purchaser(s): Penn Advertising of Baltimore, Inc.

HEARING: TUESDAY, MAY 17, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for one 12-foot by 25-foot illuminated single-face advertising structure.

Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet.

LAURENCE E. SCHWITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

APRIL 14, 1994

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: 94-392-2A (Item 378)

129 - 135 Back River Neck Road

6/8 Back River Neck Road, 43' W of c/l French Avenue

15th Election District - 5th Councilmanic

Legal Owner(s): Howard Snyder and Rosalind Snyder

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HEARING: TUESDAY, MAY 17, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for one 12-foot by 25-foot illuminated single-face advertising structure.

Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet.

Carl J. Jablon
ARNOLD JABLON
Director

cc: Howard and Rosalind Snyder
Penn Advertising of Baltimore, Inc./Fred Lauer, 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.

Mr. and Mrs. Howard Snyder
129-135 Back River Neck Road
Baltimore, Maryland 21221

RE: Case No. 94-392-2A, Item No. 378
Petitioner: Howard Snyder, et al.
Petitions for Variance and Special Exception

Dear Mr. and Mrs. Snyder:

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 April 5, 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.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 2, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 25, 1994
Item No. 378

The Developers Engineering Section has reviewed the subject zoning item. We recommend that landscaping be provided in the streetscape area.

RWB:s

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-13-94

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

Re: Baltimore County
Item No. 4378 (MJK)

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

DAVID N. CAMSEY, ACTING CHIEF
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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

(410) 887-4500

DATE: 04/27/94

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

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 374, 377, 378, 379, 380, 381, 383, 384, 385, and 386. PHL

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Inasmuch as the special exception relief has been denied, the Petition for Variance shall be dismissed as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, it appears that the requirements of Section 502.1 have not been met and that the health, safety, and general welfare of the community shall be adversely affected.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1994 that the Petition for Special Exception to permit the placement of one (1) 12' x 25' illuminated, single-faced outdoor advertising sign on the subject property, pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance from Sections 413.3(c) and 303.2 of the B.C.Z.R. to permit a front setback of 40 feet in lieu of the required 65.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/18/94
By [Signature]

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21201

(410) 887-4386

May 21, 1994

Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
4001 Remington Avenue
Baltimore, Maryland 21211

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Back River Neck Road, 41' N of the e/1 of French Avenue
(129-135 Back River Neck Road)
15th Election District - 5th Councilmanic District
Howard Snyder, et ux - Petitioners
Case No. 94-392-XA

Dear Mr. Lauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been Denied and the Petition for Variance Dismissed as Moot 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. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Howard Snyder
129-135 Back River Neck Road, Baltimore, Md. 21221

People's Counsel

File



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 129-135 Back River Neck Road
which is presently zoned BL-CS-2

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) 413.3 (c) and 303.2: To permit a front setback of 40' in lieu of the required 65.5'.

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

compliance with the required average setback would locate the sign both behind the existing building on site and beyond the site line created by the adjacent building.

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.

Contract Purchaser/Leasee
Penn Advertising of Baltimore, Inc.
(Type or Print Name) Donna Hayward Lorber
Signature *[Signature]*
Address 3001 Remington Avenue
Baltimore, Maryland 21211
City State Zip
Attorney for Petitioner
Fred M. Lauer, esq.
(Type or Print Name)
Signature *[Signature]*
Address 3001 Remington Avenue 235-8820
Baltimore, Maryland 21211
City State Zip
ESTIMATED LENGTH OF HEARING 1 hr.
The following date is available for hearing
ALL OTHER Next Two Months
REVIEWED BY: *[Signature]* DATE: 4/5/94

ORDER RECEIVED FOR FILING
Date 5/18/94
By [Signature]



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 129-135 Back River Neck Road
which is presently zoned BL-CS-2

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for
One (1) 12' x 25' illuminated single face advertising structure per section 413.3 DCZR

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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.

Contract Purchaser/Leasee
Penn Advertising of Baltimore, Inc.
(Type or Print Name) Donna Hayward Lorber
Signature *[Signature]*
Address 3001 Remington Avenue
Baltimore, MD 21211
City State Zip
Attorney for Petitioner
Fred M. Lauer, esq.
(Type or Print Name)
Signature *[Signature]*
Address 3001 Remington Avenue 235-8820
Baltimore, MD 21211
City State Zip
ESTIMATED LENGTH OF HEARING 1 hr.
The following date is available for hearing
ALL OTHER Next Two Months
REVIEWED BY: *[Signature]* DATE: 4/5/94

ORDER RECEIVED FOR FILING
Date 5/18/94
By [Signature]

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 4/14/94
Posted for: Special Exception Hearing
Petitioner: Howard Snyder, et ux, Penn Ad. of Balto
Location of property: 129-135 Back River Neck Rd., FLS
Location of Sign: Facing road way on property being posted
Remarks: [Signature]
Posted by: [Signature] Date of return: 4/14/94
Number of Signs: 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 7/1/94
Posted for: Appeal
Petitioner: Howard Snyder, et ux
Location of property: 129-135 Back River Rd., FLS
Location of Sign: Facing road way on property being appealed
Remarks: [Signature]
Posted by: [Signature] Date of return: 7/8/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 22, 1994
THIS IS TO CERTIFY, that the annexed 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 April 18, 1994.

THE JEFFERSONIAN
A. Henrickson
LEGAL AD. - TOWSON

ZONING DESCRIPTION PENN ADVERTISING 129-135 BACK RIVER NECK ROAD

BEGINNING FOR THE SAME AT A POINT NORTH 29 DEGREES 47 MINUTES 13 SECONDS EAST 39.00 FEET FROM THE EAST RIGHT-OF-WAY LINE OF BACK RIVER NECK ROAD, SAID POINT BEING 133 FEET MORE OR LESS NORTH FROM THE INTERSECTION OF FRENCH AVENUE; THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES:

NORTH 29 DEGREES 47 MINUTES 13 SECONDS EAST 30.00 FEET;
SOUTH 60 DEGREES 12 MINUTES 47 SECONDS EAST 15.00 FEET;
SOUTH 29 DEGREES 47 MINUTES 13 SECONDS WEST 10.00 FEET;
SOUTH 50 DEGREES 20 MINUTES 35 SECONDS WEST 21.36 FEET;
NORTH 60 DEGREES 12 MINUTES 47 SECONDS WEST 07.50 FEET

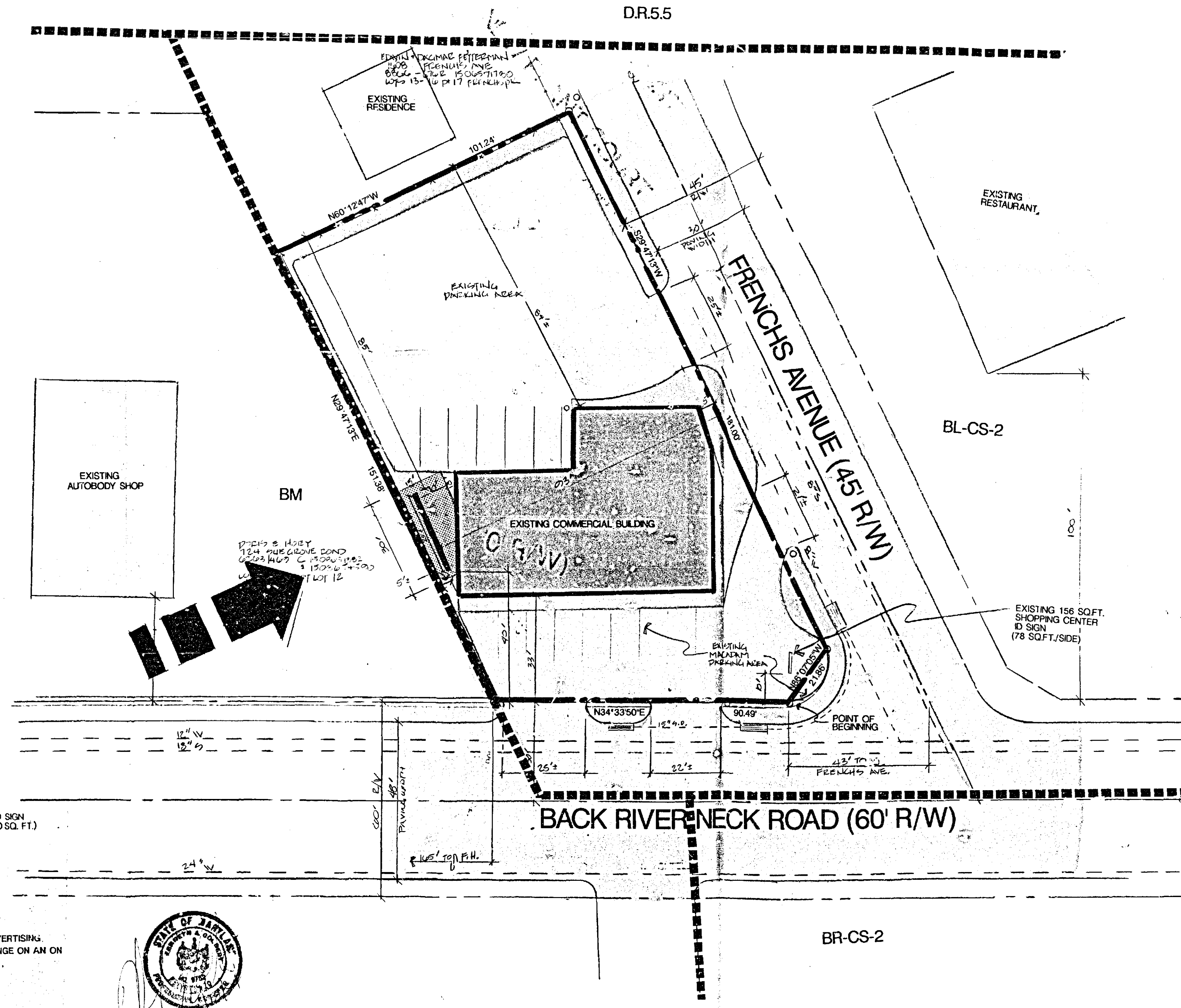
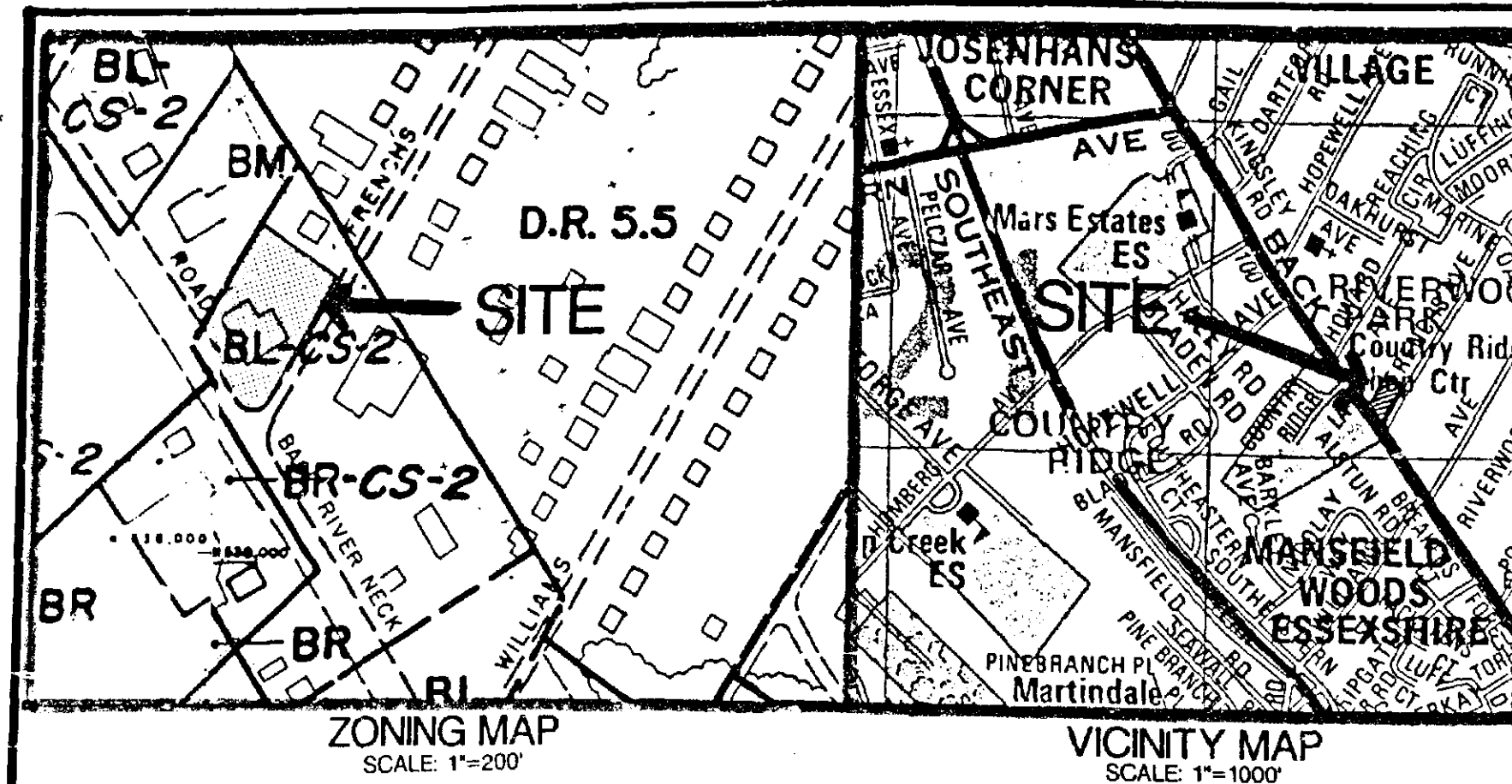
TO THE POINT OF BEGINNING.

CONTAINING 375 SQ. FT. OF LAND MORE OR LESS.

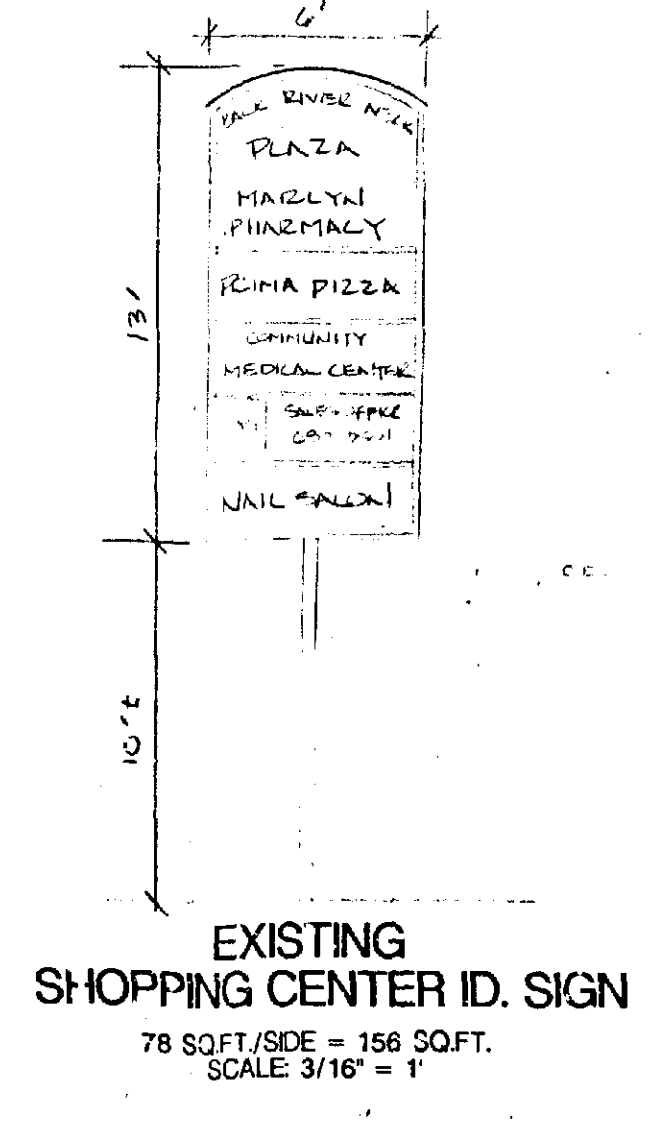
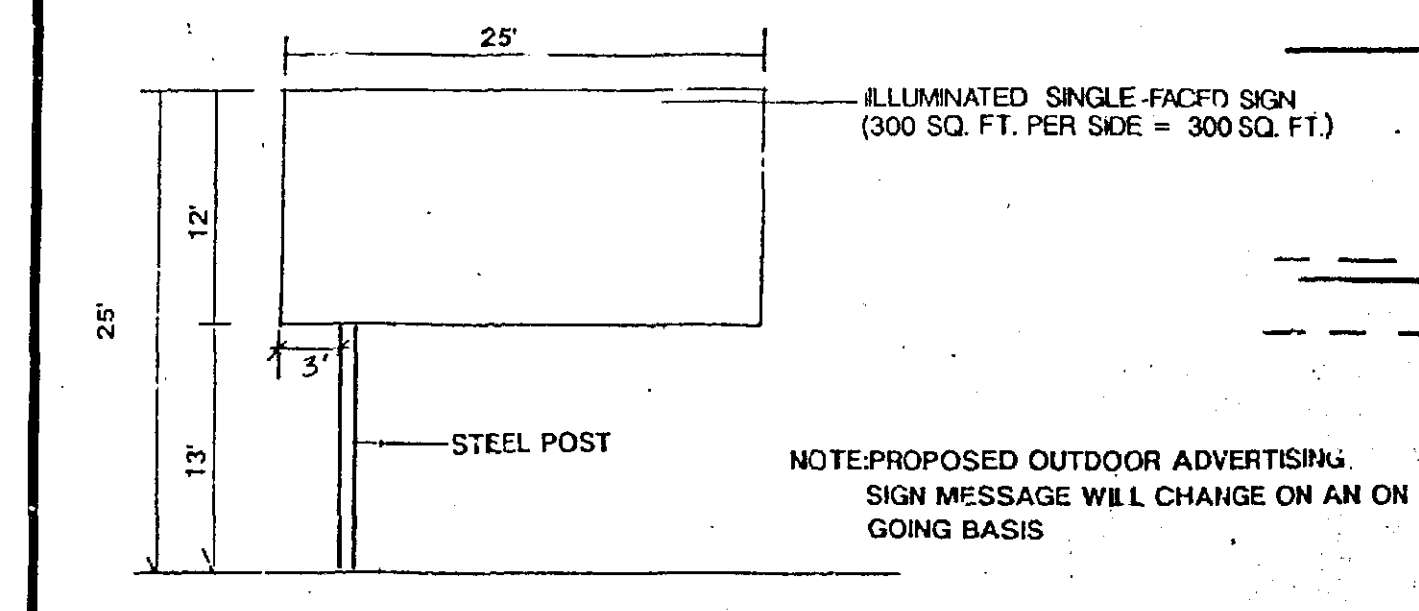
PENNRIVR.NEC



#378



- NOTES:**
- EXISTING ZONING: BL-CS-2
 - PROPOSED ZONING: (NO CHANGE)
 - LOT AREA: 40 AC. (NET) 17,599 SQ. FT.
 - LOT AREA: 57 AC. (GROSS) 25,042 SQ. FT.
 - SPECIAL EXCEPTION: TO PERMIT AN OUTDOOR ADVERTISING SIGN IN A BL-CS-2 ZONING DISTRICT.
 - VARIANCES: TO PERMIT A FRONT SIGN SETBACK OF 40' IN LIEU OF THE REQUIRED 65.5' PER SECTIONS 413.3(C) AND 303.1 BCZR (SEE NOTE # 17).
 - EXISTING USE: COMMERCIAL SHOPPING CENTER
 - PROPOSED USE: COMMERCIAL SHOPPING CENTER AND OUTDOOR ADVERTISING SIGN
 - NOT: NO CHANGES PROPOSED TO THE EXISTING SHOPPING CENTER (I.E. BUILDING, ENTRANCES, PARKING)
 - PREVIOUS ZONING HEARINGS: NONE
 - PREVIOUS COMMERCIAL PERMITS: B154007 - 2/1/93 FOR 78 SQ. FT. (13' X 6') FREESTANDING SHOPPING CENTER SIGN.
 - OWNERSHIP INFORMATION: HOWARD & ROSALIND SNYDER
2308 GRAYSON ROAD
BALTIMORE, MD 21208
 - DEED REFERENCE: 7056-726
 - TAX MAP: 97, GRID: 5, PARCEL: 367 BLOCK: 8, LOTS: 13-16, ACCT #1: 1513551170
 - CENSUS TRACT: 4508.25
 - ELECTION DISTRICT NO.: 15
 - COUNTY COUNCIL DISTRICT NO.: 5
 - SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION)
- | | REQUIRED | PROVIDED |
|---------------|----------|----------|
| FRONT | 65.5' | 40' |
| SIDE (INT) | 0' | 5' |
| SIDE (CORNER) | 15' | 55' |
| REAR | 20' | 85' |
- * VARIANCE REQUIRED, SEE NOTE #5
17. SETBACK AVERAGING COMPUTATIONS:
- | | EXISTING SETBACK |
|---------------------------|------------------|
| BLDG TO NORTH (W/IN 100') | 31' |
| BLDG TO SOUTH (W/IN 100') | 100' |
| TOTAL | 131' |
| AVERAGE SETBACK | 65.5' |
18. PARKING NOTE: PROPOSED SIGN LOCATION WILL NOT INTERFERE WITH ANY EXISTING PARKING SPACES, LOADING AREAS OR TRAVEL AISLES.
19. UTILITIES: SITE IS SERVED BY EXISTING PUBLIC UTILITIES
20. SIGNS: THERE IS ONE SIGN PRESENTLY ON THE PROPERTY (SEE PLAN AND NOTE #9).
21. EXISTING NOTES: OUTDOOR ADVERTISING SIGN
SECTION 413.3 (BCZR)
- TOTAL SURFACE AREA OF SIGN = 300 SQ. FT., SINGLE FACE
 - N/A
 - THE SIGN IS NOT LOCATED BEHIND THE FRONT YARD SETBACK (AVERAGE) - SEE NOTES 5, 16 AND 17.
 - THE SIGN IS NOT LOCATED WITHIN 50 FEET OF ANY STREET INTERSECTION.
 - EXISTING USES
- | EXISTING USES | PERCENTAGE | USE |
|----------------------------|------------|-------------|
| 129-135 BACK RIVER NECK RD | 110% +/- | COMMERCIAL |
| 127 BACK RIVER NECK RD | 150% +/- | COMMERCIAL |
| 121 BACK RIVER NECK RD | 91% +/- | RESIDENTIAL |
| 121 BACK RIVER NECK RD | 25% +/- | RESIDENTIAL |
| TOTAL PERCENTAGE | 451% +/- | |
| PERCENT COMMERCIAL | 51% | |
- F. THERE ARE NO EXISTING OUTDOOR ADVERTISING SIGNS WITHIN 500 FEET OF THE PROPOSED SIGN LOCATION.
- G. N/A
- H. N/A
- I. N/A
- SECTION 413.5 (BCZR)
- THE SURFACE AREA OF THE PROPOSED SIGN INCLUDES THE ENTIRE FACE OR FACES OF THE SIGN. (SEE ELEVATION)
 - THE SIGN DOES NOT PROJECT INTO THE STREET RIGHT-OF-WAY.
 - THE SIGN HAS BEEN LOCATED TO ALLOW CLEAR AND AMPLE VISUAL SIGHT LINES FROM ALL EXISTING DRIVENWAYS AND STREET INTERSECTIONS.
 - THE SIGN SHALL NOT EXTEND MORE THAN 25 FEET ABOVE THE LEVEL OF THE STREET (BACK RIVER NECK ROAD).
 - THE SIGN WILL BE ILLUMINATED IN SUCH A WAY TO AVOID GLARE AND REFLECTION ONTO ADJACENT ROADS, ONCOMING VEHICLES OR ONTO ANY ADJACENT RESIDENTIAL PREMISES. LIGHTING WILL BE MOUNTED ON THE TOP OF THE SIGN AND AINED DIRECTLY AT THE SURFACE OF THE SIGN.



PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

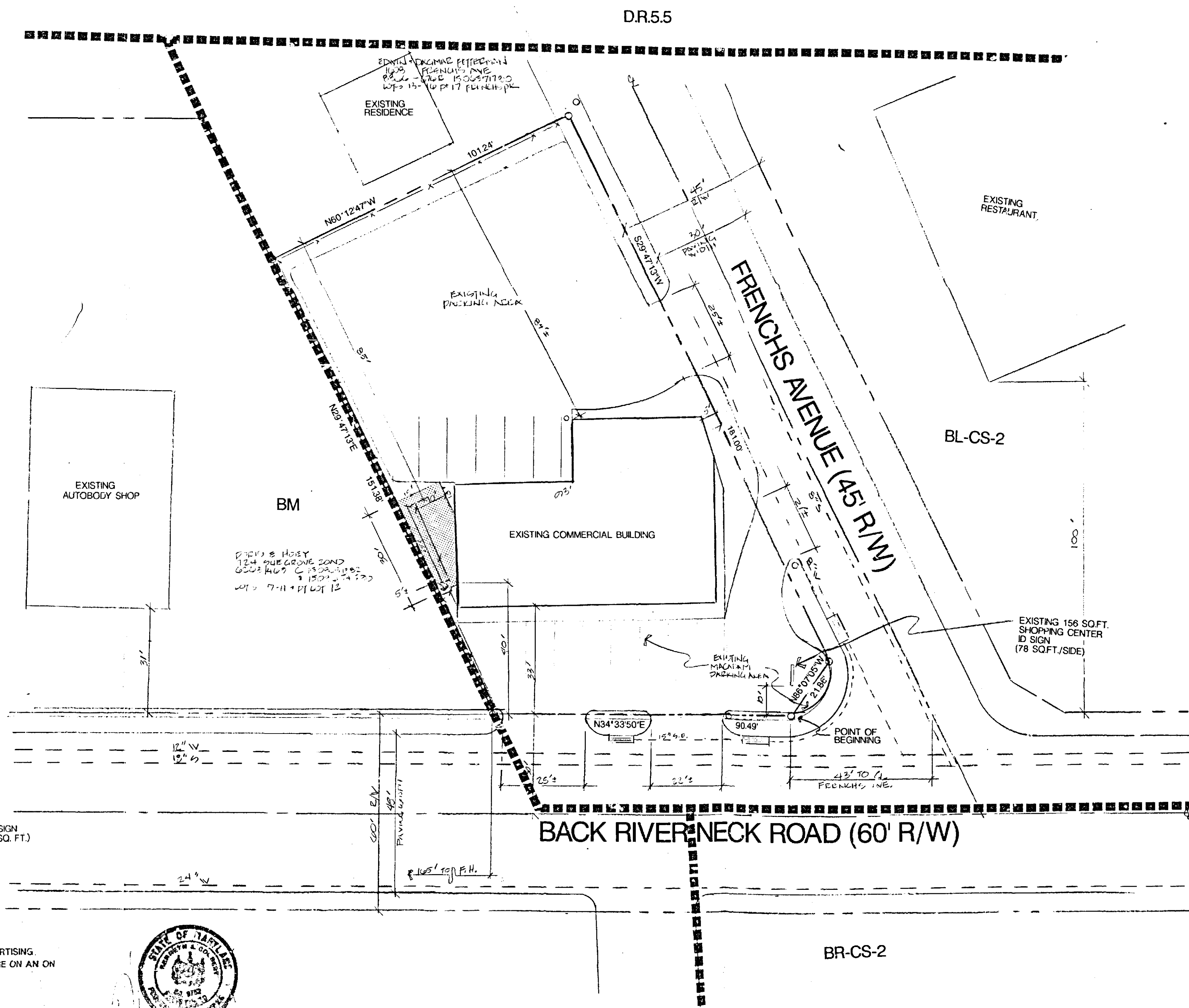
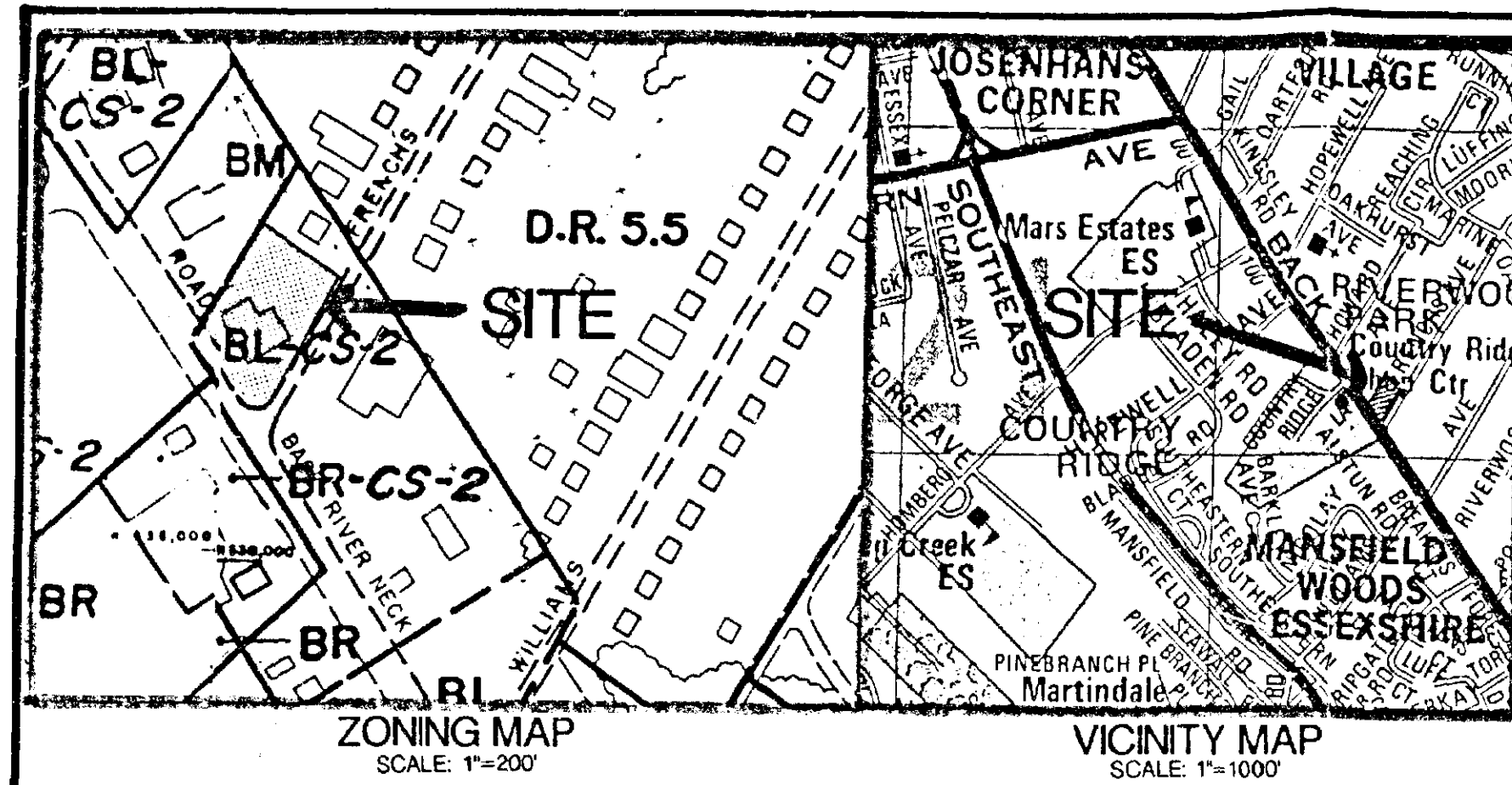
APPLICANT:
PENW ADVERTISING, INC.
OF BALTIMORE, INC.
3001 TRENTON AVENUE
BALTIMORE, MD 21211

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
1000 E. BALTIMORE AVE.
TOWSON, MARYLAND 21204
(410) 484-1851

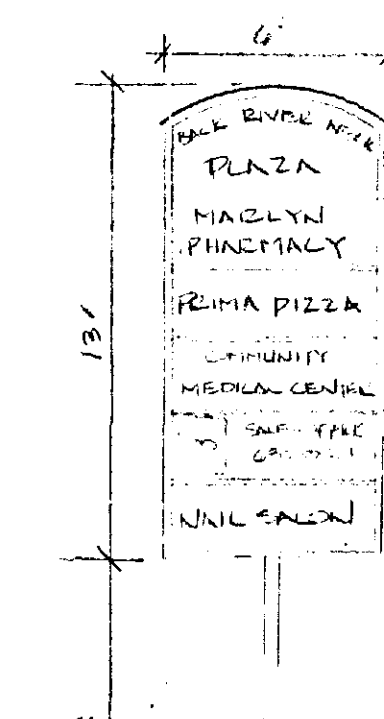
129-135 BACK RIVER NECK ROAD
BALTIMORE COUNTY, MARYLAND

DATE: 3/14/94
JOB NO: 92-51
SCALE: 1"=20'

EXHIBIT 4



- NOTES:**
- EXISTING ZONING: BL-CS-2
 - PROPOSED ZONING: (NO CHANGE)
 - LOT AREA: 40 AC. (NET) (17,599 SQ. FT.)
 - SPECIAL EXCEPTION: TO PERMIT AN OUTDOOR ADVERTISING SIGN IN A BL-CS-2 ZONING DISTRICT.
 - VARIANCES: TO PERMIT A FRONT SIGN SETBACK OF 40' IN LIEU OF THE REQUIRED 65.5' PER SECTIONS 413.3(C) AND 303.2 BCZR (SEE NOTE # 17).
 - EXISTING USE: COMMERCIAL SHOPPING CENTER
 - PROPOSED USE: COMMERCIAL SHOPPING CENTER AND OUTDOOR ADVERTISING SIGN
 - NOTE: NO CHANGES PROPOSED TO THE EXISTING SHOPPING CENTER (I.E. BUILDING, ENTRANCES, PARKING)
 - PREVIOUS ZONING HEARINGS: NONE
 - PREVIOUS COMMERCIAL PERMITS: D154097 - 2/1/93 FOR 78 SQ. FT. (13' X 6') FREESTANDING SHOPPING CENTER SIGN.
 - OWNERSHIP INFORMATION: HOWARD & ROSALIND SHYDER
2508 GRASSY ROAD
BALTIMORE, MD 21208
 - DEED REFERENCE: 7056-726
 - TAX MAP: 97, GRID: 5, PARCEL: 367 BLOCK: B, LOTS: 13-16, ACCT #1: 15135-1170
 - CENSUS TRACT: 4508.25
 - ELECTION DISTRICT NO.: 15
 - COUNTY COUNCIL DISTRICT NO.: 5
 - SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION)
- | REQUIRED | PROVIDED |
|---------------|----------|
| FRONT | 65.5' |
| SIDE (INT) | 0' |
| SIDE (CORNER) | 10' |
| REAR | 20' |
- * VARIANCE REQUIRED, SEE NOTE #5
- SETBACK AVERAGING COMPUTATIONS:**
- | BLDG TO NORTH (W/IN 100') | EXISTING SETBACK |
|---------------------------|------------------|
| BLDG TO SOUTH (W/IN 100') | 100' |
| TOTAL | 131' |
| AVERAGE SETBACK | 65.5' |
- PARKING NOTE: PROPOSED SIGN LOCATION WILL NOT INTERFERE WITH ANY EXISTING PARKING SPACES, LOADING AREAS OR TRAVEL AISLES.
 - UTILITIES: SITE IS SERVED BY EXISTING PUBLIC UTILITIES
 - SIGNS: THERE IS ONE SIGN PRESENTLY ON THE PROPERTY (SEE PLAN AND NOTE #9).
 - NOTES: OUTDOOR ADVERTISING SIGN
- | EXISTING USES | PERCENTAGE | USE |
|----------------------------|------------|-------------|
| 129-135 BACK RIVER NECK RD | 100% +/- | COMMERCIAL |
| 127 BACK RIVER NECK RD | 100% +/- | COMMERCIAL |
| 128 BACK RIVER NECK RD | 100% +/- | COMMERCIAL |
| 121 BACK RIVER NECK RD | 100% +/- | RESIDENTIAL |
| TOTAL FRONTAGE | 454' +/- | |
| PERCENT COMMERCIAL | 5% | |
- F. THERE ARE NO EXISTING OUTDOOR ADVERTISING SIGNS WITHIN 100 FEET OF THE PROPOSED SIGN LOCATION.
- G. N/A
- H. N/A
- I. N/A
- SECTION 413.5 (BCZR)**
- THE SURFACE AREA OF THE PROPOSED SIGN INCLUDES THE ENTIRE FACE OR FACES OF THE SIGN. (SEE ELEVATION)
 - THE SIGN DOES NOT PROJECT INTO THE STREET RIGHT-OF-WAY.
 - THE SIGN HAS BEEN LOCATED TO ALLOW CLEAR AND AMPLE VISION SIGHT LINES FROM ALL EXISTING DRIVEWAYS AND STREET INTERSECTIONS.
 - THE SIGN SHALL NOT EXTEND MORE THAN 25 FEET ABOVE THE LEVEL OF THE STREET (BACK RIVER NECK ROAD)
 - THE SIGN WILL BE ILLUMINATED IN SUCH A WAY TO AVOID GLARE AND REFLECTION ONTO ADJACENT ROADS, ONCOMING VEHICLES OR ONTO ANY ADJACENT RESIDENTIAL PREMISES. LIGHTING WILL BE MOUNTED ON THE TOP OF THE SIGN AND AIMED DIRECTLY AT THE SURFACE OF THE SIGN.



EXISTING SHOPPING CENTER ID SIGN
78 SQ.FT./SIDE = 156 SQ.FT.
SCALE: 3/16" = 1'

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS, SUITE 8-7
TOWSON, MARYLAND 21204
(410) 884-8951

APPLICANT:
PENN ADVERTISING
OF BALTIMORE, INC.
300 COLUMBIA AVENUE
BALTIMORE, MD 21201

129-135 BACK RIVER NECK ROAD
BALTIMORE COUNTY, MARYLAND

DATE: 3/14/94
JOB NO: 92-51
SCALE: 1"=20'

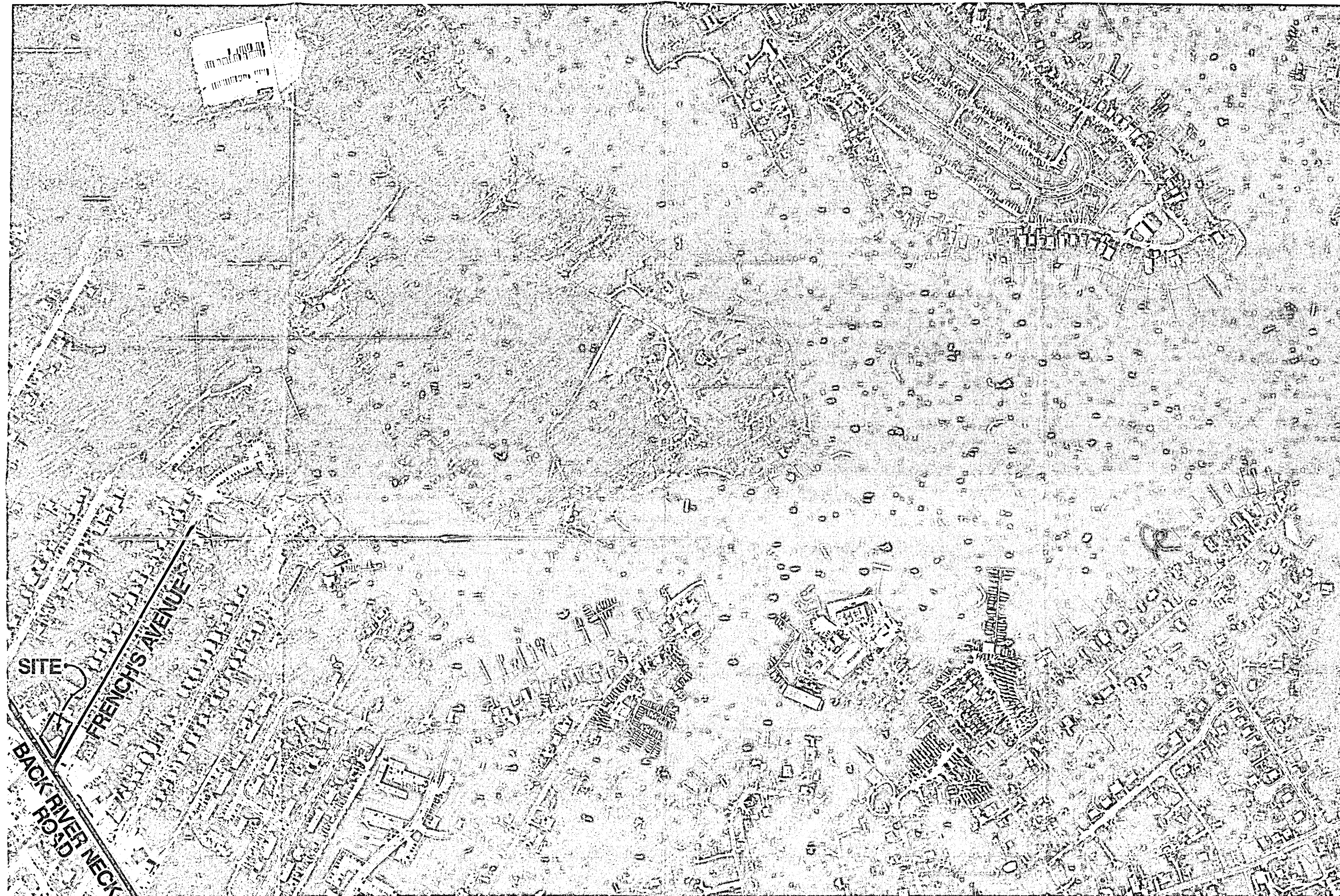
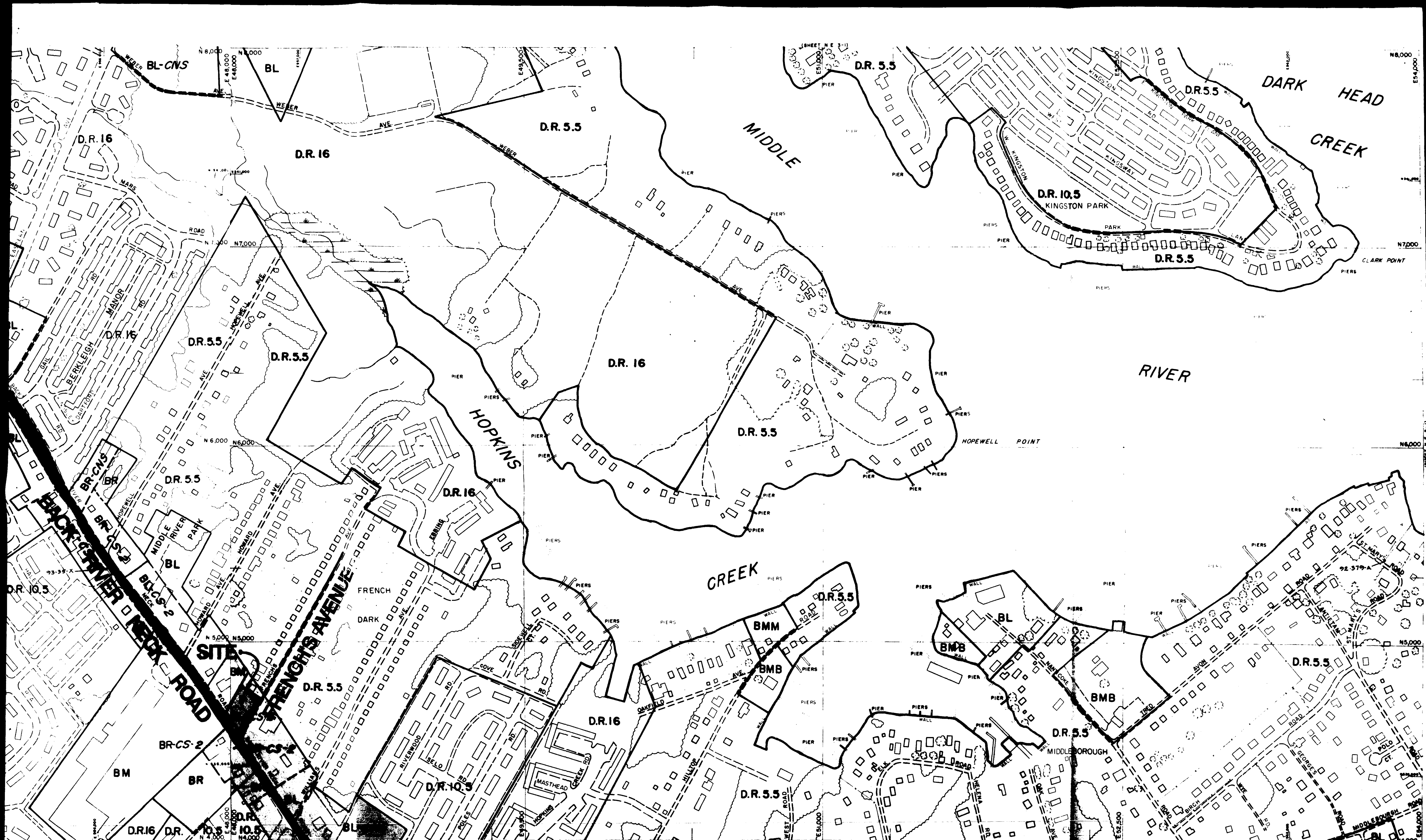


EXHIBIT 2

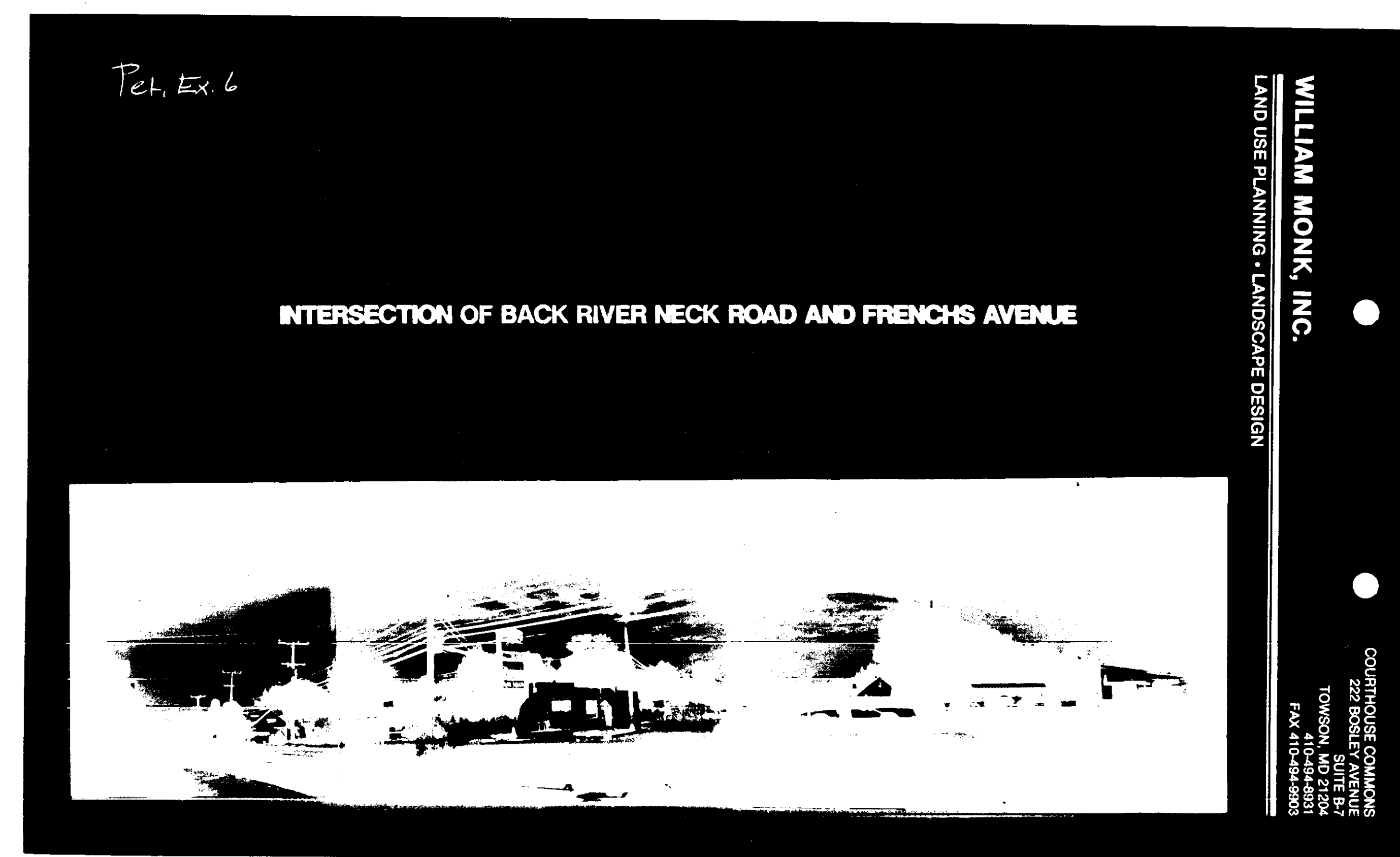
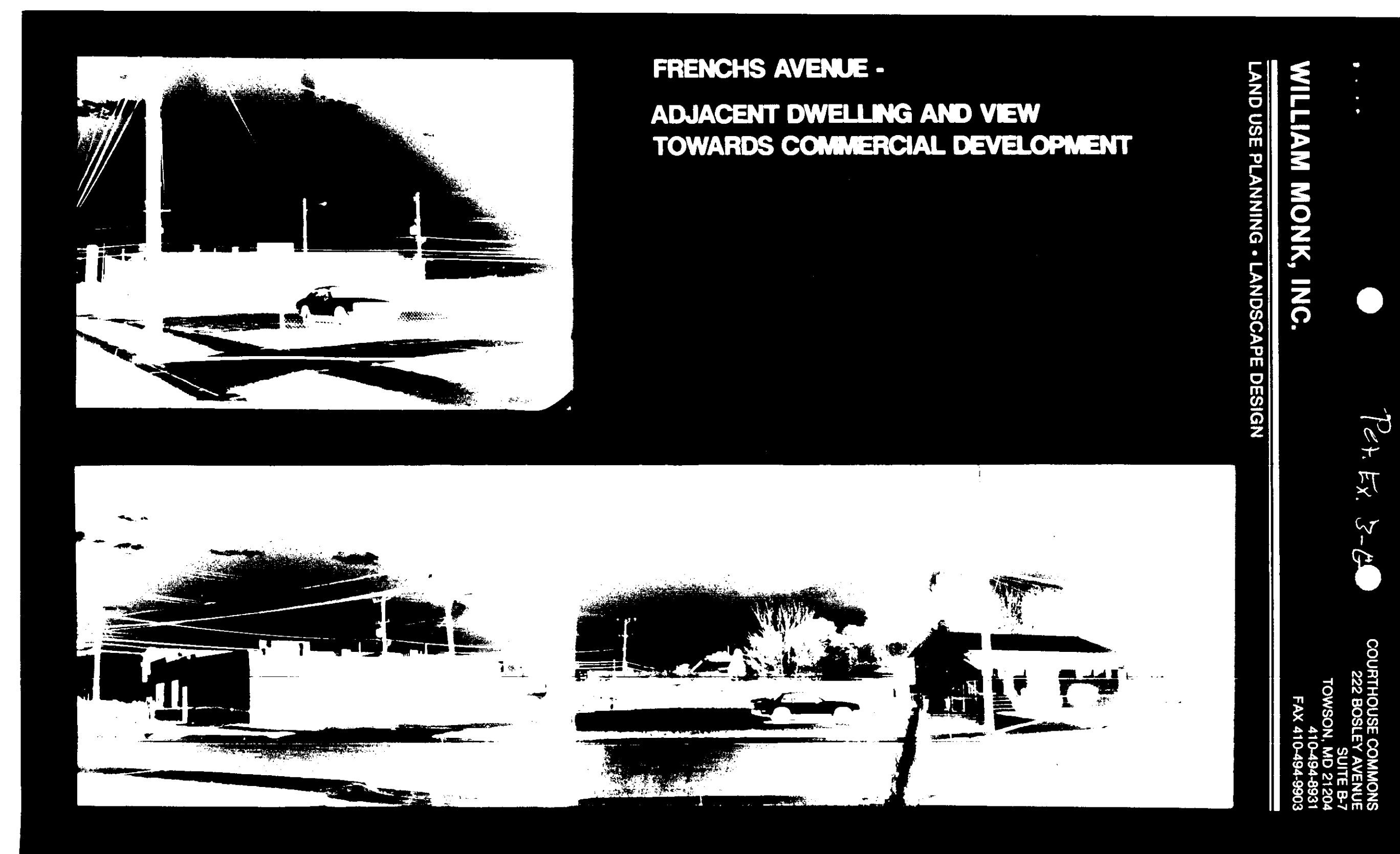
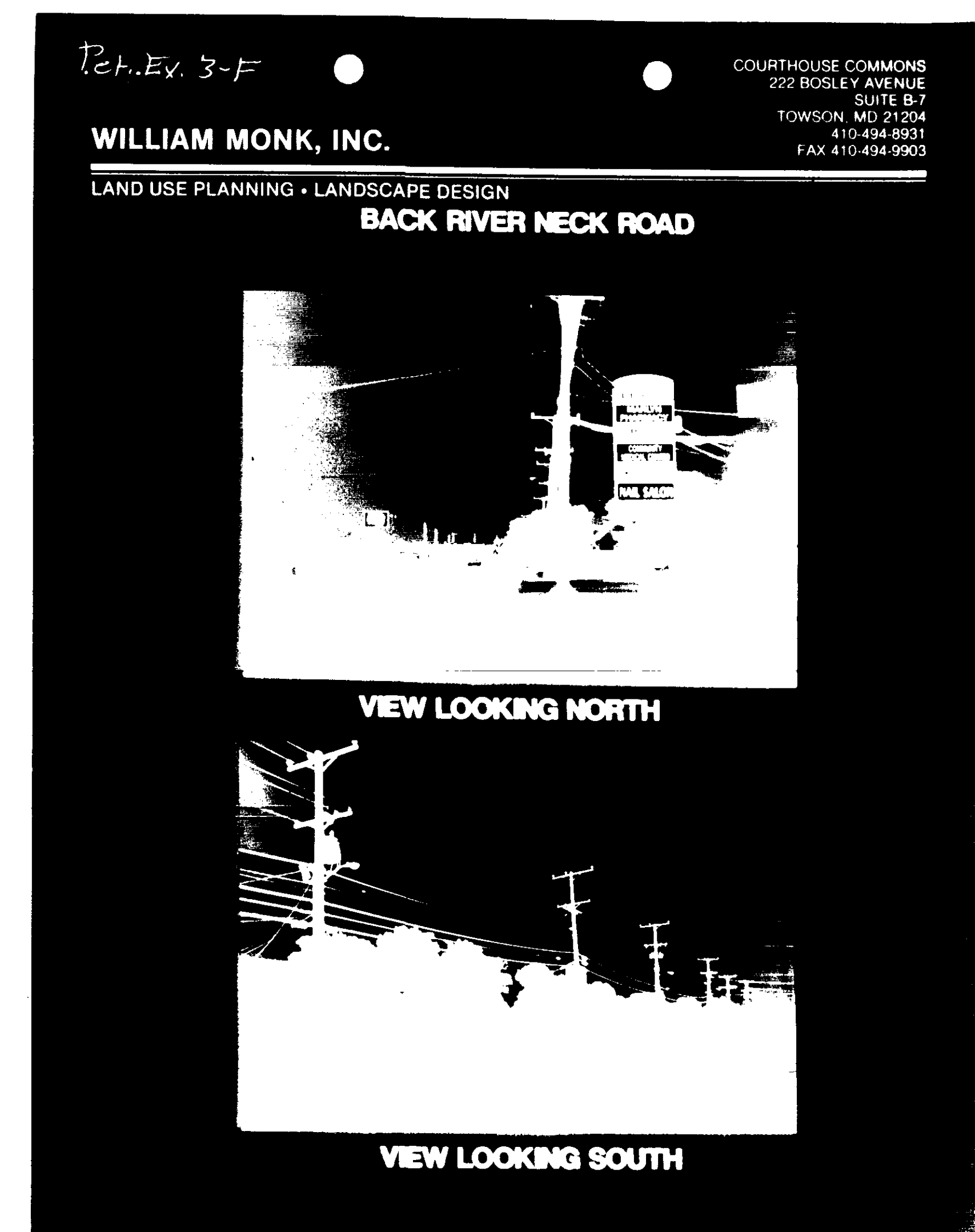
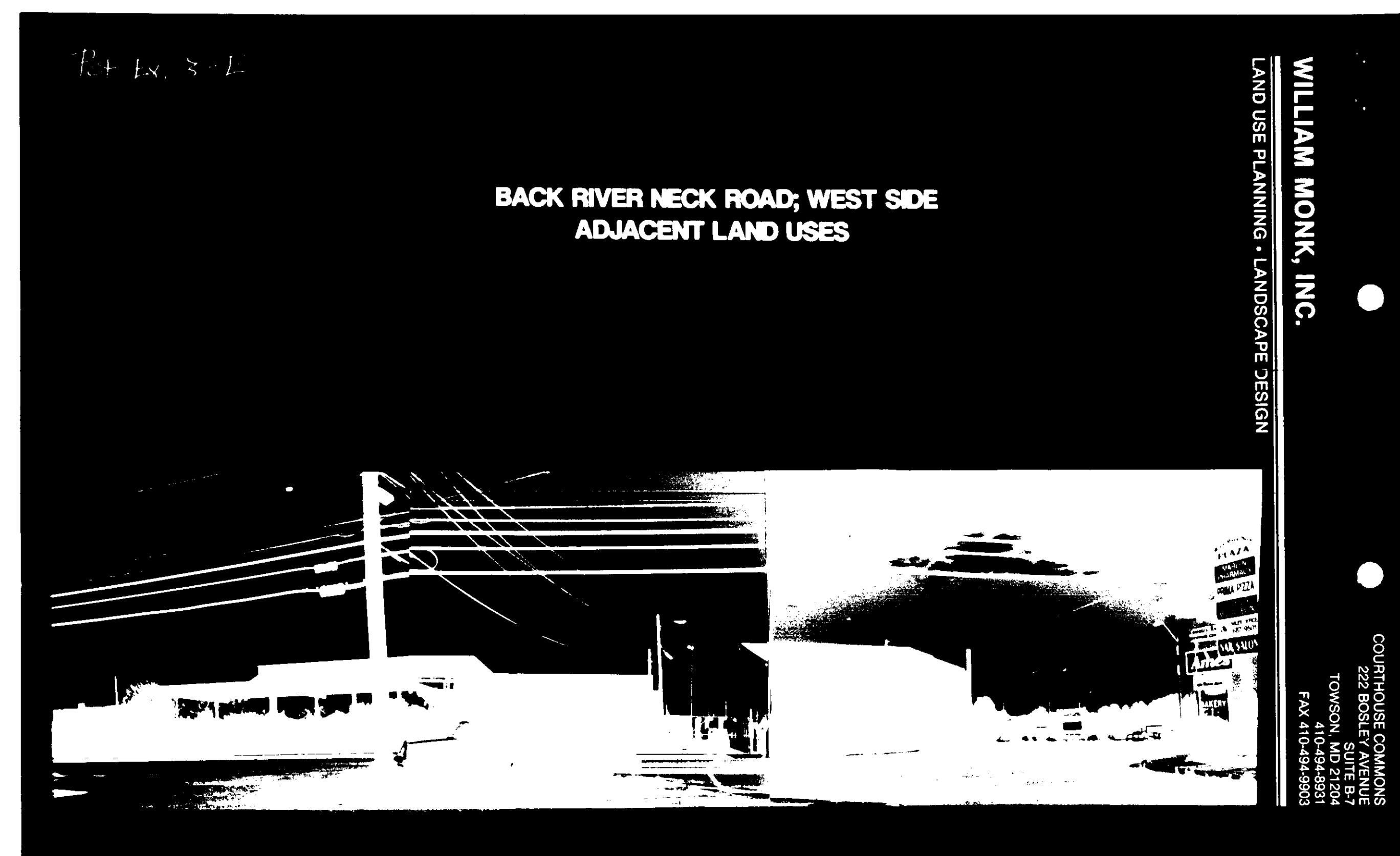
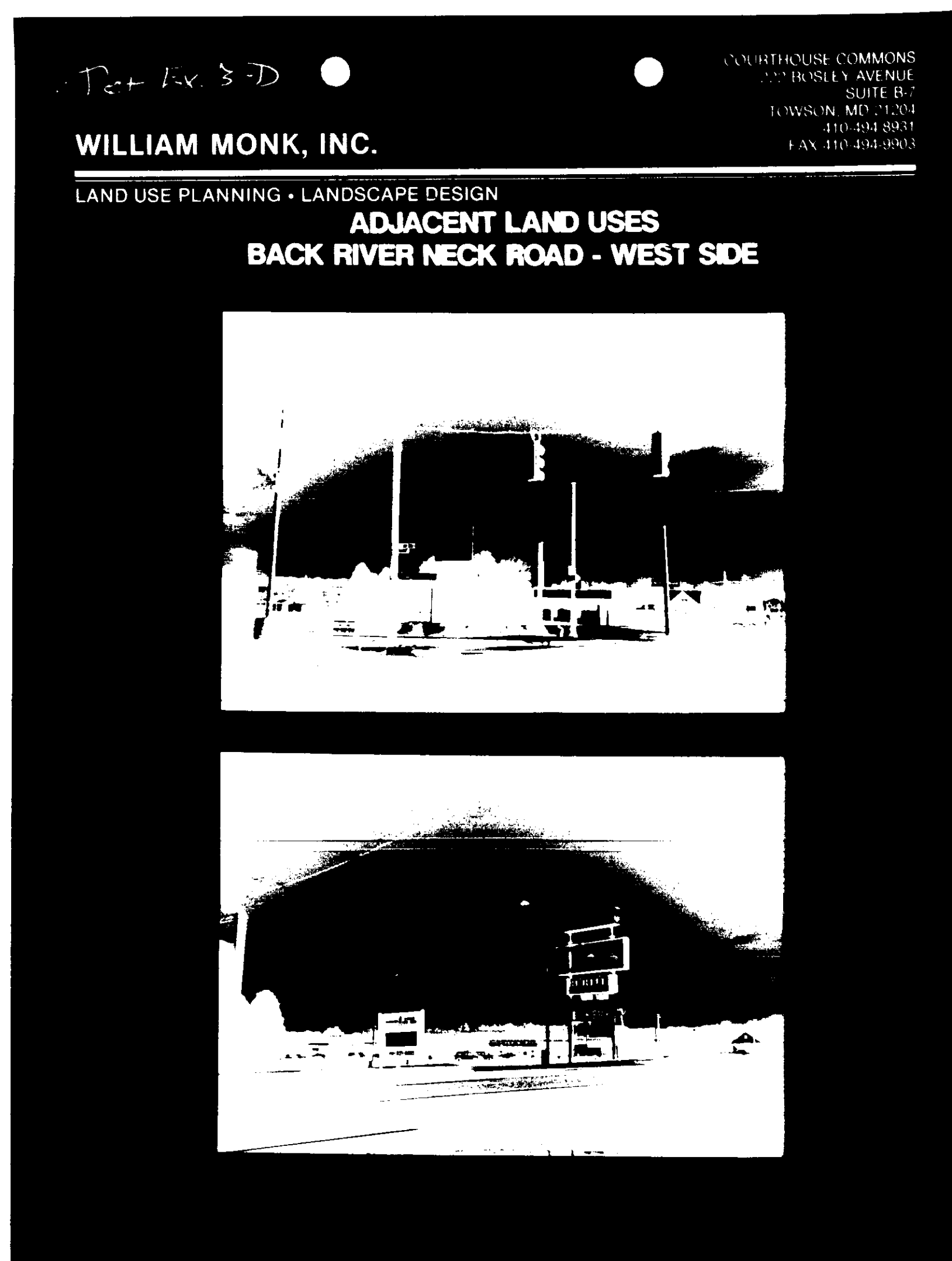
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MIDDLE RIVER	N. E.
DATE OF PHOTOGRAPHY JANUARY 1986		2-1



SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION STEMMERS RUN BACK RIVER NECK	SHEET N.E. 2-H	I- SE EXHIBIT 1 THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP 1992 COMPREHENSIVE ZONING MAP Adopted by Baltimore County Council 15, 1992 (SHEET N.E. 1-1) 100-01, 100-02, 100-03, 100-04, 100-05, 100-06, 100-07, 100-08, 100-09, 100-10, 100-11, 100-12, 100-13, 100-14, 100-15, 100-16, 100-17, 100-18, 100-19, 100-20, 100-21, 100-22, 100-23, 100-24, 100-25, 100-26, 100-27, 100-28, 100-29, 100-30, 100-31, 100-32, 100-33, 100-34, 100-35, 100-36, 100-37, 100-38, 100-39, 100-40, 100-41, 100-42, 100-43, 100-44, 100-45, 100-46, 100-47, 100-48, 100-49, 100-50, 100-51, 100-52, 100-53, 100-54, 100-55, 100-56, 100-57, 100-58, 100-59, 100-60, 100-61, 100-62, 100-63, 100-64, 100-65, 100-66, 100-67, 100-68, 100-69, 100-70, 100-71, 100-72, 100-73, 100-74, 100-75, 100-76, 100-77, 100-78, 100-79, 100-80, 100-81, 100-82, 100-83, 100-84, 100-85, 100-86, 100-87, 100-88, 100-89, 100-90, 100-91, 100-92, 100-93, 100-94, 100-95, 100-96, 100-97, 100-98, 100-99, 100-100	SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION MIDDLE RIVER	SHEET N.E. 2-I
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IN THE MATTER OF THE
THE APPLICATION OF
HOWARD SNYDER, ET UX
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE EAST SIDE OF BACK RIVER
NECK ROAD, 43' NORTH OF THE
CENTERLINE FRENCHS AVENUE
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-392-XA

OPINION

Howard and Rosalind Snyder, property owners, and Penn Advertising of Baltimore, Inc., contract lessee, appeal from a decision of the Deputy Zoning Commissioner dated May 23, 1994 wherein the Petition for Special Exception for an illuminated single-faced advertising sign was denied and the Petition for Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet was dismissed as moot. This Board heard the matter *de novo* on November 16, 1994. Petitioners were represented by Fred M. Lauer, Esquire, and Carole S. Demilio, Deputy People's Counsel for Baltimore County, participated in the proceedings. From the testimony and evidence, we find the following facts and apply the law.

The subject site sits on the northeast corner of Frenchs Avenue and Back River Neck Road in the Fifth Councilmanic District of Baltimore County. The lots contains .57 acre and is zoned B.L.-C.S. 2. It is improved by a one-story strip commercial shopping center containing a nail salon, an insurance office, a medical center, and a pizza carry-out/restaurant. The building sits 33 feet from the edge of Back River Neck Road, and is further improved by an existing shopping center identification sign on a pole, the

Case No. 94-392-XA HOWARD SNYDER, ET UX 2

top of which extends to a height of 23 feet above grade. Next door to the subject site, along Back River Neck Road, is an existing auto body shop, which sits 31 feet from the edge of Back River Neck Road, which property is zoned B.M. To the south, along Back River Neck Road, the next adjacent property, zoned B.L.-C.S. 2, contains an existing restaurant, which sits 100 feet from the edge of Back River Neck Road. Commercial zoning and uses extend northerly along Back River Neck Road for several blocks, nearly to the intersection of Dartford Road and Back River Neck Road. Commercial zoning and uses extend in a southerly direction along Back River Neck Road as well, and all along the opposite side of Back River Neck Road in both directions from the subject site.

Section 413.3 of the Baltimore County Zoning Regulations (BCZR) allows outdoor advertising signs in B.L. zones by special exception under certain conditions as outlined in that section. One of those conditions is contained in Section 413.3C which provides that "no such sign shall be located closer to the street right-of-way line than the minimum front yard requirement for a commercial building as determined by these regulations for the zone involved." Section 303.2 of the BCZR provides that in a B.L. zone "the front yard depth of any building hereinafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side..." We find as a fact that the Caddyshack Restaurant located on the southeast corner of Frenchs Avenue and Back River Neck Road sits at a distance of 100 feet from the right-of-way line on Back River Neck Road. The auto body shop, the other

Case No. 94-392-XA HOWARD SNYDER, ET UX 3

adjacent property, sits at a distance of 31 feet from the right-of-way line on Back River Neck Road. Those two averaged together would require the sign to be placed no closer than 65.5 feet from the right-of-way line of Back River Neck Road, notwithstanding the fact that the building on the subject site is located 33 feet from said right-of-way line. What causes the necessity, and what is peculiar to and is a unique factor concerning the subject site, is the relationship of the buildings on the adjacent lots and their distances from the right-of-way line of Back River Neck Road. If the Caddyshack Restaurant had been located approximately 50 feet from Back River Neck Road instead of the 100 feet that it is, no variance would be necessary to place this sign exactly in the spot Petitioner requests. There is no evidence that the owner of the subject site or the Petitioner had anything to do with the erection of the Caddyshack Restaurant at the distance from the right-of-way line that it is. It is clear that the operation of this ordinance alone causes practical difficulty to the Petitioners in this case. If the sign were required to be placed at a distance of 65.5 feet from the right-of-way line of Back River Neck Road, the Petitioners would have to place it in the middle of the area designated for parking and improved with macadam for this purpose. Certainly the County's parking requirements would be affected for this site if some of that space had to be utilized in order to place the proposed sign structure. Furthermore, if the sign were to be placed at a distance of 65.5 feet from Back River Neck Road, one's view of the sign from Back River Neck Road, when travelling in a

Case No. 94-392-XA HOWARD SNYDER, ET UX 4

southbound direction, would be obstructed by the auto body shop building because of the angles on which the sign would sit and the distance between its placement, the shop, and Back River Neck Road. Such a placement would frustrate the purpose and not permit the use as contemplated. Therefore, we find that the Petitioners have proven practical difficulty, and met the requirements of Section 307 so that the variance should be granted.

Furthermore, we find as a fact, principally through the testimony of William Monk, accepted as a land use planner by this Board, that the requirements of Section 502.1, dealing with special exceptions, as well as the remaining requirements of Section 413.3 and 413.5, have been met. We offer the following additional comments regarding the proposal. The proposed sign will be a height of 25 feet, but the existing shopping center identification sign on the site is 23 feet high and a similar sign across the street for another shopping center is equally as high. From the proposed location and the angle on which the sign will be cantilevered, we do not believe that the front of the sign will be visible when standing on any of the residences in the vicinity. Therefore, we shall grant the special exception as requested.

ORDER

THEREFORE, IT IS this 2nd day of December, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit the placement of one (1) 12' x 25' illuminated, single-faced outdoor advertising sign on the subject property be and the same is hereby

Case No. 94-392-XA HOWARD SNYDER, ET UX 5

GRANTED; and it is further

ORDERED that the Petition for Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet be and the same is GRANTED.

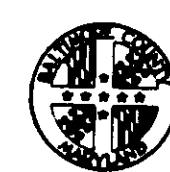
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

S. Diane Levero
S. Diane Levero

William Clark
C. William Clark



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 2, 1994

Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
P.O. Box 4868
Baltimore, MD 21211

RE: Case No. 94-392-XA
Howard Snyder, et ux

Dear Mr. Lauer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. & Mrs. Howard Snyder
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE - E/S Back River
Neck Road, 43' N of the c/l of
Frenchs Avenue
(129-135 Back River Neck Road)
15th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-392-XA

Howard Snyder, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 129 through 135 Back River Neck Road, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owners of the property, Howard and Rosalind Snyder, and the Contract Lessee, Penn Advertising of Baltimore, Inc., by Donna Hayward Lorber, through their attorney, Fred M. Lauer, Esquire. The Petitioners request a special exception to permit the placement of one (1) 12' x 25' illuminated, single-faced outdoor advertising sign on the subject property, pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, the Petitioners seek a variance from Sections 413.3(c) and 303.2 of the B.C.Z.R. to permit a front setback of 40 feet in lieu of the required 65.5 feet. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Donna Lorber and Fred M. Lauer, Esquire for Penn Advertising of Baltimore, Inc. There were no Protestants present.

Testimony revealed that the subject property consists of a gross area of .57 acres, more or less, zoned B.L.-C.S.-2 and is improved with a

commercial building and accessory parking area. The Petitioners are desirous of leasing a small portion of the site along the northwest property line for the placement of a 12' x 25' illuminated outdoor advertising sign in accordance with Petitioner's Exhibit 1. Testimony indicated that the requested variance is necessary due to the location of the existing building on the site and the site line created by the adjacent building on the adjoining property.

It should be noted that the Office of Planning and Zoning submitted comments dated May 5, 1994 in which they recommended denial of the requested variance, citing the risk of overdevelopment of the subject property. I am inclined to agree. In the opinion of this Deputy Zoning Commissioner, this area of Back River Neck Road is already overburdened with signage. There was insufficient evidence to support another sign in this area, and the fact that the location proposed requires a variance indicates that the relief requested is inappropriate at this particular location and should therefore, be denied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances presented indicated that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

PETITIONER(S) SIGN-IN SHEET

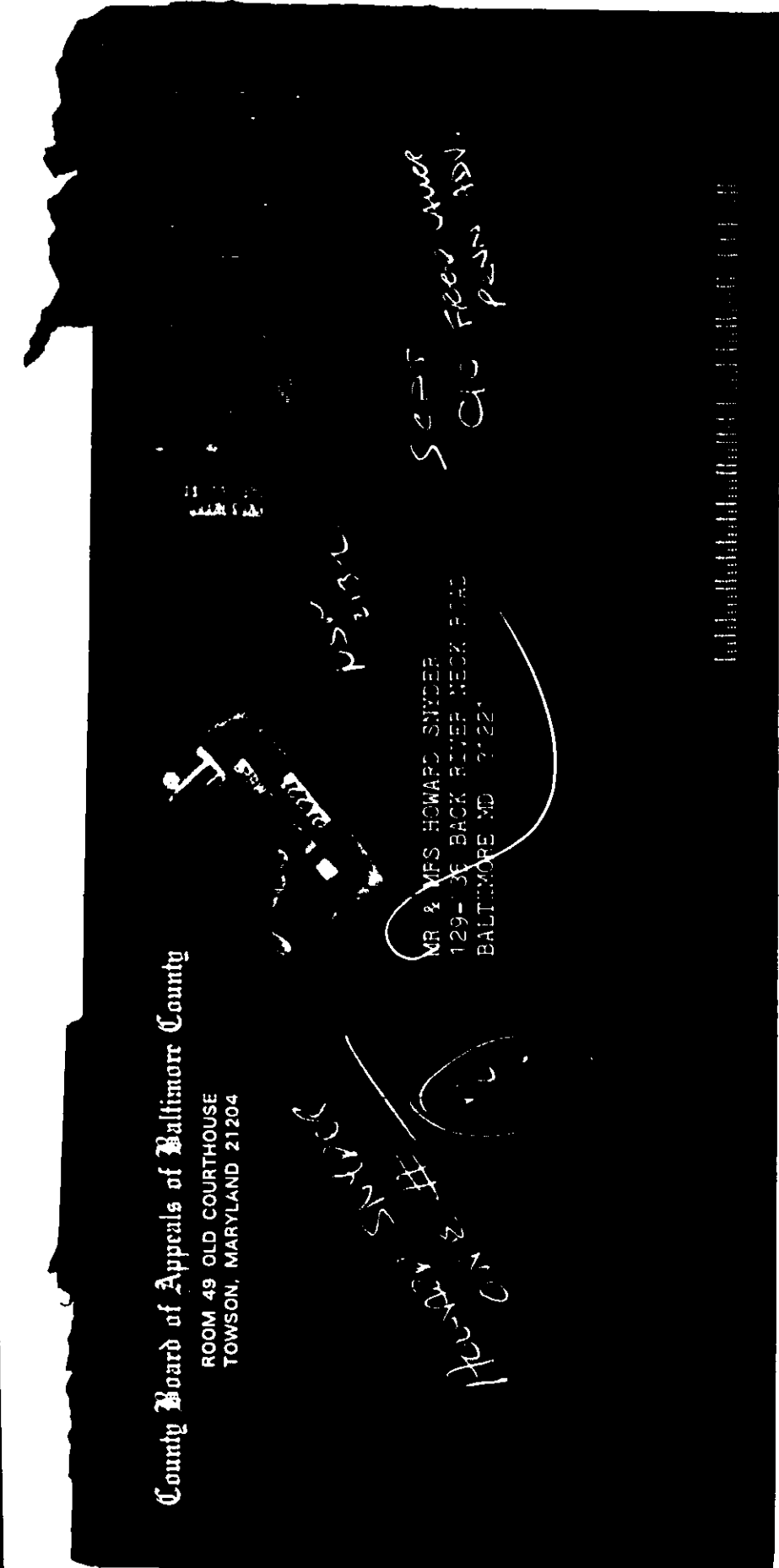
NAME: Donna L. Gordon ADDRESS: 7016 Heathfield Rd

WILLIAM MONK, INC.
PLANNERS • LANDSCAPE DESIGN
COURTHOUSE COMMONS 222 BOSLEY AVENUE SUITE B7 TOWSON, MD 21204 410-494-8931 FAX 410-494-9903

ZONING MAP TO ACCOMPANY
129-135 BACK RIVER NECK ROAD
BALTIMORE COUNTY, MD

APPLICANT: **PENNY ADVERTISING OF BALTIMORE, INC.**
3001 REMINGTON AVENUE
BALTIMORE, MD 21211
#376

92-51 1"=200' NE 2-HA



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: May 9, 1994

SUBJECT: 129-135 Back River Neck Road

INFORMATION:

Item Number: 376

Petitioner: Snyder Property

Property Size: _____

Zoning: B.L.-C.S.-2

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

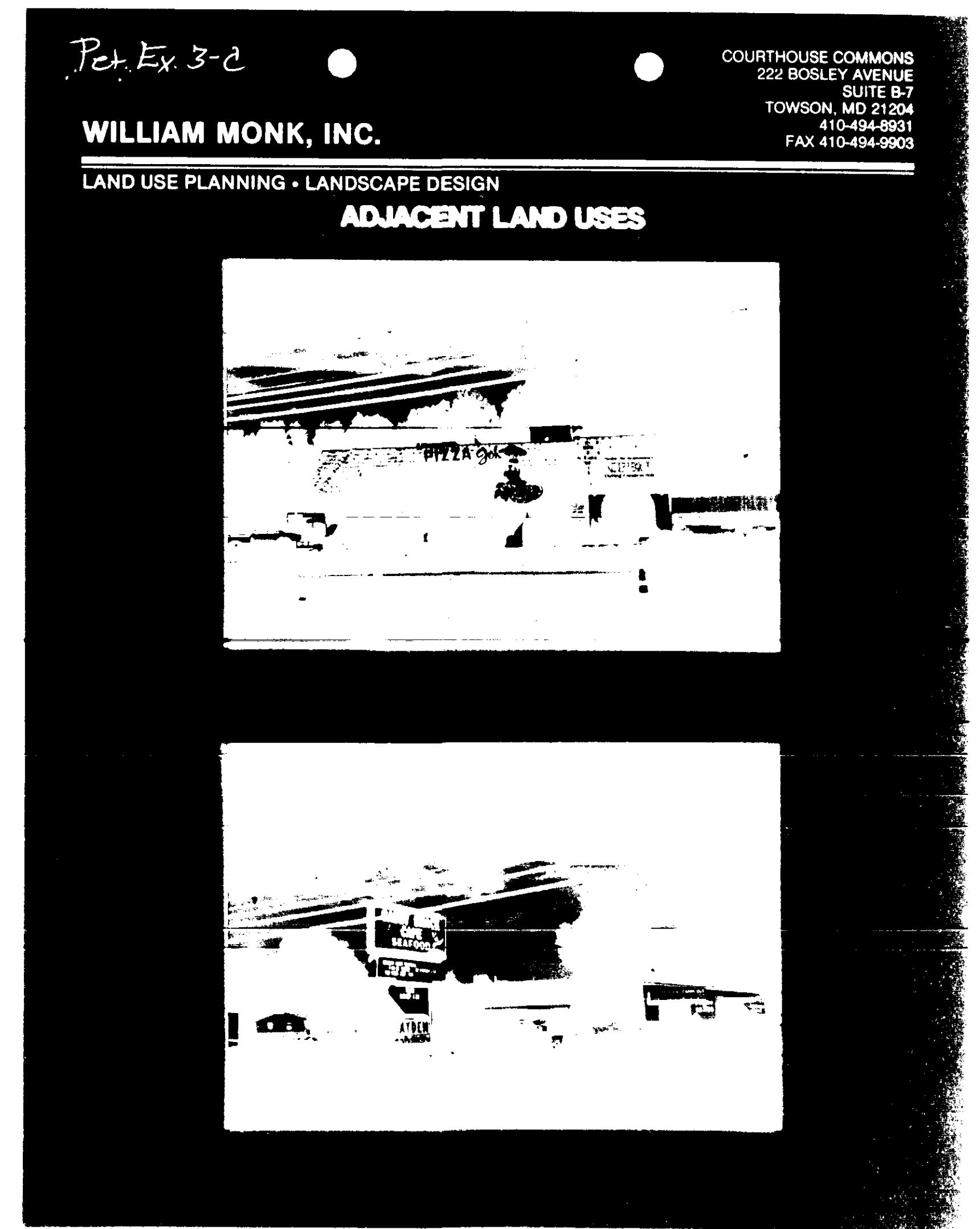
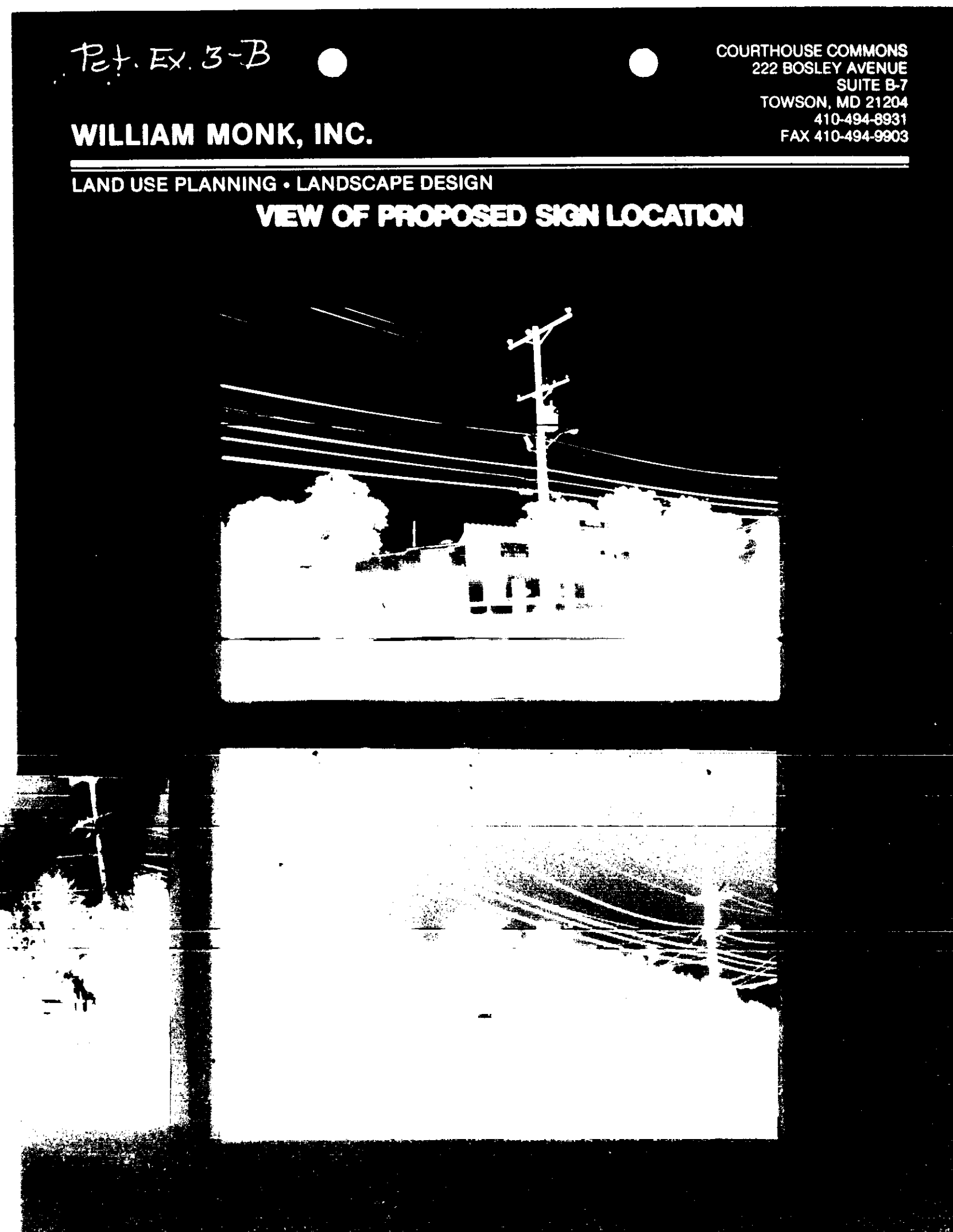
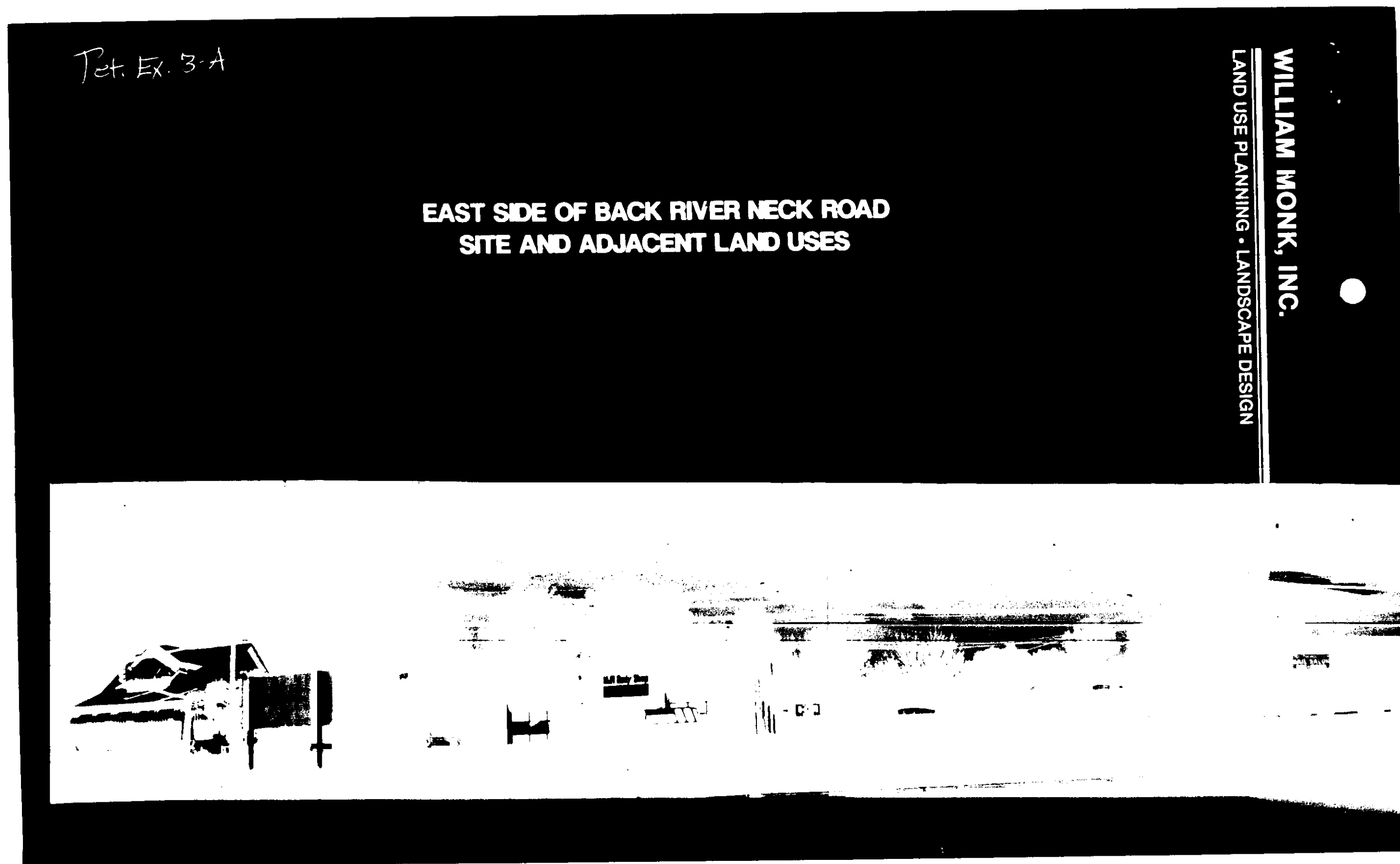
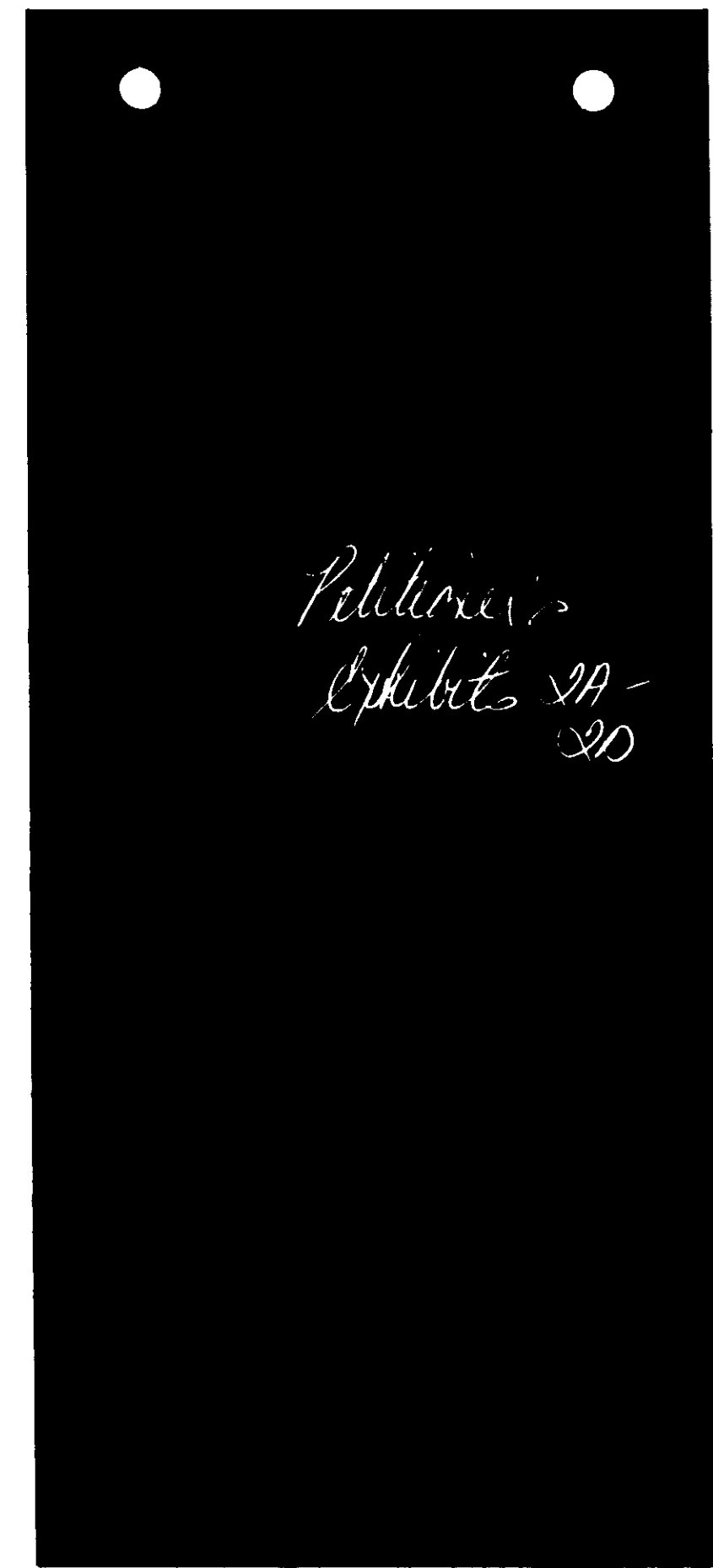
Based upon a review of the information provided, staff offers the following comments.

The petitioner requests a Special Exception for an illuminated 12'x25' outdoor advertising sign, and a Variance to permit a front setback of 40 feet in lieu of the required 65.5 ft.

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 compromises 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.



CC. Mr. Peter Zimmerman

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: May 5, 1994

SUBJECT: 129-135 Back River Neck Road

INFORMATION:

Item Number: 378

Petitioner: Snyder Property

Property Size: _____

Zoning: B.L.-C.S.-2

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments.

The petitioner requests a Special Exception for an illuminated 12'x25' outdoor advertising sign, and a Variance to permit a front setback of 40 feet in lieu of the required 65.5 ft.

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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.

The Office of Planning and Zoning recommends that the applicant's request be denied for the following reason:

The location of an outdoor advertising sign at the subject location would constitute over development of the property due to the need for a Variance. A Variance would not necessarily be unreasonable in instances where such relief is necessary to facilitate a primary use of commercial property. Therefore, staff can find no justification, in the instant case, to indicate hardship or practical difficulty.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol Kinn*
PK/JL:lw

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

June 23, 1994

Mr. Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
P.O. Box 4868
Baltimore, MD 21211

RE: Petition for Special Exception and Variance
E/S Back River Neck Road, 43 ft. N of the c/l
of French Avenue
(129-135 Back River Neck Road)
15th Election District
5th Councilmanic District
Howard Snyder, et ux-Petitioner
Case No. 94-392-XA

Dear Mr. Lauer:

Please be advised that an appeal of the above-referenced case was filed in this office on June 22, 1994 and all materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. & Mrs. Howard Snyder
People's Counsel

APPEAL

Petition for Special Exception and Variance
E/S Back River Neck Road, 43 ft. N
of the c/l French Avenue
(129-135 Back River Neck Road)
15th Election District - 5th Councilmanic District
Howard Snyder, et ux-PETITIONER
Case No. 94-392-XA

Petition(s) for Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) Plan-Sheets

Petitioner's Exhibits: 1 - Plan to Accompany Special Exception and Variance
2 - Four photographs

Deputy Zoning Commissioner's Order dated May 23, 1994 (Denied)

Notice of Appeal received on June 22, 1994 from Fred M. Lauer, Esquire on behalf Mr. and Mrs. Howard Snyder.

c: Fred M. Lauer, Esquire, Penn Advertising of Baltimore, Inc., 3001 Remington Avenue, Baltimore, MD 21211
Mr. & Mrs. Howard Snyder, 129-135 Back River Neck Road, Baltimore, MD 21221
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Manager
Docket Clerk
Arnold Jablon, Director of ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 1, 1995

Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
P.O. Box 4868
Baltimore, MD 21211

RE: Case No. 94-392-XA
HOWARD SNYDER, ET UX

Dear Mr. Lauer:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Mr. & Mrs. Howard Snyder
People's Counsel for Baltimore County

9/06/94 -Notice of Assignment for hearing scheduled for Wednesday, November 16, 1994 at 10:00 a.m. sent to the following:

Fred M. Lauer, Esquire
Mr. & Mrs. Howard Snyder
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

11/16/94 -Hearing concluded before Board (H.C.M.) Matter deliberated at conclusion of hearing. Petition for Special Exception /sign and Petition for Variance to be GRANTED. Written Opinion and Order to be issued by Board; appellate period to run from date of written Order.

12/02/94 -Order issued by the Board in accordance with above decision.

12/06/94 -Letter from Peter Zimmerman attached FAX copy of letter from several residents of French Avenue -- requesting reconsideration of Board's 12/02/94 decision.

12/07/94 -Letter from WTH to Mr. Zimmerman -- request for reconsideration DENIED; Board's position regarding posting of property remains as stated on November 16, 1994.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Howard Snyder, et ux
Case No. 94-392-XA

DATE: November 16, 1994 /at conclusion of hearing

BOARD /PANEL: William T. Hackett, Chairman (WTH)
C. William Clark (CWC)
S. Diane Levero (SDL)

SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Those present included Fred M. Lauer, Esquire, Counsel for Petitioner; and Peter Max Zimmerman, People's County for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --to deliberate issues and matter of petitions for special exception and variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett included recitation of case number, name and subject of petitions filed.

CWC: Prepared to grant Petition for Special Exception and Variance; that principal problem posed by the proposal is with variance and not with special exception. Indicated there was no testimony that adverse effects are inherent with proposed use that are worse here than anywhere else in the zone; cited *Schultz v. Pritz*; special exception would not be prohibited if not for problem with variance; in his opinion, circumstance exists which is unique or peculiar to site; discussed relationship of Caddyshack Restaurant to Back River Neck Road; of auto body repair shop to Back River Neck Road; and resultant need for variance; no indication from testimony that owner of site had anything to do with location restaurant. Judgement in deciding variances - whether or not there are unique and peculiar circumstances to site or structure on site which would cause practical difficulty or undue hardship; reviewed location of sign if average setback required; under circumstances there is practical difficulty; would approve the variance; finds that section 502.1 has been met; 413.3 and 413.5 have been met. Also reviewed testimony of Bill Monk; long strip of commercial uses along Back River Neck Road; notwithstanding two houses apparently used as residences

Minutes of Deliberation /Howard Snyder, et ux /94-392-XA

within block north of Back River Neck Road, clearly zoned commercial; regarding size and mass of sign, not longer than building which will sit adjacent to it; it is to be 25 feet high; noted that existing sign on site is 23 feet high; appears that sign across street for shopping center is equally as high; this proposal being 2 feet higher is not unreasonable.

Summary: Finds no reason to deny sign or use as proposed, and would grant the special exception and variance as requested.

SDL: Concurred with CWC; would grant special exception and variance; would also note that there was no community opposition; that it is not visible by any of residences; and is a commercial area.

Summary: Would concur with Mr. Clark to grant special exception and variance.

WTH: Also concurred with other two members, making the decision unanimous.

Summary: Petitions to be granted; Board will issue a written Opinion and Order, and any appeal will run from the date of the Order and not from today's date.

Respectfully submitted,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 378

Petitioner: Penn Advertising of Baltimore, Inc.

Location: 129-135 Back River Neck Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Penn Advertising

ADDRESS: 3001 Remington Ave

Baltimore, MD 21211

PHONE NUMBER: 235-8820

MUST BE SUPPLIED

Item Number: 378
Planner: HJK
Date Filed: 4-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acresage
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCDZ section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired
- ZONING ON PETITION SAYS "BL-CS-Z"

PET-FLAG (TXTSOPH)
11/17/93

TO: PUNYENT PUBLISHING COMPANY
April 21, 1994 Issue - Jeffersonian

Please forward billing to:

Penn Advertising of Baltimore, Inc.
3001 Remington Avenue
Baltimore, Maryland 21211
235-8820

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: 94-392-2A (Item 378)

129 - 135 Back River Neck Road

6/8 Back River Neck Road, 43' W of c/l French Avenue

15th Election District - 5th Councilmanic

Legal Owner(s): Howard Snyder and Rosalind Snyder

Contract Purchaser(s): Penn Advertising of Baltimore, Inc.

HEARING: TUESDAY, MAY 17, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for one 12-foot by 25-foot illuminated single-face advertising structure.

Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet.

LAURENCE E. SCHWITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

APRIL 14, 1994

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: 94-392-2A (Item 378)

129 - 135 Back River Neck Road

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Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet.

Carl J. Jablon
ARNOLD JABLON
Director

cc: Howard and Rosalind Snyder
Penn Advertising of Baltimore, Inc./Fred Lauer, 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.

Mr. and Mrs. Howard Snyder
129-135 Back River Neck Road
Baltimore, Maryland 21221

RE: Case No. 94-392-2A, Item No. 378
Petitioner: Howard Snyder, et al.
Petitions for Variance and Special Exception

Dear Mr. and Mrs. Snyder:

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 April 5, 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.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 2, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 25, 1994
Item No. 378

The Developers Engineering Section has reviewed the subject zoning item. We recommend that landscaping be provided in the streetscape area.

RWB:s

Maryland Department of Transportation
State Highway Administration

O. James Lightnizer
Secretary
Hal Kassoff
Administrator

4-13-94

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

Re: Baltimore County
Item No. 4378 (MJK)

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

DAVID N. CAMSEY, ACTING CHIEF
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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

(410) 887-4500

DATE: 04/27/94

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

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 374, 377, 378, 379, 380, 381, 383, 384, 385, and 386. PHL

RECEIVED
APR 28 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Inasmuch as the special exception relief has been denied, the Petition for Variance shall be dismissed as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, it appears that the requirements of Section 502.1 have not been met and that the health, safety, and general welfare of the community shall be adversely affected.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1994 that the Petition for Special Exception to permit the placement of one (1) 12' x 25' illuminated, single-faced outdoor advertising sign on the subject property, pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

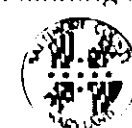
IT IS FURTHER ORDERED that the Petition for Variance from Sections 413.3(c) and 303.2 of the B.C.Z.R. to permit a front setback of 40 feet in lieu of the required 65.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/18/94
By [Signature]

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21201

(410) 887-4386

May 21, 1994

Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
4001 Remington Avenue
Baltimore, Maryland 21211

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Back River Neck Road, 41' N of the e/1 of French Avenue
(129-135 Back River Neck Road)
15th Election District - 5th Councilmanic District
Howard Snyder, et ux - Petitioners
Case No. 94-392-XA

Dear Mr. Lauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been Denied and the Petition for Variance Dismissed as Moot 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. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Howard Snyder
129-135 Back River Neck Road, Baltimore, Md. 21221

People's Counsel

File



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 129-135 Back River Neck Road
which is presently zoned BL-CS-2

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) 413.3 (c) and 303.2: To permit a front setback of 40' in lieu of the required 65.5'.

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

compliance with the required average setback would locate the sign both behind the existing building on site and beyond the site line created by the adjacent building.

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.

Contract Purchaser/Lessor
Penn Advertising of Baltimore, Inc.
(Type or Print Name) Donna Hayward Lorber
Signature [Signature]
Address 3001 Remington Avenue
Baltimore, Maryland 21211
City State Zip
Attorney for Petitioner
Fred M. Lauer, esq.
(Type or Print Name)
Signature [Signature]
Address 3001 Remington Avenue 235-8820
Baltimore, Maryland 21211
City State Zip
ESTIMATED LENGTH OF HEARING 1 hr.
The following date is available for hearing
ALL OTHER Next Two Months
REVIEWED BY: [Signature] DATE 4/5/94

ORDER RECEIVED FOR FILING
Date 5/18/94
By [Signature]



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 129-135 Back River Neck Road
which is presently zoned BL-CS-2

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for
One (1) 12' x 25' illuminated single face advertising structure per section 413.3 DCZR

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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.

Contract Purchaser/Lessor
Penn Advertising of Baltimore, Inc.
(Type or Print Name) Donna Hayward Lorber
Signature [Signature]
Address 3001 Remington Avenue
Baltimore, MD 21211
City State Zip
Attorney for Petitioner
Fred M. Lauer, esq.
(Type or Print Name)
Signature [Signature]
Address 3001 Remington Avenue 235-8820
Baltimore, MD 21211
City State Zip
ESTIMATED LENGTH OF HEARING 1 hr.
The following date is available for hearing
ALL OTHER Next Two Months
REVIEWED BY: [Signature] DATE 4/5/94

ORDER RECEIVED FOR FILING
Date 5/18/94
By [Signature]

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 4/14/94
Posted for: Special Exception Hearing
Petitioner: Howard Snyder, et ux, Penn Ad. of Balto
Location of property: 129-135 Back River Neck Rd., E/S
Location of Sign: Facing road way on property being served
Remarks: [Signature]
Posted by: [Signature] Date of return: 4/14/94
Number of Signs: 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 7/1/94
Posted for: Appeal
Petitioner: Howard Snyder, et ux
Location of property: 129-135 Back River Rd., E/S
Location of Sign: Facing road way on property being appealed
Remarks: [Signature]
Posted by: [Signature] Date of return: 7/1/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 22, 1994
THIS IS TO CERTIFY, that the annexed 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 April 18, 1994

THE JEFFERSONIAN
A. Henrickson
LEGAL AD. - TOWSON

ZONING DESCRIPTION PENN ADVERTISING 129-135 BACK RIVER NECK ROAD

BEGINNING FOR THE SAME AT A POINT NORTH 29 DEGREES 47 MINUTES 13 SECONDS EAST 39.00 FEET FROM THE EAST RIGHT-OF-WAY LINE OF BACK RIVER NECK ROAD, SAID POINT BEING 133 FEET MORE OR LESS NORTH FROM THE INTERSECTION OF FRENCH AVENUE; THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES:

NORTH 29 DEGREES 47 MINUTES 13 SECONDS EAST 30.00 FEET;
SOUTH 60 DEGREES 12 MINUTES 47 SECONDS EAST 15.00 FEET;
SOUTH 29 DEGREES 47 MINUTES 13 SECONDS WEST 10.00 FEET;
SOUTH 50 DEGREES 20 MINUTES 35 SECONDS WEST 21.36 FEET;
NORTH 60 DEGREES 12 MINUTES 47 SECONDS WEST 07.50 FEET

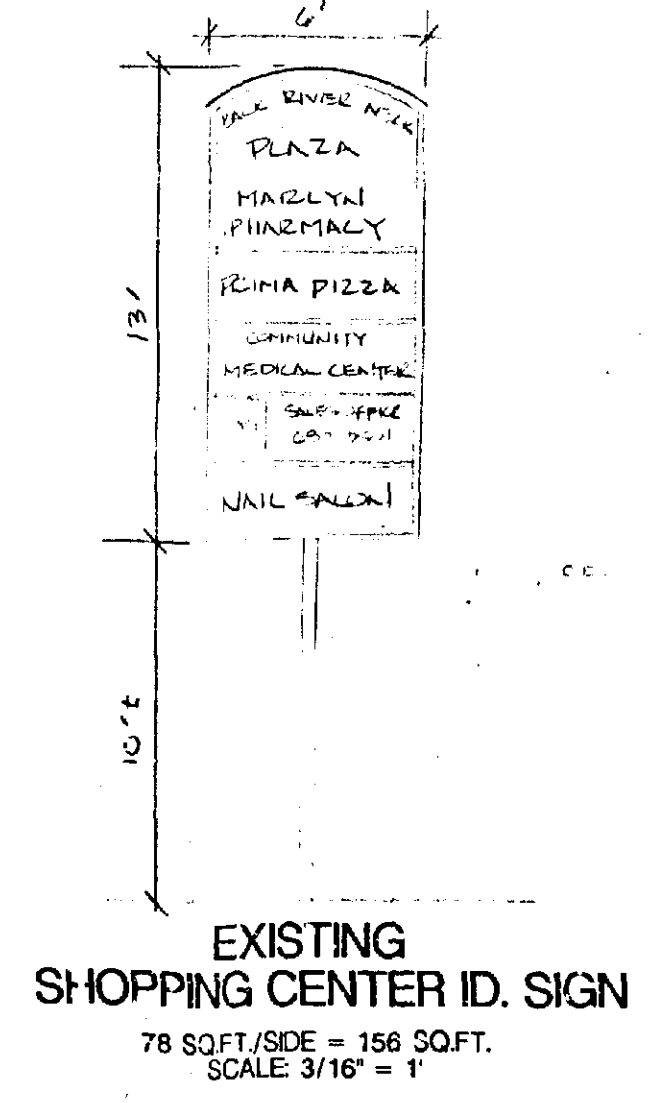
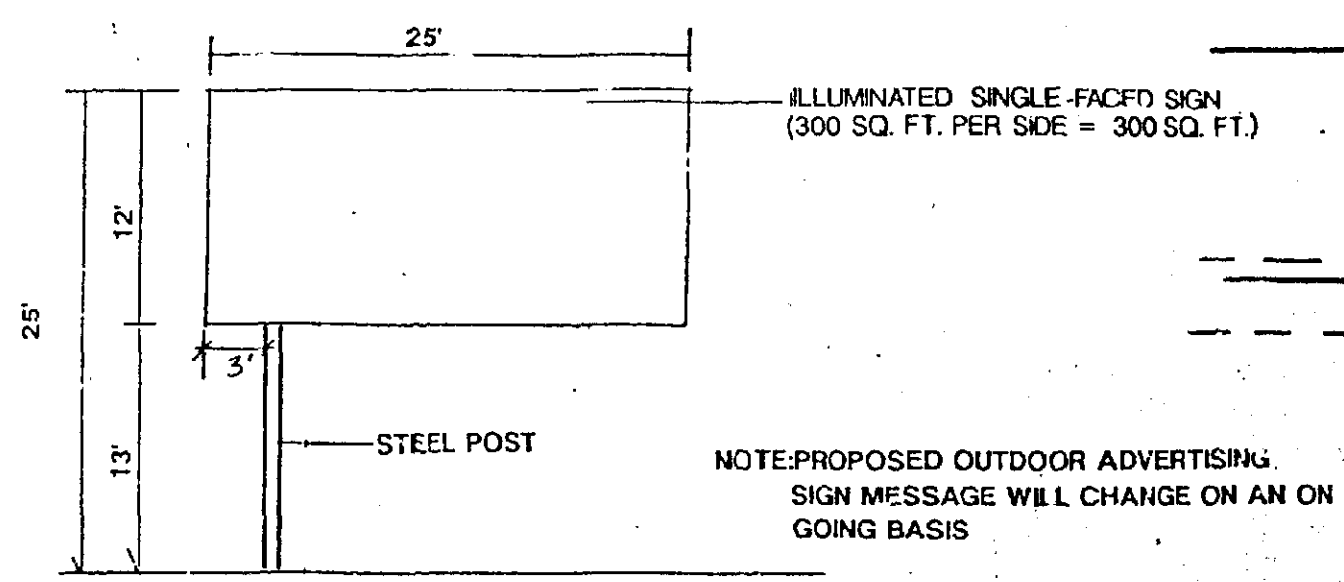
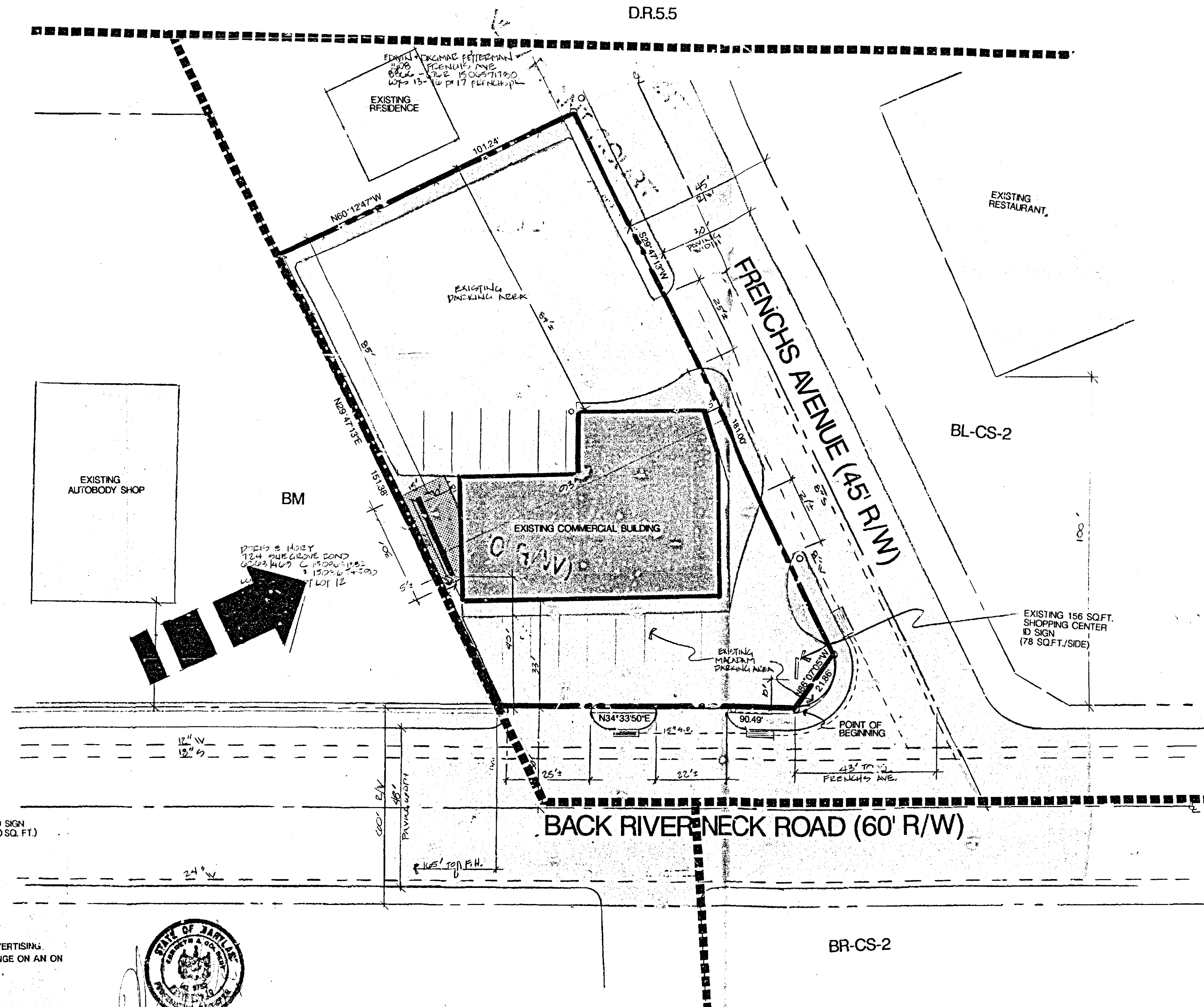
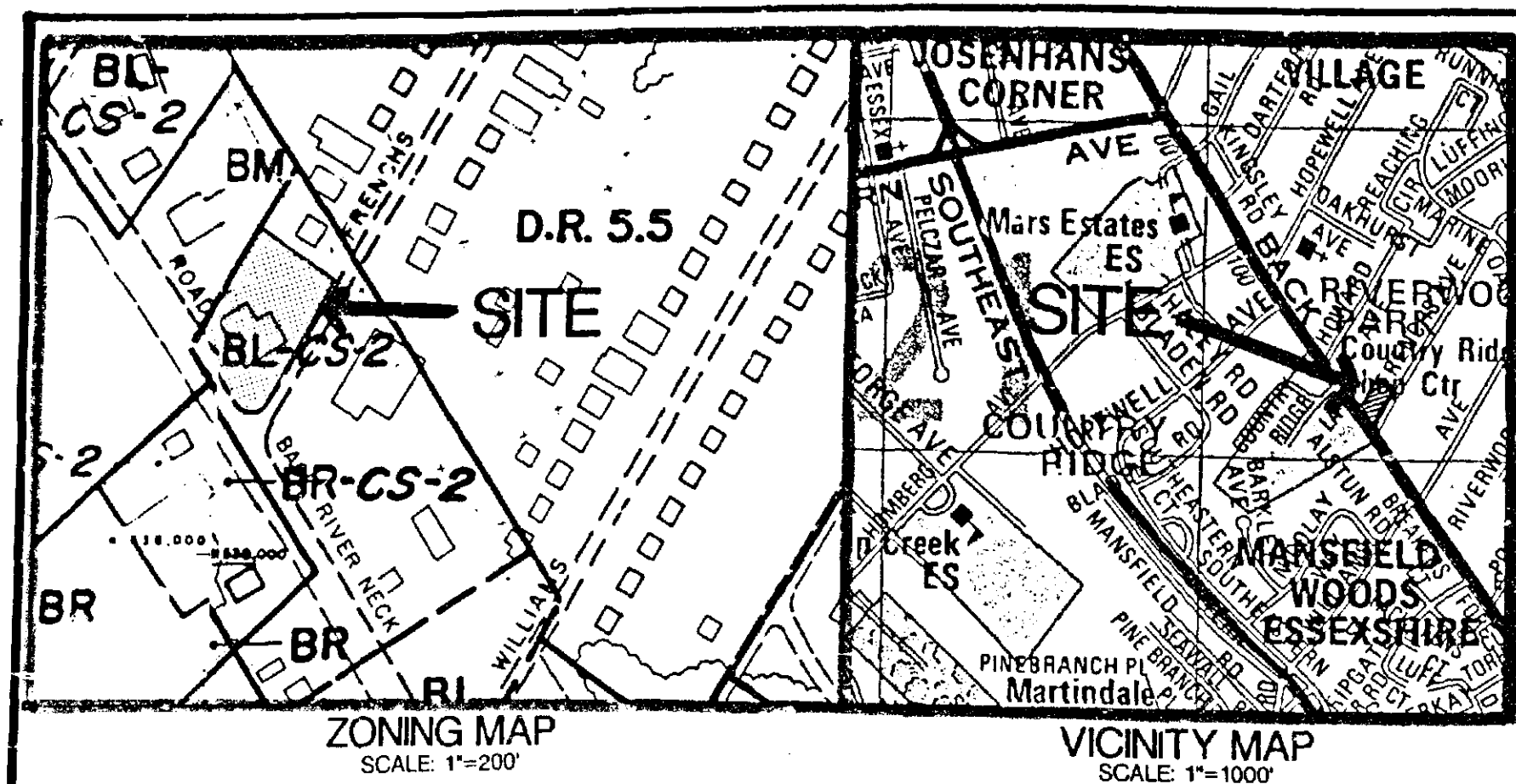
TO THE POINT OF BEGINNING.

CONTAINING 375 SQ. FT. OF LAND MORE OR LESS.

PENNRIVR.NEC



#378



- NOTES:**
- EXISTING ZONING: BL-CS-2
 - PROPOSED ZONING: (NO CHANGE)
 - LOT AREA: 40 AC. (NET) 17,599 SQ. FT.
 - GROSS AREA: 57 AC. (GROSS) 25,042 SQ. FT.
 - SPECIAL EXCEPTION:** TO PERMIT AN OUTDOOR ADVERTISING SIGN IN A BL-CS-2 ZONING DISTRICT.
 - VARIANCES:** TO PERMIT A FRONT SIGN SETBACK OF 40' IN LIEU OF THE REQUIRED 65.5' PER SECTIONS 413.3(C) AND 303.1 BCZR (SEE NOTE # 17).
 - EXISTING USE: COMMERCIAL SHOPPING CENTER
 - PROPOSED USE: COMMERCIAL SHOPPING CENTER AND OUTDOOR ADVERTISING SIGN
 - NOT:** NO CHANGES PROPOSED TO THE EXISTING SHOPPING CENTER (I.E. BUILDING, ENTRANCES, PARKING)
 - PREVIOUS ZONING HEARINGS: NONE
 - PREVIOUS COMMERCIAL PERMITS: BL54007 - 2/1/93 FOR 78 SQ. FT. (13' X 6') FREESTANDING SHOPPING CENTER SIGN.
 - OWNERSHIP INFORMATION:** HOWARD & ROSALIND SNYDER
2308 GRANTY ROAD
BALTIMORE, MD 21208
 - DEED REFERENCE: 7056-726
 - TAX MAP: 97, GRID: 5, PARCEL: 367 BLOCK: 8, LOTS: 13-16, ACCT #1: 1513551170
 - CENSUS TRACT: 4508.25
 - ELECTION DISTRICT NO.: 15
 - COUNTY COUNCIL DISTRICT NO.: 5
 - SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION):**
- | | REQUIRED | PROVIDED |
|---------------|----------|----------|
| FRONT | 65.5' | 40' |
| SIDE (INT) | 0' | 5' |
| SIDE (CORNER) | 15' | 55' |
| REAR | 20' | 85' |
- * VARIANCE REQUIRED, SEE NOTE #5**
- SETBACK AVERAGING COMPUTATIONS:**
- | | EXISTING SETBACK |
|---------------------------|------------------|
| BLDG TO NORTH (W/IN 100') | 31' |
| BLDG TO SOUTH (W/IN 100') | 100' |
| TOTAL | 131' |
| AVERAGE SETBACK | 65.5' |
- PARKING NOTE:** PROPOSED SIGN LOCATION WILL NOT INTERFERE WITH ANY EXISTING PARKING SPACES, LOADING AREAS OR TRAVEL AISLES.
 - UTILITIES:** SITE IS SERVED BY EXISTING PUBLIC UTILITIES
 - STORMS:** THERE IS ONE SIGN PRESENTLY ON THE PROPERTY (SEE PLAN AND NOTE #9).
 - EXISTING NOTES:** OUTDOOR ADVERTISING SIGN SECTION 413.3 (BCZR)
- | EXISTING USES | PERCENTAGE | USE |
|----------------------------|------------|-------------|
| 129-135 BACK RIVER NECK RD | 110% +/- | COMMERCIAL |
| 127 BACK RIVER NECK RD | 150% +/- | COMMERCIAL |
| 121 BACK RIVER NECK RD | 91% +/- | RESIDENTIAL |
| TOTAL FRONTAGE | 451% +/- | |
| PERCENT COMMERCIAL | 51% | |
- THERE ARE NO EXISTING OUTDOOR ADVERTISING SIGNS WITHIN 500 FEET OF THE PROPOSED SIGN LOCATION.
 - N/A
 - N/A
 - N/A
- SECTION 413.5 (BCZR)**
- THE SURFACE AREA OF THE PROPOSED SIGN INCLUDES THE ENTIRE FACE OR FACES OF THE SIGN. (SEE ELEVATION)
 - THE SIGN DOES NOT PROJECT INTO THE STREET RIGHT-OF-WAY.
 - THE SIGN HAS BEEN LOCATED TO ALLOW CLEAR AND AMPLE VISUAL SIGHT LINES FROM ALL EXISTING DRIVENWAYS AND STREET INTERSECTIONS.
 - THE SIGN SHALL NOT EXTEND MORE THAN 25 FEET ABOVE THE LEVEL OF THE STREET (BACK RIVER NECK ROAD).
 - THE SIGN WILL BE ILLUMINATED IN SUCH A WAY TO AVOID GLARE AND REFLECTION ONTO ADJACENT ROADS, ONCOMING VEHICLES OR ONTO ANY ADJACENT RESIDENTIAL PREMISES. LIGHTING WILL BE MOUNTED ON THE TOP OF THE SIGN AND AIMED DIRECTLY AT THE SURFACE OF THE SIGN.

**PLAN TO ACCOMPANY
SPECIAL EXCEPTION AND VARIANCE APPLICATION**

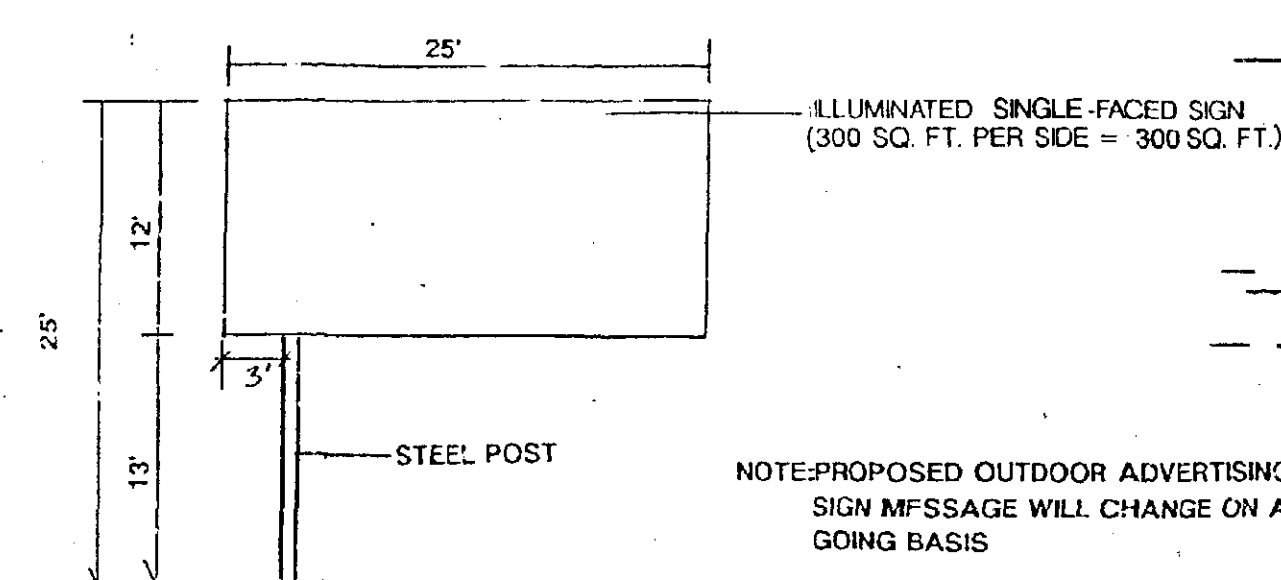
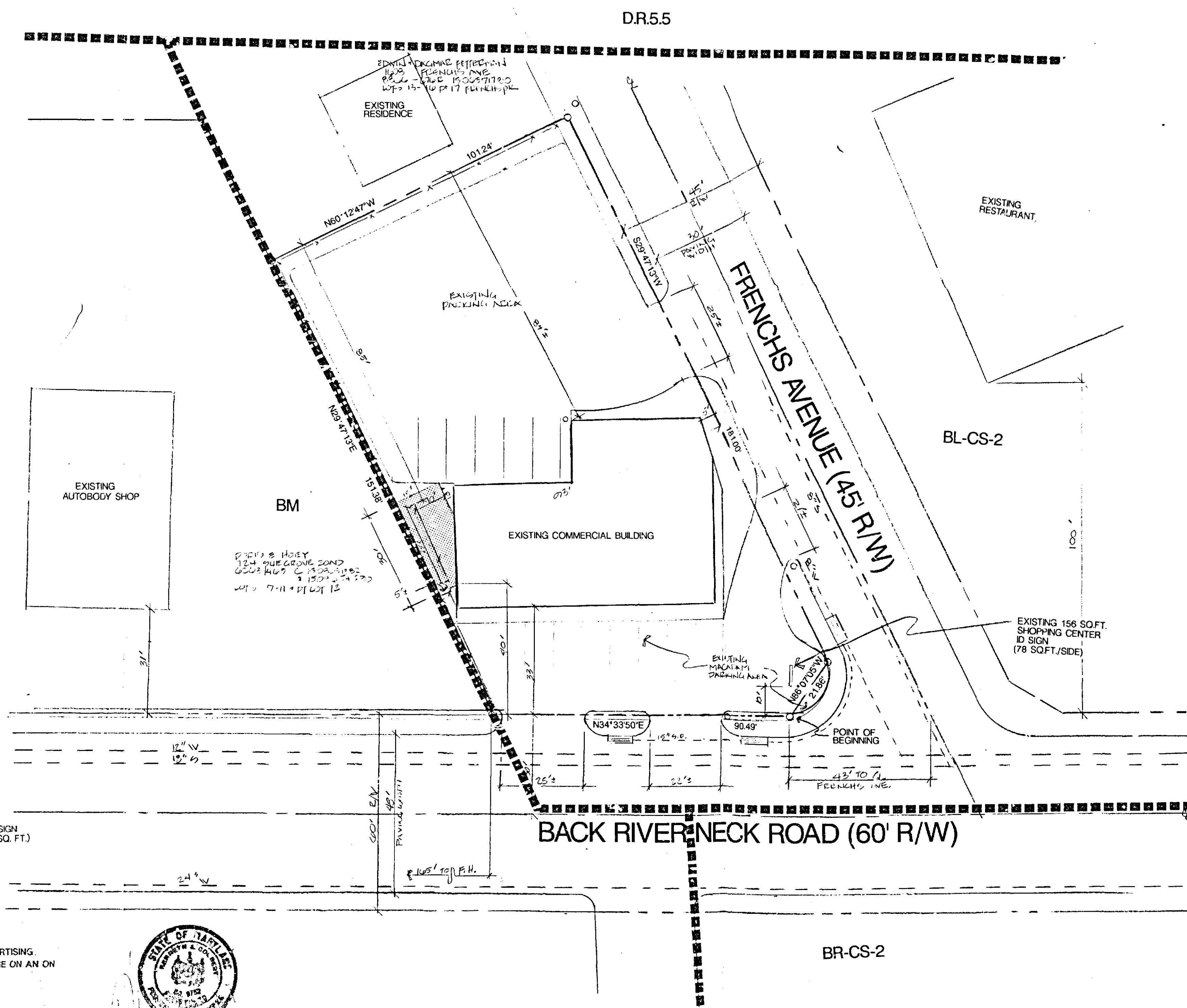
**129-135 BACK RIVER NECK ROAD
BALTIMORE COUNTY, MARYLAND**

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
1000 E. JONES RD.
TOWSON, MARYLAND 21204
(410) 484-1851

APPLICANT:
PEN ADVERTISING, INC.
OF BALTIMORE, INC.
3001 TRENTON AVENUE
BALTIMORE, MD 21211

DATE: 3/14/94
JOB NO: 92-51
SCALE: 1"=20'

EXHIBIT 4



- NOTE:**
1. **EXISTING ROWS:** BL-CS-2
2. **PROPOSED ROWS:** (NO CHANGE)
3. **LOT AREA:** 40 AC. ± (NET(17,589.5 SQFT)
57 AC. ± (GROSS(25,042.50 SQ FT))
4. **SPECIAL RECOMMENDATION:** TO PERMIT AN OUTDOOR ADVERTISING SIGN IN A BL-CS-2 ZONING DISTRICT.
5. **VARIANCES:** TO PERMIT A FRONT SIGN SETBACK OF 40' IN LIEU OF THE REQUIRED 65.5' PER SECTIONS 413.3(C) AND 303.2 REZR (SEE NOTE # 17).
6. **EXISTING USE:** COMMERCIAL SHOPPING CENTER
7. **PROPOSED USE:** COMMERCIAL SHOPPING CENTER AND OUTDOOR ADVERTISING SIGN
- * NOTE: NO CHANGES PROPOSED TO THE EXISTING SHOPPING CENTER (I.E. BUILDING, DRIVEWAYS, PARKING)
8. **PREVIOUS ZONING HEARINGS:** NONE
9. **PREVIOUS COMMERCIAL PERMITS:** B154007 - 2/1/93 FOR 78 SQ. FT. (13' X 6') FREESTANDING SHOPPING CENTER SIGN.
10. **OWNER'S INFORMATION:** HOWARD & ROSALIND SNYDER
2908 GRASSTY ROAD
BALTIMORE, MD 21208
11. **DEED REFERENCE:** 7056-726
12. **TAX MAP:** 97, GRID: 5, PARCEL: 367 BLOCK: B, LOT#: 13-16, ACCT #1 15135-1170
13. **CENSUS TRACT:** 4508.25
14. **ELECTION DISTRICT NO.:** 1 15
15. **COUNTY COUNCIL DISTRICT NO.:** 1 5
16. **SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION)**
- | | REQUIRED | PROVIDED |
|---------------|----------|----------|
| FRONT | 65.5' | 40' |
| RIDE (INT) | 0' | 5' |
| RIDE (CORNER) | 0' | 93' |
| RIDE | | 131' |
- * VARIANCE REQUIRED, SEE NOTE #5
17. **SETBACK AVERAGING COMPUTATIONS:**
- | | EXISTING SETBACK |
|---------------------------|------------------|
| BLNG TO NORTH (W/IN 100') | 317' |
| BLNG TO SOUTH (W/IN 100') | 100' |
| TOTAL | 417' |
- AVERAGE SETBACK 65.5'
18. **PARKING NOTE:** PROPOSED SIGN LOCATION WILL NOT INTERFERE WITH ANY EXISTING PARKING SPACES, LOADING AREAS OR TRAVEL AISLES.
19. **UTILITIES:** SITE IS SERVED BY EXISTING PUBLIC UTILITIES
20. **REMARKS:** THERE IS ONE SIGN PRESENTLY ON THE PROPERTY (SEE PLAN AND NOTE #9).
21. **FOUNDING NOTES:** OUTDOOR ADVERTISING SIGN
- SECTION 413.3 (B)(3)
- A. TOTAL SURFACE AREA OF SIGN = 300 SQ. FT., SINGLE FACE
- B. N/A
- C. THE SIGN IS NOT LOCATED BEHIND THE FRONT YARD SETBACK (AVERAGE) = SEE NOTE #5, 16 AND 17
- D. THE SIGN IS NOT LOCATED WITHIN 50 FEET OF ANY STREET INTERSECTION.
- E. **EXISTING USE**
- | SUBJECT PROPERTY | PROPOSURE | USE |
|------------------------|-----------|-------------|
| 129-135 BAKER RIVER RD | 100'-17' | COMMERCIAL |
| 122 WACK RIVER RD | 100'-17' | COMMERCIAL |
| 121 BAKER RIVER RD | 17'-7' | RESIDENTIAL |
| 124 BAKER RIVER RD | 25'-7' | RESIDENTIAL |
- TOTAL FRONTAGE: 454'-4"
- PERCENT COMMERCIAL: 51%
- F. THERE ARE NO EXISTING OUTDOOR ADVERTISING SIGNS WITHIN 100 FEET OF THE PROPOSED SIGN LOCATION.
- G. N/A
- H. N/A
- I. N/A
- SECTION 413.5 (B)(2B)
- A. THE SURFACE AREA OF THE PROPOSED SIGN INCLUDES THE ENTIRE FACE OR FACES OF THE SIGN (SEE ELEVATION)
- B. THE SIGN DOES NOT PROJECT INTO THE STREET RIGHT-OF-WAY.
- C. THE SIGN HAS BEEN LOCATED TO ALLOW CLEAR AND AMPLE VISION. SIGN PINES FROM ALL EXISTING DRIVEWAYS AND STREET INTERSECTIONS.
- D. THE SIGN SHALL NOT EXTEND MORE THAN 25 FEET ABOVE THE LEVEL OF THE STREET (BACK RIVER RD ROAD).
- E. THE SIGN WILL BE ILLUMINATED IN SUCH A WAY TO AVOID GLARE AND DISTRACT THE ATTENTION OF DRIVING VEHICLES OR ONTO ANY ADJACENT ROADS, ONCOMING TRAFFIC OR OTHER TRAVELERS.
- F. LIGHTING WILL BE MOUNTED ON THE TOP OF THE SIGN AND AIMED DIRECTLY AT THE SUBURBAN RESIDENTIAL HOMES.

APPLICANT:

PENN ADVERTISING
OF BALTIMORE, INC.
3001 REMINGTON AVENUE
BALTIMORE, MD 21241

**PLAN TO ACCOMPANY
SPECIAL EXCEPTION AND VARIANCE APPLICATION**

129-135 BACK RIVER NECK ROAD
BALTIMORE COUNTY, MARYLAND

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS

FOURTH HOUSE COMMONS
22 BOSLEY AVENUE, SUITE B-7
OWSON, MARYLAND 21204
(410) 494-8921

**PETITIONER'S
EXHIBIT**

EXISTING
SHOPPING CENTER ID. SIGN
78 SQ.FT./SIDE = 156 SQ.FT.
SCALE: 3/16" = 1'

#378

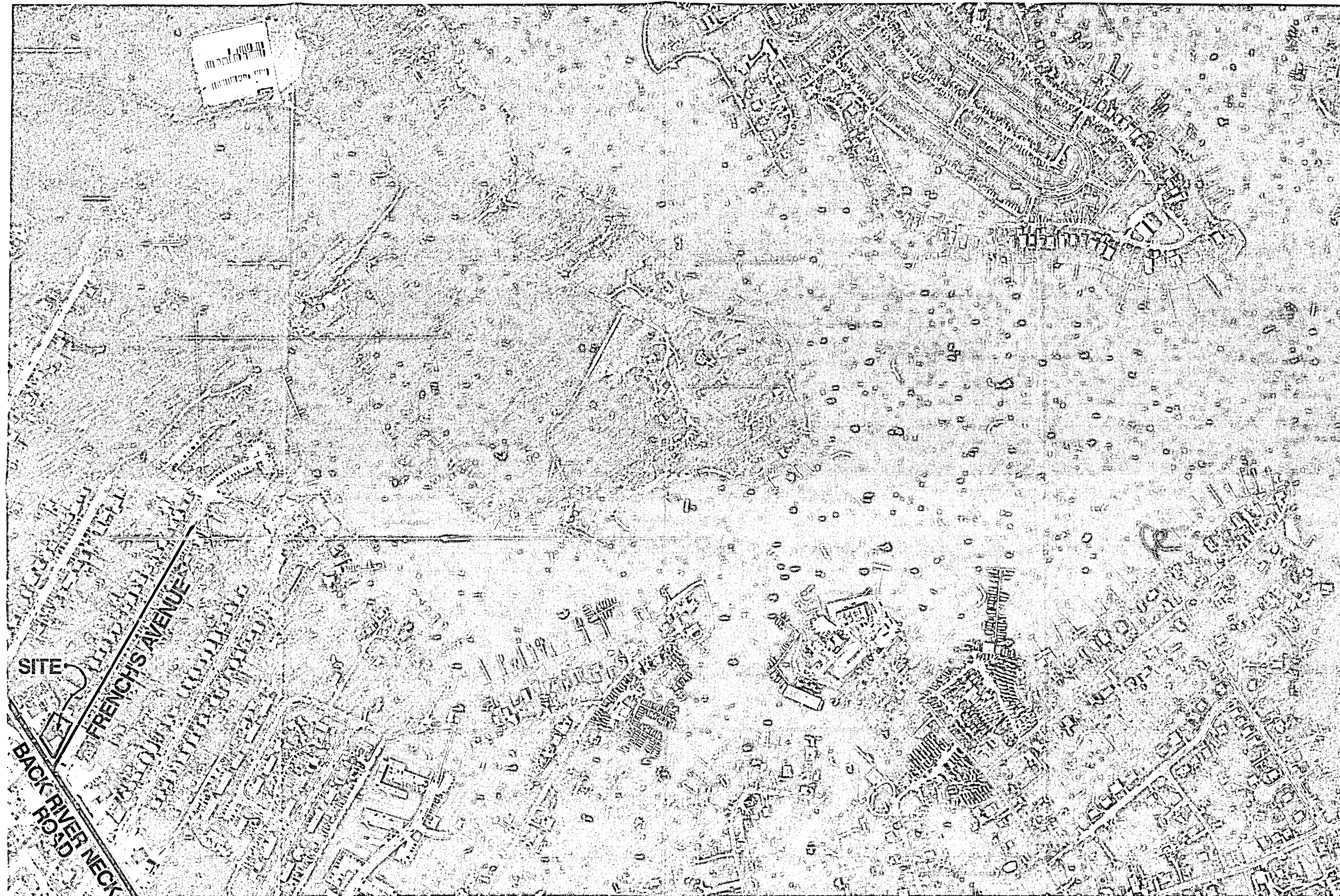
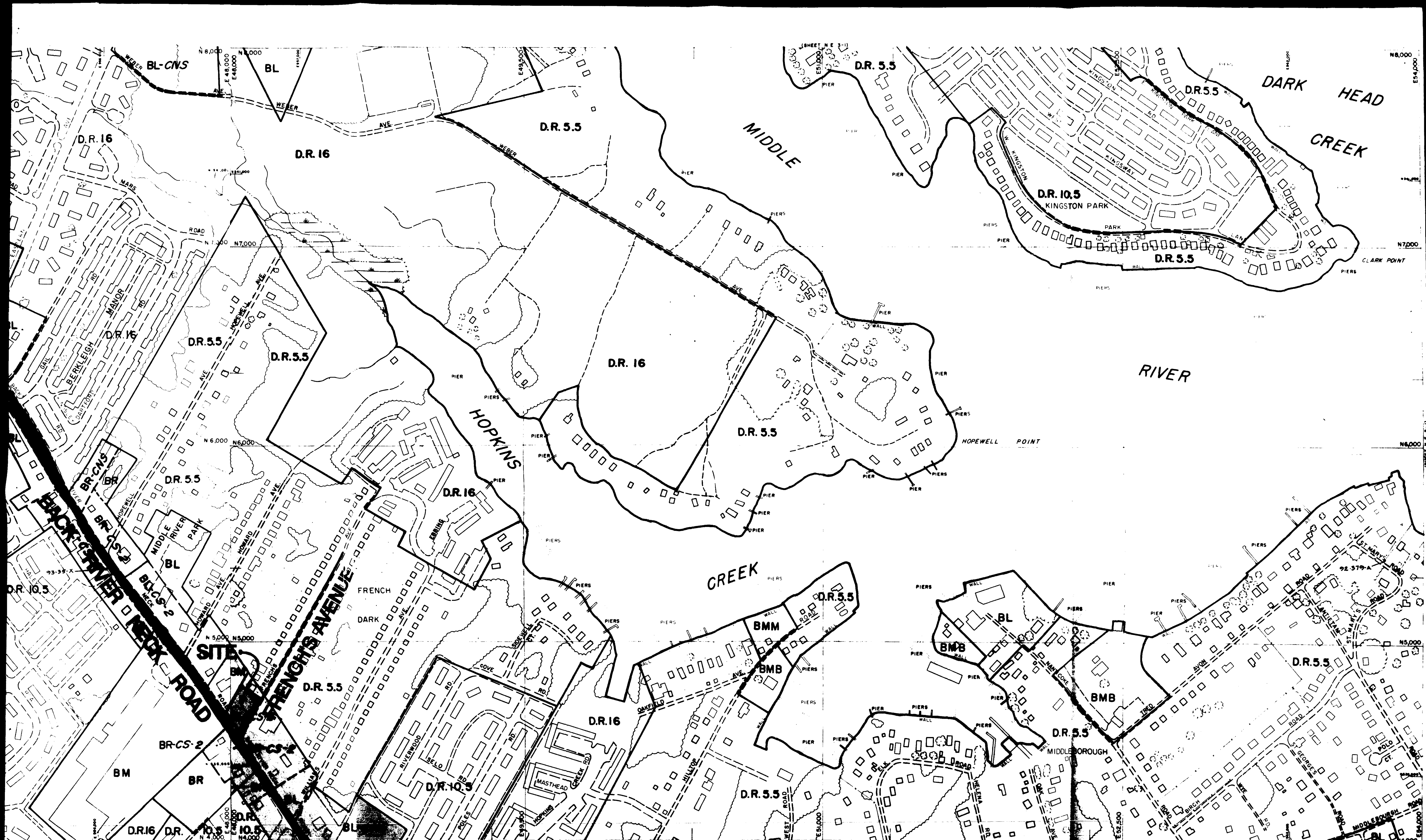


EXHIBIT 2

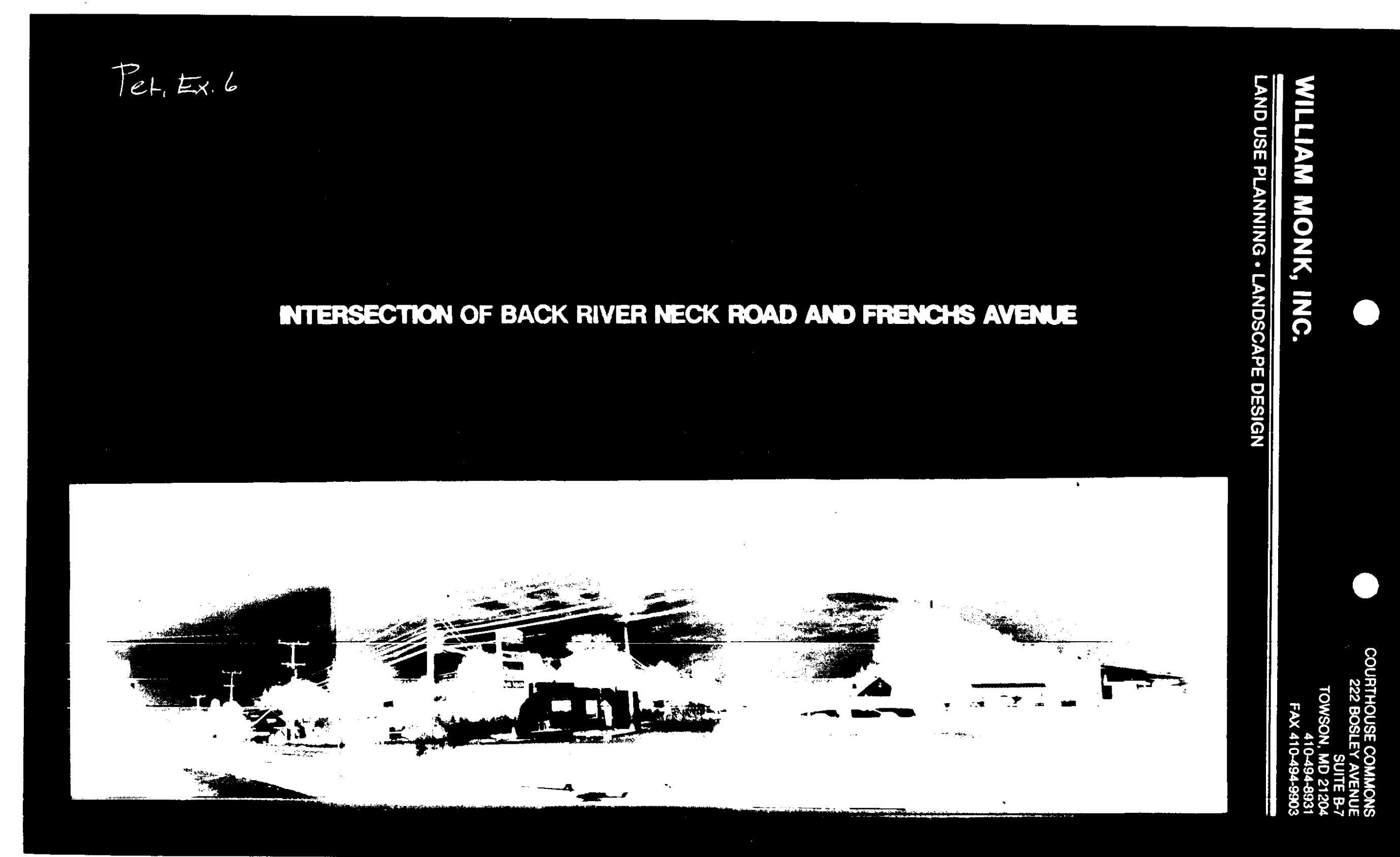
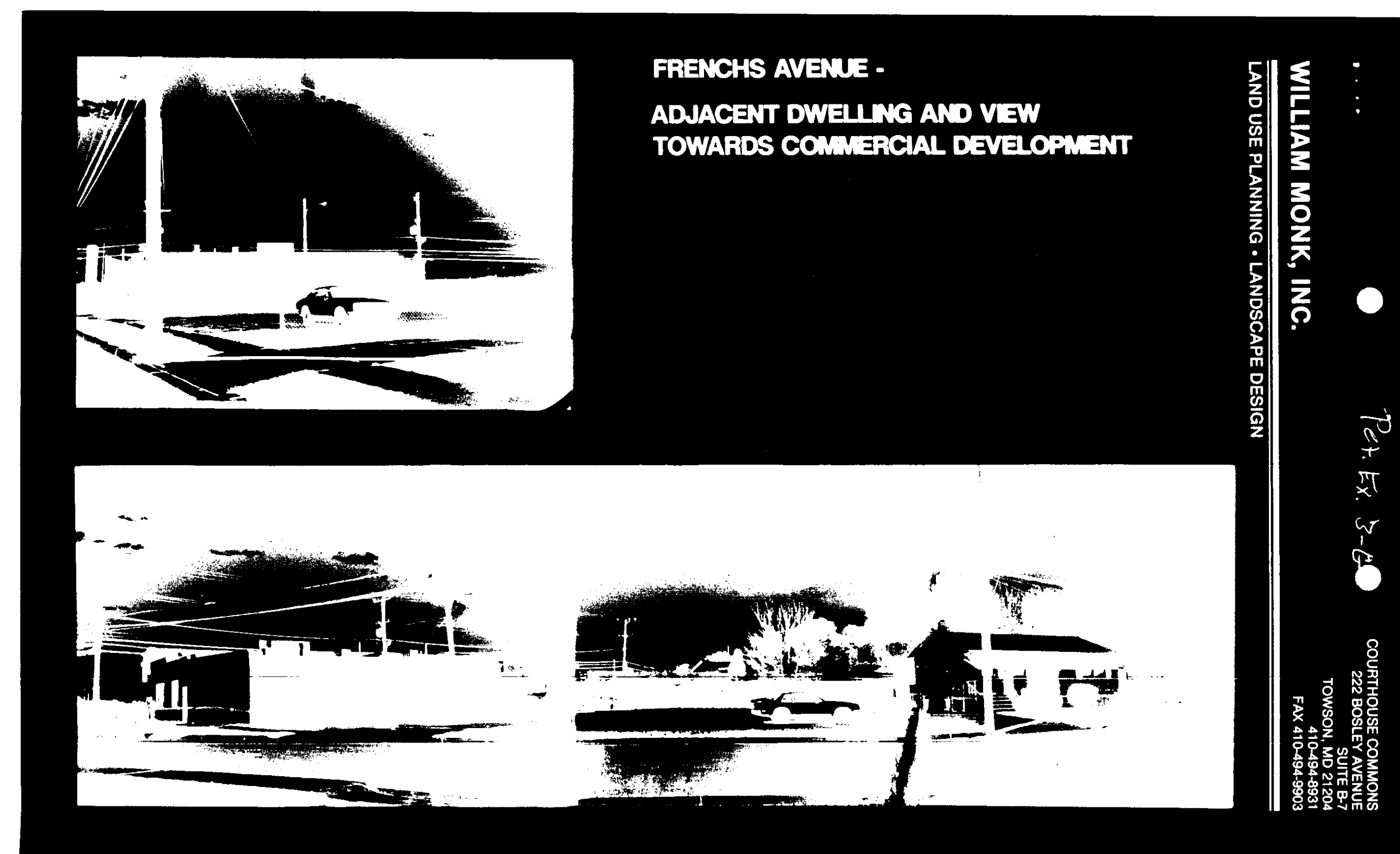
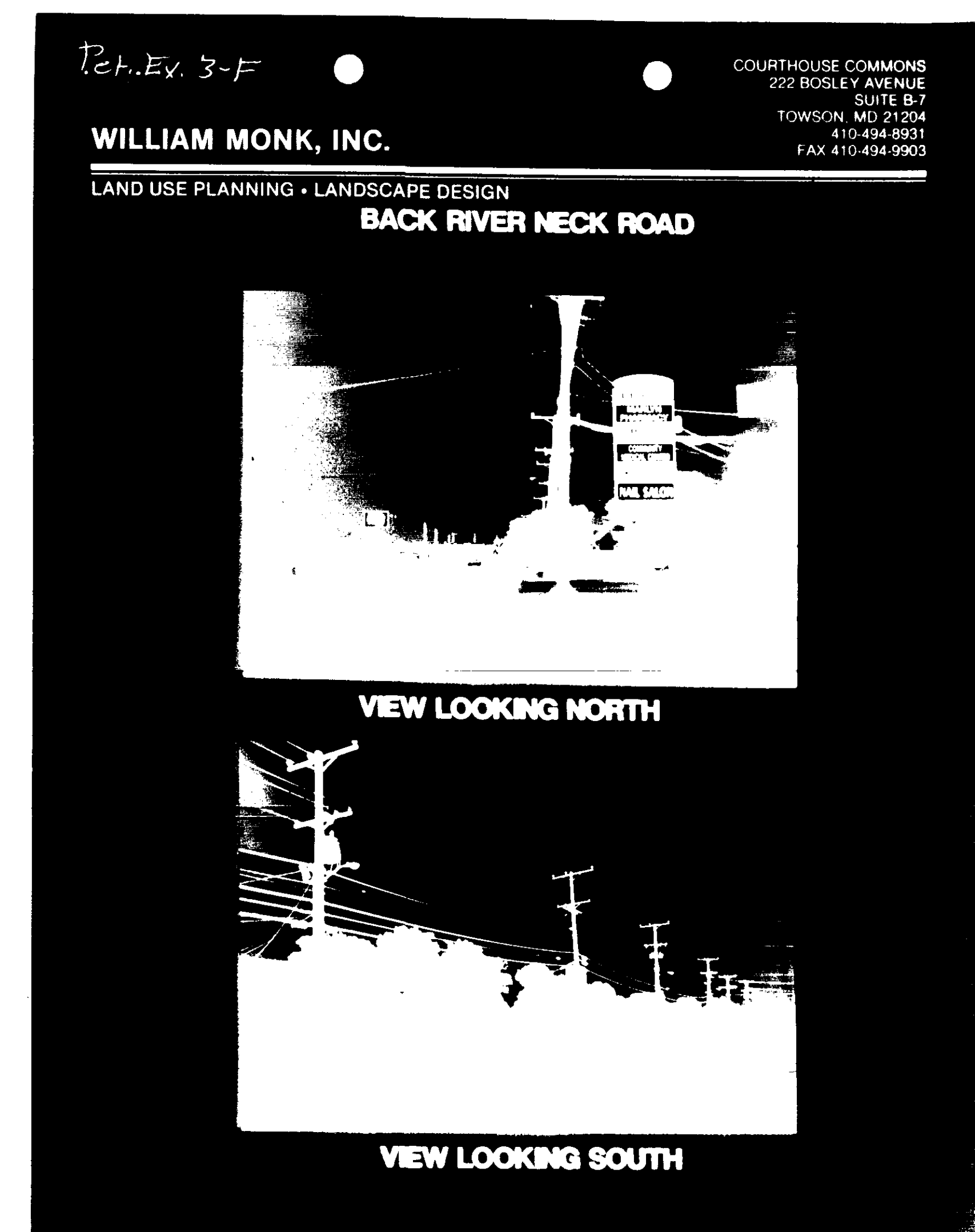
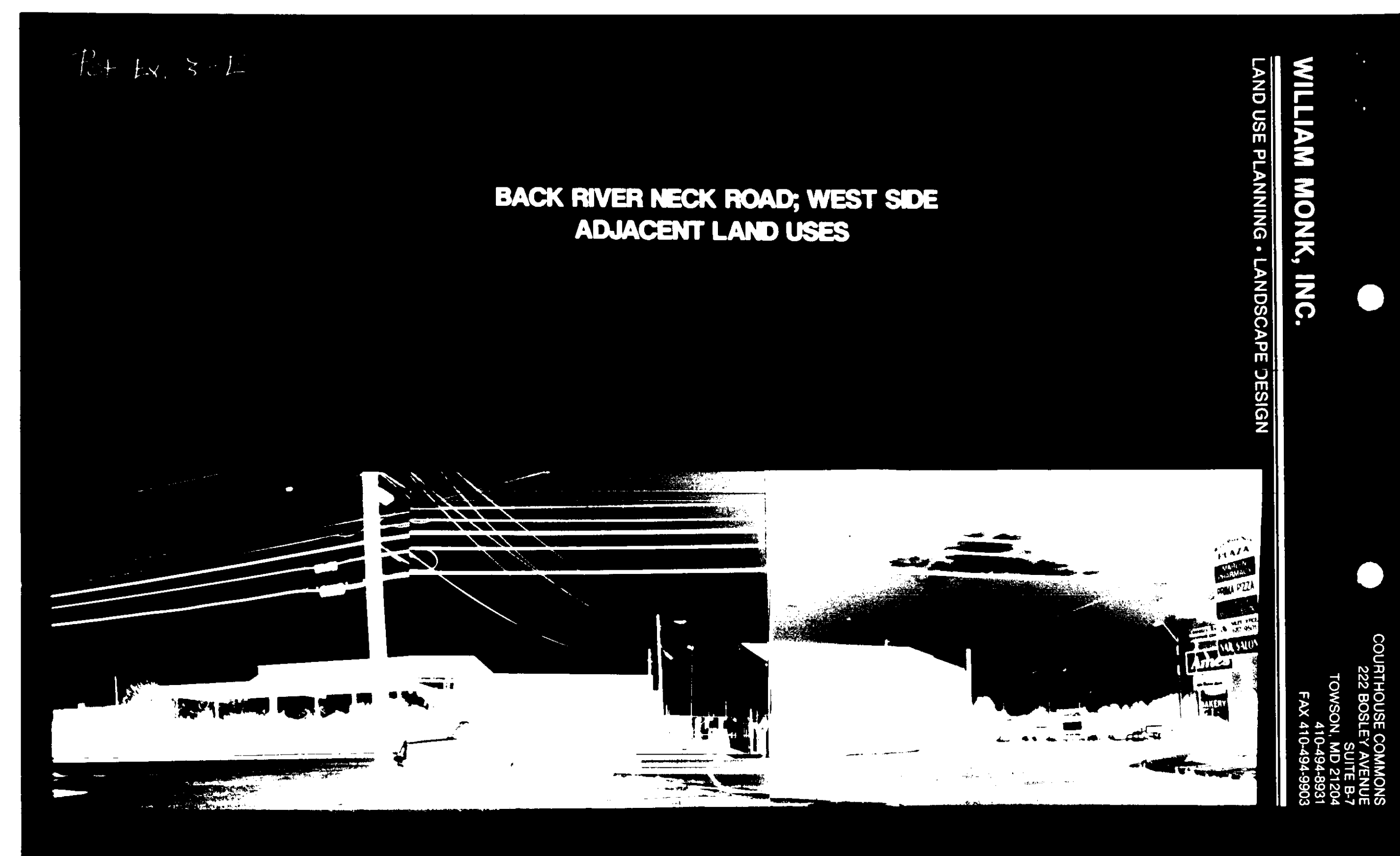
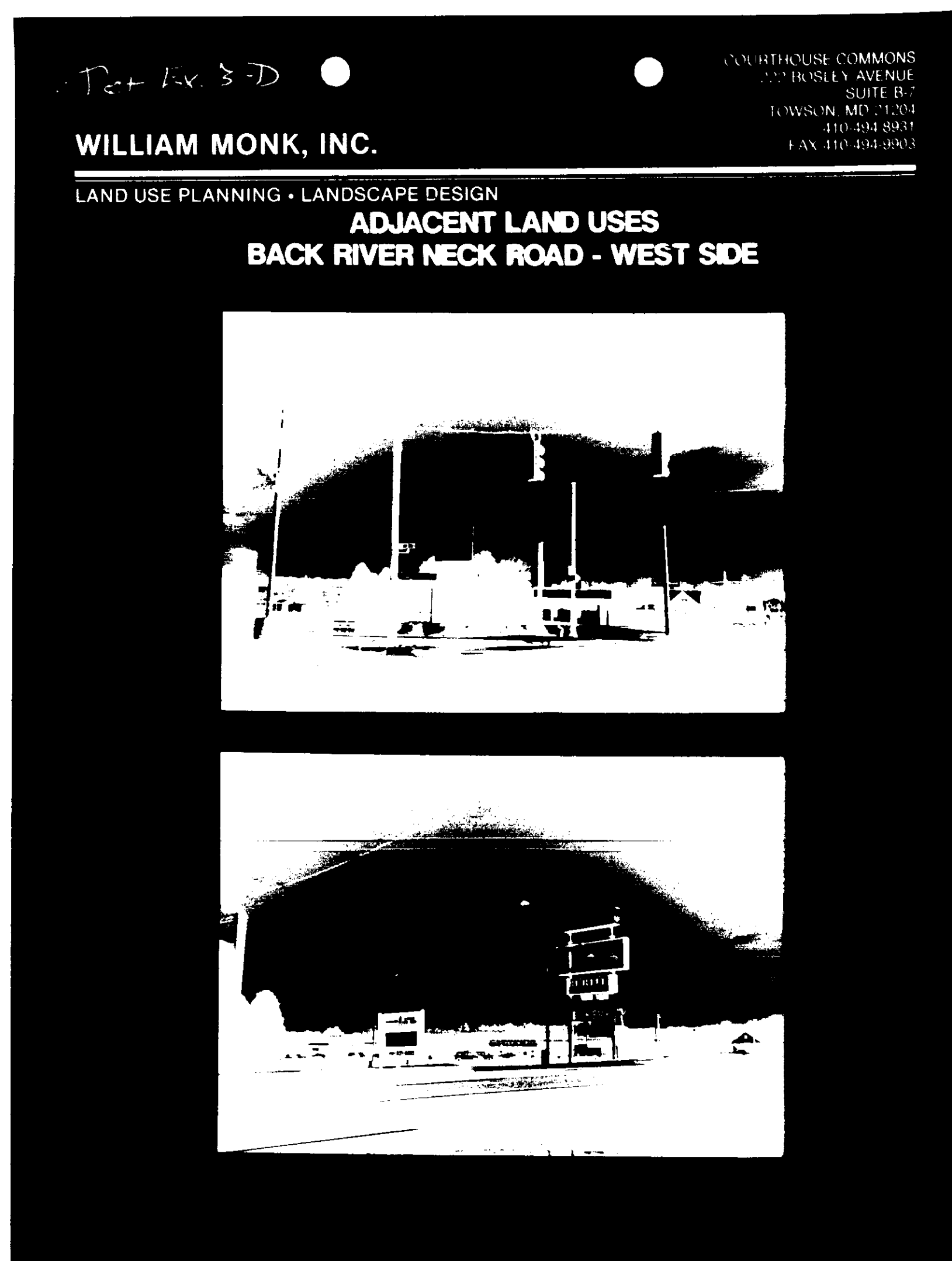
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MIDDLE RIVER	N. E.
DATE OF PHOTOGRAPHY JANUARY 1986		2-1



SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION STEMMERS RUN BACK RIVER NECK	SHEET N.E. 2-H	I- SE EXHIBIT 1 THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP 1992 COMPREHENSIVE ZONING MAP Adopted by Baltimore County Council 15, 1992 BMC Ord. 150-92, 151-92, 152-92, 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92	SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION MIDDLE RIVER	SHEET N.E. 2-I
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IN THE MATTER OF THE
THE APPLICATION OF
HOWARD SNYDER, ET UX
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE EAST SIDE OF BACK RIVER
NECK ROAD, 43' NORTH OF THE
CENTERLINE FRENCHS AVENUE
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-392-XA
* * * * *

OPINION

Howard and Rosalind Snyder, property owners, and Penn Advertising of Baltimore, Inc., contract lessee, appeal from a decision of the Deputy Zoning Commissioner dated May 23, 1994 wherein the Petition for Special Exception for an illuminated single-faced advertising sign was denied and the Petition for Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet was dismissed as moot. This Board heard the matter *de novo* on November 16, 1994. Petitioners were represented by Fred M. Lauer, Esquire, and Carole S. Demilio, Deputy People's Counsel for Baltimore County, participated in the proceedings. From the testimony and evidence, we find the following facts and apply the law.

The subject site sits on the northeast corner of Frenchs Avenue and Back River Neck Road in the Fifth Councilmanic District of Baltimore County. The lots contains .57 acre and is zoned B.L.-C.S. 2. It is improved by a one-story strip commercial shopping center containing a nail salon, an insurance office, a medical center, and a pizza carry-out/restaurant. The building sits 33 feet from the edge of Back River Neck Road, and is further improved by an existing shopping center identification sign on a pole, the

Case No. 94-392-XA HOWARD SNYDER, ET UX 2

top of which extends to a height of 23 feet above grade. Next door to the subject site, along Back River Neck Road, is an existing auto body shop, which sits 31 feet from the edge of Back River Neck Road, which property is zoned B.M. To the south, along Back River Neck Road, the next adjacent property, zoned B.L.-C.S. 2, contains an existing restaurant, which sits 100 feet from the edge of Back River Neck Road. Commercial zoning and uses extend northerly along Back River Neck Road for several blocks, nearly to the intersection of Dartford Road and Back River Neck Road. Commercial zoning and uses extend in a southerly direction along Back River Neck Road as well, and all along the opposite side of Back River Neck Road in both directions from the subject site.

Section 413.3 of the Baltimore County Zoning Regulations (BCZR) allows outdoor advertising signs in B.L. zones by special exception under certain conditions as outlined in that section. One of those conditions is contained in Section 413.3C which provides that "no such sign shall be located closer to the street right-of-way line than the minimum front yard requirement for a commercial building as determined by these regulations for the zone involved." Section 303.2 of the BCZR provides that in a B.L. zone "the front yard depth of any building hereinafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side..." We find as a fact that the Caddyshack Restaurant located on the southeast corner of Frenchs Avenue and Back River Neck Road sits at a distance of 100 feet from the right-of-way line on Back River Neck Road. The auto body shop, the other

Case No. 94-392-XA HOWARD SNYDER, ET UX 3

adjacent property, sits at a distance of 31 feet from the right-of-way line on Back River Neck Road. Those two averaged together would require the sign to be placed no closer than 65.5 feet from the right-of-way line of Back River Neck Road, notwithstanding the fact that the building on the subject site is located 33 feet from said right-of-way line. What causes the necessity, and what is peculiar to and is a unique factor concerning the subject site, is the relationship of the buildings on the adjacent lots and their distances from the right-of-way line of Back River Neck Road. If the Caddyshack Restaurant had been located approximately 50 feet from Back River Neck Road instead of the 100 feet that it is, no variance would be necessary to place this sign exactly in the spot Petitioner requests. There is no evidence that the owner of the subject site or the Petitioner had anything to do with the erection of the Caddyshack Restaurant at the distance from the right-of-way line that it is. It is clear that the operation of this ordinance alone causes practical difficulty to the Petitioners in this case. If the sign were required to be placed at a distance of 65.5 feet from the right-of-way line of Back River Neck Road, the Petitioners would have to place it in the middle of the area designated for parking and improved with macadam for this purpose. Certainly the County's parking requirements would be affected for this site if some of that space had to be utilized in order to place the proposed sign structure. Furthermore, if the sign were to be placed at a distance of 65.5 feet from Back River Neck Road, one's view of the sign from Back River Neck Road, when travelling in a

Case No. 94-392-XA HOWARD SNYDER, ET UX 4

southbound direction, would be obstructed by the auto body shop building because of the angles on which the sign would sit and the distance between its placement, the shop, and Back River Neck Road. Such a placement would frustrate the purpose and not permit the use as contemplated. Therefore, we find that the Petitioners have proven practical difficulty, and met the requirements of Section 307 so that the variance should be granted.

Furthermore, we find as a fact, principally through the testimony of William Monk, accepted as a land use planner by this Board, that the requirements of Section 502.1, dealing with special exceptions, as well as the remaining requirements of Section 413.3 and 413.5, have been met. We offer the following additional comments regarding the proposal. The proposed sign will be a height of 25 feet, but the existing shopping center identification sign on the site is 23 feet high and a similar sign across the street for another shopping center is equally as high. From the proposed location and the angle on which the sign will be cantilevered, we do not believe that the front of the sign will be visible when standing on any of the residences in the vicinity. Therefore, we shall grant the special exception as requested.

ORDER

THEREFORE, IT IS this 2nd day of December, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit the placement of one (1) 12' x 25' illuminated, single-faced outdoor advertising sign on the subject property be and the same is hereby

Case No. 94-392-XA HOWARD SNYDER, ET UX 5

GRANTED; and it is further

ORDERED that the Petition for Variance to permit a front setback of 40 feet in lieu of the required 65.5 feet be and the same is GRANTED.

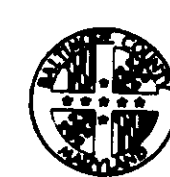
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

S. Diane Levero
S. Diane Levero

William Clark
C. William Clark



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 2, 1994

Fred M. Lauer, Esquire
Penn Advertising of Baltimore, Inc.
P.O. Box 4868
Baltimore, MD 21211

RE: Case No. 94-392-XA
Howard Snyder, et ux

Dear Mr. Lauer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. & Mrs. Howard Snyder
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE - E/S Back River
Neck Road, 43' N of the c/l of
Frenchs Avenue
(129-135 Back River Neck Road)
15th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-392-XA

Howard Snyder, et ux
Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 129 through 135 Back River Neck Road, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owners of the property, Howard and Rosalind Snyder, and the Contract Lessee, Penn Advertising of Baltimore, Inc., by Donna Hayward Lorber, through their attorney, Fred M. Lauer, Esquire. The Petitioners request a special exception to permit the placement of one (1) 12' x 25' illuminated, single-faced outdoor advertising sign on the subject property, pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, the Petitioners seek a variance from Sections 413.3(c) and 303.2 of the B.C.Z.R. to permit a front setback of 40 feet in lieu of the required 65.5 feet. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Donna Lorber and Fred M. Lauer, Esquire for Penn Advertising of Baltimore, Inc. There were no Protestants present.

Testimony revealed that the subject property consists of a gross area of .57 acres, more or less, zoned B.L.-C.S.-2 and is improved with a

commercial building and accessory parking area. The Petitioners are desirous of leasing a small portion of the site along the northwest property line for the placement of a 12' x 25' illuminated outdoor advertising sign in accordance with Petitioner's Exhibit 1. Testimony indicated that the requested variance is necessary due to the location of the existing building on the site and the site line created by the adjacent building on the adjoining property.

It should be noted that the Office of Planning and Zoning submitted comments dated May 5, 1994 in which they recommended denial of the requested variance, citing the risk of overdevelopment of the subject property. I am inclined to agree. In the opinion of this Deputy Zoning Commissioner, this area of Back River Neck Road is already overburdened with signage. There was insufficient evidence to support another sign in this area, and the fact that the location proposed requires a variance indicates that the relief requested is inappropriate at this particular location and should therefore, be denied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances presented indicated that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).