

WHITNEY BAILEY COX MAGNANI

May 11, 1994

Department of Public Works
Bureau of Highways and Traffic Control
111 W. Chesapeake Avenue
Room C-24
Towson, MD 21204

ATTN: Mr. Dick Moore, P.E.
Chief

RE: Owings Mills New Town
Community Signage
Owings Mills Boulevard at Red Run Boulevard
WBCN Job No. 88173.07.1

RECEIVED
MAY 12 1994
106

Gentlemen:

On behalf of our client (New Town Development Corporation), we have reviewed the placement of the temporary community entrance signs for adequate sight distance at the above referenced intersection. Based on the location of the signs and the placement of stop signs/stop bars, vehicles entering the intersection from the east and west on Red Run Boulevard will have a minimum sight distance of 400 feet to the south on Owings Mills Boulevard. Sight distance to the north is not affected by the signs.

Analysis

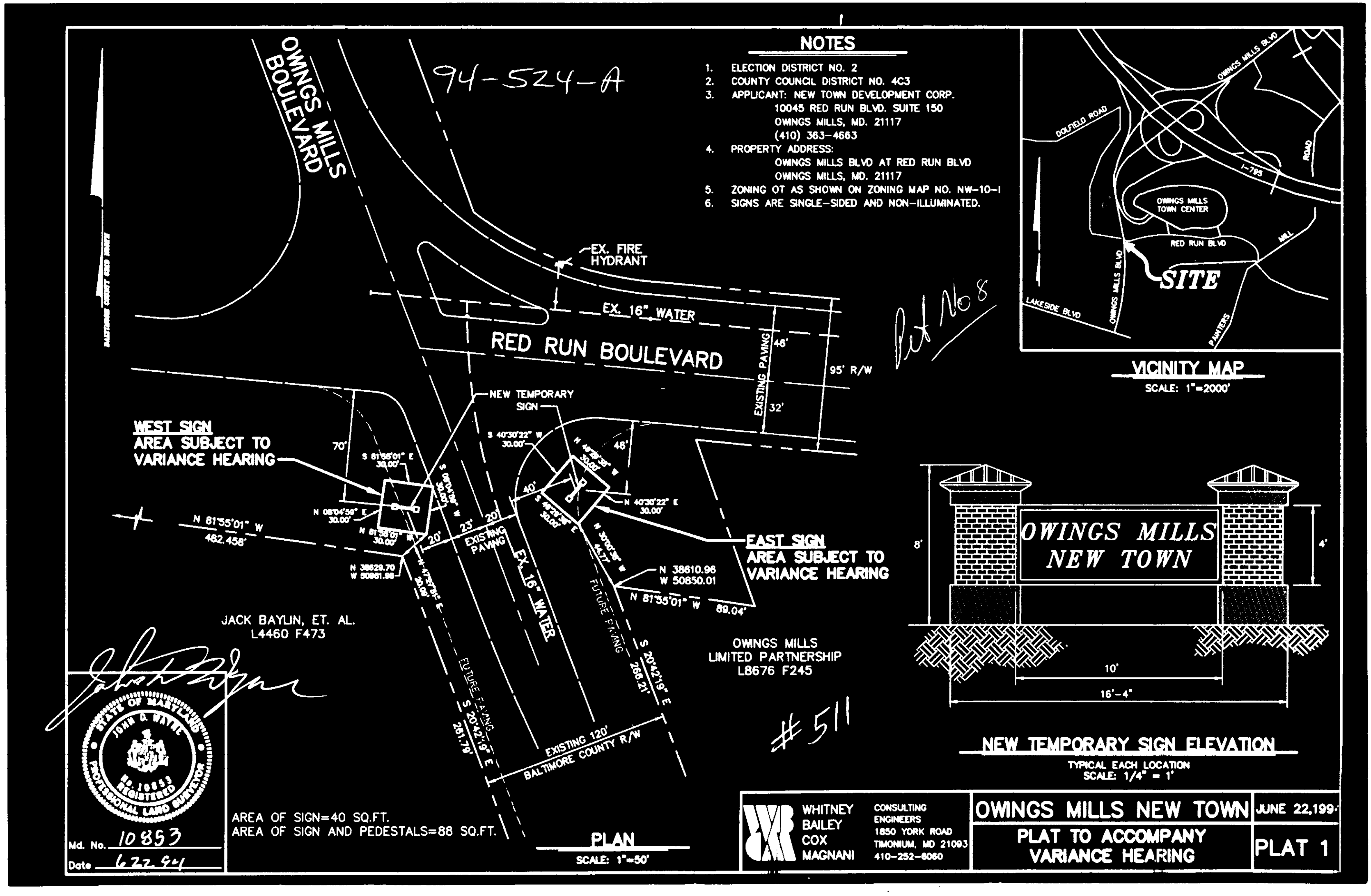
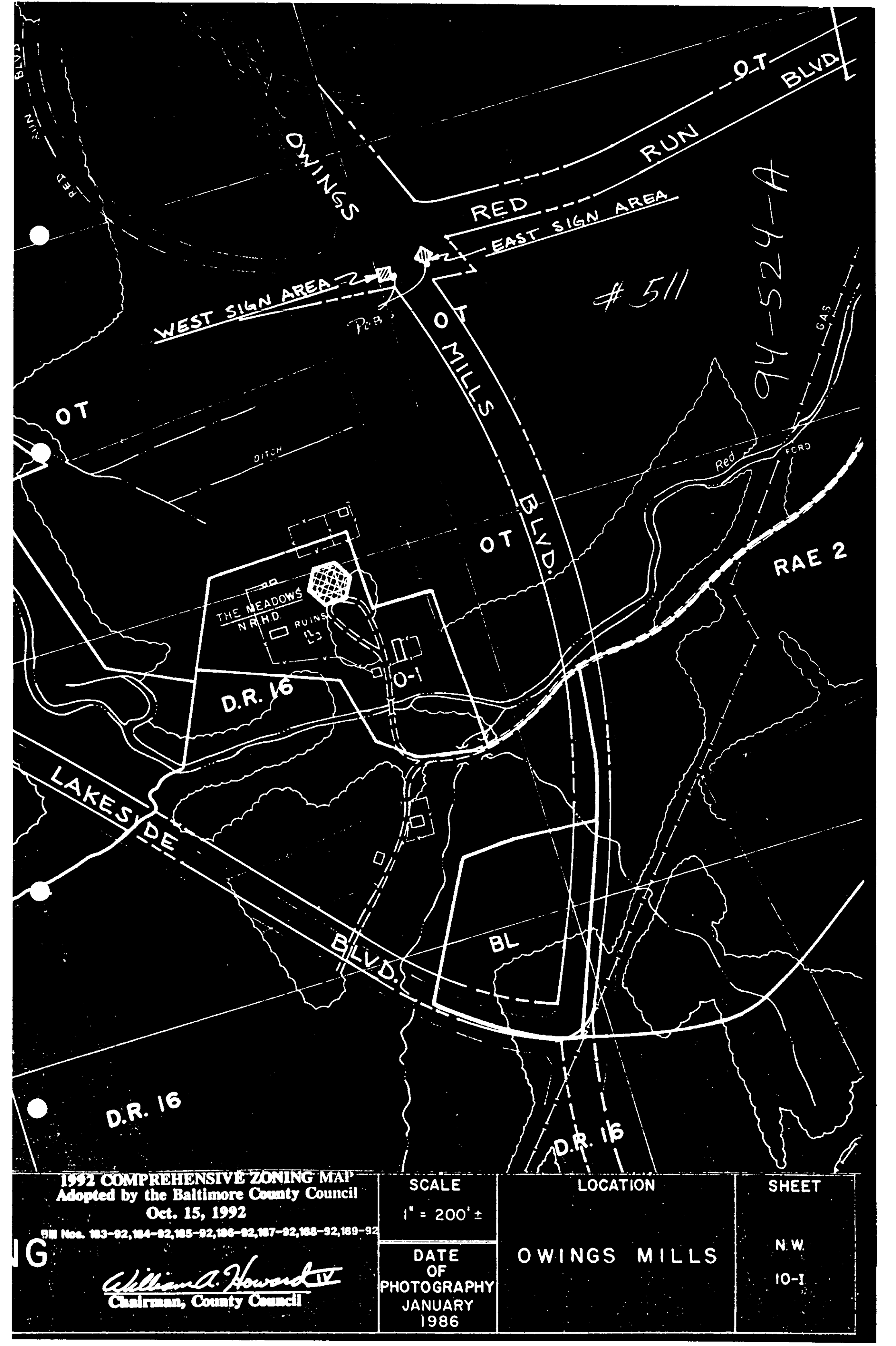
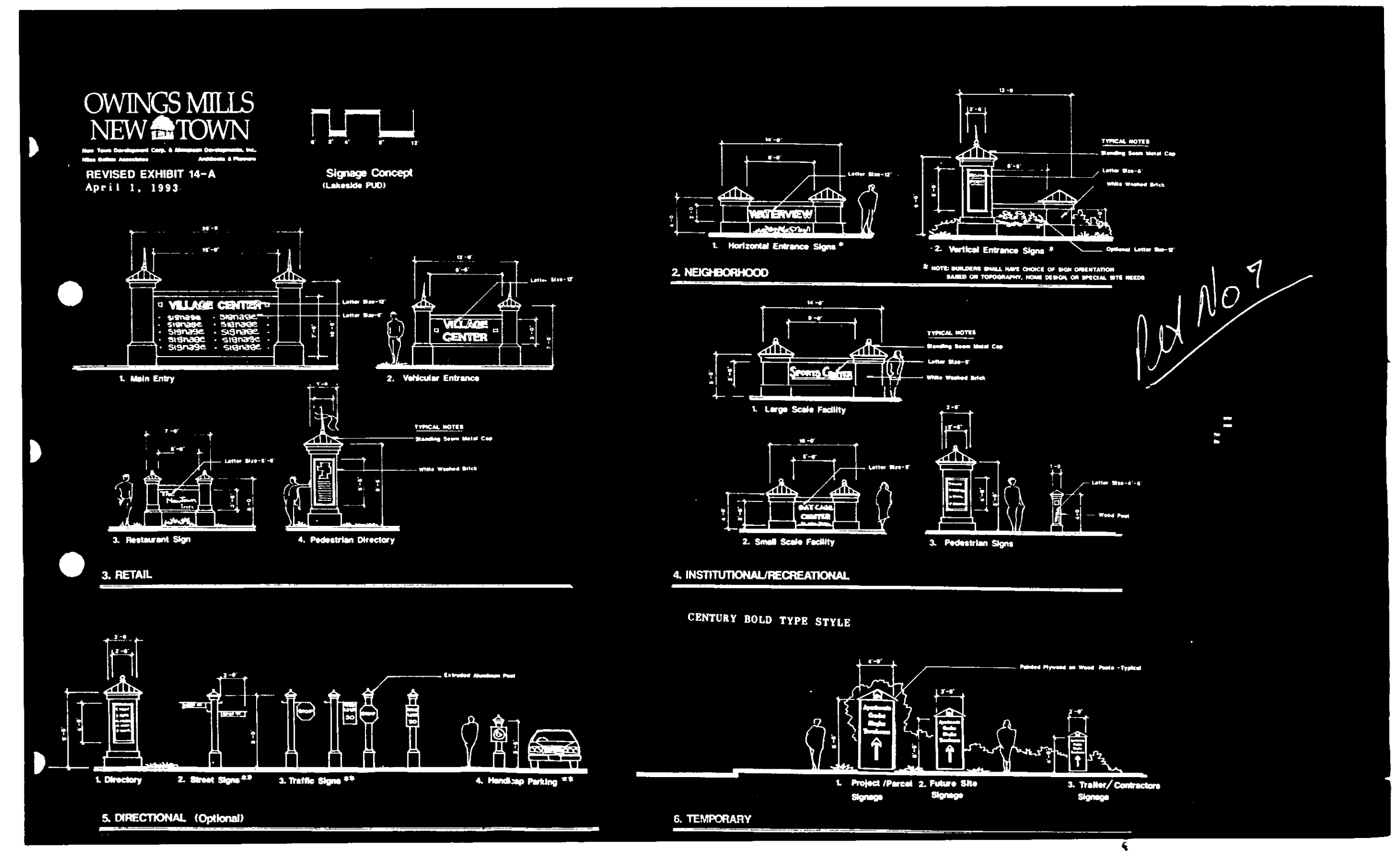
A. Westbound Red Run Boulevard: Assuming a vehicle is stopped at the stop bar, and the driver's eye is 10 feet behind the stop bar, the driver will have unlimited sight distance to the south (vehicles traveling north on Owings Mills Boulevard).

B. Eastbound Red Run Boulevard: Vehicles must pull forward at the stop sign to see past the newly erected traffic control pole. At the point, the driver's sight distance for vehicles traveling north on Owings Mills Boulevard is approximately 550 feet to 600 feet.

C. The signs do not affect the Red Run Boulevard drivers' sight line of south bound vehicles on Owings Mills Boulevard.

We trust the above information, along with the attached red-lined road plan, is sufficient to approve the temporary location of the Owings Mills New Town community entrance signs. New Town Development Corporation understands that the signs will be moved in the future to accommodate the construction and widening of the intersection.

NEW TOWN DEVELOPMENT CORPORATION
10000 W. YORK ROAD
TOWSON, MD 21286
TEL: 410-282-1100



1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200' ±

LOCATION
OWINGS MILLS

SHEET
N.W.
10-1

DATE OF PHOTOGRAPHY
JANUARY 1986

William H. Howard
Chairman, County Council

2 SIGNS TOTAL #511
 Given / SIGN ON EACH
 LOCATION RIGHT AT
 THE EXISTING OMINT SIGNS
 ALSO
 Zoning Violation Case
 C-94-1681

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
NEW TOWN	232 E Redwood St
Carmen Gilmore	10045 Red Run Blvd, Owings Mills, MD
John S. Johnson	1855 YORK ST, TIMONIUM

EXHIBIT #1

AGREEMENT
 THIS AGREEMENT, made this 16th day of June, 1994, by and between New Town Development Corporation, Inc., hereinafter called NEW TOWN, and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, hereinafter called COUNTY

WHEREAS, NEW TOWN has constructed two free-standing signs, 16' x 8', on the Baltimore County right of way for Owings Mills Boulevard, south of Red Run Boulevard; and

WHEREAS, the signs were constructed without the permission or consent of the COUNTY; and

WHEREAS, the parties desire to enter into this Agreement in order to provide indemnity to the COUNTY for any liability that may accrue as a result of signs in said right of way and to reserve unto the COUNTY the right at all times to exercise full municipal control and regulation in respect to the county right of way

NOW, THEREFORE, the parties agree as follows:

- NEW TOWN agrees to remove the signs when requested to do so by the COUNTY within 30 days of formal notification. The determination to remove the signs shall rest entirely within the discretion of the director of the Baltimore County Office of Zoning Administration and Development Management (ZADM) of in consultation with the director of the Baltimore County Department of Public Works.
- NEW TOWN will be required to pay a franchise fee as determined by the Baltimore County Office of Law. Application for the franchise should be filed within ten working days of execution of this Agreement.
- NEW TOWN agrees to hold the COUNTY harmless and hereby releases the COUNTY from any claim for property damage in the event the COUNTY is required to remove the signs from the county right of way and to reimburse the COUNTY for all costs incurred if the signs are removed by the COUNTY
- NEW TOWN agrees to indemnify the COUNTY for any liability that may accrue as a result of the signs physical evidence within the right of way, including compensatory or punitive damages, court costs, and attorney's fees.
- NEW TOWN agrees to be responsible for the full cost of erection, maintenance, and removal, when necessary, of said signs and for the care and maintenance of the property on which the signs are erected. The COUNTY will be held harmless for such costs and will be reimbursed if any action is required.

PETITIONER'S EXHIBIT #2A - 2D
 PHOTOGRAPHS



County Board of Appeals of Baltimore County
 ROOM 49 OLD COURTHOUSE
 TOWSON, MARYLAND 21204

Letter to Sender

The Honorable James H. Thompson
 Session in the 1995

NEW TOWN DEVELOPMENT TEL: 410-953-4976 FAX: 410-953-4976 JUL 22 '94 16:26 NO.022 P.10

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

April 11, 1994

Mrs. Carmen Gilmore
 c/o Owings Mills New Town
 10045 Red Run Boulevard, Suite 150
 Owings Mills, Maryland 21117

RE: Case No. C-94-1681
 Red Run and Owings Mills Boulevards
 4th Election District

Dear Mrs. Gilmore:

Per our conversation on March 28, 1994, Baltimore County will approve, on a conditional basis, the erection of temporary off-premise directional signs at the above referenced intersection.

However, within 30 days from the date of this letter, it will be required that New Town Development Corporation have an appointment review date with Zoning Administration (887-3351) to file for a variance to the size of the signs.

Under the Baltimore County Zoning Commissioner's Policy Manual, directional signs (Class 19), signs are limited to six square feet or smaller with a height of less than three feet. Since your proposed sign is greater than this, a Petition for Variance is required.

If you have any additional questions, please contact this office at 887-3351.

Sincerely,

JAMES H. THOMPSON
 Zoning Supervisor

JHT:ech

c: Donna Thompson
 Zoning Inspector

PETITIONER'S
 EXHIBIT #04



ZONING USE PERMIT (TEMPORARY SIGNS)
 BALTIMORE COUNTY
 ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
 TOWSON, MARYLAND 21204

Building Address: Owings Mills Blvd
 Owner's Name: Four Seasons Corp
 Mailing Address of Owner: 10045 Red Run Blvd
 Tenant's Name: Owings Mills New Town
 Sign Company Name: _____
 PERMIT FEE: \$40.00
 Zoning Approval Signature: [Signature]
 Date of Approval: 6/1/94

USE PERMIT NUMBER: TS-94-89 ELECTION DISTRICT: 4
 USE PERMIT GOOD FROM: ISSUANCE DATE OF: 03/01/94 EXPIRATION DATE OF: 03/01/95
 SPECIAL CONDITIONS: 413

THIS USE PERMIT IS NOT VALID UNLESS AFFIXED TO THE SIGN AND VISIBLE FROM THE STREET

NEW TOWN DEVELOPMENT TEL: 410-363-4976 FAX: 410-953-4976 JUL 22 '94 16:22 NO.022 P.04

Ret #65

January 3, 1995

Ms. Kathleen Weidenhammer
Administrative Assistant
Baltimore County Board of Appeals
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: New Town Development

Dear Kathi:

I understand that the captioned appeal was scheduled for a hearing the middle of last week. Would you be so kind as to send me a copy of the Opinion when the Board releases it.

Also, if you have a copy of the pro curiam opinion in the Criste case, could you send me a copy of it to.

Thank you for your assistance in this matter.

Very truly yours,

Michael J. Moran
Assistant County Attorney

KMW/ST

Hearing Room -
Room 48, Old Courthouse

September 8, 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. 59-79.

CASE NO. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, MD -Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Boulevard
4th Election District
3rd Councilmanic District

VAR -To permit free-standing directional signs (existing) w/area of 88 sq. ft. each & height of 8 ft., in lieu of permitted 6 sq. ft. area and 3 ft. height.

7/29/94 -Z.C.'s Order in which Petition for Variance was GRANTED.

ASSIGNED FOR: WEDNESDAY, DECEMBER 28, 1994 at 1:00 p.m.

cc: Neil Schechter, Esquire Counsel for Petitioner
James Rubenstein, President Petitioner
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.

The Honorable Janice A. Piccinini
Maryland State Senator

People's Counsel for Baltimore County Appellant

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Stanley J. Schapiro, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

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

October 24, 1994

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

Re: Case No. 94-524-A
New Town Development Corp.

Dear Mr. Zimmerman:

Enclosed for your information and/or comment is a copy of a letter received by the Board from Nancy E. Paige, Esquire, Counsel for Petitioner in the subject matter, requesting a postponement of this case scheduled for hearing on December 28, 1994. Ms. Paige requests that this matter be postponed until sometime after January 17, 1995.

Should you have any questions, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Nancy E. Paige, Esquire

410-576-4000

Telex 908041 BAL
Fax 410-576-4246

NANCY E. PAIGE
410-576-4294

October 21, 1994

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

Re: Case No. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, Md. - Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Blvd., 4th Election Dist., 3rd Councilmanic Dist.
PETITION FOR ZONING VARIANCE

Dear Mr. Hackett:

I represent the applicant in the referenced matter. A hearing is presently scheduled for December 28, 1994, at 1:00 p.m. I am scheduled to be out of the country at that time and would appreciate if the hearing were postponed until sometime after January 17, 1995.

Thank you for your consideration.

Very truly yours,

Nancy E. Paige

cc: Mr. James Rubenstein

hck:itr

Hearing Room -
Room 48, Old Courthouse

November 2, 1994

NOTICE OF POSTPONEMENT & REASSIGNMENT
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. 59-79.

CASE NO. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, MD -Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Boulevard
4th Election District
3rd Councilmanic District

VAR -To permit free-standing directional signs (existing) w/area of 88 sq. ft. each & height of 8 ft., in lieu of permitted 6 sq. ft. area and 3 ft. height.

7/29/94 -Z.C.'s Order in which Petition for Variance was GRANTED.

which was scheduled for hearing on December 28, 1994 has been POSTPONED at the request of Counsel for Petitioner due to schedule conflict; and has been

REASSIGNED FOR: TUESDAY, JANUARY 24, 1995 at 10:00 a.m.

cc: Nancy E. Paige, Esquire Counsel for Petitioner
Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp. Petitioner
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.
The Honorable Janice A. Piccinini
Maryland State Senator

People's Counsel for Baltimore County Appellant

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
Stanley J. Schapiro, County Attorney
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

410-576-4000

Telex 908041 BAL
Fax 410-576-4246

NANCY E. PAIGE
410-576-4294

January 5, 1995

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

Re: Owings Mills New Town/sign variance
Appeal No. 94-524-A

Dear Mr. Hackett:

We are attempting to resolve the dispute with the People's Counsel respecting the signs for Owings Mills New Town which are the subject of the referenced variance appeal. Hearing is scheduled for January 24, 1995. I would like to request a postponement of that hearing in order to allow the parties to continue their efforts toward resolving the pending dispute. I am authorized to advise you that People's Counsel will not object to such a postponement.

Thank you for your consideration.

Very truly yours,

Nancy E. Paige

mn

cc: James Rubenstein
Carole Demilio, Esq.

92-8-11 C-11756

Hearing Room -
Room 48, Old Courthouse

January 11, 1995

NOTICE OF POSTPONEMENT
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. 59-79.

CASE NO. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, MD -Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Boulevard
4th Election District
3rd Councilmanic District

VAR -To permit free-standing directional signs (existing) w/area of 88 sq. ft. each & height of 8 ft., in lieu of permitted 6 sq. ft. area and 3 ft. height.

7/29/94 -Z.C.'s Order in which Petition for Variance was GRANTED.

which was scheduled for hearing on January 24, 1995 has been POSTPONED at the request of Counsel for Petitioner, without objection by People's Counsel, to allow time for resolution of issues; to be reset only upon request.

cc: Nancy E. Paige, Esquire Counsel for Petitioner
Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp. Petitioner
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.
The Honorable Janice A. Piccinini
Maryland State Senator

People's Counsel for Baltimore County Appellant

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
Stanley J. Schapiro, County Attorney
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

410-576-4000

Telex 908041 BAL
Fax 410-576-4246

NEIL J. SCHECHTER
410-576-4229

June 22, 1994

Roger B. Hayden
County Executive
Baltimore County
c/o Stanley J. Schapiro, Esquire
County Attorney
Baltimore County Office of Law
Old Courthouse - Second Floor
Towson, Maryland 21204

Re: New Town Development Corporation, Inc.
Letter of Request for Franchise

Dear Mr. Hayden:

This office represents New Town Development Corporation, Inc. ("New Town"). New Town hereby requests a confirmation of the Franchise from Baltimore County (the "County") created by the Agreement dated June 16, 1994 by and between New Town and the County (the "Agreement"), to keep and maintain two free-standing signs within the County right-of-way for Owings Mills Boulevard, south of Red Run Boulevard on the southeast and southwest corners of the intersection of Owings Mills Boulevard and Red Run Boulevard. The County has agreed to allow the signs to remain within the County right-of-way subject to the terms and conditions outlined in the Agreement.

In connection with the above-referenced request for Franchise, enclosed for your review please find the following materials:

- One (1) copy of the Agreement dated June 16, 1994 by and between New Town and the County, outlining the terms and conditions of the Franchise;
- One (1) copy of the 1992 Comprehensive Zoning Map, adopted by the Baltimore County Council on October 5, 1992 showing the Franchise areas;
- One (1) copy of the Owings Mills New Town-Plat to Accompany Variance Hearing dated May 6, 1994, prepared

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Carl Richards Date: 8/17, 1994
FROM: Jim Thompson
RE: Item No. 511
S/S Red Run Boulevard at Owings Mills Boulevard
New Town Development Corporation

When the referenced matter is scheduled for a public hearing, please notify:

Director Janice A. Piccinini
James Senate Office Building
Annapolis, Maryland 21401-1991

Also, this matter is an active zoning violation case (C-94-1681) with Donna Thompson as the inspector.

AJT:hek

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

August 24, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
S/S Red Run Blvd. at E/S and W/S
Owings Mills Blvd.
4th Election District
3rd Councilmanic District
Baltimore County, MD/New Town
Development Corp., - Petitioners
Case No. 94-524-A

Dear Mr. Schechter:

Please be advised that an appeal of the above-referenced case was filed in this office on August 19, 1994 by Peter Max Zimmerman, People's Counsel for Baltimore County. 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 Helene Kehring at 887-3351.

Sincerely,

ARNOLD JABLON
Director

AJT:hek

cc: The Honorable Janice A. Piccinini
People's Counsel

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition for Administrative Variance
S/S Red Run Blvd. at E/S and W/S Owings Mills Blvd.
4th Election District - 3rd Councilmanic District
BALTIMORE COUNTY, MARYLAND - LEGAL OWNER
NEW TOWN DEVELOPMENT CORP., - LESSEE
Case No. 94-524-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) Sign-in Sheets

Miscellaneous correspondence (3)

Petitioner's Exhibits: 1 - Agreement dated June 16, 1994

2A-20 - Four Photographs

3 - Drawing of Owings Mills New Town sign

4 - Letter from James H. Thompson (4/11/94)

5 - Zoning Use Permit (temporary sign - 3/1/94)

6 - Letter from John J. Johnson, P.E. (5/11/94)

7 - Sketch of Owings Mills New Town
Signage Concept

8 - Plat - To Accompany Variance Hearing

Zoning Commissioner's Order dated July 29, 1994 (Granted)

Notice of Appeal received on August 19, 1994 from Peter Max Zimmerman
People's Counsel for Baltimore County

cc: The Honorable Janice A. Piccinini, James Senate Office Building
Annapolis, MD 21401-1991
Neil Schechter, Esquire, Gordon, Feinblatt, Rothman, Hoffman &
Hollander, 233 E. Redwood Street, Baltimore, MD 21202
Stanley J. Shapiro, Esquire, M.S. 2209
James Rubenstein, Pres., New Town Development Corp., 10045 Red
Run Blvd., STE 150, Owings Mills, MD 21117
Carmen Gilmore, 10045 Red Run Blvd., STE 150, Owings Mills, MD
21117
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
James H. Thompson, Zoning Enforcement Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM



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

CAROLE S. DEMILIO
Deputy People's Counsel

August 19, 1994

Arnold Jablon, Director
Zoning Administration and Development
Management Office
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR ZONING VARIANCE
S/S Red Run Blvd. at E/S and W/S
Owings Mills Blvd., 4th Election
Dist., 3rd Councilmanic Dist.
BALTIMORE COUNTY, MD / NEW TOWN
DEVELOPMENT CORP., Petitioners
Case No. 94-524-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the order dated July 29, 1994 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Neil Schechter, Esquire

Stanley Schapiro, Esquire
County Attorney

94 AUG 24 11:00:27

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

August 24, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
S/S Red Run Blvd. at E/S and W/S
Owings Mills Blvd.
4th Election District
3rd Councilmanic District
Baltimore County, MD/New Town
Development Corp., - Petitioners
Case No. 94-524-A

Dear Mr. Schechter:

Please be advised that an appeal of the above-referenced case was filed in this office on August 19, 1994 by Peter Max Zimmerman, People's Counsel for Baltimore County. 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 Helene Kehring at 887-3351.

Sincerely,

ARNOLD JABLON
Director

AJT:hek

cc: The Honorable Janice A. Piccinini
People's Counsel

9/08/94 -Notice of Assignment for hearing scheduled for Wednesday,
December 28, 1994 at 1:00 p.m. sent to following:

Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp.
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.
The Honorable Janice A. Piccinini
Maryland State Senator
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
Stanley J. Schapiro, County Attorney

10/24/94 -Letter from Nancy Paige, Esquire, Counsel for Petitioner; requesting
postponement; will be out of country during that period; requesting
reset date after January 17, 1995.

- Copy of N. Paige's letter to P. Zimmerman for review/information/comment.

11/02/94 -No response from People's Counsel to request for postponement; postponement
GRANTED. Case rescheduled to Tuesday, January 24, 1995 at 10:00 a.m.

1/09/95 -Ltr from Nancy Paige, Counsel for Petitioner; requesting postponement
of 1/24/95 hearing to allow time for resolution of issues between
parties; authorized to advise that People's Counsel will have no
objection to said postponement. Also confirmed same with Office of
People's Counsel.

1/11/95 -Notice of PP sent to parties; matter to be reset only upon request.

5/31/95 -Notice of Withdrawal of Appeal filed by People's Counsel, Appellant.
To be dismissed.

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

April 11, 1994

Ms. Carmen Gilmore
c/o Owings Mills New Town
10045 Red Run Boulevard, Suite 150
Owings Mills, Maryland 21117

RE: Case No. C-94-1681
Red Run and Owings Mills Boulevards
4th Election District

Dear Mrs. Gilmore:

Per our conversation on March 28, 1994, Baltimore County will approve,
on a conditional basis, the erection of temporary off-premise directional
signs at the above referenced intersection.

However, within 30 days from the date of this letter, it will be
required that New Town Development Corporation have an appointment review
date with Zoning Administration (887-3351) to file for a variance to the
size of the signs.

Under the Baltimore County Zoning Commissioner's Policy Manual,
directional signs (Class 19), signs are limited to six square feet or
smaller with a height of less than three feet. Since your proposed sign is
greater than this, a Petition for Variance is required.

If you have any additional questions, please contact this office at
887-3351.

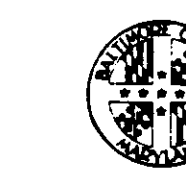
Sincerely,

JAMES H. THOMPSON
Zoning Supervisor

JHT:eoh

c: Donna Thompson
Zoning Inspector

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on Recycled Paper



County Board of Appeals of Baltimore County

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

January 9, 1995

Michael J. Moran
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 94-524-A
New Town Development Corp.

Dear Michael:

In response to your recent letter concerning the subject
appeal, this case had been scheduled for hearing on December 28,
1994, but was postponed by request of Counsel for Petitioner and
rescheduled to Tuesday, January 24, 1995.

The file has been noted so that you'll receive a copy of the
Board's final Opinion and Order when it's been issued. Also
enclosed for your information is a copy of the Notice of
Postponement & Reassignment which was sent to all parties on
November 2, 1994.

Please let me know if you have any questions regarding the
above.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 6, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger, & Hollander
233 East Redwood Street
Baltimore, Maryland 21202

RE: Case No. 94-524-A, Item No. 511
Petition for Variance
Petitioner: Baltimore County, Maryland, et al.

Dear Mr. Schechter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 24, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

Zoning Plans Advisory Committee Comments
Neil Schechter, Esquire
Date: July 6, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

MCR:cm

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 21, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 East Redwood Street
Baltimore, Maryland 21202

RE: Case No. 94-524-A, Item No. 511
Petition for Variance

Dear Mr. Schechter:

Enclosed are copies of comments received from the Department of Public Works, Developers Engineering Section, on July 21, 1994 for the above-referenced case.

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

Sincerely,
Charlotte Minton
Charlotte Minton

Enclosure

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: July 5, 1994

SUBJECT: Southside Run Boulevard

Item Number: 511

Petitioner: Baltimore County Maryland

Property Size: _____

Zoning: O.T.

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The Office of Planning and Zoning neither supports or opposes the requested sign variance.

The proposed sign(s) are well designed and mounted between brick piers. They do provide a sense of entry to the residential portion of the Owings Mills Growth Area. This portion of the growth area for the past several years contained only the "New Town" development. However, during the past two years two new developments, Red Run Apartments and Cascade Overlook have begun construction. The entryway where the signs are located no longer serve only Owings Mills New Town.

Should this variance be granted, a condition should be provided stating that the signs will be relocated to the intersection of Owings Mills Boulevard and Lakeside Drive when either 1) Owings Mills Boulevard is completed to Lyons Mill Road, or 2) Lakeside Drive is completed from Owings Mills Boulevard to Painters Mill Road.

Prepared by: *Jeffrey W. Lutz*
Division Chief: *Carol L. Weiss*

PK/JL:lw

ZAC 511/PZONE/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 21, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for July 11, 1994
Item No. 511

The Developers Engineering Section has reviewed the subject zoning item. It appears that the existing signs are limiting the available lines of sight. Five Hundred (500) foot sight lines along Owings Mills Boulevard need to be shown.

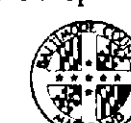
Sight lines are to be drawn from the centerline of the proposed access at a point 10 feet behind the extension of the main road curb lines to the centerline of the nearest approach lane on the main road.

All subsequent plans must note that the areas between the sight lines and the curb line must be cleared, graded and kept free of any obstructions.

This office is opposed to the erection of these signs as to where and how they are located (see attached letter from Mr. Hamer to Mr. Rubenstein, dated 5-17-94.)

RWB:sw

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/01/94

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

RE: Property Owner: SEE BELOW

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.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 504, 506, 507, 508, 509, AND 511.

RECEIVED
JUL 5 1994

ZADM

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

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

U. James Lightner
Secretary
Hal Kasloff
Administrator

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.: 511 (JLL)

94-524-A

Dear Ms. Minton:

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

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

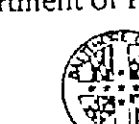
Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID M. KROEY, ACTING CHIEF
John Contestabile, 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

Baltimore County Government
Department of Public Works



111 West Chesapeake Avenue
Towson, MD 21204-4604

May 17, 1994

Mr. James Rubenstein
Owings Mills New Town
Suite E
11421 Cronhill Drive
Owings Mills, MD 21117

re: Owings Mills New Town
Community Signage
Owings Mills Blvd. at Red Run Blvd.

Dear Mr. Rubenstein:

The Office of Zoning Administration approved on a conditional basis the erection of temporary off-premise directional signs at the above referenced location. Because of the size of these signs, a Petition for Variance was to be filed no later than May 11, 1994.

The signs that have been erected do not appear to be temporary nor are they off-premise. In fact, the signs are located within County owned right-of-way, and they are within the limits of future paving at the referenced intersection. They also were installed without permission from the Department of Public Works.

A Petition of Variance for these signs was not filed with the Office of Zoning Administration by the May 11, 1994 deadline. The letter from Whitney, Bailey, Cox and Magnani requesting after-the-fact permission to approve the location of the signs does not constitute an acceptable substitute for a Petition of Variance.

For the reasons cited above, you are hereby ordered to immediately remove these signs and to restore the right-of-way to its original condition. If an acceptable schedule for the removal of these signs is condition. If an acceptable schedule for the removal of these signs is not received within five (5) days from the date of this letter, the Bureau of Highways and Traffic Engineering will perform the work and you will be billed for the entire cost including fringe, burden and associated overheads. Any delays on your part will not be tolerated.

Sincerely,

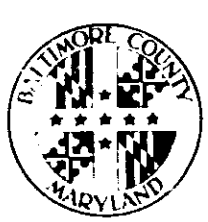
Thomas H. Hamer
THOMAS H. HAMER, P.E.
Acting Director

TJH:WJH:mah
cc: Arnold Jablon
C. Richard Moore
00002504/TRIGER

Printed on Recycled Paper

RECEIVED
MAY 19 1994

BUREAU OF HIGHWAYS



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at SS Red Run Blvd. Owings Mills Blvd
which is presently zoned OT

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 11-111 of the Baltimore County Zoning Regulations...

I 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.

JAMES RUBENSTEIN, PRESIDENT

New Town Development Corp.
10045 Red Run Blvd., Ste 150
Owings Mills MD 21117

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman,
Hoffberger & Hollander
233 East Redwood Street
Baltimore MD 21202

BALTO. CO. MD.
Stanley J. Schapiro
STANLEY J. SCHAPIRO
COUNTY ATTORNEY

400 WASHINGTON AVE. SE1-4420
BALTIMORE CO. MD. 21204



ZONING DESCRIPTION

West Sign Area

Commencing at a point on the west side of Owings Mills Boulevard, which is 120 feet wide, at a distance of 1304 feet south of the centerline of Red Run Boulevard, which is 95 feet wide;

THENCE North 47 degrees 27 minutes 51 seconds East, 20.09 feet to the true point of beginning, the following courses and distances:

1. North 81 degrees 55 minutes 01 seconds West a distance of 30.00 feet;
2. North 08 degrees 04 minutes 59 seconds East a distance of 30.00 feet;
3. South 81 degrees 55 minutes 01 seconds East a distance of 30.00 feet;
4. South 08 degrees 04 minutes 59 seconds East a distance of 30.00 feet;

to the true point of beginning.

88173070.004



Shirley Payne
5/5/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 7/1/94
 Posted for: Variance
 Petitioner: New Town Development Corp.
 Location of property: SS Red Run Blvd. Owings Mills Blvd.
 Location of Signs: Posting 200 ft. on each side of road, where existing signs are.
 Remarks:
 Posted by: M. Schapiro Date of return: 7/1/94
 Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 8, 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 July 7, 1994.

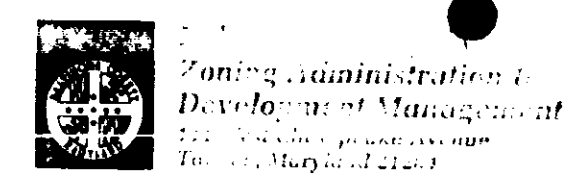
THE JEFFERSONIAN,
A. Henriksen
LEGAL AD. - TOWSON

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 at 11:00 a.m. on Monday, July 25, 1994 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: #94-524-A (Item 511)
S/S Red Run Boulevard at E/S and W/S Owings Mills Boulevard
4th Election District - 3rd Councilmanic
Petitioner(s): Baltimore County, Maryland
Contract Purchaser: New Town Development Corporation
HEARING: MONDAY, JULY 25, 1994 at 11:00 a.m. in Room 118 Old Courthouse
Variance to permit two (Class 19) free-standing directional signs (now existing) with an area of 88 square feet (each) with a height of 8 feet in lieu of the permitted 6 square feet in area and 3 feet in height.
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3353.
7/6/94 July 7

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 7/1/94
 Posted for: Appel
 Petitioner: BALTO. COUNTY / New Town Development Corp.
 Location of property: SS Red Run Blvd. Owings Mills Blvd.
 Location of Signs: Posting on E/S of Owings Mills Blvd. at S/S of Red Run Blvd.
 Remarks:
 Posted by: M. Schapiro Date of return: 7/1/94
 Number of Signs: 1



receipt
94-524-A
Number 511
By JLL
Date 6/24/94
1 NON RES VAR PLNG CODE 080 250.00
2 SIGNS POSTED CODE 080 70.00
\$ 320.00
OWNER BALTO. CO. MD.
LOC SS Red Run Blvd. AT
OWINGS MILLS BLVD.
Please Make Checks Payable To Baltimore County

ORDER RECEIVED FOR FILING

Date By

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public by advertising 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 assessed 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.
Arnold Jablon, Director

For newspaper advertising:

Item No.: 511
 Petitioner: Baltimore County
 Location: SS Red Run Blvd. at Owings Mills Blvd.
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: New Town Development Corporation
 ADDRESS: 10045 Red Run Blvd. Suite 150
Owings Mills, MD 21117
 PHONE NUMBER: 363-4663

All:ggc (Revised 04/09/93)

Item Number: 511
Planner: JLL
Date Filed: 6-24-94

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 submitted)
 - 200 scale zoning map with property outlined
 - Election district
 - Councilmanic district
 - BCCR section information and/or wording
 - Hardship/practical difficulty information
 - Owner's signature (need minimum 1 original signature) and/or printed name and/or address 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 and/or 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

PET-FLAG (TXTSOPH)
11/17/93

TO: PUBLISHER PUBLISHING COMPANY
July 7, 1994 Issue - Jeffersonian
Please forward billing to:
New Town Development Corporation
10045 Red Run Boulevard, Suite 150
Owings Mills, Maryland 21117

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 at 11:00 a.m. on Monday, July 25, 1994 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-524-A (Item 511)
S/S Red Run Boulevard at E/S and W/S Owings Mills Boulevard
4th Election District - 3rd Councilmanic
Petitioner(s): Baltimore County, Maryland
Contract Purchaser: New Town Development Corporation
HEARING: MONDAY, JULY 25, 1994 at 11:00 a.m. in Room 118 Old Courthouse

Variance to permit two (Class 19) free-standing directional signs (now existing) with an area of 88 square feet (each) with a height of 8 feet in lieu of the permitted 6 square feet in area and 3 feet in height.

LAWRENCE E. SCHMIDT
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 887-3353.

Baltimore County Government
Office of Zoning, Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m. on Monday, July 25, 1994 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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HEARING: MONDAY, JULY 25, 1994 at 11:00 a.m. in Room 118 Old Courthouse

Variance to permit two (Class 19) free-standing directional signs (now existing) with an area of 88 square feet (each) with a height of 8 feet in lieu of the permitted 6 square feet in area and 3 feet in height.

Arnold Jablon, Director

cc: Stanley J. Schapiro
Carmen Gilmore
James Rubenstein
Neil Schechter, Esquire

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 887-3353.

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
NEW TOWN DEVELOPMENT CORP., *
LESSEE, BALTIMORE COUNTY, MD. * OF
LEGAL OWNER * OF
FOR A VARIANCE ON PROPERTY * BALTIMORE COUNTY
LOCATED ON THE SOUTH SIDE RED * CASE NO. 94-524-A
RUN BOULEVARD AT THE EAST SIDE *
AND WEST SIDE OWINGS MILLS *
BOULEVARD *
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated July 29, 1994 in which the Petition for Variance was granted.

WHEREAS, the Board is in receipt of a Withdrawal of Appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, Appellants, dated May 31, 1995 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellants request that the appeal filed in this matter be dismissed as of May 31, 1995;

IT IS HEREBY ORDERED this 11th day of June, 1995 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz
Robert O. Schuetz, Chairman
S. Diane Levero
S. Diane Levero
Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

RE: PETITION FOR VARIANCE * BEFORE THE
S/S Red Run Boulevard at E/S and W/S * BOARD OF APPEALS
Owings Mills Boulevard, 4th Election * OF BALTIMORE COUNTY
District, 3rd Councilmanic *
Legal Owner: Baltimore County, Maryland *
Contract Purchaser: New Town Develop- *
ment Corporation * Case No. 94-524-A
Petitioners *

WITHDRAWAL OF APPEAL

Upon further review, it no longer appearing to be in the public interest, People's Counsel for Baltimore County hereby withdraws its appeal in the above-captioned matter.

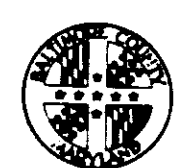
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of May, 1995, a copy of the foregoing Withdrawal of Appeal was mailed to Nancy E. Paige, Esquire and Neil Schechter, Esquire, Gordon, Feinblatt, Rothman, Hoffberger & Hollander, 233 E. Redwood Street, Baltimore, MD 21202, attorney for Petitioners, to Carmen Gilmore, 10045 Red Run Boulevard, Suite 150, Owings Mills, MD 21117, representative for Petitioners, and to Virginia W. Barnhart, County Attorney, Baltimore County Office of Law, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



County Board of Appeals of Baltimore County

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

June 14, 1995

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

RE: Case No. 94-524-A
New Town Development Corp.

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Order of Dismissal 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

Enclosure

cc: Nancy E. Paige, Esquire
Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp.
Ms. Carmen Gilmore, Marketing Dir.
New Town Development Corp.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
James H. Thompson /Zoning Enforcement
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Red Run Blvd. at E/S and * ZONING COMMISSIONER
W/S Owings Mills Blvd. * OF BALTIMORE COUNTY
4th Election District * Case No. 94-524-A
3rd Councilmanic District *
Legal Owner: Baltimore County, *
Maryland *
Lessee: New Town Dev. Corp. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located on the south side of Red Run Boulevard and Owings Mills Boulevard, zoned O.T. The property is immediately adjacent to that intersection and is owned by Baltimore County, Maryland, a body politic. The Petition is filed on behalf of that property owner and the Lessee, New Town Development Corporation. Variance relief is requested from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) as same may be applicable to permit free standing directional signs (now existing) with an area of 88 sq. ft. each and a height of 8 ft., in lieu of the permitted 6 sq. ft. area signs and 3 ft. height limitation.

Appearing at the public hearing held for this case was Carmen Gilmore, Marketing Director of New Town Development Corporation, Lessee. Also present was John J. Johnson of Whitney, Bailey, Cox and Magnani, the engineer who prepared the site plan. The petitioner was represented by Neil Schechter, Esquire. There were no Protestants present, nor were there any representatives of Baltimore County present at the public hearing.

Uncontradicted testimony and evidence presented was that the subject property is a portion of the right of way near the intersection of the public roads of Red Run Boulevard and Owings Mills Boulevard. These are

ORDER RECEIVED FOR FILING
Date _____
By _____

two relatively new roadways which have been constructed as a portion of the infrastructure to serve development in the Owings Mills area. The subject site is located not far from I-795, the Northwest Expressway. Moreover, the intersection serves as the gateway to the Owings Mills New Town, a substantially sized residential development comprised of almost 5,000 units.

Proffered testimony on behalf of Ms. Gilmore was that the signs are temporary in nature which were erected to provide directions to the New Town area. The signs were built in approximately May of 1994. Total costs for the signs and related construction and landscaping around same was approximately \$20,000.00. Moreover, it was proffered that a permit was issued by Baltimore County for erection of signs in March of 1994. The Office of Zoning Administration and Development Management (ZADM) conditionally approved the signs at that time. After construction, however, the Department of Public Works determined that the signs were located in the right of way and raised objections to same. Adding to the confusion over the erection of these signs is their appearance. From the photographs submitted, they appear to be permanent in nature and made of brick. However, the testimony and evidence presented was that they are actually made of a foam product. Thus, although they are designed to appear permanent, the Lessee agrees that they are temporary. It is anticipated that they will remain at this location for approximately three years during the development of New Town.

Mr. Johnson also testified regarding the need for the variance and signs. He observed the significant amount of new construction in the area and the fact that Owings Mills Boulevard and Lakeside Boulevard are presently not thru-roads. Because of these factors, the public is frequently confused over means of access and the location of the New Town Marketing

office. Mr. Johnson argued that the signs are needed to provide easy direction and promote safer use of the roadways in this vicinity. In his view, there will be no adverse affect upon the public health, safety or general welfare. Moreover, the signs will create a sense of identity and direct people to the new community.

Also offered into evidence was an agreement by and between Baltimore County and the New Town Development Corporation entered on June 16, 1994. Therein, the County agreed that the signs could remain at the existing locale under certain conditions. Mr. Schechter indicated that a formal franchise agreement was presently under negotiation and should be completed shortly. Moreover, the agreement by and between the County and New Town required that the subject Petition for Variance be obtained. Parties to the agreement on behalf of Baltimore County included Thomas A. Hamer, the Acting Director of the Department of Public Works (DPW) and Arnold Jablon, the Director of the Office of Zoning Administration and Development Management.

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded to grant the Petition for Variance as filed. I shall incorporate, as conditions thereto, the terms and provisions of the agreement dated June 16, 1994. Moreover, it is important to note that Mr. Johnson has also investigated the appropriate sight distances at the affected intersection. Per his letter of May 11, 1994 (Petitioner's Exhibit No. 6), the signs will not adversely impact that sight distance and will not be detrimental to the traffic on those roads.

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

ORDER RECEIVED FOR FILING
Date _____
By _____

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of July, 1994 that a variance from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit free standing directional signs (now existing) with an area of 88 sq. ft. each and a height of 8 ft., in lieu of the permitted 6 sq. ft. area signs and 3 ft. height limitation, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. It is agreed to by and between Baltimore County and the New Town Development Corporation that the signs remain at the existing locale and shall incorporate, as conditions thereto, the terms and provisions of the agreement dated June 16, 1994.

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

LES/mnn

ORDER RECEIVED FOR FILING
Date _____
By _____

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 27, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Variance
Case No. 94-524-A
Legal Owner: Baltimore County, Md.
Lessee: New Town Development Corp.

Dear Mr. Schechter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES/mnn
encl.

WHITNEY BAILEY COX MAGNANI

May 11, 1994

Department of Public Works
Bureau of Highways and Traffic Control
111 W. Chesapeake Avenue
Room C-24
Towson, MD 21204

ATTN: Mr. Dick Moore, P.E.
Chief

RE: Owings Mills New Town
Community Signage
Owings Mills Boulevard at Red Run Boulevard
WBCN Job No. 88173.07.1

RECEIVED
MAY 12 1994
106

Gentlemen:

On behalf of our client (New Town Development Corporation), we have reviewed the placement of the temporary community entrance signs for adequate sight distance at the above referenced intersection. Based on the location of the signs and the placement of stop signs/stop bars, vehicles entering the intersection from the east and west on Red Run Boulevard will have a minimum sight distance of 400 feet to the south on Owings Mills Boulevard. Sight distance to the north is not affected by the signs.

Analysis

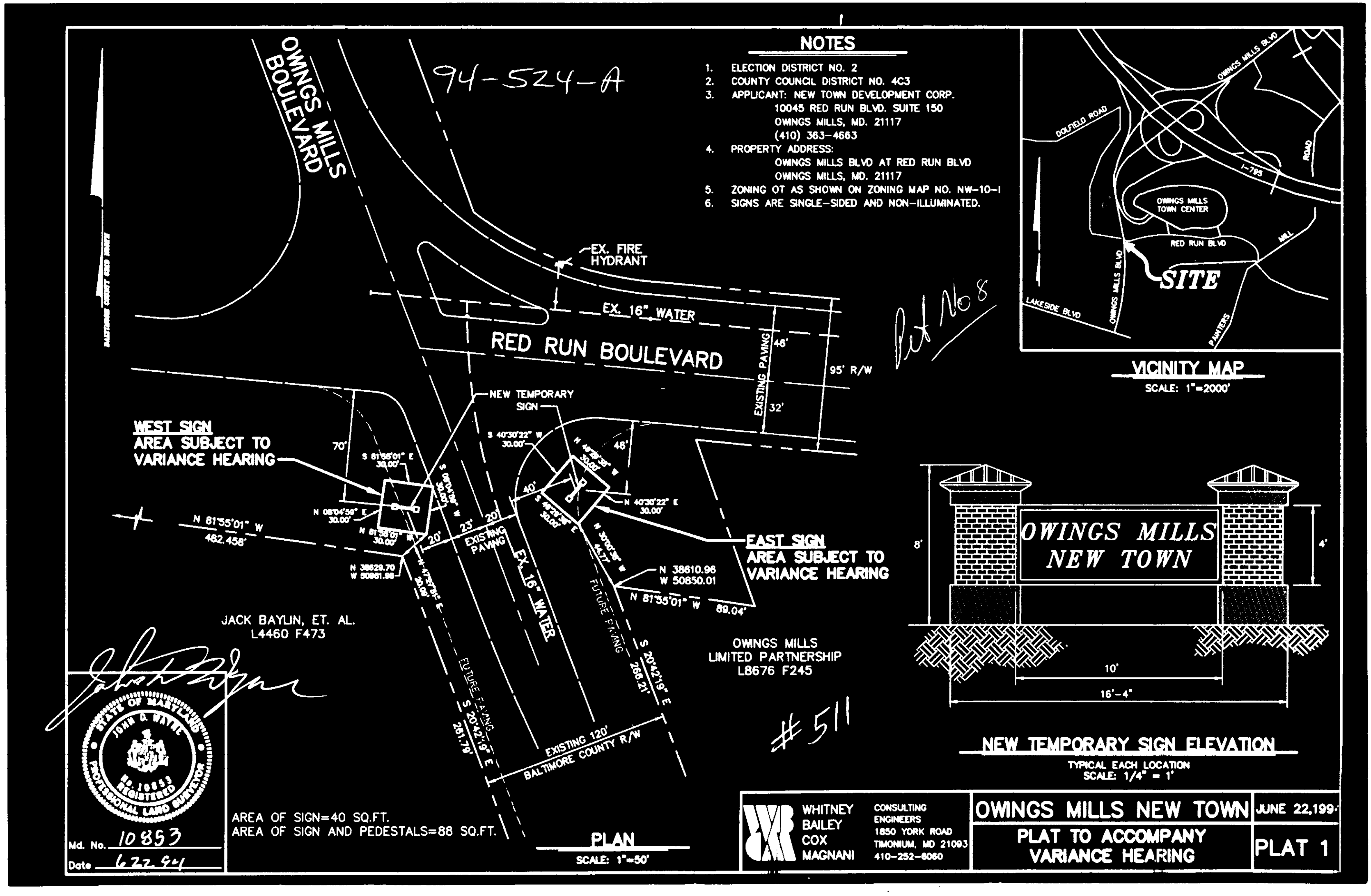
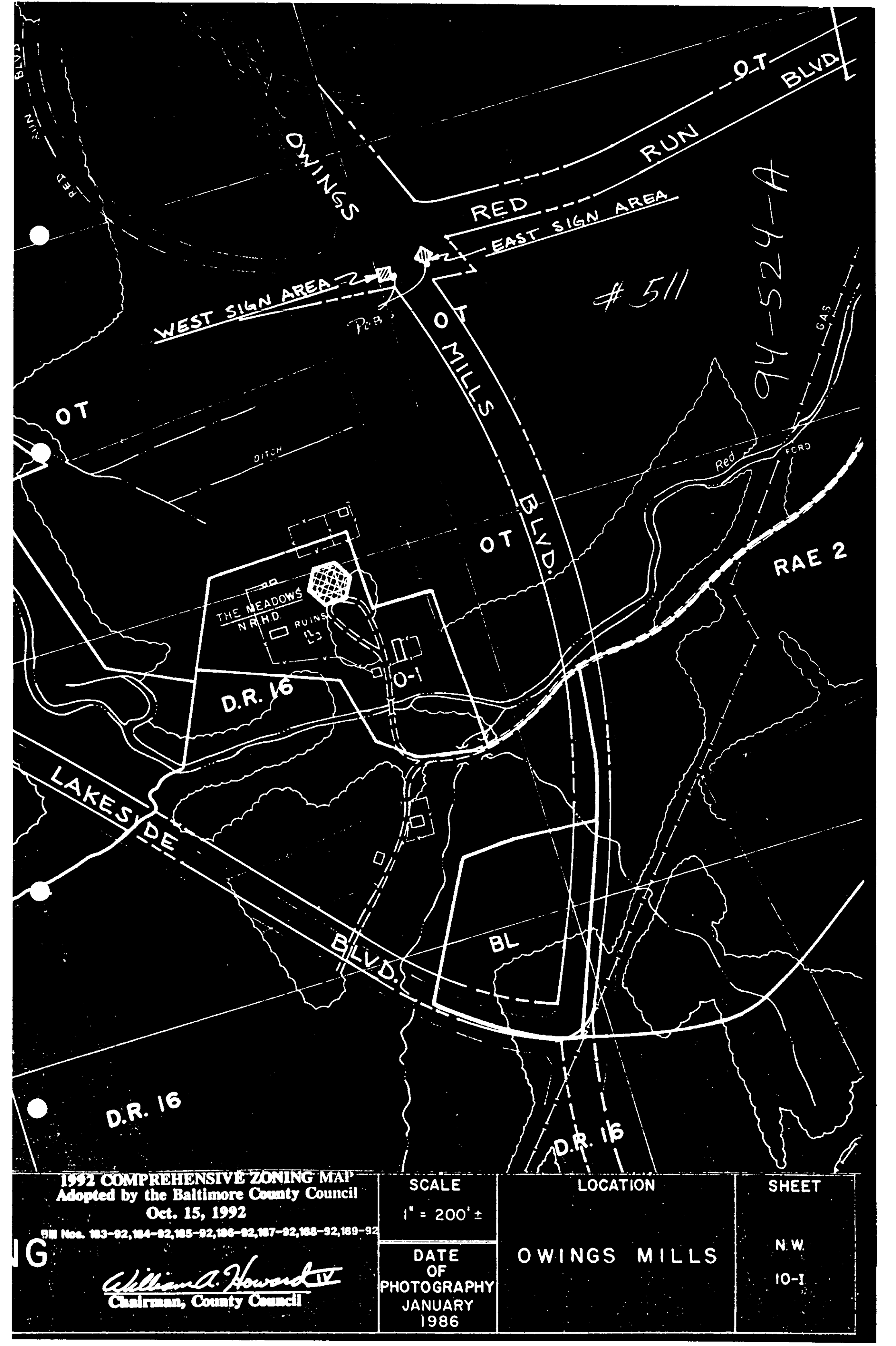
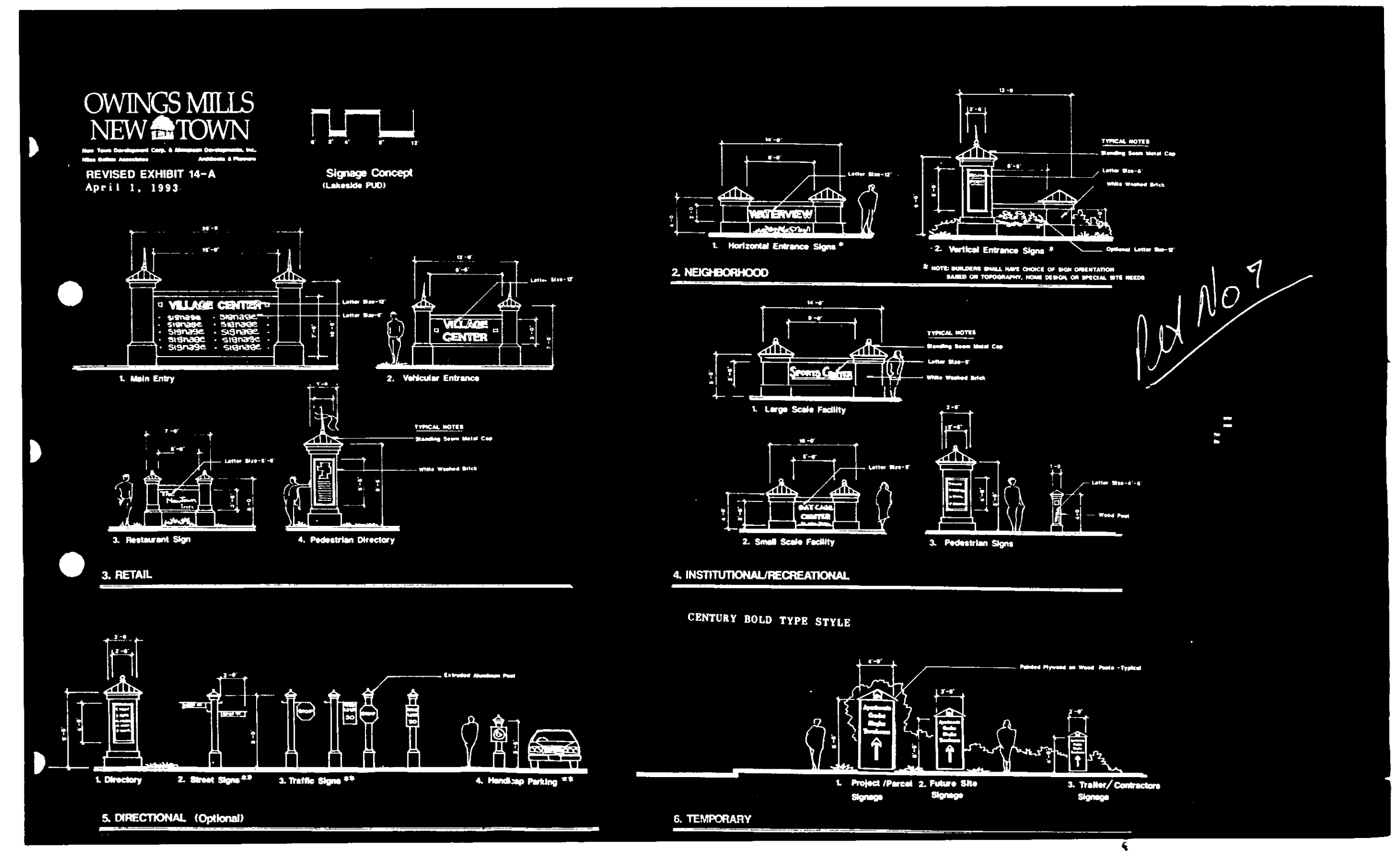
A. Westbound Red Run Boulevard: Assuming a vehicle is stopped at the stop bar, and the driver's eye is 10 feet behind the stop bar, the driver will have unlimited sight distance to the south (vehicles traveling north on Owings Mills Boulevard).

B. Eastbound Red Run Boulevard: Vehicles must pull forward at the stop sign to see past the newly erected traffic control pole. At the point, the driver's sight distance for vehicles traveling north on Owings Mills Boulevard is approximately 550 feet to 600 feet.

C. The signs do not affect the Red Run Boulevard drivers' sight line of south bound vehicles on Owings Mills Boulevard.

We trust the above information, along with the attached red-lined road plan, is sufficient to approve the temporary location of the Owings Mills New Town community entrance signs. New Town Development Corporation understands that the signs will be moved in the future to accommodate the construction and widening of the intersection.

NEW TOWN DEVELOPMENT CORPORATION
1000 N. WINDY HILL RD. #200
TOWSON, MD 21286
TEL: 410-288-1100



1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200' ±

LOCATION
OWINGS MILLS

SHEET
N.W.
10-1

DATE OF PHOTOGRAPHY
JANUARY 1986

William H. Howard
Chairman, County Council

2 SIGNS TOTAL #511
 Given / SIGN ON EACH
 LOCATION RIGHT AT
 THE EXISTING OMINT SIGNS
 ALSO
 Zoning Violation Case
 C-94-1681

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
NEW TOWN	232 E Redwood St
Carmen Gilmore	10045 Red Run Blvd, Owings Mills, MD
John S. Johnson	1855 YORK ST, TIMONIUM

EXHIBIT #01

AGREEMENT
 THIS AGREEMENT, made this 16th day of June, 1994, by and between New Town Development Corporation, Inc., hereinafter called NEW TOWN, and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, hereinafter called COUNTY

WHEREAS, NEW TOWN has constructed two free-standing signs, 16' x 8', on the Baltimore County right of way for Owings Mills Boulevard, south of Red Run Boulevard; and

WHEREAS, the signs were constructed without the permission or consent of the COUNTY; and

WHEREAS, the parties desire to enter into this Agreement in order to provide indemnity to the COUNTY for any liability that may accrue as a result of signs in said right of way and to reserve unto the COUNTY the right at all times to exercise full municipal control and regulation in respect to the county right of way

NOW, THEREFORE, the parties agree as follows:

- NEW TOWN agrees to remove the signs when requested to do so by the COUNTY within 30 days of formal notification. The determination to remove the signs shall rest entirely within the discretion of the director of the Baltimore County Office of Zoning Administration and Development Management (ZADM) of in consultation with the director of the Baltimore County Department of Public Works.
- NEW TOWN will be required to pay a franchise fee as determined by the Baltimore County Office of Law. Application for the franchise should be filed within ten working days of execution of this Agreement.
- NEW TOWN agrees to hold the COUNTY harmless and hereby releases the COUNTY from any claim for property damage in the event the COUNTY is required to remove the signs from the county right of way and to reimburse the COUNTY for all costs incurred if the signs are removed by the COUNTY
- NEW TOWN agrees to indemnify the COUNTY for any liability that may accrue as a result of the signs physical evidence within the right of way, including compensatory or punitive damages, court costs, and attorney's fees.
- NEW TOWN agrees to be responsible for the full cost of erection, maintenance, and removal, when necessary, of said signs and for the care and maintenance of the property on which the signs are erected. The COUNTY will be held harmless for such costs and will be reimbursed if any action is required.

PETITIONER'S EXHIBIT #2A - 2D
 PHOTOGRAPHS



County Board of Appeals of Baltimore County
 ROOM 49 OLD COURTHOUSE
 TOWSON, MARYLAND 21204

Letter to Sender

The Honorable James H. Thompson
 Session in the 1995

NEW TOWN DEVELOPMENT TEL: 410-953-4976 FAX: 410-953-4976 JUL 22 '94 16:26 NO.022 P.10

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

April 11, 1994

Mrs. Carmen Gilmore
 c/o Owings Mills New Town
 10045 Red Run Boulevard, Suite 150
 Owings Mills, Maryland 21117

RE: Case No. C-94-1681
 Red Run and Owings Mills Boulevards
 4th Election District

Dear Mrs. Gilmore:

Per our conversation on March 28, 1994, Baltimore County will approve, on a conditional basis, the erection of temporary off-premise directional signs at the above referenced intersection.

However, within 30 days from the date of this letter, it will be required that New Town Development Corporation have an appointment review date with Zoning Administration (887-3351) to file for a variance to the size of the signs.

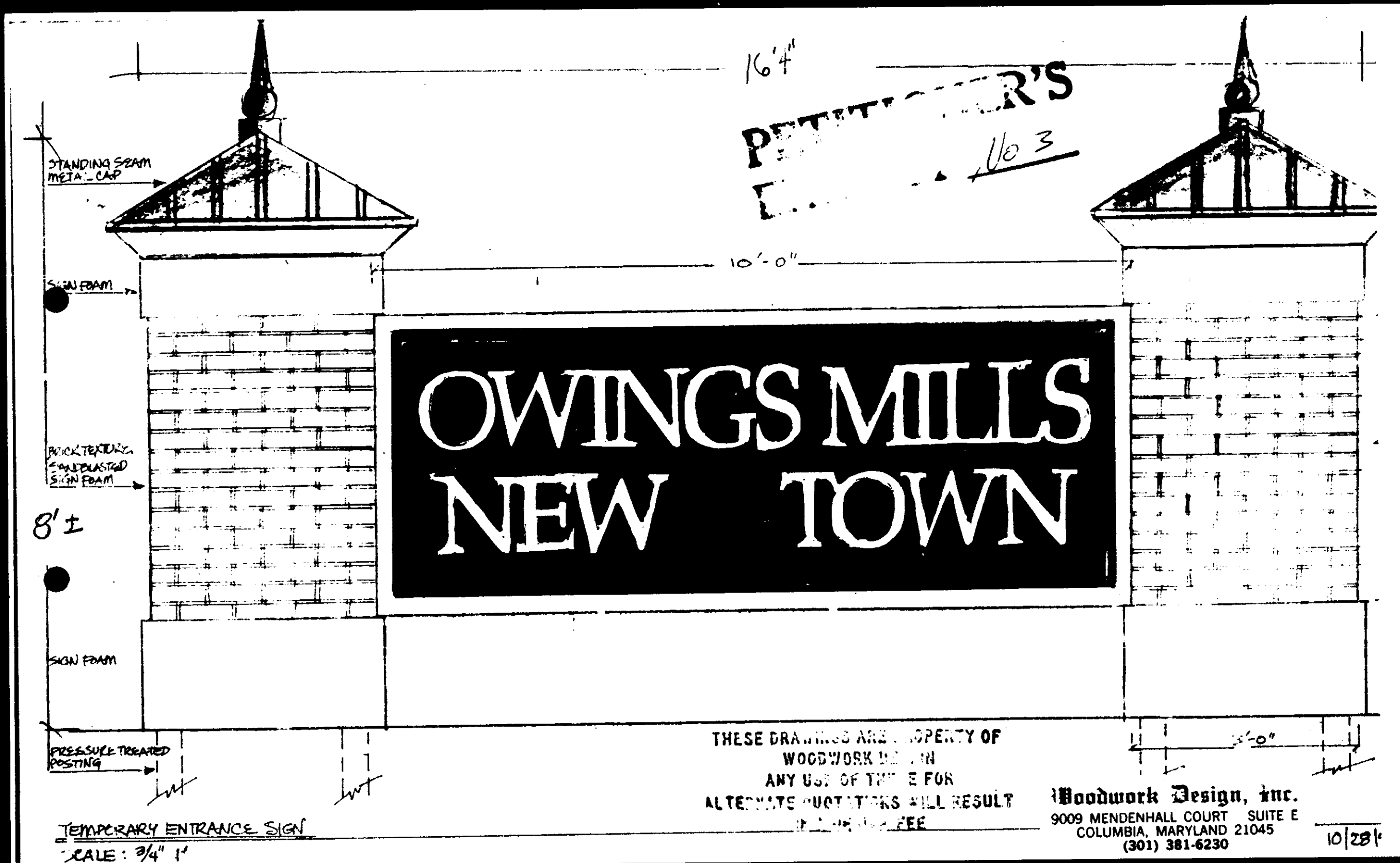
Under the Baltimore County Zoning Commissioner's Policy Manual, directional signs (Class 19), signs are limited to six square feet or smaller with a height of less than three feet. Since your proposed sign is greater than this, a Petition for Variance is required.

If you have any additional questions, please contact this office at 887-3351.

Sincerely,
 James H. Thompson
 Zoning Supervisor

JHT:ech
 c: Donna Thompson
 Zoning Inspector

PETITIONER'S EXHIBIT #04



THESE DRAWINGS ARE PROPERTY OF
 WOODWORK DESIGN, INC.
 ANY USE OF THEM FOR
 ALTERNATE PROJECTS WILL RESULT
 IN A FEE
 Woodwork Design, Inc.
 9009 MENDENHALL COURT SUITE E
 COLUMBIA, MARYLAND 21045
 (301) 381-6230

ZONING USE PERMIT
 (TEMPORARY SIGNS)

BALTIMORE COUNTY
 ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
 TOWSON, MARYLAND 21204

Building Address: Owings Mills Blvd
 Owner's Name: Four Seasons Corp
 Mailing Address of Owner: 10045 Red Run Blvd
 Tenant's Name: Owings Mills New Town
 Sign Company Name: _____
 PERMIT FEE: \$40.00
 Zoning Approval Signature: [Signature]
 Date of Approval: 6/1/94

USE PERMIT NUMBER TS-94-89	ELECTION DISTRICT 4
ISSUANCE DATE OF 03/01/94	EXPIRATION DATE OF 03/01/95
SPECIAL CONDITIONS: 413	

THIS USE PERMIT IS NOT VALID UNLESS AFFIXED TO THE SIGN AND VISIBLE FROM THE STREET

Per #65

January 3, 1995

Ms. Kathleen Weidenhammer
Administrative Assistant
Baltimore County Board of Appeals
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: New Town Development

Dear Kathi:

I understand that the captioned appeal was scheduled for a hearing the middle of last week. Would you be so kind as to send me a copy of the Opinion when the Board releases it.

Also, if you have a copy of the pro curiam opinion in the Criste case, could you send me a copy of it to.

Thank you for your assistance in this matter.

Very truly yours,

Michael J. Moran
Assistant County Attorney

KMW/ST

Hearing Room -
Room 48, Old Courthouse

September 8, 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. 59-79.

CASE NO. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, MD -Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Boulevard
4th Election District
3rd Councilmanic District

VAR -To permit free-standing directional signs (existing) w/area of 88 sq. ft. each & height of 8 ft., in lieu of permitted 6 sq. ft. area and 3 ft. height.

7/29/94 -Z.C.'s Order in which Petition for Variance was GRANTED.

ASSIGNED FOR: WEDNESDAY, DECEMBER 28, 1994 at 1:00 p.m.

cc: Neil Schechter, Esquire Counsel for Petitioner
James Rubenstein, President Petitioner
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.

The Honorable Janice A. Piccinini
Maryland State Senator

People's Counsel for Baltimore County Appellant

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Stanley J. Schapiro, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

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

October 24, 1994

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

Re: Case No. 94-524-A
New Town Development Corp.

Dear Mr. Zimmerman:

Enclosed for your information and/or comment is a copy of a letter received by the Board from Nancy E. Paige, Esquire, Counsel for Petitioner in the subject matter, requesting a postponement of this case scheduled for hearing on December 28, 1994. Ms. Paige requests that this matter be postponed until sometime after January 17, 1995.

Should you have any questions, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Nancy E. Paige, Esquire

410-576-4000

Telex 908041 BAL
Fax 410-576-4246

NANCY E. PAIGE
410-576-4294

October 21, 1994

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

Re: Case No. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, Md. - Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Blvd., 4th Election Dist., 3rd Councilmanic Dist.
PETITION FOR ZONING VARIANCE

Dear Mr. Hackett:

I represent the applicant in the referenced matter. A hearing is presently scheduled for December 28, 1994, at 1:00 p.m. I am scheduled to be out of the country at that time and would appreciate if the hearing were postponed until sometime after January 17, 1995.

Thank you for your consideration.

Very truly yours,

Nancy E. Paige

cc: Mr. James Rubenstein

hck:itr

Hearing Room -
Room 48, Old Courthouse

November 2, 1994

NOTICE OF POSTPONEMENT & REASSIGNMENT
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. 59-79.

CASE NO. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, MD -Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Boulevard
4th Election District
3rd Councilmanic District

VAR -To permit free-standing directional signs (existing) w/area of 88 sq. ft. each & height of 8 ft., in lieu of permitted 6 sq. ft. area and 3 ft. height.

7/29/94 -Z.C.'s Order in which Petition for Variance was GRANTED.

which was scheduled for hearing on December 28, 1994 has been POSTPONED at the request of Counsel for Petitioner due to schedule conflict; and has been

REASSIGNED FOR: TUESDAY, JANUARY 24, 1995 at 10:00 a.m.

cc: Nancy E. Paige, Esquire Counsel for Petitioner
Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp. Petitioner
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.
The Honorable Janice A. Piccinini
Maryland State Senator

People's Counsel for Baltimore County Appellant

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
Stanley J. Schapiro, County Attorney
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

410-576-4000

Telex 908041 BAL
Fax 410-576-4246

NANCY E. PAIGE
410-576-4294

January 5, 1995

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

Re: Owings Mills New Town/sign variance
Appeal No. 94-524-A

Dear Mr. Hackett:

We are attempting to resolve the dispute with the People's Counsel respecting the signs for Owings Mills New Town which are the subject of the referenced variance appeal. Hearing is scheduled for January 24, 1995. I would like to request a postponement of that hearing in order to allow the parties to continue their efforts toward resolving the pending dispute. I am authorized to advise you that People's Counsel will not object to such a postponement.

Thank you for your consideration.

Very truly yours,

Nancy E. Paige

mn

cc: James Rubenstein
Carole Demilio, Esq.

92-8-11 C-117566

Hearing Room -
Room 48, Old Courthouse

January 11, 1995

NOTICE OF POSTPONEMENT
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. 59-79.

CASE NO. 94-524-A
NEW TOWN DEVELOPMENT CORP., Lessee
Baltimore County, MD -Legal Owner
S/S Red Run Blvd. at E/s and W/s Owings Mills Boulevard
4th Election District
3rd Councilmanic District

VAR -To permit free-standing directional signs (existing) w/area of 88 sq. ft. each & height of 8 ft., in lieu of permitted 6 sq. ft. area and 3 ft. height.

7/29/94 -Z.C.'s Order in which Petition for Variance was GRANTED.

which was scheduled for hearing on January 24, 1995 has been POSTPONED at the request of Counsel for Petitioner, without objection by People's Counsel, to allow time for resolution of issues; to be reset only upon request.

cc: Nancy E. Paige, Esquire Counsel for Petitioner
Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp. Petitioner
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.
The Honorable Janice A. Piccinini
Maryland State Senator

People's Counsel for Baltimore County Appellant

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
Stanley J. Schapiro, County Attorney
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

410-576-4000

Telex 908041 BAL
Fax 410-576-4246

NEIL J. SCHECHTER
410-576-4229

June 22, 1994

Roger B. Hayden
County Executive
Baltimore County
c/o Stanley J. Schapiro, Esquire
County Attorney
Baltimore County Office of Law
Old Courthouse - Second Floor
Towson, Maryland 21204

Re: New Town Development Corporation, Inc.
Letter of Request for Franchise

Dear Mr. Hayden:

This office represents New Town Development Corporation, Inc. ("New Town"). New Town hereby requests a confirmation of the Franchise from Baltimore County (the "County") created by the Agreement dated June 16, 1994 by and between New Town and the County (the "Agreement"), to keep and maintain two free-standing signs within the County right-of-way for Owings Mills Boulevard, south of Red Run Boulevard on the southeast and southwest corners of the intersection of Owings Mills Boulevard and Red Run Boulevard. The County has agreed to allow the signs to remain within the County right-of-way subject to the terms and conditions outlined in the Agreement.

In connection with the above-referenced request for Franchise, enclosed for your review please find the following materials:

- One (1) copy of the Agreement dated June 16, 1994 by and between New Town and the County, outlining the terms and conditions of the Franchise;
- One (1) copy of the 1992 Comprehensive Zoning Map, adopted by the Baltimore County Council on October 5, 1992 showing the Franchise areas;
- One (1) copy of the Owings Mills New Town-Plat to Accompany Variance Hearing dated May 6, 1994, prepared

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Carl Richards Date: 8/17/1994
FROM: Jim Thompson
RE: Item No. 511
S/S Red Run Boulevard at Owings Mills Boulevard
New Town Development Corporation

When the referenced matter is scheduled for a public hearing, please notify:

Director Janice A. Piccinini
James Senate Office Building
Annapolis, Maryland 21401-1991

Also, this matter is an active zoning violation case (C-94-1681) with Donna Thompson as the inspector.

AJ:hek

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

August 24, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
S/S Red Run Blvd. at E/S and W/S
Owings Mills Blvd.
4th Election District
3rd Councilmanic District
Baltimore County, MD/New Town
Development Corp., - Petitioners
Case No. 94-524-A

Dear Mr. Schechter:

Please be advised that an appeal of the above-referenced case was filed in this office on August 19, 1994 by Peter Max Zimmerman, People's Counsel for Baltimore County. 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 Helene Kehring at 887-3351.

Sincerely,

ARNOLD JABLON
Director

AJ:hek

cc: The Honorable Janice A. Piccinini
People's Counsel

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition for Administrative Variance
S/S Red Run Blvd. at E/S and W/S Owings Mills Blvd.
4th Election District - 3rd Councilmanic District
BALTIMORE COUNTY, MARYLAND - LEGAL OWNER
NEW TOWN DEVELOPMENT CORP., - LESSEE
Case No. 94-524-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) Sign-in Sheets

Miscellaneous correspondence (3)

Petitioner's Exhibits: 1 - Agreement dated June 16, 1994

2A-20 - Four Photographs

3 - Drawing of Owings Mills New Town sign

4 - Letter from James H. Thompson (4/11/94)

5 - Zoning Use Permit (temporary sign - 3/1/94)

6 - Letter from John J. Johnson, P.E. (5/11/94)

7 - Sketch of Owings Mills New Town
Signage Concept

8 - Plat - To Accompany Variance Hearing

Zoning Commissioner's Order dated July 29, 1994 (Granted)

Notice of Appeal received on August 19, 1994 from Peter Max Zimmerman
People's Counsel for Baltimore County

cc: The Honorable Janice A. Piccinini, James Senate Office Building
Annapolis, MD 21401-1991
Neil Schechter, Esquire, Gordon, Feinblatt, Rothman, Hoffmann &
Hollander, 233 E. Redwood Street, Baltimore, MD 21202
Stanley J. Shapiro, Esquire, M.S. 2209
James Rubenstein, Pres., New Town Development Corp., 10045 Red
Run Blvd., STE 150, Owings Mills, MD 21117
Carmen Gilmore, 10045 Red Run Blvd., STE 150, Owings Mills, MD
21117
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
James H. Thompson, Zoning Enforcement Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM



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

CAROLE S. DEMILIO
Deputy People's Counsel

August 19, 1994

Arnold Jablon, Director
Zoning Administration and Development
Management Office
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR ZONING VARIANCE
S/S Red Run Blvd. at E/S and W/S
Owings Mills Blvd., 4th Election
Dist., 3rd Councilmanic Dist.
BALTIMORE COUNTY, MD / NEW TOWN
DEVELOPMENT CORP., Petitioners
Case No. 94-524-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the order dated July 29, 1994 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Neil Schechter, Esquire

Stanley Schapiro, Esquire
County Attorney

94 AUG 24 11:00:27

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

August 24, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
S/S Red Run Blvd. at E/S and W/S
Owings Mills Blvd.
4th Election District
3rd Councilmanic District
Baltimore County, MD/New Town
Development Corp., - Petitioners
Case No. 94-524-A

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If you have any questions concerning this matter, please do not hesitate to contact Helene Kehring at 887-3351.

Sincerely,

ARNOLD JABLON
Director

AJ:hek

cc: The Honorable Janice A. Piccinini
People's Counsel

9/08/94 -Notice of Assignment for hearing scheduled for Wednesday,
December 28, 1994 at 1:00 p.m. sent to following:

Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp.
Ms. Carmen Gilmore, Marketing Dir.,
New Town Development Corp.
The Honorable Janice A. Piccinini
Maryland State Senator
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
Stanley J. Schapiro, County Attorney

10/24/94 -Letter from Nancy Paige, Esquire, Counsel for Petitioner; requesting
postponement; will be out of country during that period; requesting
reset date after January 17, 1995.

- Copy of N. Paige's letter to P. Zimmerman for review/information/comment.

11/02/94 -No response from People's Counsel to request for postponement; postponement
GRANTED. Case rescheduled to Tuesday, January 24, 1995 at 10:00 a.m.

1/09/95 -Ltr from Nancy Paige, Counsel for Petitioner; requesting postponement
of 1/24/95 hearing to allow time for resolution of issues between
parties; authorized to advise that People's Counsel will have no
objection to said postponement. Also confirmed same with Office of
People's Counsel.

1/11/95 -Notice of PP sent to parties; matter to be reset only upon request.

5/31/95 -Notice of Withdrawal of Appeal filed by People's Counsel, Appellant.
To be dismissed.

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

April 11, 1994

Ms. Carmen Gilmore
c/o Owings Mills New Town
10045 Red Run Boulevard, Suite 150
Owings Mills, Maryland 21117

RE: Case No. C-94-1681
Red Run and Owings Mills Boulevards
4th Election District

Dear Mrs. Gilmore:

Per our conversation on March 28, 1994, Baltimore County will approve,
on a conditional basis, the erection of temporary off-premise directional
signs at the above referenced intersection.

However, within 30 days from the date of this letter, it will be
required that New Town Development Corporation have an appointment review
date with Zoning Administration (887-3351) to file for a variance to the
size of the signs.

Under the Baltimore County Zoning Commissioner's Policy Manual,
directional signs (Class 19), signs are limited to six square feet or
smaller with a height of less than three feet. Since your proposed sign is
greater than this, a Petition for Variance is required.

If you have any additional questions, please contact this office at
887-3351.

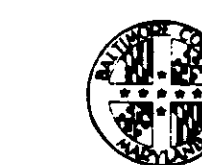
Sincerely,

JAMES H. THOMPSON
Zoning Supervisor

JHT:eoh

c: Donna Thompson
Zoning Inspector

Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

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

January 9, 1995

Michael J. Moran
Assistant County Attorney
Baltimore County Office of Law
Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 94-524-A
New Town Development Corp.

Dear Michael:

In response to your recent letter concerning the subject
appeal, this case had been scheduled for hearing on December 28,
1994, but was postponed by request of Counsel for Petitioner and
rescheduled to Tuesday, January 24, 1995.

The file has been noted so that you'll receive a copy of the
Board's final Opinion and Order when it's been issued. Also
enclosed for your information is a copy of the Notice of
Postponement & Reassignment which was sent to all parties on
November 2, 1994.

Please let me know if you have any questions regarding the
above.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 6, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger, & Hollander
233 East Redwood Street
Baltimore, Maryland 21202

RE: Case No. 94-524-A, Item No. 511
Petition for Variance
Petitioner: Baltimore County, Maryland, et al.

Dear Mr. Schechter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 24, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

Zoning Plans Advisory Committee Comments
Neil Schechter, Esquire
Date: July 6, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

MCR:cm

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 21, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 East Redwood Street
Baltimore, Maryland 21202

RE: Case No. 94-524-A, Item No. 511
Petition for Variance

Dear Mr. Schechter:

Enclosed are copies of comments received from the Department of Public Works, Developers Engineering Section, on July 21, 1994 for the above-referenced case.

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

Sincerely,
Charlotte Minton
Charlotte Minton

Enclosure

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: July 5, 1994

SUBJECT: Southside Run Boulevard

Item Number: 511

Petitioner: Baltimore County Maryland

Property Size:

Zoning: O.T.

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning and Zoning neither supports or opposes the requested sign variance.

The proposed sign(s) are well designed and mounted between brick piers. They do provide a sense of entry to the residential portion of the Owings Mills Growth Area. This portion of the growth area for the past several years contained only the "New Town" development. However, during the past two years two new developments, Red Run Apartments and Cascade Overlook have begun construction. The entryway where the signs are located no longer serve only Owings Mills New Town.

Should this variance be granted, a condition should be provided stating that the signs will be relocated to the intersection of Owings Mills Boulevard and Lakeside Drive when either 1) Owings Mills Boulevard is completed to Lyons Mill Road, or 2) Lakeside Drive is completed from Owings Mills Boulevard to Painters Mill Road.

Prepared by: *Jeffrey W. Lutz*
Division Chief: *Carol L. Weiss*

PK/JL:lw

ZAC 511/PZONE/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 21, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for July 11, 1994
Item No. 511

The Developers Engineering Section has reviewed the subject zoning item. It appears that the existing signs are limiting the available lines of sight. Five Hundred (500) foot sight lines along Owings Mills Boulevard need to be shown.

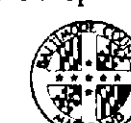
Sight lines are to be drawn from the centerline of the proposed access at a point 10 feet behind the extension of the main road curb lines to the centerline of the nearest approach lane on the main road.

All subsequent plans must note that the areas between the sight lines and the curb line must be cleared, graded and kept free of any obstructions.

This office is opposed to the erection of these signs as to where and how they are located (see attached letter from Mr. Hamer to Mr. Rubenstein, dated 5-17-94.)

RWB:sw

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/01/94

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

RE: Property Owner: SEE BELOW

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.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 504, 506, 507, 508, 509, AND 511.

RECEIVED
JUL 5 1994

ZADM

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

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

U. James Lightner
Secretary
Hal Kasloff
Administrator

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.: 511 (JLL)

94-524-A

Dear Ms. Minton:

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

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

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID M. KROEY, ACTING CHIEF
John Contestabile, 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

Baltimore County Government
Department of Public Works



111 West Chesapeake Avenue
Towson, MD 21204-4604

May 17, 1994

Mr. James Rubenstein
Owings Mills New Town
Suite E
11421 Cronhill Drive
Owings Mills, MD 21117

re: Owings Mills New Town
Community Signage
Owings Mills Blvd. at Red Run Blvd.

Dear Mr. Rubenstein:

The Office of Zoning Administration approved on a conditional basis the erection of temporary off-premise directional signs at the above referenced location. Because of the size of these signs, a Petition for Variance was to be filed no later than May 11, 1994.

The signs that have been erected do not appear to be temporary nor are they off-premise. In fact, the signs are located within County owned right-of-way, and they are within the limits of future paving at the referenced intersection. They also were installed without permission from the Department of Public Works.

A Petition of Variance for these signs was not filed with the Office of Zoning Administration by the May 11, 1994 deadline. The letter from Whitney, Bailey, Cox and Magnani requesting after-the-fact permission to approve the location of the signs does not constitute an acceptable substitute for a Petition of Variance.

For the reasons cited above, you are hereby ordered to immediately remove these signs and to restore the right-of-way to its original condition. If an acceptable schedule for the removal of these signs is condition. If an acceptable schedule for the removal of these signs is not received within five (5) days from the date of this letter, the Bureau of Highways and Traffic Engineering will perform the work and you will be billed for the entire cost including fringe, burden and associated overheads. Any delays on your part will not be tolerated.

Sincerely,

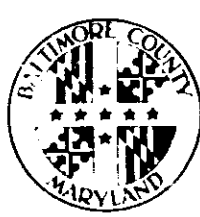
Thomas H. Hamer
THOMAS H. HAMER, P.E.
Acting Director

TJH:WJH:mah
cc: Arnold Jablon
C. Richard Moore
00002504/TRIGER

Printed on Recycled Paper

RECEIVED
MAY 19 1994

BUREAU OF HIGHWAYS



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at SS Red Run Blvd. Owens Mills Blvd
which is presently zoned OT

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 Sections 10-101, 10-102, 10-103, 10-104, 10-105, 10-106, 10-107, 10-108, 10-109, 10-110, 10-111, 10-112, 10-113, 10-114, 10-115, 10-116, 10-117, 10-118, 10-119, 10-120, 10-121, 10-122, 10-123, 10-124, 10-125, 10-126, 10-127, 10-128, 10-129, 10-130, 10-131, 10-132, 10-133, 10-134, 10-135, 10-136, 10-137, 10-138, 10-139, 10-140, 10-141, 10-142, 10-143, 10-144, 10-145, 10-146, 10-147, 10-148, 10-149, 10-150, 10-151, 10-152, 10-153, 10-154, 10-155, 10-156, 10-157, 10-158, 10-159, 10-160, 10-161, 10-162, 10-163, 10-164, 10-165, 10-166, 10-167, 10-168, 10-169, 10-170, 10-171, 10-172, 10-173, 10-174, 10-175, 10-176, 10-177, 10-178, 10-179, 10-180, 10-181, 10-182, 10-183, 10-184, 10-185, 10-186, 10-187, 10-188, 10-189, 10-190, 10-191, 10-192, 10-193, 10-194, 10-195, 10-196, 10-197, 10-198, 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10-824, 10-825, 10-826, 10-827, 10-828, 10-829, 10-830, 10-831, 10-832, 10-833, 10-834, 10-835, 10-836, 10-837, 10-838, 10-839, 10-840, 10-841, 10-842, 10-843, 10-844, 10-845, 10-846, 10-847, 10-848, 10-849, 10-850, 10-851, 10-852, 10-853, 10-854, 10-855, 10-856, 10-857, 10-858, 10-859, 10-860, 10-861, 10-862, 10-863, 10-864, 10-865, 10-866, 10-867, 10-868, 10-869, 10-870, 10-871, 10-872, 10-873, 10-874, 10-875, 10-876, 10-877, 10-878, 10-879, 10-880, 10-881, 10-882, 10-883, 10-884, 10-885, 10-886, 10-887, 10-888, 10-889, 10-890, 10-891, 10-892, 10-893, 10-894, 10-895, 10-896, 10-897, 10-898, 10-899, 10-900, 10-901, 10-902, 10-903, 10-904, 10-905, 10-906, 10-907, 10-908, 10-909, 10-910, 10-911, 10-912, 10-913, 10-914, 10-915, 10-916, 10-917, 10-918, 10-919, 10-920, 10-921, 10-922, 10-923, 10-924, 10-925, 10-926, 10-927, 10-928, 10-929, 10-930, 10-931, 10-932, 10-933, 10-934, 10-935, 10-936, 10-937, 10-938, 10-939, 10-940, 10-941, 10-942, 10-943, 10-944, 10-945, 10-946, 10-947, 10-948, 10-949, 10-950, 10-951, 10-952, 10-953, 10-954, 10-955, 10-956, 10-957, 10-958, 10-959, 10-960, 10-961, 10-962, 10-963, 10-964, 10-965, 10-966, 10-967, 10-968, 10-969, 10-970, 10-971, 10-972, 10-973, 10-974, 10-975, 10-976, 10-977, 10-978, 10-979, 10-980, 10-981, 10-982, 10-983, 10-984, 10-985, 10-986, 10-987, 10-988, 10-989, 10-990, 10-991, 10-992, 10-993, 10-994, 10-995, 10-996, 10-997, 10-998, 10-999, 1100-1200, 1201-1400, 1401-1600, 1601-1800, 1801-2000, 2001-2200, 2201-2400, 2401-2600, 2601-2800, 2801-3000, 3001-3200, 3201-3400, 3401-3600, 3601-3800, 3801-4000, 4001-4200, 4201-4400, 4401-4600, 4601-4800, 4801-5000, 5001-5200, 5201-5400, 5401-5600, 5601-5800, 5801-6000, 6001-6200, 6201-6400, 6401-6600, 6601-6800, 6801-7000, 7001-7200, 7201-7400, 7401-7600, 7601-7800, 7801-8000, 8001-8200, 8201-8400, 8401-8600, 8601-8800, 8801-9000, 9001-9200, 9201-9400, 9401-9600, 9601-9800, 9801-10000.

I 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.

JAMES RUBENSTEIN, PRESIDENT

New Town Development Corp.
10045 Red Run Blvd., Ste 150
Owings Mills MD 21117

Neil Schechter, Esquire

Gordon, Feinblatt, Rothman,
Hoffberger & Hollander
233 East Redwood Street
Baltimore MD 21202

BALTO CO. MD
Stanley J. Schapiro
COUNTY ATTORNEY

400 WASHINGTON AVE. SE-1-4420

BALTIMORE CO. MD 21204

ESTIMATED LENGTH OF HEARING
Unavailable for Hearing

REVIEWED BY: DATE:

ORDER RECEIVED FOR FILING

ZONING DESCRIPTION

West Sign Area

Commencing at a point on the west side of Owings Mills Boulevard, which is 120 feet wide, at a distance of 1304 feet south of the centerline of Red Run Boulevard, which is 95 feet wide;

THENCE North 47 degrees 27 minutes 51 seconds East, 20.09 feet to the true point of beginning, the following courses and distances:

1. North 81 degrees 55 minutes 01 seconds West a distance of 30.00 feet;
2. North 08 degrees 04 minutes 59 seconds East a distance of 30.00 feet;
3. South 81 degrees 55 minutes 01 seconds East a distance of 30.00 feet;
4. South 08 degrees 04 minutes 59 seconds East a distance of 30.00 feet;

to the true point of beginning.

88173070.004



5/5/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 7/1/94

Posted for: Variance

Petitioner: New Town Development Corp

Location of property: 4th & S Red Run Blvd. at Red Run Blvd.

Location of Sign: Facing 200.09 ft. on each side of road, where existing signs are.

Remarks:

Posted by: M. Schapiro Date of return: 7/1/94

Number of Signs: 2

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 at 11:00 a.m. on Monday, July 25, 1994 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #94-524-A (Item 511)
S/S Red Run Boulevard at E/S and W/S Owings Mills Boulevard
4th Election District - 3rd Councilmanic District
Petitioner(s): Baltimore County, Maryland
Contract Purchaser: New Town Development Corporation
HEARING: MONDAY, JULY 25, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit two (Class 19) free-standing directional signs (now existing) with an area of 88 square feet (each) with a height of 8 feet in lieu of the permitted 6 square feet in area and 3 feet in height.

LAURENCE E. SCHMIDT
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 887-3353.
1708 July 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 8, 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 July 7, 1994.

THE JEFFERSONIAN,
A. Henriksen
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 7/1/94

Posted for: APPAL

Petitioner: BALTO County, New Town Development Corp.

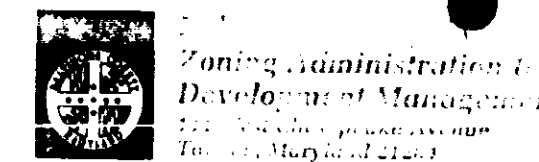
Location of property: E. W. S. OWINGS MILLS BLVD. AT RED RUN BLVD.

Location of Sign: Facing 200.09 ft. on each side of road, where existing signs are.

Remarks:

Posted by: M. Schapiro Date of return: 7/1/94

Number of Signs: 1



Date: 6/24/94

1 NON RES VAR PLNG CODE ORO 250.00
2 SIGNS POSTED CODE ORO 70.00
\$ 320.00

OWNER BALTO CO. MD
LOC SS RED RUN BLVD. AT
OWINGS MILLS BLVD.

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public by advertising 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 assessed 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.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 511

Petitioner: Baltimore County

Location: SS Red Run Blvd at Owings Mills Blvd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: New Town Development Corporation

ADDRESS: 10045 Red Run Blvd, Suite 150

City: Owings Mills MD 21117

PHONE NUMBER: 363-4663

All:ggc (Revised 04/09/93)

Item Number: 511
Planner: JLL
Date Filed: 6-24-94

PETITION PROCESSING FLAG

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF * COUNTY BOARD OF APPEALS
NEW TOWN DEVELOPMENT CORP., *
LESSEE, BALTIMORE COUNTY, MD. * OF
LEGAL OWNER * OF
FOR A VARIANCE ON PROPERTY * BALTIMORE COUNTY
LOCATED ON THE SOUTH SIDE RED * CASE NO. 94-524-A
RUN BOULEVARD AT THE EAST SIDE *
AND WEST SIDE OWINGS MILLS *
BOULEVARD *
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated July 29, 1994 in which the Petition for Variance was granted.

WHEREAS, the Board is in receipt of a Withdrawal of Appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, Appellants, dated May 31, 1995 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellants request that the appeal filed in this matter be dismissed as of May 31, 1995;

IT IS HEREBY ORDERED this 11th day of June, 1995 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz
Robert O. Schuetz, Chairman
S. Diane Levero
S. Diane Levero
Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

RE: PETITION FOR VARIANCE * BEFORE THE
S/S Red Run Boulevard at E/S and W/S * BOARD OF APPEALS
Owings Mills Boulevard, 4th Election * OF BALTIMORE COUNTY
District, 3rd Councilmanic *
Legal Owner: Baltimore County, Maryland *
Contract Purchaser: New Town Develop- *
ment Corporation * Case No. 94-524-A
Petitioners *

WITHDRAWAL OF APPEAL

Upon further review, it no longer appearing to be in the public interest, People's Counsel for Baltimore County hereby withdraws its appeal in the above-captioned matter.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of May, 1995, a copy of the foregoing Withdrawal of Appeal was mailed to Nancy E. Paige, Esquire and Neil Schechter, Esquire, Gordon, Feinblatt, Rothman, Hoffberger & Hollander, 233 E. Redwood Street, Baltimore, MD 21202, attorney for Petitioners, to Carmen Gilmore, 10045 Red Run Boulevard, Suite 150, Owings Mills, MD 21117, representative for Petitioners, and to Virginia W. Barnhart, County Attorney, Baltimore County Office of Law, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 14, 1995

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

RE: Case No. 94-524-A
New Town Development Corp.

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Order of Dismissal 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

Enclosure

cc: Nancy E. Paige, Esquire
Neil Schechter, Esquire
James Rubenstein, President
New Town Development Corp.
Ms. Carmen Gilmore, Marketing Dir.
New Town Development Corp.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
James H. Thompson /Zoning Enforcement
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Red Run Blvd. at E/S and * ZONING COMMISSIONER
W/S Owings Mills Blvd. * OF BALTIMORE COUNTY
4th Election District * Case No. 94-524-A
3rd Councilmanic District *
Legal Owner: Baltimore County, *
Maryland *
Lessee: New Town Dev. Corp. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located on the south side of Red Run Boulevard and Owings Mills Boulevard, zoned O.T. The property is immediately adjacent to that intersection and is owned by Baltimore County, Maryland, a body politic. The Petition is filed on behalf of that property owner and the Lessee, New Town Development Corporation. Variance relief is requested from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) as same may be applicable to permit free standing directional signs (now existing) with an area of 88 sq. ft. each and a height of 8 ft., in lieu of the permitted 6 sq. ft. area signs and 3 ft. height limitation.

Appearing at the public hearing held for this case was Carmen Gilmore, Marketing Director of New Town Development Corporation, Lessee. Also present was John J. Johnson of Whitney, Bailey, Cox and Magnani, the engineer who prepared the site plan. The petitioner was represented by Neil Schechter, Esquire. There were no Protestants present, nor were there any representatives of Baltimore County present at the public hearing.

Uncontradicted testimony and evidence presented was that the subject property is a portion of the right of way near the intersection of the public roads of Red Run Boulevard and Owings Mills Boulevard. These are

ORDER RECEIVED FOR FILING
Date _____
By _____

two relatively new roadways which have been constructed as a portion of the infrastructure to serve development in the Owings Mills area. The subject site is located not far from I-795, the Northwest Expressway. Moreover, the intersection serves as the gateway to the Owings Mills New Town, a substantially sized residential development comprised of almost 5,000 units.

Proffered testimony on behalf of Ms. Gilmore was that the signs are temporary in nature which were erected to provide directions to the New Town area. The signs were built in approximately May of 1994. Total costs for the signs and related construction and landscaping around same was approximately \$20,000.00. Moreover, it was proffered that a permit was issued by Baltimore County for erection of signs in March of 1994. The Office of Zoning Administration and Development Management (ZADM) conditionally approved the signs at that time. After construction, however, the Department of Public Works determined that the signs were located in the right of way and raised objections to same. Adding to the confusion over the erection of these signs is their appearance. From the photographs submitted, they appear to be permanent in nature and made of brick. However, the testimony and evidence presented was that they are actually made of a foam product. Thus, although they are designed to appear permanent, the Lessee agrees that they are temporary. It is anticipated that they will remain at this location for approximately three years during the development of New Town.

Mr. Johnson also testified regarding the need for the variance and signs. He observed the significant amount of new construction in the area and the fact that Owings Mills Boulevard and Lakeside Boulevard are presently not thru-roads. Because of these factors, the public is frequently confused over means of access and the location of the New Town Marketing

office. Mr. Johnson argued that the signs are needed to provide easy direction and promote safer use of the roadways in this vicinity. In his view, there will be no adverse affect upon the public health, safety or general welfare. Moreover, the signs will create a sense of identity and direct people to the new community.

Also offered into evidence was an agreement by and between Baltimore County and the New Town Development Corporation entered on June 16, 1994. Therein, the County agreed that the signs could remain at the existing locale under certain conditions. Mr. Schechter indicated that a formal franchise agreement was presently under negotiation and should be completed shortly. Moreover, the agreement by and between the County and New Town required that the subject Petition for Variance be obtained. Parties to the agreement on behalf of Baltimore County included Thomas A. Hamer, the Acting Director of the Department of Public Works (DPW) and Arnold Jablon, the Director of the Office of Zoning Administration and Development Management.

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded to grant the Petition for Variance as filed. I shall incorporate, as conditions thereto, the terms and provisions of the agreement dated June 16, 1994. Moreover, it is important to note that Mr. Johnson has also investigated the appropriate sight distances at the affected intersection. Per his letter of May 11, 1994 (Petitioner's Exhibit No. 6), the signs will not adversely impact that sight distance and will not be detrimental to the traffic on those roads.

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

ORDER RECEIVED FOR FILING
Date _____
By _____

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of July, 1994 that a variance from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit free standing directional signs (now existing) with an area of 88 sq. ft. each and a height of 8 ft., in lieu of the permitted 6 sq. ft. area signs and 3 ft. height limitation, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. It is agreed to by and between Baltimore County and the New Town Development Corporation that the signs remain at the existing locale and shall incorporate, as conditions thereto, the terms and provisions of the agreement dated June 16, 1994.

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

LES/mnn

ORDER RECEIVED FOR FILING
Date _____
By _____

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386

July 27, 1994

Neil Schechter, Esquire
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
233 E. Redwood Street
Baltimore, Maryland 21202

RE: Petition for Variance
Case No. 94-524-A
Legal Owner: Baltimore County, Md.
Lessee: New Town Development Corp.

Dear Mr. Schechter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES/mnn
encl.