

IN RE: PETITION FOR VARIANCE
NE/S Merritt Boulevard, 420' NW
of Westfield Road
(1501-1575 Merritt Boulevard)
12th Election District
7th Councilmanic District

Merritt Boulevard Property Part.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-6-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1501-1575 Merritt Boulevard, located in the vicinity of Trappe Road in Dundalk. The Petition was filed by the owners of the property, Merritt Boulevard Property Partnership by Donald H. Ready, Partner, through their attorney, Robert W. Cannon, Esquire. The Petitioners seek relief from Section 413.2.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an identification sign face of 192 sq.ft. total in lieu of the maximum permitted 150 sq.ft., and from Section 413.5.D to permit a height for said sign of 27 feet in lieu of the maximum permitted 25 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Donald H. Ready and Michael Ready, partners in the Merritt Boulevard Property Partnership, James Kline, Professional Engineer with George W. Stephens, Jr. & Associates, Inc., the engineering firm which prepared the site plan for this project, Eric Mayer, a representative of Sunny's Surplus for which the sign variance is being requested, and Robert W. Cannon, Esquire, attorney for the Petitioners. There were no Protestants present.

ORDER RECEIVED FOR FILING
Date 8/15/95
By [Signature]

Testimony and evidence offered revealed that the subject property consists of 7.528 acres, more or less, zoned B.M., and is the site of the Danville Square Shopping Center. The Petitioners are in the process of upgrading and renovating this multi-service retail and commercial business complex and have expended \$900,000 in improvements. Testimony indicated that its newest tenant, Sunny's Surplus, wishes to advertise its location within the shopping center and is desirous of adding a 24 sq.ft. identification sign to the existing sign as shown on Petitioner's Exhibit 1. The addition of the proposed sign, however, will increase not only the square footage of face signage but also the height of the existing sign. Thus, the requested variances are necessary.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

ORDER RECEIVED FOR FILING

Date

By

8/13/95
[Signature]

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized

ORDER RECEIVED FOR FILING
Date 8/15/95
By [Signature]

area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

ORDER RECEIVED FOR FILING

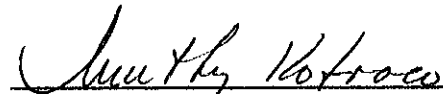
Date

By

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of August, 1995 that the Petition for Variance seeking relief from Section 413.2.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an identification sign of 192 sq.ft. in lieu of the maximum permitted 150 sq.ft., and from Section 413.5.D to permit a height for said sign of 27 feet in lieu of the maximum permitted 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 15, 1995

(410) 887-4386

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
NE/S Merritt Boulevard, 420' NW of Westfield Road
(1501-1575 Merritt Boulevard)
12th Election District + 7th Councilmanic District
Merritt Boulevard Property Partnership - Petitioner
Case No. 96-6-A

Dear Mr. Cannon:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. Donald H. and Michael Ready
Merritt Boulevard Property Partnership
306 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. Eric Mayer, Sunny's Surplus
7540 Washington Boulevard, Baltimore, Md. 21229

People's Counsel

File





Petition for Variance

to the Zoning Commissioner of Baltimore County

76-6-A

for the property located at

Danville Square Shopping Center
1501-1575 Merritt Boulevard

which is presently zoned

BM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property, situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

413.2E to permit an identification sign with a face area of 192 square feet in lieu of the permitted 150 square feet, a variance of 42 square feet and from Section 413.5(D) to permit a height of 27 feet in lieu of the maximum 25 feet, a variance of 2 feet

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

Strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship because it would effectively preclude the identification of a major tenant in the shopping center. The requested variance would assist the public in identifying this tenant so as to encourage safe ingress into each of the points of access serving the shopping center. The requested variances are in harmony with the spirit and intent of the zoning regulations and would not result in substantial injury to the public health, safety and general welfare.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Merritt Boulevard Property Partnership
(Type or Print Name)

Signature

Signature

Address

DONALD H. READY, PARTNER
(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner

306 W. Pennsylvania Avenue (410) 821-1935
Address Phone No

Robert W. Cannon
(Type or Print Name)

Towson, Maryland 21204
City State Zipcode

Signature

Robert W. Cannon
Weinberg & Green LLC

Weinberg & Green LLC
100 South Charles Street (410) 332-8816
Address Phone No

Baltimore, Maryland 21201
City State Zipcode

100 South Charles Street
Baltimore, Maryland 21201 (410) 332-8816
Address Phone No

ORDER RECEIVED FOR FILING

Date

DROP-OFF
NO REVIEW
7/7/95
WCR



Printed with Soybean Ink on Recycled Paper

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

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

96-6-A

Description to accompany Zoning Petition,
DANVILLE SQUARE SHOPPING CENTER.

May 31, 1995

Beginning for the same at a pin and cap found on the east side of Merritt Boulevard, 120 feet wide, 420 feet more or less from the north side of Westfield Road, said point of beginning being designated 'C' on a Plat entitled "Resubdivision Plat of Laurelwood" dated January 18, 1966, recorded among the Plat Records of Baltimore County, Maryland in Plat Book O.T.G. 31 folio 56, running thence leaving said point of beginning, binding on said east side of Merritt Boulevard and binding on the western boundary of Lot Two, shown on said Plat, 1) North 14 degrees 53 minutes 38 seconds West 750.36 feet to a pipe found, running thence leaving said Merritt Boulevard, binding on the division line between Lot One and Lot Two, reversing the bearing on said Plat, 2) North 75 degrees 06 minutes 22 seconds East 437.00 feet to a pipe found, running thence binding on the eastern boundary of Lot Two, shown on said Plat, 3) South 14 degrees 53 minutes 38 seconds East 750.36 feet to a pin and cap found at the point designated 'B' on said Plat, running thence binding on the southern boundary of Lot Two, shown on said Plat, 4) South 75 degrees 06 minutes 22 seconds West 437.00 feet to the point of beginning.

Containing 7.528 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

96-6-A

District 12th Date of Posting 7/23/95

Posted for: Variances

Petitioner: Morrill Blvd. Property Partnership

Location of property: 1571-1575 Morrill Blvd.

Location of Signs: Facing 700 Hwy, on property being 704A Dr.

Remarks: _____

Posted by [Signature] Date of return: 7/28/95
Signature

Number of Signs: 1





Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 96-6-A

Date 7/7/95

Account: R-001-6150

Number ~~111~~ #8 (WCR)

DROP-OFF — NO REVIEW

(No Violations; JLL)

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

Merritt Boulevard Property Partnership
 Danville Square Shopping Center
 1501-1575 Merritt Boulevard
 7.528 +/- acres
 12th Election District
 7th Councilmanic District
 Zoned B.M.
 Previous Case #95-421-SPHA
 Attorney: Robert W. Cannon

Check from Sunny's

02A02B0228MTCURE \$285.00
 BA 0011:28AM07-07-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

SUNNY'S

0034865

CHECK NO.
VENDOR NO.

DATE
VENDOR NAME

96-6-A

INVOICE DATE	INVOICE NUMBER	GROSS AMOUNT	DISC. ADJ.	NET AMOUNT
6/22/95	062295	285.00		285.00
TOTAL/SUBTOTAL		285.00		285.00

DETACH BEFORE DEPOSITING

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 024809

DATE 8/23/96 ACCOUNT R-001-6150

AMOUNT \$ 1210.00

RECEIVED FROM: Sophie Rucker + Joan Buedel

FOR: VARIANCE APPEAL 175.00
SIGN 35.00
210.00

03A91#0472MICHR

~~1210.00~~

VALIDATION OR SIGNATURE OF CASHIER

RYE

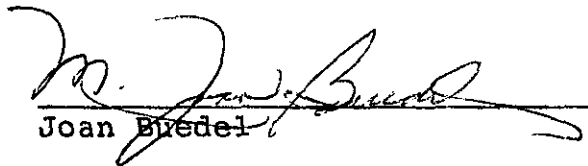
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER


August 23, 1996

Honorable Lawrence R. Schmidt
Zoning Commissioner
Court House
Towson, Maryland 21204

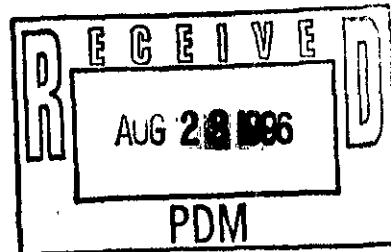
Dear Commissioner Schmidt:

Please note an appeal to the Board of Appeals from your Opinion and Order of August 15, 1996, in ~~86~~⁹⁷-6-A. My check in the amount of \$210.00, ie \$175.00 and \$35.00, is enclosed.


Joan Bredel


Sophie M. Rucker
9211 NOTTINGWOOD RD.
BALTIMORE, MD 21237

cc: People's Counsel
John Gontrum, Esquire
Marie Simoes



TO: PUPUXENT PUBLISHING COMPANY
July 20, 1995 Issue - Jeffersonian

Please forward billing to:

Robert W. Cannon, Esq.
Weinberg and Green LLC
100 South Charles Street
Baltimore, MD 21201
332-8816

NOTICE OF HEARING

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

CASE NUMBER: 96-6-A (Item 8)
1501-1575 Merritt Boulevard -- Danville Square Shopping Center
NE/S Merritt Boulevard, 420' NW of Westfield Road
12th Election District - 7th Councilmanic
Legal Owner(s): Merritt Boulevard Property Partnership
HEARING: THURSDAY, AUGUST 10, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit an identification sign with a face area of 192 square feet in lieu of the permitted 150 square feet; and to permit a height of 27 feet in lieu of the maximum 25 feet.

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 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 17, 1995

NOTICE OF HEARING

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

CASE NUMBER: 96-6-A (Item 8)

1501-1575 Merritt Boulevard -- Danville Square Shopping Center
NE/S Merritt Boulevard, 420⁺ NW of Westfield Road
12th Election District - 7th Councilmanic

Legal Owner(s): Merritt Boulevard Property Partnership

HEARING: THURSDAY, AUGUST 10, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit an identification sign with a face area of 192 square feet in lieu of the permitted 150 square feet; and to permit a height of 27 feet in lieu of the maximum 25 feet.

A handwritten signature in black ink that reads "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Merritt Boulevard Property Partnership
Robert W. Cannon, Esq.

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



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 3, 1995

Robert W. Cannon, Esquire
Weinberg & Green, LLC
100 South Charles Street
Baltimore, Maryland 21201

RE: Item No.: 08
Case No.: 96-6-A
Petitioner: Merritt Blvd. Property

Dear Mr. Cannon:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 25, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Danville Square Shopping Center

INFORMATION:

Item Number: 8

Petitioner: Merritt Boulevard L.P.

Property Size: _____

Zoning: BM

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff believes that the variances can be avoided by replacing the "Pep Boys" panel with one that shows both "Pep Boys" and "Sunny's" on the same panel (like the "E-Z Parcel/H&R Block" panel).

Further, the new tenant's identification is not precluded since "Sunny's" could have a wall-mounted sign. In addition, the height variance can easily be avoided by lowering the "Design Members".

Since the above-mentioned recommendations demonstrate that appropriate signage can be provided without the need for variances, it is clear that the petitioner will have difficulty satisfying the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: _____

Division Chief: _____

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 24, 1995
Items 004, 005, 006 and 008³

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/17/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION OF JULY 17, 1995.

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: 01, 03, 04, 05, 06 & 08.5

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: July 18

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: July 17, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

1
2
3
4
8

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

7-12-95

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

Re: Baltimore County
Item No.: 008 (WCR)

Dear Ms. Watson:

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,

for Bob Small

Ronald Burns, Chief
Engineering Access Permits
Division


BS/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: August 15, 1995

FROM: Pat Keller, Director, OPZ 

SUBJECT: Danville Square Shopping Center

REVISED COMMENT

INFORMATION:

Item Number: 8

Petitioner: Merritt Boulevard L.P.

Property Size: _____

Zoning: BM

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Based upon review of additional information provided at a meeting on August 15, 1995, staff wishes to revise our previous comment. Please note, however, that the applicant's representatives made every effort to contact this office after receiving the previous comments; unfortunately, it was impossible to schedule a meeting prior to the hearing on this matter.

The Danville Square Shopping Center has recently undergone extensive renovation, and the center's owner deserves to be recognized as playing a major role in the revitalization of the Merritt Boulevard corridor.

Upon further review of the site, it is clear that the requested variance is warranted due to the site's unique characteristics which include: 1) an unusually long distance between the road frontage and the front face of the building; 2) the existence of freestanding buildings which interfere with sight lines to wall signs and pole signs. Therefore, staff feels the applicant can satisfy the imposed burden in order to justify the granting of the relief requested and recommends the request be granted.

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller for G.A.T.

PK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
1501-1575 Merritt Blvd. (Danville Square		
Shopping Center), NE/S Merritt Blvd, 420'	*	ZONING COMMISSIONER
NW of Westfield Road, 12th Election		
District, 7th Councilmanic	*	OF BALTIMORE COUNTY
Merritt Boulevard Property Partnership	*	CASE NO. 96-6-A
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

 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 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert W. Cannon, Weinberg & Green, 100 S. Charles Street, Baltimore, MD 21201, Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 27, 1996

Robert W. Cannon, Esquire
Weinberg & Green LLC
100 South Charles Street
Baltimore, MD 21201

RE: Petition for Zoning
Variance
NE/S Merritt Boulevard,
420' NW of Westfield Road
(1501-1575 Merritt Blvd.)
12th Election District
7th Councilmanic District
Merritt Boulevard
Property Part. - Petitioner
Case No. 96-6-A

Dear Mr. Cannon:

Please be advised that an appeal of the above-referenced case was filed in this office on August 23, 1996 by Joan Buedel and Sophie M. Rucker. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

cc: Messrs. Donald H. and Michael Ready
Mr. Eric Mayer
People's Counsel

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 24, 1995

Robert W. Cannon, Esquire
Weinberg & Green, LLC
100 South Charles Street
Baltimore, MD 21201

RE: Preliminary Petition Review (Item #8)
Legal Owner: Merritt Boulevard Property
Partnership
1501-1575 Merritt Boulevard
Danville Square Shopping Center
12th Election District

Dear Mr. Cannon:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The partial copy of the 200 scale zoning map SE-3F does not show the complete site as delineated in the zoning description. This is required in the zoning hearing checklist for accurate zoning map reference for this hearing.

References to other freestanding-type signs are made on this plan. There is no indication that the sign proposed for variance is the only shopping center ID sign on this site as limited by Section 413.2.E (BCZR). Clarify this condition. More than one shopping center ID sign will require additional variances.

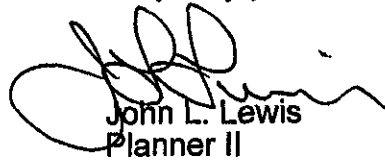


Robert W. Cannon, Esquire
July 24, 1995
Page 2

Cautionary Note: No reference is made to any prior zoning public hearing. Should there be such and it is not clearly referenced (as required by the public hearing checklist), an additional zoning public hearing could be required to amend prior cases and plans.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,



John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

WEINBERG & GREEN LLC

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

TELEPHONE 410/332 8600
WASHINGTON AREA 301/470 7400
FACSIMILE 410/332 8862

10480 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3506
410/740 8500

FILE NUMBER
13224.93

ROBERT W. CANNON
410/332 8816
MCI Mail: CANNONRW.W&G
Internet: CANNONRW.W&G@mcimail.com

96-4905
9/9/96
JG
to SL
please send letter!
Bd. of Appeals
to respond
see
09/10/96

September 6, 1996

Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Honorable Arnold Jablon
Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

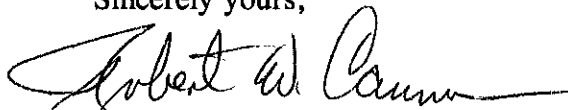
Re: Case No. 96-6-A

Ladies and Gentlemen:

This will acknowledge receipt of the letter dated August 27, 1996 from Director Arnold Jablon suggesting that an appeal had been taken in the referenced case. The time to appeal in that case expired in September of 1995. I understand that the appellants here may have intended to appeal case No. 97-6-A.

Unless I hear from you to the contrary, I shall assume that my facts are correct and that this appeal has nothing to do with case No. 96-6-A.

Sincerely yours,



Robert W. Cannon

131111:DS13:2t5z_1/0081/pag

cc: Mr. Donald H. Ready
Mr. Michael Ready
Mr. Eric Mayer
Roger K. Garfink, Esquire

SEP 10 1996

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ROBERT W. CANNON

100 S. CHARLES ST. 21201

JIM KLINE

G.W. STEPHENS & ASSOC INC

ERIC MAYER

Sunny's Surplus, 7540 Wash Blvd, Balti
21229

MICHAEL READY

MERRITT BLVD. PROP. PTNSHP.
306 W. PENNSYLVANIA AVE. TOWSON,
MD 21204

DONALD H. READY

MERRITT BLVD. PROP. PARTI

Blank lined area for names

Blank lined area for addresses



887-3480
324

REPRESENTING (SUNNY'S)

THE ATTORNEY AND PLANNER, HAVE MADE AN ATTEMPT TO ESTABLISH CONTACT WITH THIS OFFICE TO REVIEW ~~OUR~~ ^{THEIR} CONCERNS, REGARDING OUR COMMENTS ABOUT THE I.D. SIGN VARIANCE. THE DIRECTOR OF PLANNING HAS BEEN UNAVAILABLE TO RESPOND IN ~~A TIMELY MANNER~~ ^A TIME TO POSSIBLY AMEND OUR COMMENTS BASED ON ADDITIONAL INFORMATION. WE ^{WILL} REVIEW THE MERITS OF THE CASE AS PRESENTED BEFORE THE ^{ZONING} COMMISSIONER OR DEPUTY ^{ZONING} COMMISSIONER, PRIOR TO THE LAPSE OF THE 30 DAY APPEAL PERIOD AND EITHER REITERATE ~~OUR~~ OR AMEND OUR COMMENTS AS AN APPENDUM TO THE FILE

JIM KLING

TALKED TO JEFF LONG AUG 9 @ 4:15 PHONE

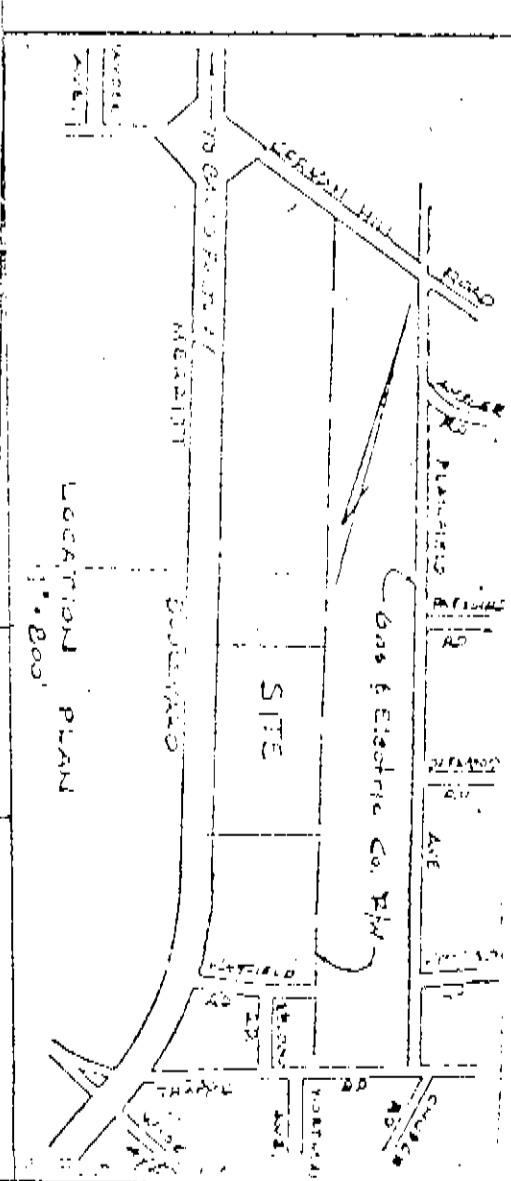
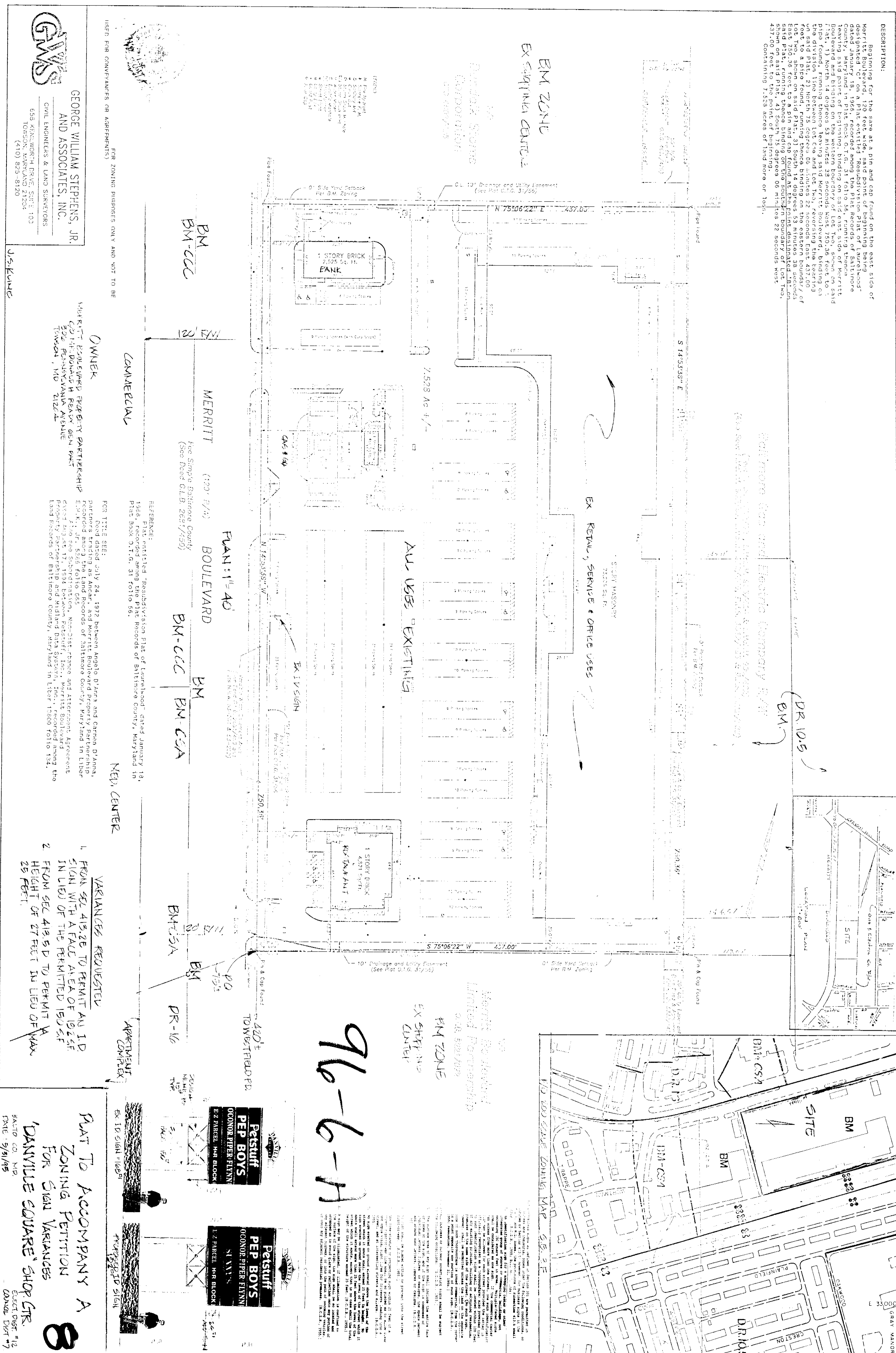
THIS STATEMENT IS APPROPRIATE AND MAY BE QUOTED AS O.K.

James L. Kling

PETITIONER'S
EXHIBIT NO. 3

DESCRIPTION:

Beginning for the sake at a pin and cap found on the east side of Merritt Boulevard, 120 feet wide, said points of beginning being marked by a 1/2" iron pin and cap found on the east side of said lot, dated January 18, 1866, recorded among the plat records of Baltimore County, Maryland in Plat Book O.T.G. 31 folio 56, naming Thomas M. Merritt as grantor and the said points of beginning being on the east side of said lot, bounded and bisecting on the western boundary of Lot 703 shown on said plat, (1) North 14 degrees 53 minutes 23 seconds West 750.36 feet to a 1/2" iron pin and cap found on the east side of said lot, (2) North 14 degrees 53 minutes 23 seconds East 437.00 feet to a 1/2" iron pin and cap found on the east side of said lot, (3) East 750.36 feet to a pin and cap found at the point designated on the plan shown on said plat, (4) South 25 degrees 06 minutes 32 seconds West 437.00 feet to the point of beginning, containing 7,323 acres of land more or less.



96-6-H

- VARIANCES REQUESTED**
1. FROM SEC 419.26 TO PERMIT AN ID SIGN WITH A FACE AREA OF 102 SF IN LIEU OF THE PERMITTED 150 SF
 2. FROM SEC 419.5 D TO PERMIT A HEIGHT OF 27 FEET IN LIEU OF MAX 25 FEET.

PLAT TO ACCOMPANY A ZONING PETITION FOR SIGN VARIANCES 'DANVILLE SQUARE' SHOP GTR

PN 7455

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 658 ROCKWORTH DRIVE, SUITE 103
 ROCKWORTH, MD 21150
 (410) 825-8120

OWNER
 MERRITT BLDG GROUP, PROPERTY PARTNERSHIP
 322 ROCKWORTH AVENUE
 TOWSON, MD 21286

FOR TITLE SEE:
 Plat Book O.T.G. 24, 1972 between Angelo D'Anna and Carmen D'Anna, partners in the partnership of Angelo D'Anna and Carmen D'Anna, recorded among the plat records of Baltimore County, Maryland in Plat Book O.T.G. 24, folio 665.
 Plat Book O.T.G. 24, 1972 between Angelo D'Anna and Carmen D'Anna, partners in the partnership of Angelo D'Anna and Carmen D'Anna, recorded among the plat records of Baltimore County, Maryland in Plat Book O.T.G. 24, folio 665.
 Plat Book O.T.G. 24, 1972 between Angelo D'Anna and Carmen D'Anna, partners in the partnership of Angelo D'Anna and Carmen D'Anna, recorded among the plat records of Baltimore County, Maryland in Plat Book O.T.G. 24, folio 665.

NEED CENTER

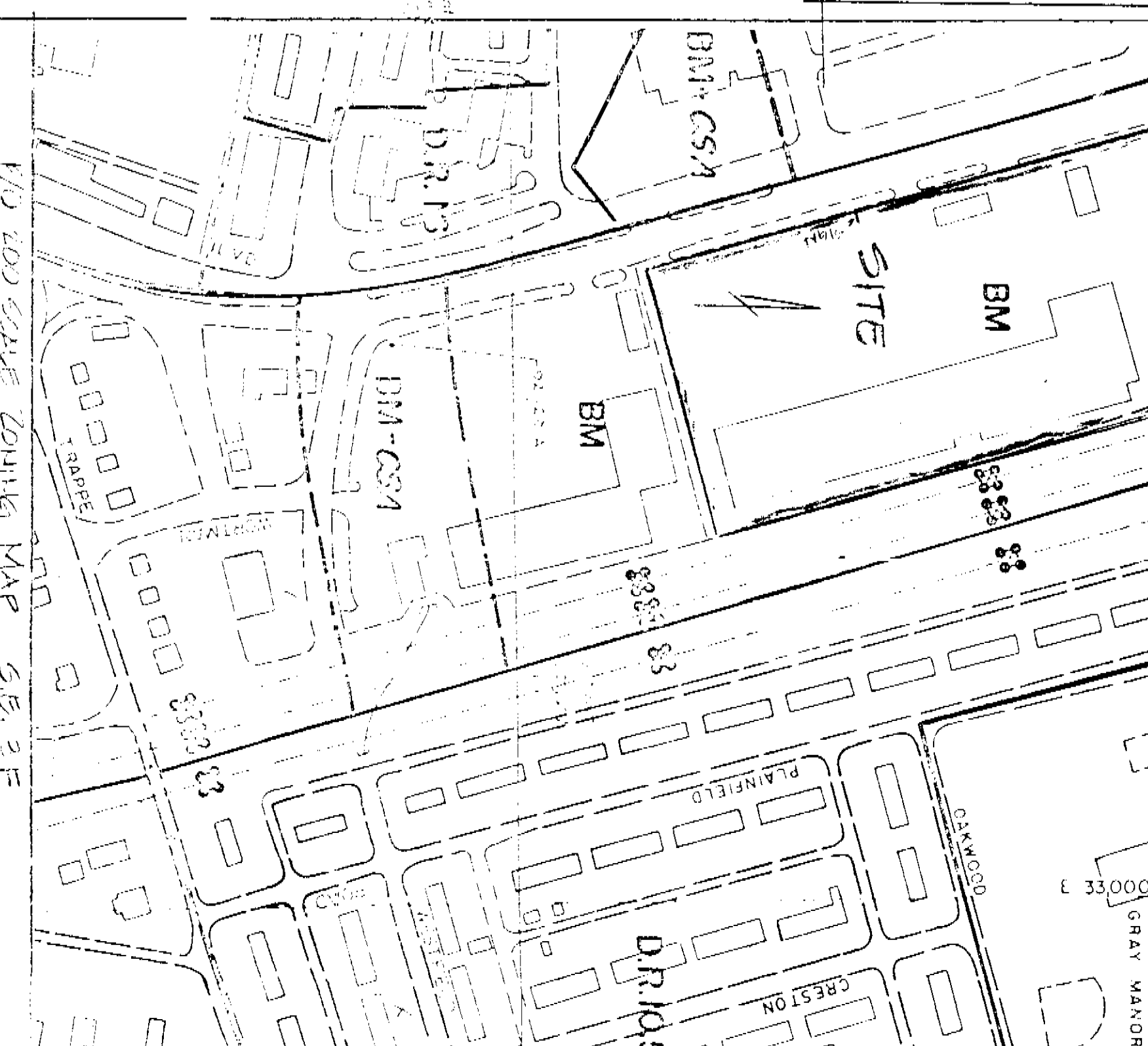
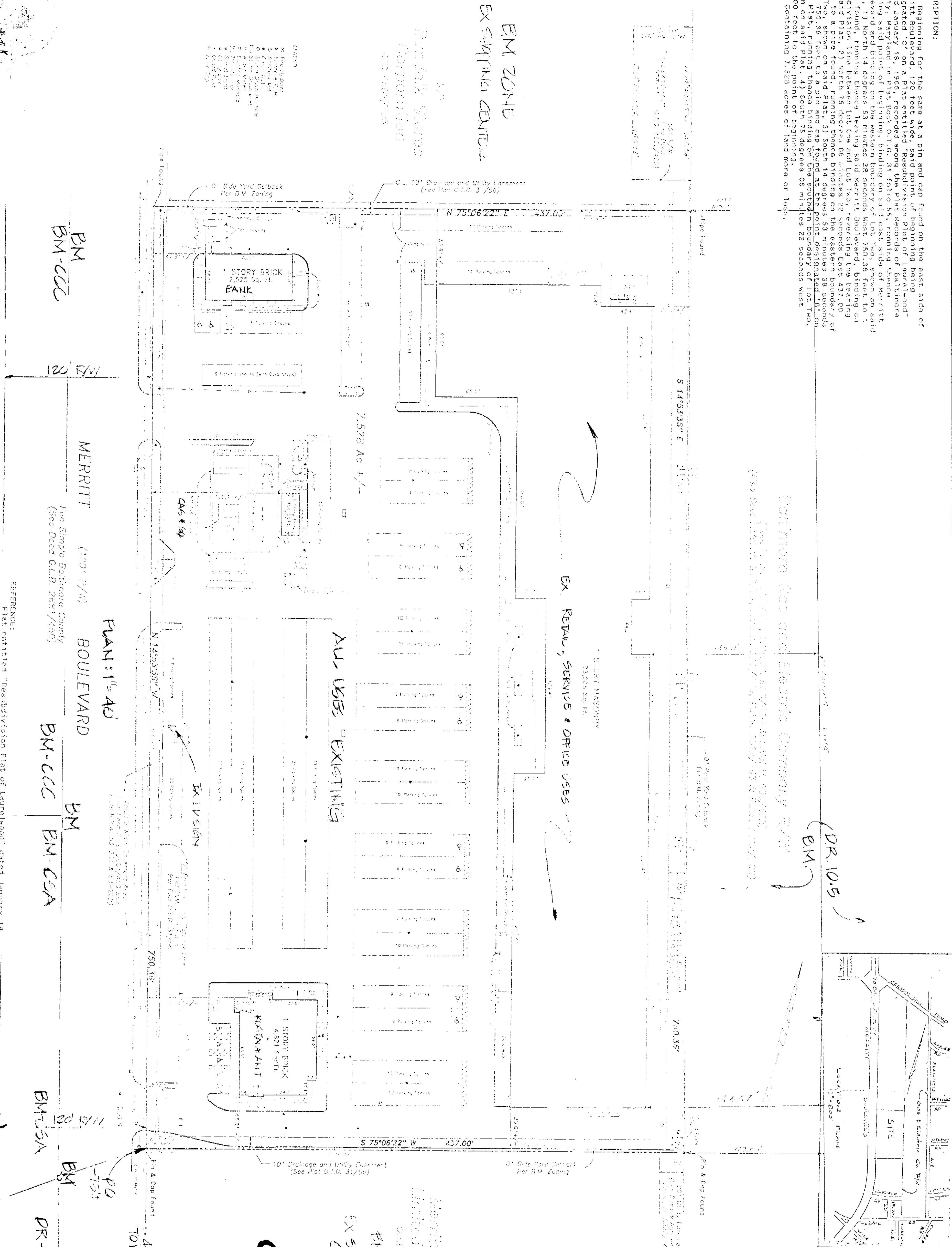
PETSTUFF PEP BOYS
 OGDON PIPE FURN
 E 2 BARREL HBR BLOCK

PETSTUFF PEP BOYS
 OGDON PIPE FURN
 E 2 BARREL HBR BLOCK

DESCRIPTION:

Beginning for the sake at a pin and cap found on the east side of Merritt Boulevard, 120 feet wide, said points of beginning being marked by a 1/2" iron pin and cap found on the east side of said lot, dated January 18, 1866, recorded among the plat records of Baltimore County, Maryland in Plat Book O.T.G. 31 folio 56, naming Thomas Merritt as grantor and the said points of beginning being on the east side of Merritt Boulevard and bisecting the western boundary of Lot 703 shown on said plat, (1) North 14 degrees 53 minutes 23 seconds West 750.36 feet to the division line between Lot 703 and Lot 701, (2) following the bearing on said plat, 2) North 78 degrees 06 minutes 22 seconds East 437.00 feet to a pin and cap found at the point designated on the plan as Lot 701, shown on said plat; 3) South 14 degrees 53 minutes 23 seconds East 750.36 feet to a pin and cap found at the point designated on the plan as Lot 702, shown on said plat; 4) South 25 degrees 06 minutes 32 seconds West 437.00 feet to the point of beginning.

EM ZONE
EX SIGNING CENTER



GW&S
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 ROCKWORTH DRIVE, SUITE 103
ROCKWORTH, MARYLAND 21150
(410) 825-8120

OWNER
MERRITT BLDG. GROUP PROPERTY PARTNERSHIP
322 ROCKWORTH AVENUE
TOWSON, MD 21286

FOR TITLE SEE:
1. PARTNERSHIP AGREEMENT DATED JULY 24, 1972 BETWEEN ANGIO D'ARCA AND GAYNOR D'ARCA, PARTNERSHIP PROPERTY PARTNERSHIP, RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK O.T.G. 31, FOLIO 665.
2. PARTNERSHIP AGREEMENT DATED JULY 24, 1972 BETWEEN ANGIO D'ARCA AND GAYNOR D'ARCA, PARTNERSHIP PROPERTY PARTNERSHIP, RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 17800 FOLIO 134.

REFERENCE: Established Topographical Plate of Larnahood dated January 19, 1966, recorded among the plat records of Baltimore County, Maryland in Plat Book O.T.G. 31 folio 56.

VARIANCES REQUESTED
1. FROM SEC 419.2E TO PERMIT AN ID SIGN WITH A FACE AREA OF 102 SF IN LIEU OF THE PERMITTED 150 SF
2. FROM SEC 419.5D TO PERMIT A HEIGHT OF 27 FEET IN LIEU OF MAX 25 FEET.

PLAT TO ACCOMPANY A ZONING PETITION FOR SIGN VARIANCES 'DANVILLE SQUARE' SHOP GTR
SHEET NO. 1/2
DATE: 9/21/85
PN 7455

96-6-H

Petsuff PEP BOYS
OCCURRING PAPER ELEVATION
E 2 BARREL HBR BLOCK

Petsuff PEP BOYS
OCCURRING PAPER ELEVATION
N 1 V.V.S.

THIS PLAN IS THE PROPERTY OF GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. AND IS LOANED TO YOU FOR YOUR INFORMATION ONLY. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. ANY REVISIONS TO THIS PLAN MUST BE APPROVED BY GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. IN WRITING. THE SURVEYOR'S SEAL IS A REQUIREMENT FOR THE RECORDING OF THIS PLAN. THE SURVEYOR'S SEAL IS A REQUIREMENT FOR THE RECORDING OF THIS PLAN. THE SURVEYOR'S SEAL IS A REQUIREMENT FOR THE RECORDING OF THIS PLAN.

