

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE - SW/S Beaver Dam Road,
 385' SE of c/l Cockeysville Road * ZONING COMMISSIONER
 (10706 Beaver Dam Road)
 8th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District * Case No. 97-67-XA

Joshua F. Cockey, Legal Owner
 Penn Advertising/Steve Southern, Contract Lessee

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 10706 Beaver Dam Road, located in the vicinity of Warren Road in Cockeysville. The Petitions were filed by the owner of the property, Joshua F. Cockey, and the Contract Lessee, Penn Advertising, by Steve Southern, through their attorney, Stanley Fine, Esquire. The Petitioners request a special exception to permit two, side by side, single-faced outdoor advertising signs, 12' x 25' in dimension (300 sq.ft. each), pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a variance from Sections 255.1 and 238.2 of the B.C.Z.R. to permit a side yard setback of 2 feet in lieu of the required 30 feet, for the proposed placement of the two signs. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 9.

Appearing at the hearing on behalf of the Petitions were Joshua F. Cockey, property owner, Steve Southern, General Manager for Penn Advertising, Inc., William P. Monk, land use consultant who prepared the site plan for this request, and Stanley Fine, Esquire, attorney for the Petitioners. Appearing in opposition to the request were Michael J. Collins, Esquire, who appeared on behalf of Beaver Dam LLC, owner of the adjacent lot identi-

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

fied as Lot 1A on the site plan, Stan Brady, Jr., Esquire, who appeared on behalf of the Ward Machinery Company, and Linda Bauman, who appeared on behalf of the Residence Inn.

Testimony and evidence offered in support of the request revealed that the subject property consists of 1.77 acres, more or less, zoned M.L.-I.M., and is improved with a one-story dinner theater and detached restaurant. The balance of the site is unimproved but for a large parking area. Mr. Southern testified that his company has entered into a ten-year lease with Mr. Cockey to place two outdoor advertising signs on the subject property in the locations shown on Petitioner's Exhibit 9. He indicated that there are no other outdoor advertising signs within 1,000 feet of the subject site, as required by Section 413.3(G) of the B.C.Z.R.

Testimony indicated that the two signs will contain two panels, each 25 feet wide by 12 feet in height, and will be illuminated. The signs will be mounted atop steel posts and will be 25 feet off the ground at maximum height. As shown on the site plan, the signs will be erected within 2 feet of the north side property line facing the Residence Inn property. In the vicinity of the subject site are mainly commercial/industrial uses. A large warehouse sits immediately across from the property and offices and similar commercial uses are located nearby. The immediate neighbor to the north is a Residence Inn. Numerous photographs of the subject site were submitted and this Zoning Commissioner is familiar with the area. I also conducted a site visit following the hearing to familiarize myself with the property.

Mr. Monk testified extensively regarding the requirements of Section 413.3 of the B.C.Z.R. That Section regulates outdoor advertising signs and provides that same are allowed in M.L. zones, only by special

ORDER RECEIVED FOR FILING
Date 10/2/90
By [Signature]

exception. That regulation also governs the total surface of the sign, its location on a given lot where same may be placed, and imposes other restrictions regarding such signs. It was uncontradicted that the proposed signs are in compliance with the requirements of Section 413.3.

In considering first the Petition for Special Exception, it is to be observed that same is governed by Section 502.1 of the B.C.Z.R. That Section establishes a number of requirements which must be met by the Petitioner in order for special exception relief to be granted. Essentially, the Petitioner must demonstrate that the proposed use can be carried on without detriment to the health, safety or general welfare of the locale in which it takes place. The law of special exceptions, or conditional uses as they are known in other jurisdictions, was recently discussed by the Court of Special Appeals in Mossburg v. Montgomery County, 107 Md. App.1 (1995). Therein, the Court noted that special exception uses are considered presumptively permissible as part of the overall zoning scheme. Moreover, it is not whether the special exception use will cause adverse impact; such impact is assumed by virtue of the fact that the use is classified as a special exception use in the first instance, but whether such adverse impact at the particular location is greater than the effect ordinarily associated with the use. That is, the Zoning Commissioner must determine whether the adverse impact caused by the signs at this location is worse than the impact associated with such signs elsewhere in the zone.

In applying the test set forth in Section 502.1 in this fashion, I find that the proposed special exception should be granted. In my judgment, the impact associated with the signs here are no worse than would be ordinarily associated with such use. The area is relatively commercial/industrial in character and the proposal is in compliance with the

ORDER RECEIVED FOR FILING

Date

By

standards set forth in Section 413.3 of the B.C.Z.R. For these reasons, the Petition for Special Exception should be granted.

As noted above, the Petitioners also seek variance relief for the proposed signs. It is to be particularly noted that the Petitioners seek relief from the side yard setback requirements set forth in Sections 255.1 and 238.2 of the B.C.Z.R. None of the criteria established by Section 413.3 are sought to be varianced. The Protestants are opposed to any variance relief being granted.

Section 255 of the B.C.Z.R. relates to area regulations in the M.L. zone. Section 255.1 specifically provides that "The area regulations in M.L. zones shall be the same as those in the B.R. zone unless the B.R. zone regulations conflict within Section 255.2."

Section 238 of the B.C.Z.R. sets forth the area regulations in the B.R. zone. Section 238.2 provides: 1) that the minimum requirements for a side or rear yard for a residence in the B.R. zone shall be as set forth in Section 302; and 2) for other buildings (emphasis added), the side and rear yard setbacks shall be 30 feet.

The words used in the B.C.Z.R. are defined in Section 101. In that Section, the word "building" is specifically defined as "a structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind."

It is manifest that the subject structure is not a building. The proposed signs and the structures which support same contain neither exterior walls or fire walls and are not for the shelter, support, or enclosure of persons, animals, or property. Moreover, the sign is certainly not a residence.

ORDER RECEIVED FOR FILING
Date 10/2/96
By [Signature]

Based upon the language of Section 238.2 of the B.C.Z.R., it is clear that variance relief is not required. The subject use is not a residence nor a building. Thus, the 30-foot side yard setback is not required.

A review of the balance of the provisions of Section 238 of the B.C.Z.R. shows no applicable requirement as to the signs. The requirements listed therein are for residences, buildings, and other uses (i.e., parking areas, storage yards, etc.); however, there are no requirements for signs. Moreover, as noted above, the proposal complies with all of the provisions of Section 413.3 of the B.C.Z.R. which specifically regulates outdoor advertising signs.

Thus, the Petitioner does not require zoning variance relief. As such, the Petition filed is moot and shall be dismissed. The only approval required is pursuant to Section 413.3, which allows the use only by special exception. As noted above, the special exception should be granted here.

It should be noted that the inapplicability of a 30-foot side yard setback makes a certain amount of common sense. An outdoor advertising sign, by its very dimension and design, is appropriate near a property line, for so long as there is no adverse impact on neighboring properties. To place a sign in the center of a property makes little practical sense.

As noted above, the special exception shall be granted and the variance dismissed as moot. However, I will impose a restriction upon the special exception relief granted, pursuant to Section 502.2 of the B.C.Z.R. This condition will be imposed due to the location of the signs and the fact that no variance relief is necessary for the reasons set forth above. If permitted by the adjoining property owner, the Petitioner shall install additional landscaping to buffer the back of the signs from the Residence

ORDER RECEIVED FOR FILING

Date

By

Inn property next door. I cannot require that the owner of the adjoining lot accept landscaping; however, if that owner does agree to such landscaping, the Petitioner shall submit a landscape plan to the County's Landscape Architect for review and approval. That plan shall provide for the buffering of the rear of the signs from the Residence Inn and other properties to the north of the site, as well as southbound traffic on Beaver Dam Road.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception shall be granted and the request for variance dismissed as moot.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of October, 1996 that the Petition for Special Exception to permit two, side by side, single-faced outdoor advertising signs, 12' x 25' in dimension (300 sq.ft. each), pursuant to Section 413.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 9, be and is hereby GRANTED, subject to the following restrictions:

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.

2) If permitted by the adjoining property owner, the Petitioner shall install additional landscaping to buffer the back of the signs from the Residence Inn property next door. If that owner does agree to such landscaping, the Petitioner shall submit a landscape plan to the County's Landscape Architect for review and approval. That plan shall provide for the buffering of the rear of the signs from the Residence Inn and other properties to the north of the site as well as southbound traffic on Beaver Dam Road.

ORDER RECEIVED FOR FILING
Date 10/2/96
By [Signature]

3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the B.C.Z.R. to permit a side yard setback of 2 feet in lieu of the required 30 feet, for the proposed signs, be and is hereby DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
JOSHUA F. COCKEY, LEGAL OWNER;*		COUNTY BOARD OF APPEALS
<u>PENN ADVERTISING, INC. -</u>		
<u>CONTRACT LESSEE FOR SPECIAL</u>	*	OF
EXCEPTION AND VARIANCE ON		
PROPERTY LOCATED ON THE SOUTH-*		BALTIMORE COUNTY
WEST SIDE BEAVER DAM ROAD,		
385' SOUTHEAST OF CENTERLINE	*	CASE NO. 97-67-XA
OF COCKEYSVILLE ROAD		
(10706 BEAVER DAM ROAD)	*	
8TH ELECTION DISTRICT		
4TH COUNCILMANIC DISTRICT	*	

* * * * *

O P I N I O N

This matter has come before the Board on appeal from a decision of the Zoning Commissioner of Baltimore County granting a Special Exception to permit two side-by-side, single-faced outdoor advertising signs, 12 feet by 25 feet in dimension, pursuant to Section 413.3 of the Baltimore County Zoning Regulations (BCZR). A request for variance was also filed before the Commissioner. The Commissioner had determined that, under the Regulations, the requested sign was neither a "residence" (under Section 238.2 of the BCZR), nor does it meet the definition of the word, "building," under that Section, as defined in BCZR Section 101. The Commissioner therefore ruled that the Petitioners did not require zoning variance relief and dismissed that request as moot. The Petition for Special Exception was granted subject to several restrictions.

This matter was heard before the Board on June 19, 1997, with public deliberation taking place on July 29, 1997. Petitioner, Universal Outdoor, Inc., successor to Penn Advertising of Baltimore, Inc., was represented by Stanley S. Fine, Esquire; and

MICROFILMED

Beaver Dam LLC, Protestant herein, was represented by Michael J. Collins, Esquire.

The Board first heard from Mr. Steven Southern, the General Manager of Universal Outdoor Advertising, Inc. He testified as to the location and history of the request for the proposed sign and related that the site in question is the subject of a 10-year lease from the owner. There is not another sign such as this for approximately 3/4 of a mile. Photographs were presented of the front and side view of the type of sign requested and a sketch was presented of the actual sign to be constructed, and the witness noted that there were 300 such signs already in place at other locations. Under cross-examination, he did agree that the signs will change under normal course every 30 days or so, and that the process of alteration takes approximately 15 minutes for each sign. He further admitted that, since there will be two signs at the location, the schedule of their alteration could, by virtue of contract, be staggered.

Mr. William Monk testified next on behalf of the Petitioner, and, after appropriate voir dire, was accepted by the Board as an expert in land planning. Through testimony and numerous photographic and other exhibits, the witness related he had in fact been to the property and reviewed all relevant documents. He, too, described the signs and their proposed site, including their physical relation to adjoining properties and roadway. He stated that the signs would not be illuminated, will face south, and thus will be seen only by northbound traffic. He described the area as

MICROFILMED

"M.L. zoned" with many large industrial type buildings.

It was Mr. Monk's opinion that the proposed signs were consistent uses in the M.L. zone and had no adverse effect on the adjacent Residence Inn. He proceeded to discuss the requirements of Section 413.3 and 413.5 of the BCZR as they relate to outdoor signs, and Section 502.1 of the Regulations as they relate to requests for special exception. His testimony clearly established that it was his opinion the proposed signs were consistent and in compliance with the requirements of Section 413.3 and 413.5 in every applicable respect. In reference to the request for special exceptions under Section 502.1, he addressed each individual requirement of the Section and testified that, as to each, the signs proposed satisfied the specifications of those sections.

The Protestant's case was limited to and included the presentation of the deed to the property dated May 3, 1996 and the plan drawing of the site.

Protestant takes the position that, by the terms of its easement, the Petitioner cannot construct the subject signs on the proposed site. He asks that no decision be made by this body until those questions are resolved, either by the Board or a Court of competent jurisdiction. Under the Express Powers Act, Article 25A of the Maryland Code, each County is permitted to create a Board of Appeals. Section 5(U) clearly limits any Boards so created to controversies concerning applications for zoning variations or exceptions or amendments of zoning ordinance maps; or the issuance, renewal, denial, revocation, suspension, annulment, or modification

of any license, permit, approval, exemption, waiver, certificate or other form of permission or of an adjudicatory matter; and the assessment of any special benefit acts. Further, Section (X)(v) states that the powers granted under this Section shall not be construed to "grant the County powers in any substantive area not otherwise granted to the County by other public general or public local law."

As counsel for the Petitioner points out, Maryland case law as recently as the case of Halle v. Crofton Civic Association, 339 Md. 131 (1995) restates the clearly accepted principle of long-standing that a Board of Appeals is a "statutory creature" and only exercises those powers expressly granted to it or those which can be fairly implied. Id. at 169.

The Board unanimously believes that the rights and prerogatives of all parties to this matter relative to the easement granted Protestant are not, therefore, questions properly within the jurisdiction of the Baltimore County Board of Appeals. The issue of rights under an easement is clearly a real property matter, and as such should be reviewed and resolved by a law court of competent jurisdiction. We are not unmindful of the argument that any relief we may grant herein could be altered, adversely affected or rendered a nullity by a subsequent ruling in a law court as to the rights of the parties by virtue of the underlying easement. That does not, however, remove from this Board its prerogatives and responsibilities as to those issues we feel are properly before us for adjudication. Certainly, the risks that any

future Court ruling may alter what we do here are borne knowingly by the Petitioners.

Turning therefore to the issues before the Board, we unanimously agree that the question of the necessity of a variance in this matter is, in fact, moot. We agree with the Zoning Commissioner that the area regulations under the BCZR relate to "residences" and "buildings" (as set forth in Section 238.2). Those terms, as defined in Section 101 of the Code, clearly reveal that the signs which are the subject of this case do not fall within the definitions of "building" or "residences" and are, thus, not structures requiring variance relief. It is further interesting to note that neither counsel in their closing argument Briefs has taken issue with what we believe is the clear result of the reading of the above Sections.

We turn finally to the Petition for Special Exception requested by Petitioner. The Baltimore County Zoning Regulations, in Sections 413.3 and 413.5, clearly set forth the requirements of the Code as they relate to outdoor advertising signs. Both Mr. Southern and Mr. Monk testified at great length as to the compliance of the Petitioner with those requirements. Their testimony was clear, unequivocal, and was neither contradicted nor contested by the Protestant in any way. A review of the testimony and exhibits convinces the Board that the Petitioner has complied with those Sections as required.

Special exceptions are the subject of Section 502.1 of the BCZR, and were most recently discussed by the Court of Special

MICROFILMED

Appeals in Mossburg v. Montgomery County, 107 Md.App. 1 (1995). In that opinion, the Court noted that special exception uses are presumptively permissible as part of the overall zoning scheme and that a legislative body, by designating a use as a special exception, has deemed it to be generally compatible with the other uses. Id. at 8. The issue is not whether the special exception use will cause an adverse effect; that impact is assumed by virtue of the fact that the use is classified as a special exception use in the first instance. Id. at 8-9. The question is whether such adverse impact at a particular location is greater than the impact associated with the requested use elsewhere in the zone.

Testimony and exhibits presented clearly establish that the requested signs are permitted as a special exception use at the site requested if in compliance with the law and applicable regulations. We find as a fact that the proposed site is in an industrial area and that the requested special exception would have an impact no worse there than at any other location within the zone. Moreover, Mr. Monk specifically addressed each of the requirements set forth in Section 502.1 as to the compliance of the proposed special exception use with each of the applicable requirements set forth therein. Once again, Protestant presented no evidence contradicting or questioning in any significant manner Petitioner's testimony as to its compliance with the requirements of case law or standards set forth in Section 502.1 of the Code.

Therefore, we find unanimously that the Petition for Special Exception should be granted. Our review of the exhibits and

MICROFILMED

testimony leads us, however, to note with approval the restrictions suggested by the Zoning Commissioner as to the aesthetic nature of the proposal and the need to provide additional landscaping as a buffer between the back of the signs proposed and the adjoining Residence Inn. We, therefore, also find unanimously that, if permitted by the adjoining property owner, the Petitioner shall install additional landscaping to buffer the back of the signs from the Residence Inn property next door. If that owner does agree to such a landscaping, the Petitioner shall submit a landscape plan to the County's Landscape Architect for review and approval. That plan shall provide for the buffering of the rear of the signs from the Residence Inn and other properties to the North of the site as well as southbound traffic on Beaver Dam Road. If so agreed by the adjoining owner, we also find unanimously that, when applying for any permit, the site plan and landscaping plan filed must reference this case and set forth and address the requirements noted herein.

O R D E R

THEREFORE, IT IS THIS 9th day of September, 1997 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit two side-by-side, single-faced outdoor advertising signs, 12 feet by 25 feet in dimension, pursuant to Section 413.3 of the Baltimore County Zoning Regulations be and the same is hereby GRANTED, subject to the following restrictions:

1. If permitted by the adjoining property owner, the Petitioner shall install additional landscaping to buffer the back of the signs from the Residence Inn property next door. If that

MICROFILMED

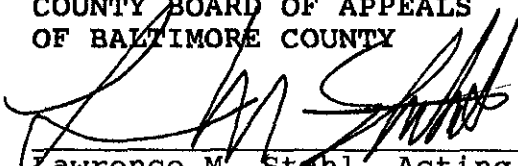
owner does agree to such landscaping, the Petitioner shall submit a landscape plan to the County's Landscape Architect for review and approval. That plan shall provide for the buffering of the rear of the signs from the Residence Inn and other properties to the north of the site as well as southbound traffic on Beaver Dam Road.

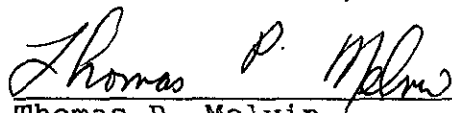
2. When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the BCZR be and is hereby DISMISSED AS MOOT.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Acting Chairman


Thomas P. Melvin


Harry E. Buchheister, Jr.

MICROFILMED



County Board of Appeals of Baltimore County

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

September 9, 1997

Jo fs
file

97-4760

Michael J. Collins, Esquire
100 Light Street
Suite 1100
Baltimore, MD 21202-1053

RE: Case No. 97-67-XA
Joshua F. Cockey -Legal Owner;
Penn Advertising /Universal Outdoor

Dear Mr. Collins:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Beaver Dam, LLC
S. Stansbury Brady, Jr., Esquire
Stanley Fine, Esquire
Joshua Cockey -Legal Owner
Steve Southern
Penn Advertising /Universal Outdoor
Hardage Suite Hotels /Peter J. Kruse, Vice President
William Monk /Land Use Consultant
People's Counsel for Baltimore County
Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt, Zoning Commissioner
Virginia W. Barnhart, County Attorney

MICROFILMED

LAW OFFICES
THOMAS & LIBOWITZ, P.A.
A PROFESSIONAL ASSOCIATION

USF&G TOWER

SUITE 1100

100 LIGHT STREET

BALTIMORE, MARYLAND 21202-1053

(410) 752-2468

FAX (410) 752-2046

(410) 752-2049

STEVEN ANARGYROS THOMAS**
MICHAEL S. LIBOWITZ
ROBERT J. LYNOITT*
JOHN R. WISE
CLINTON R. BLACK, IV
PETER W. FALIAFERRO
THOMAS C. SWISS
MARGARET L. ARGENT***
MICHAEL J. COLLINS
C. WAYNE DAVIS
DAVID P. CHAISSON
JAMES E. MYERS

COUNSEL
BASIL A. THOMAS
SUSAN M. RIITENHOUSE

* ALSO MEMBER OF D.C. BAR
**ALSO MEMBER OF GA. BAR
*ALSO MEMBER OF VA. BAR

July 16, 1997

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

Re: Case No. 97-67-XA
Joshua F. Cockey - Legal Owner; Penn Advertising-
Contract Lessee (10706 Beaver Dam Road)

Dear Honorable Board:

On behalf of Beaver Dam L.L.C. enclosed please find original and three copies of Closing Memorandum in the above-referenced matter.

Very truly yours,

THOMAS & LIBOWITZ, P.A.


Michael J. Collins

MJC:rsa
Enclosures (4)
cc: Stanley S. Fine, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
JUL 17 PM 12:42

MICROFILMED

IN THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

IN THE MATTER OF:

*

JOSHUA F. COCKEY – LEGAL OWNER;
PENN ADVERTISING-CONTRACT LESSEE
(10706 Beaver Dam Road)

*

Case No. 97-67-XA

*

*

*

*

*

*

*

CLOSING MEMORANDUM

Beaver Dam L.L.C. ("Beaver Dam"), Protestant, by its undersigned counsel,
hereby files this Closing Memorandum

STATEMENT OF THE CASE

Beaver Dam is the fee simple owner of a large parcel of land located directly behind and adjacent to the property which is the subject of this appeal. As part of the conveyance of its land, Beaver Dam acquired an easement over the servient subject property for purposes of ingress and egress. It is uncontested that Beaver Dam has an express easement of twenty-five feet in width, precisely in the area where appellant intends to construct its sign. The uncontested evidence presented to the Board of Appeals is that the sign will occupy an area of five feet by fifty feet within the easement granted to Beaver Dam.

The proposed sign is not incident to the reasonable use of the easement for purposes of ingress and egress. In this respect, the sign can hardly be equated with the construction of a fence or speed bumps, each of which obviously has a purpose connected to and appurtenant to the use of an easement for entering or exiting a property. Furthermore, the proposed sign actually interferes with the use of the easement by extending into the area where vehicles, including large trucks, will be entering and exiting Beaver Dam's property. Finally, appellant has no legal right to request the

RECEIVED
COUNTY BOARD OF APPEALS
97 JUL 17 PM 12:42

MICROFILMED

Board's approval of the proposed sign because it unequivocally lacks Beaver Dam's permission to use the easement for purposes other than ingress and egress. Simply stated, placement of a large billboard sign in the path of Beaver Dam's easement, without the permission of Beaver Dam, should not be permitted by the Board.

DISCUSSION

1. The Board Does Not Have Authority To Grant A Special Exception To Appellant Until The Appellant Establishes Its Requisite Property Interest Permitting Construction Of The Proposed Sign.

The Board's authority is clearly limited to those issues concerning Zoning and Planning, and it may not exercise authority over matters pertaining to areas of the law over which its powers cannot be fairly implied. Halle v. Crofton Civic Ass'n, 339 Md. 131 (1995). Obviously, the Board cannot make rulings concerning substantive areas of the law outside of the authority directed conferred upon it by the Express Powers Act, the Baltimore County Zoning Regulations and other public general or public local law. See Md. Code (1957, 1997 Repl. Vol.), Art. 25A, Section 5(U); BCZR. In this respect, Beaver Dam does not contend that the Board should make a substantive ruling regarding its easement. As a matter of law, Beaver Dam has the right to utilize its easement to the full extent permitted by its express grant.

However, this case involves a contract lessee's right to utilize Beaver Dam's easement for purposes other than ingress and egress. It is uncontested that the proposed sign will occupy at least a part of the easement intended specifically and solely for entering and exiting Beaver Dam's property. It is also uncontested that Beaver Dam has declined to permit construction of the sign in this area. Given these uncontested facts, the Board should not confer any right or apparent right upon Universal Sign permitting construction of the sign. Unless and until appellant demonstrates its requisite property

right to construct the sign, this Board should exercise its authority to withhold zoning approval of the sign.

2. **The Proposed Use Of The Easement For A Billboard Is Not An Allowable Use**

Under Maryland law, the language of an express grant of an easement governs the scope and extent of the easement. Parker v. T & C Development Corp., 281 Md. 704, 709 (1978). Here, the Beaver Dam easement states, in pertinent part:

“...the Grantor hereby grants unto the Grantee, its successors and assigns, an easement or right-of-way over and upon the following described twenty-five (25) foot wide strip of land to be used in common with others entitled thereto for ingress and egress to and from Beaver Dam Road...”

The grant has an express restriction: the easement is to be used for purposes of ingress and egress – and for no other purposes, such as the erection of a sign by the servient estate within the twenty-five foot strip of land designated as Beaver Dam’s right of way. In this respect, Maryland law is absolutely clear: “the owner of a servient tenement cannot close or obstruct the easement against those who are entitled to its use in such manner as to prevent or interfere with their reasonable use.” Maddran v. Mullendore, 206 Md. 291, 297 (1955). In fact, Maryland recognizes that a grant of a right of way entitles the holder to “maintain, improve, or repair the way to serve its purposes.” See Wagner v. Doebling, 315 Md. 97, 104 (1989). This is precisely what Beaver Dam intends to do when it constructs its roadway leading into its property.

Here, Beaver Dam intends to construct a roadway as wide as possible in order to accommodate its trucks and news vehicles entry to the dominant estate. Appellant’s expert witness conceded during his testimony before the Board that the maximum use of Beaver Dam’s easement would be construction of a roadway twenty-one feet in width, assuming the County Planning Office required a four foot green strip between the subject property and its neighbor to the North. The proposed sign, however, requires five feet in

MICROFILMED

width for its construction -- leaving at least one foot encroaching on to the roadway for fifty feet. This dangerous condition will interfere with Beaver Dam's road and means of ingress and egress. Certainly, there is a potential for one of Beaver Dam's trucks to strike against the proposed sign while entering the property at the same time another vehicle may be exiting the premises. Obviously, the sign, which has no legitimate purpose associated with the use of the easement -- it is a mere commercial billboard sign -- will be a hazard and a danger to anyone attempting to utilize Beaver Dam's road unaware of the sign's obstruction of the road. The sign, therefore, will have an adverse effect not associated with other signs constructed in the subject zoning district. Under these circumstances, the Board should deny the request for special exception and not permit the proposed sign to be erected in the easement area.

CONCLUSION

For all the foregoing reasons, the Board should deny Appellant's Petition for Special Exception.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Collins', written over a horizontal line.

Michael J. Collins
Thomas & Libowitz, P.A.
Suite 1100
100 Light Street
Baltimore, Maryland 21202

(410) 752-2468

Counsel for Beaver Dam L.L.C.

LMB

LAW OFFICES

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.

TENTH FLOOR-SUN LIFE BUILDING

20 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201-3220

CHARLES B HEYMAN
MANNES F GREENBERG
WILLIAM H ENGELMAN
HERBERT J BELGRAD
ABRAHAM L ADLER
MARK D DOPKIN
STANLEY S FINE
SEARLE E MITNICK
LOWELL G HERMAN
DANIEL S KATZ
MICHAEL D BERMAN
BARRY WEISKOPF

(410) 539-6967

FACSIMILE

(410) 752-0685

SOLOMON KAPLAN

1918-1988

MICHAEL L FOREMAN
RICHARD D ROSENTHAL
OF COUNSEL

LISA L JABLONOVER
LEE B RAUCH
MARYANN S COHEA
HILARY M JONES

*ALSO MEMBER OF PENNSYLVANIA BAR

July 15, 1997

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

By Hand Delivery

Re: Case No. 97-67-XA
JOSHUA F. COCKEY-Legal Owner; PENN ADVERTISING-Contract Lessee
(10706 Beaver Dam Road)

Dear Honorable Board:

On behalf of Appellant Universal Outdoor, Inc., I am enclosing herewith an original and three copies of a Closing Memorandum in the above matter.

Sincerely,


Stanley S. Fine

SSF:glc

Enclosure

cc: Michael J. Collins, Esquire (w/enclosure)
Mr. Steven Southern (w/enclosure)

62:11W 91 700 76
97 JUL 15 AM 11:29
RECEIVED
COUNTY BOARD OF APPEALS

MICROFILMED

97 JUL 15 AM 11:30

IN THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

IN THE MATTER OF:

*

JOSHUA F. COCKEY--LEGAL OWNER;
PENN ADVERTISING--CONTRACT LESSEE,
(10706 BEAVER DAM ROAD)

*

CASE NO. 97-67-XA

*

* * * * *

CLOSING MEMORANDUM

Universal Outdoor, Inc., successor to Penn Advertising of Baltimore, Inc., by its attorneys, Stanley S. Fine, Hilary M. Jones, and Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., hereby files this Closing Memorandum.

STATEMENT OF CASE

On June 19, 1997, Appellant Universal Outdoor, Inc., presented testimony in support of its Petition for a Special Exception through its General Manager, Steven Southern, and Land Planning Expert Witness, Mr. William Monk. The testimony indicated that Appellant requested a special exception to permit two, side-by-side, single-faced outdoor advertising signs, 12 feet by 25 feet in dimension (300 square feet each) at the subject property, 10706 Beaver Dam Road. Testimony and evidence in the form of Exhibits offered in support of the Petition indicated that the signs will be erected within 4 feet 4 inches of the north side property line facing the Residence Inn property. In addition, Mr. Monk testified extensively regarding the requirements of §§ 413.3 and 413.5 of the Baltimore County Zoning Regulations ("BCZR") relating to outdoor advertising signs, as well as § 502.1 of the BCZR concerning the requirements for a special exception. Mr. Monk's testimony regarding compliance with these sections was not contradicted by Protestant, Beaver Dam LLC.

MICROFILMED

Protestant only opposed Appellant's Petition as to its relationship to a 25-foot right of way on the north side of the property. Protestant argued that Appellant could not erect the two signs within the 25-foot right of way.

With regard to a possible variance from the BCZR to permit a sideyard setback of 2 feet in lieu of the required 30 feet for the proposed placement of the two signs, Appellant adopted the position of the Zoning Commissioner in the Commissioner's Decision, dated October 2, 1996; namely, that the variance relief is not required, since the proposed billboards were neither a residence nor a building. See pages 4 and 5 of the Zoning Commissioner's Decision, dated October 2, 1996 (an Exhibit in this matter).

After hearing all the testimony, the County Board of Appeals of Baltimore County (the "Board") decided that the parties should submit a Closing Memorandum prior to the public deliberation by the Board of this matter.

I. QUESTIONS PRESENTED

1. Whether the Board should grant Appellant's Petition for Special Exception to permit two, side-by-side, single-faced outdoor advertising signs, 12 feet by 25 feet in dimension (300 square feet each).

2. Whether the Board has the authority under the Express Powers Act, Md. Code (1957, 1997 Repl. Volume), Art. 25A, § 5(U), to decide an issue which involves the determination of the extent and nature of an easement.

3. Assuming *arguendo* that the Board has the authority to decide an issue relating to an easement, whether the use by the owner of a servient estate of 4 feet 4 inches of a 25-foot easement

area for purposes of erecting billboards, where the deed of easement specifically allows the owner of the dominant estate to use the easement area for ingress and egress, is an allowable use.

II. DISCUSSION

1. Whether the County should grant Appellant's Petition for Special Exception to permit two, side-by-side, single-face outdoor advertising signs, 12 feet by 25 feet in dimension (300 square feet each).

The Board should grant Appellant's Petition for Special Exception.

The Board heard ample testimony by the General Manager of Appellant and its Land Planning Expert Witness to support a decision to grant Appellant's Petition for Special Exception. The testimony and evidence presented was undisputed and uncontradicted by the Protestant. The testimony and evidence shows compliance with §§ 413.3 and 413.5 of the BCZR. The testimony and evidence also shows that the standards for granting a petition for special exception governed by § 502.1 of the BCZR were met.

The law of special exceptions was recently discussed by the Court of Special Appeals in Mossberg v. Montgomery County, 107 Md. App. 1 (1995). Therein, the court noted that special exception uses are considered presumptively permissible as part of the overall zoning scheme and that the legislative body, by designating a use as a special exception, has deemed it generally compatible with the other uses. *Id. at 8*. In addition, it is not whether the special exception use will cause an adverse affect; such impact is assumed by virtue of the fact that the use is classified as a special exception use in the first instance. *Id. at 8-9*. The issue in the case at bar is whether the adverse impact caused by the proposed signs at the subject location is worse than the impact

associated with such signs elsewhere in the zone. The testimony and evidence show that the proposed signs are no different impact-wise than signs ordinarily associated with such use.

In essence, Appellant has shown compliance with the necessary sections of the BCZR by testimony and evidence which is uncontradicted, and because of a presumption that special exception uses are permissible in the subject zoning district, the Board should grant Appellant's Petition for Special Exception.

2. Whether the Board has the authority under the Express Powers Act, Md. Code (1957, 1997 Repl. Volume), Art. 25A, § 5(U), to decide an issue which involves the determination of the extent and nature of an easement.

The County Board of Appeals is not the Proper Forum to Consider Issues Concerning Easements.

Under the Express Powers Act (the "Act"), each county is authorized to create a board of appeals. Md. Code (1957, 1997 Repl. Vol.), Art. 25A, Section 5(U). The County Board of Appeals of Baltimore County was created pursuant to such authority to hear all appeals authorized by the Act. Section 5(U) provides that a county board of appeals may make a decision:

...on petition by any interested person and after notice and opportunity for hearing and on the basis of the record before the board, of such of the following matters arising (either originally or on review of the action of an administrative officer or agency) under any law, ordinance, or regulation of, or subject to amendment or repeal by, the county council, as shall be specified from time to time by such local laws enacted under this subsection: An application for a zoning variation or exception or amendment of a zoning ordinance map; the issuance, renewal, denial, revocation, suspension, annulment, or modification of any license, permit, approval, exemption, waiver, certificate, or other form of permission or of any adjudicatory matter; and the assessment of any special benefit tax...

Section 5(X)(v), entitled "Planning and Zoning," further states that the powers granted to the county pursuant to this paragraph relating to zoning and planning shall not be construed to "grant to the county powers in any substantive area not otherwise granted to the county by other public general or public local law."

Maryland case law is in accord with the view that an administrative body such as the Board has limited authority. In Halle v. Crofton Civic Ass'n, 339 Md. 131 (1995), the court noted that the Board of Appeals is a "statutory creature" and may only exercise those powers expressly granted to it as those which can be fairly implied. *Id.* at 168 (citing Baylis v. Mayor & City Council of Baltimore, 219 Md. 164 (1959)). Based on the language of the Act and the BCZR, it is clear that the Board has not been expressly granted the power to rule on issues concerning the extent and nature of an easement. Furthermore, issues surrounding the validity or extent of easements cannot be fairly implied from the express powers. Such issues must be properly brought in a court of competent jurisdiction since they involve analysis of deed construction and substantive law outside the realm of zoning matters.

Appellant's position in this issue is further supported by the fact that the Zoning Commissioner, although specifically requested to do so by the Protestant, did not address the issue of the extent and nature of the easement.

3. Assuming *arguendo* that the Board decides that it has authority to address the issue of the extent and nature of the easement, whether the proposed use of the easement area for Appellant's billboards is an allowable use.

The proposed use of the easement for Appellant's billboards is an allowable use.

An easement (i) is an interest in land in the possession of another which entitles the owner of such an interest to a limited use or enjoyment of the land in which the interest exists; (ii) which can be protected against interference in such use or enjoyment by third parties; (iii) which cannot be terminated at the will of the possessor of the servient land; (iv) which is not a normal incident of a possessory land interest; and (v) which is capable of creation by conveyance. Restatement of Property, Ch. 37, Section 450. As a non-possessory interest, the owner of an easement is not entitled to the protection which is given to those having possessory interests. Restatement of Property, Section 450, comment b. The Restatement goes on to state:

A person who has a way over land has only such control of the land as is necessary to enable him to use his way and has no such control as to enable him to exclude others from making any use of the land which does not interfere with his.

Id.

Where an easement is acquired by an express grant, the scope and extent of the easement depend on the construction and language of the deed conveying it. Parker v. T&C Development Corp., 281 Md. 704, 709 (1978) (hereinafter, "Parker"); Fedder v. Component Structures Corp., 23 Md. App. 375, 379 (1974). The Parker court stated that the plain meaning of the words should govern, but if there is ambiguity in the wording of the deed, the court should ascertain and give effect to the intention of the parties at the time the contract was made. *Id.* at 709. In the case at bar, the specific language of the Deed of Easement (a copy of which is attached hereto and incorporated herein as Exhibit A) (hereinafter, the "Deed") indicates that the purpose of the easement is simply and solely to provide for ingress and egress to Beaver Dam Road. The Deed states:

"...the Grantors hereby grant and convey unto the Grantee, its successors and assigns, an easement or right-of-way over and upon

the following described twenty-five (25) foot wide strip of land to be used in common with others entitled thereto for ingress and egress to and from Beaver Dam Road..." (emphasis added).

In Millson v. Laughlin, 217 Md. 576 (1957) (hereinafter "Millson"), the court stated that the "owner of the dominant estate is entitled to use the easement only in such manner as is fairly contemplated by his grant, whether express or implied, and the owner of the servient tenement is entitled to use and enjoy his property to the fullest extent consistent with the reasonably necessary use thereof by his neighbor in accordance with the terms and conditions of the grant." *Id.* at 585. The court went on to say that while an express restriction in an easement must be honored, "...there is nothing in the nature of a right reserved or an easement, apart from the express prohibition, which prevents all change during the course of its enjoyment." *Id.* at 586. While the Millson court's holding was confined to an easement to allow for the maintenance of pipes, the same principles have been applied to right of ways.

In Everdell v. Carroll, 25 Md. App. 458 (1975), the court held that a dominant estate holder could not prevent the servient estate holder from maintaining obstructions within a right of way where an express easement had been granted. In that case, the deed stated that there was a "right of ingress to and egress from the above described property..." *Id.* at 460. Everdell, the owner of the dominant estate, sought to enjoin Carroll, the owner of the servient estate, from placing "bumps" and "barriers" along the lane which comprised the easement area. *Id.* at 462. The court found that the recited clause in the deed granted a right of way only. *Id.* The court noted that the deed evidenced a clear intent to retain to the servient estate holder "such other rights or benefits of his fee simple estate as were not inconsistent with such grant." *Id.*

In allowing Everdell to maintain barricades which did not impede ingress or egress, the court noted with approval the earlier holding in Bosley v. Susquehanna Canal, 3 Bland 63, 67 (1829), in which that court stated:

A right of way, whether public or private, is essentially different from a fee simple right to the land itself over which the way passes. A right of way is nothing more than a special and limited right of use; and every other right or benefit derivable from the land, not essentially injurious to, or incompatible with the peculiar use called the right of way, belongs as absolutely and entirely to the holder of the fee simple as if no such right of way existed.

Id. at 462.

Likewise, in Drolsum v. Luzuriaga, 93 Md. App. 1 (1992), the Court of Special Appeals addressed whether a servient estate owner may place gates or other obstructions on a right of way. The court noted that the grant of an easement across a servient owner's land does not imply that the grantor may not erect gates. *Id.* at 17. The court noted with approval to the earlier holding in Bishield v. Campbell, 200 Md. 622, 624-625 (1952), in which the Court of Appeals stated that:

A right of way is merely a right of passage and the owner of the land is entitled to use it for any purpose that does not unreasonably interfere with the use of the easement. Hence, it is held in this State that, in the absence of any agreement or surrounding circumstances to the contrary, the owner of the servient estate has the right to maintain gates on a right of way. . .

Id.

Finally, in Tanaka v. Sheehan, 589 A.2d 391 (D.C. App. 1991) (hereinafter, "Tanaka"), the court interpreted the language of an easement contained within a deed to allow for the erection of a gate. In that case, the deed in question conveyed "a right of way for the purpose of ingress and egress" over a fifteen foot wide lot. *Id.* at 392. The owner of the servient estate sought to have a

gate erected across the western portion of the easement. *Id.* at 393. The structures upon which the gate would hang would extend approximately 3-1/2 feet onto the easement area. *Id.* The court allowed the servient owner's proposed obstruction, stating that a "grant of a right of way for ingress and egress without any limiting language does not prevent the servient owner from constructing gates or fences." *Id.* at 396.

The Tanaka court noted that based on the language contained in the Deed, which language was very similar to the language in the Deed in the case at bar, all the dominant estate holder could reasonably expect is that they would be able to use the easement for ingress and egress, and that a gate or fence is not inconsistent with such a purpose. *Id.* at 396. Significantly, the court also noted that the reference in the deed to the fifteen foot area does not prohibit any encroachment into the easement area. *Id.* The court states:

The measurements merely describe the area for identification purposes and do not evidence an intent to grant a right of use of the full fifteen feet. The right of way reserved in appellees' deed provides for a base right of way; it contains no reservation for a free right of way. . . . or a requirement that the easement area not be "incumbered in any way."

Id.

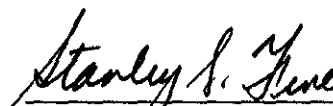
The court stated that there must be a balancing test applied to weigh the interests of the dominant and servient estate holders. *Id.* at 397 (citing Everdell, 25 Md. App. at 465). The court must consider whether the gate or other obstruction is usual and proper under the circumstances and the servient owner's need must be balanced against the extent of the interference with the reasonable use of the right of way. *Id.*

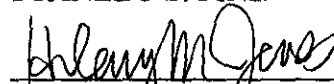
Unlike a gate or fence, the billboard would present absolutely no interference with the Protestant's right to ingress and egress. The clear and unambiguous language of the Deed suggests that the sole purpose of the easement is to allow for egress and ingress from Beaver Dam Road.

Maryland case law, as well as case law in other jurisdictions, clearly supports the notion that minor encroachments or obstructions into the easement area are allowable unless expressly prohibited by the conveying deed if such encroachments do not impair the dominant estate owner's ability to use the easement area for the purposes set forth in the deed. In the case at bar, the encroachment consists of only a four foot area, which encroachment would not prevent Protestant from ingress and egress, and should be allowed. The Protestant would still have a right of way 25 feet in width except for a portion that is 20 feet 8 inches in width, both widths meeting Baltimore County requirements for a 2-way private driveway off 20 feet as provided by § 409.4a of the BCZR.

CONCLUSION

For all of the foregoing reasons, the Board should grant Appellant's Petition for Special Exception.


STANLEY S. FINE


HILARY M. JONES

Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A.
KAPLAN, HEYMAN, GREENBERG,
ENGELMAN & BELGRAD, P.A.

Sun Life Building, 10th Floor
20 South Charles Street
Baltimore, Maryland 21201
Telephone: (410) 539-6967

Attorneys for Appellant Universal Outdoor,
Inc.

RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE

SW/S Beaver Dam Road, 385' SE of
c/l Cockeysville Road
(10706 Beaver Dam Road)
8th Election District -
4th Councilmanic District

Joshua F. Cockey, Legal Owner
Penn Advertising/Steven Southern,
Contract Lessee

*

*

*

*

*

*

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-67-XA

Decision dated
October 2, 1996

*

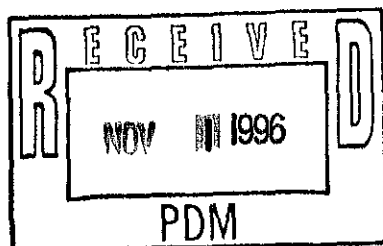
*

NOTICE OF APPEAL

Appellant, Beaver Dam LLC, by its undersigned counsel, hereby
files this Notice of Appeal of the decision of the Zoning
Commissioner in the above captioned case, and states as follows:

1. Beaver Dam is the owner of a lot adjacent to the property
which is the subject of the Petitions for Special Exception and
Variance and is aggrieved by the decision of the Zoning
Commissioner dated October 2, 1996.

2. Beaver Dam LLC's address is 10708 Beaver Dam Road,
Baltimore County, Maryland. All correspondence to Beaver Dam LLC
should be directed to THOMAS & LIBOWITZ, P.A., USF&G Tower, Suite
1100, 100 Light Street, Baltimore, Maryland 21202-1053, (410) 752-
2468, attn. Michael J. Collins.



A handwritten signature in cursive script, appearing to read "Michael J. Collins".

Michael J. Collins
THOMAS & LIBOWITZ, P.A.
USF&G Tower, Suite 1100
100 Light Street
Baltimore, Maryland 21202-1053
(410) 752-2468

Attorneys for Appellant, Beaver Dam
LLC

MICROFILMED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of November, 1996, a copy of this Notice of Appeal was mailed to Stanley Fine, Esq., 20 S. Charles Street, 10th Floor, Baltimore, Maryland 21201, counsel for Appellee.

A handwritten signature in cursive script, appearing to read "M. J. Collins", written over a horizontal line.

Michael J. Collins



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 2, 1996

Stanley Fine, Esquire
20 S. Charles Street, 10th Floor
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SW/S Beaver Dam Road, 385' SE of c/l Cockeysville Road
(10706 Beaver Dam Road)
8th Election District - 4th Councilmanic District
Joshua F. Cockey, Legal Owner; Penn Advertising, Contract Lessee
Case No. 97-67-XA

Dear Mr. Fine:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Joshua Cockey
P.O. Box 123, Cockeysville, Md. 21030

Mr. Steve Southern, General Manager, Penn Advertising, Inc.
3001 Remington Avenue, Baltimore, Md. 21211

Michael J. Collins, Esquire
100 Light Street, Suite 1100, Baltimore, Md. 21202-1053

S. Stansbury Brady, Jr., Esquire, c/o The Ward Machinery Company
10615 Beaver Dam Road, Cockeysville, Md. 21030

People's Counsel; Case File

MICROFILMED

9 18-96

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
10706 Beaver Dam Rd., SW/S Beaver Dam Rd, * ZONING COMMISSIONER
385'+/- SE of c/l Cockeysville Road *
8th Election District, 4th Councilmanic * OF BALTIMORE COUNTY

Legal Owner(s): Joshua F. Cockey * CASE NO. 97-67-XA
Lessee: Penn Advertising *
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 18th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to William Monk, Inc., 222 Bosley Avenue, C-6, Towson, MD 21204, representative for Petitioners, and to Stanley Fine, Esq., 20 S. Charles Street, 10th Floor, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

68



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

10706 BEAVER DAM ROAD

which is presently zoned

ML-IM

97-67-XA

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

2 SINGLE FACE (SIDE BY SIDE) 12' X 25' (300 SQ. FT. EACH) OUTDOOR ADVERTISING SIGNS PER SECTION 413.3 BCZR

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

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

I/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:

PENN ADVERTISING/STEVE SOUTHERN

(Type or Print Name)

Signature

3001 REMINGTON AVENUE

Address

BALTIMORE

City

MD

State

21211

Zipcode

Attorney for Petitioner:

STANLEY FINE

(Type or Print Name)

Signature

20 S. CHARLES ST. 10TH FL. 410-539-6967

Address

Phone No.

BALTIMORE

City

MD

State

21201

Zipcode

Legal Owner(s):

JOSHUA F. COCKEY

(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. BOX 123

Address

410-771-1230

Phone No.

COCKEYSVILLE

City

MD

State

21030

Zipcode

Name, Address and phone number of representative to be contacted.

WILLIAM MONK, INC.

Name

222 BOSLEY AVENUE C-6 410-494-8931

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
No REVIEW
8/8/96
WCR



MICROFILMED

68



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

10706 BEAVER DAM ROAD

97-67-XA

which is presently zoned

ML-IM

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)

255.1 AND 238.2 TO PERMIT A SIDE YARD SETBACK OF 2' IN LIEU OF THE REQUIRED 30'

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

PLACEMENT OF THE SIGN OUTSIDE THE 30' SIDE YARD SETBACK AREA WOULD POSE A TRAFFIC SAFETY CONDITION BY NECESSITATING THAT THE SIGN BE LOCATED WITHIN THE EXISTING PARKING LOT.

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

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

Contract Purchaser/Lessee

PENN ADVERTISING/STEVE SOUTHERN

(Type or Print Name)

Steve D. Southern

Signature

3001 REMINGTON AVENUE

Address

BALTIMORE

MD

21211

City

State

Zipcode

Attorney for Petitioner

STANLEY FINE

(Type or Print Name)

Stanley Fine

Signature

20 S. CHARLES ST. 10TH FL. 410-539-6967

Address

Phone No

BALTIMORE

MD

21201

State

Zipcode

(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.

Legal Owner(s).

JOSHUA E. COCKEY

(Type or Print Name)

Joshua E. Cockey

Signature

(Type or Print Name)

Signature

P.O. BOX 123

Address

410-771-1230

Phone No

COCKEYSVILLE

City

MD

State

21030

Zipcode

Name, Address and phone number of representative to be contacted

WILLIAM MONK, INC.

Name

222 BOSLEY AVENUE C-6 410-494-8931

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

8/8/96
KCR



ZONING DESCRIPTION
PENN ADVERTISING
10706 BEAVER DAM ROAD
8TH ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND
(SIGN EASEMENT AREA)

97-67-XA

BEGINNING FOR THE SAME AT A POINT SOUTH 53 DEGREES 39 MINUTES 18 SECONDS WEST 85.00 FEET FROM THE WESTERN SIDE OF BEAVER DAM ROAD AND 385 FEET, MORE OR LESS, SOUTH OF THE CENTERLINE OF COCKEYSVILLE ROAD; THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES: (1) SOUTH 36 DEGREES 30 MINUTES 20 SECONDS EAST 15.00 FEET; (2) SOUTH 53 DEGREES 39 MINUTES 18 SECONDS WEST 55.00 FEET; (3) NORTH 23 DEGREES 48 MINUTES 57 SECONDS WEST 15.00 FEET; (4) NORTH 53 DEGREES 39 MINUTES 18 SECONDS WEST 15.00 FEET; TO THE PLACE OF BEGINNING.

CONTAINING 825 SQUARE FEET OF LAND, MORE OR LESS.



MICROFILMED

**ZONING DESCRIPTION
PENN ADVERTISING
10706 BEAVER DAM ROAD
8TH ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND**

97-67-XA

BEGINNING FOR THE SAME on the westernmost side of Beaver Dam Road 385 feet, more or less, south of the center line of Cockeysville Road; thence binding on the west side of Beaver Dam Road the four following courses and distances: (1) South 36 degrees 30 minutes 20 seconds East 270.00 feet, (2) South 53 degrees 39 minutes 18 seconds West 316.18 feet, (3) North 23 degrees 48 minutes 57 seconds West 276.59 feet, (4) North 53 degrees 39 minutes 18 seconds East 255.42 feet, to the place of beginning.

CONTAINING 1.77 acres of land, more or less.



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Elect. 4th Councilman
Posted for: Special Election / Variance for 2 '12x25' Outdoor Advertising signs
Petitioner: Tosh Coker / Penn Advertising
Location of property: 10706 Beaver Dam Rd
SWLS Beaver Dam Rd 385' + 1 SE of c/c Lockensville Rd
Location of Signs: South of Entrance Approx 20', Facing Beaver Dam Rd
Remarks: _____
Posted by: [Signature]
Signature: NATHAN STORAN
Date of return: 9/16/96
Number of Signs: 1 Penn Adv

MICROFILMED

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 108 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: #97-87-XA
(Item 68)
10706 Beaver Dam Road
SW/S Beaver Dam Road, 365'
+/- SE of c/1 Cockeysville Road
8th Election District
4th Councilmanic
Legal Owner(s):
Joshua F. Cockey
Lessee:
Penn Advertising
Special Exception: for 2 single face (side by side) 12 ft. x 25 ft. (300 sq. ft. each) outdoor advertising signs. Variance: to permit a side yard setback of 2 feet in lieu of the required 30 feet.
Hearing: Monday, September 16, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

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.

8/324 Aug 22

C76143

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/22, 1996

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 8/22, 1996.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

MICROFILMED

029803

AMOUNT \$ 425.00

FOR: Appeal # 97-67-XA

02899380106M1C1HRC 4421110
RA 0009144AMJ 04 96 MICROFILMED

RUE

029803

AMOUNT \$ 425.00

FOR: Accia 1 # 97-67-XA

0269180006RTCHRE \$421.00
EIA 0009114AN11 04:26

KIR

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

029802

DATE 11/1/96 ACCOUNT R-001-G-1-C

AMOUNT \$ 35.00

RECEIVED
FROM: _____

FOR: Appeal Sign

02A2180045N1CHRC

\$35.00

BA 0003:15PM 11-01-96

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 68 Petitioner: PENN ADVERTISING

Location: 10700 BEAVER DAM ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: NATE STERNER / PENN ADVERTISING

ADDRESS: 3001 REMINGTON AVE

BALTIMORE, MD 21211

PHONE NUMBER: 410-235-8820

MICROFILMED

CERTIFICATE OF POSTING

RE: Case No.: 97-67-XA

Petitioner/Developer: _____

Date of Hearing/Closing: _____

Baltimore County ~~_____~~
~~_____~~
~~_____~~
~~_____~~
Towson, MD 21204

BOARD OF APPEALS

Ladies and Gentlemen:

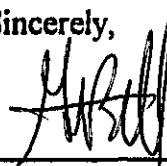
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

10706 Beaver Dam Rd

The sign(s) were posted on _____

12/20/96
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster and Date)

G M Bennett

(Printed Name)

Code Inspector

(Address)

(City, State, Zip Code)

(Telephone Number)

TO: PUTUXENT PUBLISHING COMPANY
August 22, 1996 Issue - Jeffersonian

Please forward billing to:

Nate Sterner
Penn Advertising
3001 Remington Avenue
Baltimore, MD 21211
235-8820

NOTICE OF HEARING

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

CASE NUMBER: 97-67-XA (Item 68)
10706 Beaver Dam Road
SW/S Beaver Dam Road, 385'+/- SE of c/l Cockeysville Road
8th Election District - 4th Councilmanic
Legal Owner(s): Joshua F. Cockey
Lessee: Penn Advertising

Special Exception for 2 single face (side by side) 12 ft. x 25 ft. (300 sq. ft. each) outdoor advertising signs.

Variance to permit a side yard setback of 2 feet in lieu of the required 30 feet.

HEARING: THURSDAY, SEPTEMBER 12, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

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.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

August 15, 1996

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: 97-67-XA (Item 68)
10706 Beaver Dam Road
SW/S Beaver Dam Road, 385'+/- SE of c/l Cockeysville Road
8th Election District - 4th Councilmanic
Legal Owner(s): Joshua F. Cockey
Lessee: Penn Advertising

Special Exception for 2 single face (side by side) 12 ft. x 25 ft. (300 sq. ft. each) outdoor advertising signs.

Variance to permit a side yard setback of 2 feet in lieu of the required 30 feet.

HEARING: THURSDAY, SEPTEMBER 12, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Joshua F. Cockey
William Monk, Inc.
Penn Advertising
Stanley Fine

- 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.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

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

August 20, 1996

NOTICE OF REASSIGNMENT

CASE NUMBER: 97-67-XA (Item 68)
10706 Beaver Dam Road
SW/S Beaver Dam Road, 385'+/- SE of c/l Cockeysville Road
8th Election District - 4th Councilmanic
Legal Owner(s): Joshua F. Cockey
Lessee: Penn Advertising

Special Exception for 2 single face (side by side) 12 ft. x 25 ft. (300 sq. ft. each) outdoor advertising signs.
Variance to permit a side yard setback of 2 feet in lieu of the required 30 feet.

HEARING: MONDAY, SEPTEMBER 16, 1996 at 9:00 a..m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
DIRECTOR

cc: Joshua F. Cockey
William Monk, Inc.
Penn Advertising
Stanley Fine, Esq.

MICROFILMED



PLUMBING PERMIT

PERMIT #: P279383 CONTROL #: 279383 DIST: 14 PREC: 00
 BUILDING PERMIT #: B279018 TAX ACCT #: 22000061620
 SEWAGE DISPOSAL: RECEIPT #: A3092246
 TYPE OF BUILDING: OFFICE
 AFFILIANT INFORMATION: NAME: STEPHEN MICHAEL
 COMPANY: CENTRAL AIR CONDITIONING
 ADDRESS: 9195 RED BRANCH RD
 ADDRESS: 21045
 PHONE #: 995-1800
 OWNERS INFORMATION: NAME: NOTTINGHAM VILLAGE INC.
 ADDRESS: 100 W. PENN AVE., 21204
 LOCATION OF PROPERTY: 8007 CORPORATE DR STE D
 SUBDIVISION: WHITE MARSH BUS COMM
 LOT #: BLOCK:
 TOWN OR VICINITY: WHITE MARSH
 SECTION:
 NO. OF GAS METERS:

GAS PERMIT: RANGE: WATER HEATER RTU
 FURNACE RTU
 OTHERS RTU
 SIZE OF PIPE

CAUTION: PLASTIC WATER SERVICE LINES WILL REQUIRE A REVIEW OF THE ELECTRICAL SYSTEM TO ASSURE PROPER GROUND. CONTACT AN ELECTRICAL CONTRACTOR.

CHECK HERE WORK BEING PERFORMED
 HOT WATER HEATER
 INSTALL NEW FIXTURES
 TOTALS
 17.00
 29.00
 46.00

NUMBER OF FIXTURES
 EX NEW REC REM
 TYPE OF FIXTURES
 NO. TOTAL
 000 001 000 KITCHEN SINK
 000 002 000 LAVATORY
 000 002 000 WATER CLOSET
 TOTALS
 000 000 000
 2.00 2.00
 2.00 2.00
 2.00 2.00
 8.00 8.00
 12.00 12.00

JOB NUMBER: DRAWING NUMBER: 89-1573-1



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 18, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-67-XA

IN THE MATTER OF: JOSHUA F. COCKEY -Legal Owner;
PENN ADVERTISING /STEVEN SOUTHERN -Contract Lessee
(10706 Beaver Dam Road) 8th E; 4th C

(Petition for Special Exception GRANTED with
restrictions; variance dismissed as moot.)

*P'd to
6/19/97 @
100 pm; reg of
Counsel for
Appellant*
ASSIGNED FOR: THURSDAY, MAY 22, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said
requests must be in writing and in compliance with Rule 2(b) of the
Board's Rules. No postponements will be granted within 15 days of
scheduled hearing date unless in full compliance with Rule 2(c). For
further information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellant /Protestant : Michael J. Collins, Esquire
Appellant /Protestant : Beaver Dam, LLC

Hardage Suite Hotels /Peter J. Kruse, Vice President

The Ward Machinery Company /S. Stansbury Brady, Jr., Esquire

Counsel for Petitioners : Stanley Fine, Esquire
Petitioners : Joshua Cockey -Legal Owner
Steve Southern /Penn Advertising

William Monk /Land Use Consultant

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



LAW OFFICES
THOMAS & LIBOWITZ, P.A.
A PROFESSIONAL ASSOCIATION

USF&G TOWER

SUITE 1100

100 LIGHT STREET

BALTIMORE, MARYLAND 21202-1053

(410) 752-2468

FAX (410) 752-2046

(410) 752-2049

STEVEN ANARGYROS THOMAS**
MICHAEL S. LIBOWITZ
ROBERT J. LYNOTT+
JOHN R. WISE
CLINTON R. BLACK, IV
PETER W. TALIAFERRO
THOMAS C. SWISS
MARGARET L. ARGENT***
MICHAEL J. COLLINS
C. WAYNE DAVIS
DAVID P. CHAISSON
JAMES I. MYERS

COUNSEL
BASIL A. THOMAS
SUSAN M. RITTENHOUSE

+ ALSO MEMBER OF D.C. BAR
**ALSO MEMBER OF GA. BAR
***ALSO MEMBER OF VA. BAR

March 31, 1997

County Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 97-67-XA In The Matter of Joshua F. Cockey
- Legal Owner; Penn Advertising/Steven Southern -
Contract Lessee (10706 Beaver Dam Road) 8th E; 4th
C - Petition for Special Exception

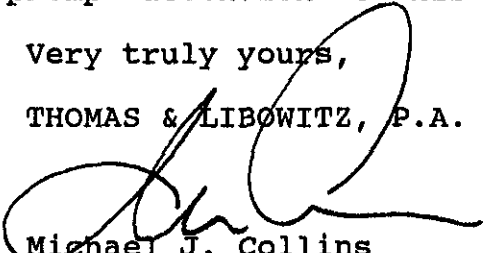
Dear Sir or Madam:

I am counsel for Appellant/Protestant Beaver Dam L.L.C. The date set for the appeal hearing on May 22, 1997 at 10:00 a.m. will conflict with a trial previously scheduled for May 21, 1997 in the case entitled: Early, Cassidy & Schilling, Inc. v. Supreme Limousine Service, Inc., in the Circuit Court for Charles County, Case no. 96-499. I represent the Defendants in this litigation and it is anticipated that trial will two days. I therefore respectfully request a brief continuance of the above captioned appeal hearing.

Thank you for your prompt attention to this request.

Very truly yours,

THOMAS & LIBOWITZ, P.A.



Michael J. Collins

MJC/jrh
cc: Stanley Fine, Esq.

MICROFILMED

pp to 6/19/97 @ 1⁰⁰ pm



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 3, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-67-XA

IN THE MATTER OF: JOSHUA F. COCKEY -Legal Owner;
PENN ADVERTISING /STEVEN SOUTHERN -Contract Lessee
(10706 Beaver Dam Road) 8th E; 4th C
(Petition for Special Exception GRANTED with
restrictions; variance dismissed as moot.)

which was scheduled for hearing on May 22, 1997 has been POSTPONED at the
request of Counsel for Appellant /Protestant due to Circuit Court conflict;
and has been

REASSIGNED FOR: THURSDAY, JUNE 19, 1997 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said
requests must be in writing and in compliance with Rule 2(b) of the
Board's Rules. No postponements will be granted within 15 days of
scheduled hearing date unless in full compliance with Rule 2(c). For
further information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellant /Protestant : Michael J. Collins, Esquire
Appellant /Protestant : Beaver Dam, LLC

Hardage Suite Hotels /Peter J. Kruse, Vice President

The Ward Machinery Company /S. Stansbury Brady, Jr., Esquire

Counsel for Petitioners : Stanley Fine, Esquire
Petitioners : Joshua Cockey -Legal Owner
Steve Southern /Penn Advertising

William Monk /Land Use Consultant

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



Case No. 97-67-XA

Penn Advertising /Steven Southern -C.L.
Joshua F. Cockey -L.O.

SW/4 Beaver Dam Road, 385' SE of c/l Cockeysville
Road (10706 Beaver Dam Road)

8th Election District Appealed: 11/1/96

(see attached vicinity map)

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

September 13, 1996

Stanley Fine, Esquire
20 S. Charles Street, 10th Floor
Baltimore, MD 21201

RE: Item No.: 68
Case No.: 97-67-XA
Petitioner: Joshua Cockey

Dear Mr. Fine:

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 August 8, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular official stamp. The stamp contains some text that is mostly illegible due to the signature and the quality of the scan.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: September 10, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

Based upon site analysis and the information provided, the Planning Office does not oppose the granting of the following petitions:

Item Nos. 64 and 68

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 08/15/96

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 MEETING OF AUG. 19, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 33, 55, 58, 60, 63, 64, 65, 66,
67, 68, 69 AND 71.

MICROFILMED

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

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

8-16-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 068 (WCR)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 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/es

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

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: August 23, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for August 26, 1996
 Item No. 068

The Development Plans Review Division has reviewed the subject zoning item. If granted, this office requests that the Hearing Officer requires conformance with the Landscape Manual's streetscape standards.

Sign "B" should not be located within the public right-of-way.

RWB:HJO:jrb

cc: File

ZONE23E

MICROFILMED

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

WILLIAM MONK, INC.

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES

68

TO: ZADM
FROM: Bill Monk
DATE: 8-8-96
RE: 10706 Beaver Dam Road
Drop Off Application

There are no outstanding violation notices or tax liens on the property.

This plan has been reviewed by John Lewis at the time of filing.

^
CURSOR

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

August 28, 1996

97-67-XA

William Monk
222 Bosley Avenue, C-6
Towson, MD 21204

RE: Drop-Off Petition Review (Item #68)
10706 Beaver Dam Road
8th Election District

Dear Mr. Monk:

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.

In what capacity is Steve Southern signing for Penn Advertising?

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

Very truly yours,

Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner
Stanley Fine, Esquire

MICROFILMED





Baltimore County
Department of Permits and
Development Management

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

November 7, 1996

Stanley Fine, Esquire
20 S. Charles Street
10th Floor
Baltimore, MD 21201

RE: Petition for Special
Exception and Variance
SW/S Beaver Dam Rd., 385'
SE of c/l Cockeysville Rd.
(10706 Beaver Dam Road)
8th Election District
4th Councilmanic District
Joshua F. Cockey - Legal
Owner
Penn Advertising/Steven
Southern - Contract Lessee
Case No. 97-67-XA

Dear Mr. Fine:

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 1996 by Michael J. Collins, Esquire of Thomas & Libowitz, P.A. on behalf of Beaver Dam LLC. 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,

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
Director

AJ:rye

c: S. Stansbury Brady, Jr., Esquire
People's Counsel

MICROFILMED



APPEAL

Petitions for Special Exception and Variance
SW/S Beaver Dam Road, 385' SE of c/l Cockeysville Road
(10706 Beaver Dam Road)
8th Election District - 4th Councilmanic District
Joshua F. Cockey - Legal Owner
Penn Advertising/Steven Southern - Contract Lessee
Case No. 97-67-XA

Petitions for Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners' Exhibits: 1 - Seven Photographs
2 - One Photograph
3 - One Picture
4 - Two Photographs
5 - Two Photographs
6 - Two Photographs
7 - Zoning Map
8 - Photographic Map
9 - Plan to Accompany Special Exception and
Variance
10 - Two Photographs
11 - Two Photographs
12 - One Picture

Protestants' Exhibits: 1 - Resubdivision Plat
2 - Copy of Deed
3 - Letter from Ed Haile to Carl Richards, Jr.
dated May 10, 1996
4 - Letter from Judith Berger to Lawrence
Schmidt dated September 12, 1996

Three Miscellaneous Correspondences

Zoning Commissioner's Order dated October 2, 1996 (Granted in
Part/Dismissed as Moot in Part)

Notice of Appeal received on November 1, 1996 from Michael J.
Collins, Esquire of Thomas & Libowitz, P.A. on behalf of Beaver Dam LLC

c: Mr. Joshua Cockey, P.O. Box 123, Cockeysville, MD 21030
Mr. Steve Southern, General Manager, Penn Advertising, Inc., 3001
Remington Avenue, Baltimore, MD 21211
Michael J. Collins, Esquire, 100 Light Street, Suite 1100,
Baltimore, MD 21202-1053
S. Stansbury Brady, Jr., Esquire, c/o The Ward Machinery Company,
10615 Beaver Dam Road, Cockeysville, MD 21030
Stanley Fine, Esquire, 20 S. Charles Street, 10th Floor,
Baltimore, MD 21201
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

APPEAL

Petitions for Special Exception and Variance
SW/S Beaver Dam Road, 385' SE of c/l Cockeysville Road
(10706 Beaver Dam Road)
8th Election District - 4th Councilmanic District
Joshua F. Cockey - Legal Owner
Penn Advertising/Steven Southern - Contract Lessee
Case No. 97-67-XA

✓ Petitions for Special Exception and Variance

✓ Description of Property

✓ Certificate of Posting

✓ Certificate of Publication

✓ Entry of Appearance of People's Counsel

✓ Zoning Advisory Committee Comments

Petitioners' Exhibits: ✓1 - Seven Photographs
✓2 - One Photograph
✓3 - One Picture
✓4 - Two Photographs
✓5 - Two Photographs
✓6 - Two Photographs
✓7 - Zoning Map
✓8 - Photographic Map
✓9 - Plan to Accompany Special Exception and Variance
✓10 - Two Photographs
✓11 - Two Photographs
✓12 - One Picture

Protestants' Exhibits: ✓1 - Resubdivision Plat
✓2 - Copy of Deed
✓3 - Letter from Ed Haile to Carl Richards, Jr. dated May 10, 1996
✓4 - Letter from Judith Berger to Lawrence Schmidt dated September 12, 1996

✓ Three Miscellaneous Correspondences

✓ Zoning Commissioner's Order dated October 2, 1996 (Granted in Part/Dismissed as Moot in Part)

✓ Notice of Appeal received on November 1, 1996 from Michael J. Collins, Esquire of Thomas & Libowitz, P.A. on behalf of Beaver Dam LLC
- Notice of Appeal (w/o Fee) Fee extd TO ZC by P.J. KRUSE, HARVAGE SUITE HOTELS
c: Mr. Joshua Cockey, P.O. Box 123, Cockeysville, MD 21030
Mr. Steve Southern, General Manager, Penn Advertising, Inc., 3001 Remington Avenue, Baltimore, MD 21211
* Michael J. Collins, Esquire, 100 Light Street, Suite 1100, Baltimore, MD 21202-1053
S. Stansbury Brady, Jr., Esquire, c/o The Ward Machinery Company, 10615 Beaver Dam Road, Cockeysville, MD 21030
Stanley Fine, Esquire, 20 S. Charles Street, 10th Floor, Baltimore, MD 21201
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

Case No. 97-67-XA

SE -to permit two, side by side, single-faced outdoor advertising signs pursuant to 413.3 of BCZR; VAR -side yard setbacks

10/02/96 -Zoning Commissioner's Order in which Petition for Special Exception was GRANTED with restrictions; Petition for Variance dismissed as moot (does not require such relief).

11/07/96 -T/C and follow-up memo from L. Schmidt regarding a letter from Peter J. Kruse regarding this decision and indicating his filing of appeal. Mr. Schmidt indicated that he has telephoned Mr. Kruse to indicate to him that the appeal should have gone through PDM, and also that the required appeal fee was not included with his letter, and further that the appeal may not be accepted due to not being filed in a timely fashion (Zoning Commissioner's Order dated 10/02/96; copy of Mr. Kruse's letter received by Zoning Commissioner's office 11/07/96 without required fee; FED-EX ship date showing as 11/05/96; correspondence dated 10/31/96; original letter, still without appeal fee, received by ZC 11/14/96).

2/05/97 -Review of cases for scheduling indicates that no fee was ever filed in this regard; no further response from Mr. Kruse as of this date.

3/18/97 -Notice of Assignment sent to following for hearing scheduled for Thursday, May 22, 1997 at 10:00 a.m.:

Michael J. Collins, Esquire

Beaver Dam, LLC

Peter J. Kruse /Hardage Suite Hotels

The Ward Machinery Company /S. Stansbury Brady, Jr., Esquire

Stanley Fine, Esquire

Joshua Cockey -Legal Owner

Steve Southern /Penn Advertising

William Monk /Land Use Consultant

People's Counsel for Baltimore County

Pat Keller

Lawrence E. Schmidt

Arnold Jablon, Director /PDM

Virginia W. Barnhart, Co Atty

4/01/97 -Request for postponement filed by Michael J. Collins, Esquire, counsel for Appellants /Protestants; conflict with previously scheduled Charles County Circuit Court case; to be granted.

4/03/97 -T/C to Stanley Fine, Esq. regarding above request; advised of available date on Board's docket; okay with him, his client and expert, in afternoon only. T/C to M. Collins; date also clear on his calendar; matter to be postponed and reassigned; Notice of PP and Reassignment sent to parties; matter rescheduled to Thursday, June 19, 1997 at 1 p.m.

6/19/97 -Hearing concluded before Board (L.M.B.); memos due from parties Tuesday, 7/15/97; to be deliberated Tuesday, 7/29/97; notice to be sent.

6/20/97 -Notice of Deliberation sent to parties; deliberation scheduled for Tuesday, July 29, 1997 at 10:00 a.m.

MICROFILMED

Page 2

Case No. 97-67-XA

Joshua F. Cockey -Legal Owner
Penn Advertising /Steven Southern -Contract Lessee

7/15/97 -Closing Memorandum filed by Stanley S. Fine, Esquire on behalf of Appellant, Universal Outdoor, Inc. (Penn Adv)

7/17/97 -Closing Memorandum filed by Michael J. Collins, Esquire by letter dated 7/16/97 on behalf of Beaver Dam LLC /Protestant. (Note: Memos due 7/15/97) Copies of Memos and individual notes sent to M and B; copies to L in office this date.

T/C from S. Fine; will be sending letter to CBA regarding late filing of Mr. Collins' Memorandum. To be sent by FAX 7/18/97.

7/18/97 -Letter by FAX from S. Fine regarding late filing of Memo by M. Collins.

7/28/97 -Public deliberation by Board; G -SE; Variance request moot; declined jurisdiction of easement issue. Written Opinion /Order to be issued; appellate period to run from date of written Order. (LBM)

MICROFILMED



County Board of Appeals of Baltimore County

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

June 20, 1997

NOTICE OF DELIBERATION

Having concluded this matter on June 19, 1997, deliberation has been scheduled by the Board as follows:

(NOTE: CLOSING MEMOS ARE DUE FROM COUNSEL ON TUESDAY, JULY 15, 1997; please submit Original and three (3) copies.)

JOSHUA F. COCKEY -Legal Owner; PENN ADVERTISING -Contract Lessee
CASE NO. 97-67-XA

DATE AND TIME : Tuesday, July 29, 1997 at 10:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellant /Protestant : Michael J. Collins, Esquire
Appellant /Protestant : Beaver Dam, LLC
Hardage Suite Hotels /Peter J. Kruse, Vice President
The Ward Machinery Company /S. Stansbury Brady, Jr., Esquire
Counsel for Petitioners : Stanley Fine, Esquire
Petitioners : Joshua Cockey -Legal Owner
Steve Southern /Penn Advertising
William Monk /Land Use Consultant
People's Counsel for Baltimore County
Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty

Copied: L.M.B.

MICROFILMED



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Joshua F. Cockey -L.O.; Penn Advertising, C.L.
Petitioners
Case No. 97-67-XA

DATE : July 28, 1997

BOARD /PANEL : Lawrence M. Stahl (LMS)
Harry E. Buchheister, Jr. (HEB)
Thomas P. Melvin (TPM)

SECRETARY : Charlotte E. Radcliffe
Legal Secretary

Those present at this deliberation included Stanley Fine, Esquire, on behalf of Petitioners. Counsel for Protestants did not appear. The Office of People's Counsel did not participate in these proceedings.

LMS: We are now in the deliberation stage of this case, and as is my normal practice as both the chairman of this particular Board and as an attorney, I always wish the record to reflect that in my feeling the open deliberation aspect of the law is one that I have never fully ascribed to. It's a creature of statute; a rule of the Circuit Court. I have made no secret of the fact that I think that in most cases it works to the detriment of the good; the carrying out of our duties, and that if our brethren and sisters in the Circuit Court, the Court of Special Appeals and the Court of Appeals had to labor under the same conditions, they might have more than a little difficulty with it. Having made those comments, and the law and case law requires that we do so, I will then continue.

This panel will have a discussion now; there are no comments, no questions, and no involvement from those who are in the hearing room.

HEB: Thank you for those comments Chairman Stahl. We have not discussed this case previously; I, therefore, begin with my understanding from the testimony and memorandums that were submitted. First, a brief review of the particulars. Universal Outdoor, Inc. petitioned for a Special Exception to permit two side by side advertising signs within a 25' wide easement, originally obtained by Beaver Dam, LLC for the stated purpose of ingress and egress at the time of the conveyance of land to Protestants. Protestants argue that the width of proposed signs will require 4 to 5' of the 25' wide easement, which is 55' in length. Counsel for Protestant asserts that sign is not incident to reasonable use of the easement for its express purpose of ingress and egress. Also sign extends into the plans 25' R/W by Protestant will interfere with trucks and vehicles entering and exiting their property; that Universal has no legal right to request

MICROFILMED

approval of sign because it lacks Beaver Dams permission to use the easement for purposes other than ingress and egress, as specified in their Deed of Easement. Appellant questioned the Boards jurisdiction under the Express Powers Act to decide an issue which involves the determination of the "extent and nature of an easement." Appellant, Universal, remarked in Memorandum to the Board that "such issues must be properly brought in a court of competent jurisdiction since they involve analysis of deed construction and substantive law outside the realm of zoning matters. Assuming initially that Board has authority, the issue arises on the use by Universal if the 4'-4" width of the 25' wide easement are for purposes of erecting billboards". Is it an allowable use for the servient estate when the Deed of Easement specifically allows owner of the dominant estate (Beaver Dam) to use his easement area for ingress and egress only. Appellant asserts in referencing several legal cases; proposed use of the easement is an allowable use and that 1) an easement is not a normal incident of a possessory land interest; as a non-possessory interest, the owner of an easement is not entitled to the same protection to those having possessory interests referencing Section 450.b. 2) A person who has such control of the land as is necessary to enable him to use his way, and has no such control as to enable him to exclude others from making use of land when that use does not interfere with his use. In this matter Protestant asserts that the reduced width of the easement will interfere with vehicles's ingress and egress over a 25' wide strip of land to be used in common with others as indicated in their Deed of Easement. Appellant cites numerous cases where allowable uses are recognized in Millson v. Laughlin; Everdell v. Carroll; Drolsum v. Luzuriaga, and Tanaka v. Sheehan and in Restatement of Property. Understanding and application of these court decisions to the issues of the hearing are numerous and rather confounding to me. "The scope and extent of the easement depend on the language of the Deed conveying it; there is nothing in an easement, apart from the express prohibition, which prevents all change during the course of its enjoyment." The common application appears to me is the potential approval of a servient estate owner to make use of an area of easement provided his purpose does not interfere with the terms and conditions of the easement grant. Mr. Monk's plan for the utilization of the easement area by Universal appears to take into consideration the mutual interests of both parties and seems to conform with Baltimore County regulations and case law. The question, will the Billboard placement interfere and impede movement of traffic to the Beaver Dam operations? Counsel for protestants predicts that it will. The billboard is not incident to the reasonable use of the easement as granted. Mr. Collins asserts that Appellant has no legal right to request Board of Appeals approval because the proposed sign lacks Beaver Dam's permission to use the easement for purposes other than ingress and egress. Counsel

for the Appellant uses case law that a person who has an easement has no such control as to enable him to exclude others from making any use of the land which does not interfere with him. It is my present opinion that this case has legal ramifications that are beyond my understanding of the issues and should be brought to a court of competent jurisdiction.

LMS: ...a question -- you are talking only about the easement -- how do you feel about the Special Exception?

HEB: I feel the Special Exception should be granted.

LMS: I see this as complicated; a question if this case is for someone else; thank you, Harry, for your labor and explanation of easement law. We have two absolute overlaying issues: Item (1) is the Special Exception; we will deal with that; and Item (2) comport with any of requirements of law that would bear if you can put sign up; number of real property things; easement -may be a zoning issue separate from other issues as in Hayfields; even if we approved something... so I look at enabling act. It is my opinion that we are an administrative court and not in the strict sense trying to enlarge our power as other courts are doing by changing the law. We cannot change law. We carry out specifics which were brought arising from the Zoning Commissioner and to do that by applying relevant case law. This will be an interesting easement case, but it is not a Board of Appeals case; we do not have jurisdiction or expertise and that is why the board, is made up of lawyers and sometimes not lawyers. Specific issues laid out in statutes and law; sometimes asked to have people testify and decide who we believe and who we don't. We don't have jurisdiction; we do not get into these legal issues. So I am going to say that, with all do respect to counsel, I don't see that as a jurisdictional nut that we are going to crack. We have a Special Exception case and a Variance rendered Moot. The Special Exception, as in Mossburg, BCZR Section 502.1 is a "laundry list" to deal with; testimony dealt with each issue. Traffic issue; even if someone has been using property, each party has interest in being able to go and come into that space. Hazards - congestion in roads, streets, and alleys; concerned could trucks and vehicles get in and out; we had photos showing what the street was like from both directions; convinced no problem from pictures; no testimony contradicting that. Having said that, I believe that they will get Special Exception; other issues that have to be dealt with before project can go ahead. Bottom line, Special Exception should be granted, Variance is Moot, and we have no jurisdiction in the easement issue. Zoning Commissioner got into conditions for project and also testimony how it will look and how it will impact. Zoning Commissioner granted Special Exception and went into long discussion about how outdoor advertising is OK but cannot be an eyesore. Granted Special Exception, but would be better to install landscaping; he cannot require that owner accepts landscaping however, plan should be submitted. That is very appropriate; keep

in mind this is a relatively small project. I will assume both sides will live with this. I would take 2nd paragraph which is "2) If permitted by the adjoining property owner, the Petitioner shall install additional landscaping to buffer the back of the signs from the Residence Inn property next door. If that owner does agree to such landscaping, the Petitioner shall submit a landscape plan to the County's Landscape Architect for review and approval. That plan shall provide for the buffering of the rear of the signs from the Residence Inn and other properties to the north of the site as well as southbound traffic on Beaver Dam Road." and "3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order." I would like to see that included.

TPM: I agree with Mr. Stahl. I don't believe the Board should deal with the easement issue; to grant Special Exception all requirements of Sections 413.1 and 413.3 of BCZR have been met and also met in Section 502.1. After hearing comments, I agree we should grant the Special Exception with conditions.

LMS: We are unanimous; decline jurisdiction of easement issue; grant the Special Exception as requested; I don't know if we have to decide on Variance - the variance is moot, we will only mention that in the opinion.

We will issue a written Opinion. Written appeal will be from that written Order to the Circuit Court. This deliberation is adjourned.

* * * * *

Respectfully submitted,

Charlotte E. Radcliffe
Legal Secretary

LAW OFFICES

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRADE, P.A.

TENTH FLOOR-SUN LIFE BUILDING

20 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201-0220

(410) 538-6967

FACSIMILE

(410) 752-0685

SOLOMON KAPLAN

(818-1986)

MICHAEL L. FOREMAN
RICHARD D. ROSENTHAL
OF COUNSELLISA L. JAGLOMVER
LEE B. RAUCH
MARYANN S. CONEA
HILARY M. JONES

ALSO MEMBER OF PENNSYLVANIA BAR

CHARLES B. HEYMAN
MANNES F. GREENBERG
WILLIAM H. ENGELMAN
HERBERT J. BELGRADE
ABRAHAM L. ADLER
MARK D. DOPKIN
STANLEY S. FINE
SEARLE E. MITNICK
LOWELL G. HERMAN
DANIEL S. KATZ
MICHAEL D. BERMAN
BARRY WEISKOPF

July 18, 1997

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

By Facsimile 410-887-3182

Re: Case No. 97-67-XA
Joshua F. Cockey -- Legal Owner; Penn Advertising -- Contract Lessee
(10706 Beaver Dam Road)

Dear Honorable Board:

On July 15, 1997, I had hand delivered to your offices an original and three copies of a Closing Memorandum in the above matter. I understand that your office in fact received this document on July 15, 1997.

On July 17, 1997, I received by first class mail a copy of the Closing Memorandum of the Protestant, Beaver Dam LLC, in this matter. I understand that your office also received the Protestant's Closing Memorandum on July 17, 1997.

As agreed to by the parties with the Board at the hearing on June 19, 1997, and confirmed in writing by the Board on June 20, 1997, closing memoranda were due from counsel on Tuesday, July 15, 1997. Protestant's memorandum was received on July 17, 1997 (two days after July 15, 1997, the due date). Under normal circumstances, I would have no objection to a late filing of one to two days. However, it appears that there are striking similarities between the Protestant's cover letter and Closing Memorandum to the form and substance of the letter and Closing Memorandum that I submitted on a timely basis. These striking similarities lead me to believe that the Protestant received my Closing Memorandum by first class mail on July 16, 1997 and had the benefit of reviewing my Closing Memorandum when preparing Protestant's Closing Memorandum. As a matter of fairness, by having memoranda submitted on the same date, neither party would have the benefit of knowing the other's work product. This does not appear to be the case here. Consequently, I request that the Board take the following action in

RECEIVED
COUNTY BOARD OF APPEALS

97 JUL 18 PM 5:06

MICROFILMED

LAW OFFICES

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRADE, P.A.

July 18, 1997

Page 2

light of this information:

1. Either not consider the Closing Memorandum of the Protestant because of its late submission and the obvious availability of my Closing Memorandum in preparing Protestant's Closing Memorandum; or
2. Permit Universal Outdoor, Inc., my client, to submit a rebuttal to Protestant's Closing Memorandum.

The submission of memoranda by parties on the same date was based on fairness to both parties, so that neither party would have the benefit of knowing what the other party was going to submit. This does not appear to be the case in this matter.

Thank you for your consideration.

Sincerely,



Stanley S. Fine

SSF:glc

Enclosure

cc: Ms. Kathleen Bianco, Legal Administrator (by facsimile)
Michael J. Collins, Esquire (by facsimile)
Mr. Steven M. Southern (by facsimile)

LAW OFFICES
KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A.
TENTH FLOOR - SUN LIFE BUILDING
20 SOUTH CHARLES STREET
BALTIMORE, MD 21201
(410) 539-6967

TELECOPIER
(410) 752-0685

TELECOPIER TRANSMITTAL SHEET

DATE: 07/18/97 TIME: _____ FAX NO. 410-887-3182

TO: County Board of Appeals for Baltimore County
and
Kathleen Bianco, Legal Administrator

FROM: Stanley S. Pine, Esquire

NAME OF DOCUMENT: Correspondence dated July 18, 1997

NOTES:

Our telecopier number is (410) 752-0685

There are 3 pages INCLUDING this cover sheet.

Please contact Gloria Curtin (ext. 267), at (410) 539-6967, if less than the total number of pages are received, or if transmission error occurs.

HARD COPY TO FOLLOW: _____ Yes X No 06984/038249

* * * * NOTICE OF CONFIDENTIALITY * * * *

The document in this facsimile transmission is ATTORNEY PRIVILEGED AND CONFIDENTIAL and intended for the use of the individual or entity named above. If you have received this communication in error, or are not sure whether it is privileged, please immediately notify us by telephone, at (410) 539-6967, and return the original document in its entirety to us at the above address via the U.S. Postal Service. Any DISSEMINATION, DISTRIBUTION, COPYING, OR TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS DOCUMENT BY ANYONE OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: Kathy Bianco
Board of Appeals

DATE: November 7, 1996

FROM: Lawrence E. Schmidt
Zoning Commissioner



SUBJECT: Case No. 97-67-XA

Kathy, we spoke today regarding the above captioned case and after our conversation, I called the man who wrote the attached letter to me, Peter J. Kruse, and advised him that he sent in the request for an appeal to the wrong office. Also, a fee needs to be paid and that, perhaps, this may not be accepted because of not filing in a timely fashion.

Attached is the letter along with the Federal Express envelope.

I'll leave it up to your office for further handling.

LES:mmn
attachment

*Note.
No further contact
w/ Mr. Kruse; no
check ever filed as
indicated was
needed by
Z.C.*

MICROFILMED

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
T. Melvin
H. Buchheister

DATE: July 17, 1997

FROM: Kathi

SUBJECT: Case No. 97-67-XA /Joshua F. Cockey- Legal Owner; Penn
Advertising -Contract Lessee

The subject matter is scheduled for public deliberation on Tuesday, July 29, 1997 at 10:00 a.m. Enclosed are the following documents filed by Counsel, as requested:

1. Closing Memorandum filed by Stanley S. Fine, Esquire on behalf of Universal Outdoor, Inc., successor to Penn Advertising of Baltimore, Inc.
2. Closing Memorandum filed by Michael J. Collins, Esquire, on behalf of Beaver Dam L.L.C., Protestant.

Please let me know if you have any questions.

kathi

Attachments

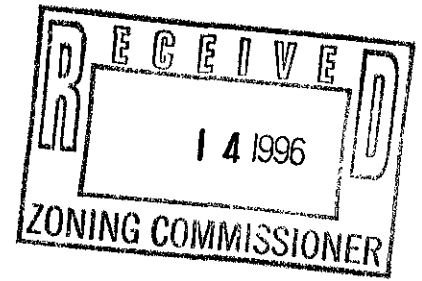
Note: Copy given to L. Stahl 7/17/97.

*Notes given to h.
Notes mailed to M & B
w/ memos.*

MICROFILMED



HARDAGE SUITE HOTELS



WOODFIN[®]
S U I T E S

October 31, 1996

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
Att: Lawrence E. Schmidt

Ref: Petitions for Special Exception * Before the and Variance -SW/S Beaver Dam Road,
385' SE of C/1 Cockeysville Road Case No. 97-67-XA

Dear Lawrence,

I am writing to you on behalf of Hardage Suite Hotels, Inc. (HSH) to appeal the decision of the Zoning Commissioner granting the Petition for Special Exception to permit the outdoor advertising signs and the Petition for Variance seeking relief from the required sideyard setbacks to be located on the property known as 10706 Beaver Dam Road.

We are appealing the Zoning Commissioners decision for a number of reasons:

- The petition indicated the site was mainly commercial/industrial users and although the hotel may be defined as commercial use, it is the home of many weekly and monthly extended stay guests trying to escape the business surroundings for a home away from home experience. The mere sight of a 37 foot billboard towering over the hotel is not a warm and fuzzy feeling.
- The petition suggests there would be no adverse impacts on the area by allowing the signage. The property adjacent to the hotel is currently ill maintained and the addition of the signage now will only add to the existing eyesore. The height and the illumination of the sign at night will serve to be a constant negative impact on potential hotel guests and will be a constant source of complaints by hotel guests eventually increasing the likelihood for them to stay at other hotels. The reality is, this signage will significantly impact the property value and financial performance of the hotel.
- The petition has granted relief from the sideyard setbacks due to the suggestion the sign is not a building and therefore cannot be addressed under the zoning building restrictions. The zoning code is written to consider a variety of concerns including, life safety, fire, building FAR and height which all consider how the impact of new buildings or structural elements on a site effect the visual corridors within the area. Certainly the proposed sign significantly degrades the visual view corridors of the conforming Marriott Residence Inn Hotel. Obviously the petition recognizes some impact, due to the insertion of additional language regarding the requirement of the Petitioner to install additional landscaping.



CHASE
S U I T E S

MICROFILMED

However, the petition does not indicate what this plant material or planting plan is, the time period for installation, etc., only that it would be in our best interest to accept it whatever it may be.

Upon review of these considerations and the opportunity to review the signage with the Petitioner this letter shall serve as written appeal to the Zoning Special Exception for the outdoor signs and the Variance for sideyard setback.

Please forward all related written correspondence to the address on our letterhead, but please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Kruse", written over a horizontal line.

Peter J. Kruse

Vice President

Architecture, Construction & Purchasing

cc: Linda Baumann, HSH
Tana Farrell, HSH
Gary Stougaard, HSH
Sam Hardage, HSH

MICROFILMED



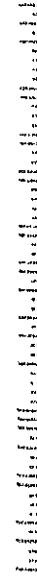
Hardage Suite Hotels
9255 Towne Centre Drive, Suite 900
San Diego, California 92121

MICROFILMED

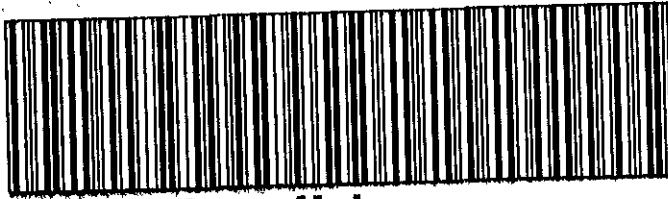
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Suite 112, Courthouse
400 Washington Ave.
Towson, Maryland 21204

Attn: Lawrence E. Schmidt

21224-4686 12



enter
Online



21204-MD-US
DROPP
XF
APG

Trk# 391 0519 767
CAD # 636849 05NOV96
Fedex Letter
BHI

PRIORITY OVERNIGHT
WED
A1

REF: 1264-02

391 0519 767

391 0519 767

FedEx
POWERSHIP 3

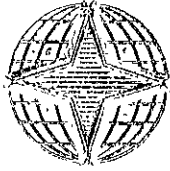
MICROFILMED

TO: LAWRENCE E. SCHMIDT
BALTIMORE ONLY, ZONING COMMISSIONER
OFFICE OF PLANNING & ZONING
400 WASHINGTON AVE., STE. 112
TOWSON MD 21204

PETE KRUZE
HARDAGE SUITE HOTELS, INC.
9255 TOWNE CENTRE DR
SAN DIEGO CA 921213042
(619)643-1725

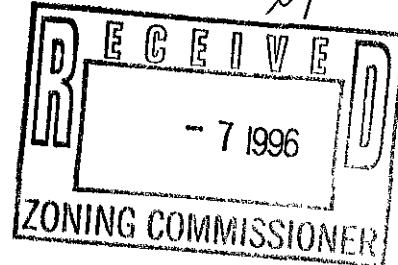
SHIP DATE: 05NOV96
ACCOUNT # 131580033
MAN-WGT: 1 LBS

PART # 1470231 FORMAT # 077 RIT 07565



HARDAGE SUITE HOTELS

X 3180
Kathy W. said
appeals filed
by A.J.'s office



Rosalind
X 3391
JES
Suite
49



October 31, 1996

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
Att: Lawrence E. Schmidt

Ref: Petitions for Special Exception * Before the and Variance -SW/S Beaver Dam Road,
385' SE of C/1 Cockeysville Road Case No. 97-67-XA

Dear Lawrence,

I am writing to you on behalf of Hardage Suite Hotels, Inc. (HSH) to appeal the decision of the Zoning Commissioner granting the Petition for Special Exception to permit the outdoor advertising signs and the Petition for Variance seeking relief from the required sideyard setbacks to be located on the property known as 10706 Beaver Dam Road.

We are appealing the Zoning Commissioners decision for a number of reasons:

- The petition indicated the site was mainly commercial/industrial users and although the hotel may be defined as commercial use, it is the home of many weekly and monthly extended stay guests trying to escape the business surroundings for a home away from home experience. The mere sight of a 37 foot billboard towering over the hotel is not a warm and fuzzy feeling.
- The petition suggests there would be no adverse impacts on the area by allowing the signage. The property adjacent to the hotel is currently ill maintained and the addition of the signage now will only add to the existing eyesore. The height and the illumination of the sign at night will serve to be a constant negative impact on potential hotel guests and will be a constant source of complaints by hotel guests eventually increasing the likelihood for them to stay at other hotels. The reality is, this signage will significantly impact the property value and financial performance of the hotel.
- The petition has granted relief from the sideyard setbacks due to the suggestion the sign is not a building and therefore cannot be addressed under the zoning building restrictions. The zoning code is written to consider a variety of concerns including, life safety, fire, building FAR and height which all consider how the impact of new buildings or structural elements on a site effect the visual corridors within the area. Certainly the proposed sign significantly degrades the visual view corridors of the conforming Marriott Residence Inn Hotel. Obviously the petition recognizes some impact, due to the insertion of additional language regarding the requirement of the Petitioner to install additional landscaping.

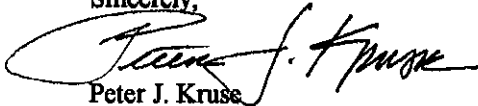


However, the petition does not indicate what this plant material or planting plan is, the time period for installation, etc., only that it would be in our best interest to accept it whatever it may be.

Upon review of these considerations and the opportunity to review the signage with the Petitioner this letter shall serve as written appeal to the Zoning Special Exception for the outdoor signs and the Variance for sideyard setback.

Please forward all related written correspondence to the address on our letterhead, but please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Kruse", written over a horizontal line.

Peter J. Kruse
Vice President
Architecture, Construction & Purchasing

cc: Linda Baumann, HSH
Tana Farrell, HSH
Gary Stougaard, HSH
Sam Hardage, HSH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 20, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals *CR*

SUBJECT: Closed File: Case No. 97-67-XA
Joshua F. Cockey, L.O.;
Penn Advertising, Inc., C.L.

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-67-XA)

MICROFILMED

MICHAEL J. COLLINS

BEAVER DAM LLC

STAN BRADY /
THE WARD ROBERTY CO.
LENA BAUMANN
RESIDENCE INN

Beaver Dam Rd

RETIREMENT LOT 1A

BEAVER DAM RD.

10615 Beaver Dam Rd.
Cockeysville, MD 21030
10710 BEAVER DAM RD.
COCKEYSVILLE MD 21030

Office (410) 752-2468

MICHAEL J. COLLINS
Attorney

The USE&G Tower
100 Light Street
Suite 1100

Thomas & Libowitz, P.A.

Baltimore, Maryland 21202-1053

S STANSBURY BRADY, JR
GENERAL COUNSEL

THE WARD MACHINERY COMPANY
10615 BEAVER DAM ROAD COCKEYSVILLE MARYLAND 21030-1150
TEL (410) 584 7700 FAX (410) 771 0011
DIRECT DIAL (410) 584 0544

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

November 7, 1996

Stanley Fine, Esquire
20 S. Charles Street
10th Floor
Baltimore, MD 21201

RE: Petition for Special
Exception and Variance
SW/S Beaver Dam Rd., 385'
SE of c/l Cockeysville Rd.
(10706 Beaver Dam Road)
8th Election District
4th Councilmanic District
Joshua F. Cockey - Legal
Owner
Penn Advertising/Steven
Southern - Contract Lessee
Case No. 97-67-XA

Dear Mr. Fine:

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 1996 by Michael J. Collins, Esquire of Thomas & Libowitz, P.A. on behalf of Beaver Dam LLC. 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,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

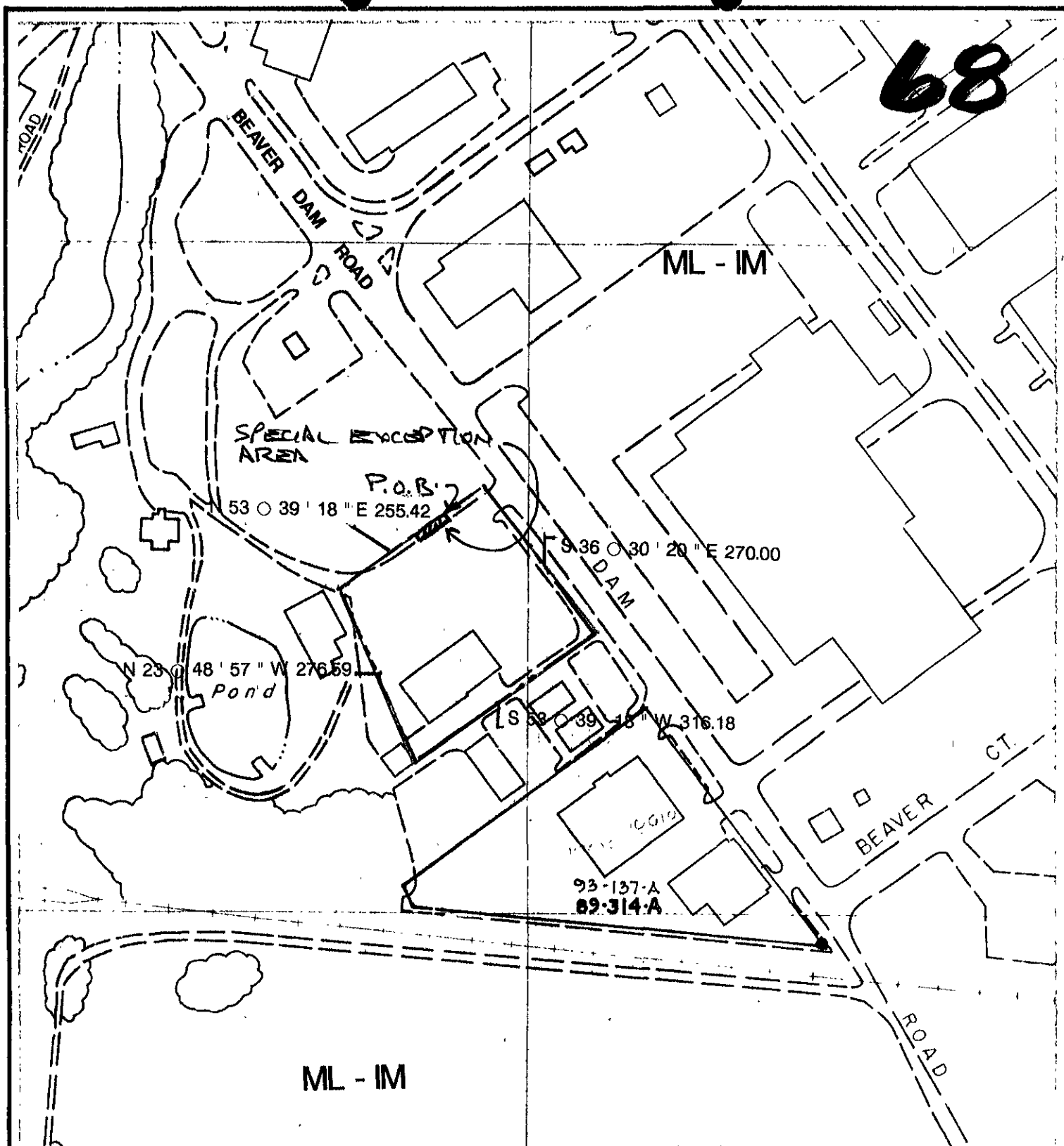
ARNOLD JABLON
Director

AJ:rye

c: S. Stansbury Brady, Jr., Esquire
People's Counsel

411 66 11 07-10N 96





WILLIAM MONK, INC.

PLANNING / SITE DESIGN, ZONING, DEVELOPMENT SERVICES

COURTHOUSE COMMONS

SUITE C-6

222 BOSLEY AVENUE

TOWSON, MARYLAND 21204

MICROFILMED

ZONING MAP

TO ACCOMPANY
SPECIAL EXCEPTION AND
VARIANCE APPLICATION

10706 BEAVER DAM ROAD
BALTIMORE COUNTY, MARYLAND

NW 17-B 1" = 200'

WILLIAM MORRIS, INC.

PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT

COURTHOUSE COMMONS, SUITE B-7
222 BOSLEY AVENUE, TOWSON, MD 21204

LETTER OF TRANSMITTAL

DATE 8-8-96	OUR JOB NO. 68
FILE NO.	YOUR JOB NO.
ATTENTION	
RE: 10706 BEAVERDAM ROAD	
Drop-off 8/8/96	

TO

ZADM

GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

DRAWING NO.	FILE NO.	DESCRIPTION	ACTION
12		PLAT TO ACCOMPANY SPECIAL	
		EXCEPTION + VARIANCE	
3		SE APPLICATION	
3		VARIANCE APPLICATION	
3		ZONING DESCRIPTION	
2		200' ZONING MAP	
1		APPLICATION FEE \$585	
+		" " \$35.00	(FOR 2ND SIGN)
1		VERIFICATION LETTER	

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ As requested ☐ Submit _____ copies for distribution
☐ For your use ☐ Resubmit _____ copies for approval ☐ Return _____ corrected prints
☐ For review and comment ☒ DROP OFF APPLICATION
☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

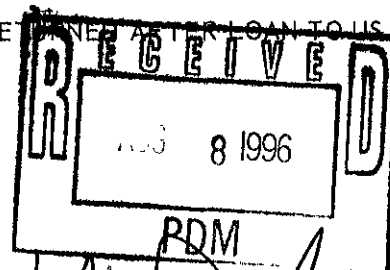
REMARKS:

MICROFILMED

COPY TO: _____

SIGNED: _____

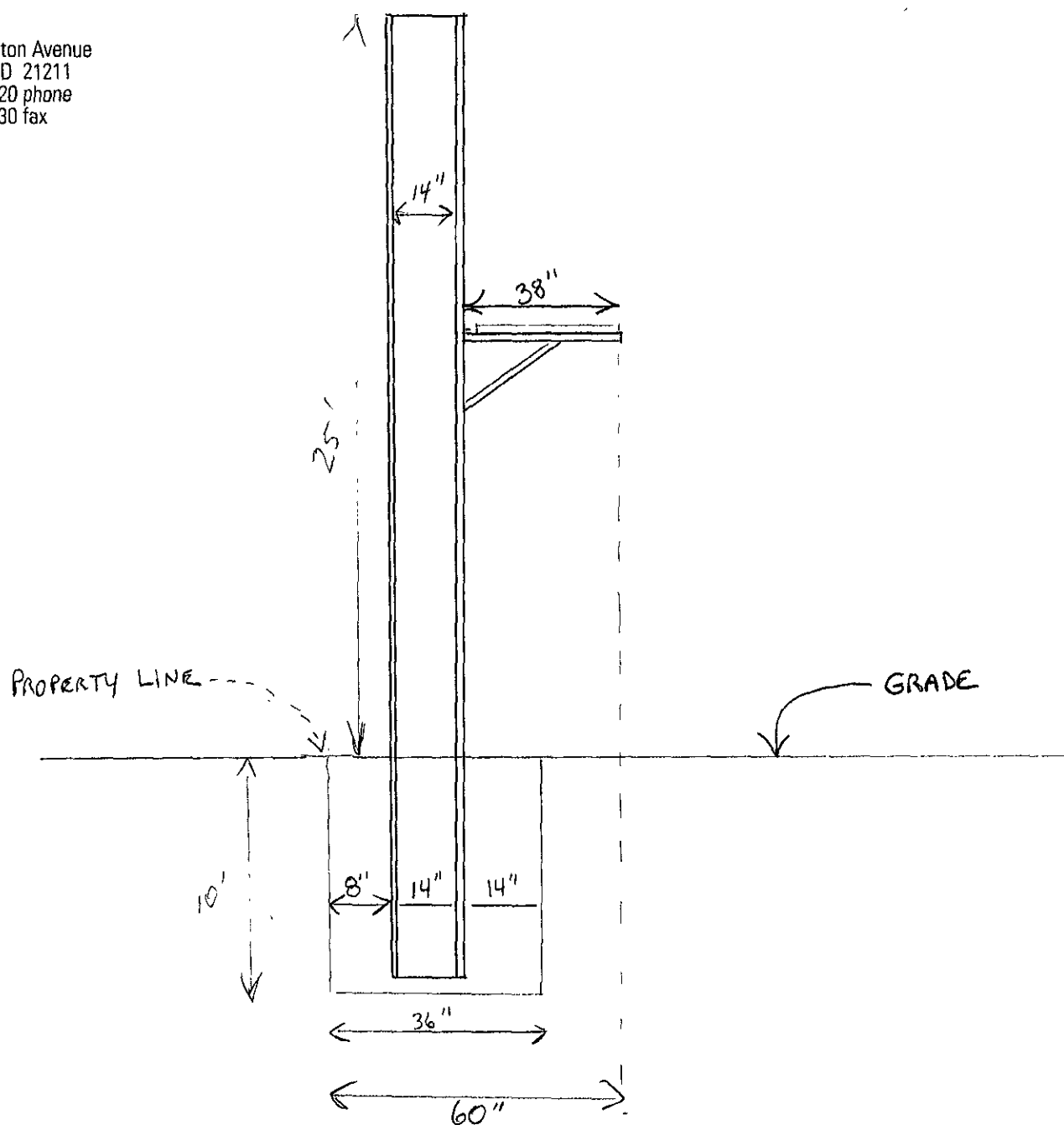
If enclosures are not as noted, kindly notify us at once.



UNIVERSAL
Outdoor, Inc.

Plot #3

PO Box 4868
3001 Remington Avenue
Baltimore, MD 21211
410 / 235-8820 phone
410 / 235-7230 fax



MICROFILMED

NOT TO SCALE

0011616 6

10/1

RETURN TO: 45-40345
Chicago Title Insurance Co.
19 E. Fayette St., Suite 900
Baltimore, MD 21202

DEED

THIS DEED is made this 2nd day of May, 1996, from Beaver Springs Limited Partnership, a Maryland limited partnership, Grantor, to Beaver Dam Limited Liability Company, a Maryland limited liability company, Grantee.

The Grantor, for a consideration of Seven Hundred Ninety Five Thousand Dollars and No Cents (\$795,000.00), grants, conveys, and assigns to the Grantee, its successors and assigns, in fee simple, the real property located in Baltimore County, Maryland, and described on the attached Exhibit A.

TOGETHER WITH all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances, and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the property hereby conveyed unto the Grantee, its successors and assigns, in fee simple, forever.

The Grantor covenants to warrant specially the property, and to execute such further assurances of the property as may be requisite.

WITNESS the hand and seal of the Grantor.

WITNESS:

Beaver Springs Limited Partnership
By: Poffel & Walker, Inc.,
Managing General Partner

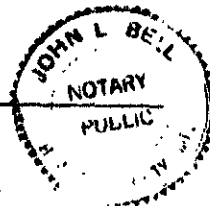
By: Andrew J. Poffel (SEAL)
Andrew J. Poffel, President

STATE OF Maryland, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 2nd day of May, 1996, before me, a Notary Public of the State aforesaid, personally appeared Andrew J. Poffel, who acknowledged himself to be the President of Poffel & Walker, Inc. (the "Corporation"), and that he, as such officer, being authorized so to do, executed the foregoing instrument on behalf of the Corporation acting in its capacity as Managing General Partner of Beaver Springs Limited Partnership for the purposes therein contained by signing the name of the Corporation by himself as such officer.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC



My Commission Expires: 1-1-4-99

RECEIVED FOR TRANSMISSION
TO THE CLERK OF
COURT & TAXATION
for Baltimore County

SIGNATURE HK DATE 6/3/96

by HK DATE 6/3/96

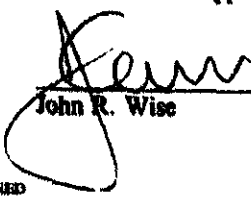
LAW OFFICES
THOMAS E. LIBOWITZ PA
A PROFESSIONAL ASSOCIATION
USF&G TOWER
SUITE 1100
100 LIGHT STREET
BALTIMORE, MARYLAND
21202-1053

**PROTESTANTS
EXHIBIT NO. 2**

MICROFILMED

ATTORNEY'S CERTIFICATION

THIS IS TO CERTIFY that the foregoing instrument has been prepared by the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.


John R. Wise

H:\G:\REAL ESTATE\CLIENTS\UD-SMITH\BEAVERDA RD\AGENTS\JRWED
May 31, 1996

LAW OFFICES
THOMAS & LUBOWITZ PA
A PROFESSIONAL ASSOCIATION
USF&S TOWER
SUITE 1100
100 LIGHT STREET
BALTIMORE, MARYLAND
21202-1053

EXHIBIT A

ALL THAT CERTAIN PROPERTY situated in Baltimore County, Maryland, being known and designated as Lot 1 as laid out and shown on a Plat entitled "Resubdivision Plat of Lot 1 Limestone Business Center" which Plat is recorded among the Plat Records of Baltimore County in Plat Book S.M. No. 56, folio 11, containing 4.95 acres;

TOGETHER WITH the benefits and subject to the burdens of an easement in common with others entitled thereto over a triangular strip of land extending from Lot 1 over and upon Lot 1A to its junction with the S 19° 25' 10" E 46.50' line as shown on the aforesaid plat of Limestone Business Center identified thereon as "Private Easement for Ingress, Egress, Regress and Private Utilities";

TOGETHER WITH the benefits and subject to the burdens (including the burdens described in the agreement recorded in Liber E.H.K., Jr., No. 5587 folio 61) of an easement in common with others entitled thereto, as recorded at E.H.K., Jr., No. 7120 folio 386 of the aforesaid land records, over a 25 foot wide strip of land extending from Lot 1 to Beaver Dam Road over and upon Parcel "A" and Lot 3 on the plat of Limestone Business Center recorded in E.H.K., Jr., No. 54, folio 49 and identified on the Plat entitled "Resubdivision of Lot 1 Limestone Business Center" recorded in Plat Book S.M. No. 56, folio 11, as 25' use in common easement for ingress and egress;

TOGETHER WITH the benefits and subject to the burdens (including the burdens described in the agreement recorded in Liber E.H.K., Jr., No. 5587, folio 61) of a 40 foot right-of-way easement as recorded in Liber 7120, Page 384 among the aforesaid land records;

TOGETHER WITH the benefits and subject to the burdens of a Reciprocal Storm Water Easement Agreement recorded in Liber S.M. No. 7609, folio 531 among the aforesaid land records; and

TOGETHER WITH the benefits and subject to the burdens of an Access Road Agreement recorded in Liber 7609, folio 542 of the aforesaid land records.

Being the same lot of ground described in Deed of Confirmation dated August 1, 1988, and recorded among the Land Records of Baltimore County in Liber 7931, folio 594, which was granted and conveyed by Beaver Springs Joint Venture to Beaver Springs Limited Partnership.

LAW OFFICES
THOMAS & LUBOWITZ PA
A PROFESSIONAL ASSOCIATION
USF&G TOWER
SUITE 1100
100 LIGHT STREET
BALTIMORE MARYLAND
21202-1053

H:\GIRBALESTWPS\CLIENTS\UD-SMITH\BEAVERDA.RD\AGRMNTS\DEED
May 31, 1996

0011610660

045419 JUN-30

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Baltimore County

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only - All Copies Must Be Legible)

(Check Box if Addendum Intake Form is Attached)

1 Type(s) of Instruments: ☒ Deed ☐ Mortgage ☐ Other ☐ Other

2 Conveyance Type: ☒ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale

3 Tax Exemptions (if Applicable): ☐ Arms-Length (1) ☐ Arms-Length (2) ☐ Arms-Length (3) ☐ Arms-Length (4)

4 Clear Explain Authority: ☐ Recordation ☐ State Transfer ☐ County Transfer

TIP: FD SEE 8
RECORDING FEE \$ 20.00
RECORDATION T 3,975.00
TR TAX STATE 3,975.00
TOTAL 7,975.00
Rpt # 15443
EN EN Bk # 91
JUN 03 1996 02:33 PM

5 Consideration and Tax Calculations:

Consideration Amount: 775,000.00

Purchase Price/Consideration \$ 775,000.00

Any New Mortgage \$

Balance of Existing Mortgage \$

Other: \$

Other: \$

6 Fees:

Amount of Fees: 20.00

Recording Charge \$ 20.00

Surcharge \$ 3975.00

State Recordation Tax \$ 3975.00

State Transfer Tax \$ 11,925.00

County Transfer Tax \$

Other: \$

Other: \$

7 Description of Property: OR 20-00-012906

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

8 Other Property Identifiers (if applicable): Limstone Business Center

9 Partial Conveyance? ☒ Yes ☐ No

10 Transferred From: BEAVER SPRINGS LIMITED PARTNERSHIP

11 Transferred To: BEAVER DAM LIMITED LIABILITY COMPANY

12 Other Names to Be Indexed: 2000 W 41st Street Baltimore Md 21211

13 Contact/Mail Information: SANDRA MAXLEY
Chicago Title Ins. Co.
19 E. Fayette St - Suite 300
BALTO. MD 21202
Phone: (410) 727-3700

14 Assessment Information:

Assessment Use Only - Do Not Write Below This Line

Terminal Verification ☐ Annual/Partial Verification ☐ Whole ☐ Part ☐ Trans. Process Verification ☐

Transfer Number: 19 Date Received: 19 Record Reference: 19

Year: 19 Map: 19 Sub: 19 Block: 19

Land: 19 Zoning: 19 Grid: 19 Plat: 19 Lot: 19

Buildings: 19 Use: 19 Parcel: 19 Section: 19 Occ. Cd: 19

Total: 19 Town Cd: 19 Ex. St: 19 Ex. Cd: 19

REMARKS:

15 Distribution:

White - Clerk's Office

Gray - SDAT

Pink - Office of Finance

16 Partial Conveyance, List Improvements Conveyed:

Doc. 1 - Grantor(s) Name(s): BEAVER SPRINGS LIMITED PARTNERSHIP

Doc. 2 - Grantor(s) Name(s): BEAVER DAM LIMITED LIABILITY COMPANY

Doc. 1 - Owner(s) of Record, if Different from Grantor(s): BEAVER SPRINGS LIMITED PARTNERSHIP

Doc. 2 - Owner(s) of Record, if Different from Grantor(s): BEAVER DAM LIMITED LIABILITY COMPANY

Doc. 1 - Additional Names to be Indexed (Optional): 2000 W 41st Street Baltimore Md 21211

Doc. 2 - Additional Names to be Indexed (Optional): 2000 W 41st Street Baltimore Md 21211

17 Instrument Submitted By or Contact Person:

Name: SANDRA MAXLEY

Firm: Chicago Title Ins. Co.

Address: 19 E. Fayette St - Suite 300

Phone: (410) 727-3700

Return to Contact Person ☒

Hold for Pickup ☐

Return Address Provided ☐

18 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information: ☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence?

☒ Yes ☐ No Does transfer include personal property? If yes, identify:

☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

19 Assessment Use Only - Do Not Write Below This Line

Terminal Verification ☐ Annual/Partial Verification ☐ Whole ☐ Part ☐ Trans. Process Verification ☐

Transfer Number: 19 Date Received: 19 Record Reference: 19

Year: 19 Map: 19 Sub: 19 Block: 19

Land: 19 Zoning: 19 Grid: 19 Plat: 19 Lot: 19

Buildings: 19 Use: 19 Parcel: 19 Section: 19 Occ. Cd: 19

Total: 19 Town Cd: 19 Ex. St: 19 Ex. Cd: 19

REMARKS:

20 Distribution:

White - Clerk's Office

Gray - SDAT

Pink - Office of Finance

21 Partial Conveyance, List Improvements Conveyed:

Doc. 1 - Grantor(s) Name(s): BEAVER SPRINGS LIMITED PARTNERSHIP

Doc. 2 - Grantor(s) Name(s): BEAVER DAM LIMITED LIABILITY COMPANY

Doc. 1 - Owner(s) of Record, if Different from Grantor(s): BEAVER SPRINGS LIMITED PARTNERSHIP

Doc. 2 - Owner(s) of Record, if Different from Grantor(s): BEAVER DAM LIMITED LIABILITY COMPANY

Doc. 1 - Additional Names to be Indexed (Optional): 2000 W 41st Street Baltimore Md 21211

Doc. 2 - Additional Names to be Indexed (Optional): 2000 W 41st Street Baltimore Md 21211

22 Instrument Submitted By or Contact Person:

Name: SANDRA MAXLEY

Firm: Chicago Title Ins. Co.

Address: 19 E. Fayette St - Suite 300

Phone: (410) 727-3700

Return to Contact Person ☒

Hold for Pickup ☐

Return Address Provided ☐

23 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information: ☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence?

☒ Yes ☐ No Does transfer include personal property? If yes, identify:

☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

24 Assessment Use Only - Do Not Write Below This Line

Terminal Verification ☐ Annual/Partial Verification ☐ Whole ☐ Part ☐ Trans. Process Verification ☐

Transfer Number: 19 Date Received: 19 Record Reference: 19

Year: 19 Map: 19 Sub: 19 Block: 19

Land: 19 Zoning: 19 Grid: 19 Plat: 19 Lot: 19

Buildings: 19 Use: 19 Parcel: 19 Section: 19 Occ. Cd: 19

Total: 19 Town Cd: 19 Ex. St: 19 Ex. Cd: 19

REMARKS:

25 Distribution:

White - Clerk's Office

Gray - SDAT

Pink - Office of Finance

26 Partial Conveyance, List Improvements Conveyed:

Doc. 1 - Grantor(s) Name(s): BEAVER SPRINGS LIMITED PARTNERSHIP

Doc. 2 - Grantor(s) Name(s): BEAVER DAM LIMITED LIABILITY COMPANY

Doc. 1 - Owner(s) of Record, if Different from Grantor(s): BEAVER SPRINGS LIMITED PARTNERSHIP

Doc. 2 - Owner(s) of Record, if Different from Grantor(s): BEAVER DAM LIMITED LIABILITY COMPANY

Doc. 1 - Additional Names to be Indexed (Optional): 2000 W 41st Street Baltimore Md 21211

Doc. 2 - Additional Names to be Indexed (Optional): 2000 W 41st Street Baltimore Md 21211

27 Instrument Submitted By or Contact Person:

Name: SANDRA MAXLEY

Firm: Chicago Title Ins. Co.

Address: 19 E. Fayette St - Suite 300

Phone: (410) 727-3700

Return to Contact Person ☒

Hold for Pickup ☐

Return Address Provided ☐

28 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information: ☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence?

☒ Yes ☐ No Does transfer include personal property? If yes, identify:

☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

May 10, 1996

Mr. W. Carl Richards, Jr.
Supervisor
Department of Permits and
Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

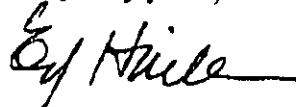
Dear Carl:

This project went through the CRG process and a plat was recorded showing the entire property. Subsequent to that, building permits were issued for one of the recorded lots on which the Residence Inn is now constructed.

There have been subsequent amendments to the CRG plan and plat. In addition, a waiver of CRG to permit a 90,000 square foot building on the vacant lot was approved by the DRC.

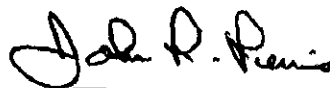
In accordance with Arnold Jablon's policy, the CRG is vested. Please confirm this.

Very truly yours,



Ed Haile

**BASED ON THE PROVIDED EXHIBIT ACCOMPANYING THIS LETTER CONCERNING
THE LIMESTONE BUSINESS CENTER AND A SUBSEQUENT DISCUSSION WITH
MR. ED HAILE AND MR. DON RASCOE OF P.D.M., THIS LOT # 1 OF
LIMESTONE BUSINESS CENTER IS VESTED FOR CRG APPROVAL.**



PLANNER II P.D.M.

**PROTESTANT'S
EXHIBIT NO. 3**

MICROFILMED

Judith Berg

3801 Lochearn Drive

Baltimore, MD 21207-6363

September 12, 1996

Hon. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Old Courthouse, Ste 112
400 Washington Avenue
Towson, MD 21204

PROTESTANTS EXHIBIT NO. 4

RE: Case 97-65XA (Item 54)
Case 97-66XA (Item 64)
Case 97-67XA (Item 68)

Dear Mr Schmidt,

I am in opposition to granting Special exceptions and Variances in the above referenced cases. The first two cases are too close to the public right of way, and residential zones. The third case location will further degrade a rural location, and ~~is~~^{it} proposed location is too close to the property line.

I have personally inspected the Windsor Mill and Pine Avenue location today, September 12, 1996. The area ~~is~~ still largely residential, indeed, a whole row of homes faces the proposed location. Windsor Mill road is narrow, carries heavy vehicular traffic, which would provide a distraction, adversely, to drivers, and, obviously, is too near to the roadway. Please deny this request.

Case 97-66XA is located at a gateway to the Patapsco State Park, be too close to the right of way, and provide an eyesore close to residences. Please deny this request.

I also oppose the final case 97-67XA. Although I haven't been past this location, I have friends who reside, not too far away. on Dark Hollow Road. This area, the last of the truly lovely rural residential-horse farm areas, would be despoiled if a billboard would be allowed. It would definately be too close to the road, distracting, and be deleterious to the health and welfare of the nearby residents, who value natural beauty, above all. Please deny this request.

The requests for variances and Special Exceptions prove that these locations are deemed unsuitable by the laws of Baltimore County. If these requests are granted they will further make a mockery of those laws.

Please keep Baltimore County and America beautiful!!!

Sincerely,

Judith Berger
Judith Berger

MICROFILMED

Pet Ex

#2A



Pet. Ex.

#2B

MICROFILMED



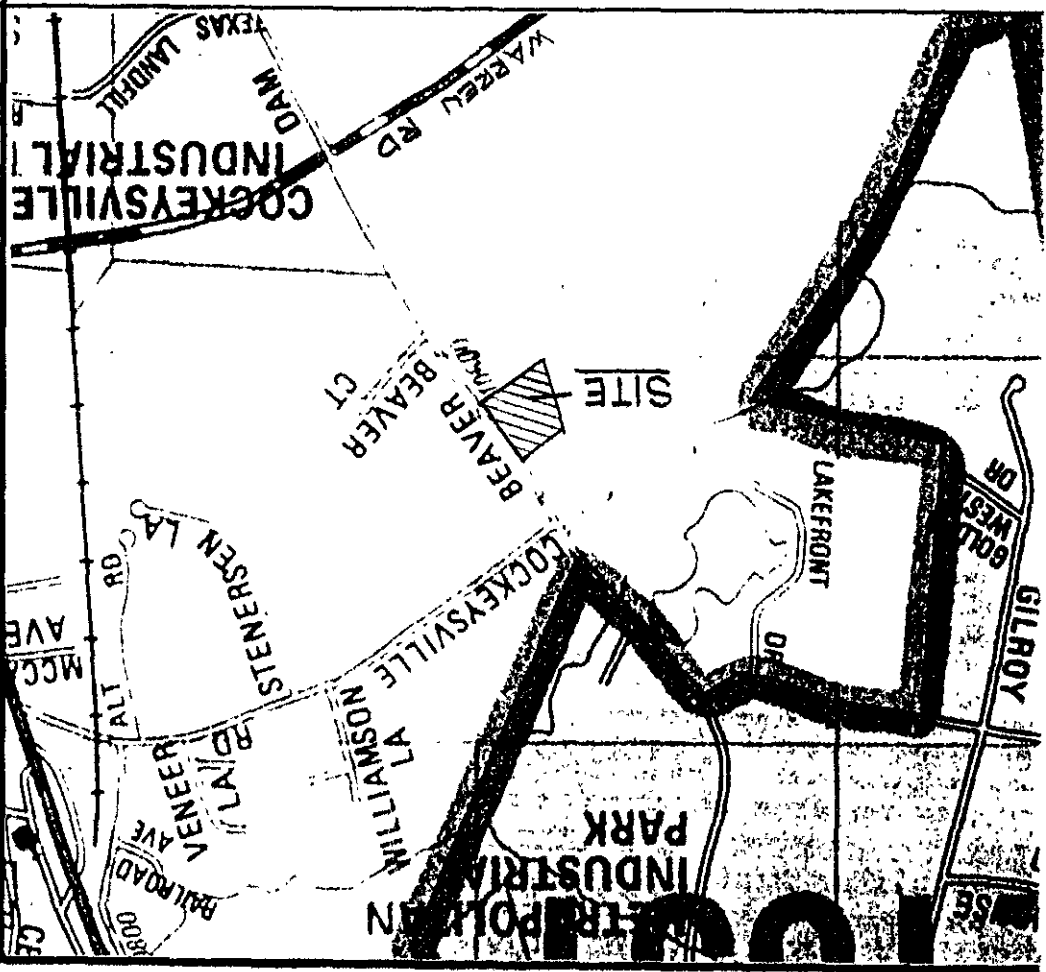
COMPANY APPLICATION ROAD CITY, MD.

97-67-XA
(copy)

77 ACRES
AREA: ML-IM
ZONING: ML-IM
SECTION 413.1 TO PERMIT 2 SIDE BY SIDE (12' X 25')
VERTISING SIGNS IN A ML-IM ZONING DISTRICT
SECTION 255.1 AND 258.2 TO PERMIT A SIDE YARD SETBACK OF 2' IN
REQUIRED 30' (SEE #17 & 18)
E: CONTRACTOR STORAGE YARD & DINNER THEATER
SE: CONTRACTOR STORAGE YARD, DINNER THEATER AND
VERTISING SIGN
ZONING HEARINGS:
VARIANCE TO PERMIT SIDE YARD SETBACK OF 4' IN
LIEU OF REQ 30' 11/3/69 APPROVED.
SPECIAL HEARING TO AMEND EXISTING SITE PLAN
FOR LIMESTONE VALLEY DINNER THEATER, TO
PROVIDE FOR ABANDONMENT OF NON
CONFORMING STATUS OF PARCEL A AND SPECIAL
EXCEPTION FOR HOTEL, 4/28/81 APPROVED.
TO EXTEND UTILIZATION PERIOD 2 ADDITIONAL
YEARS FOR APPROVAL GRANTED IN CASE #81-168
XSPH, 7/6/84 APPROVED.
COMMERCIAL PERMITS: NONE

SCALE 1" = 1000'

VICINITY MAP



APPLICANT:

PENN ADVERTISING
3001 REMINGTON AVENUE
BALTIMORE, MD 21211
(410) 235-8820

REVISIONS:

DATE: 8 / 5 / 96
JOB NO. 96 - 17
SCALE: 1" = 50'

Part E&L (6)

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN



VIEW SOUTH

BEAVER DAM ROAD

VIEW NORTH



MICROFILMED

PETITIONER'S

EXHIBIT NO. 6

WILLIAM MONK, INC.

Petitioner's
#(7)(A)

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

LAND USE PLANNING • LANDSCAPE DESIGN



ADJACENT LAND USE

(13)

MICROFILMED



WILLIAM MONK, INC.

Boyle
8A

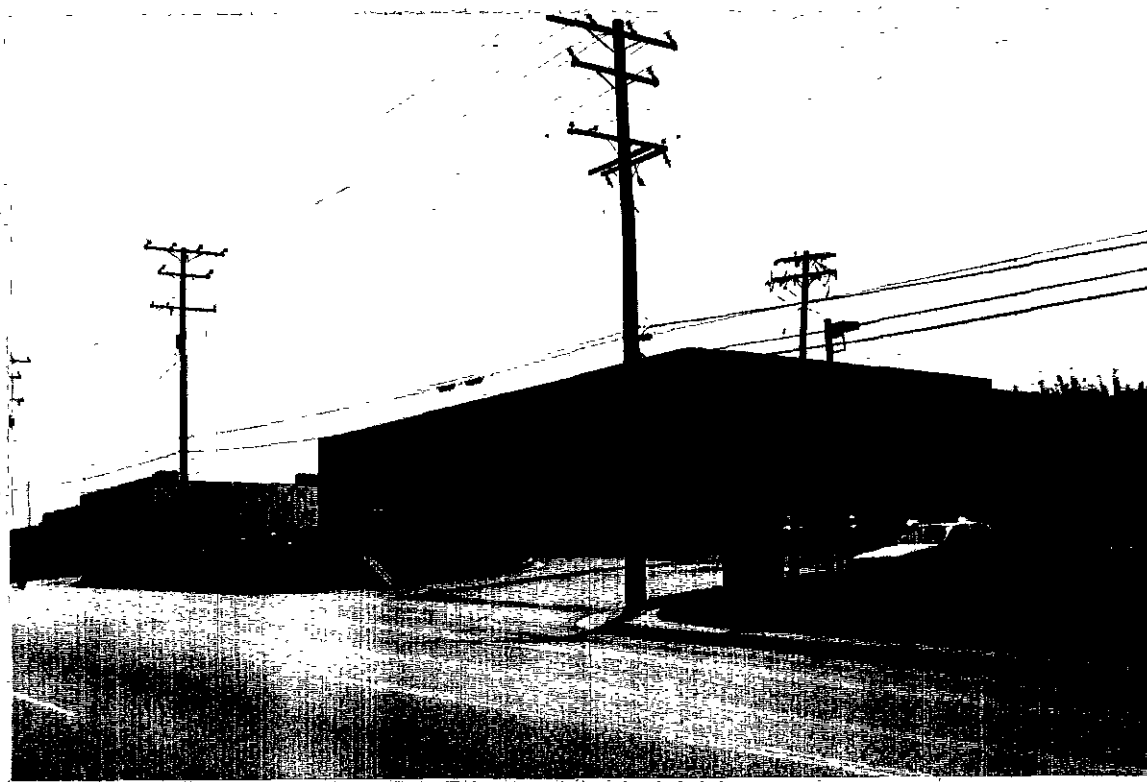
COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

LAND USE PLANNING • LANDSCAPE DESIGN



ADJACENT LAND USE

8B



MICROFILMED

PETITIONER'S

EXHIBIT NO. 5

WILLIAM MONK, INC.

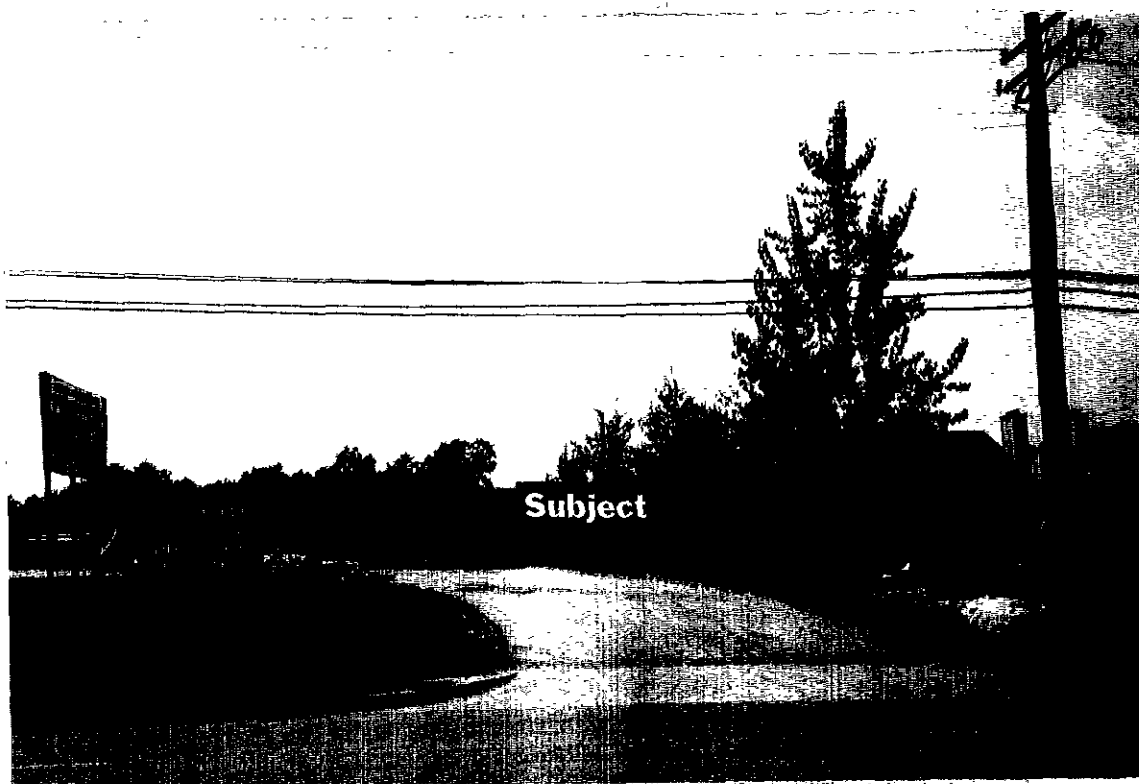
Monk

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

LAND USE PLANNING • LANDSCAPE DESIGN

10706

11706 BEAVER DAM ROAD



**PROPOSED BILLBOARD LOCATION
SINGLE FACE, SIDE BY SIDE
FACING NORTH BOUND TRAFFIC ONLY**

MICROFILMED

PETITIONER'S

EXHIBIT NO. 2

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903



LIMITING VIEW LOOKING NORTH TOWARDS BILLBOARD LOCATION



11B

MOCK-UP

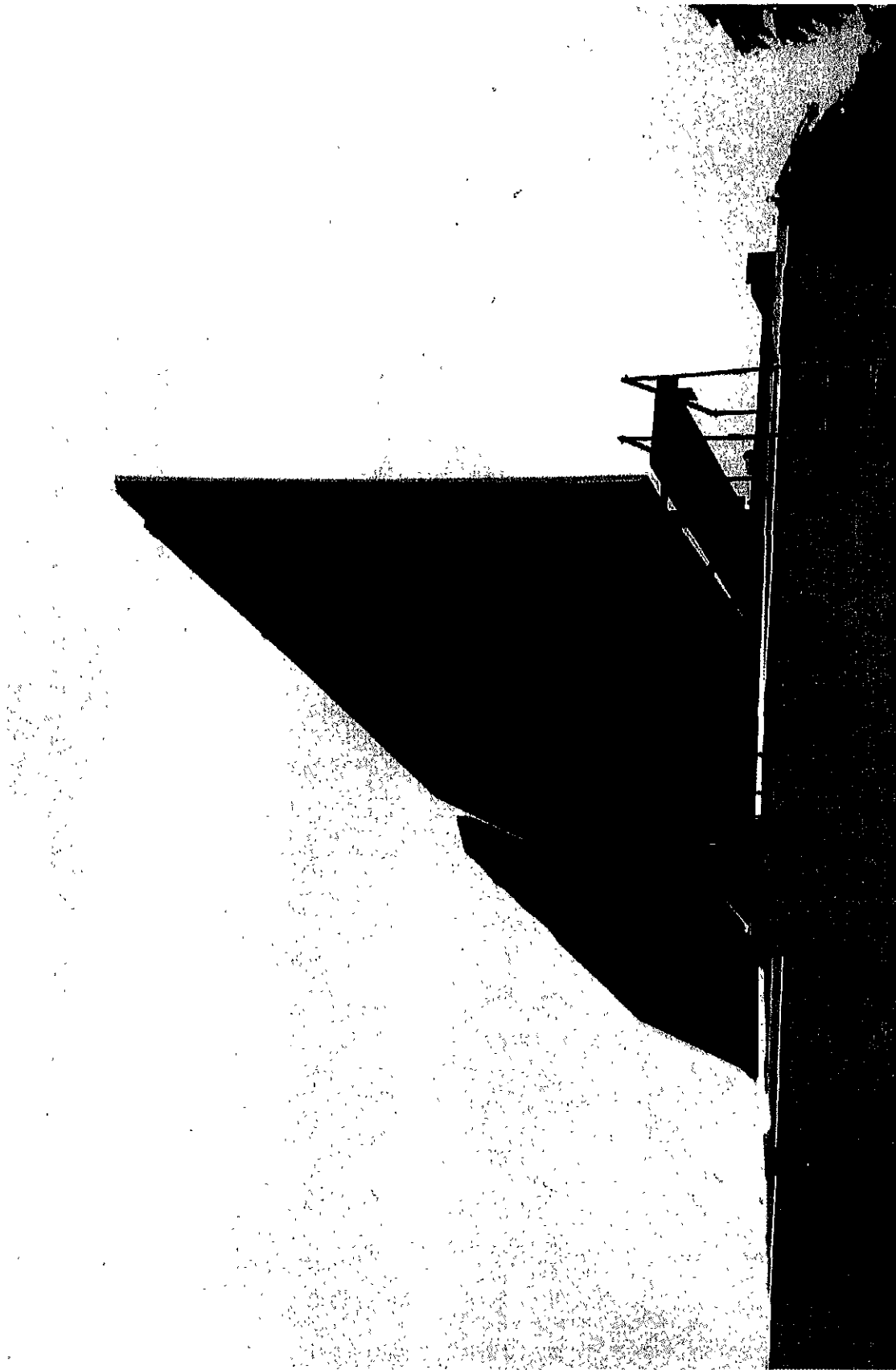
PETITIONER'S

EXHIBIT NO. 10

Plot x#12



MICROFILMED



Ref. Ex #12

MICROFILMED

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

13B
13B



13B

MICROFILMED

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

16A

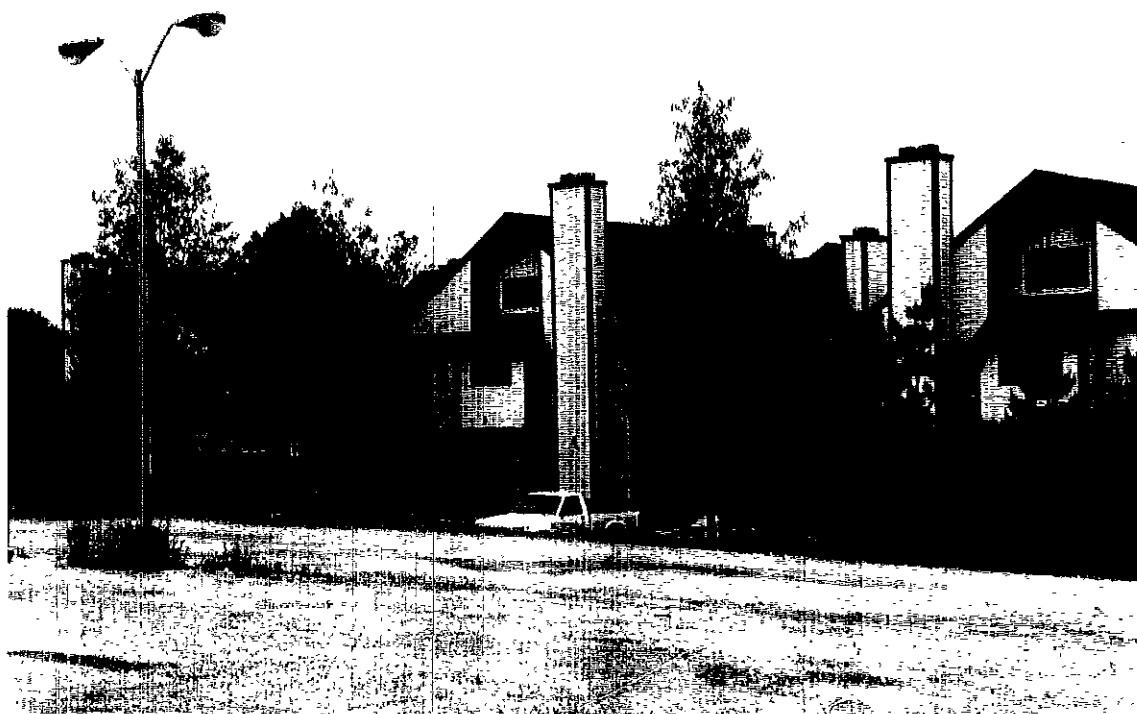


**EXISTING TREES SERVE AS SCREEN:
LIMIT VIEW OF BACK OF BILLBOARD FROM NORTH**



16B

NOT TO SCALE



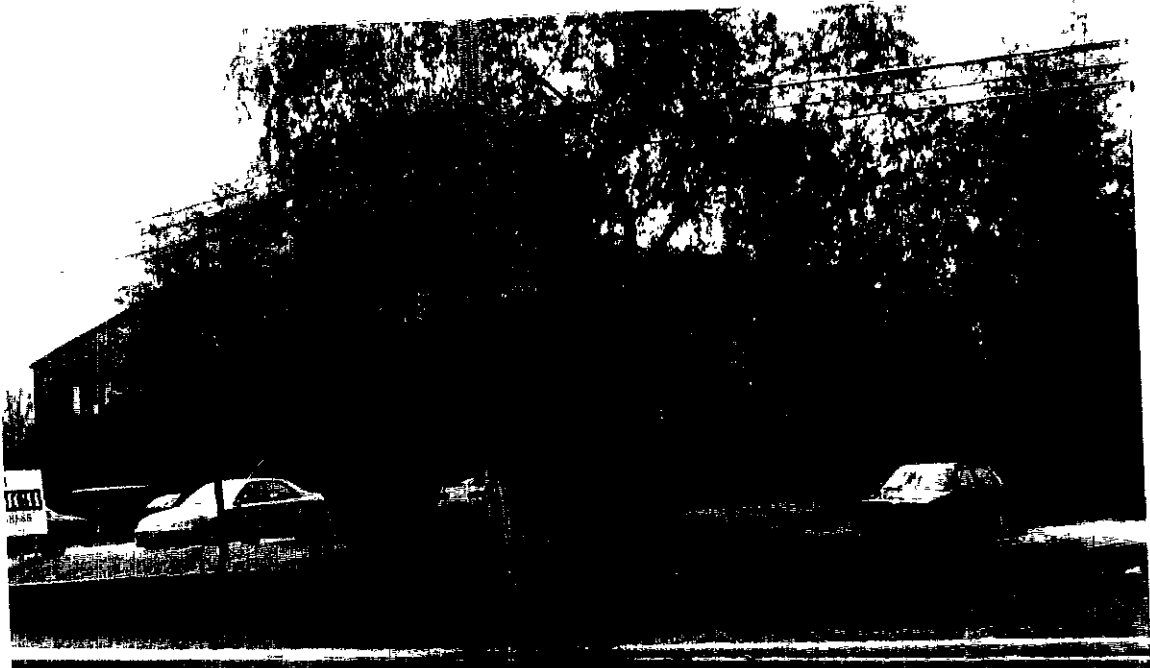
















Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

RE: Renewal of Coin-Operated
Amusement Device Licenses

Dear Coin-Operated Amusement Device Licensee:

This letter has a two-fold purpose. One purpose is to explain the new procedure for renewal of amusement device licenses. The other purpose is to forward an application for the renewal of your licenses.

This year, unlike previous years, proprietors of businesses where coin-operated amusement devices are to be operated by the public are being sent renewal applications directly. Prior to this year, renewal notices were sent to the vending company providing the coin-operated amusement device(s) (when applicable).

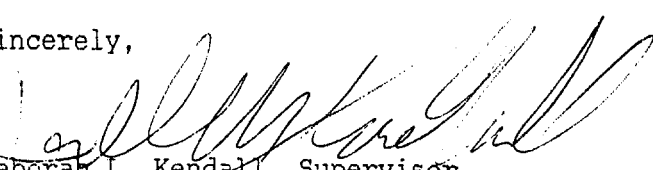
The reason for this change is that, by law, the proprietor of the business where coin-operated amusement devices are to be operated must be the licensee. Since the licensee is held accountable, by law, for compliance with the licensing law, then the licensee rather than the vending company should be sent renewal applications. This does not prohibit your vendor (if applicable) from assisting you with this process, but you are ultimately responsible, not the vendor.

The attached application for coin-operated amusement devices must be completed and returned with the appropriate fee of \$175.00 per device as soon as possible so that licenses may be issued for each device prior to February 1, 1994. Devices to be operated by the public on February 1 must have an issued license prior to February 1. The license is valid February 1, 1994, to January 31, 1995.

ANY RENEWAL APPLICATION POSTMARKED AFTER 4:30 P.M., JANUARY 31, 1994, WILL BE CHARGED A PENALTY FEE EQUAL TO 50% OF THE ANNUAL LICENSE FEE FOR A TOTAL OF \$262.50 PER DEVICE!

If you have questions regarding the licensing of coin-operated amusement devices, I may be reached at 887-3616. **AGAIN, PLEASE NOTE THAT A 50% LATE FILING FEE (PENALTY FEE) WILL BE IMPOSED ON ALL RENEWAL APPLICATION RECEIVED WITH A POSTMARK AFTER JANUARY 31, 1994.**

Sincerely,


Deborah L. Kendall, Supervisor
Miscellaneous Permits & Licenses

2 encls: Renewal application
Baltimore County coin-operated
amusement device law



Larry
Fiji as
discussed.
Karl.

PETITIONER'S

EXHIBIT NO. 3

PETITIONER'S

EXHIBIT NO. 12



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

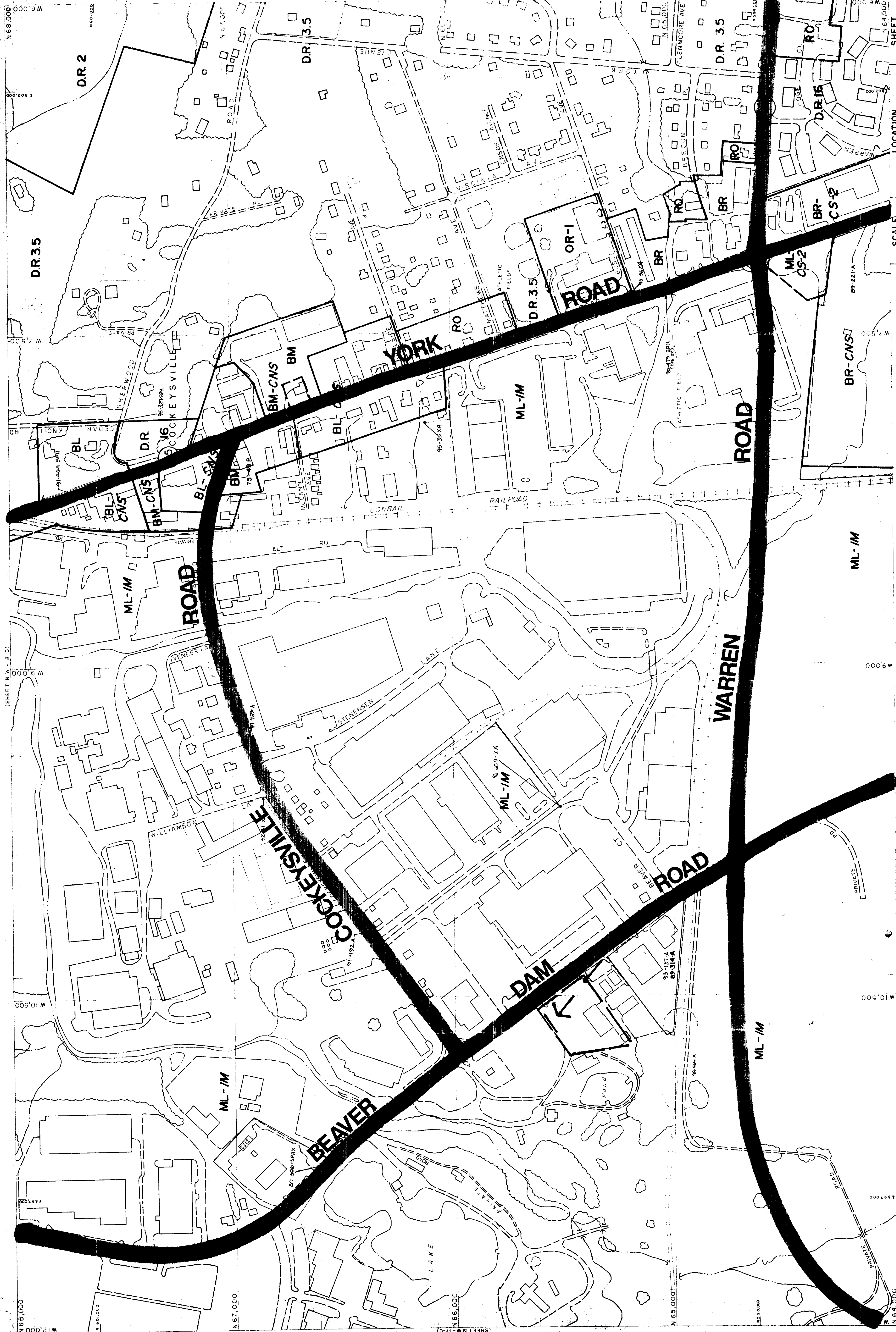
SCA
SHEET

1" = 1' PETITIONER'S MICROFILMED

DA
EXHIBIT NO. 3
PHOTO
JANU
197

N.W.
17-8

5
MILP
11



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
DA PHOTON JAN 19

Chairman, County Council

17-B
19

EXHIBIT NO. 7

SCALE
1" = 200'

LOCATION
SHEET

V - NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BEAVER

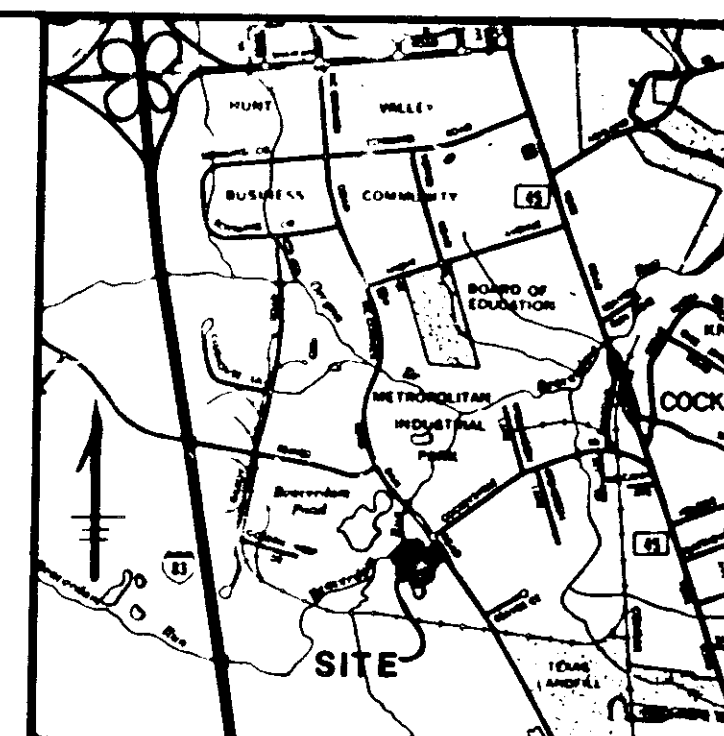
LOCKEYSVILLE ROAD

DAM

ML-IM

ROAD

C. TRAFFIC ENGINEER REQUESTS THE MEDIAN BE EXTENDED



SCALE: 1" = 2000'

Residence Inn/Beaver Springs

Parking Computations:

- A. Gatehouse Meeting Spaces
1. Hospitality Room (444 S.F., 30 Seats, 1 Space/6 Seats) 5 Spaces
 2. Banquet Room (705 S.F., 47 Seats, 1 Space/6 Seats) 8 Spaces
 3. Upper Level Conference Room (454 S.F., 33 Seats, 1 Space/6 Seats) 6 Spaces
- B. Rooms (104 Guest Units, 1 Space/Unit) 104 Spaces
- C. Total Required Parking 123 Spaces
- D. Parking Provided 123 Spaces

Other Notes

The proposed use is a hotel as currently defined by SC2A. The Gatehouse is devoted to a series of lobby, management, housekeeping, mechanical, and guest convenience spaces. There is no restaurant, bar, or cocktail lounge. Each hotel unit includes its own complete kitchen. Food service in the Gatehouse is limited to self-service availability of coffee, milk, juices, cold cereals and pastries. Meeting spaces also are available and are limited to hotel guests. As such, the Gatehouse and its spaces are necessary to and a component of the hotel and are not focused on outside patronage.

PLAT & PLAN TO ACCOMPANY PETITION FOR SPECIAL VARIANCE

MICROFILMED



DAFT, McCune, Walker, Inc.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21204
TELEPHONE: (301) 298-3333

BEAVER SPRINGS

PRELIMINARY SITE PLAN
THE RESIDENCE INN
SCHEMATIC SITE PLAN



PRINTED
DEC 02 1986
DAFT-McCUNE-WALKER, INC.

SCALE:
1"=40'
JOB ORDER NO.
85018-A
ISSUE DATE
9-18-86

DATE	REVISIONS

SP-1

ML-IM

ML-IM

LOT 1b
4.944 AC.±
FUTURE DEVELOPMENT

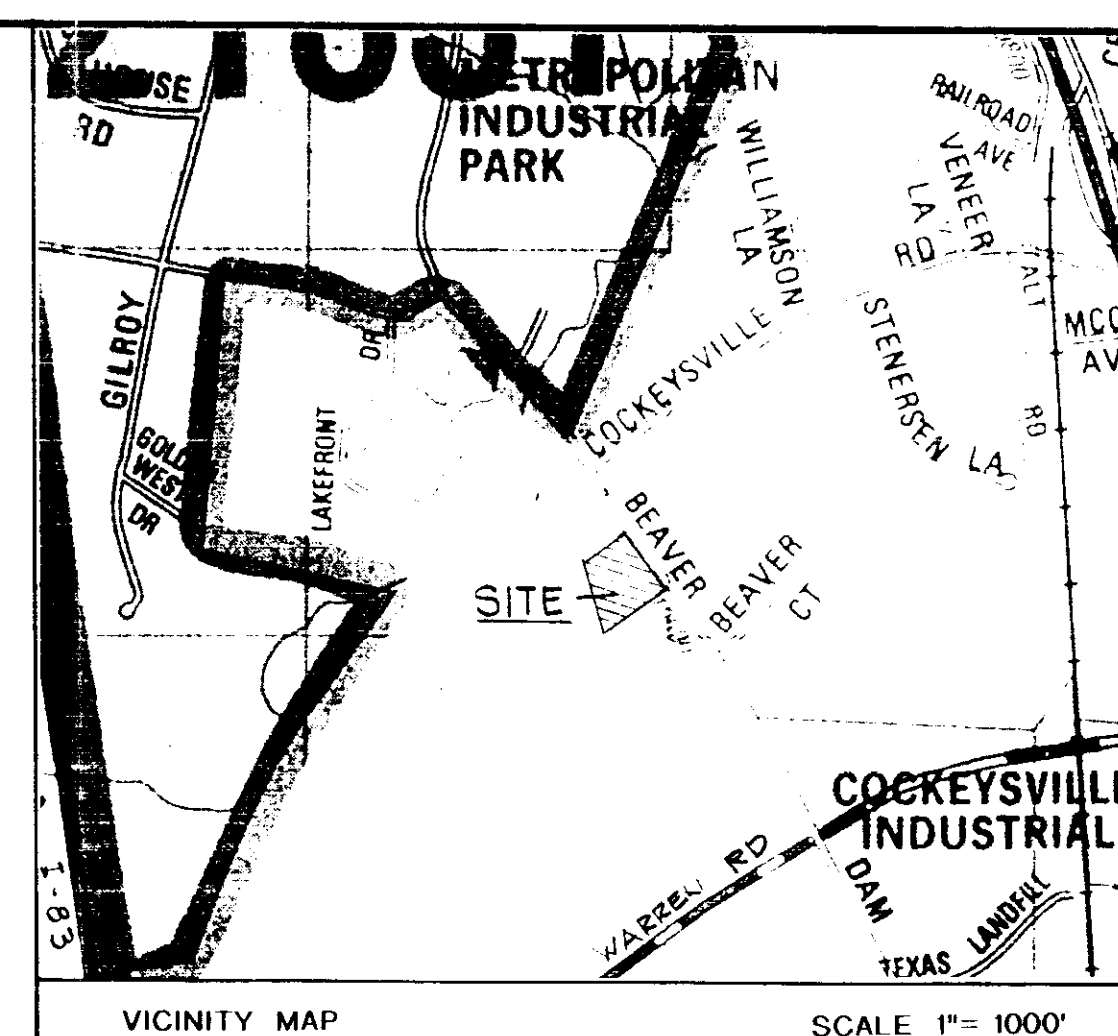
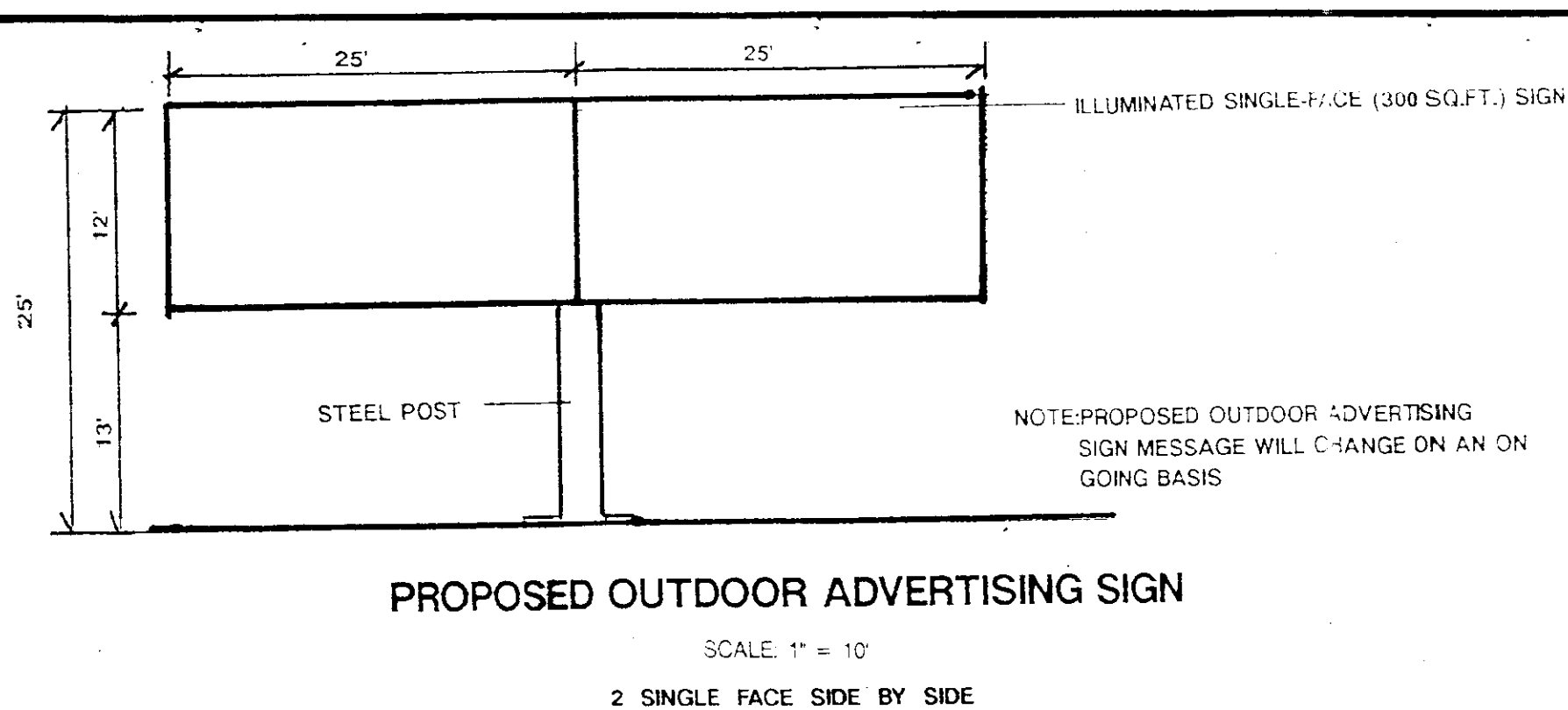
ML-IM

HARRY CAMPBELL & SONS
OTA 444/453

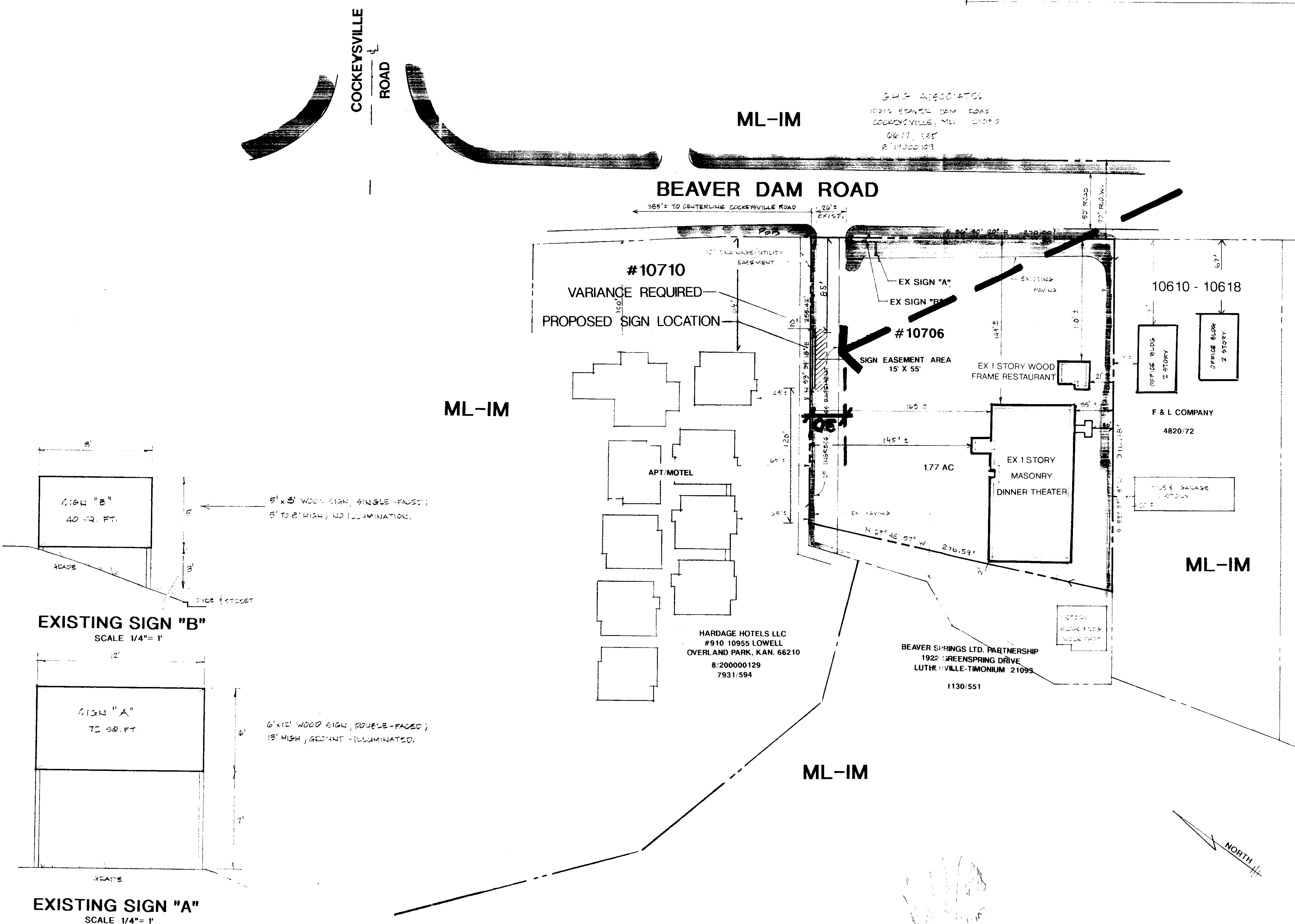
* APPLICANT: BEAVER SPRINGS JOINT VENTURE
ANDY POFFEL
3438 YORK ROAD
TOWSON MD. 21204

- * ACREAGE: LOT 1 = 4.944 AC.±
- * CURRENT ZONING: ML-IM
- * ELECTION DISTRICT: 6 COUNCILMANIC DIST. 6
- * CENSUS TRACT: 4084
- * PARKING SPACES REQUIRED SEE PARKING COMPUTATIONS PER HOTEL UNIT.
- * PARKING SPACES PROVIDED SEE PARKING COMPUTATIONS
- * LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS FROM THE LANDSCAPE MANUAL.
- * LIGHTING SHALL BE ARRANGED SO AS NOT TO SHINE OR REFLECT ON ADJOINING PREMISES.

BOX #14



APPLICANT: PENN ADVERTISING 3001 REMINGTON AVENUE BALTIMORE, MD 21211 (410) 235-8820	REVISIONS
DATE: 8 / 5 / 96	JOB NO: 96 - 17
SCALE: 1" = 50'	

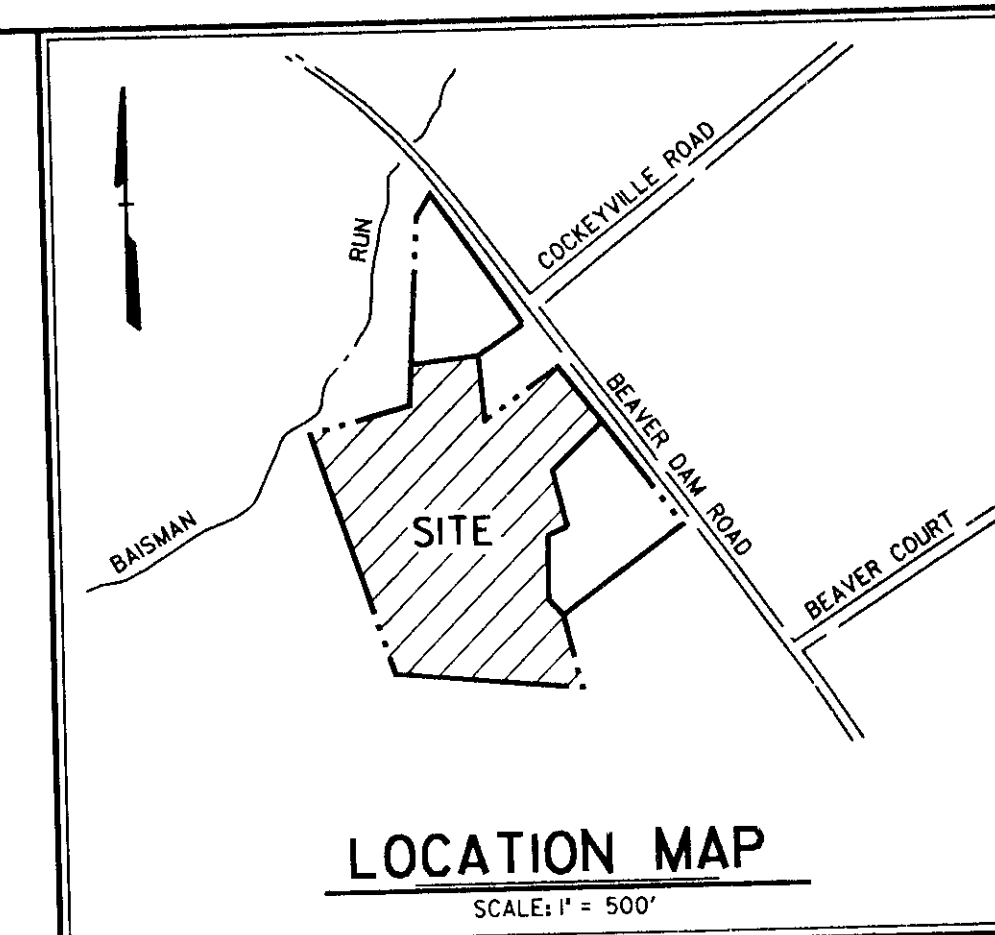


- NOTES:
- EXISTING ZONING: ML-IM
 - CROSS LOT AREA:
 - LOT AREA: 1.77 ACRES
 - SPECIAL EXCEPTION: SECTION 10-1 TO PARCELS 2 SIDE BY SIDE 42' X 14' 6" OUTDOOR ADVERTISING SIGNS AND OUTDOOR ADVERTISING
 - VARIANCE: SECTION 10-1 TO PARCELS 2 SIDE BY SIDE 42' X 14' 6" OUTDOOR ADVERTISING SIGNS AND OUTDOOR ADVERTISING
 - EXISTING LOT: 10610 - 10618
 - PROPOSED USE: CONTRACTOR STORAGE YARD, DINNER THEATER AND OUTDOOR ADVERTISING SIGN
 - PREVIOUS ZONING HEARINGS:
CASE # 70-01A VARIANCE TO PERMIT SIDE YARD SETBACK OF 15' IN 10610-10618 10/10/90 APPROVED
CASE # 80-03A SITE SPECIAL HEARING TO AMEND EXISTING SITE PLAN FOR LUTHERVILLE VALLEY DINNER THEATER TO PROVIDE FOR ADJACENCY OF NON-CONFORMING STATUS OF PARCELS A AND SPECIAL EXCEPTION FOR LOT 10610-10618 APPROVED
CASE # 81-03A SITE 10610-10618 UTILIZATION PERIOD 2 ADDITIONAL YEARS FOR APPROVAL GRANTED IN CASE # 81-03A 10/10/90 APPROVED
 - PREVIOUS ZONING HEARINGS: NONE
 - OWNERSHIP INFORMATION: 10610-10618 COCKEYSVILLE, MD 21036
 - DEED REFERENCE: 79-11594
 - TAX MAP: 10610-10618 PARCELS 1-11
 - CENSUS TRACT: 10610
 - TAX ACCOUNT: 10610-10618
 - ELECTION DISTRICT NO. 8
 - COUNTY COUNCIL DISTRICT NO. 1
 - SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION):
FRONT 15' TO 10610-10618
SIDE 15' TO 10610-10618
REAR 15' TO 10610-10618
 - SETBACK AVERAGING COMPUTATIONS:
PROPERTY TO NORTH (10610-10618) 15' TO 10610-10618
PROPERTY TO SOUTH (10610-10618) 15' TO 10610-10618
AVERAGE 15'
 - PARKING NOTE: PROPOSED SIGN LOCATION WILL NOT INTERFERE WITH ANY EXISTING PARKING SPACES, LOADING AREAS OR TRAFFIC ADJACENT
 - UTILITIES: SITE IS SERVED BY EXISTING PUBLIC UTILITIES
 - SIGNS: ALL EXISTING SIGNS ARE SHOWN ON THE PLAN
 - ZONING NOTES: OUTDOOR ADVERTISING SIGN
SECTION 10-1 TO PARCELS 2 SIDE BY SIDE 42' X 14' 6" OUTDOOR ADVERTISING SIGNS AND OUTDOOR ADVERTISING
A. TOTAL SURFACE AREA OF SIGN: 160 SQ. FT. PER SIDE 42' X 14' 6" (TOTAL)
B. SIGN SHALL BE ILLUMINATED IN SUCH A WAY TO AVOID GLARE AND REFLECTION ONTO ADJACENT ROADS, LOCATING VEHICLES OR ONTO ANY ADJACENT RESIDENTIAL PREMISES. ILLUMINATION WILL BE MOUNTED ON THE TOP OF THE SIGN AND AIMED DIRECTLY AT THE SURFACE OF THE SIGN
C. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED
D. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED
E. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED
F. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED
G. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED
H. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED
I. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED
J. THE SIGN SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE GROUND ELEVATION AT WHICH THE SIGN IS LOCATED

**PLAN TO ACCOMPANY
SPECIAL EXCEPTION APPLICATION
AND VARIANCE APPLICATION
10706 BEAVER DAM ROAD
BALTIMORE COUNTY, MD.**

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
COURTHOUSE COMMONS
SUITE 67
TOWSON, MARYLAND 21204
(410) 494-8931

PETITIONER'S
EXHIBIT NO. 9



GENERAL NOTES

1. HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE AND UTILITY EASEMENTS AND RECORDATION OF RECORDATION UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND, THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS TO BALTIMORE COUNTY, MARYLAND.
2. STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS REFERRED, THEIR HEIRS AND ASSIGNS.
3. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY ZONING AND SUBDIVISION CODE.
4. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5. THE DEDICATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.
7. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC UTILITY SHOWN ON THE PLAT.
8. THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES CONTAINED IN THE WATER QUALITY MANAGEMENT POLICY.
9. GROSS AREA OF TRACT = 10.4 ACRES + .
10. NET AREA OF TRACT = 9.90 ACRES + .
11. EXISTING ZONING = ML-MI.
12. OPEN SPACE REQUIRED = 0.
13. OPEN SPACE PROPOSED = 0.
14. ALL LOTS SHOWN ARE FOR SALE.
15. AREA OF THIS PLAT = 9.90 ACRES + .
16. NUMBER OF LOTS THIS PLAT = 2.
17. PLAN APPROVED ON APRIL 11, 1985.
18. TEXAS/COCKEYSVILLE SANITARY SEWER SHED.
19. RESERVATION FOR RESERVATION TO DIVIDE LOT #9 FOR MARKETING PURPOSES.

SM.56 FOLIO 11

IN 72 FEB 4 198

Summit

Reynolds (1880)

C PLAT	15 00
SA CLERK	15 00
#54601 C001 R02 T1	135
	02/14/8

THE STATE AND COUNTY ENGINEERS HAVE BEEN ADVISED THAT THE WATER EAST OF THE BRIDGE IS BEING USED FOR IRRIGATION AND THAT IT IS BEING USED FOR THE PURPOSES OF THE BRIDGE. THE STATE AND COUNTY ENGINEERS HAVE BEEN ADVISED THAT THE WATER EAST OF THE BRIDGE IS BEING USED FOR IRRIGATION AND THAT IT IS BEING USED FOR THE PURPOSES OF THE BRIDGE.

W. A. Chrysler
 Final Plat Check
 Planning *LEO*
 Engineering *SA mcd 1/20/87*
 Street Names *E 129th*
 Address Nos. *129th*

RESUBDIVISION PLAT OF LOT 1
LIMESTONE BUSINESS CENTER

PREVIOUSLY RECORDED ON PLAT OF LIMESTONE BUSINESS CENTER
F.H.K., JR. 54/49

ELECTION DISTRICT 8
SCALE: 1" = 50'

BALTIMORE COUNTY, MARYLAND
NOVEMBER 10, 1986

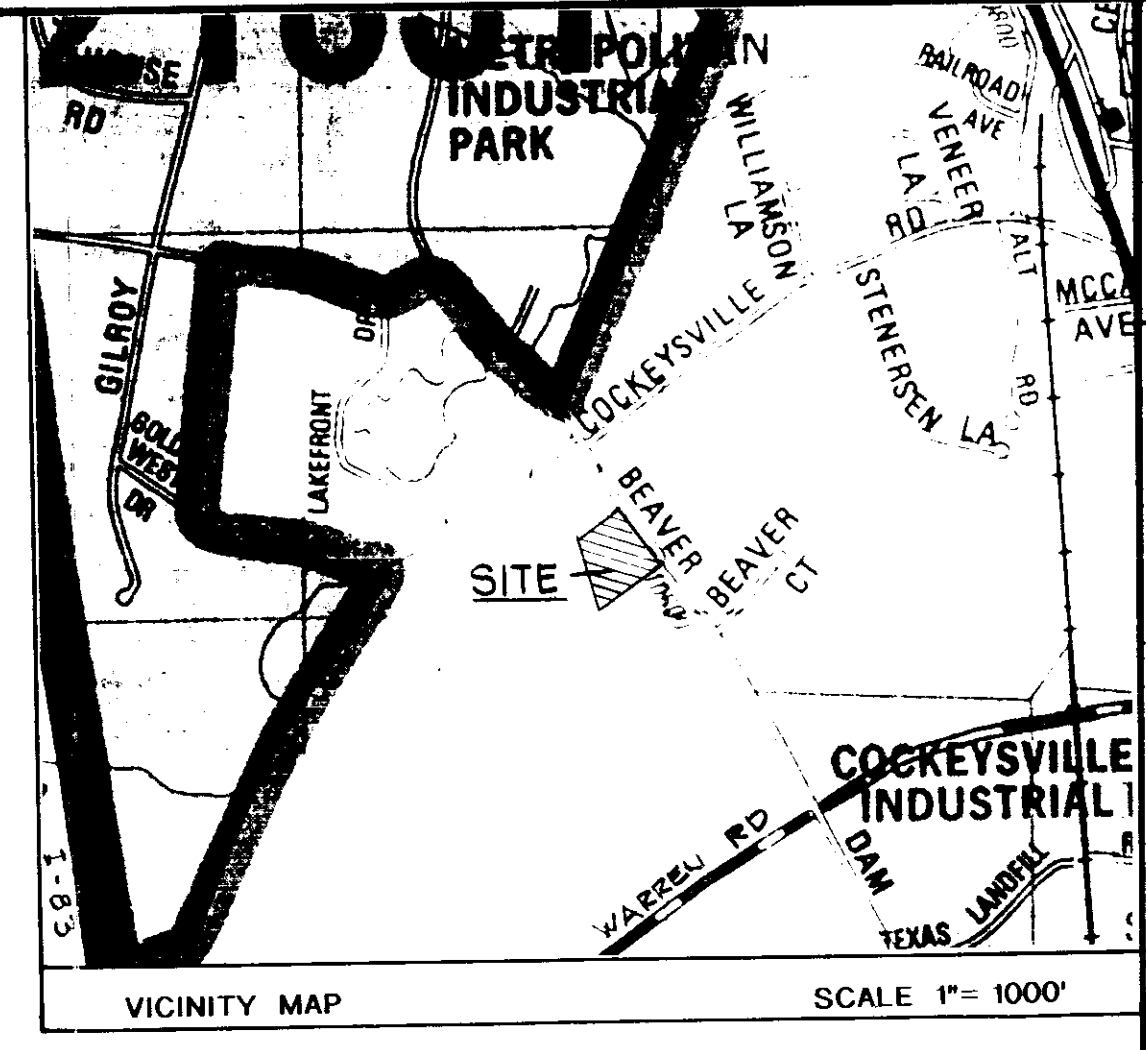
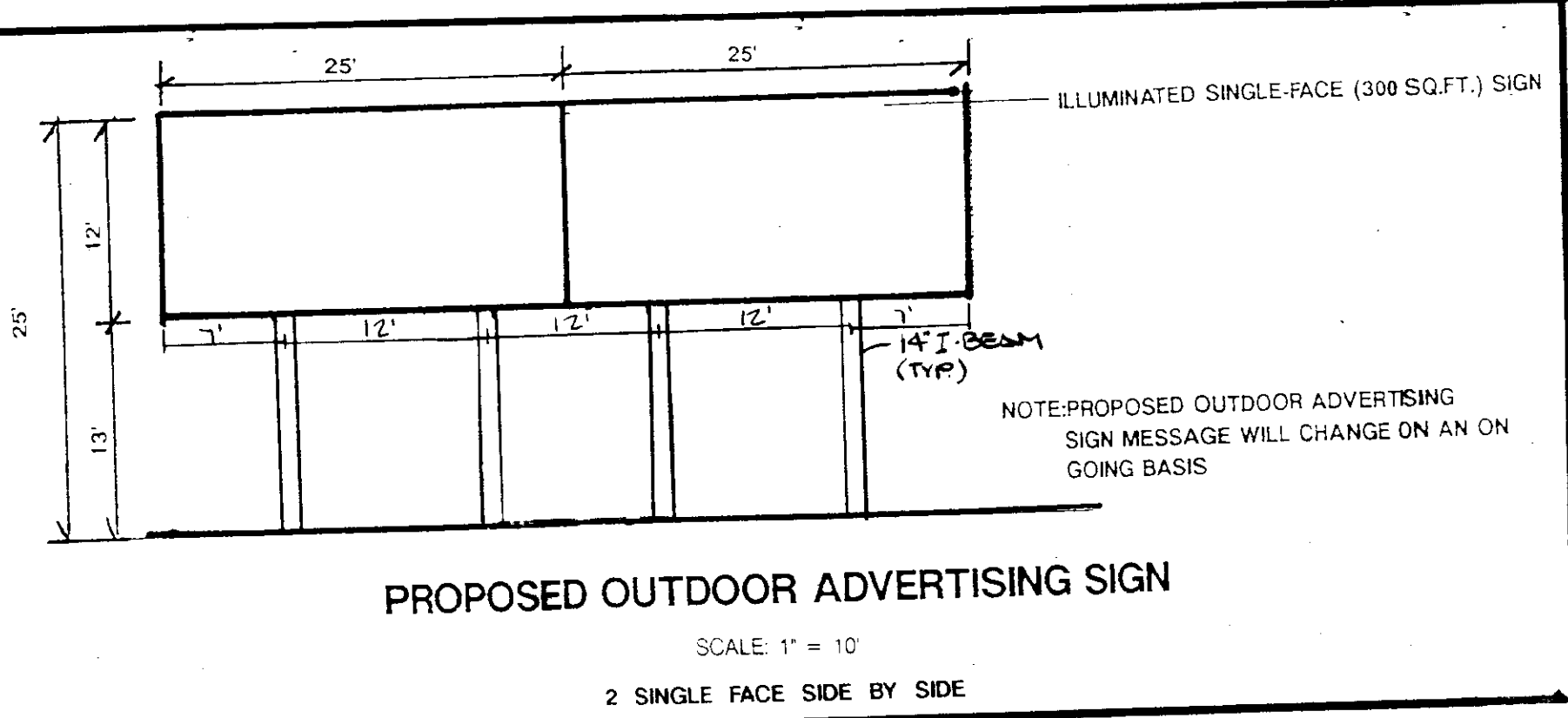
MICROFILMED

COORDINATES		
NAME	NORTH	WEST
68	65732.70	1115.25
69	65663.44	11380.71
83	65188.65	10726.64
84	64999.95	10672.55
85	65044.84	11170.14
92	65709.80	10623.89
490	65638.37	10571.02
503	65834.43	10724.08
504	65688.92	10921.85
506	65864.57	10936.22
547	65872.52	11108.81
874	65475.14	10792.87
875	65370.93	10756.13
876	65328.95	10772.34
878	65225.37	10761.11
879	65185.10	10731.48

Prot. 4h #2

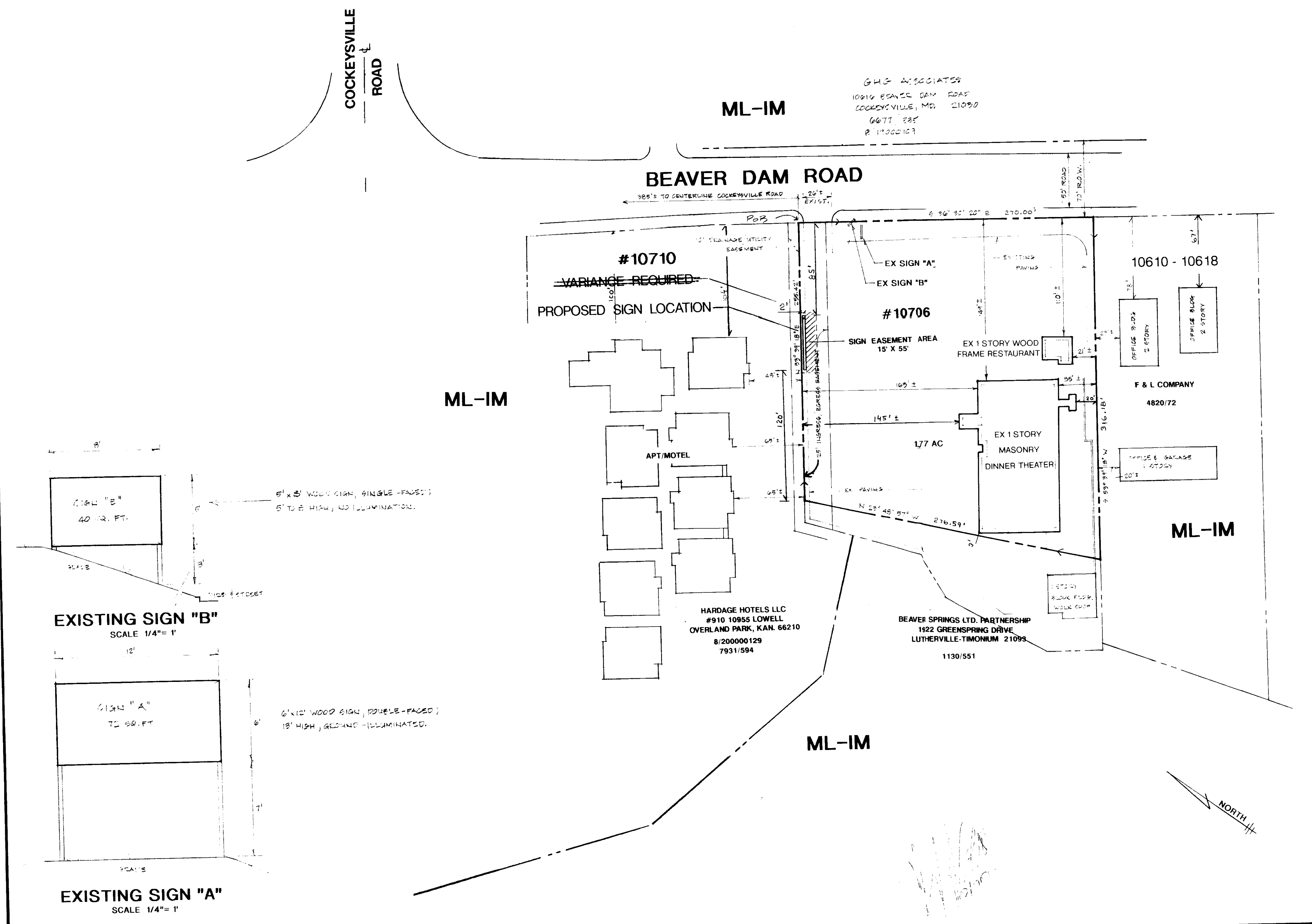
		OWNER BEAVER SPRINGS JOINT VENTURE 6438 YORK ROAD TOWSON, MARYLAND 21204 DEED REFERENCE: E.H.K., JR. 7120/384		SURVEYOR'S CERTIFICATE The undersigned, owner of the land shown on this plat, hereby certifies that, to the best of his knowledge and belief, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland have been complied with, insofar as same based on the following traverse stations: X-6451 N 65977.46 W 10783.55 TO X-6452 AZ. 323°07'35" BY REFERENCE TO PLAT OF LAKEFRONT E.H.K., JR. 49/107		OWNER'S CERTIFICATE The undersigned, owner of the land shown on this plat, hereby certifies that, to the best of his knowledge and belief, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland have been complied with, insofar as same based on the following traverse stations: BEAVER SPRINGS JOINT VENTURE By: <u>[Signature]</u> 11/18/86 Date		SURVEYOR'S CERTIFICATE The undersigned, a Registered Land Surveyor of the State of Maryland, does hereby certify that he is the surveyor who prepared this plat and that the land shown on this plat has been laid out, and the plat thereof has been prepared, in accordance with Sub-section (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the plat and setting the pins. Registered Land Surveyor, No. 10742 Date <u>1-8-87</u>		 		DAFT McCUNE WALKER INC. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS & SURVEYORS 800 E. PENNSYLVANIA AVE., TOWSON, MD 21204 TELEPHONE: 301-296-3333	
DATE: <u>1/17/87</u> DEPUTY STATE & COUNTY HEALTH OFFICER		DATE: <u>1/26/87</u> DIRECTOR OF PUBLIC WORKS		TAX ACCOUNT NO.: 08-2000007365		By: <u>[Signature]</u> 11/18/86 Date		Registered Land Surveyor, No. 10742 Date <u>1-8-87</u>		COMPUTED: TMS/MOE 5 DRAWN: F.J.Z./WALI CHECKED: M.T.M./K.R.K. J.O.* 8501			
DATE: <u>1/26/87</u> DIRECTOR OF PLANNING & ZONING		DATE: <u>1/26/87</u> DIRECTOR OF PUBLIC WORKS		TAX ACCOUNT NO.: 08-2000007365		By: <u>[Signature]</u> 11/18/86 Date		Registered Land Surveyor, No. 10742 Date <u>1-8-87</u>		COMPUTED: TMS/MOE 5 DRAWN: F.J.Z./WALI CHECKED: M.T.M./K.R.K. J.O.* 8501			

56-11



APPLICANT:
PENN ADVERTISING
3001 REMINGTON AVENUE
BALTIMORE, MD 21211
(410) 235-8820

DATE: 8 / 5 / 96
JOB NO: 96 - 17
SCALE: 1" = 50'



- NOTES:
- EXISTING ZONING: ML-IM
 - GROSS LOT AREA: 1.77 ACRES
 - LOT AREA: 1.77 ACRES
 - SPECIAL EXCEPTION: SECTION 411.3 TO PERMIT A SIGN BY SIGN (13' X 55') OUTDOOR, ILLUMINATED SIGN IN A DUL-BY ZONING DISTRICT
 - EXISTING USE: CONTRACTOR STORAGE YARD & DINNIN THEATER
 - PROPOSED USE: CONTRACTOR STORAGE YARD, DINNIN THEATER AND OUTDOOR ADVERTISING SIGN
 - PREVIOUS ZONING HEARINGS:
CASE # 76-01-A VARIANCE TO PERMIT SIDE YARD SETBACK OF 4' IN LIEU OF REQ. 30' 11/6/69 APPROVED.
CASE # 81-108 XSPH SPECIAL HEARING TO AMEND EXISTING SITE PLAN FOR LIMESTONE VALLEY DINNIN THEATER, TO PROVIDE FOR ABANDONMENT OF NON-CONFORMING STATUS OF PARCEL A AND SPECIAL EXCEPTION FOR HOTEL. 4/28/81 APPROVED.
CASE # 84-104 XSPH TO EXTEND UTILIZATION PERIOD 2 ADDITIONAL YEARS FOR APPROVAL GRANTED IN CASE #81-108 XSPH 7/6/84 APPROVED
 - PREVIOUS COMMERCIAL PERMITS: NONE
 - OWNERSHIP INFORMATION: JOSHUA & DORIS COCKEY
PO BOX 113
COCKEYSVILLE, MD 21030
 - DEED REFERENCE: 7911594
 - TAX MAP: 1 GRID: 3, PARCEL: 11
 - CENSUS TRACT: 1991
 - TAX ACCOUNT #: 0820000073
 - ELECTION DISTRICT NO.: 8
 - COUNTY COUNCIL DISTRICT NO.: 4
 - SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION)
FRONT: 8' REQUIRED, 8' PROVIDED
SIDE: 7' REQUIRED, 7' PROVIDED
REAR: 12' REQUIRED, 12' PROVIDED
 - SETBACK AVERAGING COMPUTATIONS:
PROPERTY TO NORTH (#10710) 101'
PROPERTY TO SOUTH (#10618 - 10618) 67'
AVERAGE 84'
 - PARKING NOTE: PROPOSED SIGN LOCATION WILL NOT INTERFERE WITH ANY EXISTING PARKING SPACES, LOADING AREAS OR TRAVEL AISLES.
 - UTILITIES: SITE IS SERVED BY EXISTING PUBLIC UTILITIES.
 - SIGNS: ALL EXISTING SIGNS ARE SHOWN ON THE PLAN.
 - ZONING NOTES: OUTDOOR ADVERTISING SIGN
A. SIGN SHALL BE 13' X 55' (SEE PLAN)
B. TOTAL SIGN AREA SHALL BE 715 SQ. FT. PER SIDE (1430 SQ. FT. TOTAL)
C. N/A
D. SIGNS ARE SETBACK A MINIMUM OF 8' IN CONFORMANCE WITH THE FRONT YARD AVERAGING PROVISIONS
E. THE SIGN IS NOT LOCATED WITHIN 30 FEET OF ANY STREET INTERSECTION
F. NOT APPLICABLE
G. NOT APPLICABLE
H. NO SIGNS ARE SITUATED WITHIN 1000' OF THE PROPOSED SIGN LOCATION
I. NOT APPLICABLE
J. NOT APPLICABLE
K. NOT APPLICABLE
L. NOT APPLICABLE
M. NOT APPLICABLE
N. NOT APPLICABLE
O. NOT APPLICABLE
P. NOT APPLICABLE
Q. NOT APPLICABLE
R. NOT APPLICABLE
S. NOT APPLICABLE
T. NOT APPLICABLE
U. NOT APPLICABLE
V. NOT APPLICABLE
W. NOT APPLICABLE
X. NOT APPLICABLE
Y. NOT APPLICABLE
Z. NOT APPLICABLE
AA. NOT APPLICABLE
AB. NOT APPLICABLE
AC. NOT APPLICABLE
AD. NOT APPLICABLE
AE. NOT APPLICABLE
AF. NOT APPLICABLE
AG. NOT APPLICABLE
AH. NOT APPLICABLE
AI. NOT APPLICABLE
AJ. NOT APPLICABLE
AK. NOT APPLICABLE
AL. NOT APPLICABLE
AM. NOT APPLICABLE
AN. NOT APPLICABLE
AO. NOT APPLICABLE
AP. NOT APPLICABLE
AQ. NOT APPLICABLE
AR. NOT APPLICABLE
AS. NOT APPLICABLE
AT. NOT APPLICABLE
AU. NOT APPLICABLE
AV. NOT APPLICABLE
AW. NOT APPLICABLE
AX. NOT APPLICABLE
AY. NOT APPLICABLE
AZ. NOT APPLICABLE
BA. NOT APPLICABLE
BB. NOT APPLICABLE
BC. NOT APPLICABLE
BD. NOT APPLICABLE
BE. NOT APPLICABLE
BF. NOT APPLICABLE
BG. NOT APPLICABLE
BH. NOT APPLICABLE
BI. NOT APPLICABLE
BJ. NOT APPLICABLE
BK. NOT APPLICABLE
BL. NOT APPLICABLE
BM. NOT APPLICABLE
BN. NOT APPLICABLE
BO. NOT APPLICABLE
BP. NOT APPLICABLE
BQ. NOT APPLICABLE
BR. NOT APPLICABLE
BS. NOT APPLICABLE
BT. NOT APPLICABLE
BU. NOT APPLICABLE
BV. NOT APPLICABLE
BW. NOT APPLICABLE
BX. NOT APPLICABLE
BY. NOT APPLICABLE
BZ. NOT APPLICABLE
CA. NOT APPLICABLE
CB. NOT APPLICABLE
CC. NOT APPLICABLE
CD. NOT APPLICABLE
CE. NOT APPLICABLE
CF. NOT APPLICABLE
CG. NOT APPLICABLE
CH. NOT APPLICABLE
CI. NOT APPLICABLE
CJ. NOT APPLICABLE
CK. NOT APPLICABLE
CL. NOT APPLICABLE
CM. NOT APPLICABLE
CN. NOT APPLICABLE
CO. NOT APPLICABLE
CP. NOT APPLICABLE
CQ. NOT APPLICABLE
CR. NOT APPLICABLE
CS. NOT APPLICABLE
CT. NOT APPLICABLE
CU. NOT APPLICABLE
CV. NOT APPLICABLE
CW. NOT APPLICABLE
CX. NOT APPLICABLE
CY. NOT APPLICABLE
CZ. NOT APPLICABLE
DA. NOT APPLICABLE
DB. NOT APPLICABLE
DC. NOT APPLICABLE
DD. NOT APPLICABLE
DE. NOT APPLICABLE
DF. NOT APPLICABLE
DG. NOT APPLICABLE
DH. NOT APPLICABLE
DI. NOT APPLICABLE
DJ. NOT APPLICABLE
DK. NOT APPLICABLE
DL. NOT APPLICABLE
DM. NOT APPLICABLE
DN. NOT APPLICABLE
DO. NOT APPLICABLE
DP. NOT APPLICABLE
DQ. NOT APPLICABLE
DR. NOT APPLICABLE
DS. NOT APPLICABLE
DT. NOT APPLICABLE
DU. NOT APPLICABLE
DV. NOT APPLICABLE
DW. NOT APPLICABLE
DX. NOT APPLICABLE
DY. NOT APPLICABLE
DZ. NOT APPLICABLE
EA. NOT APPLICABLE
EB. NOT APPLICABLE
EC. NOT APPLICABLE
ED. NOT APPLICABLE
EE. NOT APPLICABLE
EF. NOT APPLICABLE
EG. NOT APPLICABLE
EH. NOT APPLICABLE
EI. NOT APPLICABLE
EJ. NOT APPLICABLE
EK. NOT APPLICABLE
EL. NOT APPLICABLE
EM. NOT APPLICABLE
EN. NOT APPLICABLE
EO. NOT APPLICABLE
EP. NOT APPLICABLE
EQ. NOT APPLICABLE
ER. NOT APPLICABLE
ES. NOT APPLICABLE
ET. NOT APPLICABLE
EU. NOT APPLICABLE
EV. NOT APPLICABLE
EW. NOT APPLICABLE
EX. NOT APPLICABLE
EY. NOT APPLICABLE
EZ. NOT APPLICABLE
FA. NOT APPLICABLE
FB. NOT APPLICABLE
FC. NOT APPLICABLE
FD. NOT APPLICABLE
FE. NOT APPLICABLE
FF. NOT APPLICABLE
FG. NOT APPLICABLE
FH. NOT APPLICABLE
FI. NOT APPLICABLE
FJ. NOT APPLICABLE
FK. NOT APPLICABLE
FL. NOT APPLICABLE
FM. NOT APPLICABLE
FN. NOT APPLICABLE
FO. NOT APPLICABLE
FP. NOT APPLICABLE
FQ. NOT APPLICABLE
FR. NOT APPLICABLE
FS. NOT APPLICABLE
FT. NOT APPLICABLE
FU. NOT APPLICABLE
FV. NOT APPLICABLE
FW. NOT APPLICABLE
FX. NOT APPLICABLE
FY. NOT APPLICABLE
FZ. NOT APPLICABLE
GA. NOT APPLICABLE
GB. NOT APPLICABLE
GC. NOT APPLICABLE
GD. NOT APPLICABLE
GE. NOT APPLICABLE
GF. NOT APPLICABLE
GG. NOT APPLICABLE
GH. NOT APPLICABLE
GI. NOT APPLICABLE
GJ. NOT APPLICABLE
GK. NOT APPLICABLE
GL. NOT APPLICABLE
GM. NOT APPLICABLE
GN. NOT APPLICABLE
GO. NOT APPLICABLE
GP. NOT APPLICABLE
GQ. NOT APPLICABLE
GR. NOT APPLICABLE
GS. NOT APPLICABLE
GT. NOT APPLICABLE
GU. NOT APPLICABLE
GV. NOT APPLICABLE
GW. NOT APPLICABLE
GX. NOT APPLICABLE
GY. NOT APPLICABLE
GZ. NOT APPLICABLE
HA. NOT APPLICABLE
HB. NOT APPLICABLE
HC. NOT APPLICABLE
HD. NOT APPLICABLE
HE. NOT APPLICABLE
HF. NOT APPLICABLE
HG. NOT APPLICABLE
HH. NOT APPLICABLE
HI. NOT APPLICABLE
HJ. NOT APPLICABLE
HK. NOT APPLICABLE
HL. NOT APPLICABLE
HM. NOT APPLICABLE
HN. NOT APPLICABLE
HO. NOT APPLICABLE
HP. NOT APPLICABLE
HQ. NOT APPLICABLE
HR. NOT APPLICABLE
HS. NOT APPLICABLE
HT. NOT APPLICABLE
HU. NOT APPLICABLE
HV. NOT APPLICABLE
HW. NOT APPLICABLE
HX. NOT APPLICABLE
HY. NOT APPLICABLE
HZ. NOT APPLICABLE
IA. NOT APPLICABLE
IB. NOT APPLICABLE
IC. NOT APPLICABLE
ID. NOT APPLICABLE
IE. NOT APPLICABLE
IF. NOT APPLICABLE
IG. NOT APPLICABLE
IH. NOT APPLICABLE
II. NOT APPLICABLE
IJ. NOT APPLICABLE
IK. NOT APPLICABLE
IL. NOT APPLICABLE
IM. NOT APPLICABLE
IN. NOT APPLICABLE
IO. NOT APPLICABLE
IP. NOT APPLICABLE
IQ. NOT APPLICABLE
IR. NOT APPLICABLE
IS. NOT APPLICABLE
IT. NOT APPLICABLE
IU. NOT APPLICABLE
IV. NOT APPLICABLE
IW. NOT APPLICABLE
IX. NOT APPLICABLE
IY. NOT APPLICABLE
IZ. NOT APPLICABLE
JA. NOT APPLICABLE
JB. NOT APPLICABLE
JC. NOT APPLICABLE
JD. NOT APPLICABLE
JE. NOT APPLICABLE
JF. NOT APPLICABLE
JG. NOT APPLICABLE
JH. NOT APPLICABLE
JI. NOT APPLICABLE
JJ. NOT APPLICABLE
JK. NOT APPLICABLE
JL. NOT APPLICABLE
JM. NOT APPLICABLE
JN. NOT APPLICABLE
JO. NOT APPLICABLE
JP. NOT APPLICABLE
JQ. NOT APPLICABLE
JR. NOT APPLICABLE
JS. NOT APPLICABLE
JT. NOT APPLICABLE
JU. NOT APPLICABLE
JV. NOT APPLICABLE
JW. NOT APPLICABLE
JX. NOT APPLICABLE
JY. NOT APPLICABLE
JZ. NOT APPLICABLE
KA. NOT APPLICABLE
KB. NOT APPLICABLE
KC. NOT APPLICABLE
KD. NOT APPLICABLE
KE. NOT APPLICABLE
KF. NOT APPLICABLE
KG. NOT APPLICABLE
KH. NOT APPLICABLE
KI. NOT APPLICABLE
KJ. NOT APPLICABLE
KK. NOT APPLICABLE
KL. NOT APPLICABLE
KM. NOT APPLICABLE
KN. NOT APPLICABLE
KO. NOT APPLICABLE
KP. NOT APPLICABLE
KQ. NOT APPLICABLE
KR. NOT APPLICABLE
KS. NOT APPLICABLE
KT. NOT APPLICABLE
KU. NOT APPLICABLE
KV. NOT APPLICABLE
KW. NOT APPLICABLE
KX. NOT APPLICABLE
KY. NOT APPLICABLE
KZ. NOT APPLICABLE
LA. NOT APPLICABLE
LB. NOT APPLICABLE
LC. NOT APPLICABLE
LD. NOT APPLICABLE
LE. NOT APPLICABLE
LF. NOT APPLICABLE
LG. NOT APPLICABLE
LH. NOT APPLICABLE
LI. NOT APPLICABLE
LJ. NOT APPLICABLE
LK. NOT APPLICABLE
LL. NOT APPLICABLE
LM. NOT APPLICABLE
LN. NOT APPLICABLE
LO. NOT APPLICABLE
LP. NOT APPLICABLE
LQ. NOT APPLICABLE
LR. NOT APPLICABLE
LS. NOT APPLICABLE
LT. NOT APPLICABLE
LU. NOT APPLICABLE
LV. NOT APPLICABLE
LW. NOT APPLICABLE
LX. NOT APPLICABLE
LY. NOT APPLICABLE
LZ. NOT APPLICABLE
MA. NOT APPLICABLE
MB. NOT APPLICABLE
MC. NOT APPLICABLE
MD. NOT APPLICABLE
ME. NOT APPLICABLE
MF. NOT APPLICABLE
MG. NOT APPLICABLE
MH. NOT APPLICABLE
MI. NOT APPLICABLE
MJ. NOT APPLICABLE
MK. NOT APPLICABLE
ML. NOT APPLICABLE
MN. NOT APPLICABLE
MO. NOT APPLICABLE
MP. NOT APPLICABLE
MQ. NOT APPLICABLE
MR. NOT APPLICABLE
MS. NOT APPLICABLE
MT. NOT APPLICABLE
MU. NOT APPLICABLE
MV. NOT APPLICABLE
MW. NOT APPLICABLE
MX. NOT APPLICABLE
MY. NOT APPLICABLE
MZ. NOT APPLICABLE
NA. NOT APPLICABLE
NB. NOT APPLICABLE
NC. NOT APPLICABLE
ND. NOT APPLICABLE
NE. NOT APPLICABLE
NF. NOT APPLICABLE
NG. NOT APPLICABLE
NH. NOT APPLICABLE
NI. NOT APPLICABLE
NJ. NOT APPLICABLE
NK. NOT APPLICABLE
NL. NOT APPLICABLE
NM. NOT APPLICABLE
NN. NOT APPLICABLE
NO. NOT APPLICABLE
NP. NOT APPLICABLE
NQ. NOT APPLICABLE
NR. NOT APPLICABLE
NS. NOT APPLICABLE
NT. NOT APPLICABLE
NU. NOT APPLICABLE
NV. NOT APPLICABLE
NW. NOT APPLICABLE
NX. NOT APPLICABLE
NY. NOT APPLICABLE
NZ. NOT APPLICABLE
OA. NOT APPLICABLE
OB. NOT APPLICABLE
OC. NOT APPLICABLE
OD. NOT APPLICABLE
OE. NOT APPLICABLE
OF. NOT APPLICABLE
OG. NOT APPLICABLE
OH. NOT APPLICABLE
OI. NOT APPLICABLE
OJ. NOT APPLICABLE
OK. NOT APPLICABLE
OL. NOT APPLICABLE
OM. NOT APPLICABLE
ON. NOT APPLICABLE
OO. NOT APPLICABLE
OP. NOT APPLICABLE
OQ. NOT APPLICABLE
OR. NOT APPLICABLE
OS. NOT APPLICABLE
OT. NOT APPLICABLE
OU. NOT APPLICABLE
OV. NOT APPLICABLE
OW. NOT APPLICABLE
OX. NOT APPLICABLE
OY. NOT APPLICABLE
OZ. NOT APPLICABLE
PA. NOT APPLICABLE
PB. NOT APPLICABLE
PC. NOT APPLICABLE
PD. NOT APPLICABLE
PE. NOT APPLICABLE
PF. NOT APPLICABLE
PG. NOT APPLICABLE
PH. NOT APPLICABLE
PI. NOT APPLICABLE
PJ. NOT APPLICABLE
PK. NOT APPLICABLE
PL. NOT APPLICABLE
PM. NOT APPLICABLE
PN. NOT APPLICABLE
PO. NOT APPLICABLE
PP. NOT APPLICABLE
PQ. NOT APPLICABLE
PR. NOT APPLICABLE
PS. NOT APPLICABLE
PT. NOT APPLICABLE
PU. NOT APPLICABLE
PV. NOT APPLICABLE
PW. NOT APPLICABLE
PX. NOT APPLICABLE
PY. NOT APPLICABLE
PZ. NOT APPLICABLE
QA. NOT APPLICABLE
QB. NOT APPLICABLE
QC. NOT APPLICABLE
QD. NOT APPLICABLE
QE. NOT APPLICABLE
QF. NOT APPLICABLE
QG. NOT APPLICABLE
QH. NOT APPLICABLE
QI. NOT APPLICABLE
QJ. NOT APPLICABLE
QK. NOT APPLICABLE
QL. NOT APPLICABLE
QM. NOT APPLICABLE
QN. NOT APPLICABLE
QO. NOT APPLICABLE
QP. NOT APPLICABLE
QQ. NOT APPLICABLE
QR. NOT APPLICABLE
QS. NOT APPLICABLE
QT. NOT APPLICABLE
QU. NOT APPLICABLE
QV. NOT APPLICABLE
QW. NOT APPLICABLE
QX. NOT APPLICABLE
QY. NOT APPLICABLE
QZ. NOT APPLICABLE
RA. NOT APPLICABLE
RB. NOT APPLICABLE
RC. NOT APPLICABLE
RD. NOT APPLICABLE
RE. NOT APPLICABLE
RF. NOT APPLICABLE
RG. NOT APPLICABLE
RH. NOT APPLICABLE
RI. NOT APPLICABLE
RJ. NOT APPLICABLE
RK. NOT APPLICABLE
RL. NOT APPLICABLE
RM. NOT APPLICABLE
RN. NOT APPLICABLE
RO. NOT APPLICABLE
RP. NOT APPLICABLE
RQ. NOT APPLICABLE
RR. NOT APPLICABLE
RS. NOT APPLICABLE
RT. NOT APPLICABLE
RU. NOT APPLICABLE
RV. NOT APPLICABLE
RW. NOT APPLICABLE
RX. NOT APPLICABLE
RY. NOT APPLICABLE
RZ. NOT APPLICABLE
SA. NOT APPLICABLE
SB. NOT APPLICABLE
SC. NOT APPLICABLE
SD. NOT APPLICABLE
SE. NOT APPLICABLE
SF. NOT APPLICABLE
SG. NOT APPLICABLE
SH. NOT APPLICABLE
SI. NOT APPLICABLE
SJ. NOT APPLICABLE
SK. NOT APPLICABLE
SL. NOT APPLICABLE
SM. NOT APPLICABLE
SN. NOT APPLICABLE
SO. NOT APPLICABLE
SP. NOT APPLICABLE
SQ. NOT APPLICABLE
SR. NOT APPLICABLE
SS. NOT APPLICABLE
ST. NOT APPLICABLE
SU. NOT APPLICABLE
SV. NOT APPLICABLE
SW. NOT APPLICABLE
SX. NOT APPLICABLE
SY. NOT APPLICABLE
SZ. NOT APPLICABLE
TA. NOT APPLICABLE
TB. NOT APPLICABLE
TC. NOT APPLICABLE
TD. NOT APPLICABLE
TE. NOT APPLICABLE
TF. NOT APPLICABLE
TG. NOT APPLICABLE
TH. NOT APPLICABLE
TI. NOT APPLICABLE
TJ. NOT APPLICABLE
TK. NOT APPLICABLE
TL. NOT APPLICABLE
TM. NOT APPLICABLE
TN. NOT APPLICABLE
TO. NOT APPLICABLE
TP. NOT APPLICABLE
TQ. NOT APPLICABLE
TR. NOT APPLICABLE
TS. NOT APPLICABLE
TT. NOT APPLICABLE
TU. NOT APPLICABLE
TV. NOT APPLICABLE
TW. NOT APPLICABLE
TX. NOT APPLICABLE
TY. NOT APPLICABLE
TZ. NOT APPLICABLE
UA. NOT APPLICABLE
UB. NOT APPLICABLE
UC. NOT APPLICABLE
UD. NOT APPLICABLE
UE. NOT APPLICABLE
UF. NOT APPLICABLE
UG. NOT APPLICABLE
UH. NOT APPLICABLE
UI. NOT APPLICABLE
UJ. NOT APPLICABLE
UK. NOT APPLICABLE
UL. NOT APPLICABLE
UM. NOT APPLICABLE
UN. NOT APPLICABLE
UO. NOT APPLICABLE
UP. NOT APPLICABLE
UQ. NOT APPLICABLE
UR. NOT APPLICABLE
US. NOT APPLICABLE
UT. NOT APPLICABLE
UU. NOT APPLICABLE
UV. NOT APPLICABLE
UW. NOT APPLICABLE
UX. NOT APPLICABLE
UY. NOT APPLICABLE
UZ. NOT APPLICABLE
VA. NOT APPLICABLE
VB. NOT APPLICABLE
VC. NOT APPLICABLE
VD. NOT APPLICABLE
VE. NOT APPLICABLE
VF. NOT APPLICABLE
VG. NOT APPLICABLE
VH. NOT APPLICABLE
VI. NOT APPLICABLE
VJ. NOT APPLICABLE
VK. NOT APPLICABLE
VL. NOT APPLICABLE
VM. NOT APPLICABLE
VN. NOT APPLICABLE
VO. NOT APPLICABLE
VP. NOT APPLICABLE
VQ. NOT APPLICABLE
VR. NOT APPLICABLE
VS. NOT APPLICABLE
VT. NOT APPLICABLE
VU. NOT APPLICABLE
VV. NOT APPLICABLE
VW. NOT APPLICABLE
VX. NOT APPLICABLE
VY. NOT APPLICABLE
VZ. NOT APPLICABLE
WA. NOT APPLICABLE
WB. NOT APPLICABLE
WC. NOT APPLICABLE
WD. NOT APPLICABLE
WE. NOT APPLICABLE
WF. NOT APPLICABLE
WG. NOT APPLICABLE
WH. NOT APPLICABLE
WI. NOT APPLICABLE
WJ. NOT APPLICABLE
WK. NOT APPLICABLE
WL. NOT APPLICABLE
WM. NOT APPLICABLE
WN. NOT APPLICABLE
WO. NOT APPLICABLE
WP. NOT APPLICABLE
WQ. NOT APPLICABLE
WR. NOT APPLICABLE
WS. NOT APPLICABLE
WT. NOT APPLICABLE
WU. NOT APPLICABLE
WV. NOT APPLICABLE
WW. NOT APPLICABLE
WX. NOT APPLICABLE
WY. NOT APPLICABLE
WZ. NOT APPLICABLE
XA. NOT APPLICABLE
XB. NOT APPLICABLE
XC. NOT APPLICABLE
XD. NOT APPLICABLE
XE. NOT APPLICABLE
XF. NOT APPLICABLE
XG. NOT APPLICABLE
XH. NOT APPLICABLE
XI. NOT APPLICABLE
XJ. NOT APPLICABLE
XK. NOT APPLICABLE
XL. NOT APPLICABLE
XM. NOT APPLICABLE
XN. NOT APPLICABLE
XO. NOT APPLICABLE
XP. NOT APPLICABLE
XQ. NOT APPLICABLE
XR. NOT APPLICABLE
XS. NOT APPLICABLE
XT. NOT APPLICABLE
XU. NOT APPLICABLE
XV. NOT APPLICABLE
XW. NOT APPLICABLE
XX. NOT APPLICABLE
XY. NOT APPLICABLE
XZ. NOT APPLICABLE
YA. NOT APPLICABLE
YB. NOT APPLICABLE
YC. NOT APPLICABLE
YD. NOT APPLICABLE
YE. NOT APPLICABLE
YF. NOT APPLICABLE
YG. NOT APPLICABLE
YH. NOT APPLICABLE
YI. NOT APPLICABLE
YJ. NOT APPLICABLE
YK. NOT APPLICABLE
YL. NOT APPLICABLE
YM. NOT APPLICABLE
YN. NOT APPLICABLE
YO. NOT APPLICABLE
YP. NOT APPLICABLE
YQ. NOT APPLICABLE
YR. NOT APPLICABLE
YS. NOT APPLICABLE
YT. NOT APPLICABLE
YU. NOT APPLICABLE
YV. NOT APPLICABLE
YW. NOT APPLICABLE
YX. NOT APPLICABLE
YZ. NOT APPLICABLE
ZA. NOT APPLICABLE
ZB. NOT APPLICABLE
ZC. NOT APPLICABLE
ZD. NOT APPLICABLE
ZE. NOT APPLICABLE
ZF. NOT APPLICABLE
ZG. NOT APPLICABLE
ZH. NOT APPLICABLE
ZI. NOT APPLICABLE
ZJ. NOT APPLICABLE
ZK. NOT APPLICABLE
ZL. NOT APPLICABLE
ZM. NOT APPLICABLE
ZN. NOT APPLICABLE
ZO. NOT APPLICABLE
ZP. NOT APPLICABLE
ZQ. NOT APPLICABLE
ZR. NOT APPLICABLE
ZS. NOT APPLICABLE
ZT. NOT APPLICABLE
ZU. NOT APPLICABLE
ZV. NOT APPLICABLE
ZW. NOT APPLICABLE
ZX. NOT APPLICABLE
ZY. NOT APPLICABLE
ZZ. NOT APPLICABLE

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

**10706 BEAVER DAM ROAD
BALTIMORE COUNTY, MD.**

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN

COURTHOUSE COMMONS
500 W. BOWEN AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 494-8931