

IN RE: PETITION FOR VARIANCE
SE/Corner Belair Road and
Soth Avenue
(9217 Belair Road)
11th Election District
5th Councilmanic District

Thomas C. Knoerlein, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-532-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Thomas C. and Leah D. Knoerlein. The Petitioners seek relief from Section 202.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced, freestanding sign of 15 sq.ft. per face (as amended) in lieu of the maximum permitted 6 sq.ft., wall-mounted sign. The subject property, is located just north of the intersection of Belair Road with Joppa Road in Perry Hall, and is more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas and Leah Knoerlein, property owners. Appearing as Protestants in the matter were Dorothy McMann and Douglas Behr, representatives of the Perry Hall Improvement Association.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.28 acres, more or less, zoned R.O.A., and is improved with a one and one-half story dwelling and an accessory parking area to the rear. The property is a rectangularly shaped lot, approximately 70 feet wide by 157 feet deep, and is located on the southeast corner of Belair Road and Soth Avenue. Access to the site is via Soth Avenue.

ORDER RECEIVED FOR FILING

Date

By

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Although the property is zoned R.O.A., it is completely surrounded by D.R. 5.5 zoned land. The Petitioners purchased the subject property in January of this year and commenced operating their real estate business therein. In conjunction with this use, the Petitioners erected a 15 sq.ft., unilluminated sign in the front yard of the property to identify their business. The Petitioners testified that they were unaware that sign regulations existed until they were cited with a zoning violation notice. Testimony indicated that Mr. Knoerlein strategically placed the sign in the location shown on Petitioner's Exhibit 1 so that it would adequately identify their business, but not be distracting to motorists travelling along Belair Road. Ms. Knoerlein testified that they need the subject sign to advertise their location at this site, given the fact that motorists travelling along this portion of Belair Road travel at a high rate of speed and may miss their opportunity to turn into their property.

As noted above, Ms. Dorothy McMann and Mr. Douglas Behr appeared and testified in opposition to the Petitioners' request. The Protestants indicated that they are opposed to the granting of any sign variance, in that they feel that signs any larger than that permitted by the zoning regulations detract from the residential character of surrounding residential properties. The Protestants are interested in protecting the R.O.A. zoned properties from becoming too commercialized and thereby losing all of their residential character.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variance. The subject property is unique in that it is a small sliver of R.O.A. zoned land in the middle of a residential area. In order for individuals travelling north on Belair Road to note the location of the Petitioners' business, they must be able to see the identification sign well in advance of the subject property in order to prepare for the turn onto Soth Avenue to access same. Apparently, once a motorist misses the turn and passes Soth Avenue, they are forced to double back through the adjacent residential community. In my view, strict compliance with the zoning regulations would be unreasonable and create a practical difficulty for the Petitioners. Reference should also be made to the comment submitted by the Office of Planning, through Jeffrey Long and Gary Kerns. Both gentlemen indicated that, pursuant to their site visit, the existing sign is adequate and should be permitted to remain and that a larger sign would be incompatible with the residential character of the surrounding area. Thus, for all of these reasons, the relief requested should be granted, and I shall so Order.

ORDER RECEIVED FOR FILING

Date

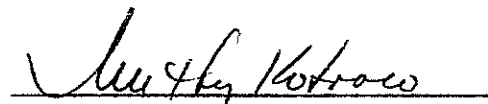
By

MICROFILMED

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of August, 1997 that the Petition for Variance seeking relief from Section 202.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced, freestanding sign of 15 sq.ft. per face in lieu of the maximum permitted 6 sq.ft., wall-mounted sign, in accordance with Petitioner's Exhibit 1, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the Petitioners and LT Realty, only. This variance shall not be transferable to any future owner or lessee of the subject property. Should the Petitioners and LT Realty discontinue utilizing the subject property for the real estate business, then the Petitioners shall be required to remove the subject sign and the variance granted herein shall cease and terminate.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

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CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

09/09/98

Case Number: 03-C-98-005370 AE
Date Filed: 05/29/98
Status: Closed/Inactive
Judge Assigned: To Be Assigned,

In The Matter of: Thomas C Knoerlein

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	97-532-A

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Entered
PET	001	Knoerlein, Thomas C 68 Haverhill Rd Joppa, MD 21085	BT SS 08/27/98 05/29/98
ITP	001	County Board Of Appeals Of Baltimore County Attorney: 0005744 Demilio, Carole Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188 0029075 Zimmerman, Peter M Room 47 Courthouse 400 Washington Ave Towson, MD 21204 (410)887-2188	BT SS 08/27/98 05/29/98
ITP	002	Perry Hall Improvement Assn Al Thompson President P O Box 63 Perry Hall, MD 21128	BT SS 08/27/98 06/22/98
ITP	003	McMann, Dorothy S	BT SS 08/27/98 06/22/98

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9513 Dawnvale Road
Baltimore, MD 21236

CALENDAR EVENTS

Date Time Dur Cer Evnt Jdg L Day Of Rslt By ResultDt Jdg T Notice Rec

11/24/98 09:30A 002 yes CIVI TBA 01 /01 VAC C 08/27/98 P

JUDGE HISTORY

JUDGE ASSIGNED Type Assign Date Removal RSN

TBA To Be Assigned, J 05/29/98

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling/ Closed	Closed	User ID
001000	Petition for Judicial Review	05/29/98		TBA	PET001		08/27/98	JM PA
001001	Answer Filed by ITP001-County Board Of Appeals Of Baltimore County, . ITP002-Perry Hall Improvement Assn. , ITP003-McMann, Dorothy S	06/22/98	06/19/98	TBA	ITP001		08/27/98	SD PA
002000	Certificate of Notice	06/04/98	06/02/98	TBA	ITP001		08/27/98	DFF PA
003000	Transcript of Record from Adm Agency ** copies sent	07/31/98	07/30/98	TBA	000		08/27/98	JH PA
004000	Notice of Transcript of Record Sent	07/31/98	07/31/98	TBA	ITP001	07/31/98	07/31/98	JH JH
005000	Notice of Transcript of Record Sent	07/31/98	07/31/98	TBA	ITP002	07/31/98	07/31/98	JH JH
006000	Notice of Transcript of Record Sent	07/31/98	07/31/98	TBA	ITP003	07/31/98	07/31/98	JH JH
007000	Notice of Transcript of Record Sent	07/31/98	07/31/98	TBA	PET001	07/31/98	07/31/98	JH JH
008000	Scheduling Order	08/14/98	08/14/98	TBA	000	08/14/98	08/14/98	JD JD
009000	Voluntary Dismissal in Entirety the appeal	08/27/98		TBA	000		08/27/98	PA PA

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TICKLE

Code Tickle Name	Status Expires	#Days	AutoExpire	GoAhead	From Type
1YRT One Year Tickle (Jud	CLOSED 05/29/99	365	no	no	DAAA D
1ANS 1st Answer Tickle	CLOSED 06/19/98	0	no	no	DANS D
SLTR Set List For Trial	DONE 06/19/98	0	yes	yes	1ANS T

EXHIBITS

Line #	Marked	Code Description	SpH Sloc	NoticeDt	Disp Dt	Dis By
Offered By.	ITP	001 County Board Of Appeals Of Ba				
000	I	BOX 94/TRANSCRIPT	B			

DIFFERENTIATED CASE MANAGEMENT
TRACKS AND MILESTONES

Track . R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 08/14/98 Order Date : 08/14/98
Start Date : 08/14/98 Remove Date

Milestone	Scheduled Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(	08/29/98	08/27/98	CLOSED
All Motions (excluding Motions in Limine	10/15/98	08/27/98	CLOSED
TRIAL DATE is	11/24/98	11/12/98	08/27/98 CLOSED

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IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF THOMAS C. KNOERLEIN, ET UX
68 HAVERHILL ROAD
JOPPA, MD 21085

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER
THOMAS C. KNOERLEIN, ET UX -PETITIONERS
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE SE CORNER BELAIR ROAD
AND SOTH AVENUE (9217 BELAIR ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CASE NO. 97-532-A

* * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Kristine K. Howanski, Harry E. Buchheister, Jr.,
and Thomas P. Melvin, constituting the County Board of Appeals of
Baltimore County, and in answer to the Petition for Judicial Review
directed against them in this case, herewith return the record of
proceedings had in the above-entitled matter, consisting of the
following certified copies or original papers on file in the
Department of Permits and Development Management and the Board of
Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. 97-532-A

May 23, 1997 Petition for Variance filed by Leah D.
Knoerlein and Thomas C. Knoerlein.

June 5 Publication in newspaper.

June 18 Certificate of Posting.

June 26 ZAC Comments.

July 13 Hearing held on Petition by the Deputy Zoning
Commissioner.

August 5 Order of the Deputy Zoning Commissioner in

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which Petition for Variance was GRANTED.

September 3 Notice of Appeal filed Al Thompson, President,
Perry Hall Improvement Association, Inc.

March 25, 1998 Hearing before the Board of Appeals.

 Deliberation conducted by the Board at
conclusion of hearing.

April 30 Opinion and Order issued by the Board;
Petition for Variance is DENIED.

May 29 Petition for Judicial Review filed in the
Circuit Court for Baltimore County by Thomas
C. Knoerlein, et ux.

June 1 Copy of Petition for Judicial Review received
by the Board of Appeals from the Circuit Court
for Baltimore County.

June 2 Certificate of Notice sent to interested
parties.

Petitioner's Exhibit Nos. 1A -Letter from Jim Spivey 3/24/98
1B -Letter from Mr. & Mrs. Canatella
3/13/98
1C -Letter from Mrs. Jeannette Seegrist
2 - Six pages of Photographs

Protestant's Exhibits Nos. 1 -Rule 8 papers for Mrs. McMann
2 -Balto Co Zoning Map (Belair Rd -PH)
3 -Log of Issues -Comp Zoning (1992)
4 -5th C Dist Comp Zone Process (1996)
5 -BofA Application for Reclass (1982)
6 -Belair Road Corridor Study 5/95
7A -Subject site
B -Sign at other recently posted
(ROA)
C -9528 Belair Road recently posted
(ROA)
D -8727 Belair Road recently posted
(ROA)
E -9431 Belair Road 64 sq. ft. sign
(ROA)
F -9528 Belair Road across
8 -Co Council Bill 89-97
9 -Proposed Amendments to BCZR
10 -Bill 170-91 ROA Zone
11 -B.C. Council Minutes 10/8/96
12 -Guidelines for 1996 Comp Zoning

July 28

Letter from Leah D. Knoerlein and Thomas
C. Knoerlein dated 7/23/98 to the Balto

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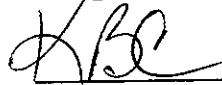
Co Bd of Appeals referencing zoning case #97-532-A: "After conferring with an attorney we have decided not to pursue our appeal."

July 30, 1998

Record of Proceedings filed in the Circuit Court for Baltimore County.
NOTE: THIS RECORD IS FILED WITHOUT THE TRANSCRIPT. A TRANSCRIPT OF THESE PROCEEDINGS WAS NOT PREPARED AT THE REQUEST OF PETITIONERS, WHO HAVE INDICATED THEIR INTENTION TO DISMISS THEIR PETITION FOR JUDICIAL REVIEW. SAID DISMISSAL WAS NOT FILED IN THE CIRCUIT COURT AS OF JULY 29, 1998.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court (EXCLUDING THE TRANSCRIPT FOR REASONS INDICATED ABOVE), together with exhibits entered into evidence before the Board.

Respectfully submitted,



Kathleen C. Bianco, Administrator
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Thomas C. Knoerlein, et ux
Al Thompson, President
Perry Hall Improvement Assn., Inc.
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

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County Board of Appeals of Baltimore County

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

July 30, 1998

The Honorable Suzanne Mensh
Clerk, Circuit Court for Baltimore County
Courts Building
401 Bosley Avenue
Towson, MD 21204

RE: Civil Action No. 3-C-98-05370
Thomas C. Knoerlein, et ux

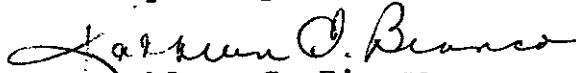
Dear Ms. Mensh:

Enclosed is a copy of the Record of Proceedings filed this date in the Circuit Court for Baltimore County in the subject matter.

The record filed in this case does not include the transcript of the proceedings before the Board of Appeals. Petitioners, Thomas and Leah Knoerlein, have indicated to this office by telephone and by letter filed July 28, 1998 (copy attached) that they intend to dismiss their Petition for Judicial Review. Accordingly, the transcript was not requested and therefore not prepared.

However, as of July 29, 1998, the Circuit Court file in this case contained no correspondence from Mr. and Mrs. Knoerlein withdrawing their Petition for Judicial Review. Therefore, inasmuch as the 60-day period for filing the record expires this date, we are filing that portion of the record which we have, which includes a copy of Mr. and Mrs. Knoerlein's letter to the Board of Appeals.

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

cc: Thomas C. and Leah D. Knoerlein
Al Thompson, President
Perry Hall Improvement Assn., Inc.
Peter Max Zimmerman
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney
Circuit Court File No. 3-C-98-05370

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7/23/98

Balto Co Bd of Appeals
Old Courthouse Rm 49
400 Washington Ave
Towson, Md 21204

Case # 97-532-A

After conferring with an attorney we
have decided not to pursue our
appeal.

Thank you
Frank Kroulik
Thom C. Kroulik

98 JUL 28 PM 3:42
RECEIVED
COUNTY BOARD OF APPEALS

MICROFILMED

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF THOMAS C. KNOERLEIN, ET UX
68 HAVERHILL ROAD
JOPPA, MARYLAND 21085

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

*
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*
*
* CIVIL
ACTION
* No. 3-C-98-05370
*
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*

IN THE CASE OF: IN THE MATTER
THOMAS C. KNOERLEIN, ET UX
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE SOUTHEAST CORNER OF
BELAIR ROAD AND SOTH AVENUE
(9217 BELAIR ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CASE NO. 97-532-A

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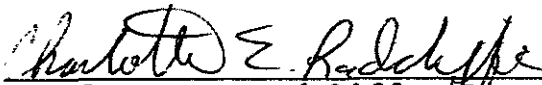
CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Kristine K. Howanski, Harry E. Buchheister, Jr., and Thomas P. Melvin, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Thomas C. Knoerlein, 68 Haverhill Road, Joppa, Maryland 21085, Petitioner; Al Thompson, President, Perry Hall Improvement Association, Inc., P.O. Box 63, Perry Hall, Maryland 21128, Protestant; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

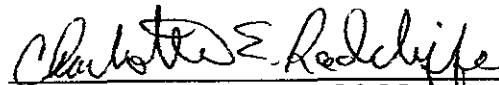
RECEIVED AND FILED

98 JUN -2 AM 11:12


Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

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I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Thomas C. Knoerlein, 68 Haverhill Road, Joppa, Maryland 21085, Petitioner; Al Thompson, President, Perry Hall Improvement Association, Inc., P.O. Box 63, Perry Hall, Maryland 21128, Protestant; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 2nd day of June, 1998.



Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

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County Board of Appeals of Baltimore County

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

June 2, 1998

Al Thompson, President
Perry Hall Improvement Association, Inc.
P.O. Box 63
Perry Hall, MD 21128

RE: Civil Action No. 3-C-98-05370
THOMAS C. KNOERLEIN, ET UX

Dear Mr. Thompson:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on May 29, 1998, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-98-05370.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

A handwritten signature in cursive script that reads "Charlotte E. Radcliffe".

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Mr. and Mrs. Fred Levinsky
Mr. and Mrs. Casimir Piotrowski
Ms. Dorothy McMann
Mr. Douglas Behr
People's Counsel for Baltimore County
Lawrence E. Schmidt /ZC
Pat Keller /Planning
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co. Atty

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County Board of Appeals of Baltimore County

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

June 2, 1998

Thomas C. Knoerlein
68 Haverhill Road
Joppa, MD 21085

RE: Civil Action No. 3-C-98-05370
THOMAS C. KNOERLEIN, ET UX

Dear Mr. Knoerlein:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

A handwritten signature in cursive script, reading "Charlotte E. Radcliffe".

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Ms. Jean Siegrist

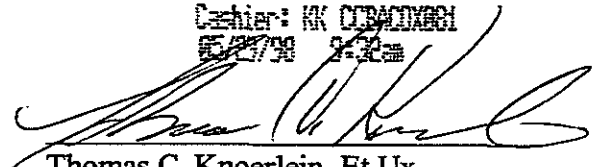
MICROFILMED

IN THE MATTER OF THE APPLICATION
OF THOMAS C. KNOERLEIN, ET UX
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE SOUTH-EAST CORNER
OF BELAIR ROAD AND SOTH AVENUE
(9217 BELAIR ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

C-98-5370
BEFORE THE COUNTY
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 97-532-A

PETITION FOR JUDICIAL REVIEW

Please note an appeal from the Opinion and Order of the County Board of Appeals
of Baltimore County dated April 30, 1998 and signed by Kristine K. Howanski, Harry F. Buchheister, Jr,
and Thomas P Melvin

Case: 03-C-98-005370
CF-Civil Fill
TOTAL \$9.00
Cashier: MK CDBACD001
05/27/98 9:22am

Thomas C. Knoerlein, Et Ux
68 Haverhill Rd.
Joppa, MD 21085
PRO-SE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29ths day of May, 1998, I sent a copy of the foregoing, first class mail,
postage prepaid, to:

Virginia W. Barnhart, County Attorney
People's Counsel of Baltimore County
Board of Appeals
Al Thomson, PHIA


Thomas C. Knoerlein
PRO-SE

RECEIVED AND FILED

98 MAY 29 AM 9:29

CLERK OF BALTIMORE COUNTY

98 JUN -1 PM 2:16
RECEIVED
COUNTY BOARD OF APPEALS

MICROFILMED

CIRCUIT COURT FOR BALTIMORE COUNTY

Suzanne Mensh

Clerk of the Circuit Court

County Courts Building

401 Bosley Avenue

P.O. Box 6754

Towson, MD 21285-6754

(410)-887-2601, TTY for Deaf: (800)-735-2258

Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-98-005370

TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Blvd
Baltimore, MD 21204

MICROFILMED

IN THE MATTER OF * BEFORE THE
 THE APPLICATION OF *
THOMAS C. KNOERLEIN, ET UX * COUNTY BOARD OF APPEALS
 FOR A ZONING VARIANCE ON *
 PROPERTY LOCATED ON THE SOUTH-* OF
 EAST CORNER BELAIR ROAD AND
 SOTH AVENUE (9217 BELAIR ROAD)* BALTIMORE COUNTY
 11TH ELECTION DISTRICT
 5TH COUNCILMANIC DISTRICT * CASE NO. 97-532-A

* * * * *

O P I N I O N

This matter comes on appeal filed by the Perry Hall Improvement Association, Inc., Fred and Margaret Levinsky, and Casimir and Bernice Piotrowski from the decision of the Deputy Zoning Commissioner granting Petitioners' request for variance from Section 202.3.C.1 of the Baltimore County Zoning Regulations (BCZR) by Order dated August 5, 1997. Petitioners seek permission to maintain a freestanding 15 square-foot sign in an R.O.A. zone in lieu of the maximum permitted 6 square-foot wall-mounted sign.

Appearing in proper person were Petitioners, Thomas C. and Leah Knoerlein. The Office of People's Counsel for Baltimore County was represented by Carole S. Demilio, Esquire.

Testimony and evidence indicated that the Petitioners acquired the subject site approximately one year ago and operate a real estate business on the premises. The lot is 0.28 acre, rectangular in shape, ordinary in topography, zoned R.O.A. and located on the southeast corner of Belair Road and Soth Avenue. Petitioners commissioned and personally erected a 15 square-foot sign in the front yard, which identifies it as the "Main Office" of "LT Realty" and lists the telephone number thereon, but not the street address.

Dorothy McMann spoke on behalf of the Perry Hall Improvement

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Association, which opposes the granting of variances to signage regulations.

The law permits signs in the R.O.A. zone to be wall-mounted and up to 6 square feet in size, absent a variance. Section 307.1 of the BCZR provides for the granting of such a variance "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request...." Under the landmark case of Cromwell v. Ward, 102 Md.App. 691 (1995), the Court of Special Appeals has clarified that the threshold requirement of uniqueness demands that there be a finding that the subject property is unique and unusual such that its uniqueness and peculiarity cause the zoning provision to impact disproportionately upon that property. Absent an initial finding of uniqueness, the inquiry under Section 307.1 stops and the variance must be denied.

In the instant case, Petitioners failed to present any testimony or evidence demonstrating their property was unique in such a manner that the signage requirements impact disproportionately on their property. The threshold variance requirement, accordingly, was not met. The inquiry thus must stop and the variance be denied.

O R D E R

THEREFORE, IT IS THIS 30th day of April, 1998 by
the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from
Section 202.3.C of the Baltimore County Zoning Regulations to

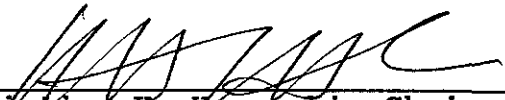
MICROFILMED

permit a free-standing sign of 15 square feet total in lieu of the maximum permitted 6 square feet total for a wall-mounted sign be and is hereby DENIED; and it is further

ORDERED that the subject sign shall be removed within 30 days of the date of this Order.

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



Kristine K. Howanski, Chairman



Harry E. Buchheister, Jr.



Thomas P. Melvin



County Board of Appeals of Baltimore County

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

April 30, 1998

Al Thompson, President
Perry Hall Improvement Association, Inc.
P.O. Box 63
Perry Hall, MD 21128

RE: Case No. 97-532-A
Thomas C. Knoerlein, et ux

Dear Mr. Thompson:

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, with a photocopy provided to this office concurrent with filing in Circuit Court. 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

Kathleen C. Bianco, Administrator
County Board of Appeals

encl.

cc: Mr. and Mrs. Thomas C. Knoerlein
Mr. and Mrs. Fred Levinsky
Mr. and Mrs. Casimir Piotrowski
Ms. Dorothy McMann
Mr. Douglas Behr
Ms. Jean Siegrist
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED

RE: PETITION FOR VARIANCE	*	BEFORE THE
9217 Belair Rd, Beginning at point formed		
by the intersxn of NE/S Soth Ave and	*	ZONING COMMISSIONER
fillet between Soth and Belair Rd		
11th Election District, 6th Councilmanic	*	OF BALTIMORE COUNTY
Thomas C. and Leah D. Knoerlein	*	CASE NOS. 97-532-A
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Thomas C. Knoerlein, 68 Haverhill Road, Joppa, MD 21085, and to Leah D. Knoerlein, 9217 Belair Road, Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9217 Belair Road, Balto., MD 21236

97-532-A

which is presently zoned

ROA

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)

202.3.C.1 to allow a doublefaced freestanding sign with 150 sq. ft. per face in lieu of the maximum allowed 6 sq. ft wall mounted sign. (non-ILLUMINATED) JAC

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

Due to the widening of Belair Rd, especially from the south-bound lane, it has become impossible to read property address numbers or a sign the size currently allowed, making it impossible for our clients and vendors to find our office, which is what our property is zoned for. After seeing several accidents and close calls at the corner of Soth Avenue and Belair Rd we also believe it is dangerous for people to slow down to find address numbers and look for a sign so far off the road with increased speeds and traffic. Providing the sign we are requesting will also keep people from circling the neighborhood behind us trying to find us on Belair Rd. (Please see attached photos.)

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.

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

State

Zipcode

Legal Owner(s):

Leah D. Knoerlein

(Type or Print Name)

Signature

Thomas C. Knoerlein

(Type or Print Name)

Signature

68 Haverhill Rd

Address

Phone No.

Joppa, MD 21085

City

State

Zipcode

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

Leah D. Knoerlein

Name

9217 Belair Rd 410-529-2500

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL

OTHER

REVIEWED BY:

R.T.

DATE

5-23-97

532

MICROFILMED

ORDER RECEIVED FOR FILING

Date

5/23/97

Printed with Soybean Ink
on Recycled Paper

Kenneth J. Wells, Inc.
Land Surveying and Site Planning

Telephone: (410) 592-8800
Telecopier: (410) 817-4329
email: kjWellsInc@msn.com

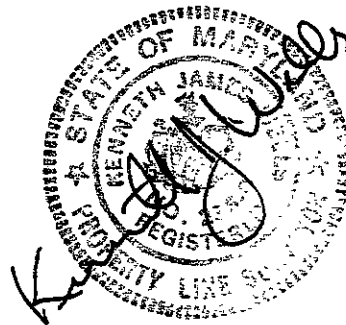
7403 New Cut Road
Kingsville, Md. 21087-1132

97-532-A

**ZONING DESCRIPTION
9217 BELAIR ROAD
BALTIMORE COUNTY
MARYLAND**

Beginning of the same at a point formed by the intersection of the northeast side of Soth Avenue (50 feet wide) and the fillet between Soth Avenue and Belair Road, U.S. Route 1 (width varies), thence binding along said fillet North 2 degrees 38 minutes 46 seconds West 32.87 feet; thence along Belair Road North 49 degrees 55 minutes 00 seconds East 46.14 feet; thence South 71 degrees 40 minutes 00 seconds East 157.02 feet; thence South 18 degrees 20 minutes 00 seconds West 70.00 feet; thence along Soth Avenue North 71 degrees 40 minutes 00 seconds West 169.42 feet to the place of beginning.

The above description was prepared based on a deed composite and not by an actual survey.



#532

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 in Towson, Maryland, on the property identified herein as follows:

Case: #97-532-A

9217 Belair Road
beginning at a point formed by the intersection of the NE/S
South Avenue and the filed be-
tween South Avenue and Belair
Rd.

11th Election District

San Councilmanic

Legal Officer(s):

Leah D. Koenig and

Thomas C. Koenig

Variance: To allow a double
faced freestanding sign with
15 square feet per face in lieu
of the maximum allowed 6
square feet wall mounted sign.

Hearing: Thursday, July 3,

1997 at 2:00 p.m., Room

407 Courts Building, 401

Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible for

special accommodations

Please Call (410) 887-3353

(2) For information concern-

ing the file and/or hearing,

Please Call (410) 887-3391.

6/088 June 5 C148851

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/5, 1997

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 6/5, 1997.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

042653

DATE 9/5/97 ACCOUNT R-001-6150

AMOUNT \$ 210:00

RECEIVED
FROM:

Perry Hall Improvement Ass'n, Inc.

FOR:

Appeal - Case #97-532-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

RYE

PAID RECEIPT

PROCESS ACTUAL TIME
9/05/1997 9/05/1997 14:29:30

REG MS03 CASHIER UNIT ULM DRAWER

\$ MISCELLANEOUS CASH RECEIPT

Receipt # 017711

CR NO. 042653

210.00 CHECK

Baltimore County, Maryland

MICROFILMED

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

042653

DATE 9/5/97 ACCOUNT R-001-6150

AMOUNT \$ 210:00

RECEIVED
FROM:

Perry Hall Improvement Ass'n, Inc.

FOR:

Appeal - Case #97-532-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

RYE

PAID RECEIPT

PROCESS ACTUAL TIME
9/05/1997 9/05/1997 14:29:30

REG MS03 CASHIER UNIT ULM DRAWER

\$ MISCELLANEOUS CASH RECEIPT

Receipt # 017711

CR NO. 042653

210.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

038075

PAID RECEIPT

05/23/97 01 5 JMR R 5964
Dept 5 513 ZONING VERIFICATION
CR NO. 038075
\$250.00 CK P-4-1-7
Baltimore County Maryland
Office Of Budget & Finance

DATE 5-23-97 ACCOUNT 12-001-6150

020 - VARIANCE

AMOUNT \$ 250.00

RECEIVED
FROM:

T. Knoerlein

FOR:

COM. VAR-(SIGN) FREE STANDING
9217 BELAIR RD. 21236

MICROFILMED

DISTRIBUTION
WHITE - CASHIER

ITEM # 532

PINK - AGENCY

YELLOW - CUSTOMER

Reg. T.

CASHIER'S VALIDATION

PETITION OF: Thomas Knoerlein et ux

CIVIL ACTION # 3-C-98-05370

IN THE MATTER OF Knoerlein

RECEIVED FROM THE COUNTY BOARD OF
APPEALS EXHIBITS, BOARD'S RECORD
EXTRACT & ~~TRANSCRIPT~~ FILED IN THE
ABOVE-ENTITLED CASE, AND ZONING
COMMISSIONER'S FILE AND EXHIBITS

Filed w/o transcript -
to be withdrawn -
Clerk's Office

Date: 7-30-98 later filed
w/ CBA.

MICROFILMED

CERTIFICATE OF POSTING

RE: Case No.: 97-532-A

Petitioner/Developer: _____

THOMAS O. KNOERLEIN

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 9217 BELAIR RD.

The sign(s) were posted on 10/7/97 ✓
(Month, Day, Year)

Sincerely,

Gary Freund 10/7

(Signature of Sign Poster and Date)

GARY FREUND

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case # 97-532-A

Petitioner/Developer:
(Leah D. Knoerlein)

Date of Hearing/Closing:
(July 3, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

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 _____

_____ 9217 Belair Road Baltimore, Maryland 21236 _____

The sign(s) were posted on _____ Jun. 18, 1997 _____
(Month, Day, Year)

Sincerely,

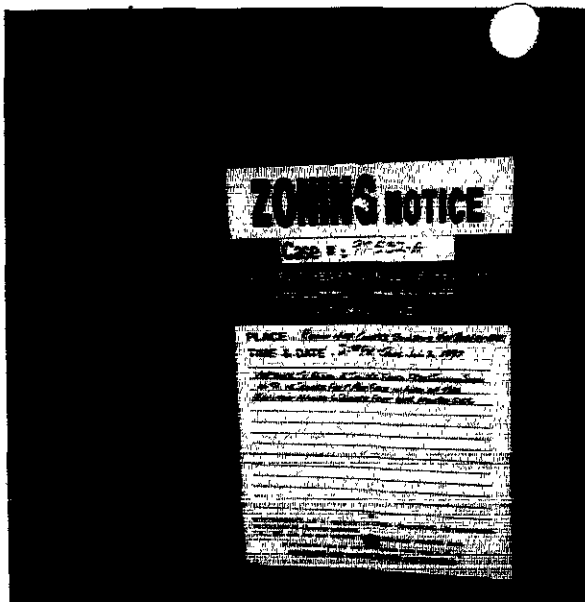

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____
(Printed Name)

_____ 325 Nicholson Road _____
(Address)

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



97-532-A

MICROFILMED

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-532A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

~~VARIANCE~~

REQUEST ~~TO~~ ALLOW A DOUBLE FACED FREESTANDING
SIGN WITH 150 SQ. FT. PER FACE, ^{NON-ILLUMINATED} IN LIEU OF THE
MAXIMUM ALLOWED 6.0 SQ. FT. WALL MOUNTED SIGN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/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.: 532

Petitioner: Thomas + Leah Knoerlein

Location: 9217 Belair Rd, Balto MD 21236

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leah Knoerlein

ADDRESS: 9217 Belair Rd

Balto MD 21236

PHONE NUMBER: (410) 529-2500

AJ:ggs

(Revised 04/09/93)

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
May 30, 1997 Issue - Jeffersonian

Please forward billing to:

Leah D. Knoerlein
9217 Belair Road
Baltimore, MD 21236
410-529-2500

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-532-A

9217 Belair Road

beginning at a point formed by the intersection of the NE/S Soth Avenue and the fillet between Soth Avenue and Belair Road

11th Election District - 6th Councilmanic

Legal Owner(s): Leah D. Knoerlein and Thomas C. Knoerlein

Variance to allow a double faced freestanding sign with 15 square feet per face in lieu of the maximum allowed 6 square feet wall mounted sign.

HEARING: THURSDAY, JULY, 3, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

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

May 30, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-532-A

9217 Belair Road

beginning at a point formed by the intersection of the NE/S Soth Avenue and the fillet between Soth Avenue and Belair Road

11th Election District - 6th Councilmanic

Legal Owner(s): Leah D. Knoerlein and Thomas C. Knoerlein

Variance to allow a double faced freestanding sign with 15 square feet per face in lieu of the ~~maximum~~ allowed 6 square feet wall mounted sign.

HEARING: THURSDAY, JULY, 3, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

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

Arnold Jablon
Director

cc: Leah D. Knoerlein

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 19, 1997.
(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





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

November 21, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-532-A

IN THE MATTER OF: THOMAS C. KNOERLEIN, ET UX -
Petitioner 9217 Belair Road
11th Election District; 5th Councilmanic

(Petition for Variance GRANTED with restrictions
/D.Z.C.)

ASSIGNED FOR:

WEDNESDAY, MARCH 25, 1998 at 10:00 a.m.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C,
Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Appellants /Protestants : Al Thompson, President
Perry Hall Improvement Assn, Inc.
: Mr. and Mrs. Fred Levinsky
: Mr. and Mrs. Casimir Piotrowski

Petitioners : Mr. and Mrs. Thomas C. Knoerlein

Dorothy McMann
Douglas Behr
Jean Siegrist

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED



Case No. 97-532-A

THOMAS C. KNOERLEIN, ET UX - Petitioners

SE/c Belair Road and Soth Avenue
(9217 Belair Road)

11th Election District

Appealed: 9/3/97

(see attached plan -
Petition No. 1)

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

June 26, 1997

Mr. and Mrs. Thomas Knoerlein
68 Haverhill Road
Joppa, MD 21085

RE: Item No.: 532
Case No.: 97-532-A
Petitioner: Thomas Knoerlein, et ux

Dear Mr. and Mrs. Knoerlein:

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 May 23, 1997.

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 (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name in a serif font.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: June 9, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 9217 Belair Road

INFORMATION

Item Number: 532

Petitioner: Knoerlein Property

Zoning: ROA

Requested Action: Variance

Summary of Recommendations:

This office does not support the request for a 15 sq. ft. freestanding sign. A site visit reveals that the existing sign is adequate, and a larger sign would be incompatible with the residential character of the surrounding area.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5-30-97
Item No. 532 RT

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

MICROFILMED

Baltimore County Government
Fire Department



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

(410) 887-4500

June 3, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21286

RE: Property Owner: LEAH D. KNOERLEIN & THOMAS C. KNOERLEIN

Location: DISTRIBUTION MEETING OF June 2, 1997

Item No.: 532

Zoning Agenda:

Gentlemen:

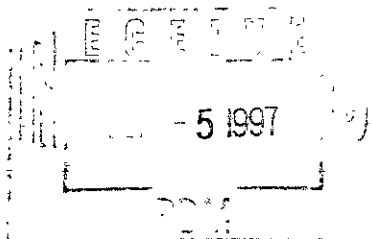
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

A. MUST HAVE CHANGE OF OCCUPANCY FROM RESIDENTIAL TO
BUSINESS.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office. PHONE (410) 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 6/10/97

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: June 2, 97

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

Item #'s:

523	529
525	530
526	531
528	532

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: June 13, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for June 9, 1997
Item Nos. 528, 530 & 532

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

RWB:HJO:jrb

cc: File



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 3, 1997

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - DTH
Code Enforcement Supervisor

97-532

SUBJECT: ITEM NO.: 532
PETITIONER: Thomas C. Knoerlein and Leah D. Knoerlein
Tenants By Entireties

VIOLATION CASE NO.: C-97-3386

LOCATION OF VIOLATION: 9217 Belair Road
9th Election District

DEFENDANTS: Thomas C. Knoerlein and Leah D. Knoerlein

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Perry Hall Improvement Assoc., Inc.

P.O. Box 63
Perry Hall, MD 21128

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/DTH/hek

MICROFILMED

RECOMMENDED ZONING GUIDELINES

The guidelines set forth below should be used in making decisions concerning the rezoning of properties located in the White Marsh area. All rezoning requests should be reviewed by the Office of Planning, the Planning Board, and the County Council or Board of Appeals for conformance with these guidelines. Also, zoning issues should be initiated in the 2000 Comprehensive Zoning Map Process in accordance with these guidelines.

The following **guidelines** are recommended:

1. Zoning requests will be reviewed for conformance with the Master Plan objectives, policies, and actions for the White Marsh area.
2. Generally, residential zoning densities should not be increased unless compatible with the surrounding neighborhood.
3. Existing residential zoning along Perry Hall Boulevard and Rossville Boulevard should remain with no changes in zoning to commercial or office classifications.
4. Existing commercial zoning should remain along Belair Road and at the White Marsh Town Center.
5. Generally, existing industrial zoning should remain south of Fitch Avenue and Rossville Boulevard between Lillian Holt Drive and Belair Road.
6. Increases in zoning density or intensity should not be considered along Babikow Road, King Avenue, Bucks School House Road, White Marsh Road, Fitch Avenue, and Ridge Road. Each of these roads need improvements and none are included in the current six year capital budget.
7. The rezoning of parcels to industrial or commercial should take into consideration the potential effects of the zoning reclassification on adjacent residential communities.
8. Residentially zoned sites along both sides of Belair Road between Minte Drive and Chapel Road/Baker Lane should be rezoned ROA. The ROA classification will allow the conversion of existing residential uses to offices while maintaining the existing residential character. Requests for other zoning classifications should not be granted unless it can be demonstrated that ROA zoning is inappropriate. In such cases RO zoning should be considered in lieu of ROA.
9. Sites that are presently zoned ROA and RO along both sides of Belair Road between Minte Drive and Chapel Road/Baker Lane should not be rezoned to a business classification.



Baltimore County
Department of Permits and
Development Management

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

September 5, 1997

Mr. and Mrs. Thomas C. Knoerlein
9217 Belair Road
Perry Hall, MD 21236

RE: Petition for Zoning
Variance
SE Corner Belair Road and
Soth Avenue
(9217 Belair Road)
11th Election District
5th Councilmanic District
Thomas C. Knoerlein, et
ux - Petitioners
Case No. 97-532-A

Dear Mr. and Mrs. Knoerlein:

Please be advised that an appeal of the above-referenced case was filed in this office on September 3, 1997 by Al Thompson on behalf of the Perry Hall Improvement Association, Inc. 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 410-887-3180.

Sincerely,

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

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

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APPEAL

Petition for Zoning Variance
SE Corner Belair Road and Soth Avenue
(9217 Belair Road)
11th Election District - 5th Councilmanic District
Thomas C. Knoerlein, et ux - Petitioners
Case No. 97-532-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Protestants Sign-In Sheet

Petitioners' Exhibit: 1 - Plan to Accompany a Petition for Zoning
Variance

Three Photographs Not Marked as Exhibits

Cover Page for Photos

Recommended Zoning Guidelines

Deputy Zoning Commissioner's Order dated August 5, 1997 (Granted)

Notice of Appeal received on September 3, 1997 from Al Thompson on
behalf of the Perry Hall Improvement Association, Inc. and Fred and
Margaret Levinsky and Casimir and Bernice Piotrowski

c: Al Thompson, President, Perry Hall Improvement Association, Inc.,
P.O. Box 63, Perry Hall, MD 21128
Mr. and Mrs. Fred Levinsky, 4205 Soth Avenue, Baltimore, MD 21236
Mr. and Mrs. Casimir Piotrowski, 4206 Soth Avenue, Baltimore,
Maryland 21236
Mr. and Mrs. Thomas C. Knoerlein, 9217 Belair Road, Perry Hall,
Maryland 21236
Ms. Dorothy McMann, 9513 Dawnvale Road, Baltimore, MD 21236
Mr. Douglas Behr, 7451 Bradshaw Road, Kingsville, MD 21087
People's Counsel of Baltimore County, M.S. 2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

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COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Thomas C. Knoerlein, et ux -Petitioners
Case No. 97-532-A

DATE : March 25, 1998 /at conclusion of hearing

BOARD /PANEL : Kristine K. Howanski, Chairman (KKH)
Thomas P. Melvin (TPM)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 97-532-A /Petition for Variance /Thomas C. Knoerlein, et ux -Petitioners to permit double-faced, freestanding sign of 15 sq ft per face in lieu of maximum permitted 6 sq ft, wall-mounted sign.

Present at this deliberation were the Petitioners, Thomas C. and Leah Knoerlein; and Carole S. Demilio, Deputy People's Counsel for Baltimore County; and representatives of the Perry Hall Improvement Association, Inc., including Dorothy McMann.

KKH: We are here to deliberate Thomas C. Knoerlein, et ux, Case No. 97-532-A. This was a Petition for Variance. It does come up de novo here so that it is a brand new hearing at this level with brand new findings of fact and so forth.

Because it is a variance, we are under Section 307, the variance regulations under the Baltimore County Zoning Regulations. The variance standard under 307.1, coupled with Cromwell make clear that this Board is not at liberty to grant variances unless or until the Petitioner can cross an initial threshold. The initial threshold in the statute as described is that we have the power to grant variances from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

In the Cromwell case, that's described as "uniqueness." There must be something unique about the land unlike any other land nearby, and that uniqueness has to relate to the property that is the subject for the variance. If you cross that threshold, then we have to explore whether or not strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. And it is if we cross that threshold that we then explore and can only grant the variance if it is in strict harmony with the spirit and intent of the variance regulations without injury to health, safety and general welfare.

The statute that we will look at is the sign regulations, and as best as I can say, given the language, I do see that this is a sign issue for an ROA zone, and the ROA zone sign regulations appear to permit a wall-mounted 6 sq. ft. sign.

MICROFILMED

Any other type of sign would need the granting of a variance. And it is with that backdrop in mind that I will hear from my colleagues.

TPM: The County Council's intent in applying ROA zoning was to keep residential flavor of the neighborhood. It's clear this sign does not meet current regulations as to size and placement. For the Board to allow the sign to remain, we must now grant a variance.

As Kris has laid out, it is a two-stage process. The first step is uniqueness. Then we can move onto practical difficulty.

I do not see any evidence of uniqueness. It does not differ from others. Testimony revealed it is flat and in conformance with neighbors. Petitioner would like a more visible sign. But we cannot substitute personal views for what the regulations specify.

I see no uniqueness. That is the first step. And I must deny and rule in favor of the protestants.

HEB: I concur with your remarks, Mr. Melvin. It should be denied.

KKH: I, too, will have to agree. I feel some need to discuss it a little bit because I do think one of the problems in this case is perhaps the misunderstanding the Petitioners had in terms of where they went and what they started. But there is a distinction between ROA and RO.

The point of ROA is they are still supposed to look like homes. It may have been more difficult case under RO zone than ROA. But it certainly seems clear that when you look at the variance statute, I share your perception that we don't have a showing of uniqueness. There's nothing about it that is unique, Mr. Knoerlein's comments notwithstanding. because even his comment did not make sense in describing it as unique because it is ROA in a residential area. That would suggest that it would be less likely that a sign variance be granted because it is so obviously in an area that should not have signage. I'm sorry about that, but I don't understand how that makes the property unique.

Were we to go on to look at practical difficulty or unreasonable hardship, there was no showing of that. From a business point of view, I could understand why it would be wanted -- it's an attractive sign. But it is a sign for advertisement. They paid money and bought a residence in ROA at an ROA price. And the price you pay is that you are confined to signs of that particular size.

There was no testimony and I don't believe there could be any

testimony that there is a difficulty to appropriately maintained sign because there is none at this site; there is no evidence of it.

If we went beyond and to the spirit and intent, I think that's where we get into the issue of the point of ROA and, again, there would be difficulty. I think that could be surmounted if there had been evidence. I don't know that that would stand in the way, but we do not have that kind of showing here today.

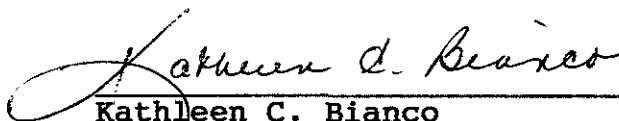
I think that the testimony was very careful in that regard. It's clear that the Petitioners are well-thought of in terms of running their business. I don't think the Petitioners have been singled out; I hope Petitioners understand that this is not a personal matter. It is a matter of trying to protect the integrity of neighborhoods.

Another perspective is that even with a showing, the task is even easier when you have a corner property in terms of having people find it. It would have been more difficult if the property had been in the middle of the block. But a corner property - those arguments are all the more difficult.

That concludes our deliberation. We appear to be unanimous. We will be issuing a written opinion. Our oral opinion today is not the decision from which parties may file an appeal. Any party aggrieved by the written decision will have 30 days from that date to file an appeal.

And that concludes this matter today.

~~~~~  
Respectfully submitted,

  
\_\_\_\_\_  
Kathleen C. Bianco  
Administrator

Case No. 97-532-A

VAR -To permit double-faced freestanding sign of 15 sq. ft. per face in lieu of maximum permitted 6 sq. ft. wall-mounted sign.

8/05/97 -D.Z.C.'s Order in which Petition for Variance was GRANTED with restrictions.

---

11/21/97 - Notice of Assignment for hearing scheduled for Wednesday, March 25, 1998 at 10:00 a.m. sent to following:

Al Thompson, President  
Perry Hall Improvement Assn, Inc.  
Mr. and Mrs. Fred Levinsky  
Mr. and Mrs. Casimir Piotrowski  
Mr. and Mrs. Thomas C. Knoerlein  
Dorothy McMann  
Douglas Behr  
Jean Siegrist  
People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

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3/25/98 -Hearing concluded (K.B.M.). Public deliberation at conclusion of hearing. Petition for Variance DENIED. Written order to be issued; appellate period to run from date of written Order.

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: March 5, 1999  
Permits & Development Management

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

SUBJECT: Closed File: 97-532-A  
Thomas Knoerlein, et ux

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

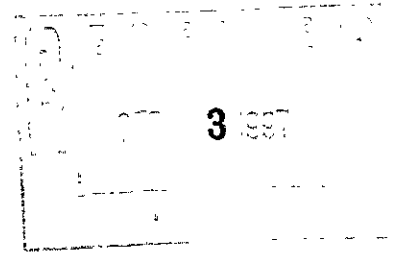
The original file and exhibits were returned to your office by John Almond, Records Manager /CCT on September 11, 1998.

Attachment (CBA Case File No. 97-532-A)

MICROFILMED

# PERRY HALL IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63  
Perry Hall, Maryland 21128



September 2, 1997

Mr. Arnold Jablon, Director  
Department of Permits and Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Via Hand Delivery

RE; Appeal to Case Number 97-532-A  
9217 Belair Road at Soth Avenue

Dear Mr. Jablon:

Please consider this an appeal to Case Number 97-532-A by the Perry Hall Improvement Association and two property owners on Soth Avenue. (see attached names, addresses, and signatures)

The decision to grant a variance from Section 202.3.C.1 of the Baltimore County Zoning Regulations for a double-faced, free-standing sign of 15 square feet was granted August 5, 1997 by Deputy Zoning Commissioner Timothy M. Kotroco.

Enclosed is a check for \$175.00 for the appeal and \$35.00 for the sign.

Sincerely,

  
Al Thompson  
President

MICROFILMED

September 2, 1997

Perry Hall Improvement Association

RE: Case Number 97-532-A

Fred H. Levinsky  
and  
Margaret Levinsky  
4205 Soth Avenue  
Baltimore, MD 21236

Fred H. Levinsky (ML)  
Margaret Levinsky

Casimir Piotrowski  
and  
Bernice Piotrowski  
4206 Soth Avenue  
Baltimore, MD 21236

Casimir Piotrowski  
Bernice Piotrowski

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March 20, 1998

Board of Appeals  
400 Washington Ave.  
Towson, Md. 21204

To Board of Appeals,  
Case #: 97-532-A

This is zoned ROA and in order to  
keep the intent of the ROA zoning  
classification, this sign is out of  
character.

We have lived at this residence for  
44 years, directly across the street  
from this dwelling and would like  
our neighborhood to remain residential.  
We want this sign removed.

Sincerely,  
Margaret Lervick  
Fred A. Lervick

4205 50th Ave.  
Baltimore, Md. 21236

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DATE: \_\_\_\_\_

CASE: 97-532-A

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

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PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

KINGSVILLE  
21087

DOUG BEHR  
Dorothy Mc Mann

7451 BRADSHAW RD  
9513 Dawnvale Rd 21236



MICROFILMED

D.R. 5.5

97-532-A

SITE

N38,250  
E39,515

ROA

SOTH

D.R. 5.5

RO

BL

JOPPA

SMITH

RD

AVE.

YVONNE

AVE.

DEBORAH

AVE.

1996 ZONING MAP

N.E. 10-G

# 532

MICROFILMED

Attached please find 3 examples of properties on Belair Road in the same area as the subject property, (9217 Belair Rd.), with the same zoning per the Baltimore County Zoning Map as the subject property (ROA) using signs other than that permitted by ROA zoning without a variance.

The attached photos show with the widening of Belair Rd, increased truck, tractor trailer and automobile traffic, along with increased speeds make the required signs unreadable from the street making it impossible for anyone to have an office at the property which is what the property is zoned for. It is impossible to even read property addresses (numbers). You cannot have a client meet you, or even have a repair person come to fix your copier if they cannot find you.

The pictures also show placement of the requested sign for which the variance is sought, showing that from the neighboring properties, the sign is not that visible.

The sign, constructed from wood, basically green and white which matches the property (white house, green shutters), and placed 25 feet from the road, perpendicular to Belair Road, in between 2 mature trees in order to keep it from being offensive to neighboring properties. It is however, when you are driving, visible from both sides of Belair Road when you reach approximately 50 - 100 feet of the subject property.

From the front of the subject property, looking South on Belair Road, many signs are visible. Kentucky Fried Chicken, McDonalds, A Pizza Delivery Store, A Doctors office and more.

Hopefully, by these photos, you will be able to see that we are attempting to place a sign that will allow us to use the property for what it is zoned for, and at the same time be considerate to the neighboring property owners and the community.

97-532-A

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#532



VIEW WALKING NORTH ON BELAIR ROAD  
APPROX 1 BLOCK SOUTH OF PROPERTY

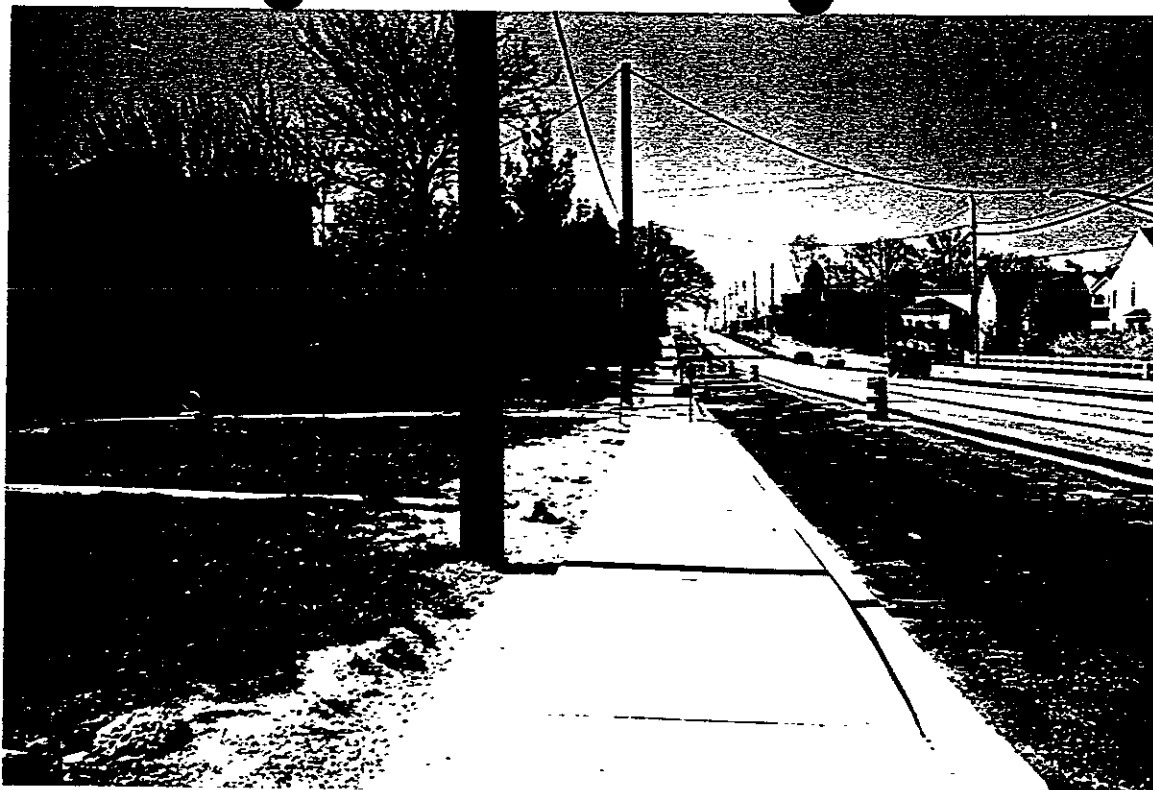


VIEW WALKING NORTH ON BELAIR RD  
BEGINNING OF ADJACENT PROPERTY  
ACROSS SOUTH AVENUE (SOUTH OF PROPERTY)

MICROFILMED

97-532-A

#532



VIEW WALKING SOUTH ON BELAIR ROAD  
APPROX 1 BLOCK NORTH OF PROPERTY



VIEW WALKING SOUTH ON BELAIR RD  
BEGINNING OF ADJACENT PROPERTY

MICROFILMED

97-532-A

#532



VIEW FROM ACROSS THE STREET



VIEW FROM ACROSS THE STREET

MICROFILMED

97-532-A

# 532



VIEW FROM DRIVEWAY OF FIRST  
HOME ON SOTH AVENUE  
(ACROSS SOTH AVENUE)

MICROFILMED

97-532-A

#532

9217 Belair Rd



9333 BELAIR RD  
ZONED ROA



9419 BELAIR RD  
ZONED ROA

MICROFILMED

97-532-A

# 532



9412 BELAIR RD  
ZONED ROA



VIEW SOUTH OF BELAIR ROAD FROM CORNER  
OF SOTH AVE AND BELAIR

MICROFILMED

# 532

97-532-A



