4/5/00

IN THE MATTER OF THE APPLICATION OF ERNEST PHILIP DEIGERT –LEGAL OWNER /ELLER MEDIA COMPANY –CONTRACT PURCHASER /PETITIONERS FOR SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE E/S BELAIR ROAD, 20' SW OF R/W FOR WHITE MARSH BOULEVARD 8131 BELAIR ROAD 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 99-242-XA

* * * * * * * * *

OPINION

This case comes before the Board of Appeals pursuant to an appeal by People's Counsel of the Zoning Commissioner's Order of June 15, 1999 granting a Petition for Special Exception and Variance filed by the Petitioners for the construction of an outdoor advertising sign at 8131 Belair Road. An appeal was filed on July 2, 1999 by the Office of the People's Counsel. Petitioners were represented by Stanley S. Fine, Esquire, and Kirk J. Halpin, Esquire, of ROSENBERG PROUTT FUNK & GREENBERG, LLP, Counsel for Eller Media Company ("Eller"). People's Counsel was represented by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

The Petitioners seek approval of a special exception to locate one 12 foot by 25 foot double-faced illuminated outdoor advertising sign of 300 square feet per face at 8131 Belair Road pursuant to Section 405.4(11) of the *Baltimore County Zoning Regulations* ("BCZR") and a variance from Section 450.7.C.1(f) of the BCZR to permit an outdoor advertising sign to be located 25 feet from the right-of-way line of a dual highway (Belair Road) in lieu of the required 100 feet, if Belair Road is found to be a dual highway. Otherwise, if Belair Road is found not to be a dual highway, the variance is not necessary.

While the Zoning Commissioner found that Belair Road is a dual highway, therefore requiring a variance from the 100-foot setback requirement, the Commissioner found that the site was unique and that the Petitioners would suffer practical difficulty if the variance relief were denied. He therefore granted the variance.

People's Counsel also contends that the erection of the sign on the property will violate Section 450.7.C.1(f) of the zoning regulations, which prohibits the erection of a sign within 250 feet from the right-of-way of a controlled access highway (White Marsh Boulevard).

Petitioner presented William Monk, a Civil Engineer accepted as an expert in land planning by the Board. Mr. Monk testified that he was familiar with the special exception and variance application before the Board, and he was also familiar with the property which is on the right side of Belair Road, south of White Marsh Boulevard. Mr. Monk stated that the property where the sign was to be erected was a small triangular portion zoned B.R. The entire property is zoned B.R. 850 feet to Ridge Road. The State had acquired a portion of the land for White Marsh Boulevard, and the rest of the land was used as a construction yard. South of the property was the Ridge Lumber Co. property, which was zoned B.R., and various other businesses zoned B.L.-A.S. and B.R. up to White Marsh Boulevard. Across White Marsh Boulevard for 1,000 yards was business zoned B.R. or B.M. Mr. Monk stated that it was at least 1,450 feet from the site to the nearest residential zoned property which was a large apartment complex. There was no close-by residential zoning that would be impacted by the billboard. Mr. Monk also testified that an existing billboard had been erected on the site and had been removed at the time that Belair Road was widened and the land was acquired by the State. He presented a copy of the Deputy Zoning Commissioner's Order of 1960 granting special exception for 8131 Belair Road with the Plat attached.

Mr. Monk also felt that the billboard has met all of the requirements of BCZR 450 except 450.7.C.1(f) which states that a billboard may not be constructed within 100 feet of a dual highway. Mr. Monk was of the opinion that Belair Road was "not a dual highway" and therefore that no variance was required. However, if Belair Road was considered a dual highway, then he felt that a variance was warranted due to the uniqueness of the property and the difficulty which would be incurred if the variance was not granted. Mr. Monk considered that the configuration of the property was narrow and a very steep grade down to White Marsh Boulevard. In addition, because of the construction of the Ridge Lumber Company building, if the sign was placed 100 feet back from Belair Road, the billboard could not be observed due to the obstruction provided by the Ridge Lumber Co. building.

Mr. Monk also testified that, in his opinion, the erection of the billboard would meet all of the requirements for a special exception set forth in Section 502.1 of the BCZR.

On cross-examination, Mr. Monk stated that there was no definition of a dual highway in any of the regulations. However, he reiterated his opinion that Belair Road was not a dual highway. Mr. Monk conceded that White Marsh Boulevard was a controlled access highway and that the sign, although it could be seen from White Marsh Boulevard, would not violate Section 450.7.C.1(f) of the zoning regulations prohibiting the erection of such a sign within 250 feet from the right-of-way of any controlled access highway.

Mr. Donald L. Ruggles, Jr., of Eller Media Outdoor Advertising Co. testified that the nearest billboard on Belair Road was approximately 1.6 miles north of the property in question. He also testified that a billboard the size of the proposed billboard in question was removed from the property at 4142 E. Joppa Road in December of 1986 and that this billboard was in the bank with respect to allowing Eller to erect the present billboard under the current zoning regulations.

Steve Weber, Traffic Engineer for the Department of Traffic Engineering for Baltimore County, defined a dual highway as a road that is divided and separated by a median; also a five-lane highway where there is a lane in the middle for turning. He gave, as examples, Perring Parkway, Satyr Hill, and Waltham Woods. In his opinion, Belair Road, particularly in the area of the subject property, was a dual highway with a median in the middle. In his opinion, a road could change from a dual highway to a regular highway.

Dennis Eckard, a representative of the Perry Hall Improvement Association, testified that he was on the Belair Road Beautification Committee and that he was also authorized to speak for the Perry Hall Improvement Association. He felt that the sign would be a visual contamination if located close to the road and that it would destroy their efforts to increase the beauty of Belair Road. The Belair Road Beautification Committee had received funds from the State of Maryland to beautify Belair Road from the Beltway and Forge Road. In his opinion, the property where the billboard was to be located was not a unique piece of property.

Discussion

1. Did the Petitioner comply with BCZR 450.7.C.2(a) and (b)?
BCZR 450.7.C.2(a) and (b) state as follows:

a. A new outdoor advertising sign may not be erected until after the removal of:

(1) A lawfully erected outdoor advertising sign; or
(2) A legally nonconforming on-premises sign equal in area to the new outdoor advertising sign.

b. Removal of eligible signs shall occur within designated priority area, as determined by the Director of the Office of Planning. The Director shall submit a map to the Council for approval annually in January, which, based on the Master Plan, delineates priority areas of the County for sign removal. The Council may amend the proposed map.

The Planning Board, in a memo dated December 20, 1998, and in a letter from the Director of the Office of Planning to the Director of the Department of Permits & Development Management, dated January 5, 1999, interprets this Section of the zoning regulations to mean that outdoor advertising signs to be removed are left to the discretion of the Applicant. However, the location of "on-premises signs" to be removed is based on a map of "designated priority areas" submitted to the Council annually beginning in January 1998. The Board disagrees with the interpretation of the Planning Board with respect to the interpretation of this Section. The Section appears to be unambiguous to the Board.

> A statute must be construed so as to "ascertain and carry out the intent of the legislature." When the statute is unambiguous, "the Court need not look beyond the statute itself to identify the intent of the legislature." Montgomery Co v. Buckman, 33 Md. 516, 523 (1994)

Moreover, the history of the bill passed by the County Council in 1997 indicates that the bill originally stated:

> "2. A building permit for the erection of a new outdoor advertising sign may not be issued unless the applicant, at no cost to the county, removes existing outdoor advertising or non-conforming on-premises signs from sites within the county. For each new sign to be erected, one existing outdoor advertising sign or on-premises sign equal in area to the outdoor advertising sign to be erected must be removed.
>
> A. If the applicant chooses to remove on-premises signs, the following limitations apply:
>
> (1) Prior to the special exception hearing for the new sign, the applicant shall meet with the Director of the Office of Planning to determine the priority areas for sign removal, based on the Master Plan, as amended. The Zoning Commissioner shall consider recommendations at the special exception hearing.

(2) Only legally non-conforming signs which would be classified as enterprise or joint identification signs under Section 450 are eligible for removal.

Councilman Kamenetz introduced an amendment to the bill which deleted the above language, among other language from the bill, and inserted the language which is currently found in Section 450.7.C.2(a) and (b). Thus, it appears clear that the intent was to cover both outdoor advertising signs and legally nonconforming on-premises signs in the category of eligible signs in designated priority areas. Therefore, in the opinion of the Board, this sign cannot be erected because admittedly the sign which was removed in 1986 from the property at 4142 E. Joppa Road was not removed from a designated priority area. Therefore, it does not meet the requirements of Section 450.7.C.2(a) and (b).

Request for Variance

Section 450.7.C of the BCZR sets forth special requirements for outdoor advertising signs. Section 450.7.C.1(f) states that an outdoor advertising sign may not be placed "less than 250 feet from the right-of-way of any controlled-access-type highway or less than 100 feet from the right-of-way of any other dual highway. The Zoning Commissioner found that Belair Road was considered to be dual highway, particularly at the point at the site of the property in question, and that a variance was necessary in order for the sign to be erected 25 feet from Belair Road. The Zoning Commissioner granted the variance based upon his view that the property was unique and that refusal to grant the variance would cause undue hardship on the Petitioner.

The Board also determines that Belair Road is a dual highway, particularly at the site in question. The regulations contain no definition of a dual highway. Mr. Monk, testifying on behalf of the Petitioner, considered that Belair Road was not a dual highway. However, this conflicted with the testimony of Steve Weber, a traffic expert from Baltimore County who defined a dual highway as a divided road with traffic flowing in opposite directions. The Board finds the testimony of Mr. Weber to be more persuasive and finds that Belair Road is a dual highway. Therefore, any sign must be 100 feet from Belair Road.

In considering whether or not a variance should be granted, the Board is mindful of the requirements of Cromwell v. Ward, 102 Md.App. 691 (1995) in which the Court stated:

> In a zoning context, the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" again of a property for zoning purposes requires the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface conditions, environmental factors, historical significance, access, or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects of bearing or party walls.

The property in question does not appear to be unique in that it is an elevated piece of property but the elevation continues in the property approximately 186 feet from Belair Road. Mr. Monk testified that because of the building on the Ridge Lumber Co. property the sign would be blocked from view to motorists driving north Belair Road. This does not make the property unique in that improvements on the property or neighboring property are not a factor in considering the variance. In the opinion of the Board, the variance to allow the sign to be erected 25 feet from Belair Road should be denied.

Section 450.7.C.1(f) also requires that a sign may not be erected less than 250 feet from the right-of-way of any controlled-access-type highway. Mr. Monk testified that the sign would be located 35 to 40 feet from White Marsh Boulevard. However, it was his position that, since the sign was not oriented toward White Marsh Boulevard, Section 450.7.C.1(f) would not apply with respect to the setback from White Marsh Boulevard.

The Board does not read Section 450.7.C.1(f) as requiring that the sign be oriented toward the controlled-access-type highway or that it be legible from that highway. The ordinance prohibits an outdoor advertising sign from being located less than 250 feet from the right-of-way of any controlled-access-type highway without any type of qualification. Therefore, in the opinion of the Board, the Petitioners would have to seek a variance to erect a sign within 250 feet from White Marsh Boulevard, which they have not done.

Finally, the Board finds that the special exception cannot be granted under Section 502.1(g) in that the erection of the sign would be inconsistent with the spirit and intent of the zoning regulations under Section 450.7 and .8(a)(a) which requires that:

> In considering requests for special exceptions and variances, the provisions of this section shall be strictly construed, unless the demonstrable effect of a liberal construction will prevent or reduce the confusion and visual clutter caused by excessive signage.

It is obvious that the construction of this sign will not prevent or reduce confusion or visual clutter caused by excessive signage, and therefore a special exception is not warranted.

O R D E R

THEREFORE, IT IS THIS 5th *day of* April, 2000 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for a variance from Section 450.7.C.1(f) of the *Baltimore County Zoning Regulations* ("BCZR") to permit an outdoor advertising sign to be located 25 feet from the right-of-way of a dual highway (Belair Road) in lieu of the required 100 feet be and the same is **DENIED**; and it is further

ORDERED that the Petition for Special Exception to permit a double-faced illuminated outdoor advertising sign of 300 square feet per face at 8131 Belair Road pursuant to Section 450.4(11) of the BCZR be and the same is hereby **DENIED**.

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, Chairman

Lawrence S. Wescott

Thomas P. Melvin

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 5, 2000

Carole S. Demilio
Deputy People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of Ernest Philip Deigert –Legal
Owner; Eller Media Co. –C.P. /Case No. 99-242-XA

Dear Ms. Demilio:

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 of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed form this decision should be noted under the same civil action number.** 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

Enclosure

c: Peter Max Zimmerman
People's Counsel for Baltimore County
Stanley Fine, Esquire
Kirk J. Halpin, Esquire
Ernest Philip Deigert
Eller Media Company /Charles Marino
William P. Monk
Dennis Eckard /Perry Hall Imp Assn
Pat Keller /Planning Director
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE COUNTY
PETITION FOR VARIANCE
8131 Belair Road, SE/S Belair Rd, * BOARD OF APPEALS
810' NE of c/l Ridge Rd
14th Election District, 6th Councilmanic * FOR

ERNEST P. DEIGERT, Owner * BALTIMORE COUNTY
ELLER MEDIA CO., Contract Lessee
Petitioners * **Case No.. 99-242-XA**

* * * * * * * * * * * * * *

PEOPLE'S COUNSEL'S MEMORANDUM

Table of Contents

RECEIVED
COUNTY BOARD OF APPEALS
00 FEB -3 PM 1:29

Facts 1

Questions for the County Board of Appeals (CBA) 3

Applicable Statutes 4

Legal Argument 5

I. VARIANCE 5

Introduction 5

Setback of 100 Feet From a Dual Highway 6

Required Setback of 250 Feet From a Controlled Access Highway 8

Requirement of Uniqueness 11

Practical Difficulty Is a Requirement 14

Self-Created Hardship Is Not the Standard 15

Financial Gain or Financial Hardship Is Not a Standard 16

Recent Variance Cases Distinguishable 17

Table of Contents (Cont'd.)

II.	SPECIAL EXCEPTION	19
	Introduction	19
	The Special Exception Conflicts With BCZR 502.1a	20
	The Special Exception Conflicts With BCZR 502.1g	21
	Special Exception for a Billboard and Setback Variance Would Open the Floodgates in the Entire County	23
	Required to Remove Sign In Priority Area	23
III.	STRICT CONSTRUCTION	25
Conclusion		26
Appendix		App. 1-16
	Chronology	App. 1
	Deed - 10/8/1957 between Philip E. and Elsie A. Deigert and The Ridge Lumber Company - Liber 3278, Pages 033-41	App. 2-10
	Deed - 3/6/1965 between Philip E. and Elsie A. Deigert and The Ridge Lumber Company - Liber 4436, Pages 211-217	App. 11-16
	9/19/96 Baltimore County Planning Board Report on Signs, Pages 62-63	App. 17-19

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE	*	BEFORE THE COUNTY
8131 Belair Road, SE/S Belair Rd, 810' NE of c/l Ridge Rd	*	BOARD OF APPEALS
14th Election District, 6th Councilmanic	*	FOR
ERNEST P. DEIGERT, Owner **ELLER MEDIA CO., Contract Lessee**	*	BALTIMORE COUNTY
Petitioners	*	**Case No.. 99-242-XA**

* * * * * * * * * * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

FACTS

Eller Media Co. proposes to erect a billboard (double-faced illuminated, 12 ft. by 25 ft., or 300 sq. ft. per side) on Business Roadside (BR) zoned property located on Belair Road and owned by Ernest Philip Deigert. The entire site consists of 3.8 acres. Petitioner is requesting a special exception for a portion, .33 acres on the northeastern property line, bounded on the west by the 8100 block of Belair Road and on the north by the State Highway Administration right of way for Route 43, also known as White Marsh Boulevard. The entire Deigert property is bounded on the south, along Belair Road, by Ridge Lumber Company.

Most of the Ridge property was formerly owned by the Deigerts, who leased, then sold, parcels to Ridge for construction of a lumber and hardware store. It has since closed. The property is bounded on the east, to the rear, by Business Roadside (BR) zoned property. Entrance to the site is via road cut on Belair Road.

Petitioner also seeks a variance of 25 feet in lieu of 100 feet setback from Belair Road, a dual highway.

The Deigert site slopes upward from Belair Road, eastward, for a depth of about 186 ft., and then, continuing eastward, slopes downward toward the rear property line. The site is currently improved with a residential building that is used in conjunction with a construction storage yard on the site.

The property is within the four mile stretch of Belair Road, from Baltimore Beltway Exit 32 to the south of the site, to Forge Road to the north of the site, under a street-scape beautification project, funded with $250,000 from the State/Baltimore County.

The Petitions for Special Exception and Variance were approved by the Zoning Commissioner. People's Counsel filed a timely appeal.

An evidentiary hearing was held on December 14, 1999 before the CBA. Joining in opposition to the relief was the Perry Hall Community Association. The president, Dennis Eckert, testified on its behalf and as a resident of the community. Steve Weber, a traffic planner for Baltimore County testified in People's Counsel's case. The Petitioner produced William Monk, land planner and Donald Ruggles from Eller Media.

The CBA panel requested written Memoranda in lieu of closing argument. Public Deliberations are scheduled for February 29, 2000.

QUESTIONS FOR THE COUNTY BOARD OF APPEALS (CBA)

1. Did Petitioner prove the elements required to obtain a special exception?

(a) Specifically, does a request for a setback variance of 25 feet make this site unsuitable for a special exception and conflict with the spirit and intent of the sign law?

(b) Does the location of the sign within 250 feet of Route 43, a controlled access highway, make this site unsuitable for a special exception and conflict with the spirit and intent of the sign law?

(c) Does the state and local beautification program for this area of Belair Road make the impact of a bill board special exception greater here than at other Business Roadside (BR) sites in the County?

(d) Does the elevation of the site eastward from Belair Road making the billboard that much higher than the road grade, cause a distraction here greater than at any other BR zoned sites?

2. Is Belair Road a dual highway, requiring a 100 ft. setback for billboards under BCZR 450.7.C?

3. Did the Petitioner prove this site is unique and that the uniqueness causes practical difficulty or undue hardship so as to warrant a setback variance?

(a) Is the site unique because there is a commercial building on the adjoining lot?

(b) Is the elevation of the site at both 25 feet (proposed location) and 100 feet (required setback) evidence of the "uniqueness" required by zoning law?

4. Is the Petitioner required to obtain a variance from the 250 ft. setback from a controlled access highway, Route 43?

(a) Does failure to request the variance make the site plan fatally defective and deficient and require denial of the Petitions for Special Exception and Variance?

5. Did the Petitioner remove or agree irrevocably to remove, another billboard or nonconforming on-premises sign in a "priority area" as required by BCZR 450.7.C.2?

APPLICABLE STATUTES

People's Counsel believes the following zoning regulations are applicable to the relief requested:

1. **BCZR 450.4.11**. Outdoor advertising, one free standing or wall mounted per site, permitted in BL, BM, BR, ML, MH by Special Exception, max. face of 300 sq. ft., max. 25 ft. height, illuminated permitted, subject to BCZR 450.7.C.

2. **BCZR 450.7.C**. Special Requirements for Outdoor Advertising Signs.

3. **BCZR 450.7.C.1.f**. Setback of 250 feet from right of way of any controlled-access-type highway; 100 feet from the right of way of any other dual highway.

4. **BCZR 450.7.C.2**. Removal of lawful outdoor advertising sign or legal non-conforming on-premises sign of same size, in a designated priority area

5. **BCZR 450.8.A.1**. Special Exceptions and Variances for signs must be strictly construed.

6. **BCZR 450**. Definitions.

7. **BCZR 502.1**. Requirements for Special Exception.

8. **BCZR 502.1 A**. A special exception will not be detrimental to the health, safety or general welfare of the locality involved.

9. **BCZR 502.1.G**. A special exception will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations.

10. **BCZR 307.1**. Variance standards.

LEGAL ARGUMENT

I. VARIANCE

Introduction

BCZR 307.1 allows zoning variances:

> "... 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 and where strict compliance... would result in practical difficulty or unreasonable hardship.
>
> Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off street parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, or general welfare."

The two related prongs of this statute are "uniqueness" and resulting "practical difficulty." Judge Cathell analyzed both in Cromwell v. Ward, 102 Md.App. 691 (1995), with particular emphasis on "uniqueness" and the relatively rare occasions for proper variance approval. There followed Umerley v. People's Counsel, 108 Md.App. 497, cert. denied 342 Md. 584 (1996). Both Cromwell and Umerley are Baltimore County cases which interpret and apply BCZR 307.1.

It is important at the onset to understand the zoning requirements for this sign request. The Zoning regulations in BCZR 450.7.C are very specific regarding distance requirements. Each requirement in a paragraph is separated by the word "or" and is thus a separate stand-alone standard.

Moreover, it is important to read the requirements in the context of the purposes and intent of the sign legislation. The County Council supported its new standards with a "Statement of General Finding and Policies":

> 450.1D: "Baltimore County's appearance is marred, property values and public investments are jeopardized, scenic routes area diminished and revitalization and conservation efforts are impeded by excessive signage and incompatible signage."
>
> 450.1E: "The existence of excessive and incompatible signage is contrary to the goals of the county master plan, as adopted and amended. Included among these goals are:
>
> (1) Improved quality of commercial corridors, including signage;... and
>
> (3) Enhanced control of placement, size, and design of commercial corridor signage."
>
> 450.1G: "To that end, these regulations are intended to be the least restrictive means to achieve the following: ...
>
> (3) "Eliminate unsightly, incongruous signs which tend to depreciate or diminish private and public investments in buildings, sites and highways or hinder or discourage the improvement of residential, business and industrial properties."

VARIANCE – Setback of 100 Feet From a Dual Highway

The proposed sign must be 100 feet from Belair Road, a dual highway. Steve Weber, a traffic expert from Baltimore County Government, defined a dual highway as a divided road with traffic flowing in opposite directions. He stated that Belair Road at this juncture contained a median strip. See Photos, (PC Exhibit # 10). He noted the two lanes in each north and south directions. Mr. Weber identified the SHA printout (See PC

Exh. #1) and agreed with its identifying this portion of Belair Road as a "divided" highway. He equated the terms "divided highway" and "dual highway" as used by traffic experts.

He stated unequivocally that the designated speed or type of development along the highway has no significance to its designation as a "dual highway". Rather he stated the term refers strictly to the physical characteristics of the roadway itself.

Cuts or breaks in the median would not defeat the dual highway designation according to Weber. He also stated the length of the physical characteristics of a dual highway is not determinative. It can be as short as 50 feet in length, he explained. Additionally, Mr. Weber noted a road can be a dual highway in some sections and not in others.

He testified the characteristics of the highway at the site for development determine the designation as a dual highway. He also noted that even a three-lane road, with a center turning lane and two outside lanes for traffic moving in opposite directions, fits the traffic engineer's definition of a dual highway. Mr. Weber concluded affirmatively and without question that Belair Road at the subject site is a dual highway.

Moreover, the demonstrative evidence, the site plan, pictures and the witnesses' descriptions support Mr. Weber's expert testimony.

Mr. Monk, the land planner, stated that although a variance is requested, Belair Road is arguably not a dual highway. Mr. Monk admittedly is not a traffic expert. He cited as the basis of his opinion the speed of the road and commercial development along

the corridor. Mr. Weber, the expert traffic engineer, refuted both reasons. Mr. Monk claimed Belair Road is not a "highway", but admittedly was not familiar with the definition in BCZR 450. Upon cross-examination, he could not dispute that the definition describes Belair Road.

From this evidence, it is clear that the proposed billboard requires a 100 foot setback; otherwise, Petitioner must prove he is entitled to a variance.

VARIANCE – Required Setback of 250 Feet From a Controlled Access Highway

People's Counsel asserts that the proposed sign must be 250 feet from the right of way from Route 43, White Marsh Boulevard. Steve Weber's undisputed testimony is that Route 43 is a controlled access highway. See Site Plan (Petitioner's Exhibit 3), which acknowledges the site borders on the SHA right of way. (Mr. Monk testified a portion of the Deigert property on the north side was condemned by the state for the Route 43 state right-of-way, for which Deigert was compensated).

A plain reading of the statute concludes Petitioner fails to satisfy this requirement. In Edgewater Liquors, Inc. et al. v. Liston, 349 Md. 803, 808-809 (1998), the Court of Appeals reaffirmed prior cases and stated,

> "The 'meaning of the plainest language' is controlled by the context in which it appears. . . In analyzing a statute, we approach statutory constructions from a common sense perspective. . . Accordingly, we avoid construing a statute so as to lead to results that are unreasonable, illogical, or inconsistent with common sense."

In Porter v. Bayliner, 349 Md. 609, 617 (1998), the Court stated:

"When interpreting any statute, we must look to the entire statutory scheme, and not any one provision in isolation, to effect the statute's general policies and purposes. Where the statute to be construed is part of a statutory scheme, the legislative intention is determined by considering it in light of the statutory scheme."

See similar language in Polomski v. Baltimore, 344 Md. 70, 75 (1996).

The site plan is fatally defective and relief must be denied because Petitioner never asked for variance from this standard.

Petitioner's witness, Mr. Monk's assertion that the setback does not apply is erroneous. The proposal is a "sign" as that term is defined in BCZR 450.3:

"SIGN – Any structure or other object, or part thereof, which displays any word illustration, decoration or other symbolic representation which:

A. Is used or intended to inform, advertise or otherwise attract attention or covey a message regarding an activity, condition or commercial or noncommercial organization, person, place or thing.

B. Has a "face" that is "visible" from a "highway" as each of these terms is defined in this section."

"FACE – The flat planar surface with a continuous perimeter enclosing the outer limits of the message of a sign."

"VISIBLE – Refers to a sign that is capable of being seen, legibly or not, without visual aid, by a person with normal eyesight."

"HIGHWAY – A street, road, motorway, expressway, freeway, alley, sidewalk, walkway or similar public facility used for vehicular or pedestrian travel, excluding a pedestrian concourse within an enclosed mall or any sidewalk on private property."

The undisputed evidence is that it is visible from Route 43, a controlled access highway.

Moreover, Mr. Monk, the land planner, argued "visible" to mean intended to be read and visible to the passer-by. He did not realize the term "visible" is defined in the sign regulations and is broader than his explanation.

Mr. Dennis Eckert testified that he drives in both directions on Route 43 many times a week and did so just prior to the CBA hearing. His undisputed testimony is that the site itself and the face of the proposed 12 ft. x 25 ft. sign, rising 25 ft. high, would definitely be seen from Route 43 approaching its non-grade intersection with Belair Road. The facts themselves support Mr. Eckert's testimony. The site and the sign are elevated above Route 43. Route 43 is a straight-away highway in this area in both directions. There are no encumbrances along the roadway except for the bridge on Belair Road passing overhead. The site itself is elevated above Belair Road. See Photos (PC Exh. 6B, Pet. Exh. 4A, 4F) and the sign will be 25 ft. above the elevated ground. But for the briefest moment passing under the bridge, the sign will be "visible". See also the visibility of the house on the site (with satellite dish on roof) from Route 43 (Pet. Exh. 4G) – the proposed sign is to the front (right) of the house.

The Court of Special Appeals ruled a zoning ordinance is legitimate if its objectives are to eliminate signs or pennants that distract motorists or to promote highway safety. Gosman v. Prince George's Co., 41 Md.App. 479 (1979).

Additionally, the evidence must be read in light of the policies in 450.1G.3, which seek to:

"Eliminate unsightly, incongruous signs which tend to depreciate or diminish private and public investments in buildings, sites and highways, or hinder or discourage the improvement of residential, business and industrial properties." (Emphasis added).

VARIANCE - Requirement of Uniqueness

Petitioner has failed to satisfy the requirements of Cromwell v. Ward, *supra.*

There is no evidence that the site is unique. The word "unique" has different meanings in different contexts. It is sometimes used merely to denote a difference, or a lack of identity. For example, in law school, it is taught in basic property law that every property is "unique", meaning that no two are precisely alike.

But in zoning, the word is defined more strictly. Otherwise, every property would be in a position to qualify. In Cromwell, the Court stated:

> "In the zoning context the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape topography, subsurface conditions, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls." [Emphasis added].

It is also inherent in the concept that the "unique" factor must be problematic, or lead to real problems for zoning compliance. In Umerley, *supra*, the court ruled the uniqueness must cause the zoning provision to have a disproportionate impact on the property.

In the present case, there is really no such "unique" factor from any point of view. Mr. Monk discussed the elevation of the site. But he admitted that the same elevation on the site exists from Belair Road eastward into the property toward the existing building, approximately 186 ft. from Belair Road. This means the sign can comply with the 100 ft. setback at the same elevation as the proposed location 25 ft. from Belair Road. Even, if the elevation of the property is unique, it has no relation to the request for a lesser setback because either at 25 feet or 100 feet, the sign would be similarly elevated vis a vis Belair Road.

It should be underlined that BCZR 307 requires "**special circumstances or conditions" such that "strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.**" This is not a new concept. In Easter v. Mayor & City Council, 195 Md. 395 (1950), the Court said:

> "The burden of showing facts to justify an exception or variance rests upon the applicant, and it must be shown that the hardship affects the particular premises and is not common to other property in the neighborhood."

In Marino v. City of Baltimore, 215 Md. 206 (1957), the Court elaborated:

> "The expression 'practical difficulties or unnecessary hardships' means difficulties which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant."

> "[I]t was incumbent upon the Marinos to have shown . . . (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district."

There must be a causal relationship or connection between the alleged "uniqueness" and "practical difficulty." The alleged "uniqueness" must be viewed in context. Simply put, nothing about the topography here prevents location of the sign 100 feet from Belair Road. The Petitioner never stated the sign could not comply with setback requirements.

In reality, however, there is nothing unique about the site. Mr. Eckert stated that all the surrounding properties on both sides of Belair road at this location have the same elevation. Note the Ridge Lumber building in photos (Pet. Exh. 4F). Moreover, further north on Belair Road, properties on both sides slope upward. See Photos (Pet. Exh. 4E).

See Chester Haven v. Board of Appeals, 103 Md.App. 324, 339 (1995), quoting Cromwell, *supra:*

> "There was no evidence submitted to the Board that the subject site was in any way peculiar, unusual, or unique when compared to other properties in the neighborhood such that the ordinance's . . . restriction's impact upon the subject property would be different than the restriction's impact upon other neighboring properties. In essence the impact would be the same. The first step of the variance process was thus not met."

Additionally, the location of the Ridge Lumber building on the adjacent property is not a sufficient basis to grant a variance. It does not constitute "uniqueness" under the law. The uniqueness must relate to a feature of the site itself, and not to a building on an adjoining site. (See Cromwell, *supra,* quotation on page 11 herein).

Secondly, even if an adjoining structure could be considered an element of uniqueness, the location of the Ridge Limber building is not peculiar to the Belair Road commercial corridor. See Photos (PC Exh. 6B, Pet. Exh. 4D). Mr. Eckert testified that

other buildings in this area are similarly setback from Belair Road (auto store, restaurant etc.) See Photos (PC Exh. 6B). Mr. Deigert's property is no different from a plethora of commercial building sites along this corridor. If Eller Media sees the adjoining building as an obstruction to a proposed billboard 100 feet back from the roadway, it may select another site for its sign. That is a business decision, not a basis for zoning relief.

The Court in Easter, *supra* held that other buildings extended to front line of lot did not authorize variance for construction of an addition in violation of setback rules.

VARIANCE - Practical Difficult Is a Requirement

Furthermore, there is no practical difficulty for the Petitioner, Eller Media, nor the property owner, Deigert. Billboards are permitted by special exception in three commercial zones, and in two manufacturing zones in Baltimore County. Unlike on-premises signs, a billboard is not tied to the use on the property.

Mr. Monk did not know even the approximate number of acres in the zones that permit billboards in the County. He never stated no sites exist in the area where a variance would not be needed. How can he testify to practical difficulty or undue hardship if the variance is not granted here, if he cannot compare it to other sites? Furthermore, Mr. Ruggles admitted Eller Media did not search other sites before selecting the Deigert property. Nor did its witness, Ruggles, suggest other suitable sites that comply with setbacks are not available.

The Court o f Appeals articulated the criteria for "practical difficulty" in McLean v. Soley, 270 Md. 208, 214-15 (1973):

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

Here, Petitioner fails to satisfy any, much less all, of the criteria.

VARIANCE - Self-Created Hardship Is Not the Standard

This leads to the final point that the alleged hardship or difficulty was self-created. As such, it also fails under the rule of Marino v. City of Baltimore, 215 Md. 206 (1957), Pem Construction Co. v. City of Baltimore, 233 Md. 372 (1964), Gleason v. Keswick Improvement Ass'n., 197 Md. 146 (1964), and Evans v. Shore Communications, Inc. 112 Md.App. 284 (1996). The Court summarized in Cromwell at 721-22:

> "Self- inflicted or self-created hardship... is never considered proper grounds for a variance. ... Were we to hold that self-inflicted hardships in and of themselves justified variances, we would effectively not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning purposes cannot generally be self-inflicted."

Thus, even if the adjacent Ridge Lumber Company building creates an element of uniqueness which in turn generates practical difficulty for the property owner Deigert and Eller Media, it is a self-created hardship.

The Chronology attached to this Memorandum outlines the sequence of events as shown in deeds wherein Deigert leased, then sold, two parcels to Ridge Lumber Co., on which the current building was constructed. These property transfers were not disputed by Petitioner.

Moreover, Deigert sold the site to Ridge Lumber for construction of a commercial building with no apparent restrictions as to setback from Belair Road, height or proximity to the Deigert property. The owner Deigert cannot now claim the building imposes a hardship to erect a billboard on his property.

In Cromwell, Judge Cathell quoted Steele v. Flavanna Co. Board of Zoning Appeals, 436 S.E.2d 453, 456 (1993):

> "[T]he hardship, if any, was self-inflicted. The placement of improvements was within the control of the [applicants] and their contractor."

VARIANCE - Financial Gain or Financial Hardship Is Not a Standard

The financial gain from an additional use on the site - a billboard - does not justify a variance. It is insufficient that a restriction deprives an owner of maximum use or level of return. Land use controls, by their very nature, place limits on property use and financial gain. If these limits were to justify a hardship or practical difficulty, it would make a mockery of the law. See Cromwell, *supra* and Burns v. Mayor & City Council,

251 Md. 554 (1968). The Court stated 50 years ago in Easter v. Mayor & City Council, 195 Md. 395, 400 (1950):

> "The mere fact that the variance would make the property more profitable is not a sufficient ground to justify relaxation of setback requirements."

In Grant v. City of Baltimore, 212 Md. 301 (1957), the Court of Appeals upheld a Baltimore City Ordinance that required the removal of billboards from residential areas after a five year amortization period. In ruling the economic impact upon residents who leased the billboards did not invalidate the statutes, Judge Hammond stated at page 321:

> "The position of the individual appellants, the Grants and Cooper, are not identical with those of the corporate appellant [signboard companies]. We think, however, that any loss or harm that they suffer as a result of Ordinance 711 is not sufficiently substantial compared to the public good to make the ordinance invalid as to them. If the ordinance imposed such restrictions that the land could not be used for any reasonable purpose, it would, of course, be invalid as to it... However, the record does not show this to be the case. Cooper bought his property in 1953 several years after Ordinance 1101 had been passed. The main value of the property is in the house on it which he rents out. The use of the property for the billboard is incidental and the yearly rental is small. The Grants bought their lot in 1923, four years before they began to lease it for the use of billboards. Soon after it was first bought, Grant began to fill in the gully to the rear of it, evidently with the idea of making it available for some use other than its present use. It was not shown that the Grants' lot could not be used for residential purposes... That the properties will be less valuable and the owners will suffer a loss in revenue because of the ordinance is not of itself controlling, as we have seen. We think Ordinance 711 is not unreasonable or invalid in its impact on either the Grants or Cooper."

VARIANCE - Recent Variance Cases Distinguishable

Recent variance appellate cases granting relief differ from the instant case. In Friends of the Ridge v. Balto. Gas & Elec. Co., 120 Md.App. 444 (1998), the Court of

Special Appeals approved a grant of setback variances for power station expansion. But in the review of this decision by the Court of Appeals, the variance reasoning - that electric substation equipment is unique structurally - was rejected as "of doubtful logical force." 352 Md. 645,648 fn. 4 (1999). The Court held rather that the setbacks involved internal lot lines that had merged. As a result, there was no need for the variance in the first place. The Court of Appeals permitted the expansion without variance relief. Clearly this is not the instant case.

The variances granted in Belvoir Farms v. North, 355 Md. 259 (1999) and White v. North, 356 Md. 31 (1999) involved an Anne Arundel County ordinance which differs significantly from BCZR 307.1. The Anne Arundel County ordinance lacks a "uniqueness" requirement. At the same time, it depends on proof of "unwarranted hardship" not "practical difficulty," and on overall satisfaction of an array of other standards, several of which pertain to protection of the Chesapeake Bay. Case law has reiterated that the lesser "practical difficulty" standard applies to area variances under 307.1, while the "hardship" standard applies to "use" variances and is rarely applied to Baltimore County zoning variances. See Red Roof Inns, Inc. v. People's Counsel for Baltimore County, 96 Md.App. 219 (1993), which applies the practical difficulty standard to signs.

The Belvoir and White Court interpreted "unwarranted hardship" to mean "denial of a reasonable and significant use." Here Deigert does not allege the billboard is the only use the site can support, nor that he has no other use for the property other than for a

billboard. In fact, the site is 3.8 acres, zoned B.R., the most intense commercial zone, and fronts a viable commercial corridor. Moreover, it currently used as a construction storage yard.

Nor do Belvoir and White imply that a property owner has the right to develop commercially every last inch of his property, nor cram multiple uses on a site. Otherwise, the denial of any variance would be a "denial of a reasonable and significant use." Nor did the Eller Media representative claim no other sites exist for its use. Pointedly, Eller never conducted a search of other sites. In sum, we should not complicate the present case with the Belvoir and White cases that interpret and apply an entirely different ordinance.

II. SPECIAL EXCEPTION

Introduction

A special exception is a conditional use. Montgomery County v. Merlands, 202 Md. 279 (1952); Rockville Fuel & Feed Co. v. Board of Appeals, 257 Md. 183 (1970). Building on these cases the Court of Appeals said in Schultz v. Pritts, 291 Md. 1 (1981):

> "Generally, when a use district is established, the zoning regulations prescribe that certain uses are permitted as of right (permitted use), while other uses are permitted only under certain conditions (conditional or special exception uses) . . . In determining which uses should be designated as permitted or conditional in a given use district, a legislative body considers the variety of possible uses available, examines the impact upon the various purposes of the zoning ordinance, determines which uses are compatible with each other and can share reciprocal benefits, and decides which uses will provide for coordinated, adjusted and harmonious development of the district."

> "When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses."

The Schultz decision did not relax special exception standards, or make them routine or automatic. Rather, it overturned the rule of Gowl v. Atlantic Richfield, 27 Md.App. 410 (1975), which held that a proposed special exception with adverse effects no greater than some permitted use by right must necessarily be approved.

In Board of County Comm'rs. v. Holbrook, 314 Md. 210 (1988), the Court of Appeals held that zoning boards have wide discretion in denying special exceptions. Holbrook affirmed the denial of a mobile home simply because its presence would affect adversely a nearby single-family home. Subsequently, the Court of Special Appeals in People's Counsel v. Mangione, 85 Md.App. 738 (1991), affirmed the CBA denial of a convalescent home based on its size, scale, and impact on the neighbor hood and environment.

The Special Exception Request Conflicts with BCZR 502.1a

The Petition for Special Exception must be denied because Petitioner failed to prove it will "not be detrimental to the health, safety or general welfare of the locality involved". The beautification program for the 4 mile stretch of Belair Road from the Beltway (695) to Forge Road encompasses the instant site. Mr. Eckert, as president of the Perry Hall Improvement Association, is a member of the committee for this program. The goal is to improve the aesthetics of the Belair Road corridor following the significant

road widening completed in the last few years. The program has a budget of $250,000 to date from the State and County for plantings along the road right of way and in the median as well as other aesthetic improvements. Property owners, including the commercial properties, are asked to make improvements along the road frontage.

Mr. Eckert stated that a billboard sign 25 feet from the roadway would mar the appearance of Belair Road and would detract from the goals of this program. He explained he knows of no other funding program like this one in the Perry Hall and surrounding areas.

In Anderson v. Sawyer, 23 Md.App. 612 (1974), the Court ruled the extent of harm to the neighboring area and uses is material in determining whether to grant a special exception. See also Brandywine Enterprises, Inc. v. County Council for Prince George's Co., 117 Md.App.525 (1997), cert. denied 347 Md. 253, for same reasoning.

Mr. Eckert also believed the sign would be a distraction to drivers, particularly northbound on Belair Road. Because it is so close to the roadway, and is also elevated above Belair Road, it looms largely for drivers approaching the uphill crescent of Belair Road at this particular location. See Photos, (PC Exh.6B).

The Special Exception Request Conflicts with BCZR 502.1g

The Petitioner is not entitled to a special exception because he failed to prove the special exception will not "Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations."

The sign regulations create a special set of standards for billboards. BCZR 450.4.11. Outdoor Advertising permits billboards by special exception but subject to "Additional Limitations" in Column IX. The "limitations" are the setback restrictions in Section 450. 7.C. The statute itself prohibits a special exception in certain locations, namely within 100 feet of a dual highway and 250 feet of a controlled access highway. These provisions must be read in conjunction with 450.8A.1, requiring the provisions of the sign regulations to be strictly construed in requests for special exceptions and variances. Moreover, the Special exception is subject to the limitations of 450.7.C (setback requirements). Compliance with the setback standards is a preliminary requirement before the special exception is even considered.

It is a reasonable interpretation that an agency cannot grant a special exception for a billboard when it is coupled with variances from the very setback required by the statute itself.

> "Conditional [special exceptions] uses" are permitted uses, so long as the conditions set out in the zoning ordinance are satisfied. County Comm'rs of Queen Anne's County v. Soaring Vistas Property, Inc., 121 Md.App.140 (1998), Cert. granted 351 Md. 7, quoting Cromwell.

See also Umerley, *supra.*

Furthermore, if the variance is denied, the special exception must be denied. See Ad Soil, Inc. v. County Comm'rs of Queen Anne's Co., 307 Md. 307 (1986) wherein denial of variances on site large enough to comply with setbacks, compelled denial of special exception.

Special Exception for a Billboard and Setback Variance Would Open the Floodgates in the Entire County

Because the location of billboards is not tied to a use on the site, but is permitted by special exception in numerous zones, a grant of a special exception coupled with a variance at this site invites destruction of the billboard sign regulation.

> "It is by these gradual encroachments, individually of relative insignificance, that the integrity of the general scheme is undermined and ultimately shattered. One departure serves as justification for another . . ." Easter, *supra* at 401.

> "As a general rule [hardship] exceptions are granted sparingly, and under exceptional circumstances. To do otherwise would decimate zoning restrictions and eventually destroy all zoning regulations." Marino, *supra* at 216.

Special Exception - Required To Remove Sign In Priority Area

The County Council has adopted a modified "cap" on the number of billboards in Baltimore County. In order to erect a new billboard, an existing billboard or a non conforming on-premises sign of the same size must be removed. These options are listed in BCZR 450.7.C.2.a. (1) & (2) respectively. The next paragraph labeled "b." requires the removed signs to be located in a designated priority area determined by the Director of the Office of Planning:

> "a. A new outdoor advertising sing may not be erected until after the removal of:
>
> (1) One lawfully erected outdoor advertising sign; or
> (2) Legally nonconforming on-premises signs equal in area to the new outdoor advertising sign.
>
> b. Removal of eligible signs shall occur in designated priority areas, as determined by the Director of the Office of Planning. The Director shall submit a map to the Council for approval

> annually in January, which, based on the Master Plan, delineates priority areas of the county for sign removal. The Council may amend the proposed map."

This provision is unambiguous and must be afforded a plain reading.

> "A statute must be construed so as to 'ascertain and carry out the intent of the legislature.'" When a statute is unambiguous, the court need not look beyond the statute itself to identify the intent of the legislature." Montgomery County v. Buckman, 33 Md. 516, 523 (1994).

Moreover, the Planning Board Report provides the legislative history. At pages 62 and 63, attached, the Report requires that only on-premises signs to be removed must be located in a designated priority area. This differentiation was not in the final legislation passed by the County Council. The law as passed clearly requires any sign eligible for removal to be located in a designated priority area.

Mr. Ruggles from Eller Media testified that a billboard owned by the company at 4142 East Joppa Road was removed on or about August 17, 1998 to satisfy the requirement for this proposed billboard. He admitted in cross-examination that it was not located in a designated priority area. Mr. Ruggles also noted that the removed sign is "in the bank" as a credit toward any sign proposed by Eller, and is not limited to the instant request. In fact, the sign was removed before the present Petition for Special Exception was filed on December 10, 1998. (See Petition for Special Exception).

The Petitioner has failed to satisfy the preliminary requirement of BCZR 450.7.C.2. The Petition for Special Exception must be denied on this defect alone.

III. STRICT CONSTRUCTION

BCZR 450.8.A.1 states:

"Interpretation.

In considering requests for special exceptions and variances, the provisions of this section shall be strictly construed, unless the demonstrable effect of a liberal construction will prevent or reduce the confusion and visual clutter caused by excessive signage.

This section seems to restrict the grant of special exceptions and variances above and beyond the limits imposed in the general zoning law pertaining to the grant of special exceptions and variances."

On cross-examination, Mr. Monk acknowledged that the requested sign would have no affect on the prevention or reduction of confusion and visual clutter of signage in the area. In other words, a billboard at this location would not serve to eliminate other types of signs (enterprise, directional etc.). By its very nature, a billboard's message would almost certainly never relate to the businesses in the area and would not reduce or consolidate commercial signage. Mr. Monk admitted as much in cross-examination. There is no evidence in this case to support "liberal construction" of the regulations. The statute must be "strictly construed."

"'Strict construction' means that a statute is not to be construed beyond its natural meaning. . . The term is not a precise but a relative expression varying in degree according to the character of the law being construed. . . It is not the exact converse of liberal construction for it does not consist in giving the words of a statute the narrowest meaning of which they are susceptible, . . . and "strict construction" is in no way violated if the words of a statute are given their full meaning. . . The term 'excludes mere implications, but does not require a literal and blind adhesion to mere words.'" (Citations omitted.) McKeon v. State, for the Use of Conrad, et al., 211 Md. 437, 443 (1956).

CONCLUSION

People's Counsel believes the Petitions for Special Exception and Variance should be denied for the following reasons:

- Petitioners failed to prove the elements of a variance for the 100 feet setback under 307.1 and strict construction.

- Petitioners failed to request a variance for the 250 feet setback.

- Petitioners failed to meet their burden for a special exception under 502.1 and strict construction.

- Petitioners cannot obtain a special exception if they require a variance from the setback standards in the statute itself.

- Petitioners failed to remove a sign in a designated priority area.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. DeMilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of ~~January~~ Febrvery, 2000, a copy of the foregoing People's Counsel's Memorandum was mailed to Stanley Fine, Esq., Rosenberg, Proutt, Funk, 25 S. Charles Street, 10th Floor, Baltimore, MD 21201, attorney for Petitioners.

Carole S. DeMilio

CAROLE S. DEMILIO

CHRONOLOGY

October 8, 1957	**Lease of 2 acres from Deigert to Ridge Lumber Co. See attached Lease**
March 6, 1965	**Lease of .577 acres from Deigert to Ridge Lumber Co. See attached Lease**
May 18, 1967	**Deed of 2 acres from Deigert to Ridge Lumber CO. See People's Counsel Exhibit #5**
April 29, 1998	**Deed of Ridge Lumber Co. confirming ownership by Ridge Lumber Co of 3 parcels, 2 from Deigert (2 acre parcel and .577 acre parcel) See People's Counsel Exhibit #3**

2/3/00

IN THE MATTER OF:	:	BEFORE THE
ERNEST PHILLIP DEIGERT-LEGAL OWNER	:	COUNTY BOARD OF
ELLER MEDIA COMPANY-CONTRACT PURCHASER	:	APPEALS FOR
	:	BALTIMORE COUNTY
	:	Case No.: 99-242-XA

: : : : :

00 FEB -3 PM 3:22
RECEIVED
COUNTY BOARD OF APPEALS

PETITIONERS' CLOSING MEMORANDUM

Ernest Phillip Deigert and Eller Media Company (collectively, the "Petitioners"), by Stanley S. Fine and Kirk J. Halpin of Rosenberg Proutt Funk & Greenberg, LLP, counsel for Eller Media Company ("Eller"), submit this Closing Memorandum in support of their Petitions for Special Exception and Variance, at the request of the County Board of Appeals of Baltimore County ("Board of Appeals"), as made on December 14, 1999 at the hearing in the above matter (the "Hearing").

I. STATEMENT OF THE CASE

In a written opinion issued June 15, 1999, the Zoning Commissioner of Baltimore County granted the Petitions for Special Exception and Variance filed by the Petitioners for the construction of an outdoor advertising sign at 8131 Belair Road. On July 2, 1999, Appellant, Office of People's Counsel, filed an appeal from the decision of the Zoning Commissioner to the Board of Appeals.

The Petitioners seek approval of a Special Exception to locate one (1), 12' x 25' double-faced illuminated outdoor advertising sign of 300 square feet per face, at 8131 Belair Road, pursuant to Section 450.4(11) of the Baltimore County Zoning Regulations ("BCZR") and a Variance from Section 450.7.C.1(f) of the BCZR to permit an outdoor advertising sign to be located 25 feet from the right-of-way line of a dual highway (Belair Road) in lieu of the required 100 feet, if Belair Road is found to be a dual highway, otherwise the Variance is not necessary.

The Hearing was held on December 14, 1999 before the Board, at which time Petitioners presented two witnesses. The Petitioners' first witness was William Monk. Mr. Monk was

accepted by the Board as an expert witness in land planning. Mr. Monk's testimony and exhibits revealed that the subject property is an irregular shaped parcel, approximately 3.8 acres in area, zoned B.R., and is improved with a 2-story building, which was formerly used as a dwelling and is now used as office space. Mr. Monk further stated that the property is located on Belair Road, immediately adjacent to the Ridge Lumber Company and abuts the overpass for Belair Road over Maryland Route 43 ("White Marsh Boulevard"). Mr. Monk further commented that the property has narrow frontage on Belair Road, and extends in a southeasterly direction away from that roadway at a relatively consistent width. Mr. Monk also noted that the property was previously utilized as a location for an outdoor advertising sign. Mr. Monk stated that the proposed sign complies with the requirements of Section 450 of the BCZR and that no variance is required because Belair Road is not a dual highway.

Petitioners' second witness was Donald Ruggles, Jr., the Real Estate Manager for Eller. Mr. Ruggles stated that Eller removed its outdoor advertising sign at 4141 East Joppa Road in Baltimore County, equivalent in area to the 600 square feet proposed for the sign at the subject property. Mr. Ruggles introduced the County permits authorizing the construction and removal of the East Joppa Road sign.

Later in the Hearing, Mr. Monk was called again as a witness to review the legal requirements for a special exception and variance and stated that the proposed sign met the requirements and standards for granting a special exception and variance for the Petitioners.

II. CODE REQUIREMENTS AND COMPLIANCE

In order for the Board to grant the Petitions for Special Exception and Variance filed by Petitioners, Petitioners must establish that its Petitions comply with the requirements of §§ 307.1, 450 and 502.1 of the BCZR. Sections 450 and 502.1 will be discussed in this Section II, while Section 307.1 is discussed in Sections III. F. and G. below.

A. Section 450.4(11) Requirements and Compliance.

Section 450.4(11) of the BCZR sets forth the Table of Sign Regulations ("Table") for an outdoor advertising sign. This Table allows (a) either a wall mounted or freestanding sign; (b) the sign to be located in a B.L., B.M., B.R., M.L, or M.H. zone; (c) requires a special exception permit; (d) limits the maximum area to 300 square feet per face; (e) limits the maximum number of outdoor advertising signs on the premises to one; (f) limits the height to 25 feet; (g) allows illumination; and (h) requires compliance with the additional limitations in § 450.7.C.

Mr. William Monk testified that the Petitioners' sign will be: (a) freestanding; (b) located in a B.R. zone; (c) constructed only after issuance of a special exception permit; (d) no more than 300 square feet per face; (e) the only outdoor advertising sign at 8131 Belair Road; (f) no more than 25' in height; (g) illuminated in accordance with the requirements of § 450.6.B of the BCZR; and (h) in compliance with the additional limitations in § 450.7.C.

B. Section 450.6.A Requirements and Compliance.

Section 450.6.A of the BCZR sets forth the prohibitions under the general sign requirements.

"1. No sign may be erected or maintained at any highway intersection or at any other place, including intersections with railroads or with driveways intended for general public use, in such a manner that its location, position, size, shape, color or illumination obscures or impairs a motorist's clear view of traffic conditions, pedestrian crossings or any part of a sign or signal erected by a governmental entity. Except for official signs and directional signs erected in compliance with the Manual on Uniform Traffic Control Devices, signs in every zone are subject to clear-sight-triangle provisions in Section 102.5.
2. No sign may imitate or resemble a sign or signal erected by a governmental entity for traffic control, except that:
    a. To the extent permitted by state law or regulation, directional signs erected to control traffic within a premises must be designed and placed in accordance with the Manual on Uniform Traffic Control Devices.

b. Notice signs may make appropriate use of cautionary wording and symbols.

3. No sign may be placed in, or project into or above, the street right-of-way or any area owned by a governmental entity unless otherwise permitted under the Baltimore County Code, as amended.
4. No part of a sign, or its structural framework or supporting elements, may obstruct any windows or opening intended to provide light or air to a building or to any window, door, fire escape, stairway, ladder or opening giving, or intending to give, access to or from a building, fire hydrant or standpipe.
5. No vehicle or trailer of any kind may be placed or parked in any location for the purpose of displaying a sign attached thereto or placed or painted thereon.
6. Except for flags exempted under Sections 450.2.C.6 and 450.2.C.7, flags, pennants, ribbons, streamers, tethered balloons, laser projections and similar objects are prohibited.
7. Except for A-frame and sandwich board signs which are in B.M.-C.T. Zones and which have been issued a use permit subject to the terms and conditions determined by the Director of the Department of Permits and Development Management, portable signs are prohibited. A portable sign may only be displayed during the business hours of the premises to which it is accessory.
8. Except for an outdoor advertising sign with tri-vision, a changeable copy sign, or a thermometer, barometer, weather vane, barber pole or clock, no sign may display or simulate any moving part or automatically changing message."

Mr. William Monk testified that the Petitioner's sign: (1) will be located to allow clear and ample visual site lines from all existing driveways and intersections; (2) will not resemble any governmental erected sign for traffic control; (3) will not project into the street right-of-way; (4) and its structural framework and supporting elements will not obstruct the access, lighting or air to any building, fire hydrant or standpipe; (5) will be placed on a steel post with a permanent below-grade footer; (6) not applicable; (7) not applicable; and (8) will not display or simulate any moving part or automatically changing message.

C. Section 450.6.B Requirements and Compliance.

Section 450.6.B of the BCZR sets forth the illumination requirements under the general sign requirements.

"1. The light emanating or reflecting from, or projecting onto, a sign shall be shaded, shielded or directed so that its intensity does not cause a glare or a similar adverse effect on neighboring properties, highways or parking areas.
2. Project illumination must be reasonably confined to the face of the sign.
3. Except for that portion of a changeable copy sign displaying time or temperature, all elements illuminating a sign shall operate at a constant intensity so that no sign has the appearance of movement or of being illuminated by flashing, blinking, strobing, oscillating or alternating lights.
4. A sign may be displayed with reflectorized surfacing if illumination is prohibited."

Mr. William Monk testified that the projected illumination: (1) will be shaded and shielded so that light emanating or reflecting from the sign shall not cause a glare or a similar adverse effect on neighboring properties, highways or parking areas; (2) will be reasonable confined to the face of the sign; (3) shall be at a constant intensity; and (4) not applicable.

D. Section 450.6.C Requirements and Compliance.

Section 450.6.B of the BCZR sets forth the illumination requirements under the general sign requirements.

"1. All signs shall be erected in accordance with the applicable provisions of the Baltimore County Building Code.
2. All signs, including structural framework or supporting elements, shall be securely erected and maintained in a safe and presentable condition at all times through replacing defective, missing or damaged parts; cleaning; painting; or other acts necessary for proper upkeep, provided that maintenance may not be used to alter a sign's character to the extent that it is no longer permitted at its location.
3. For a lawfully erected sign, a building or use permit or a special exception is not required for changing the sign's face only, provided that this does not alter the sign's character to the extent that it is no longer permitted at its location."

Mr. Monk testified that the sign will be: (1) erected in accordance with the building code of Baltimore County; (2) maintained at all times in accordance to Baltimore County Zoning Regulations; and (3) not applicable.

E. Section 450.7.C.1 Requirements and Compliance.

Section 450.7.C. of the BCZR sets forth the special requirements for outdoor advertising signs.

"1. An outdoor advertising sign may not be erected in the following locations:
a. Outside the urban-rural demarcation line.
b. In a place where it can be seem from a scenic route designated in the Master Plan, as determined by the Director of the Office of Planning.
c. Less than 200 feet from a residential zone, measured along the adjoining road, or more than 50 feet from the right-of-way line of the highway along which the sign is erected, notwithstanding contrary provisions of these regulations regarding front yard setbacks.
d. Less than 1,000 feet from another outdoor advertising sign on the same side of the highway.
e. Less than 100 feet, measured along the adjoining road, from the right-of-way of an intersecting highway.
f. Less than 250 feet from the right-of-way of any controlled-access-type highway or less than 100 feet from the right-of-way of any other dual highway.
g. Within a town center or revitalization area, except at sites designated as appropriate for outdoor advertising signs in an officially adopted plan for that area."

Mr. Monk testified that the sign will be: (a) located inside the urban-demarcation line; (b) located in a place where it cannot be seen from a scenic route; (c) located more than 200' from a residential zone line, and not more than 50' from the right-of-way of Belair Road; (d) located more than 1,000' from another outdoor advertising sign; (e) located more than 100' from the intersection of Ridge Road and Belair Road; (f) located less than 100' from the right-of-way of a dual highway (if Belair Road is determined to be a dual highway); and (g) not located within a town center or revitalization area.

F. Section 450.7.C.3 Requirements and Compliance.

Section 450.7.C.3 of the BCZR sets forth additional requirements for outdoor advertising signs:

"Outdoor advertising signs erected within 500 feet of a state highway shall comply with the license and permit requirements of the Annotated Code of Maryland, Transportation Article, Title 8, Subtitle 7, Regulation of Outdoor Advertising."

Mr. Monk testified that the sign will comply with the license and permit requirements of the Annotated Code of Maryland, Title 8, Subtitle 7, Regulation of Outdoor Advertising.

G. Section 450.7.C.5 Requirements and Compliance.

Section 450.7.C.5 of the BCZR sets forth additional requirements for outdoor advertising signs regarding notice:

"On the date a property is posted for a special exception hearing, the applicant shall send a letter by certified mail to the owners of all residentially zoned property within 100 feet of the proposed outdoor advertising sign, including the date, subject, place, time and purpose of the special exception hearing."

Mr. Monk testified that there are no residentially zoned property within 100 feet of the proposed outdoor advertising sign so the Petitioners have complied with this Section.

H. Section 502.1 Requirements and Compliance.

Section 502.1 of the BCZR sets forth the principles and conditions which will prevent a special exception from being granted if the proposed special exception will:

"A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in the roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, convenience or improvements;
F. Interfere with adequate light and air;
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; and
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations."

Mr. Monk testified that the proposed outdoor advertising sign will (a) not be detrimental to the health, safety or general welfare of the Belair Road corridor near 8131 Belair Road; (b) not

tend to create congestion in roads, streets or alleys therein; (c) not create a potential hazard from fire, panic or other danger; (d) not tend to overcrowd the land nor cause undue concentration of population; (e) not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements; (f) not interfere with adequate light and air; (g) not be inconsistent with the Business Roadside (B.R.) zoning nor inconsistent with the spirit and intent of the BCZR; and (h) not be inconsistent with the impermeable surface and vegetative retention provisions in the BCZR.

The Petitioners' plat which was presented at the Hearing also demonstrates that the Petitioners' outdoor advertising sign shall comply with all of these legal requirements set forth above.

III. PETITIONERS' ARGUMENTS

A. Belair Road is neither a controlled-access type highway nor a dual highway and a variance is not required.

Appellant will argue that Belair Road is a dual highway and a variance is required; however, after reviewing the definitions and specific facts, it is clear that Appellant's argument is not tenable. Section 450.7 C.1 of the Baltimore County Zoning Regulations ("BCZR") states "[a]n outdoor advertising sign may not be erected in the following locations:

. . .

f. Less than 250 feet from the right-of-way of any controlled-access-type highway or less than 100 feet from the right-of-way of any other dual highway.

. . . ."

As to the definition of a "controlled-access-type highway", § 8-101(f) of the Transportation Article of the Annotated Code of Maryland defines a "[c]ontrolled-access highway" as a "major highway with the same characteristics as an expressway, except that the conflict of cross streams of traffic is not eliminated necessarily at each intersection by grade separation structures." § 8-101(f). Furthermore, subsection (h) thereof defines "expressway" as a "major highway of two or more traffic lanes in each direction that is designed to eliminate principal traffic hazards and has the following characteristics:

> (1) A median divider separating opposing traffic lanes to eliminate head-on collisions and sideswipings;
> (2) Grade separation structures to eliminate the conflict of cross streams of traffic at each intersection;
> (3) Points of entrance and exit limited to predetermined locations;
> (4) Vertical curves long enough to provide long sight distances; and
> (5) Shoulders wide enough to permit vehicles to stop or park out of traffic lanes."

§ 8-101(h)

Belair Road is certainly not a "controlled-access highway" because it lacks these characteristics as required by the definition contained within the State Transportation Article. Indeed, there was no evidence offered into the record to support the proposition that Belair Road is a controlled-access type highway.

The second part of § 450.7 C.1.f discusses an "other dual highway" and prohibits outdoor advertising signs less than 100 feet therefrom. Unfortunately, neither the State Transportation Article, nor any other article of the Annotated Code of Maryland contains a definition of "dual highway". As well, neither the Baltimore County Code nor the BCZR defines this phrase. Section 101 of the BCZR states that "any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New

International Dictionary of the English Language, Unabridged." Again, the phrase "dual highway" is not defined by Webster's.

In reviewing the laws of other states, Delaware is the only state that has defined "dual highway". 46 Delaware Laws, Chapter 197, defines a dual highway within the State of Delaware as a multiple lane highway divided by a curb, central dividing parkway, grass plot or other separation . . . ." There have been no reported cases in Delaware which have applied or interpreted this definition.

As to Belair Road being a dual highway, Mr. Monk commented on the improvements to Belair Road which resulted in the construction of a raised concrete curb in the middle of Belair Road. This raised curb (± 3') extends northerly a distance of only 400' terminating just past the White Marsh Boulevard overpass where White Marsh Boulevard goes under Belair Road. This median does not extend any further north on Belair Road and nearby portions of Belair Road to the south of the subject property are not separated by a median. Because this raised curb only extends a few hundred feet and is not continuous along Belair Road near the subject property, Mr. Monk stated that this road should not be considered a "dual highway".

Mr. Steven Weber of the Division of Traffic Engineering for Baltimore County, testifying for Appellant, stated that a dual highway is where a highway is separated by a median and continuity of the median is not required. In addition, Mr. Weber stated that a dual highway could have no median, but have a center turn lane. Mr. Weber acknowledged that there was no written definition of dual highway and that was merely his personal definition. Applying Mr. Weber's definition, a dual highway would include a 2-way street with a dedicated left turn lane bordered by a very short median or with a center turn lane and no median, with the rest of the street having

no median. Mr. Weber's definition would result in many of Baltimore County's 2-way streets being classified a dual highway.

Petitioners argue that common sense must prevail in determining what is a dual highway. Mr. Monk stated that a dual highway should have a continuous median, which would limit the number of roads that would qualify as a dual highway. It would seem that Perring Parkway and Goucher Boulevard would meet Delaware's definition of a "dual highway" since these roads have a central dividing parkway, grass plot or other separation. Furthermore, this separation is not just for a few hundred feet, but accompanies these roads for most, if not all of the length of the road. If, however, Goucher Boulevard were only divided for a few hundred feet, it would not be tenable to argue that Goucher Boulevard was a dual highway just because there was a median for a few hundred feet.

If, however, the Board of Appeals determines Belair Road to be a dual highway, then a variance would be required to permit an outdoor advertising sign to be located 25' from Belair Road. Since Petitioners have demonstrated that Belair Road is not a dual highway, no variance would be required to locate the outdoor advertising sign 25' from Belair Road.

B. A variance for the proposed sign at 8131 Belair Road being located less than 250 feet from the right-of-way of any controlled-access-type highway (White Marsh Boulevard) is not required.

Appellant will argue that the proposed sign is less than 250 feet from the right-of-way of any controlled-access-type highway, namely, White Marsh Boulevard, and that Petitioners should have requested a variance from this requirement. Since no such variance was requested, Appellant will argue that the relief requested by Petitioners should be denied.

Petitioners argue that although the proposed sign is less than 250 feet from White Marsh Boulevard, the primary orientation of the sign is Belair Road, that any required setbacks should be measured from Belair Road and therefore, such a variance is not required.

The proposed sign is to be located at 8131 Belair Road and has primary visibility and orientation along Belair Road. The only access to 8131 Belair Road is from Belair Road. The property cannot be directly accessed through White Marsh Boulevard. The outdoor advertising sign will not have a primary orientation along White Marsh Boulevard. Furthermore, due to the topography of 8131 Belair Road and the topography of the neighborhood, the sight distance to the sign in only one direction along White Marsh Boulevard is very short, and therefore, the visibility of the outdoor advertising sign to a motorist driving White Marsh Boulevard will only be momentary.

If this outdoor advertising sign were to be located at a major intersection of two streets, such as at the corner of Belair Road and Silver Spring Road, with direct access to the property from both streets, with a long sight distance from both streets, and with visibility for a long time from both streets, then it would be logical to conclude that the primary orientation of such an outdoor advertising sign would be along both Belair Road and Silver Spring Road. However, in the instant matter, the outdoor advertising sign cannot be viewed from a long distance along White Marsh Boulevard, and is only visible momentary in one direction to a motorist driving White Marsh Boulevard.

In addition, under the BCZR a property can only have one set of setbacks (front, side or rear). Since the subject property's address is Belair Road, its access is Belair Road, the primary orientation of the outdoor advertising sign is Belair Road, the setbacks required by the BCZR should be from Belair Road and not White Marsh Boulevard.

C. Even if a variance is required, there is no prohibition in Maryland against the Petitioners requesting a variance in conjunction with obtaining a special exception.

Assuming arguendo that the Court determines Belair Road to be a dual highway, then a variance from § 450.7 C.1.f of the BCZR would be required to permit an outdoor advertising sign to be located 25' from Belair Road.

The general issue of requesting a variance in conjunction with a special exception first arose in a different setting of using a variance along with a conditional use. A variance used in conjunction with a conditional use is legally distinguishable from a variance and a special exception. In Chester Haven Beach Partnership v. Board of Appeals, 103 Md. App. 324 (1995), the applicant sought approval of a conditional use to permit a planned residential development in the existing NC-15 zone and a variance to permit more than 6 units per cluster and delete conversion density percentages. The Board of Appeals for Queen Anne's County denied the variance because of the applicant's failure to produce any evidence that the "property is inherently unique as compared to other properties in the area or that the zoning ordinance's impact on other properties in the neighborhood, area, or district was in any way different than its impact on the subject property." Id. at 338. Since the variance was required to get the conditional use and since the variance was denied, the Board of Appeals also denied the conditional use. The Circuit Court for Queen Anne's County affirmed the denial by the Board of Appeals and the applicant appealed to the Court of Special Appeals.

The Board of Appeals, as quoted by the Court of Special Appeals, noted that "in order to qualify to apply for the conditional use -- the applicants had to get a variance from the six unit per cluster condition and from the provisions of the density percentages, and additional variance from the conditions for which the ordinance required satisfaction in order to be entitled to a

conditional use." Id. at 335. The Court of Special Appeals frowned upon this approach for **conditional uses** when it stated:

> "this procedure creates fundamental and conceptional problems with the generally accepted proposition that, if the express conditions necessary to obtain a conditional use are met, it is a permitted use because the legislative body has made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that establishes certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute -- not avoided. In any event, even if such a procedure would past muster, if the variance process fails, the entire application fails."

Id. at 336.

While the above-referenced quote is not a finding of law, but merely dicta as to the Court of Special Appeals' view on this issue, this dicta only relates to **conditional uses** and not to special exceptions. The one reported Maryland case to discuss using a variance in conjunction with a special exception was Belvoir Farms Homeowners Ass'n, Inc. v. North, 355 Md. 259 (1999).

In Belvoir Farms, the applicant filed a special exception to operate a community pier and a variance to permit more than the four boat slips allowed by the critical area regulations that impose a limit on the number of boat slips. A variance to reduce the size of a common driveway was also requested. The only issue before the Court of Appeals was whether the variance for the applicant to build four more boat slips than permitted by the critical area regulations was proper, and not whether the approval of the special exception was proper. Id. at 263-64. After this limited issue was set forth, the Court of Appeals reproduced, in a footnote, the above-stated blockquote from Chester Haven. Following this blockquote, the Court of Appeals stated:

"[t]he same reasoning, if correct, may apply to the grant of special exceptions because both special exceptions and conditional uses, under standard zoning principles, are considered to be permitted uses if the requirements of either can be satisfied. (Although often used interchangeably, conditional uses and special exceptions technically are distinguishable. Conditional uses normally relate to uses, while special exceptions relate to yard size, height, density, parking or other dimensional factors.) Generally, special exception provisions require the satisfaction of conditions specified in an ordinance. **The impact of a special exception, in relation to the conditions required by the ordinance, may differ if the grant of the exception and its resulting impact is enlarged by a variance.** This creates a problematic issue: Does the original purpose for which a special exception has been predetermined to be a permitted use by the Legislature remain valid? We need not address the issue further, but as Chester Haven implied, it is a potential problem that needs consideration by the parties involved on either side of special exception and conditional use issues."

Id. at 264 (emphasis added).

As the Court of Appeals recognized in Schultz v. Pritts, 291 Md. 1 (1981), it is not whether the proposed special exception has an adverse impact because all special exceptions by their very nature have an adverse impact. Instead, the appropriate standard to be used in determining whether a requested special exception should be granted is to determine "whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Id. at 22-23.

The issue, as the Court of Appeals has discussed in Belvoir Farms relating to a special exception, is whether the impact from the special exception is enlarged by the variance. The property at 8131 Belair Road was previously used as a location for an outdoor advertising sign. This previous outdoor advertising sign was located approximately in the same location as the proposed sign. Furthermore, there are no private residences in the immediate vicinity as the neighboring land owners are either commercial or industrial businesses. As well, Belair Road is a heavily traveled commercial corridor. Because of these factors, the impact of a outdoor

advertising sign at 8131 Belair Road will not be enlarged by the variance which would allow the sign to be located 25' from Belair Road instead of 100' (assuming that Belair Road is deemed to be a dual highway). Since Maryland courts have not ruled on the issue as presented in this argument, the Board of Appeals would be establishing new law on this issue.

D. Petitioners' removal of a lawfully established outdoor advertising sign at 4141 East Joppa Road satisfies the requirements of Section 450.7.C.2 requiring the removal of a lawfully erected outdoor advertising sign before a new outdoor advertising sign may be erected.

Appellant will argue that Eller's removal of the sign at 4141 East Joppa Road does not satisfy the requirements of Section 450.7.C.2 because 4141 East Joppa Road is not located in a designated priority area. Petitioners argue that the requirement of a designated priority area only applies to legally non-conforming on premises signs, and not outdoor advertising signs.

Section 450.7 C.2. of the BCZR states:

> "a. A new outdoor advertising sign may not be erected until after the removal of:
>
> (1) one lawfully erected outdoor advertising sign; or
>
> (2) legally non-conforming on-premises signs equal in area to the new outdoor advertising sign.
>
> b. Removal of eligible signs shall occur in designated priority areas, as determined by the Director of Planning. The Director annually in January shall submit a map to the County Council for approval which delineates priority areas of the County for sign removal based on the Master Plan. The Council may amend the proposed map."

In interpreting and applying this Section of the BCZR, a review of the legislative history surrounding this Section is in order.

Efforts to improve signage in Baltimore County began in the late 1960's, but it was not until the County Council passed Resolution 7-96 on February 5, 1996 (the "Resolution") (attached hereto as Exhibit No. 1) that such efforts really began to proceed. The Resolution resolved that the "proposed comprehensive revision of the County's sign laws might be more

easily implemented if presented in several parts which address different signage issues" and that a "comparison of the proposed sign regulations with the sign regulations in other jurisdictions" would benefit Baltimore County. Pursuant to this Resolution, the Baltimore County Planning Board issued a Final Report entitled Proposed Revision to the Baltimore County Zoning Regulations Concerning Signs on September 19, 1996 (the "Final Report") (attached hereto as Exhibit No. 2).

As to the provision regarding the removal of existing outdoor advertising signs, the stated purpose of this "cap" was to place a limit

> "on the total number of billboards in the County. For each new billboard to be erected, an existing one equal in area would need to be removed. Staff recommends that the 'cap' provision be retained but modified to allow a billboard applicant to remove either an existing billboard or on-premises signage equal in area to the proposed billboard. The purpose of this modification would be to promote the early removal of non-conforming on-premises signs while providing compensation for the sign owners."

Final Report at 5-7.

Following this Final Report and incorporating the intent and recommendations thereof, the County Council introduced Bill No. 89-97 on August 4, 1997 (the "Bill") (attached hereto as Exhibit No. 3) for the purpose of updating and amending the BCZR concerning signs. This Bill revised § 450.7 C.2. to state:

> "a. If the applicant chooses to remove on-premises signs, the following limitations apply:
>
> (1) Prior to the special exception hearing for the new sign, the Applicant shall meet with the Director of the Office of Planning to determine the priority areas for sign removal, based on the master plan, as amended. The Zoning Commissioner shall consider recommendations at the special exception hearing.
>
> . . . .
>
> b. If the applicant chooses to remove an outdoor advertising sign, the Applicant shall indicate the site from which the outdoor advertising sign will be removed at the time the Applicant applies for a building permit."

Bill 89-97 at 57-58.

It is clear that the Bill would promote the early removal of non-conforming on-premises signs because the priority areas for sign removal in the Bill only applied to the on-premises signs and not to outdoor advertising signs.

Subsequently, Councilman Kevin Kamenetz introduced Amendments to the Bill (attached hereto as Exhibit No. 4). Kurt Heinrich, Legislative Draftsman/Asst. Secretary to the Baltimore County Council reviewed and summarized the amendments offered by Councilmember Kamenetz on July 24, 1997 in a Memorandum to Thomas J. Peddicord, Jr., Legislative Counsel/Secretary (attached hereto as Exhibit No. 5). Mr. Heinrich stated the amendment "clarifies the requirements for the erection of a new outdoor advertising sign." The purpose of this amendment was not to substantially modify the Bill but only to clarify the requirements. Instead, the amendment has created ambiguity in where designated priority areas apply by revising § 450.7 C.2. to state:

> "a. A new outdoor advertising sign may not be erected until after the removal of:
>
> (1) one lawfully erected outdoor advertising sign; or
>
> (2) legally non-conforming on-premises signs equal in area to the new outdoor advertising sign.
>
> b. Removal of eligible signs shall occur in designated priority areas, as determined by the Director of Planning. The Director annually in January shall submit a map to the County Council for approval which delineates priority areas of the County for sign removal based on the Master Plan. The Council may amend the proposed map."

While this amendment was subsequently included in the final legislation, a Staff Report of the Baltimore County Office of Planning dated December 20, 1998 (attached hereto as Exhibit No. 6) states that "the location of on-premise signs to be removed is to be based on a map of 'designated priority areas' submitted to the Council annually, beginning in January 1998."

Furthermore, the Planning Advisory Report in the instant case from Arnold F. "Pat" Keller, III, Director of the Office of Planning, agrees that the "location of on-premise signs to be removed is to be based on a map of 'designated priority areas' submitted to the Council annually beginning in January 1998 (Exhibit No. 7 attached hereto).

The Office of Planning which is the administrative agency charged with implementing and enforcing the sign regulations in Baltimore County has consistently interpreted this statute to require that the removal of an on-premise sign must be within the designated priority areas, however, the removal of an outdoor advertising sign can be anywhere within Baltimore County. This interpretation by the Office of Planning conforms to the purpose of this statute - which is to "promote the early removal of non-conforming on-premises signs". Final Report at 7.

"Although the words of a statute are the starting point for ascertaining the Legislature's intent, they must not be read in a vacuum but should be considered in light of other manifestations of legislative intent." In re Douglas P., 333 Md. 387, 393 (1994) (citing Kaczorowski v. City of Baltimore, 309 Md. 505, 514-15 (1987). In Kaczorowski, the Court of Appeals found that the "plain-meaning rule does not force us to read legislative provisions in rote fashion and in isolation. What we are engaged in is the divination of legislative purpose or goal. Indeed, as we have explained, the plain-meaning rule 'is not a complete, all-sufficient rule for ascertaining a legislative intention. . . .'" Kaczorowski, 309 Md. at 514 (quoting Darnall v. Connor, 161 Md. 210, 215 (1931).

Since the legislative intent, as evidenced by the Final Report, was to promote the early removal of non-conforming on-premises signs, the interpretation of the Office of Planning is consistent with this goal. By identifying designated priority areas where non-conforming on-

premises signs must be removed before another sign can be constructed, the Office of Planning is best serving the intent of § 450.7 C.2. of the BCZR.

In Chevron U.S.A. Inc. v. Natural Resources Defense Council, 467 U.S. 837 (1984), the U.S. Supreme Court provided guidance on determining whether an agency's interpretation of a statute is permissible and is to be afforded deference. The Chevron decision set forth a two-part analysis -- the first part requires a determination of whether the legislature has "directly spoken to the precise question at issue." Id. at 842.

The precise question at issue is whether the removal of an outdoor advertising sign must be within a designated priority area. Section 450.7 C.2. of the BCZR requires "eligible signs" that are removed to be within the designated priority area, but fails to state whether this just applies to on-premises signs or both on-premises signs and outdoor advertising signs.

If the legislature had addressed the precise issue directly and the agency interpretation is contrary to the legislature, then the reviewing body must give effect to the intent of the legislature and reverse the agency. Id. at 842-43. If the legislature has not spoken directly to the precise issue, then the reviewing body must look at the second part of the Chevron analysis. Id. at 843. Under this second part, the reviewing body should uphold the agency's interpretation if it is based on a permissible or reasonable construction of the statute. Id. Furthermore, in a subsequent case, the U.S. Supreme Court held that "where the agency's interpretation of a statute is at least as plausible as competing ones, there is little, if any, reason not to defer to its construction" Good Samaritan Hosp. v. Shalala, 508 U.S. 402, 417 (1993).

Based on the purpose of the legislation as originally introduced, the original bill, and the purpose of Councilmember Kamenetz's amendment, the Office of Planning's interpretation is reasonable. Therefore, the Board of Appeals should uphold the agency's interpretation of the

removal of an outdoor advertising sign to be located anywhere within Baltimore County and not just within the designated priority area.

E. The property at 8131 Belair Road is unique and different from the characteristics of surrounding properties and there would be a practical difficulty or unreasonable hardship resulting from enforcing the current sign regulation. Therefore, a variance if required should be granted.

Section 307.1 of the BCZR provides that:

> "The zoning commissioner of Baltimore County and County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and 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 and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship . . . ."

§ 307.1.

This statute by its very nature sets up a two-step inquiry. "First, the zoning authority must determine whether the subject property is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to have a disproportionate impact on the property." Umerley v. People's Counsel for Baltimore County, 108 Md. App. 497, 506 (1996) (citing Cromwell v. Ward, 102 Md. App. 691, 721 (1995). "If such a finding is made, the zoning authority must then determine whether an unreasonable hardship results from the disproportionate impact of the ordinance." Id.

The uniqueness standard has a specific legal meaning in the Maryland case law as established by the Court of Special Appeals in North v. St. Mary's County, 99 Md. App. 502 (1994). The Court held that:

> "the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, *i.e.* its shape, topography,

> subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.

Id. at 514.

The subject property has extremely limited access due to the dimensions and configuration of the lot. In addition, the width of the subject property is very limited which is unique and also contributes to another unique factor - - the location of the driveway. The driveway on the subject property is located in the middle of the lot because of the shape of the parcel. As well, the unusual topography and grade of the subject property and its location adjacent to White Marsh Boulevard create additional factors which make the property unique. The property slopes away significantly to the bed of White Marsh Boulevard. The shape and topography of the lot, its access and practical restrictions imposed by the adjoining property owner (Ridge Lumber Building) all demonstrate the uniqueness of the subject property. These characteristics are inherent to the subject property and are not shared by other properties in the area.

If the variance were denied, Petitioners would suffer practical difficulty and unreasonable hardship because erecting the sign in a location at least 100 feet from the right-of-way would detract from and block the visibility of the sign from traffic on Belair Road, due to the topography, shape of this parcel and obstruction by the Ridge Lumber Company building.

F. The hardship imposed upon the Petitioners in complying with the BCZR was created by the State of Maryland and the adjoining property owner, not by Petitioner Deigert.

In demonstrating the practical hardship in complying with the statute, it is "incumbent [on the applicant] to [show] . . . that the hardship was not the result of the applicants' own actions." Marino v. Mayor and City Council of Baltimore, 215 Md. 206, 218 (1957).

In Cromwell v. Ward, 102 Md. App. 691 (1995), Mr. Ward's contractor constructed "a building of such a height as to produce a roof pitched at the angle he desired [and] caused the roof to extend above the fifteen-foot height limit." Id. at 695. The building was later discovered to be twenty-one feet in height and Mr. Ward applied for a variance and successfully argued before the Board (and affirmed by the trial court) that his property was unique because the building exceeded the height restriction. After an extensive review of variances in Maryland and throughout the United States, the Court of Appeals reversed the trial court and stated, "[w]ere we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted." Id. at 722.

In the instant case, Petitioner Deigert did not create the practical difficulty or unnecessary hardship. Instead, the State Highway Administration seized a large portion of Mr. Deigert's property and the adjoining property owner constructed a large commercial business known as the Ridge Lumber Company. The actions which create the practical difficulty were created by the State Highway Administration and the owners of the Ridge Lumber Company.

Appellant will argue that Petitioner Deigert subdivided his original property and sold these properties. Appellant will argue that by selling off these properties, Mr. Deigert created the

hardship because of the resulting shape of the property and the construction of the Ridge Lumber building. The hardship and practical difficulty was not created by Mr. Deigert in selling off these properties. The subsequent actions of the State Highway Administration and the Ridge Lumber Company created the practical difficulty and unnecessary hardship.

G. As to the special exception, Appellant has failed to identify another property in the same district which the Board of Appeals may use to compare the adverse effects of the present application to, and therefore, the special exception must be granted.

The most recent, comprehensive and definitive statement of the law of special exceptions is found in the case of Mossburg v. Montgomery Co., 107 Md. App. 1 (1995), hereinafter referred to as "Mossburg". The law of Mossburg is controlling in this case. The Court of Special Appeals in Mossburg stated:

> "Thus, it is not whether a special exception/conditional use is compatible with permitted uses that is relevant in this administrative proceeding. The legislative body, by designating the special exception, has deemed it to be generally compatible with other uses. In special exception cases, therefore, generally compatibility is not normally a proper issue for the agency to consider. That issue has already been addressed and legislatively resolved. Moreover, it is not whether a permitted use by way of special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effect in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is considered by the agency."

Id. at 8-9.

Mossburg stands for the proposition that once the statutory requirements set forth in § 450.7 C of the BCZR have been complied with (as the Petitioners have done in the present case), a special exception use is transformed into a principal permitted use and the special exception application cannot be denied unless the Appellant demonstrates that there are greater adverse

impacts at this particular location than other locations in the District. Abrams, Guide to Maryland Zoning Decisions, quoting Mossburg summarized the issue:

> "Once an applicant presents sufficient evidence establishing that his proposed use meets the requirements of the ordinance, even though it has adverse impacts at that particular location, if the record is otherwise silent as to a greater impact at the present location than other locations similarly zoned, the special exception must be approved." (Emphasis supplied).

Abrams, Guide to Maryland Zoning Decisions, at pp. 120 and 121.

Mossburg contemplates the need to identify a second property, "Property Number 2" to compare with "Property Number 1", the property subject of the Application. **There is not a scintilla of evidence in this record respecting the impact of this proposed use on "other locations similarly zoned". Property Number 2 is never identified.** Therefore, in the words of the Mossburg Court, this Special Exception Application must be approved. Once the Petitioners meet the burden of demonstrating compliance with the conditions set forth in § 450 of the BCZR, the burden shifts to the Appellant to produce competent evidence that there is **greater impact at the present location than other locations similarly zoned**, and the Appellant has introduced no evidence whatsoever respecting other locations in this zone. The record is totally devoid of any discussion, evidence, statement, comment or exhibit respecting any other location in this zone. No such other location was identified. No such other location was discussed. The Mossburg Court continued:

> "The question is also not whether the [use] at issue here will have adverse effects at this proposed location. Certainly it will and those adverse effects are contemplated by the statute. The proper question here is whether those adverse effects are above and beyond, i.e., **greater here** than they would generally elsewhere within the areas of the County where they may be established. . . . In other words, if it must be shown, as it must be, that the adverse effects at this particular site are greater or 'above and beyond', then it must be asked, greater than what? Above and beyond what? Once an applicant presents sufficient evidence establishing that his proposed use meets the requirement of the statute, even including that it has attached to it some inherent adverse impact, an otherwise silent record does not establish that that impact, however severe at a given location, is greater at that location than elsewhere."

Mossburg, 107 Md. App. at 9 (Emphasis in original).

The Mossburg Court asked the fundamental question upon which a decision in the instant case turns. In order to succeed, the Appellant must show that the adverse effects on the subject property are greater than, and above and beyond the effects on "Property Number 2". This record is totally devoid of any discussion of "Property Number 2".

Since the Petitioners met all of the requirements for a special exception as set forth in the § 450 of the BCZR, and the Appellant failed to provide evidence that the adverse effects at the proposed location are greater than elsewhere within the B.R. district, the Board of Appeals should grant the special exception in the instant matter.

H. The denial of an outdoor advertising sign for primarily aesthetic reasons is not a permissible use of the police power regulating zoning.

Appellants will argue that the proposed sign detracts from the visual image of Belair Road and the beautification efforts being made along Belair Road. In essence, this argument relates to the aesthetics of the proposed sign, that is, the sign is not "attractive".

In Mayor & City Council of Baltimore v. Mano Swartz, 268 Md. 79 (1973), the Court of Appeals analyzed a Baltimore City Zoning Ordinance which was primarily concerned with achieving an aesthetically pleasing result. Id. at 86-87. The Court of Appeals found the Ordinance to be invalid and stated that the "principal difficulty [with using aesthetics as a standard] is that other forms of pollution, stench and noise and the like, can be measured by more nearly objective standards. If beauty, however, lies in the eyes of the beholder, so does the tawdry, the gaudy and the vulgar - - and the courts have traditionally taken a gingerly approach to legislation which circumscribes property rights by applying what amounts to subjective standards, which may well be those of an idiosyncratic group." Id. at 88.

I. The regulations contained in § 8-725 et seq. of the Transportation Article of the Annotated Code of Maryland do not apply to the Petitioner's outdoor advertising sign.

Appellant will argue that Belair Road is a federal-aid primary highway under § 8-725 et seq. of the Transportation Article of the Annotated Code of Maryland, and as such, the proposed outdoor sign must be no closer than 660' to Belair Road. Since the proposed outdoor advertising sign is within 50' of a federal-aid primary highway (Belair Road), the Appellant will argue the proposed sign is not in compliance with § 8-725 et seq., and therefore, its proposed placement would be unlawful.

Title 8, Subtitle 7, Part IV of the Transportation Article of the Annotated Code of Maryland governs outdoor signs along federal-aid primary highways, however, § 8-736(b)(1) states "[l]ocal zoning regulations that relate to outdoor signs in commercial or industrial areas shall govern within the zoned area". Since Baltimore County has adopted local zoning regulations relating to outdoor signs in commercial or industrial areas as evidenced by § 450 of the BCZR, then the BCZR "shall govern within the zoned area" and not the State law.

Similar to Subtitle 7, Part IV of the Transportation Article of the Annotated Code of Maryland regarding federal-aid primary highways is Subtitle 7, Part V governing outdoor signs along expressways. Similar to Part IV, Part V provides that the State provisions for outdoor signs along expressways are not applicable where the "local zoning laws or ordinances embrace and regulate outdoor advertising." In another case, the SHA submitted a letter to John C. Murphy, Esquire dated November 17, 1999 (attached hereto as Exhibit No. 8) which states the "State Highway Administration (SHA) has never interpreted the portion of State law controlling signs along expressways (Transportation Article, Title 8, Subtitle 7, Part V) as requiring SHA to act to override City zoning ordinances in commercial and industrial areas.

CONCLUSION

For the reasons stated herein, the Board should grant the Petitions for Special Exception and Variance requested by Petitioners.

Stanley S. Fine

Kirk J. Halpin
Rosenberg Proutt Funk & Greenberg, LLP
2115 Allfirst Building
25 S. Charles Street
Baltimore, Maryland 21201
(410) 727-6600

Attorneys for Petitioner, Eller Media Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of February, 2000, a copy of the foregoing Petitioners' Closing Memorandum was hand delivered to Clerk, County Board of Appeals of Baltimore County, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204; and was mailed first class, postage prepaid, to: Office of People's Counsel, Carol S. Demilio, Deputy People's Counsel, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.

Stanley S. Fine

6/15/99

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE – E/S Belair Road, 25' SW of the R/W for White Marsh Boulevard (8131 Belair Road)
14th Election District
6th Councilmanic District

Ernest P. Diegert, Owner;
Eller Media Company, Contract Lessee

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-242-XA
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Ernest P. Diegert, and the Contract Lessee, Eller Media Company, by Charles Marino, President, through their attorney, Stanley Fine, Esquire. The Petitioners seek approval to locate one (1), 12' x 25' double-faced illuminated outdoor advertising sign of 300 sq.ft. per face, on the subject property, pursuant to Section 450.4(11) of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Section 450.7.C.1(f) of the B.C.Z.R. to permit a billboard to be located 25 feet from the right-of-way line of a dual highway (Belair Road) in lieu of the required 100 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 4.

Appearing at the hearing on behalf of the Petitions were Nathan Steiner, a representative of Eller Media Company, Lessee of the subject property, William P. Monk, Land Planning and Zoning Consultant who prepared the site plan for this property, and Stanley Fine, Esquire, attorney for the Petitioners. Dennis Eckardt appeared on behalf of the Perry Hall Improvement Association in opposition to the request.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, approximately 3.8 acres in area, zoned B.R., and is improved with a two-story building, which was formerly used as a dwelling and is now used as office space. The property is located on Belair Road, immediately adjacent to a large commercial business known as the Ridge Lumber Company, and

ORDER RECEIVED FOR FILING
Date 6/15/99
By

abuts the overpass for Belair Road over White Marsh Boulevard (Maryland Route 43). As shown on the site plan, the property has narrow frontage on Belair Road, and extends in a southeasterly direction away from that roadway at a relatively consistent width. However, the rear area of the property significantly widens and contains a substantial portion of the acreage of the entire lot.

The Petitioner, Eller Media Company, proposes to erect a 12' x 25', double-faced outdoor advertising sign at the location shown on the site plan. The sign will be illuminated and positioned so that the closest point of same will be set back 25 feet from the right-of-way of Belair Road. Photographs of the site were submitted at the hearing and clearly depict the subject property and surrounding locale.

Mr. Monk testified extensively regarding the requested relief. He noted that this case is the first by Eller Media Company (formerly Penn Advertising Company) under the new regulations which govern the erection of billboard signs in Baltimore County. Those regulations are set out in Section 450 of the B.C.Z.R. Mr. Monk testified, and notes on the site plan indicate, that the subject sign is in compliance with all requirements of the new sign regulations, but for the requested variance to allow the sign to be located 25 feet from the right-of-way line of a dual highway in lieu of the required distance of 100 feet. That is, all of the remaining requirements of Section 450 have been met. The lengthy list of requirements as contained in that Section is duly noted on the site plan. Mr. Monk also noted that the property was previously utilized as a location for an outdoor advertising sign. Mr. Monk produced a copy of an Order issued by then Deputy Zoning Commissioner Rose on November 2, 1960. At that time, Commissioner Rose granted relief to permit an outdoor advertising sign of similar dimension at a similar location on the subject property. Although erected, that sign was ultimately removed.

Considering first the Petition for Special Exception, I concur with the testimony presented by Mr. Monk to the effect that scarcely a better place for the erection of an outdoor advertising sign could be found than the proposed location. As Mr. Monk indicated, Belair Road is a heavily traveled commercial corridor. All of the nearby land uses are commercial/business/industrial in character. That is, there are no residences in the immediate vicinity. Certainly, a primary consideration in evaluating

ORDER RECEIVED FOR FILING
Date 11/6/09
By

any outdoor advertising sign is the impact of that sign upon nearby dwellings. There will be no impact in this case in that there are no dwellings in the vicinity which are close enough to be visually impacted by the proposed sign. The existence of a prior outdoor advertising sign at this location is also a persuasive factor. That sign was apparently here for many years and removed for reasons of age and not due to any deleterious impact upon surrounding properties.

Finally, the law of special exceptions, or conditional uses as they are known in other jurisdictions, was recently discussed by the Court of Special Appeals of Maryland 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. 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 a particular location is greater than the effect ordinarily associated with the use. That is, this Zoning Commissioner must determine whether the adverse impact caused by the sign at this location is worse than the impact associated with such a sign elsewhere in the zone.

In applying the tests for the standards set forth in Sections 450 and 502.1 of the B.C.Z.R., I find that the proposed special exception should be granted. In my judgment, the impact associated for the sign here is no worse than what would ordinarily be associated with such use. Clearly, from a Land Planner's perspective, outdoor advertising signs are generally considered disruptive to an orderly zoning scheme and aesthetically detrimental to a given vicinity. Nonetheless, such signs are legal uses and permitted by law in certain zones. In my judgment, this is the case where an outdoor advertising sign should be permitted. The area is commercial/industrial in character, and the proposed use complies with all but one of the standards set forth in Section 450 of the B.C.Z.R. There are no residences or nearby land uses which would be adversely impacted by the proposed sign. Finally, the existence of the sign at this location for many years is a persuasive factor.

Turning to the zoning variance, the initial question presented is whether the variance is indeed necessary. Section 450.7.C.1(f) of the B.C.Z.R. requires that an outdoor advertising sign not be erected less than 100 feet from the right-of-way of a dual highway. Although Section 450.3 of the

ORDER RECEIVED FOR FILING
Date 4/3/96
By

B.C.Z.R. provides a definition of those terms used in the sign regulations and such definitions include the word "highway", the definition does not specifically identify what constitutes a dual highway. Mr. Monk addressed this issue during his testimony. He produced photographs and offered testimony describing the character of Belair Road in this area. Immediately adjacent to the frontage of this site, Belair Road is divided by a raised median. Although this raised median exists along the property's frontage, nearby portions of the north and southbound lanes of Belair Road are not separated by a median. In my judgment, however, Belair Road is indeed a dual highway. The definition of that term would seemingly contemplate roads which feature adjacent lanes to accommodate opposing traffic. The existence of a partial median may cast doubt as to whether the highway is "divided"; nonetheless, I find it "dual", and thus, the requirements of Section 450.7.C.1(f) control. Therefore, variance relief is required in this instance.

As shown on the site plan, the sign is to be located 25 feet from the right-of-way. This is the location where the previous sign was erected. In evaluating variance requests, consideration must be given to the factors enunciated in Cromwell v. Ward, 102 Md. App. 691 (1995). That case requires a finding that the property is unique in order for variance relief to be considered. The uniqueness of this property is easily found in this case. As noted above, the property here is extremely unusual in terms of its configuration. Moreover, the property's unusual grade and its location adjacent to Maryland Route 43 are also unique factors. The property slopes away significantly to the bed of Route 43. Its topography and configuration drives the need for the variance request.

Moreover, I am persuaded that the Petitioners would suffer practical difficulty if variance relief were denied. The erection of the sign in a location 100 feet from the right-of-way would detract from the visibility of the sign from traffic on Belair Road, owing to the topography and shape of this property. Moreover, as discussed above, in evaluating the special exception, I find that there will be no detrimental impact to adjacent properties.

For all of these reasons, I am persuaded to grant the relief requested. In sum, I find that the proposed sign is appropriate at this location and on this property. I also note that the ordinance requires that before any outdoor advertising sign is erected, the owner must remove an existing outdoor

ORDER RECEIVED FOR FILING
Date 6/6/19
By

advertising sign, a nonconforming on-premises enterprise sign, or joint identification sign. The sign removed must be, at a minimum, equivalent in area to the sign to be erected. In this regard, testimony and evidence was presented in open hearing that this applicant has removed a sign owned by the Eller Media Company, located at 4142 East Joppa Road in Baltimore County. Moreover, the removal of that sign was previously not utilized as justification for any other proposed new sign. Thus, I find that the Petitioners have met all of the standards required by Section 450 of the B.C.Z.R., but for the setback requirement for which variance relief is granted herein.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of June, 1999 that the Petition for Special Exception seeking approval to locate one (1), 12' x 25' double-faced illuminated outdoor advertising sign of 300 sq.ft. per face, on the subject property, pursuant to Section 450.4(11) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.7.C.1(f) of the B.C.Z.R. to permit a billboard to be located 25 feet from the right-of-way line of a dual highway (Belair Road) in lieu of the required 100 feet, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/15/99
By BJS

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 14, 1999

Stanley Fine, Esquire
Rosenberg Proutt Funk & Greenberg, LLC
25 South Charles Street, 10th Floor
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
E/S Belair Road, 25' SW of the R/W for White Marsh Boulevard
(8131 Belair Road)
14th Election District – 6th Councilmanic District
Ernest P. Diegert, Owner; Eller Media Co., Contract Lessee – Petitioners
Case No. 99-242-XA

Dear Mr. Fine:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Ernest P. Deigert
8131 Belair Road, Baltimore, Md. 21236
Mr. Charles Marino, President, Eller Media Company
3001 Remington Avenue, Baltimore, Md. 21211
Mr. Dennis Eckhart
39 Bangert Avenue, Perry Hall, Md. 21128
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

THIS LEASE, made this 8th day of October, 1957, by and between PHILIP E. DEIGERT and ELSIE AUGUSTA DEIGERT, his wife (sometimes known as or referred to as Philip Digart, Junior and Elsie A. Digart), hereinafter called "Lessors", parties of the first part, and THE RIDGE LUMBER COMPANY, a corporation of the State of Maryland, hereinafter called "Lessee", party of the second part.

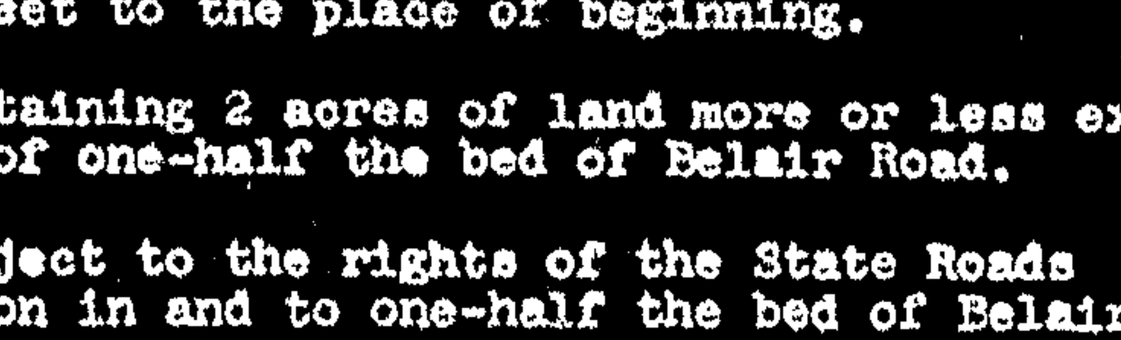
WITNESSETH, that Lessors do hereby demise and let to Lessee for the term and subject to the covenants and conditions hereinafter set forth, all that tract or parcel of land located in the Fourteenth Election District of Baltimore County, Maryland, and more particularly described as follows:

Beginning for the same at a point in the center line of Belair Road located 465.74 feet more or less Northeasterly from the centerline of Ridge Road, said point being at the beginning of the 5th or N 44° E 22.2 perch line of the second parcel of the property conveyed by Philip Digart, widower, to Philip Digart, Junior, and Elsie A. Digart, his wife, by deed dated April 1st, 1930, and recorded among the Land Records of Baltimore County in Liber LMcLM #849, folio 177; and running thence binding on part of said 5th line and the center line of Belair Road as established 75 feet wide North 43° - 29' - 22" East 180.00 feet; thence for lines of division through said second parcel two courses and distances: South 64° 45' East 550.72 feet and South 43° - 29' - 22" West 180.00 feet to intersect the 3rd line of said second parcel; thence binding on part of said 3rd line and all of the 4th line North 64° 45' West 550.72 feet to the place of beginning.

Containing 2 acres of land more or less exclusive of one-half the bed of Belair Road.

Subject to the rights of the State Roads Commission in and to one-half the bed of Belair Road.

Being part of the property conveyed to Philip Digart, Junior, and Elsie A. Digart, his wife as aforementioned.



COVENANTS AND CONDITIONS

1. The term of this lease shall be five (5) years accounting from the 20th day of October, 1957, and the lease shall be automatically renewed upon the same terms and conditions for one additional term of five (5) years unless the Lessee shall, at least sixty (60) days prior to the end of the original term, notify Lessors in writing of its desire to terminate said lease at the end of the original term.

2. The rental shall be Eighteen Hundred ($1800) Dollars a year, payable in equal monthly instalments in advance on or before the first day of each and every month, which said rental Lessee covenants and agrees to pay. Lessee further covenants and agrees to pay as additional rent any increase in taxes on the property hereby demised and let due to increase in assessment over and above the assessment for year 1956, which said assessment is agreed to be $1500. Lessors covenant and agree to pay all other taxes on the demised property; provided, however, that Lessee shall have the right to protest any increase in assessment and to litigate the same at its own expense, and Lessors covenant and agree to cooperate in any such protest or litigation so long as the same is conducted without expense to them.

3. In the event this lease is renewed as provided in paragraph 1 above for a second period of five (5) years Lessee, its successors and assigns, shall have the option to purchase the property hereby demised at and for the sum of $30,000 Dollars; said option may be exercised at any time after five (5) years from the date of this lease and prior to ten (10) years after the date of this lease, and

shall be exercised by notice in writing addressed to Lessors. In the event said option is exercised, Lessors covenant and agree to convey said property by good and merchantable title, free of liens and encumbrances, except liens arising from an obligation of Lessee hereunder upon payment of the purchase price in cash, and except for liens, charges or obligations arising out of a certain Agreement dated the 8th day of October, 1957 between the parties hereto and Baltimore County relating to a certain sixty (60) foot strip of land for a service road, which said strip fronts and abuts on Belair Road along the entire width of the property hereby demised. It is understood and agreed that if, in accordance with the terms of said Agreement, the parties of the first part shall, prior to exercise of the Option herein provided for, pay to Baltimore County or any agency thereof or to any other person or corporation, the cost of construction of a service road across the property hereby demised in accordance with the terms of said Agreement between the parties hereto and Baltimore County, then the option price herein provided for shall be increased by the amount so paid by parties of the first part for the cost of construction of that portion of said service road which lies within the boundaries hereby demised.

4. If at any time during the term of this lease or any renewal thereof a declaration of taking or condemnation suit shall be filed with respect to any portion of the demised property, and in like manner upon the filing of subsequent declaration of taking or condemnation suit with respect to the demised premises, the Lessee shall have the following options:

a) Lessee may exercise the option to purchase upon the terms and conditions hereinabove set forth and whether or not the lease has been in effect for five (5) years; notice of election by Lessee to exercise this option must be given to Lessors in writing within sixty (60) days after notice to Lessee of the filing of such declaration of taking or condemnation suit; or

b) Lessee may give notice of termination of the lease, which said notice shall be given within sixty (60) days after notice to Lessee of the filing of any such declaration of taking or condemnation suit and shall be effective at the end of the lease month in which given; or

c) Lessee may elect that the lease continue upon the same terms and conditions.

For the purposes of this paragraph the dedication of the sixty (60) foot strip fronting and abutting on Belair Road for use as a service road for property of the parties of the first part, including the property hereby demised, and/or for the property adjoining the same on the south shall not be deemed a condemnation or a taking pursuant to a declaration of taking.

5. If the rent agreed to be paid hereunder shall be in arrears, in whole or in part for ten (10) days or more; and if said rent shall thereafter, upon written notice of such arrears from Lessors to Lessee, remain in arrears in whole or in part for fifteen (15) or more days, Lessors may at their option declare the tenancy hereunder converted into a tenancy from month to month, and upon giving written notice

to Lessee of the exercise of such option, Lessors shall forthwith be entitled to the benefits of the provisions of the Public Local Laws relating to Baltimore County and all other provisions of law respecting the summary eviction of monthly tenants in default in rent.

6. Any notice to Lessee required or permitted hereunder shall be given in writing and either mailed by ordinary mail or delivered to Lessee at 8121 Belair Road, Baltimore 6, Maryland, and any notice permitted or required to be given to Lessors shall be in writing and mailed by ordinary mail or delivered to one of them at 8131 Belair Road, Baltimore 6, Maryland. Either party may change the address to which notice shall be sent or delivered by giving written notice of such change to the other party.

7. The terms and provisions hereunder shall be binding upon, and all rights hereunder shall devolve upon, the personal representative, heirs, successors and assigns of the parties hereto.

8. The within lease is in substitution for a certain lease between parties of the first part, Lessors, and John F. Penniman, Alfred P. Krastel and William L. Howser, co-partners, trading as Ridge Lumber Company, "Lessee", dated August 18, 1956. Upon execution and delivery of the within lease said lease of August 18, 1956, shall be deemed cancelled and of no further effect.

9. Lessors agree to pay commissions on the rentals hereunder to Samuel V. Baker, Realtor, in accordance with the Standard Schedule of Commissions of the Real Estate Board of Baltimore. In the event of an exercise of the option to purchase hereunder, Lessees agree to pay commission on the sale to the said Samuel V. Baker, Realtor, as hereto-

fore agreed between Lessees and the said Samuel V. Baker.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their hands and seals the day and year first above written and John F. Fennimam, Alfred P. Krastel and William L. Howser have joined herein for the purpose of individually guaranteeing performance by Lessee of all covenants and conditions hereof to be performed by Lessee and do hereby so guarantee.

Witness as to all:

Charles F. O'brecht — John F. Fennimam (SEAL)

Charles F. O'brecht — Alfred P. Krastel (SEAL)

Charles F. O'brecht — William L. Howser (SEAL)

Witness:

Charles F. O'brecht — Philip E. Deigert (SEAL)

Witness:

Charles F. O'brecht — Elsie Augusta Deigert (SEAL)

Attest:

William L. Howser Secretary

THE RIDGE LUMBER COMPANY

By John F. Fennimam, President

STATE OF MARYLA[illegible] BALTIMORE COUNTY, SS.:

I HEREBY CERTIFY, that on this 8th day of October, 1957, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Philip E. Deigert and Elsie Augusta Deigert, his wife, and acknowledged the foregoing Lease to be their act and deed.

WITNESS my hand and Notarial Seal.

Charles F. O'brecht
Notary Public

[illegible]

LIBER 3278 Page 038

STATE OF MARYLAND, BALTIMORE CITY, SS.:

I HEREBY CERTIFY, that on this 1st day of October, 1957, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared John F. Penniman, President of The Ridge Lumber Company, and acknowledged the foregoing Lease to be the act of said corporation.

WITNESS my hand and Notarial Seal.

Irma Friedman
Notary Public

Rec'd for Record DEC 5 1957 at 11:45 A.M.
Per George L. Byerly, Clerk,
Mailed to Venable Baetjer & Howard.

STATE OF MARYLAND, BALTIMORE COUNTY, SS.:

I HEREBY CERTIFY, that on this 4th day of October, 1957, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Philip E. Deigert and Elsie Augusta Deigert, his wife, and acknowledged the foregoing Lease to be their act and deed.

WITNESS my hand and Notarial Seal.

Charles F. O'brecht
Notary Public

THIS LEASE, Made this 6th day of March, 1965, by and between PHILIP E. DEIGERT and ELSIE AUGUSTA DEIGERT, his wife (sometimes known as or referred to as Philip Digart, Jr. and Elsie A. Digart), hereinafter called "Lessors", parties of the first part, and THE RIDGE LUMBER COMPANY, a corporation of the State of Maryland, hereinafter called "Lessee", party of the second part.

WITNESSETH, That Lessors do hereby demise and let to Lessee for the term and subject to the covenants and conditions hereinafter set forth, all that tract or parcel of land located in the Fourteenth Election District of Baltimore County, Maryland, and more particularly described as follows:

BEGINNING for the same at an iron pipe heretofore planted in the third line of the second parcel of land conveyed by Philip Digart, widower, to Philip Digart, Jr. and wife by a Deed dated April 1st, 1930 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 849, folio 177 etc., said beginning pipe also being at the end of the third or south 43 degrees 29 minutes 22 seconds west 180.00 feet line of the land leased by Philip E. Deigert and wife to The Ridge Lumber Company by a lease dated October 8th, 1957 and recorded among said Land Records in Liber G.L.B. No. 3278, folio 33 etc., running thence and binding reversely on said third line in said lease as now surveyed north 43 degrees 29 minutes 22 seconds east 180.00 feet to an iron pipe heretofore planted at the beginning of said third line thence running for the following two lines of division now made viz: south 64 degrees 40 minutes 46 seconds east 132.91 feet to an iron pipe now planted and south 35 degrees 09 minutes 14 seconds west 184.45 feet to an iron pipe now planted in the second line in said second parcel in said Deed first herein mentioned, thence binding reversely on a part of said second line and on a part of said third line therein the following two courses and distances viz: north 42 degrees 47 minutes 46 seconds west 28.75 feet to an iron pipe heretofore planted at the end of said second line and north 64 degrees 40 minutes 46 seconds west 130.86 feet to the place of beginning. Containing 0.577 of an acre of land more or less.

A plat showing said property, outlined in red, dated February 2, 1965, prepared by William M. Maynadier, County Surveyor, is attached hereto as a part hereof.

RECORDED 21 1750 MAR 8
STATE OF MARYLAND RECORDATION TAX ACT OF 1947 $5.50 $5.50
STATE OF MARYLAND RECORDATION TAX ACT OF 1947 $2.20 $2.20

COVENANTS AND CONDITIONS:

1. The term of this Lease shall be ten (10) years, accounting from the 1st day of January, 1965, and ending on the 31st day of December, 1974; provided, however, that Lessee shall have the right and option to extend this Lease, before default, for an additional term of five (5) years, beginning on January 1, 1975, provided it shall give to Lessors at least sixty (60) days notice in writing prior to the end of the original term, of its desire to exercise this option.

2. The rental shall be Three Hundred Fifty ($350.00) Dollars a year, payable in equal monthly installments of Twenty-nine Dollars and Sixteen cents ($29.16) in advance on or before the 1st day of each and every month, which said rental Lessee covenants and agrees to pay. Lessee further covenants and agrees to pay as additional rent all real estate taxes and assessments on the property hereby demised and let, which sum Lessee agrees to pay to Lessors as rent from time to time upon demand. In the event of any increase in assessment, Lessee shall have the right, at its expense, to protest the same, and Lessors covenant and agree to cooperate in any such protest or litigation so long as the same is conducted without expense to them.

3. In the event this Lease is renewed or extended by the Lessee under the option granted in paragraph 1 hereof, for an additional term of five (5) years, Lessee, its successors and assigns, shall have the right and option to purchase the property hereby demised at any time during said five (5) year extended or renewal term, at and for the purchase price of Five Thousand ($5,000.00) Dollars, provided further, that this option may be

exercised by the Lessee only in the event Lessee has exercised its option to purchase property described in a Lease dated October 8, 1957 between the parties hereto; otherwise, this option to purchase shall have no force or effect. In the event said option is exercised, Lessee shall notify Lessors in writing of its intent to exercise the same (subject to the conditions aforesaid), and within sixty (60) days thereafter, Lessors covenant and agree to convey said property to the Lessee by a good and merchantable title, free of liens and encumbrances, upon payment by the Lessee to the Lessors of the purchase price hereinabove set forth. In the event of any default on the part of the Lessee in the performance of the covenants and conditions of this Lease, which default has not been cured by the Lessee at the time of the exercise of the aforesaid option, or, in the event the Lessee shall fail to give notice to the Lessors of the exercise of said option within the time limited, or in the event Lessee shall fail to consummate settlement of said purchase within the time limited, then in that event, at the option of Lessors, the aforesaid option rights herein granted shall forthwith terminate and become null and void.

4. If at any time during the term of this Lease or any renewal thereof a declaration of taking or condemnation suit shall be filed with respect to any portion of the demised property, and in like manner upon the filing of subsequent declaration of taking or condemnation suit with respect to the demised premises, the Lessee shall have the following options:

(a) Lessee may exercise the option to purchase upon the terms and conditions hereinabove set forth at any time

during the term of this Lease or any renewal thereof, provided it has then or theretofore exercised its option to purchase the property described in the aforesaid lease of October 8, 1957, pursuant to the provisions thereof:- notice of election by Lessee to exercise this option must be given to Lessors in writing within sixty (60) days after notice to Lessee of the filing of such declaration of taking or condemnation suit; or

(b) Lessee may give notice of termination of the Lease, which notice shall be given within sixty (60) days after notice to Lessee of the filing of any such declaration of taking or condemnation suit, and shall be effective at the end of the lease month in which given; or

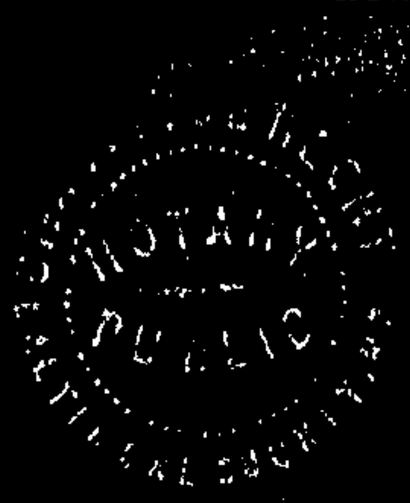
(c) Lessee may elect that the Lease continue upon the same terms and conditions.

5. If the rent or bills payable as rent shall be in arrears, in whole or in part, for at least ten (10) days; or if Lessee otherwise defaults in the performance of the terms of this Lease and fails to cure such default within fifteen (15) days after written notice thereof from the Lessors; then, in addition to all other legal remedies which Lessors may have against the Lessee as a result of such default, including distraint, Lessors may, at their option, terminate this Lease, or declare the tenancy hereunder converted into a tenancy from month to month, and upon giving written notice to Lessee of the exercise of such option, Lessors shall forthwith be entitled to the benefits of the provisions of the Public Local Laws relating to Baltimore County and all other provisions of law then in force providing for the summary eviction of tenants holding over or of monthly tenants in default in payment of rent.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 6th day of March, 1965, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared PHILIP E. DEIGERT and ELSIE AUGUSTA DEIGERT, his wife, and acknowledged the aforegoing Lease to be their act and deed.

WITNESS my hand and Notarial Seal.

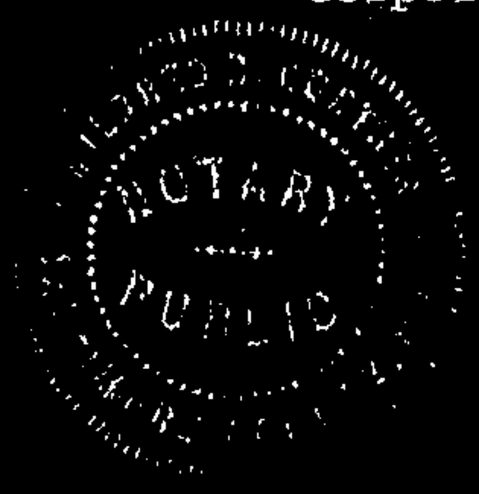


Notary Public

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 22nd day of March, 1965, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared JOHN F. PENNIMAN, President of THE RIDGE LUMBER COMPANY, and acknowledged the aforegoing Lease to be the act of said corporation.

WITNESS my hand and Notarial Seal.



Notary Public

My Commission Expires May 2, 1965

14TH ELECTION DISTRICT OF BALTIMORE COUNTY, MD.

Scale 1" = 100'

Recorded No. 1782 Folio 175

Rec'd for record MAR 24 1965 Cl'k's Report R

LIBER 4436 PAGE 2

BALTIMORE

FLAIR ROAD

RIDGE LUMBER CO.
LEASE G.L.B. 3278 folio 33

3rd line G.L.B. 3278 folio 33

N 43°-29'-22" E
180.00'

Beginning pipe found

3rd line 2nd Par. L.No. L.M. 849-177

N 64°-40'-46" W
130.86

pipe found

S 64°-40'-46" E
132.91

pipe found

S 35°-09'-14" E
184.45

0.577 of an ACRE ±

Pipe

2nd line 2nd Par. L.No. L.M. 849-177

Pipe found

N 42°-47'-46" W
28.75'

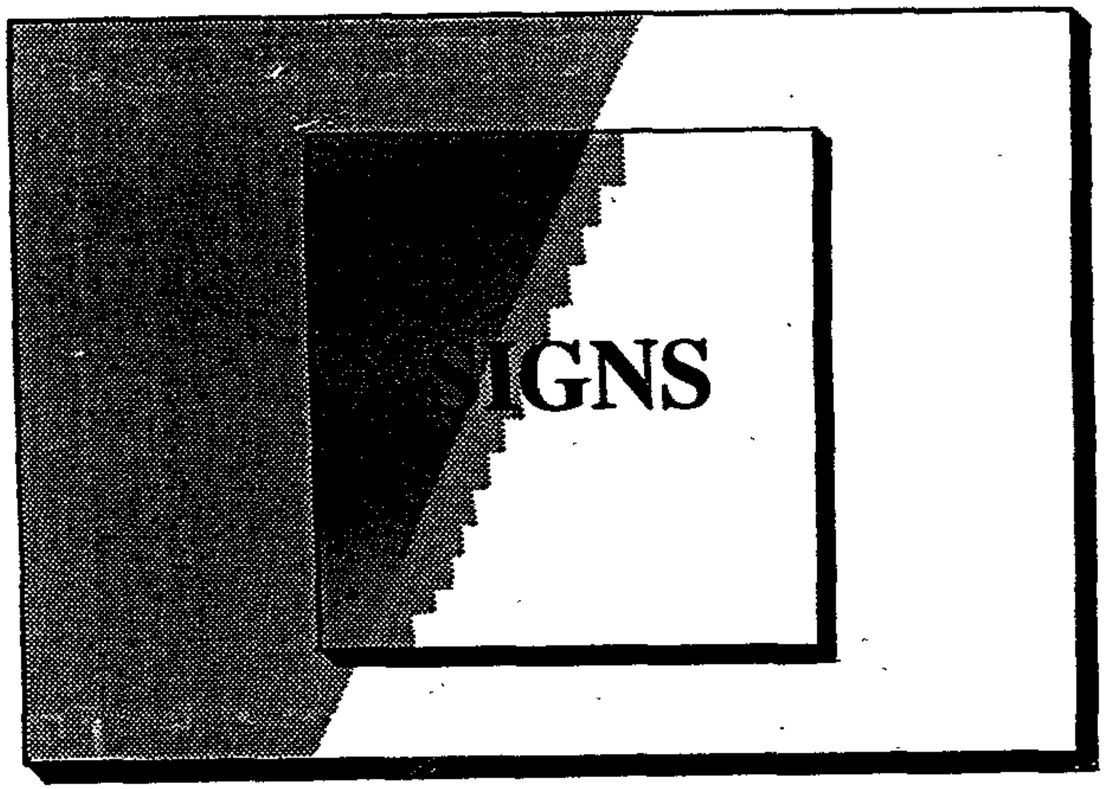
PROFESSIONAL ENGINEER & LAND SURVEYOR
WILLIAM M. MAYNARDIER
No. 1917
STATE OF MARYLAND

Wm M. Maynardier

WILLIAM M. MAYNARDIER
COUNTY SURVEYOR
CIVIL ENGINEER & LAND SURVEYOR
COURT HOUSE TOWSON 4, MD.

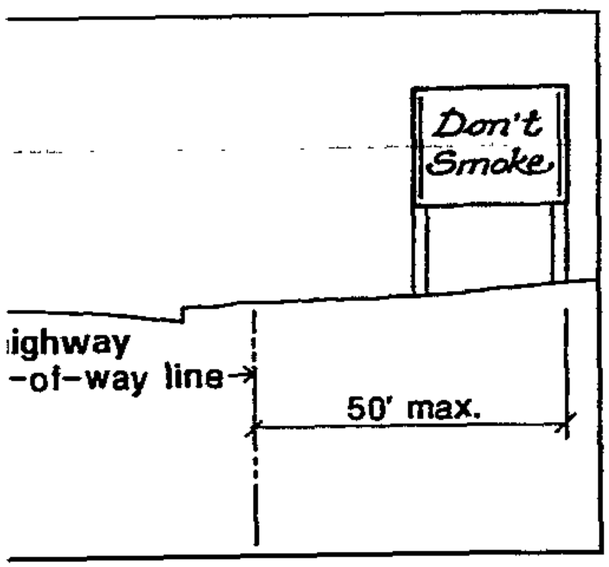
Legislative Project No. 96-01
Part 1

PROPOSED REVISION TO THE BALTIMORE COUNTY ZONING REGULATIONS CONCERNING:



A Final Report of the Baltimore County Planning Board

September 19, 1996



ıor Advertising Sign
ing Highway Setback
6.C.1.c)

these Regulations regarding front yard setbacks notwithstanding (see illustration at left); or

d. less than 1,000 feet from another commercial advertising sign; or

e. less than 100 feet, measured along the adjoining road, from the right-of-way of any intersecting highway; or,

f. less than 250 feet from the right-of-way of any expressway or other controlled-access-type highway, or less than 100 feet from the right-of- way of any other dual highway; the highway along which the sign will be erected, notwithstanding contrary provision of these regulations regarding front yard setbacks for principal use structures;

h. within a town center or revitalization area, except at sites designated as appropriate for outdoor advertising signs in an officially adopted plan for that area.

2. Before receiving a building permit to erect a new outdoor advertising sign, an applicant shall, at no cost to the County, remove existing outdoor advertising or non-conforming on-premises sign(s) from sites in Baltimore County, as provided below.

a. For each new sign to be erected, one existing outdoor advertising sign or, at the discretion of the applicant, on-premises sign(s) equ in area to the outdoor advertising sign to be erected, shall be removed. If the applicant choose to remove on-premises signs, the following regulations shall apply:

i. Prior to the special exception hearing for the new billboard, the applicant shall meet with the Director of the Office of

Planning to determine the priority areas for sign removal, based on the Master Plan, community and revitalization plans. The Zoning Commissioner shall consider recommendations at the special exception hearing.

ii. **Only legally nonconforming signs which, if erected under these regulations, would be classified as enterprise or joint identification signs shall be eligible for removal under these provisions. The removal of abandoned and illegal signs is the responsibility of the owner under the provisions of paragraph 450.7.D.**

iii. **At the time of the special exception hearing, the applicant shall prove that the applicant has made an irrevocable commitment to the owner to reasonably compensate the owner and remove the signs, if the special exception is approved. In determining reasonable compensation, the Zoning Commissioner shall consider the value of the existing sign and the cost of replacing the sign.**

b. **When applying for the building permit for the new sign, the applicant shall indicate the site from which outdoor advertising signs shall be removed.**

Signs erected within 500 feet of a State highway are also subject to State licenses and permits required pursuant to the Transportation Article, Title 8, Subtitle 7, Regulation of Outdoor Advertising and **Article 25, Sec. 122E** of the Annotated Code of Maryland.

On the date the property is posted for a special exception hearing, the applicant shall send a letter by certified mail to the owners of all residentially zoned property within 100 feet of the proposed outdoor advertising sign structure, including the date, subject, place, time and purpose of the special exception hearing.

Exhibit #1

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1996, LEGISLATIVE DAY NO.

RESOLUTION NO. 7-96

COUNCILMEMBERS KAMENETZ & RILEY

BY THE COUNTY COUNCIL, FEBRUARY 5, 1996

A RESOLUTION of the Baltimore County Council requesting the advice of the Planning Board on the proposed comprehensive revision of the Zoning Regulations regarding signs.

WHEREAS, the County Council has received a final report of the Planning Board, dated February 17, 1994, recommending a comprehensive revision of the Zoning Regulations regarding signs; and

WHEREAS, the Planning Board's proposal would delete all of the County's existing Zoning Regulations regarding signs and enact a new comprehensive law which classifies signs for all purposes - permanent, temporary, on-premises and off-site; and

WHEREAS, the County Council held a public hearing on the report of the Planning Board on June 19, 1995; and

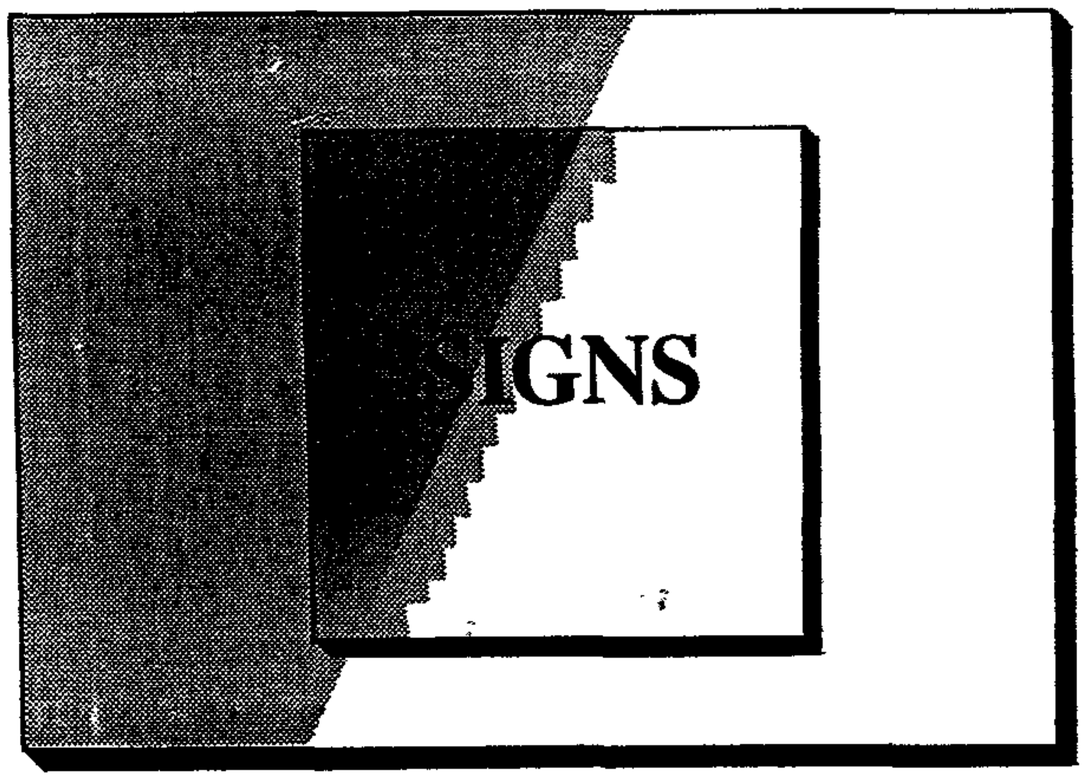
WHEREAS, the County Council believes that the proposed comprehensive revision of the County's sign laws might be more easily implemented if presented in several parts which address different signage issues; and

WHEREAS, the Council believes that its deliberations would benefit from a comparison of the proposed sign regulations with the sign regulations in other jurisdictions.

Exhibit #2

Legislative Project No. 96-01
Part 1

PROPOSED REVISION TO THE BALTIMORE COUNTY ZONING REGULATIONS CONCERNING:



A Final Report of the Baltimore County Planning Board

September 19, 1996

PROPOSED REVISION TO THE BALTIMORE COUNTY ZONING REGULATIONS CONCERNING:

SIGNS

REVISION OF THE SIGN REGULATIONS

More than two years have passed since the Planning Board made its recommendations to Council. The report has been updated to reflect changed standards regarding the granting of variances. (See *Cromwell v. Ward*, 102 Md. App. 691 (1995) Several changes have also been made to provide clarity where the language was confusing to those reviewing the document. Several substantive changes are also proposed in response to the Council's public hearing.

The Planning Board's 1994 Final Report recommended that all free-standing signs display addresses. The Fire Department already requires that the address be posted on the property, either on the building or on a free-standing sign.

Also proposed in 1994 was that the County, for the first time, limit the amount of signage which could be placed in windows. Many retail business owners felt that this was an unnecessary burden. The Planning Board's recommendation related to both aesthetics and public safety. With regard to aesthetics, excessive free-standing and wall-mounted signage has a greater effect on the appearance of commercial corridors than window signs, in most cases. It is recommended that the situation be monitored by both the Planning and the Police Departments to determine whether these signs should be regulated.

For outdoor advertising (billboards), staff suggests that the 1994 recommendations be revised to permit outdoor advertising on MTA bus shelters in commercial zones, based on a successful program in Baltimore City. Other proposed changes include requiring that billboards be placed closer to the street right-of-way; this would mean that where residential areas are located behind a narrow strip of commercial zoning, the sign would be further from the neighborhood.

The 1994 recommendations included a "cap" on the total number of billboards in the County. For each new billboard to be erected, an existing one equal in

area would need to be removed. Staff recommends that the "cap" provision be retained but modified to allow a billboard applicant to remove either an existing billboard or on-premises signage equal in area to the proposed billboard. The purpose of this modification would be to promote the early removal of non-conforming on-premises signs while providing compensation for the sign owners.

The 1994 report recommends that all non-conforming signs be removed in 10 years. Two concerns were repeatedly raised: the possible negative effect on owners of small businesses who may not be able to afford to replace the sign; and the desire to preserve some signs which may be non-conforming but which are important to a community for historic or nostalgic reasons.

To address these concerns, staff proposes that the abatement period be increased to 15 years. The exact deadline is less important than having a "date certain" when all signs must conform. The program described above which would enable billboard applicants to compensate owners of non-conforming on-premises signs also addresses this issue. Staff also proposes a simple procedure where a sign owner could pétition to have a sign be considered "significant." The Director of Planning would make recommendations to the Planning Board regarding this decision. This finding would allow the sign to remain even if the uses changes or the business moves.

Changes from the February 17, 1994 Final Report are indicated in **bold.** For a complete explanation of the recommendations, see the February 17, 1994 report.

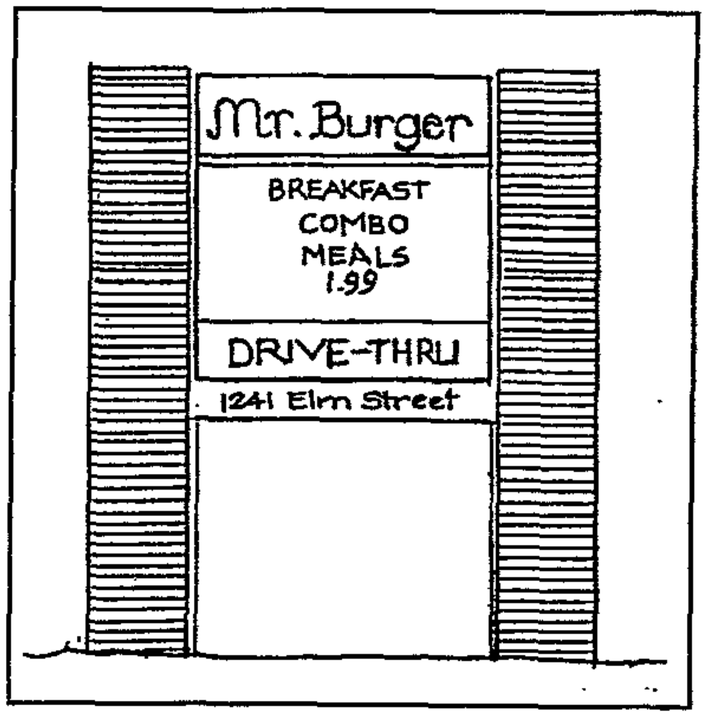
B. Changeable Copy Signs

Pursuant to Section 450.3. Class 1.c, changeable copy signs may be erected, subject to the following additional requirements:

1. A free-standing changeable copy sign shall be erected only as an integrated part of an otherwise permitted Enterprise or Joint Identification sign.

2. Up to 50% of the erected sign area of the permitted Enterprise or Joint Identification sign may be devoted to changeable copy.

3. Except for time or temperature signs, the message of the sign may be changed no more than four times in any one 24-hour period, starting at midnight.



A Changeable Copy Sign

C. Outdoor Advertising Signs

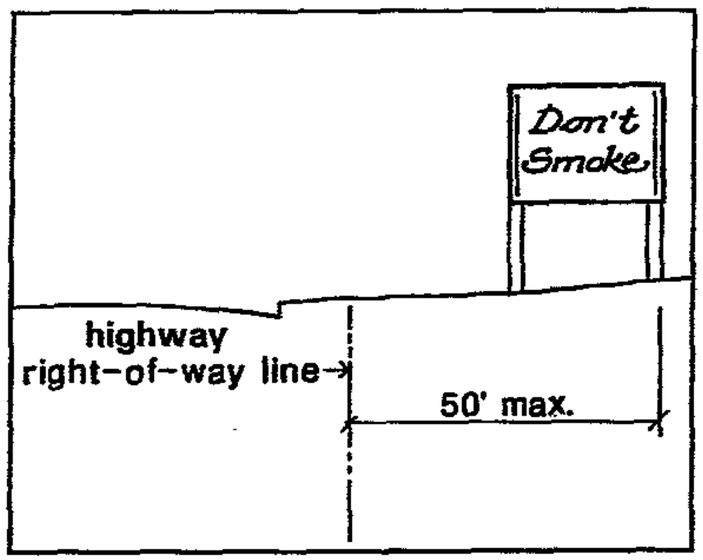
Pursuant to Section 450.3. Class 11, outdoor advertising signs may be erected, subject to the following additional requirements:

1. An outdoor advertising sign shall not be erected:

   a. outside the Urban-Rural Demarcation Line; or

   b. so as to be visible, as determined by the Director of the Office of Planning and Zoning, from a scenic route designated in the Master Plan; or

   c. less than 200 feet, measured along the adjoining road, from a residential zone; or **more than 50 feet from the right-of-way line of the highway along which the sign will be erected, contrary provisions of**



Outdoor Advertising Sign Showing Highway Setback (450.6.C.1.c)

these Regulations regarding front yard setbacks notwithstanding (see illustration at left); or

d. less than 1,000 feet from another commercial advertising sign; or

e. less than 100 feet, measured along the adjoining road, from the right-of-way of any intersecting highway; or,

f. less than 250 feet from the right-of-way of any expressway or other controlled-access-type highway, or less than 100 feet from the right-of- way of any other dual highway; the highway along which the sign will be erected, notwithstanding contrary provisions of these regulations regarding front yard setbacks for principal use structures;

h. within a town center or revitalization area, except at sites designated as appropriate for outdoor advertising signs in an officially adopted plan for that area.

2. Before receiving a building permit to erect a new outdoor advertising sign, an applicant shall, at no cost to the County, remove existing outdoor advertising or non-conforming on-premises sign(s) from sites in Baltimore County, as provided below.

a. For each new sign to be erected, one existing outdoor advertising sign or, at the discretion of the applicant, on-premises sign(s) equal in area to the outdoor advertising sign to be erected, shall be removed. If the applicant choose to remove on-premises signs, the following regulations shall apply:

i. Prior to the special exception hearing for the new billboard, the applicant shall meet with the Director of the Office of

Planning to determine the priority areas for sign removal, based on the Master Plan, community and revitalization plans. The Zoning Commissioner shall consider recommendations at the special exception hearing.

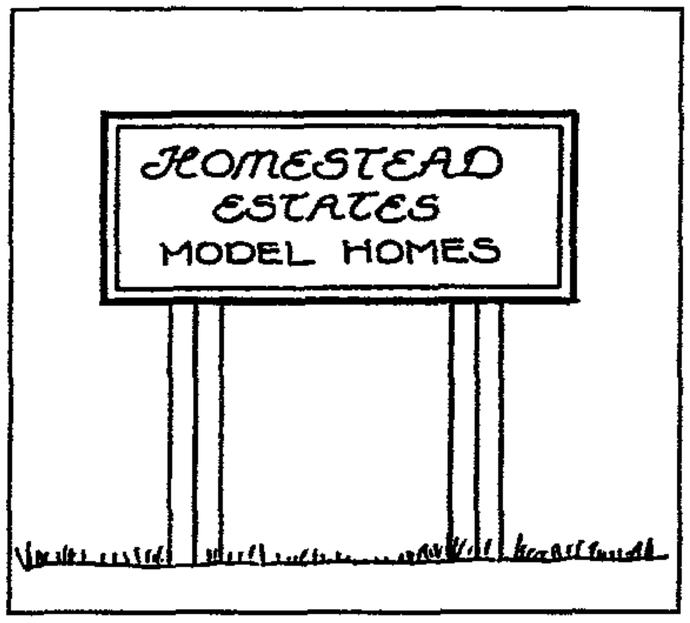
ii. Only legally nonconforming signs which, if erected under these regulations, would be classified as enterprise or joint identification signs shall be eligible for removal under these *provisions. The removal of abandoned and illegal signs is the* responsibility of the owner under the provisions of paragraph 450.7.D.

iii. At the time of the special exception hearing, the applicant shall prove that the applicant has made an irrevocable commitment to the owner to reasonably compensate the owner and remove the signs, if the special exception is approved. In determining reasonable compensation, the Zoning Commissioner shall consider the value of the existing sign and the cost of replacing the sign.

b. When applying for the building permit for the new sign, the applicant shall indicate the site from which outdoor advertising signs shall be removed.

3. Signs erected within 500 feet of a State highway are also subject to *State licenses and permits required pursuant to the Transportation* Article, Title 8, Subtitle 7, Regulation of Outdoor Advertising and **Article 25, Sec. 122E** of the Annotated Code of Maryland.

4. **On the date the property is posted for a special exception hearing, the applicant shall send a letter by certified mail to the owners of all residentially zoned property within 100 feet of the proposed outdoor advertising sign structure, including the date, subject, place, time and purpose of the special exception hearing.**



Subdivision Construction Sign (450.6.D)

D. Construction and Subdivision Construction Signs

Temporary signs in 450.3 Classes 12 (Construction) and 13 (Subdivision Construction, see illustration at left) may be erected, subject to the following additional requirements:

1. In accordance with Section 450.3. Class 12, two construction signs erected as a contiguous sign are deemed to constitute one sign.

2. The distance between any two contiguous sign structures shall not be less than 1,000 feet.

3. On the same side of the highway, no construction or subdivision construction sign may be erected within:

    a. 15 feet from a lot line of a premises not contained in the construction site or subdivision for which the sign is erected; or

    b. 100 feet from a dwelling or other principal building on a premises not contained in the construction site or subdivision for which the sign is erected, except that if the sign does not exceed 64 square feet in an area, it may be placed not less than 75 feet, and if the sign does not exceed 32 square feet, it may be placed not less than 35 feet from such a dwelling.

4. Construction and subdivision construction signs shall be removed seven days after completion of construction or the sale of the last unit or lot in the subdivision, whichever is later.

E. Other Temporary Signs

Except for those displayed as window signs, the following additional requirements apply:

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1997, Legislative Day No. 15

Exhibit # 3

Bill No. 89-97

All Councilmembers

By the County Council, August 4, 1997

A BILL
ENTITLED

AN ACT concerning

Signs

FOR the purpose of updating and amending the Baltimore County Zoning Regulations concerning permanent and temporary on-premises signs and permanent off-premises signs; defining certain terms; identifying classes and structural types of signs; establishing use, area, height, number, illumination and other limitations; establishing general prohibitions and exceptions; establishing special requirements for particular classes of signs; establishing County policies concerning compliance with sign regulations; permitting certain exemptions; requiring the submission of signage information as part of the development review and approval process; and generally relating to the regulation of signs.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining INDICATES AMENDMENTS TO BILL.

ANY ONE 24-HOUR PERIOD, STARTING AT MIDNIGHT.

C. OUTDOOR ADVERTISING SIGNS. IN ADDITION TO THE LIMITATIONS OF SECTION 450.4, OUTDOOR ADVERTISING SIGNS ARE SUBJECT TO THE FOLLOWING:

1. AN OUTDOOR ADVERTISING SIGN MAY NOT BE ERECTED IN THE FOLLOWING LOCATIONS:

A. OUTSIDE THE URBAN-RURAL DEMARCATION LINE;

B. IN A PLACE WHERE IT CAN BE SEEN FROM A SCENIC ROUTE DESIGNATED IN THE MASTER PLAN, AS DETERMINED BY THE DIRECTOR OF THE OFFICE OF PLANNING;

C. LESS THAN 200 FEET FROM A RESIDENTIAL ZONE, MEASURED ALONG THE ADJOINING ROAD, OR MORE THAN 50 FEET FROM THE RIGHT-OF-WAY LINE OF THE HIGHWAY ALONG WHICH THE SIGN IS ERECTED, NOTWITHSTANDING CONTRARY PROVISIONS OF THESE REGULATIONS REGARDING FRONT YARD SETBACKS;

D. LESS THAN 1,000 FEET FROM ANOTHER OUTDOOR ADVERTISING SIGN ON THE SAME SIDE OF A HIGHWAY;

E. LESS THAN 100 FEET, MEASURED ALONG THE ADJOINING ROAD, FROM THE RIGHT-OF-WAY OF ANY INTERSECTING HIGHWAY;

F. LESS THAN 250 FEET FROM THE RIGHT-OF-WAY OF ANY CONTROLLED-ACCESS-TYPE HIGHWAY, OR LESS THAN 100 FEET FROM THE RIGHT-OF- WAY OF ANY OTHER DUAL HIGHWAY; AND

G. WITHIN A TOWN CENTER OR REVITALIZATION AREA, EXCEPT AT SITES DESIGNATED AS APPROPRIATE FOR OUTDOOR ADVERTISING SIGNS IN AN OFFICIALLY ADOPTED PLAN FOR THAT AREA.

2. A BUILDING PERMIT FOR THE ERECTION OF A NEW OUTDOOR ADVERTISING SIGN MAY NOT BE ISSUED UNLESS THE APPLICANT, AT NO COST TO THE COUNTY, REMOVES EXISTING OUTDOOR ADVERTISING OR NON-CONFORMING ON-PREMISES SIGNS FROM SITES WITHIN THE COUNTY. FOR EACH NEW SIGN TO BE ERECTED, ONE EXISTING OUTDOOR ADVERTISING SIGN OR ON-PREMISES SIGNS EQUAL IN AREA TO THE OUTDOOR ADVERTISING SIGN TO BE ERECTED MUST BE REMOVED.

A. IF THE APPLICANT CHOOSES TO REMOVE ON-PREMISES SIGNS, THE FOLLOWING LIMITATIONS APPLY:

(1) PRIOR TO THE SPECIAL EXCEPTION HEARING FOR THE NEW SIGN, THE APPLICANT SHALL MEET WITH THE DIRECTOR OF THE OFFICE OF PLANNING TO DETERMINE THE PRIORITY AREAS FOR SIGN REMOVAL, BASED ON THE MASTER PLAN, AS AMENDED. THE ZONING COMMISSIONER SHALL CONSIDER RECOMMENDATIONS AT THE SPECIAL EXCEPTION HEARING.

(2) ONLY LEGALLY NON-CONFORMING SIGNS WHICH WOULD BE CLASSIFIED AS ENTERPRISE OR JOINT IDENTIFICATION SIGNS UNDER SECTION 450 ARE ELIGIBLE FOR REMOVAL.

(3) AT THE TIME OF THE SPECIAL EXCEPTION HEARING, THE APPLICANT SHALL PROVE THAT HE HAS MADE AN IRREVOCABLE COMMITMENT

TO THE OWNER TO REASONABLY COMPENSATE THE OWNER AND REMOVE THE SIGNS IF THE SPECIAL EXCEPTION IS APPROVED. IN DETERMINING REASONABLE COMPENSATION, THE ZONING COMMISSIONER SHALL CONSIDER THE VALUE OF THE EXISTING SIGN AND THE COST OF REPLACING THE SIGN.

B. IF THE APPLICANT CHOOSES TO REMOVE AN OUTDOOR ADVERTISING SIGN, THE APPLICANT SHALL INDICATE THE SITE FROM WHICH THE OUTDOOR ADVERTISING SIGN WILL BE REMOVED AT THE TIME THE APPLICANT APPLIES FOR A BUILDING PERMIT.

3. OUTDOOR ADVERTISING SIGNS ERECTED WITHIN 500 FEET OF A STATE HIGHWAY SHALL COMPLY WITH THE LICENSE AND PERMIT REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, TRANSPORTATION ARTICLE, TITLE 8, SUBTITLE 7 - REGULATION OF OUTDOOR ADVERTISING.

4. THE OWNER OF A LAWFULLY ERECTED AND MAINTAINED OUTDOOR ADVERTISING SIGN WHICH IS REMOVED OR REQUIRED TO BE REMOVED BY THE COUNTY SHALL BE COMPENSATED PURSUANT TO THE ANNOTATED CODE OF MARYLAND, ARTICLE 25, SECTION 122E.

5. ON THE DATE A PROPERTY IS POSTED FOR A SPECIAL EXCEPTION HEARING, THE APPLICANT SHALL SEND A LETTER BY CERTIFIED MAIL TO THE OWNERS OF ALL RESIDENTIALLY ZONED PROPERTY WITHIN 100 FEET OF THE PROPOSED OUTDOOR ADVERTISING SIGN, INCLUDING THE DATE, SUBJECT, PLACE, TIME AND PURPOSE OF THE SPECIAL EXCEPTION HEARING.

D. CONSTRUCTION AND SUBDIVISION CONSTRUCTION SIGNS. IN

SEVEN DAYS AFTER THE LEASING OF THE PREMISES TO WHICH THE SIGN PERTAINS OR THE TRANSFER OF TITLE TO THE PREMISES ON WHICH THE SIGN IS ERECTED. A REAL ESTATE SIGN MAY STATE "SOLD" FOLLOWING SIGNING OF A CONTRACT FOR SALE OF THE PREMISES, OR MAY STATE "LEASED" FOLLOWING LEASING OF THE PREMISES.

2. NO SPECIAL EVENT OR COMMERCIAL SPECIAL EVENT SIGN MAY BE DISPLAYED FOR MORE THAN 30 DAYS BEFORE OR FIVE DAYS AFTER THE EVENT TO WHICH IT PERTAINS. NO PREMISES MAY DISPLAY A SPECIAL EVENT OR COMMERCIAL SPECIAL EVENT SIGN FOR MORE THAN 60 DAYS IN ANY CALENDAR YEAR.

3. A SPECIAL EVENT OR POLITICAL CAMPAIGN SIGN MAY BE ERECTED AS AN OFF-PREMISES SIGN ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER.

450.8 ADMINISTRATION AND COMPLIANCE.

A. INTERPRETATION.

1. IN CONSIDERING REQUESTS FOR SPECIAL EXCEPTIONS AND VARIANCES, THE PROVISIONS OF THIS SECTION SHALL BE STRICTLY CONSTRUED, UNLESS THE DEMONSTRABLE EFFECT OF A LIBERAL CONSTRUCTION WILL PREVENT OR REDUCE THE CONFUSION AND VISUAL CLUTTER CAUSED BY EXCESSIVE SIGNAGE.

2. NO SPECIAL EXCEPTION OR VARIANCE MAY BE GRANTED IF IT WILL RESULT IN THE AUTHORIZATION OF A SIGN CLASS WHICH IS NOT

Exhibit #4

PROPOSED AMENDMENTS TO COUNTY COUNCIL BILL 89-97

Councilman Kevin Kamenetz

1. On page 29, in line 16, strike "AND"; and in line 18, strike the period, and substitute "; AND"; and after line 18, insert the following:

"15. A PERMANENT FREE-STANDING OR WALL-MOUNTED SIGN OF A VOLUNTEER FIRE COMPANY LAWFULLY ERECTED AS OF JULY 1, 1997, PROVIDED THAT NO ADDITIONAL PERMANENT FREE-STANDING OR WALL-MOUNTED SIGNS OTHERWISE PERMITTED BY SECTION 450 MAY BE ERECTED ON THE VOLUNTEER FIRE COMPANY'S PREMISES."

2. On page 41, in column V, in line 35, after "ROA" insert "; 1 sq. ft. in DR"

3. On page 43, in column II, in lines 34 and 35, strike "free-standing" and substitute "projecting"; and in column VIII, in line 32, strike "Yes" and substitute "No"

4. On page 49, in line 1, after "ZONES." insert "A PORTABLE SIGN MAY ONLY BE DISPLAYED DURING THE BUSINESS HOURS OF THE PREMISES TO WHICH IT IS ACCESSORY."

5. On page 53, in line 12, after "FOR" insert "AN OUTDOOR ADVERTISING SIGN WITH TRI-VISION,"

6. On pages 57 and 58, strike in their entirety the lines beginning with line 4 on page 57 through line 8 on page 58, and substitute the following:

"2. A NEW OUTDOOR ADVERTISING SIGN MAY BE ERECTED SUBJECT TO THE FOLLOWING LIMITATIONS:

A. A NEW OUTDOOR ADVERTISING SIGN MAY NOT BE ERECTED UNTIL AFTER THE REMOVAL OF: (1) ONE LAWFULLY ERECTED OUTDOOR ADVERTISING SIGN; OR (2) LEGALLY NON-CONFORMING ON-PREMISES SIGNS EQUAL IN AREA TO THE NEW OUTDOOR ADVERTISING SIGN.

B. REMOVAL OF ELIGIBLE SIGNS SHALL OCCUR IN DESIGNATED PRIORITY AREAS, AS DETERMINED BY THE DIRECTOR OF PLANNING. THE DIRECTOR ANNUALLY IN JANUARY SHALL SUBMIT A MAP TO THE COUNTY COUNCIL FOR APPROVAL WHICH DELINEATES PRIORITY AREAS OF THE COUNTY FOR SIGN REMOVAL BASED ON THE MASTER PLAN. THE COUNCIL MAY AMEND THE PROPOSED MAP.

C. IF AN APPLICANT CHOOSES TO REMOVE ON-PREMISES SIGNS,

ONLY SIGNS CLASSIFIED AS ENTERPRISE OR JOINT IDENTIFICATION SIGNS UNDER SECTION 450 ARE ELIGIBLE FOR REMOVAL.

D. AT A SPECIAL EXCEPTION HEARING, AN APPLICANT SHALL PROVE THE EXISTENCE OF AN IRREVOCABLE COMMITMENT TO REMOVE ELIGIBLE SIGNS WITHIN A DESIGNATED PRIORITY AREA.

E. A USE PERMIT FOR THE ERECTION OF THE NEW OUTDOOR ADVERTISING SIGN MAY NOT BE ISSUED UNLESS AN APPLICANT PROVES THAT THE REQUIRED OUTDOOR ADVERTISING OR ON-PREMISES SIGNS WERE REMOVED."

7. On page 58, after line 21, insert the following:

"6. OUTDOOR ADVERTISING SIGNS WITH TRI-VISION MAY BE ERECTED SUBJECT TO THE FOLLOWING LIMITATIONS:

A. AN OUTDOOR ADVERTISING SIGN WITH TRI-VISION MAY NOT BE ERECTED UNTIL AFTER THE REMOVAL OF: (1) TWO LAWFULLY ERECTED OUTDOOR ADVERTISING SIGNS; OR (2) LEGALLY NON-CONFORMING ON-PREMISES SIGNS EQUAL TO TWICE THE AREA OF THE TRI-VISION SIGN.

B. REMOVAL OF SIGNS MUST OCCUR IN DESIGNATED PRIORITY AREAS, SET FORTH IN THE ANNUAL MAP SUBMITTED BY THE DIRECTOR OF PLANNING AND APPROVED BY THE COUNCIL.

C. THERE SHALL BE A MAXIMUM OF SEVEN OUTDOOR ADVERTISING SIGNS WITH TRI-VISION WITHIN THE COUNTY.

D. AN OUTDOOR ADVERTISING SIGN WITH TRI-VISION SHALL BE ERECTED ONLY WHERE AN EXISTING, LAWFULLY ERECTED OUTDOOR ADVERTISING SIGN IS LOCATED AS OF JULY 1, 1997.

E. AN OUTDOOR ADVERTISING SIGN WITH TRI-VISION MAY NOT BE LARGER THAN THE OUTDOOR ADVERTISING SIGN IT IS REPLACING.

F. AN OUTDOOR ADVERTISING SIGN WITH TRI-VISION MAY NOT ROTATE FROM ONE SIGN FACE TO ANOTHER LESS THAN EVERY TEN SECONDS. THE ACTUAL ROTATION PROCESS MUST BE COMPLETED IN AT LEAST FOUR SECONDS.

G. THE ZONING COMMISSIONER MAY DENY AN APPLICANT'S REQUEST FOR SPECIAL EXCEPTION UPON A FINDING THAT AN OUTDOOR ADVERTISING SIGN WITH TRI-VISION WOULD CREATE A TRAFFIC HAZARD."

8. On page 60, in line 3, after ""SOLD"" insert "OR "UNDER CONTRACT""

9. On page 64, in line 20, after "THERFORE," insert "EXCEPT FOR ENTERPRISE SIGNS IN RESIDENTIAL ZONES AND TEMPORARY SIGNS, "

10. On page 65, in line 20, strike "OR"; and in line 22, strike the period and substitute the following:

"; OR

C. IS AN ENTERPRISE SIGN IN A RESIDENTIAL ZONE OR A TEMPORARY SIGN."

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Exhibit #5

TO: Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

FROM: Kurt Heinrich
Legislative Draftsman/Asst. Secretary

SUBJECT: Amendments to Bill 89-97

DATE: July 24, 1997

Below is a summary of each amendment to be offered by Councilmembers Moxley and Kamenetz.

Councilman Moxley

Amendments No. 1 and No. 2 permit two temporary commercial special event signs with a total combined area of not more than 72 sq. ft. As drafted, Bill 89-97 only permits one temporary commercial special event sign with an area of 50 sq. ft.

Amendment No. 3 eliminates the 60-day yearly display limitation for temporary commercial special event signs. Failed

Councilman Kamenetz

Amendment No. 1 exempts from regulation all permanent free-standing and wall-mounted signs of a volunteer fire company which were legally erected on or before July 1, 1997, provided that the fire company may not erect similar signs otherwise permitted by Bill 87-89.

Amendment No. 2 limits the size of enterprise signs in DR zones to 1 sq. ft.

Amendment No. 3 prohibits free-standing nameplate signs (i.e., identifies owner of premises or home occupation in residential or RC zones), but permits projecting free-standing nameplate signs. It also prohibits the illumination of nameplate signs.

Amendment No. 4 limits the display hours for portable signs (which are only permitted in C.T. districts of BM zones) to the business hours of the premises to which the sign is accessory.

Amendment No. 5 exempts outdoor advertising signs (i.e., billboards) with tri-vision from the prohibition against signs having moving parts or automatically changing messages.

Amendment No. 6 clarifies the requirements for the erection of a new outdoor advertising sign.

Amendment No. 7 provides the following limitations to the erection of outdoor advertising signs with tri-vision:

a. Either two lawfully erected outdoor advertising signs or legally non-conforming signs equal to twice the area of the tri-vision sign must be removed prior to erection. Removal of these signs must occur in designated priority areas established in annual maps submitted by the Director of Planning and approved by the Council.

b. There is a County-wide limit of seven tri-vision signs.

c. Tri-vision signs may only be erected in locations where there are existing outdoor advertising signs.

d. The face of a tri-vision sign may not change less than every ten seconds, and the rotation process must be completed in less than four seconds.

e. The Zoning Commissioner may deny an applicant's request for a special exception (such hearing is required) upon a finding that the tri-vision sign would create a traffic hazard.

Amendment No. 8 permits a real estate sign to state "Under Contract" in lieu of "Sold" following a contract for sale of a property.

Amendments No. 9 and No. 10 require legally nonconforming enterprise signs in residential zones and temporary signs to be removed or brought into compliance within 180 days of the effective date of Bill 89-97 (i.e., legally nonconforming signs of these types are not permitted an abatement period of 15 years).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 5, 1999

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

Exhibit #6

SUBJECT: 8131 Belair Road

INFORMATION:

Item Number: 242

Petitioner: Eller Media Co.

Zoning: BR

Requested Action: Variance and Special Exception

SUMMARY OF RECOMMENDATIONS:

The need for a variance at this location indicates that this site is not suitable for an outdoor advertising sign. In addition, the applicant has given no indication regarding the location of an existing sign to be removed as required in the Baltimore County Zoning Regulations. Before a new outdoor advertising sign is erected, the owner must remove either 1) an existing outdoor advertising sign or 2) a non-conforming on-premise Enterprise or Joint Identification signs. The signage to be removed must be, at minimum, equivalent in area to the sign to be erected. The outdoor advertising sign(s) to be removed is left to the discretion of the applicant. However, the location of on-premise signs to be removed is to be based on a map of "designated priority areas" submitted to the Council annually, beginning in January 1998.

No such request for a special exception to permit an outdoor advertising should be given serious consideration unless the above information is provided and can be made part of the Zoning Commissioner's Findings of Facts and Conclusions of Law.

Section Chief: Jeffrey W Long

AFK/JL

C:\JEFF_L\242.doc

Exhibit # 7

DESIGNATED PRIORITY AREAS FOR SIGN REMOVAL

A Staff Report of the Baltimore County Office of Planning
December 20, 1998

The comprehensive revision to the sign regulations enacted by the County Council in 1997 includes an innovative feature intended to curb the proliferation of outdoor advertising signs and encourage the removal of non-conforming Enterprise or Joint Identification signs prior to the 15 year abatement period. Before a new outdoor advertising sign is erected, the owner must remove either 1) an existing outdoor advertising sign or 2) non-conforming on-premise Enterprise or Joint Identification signs. The signage to be removed must be, at minimum, equivalent in area to the sign to be erected. For a tri-vision outdoor advertising sign, the signs to be removed must be twice the area of the sign to be erected. (A tri-vision outdoor advertising sign has a face which turns, displaying a different picture.)

The outdoor advertising sign(s) to be removed is left to the discretion of the applicant. However, the location of on-premise signs to be removed is to be based on a map of "designated priority areas" submitted to the Council annually, beginning in January 1998. By concentrating sign removal efforts within designated priority areas, the Council's intent was that the effect would be more noticeable than if a few signs were removed from widely scattered locations.

It is recommended that the 1999 designated priority areas should continue to consist of 1) the areas in Towson, Essex, Catonsville, and Arbutus subject to review by the Design Review Panel and 2) the fourteen revitalization districts as adopted by Council on December 15, 1997, plus the Loch Raven Commercial Revitalization District approved on November 16, 1998 (see attached map). Designation of these areas should help achieve the Council's objectives while providing a large enough base of eligible property owners to make the program work.

HSM:rlh

M:\LEGISLAT\HILLORIE\SIGNS\SIGNMAP3.DOC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

November 17, 1999

Exhibit # 8

John C. Murphy, Esquire
Law Office
Suite 206
516 N. Charles Street
Baltimore MD 21201

Dear Mr. Murphy:

Thank you for your recent letter concerning a billboard along the Jones Falls Expressway and the ongoing litigation involving your client, the Woodberry Community Association, and the firm that erected the sign, PNE Media LLC. This litigation is an administrative appeal of a Baltimore City decision to issue a permit for the billboard. The billboard is only one of a number of billboards located in Baltimore City along the Jones Falls Expressway.

The State does not own or maintain the Jones Falls Expressway in Baltimore City. In addition, the State does not issue permits for signs along highways in the City. The City of Baltimore has specific zoning provisions dealing with outdoor advertising. The State Highway Administration (SHA) has never interpreted the portion of State law controlling signs along expressways (Transportation Article, Title 8, Subtitle 7, Part V) as requiring SHA to act to override City zoning ordinances in commercial and industrial areas.

Our attorneys advise that a billboard along I-83 in Baltimore City was the subject of a recent Court of Special Appeals decision. The case is silent on the subject of State law and the result turns on provisions of the Baltimore City code relating to zoning. Under these circumstances, we do not believe it appropriate to intervene in this ongoing litigation and advocate a position that is contrary to our practice of many years.

In addition to your correspondence to me, you have written our Counsel, Edward Harris, regarding this billboard. One of the issues you raised in that correspondence is the impact of federal law and an agreement between the State Highway Administration and the Federal Highway Administration (FHWA) concerning outdoor advertising. I am advised that FHWA does not take the position that federal law precludes billboards along interstate highways within municipalities in commercial and industrial areas.

My telephone number is **410-545-0400 or 1-800-206-0770**

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

Thank you again for your letter. I regret that I am unable to provide you with a more positive response. Please feel free to keep Mr. Harris informed of the status of your ongoing litigation. He can be reached at 410-545-0050 or 1-888-375-2724.

Sincerely,

Parker F. Williams
Administrator

cc: Edward S. Harris, Esq., Counsel to the State Highway Administration
Mr. Christian Larson, Director of Real Estate, State Highway Administration

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8131 Belair Road

which is presently zoned BR

This Petition shall be filed with the Department of Permits and 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

1 double face illuminated 12' x 25' (300 sq. ft. per side) outdoor advertising sign per Section 450.4.11 BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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.

[redacted]/Lessee:

Eller Media Co./Charles Marino, Pres.
Name - Type or Print

Signature

3001 Remington Avenue (410) 235-8820
Address Telephone No.

Baltimore, MD 21211
City State Zip Code

Attorney For Petitioner:

Stanley Fine
Name - Type or Print

Signature

Rosenberg Proutt Funk & Greenberg, LLC
Company

25 South Charles Street, (410) 727-6600
Address 10th Floor Telephone No.

Baltimore, MD 21201
City State Zip Code

Legal Owner(s):

Ernest Philip Deigert
Name - Type or Print

Signature

Name - Type or Print

Signature

8131 Belair Road (410)
Address Telephone No.

Baltimore, MD 21236
City State Zip Code

Representative to be Contacted:

William Monk, Inc.
Name

222 Bosley Avenue, Ste. B-6 (410) 494-8931
Address Telephone No.

Towson, MD 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 9/15/98
By RED 09/15/98

Case No. 99-242-XA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By NCR Date 12-10-98

Drop Off

No Review

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8131 Belair Road

which is presently zoned BR

This Petition shall be filed with the Department of Permits and 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)

450.7 C.1.f to permit the billboard to be located 25' from a dual highway in lieu of the minimum required 100'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Recent improvements to Belair Road (U.S. 1) by the Maryland State Highway Administration resulted in the construction of a raised concrete curb in the middle of the road. This raised curb (3'± wide) extends northerly a distance of only 400' where it terminates just past the MD 43/Whitemarsh Blvd. overpass where it goes under Belair Road. The median does not extend any further north on Belair Road. Per Section 450.7 C.1.c BCZR, the proposed billboard cannot be located more than 50' from the public right-of-way (Belair Road). Based upon the standard billboard length (25') there would not be sufficient area to accommodate this structure if both of these provisions were to be applied. This creates a unique condition which makes it impossible to erect an outdoor advertising sign at this location.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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.

[redacted]/Lessee:

Eller Media Co./Charles Marino, President
Name - Type or Print

Signature

3001 Remington Avenue (410) 235-8820
Address Telephone No.

Baltimore, MD 21211
City State Zip Code

Legal Owner(s):

Ernest Philip Deigert
Name - Type or Print

Signature

Name - Type or Print

Signature

8131 Belair Road
Address Telephone No.

Baltimore, MD 21236
City State Zip Code

Attorney For Petitioner:

Stanley Fine
Name - Type or Print

Signature

Rosenberg Proutt Funk & Greenberg, LLP
Company

25 South Charles Street (410) 727-6600
Address Telephone No.

Baltimore, MD 21201
City State Zip Code

Representative to be Contacted:

William Monk, Inc.
Name

222 Bosley Avenue, Suite B-6 (410) 494-8931
Address Telephone No.

Towson, MD 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 9/15/98
By RED

Case No. 99-242-XA

REV 9/15/98

Drop Off

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
[redacted] by VCR Date 12-10-98

No Review

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

ZONING DESCRIPTION
PENN ADVERTISING
8131 BELAIR ROAD
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
(SIGN EASEMENT AREA)

BEGINNING FOR THE SAME at th East side of Belair Road having an 116' Right of Way, at the White Marsh Boulevard Right of Way (a.k.a. Md. Route 43) as shown on SRA Plat 49336, being a point 810' north of the centerline intersection of Belair Road and Ridge Road, thence running the three following courses and distances: (1) South 43 degrees 50 minutes 00 seconds East 33.45 feet, (2) North 46 degrees 10 minutes 00 seconds East 83.79 feet, (3) North 24 degrees 23 minutes 26 seconds West 90.15 feet, to the place of beginning.

Containing 1,401 square feet or 0.0321 acres of land, more or less.

STATE OF MARYLAND
PROFESSIONAL ENGINEER

12/2/98

99-242-XA

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

BALTIMORE COUNTY, MARY ID
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060391

DATE 12/10/98 ACCOUNT 001-6150

AMOUNT $ 550.00 (WCR)

RECEIVED FROM: Quantum Structures & Design, Inc.

FOR: SpX & V Item #242
8131 Belair Road
Drop-Off -- No Review Case #99-242-XA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
12/11/1998 12/10/1998 15:54:22
REG WS02 CASHIER JRIC JMP DENVER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 072915
CR NO. 060391
550.00 CHECK
Baltimore County, Maryland

NOTICE OF ZONING 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: #99-242-XA
8131 Belair Road
SE/S Belair Road, 810' NE of centerline Ridge Road
14th Election District
6th Councilmanic District
Legal Owner(s): Ernest Philip Delgert
Lessee: Eller Media Company

Special Exception: for 1 double-face illuminated 12-foot by 25-foot (300 square feet per side) outdoor advertising sign. **Variance:** to permit the billboard to be located 25 feet from a dual highway in lieu of the minimum required 100 feet.

Hearing: Wednesday, January 20, 1999 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-4386.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

12/396 Dec. 31 0281556

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/4, 19 99

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 12/31, 19 98.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

[redacted]

CERTIFICATE OF POSTING

RE: CASE # 99-249-XA
PETITIONER/DEVELOPER:
(Eller Media Co.)
DATE OF Hearing
(May 13, 1999)

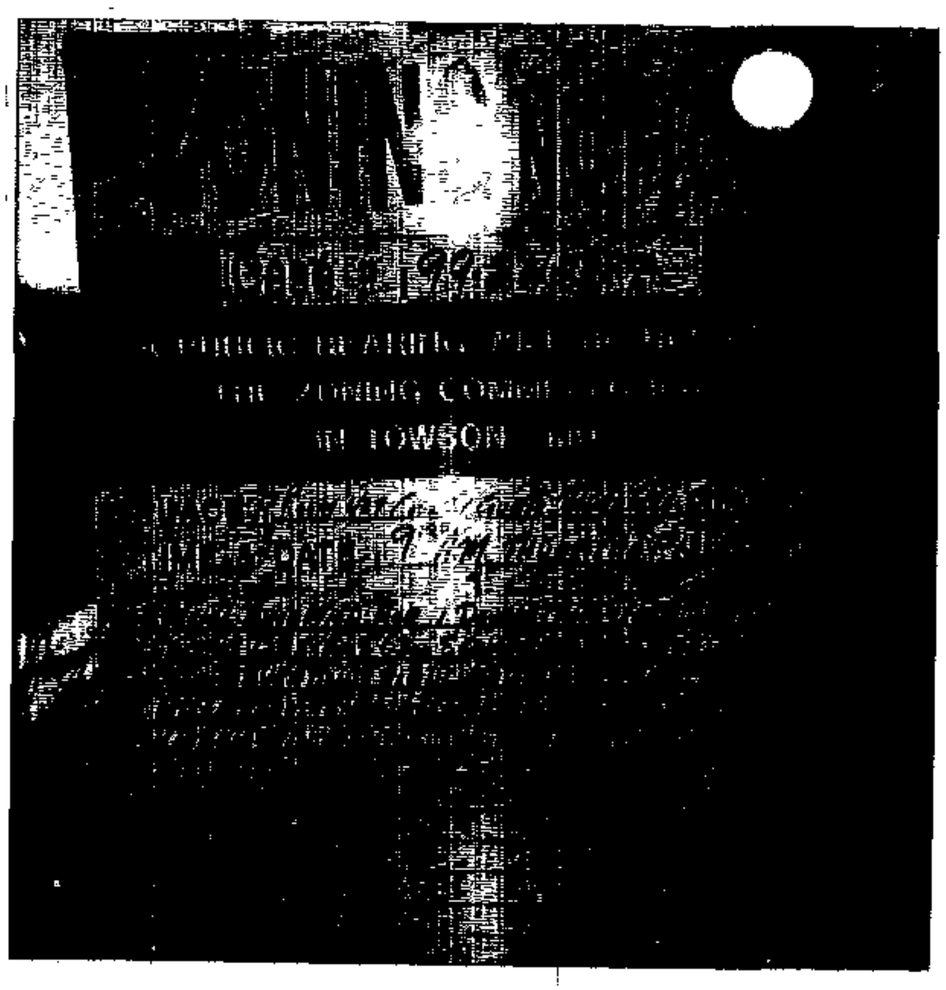
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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 8131 Belair Road Baltimore, Maryland 21236

The sign(s) were posted on 4-27-99
(Month, Day, Year)



Sincerely,

4/27/99
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Av
Towson, Maryland 2120-

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: _____

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ELLER MEDIA c/o NATE STEINER

ADDRESS: 3001 REMINGTON AVENUE

BALTIMORE, MD 21211

PHONE NUMBER: 410-235-8820

AJ:ggs

(Revised 09/24/96)

99-242-XA

Exhibit B

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:

Belair Rd.

ZONING NOTICE

Case No.: 99-242-XA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR 1 DOUBLE-FACE ILLUMINATED 12 FT. BY 25 FT. OUTDOOR ADVERTISING SIGN. VARIANCE TO PERMIT THE BILLBOARD TO BE LOCATED 25 FT. FROM A DUAL HIGHWAY IN LIEU OF THE MINIMUM REQUIRED 100 FT.

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

TO: PATUXENT PUBLISHING COMPANY
December 31, 1998 Issue – Jeffersonian

Please forward billing to:
Eller Media 410-235-8820
c/o Nate Sterner
2001 Remington Avenue
Baltimore, MD 21211

NOTICE OF ZONING 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: 99-242-XA
8131 Belair Road
SE/S Belair Road, 810' NE of centerline Ridge Road
14th Election District – 6th Councilmanic District
Legal Owner: Ernest Philip Deigert
Lessee: Eller Media Company

Special Exception for 1 double-face illuminated 12-foot by 25-foot (300 square feet per side) outdoor advertising sign. Variance to permit the billboard to be located 25 feet from a dual highway in lieu of the minimum required 100 feet.

HEARING: Wednesday, January 20, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 28, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-242-XA

IN THE MATTER OF: ERNEST PHILIP DEIGERT -Legal Owner; ELLER MEDIA CO. -C.P. 8131 Belair Road
14th Election District; 6th Councilmanic

(Z.C. GRANTED special exception; GRANTED variance relief.)

ASSIGNED FOR: TUESDAY, DECEMBER 14, 1999 at 10:00 a.m. /Day #1
and WEDNESDAY, DECEMBER 15, 1999 at 10:00 a.m. /Day #2

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: Appellant : Office of People's Counsel
Peter M. Zimmerman, People's Counsel
Carole S. Demilio, Deputy P.C.

Counsel for Petitioners : Stanley Fine, Esquire
Petitioner /Legal Owner : Ernest Philip Deigert
Petitioner /Contract Prchsr : Eller Media Company /Charles Marino

William P. Monk /William Monk, Inc.

Dennis Eckard /Perry Hall Improvement Assn.

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 14, 1999

NOTICE OF DELIBERATION

IN THE MATTER OF: *ERNEST PHILIP DEIGERT* -LEGAL OWNER;
ELLER MEDIA COMPANY -CONTRACT PURCHASER
CASE NO. 99-242-XA

Deliberation in the above matter has been assigned for the folloiwng date and time (testimony and evidence were received at hearing on December 14, 1999):

DATE AND TIME : TUESDAY, FEBRUARY 29, 2000 at 9:15 a.m.

LOCATION : Room 48, Basement, Old Courthouse

(NOTE: CLOSING MEMOS ARE DUE FROM COUNSEL NO LATER THAN 3:30 P.M. ON THURSDAY, FEBRUARY 3, 2000 (Please submit Original and three (3) copies.)

Kathleen C. Bianco
Administrator

cc: Appellant : Office of People's Counsel
Peter M. Zimmerman, People's Counsel
Carole S. Demilio, Deputy P.C.

Counsel for Petitioners : Stanley Fine, Esquire
Petitioner /Legal Owner : Ernest Philip Deigert
Petitioner /Contract Prchsr : Eller Media Company /Charles Marino

William P. Monk /William Monk, Inc.

Dennis Eckard /Perry Hall Improvement Assn.

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Copied: L.S.M.

Printed with Soybean Ink
on Recycled Paper

1/7/99
8
WLR

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 5, 1999

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

SUBJECT: 8131 Belair Road

INFORMATION:

Item Number: 242

Petitioner: Eller Media Co.

Zoning: BR

Requested Action: Variance and Special Exception

SUMMARY OF RECOMMENDATIONS:

The need for a variance at this location indicates that this site is not suitable for an outdoor advertising sign. In addition, the applicant has given no indication regarding the location of an existing sign to be removed as required in the Baltimore County Zoning Regulations. Before a new outdoor advertising sign is erected, the owner must remove either 1) an existing outdoor advertising sign or 2) a non-conforming on-premise Enterprise or Joint Identification signs. The signage to be removed must be, at minimum, equivalent in area to the sign to be erected. The outdoor advertising sign(s) to be removed is left to the discretion of the applicant. However, the location of on-premise signs to be removed is to be based on a map of "designated priority areas" submitted to the Council annually, beginning in January 1998.

No such request for a special exception to permit an outdoor advertising should be given serious consideration unless the above information is provided and can be made part of the Zoning Commissioner's Findings of Facts and Conclusions of Law.

Section Chief: Jeffrey W Long

AFK/JL

C:\JEFF_L\242.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
L. Wescott
T. Melvin

DATE: February 3, 2000

FROM: Kathi

SUBJECT: Case No. 99-242-XA /Ernest Philip Deigert /Legal Owner; Eller Media Company /Contract Purchaser -- Closing Memos

The subject matter has been scheduled for public deliberation on Tuesday, February 29, 2000 at 9:15 a.m. A copy of the Notice of Deliberation was sent to you on when scheduled.

Attached are the following closing memos due 2/03/00 and filed by Counsel as indicated:

1. Memorandum of People's Counsel for Baltimore County; and

2. Petitioners' Closing Memorandum filed by Stanley Fine, Esquire, and Kirk J. Halpin, Esquire, on behalf of Petitioners.

Let me know if you have any questions regarding the attached.

kathi

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 8131 Belair Road, SE/S Belair Rd, 810' NE of c/l Ridge Rd, 14th Election District, 6th Councilmanic Legal Owners: Ernest Philip Deigert Contract Purchaser: Eller Media Co. Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case Number: 99-242-XA

* * * * * * * * * * * * * * *

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esq., Rosenberg, Proutt, Funk, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 10, 1998

Mr. William Monk
William Monk, Inc.
222 Bosley Avenue
Suite B-6
Towson, MD 21204

Dear Mr. Monk:

RE: Drop-Off Petitions, 1955 Greenspring Drive (Zoning Case Number 99-241-XA) & 8131 Belair Road (Zoning Case Number 99-242-XA)

At the request of the attorney/petitioner, the above referenced petitions were accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

WCR /scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 24, 1998

Stanley Fine, Esquire
Rosenberg, Proutt, Funk & Greenberg, LLC
25 South Charles Street
10th Floor
Baltimore, MD 21201

Dear Mr. Fine:

RE: Drop-Off Petition, Zoning Case 99-242-XA, 8131 Belair Road

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.

No telephone number for legal owner on petition form.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

Joseph C. Merrey/scj

Joseph C. Merrey
Planner II
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 25, 1999

David Marks, President
Perry Hall Improvement Association, Inc.
P.O. Box 63
Perry Hall, MD 21128

Dear Mr. Marks:

RE: Case Number 99-242-XA, 8131 Belair Road

The above matter, previously assigned to be heard on May 4, 1999 has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s).

Very truly yours,

Arnold Jablon
Director

AJ:scj

c: Stanley Fine, Esquire
Ernest Philip Deigert
Eller Media Company
William Monk, Inc.
Dennis Eckard
Nate Sterner

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 2, 1999

Stanley Fine, Esquire
Rosenberg, Proutt, Funk & Greenberg, LLC
25 South Charles Street
10th Floor
Baltimore, MD 21201

Dear Mr. Fine:

RE: Case Number 99-242-XA, 8131 Belair Road

The above matter, previously assigned to be heard on Tuesday, May 4, 1999 has been **rescheduled for Thursday, May 13, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

In accordance with the telephone conversation between yourself and Carl Richards yesterday, you agreed to be responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

Arnold Jablon
Director

AJ:scj

C: Ernest Philip Deigert
Eller Media Company
William Monk, Inc.
Perry Hall Improvement Association, Inc.
Nate Sterner
Dennis Eckard

Printed with Soybean Ink
on Recycled Paper

Baltimore County, Maryland

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 2, 1999

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8131 Belair Road, SE/S Belair Rd,
810' NE of c/l Ridge Rd,
14th Election Dist., 6th Councilmanic
ERNEST P. DEIGERT, Legal Owner,
ELLER MEDIA CO., Contr.Purchaser, Petitioners
Case No.: 99-242-XA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Finding of Fact and Conclusions of Law dated June 15, 1999 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED
JUL 2 1999
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Stanley S. Fine, Esq., Rosenberg, Proutt, Funk, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201, Attorney for Petitioners

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 7, 1999

Stanley Fine, Esquire
Rosenberg, Proutt, Funk & Greenberg, LLC
25 South Charles Street – 10TH Floor
Baltimore, MD 21201

Dear Mr. Fine:

RE: Petition for Special Exception and Variance, Case Number 99-242-XA,
8131 Belair Road, 14th Election District

Please be advised that an appeal of the above referenced case was filed in this office on July 2, 1999 by People's Counsel. 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 the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:scj

C: Enest Deigert, 8131 Belair Road, Baltimore, MD 21236
Eller Media Company, 3001 Remington Avenue, Baltimore, MD 21211
Perry Hall Improvement Association, P.O. Box 63, Perry Hall, MD 21128
Nate Sterner, 3001 Remington Avenue, Baltimore, MD 21211
People's Counsel

Printed with Soybean Ink
on Recycled Paper

Case No. 99-242-XA

SE -To locate one 12' x 25' double-faced illuminated outdoor advertising sign of 300 sf per face pursuant to BCZR 450.4(11); and
VAR -To permit billboard located 25' from r/w line of dual highway (Belair Rd) ilo required 100'.

6/15/99 -Z.C.'s Order in which Petition for Special Exception was GRANTED; Petition for Variance GRANTED.

9/28/99 - Notice of Assignment for hearing scheduled for Tuesday, December 14, 1999 at 10:00 a.m. (Day #1) and Wednesday, December 15, 1999 (Day #2) sent to following:

Office of People's Counsel
Peter M. Zimmerman, People's Counsel
Carole S. Demilio, Deputy P.C.
Stanley Fine, Esquire
Ernest Philip Deigert
Eller Media Company /Charles Marino
William P. Monk /William Monk, Inc.
Dennis Eckard /Perry Hall Improvement Assn.
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

12/14/99 -Hearing concluded in one day of testimony /evidence; memos due 2/03/2000. Notice of Deliberation sent to parties for deliberation scheduled for Tuesday, February 29, 2000 at 9:15 a.m. (Stahl, Wescott, Melvin) Confirmed dates for memos and delib with C. Demilio and S. Fine this date.

2/03/2000 -People's Counsel's Memorandum filed.
-Petitioners' Closing Memorandum filed by Stanley Fine, Esquire, and Kirk J. Halpin, Esquire.
- Copies to L.S.M. /deliberation scheduled for 2/29/00.

2/29/00 -Deliberation concluded; to erect sign in designated priority area, the sign removed, whether billboard or on premises sign, must also be in designated priority area; fails as to variance; fails as to special exception.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Ernest Philip Deigert –Legal Owner; *Eller Media Company* –C.P. Case No. 99-242-XA	
DATE :	Tuesday, February 29, 2000	
BOARD /PANEL :	Lawrence M. Stahl Lawrence S. Wescott Thomas P. Melvin	(LMS) (LSW) (TPM)
SECRETARY :	Kathleen C Bianco /Administrator	

PURPOSE: To deliberate Case No. 99-242-XA /Petition for Special Exception to locate a double-faced outdoor advertising sign of 300 sf per face pursuant to 450.4(11) BCZR; and Petition for Variance to permit billboard located 25' from r/w line of dual highway in lieu of required 100'.

Panel members discussed:

Threshold issues – is Belair Road a dual highway? If yes, requires variance; if no, no variance required.

Based upon a review of the testimony and evidence, including the testimony of Steve Weber, Board found that it is a dual highway.

- Additional decision to be made – is White Marsh Boulevard a controlled access highway.

- A special exception is required either way

Removal of sign – eligible areas (this was indicated as #1 threshold question)

Discussed /deliberated issue of meaning of ordinance as to designated priority areas; Petitioner cited Planning Office and reference to on-premises signs relative to designated priority areas, not billboards. Not read that way by CBA; either on-premises signs or outdoor advertising signs – remove eligible sign in designated area and then erect new sign; applies to all eligible signs, not just "on premises" signs.

Board determined that it would appear that the Planning had relied upon original law; however, law was amended. Eller must remove eligible sign in designated priority area in order to obtain special exception for another. Sign removed was not in designated priority area.

Questions: Does outdoor sign have to be in designated area? Yes
Has this been done? No

CBA could stop here; however, if variance is required, question is: Is Belair Road a dual highway. Steve Weber indicated "yes"; based on evidence and testimony presented, Board finds his testimony credible; variance is therefore necessary, as Belair Road is found to be dual highway.

Next question addressed: Is it unique? Answer – No; fails at this juncture. However, going forward, there is no practical difficulty or unusual hardship; property is currently being utilized.

Fails on 250' /White Marsh Boulevard – unanimous decision as to this point.

Special exception – Reviewed 450.8; testimony and evidence submitted; does not meet spirit and intent requirement; based on record before the Board, fails on special exception.

Final Decision: Petition for Variance is DENIED; Petition for Special Exception is DENIED. Written Opinion and Order to be issued; appellate period to run from date of written Order and not today's date.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted

Kathleen C. Bianco, Administrator
County Board of Appeals

3-31-99

WCR received a call from Dennis Eckard, Perry Hall Improvement Association. He was questioning why they had to have the property posted for the postponement. WCR explained our policy regarding this. THE IMPROVEMENT ASSOC. IS REFUSING TO POST THE PROPERTY FOR THE POSTPONEMENT.

WCR talked to LES. Larry said that it should be Stanley Fine's responsibility to repost as the first PP date was not agreeable to everyone. Stanley did not check with the Improvement Assoc., therefore, the info he gave us was incorrect.

4-1-99
WCR talked to Stanley Fine. He will take care of posting the property.

99-242-XA

ROSENBERG PROUTT FUNK & GREENBERG, LLP
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
2115 ALLFIRST BUILDING
25 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

(410) 727-6600

FACSIMILE: (410) 727-1115

KIRK J. HALPIN
E-MAIL: kirk@rpfg.com

RECEIVED
COUNTY BOARD OF APPEALS
00 FEB -3 PM 3:22

February 3, 2000

via HAND DELIVERY

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

In re: Ernest Philip Deigert - Legal Owner; Eller Media Company - Contract Purchaser
Case No. 99-242-XA

Dear Clerk:

Please find enclosed herein one (1) original CLOSING MEMORANDUM on behalf of the above-referenced Petitioners along with three (3) copies.

If you have any questions in this regard, please feel free to contact me at (410) 727-6600.

Sincerely,

Kirk J. Halpin

KJH/mtf
Enclosures
cc: Carol S. Demilio, Esquire
DJ Ruggles, Jr.

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

December 3, 1998

PDM
1st Floor
111 W. Chesapeake Avenue
Towson, MD 21204

Subject: 8131 Belair Road
Eller Media Company
WMI Project No.: 98-122

Gentlemen:

Attached please find the application forms, plats and exhibits to accompany our drop-off. There are no outstanding zoning violations for this property. This plan has been reviewed by PDM staff (John Lewis).

Cordially,

William P. Monk

Encl.

99-242-XA

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

PERRY HALL
IMPROVEMENT ASSOCIATION, INC.
P.O. Box 63 Perry Hall, Maryland 21128 http://www.bcpl.net/~phla phla@mail.bcpl.net

RULE 8 CERTIFICATION AND AFFIDAVIT

This will certify that Dennis Eckard was elected as Vice President at the Annual Meeting of the membership of the Perry Hall Improvement Association, Inc., in November of 1998.

In accordance with the by-laws of the Association, he is authorized to speak and present the views of the Association.

Additionally, the by-laws provide that the responsibility for review and action on all zoning matters has been placed in the Board of Directors, who also constitute the Association's Zoning Committee.

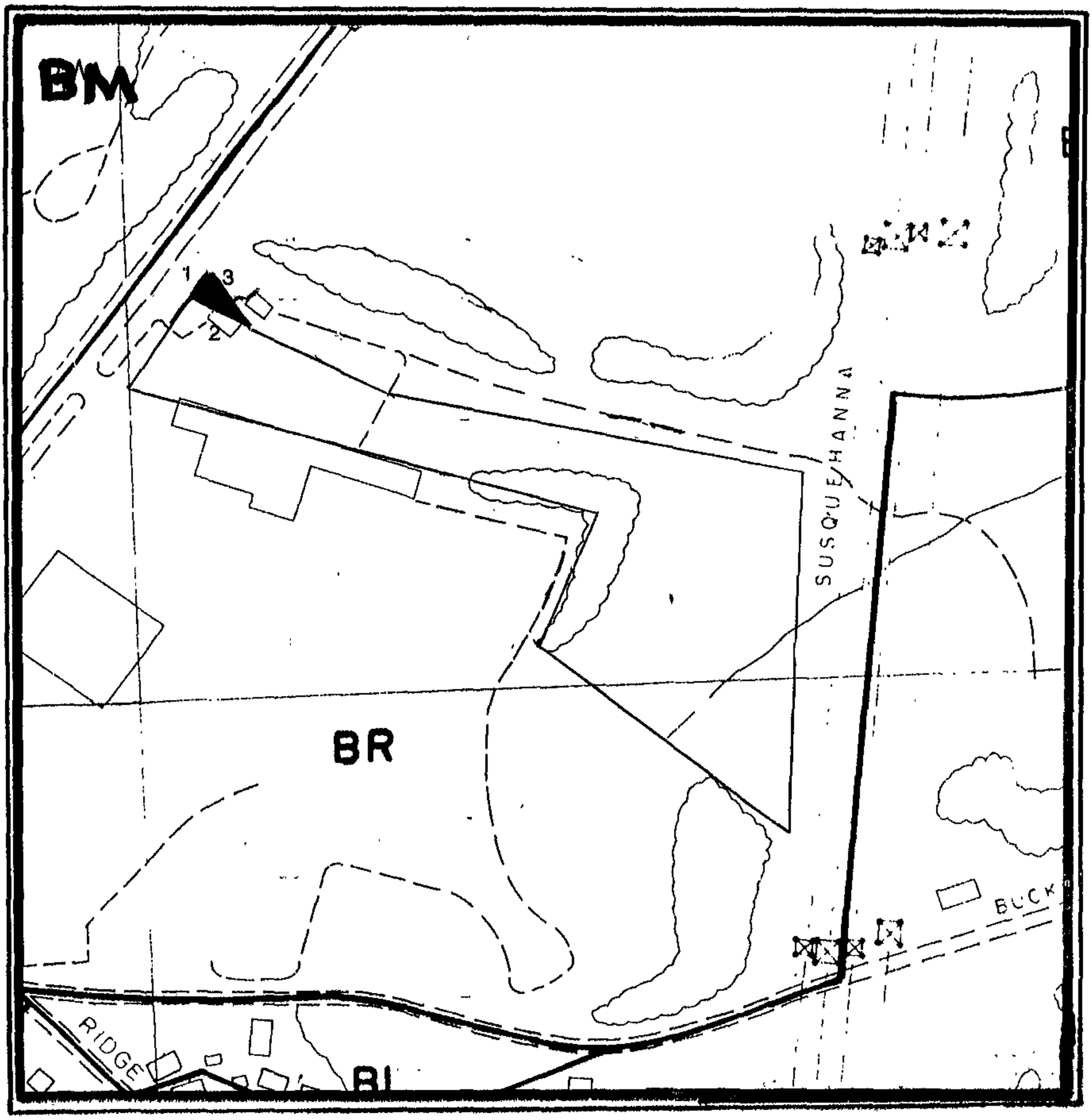
At the February Board of Directors meeting, the Directors unanimously voted to request the Deputy Zoning Commissioner to oppose the petitioner's request.

Approved by the Officers and Board of Directors.

Attested this 10th day of May, 1999.

David Marks, President

Tom Welzenbach, Chairman,
Belair Road Beautification Committee



ZONING MAP

SCALE : 1"=200'

1) South 43° 50' 00" East 33.45'
2) North 46° 10' 00" East 83.79'
3) North 24° 23' 26" West 90.15'

WILLIAM MONK, INC.
SITE PLANNING • ENGINEERING
ZONING • DEVELOPMENT SERVICES
COURTHOUSE COMMONS
222 BOSLEY AVENUE, SUITE B-6
TOWSON, MD 21204
410-494-8931; fax 410-494-9903

8131 BEL AIR ROAD
BALTIMORE CO., MD.

ZONING
NE-8F

SCALE
1"= 200'

FILE #
98-122

99-242-XA

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
DENIS ECKARD	PERRY HALL IMPROVEMENT ASSOC.
	BELAIR ROAD BEAUTIFICATION COMM.

Petitioner

PLEASE PRINT CLEARLY

~~CITIZEN~~ SIGN-IN SHEET

NAME	ADDRESS
NATE STERNER	3001 REMINGTON Ave Balt MD 21211
Ernest P Bulgent	8131 Belair Rd Fallo MD 21236

#1

Peoples

STATE HIGHWAY ADMINISTRATION OF MARYLAND
HIGHWAY INFORMATION SERVICES DIVISION
DATA SUPPORT GROUP

STATE HIGHWAY LOCATION REFERENCE

ROUTE NUMBER.....US 1 CONTINUED
INVENTORY DIRECTION....NORTH
NAME: SOUTHWESTERN BLVD

COUNTY-BALTIMORE
SHA DISTRICT.....4
DATE...../12/31/98

SYSTEM ....STATE....	FUNCTIONAL CLASS	HWY TYPE	ACCESS CONTRL	MILEPOINT		MILEPOINT DESCRIPTION	MARKED LANES	SURFACE WIDTH/TYPE*	AADT
SECONDARY R	URB-OTHER PRIN ART	CTL	NONE	2.93	IS 695	BALTO BELTWAY	4	48I	10,250
				2.93		STRUC #3114			
				2.93		EXIT #12A			
				3.29		SPEED LIMIT 45 MPH			
				3.34	CO3013	KNECHT AVE			
		DIVIDED		3.65			4	64I	
				3.72		SOUTHWEST BALTO CITY LINE			
				3.72		END STATE MAINTENANCE			
				3.72		BEGIN BALTO CITY MAINTENANCE			
		UNDIVED		15.69		NORTHEAST BALTO CITY LINE	4	63I	27,275
				15.69					
				15.69		END BALTO CITY MAINTENANCE			
				15.69		BEGIN STATE MAINTENANCE			
				15.69	MU1022	FLEETWOOD AVE (BALTO CITY)			
				15.77		SPEED LIMIT 35 MPH			
				15.83			4	41I	
				16.18	CO3481	TAYLOR AVE			40,475
				16.25	CO4248	FULLERTON AVE			
		CTL		16.63			4	48I	
		DIVIDED		16.73			4	44I	
				16.77		STRUC #3004 STEMMERS RUN			
				16.83		SPEED LIMIT 40 MPH			
				16.84			4	48I	
				16.86	RP 69504	RAMP 4 FR US 1 TO IS 695			
				16.86	RP 69506	RAMP 6 FR IS 695 TO US 1			
				16.94	RP 69505	RAMP 5 FR US 1 TO IS 695			
				16.96	RP 69503	RAMP 3 FR IS 695 TO US 1			
				17.00	IS 695	BALTO BELTWAY			47,975
				17.00		STRUC #3175			
				17.00		EXIT #32			
				17.06	RP 69507	RAMP 7 FR IS 695 TO US 1			
				17.06	RP 69501	RAMP 1 FR US 1 TO IS 695			
				17.14	RP 69508	RAMP 8 FR US 1 TO IS 695			
				17.16	RP 69502	RAMP 2 FR IS 695 TO US 1			
				17.22			6	72I	
				17.41	CO4458	ROSSVILLE BLVD			
		CTL		17.48					
		DIVIDED		17.65	CO7546	PUTTY HILL AVE			32,875
				17.75			4	60I	
				17.85	MD 43	WHITE MARSH BLVD			
				17.85		STRUC #3344			

NAME: BELAIR RD

Post-it Fax Note 7673 | Date 12-6 | # of pages 1
To Connie DeMillo
Fax#
From L. Greolein
Phone#

Real Property Information

Maryland Department of Assessments and Taxation
Real Property System

[Go Back] BALTIMORE COUNTY [Start Over]

DISTRICT: 14 ACCT NO: 1700003731

Owner Information

Owner Name: BELRIDGE LLC **Use:** COMMERCIAL

Mailing Address: 825 3RD AVE STE 3315
NEW YORK NY 10022-7519 **Principal Residence:** NO

Transferred

From: RIDGE LUMBER **Date:** 04/30/1998 **Price:** $1,000,000

Deed Reference: 1) /12824/ 147 **Special Tax Recapture:**
2) * NONE *

Tax Exempt: NO

Location Information [View Map]

Premises Address:	Zoning:	Legal Description:
BELAIR RD	BR	.577 AC SE REAR 550 FT BELAIR RD 465 NE RIDGE ROAD

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
81	5	1080					80	Plat Ref:

Special Tax Areas **Town:**
Ad Valorem:

Primary Structure Data

Year Built:	Enclosed Area:	Property Land Area:	County Use:
0000		26,653.00 SF	06

Value Information

	Base Value	Current Value As Of 01/01/1998	Phase-In Value As Of 07/01/2000	Phase-in Assessments As Of 07/01/1999	Phase-in Assessments As Of 07/01/2000
Land:	69,240	69,240			
Impts:	0	0			
Total:	69,240	69,240	69,240	27,690	27,690
Pref Land:	0	0	0	0	0

Peoples #2

0012824 147

(1)

THIS DEED, Made this 29th day of April, 1998, by and between **ROBERT SLOAN, III and JOSEPH N. SCHALLER, Successor Trustees**, Grantors, parties of the first part and **BELRIDGE LLC, a Maryland limited liability company**, Grantee, party of the second part.

WHEREAS, by Deed of Trust, Assignment and Security Agreement dated December 4, 1995 and recorded among the Land Records of Baltimore County in Liber 11335, folio 716, (the "Deed of Trust"), Ridge Lumber Properties L.L.C. granted the parcels of land hereinafter described unto Mark S. Barker and Joseph M. Solomon, Trustees for the benefit of American National Savings Bank, F.S.B., as security for a loan as therein more particularly set forth; and

WHEREAS, default having occurred under the terms of said Deed of Trust, suit was docketed in the Circuit Court for Baltimore County, Civil Action No. 03-C 97006943 (the "Civil Action"); and

WHEREAS, by Deed of Removal of Trustees and Appointment of Successor Trustees dated July 11, 1997 and recorded among the Land Records of Baltimore County in Liber 12278, folio 732 Robert Sloan, III and Joseph N. Schaller (the "Successor Trustees") were appointed Successor Trustees in the place and stead of Mark S. Barker and Joseph M. Solomon; and

WHEREAS, pursuant to the power of sale contained in the Deed of Trust, the Successor Trustees sold the parcels of land hereinafter described at public auction held on August 26, 1997 to American National Bank, F.S.B. for the sum of $1,000,000.00; and

WHEREAS, the aforesaid sale was finally ratified by the Circuit Court on February 23, 1998.

WHEREAS, by Order dated April 15, 1998 in the Civil Action, Belridge LLC was substituted as purchaser; and

WHEREAS, the purchase price has been paid to the Successor Trustees, wherefore these presents are executed.

WITNESSETH, That in consideration of the sum of **ONE MILLION AND 00/100 DOLLARS ($1,000,000.00)**, the actual consideration paid or to be paid and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the party of the second part, Grantee, its successors and assigns, in fee simple, all those parcels of land situate in Baltimore County, State of Maryland, and described as follows, that is to say:

SEE LEGAL DESCRIPTION ATTACHED HERETO.

TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the described parcel of land and premises to the said party of the second part, Grantee, its successors and assigns, in fee simple.

IN WITNESS WHEREOF, Grantors have executed this Deed under seal on the day and year herein first written.

WITNESS:

_____ _____ (SEAL)
ROBERT SLOAN, III, Successor Trustee

_____ _____ (SEAL)
JOSEPH N. SCHALLER, Successor Trustee

Peoples #3

0012824 148

STATE OF MARYLAND,

CITY/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 7th day of April 1998, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **ROBERT SLOAN, III, Successor Trustee** known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes, and in the capacity therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 11-1-98

NOTARY PUBLIC

STATE OF MARYLAND,

CITY/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 7th day of April 1998, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **JOSEPH N. SCHALLER, Successor Trustee** known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes, and in the capacity therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 11-1-98

NOTARY PUBLIC

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED BY OR UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY.

RETURN TO:
Commonwealth Land Title
Insurance Company
36 Light Street
Suite 500
Baltimore, Maryland 21202
File No. 1980384.A

ATTACHED TO AND MADE A PART OF A DEED FROM ROBERT SLOAN III and JOSEPH N. SCHALLER, Successor Trustees TO BELRIDGE, LLC

EXHIBIT A

Parcel One:

BEGINNING FOR THE SAME at a point in the northernmost outline of a subdivision entitled "Loyola Motors" and recorded among the Plat Records of Baltimore County in Plat Book E.H.K. Jr. No. 36, folio 47, said point being at a distance of 455.63 feet from the center line of Belair Road as shown on said Plat, running thence and binding on the northernmost outline of said Plat, the two following courses and distances: (1) South 69 degrees 19 minutes 17 seconds East 225.95 feet; and (2) South 47 degrees 28 minutes 03 seconds East 427.79 feet to the side of the Baltimore Gas and Electric Co. Transmission Line, running thence and binding on the easternmost outline of said Plat and on the R/W line of Baltimore Gas and Electric Co. South 7 degrees 36 minutes 57 seconds West 207.11 feet to the center line of Bucks School House Road, running thence and binding on the center of Bucks School House Road and on the southern outline of the aforesaid Plat the three following courses and distances: (1) South 74 degrees 13 minutes 32 seconds West 185.33 feet; (2) North 74 degrees 28 minutes 27 seconds West as now corrected 333.00 feet; and (3) North 86 degrees 48 minutes 27 seconds West 210.85 feet thence leaving the southernmost outline of said Plat and running for a line of division through Parcel 1 and Parcel 2 North 21 degrees 53 minutes 53 seconds East 564.59 feet to the place of beginning. Containing 6.501 acres of land, more or less. Being Part of Parcel 1 and Parcel 2 as shown on the Plat of the subdivision entitled "Loyola Motors" and recorded among the Plat Records of Baltimore County in Plat Book E.H.K. Jr. No. 36, Folio 47.

Parcel Two:

BEGINNING FOR THE SAME at a point in the center line of Belair Road located 465.74 feet more or less northeasterly from the center line of Ridge Road, said point being at the beginning of the fifth or North 44 degrees East 22.2 perch line of the second parcel of the property conveyed by Philip Deigart, widower, to Philip Deigart, Junior, and Elsie A. Deigart, his wife, by Deed dated April 1, 1930 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 849, folio 177, and running thence binding on part of said 5th line and the center line of Belair Road, as established 75 feet wide, North 43 degrees 29 minutes 22 seconds East 180.00 feet, thence for lines of division through said second parcel, two courses and distances, South 64 degrees 45 minutes East 550.72 feet and South 43 degrees 29 minutes 22 seconds West 180.00 feet to intersect the third line of said second parcel; thence binding on part of said third line and all of the fourth line North 64 degrees 45 minutes West 550.72 feet to the place of beginning. Containing 2 acres of land, more or less, exclusive of one-half of the bed of Belair Road.

SAVING AND EXCEPTING such portions of the property taken by and subject to the rights of the State Roads Commission in and to one-half of the bed of Belair Road, as evidenced and taken by the Agreed Inquisition as recorded among the Land Records of Baltimore County in Liber 9543, folio 266.

Parcel Three:

BEGINNING FOR THE SAME at a point in the fifth or North 42 degrees 49 minutes 32 seconds West 425.67 foot line of a parcel of land which by a Deed dated January 8, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr No. 5328, folio 519 was conveyed by Philip E. Deigart and wife to Emont Philip Deigart, said point being distant North 42 degrees 49 minutes 32 second West 396.92 feet measured along said fifth line from the beginning thereof an thence running with and binding on a part of said fifth line and on the sixth line of said parcel of land, the two following courses and distances viz: North 42 degrees 49 minutes 32 seconds West 28.75 feet and North 64 degrees 40 minutes 46 seconds West 130.86 feet to the end of the third line of a parcel of land ,which by a Deed dated May 18, 1967 and recorded among the Land Records of Baltimore County in Liber O.F.C. No.

CONTINUATION OF EXHIBIT A

4756, folio 540 was conveyed by Philip E. Deigert and wife to The Ridge Lumber Company, thence binding reversely on said third line and running with and binding on the seventh line of the aforesaid parcel of land which was conveyed by Philip E. Deigert and wife to Ernest Philip Deigert, North 43 degrees 29 minutes 22 seconds East 180 feet to the beginning of the second line of a parcel of land which by a lease dated March 6, 1965 and recorded among the land Records of Baltimore County in Liber R.R.G. No. 4436, folio 211 was leased by The Ridge Lumber Company from Philip E. Deigert and wife and thence running with and binding on the second and third lines of said parcel of land, the two following courses and distances, viz: South 64 degrees 40 minutes 46 seconds East 132.91 feet and South 35 degrees 09 minutes 14 seconds West 184.45 feet to the place of beginning. Containing 0.577 of an acre of land, more or less.

0011621 151

AFFIDAVIT OF CONSIDERATION

The undersigned, who is the Grantee in the attached Deed, hereby certifies under the penalties of perjury that the actual consideration paid for the conveyance of the property described in the aforesaid Deed is $2,100,000, consisting of $1,000,000 paid to the Successor Trustees named in the aforesaid Deed and $1,100,000 paid to MD Properties, Inc., the foreclosure sale purchaser of the property.

WITNESS:

BELRIDGE LLC

By: _____
Robert E. Morrow
Managing Member

Subscribed and sworn to before me this 27 day of August, 1998.

_____
Notary Public

My Commission Expires: July 1, 1999

0018224 152

001793 APR 30 98

State of Maryland Land Instrument Intake Sheet

Baltimore City X **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.)**

Type(s) of Instruments

X Deed
X Deed of Trust
Mortgage
Lease
Other
Other

Conveyance Type Check Box

Improved Sale Arms-Length /1/
Unimproved Sale Arms Length /2/
Multiple Accounts Arms Length /3/
Not an Arms Length Sale /9/

Tax Exemptions (If Applicable) Explain Authority

Recordation
State Transfer
County Transfer

Consideration Amount

Purchase Price/Consideration	$ [illegible]
Any New Mortgage	$
Balance of Existing Mortgage	$
Other	$
Other	$
Full Cash Value	$

Amount of Fees

	Doc. 1	Doc. 2
Recording Charge	$ [illegible]	$
Surcharge	$ [illegible]	$
State Recordation Tax	$ [illegible]	$
State Transfer Tax	$ [illegible]	$
County Transfer Tax	$ [illegible]	$
Other	$	$
Other	$	$

Finance Office Use Only

Transfer and Recordation Tax Consideration

Transfer Tax Consideration	$ 2,100,000.00
X 1.5% =	$ 31,500.00
Less Exemption Amount -	$
Total Transfer Tax =	$ 31,500.00
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE:	$
Agent:	
Tax Bill:	31,922.50
C.B. Credit:	
Ag. Tax/Other:	

IMP TO SURE # 5.00
RECORDING FEE 20.00
RECORDATION T 10,500.00
TR TAX STATE 10,500.00
TOTAL 21,025.00
Rcpt # 43307
Blk # 3874
Apr 30, 1998 11:28 AM

District 04 **Property Tax ID No. (1)** **Grantor Liber/Folio** **Map** **Parcel No.** 1 **Var. LOC**

Subdivision Name **Lot (3a)** **Block (3b)** **Sect/AR(3c)** **Plat Ref.** **SqFt/Acreage (4)**

Location/Address of Property Being Conveyed (2)

Other Property Identifiers (if applicable)

Water Meter Account No.

Residential or **Non-Residential** **Fee Simple** X or **Ground Rent** *Amount:*

Partial Conveyance? Yes X No Description/Amt. of Sqft/Acreage Transferred

If Partial Conveyance, List Improvements Conveyed

Doc. 1 - Grantor(s) Name(s)

Doc. 2 - Grantor(s) Name(s)

Doc. 1 - Owner(s) of Record, if Different from Grantor(s)

Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

Doc. 1 - Grantee(s) Name(s)

Doc. 2 - Grantee(s) Name(s)

New Owner's (Grantee) Mailing Address

Doc. 1 - Additional Names to be Indexed (Optional)

Doc. 2 - Additional Names to be Indexed (Optional)

Instrument Submitted By or Contact Person

Name
Firm
Address
Phone

Return to Contact Person
Hold for Pickup
Return Address Provided

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

Assessment Information

Yes X No Will the property being conveyed be the grantee's principal residence?
Yes X No Does transfer include personal property? If yes, identify
Yes X No Was property surveyed? If yes, attach copy of survey if recorded deed copy not required)

Assessment Use Only - Do Not Write Below This Line

Terminal Verification
Transfer Number
Year 19
Land
Building
Total
REMARKS

Agricultural Verification
Date Received 19

Water
Door Reference
Map
Grid
Parcel
Ex. S.

Part
Tax Process Verification
Assigned Property No.
Sub
Plat
Section
Ex. Cd.
Block
Lot
Occ. Cd.

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/96)

001224 153

ADDITIONAL INTAKE SHEET INFORMATION

ACCOUNT NO.	ADDRESS	LIBER/FOLIO
14-18-037940	8121 Belan Road	11335/716
18-00-006127	Bucks School House Road	11335/716
17-00-003731	Belair Road	11335/716

Real Property Information

Maryland Department of Assessments and Taxation
Real Property System

[Go Back] **BALTIMORE COUNTY** [Start Over]

DISTRICT: 14 ACCT NO: 1418037940

Owner Information

Owner Name: BELRIDGE LLC **Use:** COMMERCIAL

Mailing Address: 825 3RD AVE STE 3315
NEW YORK NY 10022-7519 **Principal Residence:** NO

Transferred

From: RIDGE LUMBER **Date:** 04/30/1998 **Price:** $1,000,000

Deed Reference: 1) /12824/ 147 **Special Tax Recapture:**
2) * NONE *

Tax Exempt: NO

Location Information [View Map]

Premises Address:	Zoning:	Legal Description:
8121 BELAIR RD	BR	1.926 AC SES BELAIR RD 465 NE RIDGE RD

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
81	5	1124					80	Plat Ref:

Special Tax Areas **Town:**
Ad Valorem:

Primary Structure Data

Year Built:	Enclosed Area:	Property Land Area:	County Use:
0000		83,896.00 SF	06

Value Information

	Base Value	Current Value As Of 01/01/1998	Phase-In Value As Of 07/01/2000	Phase-in Assessments As Of 07/01/1999	Phase-in Assessments As Of 07/01/2000
Land:	385,200	385,200			
Impts:	868,140	898,760			
Total:	1,253,340	1,283,960	1,283,960	509,500	513,580
Pref Land:	0	0	0	0	0

#4

Peoples

1-2
THE TITLE GUARANTEE COMPANY
(Individual Form)

App. II- 59375

LIBER 4756 PAGE 540

RECORDATION TAX ACT OF 1967 $55.00

RECORDATION TAX ACT OF 1967 $11.00

This Deed, Made this 18th day of May, in the year one thousand nine hundred and sixty-seven, by and between PHILIP E. DEIGERT and ELSIE AUGUSTA DEIGERT, his wife, (also known as Philip Digart, Jr. and Elsie A. Digart), of Baltimore County, State of Maryland, of the first part, Grantors, and THE RIDGE LUMBER COMPANY, a corporation of the State of Maryland, of the second part, Grantee.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantee, its successors and assigns, in fee simple, all that

lot(s) of ground

situate in the 14th Election District of Baltimore County,

in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point in the center line of Belair Road located 465 74 feet more or less northeasterly from the centerline of Ridge Road, said point being at the beginning of the fifth or north 44 degrees east 22.2 perch line of the second parcel of the property conveyed by Philip Digart, widower, to Philip Digart, Junior, and Elsie A. Digart, his wife, by deed dated April 1, 1930 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 849 folio 177, and running thence binding on part of said 5th line and the center line of Belair Road, as established 75 feet wide, north 43 degrees 29 minutes 22 seconds east 180.00 feet, thence for lines of division through said second parcel, two courses and distances, south 64 degrees 45 minutes east 550.72 feet and south 43 degrees 29 minutes 22 seconds west 180.00 feet to intersect the third line of said second parcel; thence binding on part of said third line and all of the fourth line north 64 degrees 45 minutes west 550.72 feet to the place of beginning. Containing 2 acres of land more or less, exclusive of one-half of the bed of Belair Road.

Subject to the rights of the State Roads Commission in and to one-half of the bed of Belair Road.

BEING a part of the property which by Deed dated April 1, 1930 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 849 folio 177, was granted and conveyed by Philip Digart, widower, to Philip Digart, Jr. and Elsie A. Digart, his wife, subject to a life estate therein reserved. The said Philip Digart widower, departed this life on or about February 4, 1949.

BEING also the same lot of ground which by Lease dated October 8, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3278 folio 33, was leased bythe parties of the first part to the party of the second part, with an option to purchase as therein set forth.

Grantors reserve for the purpose of ingress to and egress from their residence located on property adjacent on the northeast to property hereby being conveyed a right of way approximately ten feet wide as presently located across the northwesterly corner of the property hereby conveyed from a point on the northerly line of the property hereby being conveyed approximately fifteen feet east of the eastern boundary of Belair Road to Belair Road at a point approximately ten feet south of said northern boundary. This right of way shall be available only for ingress to and egress from the residence of Grantors and related uses and for no other purposes whatsoever. Said easement and right of way shall terminate whenever any one of the following events shall occur:

$105 O 6TH 10

$1.50 O 6TH

Peoples #5

1. The present residence of Grantors is no longer used for residential purposes;

2. A certain agreement between the Grantors, the Grantee and Baltimore County, Maryland, dated October 8, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3294 folio 430 is terminated.

3. The service road provided for in the aforementioned Agreement of October 8, 1957 is constructed.

It is hereby agreed by the parties of the first part that the above mentioned right of way is the only easement or right of way which the parties of the first part have over the property hereby conveyed and do hereby release unto the party of the second part any other easements or rights of way over the property hereby conveyed.

It is hereby covenanted and agreed by the Grantee herein as is evidenced by its joindor herein to assume all the duties and obligations of the parties of the first part hereto with regard to the planning, engineering and construction of so much of the said Service Road referred to in an agreement between the parties of the first and second parts and Baltimore County, Maryland, dated October 8, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B No. 3294 folio 430, abutting the property hereinabove conveyed, and be subject to all the provisions and limitations set forth in said agreement.

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said THE RIDGE LUMBER COMPANY, its successors and assigns, in fee simple.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s): Witness also the corporate seal of the within Grantee, and the signature of its President or Vice-President hereto.

WITNESS:

Philip E. Deigert [Seal]
Philip E. Deigert (also known as Philip Digart, Jr.)

Elsie A. Deigert (SEAL)
Elsie Augusta Deigert (also known as Elsie A. Digart)

THE RIDGE LUMBER COMPANY

By John F. Pennimans [Seal]
Vice-President.
John F. Penniman

State of Maryland, BALTIMORE CITY , TO WIT:

I HEREBY CERTIFY, that on this day of , 1967, before me, a Notary Public of the State aforesaid, personally appeared PHILIP E. DEIGERT (also known as Philip Digart, Jr.) and ELSIE AUGUSTA DEIGERT (also known as Elsie A. Digart) his wife, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Notary Public

My commission expires: 6/30/67

Stamps, U. S. $330 Md. $6-6 (440) 540

Application No. H-59375

Written by hz

Approved by DJH

Ready for Record

Transfer Tax

Land 19

Gen'l 2.00

1966-67 Tax Paid

SEND FUTURE BILLS TO:

9-16

8121 Belair Road

ADDRESS: 21236

RETURN TO:
THE TITLE GUARANTEE CO.
E. PAUL & LEXINGTON STS.
ALTIMORE 2, MD.

14th Dist. Baltimore County

A12-3-20

THE TITLE GUARANTEE COMPANY

DEED

FROM

PHILIP E. DEIGERT and ELSIE AUGUSTA DEIGERT, his wife,

TRANSFERRED 5-19-67 CLERK

DATE

TO

PER

THE RIDGE LUMBER COMPANY

3.44

Land

Cost of Record, $ 4.50

Clerk

THE TITLE GUARANTEE COMPANY:
E. PAUL & LEXINGTON STS.
BALTIMORE 2, MD.

LIBER 4756 PAGE 543

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 18 day of May, 1967, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared John T. Penn, who acknowledged himself to be the Vice-President of THE RIDGE LUMBER COMPANY, a corporation, and that he as such Vice-President being authorized so to do executed the foregoing instrument for the purposes therein contained by signing in my presence the name of the said corporation by himself as Vice-President.

WITNESS my hand and Notarial Seal.

Notary Public.

ROBERT T. O'LEARY

My commission expires 6/30/67.

PERRY HALL
IMPROVEMENT ASSOCIATION, INC.
P.O. Box 63 Perry Hall, Maryland 21128 http://www.bcpl.net/~phla phla@mail.bcpl.net

RULE 8 CERTIFICATION AND AFFIDAVIT

This will certify that Dennis Eckard was elected as Vice President at the Annual Meeting of the membership of the Perry Hall Improvement Association, Inc., in November of 1999.

In accordance with the by-laws of the Association, he is authorized to speak and present the views of the Association.

Mr. Eckard is also acting as a representative for the Belair Road Beautification Committee, of which David Marks is vice-chairman.

Attested this 13th day of December, 1999.

David Marks, President, Perry Hall Improvement Assn.
Vice-Chmn., Belair Rd. Beautification Cmte.

#7

Peoples

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

PLEASE REPLY TO:
OFFICE OF DISTRICT ENGINEER
2323 WEST JOPPA ROAD
BROOKLANDVILLE, MARYLAND 21022
1-800-962-3077

RECEIVED
JUL 28 1998
OFFICE OF PLANNING

July 23, 1998

#7

See Attached Distribution List:

Peoples

We are pleased to tell you about an effort that is just beginning, which we feel will make a much-needed improvement in the aesthetics of US 1, from the Baltimore Beltway to Forge Road. We would like to ask your help in this initiative.

This approximately 4-mile corridor has undergone tremendous change and disruption recently, particularly with the completion of the second of three roadway widening and improvement projects. In addition, development as a commercial area has made other significant changes, especially in the texture and visual impression one gets while going through the corridor. As a result, the local elected officials and others feel there is a clear need to make some enhancements along the roadway that would soften it visually and provide a greater sense of tying the communities together within the corridor.

To achieve this goal, a genuine community effort is needed and should include different levels of state and county government, local businesses, civic groups and others. The State Highway Administration (SHA) will be taking the lead in forming a task force with community leaders who can represent both the business and residential perspectives. An SHA design consultant has already done some preliminary work by identifying specific areas, or nodes, that have particular potential for significant impact, as well as areas along the road where small changes can yield pleasing results. The consultant's conceptual plans are meant to generate discussion and show what is possible. The purpose of the task force is to narrow the project's scope by identifying particular concerns the community would like to see addressed, as well as get some general direction and ideas the community might have.

My telephone number is _____

We asked the elected officials to give us the names of community leaders they felt might be willing to serve on this task force. Therefore, we are pleased to ask you to the first meeting, which is scheduled for **Wednesday, August 26th, at 7 pm**, at the Perry Inn and Pub, 9654 Belair Road. At that time, we will discuss the conceptual plans, what needs to be done to achieve real results and what each group feels it can contribute to this effort.

This is an exciting project and one that will yield long-term results for the community. Please call our community liaison, Mrs. Linda Singer, at 410-321-2812, to let us know if you can participate in this effort.

Sincerely,

ORIGINAL SIGNED BY
DAVID J. MALKOWSKI

David J. Malkowski
Metropolitan District Engineer

DJM:LIS:ko
cc: The Honorable Thomas Bromwell
The Honorable James Ports
The Honorable Al Redmer
The Honorable Kathy Klausmeier
The Honorable Joseph Bartenfelder
The Honorable Vincent Gardina
Mr. Craig Forrest
Mr. Ray Heil
Mr. Charles R. Olsen
Ms. Kathy Schlabach
Mr. Charles Adams
Mrs. Linda Singer

Mr. Don Bollhorst
Anchor Tour and Travel
9638A Belair Road
Baltimore MD 21236

Ms. Clare Krutt
Principal
Perry Hall Elementary School
9021 Belair Road
Baltimore MD 21236

Mr. David Marks
4627 E. Joppa Road
Perry Hall MD 21128

Mr. Al Thompson
9028 Fieldchat Road
Baltimore MD 21236

Mr. Tom Welzenback
Perry Inn and Pub
9654 Belair Road
Baltimore MD 21236

Mr. John Schneider
4516 King George Court
Perry Hall MD 21128

Ms. Chris Jackovitz
9814 Richlyn Drive
Perry Hall MD 21128

Mr. Louis Sizemore
8618 Sherington Road
Baltimore MD. 21236

Mr. Brian Parker
29 Pinechip Court
Baltimore MD 21236

Ms. Valerie Koznianski
21 Lark Meadow Court
Baltimore MD 21236

(C O P Y)

Pet No 5

November 2, 1960

Mrs. Phillip Deigert,
8131 Bel Air Road,
Baltimore 6, Maryland

Re: Petition for Special Exception
for erection of 2 Advertising
Structures - W. S. Bel Air Road
850' N. Putty Hill Road, 11th
Dist., Donnelly Advertising Corp.,
Lessee

Dear Mrs. Deigert:

I have today passed my Order granting the special exception in the above matter.

Very truly yours

Deputy Zoning Commissioner

6

cc: Donnelly Advertising Corp.,
3001 Remington Avenue,
Baltimore, Maryland

PETITIONER'S EXHIBIT 5

CBA-6

ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of September, 1960, that the subject matter of this petition be advertised in two newspapers of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 2nd day of November, 1960, at 9:15 o'clock A. M.

Zoning Commissioner
of Baltimore County

Upon hearing on the above petition for a special exception to use the property described therein for erection of 2 advertising structures, and it appearing that by reason of location, the safety, health and the general welfare of the locality involved not being detrimentally affected, the special exception should be granted, therefore:

It is this 2nd day of November, 1960, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception should be and the same is hereby granted.

Deputy Zoning Commissioner
of Baltimore County

PUTTY HILL ROAD

N

SCALE 1" = 200'
14TH. DISTRICT
ZONING B.R.
9-21-60

BELAIR ROAD

25'±
50'

850'±

TWO SINGLE FACED
12'X25' POSTER PANELS
(ILLUMINATED)

RIDGE Road

APPROVED FOR FILING
Reviewed By LEO
Date 9/22/60

Revised January 2, 1958

B-1049

No. 1995

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

Office of the Buildings Engineer

County Office Building, Towson 4, Md.

SIGN PERMIT

District 11

Date Jan. 13, 1961

SUBDIVISION

This Sign Permit Is Hereby Granted To

Mrs. Phillip Deigert
(Owner)

Lot No.

8131 Belair Road
(Address)

Block

Baltimore, Maryland

Section

Plat No.

Location W/S Belair Road, 650' N. Putty Hill Road

	Projecting Sign	Flush Sign	Free Standing	Height	Width	Thickness	Single or Double Faced	Clearance from Ground	Type of Illumination
Size of Sign or Installation			X	12'	25'		S/F	10'	Reflector
				12'	25'		S/F	10'	"

Setback of Sign (Free Standing) Front 25' ft. If Corner Lot ft. from side street

Projecting Sign inches from face of Building

Complete Description, Dimensions, Etc. Vacant Lot

Issued By The Buildings Engineer

Fee Paid $ 20.00

CHARLES B. WHEELER, Director,
Department of Permits and Licenses

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same. LIMITATION. After a new building permit is issued, if the operation or work authorized and approved thereunder is not commenced within six (6) months after the issue, or if, after commencement of the operation or work, the operation or work is suspended or discontinued for a period of one year, then, in either case, the said permit shall be null and void, and no operations or work shall be again commenced unless and until another proper permit shall have been issued for such work.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Reisinger
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B128329 CONTROL #: SI 8199 DIST: 11 PREC: 06
DATE ISSUED: 05/04/92 TAX ACCOUNT #: CLASS:

PLANS: CONST 2 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 4142 E JOPPA RD
SUBDIVISION:

OWNERS INFORMATION
NAME: PETERSON, WM.
ADDR: 3001 REMINGTON AVE. 21211

TENANT:
CONTR: PENN ADV
ENGNR:
SELLR:
WORK: ERECT A DOUBLE FACED ILLUMINATED BILL-BOARD SIGN ON FRONT & SIDE OF PROPERTY. LICENSED TAG MUST BE AFFIXED TO SIGN. REFER TO E128326 FOR ELECTRICAL. 25X12=300 SQ. FT. 91-208-X BOARD OF APPEALS; GRANTED 4/1/92.

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

ESTIMATED $ 12,000.00 PROPOSED USE: HAIR SALON & SIGN
EXISTING USE: HAIR SALON

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE: SIGN
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

LOT SIZE AND SETBACKS

SIZE:
FRONT STREET:
SIDE STREET:
FRONT SETB: 25'
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: NC

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

CBA 9
PETITIONER'S EXHIBIT ____

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

May 4, 1992

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

Re: Case No. 91-208-X (William Peterson)

Dear Mr. Lauer:

As no further appeals have been taken regarding the subject case, we have closed the file and returned same to the Office of the Zoning Commissioner along with all exhibits entered in this case.

Please note that these exhibits have now become part of the permanent file maintained by the Office of the Zoning Commissioner. If you have any questions in this regard, please contact that office at 887-4386. By copy of this letter, all parties of record that may have an interest in said file have been notified.

Sincerely,

Linda Lee M. Kuszmaul

LindaLee M. Kuszmaul
Legal Secretary

cc: People's Counsel for Baltimore County

PETITIONER'S EXHIBIT _____

CBA 10

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

April 1, 1992

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

RE: Case No. 91-208-X
William Peterson

Dear Mr. Lauer:

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

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. William Peterson
Stuart R. Berger, Esquire
Ms. Donna Hayward /Penn
Advertising of Baltimore, Inc.
Mr. Mark Miller
Mr. & Mrs. George Wilson
Mr. Moses L. Gwynn
Mr. James L. Harvey
Mr. & Mrs. Maurice Raab
Mary Emmrick /Susan Thompson
(for Councilman Gardina)
Mr. Doug Behr
Ms. Susan Dobry
Ms. Robin Beers
Ms. Dorothy S. McMann
Mr. Richard Caton
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

IN THE MATTER OF THE THE APPLICATION OF WILLIAM PETERSON FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE NORTH SIDE JOPPA ROAD, 250 FEET WEST OF CENTERLINE BELAIR ROAD 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 91-208-X

* * * * * * * * *

O P I N I O N

This case comes before this Board on appeal from an Order of the Zoning Commissioner denying the requested Petition for an illuminated sign. Opening statement by Petitioner's attorney indicated that he would produce testimony and evidence proving compliance with Sections 413.3, 413.5 and 502.1 of the Baltimore County Zoning Regulations (hereinafter "BCZR") to permit the requested sign. In opening statement, People's Counsel indicated that the case at point would hinge on compliance with Section 502.1. The case was heard this day in its entirety.

Petitioner called as his first witness Donna Hayward, the real estate manager for the Penn Advertising Company, the Petitioner in this case. Mrs. Hayward testified that an official lease was in effect on this site for one double-faced sign, 12 feet by 25 feet, which is the standard size for advertising signs.

William Monk next testified as a land planner and a consultant to real estate developers. He testified he has reviewed the Petition and visited the site; described the area, its zoning and its use; introduced photographs of the area; and testified that it was his opinion the sign was compatible with other uses in the area and complies with all the required sections of the BCZR. He introduced as Petitioner's Exhibit No. 1 the site outlined in

yellow and described in detail the commercial uses extending on both sides of Joppa Road for a considerable distance in both directions. He introduced as Petitioner's Exhibit No. 3 a color-coded chart designating the proposed location of the sign and noting that it not only complies with setback requirements at the present time but also complies with all the setback requirements noted under the proposed State Roads takings for projected road improvements. He further testified that there is no adopted local plan in effect at the present time for this area, that the proposed sign was 175' from the nearest residence, that the nearest billboard in existence was 1/3 of a mile west on Belair Road, and that the proposed sign complies with all sections of 502.1.

John Erdman, a traffic expert, next testified that he did a traffic study of the site, that the nearest intersection was a Level D, and noted that this sign would create no additional traffic through this intersection. He testified at length as to various studies that have been made as to the effects of billboards on accidents, and testified that it was his opinion from these studies that this sign would cause no distraction to drivers or create any potential accident hazard. All of these statistics were entered into the record, and it was his opinion that the proposal complies with all sections of the BCZR. At this point, Petitioner rested.

Protestants called Jeffrey Long, a planner from Baltimore County, who testified that the Planning Office was in opposition to this sign for the following reasons: that this area is to be the subject of a future study after the 1992 Comprehensive Map Process,

that this study is called for in the Master Plan, and that it was his opinion that there were already too many large signs in the area; and because of these potential unknowns the proposal does not comply with 502.1.

Dorothy McMann, president of the Perry Hall Community Association, testified that the community association was opposed to the sign. She entered into the record as People's Counsel's Exhibits No. 5A and No. 5B the traffic reports from this area and the traffic accident reports from this area. It was her opinion that the billboard was too big for this site and that the residences to the rear would be affected by this sign. She testified that the area, if this sign is granted, will have four billboards within a range of 4 miles and that 41,000 cars pass this intersection daily and do not need the distraction possibly created by this sign.

George Wilson, a resident of the area, entered as People's Counsel's Exhibit No. 7 the White Marsh Police Station accident reports for this intersection. He further testified that it was his opinion that these signs are a distraction and should not be allowed.

William Paulshack, a business owner from one street away, testified that he was in opposition to the sign and that in his opinion it was a detriment to the area. This concluded testimony and evidence in this case. The above encapsulation is in no way intended to portray the entire testimony and evidence received but will let the record speak for itself.

Opposition to billboard signs no matter where they are located

is understandable. The Baltimore County Zoning Regulations in Section 413.3 and 413.5 are directed to the necessary conditions to permit an outdoor advertising sign. In addition, the Regulations require that the proposed sign comply with all sections of 502.1 for a special exception. It is the burden of the Petitioner to evidence to this Board that all of these conditions are complied with. If compliance with all these regulations is met, the Petitioner will then have proved his case and the Board must grant the requested Petition. A Petition may not be denied merely because someone doesn't want it. In this case, the Board will find as a fact that Petitioner has complied with all the requirements of 413.3, 413.5 and 502.1 of the BCZR, and will therefore find as a fact that the proposed sign as indicated by the testimony and evidence must be granted and will so order.

O R D E R

IT IS THEREFORE this 1st day of April, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition to permit a double-faced unipole outdoor advertising sign as portrayed on Petitioner's Exhibit No. 3 be and the same is GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

Michael B. Sauer

Michael B. Sauer

S. Diane Levero

S. Diane Levero

IN RE: PETITION FOR SPECIAL EXCEPTION
N/S Joppa Road, 250' W of the
c/l of Belair Road
11th Election District
6th Councilmanic District

William Peterson
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-208-X
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit two 12' x 25' illuminated advertising signs at the subject location, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Albert Faginski, Esquire, appeared and testified. Also appearing on behalf of the Petitioner was Donna Hayward with Penn Advertising of Baltimore, Inc., Contract Lessee. Mark Miller appeared as a Protestant on behalf of the Perry Hall Improvement Association. Numerous residents of the area also appeared as Protestants in the matter.

It should be noted that this matter was originally scheduled to be heard on January 30, 1991 and was postponed at Petitioner's request and rescheduled for April 3, 1991. On March 28, 1991, Stuart Berger, Esquire, attorney for Petitioners, requested a second postponement. It was explained at that time that due to time constraints and proper notification to the public, the hearing could not be postponed and would be heard as scheduled (see copy of attached letter dated March 28, 1991 from J. Robert Haines, Zoning Commissioner to the File). Further, Mr. Berger was made aware that the Protestants' testimony would be taken at the April 3, 1991 hearing and that his right of cross-examination would be lost if he failed to appear. At the April 3, 1991 hearing, testimony was taken from the

Protestants and the matter was then continued to June 19, 1991 at which time Albert Faginski, Esquire, appeared on behalf of the Petitioners as Mr. Berger was not available. Following is a synopsis of the combined testimony.

Testimony indicated that the subject property, located on Joppa Road, 250 feet west of Belair Road, consists of 450 sq.ft. zoned B.L.-C.S.A. and is located within Parcel 2 as shown on Petitioner's Exhibit 1. Petitioners have entered into a contract to lease the subject property to Penn Advertising of Baltimore, Inc. for purposes of erecting a 12' x 25' double-faced advertising sign of 600 sq.ft. total. Testimony presented indicated the Petitioners have reviewed the special exception requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and that the proposed sign meets the standards set forth therein. Further testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Mark Miller appeared and testified as a Protestant on behalf of the Perry Hall Improvement Association. Mr. Miller testified there was already too much congestion in the area and that the proposed sign at the subject location would create a traffic hazard.

Numerous Protestants testified and provided exhibits concerning matters of both personal preference and taste and subjects of public safety and health concerns. Most of these concerns involve what is generally referred to as the concept of sign blight. The Protestants made numerous arguments concerning the appropriateness of billboards in this section of the Belair Road corridor and in Perry Hall in particular. They also spent a great deal of time arguing that the sign regulation should be amended and is not strong enough to protect the communities.

ORDER RECEIVED FOR FILING
Date 5/2/91
By

In particular, the Protestants testified concerning the safety of the motoring public and the impact of this sign upon individuals driving both on Joppa and Belair Roads. The Protestants also provided extensive testimony concerning the effect the sign would have at the intersection of Joppa and Belair Roads upon northbound Belair Road traffic making left turns onto Joppa Road.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.A. zone by special exception. However, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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

After reviewing all of the testimony and evidence presented, it appears that the special exception should be denied.

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

IN RE: PETITION FOR SPECIAL EXCEPTION
N/S Joppa Road, 250' W of the
c/l of Belair Road
11th Election District
6th Councilmanic District

William Peterson
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-208-X
*

* * * * * * * * * * *

AMENDED ORDER

WHEREAS, the Petitioner herein was denied a special exception for two 12' x 25' illuminated advertising signs at the subject location, in accordance with Petitioner's Exhibit 1, by Order issued July 12, 1991,

WHEREAS, subsequent to the issuance of said Order, Counsel for Petitioner advised this Office that his name was incorrectly spelled in said Order and requested that it be corrected;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 1991 that the Order issued July 12, 1991 in the above-captioned matter be and the same is hereby AMENDED to correct the spelling of Counsel for Petitioner to M. Albert Figinski.

IT IS FURTHER ORDERED that all of terms and conditions of the Order issued July 12, 1991 shall remain in full force and effect.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: M. Albert Figinski, Esquire
Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201

People's Counsel; File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

DIRECTOR

BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B350366 CONTROL #: RA DIST: 11 PREC: 06
DATE ISSUED: 08/17/98 TAX ACCOUNT #: 1116047550 CLASS: 04

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 4142 E JOPPA RD
SUBDIVISION: 100 W BELAIR RD

OWNERS INFORMATION
NAME: MARMARAR, GEORGE AND PEGGY
ADDR: 9217 CORNFLOWRE RD., 21236

TENANT:
CONTR: TBD
ENGNR:
SELLR:
WORK: RAZE EX OUTDOOR DOUBLEFACED BILLBOARD SIGN.
TO BE TORN DOWN. DEBRIS TO BE HAULED TO
APPROVED SANITARY LANDFILL IN ACCORDANCE W/
APPLCABLE BALO CO SITE REGS. NO UTILITIES.
SIGN CONSTR 5/4/95. PERMIT EXPIRES 90
DAYS FROM DATE OF ISSUE. 12'X25'=600SF
BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: RESTAURANT AND SIGN REMOVAL
10,000.00 EXISTING USE: RESTAURANT UNDER CONSTRUCT B311071 W/SIGN

TYPE OF IMPRV: WRECKING
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS
SIZE: 0051.50 X 0000.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: NC

PETITIONER'S EXHIBIT _____

CBA 11

through before the light changes to red. But he's obviously not going to make it; the light turns yellow while he's still 100 feet from the intersection. Would you wait to make sure he stops, or would you start up as soon as you get the green? A number of drivers in the Indiana study started right up, and the result was a crash. The defensive driver always looks for a car coming the wrong way on a one-way street, and for cars that don't seem to be slowing for a stop sign or light.

UNJUSTIFIED ASSUMPTION

You're trying to make a left turn out of a driveway into a major street, but the traffic is so heavy that you're stuck there waiting for an opening. Finally a good samaritan in the right hand lane sees your plight and stops, motioning for you to pull out in front of him. You do and wham, you get hit by a car in the second lane. You unwisely assumed there was no other traffic coming. That was the most common unjustified assumption turned up by the Indiana University research team. Other common unwarranted assumptions include: assuming that an oncoming vehicle with turn signals on will turn before he reaches you; assuming that another vehicle is required to stop or yield at an intersection (when he is not); assuming that another driver will stop or yield even though you know he does not have a sign.

IMPROPER MANEUVER

An improper maneuver is an obviously risky practice, such as driving the wrong way on a one-way street, passing in an intersection, turning from the wrong lane or proceeding straight in a turn lane.

OVERCOMPENSATION

A number of accidents in the Indiana study were caused by drivers who overreacted. They accelerated or braked too fast or turned too quickly. A classic case is the driver who allows his right tires to drift onto the shoulder, and then loses control by attempting to get back on the road too abruptly. ■

Ms. Fix-it

(continued from page 18)

my students brought in a lamp that had a defect in it and was giving her a shock. She was still using it, but said she was careful and quick.

In the first class I ever taught I had a woman say, "My dishwasher gives me a shock; will it hurt my children?" I thought she was putting me on — she wasn't.

I have since been asked: "I get a shock from my waffle iron; if I put it on a wooden board will that protect me?" Another woman wanted to know, "Why do sparks jump when my floor waxer touches the dishwasher?" (And she had been using the waxer for six years!) A friend recently asked me why she gets a zap from her clothes dryer when she is in her bare feet.

But the saddest example of this casual acceptance of electrical shock happened in Maryland recently when a little boy was found electrocuted under his house trailer. The newspaper account was very lengthy, but it wasn't until the very last paragraph that it said both the mother and father had experienced electrical shocks the week before. There was a defect in a wall receptacle. But they ignored the warning and paid a terrible price.

There is no such thing as a normal shock. Electrical shock is a warning that something is wrong. Very wrong. And it should not be ignored. What today is just a tingle to you can be a killer tomorrow for someone else. People are hard to fix. Don't take chances.

One hand free

A good habit to form is to keep one hand free when using electrical equipment. For example, never touch your kitchen faucet while you have one hand on your blender or mixer. And never touch two electrical appliances at the same time.

The most abused part of a piece of electrical equipment is the power supply cord and plug. Check all the cords and plugs on your lamps and appliances. If any of the cords have cracked, brittle insulation or have bare wires showing, they need to be replaced.

If there are any senior citizens in your life, either parents or friends, you might consider checking the cords and plugs on their lamps. I have seen an inordinate number of very hazardous cords from lamps belonging to older people. Their lamps age right along with them. In fact, just recently the 6 a.m. news woke me with the story of an elderly lady taken to the hospital due to smoke inhalation; a fire had started in her bed from a short circuit in a bed lamp.

Extension cord cautions

Another common area of abuse and potential danger is the careless use of extension cords. Quite frankly, their use should be avoided if at all possible. If you must use one, make sure it has at least as much load-carrying capacity as the power cord on the appliance. For example, don't use an ordinary lamp extension cord for such large appliances as freezers and refrigerators.

Last winter I had a student tell me a room heater was being used in her office on an extension cord that got so hot she couldn't touch it. That is a fire hazard.

Always unplug an extension cord when it is not attached to an appliance. One student had a neighbor whose child was severely burned when he put the female end of the extension cord in his mouth while the other end was plugged in.

The federal government is trying to set safety standards for extension cords. But what kind of a law is going to keep people from leaving an unused extension cord plugged in or keep them from using a lamp extension cord on a room heater? In the privacy of our homes we can do anything, safe or otherwise. The government can't legislate common sense.

In a nutshell, it's up to us. ■

DIRECTOR

BUILDING PERMIT

BUILDINGS ENGINEER

PERMIT #: B350364 CONTROL #: RA DIST: 11 PREC: 06
DATE ISSUED: 08/17/98 TAX ACCOUNT #: 1116047550 CLASS: 06

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 4142 E JOPPA RD
SUBDIVISION: 100 W BELAIR RD

OWNERS INFORMATION
NAME: MARMARAR, GEORGE AND PEGGY
ADDR: 9217 CORNFLOWRE RD., 21236

TENANT:
CONTR: TBD
ENGNR:
SELLR:
WORK: RAZE EX OUTDOOR DOUBLEFACED BILLBOARD SIGN.
TO BE TORN DOWN. DEBRIS TO BE HAULED TO
APPROVED SANITARY LANDFILL IN ACCORDANCE W/
APPLCABLE BALO CO SITE REGS. NO UTILITIES.
SIGN CONSTR 5/4/95. PERMIT EXPIRES 90
DAYS FROM DATE OF ISSUE. 12'X25'=600SF
BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: RESTAURANT AND SIGN REMOVAL
10,000.00 EXISTING USE: RESTAURANT UNDER CONSTRUCT B311071 W/SIGN

TYPE OF IMPRV: WRECKING
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0051.50 X 0000.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: NC

PETITIONER'S EXHIBIT 7

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

DIRECTOR

BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B350364 CONTROL #: RA DIST: 11 PREC: 06
DATE ISSUED: 08/17/98 TAX ACCOUNT #: 1116047550 CLASS: 06

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 4142 E JOPPA RD
SUBDIVISION: 100 W PELAIR RD

OWNERS INFORMATION
NAME: MARMARAR, GEORGE AND PEGGY
ADDR: 9217 CORNFLOWRE RD., 21236

TENANT:
CONTR: TED
ENGNR:
SELLR:
WORK: RAZE EX OUTDOOR DOUBLEFACED BILLBOARD SIGN.
TO BE TORN DOWN. DEBRIS TO BE HAULED TO
APPROVED SANITARY LANDFILL IN ACCORDANCE W/
APPLCABLE BALO CO SITE REGS. NO UTILITIES.
SIGN CONSTR 5/4/95. PERMIT EXPIRES 90
DAYS FROM DATE OF ISSUE. 12'X25'=600SF
BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: RESTAURANT AND SIGN REMOVAL
10,000.00 EXISTING USE: RESTAURANT UNDER CONSTRUCT B311071 W/SIGN

TYPE OF IMPRV: WRECKING
USE: OTHER - NON-RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0051.50 X 0000.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: NC

PETITIONER'S EXHIBIT 7

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Reisinger
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B128329 CONTROL #: SI 8199 DIST: 11 PREC: 06
DATE ISSUED: 05/04/92 TAX ACCOUNT #: CLASS:

PLANS: CONST 2 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 4142 E JOPPA RD
SUBDIVISION:

OWNERS INFORMATION
NAME: PETERSON, WM.
ADDR: 3001 REMINGTON AVE. 21211

TENANT:
CONTR: PENN ADV
ENGNR:
SELLR:
WORK: ERECT A DOUBLE FACED ILLUMINATED BILL-
BOARD SIGN ON FRONT & SIDE OF PROPERTY.
LICENSED TAG MUST BE AFFIXED TO SIGN.
REFER TO E128326 FOR ELECTRICAL.
25X12=300 SQ. FT. 91-208-X BOARD OF
APPEALS; GRANTED 4/1/92.

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED

ESTIMATED $ PROPOSED USE: HAIR SALON & SIGN
12,000.00 EXISTING USE: HAIR SALON

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE: SIGN
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

LOT SIZE AND SETBACKS

SIZE:
FRONT STREET:
SIDE STREET:
FRONT SETB: 25'
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: NC

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

PETITIONER'S EXHIBIT 8

Literature Search

Effect of Outdoor Advertising Signs on Safety

Prepared by: Erdman and Associates, Inc.
August 7, 1992

PETITIONER'S EXHIBIT 10

METHODOLOGY

The Transportation Research Information System (TRIS) is a computerized information file maintained and operated by the Transportation Research Board (TRB) under the sponsorship of several agencies of the Federal Government. TRIS is the prime source of Transportation Research Information in the United States. Appendix A contains copies of descriptive literature about TRIS.

Information published in October of 1991 indicates that there are a total of 354,193 records in the TRIS file. This is the latest published information concerning the size of the file. Early in July, 1992, Erdman and Associates, Inc. undertook a computerized search of the TRIS files in an effort to determine if research had been done which would establish a relationship between outdoor advertising signs and roadway operations and safety.

The TRIS file contains research from 1968 to the present and is updated monthly. In the course of the study, review of pertinent research documents indicated that research earlier than 1968 was available and had been cited in the later research. Although all of this published information was not available, several papers reporting research in the 1950's were located in the library of the Johns Hopkins University.

The results of the initial computerized literature search are summarized in Table 1:

TABLE 1

Single Description	**No. of Records**	
HAZARD	7,385	
SIGN	33,830	
ACCIDENT	29,946	
ROADSIDE	3,293	
DRIVER	26,100	
DISTRACT	185	*(8)
Total	100,554	(8)

Multiple Descriptors	**No. of Records**	
HAZARD WITH SIGN	21	*(0)
ACCIDENT WITH SIGN	82	*(4)
ROADSIDE WITH SIGN	64	*(4)
DRIVER WITH DISTRACT	13	*(2)
DRIVER WITH DISTRACT WITH SIGN	0	(0)
Total	180	(10)

* Reviewed Title and Publication Date
( ) Reviewed Abstracts of this Number of Reports

Although 100,554 of the records contained reference to at least one of the descriptors potentially associated with the subject being investigated, the paring of those descriptors indicated that only 167 of the records related signs with either hazards or accidents or roadside features. Thirteen other records linked drivers with distractions. The title and publication date of the 180 records which contained multiple descriptors were reviewed. In addition, the 184 records addressing distraction were included with the 180 paired records; the title and publication date of those 184 records were reviewed. In most cases the title of the paper indicated that research reported did not concern the effect of outdoor advertising signs upon road safety.

Research abstracts for the 18 records selected from the computerized search and review of titles were further evaluated. Abstracts of these 18 papers were reviewed by staff of Erdman and Associates, Inc. and four papers were found which at least closely addressed the subject of the effect of outdoor advertising on traffic safety. Those four papers are:

1. RELATION BETWEEN ROADSIDE SIGNS AND TRAFFIC ACCIDENTS: FIELD INVESTIGATION
Holahan, CJ; Campbell, MD; Culler, RE; Veselka, C (Texas University, Austin)
Transportation Research Board
Transportation Research Record N683 1978 pp 1-3 4 Tab. 16 Ref.

2. DO BILLBOARDS CAUSE HIGHWAY ACCIDENTS
Accident Reporter Feb 1974 4 pp Figs. Phots.

3. THE ROADSIDE DISTRACTION--HOW BIG A ROLE DOES IT PLAY IN ACCIDENTS
Blanche, EE
Blanche, (Ernest E.) and Associates
Traffic Safety Monograph

4. THE TOP TEN DRIVER ERRORS
Family v35 n4 1977 Monograph p28-30 6/19/1977))

RESULTS OF LITERATURE REVIEW

The abstracts available from the TRIS file are included in their entirety in Appendix B. Briefly stated, the results indicate:

1. Reference 1 concludes that the "results indicate that a number of sign elements had a significant relation to accidents at intersections controlled by stop signs, but no relation was found between signs and accidents at intersections controlled by traffic signals."

2. Reference 2 found that "nothing was produced which would clearly indicate that billboards are the cause of distraction and the subsequent crashes."

3. Reference 3 concluded that "relation between accidents and distractions such as picnic areas, advertising signs, road booths, etc., was statistically negligible."

4. Reference 4 found that roadside distractions, including outdoor advertising signs, were not in the list of top ten driver errors.

A complete copy of the first reference has been obtained from the Library of the Johns Hopkins University. The entire text of that report is included in Appendix B. Copies of references 2, 3, and 4 were ordered from Associated Information Consultants, Inc., a firm which uses the University of Michigan Library as well as other sources. Copies of references 2, 3, and 4 have been obtained and copies of the entire text of those references are included in Appendix B.

APPENDIX A

WHY TRIS? FILE 63

TRIS...the prime source of transportation research information in the USA

TRIS...designed to help you identify worldwide sources of transportation research information

TRIS...the unique online data base with transportation research in progress

TRIS...when you want to know who's doing what and where

TRIS...an effective way to diagnose your transportation research problems

TRIS...regularly used by transportation administrators, operators, academics, planners, designers, engineers, managers

TRIS...where you can find information to help you find solutions to local, state, and national transportation problems

TRIS...your data base, at your service — call (202) 334-2988

FACTS ABOUT TRIS

What is TRIS?

TRIS is a computerized information file maintained and operated by the Transportation Research Board, NRC, under the sponsorship of the Federal Highway Administration, the Urban Mass Transportation Administration, the National Highway Traffic Safety Administration, U.S Department of Transportation, the fifty state highway and transportation departments, the District of Columbia and Puerto Rico, the Motor Vehicle Manufacturers Association, the National Asphalt Pavement Association, the U.S.Army Corps of Engineers, and the Association of American Railroads.

What Information Is In TRIS?

TRIS contains information on various modes and aspects of transportation including planning, design, finance, construction, maintenance, equipment, traffic operations, management, marketing, and other topics. TRIS contains more than 250,000 abstracts of completed research and summaries of research projects in progress.

Where does the information come from?

TRIS has worldwide sources of information. The primary U.S. sources are the Federal Highway Administration, the Urban Mass Transportation Administration, the National Highway Traffic Safety Administration, U.S Department of Transportation, Congressional hearings and reports, the U.S. General Accounting Office, trade and professional associations, universities, research institutes and regional and state organizations. TRIS receives worldwide transportation information through its exchange with international bodies such as the International Union of Public Transport, the International Union of Railways, the International Road Research Documentation, the European Conference of Ministers of Transport, the Dutch Ministry of Transport, and others. More than 300 journals are scanned for selection of materials by TRIS and TLIB staffs.

What is TLIB?

A valuable addition to the TRIS file is the Transportation Library Subfile, "TLIB". The Institute of Transportation Studies Library at the University of California, Berkeley, and the Northwestern University Transportation Library at Evanston provide TRIS a monthly tape of bibliographic citations of their new acquisitions. This tape is loaded monthly in the TRIS Online file at DIALOG and becomes part of the TRIS database. TLIB broadens the subject scope of TRIS through coverage of all modes of transportation, and provides an annual input of more than 11,000 records.

TRIS Format

The TRIS Information file provides abstracts, index terms, and bibliographic citations (including availability) for records of completed research and a project summary, index terms, names and telephone numbers of the responsible individuals and their corresponding sponsoring agencies, names and telephone numbers of principal investigators and their corresponding performing agencies, and reports published, if pertinent, for ongoing research projects. The TLIB records in the TRIS file contain bibliographic citations and modified Library of Congress subject headings as index terms, but do not include an abstract.

What services are available from TRIS?

Literature Searches

The TRIS Information File is available online as DIALOG File 63. You can either have a search done by our Online Search Specialist by calling (202)334-2988 or conduct a search yourself (see "Connecting to DIALOG with a PC"). In either case, please feel free to call us for additional information.

Topical Services

Each month, the TRIS staff selects timely topics from recent searches for dissemination. Please contact Suzanne Crowther at (202) 334-3251 for additional information regarding these services.

Customized Services

Different types of services are available on request. Please call us for further information.

Publications

TRIS publishes two abstract bulletins, both of which are available by subscription. These are the semiannual "URBAN TRANSPORTATION ABSTRACTS" and quarterly "HRIS ABSTRACTS" on highway research. Call TRB Publications Office at (202) 334-3218 for subscription information.

SAMPLE RECORDS

Journal Article

RECORD TYPE
TRIS ACCESSION NUMBER → 469591 DA
TITLE → FIELD ANALYSIS OF RUTTING ON OVERLAYS OF CONCRETE INTERSTATE PAVEMENTS IN ILLINOIS

AUTHORS → *Carpenter, SH; Enockson, L*
COPORATE SOURCE → Transportation Research Board
JOURNAL NAME → Transportation Research Record N1136 1987 pp 46-56 10 Fig. 9 Tab. 6 Ref.
PUBLICATION YEAR
AVAILABILITY → SUBFILE: HRIS
AVAILABLE FROM: Transportation Research Board Publications Office 2101 Constitution Avenue, NW Washington D.C. 20418

ABSTRACT → Thirty-two overlay projects placed over portland cement concrete pavements were surveyed for the initial development of a comprehensive statewide pavement data base of which these overlay projects would be part. Ninety-two different uniform sections were visually surveyed to obtain performance data on the overlay projects. Design and construction data were collected for inclusion in the data base. The data were analyzed to develop regression relations between rutting and mixture properties of the asphalt concrete overlays. The analysis clearly shows the importance of material properties to the development of rutting, particularly the gradation parameters. Eleven of the projects were cored for structural testing in the laboratory. The structural tests clearly show that the resilient modulus and indirect tensile strength bear a strong relationship to the rutting that develops in the overlay during its life. The analysis in this paper clearly shows how a statistically sound examination of pavement performance can furnish data for an analysis that provides information that can be used to alter mix design and construction practices to address a specific problem. In this paper it is shown that permanent deformation can be controlled through proper material control; further, if the allowable limits on variability of the mixture coming out of the plant can be altered, performance can be altered. A judicious selection of median values and tighter plant control can reduce rutting potential. This paper appeared in Transportation Research Record No. 1136, Pavement Design.

DESCRIPTORS → DESCRIPTORS: ASPHALTIC CONCRETE; CONCRETE PAVEMENTS; CONSTRUCTION METHODS; CORE ANALYSIS; DATA ACQUISITION; DATA ANALYSIS; DEFORMATION; FIELD STUDIES; INDIRECT TENSILE TEST; LABORATORY TESTS; MIX DESIGN; MODULUS OF RESILIENCE; OVERLAY COURSE; PAVEMENT DESIGN AND PERFORMANCE; PAVEMENT PERFORMANCE; RUTS; VISUAL SURVEYS

Technical Report

RECORD TYPE
TRIS ACCESSION NUMBER → 475192 DA
TITLE → *ROAD PROFILE STUDY. FINAL REPORT*
AUTHORS → Cumbaa, SL
CORPORATE SOURCE → Louisiana Dept of Transportation & Development P.O. Box 94245, Capitol Station Baton Rouge Louisiana 70804; Federal Highway Administration 400 7th Street, SW Washington D.C. 20590
PUBLICATION YEAR → Feb 1986 n.p.
REPORT NUMBER → REPORT NO: FHWA/LA-86/185; Rept No 185
CONTRACT NUMBER → CONTRACT NO: Study No 83-1P(B); HP&R
SUBFILE: HRIS
AVAILABILITY → AVAILABLE FROM: National Technical Information Service 5285 Port Royal Road Springfield Virginia 22161

ABSTRACT → This study was undertaken to evaluate the overall usefulness of the Rainhart profilograph as a roughness measuring device, and to determine its ability to profile the roadway surface. Comparison testing was conducted utilizing the profilograph along with the 10-ft. rolling straightedge and the Mays Ride Meter on both portland cement concrete and hot mix asphaltic concrete surfaces. The profiling ability of the profilograph was studied by testing it over a surface with known (induced) areas of roughness. It was found that the digital counters of the profilograph are un-repeatable, and therefore not useable. The profilograph's graphical trace was found to be very repeatable, and when evaluated using a 0.1-in. blanking band, to correlate well with both the 10-ft. rolling straightedge and the Mays Ride Meter. It was determined that in most cases the profilograph produces a graphical trace which closely resembles the actual *surface profile of the roadway. Recommendation for the development of profilograph* "roughness" specifications and for profilograph utilization are included in this report.

DESCRIPTORS → DESCRIPTORS: MEASURING INSTRUMENTS; PAVEMENT DESIGN AND PERFORMANCE; PROFILOGRAPHS; ROAD PROFILE; ROUGHNESS; TESTING

SAMPLE RECORDS

Research In Progress

RECORD TYPE
TRIS ACCESSION NUMBER → 488510 PR
TITLE → IDENTIFICATION OF SPECIAL USE TRUCK TRAFFIC
INVESTIGATORS → INVESTIGATORS: Mason, JM; Middleton, D
SPONSORING ORGANIZATION → SPONSORING ORG: Texas State Department of Highways & Public Transp; Federal Highway Administration
PERFORMING ORGANIZATION → PERFORMING ORG: Texas Transportation Institute Texas A&M University College Station Texas 77843
CONTRACT NUMBER → CONTRACT NO: 2-18-84-420; HP&R
PROJECT START DATE → PROJECT START DATE: 8509
PROJECT TERMINATION DATE → PROJECT TERMINATION DATE: 8608
SUBFILE: HRIS

ABSTRACT → The objectives of this project include locating and describing regions within the state of Texas impacted by trucks and other traffic generated by the timber, agricultural, and surface mining industries. In addition to these three industries, still others are being investigated. The type of vehicles used in these industries, modal split, radius of influence, and trip generation factors will be determined on a site-specific

DESCRIPTORS → DESCRIPTORS: AGRICULTURE; MINING; MODAL SPLIT; OPERATIONS AND TRAFFIC FLOW; RESEARCH PROJECT; TIMBERS; TRAFFIC; TRAFFIC FLOW, CAPACITY, AND MEASUREMENTS; TRIP GENERATION; TRUCKS

TLIB Record

RECORD TYPE
TRIS ACCESSION NUMBER → 440184 DA
TITLE → ARTERIAL SIGNAL TIMING OPTIMIZATION USING PASSER II-87: MICROCOMPUTER USER'S GUIDE
AUTHORS → Chang, EC; Lei, JC; Messer, CJ
CORPORATE SOURCE → Texas Transportation Institute Texas A & M
JOURNAL NAME → RESEARCH REPORT; No 467-1 -UNTRACED SERIES N467- Jul|1988|Final Repo 96pp English
PUBLICATION YEAR
REPORT NUMBER → REPORT NO: FHWA/TX-88/467/1
SUBFILE: UCITS; TLIB

ABSTRACT (INCLUDES AVAILABILITY) → By Edmond Chin-Ping Chang and James Chiang-Kuo Lei and Carroll J. Messer ADDL Place of Publcation: Springfield, VA ADDL Publisher: available through National Technical Information Service Other Phys. Description: VIII Illustrated Spine Title: PASSER II-87-MICROCOMPUTER USER'S GUIDE July 1988 Research Study Number 2-18-86-467 Bibliography: p. 78-79 ADDL Corp. Author INFO: Texas Transportation Institute Texas Transportation Institute Texas A & M University System

DESCRIPTORS → DESCRIPTORS: ELECTRONIC TRAFFIC CONTROLS; PASSER II 87 COMPUTER PROGRAM; TRAFFIC SIGNALS, TIMING; TRAFFIC SIGNS AND SIGNALS

JOURNALS SCANNED BY TRB FOR TRIS
January, 1989

AAMVA Bulletin
AASHTO Quarterly
Accident Analysis and Prevention
ACI Materials Journal
ACI Structural Journal
Airports International
Alcohol, Drugs and Driving
Alcohol, Drugs, and Traffic Safety
American City & County
American Economic Review
American Transportation Builder
Appalachia
APWA Reporter
Arizona Review
ASCE Journal of Cold Regions Engineering
ASCE Journal of Computing in Civil Engineering
ASCE Journal of Construction Engineering and Management
ASCE Journal of Energy Engineering
ASCE Journal of Engineering Mechanics
ASCE Journal of Environmental Engineering
ASCE Journal of Geotechnical Engineering
ASCE Journal of Hydraulic Engineering
ASCE Journal of Irrigation and Drainage Engineering
ASCE Journal of Management in Engineering
ASCE Journal of Performance of Constructed Facilities
ASCE Journal of Professional Issues in Engineering
ASCE Journal of Structural Engineering
ASCE Journal of Surveying Engineering
ASCE Journal of Technical Topics in Civil Engineering
ASCE Journal of Transportation Engineering
ASCE Journal of Urban Planning and Development
ASCE Journal of Waterway, Port, Coastal and Ocean Engineering
ASTM Standardization News
Australian Road Research
Aviation Week and Space Technology
Better Roads
Bus Ride
Canadian Geotechnical Journal
Canadian Journal of Civil Engineering
Canadian Journal of Earth Sciences
Cement, Concrete and Aggregates
City Transport
Civil Engineering
Commercial Carrier Journal
Community Transportation Reporter

Concrete International: Design and Construction
Concrete Quarterly
Constructor
Electronics
Engineering Journal
Engineering News Record
Environmental Science and Technology
Geotechnical Fabrics Report
Geotechnical Testing Journal
Geotechnique
Harvard Business Review
Hazmat World
Highway and Heavy Construction
Highway Safety Directions
Highways
Hot Mix Asphalt Technology
Human Factors
IEEE Spectrum
IMSA Journal
Indian Roads Congress Journal
Intermodal Age International
ITE Journal
Journal of American Insurance
Journal of Forestry
Journal of Protective Coatings & Linings
Journal of Safety Research
Journal of the Air Pollution Control Association
Journal of the American Planning Association
Logistics and Transportation Review
Management Science
Mass Transit
Metro Magazine
Michigan Roads and Construction
Microcomputers in Civil Engineering
Modern Railroads
Modern Railways
Modern Steel Construction
National School Bus Report
Nation's Cities Weekly
Northern Engineer
Oil & Gas Journal
Operations Research
Parking
Parking Professional

Photogrammetric Engineering and Remote Sensing
Planning (formerly ASPO Planning)
Progressive Railroading
Public Roads
Public Works
Quarterly Report-Japanese Railway Technical Institute
Railway Age
Railway Gazette International
Railway Track & Structures
Research and Development
Right of Way
Roads and Bridges
School Bus Fleet
Science
Scientific American
Taxicab Management
Technological Forecasting and Social Change
Technology Review
Texas Transportation Researcher
Traffic Engineering and Control
Traffic Safety
Trains
Transafety Reporter
Transpo
Transport Engineer
Transportation
Transportation:an Abstract Newsletter
Transportation Journal
Transportation Law Journal
Transportation Planning and Technology
Transportation Quarterly
Transportation Research: Parts A and B
Transportation Science
TRNews
Tunnels and Tunnelling
UITP Revue
UMTRI Research Review
Urban Land
Urban Transportation Abroad
World Highways

APPENDIX B

?
?
?T 196654/5

196654/5
196654 DA
RELATION BETWEEN ROADSIDE SIGNS AND TRAFFIC ACCIDENTS: FIELD INVESTIGATION
Holahan, CJ; Campbell, MD; Culler, RE; Veselka, C (Texas University, Austin)
Transportation Research Board
Transportation Research Record N683 1978 pp 1-3 4 Tab. 16 Ref.
SUBFILE: HRIS
AVAILABLE FROM: Transportation Research Board Publications Office 2101 Constitution Avenue, NW Washington D.C. 20418
The purpose of this study was to investigate systematically the relation between roadside signs located nearest to urban traffic intersections and traffic accidents. Specific sign elements studied were total number, type (public versus private), size, and color. The dependent variable was the number of accidents during 1975 at 60 intersection approaches where the driver who entered the intersection from the direction selected was determined to be at fault in the police accident investigation report. The intersections were selected randomly from cross intersections in the city of Austin where at least one accident occurred during 1975. Results indicate that a number of sign elements had a significant relation to accidents at intersections controlled by stop signs, but no relation was found between signs and accidents at intersections controlled by traffic signals. Possible interpretations of the findings are considered, and some practical suggestions for reducing the effects of distracting signs at stop-sign intersections are advanced. /Authors/ This paper appeared in TRB Research Record No. 683, Road User Information Needs, Pedestrian Movement, and Bicycle Travel Patterns.
DESCRIPTORS: INTERSECTIONS; ROADSIDE; SAFETY; SIGNALIZED INTERSECTIONS; STOP SIGNS; TRAFFIC ACCIDENTS; URBAN AREAS; WARNING SIGNS
?
?
?

?T 263223/5

263223/5
263223 DA
DO BILLBOARDS CAUSE HIGHWAY ACCIDENTS
Accident Reporter Feb 1974 4 pp Figs. Phots.
SUBFILE: HRIS
For many years, some people have felt that advertising billboards contributed to highway accidents by distracting the drivers of vehicles. The Highway Safety Research Center (HSRC) in North Carolina has stored on computer tapes officers' narratives from more than 200,000 traffic crashes. The Traffic and Transportation Department of the University of California at Los Angeles requested the HSRC to make a search to determine the role of advertising billboards in causing traffic crashes. Nothing was produced which would clearly indicate that billboards are the cause of distraction and the subsequent crashes. The growing use of officers' narratives points up the importance of the individual officer using great care in describing the factors involved in all types of traffic crashes.
DESCRIPTORS: ACCIDENT CAUSES; ACCIDENT INVESTIGATION; DATA STORAGE; DISTRACTION; INFORMATION SYSTEMS; OPERATIONS AND TRAFFIC FLOW; ROADSIDE ADVERTISING; TRAFFIC ACCIDENT REPORTING
?

?T 503349/5

503349/5
503349 DA
THE ROADSIDE DISTRACTION--HOW BIG A ROLE DOES IT PLAY IN ACCIDENTS
Blanche , EE
Blanche (Ernst E.) and Associates
Traffic Safety Monograph
REPORT NO: HS-003 444
SUBFILE: HSL
New Jersey Garden State Parkway studied. Relation between accidents and distractions such as picnic areas, advertising signs, phone booths, etc., was statistically negligible.
DESCRIPTORS: ACCIDENT CAUSES; ATTENTION LAPSES; HIGHWAY ACCIDENT POTENTIAL; NEW JERSEY
?

?
?T 521852/5

521852/5
521852 DA
THE TOP TEN DRIVER ERRORS
Family v35 n4 1977 Monograph p28-30 6/1977))
REPORT NO: HS-020 329
SUBFILE: HSL
AVAILABLE FROM: See publication
Between Jun 1971 and Sep 1975, 30% of all traffic accidents in Monroe County, Ill. were investigated by a research team from the Institute for Res. in Public Safety at Indiana Univ. to determine the most common driver errors. During stage one, involving more than 2,200 accidents, drivers were interviewed, vehicles were inspected, driving environment was assessed, skid marks and other physical evidence were measured, the cases were discussed and the causes of the accidents determined. In another phase, involving 420 cases, accident victims were persuaded to undergo an in-depth investigation. The vehicles involved were examined at a special research garage by automotive engineers, drivers were interviewed by psychologists or sociologists, and traffic engineers and accident reconstruction experts went to the scene of the accidents and examined all physical and environmental factors, calculated speed estimates and made detailed scale drawings showing the trajectories of the vehicles before, during and after the accident. In 92.6% of the accidents, human errors definitely or probably caused the accident, or at least increased the severity. In another 5.3% human error possibly contributed to the accident. The top ten driving errors, in order of frequency, were improper lookout (pulling into a street from an intersecting alley, street or driveway without looking carefully for oncoming traffic, pulling out to pass without checking for traffic in passing lane, and pulling out of parking space without looking back for oncoming cars), excessive speed, inattention, improper evasive action (no attempt to steer around an impending crash or attempt to steer but unable because brakes were slammed on (instead of pumping them) and front wheels locked), internal distraction (e.g. screaming baby, fighting children, adjusting radio, CB unit or tape player), inadequately defensive driving technique (sometimes following the rules of the road isn't enough), unjustified assumption (assuming there is no traffic coming in the other lane when a driver makes way for you in one lane to enter a major street from a driveway, assuming an oncoming vehicle with turn signals on will turn before he reaches you, assuming another vehicle is required to stop or yield at an intersection (when he is not), assuming another driver will stop or yield even though you know he does not have a sign), improper maneuver (driving the wrong way on a one-way street, turning from the wrong lane or proceeding straight in a turn lane), and overcompensation (accelerate or brake too fast or turn too quickly).

Relation Between Roadside Signs and Traffic Accidents: Field Investigation

Charles J. Holahan, Michael D. Campbell, Ralph E. Culler, and Celia Veselka,
University of Texas at Austin

The purpose of this study was to investigate systematically the relation between roadside signs located nearest to urban traffic intersections and traffic accidents. Specific sign elements studied were total number, type (public versus private), size, and color. The dependent variable was the number of accidents during 1975 at 60 intersection approaches where the driver who entered the intersection from the direction selected was determined to be at fault in the police accident investigation report. The intersections were selected randomly from cross intersections in the city of Austin where at least one accident occurred during 1975. Results indicate that a number of sign elements had a significant relation to accidents at intersections controlled by stop signs, but no relation was found between signs and accidents at intersections controlled by traffic signals. Possible interpretations of the findings are considered, and some practical suggestions for reducing the effects of distracting signs at stop-sign intersections are advanced.

The roadside environment in many urban and suburban areas is typified by a burgeoning visual complexity of advertising signs, neon lights, and gaudy billboards. Although some recent studies (1, 2) have evaluated the impact of such development from an essentially aesthetic perspective, surprisingly little research has examined the relation between this array of potential visual distractors in the roadside environment and traffic safety. This concern is underscored by three recent on-site accident investigation studies (3, 4, 5), which have estimated that a principal causal factor in 10 to 25 percent of automobile accidents was distraction.

A large body of research has examined perception of the target traffic stimulus (6, 7) (e.g., the color, size, and lettering of road signs), but almost no inquiry has investigated perception of the target traffic signal as a function of distractors in its environmental background. Thus, traffic engineers possess considerable knowledge relevant to the construction of adequate traffic signs isolated from their environmental context, but very little is known about how to evaluate features of the background environment that may contribute to or reduce road sign effectiveness. Ordinances in most local communities regulate the placement, size, and light intensity of commercial signs; however, such regulations are often very vague. One local regulation (8), for example, prohibits "any change in light intensity, motion, or color which subconsciously fixates or attracts the eyes of the motorist when they should be driving."

Very little inquiry has been directed toward visual distractors and traffic accidents in field settings, and those data that do exist are both contradictory and open to methodological criticism. Two studies (9, 10) reported positive correlations between the presence of advertising devices and automobile accidents on multilane highways. Two other studies (11, 12) indicated a positive relation between traffic accidents and the number of elements in the roadside environment, such as commercial establishments, intersections, driveways, and traffic signals. Other evidence, however, has reported no relation between highway accidents and advertising signs (13, 14). Two recent laboratory investigations offer some support for the view that distracting stimuli decrease driving performance significantly under controlled conditions (15, 16), although both studies note that the performance decrements were small and might not relate to a safety problem under actual driving conditions.

The present study is based on the results of the small number of available field studies. Signs were categorized in terms of a number of dimensions including (a) total number of signs, (b) type of sign (public versus private), (c) size of sign, and (d) color of sign. We hypothesized that increasing numbers of signs, larger size of signs, and greater similarity of color between signs and target traffic device would all relate positively to the number of traffic accidents.

METHOD

Sixty intersections were selected at random from a list of intersections within the city of Austin that had at least one accident during 1975. Both intersections controlled by traffic signs and those controlled by stop signs were studied. The stop-sign intersections were predominantly two-way stops, although some four-way stops were included in the sample. To control for extraneous variables, several criteria were used to restrict the sample. Only cross intersections, where two through streets intersected at a 90° angle, were examined. None of the intersections studied was characterized by unusual landscape features, such as an approach from a steep hill or visual obstructions due to natural or designed features. The sample was also restricted to intersections that had a recent 24-h traffic count of between 5000 and 30 000 vehicles; thus intersections of very high or very low traffic flows were eliminated.

A data sheet was developed to classify every sign observable at an intersection in terms of its type, size, and dominant color. Public signs were defined as signs erected by a governmental entity, such as street signs, restricted-parking signs, bus-stop signs, or bicycle-lane signs. Private signs were defined as signs erected by a nongovernment entity and included those on storefronts or in store windows. A small sign was defined as a sign whose size was equal to or smaller than a standard stop sign; a large sign was one that was larger than a stop sign. Signs were also categorized as either red or nonred, according to their dominant colors. Red signs had a red or partially red background, regardless of the letter color or any red letters or figures on a neutral background of white, black, brown, or clear (glass). All other signs were defined as nonred.

Dependent Variable

The dependent variable was the number of accidents during 1975 at 60 intersection approaches where the driver who entered the intersection from the direction selected was determined to be at fault in the police accident investigation report. The sample of intersection approaches investigated showed a range of from 1 to 12 at-fault accidents during the year. The distribution of accidents was positively skewed; 67 percent of intersection approaches had fewer than three accidents. The accident data were available from the urban transportation office and were derived from the reports of investigating police officers. For every accident, the data

listed the direction of the vehicles involved, time of day, probable cause, and responsible party. Accidents that occurred at night when signs were not clearly visible were excluded from the count, as were accidents that were apparently not related to distraction (e.g., driving while intoxicated or speeding). The remaining at-fault accidents were due primarily to drivers failing to yield the right of way or ignoring stop signs.

Table 1. Mean number of signs under each distractor element for traffic-signal and stop-sign intersection approaches.

Distractor Elements	Traffic Signal		Stop Sign	
	Low Rate (N = 79)	High Rate (N = 66)	Low Rate (N = 26)	High Rate (N = 33)
Total signs	17.78	25.85	3.46	10.39
Public	7.38	9.74	1.85	6.61
Private	11.53	18.18	2.19	3.88
Large	11.21	15.71	1.04	3.33
Small	10.43	13.59	3.23	7.18
Red	7.86	11.62	1.46	3.82
Nonred	13.85	17.74	2.85	6.70

Table 2. Zero-order correlations between distractor elements and at-fault accidents at traffic-signal and stop-sign intersection approaches.

Distractor Elements	Traffic Signal			Stop Sign		
	Correlation	Degrees of Freedom	Probability	Correlation	Degrees of Freedom	Probability
Total signs	0.10	115	0.131	0.23	57	0.040
Public	0.09	115	0.171	0.17	57	0.100
Private	0.09	115	0.175	0.14	57	0.140
Large	0.10	115	0.137	0.22	57	0.047
Small	0.07	115	0.214	0.15	57	0.131
Red	0.12	115	0.107	0.13	57	0.170
Nonred	0.07	115	0.219	0.23	57	0.043

Table 3. Partial correlations between distractor elements and at-fault accidents when the influence of traffic flow is controlled at traffic-signal and stop-sign intersection approaches.

Distractor Elements	Traffic Signal			Stop Sign		
	Correlation	Degrees of Freedom	Probability	Correlation	Degrees of Freedom	Probability
Total signs	0.00	114	0.495	0.21	56	0.050
Public	-0.07	114	0.214	0.16	56	0.122
Private	0.02	114	0.424	0.14	56	0.156
Large	-0.01	114	0.478	0.21	56	0.058
Small	0.00	114	0.481	0.14	56	0.155
Red	0.05	114	0.308	0.11	56	0.212
Nonred	-0.04	114	0.335	0.22	56	0.050

Table 4. Partial correlations between distractor elements and at-fault accidents at stop-sign intersection approaches that have two or more accidents when the influence of traffic flow is controlled.

Distractor Elements	Correlation	Degrees of Freedom	Probability
Total signs	0.45	15	0.033
Public	0.11	15	0.337
Private	0.50	15	0.020
Large	0.59	15	0.006
Small	0.24	15	0.175
Red	0.07	15	0.400
Nonred	0.58	15	0.008

Procedure

Three undergraduate psychology students collected the data for the study. An observer stood at the right-hand curb, facing the intersection recording first at a point 61.0 m (200 ft) from the cross street. Every sign visible from that observation point within a 180° visual angle was classified along the three dimensions. The observer then advanced to a point 15.2 m (50 ft) from the cross street and recorded any additional signs within a 180° visual angle, but which had not been visible from the first observation point. The procedure was repeated for each of the other approaches to the intersection. (For a one-way street, observations were recorded only facing the same direction as vehicles traveling on the street.) All observations were conducted in the summer of 1975, during the day under good light conditions. The undergraduate observers received training from a skilled observer who served as a criterion observer. The sample intersections were observed only after each observer had achieved 90 percent agreement with the criterion observer. Periodic interrater reliability checks were conducted between each observer and the criterion observer throughout the study. Average agreement was 92 percent.

RESULTS

Table 1 shows the number of signs under each distractor element observed at accident-intersection approaches for both intersections controlled by traffic signals and intersections controlled by stop signs. At the traffic-signal approaches, low accidents was defined as one or less annual accidents and high accidents as two or more annual accidents. For the stop-sign approaches, low accidents was defined as zero annual accidents and high accidents as one or more annual accidents. For all distractor elements the number of signs at high at-fault accident intersection approaches exceeded the number of signs at low-accident approaches.

Table 2 shows the zero-order correlation between each distractor element and at-fault accidents for both intersection approaches controlled by traffic signals and those controlled by stop signs. At traffic-signal approaches, no distractor dimensions demonstrated a significant relation with at-fault accidents. At stop-sign intersections, in contrast, three distractor elements—total signs, large signs, and nonred signs—demonstrated a significant positive relation to at-fault accidents.

A problem in interpreting the data in Table 2 is the possibility that the positive relation between number of signs and traffic accidents may reflect a positive correlation between both of these variables and rate of traffic flow. In order to discount the possible influence of traffic flow, the data were reanalyzed and controlled statistically for the influence of traffic flow. Table 3 shows the partial correlations, when the rate of traffic flow is controlled, between each distractor element and at-fault accidents for both traffic-signal-controlled and stop-sign-controlled-intersection approaches. For all distractor elements, especially for traffic-signal approaches, the partial correlations are somewhat weaker than the zero-order correlations, which indicates that part of the relation between signs and accidents is explained by traffic flow. Nevertheless, at the stop-sign approaches, total signs and nonred signs remain statistically significant and large signs show a very strong statistical trend ($p = 0.058$).

A particularly strong picture of the relation between

signs and traffic accidents emerges when we examine separately the sample of stop-sign approaches showing two or more annual accidents, controlling again for the effect of traffic flow. Table 4 shows the partial correlations when the rate of traffic flow was controlled, between each distractor element and at-fault accidents for stop-sign controlled approaches that had two or more annual accidents. Four distractor dimensions—total signs, private signs, large signs, and nonred signs—demonstrated a strongly significant positive relation with at-fault accidents.

Based on these findings, a summary picture of the relation between distracting signs in the roadside environment and traffic accidents can be presented. There is no evidence that signs presented a traffic safety problem at the intersections controlled by traffic signals. There was, however, evidence that signs were related to accidents at the intersections controlled by stop signs. The relation between the total number of signs and accidents was especially strong at stop-sign intersections characterized by a relatively high number of accidents. In addition, the present data indicated that the signs that predominated at these intersections were larger, private signs. The relation between nonred signs and accidents probably reflected both the influences of a diversity of colors in the distractor and the higher number of nonred signs in the environment.

The differential effects of signs on traffic signals and stop signs may be due to a number of factors. The present data do not directly address this issue, but we may speculate about some possible factors. Most important in the case of stop signs may be that distractors and target are of the same medium. Also, for most of the sites investigated, the placement of signals and stop signs relative to distractors differed. All stop signs were placed at the right-hand curb; however, almost all traffic signals were placed at mid-road on an extension arm. Thus, stop signs and distractors tended to be located together proximally in the visual field, but traffic signals tended to be located more distantly from distractors in the visual field.

The present results support a number of practical suggestions for traffic engineers concerned about reducing the effects of distracting stimuli in the roadside environment. In general, such feedback falls under two areas of application: (a) the establishment of appropriate ordinances to limit legislatively the effect of distractors, and (b) engineering decisions about design changes in the target signal oriented toward counteracting the potential negative effects of background distractors. These findings suggest the need for a wider range of engineering alternatives at some stop-sign intersections to counteract the effects of potential distractors, such as the design of a larger or brighter target traffic device or the employment of neutral background shields to contrast more effectively the target and its surrounding context. Where such design alternatives are not feasible at sites where a significant number of distractors are present, traffic signals should be employed rather than stop signs.

In summary, these results underscore the need for the traffic engineer to accept broader responsibility for the total traffic environment, including both the public roadway and the contingent environmental context in order to cope effectively with the dramatically increased visual complexity of today's roadside environment.

ACKNOWLEDGMENTS

This study was conducted under a research grant from the Texas Office of Traffic Safety, administered through the Council for Advanced Transportation Studies, University of Texas at Austin.

REFERENCES

1. City Signs and Lights. Boston Redevelopment Authority, Boston, 1971.
2. G. Winkel, R. Malek, and P. Thiel. Community Response to the Design Features of Roads: A Technique for Measurement. HRB, Highway Research Record 305, 1970, pp. 133-145.
3. A. B. Clayton. Road-User Errors and Accident Causation. International Congress of Applied Psychology, Liege, Belgium, July 1971.
4. C. R. Ruck, D. E. Stackhouse, and D. J. Albright, Jr. Automobile Accidents Occurring in a Male College Population. American College Health Association Journal, Vol. 18, 1970, pp. 308-312.
5. U. N. Wanderer and H. M. Weber. First Results of Exact Accident Data Acquisition on Scene. Proc., International Conference on Occupant Protection, New York, 1974, pp. 80-94.
6. T. W. Forbes. Factors in Highway Sign Visibility. Traffic Engineering, Vol. 39, 1969, pp. 20-27.
7. T. W. Forbes, T. E. Snyder, and R. F. Pain. Traffic Sign Requirements I: Review of Factors Involved, Previous Studies and Needed Research. HRB, Highway Research Record 70, 1965, pp. 48-56.
8. R. T. Shoaf. Are Advertising Signs Near Freeways Traffic Hazards? Traffic Engineer, Vol. 26, No. 2, 1955, pp. 71-76.
9. Signs and Accidents on New York State Thruway. Madigan-Hyland, Inc., and New York State Thruway Authority, Feb. 1963.
10. Minnesota Rural Trunk Highway Accident, Access Point, and Advertising Sign Study. Minnesota Department of Highways, Minneapolis, 1952.
11. J. A. Head. Predicting Traffic Accidents From Elements on Urban Extensions of State Highways. HRB, Bulletin 208, 1959, pp. 45-63.
12. J. Versace. Factor Analysis of Roadway and Accident Data. HRB, Bulletin 240, 1960, pp. 24-30.
13. J. C. McMonagle. Traffic Accidents and Roadside Features. HRB, Bulletin 55, 1952, pp. 38-48.
14. J. C. McMonagle. The Effects of Roadside Features on Traffic Accidents. Traffic Quarterly, Vol. 6, No. 2, 1952, pp. 228-243.
15. C. J. Holahan, R. E. Culler, and B. L. Wilcox. Effects of Visual Distraction on Reaction Time in a Simulated Traffic Environment. Council for Advanced Transportation Studies, Technical Rept., Austin, 1977.
16. A. W. Johnston and B. L. Cole. Investigations of Distraction by Irrelevant Information. Australian Road Research, Vol. 6, No. 3, 1976, pp. 3-23.

Publication of this paper sponsored by Committee on Motorist Information Systems.

CG14.36
A

The Accident Reporter

Published monthly for North Carolina police officers by the University of North Carolina Highway Safety Research Center / February, 1974

Attention Chiefs of Police. Have You Responded To Questionaire?

In mid-January, the Highway Safety Research Center wrote to chiefs of police in municipalities throughout North Carolina announcing plans for a new series of traffic records workshops to be held this spring.

To date more than 75 cities have responded and many have indicated interest in participating in the proposed seminars.

To those who have responded, HSRC extends appreciation for your interest and your courtesy. Response from those departments which have not responded would be most appreciated.

Last year, a similar series was attended by representatives of approximately 125 N.C. cities. Many of those who attended expressed a most favorable reaction to the information presented.

The proposed 1974 series will seek to upgrade the overall knowledge of the municipal officer in regard to the traffic records system as it exists in North Carolina, especially the data collection process and subsequent uses of such data.

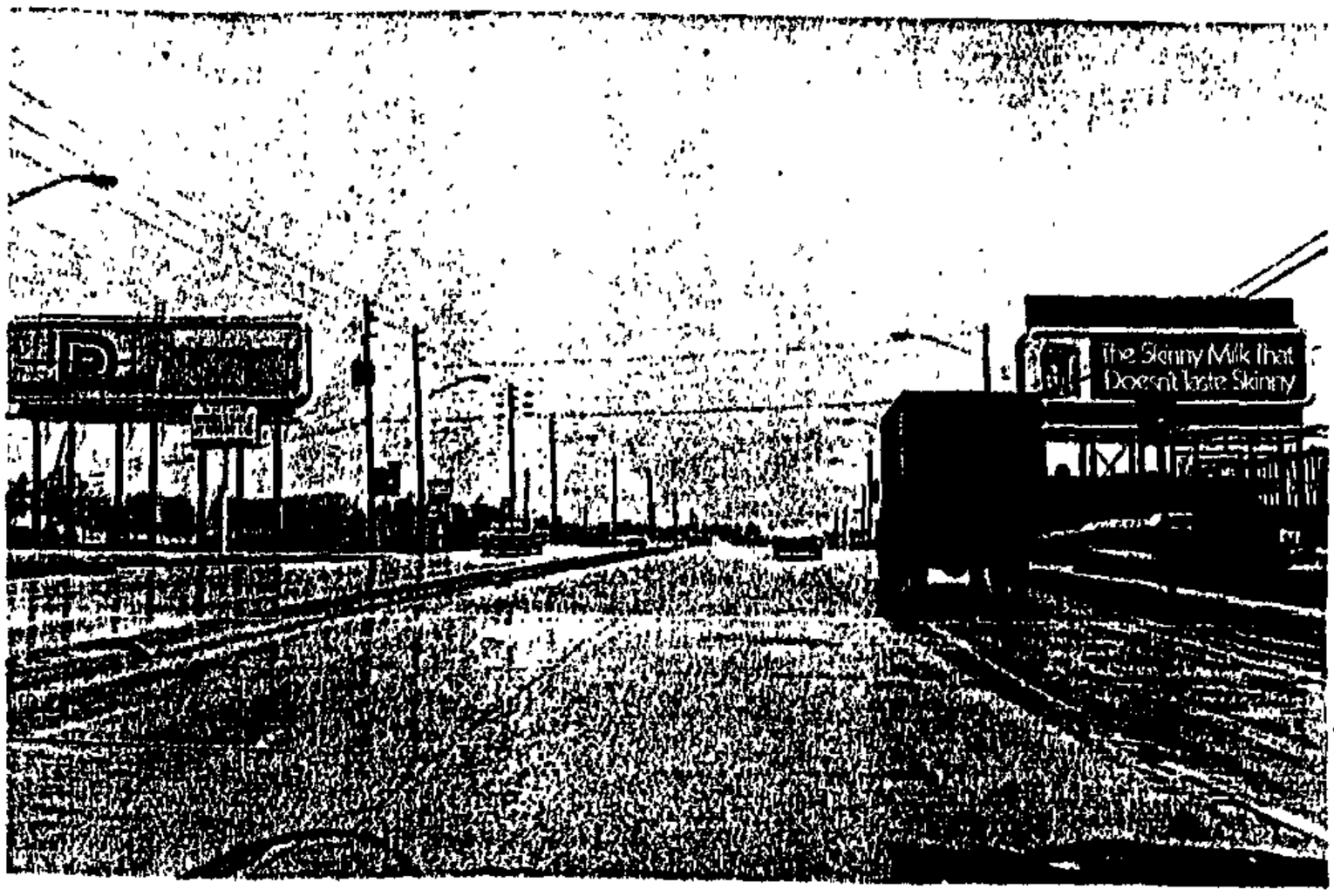
Among the subjects to be covered in the proposed spring series are:

— Any problems resulting from use of the new standard accident report form introduced in January, 1973 for use by all North Carolina police agencies.

— An introduction of the TAD (Traffic Accident Data) damage rating scale for use in those cities which have not already adopted and received training in the use of the scale. (The TAD scale is a pictorial guide used by on-scene investigators to assess vehicle damage. It already is used by the State Highway Patrol and many cities within the state, and formal training is most essential before its adoption.)

— Bringing about improved utilization of traffic records at the local level.

Accompanying the letter announcing the proposed series of seminars was a questionaire which HSRC requested that you fill out and return. If you have received your copy and have not returned it, please do so. If you have not received your copy, or have misplaced it, please write to Mr. Bill Hunter, U.N.C. Highway Safety Research Center, Chapel Hill, N.C. 27514.



Do Billboards Cause Highway Accidents?

For many years, some people have felt that advertising billboards contribute to highway accidents by distracting the drivers of vehicles.

So far, there's no proof that the big signs cause traffic crashes — at least in North Carolina. And, the Highway Safety Research Center has taken a close look into the matter.

As previously reported, HSRC has stored on computer tape the officers' narratives from more than 200,000 traffic crashes in North Carolina.

The complete narratives for any specific type of accident can be retrieved quickly and easily by choosing from a "computer dictionary" words or phrases which might be used in describing a particular type of accident and inserting these words and phrases into the computer.

Several weeks ago, The Traffic and Transportation Department of the University of California at Los Angeles learned of HSRC's unique capability to search officers' narratives for information on specific types of accidents. The Director of the Department requested that HSRC make a search to determine the role of advertising billboards in causing traffic crashes.

HSRC Staff Associate Bill Hunter selected a number of words and phrases which would probably be used by an officer to describe an accident caused by the distraction of a billboard.

Among the words and phrases inserted into the computer were "sign," "eyes off the road," "billboard," "advertising," "looked away," and "distracted."

From such key words and phrases the computer produced a number of officers' narratives which indicate that people are being distracted while they are driving and that such distractions are causing accidents.

"However, nothing was produced which would clearly indicate that billboards are the cause of distraction and the subsequent crashes," says Mr. Hunter.

"The inattention factor (e.g., distraction from dropping a cigarette) does come into play in many accidents," he adds, "suggesting that perhaps more in-depth investigation may be needed in this area."

HSRC was pleased to respond to the request from UCLA. As more and more safety researchers learn of the HSRC's computer capability, more requests are being made for accident information.

"While the search of the narratives did not indicate that billboards are a big safety problem," says Mr. Hunter, "it did provide the UCLA researchers with a starting point — a point they had not reached before they made contact with HSRC."

The growing use of officers' narratives again points up the importance of the individual officer using great care in describing the factors involved in all types of traffic crashes, especially any unusual factors that seem to be pertinent.

WARNING: This material may be covered

Accident Report Forms: A Comparison By States.

Is there a police officer around who, as he filled out the standard accident report form, hasn't grumbled to himself, "I'll bet no other state requires all this stuff"?

Probably not. But cheer up. Virtually every state requires accident reporting, and accident reporting can't be done very well without those ever-present accident report forms.

In the matter of forms, North Carolina's new standard accident report form is as easy to use as other states and in some respects is considerably easier than those used in many states.

Over a period of time, HSRC accumlated accident report forms from many states, both urbanized and rural. A comparison of the accident report forms from other states with North Carolina's form shows many similarities and some significant differences.

The similarities extend to the basic information requested. Virtually all states want to know where the accident occurred, information on the driver, the types of accidents that occur, and all want officers to provide a diagram of the accident scene and a narrative explaining in his own words what happened.

Beyond these basic requirements, though, each state places different emphasis on different information. By far the most complex yet innovative form in use is from the State of New York, introduced in January, 1974.

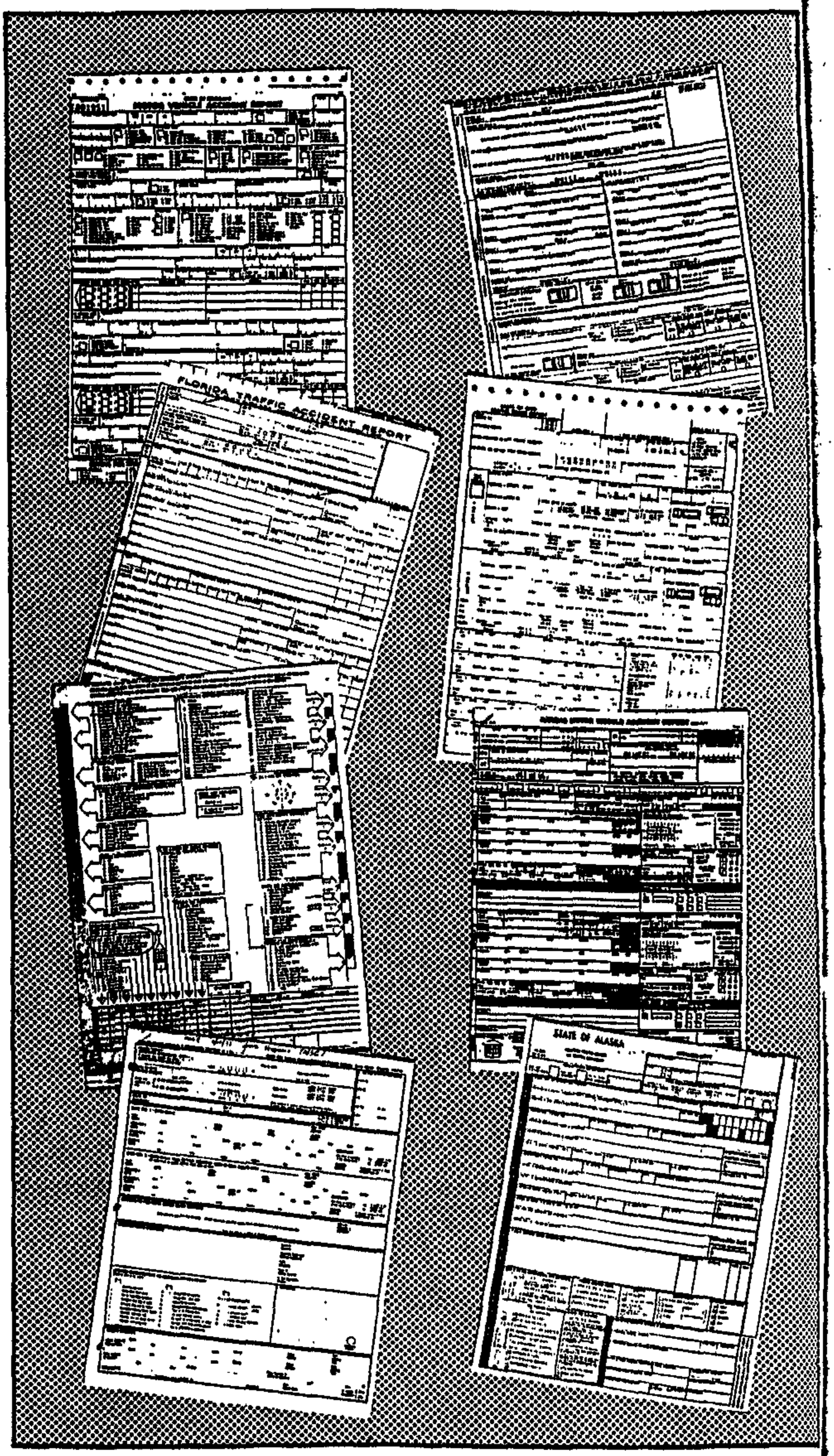
The New York State form seeks very detailed injury information on both drivers and occupants and requires that the officer indicate very specifically the types of injuries suffered . . . e.g. puncture, bruises, shock, etc.

Very few of the states compared require the degree of research data required by the North Carolina form. Most do not seek to determine seat belt usage, TAD scale information and Vehicle Identification Numbers (VINs).

HSRC Staff Associate Dr. Donald Reinfurt believes the accident report from a state is a good indicator of its concern and advancement in the highway safety field.

"North Carolina is, of course, providing national leadership in several areas of traffic safety," says Dr. Reinfurt, "and our accident report form reflects a sophisticated use of accident data."

North Carolina's form also reflects a more careful regard for organization and clarity of layout and appears



easier to use than do the forms from some other states.

All this won't stop the police officer from grumbling about having to fill in all those blanks and check those blocks, but perhaps it's some comfort to know that it could be a lot worse.

Change In Driver Report Form Re[redacted] Officers' Work... BUT

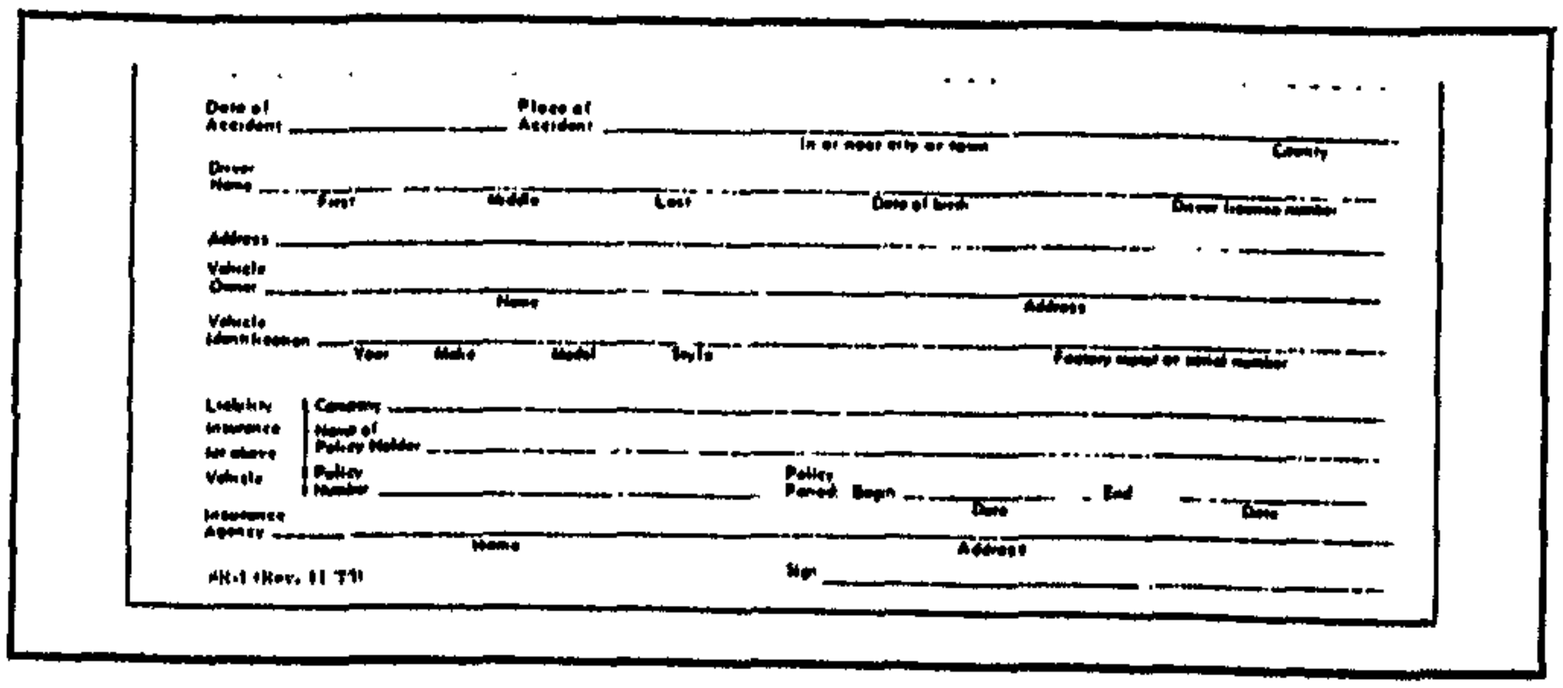
In the days of the blue driver accident report form known unaffectionately as "the blue monster," traffic police officers often accepted the responsibility for assisting motorists involved in traffic crashes in filling out the form.

Providing this assistance was additional work for officers, of course, and perhaps many officers breathed sighs of relief when "the blue monster" was replaced January 1, 1974, with a revised version which did not require their assistance.

Introduction of the revised, simplified form has been hailed as a progressive step by officers and motorists alike, but introduction of the new form has not solved all the problems.

"Many motorists have come to expect assistance from police officers in filling out the driver accident report form," says Joe Register, Director of the Department of Motor Vehicles' Traffic Records Information Division. "Consequently a significant number of motorists do not obtain the information they need to fill out the form without assistance."

Is there a solution short of the officer assuming responsibility for filling out the form? Mr. Register suggests that officers inform all drivers of vehicles involved in accidents that they are responsible for obtaining the information required on the driver accident report form.



"The officer can make his point stronger by citing the specific law covering the providing of information and, thus, can avoid having to help the motorist later." says Mr. Register.

State law requires that any driver involved in a traffic collision must "give his name, address, operators or chauffeurs license number and the registration number of his vehicle to the driver or occupant of any other vehicle involved . . . or to any person whose property is damaged."

"This provision of the law should be stressed to all drivers involved in crashes," says Mr. Register, and, he adds, "it should be stressed that the information will be required not only by the Department of Motor Vehicles but by insurance agents and companies."

Mr. Register says the problem at present is not widespread and that the positive benefits resulting from streamlining the form far outweigh the problems.

A brief "educational period" is often required when any change is made in the way things have been done over a long period of time, says Mr. Register. "If officers will just remind motorists of their responsibilities and the requirements of the law, the problem will resolve itself in a short time."

More Tips On Accident Investigation.

J. Stannard Baker, author of the textbook on accident investigation used by the North Carolina State Highway Patrol and other police agencies throughout the nation, states in his book that 100 hours of training is "not too much for an accident investigator."

However, Mr. Baker acknowledges that few police officers will receive that much training before they assume responsibilities for actual accident investigation. For that reason, he includes a series of "shortcuts" which the officer can use to do his job better. A few of these tips follow:

Experience can be gained more quickly, with or without an instructor, by practicing some of the things you may have to do while investigating.

Try making practice test skids to measure the slipperiness of various kinds of surfaces. Measure and record the skidmarks.

Spend an afternoon or two in an automobile "graveyard" carefully examining recently damaged vehicles to try to determine from what direction they were struck; the damage to strong parts; how much, if any, the wheels have been moved from normal position; and whether any part of the vehicle gouged or scratched the pavement. Show your observations on a diagram of the vehicle.

Put some chalk marks on the pavement in an intersection. Then make a field sketch locating them. Follow this by drawing a scale diagram to show their position. (In past issues, **The Accident Reporter** has stressed that these should be referenced to permanent objects such as telephone poles, trees, etc.)

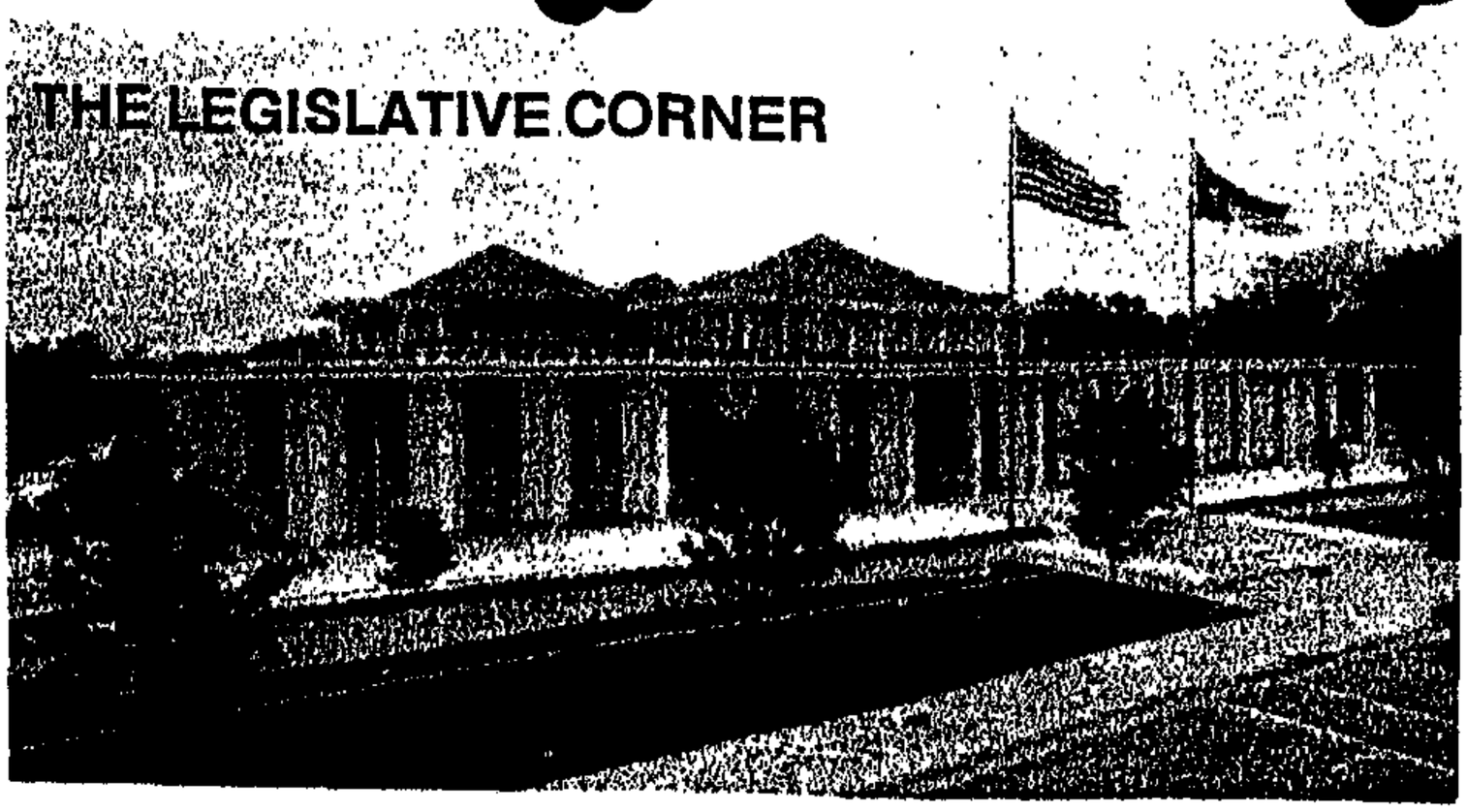
Try finding sight distances on a hill or curve or at a blind intersection. (Remember that a driver's eyes are only three and a half to four feet above the road surface.)

Acquaintance with specialists who may be able to help in investigating is also desirable. Photographers, surveyors, stenographers who can help with taking statements, and the people in street or highway departments who have plots or maps of the locations in detail can be listed or sought out in case they may be needed. How far you go in enlisting the aid of such people will depend upon the policies of your organization.

Maintenance of equipment is important. To get to the scene of an accident and find that you have left something behind is inexcusable for a professional investigator. A few rules will help avoid such difficulties:

Keep investigating equipment in special boxes that are used for nothing else. Two boxes will usually serve for the main items of equipment: first, a case for papers, clipboards, pencils, tape measures, etc.; second, a case for photographic equipment. Large items, such as emergency equipment and a first-aid kit will be separate, of course.

After each investigation, check over equipment and supplies to see that they are replenished and in good repair for the next job.



Traffic safety is an issue that generates considerable interest, discussion and debate in the North Carolina General Assembly, and with the 1974 session now underway much interest is again being focused on this issue.

Police officers must enforce any new traffic laws enacted by the General Assembly. For that reason **The Accident Reporter** feels that officers will be particularly interested in regular reports on traffic safety legislation being considered by the legislature.

More importantly, because they are directly involved in the problems and progress resulting from traffic safety laws, police officers can serve to expand the perspective on safety problems for which legislation is being considered.

Therefore, for the next several issues, **The Accident Reporter** will seek to keep you informed regarding traffic safety legislation under consideration in the North Carolina General Assmbly.

Early in the 1974 session, several matters relating to traffic safety surfaced in discussions by both House and Senate highway safety committees. Among these were the following:

— The problem of "jacked up" cars. Legislators expressed considerable interest as to whether the current fad of raising the rear ends of vehicles made the vehicles less safe. Particular concern was expressed regarding the change in the center of gravity for vehicles which have been modified.

No data has been gathered which would indicate whether jacked up cars are less safe than unmodified vehicles, but some legislators feel the fad could create safety hazards.

— Legislators are particularly interested in the reduction in traffic crash fatalities which accompanied the reduction of speed limits to 55 miles per hour. Although the evidence is not yet conclusive as to the long term benefits of reduced speed limits, there is a serious move underway in the General Assembly to make the 55 mph limit permanent in North Carolina.

— The enactment of a law requiring the use of seat belts also is a real possibility. *Many legislators are impressed* with the large body of information — provided by police officers on accident reports — which indicates that use of belts reduces significantly the chance of serious injury or death in a traffic crash. Legislators are concerned, however, about problems of enforcing a law requiring use of the belts.

Any suggestions from you officers who will have to enforce such a law?

— Probably the administrative ruling issued earlier by the Department of Motor Vehicles, which sought to prevent motorists from carrying extra containers of gasoline in their cars, will be enacted into law. Little opposition to such a law is expected.

— Also under serious discussion are proposals to require bicycles to travel on the left side of the road and to eliminate the use of "prayer for judgement continueds" when motorists are convicted of or plead guilty to traffic law violations.

No doubt more proposals will be advanced as the 1974 legislative session continues.

The Accident Reporter

The University of North Carolina
Highway Safety Research Center
Dr. B.J. Campbell, Director

The Accident Reporter is a publication of the University of North Carolina Highway Safety Research Center. It is published monthly for police officers as a part of HSRC'S work in the accident records field for the North Carolina Office of Traffic Safety.

Those who wish to be placed on the mailing list or who have questions regarding editorial matter should write to: U.N.C. Highway Safety Research Center, Chapel Hill, N.C. 27514.

WINSTON-SALEM N.C.

BULK RATE
U. S. POSTAGE
PAID
PERMIT NO. 35

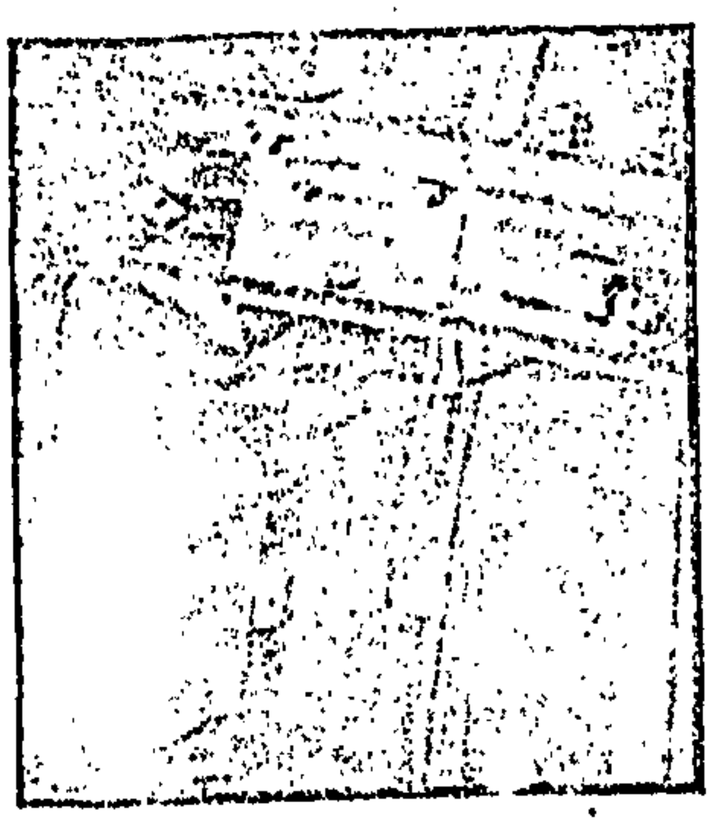
N. C. COLLECTION
WILSON LIBRARYY
UNC
CHAPEL HILL, N.C. 27514

THE ROADSIDE DISTRACTION

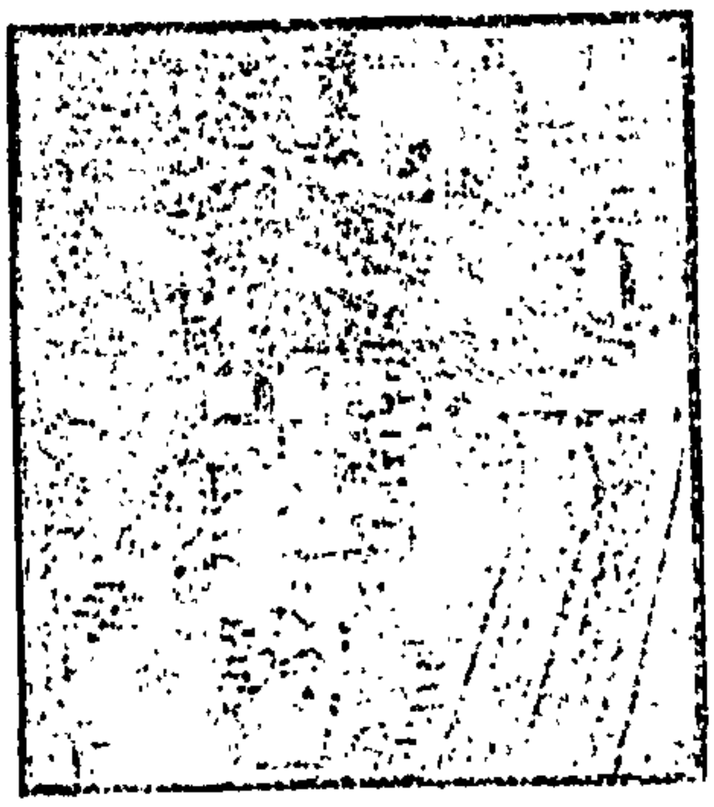
How big a role does it play in accidents? A study conducted on the New Jersey Garden State Parkway comes up with some answers to that question.

003444

by Ernest E. Blanche







LAST year more than 11 million motor vehicle accidents were reported throughout the United States by law enforcement officers. Those who hear or read about the injuries and damages in such accidents often ask, "What was the cause of the accident?"

In a small percentage of all accidents the cause may have been one item or event, but in the overwhelming majority there may have been multiple causes. Even though there have been great improvements in vehicles and highways, as well as emphasis on driver instruction and traffic safety, accidents still occur on city streets, conventional highways and limited-access expressways.

Because of the number of variables that may enter into the cause of a given traffic accident, it is extremely difficult to determine whether, and to what degree, a single factor may have contributed. Great care must be exercised that many popular, though unproven and unlikely, factors of accident causation not be given undue weight in our search for real causes.

Traffic research over many years has shown that accidents are related to the vehicle, the driver and his physical and mental condition, highway conditions, time of day, season of year, highway design and construction and the highway environment or roadside features.

Because there are so *many* possible accident causes and related conditions, it was decided to conduct a thorough study of accidents on one of the safest limited-access highways in the United States, the New Jersey Garden State Parkway, which has the next-to-lowest number of highway deaths per 100 million vehicle miles of all turnpikes and expressways in the United States. This parkway is a limited-access, dual highway extending 173 miles, the length of New Jersey, with a median strip from several feet in cities to about 600 feet in rural areas. Although the parkway is a toll road with toll barriers straddling the roadway, there are some no-toll sections.

With the assistance of Garden State Parkway Authority personnel, data which had been meticulously collected by Troop E of the New Jersey State Police on official accident reports and coded by statisticians were made available for three years, 1961-63. These reports described the 3,902 reported accidents, listing all of the available facts and statements of those involved in each accident, as well as the reporting officer's comments after thorough examination and investigation.

But to know the "who, what, where and when," is not enough! It is important to know the "why."

In an attempt to determine the "why," it was decided to make a physical inventory of all design and construction features of the Garden State Parkway, as well as the roadside features (that is, those that could be seen from the roadway).

Three separate trips were made by a group of recorders and observers (including a parkway representative) in both directions of the 173-mile parkway. During the first trip the group recorded each on-ramp, off-ramp, toll barrier, bridge, overpass, service area, picnic area, telephone booth, water fountain, as well as official signs of all kinds, business signs (those on buildings or ground, advertising a service, business or product available on the premises where the sign was located), and advertising signs (standard, conventional-type billboards advertising a service, business or product available elsewhere than the premises where the sign was lo-

---

Ernest E. Blanche, Ph.D., is chief research scientist of Ernest E. Blanche and Associates.

Vol 65, no 11, Nov 1965

cated). Business and advertising signs were recorded whenever they were located within 1,300 feet of the parkway.

The second trip was run to check all recorded data and to pick up any items that may have been missed. The third trip was a double-check.

During the research study of the 3,902 parkway accidents, many tabulations were made on IBM punchcard equipment and a 1401 electronic computer, and many significant summaries were obtained. Here are some of the most important and most interesting of these summaries:

• National and Garden State Parkway peak-times coincide (weekends, the four summer months and the months of November and December).

• Accidents in the northbound and southbound lanes were about equal in number. Furthermore, the right and left lanes of each arterial had approximately the same number of accidents.

• Two-thirds of all parkway accidents involved only property damage, with no injuries to persons.

• Single-car accidents constituted almost one-half of all parkway accidents. Of these single-car accidents, more than 60 per cent of the cars ran off the road. Of the single-car accidents "on the road," approximately 52 per cent were the result of hitting animals, 30 per cent hitting fixed objects and the remaining 18 per cent were other types.

• Multiple-car accidents were mainly rear-end collisions, three-quarters of all multiple-car mishaps being of this type. Of these, nearly one-half were due to hitting a stopped car.

• About half of all persons injured in automobile accidents were drivers.

• Driver-error was associated with 80 per cent of the parkway accidents. Causes listed for this group were: 20 per cent, following too closely; 18 per cent, vehicle not under control; 13 per cent, driving too fast for conditions; 10 per cent, improper change of lanes or improper turns; 7 per cent, sleeping or fatigue; 6 per cent, stopping on the roadway; 22 per cent, a combination of the above causes, and 4 per cent in a "miscellaneous" category.

• Causes not related to the driver were listed for 20 per cent of the accidents. Of these, 39 per cent were due to tires and mechanical defects, while 50 per cent were due to collisions with animals.

These results did not answer such questions as: "Did accidents accumulate at toll barriers?" "At on- and off-ramps?" "At telephone booths?" "At service areas?" "Did the number of accidents have any relation to traffic volume?" "Did accidents occur where there were many official signs or few official signs—or many business or advertising signs—or few business and advertising signs?"

Therefore, it was decided to conduct a correlation analysis to determine the mathematical relationship between the locations of accidents and the highway and roadside features in the vicinity of each location.

Since accident reports indicated the location within a tenth of a mile of the nearest mile post, all of the accidents were plotted on charts set up as highway strip maps, ten miles to a chart, in units of one-tenth of a mile. Symbols were selected to distinguish the accidents by year and by daytime or nighttime. After the accidents had been carefully plotted, all highway and roadside features were plotted on the same scale, showing the locations as determined during the inventory of on-and-off-ramps, bridges, overpasses, toll barriers, telephone booths, drinking fountains, service areas, picnic areas, official signs, business signs and advertising signs. These plotted data showed the points at which accidents peaked and the areas where there were relatively few accidents, as well as the presence or absence of highway or roadside features.

Traffic volume data were furnished by parkway authority personnel at toll barriers and other selected points. From these it was possible to establish traffic volumes for all intermediate sections.

Thereupon, a precise mathematical correlation analysis was conducted to determine whether any of the highway and roadside features were related

To Page 36

Partial Correlation Coefficients Squared, R^2
12.34567

(ACCIDENTS RELATED TO TRAFFIC VOLUME AND TO ENVIRONMENTAL FEATURES GARDEN STATE PARKWAY, 1961-62-63)

Variables	Daytime			
	1961	1962	1963	3 years Combined
Accidents vs. Traffic Volume	.0916	.0836	.1052	.0852
Accidents vs. Construction Features	.0014	.0027	.0007	.0035
Accidents vs. Design Features	.0010	.0021	.0061	.0030
Accidents vs. Telephone and Water	.0044	.0022	.0018	.0026
Accidents vs. Official Signs	.0038	.0009	.0001	.0003
Accidents vs. Business Signs, including illuminated and non-illuminated	.0000	.0000	.0008	.0000
Accidents vs. Advertising Signs, including illuminated and non-illuminated	.0002	.0005	.0001	.0007

Variables	Nighttime			
	1961	1962	1963	3 years Combined
Accidents vs. Traffic Volume	.0929	.0842	.0817	.0888
Accidents vs. Construction Features	.0001	.0010	.0000	.0003
Accidents vs. Design Features	.0033	.0007	.0013	.0003
Accidents vs. Telephone and Water	.0053	.0005	.0040	.0003
Accidents vs. Official Signs	.0002	.0000	.0004	.0000
Accidents vs. Business Signs, illuminated only	.0009	.0011	.0008	.0007
Accidents vs. Advertising Signs, illuminated only	.0016	.0014	.0014	.0016

• The percentage of pavement occupied at these locations;

• Both the posted speed and the actual speed of vehicles at these locations.

Gervais summarizes:

"The first assignment for the computer system will be to provide continuously up-to-date information to the operator controlling the field signals. He will in turn interpret this information and perform the proper control functions.

"It is hoped that this operation will result in a pattern of events and occurrences so that a program can be developed to process the original data and provide instructions to the computer to permit automatic operation of the signal system."

Beyond this point, Gervais hesitates to project.

But he emphasizes four points:

• Kathy could not exist, and could not be in operation, without man's controlling intelligence.

• She may, however, perform the task of traffic control much better than the men presently "teaching" her are able to do.

• She will save motorists on the freeway time and trouble.

• And before too many years have passed, Kathy will have lost her glitter. She will be challenged by newer, more sophisticated computers, and--in due time--- she will be replaced.

The Roadside Distraction

From Page 25

mathematically to accidents. This correlation study started with the computation of simple correlation coefficients, relating accidents to one variable at a time, regardless of the possibility of any association or interaction of that variable with other variables. Then the respective variables were grouped in a multiple correlation study to determine the mathematical relationship of accidents to a combination of variables. Finally the partial correlation coefficients were computed to relate accidents to each variable separately, after the interaction of that variable with all other variables had been removed by a precise mathematical technique.

Considering the partial correlation, each variable stands by itself inasmuch as all of the influences or association of other variables have been removed. The partial correlation coefficient, when squared, presents an index which may be considered as a percentage in reviewing the mathematical relationship between accidents and each individual variable. The table on page 25 presents the squares of the partial correlation coefficients (that is, percentages of mathematical association) for the individual years and for the three years combined.

In reviewing the details of this table, it is clear that traffic volume shows the *greatest mathematical association* with accidents, meaning that when traffic volume increases, the number of accidents increases, and when traffic volume decreases, the number of accidents decreases. Values for highway construction features and highway design features are smaller, and the least values, actually negligible, are for such items as telephone booths and drinking fountains, official signs, business signs and advertising signs, either illuminated or non-illuminated, day or night.

In any correlation study, the resulting answer, though small in magnitude, may be significant. To determine the possible significance of each of the variables in the foregoing table, standard statistical tests of significance were conducted. These tests showed that there was a significant relationship between accidents and traffic volume on the Garden State Parkway, but no significant relationship between accidents and any of the highway or design features or any of the official signs, business signs and advertising signs.

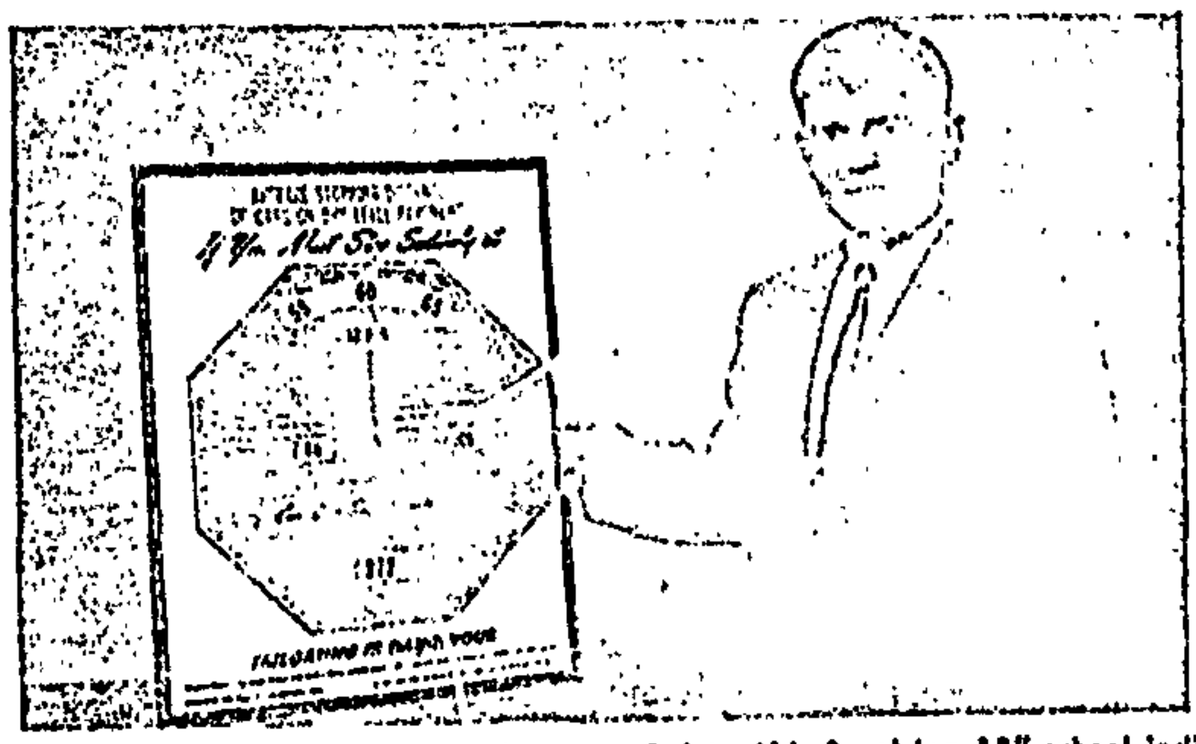
At the suggestion of the National Safety Council a special computation was made to determine whether the elimination of accidents for which the primary cause was given as "blowout," "worn tires," "mechanical failure" or "improper towing," would have a significant effect on the relationship of accidents to other variables.

Approximately eight per cent of the 3,902 accidents were so classified, and these were deleted. The correlation coefficients were not significantly different from the first set.

...NEW...

"STOP GUIDE" — CLASS ROOM SIZE

19 x 24 INCHES — BRIGHT SAFETY COLORS



Ideal for Driver Education Classes — A proven Safety Aid. Revolving 18" wheel indicates . . . Stopping Distances based on tests made by U. S. Bureau of Public Roads. Driver reaction, braking and Total Stopping Distances appear in separate cut-outs. Effectively used in Schools, Traffic Courts, State Motor Vehicle Bureaus, Safety Meetings. Ideal for counter display in Banks, Insurance Offices, Reception Rooms, Industrial Plants, etc. Easel Equipped. Imprint attachment available.

$14.75 ea. (1-4) $13.75 ea. (5 or more)

(Each "Guide" in Storage Carton.)

Shipped prepaid. Order now for immediate delivery.

Also available . . . Companion Wallet Size "Stop Guide" 3 x 4 inches in attractive colors with revolving wheel with same educational features as Easel Type. Priced for wide distribution. Ideal for educational and promotional purposes. Space available for your imprint. Write for brochure for complete information on both Easel and Wallet Size "Guide."

FIL-DE PROMOTIONS • Box 61, Buffalo 23, N.Y.

Circle Item No. 5—Reader Service Card

A second computation was made after 118 accidents (three per cent of all), classified as "had been drinking, not tested," "had been drinking, tested" or "drunk," had been deleted. The correlation coefficients were unchanged.

It is possible that vehicle failures and "drinking drivers" did not significantly affect the results because of the low percentages of all accidents—eight per cent and three per cent, respectively. However, it can be said that the results indicate that accidents due to vehicle failures appear to be randomly distributed, while accidents where drivers are suspected of drinking are distributed in the same fashion as most other accidents.

Thus, while it may not always be possible to determine the exact cause of each accident, based on the statistical analyses summarized above, it is possible to identify those variables where relationships to accidents have not been found.

Prescribe for Safety

From Page 18

out, and many agree with a Florida G.P.: "These exams should be done by a physician other than patient's family physician. Every time I do a physical on one of my patients and have to turn him down as unfit medically to drive, I've lost a patient."

Roughly 7 per cent of participants checked none of the poll's three statements on medical exams, volunteering these reasons for their stand:

"My impression is that medical conditions other than color blindness or visual defects are a negligible factor" (a Connecticut G.P.).

"Most important factors—judgment, alertness, stability, coordination—are *not* measured in usual medical exam" (a California internist).

"This requirement would gain nothing—75 per cent of accidents are involved with alcohol ingestion, not physical impairment" (an Illinois G.P.).

"In my experience, the exam is too superficial to be of any meaning" (a Pennsylvania G.P.).

Minnesota Pioneers Planning

From Page 10

sponsible officials where administrative authority is sufficient to accomplish necessary improvements.

As in the highway program, provision also should be made for periodic review and updating of study findings and conclusions, especially in advance of regular legislative sessions.

Only by this route can any state hope to achieve balanced development of its total highway transportation system.

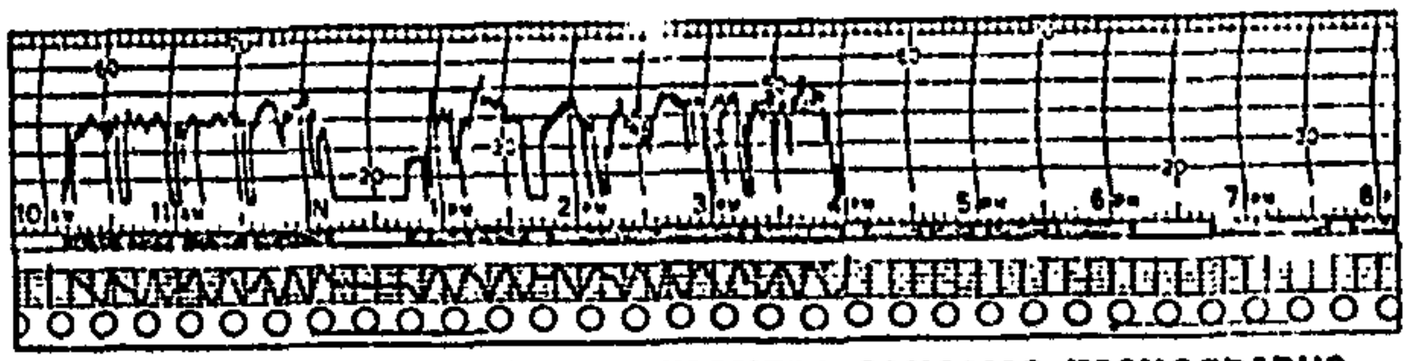
A Man Named Smith

From Page 14

Rule No. 5—Make Sure They See You—This rule stresses the importance of communication. "To prevent other people—pedestrians and motorists—from setting up a conflict with you, you must make sure they see you. This is done with the horn, the lights and eye contact," Smith says. He feels that the use of the horn has become a lost art. It is used too little, and when it is used, it is not used correctly. He takes the case of the person sitting in the parked car who may or may not become a hazard to an approaching motorist.

"I've had thousands of people tell me they don't believe in using the horn," Smith reports. "So what do they do with the guy in the parked car? They say, 'I watch him.' Well, good for you, you watch him. And I say, do you have some kind of whammy you put on him, do you hypnotize him, do you give him the Buck Rogers shock ray? Does watching that fellow relieve you of the need to communicate with him? And they answer, 'Well, I've been doing that for 25 years and I've been getting by pretty well.' Then I ask whether any of these people ever opened the door while they were being watched. 'Yes,' they answer, 'that's why I watch them. And when they open the door I swear and

WHAT WAS YOUR TRUCK DOING AT THE TIME OF THE ACCIDENT?



IT'S IN THE RECORD WHEN WAGNER® SANGAMO TACHOGRAPHS ARE IN THE CAB. PRECISE REPORTS OF TIME, MILEAGE, SPEED AND OPERATION EVERY MINUTE OF EVERY TRIP.

Available for m.p.h. or r.p.m. recording on 12 or 24 hour disk-type charts or on 8, 15 or 31 day strip-type charts. Made in U.S.A.—parts readily available. Return the coupon for the full story.



Wagner Electric Corporation
6467 PLYMOUTH AVENUE, ST. LOUIS, MO., U.S.A.
Manufacturers of LOCKHEED® Products
Please send FREE copy of Bulletin SU-200.
Name
Company
Address
City & State
We operate vehicles
® TRADEMARKS REGD. AND LICENSED REG. U.S. PAT. OFF. AND MARCAS REG.

Circle Item No. 6—Reader Service Card

HS 820329

The Top Ten Driver Errors



"Most drivers like to talk about their experiences in an accident," says John Treat of Bloomington, Indiana. It's a good thing, too, because Treat and his team of accident investigators are probably the nosiest snoops ever to hit the highways.

The folks in Bloomington are used to it. "Between June, 1971, and September, 1975, we investigated about 30 per cent of all the accidents in Monroe County," says Treat, who heads a research team from the Institute for Research in Public Safety at Indiana University. "People in this area got used to seeing us at the scene of accidents. Our investigators all wore bright orange jackets with reflective tape markings. We used four-door white sedans with red and yellow flashing lights on top and 'Highway Safety Research' printed on the side. Because we were from Indiana University, most people were happy to cooperate."

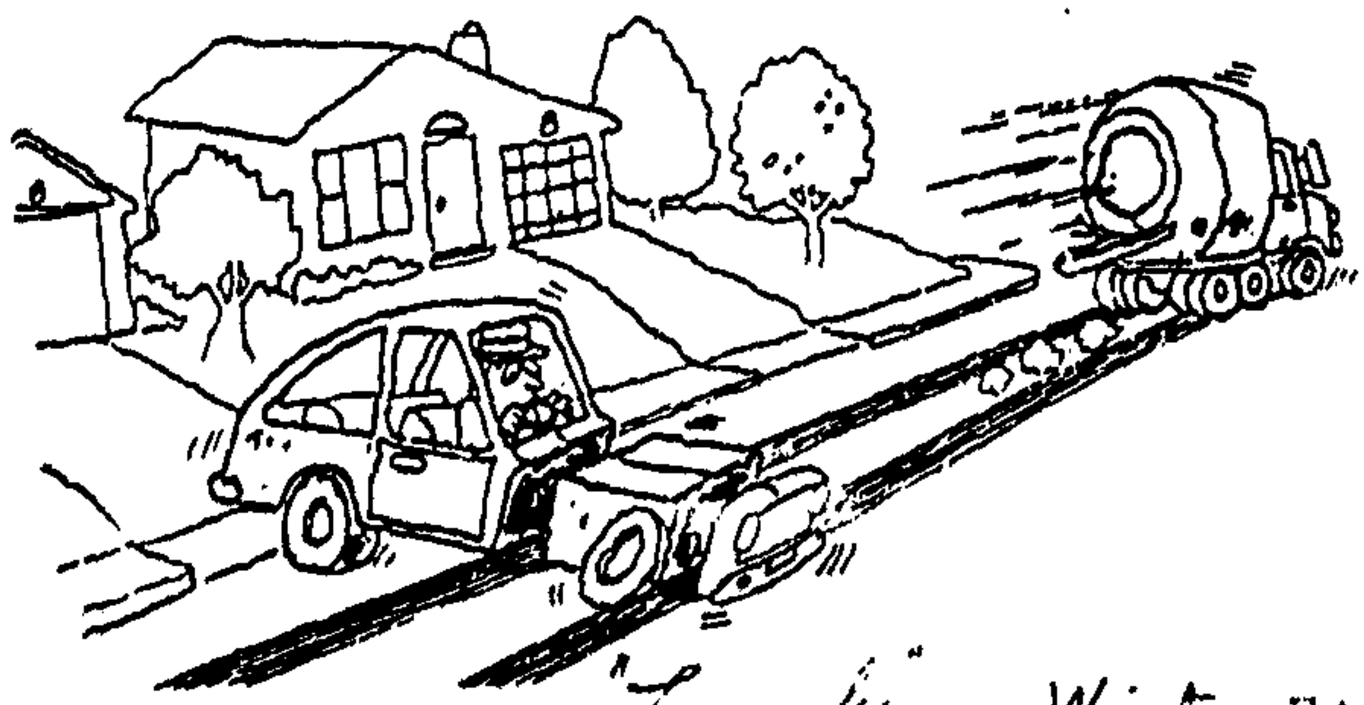
At each accident the investigators interviewed the drivers, inspected the vehicles, assessed the driving environment and measured skid marks and other physical evidence. Later, back at the lab, they discussed the case and rendered a verdict on the causes of the accident.

That was only stage one, involving more than 2,200 accidents. In 420 cases the investigators persuaded accident victims to undergo an in-depth investigation. The vehicles involved were hauled off to a special research garage where automotive engineers went over them with a fine-tooth comb. A psychologist or sociologist interviewed each of the drivers and administered dynamic vision tests and driver knowledge tests. Traffic engineers and accident reconstruction experts went to the scene and examined all physical and environmental factors, calculated speed estimates and made detailed scale drawings showing the trajectories of the vehicles before, during and after the accident.

The result: a detailed breakdown of the most common causes of accidents.

The final tally puts most of the blame on human driving errors. The in-depth investigators concluded that in 92.6 per cent of the accidents, human errors definitely or probably caused the accident, or at least increased the severity. In another 5.3 per cent investigators concluded that human error "possibly" contributed to the accident. That means only 2.1 per cent of the drivers definitely got a clean report card—they did all they could, but driving conditions or vehicle defects forced them into an accident.

The top 10 driving errors, in order of frequency, were: improper lookout, excessive speed, inattention, improper evasive action, internal distraction, improper driving technique, inadequately defensive driving technique, unjustified assumption, improper maneuver and overcompensation.



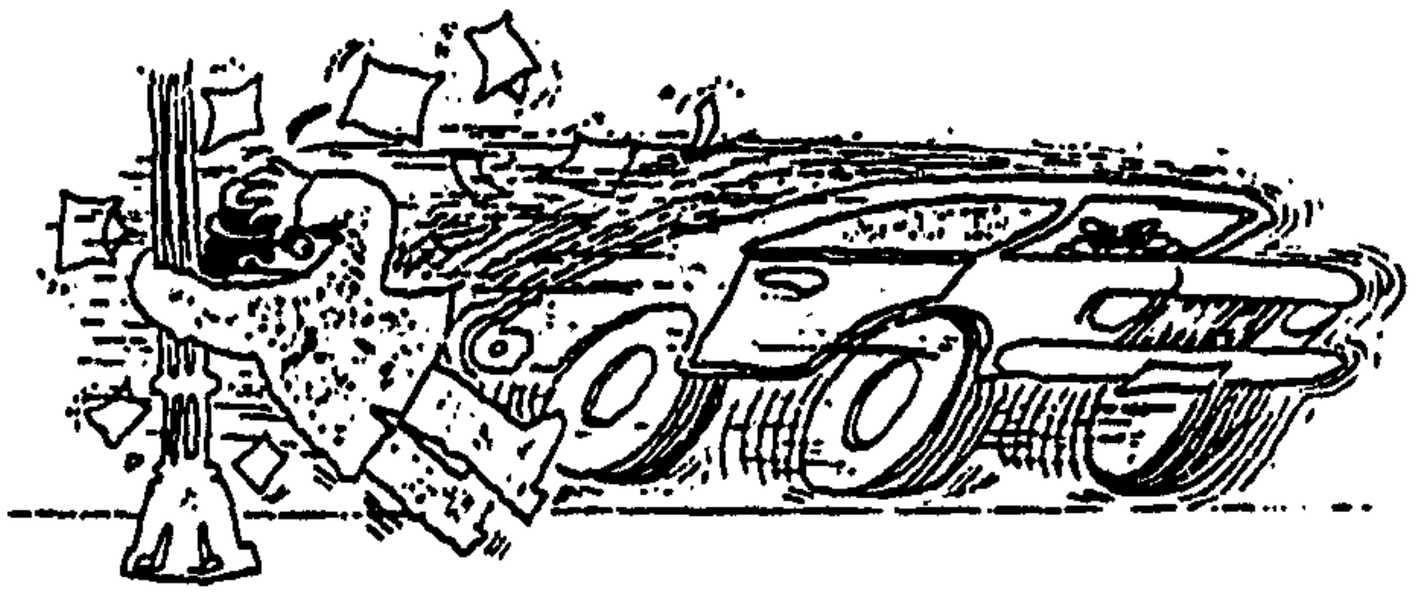
IMPROPER LOOKOUT

Nearly one-sixth of all the accidents were caused by drivers who pulled into a street from an intersecting alley, street or driveway without looking carefully for oncoming traffic. That's improper lookout. Other boners in this class include pulling out to pass without checking for traffic in the passing lane, and pulling out of a parking space without looking back for oncoming cars.

"Family" Winter 76/77 Vol 35 #4

EXCESSIVE SPEED

Lead-footed drivers chalked up an impressive number of accidents. Many barreled along without regard for the speed limit, but some of those who observed the posted limits still got into trouble because they were going too fast for the traffic or weather conditions.



INATTENTION

Daydreamers and deep thinkers should take a taxi or stay home. Driving requires full attention. Indiana investigators put the finger on scores of inattentive drivers who were so deeply engrossed in thought that they failed to notice oncoming curves, warning signs, narrowing lanes, cars ahead slowing or stopping, or traffic approaching from a merging lane or intersecting street.



INTERNAL DISTRACTION

A seductive passenger in the front seat can distract even the most careful driver. So can a screaming baby, two fighting kids or a funny joke from a passenger. In many cases the driver creates his own internal distraction by fiddling with a radio, CB unit or eight-track tape player. "Tape players were involved in more and more accidents as the study progressed," reports John Treat. "The units are often mounted way over on the right side of the car near the glove compartment, so the driver has a long reach. Then he's got to sort through the tapes, find the right one and push it in." A smart driver will pull over to change tapes or have a passenger do it for him.

IMPROPER EVASIVE ACTION

Your car can do more than you think. For years experts have been saying that the average driver doesn't take advantage of his car's maneuverability in an emergency. The Bloomington study bears that out. An astounding number of drivers did not even attempt to steer around an impending crash. Others tried to steer but couldn't because they had slammed on the brakes (instead of pumping them) and thus locked the front wheels. Proper braking, acceleration or other maneuvering could have prevented a number of other accidents.

IMPROPER DRIVING TECHNIQUE

Do you brake at the last minute before a turn? Do you wander out of your lane as you come up to the crest of a hill or around a curve in the mountains? Do you stop too far out into an intersection, or drive too close to the center line or the edge of the road? Those are improper driving techniques. You may get away with it for years, but someday you'll zoom over the top of a hill riding the center line and crash into another car doing the same thing. It happened in Bloomington — not once, but many times.

INADEQUATELY DEFENSIVE DRIVING TECHNIQUE

Sometimes following the rules of the road isn't enough. You may do everything right, yet get into trouble because you failed to watch out for careless drivers. Let's say you're at an intersection waiting for the light to change. A car comes barreling up in the cross street, hoping to get

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



PETITIONER'S EXHIBIT 1A

CBA-44

8131 BELAIR ROAD

PROPOSED BILLBOARD LOCATION



COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



BELAIR ROAD VIEW LOOKING NORTH, EXISTING RAISED MEDIAN



PETITIONER'S EXHIBIT 11E

CBA 4E

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



8131 BELAIR ROAD
EXISTING STRUCTURE

PETITIONER'S EXHIBIT 1B

CBA-4B

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

WILLIAM MONK, INC.
ENGINEERS • PLANNERS



8131 BELAIR ROAD AND ADJACENT COMMERCIALLY DEVELOPED PROPERTY

PETITIONER'S EXHIBIT 4
CBA 4C

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

WILLIAM MONK, INC.
ENGINEERS • PLANNERS

VIEW NORTHWEST FROM SITE

PETITIONER'S EXHIBIT 4D
CBA 4D

COURTHOUSE COMMONS • 222 BOSLEY AV
AX 410-494-9203

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



WHITE MARSH BLVD. PASSING UNDER BELAIR ROAD

PETITIONER'S EXHIBIT 4F

CBA 4G

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410-494-8931 • FAX 410-494-9903

WILLIAM MONK, INC.
ENGINEERS • PLANNERS

VIEW LOOKING SOUTH AT BILLBOARD
LOCATION FROM BELAIR ROAD

PETITIONER'S EXHIBIT 1G
CBA 4F

COURTHOUSE COMMONS • 222 BOSLEY AVENUE • SUITE B-6 • TOWSON, MD 21204-4300 • 410 494-6931 • FAX 410-494-9203

F.H.WA. REGION NO	STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
3	MD.		35	428

BM #14 - B. S. BONNET BOLT OF FIRE HYDRANT 50' RT. ℄ STA. 93+54.00 ELEV. 277.70

CURVE DATA
℄ CONST. U.S. RTE. 1
P.I. STA. 66+47.62
Δ = 1°-30'-31.6"
Dc = 0°-15'-00"
R = 22918.31
T = 301.77'
L = 603.51
E = 1.99

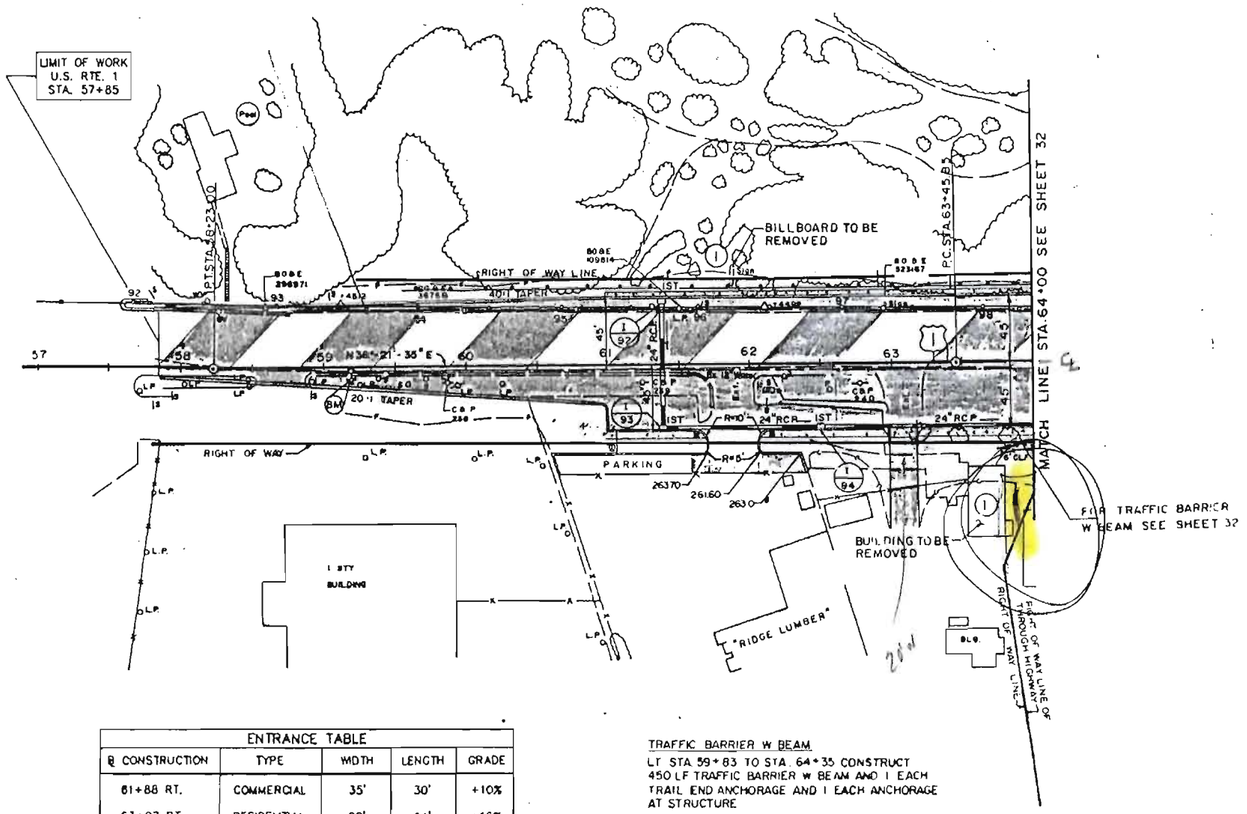
SOILS TEST DATA			
NO.	L.L.	P.I.	M.D.D. & O.M.C.
(86)	28	NP	

E 939,500
N 363,000

TO I-695

TO PERRY HALL

U.S. RTE. 1



ENTRANCE TABLE				
℄ CONSTRUCTION	TYPE	WIDTH	LENGTH	GRADE
61+88 RT.	COMMERCIAL	35'	30'	+10%
63+07 RT.	RESIDENTIAL	20'	64'	+16%
67+75 LT.	COMMERCIAL	30'	9'	+2%
68+83 RT.	COMMERCIAL	30'	76'	*
69+08 RT.	COMMERCIAL	40'	34'	+11%
69+82 LT.	RESIDENTIAL	15'	10'	+8%

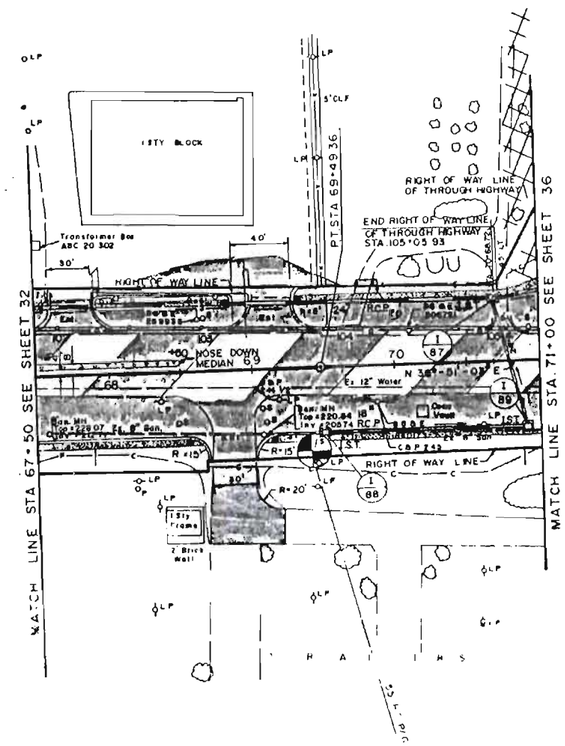
* 3% FOR FIRST 20' THEN 6% TO MEET EXISTING ENTRANCE

NOTE: FOR RESIDENTIAL ENTRANCE SEE STD. NO. MD.-630.01, ENTRANCE APRON IS 7' LENGTH AND GRADE BEGIN AT END OF APRON. FOR COMMERCIAL ENTRANCES, LENGTH AND GRADE ARE FROM U.S. RTE. 1 FLOWLINE TO CONSTRUCTION LIMIT.

TRAFFIC BARRIER W BEAM
LT STA 59+83 TO STA. 64+35 CONSTRUCT 450 LF TRAFFIC BARRIER W BEAM AND 1 EACH TRAIL END ANCHORAGE AND 1 EACH ANCHORAGE AT STRUCTURE

SCALE: 1" = 100' SCALE

U.S. RTE. 1



4'-0" TYPE A MONOLITHIC MEDIAN

STA. 67+50 TO STA. 68+45

BITUMINOUS CONCRETE CURB

STA. 57+85 TO STA. 61+00 RT. & LT., 647 LF.

N 364,000
E 940,500

STD. TYPE A COMB. CURB & GUTTER

RT. STA. 60+59 TO STA. 61+70.5 – 195 LF
RT. STA. 62+05 TO STA. 64+00 – 240 LF
LT. STA. 61+00 TO STA. 64+00 – 300 LF
LT. STA. 67+50 TO STA. 67+07 – 20 LF
RT. STA. 67+50 TO STA. 68+88 – 128 LF
LT. STA. 67+90 TO STA. 68+88 – 200 LF
RT. STA. 68+98 TO STA. 71+00 – 210 LF
LT. STA. 69+28 TO STA. 71+00 – 183 LF

TEMPORARY INLET SEDIMENT TRAP

LT. STA. 61+40, RT STA. 69+50
RT. STA. 61+40; LT STA. 70+70
RT. STA. 62+50; RT. STA. 70+90

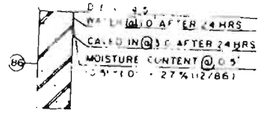
4" CONCRETE SIDEWALK

RT. STA. 61+00 TO STA. 61+70 – 303 SF
RT. STA. 62+05 TO STA. 62+85 – 346 SF
RT. STA. 63+29 TO STA. 64+00 – 307 SF
LT. STA. 61+00 TO STA. 64+00 – 1,300 SF
RT. STA. 67+50 TO STA. 68+58 – 468 SF
LT. STA. 67+93 TO STA. 68+83 – 390 SF
RT. STA. 69+08 TO STA. 71+00 – 398 SF
LT. STA. 69+32 TO STA. 71+00 – 727 SF

SIDEWALK PEDESTRIAN RAMPS

(CONSTRUCTED IN ACCORDANCE WITH MD.-655.11 AND AS DIRECTED BY THE ENGINEER)

RT. STA. 61+70	RT. STA. 68+58
RT. STA. 62+05	LT. STA. 68+83
LT. STA. 67+53	RT. STA. 69+08
LT. STA. 67+93	LT. STA. 69+32



REFERENCE	SHEET NO.
PROFILE US RTE 1	38
STORM DRAIN PROFILES	101, 104
EROSION AND SEDIMENT CONTROL DETAILS	

R/W PLAT NO 50136 & 50137

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
MARYLAND ROUTE 43
I-695 TO HONEYGO BLVD.

CONT NO. 8818-502-471 F.A.P. NO. _____ SHEET NO. 35 OF 428
PREL. TRAC BY _____ FINAL TRAC BY _____

CBA-5



#10

Pedro


Ridge Lumb

1584484 CNC 8 Apr 96 13:25:24 UNKNOWN

Peoples 6A

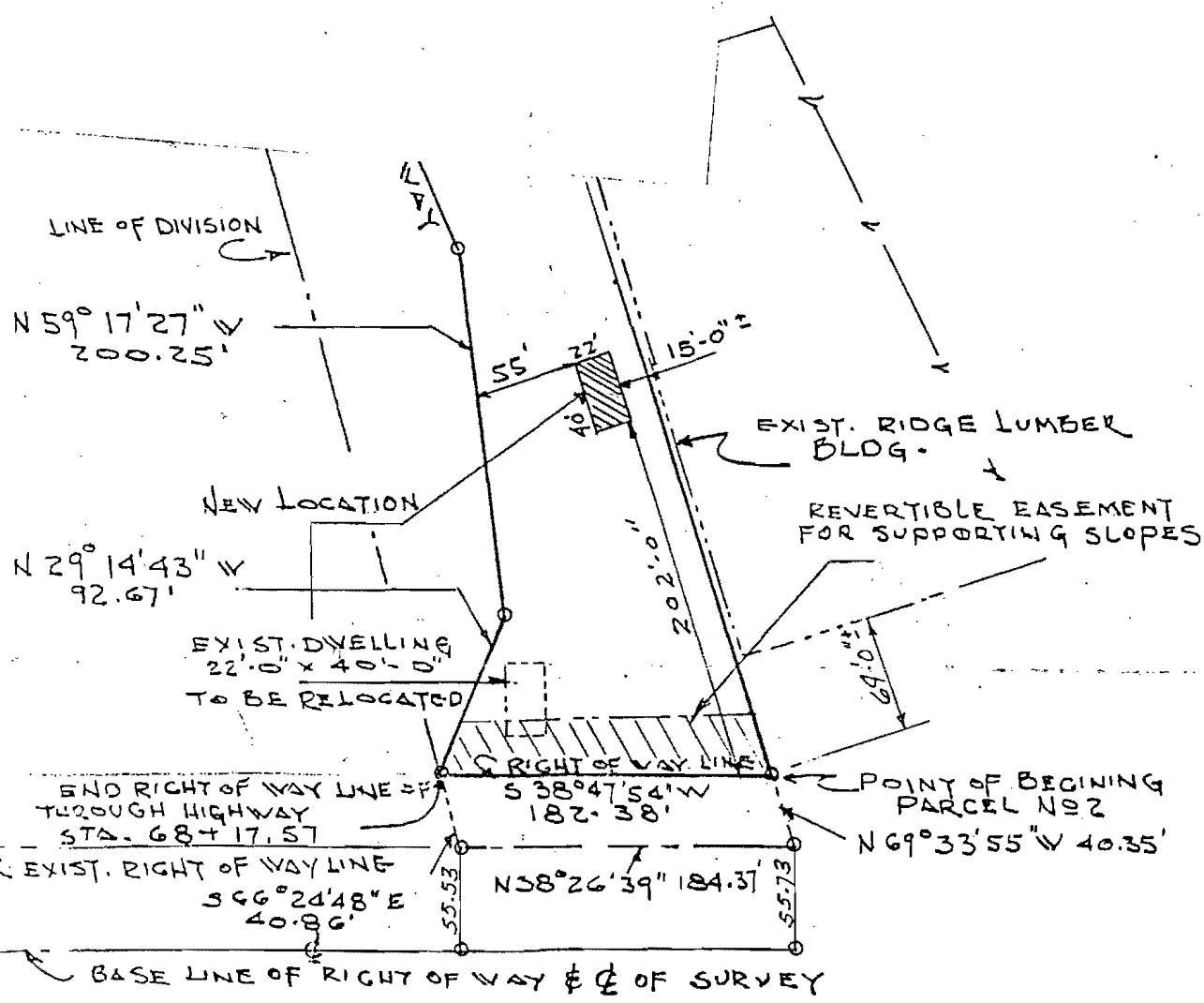

Ridge Lumber
Curran
EHRLICH
SPEED LIMIT
40

Peoples 6B

158209384 <No. 3> 98.10.25 23:21 DKRM1

RIDGE LUMBER PROPERTY

PROPERTY OF
ERNEST PHILIP DEIGERT
BALT. COUNTY
LIBER 5328, FOLIO 519



SCALE 1" 100'

PLOT PLAN

OWNER: ERNEST PHILIP DEIGERT
LOCATION: 8131 BELAIR ROAD
BALTIMORE COUNTY. 14TH DIST.
DATE: JAN. 20, 1988

2/2

C. MITCHERLING

CBA-12



NOTES:

1. EXISTING ZONING: BR, (Business, Roadside)
2. PROPOSED ZONING: No change
3. LOT AREA: 3.8 ACRE +/-
4. SPECIAL EXCEPTION: Per Section 450.4.(11) to permit (1) one illuminated double face outdoor advertising sign (12' x 25') in a BR zoning district.
5. SPECIAL HEARING:None.
6. VARIANCES:
   Section 450.7C.1.f. to permit a billboard to be located 25' from the Right of Way line of a dual highway (Belair Road) in lieu of the required 100'.
7. EXISTING USE: Residential
8. PROPOSED USE: Residential and outdoor advertising sign.
9. PREVIOUS ZONING HEARINGS: None
10. PREVIOUS COMMERCIAL PERMITS: None Available
11. OWNERSHIP INFORMATION: Philip Ernest Deigert, 8131 Belair Road, Baltimore, Md. 21236
12. DEED REFERENCE: 5328/519
13. TAX MAP: 81 GRID: 5 PARCEL: 131
14. CENSUS TRACT: 4403
15. TAX ACCOUNT #: 1404020950
16. ELECTION DISTRICT NO.: 14
17. COUNTY COUNCIL DISTRICT NO.: 6
18. SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION)

	REQUIRED	PROVIDED
FRONT	45'*	25'
SIDE	NA	NA
REAR	NA	NA

19. SETBACK AVERAGING COMPUTATIONS:

BLDG TO SOUTH (W/IN 100')	65'	(Existing Setback)
BLDG TO NORTH (N/A)	N/A	
SUBJECT PROPERTY	25'	(Required Setback)
AVERAGE SETBACK (65+25/2)	45'*	

* THE FRONT YARD AVERAGING PROVISION REQUIREMENT IS SUPERCEDED BY SECTION 450.7.C.1.c.

20. PARKING NOTE: Proposed sign location will not interfere with any existing parking spaces, loading areas or travel aisles.
21. UTILITIES: Site is served by existing public utilities.
22. SIGNS: There presently are no signs on the property.
23. APPLICANT: Eller Media Company, 3001 Remington Avenue, Baltimore, MD 21211
24. ZONING NOTES: Outdoor Advertising Signs

Section 450.4(11) (BCZR) spaces, loading areas or travel aisles.

A. This sign is classified as an outdoor advertising sign.
B. This sign will be a free-standing sign.
C. This sign will be located in a BR (Business Roadside zone).
D. This sign is permitted in a BR zone by special exception.
E. The maximum surface area within the face of the proposed sign shall not exceed 300 square feet.
F. There shall be only one (1) outdoor advertising sign displayed on the premises.
G. This sign shall not exceed 25 feet in height.
H. This sign will be illuminated in accordance to the requirements of Section 450.6.B (BCZR).
I. This sign shall adhere to additional limitations as they apply to Section 450.7.C (BCZR).

Section 450.6.A (BCZR)

1. The sign has been located to allow clear and ample visual site lines from all existing driveways and intersections.
2. The sign does not resemble any governmental erected sign for traffic control.
3. The sign does not project into the street right-of-way.
4. The sign and its structural framework and supporting elements will not obstruct the access, lighting or air to any building, fire hydrant or standpipe.
5. The sign will be placed on a steel post with a permanent below grade footer
6. Not applicable.
7. Not applicable.
8. The sign will not display or simulate any moving part or automatically changing message.

Section 450.6.B (BCZR)

1. The light emanating or reflecting from, or projecting onto, a sign shall be shaded, shielded or directed so that its intensity does not cause a glare or a similar adverse effect on neighboring properties, highways or parking areas.
2. Projected illumination will be reasonably confined to the face of the sign.
3. All elements illuminating the sign shall be at a constant intensity.
4. Not applicable.

Section 450.6.C (BCZR)

1. The sign shall be erected in accordance with the building code of Baltimore County.
2. The sign shall be maintained at all times in accordance to Baltimore County Zoning Regulations.

Section 450.7.C.1 (BCZR)

a. The sign is located inside the urban-rural demarcation line.
b. The sign is located in a place where it can not be seen from a scenic route.
c. The sign is located more than 200' from a residential zone line. And not more than 50' from the Right of Way Line of Belair Rd.
d. The sign is located more than 1,000' from another outdoor advertising sign.
e. The sign is located more than 100' from the intersection of Ridge Road and Belair Road.
f. The sign is located less than 100' from the Right of Way of a dual highway (Belair Road). Distance being 25'. A variance is required. See note 6.
g. The sign is not located within a town center or revitalization area.

Section 450.7.C.3 (BCZR)

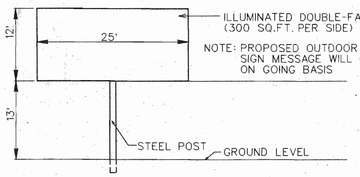
This sign shall comply with the license and permit requirements of the annotated code of Maryland, transportation article, title 8, subtitle 7 - regulation of outdoor advertising.

Section 450.7.4 (BCZR)

The owner of a lawfully erected and maintained outdoor advertising sign which is removed or required to be removed by the county shall be compensated pursuant to the Annotated Code of Maryland, Article 25, Section 122E.

Section 450.7.C.5

On the date the property is posted for a special exception hearing, Owners of a residentially-zoned property within 100' of the sign shall be notified in writing by certified mail of the date, place, time, subject and purpose of the special exception hearing.



PROPOSED OUTDOOR ADVERTISING SIGN
SIGN ELEVATION
NOT TO SCALE

STATE OF MARYLAND
WILLIAM MONK
No. 21601
REGISTERED PROFESSIONAL ENGINEER
12/2/98

William Monk, Inc.
ENGINEERS - PLANNERS
Courthouse Commons
222 Bosley Avenue, Suite B-6
Towson, Maryland 21204
Phone: 410-494-8931 Fax: 410-494-9903

PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE HEARING

8131 BELAIR ROAD

BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: SAD	DESIGNED BY: PJR	SCALE: 1"= 40'
PETITIONER'S EXHIBIT 4	DATE: 10/21/98	JOB NO.: 98-122	SHEET NO.: 1 OF 1

CBA-3



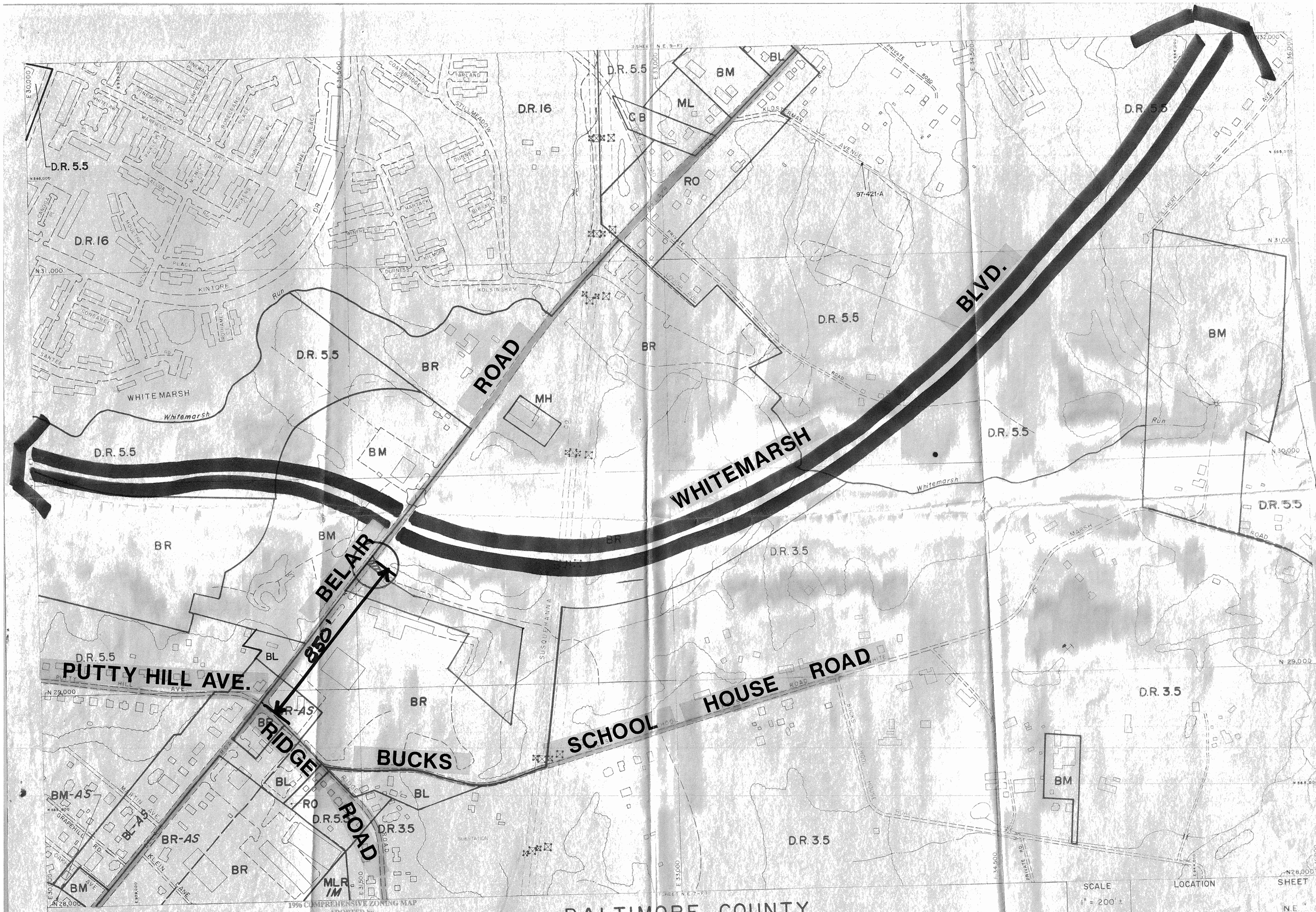
Baltimore County GIS Services Unit Date of Photography: March 1995 Scale: 1 inch = 200 feet

Baltimore County Tile: 081c1

PETITIONER'S EXHIBIT

CBA-2

PETITIONER'S EXHIBIT 3


WHITEMARSH BLVD.
BELAIR ROAD
PUTTY HILL AVE.
RIDGE ROAD
BUCKS SCHOOL HOUSE ROAD
WHITEMARSH
Whitemarsh Run
Whitemarsh
D.R. 5.5
D.R. 16
D.R. 3.5
BR
BM
BL
ML
MH
RO
CB
BR-AS
BM-AS
BL-AS
MLR
IM
97-421-A
N 32,000
N 31,000
N 30,000
N 29,000
N 28,000
E 30,000
E 31,500
E 33,000
E 34,500
E 36,000
KINTORE
WOLSINGHAM
STILLMEADOW
KLOSTERMAN AVENUE
PRIVATE ROAD
SUSQUEHANNA
SUBSTATION
MARSH ROAD
PRIVATE RD.
1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kevin Kamenetz
Chairman, County Council
N - SE M - SW
N - NE M - NW
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP
SCALE
1" = 200' ±
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
FULLERTON
SHEET
N.E. 8-F
PETITIONER'S EXHIBIT 2
CBA-1

TO I-695

TO I-95

RAMP 'A'
BASE LINE OF RIGHT OF WAY
CURVE DATA
P.I. STA. 17+21.56
Δ = 103° 20' 24.0"
D = 11° 30' 00"
R = 498.22'
L = 898.61'
T = 630.18'
E = 305.12'

NOTE 'B'
"TEMPORARY EASEMENT TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF ENTRANCE ADJUSTMENTS AND AT THE TERMINATION OF THE CONSTRUCTION ALL RIGHTS HEREBY ACQUIRED BY THE STATE HIGHWAY ADMINISTRATION – STATE ROADS COMMISSION SHALL THEN TERMINATE AND REVERT TO THE PROPERTY OWNERS."

MD. RTE. 43
BASE LINE OF RIGHT OF WAY
CURVE DATA
P.I. STA. 80+32.63
Δ = 70° 24' 21"
D = 04° 45' 00"
R = 1206.23'
L = 1482.23'
T = 950.99'
E = 269.96'

DOMINIC AVERZA, ET. AL. 76974		
SEC'Y. NO. 65277 LIBER 3188 FOLIO 392 R.D. 6-1-89		
1	N. 39° 03' 55" E.	100.84'
2	S. 74° 52' 21" E.	16.33'
3	S. 38° 26' 38" W.	100.10'
4	N. 75° 02' 22" W.	17.54'
FEE SIMPLE AREA 1,556 SQ. FT. OR 0.036 ACRES ± SHOWN THUS:		

LOUIS M. SCHAEFER, ET. AL. 76977		
SEC'Y. NO. LIBER FOLIO R.D.		
1	N. 43° 52' 23" W.	39.52'
2	N. 39° 20' 42" E.	96.41'
3	N. 41° 21' 28" E.	101.86'
4	N. 48° 45' 28" E.	60.44'
5	S. 89° 53' 53" E.	24.57'
6	S. 38° 47' 51" W.	270.61'
FEE SIMPLE AREA 9,286 SQ. FT. OR 0.213 ACRES ± SHOWN THUS:		

THE RIDGE LUMBER CO. 76978		
SEC'Y. NO. LIBER FOLIO R.D.		
1	N. 69° 53' 53" W.	24.57'
2	N. 48° 45' 28" E.	41.18'
3	N. 39° 07' 47" E.	100.01'
4	N. 25° 43' 52" E.	40.70'
5	S. 70° 35' 00" E.	26.26'
6	S. 38° 47' 51" W.	181.05'
FEE SIMPLE AREA 3,202 SQ. FT. OR 0.074 ACRES ± SHOWN THUS:		

MD. RTE. 43
BASE LINE OF RIGHT OF WAY
CURVE DATA
P.I. STA. 64+87.84
Δ = 32° 51' 12"
D = 05° 00' 00"
R = 1145.92'
L = 657.07'
T = 337.84'
E = 48.76'

U.S. RTE. I
CENTERLINE OF CONSTRUCTION
CURVE DATA
P.I. STA. 66+47.62
Δ = 01° 30' 31.57"
D = 00° 15' 00"
R = 22918.31'
L = 603.51'
T = 301.77'
E = 1.99'

U.S. RTE. I
CENTERLINE OF CONSTRUCTION
CURVE DATA
P.I. STA. 57+06.50
Δ = 01° 09' 54"
D = 00° 30' 00"
R = 11459.16'
L = 223.00'
T = 116.50'
E = 0.59'

MATCH MARK PLAT NO. 50137
MATCH MARK PLAT NO. 50135
MATCH MARK PLAT NO. 50141
MATCH MARK THIS PLAT
END RIGHT OF WAY LINE OF THROUGH HIGHWAY STA. 94+57.29
RAMP 'A'
MD. RTE. 43
U.S. RTE. I
PUTTY HILL AVE
RIDGE RD.
TO BALTIMORE
OLD BELAIR PARTNERSHIP 74579
FINELAND ENTERPRISES, INC. 74578
WHITE MARSH DINNER THEATER, INC. 76975
MARTHA V. LANGENFELDER-74456 PARCEL NO. 1
DOMINIC AVERZA ET AL. 76974
ERNEST PHILIP DEIGHT 74457- PARCEL NO. 1
THE RIDGE LUMBER CO. 76978
EXTRA LAND PARCEL 74579
EXTRA LAND PARCEL NO. 2 74579
EXTRA LAND PARCEL NO. 1 74579
PIPE CULVERT
PC. 10+91.38
PC. 71+61.64
PC. 55+90.00
STA. 61+50.00 MD. RTE. 43 = STA. 10+00.00 RAMP 'A'
STA. 67+74.00 MD. RTE. 43 = STA. 65+85.59 U.S. RTE. I
STA. 92+57.02 BASE LINE OF RIGHT OF WAY
PT. STA. 58+23.00 CENTERLINE OF CONSTRUCTION
N 563295.1841 E 940227.4833
FOR METES AND BOUNDS SEE PLAT NO. 50137
FOR METES AND BOUNDS SEE PLAT NO. 49158
FOR METES AND BOUNDS SEE PLAT NO. 49157
FOR METES AND BOUNDS SEE PLAT NO. 49336
FOR METES AND BOUNDS SEE PLAT NO. 49339
END RIGHT OF WAY LINE OF THROUGH HIGHWAY STA. 60+78.67
END RIGHT OF WAY LINE OF THROUGH HIGHWAY STA. 62+01.16
END RIGHT OF WAY LINE OF THROUGH HIGHWAY STA. 67+27.91
END RIGHT OF WAY LINE OF THROUGH HIGHWAY STA. 68+55.08
LIMIT OF REVERTIBLE EASEMENT FOR SUPPORTING SLOPES
LIMIT OF TEMPORARY EASEMENT - SEE NOTE 'A' PLAT NO. 49339
LINE OF DIVISION
RIGHT OF WAY LINE OF THROUGH HIGHWAY
RIGHT OF WAY LINE
BASE LINE OF RIGHT OF WAY
CENTERLINE OF CONSTRUCTION
TEMPORARY EASEMENT SEE NOTE 'B'
ULTIMATE REVERTIBLE EASEMENT FOR SUPPORTING SLOPES
REVERTIBLE EASEMENT FOR SUPPORTING SLOPES
EXISTING RIGHT OF WAY LINE
MATCH MARK THIS PLAT
Woods
1 Sty. Frame Bldg.
2 Sty. Frame
Sign (Buried)
Transformer Box #ABC 20 302
Secy'h 65560 $130.32 3-30-89

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE A CORRECT INTERPRETATION OF THE FIELD SURVEY SUPPLIED TO ME BY THE STATE HIGHWAY ADMINISTRATION.

WALTER J. MILLER
REGISTERED PROFESSIONAL LAND SURVEYOR #10107
DATE 11/8/90

LEGEND
- REVERTIBLE EASEMENT FOR SUPPORTING SLOPES.
- REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
- PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
- PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT. (ARROW INDICATES GENERAL DRAINAGE FLOW PATTERN)
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.
- APPROXIMATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE-FOR EXPLANATORY PURPOSE ONLY).

A PORTION OF THIS IS AN EXPRESSWAY AND NO ACCESS EITHER VEHICULAR, PEDESTRIAN, AND/OR ANIMAL WILL BE PERMITTED ACROSS THE LINES DESIGNATED "RIGHT OF WAY LINE OF THROUGH HIGHWAY" EXCEPT BY MEANS OF SUCH PUBLIC ROAD CONNECTIONS AS ARE AUTHORIZED BY LAW.

SENT TO RECORD OFFICE ____ 19__

APPROVED BY CHAIRMAN ____ 19__

BOOKS: 19341, 22412, 22495, 31343, 31655, 31761

REVISIONS: REPLACES PART OF PLAT 50136

PART OF PLATS: "UU" 49158, 49336, R/W76-147-1, R/W76-147-2, BALTO. CO.

LOCATED IN BALTIMORE COUNTY

PREPARED BY HURST-ROSCHE ENGINEERS, INC.
PROJECT ENGINEER

CONSTRUCTION PROJECT: MARYLAND ROUTE 43 WEST OF U.S. ROUTE 1 TO HONEYGO BLVD.

CONSTRUCTION PROJECT NO.: B 818-501-471

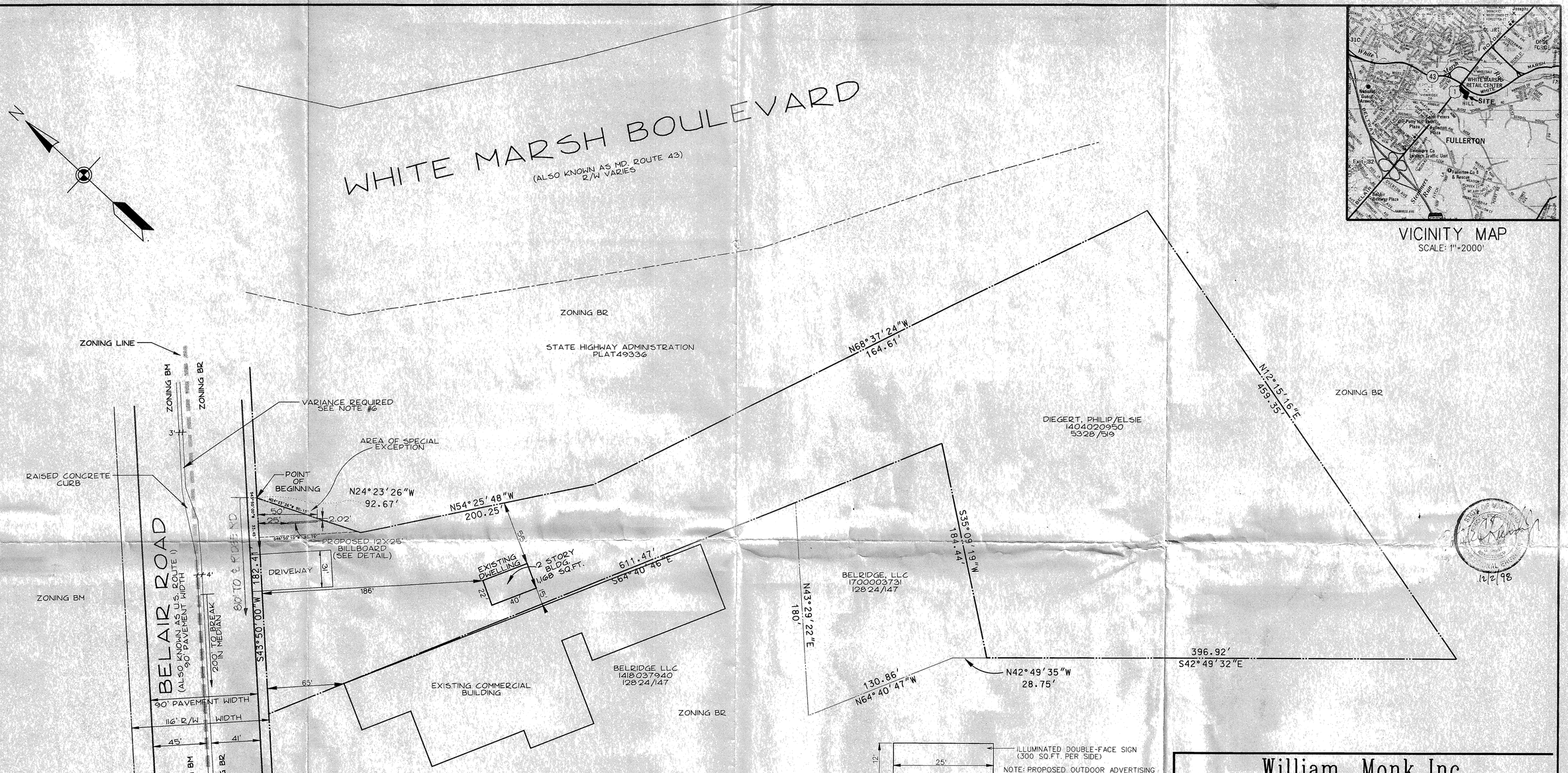
STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION

RIGHT OF WAY PROJECT: MARYLAND ROUTE 43 WEST OF U.S. ROUTE 1 TO HONEYGO BLVD.
RIGHT OF WAY PROJECT NO. B 818-302-471
FEDERAL AID PROJECT NO. IX 348812()
ISSUED Feb 5 19 91
SCALE 1"=50'
CHIEF, PLATS AND SURVEYS DIVISION

PLAT No. 52909

K-E BALTIMORE 17 0183 PHOENIX 49087

CBA-13



VICINITY MAP
SCALE: 1"=2000'

NOTES:

1. EXISTING ZONING: BR, (Business, Roadside)
2. PROPOSED ZONING: No change
3. LOT AREA: 3.8 ACRE +/-
4. SPECIAL EXCEPTION: Per Section 450.4.(11) to permit (1) one illuminated double face outdoor advertising sign (12' x 25') in a BR zoning district.
5. SPECIAL HEARING: None.
6. VARIANCES:
   Section 450.7C.1.f. to permit a billboard to be located 25' from the Right of Way line of a dual highway (Belair Road) in lieu of the required 100'.
7. EXISTING USE: Residential
8. PROPOSED USE: Residential and outdoor advertising sign.
9. PREVIOUS ZONING HEARINGS: None
10. PREVIOUS COMMERCIAL PERMITS: None Available
11. OWNERSHIP INFORMATION: Philip Ernest Deigert, 8131 Belair Road, Baltimore, Md. 21236
12. DEED REFERENCE: 5328/519
13. TAX MAP: 81 GRID: 5 PARCEL: 131
14. CENSUS TRACT: 4403
15. TAX ACCOUNT #: 1404020950
16. ELECTION DISTRICT NO.: 14
17. COUNTY COUNCIL DISTRICT NO.: 6
18. SETBACK REQUIREMENTS (PROPOSED SIGN LOCATION)

	REQUIRED	PROVIDED
FRONT	45'*	25'
SIDE	NA	NA
REAR	NA	NA

19. SETBACK AVERAGING COMPUTATIONS:

BLDG TO SOUTH (W/IN 100')	65'	(Existing Setback)
BLDG TO NORTH (N/A)	N/A	
SUBJECT PROPERTY	25'	(Required Setback)
AVERAGE SETBACK (65'+25'/2)	45'*	

* THE FRONT YARD AVERAGING PROVISION REQUIREMENT IS SUPERCEDED BY SECTION 450.7.C.1.c.

20. PARKING NOTE: Proposed sign location will not interfere with any existing parking spaces, loading areas or travel aisles.
21. UTILITIES: Site is served by existing public utilities.
22. SIGNS: There presently are no signs on the property.
23. APPLICANT: Eller Media Company, 3001 Remington Avenue, Baltimore, MD 21211
24. ZONING NOTES: Outdoor Advertising Signs

Section 450.4(11) (BCZR) spaces, loading areas or travel aisles.

A. This sign is classified as an outdoor advertising sign.
B. This sign will be a free-standing sign.
C. This sign will be located in a BR (Business Roadside zone).
D. This sign is permitted in a BR zone by special exception.
E. The maximum surface area within the face of the proposed sign shall not exceed 300 square feet.
F. There shall be only one (1) outdoor advertising sign displayed on the premises.
G. This sign shall not exceed 25 feet in height.
H. This sign will be illuminated in accordance to the requirements of Section 450.6.B (BCZR).
I. This sign shall adhere to additional limitations as they apply to Section 450.7.C (BCZR).

Section 450.6.A (BCZR)

1. The sign has been located to allow clear and ample visual site lines from all existing driveways and intersections.
2. The sign does not resemble any governmental erected sign for traffic control.
3. The sign does not project into the street right-of-way.
4. The sign and its structural framework and supporting elements will not obstruct the access, lighting or air to any building, fire hydrant or standpipe.
5. The sign will be placed on a steel post with a permanent below grade footer
6. Not applicable.
7. Not applicable.
8. The sign will not display or simulate any moving part or automatically changing message.

Section 450.6.B (BCZR)

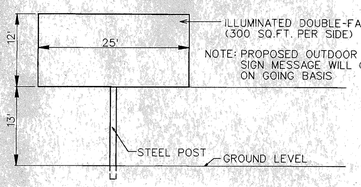
1. The light emanating or reflecting from, or projecting onto, a sign shall be shaded, shielded or directed so that its intensity does not cause a glare or a similar adverse effect on neighboring properties, highways or parking areas.
2. Projected illumination will be reasonably confined to the face of the sign.
3. All elements illuminating the sign shall be at a constant intensity.
4. Not applicable.

Section 450.6.C (BCZR)

1. The sign shall be erected in accordance with the building code of Baltimore County.
2. The sign shall be maintained at all times in accordance to Baltimore County Zoning Regulations.

Section 450.7.C.1 (BCZR)

a. The sign is located inside the urban-rural demarcation line.
b. The sign is located in a place where it can not be seen from a scenic route.
c. The sign is located more than 200' from a residential zone line. And not more than 50' from the Right of Way Line of Belair Rd.
d. The sign is located more than 1,000' from another outdoor advertising sign.
e. The sign is located more than 100' from the intersection of Ridge Road and Belair Road.
f. The sign is located less than 100' from the Right of Way of a dual highway (Belair Road). Distance being 25'. A variance is required. See note 6.
g. The sign is not located within a town center or revitalization area.



PROPOSED OUTDOOR ADVERTISING SIGN
SIGN ELEVATION
NOT TO SCALE

Section 450.7.C.3 (BCZR)

This sign shall comply with the license and permit requirements of the annotated code of Maryland, transportation article, title 8, subtitle 7 - regulation of outdoor advertising.

Section 450.7.4 (BCZR)

The owner of a lawfully erected and maintained outdoor advertising sign which is removed or required to be removed by the county shall be compensated pursuant to the Annotated Code of Maryland, Article 25, Section 122E.

Section 450.7.C.5

On the date the property is posted for a special exception hearing, Owners of a residentially-zoned property within 100' of the sign shall be notified in writing by certified mail of the date, place, time, subject and purpose of the special exception hearing.

William Monk, Inc.
ENGINEERS - PLANNERS
Courthouse Commons
222 Bosley Avenue, Suite B-6
Towson, Maryland 21204
Phone: 410-494-8851 Fax: 410-494-9903

PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE HEARING

8131 BELAIR ROAD

BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
99-242-XA	SAD	PJR	1"= 40'
	DATE: 10/21/98	JOB NO.: 98-122	SHEET NO.: 1 OF 1

12/2/98

(SHEET 48)

(SHEET 56)

SCALE 1"=1000'

0 1/4 1/2 3/4 1 MILES

0 1000 3000 5000 FEET

MAP INDEX

BALTIMORE COUNTY OFFICE OF PLANNING

OVERLEA

BALTIMORE COUNTY BASE MAP SERIES

REVISED DATE DEC. 94

4C

PIPE AT THE END OF THE THIRD LINE OR S 12°15'16" W 489.18 FOOT LINE OF A DEED DATED 2/23/77 FROM PHILIP E. DEIGERT ET. UX. TO ERNEST PHILIP DEIGERT IN LIBER 5741, FOLIO 287.

S 07°12'31" W 461.21'

POINT OF BEGINNING PARCEL NO. 1

Δ = 70°24'21"
D = 4°45'00"
R = 1206.23'
L = 1482.23'
T = 850.99'
E = 269.96'

ERNEST PHILIP DEIGERT – 74457

PARCEL NO. 1 ERNEST PHILIP DEIGERT – 74457		
SECY. NO. LIBER FOLIO R. D.		
1	N 80°58'47" W	19.17'
2	N 73°29'02" W	165.00'
3	N 74°11'32" W	164.61'
4	N 74°08'48" W	172.56'
5	N 59° 17'27" W	200.25'
6	N 29° 14'43" W	92.67'
7	S 66°24'38" E	758.94'
8	N 75°20'16" E	26.95'
9	S 07°12'31" W	27.97'
FEE SIMPLE AREA 39329 Sq Ft. OR 0.903 ACRES ± SHOWN THUS		

LINE OF DIVISION

POINT OF BEGINNING PARCEL NO. 1

Barn

Res.

MARTHA V. LANGENFELDER – 74456

PIPE AT THE BEGINNING OF A DEED DATED 5/3/77 FROM CONRAD J. LANGENFELDER DEPARTED TO MARTHA V. LANGENFELDER HIS WIFE IN LIBER 5840 FOLIO 228.

S 07°12'31" W 444.16'

LINE OF DIVISION

S 49°17'12" E 390.64'

PARCEL NO. 1 MARTHA V. LANGENFELDER – 74456		
SECY. NO. LIBER FOLIO R. D.		
1	S 07°12'31" W	195.22'
2	S 07°12'31" W	86.04'
3	S 75°20'16" W	28.14'
4	N 66°16'10" W	299.21'
5	N 40°01'22" E	97.72'
6	N 40°01'22" E	104.20'
7	N 51°24'04" W	391.15'
8	S 58°14'27" E	96.67'
9	S 61°06'03" E	241.53'
10	S 68°32'47" E	129.46'
11	S 79°38'07" E	99.77'
FEE SIMPLE AREA 78,225 Sq. Ft. OR 1.796 ACRES ± SHOWN THUS		

PARCEL NO. 2 MARTHA V. LANGENFELDER – 74456		
SECY. NO. LIBER FOLIO R. D.		
1	S 36°48'40" W	397.13'
2	S 51°29'38" E	10.00'
3	S 36°23'06" W	134.36'
4	N 51°24'24" W	49.80'
5	N 38°08'10" E	532.18'
6	S 49°17'12" E	26.54'
FEE SIMPLE AREA 18,768 Sq. Ft. OR 0.431 ACRES ± SHOWN THUS		

RIGHT OF WAY LINE OF THROUGH HIGHWAY

BASE LINE OF RIGHT OF WAY

P.C. STA 71+81.64
N 563060.5811
E 940577.9568

S 56°25'40" E

LINE OF DIVISION

RIGHT OF WAY LINE OF THROUGH HIGHWAY

S 69°23'55" W 60.45'

NOTE A
TEMPORARY EASEMENT TO BE USED ONLY DURING THE PERIOD OF CONSTRICTION FOR THE PURPOSE OF REMOVING STRUCTURE AND AT THE TERMINATION OF THE CONSTRUCTION ALL RIGHTS HEREBY ACQUIRED BY THE STATE HIGHWAY ADMINISTRATION – STATE ROADS COMMISSION SHALL THEN TERMINATE AND REVERT TO THE PROPERTY OWNERS.

PARCEL NO. 2 ERNEST PHILIP DEIGERT – 74457		
SECY. NO. LIBER FOLIO R. D.		
1	N 69°33'55" W	40.35'
2	N 38°26'39" E	184.37'
3	S 66°24'38" E	40.86'
4	S 38°47'54" W	182.38'
FEE SIMPLE AREA 7,133 Sq. Ft. OR 0.164 ACRES ± SHOWN THUS		

LINE OF DIVISION

TEMPORARY EASEMENT SEE NOTE A

Gar.

Res

REVERTIBLE EASEMENT FOR SUPPORTING SLOPES

RIGHT OF WAY LINE

POINT OF BEGINNING PARCEL NO. 2

PUTTY HILL RD.

P.T. STA. 67+61.00
Δ = 32°51'13"
D = 5°00'00"
R = 1145.92'
L = 657.07'
T = 337.84'
E = 48.76'

JOPPA RD.

115.15' @ 107+09.54

REVERTIBLE EASEMENT FOR SUPPORTING SLOPES

RIGHT OF WAY LINE

POINT OF BEGINNING PARCEL NO. 2

EXISTING RIGHT OF WAY LINE

145.89' @ 68+58.07

END RIGHT OF WAY LINE OF THROUGH HIGHWAY STA. 68+55.08

END RIGHT OF WAY LINE OF THROUGH HIGHWAY STA. 68+17.57

STA. 67+37.08 (40.43 = STA. 100+14.76 U.S. 1)

P.T. STA. 67+61.00

U.S. RTE. 1

N 37°47'03" E

N 38°30'22" E

BASE LINE OF RIGHT OF WAY & CENTER LINE OF SURVEY

LEGEND

- REVERTIBLE EASEMENT FOR SUPPORTING SLOPES.
- REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
- PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT.
- PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT. (ARROW INDICATES GENERAL DRAINAGE FLOW PATTERN)
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND.
- APPROXIMATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE-FOR EXPLANATORY PURPOSE ONLY)

A PORTION OF THIS IS AN EXPRESSWAY, AND NO ACCESS EITHER VEHICULAR, PEDESTRIAN AND/OR ANIMAL WILL BE PERMITTED ACROSS THE LINES DESIGNATED "RIGHT OF WAY LINE OF THROUGH HIGHWAY" EXCEPT BY MEANS OF SUCH PUBLIC ROAD CONNECTIONS AS ARE AUTHORIZED BY LAW.

SENT TO RECORD OFFICE _____ 19____

APPROVED BY CHAIRMAN _____ 19____

BOOKS	REVISIONS	PART OF PLATS
19341 3343	1 6/11/85	

LOCATED IN BALTIMORE COUNTY

PREPARED BY BUREAU OF PLATS AND SURVEYS — H. C. Miller Jr. ENGINEER-PLAT SECTION

CONSTRUCTION PROJECT: MD. RTE. 43 (WHITE MARSH BLVD.) FROM I-695 (BALTIMORE BELTWAY) TO EXISTING MD. RTE. 43, WEST OF I-95

CONSTRUCTION PROJECT NO: B-818-202-471(P.E.)

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTATION
STATE ROADS COMMISSION

RIGHT OF WAY PROJECT: MD. RTE. 43 (WHITE MARSH BLVD.) – FROM WEST OF U.S. RTE. 1 TO HONEYGO BLVD.

RIGHT OF WAY PROJECT NO. B-818-302-471

FEDERAL AID PROJECT NO. IX-3488(2)

ISSUED May 29 19 85 — SCALE 1"=50'

CHIEF, BUREAU OF PLATS AND SURVEYS

PLAT No. 49336

K&E BALTIMORE 12 05A PHOENIX 60562

PETITIONER'S EXHIBIT 6
CBA 7