IN RE: PETITION FOR VARIANCE

E/S Eastridge Road, 150' SE of

Padonia Road

(2426 Eastridge Road)

8<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

Robert E. Donadio, et ux

Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 00-137-A

\*

\* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Robert E. and Frances L. Donadio. The Petitioners seek relief from Section 450.4.I.9 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding sign of 3.7 sq.ft. per face in lieu of the permitted wall-mounted sign with an area of 1 sq.ft. 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 1.

Appearing at the requisite hearing in support of the request were Robert and Frances Donadio, owners of the subject property, and Paul Lee, Professional Engineer who prepared the site plan for this property. Appearing in opposition to the request was Mary Agnes Wolf, who resides in the neighborhood.

Testimony and evidence presented revealed that the subject property is a rectangular shaped parcel consisting of a gross area of 0.275 acres, more or less, zoned D.R.3.5, and is improved with a single family dwelling. The property is located on the east side of Eastridge Road, just south of its intersection with Padonia Road in Timonium. The Petitioners have resided on the property for a number of years. Mr. Donadio, who is an attorney by occupation, has operated his law practice out of his home since 1996. In this regard, the Petitioner obtained special exception relief for a professional office (attorney) on the subject property in prior Case

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THE FLOOR WAS TANKED ING.

No. 96-324-X on April 19, 1996. The subject Petition for Variance relates to an existing sign which is located in the front of the property. Apparently, this sign was erected after the Petitioner obtained special exception approval in 1996. However, the Petitioner was unaware that a variance was needed until he was cited with a zoning violation notice and advised to file the instant Petition to legitimize the sign.

Photographs of the sign were submitted at the hearing. Additionally, I visited the site and inspected the property and surrounding locale. The subject sign actually contains three separate information panels. The first, and largest panel, identifies Mr. Donadio, the location of his office, and his telephone number. The second, smaller panel, indicates that he is a Notary Public, and the third panel directs visitors to the entrance. The sign is well maintained and is aesthetically pleasing.

Testimony was offered regarding other signs in the area. Apparently, there is a dental office immediately around the corner from the subject property with a similar sign. Additionally, there is a dress shop nearby as well as offices of a periodontist and pediatrician. It was argued that Mr. Donadio's sign is not out of character with those signs and is appropriate for the vicinity.

As to the requirements for variance relief under Section 307 of the B.C.Z.R., Mr. Lee testified that the property was unique by virtue of its location and natural features. The property is the second lot from the intersection of Padonia Road and Eastridge Road. Thus, traffic turning onto Eastridge Road from Padonia Road, can easily drive beyond the property if unfamiliar with the location. Additionally, as my site visit and photographs confirmed, the front yard of the property is well landscaped. Visibility of the dwelling/office is restricted by a large tree. It was indicated that these factors justify the requested variance in that a sign of sufficient size and closer to the road than permitted is necessary to advise the motoring public of the office location.

Based upon the testimony and evidence presented, I am persuaded that the requested variance should be granted. In my judgment, the Petitioner adduced sufficient testimony to

Date REGINED TOB FILING

comply with the requirements of Section 307 of the B.C.Z.R. and the case law established in Cromwell v. Ward, 102 Md. App. 691 (1995). In granting the relief, however, I will impose certain conditions to protect the residential viability of the surrounding community. First, the sign will not be lit. In this regard, Mr. Donadio indicated that although lights have been installed, they were not used. He indicated that lighting was not necessary and I will require that the sign not be lit. Thus, it will be effective only during the day to coincide with typical business hours. Second, the sign shall remain only for so long as Mr. Donadio remains in practice. The relief granted in this case is personal to Mr. Donadio and this particular law office. Upon his full retirement, and/or sale or occupancy of the property by another, the subject sign must be removed.

Pursuant to the advertisement, posting of the property, and public hearing on this petition 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 200 day of November, 1999 that the Petition for Variance seeking relief from Section 450.4.I.9 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding sign of 3.7 sq.ft. per face in lieu of the permitted wall mounted sign with an area of 1 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the existing sign and shall terminate at such time as the Petitioner retires or the property is sold/occupied by someone other than the Petitioner.
- 3) The subject sign shall not be illuminated.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

November 30, 1999

Robert E. Donadio, Esquire 2426 Eastridge Road Lutherville-Timonium, Md. 21093

RE: PETITION FOR VARIANCE

E/S Eastridge Road, 150' S of Padonia Road

(2426 Eastridge Road)

8th Election District – 3rd Councilmanic District

Robert E. Donadio, et ux - Petitioners

Case No. 00-137-A

Dear Mr. Donadio:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Paul Lee

Century Engineering, Inc., 32 West Road, Towson, Md. 2/204 Code Enforcement Division, DPDM; People's Counsel; Case File



## Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 2426 Eastridge Road

which is presently zoned DR 3.5 (Case #96-324X)

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) 450.4.I.9 of the BCZR to permit a

free standing sign of 3.7 S.F./face in lieu of a permitted wall mounted sign with an area of 1 S.F. (Total Area of 6.45 S.F.±) a variance of 5.45 S.F.±.

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

To be addressed at hearing.

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.

CONTROL OF THE PROPERTY OF THE ENGINEER Antury Engineering, Inc. 32 West Road (410) 823-8070 Address Telephone No. 21204 Towson MD City State Zip Code Attornev For Petitioner: AS LEGGL OWNER Robert E. Donadio\_) Name - Type or Print Signature Company: 26 Eastridge Road (410)252-8063 Telephone No. therville-Timonium MD 21093 State Zip Code 00-137-A

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.

### Legal Owner(s):

Reviewed By

Robert E. Donadio

Aightean		
Franc <b>ė</b> s Donadio		
Name - Type or Print		1 .
Stance fr.		nadio
Signature		
2426 Eastridge Road		(410) 252-8063
Address		Telephone No.
Lutherville-Timonium	MD	21093
City	State	Zip Code
Representative to be Con Robert E. Donadio	tacteo	<u>E</u>
	tacteo	<u>1:</u>
Robert E. Donadio	tacteo	(410) 252–8063
Robert E. Donadio	tacted	
Robert E. Donadio Name 2426 Eastridge Road	MD	(410) 252-8063
Robert E. Donadio Name 2426 Eastridge Road Address		(410) 252–8063 Telephone No.
Robert E. Donadio Name 2426 Eastridge Road Address Lutherville-Timonium	MD State	(410) 252-8063 Telephone No. 21093 Zip Code
Robert E. Donadio Name 2426 Eastridge Road Address Lutherville-Timonium City	MD State	(410) 252-8063 Telephone No. 21093 Zip Code



32 West Road Towson, Maryland 21204 (410) 823-8070

# DESCRIPTION #2426 EASTRIDGE ROAD 8<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the east side of Eastridge Road, said point also being located South 01° 48′ 49" East 150.00 feet from the center of Padonia Road; thence running and binding on the east side of Padonia Road;

- (1) South 01° 48' 49" East 80.00 feet, thence leaving said east side of Eastridge road
- (2) South 88° 11' 11" West 125.00 feet; thence
- (3) North 01° 48' 49" West 80.00 feet and
- (4) North 88° 11′ 11" East 125.00 feet to the point of beginning.

CONTAINING 0.229 acres of land more or less.



# 137

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

0420-00

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No. 072147

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PINK - AGENCY DISTRIBUTION WHITE - CASHIER

YELLOW - CUSTOMER

CASHIER'S VALIDATION

The Zoning Contribusions of Baltinoring Editivities authority of the Zoning and Regulations of the Public Hearling in Towson Marylang on the property dentified herein as follows:

of Padonia Road

8th Election District
4th Councillmathe District
Legal Jownef (P.). Robert and
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Bor 16.5cf.
Hearing: Tuesday, NotemBor 16.5cg.
Hearing: Tuesda Case: #00-131-A - 2426 Eastridge Road E/S Eastridge Road, 150 S of Pedonia Road

LAWRENCE E. SCHMIDT
Zoning Commissionar for
Baltimore County
NOTES: (1) Hearings are
Handleapped Accessible; for
Special accommodations
Please Contact the Zoning
Commissionar's Office at
(410) 887-4386
(2) For Information concerning the Pills and/or
Hearing Contact the Zoning
Review Office at (410) 887.

JTU/10/766 Oct. 26

CERTIFICATE OF PUBLICATION

TOWSON, MD., \_

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published -successive in Towson, Baltimore County, Md., once in each of  $_{\!\scriptscriptstyle L}$ weeks, the first publication appearing on \_\_

THE JEFFERSONIAN, " Wulman

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

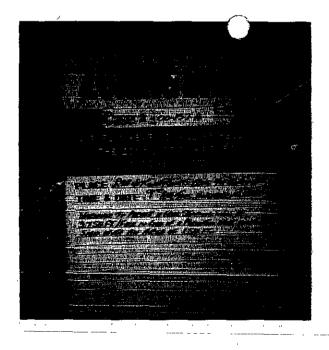
RE: CASE # 00-137-A
PETITIONER/DEVELOPER:
(Robert Donadio)
DATE OF Hearing
[Nov. 16, 1999]

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 2426 Eastridge Road Baltimore, Maryland 21093\_\_\_\_\_\_\_\_\_



Sincerely,
Ohom? Del Sulik
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

RE: PETITION FOR VARIANCE 2426 Eastridge Road, W/S Eastridge Rd, 150' S of Padonia Rd 8th Election District, 4th Councilmanic

Legal Owner: Robert E. and Frances L. Donadio Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 00-137-A

### **ENTRY OF APPEARANCE**

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

xiole S. Samilio

Reter Mary Timmenan

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

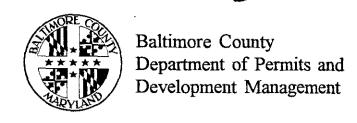
Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of September, 1999 a copy of the foregoing Entry of Appearance was mailed to Robert E. Donadio, Esq. and Frances L. Donadio, 2426 Eastridge Road, Timonium, MD 21093, Petitioners.

PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

October 22, 1999

### 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: 00-137-A
2426 Eastridge Road
E/S Eastridge Road, 150' S of Padonia Road
8th Election District - 4th Councilmanic District
Legal Owner(s): Robert and Francis Donadio

<u>VARIANCE:</u> To permit a free standing sign of 3.7 sq. ft./face in lieu of a permitted wall mounted sign with an area of 1 sq. ft..

HEARING: TUESDAY, NOVEMBER 16, 1999 at 9:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

Arnold Jablon Director

cc: Mr. & Mrs. Robert Donadio Paul Lee

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 1, 1999.

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

TO: PATUXENT PUBLISHING COMPANY
October 26, 1999 Issue - Jeffersonian

Please forward billing to:

Robert E. Donadio 2426 Eastridge Road Lutherville-Timonium 21093 410-252-8063

### NOTICE OF ZONING HEARING

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CASE NUMBER: 00-137-A
2426 Eastridge Road
E/S Eastridge Road, 150' S of Padonia Road
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HEARING: TUESDAY, NOVEMBER 16, 1999 at 9:00 A.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 ACCOMMODATIONS 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.

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

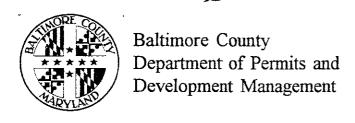
### **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: POBERT E DONAD, O
Address or Location: 24% EASTRIDGE PD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: _ ROBERT E, DOWADIO
Address: 2426 ExsTRIOGE RD
Address: 2426 EASTRIDGE RD  LUTHER ALLE TIMODIUM  THE M. N. D. 21093
Telephone Number: (410) 77 - 8063



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

November 12, 1999

Mr. Robert E. Donadio 2426 Eastridge Road Lutherville, MD 21093

Dear Mr. Donadio:

RE: 00-137-A, 2426 Eastridge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours

Zoning Supervisor

**Zoning Review** 

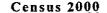
WCR:rsi

**Enclosures** 











Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

November 29, 1999

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Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCTOBER 25, 1999

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

130, 131, 133, 134, 135, (37) 140, 142, 143, 144, 148, 149, 150, 151, 152,

REVIEWER: LIEUTENANT HERE TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 4, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for November 1, 1999

Item Nos. 130, 131, 132, 133, 134, 135, 136, 137) 138, 140, 141, 142, 144, 145, 146, 148, 149, 150, 152,

153, and 154

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

RWB:HJO:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

DATE: October 25, 1999

TO: Larry E. Schmidt

**Zoning Commissioner** 

FROM: James H. Thompson - MJ

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 137

PETITIONER: Francis Donadio & Robert E. Donadio

VIOLATION CASE NO.: 99-5369

LOCATION OF VIOLATION: E/S Eastridge Road, 150' S of Padonia Road

(2426 Eastridge Road)

DEFENDANT(S): Francis Donadio & Robert E. Donadio

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

NAME ADDRESS

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

JHT/mj/lmh

Asple

DATE November 8, 1999

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 2426 Eastridge Road

**INFORMATION:** 

**Item Number:** 

00-137A

Petitioner:

Robert E. Donadio

**Property Size:** 

.229 Acres

Zoning:

D.R.3.5

Requested Action:

Variance

**Hearing Date:** 

November 16, 1999

### REQUEST:

The variance being requested in this case is from Section 450.4.I.9 of the BCZR to permit a freestanding sign with an area of 3.7 square feet in lieu of a permitted wall mounted sign with an area of one square foot. The subject property is a two story residential dwelling located at 2426 Eastridge Road in the residential community of Coachford. The use of the property is a residence with a home office for an attorney. The proposed sign is noted on the site plan as a freestanding sign identifying the name of the attorney, the entrance to the office and, and the existence of a notary public service. The sign is double faced, located approximately ten feet from the front property line.

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends disapproval of the requested variance. It is the opinion of this Office that granting a variance for any additional signs for a home office in this residential community is not in keeping with the intent of the sign regulations for professional home offices, and that the visual image of a free standing sign at this location detracts from the residential nature of the dwelling and this stable residential community.

Section Chief



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

Date: 8.25.99

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

RE:

**Baltimore County** 

Item No. 137

JRF

Dear. Ms Stephens:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Doll

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



photographs Case # 00-137-A

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