

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – SE/S Belair Road,
490' NE of Chapel Hill Road
(9633 Belair Road, Perry Hall Mrktplc.)
11th Election District
5th Council District

Perry Hall Center, LLC, Owner;
Safeway, Inc., Lessee

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-522-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Perry Hall Center, LLC, and Safeway, Inc., through their attorney, Sebastian A. Cross, Esquire. The Petitioners request a special hearing to determine whether a pad site within a shopping center is permitted to have one freestanding enterprise sign per frontage in a B.L. zone. In the alternative, the Petitioners request a variance from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one freestanding enterprise sign for a multi-tenant retail building. The subject property and requested relief are more particularly described on the two-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Kenneth Hornbeck, Director of Real Estate for Safeway, Inc., Contract Lessees; Daniel Duke, Professional Engineer with Bohler Engineering, the consultants who prepared the site plan for this property; and, Sebastian Cross, Esquire, attorney for the Petitioners. Also appearing in support of the request was Dennis Eckard, on behalf of the Perry Hall Improvement Association. There were no Protestants or other interested persons present.

The subject property is a rectangular shaped parcel with frontage on the north side of Belair Road, opposite Glen Park Road in Perry Hall. The overall tract contains 22.52 acres in area, zoned B.L., and is improved with a 55,256 sq.ft. strip shopping center, known as Perry Hall

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Marketplace. The primary tenant is a Safeway food and drug store; however, there are other retail and service stores within the center.

Although the subject tract encompasses 22.52 acres, the subject of the Petitions actually relates to a small area in the southwest corner of the property, identified as a "pad" site. The pad site actually contains .47 acres in area and is proposed for development as a fuel service station. There will be a 352 sq.ft. Kiosk and six (6) multi-service fuel dispensers. There will be no direct access from Belair Road; however, there are curb cuts leading to the fuel service station from the shopping center. The pad site is more particularly shown on Petitioner's Exhibit 1B and it is designed so as to be an independent business within the property.

The instant request relates to a proposed identification sign for the business on the pad site. There are actually two signs that exist along the property's frontage on Belair Road. The primary sign is a 20' high by 9½' wide sign advertising the site as the Perry Hall Marketplace shopping center. It also advertises the Safeway food and drug store and lists the names of the smaller retail and service tenants. At issue is the second sign, which will be located on the frontage of the property on Belair Road. This sign will be a 10' high by 14'2" wide, ground-mounted sign that will advertise the Safeway gasoline service center and its fuel prices. The majority of the sign will be brick; however, a 10' x 5' area near the top of the sign features the name Safeway, its corporate logo, and the prices of the three grades of gasoline offered.

The issue brought about in this case is to classify the two signs and determine whether both are permitted as a matter of right or whether variance relief is needed. An examination of the definitions found in the sign regulations set forth in Section 450 of the B.C.Z.R. is in order. Therein are definitions of the various signs that are permitted in Baltimore County. The larger sign appears to be a "joint identification sign," which is defined as "An accessory sign displaying the identity of a multi-occupant, non-residential development, such as a shopping center, office building or office park." (Emphasis added). Obviously, the entire site has been developed as a shopping center and the structure in which the Safeway store and other retail tenants are located is a multi-occupant, non-residential building. Additionally, the larger sign advertises the names of

many of the multi-tenants therein. For all of these reasons, I find that the large sign is a "joint identification sign" as defined. It is likewise a freestanding sign, as it is not attached to a building. Finally, it meets all the requirements contained within Section 450 of the B.C.Z.R. in terms of height and dimension, and size of lettering, and is therefore permitted by right.

The second sign to be considered is the pad site sign that will advertise the Safeway gasoline service station and the fuel prices. A review of the definitions found in Section 450 of the B.C.Z.R. leads to the conclusion that this sign should be characterized as an enterprise sign. An enterprise sign is defined as "An accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization." It is to be noted that although part of the overall shopping center, the pad site operates as an independent use. The sign does not advertise any of the tenants within the shopping center, but the fuel service station, only. Because the sign does not identify more than one tenant and is specifically for the purpose of identifying the fuel service station use on the pad site, it is an enterprise sign and not a joint identification sign. Section 450 of the B.C.Z.R. also provides that one such sign is permitted frontage in the B.L. zone.

These findings are consistent with the language found in the B.C.Z.R. and the legislative history of Section 450 as described in Petitioners' memorandum. Based upon the testimony and evidence offered, I am persuaded to dismiss the Petition for Variance and grant the Petition for Special Hearing. I find that the one sign is a joint identification sign and the other, an enterprise sign, both of which are permitted in the B.L. zone, which allows one sign of each type per frontage. Although both signs will front on Belair Road, they are classified differently and as such, both are permitted.

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.

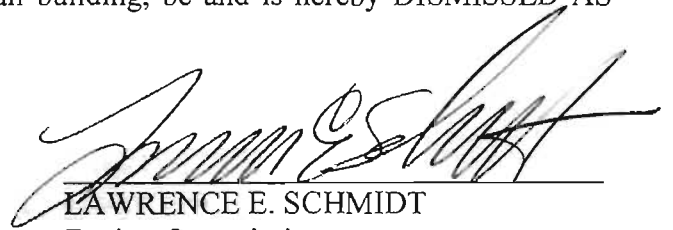
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of August, 2002 that the proposed pad site within the subject shopping center is

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permitted to have one freestanding enterprise sign per frontage in a B.L. zone, and as such, the Petition for Special Hearing be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed pad site sign shall be constructed substantially in accordance with the sign elevation drawings submitted into evidence as Petitioner's Exhibit 1B.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the alternative Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one freestanding enterprise sign for a multi-tenant retail building, be and is hereby DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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By [Signature]



Baltimore County
Zoning Commissioner

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

August 9, 2002

Sebastian A. Cross, Esquire
Gildea, LLC
301 N. Charles Street, Suite 900
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
SE/S Belair Road, 490' NE of Chapel Hill Road
(9633 Belair Road, Perry Hall Marketplace)
11th Election District – 5th Council District
Perry Hall Center, LLC, Owners; Safeway, Inc., Lessees - Petitioners
Case No. 02-522-SPHA

Dear Mr. Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Variance dismissed, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Isidoros D. Roros, V.P., Perry Hall Center, LLC
1027 30th Street, N.W., Washington, D.C.
Mr. Kenneth Hornbeck, Director of Real Estate, Safeway, Inc.
4551 Forbes Boulevard, Lanham, MD 20706
Mr. Daniel Duke, Bohler Engineering, 810 Gleneagles Ct., #300, Towson, Md. 21286
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
People's Counsel; Case File



JLS
7/12

IN THE MATTER OF	*	BEFORE THE
9633 Belair Road, Perry Hall Marketplace		
S/east side Belair Road, 3\490 feet +/-	*	ZONING COMMISSIONER
northeast Chapel Hill Road		
11 th Election District – 5 th Councilmanic	*	FOR
District		
Legal Owner: Perry Hall Center, LLC	*	BALTIMORE COUNTY
Contract Purchaser: Safeway, Inc.		
Petition for Special Hearing and Variance	*	Case No.: 02-522-SPHA

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

This Memorandum is in support of Safeway, Incorporated's ("Safeway") Petition for Special Hearing to determine whether a padsite within a shopping center is permitted to have one freestanding enterprise sign per frontage in a BL zone. This Special Hearing is scheduled to be heard by a Zoning Commissioner on July 12, 2002 and resulted from Safeway's proposal for a fuel service station use within the Perry Hall Shopping Center. This Memorandum will address the issues Safeway believes are pertinent in determining this fuel service station be permitted one freestanding enterprise sign per frontage as provided by the Baltimore County Zoning Regulations ("BCZR").

I. INTRODUCTION

Safeway has submitted a signage package consisting of a ground-mounted freestanding enterprise sign located at the northeast corner of its fuel service station padsite within the Perry Hall Shopping Center ("the Property"). The Property is zoned BL. This sign will provide pricing information as required by Maryland Transportation Code §10-315. Along with the pricing information, Safeway has proposed to incorporate a 25 square foot identifying banner plainly stating the name "Safeway" with a corresponding corporate logo at the top of the sign. The height of the ground mounted freestanding enterprise sign is 10 feet.



Baltimore County Department of Permits and Development Management ("PDM"), through administrative practice, incorrectly interprets the BCZR by mandating such signs in planned shopping centers are prohibited. As such, Safeway has filed this Petition for a Special Hearing to determine its fuel service station pad site is permitted one ground mounted freestanding enterprise sign per frontage as provided under the BCZR. In the alternative, Safeway has also filed a Petition for Variance of Section 450.4 of the BCZR to allow one ground mounted freestanding enterprise sign for this site.

II. BACKGROUND

Safeway is currently the anchor tenant of the Perry Hall Shopping Center which exists in Baltimore County as a "planned shopping center," as provided under Section 101 of the BCZR. This shopping center contains not only a Safeway grocery and drug store, but also various other retail and service stores within the planned shopping center boundaries. The Perry Hall Shopping Center currently has one joint identification sign along its main entrance off of Belair Road displaying the identification of Perry Hall Marketplace, a identification for the Safeway store and identification signs for four other tenants of the Perry Hall Shopping Center.

Safeway is permitted a fuel service station as of right in a planned shopping center pursuant to Section 405.2 of the BCZR. As such, Safeway has submitted a fuel service station development plan and received original approval on this plan on January 25, 2002. Safeway subsequently amended the plan to provide for more landscaping, receiving DRC amendment approval on May 28, 2002.

Safeway now submits its signage package to be included with the approved development plan consisting of one ground-mounted sign displaying pricing information and the "Safeway" lettering with attached logo. The sign, as currently proposed, is comprised of mainly brick with

a decorative crown in harmony with the joint identification sign currently located at Perry Hall Shopping Center. This sign will display pricing information for the three different grades of fuel offered at the station in conformance with Maryland State law. See Md. Ann. Code Section §10-315. Above this pricing information, this sign will include the Safeway logo accompanied by the lettering "Safeway," of which the entire identifying banner will be 25 square feet in area in conformance with the BCZR.

Upon inquiry with PDM as to the signage package, it was revealed that the current administrative practice in Baltimore County is to prohibit such enterprise signs from padsites within planned shopping centers. This prohibition is due to PDM's misinterpretation of the signage regulations of the BCZR. The BCZR prohibits enterprise signs for multi-tenant retail buildings and, as such, PDM has incorrectly classified Safeway's fuel service station padsite as comprising part of a multi-tenant retail building. This position from PDM has necessitated Safeway to file a Petition for Special Hearing and Petition for Variance in order to seek approval for its State mandated sign.

III. ARGUMENT

A. Joint Identification and Enterprise Signs are both Permitted in the BL Zone as Provided by the BCZR.

As the Perry Hall Shopping Center and fuel station padsite exist in a BL zone, both a joint identification and enterprise sign are permitted in this zone as provided by the BCZR.

Section 450.4 of the BCZR specifically defines a joint identification sign as:

An accessory sign displaying the identity of a multi-occupant non-residential development such as a **shopping center**, office building or office park.

This Section goes on to state that the maximum number allowed per premises is one per frontage. See BCZR Section 450.4.1.7. (emphasis added).

As stated previously, the current sign located at Perry Hall Shopping Center contains not only the name of the marketplace but also the identity of Safeway Food & Drug and four other tenants of the shopping center. By the definition previously cited, this sign serves as a joint identification sign for the multi-occupant development within the shopping center. The fact that joint identification signs are specifically permitted for "shopping centers" also demonstrates the correct classification of the existing sign at the Perry Hall Shopping Center as a joint identification sign.

The padsite for the proposed fuel service station is also permitted an enterprise sign under Section 450.I.5(b). An enterprise sign is defined in the zoning code as:

An accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization.

The proposed sign for Safeway displays solely this type of identity of the organization providing the gasoline and, as such, is classified as an enterprise sign. These enterprise signs are also allowed one per frontage in a BL zone as provided under Section 450.I.5(b).

B. Safeway's Proposed Signage is Required Under Maryland State Law.

The Safeway fuel service station is not only entitled to have this sign under the zoning regulations of Baltimore County, but this type of pricing sign is also required by Maryland State Transportation Code §10-315. These requirements of the Transportation Code specifically preempt any restrictions imposed by local laws or ordinances as mandated in Section 10-315(e) where it states:

A sign required by a service station in this §10-315 or any other state or federal law is exempt from the provisions of a local law, ordinance or regulation for the purpose of determining:

- (1) **The total number of signs permitted;** and,
- (2) The area of signs permitted. (emphasis added)

Therefore, the prohibition PDM attempts to place on these enterprise signs for this station is preempted by State law.

C. Prohibition for Freestanding Enterprise Signs Not Applicable to Padsites Within A Shopping Center Development.

1. Freestanding Enterprise Signs Are Prohibited from Multi-Tenant Retail Buildings in BL zones.

BCZR Section 450.I.5(b) provides that freestanding enterprise signs are permitted in BL zones, “excluding MULTI-TENANT OFFICE, RETAIL, OR INDUSTRIAL BUILDING.” See BCZR Section 450.I.5(b). PDM has interpreted this section to extend prohibition for freestanding enterprise signs to shopping centers ignoring the fact that this limitation only attaches to multi-tenant retail buildings. As will be demonstrated, shopping centers and padsites do not share the same characteristics as the more limited definition of multi-tenant retail buildings and, as such, padsites within shopping centers are exempt from the prohibition of one freestanding enterprise sign per frontage.

2. Multi-Tenant Retail Buildings in the Signage Regulations of the BCZR.

Although there is not a precise definition contained within the BCZR of a “multi-tenant retail building,” the Zoning Code specifically defines “building” in its General Provisions Section 101 of the BCZR. This Section defines building as:

A structure enclosed with exterior walls or firewalls for the shelter, support or enclosure of persons, animals or property of any kind.

Therefore, for a padsite to be defined as a building, it would have to be attached to the same enclosed exterior walls of other multi-tenant uses which is not the situation *sub justice*. Although the retail uses attached to the Safeway Food & Drug market may be classified as one multi-tenant retail building due to their connecting walls joining together for seemingly one

enclosure, even this classification can be seen as tenuous due to each use being separated by individual walls and, therefore, not truly enclosed as one entity.

3. Shopping Centers as Developments Rather Than Buildings in the Zoning Code.

Section 450.I.5(b) of the BCZR states that one freestanding enterprise sign is allowed in an BL zone with a maximum number of one per frontage. Frontage is defined in Section 450.3 of the BCZR as:

A lot line of a **premises** which is coterminous with a right-of-way line of a highway to which the premises has or would be allowed pedestrian or vehicular access.

Therefore, when determining the maximum number of signage per frontage one must look to the definition of premises, also defined under Section 450.3 of the BCZR. Premises is defined as:

A recorded lot, or in the case of a multi-occupant lot, **such as a shopping center**, office park, or industrial park, **the total area of the development** under common ownership or control.

Therefore, the premises would be seen as the entire shopping center development and not simply one large building as PDM would find. The Perry Hall Shopping Center therefore has frontage along Belair Road, as this is the property line adjacent to a right-of-way for the entire development. Freestanding enterprise signs are allowed in BL zones of one per frontage. These definitions are important because shopping centers encompass the entire development boundary of the property, containing within their boundaries separate padsites and multi-tenant retail buildings, both of which are distinct entities within the shopping center itself.

Although a shopping center development may have a multi-tenant building within its confines, this does not convert all open space, parking lots and padsites of the entire development into one enclosed building. Therefore, viewing a padsite as a building connected

directly to other retail uses cannot be seen as valid both in light of the physical separation between the pad site and any building, and the fact that shopping centers exist as the entire development made up of several separate parts. Only one of a shopping center's parts is comprised of multi-tenant buildings.

D. Separate Treatment of Shopping Centers, Multi-Tenant Retail Buildings, and Individual Padsites in the Zoning Code.

1. Amendments made to the signage regulations of the BCZR.

a. Signage Regulations of 1997.

On September 19, 1996, the Baltimore County Planning Board submitted a report entitled, "Proposed Revisions to the Baltimore County Zoning Regulations Concerning Signs" ("Report"), assigned as legislative project number 96-01. As a result of this report and the corresponding recommended amendments to the signage regulations, Baltimore County Council passed Bill No. 89-97 on August 4, 1997 which amended the Zoning Code Regulations for all signage in Baltimore County. These amendments created what substantially exists as the present Zoning Regulations today. It is within these current Zoning Regulations where treatment for signage for shopping centers and multi-tenant retail buildings are clearly distinguished.

b. Planning Commission's Recommendations Deliberately Altered by the County Council.

In the original recommendation to the Baltimore County Council, the Planning Board stated freestanding enterprise signs should be allowed in BL districts, "excluding shopping centers." Legislative Project No. 96-10, p. 25, *See Attachment 1*. Although retaining the rest of the recommendations for freestanding enterprise signs in BL zones, the Baltimore County Council specifically eliminated shopping centers from the prohibition of these signs on their premises. Balt Co. Bill No. 89-97, *See Attachment 2*. Instead of maintaining the prohibition on

freestanding enterprise signs for shopping centers, this recommendation was altered to prohibit freestanding enterprise signs only for multi-tenant office, retail or industrial buildings.¹ Through this amendment, the County Council ensured that only multi-tenant retail buildings, and not shopping centers, be subjected to a freestanding enterprise sign prohibition. This separate treatment of shopping centers and multi-tenant retail buildings is also reflected elsewhere in the signage regulations amended in 1997.

2. Other Distinctions Between Shopping Centers and Multi-Tenant Retail Buildings Within the Code.

The only other section of the BCZR dealing specifically with signage regulations for shopping centers and multi-tenant retail buildings can be seen in Section 259 of the BCZR. Particularly, Section 259.9D (which deals with development standards for H and H1 overlay districts) demonstrates the disparate treatment granted to shopping centers and multi-tenant retail buildings. This Section was also a part of the original amended signage Bill passed in 1997. *See Attachment 3.*

Section 259.9.D.4 imposes requirements for both shopping centers and multi-tenant buildings, and does so by clearly separating each entity into the own category in the regulation which states:

Only one freestanding joint identification sign of no more than 12 feet in height and not more than 100 square feet in area for each shopping center or multi-tenant building is permitted. (emphasis added).

This clear separation is repeated in Section 259.9.D.5 where it states:

Only one wall-mounted joint identification sign, which for each shopping center or multi-tenant building identifies the center or building and which does not exceed the greater of 100 square feet or 12% of the wall upon which it is mounted, is permitted.

¹ This is signified by the text "shopping centers" being stricken out and the amended text being added below.

These provisions of the BCZR demonstrate the regulations apply to both shopping centers and multi-tenant retail buildings, but these entities could not both be listed under a common definition. Rather, the Code provision explicitly lists both individually due to a “shopping center” and a “building” existing as two distinctively different formations. A shopping center and multi-tenant retail building are not seen as synonymous under the Code and, therefore, Baltimore County Council’s deliberate omission of shopping centers from the prohibition on freestanding enterprise signs demonstrates these signs were to be permitted for shopping centers - one per frontage.

3. Padsites Distinguished in the Signage Regulations of the BCZR.

In 1999, the Baltimore County Council again amended Section 259.9.D.1 of the signage regulations dealing with shopping centers and multi-tenant retail buildings through Bill No. 73-1999. Originally, the 1997 regulations stated that signage in the H and H1 districts were to be subjected to Section 450 and:

1. Freestanding enterprise and freestanding joint identification signs are not permitted.

See Attachment 3.

In 1999, the Baltimore County Council amended this section to create the regulation that:

1. Freestanding enterprise and freestanding joint identification signs are not permitted **on individual padsites** unless the sign is an existing permitted use. (Additional text highlighted)

See BCZR 259.9.D.1.

This additional language of the current regulation now prohibited freestanding and joint enterprise signs only for padsites, distinguishing these padsites from both shopping centers and multi-tenant retail buildings. As stated previously, BCZR Sections of 259.9.D.4 and 5 both treated shopping centers and multi-tenant retail buildings separately and now the 1999

amendments also add the distinctive category of "padsite" as receiving unique treatment under the Code.

With the County Council recognizing padsites as a separate portion of an overall development, this same type of prohibition for signage on padsites could have been placed upon shopping centers in Section 450. As of the date of the writing of this Memorandum, this prohibition specifically for shopping centers has not been made. As such, the decision of the County Council to handle shopping centers, multi-tenant retail buildings and padsites as separate entities is demonstrated through an analysis of the Code. With these separate classifications controlling the regulations, PDM cannot blindly classify a padsite within a shopping center as a multi-tenant retail building.

E. PDM's Interpretation of the Signage Regulations is Incorrect.

As demonstrated *supra*, the BCZR clearly separates what can be defined as a shopping center, multi-tenant retail building and padsite. While a building is defined as one enclosed area made up of adjoining walls, a planned shopping center is defined as:

An integral retail shopping **development** for which an overall plan has been approved by the Office of Planning and which: is under common ownership or control; has a site at least three acres in net area; has vehicular access to physically separate buildings on the site by means of interior service drives or ways; and has no more than two points of vehicular access from the site to public streets ...

BCZR Section 101.

Stated previously, a building is one enclosed area, while a shopping center encompasses an entire development under common control. Padsites exist within this area of common control without sharing the common walls or being enclosed with other uses in the same building.

PDM has interpreted these padsites within a shopping center development (and indeed the entire shopping center development itself) as being synonymous with a multi-tenant retail

building. This attempt to categorize an expansive development into a smaller specific definition of one building is a misinterpretation of the Zoning Code and goes against the purpose and intent of the County Council. Denying padsites freestanding enterprise signs of one per frontage is an administrative practice that attempts to legislate a prohibition for signage which the County Council did not.

Although it was proposed by the PDM that shopping centers be prohibited from having freestanding signs, the amendments made in 1997 specifically disregarded this recommendation and, instead, changed the prohibition for shopping centers to affect only multi-tenant retail buildings. PDM intends, with their interpretation, to merge the classifications of a building with that of a shopping center by relying on the fact that Safeway applied for a fuel service station in a planned shopping center. Although it is true fuel service stations are allowed as of right in planned shopping center developments, this does not transform a padsite into a multi-tenant retail building. The physical separation, as well as the Zoning Code's separate treatment of these entities, demonstrate the error of PDM's administrative practice, a practice that should be rectified.

IV. COMMENT FROM PLANNING

The Department of Planning for Baltimore County ("Planning") submitted a comment to be included in the hearing file dated June 10, 2002. In this comment, Planning states its opposition to Safeway placing its corporate logo and "Safeway" lettering upon a state mandated sign. In support of this position, Planning states Safeway was allowed a fuel service station use due to its inclusion in a planned shopping center and, as such, this station should use the existing Perry Hall Marketplace enterprise sign for its logo. The comment also goes on to state a padsite is not intended to have its own individual freestanding enterprise sign due to a maximum of one

enterprise sign being allowed per frontage. Finally, Planning stated support for a sign advertising pricing information only, not to exceed a height of six feet.

As previously outlined, Planning has applied an incorrect standard to the existing signage for the Perry Hall Shopping Center. The current signage identifies the shopping center, Safeway and four other tenants, classifying itself as a joint identification sign. As such, Planning has stated the correct regulation that such a shopping center is allowed one freestanding enterprise sign; however, they have incorrectly characterized the current joint identification sign as an enterprise sign.

This comment goes on to state it supports a sign including pricing information only, not to exceed six feet in height. Planning asserts these standards without any legal or statutory support. Neither the state law requirements for fuel service station signage nor the BCZR mention a six foot maximum placed on freestanding enterprise signs height. In fact, the height regulation clearly outlined in Section 450.4.I.5 states the maximum height is 25 feet. As such, Planning seems to be overreaching its authority by creating arbitrary standards. Therefore, both the arguments of prohibition of the Safeway corporation logo and the "Safeway" lettering, as well as the six feet height limitation are without merit. As such, the entire comment from Planning should be disregarded in ruling on this Petition for Special Hearing.

V. CONCLUSION

Safeway proposes a fuel service station to be located in the BL zone within the Perry Hall Shopping Center. As part of its development proposal, Safeway has included a signage package consisting of one ten foot ground mounted freestanding enterprise 25 square feet in area. This type of enterprise sign is permitted under Baltimore County Zoning Regulations and Maryland state law. Baltimore County Department of Permits and Development Management has

misinterpreted the Baltimore County Zoning Regulations in determining that these types of freestanding enterprise signs are banned from padsites within shopping centers. However, upon analysis of the Zoning Code itself and the spirit and intent of the legislative history surrounding signage regulations in Baltimore County, this interpretation from the Department of Permits and Development Management is invalid. Planning has also issued a comment in opposition to the proposed fuel service station but this comment has based its opposition on a misclassification of an existing joint identification sign itself and contains no statutory or administrative authority for its attempted height restriction. As such, Safeway should be permitted to maintain its signage package as submitted and receive approval for its Petition for Special Hearing.



Sebastian A. Cross
Gildea, LLC
301 N. Charles Street, Suite 900
Baltimore, MD 21201
(410)234-0070
Attorneys for Safeway, Inc.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9633 BELAIR RD
Perry Hall Marketplace
which is presently zoned BL

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To determine whether a padsite within a shopping center is permitted to have one freestanding enterprise sign per frontage in a BL zone.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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.

Contract Purchaser/Lessee:

Safeway, Inc.

Name - Type or Print

Signature by: Kenneth A. Hornbeck, D.R. Real Estate

4551 Forbes Blvd. (301)918-6820

Address Telephone No.

Lanham, MD 20706

City State Zip Code

Attorney For Petitioner:

Sebastian A. Cross, Esq.

Name - Type or Print

Signature

Gildea, LLC

Company

301 N. Charles St., Suite 900

Address Telephone No.

Baltimore, MD 21201 (410)234-0071

City State Zip Code

Legal Owner(s):

Perry Hall Center, LLC

Name - Type or Print

Signature

By: Isidoros D. Roros, V.P.

Name - Type or Print

Signature

1027 30th St., N.W. (202)298-8042

Address Telephone No.

Washington, DC 20007

City State Zip Code

Representative to be Contacted:

Sebastian A. Cross

Name

301 N. Charles St., Suite 900

Address Telephone No.

Baltimore, MD 21201 (410)234-0071

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING -

Reviewed By JL

Date 5/22/02

200 915198

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8/13/02
By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9633 BELAIR RD Perry Hall Marketplace

which is presently zoned BL

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)

See attached.

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 presented 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.

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

Contract Purchaser/Lessee:

Safeway, Inc.

Name - Type or Print

Signature by: Kenneth A. Hornbeck, D.R. Real Estate
4551 Forbes Blvd.

Address

Telephone No.

Lanham, MD 20706

(301)918-6820

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross, ESQ.

Name - Type or Print

Signature

Gildea, LLC

Company

301 N. Charles St., Suite 900

Address

Telephone No.

Baltimore, Md 21201 (410)234-0071

City

State

Zip Code

Legal Owner(s):

Perry Hall Center, LLC

Name - Type or Print

Signature by: Isidoros D. Roros

Name - Type or Print

Signature

1027 30th St. N.W. (202)298-8042

Address

Telephone No

Washington, DC 20007

City

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross

Name

301 N. Charles St., Suite 900

Address

Telephone No

Baltimore, MD 21201 (410)234-0071

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By VL

Date 5/22/02

Case No. 02 522 SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT TO PETITION FOR VARIANCE

1. BCZR Section 450.4 - to allow one freestanding enterprise sign for a multi-tenant retail building.

ORDER RECEIVED FOR FILING

Date

By

8/13/02

[Signature]



BOHLER
ENGINEERING, P.C.

522

810 Gleneagles Court, Suite 300
Towson, MD 21286
410.821.7900
410.821.7987 fax
md@bohlereng.com

May 14, 2002
MD003616

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE SOUTHEASTERNMOST SIDE OF BELAIR ROAD, ALSO KNOWN AS U.S. ROUTE 1 APPROXIMATELY 490' NORTHEAST OF CHAPEL HILL ROAD, LOCATED APPROXIMATELY 178' NORTHEAST OF THE SOUTHERNMOST PROPERTY CORNER ON BELAIR ROAD, THENCE BY THE FOLLOWING COURSES AND DISTANCES

1. NORTH 41 DEGREES 43 MINUTES 52 SECONDS EAST 25 FEET;
2. SOUTH 49 DEGREES 10 MINUTES 45 SECONDS EAST 50 FEET;
3. SOUTH 41 DEGREES 43 MINUTES 52 SECONDS WEST 25 FEET;
4. NORTH 49 DEGREES 10 MINUTES 45 SECONDS WEST 50 FEET; TO THE POINT OF BEGINNING.

BEING REFERENCED ON VARIANCE PLAN AS "AREA OF ZONING HEARING" CONTAINING 1,250 SQUARE FEET OR .0287 ACRES MORE OR LESS, LOCATED AT THE ADDRESS KNOWN AS 9633 BELAIR ROAD, 11TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.



Other Office Locations:

■ Watchung, NJ 908.668.8300	■ North Wales, PA 215.393.8300	■ Melville, NY 631.872.2000	■ Sterling, VA 703.709.9500	■ Southboro, MA 508.480.9900	■ Albany, NY 518.438.9900	■ Center Valley, PA 610.797.3000
--------------------------------	-----------------------------------	--------------------------------	--------------------------------	---------------------------------	------------------------------	-------------------------------------

CIVIL & CONSULTING ENGINEERS ■ SURVEYORS ■ TRAFFIC CONSULTANTS ■ ENVIRONMENTAL & GEOTECHNICAL ENGINEERS
www.bohlereng.com

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 13388

DATE

5/22/02

ACCOUNT

001 006 6150

AMOUNT

\$ 500.00

RECEIVED
FROM:

Borler Engineering

FOR:

COMM SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
5/23/2002	5/22/2002	14:20:23
REG 5001	WALKIN ORIC JAR DRIVER	1
SALE	EXPT H 091860	5/22/2002
DEPT	5 520 ZIRING VERIFICATION	OFFER
CR ID	013388	
Receipt Tot	\$500.00	
500.00 CR	.00 CA	
Baltimore County, Maryland		

CASHIER'S VALIDATION

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: #02-522-SPHA

9633 Belair Road, Perry Hall Marketplace
S/east side Belair road, 490 feet +/- northeast Chapel Hill Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Perry Hall Center, LLC
Contract Purchaser: Safeway, Inc.

Special Hearing: to determine whether a padsite within a shopping center is permitted to have one freestanding enterprise sign per frontage in a BL zone. **Variance:** to allow one freestanding enterprise sign for a multi-tenant retail building.

Hearing: Friday, July 12, 2002 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue.

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.

6/24/02 June 27

C547208

CERTIFICATE OF PUBLICATION

6/28/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/27/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-522-SPHA

Petitioner/Developer: SAFEWAY

INC

Date of Hearing/Closing: 7/12/02

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

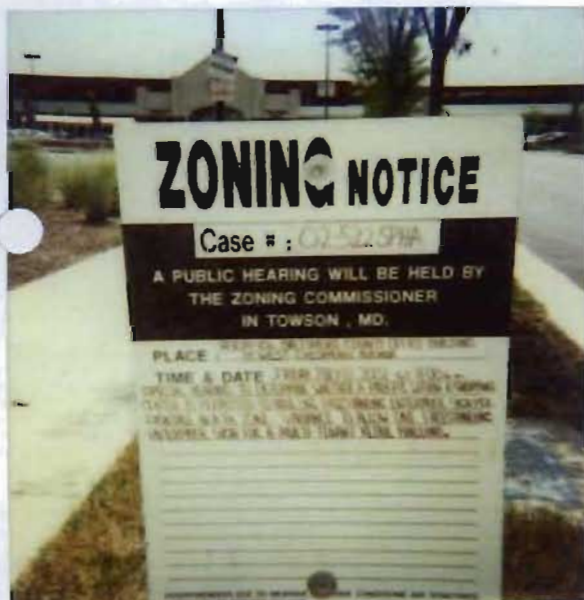
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 9633 BELAIR RD

PERRY HALL MARKETPLACE

The sign(s) were posted on 6/27/02
(Month, Day, Year)



Sincerely,

[Signature] 6/27/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 02 522 SPHA
Petitioner: Perry Hall Center, LLC
Address or Location: Perry Hall Market Place, 9633 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adma Gilded LLC
Address: 301 N. Charles St. Suite 900
Baltimore Md 21201
Telephone Number: 410 234-0073

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 27, 2002 Issue – Jeffersonian

Please forward billing to:

Gildea, LLC
301 N. Charles Street, Suite 900
Baltimore, MD 21201

410-234-0093

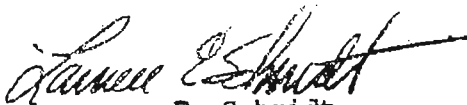
NOTICE OF ZONING HEARING

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CASE NUMBER: 02-522-SPHA
9633 Belair Road, Perry Hall Marketplace
S/east side Belair Road, 490 feet +/- northeast Chapel Hill Road
11th Election District – 5th Councilmanic District
Legal Owner: Perry Hall Center, LLC
Contract Purchaser: Safeway, Inc.

Special Hearing to determine whether a padsite within a shopping center is permitted to have one freestanding enterprise sign per frontage in a BL zone. Variance to allow one freestanding enterprise sign for a multi-tenant retail building.

HEARING: Friday, July 12, 2002 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake 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.



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

June 10, 2002

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: 02-522-SPHA
9633 Belair Road, Perry Hall Marketplace
S/east side Belair Road, 490 feet +/- northeast Chapel Hill Road
11th Election District – 5th Councilmanic District
Legal Owner: Perry Hall Center, LLC
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Special Hearing to determine whether a padsite within a shopping center is permitted to have one freestanding enterprise sign per frontage in a BL zone. Variance to allow one freestanding enterprise sign for a multi-tenant retail building.

HEARING: Friday, July 12, 2002 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

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

Arnold Jablon,
Director

C: Sebastian Cross, Esquire, 301 N. Charles Street, Baltimore 21201
Perry Hall Center, LLC, Isidoros Roros, 1027 30th, NW, Washington, DC 20007
Safeway, Inc., Kenneth Hornbeck, 4551 Forbes Blvd., Lanham 20706

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 27, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.

Come visit the County's Website at www.co.ba.md.us



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

July 5, 2002

Sebastian A. Cross, Esq.
301 N. Charles Street Suite 900
Baltimore Maryland 21201

Dear Mr. Cross:

RE: Case Number:02-522 -SPHA, 9633 Belair Road, Perry Hall Market Place

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 22, 2002. .

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: Perry Hall Center, LLC, Isidoros Roros, 1027 30th NW, Washington, DC 20007
Safeway, Inc., Kenneth Hornbeck, 4551 Forbes Blvd., Lanham 20706
People's Counsel

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Fire Department

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

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

May 30, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 3, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

522

511-519, 521-523

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

lis
7/12

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 10, 2002

FROM: *Pub* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2002
Item Nos. 511, 512, 513, 514, 516, 517,
518, 519, 520, 521, 522, and 523

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB Seeley*

DATE: July 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of June 3, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

522
511-514, 516, 517, 519-525, 527, 529-531, 533

for 7/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 10, 2002

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

JUN 12 2002
PLANNER

SUBJECT: 9633 Belair Road

INFORMATION:

Item Number: 02-522

Petitioner: Perry Hall Center, LLC

Zoning: BL

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

In their application for the subject service station use, the petitioner used the argument that the proposed service station is part of a planned shopping center to justify the "permitted by right" status of said service station. As such, the subject service station should use the existing Perry Hall Marketplace enterprise sign.

This office is of the opinion that an individual pad site within a shopping center is not intended to have its own individual freestanding enterprise sign in a BL zone. Section 450, of the Baltimore County Zoning Regulations permit one freestanding enterprise sign per road frontage, which the Perry Hall Market Place already has.

Therefore, this office will support a sign that advertises pricing information only. Said sign shall not exceed a maximum height of six (6) feet.

Prepared by:

MarksACumh

Section Chief:

AFK/LL:MAC:

Lynne Jackson



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.28.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 522 JL

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 1 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street, Baltimore, MD 21201

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
9633 Belair Road, SE/S Belair Rd,
490' +/- NE of Chapel Hill Rd
11th Election District, 5th Councilmanic

Legal Owner: Perry Hall Center, LLC
Contract Lessee: Safeway, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-522-SPHA

* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 June, 2002 a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esq., Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore, MD 21201, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, Maryland 21128

<http://www.bcpl.net/~phia>

phia@mail.bcpl.net

RESOLVED: That at the Board of Directors meeting of the Perry Hall Improvement Association held on Sunday, January 13, 2002, it was decided by the Association that responsibility for review and action on all zoning matters for the period 2002-2003 be placed in the Zoning, Development, and Permits Committee consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

Chairman Dennis Eckard;
Debra Beaty
William Libercci
Beverly Long
Brenda Ward
Edward Watts

David Marks, president of the Perry Hall Improvement Association (ex officio committee member)

As witness our hands and seal this 13th day of January, 2002.

ATTEST:

Perry Hall Improvement Association

William Libercci, Secretary

David Marks, President



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, Maryland 21128

<http://www.bcpl.net/~phia>

phia@mail.bcpl.net

RESOLVED: That the position of the Perry Hall Improvement Association as adopted by the Zoning, Development, and Permits Committee on the zoning matter known as:

Perry Hall Marketplace signage

is that:

The Perry Hall Improvement Association does not oppose the request.

As witness our hands and seal this 10th day of July, 2002.

ATTEST:

Perry Hall Improvement Association

William Libercci, Secretary

David Marks, President

AFFIVADIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

To WIT:

I hereby swear under penalty of perjury that I am currently a duly elected member of the Zoning, Development, and Permits Committee of the Perry Hall Improvement Association.

ATTEST:

Perry Hall Improvement Association

William Libercci, Secretary



David Marks, President

Date: January 13, 2002

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Sebastian Cross

301 N. Charles St. Suite 900
Baltimore, Md 21201

Ken Hornbush

820 CEDAR PARK RD
ANNAPOLIS, MD 21401
810 GLENDALES COURT STE 300
TOWSON, MD

DANIEL DUKE

DENNIS ECKARD

39 Bangor ave 21128

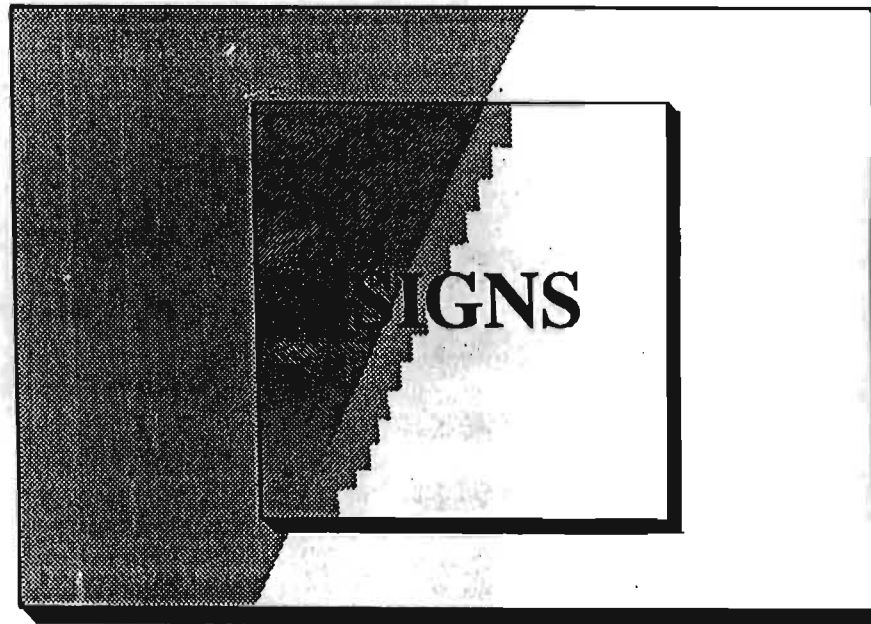
Hornbush (Seferway)



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

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Req.	Area/Face	No./prem.	Ht.	Illumination	Additional Limitations
4. DIRECTORY , meaning an accessory sign displaying the identity and location of the nonresidential occupants of a building or development	Wall-mounted; free-standing	All zones; See Section 450.6.A	Bldg.	Not regulated, except 25 sq. ft. in S-E zone	Not regulated	6 ft.	Yes	See Sec. 450.6.A
5. ENTERPRISE , meaning an accessory, commercial sign which displays the identity and which may otherwise advertise the products or services associated with the individual commercial entity	(a) Wall-mounted; projecting; canopy	BL, BM, BR, CB, BLR excluding shopping centers	Bldg.	Twice the length of the wall to which the signs are affixed	One in CB, otherwise three, no more than two on each facade	Not applicable	Yes, but No in CB when use to which sign is accessory is open	No single sign larger than 50 sq. ft.; 150 sq ft otherwise.
	(b) Free-standing	BLR, BM, BL, BR, , MLR, MR ML, MH, excluding shopping centers	Bldg.	75 sq. ft.; 100 sq. ft. if premise has more than 300 ft. of frontage	One per frontage	25 ft.	Yes	25 sq. ft. for dealership also displaying one or more new motor vehicle signs; see 450.3.5.g.

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

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.

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Req.	Area/Face	No./Prem.	Ht.	Illumination	Addit'l Limits
1 ENTERPRISE, meaning an accessory sign which displays the identity and which may otherwise advertise the	(a) Wall-mounted, projecting, canopy	BL, BM, BR, CB, BLR, excluding shopping centers <u>MULTI-TENANT OFFICE, RETAIL OR INDUSTRIAL BLDG.</u>	<u>By-laws USE</u>	Twice the length of the wall to which the signs are affixed	One in CB, otherwise three, no more than two on each facade	Not applicable	Yes, when use to which sign is accessory is open but no in CB	No single sign larger than 50 sq. ft. in CB, 150 sq. ft. otherwise
products or services associated with the individual organization	(b) Free-standing	BLR, BM, BL, BR, MLR, MR, MDL, MGH, excluding shopping centers <u>MULTI-TENANT OFFICE, RETAIL OR INDUSTRIAL BLDG.</u>	<u>By-laws USE</u>	75 sq. ft., 100 sq. ft. if premises has more than 300 ft. of frontage	One per frontage	25 ft.	Yes	See 450.3.5.g
	(c) Awning	BL, BM, BR, CB, BLR	<u>By-laws USE</u>	See Section 450.5.B.1	See Section 450.5.B.1	Not applicable	No	
	(d) Wall-mounted, canopy	On multi-tenant office, retail, or industrial building, accessory to separate commercial entity with exterior customer entrance	<u>By-laws USE</u>	Two times the length of the wall containing the exterior entrance and defining the space occupied by the separate commercial entity	Entry with separate exterior customer entrance may erect one canopy and one wall-mounted sign	Not applicable	Yes, but in CB only when use to which sign is accessory is open	In CB, area shall not exceed 100 sq. ft.
	(e) Service station canopy	Fuel service station	<u>By-laws USE</u>	25 sq. ft. per canopy sign	Six	Not applicable	Yes	Permanent signage under the canopy, on pumps or supports shall not be counted towards the canopy. Free-standing or wall-mounted signage limits. Except for windows commercial special events signs shall not be permitted on the premises

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

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.

1 after a hearing; and

2 d. Display of goods, vehicles, and equipment is permitted in the front yard, but
3 not more than five feet in front of the required front building line.

4 259.9 Development Standards - H and H1 Overlay Districts.

5 D. Signage standards. SIGNS ARE PERMITTED, SUBJECT TO SECTION 450:
6 ~~EXCEPT THAT THE FOLLOWING SIGN CLASSES ARE ALSO LIMITED AS FOLLOWS~~
7 AND THE FOLLOWING ADDITIONAL RESTRICTIONS:

8 1. Freestanding ENTERPRISE AND FREESTANDING JOINT
9 IDENTIFICATION SIGNS [business signs, as defined in Section 413.5 of these regulations,] are
10 not permitted.

11 2. [Miscellaneous temporary signs, as defined in Section 413.4 of these
12 regulations,] COMMERCIAL SPECIAL EVENT SIGNS are not permitted.

13 3. Outdoor advertising signs[, as defined in these regulations,] are not permitted.

14 4. Only one freestanding JOINT identification sign of no more than 12 feet in
15 height and no more than 100 square feet in area for each shopping center or multi-tenant building
16 is permitted.

17 5. Only one wall-mounted JOINT identification sign, which for each shopping
18 center or multi-tenant building identifies the center or building and which does not exceed the
19 greater of 100 square feet or 12% of the wall upon which it is mounted, is permitted.

20 6. Only one wall-mounted [business] ENTERPRISE sign, for each commercial
21 establishment with an exterior entrance where the sign does not exceed, in square feet, two times
22 the length of the wall upon which it is mounted, is permitted.

1 Section 402--Conversion of Dwellings for Residential Use:

2 402.3--To be converted for tea room or restaurant use in a R.40 or R.20 zone as a Special
3 Exception, the following requirements must be met:

4 c. [Only one business sign shall be permitted (see Section 413.1.d);] SIGNS ARE
5 PERMITTED, SUBJECT TO SECTION 450;

6 Section 402B--Antique Shops in Residential Zones

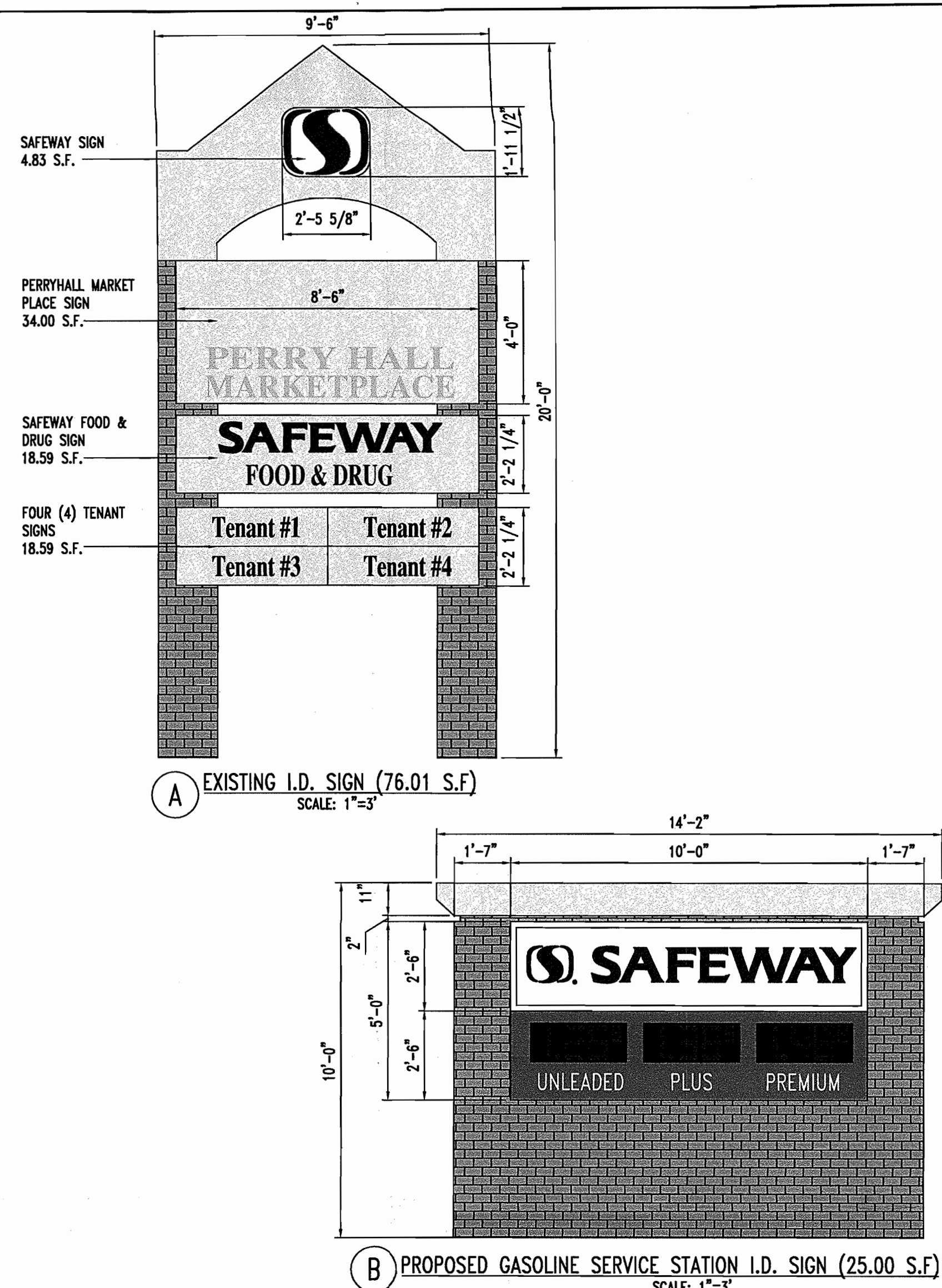
7 402B.3--[One sign in addition to those permitted under Subsection 413.1 may be
8 displayed, provided that it shall show only the name of the business; shall be single-faced,
9 stationary, and non-illuminated; and shall not exceed 5 square feet in area.] SIGNS ARE
10 PERMITTED, SUBJECT TO SECTION 450.

11 Section 402C--Resident Art Salons.

12 402C.3--[One sign in addition to those permitted under Subsection 413.1 may be
13 displayed, provided that it shall show only the name of the establishment or its proprietor, shall
14 be single-faced, stationary, and non-illuminated, and shall not exceed 5 square feet in area.]
15 SIGNS ARE PERMITTED, SUBJECT TO SECTION 450.

16 Section 402D--Conversion of Dwellings to a Bed and Breakfast Home or Bed and Breakfast
17 in D.R. or R.C. Zones.

18 402D.5--[One sign in addition to those permitted under Subsection 413.1 may be
19 displayed, provided that it shall show only the name of the business, shall be single-faced,
20 stationary, and non-illuminated; and shall not exceed five (5) square feet in area.] SIGNS ARE
21 PERMITTED, SUBJECT TO SECTION 450.



SHEET NO.

1

OF SHEET I

