IN RE: PETITIONS FOR SPECIAL EXCEPTION *

AND VARIANCE – SW/S Chapel Road,

30' SE of the c/l Belair Road

(4201 Chapel Road) 11th Election District

5th Council District

ZONING COMMISSIONER

OF BALTIMORE COUNTY

BEFORE THE

Case No. 03-531-XA

Lawrence Julio/Padonia Associates Petitioner

*

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, Lawrence Julio/Padonia Associates, through their attorney, Michael Marino, Esquire. The Petitioner requests a special exception to allow an outdoor advertising sign on the subject property, pursuant to Sections 450.4 and 450.7.c of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from Section 450.7.C.E to allow an outdoor advertising sign to be 75 feet from the rightof-way of an intersecting highway in lieu of the required 100 feet. The subject property and requested relief 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 public hearing in support of the Petition were Deborah Baldauf, a representative of Padonia Associates, property owners; Thomas A. Church, the professional engineer who prepared the site plan for this property; and, Michael Marino, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were William Libercci and Dennis Eckard, representatives of the Perry Hall Improvement Association.

The subject property is located on the southeast corner of the intersection of Belair Road and Chapel Road in Perry Hall. The site contains a gross area of .790 acres, more or less, zoned B.L.-I.M. and is improved with a one-story Mercantile bank building. The instant Petition relates to a proposed sign to be located on the subject property, approximately 75 feet from the

SOR FILNC ORDER RECHANGE

intersection of Belair Road and Chapel Road. Testimony indicated that the sign is necessary to advertise the adjacent residential community known as Chapel Valley (also owned by the Petitioner), which is located a short distance east of the intersection of Belair Road and Chapel Road, adjacent to the bank property. The sign will be located 75 feet from the intersection to direct traffic traveling north on Belair Road to turn right at Chapel Road. A detail of the proposed sign as shown on the site plan indicates that the overall dimensions of the sign will be 4' x 6'. The sign will advertise the Chapel Valley townhouse community and indicate that two-bedroom townhomes are available. It will also provide a phone number and directional arrow to the leasing office.

On behalf of the Petitioner, Deborah Baldauf indicated that both the bank property and the Chapel Valley community are under common beneficial ownership. That is, although they are technically owned by two separate entities, the principals are the same. Obviously the owners of the bank property consent to the proposed sign being erected on their property. Locating the sign the required 100-foot distance from the intersection would place the sign in a driveway entering the bank property. It was further indicated that the Chapel Valley community was built out in 1983 and that at that time, a similar sign was placed in the subject location. That sign was removed in February 2002 and the subject sign was commissioned to replace that sign.

Signs are regulated under Section 450 of the B.C.Z.R. That Section comprehensively identifies the types of signs that are permitted in Baltimore County and regulates their location, area, and size, etc. A Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning opines that the subject sign is an "off-premises sign," not an outdoor advertising sign, and recommended a denial of the request. Specific signs are identified in a Table of Sign Regulations found in Section 450.4 of the B.C.Z.R. Although the term "off-premises sign" is defined in Section 450.3 thereof, it is interesting to note that an off-premises sign is not listed among those contained in the Table of Sign Regulations in Section 450.4 of the B.C.Z.R. A review of the signs contained in the Table is persuasive to a finding that the proposed sign is an outdoor advertising sign. Within the Table, an outdoor advertising sign is defined as "A non-accessory sign that is commercially maintained, principally for calling attention to places, businesses, products, services

or activities which are located or offered on another premises." Thus, it is clear that the subject sign is an outdoor advertising sign in that it advertises and directs the reader to another premises.

In the judgment of the undersigned Zoning Commissioner, it does not appear that the proposed sign would be a detriment to the surrounding locale. Representatives of the Perry Hall Improvement Association were present and objected to the sign, arguing that there are too many signs along Belair Road. However, the fact that the sign is relatively small (4' x 6') and replaces a sign that existed at this location for many years is persuasive.

Following the hearing, the undersigned Zoning Commissioner took the opportunity to review the relevant regulations in detail. The Table of Sign Regulations found in Section 450.4 identifies the zones where signs, including outdoor advertising signs, are permitted. Within the Table it is indicated that outdoor advertising signs are permitted in the B.L., B.M., B.R., M.L., and M.H. zones. The subject property is not zoned any of those classifications; rather it is zoned B.L.R. The B.L.R. zone, although similar to the B.L. zone, is a distinct zone, separately classified in Section 100.1.A.2 of the B.C.Z.R. Additionally, the B.C.Z.R. contain separate regulations for the B.L.R. zone from those that govern the B.L. zone. Section 229 of the B.C.Z.R. provides use and area regulations for the B.L.R. zone, whereas Section 230 regulates uses and provides area regulations for the B.L. zone.

Based upon the foregoing it is clear that the subject sign is not permitted in that it is not located within a zone in which it is permitted under Section 450. The Zoning Review Division of DPDM apparently mistakenly accepted this Petition in that the property owner is requesting relief for a sign that is not legally permissible under the B.C.Z.R. Thus, the Petition must be denied. However, inasmuch as this issue was not raised at the hearing, the applicant is advised that the undersigned does have revisory powers over Orders issued, pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County. Thus, if the applicant wishes to offer authority that may enable the undersigned Zoning Commissioner to reconsider this issue, same will be given the opportunity to do so. However, it appears that the proposed sign is not permitted on the subject property, which is zoned B.L.R.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the special exception shall be denied and the variance dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this May of August, 2003 that the Petition for Special Exception to allow an outdoor advertising sign on the subject property, pursuant to Sections 450.4 and 450.7.c of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.7.C.E to allow an outdoor advertising sign to be 75 feet from the right-of-way of an intersecting highway in lieu of the required 100 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs



Baltimore County Zoning Commissioner

August 18, 2003

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

Fax: 410-887-3468

Michael Marino, Esquire Levy & Marino 609 Bosley Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE SW/S Chapel Road, 30' SE of the c/l Belair Road (4201 Chapel Road)

11th Election District – 5th Council District
Lawrence Julio/Padonia Associates - Petitioners
Case No. 03-531-XA

Dear Mr. Marino:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs for Bal

Mr. Lawrence Julio & Ms. Deborah Baldauf, Padonia Associates, 216 Schilling Circle, Suite 300, Hunt Valley, Md. 21030

Mr. Thomas A. Church, Development Engineering Consultants, Inc.

6603 York Road, Baltimore, Md. 21212

Mr. William Libercci, 1/9 Shawn Court, Baltimore, Md. 21236

Mr. Dennis Eckard, 39/Bangert Avenue, Perry Hall, Md. 21128

People's Counsel; Case File

cc:



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4201 Chapel Road

which is presently zoned <u>BLR</u>
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

To permit an outdoor advertising sign for Chapel Valley Apartments.

Relief is requested pursuant to Sections 450.4 and 450.7.c of the 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.

Contract Purchaser/Lessee: Name - Type or Print Signature Address elephone No. City State Zip Code Attorney For Petitioner: MICHAEL MARINO. ESQUIRE Namer - Type or Print Signature LEVY & MARINO, P.A. Company 609 BOSLEY AVENUE 410-821-6633 Address Telephone No. TOWSON, MD 21204 Zip Code State REV 09115198

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):

LAWRENCE JULIO		
Name - Type on Print		
Signature		· · · · · · · · · · · · · · · · · · ·
Name - Type or Print		
Signature PADONIA ASSOCIATES	000	/ 10
216 SCHILLING CIRCLE,	STE. 300	410-628-6000
Address		Telephone No.
HUNT VALLEY,	MD	21031
City	State	Zip Code
Representative to be Co	ntacted:	
THOMAS A. CHURCH		
DEVELOPMENT ENGINEERIN	NG CONSUL	TANTS, INC.
Name		
6603 YORK ROAD		410-377-2600
Address	1 	Telephone No.
BALTIMORE,	MD	21212
City	State	Zip Code

OFFICE USE ONLY

JNAVAILABLE FOR HEARING	STIMATED	LENGTH OF HEA	IKTINO	
"- (M)				
Reviewed By 5070	Reviewed By	500-7	Date	050703



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at _	4201 Chapel	l Road
which is pre	sently zoned	BLR

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 of the property situate in Bailinois County and Thin hereof, hereby petition for a Variance from Section(s)

450.7.C.E (to allow an outdoor advertising sign to be

75 feet from the right-of-way of an intersecting highway in lieu of the required 100 feet).

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

The property and proposed sign thereon are unique and without the requested variance the subject property is not capable of being developed as contemplated, thereby creating practical difficulty or hardship with regard to developability. The granting of this variance will not result in injury to public health, safety or welfare.

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 Pul	rchaser/Lessee	<u>:</u>		Legal Owner(s):		
Name - Type or Pr	rint			Lawrence Julio Name - Type of Print		
Signature	·			Signature		······································
Address		·····	Telephone No.	Name - Type or Print	· ····································	······································
City		State	Zip Code	Signature	- 	
Attorney For Michael E.	Marino			Address Padonia Associates 216 Schilling Circ Hunt Valley	.]. C	Telephone No.
Name/- Type or Pr	int		······································	Hunt Valley	State	300 410-628-6000 D 21031 Code
Signature Levy & Man Company	cino, P.A.			Representative to be Thomas A. Church, Development Engine Name	P.E.	
609 Bdsldy	Avenue		21-6633	6603 York Road		0-377-2600
Address	\5		elephone No.	Address		Telephone No.
Towoon	MD		204	Baltimore	MD	21212
CINDO	3	State	Zip Code	City OFFICE	State USE ONLY	Zip Code
Case No.	03-551	- X ().		ESTIMATED LENGTH	OF HEARING	
B 4	•		Reviewed B	UNAVAILABLE FOR HE	ARING C	S
REV 9/15/98						

Site Engineers & Surveyors

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

ZONING DESCRIPTION FOR 4201 CHAPEL ROAD

Beginning at a point on the southwest side of Chapel Road, which is variable in width, at a distance of 30 feet southeast of the centerline of the nearest improved street Belair Road, which is 60 feet wide, thence the following courses and distances:

1) South 49 degrees 42 minutes, 40 seconds East 170.24 feet, 2) South 41 degrees 56 minutes 50 seconds West 280.54 feet, 3) North 09 degrees 16 minutes 50 seconds East 179.51 feet 4) North 50 degrees 30 minutes 10 seconds West 73.27 feet, 5) North 41 degrees 54 minutes 50 seconds East 127.57 feet to the place of beginning.

Being the same parcel of land recorded in Baltimore County Land Records Deed 5831, Folio 861.

Containing 0.667 acres, or 29,036 square feet of land, more or less.

Subject to a variable width highway widening along Belair Road and Chapel Road.

Also known as 4201 Chapel Road and located in the 11th Election District, 5th Councilmanic District.

02-139

January 28, 2003



MORE COUNTY, MARYL DD OF BUDGET & FINANCE ELLANEOUS RECEIPT

No. 235

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<u>ION</u> ASHIER	PINK - AGENCY	YELLOW - CUSTOMER			CASHIER'S

ROTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will fiold a public hearing in Towson. Maryland on the property identified herein as follows:

Case: #03-531-XA 4201 Chapel Road
Sywest side of Chapel Road, 30 feet southeast of centerline of Belair Road
11th Election District-5th Councilmanic District
Legal Owner(s): Lawrence Julio, Padonia Associates.

Variance: to allow an outdoor advertising sign to be 75 feet from the right-of-way of an intersection highway in lieu of the required 100 feet. Special Exception: to permit an outdoor advertising sign for Chapel Valley Apartments.

Hearing: Friday, June 27, 2003 at 2:00 p.m. in Room 105, County Office Building, 111 W. Chesapeate 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.

TE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., 3 in the following weekly once in each of g

本 The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

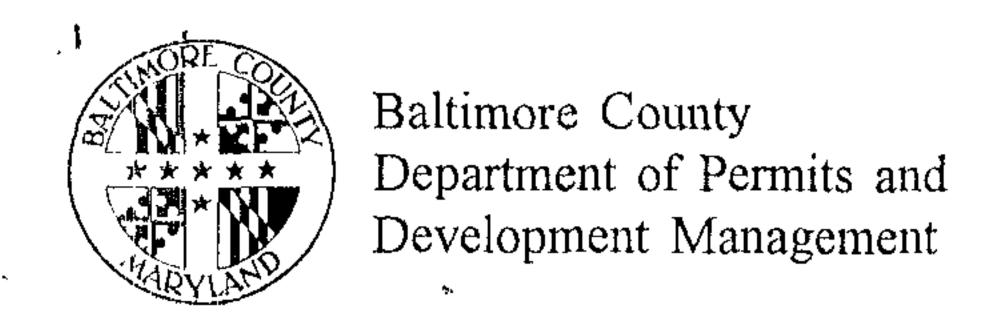
	FITENTION: BECKY HART Date: July 22, 2003
	Case Number 03-531-XA Petitioner/Developer: MICHAEL MARINO, LEVY AND MARINO / ETAL Date of Hearing/Closing: AUGUST 5, 2003
were	This is to certify under the penalties of perjury that the necessary sign(s) required by law posted conspicuously on the property located at <u>420) ChAPEL RP</u>
	The sign(s) were posted on
	APAINTERS OF STATE OF

CERTIFICATE F POSTING

•	RE: Case No.: 03-53/-14
•	Petitioner/Developer: LAWRENCE
	JULIO, PADONIA ASSOC.
	Date of Hearing/Closing: 8/5/03
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:	
were posted conspicuously on the property lo	cated at
The sign(s) were posted on	7/19/03
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
	SSG ROBERT BLACK
	(Printed Name)
	1508 Leslie Rd
TOTAL TIME	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940 (Telephone Number)
	(+ erchnone rannoci)

CERTIFICATE OF POSTING

	RE: Case No.: 03-53/-XA
	Petitioner/Developer: LAWRENCE JU
	PADONIA ASSOC.
	Date of Hearing/Closing: 6/27/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
4201 (1)	1DF(_R)
	, ·
The sian(s) were nested on	6/2/02
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	6/7/03
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
The second secon	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(City, State, Zip Code) (410) 282-7940



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

Fax: 410-887-5708

June 23, 2003

CORRECTED 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: 03-531-XA

4201 Chapel Road

S/west side of Chapel Road, 30 feet southeast of centerline of Belair Road

11th Election District – 5th Councilmanic District

Legal Owner: Lawrence Julio, Padonia Associates

<u>Variance</u> to allow an outdoor advertising sign to be 75 feet from the right-of-way of an intersection highway in lieu of the required 100 feet. <u>Special Exception</u> to permit an outdoor advertising sign for Chapel Valley Apartments.

Hearings:

Tuesday, August 5, 2003 at 2:00 p.m., in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Michael Marino, Levy and Marino, 609 Bosley Avenue, Towson 21204
Lawrence Julio, Padonia Associates, 216 Schilling Circle, Ste. 300, Hunt Valley 21031
Thomas Church, Development Engineering Consultants, 6603 York Road, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 21, 2003.

(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.

TO: PATUXENT PUBLISHING COMPANY Issue - Jeffersonian

Please forward billing to:

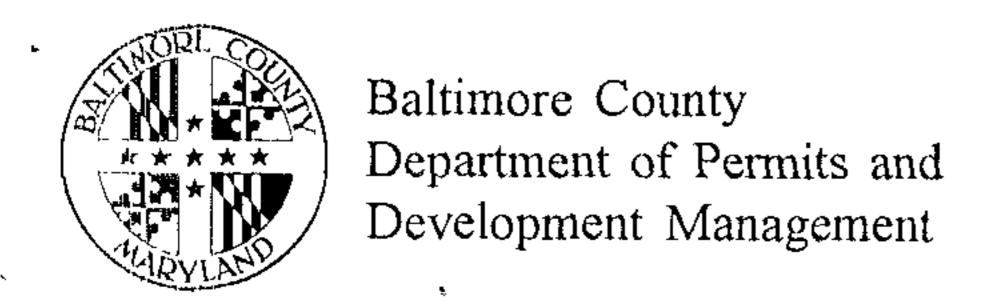
NOTICE OF ZONING HEARING

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:

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.



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

Fax: 410-887-5708

June 19, 2003

Michael Marino, Esquire Levy & Marino, P.A. 609 Bosley Avenue Towson, MD 21204

Dear Mr. Marino:

RE: Case Number: 03-531-XA, 4201 Chapel Road

The above matter, previously scheduled for Friday, June 27, 2003, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. 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 the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

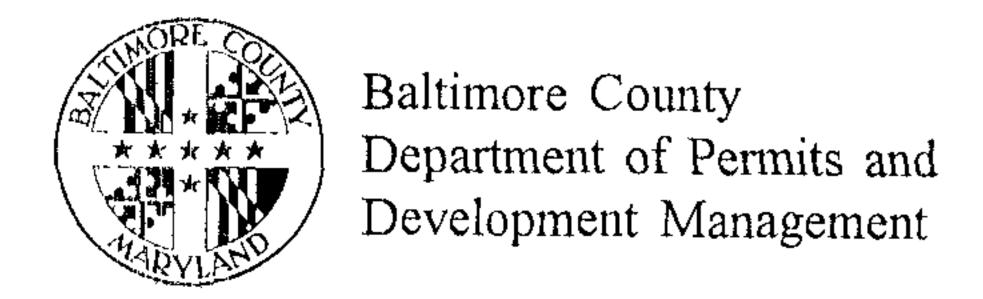
Luthy Korroco

Timothy Kotroco

Director

TK:klm

C: Lawrence Julio, Padonia Associates, 216 Schilling Circle, Ste. 300, Hunt Valley 21031 Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Rd., Baltimore 21212



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

Fax: 410-887-5708

May 14, 2003

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: 03-531-XA

4201 Chapel Road

S/west side of Chapel Road, 30 feet southeast of centerline of Belair Road 11th Election District – 5th Councilmanic District

Legal Owner: Lawrence Julio, Padonia Associates

<u>Variance</u> to allow an outdoor advertising sign to be 75 feet from the right-of-way of an intersection highway in lieu of the required 100 feet. <u>Special Exception</u> to permit an outdoor advertising sign for Chapel Valley apartments.

Hearings: Friday, June 27, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon

Director

AJ:rlh

C: Michael Marino, Levy & Marino, 609 Bosley Avenue, Towson 21204 Lawrence Julio, Padonia Associates, 216 Shilling Circle, Suite 300, Hunt Valley 21031

Thomas A. Church, Development Engineering Consultants, 6603 York Road, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 12, 2003.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, June 12, 2003 Issue - Jeffersonian

Please forward billing to:

Thomas A. Church Development Engineering Consultants 6603 York Road Baltimore, MD 21212

410-377-2600

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: 03-531-XA

4201 Chapel Road

S/west side of Chapel Road, 30 feet southeast of centerline of Belair Road

11th Election District – 5th Councilmanic District

Legal Owner: Lawrence Julio, Padonia Associates

<u>Variance</u> to allow an outdoor advertising sign to be 75 feet from the right-of-way of an intersection highway in lieu of the required 100 feet. <u>Special Exception</u> to permit an outdoor advertising sign for Chapel Valley apartments.

Hearings:

Friday, June 27, 2003 at 2:00 p.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

Cawcooce E. Solver

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.

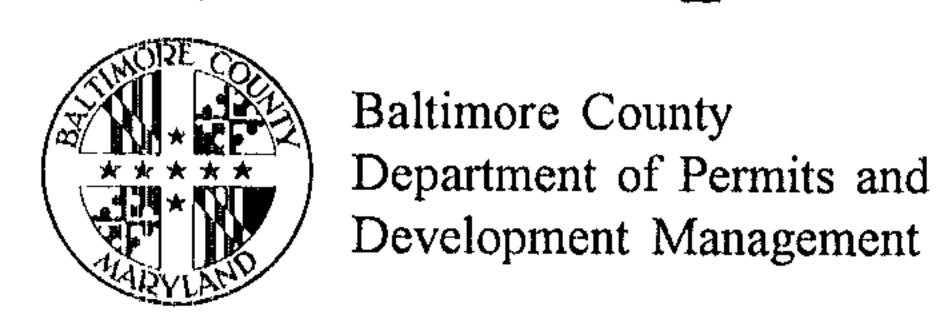
DEPARTMENT OF PERMITS AND DEVELOP VENT MANAGEMENT ZONING REVIEW

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 mose 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 or 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 INTIL ALL, ADVERTISING COSTS ARE PAID.



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

. 1

August 1, 2003

Michael Marino, Esquire Levy & Marino, P.A. 609 Bosley Avenue Towson, MD 21204

Dear Mr. Marino:

RE: Case Number: 03-531-XA, 4201 Chapel Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 7, 2003.

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 in

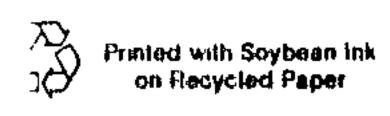
W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Lawrence Julio, Padonia Associates, 216 Schilling Circle, Ste. 300, Hunt Valley 21031 Thomas A. Church, Development Engineering Consultants, 6603 York Rd., Baltimore 21212

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





700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003

Item No.: 512, 514-516, 518-526, 528-531

Dear Ms. Hart:

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

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

State Flight Administration Control of the Administration Control

Robert L. Ehrlich, Jr., Governor-Michael S. Steele, Lt. Governor

March 1917 Brocktinegroup (Table policy)

RE:

Robert L. Flanagan, Secretary Nell J. Pedersen, Acting Administrator

JRA

Date: 5.9.03

Baltimore County

Item No. 53/

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

Dear. Ms. Hart:

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,

Lengineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 16, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4201 Chapel Road

INFORMATION:

Item Number:

03-531

Petitioner:

Lawrence Julio

Zoning:

BLR

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request to permit an off-site sign 75 feet from the right-of-way of an intersecting highway in lieu of the minimum required 100-foot setback.

This office has determined that the subject sign is an off-premises sign and not an "outdoor advertising sign." Off-premises signs are only permitted when associated with marinas and boat yards.

This office is of the opinion the subject site is adequately served by the existing sign located at the entrance of the development. Therefore, the Office of Planning recommends that the request be **DENIED**.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 23, 2002

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 19, 2003

Item Nos. 512, 514, 515, 516, 517, 518, 520, 521, 522, 524, 525, 526, 527, 528, 529, 530, and 531

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE

AND VARIANCE

4201 Chapel Rd; SW/side Chapel Rd, 30' SE * ZONING COMMISSIONER

c/line Belair Road

11th Election & 5th Councilmanic Districts * FOR

Legal Owner(s): Lawrence Julio

Petitioner(s) * BALTIMORE COUNTY

* 03-531-XA

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to Thomas A Church, Development Engineering Consultants, Inc, 6603 York Road, Baltimore, MD 21212, and to Michael Marino, Esquire, Levy & Marino, P.A., 609 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

All

P. H. I. A. P. O. Box 63 Perry Hall, Maryland 21128

September 20, 2003

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**SEP 2 3 2003

**COMM/SS/OVER

Honorable Lawrence E. Schmidt, Esq. Zoning Commissioner for Baltimore County Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

Re: Motion For Reconsideration

PETITIONS FOR SPECIAL EXCEPTION & VARIANCE SW/S Chapel Road, 30' SE of the c/l Belair Road (4201 Chapel Road) 11 Election District - 5th Council District Lawrence Julio/Padonia Associates-Petitioners Case No, 03-531-XA

The Perry Hall Improvement Association is in receipt of your "Findings of Fact and Conclusions of Law" dated August 19, 2003. We are also in receipt of a "Motion For Reconsideration" filed under Rule 4K of the "Rules of Practice and Procedures of the Zoning Commissioner of Baltimore County", received by your office on September 15, 2003.

The Board has reviewed the Reconsideration Motion and by unanimous decision of the Board of Directors taken on Saturday, September 20, 2003, respectfully request that you deny the Motion.

The Petitioners initially sought relief under Section 450.4 and 450.7.c of the Baltimore County Zoning regulations. Additional relief was sought under Section 450.7.C.E., all described on the site plan submitted and received as Petitioners' Exhibit #1.

The Board is in complete concurrance with the decision rendered in your "Order" of August 19, 2003, denying the Special Exception Request; and rendering the Variance request as moot.

The Petitioners now seek "Reconsideration" under totally different BCZC Regulations (Section 450.8, C.1, C.2, and 450.8.C.4, which relate to "non conforming issues").

The evidentiary requirements for establishing the existence of a non-conforming use are quite different from those of granting a Special Exception and Variance and require separate posting to the general public.

The burden clearly rests upon the Petitioners to establish by competent testimony and evidence the statutory requirements of the BCZC and case law relating to a non-conforming use (Reference County Council of Prince Georges County, Md. vs. E. L. Gardner 293 Md., 259; Canada's Tavern, Inc. vs. Town of Glen Echo, 260 Md., 271, 271.A 2nd. 664, 1970); Albert Landay vs. Board of Zoning Appeals et al, 173 Md. 460, 196A 2nd. 293, 1937).

This requires a separate Petition being filed and Hearing established to allow any Protestant the opportunity to testify as to why a non-conforming request should be denied.

The Board respectfully requests that such "Reconsideration Motion" be denied.

In the event a separate filing is made relative to the "non-conforming" use, the Board is prepared to have witnesses produced in objection thereto and evidence to support denial of any such reques.

Very truly yours,

William Liberci

Dennis Eckard

For the Board of Directors

cc: Mr. Michael E. Marino, Esq. Levy & Marino, P.A. 609 Bosley Avenue
Towson, Maryland 21204

Mr. Pete M. Zimmerman Peoples' Counsel

Mr. Lawrence Julio & Ms. Deborah Baldauf, Padonia Associates, 216 Schilling Circle, Suite 300, Hunt Valley, Maryland 21030

Mr. Thomas A. Church, Development Engineering Consultants, Inc. 6603 York Road, Baltimore, Maryland 21212

Re: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE SW/S Chapel Road, 30' SE of the c/l Belair Road (4201 Chapel Road) 11th Election District – 5th Council District Lawrence Julio/Padonia Associates - Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF
- * BALTIMORE COUNTY
- * Case No. 03-531 XA

* * * * * * * * *

MOTION FOR RECONSIDERATION

Pursuant to Rule 4K of the Rules of Practice and Procedure Before the Zoning Commissioner of Baltimore County, Padonia Associates, by its undersigned attorney, requests that the Zoning Commissioner reconsider his Order of August 19, 2003 in light of the facts and circumstances recited in the Order, and furthermore requests that the Petitioner's requested sign be recognized as legally non-conforming pursuant to the Baltimore County Zoning Regulations for reasons more fully set forth in the accompanying Petitioner's Memorandum in Support of Motion for Reconsideration.

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SEP 1 6 2003

ZONING COMMISSIONER

Michael E. Marino Levy & Marino, P.A. 609 Bosley Avenue Towson, Maryland 21204 (410) 821-6633

Attorney for Petitioner

RECEIVED

SEP 1 5 2003

Per. hh.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of Deplember	, 2003, a
copy of the foregoing Motion for Reconsideration was mailed first class,	postage prepaid.
to: Mr. William Libercci, 19 Shawn Court, Baltimore, Maryland 21236	and to Mr.
Dennis Eckard, 39 Bangert Avenue, Perry Hall, Maryland 21228	· , •

Michael E. Marino

Re: PETITIONS FOR SPECIAL
EXCEPTION & VARIANCE
SW/S Chapel Road, 30' SE of the c/l
Belair Road (4201 Chapel Road)
11th Election District – 5th Council District
Lawrence Julio/Padonia Associates Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF
- * BALTIMORE COUNTY
- * Case No. 03-531 XA

* * * * * * * * * *

MEMORANDUM IN SUPPORT OF PETITIONER'S MOTION FOR RECONSIDERATION

Padonia Associates, by its attorney, Michael E. Marino, submits this Memorandum in Support of its Motion for Reconsideration.

Statement of the Case

Padonia Associates owns a .985 Acre parcel of land binding on Belair Road at the intersection of Belair Road and Chapel Valley Road (the "Property"). The Property is improved by a one-story brick back building having an improvement address of 4201 Chapel Road. The Property is zoned BLR. The Petitioner filed a Petition before the Zoning Commissioner of Baltimore County seeking authorization for a sign to be located seventy-five feet (75') from the intersection of Belair Road and Chapel Road. ¹

The subject of the case at hand is a sign (the "Sign") located upon the Property that provides directions to the Chapel Valley Townhouse Apartments which are located directly behind the Property.

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SEP 1 5 2003

Per. bh

The proposed sign replaces a sign for the same purpose (Chapel Valley TH) that existed for 15 years and was forced to be removed by violation.

The Petitioner was advised by the staff of the Department of Permits and Development Management (DPDM) that the requested Sign was classified as an outdoor advertising sign since it is a sign that is not accessory to any use or building on the Property and is used for calling attention to a place that is located on another premises.

The Zoning Commissioner heard testimony on the Petition on August 5, 2003.

Appearing in protest of the Petition were William Libercei and Dennis Eckard,
representatives of the Perry Hall Improvement Association.

The Zoning Commissioner determined that the Petition was mistakenly accepted by DPDM since an outdoor advertising sign is not a permitted use in the BLR zone. The issue of whether the proposed Sign is legally permissible on the Property was not raised at the hearing and as a result, the Petitioner has filed a Motion for Reconsideration.

Statement of the Facts

Testimony revealed that the Petitioner attempted to obtain a sign permit for the Sign from DPDM in April of 2002. The Sign provides directions to the Chapel Valley Townhouse Apartments located on a separate parcel to the rear of the Property. The Chapel Valley Townhouse Apartments, while separately titled, share the same beneficial owners as the Petitioner.

The necessity for the permit was two-fold. First, the Sign was scheduled to be replaced due to its age and for cosmetic reasons as part of a company wide program. Second, coincidentally, as a result of a complaint, a violation was issued on March 5, 2002 by DPDM ordering that the Sign be removed. A copy of the Code Enforcement Correction Notice issued by DPDM is attached hereto as Petitioner's Exhibit 1.

Testimony disclosed that the Petitioner has been paying permit fees for the Sign on the Property since the 1980's. The Petitioner in fact received a permit for the Sign on June 16, 1980 from the State Highway Administration. A copy of the permit is attached hereto as Petitioner's Exhibit 2. There was testimony that the Sign was continuously located on the Property since the 1980's (since June 16, 1980 according to the permit). Only as a result of the violation citation issued by DPDM and possible criminal penalties was the Sign not reinstalled.

After consulting with representatives of DPDM, the Petitioner filed its Petition requesting zoning relief to re-erect its Sign. For reasons previously stated, Petitioner was advised that the Sign was classified as an outdoor advertising sign by DPDM. As a result of the location of the Sign, Petitioner was further advised that it would need to request a Special Exception to permit an outdoor advertising sign for Chapel Valley Apartments and a Variance to allow an outdoor advertising sign to be 75 feet from the right-of-way of an intersecting highway in lieu of the required 100 feet.

After the conclusion of the hearing on the Petitioner's Special Exception and Variance, the Zoning Commission concluded that DPDM mistakenly accepted the Petitioner's Petition because such a sign is not permitted in the BLR zone and therefore the special exception and variance were moot.

<u>Argument</u>

The requested Sign should be permitted as a matter of right because it is legally non-conforming pursuant to the Baltimore County Zoning Regulations ("BCZR").

Section 450.8, C.1.a of the BCZR is the controlling subsection and provides:

- 1. A sign violating any provision of Section 450 shall be considered:
 - a. A legally non-conforming sign if the sign was lawfully erected and complies with all applicable sign laws and regulations in effect prior to the effective date of Bill No. 89-1997.

Section 450.8.C.2 goes on to say:

2. A legally non-conforming sign may continue to exist, subject to the maintenance requirements of Section 450.6.C and the abatement requirements in Section 450.8.D.²

Finally, Section 450.8.C.4 provides:

4. Notwithstanding the maintenance requirements of Section 450.6.C, a legally non-conforming sign may be structurally altered, replaced, relocated or otherwise changed only for the purpose of correcting nonconformity. This requirement is not applicable to changes of copy or message on the face of a legally non-conforming sign.

It could be argued that the removal of the Sign constituted an abandonment and therefore the Sign's non-conforming status is forfeited. This argument lacks merit and is against the prevailing law. The Court of Appeals dealt with this very issue at length in *McLay, et al. v. Maryland Assemblies, Inc.*, 269 Md. 465 (1973) and held at 473:

But there is a difference between a voluntary cessation of use which might be characterized as a discontinuance and a cessation which is voluntary:

"An involuntary interruption of a non-conforming use seldom results in a loss of use. Where the cessation of use is not the voluntary act of the user, the requisite intent to abandon does not exist.***

"There is no abandonment of a use where discontinuance of the use is caused by an economic depression or the inability of a landowner to find a tenant,

² The abatement provisions of 450.8.D of the BCZR mandate that legally non-conforming signs be removed 15 years from the effective date of Bill No. 89-1997, which was October 12, 1997, thus making the abatement date October 12, 2012.

[citing Baltimore v. Weinberg, 204 Md. 257, 103 A. 2d 507 (1954), which should be compared with Dorman v. Mayor & City Council of Baltimore, 187 Md. 678, 51 A. 2d 658 (1947)] assuming that the owner made a diligent effort to resume the use during the period of inactivity." 1 Anderson, American Law of Zoning § 6.59 at 437-38 (1968).

A somewhat more expanded discussion of interruptions of use resulting from economic considerations may be found in 2 Rathkopf, *The Law of Zoning and Planning* Ch. 61, § 5 at 61-9 (1972):

"A temporary cessation, even for a lengthy period, caused by circumstances over which the property owner had no control, is generally held not to constitute proof of a discontinuance in the sense of abandonment within the meaning of zoning ordinance provisions since the circumstances themselves negate an inference of the necessary intention to abandon the use."

The essence of the *McClay* opinion is that the non-conforming use cannot be abandoned if the disturbance of the use was beyond the control of the owner and the owner intended that the use not be abandoned.

In the case at hand, the Petitioner was literally forced to cease using the Sign and had to remove it or face criminal prosecution as a result of the violation citation issued by DPDM. There was utterly no act on the part of the Petitioner to voluntarily cease the use of the Sign and cessation of the use was completely mandated by DPDM and out of the control of the Petitioner. It is uncontroverted that the Petitioner had a permit for the Sign since 1980 and thus the Sign was lawfully erected. There is no evidence of any prior violation pertaining to the Sign that would indicate that the Sign was anything other than compliant with all applicable Sign laws and regulations in effect prior to the effective date of Bill No. 89-1997. The Sign existed continuously and uninterruptedly from 1980

until the time DPDM ordered that it be removed pending a zoning disposition. Therefore the Petitioner submits that the Sign is legally non-conforming in accordance with § 450.8.C of the BCZR.

Accordingly, the Petitioner respectfully requests the Zoning Commissioner revise his order pursuant to Rule 4K of the Rules of Practice and Procedure Before the Zoning Commissioner of Baltimore County and find that the Sign is legally non-conforming consistent with the provisions of the BCZR and for such other relief as the nature of the Petitioner's case may require.

Respectfully submitted

Michael E. Marino Levy & Marino, P.A.

609 Bosley Avenue

Towson, Maryland 21204

(410) 821-6633

Attorney for Petitioner

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15 day of September, 2003, a copy of the foregoing Memorandum in Support of Petitioner's Motion for Reconsideration was mailed first class, postage prepaid, to: Mr. William Libercci, 19 Shawn Court, Baltimore, Maryland 21236 and to Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Maryland 21228.

Michael E. Marino

10 P/

(410) 466-2000



Baltimore County
Department of Permits and
Development Management

Code Impections and Enforcement County Office Building 111 West Chesapeake Avenue Towern, MD 21704

Code Enforcement: Building Inspection:

410-887-3351

Plumbing Inspection:

410-887-3620

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APPLICANT

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We certify that all signs comply with all legal require and regulations promingated by the Administration.

signs comply with all legal requirements as well as rules

LAW OFFICES

LEVY & MARINO, P.A.

609 BOSLEY AVENUE TOWSON, MARYLAND 21204

> (410) 821-6633 FAX (410) 296-0057

5/18/03 Grantel, postpore ment Grantel,

June 16, 2003

Lawrence Schmidt, Esquire Zoning Commissioner Baltimore County, Maryland Zoning Commissioner's Office 401 Bosley Avenue Towson, MD 21204

Re: Ca

Case Number 03-531-XA

4201 Chapel Road

S/west side of Chapel Road, 30 feet southeast of centerline of Belair Road

11th Election District – 5th Councilmanic District Legal Owner: Lawrence Julio, Padonia Associates

Date of Hearing: Friday, June 27, 2003

Dear Mr. Commissioner:

Please regard this letter as a request for postponement for the above captioned case, which was scheduled to be heard on June 27, 2003. Both the owner of the property and myself are scheduled to be out of state on that date.

Please reschedule the matter in the ordinary course.

Thank you for your cooperation in this matter.

Very truly yours,

Michael E. Marino

MEM/mlm

Baltimore County Department of Permits and Development Management

Director's Office

111 West Chesapeake Avenue

Towson, MD 21204

JUN 17 2003 03-2067

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CITY, STATE, ZIP	Tarson My 2124	Bath wel. 2121.	Hunt Valley MD 21030										
ADDRESS		GOOS GONE Roi	216 Schilling Grale Ste 215										
NAME	MICHAEL MACINO	T. a. Cherch	Der Baldant										

Case Number 03-33/-X/7

PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

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44- -		Revised	4/47/00



P.O. Box 63 Perry Hall, Maryland 21128

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http://www.bcpl.net/~phla

phia@mall.bcpl.net

RESOLVED: That at the Board of Directors meeting of the Perry Hall Improvement Association held on Sunday, January 5, 2003, it was decided by the Association that responsibility for review and action on all zoning matters for the period 2003-2004 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 William Libercei; Debra Beaty Dennis Eckard Brenda Ward Howard Wille, Sr.

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

As witness our hands and seal this 5th day of January, 2003.

ATTEST:

Wayne Rice, Secretary

Perry Hall Improvement Association

David Marks, President

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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:

Wayne Rice, Secretary

Date: January 5, 2003

Perry Hall Improvement Association

David Marks, President

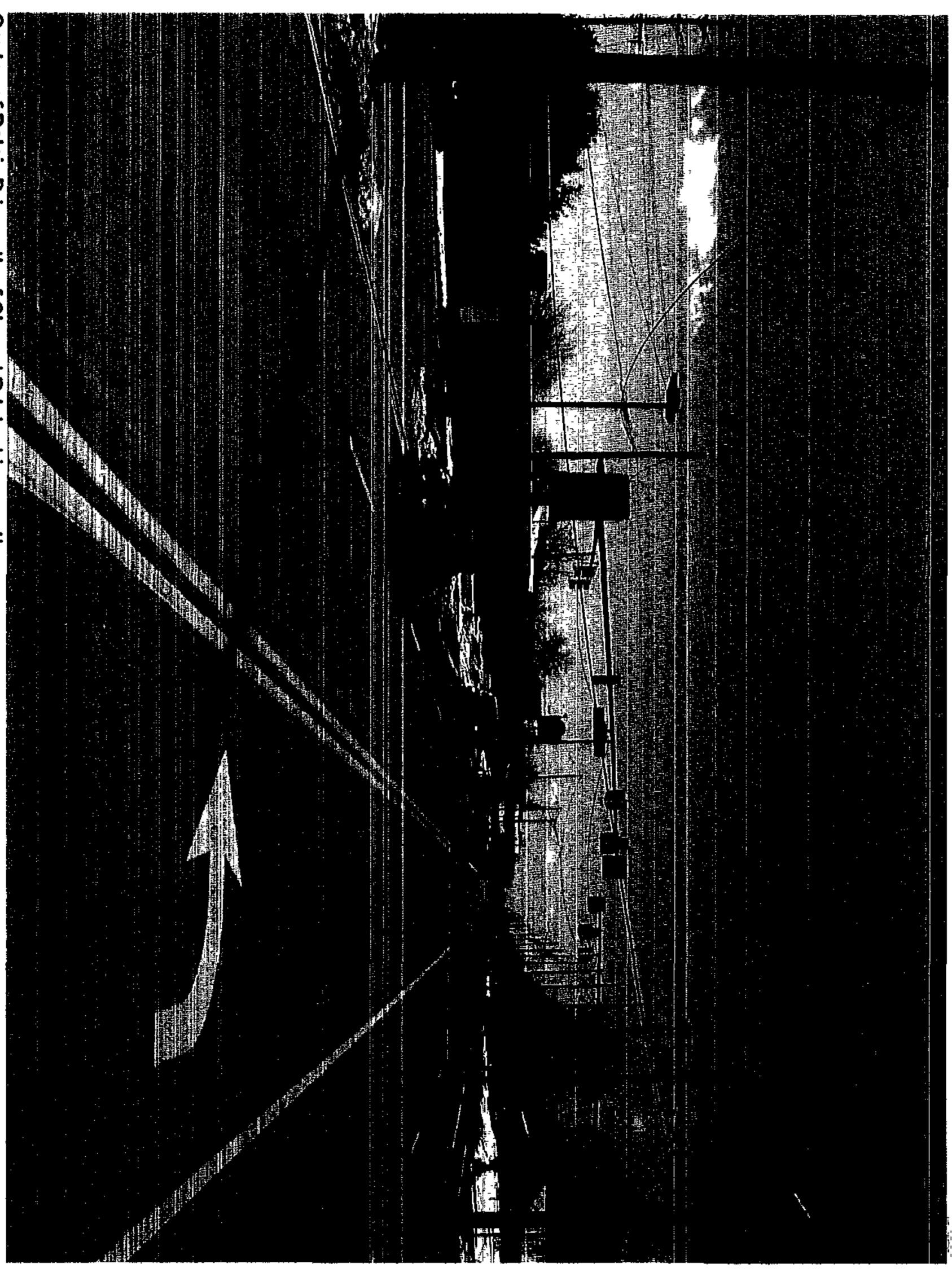


P.O. Box 63 Perry Hall, Maryland 21128

http://www.bcpl.net/~phla

phia@mall.bcpl.net

RESOLVED: That the position of the Perry the Zoning, Development, and Permits Committee of	Hall Improvement Association as adopted by on the zoning matter known as:
is that: the PHIA gives its representatives discretion to act the forthcoming hearing.	appropriately on behalf of the organization at
As witness our hands and seal this day of	, 2003.
ATTEST:	Perry Hall Improvement Association
MAJUK MILHOR	Sandal
Wayne Rice, Secretary	David Marks, President



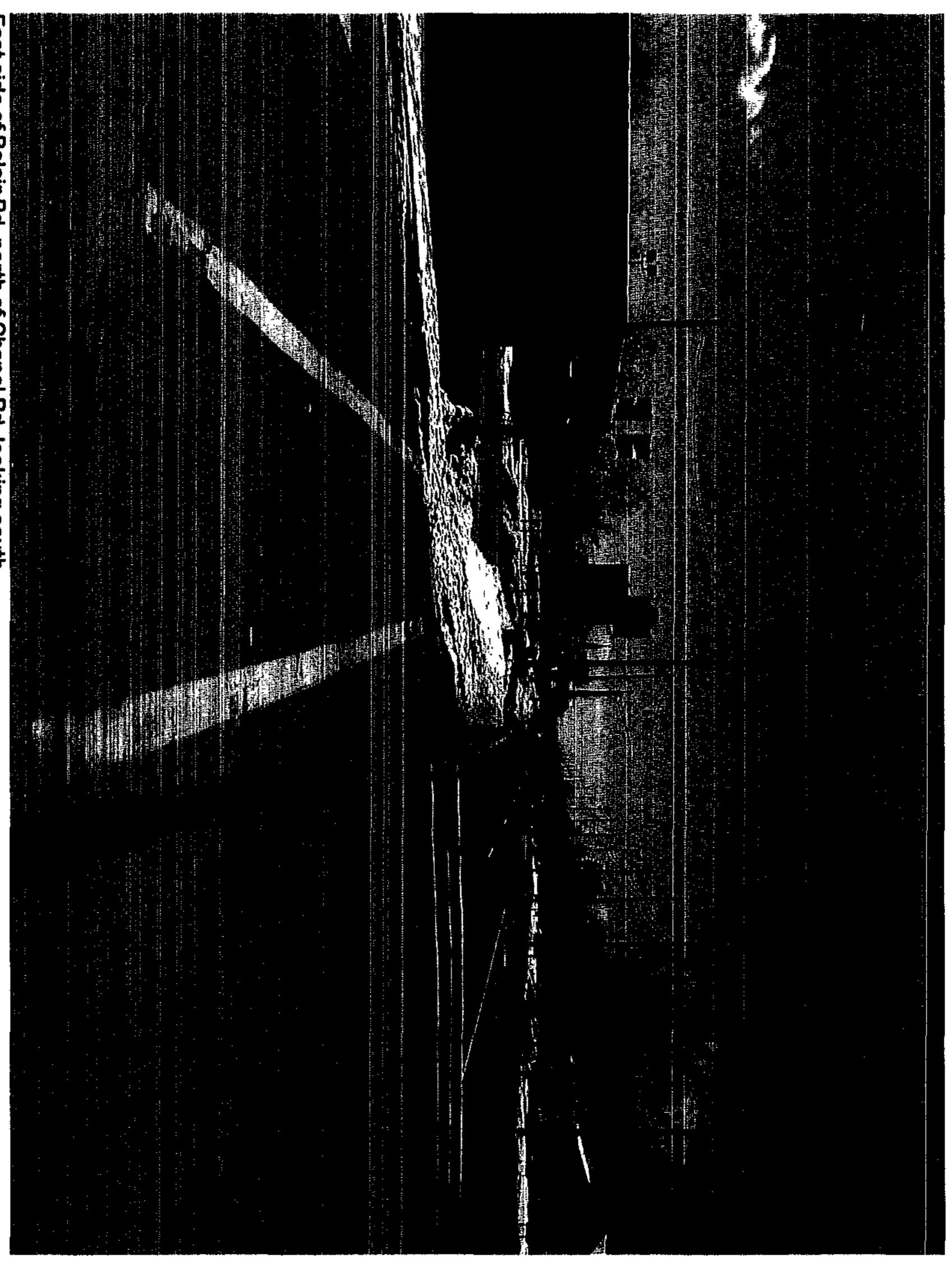
Center of Belair Rd. north of Chapel Rd. looking south



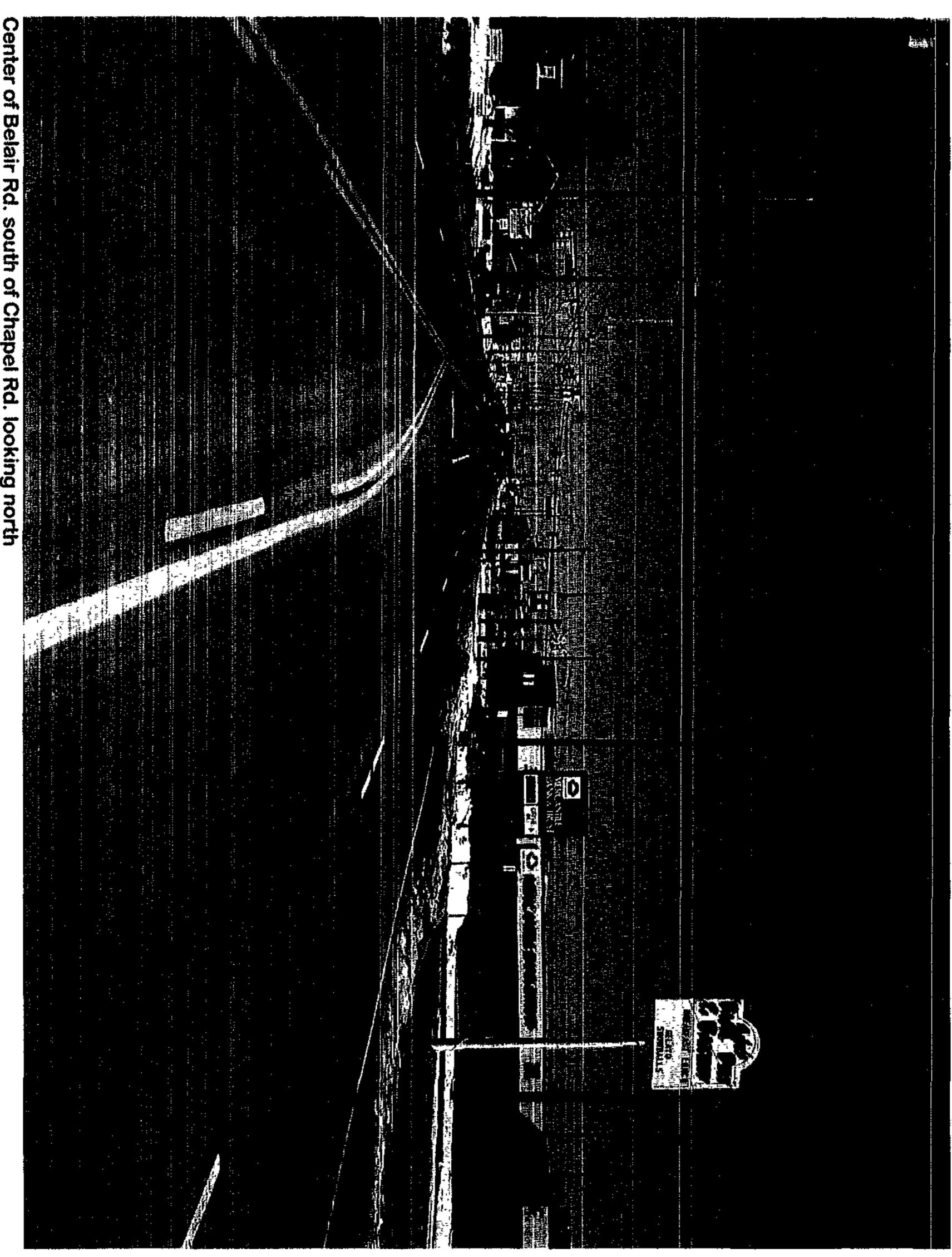
East side of Belair Rd. south of Chapel Rd. looking north



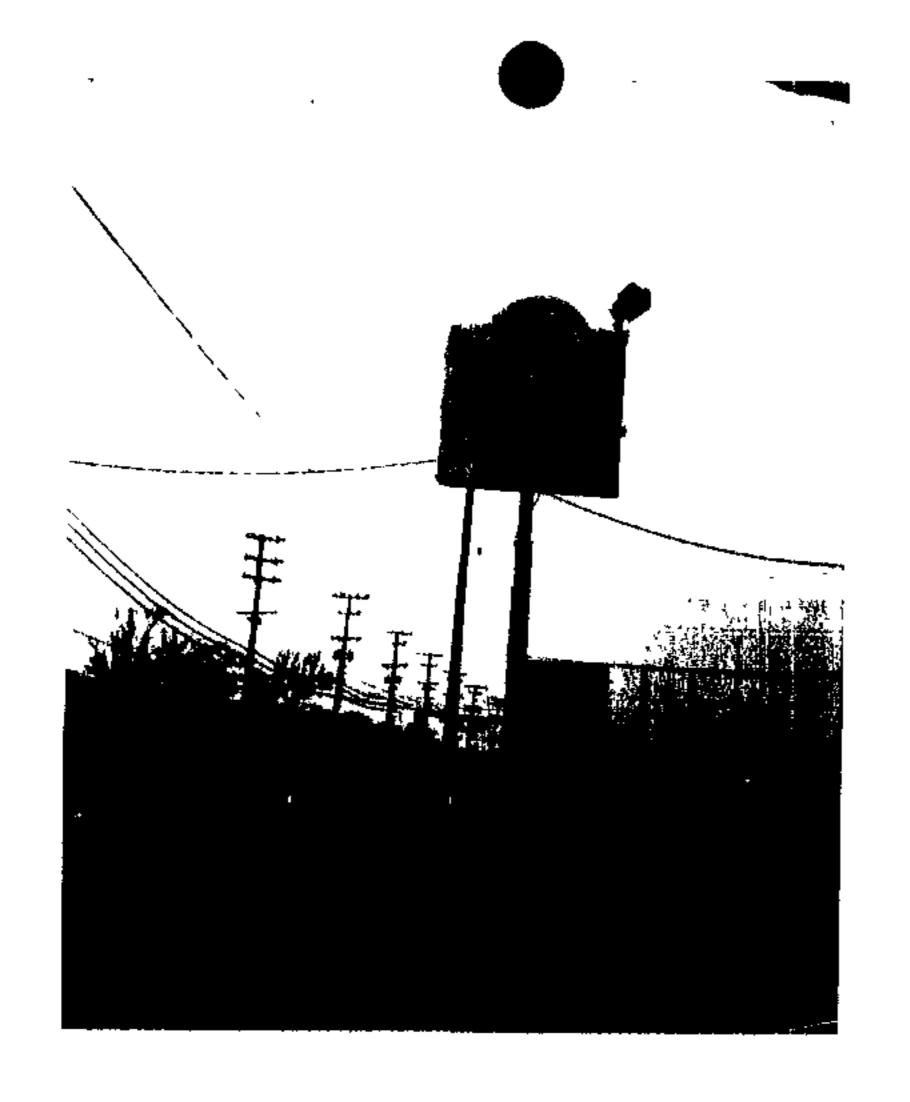
East side of Belair Rd. south of Chapel Rd. looking north



East side of Belair Rd. north of Chapel Rd. looking south



Center of Belair Rd. south of Chapel Rd. looking





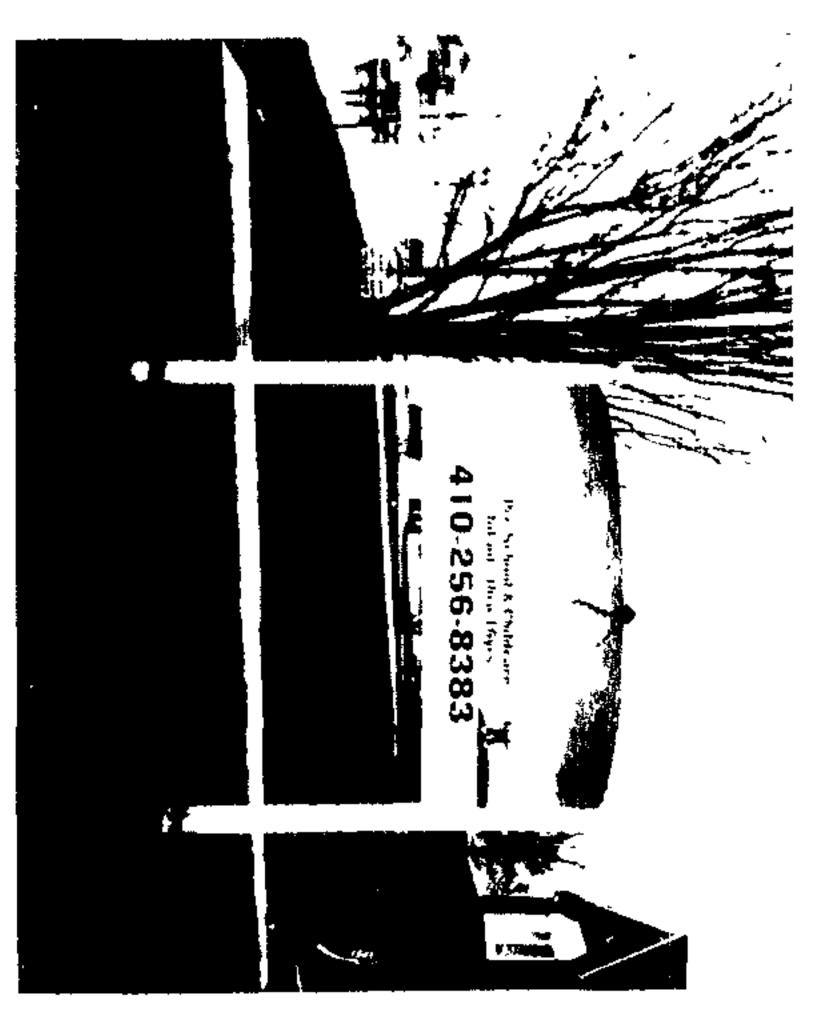




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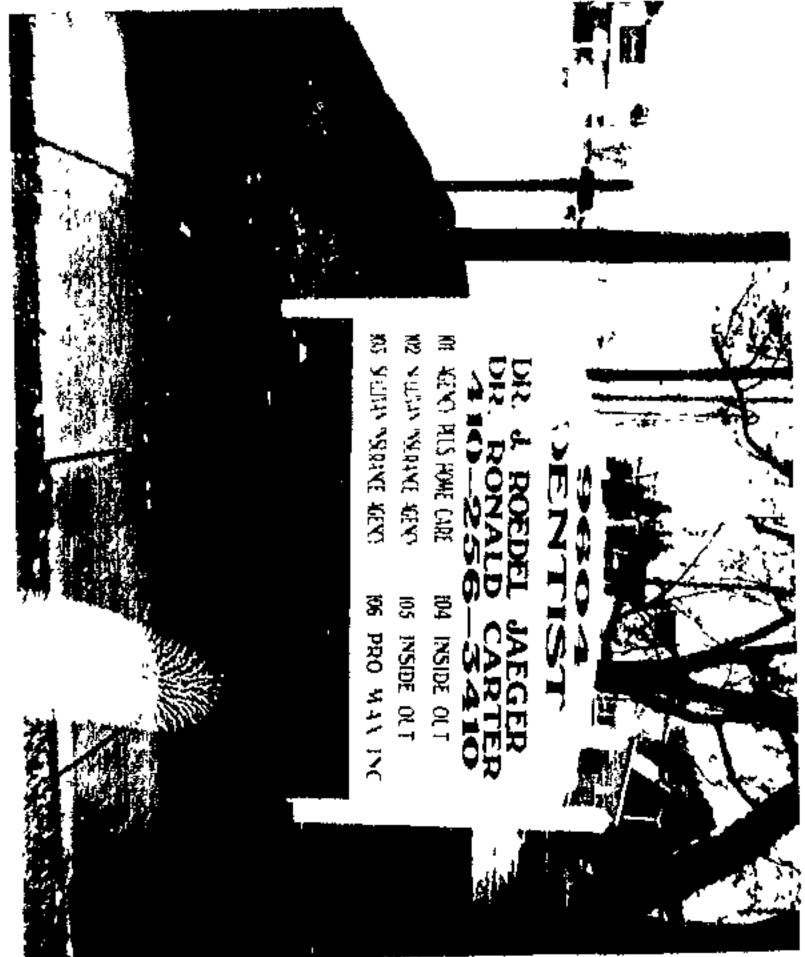
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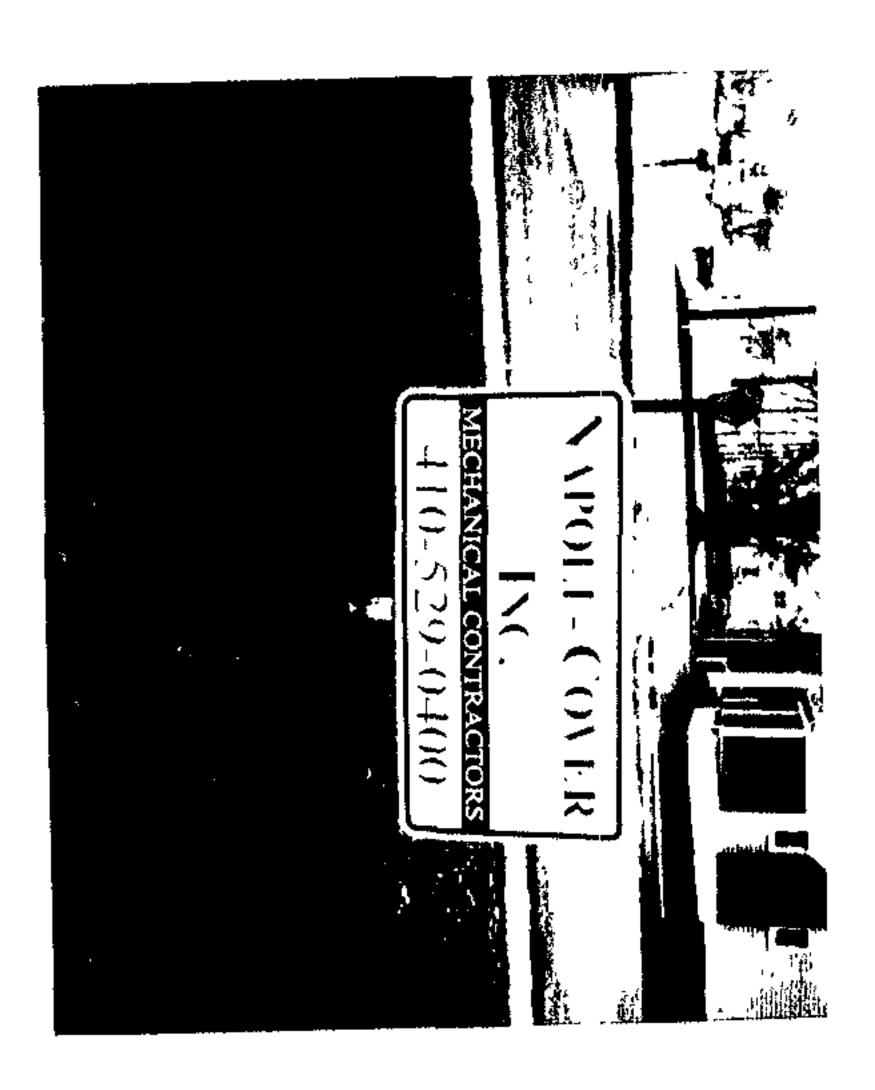
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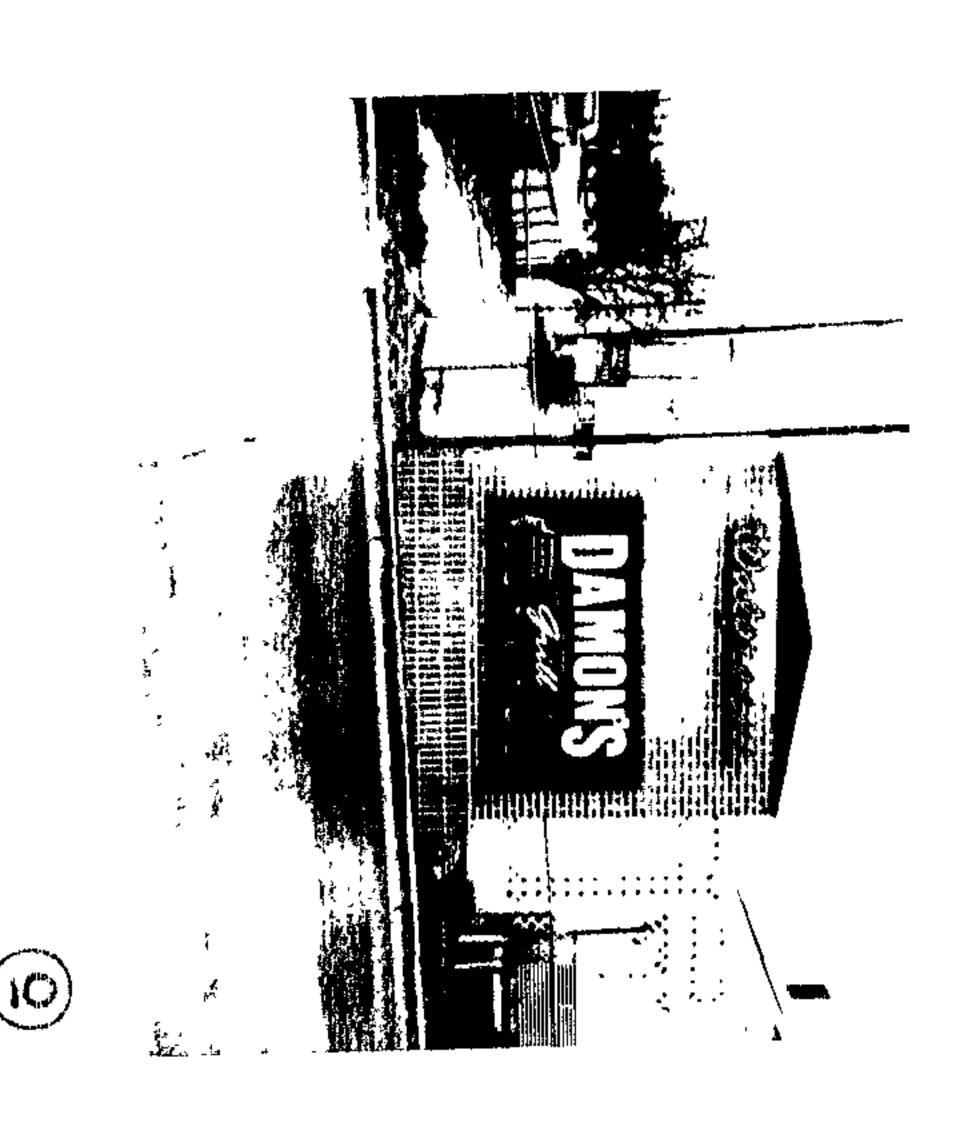








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§ 450

1. A freestanding changeable copy sign may be erected only as an integral part of an otherwise permitted enterprise or joint identification sign.

2. Up to 50% of the erected sign area of a permitted enterprise or joint identification sign may be devoted to changeable copy.

450.7. 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.
 - 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 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 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 County 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.

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