N L L ORDER RECEIVED

8

IN RE: PETITION FOR VARIANCE

SW/S Academy Road, 450' NW of

Whitfield Road

(700 Academy Drive)

1st Election District

1st Council District

Mount DeSales Academy Petitioner

- **BEFORE THE**
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 04-119-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mount DeSales Academy, through Reverend Michael Roach. The Petitioner seeks relief from Section 450.4.VI of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a double-faced illuminated sign of 66 sq.ft. per face in lieu of the maximum allowed 25 sq.ft., and a height of 9 feet in lieu of the maximum allowed 6 feet. The subject property and requested relief are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1, and the sign elevation drawings marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Chris Brown, a member of the Board of Trustees for the Mount DeSales Academy, property owner, and Chris Parts, an architect with Hord Coplan Macht, the sign contractor. Appearing as interested citizens were Alice B. Eisselle and Dolores Kiszner, nearby residents of the area. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southwest side of Academy Road, between the Baltimore National Pike (Maryland Route 40) and Edmondson Avenue in Catonsville. The property contains a gross area of 10.2670 acres, more or less, split zoned D.R.5.5 and D.R.16, and is the site of the Mount DeSales High School, a Catholic high school for girls. The school is over 150 years of age and is

the oldest all-female high school in the state of Maryland. Currently, the school has an enrollment of 400 students.

The subject of the Petition for Variance relates to a proposed sign to be located near the school's entrance, which is accessed via a gatehouse off of Academy Road. The Petitioner is desirous of constructing a 66 sq.ft., double-faced sign adjacent to the entrance as shown on Petitioner's Exhibit 1. The sign will be placed perpendicular to the road to provide visibility to traffic from both directions and set back 15 feet to avoid interference with sight distance. The sign will be a monument-type structure featuring brick pillars and a pitched roof. Details of the proposed sign are more particularly shown on Petitioner's Exhibit 2. On behalf of the Petitioner, Mr. Parks testified that great care was taken in designing the sign so as to mirror the architectural style of the buildings on the school campus. The sign will display the name of the school and its address in permanent lettering. Additionally, there will be a changeable message board that will advertise special events at the school.

A letter was received from the Academy Heights Civic Association indicating that the Petitioner had met with that organization's Board of Directors and that the proposed sign was met with enthusiasm and endorsed by that organization. Nonetheless, Ms. Eissele and Ms. Kiszner appeared in opposition. They are not members of the Academy Heights Civic Association and reside across from the school. Ms. Eissele believes that variance relief should not be granted in that the Petitioner has never had a sign at that location. I do not find that her argument is well founded. It was indicated at the hearing that the Petitioner has placed temporary signs at the entrance from time to time. A permanent well-designed sign is appropriate to direct visitors to the entrance and provide information about activities. The Protestants were also concerned about the impact a grant of the variance would have on other properties in the area. In this regard, each case must be considered independently.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the requested relief. The architectural features and detail of the proposed sign appear appropriate for this site and compatible with the existing buildings on campus. A smaller sign could arguably

be located on the property; however, it would be unattractive and detrimental to the general area. I find that the Petitioners have satisfied the requirements for variance relief as contained in Section 307 of the B.C.Z.R and that the relief requested meets the spirit and intent of the ordinance.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

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39 Control
30 Con

Zoning Commissioner

Suite 405, County Courts Building · 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

December 3, 2003

Rev. Michael Roach Mount DeSales Academy 700 Academy Drive Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE

SW/S Academy Drive, 450' NW of Whitfield Road

(700 Academy Drive)

1st Election District – 1st Council District Mount DeSales Academy - Petitioners Case No. 04-119-A

Dear Rev. Roach:

LES:bjs

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

Mr. Chris Brown, 7420 Baltimore Annapolis Blvd., Glen Burnie, Md. 21061 cc:

Mr. Chris Parts, Hord Coplan Macht

111 Marketplace, Suite 710, Baltimore, Md. 21202

Ms. Alice B. Eisselle, 709 Academy Road, Baltimore, Md. 21228

Ms. Dolores Kiszner, 707 Academy Road, Baltimore, Md.

People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>700 ACADEMY DRIVE</u> which is presently zoned <u>b.R.5.5</u> / DR-/4

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This Petition shall be filed with the of the property situate in Baltimore Concrete, hereby petition for a Variance	Department of Permits and Development Management. The undecounty and which is described in the description and plat attached he from Section(s) 450.4. II to permit a double-	ereto and made a part
illuminated sign with	a total of 66 square ft. perside and a h	reight of 9ft
	equired 25 square ft. and 6 ft. height	i
r practical difficulty)	e County, to the zoning law of Baltimore County, for the following reasons the second of the solution of the second of the secon	•
	, SCHOOL ADDRESS, SCHOOL LOGO, DATE OF ESTABL N A SINGLE SIGN WELL-PROPORTIONED.	LISHMENT, AND
or we, agree to pay expenses of abo	ed as prescribed by the zoning regulations. Ive Variance, advertising, posting, etc. and further agree to and are to be county adopted pursuant to the zoning law for Baltimore County.	bounded by the zoning
	I/We do solemnly declare and affirm, under the penalties perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.	s of
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>	I
	MOUNT DE SALES ACADEMY	<u></u>
ame Type or Print	Nama - Wha at Drint	

Name - Type or Print Name - Type or Print Signature Signature REV. MICHAEL ROACH
Name - Type or Print Telephone No. Address City State Zip Code Signature **Attorney For Petitioner:** 700 ACADEMY DRIVE Telephone No. Address CATON SUILLE Name - Type or Print State Zip Code Representative to be Contacted: Signature O Company CHRIS PARTS, HORD COPLAN MACHT E20 410.037,7311 11 MARKETPLACE, SUITE 710 Telephone No. Address Telephone No. BALTIMORE MD 21202 Zip Code State Zlp Code State OFFICE USE ONLY **ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING**

Reviewed By 13n

Date ___9/8/63

Description of property's location for Mount De Sales Academy

Beginning at a point on the southwest side of Academy Road, a 60 ft right-of-way, at the distance of 450 ft northwest of Whitfield Road, a 60 ft right-of-way, then northerly 2 ft, westerly 11 ft, southerly 2 ft, and easterly 11ft back to the point of beginning, being 22 square feet in area in the 1st election district.



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NOTICE OF ZONANG HEALTHE

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: #04-119-A

700 Academy Drive
N/west corner of Academy Road and Whitfield Road
1st Election District-1st Councillmanic District
Legal Owner(s): Mount De Sales Academy, Rev. Michael Roach
Variance: To permit a double faced illuminated sign with a total of 66 square feet per side and a height 9 feet in lieu of the required 25 square feet and 6 feet height respectively.

ring: Wednesday, November 12, 2003 at 9:00 a.m. boom 407, County Courts Building, 401 Bosley Ave-

LAWRENCE E. SCHMIDT

Zoning Commissioner for Battimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Confact 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.

Contact the Zoning Review Office at (410) 887-3391.

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

X The Jeffersonian

Arbutus Times

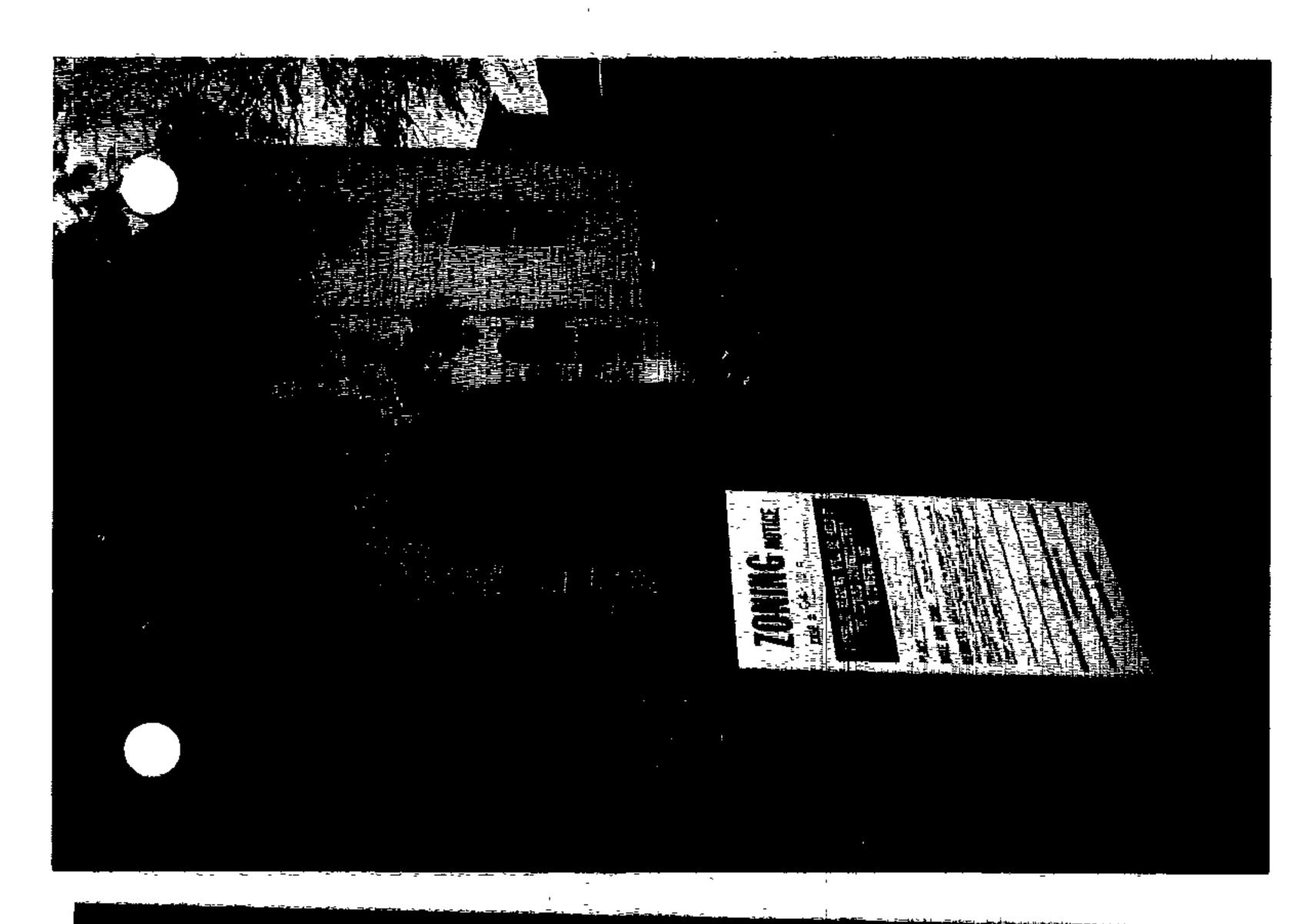
Catonsville Times Towson Times

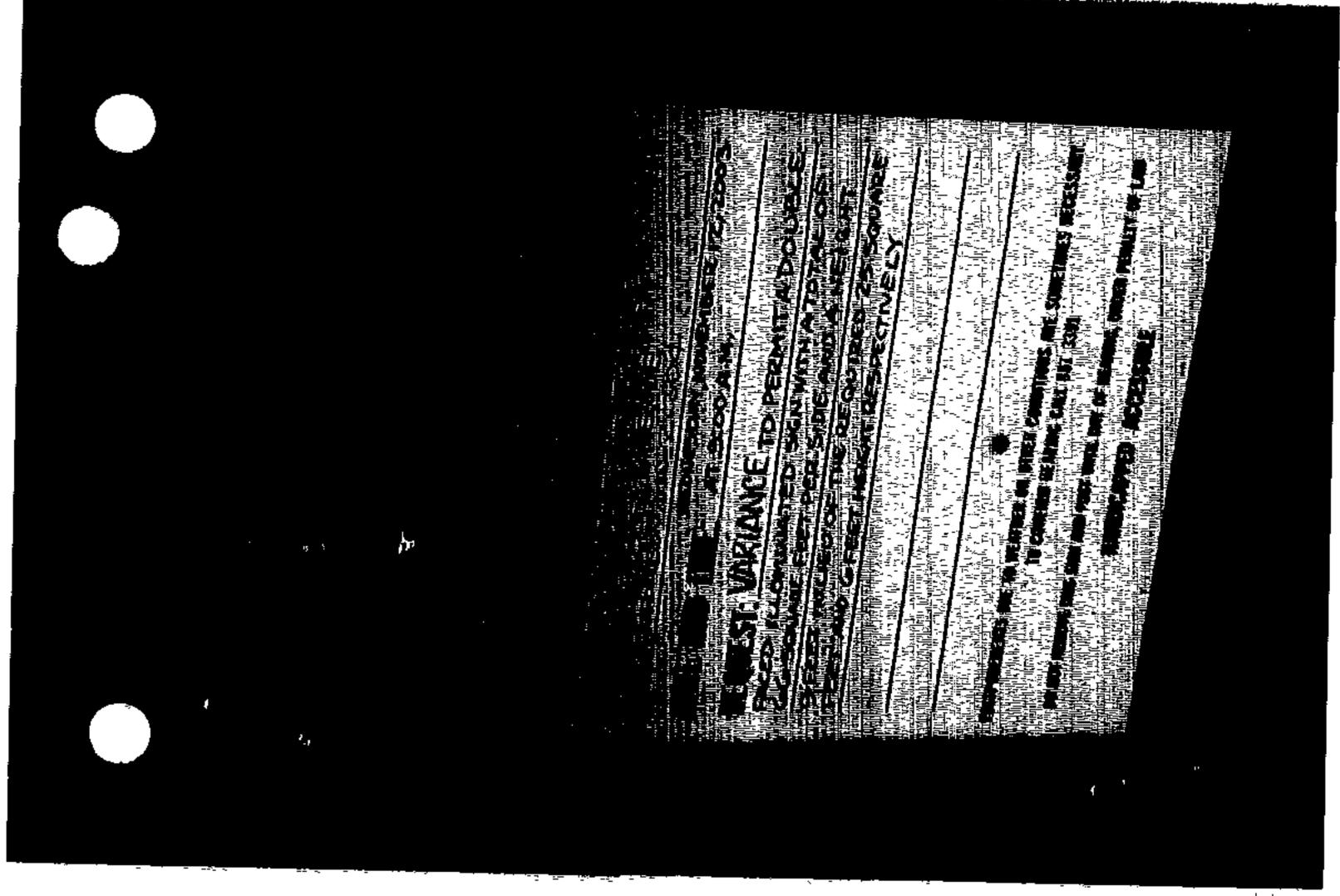
Owings Mills Times

□ NE Booster/Reporter

□ North County News

LEGAL ADVERTISMG





CERTIFICATE OF POSTING

• • • • • • • • • • • • • • • • • • • •	Petitioner/Developer: ACADEMY
· · · · · · · · · · · · · · · · · · ·	Date of Hearing/Closing: 1001,12,2003
altimore County Department of ermits and Development Management ounty Office Building, Room 111 1 West Chesapeake Avenue owson, MD 21204	
ttention: BECKY HART	
	der the penalties of perjury that the necessary sign(s) required by
w were posted conspicuously on the property lo	cated at #700ACADEMY DRIVE
<u></u>	
ne sign(s) were posted on OC7. 2	7, 2003 (Month, Day, Year)
	Sincerely, Sincerely, (Signature of Sign Poster and Date) CARLAND E. MOORE
	(Printed Name) 3225 RYERSON CIRCLE
	(Address) PAUT/IV/ORE, MD. 21227 (City, State, Zip Code)
	(Telephone Number)
	· • • • • • • • • • • • • • • • • • • •

RE: Case No.: 04+119

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 26, 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: 04-119-A

700 Academy Drive
N/west corner of Academy Road and Whitfield Road

1st Election District – 1st Councilmanic District
Legal Owner: Mount DeSales Academy, Rev. Michael Roach

Variance to permit a double faced illuminated sign with a total of 66 square feet per side and a height 9 feet in lieu of the required 25 square feet and 6 feet height respectively.

Hearings:

Wednesday, November 12, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Mt. DeSales Academy, Rev. Michael Roach, 700 Academy Drive, Catonsville 21228 Chris Parts, Hord, Coplan & Mach, 111 Marketplace, Suite 710, Baltimore 21207

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 28, 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.



Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 28, 2003 Issue - Jeffersonian

Please forward billing to:

Chris Brown

410-787-1880

7420 Baltimore-Annapolis Blvd.

Glen Burnie, MD 21061

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LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Department of Permits and Development Management

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



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September 26, 2003

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Director

TK:rlh

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TO:

PATUXENT PUBLISHING COMPANY

Tuesday, October 28, 2003 Issue - Jeffersonian

Please forward billing to:

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Lawrence 3. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 7, 2003

Mount De Sales Academy Rev. Michael Roach 700 Academy Drive Catonsville, MD 21228

Dear Rev. Roach:

RE: Case Number: 04-119-A, 700 Academy Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 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, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Chris Parts, Hord, Coplan, & Macht, 111 Marketplace, Ste. 710, Baltimore 21202



Visit the County's Website at www.baltimorecountyonline.info



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

County Office Building, Room 111 Mail Stop #1105

September 24, 2003

111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: September 22, 2003

Item No.: 112, 114-122, 124, 126, 128-130, 136

Dear Ms. Hart:

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.

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

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

cc: File



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

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Mare Land Department of Transport .

Date: 9.23.03

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

RE: Ba

Baltimore County

Item No.

BPR

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,

1

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 285 MT

DATE:

October 22, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of September 22, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

04-113,114,118,(19,120,121,122,123,127,128,129,130,136

1912

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: October 3, 2003

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

OCT - 6 2003

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-119

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief: Leany Schlabach

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 29, 2003

Item No. 119

The Bureau of Development Plans Review has reviewed the subject-zoning item.

DATE: September 30, 2003

The proposed sign should not interfere with the line of sight.

RWB:CEN:jrb

cc: File

RE:

PETITION FOR VARIANCE

700 Academy Drive; NW corner of Academy

Road & Northdale Road

1st Election & 1st Councilmanic Districts

Legal Owner(s): Reverend Michael Roach,

Mount De Sales Academy

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-119-A

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 May of September, 2003, a copy of the foregoing Entry of Appearance was mailed to, Chris Parts, 111 Marketplace, Suite 710, Baltimore, Maryland 21202, Representative for Petitioner(s).

RECEIVED

SEP 2 5 2003

dimmerman PETER MAX ZIMMERMAN People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

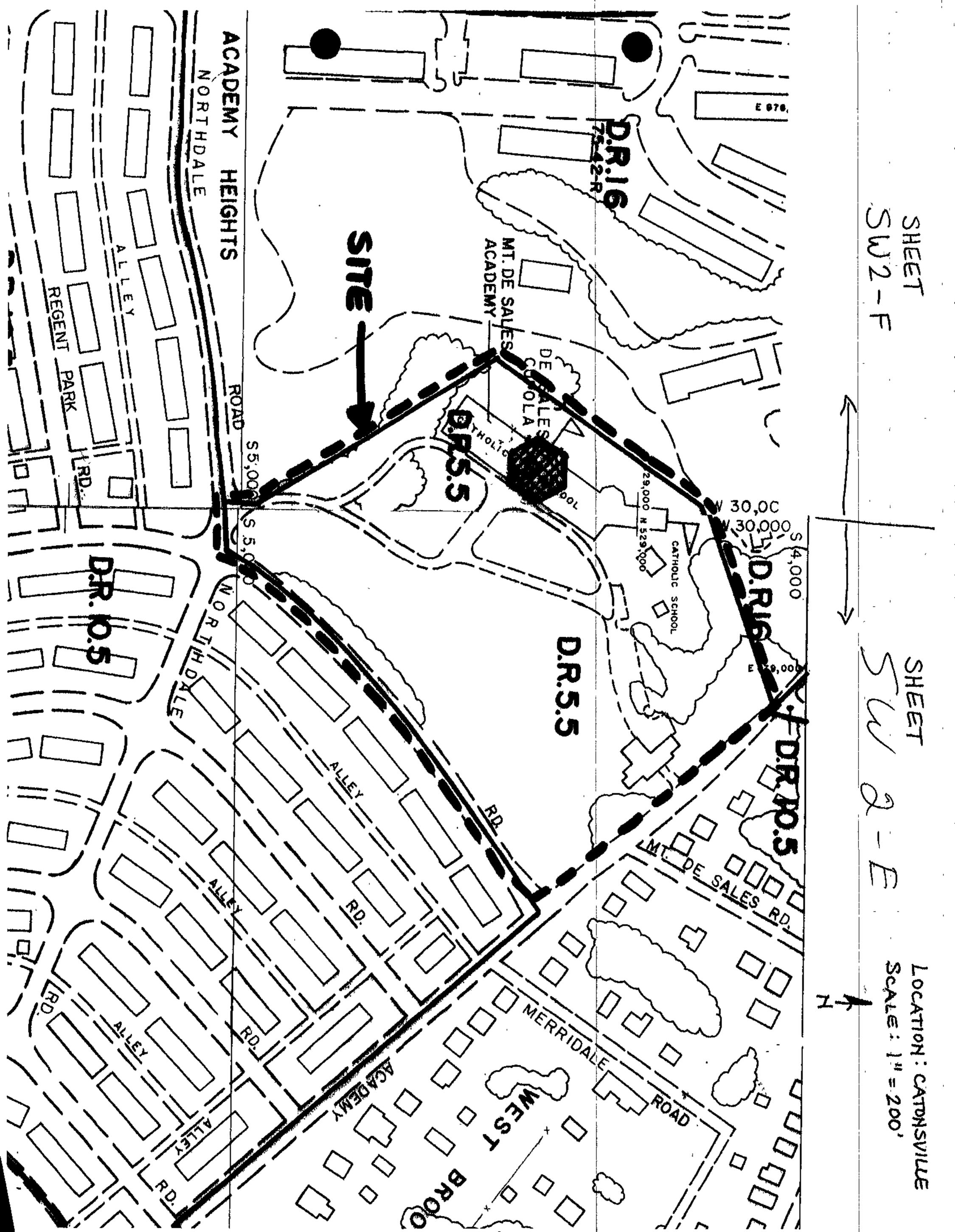
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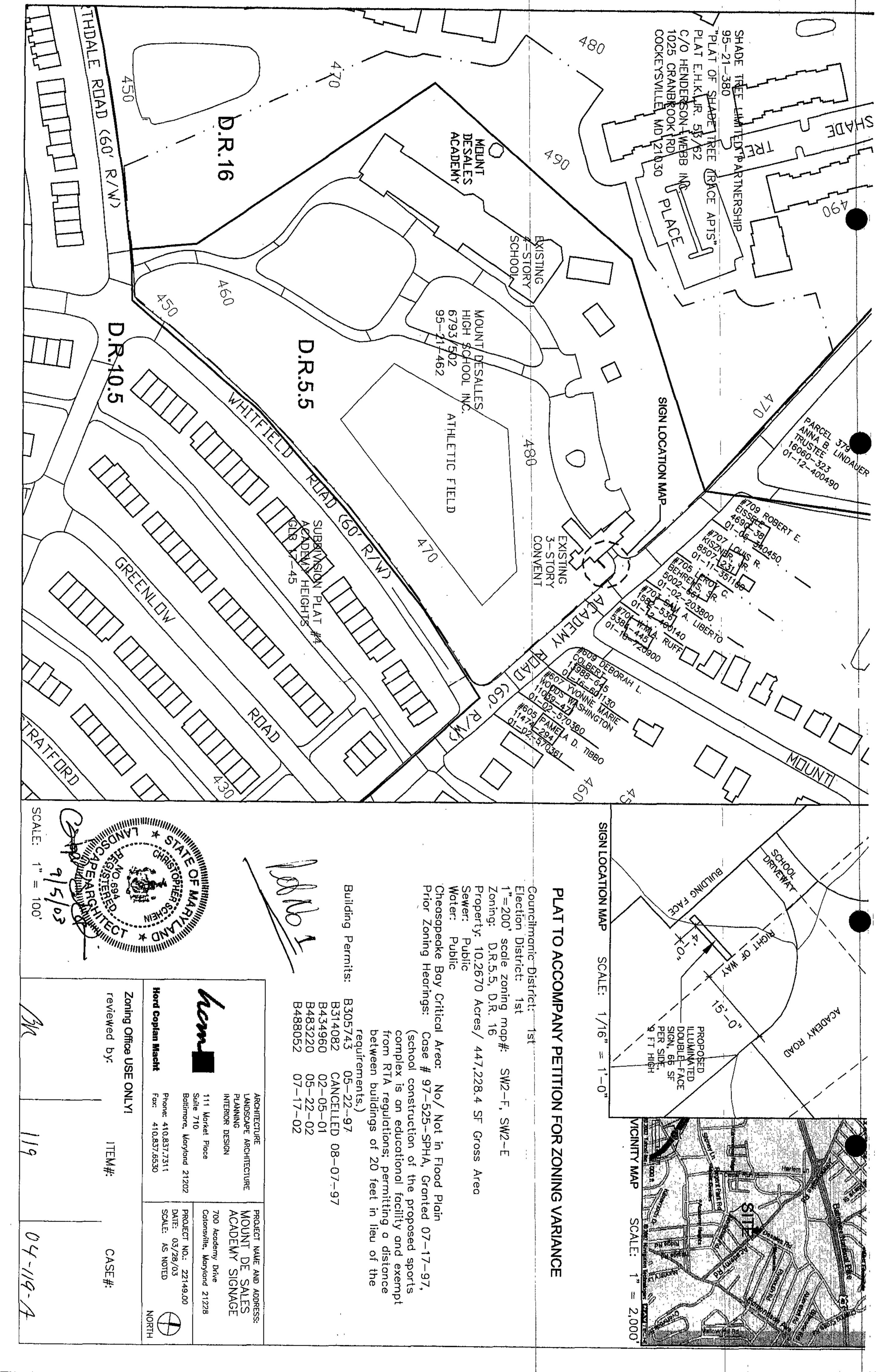
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CASE NAME	CASE NUMBER	DATE

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BROWN

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acamemy herohus LIVIE ASSOCIATION

P.O. BOX 9337 CATORSTULLE, MB 21228

04-119-A

January 8, 2003

7671 Post-It® Fax Note From LAURA DULSKI BRUND Co./Dept. Phone #4/0.837.73// Phone #4/0. 887.339 Fax # FEX# 410.887.2884

Mr. Chris Brown Mount de Sales Academy 700 Academy Road Catonsville, MD 21228

Dear Mr Brown,

Thank You for involving the community of Academy Heights in your planning for the gatehouse sign on Academy Road. As you know, we represent 487 homeowners who take pride in their homes and enjoy ever increasing property values.

Your artist's rendering of the proposed sign was presented to our Board of Governors and residents of Academy Heights at our December, 2002, meeting. It was greeted with enthusiasm and 'great idea' comments.

The design of the sign is in keeping with the architecture of both Mount de Sales Academy and Academy Heights. The sign will be a good addition to Mount de Sales Academy for its hext 150 years.

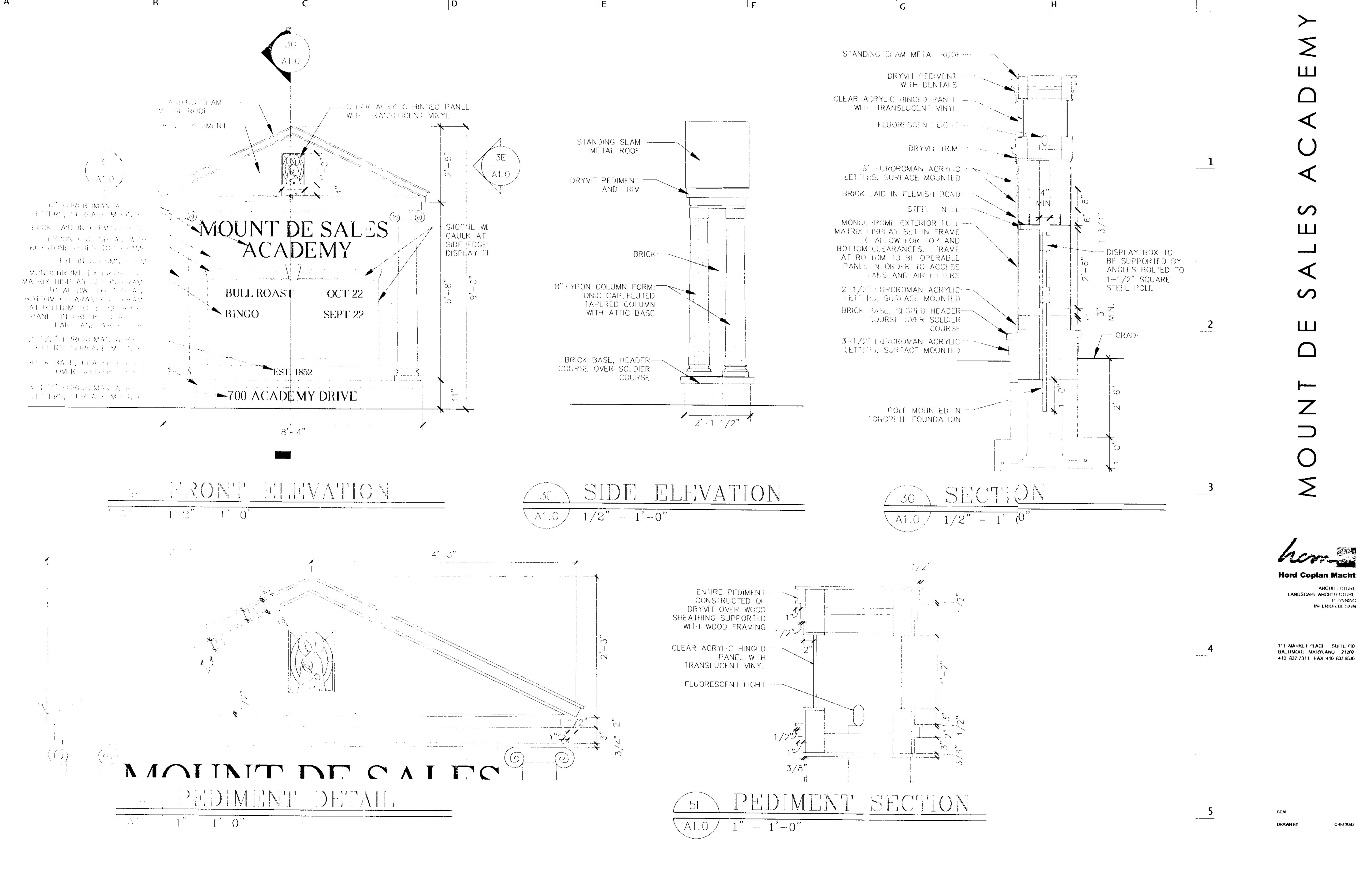
We hope that financing and Baltimore County approval will present no difficulties or delays for your project.

Sincerely. Hadden I Book

Kathleen Q. Bankert

President

Academy Heights Civic Association



100

NO DESCRIPTION DATE

ENTRY SIGN ELEVATION AND DETAILS

SCALE OATE PROJ#
AS NOTED 08-20 03 22149.00

CONSTRUCTION DOCUMENT

A1.0

#/19



BE SUPPORTED BY

1-1/2" SQUARE

STEEL POLE

/-- GRADE

ANGLES BOLTED TO

Hord Coplan Macht EANDSCAPE, ARCHITECTURE INTERIOR DESIGN

410 837 7311 FAX 410 837 6530

REVISIONS

ENTRY SIGN ELEVATION

and them the investor of a \$600 Emiliar Analysister area.

