IN RE: PETITION FOR VARIANCE
E/S Ingleside Avenue, 125 ft. E
centerline of Ingleside Avenue
1st Election District
1st Councilmanic District

(5657 Baltimore National Pike)

Theodore & Ann Kuchta, Legal Owners and

Pace Properties, by David LaPec, Pres.,

Contract Purchaser

Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-479-A

*

*

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* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Theodore and Ann Kuchta, et al, the legal owners of the subject property and Pace Properties, by David LaPee, President, contract purchaser. The Petitioners are requesting variance relief for property located at 5657 Baltimore National Pike in the western area of Baltimore County. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. From Section 450.4.5.(a), to permit 9 wall-mounted enterprise signs in lieu of the permitted 3 wall-mounted enterprise signs;

2. From Section 450.4.5.(a), to permit 4 wall-mounted enterprise signs on the north elevation façade in lieu of the permitted 2 maximum wall-mounted enterprise signs per façade;

3. From Section 450.4.5.(a), to permit 5 wall-mounted enterprise signs on the west elevation façade in lieu of the permitted 1 maximum wall-mounted enterprise signs per façade;

4. From Section 450.4.5.(b) and 450.5.B.4.d(2), to permit a freestanding enterprise sign with an area face of 125.4 sq. ft. in lieu of the permitted 110 sq. ft. maximum area face per freestanding enterprise sign; and

5. From Section 450.4.1(c) and 450.7.B.1, to permit the erection of a freestanding changeable copy sign that is <u>not</u> an integral part of an otherwise permitted enterprise or joint identification sign, if necessary.

The property was posted with Notice of Hearing on May 25, 2004, for 15 days prior to the

hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice

of Zoning hearing was published in "The Jeffersonian" newspaper on May 25, 2004 to notify any

interested persons of the scheduled hearing date.

Challet Carrie

Amended Petition

At the beginning of the Petitioners' case, the Petitioners indicated that they had redesigned the changeable copy sign to be an integral part of the freestanding sign and, therefore, no longer required Request No. 5.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request was David LaPec, representing Walgreen's Pharmacy, and Greg Reed, civil engineer who drafted the plan for the Petitioner. The Petitioner was represented by D. Dusky Holman, Esquire. William Jones from the Baltimore County Department of Economic Development came in support of the petition. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

OF DEFINED

Testimony was proffered by Mr. Holman that the Petitioners had assembled several parcels of land on the corner of Ingleside Avenue and Baltimore National Pike with the intention of erecting a Walgreens Pharmacy with a drive-through window. Among the parcels were the sites of the now vacant Westview Lounge, a used car lot and cleaners. Some of these properties had been vacant for two years. After settlement, the Petitioner will conduct a cleanup of the area and raze vacant buildings in order to clear a site large enough for the Walgreens store. The plan shown on Petitioner's Exhibit No. 1 indicates that the assembled properties have frontage on Baltimore National Pike, Ingleside Avenue and Chrysler Place.

Because the site fronts on three roads, the Petitioners have the right to erect three freestanding signs with a total of 260 sq. ft. of sign area. However, in order to aid the revitalization of this older commercial corridor, where proliferation of commercial signs has been a long standing problem, the Petitioner is requesting only one sign of 125.4 sq. ft. The variance is being requested because the sign is slightly larger than the single 110 sq. ft sign that the Petitioner would be allowed. Additional sign area is being requested to provide adequate exposure for the pharmacy to notify the traveling public of the store, its hours of operation and the drive through feature. The changeable copy sign is included in the area variance requested per Petitioner's Exhibit No. 2, the signage plan. As noted above, the changeable sign is now located on the freestanding sign and consequently the fifth variance request is no longer needed.

Similarly, the signs on the façade of the building are substantially less in area but there are more physical signs than the regulations allow. There would be five wall-mounted signs on the façade facing Baltimore National Pike in lieu of the permitted one wall mounted sign, but the area of all five would be 163 sq. ft. while 260 sq. ft. is permitted. There would be four wall-mounted signs on the façade facing Ingleside Avenue in lieu of the two permitted, but the area of all four

would be 150 sq. ft. while 228 sq. ft is permitted. The total number of wall-mounted signs is of course nine in lieu of the three permitted.

Mr. Holman proffered that there are numerous utility easements on the site which require that the freestanding sign be set back from the Baltimore National Pike right-of-way. This meant that to be effective the sign had to be larger than allowed. In addition, he noted that the Walgreens would contain many uses within the building, all of which required signage that triggered the need for multiple signs on the facades. Again, he pointed out that overall the site was permitted 598 sq. ft. of signage and he only asked for approximately one half of that amount (303 sq. ft.) in concert with the revitalization efforts for this commercial corridor.

William Jones from the Department of Economic Development attended the hearing and strongly supported the petition and described the several years of effort the County had made to attract a suitable owner and tenant to this site.

Findings of fact and conclusions of law

OFF PERSON

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The signage to which the Petitioner is entitled could be nearly twice the area being requested. This is in keeping with the County and State's effort to revitalize this older commercial area where proliferation of signs is and continues to be a major problem. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Instead of adding to the problem of too much signage, this Petitioner has designed signs to notify the public of its store in a most reasonable way.

This means that the one freestanding sign has to be slightly larger than that allowed. I further find that these variances shall be granted in strict harmony with the spirit and intent of the sign gulations, and in a manner as to grant relief without injury to the public health, safety and general relieface. This design aids the community revitalization effort.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this __io__ day of June, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variances from the B.C.Z.R. as follows:

- 1. From Section 450.4.5.(a), to permit 9 wall-mounted enterprise signs in lieu of the permitted 3 wall-mounted enterprise signs;
- 2. From Section 450.4.5.(a), to permit 4 wall-mounted enterprise signs on the north elevation façade in lieu of the permitted 2 maximum wall-mounted enterprise signs per façade;
- 3. From Section 450.4.5.(a), to permit 5 wall-mounted enterprise signs on the west elevation façade in lieu of the permitted 1 maximum wall-mounted enterprise signs per façade;
- 4. From Section 450.4.5.(b) and 450.5.B.4.d(2), to permit a freestanding enterprise sign with an area face of 125.4 sq. ft. in lieu of the permitted 110 sq. ft. maximum area face per freestanding enterprise sign; and.

be and they are hereby GRANTED and

IT IS FURTHER ORDERED, that the Petitioners' request having been withdrawn for variance from Section 450.4.1(c) and 450.7.B.1, to permit the erection of a freestanding changeable copy sign that is <u>not</u> an integral part of an otherwise permitted enterprise or joint identification sign, is DISMISSED as being moot.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

VM:raj

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

June 10, 2004

D. Dusky Holman, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

> Re: Petition for Variance Case No. 04-479-A

> > Property: Route 40 & Ingleside Avenue, Parcel 64

Dear Mr. Holman:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

John V. Murphy

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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

Copies to:

David LaPec, President
Pace Properties, Inc.
1401 S. Brentwood Blvd., Suite 100
St. Louis, MO 63144

Greg Reed Bohler Engineering 810 Glen Eagles Court Towson, MD 21286

William Jones Baltimore County Dept. Economic Dev. *



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Route 40 & Ingleside Ave.

which is presently zoned BM-CCC

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)

Please see attached.

Map 95, Parcel 64, Lots - 2, 3, 4, 5, 6, 7, 17 and

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 time of hearing.

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

It or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zonin regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee:

Case No. 04-479-A

REV 9/15/98

Pace Properties, Inc.
Name - Type pre-unit
Signature David LaPee
1401 S. Brentwood Blvd., Suite 100
Address Telephone No.
St.Louis, MO 63144 (314)968-9898
City State Zip Code
Attorney For Petitioner:
D. Dusky Holman
Name - Type or Print
D. Dushy Illm
Signature
Gildea, LC
Company
301 N.Charles Street, Suite 900
Address Telephone No.
Baltimore, MD 21201 (410) 234-0070
City State Zip Code
≩

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):

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D.Dusky Holman

Name

301 N.Charles Street, Suite 900

Address Telephone N

Baltimore, MD 21201 (410)234-0070

City State Zip Cod

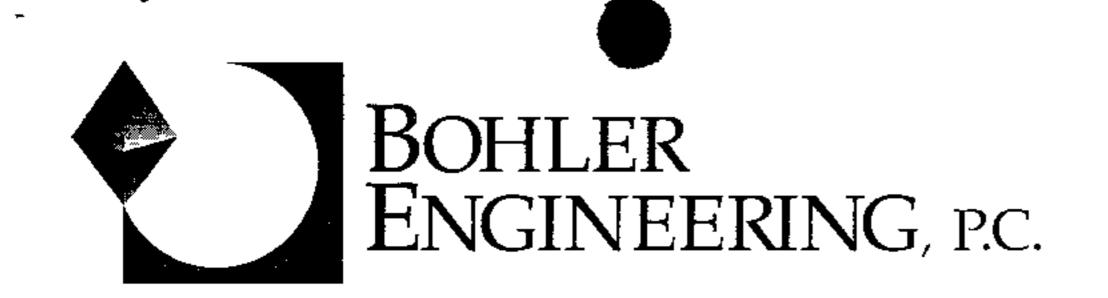
OFFICE USE ONLY

ESTIMATED LENGT	TH OF HEARING	
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UNAVAILABLE FOR HEARING
Reviewed By JM DT Date 45104

ATTACHMENT TO PETITION FOR VARIANCE

- A. BCZR Section 450.4.5(a) to permit 9 wall-mounted enterprise signs in lieu of the permitted 3 wall-mounted enterprise signs.
- B. BCZR Section 450.4.5(a) to permit 4 wall-mounted enterprise signs on the north elevation facade in lieu of the permitted 2 maximum wall-mounted enterprise signs per facade.
- C. BCZR Section 450.4.5(a) to permit 5 wall-mounted enterprise signs on the west elevation facade in lieu of the permitted 1 maximum wall-mounted enterprise signs per facade.
- D. BCZR Sections 450.4.5(b) and 450.5.B.4.d(2) to permit a freestanding enterprise sign with an area face of 125.4 square feet in lieu of the permitted 110 square feet maximum area face per freestanding enterprise sign.
- E. BCZR Sections 450.4.1(c) and 450.7.B.1 to permit the erection of a freestanding changeable copy sign that is <u>not</u> an integral part of an otherwise permitted enterprise or joint identification sign, if necessary.
- F. Any other sign variance deemed necessary by the Baltimore County Zoning Commissioner.



810 Gleneagles Court, Suite 300 Towson, MD 21286 410 821.7900 410.821 7987 fax md@bohlereng.com

December 19, 2003

ZONING DESCRIPTION
OF PART OF THE LANDS KNOWN AS
PARCEL 64, TAX MAP 95, LOT 1 WITH DEED REF. 14388/113;
PARCEL 64, TAX MAP 95, LOTS 2, 3, 4, 5, 6, 7 WITH DEED REF. 4817/512;
PARCEL 64, TAX MAP 95, LOT 17 WITH DEED REF 5656/77;
PARCEL 64, TAX MAP 95, LOT 18 WITH DEED REF. 5560/565;
PARCEL 304, TAX MAP 95 WITH DEED REF. 12611/575
AS RECORDED IN THE DATABASES OF BALTIMORE COUNTY, MD

1ST ELECTION DISTRICT

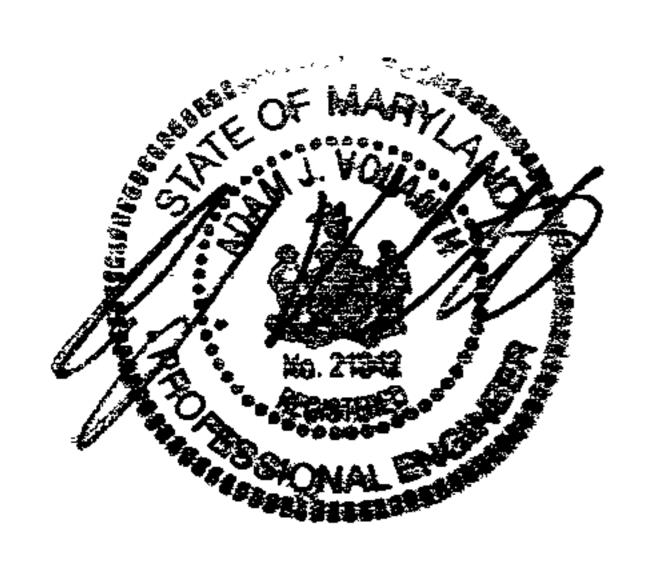
BEGINNING AT A POINT ON THE EAST SIDE OF INGLESIDE AVENUE WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 125 FEET EAST OF THE CENTERLINE OF THE INTERSECTING STREET, INGLESIDE AVENUE.

THENCE, BINDING ON THE NORTHERNMOST OUTLINE OF PARCEL 304, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID NAD 83 NORTH;

- 1. NORTH 71 DEGREES 50 MINUTES 42 SECONDS EAST; 226.95 FEET TO A POINT.
- 2. NORTH 18 DEGREES, 8 MINUTES, 23 SECONDS WEST; 89.57 FEET TO A POINT.
- 3. SOUTH 71 DEGREES, 51 MINUTES, 77 SECONDS WEST; 47.68 FEET TO A POINT.
- 4. SOUTH 11 DEGREES, 31 MINUTES, 00 SECONDS EAST; 291.16 FEET TO A POINT.
- 5. SOUTH 62 DEGREES, 34 MINUTES, 12 SECONDS WEST; 89.34 FEET TO A POINT.
- 6. NORTH 27 DEGREES, 25 MINUTES, 48 SECONDS WEST; 130.00 FEET TO A POINT.
- 7. SOUTH 62 DEGREES, 34 MINUTES, 12 SECONDS WEST; 100.00 FEET TO A POINT.
- 8. NORTH 27 DEGREES, 25 MINUTES, 48 SECONDS WEST; 29.30 FEET TO A POINT.
- 9. SOUTH 85 DEGREES, 33 MINUTES, 44 SECONDS WEST; 165.51 FEET TO A POINT.
- 10. NORTH 04 DEGREES, 26 MINUTES, 16 SECONDS WEST; 100.34 FEET TO A POINT.
- 11. SOUTH 73 DEGREES, 16 MINUTES, 02 SECONDS WEST; 2.21 FEET TO A POINT;
- 12. CURVING TOWARD THE EAST WITH A RADIUS OF 173.88 FEET FOR A DISTANCE OF 74.38 FEET, THE CHORD OF SAID ARC BEING SOUTH 20 DEGREES, 2 MINUTES, 28 SECONDS WEST; 73.81 TO A POINT.
- 13. CURVING TOWARD THE EAST WITH A RADIUS OF 114.02' FOR A DISTANCE OF 61.34 FEET, THE CHORD OF SAID ARC BEING SOUTH 48 DEGREES, 44 MINUTES, 17 SECONDS WEST; 60.60 FEET TO A POINT.
- 14. NORTH 2 DEGREES, 45 MINUTES, 58 SECONDS WEST, 9.05 FEET TO A POINT TO THE PLACE OF BEGINNING.

Other Office Locations:

BEING ALSO KNOWN AS 5657 BALTIMORE NATIONAL PIKE (RTE. 40 & INGLESIDE AVE.), BALTIMORE COUNTY, AS RECORDED IN THE BALTIMORE COUNTY DATABASE CONTAINING IN ALL 95,115 SQUARE FEET OR 2.184 ACRES OF LAND MORE OR LESS.



DISTRIBUTION WHITE CASHIER	FOR:	RECEIVED FROM:	· · · · · · · · · · · · · · · · · ·	DATE	BALTIMORE OFFICE OF BU MISCELLAN
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NOTICE OF ZONDIG !EARING ...

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: #04-479-A

5657 Baltimore National Pike

E/side of Ingleside Avenue, 125 feet east of centerline of Ingleside Avenue

1st Election District — 1st Councilmanic District Legal Owner(s): Theodore and Ann Kutcha

Contract Purchasers: Pace Properties, Inc.,

David LaPee, President Variance: to permit 9 wall mounted enterprise signs in lieu of the permitted 3 wall mounted enterprise signs. To permit 4 wall mounted enterprise signs on the north elevation facade in lieu of the permitted 2 maximum wall mounted enterprise signs per facade. To permit 5 wall mounted enterprise signs on the west elevation facade in lieu of the permitted 1 maximum wall mounted enterprise signs per facade. To permit a freestanding enterprise sign with an area face of 125.43 square feet in lieu of the permitted 110 square feet maximum area face per freestanding enterprise sign. To permit the erection of a freestanding changeable copy sign that is not an integral part of an otilerwise permitted enterprise or joint identification sign, if necessary, and any other sign variance deemed necessary by the Baltimore County Zoning Commissioner. Hearing: Wednesday, June 9, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

[2] For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/755 May 25

CERTIFICATE OF PUBLICATION

5 27 ,20 <u>0+</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
on 535,2004.
The Jeffersonian
☐ Arbutus Times ☐ Catonsville Times
☐ Towson Times ☐ Owings Mills Times
☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 04-479-A
المراجعة ا المراجعة المراجعة ال	Petitioner/Developer: PACE PROPERTIES
	DAVID LAPEE, PRESIDENT
	Date of Hearing/Closing: JUNE 9, 2004
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	f
This letter is to certify under the penalties of perjury posted conspicuously on the property located at:	that the necessary sign(s) required by law were
5657 BALTIM	DRE NATIONAL PIKE
The sign(s) were posted on	25/04
(Moi	nth, Day, Year)
Since	ereły,
	Robert Ruch 5/25/04 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
constitution of the second sec	(410) 282-7940
	(Telephone Number)

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

April 29, 2004

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: 04-479-A

5657 Baltimore National Pike

E/side of Ingleside Avenue, 125 feet east of centerline of Ingleside Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Theodore and Ann Kutcha

Contract Purchasers: Pace Properties, Inc., David LaPee, President

Variance to permit 9 wall mounted enterprise signs in lieu of the permitted 3 wall mounted enterprise signs. To permit 4 wall mounted enterprise signs on the north elevation façade in lieu of the permitted 2 maximum wall mounted enterprise signs per façade. To permit 5 wall mounted enterprise signs on the west elevation façade in lieu of the permitted 1 maximum wall mounted enterprise signs per façade. To permit a freestanding enterprise sign with an area face of 125.43 square feet in lieu of the permitted 110 square feet maximum area face per freestanding enterprise sign. To permit the erection of a freestanding changeable copy sign that is not an integral part of an otherwise permitted enterprise or joint identification sign, if necessary, and any other sign variance deemed necessary by the Baltimore County Zoning Commissioner.

Hearing: Wednesday, June 9, 2004, at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Muty Kotroco

Timothy Kotroco

Director

TK:klm

C: D. Dusky Holman, Gildea, LLC, 300 E. Lombard St., Ste 1440, Baltimore 21202 Theodore & Ann Kutcha, 529 Broadwater Road, Arnold 21012 David LaPee, Pace Properties, 1401 S. Brentwood Blvd., Ste. 100, St. Louis, MO 63144

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 25, 2004.
 - (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

Tuesday, May 25, 2004 Issue - Jeffersonian

Please forward billing to:

Gildea, LLC 300 East Lombard Street, Ste. 1440 Baltimore, MD 21202 410-234-0070

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: 04-479-A

5657 Baltimore National Pike

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Lawrence B. 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.

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.

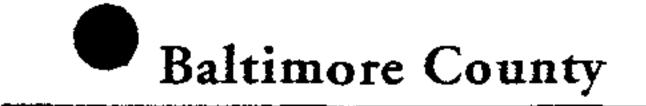
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

tem Number or Case Number:
Petitioner: Pace Properties, Inc.
Address or Location: 5657 Baltimore National Pike (Route 40 & Ingleside
tem Number or Case Number: <u>OH-H'19-H</u> Petitioner: <u>Pace Properties, Inc.</u> Address or Location: <u>5657 Baltimore National Pike (Route 40 & Ins</u> leside Avenue)
PLEASE FORWARD ADVERTISING BILL TO:
Name: Gildea, LLC
Address: 300 East Lombard St., Suite 1440
O /:
Baltimore, MD 21202
Baltimore, MD 21202

Department of Permits a. Development Management

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





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

June 1, 2004

Dusky Holman Gildea, LLC. 301 N. Charles Street Baltimore, Maryland 21201

Dear Mr. Holman:

RE: Case Number:04-479-A, 5657 Baltimore National Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 2004.

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Pace Properties, Inc. 1401 Brentwood Blvd. Ste. 100 St. Louis MO 63144 Mr. and Mrs. Theodore Kuchta 529 Broadwater Road Arnold 21012



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 111 West Chesapeake Avenue Towson, Maryland 21204

May 10, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: May 3, 2004

Item No.:

479

482-487

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.

6. 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



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

April 28, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of

April 26, 2004

Item No.:

470-481

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.

6. 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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.30.04

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

RE: Baltimore County

> Item No. JCM

Dear Ms. Matthews:

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 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

1. J. South

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley (285/100

DATE:

May 18, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-485

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley Johns

DATE:

April 30,2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 26, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-470

04-473

04-474

04-477

04-478

04-479

04-480

04-481

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc



DATE: May 13, 2004

RECEIVED

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5657 Baltimore National Pike

INFORMATION:

Item Number:

4-479

Petitioner:

Theodore Kuchta, Westview Holdings, LLC., James Sellors

Zoning:

BM-CCC

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, the Office of Planning supports the applicant's Petition for Variance.

The petitioner has chosen to erect just one enterprise sign as opposed to two such signs, which will result in reduced sign clutter and competitive waste. While the one sign to be located on the subject site exceeds the area requirements as limited by the Baltimore County Zoning Regulations, the impact is offset by the reduction in the number of signs.

A County-initiated \$100,000 conditional loan shall be awarded to Walgreen to encourage a significant redevelopment opportunity that will serve to spur other such quality redevelopment projects. The improvement to the site will further the County's commercial revitalization efforts in the immediate area, as well.

Deputy Director

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 2004

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 May 10, 2004

Item Nos. 479, 482, 483, 484, and 485

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

RWB:CEN:jrb

cc: File

RE:						ida Imala.	*	BEF	ORE T	HE		
	PETITION FOR VARIANCE * BEFORE THE 5657 Baltimore National Pike; E/side Ingleside Avenue, 125' E of c/line Ingleside Avenue * ZONING COMMISSIONER 1st Election & 1st Councilmanic Districts Legal Owners: Theodore and Ann Kuchta * FOR Contract Purchasers: Pace Properties, Inc, David LaPee, President * BALTIMORE COUNTY Petitioner(s) * 04-479-A		5' E of c/line Ingleside Avenue * ZONING COMMISSIONER									ER
	Lega	l Owner	rs: Theo	odore a	nd Ann	Kuchta	*	FOR				
			, Presid	lent	•	.es, me,	*	BAL	TIMO]	RE COI	JNTY	
			Penn	ioner(s)			*	04-4	79-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 30th day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to, D. Dusky Holman, Esquire, Gildea, LLC, 300 East Lombard Street, St 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

APR 3 0 2004

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

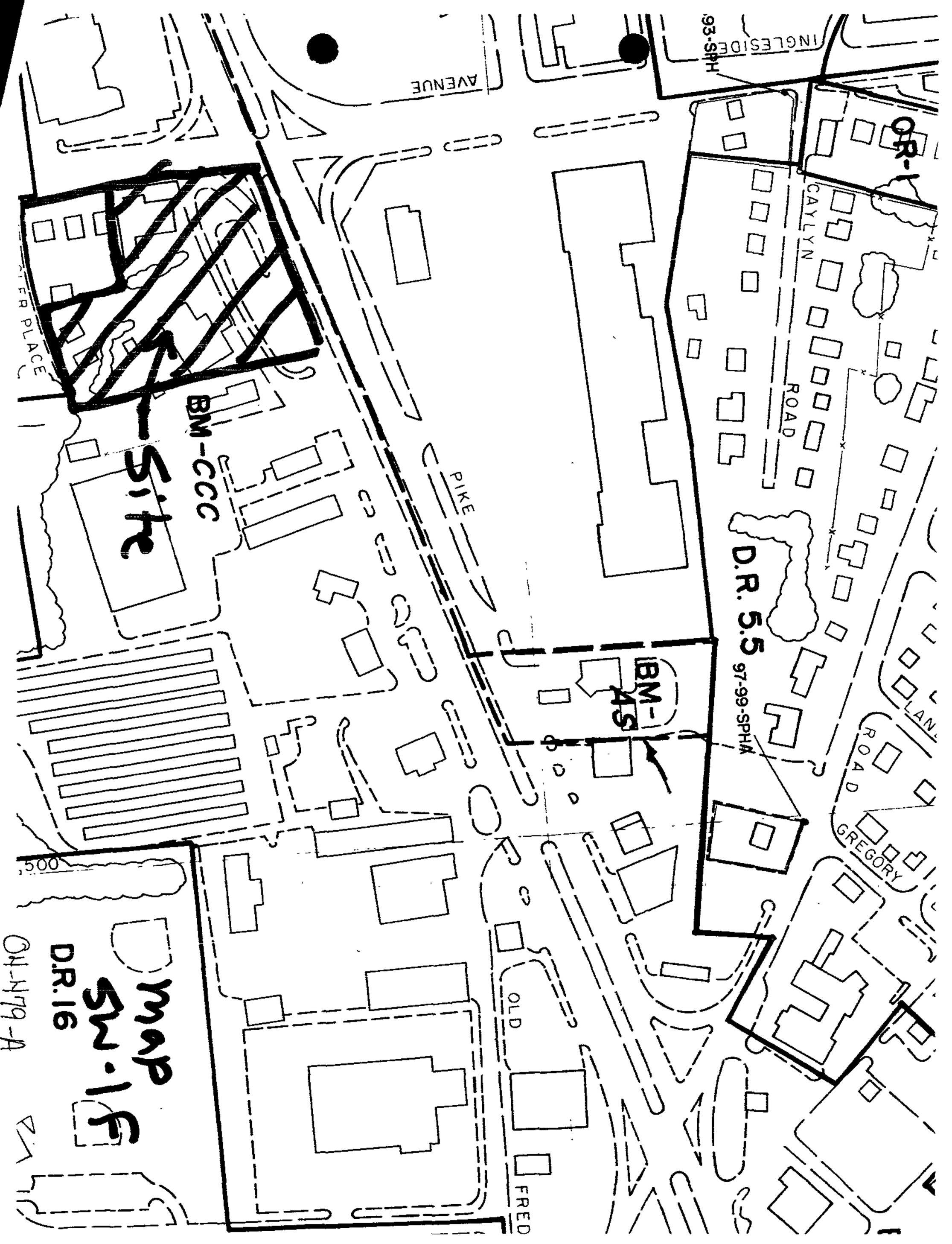
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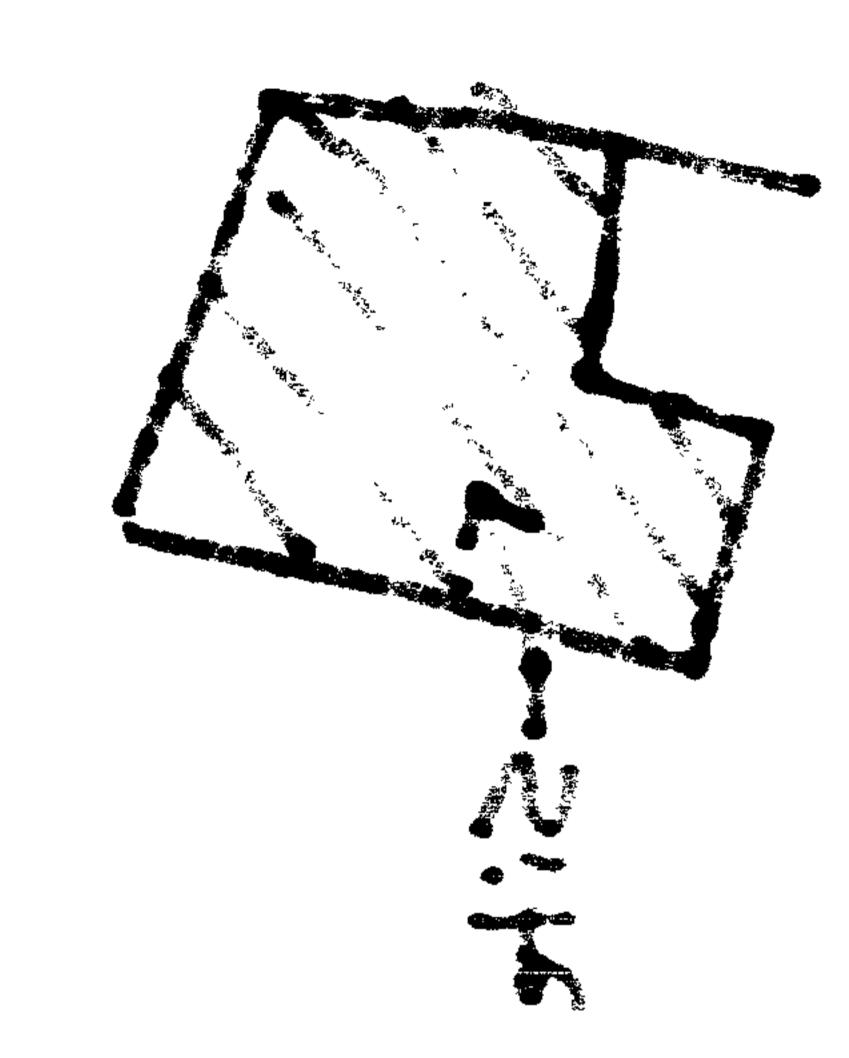
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
CASE NAME CASE NUMBER DATE 6/9/2

DETITIONER'S SIGN-IN SHE

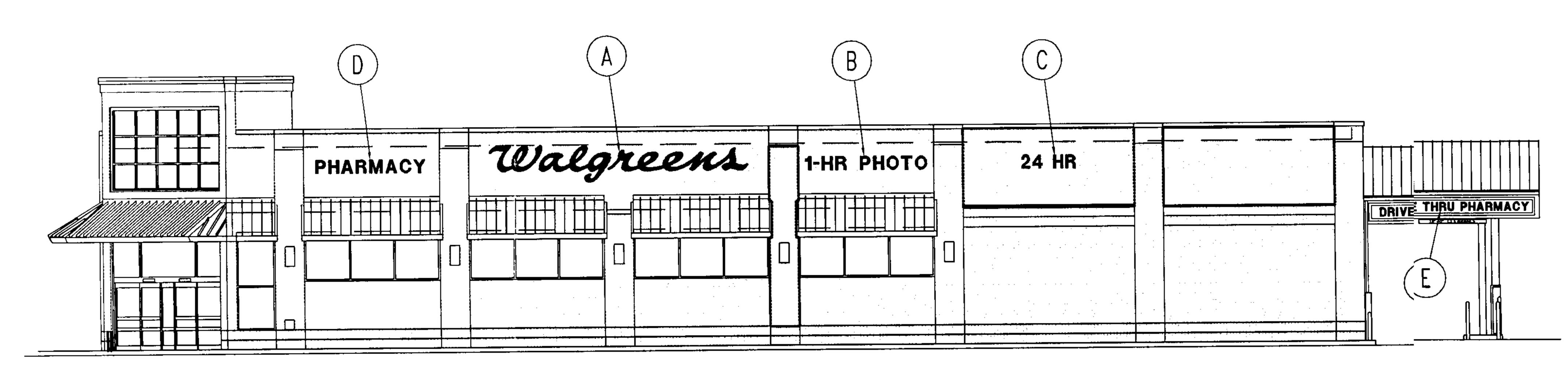
E-MAIL													
CITY, STATE, ZIP	Qut. MD 21202	7+60m2 MO 63144	Towson Mr 212-86	TOWN MD 21204									
ADDRESS	300 E. Sunbard Lute 1440	1/4.1 Steloo	GLES CT	100) 400 Jahren Lacing ton (200)	3								
NAME	Dudley Homen	The Lake I sold	GREG PRED - ansi	William Willowers									











WEST ELEVATION NOT TO SCALE

ZONING HISTORY

CASE NO.: 542 (ORDER DATED 2/4/46) RECLASSIFICATION GRANTED FROM AN A (RESIDENTIAL) TO A B (COMMERCIAL) CLASSIFICATION SUBJECT TO A 65 FOOT SETBACK FROM EDMONDSON AVENUE AND A 50 FOOT SIDE YARD SETBACK.

CASE NO.: 2395 (ORDER DATED 10/6/56) RECLASSIFICATION FROM AN A (RESIDENTIAL) TO A B (COMMERCIAL) FOR EXTENSION OF EXISTING COMMERCIAL AREA TO ALLOW FOR A FRUIT STAND.

CASE NO.: 4004 (ORDER DATED 12/19/56) RECLASSIFICATION GRANTED FROM A B-2, R-6 ZONE TO BM ZONE FOR AN ICE CREAM STORE AND OFFICE BUILDINGS.

CASE NO.: 5519A (ORDER DATED 9/18/62) VARIANCE GRANTED FOR 43 PARKING SPACES IN LIEU OF THE REQUIRED 64 PARKING SPACES FOR

CASE NO.: 5527 (ORDER DATED 4/12/62) SPECIAL EXCEPTION APPROVAL FOR A MINIATURE GOLF COURSE.

A RESTAURANT/TAVERN.

CASE NO.: 63-150V (ORDER DATED 12/4/63) VARIANCE GRANTED FOR A FREESTANDING SIGN OF 177.5 SQUARE FEET IN LIEU OF THE PERMITTED 150 SQUARE FEET AND FOR A HEIGHT OF 35 FEET IN LIEU OF THE ALLOWED 25 FEET.

CASE NO.: 67-162A (ORDER DATED 12/6/67) VARIANCE DENIED FOR 192 SQUARE FEET OF SIGNAGE IN LIEU OF THE PERMITTED 150 SQUARE FEET AND FOR 62 FOOT HIGH FREESTANDING SIGN DENIED IN LIEU OF PERMITTED 25 FEET (35 FOOT HEIGHT PERMITTED).

CASE NO.: 68-226A (ORDER DATED 4/3/68) VARIANCE GRANTED FOR 74 PARKING SPACES IN LIEU OF THE REQUIRED 169 PARKING SPACES FOR A RESTAURANT/LOUNGE.

CASE NO.: 77-210A (ORDER DATED 4/19/77) VARIANCE GRANTED FROM SECTION 405.4.A.2(F) TO PERMIT A CANOPY WITHIN 5.5 FEET OF RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10 FEET AND VARIANCE GRANTED FOR A KIOSK WITHIN 16 FEET OF RIGHT-OF-WAY IN LIEU OF THE REQUIRED 35 FEET (RELIEF GRANTED FOR A GASOLINE SERVICE STATION).

CASE NO.: 86-222A (ORDER DATED 12/7/85) VARIANCE FROM SECTION 413.2 GRANTED TO PERMIT 3 SIGNS IN LIEU OF THE ALLOWED 1 SIGN AND 465 SQUARE FEET OF SIGNAGE AREA IN LIEU OF THE ALLOWED 100 SQUARE FEET, SPECIFICALLY 359.04 SQUARE FEET FREESTANDING SIGNAGE FOR FAIRLANES AND AN 80 SQUARE FOOT IDENTIFICATION SIGN AND 24.9 SQUARE FOOT MENU BOARD FOR KENTUCKY FRIED CHICKEN, SUBJECT TO THE FOLLOWING RESTRICTIONS:

> 1. NO READER BOARD OR DIRECTIONAL SIGNS WHICH INCLUDE ADVERTISING, LOGO, "WELCOME" OR "THANK YOU" SHALL BE PERMITTED.

2. NO MORE THAN 2 SIDES OF THE MANSARD MAY BE USED FOR SIGNAGE AND ON NEITHER SHALL THE SIGN EXCEED 19 FEET LONG AND 18 1/2 INCHES HIGH.

3. NO MORE THAN 1 SIDE OF THE CUPOLA MAY BE USED FOR SIGNAGE.

4. SQUARE FOOTAGE OF THE SIGN USED FOR FAIRLANES SHALL NOT EXCEED 360 SQUARE FEET. AT ANY SUCH TIME AS FAIRLANES CEASES BUSINESS ON THE SITE, ANY SIGNS FOR THAT PORTION OF THE SITE SHALL BE IN COMPLIANCE WITH THE BCZR UNLESS RELIEF IS GRANTED IN A SUBSEQUENT HEARING.

CASE NO.: 94-397-XA (ORDER DATED 6/8/94) SPECIAL EXCEPTION GRANTED FOR AN OUTDOOR ADVERTISING SIGN, AS DEFINED IN SECTION 101 OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR") TO BE PLACED ON THE SUBJECT PROPERTY, PURSUANT TO SECTION 413.3 OF THE BCZR. PETITION FOR VARIANCE GRANTED FROM SECTION 413.3(F) OF THE BCZR TO PERMIT TWO-SIDED OUTDOOR ADVERTISING SIGN AS DEFINED IN SECTION 101, WHICH IS O FEET FROM THE NEAREST OTHER SUCH SIGN IN LIEU OF THE REQUIRED DISTANCE OF 100 FEET, AND FROM SECTION 413.5(D) OF THE BCZR TO PERMIT A HEIGHT FOR SAID SIGN OF 35 FEET IN LIEU OF THE MAXIMUM PERMITTED 25 FEET, SUBJECT TO THE FOLLOWING RESTRICTIONS:

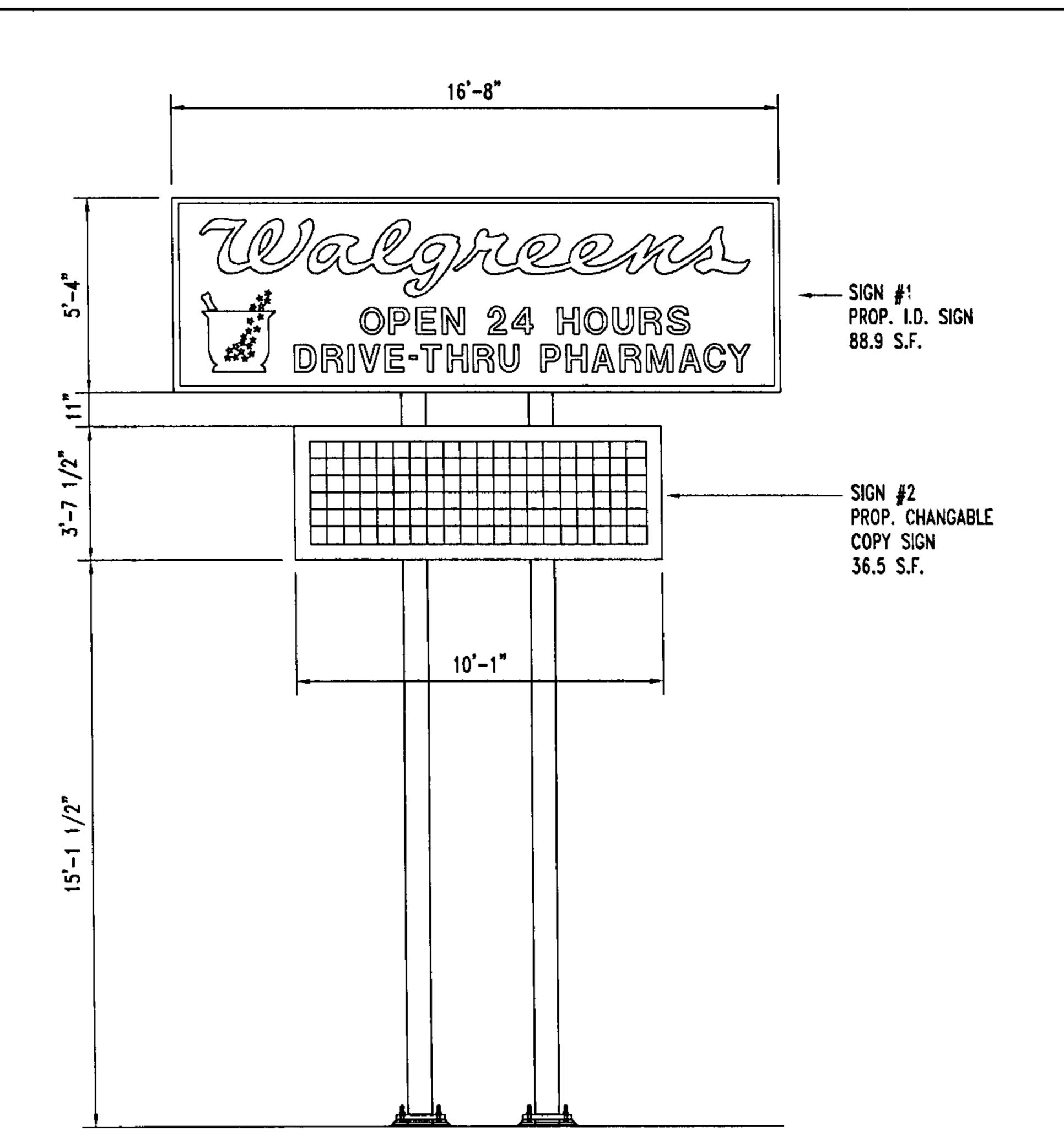
> 1. THE SPECIAL EXCEPTION AND VARIANCE RELIEF GRANTED HEREIN IS LIMITED TO A SIGN ADVERTISING GARLAND'S GARDEN CENTER ONLY. THERE SHALL BE NO OTHER ADVERTISING MATTER PLACED UPON THIS SIGN. IN THE EVENT THAT GARLAND'S GARDEN CENTER NO LONGER OPERATES FROM ITS PRESENT LOCATION AT 1109 INGLESIDE AVENUE, THEN THE SUBJECT SIGN WILL BE REMOVED AND THE SPECIAL EXCEPTION AND VARIANCE GRANTED HEREIN SHALL CEASE AND TERMINATE.

CZMP HISTORY: N/A

OTHER NOTES: THIS PROPERTY LOCATED AT RT. 40 AND INGLESIDE AVENUE IS CURRENTLY SLATED TO BE A PART OF THE NEIGHBORHOOD CONSERVATION IMPROVEMENTS SPONSORED BY THE STATE HIGHWAY ADMINISTRATION (SHA). THIS PROPERTY INVOLVES STREETSCAPE IMPROVEMENTS AND OTHER CHANGES ALONG THE RT. 40 CORRIDOR AROUND 1-695. BESIDES GENERALLY BEAUTIFYING THE AREA THE MAIN ENACTMENT WHICH WILL AFFECT THIS PROPERTY IS THE ELIMINATION OF FREE-RIGHT TURN LANES COMING OFF OF INGLESIDE AVENUE ONTO RT. 40.

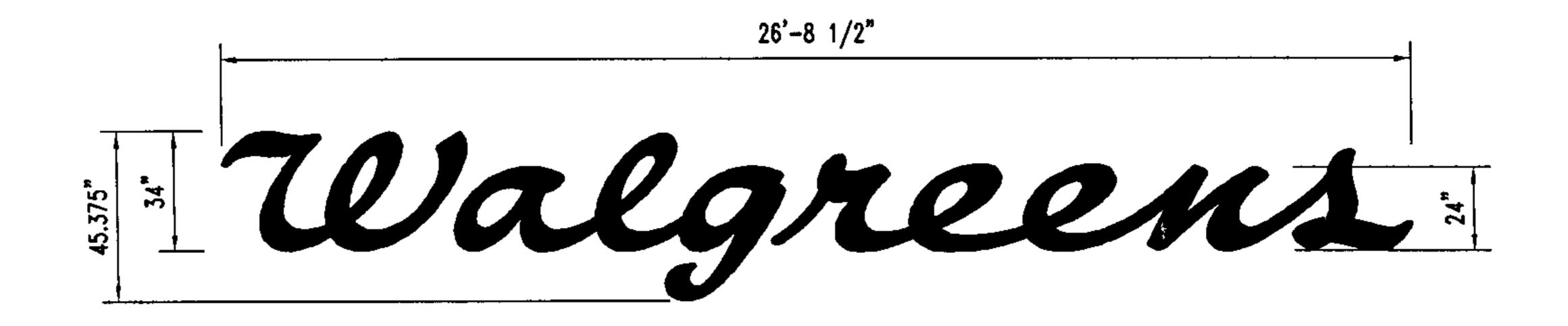
> THESE FREE-RIGHT TURN LANES HAVE BEEN ELIMINATED IN ORDER TO PROVIDE MORE LANDSCAPING BETWEEN THE SIDEWALK AND THE ROAD. IT SHOULD BE NOTED THAT RIGHT—HAND TURNS WILL STILL BE ALLOWED AT THE LIGHT AT INGLESIDE AVENUE AND THE FACT THAT THEY ARE TAKING AWAY THE ON-GOING RAMP LANE WILL NOT DISRUPT TRAFFIC ACCESS TURNING EAST ONTO RT. 40.

THE TASK FORCE HAS COMPLETED THEIR STUDY AND COMPILED RECOMMENDATIONS FOR THE CORRIDOR, HOWEVER, THE SHA ARE CURRENTLY IS WAITING FOR FUNDING TO BE DESIGNATED. THEIR FUNDING IS EXPECTED TO COME THROUGH IN JULY OF 2002 AND CONSTRUCTION IS NOT PROJECTED FOR ANOTHER YEAR AFTER RECEIVING FUNDING. MR. EDWARD BOKMAN FROM THE STATE HIGHWAY ADMINISTRATION'S DISTRICT 4 OFFICE STATED HE DID NOT BELIEVE THE STREETSCAPE PROJECT WOULD ACTUALLY BE UNDERTAKEN UNTIL 2003.

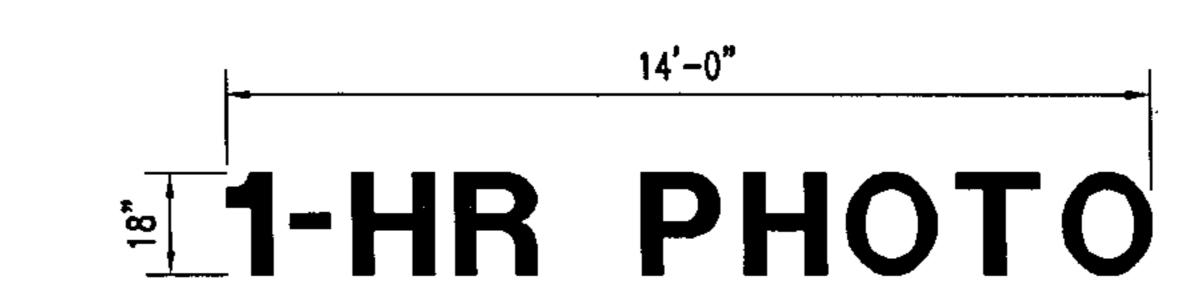


WALGREENS PYLON SIGN 125.4 S.F.

SCALE: 1" = 4'

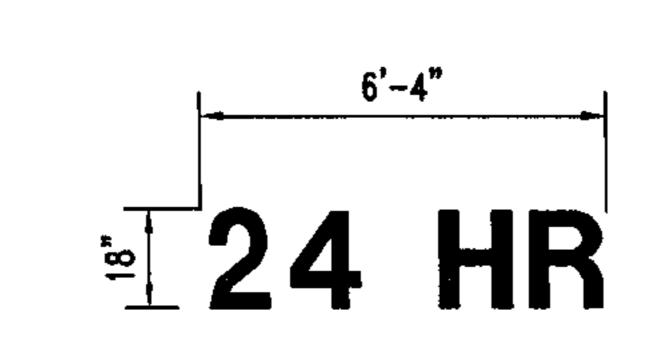


WALGREENS SCRIPT SIGN 100.93 S.F.

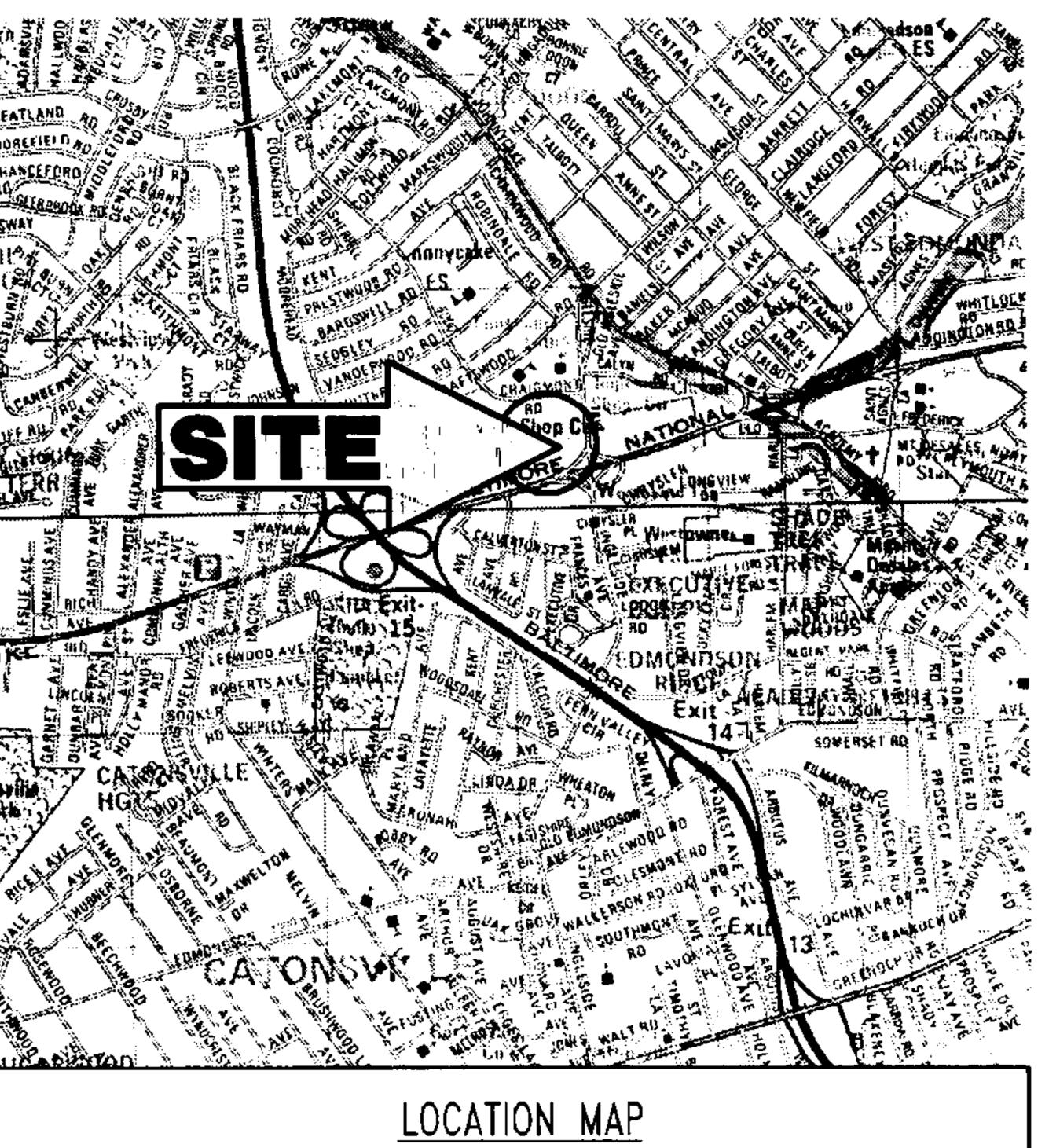


B "1 HOUR PHOTO" SIGN 21.00 S.F.

SCALE: 1" = 4'



"24 HR" SIGN 9.38 S.F.
SCALE: 1" = 4'



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SIGNAGE CALCULATIONS **BUILDING SIGNAGE:**

NORTH ELEVATION (BALTIMORE NATIONAL PIKE) 260 B) THREE (3) NO MORE THEN TWO (2) PER FACADE

> PROPOSED: = 100.93 S.F.A) "WALGREENS" SIGN B) "1-HR PHOTO" SIGN = 21.00 S.F.= 9.38 S.F.

> > E) "DRIVE THRU PHARMACY" SIGN = 12.64 S.F.

WEST ELEVATION (INGLESIDE AVE.) A) 2 S.F. PER 1 LF OF THE WALL TO WHICH THE SIGN IS AFFIXED 2 S.F. x 114 LF. = 228 S.F.

B) THREE (3) NO MORE THEN TWO (2) PER FACADE

A) "WALGREENS" SIGN = 100.93 S.F.B) "1-HR PHOTO" SIGN = 21.00 S.F.C) "24 HR" SIGN = 9.38 S.F.") "PHARMACY" SIGN

= 19.25 S.F. = 150.56 S.F. I.D. SIGN: INGLESIDE AVE.: A) ONE (1) PER FRONTAGE

B) 25' IN HEIGHT

PROPOSED: A) NONE

I.D. SIGN: BALTIMORE NATIONAL PIKE:

A) ONE (1) PER FRONTAGE B) 25' IN HEIGHT C) 100 S.F. IF ROAD FRONTAGE IS MORE THAN 300 L.F.

PLUS 10% BECAUSE THE SIGN SETBACK IS 20' OR 110 SF

C) 75 S.F. IF ROAD FRONTAGE IS LESS THAN 300 L.F.

A) ONE (1) SIGN ALONG BALTIMORE NATIONAL PIKE B) 25' IN HEIGHT

C) WALGREENS SIGN = 125.40 S.F. I.D. SIGN: CHRYSLER PLACE: A) ONE (1) PER FRONTAGE B) 25' IN HEIGHT

> C) 100 S.F. IF ROAD FRONTAGE IS MORE THAN 300 L.F. PROPOSED:

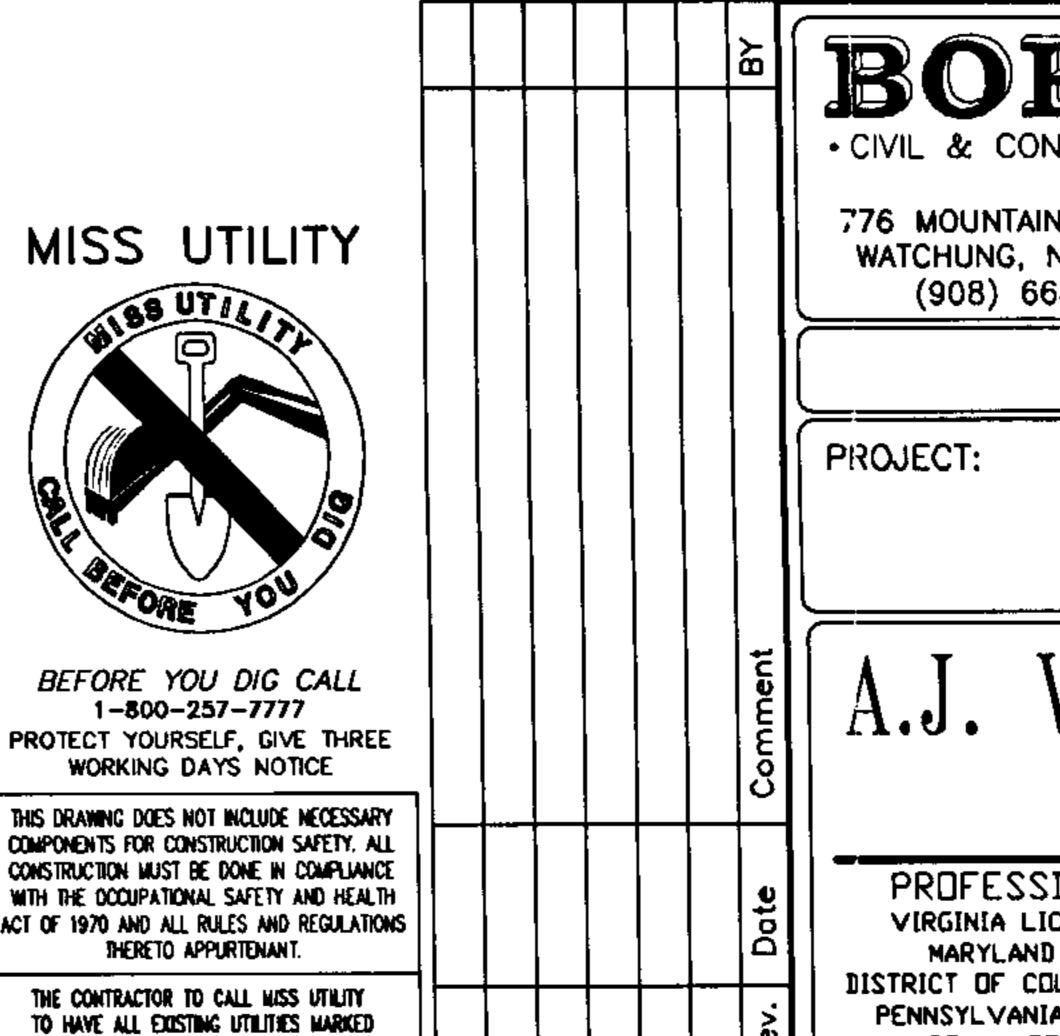
PHARMACY

"PHARMACY" SIGN 19.25 S.F. SCALE: 1" = 4'

DRIVE THRU PHARMACY "DRIVE THRU PHARMACY" SIGN 12.64 S.F.



72 HOURS PRIOR TO ANY CONSTRUCTION.



810 GLENEAGLES COURT 22630 DAVIS DRIVE, SUITE 200 STERLING, VA 20164 (703) 709-9500 776 MOUNTAIN BOULEVARD WATCHUNG, NEW JERSEY (908) 668-8300 PHONE: (410) 821-7900 FAX: (410) 821-7987 SIGNAGE PLAN PROPOSED WALGREENS STORE #07574 5657 BALTIMORE NATIONAL PIKE SIGNAGE PLAN PROFESSIONAL ENGINEER PROFESSIONAL ENGINEER VIRGINIA LICENSE No. 0402 031438 VIRGINIA LICENSE No. 024044 MARYLAND LICENSE No. 21342 NEW JERSEY LICENSE No. 34818 DISTRICT OF COLUMBIA LICENSE No. 10726 PENNSYLVANIA LICENSE No. 40447 DELAWARE LICENSE No. 8704 CONNECTICUT LICENSE No. 17588 PENNSYLVANIA LICENSE No. 048314-E CONSTRUCTION CHECK DATE DELAWARE LICENSE No. 10734

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



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

June 28, 2004

Robert Hoffman Venable LLP 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number:04-507-SPH, 2600 Pot Spring Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 4, 2004.

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,
U. Call Rilla D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Associated Catholic Charities Harold Smith 2300 Dulaney Valley Road Timonium 21093