IN RE: PETITION FOR VARIANCE
W/S of York Road,
30 ft. N of Thelma Street
8th Election District
3rd Councilmanic District
(2318 York Road)

Edward C. Covahey, Jr. and Donald C. Covahey, Legal Owners and Lisia Franze, Vice President Retail Administrator, Lessee Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-493-A

*

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Edward C. Covahey, Jr. and Donald C. Covahey, the legal owners of the subject property and Lisia Franze, Vice President, Retail Administrator, lessee. The Petitioners are requesting variance relief for property located at 2318 York Road in the Timonium area of Baltimore County. Variance relief is requested from Section 450.4.5.(d) Table of Sign Regulations of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow signage along the south canopy without a customer entrance along that side of the building.

The property was posted with Notice of Hearing on June 2, 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 June 1, 2004 to notify any interested persons of the scheduled hearing date.

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

SAN THOUSE TO THE ACT OF THE ACT

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, off-street 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: ZAC comments were received from the Bureau of Development Plans Review dated May 13, 2004 wherein the County requests a 40 ft. right-of-way with 30 ft. of paving along the entire frontage of Rose Street and Thelma Road.

Subsequently, on July 21, 2004 the Bureau notified this Commission that they no longer required dedication of the right of way as shown on the attached memorandum from Robert Bowling which is made part of the record of the case.

<u>Interested Persons</u>

Appearing at the hearing on behalf of the variance request were Kevin Anderson, civil engineer, Jeff Greenberg of Triangle Sign Co. and Donald Covahey and Edward Covahey, Esquire, Petitioners. 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

Edward Covahey proffered testimony that the subject property is a one acre site split-zoned between BR along the frontage of York Road (Rt. 45) and the remainder zoned DR 3.5 as shown on Petitioner's Exhibit No. 1. The zoning history of the site indicated that the parking in the DR residential zone for commercial uses was granted by this office in 2000. The DR portion of the site

is improved with a parking lot and storm water management pond. Mr. Covahey indicated that as the result of discussions with the community in prior zoning matters, he entered into a covenant on the DR portion that restricts how close the parking would be to the adjacent residential community to the west.

The BR portion of the site is improved by a commercial building with a bank, liquor store and seafood restaurant that has recently undergone extensive renovation. Signage for the bank facing Thelma Road is the issue for this case. There is an existing sign that faces York Road, which announces the bank. A drive-through facility on the south end of the bank has stacking lanes for customers of the drive-through, and because customers would have to cross several of these lanes of traffic, no entrance to the bank is allowed on the south end for safety reasons. Otherwise, the Petitioners could erect a canopy sign on this end without a variance.

Mr. Covahey indicated that he believed no variance was needed because the zoning regulations allow signs over entrances and that the-drive through was an entrance. In the alternative, he pointed out that the site is greatly constrained by the covenant with the neighborhood to the west, the storm water management pond, and the location of the site between two streets (Thelma Road and Rose Street). As important, the site is constrained by the BR/DR zoning boundary, which instead of following property lines, cuts straight across the property limiting greatly any commercial uses on the site. He also pointed to the many commercial uses in the area and the need for the bank to announce its presence to shoppers on Thelma Road and to some extent northbound York Road. This is particularly needed because to the south of the property is a used car lot which displays banners, signs and decorations to attract the travelling public to its shop and obscures the south end of the Petitioners' building. Thus, this situation necessitates the need for a sign on the south end of the bank. Said another way, the Petitioners would suffer a hardship and practical difficulty if the variance was denied and no sign was allowed on this end of the building.

Given the commercial nature of the uses to the south, he opined that this sign would not adversely affect the nearby community and was within the spirit and intent of the regulations.

In regard to the right-of-way issue presented by the Bureau of Development Plans Review, he pointed out that there was no connection between the request for a wider roadway and a request for a zoning variance for a sign. He noted that the Petitioner was not asking for a dimensional or parking variance that could arguably be related to the need to dedicate more road frontage to Baltimore County. He maintained that there is no nexus between the request for a sign and right of way on the road frontage requested by the County. Finally, he noted that if the additional frontage along Thelma Road and Rose Street were required, this would eliminate at least two parking spaces and trigger a request for a parking variance.

Apparently his arguments were successful with the Department as indicated by the memo from Robert Bowling of July 21, 2004 in which the Department waived further road right of way.

Findings of fact and conclusions of law

ON FILMES

I do not agree with the Petitioners' argument that no variance is needed because the drive-through is an "entrance" to the building. In my view, the basis for this particular regulation is the fact that customers need to be directed to the entrances to the building by signs announcing the entrance location. I do not believe that a drive-through could reasonably be construed as an entrance to the building. I think the Council intended entrances to mean doors or their equivalent for pedestrian traffic going into the bank.

However, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The site is constrained by the BR/DR zoning line bisecting the property in contravention to the ordinary practice of following property lines. This means that parking is limited, especially with the restrictive covenant pushing parking away from the adjacent residential properties.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The used car dealership to the south on York Road clearly presents an obstacle for customers to find the bank amid the promotional material found there. The hardship is on the customers as much as it is on the Petitioners.

I further find that this variance can be granted in strict harmony with the spirit and intent of the sign regulations, and in a manner so as to grant relief without injury to the public health, safety and general welfare. This is a commercial area and another sign will not injure or deface the community.

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 Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this <u>32</u> day of July, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 450.4.5.(d) Table of Sign Regulations of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow signage along the south canopy without a customer entrance along that side of the building, be and is hereby GRANTED.

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

JVM:rai

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

July 22, 2004

Edward C. Covahey, Jr., Esquire Covahey & Boozer, P.A. 614 Bosley Avenue Towson, Maryland 21204

> Re: Petition for Variance Case No. 04-493-A Property: 2318 York Road

Dear Mr. Covahey:

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.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

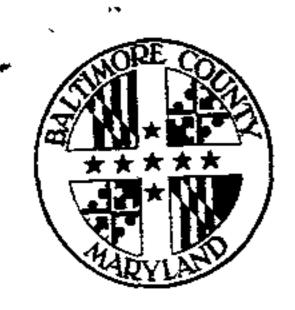
JVM:raj Enclosure

c: Donald C. Covahey, 31 Tenby Ct., Timonium, MD 21093 Jeff Greenberg, Triangle Signs, 11 Azar Ct., Baltimore, MD 21227 Kevin Anderson, 3105 Lord Baltimore Dr., Ste. 110, Baltimore, MD 21244



Ponted on Recyclad Page

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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2320 York Road, Timonium, MD 21093

*2318 YORK ROAD which is presently zoned BR / DR 3.5

Election District:08 Councilmatic District:C-3

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

450.4 Table of Sign Regulations: F) Maximum No./Premises (VI)

Where a sign is permitted on the basis of a building, frontage or vehicular entrance, the sign must be crected only upon the building or frontage, or at or near the vehicular entrance, for which it is permitted.

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

TO ALLOW SIGNAGE ALONG THE SOUTH CANOPY WITHOUT A CUSTOMER ENTRANCE ALONG THAT SIDE OF THE BUILDING. SEE EXHIBIT A ATTACHED HERETO

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:			Legal Owner(s	<u>s):</u>	
Lisia Franze, VP, Retail Admi	nistrator	_		C. Covahey, Jr.	
Name - Type or Priot		Name -	Type or Print	<u></u>	
Signature 100 West Road	410-769-5325		Signature Donald	C. Covahey	
Address Baltimore, Maryland 21204	Telephone No.	_	Name - Type of Print	11/1/201	u
City State	Zip Code	-	Signature		
Attorney For Petitioner:			614 Bo	sley Ave.	/ 410-828-9441
Altorney i or i cultoner.			Address		Telephone No.
Edward C. Covahey, Jr.			Towson	, Maryland 21204	
Name - Type or Print		City		State	Zip Code
<u>Eden</u>	· ,	_	<u>Representativ</u>	<u>re to be Contacted:</u>	
Signature Covahey & Boozer, P.A.		_	Jeff Greenb	erg, c/o Triangle Sig	n & Service, Inc.
mpan 614 Bosley Avenue	410-828-9441		Name 11-13 Azar	Ct, P.O. Box 24186	410-247-5300
Address	Telephone No.	_	Address	Maryland 21227	Telephone No.
State	Zip Code	_	City	State	Zip Code
				OFFICE USE ONLY	
Case 10. 194-493-A			ESTIMATED LENGT	'H OF HEARING	
		Ву	UNAVAILABLE FOR	HEARING Date 429/04	
REV 9/15/9					

EXHIBIT A

- 1. Sign would be a permitted use pursuant to Table of Sign Regulations set forth in Baltimore County Zoning Regulation 450.4 if separate customer entrance were erected on the south side of the property pursuant to Section VI(d).
- 2. To erect a separate pedestrian entrance on the south side of the building would compromise user safety and security of the Bank premises.
- 3. The property is unique in that arguably the drive-through facility is a customer entrance, and therefore, would warrant the construction of the subject sign without a variance.



ZONNING DESCRIPTION

COVAHEY PROPERTY 2318 YORK ROAD 8th Election District BALTIMORE COUNTY, MARYLAND

KCW Engineering Technologies, Inc. 3106 Lord Baltimore Drive, Suite 110 Baltimore, MD 21244

(410) 281-0030 Fax (410) 298-0604 www.KCW-ET.com

William K. Woody
President and CEO

Douglas L. Kennedy
Senior Vice President

J. Peter McDonnell Vice President

Ronald J. Lind
Associate Vice President

Edwin S. Howe, III Associate Vice President

Joseph P. Wood
Associate

Reginald Caroberts, 2009.
Account

Beginning for the same on the West side of York Road, 80 feet wide, said Point of Beginning being distant Northerly 30 feet from the centerlines of Thelma Street, 40 feet wide, and York Road, 80 feet wide, and running thence the following courses and distances:

- 1. By a curve to the right having a radius of 25.00 feet an arc length of 39.27 feet to a point,
- 2. South 71 degrees 42 minutes 17 seconds West 94.00 feet to a point; thence,
- 3. South 18 degrees 17 minutes 43 seconds East 5.00 feet to a point,
- 4. South 71 degrees 42 minutes 17 seconds West 126.00 feet to a point,
- 5. North 18 degrees 17 minutes 43 seconds West 120.00 feet to a point,
- 6. North 71 degrees 42 minutes 17 seconds West 80.00 feet to a point,
- 7. North 71 degrees 42 minutes 17 seconds West 80.00 feet to a point,
- 8. North 71 degrees 42 minutes 17 seconds West 80.00 feet to a point,
- .9. North 18 degrees 17 minutes 43 seconds West 132.00 feet to a point,
- 10. North 71 degrees 42 minutes 17 seconds East 46.00 feet to a point; thence,





KCW Engineering Technologies, Inc. 3106 Lord Baltimore Drive, Suite 110 Baltimore, MD 21244

(410) 281-0030 Fax (410) 298-0604 www.KCW-ET.com

William K. Woody President and Œ0

Douglas L. Kennedy
Senior Vice President

J. Peter McDonnell
Vice President

Ronald J. Lind
Associate Vice President

Edwin S. Howe, III

Associate Vice President

Joseph P. Wood

Associte

Reginald C Roberts
Associate

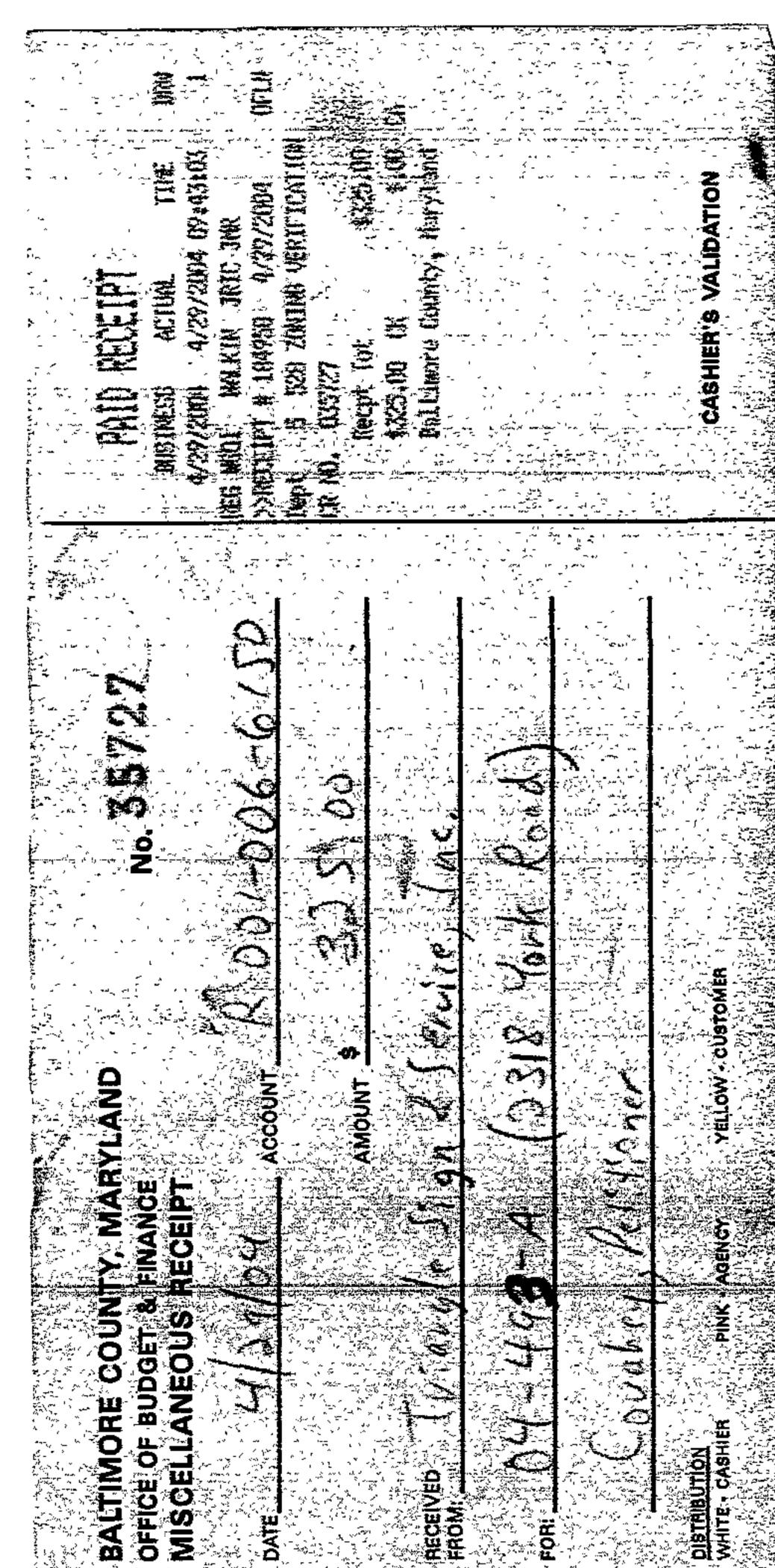




- 11. South 18 degrees 17 minutes 43 seconds East 10.00 feet to a point,
- 12. North 71 degrees 42 minutes 17 seconds East 94.00 feet to point,
- 13. By curve to the right having a radius of 25.00 feet 39.27 feet to a point,
- 14. South 18 degrees 17 minutes 43 seconds East 187.00 feet to the Point of Beginning.

Containing 1.13 acres of land more or less.





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: # 04-493-A

2318 York Road West side of York Road, 30-feet North of Thelma-Street

8th Election District — 3rd Councilmanic District
Legal Owner(s): Edward C. and Donald G. Covahey
Variance: to allow signage along the South canopy without a customer entrance along that side of the building.
Hearing: Thursday, June 17, 2004 at 9:08 a.m. in Room
Hearing: County Circuit Court 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 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.

TENERAL TRANSPORT JT 6/627 June 1

CERTIFICATE OF PUBLICATION

62,2004
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 6 1 ,20 0 + .
The Jeffersonian Arbutus Times
Catonsville Times
☐ Towson Times ☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

J. Willingon

CERTIFICATE OF POSTING

RE: Case No. 04-493-A
Petitioner/Developer:
Edward C. & Donald C.

Covahey

Hearing Date: June 17, 2004

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

Attention: Ms. Kristen Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located 2318 York Rd.

The sign(s) were posted on 6/2/04.

Sincerely,

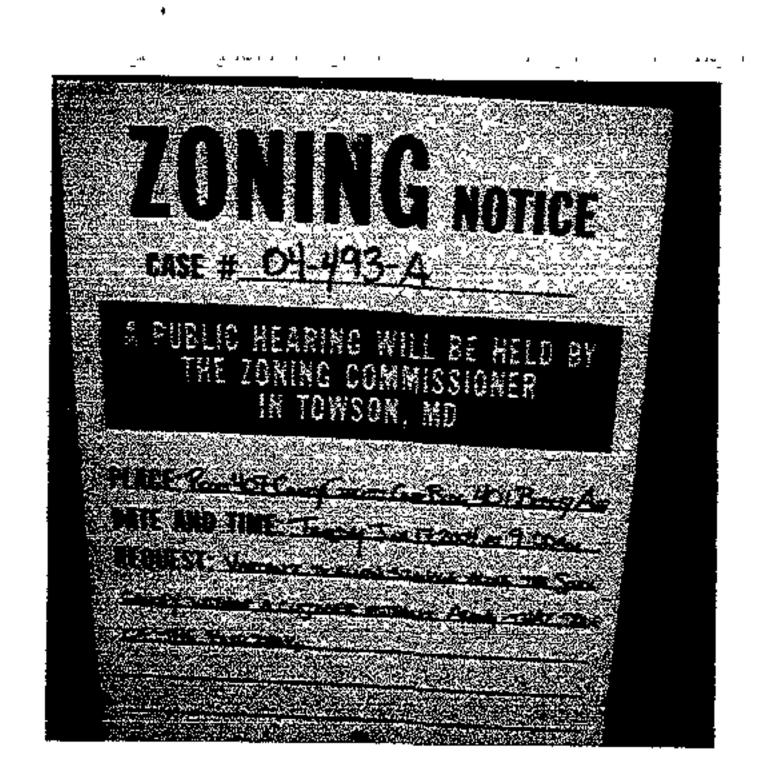
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



May 13, 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: 04-493-A

2318 York Road

West side of York Road, 30-feet North of Thelma Street

8th Election District—3rd Councilmanic District

Legal Owners: Edward C. and Donald C. Covahey

Variance: to allow signage along the South canopy without a customer entrance along that side of the building.

Hearing: Thursday, June 17, 2004 at 9:00 a.m., in Room 407, County Circuit Court Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK: clb

C: Edward C. Covahey, Jr. 614 Bosley Avenue Towson 21204
Donald C. Covahey 614 Bosley Avenue Towson 21204
Lisia Franze 100 West Road Baltimore 21204
Jeff Greenberg Triangle Sign & Service, Inc. 11-13 Azar Court P.O. Box 24186 Baltimore 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY. WEDNESDAY JUNE 2, 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.





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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

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

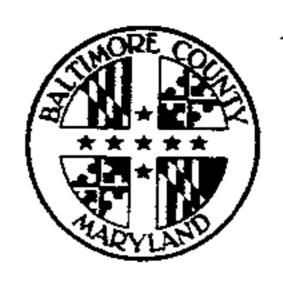
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspa	per Advertising:
	r or Case Number: $04-49-4$ Edward C.Covahey, Jr. and Donald C. Covahey
Address or L	ocation: 23/8 York Road, Timonium, Maryland 21093
PLEASE FO	RWARD ADVERTISING BILL TO:
Name:J	eff Greenberg, c/o Triangle Sign &Service, Inc.
Address: 1	1-13 Azar Court, P.O. Box-24186
_ <u>B</u>	altimore, Maryland 21227
 .	
Telephone N	lumber: 410-247-5300 ext.228

Revised 2/20/98 - SCJ

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

June 8, 2004

Edward C. Covahey Covahey & Boozer, P.A. 614 Bosley Avenue Towson, Maryland 21204

Dear Mr. Covahey:

RE: Case Number:04-493-A, 2318 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 29, 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

Enciosures

C: People's Counsel Donald Covahey 614 Bosley Avenue Towson 21204 Lisia Franze VP Retail Administrator 100 West Road Baltimore 21204 Jeff Greenberg Triangle Sign & Service 11-13 Azar Court P.O. Box 24186 Baltimore 21227



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 10, 2004

Item No.: 472, 488, 490-501(

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

RECEIVED

BALTIMORE COUNTY, MARYLAND

JUL 2 # 2004

INTEROFFICE CORRESPONDENCE,

ZONING COMMISSIONER

DATE: July 21, 2004

TO:

John V. Murphy

Deputy Zoning Commissioner

FROM:

Robert W. Bowling, Supervisor Russell Blanc Barre Blanc B Bureau of Development Plans Review Department of Permits and Development

Management

SUBJECT:

Zoning Item No. 493

(Case No. 04-493 A)

The developer is not required to dedicate the rights-of-way for adjacent

roadways.

RWB:RJF:jrb

cc: File

ON THE PROPERTY OF STATES AND TO STATES AND

RJF-MURPHY-ZONING ITEM NO 493-07212004

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 13, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 17, 2004 Item No. 493

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

Rose Street and Thelma Street shall be improved along the entire property frontage as 30-foot paved section roads on 40-foot rights-of-way.

RWB:cab

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley Jooless

DATE:

May 18, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 3, 2004

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

04-472

04-488

04-489

04-490

04-491

(04-493)

04-494

04-496

04-496

04-497

04-498

04-499

04-500

04-501

Reviewers: Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director RECEIVE DATE: May 20, 2004

Department of Permits and

Development Management

JUN - 1 2004

FROM:

Arnold F. 'Pat' Keller, IIIZONNG COMMISSIONFR

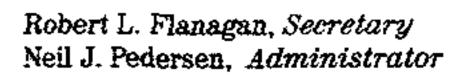
Director, Office of Planning

Zoning Advisory Petition(s): Case 4-493, 4-507, and 4-510

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.

MAC/LL





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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-11-04

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

RE: Baltimore County

Item No. 493 JH?

Dear Ms.Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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. 1. Doch

PETITION FOR VARIANCE RE:

2318 York Road; W/side York Road,

30' N Thelma Street

8th Election & 3rd Councilmanic Districts

Legal Owner(s): Edward & Donald Covahey*

Contract Purchaser(s): Lisia Franze, VP,

*

* Retail Administrator

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-493-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 12th day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to, Jeff Greenberg, c/o Triangle Sign & Service, Inc, 11-13 Azar Court, P.O. Box 24186, Baltimore, MD 21227 and Edward C. Covahey, Jr, Esquire, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAY 1 2 20%

2x dimmerMAN

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY ZONING REGULATIONS

TABLE OF SIGN REGULATIONS PERMANENT SIGNS (continued)

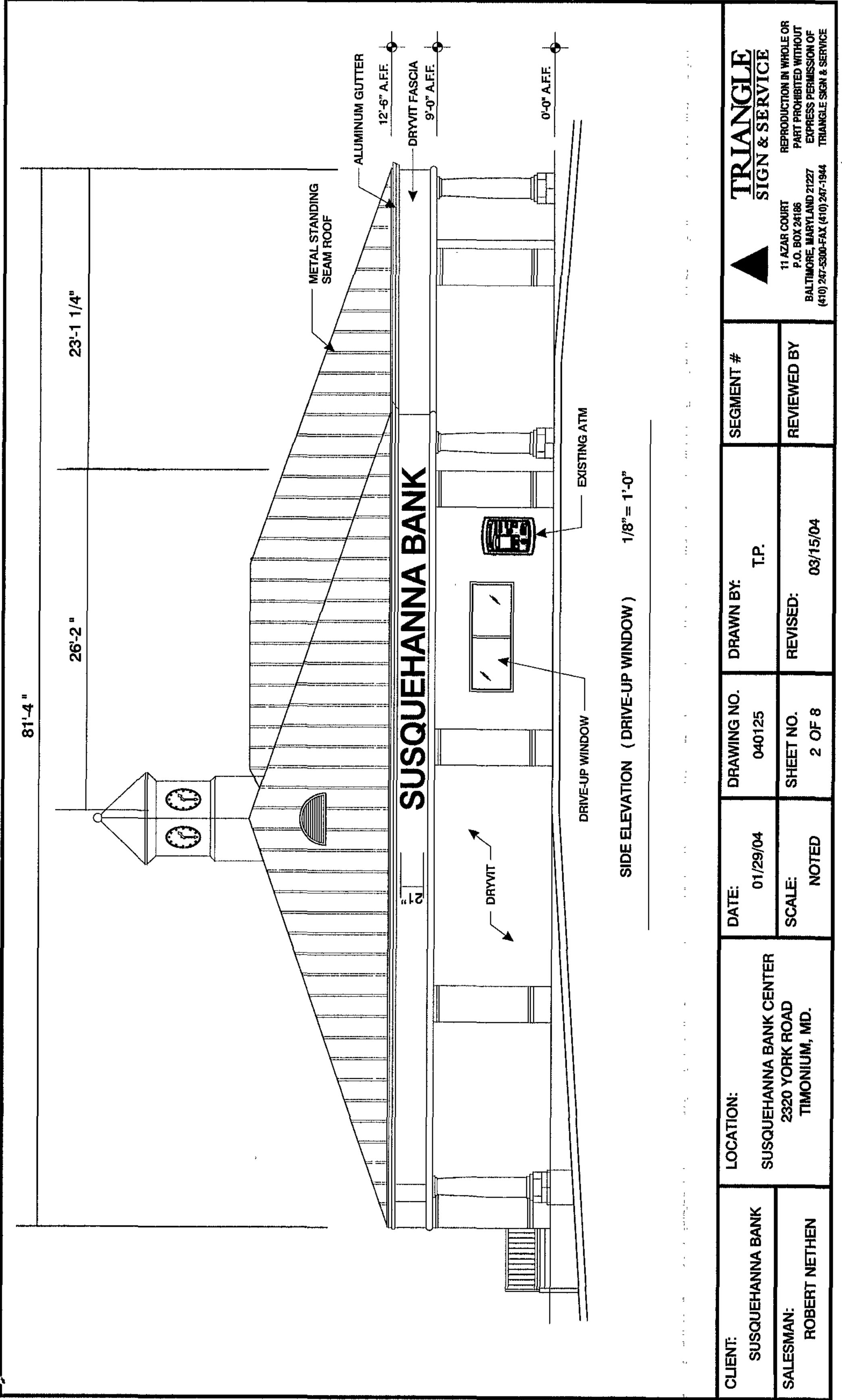
I	<u> П</u>	III	<u>IV</u>	v	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Required	Maximum Area/Face	Maximum No./Premises	Height	Illumination	Additional Limitations
5. ENTERPRISE, meaning an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization	(a) Wall- mounted; projecting; canopy [Bill No. 117-2003]	B.L., B.M., B.R., C.B., B.L.R., M.L., M.L.R., M.H., M.R., excluding multi-tenant office, retail or industrial building	Use	Twice the length of the wall to which the signs are affixed	One in C.B. and M.R., otherwise three, no more than two on each facade	Not applicable	Yes, when the use to which sign is accessory is open, but not in C.B. or M.R.	No single sign larger than 50 square feet in C.B. and M.R.; 150 square feet otherwise
	(b) Free- standing	B.L.R., B.M., B.L., B.R., M.L.R., M.R., M.L., M.H., excluding Multi-tenant office, retail or industrial building	Use	75 square feet 100 square feet if premises has more than 300 feet of frontage	One per frontage	25 feet	Yes	See 450.3.5. g
	(c) Awning	B.L., B.M., B.R., C.B., B.L.R.	Use	See Section 450.5.B.1	See Section 450.5.B.1	Not applicable	No	
	(d) Wall- mounted; canopy	On multi- tenant office, retail or industrial building, accessory to separate commercial entity with exterior customer entrance	Use	Two times the length of the wall containing the exterior entrance and defining the space occupied by the separate commercial entity	Entity with separate exterior customer entrance may erect one canopy and one wall- mounted sign	Not applicable	Yes, but in C.B. only when use to which sign is accessory is open	In C.B., area shall not exceed 100 square feet

PLEASE PRINT CLEARLY

CASE NAME 2318 YORK RY CASE NUMBER 64-403-A DATE 6-17-04

ETITIONER'S SIGN-IN SHEET

E- MAIL				
CITY, STATE, ZIP TIMBUINA, MD. 31264 TOUSSILL, MD. 31264				
21 TEMBY CT. SHABWEV RUE	3106 LORD BI			
DONALD C. COURHEY EDWARD C. COURHEY	127			



SUSCUEHANNA BANK

51,,

HIGH VOLTAGE

RETURNS, WHITE FINISH INTERIOR W/ BLACK

MIN. 0.040" ALUMINUM

ů

CHANNEL LETTERS SIGNAGE TYPICAL

1/4"== 1'-0"

ONE (1) SET OF INDIVIDUAL CHANNEL LETTERS, INTERNALLY ILLUMINATED W/ 13 MM. 6500K WHITE NEON OUTLINE TUBING POWERED BY 30 MA. REMOTE TRANSFORMERS. 1/8" PLEXIGLAS FACE WITH 1" BLACK TRIM CAP & RETURNS.

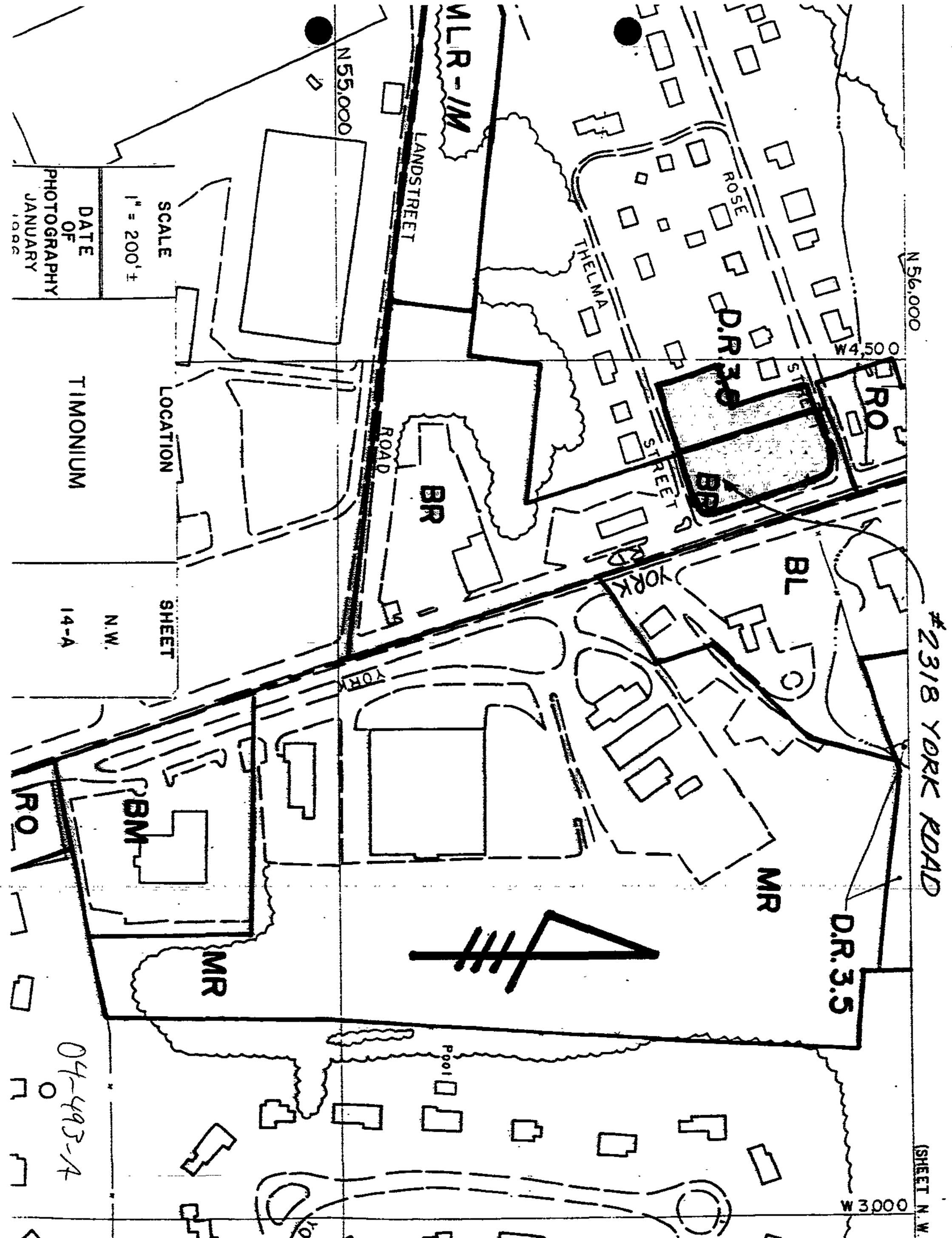
"SUSQUEHANNA" - 1/8" #2114 BLUE PLEXIGLAS FACE.


" BANK " - 1/8" #2108 GREEN PLEXIGLAS FACE.

1/2" DIA. CONDUIT W/ GTO WIRING INSIDE TO TRANSFOR MERS PASS THRU 30 MA. TRANSFORMERS LOCATE IN FIELD -8"x 8" METAL ENCLOSURE ACCESS DOOR CONNECTOR **FASCIA** 1/8" PLEXIGLAS FACE———(COLOR SEE SPECIFICATION) NEON OUTLINE TUBING ELECTRODE BOOT END CAP RUBBER UL RECOGNIZED 0.063" ALUMINUM BACK PANEL 13 MM. 6500K WHITE #10 NON CORROSIVE FASTENERS AS REQ'D 1" BLACK TRIM CAP -1/4" DIA. WEEP HOLE W/ COVERED TYP. WALL EXTERIOR

SECTION - DETAIL N.T.S.

TRIANGIE	SIGN & SERVICE		(410) 247-5300-FAX (410) 247-1944 TRIANGLE SIGN & SERVICE
SEGMENT #		REVIEWED BY	
DRAWN BY:	H.	REVISED:	03/15/04
DRAWING NO.	040125	SHEET NO.	4 OF 8
DATE:	01/29/04	SCALE:	NOTED
LOCATION:	SUSQUEHANNA BANK CENTER	2320 YORK ROAD	INCINIOM, MD.
CLIENT:	SUSQUEHANNA BANK	SALESMAN:	ROBERT NETHEN





PREVIOUS ZONING CASE No. 00-176-SPHA

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of February, 2000 that the Petition for Special Hearing to approve business parking in a D.R.3.5 zone, pursuant to Sections 409.8.8.1 and 409,8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and, IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 180°.B.1.c(2) to modify the amount of Residential Transition Area, and from Section 1801.B.1.e(5) to permit a landscape buffer and parking lot setback of 10 feet in lieu of the required 50—foot buffer and 75—foot setback , pursuant to Section 409.8.8 of the B.C.Z.R., be and is hereby GRANTED, subject to the following terms and conditions:

> 1) Prior to the issuance of any permits, the Petitioners shall submit a revised site plan incorporating the modified relief granted herein. Specifically, the revised plan shall reflect that a 30—foot buffer from the Marcantoni property shall be provided and that this buffer shall be landscaped. Moreover, the revised plan shall show that a 10—foot landscape buffer is being provided around the perimeter of the remaining portion of the D.R.3.5 zoned portion of the tract to be developed.

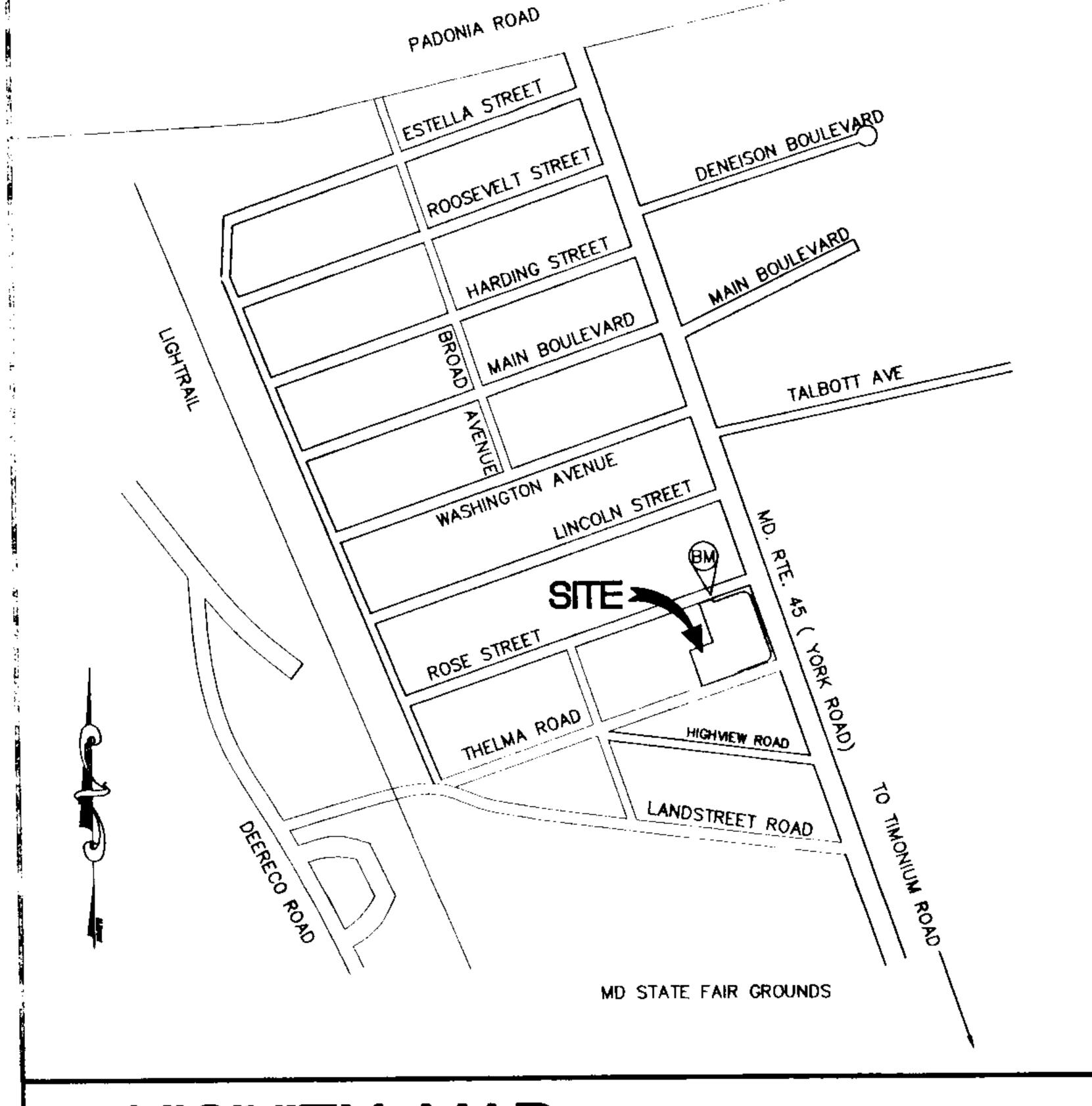
> 2) Prior to the issuance of any permits, the Petitioners shall submit a lancscape plan for review and approval by Mr. Avery Harden, the Landscape Architect for Baltimore County. 3) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at 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. 4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

COVAHEY, Jr. indicating that the total amount of retail space will be 9,800 s.f.

Min.Regr.



SCALE: 1" = 500"

HORIZONTAL & VERTICAL CONTROLS:

Baltimore County Metropolitan District W 3877.38

W 4440.90

160'± West from centerline of York Rd. Elev. 377.08

GENERAL NOTES

EDWARD C. COVAHEY, JR. . OWNER : and DONALD C. COVAHEY 614 BOSLEY AVENUE

BALTIMORE, MD 21204 2. LOCATION: 2318-2320-2322 YORK RD.

Liber 11797 folio 304 Liber 11744 folio 720 1.13 ac.±

4. ELECTION DISTRICT: COUNCILMATIC DISTRICT: C-3

5. PROPERTY: "TIMONIUM HEIGHTS" PLAT 5-82 Account No.: 0803047977 Section 'C' Lots 1-12 Account No.: 0803047981 Section 'C' Lots 13,14 Account No.: 0803047975 Section 'C' Lots 15,16 Account No.: 0803047986 Section 'C' Lots 17,18 Account No.: 0803047976 Section 'C' Lots 38,39

BR (0.64 ac.) and D.R.3.5 (0.49 ac.)

6. ZONING: Retail center within BR zone and 7. EXISTING LAND USE:

unimproved within D.R.3.5 zone.

8. PROPOSED LAND USE: 7800 s.f. Retail Center within BR zone. Parking for Retail Center within D.R.3.5 zone.

7800 s.f. retail x 5.0 p.s. per 1000 s.f. = 39 p.s. 9. PARKING REQUIRED: 39 p.s. (Including 2 H.C. spaces) PARKING PROVIDED:

All spaces shall be 9'x18' minimum and striped.

10. LIGHTING: Lighting of parking areas shall be directed away from residential properties and public rights—of—way.

11. LANDSCAPING: A Landscape Plan shall be approved in accordance with the Baltimore County Landscape Manual and the Zoning Commissioner's Order in Case No.00-176-SPHA.

12. STORMWATER MANAGEMENT: Waiver was garnted for SWM quantity control. WQM is provided on site with an extended detention storage facility.

13. UTILITIES: Public water and sanitary are existing.

14. FOREST CONSERVATION: The requirements of the Forest Conservation Act shall be met prior to issuance of permits.

15. PREVIOUS COMMERCIAL PERMITS: North B-552509 8-550182

16. PRIOR ZONING CASES: RC98-010

Petition to close a 12 ft. alley to the rear of 2320 York Road granted per Order dated March 16, 1999.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

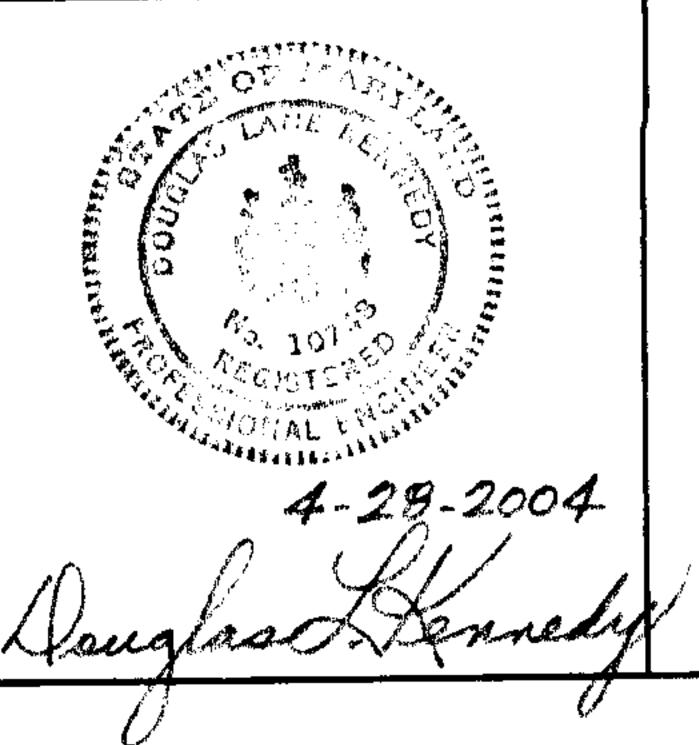
2318 YORK ROAD

8th ELECTION DISTRICT, C3

99699 KCW J.O. COVAHEY PROPERTY DATE: April 28, 2004

BALTIMORE COUNTY, MARYLAND

Tele 410-281-0033



Towson, Maryland 21204 Tele: 410-828-9441

DESCRIPTION 04-28-04 SUBMIT ZONING PETITION FOR BANK SIGN 01-31-03 BUILDING PERMIT SET 01-31-03 WATER QUALITY MANAGEMENT PLAN APPROVED CHECKED: 11-29-01 SEDIMENT CONTROL PLAN APPROVED DRAWING NO.: 10-30-01 GRADING PLAN APPROVED C-101 05-03-00 SUBMIT FOR D.R.C. LIMITED EXEMPTION. 02-23-00 ZONING ORDER GRANTED (CASE 00-176-SPHA)