

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE – SE/S Reisterstown Rd., *
975' SE of Baltimore Beltway (I-695) * ZONING COMMISSIONER
(1737 Reisterstown Road) *
3rd Election District * OF BALTIMORE COUNTY
2nd Council District *
* Case No. 04-547-SPHA
Pikesville Motel Corporation, Owners;
Target Corporation, Lessee - Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the Target Corporation, Ground Lessee/Developer, through their attorneys, G. Scott Barhight, Esquire and Dino C. LaFiandra, Esquire. The Petitioners request a variance from Section 450.4.1.5.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one proposed freestanding enterprise sign in addition to an existing freestanding enterprise sign along Reisterstown Road in lieu of the maximum permitted one freestanding enterprise sign. In the alternative, special hearing relief is requested to determine whether the proposed freestanding enterprise sign requires a variance from Section 450.4.1.5.b of the B.C.Z.R., which governs the maximum number of such signs permitted on the property. The subject property and requested relief are more particularly shown on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Forrest E. Russell, Senior Site Development Manager for Target Corporation, Ground Lessee/Developer, and Dean Hoover with Morris & Ritchie Associates, Inc., the consultants who prepared the site plan, and Dino C. LaFiandra, Esquire, attorney for the Petitioner. Appearing in opposition to the request were Kevin M. Gambrill, and Diana Itter from the Office of Planning. Also appearing in opposition to the request was Sherrie Becker. In addition, a letter of opposition was received from the Sudbrook Park, Inc., a neighboring community association.

ORDER RECEIVED FOR FILING

Date

By

9/20/04

DP

The relief requested in the instant case concerns a large irregularly shaped parcel located immediately adjacent to the interchange of the Baltimore Beltway (I-695) and Reisterstown Road in Pikesville. The property contains approximately 9.81 acres in area, zoned B.L., and is improved with a large building of 125,465 sq.ft., which is leased by the Target Corporation as a retail store. In addition to the building, there is a large parking field between the building and Reisterstown Road. Apparently, the parcel leased by the Target Corporation was at one time part of a larger adjacent tract, the balance of which is immediately south of the 9.81-acre lot and is improved with a Fairlanes Bowling Center and a Red Roof/Ramada Inn. These improvements and the layout of the properties are more particularly shown on the site plan and in a series of photographs that were submitted at the hearing and entered into the record of the case.

When the Target store was developed, a significant study was dedicated to proposed vehicular access. As noted above, the Target store lot immediately abuts the busy interchange from Reisterstown Road to the Baltimore Beltway. It was the desire of the Maryland State Highway Administration (SHA), Baltimore County and Target to locate the entrance to the store as far as reasonably away from the interchange so as to avoid traffic congestion. Thus, the primary access to the Target store is located south from the 9.81-acre lot that contains the store and parking lot at the end of the tract containing the hotel and bowling alley. Target made an expenditure of approximately \$750,000 for road improvements, which created an in and out access point divided by a median immediately south of the Red Roof/Ramada hotel building. That access point is signalized. Both north- and southbound traffic on Reisterstown Road enters this signalized access to gain entry to not only the Target store but also the Fairlanes bowling operation and the hotel.

Although the signalized access point is the primary means of access to the Target store, there is a second curb cut directly to the 9.81-acre lot on Reisterstown Road. This curb cut leads directly into the Target parking lot and is just north of the hotel building. Moreover, due to an undivided median in Reisterstown Road, this curb cut provides access only to northbound traffic either entering or leaving the store. That is, individuals coming from the north (southbound) and from the Baltimore Beltway need to pass the Target store and travel south until they reach the signalized intersection just past the hotel.

9/21/04

By

This unusual traffic pattern and means of access gives rise to the issue presented in this case. The question presented does not relate to traffic per se, but is driven by these circumstances. Presently, Target has a large freestanding enterprise sign located immediately adjacent to the signalized access point. This sign is shown in a series of photographs of the site and is located within the same overall area as signage for the bowling alley. Additionally, Target has a small directional sign located near the curb cut directly adjacent to their parking lot, which serves the secondary access point. Target proposes replacing this small directional sign with an enterprise sign. As more particularly shown on the site plan, the enterprise sign will be 9' in height. The Target logo and name will be atop the brick/stone monument type base, which will be 3'10" in height. Section 450.4.1.5.b of the B.C.Z.R. limits Target to but one freestanding enterprise sign along Reisterstown Road. Given the existence of the other sign at the signalized intersection, variance relief is requested to approve the sign. In the alternative, special hearing relief is requested to approve the sign, if it is determined that Section 450.4.1.5.b is not applicable in this instance.

William Shakespeare once penned a play entitled "Much Ado about Nothing." He could have quite easily been referring to the issue presented in this case. In the estimation of the undersigned, it is difficult to fathom why the respective parties are so vehement insofar as their respective positions. Why Target is so insistent about acquiring approval for this sign is difficult to fathom. It is obvious that the curb cut where the proposed sign will be located will draw minimal traffic. All of the traffic southbound will utilize the signalized curb cut and seemingly nearly all northbound traffic would also turn right and enter the property at that location, which is before a driver would reach the secondary access. The Target store itself is a large structure, sitting immediately adjacent to the Beltway and is no doubt a retail landmark in this vicinity. Target argues that the sign is needed to draw traffic from the signalized intersection to minimize volumes at that access point and provide a better alternate means of access. Such reasoning is dubious. Why Target is not satisfied with the existing directional sign is unclear.

From the Protestants' standpoint, their objections are equally difficult to fathom. The proposed sign is relatively small, particularly given the vast signage in the area. Additionally, it

appears to be attractively designed, and could reasonably be assumed to provide direction to the second access point for those who might be unfamiliar with the neighborhood. Photographs of the site show that the adjacent hotel has two signs on Reisterstown Road. The amount of "clutter" that would be created by the proposed additional sign would be minimal.

In any event, the undersigned cannot decide this case on practicalities, but on the application of the B.C.Z.R. and as has been construed by the case law. In addressing the question, an analysis of the B.C.Z.R. as it relates to the property is appropriate. That is, the regulations prohibit more than one freestanding enterprise sign per "frontage" for each "premises." The question here is whether Target occupies two premises at this location. Specifically, should the lot on which the Target store is located (9.81 acres) be considered one premises with a single frontage and the easement area shared with the hotel and bowling alley a second frontage and premises?

Section 450 of the B.C.Z.R. regulates signage in Baltimore County. It defines premises as "A recorded lot, or in the case of a multi-occupant lot such as a shopping center, office park or industrial park, the total area of the development under common ownership or control." Frontage is defined as "A lot line of a premises which is co-terminus with a right-of-way line of a highway to which the premises has or would be allowed pedestrian or vehicular access." In applying these definitions, I am persuaded that there is but a single premises with one frontage in this case. Although I am appreciative of the fact that Target leases the 9.81-acre parcel separately, it has a shared interest in the right-of-way area, and the overall property appears to be a single premises with a single frontage on Reisterstown Road from a signage standpoint. Therefore, in answer to the question raised within the Petition for Special Hearing, I find that variance relief is required from Section 450.4.1.5.b if the Petitioner is to have two freestanding enterprise signs on Reisterstown Road.

A second question presented is the impact of the decision rendered in a prior zoning variance case. That case related to a freestanding enterprise sign as well; however, I do not believe it is relevant here. Obviously, the relief granted at that time did not relate to the existing use and was under prior signage regulations.

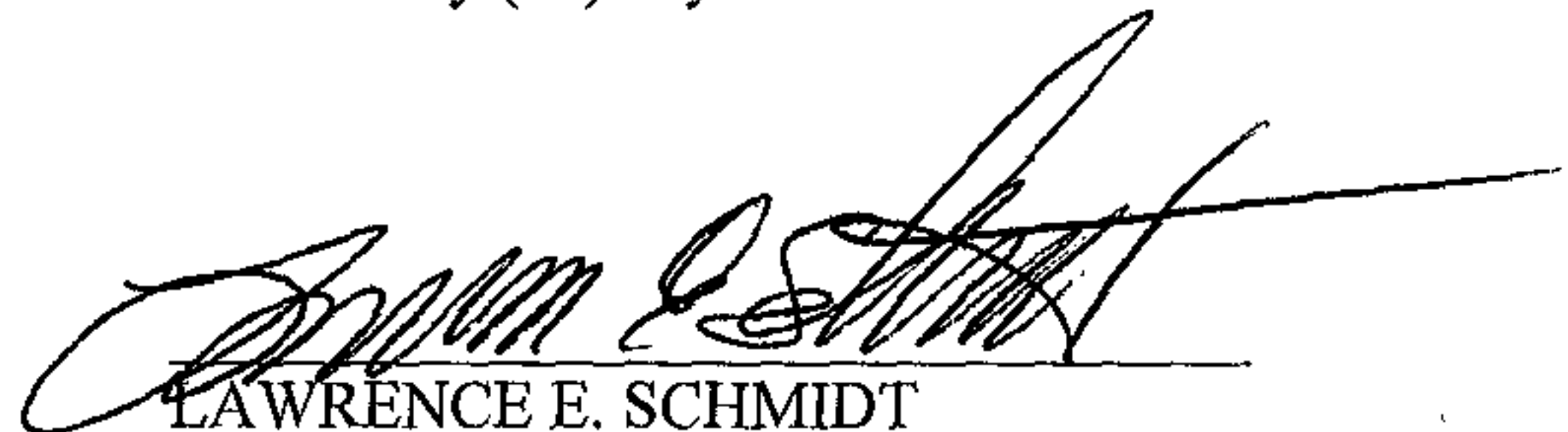
Turning to the Petition for Variance, same must be adjudged in accordance with the standards set forth in Section 307 of the B.C.Z.R. The first determination in applying this test is whether the property is unique. In my judgment, the property is unique due to its unusual configuration as described above. The fact that Target leases a single parcel for the store, yet access is provided through a shared right-of-way is unusual. Having determined uniqueness, Section 307 then requires the Zoning Commissioner to determine whether a denial of the variance would result in a practical difficulty upon the applicant. In considering this test, I believe that the Petition must fail. I am simply unconvinced that the sign is necessary or needed or that the Petitioner would suffer a practical difficult or unreasonable hardship if same were denied. As noted above, I believe the sign is of minimal utility. In sum, I find that variance relief is necessary, pursuant to Section 450.4.1.5.b; however, is not warranted in this case.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of September, 2004 that the proposed freestanding enterprise sign requires a variance from Section 450.4.1.5.b of the B.C.Z.R., and as such, the Petition for Special Hearing, is DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.1.5.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one proposed freestanding enterprise sign in addition to an existing freestanding enterprise sign along Reisterstown Road in lieu of the maximum permitted one freestanding enterprise sign, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

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



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/20/04
By [Signature]

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

September 20, 2004

G. Scott Barhight, Esquire
Dino C. LaFiandra, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/S Reisterstown Road, 975' SE of Baltimore Beltway
(1737 Reisterstown Road)
3rd Election District – 2nd Council District
Pikesville Motel Corp., Owners; Target Corp., Ground Lessee/Developer - Petitioners
Case No. 04-547-SPHA

Dear Messrs. Barhight & LaFiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied, in accordance with the attached Order.

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

Very truly yours,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Pikesville Motel Corporation, P.O. Box 11338, McLean, Va. 22101-9338
Mr. Forrest E. Russell, Target Corporation, 1000 Nicollet Mall, Minneapolis, Mn. 55403
Mr. Dean Hoover, Morris & Ritchie Assoc., 8120 E. Joppa Road, #505, Towson, Md. 21286
Ms. Sherrie Becker, 7 Church Lane, Pikesville, Md. 21208
Ms. Melanie Anson, Sudbrook Park, Inc., 1007 Windsor Road, Pikesville, Md. 21208
Ms. Diana Itter & Mr. Kevin M. Gambrill, Office of Planning
People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

1737 Reisterstown Road
for the property located at _____
which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____

Telephone No. _____

City _____

State _____

Zip Code _____

Attorney For Petitioner:

G. Scott Barhight, Esquire

Dino C. LaFiandra, Esquire

Name - Type or Print _____

City _____

Signature _____

Whiteford, Taylor & Preston, LLP
Company _____

(410) 832-2000
210 W. Pennsylvania Ave., Suite 400
Address _____

Telephone No. _____

Towson, MD 21204

City _____

State _____

Zip Code _____

Legal Owner(s):

See attachment

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

Address _____

Telephone No. _____

State _____

Zip Code _____

Representative to be Contacted:

Dino C. LaFiandra, Esquire

Name _____

(410) 832-2000
210 W. Pennsylvania Avenue, Suite 400

Address _____

Telephone No. _____

Towson, MD 21204

City _____

State _____

Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTm

Date 5/26/04

Case No. 04-547-SPLA

REV 10/15/98

ORDER RECEIVED FOR FILING

Date 5/26/04

By [Signature]

Petition for Special Hearing

1737 Reisterstown Road

Continuation Sheet

Requested Relief:

Special Hearing to determine whether the proposed freestanding enterprise sign requires a variance from BCZR § 450.4.1.5.b which governs the maximum number of such signs permitted on the property.

ORDER RECEIVED FOR FILING

Date

9/24/13

By

Pop

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Petition for Special Hearing
1737 Reisterstown Road
Signature Sheet

Ground Lessee / Developer:

Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403



By: Forrest E. Russell,
Senior Site Development Manager

ORDER RECEIVED FOR FILING

Date

9/29/14

By

Rep

#547



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1737 Reisterstown Road
which is presently zoned BL

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

Please see attached.

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

To be shown at hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

G. Scott Barhight, Esquire

Dino C. LaFiandra, Esquire

Name - Type or Print

City

Signature

Whiteford, Taylor & Preston, LLP

Company

(410) 832-2000

210 W. Pennsylvania Ave., Suite 400

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

See attachment

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

State

Zip Code

Representative to be Contacted:

Dino C. LaFiandra, Esquire

Name

(410) 832-2000

210 W. Pennsylvania Ave., Suite 400

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

LM

Date

5/26/04

Case No. 04-547-SPLA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By

Petition for Variance
1737 Reisterstown Road
Continuation Sheet

Requested Relief:

Variance from BCZR §450.4.I.5.b to permit one proposed freestanding enterprise sign in addition the existing freestanding enterprise sign along Reisterstown Road, in lieu of one freestanding enterprise sign permitted along Reisterstown Road.

ORDER RECEIVED FOR FILING

Date

9/26/84

By

Pop

H 547

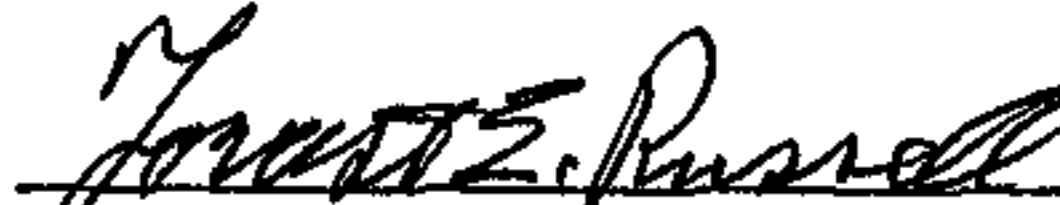
Petition for Variance
1737 Reisterstown Road
Signature Sheet

Ground Lessee / Developer:

Target Corporation

1000 Nicollet Mall

Minneapolis, MN 55403



By: Forrest E. Russell,
Senior Site Development Manager

ORDER RECEIVED FOR FILING

Date

9/29/04

By

gfp

#547

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning for the same at a point located on the southeasterly right-of-way line of Reisterstown Road (Maryland Route 140) which has a variable width at the distance of 975 feet southeasterly of the nearest intersecting street, The Baltimore Beltway (Interstate I-695) which has a variable width. **Thence** the following courses and distances:

North 39 degrees 31 minutes 07 seconds West, 1.65 feet; North 32 degrees 55 minutes 07 seconds West, 152.07 feet; North 34 degrees 58 minutes 14 seconds West, 66.62 feet; Northwesterly by a tangential curve to the right having a radius of 236.48 feet, an arc length of 146.04 feet, the chord of said arc bearing North 14 degrees 41 minutes 21 seconds West, 143.73 feet; North 15 degrees 36 minutes 59 seconds East, 302.23 feet; North 26 degrees 05 minutes 12 seconds East, 47.81 feet; North 33 degrees 35 minutes 12 seconds East, 238.62 feet; North 45 degrees 01 minutes 00 seconds East, 197.89 feet; North 50 degrees 09 minutes 26 seconds East, 96.84 feet; South 41 degrees 47 minutes 29 seconds East, 248.85 feet; South 41 degrees 15 minutes 29 seconds East, 65.20 feet; South 42 degrees 26 minutes 29 seconds East, 213.81 feet; South 44 degrees 03 minutes 42 seconds West, 925.34 feet to the point and place of beginning, being known and designated as #1737 Reisterstown Road.

Containing an area of 427,312 square feet or 9.8097 acres of land, more or less, and being located in the ~~Eighth~~ Election District of Baltimore County, Maryland.

Third



#547

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD
(410) 515-9000

◆ Annapolis Junction, MD
(410) 792-9792

◆ Towson, MD
(410) 821-1690

◆ Georgetown, DE
(302) 855-5734

◆ Wilmington, DE
(302) 326-2200

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10009

DATE 5/26/04

ACCOUNT R001 006 6150

AMOUNT \$ 650.00

RECEIVED FROM:

WHITFORD TAYLOR BROSTON LLP

FOR:

09-547-SP11A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTING TIME
5/27/2004 5/26/2004 11:27:53 4

REF #206 44104 1000 100

RECEIPT # 24002 5/26/2004 0014

POST 5 328 DURING VERIFICATION

OR AM. 01/22/04

Receipt Tot. 650.00

650.00 00 4.00 00

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #04-547-SPHA

1737 Reisterstown Road

S/east side of Reisterstown Road, 975 feet s/east of I-695.

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Target Corporation, Forrest E. Russell, Senior Site Development Manager

Variance: to permit one proposed freestanding enterprise sign in addition to the existing freestanding enterprise sign along Reisterstown Road, in lieu of one freestanding sign permitted along Reisterstown Road. **Special Hearing:** to determine whether the proposed freestanding enterprise sign requires a variance, which governs the maximum number of such signs permitted on the property.

Hearing: Wednesday, July 21, 2004 at 10:00 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 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.
JT 7/6/09 July 6 11757

CERTIFICATE OF PUBLICATION

7/8/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/6/2004.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-547-SPHA

Petitioner/Developer: TARGET
CORP

Date of Hearing/Closing: JULY 21, 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:

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

1737 REISTERSTOWN RD

The sign(s) were posted on

7/6/04
(Month, Day, Year)

Sincerely,

Robert Black 7/6/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

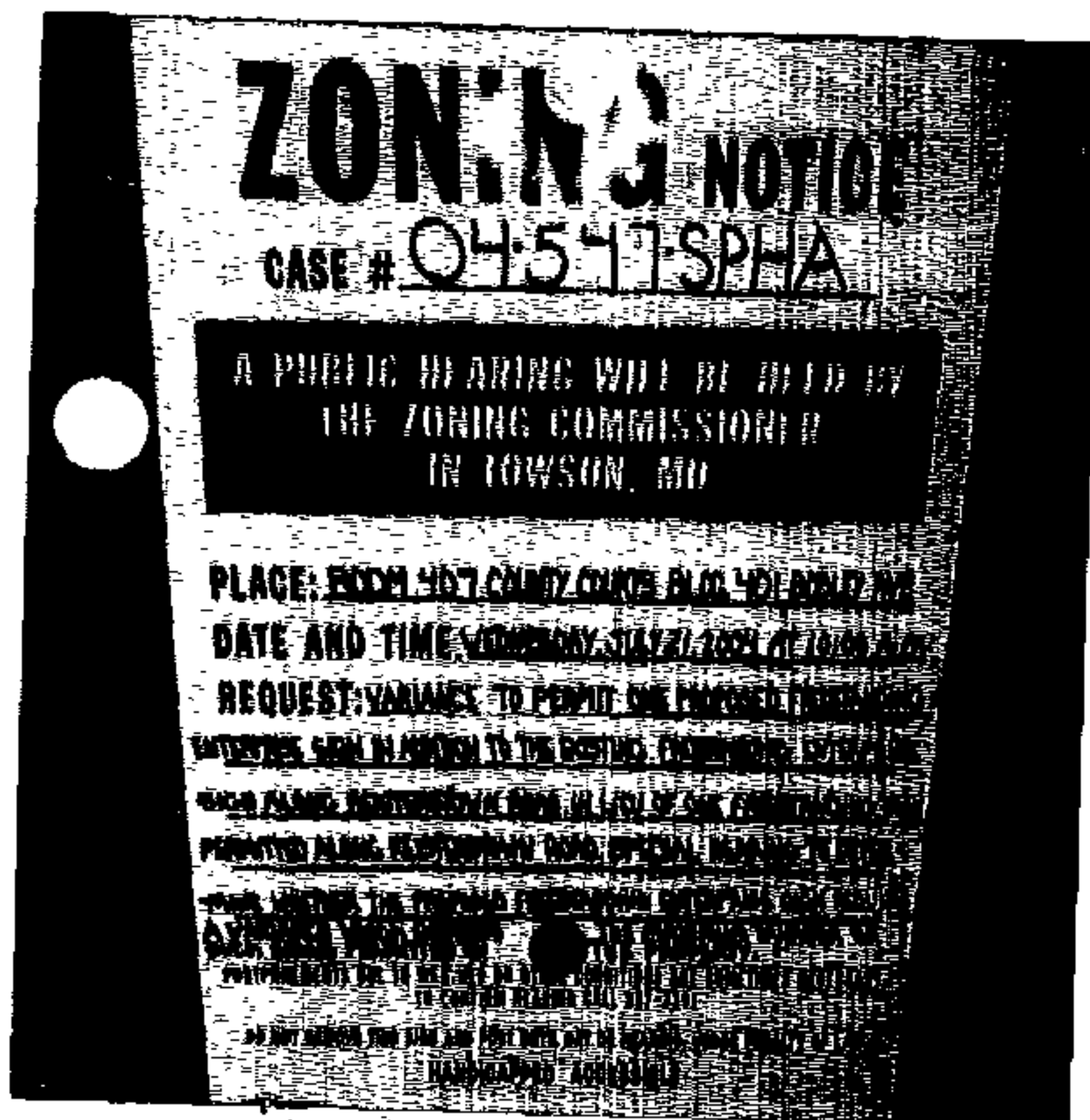
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
1737 Reisterstown Road; SE/side	*	ZONING COMMISSIONER
Reisterstown Road, 975' SE I-695		
3 rd Election & 2 nd Councilmanic Districts	*	FOR
Legal Owner(s): Target Corporation		
Petitioner(s)	*	BALTIMORE COUNTY
	*	04-547-SPHA

* * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 15th day of June, 2004, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUN 16 2004

Per: [Signature]

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 6, 2004 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

410-832-2000

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: 04-547-SPHA

1737 Reisterstown Road

S/east side of Reisterstown Road, 975 feet s/east of I-695.

3rd Election District – 2nd Councilmanic District

Legal Owners: Target Corporation, Forrest E. Russell, Senior Site Development Manager

Variance to permit one proposed freestanding enterprise sign in addition to the existing freestanding enterprise sign along Reisterstown Road, in lieu of one freestanding sign permitted along Reisterstown Road. Special Hearing to determine whether the proposed freestanding enterprise sign requires a variance, which governs the maximum number of such signs, permitted on the property.

Hearing: Wednesday, July 21, 2004, at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

June 7, 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: 04-547-SPHA

1737 Reisterstown Road

S/east side of Reisterstown Road, 975 feet s/east of I-695.

3rd Election District – 2nd Councilmanic District

Legal Owners: Target Corporation, Forrest E. Russell, Senior Site Development Manager

Variance to permit one proposed freestanding enterprise sign in addition to the existing freestanding enterprise sign along Reisterstown Road, in lieu of one freestanding sign permitted along Reisterstown Road. Special Hearing to determine whether the proposed freestanding enterprise sign requires a variance which governs the maximum number of such signs permitted on the property.

Hearing: Wednesday, July 21, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight, Dino LaFiandra, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., Towson 21204
Forrest Russell, Targer Corp., 1000 Nicollet Mall, Minneapolis MN 55403

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 6, 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**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 04-547-SPHA
Petitioner: Target Corporation
Address or Location: 1737 Reisterstown Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: DINO C. LaFiandra, Esquire
Address: 210 W. Pennsylvania Ave #400
Towson, MD 21204

Telephone Number: 410-832-2000

**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*

July 13, 2004

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP.
210 W. Pennsylvania Avenue, Ste. 400
Towson, Maryland 21204

Dear Mr. Barhight:

RE: Case Number:04-547-SPHA, 1737 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 26, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Dino C. LaFiandra Whiteford, Taylor & Preston, LLP. 210 W. Pennsylvania Avenue,
Ste. 400 Towson 21204
Target Corporation Forrest E. Russell 1000 Nicollet Mall Minneapolis, MN 55403

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





**Baltimore County
Fire Department**

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

June 8, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 7, 2004

Item No.: ⁵⁴⁷ 540-549, 552 & 553

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 1, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For June 14, 2004
Item Nos. 540, 542, 543, 544, 545,
546, 547, 548, 549, 552, 553, and 558

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

RWB:CEN:jrb

cc: File

Jared
7/21

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr
DATE: June 22, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 7, 2004

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

04-540
04-542
04-543
04-544
04-545
04-546
04-547
04-549
04-551
04-552
04-558

Reviewers: Sue Farinetti, Dave Lykens

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

JS
7/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 14, 2004

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

RECEIVED

JUL 16 2004

SUBJECT: 1737 Reisterstown Road

INFORMATION:

Item Number: 4-547

Petitioner: Target Corporation

Zoning: BL

Requested Action: Variance/Special Hearing

ZONING COMMISSIONER

The property is within the Pikesville Revitalization area and is subject to the Pikesville Revitalization Plan Update 2003. The subject property is within the Urban Boulevard section of the revitalization area and is within the Pikesville Design Review area. This area is characterized by frequent curb cuts, visual clutter due to freestanding signs and lack of available areas for landscape treatment. The area should present a warm welcome to Pikesville.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and is of the opinion that the special hearing for an additional enterprise sign does not meet the requirements of Section 450.4.1.5.b. of the BCZR. The office also opposes the requested variance for an additional freestanding enterprise sign for the following reasons:

1. The proposed sign is inconsistent with the county and state revitalization efforts along Reisterstown Road corridor. A total of \$14,012,000 has been invested by the county and state in streetscape and Beltway bridge improvements to beautify the area.
2. The sign is proposed to be located 20' west of a limited use access point, (right in, right out) with a continuous median along Reisterstown Road that makes it impossible for south bound traffic to access the site at this point. The proposed sign has the potential to create a traffic hazard, as southbound motorists unfamiliar with the area will attempt to turn into that access

point notwithstanding the median. The proposed sign will be detrimental to public safety and has the potential to create traffic congestion.

This office is willing to work with the property owner to reconfigure the existing Target and Bowling Alley sign that is located at the signalized full use intersection which is the preferred access to Target, the Fairlanes bowling alley, Ramada Inn and Olive Branch restaurant.

Prepared by:

Mark A. Remy

Division Chief:

Lynne L. Remy

AFK/LL:MAC:

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.5.04

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

RE: Baltimore County
Item No. 547 LTM

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 140 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

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

September 20, 2004

G. Scott Barhight, Esquire
Dino C. LaFiandra, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/S Reisterstown Road, 975' SE of Baltimore Beltway
(1737 Reisterstown Road)
3rd Election District – 2nd Council District
Pikesville Motel Corp., Owners; Target Corp., Ground Lessee/Developer - Petitioners
Case No. 04-547-SPHA

Dear Messrs. Barhight & LaFiandra:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a long horizontal flourish extending to the right.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Pikesville Motel Corporation, P.O. Box 11338, McLean, Va. 22101-9338
Mr. Forrest E. Russell, Target Corporation, 1000 Nicollet Mall, Minneapolis, Mn. 55403
Mr. Dean Hoover, Morris & Ritchie Assoc., 8120 E. Joppa Road, #505, Towson, Md. 21286
Ms. Sherrie Becker, 7 Church Lane, Pikesville, Md. 21208
Ms. Melanie Anson, Sudbrook Park, Inc., 1007 Windsor Road, Pikesville, Md. 21208
Ms. Diana Itter & Mr. Kevin M. Gambrill, Office of Planning
People's Counsel; Case File

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



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

October 1, 2004

Dino C. LaFiandra, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/S Reisterstown Road, 975' SE of Baltimore Beltway
(1737 Reisterstown Road)
3rd Election District – 2nd Council District
Pikesville Motel Corp., Owners; Target Corp., Ground Lessee/Developer - Petitioners
Case No. 04-547-SPHA

Dear Mr. LaFiandra:

In response to your letter of September 27, 2004 concerning the above-captioned matter, the following comments are offered.

Your letter has been accepted as a Motion for Reconsideration of the decision rendered by my Opinion and Order dated September 20, 2004. I have considered the representations made in your letter and understand your client's position. Essentially, Target acknowledges that there is but a single premises, however, argues that there are two frontages of the property along Reisterstown Road. As such, Target avers that it may erect an enterprise sign along each frontage. I respectfully disagree. Section 454.3 of the B.C.Z.R. defines "frontage" as a lot line of a premises... (emphasis added). I believe that the reference to a premises, when defining frontage, is significant.

It is indeed true that a property may have separate frontages if it is a corner lot or abuts more than a single public street. However, I do not believe it is the intention of the regulations to permit a finding that there is more than one frontage on a single street. If that were the case, an ingenious property owner could create multiple frontages on a single street by reorienting a property line. Rather, I believe it is the intent of the regulations that there is but a single frontage per street.

Therefore, your Motion for Reconsideration is respectfully denied. This letter shall be considered an Order denying same and any appeal from this decision must be filed within thirty (30) days of the date hereof.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Pikesville Motel Corporation, P.O. Box 11338, McLean, Va. 22101-9338
Mr. Forrest E. Russell, Target Corporation, 1000 Nicollet Mall, Minneapolis, Mn. 55403
Mr. Dean Hoover, Morris & Ritchie Assoc., 8120 E. Joppa Rd., #505, Towson, Md. 21286
Ms. Sherrie Becker, 7 Church Lane, Pikesville, Md. 21208
Ms. Melanie Anson, Sudbrook Park, Inc., 1007 Windsor Road, Pikesville, Md. 21208
Ms. Diana Itter & Mr. Kevin M. Gambrill, Office of Planning
People's Counsel; Case File

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



WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLaFiandra@wtplaw.com

September 27, 2004

RECEIVED

SEP 27 2004

ZONING COMMISSIONER

Via Hand Delivery
Hon. Lawrence E. Schmidt, Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

**Re: Case No. 04-547-SPHA
Target Corporation, 1737 Reisterstown Road
Request for Reconsideration of Petition for Special Hearing**

Dear Mr. Schmidt:

As you know, this office represents Target Corporation with regard to its Petitions for Special Hearing and Variance at 1737 Reisterstown Road. We have your decision in the above-referenced matter in which you deny the Petitions. By this letter, we respectfully request reconsideration of your denial of the Petition for Special Hearing.

The Petition for Special Hearing involved an interpretation of the sign regulations governing the number of freestanding enterprise signs that are permitted in conjunction with the Target store. The number and type of signs which are permitted with regard to any particular type of use is governed by BCZR § 450.4. That section of law contains a table which provides that the maximum number of freestanding enterprise signs which are permitted on a single "premises" in the BL zone is "one per frontage".

"Premises" is defined, *in relevant part*, as, "two or more contiguous lots under common ownership, leasehold, or other assignment of interest in real property which are used as a unified parcel." "Frontage" is defined as "a lot line of a premises which is co-terminus with a right of way line of a highway to which the premises has or would be allowed pedestrian or vehicular access." BCZR 450.3.

As you correctly note on page 4 of your decision, Target occupies "but a single premises" at this location, consisting of its leasehold interest in the 9.81 acre site on which its retail store is located *and* its easement for access to and from Reisterstown Road via the signalized intersection. Indeed, this has been our position throughout this case. Mr. Hoover testified at the hearing that, consistent with the definition, the "premises" consisted of the 9.81 acre site *and* the easement for access. As you note in your decision, under the definition of "premises", the easement area, being an "assignment of interest in real property" qualifies as a component of the Target "premises".

Nonetheless, your statement of the question posed by the Petition for Special Hearing in your decision suggests that you believed that Target's position was that it occupies two "premises", and that this somehow equated to Target's entitlement to two freestanding enterprise signs. I note that on page 4 of your decision you phrase the question as follows,

The question here is whether Target occupies two premises at this location. Specifically, should the lot on which the Target store is located (9.81 acres) be considered one premises with a single frontage and the easement area shared with the hotel and bowling alley a second frontage and premises?

This is not an accurate statement of the question posed by Target, as Target has always maintained that it occupies one "premises" consisting of the 9.81 acre parcel *and* the easement area. Target never took the position that it occupied two premises. The request for reconsideration is based on this apparent misapprehension of the question posed in the Petition for Special Hearing.

Target's argument in this Petition for Special Hearing is that the Target "premises" has two "frontages" along Reisterstown Road. Please see the enclosed site plan on which the "premises" is highlighted in blue and the "frontages" are indicated in red. Under BCZR § 450.4, Target is entitled to one freestanding enterprise sign "per frontage". One "frontage" of the Target "premises" is at the signalized intersection. The other "frontage" of the Target "premises" is along Reisterstown Road at the corner of Reisterstown Road and I-695. There is, in fact, hundreds of feet of intervening "frontage" of the Ramada Hotel between Target's two "frontages" on Reisterstown Road.

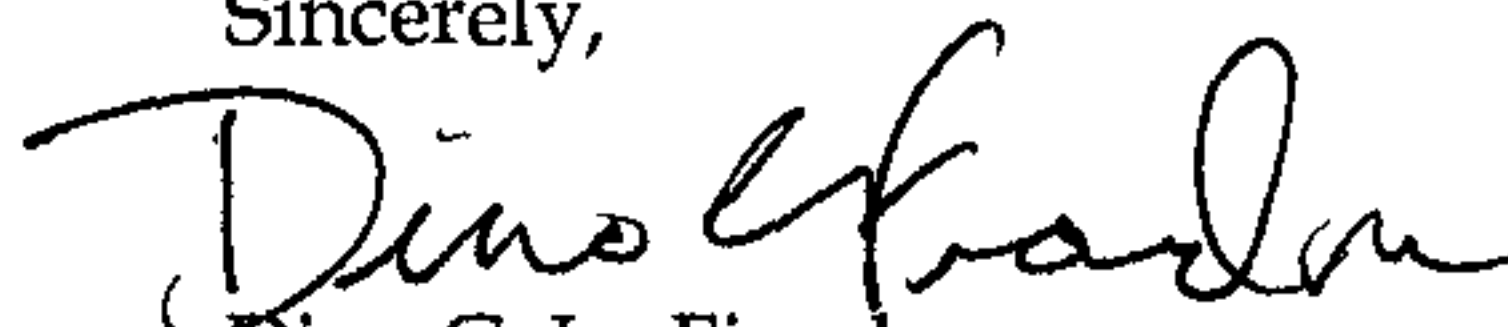
The zoning regulations allow for one "premises" to have more than one "frontage". For example, if Target were located at the intersection of Reisterstown Road and Old Court Road, one would not dispute that it has frontage on both Reisterstown

Road and Old Court Road. In this example, under the zoning regulations, Target would be permitted to have one freestanding enterprise sign at Reisterstown Road and one freestanding enterprise sign at Old Court Road. The unusual aspect of the Target "premises" in the Petition for Special Hearing is that it has two "frontages" on the same road. In your decision, you identified this configuration as "unusual" and "unique". As Target has two "frontages" along Reisterstown Road, it is entitled to one freestanding enterprise sign at each "frontage", or a total of two freestanding enterprise signs without a variance.

The plain meaning of the language of BCZR § 450 indicates that Target has one "premises" with two "frontages". The only unusual consideration in this case is that Target has two "frontages" along the same road. Nonetheless, there is vehicular and pedestrian access at each lot line of the "premises" which is co-terminous with the right of way line of Reisterstown Road. Therefore, each of these lot lines is a "frontage". As such, it is entitled to two freestanding enterprise signs, one at each "frontage" and no variance for two such signs is necessary.

Target respectfully requests reconsideration of your decision regarding its Petition for Special Hearing in accordance herewith. Should you have any questions, please contact me.

Sincerely,



Dino C. La Fiandra

DCL:

C: Ms. Sherrie Becker
Ms. Melanie Anson
Ms. Diana Itter
People's Counsel



Sudbrook Park Inc.

1007 Windsor Road
Pikesville, MD 21208
July 21, 2004

By Fax to 410-887-3468 (4 pages)
Hard Copy/Original Photos to Follow
Lawrence E. Schmidt
Baltimore County Zoning Commissioner
401 Bosley Avenue, Rm. 405
Towson, MD 21204

RECEIVED
JUL 22 2004
ZONING COMMISSIONER

Re: Case No. 04-547-SPHA (Target Sign Variance request)

Dear Commissioner Schmidt:

On behalf of Sudbrook Park, Inc., a Pikesville community that was active in working on the *Pikesville Revitalization Plan Update 2003*, I cannot attend today's hearing but am writing to express our Board's opposition to Target Corporation's request for a variance from BCZR Section 450.4.I.5.b to permit another freestanding enterprise sign in addition to the existing freestanding enterprise signs that Target already has along Reisterstown Road, for the following reasons:

1. Target already has a huge sign at the signal entrance along Reisterstown Road, in conjunction with the bowling alley sign (see photo A and B).
2. Target also has a second sign along Reisterstown Road and does not need a larger sign there, since it is a limited use access point (right in, right out) and the majority of cars going to Target turn in at the prior signalized entrance. That limited use entry is primarily used by cars exiting Target's parking lot. That entrance cannot be accessed by cars coming to Target from points south on the Beltway (Liberty Road or Glen Burnie area), since there is a concrete median strip and they can only turn left into Target at the signal, which is marked by the huge sign. (See photos C, D, E & F).
3. The proposed sign would only add further visual clutter to the area, which is not in keeping with the goals of the Pikesville Revitalization Plan Update 2003 or with county and state revitalization efforts in this urban boulevard area.
4. The proposed request does not meet the requirements for a variance under Section 307.1, since there is nothing peculiar about the land or structure which would necessitate a second large sign at a limited entry point (and may not even allow the current second sign).

Sincerely,

Melanie Anson, Zoning Committee



**Baltimore County****Department of Economic Development**

400 Washington Avenue, Towson, Maryland 21204
Tel: 410-887-8000 Fax: 410-887-8017

E-mail: businesshelp@co.ba.md.us
Website: www.baltimorecountyonline.info

Date 7-19Number of Pages (including cover page) 2To: John MurphyFrom: Peirce Macgill

Company: _____

Telephone: 33990Fax Number: 33468Subject: Variance Hearing

Telephone: _____

HARD COPY TO FOLLOW:

☐ Yes☐ No

Comments for zoning hearing on July 21st.

Confidentiality Notice This cover sheet and the material enclosed with this transmission are the private confidential property of the sender, and the materials are privileged communications intended solely for the receipt, use, benefit and information of the intended recipient indicated above. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, distribution, or the taking of any action in reliance on the contents of this transmission is strictly prohibited, and may result in liability on your part. If you have received this transmission in error, please notify the above sender immediately and arrange for return of this transmission to the above address.

**Baltimore County Government
Department of Economic Development**



400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

MEMORANDUM

To: Zoning Commissioner
Zoning Commissioner's Office

From: Andrea Van Arsdale
Revitalization Director

Date: July 19, 2004

Re: Variance – Pikesville Target (Case Number: 4-547-SPHA)

The Department of Economic Development opposes the above referenced request for a variance to construct a freestanding enterprise sign in addition to the existing freestanding enterprise sign along Reisterstown Road.

The subject property is located within the Pikesville Commercial Revitalization District, an area targeted by the County to receive assistance to promote economic development. One of the goals of the Commercial Revitalization Program is to improve the appearance of the commercial districts. A significant part of the effort to improve the appearance of the Pikesville District focuses on reducing the visual clutter along Reisterstown Road, including an overabundance of freestanding signs fronting the road. The 2003 Pikesville Revitalization Plan addressed the need for the public and private sector to work together to improve signage and reduce visual clutter along the corridor. The requested additional freestanding sign for Target Corporation would only add to the sign clutter that currently exists. Furthermore, the requested location for the freestanding sign is along the gateway to the Pikesville Revitalization District. The Department wishes to reduce the clutter to create a more inviting atmosphere into the Pikesville commercial area.

Rather than a new sign, the Department of Economic Development is willing to work with the property owner to redesign the existing Target and Bowling Alley sign that is located at the signalized intersection, which is the preferred access to Target, Fairlans Bowling Alley, Ramada Inn and Olive Branch restaurant. Economic Development can offer free design service under the Architect-On-Call program to assist the petitioner in this matter.

Thank you for your time and attention. If you have any questions, please call me at extension 2055.

CC: Peirce Macgill, Revitalization Specialist

theme comprising the face of a sign. The “message” may be distinguishable from the structural and supportive elements of the sign.

NEW MOTOR VEHICLE SIGN — A sign which identifies the brand of new motor vehicle authorized for sale under a franchise agreement between a state licensed dealership and state licensed manufacturer, distributor or factory branch.

OFF-PREMISES SIGN — Any sign which is not an on-premises sign.

ON-PREMISES SIGN — A sign erected on a premises to which the sign directly pertains.

ORDER BOARD — A wall-mounted, freestanding or projecting sign displaying information about ready-to-consume food or beverages available for sale to motorists within their vehicles.

OWNER — The person holding legal title to a sign or, if the sign is not separately titled, the owner of the property on which the sign is located.

PERMANENT SIGN — A sign other than a “temporary sign” or “portable sign” as each of these terms is defined or identified in this section or in the Baltimore County Building Code, Section 3102.2.

PORTABLE SIGN — A sign that is not securely anchored to the ground or to a building or structure, is intended to display a message and is comprised of or located on:

- A. A wheeled or movable designed framework.
- B. A motor vehicle, whether operative or not, as defined by the Annotated Code of Maryland, Transportation Article.
- C. A movable structure.
- D. Movable materials.

PREMISES — A recorded lot, or in the case of a multi-occupant lot such as a shopping center, office park or industrial park, the total area of the development under common ownership or control. “Premises” also means two or more contiguous lots under common ownership, leasehold or other assignment of interest in real property which are used as a unified parcel.

SIGN — Any structure or other object, or part thereof, which displays any word, illustration, decoration or other symbolic representation which:

- A. Is used or intended to inform, advertise or otherwise attract attention or convey a message regarding an activity, condition or commercial or noncommercial organization, person, place or thing.
- B. Has a “face” that is “visible” from a “highway” as each of these terms is defined in this section.

DEALERSHIP — A commercial business organization licensed by the state to sell new motor vehicles. For the purpose of Section 450, the term “new motor vehicles” includes new “two-stage vehicles” as defined by state law.²

DOUBLE-FACED — Two freestanding, projecting or banner sign faces of equal dimensions and height having a horizontal angle between the vertical planes of the two sign faces of at least 330° or less and a distance between the two sign faces at their closest points of less than two feet.

ERECT — To display, construct, build, raise, assemble, place, affix, attach, paint, draw or otherwise bring a sign into being. “Erect” also means to reconstruct, enlarge, replace or relocate a sign previously erected. “Erect” does not mean the maintenance or repair of a sign governed by Section 450.6.C.

FACE — The flat planar surface within a continuous perimeter enclosing the outer limits of the message of a sign.

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

HEIGHT — The vertical distance from the highest point on a freestanding sign to the horizontal projection of the closest point at grade. In instances where it is evident that the grade has been artificially built up above the natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point of the freestanding sign.

HIGHWAY — A street, road, motorway, expressway, freeway, alley, sidewalk, walkway or similar public facility used for vehicular or pedestrian travel, excluding a pedestrian concourse within an enclosed mall or any sidewalk on private property.

IDENTITY — The name of a person, organization or place displayed on a sign, including the street address or the trademark, logotype, initials or other symbol customarily associated with the name.

ILLUMINATION — The use of artificial light emanating from a sign, or directed at a sign from one or more sources external to the sign face, which makes the sign visible or more readily legible during non-daylight hours.

INSTITUTIONAL STRUCTURE — A hospital, school, volunteer fire company, church, house of worship or religious assembly.

MANSARD — An architectural element having a roof-like appearance which is above a building wall and has a slope of not less than 30° measured from the lowest to the highest point of the mansard.

MESSAGE — A communication, statement or display of information or ideas through written words, letters, numerals, symbols, images, colors, illumination or

² Editor's Note: See § 13-113.2 of the Transportation Article of the Annotated Code of Maryland.

65-230-A

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

KNOW all men that Realty Investment Company, Inc., legal owner of the property situated 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 4.3.2 (1) to permit an "other business sign" of 229 square feet in total area in a Business Zone, in lieu of the permitted 190 square feet of area. The dimensions of the requested sign are compared as follows:

Sign - Simon Sigmundt	64.0
Howard Johnson Ice Cream and Arrow	64.0
Howard Johnson Restaurant	101.0

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons indicating hardship or practical difficulty:

- Practical difficulty arising from the fact that the Lessee's sign are based on a national standard size, which said size exceeds Baltimore County Zoning Regulations as indicated above.
- Property owner's lease with Howard Johnson Restaurant chain is contingent upon permission to use sign of the requested dimensions on the subject property.
- It is to be noted that the requested variance includes much open space around the Simon Sigmundt, and that the actual sign itself would exceed that permitted by Baltimore County Zoning Regulations by only 24 square feet.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expense of having variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser
Address
John Warfield Armiger
Petitioner's Attorney
Address 406 Jefferson Building, Towson 4, Md.
Valley 5-7666

Realty Investment Company, Inc.
BY: [Signature]
Legal Owner
Address 7705 Georgia Ave., N. W.
Washington, D. C.
[Signature]
Protestant's Attorney
2200 Annapolis Rd.
Baltimore 7, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day

of 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

RE: S. Reisterstown Rd. 500' S of
Balto. Co. Beltway

Pursuant to the advertisement, posting of property and public hearing in the above petition and it appearing that by reason of the following finding of facts that the variance requested be granted relief to the petitioner without substantial injury to the public health, safety or general welfare, the variance should be granted to permit an other Business Sign of 229 sq. ft. in total area in a Business Zone instead of the permitted 100 sq. ft.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of March 1965 that the herein petition for a Variance should be and the same is granted from and after the date of this order, which permits an other Business Sign of 229 sq. ft. in total area in a Business Zone instead of the permitted 100 sq. ft.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing in the above petition and it appearing that by reason of the following finding of facts that the variance requested be granted relief to the petitioner without substantial injury to the public health, safety or general welfare, the variance should be granted to permit an other Business Sign of 229 sq. ft. in total area in a Business Zone instead of the permitted 100 sq. ft.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of March 1965 that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

20011 MED

1-A

PETITION FOR ZONING VARIANCE
REALTY INVESTMENT COMPANY, INC.

Description:

N. E. side of Reisterstown Road 140', more or less,
from the center line of Reisterstown Road at a point south 550',
more or less from the southernmost RW line of the Baltimore
County Beltway.

Pursuant to the advertisement, posting of property, and a public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would be in practical difficulty and unreasonable based on the facts, a Variance(s) should be had; and it further appears that the granting of the Variance(s) requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of October, 1980, that the herein Petition for Variance(s) to permit two signs, a business sign of 154 square feet and an entrance sign of 12 square feet, totaling 166 square feet in lieu of the permitted 100 square feet should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The elimination of the 45 square foot reader board.
2. Compliance with Sections 413.2.f and 413.5 of the aforementioned regulations.
3. The business sign shall not extend more than 25 feet above the level of Reisterstown Road or exceed a total height of 35 feet and shall be certified as such to the Zoning Office by a registered professional engineer or land surveyor licensed to practice in Maryland.
4. A revised site plan shall be submitted, indicating compliance with restriction No.1, and approved by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Jan M.H. Jones
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE October 23, 1980

BY Stella R. Jones

ADMINISTRATIVE ASSISTANT

PETITION FOR VARIANCE
7th District

Office of
COLUMBIA
Public Utilities Corp.

81-46-A

CASE NAME 704-5475P#A
CASE NUMBER Target
DATE 7/21/08

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME

04-547

DATE _____

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

FORREST RUSSELL

1000 NICKLEET MANT

61435 NY 56419

DEAR Hoover

3120 EAST Joppa Road
Suite 505

Towson mo

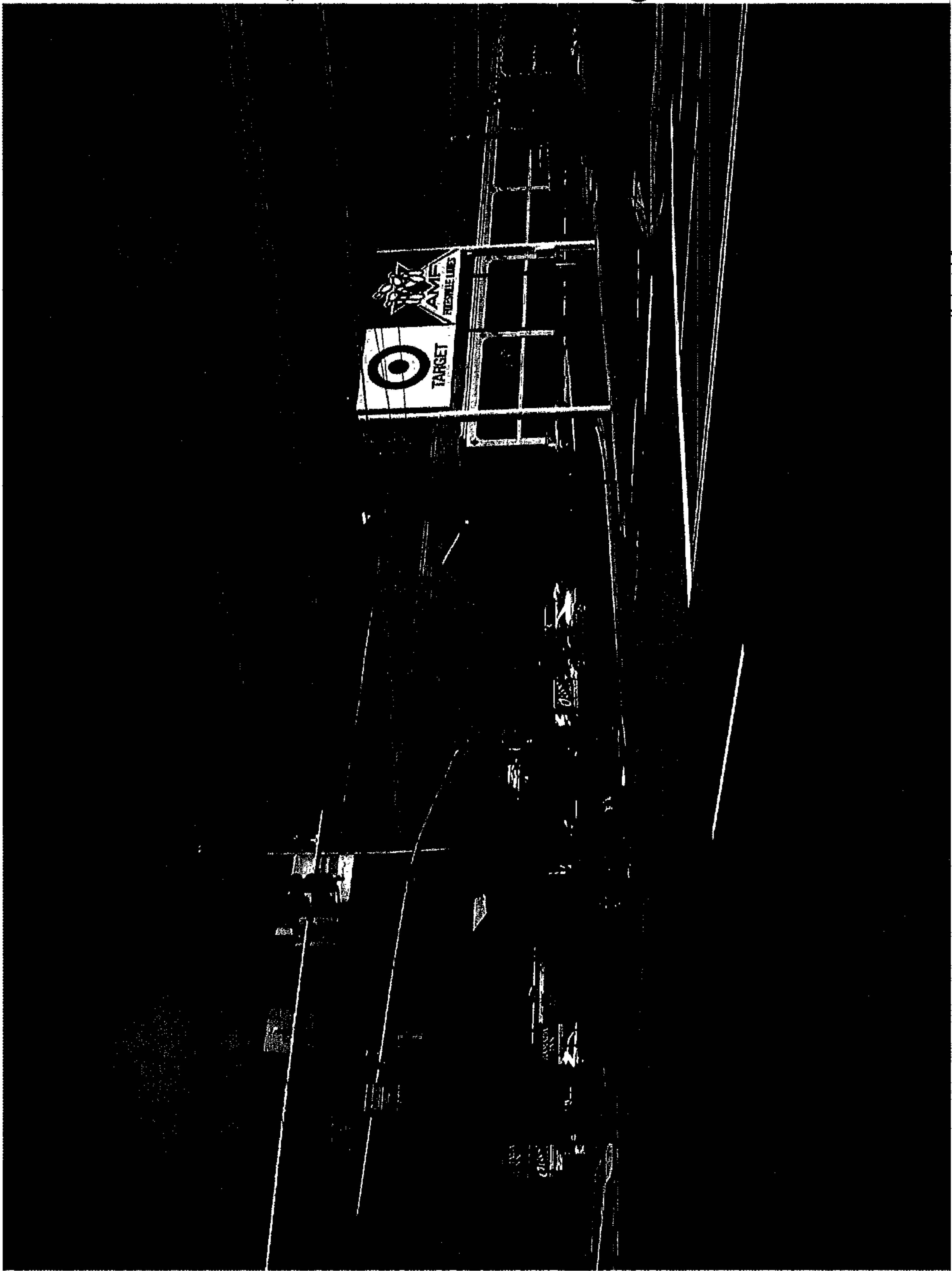
dhooover@michgta.com

DINOC. LaFiandra

210 W. Penn #400

Tolson 7/12/04

Petitioner's 2



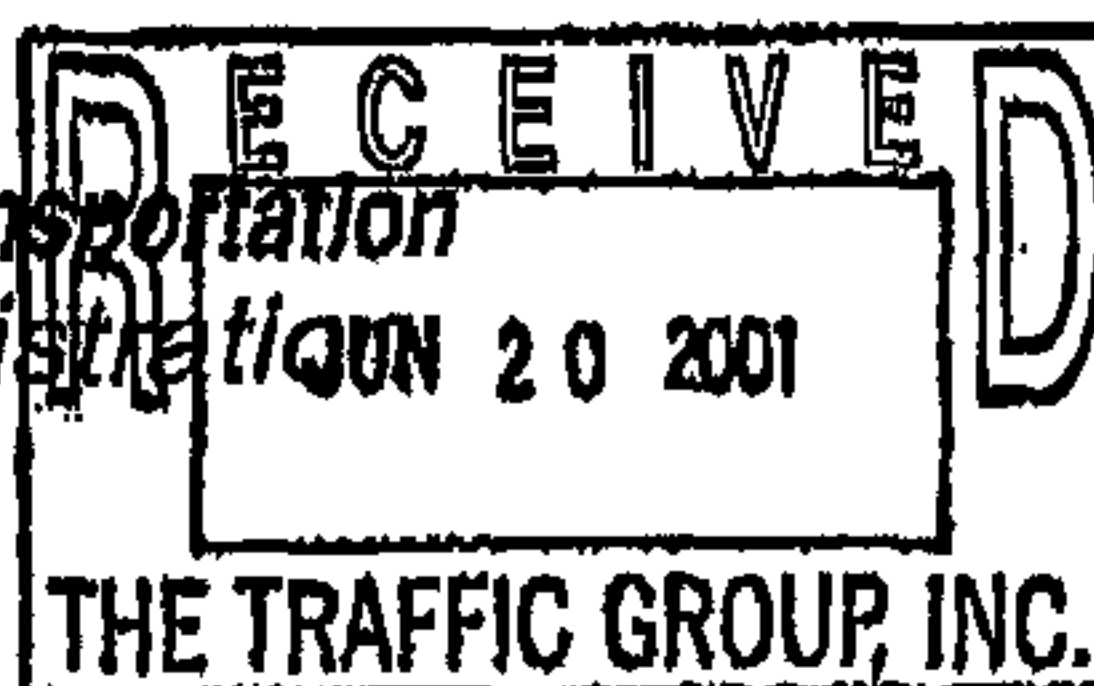
11

~~Leaf~~ Pet. NO 3



Petitioners 4

Maryland Department of Transportation
State Highway Administration



Parris N. Glendening
 Governor

John D. Porcari
 Secretary

Parker F. Williams
 Administrator

June 14, 2001

Mr. John W. Guckert
 The Traffic Group
 9900 Franklin Square Drive
 Suite H
 Baltimore, Maryland 21236

RE: Baltimore County
 MD 140
 Target Store

*For JB to P mc
 - Enc: 2 copies
 - Done 10-30-01*

Dear Wes:

Enclosed are State Highway Administration's (SHA) comments on the review of the follow-up Traffic Impact Analysis Report dated May 17, 2001 that was prepared for the proposed Target Store in Baltimore County, Maryland. The comments and conclusions are as follows:

- The traffic impact analysis revealed that the MD 140/Target Access Drive intersection would operate inadequately during the Saturday mid-day peak period. Thus, the traffic report recommended that the Target Access Drive approach to the MD 140/Target Access Drive intersection be widened from the existing 1 left/through/right lane -to- 1 left turn lane and 1 left/through/right lane. However, the projected overall Level of Service (LOS) at the MD 140/Target Access Drive intersection would still be a LOS "E" during the Saturday mid-day peak period.
- In order to address SHA's concerns regarding traffic queuing for the southbound MD 140 left turn lane at the MD 140/Target Access Drive intersection, a SYNCHRO analysis was conducted to assess the expected maximum traffic queues. The results of the analysis revealed that traffic queues would not extend beyond 388 feet. The traffic report has recommended the construction of a 725-foot southbound MD 140 left turn lane at the MD 140/Target Access Drive intersection.

Based on SHA's review of the report and follow-up conversations, SHA will accept the proposed improvements with the following stipulations:

- A queue detector must be installed in the southbound MD 140 left turn lane at the MD 140/Target Access Drive intersection to insure that traffic queues do not extend in the mainline MD 140 traffic flows.
- A letter must be received from the Target development and the adjacent Ramada development that acknowledges that vehicles exiting the Target Store and the Ramada hotel at the MD 140/Target Access Drive intersection will likely experience delays leaving the sites. SHA will not compromise mainline MD 140 operations for a particular development that does not meet the standard LOS criteria for access to State highways.
- A letter must be received from the Ramada hotel acknowledging that the access to the Ramada hotel from southbound MD 140 will be obtained at the MD 140/Target Access Drive signalized intersection.

My telephone number is _____

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

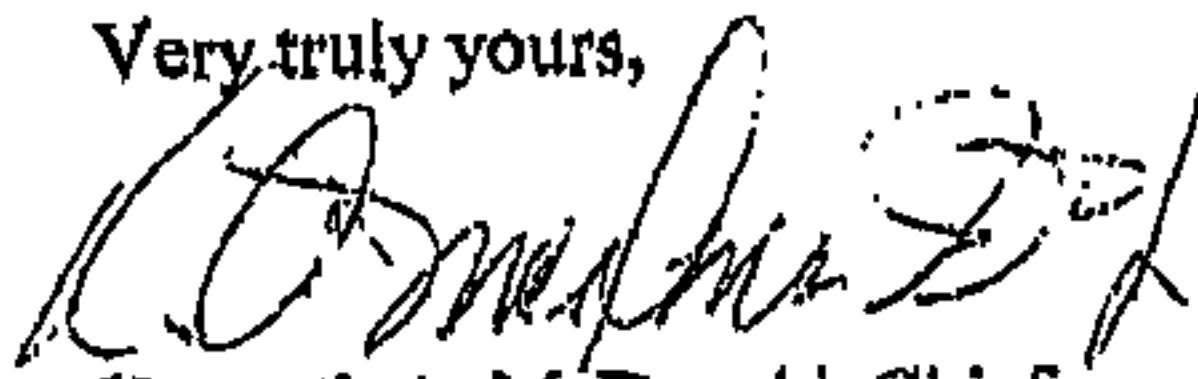
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Mr. John W. Guckert
June 14, 2001
Page 2 of 2

In order to address a potential future operational issue, SHA will require that the developer of Target bond the construction of a median separating the southbound MD 140 left turn lane from the southbound MD 140 through lanes at the MD 140/Target Access Drive intersection. The construction of this median will physically prohibit the weave from the I-695 ramp.

If you have any questions or comments regarding the enclosed, please contact Larry Green at (410) 995-0090.

Very truly yours,



Kenneth A. McDonald, Chief
Engineering Access Permits Division

cc: Larry Gredlein - SHA Engineering Access Permits Division
Larry Green - Daniel Consultants, Inc
Randall Scott - SHA District 4 Office
Joseph Finkle - SHA Travel Forecasting Section
William Richardson - SHA Traffic Development & Support Division
Darrell Wiles - Baltimore County Department of Public Works

MORRIS & RITCHIE ASSOCIATES, INC.
ARCHITECTS, ENGINEERS, PLANNERS,
SURVEYORS, AND LANDSCAPE ARCHITECTS**FACSIMILE TRANSMITTAL**

TO: Dino FROM: DEAN Hoover
FAX: 410-832-2015 PAGES: (including cover sheet) _____
PROJECT NO: _____ DATE: _____
PROJECT: Target CC: _____

COMMENTS:

SHA letter to The Traffic Group
dated 6-14-01

**IF TRANSMISSION IS INCOMPLETE, PLEASE CALL OUR OFFICE
IMMEDIATELY AT 410-821-1690.**

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Ref: 10155



Poblocki & Sons
ARCHITECTURAL SIGNAGE
DESIGN - ENGINEERING - FABRICATION

922 SOUTH 70TH STREET
MILWAUKEE, WI 53214
TEL: 414-453-4010
FAX: 414-453-3070

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CUSTOMER



ADDRESS
Pikesville, MD

CUSTOMER APPROVAL
DATE

BY

REPRESENTATIVE
Richard Nattila

DRAWN BY
Richard Nattila

DATE
April 24, 2001

SCALE
1/4" = 1'-0"

SHEET

DRAWING NO.

One (1) D/F Monument Sign

Entire sign cabinet is aluminum construction with routed out and backed up copy internally illuminated with H/O fluorescent lighting. Only the copy will illuminate.

COPY

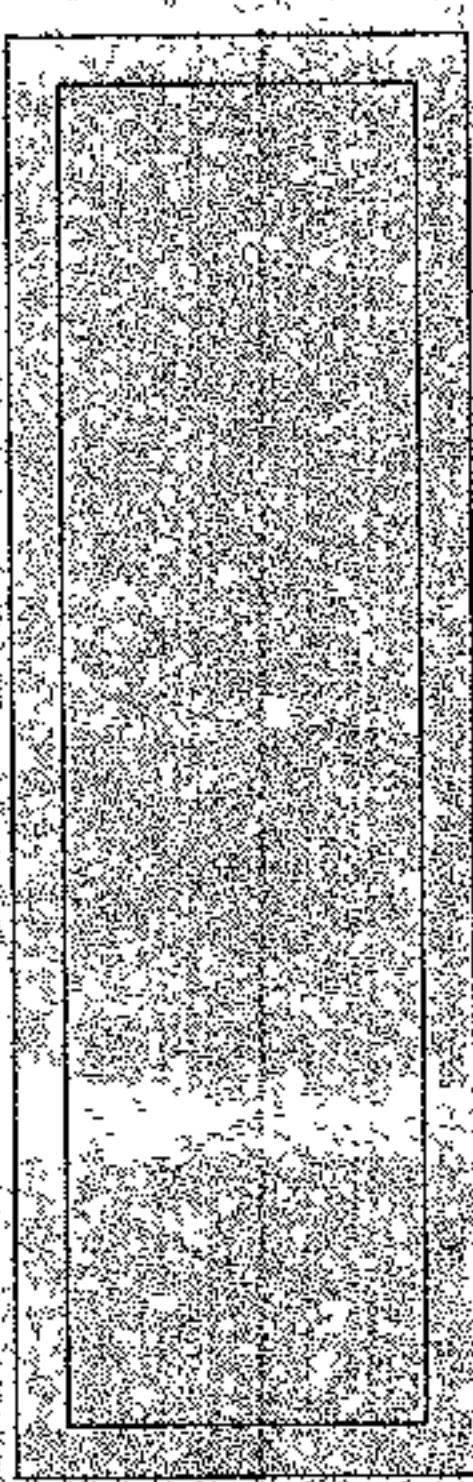
Bullseye and "TARGET" letters are #2283 red.

ALUMINUM BACKGROUND

Painted with Mathews Acrylic Polyurethane suede finish to match PMS 406c Light Grey.

BASE

Masonry block to match Target building



PLAN VIEW

5'-2"



5'-2"

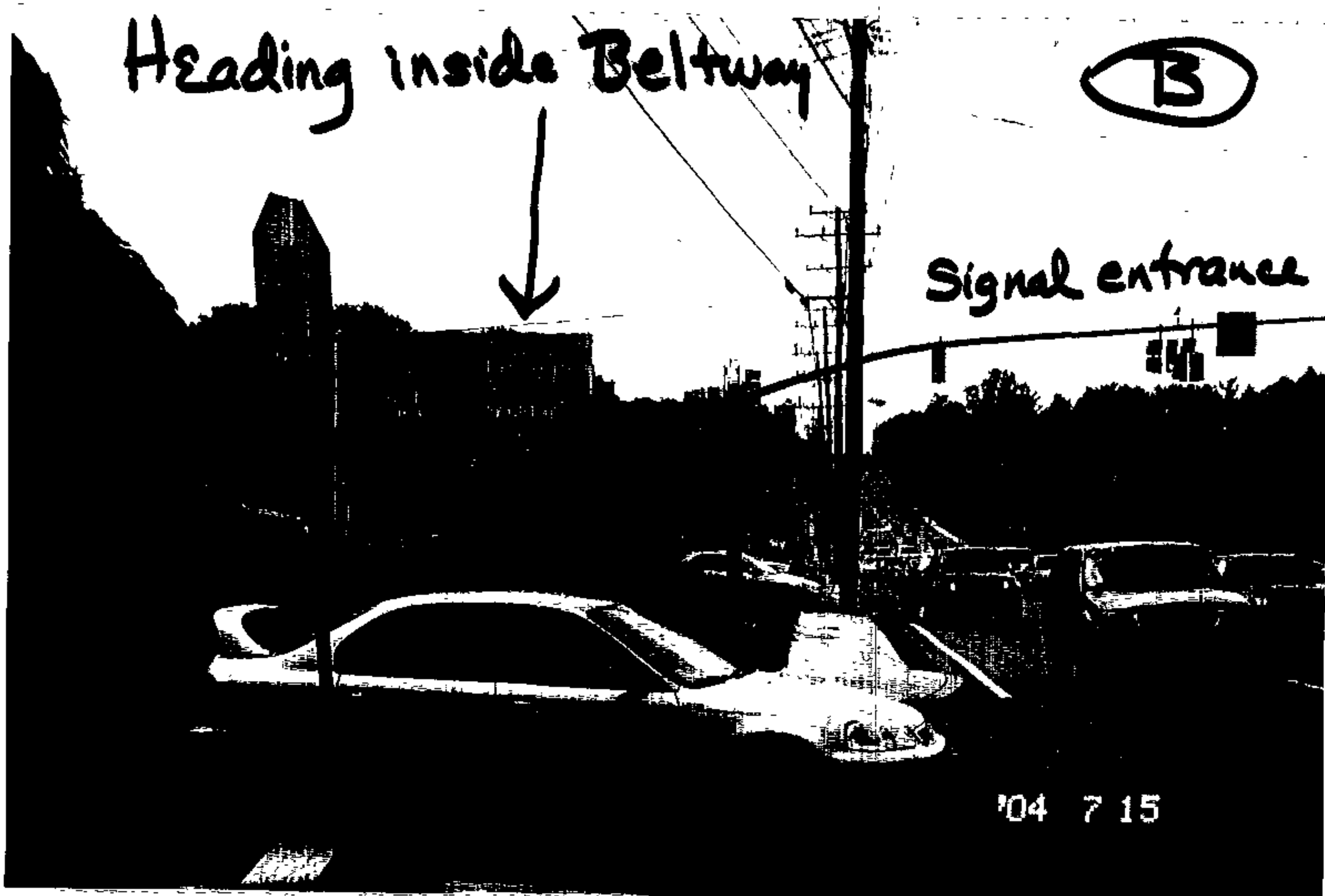
9'-0"

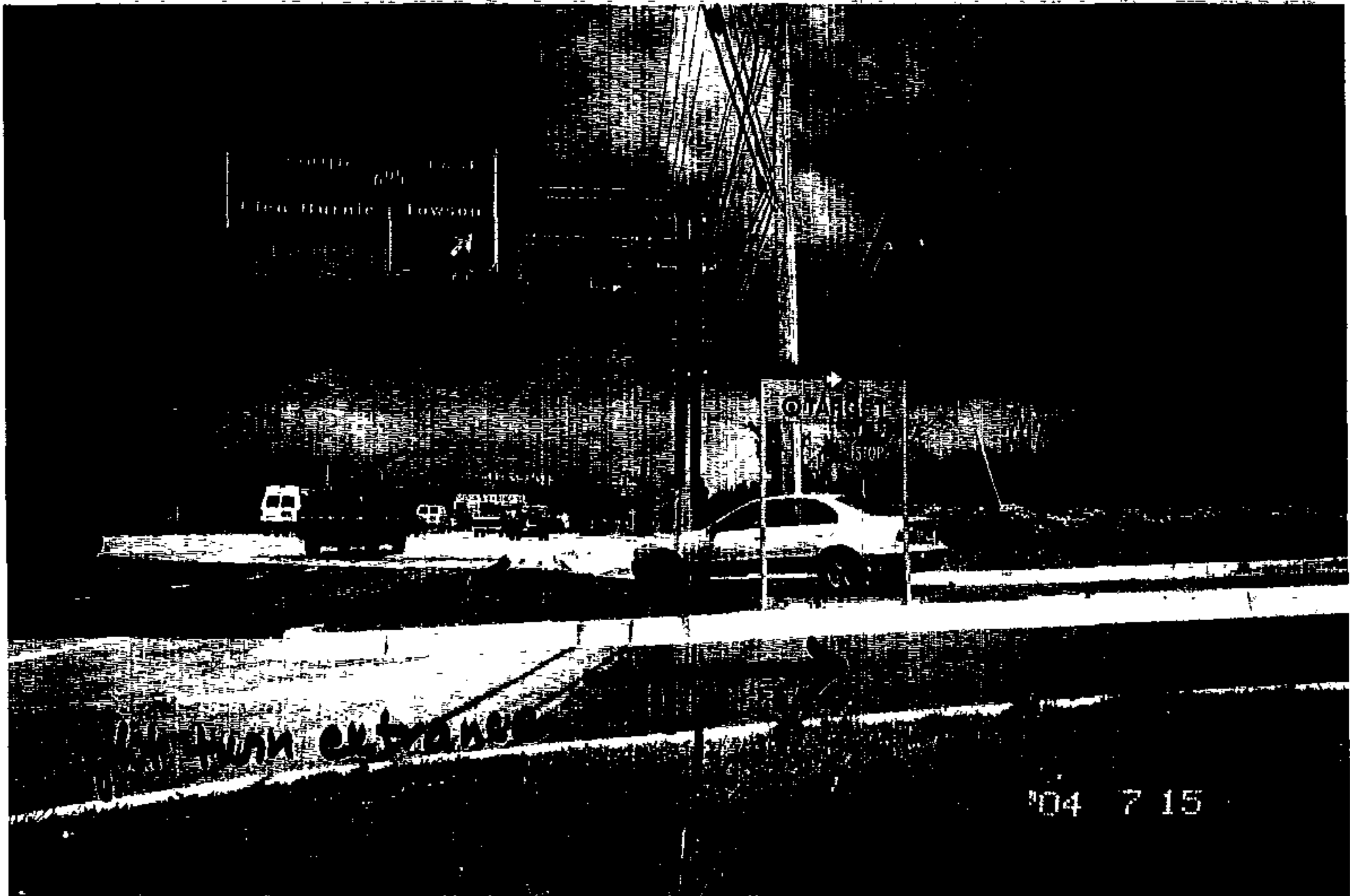


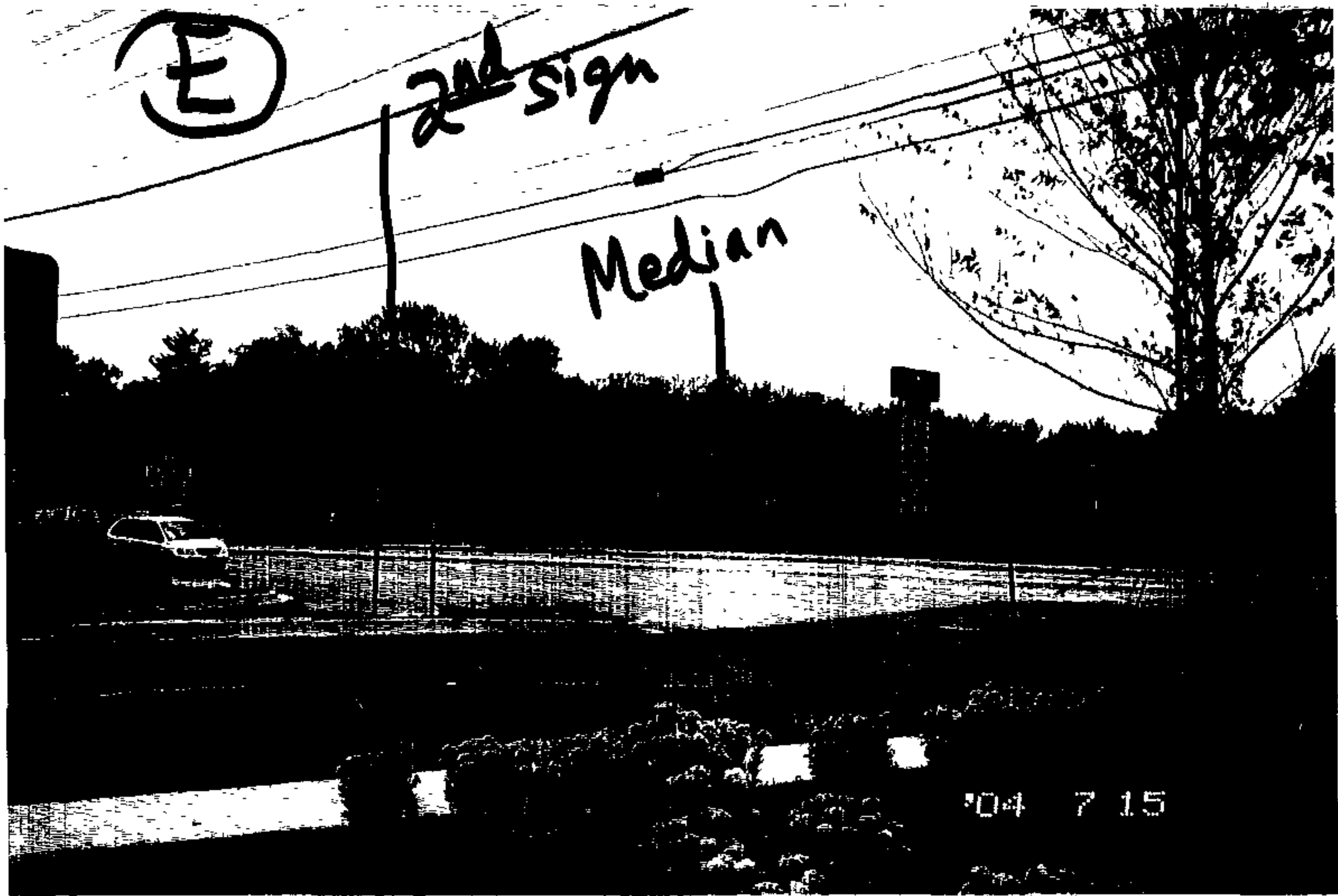
ELEVATION



(also note VISUAL CLUTTER!)





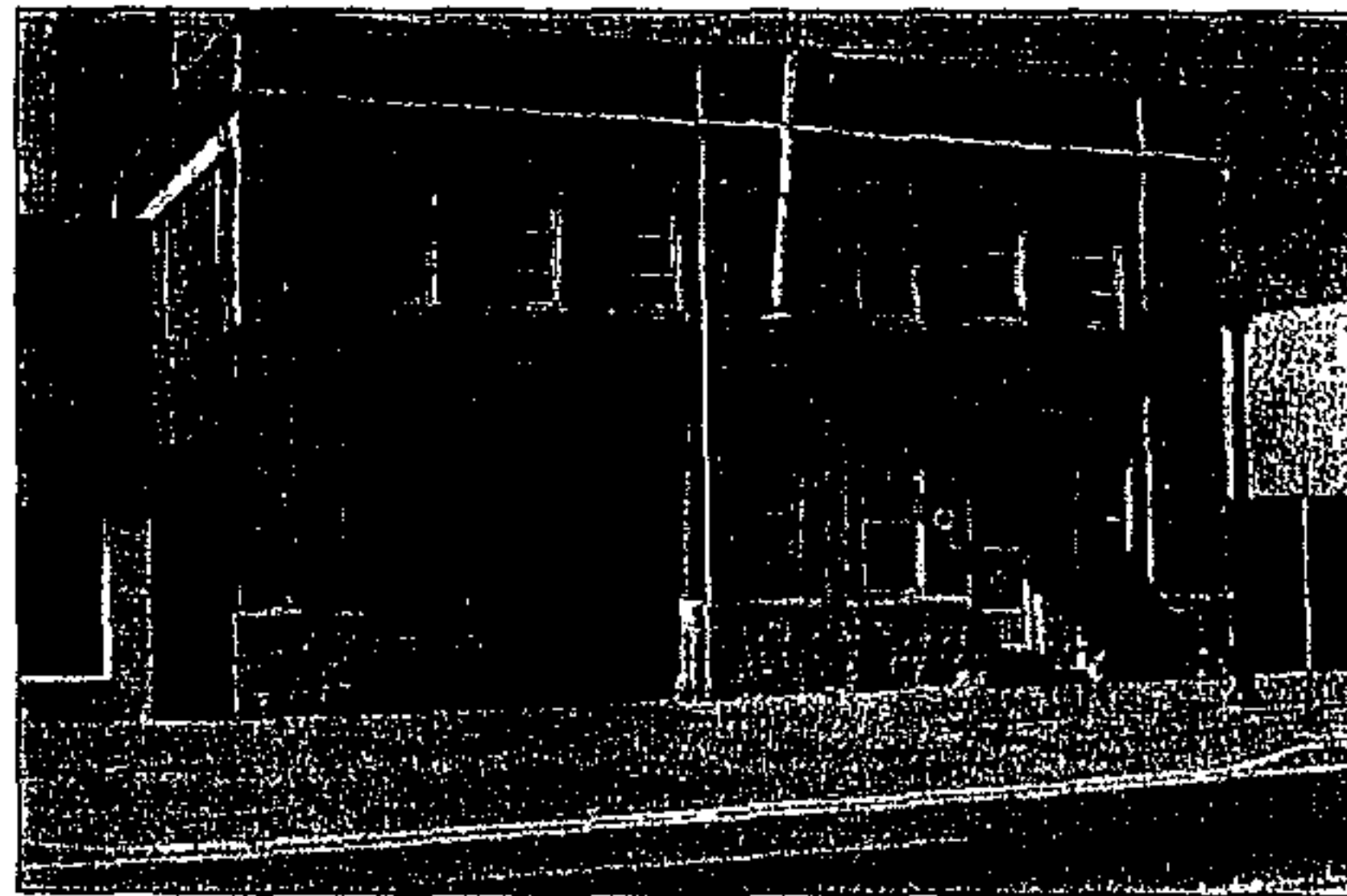


RECEIVED

JUL 21 2004

PIKESVILLE
REVITALIZATION PLAN
UPDATE 2003

ZONING COMMISSIONER



Larry Schmidt

(Am getting a print of
the DRC plan for
04-5475PHA

The machine is not working.
May be ready by Fri.)

DI

TARGET



ADOPTED BY THE
BALTIMORE COUNTY COUNCIL ON
OCTOBER 7, 2003